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of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, May 24, 1972*

NOTICE

On May 16, 1972, you were advised by the Joint Committee on Printing that the law requires the Congressional Record to be substantially a verbatim report of proceedings and that all needed action shall be taken for the reduction of unnecessary bulk.

In order to achieve those objectives without jeopardizing reasonable privilege of Members of the House and Senate, the Joint Committee has established the following procedures:

(1) No extraneous matter in excess of two printed Record pages, whether printed in its entirety in one daily issue or in two or more parts in one or more issues, shall be printed in the Congressional Record unless the Member announces, coincident with the request for leave to print or extend, the estimate in writing from the Public Printer of the probable cost of publishing the same.

(2) No extraneous matter shall be printed in the House proceedings or the Senate proceedings, with the following exceptions:

(a) Excerpts from letters, telegrams, or articles presented in connection with a speech delivered in the course of debate.

(b) Communications from State Legislatures.

(c) Addresses or articles by the President and the Members of his Cabinet, the Vice President, or a Member of Congress.

(3) The official reporters of the House or Senate or the Public Printer shall return to the Member of the respective House any matter submitted for the Congressional Record which is in contravention of these provisions.

By Order of the Joint Committee on Printing.

WAYNE L. HAYS, Chairman

The House met at 12 o'clock noon.

Rev. Jerry Van Der Veen, M.A., B.D., S.T.M., D.D., Church of the Covenant, Paterson, N.J., offered the following prayer:

***Blessed is the nation whose God is the Lord.*—Psalm 33: 12.**

Eternal God, our Heavenly Father, we bow in Thy presence humbly and gratefully, acknowledging that all our blessings come from Thee.

We praise Thee for Thy greatness, Thy righteousness, Thy loving-kindness, and for Thy guidance throughout our life.

We thank Thee for our great country and for all those leaders who have guided her through difficult times.

Grant wisdom and guidance to our President. May his present journey prepare the way for peace across this turbulent world.

Bless and guide our Vice President, the Speaker of the House, and every Member of Congress along with all those who endeavor to lead us in a path of righteousness and peace.

Through Jesus Christ, our Lord, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6957. An act to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2454. An act to amend the Youth Conservation Corps Act of 1970 (Public Law 91-378, 84 Stat. 794) to expand the Youth Conservation Corps pilot program and for other purposes; and

S.J. Res. 211. Joint resolution to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE PRIVILEGED REPORTS ON HOUSE RESOLUTION 798 AND HOUSE RESOLUTION 1000

Mr. HAYS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may have until midnight tonight to file privileged reports on House Resolution 798 and House Resolution 1000.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING COMPENSATION FOR TWO ADDITIONAL OFFICIAL REPORTERS OF DEBATES

Mr. HAYS. Mr. Speaker, I offer a resolution (H. Res. 1002) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

***Resolved,* That there shall be paid out of the contingent fund of the House, until January 3, 1973, compensation for the employment of two additional official reporters of debates, House of Representatives, to be appointed in the same manner, and to receive the same rate of compensation, as the other official reporters of debates.**

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. HALL. Mr. Speaker, reserving the right to object, may I inquire of the distinguished chairman of the Committee on House Administration, who brings this resolution to the floor, if any consideration has been given to the use of electronic means as a backup at least for

the official reporters of debates; in order that we might have something to refer back to, and as originally recommended by the Joint Committee on Reorganization of the Congress, incidentally?

Mr. HAYS. Mr. Speaker, if the gentleman will yield, that matter is under study, but there have been no firm recommendations, which have come up yet. It has been under consideration by the House Committee on Administration. As the gentleman knows, we have been busy trying to build up a computer staff and improve the efficiency of the staff.

In the meantime, may we say to the gentleman, one of the official reporters has had a heart attack, and another one is ill. This is rather an emergency thing, so that we might get a couple of people and break them in and get them on the job, so they will be ready in a moment, or otherwise we could have a breakdown in the official reporters' staff.

Mr. HALL. I appreciate the gentleman's explanation that these are simply replacements, and these are not increases in the reportorial staff.

Mr. HAYS. They will be replacements when these folks retire some time between now and the end of the session.

Mr. HALL. I would certainly hope in line with the rest, not only the computers and not only the electronic recording, that we might also consider without prejudice to those who take our debate, and most of whom do such an outstanding job day in and day out, that we might consider my suggestion.

Certainly I imply no lack of deference to the CONGRESSIONAL RECORD, which is at our places of abode and in our congressional offices at 7 o'clock in the morning, no matter how late we work, when I suggest that we use this as a "backup" technique

It seems that time has overtaken events and that this is now within the state of the art. As a matter of fact, the reporters dictate electronically their own transcriptions from the shorthand, and it is reduplicated in final form before we Members have an opportunity to correct it.

I believe this might be a great and reassuring step forward.

Mr. HAYS. This matter is being taken under consideration.

Mr. HALL. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HON. WILLIAM S. CONOVER II

Mr. ABBITT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92-1090) on the resolution (H. Res. 986) authorizing the Speaker to administer the oath of office to WILLIAM S. CONOVER II, and referring the question of his final right to a seat in the 92d Congress to the Committee on House Administration, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 986

Whereas the Honorable James G. Fulton, Representative from the Twenty-seventh District of Pennsylvania, died on the 5th day of October 1971;

Whereas Governor Milton Shapp, duly elected Governor of the Commonwealth of Pennsylvania, ordered a special election for the purpose of filling the seat vacated by the death of the Honorable James G. Fulton;

Whereas said special election was held on the 25th day of April 1972;

Whereas the laws of Pennsylvania provide that any candidate may challenge the results of said election within twenty days of the election;

Whereas twenty days have expired and neither Douglas Walgren, Democratic candidate in that special election, nor Willard Holt, Constitution candidate in said special election, have filed suit in any court challenging said election;

Whereas the Bureau of Elections, Allegheny County, has forwarded the official certified vote to the Secretary of the Commonwealth of Pennsylvania, according to the laws of the Commonwealth of Pennsylvania, showing that William S. Conover II received twenty-eight thousand six hundred and forty-seven votes; Douglas Walgren received twenty-five thousand nine hundred and fifty-six votes; and Willard Holt received one thousand five hundred and seventeen votes;

Whereas a citizens' group has instituted a suit against Milton Shapp, Governor of the Commonwealth of Pennsylvania, and C. Delores Tucker, Secretary of the Commonwealth of Pennsylvania, and did on May 11, 1972, obtain in the Commonwealth Court of Pennsylvania a preliminary injunction restraining Milton Shapp, Governor of the Commonwealth of Pennsylvania, from issuing a certificate of election based on the aforementioned results of the special election held April 25, 1972;

Whereas legal proceedings emanating from this suit may result in protracted litigation thereby depriving the Twenty-seventh Congressional District of Pennsylvania of representation in the House of Representatives for an indefinite period; and

Whereas under article I, section 5 of the Constitution of the United States the House of Representatives is the judge of the elections, returns and qualifications of its own Members: Therefore be it

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Pennsylvania, Mr. William S. Conover II; and be it further

Resolved, That the question of the final right of William S. Conover II to a seat in the Ninety-second Congress be referred to the Committee on House Administration, and said committee shall have the power to send for persons and papers and examine witnesses on oath in relation to the subject matter of this resolution.

The SPEAKER. The gentleman from Virginia is recognized.

Mr. ABBITT. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. CONOVER appeared at the bar of the House and took the oath of office.

PRINTING OF ADDITIONAL COPIES OF CONFERENCE REPORT ON S. 659, EDUCATION AMENDMENTS OF 1972

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 92-1091) on the resolution (H. Res. 992) providing for the printing of additional copies of the conference report on S. 659, Education Amendments of 1972, and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That there shall be printed concurrently with the original press run two thousand four hundred additional copies of the conference report on S. 659, Education Amendments of 1972, for use of the Committee on Education and Labor, House of Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR MANAGERS TO FILE CONFERENCE REPORT ON S. 1736, PUBLIC BUILDINGS AMENDMENTS OF 1971

Mr. GRAY. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill S. 1736, Public Building Amendments of 1971.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORT ON H.R. 6962, DEPARTMENT OF COMMUNITY DEVELOPMENT

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be given until midnight Thursday, May 25, to file a report on H.R. 6962, the bill to establish a new Department of Community Development.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

SENIOR CITIZENS FROM CURTIS BAY

(Mr. GARMATZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GARMATZ. Mr. Speaker, it is with pride and honor that I recognize the presence today on Capitol Hill of a group of senior citizens from Curtis Bay, which lies within my congressional district.

It has been my privilege to participate, as ranking majority member, in the Special Studies Subcommittee's exhaustive inquiry into problems of the aging which has been in progress since last August. In the absence of a standing committee in the House for studying problems of the aging, the Special Studies Subcommittee has done a highly commendable job in this area. The subcommittee's findings, I believe, will bring more sharply into focus the urgent need for the Congress to give its sympathetic and long overdue attention to the needs of our senior citizens. Specifically, incomes must be assured for these elderly folks at a level necessary to meet their subsistence needs in their golden years; their special health problems must be given the specialized attention our subcommittee's hearings have shown to be so necessary; housing must be provided at a price they can afford to pay and their social needs must be properly recognized.

Underlying and perhaps overriding all the above needs in some instances is the need for transportation services that will enable the elderly to maintain a satisfactory degree of mobility.

The Curtis Bay senior citizens are exemplary of all that is so fine and good and deserving among that 20 percent of our population that falls within the broad category of "aging." On behalf of my colleagues I salute them and welcome them to the seat of our Government.

FIREBOMBING OF REPRESENTATIVE BROOMFIELD'S DISTRICT OFFICE

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BROOMFIELD. Mr. Speaker, a week ago Monday night my district office in Royal Oak, Mich., was firebombed and totally destroyed.

I am going to insert in the CONGRESSIONAL RECORD for today my report on that firebombing of my district office and my observations about it.

I think the Members of the House will find it very interesting.

Mr. Speaker, last week I was aroused in the early morning hours to learn that my congressional district office in Royal Oak, Mich., had been firebombed and gutted. My initial shock over this tragedy was only tempered by assurances that the damage was limited to personal property. Fortunately, no one, including the four people who work in my district office, was hurt in the blast.

I have returned this morning from an inspection of the building. Seeing firsthand the extent of the destruction has only lead me to question once again how any person or group of persons could have been moved to such a needless and dangerous course of action.

Regretfully, I can only conclude that this is but one more example of the politics of violence which threatens to strangle and suffocate our political system. Throughout my public life, above all else I have valued and to the best of my ability sought to follow the path of reason and responsibility. I am sure that my colleagues here today have followed the same path.

As public servants, we strive to be responsible not only to the needs of our constituents and our country, but to the ideals of integrity and rationality to arrive at the difficult decisions which by the nature of our jobs we must meet every day.

Thus, I can only view this violent act with the utmost distaste and despair. Yes, Mr. Speaker, despair. For our political system, with all of its assets and liabilities, is founded upon the principle that violence is both foreign and repugnant to our political process.

Mr. Speaker, I rise today to tell you of this terrible event for two very specific reasons. First of all, I wish to thank and commend all the people who have devoted their time and energy in the investigation of this firebombing. Second, I wish to apprise all of my colleagues in Congress of this latest act of violence. I pray, Mr. Speaker, that none of the Members of this House will be the object of similar violence. However, as we near the autumn elections in the wake of the attempted assassination of Governor Wallace, and the recent bombing in the Pentagon, perhaps my experience may be of some value to all of you.

Within minutes of the initial blast, the Royal Oak Police Department was on the scene. They were followed shortly thereafter by the local fire department. Despite their immediate and very professional response, due to the nature of the explosion and resulting fire, the building was a total loss.

Nonetheless, the State and local police, in cooperation with the FBI and arson experts of the fire department, began that very night an investigation and inspection of the remains of my office. That investigation continues today.

I wish to extend my sincere appreciation to all of these men. They have expended a great deal of time and effort in tracking down each and every clue in searching for those responsible for this crime.

As you can imagine, Mr. Speaker, the loss from this bombing extends far beyond mere dollars and cents. While estimates of property loss range upwards to $50,000, there is no way that anyone can gage, not to mention compensate, the loss in time or service to my constituents in Oakland County, Mich.

One of the main functions of any district office is to handle and expedite the various problems and questions that people have with various Federal agencies. Obviously, our case files and records were destroyed with the building.

The loss extends beyond my own personal grief and the threat to myself and my staff. Citizens who had come to my office with inquiries in regard to late or deficient social security payments, servicemen who had requested leave due to death or illness in their families and many more all must suffer because of this tragic and irrational act of violence aimed at their Congressman.

Mr. Speaker, I can only hope the tragic incidents of violence which have marred the past week will not be repeated in the months ahead. At this point in time, it should be most abundantly clear that such illegal acts are counterproductive and self-defeating.

COOLING-OFF PERIOD FOR CONGRESS

(Mr. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LLOYD. Mr. Speaker, our existing labor laws provide cooling-off periods for the parties to negotiate a settlement free from the heated and emotional atmosphere of a strike. We are all too sadly familiar with the tragic and economically devastating consequences which result when they fail to effectively use these cooling-off periods.

Mr. Speaker, from recent accounts in the press, it appears that the threats of a renewed dock strike and a nationwide railroad strike have apparently dissipated. This is news for which I know everyone is most grateful. Beyond that, however, Congress has in a very real sense now been given its own cooling-off period—in other words, a chance to debate and vote a permanent mechanism to prevent damaging transportation strikes free from a crisis atmosphere.

Mr. Speaker, in testimony earlier this year, our task force on labor management relations warned that continued congressional inaction in this area would be an open invitation to repeated tragedy.

In this regard, we cannot ignore the fact that a number of major labor contracts in the transportation industry will be expiring next year.

Mr. Speaker, Congress must act before the present cooling-off period expires.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 991 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 6 of rule XXI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes, and all points of order against the provisions contained under the heading "Grants-in-Aid for Natural Gas Pipeline Safety" beginning on page 2, line 19 through line 23; under the heading "Coast Guard" beginning on page 3, line 5 through page 5, line 16; and under the heading "High-Speed Ground Transportation Research and Development" beginning on page 13, line 20 through line 24 are hereby waived.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 991 waives the 3-day rule for consideration of H.R. 15097 making appropriations for the Department of Transportation and related agencies for fiscal year 1973, and further provides that all points of order are waived against the provisions contained under the headings "Grants-in-Aid for Natural Gas Pipeline Safety," "Coast Guard," and High-Speed Ground Transportation Research and Development."

The authorization for the natural gas pipeline safety passed the House on June 21, 1971; the authorization for the Coast Guard passed the House on April 11 of this year; the authorization for the high-speed ground transportation research and development has passed both the House and Senate but has not been signed into law.

The lack of these authorizations is the reason for the waiver of points of order.

Mr. Speaker, I urge the adoption of the rule in order to expedite action on the appropriations bill.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding, and I particularly appreciate the gentleman's explanation of the waivers of points of order again of the House Rules so that we can consider this appropriation bill.

Let me ask the gentleman from Indiana, Mr. Speaker, if it is fair to assume that, except for these specific waivers in the bill H.R. 15097, making appropriations for various agencies and the DOT in particular, that any other area in the bill that is not specifically authorized except those waived by House Resolution 991, would be subject to a point of order?

Mr. MADDEN. It is my opinion that they would, but I would defer to the gentleman in charge of the bill, the gentleman from California (Mr. McFALL) to reply to that inquiry.

Mr. McFALL. Mr. Speaker, in reply to the inquiry I would say that there is nothing that I know of that is in the bill that is not authorized except those items which have been excepted by the rule. There are two other matters in the DOT which are not authorized, and we omitted those from the bill. We believe that everything else is authorized by existing legislation except those matters which have been excepted by the rule that is being requested.

Mr. HALL. Mr. Speaker, if the gentleman from Indiana would yield further, and inasmuch as he is referring the question to my friend, the gentleman from California (Mr. McFALL), may I be more specific and ask if those authorizations for the necessary expenses of the Office of the Secretary of Transportation including the representation allowance under a limitation, and including consolidation of the Department headquarters, for example, have those expenses been authorized that are here appropriated for?

Mr. McFALL. We have them in our bill every year. They are authorized by continuing law, and there is nothing different about that particular part of the bill than the bill last year or the year before, and they are authorized, so far as I know.

Mr. HALL. I thank the gentleman.

Of course, I realize that a parliamentary inquiry could be made at the proper time, or a point of order lodged, whether it was sustained or not——

Mr. McFALL. If the gentleman will yield further, we can have, by the time that comes up, the information for the gentleman so that he may look at it.

Mr. HALL. I appreciate that.

Mr. Speaker, I realize the intent of the Committee on Rules to get these appropriation bills through the House, and having pointed out that we are again waiving the unauthorized portions, I shall not go to the trouble of repeating the damage that this does to the rights of individual Members, as well known, but we are continuing the process.

Again I appreciate the gentleman yielding.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, let me reiterate once more this rule simply waives points of order on three items where the House previously passed the authorizing legislation.

There are a number of instances which normally would be included in this appropriation bill where the authorization legislation has not passed, as for example in the case of the distinguished gentleman from Massachusetts (Mr. CONTE) is very interested in—the Coast Guard Reserve. He would like very much to have the language of the appropriations in this legislation, but the authorization legislation has not been passed, and where the Committee on Rules was requested to waive that particular instance so it would be included, we did not do it.

We waived only three instances where the authorization legislation has passed and in addition inasmuch as the report was not filed until Monday and it was programed for tomorrow but was brought up today, we thought it would be good to include the 3-day waiver in case the legislation were called up today.

Mr. Speaker, I urge the adoption of House Resolution 991.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced the ayes appeared to have it.

Mr. McKINNEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 359, nays 6, not voting 67, as follows:

[Roll No. 170]

YEAS—359

Abbitt
Abourezk
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biester
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conover
Conte
Conyers
Corman
Cotter
Crane
Culver
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Koch
Kyl
Kyros
Landgrebe
Landrum
Leggett
Lent
Link
Lloyd
Long, La.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Pelly
Perkins
Peyser
Pickle
Pirnie
Podell
Poff
Powell
Price, Ill.
Price, Tex.
Quie
Quillen
Railsback
Rangel
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zwach

NAYS—6

Ashbrook
Biaggi
Gross
Hall
Pike
Wolff

NOT VOTING—67

Abernethy
Abzug
Alexander
Anderson, Tenn.
Arends
Bingham
Blanton
Brasco

Brown, Ohio
Chisholm
Clawson, Del
Colmer
Coughlin
Curlin
Daniels, N.J.
Denholm
Dowdy
Dwyer
Edmondson
Eshleman
Evins, Tenn.
Fisher
Ford, William D.
Galifianakis
Gallagher
Gettys
Goldwater
Hansen, Wash.
Hébert
Holifield
Jonas
Karth
Kluczynski
Kuykendall
Latta
Lennon
Long, Md.
McDonald, Mich.
McKay
Mazzoli
Metcalfe
Miller, Calif.
Pepper
Pettis
Poage
Preyer, N.C.
Pryor, Ark.
Pucinski
Purcell
Randall
Rarick
Rees
Reid
Roberts
Rodino
Roncalio
Rooney, N.Y.
Rooney, Pa.
Roy
Scheuer
Schmitz
Shipley
Slack
Steele
Stubblefield
Terry
Zion

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.
Mr. Holifield with Mr. Goldwater.
Mr. Miller of California with Mr. McDonald of Michigan.
Mr. Brasco with Mr. Latta.
Mrs. Abzug with Mr. Brown of Ohio.
Mr. Daniels of New Jersey with Mr. Steele.
Mr. Dent with Mr. Del Clawson.
Mr. Evins of Tennessee with Mr. Eshleman.
Mr. Shipley with Mr. Terry.
Mr. Stubblefield with Mr. Coughlin.
Mr. Kluczynski with Mr. Zion.
Mr. Mazzoli with Mr. Pettis.
Mr. Rodino with Mrs. Dwyer.
Mr. Rooney of New York with Mr. Jonas.
Mr. Roy with Mr. Kuykendall.
Mr. Slack with Mr. Schmitz.
Mrs. Chisholm with Mr. Metcalfe.
Mr. Gettys with Mr. Galifianakis.
Mr. Purcell with Mr. Rarick.
Mr. Rees with Mr. Scheuer.
Mr. Preyer of North Carolina with Mr. Gallagher.
Mr. Pucinski with Mr. Colmer.
Mr. Alexander with Mr. Abernethy.
Mr. Karth with Mr. Lennon.
Mrs. Hansen of Washington with Mr. Long of Maryland.
Mr. William D. Ford with Mr. Curlin
Mr. Anderson of Tennessee with Mr. Bingham.
Mr. Reid with Mr. Blanton.
Mr. Denholm with Mr. Edmondson.
Mr. Roberts with Mr. Pryor of Arkansas.
Mr. Randall with Mr. Pepper.
Mr. McKay with Mr. Fisher.
Mr. Rooney of Pennsylvania with Mr. Roncalio.

Mr. HALL changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. McFALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate continue not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Massachusetts (Mr. Conte) and myself.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15097, with Mr. Murphy of New York in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from California (Mr. McFall) will be recognized for 1 hour, and the gentleman from Massachusetts (Mr. Conte) will be recognized for 1 hour.

The Chair recognizes the gentleman from California.

Mr. McFALL. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the Department of Transportation is now in its sixth year of operation, and this is the sixth annual transportation appropriation bill to be brought before the Committee.

Transportation is a most vital factor in the economic-social welfare and growth of the Nation. Last year, our Nation spent nearly $200 billion on the transportation of people and goods. This is an outlay equivalent of almost one-fifth of the country's GNP, and is more than the total GNP of most countries.

Our transportation systems have produced a mobility that is a cornerstone of the American way of life. Our highway and airway systems are unequaled by those of any other nation. Yet, as our population and our economy grow, so do our transportation needs. We are going to have to double these capabilities in less than 30 years. To do this will require a concentrated effort at the Federal level in developing and implementing sound, coordinated, national transportation policy. I believe that the Department of Transportation is taking steps in this direction, and that it is making significant contributions to the improvement of transportation in our country.

I believe, Mr. Chairman, that all of the committee members are impressed with the dedication of the officials of the Department. All of us were pleased with the knowledgeable testimony presented by Secretary Volpe, Under Secretary Beggs, Frank Turner, Admiral Bender, and all of the other people who oversee the various activities of the Department.

As chairman of the Subcommittee on Transportation Appropriations, I want to express my appreciation to the members of the committee for their cooperation during the detailed hearings on this bill. I especially want to thank the distinguished ranking minority member from Massachusetts (Mr. Conte) for his active participation in our hearings. It is a real pleasure to serve with such an active and cooperative group of men.

SUMMARY OF THE BILL

In total, we recommend $8,285,215,000 for the transportation programs financed in the bill now before us. Of this amount, nearly $5.4 billion is liquidating cash and about $2.9 billion is new obligational authority. The reduction recommended below the budget request is $141,577,000. This also is $207,927,000 less than the appropriations made during fiscal year 1972 for similar activities.

The bill provides funds for over 128,000 positions, including approximately 39,000 military personnel for the Coast Guard. This is an increase of about 2,700 positions over fiscal year 1972. Most of these positions, however, are air traffic controllers for the Federal Aviation Administration.

SELECTED MAJOR RECOMMENDATIONS

I would call the attention of the members of the Committee to the summary on page 4 of the report. These major recommendations are as follows:

First, the addition of $2 million over the budget to permit FAA to purchase metal detection devices to deter aircraft hijacking;

Second, the appropriation of $251,939,000 requested for facilities and equipment of the Federal Aviation Administration;

Third, approval of the $66 million requested under acquisition, construction, and improvements for the Coast Guard's icebreaker replacement program;

Fourth, approval of 1,407 new air traffic control personnel for the FAA;

Fifth, the appropriation of the CAB's full budget request of $54 million for subsidy payments for air carriers;

Sixth, the appropriation of $3 million under transportation planning, research, and development to initiate a program of transportation-related research at colleges and universities;

Seventh, a reduction of $44 million in the research program of the Urban Mass Transportation Administration;

Eighth, a reduction of $12.1 million in the transportation planning, research, and development appropriation of the Office of the Secretary;

Ninth, an increase over fiscal year 1972 of $20 million, or 80 percent, for high speed ground transportation research and development;

Tenth, the addition of $1,460,000 and 100 positions over the budget for the Interstate Commerce Commission;

Eleventh, provision of the full $131,181,000 advance appropriation for fiscal year 1974 for the Federal share of the subway system in Washington, D.C.; and

Twelfth, a general provision providing for commitments of not to exceed $1 billion for urban mass transportation.

OFFICE OF THE SECRETARY

Mr. Chairman, the bill provides a total of $55,520,000 for the Office of the Secretary of Transportation. This includes $23,970,000 for salaries and expenses. The amount recommended is sufficient to provide for 21 additional positions under this appropriation. We did not provide any additional personnel for the consumer affairs or regional representative programs.

The bill also includes a total of $37 million for the transportation research activities of the Office of the Secretary. Under this heading, we recommend $3 million to initiate a program of transportation-related research at qualified colleges and universities. This is in addition to the estimated $14.7 million which will be spent for university research by the various modal administrations.

We are well aware that these types of programs often result in a multitude of unread and unused reports. We feel, however, that, if this program is properly administered, the university community can make a significant contribution to the development of national transportation policy.

No appropriation is recommended for transportation research activities overseas. At the time of our hearings, none of last year's appropriation had been spent.

COAST GUARD

The Coast Guard is one of the oldest and finest organizations in our Government. It traditionally has a lean, tight budget. We have recommended a net reduction of $2.1 million for operating expenses. This is comprised of total reductions of $5.1 million and an increase of $3 million above the budget for the full year funding of two recommissioned fishing patrol vessels. The committee felt that these two additional vessels would help prevent the recurring problem of encroachment by foreign fishing fleets.

For acquisition, construction, and improvements, the committee recommends the sum of $131,550,000. This is essentially the full amount requested, and includes the full $66 million requested to construct a new polar icebreaker. This is the second new icebreaker to be funded in the past 3 years. These ships will replace four World War II icebreakers in 1976 and 1977.

No reductions are proposed in the appropriations for bridge alterations and retired pay. Since the legislation to authorize the average strength of the Coast Guard Selected Reserve has not yet been enacted, we deferred our action on the Reserve training appropriations.

The bill also includes $16.5 million for the research and development programs of the Coast Guard. The $1,756,000 increase over 1972 is directed primarily toward improving the marine environment by developing pollution detection, containment, and cleanup systems.

In the area of State boating safety assistance, the funds recommended would maintain the same Federal contribution as in fiscal year 1972.

FEDERAL AVIATION ADMINISTRATION

Mr. Chairman, the committee recommends the sum of $1,173,138,000 for operations of the Federal Aviation Administration. This will provide for 1,472 new positions, of which 1,407 are air traffic controllers. These air traffic control personnel will be assigned to the en route traffic control centers and the terminal area traffic control towers.

Under the committee's recommendation, an additional $2 million would be provided for the purchase of magnetometers. These are metal detection devices which are used to screen passengers seeking to board commercial aircraft. We felt that urgency of the aircraft hijacking problem required that action be taken as soon as possible to prevent what could be a major tragedy.

As in past years, the bill includes the full budget request for facilities and equipment. The $251,939,000 recommended this year would bring congressional appropriations for facilities and equipment to over $1 billion for the 4-year period 1970 through 1973. It is the desire of the committee—and I am sure this applies to all Members of Congress—that FAA be provided with the funds necessary to maintain the highest possible degree of safety in the air.

We feel, however, that the FAA should be able to install this equipment at a somewhat faster rate. As we state on page 15 of the report, as of June 30, 1972, there will be 101 instrument landing systems, 52 airport radars, and 46 control towers which were funded in fiscal years 1967 to 1972, but are not yet in operation.

The R. & D. program of FAA has grown considerably in recent years. We feel it is essential for FAA to develop better equipment to cope with the future growth which is projected in aviation. In total, the committee recommends about a 10-percent increase for FAA's research and development efforts.

The bill also includes the full budget request for grants-in-aid for airports.

With respect to the National Capital airports, the committee recommends $12.2 million for operation and maintenance and $2.6 million for construction. In the construction program we felt that the unobligated balance was too large, and, therefore, we reduced this appropriation by about a million dollars.

FEDERAL HIGHWAY ADMINISTRATION

Mr. Chairman, highways provide by far the largest portion of the transportation services used in this country. About 87 percent of all intercity travel and 98 percent of all urban passenger trips are by the highway mode. This mode remains the predominant choice in our national quest for mobility.

For salaries and expenses of the Federal Highway Administration we recommend a total of $111.8 million. This includes a direct appropriation of $13.4 million and $98.4 million to be derived by transfer. We held rather extensive hearings on this appropriation and made a number of specific reductions totaling $8,039,000. These reductions are detailed on page 19 of the report.

Under highway beautification, we recommend a $12 million liquidating cash appropriation. The bill also includes a limitation on highway beautification obligations for fiscal year 1973. Because of the low level of obligations during the current year, we are recommending a $30 million level.

The largest single item in the bill is a $4,891,990,000 liquidating cash appropriation for federally aided highway construction. No reduction below the budget is recommended in the construction program. About $3.2 billion of the funds recommended are for the Interstate System, which is almost 80-percent completed. The other funds are for primary, secondary, and urban programs, as well as certain other federally aided programs, such as bridge replacement and economic growth center development highways.

We recommend a reduction of $8 million for the demonstration project to eliminate or upgrade certain rail-highway crossings. I believe this is a very important program. Under the basic legislation, however, the railroads are required to make a 10-percent contribution. To date, they have been unable to come up with their matching contribution, and virtually none of the funds appropriated last year have been spent. I believe there is a need to have the basic legislation revised to correct this problem, and we have suggested that the Department seek such a revision.

Mr. Chairman, the bill includes the full amounts requested for highway-related safety grants, territorial highways, and the forest and public lands highway programs.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

In the field of highway safety, the committee recommends $43 million for the traffic and highway safety program, a reduction of $5,268,000 below the requests considered. We did not consider programs amounting to $37,361,000, since the House has not yet acted on the necessary authorizing legislation. The programs which are authorized and which are funded in the bill include alcohol countermeasures, traffic enforcement programs, and guidelines and regulations for State highway safety programs. The major reductions recommended below the budget estimates will maintain the 1972 funding levels for the selective traffic enforcement and alcohol safety action programs.

The other activity under this administration is a matching grant program for State and community highway safety. The committee recommends $70 million to pay for obligations already incurred in this program, and also recommends a limitation of $80 million on obligations to be made in 1973 for this program by both the Highway Safety and Federal Highway Administrations.

FEDERAL RAILROAD ADMINISTRATION

We recommend an increase of $545,000 for administrative expenses in the Federal Railroad Administration. This is primarily to establish in-house administrative support capabilities for this administration. We are also recommending $10,350,000, the 1972 level, for research relating to railroad safety and rail transportation efficiency. The largest single portion of this program will be devoted to developing methods to reduce accidents and deaths at highway-rail grade crossings.

For the railroad safety program, the committee recommends $6.9 million, an increase of $1,269,000 over 1972. The recommendation will provide for 57 additional positions, including 43 new field personnel needed for track, bridge, hazardous materials, signal, and equipment inspection. The committee also recommends an additional $100,000 for travel of field personnel to insure that these safety inspectors have sufficient mobility to adequately carry out their responsibilities.

For the high speed ground transportation program, the committee is recommending the largest single research and development increase in the bill. This increase is made in the belief that high speed ground transportation should be given a higher priority than this effort has been accorded heretofore. The amount recommended in the bill, $45 million, is $20 million more than last year's appropriation. These funds will provide for continued research on a 300 m.p.h. tracked air cushion vehicle, as well as on other conventional and advanced technology rail systems.

URBAN MASS TRANSPORTATION ADMINISTRATION

Mr. Chairman, the committee recommends $6.4 million for administrative expenses of the Urban Mass Transportation Administration, an increase of $100,000 above 1972 and a decrease of $1,019,000 below the budget estimate. For research and development, we are recommending $74 million, an increase of $9 million above the 1972 level and a $44 million reduction from the budget estimate. The committee recommends reductions for the urban demonstration of personal rapid transit systems, for dual mode development, for urban 150 m.p.h. tracked air-cushion vehicle development, for service development, and for a railbus demonstration.

The committee has recommended the budget request of $232 million to liquidate obligations which have been made under the contract authority provided in the basic legislation. In addition, the bill provides for an obligation level of $1 billion for UMTA programs in 1973.

RELATED AGENCIES

Title II of the bill provides $299,824,000 for five related agencies. This includes $7.7 million for the National Transportation Safety Board which investigates and determines the probable cause of all aviation accidents and selected surface transportation accidents. In addition, the Board conducts a continuing review of safety in all modes of transportation.

The full budget request of $68,123,000 is recommended for the Civil Aeronautics Board. This includes $14,123,000 for the administration of the regulatory activities of the Board and $54 million for subsidy payments to air carriers providing service to local communities which would not otherwise be served.

The committee believes that, as in years past, the President's budget did not provide sufficient resources for the Interstate Commerce Commission. The Committee has, therefore, recommended an increase of $1,460,000 above the budget for salaries and expenses of the ICC. The $33,120,000 recommended will provide for a year-end employment level of 1,800 personnel. I feel that this should be adequate for the ICC to properly discharge its responsibilities.

It is the general public which suffers when the regulatory activities of the ICC are impaired by unrealistically low budget levels. Since the Constitution gives the Congress the responsibility to regulate interstate commerce, the committee believes that it is the responsibility of the Congress to see that these functions are properly discharged.

For the Panama Canal Zone Government, the committee recommends $55.2 million for operating expenses and $4.5 million for capital outlays. Both of these amounts will be repaid to the Treasury. In addition, the committee recommends a limitation on administrative expenses of $20,556,000, the budget request, for the Panama Canal Co.

Finally, the committee recommends the $131,181,000 budget request for the Washington Metropolitan Area Transit Authority. This is the Federal share of the funding for the Washington, D.C. Metro system and is an advance appropriation for 1974.

Mr. Chairman, I believe we have brought a good bill to the committee and urge its adoption.

Mrs. HECKLER of Massachusetts. Mr. Chairman, will the gentleman yield for a question?

Mr. McFALL. I yield to the gentlewoman from Massachusetts.

Mrs. HECKLER of Massachusetts. Mr. Chairman, it is my understanding that on page 11 of the report reference is made to the recognition by the committee of the recurring problem of encroachment by foreign fishing fleets which are a threat to all coastal States, and of course to New England. I wondered what action specifically was taken by the committee in relation to those fishing fleets?

The CHAIRMAN. The gentleman from California has consumed 20 minutes.

Mr. McFALL. Mr. Chairman, I yield myself 1 additional minute.

I am glad to respond to the question by the gentlewoman from Massachusetts, because this is a matter which she brought to the attention of the House last year.

The gentlewoman will recall that in the second supplemental bill we provided an additional $400,000 for the recommissioning of two of these patrol vessels. We felt that it was our obligation, since we had done this, to provide for the operation and maintenance of these boats during fiscal year 1973. We have included $3 million over the budget for this purpose.

This is a matter which the gentleman from Massachusetts (Mr. CONTE) is also very much interested in, and he may have a comment concerning this item I believe the gentleman has some comment, and I yield to him at this time.

Mr. CONTE. Mr. Chairman, I would only say that in the supplemental bill we put in $400,000 to recommission two cutters. The $3 million will provide for the operation of these two cutters—one on the Atlantic, which will patrol off the coast of Rhode Island and Massachusetts, and the other on the Pacific.

We feel with this additional coverage up there the fishing fleets of both the Pacific and the Atlantic will receive the protection which is so badly needed.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. McFALL. Mr. Chairman, I yield myself 2 additional minutes.

Mr. GROSS. Will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Iowa.

Mr. GROSS. Will the gentleman please comment on the so-called people mover contraption at the University of West Virginia?

Mr. McFALL. We have provided funds for the continuation of this project. We felt we ought to finish this demonstration. It will eventually cost about $50 million, but we are in the middle of it and we feel we ought to continue it to find out what we can about people movers. We cut from the budget, I will say to the gentleman—and I know the gentleman has read the report—$24 million which was requested by the administration for experiments dealing with the four people movers that they will have at the Dulles Transpo show. We felt they should do some additional research on these systems at Dulles rather than spending $24.7 million to take them throughout the country to do the same sort of thing they are doing at Morgantown.

Mr. GROSS. What is the total that has been invested? I congratulate the committee for denying funds as I understand it did for a people mover at Dulles during the exposition. Is that what the gentleman said?

Mr. McFALL. We denied, as you can see in the report, the $24.7 million for an urban demonstration of the four people movers which they are scheduled to have at Transpo.

Mr. CONTE. Mr. Chairman, I yield myself as much time as I may consume.

Does the gentleman from Iowa have any questions?

Mr. GROSS. Yes. Will the gentleman yield?

Mr. CONTE. Certainly.

Mr. GROSS. I would like to find out how much has been expended on this people mover project at the University of West Virginia. How much has been spent and how much more does this bill provide will be spent?

Mr. CONTE. I think—and I may stand corrected—the figure is around $30 million. This budget will provide for $13 million. Before it is all over with there will be a $52 million cost involved.

I want to compliment the gentleman from Iowa because I and other members of the committee are very much concerned about this particular project and its value.

Mr. GROSS. Is it true this has been reduced from 3½ miles to 2¼ miles?

Mr. CONTE. I think the gentleman is correct. Just about 2¼ miles.

Mr. GROSS. Yet the cost goes up.

Mr. CONTE. That is exactly right.

Mr. GROSS. The original estimate was for $13.5 million, if I remember correctly.

Mr. CONTE. And it will be at least $50 million before it is over.

Mr. GROSS. And there will be $40 million spent with the trackage reduced from 3½ to 2¼ miles or, as someone suggests, it is a 40-percent cut in the mileage in this operation. I do not understand why we go on with this experiment if they have this. It was estimated to carry, as I understand your hearings and the debate of last year, 7,000 people per hour. That estimate has now been revised to 3,300 people per hour.

Will there be anything left when we get through?

Mr. CONTE. Hopefully, there will be.

It is my further understanding that someone is going to try to beef up this particular item in the budget and I will say to the gentleman that we will greatly appreciate his help in holding this item where it is.

Mr. GROSS. Well, you are going to get it, because this is now an unconscionable operation.

Mr. CONTE. I thank the gentleman for that contribution.

Mr. Chairman, before beginning my presentation of the committee's recommendations for the fiscal 1973 transportation appropriations bill, I want to take this opportunity to commend my very able colleagues on the Transportation Subcommittee, and in particular the distinguished chairman (Mr. McFALL). It was a pleasure to work with them once again this year.

The beginning of last month marked the Department of Transportation's fifth full year of operation. Much progress has been made, but the transportation problems that our Nation faces are still formidable. The rate of traffic fatalities remains inexcusably high. Automobile pollution shrouds our Nation's cities. Delays and congestion plague the air traveler. The future of rail passenger service is at best uncertain. With the anticipated need to double our transportation capabilities by the turn of the century, the economic and social well-being of the United States will be largely dependent upon the viability of its transportation system.

Recognizing these factors and mindful of the need to put our Nation's economic house in order, the committee has the crucial task of determining the nature and extent of the Federal Government's responsibility in this area. In my estimation, the bill we are considering today evidences both the effort that went into it and the balance that must be struck between improving transportation systems and holding back inflationary spending. It recommends a level of $8.28 billion, which is $141.5 million less than the total 1973 request and $207.9 million below last year's appropriation.

TITLE I

Title I of the bill covers the Department of Transportation itself. We cut $118 million from the requested budget and recommended a level of $2.59 billion. This constitutes a $202.6 million decrease from last year's appropriation.

I would like now to discuss the committee's recommendations for title I, beginning with the Office of the Secretary.

OFFICE OF THE SECRETARY

The committee cut $14.9 million from the request for the Office of the Secretary and recommended a level of $55.5 million. This is $49.5 million below the fiscal 1972 appropriation.

The committee cut $2 million from the request for salaries and expenses and recommended a level of $23.9 million. Of the requested 76 new positions, 21 were allowed.

As was the case last year, the committee is recommending no new positions for the Office of Consumer Affairs. The committee believes that most consumer transportation inquiries can and should be handled by the appropriate modal administration within the Department.

The committee is allowing two new positions for the Office of Hazardous Materials for a total of 38. Four operating administrations within the Department are now devoting resources to this activity—the Coast Guard, the Federal Railroad Administration, the Federal Highway Administration, and the Office of the Secretary. The committee expects the Department to clarify the responsibilities of each of its operating elements and report to the committee by December 31, 1972.

No positions were approved to provide staff assistants for the Department's 10 secretarial representatives. Each now has an authorized clerical position and the committee feels this is adequate for the performance of his responsibilities.

For transportation planning, research and development, the committee recommended $37 million, a cut of $12.1 million. Major programs funded under this appropriation include the following:

Noise abatement, for which the committee has approved $7 million;

Advanced air traffic control systems, for which the committee is recommending the full amount of the $7 million requested;

Dual mode transportation, for which the committee is recommending only $500,000, out of a total departmental request of $16.5 million—testimony during our hearings indicated that the results of a previous DOT study on this program was inconclusive. Consequently, the committee is directing that $500,000 be used to conduct a cost/benefit study;

The 1974 national transportation study, for which the committee has allotted $2 million of the $2.5 million requested in the budget;

University research, for which the committee is providing $3 million of the $5 million requested. These funds will be used for transportation—related research at qualified colleges and universities.

The committee denied a request for six additional positions under research direction. The committee does not intend that the Office of the Secretary involve itself in the day-to-day management and approval of the operation administrations' individual research and development projects. These are directly related to substantive law and can be used only for the purposes described in such legislation.

The committee has denied a $500,000 request for transportation research activities overseas which would support cooperative research programs in Poland and Yugoslavia.

It was disclosed during the hearings that none of last year's appropriation has yet been obligated.

For grants-in-aid for natural gas pipeline safety, the committee cut $250,000 from the request and recommended a level of $750,000. This is the same amount as last year's appropriation and will serve to provide grants to State agencies to carry out natural gas pipeline safety programs. The authorization for this program passed the House on June 21, 1971.

Turning to consolidation of departmental headquarters, the committee trimmed $57,000 from the administration's request and recommended $800,000. $600,000 is alloted for the leasing of employee parking space in the Nassif Building and $200,000 is designated for maintenance costs associated with the use of garage areas.

The committee voiced no objection to the Department's request to reprogram $80,000 for the construction of an X-ray facility in the Nassif Building. It does suggest, however, that the funds for this purpose be derived from the fiscal 1972 appropriation for this item.

COAST GUARD

Coming now to the Coast Guard, the committee is recommending an increase of $58.1 million over the budget request for a total of $785 million.

The request for operating expenses was cut by $2.1 million, with a level of $548.9 million being recommended. Activities funded under this item include search and rescue, aids to navigation, merchant marine safety, marine law enforcement, marine environmental protection, icebreaking, training, oceanography, and pay and allowances of military and civilian personnel.

The committee's recommendation includes an increase of $3 million above the budget to provide full year funding of two cutters to be recommissioned pursuant to action initially taken in the fiscal 1972 second supplemental appropriations bill. These cutters will patrol the waters off the Atlantic and the Pacific coasts to counteract the recurring problems of encroachment by foreign fishing fleets.

The committee recommendation for this activity is also comprised of a $5.1 million reduction amounting to less than 1 percent of the budget request. Most of this reduction can be accommodated by lapses, hiring or recruitment delays, and slippages in completing new rescue stations. In addition, the committee feels that portions of the increases requested for minor construction, maintenance, utility boat replacement, and training can be deferred temporarily.

The committee is recommending personnel reductions only in the boating safety area—it approved 60 of the requested 95 positions for fiscal 1973. It is suggested that the Coast Guard review thoroughly its personnel requirements and report back to the committee prior to its hearings on the fiscal 1974 budget.

The committee made no reduction in the $6.2 million request to operate a new base at Kodiak, Alaska. These funds will provide a net increase of 135 military and 140 civilian personnel there.

Under acquisition, construction, and improvements, the committee recommended $131.5 million, a cut of $372,000. Funds under this activity are for capital acquisition, construction, and improvement programs for vessels, aircraft, shore facilities and navigational aids. They are allocated as follows: $81.1 million for vessels; $11.6 million for aircraft; $27.1 million for shore stations and navigational aids; $8.3 million for repair and supply facilities; $3.3 million for training and recruiting facilities.

The $372,000 reduction being recommended by the committee would require absorption of the pay increase amendment. The Coast Guard should be able to absorb this increase since it projects unobligated balances of $14 million as of June 30, 1972 and $5 million as of June 30, 1973.

The committee approved the full $66 million requested to construct a new polar icebreaker—the second new icebreaker funded in the past 3 years. These ships are scheduled to be commissioned in fiscal 1976 and 1977.

No cut was made from the $12.5 million request for alteration of bridges. These funds will allow the construction of eight on-going projects.

The committee likewise approved the full $72.7 million requested for retired pay. These funds provide for retired pay of military personnel of the Coast Guard and the Coast Guard Reserve, members of the former lighthouse and lifesaving services, and for payments to survivors pursuant to the retired serviceman's family protection plan.

The committee disapproved however, a proposed language change which would have made this an indefinite appropriation.

I take strong exception to one deletion in the bill and that relates to the omission of funds provisionally approved by the subcommittee for Coast Guard reserve training. The temporary lack of an authorization should not prevent the House from rectifying this omission, and I intend to offer an amendment for this purpose at the appropriate time. The Coast Guard Reserve has an outstanding record of service to the Nation. Despite this fact, the administration has subjected it to many budgetary hassles. I, for one, do not intend the House to contribute to this unfortunate situation.

For research, development, test and evaluation, the committee approved $16.5 million, thereby trimming $1.7 million from the request. The $2 million increase over last year's appropriation will allow for 40 of the requested 61 new positions. The largest part of the increase will be directed toward programs to protect the marine environment by providing for continued development of pollution monitoring, detection, containment, and cleanup systems.

The committee cut $4.5 million from State boating safety assistance and recommended $3 million for this program. The Federal Boat Safety Act of 1971 authorizes financial assistance to the States to encourage the development and implementation of boating safety programs. Funding for this purpose was initiated in the fiscal 1972 second supplemental appropriations bill. The individual State share will increase to 33⅓ percent in fiscal 1973, as compared with the 25-percent funding participation required in the initial year. It is the committee's belief that this added State spending, coupled with the same Federal contribution as in fiscal 1973, will result in an overall increase in nationwide boating safety efforts.

FEDERAL AVIATION ADMINISTRATION

Proceeding now to the Federal Aviation Administration, the committee cut $11.9 million from its budget requests and approved a level of $1.5 billion.

The sum of $1.2 billion was approved for operations, which amounted to a cut of $2 million. Funds under this activity provide for all personnel engaged in the operations and maintenance of the air-traffic control, air navigation and communications systems, all supporting services and administrative costs, certain costs associated with aviation security, all regulatory personnel, and equipment and research needed to establish or modify Federal air regulations.

The committee recommendation includes an increase of $2 million for the purchase of magnetometers. The FAA Administration, John Shaffer, testified that 350 magnetometers are already installed at our Nation's airports and that there is a need for 800 more. The committee, recognizing the utmost urgency of the airline hijacking problem believes $2 million should satisfy this need. This appropriation will allow the Federal Government to assume a reasonable share of the burden of carrying out a mandatory passenger screening system required by the Federal aviation regulations.

The total number of FAA positions will increase by 1,472 in fiscal 1973, from 49,786 to 51,258. Virtually all these new positions are air traffic controllers.

Pursuant to the committee's belief that a larger share of the flight services work force should be assigned to the more active stations which have a greater workload, the FAA is directed to report on this matter to the committee by August 1 of this year.

The committee made no cut from the $251.9 million budget request for facilities and equipment. The funds recommended would bring congressional appropriations for FAA facilities and equipment to over $1 billion for the 4-year period 1970 through 1973. This appropriation includes funds for 10 new instrument landing systems and for the relocation of nine air traffic control towers. The committee has directed that the funds for these projects not be diverted to any other purposes.

The sum of $8.5 million was cut from research, engineering and development, with $66 million being recommended. In addition to the funds provided under this appropriation, the bill includes $16 million under operations for research, engineering, and development. The committee is recommending a combined increase of about 10 percent over last year for this activity.

The committee has allowed $1.9 million to carry out requirements associated with the development of space-based air traffic control systems, but directs the FAA and the Office of the Secretary to make a formal presentation to the committee before entering into any agreement committing the U.S. Government to a satellite system.

The committee has allowed the entire budget request of $115 million for grants-in-aid for airports. Of this amount, $100 million is liquidating cash for airport development grants and $15 million is for airport planning grants. As of March 31, about $216.5 million of appropriated but unexpended funds were available for airport grant programs.

The committee is recommending no funds for the Federal payment to the airport and airway trust fund. The administration had requested $6.5 million and projected an unappropriated fiscal 1974 yearend balance of $588 million for the fund. Under the committee recommendations, however, this balance would be $589.9 million, an increase of $1.9 million over the budget and $319 million over the projected June 30, 1972, balance.

Three hundred and twenty-two thousand dollars was cut by the committee for operation and maintenance of the National Capital airports and a total of $12.2 million is recommended. A net loss of $566,000 is projected for the two airports for fiscal 1973. Excluding interest and depreciation expenses, National is projected to generate $6.3 million of revenue in excess of direct operating costs. Costs are estimated to exceed total revenues at Dulles by about $65,000.

For construction of the National Capital airports, the committee cut $1 million and recommended $2.6 million. At the time of hearings, the unobligated balance under this program was $9.4 million—a larger amount than the total combined appropriations for both fiscal 1971 and 1972. Because of this situation, the committee has directed that part of these unobligated carryover funds be utilized to accomplish the projects which it feels are most urgently required.

FEDERAL HIGHWAY ADMINISTRATION

The committee cut $15.4 million from the total request for the Federal Highway Administration and recommended a level of $41.3 million.

From salaries and expenses, the committee cut $8 million and recommended a total of $111.8 million. This item provides for salaries and expenses to conduct Federal-aid and certain direct highway programs. Expenses for planning, operation, and administration of the Federal-aid highway programs and highway research are financed by transfers from the trust fund. Motor carrier safety programs and one-third of the amount for highway-related safety research and development programs are financed by a general fund appropriation. The remaining two-third's of the highway related safety research program is a direct appropriation from the trust fund.

The committee denied 32 of the 87 new positions requested, including eight requested to establish liaison offices in four of the cities designated as standard regional headquarters. The committee believes this liaison can and should be accomplished by other means, such as the telephone.

Also, $3 million was trimmed by the committee from highway beautification liquidation of contract authorization, with a level of $12 million being recommended.

The committee cut $400,000 from administrative expenses and recommended $965,000. At the time of hearings only $338,000 of this appropriation had been obligated and only 36 of the 55 authorized positions were filled. The total fiscal 1972 obligations are estimated to be only about $650,000. Consequently, $965,000 should be sufficient for the 55 currently authorized positions, but not for the 10 additional positions requested.

The committee left intact the budget request of $12 million for highway-related safety grants. The appropriation assists the States in implementing the highway safety standards administered by the Federal Highway Administration.

From rail crossings demonstration projects $8 million was cut and a level of $2 million was approved by the committee. The funds recommended are for elimination of upgrading of all public ground level rail-highway crossings in the vicinity of Greenwood, S.C., and along the route of the high-speed ground transportation demonstration projects between Washington and Boston. Virtually none of the fiscal 1972 appropriation has been obligated because of the inability of the railroads to meet the required 10 percent matching contribution. The committee has therefore urged that the Department of Transportation seek modification of the original legislative authorization to deal with this serious problem.

The committee approved the full $2 million request for territorial highways. These funds are used to assist the territorial governments of the Virgin Islands, Guam, and American Samoa in the improvement of their highway systems.

The committee cut $5 million for the Darien Gap Highway and recommended $25 million. This $10 million increased over last year's appropriation should allow the construction of 250 miles of highway in Panama and Colombia at a reasonable rate.

From Federal aid highways the committee cut $6 million and recommended $4.89 billion. This reduction reflects the committee's recommendations in connection with the salaries and expenses appropriation and will not result in a reduction in the construction program. Work is completed or underway on 41,042 miles of the 42,500-mile Interstate Highway System.

The committee cut $10 million from the request for the right-of-way revolving fund and recommended $35 million, since only about $47.7 million of the $100 million appropriated to date has been expended. This fund was established to permit acquisition of rights-of-way several years in advance of actual construction to reduce potential inflationary pressures on property costs and to permit more adequate and comprehensive highway planning.

No cut was made from the $23 million request for forest highways. This program provides for construction and improvement of main highways within or adjacent to national forests.

Nor was any cut made in the $16 million request for public lands highways. This program finances construction and improvement of highways throughout public lands in those States with large areas of such lands. Also recommended was a $12 million limitation on obligations, the same as the budget estimate and $2 million more than the obligations estimated to be incurred in fiscal 1972.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

The committee cut $5.2 million from the National Highway Traffic Safety Administration's overall budget request and recommended a level of $43 million.

From traffic and highway safety a total of $5.2 million was cut, with a level of $43 million approved. The largest reductions in this appropriation were for the ASAP and STEP programs. These consist of pilot projects, using a variety of enforcement techniques. It is the committee's feeling that a significant reduction in highway and traffic deaths will more likely result from national enforcement efforts than from the proliferation of pilot projects. Consequently, the committee believes that the Traffic Safety Administration should concentrate on methods of using the results of these programs to provide significant nationwide fatality and injury reductions. The committee did not consider the requested increase of 13 positions for the compliance test facility, since this program is not authorized.

From State and community highway safety, the committee cut $5 million and recommended $70 million. This recommendation should provide adequate liquidating cash while avoiding a large carryover balance into fiscal 1974. The committee approved only $3.3 million for administrative expenses within this program since the justification for a $1 million increase was inadequate.

FEDERAL RAILROAD ADMINISTRATION

The committee cut a total of $16.7 million from the budget request for the Federal Railroad Administration and recommended $65 million; $392,000 was cut from salaries and expenses for the Office of the Administrator, with $2.7 million being recommended, 28 additional positions are being provided. When combined with 35 positions provided in fiscal 1972, the personnel in this office will have been almost doubled in just 2 years. The committee believes this increase is essential to cope with railroad problems.

The committee cut $250,000 from railroad research and recommended $10.3 million. The committee recommendation will permit the same level of effort as in fiscal 1972. Major emphasis will be placed on research and development related to train accidents at highway-rail grade crossings, as well as accidents caused by defective equipment. $210,000 was cut from the Bureau of Railroad Safety and $6.9 million recommended. The committee action will permit the addition of 57 new positions, including all the 43 requested for inspection duties.

For high-speed ground transportation research and development, the committee cut $15.8 million and recommended $45 million. This amount represents an 80 percent increase over fiscal 1972 and is the largest research and development increase being recommended in the bill.

No appropriation was requested or recommended for the Alaska Railroad revolving fund.

URBAN MASS TRANSPORTATION ADMINISTRATION

The committee cut $45 million from the total request for the Urban Mass Transit Administration and recommended $80.4 million.

One million dollars was cut from administrative expenses, with $6.4 million being recommended. Five new positions were provided for the Office of Research, Development, and Demonstration. No new positions were allowed for field operations. The Congress provided 30 field positions in fiscal 1972 but at the time of the hearings, none had been filled.

The committee cut $44 million from research, development, and demonstrations and university research and training and recommended $25 million for the tracked air-cushion vehicle project. This will be for the testing of the prototype. The committee sees no practical application at this time for a TACV in an urban mass transportation system.

As for liquidation of contract authorization, the committee made no cut from the request of $232 million. Virtually all these funds will be used to liquidate prior year obligations. A $1 billion limit on commitments in fiscal 1973 is being recommended.

ST. LAWRENCE SEAWAY

No cut was made from the $797,000 requested for the St. Lawrence Seaway Development Corporation. No new positions were requested.

TITLE II

Turning briefly to title II of the bill, the committee added $500,000 and recommended $299.8 million as follows:

NATIONAL TRANPORTATION SAFETY BOARD

The committee cut $85,000 from salaries and expenses for the National Transportation Safety Board and recommended $7.7 million. No new positions were requested or recommended.

CIVIL AERONAUTICS BOARD

No cut was made from the $14.1 million for salaries and expenses for the Civil Aeronautics Board. No new positions were requested or recommended. Sixteen new positions approved by the Congress in fiscal 1972 have not been filled because of an OMB-imposed employment ceiling. The recommended funds should be sufficient to cover these positions.

The committee allowed $54 million—the full amount requested—for payments to air carriers. The CAB has not yet issued a new class subsidy rate. The committee feels, however, that $54 million should be sufficient. A supplemental request will be considered if necessary.

INTERSTATE COMMERCE COMMISSION

The committee added $1.4 million to the budget request for salaries and expenses for the Interstate Commerce Commission and recommended a total level of $33.1 million. The amount recommended includes funds for a comprehensive investigation of the railroad freight rate structure. The committee is very much concerned with the Office of Management and Budget's preventing the ICC from employing the personnel provided by the Congress. The committee is directing the ICC to incur obligations to support a year-end employment of not less than 1,800 personnel and an average employment of not less than 1,750 during fiscal 1973. It is absolutely imperative that the Commission be provided the resources to enable it to conduct its operations in a proper manner.

PANAMA CANAL

The committee cut $264,000 for operating expenses of the Panama Canal Zone Government and recommended a level of $55.2 million. This appropriation represents an advance of funds that is repaid to the U.S. Treasury through charges for service furnished or from revenues of the Panama Canal Company.

The committee has provided 40 new positions primarily for workload increases in the operation of schools and hospitals.

From capital outlay of the Canal Zone Government, the committee cut $597,000 and recommended $4.5 million. These funds finance necessary improvements in educational facilities, hospitals and clinics, and municipal facilities. This appropriation is repaid to the U.S. Treasury over the life of the capital asset through depreciation charges to the Canal Zone Government. The $800,000 increase over fiscal 1972 is primarily for improvement of educational facilities, roads and streets, health facilities, and for construction of sewage pollution controls.

The committee made no cut from the $20.5 million request for limitation on general and administrative expenses for the Panama Canal Company.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Finally no cut was made from the $131.1 million request for the Federal contribution to the Washington Metropolitan Area Transit Authority. This is an advance appropriation for fiscal 1974.

Thank you, Mr. Chairman, for the opportunity to detail the committee bill. I have certainly enjoyed serving as the ranking minority member on the Transportation Subcommittee and I look forward to continued association with my distinguished colleagues on that subcommittee.

I yield to the gentleman from Minnesota.

Mr. ZWACH. I thank the gentleman from Massachusetts for yielding. I refer to the appropriations provided for the Interstate Commerce Commission. I wish to address my question specifically to the Interstate Commerce Commission, and especially to paragraph 2 on page 30 of the report, where the following statement appears:

> The committee is concerned with the financial condition of the railroads, especially those controlled by the so-called conglomerates. Reports indicate that a few of these holding companies have depleted carrier assets to the point that the carrier is incapable of providing essential transportation services.

I represent an area in the great agricultural Midwest. The Chicago & Northwestern, a real conglomerate, serves that area. They are in the process of abandoning, or wanting to abandon a great many of their lines. The gentleman has referred to the depletion of carrier assets. Is there evidence that income from railroads has been diverted to other types of industries than the railroad business?

Mr. CONTE. The gentleman brings up a very good point. If he will turn to page 420 of part 3 of our hearings of this year, he will see at that point that our chairman (Mr. McFall) was very concerned about the same problem. He said:

> Mr. McFall. Do you think there is a problem revolving around conglomerate ownership of railroads where the conglomerate takes the property of railroads which is non-railroad-connected and leaves the people of the United States with the responsibility of operating the railroad?

Then further on, on page 421, the gentleman from Illinois (Mr. Yates) to whom I shall yield in a moment, brought up a very good point. He said:

> Mr. Yates. I have a contrary impression in my own mind. I have the impression that a holding company is in a position and, in fact, some have already taken out of the operating companies assets that belong to the operating companies, resulting in an undercutting or diminution of the financial worth of those operating railroads.
>
> There is a fear among a number of Members of Congress that what may happen is that holding companies will withdraw from the railroad operating companies most of its assets, leaving only a skeletal operating line that they will turn over to the Federal Government at some time for national ownership and operation.

The gentleman is absolutely correct. I yield to my good friend from Illinois who spearheaded this effort.

Mr. YATES. I thank the gentleman for yielding. The committee was very much concerned with the report by the Commission, when it appeared before us, with the fact that sufficient funds had not been allocated for the purpose of examining reports of railroad holding companies. Most of us on the committee felt that there was a good chance that railroads owned by conglomerates may very well find their assets being diverted for the purpose of paying dividends and for their wealth taken in order to pay dividends to the stockholders of the holding companies.

Mr. ZWACH. In other words, they might make the railroad a No. 2, 3, 4, or 5 priority rather than first priority.

Mr. YATES. The conglomerate is interested in making money for the holding company. If in that process of doing so the operating company has to sacrifice its assets and it has to terminate part of its services to the public, I think the conglomerate is going to do that. As a matter of fact, of the four railroads that have gone into bankruptcy within the last 10 years, three of them were owned by conglomerates. So the committee is very much concerned about that.

About a month ago, when a bill was on the floor out of the Committee on Interstate and Foreign Commerce, I pointed out to the chairman of the commitee that his committee had before it a bill which would review the actions of conglomerates in their holding of operating railroads. The chairman of the committee assured the House at that time that his committee was going to look into the matter and take action on it.

I am glad the gentleman from Minnesota raised this point. Our committee is very much concerned about it. We made funds available to the Interstate Commerce Commission this year to continue its examination of the affairs of railroad companies that are owned by conglomerates in order to make sure that the thing the gentleman fears does not take place.

On page 422, Mr. Yates also asked:

> Do you know of any instances where the conglomerate holding operation has benefited the railroad?

This is directly in line with what the gentleman is saying. Then Mr. Ingram answered:

> I only know one intimately and that was the Illinois Central Railroad because I worked for them. They have probably a more profitable and viable railroad today than when it was created.

There are not very many in the country. The Penn Central is perhaps one of the examples. If they were all part of the Penn Central, the Penn Central would not have any trouble. But they bled and milked the company, and then they set up the holding company, and they left the railroad high and dry.

Mr. ZWACH. If the gentleman will yield further, in our area they are not putting a nickel of income back into the roads, and then when the roads deteriorate into an impossible situation, they petition to abandon. Is it the gentleman's opinion that the Interstate Commerce Commission is protecting the public interest with enough firmness and determination in this area?

Mr. CONTE. We hope so. If the gentleman will read our report on the ICC, he will see that we went over the budget, because we feel this is very important, and because we feel in some areas such as the one the gentleman mentions, the ICC is understaffed. We take issue with OMB in cutting down the ICC. This is an arm of the American public, as well as the Congress. It needs all the tools it can get to protect the public against some of the big holding companies and conglomerates.

Mr. ZWACH. May I commend the members of the subcommittee for their work in this area. It is most important.

I thank the gentleman for yielding.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my friend, the gentleman from Alabama, a member of the committee, and one who is most expert on the ICC.

Mr. EDWARDS of Alabama. Mr. Chairman, I thank the gentleman.

The committee is extremely concerned that there appears to be over the years a sort of effort to phase the ICC out. Many people argue there has to be something better than the ICC, but until something better comes along it behooves this country to have a strong Interstate Commerce Commission that can properly regulate carriers in this country.

The gentleman is correct. We did raise the budget figure for the Interstate Commerce Commission, and I think this committee is going to continue to take this position as long as this effort continues to try to phase out or diminish the effectiveness of the Interstate Commerce Commission.

On the question of the conglomerates, if the gentleman will yield further, I think we need to put this into perspective. The gentleman has raised some very interesting questions on this. The ICC has authority generally to deal with conglomerates where we have a transportation conglomerate acquiring another transportation entity. In this case the application has to pass approval, and the ICC can put in conditions and all the rest.

The problem comes where we have a nontransportation oriented conglomerate acquiring a transportation entity. I would like to read into the RECORD a couple questions and answers from the hearing record that make this point, and I hope as a result of our hearings the Interstate Commerce Commission will give consideration to this problem. I know the gentleman from Illinois (Mr. YATES) has been extremely interested in this.

This is from page 1010, part 2 of the hearing record, where I asked the Chairman of the Interstate Commerce Commission the following:

> Mr. EDWARDS. There have been a number of instances where non-transportation conglomerate corporations have entered the surface transportation field by acquiring one carrier. What control does the Commission have over these types of acquisition? Do you feel that you should have to approve these mergers?

Then Mr. Stafford, Chairman of the Interstate Commerce Commission, answered as follows:

> Mr. STAFFORD. We have little, if any, control over them if they don't own any other transportation of any kind.
>
> Mr. EDWARDS. In other words, if the acquisition is just of one carrier?
>
> Mr. STAFFORD. Yes; we have none. Of course, if they owned one and then came in to take over a second one, then we do have control.

So it behooves the legislative committee and I think the executive branch to give serious consideration to legislation that would bring under the control of the Interstate Commerce Commission the noncarrier oriented conglomerates which are trying to acquire carriers.

Mr. Chairman, I thank the gentleman for yielding.

Mr. CONTE. I thank the gentleman from Alabama for that valuable contribution.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my good friend from Iowa.

Mr. GROSS. I thank the gentleman for yielding to me again.

I note that the first item in the bill is $27,000 for receptions, cocktail parties, and what-have-you at the Department of Transportation. Does the gentleman think that the Department can stagger along on that amount?

Mr. CONTE. Well, they will have to conserve costs, I would say.

Mr. GROSS. I thank the gentleman.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to my friend from Illinois.

Mr. YATES. Continuing further with reference to the point raised by the distinguished gentleman from Minnesota, I refer his attention to the hearings, part 2, page 1,103, in which I interrogated the head of the Office of the Bureau of Accounts and it was brought out that the Commission does not have enough money to continue these investigations at the present time, and it was pointed out our committee was very much concerned about the fact that the Interstate Commerce Commission was not carrying on its activities in this field, that we were concerned about the possibility that the assets and the wealth of the operating companies would be withdrawn, leaving only a skeletal operation that the Government would have to take over and operate.

Mr. CONTE. I thank the gentleman.

Mr. McFALL. Mr. Chairman, I have no further requests for time.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. McFALL. Mr. Chairman, I yield 3 minutes to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I notice that the gentleman shows under related agencies the item of the Interstate Commerce Commission and a funding recommended in the bill of $31.1 million. I am impressed by the fact that this is shown under the related agencies and not under the Department of Transportation.

I should like to ask a question of the gentleman. Why is it that the Interstate Commerce Commission, which is an independent regulatory agency, is funded or handled by the recommendations of an executive department, actually the OMB in this particular case?

Mr. McFALL. There is a law which the Congress passed, which permits the Office of Management and Budget to look at the budgets of the regulatory agencies such as the Interstate Commerce Commission.

As the gentleman knows far better than I, the Interstate Commerce Commission exercises the delegated constitutional function of the Congress in regulating interstate commerce. It is an arm of the legislative branch. But we have this anomaly in the law which requires the executive branch to submit to the Congress the budget estimates for the operation of the Interstate Commerce Commission.

We feel that the Office of Management and Budget, in reducing the budget of the Interstate Commerce Commission, has unduly interfered with the operation of the ICC and unduly interfered with the authority delegated from the Congress. That is why we added to the bill an extra amount of money for more personnel for the Commission.

Mr. PICKLE. I believe that this is something that ought to be looked into further. As a member of the Committee on Interstate and Foreign Commerce, I believe this matter should be directed again to our committee attention, and to the Congress as a whole—particularly to the chairman of the Appropriations Committee.

The chairman admits it is an anomaly. The fact that it has been coasting along for 25 or 30 years does not necessarily mean it is a right proposition. Whenever we have the executive department making recommendations for appropriations through the OMB for regulatory agencies, which are part of the legislative branch, it seems to me that this kind of places the regulatory agencies in a hammerlock, and that is something not to be desired. I think it is something the Congress must address itself.

Mr. McFALL. I am glad that the gentleman from Texas, who is a very senior member of the Committee on Interstate and Foreign Commerce of the House, is interested in this. I would hope your committee would look into whether the actions of the Office of Management and Budget have unduly interfered with the operations of the Interstate Commerce Commission. We in our subcommittee are unanimous, I believe, in believing that this is the case. We called it to the attention of the House in our report both last year and this year. We have added funds for the Interstate Commerce Commission and the Office of Management and Budget has not allowed the ICC to spend them.

Mr. CONTE. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Chairman, I rise in favor of H.R. 15907. I serve on the Transportation Subcommittee which considered this bill from stem to stern, and I can say with confidence that we have made every effort to trim the fat from all programs and agencies. I can state without equivocation that the bill deserves the support of each Member of this body.

The history of the United States runs parallel with the history of transportation. When the movement of people, goods, and ideas is brisk, then the progress of our Nation is great. It is the responsibility of the House to see that the taxpayer's dollar is spent in the most efficient way so as to insure the continuation of our productive transportation system.

It is indicative of the success of our transportation network that most Americans take smooth-running transportation for granted. But this is not to say that our modes of transportation are not speckled with short comings and inconveniences. However, the committee has endeavored to direct our resources toward correcting these problems, toward anticipating problems of the future, and toward maintaining those aspects of our transportation system which are functioning well.

In the hearings on this bill, I have stressed the need to make our transportation programs determinative rather than reflexive. I have stressed the need to provide better transportation for the elderly and the handicapped, the need to unclog our highways and city streets, and the need to examine the effects of our various transportation systems on the environment.

Mr. Chairman, our highways and other transportation arteries are the threads which hold the economic and social fabrics of our Nation together. H.R. 15097 will insure that each of these threads is strong and capable of providing the service the people of our Nation deserve.

Mr. CONTE. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. PEYSER).

Mr. PEYSER. Mr. Chairman, I take the floor at this time only to highlight the problems of our senior citizens and the physically handicapped as they pertain to the question of transportation.

This issue of transportation for these people in our country today is a major one and one that has caused concern to me and to many members of the committees working on this problem for the past year. We have legislation pending at this time in a number of bills that will provide for reduced fares for senior citizens. These reductions would apply to both public and private lines of mass transportation.

This bill itself, the transportation appropriation bill, which we have in front of us, of course, does not specifically speak to this issue. I am a little disappointed in the area dealing with urban mass transportation that among the many items listed and the research questions involved the question of what can be done in the Department of Transportation to help senior citizens is not spoken to. It would be my hope that the committee would agree that this action on the part of the Department of Transportation of finding a solution to the problem of the senior citizens would be addressed and looked into.

We have now, as I indicated before, legislation in H.R. 12267, to strengthen and improve the Older Americans Act of 1965, a separate section dealing with this specific problem of reduced fares for senior citizens. It is a piece of legislation I have introduced and I have also joined with the gentleman from Arkansas (Mr. Pryor) on his bill to provide new and improved transportation programs for older persons.

It would be my hope this appropriation bill, when it is carried out, would envision having the Department of Transportation at least address itself to this issue and see what can be done to help this large deserving segment of the American public.

Mr. EDWARDS of Alabama. Will the gentleman yield?

Mr. PEYSER. I am glad to yield to the gentleman.

Mr. EDWARDS of Alabama. Of course, the big concern is subsidizing transportation in the form of operating subsidies or passenger rider subsidies and that sort of thing. I am sure it gives all of us some concern, and I yet I commend the gentleman for his interest in the fare problem.

Let me say this: The record is full of references of concern by the Department of Transportation, the urban mass transportation people, and all of the rest for the problems of the senior citizens and the infirm citizens of this country.

Every research project that they have has to do with buses or trains or subways.

Of course, the committee takes into great consideration I should say how these elderly people and infirm people will gain access to the transportation facilities. I think they have done a tremendous job on the point.

This is not exactly the problem which the gentleman has raised, although I know the gentleman is concerned about this phase of growing old as well.

I think the department should be commended for its work along this line.

Mr. CONTE. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. Mr. Chairman, this bill, H.R. 15097, the transportation appropriation for fiscal 1973 is detailed and complicated. It is the product of a capable and thoughtful subcommittee headed by the distinguished gentleman from California (Mr. McFall). Lacking the committee's experience and ability, I can not begin to evaluate the whole thing. I can, however, look closely at one small funding area where I believe we are missing a great opportunity.

The agency in question is the Urban Mass Transit Agency, and the operation is research, development, and demonstration. This bill reduces the budget from $115,000,000 to $74,000,000, over 25 percent. Worse still it virtually eliminates research and development of the most promising transit technology of them all, personal rapid transit, or PRT.

What UMTA describes as "new systems" amounts to $66 million in research, development, and demonstrations in its 1973 budget. Of the "new systems" money requested, about $30 million was for PRT related projects. The committee has eliminated nearly all of the $30 million.

Actually the R. & D. budget for UMTA is only about 11 percent of its total budget. Capital grants is about 85 percent. UMTA's R. & D. budget was $39.5 million in 1971, $62 million in 1972, and was to be $115 million—now reduced to $74 million—in 1973.

It is in technology development that the future lies. If budget cutting is required, we can look to the capital grant program. Soon we will be voting on $800 million in transit subsidies for 2 years. A subsidy may help some local governments or give wage increases to transit personnel, but it will not improve service or technology one bit. In fact, subsidies may only delay the implementation of new transit systems which will offer real alternatives to auto transportation and provide insulation against accelerating wage costs.

Of all the areas to be reduced, research, development, and technology should be the last. Mass transit is supposed to be the hope of the future. Modern technology, we are told, will offer viable alternatives to the auto—if not the first car, at least to the second or third. The new technologies must be financed, directed, coordinated, tested, evaluated, and finally sold—at least one-third of the cost must be locally absorbed—to local jurisdictions. Only the Federal Government can do all this. This deveolpment can be deferred, but the cost will only be increased. The need is obvious, and I believe we should tackle the problem in earnest.

The Dulles Transpo exhibit of transit technology is disappointing to people like me who are seeking a more aggressive transit overleap. I wish we could have done more, but resources were limited. But it has produced an enthusiasm among private developers that the Federal Government means business, and it has produced working models—not demonstrations—of fairly sophisticated systems in an astonishingly short time.

I do not want to quarrel with the committee judgment, but I believe we have already been timid enough in transit research and development. Therefore, my amendment seeks to restore $30 million of the committee's reduction of $44 million. My intention is that the $30 million be used to continue the development of the Dulles-type technology and, more importantly, to begin development of more sophisticated PRT systems with shorter headways than the Dulles systems. Development of these new systems will finally give us the possibility of alternatives to the auto. I hope this House will respond to the needs for this new technology.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. Mr. Chairman, I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I appreciate the gentleman yielding, and I want to add my support to the statement he has made, and to support the effort that he might make with respect to restoring funds under the R. & D. program. The most urgent need in this country today is for the development of a new transportation system, and to create a balanced transportation system. We have a statement of policy that we want one, but we really do not have one. We really must put more money into the best efforts we have to create a viable transportation system. That means research and development, that is where we must start. Some of us have already introduced measures that would create a greatly expanded effort in this field so that we can find new ways to move goods and people. As long as we keep putting little bandaids here and there we will not find a solution to urban mass transit and other transportation systems, and we must approach this problem with a greater degree of seriousness and we must appropriate a great deal more money.

However, I am concerned about another portion of the bill where we appropriate $3 million as compared to $5 million with respect to the university-oriented R. & D. programs.

Separate and apart from that, however, what the gentleman from Minnesota is saying is correct in that we need an expanding effort in this field of R. & D. There is a very urgent need for this. It might be that we need to institute or create a NASA-type program within the Department of Transportation and coordinate all of these various programs to handle this urgent need.

Mr. FRENZEL. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. Hall).

Mr. HALL. Mr. Chairman, if I can have the attention of my friend, the chairman of the subcommittee, the gentleman from California (Mr. McFall), I would like to be reassured as in a continuation of our colloquy during consideration of the rule, and the information furnished me by his excellent staff to the effect that, for example, lines 5 through 9 under title I are covered by original basic authorizations?

Mr. McFALL. Mr. Chairman, if the gentleman will yield, the staff has provided for me the authorizing legislation. The authorization sections are sections 4(a) and 9(b) of the Department of Transportation Act, 80 Statutes 933, 944, specifically, as follows—so that the gentleman from Missouri may determine for himself how broad the language is—

> Sec. 4(a). The Secretary in carrying out the purposes of this Act shall, among his responsibilities, promote and undertake development, collection, and dissemination of technological, statistical, economic, and other information relevant to domestic and international transportation—

Mr. HALL. I thank the gentleman.

Mr. McFALL. And if I may continue:

> SEC. 9(b). The Secretary may obtain services as authorized by Section 3109 of Title 5 of the United States Code, but at rates not to exceed $100 per diem for individuals unless otherwise specified in an appropriation act.

That is the authorization for the Office of the Secretary of Transportation. The gentleman from Missouri may interpret this in such manner as he may desire.

Mr. HALL. I appreciate that, Mr. Chairman. And I presume the same thing would apply to lines 1 through 4 on page 3 pertaining to consolidating the departmental headquarters?

Mr. McFALL. If the gentleman will yield further, the information which is provided me by the staff for the authorization of this particular section is section 3(a), Department of Transportation Act, 80 Statutes, 831, specifically:

> SEC. 3(a). There is hereby established at the seat of government an executive department to be known as the Department of Transportation.

Presumably, we would have the right to fund the consolidation of the department just as we do with other authorized activities of the executive department

Mr. HALL. I appreciate the gentleman's statement. I think maybe a simple affirmative or negative answer might tell us whether the same thing applies to page 13, lines 9 through 19, pertaining to the Federal Railroad Administration. Certainly, the gentleman's word or opinion is good enough for me.

Mr. McFALL. If the gentleman would wait just a moment, I will read that authorization.

Mr. HALL. Mr. Chairman, I would prefer that the time for reading it into the RECORD or the actual quotation not be taken.

Mr. McFALL. A short answer to the gentleman's question is that it is authorized by the Department of Transportation Act.

Mr. HALL. I thank the gentleman.

The reason for these queries, Mr. Chairman and members of the Committee of the Whole House on the State of the Union, is simply that the average Member, in going through an appropriation bill such as this, can easily see wherein each separate paragraph states "as authorized by law" and/or the statute is quoted—where it does not in many instances it is not readily apparent that the basic authorizing law is here present.

Now if I may turn to another subject, Mr. Chairman, I would compliment the committee on bringing in an appropriation this year which is grossly under that of the prior year appropriations not only under the budget estimate which oftentimes is wont to be the claim for fame on the part of the operating committee, but this one is actually in the case of the Department of Transportation alone $200 million under that of last year and under title II "related agencies," appears to be—$101 million underneath that of last year's appropriation.

There is a great total reduction. I do not want to be obtuse or adverse in my compliment in any manner whatsoever, but how can we do this in a day of cost escalations, of fixed wages and of everything else unless we overappropriated last year? Is this not indeed the case?

Mr. McFALL. I should point out to the gentleman that more than $60 million of this difference is due to the fact that we had to leave out unauthorized items for highway safety and for the Coast Guard Reserve. These add up to about $69 million.

Amtrak, which was funded in the fiscal year 1972 second supplemental, is included in the 1972 total. We do not have any funds in this bill for Amtrak, since the funds included in the second supplemental were for both fiscal years 1972 and 1973.

Mr. HALL. It is savings as it pertains to this bill. But so far as the taxpayers are concerned, it is cared for elsewhere and it is not a direct cutback or savings.

Mr. McFALL. We made real reductions in the budget estimates of about $141 million, but of course in comparing our actions with last year one would have to take into consideration the items which I mentioned.

Mr. HALL. I would much rather keep it on the basis of comparison with last year's appropriation and reductions thereunto.

Mr. CONTE. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, as an opener I would like to ask the gentleman from Massachusetts if he knows whether that high speed train that is being run from Washington to Parkersburg, W. Va., is even starting to pay its way?

Mr. CONTE. Actually, I think if they were to depend on the revenue from that line, they would not have enough money to pay the conductor. I think they average out about 14 passengers a day on the West Virginia line—and it is a 144 passenger train.

Mr. GROSS. I doubt that the taxpayers appreciate the amount of money being pumped into that train as well as the "people mover" for the students and faculty members at the University of West Virginia.

But I really obtained this time to call attention to the fact that this committee, like many other committees, seems to be engaged in the foreign handout business, indirectly if not directly. I noted in the hearings that the Department of Transportation has an Office of International Programs, which among other things is going to do business with Rumania in research on such things as "highway skid resistance" and "human factors in the transportation working environment," whatever that is. Does the committee, or anyone, mean to say that the Highway Safety Administration in this country and the tire manufacturers are not already doing everything possible to promote "highway skid resistance"?

Mr. McFALL. If the gentleman will yield, the Department does have an Assistant Secretary for Policy and International Affairs. They do discuss these matters.

In addition, we had a request for $500,000 in soft currency in two of the Iron Curtain countries, Poland and Yugoslavia, which we omitted from the bill. We included it last year, but they have been unable to reach agreements which would permit the expenditure of those funds. We felt last year that the program would permit us some entree to the Iron Curtain countries and would be good for our international relations. We have these soft currencies which are not being utilized.

This year they had the same request, but since they had not been able to use what we appropriated last year, we omitted it from the bill.

Mr. GROSS. Does the gentleman mean to say that there are not enough congressional junketeers going to Rumania to absorb those counterpart funds?

Mr. McFALL. I have never been to Romania. Perhaps the gentleman could join me in a trip there.

Mr. GROSS. Then I note that the Department of Transportation has a cooperative program with Yugoslavia involving elevated guideway construction "which will support the tracked air cushion vehicles programs of UMTA and FRA, the Federal Railroad Administration." In this regard, the chairman of the subcommittee, Mr. McFALL, asked:

> What expertise does Yugoslavia have in building elevated guideways or in the field of tracked air cushioned vehicles?

And the answer of Mr. I. P. Halpern of the Department of Transportation was:

> DOT does not believe that Yugoslavia has any experience in building elevated guideways as such, or tracked air cushion vehicles systems. However, Yugoslavia is advanced in the construction of long span bridges.

That has to be about the strangest answer ever given to a valid question. We know something about bridgebuilding, too. What about the Bay Bridge in San Francisco? Have the Yugoslavs ever put up a bridge equal to the Golden Gate Bridge? And the Chesapeake Bay Bridge is not exactly a culvert.

The Department is also conducting traffic noise studies with the Yugoslavians because:

> Yugoslavia is particularly well-suited for a study on problems of traffic noise because of existing conditions in Belgrade and other major Yugoslavian cities, that is, high population densities, narrow streets and approaching traffic saturation with large numbers of noisy cars.

Anyone can go down to 14th Street and Pennsylvania Avenue any day in the week and hear plenty of noise. I do not know what Yugoslavia could contribute to the elimination of it, especially the noise from Mr. Roy Chalk's buses running up down the avenues.

Incidentally, the Department is also going to give psychological tests to Polish truckdrivers.

I regret the gentleman from Louisiana (Mr. PASSMAN) is not on the floor to hear about this supplement to the foreign giveaway program.

Does the gentleman from California care to make any comment on what in the world we are doing financing these international operations?

Mr. McFALL. If the gentleman will

yield, we did not include any money in this year's bill for those programs which the gentleman has described as a foreign giveaway. We included $500,000 last year. They did not spend that money, so we did not include it this year. Our reasons for including it last year had nothing to do with the realistic belief that we were going to solve all our transportation problems, but we felt it was an opportunity for this country to get a people-to-people exchange with Yugoslavia and Poland. It is the same kind of thing that the President is doing today in Russia in an attempt to open up trade and cultural exchange with people of Eastern Europe, the people of Russia, and other people behind the Iron Curtain. We felt that the investment of $500,000 in soft currency behind a very hard curtain could promote the interest of the people of the United States. And since we would not be able to use that currency otherwise, we might just as well take the chance and use it this way.

Mr. GROSS. I see. So that is the reason for psychological tests for Polish truckdrivers?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. CONTE. I yield the gentleman from Iowa 2 additional minutes.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

I also note in the hearings that Mr. Secor Browne, Chairman of the Civil Aeronautics Board, discusses a proposed new deal—creation of the Aerospace Reconstruction Finance Corporation, which, if Congress is foolish enough to approve it, would provide subsidies and federally guarantee of loans to aircraft manufacturers. Would the gentleman from California (Mr. McFall) agree with me that this is the start, if we ever pass this legislation, of an airborne Amtrak?

Mr. McFALL. If the gentleman will yield, there is nothing in the bill for that corporation. This was a conversation with Secor Browne, Chairman of the CAB. The legislation, which he was discussing and which he has been working on, is a proposal which would be useful in case we ever decide to build an SST. It is very important legislation in my opinion. This legislation would be necessary in case the Congress should have before it, at any time in the future, a proposal for the construction of an SST.

Mr. GROSS. So I am not far wrong in designating it or characterizing it as an airborne Amtrak?

Mr. McFALL. I would not talk of it in that way, no.

Mr. CONTE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. Don H. Clausen).

Mr. DON H. CLAUSEN. Mr. Chairman, I want to direct some questions to the chairman. As he knows, there has been an increased assignment of responsibility with respect to the environmental protection aspects on the coastal zones for the Coast Guard. I commend the committee and the President for increasing the budget appropriations substantially over the 1972 budget to help the Coast Guard meet all these added responsibilities, but I am concerned about whether it would be possible, with these amounts, for the Coast Guard to expand their air-sea rescue units and the utilization of helicopters with the amount that is indicated. We are expending our efforts to develop a system of harbors on the west coast, with additional harbors of refuge. I have a concern with the harbors and ports on the coast of California because our people have conveyed to me that there is inadequate coverage to meet emergencies in the area between Point Arena in Mendocino County and Brookings, Oreg., which would include navigation activity, fishing fleets, and recreational activities in the harbors of Noyo, Shelter Cove, Humboldt Bay, Trinidad, the Klamath River, Crescent City Harbor, the Smith River, and the Chetco River.

At a recent meeting I held in Eureka with interested fishing groups, the chamber of commerce, the fishermen's wives, et cetera, these people presented a very convincing case for establishing a Coast Guard helicopter service facility at the Arcata Airport. Will it be possible to accommodate this request under the funds allotted in this bill?

Mr. McFALL. We did not specifically provide funds for this operation. We did not deny them, either, if the Coast Guard does have funds available for this operation which the gentleman suggests, I am sure that the Coast Guard will look on it with favor. If the Committee can in any way assist the gentleman in this I am sure we will try to do so.

Mr. DON H. CLAUSEN. I thank the gentleman.

Mr. McFALL. I am sure they have funds available for it.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CONTE. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. DON H. CLAUSEN. Mr. Chairman, would the gentleman from Massachusetts care to comment on that?

Mr. CONTE. I concur with the chairman. I believe that would come under operating expense. The Coast Guard asked $551 million and we gave them pretty close to $549 million, nearly the full amount.

Mr. DON H. CLAUSEN. In the judgment of the chairman and the ranking minority member of the Subcommittee of the Appropriations Committee they could in fact move in the direction of providing additional helicopter facilities and air-sea rescue operations.

Mr. CONTE. That is up to the Coast Guard.

Mr. DON H. CLAUSEN. I thank the gentleman.

Mr. CONTE. Mr. Chairman, I yield back the remainder of my time.

Mr. McFALL. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. Pettis).

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise to direct my remarks to the funding of the U.S. Coast Guard for fiscal 1973 provided in H.R. 15097.

I would first like to pay tribute to the subcommittee for its fine work on the bill and express my gratitude particularly to the distinguished chairman, the gentleman from California (Mr. McFall) and to the ranking member of the minority, my colleague from Massachusetts (Mr. Conte).

Mr. Chairman, this House well remembers that last year, my amendment adding $1 million to the total for Coast Guard operating expenses was approved on the floor. It was retained in the other body and in the conference.

The additional funds were readily approved because many other Members of Congress from coastal States like Massachusetts were deeply disturbed by a series of unprovoked and flagrant acts of harassment and vandalism committed by Soviet ships against American lobster boats and other fishing vessels off the coasts of the United States.

During the Massachusetts incidents, the lone deterrent to almost complete destruction of the lobster fleet was the U.S. Coast Guard whose cutters were able to maintain a part-time surveillance and patrol of the coastal waters. Whenever the Coast Guard was present, the incidents stopped.

When I brought this to the attention of this body, the extra $1 million was voted to insure and increase a continued Coast Guard presence.

And yet there were 56 incidents of foreign harassment reported to the Coast Guard during all of 1971, many of them after the additional money was approved. We were on the right track but more remained to be done.

Last fall, I asked the then Under Secretary of the Navy, John Warner, to include the fishing boat problem on the agenda of his disscussions with the Soviets to reduce incidents on the high seas involving the United States and the Soviet Union.

He was sympathetic, but replied that the discussions would be limited to incidents between naval forces.

So the harassment of American lobster boats continues. Up to early May this year, there were 19 incidents reported to the Coast Guard, contrasted with six at the same time last year.

I asked the subcommittee recently to adequately fund the Coast Guard in the coming fiscal year so the increase in incidents and the continuing threat could be dealt with. The subcommittee and the full committee were more than cooperative in sharing my concern and more than generous with the Coast Guard operating expenses.

In the bill before us today, the committee has included $548.9 million for Coast Guard operating expenses, which is $45.5 million more than was appropriated in fiscal 1972. And $3 million of the total is to fund the recommissioning of two additional cutters for fishing patrol in the coastal waters.

Let us hope, Mr. Chairman, this is enough to provide full-time Coast Guard surveillance and protection of American fishing fleets. And let both our own Coast Guard and the Soviet Government understand that the Congress is hereby serving notice that this harassment and vandalism is to stop.

It is both unfortunate and ridiculous that the President of the United States journeys to Moscow to reach a series of accords ranging from pollution to arms limitation with the Soviet Union and yet the fishing fleets of the two nations cannot coexist in our coastal waters.

Until they can, we in the Congress will see to it that American boats have a full measure of protection.

I urge approval of the bill.

Mr. WOLFF. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from Massachusetts (Mr. CONTE) to the Transportation appropriations bill to include $31,735,000 for the Coast Guard Reserve. I believe the Committee has seriously overlooked the importance and value of the Coast Guard Reserve by excluding from this bill the necessary funds to insure its future existence. Without the appropriations proposed by the gentleman from Massachusetts, the Coast Guard Reserve will be severely crippled in all its future operations and effectiveness; indeed, the Transportation appropriations bill, without this amendment, signals the virtual end of this worthwhile organization.

When we speak of appropriations to insure the continuance of the Coast Guard Reserve, we are also talking about active support for the 22,000 men participating in this program. There are currently 234 reserve units scattered throughout the country, and some 11,800 reservists who train actively in the event of a national emergency.

The funds contained in this amendment will be used to support already existing programs within the Reserve, such as the active duty training and recruitment programs—programs which have already proven themselves to be invaluable to the safety and security of our Nation and its people. Both in peacetime and in wartime, the Coast Guard Reserve has demonstrated its ability to deal with emergency situations.

I urge my colleagues to join with me in expressing our trust and confidence in the Coast Guard Reserve by supporting this amendment.

Mr. McFALL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, $37,000,000, of which not to exceed $7,000,000 shall be derived from the appropriation for "Research, engineering and development (Airport and Airway Trust Fund)".

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 2, line 15 strike out "$37,000,000" and insert "$39,000,000".

Mr. PICKLE. Mr. Chairman, the administration has requested a sum of $5 million for the initiation of a university-oriented R. & D. program with respect to transportation. This sum was cut from $5 million to $3 million. The amendment that I have offered would increase the sum of $37 million up to $39 million, and it is for that purpose that I ask the fund be increased, so that the university program would be restored to the sum the administration asked for at the beginning.

Mr. Chairman, I would call attention first to a statement I received from the Texas A. & M. University, wherein the president of that very outstanding institution has requested support of the full funding of $5 million for a university-oriented R. & D. program. The Texas A. & M. University has for several years now conducted one of the largest transportation research programs in the entire Southwest, if not in the Nation. They very much would like to see the sum kept at the level recommended by the administration.

Similarly, I have been contacted by the officials at the University of Texas, by Dr. E. A. Gloyna and Professor W. R. Hudson, which university is fast developing a large and extended program in this same area. I should like to quote one sentence from the president of Texas A. & M. University, the Honorable Jack Williams. He said:

> Texas A&M University has for several years benefited State agencies, local government and private industry by providing a transportation research program similar to that which would be implemented at the national level under the DOT proposed Transportation University Program.

As stated, I have received similar requests from the University of Texas, which is located at Austin and is also the center of a vast and extensive study in the field of highway research, and as it relates to the mass transit problems in our State.

I am sure the same thing applies to many universities throughout the United States.

All I am asking is that the Committee give recognition to the request of the administration.

The administration said at the beginning of the year in the President's speech on his budget message that he asked there be a 65 percent increase of research funds for civilian research and development. Actually a total increase of $1.4 billion over what he had before was requested.

He indicated also some of the greatest strides we will make in the immediate months and years ahead lie in an increased university-oriented research and development program. I submit to you that the best money we can spend is probably money that will be spent on very talented officials at our universities to enable them to work on our research and development program. All I ask is that we increase this sum from $3 million to what was requested, namely, a level of $5 million. It seems to me it is a small matter but it keeps faith with the universities who have been contacted after this Presidential message by the Department of Transportation and who have been assured that they will be given the correct emphasis in the program, and yet the committee cuts them back.

I would like to have the gentleman comment, if he could, and accept this amendment in favor of the universities throughout the United States and enable them to initiate meaningful research and development programs in the field of transportation.

Mr. McFALL. Will the gentleman yield?

Mr. PICKLE. I yield.

Mr. McFALL. Regretfully, I must oppose the gentleman's amendment.

The bill provides $3 million to initiate this program of transportation-related research to qualified colleges and universities.

We think it is a good program. One of the reasons why the committee was willing to go along with this new program was because of the information we received from Texas A. & M. and the University of Texas, where there are people who have need for this program. In my own State, UCLA also has expressed an interest in this program. We believe, and the committee report says, that the university community can make a significant contribution to the development of a national transportation policy and the solution of many pressing transportation problems which face the Nation. We would like to see the university community do this. Somebody needs to do it. The Department of Transportation is not proceeding as rapidly as we would like to have them proceed.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. PICKLE was allowed to proceed for 3 additional minutes.)

Mr. McFALL. Will the gentleman yield?

Mr. PICKLE. I yield to the gentleman.

Mr. McFALL. We have also said in the committee report that the committee expects that the funds that will be provided will be used for meaningful research projects to assist the Department of Transportation in carrying out its objectives. I would like to point out to you that there is, in addition to the $3 million for this new program, some $14,725,000 which will be spent for university research by the various modal administrations in the Department of Transportation in 1973. We think that many of these programs have not amounted to anything. They simply result in a multitude of unread reports and have accomplished nothing.

We have high hopes for this new program, for which $5 million was requested, and I know the ranking minority member also supports it. However, we felt that $3 million of the $5 million requested for a new program is sufficient in view of the fact that there is nearly $15 million of research and development programs being conducted in universities already. They are starting out on a new program here and we would like to make sure that they do accomplish what they set out to do, because otherwise we are throwing money down the drain. That is why we cut the request from $5 million to $3 million. We feel that we ought to try to make sure that this program produces something for the money that we put into it.

Mr. PICKLE. I know that the chairman would like to see this program be initiated and go forward in a very strong and meaningful manner.

Therefore, I assume that the chairman is indicating that the Department of Transportation needs to express itself even more strongly perhaps than it has, although they did at the very beginning send a message up to us in strong support of this item.

Mr. McFALL. It is not a question of an expression of intention. We all have good intentions with reference to this program. We have all heard about how the best of good intentions sometimes do not come to fulfillment.

However, we want these people to make this program work. We want them to produce. However, we do not feel that they have watched carefully enough the expenditure of their other money on these university research programs. We do not think they have accomplished enough with the money which has already been expended.

Perhaps we should have really discussed this further in the report and called the attention of the people downtown to the fact that they have this money and they ought to be doing something with it. However, this dialog will call their attention to the fact that we do want them to monitor these programs and produce something. We want the universities to come up with some real information so we can begin to solve our national transportation problems.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment which has been offered by the gentleman from Texas (Mr. Pickle). I want to concur in the remarks which have been made by the distinguished gentleman from California.

I would like to inform the gentleman from Texas, if I may have the attention of the gentleman, that I strongly favor this program and told the witnesses when they came before the committee that I would like to see some positive results from it. Without violating any rules of the committee, I might point out that some wanted to cut it further. We had a real hassle over this program. However, I think we have provided enough money in this bill. It is possible that the other body might increase it. Let us give them a chance and strongly watch the program's progress. This is a good program but at this point I think this amendment should be defeated. Let us move the program along a little more slowly.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. CONTE. Yes, I yield to the gentleman from Texas.

Mr. PICKLE. I appreciate the comments of the gentleman from Massachusetts and his support, in principle, of this program.

Mr. CONTE. It is an excellent program.

Mr. PICKLE. I hope that the other body might be able to increase it some because I think we have the assurance from the universities throughout the land that they want to get into the program with both feet because they have some of the most outstanding talent in the United States to be of assistance in this particularly critical area in which we must move forward.

I hope the Committee will be able to support the amendment because it is only asking for $2 million additional in this appropriation bill.

Mr. CONTE. It is my opinion that the wisest thing to do at this point is to defeat the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. Pickle).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. CONTE. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Are there any points of order? If not, the Chair recognizes the gentleman from Massachusetts (Mr. Conte).

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Conte: Page 5, after line 5, insert:

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $31,735,000: *Provided*, That amounts equal to the obligated balances against the appropriations for "Reserve training" for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation.

Mr. CONTE. Mr. Chairman, the amendment I am offering would provide $31.7 million for Coast Guard Reserve training. These funds are needed to allow the Reserve to maintain a fiscal 1973 end-of-year strength of 11,800. This is essentially the same manpower level that is projected for the end of fiscal 1972.

To maintain this strength, the enlisted trainee input must be increased from 1,400 to 2,650 men in 1973. To allow the Reserve to achieve this objective it is essential that it be assured prompt and adequate funding for fiscal year 1973. To subject the Reserve to a continuing resolution—which would hold it to last year's level of $27.4 million—would not permit the Reserve enough resources to achieve the required increase in trainee input.

An increase over last year's level is also required for the initial training program, for annualization of the recent military pay raise, to meet increased maintenance costs and to provide for continued Coast Guard participation in joint construction projects with other branches of the service.

The mission of the Coast Guard Reserve is to provide trained units and qualified personnel for active duty in time of war or national emergency and at such other times as the national security may require.

In addition, legislation has been introduced to permit the involuntary callup of reservists during peacetime to provide humanitarian service in emergencies created by natural or manmade disasters. Should this legislation be enacted, and I hope it is, I have no doubt the Coast Guard Reserve would assume its new responsibilities with the utmost distinction.

As I mentioned earlier today, the Coast Guard Reserve has an outstanding record of service to the Nation. I am positive that most of us here can provide testimony to that fact.

Despite its achievements, however, the Reserve has had to fight tooth and nail with the administration to maintain its existence. The Office of Management and Budget had proposed to phase out the Selected Reserve by June 30, 1972. It would have had us believe that its responsibilities would be assumed by the Navy Reserve. However, the Transportation Subcommittee discovered during its hearings last year that the Navy had no formal plans to implement this transfer or functions. What is more, contrary to the Defense Department's expectation, the subcommittee could find no evidence that any substantial savings would have resulted under the new arrangement. Consequently, and rightly so, the committee recommended the continuation of the Selected Reserve.

I, for one, am sick and tired of seeing the Reserve put through the governmental meatgrinder. I do not want the House to give OMB any more excuses for dismantling the Reserve. I urge the House to live up to its appropriative responsibilities by including their funds in the regular transportation bill. Let us stand on our own feet for once. Let us not rely on the Senate to bail us out. Let us not rely on OMB to request a supplemental at some indefinite time in the future.

The Coast Guard Reserve deserves our unqualified support. Let us unmistakably proclaim that support by approving this amendment.

Thank you, Mr. Chairman, and I hope that this amendment is adopted.

Mr. BRAY. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Indiana.

Mr. BRAY. Mr. Chairman, I want to compliment the gentleman from Massachusetts in presenting a matter of such very grave importance to the country.

Mr. CONTE. I thank the gentleman from Indiana.

Mr. Chairman, I know that the gentleman from New York (Mr. Pirnie) the ranking Republican on the Subcommittee on Armed Services, handling this subject, wanted to speak on this amendment, but unfortunately the gentleman had to go back to the Committee on Armed Services hearings.

Mr. CLARK. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my good friend and colleague, who is vitally interested in this matter, but more than that, who is my adversary on the baseball field, the gentleman from Pennsylvania (Mr. Clark).

Mr. CLARK. Mr. Chairman, I will say to the gentleman from Massachusetts that I hope he wins this, to begin with.

I want to commend the gentleman very much for introducing this amendment, and I support it wholeheartedly as the chairman of the Coast Guard Subcommittee.

Mr. CONTE. I certainly appreciate the gentleman's statement.

Mr. HUNT. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Chairman, I want to thank the gentleman from Massachusetts for bringing this matter to the attention of the House. It is something that is patently needed, and it is something that should never have been left out in the first place, and I want to extend to the gentleman my full support in his amendment.

Mr. CONTE. I thank the gentleman.

Mr. GROVER. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New York.

Mr. GROVER. Mr. Chairman, I thank the gentleman for yielding, and I want to say to the gentleman that I support his amendment. It is not too well known, perhaps, by the Members at large, but the Coast Guard Subcommittee of the Committee on Merchant Marine and Fisheries will be taking up in another week legislation which my colleague, the gentleman from Pennsylvania (Mr. CLARK) and I have cosponsored, and which is now supported by the administration, making provision for the calling up of the Coast Guard Reserve in emergency situations. So it will be sort of reducing the potential and the effectiveness of this plan in the case of emergencies such as oil spills, hurricanes, or other natural disasters, if we were to cut it back at this time.

Mr. CONTE. I am pleased to hear that, because the chairman and I have been urging this for a long time in our subcommittee.

Mr. McFALL. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I am glad to yield to the gentleman.

Mr. McFALL. I want to say, I have no objection to the amendment.

We would have marked up this money in the bill but we were precluded from doing it because it was not authorized.

Mr. Chairman, I have no objection to the amendment.

Mr. CONTE. Mr. Chairman, I want to thank my good friend, the gentleman from California (Mr. McFALL).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS AND UNIVERSITY RESEARCH AND TRAINING

For an additional amount for the urban mass transportation program, as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended; $74,000,000: *Provided*, That $71,000,000 shall be available for research, development, and demonstrations, $2,500,000 shall be available for university research and training, and not to exceed $500,000 shall be available for managerial training as authorized under the authority of the said act.

The Clerk read as follows:

Amendment offered by Mr. FRENZEL: Page 15, line 18, strike out "$74,000,000" and insert in lieu thereof "$104,000,000".

Page 15, line 19, strike out "$71,000,000" and insert in lieu thereof "$101,000,000".

Mr. FRENZEL. Mr. Chairman, the amendment I am proposing merely adds $30 million to the research, development, and demonstration budget of the Urban Mass Transit Agency of DOT. It does not affect the $1 billion limitation on total UMTA spending for fiscal 1973.

It is my strong belief that development of new transit technologies is the No. 1 priority for this agency. The committee bill has removed most of the funds concerned with the development of the most promising transit technology—personal rapid transit—PRT. This development must go forward promptly. The $30 million provided by this amendment would allow us to pursue personal rapid transit research by adding about $10 million to the $1.2 million provided by the committee to proceed with development of Dulles-type systems. Included would be: test and evaluation of Dulles systems, technical support, safety analysis, system redesign for reliability and maintenance, command and control studies, failure analysis, guideway and station architectural studies, and development engineering on other promising PRT systems.

In addition, about $20 million would be available for research on sophisticated, short headway, high capacity systems—of the type proposed by Aerospace Corporation of California. These PRT systems seem to offer the most promise, but they are unproved. Since a total overleap is not possible, UMTA can build on the success of R. & D. work on Dulles-type systems in the development of these high capacity transit systems of the future.

Incidentally the $20 million would be the first installment on a 4-year $200,000,000 program which could give us a workable PRT transit technology by the time of the bicentennial. I believe this is a worthy, necessary, and probably attainable goal.

The President himself seems to have been the prime mover in upping the budget for UMTA R. & D. from $62 million in 1972 to $115 million in 1973. His special message to the Congress compared our ability to move three men 240,000 miles to the moon with our inability to move 240,000 people 3 miles on earth. Perhaps better than any of us, he has understood the need to devote a greater share of our resources to technology development for the good of all our people. My amendment seeks to carry out his goals.

Seven out of 10 people in this country live in urban centers. These centers are congested, overpaved, polluted, esthetically desecrated, valuation deprived, and unhappy because we have not provided a reliable alternative to auto travel. My amendment will move us closer to one alternative.

Thank you.

Mr. McFALL. Mr. Chairman, I rise in opposition to the amendment of the distinguished gentleman from Minnesota.

I know the gentleman is interested in having the Urban Mass Transportation Administration address itself to the mass transit problems which face many of our Nation's cities. I share this interest and we have included a program level of $1 billion for mass transit programs in fiscal year 1973. Of this amount $74 million is specifically designated for research and development. These R. & D. funds represent an increase of $9 million over 1972 and an increase of $48 million over 1971.

With specific reference to the funding contained in the bill for people movers, we have recommended $13,671,000 for the continuation of a people-mover demonstration at Morgantown, W. Va. This is an ongoing project and one which we feel should be completed and evaluated prior to starting any additional demonstrations.

The bill also includes $4 million to support advanced component and systems development related to people movers and other new mass transit systems, and $2.5 million for the continued test and evaluation of the people movers to be displayed at the Transpo show next week. So, we have included in the bill over $20 million for people-mover development.

We heard considerable testimony on the subject of people movers, including testimony from Prof. J. Edward Anderson of the University of Minnesota. He felt rail systems are not the answer to our mass transit problems. This may be true, but I feel that before we proceed with large-scale development and demonstrations of people mover systems we need to accumulate more information about these types of systems. We hope to get some information from the Morgantown project. We have learned already that people movers are very expensive, and readily subject to cost overruns. In the case of the Morgantown demonstration, which is only about a 2½ mile system, the total cost will be more than $40 million. The total estimated cost has increased by about 200 percent over the past 2 years.

We felt that by including funds for additional test and evaluation work on the Dulles people-mover systems that it might be possible to avoid such large cost overruns in future demonstrations.

I feel we must also have some more information on how we are going to get the people to these systems so that they can ride on them.

One further aspect of the problem which I have not mentioned is the safety of vehicles traveling at high speeds with short headways. Such high-speed vehicles are essential for systems such as those referred to by Professor Anderson, which could move 10,000 or 15,000 people per hour.

I urge that the amendment be defeated.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment. The subcommittee held extensive hearings on the entire research and development budget requests of the Urban Mass Transportation Administration and I do not think its recommendations should be lightly overturned.

We approved $74 million for UMTA research and development for fiscal 1973 which is $9 million more than last year's appropriation of $65 million. This is a 14-percent increase.

What is more, if funds for the Morgantown demonstration project are deleted from the fiscal 1972 and 1973 figures, the committee recommendation constitutes an increase of about 50 percent. This should provide ample funds for research and development activity.

The gentleman from Minnesota is proposing additional funds for programs whose long-term financial requirements are highly questionable. There has already been a 200-percent cost overrun on the Morgantown demonstration program—that program now costs an astounding $20 million a mile. The prudent and fiscally responsible course of action regarding future PRT programs is to finish the Morgantown program and accumulate sufficient data to make an intelligent decision as to the value of other systems.

The committee position is not one of unqualified opposition to further development and demonstration of the personal rapid transit systems being displayed at Transpo. What we are saying is, let us take the time to gather and evaluate information on the Morgantown program. Let us not blindly commit the taxpayer's resources to additional PRT systems until all the facts are in.

The gentleman from Minnesota also makes reference to the need to develop more sophisticated PRT systems than the ones displayed at Dulles. But UMTA has not had a chance to consider these systems yet. No mention of them was made in UMTA's budget presentation to the subcommittee. Again it is clear that more time for consideration is needed before making any commitment of Federal funds.

I urge that this amendment be defeated.

Thank you, Mr. Chairman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I commend the gentleman from Massachusetts for his statement in opposition to the amendment. I thoroughly agree that until the people-mover contraption at the University of West Virginia shows some signs of success, we ought not to put another dollar into such a deal. I am of the opinion that someone or several someones in the Urban Mass Transportation Administration either deliberately deceived Congress or was stupid in estimating what this thing would cost and what it would do.

Mr. CONTE. I appreciate the remarks of the gentleman.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I appreciate hearing of the gentleman's personal interest in rapid transit and rapid transit technology. I hope neither the gentleman nor anyone in the House would carry the idea that my amendment relates to Morgantown or any particular place. It does not relate to it at all. In hindsight I suspect I am not very enthusiastic.

Mr. CONTE. This is the idea. Before we pour any more money into this program, let us find out how the Morgantown project is going to pan out and whether we can make further use of it. The Members must admit that $20 million a mile is a great deal of money.

Mr. FRENZEL. It is about the cost of land transportation if we include the cost of land.

Mr. CONTE. I doubt that very much.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I compliment the gentleman from Massachusetts for bringing this issue to the floor. I associate myself with his remarks. I believe the people-mover projects, as the gentleman has already mentioned, are already overfunded and our U.S. taxpayers are already overtaxed.

Mr. CONTE. On both the Morgantown and people-mover project.

Mr. ROUSSELOT. That is correct.

The **CHAIRMAN.** The question is on the amendment offered by the gentleman from Minnesota (Mr. FRENZEL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 24, after line 15, insert the following new section:

"SEC. 315. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1973, only to the extent that expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond 86 per centum of the total aggregate net expenditures estimated therefor in the budget for 1973 (H. Doc. 215)."

The **CHAIRMAN.** The gentleman from Illinois is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, will the gentleman yield for 1 minute, so I may speak out of order?

Mr. FINDLEY. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want to report to the Members of the House that the Speaker has just met with Dr. Robert Lipton, Judy Collins, Dr. George Wald, together with several hundred petitioners, and that he has received from them a petition for redress of grievances. He has been asked that said grievances be given urgent and immediate consideration by this body.

A lot of us have done everything we could to bring an end to the war in Vietnam. Through speeches, legislation, mass demonstrations, court actions, and petitions such as this, we have lobbied for the cause of peace. But, we have failed. Our cries for peace have fallen on deaf Presidential ears. Mr. Nixon's recent decision to mine all entrances to North Vietnamese ports and to interdict sea and rail communications clearly violates his oath of office and wantonly disregards the sole right of Congress to declare war. His action further violates section 601 of the Military Procurement Authorization Act of 1971, which declared the termination of the Indochina war to be a matter of national policy. The President has, in short, committed an irresponsible and dangerously precipitous act of war.

Congressional action is now our only recourse. But, because most Members of Congress have so long been implicated in the calamitous Vietnam policies by appropriation acts or by other forms of acquiescence in Presidential warmaking, they now seem disinclined to reclaim their rightful constitutional powers to declare war and to make rules for the armed services. To oppose the President now could be to open ourselves to charges of parallel responsibility for some of the barbarous acts that have been committed by the United States in Vietnam. But what else can we do? Now is the time for us to reexamine our past role and determine wherein the responsibility for the usurpation of congressional powers lies. Thorough consideration of this petition of grievance is a good place to start such self-examination. The petition follows:

PETITION

It is a Constitutional right of the people to "petition the Government for a redress of grievances".

We are exercising that right of petition because we are angered and frightened by the lawlessness of the President and the Executive branch of our Government. We submit that they have defined the Congressional repeal of the Gulf of Tonkin Resolution; defied the Military Authorization Procurement Act which insists that the war be ended as quickly as possible; defied accepted international law against aggressive war, blockade and mining, population removal, and indiscriminate bombing, and created a Constitutional crisis in the United States.

They have spent the taxes, emotions, and resources of the people on mass murder and destruction as American society and its public services decay. They have brought unrest to our cities and institutions, defiled the flag with American and Indochinese blood, and brought shame upon our country.

We petition the Congress to reaffirm that we are citizens and not hostages to usurpers of power and authority.

We petition the Congress to exercise its Constitutional authority of control over the armed forces by voting an immediate cessation of all air, ground, and naval operations in Indochina, and by ending all military and economic appropriations for a war the Congress did not vote for and the American people do not want.

Mr. FINDLEY. Mr. Chairman, my remarks are getting so far distant from my amendment that at this time I do not believe I should yield further.

This is the fourth appropriation bill the House has considered. We have had the legislative branch; the State, Justice, Commerce, Judiciary and related agencies; HUD, Space, Science, Veterans' and independent agencies; and now Transportation and related agencies.

On this occasion and on future occasions when appropriation bills are considered I intend to give my colleagues in this body a running total as to how we are doing in terms of getting the country into debt for fiscal year 1973.

I speak now with respect to budget requests for these four appropriation bills. We seem to appropriate not against revenues, but against budget requests.

The budget requests for these four appropriation bills came to $33,721,592,604 in these four appropriation bills. The budget requests for fiscal 1973 came to $25 billion more than expected revenue. A 14-percent cut in budget requests would put the budget in balance.

Had these been adjusted down by 14 percent each, which would have put them at the balanced budget level, the amount appropriated would then have been $29,000,569,640.

The amount finally approved by the House—assuming the Transportation appropriation today will emerge as it now stands—will come to $33,049,414,114.

This means that on these first four appropriation bills the House has spilled red ink to the extent of $4,048,844,474.

I believe the subcommittee, in terms of the budget request, is to be congratulated on the bill now before us. Even with the $31 million added in by means of the Conte amendment it is still roughly $100 million under the budget request.

But the revenue that we can expect in fiscal year 1973 is considerably less than the budget spending requested by the executive branch. The amount that this appropriation bill should have been reduced from the budget request, to put it at the balanced budget level is $1,179,750,880. That is a big cut out of an appropriation bill of $8 billion. It illustrates the degree to which we are overspending anticipated revenues.

Stated another way, this bill is 12.3 percent red ink.

I believe it is high time that this chamber quit appropriating against budget requests and instead appropriate against expected revenues. The committee reports traditionally show how the appropriation bill relates to budget requests. This would have real meaning and importance and value if the budget requests were on track with the expected revenues, but they are not.

At the proper time, when the Committee rises, I will ask permission to place in the RECORD at this point a table showing the four appropriation bills, the budget request for each, the balanced budget level for each, the amount approved by the House, and then the red ink approved by the House in each case.

Appropriation bill	Budget request	Balanced budget level (14 percent below budget request)	Amount approved by House	"Red ink" approved by House
Legislative	$433,627,004	$372,919,224	$427,604,764	$54,685,540
State, Justice, Commerce, Judiciary, related agencies	4,687,988,600	4,031,760,196	4,587,104,350	555,434,154
HUD, Space, Science, Veterans, independent agencies	20,173,185,000	17,348,939,100	19,718,490,000	2,369,550,900
Transportation and related agencies	8,426,792,000	7,247,041,120	8,316,215,000	1,069,173,880
Total	33,721,592,604	29,000,569,640	33,049,414,114	4,048,844,474

Mr. McFALL. Mr. Chairman, I rise in opposition to the amendment offered by the distinguished gentleman from Illinois.

I believe I speak for the entire committee when I say that I share the gentleman's concern for keeping Federal expenditures down as much as possible.

I would first like to point out to the gentleman and to the Committee that the bill before us would have the effect of reducing expenditures below the President's budget by an estimated $75 million. The subcommittee considered each item in this bill very carefully and its recommendations are based on the insight gained from about 2 months of detailed hearings. The committee believes that the cuts we have recommended are reasonable and realistic in these times of fiscal stringency.

I would further like to point out that additional reductions of the magnitude suggested by the gentleman's amendment would likely result in a serious threat to our transportation safety and might also cut off funds from programs whose expenditures are uncontrollable. Let me cite some specifics:

According to the Joint Committee on Reduction of Federal Expenditures, the President's budget request for the programs in this bill provided for about $8,511 million in expenditures. The bill before us reduces that amount by about $75 million, making total expenditures of about $8,436 million provided in this bill.

Of this total:

The sum of $5,393 million, or over 60 percent, is for liquidation of existing contracts, nearly all of which were made in prior years. These are funds which the Government is obligated to pay, resulting from commitments made pursuant to contract authority in substantive legislation. If these bills are not paid, the recipient could conceivably go to the court of claims and get a judgment.

The sum of $1,173 million, or about 10 percent, goes for the operation of the national air traffic control system and related activities. To reduce this amount would mean that necessary air traffic controller positions would be eliminated and our air transportation safety would be seriously jeopardized.

The sum of $549 million, or about 5 percent of the total goes for marine law enforcement, safety, and related activities of the U.S. Coast Guard. I would not want to see these efforts hampered by unreasonable and unreasoned budget cuts.

The remaining amounts provided in the bill are mostly for other ongoing activities of the Department of Transportation and related agencies.

Finally, Mr. Chairman, I would like to point out that the bill recommended by the committee contains appropriations—consisting of new obligational authority and appropriations to liquidate contract authorization—which, in their net effect, are more than $200 million below the 1972 level and more than $140 million below the budget request.

For these reasons, I urge that the amendment be defeated.

Mr. CONTE. Will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Massachusetts.

Mr. CONTE. I want to join my chairman in opposition to the amendment.

This is a totally irresponsible amendment.

Can you imagine what this would do to the air traffic controllers? Can you see what it would do in endangering the lives and safety of the public by cutting the air traffic controllers? And what it would do to our highway safety program?

There are so many sensitive issues involved in this budget. This meat ax approach is totally irresponsible. If you want to cut the budget, then cut out the fat and move your amendments on the bad items, but let the Congress work its will. Do not have an across-the-board cut on every agency of the Government.

Mr. McFALL. The bill also includes funds for highway construction programs, which will bring about more employment and better times in this country.

Mr. CONTE. Look at the Coast Guard. You are cutting them 14 percent across the board with the work that they are involved in in their sea duties fighting against smuggling and narcotics traffic. Do you want to cut that out?

There are so many good things in this bill. What you must do is take ones you disagree with and move your amendments on them but not have an across-the-board cut.

Mr. FINDLEY. Will the gentleman yield?

Mr. McFALL. I yield to the gentleman.

Mr. FINDLEY. I gather the thrust of the comments of the gentleman from California and the gentleman from Massachusetts is that every item in this bill is important and essential and a good case can be made for each. I do not deny that. But what occurs to me is that we are overspending our revenues. We should not appropriate more than we expect to receive in revenue.

And I am wondering if the Appropriations Committee or subcommittees or members of the committee at any stage in this process of spending money give thought to a message to the Committee on Ways and Means, a message that says, "We do not have enough revenue; will you come forward with a bill which will increase taxes?"

Mr. McFALL. I would point out to the gentleman that this is a message he ought to send down to the White House.

Mr. CONTE. Not only to the White House, but file some bills to provide more revenue and to seek support for an increase in taxes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 24, after line 15, insert the following:

"SEC. 315. No part of any appropriation contained in this Act shall be used to pay, directly or indirectly, the salary of any officer

> or employee of the United States who refuses, except upon the basis of a constitutional privilege and within that scope absolutely protected by a right which he enjoys under the Constitution, to testify on any matter before any joint committee, committee, or subcommittee of the Congress or of either House of Congress."

Mr. DINGELL. Mr. Chairman, this is the same amendment that I have been offering to every appropriation bill and will continue offering during this year to appropriation bills.

It is an attempt to assure that the Congress receives full, fair, and equal opportunity to have access to information held within the hands of the executive branch.

It is an attempt to provide for the Congress the capacity to procure the testimony and cooperation of any witness anywhere in the Federal Government.

I pointed out during my comments in the well each time the fact that this is designed to head off the kind of situation where the Congress allows the executive to make, without full knowledge on the part of the Congress, decisions that may affect the future of the country for not only years but for generations.

As we all know certain circumstances inside the executive, for reasons which I think are sufficient to the executive, try to see to it that Congress not have access to the executive.

Mr. Chairman, I think it is important that the Congress has a responsibility to see to it that all persons in the executive should be informed as to what is going on in the executive branch of Government. However, there has been a dangerous tendency in the executive departments to transfer personnel from the executive departments to the White House. When this is done, they are lost as witnesses before the Congress because they fall within the Presidential staff and the executive privilege is then asserted to prevent them from testifying in response to questions presented to them by the Congress and its committees.

I happen to have a great deal of faith in the congressional system. I think the committee chairmen and the Members and officers of the Congress who are given responsibility of conducting the day-today business of the Congress are to be trusted in questions involving national policy and the executive.

I think it was the intent of the Founding Fathers that this Congress should be coequal and, indeed, the executive was really the instrument for carrying out the will and wishes of the Congress.

Of course, as all my colleagues know, circumstances have changed. As a result, the Congress does not have any major instrument or appreciable ability to procure cooperation or assistance from the executive. I think everyone is keenly aware of the fact that questions have come to light long after the decisions have been made by us as individuals, information that has led occasionally some of us to believe that had we had more full information we might very well have acted differently, or we would have voted in another way.

Perhaps, this would have occurred as a collective action on the part of the Congress.

My purpose is not to impose difficult circumstances on the executive but rather to see to it that the committees of the Congress which are the chosen tools of this body in terms of preparing legislation and guiding this body regarding policy have indeed the necessary information to make decisions and more importantly to see to it that the Congress of the United States and its committees have the full ability to require the cooperation, participation and assistance of any witness anywhere in the executive branch.

I pointed out that there is a tendency to transfer members of the regular departments to the White House so as to restrict them from testifying before the Congress.

There has been tremendous proliferation of the Executive Office of the President of late. The figure I have most recently seen on this is on the order of 4,000 people. The 4,000 people in Government right now are exempted from appearing before and giving testimony on or assisting the Government with information with regard to legislation or any other matter properly within our purview. I think this is far too large a number, and I think it has to be cut back. I think it is time that the Congress understands that these people should be available to us to assist us in making our judgments and decisions.

Some of my colleagues are apprehensive that this might be partisan, and I would answer my colleagues by saying that I have no partisan intentions in this matter, but rather it is my goal simply to see to it that the Congress has the information available. I will say further that I would be happy to support an amendment of this kind were the administration in the hands of the other party rather than the party which now holds the White House.

But I do think if we want to achieve full understanding of our Government's policies it is important to us that we be able to call Mr. Kissinger or Mr. Rogers, especially since it appears that Mr. Rogers is not really the policymaker, but that Mr. Kissinger is.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike that last word.

Mr. Chairman, yesterday in the consideration of the appropriation bill before the House at that time, I raised the question whether this amendment—and the same amendment was offered yesterday as is before us today—would not in effect undermine and completely negate our present civil service legislation, that we have developed over a long period of time largely for the protection of the people who have tenure under civil service. An individual under the existing law, who works for the Federal Government who has tenure, has certain protection against an arbitrary dismissal. He has the right of an appeal after a hearing. It is a rather lengthy and laborious process, but it does protect the rights of a civil servant against arbitrary action by his Government.

After the debate yesterday on this matter, I consulted with the Civil Service Commission, and my fears and my apprehensions of yesterday have been found to be, in my judgment, anyhow, completely valid. I have here a statement by the Civil Service Commission which I would like to read into the record, because I think it states accurately the problem that this amendment would create for some 2.3 million people who are presently under Civil Service status.

The statement from the Civil Service Commission is as follows:

> The deprivation of salary, (even on a future basis) amounts to a suspension if not a constructive separation. Under either view, this amendment conflicts squarely with the provisions of Section 7501 (Lloyd La Follette Act) and 7512 (Veterans Preference Act) of Title 5 of the U. S. Code, which guarantees that for employees in the competitive service and for preference eligibles certain procedures (notice of proposed action and reasons, therefore, opportunity to reply, and written decision,) will be followed before an employee may be suspended or separated. There are also appeal rights granted from adverse decisions. No such protections are contained in the amendment.

Mr. Chairman, this amendment, let me repeat, in effect does away with any protection whatsoever for any civil service employee. It wipes out his right to seek relief under procedures that we have established by law. I do not think that is the way to proceed and, therefore, I strongly oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was rejected.

AMENDMENTS OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment

The Clerk read as follows:

> Amendment offered by Mr. JACOBS: On page 24, after line 15, add:
>
> "SEC. 315. No part of the funds appropriated by this Act shall be used to furnish Government-purchased or leased limosines or luxury sedans or chauffers for any employee of the United States other than those defined in 5 U.S.C. 5312."

Mr. JACOBS. Mr. Chairman, I shall not take 5 minutes—I believe by now the purpose of the amendment is pretty well known—unless, of course, the applause is a desire for an encore.

Mr. Chairman, perhaps I should make a parliamentary inquiry——

I have had this checked with the parliamentarian though, and this is an appropriation for the Department of Transportation and, therefore, this amendment is unusually germane. I commend it to the consideration of the Committee.

I would merely say on yesterday, the chairman of the subcommittee suggested that the same amendment had passed last Thursday during a happy hour, and I can only say that was a very happy hour for the taxpayers of the country. Yesterday, when the same amendment failed with reference to another appropriation, it was a sad hour for the taxpayers of the country.

The point is, as I said before, public servants just do not have very much business having servants of their own driving them around in luxury automobiles.

Mr. Chairman, I urge the passage of the amendment.

Mr. McFALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will not take 5 minutes but I would want the record, however, to be clear with reference to the use of automobiles by the Department of Transportation.

The Department has only one leased—not owned—chauffeur-driven limousine. It is assigned to Secretary Volpe.

Medium sedans leased by the Department are used for transporting the Under Secretary and various administrators, assistant secretaries, and their deputies. A significant number of these vehicles are assigned to a vehicle pool from which they are trip dispatched as required. This enables the needs of many departmental officials to be satisfied with fewer vehicles under very tight controls for proper use. There are 15 motor vehicle operators—including those assigned to the pool operation—in the Department whose primary duty is transporting people.

Mr. Chairman, I would respectfully state to the members of the Committee that the impact of this amendment would be something like this.

Should the Department be without this transportation service availability, there would be an appreciable diversion of top departmental officials' time from directing and managing their programs to an unproductive search for commercial transportation means and/or parking spaces.

Mr. Chairman, I urge the defeat of the amendment.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman.

Mr. JACOBS. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Indiana.

Mr. JACOBS. I would like to point out to the gentleman that under this amendment the same number of vehicles could be purchased. They just could not be luxury sedans as defined by the GSA, No. 1; and, No. 2, I would point out to the gentleman that there are 435 Members of this House who have to search for such transportation, and everybody seems to get along all right with it.

Mr. McFALL. I would reiterate my statement that there is only one listed so-called luxury sedan for the Secretary. The rest of them are medium sedans. I realize that I do not have available to me transportation of this kind, but I am very happy and proud to ride back and forth each morning and night in my 1963 Buick, which I like very much.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Massachusetts.

Mr. CONTE. I wish to join my chairman on opposition to the amendment. The facts that he stated are correct.

With due respect to its sponsor, my good friend, the gentleman from Indiana, I suggest this amendment does not deserve our serious consideration.

Surely no one would claim that this will produce any significant savings. At DOT, for example, there is but one limousine, for Secretary Volpe, and some 15 chauffeurs are available to drive other cars made available from a Government pool as required.

As my colleague from Massachusetts (Mr. BOLAND) noted yesterday in speaking against a similar amendment, those few agency heads and department heads and Assistant Secretaries who come to work early and leave late at night are certainly entitled to the privilege of being driven to work. It is in no sense a waste of taxpayers' funds to invest this small amount to relieve these men and women of this small burden.

All of these public servants are accustomed to using their time well. I am sure the time they spend in transit to and from work and elsewhere is better spent because of this small service they receive.

I urge my colleagues to once again reject this amendment.

There is only one leased vehicle in the Department of Transportation.

I might say that I have had the great privilege of knowing the distinguished Secretary of Transportation, John Volpe, for many, many decades, and I might say there is no finer, more dedicated public servant in this Government than John Volpe. All of us know the financial sacrifices that he has made to come into the public service, and every one of us who knows him well knows also the responsibility that falls on John Volpe's shoulders. He comes in early in the morning and works until late at night. I certainly feel we can give him an automobile to travel back and forth in. It is little remuneration for all he has done.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding. Do they have any leased airplanes?

Mr. McFALL. There are a number of leased airplanes.

Mr. ROUSSELOT. Can the gentleman tell us how many?

Mr. McFALL. The FAA has several leased airplanes. We probably should have bought them in the first place, but there was a restriction on the purchase of airplanes. They are needed in the working of the FAA to test navigational aids throughout the United States. There are a number of airplanes in the FAA.

Mr. ROUSSELOT. Does the gentleman know the total number?

Mr. McFALL. It is in the hearings. I do not happen to recall the number.

Mr. ROUSSELOT. Do you know what the cost is to run all of those?

Mr. McFALL. No. It is a necessary part of the operation of the FAA. They have to test navigational aids throughout the country.

One of the real problems that we have is that FAA has DC-3's. They are planning to modernize their fleet in order to cut down the expenses of the FAA. It is an important part of the operation of the FAA.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield further?

Mr. McFALL. I yield to the gentleman from California.

Mr. ROUSSELOT. Is the Appropriations Committee making an attempt to try to encourage and stimulate the Department of Transportation to reduce the number of airplanes?

Mr. McFALL. No; what I said was that FAA leased some planes in the past which, as I look back on it, they probably should have purchased in the first place. They have to have them.

Mr. ROUSSELOT. I thank the gentleman.

Mr. CONTE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. CONTE. I merely wish to clear the record. I owe an apology to the gentlefrom Indiana. I mentioned that John Volpe had a leased vehicle. I understand that the amendment excluded Government employees covered by 5 United States Code 5312 which refers to Cabinet Secretaries, including the Secretary of Transportation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: Page 19, line 12, strike out "$4,500,000, to remain available until expended" and insert in lieu thereof the following: "$6,500,000, to remain available until expended, of which not to exceed $2,000,000 shall be available solely for the purpose of financing the preparation of plans and necessary engineering and construction services in connection with the construction of a highway between the Thatcher Ferry Bridge and the Canal Zone border at Arraijan in the Republic of Panama".

Mr. CONTE. Mr. Chairman, the amendment is intended to appropriate funds to the Canal Zone Government to permit it to prepare plans and finance the construction of an approximately 5-mile, 4-lane highway between the Thatcher Ferry Bridge and the border of the Canal Zone at the town of Arraijan in the Republic of Panama. The proposed new highway is estimated to cost between $15 and $20 million and will take approximately 2 years to build. The highway will replace an existing 2-lane serpentine, old, and dangerous road constructed by the U.S. Government during World War II. The present road constitutes a serious transportation bottleneck between Panama City and its suburban areas lying to the west of the Canal Zone border.

The proposed new road will be designed to interconnect with a new, 4-lane highway planned by the Government of Panama, between Arraijan and Chorrera, for which engineering plans already exist, and for which international agency financing will be sought. Panama's efforts to finance this road have been stalled because of uncertainty as to when and under what circumstances the United States would be prepared to construct the interconnecting link between Arraijan and Panama City.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, as one member of the committee, I believe this amendment of the gentleman comes as a surprise. It was not offered in the committee. There was no testimony before the subcommittee on this road, and the committee has had no opportunity to consider it. I would have thought the gentleman would not have offered it in view of the fact that it was not offered in the committee. I certainly think the amendment should not be agreed to.

Mr. CONTE. The remarks of the gentleman from Illinois are fair. He is correct. We did consider some money for the road in the committee, and then it was brought to our attention that they would have come up before our committee last year, but it got involved in the Panama Treaty and it got involved in difficulties because of that.

The road is a very dangerous road. The ranking Democrat member from the Foreign Affairs Subcommittee, the gentleman from Florida (Mr. FASCELL), brought this matter to my attention, and also members of the State Department.

Mr. YATES. If the gentleman will yield further, I respect very much the capabilities of the gentleman from Florida (Mr. FASCELL). He is a very valuable member of the Committee on Foreign Affairs.

I would have thought, had the testimony been presented before our committee, we could have given it consideration, and based upon that testimony we would have been able to come to the House with it, but in its present condition, my own feeling is I cannot support it, and I would most reluctantly say we should not.

Mr. CONTE. I think the gentleman is most fair. However, I thought they made a very persuasive argument. I hope we can go along with it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The question was taken; and on a division—demanded by Mr. CONTE—there were—ayes 12, noes 50.

So the amendment was rejected.

The CHAIRMAN. For what purpose does the gentlewoman from New York rise?

Mrs. ABZUG. Mr. Chairman, I rise to make a resolution concerning a question of privilege on rule IX.

The CHAIRMAN. The gentlewoman is not in order.

Mr. McFALL. Mr. Chairman, I make a point of order against the resolution.

Mrs. ABZUG. Mr. Chairman, a question of privilege under rule IX in my understanding is in order at any time and it takes precedence over any other.

The CHAIRMAN. The Chair states the gentlewoman is not correct. Question of privilege of the House may not be raised in the Committee of the Whole.

Mrs. ABZUG. All right. Only in the House. I will repeat it later on. I thank the Chair.

Mr. STEELE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a question of the gentleman from California (Mr. McFALL). I note that although the total fiscal 1973 funds for the Coast Guard research and development would increase by $2 million over the appropriation for 1972, the total reduction below the estimate is $1,756,000.

It is my understanding that these additional funds which were requested were to be used for the continued development of pollution monitoring, detection, containment, and cleanup systems for oil spills and other pollution taking place on our waters.

It is my understanding—and I should like to have some clarification—that at the time of the hearings there were some $6 million of unobligated funds and that the majority of those funds would be carried over to the new fiscal year. Is that true?

Mr. McFALL. Mr. Chairman, will the gentleman yield for an answer?

Mr. STEELE. I yield to the gentleman from California.

Mr. McFALL. The answer is "yes." The Coast Guard does have some very important research which they are doing.

We cut some $1,756,000 from their request of $18,256,000, giving them $16.5 million, which is $2 million more than they had last year. We felt that because they had this $6 million of unobligated money they could absorb a $1,756,000 reduction and would still be able to go ahead and do the important research in which they are involved.

Mr. STEELE. I know of no more important activity that the Coast Guard is engaged in at the present time than trying to avoid and to clear up oil spills and other marine pollution.

Is it likely that the committee will be closely observant to see how this $6 million of unobligated funds is spent? What chance is there for the money to go into this field?

Mr. McFALL. I realize that the gentleman does have a very serious interest in this because of his district being in the Long Island Sound area, where there have been a number of spills, but this is also a very important matter throughout the country. If we find that the Coast Guard does not have sufficient funds for this operation, we will certainly look with favor upon increasing the amount in the next year's budget for this program.

We felt that the $1,756,000 cut was certainly not unreasonable, in view of the fact that they had a $6 million unobligated balance as of March 31, 1972.

Mr. STEELE. Is it the committee's view that there are particular areas in which these unobligated funds are likely to be spent in the next fiscal year, or is this decision to be totally left to the Coast Guard?

Mr. McFALL. We believe the Coast Guard can utilize these funds in a manner they see fit for their ongoing programs.

Mr. STEELE. Does the committee have any kind of commitment or statement of interest on the part of the Coast Guard with regard to spending in this area?

Mr. McFALL. We realize that the Coast Guard can utilize its carry over money for the programs they have presented in the budget. The unobligated money which they have, the $6 million, when added to the $16.5 million we gave them, will give them a sum of over $20 million. I would think that they would have plenty of money in order to do the activities in which they wish to engage.

Mr. STEELE. So at the present time it is up to the discretion of the Coast Guard to spend these unobligated funds in the area of pollution control where they previously asked.

Mr. McFALL. I am certain that the Coast Guard will utilize the funds in the best manner possible.

Mr. STEELE. I thank the gentleman.

Mr. McFALL. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. MURPHY of New York, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

RESOLUTION TO DECLARE 15-MINUTE RECESS TODAY

Mrs. ABZUG. Mr. Speaker, I have a resolution citing the question of privilege of rule IX.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution as follows:

H. RES. 1003

Resolved, That on May 24, 1972, at the hour of three forty-five post meridian the House shall stand in recess for fifteen minutes in order that it may hear and receive petition for redress of grievances relative to the war in Indochina to be presented by a citizen of the United States and further resolved that in order to present such petition, the said citizen be permitted on the floor of the House during such recess.

POINT OF ORDER

Mr. BOGGS. Mr. Speaker, I make the point of order that the resolution is not a privileged resolution.

Mrs. ABZUG. May I be heard, Mr. Speaker?

Mr. BOGGS. Mr. Speaker, I ask for a ruling on the point of order.

Mrs. ABZUG. May I be heard on the point of order, Mr. Speaker?

The SPEAKER. Only on the point of order.

Mrs. ABZUG. All right. Thank you, Mr. Speaker.

It is my view that under rule IX questions of privilege concerning the activities of the floor may be raised. The question of a recess of the House I believe is such a privileged resolution and can be heard at any time.

I just want to explain that I think it is not unusual. We have had recesses in the House before to hear other people concerning matters which we act upon, like foreign dignitaries.

The SPEAKER. The gentlewoman is not speaking to the question of the point of order.

Mrs. ABZUG. I was indicating the precedents, Mr. Speaker.

With respect to the point of order, under rule IX, concerning the activities on the floor of the House and in the precedents we have in the past heard foreign dignitaries and we have heard a courageous astronaut and we have outside many courageous citizens representing universities, arts, and professions who wish to speak for the peace conscience of America at a time when the bombing of Indochina has reached an unprecedented stage.

The SPEAKER. The gentlewoman is out of order. The Chair cannot permit the gentlewoman to speak out of order.

The Chair has been very lenient in permitting the gentlewoman to debate her point of order, but the point of order is obviously in order.

The gentlewoman undertakes to change the rules of the House or to make an exception without unanimous consent and without a special order of the House.

The point of order is sustained, and the gentlewoman is out of order.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1973

The SPEAKER. The Chair recognizes the gentleman from California.

Mr. McFALL. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 367, nays 1, not voting 64, as follows:

[Roll No. 171]

YEAS—367

Abbitt
Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Baker
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Tex.
Conable
Conover
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Dellums
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Koch
Kyl
Kyros
Landgrebe
Landrum
Leggett
Lennon
Lent
Link
Lloyd
Long, La.
Lujan
McClory
McClure
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKevitt
McKinney
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Michel
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Powell
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Rangel
Rarick
Rees
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rosenthal
Roush
Rousselot
Roybal
Runnels
Ruppe
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Seiberling
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—1

Findley

NOT VOTING—64

Abernethy
Alexander
Anderson, Tenn.
Archer
Arends
Ashbrook
Bingham
Blanton
Brown, Ohio
Clawson, Del
Collins, Ill.
Colmer
Daniels, N.J.
Denholm
Diggs
Dowdy
Dwyer
Edmondson
Eshleman
Evins, Tenn.
Ford, William D.
Galifianakis
Gallagher
Goldwater
Griffiths
Hansen, Wash.
Hébert
Holifield
Jonas
Karth
Kluczynski
Kuykendall
Latta
Long, Md.
McCloskey
McDonald, Mich.
McKay
Mazzoli
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Murphy, Ill.
O'Neill
Poage
Preyer, N.C.
Pryor, Ark.
Pucinski
Randall
Reid
Roberts
Roncalio
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roy
St Germain
Scheuer
Schmitz
Sebelius
Shipley
Slack
Stratton
Stubblefield

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Sebelius.

Mr. Hébert with Mr. Arends.

Mr. Holifield with Mr. Schmitz.

Mr. Daniels of New Jersey with Mrs. Dwyer.

Mr. Murphy of Illinois with Mr. Stratton.

Mr. Stubblefield with Mr. Abernethy.

Mr. Denholm with Mr. Archer.

Mr. Evins of Tennessee with Mr. Ashbrook.

Mr. William D. Ford with Mr. McDonald of Michigan.

Mr. Kluczynski with Mr. Latta.

Mr. Miller of California with Mr. Del Clawson.

Mr. Rooney of Pennsylvania with Mr. Blanton.

Mr. Roberts with Mr. Brown of Ohio.

Mr. St Germain with Mr. Kuykendall.

Mr. Shipley with Mr. Colmer.

Mr. Alexander with Mr. Jonas.

Mr. Reid with Mr. Edmondson.

Mr. Randall with Mr. Latta.

Mr. Rooney of New York with Mr. Eshleman.

Mr. Roncalio with Mr. McCloskey.

Mr. Rostenkowski with Mr. Long of Maryland.

Mr. Roy with Mr. Gallagher.

Mr. Pucinski with Mr. Pryor of Arkansas.

Mr. Slack with Mr. Scheuer.

Mrs. Hansen of Washington with Mr. Bingham.

Mr. Mazzoli with Mr. Collins of Illinois.

Mr. Mikva with Mr. Preyer of North Carolina.

Mr. Mills of Arkansas with Mr. Diggs.

Mrs. Griffiths with Mr. Anderson of Tennessee.

Mr. Karth with Mr. Metcalfe.

Mr. McKay with Mr. Galifianakis.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1915. An act to provide for the conveyance of certain real property of the United States.

The message also announced that the Senate had passed with an amendment, in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 619. Concurrent resolution providing for an adjournment of the House from May 24, 1972, until May 30, 1972.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 979) entitled "An act to extend the act of September 30, 1965, as amended by the Acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. HARTKE, Mr. Moss, Mr. BEALL, and Mr. WEICKER to be the conferees on the part of the Senate.

ADJOURNMENT FROM MAY 24 UNTIL MAY 30, 1972

The SPEAKER laid before the House the concurrent resolution (H. Con. Res. 619) providing for an adjournment of the House from May 24, 1971, until May 30, 1972, together with the Senate amendment thereto.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Page 1, line 3, strike out "it" and insert "and that when the Senate adjourns on Thursday, May 25, 1972 they".

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McFALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM FOR WEEK OF MAY 30

(Mr. GERALD R. FORD asked and was given permisson to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the rest of the week, if any, and the schedule for next week.

Mr. BOGGS. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. BOGGS. In response to the distinguished minority leader's question, first, the gentleman will recall we had a concurrent resolution which was passed on yesterday stating that when we adjourned today we would adjourn over until Tuesday next. That means we have completed the business for this week when we adjourn today.

On Tuesday, May 30, we will consider H.R. 9669, Subversive Activities Control Board, with an open rule and 2 hours of debate.

On Wednesday we will consider H.R. 13918, Public Broadcasting Act, with an open rule with 2 hours of debate. On Wednesday we will only consider the general debate on the public broadcasting bill.

On Thursday and the balance of the week we will complete with the Public Broadcasting Act and H.R. 14990, the atomic energy authorization, subject to a rule being granted. In addition there will be two travel resolutions, one from the Committee on Education and Labor and one from the Committee on Public Works. Both are subject to report by the Rules Committee.

Of course conference reports may be called up at any time and any further programs will be announced later.

Mr. GERALD R. FORD. There is or has been, I should say, some speculation about the conference report on the higher education bill being programed next week. Could the gentleman from Louisiana give us any observation one way or the other on that?

Mr. BOGGS. I will be very happy to assure the gentleman it is not the intention of the leadership to call up the conference report from the Committee on Education and Labor on higher education. There may be one or two other conference reports that may be called up.

Mr. GROSS. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Iowa.

Mr. GROSS. Having had a night to sleep on it, I wonder if the distinguished gentleman from Louisiana could give us any indication as to when the Ways and Means appropriation bill will be before the House.

Mr. BOGGS. I am not sure I know what bill the gentleman is referring to. If the gentleman is referring to the revenue sharing bill, I assured the gentleman on yesterday that bill would not be called up next week.

Mr. GROSS. Not next week. Perhaps the week following?

Mr. BOGGS. Well, it is eligible to be called up at any time, and it is not improbable that it may be called the following week.

Mr. GROSS. That will give the President time to return from Moscow and get his troops in action.

Mr. BOGGS. The President looks at this bill as one of his No. 1 bills, and I expect him to be for the bill when he returns.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week may be dispensed with.

Mr. SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERSONAL EXPLANATION

Mr. DIGGS. Mr. Speaker, I was unavoidably detained en route to vote on the bill just passed, H.R. 15097. I wish to express myself in support of the bill and would have voted "yea" had I been here.

DIALOG BETWEEN NORTH AND SOUTH KOREA

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, in September 1971 a quiet but significant step was taken in Asia which may mark the beginning of a new era in relations between North and South Korea.

On September 20, 1971, talks began between the South and North Korean Red Cross organizations, opening a dialog after a generation of silence between the two Governments. The talks are limited, of course, to exploring a reopening of communication and exchange between the two Red Cross organizations, but the potential impact of this resumption of relations can be substantial if it marks a turning point in the tense standoff that has existed since the ceasefire.

The New York Times has recently begun a series of articles relating to Korea—South and North—and I would invite my colleagues to bear in mind the potential significance of the limited resumption of dialog between the two Governments as they evaluate the Times series. I also include for the RECORD a report recently received from Mr. Woo Joo Chang, director general of the office of the South-North Red Cross Conference:

THE REPUBLIC OF KOREA
NATIONAL RED CROSS,
Seoul, Korea, May 5, 1972.

HON. JOHN M. MURPHY,
House of Representatives,
Washington, D.C.

HON. REPRESENTATIVE MURPHY: More than seven months have already elapsed since the historic opening of the talks between the south and north Korean Red Cross organizations, and starting with the first preliminary meeting on September 20, 1971, the South-North Red Cross Conference has held nineteen preliminary meetings and eight gatherings for the working level committee to prepare agenda items for the plenary sessions.

Significant achievements have been noted since then, and I am glad that the Republic of Korea National Red Cross took the initiative:

First, of course, in opening the dialogue after such a long, total silence, especially in establishing a direct telephone line connecting both sides thereby enabling continuous liaison;

Secondly, in proposing Seoul and Pyongyang, alternately, as places for plenary talks; and

Thirdly, in taking positive attitude in the course of discussion over the agenda matters which, I believe, will be settled very soon, so that the epoch-making plenary talks can begin in Seoul and Pyongyang as quickly as possible.

The remaining matters to be settled after reaching agreement on the items of agenda for the plenary talks at the current preliminary sessions are: 1) constitution of delegation for the plenary talks, and 2) rules of procedures, for which we do not see that it is too difficult questions to be solved, at least from our side.

It is my firm belief that all of this and more was possible largely due to the fervent support expressed by the freedom loving people throughout the world, who believe in the value of humanity and who are dedicated to relieving the suffering of mankind.

It is now time to reaffirm our resolution in bringing this historic conference to a successful conclusion. At the same time, I trust that you will continue in giving me your warm support which has always been my source of both enlightenment and encouragement, for which I am extremely grateful to you.

With deepest respect and kindest regards,
Yours sincerely,

CHANG, WOO JOO
Director General.

ECONOMIC PROTECTION TO OUR ELDERLY

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. TIERNAN. Mr. Speaker, when Franklin Roosevelt signed the original social security legislation during the time of the New Deal, he stated that this was "the cornerstone of a structure which is far from complete." This statement still holds true today, when more than 26 million families receive social security benefits. We can and should have pride in this system which covers virtually all of the Nation's workers except Government employees and railroad workers who receive the protection of separate programs. But we must not forget that the system must be improved as our wealth increases and our understanding of the needs of our elderly grow.

I strongly supported H.R. 1 which increased social security benefits, although I feel that an additional increase of 20 percent is imperative. I have introduced legislation to implement this plan.

Today I am introducing another bill aimed at providing further economic protection to our elderly. This legislation would completely eliminate the unrealistic earnings limitation placed on social security beneficiaries. H.R. 1 increased the amount a beneficiary under age 72 may earn in a year and still be paid full social security benefits from $1,680 to $2,000. Under the present law, benefits are reduced by $1 for each $2 of earnings between $1,680 and $2,880 and for each $1 of earnings above $2,880.

Mr. Speaker, earlier this session I joined with my distinguished colleague from Massachusetts (Mr. BURKE) on a bill which increased the earnings limitation to $3,000. It is my belief now that this liberalization is inadequate. I believe there should be no limitations whatsoever. Retirement must not be a punishment as it is now for so many of our elder citizens. It makes no sense whatsoever today to penalize social security beneficiaries at age 65 who are able and willing to continue to earn a livelihood.

By placing an earnings limitation upon our senior citizens, we are telling them that they can no longer be productive, that they have little or nothing to contribute to society. This fraud must no longer be tolerated. I urge the Ways and Means Committee to give prompt consideration to my bill.

H.R. 15184

A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (b), (d), (f), (h), (j), and (k) of section 203 of the Social Security Act are repealed.

SEC. 2. (a) Subsection (c) of section 203 of the Social Security Act is redesignated as subsection (b); and such subsection as so redesignated is amended—

(1) by striking out "Noncovered Work Outside the United States or" in the heading;

(2) by striking out paragraph (1);

(3) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(4) by striking out "For purposes of paragraphs (2), (3), and (4)" and inserting in lieu thereof "For purposes of paragraphs (1), (2), and (3)"; and

(5) by striking out the last sentence.

(b) Subsection (e) of such section 203 is redesignated as subsection (c); and such subsection as so redesignated is amended by striking out "subsection (c) and (d)" and inserting in lieu thereof "subsection (b)".

(c) Subsection (g) of such section 203 is redesignated as subsection (d); and such subsection as so redesignated is amended by striking out "subsection (c)" each place it appears and inserting in lieu thereof "subsection (b)".

(d) Subsection (i) of such section 203 is redesignated as subsection (e); and such subsection as so redesignated is amended by striking out "subsection (b), (c), (g), or (h)" and inserting in lieu thereof "subsection (b) or (d)".

(e) Subsection (l) of such section 203 is redesignated as subsection (f); and such subsection as so redesignated is amended by striking out "subsection (g) or (h) (1) (A)" and inserting in lieu thereof "subsection (d)".

SEC. 3. (a) Section 202(n) (1) of the Social Security Act is amended by striking out "Section 203(b), (c), and (d)" and inserting in lieu thereof "Section 203(b)".

(b) (1) Section 202(q) (5) (B) of such Act is amended by striking out "section 203(c) (2)" and inserting in lieu thereof "section 203(b) (1)".

(2) Section 202(q) (7) (A) of such Act is amended by striking out "deductions under section 203(b), 203(c) (1), 203(d) (1), or 222(b)" and inserting in lieu thereof "deductions on account of work under section 203 or deductions under section 222(b)".

(c) (1) Section 202(s) (1) of such Act is amended by striking out "paragraphs (2), (3), and (4) of section 203(c)" and inserting in lieu thereof "paragraphs (1), (2), and (3) of section 203(b)".

(2) Section 202(s) (3) of such Act is amended by striking out "the last sentence of subsection (c) of section 203, subsection (f) (1) (C) of section 203,".

(d) Section 202(t) (7) of such Act is amended by striking out "Subsections (b), (c), and (d)" and inserting in lieu thereof "Subsection (b)".

(e) Section 208(a) (3) of such Act is amended by striking out "under section 203 (f) of this title for purposes of deductions from benefits" and inserting in lieu thereof "under section 203 for purposes of deductions from benefits on account of work".

(f) Section 215(g) of such Act is amended by striking out "and deductions under section 203(b)".

(g) The second paragraph of section 3(e) of the Railroad Retirement Act of 1937 is amended by striking out "under subsections (g) and (h) (2) of section 203 of the Social Security Act" and inserting in lieu thereof "under subsection (d) of section 203 of the Social Security Act".

(h) Section 5(i) (1) of the Railroad Retirement Act of 1937 is amended by inserting "or" after the semicolon at the end of clause (i), by striking out clause (ii), and by redesignating clause (iii) as clause (ii).

Sec. 4. The amendments made by this Act shall be effective with respect to taxable years ending after the date of the enactment of this Act.

SUBCOMMITTEE ON ENVIRONMENTAL PROBLEMS AFFECTING SMALL BUSINESS TO HOLD HEARINGS ON OSHA

(Mr. HUNGATE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. HUNGATE. Mr. Speaker, I am pleased to announce that the Subcommittee on Environmental Problems Affecting Small Business, of which I have the honor to be chairman, of the House Select Committee on Small Business, Hon. JOE L. EVINS, chairman, will conduct 3 to 5 days of hearings beginning June 20, 1972, entitled "Small Business and the Occupational Safety and Health Act".

The subcommittee has received numerous complaints and letters from small businessmen across the country regarding the impact of OSHA on small business. Therefore, the subcommittee intends to study the operational effects of existing legislation and regulations thereunder, relating to small business. We want to identify the specific problems small businessmen are facing with the safety and health law.

There is deep and widespread concern among my colleagues in connection with this most important subject, as evidenced by the number of Members who have introduced bills to amend OSHA. Therefore, I am extending an invitation to Members to submit written or oral testimony during the first day of the hearings, which has been set aside for testimony from Members. Should Members wish to give testimony, they should advise the subcommittee in writing no later than June 5, 1972. The requests should be directed to: "Subcommittee on Environmental Problems Affecting Small Business, Select Committee on Small Business, Room 2361 Rayburn House Office Building".

Following testimony from Members of Congress, organizational and public witnesses will be heard on June 20 and 21. Government witnesses, including the Department of Labor, and the National Institute for Occupational Safety and Health, will be heard on June 22. Additional hearings may be held the following week, if necessary.

Mr. Speaker, it is my information that the following Members have filed bills relating to this subject:

BILLS AMENDING OSHA

H.R. 2516: Mr. Patten.

H.R. 12296: Mr. Thone.

H.R. 11664: Mr Hathaway, Mr Steiger.

H.R. 6002: Mr. Tiernan.

H.R. 6990: Mr. Ryan, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Begich, Mr. Biaggi, Mr. Bingham, Mr. Brasco, Mr. Burton, Mr. Cleveland, Mr. Conyers, Mr. Dellums, Mr. Dow, Mr. Edwards (Calif.), Mrs. Grasso, Mr. Halpern, Mr. Harrington, Mr. Hechler (W.Va.).

H.R. 6991: Mr. Ryan, Mr. Helstoski, Mrs. Hicks (Mass.), Mr. Kastenmeier, Mr. Koch, Mr. Leggett, Mr. Mikva, Mr. Mitchell, Mr. Moorhead, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Rees, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. Scheuer, Mr. Seiberling, Mr. Wolff.

H.R. 11756: Mr. Fisher.

H.R. 11984: Mr. McMillan.

H.R. 12068: Mr. Fisher, Mr. Brinkley, Mr. Burleson (Texas), Mr. Cabell, Mr. Cleveland, Mr. Collins (Texas), Mr. Edwards (Ala.), Mr. Flowers, Mr. Flynt, Mr. Griffin, Mr. Haley, Mr. Henderson, Mr. Jones (N.C.), Mr. Lennon, Mr. McMillan, Mr. Nichols, Mr. Pirnie, Mr. Rarick, Mr. Roberts, Mr. Schmitz, Mr. Sebelius, Mr. Sikes, Mr. Thompson (Ga.), Mr. Waggonner, Mr. Winn.

H.R. 12185: Mr. Collier.

H.R. 12351: Mr. Pickle.

H.R. 12360: Mr. Daniel (Va.).

H.R. 11512: Mr. Fisher.

H.R. 10913: Mr. Brinkley.

H.R. 10876: Mr. Sebelius, Mr. Mizell, Mr. Thone.

H.R. 11409: Mr. Shriver, Mr. Winn.

H.R. 12492: Mr. Mahon.

H.R. 12534: Mr. Thone.

H.R. 12575: Mr. Taylor.

H.R. 12700: Mr. Hammerschmidt.

H.R. 12759: Mr. Scherle.

H.R. 12891: Mr. Shriver.

H.R. 13090: Mr. Mayne.

H.R. 14161: Mr. Martin.

H.R. 13554: Mr. Randall.

H.R. 13651: Mr. Dorn.

H.R. 13537: Mr. Hall.

H.R. 12524: Mr. Quillen.

H.R. 12576: Mr. Taylor.

H.R. 12712: Mr. McMillan.

H.R. 12760: Mr. Stubblefield.

H.R. 12829: Mr. Thone, Mr. Cabell, Mr. Crane, Mr. Dickinson, Mr. Downing, Mr. Harvey, Mr. Hogan, Mr. Kuykendall, Mr. McClory, Mr. Thompson (Georgia), Mr. Vander Jagt, Mr. Wright.

H.R. 12946: Mr. Thone, Mr. Whitehurst.

H.R. 13066: Mr. Abbitt.

H.R. 14067: Mr. Jarman.

H.R. 13163: Mr. Mollohan.

H.R. 13228: Mr. Melcher.

H.R. 13407: Mr. Powell.

H.R. 13484: Mr. Rogers.

H.R. 13520: Mr. Dellenback.

H.R. 13594: Mr. Stephens.

H.R. 13603: Mr. Broomfield.

H.R. 13625: Mr. Hall.

H.R. 13640: Mr. Barrett.

H.R. 13688: Mr. Slack.

H.R. 13736: Mr. Thone.

H.R. 14011: Mr. Duncan.

H.R. 14032: Mr. Thone.

H.R. 14357: Mr. Jones (Texas).

H.R. 14360: Mr. Price (Texas).

H.R. 13314: Mr. Alexander.

H.R. 13718: Mr. Skubitz.

H.R. 13562: Mr. Thone.

H.R. 13830: Mr. Zwach.

H.R. 13872: Mr. Mayne.

H.R. 13830: Mr. Zwach.

H.R. 13872: Mr. Mayne.

H.R. 13926: Mr. Roncalio.

H.R. 13941: Mr. Thone, Mr. Crane, Mrs. Hicks (Mass.), Mr. Sebelius, Mr. Waggonner.

H.R. 13950: Mr. Wolff.

H.R. 13942: Mr. Thone, Mr. Alexander, Mr. Andrews (N.D.), Mr. Archer, Mr. Baker, Mr. Blackburn, Mr. Brinkley, Mr. Broyhill (N.C.), Mr. Burlison (Mo.), Mr. Cabell, Mr. Camp, Mr. Casey, Mr. Collier, Mr. Daniel (Va.), Mr. Dickinson, Mr. Findley, Mr. Hammerschmidt, Mr. Hastings, Mr. Jones (N.C.), Mr. Landgrebe, Mr. McCollister, Mr. McDonald (Mich.), Mr. Montgomery, Mr. Quillen, Mr. Rarick.

H.R. 13943: Mr. Thone, Mr. Rhodes, Mr. Roberts, Mr. Scherle, Mr. Schneebeli, Mr. Shriver, Mr. Sikes, Mr. Snyder, Mr. Spence, Mr. Steiger (Ariz).

H.R. 13943: Mr. Taylor, Mr. Terry, Mr. Thompson (Ga.), Mr. Vander Jagt.

H.R. 13944: Mr. Thone, Mr. Denholm, Mr. Edwards, Mr. Ichord, Mr. Kemp, Mr. Mathis.

H.R. 14011. Mr. Duncan.

H.R. 14032: Mr. Cleveland, Mr. Collins, Mr. Dennis, Mr. Griffin, Mr. Melcher, Mr. Schmitz.

H.R. 14161: Mr. Martin.

H.R. 14357: Mr. Jones (Tenn.).

H.R. 14360: Mr. Price (Texas).

H.R. 14371: Mr. Abourezk.

H.R. 14393: Mr. Link.

H.R. 14408: Mr. Thone.

H.R. 14409: Mr. Andrews (N.D.), Mr. Aspinall, Mr. Brinkley, Mr. Brown, G., Mr. Cleveland, Mr. Colmer, Mr. Daniel (Va.), Mr. Flynt, Mr. Forsythe, Mr. Griffin, Mr. Jones, W., Mr. Jones, E., Mr. King, Mr. Landgrebe, Mr. Lennon, Mr. Mayne, Mr. McMillian, Mr. Melcher.

H.R. 14408: Mr. Poage.

H.R. 14409: Mr. Price, R., Mr. Randall, Mr. Rarick, Mr. Robinson, K., Mr. Scherle, Mr. Schwengel, Mr. Steiger, S., Mr. Taylor, Mr. Thomson, V., Mr. Waggonner, Mr. Veysey, Mr. Hammerschmidt, Mr. McCormack.

H.R. 14525: Mr. Gude.

H.R. 14555: Mr. Nelsen.

H.R. 14598: Mr. Melcher.

H.R. 14644: Mr. Thone, Mr. Alexander, Mr. Dennis, Mr. Sebelius, Mr. Sikes.

H.R. 14727: Mr. Curlin.

H.R. 14800: Mr. Mallary.

H.R. 14823: Mr. Johnson (Pa.).

H.R. 14945: Mr. Wyman.

H.R. 14956: Mr. Shoup.

H.R. 14958: Mr. Thone, Mr. Mizell.

THE HOUSE OF REPRESENTATIVES SHOULD RECEIVE OUTSTANDING CITIZENS TO PRESENT A PETITION AND TO BE HEARD

(Mrs. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ABZUG. Mr. Speaker, we have petitioning us today outstanding citizens of this country, social leaders, leaders of the arts, sciences, and professions. They have come here to petition us to act immediately to cut off funds for the war and end our military activity in Indochina.

I attempted earlier to suggest to the House that it would be very fitting, in view of the emergency situation we are in, and in view of the presence of so many outstanding and prominent citizens, for us at least to allow one representative of this group to be heard, much as we have heard other people in moments of great crisis.

Mr. Speaker, I renew my request in the form of asking unanimous consent that a representative of those citizens come in and have the opportunity to present a petition and that we hear what those people, who are the conscience of this country and who represent a majority of the American people, have to say.

In the event that my request is denied, I ask that the "redress" petition, the names of the signers thereof, and other relevant material be included in the RECORD at the conclusion of my remarks.

The articles follow:

REDRESS

WASHINGTON, D.C., *May 23, 1972.*

Hon. CARL B. ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: On Wednesday, May 24, a group of more than one hundred American citizens (business and professional people, clergy, university presidents, artists, writers, scholars, lawyers, and physicians) will appear at the doors of the House of Representatives to petition for a redress of grievances concerning the Indochina war.

We petition the Congress because we are convinced the country is in great danger. In direct violation of his promises to end the Indochina war, President Nixon has ordered a new and cruel expansion of this conflict without the consent of the Congress and in violation of the will of the American people.

We, respectfully, request that you take all appropriate measures to permit the Legislative branch to exercise its Constitutional responsibilities for bringing an end to this undeclared and immoral war. Further, we request that you make all necessary arrangements for this delegation to enter the House Chamber and present its petition to you on the floor during the session of the House.

A member of our staff will contact your office this afternoon to hear your response and to confirm arrangements as to the time the delegation intends to arrive.

Respectfully submitted,

JUDY COLLINS,
DICK GREGORY,
DR. ROBERT LIFTON,
PAUL O'DWYER,
DR. J. WILLIAM WARD.

PETITION

It is a Constitutional right of the people to "petition the Government for a redress of grievances."

We are exercising that right of petition because we are angered and freightened by the lawlessness of the President and the Executive branch of our Government. We submit that they have defied the Congressional repeal of the Gulf of Tonkin Resolution; defied the Military Authorization Procurement Act which insists that the war be ended as quickly as possible; defied accepted international law against aggressive war, blockade and mining, population removal, and indiscriminate bombing, and created a Constitutional crisis in the United States.

They have spent the taxes, emotions, and resources of the people on mass murder and destruction as American society and its public services decay. They have brought unrest to our cities and institutions, defiled the flag with American and Indochinese blood, and brought shame upon our country. We petition the Congress to reaffirm that we are citizens and not hostages to usurpers of power and authority.

We petition the Congress to exercise its Constitutional authority of control over the armed forces by voting an immediate cessation of all air, ground, and naval operations in Indochina, and by ending all military and economic appropriations for a war the

Congress did not vote for and the American people do not want.

CLERGY

Mia Adjali, Dir. U.N. Church Center, New York, N.Y.

Peggy Billings, Assist. Gen. Sec., Women's Div., United Methodist Church, New York, N.Y.

Bronson P. Clarke, Exec. Sec. American Friends Service Comm., Philadelphia, Penn.

Rev. Wm. Sloane Coffin, Jr., Chaplin, Yale Univ., New Haven, Conn.

Gerhard Elston, Dir. Indochina Affairs, Dept. of International Affairs, New York, N.Y.

Ruth Gilbert, Sec. for Community Organizing, United Methodist Church, New York, N.Y.

Joyce Hamlin, Sec. for Legislative Affairs, Washington, D.C.

Honey Knopp, Bd. Member, American Friends Sevice Comm., Philadelphia, Penn.

Rev. Francis Pirazzini, Conference Minister, Central Atlantic Conference, United Church of Christ, Silver Spring, Md.

Rev. Peter Riga, moral theologian, Napa, Calif.

Dr. Rosemary Reuther, Washington, D.C. R. C. Theologian.

Helen Volkemer, Executive Secretary, Women's Division, United Methodist Church, New York, N.Y.

Rev. A. Dudley Ward, General Secretary of board of Social Concern, United Methodist Church, Washington, D.C.

Carolyn Wilhelm, Secretary for Racial Justice, United Methodist Church, Washington, D.C.

Rev. Herman Will, Dir. Division of World Peace, Brd. of Christian Social Concern, United Methodist Church, Washington, D.C.

LAWYERS

Charles Garry, attorney for the Black Panther Party, San Francisco, Calif.

Flo Kennedy, founder of the Feminist Party, lawyer, New York, N.Y.

Arthur Kinoy, attorney, professor of law, Rutgers Law School, Newark, N.J.

Paul O'Dwyer, attorney for the Harrisburg 8, New York, N.Y.

Diane Schulder, head of Feminist Party lawyers committee, New York, N.Y.

John Anthony Scott, Rutgers Law School, Rutgers University, Newark, N.J.

Peter Weiss, attorney, Center for Constitutional Law, Bronx, N.Y.

LETTERS

Martin Duberman, Distinguished Service Professor, City University, Lerman College Branch, New York, N.Y.

Francine duPlessix Gray, writer, Cornwalls Bridge, Conn.

Elizabeth Hardwick, author, literary critic, essayist.

Irwin Knoll, the Progressive magazine. Washington, D.C.

Kenneth Koch, poet, New York, N.Y.

Hans Koingsberger, writer, Boston, Mass.

James Kunen, author, Clintwood Village, Clinton, Mass.

Mark Lane, the Covered Wagon, Mountain Home, Idaho, writer.

Arthur Lawrence, playwright, Old Quoge, Long Island, N.Y.

Betty Jean Lifton, writer, New York, N.Y.

Daniel D. McCracken, author, Ossining, N.Y.

Jack Newfield, Village Voice, New York, N.Y.

Grace Paley, fiction writer.

Barbara Raskin, writer, Washington, D.C.

Bob Silvers, editor, New York, Review of Books.

John Steinbeck IV, author, New York, N.Y.

Gloria Steinem, editor, "MS" magazine, New York, N.Y.

Studs Terkel, writer, Chicago, Ill.

Judy Viorst, poetress, columnist.

Milton Viorst, syndicated columnist.

Garry Wills, writer, syndicated columnist, Baltimore, Md.

Jonathan Koyol, author, educator, Boston, Mass.

ACADEMICS

Richard Barnet, co-director, Institute for Policy Studies, Washington, D.C.

Peter Brooks, Prof. of French, Yale, New Haven, Conn.

Noam Chomsky, Prof. of Linguistics, MIT, Lexington, Mass.

Dr. Kenneth Clark, Prof. of Psychology, Dir. of Metropolitan Research Assistants, Hunter College, New York, N.Y.

Dr. Robert Dahl, Prof. of Pol. Sc., Yale, North Haven, Conn.

Erik Erikson, Prof. Emeritus, of Human Development, Harvard, Stockbridge, Mass.

Richard Falk, Prof. of International Law, Princeton, N.J.

Karl Hess, former speechwriter for Goldwater, IPS, Washington, D.C.

Kenneth Keniston, Prof. of Psychology, Yale, New Haven, Conn.

Theodore Lidz, Prof. of Psychiatry, Yale, Woodbridge, Conn.

Robert Jay Lifton, Professor of Psychiatry, Yale University, New York, N.Y.

Salvador Lauria, Nobel Laureate, Biology.

Dr. Rollo May, Supervising Analyst, Wm. Alanson White Institute of Psychiatry, New York, N.Y.

Arno Mayer, Professor of History, Princeton, Princeton, N.J.

Sid Morganbesser, Professor of Philosophy, Columbia University, New York, N.Y.

Wayne O'Neil, Prof. Linguistics, MIT, Newton, Mass.

Marc Raskin, Co-director, Institute for Policy Studies, Wash., D.C.

Larry Rodberg, Physicist, former aide to Senator Gravel, Institute for Policy Studies, Wash., D.C.

Stanley J. Stein, Prof. of History, Dept. of History, Princeton University.

Paul Sweezy, economist and editor, Coeditor of Monthly Review & Monopoly Capitalism.

Prof. Lionel Tiger, Dept. of Anthropology, Rutgers University, Newark, N.J.

Dr. George Wald, Nobel Laureate, Biochemistry, Higgin Professor of Biology, Harvard, Cambridge, Mass.

Howard Zinne, Prof. Political Science & History, Boston Univ., Newton, Mass.

David Mare, Prof. Vietnamese Studies, Cornell Univ., Ithaca, N.Y.

PRESIDENT'S OF COLLEGES AND UNIVERSITIES

Dr. William Birembaum, President, Staten Island Community College, Staten Island Community College, Staten Island, N.Y.

Dr. James Dickson, President, Antioch College, Yellow Springs, Ohio.

Dr. Frank L. Keegan, President, Salem State College, Salem, Mass.

Dr. Harold Taylor, former president, Sarah Lawrence College, New York, N.Y.

Dr. John William Ward, President, Amherst College, Amherst, Mass.

MEDICAL

Dr. Samuel Epstein, Professor of Environmental Health and Human Ecology, Case Western Reserve Univ., School of Medicine, Cleveland, Ohio.

Dr. Leslie Falk, Prof. and Chairman., Dept. of Family and Community Health, Meharry College, Nashville, Tenn.

Dr. Lewis Fraad, Prof. of Pediatrics, Albert Einstein University, Bronx, N.Y.

Dr. M. Jack Frumin, Assoc. Prof. of Anesthesia, Albert Einstein College of Medicine, Bronx, N.Y.

Dr. Herbert Needleman, chr. of Bd. of Committee of Responsibility, Waban, Mass.

Dr. Victor Sidel, Chr. Dept. of Social Medicine, Montefiore Hospital, Bronx, N.Y.

Dr. Benjamin Spock, presidential candidate for People's Party, New York, N.Y.

Dr. Peter Wolff, Co-Chr. Medical Aid for Indochina, Inc., Newton, Mass.

Dr. H. Jack Geiger, Chr., Dept. of Community Medicine, SUNY, N.Y.

ANTIWAR

Fred Branfman, Director Project Air War, Washington, D.C.

Mary Clark, Women's Strike for Peace, Los Angeles, Calif.

Brad Lyttle, Project Director, Campaign End the Air War, New York, N.Y.

Herbert Magidson, Chairman, Individuals Against the Crime of Silence, Beverly Hills, Calif.

Donna Shor, Executive Director, Committee of Responsibility, Washington, D.C.

Zere Sweezy, Women Strike for Peace.

Cora Weiss, Women Strike for Peace, Bronx, N.Y.

ENTERTAINERS

David Amram, composer and conducter, New York, N.Y.

Felicia Monteleagre Bernstein, actress, New York, N.Y.

Judy Collins, folksinger, New York, N.Y.

Howard daSilva, actor, Ossining, N.Y.

Dick Gregory, comedian, Chicago, Ill.

Arlo Guthrie, folksinger, New York, N.Y.

Barbara Harris, actress, New York, N.Y.

Joe Papp, actor, The Shakespeare Theatre.

Marlo Thomas, actress.

ARTISTS

Benny Andrews, Professor, Queens College, Co-Chairman Black Emergency Cultural Coalition, New York, N.Y.

Dore Ashton, Art Critic and Historian.

Richard Avedon, Photographer.

Rudolph Baranik, Artist, Pratt Institute, New York, N.Y.

Richard Baranik, Artist.

Romare Bearden, Painter.

Leon Golub, Professor of Art, Livingston Coll., Rutgers, New York, N.Y.

Cleve Gray, Painter & Sculpter, Cornwall Bridge, Conn.

Walter Hoops, Director of Corcoran Gallery of Art.

Max Kozloff, art critic, New York, N.Y.

David Levine, artist, cartoonist, New York Review of Books.

Lucy Lippard, art critic & historian, New York, N.Y.

Ed McGowin, artist, Washington, D.C.

Ismau Noguchi, sculpter & theatre design, Long Island City, N.Y.

Irving Petlan, artist.

Faith Ringold, artist.

Larry Rivers, Painter, South Hampton, N.Y.

Barbara Rose, art critic & Historian, New York, N.Y.

Eva Rubinstein, photographer, New York, N.Y.

Jack Youngerman, artist, New York, N.Y.

THIRD WORLD AND CIVIL RIGHTS

Stoney Cooks, Exec. Dir., Southern Christian Leadership Conference, Atlanta, Georgia.

Julius Hobson, Vice-Pres. People's Party, Washington, D.C.

Margaret Sloan, an editor "MS" Magazine, New York, N.Y.

John A. Wilson, Fellow, Inst. Policy Studies, Washington, D.C.

BUSINESS

Ann Birstein, Publishing Executive.

Leslie Dunbar, Field Foundation, New York, N.Y.

Robert Engler.

W. H. Ferry, executive: DJB Foundation, Scarsdale, N.Y.

Tina Hobson, Federal Employee, Washington, D.C.

Jac Holzman, Pres. Elektra Records, New York, N.Y.

David Hunter, Exec. Dir., Stern Family Foundation, New York, N.Y.

Kenneth Iverson, IBM Mathematician.

Harold Levanthal, Levanthal Mgt. Inc., New York, N.Y.

Rev. Edgar Lockwood, Washington, D.C., trustee, Council on Economic Priorities.

Bernard Mazel, pres. Bernard Mazel Inc., New York, N.Y.

Robert Ransom, IBM Corp. Lawyer, Armonk, New York.

MILITARY, VIETNAM VETERANS AGAINST THE WAR, G.I.'S

Ron Covick, Beverly Hills, Cal.

Pat Simon, Gold Star Mother, Newton, Mass.

The SPEAKER. The time of the gentlewoman from New York has expired.

The gentlewoman's request is not in order.

SUPREME COURT UPHOLDS CONSTITUTIONALITY OF THE GENERAL WITNESS IMMUNITY STATUTE

(Mr. WIGGINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WIGGINS. Mr. Speaker, in the case of Kastigar against United States, decided this past Monday, the Supreme Court of the United States upheld the constitutionality of the general witness immunity statute enacted by Congress as title II of the Organized Crime Control Act of 1970.

While many Members of both Houses deserve our commendation and gratitude for their work on this significant reform legislation, special recognition should be accorded the paramount contribution of the distinguished second-ranking minority member of the Committee on the Judiciary, who has announced his retirement from this body after 20 years of exceptional service, the gentleman from Virginia (Mr. Poff).

Having served as vice chairman of the National Commission on Reform of Federal Criminal Laws which recommended the legislation to Congress, and as the chief sponsor of the bill from which title II was derived with only minor amendments, Representative Poff is widely and justly regarded as the principal congressional architect and proponent of the immunity provision sustained by the Supreme Court.

This is yet another indication of how much the House will miss the legal skills and the scholarly and judicious approach of Representative Poff after his retirement from Congress.

CHRISTMAS TREE APPROPRIATION POLICY

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, I believe it is about time that the people we represent understand the maneuvering and legerdemain that is employed in securing enactment of appropriations bills in this House.

The Christmas-tree approach, the idea of laying before us a bill that contains essential and necessary and widely approved funds that all of us favor and then loading the bill down with gimcrackery items of dubious value, is a shameful practice, in my judgment.

A perfect example of this nasty business took place yesterday in the enactment of the $19.7 billion appropriation bill. Here was a measure that contained $11.9 billion for veteran benefits and hospital construction and medical needs for veterans.

Who opposes that?

Not once in my 10 years here have I thought twice about complete support for those who fight our wars and lose limbs and health in so doing. Moreover, as in the case of the interest payment on the national debt, veterans benefits are a fixed liability and responsibility that must be enacted.

Those in charge recognize this fact. So the appropriation bill is loaded down with such items as $3.5 billion for NASA, including some $200 million for a boondoggle on a space shuttle, and another $3.5 billion for HUD, a program that even its Cabinet Chief has been having second thoughts about it.

I, for one, do not favor funds for space shuttles and moon exploration while we have so many other and far more pressing domestic problems that require funds. I, for one, always had and continue to have sharp reservations about HUD whose record of waste and questionable practices may yet become a national scandal.

But I was put in the position of either accepting these wasteful and, in my view, unessential programs, or voting against the funds for the Veteran's Administration. Knowing that the Congress would be obligated legally to make VA appropriations in any case, I chose to stand by principle and voted against the entire appropriation.

I intend to follow that practice and I hope that more of my colleagues will not allow themselves to be bamboozled and politically coerced into swallowing these Christmas-tree practices.

REPRESENTATIVE BOB WILSON COSPONSORS HOUSE CONCURRENT RESOLUTION CALLING FOR COMPLETE WITHDRAWAL OF ALL AMERICAN FORCES FROM VIETNAM WITHIN 4 MONTHS CONTINGENT UPON SUPERVISED CEASE-FIRE AND RELEASE OF ALL AMERICAN PRISONERS OF WAR

(Mr. BOB WILSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOB WILSON. Mr. Speaker, I am pleased to join my distinguished colleague from Kentucky, (Mr. Snyder) in cosponsoring a House concurrent resolution calling for the complete withdrawal of all American forces from Vietnam within 4 months contingent only upon the establishment of an internationally supervised cease-fire throughout Indochina, and the release of all American prisoners of war held as a result of the present conflict in Southeast Asia.

These two conditions are identical to those outlined by the President during his address to the Nation on May 8 and express the best hope for a lasting peace in Southeast Asia. This resolution, which is indeed an "end the war" proposal, will express the determination of the House and Senate to bring the hostilities in Southeast Asia to an end rapidly and with honor. By passage of this measure, Congress will not only evince its will that American involvement in the war be ended, but also that the Communists must make an effort toward peace.

The President has acted decisively and courageously, without regard to the effect on his own political future, and I am pleased that so many Americans have rallied behind him. I am certain the President has been greatly heartened by the flood of letters and wires which have poured in since his message to the Nation and sincerely hope that my congressional colleagues will not fail to express their support for peace—and peace with honor—by cosponsoring and voting in favor of this "end the war" resolution.

JUDGE HARLEY LANGDALE

(Mr. FLYNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FLYNT. Mr. Speaker, conservationists throughout the South and across the Nation were recently saddened by the death of Judge Harley Langdale.

Judge Langdale was an outstanding civic leader of Georgia, and perhaps the foremost conservationist and sportsman in our State. His keen concern and active work in conservation played an important role in the protection and development of Georgia's wildlife resources. Judge Langdale was also a tireless worker in soil, water, and forest conservation and brought into his business and property holdings the soundest and most successful forestry practices and techniques.

There appeared in the May issue of Georgia Game and Fish an article in memory of Judge Harley Langdale. I subscribe to the statements contained in that article and under unanimous consent I include this article as a part of my remarks:

IN MEMORIAM: JUDGE HARLEY LANGDALE

Judge Langdale, a dedicated conservationist and Commissioner from the Eighth Congressional District for eleven years died April 11 of an apparent heart attack.

Since his appointment by Governor Ernest Vandiver in January, 1961, Judge Langdale had served as chairman of the Game and Fish Commission and served on the Legislative, Game and Fish Regulations, and Public Game and Refuge Committees.

Harley Langdale was born in Clinch County on the edge of the Okefenokee Swamp. From the time he was 10 years old, Langdale worked in the woods with his father, dipping turpentine from his father's pines and cutting cypress cross-ties in the depths of the swamp.

After obtaining his law degree from Mercer University in 1912, Harley Langdale began practicing law in Valdosta where he lived for sixty years. He was elected Judge of Valdosta's Recorder's Court and held the position until retirement.

Judge Langdale began early in life investing every dollar he earned or could borrow to buy pine timberland. Eventually, he had built up a woods empire of more than 175,000 acres in a number of counties in both Georgia and Florida.

As an organizer and President of the American Turpentine Farmers Association for thirty years, Judge Langdale played an important role in obtaining government stabilization of the turpentine industry. He is also credited with helping to make Valdosta the naval stores capital of the world.

Judge Langdale took an active role in the protection and development of Georgia's wildlife resources. He was a staunch believer in the importance of law enforcement and public education in protecting wildlife from poaching, out of season hunting and overshooting.

Quail hunting was the judge's favorite recreation. The judge practiced scientific game management on the 20,000 acres of his private hunting grounds. He advocated controlled burning for quail management and planted food patches of mixed quail foods throughout the area.

The judge's deer hunting was restricted primarily to a timbered 30,000 acre tract near the Okefenokee Swamp In addition to demonstrating sound biological principles in managing his own personal hunting areas, the judge leased some 60,000 acres of timberland free of charge to the State in the Suwanoochee Game Management Area.

In addition to wildlife conservation, Judge Langdale always practiced and advocated soil, water, and forest conservation. He was selected as "Conservationist of the Year" by the Georgia Sportsmen's Federation in 1964.

An active worker with 4-H and FFA groups, Judge Langdale was presented the 1970 Forest Farmer Award from the Southern Forestry Conference. His Langdale Foundation enabled hundreds of south Georgia youths to borrow money for college educations at a low interest rate. He was also chairman of the Valdosta Hospital Authority and a trustee of Mercer University.

Judge Harley Langdale, active and dedicated conservationist, left a legacy of wildlife conservation work which any man would be proud to have as a living memorial to his life.

JUDY WILLIAMS.

CONTINUED ENCOURAGING ECONOMIC REPORT

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, within the last week we have continued to receive encouraging economic reports. Not only are the constant dollar gross national product figures for the first quarter 1972 substantially above the figures contained in preliminary estimates, but the Federal Reserve Board has reported that during April the index of industrial production continued to rise sharply.

Additionally, preliminary figures released by the Department of Commerce indicate that during the month of April, new factory orders for durable goods grew by 0.9 percent to a seasonally adjusted \$35.4 billion; this followed a 1.7-percent increase in March. The total March–April rise of 2.6 percent in new factory orders for durable goods would be equivalent to an annual rate of increase of more than 15 percent. The trend in new durable goods orders is apparent upon a comparison of the last 4 months of 1971 with the first 4 months of 1972. Through the end of April total manufacturers' new orders for durable goods are 10.5 percent above the total for the last 4 months of 1971.

At the same time that our economy is growing substantially, the rate of inflation is lessening. During the month of April, the Consumer Price Index rose only 0.2 percent, on both a seasonally adjusted and an unadjusted basis. This rise would be equivalent to approximately to 2½-percent rise over a full year. In the 5 months since the wage-price freeze ended in November, the CPI has risen at a seasonally adjusted rate of 3.3 percent, which compares with a 4-percent annual rate of advance in the 6 months preceding the August freeze. Over the total 8 months of the economic stabilization program, the CPI has risen at an annual rate of 2.8 percent.

Mr. Speaker, this evidence that the President's new economic policy is, in fact, stimulating broad economic growth while reducing inflation should be extremely encouraging to us all.

FORM LETTER OF BERNARD F. CONNERS REPRESENTING HIMSELF TO BE A FORMER SPECIAL AGENT OF THE FBI

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, all Members received a form letter from a person known as Bernard F. Conners from New York who represents himself to be a former special agent of the FBI in which he makes some rather derogatory remarks about the Bureau and its direction.

I am inserting in the RECORD a response to this gentleman and I think it might help all of you in answering the letter which he sent to you.

Mr. Speaker, undoubtedly other Members of the Congress, as well as myself, have recently received a letter from an individual who signs his name as Bernard F. Conners of Loudonville, N.Y., and claims to be a former special agent of the Federal Bureau of Investigation. In this letter, Mr. Conners makes vitriolic criticism of the FBI.

I understand that Mr. Conners has not only written to Members of the Congress, but also to executive officials of the Government, and the mass media. In all of these publicity communications, Conners denounces the FBI, claiming that its employees are wasting the taxpayers' money and has become a serious liability. Conners' charges are bitter, vindictive, and petty.

It has become fashionable in certain quarters to criticize the FBI. We have heard bitter and unsubstantiated charges against this distinguished Government agency. This barrage of criticism has as a primary aim the undermining of the effectiveness of the FBI. The vast majority of the American people, however, have rejected these spurious charges and hold the FBI in highest regard.

Interestingly, Conners' criticism reflects a new "wrinkle" in the chorus of detractors. Conners claims he is speaking, not alone for himself as a former agent of the FBI, but also for many other former special agents. Conners attempts to project himself as a "voice of respectability," especially from within the Society of Former Special Agents of the FBI, of which he is a member [at least temporarily]. I have been informed that in no way does he represent the Society of Former Special Agents which stands completely behind the FBI.

The question arises: Who is Mr. Conners? Why does he, now a businessman, suddenly launch a bitter anti-FBI tirade and attempt to echo and re-echo, stale, and vacuous cliches against the Bureau? Does he have any special motive for this vicious attack? Could he be exploiting his prior service to promote his fiction?

In checking out this matter, I find that Conners did serve as an agent from August 1951, until he voluntarily resigned in 1959. At no time, however, as he would like to represent, did he serve in any top administrative or supervisory capacity. His FBI service was confined to three field offices, Albuquerque, Chicago, and New York, and never encompassed assignment to FBI's headquarters staff in Washington, D.C. Moreover, being out of the FBI for over 12 years, he knows little if anything about current FBI policies and procedures.

Absolutely no record exists to reflect any past animosity of Mr. Conners toward his former employer. In fact, when he resigned, he sent a most glowing letter of praise to Mr. Hoover, in which he stated:

> I shall not presume to be so gifted that I could express in this letter how much you and the Bureau have meant to me during these past eight and one-half years. Please let me say only that although I am formally resigning I shall always be in spirit with the Director and the FBI.

In his resignation letter, Conners requested an autographed photograph of Mr. Hoover.

Subsequently, he applied for membership in the Society of Former Special Agents of the FBI, a group which always has stood in full support of Mr. Hoover and the Bureau.

Do these actions, I submit, reflect any disillusionment with the FBI and his experiences in this organization? The answer must be—absolutely none.

Therefore, we may legitimately ask, what happened during the period between 1959, when Mr. Conners left the FBI, apparently in full admiration of the organization, and 1972, when he received his vicious letter?

Get this: in May of this year Conners is publishing a novel about the FBI entitled "Don't Embarrass the Bureau." Could it be that Mr. Conners, by his well planned and widespread anti-FBI campaign, is attempting to stir up interest and sales for his book?

I, of course, have not read Conners' so-called novel. One newspaper, which apparently reviewed it in advance, says that the book is designed to embarrass the Bureau. FBI agents, they say, are cast as "incompetent laggards, drunks, homosexuals," who, when faced with a crisis, would not take action until they hear from the Director. The plot allegedly revolves around an international espionage ring which infiltrates the FBI.

I think my colleagues, and the American people, should be alert to the phoney credentials of Conners and what appears to be only a thinly disguised effort by this individual to drum up commercial sales for his book. Conners has been out of the FBI for over a decade. He never held a policymaking position in the organization and knows little about how its policies are formulated. He does not in anyway speak for the Society of Former Special Agents of the FBI or, so far as I know, for any other former agent than himself.

The danger of the likes of Conners is that citizens may believe he is an authentic spokesman of the FBI's tradition. Fortunately, we know all too well what his motives are—self-promotion and 30 pieces of silver.

EDUCATION OPPORTUNITIES FOR VETERANS' WIVES

(Mr. **KOCH** asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. **KOCH**. Mr. Speaker, I am introducing a bill today to extend veterans' education benefits to the wives of servicemen in those cases in which the entitlement has not been used by the veterans. Today we provide a veteran of the post-Korean-war period up to 36 months of educational benefits.

The principal purpose of this program of financial assistance is to aid the veteran in his readjustment to civilian life—and to help compensate for the financial sacrifice his service has incurred.

It is time that we acknowledge the sacrifices that are made by the wives of these servicemen and extend the country's rewards to them. Often these women were, and are, subjected to great hardship and sacrifice when their husbands are in the service. Many are compelled to give up their own education to work while their husbands are in the service. Their lives are materially affected by their husband's service in the Armed Forces.

A serviceman must have served over 180 days of active duty to be eligible for educational benefits. He receives 1½ months of benefits for every month of active duty, up to a maximum entitlement of 36 months. A veteran is entitled to maximum benefits if he has served 18 months or more of active duty. He must use his benefits within 8 years of his discharge. Under the bill I am introducing today, if a woman is married to a serviceman during 18 months of his active duty, her husband may transfer to her up to 3 months of his education entitlements. If she has been married to the serviceman for less than 18 months of his active duty, she will be eligible to receive 1½ months of entitlement for each month she was married to him during his active duty.

Presently, payments for full-time institutional education run from $175 a month for a person with no dependents to $230 for a vet with two dependents, with an increase of $13 for each additional dependent. Three-quarter-time schooling, defined as 10 to 13 semester hours, entitles a veteran to benefits from $128 to $177. A veteran may enroll in any approved educational institution or training establishment. If a veteran needs high-school-level courses for refresher or for deficiency training, this will be paid for without any reduction in his entitlement.

All these benefits would be made available to the wives of these former servicemen under the measure I am introducing. In this way, we will be providing equity for these women whose sacrifices have gone unacknowledged and unrewarded to date by the Federal Government.

PARLIAMENTARY INQUIRY

Mr. **THOMPSON** of Georgia. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER**. The gentleman will state his parliamentary inquiry.

Mr. **THOMPSON** of Georgia. Mr. Speaker, I have some extensions of remarks relating to the Automobile Bumper Act. As I understand, we had 5 legislative days to extend our remarks. Do I need separate permission in order to put that in the CONGRESSIONAL RECORD box today so as to have it printed?

The **SPEAKER**. The Chair will state to the gentleman from Georgia that he should request unanimous consent.

Mr. **THOMPSON** of Georgia. Mr. Speaker, in that event I ask unanimous consent that I may be allowed to extend my remarks relating to the bill we passed 2 days ago concerning automobile bumpers.

The **SPEAKER**. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PRESIDENT SIGNS BLACK LUNG COMPENSATION AND BENEFITS BILL

The **SPEAKER**. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

Mr. **DENT**. Mr. Speaker, I wish to express my personal gratitude to the President for signing the black lung compensation and benefits bill into law. I want to do this because I am aware of the heavy pressures the President was under from his economic advisers.

He—the President—had to make a decision between estimated costs of the program as against the human and social benefits for the miners, their dependent families, and the country as a whole.

This legislation passed both House and Senate. The House bill—Dent-Perkins—would have made it easier for the President to sign; however, the Senate decided to add much more to the provisions, not necessarily increasing benefits in a reasonable ratio to the estimated increased cost.

The House and Senate conferees worked diligently and cooperated to hold to the benefits rather than to nonbenefit features. In the end the conference report represented the best that could be passed, and as proof signed by the President.

At this point, I want to inform the House of the great help, in fact, the vital help all along the line, from passage to signing by the President, given to me by my two Senate colleagues from Pennsylvania, Senator HUGH SCOTT—Senate minority leader—and Senator RICHARD SCHWEIKER, a member of the committee in the Senate as well as one of the conferees responsible for the final bill presented to the President. I am of the belief that without their support the successful end result would have been in serious doubt. As a matter of information it gives me a personal satisfaction to point out to the House the present statistics of the benefits paid and other pertinent information.

Every State in the Union has some benefits being paid to the victims of black lung. This is one of the reasons I urge the Congress to adopt Federal responsibility for the compensation for black lung benefits. The fact that only 10 of the 50 States have active coal mining means that at least 40 of the States would have been obligated to pay the full cost for miners living within their respective borders at the time of approval of their claims. In the mining State, the State would still have to pay all claims not traceable to the miners present employment. The veto of this legislation would have loaded the 40 States with all the costs and 10 States with the major part of the cost within their jurisdiction. The decision to sign was wise even if it ran against the advice of the President's economic advisers. This act is one of the few benefit laws that can be predicted as to its termination. Because of the dust standards of the Dent Coal Mine Safety and Health Law, Federal law medical advisers say that no new cases of black lung will be found in the future. The dust standards are to be at 2 milligrams per foot by the end of this year. It has been rather reliably established that black lung cannot reach the crippling stage at 4½ milligrams or lower. The reason for the termination of the black lung benefits in the foreseeable future is the fact that most of the miners and the widows of deceased miners are well over the 50 years of age mark. Pennsylvania, for example, has 87 percent of all successful claimants of benefits under the original dust bill over the age of 60 years. The greatest benefits of the bill rest in the new safety laws and the new low dust standards.

Again I wish to thank and congratulate the Members of the House and Senate for their support over the years and also the President for signing both the original dust bill and the new amendments just signed.

I give these statistics to show that every State in the Union is affected more or less by this legislation. I believe the figures justify the provisions of the act I first introduced in this House. I want each of you to have these statistics since a few of the Members who have supported me since the beginning of this effort have asked for some figures to show that even in a minor way their States, and counties, have been affected. You will note that many of the States have received claims from only part of their county areas. This is probably due to the fact that publicity has not been given out extensively in those States which are not active coal mining States.

I would suggest that you urge your constituents to at least make a claim and get an examination. We have 1 year for Federal responsibility and then 6 months for the spring period to change over to the State responsibility. At that time the active coal mining States will have coal mine operators to assume the responsibility for new claims, and those States where there are no coal mines that responsibility will fall onto the shoulders of the taxpayers. This is not in keeping with what I think is fair. Since under this legislation we have spread the cost over all the people of the United States for all of those who are not active in coal mining at this time, or have not been processed for black lung. Most of the claimants were afflicted in the days when dust standards were ignored. Many of these people were unable to find work in their native States, therefore, they went to where there was lighter work and better breathing atmosphere.

I attach also the scorecard of the age groups in the various States as well as the average monthly payment. I hope this information gives you a better understanding on the reasoning and the logic for the passage of this legislation.

INSTRUCTIONS FOR GENERAL INFORMATION

Every living miner actively working in a mine should immediately ask for an examination under the medical criteria for determining the presence of black lung disease.

Every living retired or nonworking miner should ask for a new examination if he has had a previous claim, even if he has been rejected.

Every living, nonworking miner who has not made a claim, and has at least 15 years of mining experience prior to June 30, 1971, should make a claim now.

Every widow, direct dependent, double orphan should make a new claim whether they have made a claim under the old act or not. The new act makes allowance for this action by all who want to take advantage of their rights under the law.

Last but not least it is most important for the States, unions, operators, and all local public interested bodies to notify all of those affected by the provisions of the black lung safety law of their rights.

State-by-State statistics as of April 30, 1972, and the other material follows:

TABLE 3.—BLACK LUNG CLAIMS, THROUGH APR. 30, 1971: NUMBER OF CLAIMS FILED, PROCESSED, ALLOWED AND DENIED, NUMBER OF CURRENT BENEFICIARIES AND AVERAGE MONTHLY FAMILY BENEFITS, NATIONALLY AND BY MAJOR COAL-MINING STATES

[Number in thousands]

Claim status	U.S. total	Major coal-mining-States									All other States
		Pennsylvania	West Virginia	Kentucky	Virginia	Alabama	Illinois	Ohio	Tennessee	8-State total	
Total filed	286.1	93.6	56.7	31.2	16.9	15.7	15.7	12.3	9.7	251.8	34.3
Total processed	245.8	83.5	45.5	28.0	14.4	14.7	13.3	9.8	8.4	217.6	28.2
Miners	165.0	48.7	33.3	21.6	10.8	10.2	8.1	7.1	6.2	146.0	19.0
Widows	80.8	34.8	12.2	6.4	3.6	4.5	5.2	2.7	2.2	71.6	9.2
Total allowed	120.4	57.8	20.0	8.0	5.2	5.1	5.8	3.3	3.2	108.4	12.0
Miners	68.6	32.4	12.5	4.7	3.0	3.0	3.2	1.7	2.0	62.5	6.1
Widows	51.8	25.4	7.5	3.3	2.2	2.1	2.6	1.6	1.2	45.9	5.9
Total denied	125.4	25.7	25.5	20.0	9.2	9.6	7.5	6.5	5.2	109.2	16.2
Miners	96.4	16.3	20.8	16.9	7.8	7.2	4.9	5.4	4.2	83.5	12.9
Widows	29.0	9.4	4.7	3.1	1.4	2.4	2.6	1.1	1.0	25.7	3.3
Total current beneficiaries	189.4	82.1	36.8	15.4	9.8	8.8	8.5	5.2	5.7	172.3	17.1
Miners	65.0	29.9	12.0	4.6	3.0	3.0	3.1	1.7	1.9	59.2	5.8
Widows	51.7	25.3	7.5	3.3	2.2	2.1	2.6	1.6	1.2	45.8	5.9
Dependents	72.7	26.9	17.3	7.5	4.6	3.7	2.8	1.9	2.6	67.3	5.4
Average family benefit (in dollars)	$187.26	$179.38	$201.09	$196.72	$203.13	$197.44	$188.14	$183.96	$202.24	$188.04	$180.20

TABLE 4.—AGE AT FILING OF MINER APPLICATIONS: PERCENTAGE DISTRIBUTION OF BLACK-LUNG CLAIMS FOR TOTAL, ALLOWED AND DENIED MINER APPLICANTS, NATIONALLY AND FOR MAJOR COAL-MINING STATES

State	Age at filing [1]					
	Under 40	40 to 54	55 to 59	60 to 64	65 and over	Total Percent [2]
All miner applicants:						
National	0.9	12.0	12.4	18.1	56.6	100.0
Pennsylvania	.1	5.4	9.7	17.7	67.1	100.0
West Virginia	1.4	19.3	15.3	19.0	45.0	100.0
Kentucky	2.4	19.8	15.6	18.5	43.7	100.0
Alabama	.2	9.7	12.5	20.0	57.5	99.9
Illinois	0	3.3	5.4	13.5	77.8	100.0
Virginia	2.7	20.9	17.1	19.2	40.1	100.0
Ohio	.3	12.8	14.3	18.8	53.6	99.8
Tennessee	1.6	16.4	14.6	18.4	49.0	100.0
Allowed miners:						
National	([3])	4.8	8.1	15.9	71.1	99.9
Pennsylvania	([3])	3.0	7.1	15.7	74.2	100.0
West Virginia	([3])	9.0	11.1	18.1	61.6	99.8
Kentucky	([3])	9.6	12.4	18.4	59.3	99.7
Alabama	([3])	2.9	6.1	15.1	75.9	100.0
Illinois	([3])	1.0	2.3	8.8	87.9	100.0
Virginia	([3])	11.1	14.6	19.5	54.4	99.6
Ohio	([3])	3.8	8.6	14.8	72.8	100.0
Tennessee	([3])	5.6	9.3	16.7	68.0	99.6
Denied miners:						
National	2.1	17.6	15.4	17.7	46.8	99.6
Pennsylvania	.3	7.9	13.5	24.5	53.8	100.0
West Virginia	2.5	25.2	19.6	17.0	35.4	99.7
Kentucky	2.9	21.4	15.7	15.0	44.3	99.3
Alabama	.6	12.0	16.6	13.1	56.6	98.9
Illinois	0	3.3	3.4	16.1	77.2	100.0
Virginia	6.3	23.3	16.9	16.9	36.6	100.0
Ohio	0	14.5	11.8	19.1	54.6	100.0
Tennessee	2.9	23.6	14.7	16.2	42.6	100.0

[1] Based on a 5-percent sample of claims processed through April 1971.

[2] Totals do not add to 100 percent because of exclusion of unknowns.

[3] Less than 0.1 percent.

TABLE 5.—*Basis for denial of miners and widows black lung claims percent distribution, April 1971*

Basis for denial:	*Percent*
Total percent	100.0
Chest X-ray (or biopsy) does not establish pneumoconiosis	62.3
Pneumoconiosis not disabling—miner not working	29.8
Pneumoconiosis not disabling—miner working (statutory definition not met—411(c)(3))	2.4
No employment in Nation's underground coal mines	2.0
Other—application withdrawn, etc	3.5

Basis for denial:	
Total percent	100.0
No evidence that miner's death was due to pneumoconiosis or respirable disease	88.3
Evidence conclusive that pneumoconiosis or respirable disease was not cause of death	9.1
Deceased was not employed in the Nation's underground coal mines	2.4
Other—application withdrawn, etc	0.2

NUMBER OF BLACK LUNG CLAIMS ALLOWED, TOTAL CUMULATIVE PAYMENTS SINCE ENACTMENT AND TOTAL MONTHLY PAYMENTS, BY STATE OF CURRENT BENEFICIARY RESIDENCE, AND COUNTIES, WITH 50 OR MORE CLAIMS ALLOWED—AS OF APR. 30, 1972

State and county	Claim allowed	Monthly payment amount	Total cumulative amount
Alabama	6,729	$1,562,314	$30,427,652
Bibb	222	51,556	1,034,540
Cullman	62	15,623	273,848
Etowah	65	15,623	212,994
Jefferson	3,767	881,771	17,617,611
Marion	177	42,182	821,547
St. Clair	94	23,435	365,132
Shelby	186	43,745	821,547
Tuscaloosa	176	42,182	791,119
Walker	1,618	373,393	7,150,498
Alaska	7	1,410	26,384
Arizona	286	65,919	996,006
Maricopa	179	41,463	632,464
Pima	52	11,602	186,253
Arkansas	703	159,334	3,014,402
Franklin	91	20,713	382,829
Johnson	156	35,531	681,255
Logan	124	29,477	623,981
Sebastian	237	52,580	970,637
California	863	185,067	2,935,249
Los Angeles	330	70,140	1,127,136
Orange	67	14,250	243,626
Colorado	668	145,938	2,486,717
Boulder	100	21,453	392,901
Denver	83	18,534	293,432
Huerfano	73	16,345	273,539
Las Animas	158	35,755	614,219
Connecticut	437	92,710	1,649,016
Fairfield	205	43,852	784,932
Hartford	75	15,297	280,333
New Haven	128	26,886	476,566
Delaware	156	33,136	600,242
New Castle	131	27,768	499,401
District of Columbia	97	20,445	316,611
Florida	1,475	339,465	5,619,848
Brevard	91	20,368	309,902
Broward	113	24,781	404,629
Dade	105	23,084	370,910
Duval	52	12,201	191,075
Hillsborough	136	31,570	545,125
Orange	108	25,460	449,588
Palm Beach	62	13,579	202,315
Pinellas	191	43,791	753,060
Volusia	76	17,652	297,852
Georgia	132	28,906	455,129
Hawaii	2	353	13,192
Idaho	21	4,583	92,345
Illinois	9,343	2,050,890	32,742,871
Christian	310	65,628	1,080,515
Clinton	85	18,458	196,457
Cook	309	63,578	982,286
Franklin	2,220	490,163	9,004,290
Fulton	179	38,967	589,372
Gallatin	53	12,305	163,714
Jackson	200	45,120	720,343
Jefferson	58	14,356	229,200
Macoupin	396	82,036	1,211,486
Madison	197	41,018	523,886
Marion	130	28,712	360,172
Montgomery	122	$26,612	$327,429
Peoria	91	18,458	261,943
Perry	401	86,137	1,407,943
Randolph	188	41,018	622,115
St. Clair	181	41,018	523,886
Saline	905	203,038	3,274,287
Sangamon	396	84,086	1,211,486
Tazewell	55	12,305	163,714
Vermilion	480	106,646	1,473,429
Williamson	1,705	385,567	6,286,631
Indiana	2,299	492,453	7,987,836
Clay	85	18,270	281,971
Gibson	106	22,751	416,965
Greene	183	37,476	626,246
Knox	264	54,958	980,906
Lake	86	18,319	269,989
Marion	99	21,569	362,648
Pike	51	11,326	207,684
Sullivan	227	47,472	750,058
Vanderburgh	64	13,198	178,928
Vermillion	181	38,116	585,508
Vigo	318	67,171	1,095,132
Iowa	992	218,555	2,994,614
Appanoose	344	77,478	1,098,424
Lucas	53	11,824	197,645
Marion	87	18,402	256,938
Monroe	131	28,980	388,401
Polk	121	26,074	340,188
Wapello	54	12,392	160,212
Kansas	175	35,251	521,089
Crawford	83	16,430	265,703
Kentucky	11,770	2,695,273	51,779,117
Bell	901	211,579	4,530,673
Boyd	96	21,023	321,031
Breathitt	83	20,215	362,454
Carter	58	14,015	201,939
Christian	52	11,859	176,049
Clay	172	44,742	869,889
Daviess	60	13,207	181,227
Fayette	64	14,015	243,362
Floyd	1,137	243,922	4,887,949
Harlan	1,504	345,534	7,539,039
Hopkins	692	159,830	2,676,980
Jefferson	104	21,832	341,742
Johnson	289	65,765	1,206,453
Kenton	54	12,399	201,939
Knott	182	42,316	812,932
Knox	271	63,339	1,185,742
Laurel	146	33,960	595,460
Lawrence	81	19,136	372,810
Lee	50	12,129	207,116
Leslie	101	24,797	481,546
Letcher	754	173,845	3,277,618
McCreary	315	74,120	1,470,527
Martin	126	30,187	590,282
Muhlenberg	572	129,104	2,159,189
Ohio	103	23,718	310,675
Perry	639	151,205	3,003,189
Pike	1,718	386,233	7,927,383
Union	124	27,492	367,632
Webster	255	56,870	926,846
Whitley	407	93,256	1,796,735
Louisiana	28	5,993	85,749
Maine	0	0	[1] 6,596
Maryland	1,686	366,961	5,976,036
Allegany	762	169,107	2,746,706
Anne Arundel	76	15,596	238,444
Baltimore	126	25,357	417,724
Baltimore City	132	26,531	446,410
Garrett	219	50,567	808,558
Montgomery	80	16,807	278,483
Prince Georges	158	33,232	534,258
Massachusetts	71	15,863	211,074
Michigan	1,409	300,337	4,696,399
Genesee	57	12,095	190,110
Macomb	109	22,952	340,066
Oakland	153	33,064	509,841
Wayne	811	171,363	2,704,938
Minnesota	14	3,173	52,769
Mississippi	30	6,345	85,749
Missouri	296	62,746	778,336
Putnam	51	10,824	91,610
Montana	135	26,086	356,188
Musselshell	50	9,721	12,021
Nebraska	10	2,115	26,384
Nevada	33	7,403	105,537
New Hampshire	7	1,410	13,192
New Jersey	2,064	442,397	7,400,786
Bergen	126	25,553	415,628
Camden	113	24,911	452,040
Cumberland	50	10,702	165,038
Essex	355	78,101	1,314,824
Hudson	144	30,300	497,111
Mercer	101	21,155	378,032
Middlesex	231	48,810	830,220
Morris	74	15,400	288,779
Ocean	52	11,967	192,716
Passaic	136	28,880	483,123
Somerset	131	27,234	455,592
Union	313	68,536	1,146,530
New Mexico	273	63,099	1,028,986
Colfax	89	20,337	323,884
McKinley	71	15,878	322,237
New York	1,380	293,639	4,848,108
Bronx	52	11,555	177,344
Broome	166	34,720	550,018
Erie	200	$42,078	$668,942
Kings	134	28,829	488,156
Monroe	74	15,765	197,270
Nassau	56	11,957	197,318
New York	61	12,964	231,255
Niagara	78	16,332	236,927
Onondaga	53	12,095	194,361
Queens	121	26,974	472,448
Westchester	62	13,049	233,824
North Carolina	346	75,084	1,345,597
North Dakota	12	2,468	32,980
Ohio	6,072	1,326,839	20,639,090
Athens	394	85,236	1,273,638
Belmont	777	164,953	2,400,945
Butler	91	21,853	315,984
Cuyahoga	863	185,691	2,904,333
Franklin	478	106,373	1,898,590
Gallia	113	27,757	440,851
Hamilton	226	48,854	837,121
Harrison	969	14,861	239,620
Jackson	71	16,493	251,591
Jefferson	326	69,473	1,035,670
Lake	76	15,497	182,037
Lawrence	69	16,466	254,067
Lorain	110	23,565	379,965
Lucas	105	23,246	382,030
Mahoning	79	16,944	253,654
Meigs	113	27,041	398,334
Montgomery	324	71,251	1,142,167
Muskingum	76	17,766	299,473
Perry	149	30,730	418,974
Stark	145	33,091	502,975
Summit	184	39,168	592,755
Trumbull	85	18,350	294,107
Tuscarawas	73	15,192	285,232
Oklahoma	558	121,263	2,038,184
Le Flore	106	23,673	440,900
Okmulgee	93	19,356	315,648
Pittsburg	170	37,202	612,434
Oregon	52	10,575	151,710
Pennsylvania	67,078	14,421,092	278,175,886
Allegheny	1,927	418,789	7,635,928
Armstrong	559	127,482	2,005,648
Beaver	67	14,133	211,414
Bedford	274	61,578	1,073,759
Berks	142	29,852	520,189
Blair	72	15,575	236,450
Bucks	277	59,271	1,029,251
Butler	161	35,043	581,388
Cambria	4,367	952,946	18,796,345
Carbon	1,565	336,732	7,068,449
Centre	226	50,906	895,726
Chester	90	17,882	319,902
Clarion	254	57,829	937,453
Clearfield	1,218	269,963	4,695,609
Columbia	496	110,032	2,125,264
Cumberland	84	17,450	305,993
Dauphin	562	114,936	2,217,062
Delaware	243	51,195	895,726
Elk	192	42,358	684,313
Erie	89	19,180	325,466
Fayette	3,373	741,533	13,914,358
Franklin	53	10,672	175,251
Greene	822	180,552	3,224,059
Huntingdon	228	50,762	951,362
Indiana	1,464	322,023	6,178,286
Jefferson	472	106,716	1,888,814
Lackawanna	8,764	1,873,588	35,545,315
Lancaster	86	18,026	325,466
Lawrence	51	11,537	186,377
Lebanon	75	15,863	275,394
Lehigh	124	25,814	436,736
Luzerne	18,302	3,892,397	77,463,639
Mercer	72	16,152	278,176
Monroe	50	110,177	166,906
Montgomery	229	47,878	812,274
Montour	62	12,691	236,450
Northampton	134	29,275	500,717
Northumberland	3,023	653,997	12,498,443
Philadelphia	452	97,631	1,744,163
Schuylkill	8,349	1,753,028	36,165,647
Somerset	2,069	461,763	9,101,915
Sullivan	75	15,431	255,922
Susquehanna	296	62,876	1,212,847
Tioga	104	21,776	408,919
Washington	2,570	549,876	10,565,120
Wayne	186	41,533	706,567
Westmoreland	2,122	460,898	7,875,159
Wyoming	153	33,601	606,423
York	51	11,104	197,505
Puerto Rico	3	705	13,192
Rhode Island	9	1,763	32,980
South Carolina	70	16,215	230,862
South Dakota	7	1,763	19,788
Tennessee	4,449	1,040,955	19,458,394
Anderson	591	139,550	2,751,611
Campbell	832	194,076	3,941,881
Clairborne	203	47,936	978,757
Cumberland	81	17,821	276,504
Fentress	87	20,600	309,194
Grundy	300	71,243	1,324,338
Hamilton	224	50,892	744,478
Knox	200	48,925	886,719
Marion	277	66,059	1,202,334

Footnote at end of table.

NUMBER OF BLACK LUNG CLAIMS ALLOWED, TOTAL CUMULATIVE PAYMENTS SINCE ENACTMENT AND TOTAL MONTHLY PAYMENTS, BY STATE OF CURRENT BENEFICIARY RESIDENCE, AND COUNTIES, WITH 50 OR MORE CLAIMS ALLOWED—AS OF APR. 30, 1972—Continued

State and county	Claim allowed	Monthly payment amount	Total cumulative amount
Tennessee—Continued			
Morgan	113	26, 222	492, 297
Putnam	78	18, 602	352, 391
Roane	410	95, 237	1, 759, 233
Scott	129	31, 749	611, 772
Sullivan	247	55, 098	933, 419
Washington	58	13, 335	222, 604
White	76	17, 551	588, 616
Texas	126	28, 906	455, 129
Utah	536	122, 673	1, 932, 647
Carbon	328	76, 152	1, 228, 951
Salt Lake	80	17, 626	255, 554
Vermont	4	1, 058	13, 192
Virginia	7, 068	1, 681, 461	33, 263, 960
Alexandria City	60	13, 031	222, 203
Bristol City	93	21, 809	384, 531
Buchanan	631	157, 149	3, 043, 320
Dickenson	474	116, 290	2, 336, 793
Lee	666	160, 243	3, 411, 884
Montgomery	67	14, 124	224, 199
Norton City	239	52, 798	1, 082, 742
Roanoke City	75	16, 192	308, 690
Russell	485	118, 560	2, 298, 872
Scott	95	21, 304	391, 517
Smyth	93	22, 010	407, 151
Tazewell	1, 495	360, 673	7, 305, 764
Washington	111	26, 735	475, 009
Wise	1, 401	326, 775	6, 638, 821
Washington	209	43, 711	672, 799
King	51	10, 127	152, 241
Kittitas	89	18, 880	243, 035
West Virginia	27, 422	6, 460, 409	127, 877, 928
Barbour	361	81, 853	1, 350, 391
Boone	900	211, 643	4, 163, 705
Braxton	73	18, 025	345, 270
Brooke	88	20, 156	370, 846
Cabell	172	38, 504	682, 868
Clay	169	41, 024	713, 559
Fayette	3, 048	705, 024	14, 202, 123
Greenbrier	426	97, 746	1, 781, 340
Harrison	771	175, 206	2, 996, 180
Kanawha	1, 812	405, 003	7, 517, 943
Lincoln	215	52, 394	1, 005, 121
Logan	2, 469	598, 945	12, 607, 485
McDowell	3, 354	811, 040	16, 851, 753
Marion	1, 311	295, 758	4, 951, 433
Marshall	124	27, 974	473, 148
Mason	59	13, 115	199, 490
Mercer	1, 690	400, 416	7, 657, 330
Mineral	118	27, 069	419, 440
Mingo	1, 819	458, 431	9, 230, 229
Monongalia	800	179, 858	3, 141, 961
Monroe	82	19, 058	332, 483
Nicholas	344	82, 241	1, 425, 839
Ohio	246	56, 012	916, 885
Preston	318	77, 460	1, 251, 925
Putnam	126	28, 555	436, 064
Raleigh	4, 035	937, 793	19, 615, 195
Randolph	237	55, 172	1, 020, 466
Summers	84	19, 446	356, 779
Taylor	146	33, 594	554, 990
Tucker	129	29, 072	557, 548
Upshur	149	35, 597	558, 827
Wayne	165	39, 667	681, 589
Webster	231	57, 433	1, 053, 714
Wyoming	1, 042	257, 835	7, 172, 673
Wisconsin	55	11, 280	197, 882
Wyoming	529	114, 565	2, 236, 066
Lincoln	52	11, 445	236, 911
Sweetwater	370	80, 970	1, 642, 055

[1] Previously allowed, claimant terminated.

GEN. EVERT S. THOMAS RETIRES FROM DISTINGUISHED CREDIT UNION CAREER

The **SPEAKER**. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 30 minutes.

Mr. PATMAN. Mr. Speaker, it is not often that a man completes two outstanding and successful careers and achieves greatness in both of his endeavors. But that is exactly what has happened to Evert S. Thomas, Jr.

On May 1 of this year, Evert Thomas retired as the director of the Washington office of CUNA International, the worldwide credit union trade association. He also has served as executive secretary of the Defense Credit Union Council, a post he has held since 1964. Even though he will be giving up his Washington duties, Evert Thomas will continue in his Defense Credit Union capacity from his retirement home near Orlando, Fla.

This marks the second retirement for Evert Thomas, for in 1964 he retired from the U.S. Army with the rank of brigadier general, having established an outstanding service record that began in 1925 when he joined the Ohio National Guard in an enlisted capacity. In 1929 he was commissioned as an officer in the Army Reserve Corps, and in 1933 he resigned that commission and joined the Illinois National Guard as an enlisted man. Later he was commissioned as an officer in the Illinois National Guard and entered active duty with that organization in 1940. He is the only known person in the history of the U.S. Army who has been in an enlisted status twice and back to officer status twice.

During World War II Evert Thomas commanded a combat battalion in the European theater. In 1946 he was commissioned an officer in the Regular Army. He served as military attaché to Norway in 1959, the same year that he was appointed brigadier general. From that year until 1961 he was a deputy commanding general at Fort Knox, Ky. And from 1961 to 1964 when he retired from active military service, he was a commanding general, U.S. Army Training Center—Army—Fort Knox, Ky. In addition to his service in the European combat theater, General Thomas also served in the Korean conflict.

He compiled an outstanding military record both as a fighting man and as an administrator. On the battlefield he was awarded in 1945 the Distinguished Service Cross, the second highest military medal that our country can bestow. The medal is awarded for extreme heroism. He also earned the Silver Star, the Bronze Star with "V" device, the Legion of Merit, the Oak Leaf Cluster, and the Combat Infantry Badge. Throughout his military career, General Thomas was noted for his interest in the enlisted men who served under him. A few years ago a staff member of the Banking and Currency Committee was in Okinawa conducting an investigation into financing problems faced by servicemen. He interviewed a sergeant major, and in the course of their conversation General Thomas' name was brought up. The sergeant major recalled that he had served under General Thomas and offered the observation that—

> General Thomas was the finest officer ever to serve in the United States Army.

When he served in the Army, General Thomas became extremely interested in credit unions, particularly those that operated on military installations. He saw on many occasions the effective job that these credit unions did in helping solve servicemen's financial problems.

When General Thomas retired from active duty he had a number of job offers, many of which offered extremely high salaries. He chose instead a job with the credit unions that offered far more than monetary rewards. It offered him the opportunity to advance the cause of credit unions, particularly those that served military personnel. As the first Executive Secretary of the Defense Credit Union Council, he was instrumental in seeing that group grow from a handful of credit unions to a group that now encompasses several hundred credit unions, not only in this country but in most of the countries overseas in which American servicemen are stationed. He did such an outstanding job in that capacity that in 1966 he was selected to head the Washington office of CUNA International and to continue in his job as Executive Secretary of the Defense Credit Union Council. Last year when the job of Managing Director of CUNA International, the top staff job in that organization, was open, General Thomas probably could have had the job if he had so chosen. But he declined the position because of his impending retirement. He did serve in that job in an acting capacity for several months and, as always, he performed the job in an outstanding manner.

In 1965 the Banking and Currency Committee began an investigation of financing problems faced by servicemen, particularly those stationed overseas. Many servicemen who were forced to borrow money from high-rate finance companies were paying interest rates as high as 60 and 70 percent a year. There were no credit unions on military installations overseas and credit unions operating at military installations in this country were operating under virtually day-to-day directives since the Department of Defense had no official policy on credit unions.

It quickly became apparent that one of the best ways to solve the financing problems of servicemen was to make available credit union service to the members of our Armed Forces regardless of where they were stationed. Today credit unions have been recognized by the Department of Defense as official welfare and morale activities and are the only financial institutions authorized to provide consumer counseling for servicemen on an official basis. We also have credit unions overseas, and these credit unions have saved servicemen millions of dollars in excess interest costs that they would have had to have paid to the high-rate finance companies if we had not had the overseas credit unions.

It is fitting that in a little less than 3 years the overseas credit unions which General Thomas helped to organize have attracted more than 200,000 members and have lent more than $200 million in low-cost loans.

Much of the credit for the new philosophy on military credit unions in the Department of Defense must go to General Thomas who worked tirelessly to help solve the serviceman's financial problems. On two occasions General Thomas served as an unpaid consultant to the committee and traveled around the world to establish overseas credit unions. Not only was General Thomas an unpaid consultant, but his travel and expenses were not paid for by the taxpayer.

General Thomas has also been a tireless leader in fighting for legislation that would benefit credit unions. Members of Congress have found him to be totally reliable and an individual who can always be counted upon to provide a factual answer rather than a self-serving answer. The following list shows legislation of benefit to credit unions that has been enacted since General Thomas has headed the Washington office of CUNA International.

LIST OF LEGISLATION

Public Law 89-429—1966:

Known as the Participation Sales Act of 1966 this law authorized among other things Federal credit unions to invest their funds in the type of participation or beneficial interest issued by the Federal National Mortgage Association.

Public Law 90-44—1967:

Authorized Federal credit unions to make loans to directors and members of the supervisory or credit committees on the same basis as now provided in the Federal Credit Union Act or in amounts up to $5,000 whichever is greater.

Public Law 90-188—1967:

(1) Authorized Credit Committee to delegate any of its functions to a loan officer.

(2) Authorized Federal credit unions to pay dividends quarterly.

(3) Authorized credit unions to credit charge received during the first ten days of the month the entire month in computing dividends.

Public Law 90-375—1968:

(1) Authorized secured loans with maturities of ten years.

(2) Authorized Federal credit unions to invest in shares or deposits of any central credit union in which such investments are specifically authorized by the Board of Directors for the Federal credit union making the investment.

(3) Authorized Federal credit unions to purchase notes made by members of liquidating credit unions.

(4) Authorized the Executive Committee of a credit union to borrow funds as well as purchase and sell securities and make loans to other credit unions.

(5) Raise the unsecured loan limit to $2,500.

(6) Change the requirement for audit by Supervisory Committee from quarterly to semi-annually.

(7) Authorized the suspension of a member of the Supervisory Committee by majority vote of the Board of Directors.

(8) Authorized the Bureau of Federal Credit Unions to conduct consumer credit counseling programs for low income persons.

Public Law 90-365—1968:

Authorized payroll deductions for Federal employees to be made to financial institutions including credit unions for the purpose of saving.

Public Law 90-321—1968:

CUNA actively supported this law which now is known as the Truth-in-Lending Act. It was designed to protect the consumer in connection with the utilization of credit by requiring full disclosure of the terms and conditions of finance charges in credit transactions or offers to extend credit; by restricting the garnishment of wages; and by creating the National Commission on Consumer Finance to study and make recommendations on the need for further regulation of the consumer finance industry.

Public Law 91-206 1970:

(1) Amended the Federal Credit Union Act to provide for an independent Federal agency for the supervision and regulation of Federally chartered credit unions.

(2) Established a National Credit Union Board consisting of a chairman and one member from each of the Federal credit union regions all to be appointed by the President.

Public Law 91-468—1970:

Established a program of Federal share insurance for credit unions that would insure all member accounts up to $20,000.

Public Law 92-221—1971:

Provides an additional two years for credit unions that failed to qualify for share insurance on their initial application to qualify and to be insured during that period.

Although General Thomas officially retired on May 1, he will remain in the Washington area a few more weeks to help his successor assume his new job.

In the years that I have worked with General Thomas, I have found him to be more than an effective spokesman for credit unions. He has become a very close friend. And I am happy to see that even in retirement he will remain active in the credit union movement. In addition to serving as executive director of the Defense Credit Union Council, he will be a consultant on all credit union matters. It is extremely gratifying that General Thomas will be available to help guide the future course of the more than 23,000 credit unions in this country, for I can think of no one more qualified to handle the job.

GEORGIAN INDEPENDENCE DAY

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, Friday marks the 54th anniversary of Georgian independence. This is an occasion to commemorate for it marks a time when Georgia was free from Soviet domination and oppression and was free to choose its own destiny; yet, it is also a sad occasion because freedom and independence lasted but a brief time.

On May 26, 1918 the Georgian National Council which had been elected by the National Assembly of Georgia proclaimed the Act of Independence. In February 1919, elections were held for a new Georgian Constituent Assembly—suffrage was universal, equal, and secret. The Mensheviks, overwhelmingly elected, formed a Cabinet and administration which was directly answerable to the Assembly. The Georgian Social-Democratic leaders who had previously worked for the triumph of democratic socialism in Russia were quickly transformed into intense nationalists. The red banner of the revolution was repiced by an emblem of St. George, the national patron and protector. The Georgian language was declared official and the use of Russian was outlawed in the Assembly, the courts and the army.

The new government scored its most notable success in the realm of education. Early in 1918, Georgia's first regular university was opened in Tbilisi, thus realizing a dream long cherished by Georgian intellectuals. The university rapidly assumed a dominant position in Georgia's educational life under such great scholars as the historian Ivan Javakhishvili and the literary historian Korneli Kekelidze.

In labor and industrial policies, the government was able to follow its socialist principles and implemented a number of beneficial labor laws. An 8-hour day was established, overtime entitled the worker to double pay, unemployment and health insurance was introduced, and the right to strike was established by law.

However, although the Georgian Government's social and economic policies were basically sound and progressive, their realization of socialism was frustrated by financial instability combined with the pressures of political chaos in Russia and the Near East.

On February 11, 1921, the Red Army, acting under orders of two Georgian Bolshevik leaders, Stalin and Ordzhonikidze struck at Georgia in order to establish a Soviet regime in Tbilisi. Against this powerful military force, Georgia had only 40,000 troops spread out all over the fronts. The Georgians faced overwhelming odds, and in spite of extraordinary heroism of the Georgian Army, were unable to resist the Soviet invasion. On March 16 the Constituent Assembly held its last meeting in Batum and ordered the government to leave the country and continue to fight for the restoration of Georgian independence. The entrance of Russian troops into Batum brutally curtailed Georgia's independence. The rest of the story is all too familiar to the people of the free world.

It is indeed fitting that we pause and commemorate that brief period of Georgian independence as well as pay tribute to the land and its people who still cherish and hope for freedom and independence. I hail the brave and valiant people of Georgia.

SALT AGREEMENT WILL MANDATE SOVIET SUPERIORITY; "DECADE OF DANGER" FOR U.S. AND ALLIES

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 20 minutes.

Mr. ASHBROOK. Mr. Speaker, late last week, I learned the terms of a strategic arms limitation talks—SALT—agreement that, if signed, would doom the United States to nuclear inferiority to the Soviet Union and endanger our national security for the remainder of this decade. In recent days, further details have been supplied by reports in newspapers as varied as Newsday, the Washington Post, and the conservative weekly Human Events. None of the details in these articles has been denied or challenged by spokesmen for the Nixon administration. In fact, in today's New York Times, a front page article notes that the administration virtually confirms my statement.

In the absence of such denials, and in view of confirmation I have received from legislators who are exceptionally well informed on this issue, I think it imperative that the facts of the SALT agreements be brought to the attention of the general public and all Members of Congress.

Here are the salient facts of the agreement as I understand them:

First. The United States and the Soviet Union will sign a formal treaty, requiring Senate approval, limiting antiballistic missile—ABM—deployment to two sites and 200 launchers in each country. This means that the United States, if the treaty is approved, will be obligated to dismantle two of the three ABM sites already authorized by Congress and presently under construction. I cannot help but wonder why President Nixon and Secretary Laird told us in 1969, 1970, and 1971, that all these sites were needed to protect against the Soviet SS-9's, none of which are being scrapped. Under the treaty, we would be able to protect not three, but one, of our Minuteman sites, plus our national capital of Washington. In view of offensive missile technology, this is no protection at all.

Second. Under a 5-year executive agreement, the Soviet Union will be able to retain its more than 1,600 land-based missiles, while we could not go beyond our present 1,056.

Third. Under the same 5-year agreement, the Soviet Union would be able to deploy a total of 66 to 68 Polaris-type missile-firing submarines, while we could add no more than three to our present total of 41. To gain this overwhelming lead in a field where they now trail, all the Soviets would have to do is phase out 200 of their oldest land-based missiles, and 30 of their obsolete three-missile subs.

Fourth. If the Soviets did this, which is well within their capability, they would lead 1,400 to 1,056 in land-based missiles, and approximately 67 to 41 in Polaris-type subs. Thus the agreement permits the Soviet Union to retain most of their present wide lead in land-based missiles, while permitting them to surpass us by a wide margin in the one area where we still lead, submarine-based missiles.

Fifth. The Soviet Union could convert all of their 300-plus SS-9 missiles—the most destructive missile now deployed, the one we have been hearing so much about from Secretary Laird—into a still larger, more destructive missile that has recently been observed in the testing phase. Meanwhile, the United States could upgrade not a single one of its 1,000 Minuteman missiles to missiles of larger size.

Sixth. Neither the treaty nor the executive agreement covers manned bombers or multiple, independently targeted warheads—MIRV's. But if the Soviet Union obtains and deploys the same type of MIRV that we are presently deploying, they can take an overall lead in deliverable warheads of not less than 5 to 1 by the end of the offensive-weapon agreement in 1977.

I will touch briefly on a number of related points.

The agreements call for no onsite inspections.

No version of the agreements I have seen places restrictions on mobile land-based missiles. The Soviets have such missiles and we do not.

No version of the agreements I have seen places restrictions on the type of antiaircraft radars which make it possible to convert an extensive antiaircraft system into a "thick" ABM. The Soviets have such an antiaircraft system, and we do not.

In summary, these agreements are one-sided on their face. In issue after issue the United States has made major concessions. In not one area can I detect a major concession on the part of the U.S.S.R.

All details, published and otherwise, are no doubt subject to change and correction, and I would urge the administration to clarify immediately the exact details. But it is clear in my mind, and in the mind of every knowledgeable person I have spoken to, that the result of this agreement if signed will be to lock the Soviet Union into unchallengeable superiority, and to plunge the United States and its allies into a decade of danger.

The SALT treaty rewards the Soviets for having engaged in a rapid missile building program during the last 3½ years and punishes the United States for the Nixon administration's restraint in not adding a single land or sea-based missile launcher. The Nixon administration's 3½-year missile freeze has done irreparable damage to the United States by allowing the Soviets to gain a tremendous lead—and this new Soviet superiority will be made permanent by the SALT treaty.

If this agreement is signed, one of the most puzzling and thoroughgoing changes in the history of American Government will be complete. In 1968, candidate Richard Nixon called for U.S. superiority. In 1969, President Nixon told us "sufficiency" was enough. Now, in 1972, the President is apparently willing to sign an agreement and a treaty that would legitimize—and insure—Soviet superiority.

In the past the Soviets have not kept their treaty commitments. Here, however, is a treaty which it is actually in their interests to keep. Yet without onsite inspection we have no real basis for believing they will abide by the agreements of the SALT provisions.

Mr. Speaker, again I repeat, what has changed in the last 3 years to make U.S. inferiority acceptable to our administration? What has the Soviet Union done to show it is sincerely interested in peace? The latest action of theirs which I am aware of was to provide the North Vietnamese with the weapons to launch a massive invasion of the South Vietnamese. This is hardly the act of someone interested in reaching peaceful agreements.

In 1958, we also had an executive agreement with the Soviets calling for a moratorium on nuclear testing. Within 3 years, they unilaterally broke the agreement and launched a series of tests in the atmosphere, the biggest and dirtiest explosions up to that time. Then, after accomplishing their tests, they launched a worldwide campaign for banning nuclear testing in the atmosphere. This proved they had been preparing for these tests while under an agreement and, further, that in keeping with their past record, they broke it when it was in their interest to do so. Why would they not do the same thing in such an important area as strategic weapons if they did it in the more simple expedient of nuclear testing in the atmosphere?

Even President Kennedy was constrained to admit the inability of this country to enforce a Cuban missile ban without a continual onsite inspection. Recall his statement:

> We cannot prove there is not a missile in a cave or that the Soviet Union is not going to ship next week.

These are the facts as I understand them. I call upon the administration to repudiate this proposed agreement. If the administration insists on relegating the United States to a military inferiority which can bring a decade of danger, I call upon the respected leaders of both parties, particularly the Republican Party and more specifically those most conversant with our military policy, to join in repudiating this agreement and treaty.

Their reaction to this SALT agreement, now that the details are widely known, will determine whether Members of the U.S. Congress put people over politics and their Nation's interest first.

Mr. Speaker, at this point I include the May 20, 1972, article from Newsday, the Human Events article and the New York Times story which appeared today; as well as the Associated Press dispatch carried by the May 24 Washington Post:

[From the Long Island Newsday, May 20, 1972]

DETAILS OF MISSILE TREATY

(By Martin Schram)

Washington.—U.S. and Soviet negotiators have agreed on an arms-limitation package giving Russia a decided edge in offensive submarine-based missiles, but setting no ceiling on multiple-warhead missiles, where the U.S. holds a big lead.

The strategic arms limitation agreement also would allow each country to have two "equal" defensive anti-ballistic missile sites "equal" defensive anti-ballistic missile sites—one in each country would be heavily laden with key radar installations.

According to an informed source, the offensive-weapons portion of the pact achieved by the Strategic Arms Limitations Talks would be an interim agreement that would remain in force for five years. The defensive, or ABM, agreement would be permanent.

U.S. officials believe that the entire package will be ready for signing late next week during President Nixon's Moscow summit talks. Final details are now being worked out by SALT negotiators in Helsinki. As those last-minute details are being negotiated, U.S. officials acknowledged that they were concerned about the possibility of initial negative reactions from U.S. hawks, who may be less than satisfied with the submarine-based missiles agreement and from doves who may have misgivings on the ABM and radar provisions.

The offensive-weapons agreement provides for a freeze on the number of land-based intercontinental ballistic missiles, but not the number of warheads. It also limits—at U.S. insistence — submarine-based missiles. But a rather complicated replacement formula makes it possible for the Soviets to have a numerical edge in submarine-based missiles.

The defensive-weapons agreement provides for two ABM systems for each country: one protecting offensive intercontinental ballistic missiles in the field, the other protecting the capitals of Moscow and Washington. Each country's capital ABM ring would have six large radar complexes. And each country's ABM ring deployed to protect offensive missiles in the field would have 20 radar installations—two of the largest variety and 18 of the smaller variety.

Radar installations are the key to ABM systems—they are the most costly and time-consuming components to install, while the defensive missiles themselves can be put into place in a week or so. The extensive use of radar in the ABM rings means that the installations could eventually be converted into much stronger "hard-site" systems.

THE OFFENSIVE PACKAGE

The offensive agreement will freeze land-based intercontinental ballistic missiles at the present number of launchers. The U.S. now has 1,054 ICBMs, the Soviets have 1,618 and thus the Soviets will be allowed to retain their lead in ICBMs.

The agreement, however, does not limit the number of multiple warheads that may be placed on these launchers. And the U.S. is already deploying sophisticated multiple warheads called Multiple Independently Targeted Re-entry Vehicles (MIRVs), which the Soviets have not even developed to a testing stage. Thus the U.S. will retain its sizable lead in individual warheads—which reportedly will be, by the middle of this year, 5,700 U.S. warheads to 2,500 Soviet warheads. And by 1975, as the U.S. continues to deploy MIRVs, the number of U.S. warheads will rise to 7,594.

U.S. sources acknowledge that the Soviets hold a decided edge in the part of the deal concerning submarine-launched missiles. "Unlike the defensive agreement, we are buying inequality in the offensive package," one source said.

The submarine package involves an intricate set of limitations. Basically, it involves freezing the numbers of missile submarines now in existence in each country, while also allowing completion of submarines now under construction.

The U.S. now has 41 submarines equipped with 656 missile launchers, and has no new subs under construction. The U.S. submarines are quieter—and thus much more difficult to detect—than even the most modern Soviet "Y-class" submarines. But some of the more modern Soviet submarines are faster than their U.S. counterparts.

Russia has between 41 and 43 modern Y-class submarines either operating or under construction U.S. sources said. (The Soviets claim that the number under construction puts the total over that figure, and the matter remains under negotiation in Helsinki.) Those submarines have a total of 600 to 650 missile-launching tubes. However, the Soviets also have 100 more missile launchers on their 31 older G- and H-Class submarines. And under the SALT agreement, they will have the option of replacing those 100 launchers on older subs by building still more of the newer Y-Class submarines.

U.S. sources estimate that it would take about eight Soviet Y-Class submarines to handle 100 missile launchers. Thus, if the Soviets choose to exercise the option of replacing their older subs with quieter, more modern subs, they will be able to build eight more under the terms of the present SALT agreement. That would boost the number of Soviet submarines to at least 49 and possibly 51 and it would boost the Soviet total of submarine-launched missiles to from 700 to 750.

The submarine comparison is further complicated by a provision in the new SALT agreement that would allow the Soviets and the U.S. to swap certain old land-based missile launchers in exchange for modern submarine-based missiles. Under that provision, the Soviets could retire 209 of their old SS–7 and SS–8 intercontinental ballistic missiles, and build enough submarines to carry 209 launchers. That would mean about 17 new Soviet submarines—should the Russians decide to exercise that option.

If the Soviets were to exercise all of those options, they could conceivably have a force of 66 to 68 modern Y-Class submarines, equipped 909 to 959 missile launchers. However, U.S. sources consider it unlikely that the Soviets would attempt all of that construction within the span of the five-year offensive agreement.

On the American side, the U.S. would be allowed to retire 54 of its Titan missiles and build three new submarines with 54 launchers to replace them. However, the U.S. has no plans to do that.

THE DEFENSIVE PACKAGE

After extensive negotiations, the defensive arms limitation agreement will provide that each country can have two ABM installations: one protecting intercontinental ballistic missiles in the field and one protecting each capital, Moscow or Washington (known as the National Command Authority).

The U.S. had tried to win Soviet approval for a proposal under which the U.S. would be allowed two ABM sites protecting ICBMs in the field. (The U.S. now is deploying ABM installations at Grand Forks Air Force Base in North Dakota and at Malmstrom Air Force Base in Montana.) Under the plan that the U.S. tried to get through, the Soviets would have been allowed just one ABM site—to protect Moscow.

The U.S. held that two-for-one ABM position from last August until the beginning of the latest round of negotiations at Helsinki. Then the U.S. offered the Soviets two sites (with the U.S. still having two sites.) The Soviets would also have a choice—both sites shielding ICBMs in the field or one ring protecting Moscow and the other guarding an ICBM site. But the Soviets still insisted on "equality" of sites for the two countries.

Under the present SALT agreement, each ABM site will be allowed 100 interceptor missiles—thus giving each country 200 ABM interceptors.

The ABM installations at the capitals will allow six radar complexes, called "marks," to be placed within a 90-mile radius of Moscow. Each radar "mark" is three kilometer in diameter. U.S. sources say that one warhead striking a radar "mark" can knock out all radar within that mark. Thus, they say, it is only practical that the other side would install no more than one large radar system in each "mark," although theoretically they could squeeez more than one into each radar "mark" if they wanted.

The U.S. sources also say that it would take 50 to 100 re-entry vehicles (offensive missiles) to guarantee that one would get through to knock out one "mark." Thus, they say, all six "marks" of radar protecting Moscow could be wiped out with between 300 and 600 U.S. offensive missiles.

The ABM ring protecting each country's ICBM system, in contrast, would be allowed 20 radar installations each. Two of those could be the large radar setups such as the U.S. now has at Grand Forks (the site the U.S. intends to retain as its one ICBM protector). The other 18 radars must be smaller of the sort that Moscow now uses to protect its capital.

The U.S. is insisting that the Soviet ABM system protecting the missiles in the field be located east of the Ural Mountains. Thus the Soviets' 20-radar ABM package will be protecting just about 15 per cent of the Soviet population, one source noted. The percentage would be much higher if the second ABM system could also be located in the more densely populated western portion of the Soviet Union.

In contrast, the U.S. ABM installation in the Grand Fork, North Dakota, area will be shielding well under 10 per cent of the U.S. population.

THE U.S. RATIONALE

To really understand the SALT agreement now being completed, U.S. sources feel that it is necessary to look at the package from two perspectives: (1) What the U.S. traded off to get the deal with the Soviets, and (2) How the agreement would affect the strategic balance between the two countries.

On the first point, the U.S. has agreed to curb its Safeguard ABM program. Two American ABM installations are now being constructed in North Dakota and Montana, and two others have been cleared by Congress for advance preparation in Wyoming and Missouri. Now, just the Grand Forks, N.D., ABM installation would be completed to protect American ICBMs, and a new ABM system could be deployed around Washington, if the U.S. so chooses.

U.S. sources point out that many in Congress, had felt that the U.S. should be glad to win an ABM-only agreement with the Soviets. But in addition, there are now some offensive limitations.

For example, while the American ICBM program has been dormant at the level of 1,054 launchers—with no plans to build more—the Soviets have had an active, expanding ICBM program. The agreement would freeze the number of Soviet ICBMs. That would mean the Soviets cannot expand their large ICBM system beyond the 288 large SS–9 missile silos they have, plus the 25 new, even larger silos they have built for a new missile they are believed to be developing.

Also, despite long-standing Soviet opposition, the Russians have now agreed to clamp a ceiling on submarine-based missiles. That too is an area in which the U.S. is not presently expanding, but the Soviets are. The newest American submarine missile program now in early stages is the Underwater Long-Range Missile System, which is years away from deployment even if it manages to win approval from a leery Congress. The system cannot possibly be operational until 1978—which is, coincidentally, the year the offensive-limitation agreement of SALT runs out, as one source pointed out.

Concerning the second area of U.S. concern—the strategic balance—U.S. sources note that the U.S. can still develop the things that military planners want. The U.S. can continue to improve and deploy its sophisticated MIRV multiple-warhead system. The U.S. can continue to make qualitative improvements in its systems and can harden Minuteman silos to protect them against attack.

Also, there is no mention in the SALT agreement of bombers. That means that the U.S., which already has a sizable bomber edge, can continue to develop its new B–1 bomber. As of now, the U.S. has about 450 B–52 bombers; the Soviets have 195 large bombers (inferior to the B–52, according to U.S. sources) and of those, 50 are now used as tankers.

Of course, the Soviets can develop all of those things too. But the U.S. does have a sizable edge in such areas as MIRV, computers, missile accuracy and quiet-submarine technology. In MIRVs alone, the U.S. figures the Soviets are five years behind.

Thus, the U.S. sources maintain, while this country does not have a first-strike offensive capacity, it does retain its first-strike retaliatory capacity—the ability to strike back after a Soviet attack and still knock out 25 per cent of the Soviet population and 45 per cent of Soviet industry.

Like most contracts, the SALT agreement now being completed in Helsinki also contains an escape clause. Either side can withdraw from the agreement by giving just six months' notice, if it feels its supreme interest has been threatened.

NIXON EXPECTS SOME ACCORD

WASHINGTON.—On the eve of his departure for Moscow today, President Nixon said that correspondence in the last few days had convinced him that Party Chairman Leonid I. Brezhnev has a "positive attitude" toward the summit meeting.

The President apparently meant to convey a belief that the Soviet leader's interest in accomplishment was serious, despite important differences over Vietnam and other areas.

Soviet Ambassador Anatoly F. Dobrynin delivered the latest message from Brezhnev Thursday at Camp David, the President said last night, and it indicated that, while many issues are unresolved, important progress can be made to help the cause of peace.

Declaring that his own attitude also is positive, the President emphasized that the week-long meetings in Moscow would be aimed at substantive accomplishments rather than cosmetics. But he said many issues are "knotty" and remain to be settled.

He said that there would be discussion of Vietnam and "other areas of the world where the U.S. and the Soviet Union have sometimes conflicting interests."

[Vice President Agnew, emerging from a 40-minute meeting with Nixon earlier in the day, expressed belief that morale in Saigon—which he visited this week—is high. He said that the North Vietnamese might score some limited military successes during Nixon's visit to Moscow, but that he was confident they would be barred from any significant assaults. Agnew said his brief visit this week to South Vietnam had convinced him that Hanoi's offensive has been blunted and that "we are coming out of the woods."]

The President, speaking at a reception in the White House state dining room for members of the press who will accompany him, announced that he would speak in Moscow by radio and television to the Soviet people on Sunday, May 28. He said that both he and Brezhnev would make important speeches at a welcoming dinner in the Kremlin after his arrival on Monday.

There are three principal areas of possible agreement, the President said, though he emphasized that agreement was not a certainty and that some "Bottlenecks" remained to be broken. Agreements are possible, he said, on a nuclear arms limitation, on a program to increase Soviet-American trade, and on cooperation in space. It has been known for some weeks that substantial progress has been made in all three areas, particularly on a strategic arms limitation treaty.

The President and Mrs. Nixon were to depart from Andrews Air Force Base shortly after 9 A.M. for an eight-hour flight to Salzburg, Austria. They will leave Salzburg Monday for a 3½-hour flight to Moscow.

In his talk to reporters, Nixon recalled that he had often expressed a "dim view" of summitry. He referred to the summits of his three predecessors at Camp David, Vienna and Glassboro, N.J., as "froth with very little substance." He said that while he did not want to overestimate the possibilities of this one, he wanted to emphasize that it had been in preparation for nearly 3½ years and that his interest was in "substance rather than cosmetics."

[From Human Events, May 27, 1972]

SALT PLAN THREATENS UNITED STATES

President Nixon, who vowed in 1968 to provide America with "clear-cut military superiority" over the Soviet Union, is in Moscow this week pleading with the Kremlin's leaders to sign an agreement that is likely to freeze the United States into a posture of nuclear inferiority. That's the informed word from specialists in the military field who have been privy to the disarmament discussions going on at the Strategic Arms Limitation Talks (SALT) and who are familiar with the agreements we are offering the Russians.

According to these sources, here's what the Nixon SALT package—all but agreed to by the Soviets—will accomplish: It will give the Soviets a permanent lead in the total number of offensive ballistic missiles—both land- and sea-based—and it will provide the USSR with an extraordinary opportunity to soar ahead of us in the number of deliverable warheads.

The agreement will be divided into two parts: a permanent draft treaty requiring Senate passage, which covers only anti-ballistic missile systems (ABM); and an executive agreement to be initiated by Nixon and the Soviet leaders covering offensive missiles, land-based and sea-based, for a duration of five years.

The executive agreement reportedly consists of these specifics:

The United States, which now has 41 nuclear submarines, has agreed to freeze its submarine fleet at existing levels. Incredibly, however, the understanding permits the Soviet Union to construct at least 60 nuclear submarines (Yankee-class), equipped with at least 960 offensive missiles.

Under this agreement, the Soviets will be allowed to surpass the United States in both the number of nuclear subs and sea-based offensive missiles by approximately 50 per cent. Currently, sea-based missile deployment represents the only remaining U.S. lead over the Soviet Union in the entire missile field.

The Soviets have 25 operational subs already, with 17 more under construction. But the Nixon package generously permits the Soviets to build an additional 18 or more modern nuclear submarines, the only condition being that they would have to scrap some 200 older land-based offensive missiles, the SS-7s and SS-8s.

The executive agreement would also generously permit the Soviet Union to have close to a three-to-two advantage over us in land-based intercontinental ballistic missiles. Assuming the Soviets choose to convert their older, land-based missiles into submarines, for instance, the Nixon plan would still allow the Soviets to have 1,400 land-based ICBMs, while the United States' land-based offensive missile force would be fixed at its present 1,054 level. If the Soviets by some whim choose not to cash in their SS-7s and 8s for subs, their lead in land-based offensive missiles would increase by approximately 200 more.

Furthermore, the United States is prohibited from replacing its Minuteman and Titan fleets with larger missiles, while the Soviet Union has no such restriction with respect to its already huge SS-9. The Soviets have recently been testing a far bigger successor to the SS-9.

Informed sources also point out that under the conditions of this compact, the Soviet Union would have the ability to catch up to the United States and eventually surpass it in the number of deliverable warheads.

The Soviets now have more missiles than we do, some of which, particularly the SS-9s, pack a far greater wallop than ours. But because we are ahead of them in warhead technology, our missiles can deliver approximately as many warheads as theirs can—2,500.

Since the proposed SALT agreement fundamentally freezes the existing number of offensive missiles on both sides, the Soviets, assuming they can match our current warhead technology, which most experts do assume, will be able to achieve the capacity to rain at least five times as many warheads upon the United States as we will be able to unleash upon the Soviet Union.

Nor does this exhaust the tremendous concessions we are about to make to the Soviets at the summit. Though the Pentagon has insisted all along that we must erect several ABM sites to protect our land-based missiles from the threat of those massive Soviet SS-9 missiles, the draft treaty—which would be permanent—would force us to dismantle two out of three Safeguard sites already authorized by Congress. The Soviets, however, are not required to eliminate a single SS-9, which leads one to wonder why we ever maintained they were a threat in the first place.

Aside from requiring no on-site inspection nor restricting the production of bombers, the treaty also significantly fails to even touch upon the Soviet Intermediate Range Ballistic Missiles (IRBMs) now menacing the whole of Western Europe.

Indeed, many experts believe that the proposed package—as it has been outlined to lawmakers and government personnel in Washington last week—is an outright gift to the Soviet Union, bestowing upon this Communist colossus nuclear superiority for years and years to come. In one stroke the United States would permanently remove the nuclear umbrella of protection it has extended to our allies and bring our own survival into grave question as well.

In a little-noticed speech delivered in October 1969, the late Secretary of State Dean Acheson suggested that SALT could actually turn into a "Munich."

"One can easily see," he emphasized, "the advantage to the Soviet Union and the lethal danger to the United States in an agreement that would bind the open and public American society to nuclear parity with the Soviet Union without opening the closed and secret Soviet society to far more inspection and oversight than it has ever been willing to grant in 20 years of discussion of the subject."

The chances for real success in the discussions, Acheson stated, "must be almost infinitesimal, yet the lure of them to negotiators and the danger of falling into their own bear trap is substantial. Until Communist society becomes more civilized and reliable, the risks of improvident agreement, like those of continuous Russian roulette, are uninsurable, and perhaps greater than those created by no agreement at all."

The risks seem even greater, Acheson maintained, when we add another consideration: "Currently the Soviet Union greatly surpasses Western Europe in intermediate-range ballistic missiles and conventional forces. The threat that this superior power might impose Soviet demands on Western Europe, as it has on Eastern Europe, has been offset by the provisions of the North Atlantic Treaty and the presence in Europe of substantial United States conventional forces as a practical guarantee of U.S. strategic nuclear support.

"If, however, Soviet and American intercontinental nuclear power were neutralized by agreement to maintain parity, leaving Soviet intermediate-range and conventional power unchallengeable, the balance of power in Europe would be so openly and notoriously upset that the imbalance might be as great and could be as decisive as it was after Munich. Not that war would be inevitable, but Soviet domination *would* be if American intervention should be foreclosed."

In Acheson's view, a nuclear Munich would have been struck if we even opted for parity with the Soviets. But in Washington last week, military experts were suggesting that we were offering the Soviets a disarmament treaty far more disadvantageous to the United States than anything Acheson ever dreamed of.

[From the New York Times, May 24, 1972]

ACCORD EXPECTED TO OFFSET MISSILE TOTALS AND POWER

(By Bernard Gwertzman)

WASHINGTON, May 23.—The United States and the Soviet Union have all but concluded agreements on limiting some strategic nuclear arms that would give the Russians a possible numerical edge in the number of land-based and sea-based missiles, Congressional and Administration officials said today.

But a senior Administration official said that the potential Soviet lead in individual missiles would be more than offset by American superiority in multiple-warhead technology, and that this would allow the United States to maintain a substantial advantage in the number of warheads targeted on the Soviet Union.

Details of the arms-limitation package that is being completed in Helsinki, Finland, for expected signing in Moscow on Friday, were made known to newsmen this morning by Representative John M. Ashbrook of Ohio, President Nixon's conservative challenger for the Republican Presidential nomination.

The Congressman, who opposes Mr. Nixon's conciliatory moves toward the Russians, said that the proposed accord would "doom the United States to nuclear inferiority."

Administration officials, when informed of Mr. Ashbrook's remarks, did not deny their accuracy. But the officials sharply rebutted his interpretation of the proposed accord, whose full details have not been made public by the Administration.

A senior Administration official said that "what is frequently forgotten" is that the United States, through its ability to mount multiple warheads on individual missile launchers, will have a sizable advantage in the number of actual projectiles that could be launched.

BIG LEAD IN WARHEADS

He said that by the end of 1972 the United States would have 5,700 warheads as against the Soviet Union's 2,500. These multiple warheads are known as multiple independently targeted re-entry vehicles, or MIRV's, and these, the official noted, the Russians have not yet been able to develop.

Mr. Ashbrook and Administration officials both said that the accord would consist of two parts.

The first, in the form of a treaty, requiring Senate approval, would limit the deployment of antiballistic or defensive missiles to two sites and 200 launchers in each country. One site would defend the capital, and the other would defend an offensive missile pad somewhere in the country.

The second part of the projected accord, taking the form of a five-year "executive agreement," would allow the Soviet Union and United States to retain their current levels of land-based missiles; at present the Soviet Union has a sizable numerical advantage, 1,618 to 1,054.

The United States currently has a substantial lead in submarine launched missiles. It has 41 submarines equipped with 656 missile launchers. They have longer range and are more difficult to detect than the 25 Soviet submarines of the Y class in operation and the 17 or so under construction, which combined have a total of about 650 missile launchers.

The "executive agreement" would allow the Russians to complete the submarines now being built. But would also allow them further options that could give them a numerical lead over the Americans.

Mr. Ashbrook, who said he had learned of the contents of the prospective accord last Friday from "a highly placed and respected source" and had since confirmed his information with "exceptionally well-informed" legislators, seemed most disturbed by the options to be included in the "executive agreement."

To get the Russians to agree to a submarine freeze at a time when the Americans have a substantial lead in the field, the United States has apparently accepted a rather complicated set of options.

The Soviet Union has 31 older submarines of the G and H classes that fire three or four missiles apiece. Under the "executive agreement," the Russians could replace the approximately 100 missile launchers aboard those vessels by building additional submarines of the Y class. This would allow the Russians to build seven or eight more submarines and increase the number of sea-launched missiles covered by the accord to about 750.

POSSIBLE FUTURE STRENGTH

In addition, the arms limitation accord would allow the two sides to "cash in" certain obsolete land-based missiles for additional submarine-launched ones. The Soviet Union could retire some 200 of its oldest SS-7 and SS-8 land-based missiles and build 16 or 17 new submarines.

Thus, if the Russians took advantage of all options, it could have about 65 modern submarines and about 950 submarine-launched missiles. The United States could "cash in" some 54 Titan missiles and build three new submarines—something not currently planned, given it a total of 44 submarines and 700 missile launchers.

Administration officials say they doubt that the Russians would take advantage of every option open to them or could even carry out such an expanded building program in the five-year period.

The senior Administration official, who asked not to be identified, said that the projected strategic-arms agreement would have the effect of slowing down and in some cases halting the Soviet missile-building program while not putting any ceiling on the number of multiple warheads, in which the United States excels.

Representative Ashbrook noted in his news conference that the proposed agreement did not cover bomber aircraft or the multiple-headed warheads, but he said that if the Soviet Union gained the technology to build MIRV's it could take an overall lead in "deliverable warheads" of "not less than 5 to 1" by the time the "executive agreement" would expire in 1977.

But the senior Administration official said that the United States would continue to have an advantage in this technology for the foreseeable future, and at least until the agreement ended.

Presumably, the two sides would seek in the next stage of the talks on limiting strategic arms to reach accords on the MIRV's and to reduce the arsenals of both countries.

FURTHER ASHBROOK CRITICISM

Mr. Ashbrook criticized the proposed defensive—missile treaty, which would limit protection to the capitals and to one offensive-missile site in each country. At present, the Russians have a ring of anti-ballistic missiles around Moscow, while the United States has started construction of such missiles at Grand Forks Air Force Base in North Dakota.

Under the terms of this treaty, Mr. Ashbrook said, the United States would be obliged to stop work on another antiballistic missile site at Malmstrom Air Force Base in Montana. He said that "in view of offensive-missile technology, this is no protection at all."

The Nixon Administration has never asserted that the limited antiballistic missiles would provide much protection. Some Congressional opponents of deploying them have said that they were a waste of money. And some Administration officials believe that there may be trouble persuading Congress to appropriate funds for an antiballistic missile system around Washington.

Mr. Ashbrook also criticized the proposed agreement for not calling for any on-site inspection. The Administration, in the face of long-standing Soviet refusal to agree to any on-site inspection, has asserted that it could adequately detect any possible violations of the proposed accords through satellite and electronic means. The treaty and the "executive agreement" would have escape clauses in case of Soviet violation.

[From the Washington Post, May 24, 1972]

ASHBROOK WARNS OF PERIL IN ARMS PACT WITH RUSSIA

Rep. John M. Ashbrook, President Nixon's Republican primary challenger, said yesterday the arms limitation agreement Mr. Nixon may sign with Russia would doom the United States to a decade of military inferiority.

The Ohio congressman, who said he had learned the basic terms of the treaty "from highly placed people," urged Mr. Nixon to repudiate it at the Moscow summit meeting.

"It's better to have the summit flop than to risk the future security of the nation," he said at a news conference.

Ashbrook said the Strategic Arms Limitation Talks (SALT) treaty, as he understands it, would require the United States to scrap two of the three antiballistic missile sites it is building, limit the United States to 1,056 landbased missiles while permitting the Soviet Union to keep 1,600 and permit Russia to overtake and surpass the United States in advanced missile-firing submarines, a field in which the United States is now reported well ahead.

No on-site inspection would be permitted to see if the treaty is being violated, he said. "But this is one treaty which it is actually in their interests to keep," he said.

Ashbrook said he was not violating any security regulations in disclosing the terms of the treaty as they have been made available to him. Other reports about it have appeared in some newspapers, he said, the White House has held a briefing on it for selected congressional leaders, and it is being widely discussed in the Capitol cloakrooms.

"It's been leaked in many ways, not just me," he said.

Ashbrook said he hoped by making the details public before any agreement is signed in Moscow he can stir up enough opposition in the United States to block it. He said he was particularly interested to see what the reaction of conservative Republicans like Sens. Barry Goldwater, Strom Thurmond and John Tower would be.

Ashbrook's campaign against Mr. Nixon has had a hard time getting off the ground, largely because of the failure of such respected conservative leaders to support him.

"I'll be very disappointed if they don't speak out," Ashbrook said. "We will find out whether they think an issue of this magnitude transcends party loyalty."

CONGRESSMAN CRANE SPONSORS LEGISLATION TO STIFFEN PENALTIES FOR DRUG PUSHING, CRIMES WITH GUNS

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 20 minutes.

Mr. CRANE. Mr. Speaker, today I am introducing bills which will provide mandatory life imprisonment sentences for all persons convicted for the second time of illegally distributing narcotic and other hard drugs or for committing a felony with firearms.

These two bills would increase the penalty for a first offense to a minimum of 2 years imprisonment and a maximum of 25 years. Currently, the United States Code provides for a 1-to-10 year sentence for the first felony committed with a firearm and a 2-to-25 year term for the second offense. Illegal distribution of narcotic and other dangerous drugs currently calls for imprisonment of up to 15 years or a fine of up to $25,000 for the first offense and up to 30 years or $50,000 for the second offense.

There has been a considerable amount of debate on both of these issues, yet few of the proposals in either area are directed specifically at the criminal. Obviously, the way to prevent violation is to make the penalty sufficiently strong so as to discourage potential offenders.

Earlier this year, I cosponsored a bill (H.R. 13458) with my distinguished colleague from New Mexico (Mr. RUNNELS) which would make the use of firearms to commit felonies a Federal crime if State laws are violated.

I do not believe we are going to reduce the number of crimes committed with guns by merely requiring registration or licensing. The criminal who wants to use a gun can find one, whether it is registered or not. But a severe prison sentence, and a life imprisonment for a second offense, would give law enforcement agencies the tools they need to get criminals off the streets while at the same time, discourage the illegal use of firearms.

The quickest solution to the growing drug problem is to eliminate the pushers and the best way to achieve that is to lock them up and provide stiff enough penalties to discourage other offenders.

The penalties under both of these bills would prohibit suspension or probation of the term.

In conclusion, I would welcome the comments of my colleagues on these bills which I believe represent a clear and straight-forward approach to dealing with these serious problems.

Mr. Speaker, I include the text of these bills in the RECORD at this time:

H.R. 15150

A bill to amend the Controlled Substances Act to increase the penalties for persons convicted of illegally distributing narcotic and other dangerous drugs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 405 of the Controlled Substances Act (21 U.S.C. 845) is amended to read as follows:

"ILLEGAL DISTRIBUTIONS

"SEC. 405. (a) (1) Any person at least eighteen years of age who violates section 401 (a) (1) by distributing a controlled substance in schedule III, IV, or V or marihuana, mescaline, or peyote to a person under twenty-one years of age is (except as provided in paragraph (2)) punishable by (A) a term of imprisonment, or a fine, or both, up to twice that authorized by section 401(b), and (B) at least twice any special parole term authorized by section 401(b), for a first offense involving the same controlled substance and schedule.

"(2) Any person at least eighteen years of age who violates section 401(a) (1) by distributing a controlled substance in schedule III, IV, or V or marihuana, mescaline, or peyote to a person under twenty-one years of age after a prior conviction or convictions under this subsection (or under section 303(b) (2) of the Federal Food, Drug, and Cosmetic Act as in effect prior to the effective date of section 701(b) of this Act) have become final, is punishable by (A) a term of imprisonment, or a fine, or both, up to three times that authorized by section 401(b), and (B) at least three times any special parole term authorized by section 401(b), for a second or subsequent offense involving the same controlled substance and schedule.

"(b) Any person at least eighteen years of age who violates section 401(a) (1) by distributing to any other person a controlled substance in schedule I or II (other than marihuana, mescaline, or peyote) shall be sentenced to a term of imprisonment of not less than two years or more than twenty-five years and to a special parole term of at least three times the special parole term authorized by section 401(b) (1) (A) for a first offense; except that if a person commits such a violation after a prior conviction for such a violation, such person shall be sentenced to imprisonment for life. In the case of any sentence imposed under this subsection, imposition or execution of such sentence shall not be suspended, probation shall not be granted, and section 4202 of title 18, United States Code, and the Act of July 15, 1932 (D. C. Code, secs. 24-203—24-209), shall not apply."

(b) The item relating to section 405 in the table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended to read as follows:

"SEC. 405. Illegal distributions."

H.R. 15151

A bill to amend title 18 of the United States Code to increase the penalties for persons convicted of committing a felony with or while unlawfully carrying a firearm

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 924(c) of title 18, United States Code, is amended—

(1) in the first sentence by striking out "for not less than one year nor more than ten years" and inserting in lieu thereof "of not less than two years or more than twenty-five years"; and

(2) in the second sentence (A) by striking out "to a term of imprisonment for not less than two nor more than twenty-five years and, notwithstanding" and inserting in lieu thereof "to imprisonment for life. Notwithstanding", and (B) by striking out "the sentence in the case of a second or subsequent conviction of such person" and inserting in lieu thereof "the sentence imposed on any person under this subsection".

COST OF LIVING COUNCIL

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 30 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, at a press conference in Chicago yesterday, my former colleague from Illinois and current Director of the Cost of Living Council, Don Rumsfeld, called on the Senate to "exercise restraint" in its current deliberation on the minimum wage bill. He warned, as did I during the debate on the House side, that a precipitous 25-percent increase in the minimum wage could place the entire stabilization and recovery program in jeopardy. I was gratified that a majority of my colleagues in the House saw the wisdom and the reasonableness of a more restrained approach to raising the minimum wage than that contained in the bill reported by the Education and Labor Committee and hope that the Senate will see fit to adopt a similar measure. At this point in the RECORD I would like to include the full text of Mr. Rumfeld's statement:

DONALD RUMSFELD, DIRECTOR OF THE COST OF LIVING COUNCIL, AT PRESS CONFERENCE, NORMANDY ROOM, CONRAD-HILTON HOTEL, CHICAGO, ILL.

Donald Rumsfeld, Director of the Cost of Living Council, today called on the Congress to "exercise restraint" in adopting new minimum wage legislation.

All who are serious about wanting to reduce inflation and achieve true peacetime prosperity, must carefully assess the potential impact on unemployment and inflation of the minimum wage legislation now pending in the U.S. Senate.

Any proposal which fails to take into account the upward pressure on prices, generated by an abruptly higher minimum wage, poses a threat to the national effort to stabilize costs and prices.

The Senate Labor and Public Welfare Committee is expected to approve Senate Bill 1861 tomorrow. That measure, which probably will be voted on by the entire Senate next month provides for a 25% increase in the minimum wage within 60 days of passage. The bill would add $2.8 billion in direct costs to the Nation's wage bill in the first year. Additional increases would be required in subsequent years.

While the direct impact on the total wage bill and on prices of so large an increase in the minimum wage is great, its indirect effects will likely be even more substantial. Adjustment of the Pay Board standards might be necessary to maintain customary wage differentials for workers with higher skill levels, which would result in a significant escalation in labor costs. Those most in need of jobs for the income and work experience they provide will find it more difficult to compete for jobs when employers are prohibited from hiring them at wage levels commensurate with their skills.

Such a large and abrupt change in the minimum wage will lead to additional wage increases for some, which will be paid for by the low income wage earner in the form of lost employment opportunities, and by the American consumer in the form of higher prices.

The House-passed version of the bill, H.R. 7130, is far more reasonable in its provisions than the Senate version. Although it provides for a 12% increase in the minimum wage, it will not have as severe an impact on employment opportunities or inflation as the measure now pending in the Senate. The House version wisely makes provision for young men and women seeking full- or part-time employment by allowing a teenage differential. This provision avoids the unintended result of providing an incentive for firms to reduce their total number of workers and will encourage additional jobs for groups experiencing disproportionately high unemployment.

Congressional Amendments to the Economic Stabilization Act in December 1971 involving the exclusion of certain fringe benefits from control and the mandated retroactive wage payments, have resulted in a loosening of the Pay Board rules and the passing along of substantial increased costs to consumers across the country. Continued Congressionally mandated loosening of the Economic Stabilization Program's regulations could reduce the ability of the country to achieve the stated anti-inflation goals.

At a time when the Nation is embarked on an effort to reduce inflation, reduce unemployment, and expand job opportunities, the Senate should weigh carefully any proposal which requires large increases in wages and costs.

IN OPPOSITION TO ATLANTIC UNION RESOLUTION

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. SANDMAN) is recognized for 5 minutes.

Mr. SANDMAN. Mr. Speaker, I am today publicly withdrawing permission for use of my name as a cosponsor of the Atlantic Union resolution (H. Con. Res. 183).

Now that I have had an opportunity to carefully study all of the testimony given at the recent hearings on this proposal, I understand that Congress is being asked to sanction a delegation of 18 Americans to explore the possibility with other delegations of our North Atlantic Treaty allies of agreement on the following:

First, a declaration that the goal of their peoples is to transform their present alliance into a federal union;

Second, a timetable for the transition to this goal;

Third, creation of democratic institutions to expedite the necessary stages and achieve the objective in time to save us from another war or depression.

The convention's recommendations would then be submitted to the Congress for action by constitutional procedure.

PRINCIPAL OBJECTIONS

First and foremost, I will not be part of any effort that if pursued could lead to any loss of national sovereignty for the United States. There is a large segment of our people who believe Atlantic Union would do exactly that.

While I am a strong advocate that the United States promote international cooperation, particularly in such areas of common concern as defense and trade, I insist that such cooperation must not result in our losing control over our own destiny as a Nation. It appears that is where the Atlantic Union plan would head us.

Second, I challenge the premise which, though not admitted, is that government gets more efficient and effective as it gets further and further away from the people. I think the reverse is generally true.

In fact, I subscribe to President Nixon's call for us to join an exciting "New American Revolution": a peaceful revolution in which power is returned to the people.

Third, we have gone this route before. Ten years ago, after a similar resolution was enacted and signed into law by President Eisenhower, Congress appropriated $377,000 for travel and meeting expenses for 20 private citizens to go to Paris to meet with private citizens representing other NATO countries.

What resulted from that 12-day Convention in January 1962, was known as the "Declaration of Paris", a 10-page statement of subtleties, including a call for creation, within 2 years, of a "true Atlantic Community, suitably organized to meet the political, military, and economic challenge of this era."

Whatever that meant. Congress took no action, of course. Nor did the national legislative bodies of any of the other countries.

OTHER CONSIDERATIONS

Some of my colleagues and more zealous constituents have read a great deal more into this Atlantic Union proposal than is actually there. Yet, they are justified, as I think I am, in urging extreme caution and care when it comes to considering further international entanglements.

I therefore withdraw my name fully from the resolution, urge the Committee on Foreign Affairs not to report it, and urge that if the Atlantic Union question does reach the floor of the House for a vote, it be rejected.

THE 24TH ANNIVERSARY OF THE FOUNDING OF ISRAEL

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. HORTON) is recognized for 10 minutes.

Mr. HORTON. Mr. Speaker, last month, the American Israel Public Affairs Committee celebrated the 24th anniversary of the founding of Israel during the committee's 13th annual policy conference in Washington. The committee has been extremely active over the years in promoting a good relationship between the United States and Israel. Two people who have been particularly instrumental in the group's activities are Si Kenen and Esther Chesney, who is retiring after 15 years of devoted service. Rabbi Philip S. Bernstein of Rochester, N.Y., is honorary chairman of AIPAC and one of its most dedicated leaders.

On the evening of April 19, the AIPAC held a public meeting which was addressed by Rabbi Bernstein; Lt. Gen. Yitzhak Rabin, Israeli Ambassador to the United States; Mrs. Rita Hauser, former U.S. Ambassador to the United Nations Human Rights Commission; and Dr. Hans J. Morgenthau, professor emeritus at the University of Chicago. Their remarks were focused on the position of the Israeli State, poised between two major powers, the United States and Russia. The happy occasion of the 24th anniversary of the founding of Israel prompted several thoughtful appraisals of Israel's will and ability to survive. I am introducing into the RECORD the text of their remarks so that my colleagues will have the opportunity to benefit from their knowledgeable opinions. The texts follow:

REMARKS OF RABBI PHILIP S. BERNSTEIN

We meet on the 19th of April, 1972 in the city of Washington. An extraordinary concatenation of anniversaries makes this a singularly significant event.

"Dawn was just breaking on the morning of April 19, 1775, when Major Pitcairn drew up a company of British regulars on the village green of Lexington in front of the Meeting House. Facing them across the green was a body of Massachusetts Minutemen, hurriedly assembled through the warning ride of Paul Revere the night before. Shots were fired. We do not know who fired the first shot. But we do know that it was a shot heard around the world. The War of the Revolution had begun."

John Adams wisely said that before the first shot was fired the Revolution had already occurred in the minds of men. Whence came their revolutionary ideas? Chiefly from the Old Testament. The Torah portion for this very sabbath deals with laws of justice which are at the heart of the American way of life. It deals with what the founders called "unalienable" rights, rights to dignity, to freedom, to justice, to inviolability, culminating in those wonderful words to be found in this sabbath's portion,

"Thou shalt love thy neighbor as thyself."

There is then a profound inner spiritual kinship that has made America so precious to Jews and made this country so good to the Jews and more recently in helping to bring Israel into being and helping Israel to survive.

It was on the 19th of April, 1943 that the Warsaw Ghetto Revolt began. The Germans under S.S. Major General Jurgen Stroop had set out to destroy every Jew in the ghetto and they nearly did. By the time they had finished, some forty thousand Jews had been killed, seven thousand by shooting, twenty thousand by deportation to Treblinka, "and the rest simply buried under the debris and burned to cinders."

But these Jews left a glorious heritage in the struggle for human dignity under freedom. With minimal weapons, almost fighting with bare hands, they resisted the ruthless oppressor.

The leaders of the revolt were two young people under 20. There was Mordecai Anilewitz who was killed and whose memory is kept alive in the Kibbutz Kfar Mordecai near the Gaza strip.

After leading the glorious but hopeless fight, Zivia Lubotkin escaped through the sewers of Warsaw and ultimately got to Israel. She said "whoever singles out that bitter, that sublime day, April 19th, 1943, the eve of Passover 5703, and says 'at last those surviving Jews rose up,' in that last moment they did not shame Jewish history and the generation they were born in * * * that man denies historic truth." The Jewish rising in the ghettos was not a sudden spontaneous act. The revolt had been prepared over the years clandestinely behind shuttered windows and closed doors. Had it not been for the Jewish Resistance Movement which from the day of the outbreak of war had sustained the morale of the younger generation and preserved their Jewish and human dignity, the rising would never have started.

Only the proud and the free who have not bowed their head even under conditions of servitude, imprisoned behind barbed wires and walls, they and only they are capable of revolt when the time is right."

What Zivia Lubetkin was saying is that we must be organized and ready to fight for freedom. It is never handed to us. It must come through our own blood, sweat and tears.

And now we come to April 19th, 1972, the 5th of Iyar, according to the vagaries of the Jewish calendar falling on this date. On this date, the 5th of Iyar, 5708, falling on the 14th of May, 1948, the State of Israel came into existence. It, too, did not come full grown from the brow of some great leader or the brows of groups of leaders. There were centuries, millenia, of preparation. It was as if the Jews had been waiting in the wings for their cue to enter the stage of history. A people had risen from the ashes of the holocaust. A great new democracy, dedicated to freedom and justice and peace had come into being. No longer would the fate of Jews be determined by others. No longer could Jews be slaughtered with impunity.

To its neighbors Israel now said in the words of its Declaration of Independence. "We extend our hand in peace and neighborliness to all the neighboring states and their peoples and invite them to cooperate with the independent Jewish nation for the common good of all."

All this leads to the promise and the hope and the faith enunciated by the prophet Amos in the Haftorah portion for this Saturday morning.

Amos, Chapter 9, verses 13 through 15:

Behold, the days come, saith the Lord,
That the plowman shall overtake the reaper,
And the treader of grapes him that soweth seed;
And the mountains shall drop sweet wine,
And all the hills shall melt.
And I will turn the captivity of My people Israel,
And they shall build the waste cities, and inhabit them;
And they shall plant vineyards, and drink the wine thereof;
They shall also make gardens, and eat the fruit of them.
And I will plant them upon their land,
And they shall no more be plucked up
Out of their land which I have given them,
Saith the Lord thy God.

I cannot recall when I first became aware of Si Kenen, but I do recall with vividness and gratitude when we first began to work together in 1946. I had been recommended by the major Jewish organizations and invited by the White House to serve as Advisor on Jewish Affairs to the U.S. Military Commanders in Europe in their dealings with the displaced persons problem. Since the invitation was unanimous and the need so urgent, I agreed to do it but only on the condition that I communicate with one responsible person in the American Jewish community and one established organization. Otherwise my task would have been impossible. Somewhat to my surprise, and of course to my delight, this was accepted and the American Jewish Conference was designated as the organization and Si Kenen as the person with whom I would deal. Thus developed a friendship and a working relationship that have grown and deepened through the years.

In all my relationships with him I have found Si competent, highly intelligent, honorable, devoted and dedicated.

For a few years after I returned from Germany in the early fall of 1947, I saw a little less of Si as he became director of information with the Jewish Agency and the Israel Delegation to the United Nations. In this period he was in the front line in the great diplomatic struggle which culminated finally in the establishment of the Jewish state.

When Louis Lipsky retired from the chairmanship of the American Zionist Public Affairs Committee in 1954, there was only one requirement for his successor, namely that he also come from Rochester. So from 1954, for almost 15 years, I served as chairman of the American Israel Public Affairs Committee and worked in the closest contact with Si. If any one dare say that Isaiah L. Kenen is the best paid lobbyist in Washington, I will hurl the lying canard back into his teeth. He is the best underpaid lobbyist in Washington. No one would work as hard as he does, as competently as he does, as sacrificially as he does for money and believe me Si doesn't get the money to justify it. His is truly a labor of love.

But it is also a labor of the intellect, of skill and, very importantly, of integrity. Everyone in Washington knows that Si Kenen is devoted to the survival and the strengthening of Israel through the deepening of U.S.-Israel relationships, but they also know that he's honorable that he is truthful, that he is scrupulous and that he can be trusted.

More formal recognition to I. L. Kenen's contribution will be made at the dinner tomorrow night. Tonight I wanted you and Si to know how I feel about him, how much we love and respect him and that we will not consider his retirement until he is good and ready.

It has been said that a good administrator is one who has a worried look on the face—of his assistant. Those of us who know the workings of the Washington office are aware that Si Kenen is just the front man for Esther Chesney. At her own insistence, she is retiring now, after 15 years of dedicated and devoted service. As Si himself has written me about her "Esther has been the mainstay; never stinting time or effort in always striving for perfectionism, whether it was in the publication of the Near East Report or in the presentation of memoranda, position papers to the members of the Senate and House, etc. Throughout this period she has been the key person who is largely responsible for reaching out to the Hill and to the committees in the effort to gain widespread support for resolutions and round-robins and she has helped to win the remarkable demonstrations on the Hill in recent years."

So tonight with regret and also with gratitude and affection we take cognizance of Esther Chesney's retirement. We thank her and we wish her well.

REMARKS OF AMBASSADOR RABIN

If I were to take a snapshot of Israel's situation today, the first focus would be on the fact that Israel is still along the cease-fire lines which resulted from the Six-Day War. These lines are the best positions that one can draw on the map of the Middle East for the defense of Israel.

Second, we are along the cease-fire lines without the need to fight to maintain them. There has been no real fighting for the past year-and-a-half, at least not on the main sector along the Suez Canal. Here and there we have had some clashes along the Lebanese border, but these are relatively of minor importance—a minor threat to the overall security situation in Israel.

The point that I would like to emphasize relates to the balance of power between ourselves and the Arab countries. A slight change has occurred in Israel's favor. If I were to compare the situation on the eve of the cease-fire on August 7, 1970, with that of today, I would say that even though the Egyptians and the Russians violated the cease-fire standstill, the overall military situation today is better than it was on that date. We have done better than they, and if there is no resumption of hostilities, if there is diminished talk about a "year of decision," if there is no setting of another firm deadline for a resumption of hostilities, it is mainly because of the realization by the Egyptians and the Russians that the Egyptians are not capable of resuming hostilities, nor could they achieve anything significant if they tried.

A further point is the unprecedented disunity in the Arab world. On August 7, 1970, on the eastern front of Israel there was an Eastern Command which was to coordinate the military activities of Jordan, Iraq and Syria. This Eastern Command has dissolved and there is no real danger of its re-establishment. At that time, there were over 20,000 Iraqi soldiers with over 200 tanks on Jordanian soil near the Jordan-Israel cease-fire lines. They are back in Iraq and the chance that they will be allowed to re-enter Jordan seems remote.

The Palestinian militant terrorist organizations were then at the peak of their political and military influence. One need but recall the hijackings in June and July of 1970. The organizations have since been eliminated in Jordan; they are in poor shape in Lebanon and they are generally at the lowest ebb of their political and military influence.

The extremists in the Arab world have suffered setbacks everywhere. In Egypt, Ali Sabry and Fawzi, the Minister of Defense—they call the post Minister of War—are in jail. The Communist extremists in the Sudan were hanged. Syria and Iraq, which were never considered to be very rational governments even in Arab terms, now have somewhat more responsible regimes. There is less extremism in the Arab world.

The fifth point: Relations between the United States and Israel have reached a stage of basic understanding on certain crucial issues.

The sixth point concerns the United Nations: Its political influence in the Middle East has been reduced. Unfortunately, the U.N. has become a forum in which Israel can never win. The best we can expect is not to lose too much.

The seventh point—of great historical significance—is the opening of the gates of the Soviet Union to Jewish emigrants in relatively large numbers to Israel.

And the last point is the response of the Jewish communities all over the world in sharing with Israel the burden of the absorption of the new immigration. Last year this response reached the greatest heights in terms of financial support, greater than that of the year of the Six-Day War, in 1967.

I will not deny, of course, that the present situation is subject to change. We should not take it for granted that the situation will last forever.

Allow me to be more specific and talk about relations between Israel and the United States. In conducting its foreign policy, a country has to define clearly what it seeks to achieve in its relations with other states in terms of practical objectives.

We must first define, therefore, what Israel is striving to achieve in its relations with the United States. There are four basic objectives.

The first is to ensure that the United States will permit Israel to purchase all the arms it requires to defend itself by itself.

The second objective is to make sure that the United States will make available to Israel the financing necessary to purchase the arms on bearable credit terms.

The third objective is somewhat more complicated. This is because the Middle East conflict has not been limited to a local dispute. A major power, the Soviet Union, is involved. Therefore, we need a certain American posture that will influence conditions in such a way as to prevent too much freedom of military action by the Soviet Union against Israel.

The fourth objective is the restablishment of a U.S. position that, first, will not undermine Israel's freedom of political maneuverability to achieve the best bargain it can win in the diplomatic negotiations when and wherever they take place, and second, brings the U.S. position as close as possible to that of Israel on both the procedure and the outcome of the negotiations.

These are Israel's objectives. The only way to measure our relations, therefore, is to state in practical terms where we stand, what we have achieved and what we have not achieved in our relations with the United States,

On the first point, we have obtained the arms—in quantities, in quality and in timing—which have put Israel in a position to withstand any attempt by our neighbors to attack us. More than this: We have the capability, to a certain extent, to deter any resumption of hostilities, or at least to make the other side think twice.

But the problem is not simply one of Arab forces. At the present time, Israel's military strength has to be weighed, not vis-a-vis the total might of the Arab countries which are supported with unlimited quantities of arms, technicians and instructors from the Soviet Union. We face a major power's direct military involvement. The Soviet Union is on Egypt's soil, and if there is a resumption of hostilities—I hope it will not happen—we may find ourselves engaged against limited Russian forces stationed in Egypt, committed to military operations in certain roles in Egyptian skies. This is our problem.

I can say that all Israel's arms requests have been granted and not just for a few months. I cannot give exact details but they go far beyond 1972. This does not mean that we will not have to submit additional requests.

The second issue is that of financial support. I believe that in the last 24 years, Israel has received from the U.S. Government in credits guaranteed by the U.S. Government $2.4 billion, out of which we obtained over $1¼ billion from June 1969 to June 1972.

If I add what is now submitted by the Administration to Congress for the next fiscal year, then in the last four years we will have received close to $1.6 billion. This is an indication of the extent of the readiness in recent years on the part of the President, the Administration, the Congress and the American people to understand and to act upon the need for substantial support.

I would not like to leave the impression that Israel's financial problems have been solved. Israel carries the heaviest burden of defense in the world. Israel is the most heavily taxed country in the world and we will have to continue to live in these circumstances for a long period to come.

I believe we will achieve more next year because the understanding of our needs is growing.

The third objective is the most delicate one—the question of effective American deterrents. Israel would prefer to see the major powers disengage from their military involvement in the local conflict of the Middle East. No country more than Israel would like to see an agreement between the two major powers concluding that they would not be dragged into the local conflict, whatever the circumstances. But unfortunately, it was in our part of Asia that the Russians took the first step, in March 1970, to engage their own forces in our local dispute. Ever since, we have lived with a situation in which a major power is engaged with its own forces on one side of the conflict.

Israel can defend itself, by itself, against the total strength of the Arab world for any foreseeable period—for five, for twenty, for fifty years so long as we are not deprived of the equipment necessary for our defense. If there is a threat to Israel's existence, it comes from the danger of the Soviet Union's participation with its own forces in the conflict against us.

We in Israel live with the memory of a simple historic truth: on the two occasions when an independent Jewish state was destroyed in our part of the world—I refer to the First Commonwealth and the Second Commonwealth—it was destroyed by a major power of the time. None of our neighbors in the past—the Philistines, the Moabites, the Midianites, the Aramites—succeeded in mustering the strength necessary to destroy the Jewish state.

I do not want to draw a simplistic analogy from the past. But the fact is that Israel cannot be destroyed unless a major power were to intervene.

I do not know if the Soviet Union has moral qualms on the matter, but we prefer that in addition to any moral hesitation there would also be certain hard facts which would make Russia think twice, and more, before even contemplating such an eventuality.

The first factor, of course, is Soviet knowledge of Israel's readiness to defend itself even against a major power if need be. The second factor is that we are already here in the Middle East while they have to transport themselves to our area.

But the third and crucial factor in this cruel world that will make the Russians think very carefully indeed is a balance of power that will put limitations on the freedom of the Soviet Union to use its military force against us. And the only country and the only power that can maintain the equilibrium in the balance of power of the major powers is the United States.

And therefore, as an Israeli (and I believe the sentiments I express are shared by free democratic countries in the world) I don't want to see this balance of power shifted against the United States. We don't want to see the instrument of deterrence in the Middle East—the Sixth Fleet—eliminated or weakened.

Israel does not ask for U.S. involvement. All that we ask for is the posture that the Russians would regard as effective an credible—that there are limits to the use of military force against free democratic states which seek to live in peace and which are ready to defend themselves.

In my view, such a credible deterrent now exists. As a result of it and in combination with Israel's military capability, the cease-fire is being maintained. As long as this situation will be preserved, there is hope that the cease-fire will last.

The fourth objective to which I referred in our relations with the United States concerns the general political effort and the substance of the peace. We want the United States to act so as to ensure that the present Israeli positions along the cease-fire will not be changed except in a context of a peace that will be negotiated between the Arab countries and Israel and concluded in direct peace agreements between the parties. So long as this is not achieved, Israel hopes that the United States will not support any change in the status quo. By this I mean that the United States will help Israel maintain the posture and the capability not to be pushed by force from the cease-fire lines. This is essential to any effort to achieve a negotiated political settlement that can be called peace. I believe that on this there is an agreement in principle between our two governments.

We want the United States to agree that the peace agreements will be such as to put an end to the conflict. There are different interpretations on the meaning of peace. The vaguest word in the English dictionary is peace, and hence its different interpretations. But this is not the issue that now gives us concern. At the present time, there is agreement that the best approach to peace is through negotiations.

We and the United States agree on the desirability of an interim settlement with Egypt. We have responded positively to the American initiative for close proximity talks and the ball now is in the Egyptian court. I do not believe that, realistically, we can hope that the transition from war to peace will come about through a single act and by conventional diplomacy. We have to realize that in a conflict as complex as ours, the transition from war to peace will be a lengthy process. That process might be termed a piece of peace (by the Arabs) for a piece of land (by Israel). We want to see to what extent it will be possible to build the confidence that something final can be worked out between Egypt and Israel, that we can establish working relations, that we can talk with each other, that both sides can honor something that has been agreed upon. Only then will we abe able to move to the next step that, in the long run, will lead to an overall settlement. I think that there is presently agreement between Israel and the United States on this point.

Another matter on which there is agreement is that there should be no imposed settlement. I am confident that the public statements by the United States Government—by the President and by the Secretary of State—on this principle give us no reason to doubt that position, even though whenever major powers talk among themselves about the future we do tend to become nervous. We do so because of past experience. Still, we look to the outcome of the coming summit meeting in Moscow with less concern than we would have in 1969, when the two-power and four-power talks started.

The last point which is agreed upon between us relates to the balance of power—that the balance must be maintained in the Middle East.

As long as there is no real division about these major issues, all the tactical issues—such as Hussein's so-called peace plan, or certain discussions in the U.N. about Lebanon that will be forgotten tomorrow—are of secondary consequence.

I think, therefore, that we can look forward with hope that, even though peace might not be achieved in the immediate future, there are better prospects that the cease-fire can be maintained. And as long as the cease-fire is maintained, there is hope that we will move towards interim settlements, and through them to overall settlements.

It might take five years, ten years, twenty years. After all, we have lived for twenty-four years without peace, and we have succeeded fairly well.

I believe that in the long run, the solution of the Middle East conflict will be brought about not through escalation of the formal diplomatic process, but through de-escalation—through the lengthy process of gradual coexistence leading to a *de facto* peace and ultimately even more than that. I do not anticipate that one of the Arab countries will call us for peace talks. These will come in the long run, of course. Better understanding between the major powers, a reduction of tension between the major powers and the realization on the part of the Soviet Union that there is a limit to its expansionist, imperialistic policy—these are all important components of the movement towards peace.

We are optimistic yet realistic at the same time. We look forward with more confidence but with a much greater realization of the long, very long, struggle ahead of us.

Text of Address by Mrs. Rita Hauser

What a great honor it is for you to ask me to come and speak to this highly select, highly intelligent audience this evening, particularly on the occasion of Si Kenen's anniversary.

All of you know him as a lobbyist and a highly effective fellow here in Washington. I know him rather differently. His son Peter and I went to college at the same time, in the same city. We were very good friends; we were both young idealists engaged in the student movement for the United States.

I am delighted to come to this audience to talk to you about subjects of importance to all of us. I am told that you are the really knowledgeable people in the Jewish community. I guess then I ought to follow Talleyrand's advice to diplomats which is to talk at great length with eloquence, wit and charm about nothing, and call it a day. But I think I shall try to talk with some eloquence, I hope, on something which is of concern both to you and to me as Americans and as people interested in Israel.

I speak now in a certain partisan sense. I am working very hard for the re-election of the President, as one of the founders of his re-election committee. And so, if I speak to you with some pride about what I think this Administration has accomplished in the fields in which I have been interested, you will understand my pride and my own commitment. I understand, too, that in an election year passions run somewhat high. I addressed a Jewish audience in Los Angeles, and I let fall the remark that I thought the President was a very intelligent fellow, and I got about 49 letters about how partisan I was. I think therefore you should know that I am going to be somewhat partisan, and with pride.

I had the honor and distinction of serving as the American representative to the Human Rights Commission in a time of very great stress, of very great interest in issues affecting the people of Israel and other peoples in the world that came before the Commission.

First, on a domestic issue, on which I have labored very much along with countless hundreds of others, and on which I am happy to report this evening, I think we are beginning to see the light. I am talking about the Genocide Convention. I think you all know that when I took the position as the representative, I made clear to the President my very strong interest as an international lawyer in the ratification of this Convention, which had lain dormant for almost 20 years in the Foreign Relations Committee, where it was buried back in 1949. The President expressed strong support for it, and shortly thereafter announced publicly his hope that the Senate would see fit to take up the Treaty again, after all those years, and pass on it favorably.

I will be very brief in telling you of the many pressures and people who worked to get the Foreign Relations Committee of the Senate to put the matter on the agenda for hearings. And we all put in yeoman efforts to see that it passed out of the Foreign Relations Committee which it did—not once, but twice, due to the adjournment of a session. We are now actively engaged in trying to get the Convention on the floor for a vote. Since I don't take it to be a secret, I will tell you of our strategy and how far we have come to date. There is in the audience one man whom you all know, Hy Bookbinder, who is leading some of the lobbying efforts, and we hope that he will be successful.

We thought, in conjunction with Arthur Goldberg and Jack Javits and others, that it would be desirable to get a show of support from at least 50 Senators, a majority of the Senate, for ratification of the Treaty, and a letter has been circulating for some time now. As of today, Bookie tells me we have 49 Senators who have signed—both Republicans and Democrats. And we hope that by the time the leadership comes back from its trip to China, there will be at least 51, if not perhaps 55 signatures, which we believe will assure the calling up of the Treaty for a vote.

Now, let me turn my attention to another issue, an important issue for Jews in this country as well as for Jews everywhere around the world. The question, of course, is the plight of Jews in the Soviet Union. This is an issue that came to the fore during my time on the Human Rights Commission. It is one that grew slowly, and then quickly, into a ballooning affair in the last year or two—one in which our government has expressed the very keenest interest. I should say that it poses a certain anomaly in a sense for the United States because traditionally, over our long history, when there has been a beleaguered group of people in any country of the world, our answer generally has been to generously open our doors to waves and waves of refugees who have come and peopled this country and made the United States what it is. This was our history very recently with Hungarians, Cubans, Chinese from Hong Kong and others.

That anomaly, if that's the right word in this case, is that the vast majority of the Jews living in the Soviet Union who wish to leave do not express a desire to come to this country but rather express a desire to go to Israel. And, in this sense, we are, as a people in the United States, only secondarily concerned because it is not we who are called upon to open our doors to the Soviet Jews.

Our Administration did provide for the eased entry of Soviet Jews who expressed a desire to come to the United States under the parole authority which is granted to the Attorney General by the immigration and nationality law. And several Soviet Jewish families, to date, have found a new life here thanks to this action.

But, as I said earlier, it is clear that the vast majority of Soviet Jews wish to go to Israel. With that, I think it is clear that we in the United States, we who are private citizens, as well as our Government, can assist this enormous historical movement in two very major ways.

First, our Government has pressed—and will continue to press—the Soviet Government to allow all Jews who seek to leave to do so—and on fair and humane terms. I stress the fair and humane terms because quite often the Soviet authorities have finally permitted some members of a family to go to Israel while they kept other members of the family behind—a cruel and inhumane deception.

In addition, the Soviets most often as not require payment of very substantial sums of money, not easily come by, to recompense the Government for education received—or they impose an exit tax or some other device which puts a very substantial burden on many of the poor Soviet Jews who wish to emigrate and who must go to very considerable lengths to find the money required. Many obviously do not find it and do not succeed.

Now, pressure of world public opinion has produced results in terms of Soviet policy. This is one of the few issues in the United Nations forum where we can affirmatively say that the public pressure brought largely by our own country, and obviously by Israel, and joined by a handful of other countries who have expressed their interest, has had a reaction on Soviet leadership.

We know that the Soviets are very sensitive about their treatment of Jews, and all other minority groups as well, and that they do care very much about responsible public opinion abroad.

This Administration has repeatedly expressed its concern for the plight of Soviet Jews and for their right to emigrate freely. Both the President and the Secretary of State have spoken out. We raised the issue with the UN General Assembly in the Commission on Human Rights, in the Inter-Governmental Committee on European Migration and elsewhere. The Voice of America has begun a very special program beamed to Jews in the Soviet Union. And I should note that Radio Liberty and some of our other operations now under attack in the Senate have been magnificent as sources of information to Soviet Jews—not only reassuring them that others cared and were interested in them but actually providing them with concrete data about where to go and what to do and how to accomplish what had to be accomplished in order to leave the Soviet Union. It seems to me a great pity that misguided views on the part of some Senators seek to cut off this most effective source of light and freedom from the Soviet Union.

This Administration has also been firm in its belief that the systematic denial of basic human rights is a violation of the Charter of the United Nations itself. We have maintained that this is a matter not of limited domestic jurisdiction, but of international law and international interest. We have resisted every attempt on the part of the Soviets to argue that the treatment of Soviet Jews is of concern only to the Soviets. This is a very important development in international law because it is a recent development and runs counter to the century-old doctrine that that which a state does with its own people is a matter of purely domestic concern, and that no other state has a right under international law to express any interest or to intervene.

We have been very affirmative in overriding that doctrine. We believe that the new view is correct that under its Charter, every member country belonging to the UN takes on certain major obligations in the field of human rights, which are spelled out in the Charter.

In addition, our Government has made numerous private, high-level diplomatic approaches to Soviet authorities, underscoring our support for the principle of free emigration and the reuniting of families. We have made repeated representations in cases of Soviet citizens seeking to join relatives in the United States and elsewhere.

Our embassy in Moscow has facilitated the emigration of Jews granted exit permits by the Soviet authorities, easing and expediting the issuance of visas to those coming to the United States; incidentally, and this is rather unusual, helping them as well in the paper work required in emigrating to another country—in this case, Israel.

Department of State testimony on November 9, 1971 before the House Subcommittee on Europe showed the support of this Administration for Congressional resolutions on Soviet Jewry which call on the Soviet Union, in the name of decency and humanity, to allow Jews, members of other religious and minority groups and all Soviet citizens freedom to emigrate and to travel abroad, to freely exercise their religions and cultures.

None of us can say with certitude what the impact of all these official statements or approaches to the Soviet Government has been. I suppose it would be fair to say that the impact remains relatively limited. But as far as we can determine, the few Soviet concessions of recent years have come about in response to expressions of concerned public opinion from abroad, as well as certain internal domestic and political considerations.

Although Soviet authorities have yet to make the basic decision to permit Jewish life to flourish in the Soviet Union as it does elsewhere, emigration possibilities for Soviet Jews improved greatly in 1971 and also this year, although it has had its zigs and zags for reasons we are not certain of. But it is clear from the evidence that the moral way to peaceful lawful expression of public opinion throughout the world may yet persuade the Kremlin to reconsider its practices in relation to Jews and other minority groups who are likewise growing restive.

Therefore, I have to conclude that the pressure of world public opinion is significant and I am certain that you, as representatives of the American Jewish community, will obviously continue that pressure and make clear your interest in the welfare of your brother and sister Jews in the Soviet Union. I am also very confident that the Nixon Administration will continue to assert its interest in the desire of many thousands of Jews still unable to leave the Soviet Union for Israel or elsewhere. I recall the President's explicit urging on January 11, 1971 for freedom of emigration as permitted by the universal declaration of human rights.

Now I want to refer to another aspect of this whole problem. There is a financial side in which the United States has been extremely generous, both publicly and privately. Obviously, the newly-arrived Jews from the Soviet Union impose a welcome but a very heavy financial and social burden on Israel. Our country has responded to this as well as to other Israeli needs by aid and assistance in diverse forms, which in the last fiscal year reached the astounding figure of approximately 500 million dollars—the largest such figure ever. This encompasses military credits, economic aid (including supporting assistance), PL-480 programs, etc.

A very substantial portion of this aid has been utilized for refugee resettlement within Israel and I am quite confident that this Administration will support any reasonable efforts to augment these already very generous figures specifically for aid and assistance to the newly-arrived Soviet Jews coming to Israel.

It is obviously my firm belief that American response both governmental and private to the problem of the beleaguered minority has been magnificent. It has emanated, by the way, from all quarters, from Jews and non-Jews, alike, which is a very heartening development.

I recently spoke in Chicago to an ecumenical group composed of many Fathers and Sisters of the Catholic Church and leaders of the Protestant Church and their interest and commitment in this question was most heartening, reflecting as it did, I think, our nation's abiding commitment to human rights the world over. This is a commitment which is grounded in our own history and more particularly in the knowledge that systematic deprivation of human rights anywhere in the world in the end poses a threat to all of us.

For all these reasons, I am pleased to outline to you, obviously with pride, what the Administration I have served has done—and what I am confident it will continue to do in the future—to alleviate a problem of enormous social and political significance, the historic movement of people from one place to another, which a century from now will be marked as one of the great events of our time.

REMARKS OF PROFESSOR MORGENTHAU

The question has been raised in Prague why Israel is better off than Czechoslovakia. And the answer has been given that Israel is surrounded only by enemies. This is not only, perhaps, a mild joke, but there is a profound insight in this story, illuminating the peculiar position that Israel occupies. The turning point in the international position of Israel is, of course, the war of 1967.

From 1948 onwards, for almost 20 years, the problem of the Middle East was a local problem which the great powers disposed of in one way or another. When the United Nations decided to partition Palestine and create a Jewish state out of one fragment of Palestine, it was the great powers which shouldered the burden of disposing of Palestine by taking it out of the hands of the tired British, and which settled the issue—so they thought. When, in 1956, Israel, Great Britain, and France made war in the Middle East, Israel was really in a sense an instrument of the machinations of Great Britain and France. In 1948, the great powers told Israel to stop fighting and to retreat to certain frontiers. Israel did what it was told to do, and it did the same in 1956.

I remember very vividly two conversations I had in 1957—one with the chief representative of Israel in the United Nations and the other with one of the officials responsible for American foreign policy in the Middle East. I said to the Israeli diplomat, don't give up what you have conquered, for if you do, nobody will give it back to you if you should need it. I said to my old friend and former student in the State Department, you are going to sell Israel down the river if you force it to retreat to an untenable position, and when the chips are down you are not going to do anything. Both gentlemen replied in exactly the same terms, to wit, we have the word of the United States that the settlement of 1956 shall be enforced. However, for better or for worse, the word of any great power is not worth very much when its interests are not at stake or at least when it believes that its interests are not at stake.

What has happened in 1967 is that this position of dependence has been transformed into something entirely different. That is to say, Israel has proven itself to be the predominant military power in the Middle East. It has proven this not only to itself but, perhaps more importantly, to its enemies and to the great powers—one its enemy, the other its friend. I think this is the crucial point around which the diplomacy and military policies of the Middle East have evolved. Egypt today, even with the massive support of the Soviet Union, does not dare to make war on Israel, because it knows that it will be defeated again. The Russians, knowing this too, restrain the Egyptians because they don't want to be involved in a war, which, after all, is only of tangential importance to them in terms of their own vital interests.

Today, it is not only that Israel has become the predominant military power in the Middle East, it is also that the Middle East itself has become one of the central points in the worldwide conflict between the United States and the Soviet Union. This is the other crucial point one must not lose sight of. What was 20 years ago, or even 10 years ago, essentially a local conflict which could have been solved on the local level, in one way or the other, has now become the emanation of a worldwide conflict, a particular opportunity for this conflict to be fought out. It is at this point that the position of the United States is of crucial importance.

The Soviet Union does not want war in the Middle East, not only because it knows that Egypt cannot win it, and that if Egypt cannot win it, considering the enormous investment in prestige the Soviet Union has made, the Soviet Union must intervene on the side of Egypt in order to stave off a defeat. Such a defeat would not only be a defeat for Egypt, but for the Soviet Union as well. In other words, the Soviet Union vis-a-vis the Middle East and vis-a-vis Egypt, in particular, is in about the same position in which the United States found itself, let me say, in 1964 with regard to South Vietnam. Its prestige is involved, but its vital interests are not. Thus, the Soviet Union is afraid that, if it is not very cautious, it might be sucked into a morass from which it will have difficulties to extricate itself later. After all, the Russians have learned a lesson from the dire experiences which the United States has had to undergo in Vietnam.

But it is not only the fear of a war in a secondary theater that restrains the Soviet Union. It is also the fact that the very existence of Israel provides the Soviet Union with a lever through which it can maintain and increase its power position in the Middle East. For it is as the protector of the Arabs, as the supporter of Arab national aspirations that the Soviet Union appears in the Middle East. If there were a settlement of the Middle Eastern issue—creating a viable status quo, a peaceful settlement or a war-like settlement which might lead to the disappearance of Israel—the Soviet Union would have great difficulties in maintaining its foothold in the Middle East. For there is no love lost between the Russians and the Arabs—in particular, the Egyptians. They despise each other, perhaps for mutually sound reasons. Thus, paradoxically enough, on the one hand the Soviet Union must support the Arabs in their campaign of destruction directed against Israel. On the other hand, the Soviet Union must restrain the Arabs, so that Israel remains as the lever through which the Soviet Union can exert its influence in the Middle East.

Thirdly, and most importantly, the support which the United States has extended to Israel provides, of course, a direct restraint upon the activities of the Soviet Union. The Soviet Union has everywhere avoided a direct military confrontation with the United States. It has been, you might say, sorely tried—if not provoked—in Vietnam, but it has not openly intervened against the United States. It has experienced a direct military confrontation over the Cuban missiles in 1962, but it has retreated from that exposed position because it didn't want a direct confrontation with the United States. In 1959 and 1960, it presented the United States with two ultimatums concerning Berlin, with an exact time limit. And when that time limit twice expired without the United States paying any attention to it, the Soviet Union didn't pay any attenion either. So the Soviet Union, for very good reasons which we probably share, has shied away from a direct military confrontation with the United States. In the measure that the Soviet Union fears such a confrontation in the Middle East, it will be very careful not to overstep the boundaries which separate it from such a confrontation.

Thus, the policies which the United States pursues in the Middle East become of vital importance for the overall distribution of power in the Middle East and, more particularly, for the crucial policies of the Soviet Union. In the measure that the Soviet Union believes that it can get away with something, it will try to get away with it. In the measure that it fears the intervention of the United States, or even an indirect vicarious confrontation with the United States, it will watch its step very carefully.

Let me say in conclusion that this new role which Israel plays today on the chessboard of international politics should not only be regarded from the perspective of great power relations, or from the perspective of Soviet and American interests and policies. For Israel, through its foreign policies in the third world, has established itself as a positive force for economic and social and political development. It has set an example; it has done more than that—it has promoted and taught and devised ways and means by which some of the so-called underdeveloped nations can improve their lot and can be brought on the road to social and economic development.

We are talking here about a nation which is different from other nations by virtue of the spiritual quality of its nationhood, and in this respect indeed there exists a close similarity between Israel and the United States. Because of this spiritual element, this spiritual core in its nationhood, it has performed certain good deeds, you might say in a sense selfless deeds, for other nations which one ought not to lose sight of when one tries to analyze the balance of power in the Middle East, the distribution of military power and so forth. For as with the United States, so with Israel—those intangible contributions both have made for the welfare of mankind may in the long-run have a greater importance, not only spiritually, but also politically, than the number and quality of machine guns, missiles and planes, however important they are.

SOME FACTS ABOUT THE NARCOTIC ADDICTION PROGRAM IN THE UNITED STATES—AND SOME PROPOSED REMEDIES

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 30 minutes.

Mr. RODINO. Mr. Speaker, the problem of narcotic addiction is one of the most serious problems we face as a nation today. Widespread addiction to narcotic drugs threatens to sap the very lifeblood of the Nation's vitality by devastating a large percentage of our youth and leaving the rest of us in constant fear of the street crime and other depredations committed by addicts to obtain money to feed their insatiable habits. Narcotic addiction is the root cause of much of the crime problem. The cost of supplying an average heroin habit runs from $30 to $100 per day. The average heroin addict thus must have from $210 to $700 per week just to satisfy his drug hunger. There is no way for him to obtain this much money consistently but to steal. In his June 17, 1971, message to the Congress on drug abuse, President Nixon estimated the financial cost to the Nation of addiction related crime at more than $2 billion per year.

Despite increased recognition of the problem in recent years and increased efforts by governmental and private agencies to meet the problem of narcotic addiction, the number of addicts continues to grow. The Bureau of Narcotics and Dangerous Drugs now estimates that there are 560,000 narcotic addicts in the United States; as recently as 6 months ago they were estimating 350,000. A new study indicates that there may be as many as 700,000 habitual users of narcotic drugs in this country. It is obvious that there is an immediate need for decisive action to develop a comprehensive attack on narcotic addiction on several fronts. For a number of years I have been pressing for the following types of all-out war on narcotics:

First. The United States should launch a diplomatic offensive to make it clear to all nations who are part of the chain of death which brings the heroin from the poppy field to the street corner that we shall no longer tolerate their half-hearted law enforcement measures against international drug traffickers; nations which refuse to cooperate should be immediately made ineligible for U.S. foreign aid and our entire financial, cultural, and military relationship with them should be reassessed. Two years ago I was the first Member of Congress to press for legislation along these lines.

Second. The domestic law enforcement effort must be increased, with increased Federal moneys made available through LEAA and other mechanisms to create modern, effective narcotic bureaus in the police departments of local communities. At the same time, special Federal strike forces should be created to investigate and prosecute the international and interstate narcotics smugglers.

Third. There should be new Federal programs to create more effective education about the dangers of drug abuse to prevent the use of narcotic drugs; children are not now being reached with the message in a way that is sufficiently credible to them—we must explore new ways to convince our youth of the horror of narcotic addiction.

Fourth. The Federal Government must institute a massive effort to provide treatment for all narcotic addicts who desire it. At the present time, only 26,196 of our country's estimated 560,000 addicts are enrolled in federally supported treatment programs. Throughout the Nation there are waiting lists of addicts who desire treatment but cannot enter treatment programs because there is no room for them. The longer they remain outside these programs, the greater the risk to society from the continued criminal activity to support the habit and the greater the human tragedy of lives destroyed and without hope. The problem is being intensified by the return of addicted veterans to local communities and the utter failure of the armed services and the Veterans' Administration to provide treatment and rehabilitation for them.

Fifth. There must be established mechanisms to relate the criminal justice system to the narcotics addiction treatment and rehabilitation effort. Now the courts and jails serve as revolving doors for the addict. He is typically arrested for addict-related crime, processed through the system, where nothing is done for his addiction, then released, still an addict, to return to crime to support his habit. We must have programs in the corrections system and in the local communities to which addicts can be referred for treatment by sentencing judges.

Mr. Speaker, my most recent action to implement this program was to send a letter to President Nixon urging the use of a new provision in the Foreign Assistance Act that gives him the authority to cut off economic and military assistance to any country not cooperating with the United States in measures to stem the illegal supply of narcotic drugs. Since April 25, 1971, the country of Paraguay has detained a notorious heroin smuggler wanted by U.S. authorities. Paraguay refuses to extradite the smuggler, Auguste Ricord. This is clearly the kind of situation to which the provision applies, and I ask that the text of my letter to the President be printed in the RECORD at this point.

MAY 17, 1972.

The PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Foreign Assistance Act of 1971, P.L. 92–226, contains a section designed to strengthen our ability to control the international flow of narcotic drugs. Specifically, a provision I initiated gives the President the authority to halt foreign military and economic assistance to any country that fails to cooperate with the United States in stopping the illegal importation of addictive narcotics.

I hereby urge you to exercise your authority under the Act by employing this new and powerful tool of diplomacy as often as necessary to assure the families of our nation that every means available will be brought to bear in the fight to halt the drug menace.

In this connection it has come to my attention that the Department of State, upon the request of the Justice Department, has been seeking the extradition from Paraguay of a powerful, notorious heroin smuggler who was indicted by a U.S. Federal Court, and who was arrested by Paraguayan authorities with the help of U.S. B.N.D.D. officials on April 25, 1971.

This man, Auguste Ricord, of French and Argentinian citizenship is reputed to have been the major heroin dealer in the Near Eastern-Marsailles-Latin America-U.S. smuggling circuit.

Ricord has remained out of the hands of U.S. justice because of a Paraguayan court decision which denied the applicability of the existing U.S.-Paraguay extradition treaty. I understand that the Paraguayan government has filed an appeal which is now pending before its highest court. In the meantime, Mr. President, I respectfully urge you to use the diplomatic leverage afforded you by my amendment to place the government of Paraguay on notice that the United States will not sit idly by while one of the world's most heinous heroin pushers evades U.S. justice.

Paraguay received from the United States $834,000 for military assistance and $6,681,000 for economic assistance during fiscal 1972. For fiscal 1973, $7,940,000 of economic aid and $791,000 of military aid is slated for Paraguay. I submit that the circumstances of Auguste Ricord's arrest and detention in Paraguay makes necessary the kind of action envisioned by my international narcotics control amendment.

Sincerely,

PETER W. RODINO, JR.,
Member of Congress.

Mr. Speaker, I do not claim to have all the answers to this complex problem, and I do not say that these five programs will end this scourge of narcotic addiction as a national problem. But I am convinced that I have outlined a comprehensive action plan that will significantly decrease the amount of narcotic addiction, and crime, in our society.

PERSONAL ANNOUNCEMENT

The SPEAKER. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, on May 18, 1972, I am recorded as "not voting" on roll No. 159, a recorded teller vote on the Derwinski amendment to H.R. 14989, State, Justice, Commerce, and the judiciary appropriations, fiscal year 1973.

I was present on the floor as evidenced by my participation in the debate on the amendment. My efforts in support of the amendment of the gentleman from Illinois (Mr. DERWINSKI) included explaining to Members the significance of the amendment during the teller vote. I inadvertently failed to hand in my card. As my floor statements clearly indicate, I actively supported Mr. DERWINSKI's amendment and intended to vote "aye."

GAO FINDS WASTE IN NAVY MISSILE PROGRAM

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN), is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, the Navy is wasting tens of millions of dollars by buying new sophisticated air-to-air missiles instead of repairing an equal number of missiles that the Navy has already purchased, according to a General Accounting Office report, parts of which I am publicly releasing today.

The Navy is guilty of gross mismanagement in the procurement of these missiles. The Navy policy of buying rather than repairing is like junking a brand new automobile when the battery goes dead and buying another new car. Any schoolchild knows its smarter to repair these missiles rather than buy new ones.

I have also written to Secretary of the Navy, John Warner, asking him to adopt the GAO's recommendation and repair thousands of missiles instead of buying new ones. The Navy is missing its chance to save at least $60 million by repairing these expensive and complicated missiles.

Specifically, the GAO report indicates that instead of repairing large numbers of unserviceable missiles new Sparrow and Sidewinder air-to-air missiles costing $36 million were purchased last year. This year the Navy intends to spend an additional $37 million on new Sparrow missiles.

The most complicated and expensive component of both the Sparrow and the Sidewinder are their guidance and control system. The GAO discovered that on the average it cost $1,900 to repair the Sparrow missile's control gear. Rather than spend $1,900 for repair, the Navy is spending $24,000 to buy brand new control equipment. The margin of savings between repair and a new purchase on the Sidewinder missile is $9,800.

Despite these obvious savings, the Navy refuses to change its policy for this year and plans to continue to buy new missiles rather than repairing missiles in the Navy's current inventory. The Navy has left open the possibility of changing its policy in the future.

Mr. Speaker, this is the third in a series of reports by the General Accounting Office on the subject of repairing existing equipment as opposed to buying new items. The General Accounting Office has now discovered that both the Army and the Navy have wasted hundreds of millions of dollars by buying new unneeded trucks, helicopters and missiles rather than repairing equipment they already own. The two earlier GAO reports indicated that the Army and Navy have purchased hundreds of helicopters and thousands of trucks while equal numbers remained idle because they needed repair. My letter to Secretary Warner follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 24, 1972.

The Honorable JOHN WARNER,
Secretary of the Navy, Department of the Navy, The Pentagon, Washington, D.C.

DEAR MR. SECRETARY: I am writing to you regarding a recent GAO report entitled "Need to Repair More Air-to-Air Missiles" (B-132995). The GAO recommends that if the Navy finds early in fiscal year 1973 that it has large numbers of repairable Sidewinder and Sparrow missiles on hand, that funds be shifted from the procurement account to the operation and maintenance appropriations in order to fund a larger repair program. I hope that the Navy will adopt the GAO's recommendation and repair thousands of missiles instead of buying new ones.

The Navy is missing a chance to save at least $60 million by repairing these expensive and complicated missiles rather than buying new ones.

With our defense budget so large and costs constantly rising, it seems appropriate for the Navy to make a special effort to save these funds.

Ordinarily agencies are required to reply to General Accounting Office reports that contain recommendations within 60 days of the issuance of the report. The report on air-to-air missiles was issued on April 25 of this year. I hope that you will provide me with a copy of the Navy's reply to the General Accounting Office's report.

Thank you very much for your cooperation.

Sincerely,

Les Aspin,
Member of Congress.

U.S. TRADE DEFICIT SEEN WIDENING FROM 1971 RECORD

The **SPEAKER**. Under a previous order of the House, the gentleman from Massachusetts (Mr. Burke) is recognized for 10 minutes.

Mr. **BURKE** of Massachusetts. Mr. Speaker, this being World Trade Week I can think of no more appropriate time to again call my colleagues' attention to the desperate situation our Nation faces with our worsening foreign trade deficit. Even administration spokesmen are preparing the general public for the record deficit level that will be announced for 1972. The Wall Street Journal today reported one official's projections as follows:

U.S. Trade Deficit Seen Widening From 1971 Record

Washington.—The U.S. foreign trade deficit this year will widen from last year's record $2.05 billion, Edward L. Allen, deputy assistant Commerce Secretary for international economic research, predicted.

Mr. Allen's forecast is more pessimistic than trade projections by other government officials, who generally have indicated that the deficit incurred when U.S. imports exceed exports, should narrow.

Mr. Allen said last year's dollar devaluation, designed to spur exports and slow imports, is having a "perverse effect" because it has raised import prices without yet slowing demand. It will take some time for the devaluation to take hold, he said, indicating that the U.S. hopes for a trade surplus in 1973.

Exports will surge this year to about $48 billion from 1971's $43.56 billion, Mr. Allen predicted, but imports also will increase sharply from 1971's $45.6 billion to create another large deficit.

Mr. Allen made his remarks before the World Trade Committee of the Dallas Chamber of Commerce. A text was released here.

It is as I have said on so many previous occasions. Far too much confidence has been placed on the device of devaluation as a solution to this Nation's trade and deficit payments. Devaluation alone will not do the job. After all, how much of an impact on some of our cheaper imports can a devaluation of less than 10 percent be expected to have? Negligible in far too many cases. Even if devaluation can help the present crisis, the fact of the matter is that devaluations historically are extremely slow in taking effect—witness the devaluation of the pound in 1969. It was almost 2 years before it could be said to have had any measurable impact. Even then, its success probably depended upon any number of other factors being favorable and other government actions.

Reports are also circulating on the failure of the new Domestic International Sales Corporation program:

[From the Wall Street Journal, May 24, 1972]

DISC Propels the United States Toward a New Clash With Its Foreign Trading Partners

Companies in this country are rushing to set up Domestic International Sales Corporations, half of whose export profits can be sheltered from federal income tax under a new law passed last year. States are sweetening the pot even more. The New York legislature has passed a law similar to the federal incentive.

But trouble is brewing abroad, the Treasury grudgingly admitted yesterday. Foreign nations have never liked the DISC idea and some of them now are protesting. So the U.S. has quietly agreed to a meeting in about six weeks with officials of the European Communities, the Treasury said in answer to questions. Details weren't available. But the nations are expected to meet under the auspices of the General Agreement on Tariffs and Trade. Geneva-based GATT, a trade-liberalizing group of about 100 nations, frowns on export "subsidies," and that's precisely what some other nations deem DISC to be. A Treasury official said the U.S. agreed to the meeting on the condition that discussions include European "export subsidy methods."

Along with foreign talk against DISC, signs of retaliation-in-kind are appearing, too. Canada claims its proposed corporate tax rate cut is needed to offset the price edge U.S. exports would get from the DISC tax deferral.

It is apparent then that we cannot afford to continue this pace any longer. Action on trade reform legislation is long overdue. Former Secretary of Commerce Stans in testimony presented to the House Ways and Means Committee on May 12, 1970, presented trade balance statistics that would dispel any pipe dreams that one might harbor about our position as a trading nation. The former Secretary presented the real facts on the amount of U.S. exports, minus the military grant aid program, AID loans and grants, and Public Law 480 agricultural shipments to foreign nations. If any one doubts the necessity of a reexamination of inadequacies in our trading policies I hope they will study the following figures:

ESTIMATED U.S. TRADE BALANCE, 1966–71

[In millions of dollars]

Year	U.S. exports: Total, including re-exports	U.S. exports: Military grant-aid	U.S. exports: AID loans and grants	U.S. exports: Public Law 480 shipments	U.S. exports excluding military grant-aid and Public Law 480	U.S. imports: F.o.b. value	U.S. imports: Estimated c.i.f. value	U.S. trade balance, based on estimated c.i.f.-valued imports and exports excluding military grant-aid. AID, Law 480 shipments
1966	31,430	940	1,186	1,306	26,998	25,618	27,745	−747
1967	31,622	592	1,390	1,237	28,493	26,889	28,745	−252
1968	34,636	573	1,056	1,178	31,929	33,226	[1] 35,519	−3,690
1969[1]	37,988	674	994	1,018	35,302	36,052	38,539	−3,237
1970	43,224	565	957	957	40,745	39,952	42,389	−1,644
1971	44,137	581	914	971	41,671	45,602	48,384	−6,713

[1] Preliminary data.

Source: Former Secretary of Commerce Stans, testimony before Ways and Means, May 12, 1970—1966—1969 Department of Commerce, 1970–71.

TO HONOR GENERAL KOSCIUSZKO

The **SPEAKER**. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Byrne), is recognized for 10 minutes.

Mr. **BYRNE** of Pennsylvania. Mr. Speaker, I wish to bring to the attention of my colleagues a resolution concerning Kosciuszko House in Philadelphia. Mr. Edward Pinkowski, chairman of the Heritage Council of the Philadelphia 1976 Bicentennial Corporation, advised me this resolution was unanimously adopted by the council on September 30, 1971, and urges that the house occupied by General Kosciuszko at 301 Pine Street be established as a shrine to honor this great Polish patriot.

Gen. Thaddeus Kosciuszko came from his native Poland to fight in our Revolutionary War, and it was his military genius that won the battle of Saratoga and set up the defenses at West Point. I sponsored legislation in the 91st and 92d Congresses to establish Kosciuszko House as a national historic site, and I am hopeful hearings can be held on this legislation in this session of Congress. I wanted to bring this matter to the attention of my colleagues inasmuch as I feel that it is high time that we honor General Kosciuszko for his contribution to the development of our Nation.

RESOLUTION

Whereas, Thaddeus Kosciuszko was an extraordinary military engineer and planner who made indispensable contributions to the success of the American Revolution in both the North and the South; and

Whereas, after helping to achieve American independence, he returned to his beloved Poland and devoted the next decade of his life in an unsuccessful struggle to free his country from foreign domination; and

Whereas, when he was exiled, which was intended to silence his voice and end his fight for freedom, he decided to keep alive the torch of freedom and picked Philadelphia, the cradle of liberty, to hold the torch as high as he could; and

Whereas, the building at 301 Pine Street is the only remaining house in Philadelphia that General Kosciuszko occupied and its protection and restoration would be a significant contribution to the vitality of Philadelphia's "Historic Square Mile," an area that will certainly be a major focal point for visitors during the United States Bicentennial in 1976; and

Whereas, without a clearcut recommendation of the Nixon administration and the Secretary of the Interior, the architectural and historical significance of Kosciuszko's last residence in America would suffer: Now, therefore, be it

Resolved: By the Philadelphia 1976 Bicentennial Corporation, That we hereby respectfully memorialize the President of the United States and the Secretary of the Interior to take affirmative action now to preserve, protect and enhance the historically significant house that General Kosciuszko occupied in Philadelphia; and be it

Further resolved: That the Senate and House Interior Committees hold public hearings as soon as possible on the merits of proposed legislation to create a Kosciuszko Shrine in Philadelphia; and be it

Further resolved: That the Philadelphia 1976 Bicentennial Corporation transmit copies of this resolution to the President of the United States, to the Speaker of the House of Representatives, to the Secretary of the Interior, to the House Committee on Interior and Insular Affairs, to the Senate Committee on Interior and Insular Affairs, to the Chairman of the American Revolution Bicentennial Commission, to the two United States Senators from Pennsylvania and to each Representative from Philadelphia in the Congress of the United States.

PAPER PROFIT

(Mr. GIBBONS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GIBBONS. Mr. Speaker, several weeks ago I called upon Congress to impound the $828 million "paper profit" resulting from devaluation of the dollar to pay off the $1.5 billion of increased U.S. liabilities also caused by lowering the gold par value of U.S. currency. I proposed the establishment of a trust fund to be administered by the Secretary of the Treasury to be used exclusively to meet the cost of increased obligations to international monetary and lending institutions. My proposal would have insured that profits from devaluation would be used specifically to reduce losses from devaluation, instead of being dispersed anonymously to improve the appearance of the Federal deficit.

No action was taken on my proposal, but action certainly has been taken at the Treasury. The attached article from the Wall Street Journal of May 19, 1972, reveals how rapidly the Treasury spent the bonanza available because of the paper rise in the price of gold.

The article follows:

TREASURY IN WEEK RAPIDLY SPENT BONANZA FROM INCREASE IN OFFICIAL PRICE OF GOLD

NEW YORK.—The U.S. Treasury officially converted the paper rise in the price of gold to a windfall of spendable cash Monday, it was disclosed yesterday in figures released by the Federal Reserve Bank in New York.

And it didn't waste time in spending. The Treasury spent so much, in fact, that the Federal Reserve System, the nation's money manager, was able to sit back in the week ended Wednesday without injecting any additional funds into the banking system.

Technnically, what the Treasury did was to "monetize" the larger number of dollars represented by its gold stock that resulted from the official boost in the dollar price of gold. The devaluation, which took place officially May 8, made the nation's gold stock represent $828 million more dollars.

This Monday, the Treasury gave the Federal Reserve gold certificates representing the $828 million windfall. In turn, the Treasury's account with the Federal Reserve was credited with an $828 million deposit. This is the principal account the Treasury uses to pay its bills.

The statistics released yesterday showed the Treasury drew heavily on the account. Its balances at the Federal Reserve fell $860 million on average during the statement week, reflecting various transfers including paying holders of the $700 million of Treasury notes that fell due Monday.

Such draw-downs add reserves to the banking system because the recipients of the funds ultimately deposit them into their commercial bank accounts.

The Treasury actions were more than enough to offset technical operating factors that were taking funds from the banking system. These included an average increase of $439 million in the amount of reserves banks are required to keep idle behind customers' deposits.

The result was the Federal Reserve didn't take any action during the statement week to either inject or absorb funds from the banking network.

The lack of action might imply the Federal Reserve is content with the recent trend in the nation's monetary and reserve aggregates and the behavior of the money market.

The growth of the nation's money supply, for instance, continued to slow from its torrid pace earlier in the year. In the week ended May 10 it actually declined to a seasonally adjusted average of $234.4 billion from $234.7 billion. In the 13 weeks ended May 10 the money stock grew at an annual rate of 8.9%, well down from the more than 10% rate of growth in the first quarter.

The money supply is the total of private demand deposits plus cash in the public hands. It is considered by many economists to be the principal determinant of the economy's state.

The Federal Reserve has been aiming at what it terms a "moderate" growth in the money supply. It voted in February to try to achieve that goal by placing more emphasis on reserves in the banking system, specifically those that are available to support private nonbank deposits.

This figure, total reserves minus reserves required to support government and interbank deposits, has risen at an annual rate of 11.5% over the 13 weeks ended May 10. It averaged $30 billion in the May 10th week, unchanged from the previous week.

Despite the hands-off stance of the Federal Reserve in the latest statement week and a more comfortable net reserve position for the nation's banks, some key interest rates rose during the week.

These included the rate on federal funds, uncommitted reserves banks lend each other. Such funds garnered an average of 4.32% in the latest statement week, up from 4.20% the previous week. Yesterday they averaged about 4.31%.

The rate on federal funds is a key indicator the Federal Reserve uses in carrying out monetary policy. Frequently a sharp change in the rate will prompt the Federal Reserve to inject or absorb funds from the banking system.

ASSETS AND LIABILITIES OF 2 WEEKLY REPORTING MEMBER BANKS IN NEW YORK CITY

[In millions of dollars]

	May 17, 1972	May 10, 1972	May 19, 1971
ASSETS			
Total loans and investments	60, 675	60, 561	56, 718
Federal funds sold and securities purchased under agreements to resell-total	1, 246	705	1, 541
Commercial and industrial loans	25, 005	24, 971	25, 699
U.S. Government securities—total	5, 130	5, 132	4, 570
Obligations of States and political subdivision:			
Tax wts, short-term notes, bills	2, 292	2, 328	1, 319
All other	5, 410	5, 337	5, 278
Other bonds, corporate stocks, and securities:			
Certificates representing participations in Federal agency loans	314	333	111
All other (including corporate stocks	865	878	1, 299
Cash items in process of collection	10, 154	10, 881	14, 716
Reserves with Federal Reserve Bank	6, 127	4, 872	4, 696
Currency and coin	408	434	410
Balances with domestic banks	3, 133	2, 830	1, 057
Other assets	5, 323	5, 209	5, 732
Total assets-liabilities	86, 269	85, 233	83, 874
LIABILITIES			
Demand deposits—total [1]	38, 817	39, 074	40, 735
Time and savings deposits—total [2]	24, 957	24, 987	21, 635
Federal funds purchased and securities sold under agreements to repurchase	7, 812	6, 625	6, 484
Borrowings:			
From Federal Reserve bank	150	325	620
From others	102	93	51
Other liabilities	6, 149	5, 817	6, 647
From own foreign branches	1, 923	1, 914	2, 603
Reserves for loans	1, 213	1, 212	1, 190
Reserves for securities	0	0	2
Total capital accounts	7, 069	7, 100	6, 510
MEMORANDA			
Demand deposits adjusted [3]	18, 247	17, 585	15, 533
Negotiable time CD's issued in denominations of $100,000 or more including in time and savings deposits—total	12, 193	12, 180	9, 435

[1] Includes certified and officers checks not shown separately,

[2] Includes time deposits of U.S. Government and foreign commercial banks not shown separately,

[3] All demand deposits except U.S. Government and domestic commercial banks, less cash items in process of collection.

MEMBER BANK RESERVE CHANGES

[In millions of dollars]

Changes in weekly averages of member bank reserves and related items during the week and year ended May 17, 1972 were as follows:

			Change from week ending
	May 17, 1972	May 10, 1972	May 19, 1971
Reserve bank credit:			
U.S. Government securities:			
Bought outright-system account	70, 369	−176	+5, 917
Held under repurch agreement			−311
Federal agency issues:			
Bought outright	979		+979
Held under repurchase agreement			−41
Acceptances—bought outright	80	−8	+20

			Change from week ending
	May 17, 1972	May 10, 1972	May 19, 1971
Held under repurchase agreement			−33
Loans, discounts and advances:			
Member bank borrowings	39	−46	−267
Other			
Float	3, 222	−10	+258
Other Federal Reserve Assets	968	−167	−141
Total Reserve Bank credit	75, 657	−408	+6, 381
Gold stock	10, 410	+470	+78
Treasury currency outstanding	7, 987	+16	+633
Total	94, 454	+78	+7, 091
Money in circulation	61, 309	+299	+4, 043
Treasury cash holdings	861	+113	+362
Treasury deposits with Federal Reserve banks	1, 658	−860	+410
Foreign deposits with Federal Reserve banks	140	+4	−22
Other deposits with Federal Reserve banks	576	+2	−121
Other Federal Reserve liabilities and capital	2, 210	−95	+62
Total	66, 756	−535	+4, 737
Member ban kreserves:			
With Federal Reserve banks	27, 699	+615	+2, 355
Cash allowed as reserves (est.)	5, 502	−200	+484
Total reserves held (est.)	33, 201	+415	+2, 839
Required reserves (est.)	32, 996	+439	+2, 736
Excess reserves (est.)	205	−24	+103
Free reserves (est.)	166	+22	

12 FEDERAL RESERVE BANKS' POSITION

[In millions of dollars]

	May 17, 1972	May 10, 1972	May 19, 1971
ASSETS			
Total gold certificate reserves	10, 303	9, 475	10, 075
U.S. Government securities:			
Bought outright:			
Bills	30, 381	30, 381	27, 011
Certificates			
Bonds	3, 540	3, 540	3, 220
Notes	36, 448	36, 448	34, 299
Total bought outright	70, 369	70, 369	64, 530
Held under repurchase agreement			521
Total U.S. Government securities	70, 369	70, 369	65, 051
Total assets	96, 450	94, 181	89, 064
LIABILITIES			
Federal Reserve notes	54, 029	53, 964	50, 466
Total deposits	30, 929	30, 220	27, 943
Gold reserves	10, 410	10, 410	

MONETARY AGGREGATES

[4-week daily average, seasonally adjusted, in billions]

	May 10, 1972	Apr. 12, 1972	
Total member bank deposits	377. 5	374. 4	
Money supply	234. 7	236. 3	
Bank time deposits	284. 5	280. 6	

VIETNAM: SOME CHEER THE WRONG TEAM

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, the following perceptive and eloquent editorials from the Nashua Telegraph of Nashua, N.H., and the Boston Herald Traveler present a point of view which is too often ignored or rejected by the majority of the mass media in the United States.

The reduction of troops by the present administration, the blatant and massive invasion of South Vietnam by the North and the repeated efforts by President Nixon to end the war by negotiation seem to have been lost to many in the uproar over the "American escalation" and the voluminous rhetoric spewn out by anti-war activists.

It is regrettable that this side of the issue is not expressed more often; that a more balanced account of the war is not presented. It is also unfortunate that many presidential aspirants are making this such a political issue and not supporting the President's efforts to end the war.

I recommend these editorials to my colleagues:

[From the Nashua (N.H.) Telegraph, Apr. 19, 1972]

SOME CHEER THE WRONG TEAM

President Richard Nixon, toiling tirelessly to bring an end to a war which was not of his making, had succeeded in reducing American troops in South Vietnam to less than 100,000 from the more than 500,000 committed to battle by the previous administration.

Warfare in Indochina had been reduced almost to guerrilla raids and it appeared that soon only a token force of Americans would remain on the scene.

Suddenly, 12 of North Vietnam's fighting divisions invaded South Vietnam, which Presidents Kennedy and Johnson had pledged to defend from any Communist takeover. The invaders swept across the Demilitarized Zone and into the South Vietnam cities, uprooting thousands of innocent civilians and destroying their homes. They appeared on several fronts, bombed cities and their teeming populations and gave every indication of a determination to conquer their fellow countrymen to the south once and for all.

President Nixon did what he had to do, to protect the South Vietnamese we had sworn to defend and to save our remaining servicemen from having to engage in the combat from which they had been removed.

In America's cities, antiwar protesters paraded and demonstrated. Candidates for the presidency denounced the renewed hostilities.

Did they condemn the North Vietnam invaders and the shelling of innocent people in the South Vietnam villages?

No, they condemned their President and their country's policy and rallied against America's actions in bombing supply depots and munition dumps which were the base of the invaders' logistics.

It's a shame and a disgrace how the opportunistic presidential aspirants are using the unpopular Vietnam War to further their political positions. This is the same war that they and their party voted for and committed us to in the 1960s. Now—more than ever—during the "wind-down," the country could use their support.

President Nixon has vowed to "take whatever action is necessary" to stop the Communist offensive in the south and Secretary of State William P. Rogers has told the Senate Foreign Relations Committee that the North Vietnamese invasion is vulnerable to American airpower.

The administration has shown the Communists that their aggressions will be stoutly resisted and we predict that long before November the troop withdrawals will have been accomplished.

In the meantime, should meaningful discussions resume at the Paris peace table, we shall be facing an adversary who knows full well that we are not negotiating through weakness.

And, as much as we deplore the need for further action by American servicemen, we firmly believe that the administration's moves were the only possible recourse under the circumstances.

[From the Boston Herald Traveler, Apr. 22, 1972]

SIDELIGHTS AND INSIGHTS

A tidal wave of woeful twaddle is being churned up again by persons who seem absolutely persuaded that the United States is the arch-villain in Vietnam, and that if only American planes would stop helping the South Vietnamese, all would be quiet on the Indochinese front.

Instances are countless. Here's one: Robert J. Harris, mayor of Ann Arbor, Michigan, and James L. Waters, regent of the University of Michigan, have offered (along with several professors) to go to North Vietnam as "peace hostages to protect Vietnamese citizens and American prisoners of war from American bombing."

The gesture would be pure genius, according to what passes for rational thought these days. Of course the "peace hostages" wouldn't help protect the North Vietnamese soldiers, since for a conveniently overlooked reason most of the North Vietnamese soldiers are in South Vietnam.

Will we hear any "peace hostages" volunteer to pitch tents in besieged An Loc to protect South Vietnamese citizens from the mortar shells and tank cannons of the invading North Vietnamese?

[From the Boston Herald Traveler, Apr. 25, 1972]

QUESTION OF CREDIBILITY

The anti-war demonstrations—whether last week's, today's or next week's—would gain wider credibility if they were scrupulously anti-war instead of screechingly anti-American. Some organizations and some persons agitating ostensibly against U.S. bombing in the war in Indochina are, in fact, in favor of a Communist military victory there, regardless of the consequences.

Many others are merely uninformed protesters, conditioned to respond to specious charges and arguments, subject to over-simplified, emotional appeals, and studiously determined to hear only one side and not to question it.

Bona fide pacifists and anti-war activists would gain a measure of credibility if, for instance, they displayed an open-mindedness and even-handedness in condemning the horrors of war. But how can one expect street demonstrators to react more rationally and fair-mindedly about the intensification of the war in Indochina when national political leaders like Senators Edward M. Kennedy, George S. McGovern, Hubert H. Humphrey and Edmund S. Muskie react with such abject partisanship?

Or when various other opinion leaders and makers begin rationalizing the inevitability and presumed benevolence of a Communist conquest? American public opinion has long been Hanoi's objective. Unfortunately, what asserts itself as public opinion is not synonymous with the public interest.

Be that as it may, one should ask the politicians first and the protesters second, how their anti-war fervor could be so curiously and sweepeningly suspended when North Vietnam invaded South Vietnam **en masse**, aiming for a quick kill which only punitive American air power prevented?

How credible can an anti-war posture be which denounces the use of U.S. air power to contain the North Vietnamese in South Vietnam, Laos, and Cambodia but which, by calculated or callous omission, ignores North Vietnamese aggression in those ravaged lands?

> Isn't it about time this peculiar selectivity was explained or exposed or rejected?

MINING OF NORTH VIETNAMESE PORTS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include a newspaper article.)

Mr. GERALD R. FORD. Mr. Speaker, some Members of the House have attacked President Nixon's order that North Vietnamese ports be mined from the standpoint that the United States is not formally at war with North Vietnam. In an article appearing in the Washington Post, John Norton Moore, a University of Virginia law professor, discusses the legality of our interdiction of shipping headed for North Vietnam and concludes that:

> Applicability of the law of blockade depends on the factual existence of a state of international hostilities and does not require a formal declaration of war.

Professor Moore also makes the significant point that:

> Lawful interdiction of shipping to an enemy power is not a threat or use of force against nonbelligerents justifying use of force in response.

Professor Moore's article follows:

A PROFESSOR ON THE LAW OF BLOCKADE

(By John Norton Moore)

The U.S. interdiction of weapons and supplies to North Vietnam has provoked speculation as to whether it is a "blockade" or something else. Though seemingly only a legal nicety, clarification is important for minimizing the risk of super-power confrontation.

International law recognizes the right of a belligerent to interdict the flow of supplies to the enemy by a naval blockade. To be lawful such a blockade must be communicated to non-belligerent shipping, must be maintained with a force sufficient to render breach dangerous, and must be applied impartially to the shipping of all nations. Although there is some question under the Hague Convention VIII whether a blockade may be maintained by the use of mines alone, there is no question that mines and naval forces may be used together to constitute a lawful blockade. And as is true of the law regulating conduct of hostilities generally, applicability of the law of blockade depends on the factual existence of a state of international hostilities and does not require a formal declaration of war. During the Korean War, for example, the U.S. maintained a blockade of the entire Korean coast.

The law of blockade represents a compromise between the interests of non-belligerents in minimal disruption of shipping and the interests of belligerents in preventing war material from reaching the enemy. Though the compromise permits interdiction of commerce with the enemy, it requires notification as a means of enabling non-belligerents to avoid the blockade zone and the attendant risk of seizure. By clarifying the rights of belligerents against non-belligerent shipping, the law also serves the purpose of restricting conflict to the initial belligerents.

In an article in the Washington Post on May 14, Professor Abram Chayes admits the possibility of a lawful blockade but urges that the U.S. action could not constitute a blockade because "it is not executed by naval action on the high seas, but by mines and in territorial waters." The implication that the interdiction is effectuated solely by mines is inaccurate. It was carefully pointed out both in President Nixon's address of May 8 and in the letter of the same date to the President of the Security Council that the U.S. measures include both mining and action by air and naval forces. And the suggestion that a blockade is not lawful if implemented within the territorial waters of an opposing belligerent strains poetic license. To the contrary, the controversy in both World Wars I and II concerned the "long-distance blockade" which was effectuated on the high seas at great distance from the blockaded area and usually by submarines attacking without warning.

Article 51 of the United Nations Charter permits collective defense against an armed attack. After the recent Korean style invasion from North Vietnam there can be little doubt that Hanoi's involvement in the South amounts to an armed attack permitting a defensive response under the Charter? And contrary to Professor Chayes, the necessity and proportionality of any such defensive response must be related to the magnitude of the threat to South Vietnam and not solely to "the safety of the U.S. force in South Vietnam." At a time when twelve North Vietnamese divisions were streaming into the South and many of the major cities were under siege the necessity and proportionality of a blockade of the North needs no explanation.

If, then, the conditions were present for a lawful blockade why was it carefully announced only as an "interdiction of weapons and supplies?" It was not because the President lacks constitutional authority to institute a blockade. The U.S. action, whether termed "blockade" or "interdiction," was the kind of tactical decision about the conduct of ongoing hostilities which fall within the President's power as Commander-in-Chief. Rather, the decision to avoid the term "blockade" was part of a series of careful limitations intended to minimize the risk of confrontation with non-belligerents. By speaking only of 'interdiction" President Nixon avoided inadvertently signalling a wider objective, such as the economic or political subjugation of North Vietnam, which might have been implied by use of the term "blockade." Some of the same considerations motivated President Kennedy in calling the United States action in the Cuban missile crisis "quarantine" rather than a blockade.

In fact, the substitution of the term "quarantine" for "blockade" at the suggestion of the deputy legal adviser of the Department of State has been rightly applauded by Professor Chayes as an example of the importance of an international legal perspective in national security decisions. Similarly, the careful limitation of the interdiction to the "internal and claimed territorial waters of North Vietnam," which Professor Chayes finds "curious," was intended to minimize the risk of confrontation with the Soviet Union by avoiding any implication of a "long-distance blockade" or any of a variety of other broad claims to interfere with non-belligerent shipping which have been associated with the principal blockades of this century. The wisdom of this limitation is strongly suggested by the emphasis in the Soviet diplomatic response on freedom of navigation on the high seas. Finally interdiction was delayed pending careful notification—particularly to the Soviet Union—and continuation was tempered by U.S. willingness to accept "an internationally supervised cease-fire throughout Indochina."

Though a legal perspective is only one perspective in assessing national security decisions, it is a perspective too frequently neglected. In the present crisis, when the interest of everyone is to reduce the risk of great-power confrontation, law has an immensely important message to convey. It is that lawful interdiction of shipping to an enemy power is not a threat or use of force against non-belligerents justifying use of force in response. Just as the risks of super-power confrontation should not be minimized, so too we should not increase those risks by confusing a lawful interdiction of weapons and supplies to North Vietnam with an act of war against the Soviet Union or any other non-belligerent.

CONSORTING WITH COMMUNISTS

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, Jenkin Lloyd Jones, in an article recently published, entitled "Good News From America," really hits a nerve which should cause sudden reaction from some of the presidential candidates, and other apologists for the Communists of North Vietnam and the Vietcong.

The article follows:

GOOD NEWS FROM AMERICA

(By Jenkin Lloyd Jones)

If I were a Soviet strategist I would think this:

The good news now coming out of America is almost unbelievable, and the possibility that the United States will shake itself to pieces never before looked so bright. Consider these happy items:

On May 5 the American Association of University Professors voted to condemn the regents of the University of California for firing Prof. Angela Davis, the avowed Communist.

For our purposes, it is important to establish that citizens of the decadent democracies have no other choice than to pay Communist teachers to radicalize youth and advocate the violent overthrow of these states.

On May 1 the New York Times was given the Pultizer Prize for publishing the secret Pentagon Papers which revealed official government disquietude with the Vietnamese war. There was some huffing and puffing about this by the Pulitzer trustees, but the jury award went through.

From time to time in the future our side may find it useful to steal and publish secret government documents. The fact that The Times not only got away with the Pentagon Papers' publication but was actually given a prize for it should eliminate any danger of troublesome prosecutions in the future.

On April 28 the United Methodist conference in Atlanta turned down by a vote of 534–405 a minority report that objected to branding the President as a "war criminal" and offered a vote of confidence in "the many thousands of Americans and Vietnamese who gave their lives for a cause." Instead, the conference adopted a resolution confessing America's "complicity in violence and death," and its "crime against humanity."

This was even better for our purposes than the actions of the Berrigan brothers or the defense fund for Angela Davis voted by the Presbyterians last fall. Organized religion in America need no longer be frontally attacked as an "opiate of the people. "Indeed, before it self-destructs it is probable that it may be more useful to our side than otherwise.

America's growing image before the world as a flabby giant that has lost the will and the capability of self-defense is most helpful to us. On May 6 the young Marxist hijacker who ordered a plane from Los Angeles to Havana stated that "the skies of America will not be safe until the United States ceases its aggression in Indochina." He added that the President, himself, is marked for death.

This ability of single terrorists to cow American authorities and to impose the most fantastic orders upon American citizens has greatly lowered American prestige in the eyes of the world.

The electronic media in America continue to perform well. When the capitalist lackey, J. Edgar Hoover, died on May 2 one television network spent as much time interviewing his detractors as it did his mourners. This he deserved for his embarrassing book, "Masters of Deceit," and his long hostility to our movement.

Our friends continue to improve their ability to command national coverage of their commotions and disruptions. Plans are going forward satisfactorily for carefully staged riots at the two national political conventions this summer that will give the world the impression that the American political process is about to be submerged in chaos.

The belief by our theoreticians that no society can survive utter licentiousness is apparently being proved in America. Pornography, drugs and promiscuity are rampant and the "underground press," which generally supports our ideology, is ever in the forefront of the battle to spread permissiveness.

One can hardly fail to look forward to the day on which American hooligans and idlers will get the shock of their lives when we can impose our healthy disciplines upon them. But in the meantime, they serve.

The American motion picture industry is behaving splendidly, avoiding inspiration and conditioning American youth to the belief that it lives in a rotten society. It must be noted that the actress, Jane Fonda, who has urged military desertions and told her young admirers, "Don't knock communism until you've tried it," was recently given the highest motion picture award.

Best of all is the growing prospect of overcoming America without the necessity of risking war at all. What has been described by the American historian, Dr. Daniel Boorstin, as the "national vice of self-hate" is very real.

There is a chic of treason among many American intellectuals who studiously overlook our rapid naval and missile buildup and demand the unilatural disarmament of the United States.

Thus, while most Americans are asking each other: "Who will be the next President of the United States?", perhaps the real question is: "Who will be the last President of the United States."

HEROISM AT AN LOC—JOSEPH ALSOP TELLS OF AN UNTOLD TALE

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, it is my conviction that one of the great problems with our country's efforts to help the South Vietnamese defend themselves against aggression is the serious bias in the information afforded the American people. Though I will not go into the subject at great length here, I have become convinced that the news media have seriously misled the American people about the situation in Vietnam.

This situation has led to a great deal of uncertainity, doubt, and fear. Even worse, it has led to a lack of appreciation of the efforts of the South Vietnamese to defend their country from this massive aggression.

As the South Vietnamese struggle to defend and develop their country, there has been an inspirational number of heroic acts. Unfortunately, these tales too often go untold. For this reason, I was pleased to see that the noted columnist Joseph Alsop devoted a recent column to the South Vietnamese who have successfully defended An Loc during weeks of ferocious attack by North Vietnamese tanks and infantry. It is my hope that An Loc will continue to hold out and that it may, indeed, become a symbol and a turning point in South Vietnam's long struggle to defend itself against aggression.

Mr. Speaker, we hear all too much of the bad news out of Vietnam, but too little of the good. The North Vietnamese, as invaders, can force the action where they will. In recent days, it has been against the poorest of South Vietnam's Army. The North Vietnamese have conspicuously avoided attacking the best divisions. Yet, the fact is that even some of the poorer divisions are fighting well and heroically, as in the defense of An Loc. Even more notable is the way the regional and popular forces have defended their homes against the North Vietnamese invaders. All too often, these events go unreported.

The excellent article by Mr. Alsop follows:

HEROISM AT AN LOC

(By Joseph Alsop)

If American units had been defending the wretched little town of Anloc, the whole country would now be gleaming with pride. Or at least those Americans would be glowing with pride who still admire grim courage for national ends; for the South Vietnamese defense of Anloc has been genuinely heroic.

The story of Anloc's defense also illustrates the misleading incompleteness of the story of Hanoi's climactic offensive in South Vietnam, as that story is now being told in this country. So it is probably just as well to begin at the beginning, which was COSVN's reason for ordering Anloc to be taken "at all costs."

The reason was the successful elimination of the native Vietcong by the pacification program. In the old days, the Vietcong would have been used to "prepare the battlefield" by building up all kinds of supply, providing guides and supporting units, and so on and on. In the old days, therefore, the crucial battle on the approaches to Saigon would have taken place much further forward. But now, there are almost no Vietcong.

Hence Anloc was chosen as the enemy's main target because it is at the back of beyond—a "province capital" with a population of 7,000, in a province that is almost empty of people. A road concealed under a tree canopy jungle also connects it with the Cambodian border, so an attack there could be supplied by truck.

The siege of Anloc began on April 7 with a ferocious artillery barrage followed by a tank-led infantry assault. At that time, the town was held by two regiments of one of the ARVN's less admired divisions, the fifth, commanded by Brig. Gen. Le Van Hung.

The first assault came close to penetrating to the provincial headquarters, and actually reached the fringes of the fifth division command post. But for want of anything better, the ARVN troops (who included some very brave regional force companies) killed the tanks at almost point blank range with their bazooka-like anti-tank weapons. What remained of the enemy was then thrown out of town.

About 10 days later, this reporter flew over Anloc with the chief American officer in the area, the brave and picturesque Maj. Gen. James Hollingsworth. You could hear the coolly professional talk of the senior American adviser on the ground, Col. William Miller. But you could not see Anloc itself because of the never-lifting smoke of battle. By then, a brigade of South Vietnamese airborne troops had been lifted in to help the regiments of the fifth division. All the same, Gen. Hollingsworth said:

"They're taking real hell in there. I can't tell you whether they can hold."

One could understand Hollingsworth's doubts. The unit besieging Anloc was Hanoi's crack division in the South, the ninth. The ninth division was augmented with an entire regiment of T–54 tanks. The normal artillery was ferocious. Initially, too, the enemy's ninth division had some help from the enemy's fifth.

The Anloc perimeter was repeatedly penetrated. The tanks came into town again and again, only to be destroyed where they were. The American news agencies announced the fall of Anloc at least five times. But Anloc did not fall. Instead, by April 26th, Hanoi's once awe-inspiring ninth division had just about expended itself. The division commander was then allowed to pull his men out after a stinging reprimand from COSVN.

Hanoi's fifth division thereupon moved up. The fifth's commander, Col. Hai Bien, had boastfully promised to take Anloc in three days' time. He tried hard, between May 10 and May 15. After that the fifth North Vietnamese division also had been expended. It, too, had to be pulled back. Two whole enemy divisions had thus broken themselves in Anloc.

That leaves only one point to cover. The miserable little unfortified town has an area of perhaps three square kilometers. Even when there were no ground assaults, the enemy artillery continued—each day never less than a thousand rounds; in normal times, generally about two thousand rounds; and when an assault was coming, seven to eight thousand rounds. Often, it must have been like being on the receiving end of one of Marshal Zhukov's special barrages in the last big war.

All this time, too, there was no medical evacuation from Anloc. Yet when this reporter was on the scene, there were already a thousand wounded. So was this really "pitiful" and "craven," to quote one U.S. reporter on the subject of ARVN? And how many U.S. units would have held on as well as the South Vietnamese at Anloc?

MOORHEAD BILL TO CREATE STATUTORY SECURITY CLASSIFICATION SYSTEM AND TO PROVIDE FOR ACCESS BY CONGRESS TO INFORMATION FROM THE EXECUTIVE

(Mr. MOORHEAD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, I have today introduced a bill to correct the many deficiencies and abuses connected with the operation of the Nation's security classification system and problems relating to access to information by the Congress from the executive branch.

The key feature of this legislation is the establishment of an independent Classification Review Commission, composed of nine members who would be provided broad regulatory and quasi-adjudicatory authority over the administration of the security classification system in the executive branch. The Commission would also have the responsibility of settling disputes between the Congress and the Executive over access to both classified and unclassified types of information requested by Congress or the Comptroller General of the United States. The Commission's decisions in this latter area would be subject to judicial review.

Three members of the Classification Review Commission are to be appointed by the Speaker of the House, three by the President pro tempore of the Senate, and three by the President. Terms would be fixed at 3, 5, and 7 years, but no member could be reappointed, and not more than six members may be from the same political party.

Mr. Speaker, the statutory security classification system established in this legislation would replace the Presidential Executive Order approach to this problem which our hearings have shown to be unworkable and which has resulted in the massive overclassification and needless classification of documents and undermined the integrity of our entire security classification effort. Obviously, it is impossible to write language—either in an Executive order or in a statute—to cover all situations in this complex field. But the machinery that would be established by this legislation would provide the flexibility to deal with security classification problem areas on a case-by-case basis, while providing the overall independent administration and regulation of the system to properly enforce its provisions and insure its effectiveness within the framework of our representative system of government.

The Foreign Operations and Government Information Subcommittee over the years has held numerous hearings and conducted investigations into these same subject matters, spanning a period of more than 15 years and four national administrations—two Republican and two Democratic. Additional hearings are curently being held on security classification problems and instances of denial of information requested by Congress from the executive branch—information needed by Congress to discharge its constitutional duties and responsibilities.

Mr. Speaker, I stress the fact that this matter is not a partisan one. The weaknesses of Executive orders in the administration of our security classification system have been obvious to the past five Presidents. Over the past 25 years, we have had two Executive orders in operation and the most recent inadequate attempt to deal with the problem is Executive Order 11652, issued by President Nixon on March 8 of this year, and scheduled to take effect on June 1, 1972.

The dimensions of this difficult problem were eloquently described in President Nixon's statement on March 8th:

> Unfortunately, the system of classification which has evolved in the United States has failed to meet the standards of an open and democratic society, allowing too many papers to be classified for too long a time. The controls which have been imposed on classification authority have proved unworkable, and classification has frequently served to conceal bureaucratic mistakes or to prevent embarrassment to officials and administrations.

The long-range effects of such a system were also listed:

> The many abuses of the security system can no longer be tolerated. Fundamental to our way of life is the belief that when information which properly belongs to the public is systematically withheld by those in power, the people soon become ignorant of their own affairs, distrustful of those who manage them, and—eventually—incapable of determining their own destinies.

All Americans should be able to agree on these fundamental principles on which any free nation's security classification must be predicated. We can also agree on other requirements of such a system, as similarly described in President Nixon's statement:

> Yet since the early days of the Republic, Americans have also recognized that the Federal Government is obliged to protect certain information which might otherwise jeopardize the security of the country. That need has become particularly acute in recent years as the United States has assumed a powerful position in world affairs, and as world peace has come to depend in large part on how that position is safeguarded. We are also moving into an era of delicate negotiations in which it will be especially important that governments be able to communicate in confidence.
>
> Clearly, the two principles of an informed public and of confidentiality within the Government are irreconcilable in their purest forms, and a balance must be struck between them.

Mr. Speaker, these are the basic premises on which we all can concur in the formulation of a system to safeguard our legitimate national defense and foreign policy secrets, while, at the same time providing the American public with the information required to preserve unity of purpose.

As I have pointed out on several occasions on the House floor, the new Executive order does not, in my carefully considered judgment, meet the basic criteria laid down in the President's own statement. It is unworkable, contains massive technical defects, and contains major loopholes that will only make the problem of overclassification worse, while seriously jeopardizing the integrity of vital defense and foreign policy secrets that do require the utmost protection.

These conclusions have been reached after hearing testimony before our subcommittee from witnesses of the Defense, State, and Justice Departments who were all involved in the creation of the new security classification Executive order. It was for this reason that I publicly called upon the President on May 3 to suspend indefinitely the June 1 effective date of the new order.

Mr. Speaker, I have felt that those who criticize an existing program or policy have an obligation to propose viable alternatives if their criticism is to be seriously considered by others. The bill I am introducting today provides that viable alternative which meets the fundamental criteria spelled out by President Nixon in his March 8 statement and the criteria developed during our extensive hearings on the security classification system and the need for Congress to information from the executive branch.

This legislation would establish, for the first time, a sound, flexible statutory system to deal effectively with the dual need to safeguard our truly vital defense and foreign policy secrets, while assuring the Congress and the public to information required to preserve our representative system of Government. The "tilt" should always be toward disclosure. Full details are described in the section-by-section analysis of the measure and the full text of the bill, which follow my remarks. For reference purposes, I will also list the citations in the RECORD to my previous remarks on this subject and appendix insertions I have included.

Other highlights of the proposal, embodied in the Freedom of Information Act Amendments of 1972, are summarized below:

Strictly confines classification of national defense information to "Top Secret", "Secret", and "Confidential", depending on the level of damage to the national defense that would be caused by its unauthorized disclosure;

Limits original "Top Secret" classication to only the Departments of State, Defense—including the Army, Navy, and Air Force—the Central Intelligence Agency, the Atomic Energy Commission, and designated offices within the Executive Office of the President;

Limits original "Secret" classification to only Departments and agencies listed above and the Departments of Justice, Treasury, and Transportation;

Limits original "Confidential" classification to the Departments and agencies listed above and the Department of Commerce and the National Aeronautics and Space Administration;

Provides for a strict limitation upon those top officials in each of the Departments and agencies listed above as to who can exercise the authority to classify information. Such officials shall be held fully accountable and shall be subject to reprimand and other disciplinary action for overclassification or other violations of regulations;

Requires a 3-year downgrading procedure for most types of classified national defense information—1 year from "Top Secret" to "Secret," 1 year from "Secret" to "Confidential," and 1 year from "Confidential" to a declassified state, and transfer to the National Archives, where it would then be subject to disclosure provisions of the Freedom of Information Act.

It authorizes a procedural "savings clause" that could be applied narrowly to certain types of highly sensitive national defense information when invoked by the executive department or the President, subject to the approval of the independent Classification Review Commission created under the legislation;

National defense information previously classified is subject to an automatic declassification procedure after a period of 15 years, except for highly sensitive data subject to the "savings clause" procedure.

Mr. Speaker, in summary, this legislation strikes that delicate balance between the conflicting needs of the Congress and the Executive, and the public as a whole in this vital area. But it also requires as rapid disclosure of information as possible, consistent with the national interest. It would replace the unworkable and unmanageable Executive order approach to the security classification system and would provide a practical, enforceable, meaningful administrative mechanism to safeguard the Nation's truly vital defense secrets, while preserving the constitutional need of Congress for information to investigate and to legislate, and maintaining the public's "right to know" that is essential in our representative system of Government.

I invite comments and suggestions from my colleagues here in the Congress for improvements in this legislation, as well as those from the executive branch and the public. Hopefully, other Members of the House and Senate will, after carefully considering the measure, join in cosponsoring it with me.

CONGRESSIONAL RECORD CITATIONS TO SECURITY CLASSIFICATION REMARKS AND INSERTIONS BY REPRESENTATIVE WILLIAM S. MOORHEAD

"Hearings on the Freedom of Information Act to Begin Monday, March 6", Congressional Record, March 1, 1972, page 6335.

"Moorhead Hits Nixon Action on Security Classification Executive Order", Congressional Record, March 8, 1972, page 7594.

"Foreign Aid Funds May Be Cut Off Tomorrow Because of Refusal to Provide Congress with Vital Information on Cambodia", March 14, 1972, page 8366.

"U.S. Assistance Program in Cambodia", March 16, 1972, page 8694.

"Section-by-Section Comparison and Analysis of Executive Orders 10501 and 11652, 'Classification and Declassification of National Security Information and Material' ", March 21, 1972, page 9377.

"New Security Classification Executive Order Perpetuates Censorship and Secrecy", article by William G. Florence, March 27, 1972, page 10345.

"Muddled Secrecy System", editorial in St. Louis *Post-Dispatch,* April 26, 1972, page 14551.

"Moorhead Urges Postponement of Effective Date of New Presidential Executive Order on Security Classification System", May 3, 1972, page 15692.

"Expert Urges Statutory Security Classification System to End Dangerous Overclassification and Administration Chaos", testimony by William G. Florence, May 4, 1972, page 16008.

"Senator Gravel Attacks Secrecy in Government, Urges Congress to Exercise Its Legitimate Power as a Co-equal Branch", testimony by Senator Mike Gravel, May 9, 1972, page 16467.

"Government Secrecy Costs Twice as Much as Government Public Information," summary of GAO study on costs of security classification system, May 15, 1972, page 17340.

H.R. 15172

A bill to amend section 552 of title 5 of the United States Code to clarify certain exceptions from its disclosure requirements, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Freedom of Information Act Amendments of 1972".

SEC. 2. Section 552(a)(3) of title 5, United States Code, is amended by adding at the end thereof the following new sentence: "The court shall award reasonable attorneys' fees and court costs to the complainant if it issues any such injunction or order against the agency."

SEC. 3. Section 552(b) of title 5, United States Code, is amended by—

(1) striking out "(b) This section" and inserting in lieu thereof "(b)(1) Subsection (a)";

(2) redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively;

(3) striking out subparagraph (A) (as so redesignated) and inserting in lieu thereof the following:

"(A) required under subsection (d), in the interest of national defense, to be kept secret;";

(4) striking out "or" at the end of subparagraph (H) (as so redesignated), by striking out the period at the end of subparagraph (I) (as so redesignated) and inserting "; or" in lieu thereof, and by inserting after subparagraph (I) (as so redesignated) the following new subparagraph:

"(J) related to the foreign policy of the United States"; and

(5) inserting at the end thereof the following new paragraph:

"(2) If any matter falls within paragraph (1) and is classified under subsection (d) as Top Secret, Secret, or Confidential and is subsequently declassified under subsection (e), then subsection (a) applies to such matter."

SEC. 4. Section 552 of title 5, United States Code, is amended by adding at the end thereof the following new subsections:

"(d)(1) Official information may, in the interest of national defense, be classified as—

"(i) Top Secret;

"(ii) Secret; or

"(iii) Confidential;

by the appropriate agencies as described in subparagraph (A) of paragraph (2). Such classified information shall be known as national defense information. Official information may be classified as Top Secret only if its unauthorized disclosure could cause exceptionally grave damage to the national defense of the United States. Official information may be classified as Secret only if its unauthorized disclosure could cause serious damage to the national defense of the United States. Official information may be classified as Confidential only if its unauthorized disclosure could cause damage to the national defense of the United States.

"(2)(A)(i) Official information may be originally classified as Top Secret by the following agencies: the Department of State, the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Central Intelligence Agency, the Atomic Energy Commission, and by such offices within the Executive Office of the President as the President may designate by Executive order.

"(ii) Official information may be originally classified as Secret by any agency which may originally classify official information as Top Secret and by the Department of the Treasury, the Department of Justice, and the Department of Transportation.

"(iii) Official information may be originally classified as Confidential by any agency which may originally classify official information as Top Secret or Secret and by the Department of Commerce and the National Aeronautics and Space Administation.

"(B)(i) Within the agencies described in subparagraph (A), the classification, in the interest of national defense, of official information may only be done by the head of each such agency, and such other senior principal deputies, assistants, and subordinate officials within each such agency who are designated in writing by the head of each such agency. However, subordinate supervisory officials below the level of section chief or its equivalent may not be designated to classify official information as Top Secret, Secret, or Confidential. Nor may any individual be designated to classify such information unless his day-to-day operational responsibilities make it imperative that he have such authority. The head of each such agency shall semiannually review each individual whom he has designated in writing as having authority to classify official information in order to take away such authority from any individual whose operational responsibilities no longer make it imperative that he have such authority.

"(ii) Individuals who are designated in writing by the head of an agency pursuant to clause (i) as having authority to classify official information may not redelegate such authority to any other individual.

"(3)(A) Except as otherwise provided by statute, the head of each agency described in subparagraph (A) of paragraph (2) shall compile and maintain a full and complete list of the names and addresses of all individuals within such agency who have the authority to classify official information as Top Secret, Secret, or Confidential, including a breakdown identifying individuals who have the authority to classify official information into each such category. A copy of such list shall be submitted by each such head quarterly to the Classification Review Commission. A copy of each such list shall also be made available, upon written request to the appropriate agency head by any committee of Congress or by the Comptroller General of the United States, to such committee or the Comptroller General.

"(B) Any individual who, acting in a clerical capacity, handles any classified information need not have authority to classify official information pursuant to subparagraph (A) in order to put markings on material containing any such information to identify its category of classification.

"(4) No agency other than an agency described in subparagraph (A) of paragraph (2) may, in the interest of national defense, classify official information, and no such authority may be delegated to any other agency except by statute.

"(5)(A) The classification of official information shall be strictly based upon the definitions of Top Secret, Secret, and Confidential, as defined in paragraph (1).

"(B) Each individual who has the authority pursuant to paragraph (2)(B)(i) to classify official information as Top Secret, Secret, or Confidential shall be held accountable, under regulations prescribed by the Commission, for his failure to accurately classify such information.

"(C) Such individuals shall not classify official information in order to conceal incompetence, inefficiency, wrong-doing, administrative error, to avoid embarrassment to any individual or agency, to restrain competition or independent initiative, or to prevent or delay for any reason the release of official information in violation of subsection (e). Any such individual who classifies official information in violation of this subparagraph shall be subject to administrative reprimand including suspension or such other disciplinary action as shall be prescribed under regulations of the Commission.

"(D) Classified information furnished to the United States by a foreign government or international organization shall be classified by an appropriate agency described in subparagraph (A) of paragraph (2) as Top Secret, Secret, or Confidential, depending upon its category of classification by such foreign government or international organization. However, the provision of such information to any appropriate committee of Congress shall not be denied, upon the written request of such committee to the appropriate agency.

"(e)(1)(A) Whenever—

"(i) any official information which has been classified on or after the effective date of the Freedom of Information Act Amendments of 1972 pursuant to subsection (d) as Top Secret, Secret, or Confidential; and

"(ii) such information no longer satisfies the criterion (as described in subsection (a)(1)) for classification in such category;

then such information shall be promptly downgraded to an appropiate less stringent category or declassified by an individual within the agency concerned who has authority to classify such information.

"(B) Except as provided by paragraph (3)—

"(i) any official information which is originally classified pursuant to subsection (d) as Top Secret, Secret, or Confidential on or after the effective date of the Freedom of Information Act Amendments of 1972; and

"(ii) any official information which was originally classified, in the interest of national defense, as Top Secret, Secret, or Confidential during the fifteen-year period immediately preceding the effective date of the Freedom of Information Act Amendments of 1972 pursuant to any Executive order and which is classified as Top Secret, Secret, or Confidential on such effective date; shall be downgraded or declassified, as the case may be, by an individual within the agency concerned who has the authority to classify such information according to the schedule in paragraph (2).

"(C) Except as provided by paragraph (3), any official information which was originally classified, in the interest of national defense, prior to the fifteen-year period immediately preceding the effective date of the Freedom of Information Act Amendments of 1972 pursuant to any Executive order, directive, memoranda, or other authority and which is classified as Top Secret, Secret, or Confidential on such effective date shall be automatically declassified by an individual within the agency concerned who has the authority to classify such information within six months after the effective date of the Freedom of Information Act Amendments of 1972.

"(2) Official information which is classified as Top Secret, Secret, or Confidential and which is described in subparagraph (B) of paragraph (1) shall be downgraded or declassified, as the case may be, by an individual within the agency concerned who has the authority to classify such information according to the following schedule:

"(A)(i) Official information classified as Top Secret and described in paragraph (1)(B)(i) shall be downgraded to Secret twelve months after the date of its original classification as Top Secret.

"(ii) Official information classified as Top Secret and described in paragraph (1)(B)(ii) shall be downgraded to Secret within twelve months after the effective date of the Freedom of Information Act Amendments of 1972.

"(B)(i) Official information classified as Secret and described in paragraph (1)(B)(i) shall be downgraded to Confidential twelve months after the date of its original classification as Secret.

"(ii) Official information classified as Secret and described in paragraph (1)(B)(ii) shall be downgraded to Confidential within twelve months after the effective date of the Freedom of Information Act Amendments of 1972.

"(iii) Official information which is downgraded to the category of Secret pursuant to the provisions of paragraph (1)(A) or pursuant to the provisions of clause (i) or (ii) of subparagraph (A) of this paragraph shall be downgraded to the category of Confidential twelve months after the date of its downgrading to the category of Secret.

"(C)(i) Official information classified as Confidential and described in paragraph (1)(B)(i) shall be declassified twelve months after the date of its original classification as Confidential.

"(ii) Official information classified as Confidential and described in paragraph (1)(B)(ii) shall be declassified within twelve months after the effective date of the Freedom of Information Act Amendments of 1972.

"(iii) Official information which is downgraded to the category of Confidential pursuant to the provisions of paragraph (1)(A) or pursuant to the provisions of clause (i), (ii), or (iii) of subparagraph (B) of this paragraph shall be declassified twelve months after the date of its downgrading to the category of Confidential.

"(3) Official information which is classified as Top Secret and which is described in subparagraph (B) or (C) of paragraph (1) shall not be downgraded to a less stringent category or declassified, other than in accordance with procedures described in paragraph (4), if such information—

"(A) is specifically exempted from disclosure by statute;

"(B) pertains to cryptologic systems;

"(C) would disclose intelligence sources or methods; or

"(D) would disclose a defense plan, project, or other specific defense matter, the continuing protection of which is of vital importance to the United States and the unauthorized disclosure of which could cause exceptionally grave damage to the national defense of the United States.

"(4)(A) Official information which is classified as Top Secret, is described in subparagraph (B) or (C) of paragraph (1), and is within the purview of subparagraph (A), (B), (C), or (D) of paragraph (3) shall be downgraded to Secret by an individual within the agency concerned who has the authority to classify such information twelve months after the date of its original classification as Top Secret in the case of information described in paragraph (1)(B)(i), and twelve months after the effective date of the Freedom of Information Act Amendments of 1972 in the case of information described in paragraph (1)(B)(ii) or paragraph (1)(C). Immediately after its downgrading, such information shall be transmitted by the head of the agency concerned to the Chairman of the Commission.

"(B) The Commission may, by a majority vote of its full membership, allow such information to continue to be classified as Secret for a period of twenty-four months beginning as of the date of the downgrading of such information by the agency concerned to Secret. Prior to the end of such twenty-four-month period, the Commission may, by a majority vote of its full membership, allow such information to continue to be classified as Secret for a period of twelve months beginning as of the end of such twenty-four month period. Prior to the end of such twelve-month period, the Commission may, by a two-thirds vote of its full membership, allow such information to continue to be classified as Secret for an additional twelve-month period beginning as of the end of the preceding twelve-month period. At the end of this additional twelve-month period, such information shall be downgraded to Confidential by an individual within the agency concerned who has the authority to classify such information, and twelve months after the date of its downgrading to Confidential such information shall be declassified by any such individual. However, if prior to the end of such second twelve-month period the President informs the Commission, in writing, of the detailed justification for the continued safeguarding of such information based upon national defense interests of the United States of the highest importance, then such information shall continue to be classified as Secret unless the Commission, within fifteen calendar days of its receipt of the President's written justification, by a two-thirds vote of its full membership, rejects such justification. If the Commission does not so vote to reject such justification, then such information shall continue to be classified as Secret until the Commission, by a two-thirds vote of its full membership, rejects such justification. If the Commission does so vote to reject such justification, then such information shall be downgraded to Confidential by an individual within the agency concerned who has the authority to classify such information, and twelve months after the date of its downgrading to Confidential, such information shall be declassified by any such individual.

"(C) If the Commission does not vote under subparagraph (B) to allow any information within the purview of subparagraph (A) to continue to be classified as Secret for such twenty-four month period or for the first or second twelve-month period described in subparagraph (B), then such information shall be downgraded to Confidential and thereafter declassified according to the schedule provided under paragraph (3), except that if such information is described in subparagraph (C) of paragraph (1), then it shall be promptly declassified by an individual within the agency concerned who has authority to classify such information.

"(5)(A) Any official information which is downgraded or declassified under this subsection shall be marked as soon as practicable in order to clearly identify its new category of classification or the fact that it has been declassified, the date of such downgrading or declassification, the name of the person who authorized such change, and the name of the individual who executed such change.

"(B) In cases where—

"(i) classified information has been transferred from one agency to another agency;

"(ii) the agency which originally classified such information has ceased to exist; or

"(iii) such information has been transferred to the General Service Administration in order to be placed in the Archives of the United States;

the Commission shall prescribe regulations which delineate who shall have the authority to downgrade such information to a less stringent category and to declassify it.

"(f)(1) There is established a commission to be known as the Classification Review Commission (referred to in this section as the 'Commission').

"(2)(A) The Commission shall be composed of nine members as follows:

"(i) Three appointed by the Speaker of the House of Representatives. Not more than two members appointed under this clause may be of the same political party.

"(ii) Three appointed by the President pro tempore of the Senate. Not more than two members appointed under this clause may be of the same political party.

"(iii) Three appointed by the President. Not more than two members appointed under this clause may be of the same political party.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

"(B) Not more than six members of the Commission appointed shall be of the same political party. All members of the Commission must be citizens of the United States.

"(C)(i) Of the members first appointed—

"(I) one appointed by the Speaker of the House, one appointed by the President pro tempore of the Senate, and one appointed by the President shall be appointed for a term of three years;

"(II) one appointed by the Speaker of the House, one appointed by the President pro tempore of the Senate, and one appointed by the President shall be appointed for a term of five years; and

"(III) one appointed by the Speaker of the House, one appointed by the President pro tempore of the Senate, and one appointed by the President shall be appointed for a term of seven years.

"(ii) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may not serve more than one term on the Commission, except that a member may serve after the expiration of his term until his successor has taken office.

"(D) No member of the Commission shall actively engage in any business, vocation, or employment other than that of serving as a member of the Commission.

"(3)(A) Six members of the Commission shall constitute a quorum.

"(B) The Chairman and Vice Chairman of the Commission shall be elected from the membership by the members of the Commission. The term of office of the Chairman and Vice Chairman shall be two years.

"(C) The Commission shall meet at the call of the Chairman or six of its members.

"(4)(A) Members (including the Chairman and Vice Chairman) of the Commission shall each be paid at the annual rate of basic pay in effect for level II of the Executive Schedule of section 5315 of title 5, United States Code.

"(B)(i) The Commission shall have an Executive Secretary who shall be hired by the Commission and who shall be paid at a rate not to exceed the rate of basic pay in effect for level IV of the Executive Schedule of section 5315 of title 5, United States Code.

"(ii) Subject to such rules as may be adopted by the Commission, the Chairman may appoint such personnel as he deems desirable.

"(iii) The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(5)(A) The Commission shall prescribe such regulations as it considers necessary or appropriate to effectuate the provisions of subsections (d) through (g) of this section including such regulations as are described in subsection (d)(5)(B), subsection (5)(5)(C), subsection (e)(5)(B), and subsection (g)(6).

"(B) The Commission shall prescribe standards and procedures concerning the handling of official information which is classified in the interest of national defense which shall be applied uniformly by the agencies concerned (including the Commission) and shall include, but not be limited to, the following—

"(i) assuring that (I) knowledge and possession of such information shall be limited to individuals who are trustworthy and whose official duties require such knowledge or possession, that (II) such information shall not be disseminated outside of the originating or controlling agency except under such conditions and by such methods as are authorized by the President or the head of the disseminating agency, and that (III) no individual may withold or authorize withholding such information from Congress.

"(ii) assuring that such information shall be appropriately and conspicuously marked or otherwise identified in order to show its category of classification;

"(iii) assuring that such information shall be marked in order to identify the agency which classified it, the date of its preparation and classification (including the date of its subsequent downgrading and declassification), and the name and title of the highest ranking person authorizing its classification (and subsequent downgrading and declassification);

"(iv) assuring that such information shall be used, possessed, transmitted, and stored only under conditions which will prevent dissemination to or access by unauthorized persons; and

"(v) assuring that appropriate accountability records shall be established and maintained with respect to such information.

"(6)(A) The Commission may for the purpose of carrying out its duties under subsections (d) through (g) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem advisable. The Commission may administer oaths or affirmations to witnesses appearing before it.

"(B) The Commission may secure directly from any agency information necessary to enable it to carry out its duties under subsections (d) through (g). Upon request of the Chairman or Vice Chairman of the Commission, the head of such agency shall furnish such information to the Commission.

"(C) The Commission may use the United States mails in the same manner and upon the same conditions as other agencies.

"(D) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

"(E)(i) The Commission shall have the power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

"(ii) If a person issued a subpena under clause (i) refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(iii) The subpenas of the Commission shall be served in the manner provided for subpenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

"(iv) All process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

"(F) The Commission shall carry out its functions with respect to the downgrading and declassification of official information as described in subsection (e)(4) and (e)(5)(B).

"(G) The Commission may issue decisions, orders, and directives, and distribute reports, administrative memorandums, and other information in order to assure that the provisions of subsections (d) through (g) are carried out.

"(H) The Commission shall publish annual reports of its activities and shall make available for public inspection at reasonable times in its office a record of its proceedings and hearings. However, the Commission shall not make public any classified information prior to its declassification.

"(I) The Commission shall conduct a thorough and continuing investigation and appraisal of the policies, standards, and operations of agencies classifying information, in the interest of national defense, under subsection (d).

"(J) The Commission shall investigate, upon the vote of at least three of its members, inquiries initiated by private citizens, officers or employees of the United States, or any other person concerning any allegation of improper classification of official information within the purview of subsection (d) or (e) or concerning any allegation of the failure of any agency, or of any officer or employee thereof, to comply with the provisions of subsection (d) or (e), or any regulation prescribed by the Commission under paragraph (5)(A) of this subsection, or any standards or procedures prescribed by the Commission under paragraph (5)(B) of this subsection, or any decisions, orders, or directives issued by the Commission under subparagraph (G) of this paragraph. The Commission shall have a report published which describes the results of each investigation. The Commission shall, when appropriate, refer such matters to the Attorney General of the United States.

"(K) The Commission shall, pursuant to the provisions of subsection (g), furnish to Congress, committees of Congress, and the Comptroller General of the United States, upon request, certain classified and unclassified information necessary for Congress to discharge fully and properly all of its constitutional responsibilities.

"(g)(1)(A) The Commission shall promptly consider any written request transmitted to it for the issuance of an order directing any agency to transmit official information held by such agency which is classified or unclassified—

"(i) either House of Congress, if such request is made upon the direction of a majority vote of the Members of such House:

"(ii) any committee of Congress, if such request is made upon the direction of a majority vote of the members of such committee and the subject matter of the information requested relates to the jurisdiction of such committee; or

"(iii) the Comptroller General of the United States, if the request is made by him.

(B) For the purposes of this section, the term 'committee of Congress' means any committee of the Senate or House of Representatives or any subcommittee of any such committee or any joint committee of Congress or any subcommittee of any such joint committee.

"(2) Any request transmitted to the Commission under paragraph (1)(A) shall state with reasonable particularity the information or category of information requested and include a description of any efforts made to obtain access to such information, identifying the agency to which such request was made, the date of such request, and a copy of all correspondence with any such agency with respect to such request.

"(3) When the Commission receives any request under paragraph (1)(A), it shall immediately inform, in writing, the head of the appropriate agency and the President of such request, including a description of the information requested.

"(4)(A) The agency which is informed under paragraph (3) of such request shall transmit the information requested to the Commission within three calendar working days of the date upon which such agency is so informed by the Commission. The head of such agency shall transmit to the Commission, along with such requested information, a letter containing a statement setting forth the recommendations of the agency as to whether such information should be made available by the Commission to the person requesting it under paragraph (1)(A).

"(B) If the agency concerned fails to transmit such requested information to the Commission pursuant to the provisions of subparagraph (A), the Commission shall immediately issue a subpena under subsection (f)(6)(E)(i) requiring the production of such information.

"(5)(A) If the agency concerned transmits such information to the Commission pursuant to paragraph (4)(A) and the recommendation of such agency is to release such information to the person requesting it, then the Commission shall transmit such information to such person.

"(B) If, however, the recommendation of such agency is not to release such information to the person requesting it, the agency shall transmit to the Commission a detailed justification in writing setting forth the specific reasons for its recommendation. The Commission shall conduct an investigation to determine whether such information shall be transmitted to the person requesting it. In making such determination, the Commission shall weigh the constitutional rights and powers of the parties concerned, including (i) the extent to which such information is necessary to Congress so that Congress may fully and properly discharge its constitutional responsibilities, and (ii) the extent to which the disclosure of such information to Congress would be contrary to the public interest or would seriously endanger the national defense of the United States. The Commission shall publish its determinations in the Federal Register. The proceedings of the Commission shall be recorded.

"(6)(A) The Commission shall prescribe regulations to govern its proceedings under paragraph (5) of this subsection.

"(B) In any case within the purview of paragraph (5)(B), the Commission shall hold a hearing at which a party is entitled to present its case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Such hearing shall be public, unless, because of the sensitive nature of the information in dispute, the Commission decides by a two-thirds vote that the hearing shall be closed.

"(C) The Commission shall meet immediately after the conclusion of the hearing to begin deliberations. The Commission shall render its decision in writing to each party within three calendar working days after the conclusion of the hearing. Such decision shall set forth in detail the reasons for the determination of the Commission.

"(7)(A) In carrying out the provisions of paragraph (5), the Commission is authorized to enter an order in each case either granting or denying the request. The Commission shall prescribe such terms and conditions as it deems necessary to protect the security of the information concerned, including but not limited to, requiring that the person requesting such information or his agent—

"(i) take adequate measures to guard the physical security of the information received;

"(ii) assure that access to the information be limited to Members of Congress whose responsibilities require access to such information, or to appropriate staff members of either House of Congress, or of any committee of congress, or to the Comptroller General of the United States or any employee of the General Accounting Office who possesses proper security clearance; and

"(iii) take adequate measures to assure that all discussions with respect to such information shall take place in executive session of a committee of Congress and closed sessions of either the Senate or the House of Representatives, as provided in the rules of each such body.

"(B) The requirements imposed in clauses (i) through (iii) of subparagraph (A) shall apply only to classified information which the person requesting such information obtains through an order of the Commission and where the hearing described in paragraph (6)(B) with respect to such information is closed by vote of the Commission.

"(8)(A) There is vested in the United States Court of Appeals for the District of Columbia exclusive original jurisdiction to review any final decision of the Commission under paragraph (6) upon complaint filed by a party to the proceeding at which such decision was made within fifteen calendar days of the date of publication of such decision by the Commission in the Federal Register pursuant to paragraph (5)(B). The decision of the Commission shall be upheld if there is substantial evidence on the record to sustain that decision. Such case shall be immediately considered and shall have precedence over all other cases pending before such court.

"(B) There is vested appellate jurisdiction in the Supreme Court of the United States to review by appeal as a matter of right any decision made by the United States Court of Appeals for the District of Columbia pursuant to this paragraph. The Supreme Court shall act promptly in considering such appeal and rendering its judgment thereon.

"(C) The judicial review provided for by this paragraph shall be the exclusive mode of judicial review."

SEC. 5. It is the sense of the Congress that the President, in conformity with article II, section 3, and article I, section 8 of the Constitution of the United States, shall keep Congress fully and currently informed with respect to all of the activities of agencies covered under this Act.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 7. (a) Except as provided by subsection (b), the foregoing provisions of this Act shall take effect at the beginning of the sixth month that commences after the date of its enactment.

(b) Section 552(f) (1) through (5) and (g)(6)(A) as added by section 4 of this Act and section 6 of this Act (to the extent necessary) shall take effect upon the enactment of this Act.

Section-by-Section Analysis of "Freedom of Information Act Amendments of 1972"—Security Classification System and Access by Congress to Information From the Executive Branch

Section 1 designates this Act as the "Freedom of Information Act Amendments of 1972."

Section 2 amends Section 552(a)(3) of title 5, United States Code by authorizing the Federal courts to award reasonable attorneys' fees and court costs to complaintant member of the public in suits under the Freedom of Information Act in such cases where the government's position in denying the information requested is not sustained.

Section 3 contains technical amendments renumbering and rephrasing exemptions under Section 552(b)(1) of the Freedom of Information Act. It also provides that classified information subsequently declassified under the Act shall be subject to the same disclosure provisions of the Freedom of Information Act.

Section 4 adds new subsections to Section 552, title 5 of the United States Code to provide for the establishment of a security classification system to safeguard classified information known as National Defense Information.

Subsection (d)(1) authorizes such information to be classified "Top Secret" only if its unauthorized disclosure could cause exceptionally grave damage to the national defense of the United States; "Secret" only if its unauthorized disclosure could cause serious damage to the national defense of the United States; and "Confidential" only if its unauthorized disclosure could cause damage to the national defense of the United States.

Subsection (d)(2)(A) authorizes original "Top Secret" classification by the Departments of State, Defense (including the Army, Navy, and Air Force), the Central Intelligence Agency, the Atomic Energy Commission, and by such offices within the Executive Office of the President that he may designate by Executive Order. It also authorizes original "Secret" classification by those Departments and agencies having "Top Secret" classification authority and by the Departments of Justice, Treasury, and Transportation. The subsection also authorizes original "Confidential" authority by those Departments and agencies having "Top Secret" and "Secret" classification authority and by the Department of Commerce and the National Aeronautics and Space Administration.

Subsection (d)(2)(B) specifies that such classification may only be done by the head of each department or agency and such other senior principal deputies, assistants, and subordinate officials within each who are designated in writing by the head of such department or agency, provided that such subordinate supervisory officials are not below the level of section chief or its equivalent. It further requires that such classification authority shall not be granted unless his day-to-day operational responsibilities make it imperative that he have such authority. The head of each department or agency is required to review semiannually the list of those having classification authority and to remove such authority from those whose operational responsibility no longer make it imperative that they have such authority. Authority may not, in turn, be redelegated by any individual designated in writing by a department or agency head.

Subsection (d)(3)(A) requires each department and agency head to compile and maintain a full and complete list of names and addresses of all individuals within such agency who have authority to classify within each of the three classification categories. A copy of such list is to be submitted quarterly to the Classification Review Commission and shall be made available, upon written request to the appropriate department or agency head by any committee of Congress or by the Comptroller General of the United States.

Subsection (d)(3)(B) applies to individuals acting in a clerical capacity, who do not need classification authority to place markings on such information to properly identify its category of classification.

Subsection (d)(4) provides that classification of National Defense Information shall not be exercised by any other department or agency except those listed in subsection (d)(2)(A) of this Act, except by statute.

Subsection (d)(5)(A) specifies that the classification of official information shall be strictly based on the definitions of "Top Secret," and "Confidential," as defined in subsection (d)(1) of this Act.

Subsection (d)(5)(B) specifies that each individual having the authority to classify official information pursuant to subsection (d)(2)(B) as "Top Secret," "Secret," or "Confidential" shall be held accountable for his failure to accurately classify such information under regulations prescribed by the Classification Review Commission.

Subsection (d)(5)(C) provides that such individuals shall not classify official information under this Act in order to conceal incompetence, inefficiency, wrongdoing, administrative error, to avoid embarrassment to any individual or agency, to restrain competition or independent initiative, or to prevent or delay for any reason the release of official information in violation of subsection (e) of this Act. Violators shall be subject to administrative reprimand, including suspension or such other disciplinary action as prescribed under regulations by the Classification Review Commission.

Subsection (d)(5)(D) provides that classified information furnished to the United States by a foreign government or international organization shall be classified by an appropriate agency described in (d)(2)(A) of this Act as "Top Secret," "Secret," or "Confidential," depending upon its category of classification by such foreign government or international organization. However, the provision of such information to any appropriate Congressional committee shall not be denied, if requested by such committee in writing to the appropriate agency.

Subsection (e)(1)(A) provides for the continuous downgrading and declassification of official information classified on or after the effective date of this Act pursuant to subsection (d) as "Top Secret," "Secret," or "Confidential" and which no longer satisfies the criterion described in subsection (d)(1) for classification in such category. Such information shall be promptly downgraded to an appropriate less stringent category or declassified by an individual within the agency concerned who has authority to classify such information.

Subsection (e)(1)(B) provides an automatic downgrading and declassification schedule (except or information contained in (e)(3) below) for (i) official information classified on or after the effective date of this Act pursuant to subsection (d) as "Top Secret," "Secret," or "Confidential" and (ii) official information originally classified, in this Act pursuant to subsection (d) as "Top Secret," "Secret," or "Confidential" during the 15-year period immediately preceding the effective date of this Act and which is still classified as "Top Secret," "Secret," or "Confidential" on such effective date. Such information shall be downgraded or declassified, as the case may be, in accordance with the schedule described in subsection (e)(2) below.

Subsection (e)(1)(C) provides that, except for information contained in subsection (e)(3) below, any official information which was originally classified, in the interest of national defense, prior to the 15-year period immediately preceding the effective date of this Act pursuant to any Executive Order, directive, memoranda, or other authority and which is classified "Top Secret," "Secret," or "Confidential" on such effective date shall be automatically declassified within 6 months after the effective date by an individual within the agency concerned who has the authority to classify such information.

Subsection (e)(2) provides for a downgrading and declassification schedule for official information classified as "Top Secret," "Secret," or "Confidential" that is described in subsection (e)(B)(1) above, to be exercised by an individual within the agency concerned who has the authority to classify such information.

Subsection (e)(2)(A)(i) provides that official information classified as "Top Secret" and described in (e)(1)(B)(i) above shall be downgraded to "Secret" 12 months after the date of its original classification as "Top Secret."

Subsection (e)(2)(A)(ii) provides that official information classified as "Top Secret" and described in (e)(1)(B)(ii) above shall be downgraded to "Secret" within 12 months after the effective date of this Act.

Subsection (e)(2)(B)(i) provides that official information classified as "Secret" and described in (e)(1)(B)(i) above shall be downgraded to "Confidential" 12 months after the date of its original classification as "Secret."

Subsection (e)(2)(B)(ii) provides that official information classified as "Secret" and described in (e)(1)(B)(ii) above shall be downgraded to "Confidential" within 12 months after the effective date of this Act.

Subsection (e)(2)(B)(iii) provides that official information which is downgraded to "Secret" pursuant to (e)(1)(A) or the provisions of (e)(2)(A) (i) or (ii) shall be downgraded to "Confidential" 12 months after the date of its downgrading to "Secret."

Subsection (e)(2)(C)(i) provides that official information classified as "Confidential' and described in (e)(1)(B)(i) above shall be declassified 12 months after the date of its original classification as "Confidential."

Subsection (e)(2)(C)(ii) provides that official information classified as "Confidential" and described in (e)(1)(B)(ii) above shall be declassified within 12 months after the effective date of this Act.

Subsection (e)(2)(C)(iii) provides that official information downgraded to "Confidential" pursuant to (e)(1)(A) or the provisions of (e)(2)(B)(i), (ii), or (iii) shall be declassified 12 months after the date of its downgrading to "Confidential."

Subsection (e)(3) provides a "savings" procedure for certain types of highly sensitive classified material so that official information classified as "Top Secret" and described in (e)(1)(B) and (C) above shall not be downgraded or declassified, other than in accordance with the procedures described in (e)(4) below, if such information—

(A) is specifically exempted from disclosure by statute;

(B) pretains to cryptologic systems;

(C) would disclose intelligence sources or methods; or

(D) would disclose a defense plan, project, or other specific defense matter, the continuing protection of which is of vital importance to the United States and the unauthorized disclosure of which could cause exceptionally grave damage to the national defense of the United States.

Subsection (e)(4)(A) provides that official information classified as "Top Secret", is described in (e)(1)(B) or (C), and within the purview of (e)(3)(A), (B), (C), or (D) above shall be downgraded to "Secret" by an individual within the agency concerned who has the authority to classify such information 12 months after the date of its original classification as "Top Secret" (in the case of information described in (e)(1)(B)(i) above) and 12 months after the effective date of this Act (in the case of information described in (e)(1)(B)(ii) or (e)(1)(C) above). Immediately after its downgrading to "Secret", such information shall be transmitted by the head of the agency concerned to the Chairman of the Classification Review Commission for consideration.

Subsection (e)(4)(B) provides for Commission procedures to permit, when it deems warranted, the extension of security classification protection to the types of sensitive information described in (e)(3) above. When initially transferred to the Commission pursuant to (e)(4)(A) above, the Commission may, by majority vote of its full membership, extent for 24 months the "Secret" classification to such information in individual cases, if the information warrants continued protection at that level in its judgment.

Prior to the expiration of this 24-month period, the Commission may again, by a majority vote of its full membership, extend the "Secret" classification to such information for an additional 12 months.

Prior to the expiration of this additional 12-month period, the Commission may again extend the "Secret" classification to such information for an additional 12 months, but in this instance a two-thirds vote of its full membership is required.

At the end of this second 12-month extension period, such information shall be downgraded to "Confidential" by an individual within the agency concerned who has the authority to classify such information and 12 months later shall be declassified by any such individual; except, however, that if the President informs the Commission in writing prior to the expiration of the second 12-month extension of the "Secret" classification of such information and providing a detailed justification for the continued safeguarding of such information based upon national defense interests of the United States of the highest importance. Under such procedure, the information shall then continue to be classified as "Secret", unless the Commission rejects such Presidential justification by a two-thirds vote of its full membership within 15 calendar days of its receipt of such justification.

If the Commission upholds the Presidential justification for continued safeguarding of such information, then such information shall continue to be classified as "Secret" until the Commission, by a two-thirds vote of its full membership, subsequently rejects such justification.

If the Commission rejects the Presidential justification for continued "Secret" classification of such information, then such information shall be downgraded to "Confidential" by an individual within the agency concerned who has the authority to classify such information. After 12 months of the date of its downgrading to "Confidential," such information shall be declassified by any such individual.

Subsection (e)(4)(C) provides that if the Commission does not agree to grant the extensions permitted under the provisions of (e)(4)(B) above, such information will be downgraded to "Confidential" and thereafter declassified according to the regular schedule. If such information falls within the type of information described in (e)(1)(C) (15 years or older), it shall be promptly declassified by an individual within the agency concerned who has authority to classify such information.

Subsection (e)(5)(A) provides that official information that is downgraded or declassified shall be marked as soon as practicable to clearly identify its new category of classification or its declassification. The date of such action, the name of the person authorizing the change, and the name of the person who executed such change shall also be shown.

Subsection (e)(5)(B) provides that the Commission shall prescribe regulations to delineate who shall have authority to downgrade or to declassify classified information in cases where (i) it has been transferred from one agency to another; (ii) where the original classifying agency has ceased to exist; or (iii) where such information has been transfered to the General Services Administration to be placed in the Archives of the United States.

Subsection (f)(1) establishes a Classification Review Commission.

Subsection (f)(2)(A) provides for the composition of the 9 member Commission, with 3 members to be appointed by the Speaker of the House, 3 members to be appointed by the President pro tem of the Senate, and 3 members to be appointed by the President. No appointing authority may name more than 2 of the 3 members from the same political party. A vacancy shall be filled in the same manner as the original appointment.

Subsection (f)(2)(B) provides that not more than 6 members of the Commission shall be of the same political party. All members of the Commission must be citizens of the United States.

Subsection (f)(2)(C) provides that of the members first appointed, one from each appointing authority shall be for a term of 3 years; one from each appointing authority shall be for a term of 5 years; and one from each appointing authority shall be for a term of 7 years.

It also provides that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member of the Commission may not serve more than one term, except that a member may serve after the expiration of his term until his successor has taken office.

Subsection (f)(2)(D) provides that no member of the Commission shall actively engage in any business, vocation, or employment other than that of serving as a member of the Commission.

Subsection (f)(3)(A) provides that 6 members of the Commission shall constitute a quorum.

Subsection (f)(3)(B) provides that the Chairman and the Vice Chairman of the Commission shall be elected from the membership by the members of the Commission. The term of office of the Chairman and Vice Chairman shall be 2 years.

Subsection (f)(3)(C) provides that the Commission shall meet at the call of the Chairman or 6 of its members.

Subsection (f) (4) (A) provides that members of the Commission (including the Chairman and Vice Chairman) shall each be paid at the annual rate of basic pay in effect for Level II of the Executive Schedule of section 5315, title 5, United States Code.

Subsection (f) (4) (B) provides for an Executive Secretary, to be hired by the Commission and who shall be paid at the annual rate of basic pay in effect for Level IV of the Executive Schedule of section 5315, title 5, United States Code. The Chairman may also appoint other Commission personnel, subject to rules adopted by the Commission. The Commission staff shall be appointed under the provisions of title 5, United States Code governing appointments in the competitive service. They shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

Subsection (f) (5) (A) provides that the Commission shall prescribe such regulations as it considers necessary or appropriate to effectuate the provisions of subsection (d) through (g) of this section, including those specifically described in subsections (d) (5) (B), (d) (5) (C), (e) (5) (B), and (g) (6).

Subsection (f) (5) (B) provides that the Commission shall prescribe standards and procedures concerning the handling of official information, classified in the interest of national defense which shall be applied uniformly by the agencies concerned, including the Commission. These standards and procedures shall include, but not be limited to, the following:

(i) assuring that (I) such information be limited to trustworthy individuals whose official duties require such access; (II) such information not be disseminated outside of the originating or controlling agency except as authorized: (III) no individuals may withhold or authorize withholding such information from Congress;

(ii) assuring that such information shall be appropriately and conspicuously marked or otherwise identified to show its category of classification;

(iii) assuring that such information shall be marked to identify the agency which classified it, the date of preparation and classification (including the date of its subsequent downgrading and declassification), and the name and title of the highest ranking person authorizing its classification (and subsequent downgrading and declassification);

(iv) assuring that such information shall be used, possessed, transmitted, and stored only under conditions which will prevent dissemination to or access by unauthorized persons; and

(v) assuring that appropriate accountability records shall be established and maintained with respect to such information.

Subsection (f) (6) (A) provides that for carrying out the purpose of its duties under subsections (d) through (g), the Commission may as it deems advisable hold hearings, take testimony, administer oaths, receive evidence, and carry out other such types of functions.

Subsection (f) (6) (B) provides that the Commission may secure directly from any agency the information necessary for it to carry out its duties under subsections (d) through (g). The head of such agency shall furnish such information upon the request of the Chairman or Vice Chairman of the Commission.

Subsection (f) (6) (C) provides that the Commission may use the United States mails in the same manner and conditions as other agencies.

Subsection (f) (6) (D) provides that the Administrator of General Services shall provide the Commission on a reimbursable basis such administrative support services as it requests.

Subsection (f) (6) (E) (i) provides that the Commission shall have the power to issue subpenas requiring attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission; (ii) provides that if a person issued a subpena under clause (i) above refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district where the hearing is held or within the judicial district where such person is found, resides, or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony on the matter under investigation. Failure to obey such order of the court may be punished by such court as contempt thereof; (iii) provides that the subpenas of the Commission shall be served in the manner provided for subpenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts; (iv) provides that all process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

Subsection (f) (6) (F) provides that the Commission shall carry out its functions with respect to the downgrading and declassification of official information as described in subsections (e) (4) and (e) (5) (B).

Subsection (f) (6) (G) provides that the Commission may issue decisions, orders, and directives, and distribute reports, administrative memoranda, and other information in order to assure that the provisions of subsections (d) through (g) are carried out.

Subsection (f) (6) (H) provides that the Commission shall publish annual reports of its activities and shall make available for public inspection at reasonable times in its office a record of its proceedings and hearings. However, the Commission shall not make public any classified information prior to its declassification.

Subsection (f) (6) (I) provides that the Commission shall conduct a thorough and continuing investigation and appraisal of the policies, standards, and operations of agencies classifying information, in the interest of national defense, under subsection (d).

Subsection (f) (6) (J) provides for an inquiry procedure, initiated by private citizens, officers or employees of the United States, or any other person, whereby the Commission shall investigate (upon the vote of at least 3 of its members) allegations of improper classification of official information within the purview of subsections (d) or (e); or any regulations prescribed by the or any officer or employee thereof, to comply with the provisions of subsections (d) or (e); or any regulations prescribed by the Commission under subsection (f) (5) (B); or any decisions, orders, or directives issued by the Commission under subsection (f) (6) (G).

The Commission shall also publish a report which describes the results of each investigation and, when appropriate, shall refer such matters to the Attorney General of the United States.

Subsection (f) (6) (K) provides that the Commission shall, pursuant to the provisions of subsection (g) below, furnish to Congress, committees of Congress, and the Comptroller General of the United States, upon request, certain classified and unclassified information necessary for Congress to discharge fully and properly all of its Constitutional responsibilities.

Subsection (g) spells out the procedure by which the Commission shall handle requests for information from Congress. Congressional committees, and the Comptroller General of the United States as provided for in Subsection (f) (6) (K) above.

Subsection (g) (1) (A) provides that the Commission shall promptly consider any written request transmitted to it for the issuance of an order directing any agency to transmit official information (classified or unclassified) held by such agency to (i) either House of Congress, if such request is made upon the direction of a majority vote of the Members of such House; (ii) any committee of Congress, if such request is made upon the direction of a majority vote of the members of such committee and the subject matter of the information requested relates to the jurisdiction of such committee; or (iii) the Comptroller General of the United States, if the request is made by him.

Subsection (g) (1) (B) provides that for the purpose of this section, the term "Committee of Congress" means any committee of the House of Representatives or the Senate or any subcommittee of any such committee, or any joint committee of Congress or any subcommittee of such joint committee.

Subsection (g) (2) provides that any request transmitted to the Commission under (g) (1) (A) above shall state with reasonable particularity the information or category of information requested and include a description of efforts made to obtain access to such information, identifying the agency to which such request was made, the date, and a copy of all correspondence with any such agency with respect to such request.

Subsection (g) (3) provides that when the Commission receives any such request under (g) (1) (A) above, it shall immediately inform, in writing, the head of the appropriate agency and the President of such request, including a description of the information requested.

Subsection (g) (4) (A) provides that the agency informed of the request under (g) (3) above shall transmit the information requested to the Commission within 3 calendar working days of the date when it is informed by the Commission. The head of the concerned agency shall also transmit to the Commission a letter containing a statement of the recommendations of the agency as to whether such information should be made available by the Commission to the requesting Congressional authority.

Subsection (g) (4) (B) provides that if the agency concerned fails to transmit such requested information as provided in (g) (4) (A) above, the Commission shall immediately issue a subpena under subsection (f) (6) (E) (i) above, requiring the production of such information.

Subsection (g) (5) (A) provides that if the agency concerned transmits the requested information pursuant to (g) (4) (A) above, and its recommendation is to release such information to the Congressional authority requesting it, then the Commission shall transmit such information to that authority.

Subsection (g) (5) (B) provides that if, however, the recommendation of the concerned agency is not to release such information to the Congressional requesting authority, the agency concerned shall transmit to the Commission a detailed justification in writing setting forth the specific reasons for its adverse recommendation. The Commission shall then conduct an investigation to determine whether such information shall be transmitted to the Congressional authority requesting it. In making such determination, the Commission shall weigh the Constitutional rights and powers of the parties concerned, including (i) the extent to which such information is necessary to Congress so that it may fully and properly discharge its Constitutional responsibilities, and (ii) the extent to which the disclosure of such information to Congress would be contrary to the public interest or would seriously endanger the national defense of the United States.

The Commission shall publish its determinations in the *Federal Register*. The proceedings of the Commission shall be recorded.

Subsection (g) (6) (A) provides that the Commission shall prescribe regulations to govern its proceedings under (g) (5) above.

Subsection (g) (6) (B) provides that in any case within the purview of (g) (5) (A) above, the Commission shall hold a hearing at which a party is entitled to present its case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Such hearing shall be public, unless the Commission decides by a two-thirds vote that the hearing shall be closed because of the sensitive nature of the information in dispute.

Subsection (g) (6) (C) provides that the Commission shall meet immediately after the conclusion of its hearing to begin deliberations and shall render its decision in writing to each party within 3 calendar working days after the conclusion of the hearing. The Commission's decision shall set forth in detail the reasons for its determination.

Subsection (g) (7) (A) provides that in carrying out the provisions of (g) (5) above, the Commission is authorized to enter an order in each case either granting or denying the request. The Commission shall prescribe such terms and conditions as it deems necessary to protect the security of the information concerned, including, but not limited to, requiring that the Congressional authority requesting such information or his agent (i) take adequate measures to guard the physical security of the information received; (ii) assure that access to the information be limited to Members of Congress whose responsibilities require access to such information, or to appropriate staff members of either House of Congress, or any Congressional committee, or the Comptroller General of the United States or any employee of the General Accounting Office who possesses proper security clearance; and (iii) take adequate measures to assure that all discussions with respect to such information shall take place in executive session of a committee of Congress and closed sessions of the House of Representatives or the Senate, as provided in the rules of each such body.

Subsection (g) (7) (B) provides that the requirements imposed in (g) (7) (A) (i) through (iii) shall apply only with respect to official information classified under subsection (d) above and where the hearing described in (g) (6) (B) above shall have been closed by vote of the Commission.

Subsection (g) (8) (A) provides that the United States Court of Appeals for the District of Columbia shall be vested with original jurisdiction to review any final decision of the Commission under (g) (6) above, upon complaint filed by a party to the proceeding at which such decision was made within 15 days of the date of publication of such decision by the Commission in the *Federal Register* as provided in (g) (5) (B) above. The decision of the Commission shall be upheld if there is substantial evidence on the record to sustain that decision. Such case shall be immediately considered and shall have precedence over all other cases pending before such court.

Subsection (g) (8) (B) provides that the Supreme Court of the United States shall be vested with appellate jurisdiction to review by appeal as a matter of right any decision made by the United States Court of Appeals for the District of Columbia pursuant to (g) (8) (A) above. The Supreme Court shall act promptly in considering such appeal and rendering its judgment thereon.

Subsection (g) (8) (C) provides that the judicial review provided herein shall be the exclusive mode of judicial review in such cases.

Section 5 provides that it is the sense of Congress that the President, in conformity with Article II, Section 3, and Article I, Section 8 of the Constitution of the United States, shall keep Congress fully and currently informed with respect to all of the activities of agencies covered under this Act.

Section 6 provides that funds necessary to carry out the provisions of this Act are authorized to be appropriated.

Section 7 provides that (a) except as provided by subsection 7(b) below, the foregoing provisions of this Act shall take effect at the beginning of the 6th month that commences after the date of its enactment.

Section 7(b) provides that Section 552(f) (1) through (5) and (g) (6) (A) as added by sections 4 and 6 of this Act (to the extent necessary) shall take effect upon the enactment of this Act.

REDRESS PETITION TO THE CONGRESS FOR ENDING THE VIETNAM WAR

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter and a petition which was presented to the Speaker today.)

Mr. RYAN. Mr. Speaker, there is no issue facing this Congress that is more pressing than that of bringing the tragic war in Southeast Asia to an immediate end. For far too long this Nation has fueled the fires of war in Indochina, visiting death and destruction upon the hapless people of that region. And for far too long, Congress has closed its eyes to that conflict, ignoring its responsibilities to the Constitution and to the American people.

In an effort to make the Congress face up to this obligation, a petition for the redress of grievances was presented to the Speaker of the House this afternoon on behalf of over 150 prominent Americans by Dr. Robert Lifton, professor of psychiatry, Yale University, and singer Judy Collins. The petition was read to the Speaker by Frank L. Keegan, the president of Salem State College. Also addressing the Speaker on behalf of the petitioners were Nobel laureate George Wald, Professor Richard Falk, Princeton University.

The call of these distinguished Americans, as set forth in the petition, is clear; the Congress must "exercise its constitutional authority of control over the Armed Forces by voting an immediate cessation of all air, ground and naval operations in Indochina, and by ending all military and economic appropriations for a war the Congress did not vote for and the American people do not want."

Throughout the Nation countless more citizens share this urgent desire that the Congress halt the bombing, end the war, and bring our troops home. The Congress must heed this demand. Now.

At this point in the RECORD I include the text of the petition presented to the Speaker, the redress emergency action statement of May 24, and the partial list of those prominent Americans on whose behalf this petition was presented:

PETITION

It is a Constitutional right of the people to "petition the Government for a redress of grievances".

We are exercising that right of petition because we are angered and frightened by the lawlessness of the President and the Executive branch of our Government. We submit that they have defied the Congressional repeal of the Gulf of Tonkin Resolution; defied the Military Authorization Procurement Act which insists that the war be ended as quickly as possible; defied accepted international law against blockade, population removal, indiscriminate bombing, and aggressive war; and created a Constitutional crisis in the United States.

They have spent the taxes, emotions and resources of the people on mass murder and destruction as American society and its public services decay. They have brought unrest to our cities and institutions, besmirched the flag with American and Indochinese blood, and brought shame upon our country.

We petition the Congress to reaffirm that we are citizens and not hostages to usurpers of power and authority.

We petition the Congress to exercise its Constitutional authority of control over the armed forces by voting an immediate cessation of all air, ground, and naval operations in Indochina, and by ending all military and economic appropriations for a war the Congress did not vote for and the American people do not want.

REDRESS EMERGENCY ACTION STATEMENT OF MAY 24, 1972

At times of crisis, men and women ordinarily preoccupied with their own professional activities may be impelled to engage in an extraordinary action of public protest. As citizens of mostly middle age, we wish to share responsibility with those of our young people, at home or in Indochina, who have been killed, wounded or psychologically maimed by the war.

Such a time has come for us, a group of citizens long outraged with the war in Indochina, but now moved by recent events to go beyond writing letters to political leaders or expressing our feelings privately to family and friends.

The war our government has been waging against the forests and rice fields, the homes and the bodies of the people of Indochina has reached the point where we can no longer endure the shame of its continuance without crying out.

Whatever the sins of violence on all sides, it is our government which is the principal aggressor in Indochina. And it is our government which has the power, by a simple act of will, to stop the carnage against millions and to halt the deterioration of American society, by agreeing to an immediate withdrawal from Indochina, the establishment of a coalition government, and the mutual return of prisoners of war.

We turn to Congress to accomplish this because thus far Congress has failed in its constitutional duty to stop a presidential war waged outside the provisions of the United States Constitution and in violation of duly ratified international treaties. Because Congress has thus far failed in its moral duty to call a halt to the staggering waste of Asian and American lives.

We turn to Congress now with that most honored of democratic devices, a tradition made sacrosanct by the First Amendment to the Constitution: a petition for a redress of grievances. Who can count the grievances to be redressed? Shall we say 55,000 grievances, at least one for each dead American serviceman? Shall we say 350,000 grievances, for all those Americans dead or disfigured by this war? A million grievances, because we grieve for the Vietnamese.

We have traveled to Washington from many places. We will go into Congress to present our petition in person. And then we will present our persons, as living petitions. We cannot leave till Congress acts to decide to end this war. To us, redress of grievances means this and only this.

We will all remain orderely and nonviolent in the tradition of Mohandas Gandhi and Martin Luther King, so that Congress can know how committed we are to ending this war now. Ours is a tiny step in protest against a war policy immeasurably outside the bounds of humanity.

How shocking that this country, two hundred years after 1776, has become a monarchy ruled by a president. It is the duty of Congress to halt the Executive's usurpation of its powers, to re-establish the democratic spirit of 1776. Congress has no reason for existence if it is not to represent the people of this country. And the American people want out of Vietnam, with no excuses, no delays, no political explanations. We implore, we insist, that Congress begin immediately to do its job, to represent the people of this country, to end this tragic war. We urgently call upon all Americans to join us in presenting petitions for the redress of grievances until the war ends.

PARTIAL LIST OF PEOPLE COMING FOR MAY 24

Robert Alpern, National Board of SANE.

David Amram, composer and conductor.

Ben Andrews, Co-Chr., Black Emergency Cultural Coalition.

Dore Ashton, art critic.

Richard Avedon, photographer.

Rudolph Baranik, artist.

Richard Barnet, co-director, Institute for Policy Studies.

Romare Bearden, painter.

Felicia Monteleagre Bernstein, actress.

Peggy Billings, Asst. Gen. Sec., Women's Division, United Methodist Church.

Dr. William Birebaum, President, Staten Island Community College.

Ann Birstein, publishing executive, author.

Fred Branfman, director, Project Air War.

Peter Brooks, Prof. of French, Yale University.

Noam Chomsky, Prof. of Linguistics, MIT.

Dr. Kenneth Clark, Director of Metropolitan Research Assistants.

Mary Clark, Women's Strike for Peace.

Bronson P. Clarke, Exec. Sec., American Friends Service Committee.

Rev. Wm. Sloane Coffin, Chaplain, Yale University.

Judy Collins, folksinger.

Stony Cooks, Exec. Dir., Southern Christian Leadership Conference.

Jim Corrigan, Student Body President, George Mason University, Virginia.

Ron Covick, Vietnam Veterans Against the War.

Peter Coye, University of California, Berkeley.

Howard DaSilva, actor.

Robert Dahl, Prof. of Pol. Science, Yale University.

Robert Decerd, editor Harvard Crimson.

James Dickson, President, Antioch College.

Martin Duberman, historian and playwright.

Leslie Dunbar, President, Field Foundation.

Gerhard Elston, Director Indochina Affair, National Council of Churches.

Richard Elman, writer.

Robert Engler, Prof. of Pol. Science, City University of New York.

Samuel Epstein, School of Medicine, Case Western Reserve University.

Dr. Leslie Falk, Chr., Dept. of Family and Community Health, Meharry College.

Richard Falk, Prof. of International Law, Princeton University.

W. H. Ferry, DJB Foundation, executive director.

Dr. Lewis Fraad, Prof. of Pediatrics, Albert Einstein University.

John Froines, Prof. of Chemistry, Goddard College.

Dr. Jack Frumin, Prof. of Anesthesia, Jacobi Hospital.

Charles Garry, attorney for the Black Panther Party.

Dr. H. Jack Geiger, Chr., Dept. of Community Medicine, Health Sc. Center, SUN.

Ruth Gilbert, Sec. for Community Organizing, United Methodist Church.

Jean Goldsmith, Chr. Student Body, American University.

Leon Golub, Prof. of Art, Livingston College, Rutgers University.

Francine Gray, author.

Cleve Gray, painter and sculptor.

Dick Gregory, comedian.

Arlo Guthrie, folksinger.

Joyce Hamlin, Sec. for Legislative Affairs, United Methodist Church.

Elizabeth Hardwick, author, essayist, literary critic.

Barbara Harris, actress.

Karl Hess, former speechwriter for Barry Goldwater.

Julius Hobson, vice presidential candidate for the People's Party.

Tina Hobson, Dir. Agency Operations-Public Service, U.S. Civil Service Comm.

Jac Holzman, President Elecktra Records.

Walter Hoops, Director, Corcoran Art Gallery.

David Hunter, exec. dir., Stern Family Foundation.

Kenneth Iverson, IBM mathematician.

Frank L. Keegan, President, Salem State College.

Flo Kennedy, lawyer, founder of Feminist Party.

Kenneth Kenniston, Prof. of Psychiatry, Yale University.

Arthur Kinoy, Prof. of Law, Rutgers Univ., Newark, New Jersey.

Irwin Knoll, The Progressive Magazine.

Honey Knopp, Bd. Member, American Friends Service Committee.

Kenneth Koch, poet, writer.

Hans Koingsberger, writer.

Jonathan Kozal, author, educator.

Max Kozloff, art critic.

Jim Kunen, author.

Mark Lane, author.

Arthur Lawrence, playwright.

Harold Leventhal, Leventhal Management Inc.

David Levine, artist, cartoonist.

Theodore Lidz, Prof. of Psychiatry, Yale University.

Betty Jean Lifton, writer.

Robert Lifton, Prof. of Psychiatry, Yale University.

Lucy Lippard, art critic.

Rev. Edgar Lockwood, trustee, Council on Economic Priorities.

Salvador Luria, Nobel laureat, Biology.

Dwight MacDonald, writer.

Herbert Magidson, Chr., Individuals Against the Crime of Silence.

David Marr, Prof. of Vietnamese Studies, Cornell University.

Dr. Rollo May, Psychoanalyst.

Arno Mayer, Prof. of History, Princeton University.

Bernard Mazel, President, Bernard-Mazel.

Daniel D. McCracken, author.

Cynthia McDonald, Prof. of Poetry, Sarah Lawrence College.

Ed McGowin, artist.

Sid Morganbesser, Prof. of Philosophy, Columbia University.

Dr. Herbert Needleman, Co-Chairman, Committee of Responsibility.

Jack Newfield, Village Voice.

Isamu Noguchi, sculptor, theatre.

Paul O'Dwyer, attorney for the Harrisburg 8.

Wayne O'Neil, Prof. of Linguistics, MIT.

Joe Papp, actor.

Rev. Francis Pirazzini, Conf. minister, Central Atlantic Conf. Church of Christ.

David Rabe, playwright.

Mr. Robert Ransom, IBM corporation lawyer.

Barbara Raskin, writer.

Marc Raskin, co-director, Institute for Policy Studies.

Rev. Peter J. Riga, theologian.

Larry Rivers, painter.

Len Rodberg, fellow, Institute for Policy Studies, former Sen. Gravel aide.

Barbara Rose, art critic.

Eva Rubinstein, photographer.

Rosemary Ruether, theologian.

Dian Schulder, head of Feminist Party lawyers committee.

John Anthony Scott, visiting prof. of Legal History, Rutgers Law School.

Dr. Victor Seidel, Montefiore Hospital.

Donna Shor, dir., Committee of Responsibility.

Howard da Silva, actor.

Bob Silvers, editor, New York Review of Books.

Pat Simon, Gold Star Mother.

Margaret Sloane, Women's Welfare Rights.

Dr. Benjamin Spock, People's Party presidential candidate.

Stanley Stein, Prof. of History, Princeton University.

John Steinbeck IV, author.

Gloria Steinem, editor of "MS" Magazine.

Paul Sweezy, economist, co-ed. of "Monthly Review."

Zerel Sweezy, Women's Strike for Peace.

Harold Taylor, former President of Sarah Lawrence College.

Studs Terkel, author.

Marlo Thomas, actress.

Prof. Lionel Tiger, Prof. of Anthropology, Rutgers University.

Helen Volkomer, Exec. Sec. Women's Division, United Methodist Church.

Judy Viorst, poetress, columnist.

Milton Viorst, syndicated columnist.

Dr. George Wald, Nobel laureate, Biochemistry.

A. Dudley Ward, Gen. Sec., Bd. of Christian Social Concerns, United Meth. Church.

Dr. William Ward, pres., Amherst College.

Cora Weiss. Women's Strike for Peace.

Peter Weiss, attorney, Center for Constitutional Law.

Carolyn Wilhelm, Sec. for Racial Justice, United Methodist Church.

Rev. Herman Will, Dir., Div. of World Peace, Bd. of Christian Social Concerns, United Methodist Church.

Garry Wills, writer, syndicated columnist.

Johnny Wilson, fellow, Institute for Policy Studies.

Peter Wolff, M.D., co-chairman, Medical Aid for Indochina.

Jack Youngerman, artist.

Howard Zinn, Prof. of History, Boston University.

Terry Southern, Tom Hirsch, Diane Molinarki, Steven Rivers, Polly Toynbee, Sheldon Ramsdell, Bruce Garren, Billie Green, Joseph Casagrande, Richard Adams, Jean Humez, David Rubin, Carolyn Mugar, Helen Volkomener, Mia Adjali, Irvin DeVore, Ted Tieverman, David Liebenthal, Anne Wheeler, Richard McSorley, Barbara Bick, Al Appleby, Francois d'Heurle, Earl Ravenal, Linda Tuday, Cookie Cirillo, Pauline Jennings, Michael Maccoby, Louis Bradford, Keith Stavely.

REPRESENTATIVE KYROS INTRODUCES RESOLUTION EXPRESSING THE SENSE OF THE HOUSE THAT THE PRESIDENT IMPOSE IMMEDIATE EXPORT CONTROLS ON CATTLEHIDES

(Mr. KYROS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KYROS. Mr. Speaker, I am today introducing a resolution expressing the sense of the House of Representatives that the President impose immediate export controls on cattlehides. The price of these hides has risen almost 100 percent in just a matter of months, and unless direct steps are taken to halt this drastic increase, our shoe industry will be forced to raise shoe prices by between $1 and $4 this fall. I cannot stand idly by and watch our already hard-pressed shoe manufacturers suffer the consequences of an artificial situation beyond their control.

The dramatic price increase in hides, beginning about August 1, 1971, is the direct result of an embargo placed on the exports of hides by the Argentine Government. The United States has become the sole major exporter of cattlehides as a result of the Argentine action. Foreign demand has shifted to the United States, and these buyers are enjoying a great advantage at the expense of domestic purchasers because of the recent currency revaluation.

I am asking the President to take immediate action only in order to stabilize the world market price and to restore the cost of hides to the more normal figure which existed during the first quarter of 1971. The already crippled shoe industry must have an adequate supply of hides to avoid further devastation, but because of the unusual U.S. export level, they are receiving less than 50 percent of the supply needed.

The Secretary of Commerce, who was given the authority to control exports by Congress especially in cases of short supply, has been reluctant to take the necessary steps to halt the price rise. The Commerce Department has attempted to explain the high prices by blaming the Argentine embargo, the east and west coast dock strikes, and the rise in the price of meat. However, idle speculation is not going to prevent the very real price increases scheduled for shoes this fall unless a burdened industry receives immediate relief. The shoe manufacturers are not requesting permanent export quotas, they only want prices returned to the more reasonable levels existing previously. Export controls were imposed in 1966 on cattlehides with conditions much less serious than those facing the shoe industry today. I cannot believe that a jump in prices of 100 percent in less than 1 year is either reasonable or normal. My resolution specifically states that these export controls be imposed only until the average prices of the first quarter of 1971 are reached.

The New England congressional delegation has already contacted the President urging that he take immediate action to stop the phenomenal price rise. I am certain that our letter was partly responsible for the meeting that took place in April with representatives of the shoe industry. At this meeting, Secretary of Commerce Peter G. Peterson and Secretary of Agriculture Earl Butz offered their sympathies to the shoe manufacturers and tanning representatives. However, no concrete results came from this session except that a study by the Bureau of the Census was initiated to gather more data. But the conditions caused by the dramatic price spiral have become too serious to wait for the results of this survey. Since our domestic shoe producers are already struggling in competition with foreign imports, a further price increase by the U.S. industry could cause them to lose their battle completely. In addition, American consumers will suffer from more inflationary pressures.

As I stated earlier, the major reason for the unusually heavy demand for U.S. hides is the Argentine embargo to greatly reduce her exports. This action has resulted in the following:

First. When Argentina's exports dropped from 7.5 million in 1970 to 3.2 million in 1971, demand from countries normally purchasing Argentine hides was shifted to the United States.

Second. Other major sources of cattlehides have also recently closed their supply of hides for foreign buyers, namely Brazil, India, and Uruguay.

Third. No real relief is in sight because an increase in the U.S. slaughter of cattle in 1972 will not be sufficient to offset the even greater decline of Argentine exports for this year.

Hides are the main material used in producing leather, and also the major expense in the construction of shoes, excluding labor costs. Therefore, an increase in the cost of hides cannot be absorbed, and shoe prices must necessarily rise. It is estimated that every 1-cent increase in the cost of hides will result in 1.5 cent more per foot in the cost of leather.

I intend to reintroduce this resolution within a few days, and shall request the support of my colleagues who share my concern over the hardships facing our domestic shoe industry. The price of hides may eventually return to more normal levels, but I want to insure that our shoe manufacturers are still in existence when this occurs. This difficult situation has been allowed to persist far too long, and temporary export controls may prevent the demise of an important and necessary domestic industry.

THE FUTURE OF THE CHESAPEAKE BAY

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, the Chesapeake Bay, America's largest, most productive, most beautiful estuary, is, like so many of our other national treasures, being threatened by a variety of environmental problems.

I am inserting into the RECORD, for the benefit of my colleagues and the general public, an article which appeared in the April 1972 Sierra Club Bulletin by William E. Shands and Ruth Mathes of the Central Atlantic Environment Service. This article, entitled "The Future of Chesapeake Bay" comprehensively treats the problems of the bay and points out that both the private and public sectors must be involved in providing the solution.

[From the Sierra Club Bulletin, April 1972]

THE FUTURE OF CHESAPEAKE BAY

(By William E. Shands and Ruth Mathes)

An early English visitor to the Chesapeake Bay region called it "the most pleasant and healthful place in all this country." Bay Country, from the Washington, D.C., metropolis to the west, to Baltimore's sprawl, through fertile southern Maryland and the flat and peaceful Eastern Shore, is known locally today as "the land of pleasant living."

But Chesapeake Bay—one of the best sailing waters in the East, home of the blue crab and the Chesapeake Bay oyster, the principal spawning ground for the Atlantic rockfish—is in trouble. Within a few years, if strong action is not taken soon, it could become an industrial basin, a sterile sink for pollutants and a monumental eyesore.

Considered by some scientists to be the greatest estuarine system in the world, Chesapeake Bay, a turn of the helm away from busy Baltimore Harbor, is a water wilderness. Yet the bay is changing. New industrial assaults threaten its shoreline; a nuclear power plant is under construction in a hole scooped out of ancient sedimentary cliffs on the western shore; its rich fishery is threatened by pollution. Citizens wring their hands helplessly while government officials speak glibly about saving the bay, then, in legislative committee rooms and executive councils, crassly permit its despoliation.

Dr. L. Eugene Cronin, director of the University of Maryland's Chesapeake Biological Laboratory, an active and articulate defender of the bay, says it is "probably the most valuable and vulnerable large estuary in the world." He warns that while "it serves a wide variety of human uses extremely well, some of its uses and abuses are expanding so rapidly without planning or effective control that its useful qualities are threatened."

The name Chesapeake is derived from its original Indian name, and while literal interpretations vary from "Great Waters" to "Mother of Waters," all refer to its immense size. From its northernmost beginning at the mouth of the Susquehanna River near the Maryland-Pennsylvania border, its waters fill shoreline coves and crannies 165 miles southward to Virginia's southeastern tip, where it flows into the Atlantic Ocean. More than 50 rivers contribute fresh water to the Chesapeake, flowing from headwaters in New York, Pennsylvania, West Virginia, Delaware, Maryland, and Virginia. These rivers drain approximately 74,000 square miles, an area larger than all of New England. The bay has 4,500 miles of shoreline, more than five times the length of California's coast; its surface area covers more than 2.8 million acres, and it holds 18 billion gallons. But despite its size, the bay is shallow. Its mean depth is only 25 feet and dredges must constantly work to maintain a shipping channel 35 feet deep to Baltimore Harbor.

The area is rich in history. For more than a century after the first English settlers established Jamestown in 1607, the Chesapeake region contained much of the New World's population. In addition to Jamestown, other historic cities include St. Mary's City, the first European settlement in Maryland, Williamsburg, the capital of Colonial Virginia, and Maryland's capital, Annapolis.

Many of those who settled around the bay depended upon it not only for transportation, but for their livelihoods. Generations of Maryland and Virginia watermen have hauled bountiful catches of crab, oysters, shrimp, and varieties of finfish from the Chesapeake. Though they now number less than 40, the historic skipjacks—the only working sailing vessels still in use in North America—put out in early morning darkness from small fishing villages that look much as they did when the bay was the principal path of trade and communication between the Central Atlantic region and the rest of the world. The watermen of southern Maryland share with their counterparts of the Eastern Shore a deep and fundamental religious faith, as well as a proud independence and aloofness from other citizens and from the governments of both Maryland and Virginia. They vigorously resist state regulation and outside intervention in their local affairs. Many are unaware of the threat to their cherished way of life posed by powerful forces for growth radiating from nearby metropolitan areas.

Change is coming to Chesapeake Country. The ferry boat has given way to the bridge; the train to the superhighway. City dwellers seek refuge in vacation homes on the Eastern Shore or in cabin cruisers and sailboats on the bay. Construction of a second bridge across the bay at Annapolis is already escalating land values on the Eastern Shore. Businessmen see rural farmland as a prime target for new plants and the land developers are busy staking out new industrial parks, particularly where new deep-port facilities are possible. And it is there, where man's developments meet the bay waters, that scientists find the most imminent threat to the bay's ecosystem.

An estuarine system is a combination of delicately balanced systems supporting a rich variety of life forms in every square foot of water and mud. Chesapeake Bay is not an unstructured, homogeneous body of water, but rather its waters are layered, with surface, fresher portions flowing downstream, deeper, more saline waters flowing upstream. This stratification is strongly defined in summer, less strongly developed in winter, with vertical mixing spring and fall. Marine life depends on these currents for survival.

Wetlands are also of vital importance to fish and birds and to man himself. The Chesapeake's 500,000 acres of marshes, swamps, bogs, and mud flats are the spawning and nursery grounds for a multitude of species of shellfish and finfish and nesting places for ducks, geese, whistling swans and other birdlife. Sediment, organic matter and nutrients washed down from the land, are converted in the wetlands into the basic stuff of the food chain.

Wetlands also play many other important roles: they filter out pollutants and sediment, moderate the local climate, and help to control flooding and erosion.

But despite their importance, man has willfully pillaged the wetlands, often for his own short-term economic gain. A 1968 Maryland study found that over a 20-year period more than 22,000 acres of wetlands had been destroyed through stream channelization, housing development, farming, port channel dredging, and industrial and marina development. It should be noted that both Maryland and Virginia have come lately to recognize the danger posed by unregulated development on wetlands. A Maryland law enacted in 1970 regulates the dredging and filling of tidal wetlands that lie below mean high tide. When fully implemented, it will also provide for control of alteration of wetlands affected by all tidal action. In March, 1972, the Virginia General Assembly enacted similar wetlands regulatory legislation. However, neither law bans wetlands destruction outright; they both depend for meaningful control upon the prevailing political climate and economic pressures. And neither law deals with inland fresh wetlands, even though these are intricately linked with the total estuarine system.

Coincident with destruction of the cleansing wetlands has come an increase in pollution. Sewage is the most serious pollutant, robbing the waters of the tributaries of lifegiving oxygen, promoting the growth of undesirable algae. Sediment has increased significantly over the years, clogging the waterways, straining out the sun's rays. In addition, there are chemical fertilizers and pesticides, chemical wastes, oil and waste heat entering the bay from many sources.

Moreover, the bay's hydraulics have been changed in a variety of ways, the ultimate effects of which cannot be accurately predicted. The Chesapeake and Delaware Canal, cut through the Eastern Shore, is now being deepened to 35 feet. This will siphon off an estimated one billion gallons per day of the bay's fresh water. Power plants take bay water and return it, heated. Tributaries are dammed and channeled with little regard for the herring and shad which travel upstream to spawn. All these changes affect the bay's currents, delicate mixing patterns, and migratory routes.

While the closing of an oyster bed due to pollution is dramatic, the gradual diminution of commercial seafood harvests does not make headlines. According to a 1970 Bureau of Sport Fisheries and Wildlife report, a total of 42,255 acres of shellfish grounds in the bay and the tidal waters of its tributaries had been closed due to pollution with an annual loss estimated at $1 million. Still, Chesapeake Bay as a whole remains fairly healthy, but its health is more tenuous than before—and bigger proposals for change are coming.

A list of proposed industrial sites is a catalogue of the bay's scenic and natural areas. An oil refinery has been proposed for Piney Point, where the Potomac River joins the bay. A deep port industrial park has been proposed for a site near Crisfield, Maryland, adjacent to and encroaching upon Janes Island State Park where blue heron and snowy egret find refuge. Recently it was disclosed that the State of Maryland has promoted a deep port industrial facility at Cove Point just north of the Patuxent River on land once designated to be added to Calvert Cliffs State Park. There is constant political agitation for deepening of shipping channels in the bay, which develops demand for cheap soil disposal sites which are usually open water or wetlands. Such intrusions into natural areas alter the bay both esthetically and ecologically.

There is probably no estuary anywhere receiving more intense scientific study than Chesapeake Bay. The University of Maryland, Johns Hopkins University, Virginia Institute of Marine Science, and the Smithsonian Institution all conduct research on the bay. Within the past few months, these institutions joined in a consortium sponsored by the National Science Foundation. The consortium will establish a single data bank and coordinate research.

While scientific interest in the bay's ecology has intensified, so has citizen concern over its future. There is a growing realization that political action must respect the findings of the scientists, who otherwise are doing nothing more than gathering information for the bay's obituary. Research is not controversial; political action is. Yet political action is essential to the preparation—and implementation—of a public policy for the bay.

Fragmented governmental units continue to pursue a policy that could be described simply as "more is better." More industry, more people, more ships for Baltimore's port, more electrical generating plants to satisfy the insatiable demand for power for the electronic geegaws of an affluent society. But in the case of the Chesapeake, more industry usually means a reduction of the subtle values of the bay. Damaging development continues, no single one being totally destructive of the ecology or esthetic quality of the bay, but together they may ultimately cause the loss of the Chesapeake as a natural resource.

At the present time, each local unit of government can do pretty much as it pleases with its piece of the shoreline. The recent Virginia wetlands law leaves prime regulatory responsibility to local governments, reflecting strong favor for local control and abhorrence of outsiders "telling us what to do with our land." This promotes constant competition for development among the counties and small communities which see new industry as a boon to the tax base, even though development often proves a chimera, with costs for governmental services in excess of revenue.

State and local officials must come to realize that just as ecological changes in one area of the bay affect areas far removed, a political decision affecting the bay by one jurisdiction affects the waters and shoreline of another. Ultimately, as the bay diminishes in value, all will be affected. We cannot, as one official warned, "permit the bay to become the compartmentalized battleground of special interests." The politicians who cherish a tradition of state's rights and local control will wail in protest, but there will ultimately have to be multi-jurisdictional agency created to control development and conserve the bay. It will have to have greater power than anything now existing around the Chesapeake. What kind of agency should it be?

Three thousand miles to the west, a unique political institution has been created to guide the conservation and development of another of the nation's great estuaries. The successful San Francisco Bay Conservation and Development Commission (BCDC) could serve as the model for a Chesapeake Bay agency. As an example of intergovernmental action to provide a regional plan for the entire bay, it is worth investigation. It could be the instrument for determining public policy for the bay's use.

In considering the San Francisco experience, and its applicability to the Chesapeake, we should bear in mind the fact that there are significant differences between the two estuaries, their people, and their governments. While the problems associated with the creation of BCDC were monumental, the far greater complexity of political, sociological, and economic forces around the Chesapeake would indicate that even more staggering obstacles can be anticipated.

San Francisco Bay is an urban estuary, with much of the surrounding land intensively developed. The Chesapeake, except for the Baltimore and the Norfolk-Hampton-Newport News metropolitan areas, remains open and free of development. Woods and farmland alternate with sparsely populated villages. Whereas there is a substantial population living within sight and smell of San Francisco Bay, driving daily past the sewage plants and trash heaps at its shore, few of the millions of people in the population centers near the Chesapeake see its shoreline on a regular basis.

While each of the nine counties and 80-odd communities ringing San Francisco Bay had its own plan for its portion of the shoreline, there was, nonetheless, a community of interest focused upon the bay and a cosmopolitan awareness of its value to the Bay Area. The immense size of the Chesapeake inhibits development of such a community of interest. Those who live in the urban centers have little in common with the watermen or the farmers of the Eastern Shore. While suburban residents enjoy its seafood and opportunities for boating and recreation, most take its existence for granted.

Another difference is that San Francisco Bay lies entirely within a single state. Creation of BCDC was a miracle of political accommodation. Consider the task of winning agreement among the two states that border the Chesapeake, the 19 counties on the bay proper and the scores of cities and towns, large and small, along its shore.

Indeed, there would be formidable obstacles to the creation of a two-state commission with the necessary power to plan and regulate use of the bay and the adjacent shoreline. Even though Maryland participates with other states in the Susquehanna River Basin Compact, and Maryland

and Virginia have indicated willingness to join in a similar compact for the Potomac, both states are wary of surrendering rights or sovereignty over their own territory. Within each state the concept of state primacy over local land-use decision making has but a weak hold. The creation of a strong multistate authority would require a quantum leap in governmental thinking.

Despite the apparent lack of current political feasibility, Congress should give serious consideration to the creation of a bi-state agency with the power to frame a public policy for the entire bay, prepare a comprehensive plan for its conservation, control development upon the bay itself, and regulate land use for the wetlands and high ground near the shoreline. In this context, the pattern of the BCDC, with adjustments to take account of constitutional and legal frameworks in each state and political tradition, and with strong representation of the various political jurisdictions, could be applied to the Chesapeake.

At the outset, the commission should be given authority over bay dredging and filling and the construction of structures in wetlands within a specified distance inland from the shoreline. At the time of its creation, BCDC was given veto power (not without strong resistance by local jurisdictions) over development on the bay. This enabled it to block damaging development while preparing a comprehensive plan for the bay.

The comprehensive plans for the Chesapeake will have to confront the pressure for industrial development on the bay. Pressure from developers and their allies on county commissions and town and city councils will be intense. A strong effort should be made to reduce competition among jurisdictions. If the commission's studies show that industry is required to serve the Chesapeake region, it should be properly sited to minimize ecological damage. The Minneapolis-St. Paul metropolitan area has developed a revenue-sharing program by which all jurisdictions receive a portion of tax revenue from industrial development anywhere within the metropolitan region. This is an idea which could be transplanted to many other regions of the country and might well be considered as part of the Bay Conservation Commission legislation.

But creation of a Chesapeake Bay Conservation Commission would not do all that has to be done. The full recreational potential of Bay Country has not been realized. The public's share of the bay shoreline is pitifully meager—there are only three state parks on the water on all of southern Maryland's western shore, and only two of these have swimming beaches. Virginia has done even less to provide public access to the bay. The recreational resources of the bay should be expanded and their use by the public encouraged. Neither state appears to have the resources needed to exploit the region's great recreational potentialities and permanent open space needs.

Legislation is now pending in Congress for the creation of two gateway national recreational areas—the Golden Gate National Recreation Area in San Francisco and the Gateway National Recreation Area in New York City.

Why shouldn't Chesapeake Bay, another of the nation's great thresholds, be given the same priority? As a companion agency to the proposed Chesapeake Bay Conservation Commission, it could do for the bay's land side what the other would do for the open waters and wetlands. A Chesapeake Bay National Gateway Recreation Area could tie together state parks in Virginia and Maryland, national and state wildlife refuges on the Eastern Shore, Maryland and Virginia's designated scenic rivers, as well as historic areas such as St. Mary's City, now being restored by the State of Maryland and St. Mary's County Historical Trust.

Land and water conservation fund money could be used to purchase additional public shoreline for a trail system. Such a recreational system could link the best of the Chesapeake region's forests and bays, geological features, beaches and parks and historic towns into one truly magnificent recreational area just a day's drive from the East Coast megalopolis. Such a proposal is not unprecedented. Congress is now considering a 650-mile Upper Mississippi National Recreation Area encompassing points between Minneapolis-St. Paul and St. Louis. As a national attraction, the Chesapeake Bay National Recreation Area could provide a new economic base for Maryland and Virginia counties and communities. If there are careful controls over the type of facilities constructed to serve the visitors, it could help preserve something of the life and tradition of Bay Country.

It would be naive to believe that the governments involved will immediately embark upon the programs suggested here. Public officials are accustomed to moving slowly and then only when firmly pushed. Progressive recommendations of past scientific, governmental, and citizen conferences on the future of the Chesapeake have largely been ignored by those with governmental responsibility.

Yet passage of wetlands legislation is evidence of government concern stimulated by the efforts of alarmed citizens. Maryland has taken another step toward a bay policy, establishing a Chesapeake Bay Interagency Planning Committee, which is preparing to issue a report on the bay and its management. Whether the report will contain substantive recommendations, and whether they will be implemented, remains to be seen.

Last year at the University of Maryland a conference of citizens from Maryland and Virginia was convened. Its theme was the preamble of some yet-to-be-written legislative document: "We, the people of the Bay Country, in order to provide for continuing protection of the bay and to promote its longtime use . . ." That conference called for the appointment of a permanent planning committee to "implement and assist in the achievement of a published plan and program for managing the resources of the bay." This effort is now underway.

There is reason to hope that one day, before the bay's wetlands are filled, the beaches taken over by industry, the cliffs carved away, and the commercial and recreational fishery diminished to insignificance, the people of the Bay Country—and the wider national constituency which also has a great interest in the bay—will unite and demand action to save that which remains, recognizing that a single community, county or state cannot do it alone. When that occurs, politicians will attach "Save the Bay" stickers to their political banners and push the necessary legislation through. It won't happen tomorrow. But it will happen sometime. One can only hope that when it does there will be a bay worth saving.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. WHITEHURST) to revise and extend their remarks and include extraneous matter:)

Mr. HALPERN, for 5 minutes, today.
Mr. BUCHANAN, for 5 minutes, today.
Mr. ASHBROOK, for 20 minutes, today.
Mr. CRANE, for 10 minutes, today.
Mr. ANDERSON of Illinois, for 30 minutes, today.
Mr. SANDMAN, for 10 minuutes, today.
Mr. HORTON, for 10 minutes, today.
Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mr. LINK) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. RODINO, for 10 minutes, today.
Mr. LEGGETT, for 30 minutes, today.
Mr. FRASER, for 5 minutes, today.
Mr. ASPIN, for 10 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. ADDABBO, for 60 minutes, today.
Mr. BURKE of Massachusetts, for 10 minutes, today.
Mr. BLATNIK, for 10 minutes, today.
Mr. ROSTENKOWSKI, for 5 minutes, today.
Mr. BYRNE of Pennsylvania, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WHITEHURST) and to include extraneous material:)

Mr. ROUSSELOT.
Mr. BIESTER.
Mr. HALPERN in three instances.
Mr. KING in three instances.
Mr. SCHERLE in 10 instances.
Mr. ANDERSON of Illinois.
Mr. HOSMER in two instances.
Mr. CEDERBERG.
Mr. TEAGUE of California.
Mr. LUJAN.
Mr. TALCOTT in two instances.
Mr. SMITH of New York.
Mr. HUNT.
Mr. ASHBROOK in two instances.
Mr. WYDLER.
Mr. BOW.
Mr. ERLENBORN.
Mr. KEITH.
Mr. MCCLOSKEY.
Mr. HORTON in two instances.
Mr. GROVER.
Mr. PETTIS.
Mr. RAILSBACK.
Mr. SPENCE.
Mr. THONE.
Mr. DU PONT.
Mr. HILLIS.
Mr. KEMP in two instances.
Mr. CRANE.

(The following Members (at the request of Mr. LINK) and to include extraneous matter:)

Mr. ABOUREZK in five instances.
Mr. THOMPSON of New Jersey.
Mr. BEGICH in three instances.
Mr. DINGELL in two instances.
Mr. GONZALEZ in three instances.
Mr. HAGAN in three instances.
Mr. ROGERS in five instances.
Mr. RARICK in three instances.
Mr. STEED in two instances.
Mr. HUNGATE in two instances.
Mr. RYAN in five instances.
Mr. PUCINSKI in six instances.
Mr. ADDABBO in three instances.
Mrs. HICKS of Massachusetts in four instances.

Mr. Burke of Massachusetts in two instances.

Mr. Leggett in 10 instances.

Mr. Harrington in six instances.

Mr. Bingham in two instances.

Mr. Green of Pennsylvania in two instances.

Mr. James V. Stanton in two instances.

Mr. Anderson of California in five instances.

Mrs. Griffiths in two instances.

Mr. St Germain in two instances.

Mr. Dent.

Mr. Purcell.

Mr. Brooks.

Mr. Waldie in five instances.

Mr. Carey of New York.

Mr. Wolff in three instances.

Mr. Galifianakis in two instances.

Mr. Charles H. Wilson in two instances.

Mr. Moorhead in five instances.

Mr. Bennett in three instances.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles was taken from the Speaker's table and, under the rule, referred as follows:

S. 2454. An act to amend the Youth Conservation Corps Act of 1970 (Public Law 91-378, 84 Stat. 794) to expand the Youth Conservation Corps pilot program and for other purposes; to the Committee on Education and Labor; and

S.J. Res. 211. Joint resolution to amend title IV of the Consumer Credit Protection Act establishing the National Commission on Consumer Finance; to the Committee on Banking and Currency.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 14582. Making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

ADJOURNMENT

Mr. LINK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 619, 92d Congress, the Chair declares the House adjourned until 12 o'clock noon on Tuesday, May 30, 1972.

Thereupon (at 4 o'clock and 28 minutes p. m.) pursuant to House Concurrent Resolution 619, the House adjourned until Tuesday, May 30, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

2028. Under clause 2 of rule XXIV, a letter from the Deputy Secretary of Defense, transmitting a report of disbursements during the period July 1, 1971 to March 31, 1972, from the appropriation for "Contingencies, Defense" in the Department of Defense Appropriation Act, fiscal year 1972; to the Committee on Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ABBITT: Committee on House Administration. House Resolution 986. Resolution authorizing the Speaker to administer the oath of office to William S. Conover II and referring the question of his final right to a seat in the 92d Congress to the Committee on House Administration (Rept. No. 92-1090). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Resolution 992. Resolution providing for the printing of additional copies of the conference report on S. 659, Education Amendments of 1972 (Rept. No. 92-1091). Ordered to be printed.

Mr. PATMAN: Committee on Banking and Currency. H.R. 10792. A bill to amend the Small Business Act; with amendment (Rept. No. 92-1092). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 10310. A bill to establish the Seal Beach Wildlife Refuge; with amendment (Rept. No. 92-1093). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 798. Resolution providing funds for the Committee on the District of Columbia (Rept. No. 92-1094). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 1000. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 142 (Rept. No. 92-1095). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG (for herself, Mr. Badillo, Mrs. Chisholm, Mr. Conyers, Mr. McCloskey, Mr. Mitchell, and Mr. Rangel):

H.R. 15143. A bill to enforce the constitutional right of females to terminate pregnancies that they do not wish to continue; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H.R. 15144. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

H.R. 15145. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 15146. A bill to provide the death penalty for assassinating, or attempting to assassinate, Federal elective officeholders, or persons seeking election to Federal office; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 15147. A bill to establish a Commission on Security and Safety of Cargo; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM:

H.R. 15148. A bill to amend title II of the Social Security Act to guarantee to all citizens and residents of the United States 65 years and over an income of $100 a month for individuals and $150 a month for couples; to the Committee on Ways and Means.

By Mr. CEDERBERG:

H.R. 15149. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CRANE:

H.R. 15150. A bill to amend the Controlled Substances Act to increase the penalties for persons convicted of illegally distributing narcotic and other dangerous drugs; to the Committee on Interstate and Foreign Commerce.

H.R. 15151. A bill to amend title 18 of the United States Code to increase the penalties for persons convicted of committing a felony with or while unlawfully carrying a firearm; to the Committee on the Judiciary.

By Mr. CURLIN:

H.R. 15152. A bill to name the new Federal office building in Frankfort, Ky., the "John C. Watts Building"; to the Committee on Public Works.

By Mr. DAVIS of South Carolina:

H.R. 15153. A bill to amend the Public Health Service Act to provide assistance to certain non-Federal institutions, agencies, and organizations for the establishment and operation of cooperative community programs for patients with kidney disease for the conduct of training related to such programs, and to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment; to the Committee on Interstate and Foreign Commerce.

By Mr. EILBERG:

H.R. 15154. A bill to amend the Gun Control Act of 1968 to require each State to grant reciprocity to the police officers of other States with respect to the carrying of concealed weapons; to the Committee on the Judiciary.

By Mr. FLOOD:

H.R. 15155. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

H.R. 15156. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. FREY (for himself, Mr. Anderson of Illinois, Mr. Biester, Mr. Broyhill of Virginia, Mr. Buchanan, Mr. Coughlin, Mr. Danielson, Mr. Donohue, Mr. Frenzel, Mr. Garmatz, Mrs. Grasso, Mr. Halpern, Mr. Hastings, Mrs. Heckler of Massachusetts, Mr. Hicks of Washington, Mr. Horton, Mr. Hosmer, Mr. Kemp, Mr. McKinney, Mr. Pettis, Mr. Steele, Mr. Steiger of Wisconsin, Mr. Whitehurst, Mr. Wolff, and Mr. Zwach):

H.R. 15157. A bill to provide for the establishment of safety standards for mobile homes in interstate commerce, and for other purposes; to the Committee on Banking and Currency.

By Mr. HATHAWAY:

H.R. 15158. A bill to provide new and improved transportation programs for older persons; to the Committee on Banking and Currency.

By Mrs. HICKS of Massachusetts:

H.R. 15159. A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966; to the Committee on Education and Labor.

By Mr. HUTCHINSON:

H.R. 15160. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. JARMAN:

H.R. 15161. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KOCH (for himself, Mr. Brademas, Mrs. Chisholm, Mr. Córdova, Mr. Leggett, Mr. Minish, Mr. Mitchell, Mr. Mollohan, Mr. Nix, Mr. O'Hara, Mr. Rangel, Mr. Rees, Mr. Reid, Mr. Riegle, Mr. Rosenthal, Mr. Ryan, Mr. Sarbanes, Mr. Symington, Mr. Thone, Mr. Tiernan, Mr. Waldie, Mr. Brinkley, Mr. Podell, Mr. St Germain, and Mr. Rostenkowski):

H.R. 15162. A bill to amend the Education of the Handicapped Act to provide for comprehensive education programs for severely and profoundly mentally retarded children; to the Committee on Education and Labor.

By Mr. KOCH (for himself, Mr. Buchanan, Mr. Coughlin, and Mr. Williams):

H.R. 15163. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. KYROS:

H.R. 15164. A bill to amend title 38, United States Code, to increase the rates of compensation for disabled veterans; to the Committee on Veterans' Affairs.

By Mr. LUJAN:

H.R. 15165. A bill to declare that certain federally owned land is held by the United States in trust for the Pueblo of Nambe, N. Mex.; to the Committee on Interior and Insular Affairs.

H.R. 15166. A bill to amend the Federal Hazardous Substances Act to ban in interstate commerce torture toys and certain other psychologically hazardous toys and other articles that are intended for use by children; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLOSKEY:

H.R. 15167. A bill to limit Federal election campaign contributions; to the Committee on House Administration.

By Mr. MARTIN:

H.R. 15168. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. MELCHER:

H.R. 15169. A bill to provide for the repeal of all penalties connected with refusing or neglecting to answer any census or survey except a census or survey of population; to the Committee on Post Office and Civil Service.

By Mr. MICHEL:

H.R. 15170. A bill to amend title 18 of the United States Code to increase the penalty for committing certain crimes with a firearm or while unlawfully carrying a firearm; to the Committee on the Judiciary.

By Mr. MILLS of Arkansas:

H.R. 15171. A bill to protect the orderly marketing of cattle hides, and for other purposes; to the Committee on Ways and Means.

By Mr. MOORHEAD:

H.R. 15172. A bill to amend section 552 of title 5 of the United States Code to clarify certain exceptions from its disclosure requirements, and for other purposes; to the Committee on Government Operations.

By Mr. MORGAN:

H.R. 15173. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. PRYOR of Arkansas (for himself, Mr. McDonald of Michigan and Mr. Ruppe):

H.R. 15174. A bill to direct the Secretary of Labor to provide for volunteer employment programs for older persons and to develop a resource directory on the availability of the skills, talents, and experience of those persons; to the Committee on Education and Labor.

By Mr. PURCELL:

H.R. 15175. A bill to amend the Internal Revenue Code of 1954 to provide for the valuation of a decedent's interest in a closely held business for estate tax purposes; to the Committee on Ways and Means.

By Mr. RAILSBACK:

H.R. 15176. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

H.R. 15177. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. REUSS:

H.R. 15178. A bill to amend the Small Business Investment Act of 1958; to the Committee on Banking and Currency.

By Mr. ROE:

H.R. 15179. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. ROYBAL:

H.R. 15180. A bill to restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes; to the Committee on House Administration.

By Mr. SIKES (for himself and Mr. Mathis of Georgia):

H.R. 15181. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a South Atlantic Basin environmental conservation program; to the Committee on Agriculture.

By Mr. TERRY:

H.R. 15182. A bill to amend the Military Selective Service Act in order to provide for the deferment thereunder of students appointed to maritime academies and colleges; to the Committee on Armed Services.

H.R. 15183. A bill to amend the Maritime Acadmy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and for other purposes; to the Committee on Armed Services.

By Mr. TIERNAN:

H.R. 15184. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 15185. A bill to facilitate Federal ship mortgage insurance for drydocks; to the Committee on Merchant Marine and Fisheries.

By Mr. DON H. CLAUSEN:

H.J. Res. 1210. Joint resolution to amend title 5 of the United States Code to provide for the designation of the 11th day of November of each year as Veterans Day and the 30th day of May of each year as Memorial Day; to the Committee on the Judiciary.

By Mr. FRASER:

H.J. Res. 1211. Joint resolution to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission; to the Committee on Foreign Affairs.

By Mr. WHALEN:

H.J. Res. 1212. Joint resolution relating to sudden infant death syndrome; to the Committee on Interstate and Foreign Commerce.

By Mr. BLATNIK:

H. Con. Res. 621. Concurrent resolution to express the sense of the Congress that the U.S. Government urge the establishment of a United Nations Voluntary Fund for the Environment to which the United States would contribute its fair share; to the Committee on Foreign Affairs.

By Mr. FISH:

H. Con. Res. 622. Concurrent resolution expressing the sense of the Congress with respect to the withdrawal of all American forces from Vietnam; to the Committee on Foreign Affairs.

By Mrs. ABZUG:

H. Res. 1003. Resolution to provide for a recess of the House to receive a petition for redress of grievances relative to the war in Indochina; to the Committee on Rules.

By Mr. KYROS:

H. Res. 1004. Resolution urging the President to impose export controls on cattle hides; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H.R. 15186. A bill for the relief of Mrs. Rita Petermann Brown; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia:

H.R. 15187. A bill for the relief of Appalachian Regional Hospitals, Inc.; to the Committee on the Judiciary.

By Mr. HORTON:

H.R. 15188. A bill to incorporate in the District of Columbia Pop Warner Little Scholars, Inc.; to the Committee on the District of Columbia.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

241. By the SPEAKER: Petition of the common council, Buffalo, N.Y., relative to passage of the Lead Poisoning Research bill; to the Committee on Banking and Currency.

242. Also, petition of Robert Lifton, J. William Ward, Judy Collins, Paul O'Dwyer, Dick Gregory, and others, relative to American involvement in Indochina; to the Committee on Foreign Affairs.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following registrations were submitted for the third calendar quarter 1971:

(NOTE.—The form used for registration is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
	(Mark one square only)			

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor—(if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report. ◄

AFFIDAVIT

[Omitted in printing]

PAGE 1 ◄

A. John G. Adams, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Midland Enterprises, Inc., Cincinnati, Ohio.

A. Ad Hoc Committee for an Effective Investment Tax Credit, 1801 K Street NW., Washington, D.C. 20006.

A. Alaska Miners Association, Jeff Knaebel, Box 80006, College, Alaska.

B. Resource Associates of Alaska, Inc.

A. American Institute of Housing Consultants, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. American Polygraph Association, 1038 Evarts Street NE., Washington, D.C.

A. John C. Archer, 1515 Wilson Boulevard, Arlington, Va. 22209.

B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Franklin Life Insurance Co., Franklin Square, Springfield, Ill. 62705.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Maremont Corp., 168 North Michigan Avenue, Chicago, Ill. 60601.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Powell Lumber Co., Lake Charles, La.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Puerto Rican Government, G.P.O., Box 2350, San Juan, PR. 00936.

A. Association for the Advancement of Invention and Innovation, Suite 1007, Crystal Plaza 1, 2001 Jefferson Davis Highway, Arlington, Va. 22202.

A. Bailey, Sipes, Williamson & Runyan, Inc., 1100 V. & J. Tower, Midland, Tex.

B. Alaska Interstate Co., et al., 2200 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77027.

A. George F. Bailey, Jr., Montgomery, Ala. 36104.

B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala. 36104.

A. Bankers' Association for Foreign Trade, 1101 16th Street NW., Washington, D.C. 20036.

A. J. Kirk Barefoot, 55 Lancer Road, Riverside, Conn.

B. American Polygraph Association, 1038 Evarts Street NE., Washington, D.C.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, Synthetic Organic Chemical Manufacturing Association, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Lucius D. Battle.

B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.

A. Bay Fishing and Boating Committee, Inc., Room 309, 724 14th Street NW., Washington, D.C.

A. Richard Bernot, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C.

A. Blue Cross Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

A. Edward J. Brenner, Suite 1007, Crystal Plaza 1, 2001 Jefferson Davis Highway, Arlington, Va. 22202.

B. Association for the Advancement of Invention and Innovation, Suite 1007, Crystal Plaza, 2001 Jefferson Davis Highway, Arlington, Va. 22202.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mortgage Guaranty Insurance Corp., 600 Marine Plaza, Milwaukee, Wis. 53202.

A. Charles Edward Campbell, 310 Fulton Federal Building, Atlanta, Ga. 30303.

A. Candlelighters, 1006 D Street SE., Washington, D.C. 20003.

A. C. Kent Carlson, 2000 IBM Building, Seattle, Wash. 98101.

B. Moore-McCormack, Maritime Transportation Co.

A. Casey, Lane & Mittendorf, 1815 H Street NW., Washington, D.C. 20006.

B. Alaska Interstate Co., et al., 2200 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77027.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Synthetic Organic Chemical Manufacturers Association, 1075 Central Park Avenue, Suite 224, Scarsdale, N.Y. 10583.

A. Coalition for Rural America, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. Cole Hartig Rhodes & Norman, 645 G Street, Anchorage, Alaska 99501.

B. Alaska Miners Association, Anchorage, Alaska 99501; Alaska Professional Hunters Association, Anchorage, Alaska 99501.

A. Robert E. Cole, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich. 48202.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Suite 1120, Washington, D.C. 20005.

B. Glass Container Manufacturers Institute, Inc., 330 Madison Avenue, New York, N.Y. 10017.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. National Glass Dealers Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. John A. Couture, 1625 I Street NW., Washington, D.C. 20036.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.

A. Gordon F. Daskowski, 6407 Sandy Street, Laurel, Md. 20810.

A. Charles W. Davis, One Frist National Plaza, Suite 5200, Chicago, Ill. 60670.

B. Corporate Fiduciaries Association of Illinois, c/o Chicago Title & Trust Co., 111 West Washington Street, Chicago, Ill.

A. DeHart and Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.

A. Claude J. Desautels Associates, Suite 711, RCA Building, 1725 K Street NW., Washington, D.C. 20006.

B. Metropolitan Fair Rent Committee, New York, N.Y.

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B. Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.

A. Mitchell Dorson, 2100 M Street NW., Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

A. J. C. B. Ehringhaus, Jr., 1600 South Eads Street, Arlington, Va. 22202.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

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A. Mark H. Freeman, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Coalition for Rural America, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Mizrachi Women's Organization of America, 242 Park Avenue South, New York, N.Y. 10003.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Pueblo of Laguna, Laguna, N. Mex.

A. Frosh, Lane & Edson, 1025 Connecticut Avenue, Washington, D.C. 20036.

B. American Institute of Housing Consultants, 1025 Connecticut Avenue, Washington, D.C. 20036.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. National Council of Professional Services Firms in Free Enterprise, 1100 Glendon Avenue, Los Angeles, Calif.

A. Edward V. Garlich, 1515 Wilson Boulevard, Arlington, Va. 22209.

B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

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A. Wayne Gibbens, 1625 K Street NW., Washington, D.C. 20006.

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B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

A. Hale Manufacturing Co., Inc., Highway 82 West, Sherman, Tex. 75090.

A. Donald L. Harlow, 310 Riley Street, Falls Church, Va.

B. Air Force Sergeants Association, Inc., 1501 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. David K. Hartley, 2310 19th Street NW., Washington, D.C. 20009.

B. Coalition for Rural America, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. Andrew T. Hatcher, 150 East 42d Street, New York, N.Y. 10017.

B. Hill and Knowlton, Inc., 150 East 42d Street, New York, N.Y. 10017.

A. Ralph E. Heal, 250 West Jersey Street, Elizabeth, N.J. 07207.

B. National Pest Control Association, 250 West Jersey Street, Elizabeth, N.J. 07207.

A. Stephen F. Hefner, 421 North Crockett Street, Sherman, Tex. 75090.

B. Hale Manufacturing Co., Inc., Highway 82 West, Sherman, Tex. 75090.

A. Frederic W. Hickman, One First National Plaza, Chicago, Ill.

B. Chicago Bridge & Iron Co., 901 West 22d Street, Oak Brook, Ill. 60521.

A. Frederic W. Hickman, One First National Plaza, Suite 5200, Chicago, Ill. 60670.

B. Corporate Fiduciaries Association of Illinois, % Chicago Title & Trust Co., 111 West Washington Street, Chicago, Ill.

A. Thomas W. Holland, 1629 K Street NW., Suite 603, Washington, D.C. 20006.

B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y. 10022.

A. Thomas Howarth, 438 Pennsylvania Building, Washington, D.C. 20004.

B. United States Independent Telephone Association, 438 Pennsylvania Building, Washington, D.C. 20004.

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B. Midland Enterprises, Inc., of Cincinnati, Ohio.

A. Charles N. Jolly, 1775 K Street NW., Suite 315, Washington, D.C. 20006.

B. Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Ind. 46514.

A. Frank S. Ketcham, Ketcham & Harvey, Suite 512, 1200 18th Street NW., Washington, D.C. 20036.

B. Metropolitan Fair Rent Committee, New York, N.Y.

A. John R. Kirk, Bingham, Dana & Gould, 100 Federal Street, Boston, Mass. 02110.

B. Bankers Leasing Corp., 1255 Boylston Street, Boston, Mass. 02215.

A. Paul K. Kirkpatrick, Jr., 1000 Ouachita Bank Building, Monroe, La. 71201.

B. Hale Manufacturing Co., Inc., Highway 82 West, Sherman, Tex. 75090.

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B. Cleary, Gottlieb, Steen & Hamilton, Synthetic Organic Chemical Manufacturers Association, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Commerzbank Aktiengesellschaft, 55 Broad Street, New York, N.Y.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Midland Enterprises, Inc., of Cincinnati, Ohio.

A. J. Patrick Logue, 1030 15th Street NW., Washington, D.C. 20005.

B. American Nurses' Association, 10 Columbus Circle, New York, N.Y. 10019.

A. Elizabeth Mallory, Box 718, Union Station, Endicott, N.Y. 13760.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

A. Richard E. Martinez, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, % M. L. DeBolt, O.D., Box 605, Winona, Minn. 55987.

A. Thomas B. McCabe, Jr., Scott Paper Co., Philadelphia, Pa. 19113.

B. Scott Paper Co., Scott Plaza, Philadelphia, Pa. 19113.

A. Alfred R. McCauley, 1629 K Street NW., Washington, D.C.

B. American Institute for Imported Steel, Inc., 420 Lexington Avenue, New York, N.Y. 10017.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Questor Corp., 1801 Spielbusch Avenue, Toledo, Ohio 43601.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. Lockheed Aircraft Corp., Burbank, Calif.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.

A. Michael Monroney, 1701 K Street NW., Suite 1000, Washington, D.C. 20036.

B. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.

A. Montana Railroad Association, Box 1172, Helena, Mont. 59601.

A. John J. Motley.

B. National Federation of Independent Business, 921 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005.

A. Motorists United for Ecology, Inc., 3477 New Ridge Drive, Palos Verdes, Calif. 90274.

A. Richard E. Murphy, 900 17th Street NW., Washington, D.C. 20006.

B. Service Employees International Union, AFL–CIO, 900 17th Street NW., Washington, D.C. 20006.

A. National Institute of Locker and Freezer Provisioners, 224 East High Street, Elizabethtown, Pa. 17022.

A. Lawrence J. O'Connor, Jr., Suite 1021, 1801 K Street NW., Washington, D.C. 20006.

B. The Standard Oil Co., Midland Building, Cleveland, Ohio. 44115.

A. Peter J. Ognibene, 100 Maryland Avenue NE., Washington, D.C.

B. Council for a Livable World, 100 Maryland Avenue NE,. Washington, D.C.

A. Franz M. Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Commerzbank A. G., 55 Broad Street New York, N.Y.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C. 20036.

B. Behavioral Research Laboratories, Box 577, Palo Alto, Calif. 94302.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C. 20036.

B. International Snowmobile Industry Association, 5100 Edina Industrial Boulevard, Minneapolis, Minn. 55435.

A. Peabody, Rivlin, Gore, Cladouhos & Lambert, Suite 707, 1730 M Street NW., Washington, D.C. 20036.

B. Toyota Motor Sales, U.S.A., Inc., 2055 West 190th Street, Torrance, Calif. 90501.

A. Pugsley, Hayes, Watkiss, Campbell & Cowley, 400 El Paso Gas Building, Salt Lake City, Utah. 84111.

B. Alaska Interstate Co., et al., 2200 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77027.

A. Questor Corp., 1801 Spielbusch Avenue, Toledo, Ohio. 43601.

A. Austin T. Rhoads, 1133 20th Street NW., Washington, D.C. 20036.

B. National Canners Association, 1133 20th Street NW., Washington, D.C. 20036.

A. Stark Ritchie, 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

A. Ross, Marsh & Foster, 730 15th Street NW., Washington, D.C. 20005.

B. Alaska Interstate Co., et al., 2200 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77207.

A. Edward W. Rothe, One First National Plaza, Chicago, Ill. 60670.

B. Chicago Bridge & Iron Co., 901 West 22d Street, Oak Brook, Ill. 60521.

A. Edward W. Rothe, One First National Plaza, Chicago, Ill. 60670.

B. The Gannet Corp., 10 Dodge Avenue, West Haven, Conn.

A. Royall, Koegel & Wells, 1730 K Street NW., 1009, Washington, D.C. 20006.

B. The Associated Press, 50 Rockefeller Plaza, New York, N.Y.

A. Richard Royce Associates, 716 National Press Building, Washington, D.C. 20004.

B. Council for the Advancement of the Psychological Professions and Science, 1100 17th Street NW., Washington, D.C.

A. Kenneth I. Schaner, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Commerzbank A. G., 55 Broad Street, New York, N.Y.

A. Donald H. Schwab, 200 Maryland Avenue NE., Washington, D.C., 20002.

B. Veterans of Foreign Wars of the United States.

A. Scribner, Hall, Thornburg & Thompson, 1200 18th Street NW., Suite 1209, Washington, D.C. 20036.

B. Provident Life & Accident Insurance Co., Chattanooga, Tenn. 37402.

A. Kay Sealy, 900 Southwest Tower, Houston, Tex. 77002.

B. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex. 77002.

A. Robert E. Shindler, 4009 Briars Road, Olney, Md. 20832.

A. Frederick F. Spalding, R.R. 3, Box 96, Annapolis, Md. 21403.

A. The Standard Oil Co., Ohio, Suite 1021, 1801 K Street NW., Washington, D.C.

A. Wynne A. Stevens, Jr., 1901 North Fort Myer Drive, Arlington, Va. 22207.

B. Gas Appliance Manufacturers Association, Inc., 1901 North Fort Myer Drive, Arlington, Va. 22207.

A. Richard H. Stock, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, Synthetic Organic Chemical Manufacturers Association, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Surrey, Karasik and Greene, 1156 15th Street NW., Washington, D.C. 20005.

B. Anna I. Duisberg, 231 South Dwight Place, Englewood, N.J. 07631.

A. J. Woodrow Thomas Associates, Inc., 1730 M Street NW., Suite 609, Washington, D.C. 20036.

B. REA Express, Inc., 219 East 42d Street, New York, N.Y. 10017.

A. J. Woodrow Thomas, Associates, Inc., 1730 M Street NW., Suite 609, Washington, D.C. 20036.

B. R. Markey & Sons, 99 Wall Street, New York, N.Y.

A. J. C. Turner, 1125 17th Street NW., Washington, D.C. 20036.

B. International Union of Operating Engineers, 1125 17th Street NW., Washington, D.C. 20036.

A. De Melt R. Walker, 1730 Rhode Island Avenue NW., Washington, D.C.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

A. Lionel L. Wallenrod, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. David Weisbrod, 423 Fifth Street SE.

B. Bangladesh Information Center.

A. Joe O. Wiggs, 1250 Connecticut Avenue, NW., Washington, D.C.

B. Cleary, Gottlieb, Steen & Hamilton, Interbank Card Association, 1250 Connecticut Avenue NW., Washington, D.C.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Alaska Federation of Natives, Inc., 1675 C Street, Anchorage, Alaska 99501.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the third calendar quarter 1971:

(NOTE.—The form used for registration is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19_______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

Note on Item "D."—(*a*) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) **If This Report Is for an Employer.**—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) **If This Report Is for an Agent or Employee.**—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. Receipts (Including Contributions and Loans):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $--------Dues and assessments
2. $--------Gifts of money or anything of value
3. $--------Printed or duplicated matter received as a gift
4. $--------Receipts from sale of printed or duplicated matter
5. $--------Received for services (e.g., salary, fee, etc.)

6. $--------Total for this Quarter (Add items "1" through "5")
7. $--------Received during previous Quarters of calendar year

8. $--------Total from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $--------Total now owed to others on account of loans
10. $--------Borrowed from others during this Quarter
11. $--------Repaid to others during this Quarter

12. $--------"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": --------

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through ----------------, 19----)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	Total

Note on Item "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) **If This Report Is for an Agent or Employee.** In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. Expenditures (Including Loans) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $--------Public relations and advertising services
2. $--------Wages, salaries, fees, commissions (other than item "1")
3. $--------Gifts or contributions made during Quarter
4. $--------Printed or duplicated matter, including distribution cost
5. $--------Office overhead (rent, supplies, utilities, etc.)
6. $--------Telephone and telegraph
7. $--------Travel, food, lodging, and entertainment
8. $--------All other expenditures

9. $--------Total for this Quarter (Add "1" through "8")
10. $--------Expended during previous Quarters of calendar year

11. $--------Total from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $--------Total now owed to person filing
13. $--------Lent to others during this Quarter
14. $--------Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7–11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7–15, 8–15, 9–15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	Total

PAGE 2

A. Sotheron Kirby Able, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $125.

A. Actors Equity Association, 165 West 46th Street, New York, N.Y. 10036.
D. (6) $2,500.
E. (9) $2,500.

A. John G. Adams, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. First Mortgage Investors, 401 41st Street, Miami Beach, Fla. 33140.
D. (6) $750.

A. Clarence G. Adamy, 1725 I Street NW., Washington, D.C.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C.
D. (6) $500.

A. Aerospace Industries Association of America, Inc., 1725 De Sales Street NW., Washington, D.C.
D. (6) $8,277.26.
E. (9) $8,277.26.

A. Air Traffic Control Association, Inc., Suite 409, ARBA Building, 525 School Street SW., Washington, D.C. 20024.

A. Aircraft Owners & Pilots Association, P.O. Box 5800, Washington, D.C. 20014.
D. (6) None.

A. George Alderson, 620 C Street SE., Washington, D.C.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $3,000.
E. (9) $3,000.

A. John R. Ale, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $453.73.
E. (9) $110.12.

A. Willis W. Alexander, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,500.

A. Donna Allen, 3306 Ross Place NW., Washington, D.C.
B. National Committee Against Repressive Legislation 555 North Western Avenue, Los Angeles, Calif. 90004.
D. (6) $1,539.39.
E. (9) $1,539.39.

A. Kenneth D. Allen, 1701 K Street NW, Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $11.35.
E. (9) $29.63.

A. All-Industry Committee for Radio, All-Channel Legislation, 1225 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

A. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Amalgamated Transit Union, National Capital Local Divisions 689, 100 Indiana Avenue NW., No. 403, Washington, D.C. 20001.

A. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. American Cancer Society, 219 East 42d Street, New York, N.Y. 10017.
E. (9) $7,121.83.

A. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $2,747.95.
E. (9) $2,747.95.

A. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.
D. (6) $275.
E. (9) $275.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $4,506.14.
E. (9) $4,506.14.

A. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $41,385.
E. (9) $41,385.

A. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.
E. (9) $54,342.15.

A. AFL-CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.
D. (6) $6,085.80. E. (9) $4,174.47.

A. American Frozen Foods Institute, 919 18th Street NW., Washington, D.C. 20006.
D. (6) $55,568.18. E. (9) $2,006.90.

A. American Hotel & Motel Association, 888 7th Avenue, New York, N.Y. 10019.
D. (6) $2,614.05. E. (9) $3,490.80.

A. American Humane Association, 5351 Roslyn Street, Englewood, Colo.
E. (9) $1,500.

A. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $2,339.05.

A. American Insurance Association, 85 John Street, New York, N.Y. 10038.
D. (6) $16,452.88. E. (9) $16,452.88.

A. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C. 20005.
D. (6) $3,760.35. E. (9) $2,548.43.

A. American Justice Association, Defense Highway, Gambrills, Md. 21054.
D. (6) $2. E. (9) $2.

A. American Life Convention, 211 East Chicago Avenue, Chicago, Ill. 60611.
E. (9) $1,492.35.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
E. (9) $25,585.33.

A. American Mutual Insurance Alliance, 20 North Wacher Drive, Chicago, Ill. 60606.
E. (9) $3,120.

A. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo. 80218.
E. (9) $1,288.65.

A. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y.
E. (9) $610.28.

A. American Parents Committee Inc., 20 E Street NW., Washington, D.C.
D. (6) $3,127.26. E. (9) $3,289.35.

A. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $4,941. E. (9) $9,638.

A. American Postal Workers Union, 817 14th Street NW., Washington, D.C.
D. (6) $1,224.492.01. E. (9) $73,726.80.

A. American Pulpwood Association, 605 Third Avenue, New York, N.Y. 10017.

A. The American Society of Radiologic Technologists, 645 North Michigan Avenue, Suite 620, Chicago, Ill. 60611.
D. (6) $845.95. E. (9) $2,766.25.

A. American Surveys, Embassy Square, Suite 901, 2000 N Street NW., Washington, D.C. 20036.
B. National Customs Brokers & Forwarders Association of America, Inc., One World Trade Center, Suite 1109, New York, N.Y. 10043.
D. (6) $200. E. (9) $84.06.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C. 20036.
D. (6) $19.75.

A. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28202.
D. (6) $14,773.85. E. (9) $14,773.85.

A. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $10,290.06. E. (9) $38,468.84.

A. American Veterinary Medical Association, 1522 K Street NW., Suite 828, Washington, D.C. 20005.
E. (9) $450.

A. American Waterways Operators, Inc., Suite 502, 1250 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $3,851.60. E. (9) $4,186.83.

A. Edward T. Anderson, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $4,500. E. (9) $798.31.

A. John Anderson, 4111 Franconia Road, Alexandria, Va.
B. Medical Society of the District of Columbia, 2007 I Street NW., Washington, D.C.

A. Walter M. Anderson, Jr., Alabama Railroad Association, Montgomery, Ala.
B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala. 36104.

A. William C. Anderson, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $2,100. (9) $13.90.

A. George W. Apperson, 100 Indiana Avenue NW., Suite 403, Washington, D.C.
B. Amalgamated Transit Union, National Capital Division 689, 100 Indiana Avenue NW., No. 403, Washington, D.C.

A. Clarence A. Arata, Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $13,750.

A. John C. Archer, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va., 22209.
D. (6) $500. E. (9) $300.

A. Arkansas Railroads, 1100 Boyle Building, Little Rock, Ark. 72201.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Fairchild Camera and Instrument Corp., 464 Ellis Street, Mountain View, Calif. 94040.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Floor Covering Committee Affiliated with the National Council of American Importers, 295 Fifth Avenue, N.Y. 10016.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Insurance & Securities Inc., Institutional Fund A, 100 California Street, San Francisco, Calif. 94120.

E. (9) $1.50.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Gas Supply Committee, 1725 DeSales Street, Suite 302, Washington, D.C., 20036.

D. (6) $600. E. (9) $55.15.

A. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex.

A. Associated Dairymen, Inc., 1926 17th Street NW., Washington, D.C. 20036.

E. (9) $550.

A. Associated Third Class Mail Users, Suite 607 1725 K Street NW., Washington, D.C. 20006.

D. (6) $300. E. (9) $300.

A. Association of American Railroads, American Railroads Building, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $5,567.92. E. (9) $5,567.92.

A. Association for Broadcast Engineering Standards, Inc., 1730 M Street NW., Suite 700, Washington, D.C. 20036.

A. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.

E. (9) $1,000.

A. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.

D. (6) $80.42. E. (9) $619.02.

A. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.

E. (9) $405.

A. Association of Petroleum Re-Refiners, 1500 North Quincy Street, Box 7116, Arlington, Va. 22207.

A. Atlanta Committee for Democratic Republican Independent Voter Education, 2540 Lakewood Avenue SW., Atlanta, Ga. 30315.

D. (6) $805. E. (9) $2,291.62.

A. Robert L. Augenblick, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $75. E. (9) $32.54.

A. Richard W. Averill, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association c/o M. L. DeBolt, O.D., Box 605, Winona, Minnesota 55987.

D. (6) $800. E. (9) $301.

A. Gary D. Avery, 900 17th Street NW., Washington, D.C. 20006.

B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y. 10015.

D. (6) $40. E. (9) $17.41.

A. Michael H. Bader, 1730 M Street NW., Washington, D.C. 20036.

B. Association for Broadcast Engineering Standards, Inc., 1730 M Street NW., Suite 700, Washington, D.C. 20036.

A. John C. Bagwell, Hawaiian Sugar Planters' Association, 723 Investment Building, Washington, D.C. 20005.

B. Hawaiian Sugar Planters' Association, Honolulu, Hawaii.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Ernest L. Barcella, General Motors Corp., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

A. Thomas H. Barksdale, Jr., 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $1750. E. (9) $447.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, Cabot Corp., Chemplex Co., et al., 1250 Connecticut Avenue, NW., Washington, D.C. 20036.

A. Robert D. Barnard, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, Colonial Sugar Refining Co., Ltd., 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Robert C. Barnard, 1250 Connecticut Avenue, NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, Interbank Card Association, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Robert C. Barnard, 1250 Connecticut Avenue, NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, Synthetic Organic Chemical Manufacturers Association, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Arthur R. Barnett, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.

D. (6) $159.25.

A. Irvin L. Barney, 400 First Street NW., Room 820, Washington, D.C. 20001.

B. Brotherhood Railway Carmen of the U.S. and Canada, 4929 Main Street, Kansas City, Mo.

D. (6) $3,600.

A. David S. Barrows, 214 Century Building, Portland, Oreg. 97205.

B. Association of Oregon and California Land Grant Counties, Douglas County Court House, Roseburg, Oreg. 97470.

D. (6) $1,200.

A. Lucius D. Battle.

B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.

D. (6) $360. E. (9) $7.95.

A. Batzell & Nunn, 1523 L Street NW., Washington, D.C. 2005.

B. Independent Terminal Operators Association, 1523 L Street NW., Washington, D.C. 20005.

A. David Baumhart, P.O. Box 553, Lorain, Ohio 44052.

B. Green Olive Trade Association, 82 Beaver Street, New York, N.Y. 10005.

D. (6) $175.

A. Bay Fishing and Boating Committee, Inc., Room 304, 724 14th Street NW., Washington, D.C. 20005.

D. (6) $35,906.66. E. (9) $17,056.27.

A. Dita Davis Beard, ITT Building, 1707 L Street NW., Washington, D.C. 20036.

B. International Telephone & Telegraph Corp., ITT Building, 1707 L Street NW., Washington, D.C. 20036.

D. (6) $1,125. E. (9) $1,760.

A. Donald S. Beattie, Railway Labor Building, Suite 800, 400 First Street NW., Washington, D.C. 20001.

B. Congress of Railway Unions, 400 First Street NW., Washington, D.C.

D. (6) $1,358.80.

A. Daniel S. Bedell, 1126 16th Street NW., Washington, D.C. 20036.

B. International Union, United Automobile, Aerospace and Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $2,127.71. E. (9) $28.88.

A. Jack Beidler, 1126 16th Street NW., Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

D. (6) $4,374.99. E. (9) $303.42.

A. Jack Beidler, 1126 16th Street NW., Washington, D.C. 20036.

B. International Union, United Automobile, Aerospace and Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $2,884.60. E. (9) $143.53.

A. James F. Bell, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C. 20036.

D. (6) $1,187.50. E. (9) $74.37.

A. E. Markham Bench, 136 East South Temple Street, Salt Lake City, Utah 84111.

B. Bonneville International Corp., 136 East South Temple Street, Salt Lake City, Utah 84111.

D. (6) $1,000. E. (9) $455.95.

A. Reed A. Benson, 1028 Connecticut Avenue NW., No. 1004, Washington, D.C. 20036.

B. The John Birch Society, Inc., 395 Concord Avenue, Belmont, Mass., 02178.

A. William S. Bergman, 500 12th Street SW., Washington, D.C.

B. American Collectors Association, 4040 West 70th Street, Minneapolis, Minn.

D. (6) $1200. E. (9) $75.

A. Max N. Berry, 888 17th Street NW., Suite 212, Washington, D.C.

B. The Austrian Trade Delegate in the United States, 845 Third Avenue, New York, N.Y.

D. (6) $2,136.20. E. (9) $113.80.

A. Max N. Berry, 888 17th Street NW., Suite 212, Washington, D.C.

B. George Bronz, 888 17th Street NW., Suite 212, Washington, D.C.

D. (6) $6,250.

A. Max N. Berry, 888 17th Street NW., Suite 212, Washington, D.C.

B. Meat Products Group, American Importers Association, 420 Lexington Avenue, New York, N.Y.

D. (6) $1,400. E. (9) $163.36.

A. Robert L. Bevan, 1120 Connecticut Avenue NW., Washington, D.C.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.

D. (6) $1,000. E. (9) $222.53.

A. Andrew J. Biemiller, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $7,976. E. (9) $428.50.

A. Walter J. Bierwagen, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Diana Washbon Bird, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,287.

A. Brent Blackwelder, 620 C Street SE., Washington, D.C.
B. Friends of the Earth, 620 C Street SE., Washington, D.C.
D. (6) $750. E. (9) $750.

A. Jerald Blizin, 1425 K Street NW., Washington, D.C.
B. Hill and Knowlton, Inc., 150 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $76.

A. William Blum, Jr., 700 Federal Bar Building, 1815 H Street NW., Washington, D.C.
B. Committee for the Study of Revenue Bond Financing, c/o William A. Geoghegan, 1000 Ring Building, Washington, D.C.
D. (6) $833.33. E. (9) $298.56.

A. Blumberg, Singer, Ross, Gottesman & Gordon, 245 Park Avenue, New York, N.Y.
B. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $6,875.

A. Eugene F. Bogan, Bogan & Freeland, 1000 16th Street NW., Washington, D.S. 20006
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. G. Stewart Boswell, Suite 1001, 1150 17th Street NW., Washington, D.C.
B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C. 28202.
D. (6) $242.75. E. (9) $26.75.

A. Charles G. Botsford, 1730 M Street NW., Suite 609, Washington, D.C.

A. Albert D. Bourland, 1660 L Street NW., Suite 814, Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.
D. (6) $3,000. E. (9) $2,317.77.

A. Edward L. Bowley, 817 14th Street NW., Washington, D.C.
B. American Postal Workers Union, AFL-CIO, Washington, D.C.
D. (6) $6,539.48. E. (9) $228.76.

A. Wayne W. Bradley, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,323.13. E. (9) $873.65.

A. Charles N. Brady, 1712 G Street NW., Washington, D.C. 20006.
B. American Automobile Association, Washington, D.C. 20006.

A. Joseph E. Brady, room 122, Sheraton Gibson Hotel, Cincinnati, Ohio 45202.
B. National Coordinating Committee of the Beverage Industry.

A. Charles R. Bragg, 90 Stony Corners Circle, Avon, Conn.
B. Northeast Utilities Service Co., Selden Street, Berlin, Conn.
E. (9) $418.51.

A. Thomas C. Brickle, 1000 Connecticut Avenue, suite 1307, Washington, D.C. 20036.
B. American Institute of Laundering, Joliet, Ill., 60434.
D. (6) $500.

A. Parke C. Brinkley, the Madison Building, 1155 15th Street NW., Washington, D.C. 20005.
B. National Agricultural Chemicals Association.
D. (6) $12.50. E. (9) $1.

A. Wally Briscoe.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $135. E. (9) $16.50.

A. David A. Brody, 1640 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y. 10016.
D. (6) $350.

A. Michael D. Bromberg, 1101 17th Street NW., suite 810, Washington, D.C. 20036.
B. Federation of American Hospitals, 1101 17th Street NW., suite 810, Washington, D.C. 20036.
D. (6) $3,750.

A. W. S. Bromley, 605 Third Avenue, New York, N.Y. 10017.
B. American Pulpwood Association, 605 Third Avenue, New York, N.Y. 10017.

A. George Bronz, 888 17th Street NW., suite 212, Washington, D.C. 20006.
D. (6) $12,793.19. E. (9) $6,330.79.

A. William J. Brooks, 260 Madison Avenue New York, N.Y. 10016.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Joe B. Browder, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.
D. (6) $1,000. E. (9) $1,000.

A. J. D. Brown, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $300.

A. Brown Lund & Levin, 1625 I Street NW., Washington, D.C. 20006.
B. Cominco American Inc., West 818 Riverside, Spokane, Washington 99201.

A. Brown Lund & Levin, 1625 I Street NW., Washington, D.C. 20006.
B. Ebasco Industries, 345 Park Avenue, New York, N.Y. 10022.

A. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C. 20006.
B. Jersey Central Power & Light Co., Madison Avenue, Morristown, N.J. 07960.
D. (6) $875.

A. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C. 20006.
B. Pacific Northwest Power Co., Public Service Building, Portland, Oreg. 97204.
D. (6) $632.75. E. (9) $10.57.

A. Brownstein, Zeldman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Council of Housing Producers, 1801 Avenue of the Stars, Los Angeles, Calif. 90067.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C.
B. International Franchise Association, 1025 Connecticut Avenue NW., Washington, D.C.

A. George S. Buck, Jr., PO Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $225. E. (9) $71.84.

A. Philip N. Buckminster, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chrysler Corp., 341 Massachusetts Avenue, Detroit, Mich. 48231.
D. (6) $500. E. (9) $85.

A. Richard L. Bullock, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $300.

A. George J. Burger, 250 West 57th Street, New York, N.Y. 10019.
B. Burger Tire Consultant Service, 250 West 57th Street, New York, N.Y., 10019.

A. George J. Burger, 921 Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005.
B. National Federation of Independent Business, 921 Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005.
D. (6) $4,249.98 E. (9) $1,980.94.

A. Burley & Dark Leaf Tobacco Exports Association, P.O. Box 860, Lexington, Ky. 40501.
D. (6) $22,800.51 E. (9) $747.55.

A. George Burnham IV, 1625 K Street NW., Washington, D.C. 20006.
B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.
D. (6) $195. E. (9) $180.

A. Charles S. Burns, American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $975. E. (9) $226.95.

A David Burpee, Fordhook Farms, Doylestown, Pa. 18901.
A. Herbert H. Butler, 438 Pennsylvania Building, Washington, D.C. 20004.
B. United States Independent Telephone Association, 438 Pennsylvania Building, Washington, D.C. 20004.
D. (6) $50.

A. Monroe Butler, 1801 Avenue of the Stars, Suite 1106, Los Angeles, Cal. 90067.
B. The Superior Oil Co., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.

A. Jack E. Buttram, 905 16th Street NW., Washington, D.C. 20006.
B. G. M. Washington Consultants, Inc., 905 16th Street NW., Washington, D.C. 20006.
D. (6) $750.

A. Charles S. Caldwell, 1437 K Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D. (6) $5,400. E. (9) $382.48.

A. Gordon L. Calvert, 425 13th Street NW., Washington, D.C. 20004.
B. Investment Bankers Association of America, 425 13th Street NW., Washington, D.C. 20004.

D. (6) $2,000. E. (9) $1,106.80.

A. Donald L. Calvin, 11 Wall Street, New York, N.Y. 10005.
B. New York Stock Exchange, 11 Wall Street, New York, N.Y. 10005.

A. Carl C. Campbell, room 610, Ring Building, 1200 18th Street NW., Washington, D.C. 20036.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

A. Charles Argyll Campbell, 1615 H Street NW., Washington, D.C. 20006.
B. Chamber of Commerce of the USA, 1615 H Street NW., Washington, D.C. 20006.
E. (9) $266.15.

A. Marvin Caplan.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $2,377.50. E. (9) $122.95

A. Ronald A. Capone, Kirlin, Campbell & Keating, room 505, The Farragut Building, Washington, D.C.
B. Committee of European Shipowners, 30–32 St. Mary Axe, London E. C. 3, England.
D. (6) $3,850. E. (9) $715.63.

A. Michael H. Cardozo, suite 370, One Dupont Circle NW., Washington, D.C. 20036.
B. Association of American Law Schools, suite 370, One Dupont Circle NW., Washington, D.C. 20036.

A. Norval E. Carey, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $1,000. E. (9) $375.

A. Philip Carlip, 650 Fourth Avenue, Brooklyn, N.Y. 11232.
B. District 2, National Marine Engineers Beneficial Association, 650 Fourth Avenue, Brooklyn, N.Y. 11232.

A. Philip Carlip, 675 Fourth Avenue, Brooklyn, N.Y. 11232.
B. Seafarers International Union of North America, 675 Fourth Avenue, Brooklyn, N.Y. 11232.
D. (6) $2,500. E. (9) $1,931.64.

A. C. Kent Carlson, 2000 IBM Building, Seattle, Wash, D.C. 98101.
B. Moore-McCormack Lines, 2 Broadway, New York, N.Y.
D. (6) $4,407. E. (9) $1,665.58.

A. Carolinas Association of Mutual Insurance Agents, 501 Raleigh Building, Raleigh, N.C. 27601.
E. (9) $240.

A. The Carpet and Rug Institute, P.O. Box 2048, Dalton, Ga. 30720.
E. (9) $359.25.

A. Braxton B. Carr, Suite 502, 1250 Connecticut Avenue, Washington, D.C. 20036.
B. The American Waterways Operators, Inc., Suite 502, 1250 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $3,666.66. E. (9) $184.94.

A. Frank H. Case III, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
E. (9) $750.

A. Casey, Lane & Mittendorf, 26 Broadway, New York, N.Y. 10004.
B. South African Sugar Association, P.O. Box 507, Durban, South Africa.
D. (6) $65,000. E. (9) $8,361.41.

A. James B. Cash, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000. E. (9) $78.40.

A. Frank R. Cawley, Wilson Plaza Building, Room 511, 2425 Wilson Boulevard, Arlington, Va. 22201.
B. Agricultural Publishers Association, Wilson Plaza Building, Room 511, 2425 Wilson Boulevard, Arlington, Va. 22201.
D. (6) $25. E. (9) $14.

A. Frank R. Cawley, 1625 I Street NW., Washington, D.C. 20006.
B. Harcourt Brace Jovanovich, Inc., 1625 I Street NW., Washington, D.C. 20006.
D. (6) $48. E. (9) $31.

A. J. M. Chambers & Company, Inc., 2300 Calvert Street NW., Washington, D.C. 20008.
B. Cordage Institute, 2300 Calvert Street NW., Washington, D.C. 20008.
D. (6) $1,250.

A. Justice M. Chambers, 2300 Calvert Street NW., Washington, D.C. 20008.
B. Swaziland Sugar Association, P.O. Box 445, Mbabane, Swaziland.

A. Donald E. Channell, 1705 DeSales Street NW., Washington, D.C. 20036.
B. American Bar Association, 1705 DeSales Street NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $20.

A. James W. Chapman, 1625 I Street NW., Washington, D.C. 20006.
B. Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $2,423.

A. William C. Chapman, 1660 L Street NW., 20006.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $2,702.95.

A. Leslie Cheek III, 1025 Connecticut Avenue N.W., Suite 515 Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515 Blake Building, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. A. H. Chesser, 400 First Street NW., Suite 704 Washington, D.C. 20001.
B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
E. (9) $150.

A. Lowell T. Christison, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o M. L. DeBolt, O.D., Box 605, Winona, Minn. 55987.
D. (6) $140.72. E. (9) $45.65.

A. Albert T. Church, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $50. E. (9) $2.55.

A. Cigar Manufacturers Association of America Inc., 350 Fifth Avenue, New York N.Y. 10001.
D. (6) $38,000.25. E. (9) $378.02.

A. Earl W. Clark, 100 Indiana Avenue N.W., Washington, D.C. 20001.
D. (6) $1,500. E. (9) $41.05.

A. Richard W. Clark, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $637.50.

A. Robert M. Clark, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Atchison, Topeka and Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill. 60604.

A. Clay Pipe Industry Depletion Committee P.O. Box 13125, Kansas City, Mo. 64199.

A. Jacob Clayman, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $606.20. E. (9) $606.20.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cabot Corp., Chemplex Co., Copolymer Rubber and Chemical Corp. Dart Industries, et al.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Interbank Card Association, Suite 3600, 110 East 59th Street, New York, N.Y. 10022.
E. (9) $239.64.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Sugar Refining Co., Ltd. 1–7 O'Connell Street, Sydney, Australia, Queensland Sugar Board, 1212 Elizabeth Street, Brisbane, Australia.
D. (6) $10,000. E. (9) $7.45.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Synthetic Organic Chemical Manufacturers Association, 1075 Central Park Avenue, Suite 224, Scarsdale, N.Y. 10583.
E. (9) $5.

A. William T. Cleary, 1126 16th Street NW., Room 200, Washington, D.C. 20036.
B. American Federation of Technical Engineers, 1126 16th Street NW., Room 200, Washington, D.C. 20036.
D. (6) $250. E. (9) $20.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. American Brands, Inc., 245 Park Avenue, New York, N.Y. 10017.
E. (9) $65.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Brown & Williamson Tobacco Corp., Louisville, Ky. 40201.
E. (9) $65.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Liggett & Myers Inc., 630 Fifth Avenue, New York, N.Y. 10020.
E. (9) $65.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Lorillard Division of Loew's Theaters, Inc., 200 East 42d Street, New York, N.Y. 10017.
E. (9) $65.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Philip Morris Inc., 100 Park Avenue, New York, N.Y. 10017.
E. (9) $65.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. R. J. Reynolds Industries, Inc., Winston-Salem, N.C. 27102.
E. (9) $65.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Avco Corporation, 750 Third Avenue, New York, N.Y. 10017.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. CNA Insurance, 310 South Michigan Avenue, Chicago, Ill. 60604.
E. (9) $300.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Basketball Players Association, 15 Columbus Circle, New York, N.Y. 10023.
E. (9) $259.26.

A. Larry D. Cline, 1315 16th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
E. (9) $32.60.

A. Coalition for a National Population Policy, 1835 K Street NW., Washington, D.C. 20006.
D. (6) $1,170. E. (9) $5,394.52.

A. Jeffery Cohelan, 1717 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $900.

A. David Cohen, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $1,250.

A. Robert E. Cole, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich. 48202.
D. (6) $500.

A. Coles & Goertner, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Committee of American Tanker Owners, Inc., One Chase Manhattan Plaza, New York, N.Y. 10005.

A. William J. Colihan, Jr., 1000 Connecticut Ave. NW., Suite 1211, Washington, D.C. 20036.
B. American Association of Advertising Agencies, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $1,250. E. (9) $600.

A. William J. Colley, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,248.13. E. (9) $929.55.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C. 20006.
B. American Cylinder Manufacturers Committee, 1625 I Street, NW., Washington, D.C. 20006.
D. (6) $40.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
B. American Footwear Manufacturers Association, Inc., 342 Madison Avenue, New York, N.Y. 10017.
D. (6) $500. E. (9) $475.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C. 20006.
B. Bicycle Manufacturers Association of America, Inc., 122 East 42d Street, New York, N.Y. 10017.
D. (6) $500. E. (9) $100.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
B. The Boston Herald Traveler Corp., 300 Harrison Avenue, Boston, Mass. 02106.
D. (6) $1,000. E. (9) $400.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.
E. (9) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
B. Tool and Stainless Steel Industry Committee, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
D. (6) $1,250. E. (9) $525.

A. Paul G. Collins, 111 Westminster Street, Providence, R.I. 02903.
B. The Industrial National Bank of Rhode Island, 111 Westminster Street, Providence, R.I. 02903.
D. (6) $68.75.

A. Colorado Railroad Association, 702 Majestic Building, Denver, Colo. 80202.
B. 702 Majestic Building, Denver, Colo.

A. Committee for Automobile Excise Tax Repeal, 9th Floor, Farragut Building, 900 17th Street NW., Washington, D.C.
E. (9) $200.

A. The Committee for Broadening Commercial Participation in Public Financing, c/o Langdon P. Cook, 23 Wall Street, New York, N.Y.
D. (6) $1,000.

A. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C. 20036.
D. (6) $8,250. E. (9) $7,539.67.

A. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $1,180,907.83. E. (9) $123,281.70.

A. Paul B. Comstock, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $3,000. E. (9) $200.69.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C. 20005.
B. American Academy of Actuaries, 208 South LaSalle Street, Chicago, Ill. 60604.
D. (6) $900. E. (9) $65..

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C. 20005.
B. The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $1,500. E. (9) $200.

A. Congress of Railway Unions, 400 First Street NW., Washington, D.C. 20001.
D. (6) $8,707.24. E. (9) $5,093.04.

A. Raymond F. Conkling, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Texaco Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $240. E. (9) $300.07.

A. Robert J. Conner, Jr., 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Chrysler Corp., 341 Massachusetts Avenue, Detroit, Mich. 48231.
D. (6) $500. E. (9) $340.

A. John A. Connor, 7901 Westpark Drive, McLean, Va. 22101.
B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill. 60611.
B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $2,500.

A. Jack T. Conway, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $2,250.

A. Cook & Franke S.C. 660 East Mason Street, Milwaukee, Wis. 53202.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. Howard Lee Cook, Jr., 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,248.13. E. (9) $709.62.

A. Eileen D. Cooke, 110 Maryland Avenue NE., Suite 101, Washington, D.C. 20002.
B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $99.36.

A. Darrell Cooper, 1625 I Street NW., Suite 812, Washington, D.C. 20006.
B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill. 60603.
D. (6) $2,000. E. (9) $288.

A. J. Milton Cooper, Suite 401, 1000 Vermont Avenue NW., Washington, D.C. 20005.
B. R. J. Reynolds Industries, Inc., Winston-Salem, N.C.
D. (6) $4,500.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va. 22314.
B. Portsmouth-Kittery Armed Services Committee Inc., Box 1123, Portsmouth, N.H. 03801.
D. (6) $3,750. E. (9) $1,547.32.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C. 20036.
B. Council of Forest Industries, 1055 West Hastings Street, Vancouver 1, Canada.
D. (6) $3,000.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C.
B. Footwear Division, Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y. 10022.
D. (6) $6,000.

A. Cooperative League of U.S.A., 1012 14th Street NW., Washington, D.C.
B. Cooperative League of U.S.A., 59 East Van Buren Street, Chicago, Ill.
D. (6) $2,000. E. (9) $1,920.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Washington, D.C.
B. The Committee for Broadening Commercial Bank Participation in Public Financ-

ing c/o Langdon Cook, 23 Wall Street, New York, N.Y. 10015.

A. James T. Corcoran, 1025 Connecticut Avenue NW., No. 308, Washington, D.C. 20036.

B. National Association of Motor Bus Owners, 1025 Connecticut Avenue NW., No. 308, Washington, D.C. 20036.

D. (6) $825. E. (9) $75.

A. Allan D. Cors, 1629 K Street NW., Washington, D.C. 20006.

B. Corning Glass Works, Corning, N.Y. 14830.

D. (6) $100. E. (9) $47.60.

A. Robert M. Coultas, 1612 K Street NW., Washington, D.C. 20006.

B. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C. 20006.

D. (6) $100.

A. Council of Profit Sharing Industries, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Council of State Chambers of Commerce, 1028 Connecticut Avenue, Washington, D.C. 20036.

D. (6) $371.93. E. (9) $371.93.

A. Raymond L. Courage, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

B. Independent Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

D. (6) $300.

A. Paul L. Courtney, 1725 K Street NW., Washington, D.C.

D. (6) $300.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C. 20005.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. Association of Maximum Service Telecasters, Inc.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. MGIC Investment Corp., 600 Marine Plaza, Milwaukee, Wis. 53201.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean Va., 22101.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Association of Research Libraries, 1527 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Glaverbel (USA) Inc., 75 Plandome Road, Manhasset, N.Y. 11030.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.

B. The National Collegiate Athletic Association (NCAA), Midland Building, Kansas City, Mo., 64105.

D. (6) $1,342.50. E. $47.09.

A. W. J. Crawford, P.O. Box 2180, Houston, Tex. 77001.

B. Humble Oil & Refining Co., P.O. Box 2180, Houston, Tex.

A. Hubert M. Crean, 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C., 20006

D. (6) $2125. E. (9) $199.

A. Jay Creswell, Universal Exchange, 802 South Summerlin Avenue, Orlando, Fla. 32806.

E. (9) $10.22.

A. Harold C. Crotty, Railway Labor Union, Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.

A. J. A. Crowder, Suite 1101, 1150 17th Street NW., Washington, D.C. 20036.

B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C.

D. (6) $1,500.

A. Crowell Collier and Macmillan, Inc., 1701 North Fort Myer Drive, Arlington, Va. 22209.

E. (9) $50.80.

A. Culbertson, Pendleton & Pendleton, One Farragut Square South, Suite 800, Washington, D.C. 20006.

B. Canned Meat Importers' Association, c/o North American Foods Division, Deltec International, Limited, 2801 Ponce de Leon Boulevard, Coral Gables, Fla.

D. (6) $1,245. E. (9) $219.46.

A. John T. Curran, 905 16th Street NW., Washington, D.C. 20006.

B. Laborers' International Union of North America, 905 16th Street NW., Washington, D.C. 20006.

D. (6) $6,999.99. E. (9) $3,275.68.

A. Pamela G. Curtis, 2100 M Street NW., Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

D. (6) $1,699.99. E. (9) $101.75.

A. F. Gibson Darrison, Jr., 1725 K Street NW,. Suite 1103, Washington, D.C., 20006.

B. Penn Central Transportation Co., Six Penn Center Plaza, Philadelphia, Pa., 19104.

D. (6) $172.50. E. (9) $1,277.55.

A. John C. Datt, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $1,333. E. (9) $13.05.

A. Philip J. Daugherty.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.

D. (6) $2,597.25. E. (9) $103.80.

A. John B. Davenport, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $150.25.

A. Aled P. Davies, 59 East Van Buren Street, Chicago, Ill. 60605.

B. American Meat Institute, 59 East Van Buren Street, Chicago, Ill. 60605.

D. (6) $1,000. E. (9) $286.96.

A. Davis, Wright, Todd, Riese & Jones, 4200 Seattle-First National Bank Building, Seattle, Wash., 98154.

B. Arctic Slope Native Association, P.O. Box 486, Barrow, Alaska 99723.

E. (9) $7,009.36.

A. Charles W. Davis, One First National Plaza, Suite 5200, Chicago, Ill. 60670.

B. Chicago Bridge & Iron Co., 901 West 22d Street, Oak Brook, Ill. 60521.

E. (9) $1,236.93.

A. Charles W. Davis, One First National Plaza, Suite 5200, Chicago, Ill. 60670.

B. Corporate Fiduciaries Association of Illinois, c/o Chicago Title & Trust Co., 111 West Washington Street, Chicago, Ill.

D. (6) $7,500. E. (9) $256.66.

A. Charles W. Davis, One First National Plaza, Suite 5200, Chicago, Ill. 60670.

B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill. 60603.

E. (9) $116.36.

A. Charles W. Davis, One First National Plaza, Suite 5200, Chicago, Ill. 60670.

B. The Myron Stratton Home, P.O. Box 1178, Colorado Springs, Colo. 80901.

D. (6) $630. E. (9) $25.

A. Charles W. Davis, One First National Plaza, Suite 5200, Chicago, Ill. 60670.

B. Northwest Industries, Inc., 400 West Madison Street, Chicago, Ill. 60606.

E. (9) $102.42.

A. Charles W. Davis, One First National Plaza, Suite 5200, Chicago, Ill. 60670.

B. Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, Ill. 60607.

E. (9) $227.10.

A. Charles W. Davis, One First National Plaza, Suite 5200, Chicago, Ill. 60670.

B. Trans Union Corp., 111 West Jackson Boulevard, Chicago, Ill. 60604.

E. (9) $1,702.35.

A. Fred E. Davis, 277 Park Avenue, New York, N.Y. 10017.

B. National Association of Manufacturers.

D. (6) $500. E. (9) $706.60.

A. R. Hilton Davis, 1615 H Street NW., Washington, D.C. 20006.

B. Chamber of Commerce of the United States of America, 1615 H Street NW., Washington, D.C. 20006.

A. Walter L. Davis, 1775 K Street NW., Washington, D.C. 20006.

B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $750.

A. Charles W. Day, 815 Connecticut Avenue, N.W., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich. 48121.

D. (6) $630. E. (9) $270.75.

A. Phil Dean Associates, Inc., 271 North Avenue, New Rochelle, N.Y. 10801.

B. Association of Maximum Service Telecasters, Inc.

D. (6) $390. E. (9) $61.98.

A. Richard A. Dell, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2009 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $150.

A. Vincent A. Demo, 25 Broadway, New York, N.Y. 10004.

B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.

D. (6) $6,875. E. (9) $2,300.

A. Ray Denison, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organization, 815 16th Street NW., Washington, D.C.

D. (6) $5,914. E. (9) $470.62.

A. Claude J. Desautels Associates, Suite 711, RCA Building, 1725 K Street NW., Washington, D.C. 20006.

B. Alaska Federation of Natives, 1689 C Street, Anchorage, Alaska 99501.

D. (6) $6,000.

A. Claude J. Desautels Associates, Suite 711, RCA Building, 1725 K Street NW., Washington, D.C. 20006.
B. American Society of Composers, Authors, and Publishers, 1 Lincoln Plaza, New York, N.Y. 10017.
D. (6) $6,000.

A. Claude J. Desautels Associates, Suite 711, RCA Building, 1725 K Street NW., Washington, D.C. 20006.
B. Merger Committee-National Basketball Association, c/o Abe Pollin, 6101 16th Street NW., Washington, D.C. 20011; Merger Committee-American Basketball Association,, c/o H. Wendell Cherry, 601 Portland Federal Building, 200 West Broadway, Louisville, Ky. 40202.

A. Claude J. Desautels Associates, Suite 711, RCA Building, 1725 K Street NW., Washington, D.C. 20006.
B. Metropolitan Fair Rent Committee, New York, N.Y.
D. (6) $500.

A. Claude J. Desautels, Suite 711, RCA Building, 1725 K Street NW., Washington, D.C. 20006.
B. Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.
D. (6) $3,000.

A. Claude J. Desautels Associates, Suite 711, RCA Building, 1725 K Street NW., Washington, D.C. 20006.
B. Orgalime.
D. (6) $1,000.

A. C. H. DeVaney, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $2,100. E. (9) $31.90.

A. R. Daniel Devlin, 1000 16th Street NW., Washington, D.C.
B. Trans World Airlines, Inc., 10 Richards Road, Kansas City, Mo.

A. Ralph B. Dewey, 1725 K Street NW., Suite 1201, Washington, D.C. 20006.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $6,355. E. (9) $2,645.69.

A. George S. Dietrich, 1730 M Street NW., Suite 700, Washington, D.C. 20036.
B. Association for Broadcast Engineering Standards, Inc., 1730 M Street NW., Suite 700, Washington, D.C. 20036.

A. Joseph E. Dillon, O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
B. Toro Manufacturing Corp., 8111 Lyndale Avenue South, Minneapolis, Minn. 55420.
D. (6) $500. E. (9) $20.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C. 20005.
B. Department of Water Resources, State of California, P.O. Box 388, Sacramento, Calif.
D. (6) $2,405. E. (9) $246.

A. Timothy V. A. Dillion, 1001 15th Street NW., Washington, D.C. 20005.
B. Marysville Dam Committee, P.O. Box 1550, Marysville, Calif.
D. (6) $1,000. E. (9) $27.17.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C. 20005.
B. Sacramento Muncipal Utility District, P.O. Box 15830, Sacramento, Calif. 95813.
D. (6) $1,854.79. E. (9) $54.79.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C. 20005.
B. Sacramento Yolo Port District, P.O. Box 815, West Sacramento, Calif.
D. (6) $980.96. E. (9) $50.96.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.
D. (6) $32,759.52. E. (9) $32,759.52.

A. Joseph DiStefano, 4880 MacArthur Boulevard NW., Washington, D.C. 20007.
B. International Union of District 50, Allied and Technical Workers of the United States and Canada, 4880 MacArthur Boulevard NW., Washington, D.C. 20007.
D. (6) $4,954.54.

A. William H. Dodds, 1126 16th Street NW., Washington, D.C. 20036.
B. United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $1,277.25. E. (9) $165.

A. James F. Doherty, 1717 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $3,937.50. E. (9) $1,247.31.

A. Robert C. Dolan, 1140 Connecticut Avenue NW., Washington, D.C. 20036
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $240. E. (9) $259.36.

A. C. L. Dorson, Room 1128, Warner Building, 501 13th Street NW., Washington, D.C. 20004.
B. Retirement Federation of Civil Service Employees of the U.S. Government, Room 1128, Warner Building, 501 13th Street NW., Washington, D.C. 20004.
D. (6) $3,427.34. E. (9) $300.

A. Mitchell Dorson, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $225.

A. F. Raymond Downs, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.
B. Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

A. Harry J. Doyle, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o M. L. DeBolt, O.D., Box 605, Winona, Minn. 55987.
D. (6) $703.76. E. (9) $440.26.

A. Robert E. Doyle, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $3,281.

A. Dow, Lohnes and Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. Newspaper Committee for Cablevision, David R. Bradley, Agent, News Press and Gazette Co., 9th and Edmond Street, St Joseph, Mo.

A. Franklin B. Dryden.
B. The Tobacco Institute, Inc., 1776 K Street NW, Washington, D.C. 20006.
D. (6) $125. E. (9) $100.

A. Evelyn Dubrow, 1710 Broadway, New York 19, N.Y.
B. International Ladies' Garment Workers' Union, 1710 Broadway, New York 19, N.Y.
D. (6) $3,809. E. (9) $3,655.27.

A. William DuChessi, 1126 16th Street NW., Washington, D.C.
B. Textile Workers Union of America, 99 University Place, New York, N.Y. 10003.
D. (6) $1,268.76. E. (9) $100.

A. M. L. DuMars, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $60.

A. Louise C. Dunlop, 620 C St. SE., Washington, D.C.
B. Friends of the Earth, 620 C Street SE, Washington, D.C. 20003.
D. (6) $2,000. E (9) $2,000.

A. Henry I. Dworshak, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20035.
D. (6) $975.

A. Roy W. Easley, 1735 DeSales Street NW., Washington, D.C. 20036.
B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C. 20036.
D. (6) $65.04. E. (9) $2.50.

A. Jaye R. Ediger, 1315 16th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
E.(9) $31.50.

A. Hallett D. Edson, 956 North Monroe Street, Arlington, Va. 22201.
B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $1,250.

A. Macon T. Edwards, Ring Building, Room 610, 1200 18th Street NW., Washington, D.C. 20035.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $330. E. (9) $70.03.

A. Harmon L. Elder, 1900 L Street NW., Washington, D.C. 20036.
B. Wilson E. Hamilton & Associates, Inc., 1900 L Street NW., Washington, D.C. 20036.
D. (6) $250. E. (9) $39.60.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md. 20784.
D. (6) $2,821. E. (9) $3,732.27.

A. John M. Elliott, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Roy Elson, 1771 N Street NW, Washington, 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $4,200. E. (9) $421.07.

A. Emergency Committee for American Trade, 1211 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $575. E. (9) $8881.

A. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.
E. (9) $710.

A. Richard W. Emory, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

D. (6) $800 E. (9) $1.60.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.

B. Bob Hoffman, York Barbell Co., Inc., York, Pa. 17405.

D. (6) $1500. E. (9) $159.84.

A. Grover W. Ensley, 200 Park Avenue, New York, N.Y. 10017.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $261. E. (9) $34.80.

A. Alfred S. Ercolano, 1775 K Street NW., Washington, D.C. 20006.

B. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill. 60601.

D. (6) $1875. E. (9) $640.

A. Glenn R. Erickson, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

E. (9) $850.

A. Russell G. Ernest, 1025 Connecticut Avenue NW., No. 1014, Washington, D.C. 20036.

B. Standard Oil Co. (New Jersey), 30 Rockefeller Plaza, New York, N.Y. 10020.

A. John D. Fagan, 200 Maryland Avenue NE., Washington, D.C. 20002.

B. Veterans of Foreign Wars of the U.S.

D. (6) $2,575. E. (9) $18.75.

A. Clinton M. Fair, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $5,914. E. (9) $111.52.

A. The Farmers' Educational and Cooperative Union of America, P.O. Box 2251, Denver, Colo.

D. (6) $58,675.50. E. (9) $26,204.97.

A. Federation of American Hospitals, 1101 17th Street NW., Suite 810, Washington, D.C. 20036.

E. (9) $3,750.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C. 20036.

B. Council of Forest Industries of British Columbia, 1500 Guinness Tower, 1055 West Hastings Street, Vancouver 1, Canada.

D. (6) $7,999.98. E. (9) $230.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C. 20036

B. Joint Committee of Printing and Publishing Industries of Canada, 4th Floor, 117 Eglinton Avenue East, Toronto 12, Canada.

D. (6) $999.99. E. (9) $30.

A. Francis S. Filbey, 817 14th Street NW., Washington, D.C.

B. American Postal Workers Union AFL-CIO, 817 14th Street NW., Washington, D.C.

D. (6) $4,577.66.

A. Francis C. Fini, 1501 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Air Force Sergeants Association, Inc., 1501 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. Matthew P. Fink, 1775 K Street NW., Washington, D.C. 20006.

B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

A. Thomas W. Fink, Room 610, Ring Building, 1200 18th Street NW., Washington, D.C. 20036.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.

D. (6) $470.45. E. (9) $32.30.

A. James W. Finley, 1015 18th Street NW., Suite 303, Washington, D.C. 20036.

B. Crown Zellerbach, Corp., One Bush Street, San Francisco, Calif. 94119.

A. Mello G. Fish, 100 Indiana Avenue NW., Washington, D.C.

B. AFL-CIO Martime Committee, 100 Indiana Avenue NW., Washington, D.C.

E. (9) $200.04.

A. William J. Flaherty, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.

D. (6) $6,375.

A. Roger Fleming, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $1,742. E. (9) $23.29.

A. Frank U. Fletcher, 1225 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y. 10017.

A. Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y. 10017.

A. Florida Citrus Mutual, P.O. Box 89, Lakeland, Fla. 33802.

D. (6) $805.68. E. (9) $805.68.

A. Florida Citrus Production Managers Association, c/o C. D. Kime Jr., Waverly, Fla. 33877.

D. (6) $268.56. E. (9) $268.56.

A. Florida Fruit and Vegetable Association, Post Office Box 20155, Orlando, Fla. 32814.

D. (6) $268.56. E. (9) $268.56.

A. Gene N. Fondren, 337 National Press Building, Washington, D.C. 20004.

B. Missouri Pacific Railroad Co., 210 North 13th Street, St. Louis, Mo. 63103.

D. (6) $1,025. E. (9) $265.80.

A. James W. Foristel, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $2,268. E. (9) $396.04.

A. Forest Farmers Association, 4 Executive Park East NE., Atlanta, Ga. 30329.

A. William C. Foster, 1800 K Street NW., Washington, D.C. 20006.

B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.

D. (6) $400. E. (9) $89.

A. William C. Foster, 1800 K Street NW., Washington, D.C. 20006.

B. Alyeska Pipeline Service Co., P.O. Box 576, Bellevue, Wash. 98009.

D. (6) $1,517.50. E. (9) $107.50.

A. John S. Forsythe, 1701 K Street NW., Washington, D.C. 20006.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $837.50. E.. (9) $18.16.

A. John G. Fox, 2000 L Street NW., Washington, D.C. 20036.

B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y. 10007.

D. (6) $75.

A. Morley E. Fox, 300 New Jersey Avenue SE., Washington, D.C. 20003.

B. Central Arizona Project Association, 1124 Arizona Title Building, Phoenix, Ariz. 85003.

D. (6) $39.90. E. (9) $28.92.

A. Charles L. Frazier, 485 L'Enfant Plaza SW., Washington, D.C. 20024.

B. National Farmers Organization, Corning, Iowa 50841.

D. (6) $1,950. E. (9) $2,832.

A. R. Frank Frazier, 1155 Fifteenth Street NW., Washington, D.C.

B. National Broiler Council, 1155 Fifteenth Street NW., Washington, D.C.

D. (6) $500.

A. Robert M. Frederick, 1616 H Street NW., Washington, D.C. 20006.

B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.

D. (6) $4,500.

A. James O. Freeman, 812 Pennsylvania Building, Washington, D.C. 20004.

B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.

D. (6) $2,000.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Mizrachi Women's Organization of America, 242 Park Avenue South, New York, N.Y. 10003.

E. (9) $18.70.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C. 20005.

B. National Tire Dealers and Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.

D. (6) $100.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $44,947. E. (9) $11,317.

A. Owen V. Frisby, 900 17th Street NW., Washington, D.C. 20006.

B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y. 10015.

D. (6) $437.50. E. (9) $1,159.96.

A. Frosh, Lane & Edson, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Institute of Housing Consultants, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $100.

A. Frosh, Lane & Edson, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $1,200.

A. Bernard Fuchs, 60 East 42d Street, New York, N.Y. 10017.

B. National Association of Residents & Interns, Inc., 292 Madison Avenue, New York, N.Y. 10017.

D. (6) $285. E. (9) $12.28.

A. Garrett Fuller, 1307 Wyatt Building, Washington, D.C. 20005.

B. United Medical Laboratories, 6060 Northeast 112th Avenue, Portland, Oreg. 97208.
D. (6) $250. E. (9) $6.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Committee for the Martin Report, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $5,000. E. (9) $502.06.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.
E. (9) $310.29.

A. James E. Gaffigan, 777 14th Street NW., Washington, D.C. 20005.
B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.
D. (6) $161.55. E. (9) $40.10.

A. William B. Gardiner, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.
B. Disabled American Veterans, 3725 Alexandria Pike. Cold Springs, Ky.
D. (6) $5,625. E. (9) $35.50.

A. John W. Gardner, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street N.W., Washington, D.C. 20037.
E. (9) $1,820.34.

A. Edward V. Garlich, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $225. E. (9) $130.

A. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.

A. José A. Gemeil, 1100 17th Street NW., Suite 302, Washington, D.C. 20036.
B. S. E. Stavisky & Associates, Inc., 1100 17th Street NW., Suite 302, Washington, D.C. 20036.
D. (6) $2,000. E. (9) $2,025.

A. William T. Gibb, 1701 K Street NW., Washington, D.C. 20006.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.
D. (6) $88.75. E. (9) $1.63.

A. Wayne Gibbens, 1625 K Street NW., Washington, D.C. 20006.
B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.
D. (6) $750. E. (9) $609.77.

A. Arthur P. Gildea, 2347 Vine Street, Cincinnati, Ohio 45219.
B. International Union of United Brewery, Flour, Cereal, Soft Drink and Distillery Workers of America, 2347 Vine Street, Cincinnati, Ohio 45219.

A. Joseph S. Gill, 16 East Broad Street, Columbus, Ohio 43215.
B. Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio 43215.

A. Vance M. Gilmer, Suite 300, 1700 K Street NW., Washington, D.C. 20006.
B. Shell Oil Co., 1 Shell Plaza, Post Office Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Lawrence D. Gilson, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $225.

A. Dave Givens, 916 Nashville Trust Building, Nashville, Tenn. 37201.
B. Class I Railroads in Tennessee.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C. 20006.
B. Eastern Meat Packers Association, Inc., 734 15th Street NW., Washington, D.C. 20005.
D. (6) $5. E. (9) $5.03.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C. 20006.
B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.
D. (6) $225. E. (9) $29.33.

A. GM Washington Consultants, Inc., 905 16th Street NW., Washington, D.C.
D. (6) $2,820. E. (9) $5,042.46.

A. James M. Goldberg, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
E. (9) $925.

A. Jack Golodner, 1225 19th Street NW., Washington, D.C.
B. Actors Equity Association, 165 West 46th Street, New York, N.Y. 10036.
D. (6) $2,500. E. (9) $310.

A. Don A. Goodall, 1625 I Street NW., Suite 614, Washington, D.C. 20006.
B. American Cyanamid Co., Wayne, N.J. 07470.
D. (6) $444.50. E. (9) $53.05.

A. Vance V. Goodfellow, 828 Midland Bank Building, Minneapolis, Minn. 55401.
B. Crop Quality Council, 828 Midland Bank Building, Minneapolis, Minn. 55401.
D. (6) $5,325.56.

A. Edward Gottlieb & Associates Ltd., 485 Madison Avenue, New York, N.Y. 10022.
B. Florists' Transworld Delivery Association, 900 West Lafayette Boulevard, Detroit, Mich. 48226.

A. Government Employes Council, AFL-CIO, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $8,949.53. E. (9) $5,828.42.

A. Cornelius R. Gray, 1712 G Street NW., Washington, D.C. 20006.
B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. James A. Gray, 7901 Westpark Drive, McLean, Va. 22101.
B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

A. Robert K. Gray, 1425 K Street NW., Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $2,000. E. (9) $210.

A. Virginia M. Gray, 3501 Williamsburg Lane NW., Washington, D.C. 20008.
B. Citizens Committee for UNICEF, 20 E Street NW., Washington, D.C. 20001.
E. (9) $74.

A. Samuel A. Grayson, 611 Idaho Building, Boise, Idaho 83702.
B. Union Pacific Railroad, 1416 Dodge Street, Omaha, Nebr. 68102.

A. Dale Greenwood, 302 Hoge Building, Seattle, Wash. 98104.
B. Washington Railroad Association, 302 Hoge Building, Seattle, Wash. 98104.

A. Fred J. Greiner, 910 17th Street NW., Washington, D.C. 20006.
B. Evaporated Milk Association, International Association of Ice Cream Manufacturers, Milk Industry Foundation, 910 17th Street NW., Washington, D.C.
E. (9) $68.39.

A. John F. Griner, 400 First Street NW., Washington, D.C. 20001.
B. American Federation of Government Employees, 400 First Street NW., Washington, D.C. 20001.
D. (6) $11,720.80. E. (9) $2,733.06.

A. Gerald Grinstein, 2000 IBM Building, Seattle, Wash. 98101.
B. Moore-McCormack Lines, 2 Broadway, New York, N.Y.
D. (6) $7,013. E. (9) $3,332.21.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.
E.(9) $6,084.81.

A. James J. Gudinas, 1712 G Street NW., Washington, D.C. 20006.
B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. Harry P. Guenther, 1015 18th Street NW., Washington, D.C. 20036.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.

A. R. William Habel, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $2,880. E. (9) $209.27.

A. Robert J. Habenicht, 1400 South Joyce Street, Arlington, Va. 22202.
B. A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va. 23220.
D. (6) $300. E.(9) $250.

A. Hoyt S. Haddock, 100 Indiana Avenue NW., Washington, D.C.
B. AFL-CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 2001.
E. (9) $66.89.

A. Hoyt S. Haddock.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $1,500. E. (9) $12.62.

A. Hale Manufacturing Co., Inc., Highway 82 West, Sherman, Tex. 75090.
D. (6) $500. E. (9) $4,800.

A. Matthew Hale, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,500. E. (9) $550.

A. J. G. Hall, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $4,500. E. (9) $1,745.61.

A. Keith Halliday, 1725 K Street NW., Washington, D.C. 20006.
B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $300.

A. Norman S. Halliday, 1629 K Street NW., Suite 603, Washington, D.C. 20006.
B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y. 10022.
D. (6) $2,750. E. (9) $538.62.

A. Hamel, Park, McCabe & Saunders, 888 17th Street NW., Washington, D.C. 20006.
B. Labor Law Study Committee, 888 17th Street NW., Washington, D.C. 20006.
D. (6) $1,000. E. (9) $25.

A. Hamel, Park, McCabe & Saunders, 888 17th Street NW., Washington, D.C. 20006.

B. National School Supply and Equipment Association, 79 West Monroe Street, Chicago, Ill. 60603.

A. Hamel, Park, McCabe & Saunders, 888 17th Street NW., Washington, D.C. 20006.

B. United Student Aid Funds, Inc., 845 Third Avenue, New York, N.Y. 10022.

A. Edward F. Harding, 140 New Montgomery Street, San Francisco, Calif.

B. The Pacific Telephone & Telegraph Co., 140 New Montgomery Street, San Francisco, Calif.

D. (6) $136. E. (9) $244.85.

A. Robert B. Harding, 1800 L Street NW., Suite 1041, Washington, D.C. 20036.

B. Southern California Edison Co., P.O. Box 800, Rosemead, Calif. 91770.

D. (6) $150. E. (9) $10.39.

A. Franklin Hardinge, Jr., 1444 Wentworth Avenue, Pasadena, Calif. 91109.

B. California Savings & Loan League, 1444 Wentworth Avenue, P.O. Box R, Pasadena, Calif. 91109.

D. (6) $1,800. E. (9) $579.58.

A. Eugene J. Hardy, 277 Park Avenue, New York, N.Y. 10017.

B. National Association of Manufacturers.

D. (6) $2,500. E. (9) $655.97.

A. Andrew E. Hare, 1315 16th Street NW., Washington, D.C. 20036.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.

E. (9) $29.25.

A. Bryce N. Harlow, 1801 K Street NW., Washington, D.C. 20006.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

D. (6) $92. E. (9) $349.41.

A. Donald L. Harlow, 310 Riley Street, Falls Church, Va. 22046.

B. Air Force Sergeants Association, Inc., 1501 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. William B. Harman, Jr., 1701 K Street NW., Washington, D.C. 20006.

B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill. 60611.

D. (6) $800. E. (9) $179.30.

A. John H. Harper, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $300. E. (9) $631.22.

A. Walter D. Harris, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $1,987.50. E. (9) $233.46.

A. Dennis E. Hart, 1000 16th Street NW., Washington, D.C. 20036.

B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill. 60605.

D. (6) $996.55. E. (9) $14.12.

A. Rita M. Hartz, 1737 H Street NW., Washington, D.C. 20006.

B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.

D. (6) $5,605.60. E. (9) $64.

A. Clifford J. Harvison, 1616 P Street NW., Washington, D.C. 20036.

B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Walter A. Hasty, Jr., 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associates, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $3,565.25. E. (9) $564.77.

A. Paul M. Hawkins, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $913. E. (9) $465.36.

A. Kit H. Haynes, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $2,037. E. (9) $14.65.

A. Hays & Hays, Warner Building, Washington, D.C.

B. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.

A. Ralph E. Heal, 250 West Jersey Street, Elizabeth, N.J. 07207.

B. National Pest Control Association, 250 West Jersey Street, Elizabeth, N.J. 07207.

D. (6) $288. E. (9) $208.90.

A. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $14,942.97. E. (9) $14,942.97.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $300. E. (9) $391.37.

A. George J. Hecht, 20 E Street NW., Washington, D.C.

B. American Parents Committee Inc., 20 E Street NW., Washington, D.C.

A. Stephen F. Hefner, 421 North Crockett, Sherman, Tex. 75090.

B. Hale Manufacturing Co., Inc. Highway 82 West, Sherman, Tex. 75090.

D. (6) $2,500.

A. Robert B. Heiney, 1133 20th Street NW., Washington, D.C. 20036.

B. National Canners Association, 1133 20th Street NW., Washington, D.C. 20036.

D. (6) $875. E. (9) $1,037.29.

A. Leslie P. Hemry, 1701 K Street NW., Washington, D.C. 20006.

B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $260. E. (9) $8.

A. Edmond P. Hennelly, 150 East 42d Street, New York, N.Y. 10017.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $1125. E. (9) $607.40.

A. Andrew I. Hickey, Jr., 1133 15th Street NW., Washington, D.C. 20005.

B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C.

D. (6) $7,350.30 E. (9) $895.31.

A. M. F. Hicklin, 720 Bankers Trust Building, Des Moines, Iowa 50309.

B. Iowa Railway Association, 720 Bankers Trust Building, Des Moines, Iowa 50309.

E. (9) $231.95.

A. Frederic W. Hickman, One First National Plaza, Suite 5200, Chicago, Ill. 60670.

B. Corporate Fiduciaries Association of Illinois, c/o Chicago Title & Trust Co., 111 West Washington St., Chicago, Ill.

D. (6) $7,500. E. (9) 256.66.

A. Frederic W. Hickman, One First National Plaza, No. 5200, Chicago, Ill. 60670.

B. Trans Union Corp., 111 West Jackson Boulevard, Chicago, Ill. 60604.

E. (9) $1,702.35.

A. J. Thomas Higginbotham, 1725 K Street NW., Washington, D.C. 20006.

B. The Consumer Bankers Association, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $2,000. E. (9) $590.34.

A. J. Eldred Hill, Jr., 720 Hotel Washington, Washington, D.C. 20004.

B. Unemployment Benefit Advisors, Inc.

D. (6) $2,000. E. (9) $2,000.

A. James J. Hill, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Harry R. Hinton, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill.

D. (6) $1,987. E. (9) $892.59.

A. Lawrence S. Hobart, 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.

D. (6) $400.

A. Claude E. Hobbs, 1801 K Street NW Ninth Floor, Washington, D.C. 20006.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa., 15222.

D. (6) $900. E. (9) $195.

A. Leo D. Hochstetter.

B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

A. Ralph D. Hodges, Jr.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Thomas P. Holley, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Lee B. Holmes, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

D. (6) $2,300. E. (9) $5,595.

A. John W. Holton, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,750. E. (9) $25.

A. Thomas B. House.

B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.

D. (6) $100.

A. C. T. Hoversten, 209 West 53d Street, Western Springs, Ill. 60558.

B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Argo, Ill., 60501.

D. (6) $475.

A. Thomas Howarth, 438 Pennsylvania Building, Washington, D.C. 20004.

B. United States Independent Telephone Association, 438 Pennsylvania Building, Washington, D.C. 20004.

A. Joe L. Howell, 1225 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.

B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill. 60062.

A. Joe L. Howell, 1225 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.

B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill., 60062.

A. Charles L. Huber, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.

D. (6) $8,250. E. (9) $884.27.

A. William J. Hull, 1660 L Street NW., No. 205, Washington, D.C. 20036.

B. Ashland Oil, Inc., 1409 Winchester Avenue, Ashland, Ky.

A. William J. Hull, 1660 L Street NW., No. 205, Washington, D.C. 20036.

B. Ohio Valley Improvement Association, Inc.

A. Edward W. Hummers, Jr., Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y. 10017.

A. Gregory A. Humphrey, 1012 14th Street NW., Washington, D.C. 20005.

B. American Federation of Teachers, AFL–CIO, 1012 14th Street NW., Washington, D.C. 20005.

D. (6) $3,200. E. (9) $272.

A. David J. Humphreys, Paulson & Humphreys, 1140 Connecticut Ave. NW., Washington, D.C. 20036.

B. Recreational Vehicle Institute, Inc., 2720 Des Plaines, Ill. 60018.

D. (6) $7,500. E. (9) $59.15.

A. Richard M. Hunt, 1660 L Street NW., Washington, D.C. 20036.

B. NL Industries, Inc., 111 Broadway, New York, N.Y. 10006.

A. James L. Huntley, 1775 K Street NW., Washington, D.C. 20006.

B. Retail Clerk International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $6,335.70. E. (9) $1,281.93.

A. Elmer P. Hunter, P.O. Box 2255, Washington, D.C. 20013.

D. (6) $5.

A. Elmer P. Hutter, P.O. Box 2255, Washington, D.C.

B. John Casey, Landover, Md.

E. (9) $197.

A. Lester S. Hyman, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. First Mortgage Investors, 401 41st Street, Miami Beach, Fla. 33140.

D. (6) $750.

A. Frank N. Ikard, 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C.

A. Illinois Railroad Association, Room 808, 135 East 11th Place, Chicago, Ill. 60605.

A. Bernard J. Imming, 777 14th Street NW., Washington, D.C. 20005.

B. United Fresh Fruit and Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.

D. (6) $312.51. E. (9) $6.49.

A. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $9,687.70. E. (9) $9,687.70.

A. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C. 20006.

D. (6) $100.

A. Insurance Economics Society of America, 11 East Adams Street, Chicago, Ill. 60603.

D. (6) $9,952.11. E. (9) $2,530.

A. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $9,081.01.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.

E. (9) $16,461.38.

A. International Brotherhood of Painters and Allied Trades, 217–19 North Sixth Street, Lafayette, Ind. 47901.

E. (9) $4,136.14.

A. International Union of District 50, A.T.W. of United States and Canada, 4880 MacArthur Boulevard NW., Washington, D.C. 20007.

E. (9) $4,954.58.

A. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.

E. (9) $1,715.87.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, Saint Paul, Minn. 55101.

D. (6) $331.15. E. (9) $9,396.19.

A. Ronald A. Jacks, 1025 Connecticut Avenue NW., Washington, D.C.

B. Reinsurance Association of America, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Charles E. Jackson, 1200 18th Street NW., Suite 1112, Washington, D.C. 20036.

A. Robert C. Jackson, 1150 17th Street NW., Suite 1001, Washington, D.C. 20036.

B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.

D. (6) $2,750. E. (9) $79.88.

A. Raymond M. Jacobson, 1819 H Street NW., No. 800, Washington, D.C. 20006.

B. American Society of Consulting Planners, 1819 H Street NW., No. 800, Washington, D.C.

D. (6) $2,250.

A. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif. 94118.

E. (9) $300.

A. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif. 94115.

E. (9) $200.

A. Daniel Jaspan, P.O. Box 1924, Washington, D.C. 20013.

B. National Association of Postal Supervisors, P.O. Box 1924, Washington, D.C. 20013.

D. (6) $8,216.75. E. (9) $56.35.

A. Jersey Central Power & Light Co., Madison Avenue At Punch Bowl Road, Morristown, N.J. 07960.

A. H. Bradley Johnson, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $825.

A. Spencer A. Johnson, 1025 Vermont Avenue NW., Washington, D.C. 20005.

B. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill. 60654.

D. (6) $600.

A. Charles N. Jolly, 1775 K Street NW., Suite 315, Washington, D.C. 20006.

B. Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Ind. 46514.

D. (6) $121. E. (9) $400.

A. H. Daniel Jones III, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036

B. American Textile Manufacturer Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28201.

D. (6) $160. E. (9) $40.

A. L. Dan Jones, 1101 16th Street NW., Washington, D.C. 20036.

B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.

E. (9) $12.50.

A. Oliver H. Jones, 1125 15th Street NW., Washington, D.C. 20005

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C.

D. (6) $625. E. (9) $8,532.

A. Carl D. Jordan, 408 East Maple, Fremont, Mich. 49412.

B. Gerber Products Co., 445 State Street, Fremont, Mich. 49412.

D. (6) $330. (E) (9) $125.

A. Francis M. Judge, 1615 H Street, NW., Washington, D.C. 20006.

B. Chamber of Commerce of the USA, 1615 H Street NW., Washington, D.C. 20006.

E. (9) $8.34.

A. Mrs. Fritz R. Kahn, 9202 Ponce Place, Fairfax, Va. 22030.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $36.25.

A. Gerald M. Katz, 1800 Mecantile Bank and Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

D. (6) $800. E. (9) $1.60.

A. Carleton R. Kear, Jr., 1625 I Street NW., Washington, D.C. 20006.

B. Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.

D. (6) $848.

A. Capt. William J. Keating, 725 15th Street N.W., Washington, D.C. 20005.

B. National Grain and Feed Association, 725 15th Street NW., Washington, D.C. 20005.

D. (6) $20.

A. Howard B. Keck, 1801 Avenue of the Stars, Los Angeles, Calif. 90067.

B. The Superior Oil Co., 1801 Avenue of Stars, Los Angeles, Calif. 90067.

E. (9) $300.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.

B. The Superior Oil Co., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.

E. (9) $275.

A. Charles C. Keeble, P.O. Box 2180, Houston, Tex. 77001.

B. Humble Oil & Refining Co. (a Delaware corporation), P.O. Box 2180, Houston, Tex.

E. (9) $18.70.

A. Eugene A. Keeney, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
E. (9) $585.

A. Harold V. Kelly, 720 Hotel Washington, Washington, D.C. 20004.
B. Unemployment Benefit Advisors, Inc.
D. (6) $1,000. E. (9) $1,000.

A. John T. Kelly, 1115 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association.

A. George Kelm, One First National Plaza, No. 5200, Chicago, Ill. 60670.
B. The Myron Stratton Home, P.O. Box 1178, Colorado Springs, Colo. 80901.
D. (6) $630. E. (9) $25.

A. R. G. Kendall, Jr., Montgomery, Ala. 36104.
B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala. 36104.

A. Edward F. Kenehan, Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y. 10017.

A. I. L. Kenen, 1341 G Street NW., Washington, D.C. 20005.
B. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C. 20005.
D. (6) $833.32.

A. Cornelius B. Kennedy, 888 17th Street NW., Washington, D.C.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C.
D. (6) $335. E. (9) $4.

A. Harold L. Kennedy, 420 Cafritz Building, Washington, D.C. 20006.
B. Marathon Oil Co., Findlay, Ohio 45840.
E. (9) $310.20.

A. Jeremiah J. Kenney, Jr., 777 14th Street NW., Washington, D.C. 20005.
B. Union Carbide Corp., 270 Park Avenue, New York, N.Y. 10017.
E. (9) $31.48.

A. Thomas P. Kerester, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.
B. Gulf Oil Corp., Pittsburgh, Pa. 15230.
D. (6) $875. E. (9) $150.

A. Kenneth L. Kimble, 1701 K Street NW., Washington, D.C. 20006.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.
D. (6) $607.10. E. (9) $5.57.

A. Mrs. Walter G. Kimmel, 1715 25th Street, Rock Island, Ill. 61201.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
E. (9) $267.35.

A. Charles L. King, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $84.

A. Joseph T. King, 3600 M Street NW., Washington, D.C. 20007.
D. (6) $25,000. E. (9) $1,087.47.

A. Gibson Kingren, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Foundation Health Plan, Inc.
D. (6) $375. E. (9) $205.

A. John M. Kinnaird, 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $2,344.88. E. (9) $1,126.86.

A. John R. Kirk, Bingham, Dana & Gould, 100 Federal Street, Boston, Mass. 02110.
B. Bankers Leasing Corp., 1255 Boylston Street, Boston, Mass. 02215.
D. (6) $756.34. E. (9) $256.34.

A. Kirkland, Ellis, Hodson, Chaffetz, Masters & Rowe, 1776 K Street NW., Suite 1100, Washington, D.C. 20006.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. Ernest A. Kistler, 901 Hamilton Street, Allentown, Pa. 18101.
B. Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pa. 18101.
D. (6) $169.20. E. (9) $180.45.

A. James D. Kittelton, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $575.

A. Ralph W. Kittle.
B. International Paper Co., 220 East 42d Street, New York, N.Y. 10017.
D. (6) $200. E. (9) $100.

A. Douglas E. Kliever, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, Synthetic Organic Chemical Manufacturers Association, 1250 Connecticut Avenue NW., Washington, D.C.

A. James F. Kmetz, 1437 K Street NW., Washington, D.C. 20005.
B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D. (6) $5,400. E. (9) $606.06.

A. Keith R. Knoblock, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $475.

A. Bradley R. Koch, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $125.

A. Robert M. Koch, Jr., 1900 South Eads Street, Box 836, Crystal City, Arlington, Va. 22202.
B. Assn. of Farmer Elected Committees, 1900 South Eads Street, Box 836, Crystal City, Arlington, Va. 22202.
E. (9) $31.10.

A. Robert M. Koch, 1315 16th Street, NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C.
E. (9) $69.30.

A. Horace R. Kornegay, 1776 K Street NW., Suite 1200, Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street NW., Suite 1200, Washington, D.C. 20006.

A. Paul A. Korody, Jr., 1725 I Street NW., Washington, D.C.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C.
E. (9) $300.

A. Kenneth S. Kovack, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburg, Pa. 15222.
D. (6) $4,269.66. E. (9) $973.85.

A. Howard R. Koven and Abe Fortas, Canal Square, 1054 31st Street NW., Washington, D.C.
B. Loeb, Rhoades Co., 42 Wall Street, New York, N.Y.

A. June Kysilko Kraeft, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $135.

A. Germaine Krettek, 110 Maryland Avenue NE., Suite 101, Washington, D.C. 20002.
B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $750.

A. William J. Kuhfuss, 225 West Touhy Avenue, Park Ridge, Ill. 60068.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill. 60068.
D. (6) $950.

A. Lloyd R. Kuhn, 1725 DeSales Street NW., Washington, D.C. 20036.
B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.
D. (6) $6,722. E. (9) $1,483.91.

A. Labor Bureau of Middle West, 11 South LaSalle Street, Chicago, Ill.

A. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington D.C. 20006.
E. (9) $12,150.71.

A. Labor-Management Maritime Committee.
D. (6) $13,333.85. E. (9) $7,481.87.

A. John P. Lagomarcino, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M. Street NW., Washington, D.C. 20037.
D. (6) $6,250.02. E. (9) $128.20.

A. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio 44113.
E. (9) $200.

A. A. M. Lampley, 400 First Street N.W., Suite 704, Washington, D.C. 20001.
B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
E. (9) $100.

A. Asger F. Langlykke, 1913 I Street NW., Washington, D.C. 20006.
B. American Society for Microbiology, 1913 I Street NW., Washington, D.C. 20006.

A. James J. LaPenta, Jr., 905 16th Street NW., Washington, D.C.
B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C. 20006.
E. (9) $373.78.

A. Glenn T. Lashley, 1712 G Street NW., Washington, D.C. 20006.
B. D.C. Division, American Automobile

Association, 1712 G. Street NW., Washington, D.C. 20006.

A. Robert B. Laurents, 7205 Reservoir Road, Springfield, Va. 22150.

B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.

D. (6) $1,950.

A. Donald F. Lavanty, 1730 M Street NW., Washintgon, D.C. 20036.

B. American Optometric Association, c/o M. L. DeBolt, O.D., Box 605, Winona, Minn. 55987.

D. (6) $507.54. E. (9) $470.80.

A. George H. Lawrence, 1515 Wilson Boulevard, Arlington, Va. 22209.

B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

D. (6) $440. E. (9) $125.

A. William Lazarus, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

E. (9) $725.

A. Robert F. Lederer, 230 Southern Building, Washington, D.C. 20005.

B. American Association of Nurserymen, Inc., 230 Southern Building, Washington, D.C. 20005.

D. (6) $20. E. (9) $267.84.

A. Legislative Committee of the Committee for a National Trade Policy, Inc, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $338.75. E. (9) $310.83.

A. Leibman, Williams, Bennett, Baird & Minow, and Roy Bowman, 1156 15th Street NW., Washington, D.C.

B. American Institute of Merchant Shipping, Washington, D.C.

E. (9) $209.26.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. First Mortgage Investors, 401 41st Street, Miami Beach, Fla., 33140.

D. (6) $750. E. (9) $33.

A. Morris J. Levin, 839 17th Street NW., Washington, D.C. 20006.

B. Association of American Railroads, American Railroads Building, Washington, D.C. 20006.

D. (6) $1,000.

A. J. Stanly Lewis, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $2,754.62.

A. Herbert Liebenson, 1225 19th Street NW., Washington, D.C. 20036.

B. National Small Business Association, 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $4,500. E. (9) $1,200.

A. Life Insurance Association of America, 1701 K Street N.W., Washington, D.C.

D. (6) $5,232.06. E. (9) $5,232.06.

A. Lester W. Lindow, 1735 DeSales Street NW., Washington, D.C. 20036.

B. Association of Maximum Service Telecasters, Inc.

D. (6) $83.55.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, Ninth Floor, Loyalty Building, Portland, Ore. 97204.

B. Master Contracting Stevedore Association of the Pacific Coast, Inc., San Francisco, Calif.

A. Lindsay, Nahstoll, Hart, Duncan, Defoe & Krause, Ninth Floor, Loyalty Building, Portland, Oreg. 97204.

B. National Maritime Compensation Committee, Ninth Floor, Loyalty Building, Portland, Oreg. 97204.

A. John E. Linster, 2000 Westwood Drive, Wausau, Wis. 54401.

B. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.

E. (9) $710.

A. Charles B. Lipsen, 1775 K Street NW., Washington, D.C. 20006.

B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $7,464.46. E. (9) $943.51.

A. Robert G. Litschert, 1140 Connecticut Avenue, Suite 1010, Washington, D.C. 20036.

B. National Association of Electric Cos.

D. (6) $288.75. E. (9) $173.54.

A. Philip J. Loree, 25 Broadway, Room 1012, New York, New York 10004.

B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.

D. (6) $125.

A. Otto Lowe, 888 17th Street NW., Washington, D.C.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $1,050.

A. Wilbur C. Lowrey, Suite 300, 1700 K Street NW, Washington, D.C. 20006.

B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. Milton F. Lunch, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $1,000.

A. Clarence T. Lundquist, 4822 Tilden Street NW., Washington, D.C. 20016.

B. Menswear Retailers of America, R–390 National Press Building, Washington, D.C.

D. (6) $1,100.

A. William George Lunsford, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,632.

A. James H. Lynch, 400 First Street NW., Washington, D.C. 20001.

B. American Federation of Government Employees, 400 First Street NW., Washington, D.C. 20001.

D. (6) $4,939.20. E. (9) $189.99.

A. LeRoy E. Lyon, Jr., 11th and L Building, Sacramento, Calif. 95814.

B. California Railroad Association, 11th and L Building, Sacramento, Calif. 95814.

A. William J. McAuliffe, Jr., 1828 L Street NW., Suite 303, Washington, D.C. 20036.

B. American Land Title Association, 1828 L Street NW., Suite 303, Washington, D.C. 20036.

D. (6) $1,575. E. (9) $20.

A. William C. McCamant, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $600.

A. John A. McCart, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. Government Employes Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $8,366.17.

A. Alfred R. McCauley, 1629 K Street NW., Washington, D.C. 20006.

B. American Institute for Imported Steel, Inc., 420 Lexington Avenue, New York, N.Y. 10017.

D. (6) $200. E. (9) $35.

A. McClure & Trotter, 1100 Connecticut Avenue, Suite 600, Washington, D.C. 20036.

B. Gulf and Western Industries, Inc., One Gulf and Western Plaza, New York, N.Y. 10023.

E. (9) $126.09.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $10,000. E. (9) $84.62.

A. McClure & Trotter, 1100 Connecticut Avenue, Suite 600, Washington, D.C. 20036.

B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

E. (9) $27.79.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Tidewater Marine Service, Inc., 3308 Tulane Avenue, New Orleans, La. 70119.

A. E. L. McCulloch, Room 814, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio 44114.

D. (6) $284.60. E. (9) $81.50.

A. Albert L. McDermott, 777 14th Street NW., Washington, D.C. 20005.

B. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $466.45. E. (9) $210.97.

A. J. Patrick McElroy, 1100 Ring Building, Washington, D.C. 20036.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $475.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont. 59701.

B. The Montana Power Co., Butte, Mont. 59701.

E. (9) $172.37.

A. Barbara D. McGarry, 20 E Street NW, Washington D.C.

B. American Parents Committee Inc., 20 E Street NW, Washington D.C.

A. J. Raymond McGlaughlin, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.

D. (6) $7,080.

A. Myles F. McGrail, 1825 K Street NW., Suite 501, Washington, D.C. 20006.

B. The Dow Chemical Co., Midland, Mich. 48640.

A. Marshall C. McGrath.

B. International Paper Co., 220 East 42d Street, New York, N.Y. 10017.

D. (6) $560. E. (9) $179.25.

A. F. Howard McGuigan, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $5,914. E. (9) 191.80.

A. Clifford G. McIntire, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $1,333. E. (9) $5.75.

A. Clarence M. McIntosh, Jr., 400 First Street N.W., Washington, D.C. 20001.

B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.

D. (6) $1,959.10.

A. Graham M. McKelvey, 1437 K Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $88.

A. C. A. Mack McKinney, 933 North Kenmore Street, Suite 317, Arlington, Va. 22201.

B. Marine Corps League, National Headquarters, 933 North Kenmore Street, Suite 317, Arlington, Va. 22201.

E. (9) $48.36.

A. C. A. Mack McKinney, 933 North Kenmore Street, Suite 317, Arlington, Va. 22201.

B. Non Commissioned Officers Association of the USA, P.O. Box 2268, San Antonio, Tex. 78298.

D. (6) $1,830. E. (9) $160.01

A. Marvin L. McLain, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $3,208. E. (9) $54.88

A. Teresa D. McLaughlin, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street N.W., Washington, D.C. 20005.

D. (6) $300. E. (9) $2,581.

A. John S. McLees, 1615 H Street NW., Washington, D.C. 20006.

B. Chamber of Commerce of the USA, 1615 H Street NW., Washington, D.C. 20006.

D. (6) $150.

A. William F. McManus, 777 14th Street NW., Washington, D.C. 20005.

B. General Electric Co., 570 Lexington Avenue, New York, N.Y. 10022.

D. (6) $600. E. (9) $289.

A. C. W. McMillan, 14th and F Street, Suite 1015, Washington, D.C. 20004.

B. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo. 80218.

D. (6) $1,200.

A. Ralph J. McNair, 1701 K Street NW., Washington, D.C. 20006.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $307.50. E. (9) $7.89.

A. Charles R. McNeill, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,000. E. (9) $1,022.62.

A. Shane MacCarthy, 1730 North Lynn Street, Arlington, Va. 22209.

B. Printing Industries of America, 1730 North Lynn Street, Arlington, Va. 22209.

D. (6) $950. E. (9) $1,770.46.

A. James E. Mack, 1225 19th Street NW., Washington, D.C. 20036.

B. National Confectioners Association, 36 South Wabash Avenue, Chicago, Ill. 60603.

D. (6) $6,250. E. (9) $1,159.96.

A. John R. MacKenzie, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich. 48202.

D. (6) $1,000.

A. Robert L. Mailer, 900 17th Street NW., Washington, D.C., 20006.

B. Kaiser Industries Corp., 900 17th St. NW., Washington, D.C.

A. Andre Maisonpierre, 666 11th Street NW., Washington, D.C. 20001.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $1,065.

A. Ben J. Man, 100 Indiana Avenue NW., Washington, D.C.

B. AFL-CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C.

D. (6) $1,512.10. E. (9) $550.59.

A Carter Manasco, 5932 Chesterbrook Road, McLean, Va. 22101.

B. National Coal Association, Coal Building, 1260 17th Street NW., Washington, D.C.

D. (6) $6,874.91. E. (9) $146.35.

A. Mike Manatos, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

D. (6) $78.33. E. (9) $342.81.

A. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $5,000. E. (9) $3,000.

A. Andrew K. Marckwald, Jr., 2100 M Street NW., Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

D. (6) $200.

A. Rodney W. Markley, Jr., 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich.

A. Ralph J. Marlatt, 640 Investment Building, 1511 K Street NW., Washington, D.C. 20005.

B. National Association of Mutual Insurance Agents, 640 Investment Building, 1511 K Street NW., Washington, D.C. 20005.

E. (9) $5,752.

A. Edwin E. Marsh, 600 Crandall Building, Salt Lake City, Utah 84101.

B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.

D. (6) $4,186.62. E. (9) $455.41.

A. Winston W. Marsh, 1343 L Street NW., Washington, D.C. 20005.

B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.

A. Marshall and Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. J. Paull Marshall, Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $247.35. E. (9) $340.25.

A. Richard E. Martinez, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, c/o M. L. DeBolt, O.D., Box 605, Winona, Minn. 55087.

D. (6) $140.80. E. (9) $87.50.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C. 20036.

B. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.

D. (6) $1,000.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C. 20036.

B. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif. 94115.

D. (6) $100.

A. Mike M. Masaoka, Masaoka-Ishikawa and Associates, Inc., 2021 L Street NW., Washington, D.C. 20036.

B. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.

D. (6) $500.

A. Guy B. Maseritz, 1701 K Street NW., Washington, D.C. 20006.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

A. Paul J. Mason, 1701 K Street NW., Washington, D.C. 20006.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $88.75 E. (9) $1.77.

A. Walter J. Mason, 815 16th Street NW., Room 603, Washington, D.C. 20006.

B. Building and Construction Trades Department, AFL-CIO, 815 16th Street NW., Room 603, Washington, D.C. 20006.

D. (6) $8,123.31. E. (9) $890.

A. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md., 21093.

E. (9) $1.60.

A. Charles D. Matthews, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Electric Co., 1140 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $435. E. (9) $478.15.

A. P. H. Mathews, 300 New Jersey Avenue SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $727.75. E. (9) $264.20.

A. Charles E. Mattingly, 1608 K Street NW., Washington, D.C.

B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.

D. (6) $3,954. E. (9) $143.02.

A. C. V. and R. V. Maudlin, 1111 E Street NW., Washington, D.C. 20004.

B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. Albert E. May, 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $62.50. E. (9) $5.

A. Arnold Mayer, 100 Indiana Avenue NW., Room 410, Washington, D.C. 20001.

B. Amalgamated Meat Cutters and Butcher Workmen of North America, 2800 North Sheridan Road, Chicago, Ill. 60657.

D. (6) $5,885. E. (9) $540.

A. Medical-Surgical Manufacturers Association, 342 Madison Avenue, New York, N.Y. 10017.

D. (6) $5,075.63. E. (9) $924.63.

A. Carl J. Megel, 1012 14th Street NW., Washington, D.C. 20005.

B. American Federation of Teachers, AFL-CIO, 1012 14th Street NW., Washington, D.C. 20005.

E. (9) $12,100.

A. Kenneth A. Meiklejohn, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $6,478.01. E. (9) $456.01.

A. R. Otto Meletzke, 1701 K Street NW., Washington, D.C. 20006.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $340.20. E. (9) $3.52.

A. Edward L. Merrigan, Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.

B. National Association of Secondary Material Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.

E. (9) $31.50.

A. Edward L. Merrigan, Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.

B. Sugar Distributors of Venezuela, Edif. de la Luz Electrica de Venezuela, Avenue Urdaneta, Seventh Floor, Caracas, Venezuela.

D. (6) $6,250. E. (9) $148.81.

A. Lawrence C. Merthan, Hill & Knowlton, Inc., 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $3,000. E. (9) $705.40.

A. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.

A. George F. Meyer, Jr., 1625 I Street NW., Washington, D.C. 20006.

B. Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.

D. (6) $1,010.

A. Larry L. Mever, 1616 H Street NW., Washington, D.C. 20006.

B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.

E. (9) $560.

A. James G. Michaux, 777 14th Street NW., Washington, D.C. 20005.

B. Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio. 45202.

D. (6) $500.

A. A. Stanley Miller, 1629 K Street NW., Washington, D.C. 20006.

B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.

D. (6) $100.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.

B. Dallas, Tex., Chamber of Commerce.

D. (6) $195. E. (9) $323.70.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.

B. Gulf Intracoastal Canal Association, Houston, Tex.

D. (6) $262.50. E. (9) $34.14.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.

B. Texas Gulf Sulphur Co., Newgulf, Tex., and New York, N.Y.

D. (6) $225. E. (9)$132.50.

A. Edwin Reid Miller, 1815 Capitol Avenue, Omaha, Nebr. 68102.

B. Nebraska Railroads Legislative Committee, 1815 Capitol Avenue, Omaha, Nebr. 68102.

D. (6) $5,749.98. E. (9) $41.20

A. Hermon I. Miller, 425 13th Street NW., room 1020, Pennsylvania Building, Washington, D.C. 20004.

B. National Turkey Federation, Mount Morris, Ill.

A. Joe D. Miller, 535 North Dearborn Street, Chicago, Ill. 60610.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $875.

A. Joseph L. Miller, 1612 K Street NW., Washington, D.C. 20006.

B. Maytag Co., Northern Textile Association; National Parking Association; and Hormel Co.

D. (6) $4,800. E. (9) $1,000.

A. Luman G. Miller, 912 Failing Building, Portland, Oreg. 97204.

B. Oregon Railroad Association, 912 Failing Building, Portland, Oreg. 97204.

A. Jack Mills, 1776 K Street NW., Washington, D.C. 20006.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Willis C. Moffatt, P.O. Box 829, Boise, Idaho 83701

B. Standard Oil Co. of California, Mobil Oil Corp., Shell Oil Co., Phillips Petroleum Co., et al.

A. Michael Monroney, 1701 K Street NW., Suite 1000, Washington, D.C. 20036.

B. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.

D. (6) $950.

A. G. Merrill Moody, Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $99. E. (9) $150.74.

A. O William Moody, Jr., 815 16th Street NW, Room 501, Washington, D.C. 20006

B. Maritime Trades Department, AFL–CIO, 815 16th Street NW., room 501, Washington, D.C. 20006.

D. (6) $2,500. E. (9) $830.32.

A. Donald L. Morgan, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Jo V. Morgan, Jr., 815 15th Street NW., Washington, D.C. 20005.

B. The American Humane Association, P.O. Box 1266, Denver, Colo. 80201.

D. (6) $1,500.

A. Morison, Murphy, Abrams & Haddock, Suite 900, 1776 K Street NW., Washington, D.C. 20006.

B. Ethyl Corp., 330 South Fourth Street, Richmond, Va. 23219.

A Morison, Murphy, Abrams & Haddock, Suite 800, 1776 K Street NW, Washington, D.C. 20006.

B. National Committee for Civil Airlift.

D. (6) $3,941. E. (9) $2,590.97.

A. Morison, Murphy, Abrams & Haddock, Suite 900, 1776 K Street NW., Washington, D.C. 20006.

B. The Sperry and Hutchinson Co., 330 Madison Avenue, New York, N.Y. 10017.

A. James M. Morris, 1660 L Street NW., Room 804, Washington, D.C. 20036

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $2,500. E. (9) $688.06.

A. James G. Morton, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $2,500. E. (9) $200.

A. Jack Moskowitz, 2100 M Street NW., Room 311, Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

D. (6) $1,500. E. (9) $105.41.

A. Lynn E. Mote, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr. 68102.

D. (6) $2,000.

A. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.

D. (6) $200. E. (9) $76.50.

A. David J. Muchow, Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.

B. National Association of Secondary Material Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.

E. (9) $31.50.

A. David J. Muchow, Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.

B. Sugar Distributors of Venezuela, Edif de la Luz Electrica de Venezuela, Avenue Urdaneta, Seventh Floor, Caracas, Venezuela.

A. William G. Mullen, 491 National Press Building, Washington, D.C. 20004.

B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20004.

E. (9) $286.88.

A. George L. Murphy, 905 16th Street NW., Washington, D.C. 20006.

B. GM Washington Consultants, Inc., 905 16th Street NW., Washington, D.C.

D. (6) $875.

A. John J. Murphy, 517 Shoreham Building, 806 15th Street NW., Washington, D.C. 20005.

B. National Customs Service Association.

A. Richard W. Murphy, 1200 18th Street NW., Suite 1109, Washington, D.C. 20036.

B. Merck & Co., Inc., Rahway, N.J. 07065.

D. (6) $400.

A. D. Michael Murray, 1920 L Street NW., Washington, D.C. 20036.

B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.

D. (6) $422.81. E. (9) $513.81.

A. William E. Murray, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $185.

A. J. Walter Myers, Jr., 4 Executive Park East NE., Atlanta Ga. 30329.

B. Forest Farmers Association, 4 Executive Park East NE., Atlanta Ga. 30329.

A. John J. Nangle, Suite 812, 1625 I Street NW., Washington, D.C. 20006.

B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill. 60603.

D. (6) $2,000. E. (9) $586.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $13.50. E. (9) $13.50.

A. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $1,500. E. $1,500.

A. National Association of Credit Management, 475 Park Avenue South, New York, NY. 10016.

A. National Association of Electric Com-

panies, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $860.73. E. (9) $10,703.44.

A. National Association of Farmer Elected Committeemen, 1900 South Eads Street, Box 836, Arlington, Va. 22202.
D. (6) $1,079.78. E. (9) $1,079.78.

A. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.
D. (6) $500. E. (9) $500.

A. National Association of Insurance Agents, Inc., 96 Fulton Street, New York, N.Y. 10038.
E. (9) $11,230.15.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $2,644,236.11. E. (9) $33,075.12.

A. National Association of Mutual Insurance Cos., 2511 East 46th Street, Suite H, Indianapolis, Ind. 46205.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $2,177.40. E. (9) $2,177.40.

A. National Association Postal Supervisors, P.O. Box 1924, Washington, D.C. 20013.
D. (6) $35,000. E. (9) $26,582.82.

A. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill.; 1300 Connecticut Avenue NW., Washington, D.C.
E. (9) $18,162.33.

A. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $30,420.76. E. (9) $6,089.23.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22030.
D. (6) $8,659. E. (9) $2,357.75.

A. National Automobile Dealers Association, 2000 K Street NW., Washington, D.C.
D. (6) $1,489.91. E. (9) $1,489.91.

A. NBA Players Association, 15 Columbus Circle, New York, N.Y. 10023.
D. (6) $5,123.93. E. (9) $5,123.93.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $500. E. (9) $500.

A. National Canners Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $664,535.75. E. (9) $9,959.57.

A. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $459,831.55. E. (9) $9,661.12.

A. National Committee Against Repressive Legislation, 555 North Western Avenue, Los Angeles, Calif. 90004.
D. (6) $1,539.39. E. (9) $1,539.39.

A. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $12,764.31. E. (9) $12,764.31.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.
B. Committee for the Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $833.34. E. (9) $164.42.

A. National Cystic Fibrosis Research Foundation, 3379 Peachtree Road NE., Atlanta, Ga. 30326.
E. (9) $1,800.

A. National Electrical Contractors Association, Inc., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

A. National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y. 10017.

A. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.
D. (6) $290,812.88. E. (9) $18,653.56.

A. National Federation of Independent Business, Inc., 920–922 Washington Building, Washington D.C.
B. National Federation of Independent Business, Inc., 150 West 20th Avenue, San Mateo, Calif. 94403.
D. (6) $29,931,86. E. (9) $29,931.86.

A. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $824.11. E. (9) $1,094.57.

A. National Grain and Feed Association, 725 15th Street NW., Room 500, Washington, D.C. 20005.

A. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $144,101.89. E (9) $10,750.

A. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill. 60654.
E. (9) $765.52.

A. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
D. (6) $4,607.40. E. (9) $4,607.40.

A. National Livestock Feeders Association, Inc., 309 Livestock Exchange Building, Omaha, Nebr. 68107.
D. (6) $2,129.30. E. (9) $2,129.30.

A. National Milk Products Federation, 30 F Street, NW., Washington, D.C. 20001.
D. (6) $8,756.65. E (9) $8,756.65.

A. National Parking Association, 1101 17th Street NW., Washington, D.C.
E. (9) $825.

A. National Patent Council, 1225 19th Street NW., Suite 409, Washington, D.C. 20036.
D. (6) $1,706. E. (9) $750.

A. National Rehabilitation Association, 1522 K Street NW., Washington, D.C. 20005.
E. (9) $1,325.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
E. (9) $2,553.77.

A. National Small Business Association, 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $2,562.52.

A. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $12,500. E. (9) $11,850.

A. National Telephone Cooperative Association, 2100 M Street NW., Suite 700, Washington, D.C. 20037.
E. (9) $661.

A. National Tire Dealers and Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.
D. (6) $100. E. (9) $100.

A. National Turkey Federation, Mount Morris, Ill. 61054.

A. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $23,021.50. E. (9) $5,519.86.

A. The Nation-Wide Committee on Import-Export Policy, 815 15th Street NW., Suite 711, Washington, D.C. 20005.
D. (6) $10,250. E. (9) $10,329.44.

A. Alexander W. Neale, Jr., 1015 18th Street NW, Washington, D.C. 20036.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.
D. (6) $1,531. E. (9) $20.23.

A. Alan M. Nedry, 1800 L Street, NW., Suite 1041, Washington, D.C. 20036.
B. Southern California Edison., P.O. Box 800, Rosemead, Calif. 91770.
D. (6) $200. E. (9) $194.23.

A. Allen Neece, Jr., 537 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Companies, 537 Washington Building, Washington, D.C. 20005.
D. (6) $300.

A. Samuel E. Neel, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

A. George R. Nelson, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $4,000. E. (9) $252.85.

A. Sarah H. Newman, 1029 Vermont Avenue NW., Washington, D.C. 20005.
B. National Consumers League, 1029 Vermont Avenue, NW., Washington, D.C. 20005.
D. (6) $1,650.

A. William E. Neumeyer, Suite 900, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. GTE Service Corp., 730 Third Avenue, New York, N.Y. 10017.
D. (6) $40.50.

A. Louis H. Nevins, 908 Colorado Building, Washington, D.C. 20005.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $1,656.25. E. (9) $167.06.

A. E. J. Newbould, 1130 17th Street NW., Washington, D.C. 20036.
B. National Clay Pipe Institute, 350 West Terra Cotta Avenue, Crystal Lake, Ill., 60014.
D. (6) $150.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
D. (6) $21,650. E. (9) $14,780.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa. 18332.
B. Northern Helex Co., 2223 Dodge St., Omaha, Nebr. 68102.
D. (6) $2,325. E. (9) $510.46.

A. Patrick J. Nilan, 817 14th Street NW., Washington, D.C.
B. American Postal Workers Union, AFL–CIO, Washington, D.C.
D. (6) $7,062.64. E. (9) $443.84.

A. NL Industries, Inc., 111 Broadway, New York, N.Y. 10006.

A. Stanley D. Noble, 20 North Wacker Drive, Chicago, Ill. 60606.

B. Council of Profit Sharing Industries, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

D. (6) $100.

A. Charles M. Noone, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Small Business Investment Companies, 537 Washington Building, Washington, D.C. 20005.

D. (6) $1,500. E. (9) $136.79.

A. Robert D. Nordstrom, 1133 20th Street NW., Washington, D.C. 20036.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $400. E. (9) $100.

A. Richard D. Norling, 2100 M Street NW., Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

D. (6) $865.35. E. (9) $22.

A. Robert H. North, 1105 Barr Building, Washington, D.C.

B. International Association of Ice Cream Manufacturers & Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

E. (9) $13.25.

A. Northeast Utilities Service Co., Selden Street, Berlin, Conn.

E. (9) $418.51.

A. Ira H. Nunn, 1155 15th Street NW., Suite 505, Washington, D.C. 20005.

B. National Restaurant Association, 1530 North Lake Shore Drive, Chicago, Ill.

D. (6) $3,375. E. (9) $250.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.

B. American Transit Association, 465 L'Enfant Plaza West, Suite 2900, Washington, D.C. 20024.

D. (6) $2,250. E. (9) $334.

A. O'Connor, Green, Thomas, Walters & Kelley, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.

B. Investors Diversified Services, Inc., Investors Building, Minneapolis, Minn. 55402.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.

B. Upper Mississippi Towing Corp., 7703 Normandale Road, Room 110, Minneapolis, Minn. 55435.

D. (6) $2,500. E. (9) $125.

A. John B. O'Day, 11 East Adams Street, Chicago, Ill. 60603.

B. Insurance Economics Society of America, 11 East Adams Street, Chicago, Ill. 60603.

D. (6) $500.

A. John A. O'Donnell, 1001 Connecticut Avenue NW. No. 716, Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $600.

A. John A. O'Donnell, 1001 Connecticut Avenue, NW., No. 716, Washington, D.C.

B. Philippine Sugar Institute, P.O. Box 978, Manila, Philippines.

D. (6) $500. E. (9) $250.

A. Jane O'Grady, 815 16th Street NW., Washington, D.C. 20006.

B. Amalgamated Clothing Workers of America, AFL–CIO, 15 Union Square, New York, N.Y. 10003.

D. (6) $4009.98. E. (9) $1,457.91.

A. Richard C. O'Hare, 1120 Investment Building, Washington, D.C. 20005.

B. Harness Tracks of America, 333 North Michigan Avenue, Chicago, Ill. 60601.

A. Peter J. Ognibene, 100 Maryland Avenue NE., Washington, D.C. 20002.

B. Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $5,050.

A. The Ohio Railroad Association, 16 East Broad Street, Columbus, Ohio 43215.

A. Alvin E. Oliver, 500 Folger Building, 725 15th Street NW., Washington, D.C. 20005.

B. National Grain and Feed Association, 725 15th Street NW., Room 500, Washington, D.C. 20005.

D. (6) $26.60. E. (9) $2.

A. Edward W. Oliver, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Robert Oliver, 400 First Street NW., Suite 816, Washington, D.C. 20001.

B. L. T. Barringer and Co., 161 South Front Street, Memphis, Tenn.

D. (6) $2,500.

A. Robert Oliver, 400 First Street NW., Suite 816, Washington, D.C. 20001.

B. The Sperry and Hutchinson Co., 330 Madison Avenue, New York, N.Y. 10017.

D. (6) $5,000.

A. Samuel Omasta, 1315 16th Street NW., Washington, D.C. 20036.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.

E. (9) $44.75.

A. Kermit Overby, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $185.

A. J. Allen Overton, Jr.

B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.

D. (6) $1,200.

A. Norman Paige, 1132 Pennsylvania Building, Washington, D.C. 20004.

B. Distilled Spirits Institute, 1132 Pennsylvania Building, Washington, D.C. 20004.

A. Judith E. Park, 1909 Q Street NW., Washington, D.C. 20009.

B. National Association of Federal Employees, 1909 Q Street NW., Washington, D.C. 20009.

D. (6) $2,981.16. E. (9) $232.98.

A. Robert D. Partridge, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $138.40.

A. Kenton H. Pattie, 3150 Spring Street, Fairfax, Va. 22030.

B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22030.

D. (6) $948.15.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C. 20036.

B. Behavioral Research Laboratories, Box 577, Palo Alto, Calif. 94302.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C. 20036.

B. International Snowmobile Industry Association, 5100 Edina Industrial Boulevard, Minneapolis, Minn. 55435.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C. 20036.

B. Machinery Dealers National Association, 1400 20th Street NW., Washington, D.C. 20036.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C. 20036.

B. The Nestle Co., 100 Bloomingdale Road, White Plains, N.Y. 10605.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C. 20036.

B. New Process Co., Warren, Pa. 16365.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C. 20036.

B. Reader's Digest Association, Inc., Pleasantville, N.Y. 10570.

A. John J. Pecoraro, 1925 K Street NW., Washington, D.C. 20006.

B. International Brotherhood of Painters and Allied Trades, 217–19 North Sixth Street, Lafayette, Ind. 47901.

D. (6) $2,177.50.

A. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex. 77002.

E. (9) $8,212.82.

A. D. V. Pensabene, 1700 K Street NW., Washington, D.C. 20006.

B. Standard Oil Co. of California, 1700 K Street NW., Washington, D.C. 20006.

D. (6) $50. E. (9) $25.

A. J. Carter Perkins, 1700 K Street NW., Washington, D.C. 20006.

B. Shell Oil Co., One Shell Plaza, Houston, Tex. 77002.

D. (6) $1,000.

A. A. Harold Peterson, 715 Cargill Building, Minneapolis, Minn. 55402.

B. National REA Telephone Association, 715 Cargill Building, Minneapolis, Minn. 55402.

4. (6) $2,500. E. (9) $1,863.36.

A. J. Hardin Peterson, Sr., P. O. Drawer BS, Lakeland, Fla. 33802.

D. (6) $1,250. E. (9) $92.80.

A. Kenneth Peterson, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $5,354. E. (9) $268.22.

A. Michael Petresky, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit. Mich. 48203.

D. (6) $2,825.

A. Walter T. Phair, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Industries Corp., 900 17th Street NW., Washington, D.C. 20006.

D. (6) $250. E. (9) $275.

A. Roger J. Phaneuf, 1825 K Street NW., Suite 607, Washington, D.C. 20006.

B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.

D. (6) $800. D. (9) $66.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. John P. Philbin, 1100 Connecticut Avenue, Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,125. E. (9) $131.37.

A. Bruce E. Phillips, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
E. (9) $575.

A. Franklin A. Pickens, P.O. Box 1552, Odessa, Tex. 79760.
B. Texas Railroads.
D. (6) $1,140. (9) $683.47.

A. Pierson, Ball & Dowd, 1000 Ring Building, Washington, D.C. 20036.
B. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C. 20036.
D. (6) $3,333.33. E. (9) $137.44.

A. James F. Pinkney, 1616 P Street NW. Washington, D.C. 20036.
B American Trucking Associations Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $2,501.13. E. (9) $12.85.

A. James H. Pipkin, 1001, Connecticut Avenue NW., Washington, D.C. 20036.
B. Texaco Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $700. E. (9) $1,700.

A. Plains Cotton Growers, Inc., 1720 Avenue M, Lubbock, Tex. 79401.
D. (6) $2,679. E. (9) $1,350.

A. Frederick T. Poole, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $444. E. (9) $15.96.

A. Ca. S. J. Poray-Tucholski, 15257 East Cedarsprings Drive, Whittier, Calif., 90603.

A. George G. Potts, 640 Investment Building NW., Washington, D.C. 20005.
B. National Association of Mutual Insurance Agents, 640 Investment Building.
E. (9) $3,440.

A. Ramsay D. Potts, Shaw, Pittman, Potts & Trowbridge, 910 17th Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $1,500. E. (9) $25.55.

A. William J. Potts, Jr., 1730 M Street NW., Washington, D.C. 20036.
B. Association for Broadcast Engineering Standards, Inc., 1730 M Street NW., Suite 700, Washington, D.C. 20036.

A. Richard M. Powell, 1210 Tower Building, Washington, D.C. 20005.
B. National Association of Refrigerated Warehouses, 1210 Tower Building, Washington, D.C. 20005.

A. William I. Powell, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $8.50.

A. Carlton H. Power, 1918 North Parkway, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $570. E. (9) $75.33.

A. William C. Prather, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $475.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $250.

A. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $553.96. E. (9) $553.96.

A. Earle W. Putnam, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Joseph E. Quin, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,250.

A. Earl G. Quinn, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

A. Luke C. Quinn, Jr., 1001 Connecticut Avenue, Suite 607, Washington, D.C. 20036.
B. American Cancer Society, New York City Research to Prevent Blindness, N.Y.C. United Cerebral Palsy Association, N.Y.C. et al.
D. (6) $11,549.98. E. (9) $12,054.39.

A. Thomas H. Quinn, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
B. Committee for Study of Revenue Bond Financing, 1200 18th Street NW., Washington, D.C. 20036.
D. (6) $1,666.50. E. (9) $272.65.

A. James H. Rademacher, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $1,888.87.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $296.16.

A. Raymond Raedy, 1701 K Street NW., Washington, D.C. 20006.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $8.50. E. (9) $21.77.

A. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
D. (6) $10,752. E. (9) $10,752.

A. Alan T. Rains, 777 14th Street NW., Washington, D.C. 20005.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $450.

A. G. J. Rauschenbach.
B. Communications Satellite Corp., 950 L'Enfant Plaza South SW., Washington, D.C. 20024.
D. (6) $875. E. (9) $760.

A. William W. Rayner, 1701 North Fort Myer Drive, Arlington, Va. 22209.
B. Crowell Collier and Macmillan, Inc., 1701 North Fort Myer Drive, Arlington, Va. 22209.
E. (9) $50.80.

A. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.
D. (6) $100,520.72. E. (9) $18,641.12.

A. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill.
E. (9) $7,559.15.

A. David J. Reedy, 1517 Virginia Street, Downers Grove, Ill. 60515.
B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Argo, Ill.
D. (6) $750.

A. Robert S. Reese, Jr., 1616 P Street NW., Washington, D.C. 20036.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. John T. Reggitts, Jr., R.D. No. 2, Boonton Avenue, Boonton, N.J. 07005.

A. Delos W. Rentzel, 1701 K Street NW., Washington, D.C. 20006.
B. Portland Cement Association, Old Orchard Road, Skokie, Ill.

A. Wm. M. Requa, 732 Shoreham Building, Washington, D.C. 20005.
B. Association of Sugar Producers of Puerto Rico, 732 Shoreham Building, Washington, D.C. 20005.

A. Research to Prevent Blindness, Inc., 598 Madison Avenue, New York City.
E. (9) $3,000.

A. Reserve Officers Association of U.S., 1 Constitution Avenue NE., Washington, D.C.
D. (6) $642. E. (9) $275.

A. Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006
D. (6) $4,281.

A. Retirement Federation of Civil Service Employees of the United States Government, Warner Building, Suite 1128, 13th and E Streets NW, Washington, D.C. 20004.
D. (6) $10,851.80. E. (9) $10,695.80.

A. James J. Reynolds, 1120 Connecticut Avenue NW., Suite 930, Washington, D.C. 20036.
B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Suite 930, Washington, D.C. 20036.
D. (6) $1,875. E. (9) $324.

A. Austin T. Rhoads, 1133 20th Street NW., Washington, D.C. 20036.
B. National Canners Association, 1133 12th Street NW, Washington, D.C. 20036.
D. (6) $500. E. (9) $271.91.

A. Theron J. Rice, Continental Oil Co., 1130 17th Street NW, Washington, D.C. 20036.
B. Continental Oil Co., 30 Rockefeller Plaza, Netw York, N.Y. 10020.

A. Maxwell E. Rich, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $625.

A. James W. Richards, 1000 16th Street NW., Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill. 60605.
D. (6) $1,513.99. E. (9) $19.99.

A. Harry H. Richardson, 335 Austin Street, Bogalusa, La. 70427.
B. Louisiana Railroads, 335 Austin Street, Bogalusa, La.

A. Mark Richardson, 342 Madison Avenue, New York, N.Y.
B. American Footwear Manufacturers Association, Inc., 342 Madison Avenue, New York, N.Y.
D. (6) $270. E. (9) $250.

A. Rosalie Riechman, 120 Missouri Avenue NE., Washington, D.C. 20002.
B. Women's International League for Peace and Freedom, 1 North 13th Street, 8th Floor, Philadelphia, Pa. 19167.
D. (6) $1,500.

A. Rebekah Rivers, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $83.50.

A. William Neale Roach, 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $3,750.50. E. (9) $126.28.

A. Paul H. Robbins, 2029 K Street NW., Washington, D.C. 20006.
B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.
D. (6) $1,000.

A. William S. Roberts, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $68.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $185.

A. John P. Roche, 150 East 42d Street, New York, N.Y.
B. American Iron & Steel Institute, 150 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $210.

A. James A. Rock, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $195. E. (9) $1.96.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $656.25.

A. Frank W. Rogers, Suite 793, 1801 K Street NW., Washington, D.C. 20006.
B. Western Oil & Gas Association, 609 South Grand Avenue, Los Angeles, Calif. 90017.
D. (6) $750.

A. Walter E. Rogers, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Independent Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $1,000.

A. John F. Rolph III, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $100.

A. Michael J. Romig, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. Edward W. Rothe, One First National Plaza, Suite 5200, Chicago, Ill. 60670.
B. Chicago Bridge & Iron Co., 901 West 22d Street, Oak Brook, Ill. 60521.
E. (9) $1,236.93.

A. Edward W. Rothe, One First National Plaza, Suite 5200, Chicago, Ill. 60670.
B. The Gannet Corp., 10 Dodge Avenue, West Haven, Conn.

A. Robert J. Routier, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill. 60611.

A. Royall, Koegel & Wells, 1730 K Street NW., Washington, D.C. 20006.
B. The Deltona Corp., 3250 Southwest Third Avenue, Miami, Fla. 33129.
D. (6) $6,560. E. (9) $87.54.

A. Elbert G. Rudasill, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o M. L. DeBolt, O.D., Box 605, Winona, Minn. 55987.
D. (6) $148.16. E. (9) $84.01.

A. John Forney Rudy, 902 Ring Building, Washington, D.C. 20036.
B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.

A. Albert R. Russell, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $3,926.63. E. (9) $651.19.

A. J. T. Rutherford and Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.
B. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $1,800. E. (9) $947.95.

A. J. T. Rutherford, 1660 L Street NW., Washington, D.C. 20036.
B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $750. E. (9) $672.79.

A. Stanley H. Ruttenberg & Associates, Inc., 1211 Connecticut Avenue NW., Washington, D.C.
B. Amalgamated Clothing Workers of America, 15 Union Square, New York, N.Y.
D. (6) $900. E. (9) $960.

A. Stanley H. Ruttenberg, 1211 Connecticut Avenue NW., Washington, D.C.
B. Stanley H. Ruttenberg & Associates, Inc., 1211 Connecticut Avenue NW., Washington, D.C.
D. (6) $900.

A. Ella Marice Ryan, d/b/a, E. M. Ryan, Logos Building, 3620 South 27th, Arlington, Va. 22202.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $125. E. (9) $32.85.

A. William H. Ryan, Machinists Building, Washington, D.C. 20036.
B. International Association of Machinists and Aerospaces Workers, AFL–CIO, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,268.75. E. (9) $480.

A. Francis J. Ryley, 500 Title and Trust Building, Phoenix, Ariz. 85003.
B. Standard Oil Company of California, San Francisco; Shell Oil Co., Mobil Oil Corp., Atlantic Richfield Co., Phillips Petroleum Co., Union Oil Co., Gulf Oil Corp., all of Los Angeles; Humble Oil & Refining Co., Midland, Tex.

A. Sachs, Greenebaum, Frohlich & Tayler, 839 17th Street NW., Washington, D.C. 20006.
B. Ontario Corp., 1200 West Jackson Street, Muncie, Ind.
D. (6) $1,170. E. (9) $6.20.

A. Carl K. Sadler, 400 First Street NW., Washington, D.C. 20001.
B. American Federation of Government Employer, 400 First Street NW., Washington, D.C. 20001.
D. (6) $5,978. E. (9) $8,165.48.

A. Raymond L. Schafer, Room 610 Ring Building, 1200 18th Street NW., Washington, D.C. 20036.
National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $1,875. E. (9) $67.99.

A. Eric P. Schellin, 1225 19th Street NW., Suite 409, Washington, D.C. 20036.
B. National Patent Council, 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $750.

A. Jacques T. Schlenger, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.
D. (6) $800. E. (9) $1.60.

A. A. Cleve Schneeberger, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Portland Cement Association, Old Orchard Road, Skokie, Ill.

A. C. Herschel Schooley, 815 15th Street NW., Washington, D.C. 20005.
B. Independent Bankers Association of America, Sauk Centre, Minn. 56378.
D. (6) $4,250. E. (9) $3,061.77.

A. Hilliard Schulberg, Suite 304, 1900 L Street NW., Washington, D.C.
B. National Liquor Stores Association, Inc., Suite 304 1900 L Street NW., Washington, D.C.
D. (6) $675. E. (9) $40.

A. Hilliard Schulberg, Suite 304 1900 L Street NW., Washington, D.C.
B. Washington, D.C. Retail Liquor Dealers Association, Inc., Suite 304, 1900 L Street NW., Washington, D.C.
D. (6) $555. E. (9) $90.

A. John W. Scott, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $5,000.

A. Scribner, Hall, Thornburg & Thompson, 1200 18th Street NW., Suite 1209, Washington, D.C. 20036.
B. Jefferson Pilot Corp., P.O. Box 21008, Greensboro, N.C. 27402.

A. Durward Seals, 777 14th Street NW., Washington, D.C. 20005.
B. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $243.82. E. (9) $27.53.

A. Kay Sealy, 900 Southwest Tower, Houston, Tex. 77002.
B. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex. 77002.

A. Earl W. Sears, P.O. Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $312.50. E. (9) $7.41.

A. Ronald C. Seeley, 1357 Nicolet Place, Detroit, Mich. 48207.
B. Estate of Bert N. Adams, Emma (Adams) Giambaldi, George Hallingby, Jane Maesel, et al.
E. (9) $152.48.

A. William M. Segall, 1015 18th Street NW., Washington, D.C. 20036.
B. The Carpet and Rug Institute, P.O. Box 2048, Dalton, Ga. 30720.
D. (6) $350. E. (9) $9.25.

A. Stanton P. Sender, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.
D. (6) $100. E. (9) $10.

A. Theodore A. Serrill, 491 National Press Building, Washington, D.C. 20004.
B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20004.
E. (9) $265.93.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pfiser Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $700. E. (9) $275.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Children's Hospital of the District of Columbia, 2125 13th Street NW., Washington, D.C.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. El Paso Natural Gas Co., El Paso, Tex.
D. (6) $1,850. E. (9) $3,519.48.

A. Shaw, Pittman, Potts & Trowbridge, Barr Building, Washington, D.C. 20006.
B. Doubleday & Co., Inc., 277 Park Avenue, New York, N.Y. 10017.

A. John J. Sheehan, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. United States Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa. 15222.
D. (6) $5,729.83. E. (9) $3,346.55.

A. Laurence P. Sherfy.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $1,075.

A. Dale Sherwin, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $1,917. E. (9) $26.50.

A. Edward L. Shields, 666 11th Street NW., Washington, D.C. 20001.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $730.

A. Max Shine, 1126 16th Street NW., Room 200, Washington, D.C. 20036.
B. American Federation of Technical Engineers, 1126 16th Street NW., Room 200, Washington, D.C. 20036.
D. (6) $992.50. E. (9) $20.

A. Harvey A. Shipman, 1725 K Street NW., Suite 1103, Washington, D.C. 20006.
B. Penn Central Transportation Co., Six Penn Center Plaza, Philadelphia, Pa. 19104.
D. (6) $143.75. E. (9) $1,208.

A. David Silver, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $56. E. (9) $26.78.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C.
B. Cleary, Gottlieb, Steen & Hamilton Cabot Corp. Complex Co., et al., 1250 Connecticut Avenue NW., Washington, D.C.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C. 20046.
B. Cleary, Gottlieb, Steen & Hamilton, Interbank Card Association, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Six Agency Committee, Room 302, 217 West First Street, Los Angeles, Calif.
E. (9) $3,000.

A. Carstens Slack, 1825 K Street NW., Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. Stephen Slipher, 812 Pennsylvania Building, Washington, D.C. 20004.
B. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $3,750. E. (9) $12.50.

A. Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. American Horse Council, Inc., 1776 K Street NW., Washington, D.C.
D. (6) $6,250. E. (9) $960.81.

A. Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $15,000. E. (9) $124.23.

A. Donald E. Smiley, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Humble Oil & Refining Co., P.O. Box 2180, Houston, Tex.
E. (9) $263.62.

A. T. W. Smiley, Room 808, 135 East 11th Place, Chicago, Ill. 60605.
B. Illinois Railroad Association. Room 808, 135 East 11th Place, Chicago, Ill. 60605.

A. Gordon L. Smith, 1145 Street NW., Washington, D.C. 20036.
B. Edward Gottlieb & Associates, Ltd., 485 Madison Avenue, New York, N.Y. 10022.
E. (9) $79.35.

A. Robert William Smith, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $375. E. (9) $292.70.

A. Wallace M. Smith, 425 13th Street NW., Washington, D.C. 20004.
B. National Association of Mutual Insurance Co., 2511 East 46th Street, Suite H, Indianapolis, Ind. 46205.

A. Wayne H. Smithey, 815 Connecticut Avenue NW, Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $2,000. E. (9) $878.60.

A. Arthur V. Smyth, 1625 I Street NW., Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98401.
D. (6) $500. E. (9) $100.

A. Lyle O. Snader, Suite 212, 300 New Jersey, Avenue SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $68.62. E. (9) $52.

A. Frank B. Snodgrass, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.
B. Burley and Dark Leaf Tobacco Export Association, P.O. Box 860, Lexington, Ky. 40501.
D. (6) $550. E. (9) $197.55.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $2,042.

A. Society for Animal Protective Legislation, P.O. Box 3716, Georgetown Station, Washington, D.C. 20007.
D. (6) $11,478.57. E. (9) $5,259.75.

A. Carl A. Soderblom, 1 East First Street, Room 803, Reno, Nev. 89501.
B. Nevada Railroad Association, 1 East First Street, Room 803, Reno, Nev. 89501.

A. J. Taylor Soop, 400 First Street NW., Washington, D.C. 20001.
B. International Brotherhood of Electrical Workers, 330 South Wells Street, Chicago, Ill.
D. (6) $1,125.40.

A. William W. Spear, 1000 16th Street NW., Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill. 60605.
D. (6) $1,322.34. E. (9) $8.71.

A. Frank J. Specht, 1725 DeSales Street NW., Washington, D.C. 20036.
B. Schenley Industries, Inc., 888 Seventh Avenue, New York, N.Y. 10019.

A. John F. Speer, Jr., 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Nicholas J. Spiezio, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $550. E. (9) $4,309.

A. Louis P. Spitz, 1828 L Street NW., Suite 500, Washington, D.C. 20036.
B. American Association of Motor Vehicle Administrators, 1828 L Street NW., Suite 500, Washington, D.C. 20036.
D. (6) $1,000.

A. John M. Stackhouse, The Madison Building, 1155 15th Street NW., Washington, D.C. 20005.
B. National Agricultural Chemicals Association.

A. Lynn Stalbaum, 1026 17th Street NW., Washington, D.C. 20036.
B. Associated Dairymen, Inc., 1026 17th Street NW., Washington, D.C. 20036.
D. (6) $450.

A. Melvin L. Stark, 1025 Connecticut Avenue NW., Suite 211 Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 211, Washington, D.C. 20036.
D. (6) $3,000. E. (9) $350.

A. Samuel E. Stavisky, 1100 17th Street NW., Suite 302, Washington, D.C. 20036.
B. S. E. Stavisky & Associates, Inc., 1100 17th Street NW., Suite 302, Washington, D.C. 20036.
D. (6) $3,125. E. (9) $3,150.

A. S. E. Stavisky & Associates, Inc., 1100 17th Street NW., Suite 302, Washington, D.C. 20036.

B. Pan-American Coffee Bureau, 1350 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $5,125. E. (9) $5,385.

A. David J. Steinberg, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Steinhart, Goldberg, Feigenbaum & Ladar, Crocker Plaza, 34th Floor, Montgomery at Post, San Francisco, Calif. 94104.
B. Valley Center Municipal Water District, Valley Center, Calif. 92082.
D. (6) $800. E. (9) $54.33.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Green Olive Trade Association, Inc., 82 Beaver Street, New York, N.Y. 10005.
D. (6) $500.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Robert College of Istanbul, Turkey, 305 East 45th Street, New York, N.Y. 10017.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Texaco Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $80.

A. B. H. Steuerwald, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railroad Signalmen, 2247 West Lawrence Avenue, Chicago, Ill.

A. Travis B. Stewart, 1775 K Street NW., Washington, D.C. 20006.
B. Hoffmann-La Roche Inc., 340 Kingsland Street, Nutley, N.J. 07110.
D. (6) $750. E. (9) $100.

A. Francis W. Stover, 200 Maryland Avenue NE., Washington, D.C. 20002.
B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.
D. (6) $5,724.50. E. (9) $458.54.

A. William M. Stover, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $980. E. (9) $100.

A. O. R. Strackbein, 815 15th Street NW., Suite 711, Washington, D.C. 20005.
D. (6) $625. E. (9) $25.05.

A. Herald E. Stringer, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $5,610. E. (9) $702.40.

A. John Stringer, 666 11th Street NW., Washington, D.C.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $1,325.

A. Norman Strunk, 111 East Wacker Drive, Chicago, Ill. 60601.
B. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,250. E. (9) $196.05.

A. Walter B. Stults, 537 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Cos., 537 Washington Building, Washington, D.C. 20005.
D. (6) $600.

A. G. Don Sullivan, 1100 Ring Building, Washington, D.C. 20036.
B. American Mining Congress, 1100 Ring Building, Washington, D.C. 20036.
D. (6) $475.

A. C. Austin Sutherland, 1616 P Street NW., Washington, D.C. 20036.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Irving W. Swanson, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association.

A. David A. Sweeney, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
D. (6) $6,252.50.

A. John R. Sweeney, Solar Building, 1000 16th Street NW., Washington, D.C. 20036.
B. Bethlehem Steel Corp., 701 East Third Street, Bethlehm, Pa. 18016.
D. (6) $400. E. (9) $417.14.

A. Russell A. Swindell, P.O. Box 2635, Raleigh, N.C. 27602.
B. North Carolina Railroad Association, P.O. Box 2635, Raleigh, N.C. 27602.
D. (6) $145.82. E. (9) $221.47.

A. Charles P. Taft, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. Legislative Committee of the Committee for a National Trade Policy, Inc. 1028 Connecticut Avenue NW., Washington, D.C. 20036.

A. Rev. Charles C. Talley, 100 Angus Court, Charlottesville, Va., 22901.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.
E. (9) $50.

A. Roy W. Terwilliger, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. L. D. Tharp, Jr., 1660 L Street NW., Suite 601, Washington, D.C. 20036.
B. Independent Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $300.

A. William D. Thompson, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $3,000. E. (9) $1,850.64.

A. E. Linwood Tipton, 1105 Barr Building, Washington, D.C. 20006.
B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

A. Tobacco Associates, Inc., 1101 17th Street NW., Washington, D.C. 20036.
E. (9) $1,519.

A. David R. Toll, 1140 Connecticut Avenue, Washington, D.C.
B. National Association of Electric Cos., 1140 Connecticut Avenue, Washington, D.C.
D. (6) $725. E. (9) $288.26.

A. John P. Tracey.
B. American Bar Association, 1705 DeSales Street NW., Washington, D.C. 20036.
D. (6) $400. E. (9) $50.

A. J. P. Trainor, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $2,808. E. (9) $2,142.64.

A. Transportation Association of America, 1101 17th Street NW., Washington, D.C. 20036.

A. Matt Triggs, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $2,446. E.(9) $44.51.

A. Bernard H. Trimble, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Paul E. Trimble, 1411 Rockefeller Building, Cleveland, Ohio 44113.
B. Lake Carriers' Association, 1411 Rockefeller Building, Cleveland, Ohio, 44113.
D. (6) $75.

A. Glenwood S. Troop, Jr., 812 Pennsylvania Building, Washington, D.C. 20004.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $5,250. E. (9) $20.50.

A. Galen Douglas Trussell, 277 Park Avenue, New York, N.Y. 10017.
B. National Association of Manufacturers.
D. (6) $792. E. (9) $222.79.

A. Trustees for Conservation, 251 Kearny Street, San Francisco, Calif. 94108.
D. (6) $458.50. E. (9) $321.88.

A. James R. Turnbull.
B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C.
E. (9) $269.07.

A. Richard F. Turney, 230 Southern Building, Washington, D.C. 20005.
B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.
D. (6) $20. E. (9) $287.84.

A. John D. Tyson.
B. International Paper Co., 220 East 42d Street, New York, N.Y. 10017.
D. (6) $118. E. (9) $89.20.

A. United Cerebral Palsy Associations, Inc., 66 East 34th Street, New York City.
E. (9) $2,139.19.

A. United Fresh Fruit and Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $2,044.56. E. (9) $2,044.56.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
E. (9) $23,537.59.

A. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.
E. (9) $245.97.

A. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
E. (9) $44,462.24.

A. David E. Ushio, 2021 L Street NW., Suite 530, Washington, D.C. 20036.
B. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif. 94115.
D. (6) $200.

A. Ted Van Dyk Associates, Inc., 1224 17th Street NW., Washington, D.C. 20036.
B. The Hertz Corp., 660 Madison Avenue, New York, N.Y. 10021.
E. (9) $89.68.

A. Ted Van Dyk Associates, Inc., 1224 17th Street NW., Washington, D.C. 20036.
B. The Hertz Corp., 660 Madison Avenue, New York, N.Y. 10021.
E. (9) $89.68.

A. Ted Van Dyk Associates, 1224 17th Street NW., Washington, D.C. 20036.
B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.
E. (9) $220.52.

A. Ted Van Dyk Associates, 1224 17th Street NW., Washington, D.C. 20036.
B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.
E. (9) $220.52.

A. Lois W. Van Valkenburgh, 1673 Preston Road, Alexandria, Va. 22302.
B. Citizens Committee for UNICEF, 20 E Street NW., Washington, D.C. 20001.
D. (6) $74.

A. John A. Vance, 1725 K Street NW., Suite 1201, Washington, D.C. 20006.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $2,255. E. (9) $1,059.17.

A. Theodore A. Vanderzyde, Machinists Building, Washington, D.C. 20036.
B. International Association of Machinists and Aerospace Workers, AFL–CIO, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,268.75. E. (9) $480.

A. Venable, Baetjer & Howard, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.
D. (6) $800. E. (9) $1.60.

A. Richard E. Vernor, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Convention, 211 East Chicago, Ill. 60611.
D. (6) $150. E. (9) $112.05.

A. Veterans of World War I of the USA, Inc., 916 Prince Street, Alexandria, Va. 22314.
D. (6) $141,297.45. E. (9) $96,590.89.

A. L. T. Vice, Suite 1204. 1700 K Street NW., Washington, D.C. 20006.
B. Standard Oil Co. of California, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.
E. (9) $145.

A. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y.
E.(9) $871.78.

A. Donn L. Waage, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Registered Bank Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $127.75. E. (9) $76.50.

A. Paul A. Wagner, 1126 16th Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace and Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $788.80. E. (9) $173.01.

A. E. F. Waldrop, Jr., Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $249.17. E. (9) $75.90.

A. Lionel L. Wallenrod, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Jack A. Waller, 905 16th Street NW., Washington, D.C. 20006.
B. International Association of Fire Fighters, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $5,375.

A. Franklin Wallick, 1126 16th Street NW., Washington, D.C. 20036.
B. International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, Solidarity House, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $1,257.38. E. (9) $270.68.

A. Charles S. Walsh.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $127.50. E. (9) $15.

A. Thomas G. Walters, 1909 Q Street NW., Washington, D.C. 20009.
B. National Association of Retired Federal Employees, 1909 Q Street NW., Washington, D.C. 20009.
D. (6) $3,365.39. E. (9) $4,137.23.

A. William A. Walton, 800 Merchants National Bank Building, 8th and Jackson Streets, Topeka, Kans. 66612.
B. Kansas Railroad Committee, 800 Merchants National Bank Building, 8th and Jackson Streets, Topeka, Kans. 66612.

A. Alan M. Warren, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Humble Oil & Refining Co. (a Delaware corporation), P.O. Box 2180, Houston, Tex.
E. (9) $377.97.

A. Washington Consulting Service, 1435 G Street NW., Washington, D.C. 20005.
B. American Occupational Therapy Association, 251 Park Avenue South, New York, N.Y. 10010.
D. (6) $450. E. (9) $340.

A. Washington Consulting Service, 1435 G Street NW., Washington, D.C. 20005.
B. Rehabilitation Institute of Chicago, 401 East Ohio Street, Chicago, Ill. 60611.
D. (6) $900. E. (9) $850.

A. Ray Wax, 1900 South Eads Street, Box 836, Crystal City, Arlington, Va. 22202.
B. National Association of Farmer Elected Committeemen, 1900 South Eads Street, Box 836, Crystal City, Arlington, Va. 22202.
E. (9) $46.50.

A. Herman Webb, 400 First Street, Washington, D.C. 20001.
B. International Brotherhood of Electrical Workers, O'Hare Office Building, Suite 400, 10400 West Higgins Road, Rosemont, Ill. 60018.
D. (6) $537.60.

A. E. Jerome Webster, Jr., 919 18th Street NW., Washington, D.C. 20008.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.
D. (6) $100.

A. Clarence M. Weiner, 350 Fifth Avenue, New York, N.Y. 10001.
B. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $10,230.78.

A. F. Paul Weiss, 1825 K Street NW., Suite 607, Washington, D.C. 20006.
B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $850. E. (9) $70.30.

A. Dennis W. Weissman, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, % M. L. DeBolt, O.D. Box 605, Winona, Minn. 55987.
D. (6) $227.76. E. (9) $129.

A. Dr. Frank J. Welch, 3724 Manor Road, Chevy Chase, Md.
B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. Fred M. Wertheimer, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $5,749.98. E. (9) $64.80.

A. Wheeler, Van Sickle, Day & Anderson, 25 West Main Street, Madison, Wis. 53703.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. Terrell M. Wertz, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,495. E. (9) $131.90.

A. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.
E. (9) $500.

A. Anne Wexler, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $300.

A. Clyde A. Wheeler, Jr., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa. 19103.
E. (9) $1,675.

A. Edwin M. Wheeler, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
E. (9) $25.

A. John L. Wheeler, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.
B. Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, Ill. 60607.
D. (6) $750. E. (9) $25.

A. John S. White, 420 Cafritz Building, Washington, D.C. 20006.
B. Marathon Oil Co., Findlay, Ohio 45840.
E. (9) $589.67.

A. Lee C. White, Semer, White & Jacobsen, 1156 15th Street NW., Washington, D.C. 20005.
B. American Natural Gas Co. and subsidiaries, One Woodward Avenue, Detroit, Mich. 48226.
D. (6) $7,500. E. (9) $86.16.

A. Robert L. White, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Douglas Whitlock II, 910 Washington Building, Washington, D.C. 20005.
B. Montgomery Ward and Co., Inc., 910 Washington Building, Washington, D.C. 20005.
D. (6) $500. E. (9) $150.

A. Leonard M. Wickliffe, Eleventh and L Building, Sacramento, Calif. 95814.

B. California Railroad Association, Eleventh and L Building, Sacramento, Calif. 95814.
D. (6) $2,625.12. E. (9) $2,634.77.

A. Joe O. Wiggs, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, Interbank Card Association, 1250 Connecticut Avenue NW., Washington, D.C.

A. Claude C. Wild, Jr., 1025 Connecticut Avenue N.W., Washington, D.C. 20036.
B. Gulf Oil Corp., Pittsburgh, Pa. 15230.
D. (6) $1,000. E. (9) $250.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. American Society of Travel Agents, Inc., 360 Lexington Avenue, New York, N.Y. 10017.
E. (9) $858.69.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. Arapaho Indian Tribe, Ft. Washakie, Wyo.
E. (9) $122.11.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. Bonneville International Corp., 136 East South Temple Street, Salt Lake City, Utah.
E. (9) $424.71.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. College Placement Council, Inc., 65 East Elizabeth Street, Bethlehem, Pa.
E. (9) $146.85.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont.
E. (9) $423. 89.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. Crow Creek Sioux Tribe, Pierre Agency, Pierre, S. Dak.
E. (9) $82.91.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. The Hoopa Valley Tribe, P.O. Box 817, Hoopa, Calif.
E. (9) $173.29.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. National Congress of American Indians, 1346 Connecticut Avenue NW., Washington, D.C.
E. (9) $54.92.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. Quinaielt Tribe of Indians, Taholah, Wash.
E. (9) $73.90.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. The Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N. Dak.
E. (9) $63.64.

A. Williams, Jensen & Gipson, 1130 17th Street NW., Washington, D.C.
B. Brewer & Co., Ltd., P.O. Box 3470, Honolulu, Hawaii.

A. Francis G. Williams, 919 18th Street NW., Washington, D.C. 20006.
B. American Frozen Food Institute, 919 18th Street NW., Washington, D.C. 20006.
D. (6) $100.

A. Harding de C. Williams, 1825 K Street NW., Washington, D.C. 20006.
B. Del Monte Corp., 215 Fremont Street, San Francisco, Calif. 94119.
D. (6) $500. E. (9) $50.

A. Harry D. Williams, 1660 L Street NW., Suite 204-05, Washington, D.C. 20036.
B. Ashland Oil Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $250.

A. J. D. Williams, Williams, Jensen & Gipson, 1130 17th Street NW., Washington, D.C. 20036.
B. International Utilities Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.
D. (6) $5,000. E. (9) $400.

A. Robert E. Williams, 1825 K Street NW., Washington, D.C. 20006.
B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.
D. (6) $1,250. E. (9) $220.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. American Airlines, Inc., 633 Third Avenue, New York, N.Y. 10017.
D. (6) $2,024. E. (9) $226.46.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. Columbia Broadcasting System, Inc., 51 West 52d Street, New York, N.Y. 10019.
D. (6) $1,489.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. Oil Investment Institute, 1 Greenwich Plaza, Greenwich, Conn. 06830.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $3,313.

A. W. E. Wilson, 623 Ockley Drive, Shreveport, La. 71106.
B. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex. 77002.
D. (6) $4,600. E. (9) $1,115.54.

A. Richard F. Witherall, 702 Majestic Building, Denver, Colo. 80202.
B. Colorado Railroad Association, 702 Majestic Building, Denver, Colo. 80202.

A. Peter L. Wolff, Suite 370, One Dupont Circle NW., Washington, D.C. 20036.
B. Association of American Law Schools, Suite 370, One Dupont Circle NW., Washington, D.C. 20036.

A. Nathan T. Wolkomir, 1737 H Street NW., Washington, D.C. 20006.
B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.
D. (6) $8,080.80. E. (9) $1,363.26.

A. Women's International League for Peace and Freedom, One North 13th Street Philadelphia, Pa. 19107.
D. (6) $5,588.49. E. (9) $7,737.35.

A. Perry W. Woofter, 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $768.

A. George M. Worden, 1425 K Street NW., Washington, D.C. 20005.
B. Hill and Knowlton, Inc., 150 East 42d Street, New York, N.Y. 10017.

A. V. T. Worthington, 1500 North Quincy Street, Box 7116, Arlington, Va. 22207.
B. Association of Petroleum Re-Refiners, 1500 North Quincy Street Box 7116, Arlington, Va. 22207.

A. Gerald L. Wykoff, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Association of Motion Picture and Television Producers, 8480 Beverly Boulevard, Los Angeles, Calif. 90048; Hollywood A.F.L. Film Council, 7715 Sunset Boulevard, Hollywood, Calif. 90046; Screen Actors Guild, 7750 Sunset Boulevard, Hollywood, Calif. 90046.
D. (6) $200.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Association Nacional De Cultivadores De Cana de Azucar, P.B. 4448, Cali, Colombia.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Copyright Owners Negotiating Committee, c/o Phillips, Nizer, Benjamin, Krim & Ballon, 477 Madison Avenue, New York, N.Y. 10022.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Embassy of the Government of the Republic of Korea, 2320 Massachusetts Avenue N.W., Washington, D.C. 20008.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Merger Committee, National Basketball Committee, c/o Abe Pollin, 6101 16th Street NW., Washington, D.C.; Merger Committee American Basketball Committee, c/o H. Wendell Cherry, 601 Portland Federal Building, 200 West Broadway, Louisville, Ky. 40202.
D. (6) $2,000.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Paul, Weiss, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y. 10022.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Unionamerica, Inc., 435 South Figueroa Street, Los Angeles, Calif. 90014.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue N.W., Washington, D.C. 20036.

A. John H. Yingling, 905 16th Street NW., Washington, D.C. 20006.
B. First National City Bank, 399 Park Avenue, New York, N.Y. 10022.
D. (6) $200. E. (9) $157.94.

A. Kenneth Young, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $6,346. E. (9) $376.44.

A. Albert H. Zinkand, 1701 Pennsylvania Avenue, Washington, D.C.
B. Getty Oil Co.

A. Charles O. Zuver, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $3,000. E. (9) $172.27.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the second calendar quarter of 1971 were received too late to be included in the published reports for that quarter:

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19______ ←

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th

(Mark one square only)

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.←

AFFIDAVIT

[Omitted in printing]

PAGE 1←

A. Actors Equity Association, 165 West 46th Street, New York, N.Y. 10036.

D. (6) $2,500. E. (9) $2,500.

A. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $6,285. 80. E. (9) $4,166.69.

A. Frederick K. Alderson, 1900 L Street NW., Suite 205, Washington, D.C. 20036.

B. National Right to Work Committee, 1900 L Street NW., Washington, D.C. 20036.

D. (6) $820. E. (9) $153.50.

A. George Alderson, 620 C Street, SE., Washington, D.C. 20003.

B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.

D. (6) $3,000. E. (9) $3,000.

A. American Conservative Union 422 First Street SE., Washington, D.C. 20003.

D. (6) $24,257.80. E. (9) $5,522.08.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.

D. (6) $4,534.87. E. (9) $4,534.87.

A. American Federation of State, County & Municipal Employees, 1155 15th Street NW., Washington, D.C. 20005.

E. (9) $4,762.

A. American Industrial Bankers Association, 1000 16th Street NW., Washington, D.C.

D. (6) $762.50. E. (9) $762.50.

A. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $2,274.37.

A. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill. 60606.

E. (9) $2,845.

A. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo. 80218.

E. (9) $1,291.10.

A. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y. 10016.

A. American Society of Consulting Planners, 1819 H Street NW., Washington, D.C.

E. (9) $2,250.

A. American Vocational Association, 1510 H Street NW., Washington, D.C. 20005.

D. (6) $1,400. E. (9) $1,354.

A. William C. Anderson, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $2,063. E. (9) $42.10.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.

B. Conwood Corp., 701 North Main Street, Memphis, Tenn. 38101.

D. (6) $2,310. E. (9) $71.73.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.

D. (6) $20,833.32. E. (9) $1,714.43.

A. Associated Credit Bureaus, Inc., 6767 Southwest Freeway, Houston, Tex.

A. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

E. (9) $1,350.

A. John C. Bagwell, 723 Investment Building, Washington, D.C. 20005.

B. Hawaiian Sugar Planters' Association, Honolulu, Hawaii.

A. Charles W. Bailey, 1900 L Street NW., Suite 205, Washington, D.C. 20036.

B. National Right to Work Committee, 1900 L Street NW., Washington, D.C. 20036.

A. James F. Bailey, 101 Constitution Avenue N.W., Washington, D.C. 20001.

B. United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.

D. (6) $5,525. E. (9) $604.15.

A. Emil F. Baker, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Ross Bass Associates, 4000 Massachusetts Avenue NW., Washington, D.C. 20016.

B. Record Industry Association of America, 1 East 57th Street, New York, N.Y.

D. (6) $6,250.

A. Davis M. Batson, 1155 15th Street NW., Suite 611, Washington, D.C. 20005.

B. Ethyl Corp., 611 Madison Building, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $150.

A. Lucius D. Battle.

B. Communications Satellite Corp., 950 L'Enfant Plaza SW., Washington, D.C. 20024.

D. (6) $60. E. (9) $1.85.

A. Donald S. Beattie, Railway Labor Buildign, Suite 800, 400 First Street NW., Washington, D.C.

B. Congress of Railway Unions, 400 First Street NW., Washington, D.C.

D. (6) $1,358.80.

A. Jeffrey Bell, 422 First Street SE., Washington, D.C. 20003.

B. American Conservative Union, 422 First Street SE., Washington, D.C. 20003.

D. (6) $1,006.

A. Andrew J. Beimiller, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $7,308.80. E. (9) $466.35.

A. Brent Blackwelder, 620 C Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.

D. (6) $250. E. (9) $250.

A. C. B. Blankenship, 1925 K Street NW., Washington, D.C. 20006.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

E. (9) $4,655.93.

A. Robert T. Borth, 1355 Highland Park Drive, Bettendorf, Iowa 52722.

B. General Electric Co., 777 14th Street NW., Washington, D.C. 20005.

A. Mervin J. Boyle, 1200 15th Street NW., Washington, D.C. 20005.

B. International Brotherhood of Electrical Workers, 1200 15th Street NW., Washington, D.C. 20005.

D. (6) $5,000.

A. George E. Bradley, 1341 G Street NW., Washington, D.C. 20005.

B. Organization of Professional Employees of the USDA (OPEDA), 1341 G Street NW., Washington, D.C. 20005.

E. (9) $25.

A. Cyril F. Brickfield, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $271.98.

A. Wally Briscoe.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.

D. (6) $135. E (9) $16.50.

A. William J. Brooks, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

D. (6) $24,093.09. E. (9) $24,093.09.

A. Joe B. Browder, 620 C Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.

D. (6) $1,000. E. (9) $1,000.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Hearst Corp., 959 Eighth Avenue, New York, N.Y. 10019.

E. (9) $1,200.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Parcel Post Association, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $700.

A. J. J. Burke, Jr., 40 East Broadway, Butte, Mont. 59701.

B. The Montana Power Co., Butte, Mont. 59701.

E. (9) $126.39.

A. Lowell A. Burkett, 1510 H Street NW., Washington, D.C. 20005.

B. American Vocational Association, 1510 H Street NW., Washington, D.C. 20005.

D. (6) $875.

A. Jack E. Buttram, 905 16th Street NW., Washington, D.C.

B. GM Washington Consultants, Inc., 905 16th Street NW., Washington, D.C.

D. (6) $750.

A. John H. Callahan, 1126 16th Street NW., Washington, D.C. 20036.

B. International Union of Electrical, Radio & Machine Workers, AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.

D. (6) $875. E. (9) $240.

A. Candlelighters, 1006 D Street SE., Washington, D.C. 20003.

D. (6) $30.50. E. (9) $144.78.

A. Marvin Caplan.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.

D. (6) $2,397.15. E. (9) $95.35.

A. Casey, Lane & Mittendorf, 26 Broadway, New York, N.Y. 10004.

B. South African Sugar Association, P.O. Box 507, Durban, South Africa.

D. (6) $40,000. S. (9) $6,370.77.

A. E. Michael Cassady, 1130 17th Street NW., Suite 500, Washington, D.C. 20036.

B. Water Resources Congress, 1130 17th Street NW., Suite 500, Washington, D.C. 20036.

A. Donald E. Channell, 1705 DeSales Street NW., Washington, D.C. 20036.

B. American Bar Association, 1705 DeSales Street NW., Washington, D.C. 20036.

D. (6) $500. E. (9) $12.

A. Frank Chelf, Suite 303, Congressional Plaza Building, 20 C Street SE., Washington, D.C. 20003.

B. Conwood Corp., 701 North Main Street, Memphis, Tenn.

D. (6) $1,800.

A. Hal M. Christensen, 1101 17th Street NW., Washington, D.C. 20036.

B. American Dental Association, 1101 17th Street NW., Washington, D.C. 20036.

D. (6) $2,250.

A. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Suite 712, Washington, D.C. 20036.

D. (6) $12,866. E. (9) $6,858.06.

A. Carl A. S. Coan, Jr., 1625 L Street NW., Washington, D.C. 20036.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.

D. (6) $5,437.50. E. (9) $243.18.

A. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill. 60601.

E. (9) $5,316.41.

A. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C. 20036.

E. (9) $8,567.43.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C. 20005.

B. American Academy of Actuaries, 208 South LaSalle Street, Chicago, Ill. 60604.

D. (6) $900. E. (9) $165.25.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C. 20005.

B. The Equitable Life Assurance Society of the United States, 1825 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $1,500. E (9) $200.

A. Congress of Railway Unions, 400 First Street NW., Washington, D.C. 20001.

A. Consulting Engineers Council/U.S., 1155 15th Street NW., Suite 713, Washington, D.C. 20005

E. (9) $5,840.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill. 60611.

B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.

D. (6) $2,500.

A. Conwood Corp., 701 North Main Street, Memphis, Tenn.

E. (9) $4,181.73.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C.

B. Footwear Division, Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y. 10022.

D. (6) $6,000.

A. Cooperative League of U.S.A., 1012 14th Street NW., Washington, D.C.

B. Cooperative League of U.S.A., 59 East Van Buren Street, Chicago, Ill.

D. (6) $2,000. E. (9) $2,060.

A. Council of AFL–CIO Unions for Scientific, Professional and Cultural Employees, 1155 15th Street NW., Washington, D.C.

D. (6) $1,250. E. (9) $1,250.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. Adhesive and Sealant Council, 1410 Higgins Road, Park Ridge, Ill. 60068.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Corn Millers Federation, 1030 15th Street NW., Washington, D.C. 20005.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. Classroom Periodical Publishers Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. Industrial Diamond Association of America, Inc., 2017 Walnut Street, Philadelphia, Pa. 19103.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. Jewelers Vigilance Committee, Inc., 156 East 52d Street, New York, N.Y. 10022.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. Kohler Co., Kohler, Wis. 53044.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. Linen Supply Association of America, 975 Arthur Godfrey Road, Miami Beach, Fla. 33140.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. National Association of Casualty and Surety Agents, 83 Maiden Lane, New York, N.Y. 10038.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. Optical Manufacturers Association, 30 East 42d Street, New York, N.Y. 10017.

A. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $3,362.74. E. (9) $976.09.

A. Harold L. Crosier, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

A. Culbertson, Pendleton & Pendleton, One Farragut Square South, Suite 800, Washington, D.C. 20006.

B. Canned Meat Importers' Association, c/o North American Foods Division, Deltec International Ltd., 2801 Ponce de Leon Avenue, Coral Gables, Fla.

D. (6) $1,245. E. (9) $187.45.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C. 20006.

B. American Importers Association, Textile and Apparel Group, New York, N.Y.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C. 20006.

B. The Cocoa, Chocolate and Confectionery Alliance of Great Britain, London, England.

D. (6) $9,000. E. (9) $313.94.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.

B. Indian Sugar Industry Export Corp., Ltd., New Delhi, India.

E. (9) $453.40.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C. 20006.

B. Japan Chemical Fibres Association, Tokyo, Japan.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C. 20006.

B. Japan Woolen & Linen Textiles Exporters Association, Osaka, Japan.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.

B. Orgalime (Organisme de Liaison des Industries Metalliques Europeennes), Brussels,

E. (9) $82.22.

A. F. Gibson Darrison, Jr., 2000 L Street NW., Suite 819, Washington, D.C. 20036.

B. Penn Central Transportation Co., Six Penn Center Plaza, Philadelphia, Pa. 19104.

D. (6) $172.50. E. (9) $1,471.13.

A. John C. Datt, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $1,313. E. (9) $15.08.

A. Philip J. Daugherty.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.

D. (6) $1,693.65. E. (9) $26.50.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Kansas City Southern Industries, Inc., 114 West 11th Street, Kansas City, Mo. 64105.

D. (6) $420. E. (9) $59.40.

A. George P. Delaney, 724 14th Street NW., Washington, D.C. 20005.

B. International Longshoremen's Association, 17 Battery Place, Suite 1530, New York, N.Y. 10004.

D. (6) $5,000.

A. Vincent A. Demo, 25 Broadway, New York, N.Y. 10004.

B. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y.10004.

D. (6) $6,875. E. (9) $1,100.

A. Ray Denison, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $5,504. E. (9) $301.65.

A. Max A. Denney, 1000 16th Street NW., Washington, D.C. 20036.

B. American Industrial Bankers Association, 1000 16th Street NW., Washington, D.C. 20036.

D. (6) $450.

A. Leslie E. Dennis, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

D. (6) $850. E. (9) $118.25.

A. C. H. DeVaney, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $2,063.

A. R. Daniel Devlin, 1000 16th Street NW., Washington, D.C.

B. Trans World Airlines, Inc., 10 Richards Road, Kansas City, Mo.

A. Discover America Travel Organizations, Inc., 1100 Connecticut Avenue NW., Washington, D.C.

D. (6) $41,500.93. E. (9) $682.50.

A. Joseph DiStefano, 4880 MacArthur Boulevard NW., Washington, D.C., 20007.

B. International Union of District 50, Allied and Technical Workers of the United States and Canada, 4880 MacArthur Boulevard NW., Washington, D.C. 20007.

D. (6) $4,884.78.

A. Evelyn Dubrow, 1710 Broadway, New York 19, N.Y.

B. International Ladies' Garment Workers' Union, 1710 Broadway, New York 19, N.Y.

D. (6) $3,809. E. (9) $1,937.04.

A. Louise C. Dunlap, 620 C Street SE., Washington, D.C. 20003.

B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.

D. (6) $2,000. E. (9) $2,000.

A. William E. Dunn, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. D. A. Ellsworth, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill., 60018.

D. (6) $5,514. E. (9) $515.26.

A. Alfred S. Ercolano, 1775 K Street NW., Washington, D.C. 20006.

B. College of American Pathologists, 230 North Michigan Avenue, Chicago, Ill. 60601.

D. (6) $1,875. E. (9) $145.

A. David G. Erskine, 1000 16th Street NW., Washington, D.C. 20036.

B. American Industrial Bankers Association, 1000 16th Street NW., Washington, D.C. 20036.

D. (6) $125.

A. Ethyl Corp., 1155 15th Street NW., No. 611, Washington, D.C. 20006.

E. (9) $150.

A. Clinton M. Fair, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $5,504. E. (9) $164.15.

A. Federation of American Scientists, 203 C Street NE., Washington, D.C. 20002.

D. (6) $1,853.50. E. (9) $585.87.

A. Francis C. Fini, 1501 Pennsylvania Avenue SE., Washington, D.C. 20003.

B. Air Force Sergeants Association, Inc., 1501 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. Mello G. Fish, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

E. (9) $217.77.

A. Roger Fleming, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $1,725. E. (9) $42.92.

A. Forest Farmers Association, 4 Executive Park East NE., Atlanta, Ga. 30329.

D. (6) $1,266.06. E. (9) $1,226.06.

A. Morley E. Fox, 300 New Jersey Avenue SE., Washington, D.C. 20003.

B. Central Arizona Project Association, 1124 Arizona Title Building, Phoenix, Ariz. 85003.

D. (6) $59.84. E (9) $30.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Mizrachi Women's Organization of America, 242 Park Avenue South, New York, N.Y. 10003.

D. (6) $2,500.

A. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.

D. (6) $6,250. E. (9) $6,250.

A. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C. 20036.

D. (6) $10,375. E. (9) $3,686.03.

A. James A. Gavin.

B. National Federation of Independent Business, 921 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005.

D. (6) $2,500. E. (9) $450.

A. Donald A. Giampaoli, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

D. (6) $1,350.

A. Wayne Gibbens, 1625 K Street NW., Washington, D.C. 20006.

B. Mid-Continent Oil and Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.

D. (6) $750. E. (9) $17.70.

A. The Glenmede Trust Co., 1608 Walnut Street, Philadelphia, Pa.

A. GM Washington Consultants, Inc., 905 16th Street NW., Washington, D.C.

D. (6) $2,820. E. (9) $4,056.33.

A. Jack Golodner, 1225 19th Street NW., Washington, D.C. 20036.

B. Actors Equity Association, 165 West 46th Street, New York City 10036.

D. (6) $2,500. E. (9) $310.

A. Jack Golodner, 1155 15th Street NW., Washington, D.C. 20005.

B. Council of AFL–CIO Unions for Scientific, Professional and Cultural Employees, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $1,000.

A. Frederick D. Goss, 2100 M Street NW., Suite 700, Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2100 M Street NW., Suite 700, Washington, D.C. 20037.

D. (6) $121.

A. Hoyt S. Haddock, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

E. (9) $58.32.

A. Harold T. Halfpenny, 111 West Washington, Chicago, Ill. 60602

A. William E. Hardman, 1411 K Street NW., Washington, D.C. 20005.

B. National Tool, Die and Precision Machining Association, 1411 K Street NW., Washington, D.C. 20005.

A. Donald L. Harlow, 310 Riley Street, Falls Church, Va. 22046.

B. Air Force Sergeants Association, Inc., 1501 Pennsylvania Avenue SE., Washington, D.C. 20003.

A. Kit H. Haynes, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $2,000. E. (9) $61.98.

A. James D. Hittle, Sr., 1800 K Street NW., Washington, D.C. 20006.

B. Pan American World Airways, Pan Am Building, New York, N.Y. 10017.

E. (9) $175.

A. Ralph D. Hodges, Jr.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Harold K. Howe, 400 Walker Building, 734 15th Street NW., Washington, D.C. 20005.

B. Outdoor Power Equipment Institute, Inc., 400 Walker Building, Washington, D.C. 20005.

A. Peter W. Hughes, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $95.13.

A. William J. Hull, 1660 L Street NW., No. 205, Washington, D.C. 20036.

B. Ashland Oil, Inc., 1409 Winchester Avenue, Ashland, Ky.

A. William J. Hull, 1660 L Street NW., No. 205, Washington, D.C. 20036.

B. Ohio Valley Improvement Association, Inc.

A. Elmer P. Hutter, P.O. Box 2255, Washington, D.C. 20013.

D. (6) $5.

A. Elmer P. Hutter, P.O. Box 2255, Washington, D.C. 20013.

B. John Casey, Landover, Md., Religion, et al.

E. (9) $261.

A. Gerald W. Hyland, 1730 Rhode Island Avenue NW., Washington, D.C.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $936.92. E. (9) $276.44.

A. Bernard J. Imming, 777 14th Street NW., Washington, D.C. 20005.

B. United Fresh Fruit and Vegetable Association, 777 14th Street NW., Washington, D.C. 20006.

D. (6) $312.50. E. (9) $10.50.

A. International Union of District 50, A.T.W. of United States and Canada, 4880 MacArthur Boulevard NW., Washington, D.C. 20007.

E. (9) $4,884.78.

A. George J. Kelley, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Blue Cross Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $1,250. E. (9) $725.

A. Cornelius B. Kennedy, 888 17th Street NW., Washington, D.C.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C.

D. (6) $62.50. E. (9) $2.

A. James J. Kennedy, Jr., 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railway, Airline, and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

D. (6) $5,294.40. E. (9) $1,381.30.

A. Franklin E. Kepner, the Berwick Bank Building, Berwick, Pa. 18603.

B. Associated Railroads of Pennsylvania, Room 1022, Transportation Center, Philadelphia, Pa.

D. (6) $1,800. E. (9) $350.22.

A. Joseph T. King, 3600 M Street NW., Washington, D.C. 20007.

E. (9) $2,459.26.

A. Peter M. Kirby, 1000 Connecticut Avenue NW., Washington, D.C.

B. Air Transport Association.

D. (6) $750. E. (9) $267.53.

A. William L. Kohler, 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $3,000.

A. Kominers, Fort, Schlefer & Boyer, fifth floor, Tower Building, Washington, D.C. 20005.

B. American Institute of Merchant Shipping, suite 930, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $725.51.

A. Charles B. Kornmann, Post Office Box 489, Aberdeen, S. Dak. 57401.
B. South Dakota Railroads Association.
D. (6) $1,000. E. (9) $587.73.

A. Reed E. Larson, suite 205, 1900 L Street NW., Washington, D.C. 20036.
B. National Right To Work Committee, 1900 L Street NW., Washington, D.C. 20036.
D. (6) $33.50.

A. George H. Lawrence, 1515 Wilson Boulevard, Arlington, Va. 22209.
B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.
D. (6) $440. E. (9) $125.

A. League for Economic Assistance and Development, Inc., 390 Plandome Road, Manhassett, N.Y. 11030.
D. (6) $559.61. E. (9) $533.61.

A. Charles W. Lee, room 211, Congressional Hotel, 300 New Jersey Avenue SE., Washington, D.C. 20003.
B. Committee for Full Funding of Education Programs, 300 New Jersey Avenue SE., Washington, D.C.
D. (6) $625. E. (9) $75.

A. Liberty Lobby, Inc., 130 Third Street SE., Washington, D.C. 20003.
D. (6) $17,261.97. E. (9) $14,321.24.

A. George A. Lucas, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

A. Andre Maisonpierre, 666 11th Street NW., Washington, D.C. 20001.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $1,125.

A. William J. Malatesta, 1000 16th Street NW., Washington, D.C. 20036.
B. American Industrial Bankers Association, 1000 16th Street NW., Washington, D.C.
D. (6) $187.50.

A. Elizabeth Mallory, Box 718, Union Station, Endicott, New York, N.Y. 13760.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

A. Ben J. Man, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. AFL–CIO Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $1,638.10. E. (9) $367.97.

A. Albert E. May, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $82.50. E. (9) $4.34.

A. Anthony Mazzocchi, 1126 16th Street NW., Washington, D.C. 20036.
B. Oil, Chemical & Atomic Workers International Union, 1636 Champa Street, Denver, Colo. 80201.
D. (6) $1,875. E. (9) $227.50.

A. F. Howard McGuigan, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,504. E. (9) $199.30.

A. Peter E. McGuire, 400 First Street NW., Washington, D.C.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $3,054. E. (9) $1,013.58.

A. Clifford G. McIntire, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $1,313. E. (9) $21.50.

A. Marvin L. McLain, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $3,125. E. (9) $57.45.

A. C. W. McMillan, Suite 1015, National Press Building, 14th and F Street, Washington, D.C. 20004.
B. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo. 80218.
D. (6) $1,200.

A. George G. Mead, 621 Pershing Drive, Silver Spring, Md. 20910.
B. The American Society of Radiologic Technologists, 645 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $2,750. E. (9) $782.05.

A. George G. Mead, 621 Pershing Drive, Silver Spring, Md. 20910.
B. The National Association of Theatre Owners, Inc., 1501 Broadway, New York, N.Y. 10036.
D. (6) $1,500. E. (9) $493.44.

A. Kenneth A. Meiklejohn, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,504. E. (9) $139.31.

A. Ellis E. Meredith, 1611 North Kent Street, Arlington, Va., 22209.
B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va., 22209.
D. (6) $400. E. (9) $88.65.

A. Edward L. Merrigan, Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. National Association of Secondary Material Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.
E. (9) $79.12.

A. Edward L. Merrigan, Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. Sugar Distributors of Venezuela, Edif. de la Luz Electrica de Venezuela, Avenue Urdaneta, Seventh Floor, Caracas, Venezuela.
D. (6) $6,250. E. (9) $4,078.63.

A. Joseph L. Miller, 1612 K Street NW., Washington, D.C. 20006.
B. Northern Textile Association; Maytag Co.; National Parking Association; and George Hormel & Co.
D. (6) $4,800. E. (9) $1,000.

A. Lester F. Miller, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $367. E. (9) $16.50.

A. Paul J. Minarchenko, Jr., 1155 15th Street NW., Washington, D.C. 20005.
B. American Federation of State, County, and Municipal Employees, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $4,125. E. (9) $400.

A. Clarence Mitchell, 422 First Street SE., Washington, D.C. 20003.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $4,000.

A. John Morgan, 1925 K Street NW., Washington, D.C. 20006.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
E. (9) $530.35.

A. John J. Motley.
B. National Federation of Independent Business, 921 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005.
D. (6) $2,400. E. (9) $150.

A. Motorists United for Ecology, Inc., 3477 New Ridge Drive, Palos Verdes Peninsula, Calif. 90274.
D. (6) $5,258. E. (9) $7,344.

A. David J. Muchow, Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. National Association of Secondary Material Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.
E. (9) $79.12.

A. David J. Muchow, Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. Sugar Distributors of Venezuela, Edif de la Luz Electrica de Venezuela, Avenue Urdaneta, Seventh Floor, Caracas, Venezuela.

A. George L. Murphy, 905 16th Street NW., Washington, D.C.
B. GM Washington Consultants, Inc., 905 16th Street NW., Washington, D.C.
D. (6) $875.

A. John J. Murphy, 517 Shoreham Building, 806 15th Street NW., Washington, D.C. 20005.
B. National Customs Service Association.

A. J. Walter Myers, Jr., 4 Executive Park East NE., Atlanta, Ga. 30329.
B. Forest Farmers Association, 4 Executive Park East NE., Atlanta, Ga. 30329.
D. (6) $110. E. (9) $30.90.

A. National Associated Businessmen, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,041.79. E. (9) $1,264.86.

A. National Association of Mutual Insurance Cos., 2511 East 46th Street, Suite H, Indianapolis, Ind. 46205.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $12,819.04. E. (9) $12,904.13.

A. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $63,217.28. E. (9) $31,469.87.

A. National Automobile Dealers Association, 2000 K Street NW., Washington, D.C.
D. (6) $1,711.69. E. (9) $1,711.69.

A. National Citizens Committee for Revenue Sharing, 707 National Press Building, Washington, D.C. 20004.
D. (6) $35,000. E. (9) $56,924.26.

A. National Committee Against Repressive Legislation, 555 North Western Avenue, Los Angeles, Calif. 90004.
D. (6) $1,470.05. E. (9) $1,470.05.

A. National Committee for the Recording Arts, 10,000 Santa Monica Boulevard, No. 311, Los Angeles Calif. 90067.
D. (6) $302.90. E. (9) $3,132.75.

A. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
D. (6) $30,405.94. E. (9) $154.28.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.
B. Columbia Broadcasting Systems, 51 West 52d Street, New York, N.Y.
D. (6) $6,930. E. (9) $1,190.58.

A. National Council for an Indo-China Deadline, 530 Seventh Street SE., Washington, D.C.
D. (6) $473. E. (9) $8,536.95.

A. National Council Junior Order United American Mechanics, 3027 North Broad Street, Philadelphia, Pa. 19132.

A. National Federation of Independent Business Inc., 920–922 Washington Building, Washington, D.C.
B. National Federation of Independent Business, Inc., 150 West 20th Avenue, San Mateo, Calif. 94403.
D. (6) $25,634.99. E. (9) $25,634.99.

A. National Right to Work Committee, 1900 L Street NW., Washington, D.C. 20036.
D. (6) $4,178.75. E. (9) $4,178.75.

A. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
E. (9) $2,346.78.

A. National Rural Housing Coalition, Dupont Circle Building, 1346 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $4,040. E. (9) $1,225.59.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $9,160. E. (9) $4,267.

A. National Sharecroppers Fund, Inc., 112 East 19th Street, New York, N.Y. 10003.
D. (6) $4,254.51. E. (9) $8,330.10.

A. National Tax Equality Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,545.91. E. (9) $1,571.12.

A. Ivan A. Nestingen, 1000 Connecticut Avenue NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wisc.
D. (6) $300. E. (9) $247.65.

A. New York Committee of International Committee of Passenger Lines, 25 Broadway, New York, N.Y. 10004.
E. (9) $32,925.

A. Robert W. Nolan, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Robert D. Nordstrom, 1133 20th Street NW., Washington, D.C. 20036.
B. National Canners Association, 1133 20th Street NW., Washington, D.C. 20036.
D. (6) $400. E. (9) $100.

A. Claude E. Olmstead, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $370. E. (9) $21.

A. Roy E. Olson, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Roy W. Olson, 1341 G Street NW., Washington, D.C. 20005.
B. Organization of Professional Employees of USDA (OPEDA), 1341 G Street NW., Washington, D.C. 20005.
D. (6) $225. E. (9) $25.

A. Organization of Professional Employees of the U.S. Department of Agriculture (OPEDA), 1341 G Street NW., Washington, D.C. 20005.
D. (6) $114.65. E. (9) $1,352.91.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa. 19035.
B. Campbell Soup Co., Campbell Place, Camden, N.J. 08101.

A. Lew M. Paramore, P.O. Box 1310, Kansas City, Kans. 66117.
B. Water Resources Congress, 1130 17th Street NW., Suite 500, Washington, D.C. 20036.

A. Judith E. Park, 1909 Q Street NW., Washington, D.C. 20009.
B. National Association of Retired Federal Employees, 1909 Q Street NW., Washington, D.C. 20009.
D. (6) $2,555.28. E. (9) $75.80.

A. Paul, Weiss, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y.
B. Alaska Federation of Natives, Anchorage, Alaska.
E. (9) $1,146.49.

A. Peabody, Rivlin, Gore, Cladouhos & Lambert, 1730 M Street NW., Washington, D.C. 20036.
B. Mass Retailing Institute, 570 Seventh Avenue, New York, N.Y. 10018.

A. George C. Pendleton, Culbertson, Pendleton & Pendleton, One Farragut Square, South, Suite 800, Washington, D.C. 20006.
B. Taiwan Sugar Corp., One World Trade Centre, Suite 2273, New York City.
D. (6) $1,800. E. (9) $277.73.

A. D. V. Pensabene, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.
B. Standard Oil Co., of California, Suite 1204, 1700 K Street NW., Washington, D.C.
D. (6) $50. E. (9) $25.

A. Kenneth Peterson, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,164.40. E. $(9) $44.92.

A. Franklin A. Pickens, P.O. Box 1552, Odessa, Tex. 79760.
B. Angelina & Neches River Railroad, Atchison, Topeka & Santa Fe Railway Co., Chicago, Rock Island & Pacific Railroad Co., Fort Worth & Denver Railway Co., et al., Texas Railroads.
D. (6) $1,140. E. (9) $396.35.

A. John K. Pickens, 201 North Washington Street, Alexandria, Va. 22313.
B. American Nursing Home Association, 1025 Connecticut Avenue NW., Suite 607, Washington, D.C.

A. Pierson, Ball & Dowd, 1000 Ring Building, Washington, D.C. 20036.
B. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C. 20036.
D. (6) $3,333.33. E. (9) $183.49.

A. J. Francis Pohlhaus, 422 First Street SE., Washington, D.C. 20003.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $1,000.

A. Frederick T. Poole, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $438. E. (9) $16.97.

A. Dr. Ca. S. J. Poray-Tucholski, 15257 East Cedarspring Drive, Whittier, Calif. 90603.

A. Richard M. Powell, 1210 Tower Building, Washington, D.C. 20005.
B. National Association of Refrigerated Warehouses, 1210 Tower Building, Washington, D.C. 20005.

A. H. P. Pressler, 1122 Southwest Tower, Houston, Tex.
B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C. 20036.
D. (6) $740. E. (9) $331.53.

A. Earl G. Quinn, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

A. Alan T. Rains, 777 14th Street NW., Washington, D.C. 20005.
B. United Fresh Fruit and Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $450.

A. Rial M. Rainwater, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $293. E. (9) $18.

A. Louis J. Rencourt, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline and Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $2,409.26. E. (9) $1,440.23.

A. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.
D. (6) $40,410.08. E. (9) $23,223.90.

A. W. W. Renfroe, 101 East High Street, Lexington, Ky. 40507.
B. Kentucky Railroad Association, 101 East High Street, Lexington, Ky. 40507.
E. (9) $699.21.

A. James J. Reynolds, 1120 Connecticut Avenue NW., Suite 930, Washington, D.C. 20036.
B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Suite 930, Washington, D.C. 20036.
D. (6) $1,875. E. (9) $259.

A. Mark Richardson, 342 Madison Avenue, New York, N.Y.
B. American Footwear Manufacturers Association, Inc., 342 Madison Avenue, New York, N.Y.
D. (6) $270. E. (9) $250.

A. John Riley, 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $665.62. E. (9) $65.05.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $185.

A. John P. Roche, 150 East 42d Street, New York, N.Y.
B. American Iron and Steel Institute, 150 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $210.

A. James A. Rock, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $191. E. (9) $1.89.

A. Nathaniel H. Rogg, 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $2,250. E. (9) $67.55.

A. John F. Rolph III, 1120 Connecticut Avenue, Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $500. E. (9) $85.

A. Scott Runkle, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Allan D. Schlosser, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $75.

A. Durward Seals, 777 14th Street NW., Washington, D.C. 20005.
B. United Fresh Fruit and Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $221.87. E. (9) $39.11.

A. W. O. Senter, 1725 DeSales Street NW., Washington, D.C. 20036.
B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C. 20036.
D. (6) $1,439.20. E. (9) $228.98.

A. Leo Seybold, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association.
D. (6) $1,125. E. (9) $266.70.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Children's Hospital of the District of Columbia, 2125 13th Street NW., Washington, D.C.

A. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
B. Mauritius Chamber of Agriculture and Mauritius Sugar Syndicate, Port Louis, Mauritius.
E. (9) $772.93.

A. Norman R. Sherlock, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association.
D. (6) $865. E. (9) $445.50.

A. Dale Sherwin, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Toughy Avenue, Park Ridge, Ill.
D. (6) $1,875. E. (9) $5.43.

A. Edward L. Shields, 666 11th Street NW., Washington, D.C. 20001.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $470.

A. Robert L. Shortle, 1147 International Trade Mart Tower, New Orleans, La. 70130.
B. Water Resources Congress, 1130 17th Street NW., Suite 500, Washington, D.C. 20036.

A. A. Z. Shows, 806 15th Street NW., Suite 624, Washington, D.C. 20006.
D. (6) $500. E. (9) $50.

A. Jonathan W. Sloat, 1425 K Street NW., Washington, D.C. 20005.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. Spencer M. Smith, Jr., 1709 North Glebe Road, Arlington, Va. 22207.
B. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Suite 712, Washington, D.C. 20036.
D. (6) $3,201.69. E. (9) $2,333.51.

A. Gary A. Soucie, 30 East 42d Street, New York, N.Y. 10017.
B. Friends of the Earth, 30 East 42d Street, New York, N.Y. 10017.

A. South Dakota Railroads Association, P.O. Box 489, Aberdeen, S. Dak. 57401.
E. (9) $1,587.73.

A. Larry N. Spiller, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
B. Consulting Engineers Council/U.S. 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
D. (6) $1,500. E. (9) $50.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Green Olive Trade Association, Inc., 82 Beaver Street, New York, N.Y. 10005.
D. (6) $500.

A. Nelson A. Stitt, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. John Stringer, 666 11th Street NW., Washington, D.C.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $1,250.

A. Richard L. Studley, 1400 20th Street NW., P.O. Box 19128, Washington, D.C. 20036.
B. Machinery Dealers National Association, 1400 20th Street NW., P.O. Box 19128, Washington, D.C. 20036.

A. Barry Sullivan, 536 Washington Building, Washington, D.C. 20005.
B. National Association of River & Harbor Contractors, 536 Washington Building, Washington, D.C. 20005.
D. (6) $750. E. (9) $105.49.

A. Surrey, Karasik & Greene, 1156 15th Street NW., Washington, D.C. 20005.
B. Associated Private Sugar Producers of Guadeloupe and Martinique, Zone Industrielle, Pointe-Jarry, Baie-Mahault, B.P. 175, Pointe-A-Pitre, Guadeloupe.
E. (9) $1,809.86.

A. Surrey, Karasik & Greene, 1156 15th Street NW., Washington, D.C. 20005.
B. Private Sugar Producers of Madagascar, 282 Boulevard St. Germain, Paris 7°, France.
D. (6) $12,500. E. (9) $777.34.

A. Ivan Swift, 1925 K Street NW., Washington D.C. 20006.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
E. (9) $2,557.95.

A. Robert F. Sykes, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

A. Peter E. Terzick, 101 Constitution Avenue NW., Washington, D.C. 20001.
B. United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
D. (6) $825. E. (9) $532.60.

A. Evert S. Thomas, Jr., 1730 Rhode Island Avenue NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,479.70. E. (9) $452.

A. J. Woodrow Thomas Associates, Inc., 1730 M Street NW., Suite 609, Washington, D.C. 20036.
B. R. Markey & Sons, Inc., 99 Wall Street, New York, N.Y. 10005.
D. (6) $3,125.

A. J. Woodrow Thomas Associates, Inc., 1730 M Street NW., Suite 609, Washington, D.C. 20036.
B. REA Express, Inc., 219 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500.

A. Christine Topping, 624 D Street SE., Washington, D.C. 20003.
B. National Council for an Indochina Deadline, 530 Seventh Street SE., Washington, D.C. 20003.
D. (6) $1,010.21.

A. J. P. Trainor, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $2,158.

A. Matt Triggs, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $2,406. E. (9) $45.78.

A. Trustees for Conservation, 251 Kearny Street, San Francisco, Calif. 94108.
D. (6) $1,579.50. E. (9) $347.04.

A. United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
E. (9) $13,167.50.

A. United Fresh Fruit & Vegetable Association, 777 14th Street NW., Washington, D.C. 20005.
D. (6) $2,046.45. E. (9) $2,046.45.

A. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $318.75. E. (9) $318.75.

A. Veterans of World War 1 of the USA, Inc., 916 Prince Street, Alexandria, Va. 22314.
D. (6) $5,758.75. E. (9) $69,092.18.

A. L. T. Vice, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.
B. Standard Oil Co. of California, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.
E. (9) $125.

A. Bruce E. Vogelsinger, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.

B. Consulting Engineers Council/U.S., 1155 15th Street NW., Suite 713, Washington, D.C. 20005.

E. (9) $50.

A. De Melt E. Walker, 1730 Rhode Island NW., Washington, D.C.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $646.12.

A. Jack A. Waller, 905 16th Street NW., Washington, D.C. 20006.

B. International Association of Fire Fighters, 905 16th Street NW., Washington, D.C. 20006.

D. (6) $5,375.

A. Charles S. Walsh.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.

D. (6) $127.50. E. (9) $15.

A. Thomas G. Walters, 1909 Q Street NW., Washington, D.C. 20009.

B. National Association of Retired Federal Employees, 1909 Q Street NW., Washington, D.C. 20009.

D. (6) $2,884.62. E. (9) $2, 335.75.

A. Richard D. Warden, 1823 Jefferson Place NW., Washington, D.C. 20036.

B. Washington Research Project Action Council, 1823 Jefferson Place NW., Washington, D.C. 20036.

E. (9) $9,295.65.

A. James A. Warren, 5500 Prospect Place, Chevy Chase, Md. 20015.

B. REA Express Inc., 219 East 42d Street, New York, N.Y., 10017.

D. (6) $450. E. (9) $150.

A. Fred Wegner, 1125 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Association of Retired Persons-National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

A. Weissbrodt & Weissbrodt, 1614 20th Street NW., Washington, D.C. 20009.

B. Central Council of the Tlingit & Haida Indians of Alaska, Box 529, Juneau, Alaska 99801.

E. (9) $85.42.

A. Edwin M. Wheeler, 1015 18th Street NW., Washington, D.C. 20036.

B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.

E. (9) $25.

A. Lee C. White, Semer, White & Jacobsen, 1156 15th Street, Washington, D.C. 20005.

B. American Natural Gas Co. and subsidiaries, One Woodward Avenue, Detroit, Mich. 48226.

E. (9) $171.78.

A. Robert E. Wick, 1800 K Street, NW., Washington, D.C. 20005.

B. Pan American World Airways, Inc., 1800 K Street NW., Washington, D.C. 20006.

E. (9) $131.55.

A. Harding de C. Williams, 1825 K Street NW., Washington, D.C. 20006.

B. Del Monte Corp., 215 Fremont Street, San Francisco, Calif., 94119.

D. (6) $500. E. (9) $50.

A. Harry D. Williams, Suite 204–05, 1660 L Street NW., Washington, D.C. 20036.

B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.

D. (6) $250.

A. J. D. Williams, Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.

B. International Utilities Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.

A. William & Jensen, 1130 17th Street NW., Washington, D.C. 20036.

B. C. Brewer & Co. Ltd., P.O. Box 3470, Honolulu, Hawaii.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $1260. E. (9) $15.25.

A. Women's International League for Peace and Freedom, 1 North 13th Street, Philadelphia, Pa. 19107.

D. (6) $7,666.26. E (9) $7,844.51.

A. Burton C. Wood, 1625 L Street NW., Washington, D.C. 20036.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.

D. (6) $4,500. E. (9) $399.50.

A. William E. Woods, 440 National Press Building, Washington, D.C. 20004.

B. The National Association of Retail Druggists, One East Wacker Drive, Chicago, Ill. 60601.

D. (6) $750. E (9) $150.

A. Jack Yelverton, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

B. Fleet Reserve Association, 1303 New Hampshire Avenue NW., Washington, D.C. 20036.

A. Kenneth Young, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $5,829.60. E (9) $436.66.

A. Robert C. Zimmer, Suite 220, 1775 K Street NW., Washington, D.C. 20006.

B. Charge Account Bankers Association, Suite 220, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $1,500. E. (9) $425.

A. John L. Zorack, 1000 Connecticut Avenue NW., Washington, D.C.

B. Air Transport Association.

D. (6) $1,415. E (9) $369.60.

SENATE—*Wednesday, May 24, 1972*

The Senate met at 11 a.m. and was called to order by Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, in whom we live and move and have our being, help us in this moment of meditation to make this place a sanctuary for our souls and a holy of holies for the Nation. In these turbulent and perilous days, may our moral and spiritual power exceed all our physical might and military power. May our personal lives witness to Thy presence in us. While we give our energies to the practical duties of the day, keep us ever aware of the invisible and eternal values. Strengthen and guide by Thy higher wisdom the President and all others who strive for peace and justice in this world. May we ever hold high the cross of sacrifice and fly the flag of freedom until Thy kingdom comes and Thy will is done in all the earth. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 24, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DAVID H. GAMBRELL, a Senator from the State of Georgia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. GAMBRELL thereupon took the chair as Acting President pro tempore.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. GAMBRELL) laid before the Senate a message from the President of the United States submitting the nomination of Edwin S. Cohen, of Virginia, to be Under Secretary of the Treasury, which was referred to the Committee on Finance.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (H.R. 15093) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes, in which it requests the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 13361) to amend section 316(c) of the Agricultural Adjustment Act of 1938, as amended.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 619) providing for an adjournment of the House from May 24, 1972, until May 30, 1972, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 15093) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

THE JOURNAL

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 23, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 765 and 766.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JUDGMENT IN FAVOR OF THE ASSINIBOINE TRIBES OF INDIANS

The Senate proceeded to consider the bill (S. 3230) to provide for the disposition of funds appropriated to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission Docket No. 279–A, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments. On page 1, at the beginning of line 4, strike out "(84 Stat. 1998)" and insert "(84 Stat. 1981)"; in line 7, after the word "expenses", strike out "and the costs of effecting the provisions of this Act,"; on page 2, line 2, after the word "Reservation,", strike out "Montana, and utilized for any purposes authorized by the respective Assiniboine treaty committees and approved by the Secretary of the Interior and the Congress." and insert "Montana."; and, after line 5, strike out:

Sec. 2. The Secretary shall prepare rolls of all members of the organized Fort Belknap Community and the organized Assiniboine and Sioux Tribes of Fort Peck who were born on or prior to and are living on the date of this Act and are of Assiniboine lineal ancestry. Persons in the following categories shall not be so enrolled: all those members of the Fort Peck Tribes who have participated in a distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313), for the disposition of the Fort Peck Sioux judgment in docket numbered 279–A; and all those members of the Fort Belknap Community who have a greater degree of Gros Ventre ancestry than of Assiniboine ancestry. Persons who have equal Gros Ventre and Assiniboine ancestry shall elect with which group they desire to be enrolled for purposes of this Act or any Act to effect the disposition of the Gros Ventre judgment in docket numbered 279–A.

Sec. 3. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes; and none of the funds shall be distributed to persons other than those enrolled under the provisions of section 2 of this Act. Sums payable to enrollees under eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will appropriately protect the best interests of such persons.

Sec. 4. No payment under this Act shall be considered as income or resources for the purpose of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act.

Sec. 5. The Secretary is authorized to prescribe rules and regulations to effect the provisions of this Act, including the establishment of deadlines.

And, in lieu thereof, insert:

Sec. 2. The share of the Assiniboine Tribe of the Fort Peck Reservation, after deducting $50,000 to be used for programs as provided in section 5 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before and living on the date of this Act who is a citizen of the United States and duly enrolled on the approved roll of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, and duly enrolled as a member of the Assiniboine Tribe of the Fort Peck Reservation on a roll prepared and approved by the Secretary of the Interior. Persons in the following categories shall not be enrolled as members of the Assiniboine Tribe of the Fort Peck Reservation: (a) persons who possess a greater degree of Fort Peck Sioux blood than Fort Peck Assiniboine blood, provided that a person, otherwise eligible, who possesses equal degrees of Fort Peck Assiniboine and Fort Peck Sioux blood, may, at his option, within a reasonable time after notice, elect to be enrolled as an Assiniboine; and (b) persons who participated, or were eligible to participate, in the distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313), for the disposition of the judgment of the Sioux Tribe of the Fort Peck Reservation in docket numbered 279–A.

Sec. 3. The share of the Assiniboine Tribe of the Fort Belknap Reservation, after deducting $100,000 to be used for programs as provided in section 5 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the organized Fort Belknap Community, and is of Assiniboine lineal decent: *Provided*, That persons in the following categories shall not be eligible to receive a per capita payments: (a) persons who possess a greater degree of Gros Ventre blood than Assiniboine blood, (b) persons who possess equal degrees of Fort Belknap Assiniboine and Fort Belknap Gros Ventre blood and who elect to be enrolled as Gros Ventre, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the Act of March 18, 1972 (Public Law 92–254), for the disposition of the judgment of the Blackfeet Tribe and the Gros Ventre Tribe in Indian Claims Commission docket numbered 279–A.

Sec. 4. The per capita shares authorized in sections 2 and 3 of this Act shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the tribe from whose share the per capita would have been paid, to be expended for any purpose designated by such tribe and approved by the Secretary.

Sec. 5. The funds set aside for program purposes for the Assiniboine Tribes in sections 2 and 3 of this Act may be utilized for any purposes authorized by the respective Assiniboine treaty committees and approved by the Secretary of the Interior and by Congress through enactment of appropriate legislation.

On page 5, after line 19, insert a new section, as follows:

Sec. 6. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes, and shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act, and programs of the Department of Agriculture and Bureau of Indian Affairs. The provision of this section regarding eligibility for assistance under the Social Security Act is enacted in recognition of the unique circumstances applicable to the tribes involved, and shall not be regarded as a precedent or as a general policy for application to other tribes.

On page 6, after line 5, insert a new section, as follows:

Sec. 7. Sums payable to persons under eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will protect the best interests of such persons.

And, after line 10, insert a new section, as follows:

Sec. 8. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of January 8, 1971 (84 Stat. 1981), to pay a judgment to the Assiniboine Tribes in Indian Claims Commission docket numbered 279–A, and the interest thereon, after payment of attorney fees and litigation expenses shall be divided equally between the Assinibione Tribe of the Fort Peck Reservation, Montana, and the Assiniboine Tribe of the Fort Belknap Reservation, Montana.

Sec. 2. The share of the Assiniboine Tribe of the Fort Peck Reservation, after deducting $50,000 to be used for programs as provided in section 5 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before and living on the date of this Act who is a citizen of the United States and duly enrolled on the approved roll of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, and duly enrolled as a member of the Assiniboine Tribe of the Fort Peck Reservation on a roll prepared and approved by the Secretary of the Interior. Persons in the following categories shall not be enrolled as members of the Assiniboine Tribe of the Fort Peck Reservation: (a) persons who possess a greater degree of Fort Peck Sioux blood than Fort Peck Assiniboine blood, provided that a person, otherwise eligible, who possesses equal degrees of Fort Peck Assiniboine and Fort Peck Sioux blood, may, at his option, within a reasonable time after notice, elect to be enrolled as an Assiniboine; and (b) persons who participated, or were eligible to participate, in the distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313), for the disposition of the judgment of the Sioux Tribe of the Fort Peck Reservation in docket numbered 279–A.

SEC. 3. The share of the Assiniboine Tribe of the Fort Belknap Reservation, after deducting $100,000 to be used for programs as provided in section 5 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the organized Fort Belknap Community, and is of Assiniboine lineal descent: *Provided*, That persons in the following categories shall not be eligible to receive per capita payments: (a) persons who possess a greater degree of Gros Ventre blood than Assiniboine blood, (b) persons who possess equal degrees of Fort Belknap Assiniboine and Fort Belknap Gros Ventre blood and who elect to be enrolled as Gros Ventre, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the Act of March 18, 1972 (Public Law 92–254), for the disposition of the judgment of the Blackfeet Tribe and the Gros Ventre Tribe in Indian Claims Commission docket numbered 279–A.

SEC. 4. The per capita shares authorized in sections 2 and 3 of this Act shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the tribe from whose share the per capita would have been paid, to be expended for any purpose designated by such tribe and approved by the Secretary.

SEC. 5. The funds set aside for program purposes for the Assiniboine Tribes in sections 2 and 3 of this Act may be utilized for any purposes authorized by the respective Assiniboine treaty committees and approved by the Secretary of the Interior and by Congress through enactment of appropriate legislation.

SEC. 6. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes, and shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act, and programs of the Department of Agriculture and Bureau of Indian Affairs. The provision of this section regarding eligibility for assistance under the Social Security Act is enacted in recognition of the unique circumstances applicable to the tribes involved, and shall not be regarded as a precedent or as a general policy for application to other tribes.

SEC. 7. Sums payable to persons under eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will protect the best interests of such persons.

SEC. 8. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–799), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of S. 3230 is to authorize the division and disposition of judgment funds awarded to the Assiniboine Tribes residing on the Fort Peck and Fort Belknap Reservations in Montana. The funds have been appropriated, but cannot be used by the recipients of the award until authorized by Congress.

BACKGROUND

The Indian Claims Commission granted an award of $3,108,506.40 to the Assiniboine Tribes of Indians residing upon the Fort Peck and Fort Belknap Reservations, Mont., on June 30, 1969, in docket numbered 279–A. The award represents additional payment for the Assiniboines' interest in land in northern Montana equivalent to 3,885,653 acres, ceded under the Act of May 1, 1888 (24 Stat. 113). Funds to cover the award were appropriated by the Act of January 8, 1971 (85 Stat. 1981).

Docket 279–A involves awards to the Blackfeet-Gros Ventre, the Fort Peck Sioux and the Assiniboines. The Blackfeet represent the only single, organized, full successor entity to the aggrieved group. The Gros Ventre are largely intermarried with Assiniboines, and together form the organized Fort Belknap Indian Community. Assiniboines are very much intermarried with Sioux on the Fort Peck Reservation, and together comprise the organized Assiniboine and Sioux Tribes.

S. 3230 provides a method whereby the judgment may be divided between the Assiniboines on the two Montana reservations and distributed in a manner that will preclude the Sioux and Gros Ventre on the Fort Peck and Fort Belknap Reservations, respectively, from sharing in this award.

The bill provides for an equal division of the funds between the two successor entities of the Assiniboine Tribe of the last century, the Assiniboine Tribe of the Fort Peck Reservation and the Assiniboine Tribe of the Fort Belknap Reservation, both of Montana. These entities, as represented by their respective treaty committees, have agreed to an equal division of the funds, the Fort Belknap group by resolution of June 9, 1971, and the Fort Peck group by resolution of April 10, 1971.

After division, S. 3230 provides that the funds are to be utilized for any purposes authorized by the respective Assiniboine treaty committees and approved by the Secretary and the Congress.

Section 6 of S. 3230 provides that no payment under the act shall be considered as income or resources for the purpose of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act. A similar provision appears in Public Law 92–254, which dealt with the Blackfeet and Gros Ventre portions of the award in docket 279–A.

At the hearing before the Subcommittee on Indian Affairs on March 29, 1972, on S. 3230, the Assiniboine Tribe of the Fort Peck Reservation recommended several amendments to the bill. The proposed amendments were designed to parallel the provisions of the Act of June 19, 1970 (84 Stat. 313), which provided for the disposition of the Fort Peck Sioux judgment in docket 279–A, following the deduction of $50,000 to be set aside for reservation programs. The Assiniboine Tribe of the Fort Belknap Reservation testified in favor of S. 3230, and recommended that $100,000 of their share of the judgment be set aside for reservation programs with the balance of the funds to be distributed per capita to duly enrolled members of the tribe.

COST

No additional expenditure of Federal funds will result from the enactment of S. 3230.

AMENDMENTS

The committee approved amendments authorizing a set aside of $50,000 in the case of the Assiniboine Tribe of the Fort Peck Reservation and $100,000 for the Fort Belknap Assiniboines from the share of each tribe to be used for reservation programs. The balances of each group's respective share of the funds may be distributed per capita to their duly enrolled members, but the amount authorized to be set aside for reservation programs may not be expended until such time as Congress enacts appropriate legislation for such purposes.

The committee adopted the language from the conference report on S. 671 (now Public Law 92–254), to provide for the division and disposition of a judgment in favor of the Blackfeet Tribe, and the Gros Ventre Tribe, which clearly indicates that the per capita payments that are exempted from consideration as a financial resources in determining the extent of eligibility under the Social Security Act shall not be considered as a precedent.

COMMITTEE RECOMMENDATIONS

The Committee on Interior and Insular Affairs recommends unanimously that the bill, S. 3230, as amended, be enacted.

CONVEYANCE OF CERTAIN REAL PROPERTY OF THE UNITED STATES

The bill (H.R. 1915) to provide for the conveyance of certain real property of the United States was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–800), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 1915 is to authorize the Secretary of the Interior to convey 33 acres of land to Mrs. Julian Souvenir of Cathlamet, Wash., and 7 acres of land to William D. Auld of Ridgefield, Wash.

NEED

The 40-acre tract in question is located in Wahkiakum County, Wash., and was originally patented to Richard Dick, an Indian, on December 26, 1888, under the Homestead Act of May 20, 1962. The patent provides that it is issued on the express condition that—

"Title shall not be subject to alienation or encumbrance, either by voluntary conveyance or by judgment, decree or order of any court, or subject to taxation of any character, but shall remain inalienable and not subject to taxation for a period of 25 years from the date hereof as provided by act of Congress approved July 4, 1884."

The act of July 4, 1884, made the Homestead laws applicable to Indians but provided that all patents therefor shall—

"* * * declare that the United States does and will hold the land thus entered for the period of 25 years, in trust for the sole use and benefit of the Indian by whom such entry shall be made * * * and that at expiration of said period the United States will convey the same by patent to the Indian * * * in fee, discharged of said trust and free of all charge or encumbrance whatsoever."

The subject patent was issued with no

reference to the trust relationship except the prohibition against alienation and taxation for a period of 25 years.

In 1892, Dick transferred 7 acres of the tract by warranty deed. Through various transfers this 7-acre tract is now held by Mr. Auld.

Dick died in 1899. Subsequently his land (33 acres) was claimed as escheated by the State of Washington. On April 27, 1936, the State of Washington transferred the 33 acres to Joe Souvigner, reserving to itself all minerals. In 1955 the Souvenirs conveyed 5.5 acres to the State of Washington for highway purposes.

In 1967, the Acting Associate Solicitor, Indian Affairs, Department of the Interior, ordered that "all assets of decedents' (Richard Dick) estate escheated to the United States to become part of the public domain," following a finding that Dick died without heirs, and that his estate consisted of "his public domain trust allotment" of 40 acres. These are the same 40 acres covered by the bill. This action was taken pursuant to the act of July 25, 1910, and the act of November 24, 1942. The 1910 act mentions only trust allotments while the 1942 act refers also to restricted homesteads.

The Department's determination that the land covered by this bill escheated to the United States upon the death of Richard Dick was based on the fact that his death occurred prior to the expiration of the 25-year period when the land was held in trust for said Dick.

The present claimants might have rights and privileges under the Color-of-Title Act, which might entitle them to administrative relief. However, their following the administrative relief route might not result in vesting of title, as this bill clearly would provide.

The land in question is located in an alluvial plain of the Columbia and Elochoman Rivers. Some of the land is being used as improved pastures, and the remainder is generally bushy and poorly drained. It has an estimated fair market value of $275 an acre. The only improvements on the land that would be conveyed to Mrs. Souvenir consist of fences and improved pasture. Mr. Auld has a small dwelling on the 7-acre parcel. The land and building were purchased for $1500 in 1967.

The land has little or no value for mineral production.

The conveyance would be made only upon payment of the value of the land, as determined by the Secretary of the Interior, but such value would be exclusive of any increased value resulting from development or improvements placed thereon by the applicant or his predecessors in interest.

Enactment of H.R. 1915 would clear up the present title problems surrounding this land and permits the present applicants to secure title to the land they purchased in good faith. The land is not needed by the Government for any Federal program. The Government would stand no loss as it would receive payment for the land conveyed.

It is the opinion of the committee that H.R. 1915 offers a fair and equitable solution to a difficult land title problem.

COST

No additional expenditures are involved in the enactment of H.R. 1915.

COMMITTEE RECOMMENDATION

The Senate Interior and Insular Affairs Committee unanimously recommends enactment of H.R. 1915.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I yield back my time.

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Alaska (Mr. Gravel) is now recognized for not to exceed 15 minutes.

PERSONAL STATEMENT

Mr. GRAVEL. Mr. President, I am glad that the distinguished minority leader, the Senator from Pennsylvania (Mr. Scott) is in the Chamber, because I want to address myself to some comments he made, and some comments I made on his comments. This will afford him the possibility to make direct comments on my comments, which are comments on his comments.

I address myself to his comments on the floor with reference to my comments on his public statement that I had broken the law.

The minority leader is a distinguished person as an individual—not to speak of the fact that he is a U.S. Senator and also the minority leader.

I have here a page from the Anchorage Daily Times, a newspaper that has not been favorable to me. That is unfortunate from my particular political point of view, because it is the largest newspaper in Alaska. When they wish to oppose my actions they print a banner headline such as this one, which says "Senator Gravel Broke the Law."

That is an interesting banner headline, Mr. President, to have published in one's own State. I think any average citizen reading that would say, "My God, if Gravel broke the law, put him in jail. We should not let Senators go around breaking laws. That is bad."

So I think that the Senator from Pennsylvania, although probably not realizing it, certainly played into the hands of people who are violently opposed to my position, and compounded an error, the ignorance of which was demonstrated right here in this body, about the laws concerning secrecy.

There are no laws with respect to the classification system. It is an Executive order. But when the distinguished Senator from Pennsylvania says that there is a law broken with respect to the classification of documents, then this gives credibility throughout the Nation to that notion, mistaken though it is. This problem is compounded by editorials that also have appeared in the Anchorage Daily Times.

I ask unanimous consent to have one of the editorials, entitled "What Price Glory?" printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Anchorage Daily Times, May 11, 1972]

What Price Glory?

If someone steals top secret documents from an executive agency of the government and hands them over to a newspaper or to a U.S. Senator and they reveal their contents, is that enterprise? We think not.

Yet Pulitzer prizes were awarded recently to a newspaper and a reporter who did just that. And now Alaska's U.S. Sen. Mike Gravel is in the national spotlight for public attention because he, too, has done the same thing.

Senator Gravel is of concern to all Alaskans because he is their elected representative in the upper chamber of Congress. He is supposed to be representing them.

We don't think Alaskans sent him to Washington to accept stolen government secrets and reveal them to the public. We think Alaskans expected him to do something constructive for them and for the nation.

It is embarrassing when the leader of the Republican party, Sen. Hugh Scott, accuses our Senator of violating the law. Scott did that yesterday and his accusation went across the nation on the main news wires.

Gravel read top secrets in the Senate. Scott said he got them from "a betrayer" of the government and in revealing the secrets he violated a federal law.

The only reason the senator is not charged with committing a crime is that senators are immune from prosecution for what they say on the floor of the Senate.

It is also embarrassing for the journalism fraternity when the Pulitzer prize is used to reward those who accept stolen secrets and publish them.

The New York Times won an award for public service in publishing the Pentagon Papers. A columnist, Jack Anderson, was similarly rewarded for publishing the minutes of secret discussions among White House and other executives with respect to presidential policy. The minutes were stolen and "leaked" to Anderson just as the Pentagon Papers were stolen and "leaked" to the newspaper and the documents read by Gravel were stolen and "leaked" to him.

Even the trustees of Columbia University gagged on the recommendations of the advisory board on Pulitzer prizes and made known their disapproval publicly.

The Oregonian has declared that "somewhere along the line the question of ethics in journalism must be recognized along with ethics among those in government who lie, cheat and steal for their own purposes."

The newspaper sees the need for some new rules for the awarding of prizes for journalism as well as for overclassification of government papers.

To which we add, the same rules and ethics should apply to those who receive the stolen property.

Mr. GRAVEL. Mr. President, the editorial states that this is against the law. Let me precisely go over the statement made by my distinguished colleague from Pennsylvania who—I want underscored and state for the Record—is one of the persons I deeply admire as a Member of this body. He is one of the most skillful practitioners of the art of politics, which I look upon as a fine art and a reputable profession. Thus, I want to state my disagreement, which does not detract one iota from the skill the Senator from Pennsylvania brings to his office, or my own personal affection for him, apart from our participation in the deliberations of this body.

But, Mr. President, let me take to task his statement when I asked for an apology if no law was broken. He came back and said no apology was warranted, and in fact quite the opposite of an apology was warranted, which would mean severe disapprobation. Certainly he is entitled to that opinion. I do not question that. I have no quarrel with that and seek no agreement—not at all. What I do seek to rectify is his claim that I have broken the law. If I have not broken the law, then I would like an apology so that I can write to this newspaper in the State of Alaska and tell them that they are in error and hope that they will print a retraction—which I am sure they would never do—with the same kind of screaming headline which they used when they said I did break the law.

There is no reference to breaking the law in the entire statement of the distinguished minority leader. There is reference to the Espionage Act. The language is very precise in the Espionage Act:

> * * * which information the possessor has reason to believe could be used to injure the United States.

Mr. President, I released no information—then, or now, and never would—that would injure the United States.

If I did that, that would mean that I am a traitor, that I wanted to do harm to my country. If I did that, I should not be permitted to stand on the floor of the Senate. I should not be permitted to go free.

Obviously, that is not my intent. Any Senator that would stand up and say that is my intent is in violation of the rules, because in this Chamber we have a rule that does not permit a colleague to remonstrate concerning the motivations of another colleague.

Certainly my motivations were not to hurt the Senate and were not to hurt the country. I am sure that my colleague from Pennsylvania is aware of the rules within the Senate, to the effect that a Senator cannot impugn the motives of another Senator.

My motive was merely to give information to the American people. That is an opinion contrary to that of my colleague from Pennsylvania, who feels that I have violated the spirit of the rules of the Senate.

First of all, Mr. President, I would like to see the rules, the spirit of which I violated. I think it is quite to the contrary. I have not violated the rules of the Senate. In fact, I think I am performing my functions in the highest traditions of the Senate. I refer to the function as a member of a debating society, and as a member of a group which acts as a conduit of information to the American people, information that is so vital to the American people to exercise intelligently their franchise.

I feel that I have acted in the full spirit of my office as United States Senator. Mr. President, in respect to a violation of the law, I would like the Senator from Pennsylvania to point out where I have violated the law and how it has been violated. The statement has been made by the Senator from Pennsylvania on two separate occasions that I attempted to have excerpts from the NSSM papers printed in the Record in secret session after there had been a prohibition against the introduction of the material into the Record.

There was no effort by me to put the papers into the Record in secret session. There has never been a vote on the question. On the first occasion there was an objection by the Senator from Michigan to the introduction of the material. That is certainly not an expression of the will of the Senate. So to state that on two separate occasions the will of the Senate has been disregarded is I think, slightly in error.

I think the specific points I have disagreement with in the statement are still valid.

I think it is interesting that in the last statement made by the Senator from Pennsylvania, that Senators may ignore laws for which non-Members could be prosecuted, is subject to question. I disagree with the Senator from Pennsylvania. Others who are not Senators have done what I have done. They have not broken the law because there is no law. And if there is a breaking of the law, then I submit that the administration is very capricious and arbitrary in the enforcement of the law.

The New York Times has printed information similar to that which I have released; the Washington Post has printed information similar to that which I have released; and Newsweek magazine has printed information similar to that which I have released.

I would certainly not want to accuse the President or our Attorney General of dealing in selective justice, because I feel that people of integrity should be able to apply justice uniformly.

Jack Anderson also released that information, as well as information relative to the Pakistani papers. No one attempted to prosecute him.

The point is made that this information was not generally known in this body, and that it involves activities in the executive department and not within the Congress of the United States or within the fourth estate: the communications field.

Mr. President, we must rely on our own good judgment and on our own sense of morality as to what is best for this country. I am not prepared to defer as a citizen or as a U.S. Senator to any man as to what might be best for this country. My duty, which I have sworn to uphold, is to protect this Nation and the Constitution from within and without. I think that duty is met when I give information to the American people as to the threat that exists.

I think we have a duty to meet that threat, whether it be with respect to the military or the lives of Americans in Southeast Asia.

The Senator from Pennsylvania says that the NSSM papers of which he speaks are something relating to the U.S. military strategy.

I made that statement. I am glad that my colleague made that statement, too, because those studies to which I referred are more relevant now than when they were first undertaken.

I think it is important for the American people to know the underlying recommendations that the President receives relative to this position.

I am glad that the Senator from Pennsylvania rendered that service, to let us know that the President is working at cross-purposes with the intelligence community and with the best data that he could receive in that regard.

Mr. President, those are the comments that I have to make. I will still wait for an apology. I may have to wait my entire public career for the apology. However, I think that the Senator from Pennsylvania is a person of unusual character, of unusual integrity, and of unusual honesty. I hope that with time he will come to view the situation as I view it, from the facts.

I will not press for an apology if it can be shown where I violated the law. But I ask that it be shown me where I violated the law.

I think that as a U.S. Senator I am entitled to an apology so that we can get the record straight not only in the State of Alaska but also throughout the United States. I think it is important that the American people know these things.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks two articles that appeared in this morning's Washington Post. One is by Roger Wilkins, entitled "Children of Slavery—Parents and Black Liberation." The other is a letter to George Jackson from Angela Davis. I think that these articles shed great light on the attitude that exists on the part of white and black people toward discrimination. I see great merit in these articles. That is why I ask that they be printed in the Record.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **GRAVEL**. Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks one other item of which I have spoken frequently. It seems that we start by saying something that is not credible. However, later the facts of the matter percolate to the surface for all to see. The article which I ask unanimous consent to have printed in the Record is entitled "Bombing of North Spreads to Nonmilitary Targets," written by Peter Osnos, and published in the Washington Post of today.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 2.)

Mr. **GRAVEL**. Mr. President, the article refers to the bombing that is taking place and being spread to nonmilitary targets. What moral justification can we have for this? There is no moral justification. In that electrical plant that is supplying electricity to Hanoi, civilians are working. And civilians are living around there. We have now adopted the theories adopted by Hitler in the Second World War, and that is open-city bombing. It was immoral then and it is immoral today when perpetrated by the United States of America. I am ashamed and disgusted as an American citizen to be a party to this. And I think the shame will live long, not only in American history, but also in the American psyche.

EXHIBIT 1

CHILDREN OF SLAVERY—PARENTS AND BLACK LIBERATION

(By Roger Wilkins)

The first "love letter" from Angela Davis to George Jackson introduced by the prosecution at Miss Davis' trial in California for murder offers an extraordinary glimpse into the mind of a young black woman as she struggles with one of the still live and anguishing legacies of slavery. During the late sixties, when young angry black rhetoricians lashed America because of three hundred years of oppression and recited the whole litany of slavery, the standard white response was, "What has this generation—white or black—to do with that period of our distant history?" But in writing to the man she loved, as a black woman caught up in the struggle for black liberation, Angela Davis had still to be deeply involved in the slow black psychic climb up out of the slime and ooze of slavery. In this letter, excerpts from which appear elsewhere on this page, her issue is whether the survival techniques and the perceptions of black needs developed prior to 1865 and persisting even now are suited to the needs and demands of black society.

The problem Miss Davis confronts runs in an unbroken line from the defense mechanisms blacks developed for survival during the brutal and violent days when they were chattel straight into the guts and spirits of today's black parents struggling with the excruciating problems of raising their children in a still racist America—an America that seems to think it has done enough about the racial problem and is both weary of the issue and hostile even toward such minor innovations as busing and scatter site housing. She knows the parents will be tempted to be "overly protective" by dissuading their children from accepting the "burden of fighting this war which has been declared on us," on the one hand while seeing the need to hand the sons of the race a "flaming sword" on the other.

During slavery, both black men and black women performed as beasts of burden from dawn to dusk, but in a very substantial measure, that was the man's sole function. In order to turn men into beasts, it was imperative for the society to keep them docile. Male slaves could be murdered, punished brutally, sold down the river away from family and friends and have their faces pressed into the mud in hundreds of other more subtle ways until manhood was little more than a scream of anguish that died in the throat before it was heard.

Women seemed less threatening and were thus often given positions of trust at the mouths of white babies, and in the kitchens of the great houses or of sexual servitude, to master, master's son, overseer or visiting fireman. The women did what they had to do for their own survival and to protect children, husbands and friends. They saw clearly the perils in store for the black manchild and, over generations and centuries, they devised ways to raise their boys to survive in the world they knew: "Keep your nose clean, hang back, work hard, succeed, escape, become 'non-nigger'."

After slavery, little changed in those patterns. The black male was still systematically degraded. Women could get jobs because people needed domestics and the American fantasy grew enough to include a black woman teacher, nurse or social worker, but could not encompass a black male supervisor or executive. Meanwhile, up through the black revolution of the sixties, black mothers kept teaching the same old survival course to their children. They did so, partially because their own paths to progress were blocked and so they poured all of their hopes and all of their ambitions into their children, and partially because they wanted to save the children from both named and unknown perils.

Then came the revolution of blackness during the late 60s and the rise of black male consciousness. Cultists and others, raging at an abundance of injustices—many real, some imagined—began firing at any moving target. Black women loomed large in many sights; they were told "you have crushed our manhood and bled us of our blackness. We are men now and are prepared to take care of business while your role is to keep quiet, succor and love, while I fight and define my blackness."

This is where Miss Davis parts company with much of the new black thought. She clearly understands the parental instinct to protect the cub, but she knows that the old survival patterns no longer work, for even when they do "work", they often produce individualistic, white-like people, alienated from the black experience, people who stand alone, above and aside, identifying with little of the pain and soaring with none of the joy of engagement and occasional victory. The struggle, as she says, must now be collective. Renewed white resistance coupled with the still abysmal circumstances of the lives of at least half of black America requires a strategy of more ingenious and diversified black initiatives springing from both the talents and needs of a more unified black community than has ever previously existed.

Whether Miss Davis was speaking metaphorically when she talked about squeezing rather than jerking the trigger and rejoicing over the running blood of a policeman is something a jury in San Jose will soon begin to ponder. But no one who walks the streets of the poorest black communities in this country can doubt that desperate struggles, the contours of which are yet unknown, lie ahead. Eyes in black spirits see what white blindness and indifference fail to perceive: alleys where children play amidst rubble and wine-soaked bodies, tenaments where families sleep eight to a room, grammar schools where heroin pushers peddle their wares to ten year olds and empty shells lurching along streets where men should walk. Nor is there any doubt about the rage such sights engender in the core of every black with a living spirit, whether or not that age is articulated as openly as Miss Davis does in her letter.

Nor can he believe that there is an asset anywhere more precious to the future of black America than her children. Each mother will struggle with the knowledge of the pain that lies ahead for her child. Her instinctive desire to erect an iron protective mechanism around his spirit will do fierce battle with her knowledge that the black community needs him to live his life at full throttle and great risk while pouring his main force into the struggle for black liberation. If the parents choice is the latter, Miss Davis is right. That race of giants won't be developed by strong men and crippled mothers. Rather, it will arise from families headed by two whole human beings who set examples by being fully engaged in the most serious business of America, and who have the full courage to grow and to launch the child in the hope that none of them—whether parent or child—will flinch in the face of the awesome challenges that are sure to come.

LETTER TO GEORGE JACKSON—ANGELA DAVIS: STRUGGLE, SURVIVAL

It is already impossible to begin at the beginning. If I start by dropping the mask and say in all naturalness; I have come to love you very deeply, I count on you to believe me, George. I have used these words very seldom in my 26 years—because I could not have meant them very often. Believe me, it happened so abrupty, so spontaneously. I was not seeking to love when I walked into a Salinas courtroom on Friday, May 8, 1970. But one thing remains to be said—my feelings dictate neither illusionary hopes nor intolerable despair. My love—your love, reinforces my fighting instincts, it tells me to go to war . . .

Concerning black women: I am convinced that the solution is not to persuade the black woman to relax her reins on the black male, (but to translate) the "be a good boy" syndrome into a "take the sword in hand" attitude . . . to take our first step towards freedom, we, too, must pick up the sword. Only a fighting woman can guide her son in the warrior direction. Only when our lives—our total lives—becomes inseparable from struggle can we, black women, do what we have to do for our sons and daughters . . .

My mother was overly protective of her sons and daughters. I could never forgive her for forcing my brothers (us, too) to take dancing lessons. George, we must dig into all the muck and get at the roots of our problems . . . When we are overly protective, we attempt to dissuade our loved ones from accepting the burden of fighting this war which has been declared on us, we cannot be dismissed as counter revolutionary. You'd be surprised how many brothers would say this. Nor can it be said that we ought to blot our natural instincts for survival. Why, why, is our conditions so wrought with contradictions? We, who have been coerced into performing the most degrading kinds of labor—a sex machine for the white slave master. Rather than helplessly watch her children die a slow death of starvation, my grandmother submitted to the white master, my father's accursed father . . .

To choose between various paths of survival means the objective availability of alternatives. I hope you don't take this as an apologetic stance. I'm only trying to understand the forces that have led us, black women, to where we are now. Why did your mother offer you reprimands instead of the flaming sword? Which is equivalent to posing the same question about every other black woman—and not only with respect to the sons, but the daughters too, this is really crucial. In Cuba last summer, I saw some very beautiful Vietnamese warriors . . . all female . . . I saw women patroling the streets with rifles on their backs—defending the revolution. But also, young companeras educating their husbands and lovers—demythologizing machismo. After all, if women can fight, manage factories, the men ought to be able to help with the house, children.

But returning to the question—we have learned from our revolutionary ancestors that no individual act or response can seize the scepter of the enemy. The slave lashes out against his immediate master, subdues him, escapes, but he has done nothing more than take the first step in the long spiral upwards towards liberation. And often that individual escape is in evasion of the real problem. It is only when all the slaves are aroused from their slumber, articulate their goals, choose their leaders, make an unwavering commitment to destroy every single obstacle which might prevent them from transcribing their visions of a new world, a new man onto the soil of the earth, into the flesh and blood of men.

Even dreams are often prohibited or are allowed to surface only in the most disguised and sublimated form—the desire to be white, the monstrous perverted aspirations of a so-called black bourgeoisie, created to pacify the masses. And then there is the unnatural system-oriented desires of a black woman who is relating to the survival of her children . . .

The point is—given the vacuum created by the absence of collective struggle, the objective survival alternatives are sparse: ambitions of bourgeois gluttony or—like you said—unconscious crime. One path goes in thru the front door, the other sneaks in thru the back and is far more dangerous and seemingly far less likely to reach its destination . . .

A mother cannot help but cry out for the survival of her own flesh and blood. We have been forbidden to reach out for the truth about survival—that is a collective enterprise and must be offensive, rather than defensive . . .

Frustrations, aggressions cannot be repressed indefinitely . . . For the black female, the solution is not to become less aggressive, not to lay down the gun, but to learn how to set the sights correctly, aim accurately, squeeze rather than jerk, and not be overcome by the damage. We have to learn how to rejoice when pig's blood is spilled. But all this presupposes that the black male will have purged himself of the myth that his mother, his woman, must be subdued before—he—can wage war on the enemy. Liberation is a dialectical movement—the black woman can liberate herself from all the muck—and it works the other way around and this is—only—the beginning . . . Women's liberation in the revolution is inseparable from the liberation of the male . . .

Jon and I have made a truce. As long as I try to combat my tendencies to remind him of his youth, he will try to combat his male chauvinism. Don't come down on me before you understand—I never said Jon was too young for anything, I just mentioned how incredible it is that in spite of a Catholic school, Georgia, etc., he refused to allow society to entrap him in adolescence. But still, he doesn't dig any mention of age.

The night after I saw you in court, for the first (time) in months, I dreamt (or at least the dream was significant enough to work its way into my consciousness). We were together, fighting pigs, winning. We were learning to know each other.

I love you . . .

EXHIBIT 2

BOMBING OF NORTH SPREADS TO NONMILITARY TARGETS

(By Peter Osnos)

SAIGON, May 24 (Wednesday).—U.S. Air Force and Navy jet fighters carried out their heaviest raids so far on North Vietnam over the weekend, expanding again the scope of their targets and the range of the attacks, the U.S. Command said Tuesday.

An average of more than 330 strikes a day were flown in a three-day period ending Monday evening, the command said, including attacks on bridges and rail lines only 40 miles from the border of China.

In addition to the strictly military installations and transportation facilities that had been the principal targets up to now, the command confirmed that a power transformer eight miles northwest of Hanoi had also been attacked.

[Several thousand South Vietnamese marines launched a combined amphibious and helicopter assault Wednesday on the coastal strip called the "Street Without Joy" east of Quangtri City, AP reported.]

Senior U.S. officers said the justification for hitting the power plant was that it supplied electricity to many truck repair shops and small factories in the Hanoi area providing war-related services. They said the transformer was 75 per cent destroyed.

Well-informed American sources said a cement factory in the vicinity of the port city of Haiphong was also hit, but this raid was not included in the command's latest listing of bomb damage.

[In Washington, Defense Department spokesman Jerry W. Friedheim confirmed the bombing of nonmilitary installations and said U.S. bombers "will be hitting some of the other targets, such as power plants and some of the industrial facilities which support the military effort of the north."

[Friedheim told newsmen that U.S. commanders "probaby have more flexibility in their targeting than was exercised in the 1967–1968 period."]

The renewed regular bombing of North Vietnam, code-named "Linebacker" by the Pentagon, coupled with the mining of the country's seven ports and, heavy naval bombardment has now surpassed anything mounted by the United States in past years.

Despite failures in the previous bombing campaign to stop the flow of men and equipment to the South, officers believe this time the effect will be greater. "We are doing better," said one very senior commander. The greatest impact on Hanoi's war-making capability, U.S. officers believe, will be the failure to get supplies from the sea routes, a direct result of the U.S. mining of harbors.

[The official North Vietnam News Agency said antiaircraft crews and planes shot down eight American warplanes over North Vietnam, four of them over Habac Province, UPI reported.

[U.S. Air Force and Navy fighters shot down four Soviet-built Mig interceptors over North Vietnam Tuesday, AP reported, citing U.S. military sources.

[Communist gunners fired 14 rockets into Bienhoa airbase, 15 miles north of Saigon, overnight, Reuter reported. First reports said one South Vietnamese soldier was killed and 15 persons, including four U.S. servicemen, were wounded.]

In the two weeks since "Linebacker" began, Hanoi and Haiphong have been hit as many times as they were in the 1965–1968 period, according to the informal records of military statisticians.

"There is nothing inviolate," said one ranking officer responsible for the conduct of the air war. "If someone says we want that target up there . . . we go get it."

Moreover, the commanders maintain that the bombing is substantially more effective than it was in the past because of improvements on the conventional 2,000–3,000-pound bombs that have been fitted with laser-guided and electro-optical bombing devices. These bombs can be released from altitudes as high as 20,000 feet and still score accurate hits in up to 80 per cent of the strikes, Air Force journals have reported.

The "smart bombs" have been responsible for the success in knocking out bridges, rail lines and other targets that had once proved troublesome to pilots who kept having to come back to them.

The important rail and vehicular Thanh Hoa Bridge, 80 miles south of Hanoi, for example, was struck many times in 1965–68, but never rendered useless for a significant time period.

The bridge was hit again on May 13 and the Air Force maintains it has been put out of action for the foreseeable future.

"The simple fact is that he (North Vietnam) can still repair these things," said a senior Air Force officer, "but I can take them out in just a few minutes. It takes about two minutes for each bridge. It's a relatively clean, surgical operation. Bombing is very precise with these weapons."

The officer said that the attacks 40 miles from China destroyed six bridges with only eight planes.

"Smart bombs" have been in the Air Force and Navy arsenals for as long as two years, but they were not used extensively in operations over the Ho Chi Minh Trail or inside South Vietnam. Other high-priced equipment—computers, sensors and the like—is also credited with improving results.

While commanders maintain that fewer planes are now necessary to accomplish greater objectives, they are at no loss for assets. Since the buildup began in mid February, air strength in Southeast Asia has risen to the level of the peak years of "Rolling Thunder."

Fighters and bombers operate from six bases in Thailand, (one was recently reopened), anywhere from five to seven aircraft carriers and some B–52s are based on Guam. There are Air Force and Marine squadrons based at Danang and Bienhoa, inside South Vietnam.

Through careful manipulation of the manpower commitment, Pentagon planners have managed to avoid sending so many people to South Vietnam that the steadily dropping troop strength figures would be reversed.

Many of the additional planes (the overall total is about 1,100) are deployed inside South Vietnam where the air offensive also continues to expand. The total number of sorties in May is likely to come close to the figure for May, 1968, the highest of the war. That month, the daily average was about 400.

Tuesday, Air Force and Navy jets flew 426 sorties. For the entire month of January, 1972, 169 U.S. sorties were flown inside South Vietnam.

Mr. SCOTT. Mr. President——

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin was to be recognized.

Mr. GRAVEL. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Alaska has 1 minute remaining.

Mr. PROXMIRE. Mr. President, I yield 3 minutes to the Senator from Pennsylvania with the understanding that I may get the 3 minutes back from the acting majority leader.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent also that the Senate have the 1 minute remaining to the Senator from Alaska.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Pennsylvania will be recognized for 1 minute from the time of the Senator from Alaska and 3 minutes from the time of the Senator from Wisconsin.

Mr. SCOTT. Mr. President, we must all presume to be responsible for the reasonable consequences flowing from our actions. And that, of course, includes newspaper publicity.

I have filed a bill of particulars, and I filed it on the same day that my friend, the Senator from Alaska, filed his complaint about me. It was not carried in the press because I filed it late in the day. So, in order to show my reply, which is in great detail and should have appeared in the same newsstory, I ask unanimous consent that my statement made at that time may appear in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SCOTT. Mr. President, I was not the one who made reference to the documents being classified as secret. That statement was made by the Senator from Alaska, who said:

> I presume that document is classified "Secret"; in fact, I have every reason to believe it is classified "Secret." I know it is classified "Secret."

Title 18 of the United States Code, pages 4240 and 4241, states the offense of having unauthorized possession or access to documents of this nature. I quote the entire section in this statement and the penalty therefor.

Moreover, section 793(d) of title XVIII quotes the penalty for "whoever, lawfully having possession of, access to" these documents delivers or otherwise makes public these documents is guilty of an offense under the Federal Code.

Now, as to the effort where I said the Senator twice tried to get these documents in the RECORD, I am referred to the Senator's statement where he said:

> I have tried to get these documents in the Record. The areas that I quoted today were not quoted previously on this floor or in the newspapers.

I made the distinction that a Senator has certain immunities from prosecution and, therefore, it is possible to violate the law and not be prosecuted for it because we cannot be held responsible in any other place for what we say on the floor. This places on us a considerable burden to be careful what we say on the floor, but there can be violation of law without prosecution for it, and that is the sort of case I am addressing myself to.

I am saying that title 18 provides or enumerates certain violations of the criminal law.

By the Senator's statement he did have classified documents of great interest, importance, and import to the security of the United States. He did make the statement that these actions, to which he took exception, were at that moment being employed in Vietnam. Therefore, the matter was current. He was not merely relating history.

Mr. GRAVEL. Mr. President, will the Senator yield so I could make a point?

Mr. SCOTT. If the Senator will be brief.

Mr. GRAVEL. As I remember the code, it speaks clearly of information the possessor has reason to believe could be used to injure the United States. I have no reason to believe this would injure the United States; I think it would help. How can I be in violation of the law?

Mr. SCOTT. I understand the Senator's point. I think it is for the American public to judge, including newspapers that published the story, whether the release of information of this kind would be harmful to the security of the United States.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SCOTT. I regret that there is not more time but I think the bill of particulars has been furnished.

Exhibit 1

Mr. President. Earlier today when I was absent from the Chamber, the senior Senator from Alaska, Mr. Gravel, took issue with a statement I had made to the effect that the public release of certain material by him was a violation of law.

The Senator asked that it be conveyed to me that he requested either a bill of particulars regarding the violation or if not that, I issue to him a public apology.

Mr. President, I have no intention of apologizing to the Senator from Alaska for any statement I may have made regarding his unlawful release of documents in his possession. Further, Mr. President, since the Senator has raised the issue I would like also to note that I believe the view to be widely shared that if not the letter, then surely the spirit, of the Senate Rules was bypassed by his placing in the Record excerpts from the document that on two separate occasions the Senate in secret session has prohibited him from introducing into the Record.

This, Mr. President, is action by a Senator which ought not to be condoned, action which was taken without any notification to the Leadership of either party of his intent to engage in this particular action.

Any Senator who so flagrantly flaunts the will of the majority of his colleagues as did the Senator from Alaska is not entitled to an apology. Rather, the contrary is true.

In regard to a Bill of Particulars relative to a violation of Federal law, I quote from § 793 (e) and (f) of Title 18 of the U.S. Code:

"Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it. . . . Shall be fined not more than $10,000 or imprisoned not more than ten years, or both."

The Senior Senator from Alaska admitted on the Floor of the Senate that he knew these documents to be classified. I quote from page 16418 of the Record where the Senator states:

"I presume that document is classified 'secret.' In fact, I have every reason to believe it is classified 'secret.' I know it is classified 'secret.'"

The Senator also stated, in relation to the material he read on the Senate floor that day:

"I have tried to get these documents in the *Record*. The areas that I quoted today were not quoted previously on this floor or in the newspapers."

These classified materials related directly to the potential efficacy of the military strategy being employed *at that moment* by the United States in Vietnam. These classified materials commented directly on possible means of thwarting the United States military strategy that was *at that moment* being employed in Vietnam. Anyone publicizing such classified material must know that it "could be used to the injury of the United States or to the advantage of any foreign nation."

Finally, even if it be argued that the senior Senaotr from Alaska had lawful possession of these classified materials, his actions were still in violation of § 793(d) of Title 18 of the U.S. Code, which states:

"Whoever, lawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted or attempts to communicate, deliver, transmit or cause to be communicated, delivered or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it . . ."

While a Senator benefits from certain immunities from prosecution, the laws and their penalties apply to all. That Senators may ignore laws for which non-members of Congress could be prosecuted suggests that, if the privilege is relied upon, the wisdom of the default is subject to fair comment.

Mr. GRAVEL. Mr. President, would the Chair recognize me briefly?

The ACTING PRESIDENT pro tempore. At this time, the Chair recognizes the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I yield 1 minute to the Senator from Alaska.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized for 1 minute.

Mr. GRAVEL. If the bill of particulars falls on this general issue of intent, I think the only way to respond is for the Senator from Pennsylvania to come forward with a bill of particulars with respect to what harm the release of the papers does to the security of this country; otherwise, it is faulty.

Mr. SCOTT. The Senator from Ohio will address himself to that later. I have no more time.

AN EVALUATION OF HIGHER EDUCATION SUBSIDIES

Mr. PROXMIRE. Mr. President, in the course of the past few months, as the Joint Economic Committee has compiled information on the multi-billion-dollar Federal subsidy programs, a pattern has emerged in many of our case studies. Federal subsidy programs in many fields suffer from the same weaknesses:

They are not well targeted on the neediest groups, resulting in waste and windfall gains;

They have often only the vaguest of purposes making it impossible for Congress to judge their effectiveness;

There is duplication of effort as old programs never die and new programs fade in; and

More and more, Federal subsidies are being built into the Federal budget in uncontrollable form, leaving Congress with little margin to respond to new needs and set new priorities.

The problems in Federal aid to higher education are no exception to this list. Existing aid programs in the undergraduate area spread benefits in a helter-skelter fashion unrelated to any particular goal. The subsidies are granted by a host of agencies in an entirely uncoordinated fashion and some of the fastest growing programs are ones over which the Congressional appropriations process exercises little control.

As part of its continuing series evaluating Federal subsidy programs, the Joint Economic Committee has commissioned two studies of Federal higher education policies. The first paper—"Federal Aid to Higher Education: An Analysis of Federal Subsidies to Undergraduate Education"—was prepared by Prof. David S. Mundel of the John F. Kennedy School of Government at Harvard University. In this study, Professor Mundel develops guidelines for judging Federal higher education policy and uses these guidelines to evaluate the desirability of existing Federal programs. Regrettably, this evaluation places the desirability of current policy severely in doubt.

Professor Mundel outlines two general criteria on which policy should be judged—Is the policy appropriate? Is the policy effective? A Federal higher education policy is appropriate if it directs resources toward the highest priority students and institutions. A Federal higher education policy is effective if it directs resources toward those students and institutions whose educational behaviors can most significantly be improvided by these incentives.

Both of these criteria strongly favor policies which target most of their resources and attention on low and moderate income youth. Yet only a small fraction of the Government's higher education resources are targeted in this way and even several of these programs have operating characteristics which severely limit their impact. This comes as a surprise to many Senators and to many in the general public who are taxpayers.

In brief, as Professor Mundel so carefully documents, existing Federal higher education policy is both inappropriate and ineffective. To me, this is as great a financial crisis as that so often expressed by higher education institutions themselves, and it is perhaps one on which we in the Senate can more fruitfully operate.

As Professor Mundel describes, the largest share of Federal subsidies to undergraduate education result from programs which provide funds directly to colleges and universities. These programs include direct appropriations, support for specific educational activities, and support for research conducted within universities and university-operated contract research centers. Although not all of these programs support undergraduate education directly, they often provide funds which can be and are used to subsidize undergraduate programs.

The desirability of this type of higher education subsidy is highly questionable. The average subsidy received by low income students is less than two-thirds of that received by students whose families have incomes in excess of $30,000. In every instance, the subsidy increases with increasing family income. This pattern results from the targeting of the programs on institutions with low enrollment of lower income students. In order to be appropriate and effective higher education subsidies should be concentrated on the neediest youth, and almost no institutionally oriented program is likely to accomplish this concentration.

A second major set of sources of Federal subsidies are student aid programs. Although these programs are explicitly targeted toward lower income youth, Professor Mundel outlines several of their operational characteristics which may limit their impact on these students. Work-study programs are widely considered to provide subsidies to lower income students, but to a considerable extent they really subsidize institutions in general, and consequently higher income students, because they lower the amounts which institutions must pay for the outputs of student workers.

If we in the Congress favor, as I do, the combination of work with college study, we should support curricula that effectively combine these activities and make them available to all students.

The administration of the flow of Federal student aid resources through colleges and lending institutions also limits their effectiveness. Lower income high school students need some assurances about college financing if they are to plan confidently to continue their educations. The operational character of current student aid programs inhibits such confidence and thus the subsidies provide ineffective incentives for changes in college-going behaviors. In brief, existing Federal student aid programs are appropriate but ineffective subsidy instruments. They are appropriately targeted on lower income youth, but their effectiveness is limited because of the uncertainty a student faces over whether he will be eligible.

Professor Mundel describes two additional sources of higher education subsidies which have, to my knowledge, never been adequately considered before. These are the Federal income tax system and the social security system. Each provides significant quantities of subsidies. The income tax system provides subsidies by:

Allowing private gifts to colleges to be tax deductible;

Allowing parents to claim college students as dependents even though they file tax returns themselves, and

Allowing scholarships and grants to be tax exempt.

The major share of these tax subsidies is accounted for by the first two programs and each of these gives larger subsidies to higher income students. For example, the average tax saving for a low income family as a result of the double exemption provision is $4 while a family with income in excess of $30,000 will save an average $70. Recent increases in the exemptions for dependents increase these differences.

The social security system provides resources for dependents of deceased, disabled, and retired workers who are enrolled in college. These subsidies are targeted toward lower income students, but the subsidies are quite small and only a small percentage of low income students are eligible.

One major problem of both the tax subsidies and social security benefits is that they are uncontrollable within the context of higher education policy making. Changes in the amount of dependent exemptions "spend" sizable quantities of higher education resources through the tax system, but are unlikely to be considered in competition with other higher education allocations. Similar patterns govern higher education resources allocated through the social security system. The uncontrollable nature of the higher education "expenditures" resulting from these programs makes their appropriateness and effectiveness largely matters of chance.

But Federal higher education policy is too important to be left to chance. Professor Mundel's analysis shows the results of a chance process and the end product cannot be viewed as favorable by any reasonable observer. A higher education policy which provides essentially equal subsidies to students from both rich and poor families is neither appropriate nor effective. More careful consideration must be given to the development of future policies. Moreover, many of these old programs should be eliminated to the extent that they will be replaced by new programs.

This year Congress has the opportunity to right many of the flaws in the existing programs for higher education. I am pleased to say that contained in the Senate-House conference report are some path-breaking provisions that could bring order to the Federal subsidy picture in higher education. At the same time, the bill contains provisions that could worsen the basic flaws in existing programs, resulting in continued waste of Federal funds. The compromises reached by the conference and the administration of the provisions will determine whether subsidies in this critical area will fulfill legitimate goals, or serve no master at great expense.

In a study for the Joint Economic Committee of the bills just considered by the conference, Robert W. Hartman, a senior fellow in economics at the Brookings Institution, has clarified the benefits and the costs to be derived from the proposed new Federal subsidy programs. Dr. Hartman's report was prepared before all the conference compromises were reached, but it is useful, nevertheless, as a guide for future appropriation, administration, and emendation.

The most important element in the act is a new program of basic educational opportunity grants. The objective of this program is to provide every student with enough money to attend a college costing $1,400. Federal subsidies would be paid to supplement the student's own and his family's contribution. This approach to aiding higher education is long overdue in this country—it focuses Federal dollars on the students who need it most and whose college-going behavior is most likely to be affected by Federal subsidies.

But the new basic educational opportunity grant program, as Dr. Hartman points out in his study, is not without flaws.

First, a provision limiting a student's assistance to no more than half the cost of attendance at college will tend to reduce the subsidies to low-income students who attend public institutions and to middle-income students who attend public community colleges. The effect of this provision is to reduce the targeting of Federal funds for the neediest students.

Second, the distribution of basic grant subsidies among students from various parental backgrounds will depend critically on how the Commissioner of Education determines eligibility for grants and how grants will be adjusted to reflect less than full funding. Depending on the schedules chosen the Federal program may cost as little as $900 million to as much as $2 billion; students from families with below $5,000 incomes may receive as little as 25 percent of all the Federal subsidies to over half the funds if alternative provisions were selected.

Basic grants to students represent a philosophy that I share: That every child in America should have the opportunity to attend college, limited only by interest and ability, not by wealth. But carrying out that philosophy requires intense scrutiny in the legislative process and in subsequent administration of the laws. Dr. Hartman's paper discusses the technical considerations involved in achieving the objectives of the basic grant program and I hope all interested parties will examine it carefully as this program comes into being.

By contrast with the clear equality of opportunity purpose of the basic grant program, the conference committee also considered a bewildering assortment of institutional assistance provisions. The most costly of these was a proposal in the House bill to give aid to every college in the United States, based on their enrollment. Dr. Hartman has put a price tag of over $1.5 billion on this program, which he describes as a "response seeking a stimulus." What public purpose is served by doling out $1.5 billion in unrestricted form to institutions of higher education?

Some people might respond to this by asking whether the Federal subsidy to Lockheed made any more sense. To this I would answer a definite "No." But Lockheed cannot be the standard for assessing the need for public subsidy programs.

Even now that the compromise institutional package has been agreed to, some plain talk about college financing is needed. Congress is, and should be, sensitive to the real financial pinch faced by most college administrators today. We know that college budgets are rising, that State legislators are becoming tightfisted, and that many institutions are in danger of pricing themselves out of the market. We know too that colleges cannot be given unrestricted Federal subsidies to plug the hole in the dike. To respond to a crisis in this way would be to waste an opportunity for the Federal Government to do something about the causes of the trouble—and waste that opportunity in an expensive manner with no end in sight to pleas for more aid.

The fundamental cause of the school finance crisis is that past Government education assistance has created a long-term structural imbalance between the prices of public and private institutions. As many observers have pointed out, the tuition gap between public and private institutions has been growing and this has made it difficult for private institutions to attract students. The major reason for the growing tuition gap is the policy of States to channel nearly all State-financed education subsidies into public institutions, which allows the public sector to keep tuition below the market prices of private institutions.

Instead of altering the situation by moving toward unrestricted aid to colleges, the Congress would first of all be better advised to put the funds into the new basic grants program I referred to earlier. Second, a provision in the new act to give States an incentive to expand their State scholarship programs would offer some real solutions to the difficulties faced by our private colleges and universities. Private higher education cannot prosper in the future unless State governments begin to aid students in private as well as public institutions. The provisions for State scholarship incentives represent an important use of Federal subsidies: to change the behavior of State governments in a socially useful direction. These incentive effects are discussed in detail in Dr. Hartman's study.

One of the great concerns of all public officials, myself included, is that children from middle income homes not be left out in the cold as we restructure our higher education financing programs. Grants must be limited to lower income students under the strict budget outlook facing the Congress and wealthy homes can take care of the higher education needs of their children. For the group in between Congress has provided over the past 5 years a federally insured loan program, which has grown rapidly to over $1 billion in loan volume in the current year.

This program is now at a crossroads. In the new education amendments, there is a provision for a new federally chartered secondary market institution to be dubbed Sally Mae. This new institution could greatly increase the volume of funds to be made available to students and it deserves strong public support. At the same time, interest subsidies have been built into this program that save the students who borrow under it a few percentage points in interest. These few percentage points have translated into a wholly uncontrollable Federal budget outlay of about $200 million at present and, according to Hartman's JEC paper, could reach $600–$700 million in a few years, especially with the bill's amendments. Once again a sensible public goal of providing access to capital for all students has been mixed up in legislation with a subsidy, whose huge cost is hidden, and which serves no great public priority.

With potentially billions of dollars flowing out in student grants, institutional payments, interest subsidies and the like under the new legislation, the time has certainly come to reexamine how existing support programs will fit into the new financial structure of higher education. For this reason, I was disappointed to see that the conference locked the Congress in by requiring that $653 million be appropriated for existing student aid programs before any appropriations can be made for the new basic grants. This form of restraint has no logical basis and it will make the funding of higher education subsidies a terribly difficult problem in the years to come.

We have seen in the area of public assistance what a chaotic mess Federal programs can create when entirely separate decision processes go into creating an AFDC program, a food stamp program, a medicaid program, and several public housing programs. So far, there is somewhat less to untangle in higher education, but we must be vigilant to avoid a replay of the welfare disaster. This means that old programs grown obsolete by the introduction of new and better programs, must be allowed to wither and die. This is never an easy job for a political leader, for old programs have a constituency. In the case of higher education, I hope it is not unreasonable to believe that the old constituencies can coalesce around the best features of the new higher education bill and insure that future subsidies in this vital area will allow American higher education to fulfill its proper role.

The two studies I have referred to today are soon to be published by the Joint Economic Committee. I have chosen to discuss them before publication because they contain information and analysis that bear directly on the higher education legislation the Congress is considering at this time. I hope that my colleagues in the Congress will examine these studies carefully—they contain much more than I have been able to discuss today—as they make their decisions on the future course of higher education subsidies. I ask unanimous consent to place in the RECORD Dr. Hartman's study analyzing these various legislative proposals. Dr. Mundel's evaluation of existing higher education programs will be available for review in the Joint Economic Committee's offices until final publication in June.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIGHER EDUCATION SUBSIDIES: AN ANALYSIS OF SELECTED PROGRAMS IN CURRENT LEGISLATION

(Prepared for the Joint Economic Committee by Robert W. Hartman, the Brookings Institution,[1] May 4, 1972)

At the time this paper is being written Congress is considering higher education legislation that will set the course for federal aid for at least the next five years. Too often in the course of the legislative process, the relation between the public goals of a bill and the details of programs to be authorized under it are obscured. This paper is an attempt to review some key aspects of the House and Senate versions of the higher education legislation and to relate these provisions to the major public objectives in higher education.

The program elements to be emphasized are:

In the Senate bill: Basic Education Opportunity Grants, State Scholarship Incentives, and Cost-of-Instruction Allowances.

In the House bill: Institutional Aid, Amendments to the Insured Loan Program.

Most of these provisions provide for direct subsidies to students; the competing institutional aid provisions are first efforts to provide general aid to institutions of higher education. This paper will discuss various legislative alternatives in terms of their effects on the federal budget, on the distribution of benefits among students and institutions, and on the choices students and institutions make.

BASIC EDUCATIONAL OPPORTUNITY GRANTS

Introduction

The Senate version of the higher education legislation provides in Sec. 131 for a program of Basic Educational Opportunity Grants. Under this proposal every undergraduate student in eligible institutions would be entitled to a federal grant equal to $1,400 minus the expected family contribution for that student, or one half of the actual cost of attendance, whichever is less. No grant would be given to a student entitled to less than $200. Proposals of this sort—for a national student grant program—have a long history. The most recent and perhaps influential reports supporting a "Basic Grant Approach" are *Quality and Equality* (the Carnegie Commision report) and *Toward a Long Range Plan for Federal Financial Support for Higher Education* (Rivlin report). Each of these reports advocated a federal student grant program as the keystone of the federal government's assistance to higher education.

The reasons usually adduced for a Basic Grant Program are:

Such a program is necessary to raise college-attendance rates for students from lower-income homes, thereby furthering equal educational opportunity.

A National Basic Grants Program would ensure that all low-income students receive a federal subsidy, unlike the existing student grant program which funnels money through states and institutions, often missing eligible low-income students.

A national schedule of entitlements will ensure that federal subsidies are concentrated among students in accordance with their lack of ability to pay for college.

Footnotes at end of article.

Analysis

1. Costs Without Induced Enrollments

The program of basic grants adopted in the Senate bill is fully funded, would involve a major increase in budgetary commitments for federal student aid programs. Undergraduate student support programs are estimated to be at the level $2.4 B for 1971-72. In the Office of Education programs alone, the estimated total program level is $1.2 B, serving as many as 2.7 million students.

The Basic Grant program's cost depends critically on two factors:

The policy decision made on what is to be included in the expected family contribution and the shape of the expected contribution schedule at different levels of family income.

The impact of the Basic Grants program on student enrollment and retention rates.

Family contribution schedules can include a variety of income sources that students would be expected to draw on: parents' and students' own income, assets, social security aid to dependent students, veteran's benefits, etc. Once the sources of income have been settled upon, the schedule of expected family contribution can be drawn up after certain judgments are made as to what is a fair contribution at different income-wealth levels. In Table 1 below are two estimates of what the cost of a Basic Grant program would have been in 1970-71. These estimates assume that 1970-71 attendance levels are maintained in all institutions, and that the College Scholarship Service (CSS) tables for 1967 and 1971 would be used for the schedule of expected family contributions. Although the Senate's higher education bill calls for the Commissioner of Education to promulgate a new schedule of expected family contributions, the resulting schedule is not likely to be very different from these CSS tables.

TABLE 1.—COST OF BASIC GRANTS FOR 1970-71 BY INCOME CLASS OF STUDENTS

Income class	Basic grants based on 1967 college scholarship service tables	Basic grants based on 1971 college scholarship service tables
$0-$2,999	$122,600,000	$122,600,000
$3,000-$4,999	217,700,000	225,800,000
$5,000-$7,499	358,000,000	479,000,000
$7,500-$9,999	[1] 125,500,000	466,900,000
$10,000-$11,100	0	118,200,000
Full-time students	823,800,000	1,412,400,000
Part-time students	59,900,000	101,700,000
Total	883,700,000	1,514,100,000

[1] Under the 1967 CSS Tables, grants reach $0 (i.e., go below $200) for families with 2 dependents at about $9,200 income. Under the 1971 Tables grants go below $200 at $11,100 family income. All income data in this paper are based on before tax income.

Source: Based on calculations and sources outlined in Appendix A, I-VI.

It should be noted that the cost of the Basic Grant program is strongly affected by the choice of a family contribution schedule, with the total cost estimates ranging from $884 million to $1.5 B in the two estimates shown in Table 1. Most of the difference is accounted for in the higher income classes where large numbers of students are eligible only under the 1971 Tables.[2]

2. Induced Enrollment

These estimates, as noted above, do not account at all for any increase in enrollment induced by the Basic Grants program. Such induced enrollees are, of course, a major *raison d' être* of the program. To estimate how many new students would be attracted to higher education by a Basic Grants program, one would need estimates of the pool of students who do not now attend college and of how many of these students would enroll if entitled to a Basic Grant. Unfortunately, reliable estimates of the latter are not available.

Table 2 shows estimates of induced enrollments in 1970-71 on the following assumptions:

TABLE 2.—INDUCED FULL-TIME UNDERGRADUATE ENROLLMENTS UNDER BASIC GRANTS, 1970-71

Income	Induced enrollment under 3 assumptions (A)	(B)	(C)
Under $3,000	53,000	291,000	122,000
$3,000 to $4,999	110,000	297,000	86,000
$5,000 to $7,499	126,000	279,000	279,000
$7,500 to $9,999	172,000	172,000	172,000
Total	461,000	1,039,000	659,000

Source: See Appendix A, VI.

Assumption A: The full-time undergraduate enrollment rate of each income class is raised to the rate of the income class immediately above it. Under this assumption undergraduate full-time students in 1970-71 would have been 461 thousand, or about 8.7 percent, higher.

Assumption B: Non-students are raised to the undergraduate full-time college going rate of students from $10,000-$14,999 income families, since Basic Grants provide all such students with the "buying power" of students from $12,000 homes. In this case enrollments would rise by about 20 percent.

Assumption C: Non-students from family between $5,000 and $10,000 are raised to the 1970-71 enrollment rate of the students in the $10,000-$14,999 family income class. Students from families with less than $5,000 income attend at 60 percent of that rate.

The budgetary implications of induced enrollments can now be estimated under each assumption provided that we know the attendance patterns of the induced enrollees. We have assumed that the enrollment patterns (i.e. public or private college, 2-year, 4-year or university) would follow those of students now enrolled in the same income class. Table 3 shows the additional federal program cost for a Basic Grants program with induced enrollments using the 1971 CSS tables.

TABLE 3.—ADDITIONAL COST OF BASIC GRANTS PROGRAM DUE TO INDUCED ENROLLMENT

[Dollar amounts in thousands]

Income class	Original cost estimate using 1971 college scholarship service	Additional cost [1] under 3 assumptions A	B	C
Under $3,000	$122,600	$49,665	$273,680	$115,020
$3,000 to $4,999	225,800	108,115	292,175	84,380
$5,000 to $7,499	478,970	120,580	267,165	267,165
$7,500 to $9,999	466,870	111,960	111,960	111,960
$10,000 to $11,100	118,200	0	0	0
Total full-time only	1,412,440	390,320	944,980	573,195
Percent increase		(27.5)	(66.5)	(40.3)

[1] Additional students are assumed to receive same average grant as others in their income class.

When induced enrollments are taken into account, the federal budgetary requirement for the Basic Grants would be increased by 27 percent to 66 percent over the estimates based on no change in enrollments. To the extent that we view increased enrollments as a major program output of the Basic Grants program, the budget costs estimated here imply that each induced enrollee annually costs the federal government between $2,300 (Assumption B) and $3,900 (Assumption A).[3] The per induced enrollee costs are, naturally, much higher than the average grant to a beneficiary because induced enrollee are only a small fraction of all grant recipients. The larger the induced enrollment (as in Assumption B), the lower is the per induced enrollee cost of the Basic Grants program, but the larger is the aggregate budget required for full funding.

In summary, assuming that the federal government will employ an expected contribution schedule similar to the 1971 CSS Tables, the budget for full funding of Basic Grants would have been between $1.8 billion (excluding part-time; with 461 thousand induced enrollees) to $2.4 billion (excluding part-time; with 1 million induced enrollees) for an annual per induced enrollee cost of $2,300 to $3,900. Under the low induced enrollment Assumption A, most of the new enrollees (Table 2) and most of the program costs (Table 3) would be incurred on behalf of students from families with incomes between $5,000 and $10,000. Under the high enrollment growth Assumption B most of the new enrollees would come from families with incomes under $5,000, but much of the costs would be incurred on behalf of the students in the $5,000 to $10,000 range.

3. *Horizontal equity and targeting subsidies*

Many students from low-income (under $6,000) families now attend college and receive no federal grants at all. One of the primary goals of a Basic Grant program is to establish national standards entitling all such needy students to a federal subsidy.[4]

Table 4 summarizes how effective a Basic Grant program, if fully funded, would be in broadening entitlement to federal grants. Out of the 516,000 full-time undergraduates from families with income below $6,000, only 211,000 were receiving Educational Opportunity Grants (EOG's) in 1970-71. Moreover, 67,000 students from higher income families were receiving federal grants in that year in preference to the excluded 315,000 low-income students.

Footnotes at end of article.

TABLE 4.—DISTRIBUTION OF BASIC GRANTS AND EDUCATIONAL OPPORTUNITY GRANTS, 1970-71

Income class	Educational opportunity grants: Students aided	Educational opportunity grants: Average grant [2]	Basic grant [1]: Students aided	Basic grant [1]: Average grant
Under $3,000	89,400	586	132,000	929
$3,000 to $5,999	121,600	573	384,000	973
$6,000 to $7,499	44,400	545	353,000	920
$7,500 to $8,999	22,900	490	358,000	820
Over $9,000	11,900	477	781,000	395
Total	290,200		2,008,000	

[1] Based on 1971 CSC Tables, no induced enrollment.

[2] Based on 1969-70 data. From 1969-70 to 1970-71, EOG increased from 280,600 students to 290,200 and obligations rose from $144.8 million to $164.6 million.

Source: E.O.G. students aided, U.S. Office of Education, Bureau of Higher Education, Higher Education Fact Book, 1971, E.O.G. Average grant from Nathalie Friedman, The Federal Educational Opportunity Grant Program (Columbia University, Bureau of Applied Social Research, May 1971, p. 55).

Basic grant data are own estimates, based on data and sources in appendix A.

The Basic Grant program as shown in Table 4 would remove the horizontal inequity of treating equals unequally by offering full coverage to students in low-income families. (The number of students aided under Basic Grants in Table 4 is computed without regard to any induced enrollment.) However, in raising the number of students receiving federal grants by over 1,700,000 students, the fact remains that most of the increases in students aided would come from families with incomes in excess of $6,000. The Basic Grant Program, in short, fills a disgraceful subsidy gap in the present student grant program by offering aid to all low-income students. It also fills the gap for middle-income students, a matter of, in my opinion, less social urgency.

Under the EOG program, the per student subsidy for the very poor is only about $100 more than the per student grant at $9,000 family income. The Basic Grant Program under the Senate bill, would be much more generous, on the average, but the gap between the subsidy received at zero income vs. $9,000 income would still be about $100. This result is entirely due to the provision in the Senate bill that limits a student's grant to one-half the cost of his college (see below). Thus, to the extent that the Basic Grant approach is expected to target larger grants on the most needy, the Senate bill fails to achieve this goal.

4. Effect of basic grants on other components of student aid

One difficulty in making even a rough estimate of the final incidence of Basic Grant subsidies is the impact of such a program on other federal student aid programs, especially those operated by the U.S. Office of Education. Several alternative scenarios seem plausible, ranging from substitution of Basic Grants for all other forms of student aid to continuation of present programs at present funding levels on top of Basic Grants.

The most likely possibility is that existing programs will continue, but will be changed to serve a new clientele. Under the Senate version of S. 659, for example, the existing EOG program would become the "Supplemental Educational Opportunity Grants" to be awarded by institutions that receive federal allotments. It seems likely that the allotments for these grants will shift more toward institutions with high student charges than is now the case. The reason for this is that the practice has been to allocate EOG funds according to the "financial needs" reported by institutions. Since Basic Grants will, if funded at a high level, fulfill most of the "financial need" in institutions with low charges, most of the "unmet need" will be in higher charging institutions. Since the higher-charge institutions can demonstrate need even for fairly wealthy students (an institution whose student budget totals $4,000 can show unmet need under the 1971 CSS tables for students [in 2 dependent-child families] whose family income falls below $19,500.) Thus, many students from middle income backgrounds who are presently not receiving federal student aid may become recipients as a result of the Basic Grants program. The degree to which such shifting occurs will depend on the relative appropriation levels of the Basic Grants vs existing programs and on the administrative procedures to be followed in the allotment process for the existing programs.

SUMMARY

At full entitlement levels, using 1971 CSS tables and the assumptions noted previously, the Basic Educational Opportunity Grants would provide between $1.5 to $2.5 billion in new federal subsidies for higher education. For the first time all students from low-income homes would receive grants but the average subsidy received in the various income brackets would differ very little. Existing college-based student aid programs would probably become less targeted on low income students under full funding of Basic Grants.

5. Reducing the cost of basic grants

Full funding of the Basic Grants program would raise budget outlays for higher education by a considerable sum. As a result, legislative draftsmen have paid considerable attention to cost-cutting devices. In the Senate bill, three provisions seem to have been designed to reduce the budget for Basic Grant subsidies:

(1) The entitlement to the Basic Grant cannot exceed one-half the cost of the institution.

(2) No Basic Grants are to be awarded to students whose entitlement is less than $200.

(3) In the event appropriations fall short of the amount required for full funding under the federal formula, an equal proportionate reduction in each student's grant is provided for.

Each of these apparently innocuous provisions may have a substantial impact on the incidence of the subsidies in the Basic Grant program. In addition, some of the provisions introduce distortions in the relative price of different institutions facing various students.

The following paragraphs discuss these effects of the cost saving provisions and put forward some alternatives.

A. HALF-COST

The Basic Grant provision of the Senate bill provides first of all that each student receive $1,400 minus the expected family contribution. The logic of such a provision is that it provides, in principle, that every student have at least the buying power of a student whose family's income position allows them to contribute $1,400 to the student's education. In 1971, this provision translates into providing all students with the same financial opportunity as faces a student from a home in which the family income level is $12,000.[5] Alternatively, the logic of the Basic Grant formula can be explained as an intent on the part of Congress that every child be enabled to attend an institution which costs $1,400 without incurring debt or working.

The provision limiting the payment to one-half of the institution's cost is a major compromise on the policy philosophy just described. The half-cost limit works as follows: each student would receive either 1,400 minus expected family contribution or half the cost of the institution, whichever is less. Table 5 shows the difference between the two formulations at various school cost and family contribution combinations.

TABLE 5.—BASIC GRANT ENTITLEMENTS UNDER HALF COST RESTRICTIONS

Family income	Family contribution (2 dependent children)	Cost of institution: $1,000	$3,600	$2,000	$2,800
Less, than $6,000	0	[1] 1,400 [2] 500	[1] 1,400 [2] 800	[1] 1,400 [2] 1,000	[1] 1,400 [2] 1,400
		[3] 900	[3] 600	[3] 400	[3] 0
$8,000	500	[1] 900 [2] 500	[1] 900 [2] 800	[1] 900 [2] 900	[1] 900 [2] 900
		[3] 400	[3] 100	[3] 0	[3] 0
$10,000	1,000	[1] 400 [2] 400	[1] 400 [2] 400	[1] 400 [2] 400	[1] 400 [2] 400
		[3] 0	[3] 0	[3] 0	[3] 0

[1] Entitlement under $1,400 minus family contribution.

[2] Entitlement under $1,400 minus family contribution or ½ cost whichever is less.

[3] Difference between [1] and [2].

As can be seen from the table, the major losers from the half cost provision are the students from families with low income who attend public sector institutions (i.e. the ones who attend institutions that cost under $2,800) and lower middle-income students who attend public junior colleges (i.e. at the $500 family contribution level the ½ cost provision reduces the Basic Grant if the cost of the institution is under $1,800). Students who are at the upper end of the income range eligible for grants are not affected at all by the half cost provision. Since most very low income students attend public institutions and most middle income students do not attend public junior colleges, the concentration of the losses from the half cost provision will significantly affect the total subsidies received by the lowest income groups.

Table 6 shows the distribution of the cost savings to the Basic Grants program of the half cost provision under the assumption that existing enrollment patterns are not changed by Basic Grants. Half of the $322 million in costs saved are at the expense of students from families with incomes below $6,000, almost all of whom are affected by the provision. Comparison of Table 6 and Table 4 indicates that if the half-cost provision were eliminated Basic Grants would be a highly targeted subsidy program.

Footnotes at end of article.

TABLE 6.—BUDGETARY SAVINGS FROM HALF-COST PROVISION [1]

Income class	Dollars (millions)	Per student	Percent of total students in class affected
Under $3,000	62.2	$471	87.9
$3,000 to $4,999	99.0	427	79.3
$5,000 to $7,499	147.2	291	75.2
$7,500 to $9,999	13.5	19	23.4
$10,000 to $11,100	0	0	0
Total	322.0	160	42.3

[1] Note: Based on existing enrollments only.

Source: See appendix A.

In addition to the unfortunate equity effects of the half-cost provision is its impact on the relative price of different schools faced by different students. The prices of different colleges that a student faces under a Basic Grant program are determined by the charges (i.e. what we have been calling costs) the colleges make minus the federal grant received. Table 7 shows the prices faced by three students eligible for a Basic Grant under the Senate bill's half-cost rule and one student whose family contribution is too high to qualify him for a Basic Grant. (The numbers in the table are equal to the cost of school minus the basic grant under the half-cost formula).

TABLE 7.—PRICES OF VARIOUS SCHOOLS FACED BY 4 STUDENTS

Family contribution	Cost of school			
	1,000	1,600	2,000	2,800
0	500	800	1,000	1,400
$500	500	800	[1] 1,100	1,900
$1,000	600	1,200	1,600	2,400
$2,000	1,000	1,600	1,000	2,800

[1] $1,100 is computed as follows. 1st, compute the basic grant as the lesser of $1,400 minus family contribution or half-cost. In this case, the basic grant is $900. Then compute the cost of school minus basic grant to arrive at price. In this case, it is $2,000 minus $900 or $1,100.

The unsubsidized student can choose to attend the school whose cost is $1,000 or, if it is worth an extra $1,800 to him, he can invest in the services offered by the $2,800 college. Each unsubsidized student presumably looks at the extra costs of attending colleges of varying quality levels and compares his expected return (which may be in the form of enhanced cash income, or prestige, or the pleasures of the intellect at the various institutions) to these incremental costs before settling on the college of his choice. Assuming that he is admitted, the implication of the choice of the $2,800 college, for example, is that its services represents to the consumer-buyer exactly $1,800 more than those of the $1,000 college. In other words, the value of the return expected to be earned from attending the higher-priced college is measured by the excess of its price over the lower-priced college. One of the great advantages of the diversity in American colleges is that it allows students to choose among colleges and this supplies a market test of whether higher priced schools are worth their extra cost.

Some of the subsidized students, under the half cost rule, face the same relative price for the colleges on our table as the unsubsidized student, but others don't. The lowest income student, whose family contribution is zero, is faced with a set of prices that signal him that the $2,800 cost college is only $900 more expensive than the cheapest college shown. To the next student in the table, the high cost school is $1,400 more expensive than the least costly. This means that the student from the lowest income home would be led by the basic grant formula with a half cost provision to invest in the highest cost school as long as he calculates its return to be at least $900, while the unsubsidized student invests only if the return is at least $1,800. The effect of the half cost provision then is to reduce the relative price of high cost schools the most for the poorest students, less for middle income students who are eligible for Basic Grants, and not at all for unsubsidized students.

There are 2 points to note about the consequences of this shift in relative prices. First, the students from the poorest homes, if they are responsive to relative prices, will be led to attend higher cost institutions. Middle income students will receive a lesser incentive and the students at the top of the basic grant eligibility list will receive no such incentive. It follows that the cost savings from the half-cost provision may never be realized: many students for whom the savings are planned will opt for institutions whose costs put them out of the range in which the half-cost provision is operative. Second, the question arises as to what is the reason for the half-cost provision in the first place. If it is intended as a special means of "helping the private sector", what is the sense of helping that sector by channeling to it, students only of the most modest circumstances? As we shall discuss below, the private sector may need help, but distorting the relative prices faced by Basic Grant eligible students is not a sensible means to provide such aid.

Another, more plausible rationale, for the relative cheapening of high cost institutions for low-income students is that there is some social benefit to be derived from a greater mixing of socio-economic classes in the higher cost institutions. Although there is not much hard evidence to substantiate it, some people believe that social mobility of children from low-income homes requires that they attend prestige institutions. If one takes such social mobility as an externality—i.e. a benefit accruing mainly to society in general, rather than to the student—a case can be made for providing special incentives for low-income students to attend high cost schools. One such incentive is the relative price effect of the half cost provision.

The Senate bill contains at least four other programs that compete with the half-cost provision in providing incentives for students from low-income families to attend high-cost institutions. These are the proposed Supplementary Educational Opportunity Grants and the proposed cost-of-instruction allowances and an expanded loan program. (Cost of instruction allowances and loan programs will be discussed below.) Supplementary EOG's would be payable in amounts up to $1,000 ($1,200 if the student ranks in the upper half of his class) provided that the Supplementary EOG not exceed one-half the total student aid (including Basic Grants). Since such grants are limited to those of "exceptional financial need" (presumably after the Basic Grant has been accounted for) the Supplementary EOG program seems to be designed primarily as a program to aid students at high cost colleges.

It is my judgment that, if any grant program is necessary, the Supplementary EOG program should be the vehicle for providing subsidies for low-income students to attend high cost schools. The main reason for this position is that the Congress will be able to control, through appropriations and regulations, the amount of resources it wishes to place on the encouragement of low-income students to attend high cost institutions. This goal is quite separate from the general access to college goal that the Basic Grant program is designed to serve. It has a weaker social consensus behind it. (Is the general public as willing to subsidize a poor kid to go to Harvard as it is to provide him with a college education?) Moreover, provision of incentives for students to attend high cost institutions is intertwined with the financial problems of private colleges, which necessitates that we separate the program so that it can be "traded off" against other programs specifically designed to aid these private institutions. (see below)

SUMMARY AND CONCLUSIONS

The elements of an ideal Basic Grant program are evident.

It should provide all students with access to college by guaranteeing them a certain sum of money from federal grants and family contributions.

It should provide grants to students from homes with different expected family contributions such that the sum of the family contribution and the Basic Grant is the same for all students.

It should provide that all Basic Grant recipients face the same set of relative prices among colleges as is faced by all unsubsidized students.

There is only one Basic Grant formula that meets these criteria. If we pick $1,400 as the guaranteed amount of money for access to college, the formula would be "$1,400 minus expected family contribution" period. This formula would:

Guarantee access to institutions whose costs are $1,400 or less to all students, without work or repayment obligations.

Fully equalize the college financing ability of all students whose expected family contribution is less than $1,400.

Not affect the relative price of different colleges as viewed by aided students.

B. THE $200 MINIMUM GRANT

The Senate bill provides that students whose Basic Grant eligibility is under $200 shall receive no grant. The effect of this provision, under the 1971 CSS tables, is to remove from eligibility all students (from 2-child families) with incomes between $11,100 and $12,000. Since there are about 230,000 students in this income bracket, the provision saves the federal budget about $21 million.

The $200 minimum grant provision is basically unfair. It creates one class of students who will not be guaranteed $1,400 through a combination of Basic Grant and family contribution. Lower income students would be guaranteed the $1,400 under the Senate bill and higher income families are expected to be able to contribute $1,400 to the student's education.

There are two justifications for the provision. First, it can be argued that the administrative cost of making many small grants is not worth the benefits that students would receive. The Senate bill is not too clear on the exact procedures to be used in disbursing grants, so it is difficult to evaluate what administrative costs would be involved. However, it should be noted that the bill does provide for payments less than $200 in the event that appropriations are insufficient to meet entitlements, and the logic of the excessive administrative cost argument would seem to apply in that event as well. Second, the $200 minimum grant is a budget-cutting item, as noted above. However, the case can be made that the entitlement provisions are no place to cut the budget, especially not by arbitrarily depriving one economic group of fair treatment. The place to worry about budget savings in a Basic Grant program is in the provisions for how the entitlements are to be adjusted in the event that appropriations are insufficient to provide full funding. This is the subject to which we now turn.

C. RATABLE REDUCTION

The Senate bill provides that in the event appropriations are insufficient to meet entitlements under Basic Grants, each eligible student's Basic Grant shall be "ratably reduced", i.e. reduced by the same percentage. The costs of full entitlement are so large that the reduction provision is much more than a matter of academic interest. Reduction is certain to be necessary.

Ratable reduction is the worst possible method to handle the need to meet an insufficient Basic Grant budget. Since the Basic Grant program is so structured that students with the lowest family income background would receive the largest grants it follows that equal percent reduction of grants means that the largest dollar cutbacks would be suffered by the poorest students.

Put another way, ratable reduction means that the guarantee level (family contribution plus grant) will be driven down the most for the student with the least means.

Two superior alternative approaches to reducing Basic Grants are available. The first is called the "floating ceiling" method. Under this adjustment the guarantee level of $1,400 in the Basic Grant formula would be reduced until appropriations are sufficient to meet the new entitlement levels. Each student's grant, compared to full funding, is reduced by the same dollar amount. This approach has the advantage of maintaining equalized guarantee levels (the adjusted grant plus the family contribution level) for all students. The floating ceiling method implies that if Basic Grant recipients are to attend any given college, they will have to borrow, or squeeze out of their parents, money over and above the expected family contribution. These additional sums will be the same for all students, regardless of their family's income.

A second method of adjusting the Basic Grants program to insufficient appropriations is the "additional family contribution" method. Under this technique the Basic Grant to be awarded to any student would be determined by $1,400 minus the expected family contribution and minus an *additional family contribution which is a fixed percent of the family income of the Basic Grant recipient*. This method has the virtue that the student's borrowing (or the additional sums that his parents will have to give him) are scaled to his family's income. The family's income serves as at least a rough measure of the student's access to capital markets and to his family's ability to put up additional funds. The additional family contribution method is the one alternative among those considered here that maintains the full guarantee level for the most needy students.

The effects of the three alternative methods of reducing the Basic Grant entitlement can be illustrated simply. Our estimates indicate that if appropriations for the Basic Grant program were approximately $1 B, each of the three reduction methods would work as follows. Under ratable reduction, each Basic Grant student would receive 55.4 percent of his full-funding entitlement. The floating ceiling method, at the $1 B funding level, would result in a $900 ceiling. Under the additional family contribution method, each student's full funding entitlement would be reduced by 5.0% of his family's income. (See Table 10.)

Table 8 illustrates the effect of the three reduction methods for 5 hypothetical students (all are assumed to attend high cost institutions, so that the half-cost provision has no effect) [6] at a $1 B Basic Grant budget level. It is clear that only under the floating ceiling or additional family contribution methods is there even the remotest likelihood that low-income students would have any real choice of college. For a college costing $3,000, the lowest income student, under ratable reduction, would have to borrow over $2,200 per annum while the student from a $10,000 income home would have to borrow only $1,800 (provided his parents make the expected family contribution) to attend the same institution. The floating ceiling approximately equalizes the borrowing needs of the two students, while the additional family contribution method implies borrowing of about $1,650 for the poorest student shown and $2,050 for the wealthiest.[7]

Footnotes at end of article.

TABLE 8.—BASIC GRANTS UNDER $1 B FEDERAL BUDGET

Income	Family contribution	Amount of basic grant: Ratable reduction	Floating ceiling	Additional family contribution
$1,000	0	776	900	1,350
$4,000	0	776	900	1,200
$8,000	510	493	390	490
$10,000	960	244	0	0

Tables 9 and 10 show the budgetary consequences and the distributional implications of the three reduction methods. The first lesson to be learned from the tables is that it is difficult to think of the Basic Grant program being undertaken at low appropriation levels. At a $500 million budget-level, the grant program would serve only students whose family incomes are less than about $8,000, and would pay a maximum federal grant of $510 under the floating ceiling method. Under ratable reduction, the *average* grant would only be $203 and few students would receive much more than that (the low income student in public junior college would receive about $165!). Even the additional family contribution method at a $500 million budget level would result in students having to borrow the equivalent of over 10 percent of their family's income in order to attend an institution costing $1,400.

Only at the $1 B level does the Basic Grant program begin to resemble a meaningful new federal student aid program. At that budget level, Table 9 shows that ratable reduction would distribute about 28% of the subsidies to the students from families with incomes under $5,000, while the other two methods would distribute about 42% of the subsidies to that income class.

A cautionary note is warranted on the data presented in this section. The budget estimates and the distribution tables assumed that over 460,000 new enrollees would be induced to enroll in college by the Basic Grants program, even when it is funded at low levels. These students account for about 20% of the grant recipients in the two tables, and it is likely that all these students would not enroll if basic grants were, in fact, funded at a low level. On the other hand, all the budget estimates were based on a Basic Grants program with a half-cost provision and with the assumption that students would enroll in the same types of institutions in which they now enroll. For reasons stated previously, the half-cost provision is likely to induce students to attend higher cost institutions and this change would result in higher cost estimates than are shown here.

TABLE 9.—DISTRIBUTION OF BASIC GRANTS UNDER THREE REDUCTION METHODS [1]

Income class	Ratable reduction: Total amount (in millions)	Ratable reduction: Percent of total	Ratable reduction: Amount per student	Floating ceiling: Total amount (in millions)	Floating ceiling: Percent of total	Floating ceiling: Amount per student	Additional family contribution: Total amount (in millions)	Additional family contribution: Percent of total	Additional family contribution: Amount per student
At budget level of $1,494,400,000:									
Under $3,000	$142.8	9.6	$772	$166.8	11.2	$902	$166.2	11.1	$898
$3,000 to $4,999	276.8	18.5	809	318.0	21.3	930	307.5	20.6	899
$5,000 to $7,499	497.0	33.3	788	558.0	37.3	884	524.5	35.1	831
$7,500 to $9,999	479.8	32.1	540	417.8	27.8	470	460.4	30.8	518
$10,000 to $11,100	97.8	6.6	232	33.8	2.3	80	35.8	2.4	85
Total		100.0			100.0			100.0	
At budget level of $998,700,000:									
Under $3,000	95.4	9.6	516	147.0	14.5	795	155.6	15.6	841
$3,000 to $4,999	185.0	18.5	541	274.9	27.2	804	262.1	26.2	766
$5,000 to $7,499	332.1	33.3	526	438.4	43.6	695	394.5	39.5	625
$7,500 to $9,999	320.7	32.1	361	138.4	14.9	156	186.3	18.7	210
$10,000 to $11,100	65.5	6.6	155	0	0	0	0	0	0
Total		100.0			100.0			100.0	
At budget level of $501,200,000:									
Under $3,000	47.9	9.6	256	94.5	18.9	510	137.3	27.4	742
$3,000 to $4,999	92.8	18.5	271	174.5	34.8	510	183.1	36.5	535
$5,000 to $7,499	166.7	33.3	264	220.9	44.1	350	168.9	33.7	268
$7,500 to $9,999	160.9	32.1	181	11.3	2.3	13	11.9	2.4	13
$10,000 to $11,100	32.9	6.6	78	0	0	0	0	0	0
Total		100.0			100.0			100.0	

[1] All reduction methods assume basic grants with half-cost provision limited to current full-time undergraduate students, based on 1971 CSS tables and to induced enrollment using assumption A.

Sources: Estimated from data in app. A and from 1971 CSS tables.

TABLE 10.—BUDGET CONSEQUENCES OF THREE REDUCTION METHODS

Budget (millions)	Ratable reduction			Floating ceiling			Addtional family contribution		
	Percent of full funding	Number of recipients (thousand)	Dollars per recipient	New ceiling	Number of recipients (thousand)	Dollars per recipient	Tax rate of AFC percent)	Number of recipients (thousand)	Dollars per recipient
$1,802.4	100.0	[1] 2,470	$730	$1,400	[1] 2,470	$730	0.0	[1] 2,470	$730
$1,494.4	82.9	2,470	605	1,200	2,470	605	1.8	2,470	605
$998.7	55.4	2,470	404	900	1,887	529	5.0	1,914	522
$501.2	27.8	2,470	203	510	1,266	396	10.5	1,266	396

[1] Of 2,469,000 recipients, 462,000 represents estimated induced enrollment, as follows:

Under $3,000	132+ 53= 185
$3,000 to $4,999	232+100= 342
$5,000 to $7,499	505+126= 631
$7,500 to $9,999	717+172= 889
$10,000 to $11,100	422+ 0= 422
Total	2,008+461=2,469

Source: See table 9; for induced enrollment, see table 2; for other enrollment, see appendix A.

SUMMARY

The method used to reduce the Basic Grant in the event of insufficient appropriations has a substantial effect on the distribution of the subsidies under the program and consequently, on the equitability of the program. Both the floating ceiling and additional family income methods concentrate funds on the neediest students much more than does ratable reduction. Ratable reduction is unfair and creates too high barriers to higher education for low-income students at plausible federal budget levels for the Basic Grants program. The appropriations level required to make the Basin Grants program meaningful is in excess of $500 million and a case can be made that $1 B is a reasonable minimum budget for this program.

GRANTS TO STATES FOR STATE SCHOLARSHIP INCENTIVES

General provisions

The Senate bill provides for a new subsidy program to encourage states to undertake and expand state scholarship programs that are based on financial need. Without getting into details here, the program specifies that the federal government would pay 50 percent of the increased amount of state scholarship grants provided over a base year. Up to $50 million is authorized in each fiscal year 1973–75 to support initial recipients of state scholarship programs and an unlimited authorization is provided to support a 50 percent share for renewals. The implication of these provisions is that they authorize sufficient federal support for a growth in state scholarship programs from about $270 million in 1971–72 to as much as $570 million in fiscal year 1975 [8] if all existing needs-based scholarship programs qualify and if all states enter the program and make full use of the $50 million available for increased state scholarships. Under these assumptions the federal subsidy would be about $150 million in fiscal year 1975.

Effects on private institutions

This program is potentially one of the most important parts of the higher education legislation now under consideration in the Congress. One of the major problems in financing higher education has been the increasing difficulty faced by many private institutions to compete with public sector institutions most of which maintain very low student charges. As many observers have pointed out, the tuition gap between public and private institutions has been growing and this has made it difficult for private institutions to attract students. The major reason for the growing tuition gap is the higher education subsidy policy of all of the states. This policy is to channel nearly all of the state-financed higher education subsidies into the public institutions in the form of institutional subsidies which allows the public sector to keep tuition down.

The State Scholarship Incentive program under the Senate bill should have the effect of changing the form of state subsidies to higher education. The only form of State-financed higher education subsidy to be "matched" under the bill is a needs-based student grant program. In effect, this provision changes the "price" state legislators will face in making their decisions on higher education financing. If the legislature wishes to put $1 into institutional subsidies, a full $1 in state revenues will be required. But if the legislature chooses to put $1 (including those dollars now spent on institutional assistance) into state scholarships, the state budget will only have to support 50 cents of the program as the federal government supplies the remainder. No one can be certain that state legislatures will respond to this lure, but to the extent that they do the long-run outlook for the private sector of higher education would brighten considerably.

First, even if public and private colleges freeze tuition at current levels, a state scholarship program in which the grants are useable at private institutions [9] may induce many more students to attend private colleges. Under present circumstances, increased state aid for higher education can be enjoyed by a student only by attending the public institution which received the grant; under an increased state scholarship program the student can choose which kind of institution to attend.

Second, private institutions will probably divert some of their own student aid funds to other purposes under a state scholarship program.

Third, some private institutions who have held back on tuition increases will be able to raise charges and still maintain enrollments because the increased state grants can be used by some students to offset the increase in price.

Finally, and most important for the private sector in the longrun, as state legislatures shift resources to state scholarship programs, there inevitably will be increases in tuition at public institutions. Since wages and other costs in public institutions will continue to rise, legislatures that choose not to meet the cost increases through larger institutional appropriations, will automatically be raising tuition at public colleges. Of course it is possible that legislatures will both expand support for public colleges through institutional grants and increase state scholarship programs. But it is not likely: one of the major political arguments for low tuition at public institutions has always been that it provides access to college for low-income students. As low-income students receive state scholarships (and Basic Grants as well) it is clear that the "access to the poor" argument for low tuition is eroded.

The expenditure of $150 million by fiscal year 1975 for a State Scholarship Incentive program can thus be best viewed as the federal government's response to the growing inability of private institutions to compete with the public sector. Seen that way, the State Scholarship Incentive program "competes" with the half-cost provision of the Basic Grant program, the Supplementary EOG program, and the Institutional Aid programs, all of which have been defended on the grounds of providing special support for private institutions.

In my opinion, a State Scholarship Incentive program (although not necessarily the one appearing in the Senate bill) is a superior vehicle for improving the financial position of private institutions. It provides a solution to the long-run structural problem of private institutions which is the "unfair" price competition of the public sector. By contrast, the Supplementary EOG program (or the institutional aid program), which could be used to target money on the private sector promises to be a bottomless pit. As costs and charges rise at private institutions, while tuitions at public institutions are held down, there will be increasing demands placed on Congress to increase funds for a Supplementary EOG program (or for institutional aid—or both). Private schools will demonstrate (correctly) that they cannot attract low and middle income students given the nature of the competition and that they are therefore in danger of financial collapse and/or in danger of becoming exclusive institutions. It will be impossible for Congress to know whether the private institutions they are being asked to bail out could have prospered under a truly competitive market or whether their real problem was that they had little to offer to students. The State Scholarship Incentive program responds to this dilemma by encouraging states to put money in the hands of students, supplying thereby a market test to distinguish between institutions whose main problem is price and those whose main problem is the quality of their program or the competence of their management.

An additional advantage of the State Scholarship Incentive approach should be noted. As compared to alternative means for aiding the private sector, the encouragement of state scholarship programs ranks low in the likelihood of increased federal interference with the conduct of higher education. The state scholarship provisions of the Senate bill provide federal fiscal control and audit procedures for state agencies who administer scholarships. Such limited federal control can be contrasted to the provision in the Supplementary EOG program that the grant shall be "increased to $1,200 in the case of a student who, during the preceding academic year, is *determined in accordance with regulations to have ranked in the upper half of his class*" (italic added). What will the regulations say about the institution that has decided to employ a Pass/Fail grading system? Or one that forswears class rankings? Similarly, the House bill's institutional aid title [10] specifies that "the Commissioner [of Education] shall by regulation prescribe (1) the number of earned credits which constitute enrollment on a full-time basis and (2) a definition of "crediit" to be used for such determinations which

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Footnotes at end of article.

shall be substantially uniform for all institutions." Even with the best of intentions, provisions such as this one will force federal officials into the details of how colleges set academic policy. Forced to choose, both higher educators and wise public officials ought to prefer the controls of the market—as promised by the State Scholarship Incentive program—to the controls of federal regulations.[11]

Some anomalies

The State Scholarship Incentive program as passed in the Senate bill is not without flaws. First, there is a formula in the bill dividing the appropriation among the states in accordance with enrollment. Since states differ in terms of public-private mix and since *new* state scholarship programs may be necessarily lumpy decisions, the state allotment procedure is unnecessarily constraining. In this case a procedure for ratable reduction of state grants in the event appropriations are insufficient would be a preferable procedure for allocation of funds. Second, the bill is technically imperfect in two respects, both, I think, inadvertently: (a) the condition for rewarding states for expansion of their programs is stated in terms of "individuals who have not previously been awarded" state scholarships. This wording covers all freshmen—a state with rapid turnover of students counts as a state making high effort to expand state scholarships. What is intended, I believe, is to reward states whose program, in budget terms, has grown; (b) the bill fails to specify that grants must be made available to students who attend private institutions. This is a must.

Summary and conclusion

The State Scholarship Incentive program would be an incentive and important use of federal subsidies for higher education. Its purpose is to change the behavior of state legislators, moving them to support higher education policies that reduce the tuition gap between public and private institutions. Compared to alternative means in the higher education legislation for aiding private institutions and providing freer choice for students, the State Scholarship Incentive program should play a major role. A number of revisions in the state allotment formula and in the language of the bill would improve the effectiveness of this subsidy program.

INSTITUTIONAL ASSISTANCE

Distribution of subsidies among income classes and institutions

Both the Senate and House versions of the higher education legislation provide for funds to be used for general purposes by colleges and universities. In each bill, an institution's share would be determined by a formula. In the bill passed by the House of Representatives, the institutional aid program is the major provision, both because the budget implications of the House institutional aid program are substantial and because little new was proposed in the student aid programs under that bill. In the Senate bill, the cost-of-instruction allowance program is of substantial magnitude, but is subordinate to the Basic Grants provision.

The approach of the two bills to distributing federal funds for general assistance appear, on the surface, to differ considerably. The basic determinant of an institution's share of federal subsidies under the House bill is total enrollment, while under the Senate bill the major determinant is the number of students receiving Basic Grants. Thus, it would seem that the Senate version would tend to divert a larger proportion of funds toward those institutions who serve a relatively large number of low to middle income students. There is, of course, a major question as to which students would benefit from the institutional aid granted. In this section we assume that each institution uses its institutional grant for across-the-board lowering of cost to its entire student body. To the extent that federal funds are used for across-the-board subsidies to students, the Senae version could be expected to target subsidies for the benefit of lower income students more than the House version.

Table II shows the percentage distribution among students of the institutional aid subsidies in the Senate and House bills. The table assumes that each institution distributes its total subsidy among all of its students—graduate and undergraduate—equally. (We have included graduate students as one "income group", because detailed information on the family income background of graduate students in different types of institutions is not available.) The table shows very little difference between the subsidy distributions of the two bills although the Senate bill distributes a larger share of the funds to low and middle income students and a smaller share to graduate students than the House bill.

Several adjustments to the basic formulas in the Senate and House bills have the effect of shifting dollars among types of institutions, but their impact on the distribution of subsidies by income class is small.

TABLE 11.—INSTITUTIONAL AID UNDER 2 BILLS

	Senate bill		House bill	
Income class	Amount at full funding (millions)	Percent of total	Amount at full funding (millions)	Percent of total
Under $3,000	$13.2	2.6	$33.2	2.1
$3,000 to $4,999	23.4	4.6	60.4	3.8
$5,000 to $7,499	51.4	10.2	133.3	8.5
$7,500 to $9,999	67.0	13.2	187.6	11.9
$10,000 to $14,999	176.3	34.8	513.8	32.7
$15,000 and over	138.5	27.4	466.9	29.7
Graduate Students	36.1	7.1	176.3	11.2
Total	506.0	100.0	1,571.4	100.0

Sources: For Senate bill, distribution of schools by size and type taken from U.S. Office of Education, "Digest of Educational Statistics, 1970," table 113, p. 85. Within type of school, basic grant recipients were distributed to various size schools in proportion to total enrollment.

For House bill, enrollment by level was taken from U.S. Office of Education, "Opening Fall Enrollment in Higher Education, 1970: Report on Preliminary Survey," table 2, p. 10, and "Opening Fall Enrollment in Higher Education, 1969: Supplementary Information, Summary Data," table 6, pp. 36–62. Portion for cost of instruction allowance was taken from Carnegie Commission on Higher Education," Institutional Aid: Federal Support to Colleges and Universities," table F–27, p. 186, adjusted to Office of Education institutional categories.

In all cases, all students (both graduate and undergraduate) were assumed to benefit equally from the institutional aid.

TABLE 12.—DISTRIBUTION OF INSTITUTIONAL AID AMONG INSTITUTIONS UNDER FORMULAS

Institution	Based on number of basic grant recipients	Senate bill formula	Based on enrollment	House bill formula
Public:				
University	21.8	11.5	28.6	25.4
4-year	28.7	26.0	24.1	24.5
2-year	26.8	29.5	20.9	14.4
Total	77.3	67.0	73.6	64.3
Private:				
University	4.8	4.0	8.4	9.2
4-year	15.9	25.5	16.4	24.1
2-year	1.9	3.5	1.6	2.5
Total	22.6	33.0	26.4	35.8

Sources: See table 11 for Senate and House bill distributions. Distribution of basic grant recipients from app. A (assumes all students with family income under $11,100 are eligible). Enrollment distribution calculated by adjusting the undergraduate totals of app. A for the share of full-time equivalent enrollments represented by graduate students in each type of school in 1969-70 from U.S. Office of Education, "Opening Fall Enrollment in Higher Education, 1969," table 6.

The House bill makes several adjustments to a simple enrollment formula, which tend to divert funds from public 2-year colleges to private 4-year institutions. (See Table 12 for a comparison of institutional aid based simply on full-time equivalent enrollment and the House bill.) Among these provisions are those that specify larger per capita sums for upper division and graduate students than for lower division students (diverts money toward universities and away from public two-year colleges); a provision that gives an additional bonus for schools with small enrollments (diverts funds to private four-year colleges) and a provision that one-third of the funds be distributed on the basis of the existing Office of Education student-aid programs (in which public two-year colleges are underrepresented and private institutions are overrepresented).[12] The effect of these provisions is to lower the share of the subsidy going to the public sector to 64 percent compared to 74 percent share that would be received if allocations to institutions were based solely on full-time equivalent enrollments.

The Senate bill also contains adjustments that aid the private sector. This goal is accomplished by a formula that very severely penalizes institutions with large enrollments and very generously rewards small colleges and universities. For example, the cost of instruction allowance in the Senate bill would provide a grant of $250 per student to an institution with a 1,000 enrollment, half of whom are eligible for Basic Grants. In a 30,000 student college, half of whose enrollment is eligible for Basic Grants, the federal payment would be $55 per student. Public institutions, especially universities, tend to have large enrollments; thus, these provisions of the Senate bill draw funds away from public universities compared to what they would have received under a distribution based solely on the number of Basic Grants recipients. The major beneficiary of the shift is the four-year private college as shown in Table 12.

Table 11 shows the full-funding implications of the institutional aid approaches. The House bill provides for over $1.5 billion in institutional aid, an order of magnitude comparable to the cost of the Senate's Basic Grant program. The Senate bill provides only $506 million in institutional aid. To the extent that the Congress foresees a limited pot of money available for higher education subsidies, it is clear that the Basic Student Grant program and the House-version of institutional aid will compete for the lion's share of the money. It is, therefore, not inappropriate to compare the incidence pattern of Basic Grants with the institutional aid program of the House. Such a comparison shows the Basic Grants program being much more redistributive to low income students than institutional aid, with 26.6 percent of Basic Grants going to children from families with under $6,000 income compared to under 10% for the House version of institutional aid.

Goals of institutional aid

An important question to settle in one's mind in evaluating institutional aid is what goal it is striving to achieve. A careful reading of the public record fails to make clear the case for institutional aid. One argument frequently used is that institutional aid is necessary to relieve the "financial crisis" facing higher education. But to my knowledge, no one has ever defended the specific formulas accepted by the House or Senate as even crude measures of financial distress. Cost of instruction allowances are also defended as cures for the financial problems of colleges, but also as a program that would carry out a "national purpose".

The national purpose that is supposed to be served by cost-of-instruction allowances is to offer an incentive (bribe) to all insti-

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tutions to admit students from families with incomes below $11,000 (Basic Grant eligibles). This purpose would seem to require some kind of evidence to the effect that, even with a generous Basic Grant program, institutions will be loathe to admit students from the family income classes that would be eligible for Basic Grants. To my knowledge, no such evidence has been offered.

Given the fact that neither body of Congress may have been aware of the full implications of all the detailed provisions of the bills that were passed, it is perhaps more relevant to ask what the effects of institutional aid *will be,* rather than what was *intended to be.*

We have no clear idea of what the impact of institutional aid will be. For some high quality institutions with stable enrollments, and very inelastic student demand curves, the result of institutional aid will probably be a greater outlay of funds per student. In many cases, this will mean an increase in the quality of education being offered (e.g. new programs will be started), but in some cases it will mean higher faculty salaries or lighter teaching loads than would have occurred otherwise. At the other extreme, in institutions with excess capacity, and highly elastic student demand, there may be tuition reductions and enrollment expansion. In the aggregate, it is likely that institutional aid would a) lower nominal tuition increases b) raise enrollments and c) enhance the dollar resources expended per student compared to the state of the world before institutional aid. But the mix of these elements at particular institutions or the overall share of each component in the national total demands a more complete knowledge of how institutions of higher education behave than is presently available.

The bribe-incentive effect on enrollment of the specific form of institutional aid embodied in the Senate bill is likely to be small compared to the Basic Grants provision of that bill, with one possible exception. The exception is that the Senate bill has a very unusual "notch" feature which provides, for example, that in colleges with enrollment over 5,000 but not over 10,000, the cost-of-instruction allowance to be paid is equal to $200 for each of the first 499 Basic Grant recipients, $85,200 for the next Basic Grant recipient, and $200 for each subsequent Basic Grantee. It is clear that an institution in this size category whose enrollment of Basic Grant students is below, but near to, 500 students may well be induced to bring Basic Grantee enrollments up to that level. (Our last table assumed that all institutions would react that way.) On the other hand, the bill provides that for institutions in the size class between 2,500–5,000 students, cost of instruction allowances are to be $300 for the first 249 recipients, $35,300 for the next Basic Grantee, and $300 per aided student thereafter. Thus, it is not unlikely that institutions whose enrollments are slightly above 5,000 students might not "hire" more needy students, but rather contract in size in order to cash in on the cost-of-instruction allowance.[13] So even in this case, there is some ambiguity in the admissions policy outcome.

More importantly, the school which is above the "notch", is supposed to be effectively bribed into accepting a Basic Grant eligible for a marginal payment of from $500 (for very small colleges) to $100 (for institutions over 100,000 enrollment), under the model that lies behind the cost-of-instruction allowance. This seems to me to miss the really important point of the Senate bill which is that every student is guaranteed, at full funding, to have $1,400 in his pocket from his parents or the government. This point, in the mind of even a penny-pinching admissions officer, would dominate his decision on whether to grant admittance to a low or moderate income student, for it represents a substantial saving in institutional student aid and a potential source for increasing revenues through a tuition increase. The cost-of-instruction allowance is more likely to be treated as a windfall, rather than as a determinant of admissions behavior.

At less than full-funding of Basic Grants, the effect of cost-of-instruction allowances on admissions policies can best be addressed as follows. Are admissions of Basic Grant recipients facilitated more by giving $506 million in cost-of-instruction allowances or by using the $506 million to raise the maximum Basic Grant from $900 to over $1,200? (Table 10 shows that the increased federal budget outlay, under the floating ceiling method, of moving from a $900 to a $1,200 ceiling on Basic Grants is about $500 million). No one has the detailed knowledge about the admissions behavior of colleges and universities or on student responsiveness to varying grant levels, to predict the likelihood of enrollment increases under the two alternatives. But a good case can be made for enriching the Basic Grant program rather than providing a bribe. (I cannot imagine that a Congressional committee intent on alleviating hunger would even hesitate to enact a food stamp program costing $500 million rather than a system of bonuses costing $500 million to retailers based on the proportion of their customers who are needy.) It may be true that under the cost-of-education approach, Basic Grant eligibles are more likely to be dispersed among institutions than if the funds are channeled through the students. As indicated previously, if Congress feels that some institutions have an environment particularly well-suited to Basic Grant recipients they can allocate Supplementary EOG's to such institutions.

Summary

Institutional aid is a response seeking a stimulus. No clear cut purpose has been adduced to defend the particular formula embodied in the House institutional aid provision. The aid provision of the Senate bill may change admissions behavior—in some instances in unintended ways—but a good case can be made that the monies would be better spent in an enriched Basic Grant program.

INSURED LOAN AMENDMENTS

Description

It has been a recurrent theme in this essay that in higher education legislation, as in courtship, "little things mean a lot". So it is with the apparently minor amendments to the Insured Student Loan program under the House bill especially.

The House bill, under amendments to the Insured Loan Program, provides:

1) An increase in the annual amount a student may borrow to $2,500 or in some cases more) and an increase to $10,000 in the total debt a student may incur under the program;

2) That the federal government will pay the student's interest liability while he is enrolled provided that his institution certifies that he is "in need" of the loan, rather than the current income-test for eligibility for interest subsidies;

3) That each college or university shall receive from the federal government a cost allowance of one percent of the insured loans extended to its students during the academic year;

4) An increase in government insurance of student loans to provide for a guarantee of interest as well as unpaid principal.

5) For an extension of the Emergency Insured Student Loan Act of 1969 to provide for government subsidies of up to 3 percent interest on the unpaid balance of insured loans over and above the interest paid by the borrower.

6) For the creation of a National Student Loan Marketing Association to serve as a secondary market and warehousing facility for student loans. (House and Senate)

Consequences for loan volume

In a nutshell, these amendments, if enacted, could provide a juggernaut for government subsidies. Under present law, the federal government pays interest during a student's enrollment only for those students whose "adjusted family income" (interpreted under regulations to be roughly equivalent to federal taxable income) is less than $15,000. The amendments would change this so as to provide interest subsidies to all students whose institutions certify that they are "in need" of the loans. Since very few institutions of higher education are themselves lenders, they have every incentive to certify the "need" of every student who wishes to borrow. (The legislation specifies that the college must take into account family contributions in assessing need; it does not say how the family contribution is to be calculated). Moreover, the House version provides a payment of 1% of new loans made to its students to institutions of higher education, which should fortify the incentive to approve all requests for certification of need. Thus, I would expect an extension of federal loan subsidies into the upper income ranges. (A discussion of the present distribution of loan subsidies can be found in my book, prepared for the Carnegie Commission on Higher Education: *Credit for College: Public Policy for Student Loans,* (McGraw-Hill, 1971).

In addition, the amendments should encourage a much larger annual loan volume, over and above the new demand by students from higher income families. First, the legislation allows a student to borrow up to $2,500 per annum (up from $1,500 in existing law) and an increase in the lifetime ceiling. Second, the legislation provides substantial new encouragements to lenders to make student loans. A provision enacted during the tight money period in 1969, providing that the federal government could pay lenders up to 3% interest (on top of the 7% paid by the student) if money market conditions warrant it, would be extended. Government insurance is extended to cover interest as well as unpaid principal in the event of default. And finally, the establishment of a "Sally May" for student loans would make it much easier for lenders to convert such loans into cash (i.e. make them more liquid) than is now the case.

Students of money and banking are drilled to learn that the qualities of a financial asset are its Risk, Yield, and Liquidity. Whoever put together the amendments to the Insured Loan Program learned his lesson well.

Risk:

The risk of default is effectively reduced to zero by the provision of government insurance on interest and principal.

The risk of capital loss that might result if interest rates rise is at least partially removed by the extension of the emergency allowance of up to 3% additional interest. This converts a student loan into a variable interest rate loan and makes it nearly risk-free. (See *Credit for College, op. cit.*)

Yield:

The limit on student charges of 7% annual interest is supplemented by the special allowance noted above. If a college is the lender, it also receives the 1% cost allowance, raising its gross yield.

Liquidity

Sally May will be empowered to buy student loans outright or to lend to an institution which warehouses its loan paper with Sally May. Thus, student loans would become at least as liquid as government-backed mortgages and probably more so, since student loans are not issued for terms in excess of ten years.

Footnotes at end of article.

Impact on Federal budget

These sweeteners to the Insured Loan Program come at a time when it is growing rapidly and when the government subsidies to support the program are growing even more rapidly. The most rapid growth of all is in federal payments for defaults under this program. The data to support these assertions are given in Table 13.

TABLE 13.—OPERATING CHARACTERISTICS OF THE INSURED LOAN PROGRAM

[Dollars in thousands]

	Fiscal year 1970	Fiscal year 1972	Percent change
Volume of insured loans	$987,583	$1,178,353	19.3
Interest subsidies	112,392	196,600	74.9
Net loss of student loan insurance fund	1,848	8,479	358.8

Source: "Budget of the U.S. Government," app., fiscal years 1972 and 1973.

Under these circumstances, it is not implausible that federally insured student loans might reach an annual volume of $2 B in a few years. Were that to be the case, the Federal subsidies implicit in the program could be estimated as follows:

1) $367 million for interest subsidies. At a $2 B loan level, if it is assumed that students will remain in subsidized status for an average of 3 years, the annual federal subsidy would be 7% times $2 B or $140 million per annum. Rather than sum the $140 million over 3 years, I have noted the present value, discounted at 7% of 3 such payments. This method of computing subsidies is superior to the practice usually used of computing annual outlays for interest subsidies because it attributes to the budget year all the subsidies implicit in the loans made in that particular year.

2) Up to $162 million for special allowance interest subsidies. Assuming that the $2.0 B level is reached in 3 years with loan levels of $1.6 B, $1.8 B, and $2.0 B, total outstanding principal in the final year would be about $5.4 B. Special allowances permit a federal payment of up to 3 percent on all outstanding balances.

3) $20 million in cost allowances to institutions of higher education. This is 1% of current loan volume.

4) All costs of default. Unless some new provisions are instituted the cost of defaults could mount into the many tens of millions, especially with the improved federal insurance provisions currently proposed.

5) Any losses of the Student Loan Marketing Association. Although Sally May would be set up as a private corporation, the federal government would be the guarantor of its debt. In addition, there is a proposal in the fiscal year 1973 federal budget, for the purchase of $288 million of low-interest National Defense Student Loans by Sally May. Since such loans are inferior (to the holder) to federally-insured loans, the federal government would have to pay Sally May for any losses it incurs in holding such loans. Such payments could be strung out over a number of years, but I have estimated that the interest subsidy implicit in a National Defense Student loan is about 33% of its face value. (*Credit for College, op. cit.*, P. 136.) At that rate of subsidy, annual losses that the federal government would have to make up to Sally May would be about $96 million plus any losses incurred under the teacher cancellation provisions of the National Defense Loan program.

Summary and conclusions

The amendments to the Insured Loan Program imply a federal subsidy to borrowing students of as much as $600–$700 million within a few years. These subsidies, under the amendments in the current legislation, would be entirely untargeted: in practice they would, I believe, be available to any student who persuaded his student financial aid officer that he had "need".

I have argued at length elsewhere (Credit for College) that student loans should be expanded and that repayment burdens should be lessened through such devices as lengthening repayment periods or adjusting repayments to income. But I also argued, I thought persuasively, that the justification for government interest subsidies in such a program was relatively weak. Now that the Insured Loan Program is getting out of the peanuts category in the federal budget, the time has come to reexamine whether it is a suitable vehicle for carrying a half-billion dollars worth of subsidies to higher education. Since such loans can be encouraged without interest subsidies to students, or special allowances to lenders, by the simple procedure of letting the market determine the interest charge in a federally-guaranteed program, I believe it is clear that these subsidies are an inferior form of federal aid.

CONCLUDING COMMENTS

Perhaps the most important lesson to be learned from this review of the subsidy provisions of the current higher education legislation is that very few real issues in federal subsidy programs can be resolved by appeal to general theory. While theory can guide the general focus of federal subsidy programs, this paper makes clear that millions of dollars often ride on apparently minor provisions in federal legislation. These provisions deserve deep scrutiny, during the authorization legislation process, to avoid federal subsidies getting out of hand or into the wrong hands. This scrutiny is especially important in authorizing legislation that creates "entitlements" (as in Basic Grants) or creates "uncontrollable" budget items (as in the insured loan program) for in these cases the appropriations process is an inadequate check on faulty or inadvertent authorizing legislation.

As a fairly close observer of the recent legislative process, I am convinced that Congress had inadequate information on which to base decisions on the higher education legislation. Part of the reason is that data and knowledge of some crucial aspects of higher education are not available. This shortcoming hampered this paper's attempt to analyze the legislation as well. But the fact is that there is enough information and knowledge to inform Congress a lot better than was the case during the past year.

The problem seems to be that there is no staff available to the Congress whose main function is to prepare objective analyses of the detailed alternatives being considered in committee, on the floor and in conference. Committee staff simply do not have the time necessary to do the detailed work required. Executive agency staffs are too often partisans of one particular bill or of a clause in a bill, to provide objective evidence. Or, as is often the case, several agencies are interested in a bill and one agency's objectivity is impaired by the pressure to win a battle over another agency.

The Legislative Reform Act of 1970 provided for an expanded staff for the Congressional Reference Service (CRS) and the responsibilities of the General Accounting Office (GAO) have been broadened. Part of either of these agencies could be developed into the kind of staff that the Congress could turn to for objective analysis of detailed legislative alternatives. To be effective, such a staff would have to have the capability for relatively fast response to specific questions and it would, naturally, need the cooperation of both the executive branch and congressional staffs. The staff performing legislative analysis would have to be free of more trivial information requests. It seems to me that it is at least worth an experiment to establish in either GAO or CRS over the next few years a staff with these functions. It would be interesting, then, to see whether the next cycle of higher education legislation will emerge from a well-informed Congress.

APPENDIX A [14]

DETERMINATION OF BASIC GRANTS

I. A distribution of 5.3 million full-time undergraduate students in 1970–71 was generated as follows:

[In thousands]

Income class	Public			Private		
	University	4 year	2 year	University	4 year	2 year
Under $3,000	28	41	45	3	13	2
$3,000 to $4,999	44	65	72	10	38	3
$5,000 to $7,499	92	136	152	24	89	12
$7,500 to $9,999	172	211	169	38	114	13
$10,000 to $14,999	531	570	407	115	311	32
$15,000 and over	615	332	186	171	391	35

Estimates of full-time enrollment, by income class, from U.S. Census Bureau, Series P–20, No. 222, *School Enrollment: October, 1970*, Table 14 (data for "married, spouse present" were omitted) were enlarged to be consistent with the U.S. Office of Education's estimate of 5.3 million full-time undergraduates. This enlargement was made so as also to be consistent with unpublished Office of Education's estimated distribution of students by income quartile. Students were then distributed to types of institution according to unpublished estimates from the U.S. Office of Education. This distribution was then checked for consistency with U.S. Census Bureau, Series P–20, No. 231, *Undergraduate Enrollment in Two-Year and Four-Year College: October, 1970*, Table 8.

II. The following estimates of average costs for each type of institution were taken from the College Entrance Examination Board, "Estimates of the Distribution of Federal Student Grant Funds" (Washington, D.C., mimeo., 1972), p. 9: (rounded to nearest $10)

Public university	$2,240
Four year	1,970
Two year	1,180
Private university	3,970
Four year	3,320
Two year	2,740

III. The following estimates of average expected family contribution were taken from College Entrance Examination Board, *Manual for Financial Aid Officers*, 1967 and 1971 editions, Table A (all estimates assume two dependent children family). Averages were estimated at a point calculated as 60 percent above the lower bound of the class.

Year	Income class				
	Under $3,000	$3,000 to $4,999	$5,000 to $7,499	[1] $7,500 to $9,999	$10,00 to $11,100
1967	0	160	640	1,150	1,490
1971	0	0	160	730	1,120

[1] In the $7,500 to $9,999 class, the average contribution was based only on eligible students who are 0.7 of this income class, having incomes under $9,400, under the 1967 tables.

IV. For each cell in the distribution of students in I, an average grant entitlement was determined according to the following formula:

Basic Grant=Min [$1,400−Family Contribution, ½ cost]

Hence total estimated from these data assume that average cost and average expected

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Footnotes at end of article.

contribution are representative of all students within a given cell.

V. Entitlements to part-time students were estimated as equal to 7.2 percent of entitlements to full-time students. This estimate is consistent with the results of an unpublished analysis done by the Department of Health, Education, and Welfare, Office of the Assistant Secretary for Planning and Evaluation, November 1971.

VI. Enrollment rates and the pool of nonstudents from which enrollees could be induced by a basic grants program were based on data for primary family members, aged 18–24, from U.S. Census Bureau, Series P–20, No. 232, *op. cit.* Table 14. The size of the cohort in each income bracket was enlarged to make the data consistent with U.S. Office of Education enrollment data cited in I above. This procedure yielded the following estimates of total college eligible population and the percentage enrolled by income class:

Income class	Eligible population	Percen enrolled
Under $3,000	1, 023, 000	12. 9
$3,000 to $4,999	1, 282, 000	18. 1
$5,000 to $7,499	1, 899, 000	26. 6
$7,500 to $9,999	2, 151, 000	33. 3
$10,000 to $14,999	4, 760, 000	41. 3
$15,000 and over	3, 078, 000	56. 2

FOOTNOTES

[1] This paper was supported in part by a grant from the Ford Foundation to the Brookings Institution. The views presented are those of the author and not necessarily those of the officers, trustees, or other staff members of the Brookings Institution or the Ford Foundation.

[2] The Senate bill provides that "one-half of veterans benefits and payments under the Social Security Act shall not be included" in determining expected family contributions. The estimates in Table 1 ignore this provision in large part because of the ambiguity of the requirement. If half of the payments to discharged or disabled, veterans or dependents of deceased veterans were added to family income in determining family contributions, the federal budget cost would go down by as much as $88 million in 1970–71 using the 1971 CSS Table. Similarly if aid to students aged 18–21 who are beneficiaries of the Social Security program aiding children of deceased, retired and disabled workers were included in family income, federal budget savings could amount to about $41 million in 1970–71 under the 1971 CSS Table. Thus the cost estimate using 1971 tables may be 8–9 percent too high. On the other hand, vocational school students, many of whom would be eligible for Basic Grant benefits are omitted from our calculations for lack of available data.

[3] Estimates based on full-time undergraduate costs and enrollments only.

[4] Many low-income students do, of course, receive aid in the form of government subsidized wages (as under the College Work-Study program) or loans (as under the low interest National Defense Student Loan Program), but these payments entail work or repayment obligations and are not pure subsidies.

[5] In the 1971 CSS tables, a family contribution of $1,400 is reached at an income level of $12,000 for 2 dependent child families.

[6] When the half-cost provision is taken into account the floating ceiling method yields higher grants to students who attend low-cost colleges than does the additional family contribution method. This fact is taken into account in tables 9 and 10.

[7] Ratable reduction combined with the half cost provision of the Senate bill really does in the low-income student attending a public junior college. If his school's cost is $1,200 the maximum Basic Grant—at full-funding—would be $600. Under ratable reduction with a federal budget for Basic Grants of $1 B, the grant would be slashed to about $330. For a student whose family cannot contribute anything to his higher education, this grant is not much better than nothing.

[8] The current (1971–72) estimate is based on Joseph Boyd's tabulation of $191 million in state scholarship programs in 1969–70 increased at 19.5 percent per annum thereafter. This is the rate of increase from 1968–69 to 1969–70 estimated by Boyd for competitive state programs. (See U.S. Office of Education, *Trends in Postsecondary Education.*)

[9] I am assuming that a provision requiring states to allow students to use state scholarships at private institutions would be a mandatory requirement imposed by the Commissioner of Education. To permit a state to limit its scholarships to public institutions would convert the State Scholarship Incentive program into a federal general aid program for the public sector, which seems to be far removed from the Congressional intent.

[10] Russell Edgerton called this provision to my attention and I am indebted to him for useful comments on this point.

[11] For a development of this argument, see my comment on a paper by James Buchanan: "An Alternative View" (AGB Reports, Vol. 14, No. 4, January 1972).

[12] The House bill includes veterans benefits as well as Office of Education student aid programs in the ⅓ component. We have omitted veterans payments for lack of data on veterans' enrollment.

[13] The table below shows the relation of the federal payment to total enrollment and Basic Grant enrollment at an institution with about 5,000 students. The reader can judge whether the institution shown in line 1 is more likely to transform itself into a line 2 or line 3 school under the Senate bill.

	Basic grant eligibles	Federal payment
Total enrollment:		
5,001	300	$60, 00
5,201	500	185, 000
5,000	300	125, 000

[14] This Appendix and all computations for this paper were prepared by Daniel Sullivan of the Brookings Institution.

EDUCATION AMENDMENTS OF 1972—CONFERENCE REPORT

Mr. PROXMIRE. Mr. President, I shall vote for the conference report. I voted for the Griffin effort to recommit the bill to the conferees on another issue, but I shall vote for the conference report today because I think, with its flaws and weaknesses, the conference report represents an advance.

However, as a member of the Appropriations Committee I expect to do what I can to further the policy recommended by Professor Mundel and Dr. Hartman to provide the kind of higher educational program that I think the people and the Congress expect, and that is to help students who need help. This is where our limited amount of Federal dollars should go in higher education, and certainly should not continue to be spent in a disorganized, helter-skelter, chaotic way to provide assistance without providing either better education for those who need it or permitting young people in our society to take advantage of higher education.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

THE PERSONAL STATEMENT OF SENATOR GRAVEL

Mr. SAXBE. Mr. President, I listened with interest to the remarks of the Senator from Alaska. I am somewhat familiar with his conduct, having been one of the Senators who argued before the Supreme Court the legal procedure question that arose from it.

It is somewhat inhibiting to speak about this matter on the Senate floor because of the limitations on reflections on a Member's character. However, I am convinced that the Senator from Alaska wants to be tried by the Senate, but I am also convinced that to do so, it must be the majority that tries him, because as long as he has the protection of an indulgent majority, he will continue his activities until such point that they recognize the problem and will have to take some action. But for the minority to proceed and thereby force the majority into a situation where they have to rally to his defense would be meaningless, and I submit that, given enough time, I am sure that he can accomplish what he has set out to do.

I understand and am reliably informed that he toyed with the idea of appearing before a subcommittee of the Committee on Commerce and discussing some of the secret data in regard to a cooling system for a nuclear reactor. This system also happens to be one of the most vital items in our nuclear submarine, and I think good sense prevailed and he did not do so. But I submit that at some time in the future this will happen again, and at that time, whether it is on the subject of Vietnam, on a nuclear reactor, or on some other classified information, the majority will be jarred into recognizing that they have a problem, and at that time and not until that time will the Senate move to censure.

I am one of those advocates who argued in the Supreme Court, that the Senate should police its own house. I still believe this. But that argument, I admit, wears rather thin when there is no indication of interest by the majority; and certainly for the minority to undertake it would not only be pointless, but would play into the hands of the individual who abused his discretion.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. MANSFIELD. Mr. President, I yield my 3 minutes to the Senator.

Mr. SAXBE. I had finished.

Mr. MANSFIELD. I withdraw that, and I yield to the Senator from Alaska.

Mr. GRAVEL. Mr. President, relative to the last point—my colleague from Ohio claims that he is reliably informed that I have information on nuclear reactors—I must ask how this issue is involved in that hoax. I know nothing about such hearings, and I do not have any secret data in my possession on any nuclear reactors. But I cannot help snickering that my colleague thinks it is a big deal to have secret data on nuclear reactors, which are going to be used to generate electricity in this country. I can see having some secrets relative to technical data that relate to weaponry, but when we are talking about generating electricity and the problem of having a blackout or a brownout in this country, and someone stands on this floor and says there are secrets in connection with that, I say this is but another example of a routine that has been used on me fairly effectively, although somewhat senselessly. Their thought seems to be, "Because we cannot get a censure going, we will talk about the death penalty under the Atomic Energy Act." So I construe the Senator's statement to imply that if they cannot get a censure going in the Senate, they are going to put a cross up and seek to nail me to it.

My colleague says I want to be tried. I do not want to be tried. I think that is ridiculous. I think the whole move to censure is a type of intimidation. If there is something wrong in what I have done, will someone please come forward and put his finger on it? If there is a law broken, let us put our finger on the page in the book. If something has been done to hurt this country, let us put our finger on it, so that we can all look at it and say, "Oh, my God, look what has been done."

The Senator says I want to be tried. Mr. President, I do not want to be tried. I value my position in this body. Apparently there are some Members of the minority, and I do not impugn their motives, I simply make this as a statement of fact, whom I would call the know-nothings. That used to be the name of a political party in this country. I say know-nothings because I sent out to all the Members of this body copies of the NSSM reports. Twelve of the Members of this body sent back the information without reading it. The only conclusion I can come to is that they are know-nothings; they do not want to know anything about the facts. Senators have all heard the old cliche, "Don't confuse me with the facts, my mind is made up."

So when my colleague talks about my wanting to be tried, I say let us talk about what is important: Is there really anything to be tried about? I say not. I say what I have done is in the finest tradition of this body. Our function is to communicate—that is what debate is, communication. And, Mr. President, that is what I have done, communicated with the people of my State and the people of my Nation.

The **ACTING PRESIDENT** pro tempore. The Senator's time has expired.

Mr. **MANSFIELD**. I yield the Senator my time.

Mr. **GRAVEL**. I thank the majority leader.

I realize this has been a most trying experience, because it involves personalities inadvertently. I think this body, when it finds itself impotent in its legislative role, finds that all it can do is act as a conduit of information. The Senator from Pennsylvania says I have broken the law. He still has not come up with any proof of this, because the law is two-pronged.

First, you must want to hurt your country. I do not want to hurt my country. I love my country. I have given the information in the hope of shortening the war and lessening the deaths of Americans and Asians.

Second, the other part of the act is very simple. The information has to hurt the country. Let those who decry what I have done come forward with some proof that this information has hurt the United States of America. That proof does not exist, and the reason why it does not exist is because, in a democracy, you can only help the fiber and strength of your government through discussion and through dialog. If there is anything we suffer from today, it is the fact that we cloud our activity with secrecy, and secrecy is anathema to democracy.

I do not care if it is I or anyone else, if it is a good Senator or a bad Senator, a good President or a bad President, there is only one check and balance that can ultimately be dependably adhered to, and that is the total scrutiny by the American people of the actions that we take. That scrutiny has been abrogated. That check, so vital to sustaining this system of democracy, has been abrogated these last 25 years, and that is why we find ourselves in the present situation, in a war that should never have begun.

I lay down the challenge again: If there is a place where I have broken the law, please point to it. If not, I shall wait patiently—and I am prepared to wait for the remainder of my political career—for the apology which I am sure will come in time, because of the high character and the stature of the persons who have unfortunately chosen to assail me. I find them to be persons of great integrity, and I am sure that in time their integrity will assert itself, regardless of what passing tremulation it might cause.

The **ACTING PRESIDENT** pro tempore. The time of the Senator from Alaska has expired, and the time for the transaction of routine morning business has also expired. Morning business is concluded.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. GAMBRELL):

A resolution adopted by the city of Revere, Mass., praying for the enactment of legislation relating to a reduction in the noise of jet aircraft; to the Committee on Commerce.

A resolution adopted by the Council of the City of Beverly Hills, Calif., favoring an immediate withdrawal of all Armed Forces of the United States from Indo-China; to the Committee on Foreign Relations.

ENROLLED BILLS SIGNED

The **PRESIDENT** pro tempore today, May 24, signed the following enrolled bills:

H.R. 14655. A bill to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes; and

H.R. 14582. A bill making supplemental appropriations for the fiscal year ending June 30, 1972, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Ricardo A. Ratti, for promotion to the grade of rear admiral in the Coast Guard; and

Charles J. Hanks, for promotion to the grade of rear admiral in the Coast Guard Reserve.

EXTENSION OF TIME FOR A COMMITTEE TO FILE A REPORT

Mr. **RIBICOFF**. Mr. President, I ask unanimous consent that the Committee on Government Operations have 7 additional days, until May 31, 1972, to report S. 3419, a bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes.

The **PRESIDING OFFICER** (Mr. FANNIN). Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CASE:

S. 3637. A bill providing that no funds may be obligated or expended to carry out certain agreements to which the Senate has not given its advice and consent. Referred to the Committee on Foreign Relations.

By Mr. MAGNUSON (by request):

S. 3638. A bill to amend the Merchant Marine Act of 1970. Referred to the Committee on Commerce.

By Mr. CRANSTON (for himself and Mr. MCGOVERN):

S. 3639. A bill to amend the Food Stamp Act of 1964 to authorize the use of food stamps by elderly persons to purchase meals prepared and served by certain institutions. Referred to the Committee on Agriculture and Forestry.

By Mr. BEALL:

S. 3640. A bill for the relief of Peggy S. Foy. Referred to the Committee on the Judiciary.

By Mr. PEARSON:

S. 3641. A bill to establish a National Energy Resources Advisory Board. Referred to the Committee on Commerce.

By Mr. ERVIN (for himself, Mr. MATHIAS, Mr. BAYH, and Mr. HART):

S. 3642. A bill to supplement the antitrust laws of the United States providing for fair competitive practices in the termination of gasoline dealers franchise agreements. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CASE:

S. 3637. A bill providing that no funds may be obligated or expended to carry out certain agreements to which the Senate has not given its advice and consent. Referred to the Committee on Foreign Relations.

Mr. CASE. Mr. President, I am today introducing a bill which provides that no money can be spent to carry out an agreement with a foreign country for an American military base or for the storage of nuclear weapons in that country unless the agreement is submitted to the Senate as a treaty and the Senate then gives its advice and consent.

My bill would also apply to agreements with foreign countries which revise or extend military base or nuclear storage arrangements previously entered into.

The power of the purse is Congress' ultimate weapon, and I am proposing that it be used to right the imbalance which has grown up in the conduct of our foreign relations. I am trying to change the practice that has become so prevalent under the last six Presidents of entering into arrangements with foreign governments under the cover of so-called executive agreements and thus skirting the constitutional requirement for Senate advice and consent.

The Constitution is absolutely clear on this point. There is no question that our Founding Fathers intended that all major agreements with foreign countries be treaties, subject to Senate approval. They would not have accepted that the executive branch has the option simply to call an important commitment an executive agreement and put it into effect without the participation of the Senate. Yet, this is the current practice, and it is in direct conflict with the system of checks and balances that the Founding Fathers so carefully wrote into the Constitution.

My bill concentrates on two areas which are crucial to our national security. It does not include or exclude agreements on other subjects which, by virtue of their importance, should also be considered as treaties. Perhaps additional legislation will be necessary later.

But for now, I am chiefly concerned about, first, the stationing of American troops overseas in military bases and second, the storage of nuclear weapons abroad. Actions taken in either one of these areas can lead to a commitment toward the host country and ultimately to war. We cannot allow our country to become entangled in such serious obligations without the participation of the legislative branch, and through it, the American people.

There is no way that the Congress can compel the Executive to submit important agreements to the Senate as treaties. Yet Congress in turn does not have to appropriate any funds to pay for the costs of the agreements. And the constitutionally mandated balance between the Executive and the Congress will not be restored until the Congress takes strong action to restore it.

I have long been concerned about the abuse of the executive agreement. Nearly 2 years ago I introduced a bill in the Senate which required the Executive to send all agreements with foreign countries to the Congress within 60 days of enactment. In this way Congress would at least have knowledge of what our Government had promised other countries. Despite the administration's initial opposition, the Senate passed this bill 81–0 in February. Only last week, the administration changed its position and announced it would no longer oppose this comparatively mild measure.

But over the last 6 months there have been new examples of executive agreements being used to put major deals into effect. Clearly, congressional knowledge of these agreements, while highly desirable, is simply not enough.

Last winter, the Executive entered into agreements with Portugal and Bahrain for American military bases. In the Portuguese case, our Government promised Portugal about $435 million in credits and assistance over a 25-month period in return for continued use of bases in the Portuguese Azores. With Bahrain, we agreed on the establishment of military facilities on that Persian Gulf island at annual rental of several hundred thousand dollars a year.

I wrote to the administration asking that these two agreements be submitted to the Senate as treaties—but with no success. Then I introduced a Senate resolution which stated that the administration should submit the two agreements as treaties. This resolution passed the Senate 50 to 6 in March, but the administration refused to adhere to the sense of the Senate, which, of course, was not binding. I was not content to let the matter drop, and on April 4 I introduced a bill which cuts off all money to implement the Portuguese and Bahrain agreements until they are submitted to the Senate as treaties.

Mr. President, the Foreign Relations Committee yesterday approved this bill for the cutting off of implementing funds for the two agreements until they are submitted to the Senate as treaties. At the same time, the Foreign Relations Committee also approved the substance of the bill which I am introducing today. Thus, the specific fund cut off for Portugal and Bahrain and the broader measure blocking funds for future executive agreements on military bases and nuclear weapons storage will both be included in this year's Foreign Assistance Act which will soon be before the Senate.

Mr. President, I ask unanimous consent that a copy of the bill I am introducing be included in the RECORD along with an article I recently wrote for the Christian Science Monitor and other newspaper articles.

There being no objection, the bill and articles were ordered to be printed in the RECORD, as follows:

S. 3637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no funds may be obligated or expended to carry out any agreement, on or after the date of enactment of this Act, between the Government of the United States and the government of any foreign country (1) providing for the establishment of a military installation in that country at which combat units of the Armed Forces of the United States are to be assigned to duty, (2) revising or extending the provisions of any such agreement, or (3) providing for the storage of nuclear weapons or the renewal of agreements relating to such storage, unless such agreement is submitted to the Senate for its advice and consent and unless the Senate gives its advice and consent to such agreement.

Nothing in this Act shall be construed as authorizing the President to enter into any agreement, relating to any other matter, with or without the advice and consent of the Senate.

[From the Christian Science Monitor, May 15, 1972]

SEPARATION OF POWER

(By Clifford P. Case)

As every schoolchild knows, the American constitutional system is based on checks and balances. Fearing the concentration of power in one man or even one branch of government, the Founding Fathers wrote a Constitution in which each branch found its authority limited by the other two.

Thus, the executive was to make treaties with foreign countries, but these treaties were not to have effect until approved by two-thirds of the Senate. In this way, it was thought, the executive alone could not involve the country in a foreign entanglement.

Yet the practice has grown increasingly common under the last five presidents for the executive branch unilaterally to bind the United States in agreements with other countries. The device used has been the so-called executive agreement, which is nowhere mentioned in the Constitution. Under executive agreements, the United States has been committed to destroyers-for-bases, lend lease, Korean mercenaries, and Spanish bases. Congress has always been asked to pay the cost of these deals but has never been able to exercise its constitutional responsibility of considering them in advance.

Questions that vitally affect our national security should be treaties—not executive agreements.

In deciding which form to use, the real test must be: If it is important, it should be a treaty. And as Sen. Harry Byrd recently stated, "The doubt should be resolved in favor of the legislative (i.e., treaty) process."

For example, the stationing of American troops abroad can lead to a commitment to the host country and ultimately to war. It is simply too important a question, from both a constitutional and a practical standpoint, to be handled by the stroke of a diplomat's pen in an executive agreement.

Yet, in recent executive agreements, the United States "committed" itself to provide Portugal with about $436 million in assistance and credits in return for a 25 month extension of the use of military bases in the Azores, and also agreed to pay several hundred thousand dollars a year to Bahrain for U.S. military facilities on that Persian Gulf island.

For the last five months, I have been working to have these two agreements submitted to the Senate as treaties. When my informal approaches to the administration failed, in December I introduced a resolution calling for the treaty form to be used in both cases. On March 3, the Senate passed my resolution by a vote of 50-to-6.

Still in a March 21 letter, the administration stated that after "serious consideration," it would not submit the agreements to the Senate. Claiming that the agreements "were appropriately concluded as executive agreements," the State Department's only reaction to the overwhelming vote on my resolution was to "have noted the sense of the Senate."

I understand full well that a Senate resolution is not legally binding, so the State Department technically has the right only to "note it." Yet I must say that the attitude of the department was most unwise and shortsighted in the extreme.

At that point I was faced with two choices: Either I could let the matter drop—content to have a resolution with my name on it passed by the Senate—or I could at least try to take further action. I chose the latter course because I believed a fundamental constitutional question was at stake, and on April 4 I introduced a bill (S. 3447) which would cut off all the implementing provisions of the Portuguese and Bahrain agreements until they are submitted to the Senate as treaties.

The Senate cannot compel the executive to submit the agreements, but at the same time the Senate does not have to appropriate any money to pay for the costs of the agreements. The withholding of appropriations is Congress's ultimate recourse and should be used, albeit judiciously, in foreign as well as domestic affairs.

Some commentators have mentioned my actions as a part of what is known as the reemergence of Congress in foreign affairs. That is a correct interpretation as far as it goes. But I would look at it more as an effort to return to the letter and the intent of the Constitution. I am no at all interested in the aggrandizement of senatorial power for its own sake. What I am interested in is preventing the executive branch from committing our country to significant and often irrevocable courses of action without approval of the Congress and ultimately the people.

[From the New York Times, Apr. 3, 1972]

AID CUTOFF URGED OVER BASE PACTS—AIM IS TO FORCE WHITE HOUSE TO SEEK SENATE APPROVAL

(By John W. Finney)

WASHINGTON, April 2.—Senator Clifford P. Case proposed today that Congress cut off all assistance to Portugal and Bahrain until the executive branch submits recent base agreements with the two countries to the Senate in the form of treaties.

The New Jersey Republican, contending that "a fundamental constitutional question is at stake," sought to provoke a confrontation with the Administration over its right to bypass the treaty-making powers of the Senate by entering into international executive agreements, which do not require the consent of Congress.

The tendency of the executive branch over the last three decades to rely upon executive agreements rather than treaties has been developing into a major issue as the Senate attempts to reassert what it regards as its foreign policy powers. The Case proposal represents the first attempt to use the ultimate power of Congress over the purse strings to force the executive branch to enter into treaties rather than executive agreements.

TO OFFER AMENDMENT

Senator Case announced that he planned to offer an amendment to the military aid authorization bill that would block all assistance promised to Portugal and Bahrain in recent base agreements until the Administration submitted the two executive agreements to the Senate as treaties.

The amendment would cut off $435-million in credits and assistance promised to Portugal in return for a 25-month extension of base rights in the Azores and would prevent the payment of a few hundred thousand dollars in annual rent to Bahrain for the continued use of a small base by the Navy.

Senator Case said in a statement that he would have preferred that "this matter be handled in a less drastic fashion." But he said he felt he had no recourse in view of the Administration's "refusal to take heed of the Senate's will on this question."

On March 3 the Senate approved by a 50–6 vote a Case resolution urging the Administration to submit the Azores and Bahrain agreements to the Senate as treaties. The vote, the Senator said, was "significant not only because of the overwhelming majority by which it was adopted but also because Senators of all ideological persuasions joined in the effort to reassert the Senate's explicit constitutional role in the treaty-making process."

RESOLUTION IGNORED

Senator Case disclosed that the Administration had chosen to ignore the non binding resolution.

In a March 21 letter to the Senator, David M. Abshire, Assistant Secretary of State for Congressional Relations, said the State Department had "noted the sense of the Senate" but had decided not to submit the Azores and Bahrain agreements.

The State Department position, Mr. Abshire wrote, was that the base arrangements were "appropriately concluded as executive agreements" since they "involve no new policy on the part of the United States nor any new defense commitment."

The letter said that to seek Senate advice and consent "would be in our view carry a strong implication of new commitments that were not in fact intended by the parties."

Senator Case protested that the State Department's attitude was "most unwise" and "short-sighted in the extreme."

"The framers of the Constitution," he said, "were explicit in their inclusion of the requirement for advice and consent of the Senate in the making of a treaty. And nowhere in the Constitution did they mention that the executive could skirt Senatorial approval by simply calling a pact with a foreign government an executive agreement."

"The Senate cannot compel the executive to submit any agreements," he said, "but at the same time the Senate does not have to appropriate any money to pay for the agreements' cost."

If the amendment were attached to the military aid bill, the issue would go to a Senate-House conference committee, where House conferees probably would oppose the restriction. But the Senate conferees, drawn from the Foreign Relations Committee, would be in a position to demand acceptance of the amendment as a price for approving the bill.

[From the Washington Post, Apr. 3, 1972]

SENATE TO TEST NIXON POWER ON TREATIES

(By Spencer Rich)

Angry with the administration for refusing to submit the issue to the Senate in treaty form, Sen. Clifford P. Case (R.-N.J.) plans to move Tuesday to block the Nixon administration from setting up two military bases in Bahrain and the Portuguese-owned Azores islands.

Case announced that he will submit legislation cutting off all proposed U.S. payments to Portugal and Bahrain for the bases until the administration seeks each base agreement as a treaty requiring a two-thirds Senate vote.

The Case move which is expected to receive broad backing in the Senate, is another incident in the prolonged confrontation between the Senate and the Executive Branch over control of foreign policy. It is unlikely, however, that a Senate bill requiring submission of the accords as treaties would pass in the House.

Case contends that the base agreement with Portugal and Bahrain contain substantial commitments by the United States and should be submitted to the Senate in treaty form for ratification by the normal two-thirds vote. The Senate on March 3, by a 50-to-6 vote, passed a resolution asking that the agreements be submitted in treaty form.

However, the administration informed Case March 21 that it believes the agreements for the two bases were "appropriately concluded as executive agreements," and has declined to comply with the March 3 Senate request.

Assistant Secretary of State David M. Abshire, in a letter to Case, said the agreements for U.S. bases at the two locations "involve no new policy on the part of the United States nor any new defense commitment." He said that to submit the base agreements as treaties might "carry a strong implication of new commitments that were not, in fact, intended by the parties."

An executive agreement, unlike a treaty, need not be ratified by the Senate.

However, the two agreements still require enabling legislation to carry out the U.S. part of the agreement, and that is where Case intends to strike.

The agreement with Portugal extends U.S. base rights in the Azores for 25 months, Case said, in return for about $435 million in U.S. assistance and credits. Case said he will seek to block all attempts to hand over the $435 million—barring loans of vessels to Portugal, any type of sale of agricultural commodities, all transfers of educational funds and excess defense articles, and all export-import bank financing of any type for Portugal under the executive agreements.

Payments to Bahrain for establishment of a U.S. naval base in that Persian Gulf island also would be cut off.

Case said, "There is no question in my mind that in and of itself, the stationing of American troops overseas is an issue of sufficient importance to necessitate the use of the treaty process." He said the stationing of any troops abroad could lead to a commitment to the host country "and ultimately to war," and the Senate should have the right to pass on this risk.

Case said the dispute involved "a fundamental constitutional question"—whether the Senate has the right to review foreign policy actions which could lead to major U.S. commitments and involvements abroad. "The Senate cannot compel the Executive Branch to submit the agreements," said Case in a statement, "but at the same time the Senate does not have to appropriate any money to pay for the agreements' costs."

In his letter to Case, Abshire said the agreement on the Azores' base continuation "is in implementation of one already existing commitment" under the North Atlantic Treaty, which was approved by an overwhelming majority of the Senate."

He added, "We will continue to make every effort to keep the appropriate congressional committees informed of important agreements under negotiation and to consult with those committees whenever there is a serious question whether an international agreement is to be made in the form of a treaty or otherwise."

[From the Washington Post, April 7, 1972]

THOSE PACTS WITH PORTUGAL AND BAHRAIN

Last winter the United States made a formal agreement with Portugal to use Lajes field in the Azores, and it took over a British Persian Gulf facility in Bahrain to use as a base of its own. Contending that these executive agreements circumvented the Senate, Senator Case urged the administration to submit them both as treaties. It refused. The Senate then endorsed his plea, 50 to 6. Again the administration refused. So now he is asking the Senate to block funds or aid in any form from flowing to Portugal or Bahrain.

Mr. Case believes the fundamental question of the Senate's right to pass on pacts with foreign governments is involved, and we believe he is right. To argue that the United States has been using the Azores base for three decades—the last one without an agreement—begs the constitutional question posed by the formal renewal and ignores the key political question of Portugal's increasing involvement in wars in its three African colonies. As for Bahrain, the flimsiness of the State Department's argument—that there's no difference betweeen using a British base and taking over that base—illustrates nothing so much as why the Department's estate has fallen as low as it has.

In the Portuguese case the political issue is particularly sharp. The package which included the base agreement also contained some $35 million worth of assorted kinds of economic aid, plus possible access to as much as $400 million in Export-Import Bank credits to finance civilian development exports to European Portugal. Many Americans, and not only blacks, wince at *any* American involvement with the anachronistic colonial regime in Lisbon, even for an ostensible purpose—NATO defense—which has no immediate connection with Africa. The administration, however, added injury to insult by lumping aid and credits into the base-renewal deal. The inevitable if not the intended result was to convey an impression of American endorsement of overall Portuguese policy—an impression, we might add, which Lisbon has avidly spread.

The Nixon administration's tendency to put more weight on United States economic interests and less on political questions, in its dealings with white minority governments in Africa, has been apparent for some time. Senator Case's bill assures the Congress an opportunity to make its own judgment on this matter.

[From the Philadelphia Inquirer, Apr. 10, 1972]

Treaties by Another Name

Sen. Clifford Case concedes his amendment to cut off aid to Portugal and Bahrain is somewhat more "drastic" than he would like it to be. It is also justified, however, if the Senate is to reassert its constitutional role in foreign affairs.

The New Jersey Republican's aim is to compel the Nixon Administration to submit two recently concluded executive agreements—one extending U.S. base rights in the Azores, the other continuing an American naval presence in the Persian Gulf—to the Senate as treaties.

Such was the sense of the Senate when, last March, by a vote of 50-6, it approved a resolution along those lines. But the resolution was not binding, and the administration refused to be bound by it.

The administration's position, which has ample precedent to support it, is that executive agreements are not treaties, which under the Constitution cannot go into effect with out the approval of two-thirds of senators present on the floor.

But a treaty by another name is still a treaty—a pact entered into by the President in the name of the United States, and it may commit the nation even to war.

So the issue is not merely a matter of nomenclature or precedent—not merely, even the merits of the arrangements with Portugal and Bahrain.

The State Department explains that the agreements involve neither new policy nor new commitments. That may or may not be so, but how can the Senate find out if the agreements are not submitted to it, and why—even if the policy and commitments are old—should it not have an opportunity to make its own judgment anew?

Increasingly, over the past 40 years, Presidents have resorted to executive agreements to bypass the Senate. Sen. Case has also introduced a bill to require all executive agreements to be sent to Congress within 60 days. The issue there is the same as in the war powers bill which is also before the Senate.

It is, in Sen. Case's words, "a fundamental constitutional question" of whether the Congress is to exercise the co-equal status which the framers of the Constitution granted it. And one way to do so is by Congress' exercising its own constitutional power of the purse.

[From the Long Island Newsday, April 6, 1972]

War and Peace Powers

Modern Presidents tend to do what they want to do with the nation's blood and treasure, with only the slightest nod in the direction of Congress, and without waiting for much of a nod in return. No one could foresee that the inadequately explained and virtually unchallenged Tonkin Gulf Resolution of 1964 would plunge us into an Asian war with both feet, and with no map showing us the way out. Many pieces of trivial legislation have received far more scrutiny. That bill gave the White House a pretext for continuing to usurp the war-making powers that properly belong to the people's elected representatives on Capitol Hill where the framers of the Constitution put them.

Congress must take much of the blame for letting that happen. It has the chance now to reclaim some of the authority assigned to it by the Constitution. Through legislation written principally by Sen. Jacob Javits (R–N.Y.), the President would be authorized to employ the armed forces only in certain specified emergencies, and for no longer than 30 days without congressional approval. These emergencies include an attack upon the United States, or its forces, or the threat of such attacks, or to protect American citizens being evacuated from foreign countries.

The Nixon administration argues that the bill infringes on the President's powers as commander-in-chief. Sen. Javits and other supporters say the bill leaves the President plenty of latitude to act, but it will prompt him to exercise more appropriate caution, prudence and precision than the White House, under three Presidents, has displayed in its past management of the Indochina wars.

The Javits bill would reinforce the basic law of the land, which requires the collective judgment of the President and Congress to go to war. It can't create national wisdom where there is none, but it can require collaboration by two branches of government on the life and death questions of war and peace.

Less crucial but also important to the national interest is collaboration in foreign affairs, where the White House has been bypassing the treaty-making powers of the Senate. Although the Senate already has approved overwhelmingly a resolution by Sen. Clifford Case (D–N.J.) that agreements negotiated by the White House with Portugal and Bahrain be submitted for consideration as treaties, the resolution was not binding and President Nixon chose to ignore it. Now, Case is going to the mat with the administration on this issue. He's asking that all assistance to those countries be withheld until the Senate receives the agreements in treaty form.

Case's tactic is welcome on several counts. The five-year agreement with Portugal for use of air and naval bases in the Azores is questionable militarily and counter-productive politically. It is a slap in the face of black Africa, where it will be regarded as a $436,000,000 subsidy to Portugal to maintain a repressive colonial policy.

The confrontation provoked by Sen. Case will determine whether congressional power over the purse strings can effectively bring back to Capitol Hill some of the constitutional authority it unfortunately has let slip away.

By Mr. MAGNUSON (by request):

S. 3638. A bill to amend the Merchant Marine Act of 1970. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, a bill to amend the Merchant Marine Act of 1970, and I ask unanimous consent that a communication from the Department of Commerce together with a statement of purpose of the bill be printed in the RECORD at this point.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., May 12, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill—"To amend the Merchant Marine Act of 1970"—and an accompanying statement of its purposes and provisions, which the Commission on American Shipbuilding has asked us to submit to the Congress on their behalf.

The Office of Management and Budget advises that there is no objection to the submission of this proposed legislation to the Congress from the standpoint of the Administration's program.

Sincerely,

——————— ———————.

Statement of the Purposes and Provisions of the Draft Bill "To Amend the Merchant Marine Act of 1970"

Section 41 of the Merchant Marine Act of 1970 (P.L. 91–469) established the Commission on American Shipbuilding. The functions of the Commission are to review the status of the American shipbuilding industry, its problems and its progress toward increasing its productivity and reducing production costs; to determine whether the industry can achieve such a level of productivity by the fiscal year 1976 that the construction-differential subsidy payable under title V of the Merchant Marine Act, 1936, will not exceed 35 percent of the construction cost of vessels; to recommend a course of action the Government and industry should take to improve the competitive situation of the industry in world shipbuilding markets; and if the Commission determines that construction-differential subsidy cannot be reduced to 35 percent, to recommend alternatives to the ship construction program.

The Commission is composed of 7 members, 6 of whom are not full time employees of the United States, Section 41(2) of the 1970 Act provides that members of the Commission who are not full time employees of the United States are each entitled to receive the per diem equivalent of the rate authorized for GS–18 of the General Schedule under section 5332 of title 5 of the United States Code when engaged in the actual performance of duties vested in the Commission, including traveltime.

These 6 members of the Commission have waived their right to this compensation. However, under rulings of the Comptroller General (26 Comp. Gen. 956; 27 Comp. Gen. 194; 32 Comp. Gen. 236) the compensation for a position that has been fixed by Congress cannot be effectively waived in the absence of statutory authority to do so. Consequently the amounts obligated by the Commission for payment of this compensation must remain on the books of account for possible future claims by the members or their estates.

The draft bill would amend section 41(2) of the 1970 Act to provide statutory authority for such members to waive their rights to this compensation. These amounts would then become available for obligation for other purposes of the Commission.

By Mr. CRANSTON (for himself and Mr. MCGOVERN):

S. 3639. A bill to amend the Food Stamp Act of 1964 to authorize the use of food stamps by elderly persons to purchase meals prepared and served by certain institutions. Referred to the Committee on Agriculture and Forestry.

Mr. CRANSTON. Mr. President, I am pleased and proud to join today with the distinguished Senator from South

Dakota (Mr. McGovern) in introducing legislation that will aid in the fight against hunger and malnutrition among the Nation's elderly. The bill which we introduce today will amend the Food Stamp Act of 1964 to authorize the use of food stamps by elderly persons to purchase meals prepared and served by senior citizens centers and apartment buildings, as well as schools and restaurants which prepare meals especially for the elderly. This bill will also authorize the use of section 32 commodities in meal service programs for our elderly citizens.

Mr. President, I cannot overemphasize the far-reaching import of this measure to the Nation's 4.7 million elderly persons now living in poverty, nor to the approximately 470,000 elderly poor residing in my own State of California. It is an important step toward fulfilling this country's obligation to provide the opportunity for adequate nutrition to every aged resident. Just as importantly, it provides the elderly with the opportunity to combine a well-balanced diet with the companionship and society which—all too often—they would otherwise be denied. Until now, the elderly poor who participate in the food stamp program have been restricted to taking their meals in what is often the unwanted loneliness of their own residences. This bill will open up a new vista of companionship to them: the opportunity to obtain low-cost food in the more companionable atmosphere of senior citizens centers or restaurants. By providing this chance for new social contacts, we are adding a vital element of human warmth and dignity to the later years of those who have given so much to this Nation.

Finally, Mr. President, the legislation which we introduce today is an important step toward rounding out the intent of Congress as expressed in passage of S. 1163, now Public Law 92-258, which authorized Federal funding assistance to provide low cost and nutritionally sound meals to elderly persons.

I was pleased to be one of the original cosponsors of S. 1163 when it was introduced by the distinguished Senator from Massachusetts (Mr. Kennedy), and the distinguished chairman of the Subcommittee on Aging of the Labor and Public Welfare Committee (Mr. Eagleton). As ranking majority member of that subcommittee, I was privileged to contribute to the further development and refinement of that bill in committee, and am gratified that my colleagues agreed to amendments which I offered in committee. One of my amendments provided for a more equitable State allocation formula than was provided in the bill as originally introduced. Another amendment which I introduced in committee and which was included in the bill as reported, authorized the State agency administering the nutrition program, where feasible and appropriate, to provide for the preparation of meals meeting the "health requirements" of eligible individuals, such as heart patients or diabetics on salt-free, low-cholesterol, or carbohydrate diets, as well as meals meeting the religious needs of these older persons.

Illness strikes the elderly far more frequently than it does younger age groups. Approximately 80 percent of the elderly—as compared with 40 percent of the nonelderly—suffer from one or more chronic diseases or conditions, many of which require special diets. I was pleased that my colleagues agreed to providing this mechanism in the nutrition bill for addressing this critical problem.

Mr. President, in 1969 the Panel on Aging of the White House Conference on Food, Nutrition, and Health, spelled out the Federal responsibility to assure adequate nutrition to every older person in America, a responsibility that this Nation has the resources to meet. The Panel recommended that:

> The Administration on Aging . . . and the Department of Agriculture undertake permanent funding programs of daily meal service, initially consisting of at least one meal for all the aged needing this service and desiring it, in both urban and rural locations emphasizing the importance of the values of eating in group settings where possible.

I am convinced that the measure we introduce today supplements Public Law 92-258, so wisely passed by Congress earlier in this session. By making the food stamp program more amenable to the elderly citizen and by making it possible for the elderly poor to enjoy the fruits of the nutrition-for-the-elderly program, we are taking a long step toward implementing the recommendations of the Panel on Aging.

Mr. President, I ask unanimous consent that the text of the bill together with a statement prepared by Senator McGovern be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10(h) of the Food Stamp Act of 1964 is amended by inserting "(1)" immediately after "(h)" at the beginning of such section, by redesignating clauses (1), (2), and (3) of such section as clauses (A), (B), and (C), respectively, and by adding at the end thereof a new paragraph as follows:

"(2) Subject to such terms and conditions as may be prescribed by the Secretary, in the regulations issued pursuant to this Act, members of an eligible household who are sixty years of age or over or elderly persons and their spouses may also use coupons issued to them to purchase meals prepared by senior citizens' centers, apartment buildings occupied primarily by elderly persons, any public or nonprofit private school which prepares meals especially for elderly persons, any public or private eating establishment which prepares meals especially for elderly persons during special hours, and any other establishment approved for such purpose by the Secretary other than an organization referred to in paragraph (1) of this subsection.

"(3) Notwithstanding any other provision of law, the Secretary is authorized to make agricultural commodities acquired under section 32 of the Act approved August 24, 1935 (7 U.S.C. 612c), available to any public or nonprofit private school for use at such school in the preparation of meals for elderly persons described in paragraph (2) of this subsection if such meals are prepared and served especially for elderly persons and are served at times when the food preparation facilities of such schools are not needed in connection with the operation of a child feeding program under the National School Lunch Act or the Child Nutrition Act of 1966."

STATEMENT BY SENATOR McGOVERN

Mr. President, I have for the past several years served with great pride as the Chairman of the Senate Select Committee on Nutrition and Human Needs. I am convinced that we have made great progress in reaching our goal of eliminating the hunger and malnutrition that has plagued our every effort in our pursuit of the ultimate victory, an end to poverty. Several years ago, over 25 million persons did not have income sufficient to guarantee even the minimally adequate nutrition so necessary to their health. We have come a long way in bringing well over half of these persons into the Food Stamp or the Commodity Distribution Program. Today, four times as many poor Americans—over 12 million—now participate in the Food Stamp Program. Additionally, three and a half million are participating in the Commodity Program.

We have also, after many long and bitter struggles, seen the number of children receiving free or reduced-price lunches more than double. Today, of the 10 to 12 million poor children who need a free lunch, nearly 8 million are receiving one.

Of course, this should never be considered good enough—we should never lose a single ounce of determination so long as one American goes hungry against his will. We should never be content with our progress while children, as many as 4 million, continue to suffer daily the pangs of hunger, continue to be denied the opportunity to grow and learn to their potential, and continue to walk the road of life accompanied by the fear of resentment, indignity, pain and despair. Food is essential to their growth.

And growth never stops, Mr. President. Nor does the right to be free of the pain of hunger stop. We have heard a great deal lately—but, not enough, I'm afraid—about the callous treatment by our government of our fellow citizens whom we call the Elderly. At least one of four older Americans, in contrast to one in nine for younger individuals, is in poverty, Mr. President. And even more disturbing is the fact that since 1968, the number of poor persons among the elderly has increased, in direct contrast to the remainder of the population. To be in poverty, of course, is to be without income sufficient to purchase an adequate diet. To the elderly, hunger means ill health; inadequate nutrition means a more rapid degenerative process in the same sense as the absence of food in a child means a retardation of those growth processes. Sickness, unhappiness and early death are the results of hunger and malnutrition which we reward our senior citizens for their years of hard work.

It is nothing short of irony that the President of the United States today leads us in a war to "save face" in the eyes of the world. How can we dare to pursue the admiration and respect of other Nations when the faces of so many millions of older Americans display their rejection by their government, their fear of tomorrow and their unhappiness today?

Joining me in these remarks and the introduction of the Bill that follows is my very able colleague from California, Mr. Cranston. I am particularly hopeful that this effort will be successful, knowing as I do of the great energy and devotion Senator Cranston has demonstrated in the past when it comes to alleviating the undue burdens placed on our elderly fellow citizens. I know that he was a principal party to the enactment of the Older Americans Act last year. Senator Cranston, has a constituency of at least two million elderly persons, while in my own state of South Dakota, there are at least 70,000 senior citizens. As many as 500,000 of this group may be poor or near-poor so that they are serious nutritional risks. It is these Americans to whom we address our effort today.

Mr. President, there are a great many steps that we can and must take to drastically change this situation. We must move hard and fast to eliminate the indignity that we have emblazoned on the process of growing older.

Today, Senator Cranston and I would like to present to the Congress a Bill to amend the Food Stamp Act, in such a way as to make the Food Stamp Program more available and more desirable for millions of older Americans. This Bill will allow the elderly to use Food Stamps to purchase meals prepared by senior citizens centers, apartment buildings, schools and restaurants that provide special meal services for the elderly. It will allow Section 32 commodities, provided for use by schools in their child nutrition programs, to also be used in meal service programs for the elderly, where schools provide such services. It is our hope that this will encourage local school boards to undertake programs of this sort.

Mr. President, much of our effort in programs for the elderly seems to be directed at allowing these citizens the environment of companionship and society which their situations frequently preclude. And yet, to date we have forced older Americans in the Food Stamp Program to use their food in the all-too often undesired solitude of their homes. I am convinced that the Bill will make the program both more attractive and more useful for the elderly. I am also convinced that the issue here goes beyond the provision of food. It is one small step to restore the dignity which so many of our federal programs have robbed the elderly of, and which I strongly feel we must begin immediately to restore.

By Mr. PEARSON:

S. 3641. A bill to establish a National Energy Resources Advisory Board. Referred to the Committee on Commerce.

THE UNITED STATES NEEDS A NATIONAL ENERGY POLICY

Mr. PEARSON. Mr. President, in 1965, electric power failed in the northeastern United States. Entire cities were darkened. Homes went without lights and vital services were disrupted. In the years succeeding this great blackout, our Nation has experienced a succession of brownouts, blackouts, and requests for reductions in power usage. These events are symptoms of a growing problem in our complex, interrelated, high technology society which runs on vast quantities of powers. When that supply is abruptly curtailed, we have a crisis of the first magnitude.

While these temporary reductions and disruptions of power are more the result of inadequate planning and projections of energy needs than evidence of the onset of an energy crisis, a fundamental fact of life in our society today is that our energy requirements may soon outstrip our dwindling energy resources.

The American people, one-sixteenth of the world's population, now consume one-third of its available energy. And there are no social, economic, or technological developments on the horizon which will alter significantly the increasing utilization of our fixed supplies of gas, coal, oil, and other energy resources. While, as a nation, we may be too quick to label every problem a crisis, it is certain that we face a serious situation which calls for prompt, positive initiatives on the part of the Congress and the executive branch.

Although reasonable men may disagree on the timing and magnitude of future shortages of our power-producing fuels, it is apparent that if we do not undertake to establish a comprehensive, rational energy policy for the United States, we will compound our energy problems and muddle into an acute energy crisis. The objective of the legislation I introduce today is to provide the President and the Congress with a national energy advisory board capable of making recommendations toward a national energy policy.

Let us examine the basic elements of this national energy problem in our high technology, high consumption society. According to one survey—

> Domestic energy demand forecasts show a 3.5 percent compounded annual growth rate between 1970 and the year 2000. This represents a three-fold increase in energy consumption—

While our demand for energy will continue to increase, our supply of energy-producing resources is fixed. We are utilizing fossil fuels faster than we can discover new sources. We know that at some point in time, we will run out of the fuels we now utilize to meet our energy needs. The crucial question which now remains unanswered is, when this will occur.

We do know that some fuel resources will be exhausted before others. We know that for economic and ecological reasons some are more desirable than others. And finally, we know that some will be available in the United States for the foreseeable future while others will not.

The final basic factor to bear in mind is that both our utilization of power and our production of it constitute a complex interrelated system. One element of the system affects all others—we have, in effect, a power production and consumption matrix. In other words, if one energy resource becomes scarce or more expensive, demand for other resources will increase and their depletion will be hastened. Therefore, we must consider the effects on all energy resources as we establish policies for the utilization of the one.

I believe that an examination of our supply of energy resources will indicate why we need to establish a national energy policy. Let us see what is available and what is likely to be available in the future and measure that against our ever increasing demand for energy. It must be noted at the outset that projects both on the supply and demand sides are not precise. The uncertainties of future mineral discoveries and technological innovations added to the complexities of the energy matrix itself leave room for wide variations in projections of future need and energy supply.

Coal is the main fuel supply for electric power and it continues to be our most abundant domestic fossil fuel with an estimated 390 billion tons available to us under current technical and economic conditions. But surveys indicate that the supply of coal will be exhausted in three to four centuries at current rates of consumption. Of course, consumption may well increase leading to a more rapid depletion of this vital fuel.

We must also recognize two other problems with our heavy utilization of coal as an energy producing fuel. First, as we exhaust the coal seams which are relatively easy to reach and begin to mine more inaccessable deposits, the costs of this fuel may increase. This will have adverse economic impact on our economy for both manufacturers with a large electric power component in their processes and for individual consumers of electricity.

Secondly, with our increasing recognition of the dangers of air and water pollution, coal may become a less desirable energy resource from an ecological point of view. It is relatively unclean in terms of sulphur emissions. In addition, mining techniques available to us now yield a great deal of water pollution not to mention the ugly scars and ecological damage of strip mining.

We find, then, that coal, our most abundant fossil fuel, creates some problems. Perhaps additional research and technological innovation will overcome some of the present problems involved in our heavy reliance on coal, but one point is certain. At some time in the not too distant future, our reserves of coal will be exhausted, and before that time comes, our less abundant fuels may well have been used up.

Natural gas is a fuel in high demand and in increasingly short supply. Demand for natural gas tripled in the past 20 years largely because it is a clean and efficient fuel. It supplies approximately one-third of the U.S. energy requirements. But one FPC official estimated that the natural gas supply in the United States will be exhausted by the turn of the century.

Already, gas shortages have begun to occur in my own State of Kansas where some new industries can no longer be assured of a supply of gas in the southeastern part of the State while a number of farmers in the Southwest cannot get gas to run their vital irrigation pumps. The tragic irony of this situation is that some of our largest gas deposits are located near Kansas.

There may be technical developments or new gas sources such as the Alaskan North Slope deposits which will yield adequate supplies of gas. Gassification of coal, for example, a process in which coal is converted into gas, offers one means of supplementing our supply of natural gas, but it also represents a dilemma. If we turn coal into gas, we, of course, deplete our coal supplies at a more rapid rate. But at this time their availability is uncertain. It may well not match the rising demand for this most desirable energy producing fuel.

Petroleum is now the world's key energy resource. Our consumption is increasing at a faster rate than can be supplied by domestic production. Consumption is expected to grow at 4 percent per year. In 1900 the United States obtained 89 percent of its energy from coal and 8 percent from oil. But now, about 43 percent of our energy is derived from oil and 20 percent from coal.

Estimating the availability of oil presents extremely complex problems. Some have estimated that American oil fields, including the new Alaskan find, now have about a 30-35 year supply remaining at current consumption levels. In addition, we are exploring new fields, especially offshore, and developing our ability to extract oil from oil shale. But these sources are not ready to come on stream.

Recently, we have increased the oil import quotas and the Interior Department approved the construction of an Alaskan pipeline. While oil exploration is underway around the world from the frozen north to the ocean bottoms, we simply do not know how much is available, where it is located, and what problems its extraction and use may involve.

In addition to uncertainty about available supplies, we are hard pressed to predict demand. Consumption patterns may shift or technologies may change. For example, automobiles are by far the largest consumers of petroleum products. It is possible that we may decrease our dependence on individual passenger cars to move people and rely on forms of transportation which require less oil. Or, auto makers may develop new power plans which use fuel more efficiently. A combination of both is possible, even likely.

In any case, our demand for oil will be determined by factors of consumption and technology which we cannot predict at present.

The most recently developed energy resource available to us now is the power of the atom. But that too is not available in unlimited quantities. There is a limited supply of uranium-235, the fuel used by most nuclear reactors. Some have estimated that if our present-day nuclear reactors were used to produce future requirements of electricity, we would use up all uranium-235 available to us in 20 to 30 years.

To be sure, the efficiency of nuclear reactors is improving and breeder reactors promise to provide a means of stretching out our limited supply of uranium. But the future of new reactor technology is uncertain. There are serious ecological and safety problems involved with the use of nuclear energy. And as an energy resource, it will primarily be restricted to producing electricity for some time to come.

The remaining energy resource is an old standby, hydroelectric power. In 1970, hydroelectric plants provided about 16 percent of the electricity we used. By the year 2000, with the increased use of nuclear power sources, hydroelectric power will account for only 5 percent with five-sixths of that west of the Mississippi.

Used for centuries, water power is an important element in our energy matrix. We may be able to augment our hydroelectric power supply by utilizing the power of the ocean tides, but there are few adequate sites in the United States for tidal power stations given our present state of technology.

For the present, we have exhausted the list of energy resources available to us. Others such as geothermal energy, solar power, controlled thermonuclear fusion, fuel cells, and magnetohydrodynamics, are on the drawing boards and in early stages of development. But their technological and environmental futures are still uncertain. It is most difficult to calculate costs, hazards, and development leadtimes with any accuracy at this time.

Other energy sources may be created from the minds of creative scientists, we do not know at this time, but it is apparent that unless we develop new sources of energy or change our energy consumption patterns, we shall, at some time in the future, exhaust our finite energy resources. It is also clear that we need to plan carefully to conserve our remaining fuels and plan for their replacement with a new generation of energy resources.

Let us see what may happen in the United States as we begin to exhaust first one, then another of our vital energy resources. We must keep in mind that each fuel resource will become depleted at different times; that fuels are available from foreign sources which may or may not be reliable; and that each fuel has its own limits regarding its utility and desirability.

First, economically, as fuels become more scarce, their cost will rise. This is a function of the iron law of supply and demand which governs our economy. The larger the energy cost component of a product, the more the price of a good will increase. The basic energy requirements of American heavy industry are quite high. We could, therefore, expect rising energy costs to become a factor in inflation of some of the most basic sectors of our economy. Depending on the availability of energy to foreign producers and the energy cost component of their goods given their state of technology, this rising cost could result in a competitive disadvantage of our industries vis-a-vis foreign industries.

Continuing on the economic side, increasing reliance on household gadgets which utilize electricity could become quite expensive for American consumers. Perhaps this will prompt appliance manufacturers to develop products which will utilize less electricity, but there will probably be a lag between the time electric costs rise and new gadgets are available.

These are only two examples of the many elements in the economic dislocations of cost increases due to energy resource scarcity. We have already experienced some of the most damaging symptoms of an energy crisis; blackouts and brownouts for entire metropolitan areas of our Nation and denials of energy supplies to new industries and homes.

When a society dependent on energy suddenly loses it, chaos ensues. While the blackouts and brownouts of previous summers were due more to poor planning on the part of utilities than to scarcity of fuels, they may be a portent of things to come if we do not recognize the problem and plan for its solution. Failing rational planning, we shall experience these major disruptions more frequently in the future.

We need also to examine the political side of this issue. The United States imports large quantities of energy fuels from abroad. It gets oil from Latin America, Africa, and the Middle East. But it is readily apparent that this Nation cannot afford to become dependent on a foreign source for a basic element of its economy. And that is precisely what may happen in the case of fuels if our domestic supplies become exhausted.

It is not necessary to belabor this point. It is obvious at the same time it is vital. Nations have gone to war over energy resources and have lost wars because not enough fuel was available. We cannot allow our Nation to become dependent on foreign fuel.

With the completion of this brief survey of the components of what some have labeled an energy crisis, we must see where we are to understand what we must do.

We return to two basic facts. The energy resources which now supply the power to run our Nation are finite; their supply is limited. New technologies and developments may change this fact, but we cannot depend on it entirely. Our consumption of energy will continue to increase for the foreseeable future and, furthermore, looking to the poor nations just beginning to develop high energy consuming economies, world energy use will probably rise sharply.

Secondly, our pattern of energy utilization is a complex matrix with each component on the demand and supply sides affecting every other component. As we run short of one fuel or develop a new source, the availability and cost of all other sources are affected.

Given these two basic facts, it is readily apparent that if this Nation is to prevent an energy problem from becoming an energy crisis, we need to establish a national energy resources policy. Our current system of allocating scarce fuel resources is not adequate to prevent future dislocations of great magnitude.

At present, 61 Federal agencies, commissions, and committees of Congress oversee our energy resources in one way or the other.

But this question is too important to be left to the chaos of regulation by bodies created to supervise the energy problems of the past.

Mr. President, we must act now. The energy crisis can be foreseen and forestalled if we act rationally and plan our energy utilization with both availability of supplies and composition of demand. Failure to act rationally and plan now will lead to unavoidable problems in the not too distant future.

With these factors in mind, I introduce today a bill entitled the National Energy Resources Advisory Board Act. The Board created by this act would advise the President and the Congress on the best uses of our scarce energy resources. I am convinced that only careful, comprehensive planning on the national level can prevent a full-scale energy crisis in the future.

The National Energy Resources Advisory Board shall make a full, complete and continuing investigation of the current and prospective fuel and energy resources and requirements of the United States and present the probable future alternative procedures and methods for meeting anticipated requirements consistent with achieving national goals. It shall submit each year a report to the President and the Congress recommending specific legislative action with regard to coordination of effective and reasonable policies to assure reliable and efficient sources of fuel and energy adequate for balanced economy, a clean environment, and the national security. It shall also report on the extent of investments by public and private enterprise for the maintenance of reliable, efficient, and adequate sources of energy and fuel, including the adequacy of such investments to provide a clean environment.

This National Energy Resources Advisory Board, as proposed in this bill, would have broad authority and powers to conduct its hearings and investigations. It would be composed of nine members appointed by the President by and with the advice and consent of the Senate from among individuals who by virtue of their service, experience, or education are especially qualified to serve on the Board.

This Board, with its broad mandate to study and evaluate our national energy requirements, is, I must emphasize, an advisory board. It cannot, and should not, be an all powerful agency charged with formulating a national energy policy. That power must be exercised by the President and the Congress.

It can, however, be an agency which gathers and evaluates all of the information needed to make recommendations to the President and the Congress about the best ways to utilize our scarce energy resources. At present, we have no such national body. At present, we are heading inexorably towards a national energy crisis with no comprehensive means for determining how it can be prevented.

We are faced with a complex problem which will plague our Nation for generations. If we fail to act now, if we fail to marshal our capacity to plan for efficient energy utilization and to inquire into new ways to produce and utilize energy, we shall fail ourselves and our children and their children. We shall be responsible for creating an energy crisis from an energy problem.

By Mr. ERVIN (for himself, Mr. MATHIAS, Mr. BAYH, and Mr. HART):

S. 3642. A bill to supplement the antitrust laws of the United States by providing for fair competitive practices in the termination of gasoline dealers franchise agreements. Referred to the Committee on the Judiciary.

GASOLINE DEALERS DAY-IN-COURT ACT

Mr. ERVIN. Mr. President, every year approximately 35 percent of the Nation's 225,000 independent gasoline dealers are either terminated, not renewed, coerced, or otherwise forced into leaving their businesses. Indeed, in some areas, such as Detroit where price wars have been raging for over a year, the turnover is 50 percent. In other words, approximately 70,000 independent gasoline dealers running service stations today will not be running service stations next year.

This massive turnover points up the impossible conditions under which dealers operate. They are, in fact, prisoners of their petroleum company suppliers. The supplier generally is able to determine the dealer's margin—both the price at which he buys and the price at which he sells. He also may determine the TBA—tires, batteries, and accessories—which the dealer must stock; the trading stamps and other giveaways which the dealer must buy at a significant cost to himself; the hours the dealer must operate—many new leases require 24-hour operation; whether or not the dealer may maintain a related business on the premises, such as leasing or renting cars or trailers.

A good example of what I am talking about occurred recently in Virginia when a dealer became a convert to the Seventh-day Adventists religion. In his own words, having decided to become a "Christian," he was determined to practice his religion. Therefore, he decided to keep his gasoline station closed on Saturday, although he operated it very profitably on Sundays. His religious convictions resulted in his prompt termination by his major oil company supplier. This story happens to have a happy ending because when the story broke in the newspapers, the company had a change of heart and flew him out a new lease. Most terminations and nonrenewals, however, are not publicized, and they do not have happy endings.

Indeed, in 1967, the Federal Trade Commission issued a report entitled "Anticompetitive Practices in the Marketing of Gasoline." The report said:

> As a result of marketing practices on the part of suppliers, the retail dealer's position is largely that of an economic serf rather than that of an independent businessman. He has been discriminated against in price. His competitive initiative has been disciplined through such discriminations. He has been coerced into making decisions concerning price and product that are other than his own.

More recently, a massive 774-page report was issued by the "Gasoline Marketing Inquiry Committee" for the Province of Alberta, Canada. The same companies sell gasoline in Canada as in the United States and engage in precisely the same practices.

That report came up with a strikingly similar conclusion to that of the Federal Trade Commission. It said:

> The conditions of economic slavery . . . and the resulting human hardship should not be tolerated in a society that calls itself free.

The Senate Antitrust and Monopoly Subcommittee, of which I am a member, has also held extensive hearings in this area. A fair conclusion is that the dealer is only a cog in a very complex producing, refining and marketing process. It is essential that he be controlled so that genuine competition does not creep into the system. The system starts when the integrated major petroleum company pumps its crude from the ground. This is where the greatest profit is made because of the system of tax and other subsidies given to these companies by law. The integrated company then moves its crude to its own refinery. The economics of refining requires operating the refineries as close to capacity as possible. This means, in turn, that the gasoline from the refinery must be marketed—the third phase of the system—even if there is little profit at the marketing end. The crude coming out of the ground must be pumped into the gasoline tank at the other end in a steady stream.

As long as that crude is being pumped and the refinery is running at full capacity, it makes little difference to the supplier if the dealer putting the gasoline into the tank makes or loses money in his operation. If a dealer goes out of business, another will be found to take his place. He is expendable, and it is essential to the total system that he be controlled.

The supplier controls the price of gasoline through the tankwagon or wholesale price at which he sells to the dealer. This is an inflated price. Wholesalers, independents, and others who buy directly at the refinery, can purchase the same gasoline for far less, but the branded dealer must always pay the tankwagon price. Because the dealer is entirely dependent on his own supplier, both for his gasoline and for his location, he has no choice but to go along with the conditions which his supplier imposes upon him. The franchise agreement with the supplier is usually an integral part of his lease with the same supplier. Even when the dealer owns property himself, he may be required to lease it to a supplier who then leases it back to the dealer.

The key to the petroleum company supplier's leverage is the lease of that property. In most cases, its term is no more than a year, and in some cases it is less. The lease is the lash which compels the dealer's faithful obedience. In view of the dealer's substantial investment, averaging $12,000 in metropolitan areas, although a full-service station may have an investment in excess of $25,000, the implied threat of nonrenewal drains whatever independence the dealer might otherwise be inclined to assert.

The bill I am introducing today is entitled "A Gasoline Dealers Day-in-Court Act." In a broader sense, however, it is a consumer bill. So long as the present system of treating the dealer as an indentured servant continues, a stable dealer organization is not possible and effective competition cannot operate in the distribution of gasoline. A stable dealer organization means better service for the consumer. Competition means lower prices for the Nation's motorists. As long as the major oil companies can dictate the terms at which gasoline can be sold, the motorist, over any period of time, must pay more. If we can help the dealer to be truly independent so he can compete as he sees fit in the market, then the ultimate beneficiary will be the motorist, who could then expect to pay "competitive" rather than "fixed" prices for his gasoline.

The key, then, to making competition work, is to remove some of the leverage which I have discussed. Indeed, the Canadian report said:

> The second principal which the committee considers should apply—is that in any case where the operator of a service station or retail gasoline outlet leases its premises from an oil company or other supplier, or

> pays an occupancy charge, the operator shall have security or tenure so long as his rent is paid and his premises are maintained in reasonable repair without interference or control of any kind by an oil company or supplier in the operation of a retail business—

The report said further:

> The lack of security of tenure is a problem uppermost in the minds of hundreds of lessees. The threat of lease termination is the weapon most frequently used to influence the lessee to accept the "suggestions" of the oil company.

The gasoline dealers day-in-court bill offers a dealer no subsidies; it offers him no governmental handouts; it provides no regulatory agency to protect his interest. Rather, it gives him only an opportunity to help himself—a day in court. If he is canceled or if his lessor fails to renew his franchise, then he is entitled to present his case in a court of law. Access to the courts—which does not exist in any meaningful way today—is all that this proposed legislation is about. Certainly, it is a modest and fair proposal in view of the stakes involved. Indeed, the bill I am proposing today provides a complete defense for a supplier if the dealer fails to comply substantially with essential and reasonable requirements of the franchise; or if the dealer fails to act in good faith in carrying out the terms in the agreement, and for other legitimate business reasons.

This Congress allocates billions of dollars a year through subsidies and other means to assist the more powerful in our Nation. Under the circumstances, it seems only simple justice that the less powerful be entitled, at least, to a day in court.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Gasoline Dealers Day-in-Court Act."

AS USED IN THIS ACT

Sec. 2. (a) The term "petroleum distributor" means any person engaged in the sale, consignment, or distribution of petroleum products to retail outlets which it owns, leases, or otherwise controls.

(b) The term "gasoline dealer" means any person engaged in the retail sale of petroleum products in the United States under a franchise agreement entered into a petroleum distributor.

(c) The term "franchise" means an agreement between a petroleum distributor and a gasoline dealer under which the gasoline dealer is granted the right to use a trademark, trade name, service mark, or other identifying symbol or name owned by the distributor, or an agreement between a petroleum distributor and a gasoline dealer under which the gasoline dealer is granted the right to occupy premises owned, leased, or controlled by the distributor, for the purpose of engaging in the retail sale of petroleum products of the distributor.

(d) The term "retail" means the sale of a product for purposes other than resale.

(e) The term "antitrust laws" means the Federal Trade Commission Act and each status referred to in Section 4 of such Act (15 U.S.C. 44) as "antitrust acts".

(f) The term "United States" means the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico and the territories and possessions of the United States.

(g) The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(h) The term "commerce", as used herein, means trade or commerce among the several States, foreign nations and any State or territory of the United States or the District of Columbia, or between the District of Columbia or any territory of the United States and any State or territory, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or territory of the United States or the District of Columbia or any territory or any insular possession or other place under the jurisdiction of the United States.

CAUSE OF ACTION

Sec. 3. (a) Except as provided in Section 4, a petroleum distributor whose actions affect commerce shall be liable to a gasoline dealer who sells the products of such distributor under a franchise from such distributor for damages and such equitable relief as the Court deems proper resulting from the termination or cancellation of, or failure to renew, such franchise.

(b) A gasoline dealer suffering damages as a result of the termination or cancellation of, or failure to renew, his franchise may bring an action under this section against the petroleum distributor who terminated, canceled, or failed to renew his franchise in the district court of the United States for the district in which such distributor resides, is found, or has an agent. Such action may be brought without regard to the amount in controversy. If the gasoline dealer prevails in such action, he may recover the damages he sustained, the costs of the suit (including reasonable attorney's fees), and such equitable relief as the court deems proper.

The court may also grant such temporary relief as it may deem necessary and proper.

(c) (1) It shall be a defense to any action brought under this section that the franchise was terminated, canceled, or not renewed because—

(A) the gasoline dealer failed to comply substantially with essential and reasonable requirements of the franchise agreement;

(B) the gasoline dealer failed to act in good faith in carrying out the terms of the franchise; or

(C) of other legitimate business reasons (except that a termination, cancellation, or failure to renew a franchise for the purpose of enabling the petroleum distributor to assume operation of the gasoline dealer's business shall not be considered to be a legitimate business reason unless the gasoline dealer is paid reasonable compensation for the value of his franchise, including goodwill).

(2) No petroleum distributor may raise any defense set forth in paragraph (1) to an action brought under this section unless he gave written notice to the gasoline dealer who brings such action of his intent to terminate, to cancel, or not to renew such gasoline dealer's franchise 90 days prior to the date on which he terminated, canceled, or failed to renew such franchise.

(d) No action may be brought under this section for a cause of action which arose more than two years prior to the date on which such action is brought.

ARBITRATION

Sec. 4. No action may be brought under section 3 in connection with the termination, cancellation, or nonrenewal of a franchise if the franchise agreement provides for the binding arbitration of disputes arising under such agreement, including disputes related to the termination, cancellation, or nonrenewal of such franchise, in accordance with the rules of the American Arbitration Association.

RELATIONSHIP TO OTHER LAWS

Sec. 5. (a) No provision of this Act repeals, modifies, or supersedes any provision of any of the antitrust laws. This Act is supplementary to such laws but is not a part of such laws.

(b) This Act shall not be held to invalidate any provision of the laws of any State unless there is a direct conflict between a provision of this Act and a provision of such State law, in which case this Act shall prevail.

SEPARABILITY

Sec. 6. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected by such holding.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2050

At the request of Mr. Schweiker, the Senator from New Jersey (Mr. Case), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), and the Senator from Vermont (Mr. Stafford) were added as cosponsors of S. 2050, a bill to amend the Atomic Energy Act of 1954 to provide for agreements for broader State control, and to confer certain powers on the Administrator of the Environmental Protection Agency.

S. 2434

At the request of Mr. Magnuson, the Senator from New Mexico (Mr. Montoya) was added as a cosponsor of S. 2434, the Children's Catastrophic Health Care Act.

S. 2440

At the request of Mr. Cranston, the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of S. 2440, a bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes.

S. 3460

At the request of Mr. Pearson, the Senator from Wyoming (Mr. Hansen) was added as a cosponsor of S. 3460, a bill authorizing the Civil Aeronautics Board to enter into contracts, on an experimental basis, with air carriers to provide air service to small communities, and for other purposes.

S. 3630

At the request of Mr. Tower, the Senator from Arizona (Mr. Fannin) was added as a cosponsor of S. 3630, a bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry.

SENATE RESOLUTION 305—SUBMISSION OF A RESOLUTION PROVIDING ADDITIONAL FUNDS FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE

(Referred to the Committee on Labor and Public Welfare.)

Mr. PELL submitted the following resolution:

S. Res. 305

Resolved, That (a) sections 2 and 6 of Senate Resolution 235 of the Ninety-second Congress are each amended by striking out "$1,433,000" and inserting in lieu thereof "$1,633,000", and (b) such Senate Resolution is amended by redesignating sections 5 and 6 thereof as sections 6 and 7, respectively, and by inserting after section 4 the following new section:

Sec. 5. Not to exceed $200,000 shall be available to examine, investigate, and make a complete study of any and all matters pertaining to the financing of elementary and secondary education, of which not to exceed $50,000 may be expended for the procurement of individual consultants or organizations thereof.

TOXIC SUBSTANCES CONTROL ACT OF 1972—AMENDMENTS

AMENDMENTS NOS. 1205 AND 1206

(Ordered to be printed and to lie on the table.)

Mr. BAKER submitted two amendments intended to be proposed by him to the bill (S. 1478) to amend the Federal Hazardous Substances Act, as amended, and for other purposes.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1207

(Ordered to be printed and referred to the Committee on Finance.)

Mr. CRANSTON. Mr. President, on behalf of the Senator from South Dakota (Mr. McGovern), I submit an amendment to H.R. 1, the Social Security Amendments of 1972.

I ask unanimous consent, Mr. President, that a brief statement prepared by Senator McGovern be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator McGovern

Mr. President, I wish to submit in the form of an amendment to the Social Security Act a bill which I previously introduced, S. 2235, to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 895

At the request of Mr. Pearson, the Senator from Virginia (Mr. Spong) was added as a cosponsor of amendment No. 895, intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

NOTICE OF HEARING ON NATIONAL CORRECTIONAL STANDARDS ACT

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, I wish to announce hearings for the consideration of S. 3049, the National Corrections Standards Act, beginning at 10 a.m. on June 1, 1972, in room 2228 of the New Senate Office Building.

This legislation is designed to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities.

This is the first scheduled hearing on this legislation, and I would anticipate that several additional days will be necessary to carefully consider this proposed legislation. These additional days will be scheduled as time permits.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on National Penitentiaries, room 6306, New Senate Office Building.

ADDITIONAL STATEMENTS

A GENERATION OF PEACE

Mr. SCOTT. Mr. President, I commend to the Senate an excellent article by D. J. R. Bruckner which was published in the Los Angeles Times. Mr. Bruckner has cast aside the usual pessimistic attitude so prevalent with today's reporters and has objectively analyzed President Nixon's foreign policies. He finds that "even moderate success" in Moscow will allow Mr. Nixon's goal of a "generation of peace" to become a powerful political instrument.

Mr. President, I ask unanimous consent that this outstanding article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Los Angeles Times, May 22, 1972]

The World Seems To Be Changing—for the Better

(By D. J. R. Bruckner)

New York.—If the President realizes even moderate success in his negotiations with the Russians—and he is likely to, since the negotiations were largely completed before his trip—his search for "a generation of peace" will become a tremendously powerful political instrument for use against his challengers for the Presidency, and against blocs of congressional critics.

Presumably, the Russian leaders feel they can gain similar advantages in relations to their own people and government. If the desire for self-preservation inspires the leaders of both countries actually to reduce the danger of ultimate war, they can probably make a pretty good argument that they deserve to be preserved.

"A generation of peace" is an inflated formula, of course. New wars generally rise out of unforeseen causes; historically, diplomacy has failed, in part, because the diplomats were always correcting the causes of the last war. It is also true that arms limitation agreements have a disastrous history in this century. So, hope may not be reasonable; but it is understandable, especially in this country. We have had it harder in some ways than the Russians since World War II. Russia lost more men in that war than all the other countries fighting, and it must be feeling the effects of that loss even now. But, in the last 27 years, we have fought two wars, including the longest in our history, and the people are exhausted by them.

Nobody knows how much Russia has spent in that period on military budgets, but we know that she has spent much more than $1,000 billion in an arms race that reduces our safety every day. The agreements on arms limitations which have been worked out now will not really stop that race. But they can lead to a second stage of talks about the quality of weapons, not only the quality of them. The SALT talks have already become a major international institution, and if they have produced some benefit now, they may produce more in the future. Every sane man hopes we might eliminate the threat of annihilation. We seem to be an impossible distance from that dream. But if agreements and negotiations only reduce the military budgets of the two great powers, they are very worthwhile.

Mr. Nixon keeps telling us the world is changing, implying that he is changing a good deal of it. He is, too. And Henry Kissinger's formula is that, as nations are increasingly involved with one another in advantageous activities—as all levels of society and government are more involved—they are less likely to lose their tempers and blow up the world. That is a long-tested formula that has worked at different periods in history, and it might work again, for a while. And there is no doubt that the power relationships of the world have changed dramatically since Mr. Nixon took office.

Russia's power and influence in the Middle East, the Mediterranean and the Indian Ocean have grown rapidly and conspicuously. The economic power of Europe and Japan has increased in such a way as to create two new power centers in the world. Mr. Nixon has relieved us of the self-contradictory illusion that China is a tremendous and determined enemy, who does not count in the making of global power arrangements. And Europe, Japan and (heaven help us) Vietnam have relieved us of the illusion that our economy is an inexhaustible and impregnable power.

Willy Brandt has helped to relieve both Russia and the United States of their hopeless confrontation in Europe. His treaties with Poland and East Germany allow the World War II powers to proceed now with a new agreement on Berlin, and that agreement can lead either to negotiations on mutual Russian and U.S. reductions of force in Europe, or to a European security conference.

To the average American these arrangements may seem a bit remote, but even a brief conversation with a Russian makes you realize how important, historically and psychologically, a European settlement is to Russia. In the long run, the change within Western Europe itself, through the instrument of the growing Common Market, may be even more important to the world's future than anything we or the Russians do in Europe.

If the Russian press, and the talk of their diplomats, is a fair indication, their greatest interest is in new trade agreements, and Mr. Nixon has certainly flattered their hopes.

American companies are not about to get rich quick on a new trade bonanza, but a gradual opening up is essential to Russia now. It is not only the American economy that threatens her stature in the world now, but the great power to the economies of Western Europe and of Japan. In a world of war, Russia is one of two giants, but in a world of peace, she is not quite so great. The desire of the Russian leaders to correct this situation must be very great; they have even been hinting that they might join negotiations on a new world monetary system.

Mr. Nixon has obviously put all these talks together in time for his own advantage, and the Russians evidently find the timing and packaging to their advantage, too. And the domestic critics in both countries, in their different ways, must be baffled. We may not get a generation of peace out of all these talks, but at least these leaders on both sides have given up, for a time, winning support at home by threatening one another with destruction abroad.

UNIVERSITY OF KENTUCKY STUDENTS PARTICIPATION IN UNIVERSITY YEAR FOR ACTION PROGRAM

Mr. COOK. Mr. President, I invite the attention of Senators to an illuminating feature article published in the Louisville Courier-Journal and Times on April 23, 1972. This article depicts the selfless splendid work being done by college students at the University of Kentucky who are participating in a new Federal program, university year for action.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NEW VOLUNTEER PROGRAM: UNIVERSITY YEAR FOR ACTION

(By Leah Larkin)

"I've learned more in the past two months than I did in a year and a half of college," said Theresa Westerfield, 19, of Owensboro.

Miss Westerfield is a University of Kentucky sophomore majoring in social work. But she hasn't attended any classes on campus this semester.

Neither have 51 other UK students who, like Miss Westerfield, are participating in a new federal program, University Year for Action (UYA). They spend a year working for organizations which foster social service programs. They receive college credit from their university, a minimum of 30 hours, and a subsistence allowance, from $135 to $200 per month in Kentucky, from ACTION, the government agency over VISTA, Peace Corps, UYA and other government service programs. Most of them live in the communities where they work.

Miss Westerfield is living in Louisville and working for the Jefferson County Youth Commission. She works under the supervision of the research coordinator and currently is involved in research projects on recreation and summer employment.

"You can't learn social work in the classroom. This is a real experience. And you can also help someone to do something," she said.

Some of the UK faculty who work with UYA share her enthusiasm. Dr. Leonard Ravitz is a UK professor of education who coordinates the UYA program between the College of Education and the volunteers who are education majors.

"I think it's a tremendous experience. I can't think of anything better for a student," Ravitz said.

"It's the question of relevancy. Youngsters today complain about sitting in a classroom and not doing anything. They are concerned about the country and the world. They want a chance to get out and see it and do something. If we don't give them this chance, they'll drop out," he added.

Joseph Blatchford director of ACTION, announced the creation of the UYA program last July. Today there are 979 students from 24 universities participating in the program. They work in varied fields: housing, education, day care, forestry, architecture, agriculture, health, legal rights, employment.

The universities find agencies which can utilize the students' services, then recruit and train the students. UK students received four weeks of training before beginning work last February. UK faculty members are assigned to supervise and assist them with their field work. Twenty-eight students work in Lexington, 11 in Louisville and 13 in smaller communities throughout the state.

"The idea is to have students in a program where they can do something, yet with a professional backstop. If they have a problem, there is somewhere they can go, in this case the university," said Vyrle Owens of Lexington, who serves as co-director for UYA training and field operations at UK.

"We're tapping into a pool of young, enthusiastic volunteers, yet offering them protection," Owens added. He feels the protection and support of the university will help the UYA volunteers avoid some of the problems encountered by VISTA volunteers who work without a "professional backstop."

According to Jim Newton, deputy director of UYA in Washington, one of the purposes of the program is to "try to mobilize the resources of the university to work on local community problems, to break down the ivory towers."

At UK at least, it seems to be working. Dr. Ravitz visits the 15 UYA volunteers who work in Louisville and Lexington schools once each week. He, too, is learning from the experience. "It's the first time I've had an intensive relationship with students and people from different backgrounds," he said. "I wish more people could have this experience."

"I am very excited about what has happened with only two months of experience. We've made some significant contributions directly to low income people. We're helping agencies become more responsive to their clientele. Volunteers can provide that additional resource to help an agency do more effectively what it is designed to do," said Dr. Maurice Voland, UYA director at UK.

Two fourth-year architecture students are doing precisely that in Louisville with the Community Design Center. The center is a group of professional architects who volunteer their services to areas which can't afford architects. Since they had no full-time staff or office, their work was limited.

Now Tom Wilmes and Mike Heitz, both of Louisville, work full-time for the center in a temporary office on Third Street. Two VISTA volunteers also work for the center. They follow up requests from communities, discuss and plan community architectural needs, and get help from the professional architects to help fill these needs. They're currently working on projects with the California and Manly neighborhoods and in Madison Park.

Wilmes calls the experience a "good opportunity in field training. I've learned how I'll relate in an actual work experience."

Both Wilmes and Heitz feel they're learning as much about people as about architecture. And they see the importance of such learning.

"Architecture is becoming more service oriented. You have to take people's needs into consideration," Heitz said.

Other UYA volunteers working in Louisville also feel that "learning about people" is one of the most important aspects of their experience.

Six Louisville volunteers are working in two inner city schools, Roosevelt and Carmichael.

"I've learned a lot more about people. I've lost a lot of my middle class prejudices, such as judging people by the way they dress or look . . . I think a full semester of this should be included in every teaching program," said Bonnie Cecil, a junior from Louisville who is majoring in education.

Miss Cecil works with a special reading program at Roosevelt. She's beginning to notice progress in her students. "It nearly blew my mind this morning. A little boy, who has never read anything before, read through his reader as if he'd written it."

Phyllis Ponder works with a special group of fifth and sixth graders at Carmichael School. She grew up in the Smoketown neighborhood, not far from Carmichael, and feels her background helps her in her work.

"I didn't come into this completely blind. I know how these kids feel." She talked about success she has observed—the girl who used to cry and refuse to do her work has settled down and now cooperates, the boy who used to fight with everyone now gets along with the others.

Miss Ponder is trying to organize special projects for her students, a day trip to Frankfort and historical sites, a parent-student dinner. During the basketball season, she took some of the children to Colonels games.

All of the UYA volunteers try to get involved in community projects outside of their main job. Tom Miller, an education major from N. Key Largo, Fla., who is a member of the third grade teaching team at Roosevelt, has been working with adult education at night. Jan Berrick, who also teaches at Roosevelt, works with the neighborhood youth after school. He is an education major from New York City.

Although all of the students interviewed seem excited and pleased with UYA, the program is not without its problems. The ivory towers that Newton mentioned are not crumbling so easily. Because the program is new, some professors remain skeptical about it. They hesitate to grant a student credit for a specific course based on field work rather than classroom attendance.

Voland mentioned some of the limitations and frustrations of the program. "There are certain kinds of academic experiences that don't lend themselves to field work. Real life experience does not compartmentalize itself into separate disciplines or separate numbered courses," he said.

Yet he remains confident that the university will work out a more viable system to "legitimize the experience in terms of credit hours." He has already observed "the re-awakening of some faculty members to the legitimacy of different ways of learning."

According to the UYA headquarters in Washington, the program has proved itself valuable in its brief career. It is still technically known as a demonstration project, although "we intend to keep it alive and expand it," Newton said.

Just how much expansion will take place depends on money. And how much money UYA will receive is not certain at this point. They have requested funds for expansion, but they must wait for congressional approval.

As Dr. Ravitz says, UYA is "the coming thing in education . . . students are demanding this kind of experience."

His son Mark, a UYA volunteer at Roosevelt School, tells why. "It's a great experience. The amount you learn, the amount you grow, is unbelievable. It's so much better than the classroom. There's almost no comparison."

NO DEAL ON RHODESIA

Mr. KENNEDY. Mr. President, I invite the attention of the Senate to an editorial from the New York Times concerning the collapse of negotiations between Great Britain and the government of Southern Rhodesia.

The Pearce Commission's efforts to reach an accord with the people of Southern Rhodesia failed because black Africans made it clear that the terms of the proposed agreement were unacceptable. Africans understood that agreement as a sure method to legalize their inferior status once their country's independence became official under the plan.

It is especially fitting that the Commission announced its decision at this time because Great Britain has indicated with this action that they will maintain sanctions against Rhodesia. Hopefully this will insure that we in the Senate will uphold the provisions of Senator McGee's proposal to reinstate the ban on trade with Southern Rhodesia.

I ask unanimous consent to have printed in the Record the editorial from the New York Times of May 24, entitled "No Deal on Rhodesia."

There being no objection, the editorial was ordered to be printed in the Record, as follows:

No Deal on Rhodesia

Britain has honorably accepted the Pearce Commission's verdict that Rhodesia's black majority emphatically rejects the proposed settlement worked out by British negotiators with the white minority Government in Salisbury last November. This means that Britain will continue to maintain the mandatory sanctions invoked against Rhodesia by the United Nations Security Council.

In accepting defeat for a project on which he had expended great effort, British Foreign Secretary Sir Alec Douglas-Home warned that the stark choice in Rhodesia lies between a compromise settlement and "a rapid and complete polarization of the races and the prospect of conflict." This grim assessment may be accurate, for Rhodesia's white rulers have already taken the country far along South Africa's road to apartheid.

Once Rhodesia's five million blacks were free to express their views, however, there was scant chance that they would approve a settlement legalizing their inferior status far into the future and leaving the long-run possibility of majority rule dependent on the good will of white politicians. The most impressive aspect of the Pearce Commission canvass in Rhodesia was the manner in which blacks—including chiefs on the white Government's payroll—boldly denounced the proposals.

Sir Alec tried to keep alive the possibility of future negotiations; but Rhodesian Prime Minister Ian Smith flatly asserted in a broadcast that "there will be no negotiations with a view to changing any of the terms of the settlement." So the sanctions will continue and the black African governments will undoubtedly press in the Security Council for expanding them and tightening enforcement. The rejection of the settlement and the renewed focus on sanctions will be especially embarrassing to the United States, which has openly breached the U.N. Charter by importing Rhodesian chrome ore.

Congress can relieve that embarrassment and atone for its own unwise action last year by backing Senator Gale McGee's drive to repeal the Byrd amendment which, by allowing Rhodesian chrome imports, placed the United States in violation of the sanctions for which it had voted at the U.N.

Fortunately, the Nixon Administration has finally nailed the spurious arguments that helped get the Byrd bill through and has come out strongly for the McGee repealer. Its passage would be the most effective way to restore the validity of this country's longstanding commitments to the U.N., the rule of law and the principle of self-determination for all peoples.

SYRACUSE UNIVERSITY PETITION ON VIETNAM WAR

Mr. JAVITS. Mr. President, on May 17 three key members of the Syracuse University community called upon me to present a petition signed by more than 6,000 members of the Syracuse University community in protest of the recent air and naval actions announced by the President against North Vietnam. The delegation was lead by Mr. Thomas Whittle, a student leader at Syracuse University. He was accompanied by Chancellor Eggers and Dean Sawyer of the Maxwell School of Political Science. The initiative for this protest came from the students, but the signature represent all segments, I am told, of the Syracuse community. I was informed that the more than 6,000 signatures on the petition were collected within a period of 4 days.

Mr. President, when Thomas Whittle called upon me to present this petition, he used that opportunity to articulate the sense of frustration which many members of the Syracuse University community feel with respect to what they regard as the unresponsiveness of their elected representatives to their viewpoint and their actions of peaceful and lawful protest and petition. In my meeting with Mr. Whittle, Chancellor Eggers, and Dean Sawyer, I assured them that their views would not go unheard and unheeded. I also used the occasion to commend the Syracuse University community and its representative leaders for this most proper and responsible exercise of their rights and responsibilities as citizens of the United States.

I ask unanimous consent to have printed in the Record the text of the petition, subscribed to by more than 6,000 members of the Syracuse University community, and the text of the reply which I have sent through Mr. Whittle to all members of the Syracuse University community.

There being no objection, the items were ordered to be printed in the Record, as follows:

Text of Petition

We, the undersigned members of the Syracuse Community, deplore the dangerous escalation of American involvement in Indochina inherent in the President's May 8 policy announcement. We urge an immediate end to the widespread bombing of North Vietnam, the mining of harbors and the naval blockade of the Vietnamese coast——

Mr. Thomas Whittle,
Syracuse, N.Y.

Dear Tom: I was deeply impressed by the Petition containing over 6,000 signatures of members of the Syracuse Community, which you presented to me in Washington earlier today. Let me reiterate what I told you orally on that occasion. I share the deep sense of anquish which moved the members of the Syracuse Community to protest the latest escalation of United States participation in the Vietnam war. I have been working hard for more than five years to bring an end to the U.S. military role in that tragic war. I assure you that I will continue to do everything I can to achieve the earliest possible disengagement of all U.S. forces from the war in Indochina. I am actively supporting current efforts in the Senate to legislate a cut-off date for the withdrawal of all American forces engaged there. Be assured that I will continue to speak out, and to represent such sentiments.

I was especially moved by your introductory statement in which you said that the group you represented wished to protest not only the war but "to protest your inability to protest." I understand the feelings of frustration which prompted you to make that statement. But, I assure you as your Senator and as a member of the Senate Foreign Relations Committee that the protest and the sentiments which you conveyed to me have indeed been heard and will not go unheeded. I intend to place in the Congressional Record the text of the protest which you conveyed to me on behalf of the Syracuse Community, together with an account of our meeting.

I commend you, Chancellor Eggers and Dean Sawyer who so graciously and effectively joined you, and the entire Syracuse Community for this most proper exercise of your rights and responsibilities as concerned citizens of our democracy. I ask that you give an account of our meeting, and make available the text of my reply, to all members of the Syracuse Community who joined in this petition of protest.

With best regards,
Sincerely,
Jacob K. Javits.

SUPPORT FOR PRESIDENT NIXON

Mr. SCOTT. Mr. President, the Harrisburg Patriot published last week a letter to the editor which expressed succinctly and concisely the opinions of one American who is solidly supporting the President. Mr. Frank Masland of Carlisle states:

> For those with no position of responsibility it is easy to carp and criticize.

Mr. President, I offer this citizen's view of President Nixon's policies as indicative that the people are indeed behind the President's actions. I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Critics Hurt the Nation's Will

Editor: Monday night I heard the President. No President in our history has ever taken a more courageous or self-sacrificing position. He recognized he could well be sealing his fate as a candidate to succeed himself. Fulfilling his obligations, he placed his country above all personal ambition. Tuesday I listened to TV Commentators and guests.

If Russia decides on a major confrontation with the United States it will be the result of her awareness that we are a divided nation.

That we are a divided nation is traceable almost entirely to the use made of television. Just as Hitler converted the peoples of Germany to his way of thinking through constant propaganda, so television has destroyed the credibility of government and those who govern, made loyalty and patriotism obscene words, destroyed the will of the people and created a divided nation.

The situation that confronts Nixon is one he inherited. He has taken every possible step to get us out of Vietnam while still permitting us as a nation to retain some self-respect and the respect of other nations.

As Truman said, "The President's desk is where the buck stops." For those with no position of responsibility it is easy to carp and criticize. Circumstances that have confronted this nation since Nixon took over have been such that those who attack the President know that they are destroying the credibility of our government, thus weakening our ability as a nation to confront avowed Communist enemies.

Those commentators, those columnists, that handful of Senators and Congressmen, specifically, with the exception of Wallace, the Democratic candidates, all of whom have so viciously and consistently attacked the President are aware that in doing so they undermine the will of our people, destroy the credibility of our government and aid and abet the enemy. They are intelligent people and thus pursue their tactics with full awareness of the result.

All those to whom the label applies recognize that if Russia decides on a confrontation it will be as a result of their having aided and abetted the enemy.

FRANK MASLAND, Jr.

CAPT. PHILIP HOGUE, U.S. COAST GUARD, HONORED

Mr. GRAVEL. Mr. President, an article dated May 18, published in the Kodiak Daily Mirror, has been brought to my attention. It is about a truly remarkable man, a career officer in the U.S. Coast Guard. The headline reads "Alaska Native People Laud Coast Guard Captain."

Phil Hogue's reputation as commander of the Kodiak Coast Guard Air Station has spread throughout Alaska. His humanitarian efforts have earned him the respect of not only the Native people who are honoring him but of all Alaskans.

Thousands of career military men and women have come to Alaska to serve. Many have left a significant impact in not only their devotions to duty but in their concern for the problems of the local citizens. Phil Hogue is such a man. The Alaska Federation of Natives and the Kodiak Area Native Association have passed an unprecedented resolution urging that this man be retained as commanding officer in Kodiak. I join them in honoring Captain Hogue.

I ask unanimous consent that the article and the resolution be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

URGE KODIAK AIR BASE—CO BE RETAINED—ALASKA NATIVE PEOPLE LAUD COAST GUARD CAPTAIN

(By Karl Armstrong)

An officer of the United States Coast Guard—Captain Philip Hogue, commanding officer of the Kodiak Coast Guard Air Station—rates the highest in the hearts of the native people of Alaska.

A resolution officially declaring the "respect, admiration and affection of the Native peoples of the State of Alaska" on behalf of the Coast Guard career officer, was unanimously approved by the membership of Kodiak Area Native Association at the organization's annual meeting Saturday night. The resolution, according to Harry Carter, executive director of the Alaska Federation of Natives, has the automatic unanimous approval of the statewide AFN organization which represents all of the Native people of Alaska.

The resolution urges that the Governor, state legislative and congressional delegation assist the AFN and KANA in having Captain Hogue retained as commanding officer of the Kodiak Coast Guard Air Station.

Captain Hogue is the only military man to have ever won an official commendation from the Alaska Federation of Natives and Kodiak Area Native Association.

AFN–KANA RESOLUTION

Whereas, the continued operation and expansion of the United States Coast Guard is vitally essential to the well being and welfare as well as the health and safety of the Alaska Native peoples of the coastal areas of the State of Alaska, and

Whereas, there has been special recognition of this need during the time that Captain Phillip Hogue has been commanding officer of the Kodiak Coast Guard Base, and

Whereas, in numerous occasions and in innumerable ways, Captain Phillip Hogue has demonstrated a special cognizance of the Alaska Native peoples and of their needs insofar as their health and welfare are concerned, and

Whereas, Captain Phillip Hogue has through his actions and demeanor won the respect and admiration of the Alaska Native peoples and of all the villagers of Alaska by demonstrating his real concern,

Now therefore let it be resolved that, the Kodiak Area Native Association petition the Alaska Federation of Natives and the Alaska congressional delegation, the Alaska State Legislature and the Governor of Alaska requesting that Captain Phillip Hogue be retained as commanding officer of the Kodiak Coast Guard Air Station, and, further that it be made a part of his personal record that Captain Phillip Hogue has won the respect, admiration and affection of the Native peoples of the State of Alaska for outstanding service.

SMOKING AND HEALTH

Mr. COOK. Mr. President, in February the Consumer Subcommittee held 3 days of hearings on S. 1454, a bill to require the FTC to set maximum limits of "tar" and nicotine in cigarettes and also on the 1972 Surgeon General's report on smoking and health.

In my opinion, the hearings showed that nothing new has been established regarding the relationship between smoking and health since 1965 hearings by the House Interstate and Foreign Commerce Committee. In summary, a balanced view of all available evidence shows that any scientific, causal link between smoking and health is inconclusive. Moreover, even much of the statistical data that the antismoking forces rely on is contradictory and incomplete.

So that my colleagues might have a better understanding of this entire issue, I ask unanimous consent that my closing statement on these hearings be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SMOKING AND HEALTH

I agree with the chairman that in three days of hearings we have "Covered considerable territory." However, I reject the implication that this means we have made any real progress in resolving the question of smoking and health. For as is usually the case in a full and open debate on this subject, we have come full circle and have arrived at the starting point.

The question of smoking and health, as I predicted at the outset, is still a question. This committee, this Congress, and this Nation, is still confronted by a genuine and perplexing scientific controversy. It is worth recalling that after thirteen days of hearings in 1969, the House Interstate and Foreign Commerce Committee covered even more territory and reached the same point, concluding that nothing new had been determined regarding the relationship between smoking and health since its earlier hearings in 1965.

Unfortunately, one new element has emerged, an element to be deplored. And that is the attempt on the part of the anti-smoking advocates to deny the very existence of a controversy by assertions that there is no honest disagreement with the official line that cigarette smoking causes human diseases.

(Ironically, we learned from the President's trip to China that the Chinese regard the campaign against smoking as a "Capitalist-Imperialist Plot." Perhaps the Maoist surgeon General is also asserting that there is no "honest disagreement" with his position that smoking is patriotic. All of which argues for the strict separation of science and politics.)

Science begins with doubt, not dogma. Science is the search for knowledge, not the surrender to ideology. It advances by rigorous research, not crusading zeal, nor political expediency. It establishes truth by observation, hypothesis, and experiment, not by majority vote. Two of the greatest discoveries of our time, the theory of relativity and the genetic code, were developed by individual genius, not by the consensus of an advisory committee, or the edict of a bureaucrat.

But the ideas and principles of science are often abused and ignored in the cigarette controversy. Why? I think explanation can be found in something Louis Pasteur said over a hundred years ago: "All things are hidden, obscure and debatable, if the cause of the phenomena is unknown, but everything is clear, if the cause is known." The nagging fact is that we continue to be snared in the cigarette controversy for the obvious reason that the causes of cancer, heart disease and emphysema are still unknown. We will continue in this unhappy situation until those causes are finally discovered in the only way possible—by scientific research.

Meanwhile, legislators are expected to prescribe a political remedy to cure a condition the cause of which is scientifically and medically unknown.

In 400 B.C., the ancient Chinese sage Mo-Tze warned us that "the physician who is attending a patient has to know the cause of the ailment before he can cure it. That good advice applies to Senators as well.

Some apparently disagree. Some have a cure. But does it rest upon knowledge of the cause? Based on my analysis of the record, I seriously doubt that it does.

Let us look at the facts.

To begin with, Senator Moss proposed legislation to require the Federal Trade Commission to set maximum levels of "tar" and nicotine content of cigarettes. It would be, he said, "the next logical step" in a chain of events which I can only conclude would end with complete prohibition.

Officials of the Department of Health, Education and Welfare and of the Federal Trade Commission endorsed the purpose of his bill. But their testimony revealed that they were less than enthusiastic about being given the responsibility of implementing it.

On the one hand, Doctor Merlin K. Duval, Assistant Secretary for Health and Scientific Affairs, wanted the F.T.C. to set maximum "tar" and nicotine levels to avoid putting H.E.W. in the position of seeming to approve any safe level of smoking at all; for as Doctor Daniel Horn, Director of H.E.W.'s antismoking operation, frankly acknowledged the only safe level, consistent with H.E.W.'s position, would have to be "zero consumption."

On the other hand, Robert Pitofsky, presenting the views of the commission's Bureau of Consumer Protection—but not the commission itself—wanted H.E.W. to set the "tar" and nicotine levels, because the commission is not medically or scientifically qualified to make such judgments. He, too, wants zero consumption.

The spectacle of two government agencies ducking responsibility was surprising and, I suppose, embarrassing to the bill's sponsor. Their evasion of responsibility indicated to me that this proposal was seen, even by those who are disposed to crack down on tobacco when given half a chance, as being based on very tenuous scientific evidence. And as the record unfolded, it became clear that the "tar" and nicotine content of cigarettes had very little, if anything, to do with the cause of the condition Senator Moss wants to cure.

Several eminent scientific witnesses expressed grave doubts about Senator Moss' theory. For example:

1. Doctor Sheldon C. Sommers, research director and chairman of the Scientific Advisory Board of the Council for Tobacco Research, pointed out that with respect to lung cancer. the newly-published standard American Textbook of Pathology, includes this statement:

"The close relationship between certain types of lung carcinomas and cigarette smoking has been made well known, as has the lesser relationship to cigar and pipe smoking. Whether or not a cause-and-effect relationship has been proved is a blend of logical, statistical and emotional argument."

Doctors Sommers noted that the text omits mention of biological evidence or scientific proof in the blend of argument.

2. Doctor Robert C. Hockett, acting scientific director of the Council for Tobacco Research testified that "it has not been shown whether, how, to what extent or in whom cigarette smoking can contribute to the etiology causation of any disease that is presently a major cause of illness or early decease." He did not find any convincing evidence that either "tar" or nicotine or any other agent in cigarette smoke has been "incriminated" in relation to any human disease. "Consequently," he said, "There is no scientific basis on which to establish 'maximum acceptable levels of tar, nicotine or other incriminater agents' as proposed in S. 1454."

3. Doctor Ronald Okun, assistant professor at the University of California School of Medicine at Irvine, who testified on the basis of his experience and a review of the scientific literature, including the recent surgeon general's report, said: "I cannot tell the significance of nicotine content, 'tar' content, and potential carbon monoxide levels derived from cigarette smoke on health." He said that a false sense of significance, if not security, can be derived by the non-scientific public from Government establishment of maximum levels of these constituents.

4. Doctor Arthur Furst, director of the Institute of Chemical Biology at the University of San Francisco, noted that "while we have been able to induce lung cancer in animals by the inhalation of various substances, we have not been able to do this using tobacco smoke." He said further that "setting limits on compounds formed in tobacco smoke or condensate would be to act in what is nearly a scientific vacuum as far as good experimental data is concerned."

Regarding attempts of the surgeon general and others to deny the existence of a legitimate scientific controversy about smoking and health, Doctor Furst declared: "When you say there is no honest disagreement, you are simply saying that people who disagree are not honest, and this I resent."

Apparently, other scientists agreed with him. Following the last day of hearings I received statements from several of them. They demonstrate, of course, that there is indeed an honest disagreement on the issue. There also is further evidence that Senator Moss' cure is not scientifically justified. Here are some excerpts reflecting the strength of their convictions.

5. Doctor R. H. Ridgon, professor of pathology at the Medical Branch of the University of Texas at Galveston, stated:

"To my knowledge, it has never been scientifically established that tobacco smoke condensate is harmful or hazardous to smokers.

"My experiments emphasize the fact that much additional information is needed before we draw any conclusions about the effects of tobocco smoke condensate or any of its constituents on smokers."

6. Doctor Irwin Miller, senior member of the professional staff and senior statistician, Arthur D. Little, Inc. commented on Doctor Duval's claim that the evidence shows "definable dose/illness" relationship. Since that "evidence" was an article by Doctor Ernest L. Wynder on recent trends in lung cancer, Doctor Miller examined it and concluded that "Doctor Wynder's data will not even support his own conclusions, must less Doctor Duval's statement." Doctor Miller went on to say:

"It is difficult to conceive that such slight and possibly insignificant reductions in tar could account for the alleged large reductions in risk of lung cancer reported by Doctor Wynder . . . Doctor Wynder's paper can be regarded as supporting a "constitutional hypothesis" concerning the relation between cigarette smoking and cancer. A more likely explanation of Doctor Wynder's findings is that the subjects who switched to filter cigarettes by the very act of switching exhibited a constitutional dissimilarity from those who continued to smoke regular cigarettes."

7. Louis A. Soloff, M.D., distinguished service professor of medicine and formerly chief of the division of diseases of the heart at Temple University Health Sciences Center, stated:

"In conclusion, the data linking heart disease and smoking are still questionable. Studies with particular reference to twins in the United States and Sweden and epidemiological studies in many countries fail to show a correlation between smoking and coronary heart disease. Human studies on smoking that utilize highly artificial circumstances are of questionable validity. Such data do not provide support for the proposed arbitrary limitation on so-called "incriminated agents" in cigarette smoke."

8. Thomas H. Kirschbaum, M.D., professor and chairman, department of obstetrics, gynecology and reproductive biology at the College of Human Medicine, Michigan State University, East Lansing, Michigan, discussed the charge that smoking causes injury to pregnant women and their infants:

"That a relationship between smoking and increased perinatal hazard might exist is true, but to state that strong evidence exists in its support seems to me not true. In addition, without any judgment in regard to the motivation which is operative, it would seem to me that the evaluation of evidence has been marked by a strong suggestion of bias. A more balanced view of the evidence which exists would support the contention that epidemiological data is possibly suggestive but so contradictory and conflicting at present as to be truly inconclusive."

9. George F. Wright, Ph.D., professor emeritus of chemistry, University of Toronto, described animal experimentation work he has participated in since 1954, which tried to determined what, if any, agent in cigarette smoke is carginogenic, and concluded that:

"An honest appraisal shows that very little has been discovered.

"The chemical evidence insofar as it is supported by physiological evidence shows that tobacco smoke is not specifically carcinogenic.

"The danger in popular condemnation of smoke is the tendency to divert attention from the idiosyncracies of the smoker. This mistake has been made (by myself and others) but it ought not to be continued.

"The best that can be done today is to search for more knowledge."

10. Charles H. Hine, M.D., clinical professor of pharmacology and preventive medicine in the School of Medicine, University of California, San Francisco Medical Center, reviewed the scientific literature concerning "tar," nicotine and carbon monoxide, and concluded that:

"It would be regrettable to ban certain tobacco products when our knowledge of any effect they may have is incomplete and when the effect of such a ban on smokers' pleasures needs or desires is too little understood."

In all fairness let me say that I do not blame Senator Moss for leaping to a cure before the cause has been found. But I find it difficult to excuse those in Government with scientific responsibility for failing to inform him or others in Congress of the tenuous basis for such premature action.

For example, a recently released report of the National Heart and Lung Institute Task Force on Arteriosclerosis contains statements which strongly suggest that all is not known in this area and that Congress may be about to legislate in the dark. I can draw no other conclusion from the following statement:

"The one overriding problem in atherosclerosis is that we do not as yet understand the basic mechanism underlying the development of the lesion, nor how various risk factors act to influence the progress of these lesions so as to bring about premature development of clinical disease. This lack of knowledge makes it difficult to develop a rational program of prevention and control."

On the central issue of Senator Moss' bill to control the kind of cigarettes that Americans may legally purchase, the report casts further doubt:

"At present, it is not known whether one type of cigarette has a different effect on the rate of cardiovascular disease than another. Likewise, it is not known whether the reductions in nicotine content of cigarettes is leading to a reduction in atherosclerosis and its various clinical sequelae.

"It remains to be shown to what extent, if any, carbon monoxide affects the progression of atherosclerosis or the occurrence of acute events."

Why did not the H.E.W. witnesses advise Senator Moss or others on this committee of these unresolved problems? Why did they support a bill that would, in effect, shoot first and ask questions afterward?

Inconsistency was not limited to the science of smoking and health. The hearings produced instances which gave clear indication that strong emotional commitment, rather than sound reason was a motivating force.

How else can we explain the inconsistency of a Deputy Assistant Attorney General questioning before this committee the value of the law banning cigarette commercials when at the very same moment its constitutionality was being defended by his own Department just across the street at the Supreme Court.

How else can we explain the chairman's declared intention to by-pass the legislative process and bring suit in Federal court to achieve the goal of his own bill, the limitation of "tar" and nicotine content of cigarettes?

How can we believe his protestations that he opposes prohibition when Food and Drug Administration witnesses testified that his proposed lawsuit, if successful, would require them to ban cigarettes from the market?

Anti-smoking zeal is the motivating power behind these developments. It is a crusade that reminds me of a locomotive which has a

> bigger head of steam to blow the whistle than to drive the wheels. As a result, it makes a shrill noise and excites people, but it does not make any progress in moving forward.
>
> Progress in science is made by unprejudiced minds working in an environment free of official popular crusades, or, what is worse, self-ordained certainty.
>
> It is time for the Surgeon General and those in Government who have made a career out of anti-smoking to take to heart Francis Bacon's wise saying: "If a man will begin with certainties, he shall end in doubts; but if he will be content to begin with doubts, he shall end in certainties."

SAVINGS BOND DRIVE OF SIMPLICITY MANUFACTURING CO.

Mr. THURMOND. Mr. President, the Simplicity Manufacturing Co. of Lexington, S.C., has announced that it has again received 100 percent participation from its employees in their 2 week U.S. savings bond drive.

Last year the company achieved 100 percent participation with 184 employees. This year the company experienced a 62-percent growth to 296 employees. Even with this expanded growth Simplicity employees again came forward with 100 percent participation in the savings bond drive.

The employees of the Simplicity Manufacturing Co. are to be congratulated for their fine support of our country. Citizens everywhere should heed this example of faith and support in the American system.

Mr. President, I ask unanimous consent that a letter from Mr. R. J. Kronschnabel, general plant manager to President Nixon be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> LEXINGTON, S.C.,
> *May 15, 1972.*
>
> Mr. RICHARD M. NIXON,
> *The President, the White House,*
> *Washington, D.C.*
>
> DEAR MR. PRESIDENT: During the weeks of May 1 to May 12, 1972, the Simplicity Manufacturing Company Plant, subsidiary of Allis-Chalmers in Lexington, South Carolina conducted its anual U.S. Savings Bond Drive.
>
> During this two-week period we achieved, for the second consecutive year, 100% participation from our 296 employees.
>
> Of significance, is the fact that while last year we achieved 100% with 184 employees, this year we accomplished 100% with 62% more people involved.
>
> Realizing the many divisions in our country over various current issues and the burden this places you under, I believe our employees have demonstrated their belief in our American system.
>
> Sincerely,
> R. J. KRONSCHNABEL,
> *General Plant Manager.*

INTERNATIONAL SCIENCE FOUNDATION

Mr. KENNEDY. Mr. President, as chairman of a Senate Subcommittee on Science over the past 4 years I have been impressed with the international character of scientific research. Science knows no national boundaries: the body of scientific knowledge and the methods of scientific research are the same for all people throughout the world.

It is important that there be as free an exchange of basic scientific knowledge as possible among the nations of the world; for each new increment of scientific truth belongs to all nations, and can benefit all people. At the same time, the exchange of scientists and scientific information is an instrument which can improve understanding among nations and further the cause of peace.

It is in this spirit of furthering scientific knowledge for the benefit of all mankind that I wish to bring to the attention of the Senate the movement to establish an International Science Foundation. The idea of establishing an International Science Foundation was first considered publicly at the 1965 Pugwash conference—the Committee on Science and World Affairs. Many of the leading scientists attending the meeting pointed out that young people with real promise returned home from their scientific training abroad only to find that there were not adequate facilities to undertake the scientific pursuits for which they had been trained. An international mechanism was required to provide a professional climate in which the young scientists could effectively function in their home countries, for the benefit of their own people and all mankind.

It was felt that an international science foundation could serve the world in many of the same ways that our own National Science Foundation serves our Nation. Such a foundation would support a few carefully selected people with research grants. It would establish links between scientists in various parts of the world. It would try to encourage a climate in different countries in which basic science could be pursued. Indeed, it might lend scientists to the underdeveloped world much as the World Bank lends money.

In 1970, this idea was discussed at the U.N. Advisory Committee on the Application of Science and Technology to Development—ACAST. In July of that year, representatives of 16 national academies of sciences met at the Hotel Foresta and issued a press release endorsing the idea of supporting an International Foundation for Science—IFS. They stated:

> The meeting of 16 national academies of science and other scientific organizations and individual scientists from developed and developing countries supports the idea of creating an International Science Foundation (IFS) for the following purpose:
>
> To help in building up active scientific communities in developing countries by supporting the work of talented individual scientists, or groups of scientists, in research work relevant to the needs of their respective country.
>
> The special role of the IFS originates in the function of science as a socially responsible, unique intellectual activity of man, which needs for its completeness contributions from all human groups and societies, so that science can contribute its share to the improvement of the human condition.
>
> The foundation will solicit and raise funds from governments, international bodies, commercial and industrial enterprises, and other foundations and individuals for the operation of the foundation. From these funds the foundation will make grants to individual scientists in developing countries on recommendation of their peers in their respective fields.
>
> The IFS grants would be made on an international basis. The foundation, availing itself of the idealism of the world scientific community, would help in this and other ways with the basic objective of supporting pure and applied science in developing countries.
>
> The foundation will be managed by representatives of national science academies and other member organizations. It is expected that the first meeting of an Interim Board will be held before September 1971 in order to formally establish the IFS. A Continuing Committee, consisting of scientists from developing and developed countries, has been set up to take the necessary steps to establish the IFS at the projected meeting of the Interim Board. It is understood that the IFS—though established as an independent organization—will in its operations be recognized as affiliated to UNESCO.

A continuing committee was then formed to pursue the idea, including consideration of whether the IFS should be autonomous and run by scholars or, alternatively, placed under the aegis of UNESCO. At the moment, assuming that adequate funds can be found to support the project, it appears that an autonomous institution may be established. Among senior American scientists working toward that end are: Dr. Robert Marshak, president of the City University of New York; Prof. Roger Revelle of Harvard University, and Dr. Detlev Bronk, who served as president of the National Academy of Sciences for 12 years, 1950–62, and chairman of the Board of the National Science Foundation for 8 years, 1956–64. These men are uniquely qualified to shape an International Science Foundation.

At this stage of the project, the scientific sponsors of the proposal are negotiating with the Swedish Government to take a leading role in establishing the new institution. As the project proceeds further, it will be appropriate for the United States to consider what role it should play in an International Science Foundation. But I believe there is no question that such a foundation can serve a highly useful function in the international support of science, and I commend the proposal to the attention of each Senator.

FEDERAL OMBUDSMAN

Mr. SCOTT. Mr. President, Thomas E. Drumm, Jr., the first Federal ombusman, an ombudsman for Commerce, has been selected as winner of the 1972 KABC Radio Ombudsman Distinguished Achievement Award. KABC serves the Los Angeles, Calif., area and became, in 1967, the world's first ombudsman radio station, aiding citizens across the country in defending their constitutional rights. The establishment of the Ombudsman Distinguished Achievement Award was designed to encourage the creation of ombudsmen positions in all the States.

Mr. Drumm, since his appointment in March 1971, has served as a sounding board where business may bring their inquiries, criticism and suggestions and receive guidance and assistance. Since his appointment, Mr. Drumm has immeasurably improved the communication between business and Government by helping to resolve legitimate complaints about Government activities. He has used tact, conscientiousness, and skill.

For these outstanding and innovative achievements, Thomas E. Drumm is most certainly a deserved recipient of this fine award.

Mr. President, I ask Senators to join me in saluting Mr. Drumm, and I ask unanimous consent that the KABC resolution recognizing his excellent performance be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

THE 1972 KABC RADIO OMBUDSMAN DISTINGUISHED ACHIEVEMENT AWARD TO THOMAS E. DRUMM, JR., IN RECOGNITION OF HIS DISTINGUISHED ACHIEVEMENT AS THE FEDERAL OMBUDSMAN FOR BUSINESS IN THE U.S. DEPARTMENT OF COMMERCE

Whereas, in 1967, KABC RADIO became the world's first Ombudsman radio station and has helped persons in all fifty states and many foreign countries in defending their citizen rights; and

Whereas, KABC RADIO has tried to make government more responsible to citizens as well as to involve all people in the processes of democracy and has urged the creation of Ombudsmen at all levels of government; and

Whereas, Thomas E. Drumm, Jr. was appointed by Secretary of Commerce Maurice Stans in March 1971, as the first Federal Ombudsman, an Ombudsman for Business, in the United States Department of Commerce; and

Whereas, Thomas E. Drumm, Jr., serving as Special Assistant to the Secretary of Commerce as Ombudsman for Business has provided an outstanding service to America by serving as a Federal Ombudsman to whom businessmen may bring their inquiries, criticism, suggestions, and obtain information, guidance and assistance on government matters; and

Whereas, Thomas E. Drumm, Jr. as a Federal Ombudsman for Business has immeasurably improved communication between businessmen and government, has successfully assisted businessmen by providing them with knowledge of opportunities and rights accorded them by government programs established for their benefit, and, further, has provided outstanding service to all Americans by helping to resolve legitimate complaints about government activities relating to business,

Be it therefore resolved that KABC Radio honor Thomas E. Drumm, Jr. for his distinguished achievements as the Federal Ombudsman for Business by awarding him the 1972 KABC Ombudsman Distinguished Achievement Award.

Awarded this day, April 5, 1972, by unanimous action of the KABC Radio Editorial Board.

LOCAL CITIZENS PARTICIPATION IN ENVIRONMENTAL CLEANUP

Mr. COOK. Mr. President, it has been brought to my attention by some very proud citizens in Paducah, Ky., and surrounding areas, that our Coast Guard unit there, "Clark's River Flotilla 27–4," commanded by Henry L. Lane, is rendering an outstanding service to that community not only by providing the regular protection and assistance recognized in these units, but by further conducting safe boating classes for the public and engaging in their own cleanup campaign.

In this latter area, Flotilla 27–4 last year set up waste barrels and made weekly trash pickups along the Indiana sand bar, and I understand this effort is being continued. Such action encourages others to act in the same respectful manner and enhances the beauty and enjoyment of the water and its surroundings.

I am proud of this type of effort by a local group and am proud to share this kind of information with my colleagues. I wholeheartedly encourage this type of service to a community and have always contended that if each individual person and group felt that they had some contribution to make to their fellow friends and neighbors, this would be a lot nicer world.

THE NUCLEAR STANDOFF

Mr. GAMBRELL. Mr. President, Dr. Peter Fong, a professor of physics at Emory University in Atlanta, has written an extremely lucid article on the current standoff among the major nuclear powers of the world. This article, entitled "Hope From a Chinese Fable," appeared in Atlanta Journal Constitution magazine on Sunday, April 16, 1972. I ask unanimous consent that this treatise be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOPE FROM A CHINESE FABLE

(By Peter Fong)

J. Robert Oppenheimer, father of the atomic bomb, once compared the danger of nuclear stalemate between America and Russia to that of two scorpions in a narrow bottle. Each one is wary that the other might strike first unexpectedly and is waiting for a chance to eliminate the other if for no other reason than to terminate the dangerous situation. Quite likely the two will stumble into a desperate struggle no one wants and will end up with the destruction of both.

How to save the two scorpions who cannot escape this narrow bottle? Wise men, scholars and think tank experts have been wringing their hands for two decades without a satisfactory solution.

I believe I have an answer to this $64 million question. To save the two scorpions, put a third scorpion, equally deadly, into the bottle. Don't be afraid things will become worse. Quite the contrary. When the number reaches the magic three, the scorpions will coexist as peacefully as angels. Why? Once the third is there, no two of them will engage in a desperate battle of annihilation and no one will launch a surprise attack or a pre-emptive attack on a second because each of them will know that the ultimate winner would be the third scorpion standing by. It would indeed be foolish to do anything rash. They are naturally compelled to be peaceful. If only two scorpions are in the bottle, the rash thing is by no means foolish.

The thesis I want to establish is this: peace by two-power stalemate is precarious, touch and go. It is an unstable equilibrium. Peace by three-power stalemate is enduring, touch-won't-go. It is a stable equilibrium.

Already we see the third scorpion emerging on the horizon, brandishing its deadly nuclear tail. Already the international relations are complicated by the entanglement of a love-hate triangle. There are conflicts between Russia and China, problems between China and America, and struggle between America and Russia. Yet there are also negotiations in Peking, in Warsaw, and in Vienna-Helsinki among the three contending parties. Both the conflicts and the negotiations are influenced and complicated by the presence of the third party.

Does this new situation harbor unseen danger, or enhance the prospect of peace? If my thesis is correct, the new happenings may not be a bad omen but perhaps a blessing in disguise.

How do I reach my conclusion? I do not want to give the impression that I am the wisest man of the century. As a kid, like many millions of Oriental school children from Japan to Thailand, I enjoyed reading the Chinese historical fiction "The Story of Three Kingdoms." By history and by fiction the Three Kingdoms of the third century A.D. (220–264) in China demonstrated clearly the basic principles of three-power politics, which, nevertheless, are not familiar to the Western world.

The period of the Three Kingdoms followed the breakdown of one of the earlier empires, the Han Dynasty. The central government became weak and lost control over the provinces. The local governors, backed by the local army, seized control of the provinces. The empire fragmented. Then the process of annexation began. The stronger local power annexed its weaker neighbors, and the nation saw the emergence of a smaller number of superior powers. One power, later becoming the Kingdom of . . . more or less unified northern China and was . . . its army down in an attempt to conquer the southern regions. Thereupon two lesser powers in the south ganged up in a crucial fight to stop the advance of Wei. The armies were engaged in a historical battle known as the Battle of Redcliffs. The South won. The northern army retreated. The two powers of the South swiftly annexed weaker neighbors and established two kingdoms: Wu in the southeast and Shu in the southwest. The "world" became tripartite, and the half century that followed with the three powers contending with one another is known as the period of the Three Kingdoms.

The Battle of Redcliffs brought out one basic principle in three-power politics: whenever one power becomes excessively strong, threatening the existence of the others, the two lesser powers will unite to cut it down to size. If the three powers began with comparable strength, it would be difficult for anyone to become excessively strong. Before that took place the other two would unite to stop it. And with two united, the third would not have a chance. This means that once the world is made tripartite, it tends to remain tripartite. No one can conquer anyone else. In other words, tripartition is a stable configuration. And this means enduring peace.

Following the conclusion of the Battle of Redcliffs there was a little episode which was exaggerated in the fictionalized history and was made known to everyone through the appearance of the theme in Peking opera and in other popular media. In Peking opera this episode is enacted in a number called Hwa-Yung Road or Capture and Release of Tsao Tchao. The historical authenticity of the episode is irrelevant because it illustrates the principle just the same. The story goes as follows: the northern army under the the command of its strong man, Tsao Tchao, was retreating. A contingent from the Shu force was sent to intercept it. The contingent was under the command of Lord Kwan, one of the few folk heroes honored with the unofficial title "Lord." The story goes that Lord Kwan successfully intercepted the retreating army in Hwa-Yung Road and captured Tsao Tchao. But instead of killing him or putting him into prison, Lord Kwan, in an act of chivalry, released him.

In an earlier time, Tsao Tchao had befriended Lord Kwan and bestowed favors on him. It was then time for Lord Kwan to reciprocate. And he did, out of chivalry, even at the risk of a treason charge. Thus Lord Kwan by his actions in Hwa-Yung Road became a paragon of chilvalry and was revered as the patron saint of the commercial community. It is well to recognize that reciprocating favor is a basic rule of the game in the business and political community, and it is only natural that the society should see this principle indoctrinated, through the popular media such as Peking opera, by such fictional presentations as the Hwa-Yung Road.

What is more likely the case is that Lord Kwan's contingent ambushed Tsao Tchao's retreating army and inflicted some damage but did not put up a hard fight to decimate Tsao Tchao. The affair was then exaggerated into a story of capture and release. But why?

The northern army was stronger. Even though the intercepting contingent had the geographic advantage, it would have suffered serious losses in a hard fight. If Wei and Shu were the only two contending powers in the world, by all means Lord Kwan would put up a hard fight knowing the large number of casualties he would suffer because this was his once-in-a-lifetime chance to inflict serious damage on the other party. His loss, no matter how large, was a price worth paying. But Wei and Shu were not the only contending powers. There was a third, the Kingdom of Wu. If Wei and Shu engaged in a hard fight with heavy losses on both, the eventual winner would be not one of them but the third party. It would be stupid for Lord Kwan to pitch a serious battle. A small-scale fight with limited gains was all that was desired. Here is a case where the decision making is reversed when two-power politics changes to three-power politics.

This brings out a second principle of three-power politics: no two powers will engage in a life-or-death struggle. Wars will still happen but will be of a limited scope and purpose. They will be exercised as an instrument to redress imbalance of power, not as a means of destruction.

The two principles lead to the conclusion that the tripartite configuration is not only stable but also relatively peaceful. The restricted wars of limited purposes are a lesser evil compared with the war of annihilation. The important point is that three-power politics automatically avoids the occurrence of total war. Indeed, after the establishment of the Three Kingdoms, the tumultuous political changes following the breakdown of the empire came to a stop, and the world entered a period of relative peace.

The empirical, historical study provides enough leads to begin a theoretical, systematic study of the problem of world peace. Let us not expect the impossible and hope for the unrealizable but take as our starting point the recognition of powers and power politics. What kind of peace is possible? This depends on the number of powers in the world, which can be one, two, three, or any large number. We shall call that large number n. Let us investigate systematically what kind of peace is possible in a one-power world, two-power world, three-power world and n-power world.

A one-power world apparently guarantees peace. At least there will be no *inter*national wars. The trouble is that the world we have now is occupied by a number of powers and it would take a substantial war of elimination to bring about a one-power world. Thus before we can relish the peace, we have to suffer the bitterness of war; this defeats the purpose of peace-seeking. Yet in an age of anxiety the prospect of one-power peace may even become attractive. Lord Russell preferred domination by Russia to fighting a nuclear war. Yet in practice there is no prospect that a one-power world may be realized from what we are today. The one-power peace must be eliminated from the alternatives.

Historically some of the peaceful periods in world history were actually the result of one-power domination. The second century A.D. of the Western World was one of the most peaceful and prosperous in history. The peace was the result of the domination of the world by the Roman Empire. It was a peace of a universal empire. Yet even a universal empire is no guarantee for everlasting peace. All empires eventually broke down and *intra*-empire wars ensued. There was no recipe for an everlasting empire.

Some of the medieval times were relatively peaceful and they may be regarded as being blessed with the peace of a universal church. Historical lessons made it clear that as an instrument of eternal peace the church is as fragile as the empire.

Students of Western history are well acquainted with the two-power world. The stories of the struggle between Athens and Sparta and between Rome and Carthage are familiar to all. They cast a dark shadow on the future of the world because of the American-Russian nuclear rivalry. The outcome of a two-power contest is written at the beginning. Both powers muster all their resources in a life-or-death struggle. The intoxicating temptation of victory and unimaginable fear of defeat drive the two into a deadlock fight eventually ending with the total destruction of the vanquished, the utter exhaustion of the victor and the ruin of civilization. Both sides see the ultimate doom and there is no escape. Under their wide eyes, the boat of destiny is swept helplessly by the rapids and plunges into the whirlpool of annihilation.

It is true that when two super-powers find themselves in comparable strength they may stalemate into a peace. But to have peace is not enough; we must know the quality of peace, whether the peace is precarious or enduring. A precarious peace easily leading to war is no peace at all.

In this pursuit we may follow the practice of the physical scientists who analyze the nature of equilibrium and classify it into three kinds: stable, unstable and neutral. Peace, stalemate or balance of power is a kind of equilibrium and can be analyzed in a similar manner. An example of unstable equilibrium is a ball balanced on a saddle. Such a balance can be obtained but is precarious. A slight disturbance will cause the ball to roll all the way to one side or the other; the balance is easily destroyed. Another example of unstable equilibrium is the balance of two balloons through a connecting tube. The two balloons of equal size can be balanced precariously. But sooner or later one will expand at the expense of the other. The basis property of the unstable equilibrium is that any deviation of equilibrium caused by any slight disturbance will tend to produce further deviation from the equilibrium. Deviation from the equilibrium compounds and accelerates itself and eventually destroys the equilibrium. Thus any slight disturbance may upset the equilibrium.

The balance of two superpowers is like the balance of two balloons. They can be balanced precariously when the strengths are exactly the same. Once one side weakens it goes all the way. The danger of surprise war arises because everyone wants to gain that edge of advantage by striking first. The danger of pre-emptive war appears because there is no way to relieve the threat of an eventual uncertain war. Once war starts it goes all the way to the destruction of the vanquished. Destruction is the only way to eliminate future danger. Why should a victor give up the chance of establishing permanent security by destroying the vanquished? The Roman senator Cato ended every speech in senate by exclaiming, "Carthage must be destroyed." Not that he was particularly blood-thirsty. The mechanics of two-power politics made it necessary. The two-power politics is more dangerous than necessary. It is like two moose engaged in a lock-horn fight with a tragic ending nobody wants but nobody can escape. The tragic ending in the struggle between Athens and Sparta and between Rome and Carthage signaled the end of the Golden Ages of Greece and Rome. There was a reasonable fear a decade back that the two-power struggle between America and Russia might bring destruction to the whole civilized world.

The situation is reversed in a three-power world, which is not familiar in Western history. The dictate of the mechanics is not the expansion of one at the expense of the other but the maintenance of equal power among the three parties. There is no incentive for one party to launch a surprise war against another because the ultimate victory would go to the third. By the same reason there is no incentive to launch a pre-emptive war. If war breaks out at all it will not be one of annihilation; it will be a limited one for restoring the imbalance of power. The ill-fated moose and scorpions are helpless because there is no one else around to help. In a three-power world the third party is available, and it lends all the help that is necessary to break the deadlock of two-power struggle.

The crux of the matter is that the three-power peace is a stable equilibrium. It is like a ball balanced in the middle of a bowl. By any slight disturbance the ball may be tilted away from the equilibrium position. But the stable equilibrium configuration is such that any deviation from the equilibrium has the tendency to make the ball move back to the equilibrium position. In other words it has a built-in mechanism to correct deviations and so the equilibrium is stable (touch-won't-go). Disturbances and accidental happenings are always possible; any enduring peace must be such that it has a built-in mechanism to redress the deviations produced by the disturbances.

When one power becomes excessively strong, in a two-power world it makes him more aggressive and increases the danger of war; the equilibrium of the two-power balance is unstable. In a three-power world, it causes the other two to unite to keep him in check, to return to the original situation of equal-power balance; the equilibrium of three-power balance is thus stable. By the same reason no one power can become excessively weak either by external oppression or even by internal default. Once the world is tripartite, it remains tripartite. Meantime the world is blessed with a workable and stable peace.

The principles discussed here are obviously idealized. In practice there are always other complications. Our present world is not really tripartite. The super-powers sometimes are quite helpless even in dealings with the minor powers. Western Europe, India and Japan considerably complicate the dealings among the major powers. Nuclear weapons introduce new elements that affect the power relations. Yet there are unmistakable signs that the principles of three-power balance are operating. And it is well for all of us to recognize such principles in analyzing the complicated, subtle international relations that are up to now unfamiliar to the Western World.

Even in the period of the Three Kingdoms the actual history did not quite follow the script of the theory. Lord Kwan was advised to enter into alliance with Wu against the more formidable foe Wei to maintain the three-power balance, but he eventually warred with Wu and perished in it. There are always human mistakes. It is all the more important to recognize the nature of the three-power world so that no human folly will mar a promising prospect of world peace.

One basic condition for the principle of three-power balance to operate is that the three powers must be contending powers. There must be no intrinsically favorable or unfavorable relations between any two. Thus any two of them can enter into an alliance or become antagonistic at any time and can change from one relationship to the other when the situation calls for it. Only by the shifting of alliances from time to time is the tripartition perpetuated. Western Europe has too close a tie to America and thus is not a contending power to fill the role of one of the three powers. Before the Sino-Russian break, the ideological bond of the Chinese and the Russians worked the same way. The three powers must be contending; they must engage in a love-hate triangle.

We finally analyze the n-power world. When the number of powers is large, one more or one less matters little and we may lump them together mathematically as one case. It is possible to maintain peace by balancing the powers. This was exactly what the British prime ministers were doing in the 19th century in maintaining peace in Europe (and in the world). Europe then was divided into many powers. Whenever one became over-powering, the British fought it down in a limited war to redress the imbalance, for example in the Crimean War. In the act of balancing, the British fought just about everybody and allied with everybody at different times. War was an instrument of acrobatics, like the highwire walker's bar, completely dissociated from friendship and morality. Indeed after the Napoleonic War, the 19th century in Europe was a century of peace, disregarding the police actions of the British.

Yet the balance of many powers is basically different from that of three powers. When the number of powers is large, opportunities of alliances abound. Each one tends to improve its own position by making proper alliances, and eventually the n powers are polarized into two antagonistic blocks. Once this is realized, two-power politics takes over; war and destruction become inevitable. Indeed this was what happened in Europe; the n powers of the 19th century gradually drifted into two opposing alliances and the instability of two-power politics set in. Peace became touch and go. Indeed the shot at Sarajevo ignited the holocaust of World War I. The acrobatic action of the British was simply not powerful enough to thwart the tendency of polarization into two antagonistic blocks, demonstrating that the n-power peace is a case of unstable equilibrium. The classic strategy of balance of power as practiced by British in the 19th century cannot be an instrument of enduring peace.

Western scholars well know that from the historical point of view international peace may be achieved by a universal empire (2nd century), or by a universal church (11th century) or by balance of power (19th century). The first two are impractical and our analysis shows that the last one is unstable. Yet we do find a case—the three-power balance—and this is the only case in which the rules of power politics work so that unwittingly the world is blessed with a workable and stable peace. This possibility was not well known in the West because it has no historical examples. The Western mind is baffled by the complexity and subtlety of the emerging three-power relations. Yet "The Story of Three Kingdoms" clearly tells us that the current three-power rivalry offers an unprecedented opportunity for world peace.

Having peace does not mean that we can retire to the rocking chair and forget about the world. Far from it. Three-power balance necessarily involves intense rivalry. Conspiracy and intrigue abound. Everyone tries to maneuver the other two into a head-on collision so that he can reap the final victory without firing a shot. The others are equally determined to stay out of such a foolish struggle. It would be a world of much ado for nothing.

The intense rivalry actually is quite desirable. It stimulates internal development and prevents degeneration and decay. The peace of a universal empire, such as that of the Roman Empire in the second century A.D., usually ends by internal degeneration and decay. The three-power rivalry unwittingly provides a built-in mechanism to keep everybody in shape. Indeed the period of the Three Kingdoms is one of the most illustrious in Chinese history, both in political maneuvering and in economic development.

The intensity of political activity then is reflected in the large repertoire of the Peking opera based on events or fictions in that period. Sinic culture originated in north China. In that period the southeastern and southwestern regions were rapidly developed under the auspices of Wu and Shu.

The intense political rivalry brought forth a galaxy of statesmen and generals unmatched in any other time. The maneuvers were taken as the basis to develop an assortment of classic paradigms of political strategy in "The Story of Three Kingdoms," and the book became the bible of political intrigue and conspiracy. I was told by a Thai student that "The Story of Three Kingdoms" is used as a textbook in Thailand schools, perhaps as a practical manual of political strategy. From a practical point of view, it is good to incorporate some of the necessities of life into formal schooling.

One of the leading heroes of the period is a prime minister of Shu by the name of Chu-Ke Kung-Ming. He was the Oriental counterpart of Solomon, his statesmanship recognized by historians and scholars. He was the first to recognize the incipient tripartition of the "world" and carved out a share for his group. He was the person who advised Lord Kwan to enter into alliance with Wu against Wei. In folklore, in fiction, in operas he became a demigod. He was so wise that he could calculate the future accurately on his fingers; he could even communicate with the supernatural. He was credited with the victory of the Battle of Redcliffs by invoking an east wind in a season when the prevailing wind was westerly. With it, so the story goes, the northern armada was destroyed by a surprise arson attack.

One story about him, according to "The Story of Three Kingdoms," illustrates an interesting point:

The development of the southwestern area meant the encroachment of civilization into the indigenous barbarians. In the process Kung-Ming encountered a barbarian chieftain, Meng Whou. He captured the chief but in an act of magnanimity released him. The barbarian was not expected to be grateful and rebelled again. This was within Kung-Ming's calculation, and he captured the chief the second time. And he released the chief the second time. And, according to the story, the third time, the fourth time . . . until the magic number of seven. After that the barbarian was thoroughly moved by the benevolence of the prime minister and became a faithful and obedient subject. Thus arose the classic paradigm of seven-capture and seven-release. It is a maneuver well suited to deal with barbarians in an attempt to civilize them. Sheer force is not enough. Conquering must be done by heart. A combination of threat and favor would do the trick.

Nearly 2,000 years later we saw the paradigm reenacted by Chinese again in the southwest region against an alien power. In the Sino-Indian conflict following the rebellion of Tibet against the People's Republic, the Chinese army entered the contested border area held by India. Then, suddenly, before the startled eyes of the world, the Chinese announced a unilateral, unconditional, voluntary retreat from the occupied area.

This is certainly startling to Americans. Americans pursue a war with all their moral burdens on their shoulders and all their emotional entanglements in their hearts. If you are moral enough to occupy an area it would be immoral to back out of it, say the Americans. And how do you account for the bloodshed for taking the area?

If this is startling to Americans it is not at all startling to school children in the Orient who enjoy reading "The Story of Three Kingdoms." To them it is clearly an exercise of the classic paradigm of seven-capture and seven-release. War is used as an instrument of political maneuver, detached from emotional considerations. (Isn't it that this is the way the British used their force in the 19th century Europe?) The story of Meng Whou is likely to be fictitious but the paradigm of political strategy is real. In this sense "The Story of Three Kingdoms" is more than a fiction, and, if read in the West, could go a long way in improving international understanding.

SAUNDRA GRAHAM, A MIGHTY CANTABRIDGIAN

Mr. KENNEDY. Mr. President, when they have become history, the events occurring in periods of social unrest generally produce only unpleasant memories. It is not easy to point to successes or to change as a result of the furor caused by the turmoil. That is why I am pleased to place in the Record an account from the Boston Sunday Globe of the successful struggle being waged by a mighty Cantabridgian. Cambridge, Mass., is the home of Harvard University. It is also the home of Saundra Graham, newly elected to the Cambridge City Council last fall and an outstanding example of the results of "working through the system." Mrs. Graham's life has been that of a have not. That is, she did not have the credentials that Harvard epitomizes as necessary to gain control of community forces. But Mrs. Graham has an inexorable will, and exceptional organizing talents. Moreover, she has lived the life of those who are not listened to and she is determined to bring an end to that kind of discrimination.

After urging and guiding the university to awaken to the needs of poor residents in the Cambridge community, Mrs. Graham captured a seat on the city council last fall and is now bringing her considerable talent to bear on a myriad of city problems. I am pleased to see the progress of Mrs. Graham and I believe the article from the Boston Globe deserves the attention of this Senate. Accordingly, I ask unanimous consent to have printed in the Record, an article entitled "The Councilor from Riverside," written by Lucinda Smith, and published in the Boston Sunday Globe of May 14, 1972.

There being no objection, the article was ordered to be printed in the Record, as follows:

Saundra Graham of Cambridge: The Councilor From Riverside

(By Lucinda Smith)

It was a beautiful June day in 1970. The sacred grass of Harvard Yard bent beneath the feet of 15,000 moms and pops and Nannas from Brooklyn and Grosse Pointe and Oskaloosa. The day of the 319th annual Harvard University Commencement had arrived.

"If only those rag-ridden demonstrators would get off the steps there," an irritated pop mumbles, "we'd be able to see something and get a look at what our money's been spent for."

Suddenly the rag-ridden contingent is standing up and shouting and the leader is grabbing the microphone and there is shuffling and someone hands the leader a bullhorn and she is screaming into it, and there is more confusion on the steps and the stage, and then someone has decided to let the leader use the microphone for two minutes.

Saundra Graham holds the microphone

firmly and speaks into it with clear, angry words. "You talk about oppressed people all over the world," (which one student had just done,) "we're oppressed people, right here in Cambridge, in the Riverside Community, Harvard's backyard. Harvard has come into the community and taken the housing that belongs to the residents. Harvard has forced low-income people out of their homes."

A few of the moms and pops scream out, "Go home!"

Mrs. Graham shouts back, "You go home! We've lived here longer than you'll ever be here!"

"Unbelievable," harrumphs a mom to her husband, letting him know that the golden day in Harvard Yard was not tainted.

Mrs. Graham mutters a triumphant "god damn" beneath her breath as she realizes the full force of the confrontation she had engineered and executed.

For Ms. Graham the day marked the beginning of a new career—the Riverside Community had surfaced in Cambridge as a forceful contingent to be reckoned with, and Saundra Graham had emerged as its leader.

She has remained a leader and is now (the Honorable) Councilor Graham, of Cambridge.

What could bring a short, chubby welfare mother, a round-faced, fiery, unemployed black woman, 28 years old and self-educated, poor and powerless, to center stage at the Harvard University Commencement?

"Think of a trapped rat," she says. "That's what I was feeling like and thinking about then. That's what I was, a rat trapped in a small area with this monster, Harvard, closing in and closing in."

The trapped rat image was shared by many of the Riverside residents, who had spent a decade watching their neighborhood change from a community of intimate families to a community of strangely bitter families and transient students.

As Harvard expanded in the 1960's it bought up land and homes to house the growing number of students. Poor families were forced out of the neighborhood by the economics of rising rents and by the demolition of houses in order to build apartment complexes.

In 1970 Ms. Graham headed the Riverside Planning Team, and, although she was well-versed in the tactics of community organizing, she was constantly thwarted in her efforts to make improvements in living conditions in Riverside.

In addition to the "crying need for housing," Ms. Graham remembers that "it'd be a month-long hassle to get the garbage collected around here." There were "broken promises" on the part of the Cambridge Housing Authority, and "blatant acts of racism" in the Welfare offices, she says. Police community relations, she recalls, were "so bad that people who did manage to keep their homes were afraid to step out of them at night."

All of these frustrations, but particularly the ubiquitous Harvard, brought Ms. Graham to Harvard Yard on the warm June day. "Open confrontation was the only alternative left, and I wasn't gonna let it go by untried. It worked."

The Harvard confrontation not only resulted in a University commitment to help find and supply new low-income housing in Riverside; it also thrust Ms. Graham into a political arena that she at once had learned about and used for the benefit of the long-ignored people of Riverside.

Familiar with political games in Cambridge, Ms. Graham was well-equipped to accept the burdens and the blessings of leadership. She felt that she'd been victimized by the politics of "old timers" and "old games" in Cambridge, and she was ready to turn the tables on how the city resources were distributed.

"There has always been so much hostility in Cambridge," she says, "and there's no need for it. Politicians have been running Cambridge for their own advances and interests, not for the interests of people who need help. You have to have a city government that's accountable to the people. You have to have politicians that respond to you, not politicians that ignore you. You have to use the resources of the city to help people, not destroy them."

In November 1971 Ms. Graham ran for a seat on the Cambridge City Council. She placed fifth in the 36-man race, and took a majority of the black vote, the young vote, and the white liberal vote.

Ms. Graham's platform during the election emphasized housing as the highest municipal priority. She called for reassessment of all property in Cambridge, and "taxation of the universities on all properties not used physically for education." She called for the appointment of a police commissioner who would be accountable to the committee of Cambridge residents and elected officials. She promised to vote for city-wide rent control, and for the ouster of Cambridge City Manager John Corcoran and School Superintendent Frank Frisoli, both of whom she believed to be "political appointments of nonqualified individuals." She was backed by the powerful Cambridge Civic Association, which had become a vital liberalizing force in Cambridge politics.

Ms. Graham sees herself as "a political person now. They say I'm a 'new breed' of politician. I'm about change, and if that's being a new breed, then that's what I am."

"We can bring change within the system we have," she believes. "It's a democratic system, and political people are supposed to represent the people who elect them and reflect in their decisions the needs of the people. If the need is housing, then the government has to provide housing. If the need is for better education, then the government has to use its money on education."

She continues, "We have the money in this city (in this country) to meet all the basic needs of people. I mean basic needs like housing and food; these are the things the government hasn't been providing. For too long politicians have been using the resources of government for their own interests or for special interests, like the interests of banks or universities."

"We've got to change the distribution of resources, and that's what I'm all about. For example, take the council committee that I'm chairman of—Housing and Land Development. We're a policy-making committee, and we have the power to enforce the policies we decide on. One thing that's coming up is to set a policy of strict housing and building code enforcement. The code has never been enforced, to my knowledge. But we've got to make landlords keep up their properties so that living conditions are bearable. Conditions have been pretty atrocious in Cambridge for a long time. Maybe we'll slap a big fine on the property-owner who doesn't keep his buildings up to the code standards. Maybe the threat of taking away property or something like that would work. I don't know how it will end up in committee, but there is going to be a change and there are going to be good housing conditions in Cambridge."

"The system of government, when resources are not evenly distributed, makes you a hateful, angry person. Nobody should have to be without basic commodities in this country. Nobody should have to be a have-not. That's what I'm about—redistributing the resources so that the have-nots start to have the things they need."

Saundra Graham's life was the life of a have-not. Born Saundra Postel, she grew up in a four-room apartment at 27 Magee street in Riverside, where the two-story brown house still sits. The full-leafed tree that she used to climb and hide in now stands barren.

Across the street from Saundra's house, where the Putnam Gardens Housing Project now stands, there used to be a green field and a barn and an old farmer who tended to his horses. Saundra and her friends used to like to scare the horses, who were old and slow, and they liked to watch their friend the farmer chase after his two mares.

Saundra lived on the first floor of the two-family home on Magee Street with her mother and brothers. Her grandmother lived in the apartment upstairs, where her younger sister, Marlene, stayed most of the time.

Saundra was close to her brothers, Donnie (whom she called "Boopa") and Charles, who were older, and Val, who was younger. She met the boys on equal grounds, and learned to use her girlhood only when she wanted one of her brothers to do something special for her, she remembers.

"Saundra had a mind of her own and she'd never let me or anybody else tell her how to do things," her mother recalls. "She was always gettin' into somethin' and tellin' me about it after it was all over and done with."

Ms. Graham grew up in a neighborhood of long-time friends, each knowing who lived in which house with which children, "and so no matter what you did somebody would always be there to scold you for your mother or threaten to tell her about it or know what to do with you if there was trouble," she says.

Riverside was an integrated community, with many poor and middle class black, Greek, Italian, Irish, and Puerto Rican families. "The parents used to sit on the porches and neighbors would come down and join them and maybe we'd all have a beer outside in the summertime," Saundra's mother, Mrs. Robert Headly, remembers. "It was a warm place to live, and a friendly place, and we all knew each other so good. There wasn't any crime like drugs that there is now, and we all got on together like a family kind of, and we'd take care of each other—like sometimes I wouldn't know where the children's next meal would come from but somehow the neighbors would help out."

"We all knew the policeman who walked the beat here and he probably had the easiest job on the force, with us lookin' out for each other and all the kids so much."

Ms. Headly worked at many different jobs—in stores or factories or in the homes of wealthy people. Her husband was rarely home, and Saundra remembers "the arguing and the drinking and the bad times" she "overheard" when her parents were together. "It could be pretty brutal, and I always knew I didn't want that," Ms. Graham says. Her mother believes "Saundra probably made up her mind when she was real young that when she got older she wouldn't have to struggle and have the hard time of it that I had."

As a schoolgirl, Ms. Graham attended the Houghton School (now the Martin Luther King School), on Putnam Avenue, and spent most of her time at the Cambridge Community Center on Callendar Street. The center, at that time, was a marathon of activities for community people at all ages, and its director, Ringe Jefferson (now with the Department of Youth Services), remember that "Saundra could be your best ally or your downfall—she was a leader who stood apart from the group because of her determination and independence."

The community center sponsored activities in sports, arts and crafts, music, dancing, sewing, cooking, carpentry, and just about anything that a resident could come up with. "It was a center that really belonged to the community," Jefferson says. "Everybody participated in one way or another" in the design, implementation or evaluation of various programs.

Ms. Graham remembers that the "center had everything. It was the place we all went to all the time, even when we weren't supposed to." The "we all" in her life was a closely knit group of girlfriends, who formed a club and called themselves "the Flamingos," and two groups of male counterparts, "the Mohawks" and "the Panthers." The groups "did everything together" according to Ms. Graham and Judy Carr, a close friend, who, like most of the dozen Flamingos, still lives in Riverside.

Jefferson recalls the many times he would have to chase the girls out of the center because they were too young to be inside after a given hour. "Saundra's favorite cat-and-mouse game" he remembers, was to run in the ladies room through one of the two doors, and wait until "Jeff" had to come inside to chase her out. At that point she would exit through the other door, and sometimes come back in the original door to tease him about being in the girls' room.

Ms. Graham was a sports lover, who starred as the shortest and fastest forward on the girls' basketball team. The team would play other schools in the Boston area on Saturdays and would often compete in special tournaments against teams from Providence, Cleveland, New York, or other cities.

At the age of 13 Ms. Graham started working to earn money. In the summers, which she would spend with her father's family in Springfield, she was employed as a tobacco picker. She would get up at 5 a.m. every morning and take the 6 a.m. bus to "some god forsaken tobacco farm somewhere in Connecticut," where she remembers "I'd be bent over all day long picking tobacco for something like 50 cents a day."

She also tried to work parttime in the Cambridge area during the school year "anywhere for a few hours" to earn money to buy clothes for herself. She wore "skirts and sweaters and loafers" during her teen years because "that's what everybody wore and you couldn't be different and I had to buy the clothes for myself most of the time because my mother just didn't have the money."

When she was 16 Ms. Graham began to have interests outside of school and the community center. A young man from Roxbury, Carl Graham, became her chief interest, and she married him when she was 17 in the Western Ave. Baptist Church in Riverside. The Grahams moved to Roxbury right after their wedding, and a few years later they moved to Dorchester.

All of their children were born in Boston during their eight years of marriage, which ended in divorce "because it had to; it was bad," Ms. Graham recalls. "The marriage killed me. It was a dead period in my life. We were both working all the time, one in the day the other at night, so someone could stay with the kids. It was a terrible way to live, I felt—all your energies are taken up with earning money and doing chores, and there was always the bickering and the fighting."

"I couldn't stand the dominance of a man over me. I'd never been dominated before and I couldn't take it. I felt like a piece of furniture and I knew my brain was being deadened. The frustrations grew and then we reached the constant arguing stage, and I'd seen that in my own home and I wanted no part of it."

Her husband left, and Mrs. Graham stayed with her five children in Dorchester, spending nearly all of her free time looking for a place to live in Riverside. "I couldn't stand Boston—Roxbury or Dorchester. There was no sense of community there, and people were very cold. They didn't care about neighbors and I wasn't used to that. I was lonely a lot. I knew I had to get out of Boston. I knew I had to get back to Riverside."

In 1963 Ms. Graham found a home in Riverside. "It was a roach-infested rathole, but it was the only thing I could get. I kept trying to get into the housing project, and after I found a little bit better rathole on Howard Street, I finally got into the project," Putnam Gardens, where she still lives.

Although she was on welfare and financially struggling, Ms. Graham recalls the years of her first return to Riverside as "times of feeling free. The divorce made me feel like the world had been lifted off my shoulders. Finally I had time to think and read and rest, and make decisions about my life." She read the works of many black sociological authors, as well as the writings of Marx and Marcuse and other political philosophers.

Then some of Ms. Graham's friends came to her to ask that she run for president of the Riverside Planning Team. At first she refused, thinking "it takes up too much time and it's politically frustrating and I need time for myself and my children." But community support for her increased, and she finally accepted the bid to run and won "by a landslide" her friends recall.

Her first objective as president was to determine the needs of the people in Riverside. "Everywhere," she says, "the crying need was for housing." She began the long road to trying to find agencies, officials, and other resources to help the community. But proper business meetings didn't work, telephone calls, petitions, and political talks didn't work. The last alternative, she decided, was confrontation politics, and on a warm June day in 1970, Saundra Graham finally found people listening to her, and responding to the deepening problems in Riverside.

Between June 1970 and now, Ms. Graham has grown more political and more committed to the idea that change will come when it is demanded, or when people in power respond to the powerless.

By this time Ms. Graham was also getting involved in the problems of the Riverside neighborhood, and she spent "all my efforts for a while" securing funds for building day care facilities in the community. She was also working with community people to "get the center back on its feet again so that it could be as active as it was when I was young." (Structural deterioration and the departing of Jefferson had left the community center "unattractive and unorganized and unused," Ms. Graham says.) "We were all trying to do something to get it going again, but there were lots of obstacles, including money and administrative problems."

These efforts to help the community center were germane to the politicalization of Saundra Graham, and they came on the heels of efforts to deal with school problems in Riverside. "I knew there was racism in the schools," she said, "but it came home to me that I had to do something about it when my son came home from school one day completely upset and confused because of teasing he'd gotten about his afro haircut." She adds, "there were ongoing problems about kids after school. Since the center was going bad, the kids had no place to go but to the streets and nothing to do but make trouble. And this came at a time when the neighborhood people were all mixed up about housing and everything else."

As a city councilor, Ms. Graham earns $6500 a year. She spends most of her time now responding to her constituents when they call or visit her. She says she would like to see confrontation politics become a thing of the past "because when you look at what goes on before it you know that a person shouldn't have to be forced into something like that. There's no need for it."

Sitting in a coffee shop in Central Square recently, Ms. Graham looked up from her bowl of soup and saw a teenage boy meandering around her table, half looking out the window at the traffic, and half watching her.

"Hey, what are you doing, Sonny?" she asked him.

"Nothing," said the boy.

"Why aren't you in school? You're not graduated yet, are you?"

"No, but I'll graduate soon. I'm lookin' for a job."

"What kind of job do you want? What skills do you have, or what skills do you want to learn?"

The boy, whose pale blue cap is falling from his head as he looks at the street through the curtained restaurant window, answers, "I don't got skills."

Ms. Graham pauses and takes a sip of soup. "Well, listen, Sonny, you better do some thinking and some deciding about it because skills aren't gonna just come to you. You gotta make arrangements and you gotta know a little about what you want and what you're good at."

"I know. I'll get around to it."

"Get around to it now, Sonny," she snaps. "Ain't nobody gonna get around to it for you. You got a brain, just use it."

The boy straightens his cap and looks at the city councilor. "Okay, okay," he says, walking away from the window.

"Okay. I'm gonna be checking around about it, and I don't want to hear anybody tell me you're not in school and not getting work. Hear?"

"Yeh." He leaves the restaurant and stops at the window outside to look in at Ms. Graham. He watches her until she looks up at him. Then he vaguely smiles and walks away.

SENATOR SCOTT'S RECORD ON FOREIGN AFFAIRS

Mr. BEALL. Mr. President, the conduct of our foreign affairs generates a great deal of public interest and discussion. There are those who say that our policies are never wrong, and then there are those who say that they are always wrong. But in almost every case, the challenges and decisions that surround our foreign policy demand wise men who can make the difficult judgments inherent in the formulation of an effective and viable foreign policy for this Nation. Our distinguished minority leader, Senator Hugh Scott, is such a man.

Senator Scott has adopted a centrist philosophy—one which recognizes both our strengths and our weaknesses. He feels that the President deserves support for his foreign policy objectives, yet he is not afraid to indicate that there are limits to such Presidential power. As a member of the Committee on Foreign Relations, he is clearly an advocate of the doctrine which states that the United States should help other nations to help themselves. In order for others to examine his record, I ask unanimous consent that it be printed in the Record.

There being no objection, the record was ordered to be printed in the Record, as follows:

Foreign Affairs

THE 92D CONGRESS

Legislation

S. 32—To establish a comprehensive program for the conversion of the Nation's scientific talents and resources from defense-related activities to civilian-related activities.

S. 2023—To provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service.

S. 3182—A bill to implement the Convention on the Prevention and Punishment of the Crime of Genocide.

S. Res. 177—Calling for the shipment of Phantom F-4 aircraft to Israel in order to maintain the arms balance in the Middle East.

S. Res. 272 (cosponsored)—A Resolution expressing the sense of the Senate relating to the support of Radio Free Europe and Radio Liberty.

S. Con. Res. 33—Regarding persecution of Jews and other minorities in Russia.

Votes

Voted on Conference Report authorizing funds for grants to Radio Free Europe and Radio Liberty for fiscal year 1972.

Voted for amendment requiring the President to "seek renewed methods of international cooperation" in combatting heroin and other illegal narcotic drug traffic and to make regular reports to Congress.

Voted for amendment calling for President to take all possible means through international cooperation to reduce illegal importation of heroin and other narcotic drugs into the U.S.

Recorded in favor of the Convention for suppression of unlawful seizure (hijacking of aircraft).

THE 91ST CONGRESS

Legislation

S. Res. 415—To express the sense of the Senate on the growing threat posed by Soviet pilots and technicians in the Middle East.

S. 2846—To authorize the Secretary of State to participate in development of a prototype desalting plant in Israel under the Foreign Assistance Act.

Votes

Voted to ratify the Nuclear Non-Proliferation Treaty denying the possession of nuclear weapons to nations who now do not have them.

Voted to declare that U.S. diplomatic recognition of foreign governments does not mean U.S. approval of those governments.

Voted to authorize $80 million to encourage Vietnamese land reform programs.

Voted to express the sense of the Senate favoring mutual suspension of further deployment of strategic weapons systems by the Soviet Union and the United States.

Voted to repeal the Gulf of Tonkin Resolution.

Voted for sense of Senate favoring mutual suspension of further deployment of Strategic Weapons Systems by U.S.S.R. and United States.

Voted to provide that no appropriated funds be spent to transport chemical munitions from Okinawa to United States and to authorize their detoxification only outside the United States.

Voted to provide that nothing in the Cooper-Church amendment shall be deemed to impugn the powers of Congress, including the power to declare war and to make rules and regulations for the Government and regulation of the Armed Forces of the United States.

THE 90TH CONGRESS

Legislation

S. 2391—To establish a National Visitor Center in the District of Columbia.

Votes

Voted to ratify the Consular Convention with the Soviet Union.

Voted to ratify the Treaty on Outer Space.

Voted to establish a joint congressional committee to review U.S. foreign policy goals and its foreign assistance program in relation to that policy.

THE 89TH CONGRESS

Legislation

S. 1992—To establish a Peace by Investment Corporation to give financial aid to underdeveloped countries (and firms giving such aid) for the expansion of industrial and agricultural activity and to establish an insurance system to protect investments made by firms who give such aid to underdeveloped countries.

Votes

Voted to condemn the Soviet persecution of Jews.

Voted to authorize increased foreign assistance through use of international lending organizations.

Voted to bar foreign assistance to the United Arab Republic so long as it committed aggression.

THE 88TH CONGRESS

Legislation

S. 15—To establish a National Academy of Foreign Affairs as a graduate level institution to train professional personnel of Government agencies.

S. Con. Res. 15—To request the President to express the concern of the American people on behalf of the peoples of Lithuania, Estonia and Latvia.

S. Con. Res. 21—To express U.S. determination with respect to general disarmament and arms control.

S. Res. 148—To express the sense of the Senate in favor of banning all nuclear tests that contaminate the atmosphere or oceans.

S. 1376—To refuse aid to any nation which will be able to use it to further its military aggression.

S. Con. Res. 99—To express the sense of the Congress that the United Nations provide for the self-determination for the Baltic States.

Votes

Voted to ratify the Nuclear Test Ban Treaty.

Voted to deny assistance to any country which the President determined to be engaged in or preparing for aggressive military efforts against the United States or any country receiving assistance under this or any other act, or any country to which sales were made under the Food for Peace Act.

Voted to establish an Advisory Committee on Private Enterprise in Foreign Aid.

Voted to provide for appointment by the President of a committee to review, evaluate, and make recommendations respecting foreign aid programs.

THE 87TH CONGRESS

Legislation

S. Res. 393—To express the sense of the Senate in favor of a Western Hemisphere military alliance.

Votes

Voted to bar aid to Communist-controlled nations in arrears in their United Nations payments.

Voted to ratify the International Convention for the Prevention of Pollution of the Sea by Oil.

Voted to establish a comprehensive 10-year program of oceanographic research and surveys.

Voted to prohibit assistance to Communist dominated countries.

Voted to provide that no assistance could be furnished any country unless the President had determined that such country was not dominated by Communism.

Voted to prohibit aid to any country which exported to Communist-bloc nations arms, munitions and items used in the production of implements of war.

Voted to prohibit aid to any nation more than two years in arrears in payments of assessments and/or contributions to the United Nations, unless the President determined that said government had given reasonable assurance of paying.

Voted *against* reducing the fiscal year 1962 Peace Corps authorization from $40 million to $25 million.

Voted to express the sense of Congress against the seating of Communist China in the United Nations.

THE 86TH CONGRESS

Legislation

S. 50—To provide for admission of Hawaii into the Union.

S.J. Res. 208—To provide for a commission to study and report on influence of foreign trade upon business and industrial expansion in the U.S.

Votes

Voted for the Mutual Security Act of 1969.

ATTEMPTED ASSASSINATION OF GOVERNOR WALLACE

Mr. SCOTT. Mr. President, the Philadelphia Inquirer in one brief editorial has summed up the reaction of most Americans to the attempted assassination of Governor Wallace:

> The nation cannot endure, nor can freedom flourish, in a climate of violence that seeks to substitute bullets for ballots.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE ATTACK ON GOVERNOR WALLACE: A CRIME AGAINST AMERICA

The gunfire that cut down Gov. George C. Wallace in Maryland Monday struck the heart of American democracy.

This despicable act against a candidate for the nation's highest office is a personal attack on all of us, irrespective of party or political ideology, who believe in representative government.

It is a tragedy, in the most solemn sense of the word, for the United States as a country and a people. More than that, it is a challenge to the fabric of our society and to the most fundamental principles of our electoral system.

The nation cannot endure, nor can freedom flourish, in a climate of violence that seeks to substitute bullets for ballots.

President Nixon spoke for America when he deplored this "senseless and tragic incident" and said the nation has suffered "more than enough already from the intrusion of violence into its political processes." His condemnation of this ugly brand of violence as a "vicious threat to our public life" gives voice to the thoughts of rational persons everywhere. His appeal to all Americans to "stand together" and "not permit the shadow of violence to fall over our country again" must be not only heeded but implemented.

Mr. Nixon's orders tightening and broadening security arrangements for persons in public life are fully warranted but can be considered only initial steps. The long record of assassinations and attempted assassinations in America, now lengthened by another grim chapter, requires extensive reexamination of protective and preventive measures.

But a free and open society must be nourished by free and open communication between government officials and private citizens between aspirants for public office and the public they seek to serve. Democracy as we know it in America cannot survive behind endless shields of armor and bulletproof glass.

And diversity of opinion is the essence of democracy. The views of Gov. Wallace are vigorously opposed by many of us, but his right to express them and to seek public support in behalf of his Presidential candidacy must be inviolate if democratic processes are to have meaning and purpose.

The shooting of Mr. Wallace evokes especially poignant sadness in Pennsylvania, where he recently campaigned, and at The Inquirer, where he was interviewed shortly before the primary in this state. One does not have to be in agreement with a candidate to be outraged by an attempt to silence him. In President Nixon's words, we must indeed "stand together" in eradicating the forces of violence, wherever on the political spectrum their targets may be.

An attack on any candidate is an attack on all of us. If there is any issue on which America can be united, it should be in universal grief that violence has intruded in our political process so soon again.

COOPERATIVE LEAGUE SUPPORTS GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, there continues to be widespread support for the Treaty for the Prevention and Punishment of Genocide. Recently I received a very fine letter from Mr. Stanley Dreyer, president of the Cooperative League of the U.S.A. The league represents a national federation of cooperatives throughout our country and includes concerned citizens from America's urban and rural areas. Indeed, this endorsement of the Genocide Convention comes from the very heart of our Nation.

In his letter, Mr. Dreyer most eloquently argues for immediate U.S. ratification of the humanitarian treaty on genocide. Mr. Dreyer wrote as follows:

> Although it is not related to any recent movement or progress in the matter of the Genocide Treaty long pending before the Senate, I want to tell you of our support for you in your persistent and thankless efforts to get the treaty ratified.
>
> The Cooperative League, representing a considerable body of public opinion both urban and rural, has been with you in spirit throughout this period of inactivity and we stand ready to do what we can to generate greater awareness of why action is long overdue and greatly needed in this matter.
>
> We realize that it has been the specific opposition of the American Bar Association that has kept ratification of the Genocide Treaty in limbo for so long. We find unconvincing the legalistic reasoning which they advance.
>
> As you have pointed out repeatedly, many other members of the United Nations have long since ratified the treaty and it is embarrassing to thoughtful citizens that our country has dilly-dallied here for so many years despite the proud idealism informing our foreign policy throughout American history.
>
> There is a symbolic importance to our acting on the treaty that shrinks into insignificance the petty objections to which the Senate has listened far too long.

SENATOR HUGH SCOTT: A LEADER IN THE FIELD OF TRANSPORTATION

Mr. PEARSON. Mr. President, the need for a balanced transportation system is as great as ever. Urban mass transportation has been given new emphasis by the Congress and the administration. Interstate railroad passenger service has improved with the creation of a Government-controlled corporation. Support facilities are being expanded and existing interstate highways are near completion.

Senate Republican Leader HUGH SCOTT's support for better transportation has been evident throughout his years in Congress. As a longtime member of the Committee on Commerce and its Subcommittee on Surface Transportation, Senator SCOTT has emphasized the need for a more streamlined system. I ask unanimous consent that his legislative record be printed in the RECORD.

There being no objection, the record was ordered to be printed in the RECORD, as follows:

FIELD OF TRANSPORTATION

THE 92D CONGRESS

Legislation

S. 2733—To designate certain segments of the interstate system as the "Dwight D. Eisenhower Highway."

Votes

Voted for regulation of public exposure to sonic booms.

Recorded in favor of the Convention for suppression of unlawful seizure (hijacking of aircraft).

Voted for an amendment to make available for urban mass transportation facilities certain revenues from Federal alcohol taxes.

THE 91ST CONGRESS

Legislation

S. 961—To provide Federal jurisdiction and uniform law for cases arising from aviation and space activities.

S. 1070—To establish a Commission on Air Traffic Control.

S. 1179—To authorize the Civil Aeronautics Board to extend half-price airfares on a standby basis during off-peak hours to young people, elderly people, military personnel and the handicapped.

S. 2050—Airways Safety Development Act—To authorize the Secretary of Transportation to use amounts in the Airways Safety Trust Fund for acquiring and improving air navigation facilities; to establish such an Airways Safety Trust Fund.

S. 2518—To authorize funds for the reduction or elimination of hazards at rail highway grade crossings along the Metroliner route.

S. 2939—Intercity Rail Passenger Service Act—to authorize the Secretary of Transportation to purchase and rehabilitate or to buy new, equipment on railroad common carriers where railroad is unable to provide this equipment.

Votes

Voted to provide long-term financing for transportation programs.

Voted for the Airport and Airway Development Act of 1969.

Voted for the Rail Passenger Service Act of 1970.

Voted to exempt from tax air transportation financed by States or local governments.

Voted for amendment to Merchant Marine Act of 1936 to grant the St. Lawrence Seaway Development Corporation forgiveness of accrued and unpaid interest and future interest.

Voted for Federal Highway Act of 1970 allocating additional appropriations for the Interstate Highway System.

Voted for regulation of public exposure to sonic booms.

Voted for temporary prohibition of strikes or lockouts in railway labor-management dispute.

Voted for Emergency Rail Services Act of 1970 providing that the ICC can guarantee the purchase of certificates upon finding that certain conditions are met of those railroads undergoing reorganization under Section 77 of the Bankruptcy Act and may apply to the Interstate Commerce Commission for the guarantee or purchase of certificates.

THE 90TH CONGRESS

Votes

Voted against reducing funds for airport facilities and equipment from $65.4 million to $28.4 million.

THE 89TH CONGRESS

Legislation

S. 1588—To authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation.

Votes

Voted for the Federal-Aid Highway Act of 1966.

Voted against reducing authorizations for each of fiscal years 1968 and 1969 from $225 to $150 million, for urban mass transportation.

THE 88TH CONGRESS

Legislation

S. 6.—To provide assistance for development of mass transportation systems in metropolitan and other urban areas.

S. 2796—To authorize the Interstate Commerce Commission to enter into cooperative agreements with the State to enforce State and Federal economic and safety laws and regulations relating to highway transportation.

Votes

Voted for the Urban Transportation Act of 1963.

Voted *not* to reduce by one-third the authorization for airport grant appropriations.

THE 87TH CONGRESS

Legislation

S. 2392—To prohibit forceful seizure of aircraft in air commerce.

S. 3122—To encourage formation of regional agencies to develop plans for meeting urban transportation needs.

THE 86TH CONGRESS

Legislation

S. 423—To provide additional highway construction funds in labor surplus areas.

Votes

Voted for the Federal Airport Act Amendments of 1959.

Voted for the Federal-Aid Highway Act of 1959.

Voted for the Federal Highway Act of 1960.

U.S. BLACK DIPLOMATS AND SOUTH AFRICA'S APARTHEID POLICIES

Mr. JAVITS. Mr. President, following a very perceptive article by James Michener on the state of United States-South African relations which appeared in the New York Times Magazine on January 23 of this year, I wrote to Secretary of State William Rogers urging the adoption of Mr. Michener's suggestion that a high level black American diplomat be assigned to our Embassy in South Africa.

On February 10, the Department of State replied that the assignment of such a black American diplomat "is in fact receiving our active and most serious consideration."

On April 24, I wrote the Department of State again to inquire as to what progress had been made in making this assignment and to reiterate my strong feelings that the United States should in no way, expressly or implied, abet the unbelievable apartheid (racial segregation) policies now being followed as government policy in South Africa. The continued refusal to assign a black diplomat to our Embassy in Pretoria solely because of his race would be such a concession.

I recently received another letter from the Department of State assuring me that—

> The Department is moving forward. There is no willingness or desire to make concessions to apartheid which all of us abhor.

The letter also gives the names and describes the duties of three black American officers who "have been performing special TDY or other duties in and out of South Africa for some time now."

I ask unanimous consent that the complete texts of the aforementioned letters be printed in the RECORD at this point.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

JANUARY 25, 1972.

Hon. WILLIAM ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR BILL: In this Sunday's New York Times Magazine (January 23, 1972), there was a most balanced and perceptive article on South Africa by James A. Michener entitled, *The Five Warring Tribes of South Africa.*

The article closes by making recommendations as to U.S. policy including that a social or business boycott would be foolish, that non-governmental organizations such as American churches should be encouraged to maintain and strengthen their ties with their counterparts in South Africa, that it would be a mistake to expel South Africa from the United Nations and closes on the following intriguing suggestion:

"Finally, I think it is about time that the United States send a black diplomat to our Embassy in Pretoria, perhaps not an Ambassador but certainly a high ranking official. The assignment would be most difficult, especially for the wife, but the man would be making a major contribution. I know we have black diplomats capable of handling the job intellectually, and I believe that among them are some who would accept the social challenge. Such a man and his family, giving daily proof of our national attitude, would be of inestimable value, for the gesture would fortify those South Africans who want to see the inhumanity of petty apartheid ended."

I believe that this suggestion is worthy of your serious consideration and would appreciate your thoughts on the matter.

With warm regards,
Sincerely,

JACOB K. JAVITS.

FEBRUARY 10, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Secretary Rogers has asked me to respond to your letter of January 25 in which you applaud a recent article by James Michener.

We share your view that this was a balanced and perceptive article and especially welcome its positive recommendations. These recommendations very much coincide with our policy of communication with all elements in South Africa. We believe this policy can make a significant contribution to pressures for correction of the unjust situation in which the majority of the people find themselves in that troubled land.

In connection with his final recommendation about the assignment of a senior black American diplomat, I am pleased to quote from our January 11, 1972 "Foreign Affairs Manual Circular" on non-discriminatory policy.

"1. It is the policy of the Department of State, A.I.D. and USIA to provide equal opportunity in employment without regard to race, color, religion, sex, or national origin. Each agency has sought to make this policy effective by maintaining an affirmative action program, i.e., enlarging recruiting areas to include women and minority members and emphasizing training and placement to enable employees to compete on more equal terms.

"2. Consonant with this policy, assignments to all positions in each agency, domestic and overseas, are made without consideration of the race, color, religion, sex, or national origin of the employee concerned. No post in the field and no office in State, A.I.D., or USIA can refuse the assignment of an employee on the basis of race, color, religion, sex, or national origin.

"3. Action will be taken against any post, office, or individuals who violate the policy in this circular."

This statement, while a reaffirmation of earlier statements, is designed to make thoroughly clear the U.S. policy on this matter. All governments with whom we have relations are being informed of the policy.

The question of the assignment of a black officer to South Africa obviously poses special problems for the officer concerned. While recognizing these difficulties, such an assignment is in fact receiving our active and most serious consideration. We appreciate your thoughts in this connection.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for
Congressional Relations.

APRIL 24, 1972.

Hon. DAVID ABSHIRE,
Assistant Secretary for Congressional Relations, Department of State, Washington, D.C.

DEAR DAVID: As you know I wrote to Secretary Rogers on January 25 of this year suggesting that a black diplomat be sent to our Embassy in Pretoria, South Africa.

In your reply of February 10, you noted that the question of the assignment of a black officer to South Africa "is in fact receiving our active and most serious consideration." Could you please inform me as to what progress has been made in the more than two months that have now passed?

As you know, I feel strongly that the United States should in no way make any concession to the unbelievable apartheid policies of racial segregation now being followed as Government policy in South Africa. The continued refusal to assign a black diplomat to our Embassy in Pretoria solely because of his race would be such a concession.

With warm regards,
Sincerely,

JACOB K. JAVITS.

DEPARTMENT OF STATE,
Washington, D.C., May 9, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Thank you for your recent letter requesting a progress report on the assignment of a black American officer to our Embassy in South Africa.

As explained in our 10 February 1972 letter Department policy now insures that an officer's race will not prevent him from being considered for such an assignment. We will make the assignment routinely and have no plans to try to exploit or capitalize on the appointment. We believe everyone's purposes would best be served when the officer finally selected has actually taken up his duties and is on the job. We will *not* wait until that time, however, to inform you of our action. Beyond the fact that assignment determinations are proceeding, we have nothing further to report at this time.

Meanwhile, you may be interested to know that black American officers have been performing special TDY or other duties in and out of South Africa for some time now. Frenise Logan, Director, Southern African Affairs for CU, spent one month in South Africa last September carrying on consultations with the Ministry of Education and visiting all universities in connection with the short term American grantee program. Amos Jones, a regular diplomatic courier assigned to Frankfurt, made his first trip as a diplomatic courier April 9 and carried out his complete responsibilities without incident. He was selected for the South African run solely because his name was reached on the courier duty roster for that run. Mal Whitfield, USIA Youth and Sports Officer, has just completed a three weeks training program in South Africa also without incident. Ollie Ellison, FSO-4, Country Officer for Botswana, Lesotho, and Swaziland, is now on an orientation tour of these countries and will be making a visit to South Africa to study interrelationships of all members of the Rand Currency zone.

The Department is moving forward. There is no willingness or desire to make concessions to apartheid which all of us abhor.

If I can be of further service, please do not hesitate to contact me.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

THE LEGACY OF THE VIETNAM WAR

Mr. KENNEDY. Mr. President, the Vietnam tragedy rages on as governments and negotiators—on both sides—posture and bicker and threaten, and as our Government continues to escalate the air war over Indochina, contributing to a regional crisis of people which grows with each new day of war in Vietnam, Laos, and Cambodia.

If this senseless war ever ends, its legacy will not be peace, but broken lives of millions of people and devastated nations crying out for help. Over a million refugees are on the move today in Vietnam, joining the already staggering total of 6,000,000 refugees displaced by the war. Countless thousands of civilians are falling victim to the latest offensive and more children and women will die in another bombing sortie.

Just how tragic is this legacy of a decade of American involvement in Vietnam? An outstanding series of articles by George C. Wilson, published this week by the Washington Post, clearly documents what he rightly calls "the human flotsam of war." These articles underscore once again that what is happening in Vietnam today shows that Vietnamization is not a plan for building peace, but a plan for continuing war. It finally underscores the failure of the administration's policy in Southeast Asia—and the cosmetic approach our Government has used in defining security in Vietnam and success in pacification.

And so the tragedy in Vietnam today is not happening simply because the North Vietnamese have launched a new offensive—which they have, rather, to quote a 1970 report of the Subcommittee on Refugees, it is fundamentally because the Thieu government has not had "the capacity or the will to really serve the people and to sustain peace."

If we can try to suggest what we have to do at this point of time, the first need is to stop the violence and extricate ourselves from the war through appropriate decisions at the highest levels of our Government. In the meantime, we should be planning a program for what our great Nation can do, in concert with other nations, to insure a rebuilding process for the people who have suffered so much in so many ways, throughout Indochina.

Mr. President, just how great this rebuilding process will be—which is the real legacy of the Vietnam war—is suggested in the articles published in the Washington Post. I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[First of a series]

Red Beach—the Human Flotsam of War

(By George C. Wilson)

Danang.—The hamlet chief welcomed us into his home on Red Beach and then pulled out two pieces of paper that identified him as one of those special casualties of the Vietnam war.

"At about 8:30 a.m. on the 8th of September 1968," he had written in the form supplied by the American government, "my daughter, Vo Thi Duc, was helping my wife, Nguyen Thi Lang pulling fishing net from the water of Ha Khe beach. Suddenly, a U.S. airplane fell from the sky into the water. One piece of that airplane the size of a desk hit my daughter and carried her away twenty yards, injuring her and kill her on the spot."

The second piece of paper was the U.S. government's reply to Hamlet Chief Vo Dong's claim for $1,250 to compensate him for the life of his 12-year-old daughter:

"The Foreign Claims Commission has carefully examined all of the available evidence pertaining to your claims," wrote Army Major Leonard G. Crowley. "The commission has determined that the incident arose out of combat activities engaged in by the United States aircraft involved. Under the laws and regulations governing this commission, combat related claims are not compensable."

The chief asked us to explain that line, "combat related claims are not compensable," because we were Americans who should understand. "Couldn't your government at least pay for my daughter's funeral? I asked for 500,000 piasters—is that so much money to you? My own government told me it was not their plane. I rode my bicycle to Danang about 30 times about this matter. Who is responsible?"

It seemed empty to tell the stricken father, as he brought out pictures of his daughter and other correspondence, that the war was responsible. And it was ironic that the hamlet chief was interviewing us, not we him, on that historic landmark of American involvement in the Vietnam War, Red Beach.

Red Beach is the place the first American ground combat troops entered the war. On March 8, 1965, Marines started wading ashore with the announced mission of protecting the Danang airfield. Later they were ordered to pacify the countryside in this northern area of Vietnam, now designated Military Region One.

Looking back on the Marines' accomplishments in Vietnam in 1965 and 1966, former First Division commander, Maj. Gen. Herman Nickerson Jr., once said: "Not only has this division defeated a Communist insurgent, it also has contributed to the pacification of a land torn asunder."

Today, Red Beach itself mocks those words and others like it. The U.S. and South Vietnamese governments, to cite one more example of official rhetoric, said in their joint declaration of Honolulu on Feb. 8, 1966, that "it is a military war, a war for the hearts of our people. We cannot win one without winning the other. But the war for the hearts of the people is more than a military tactic. It is a moral principle . . ."

Not far from where the Marines landed, people are now piled up like so much driftwood on the beach in houses made of the flotsam of the American military presence—Budweiser beer cartons, ammunition packing crates, artillery shell casings.

Men, women and children move about the beach dressed in pieces of American military uniforms—sometimes in fatigue tops with the soldier's name still sewn over the pocket. Tots paddle around the harbor in punts made from styrofoam bomb containers. And shouts of, "Hey Joe, where you go?" come from the little houses whenever Americans pass.

Most of the people in the flimsy shacks moved here to escape the crossfire of the war. Danang, at least when the American military presence was large, offered jobs and security. Now the jobs are gone, along with most of the Americans. The security, in the face of the North Vietnamese invasion, is tenuous.

But there is no place else for the people to go right now. Their farms farther north are still unsafe. Even resettlement areas in the south, like Phuoctuy, are under attack. So, in this sense, Danang and its environs like Red Beach are a microcosm of what is happening to the people in Vietnam in this suspenseful stage of the war—the Vietnamization stage—the American legacy stage—the time of testing stage.

To convey what the South Vietnamese people are thinking at this crucial juncture in the long war, Charles Benoit—an experienced Vietnam hand who served as translator—and I interviewed scores of them over four weeks, both before and after the offensive began. We concentrated on the Danang area because of its symbolic importance, because the hardest fighting was done in the north while the Americans were here in force and because it is the main front in this current test of Vietnamization.

Some of the most eloquent testimony came from a rice farmer who, after he was uprooted by the war, turned to tailoring to make a living. He spoke of bombs and bullets in peasant terms—the terms that really matter in a primitive country like Vietnam where farming is the chief industry.

"Insecurity," he said in a long talk in a house on Red Beach, "means that there are two sides, and I'm in the middle and I must get out.

"I have moved 20 times since 1948 and built 14 different houses in that time. You must understand what the war does to people in this country. I will tell you, but I don't want my name used or my picture taken. The government is not going to like what I will tell you.

"Every time a government military outpost moves in to my area to protect me, I know that there is going to be a fight and that I will have to move.

"In the old days, when the French and Vietminh fought, I had more time, I could hide my family in the woods outside the village for a few days, then return.

"People could still make a living in those days. They could go back to their fields. That was before the Americans came with their bombs. Now the bombs fall from the mountains to the sea. If you stay in your village, you die.

"If you are a farmer without land, you no longer can go out behind the house and get something to eat. You try to get a job in the middle. Now everybody around here is trying to get into the middle. But there is no middle.

"The Americans and their jobs are leaving. More people looking for jobs because they can't stay in the countryside are coming in here.

"I haven't had any work all year. I get by with my bag of tricks. I sew some things on my sewing machine; have a little garden far from here, and my wife and children sell this and that on the market.

"But I can't keep up. Prices are rising. Rice used to be 300 piasters a bag. Now, it's 2,000 piasters. The people don't have a means of making a living. All of them want to return to their homes, grave sites, orchards and fields. But it is not safe."

Asked when things would get better, the 53-year-old farmer-tailor who had been through so much reflected a moment and said: "who knows when peace will come? In war, nothing is certain. All the people want to do is make a living. But there is no way to make a living now. They might starve to death."

We left his home and visited other families along the sandy lanes weaving through the flatland behind Red Beach. The theme that first the Communists come and then the bombs fall kept recurring in the interviews. This was the typical dialogue:

Q. Why did you leave your village and come here?

A. Because of the VC (Vietcong).

Q. Did they tell you to leave?

A. No. It was the cannon.

Q. What kind of cannon?

A. The cannon from the sky.

Leaving the houses for the beach, we walked along the water's edge. We had to pick our way carefully because there is no plumbing for the refugee shacks on Red Beach. People defecate at the tideline. The huge worms in the feces testified to minimum health care for the displaced people of Red Beach.

We Americans on foot were a novelty. Hundreds of children followed us and begged us to take their pictures. Many of the tiny girls wore gold earrings. Vietnamese decorate their youngest with their treasures.

At one of our stops on the beach, we heard two little boys arguing as they looked up at a C–130 transport gliding in toward Danang air field: "I don't think that one shoots," said one. "Yes it does," said the other. There was no argument about the F–4s roaring in and out of the airfield. They knew they shot.

The children, from what we could tell, were making do with what they had. They laughed a lot, swam in the ocean and played in the bomb-container boats. The older men and women, in contrast, seldom smiled or had a happy word. "At least there is fish to eat," was the closest thing to an expression of contentment by the parents we interviewed on Red Beach.

The dominant mood seemed to be reflected in the soulful antiwar songs written by Trinh Cong and heard all over Vietnam these days, for example, this passage from "But Today:"

"Once Mother Vietnam was peaceful and happy . . . sounds of laughter and animation were everywhere . . . a sacred country, a yellow skin, prosperous people, festivals all year . . . but today our homeland is flares. Our homeland is full of caskets . . . Our homeland is digging bomb shelters . . . our homeland is breathing bullets and mines . . . children running from bombs . . . But today our homeland is airships . . . burned fields . . . empty houses . . . . but today our homeland is hatred . . . our homeland is to sit exhausted with bullet wounds all over the body . . . But today our homeland is rolls of barbed wire . . . our homeland is going astray."

Representative Pham Xuan Huy, a Buddhist elected to the lower house from Danang over Thieu endorsed candidates, heard we were in town and challenged us to come with him at night to see the ugly legacy of this war.

First stop was a huge market on the edge of the city. The hawkers had left. The long counters that by day bulged with produce, straw hats and shoes were now barren.

"If you came here with a policeman," said Huy as we ducked through one of the small doors deep inside the deeply lit market, "you would never see the people hiding in here. They are afraid of getting thrown out of the market. They have no place else to sleep."

We took a turn, surprising an old woman sitting on an empty counter with her grandchildren. She glanced up at me and instantly fell to her knees screaming, clasping her hands for mercy: "They're going to kill me; they're going to kill me," she shouted with terror in her eyes. She squeezed into a ball like a frightened animal and pushed herself into a dark corner under the counter.

"She came here from a free-fire zone in

Quangnam Province," Huy said in a toneless voice that indicated he had seen many sights like this before. A free-fire zone is an area where shells and bombs can be dropped in at will on the theory it is enemy controlled territory.

Next stop was a Buddhist pagoda in the heart of Danang. Again, people from farther north were hiding there because they had no place else to sleep. A group of adults and children got up from the floor of a classroom in the pagoda and came out on the porch to see us at Huy's request.

There was silence as the people adjusted their eyes and focused them on the visiting Americans. Huy told them to tell us what happened when the Korean soldiers came to their village in Thangbinh District south of here. An old man spoke out first and then the women joined in—each building on the other's recollections until the words came out in a rush of emotion:

"The Koreans came in and pulled our babies apart, one soldier on each leg . . . They knifed a pregnant woman in the belly and ripped out her baby and held it up . . . They threw children and old people down wells . . . They shot the water buffaloes . . . If you are on our side, why don't you kill all the Koreans?"

Huy asked the villager to fetch a little boy who had slipped away from a Korean soldier by running out of his loose pants. The boy came to us from the dark court yard of the pagoda where the children were playing. He took one look at the strange Americans, screamed in terror and fled into the night.

I stared at Benoit in disbelief at what I had heard him translate and had seen in the pagoda. He said the same kind of Korean atrocities had been described in 1968 by Vietnamese he had interviewed for the Rand Corp. He said their stories had been deleted from the Rand write-ups of the interviews. The Koreans resorted to terror to retaliate for sniper fire from villages, according to Benoit.

"What family heritage has Mother Vietnam left behind for her children," asks another of Trinh Cong's songs. "A sad Vietnam, rows of burned house, a jungle of dry bones, a mountain full of graves, a gang of half breeds, a band of unfaithful . . . Mother hopes her children born of one father will forget their hatred . . ."

Le Tich, 44, is trying to support his household of wife, eight children and two grandparents on no job. He has lost the last one he had as a $25 a month carpenter at the former Marine base at Camp Books here. He walked to work from his Catholic village of Phuoctan.

"I would be willing to move farther south because there is nothing to do here," he said. "I want to go back home, but I don't know when peace is coming." Home is Lapbinh village in Thuongduc district—a place he left in 1966.

Tich said he has pulled his 15-year-old son out of school so he can scour the already picked over American garbage dumps for aluminum beer cans. He needs the piasters.

The priest in Phuoctan said Tich's plight was typical now that the Americans and their jobs have left. "If you don't publicize the problems of our people," the priest said, "there will be starvation. Already the robberies have doubled and tripled in this area in the last 12 months."

He added that the closeness of the North Vietnamese has put fear in his 2,993 parishioners. "Some have joined the other side. My people are afraid. Nobody travels anymore. If people are afraid to travel, the price of things which do travel goes up."

Before the offensive, the priest said we could print his name. After it began, he said during our followup visit that it might not be wise to identify himself so closely with Americans and thus asked us not to use his name.

"Mother Vietnam lying 20 years, bones and skin soft, waiting for the sacred time for the country," laments Trinh Cong in "A Long Day in the Homeland."

My eyes fell on a little boy with no left leg hopping around on crutches like a wounded bird at the So Do Trai refugee camp in the Soncha suburb of Danang. We stared at each other in mutual, morbid curiosity. His family story is one representative of the third generation of Vietnam war refugees.

The first big surge of recent times was the 800,000 refugees who fled when the Geneva Conference partitioned the country; the second came during the Tet offensive of 1968 and the third, during the current North Vietnam offensive. One U.S. estimate is that the new offensive has uprooted 700,000 South Vietnamese since March 30.

Tran Van, the legless boy's 71-year-old grandfather, did the talking in one of the camp's tents. Dozens of children pressed around us to listen—their only entertainment in a place where time stands still.

"Americans were going out on operations, and we were getting caught in the middle," said Van in explaining why the family of 10—himself, wife, son, daughter-in-law and six children—moved in 1967 from their two-hectare farm in Mhiha hamlet in Northern Quangtri Province.

"The planes came in and bombed everything flat," he said of their home hamlet. The family moved to the nearest market town where "we did anything to get by—collected firewood and thatch and sold it."

As the North Vietnamese invaders swept on them from the north, the Van family ran south ahead of them. "We ran all night. Whenever shells landed near, we hit the ground," Van said. He lost his wife in the dark. The rest of the family made it to the then safe haven of Quantri City, taking the last legs of the trip south by bus. "We were afraid of dying, so any money we had we put into bus tickets," Van said.

An old woman listening to Van tell his story shouted at us from the back of the tent: "Tell the Americans to get out all their B–52s and kill the VC so we can go back home."

"Yeah," shouted a boy of about 15, "all we have to eat here is rice and salt."

An American official in Saigon, while conceding steadily rising bombing and shelling in South Vietnam is ripping the family fabric of the people and turning them into helpless migrants, blamed it on the Communists, declaring: "If you didn't have the fly, you wouldn't need the fly swatter."

Another U.S. official high in the Saigon command said of the misery in the Danang area, "Well don't get too teary about it. Remember those people chose to live in those areas where the Communists were. And lots of those who moved to Danang to work for the Americans have made a good living."

And still another American directly involved with the people problems in the northern part of South Vietnam conceded that the situation was appalling, but added, "This has very little to do with power politics, as Henry Kissinger understands very well."

It can be argued who is responsible for all the pain inflicted on the South Vietnamese people and whether the U.S. role is morally defensible. But it is inarguable that the Saigon Government and its American sponsors have a huge war legacy problem to cope with beyond the current offensive.

[Second in a series]

FISHING AND FARMING ON THE FRINGES OF WAR

(By George C. Wilson)

DANANG.—We launched the 21-foot dory into the surf of the South China Sea at four in the afternoon and headed for the base of Monkey Mountain where the fish were supposed to be.

Pham Van Thich, aged South Vietnamese patriarch of the 13-family fishing combine, had warned interpreter Charles Benoit and me that this was not going to be any pleasure trip—that it was going to be a cold, all-night affair. He pulled skeptically on his Ho Chi Minh beard when we said we wanted to go anyway.

The crew of five men and three boys had the mission of finding and netting finger-sized silver fish that their 13 families live off all year long. Our mission was to see what, if anything, the Vietnam war was doing to the people safely out of its direct cross-fire.

As the one-lunger engine pushed the high-bowed boat along, the sun turned the blue-green water gold for a moment, and then ducked out of sight behind the mountain. Everybody looked in admiration. There was no language barrier nor, for the moment, any war.

The conversation picked up when we shut off the engine near the unspoiled sandy beach backdropped by dense green woods—supposedly a hiding place for Vietcong and North Vietnamese infiltrators. The huge airplane radars that the United States put on top of the mountain for its warplane traffic looked like an intrusion on the setting off the beach, war or not.

"We're really not supposed to fish this close to the beach," said one of the fishermen, "but things have been quiet lately so the government boats don't bother us much. When the Americans patrolled out here in their fast boats, they would come along at night and throw grenades into our nets whenever we fished close to the mountain."

Nobody made a big issue out of it. The fishermen were used to living a day at a time and taking what came. They said their luck had been bad lately. Fish were scarce and rice they had to buy from selling the catch was steadily rising in price. They blamed the war. It was keeping them from going deeper into prohibited areas where there were more fish.

In the stern, the cook piled up firewood on a metal sheet laid over the wooden bilge of the deep dory. He was preparing for the highlight of the 15-hour fishing expedition—the big feed at midnight.

Other fishermen smoked quietly and gathered their strength for the hard work they knew was ahead. A little boy, one of the fishermen's sons, moved nimbly around the crowded boat filling kerosene lamps which would be used to attract fish once it became dark.

The father looked at his son appreciatively and said to us with a heavy sadness: "His birth certificate has him younger than he really is. But that's just as well because he is awfully small to carry a rifle."

The fishermen talked of all the boys who had gone to war from the little village of Khamtanmy on the sea north of the area American GIs knew as the China Beach R&R Center. "So many of them have gone all the way to Cambodia and Laos," he said.

His son took an immediate liking to Benoit and asked to have his picture taken with him. The father smiled and said, "I wish I could make enough money to send him to school, but I can't this way."

Darkness fell in a rush. The boy hung the lamps out over the water on sticks the shape of an upside down L. He lit them and then settled back with everybody else on the boat in hopes the fish would see the light and follow it to the surface where they could be netted.

The fishermen shielded their eyes against the light from the hissing lanterns so they could see into the now black water. No silver streaks of fish could be seen in those first hours. The only catch, besides a few squid, was a Chincoteague-looking flounder caught on a hand line.

The skipper moved the boat to a new spot and tossed the bowl-shaped wicker basket over the side. It was tarred below the waterline so it floated with one man standing in it. It could be tipped so that water would drain out through the open weave of the basket above the tarline.

The lanterns were placed around the gunwale of the basket. The fisherman paddled the basket 50 yards away where two boats surrounded it with nets. But this fishing blind netted only a small pile of fish, boys in the States call spearing or silversides.

At midnight, we brought out our gift bottle of Chinese wine to go with the boiled fish and squid. It lasted only one pass around the boat. But for a moment I thought I was going to hear the first spontaneous singing I had ever heard in this war-saddened country. But evidently there was not enough wine for that.

At daybreak, the crew stowed the lights and headed for home. They watched a South Vietnamese patrol boat nervously as they left the off-limit area. There was no way to get away from the war, even out at sea.

The patriarch everybody called Mr. Mien—rather than Thich—said their fishing village had so far escaped shelling but was hurting badly from the war just the same. He estimated the catch for the two boats working for 13 families the day of our trip would bring less than two dollars total on the market.

He blamed tight war restrictions for keeping fishermen out of the prime fishing areas. He was especially vehement on this point when we interviewed him for the third time—a time when the North Vietnamese offensive had been going on for a month and had prompted much stricter controls on the fishing than the time we went out in mid-March.

"You want to buy my boat?" Mien asked in an interview in his home.

"I don't need it. I can't go out where the fish are. Why doesn't the government trust me? I would be like a watch dog out there. If the VC come in, I'm going to die along with everybody else. I would report any strange boats.

"But look at me. My beard should be twice as long as it is," he said half-jokingly. "But it is falling out because we don't have enough to eat. We are living off what we have saved. We are not allowed to go out where the fish are. It hardly pays to go out."

The fishing chief said he also has the worry of paying off the money he borrowed from a government bank to buy a slightly bigger fishing boat. "It's upside down on the beach now," he said—another kind of war casualty.

"The United States seeks no bases. It seeks no colonial presence . . . It aims simply to help a people and government who are determined to help themselves . . ." (U.S.-Vietnam Declaration of Honolulu, Feb. 8, 1966, on purposes of the war.)

Some 15 miles south of the beach where Mien has left his boat until better times is a group of villages which the Thieu government is trying to bring back to life even as the war rages farther north.

The impetus is the government's realization that an agricultural country like South Vietnam must get its people back to the countryside to survive, especially now that the Americans and their jobs are leaving.

Kyngoc near the district capital of Hoian south of Danang is one of the villages the government is trying to resuscitate. The farmers there said they were glad to be back to the land but, like Mr. Mien, could not seem to get away from the war even when there was no shooting in their neighborhood.

"The land is more than we can use," said one of a group of five gratefully in an interview in Kyngoc. "But because of the war it hasn't been worked for five years.

"We don't have any water buffaloes any more so we have to dig the fields with our hands. When you work the land every year it keeps soft. But when you let it go, it gets hard.

"Another thing is these things which keep exploding underground. Five of us have died here already from these things. The M-79 grenade is one of the things we keep running into out there in the fields."

Even so, the farmers said they planned to stick it out in Kyngoc if they could get a pump big enough to water their crops. "If we don't get water by mid-May, we won't be able to get our crop in and will have to leave here."

These farmers fearful of losing their land again to the war and its legacy of shortages expressed the same sense urgency when they talked of other needs:

"We're having a big problem with worms. And we need fertilizer and seeds. But we don't have enough money to buy what we need. We have no capital.

"Things are so tight here," another farmer said, "that we have to worry about the birds eating the rice. We didn't used to worry about that because there was so much rice. But now with so little rice, there are too many birds."

A lady with one leg—even in the sparsely populated countryside of Vietnam it seems impossible to lose sight of people who have lost arms or legs from the shelling and bombing—shouted across the lane from her house to complain that "sixty families haven't got their money yet." The Saigon government pays villagers who move back to the land under the Return to Village program.

The war in the countryside the Americans are leaving behind them has a different face in another Return to Village effort in a place called Xuyentan, also near Hoian. The spirit of accommodation expressed by some regional force soldiers guarding Xuyentan contrasted with the no-coalition stance of the Thieu government.

"We see them," said a trooper of Vietcong soldiers he has seen while out in Xuyentan ambush positions. "If they don't shoot at us, we don't shoot at them. If we do shoot at them, they'll just shoot a B-40 rocket back at us. Then boom." He threw up his hands in a sure death gesture.

A middle-aged father weaving a basket in the doorway of a small home in Xuyentan was playing it safe in another way. He said three of his children stay with him in the village so the family can collect government Return to Village benefits while his wife and other four children hedge the bet by staying in Hoian where they can keep selling things in the market.

Another farmer complained of the hemmed-in feeling in Xuyentan where military protection from enemy soldiers goes only a short distance from the village itself.

"We don't have enough land here, and I can't get to the fields that aren't being used by somebody else. I can't go anywhere. Back in Hoakhanh I could go anywhere in any direction. I could go into Danang if I wanted to."

The Vietcong have recently demonstrated their presence by blowing up the village office in Xuyentan. The village chief himself does not risk sleeping in his village, according to the soldiers assigned to guard it. "I've never seen him after 5 o'clock," said one. "He goes into town (Hoian) to sleep."

Phuloc, another Return to Village endeavor, proved a happier leadership story. The village is on low-lying Gonoi island and has broad fields of blue-green grass. Its chief lives right with his villagers day and night—in fact in the house on the end of the line and thus vulnerable to attack.

Before the current North Vietnamese offensive, the village of Phuloc had indeed come to life and was prospering. The people had not built high dirt foundations under their houses—a sign of commitment to stay put for good. But the population had stabilized at 1,400 people.

Again, how Phuloc fares from now on will depend on how well the Thieu government manages to walk the tightrope between all-out peace and all-out war—somehow keeping the invaders at bay while coping with people problems.

In fairness, it must be stressed that the northern section of South Vietnam has some of the most severe problems. In the more pacified Delta to the South, by contrast, many farmers are doing better than they ever have with tractors and mechanized pumps replacing hand labor.

Also, the fact that the Thieu government has embarked on a Return to Village program and so far has managed to feed the thousands of refugees pushed out of their homes by the North Vietnamese invaders represents responsiveness to people needs in the middle of a war.

Pham Kim Ngoc, President Thieu's minister of economy, said in an interview on April 29 in the midst of Hanoi's offensive that his government recognizes that it must strive for normalcy in the country amid war.

"The enemy wants to test the efficiency of the government—to demoralize the government," Ngoc said of Hanoi's offensive. "We must be careful of overreacting (to the offensive) and not to try to run everything." Otherwise, he said, "we will be ministers of everything and ministers of nothing."

The experience of the fishermen and the farmers indicates how difficult it is to compartmentalize the war—especially now that both warring sides have modern U.S. and Soviet weapons with vast killing power, like long range artillery.

And since everything from mortars to bombs are available, a few armed infiltrators can damage a village heavily on their own or, even worse, for the people in it, stay long enough to draw in tons of artillery and bombs from the contesting armies.

A U.S. report on the attempt to resettle Phuloc 6 near Hoian gives a measure of this problem:

"From a December, 1970, high of 2,000 optimistic people" Phuloc 6 "has now sunk to a virtually abandoned ruin of homes. It began existence in January, 1970, with confused refugees generated from the surrounding village of Duyxyen, and grew from a group of hovels made of ammunition boxes to a pleasant hamlet of wooden houses with wells, optimism and land.

"The zenith was reached in December, 1970, when final resettlement payment was made to the site in an atmosphere of optimism hardly reminiscent of earlier difficult months.

"Several incidents against the site before December by the Vietcong, including a serious lob bomb attack, did not dissuade these people.

"After resettlement payments were made, however, the Vietcong increased their harassment, culminating in a serious mortar attack the last of February (1971), destroying 50 homes, and along with them, the resistance of the people.

"Phuloc 6 is now a deserted ruin of houses despite a noble attempt by the Government of Vietnam to assist these people in becoming established and recovering from their many setbacks."

[Third of a series]

ANTI-AMERICAN PROTESTS CONTINUES DESPITE WITHDRAWALS

(By George C. Wilson)

DANANG.—We were walking from Khamtanmy fishing village to the Lambretta bus stop on the highway when we saw disabled war veterans stretching a giant banner across the blacktop road.

"The Collective Disabled Veterans Oppose American Drivers Who Hit And Killed Disabled Veteran Xung On 14 March 1972," the red and white banner proclaimed in Vietnamese.

An ex-paratrooper with a wooden leg told us that not only had an American soldier run over Xung in his truck, but the U.S.

Army had hidden the victim's body from the family. Without a proper burial, said the paratrooper, Xung would not go to heaven. And so far, he said, nobody had compensated the family for its loss.

The only way to make the Americans respond, said the war vet organizing the demonstration, was to block this road—Highway 543—which links two U.S. military bases.

The leader's lieutenants, one of them missing an arm and the rest of them limping from leg wounds, pulled barbed wire across the road so traffic could not pass.

Xung's sister and other relatives arrived and squatted along the wire—wailing out their grief for the victim. An old lady, caught up in the fervor of the protest, came up to Charles Benoit, The Washington Post interpreter that day, and screamed, "Kill! Kill!"

The lady did not hurl rocks nor did the crowd join her in the confrontation. The only real violence was the smashing of two windshields of vehicles which tried to circumvent the barricade and the beating of their drivers.

The U.S. Army, which had put the victim in a refrigerated storage area after the accident, delivered the poncho-clad body to the family on the pavement as the demonstration went on.

The point of recounting this demonstration of March 16 is to convey that anti-Americanism is still being expressed in Vietnam even though the number of U.S. troops in the country is down from over half a million to less than 65,000.

The exchange that day on the highway between the Danang mayor's representative, a beefy colonel wearing dark glasses and a jungle hat, and the veterans leader may have expressed a root cause for this hostile feeling.

"The mayor has ordered these obstacles removed by 1:30," shouted the colonel, standing at the barbed wire backed up by a group of South Vietnamese troops.

"Colonel," the veterans' leader shouted back, "you know about the Americans as well as I do. I have been through two or three of these things before and it has not worked out. We have got to make the Americans bear the responsibility."

That phrase about bearing the responsibility ran through various other expressions of anti-Americanism we ran into during two months of interviewing scores of Vietnamese in Vietnam.

The uncertainty about what will happen next in Vietnam as the Americans leave seemed to intensify the attempt to blame them for unresolved problems.

Vietnam historically has resented foreign occupiers and fought continually to eject them. So it is not surprising many Vietnamese should regard the American troops who came here in 1965 as a mixed blessing or an outright disaster. What follows is not an in-depth survey of anti-Americanism but a cross-section of feelings representative of those expressed during scores of interviews with Vietnamese.

Yet, the Vietnamese even while they assailed Americans did it with disarming friendliness often pouring us cups of tea. Even children who said they had lost their arms or legs to American bombs were friendly.

Nguyen Van Xuan, chairman of the Veterans Friendship Association which staged the highway demonstration, was one who insisted that we have tea with him when we called at his home in Danang to ask what lay behind the protest we had witnessed on the highway. He said it was not just the temporary loss of the body nor the past problems in getting families compensated for deaths or injuries inflicted by American-driven vehicles.

"The drivers who are responsible for all these accidents never seem to feel sorry from the Americans," Xuan said. "We want some expression of feeling sorry. They never go to the funeral of the persons killed. Maybe they are afraid they will be beaten.

"In Vietnam," he continued, "the person who causes the death would lead the procession to the grave. We feel Americans are concerned only with money. And the money they have brought to this country has created a whole new layer of people here—those with American money who live the American way. It has created a social change."

"Before the Americans came, the money a soldier or official got was enough to feed his family. This is not true any more," Xuan said.

He was a lieutenant in South Vietnam's 2nd Division from 1964 until his leg was shot off in 1968. He said he had fought side by side with American soldiers. "That the Americans came over to help us is a source of satisfaction," Xuan said, "because we have been in a life or death fight with the Communists. But these other American activities are not satisfying."

U.S. officials in Danang said the U.S. Army paid the family $1,250—the maximum amount which can be given out at the branch claims office—right after the street demonstration. The growing number of retired South Vietnamese veterans, said one official, are fast becoming "hired guns" for various causes—including families who want their claims expedited.

Said another U.S. official when asked why anti-American demonstrations should be so frequent now that the U.S. finally is getting out of Vietnam: "They know they don't have much more time to get our money."

In Hue, on May 2, a group of four Rangers, drunk on rice wine and evidently looking for a way to vent their anger at having to abandon Quangtri City to the enemy, said they hated American newsmen because of the way they photographed their retreats. The troopers lunged at Benoit and tried to rip his camera off his shoulder.

Benoit fended them off, and, to their amazement, began talking to them in Vietnamese. A scowling 22-year-old sergeant smiled at this, embraced Benoit and invited him to join them.

The soldiers looted food and wine from stores on the main street. The sergeant, brutal and philosophical by turns, talked about the war and America's blame in it.

At one point, abandoning his attempt to drag a 15-year-old girl into a hotel to be gang-raped, he stood head-to-head with Benoit and said:

"See what war has done to us! It has turned us into animals.

"If it hadn't been for the Americans and Russians, the most we Vietnamese would be fighting with would be knives.

"I want to put down this M-16 and go back to the countryside. I'm an anti-Communist. But everytime I kill a Communist and turn over his body, I see a Vietnamese face."

The ranger said the United States should not have interfered in Vietnamese affairs in the first place. But, he added, now that Americans had made the war big, they should stick with it.

"If Americans sell us out, I'll kill Americans just like I have been killing Communists. I will keep killing Communists, too. If I see I am going to lose, I'm going to commit suicide."

Vietnamese newspapers, although tightly controlled by the Thieu government, have frequently expressed anti-American feelings during this offensive. Some stories have accused the Americans of holding back on bombing North Vietnamese tanks as they clanked southward out of the DMZ. Others have suggested there has been too much bombing, like this subhead on an air war article in the May 15 edition of the opposition paper, Dien Tin:

"Bombs and bullets have turned one-half of the Cambodian and one-quarter of Lao citizens into refugees. . . . To American air force, any signs of life in enemy territory are military targets."

The shades of anti-Americanism among Vietnamese intellectuals were represented by interviews in the Danang memorial to Vietnamese patriot Phan Chu Trinh; in a pagoda hiding place, and in the home of a high school teacher.

Trinh was South Vietnam's Thomas Paine, writing for his country the kind of "Common Sense" articles that Paine wrote in arguing for American independence. Trinh assailed Vietnamese mandarins who ingratiated themselves with foreign rulers and served as part of their court. He urged his countrymen to look at their situation realistically before Vietnamese ended up like the American Indians.

"Why in the past," Trinh asked in an article written in 1908 when the French dominated Vietnam, "have the colonial authorities always in their official speeches included resplendent promises, fancy but meaningless terms like equality, chivalry, civilizing benefits and many other flowery items? Better to speak bluntly as follows: 'We conquered you people, you are our slaves, it is our convenience to use your as we desire. You have been put outside the family of humanity. You had better regard that as final.' "

Even though the Thieu government police were outside watching the Trinh home as we called there, the patriot's daughter greeted us warmly with no hint that our visit might trigger troublesome questions from the police.

Her expression of anti-Americanism combined subtlety and graciousness. She merely noted that the American people might not have been told that the grandson of Trinh had been jailed—and maybe even murdered—by the Thieu Government. Trinh's grandson is also the brother of Madame Nguyen Thi Binh, head of the National Liberation Front delegation at the Paris peace talks.

Leion Liem, 20-year-old militant Buddhist student who had been arrested three times for his antigovernment activities, expressed the conspiratorial view of why the United States had entered the Vietnam War. He and two fellow students said American participation was prompted by the need of U.S. munition makers to sell their products.

The students said they resented U.S. support of the "repressive" Thieu government. Liem—5 feet 2 and weighing 99 pounds—claimed Hue police had tortured him with electric shock treatments and forced soapy water down his throat until he thought he would drown.

"From the Pentagon Papers," said one of the students that night in the pagoda, "the Vietnamese people know the war is not being run by the government of Vietnam, but by the Americans. That is why the people have to be anti-American."

He said students through their underground publications—easy to come by in Danang and Hue—are attempting to show that "this is not a government of people, but a government of Americans."

"Thieu has got to go because he is the lackey of the Americans. The vast majority of the South Vietnamese are ready for a coalition government," a student leader claimed.

A calmer expression of anti-Americanism came from the Danang high school teacher—a man who said his own views on the war have changed since 1965 when the first American troops waded ashore to fight in Vietnam.

"When American troops came here," the teacher said, "they came with the promise of defeating Communism. Now you are leaving. Have you met your promises?

"Back in 1965, I was very anti-Communistic. I believed then that South Vietnam really was an outpost for freedom in the fight against Communism. But then President Nixon went to China to shake the hand of Chou en Lai.

"That proved to me," the teacher continued, "that this is not a war of freedom against communism but of capitalism against communism. Neither capitalism nor communism is good for an underdeveloped country like ours. It is time to pay attention to Vietnam's interest because nobody else is doing it.

"After all this destruction from the war, I can see now that Vietnam is just a piece on the chess board. Nixon went to China to eliminate one big enemy. It is a very uncertain time for us. We don't know what Nixon and Chou decided about our future.

"Taiwan was just thrown aside by the United States. We'll be tossed aside the same way. Vietnam has been sacrificed to someone else's interest.

"I don't know whether it is true or not, but a lot of us feel the United States went to China to save its floundering businesses by getting the Chinese market of 800 million people. China will get the machines it needs from you to become a modern nation."

If President Nixon's negotiations with the Communists has indeed changed everything, what should the Saigon Government do about it?

"That depends on the United States," answered the teacher. "Understand that remark as you like. We government of Vietnam officials have no right to our personal opinions."

[Last of four articles]

Misery of Crowded Danang Typifies War

(By George C. Wilson)

Danang.—Seven years ago, Danang was a pleasant city whose 164,000 residents could walk under the tall trees along the river and watch the fishing boats come in from the South Sea. Then came the Americans.

Today, Danang is a city nearly suffocated by its 440,000 residents and another 200,000 refugees from the new offensive farther north. The streets of the city show the long night of the war. Even the old trees along the river died in it.

Legless children clutch the visitor with their tiny, dirty fingers and beg for alms; grown men and women press their faces against the front windows of restaurants, then swoop inside for the diners' leavings like fearless crows; Honda and pedicab drivers, usually dressed in GI khaki, block the American with their vehicles in their desperation for business; roads flood over after every heavy rain, blocking the paths of school girls in their flowing white ao dais; the unemployed stand patiently outside the fence of the job center, but there is nothing, and the soldier amputees—either on crutches or in wheelchairs—seem to be everywhere; children—again in GI khaki—root through American garbage dumps.

The cause for all this is war—especially the Americanized war. The rooting out of the Vietcong and the North Vietnamese with shell and bomb has also rooted out the Vietnamese farmers. The population of Danang doubled as people fled here from the countryside just between the years 1965, when the Americans landed at Red Beach, and 1968 when the United States had 538,000 troops on the ground in Vietnam.

"The problems facing Danang are of such magnitude as to almost defy solutions," states the new report on the city by the U.S. advisory team here. "With a basic infra-structure originally designed to service around 50,000 people, the city now has almost one half million people . . . The city is literally choking itself to death and will only survive by expansion and development . . ."

Yet, how can a city and a country fighting for its life on three different military fronts pay any attention to what the planners say should be done on the homefront? The question is one posed not only in Danang but other cities in Vietnam as well—with Saigon's problems of overcrowding and crime and poverty even worse in some days.

As the United States packs up to leave Vietnam, the problems it created for Danang and other places are nowhere near being solved. The U.S. government will have to decide soon what to do about this Vietnam legacy. Taking out all the American troops solves only some of the problems.

But influential Vietnamese cannot safely wait for the Americans to make up their mind about how much help they should give, if any, to solving the problems they are leaving behind. So, war or not, some Vietnamese leaders are looking beyond the rubble of the war and trying to build for the future—even though Hanoi's troops are at the gates.

Banker Vinh Thuc is one of those people daring to dream about and build for the future. He is 34 years old, a 1964 graduate of Syracuse University and manager of the Thieu government's Industrial Development Bank in Danang. Before Hanoi launched its offensive, he predicted in an interview that 40,000 would lose their jobs in 1972. And in a follow-up interview after the offensive had been launched he said things were too uncertain to make a new prediction, adding significantly: "I'm sorry you can't be here for the dedication of our new oxygen plant at Camp Books."

Elaborating on this "damn the torpedoes" spirit, Thuc said: "The war is going on, but we can't stop developing. I hope that there will be no delay except when Danang is attacked."

His particular dream is to develop the old U.S. Marine base at Camp Books near the Danang airfield into a giant industrial park. Already he has some plastic, cement and oxygen facilities operating there but has had trouble getting foreign companies to invest their money so close to the war front.

"But," Thuc said, "the war is just temporary. Investment for industry is permanent. You cannot stop your long-range planning. Industry which moves here will receive all kinds of help—loans, tax breaks and a guarantee that we will replace any equipment lost from the war."

Compared to the obstacles Thuc overcame when the Thieu Government let him take over Camp Books for an industrial park, his optimism about the future may not be too far-fetched.

He took Charles Benoit, The Post interpreter, and me on a tour of Books to point out those old problems: holes in the tin roof of the storage shed because the South Vietnamese troops assigned to guard the place decided to ventilate it with their M-16 rifles of an afternoon; big lengths of the power line missing because the soldiers sawed it up so they could sell its copper on the black market; sheets of roofing and lengths of lumber carried off. He replaced the Army troops with civilian guards.

Thuc concedes it will take time to develop an industrial park, deep water port, airport and paved road. The city's unemployed, he said, will need some immediate help.

Danang Mayor Nguyen Nogc Khoi, an army colonel and former policeman for the French and thus unpopular with anti-Thieu students here, has a dream of his own for providing that help. He wants to embark on public works projects, like building schools, and put up a giant Monte Carlo of a recreation center on the sandy ocean beach of Danang.

But the Thieu government according to its finance officers, is headed for its biggest deficit ever and thus will have precious little money to divert from war to peace projects, like building schools in Danang.

The Monte Carlo—a project many Vietnamese as well as Americans here scoff at—is not only a long-term ambition but contrary to the current strict rules of behavior, like no dancing in Saigon.

GROWTH OF DANANG

This is how the Danang population has grown since the United States entered the war in 1965:

1965	164,274
1966	228,035
1967	269,366
1968	363,343
1969	383,866
1970	411,942
1971	430,639
1972	[1] 440,000

[1] Not counting the current surge of refugees—estimated to be about 200,000.

Undaunted, Khoi said: "Why not? Maybe people do worse things in their homes. I have told my prime minister that we must have jobs for the people. If you have a hotel, night club, laundry service, steam bath, dancing, gambling—you have jobs. Gambling is not good for all people, but for rich people, why not?"

The easiest answer to the unemployment problem in Danang and other cities, of course, is to move people back to the farm again where they can become producers. But that is not safe right now and some of the young people are resisting returning, safe or not.

Khoi, during interviews in his office here said, "If anybody steps out of line I'll arrest him." But he put law and order as second only to unemployment on his list of problems. The desperate straits of the unemployed, deserters and the prevalance of guns are among the reasons officials list for the upsurge of crime in Danang.

In 1970, when there were more jobs—including many with American military bases and contractors—there were 395 reported cases of theft. The number increased by 58 per cent last year, according to city statistics. Some families told us that military jeeps in some thefts blocked off a street. Then, they said, soldiers drove a truck up to a house and stole all its furniture.

While Thuc and Khoi ponder about ways to provide work for Danang's unemployed two other leading members of the city's establishment worry about reweaving Vietnam's social fabric torn by the war.

Madame Nguyen Van Dai, principal of Danang Girls High School and described by U.S. consulate officials here as "the most visible woman in the city," is in this category.

"Most of the young people," she said in an interview in her high school office, "are against the present social situation. They want to be given a way to lead their country.

"They have lost faith in their leaders. This makes them drop out of the system and not care." The topic for a debate in her school in mid-March was, "What Should Youth Do to Face the Changed Social Situation?"

Mrs. Dai said that one big strain on the social fabric comes from the fact that people "with ideals can't keep up" with the rising cost of living, "while those who go into bad activities do keep up."

While she did not give this example, the women shoveling stone for the street construction outside the school receive 200 piasters (50 cents) a day while minimum prostitute rates in Danang are between 3,000 and 5,000 piasters a night ($7.50 to $12.50).

"Vietnamese youth," she said, "don't have a base in Vietnamese culture. Without this, they worship things foreign. Vietnamese have to be Vietnamese first. Vietnamese ways are being lost" because of the foreign presence during the long war.

Now that foreigners like the French and Americans have dragged Vietnam into the modern industrial age, Mrs. Dai conceded that "We have to change our whole system of education" to train people in the technical sciences. But there is a widespread fear in this and other cities in Vietnam that such a leap forward technically will leave more of the reversed Vietnamese traditions behind.

This is why Dr. Thai Khanh, right in the middle of the war, is chairing the Danang Cultural Committee and arranging Vietnamese folk festivals in the city. He, like so many others in Vietnam, has lived with war a long time.

A medical doctor from Vinh, North Vietnam, Khanh held up a pair of tweezers for eye operations which he had fashioned from a downed French airplane while serving with the Vietminh. Talking about Danang, where he has lived for the last 13 years, Thanh said: "Our principal problem to solve is jobs and the secondary one is to organize our society to bring back more of our culture.

"There are lots of rich people out there, but they only have money—nothing permanent. They just have the money brought over here by the Americans." He does not believe this part of the Vietnam War legacy will do his country any lasting good. He said the real wealth would be something for his people to build like the community college he is championing for Danang. It can't wait for the war to end, he said, if the new generation is to prepare itself for the future.

Tran Dinh Binh, head of the unemployment office in Danang, epitomized the feeling among Vietnam government leaders that the United States should not leave Vietnam in the lurch economically even after the U.S. troops leave. "We need help," Binh said. "I hope the United States will provide what we need. We need the tools, the right tools, to build up our economy. We need to learn to make before you give us tools for making colored television sets."

HOW THE AVERAGE DANANG RESIDENT LIVES

DANANG.—This is how the average resident of this city lived today according to a study of Danang conducted under the supervision of Carl Heffley of the U.S. advisory team here:

He "lives in a makeshift house that he constructed himself or is renting . . . He shares the immediate hectare (2.5 acres) of land surrounding his house with 17 other homes and around 147 more people. If he's lucky, some of the outside area will be a street or pathway where his children can play.

"He attended elementary school for two years and is now an unskilled laborer who works seven days a week and earns around 6,000 piasters ($15) a month. He has watched food and clothing prices in Danang rise in the last month by about 6 per cent.

"Since there are no sewers in Danang, the sanitary facilities of his home are serviced by a septic tank or drainage ditch. If he has no toilet facility in his house, he and his family will use the nearest cemetery or beach.

"His home is not wired for electricity since there are no electric facilities in his area; what light is needed is supplied by a kerosene lantern.

"His children will carry water for the household from the nearest public well since the city has not piped water to his khom yet and it is too expensive to buy from a vendor.

"Only three of his six children will attend school, and they will probably quit after six years.

What little garbage the family accumulates has to be carried to the nearest empty lot for disposal since the city only collects in the central business district.

"The city only has 17 mailmen so he must go to his khu pho office to pick up any mail he gets, and if he wants to make a telephone call he must go downtown to the central post office to use the one and only public telephone available in the city.

"During the typhoon season the chances are good that his home will be flooded since the drainage ditches constructed in his khom are filled with garbage and have never really worked.

"His family has no transportation, and the cost of public transportation that is available is too expensive on his salary. He cannot afford a Honda, and he and his family will continue to walk long distances to work, school and the market.

"His main concern is for his family's safety because of the increasing amount of crime in the city.

"He is completely uneducated to family living and would probably prefer living in the country, but he cannot return because of the security in his village and probably will not return until his living situation in the city becomes much worse."

SPEECH BY NED PARISH, PRESIDENT, NATIONAL ASSOCIATION OF BLUE SHIELD PLANS

Mr. COOK. Mr. President, I ask unanimous consent that a speech by Mr. Ned Parish, president of the National Association of Blue Shield Plans, be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

1972 ANNUAL BUSINESS MEETING OF BLUE SHIELD PLANS—SUPPLEMENTARY REPORT OF THE PRESIDENT

At the beginning of our corporate planning effort this past year, the consultant from Planning Dynamics handed me a card which read: "No amount of planning will ever replace dumb luck."

If you give that statement a little thought, it can be interpreted in many ways. For example: "Planning isn't that important, but luck is everything," or "You're dumb, if you don't plan ahead," or it's a copout by Planning Dynamics which says in effect, "If you listen to us and still fail, don't blame us."

Over the months that we have been in corporate planning, I came to realize what that little card was meant to do.

First, it provoked all of us to think about planning.

Secondly, it drove home the point more clearly than ever that the future of Blue Shield is too important to leave to "dumb luck."

Dr. Layton, in his report earlier as Board chairman, outlined some of the corporate assumptions we have had to make in our planning process for the next five years. Now, I would like to discuss some key problems that we see in the immediate future and what we expect to do to resolve them.

PROFESSIONAL RELATIONS

Certainly one of the key problems facing Blue Shield today centers around professional relations.

It's been said that success comes only after you do what you have to do—at the time you hate to do it most. In this—my first address to this body as NABSP President—I hate to tackle this critical and often emotional issue.

But the success of Blue Shield will rest to a great extent on professional relations and I feel compelled to share these thoughts with you.

Blue Shield was organized by physicians in the beginning, but it is clear in every document and from the memories of those who were around at the time, that these physicians helped establish Blue Shield to serve the public.

Early support for Blue Shield in the medical community was intense, but not very widespread. And, if it had not been for some extraordinarily dedicated doctors, the movement would not exist today. So, when I run across a physician who feels we exist solely for his benefit, my first reaction is one of dismay, because such an attitude is a grave injustice to the image of those other physicians who made many personal and professional sacrifices so that the public could have better access to medical care.

I think there is no greater monument to the spirit and dedication of doctors than Blue Shield. Every physician can be proud that he is a member of a profession that shares a major responsibility for helping to build a strong system that provides the public with relatively easy access to medical care.

But, he must also know that it does not belong to him. Nor to me. Nor to you. It belongs, instead, to those 66 million Americans who have joined together to form a health protection phenomenon known as Blue Shield.

I believe a large part of Blue Shield's professional relations problems have resulted from the impact of Medicare and Medicaid—and to a greater extent—the uncertainty of new Federal legislation.

Medicine feels—with some reason—that the public does not understand nor appreciate it. Most doctors make the decision to enter medicine at an early age. They tend to be motivated both by a desire to help people, and by a desire for the respect of the community. These motives remain strong, so that eventually they achieve their goal.

Medicine is not an easy course to pursue. Once an individual has been licensed to practice, he feels he has earned a measure of respect from society. Unfortunately, to an increasing degree, the physician begins his medical practice only to find that the public can also be highly critical, and less than sensitive to the sacrifices that have been made in order that the young doctor may now serve the public with his knowledge. The result is that the doctor may be a little disenchanted with the public at the outset.

Blue Shield, then, one of whose purposes is to function as the public's representative in the area of medical care, may have to start out in a somewhat unpopular position.

Blue Shield also has played a role in Medicare by serving as an intermediary for 60 per cent of the elderly in the Part B program, and has also served as an intermediary in Medicaid programs.

Thus, we have been identified by some physicians as part of the overall system which does not accord the system its proper respect and which is trying to put the profession under more controls. This does not enhance our popularity.

It's pretty difficult for doctors to reach into the government bureaucracy and find "the man" to complain to.

But the Plan chairman, the Plan Board member, the Plan chief executive, or the professional relations man is highly visible and always there. And many an unhappy physician is using Blue Shield as an outlet for his rancor.

There may be a few Plans where the doctor has a right to be disenchanted with Blue Shield. Perhaps his Plan has made promises it failed to keep, or has not even bothered to make the promise in the first place. Thus, the doctor feels ignored.

On the other hand, there are some Plans that are disappointed with their doctors. These are cases where physicians believe that Blue Shield is their private preserve and as long as their views are not immediately embraced they want nothing to do with that Plan—except, perhaps, to harass it.

What I am trying to say is that to a certain extent, we are victims of circumstances that are not all of our own making. And this is one very important reason that we must have strong, creative public and professional relations efforts. It is incumbent upon us to make sure we are in control of those circumstances that may affect Blue Shield. We are in a position to help improve communications between the profession and the public by making sure that both fully understand Blue Shield's role in health care. But, in order to accomplish this, we need the cooperation of the medical profession.

So let's try to solidify our front through a little better understanding of the mutual contributions each has made.

Simply stated, medicine's contributions to Blue Shield include the following:

1. It helped Blue Shield get established—and again I remind you—for the benefit of the public.

2. In certain Plan areas, medicine accepted reduced payments to keep the Plan from financial disaster.

3. It contributed untold hours to Blue Shield Board and committee functions—without charge—to develop programs that the public needs. As one veteran Blue Shield Board member told me, "I serve on the Blue Shield Plan Board because I feel it is my responsibility as a physician. I wouldn't spend the hours I do on Blue Shield matters or take some of the guff I have to take if I didn't believe I had a professional duty. You couldn't pay me to take some of the knocks I've had as a Blue Shield Board member."

4. Medicine has also provided peer review committees to help establish claims, review guidelines, and to adjudicate the especially tough cases.

5. Physicians signed participating agreements with Blue Shield—individually or through medical societies. This gave Blue Shield an opportunity to help itself and the medical profession to be of greater service to the public.

What have the Blue Shield Plans done for medicine? I can draw an equally impressive list.

1. Blue Shield has given the leadership to, and participated largely in, the development of the world's largest and most viable private system for the delivery and financing of medical care.

2. It has assured direct payment to physicians without losses from bad debts and without additional collection expense. Today, on private business alone, Blue Shield pays doctors more than 2½ billion dollars a year.

3. Blue Shield—through the physician voice on Boards and committees—has been receptive to medicine's views. If there have been instances in which the quality of this representation has been inadequate, it has been, more often than not, because of failure to make best use of the mechanisms Blue Shield has placed at medicine's disposal.

4. It has undertaken experimental activities to extend prepayment coverage into new areas of medical services.

5. It has played a "buffer role" in Medicare. Someone defined this as getting kicked on both sides while relaying apologies to those doing the kicking. Regardless of the buffer role, and regardless of what many doctors may thing of Medicare, the program would have been even less acceptable if it were not for Blue Shield.

6. Blue Shield is working to develop more effective cost containment programs and documenting the effectiveness of these efforts. Our cost containment programs are not efforts to harass physicians as some Blue Shield critics charge. We understand and respect the role both Blue Shield and medicine must play in utilization review, and we're working with doctors to develop efficient claims review and peer review that will be beneficial to everyone.

From these two lists it is obvious that Blue Shield and medicine need each other. In the face of the challenges confronting both of us, I would urge a re-examination and understanding of Blue Shield as an organization to serve the public's health care needs through a coordinated effort between medicine and Blue Shield.

In terms of our corporate objectives, we state that the basic goal of NABSP is to "provide leadership, counsel and guidance so that Blue Shield philosophy and concepts will continue to be a vital force in the financing and delivery of health care in the United States."

I hope medicine—whose views have been so carefully built into that philosophy and those concepts—will join us in working toward this objective.

FOUNDATIONS

One manifestation of physician discontent is the emergence in many areas of Foundations for Medical Care.

I think the whole issue of foundations, more than any one single thing, exposes the importance of strong professional relations. If only for our own selfish reasons, we don't want physicians leaving Blue Shield to build another competitive system. Even though we may have our interest at the forefront of consideration, we don't believe competitive foundations are in the best interest of medicine, private prepayment, or the public.

I do believe that foundations can be most useful to the public and to medicine by working primarily in the area of peer review through Blue Shield and other carriers.

However, there are a few foundations which seek a far broader role and in some aspects would duplicate the current efforts of Blue Shield. I cannot help but feel that these kinds of foundations can fragment the private sector when the times call for unity.

Some of the attraction, to be sure, is the fact that many believe foundations can be completely physician controlled. But this is simply an illusion. It cannot be that way over the long haul.

Foundations will be subject eventually to the same pressures and forces that have helped influence Blue Shield. Only with foundations change will come more quickly than it has with Blue Shield because of today's very consumer-oriented environment.

I would caution that as foundations seek and use more government funds, they will eventually become heavily dependent on such support, and be forced to respond to government direction. From past performance, it is not likely that government will spend substantial monies on programs it cannot control. And when public money is being spent, it is only proper to expect that there will be close public scrutiny and accountability.

I would have to suggest that it is naive for anyone to feel honestly that foundations could hope to avoid the process of evolution toward effective public participation that Blue Shield has experiened, even assuming that such an escape would be a good thing. And I am not ready to make *that* assumption either.

Foundations, however, that are philosophically prepared to work with Blue Shield in using the best of both our capabilities can, and will, perform a useful public service. They will help strengthen the private sector and will demonstrate its performance quotient.

We have, of course, communicated these views to the Foundations, and will continue to do so.

THE PUBLIC

Another significant problem area we face today is with the other key element of the Blue Shield commitment—the public.

In our early days, Blue Shield was likened to a social movement, and the public applauded our fortitude. The press, meanwhile did not stand idly by waiting for us to make a mistake so they could offer their criticisms. Instead, they gave us just about all the favorable publicity we could have wanted. And when we made a mistake, they at least gave us credit for trying.

That surely doesn't sound like the situation today, does it? And the question is why? What happened to that little organization that was struggling almost against hope for survival?

Well, it survived, first of all. And then it grew—right into the world's largest system for prepaying medical bills.

In other words, to paraphrase a famous pogo quotation:

"We has met the establishment, and they is us."

As enrollment increased, as large national accounts turned to Blue Cross and Blue Shield for uniform benefits for their workers scattered across the country, our Plan buildings and staffs grew.

Then Medicare and Medicaid came along and together with new computed technology we grew even more.

But suddenly, our business took on new complexities. We had broader coverage and that was good. Only the costs of our programs began to rise at an increasing rate.

And certainly the computers could write a check in less than a second, but somehow in the back of the shop delayed claims stacked up.

"Garbage in . . . garbage out," became a part of the national vernacular.

Meanwhile, the public changed, too. The quest for answers to the effectiveness of health care financing and cost of health care moved in quantum leaps.

Young people, many born under Blue Shield coverage but never perceiving of us as a social movement, became more inquisitive and articulate.

Blue Shield was a part of the establishment. And if Blue Shield could not deliver as they felt it should, and could not hold down costs to reasonable limits, its future role was strongly questioned.

My friends, we have less margin for error in terms of public acceptance, so we have to be right almost all the time. And that's what we call pressure.

Pressure in itself won't kill us, but poor performance will. And the poorer the performance, the greater the visibility; and the greater the visibility, the greater the pressure. It's a devastating cycle that can only be broken with good performance.

And this is the key if we are to preserve and strengthen the private underwritten system of prepayment.

It's important, too, that we be able to demonstrate a strong performance record if we are to have an influence on, and subsequent participation in, whatever type of national health program is passed.

So a part of my message to you is to take a good hard look at your Plan, your organizational structure, your effectiveness.

We must be able to move with these public expectations, or we may find ourselves ignored.

In our corporate objectives, NABSP is addressing itself to assist Plans in overcoming these problems.

1. We will expand and improve the ability to assist Plans in recognizing managerial, operational and financial difficulties.

2. We will mobilize the resources of Blue Shield to support quality, effectiveness, and economy in providing health care services.

3. We will exercise the authority the Plans have entrusted to us to set and maintain standards of performance.

4. We will strengthen the identity of Blue Shield nationally and its special relationship and dominant role in medical prepayment.

5. We will support Plans in developing alternate forms of delivering health care.

GOVERNMENT PROGRAMS

As far as government programs are concerned, I believe it is time to take a long, hard look at them, especially Medicare. What it is, what we are, and what we are doing. We must make some decisions about the future.

Soon, a new set of guidelines will be forthcoming from SSA, and these will place even further restriction on Part B carriers in administering the program. In short, we are feeling pressure to become more of a simple administrative vehicle for the Social Security Administration. This is more than just a concern for the slow erosion of our role. It also affects our ability to perform for Medicare recipients and our private subscribers in what we feel is their best interest.

So, what do we do?

First, let me say that I'm not advocating that we all mail back the contracts to SSA. But I believe we must take a firm stand and be prepared to support it.

We represent 79 million Americans in one way or another, and it's incumbent upon us to make sure we represent them to the fullest possible extent, and in the best manner we know how. We want to serve Medicare just as much as we do our largest private accounts, because Blue Shield is committed to serving the entire community in whatever way we can. I, for one, think we should be dealing from the strengths that Blue Shield possesses.

If we don't feel that the terms and conditions best serve not only the beneficiaries, but the interests of our 66 million dues-paying members, it's time to say so and negotiate accordingly.

PRIVATE MARKET

I have mentioned the serious concerns of our private market about cost containment and improved performance, which in this context mean efficient, effective, and economic delivery of benefits. Our abilities in these areas are directly related to my conviction that Blue Shield must remain sensitive to the demands of the market, but cannot continue to provide crazy quilt coverage for the sake of boosting year end enrollment figures. This practice became the norm during the late 1950's, and today we may be paying dearly for our desire to "meet the competition."

It is interesting to me that when we established quantitative enrollment goals, "meeting the competition" almost always meant lowering Blue Shield standards. This is unfortunate.

NABSP has developed a comprehensive contract to assure uniform definition of benefits in support of uniform administration. Obviously, there is still need for flexibility in programming by having varying scopes of benefits available. But this flexibility must have reasonable limits.

If we are convinced of the merits of the service benefit philosophy, then our primary thrust in the market place should reflect this. Blue Shield's acceptance by federal employees seems to be evidence of a genuine desire of the public for quality coverage. At the same time, this type of program will insure better response to the demands for improved performance and effective cost containment.

I don't offer these remarks as criticism of what Plans have done regarding benefits. Neither do they serve to solve your present problems. But perhaps we should be moving more actively in the future toward a higher quality of coverage, in the interest not only of protecting the subscriber, but of more effective administration.

CONCLUSION

Let me conclude by citing an article on the British National Health Insurance program, which appeared in the Chicago Tribune on Monday .

According to the report, a survey conducted by the Institute of Economic Affairs showed that most Britons would prefer to make their own arrangements for improved health insurance.

Only 29 per cent said health services should be improved by the state taking more in taxes.

Seventy per cent said they would prefer smaller contributions to the National Health Service while they made, and paid for, plans for private health insurance.

The article pointed out that private health plans have become a fringe benefit for employees offered by several large companies.

We are, of course, familiar with this situation because the British United Provident Association (BUPA)—is an affiliate of Blue Shield. And its membership has grown from a small group to more than 1½ million persons today.

What I am trying to emphasize again is that the private sector in health care has certain unique features that the public likes because health care is a personal thing.

We must see that what we have to contribute is retained in our system of health care.

We can strongly influence the ultimate pattern—*IF* we are performing our functions well; *IF* we have a strong unified voice; *IF* we can convey our message effectively to Congress; *IF* we can generate renewed support and confidence from the public.

These things are not going to happen by themselves, and no one is going to make them happen for us. But they are attainable. If we believe in ourselves—if we believe that what we are doing is worth doing—we can make them happen. The key is involvement, not just by staff, but by Boards of Directors and everyone else who associates himself with Blue Shield. We have come too far not to go the rest of the way.

NED F. PARISH.

WEST CHESTER BOYS CHOIR IN INTERNATIONAL FESTIVAL

Mr. SCHWEIKER. Mr. President, recently the boys choir of the Church of the Holy Trinity, West Chester, Pa., was invited to participate in the Graz International Youth Music Festival, to be held in Graz, Austria, from July 11 through July 15, 1972.

I am delighted by the honor which has been bestowed upon West Chester, Chester County, and the State of Pennsylvania by this invitation. I am confident that the boys choir will be outstanding ambassadors of good will for Ameria, and that their appearance at the International Youth Music Festival will be a success.

An article describing the boys choir invitation was published in the West Chester Daily Local News on April 14, 1972. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOYS CHOIR GETS INVITATION

If a group of West Chester choir boys can find a few angels, they will be spending at least a week this summer in Europe, singing at a music festival.

An invitation to take part in the Graz (Austria) International Youth Music Festival in July has already been sent to the Boys Choir of the Church of the Holy Trinity in the county seat.

If the young singers make the trip, they will be one of 30 musical groups to participate in the week-long festival. Included are choirs, choruses, orchestras and bands from North America, Western Europe and Scandinavia.

The Holy Trinity Choir is one of only three U. S. boys choirs invited.

Hosting the festival is the Youth Departmental of the Styrian Provincal Government, Republic of Austria. Graz, the host city, is nested in the Styrian Alps and dates back to the 12th Century.

The Holy Trinity invitation came in January to Mrs. Jane Adams Moore, the choir director.

At that time, the trip seemed out of the question, as costs would run about $13,000 for air transportation, lodging and meals for the 28 boys and their chaperones.

However, the enthusiastic choir director and some of the boys' parents didn't give up on the possibility of making the trip. Parents meetings were scheduled, and after a final session with the church vestry this week, it was decided to make every effort to send the choir to Graz.

The parents, working through Ralph Zaayenga, church music committee chairman, have pledged a substantial portion of the money needed, but the total figure has not been reached. No church funds will be used to make the trip, but a number of activities have been planned by the choir and parents.

Included are a pancake breakfast from 8 a.m. to noon, May 13 at the parish house; a car wash at Knox's Car Wash, E. Market Street, from 9 a.m. to 4 p.m. May 20; and a concert at the church at 7:30 p.m., June 17. A dinner dance is also in the planning stage for May 6.

Day of decision for the boys is June 10. If, on that date, the additional money needed is raised, the trip is on. A lack of funds then means the trip will be postponed for a year.

The Boys Choir of the church is part of a larger Mens and Boys Choir which was founded at Holy Trinity in 1891. There are currently 37 boys, aged 7–15 singing. Another 15 men make up the entire choir.

Some of the younger boys will not make the proposed trip because of the probable hectic schedule such a festival entails.

Concerts are not new to the Holy Trinity boys. During the past 18 months they have performed at the White House Rose Garden, the capitol rotunda in Harrisburg, the New York Civic Opera House, the State Museum Building Auditorium and a number of churches and organizations in three states. During the holidays the boys also sing in area nursing homes.

All of their concerts include both sacred and secular music, and their recent presentations have featured Gilbert and Sullivan's operetta "Trial by Jury."

Much of the concert work is done by a select group of about 20 of the "older" choir members who have formed the Trinity Choir Boys.

First and foremost, the choir is a church choir, and the boys normally rehearse about five hours a week for the Sunday service. However, that time is now being extended and some strange European folk songs are finding their way into the Holy Trinity repertoire.

If enthusiasm alone can make a dream come true, the boys choir will be winging its way to Austria come July 10 for the week-long musical event.

If the trip becomes a reality, the 28 boys will be ready to "make a joyful noise . . ." in the storied old city of Graz.

DEVELOPMENT OF RURAL COMMUNITIES

Mr. MILLER. Mr. President, much is being said and written today about the urgent need throughout the Nation for rural development. Technical advancements during the past two decades have revolutionized farming to the extent it no longer is the predominant source of rural area employment. During this period, large numbers of people have migrated from rural to urban areas to seek job opportunities—not necessarily in accordance with their wishes, but because they have been forced to do so. This migration has contributed substantially to the twofold problem we are presently experiencing—urban sprawl and the deterioration of rural services.

To correct these problems, as I have been urging since I came to the Senate in 1961, we must turn to the devlopment of our rural communities and convert them into places of opportunity, thus insuring our rural youth that they can remain in their communities and build their future. It will be a great day when we also can encourage those who have left and wish to return, that they can do so. The accomplishment of these objectives should be placed among our top priorities.

In this regard, I have been encouraged by the contributions the Farmers Home Administration of the U.S. Department of Agriculture has been making under the leadership of Administrator James V. Smith. In fiscal year 1971, $59.6 million was pumped into the rural Iowa economy through various FHA programs to stimulate agricultural and community development. Major uses of the funds include $9.7 million in loans to 304 families to purchase farms; $11.6 million in loans to 1,400 farm families to operate farms; $19.4 million in housing loans to 1,849 rural families enabling them to become homeowners; $4.4 million in loans for 86 rental housing units to provide decent housing for young families, senior citizens and those with lower incomes; $7.9 million in loans and grants to 36 small towns and nonprofit organizations for water supply systems; and $4.8 million in loans and grants to 30 rural communities for waste disposal systems.

This, I submit, Mr. President, is rural area development. These FHA services provide for better living and contribute significantly to creating new job opportunities in our rural communities.

One such community in which this happened, for example, is the town of Fairbank, located in the northwest corner of Buchanan County and the southwest corner of Fayette County. This town is surrounded by rich farmlands. For years, with farming as its base of economic support, Fairbank showed steady growth.

However, in recent years, as farms began to enlarge and the number of farms dropped, the number of farms in Buchanan County decreased—by 270 units during 1962–66 alone—and trouble set in for Fairbank. In the early 1960's the local creamery closed; this was followed by the closing of two implement businesses and several grocery stores. The doctor left town; the high school moved to another town. The population growth leveled off as people disappeared to other areas in search of opportunity. Additionally, the State health department was pressing the town on the elimination of pollution of the river resulting from the drainage of cesspools and septic tanks.

The townspeople knew something had to be done. They realized their financial limitations and began to search for help. They turned to the Farmers Home Administration to help augment their own resources.

Working closely with this agency, Fairbank has succeeded in building a sewer collection and treatment system. This was followed by a community swimming pool and an adjacent city park. Two private rental housing projects have been constructed, along with 37 new homes. A number of new businesses have come to town, including a grain elevator and feed company, two auto body shops, a laundromat, a plumbing shop, a restaurant and eight new stores. These businesses have created 30 new jobs. Indeed, the Fairbank community has come to life again. The new census shows population up—from 650 in 1960 to 810 in 1970.

Mr. President, Fairbank, Iowa, is only one example of what Government agencies like the FHA can do in helping small rural communities which have the will to help themselves. Of course, the real story for success lies in the initiative of local people who determine their needs and are determined to meet them. But when they do, it is good to have a government that is willing to lend a helping hand.

THE ONLY FUNCTION OF A HANDGUN

Mr. KENNEDY. Mr. President, reasonable Americans realize that handguns have no redeeming social value. Indeed, the only functions of a handgun is to put a bullet through something. And in 1971 more than 10,000 people died by gunfire. Over half of them were killed by handguns. All guns are lethal. Yet, they are so widespread that nearly every civilian has access to them. Some estimates suggest that each man, woman, and child could be armed with the existing arsenal of civilian-owned firearms. The continued uncontrolled use of guns can only add to the senseless killing reported in daily press accounts.

The Wall Street Journal, the Boston Globe, the Washington Sunday Star, the Washington Post, and the Christian Science Monitor have all carried articles this week about the senselessness of "guns in America." I believe that Senators should review each of these presentations. I, therefore, ask unanimous consent to place in the RECORD several articles from recent issues of these publications that logically substantiate the need for a Federal system of gun control.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Sunday Star, May 21, 1972]

WHAT TO DO ABOUT POLITICAL ASSASSINATIONS

Ever since there have been kings, there have been regicides. The quest for power and the exercise of it have, since the dim beginnings of time, attracted assassins and would-be assassins. This has been true of every culture and of each society.

Thus Monday's shooting of Governor Wallace at Laurel produces shock but not surprise: The act is abhorrent but it occurs too frequently to be unexpected.

In these United States, Wallace was the tenth man seeking or holding presidential office to be the target of an assassin. The Alabama governor, Andrew Jackson, the two Roosevelts and Harry S. Truman survived attacks; Abraham Lincoln, James Garfield, William McKinley and the Kennedy brothers did not. It is worth noting that in nine out of 10 of these cases (the exception being the murder of President John F. Kennedy), the weapon used by the assailant was a handgun.

The fact that the first assassination attempt made against an American President took place 137 years ago, however, should not be allowed to obscure the fact that the pace of political carnage has been stepped up in recent years. In the past nine years, seven political figures—Medgar Evers, President Kennedy, Malcolm X, George Lincoln Rockwell, Dr. Martin Luther King, Senator Robert F. Kennedy and Governor Wallace—have been gunned down.

At the same time, there has been a sharp increase in the level of nonpolitical crimes involving the use of guns. Last year alone, some 10,500 Americans were murdered by gunmen, 80,000 were wounded and 220,000 others were robbed at gunpoint. When one considers that an American is killed or wounded every two minutes, it becomes clear that most of us should be receiving combat pay. Since the turn of the century, more than 800,000 Americans have been killed by firearms in this country, far more than have died at the hands of all our enemies in all our wars.

The increase in the rattle of gunfire has been accompanied and made possible by a massive proliferation of firearms to the point where the United States of America has become, literally, an armed camp. In a nation of less than 210 million people, there are, according to the National Commission on the Causes and Prevention of Violence, 35 million rifles, 31 million shotguns and 24 million handguns, or nearly one firearm for every two men, women and children in the country. An additional 2.5 million handguns are manufactured or imported into the country every year. Given minimal maintenance, a gun will last virtually forever, so the presumption must be that most of these new guns are not replacements but additions to the already huge stock.

Nor can anyone who has grown up in the age of television be laboring under the misapprehension that guns are for hunting or shooting at inanimate targets. According to Representative John M. Murphy of New York, the average American child, by the time he is 15, "has witnessed 18,000 individual murders on the television screen." The effect of television mayhem on the sort of deranged person who might consider committing a political assassination can only be guessed at. But the conclusion of the presidential commission on violence that "our constant flirtation with actual violence may be (one of the) factors that bring him at least half-way to his distorted perception of what actions are right and legitimate" is too reasonable to be argued with.

We have, then, an increase in the level of non-political crime, a proliferation of firearms with an emphasis on the assassin's favorite weapon, the handgun, and the stunning impact on the minds of young and impressionable people of repetitive television violence. Add to this equation a fourth factor—the insistence of presidential candidates on mingling with crowds—and you have the recipe for Monday's tragedy at Laurel.

For the fact is that no number of Secret Service agents can guarantee the life of a candidate who, as Lyndon Johnson used to put it, insists on "pressing the flesh." When Wallace was gunned down, Secret Service agents, an Alabama state trooper and private guards were at his elbow, and two of them were struck by the would-be assassin's bullets.

We know that certain types of politician (Robert Kennedy and Wallace are examples) feed upon the emotions of a crowd. Senator McGovern stated, in the aftermath of the Wallace shooting, that his "whole campaign is based on contact with people" and that he has no intention of changing his style. Senator Humphrey has issued a similar statement. Even President Nixon, who is among the most remote of men, seized the occasion less than 24 hours after Wallace was shot to mingle with a crowd of tourists outside the White House.

Authoritarian societies are relatively safe ones, but the price paid for that security is too great. In a free society such as ours, there always will be political assassinations. But if we cannot prevent the murder of our Presidents and our presidential candidates, we can and should do what we can to reduce the incidence of such crimes.

One of the things that can and should be done, as we noted in these columns on Wednesday, is passage of effective federal legislation to halt the proliferation of handguns. We oppose any form of licensing or registration of the 66 million rifles and shotguns, which have legitimate uses for sport and self-defense. But handguns are of no use other than to shoot people, and we would like to see a flat ban on their manufacture, importation and possession.

The gun lobby—and that means the National Rifle Association, various hunting groups and the gun manufacturers and retailers—has effectively gutted such legislation in the past. Since many of their members presumably were Wallace supporters, it is possible that the gunning down of the governor may moderate their position.

"Register Communists, Not Guns." "Guns Don't Kill People, People Kill People." There is an effective answer to these hackneyed slogans of the gun lobby and it is that if there were not so many handguns, people would not find it so easy to kill people.

We do not at this time favor any form of censorship to control the level of violence on television. But the networks must recognize that they have a social responsibility to monitor this aspect of their product. If enough people complain—and switch to another channel—when the gore flows too frequently, explicitly and deeply, the networks will get the message.

The presidential candidates themselves have an obligation not to take unnecessary risks. Our country would lose a great deal were the President—and those who aspire to that office—to stand totally apart from the people, remote beings seen only on flickering TV screens.

But there are sensible precautions that can and should be taken. The bullet-proof podium behind which Wallace spoke at Laurel is one of these. He was shot when he emerged from behind this and mingled with the crowd; he had a bullet-proof vest in the trunk of his car, and he should have been wearing it. The bullet-proof bubbletop car should become standard equipment for campaigning. And finally, candidates should not plunge into crowds except at indoor meetings, where spectators can be screened by metal detectors.

Such precautions are an imposition upon both the candidates and the people. But the fact has to be faced that these are violent times in which we live, there are sizable numbers of disturbed people at large and these people enjoy easy access to readily concealable handguns.

If democracy as we know it is to survive in this country, there can be no open season on those who seek or occupy high public office. Each of us must make it his business to see to it that the shooting stops.

[From the Washington Post, May 17, 1972]

Guns, the Governor, and the Congress

As Governor George Corley Wallace lay under the scalpels of a team of this area's finest surgeons Monday night, candidates for President, statesmen and politicians of all stripes took to the television stump to deplore "senseless violence" in our society, to wonder about the health of the body politic and to raise deep questions about the strong current of violence running just millimeters under the surface in our country. Too little is known at this point, it seems to us, about the suspect in the Wallace shooting to draw any sweeping conclusions as to whether this act illuminates dark recesses in all the rest of us or indeed as to what this all means or will come to mean in the political processes of the United States.

We do know a few things, though. First, Governor Wallace was shot with a hand gun. Second, the man whom federal and state authorities have identified as the suspect in the shooting was arrested last October in Wisconsin on a concealed weapons charge. Finally, we know that gun control legislation has been dragged before an unwilling Congress year after year—to no avail.

Yet, there we all were, on Monday, May 16, 1972 with a presidential candidate cut open on an operating table, with our leaders crying about his spilt blood and with the memories of Friday, November 22, 1963, Thursday, April 4, 1968 and Wednesday, June 5, 1968, etched indelibly in our minds and upon our collective spirits. And still, through all the days of all those years of grief for our honored public men, for peace officers by the score and for unnamed and little noted private citizens, murdered, maimed and accidentally killed by private weapons in unlicensed hands, we have not been able to pass the sort of gun control legislation that would make these grievous public and private events much less likely to occur.

Today, May 17, 1972, the Juvenile Delinquency Subcommittee of the Senate Judiciary Committee can and should seize the occasion to bring us out of our national delinquency. The committee meets this morning to consider various proposals for regulating the use and circulation of guns in our society. This newspaper has long advocated strong gun control legislation and we see no earthly reason to urge any less today. We believe that handguns should be available only to authorized military and law enforcement personnel and to others only upon the most carefully circumscribed showing of need or in gun clubs where their use is strictly limited to sporting purposes. All long guns should be registered and their owners licensed to use them. Such legislation has long seemed reasonable, necessary and even urgent to us. Nothing underscores the urgency of such legislation more than the lifelong paralysis now predicted for Governor Wallace.

We do not argue that the passage of such legislation will make every presidential candidate safe from attack or that it will eliminate gunplay from our national life. We recognize that there are millions of guns in private hands all over the nation and that even after the passage of strong regulatory legislation, there will be a virulent black market in illegal weapons. Nevertheless, it cannot be denied that strong regulatory legislation strictly enforced might have made it harder for a man picked up on a weapons charge last October to acquire a snub-nosed 38 in January—as the suspect in the Wallace shooting is said to have done. And it might make it harder for a lot of other people to acquire weapons too, thereby saving the lives and health of a number of politicians, wives, mothers, policemen, lovers, strangers. The passage of such legislation would do much to change the atmosphere in this country at a time when our doubts about violence in our national life trouble us deeply.

Finally, it seems to us that our leaders—all of those presidential candidates, including the President himself—who were so fulsome in their denunciation of violence two days ago might strike a more positive note by setting forth clear positions favoring strong gun control legislation. Governor Wallace, himself, could do the nation a great service by reconsidering his strong position in opposition to gun laws. For in the end, it is useless to deplore "senseless violence," no matter how passionately and eloquently, while doing nothing about it, just as it is senseless to ignore a practical opportunity right at hand to begin to curb that violence.

Strong and sensible gun control legislation should be passed by the Congress now.

[From the Boston Globe, May 18, 1972]

Mayor Daley Renews Plea for Handgun Ban, Assails Rifle Group

(By Harry Golden, Jr.)

Chicago.—Mayor Richard Daley renewed a plea for a nationwide ban on hand guns as he spoke emotionally yesterday of his prayers for Gov. George C. Wallace.

At a press conference, Daley deplored the shooting of Alabama's governor on Monday.

"It was a dastardly act and a tragedy in the American Society," Daley said.

Daley declared that Congress should now do some "soul searching," and that, if congressmen and state legislators "have any guts," they would act promptly to outlaw the manufacture or sale of all hand guns for private citizens.

It was understood, from Daley's past statements, that manufacture of hand guns would be permitted for police and the military. Rifles and shotguns would be exempted from the ban.

As to his own safety, Daley said: "I'm not afraid to die. I know that some day you'll die and I don't care how it happens. The Lord is the only one who will determine that. But I don't fear it.

"I have no fear for my life. Who would want to kill me? I haven't done anything to anyone. I'll continue to meet the people of Chicago and I've been doing it for 17 years and I'm not concerned."

Daley declared: "It's about time the US Congress would stop kidding themselves about (opposition of) the (National) Rifle Assn. You don't shoot game with a hand gun. The hand gun is used to kill human beings."

The mayor also decried and called for action by lawmakers and citizens to stop:

Importation of handguns and their delivery through the mails or by express service.

Disruptive demonstrations and what he called, "UnAmerican heckling," and he charged there is encouragement of these practices by some educators, clergymen and communications media.

Political criticism characterized by "hatred" and "viciousness."

"Glamorizing of violence" by television, radio and newspapers.

Daley said: "I think all of us are responsible in a way . . . we prayed last night around our family table. We said a decade of the rosary for Gov. Wallace that he would recover."

The mayor said former Police Superintendent Orlando W. Wilson told him that 65 percent of violent crime could be traced to portrayal of violence in communications.

Daley also said that Chicago last year confiscated 14,000 handguns.

"How many handguns have been registered?" (under a Chicago ordinance) Daley asked. "How many are unregistered? Every one of these is a potential killer . . . and we have people running away from gun legislation. A lot of guys holding high public office are running away from it."

"For what? For fear of recrimination? If I'm going to be intimidated about that, I don't want to hold public office."

Daley suggested that political campaign techniques may change in the light of the assassinations of President Kennedy, Sen. Robert F. Kennedy and Rev. Martin Luther King Jr., and the attempted assassination of Wallace.

In response to a question, Daley said: "Would you continue to campaign with this happening in our country?"

"My God!" he said. We have had the killing of a President. We have had the killing of his brother. We have had the assassination of a religious leader. And now we have the shooting of a man who is a presidential candidate.

"I would also hope that those great disciplines of hatred and viciousness would stop their attacks on one another. Even in these critical hours we read statements.

"My God, what kind of society have we? He (Wallace) has a right to express his views if this is America without being hit with bricks . . . here is a presidential candidate who goes around our country and is heckled."

[From the Wall Street Journal, May 18, 1972]

The Gun—It Was a Typical Day: An Airman Killed Self and a Lover Was Shot

Samuel O. Cunning, William Earl Evans, Julius J. Osstifin, Gerardo Manfredi, Richard Hurley, Linda Taylor, Jerry Flack, Ronald Hardiman, Stephen Williams, William Dell Chappel, Johnny Carr, Roy Lee Stout. And almost George Wallace.

George Wallace wasn't killed by gunfire on Monday, Samuel O. Cunning, William Earl Evans, Julius J. Osstifin, Gerardo Manfredi, Richard Hurley, Linda Taylor, Jerry Flack, Ronald Hardiman, Stephen Williams, William Dell Chappel, Johnny Carr, and Roy Lee Stout—among others—were. All died from gunshot wounds during the 24-hour period from midnight to midnight Monday, May 15—the day that Alabama's Gov. Wallace was critically wounded by a would-be assassin's bullets in a Laurel, Md., shopping center.

Final statistics on the day's toll of gunshot victims—whether by murder, suicide or accident—haven't yet been compiled. If Monday was an average day, however, it's expected that the number of gunshot deaths was as high as 57—the average number of people killed in the U.S. every day by guns. (The yearly gun-death toll is about 21,000.)

The anatomy of Gov. Wallace's wounding is by now well known to any American within reach of a newspaper, radio or television set. But how did Stephen Williams die? How did Linda Taylor lose her life? In an attempt to further understand what is behind the many U.S. gun deaths, Wall Street Journal reporters across the country interviewed medical examiners, policemen, sheriffs and other law officials this week. Who was killed by gunfire on Monday, May 15? the interviewers were asked. Who were the killers? How and why did the shootings occur? Where did the guns come from?

The answers in most cases were incomplete. Certainly, there was no particular pattern that emerged. But there was one common denominator: a moment of extreme violence that left someone dead.

SAMUEL O. CUNNING

One of the earliest moments of violence in the U.S. that Monday took place in Dallas. About an hour after midnight, a 19-year-old gunman, L. D. Webb, is alleged to have entered an apartment and said to the occupants, "Put your jack on the table."

No one in the apartment complied with the gunman's order. And a few minutes later, Samuel O. Cunning, a 19-year-old lineman for the General Telephone Co., was pronounced dead on arrival at Parkland Memorial Hospital—the same hospital that made headlines following the assassination of President John F. Kennedy. Mr. Webb was subsequently charged with murder.

WILLIAM EARL EVANS

Parkland was busy during the early morning hours Monday. At 1:45 a.m., 28-year-old Dorothy Locke called Dallas police and told them she'd shot William Earl Evans, 29, with a .22-caliber pistol. He, too, was pronounced dead on arrival at Parkland.

Police say Miss Locke told them that she and Mr. Evans had been going together for seven months and then had broken up. On Sunday, the day before Mr. Evans' death, she complained to police that Mr. Evans was pestering her; the police warned him to leave her alone. He apparently did. But then, police say, Miss Locke told them that Mr. Evans returned very early Monday morning and tried to break into her residence. According to police, Miss Locke said she threatened to shoot Mr. Evans, and he replied, "I'm coming in. I'm going to die tonight. Shoot me."

Miss Locke has been charged with murder, and her case has been remanded to a grand jury. The weapon, police say, was a German Rohm, model RG8. A Dallas police spokesman says, "Sometimes it seems like 90% of our murders are committed with these RGs. They start at $8.50. The (model) 8 is the cheapest."

CAPT. JULIUS J. OSSTIFIN

At about the same time that William Evans was returning to Dorothy Locke's apartment, Julius J. Osstifin, a 33-year-old Air Force captain, shot himself to death in his residence in Mad River Township, Ohio. According to the report of C. D. Lett, deputy coroner in the Montgomery County coroner's office, the county sheriff's office "advised that the deceased was found in the kitchen of his residence."

"They (the sheriff's office) had received the dispatch to this residence from the wife," Mr. Lett's report states, "due to the fact that she had spoken to her husband on the phone and he advised that he was going to shoot himself upon the count of three, and then she heard the gun go off."

Mr. Lett's report identifies the suicide weapon as "a .32-caliber Harris & Richardson model 732, serial number AM50717." An investigation determined that the gun had been purchased by Capt. Osstifin from Rink's Department Store, a discount house in nearby Dayton. And a check of store records showed that the sales clerk involved in the purchase was Wilma Jordan.

"Oh, God," Miss Jordan exclaims. "I remember selling a hand gun to a young guy from out at Wright-Patterson (the Air Force installation where Capt. Osstifin was based) about that time." The time was last September, and Miss Jordan says the information card she filled out at the time of the sale shows that the buyer was five-feet-nine-inches tall and weighed 162 pounds. Retail price of the weapon was $48.88.

Miss Jordan says she can't recall what reason Capt. Osstifin gave, if any, for wanting to purchase the gun. She says, however, that she often refuses to sell hand guns "if (customers) are acting funny—and always if they've been drinking." She adds: "The bad part is that you just never know what they'll be used for. That's what makes you feel bad."

Why did Capt. Osstifin take his own life? According to Mr. Lett's report, Mrs. Osstifin told him "that her husband had been depressed in the past year due to two facts: 1. That his brother was killed in a fatal accident (auto) in Toledo on May 15, 1971 (exactly one year earlier) and 2. that she had filed suit for divorce." Mrs. Osstifin also told Mr. Lett that her husband had written a suicide note in August 1971 but didn't take any further action at that time.

GERARDO MANFREDI

As suicides go, the information surrounding the death of Capt. Osstifin is voluminous. By comparison, little is known about what drove Gerardo Manfredi, a 66-year-old retired postal carrier, to shoot himself last Monday morning on a road near Reno, Nev.

At 10 o'clock that morning, Mr. Manfredi walked into a Reno sporting goods store and bought a used .38-caliber revolver for $30. During the transaction, he complied with the 1968 Federal Gun Control Act by giving the store his name and address and signing a statement that he wasn't an ex-felon. He then got in his car, drove outside the city limits and, at 10:15 a.m., shot himself in the head.

Mr. Manfredi's body was discovered by a passing motorist five minutes later. He left a son and brother; his wife had died two years ago. The brother later said that Mr. Manfredi had recently been acting despondent without any apparent reason. And while Mr. Manfredi left a note of instructions in his car—including details of whom to contact—he left no explanation for his suicide.

RICHARD HURLEY

Explanations are also lacking for the circumstances surrounding most of Monday's murders. A case in point is the death of Richard Hurley, a 43-year-old San Franciscan who, police say, was murdered sometime shortly after the day began. The murder took place in what police described as a middle-class rooming house at 1482 Sutter St., an area of respectable moderately priced apartments and residence hotels just a few blocks from downtown.

There are a few additional facts: On Monday morning, a tenant of Mr. Hurley's building called the manager and complained that water was dripping down from the apartment above. When the manager went up to investigate, she found Mr. Hurley lying on his back on the floor near his bed. She assumed, she later said, that he was drunk. The manager then said she looked for the building's maintenance man and asked him to lift Mr. Hurley into bed. When she returned with the maintenance man, she said, they noticed blood and called the police. The time was 2 p.m.

It's also known that Mr. Hurley was unemployed and had a record of 25 arrests for such offenses as the sale and use of heroin and marijuana; burglary and robbery. Heroin was found in his room and his pockets had been rifled. And the victim had been shot to death.

San Francisco police surmise that Mr. Hurley got into some sort of argument over the sale of narcotics and was murdered. But they have no solid evidence or any suspects thus far. Nor did they find the murder weapon—or even a slug or casing—so they don't know the size of the bullet that killed Mr. Hurley. All they know is that his gunshot wound was fatal.

LINDA TAYLOR

In some of Monday's gunshot murders, police say they know *who* killed the victim, but they're not certain *why*. Such are the circumstances that surround the death of 22-year-old Linda Taylor of Baltimore. Mrs. Taylor, police say, was fatally shot in the head with a bullet from a .22-caliber rifle owned by her husband, Thomas Melvin Taylor, who has been charged with murder.

The shooting of Mrs. Taylor took place at 10:30 Monday night in a row-house district on the border of Baltimore's downtown. According to Lt. Thomas McKew of the Baltimore police, Mr. Taylor ran out into the street immediately after the shooting and yelled that his wife had shot herself. But upon questioning by police, Lt. McKew says, Mr. Taylor admitted that it was he who pulled the trigger.

According to Lt. McKew, Mr. Taylor claims the gun went off accidentally. Police, however, say they believe the shooting was intentional—although they say no motive has been established. Lt. McKew says that Mr. Taylor bought the rifle some time ago from a co-worker.

JERRY FLACK

Law officials say they do know the motive behind the Monday evening shooting death of Jerry Flack. Mr. Flack, 25, of Shelbyville, Tenn., was shot seven times while in a car owned by Louis C. Smith, 25, of Tullahoma, Tenn. Mr. Smith was jailed on a first degree murder count. According to Franklin County Sheriff David Braswell, the two men had argued "about some girl."

The shooting of Mr. Flack took place near Winchester, Tenn. Sheriff Braswell describes the murder weapon as a .25-caliber automatic. Mr. Smith, Sheriff Braswell says, told law officials he had purchased the gun two weeks earlier for $41 at the Big-K Department Store, in Tullahoma.

RONALD HARDIMAN

Other romantic entanglements reached bitter conclusions on Monday. At 4 a.m., according to Chicago police, Ronald Hardiman, 25, was shot and killed by Roxanne Murphy, 19, his ex-girl-friend. Police say Mr. Hardiman was shot at the doorway of Miss Murphy's second floor South Side apartment when he tried to crash a party that was in progress. Miss Murphy has been charged with murder.

Police say Mr. Hardiman was hit once in the chest with a .22-caliber bullet. The murder weapon, they add, wasn't registered. Miss Murphy said she obtained the gun from a friend, police reported.

STEPHEN WILLIAMS

But unlike the case of Mr. Hardiman and Miss Murphy, or that of Mr. Flack and Mr. Smith, or that of the Taylors, Josephine Wade of Philadelphia didn't previously know Stephen Williams, the man she killed with a gun about an hour before Gov. Wallace was felled. According to police, Mrs. Wade, 53, was alone knitting in her apartment when she heard strange noises. She later told police that she went to her bedroom, picked up a .22-caliber revolver that she kept there and went to the top of the stairs. Coming up the stairs was 23-year-old Stephen Williams.

Police say that Mrs. Wade fired four shots and that Mr. Williams died at a nearby hospital 30 minutes later. Police also say no weapon was found on Mr. Williams. They add that Mr. Williams had broken into the basement of Mrs. Wade's building and had knocked down the door leading to the first floor—even though the door had extra locks that Mrs. Wade had installed after a robbery.

Police say they are investigating whether Mrs. Wade was in legal possession of her gun. In Philadelphia, a law states that any gun or other firearm that is bought, transferred or brought into the city after March 15, 1965, must be registered with the Department of Licenses and Inspections. A cursory check, police say, showed that Mrs. Wade's gun wasn't registered.

There is no question, however, that the death of Stephen Williams, statistically speaking, was highly unusual. According to a 1969 study for the National Commission on the Causes and Prevention of Violence, only 2% of home robberies and 0.2% of home burglaries result in the death of an intruder at the hand of a householder. On the other hand, the report states, for every robber stopped by a homeowner with a handgun, four homeowners or members of their families are killed in handgun accidents.

WILLIAM DELL CHAPPEL

Chicago police officer Eddie J. Green, 35, was out of his home (and off duty) when he shot and killed William Dell Chappel, 28, at 4:40 a.m. Monday. Police gave the following account: Mr. Green, a vice unit officer, was placing an order at a drive-in restaurant when Mr. Chappel reached through the window of Mr. Green's car and grabbed the officer's money clip containing $130. A companion of Mr. Chappel tried to keep the officer, who was in street clothes, in the car by holding the door shut, but Mr. Green struggled free and chased Mr. Chappel to a nearby vacant lot.

According to Mr. Green's account, police say. Mr. Chappel then turned, reached into his pocket and said. "Get back or I'll blow your head off." Mr. Green then fired his 38-caliber police revolver three times, hitting Mr. Chappel twice in the stomach and once in the leg. Police say Mr. Chappel apparently was unarmed.

JOHNNY CARR

But deaths at the hands of others resulting from self-protection, or passion, or the violence that often accompanies illicit activities, are only several types on the gun-fatality spectrum. Arguments among friends, relatives and neighbors can also take their toll—as happened early Monday afternoon in the vicinity of Los Angeles. According to police, Thomas Barnes, 55, became enraged at a neighbor, Johnny Carr, 58, while paying a visit to the Carr home. Mr. Barnes, police say, had argued with Mr. Carr's wife and then walked out into the front yard where he confronted Mr. Carr.

The argument heated up, police say, with both men trading insults. Then, police say, Mr. Barnes pulled a .22 revolver from his pants and shot Mr. Carr five times. Sheriff's deputies arrested Mr. Barnes on suspicion of murder, but no formal complaint was immediately filed.

ROY LEE STOUT

And then there are accidents. "He was always extra careful," says Police Capt. Michael Sypko of Roy Lee Stout, a six-year veteran in the Somerset, Mass., police force. "He always kept his bullets in his pocket and loaded his gun in here at the station. He wanted to protect his kids." But Roy Lee Stout died Monday at 8:15 p.m. as the result of a shooting accident in his own home.

The 31-year-old Mr. Stout, police say, was on duty with a partner when he discovered a rip in his uniform shirt. He suggested to the partner that they drop by the Stout home to have his wife, Catherine, mend it. The time was 6:20 p.m.

Inside the house, Mr. Stout laid his new chrome-plated .357 Mangum on a table. While Mrs. Stout mended the shirt, her husband went into the living room to watch television accounts of the shooting of Gov. Wallace.

Catherine Stout finished the mending and tossed the shirt to her husband. He took off his heavy pistol belt, placed it on the table beside the Magnum and started to tuck in his shirt. But his four-year-old son, Robert caught the glint of the chrome-plated revolver and "made a beeline" for it, according to State Police Lt. Gordon Clarkson, who investigated. "The kid has a replica of the Magnum and must have thought this was his toy."

Mr. Stout lunged for the revolver and shouted to Robert, "Don't touch that!" He beat his son to the Magnum, but when he placed his two hands around it, the revolver discharged—sending a .38-caliber bullet through his cheek to the back of his brain.

Roy Lee Stout died at 8:15 p.m. at Union Hospital in Fall River. He is survived by his wife, his son and two daughters, aged six and three.

"It's ironic, isn't it?" says Capt. Sypko. "He was strictly a careful man."

[From the Christian Science Monitor, May 17, 1972]

Gun Control—And Beyond

In the wake of the unconscionable shooting of Gov. George Wallace, for whom one prays a swift recovery, there are at least two constructive public things the American people can do.

The first is resolving to come to grips with the symbol and instrument of assassination and violence in America—the handgun. There are now probably 30 million handguns in the United States, and that total is being swelled by another 2.5 million each year. This is enough for every other household in the country to have such a weapon.

One can concede that stricter national gun control would not of itself disarm criminals nor thwart the would-be political assassin. It is true that it is people's thought, not a piece of metal, that harbors or releases murderous intent.

And yet given the staggering totals of weapons in private hands in America, and the totals of aggression involving those weapons, in good conscience one can only conclude that strict and effective gun control laws must be adopted forthwith. We would like to see the recall of all handguns, the melting down of most of them, and the use of the remainder only for special purposes and by special permit.

We believe that this is politically attainable, despite the pessimism of skeptics. Therefore, we urge that such stern control measures be pushed. Even differences in ethnic makeup cannot account for the discrepancy between American gun-crime levels and those of other nations. Britain, for instance, a year ago had only 1/300th as many gun-murders as the U.S., with one fourth the U.S. population. A return to saner levels of social conduct can only come about when the number of arms in private hands is drastically reduced. If citizens would only match the pressures brought on Congress by firearms proponents, by writing letters to their legislators, this lamentably tardy gun control could be won.

The second constructive step the people can take following the Wallace shooting is to consider the full range of violence-inciting aspects of modern life. Movies which glorify cruelty, television violence, magazines whose editorial lenses distort all events into strife—these daily poison the social climate. More basically, Americans should expose old myths about the legacy of frontier life and every-man-for-himself lawlessness. The opposite of violence is humane, honest, and democratic dealing. If one looks to a higher power for guidance in private and national affairs, having obeyed all moral and legal responsibilities, he is acting to replace violence by peace and decency.

A final point is to stress again the hopes and prayers of citizens for Mr. Wallace's swift recovery. His political viewpoint has a right to representation in national affairs. To attempt to remove him from the campaign is to infringe not only on the Governor's right to seek office, but on the rights of his supporters. This is an injustice to them and a threat to the democratic political system, which must register all views to function truly.

It would be premature to say with any certainty what the effect of the shooting incident will have on the Democratic nomination or Governor Wallace's role in it. All that can be said is that the dark cloud of violence of the past decade has appeared again, and profoundly resolute prayer and action are needed to dispel it.

[From the Boston Globe, May 19, 1972]

Guns Are for Killing

The romantic image of the gunbearing defender of the home is not so romantic when compared to statistics showing that somewhere between 15,000 and 20,000 Americans are killed by handguns every year. When you come down to it, there can be no good reason for the ordinary citizen to own such guns and the only way to protect society is to ban their sale on a nation-wide basis as a Senate subcommittee now recommends.

The Wall Street Journal points out that, on the day Governor Wallace was shot in Laurel, Maryland (a shooting that happily will not be included in the above statistics) 57 other persons were killed with handguns across the country.

And, according to a 1969 report for the National Commission on the Causes and Prevention of Violence, four people are killed in handgun accidents for every robber stopped by a homeowner with a handgun.

Since 1968 Massachusetts has had one of the strongest gun control laws in the nation. It requires that anyone possessing any kind of firearm manufactured after 1895 must obtain an identification card, valid for five years. To carry a handgun, a special permit, valid for up to two years, is required. This is obtained through the local police and is barred to anyone who is a convicted felon, an alien or a minor under 15, or who has a narcotics record or a history of mental instability. And the permit is issued for specific purpose, either for target shooting or for the protection of life and property, and so marked. The State Police report that 265,000 firearm IDs and 115,000 gun permits have been issued in Massachusetts.

But this does not prevent shootings, any more than it did in Maryland where a similar gun control law went into effect on March 25 this year, or in Wisconsin where the gun used against Governor Wallace was purchased for $80.

Registering guns and licensing their owners may be a help. But, as long as people own guns, it can be presumed that they will shoot them. And, as long as gun control is operated on a state-by-state basis, highly portable and easily concealed weapons will go unregistered. This is a big problem for Canada where permits to carry handguns can only be issued by the attorney general of a province but where little can be done about guns that come in across the border.

While the late J. Edgar Hoover favored the registration of firearms in every state, he upheld the constitutional right of citizens to bear arms. Not so Chicago's Mayor Richard Daley, who stated Wednesday that "you don't shoot game with a handgun. The handgun is used to kill human beings." If Congress has "any guts," he said, it should outlaw the manufacture and sale of all handguns for private citizens.

Countries that restrict the manufacture and sale of handguns have a notably lower incidence of their use in killings. The Christian Science Monitor this week reported that in 1970 Britain had 29 gun deaths, Canada had 176, France had 475, and Tokyo had 16 (though there were also 194 acts of violence involving swords and 709 involving knives and razors). The same year 9039 people were murdered by handguns in the United States.

A pathetic sidelight to all this is the inescapable fact that President Nixon was safer in China than he is at home. But the argument that a nation-wide ban on the sale and manufacture of guns with a barrel less than three inches long will not affect professional criminals and that a recall of existing guns (estimates run as high as 50 million) would be illegal as well as unrealistic, should have no bearing on the need to take action now.

The right to bear arms, written into the Constitution 200 years ago, is open to interpretation. The Old Testament, written more than 2000 years ago, says "thou shalt not kill." The handgun, under any interpretation is an instrument of death and it should not be available to the general public.

[From the Wall Street Journal, May 19, 1972]

THE GUN: NEW MOVES TO CONTROL FIREARMS WILL NOT GO FAR IF THE PAST IS A GUIDE

(By Richard Martin)

Gov. George C. Wallace of Alabama, gunned down in a Maryland shopping center Monday afternoon, had scarcely reached his hospital bed before Chicago's Mayor Richard Daley demanded: "When in God's name is Congress going to wake up to the need to outlaw handguns?"

Others quickly took up the cry. Rev. Jesse Jackson said it's time "to demilitarize this nation. Guns are far too accessible, and those who fight to keep guns on our streets are enemies of all mankind." Mayor John Lindsay of New York renewed his call for gun-control legislation, and so did Sen. Edward M. Kennedy. "Now is the time to enact a federal system of firearms control," said the Senator.

But if the history of the past violent decade is any guide, the pleadings of gun-control advocates once again will go largely unheeded—and carnage by gun will continue to be a daily fact of American life.

Gun control has been more or less a constant issue in Congress ever since President John F. Kennedy was assassinated in 1963. While Congress debated, four more public figures were killed in the next five years—Black Muslim leader Malcolm X in 1965, American Nazi leader George Lincoln Rockwell in 1967, and Rev. Martin Luther King, Jr. and Sen. Robert F. Kennedy in 1968. Meantime, with considerably less public attention, some 85,000 other American civilians died of gunshot wounds, accidental, self-inflicted or murderous.

Finally, Congress passed the Gun Control Act of 1968, a watered-down loophole-ridden law that curtailed the mail-order sale of most guns, restricted imports of cheap weapons and required purchasers of guns and ammunition to provide identification. It was the first significant federal firearms legislation since machine guns and other weapons of mass destruction came under federal control in 1934.

But if the 1968 law has had any dampening effect on the level of gun violence in America, it's hard to discern. About every two minutes someone is killed or wounded by gunfire in the U.S. Altogether, more than 21,000 die annually by gunfire.

Guns figure prominently in crime. Besides some 10,500 murdered by gun last year, 80,000 Americans were injured in assaults by gun-wielding assailants, and 220,000 others were robbed at gunpoint. In all, guns were used in 65% of all homicides, 63% of all robberies and 24% of all aggravated assaults.

SO MANY GUNS IN SO MANY HANDS

The trend is sharply upward. Gun murders have doubled and gun robberies have tripled nation-wide since 1964, and the rates of increase are accelerating.

It seems self-evident that the reason guns are involved in so many acts of violence is that there are so many guns in so many hands. If the 1968 law keeps you from buying a mail-order gun, it certainly doesn't keep your corner gun dealer from selling you one. If the law makes cheap foreign-made guns unavailable, it doesn't staunch the flow of equally cheap guns assembled in the U.S. from foreign parts. And if the identification provision of the law would seem likely to discourage felons from buying guns, it shouldn't. Hardly anybody ever checks beyond a cursory look at a driver's license.

Studies done for the National Commission on Violence in the late 1960s showed that nearly half of the nation's 60 million households own one or more firearms—adding up to a grand total of some 90 million guns in civilian hands. The supply is increasing at a rate of about 25 million guns a year, half of them handguns—which most authorities consider the most dangerous because they're the easiest to conceal. One new handgun is sold every 24 seconds, and it's thought a used one changes hands every two minutes.

With proper care, firearms last indefinitely. Police still turn up guns made before the turn of the century, many of them stolen from collectors and other private owners and then used in crimes. Only a few states destroy confiscated weapons. In most, they're auctioned off to the highest bidder and thus returned to circulation.

A sizable majority of Americans favor stricter gun controls and have for years. A survey conducted for the Wall Street Journal on April 28, 29 and 30 by the Gallup Organization, involving personal interviews with a sampling of 1,542 persons, showed 79% of Americans favor requiring a police permit to buy any gun. Moreover, 43% say they favor outlawing entirely the private ownership of handguns; a majority of 52%, however, would oppose going that far.

Public sentiment in favor of tighter controls is nothing new. As far back as April 1938, a Gallup survey showed 84% favored requiring registration of firearms. In eight polls taken since 1959 asking the question: "Do you favor or oppose a law requiring a police permit to buy guns?" the answers have consistently run around three-to-one in favor, as the table below shows:

[In percent]

	Favor	Oppose	No Opinion
April 1972	79	18	3
October 1971	71	24	5
August 1967	73	23	4
September 1966	68	29	3
August 1966	73	23	4
February 1965	73	23	4
January 1964	78	17	5
August 1959	75	21	4

In the past six years, four presidential commissions appointed to study crime, violence and law enforcement in the U.S. have all called for strict gun-control legislation by Congress. They have urged everything from outlawing the manufacture of handguns to the licensing of all gun owners.

But there is powerful opposition to gun controls—mainly from a remarkably vocal, well-disciplined minority consisting of gun manufacturers, sellers and sportsmen who use their weapons for hunting and target shooting, not for killing people. This group is known collectively as the "gun lobby." The gun lobby cites a number of reasons—which many people consider quite logical and legitimate—for its stand.

"The reason gun-control laws are unpopular is because legislators know they will be buried under a mountain of mail from opponents," says Rep. Abner J. Mikva of Illinois, a long-time advocate of toughter controls. (Some of the mail is vituperative in the extreme. Rep. Mikva has a fat folder of abusive letters inspired by his speeches and proposed bans on handguns; staff members call it the "you-Commie-Jew-bastard file." Says Mr. Mikva: "It frightens me that some of the people who write the kind of threats I've received possess handguns with which to carry out their threats.")

The National Rifle Association, with one million registered members but purporting to speak for 30 million gun owners, is generally regarded as the lobby's prime mover, even though the NRA isn't registered as a lobby. Its well-oiled legislative mechanism can whip gun enthusiasts into frenzies of letter-writing activity against proposed laws. Tougher gun laws also are opposed by the National Wildlife Federation and other conservation groups that get much of their financial support from hunter members and gun manufacturers and that rely on revenues from state hunting and fishing licenses to finance many of their conservation programs.

The Nixon administration has also opposed tougher federal laws, insisting that gun controls are a matter of local option and that any registration, licensing or other control should be left up to individual cities and states. The administration is thought to be on the verge of trying to head off possible attempts at strong legislation now by introducing a bill that would set minimum quality standards for handguns and perhaps stiffen penalties for gun crimes. Such a bill probably wouldn't be opposed by the NRA.

FAVORITE FOR KILLING POLICEMEN

Police officers are becoming increasingly outspoken on the need to control firearm manufacture and sales, and understandably so, since practically no other weapons are used to kill policemen. FBI figures on officers killed in the line of duty from 1961 to 1970 shows 604 policemen killed by guns, including 466 by handguns. In the same period, only 29 were killed by other weapons, including six by knives, two by bombs and eight by fists and feet. Firearms assaults on policemen are increasing alarmingly. In New York City alone there were 235 felonious assaults with handguns on police officers last year, up from 150 in 1970.

Nevertheless, police departments in a number of cities, including Dallas, Milwaukee, Memphis, Minneapolis and St. Louis, are on record opposing further gun-control laws. William L. Cahalan, prosecuting attorney for Wayne County (Detroit), Mich., sums up what seems to be the prevailing—if surprising—line of reasoning among lawmen who oppose controls. "I would like to see a time when there would be no handguns in the hands of either the good people or the bad people, but you aren't going to bring about that desirable situation by more gun laws. You've got to have a public-information campaign that will change our culture, because the gun is part of our culture."

The only organization advocating tougher gun laws with any degree of vigor is the National Council for a Responsible Firearms Policy, a loosely knit Washington-based group working on a shoestring budget. It favors licenses for possession of guns, registration that holds owners accountable for their weapons and strict enforcement of state restrictions on gun ownership.

NOBODY NEAR US

Nearly all foreign countries require firearms licensing or registration, or both, and many of them prohibit private possession of handguns. Nowhere else in the world is per capita private ownership anywhere near the U.S. figure of some 135 handguns per 1,000 people. Canada has only 30 per 1,000 people. Israel, close to a state of war, has 10; Finland, the Netherlands, Greece, Great Britain and

Switzerland have fewer than five handguns per 1,000 residents. The U.S. homicide rate is far ahead of those of all other industrial nations, about eight times the rate of Great Britain, where only 18% of the murders are committed with guns.

Prohibitions on owning and carrying dangerous weapons date back at least to the Middle Ages, according to Carl Bakal, an author who has written extensively on the need for strict gun controls. In England as early as 1328 a statute forbade any man to "go nor ride armed" in places of public assembly. In 1692, the province of Massachusetts enacted a similar prohibition on carrying "offensive" weapons in public, and the law reenacted in 1795 after Massachusetts became a state. As the frontier receded in the early 1800s, many states enacted laws curbing the carrying of concealed weapons, and today carrying concealed weapons is prohibited in nearly every state.

But beyond that, there's little consistency among the states. In a 1969 study, the Commission on Violence found "state and local firearms regulation in the U.S. is a patchwork quilt of more than 20,000 laws, many of them obsolete, unenforced and unenforceable. Serious efforts at state and local regulation have consistently been frustrated by the flow of firearms from one state to another."

THE SULLIVAN LAW WAS FIRST

New York State's Sullivan Law, passed in 1911, was the first aimed at controlling ownership of weapons and is still the strictest gun law in the nation, requiring a license to buy as well as to possess a handgun. (New York City also restricts rifles and shotguns.) But New York officials complain that the easy availability of guns in other states undermines their efforts to enforce the law.

In most other parts of the country, there are few restrictions on who can buy or possess handguns, and practically none on rifles or shotguns. Anybody over age 12 can possess firearms in North Carolina—and those under 12 only need parental supervision. The minimum age for possession is 14 in Montana and Nevada, 16 in Mississippi.

A handful of states require a "cooling-off" period before buying a handgun; it ranges from 28 hours in South Dakota to 15 days in Tennessee. Some states exclude certain purchasers: Indians in Idaho, "tramps" in Ohio and Rhode Island, "prisoners" in Montana, "habitual drunks" in Kansas and aliens in Nebraska and Wyoming.

Penalties for violations vary as widely as the violations themselves. Carrying a gun illegally in Massachusetts brings a fine of $50 to $100; in Kentucky it's worth two to five years in prison. In 14 states, unlawfully used firearms aren't confiscated by police.

GANGSTER-ERA RELICS

Two of the three federal firearms-control laws on the books are relics of the gangster era, passed after a series of sensational kidnapings and machine-gun battles between police and public enemies. The National Firearms Act of 1934 requires registration of machine guns, sawed-off rifles and shotguns, silencers and unconventional firearms such as guns hidden in walking canes. The Federal Firearms Act of 1938 requires federal licensing of firearms manufacturers, importers and dealers engaged in interstate commerce and forbids "knowing" sales to fugitives and felons.

Weak as the 1968 law is, advocates of stricter gun controls insist it could be much more effective if federal agents would use it as a tool to find criminals and take their guns away from them (federal law prohibits possession of guns by convicted felons). They could do this by following up on storekeepers' records of who bought guns or ammunition. Staff members of the Senate's juvenile delinquency subcommittee in 1969 ran a spot check on records of ammunition dealers in Maryland suburbs of Washington, D.C., and discovered that 37% of purchasers had criminal arrest records. Rep. Jonathan Bingham of New York last year ran a similar check of New Yorkers who bought .22-caliber ammunition; he found that 26% had criminal records.

But federal agents—who have the authority to run such checks—simply don't do so on a routine basis.

GOOD FOR TRACING GUNS

The 1968 law has been used, however, to trace guns after crimes are committed; Treasury agents in a 27-month period immediately after the law went into effect found that their arrests for various crimes soared 410%—to 4,477—from the 27-month period immediately preceding the law's enactment, and they attributed the increase directly to their ability to run down gun owners.

Indeed, the law also provided useful information to Treasury agents investigating the shooting of Gov. Wallace; they were able to trace within 10 minutes the .38-caliber revolver allegedly used by his assailant.

Of an array of gun bills currently pending in Congress, by far the toughest and most comprehensive is one sponsored by Rep. Emanuel Celler of New York. As introduced, it would require permits to buy or possess firearms and ammunition and would outlaw handguns except for unfireable collectors' pieces and except for policemen, the military and licensed target-shooting clubs, which would have to keep their handguns locked up on the club premises when not in use. The bill provides for payment of $25 or the fair market value, whichever is higher, for lawfully acquired handguns surrendered voluntarily to authorities.

Mr. Celler, who is given much of the credit for getting what was left of the 1968 bill through Congress, yesterday said the House Judiciary Committee he heads will open public hearings on gun control "promptly following the Memorial Day recess." Several congressmen had urged such action for some time, but "Celler has been afraid to open hearings on a new bill for fear the gun nuts would come in and decimate the 1968 act," says one long-time congressional staff member.

CHIPPING AWAY IN CONGRESS

And in the Senate, the Wallace shooting jarred Sen. Birch Bayh's bill to ban the general sale of cheap, snub-nosed handguns out of the Judiciary subcommittee on juvenile delinquency, where it has been bottled up for 14 months. The bill still faces a stiff fight in the full judiciary committee, but Sen. Bayh and others have vowed to bypass the committee route, if necessary, to get the bill onto the Senate floor this session.

Gun-law foes have been chipping away at the 1968 act ever since it was passed. Among other tactics, they have tried to gain exemption from the record-keeping requirements for .22-caliber ammunition, which is the type most often used in armed robberies and gun murders.

In the 91st Congress—1969 and 1970—a total of 183 gun bills were introduced, 107 of which would have weakened controls and 76 of which would have imposed new controls or tightened existing ones. The first session of the 92nd Congress provided a replay, with 61 bills introduced—37 to ease controls, 24 to strengthen them.

Those who lobby against gun controls are for the most part law-abiding citizens who could continue to own and use guns for legitimate purposes even if stricter controls were imposed. Why, then, do they object so strenuously to tighter regulations?

Their objections seem to boil down to three main points: that controls represent further encroachment of big government on individual rights, that people have a right to keep guns for self protection, and that curtailing guns would have an adverse economic impact—both in reduced gun sales and in the added costs of enforcing controls.

CITING SECOND AMENDMENT

A recurrent argument is that controls would infringe on rights provided by the Second Amendment: "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

But the Supreme Court has ruled on at least four occasions dating back to 1876 that the amendment applies to a militia, not to individuals.

Self defense is a particularly emotional issue; opponents argue that controls would merely take guns away from honest citizens and not from criminals, thereby leaving citizens vulnerable to wrongdoers ranging from robbers and rapists to Communists and rioters. But control advocates reply that the Commission on Violence found that for every robber stopped with a handgun in a given year, four people are killed in handgun accidents. And control advocates find the thought of untrained citizens repelling an invasion by a modern enemy army to be ludicrous.

Gun fanciers say the real need is to improve apprehension and conviction of criminals, not to restrict guns. "Guns don't kill people," runs a popular slogan, "people kill people"—to which Rep. Mikva replies: "True enough, but without the glut of handguns people wouldn't find it so easy, so convenient or so tempting to kill other people.

One point both sides agree on, however, is that too many judges are far too lenient in sentencing people apprehended for gun offenses. Studies in Washington, D.C., and New York show gun felony offenses in those states are nearly always reduced to misdemeanors, and convictions seldom result in more than a small fine or suspended jail sentence. (Gov. Wallace's alleged assailant was caught carrying a concealed gun in Wisconsin last fall, an offense that could have brought him up to one year in jail and a $500 fine, but he was convicted of a misdemeanor instead.)

SOME SOLID EFFECTS

Where tough gun laws exist there are solid indications that they have some effect—even when guns come in from nearby areas of lax controls. The New York City murder rate of 10.5 per 100,000 inhabitants, for instance, is still well below those of Atlanta (20.4), Dallas (18.4) and Houston (16.9), where gun laws are extremely lax.

Since 1966, New Jersey has required purchasers of guns to obtain special credentials—provided only after police background checks—before they take possession of firearms. So far, 316,000 such credentials have been issued, but another 7,800 have been denied—46% of them because the would-be buyers had criminal records. Other reasons included evidence of suicidal tendencies.

"We think the law is accomplishing what it's intended to do, keeping guns out of the hands of criminals and undesirables," says a state police official. "We like to think we've prevented occurrences like the Texas tower shooting spree, but of course there's no way of knowing for sure." (On Aug. 1, 1966, a 25-year-old University of Texas student shot 45 people from a 307-foot tower on the university campus; 16 of the victims died.)

It may be just a coincidence, but in Detroit, where a tough new gun law went into effect last December, the murder rate has dropped sharply, despite the easy accessibility of guns elsewhere in the state. Similar drops were recorded after new laws were passed in Louisville, Toledo and other cities.

Ironically, one of the toughest recent gun laws was rammed through the Maryland legislature by Gov. Marvin Mandel just two months ago. The law prohibits wearing or carrying of handguns anywhere but to or from a hunt or target shoot, provides mandatory minimum sentences for offenders and permits police to stop and frisk people "on reasonable suspicion" of carrying a gun.

The fact that such a law was passed in Maryland, a state where in 1970 the reelection defeat of Sen. Joseph Tydings was at least partly attributed to retribution by gun enthusiasts for his backing of controls, has encouraged gun-control advocates. Many are beginning to question just how much influence the gun lobby actually wields beyond its ability to spark a flood of protest letters or to pack a hearing room with shouting and stomping partisans.

"Their influence is vastly overrated," says Rep. John M. Murphy of New York, long one of the staunchest congressional advocates of tougher controls. "Their big threat has been that they would roll back the 1968 act if we introduced new legislation."

The shooting of Gov. Wallace "could get things rolling again" in both House and Senate, Mr. Murphy figures. "The public sentiment is certainly there today" for new gun controls, he adds. "But it's questionable how much ardor people will have six months from now."

Before Shooting, Wallace Said He Opposed Controls

Montgomery, Ala.—Gov. George C. Wallace has strongly opposed gun-control legislation in his public comments.

"Restrictive gun legislation, wherever it might be—at the national level or at the state level—really in the long run restricts the law-abiding citizen who owns a gun," said the presidential candidate in a recent speech. "But for the law violator, he doesn't pay attention to any law, whether it is gun control or any other law."

Gov. Wallace said he felt disarming American citizens would be a violation of the Constitution.

"If I were convinced beyond a shadow of a doubt that gun-control legislation would control crime in this country and would stop the high homicide rate and crimes of passion, and the other planned crimes, I would be for it—I think you would, too," said Mr. Wallace.

"But we know it's not going to do that. This false liberalism that in the last decade or so has brought about such legislation as gun controls at the national level and the state levels in many states is the same liberalism that has brought us heroin addiction in the streets. . . ."

Mr. Wallace said if restrictive gun-control legislation came about it would "arm completely the outlaws, and that's no way to reduce crime."

[From the Wall Street Journal, May 24, 1972]

The Gun: Kingpin of "Gun Lobby" Has a Million Members, Much Clout in Congress

(By Stanford N. Sesser)

Washington.—The National Rifle Association, according to a statement last fall by its executive vice president, "concurs in principle with the desirability of removing from the marketplace crudely made and unsafe handguns."

Since the NRA is the kingpin of the alliance of hunters, target shooters and gun manufacturers, commonly dubbed the "gun lobby," it would seem that a bill to outlaw the production and sale of "Saturday-night specials"—the cheap handguns used for many "murders, frequently on Saturday nights—would sail through Congress. Instead, little progress has been made on such a measure since extensive Senate subcommittee hearings late last summer.

The answer to this puzzle tells a lot about the reasoning of the million-member NRA. Frank C. Daniel, the organization's secretary, explains that the NRA has been unable to support a specific bill because no one has been able to come up with a definition of a Saturday-night special that the group could agree with. He says that handguns can't be banned on the basis of safety because "there's no unsafe firearm in the market to our knowledge today." Prices can't be used, he adds, because the cost of a gun "has nothing to do" with its danger. What about banning those handguns that the NRA's magazine, The American Rifleman, refuses to take ads for? Mr. Daniel: "It's one thing limiting advertising in a private magazine and another imposing the standards on a whole society."

Finally, the NRA executive complains about the whole notion of singling out certain handguns. "The term itself is meaningless," he states. "What's a Saturday-night special to one person is a highly desirable firearm to someone else."

To the many critics of the NRA, such statements provide insight into the strategy that has maintained the power of the gun lobby. The NRA, they maintain, claims publicly it only opposes measures that hinder the sportsman, while privately it musters its considerable resources to fight every piece of gun legislation, no matter what the intent. "They oppose all legislation because they figure the ultimate step is the confiscation of guns," says Carl Perian, a former professor of criminology who headed the Senate Judiciary subcommittee staff that drew up the federal Gun Control Act of 1968. "Their ultimate strategy is, 'If we hold them here, we won't have to hold them there.'" Or as a member of Sen. Edward M. Kennedy's legislative staff puts it: "You start talking about stopping criminals, and the NRA immediately says you're trying to take guns away from us."

A DIFFERENT SLANT

NRA officials scoff at the notion that their organization wields the tremendous power attributed to it by its critics. They say only about $100,000 of the NRA's $7.7 million annual budget goes for legislative activities, with the vast bulk of resources devoted to such activities as staging shooting tournaments, conducting hunting and conservation activities, and publishing The American Rifleman, a magazine for NRA members. "Our members do the (legislative) work for us," says Jack Basil, director of the NRA legislative service. "All we do is keep our members advised about what's going on."

But Mr. Perian sees things differently. "The NRA is a very efficient minority," he declares. "Look at their new headquarters building and the money they spread around. If the NRA didn't exist, this country would be equal with all the civilized nations in the world in sharply restricting the use of ammunition and firearms."

A close look at the operations of the NRA indicates there's some truth to both views. No matter what the amount spent on lobbying, the influence of the NRA is demonstrably immense. The organization boasts at least 35 Congressmen as members, a number of sympathizers in the White House and key government agencies, and a 150-member affiliate gun club that operates from the office of the Secretary of Defense (the club's head says none of the highest-ranking Defense Department officials have joined). Altogether, the NRA has 12,000 affiliated local and state gun clubs around the nation.

President Nixon became an NRA life member in 1957, and, although the White House claims he resigned after the 1968 election, the NRA's Mr. Daniel says that "Nixon's membership is still a matter of record. We never received notification he resigned." While the Pentagon in 1968 ended its long-standing and controversial support of the NRA's National rifle and pistol championships, the Army still quietly lends 10,000 rifles worth $42 each to local NRA-affiliated gun clubs and each year supplies their members with 8.4 million free bullets worth $84,000. According to the American Riflemen, President Nixon included NRA Executive Director Louis F. Lucas in a group he briefed on the forthcoming 1970 invasion of Cambodia before announcing his momentous decision" publicly. (A White House spokesman insists the President discussed Cambodia only in general terms and didn't give away the invasion plans.)

ACTIVISM AT GRASSROOTS

As Mr. Basil indicates, the key to the NRA's influence undoubtedly is the activism of its grass-roots membership. The NRA once boasted that an appeal to members could produce half a million letters to Congressmen within 72 hours. Mr. Perian says the Senate Judiciary subcommittee "has letters five feet deep" on the question of Saturday-night specials. The NRA's legislative bulletins to members telling when hearings will be held on state and federal gun-control measures inevitably produce overflow crowds of gun enthusiasts jamming legislative chambers.

But if members provide the strength, coordination comes from the NRA nerve center—the "new" building to which Mr. Perian refers. The sleek, eight-story structure actually dates back to 1957, when the original $1.5 million building was finished; a $1.2 million addition was completed in 1963.

The NRA itself uses seven of the floors to house its headquarters staff of 250 (the eighth floor is rented to the National Mediation Board). In the basement is a small firing range, used mainly by Washington-area members, and the building also houses a firearms museum. Most of the 1,000 or so guns were donated by firearms manufacturers.

Much of the staff's time is devoted to putting out The American Rifleman, in overseeing the NRA's extensive activities in firearms safety training and in overseeing target shooting matches. Six million persons have taken NRA firearms safety classes since 1949, two million of them in the past two years alone, the organization says.

Last year, 3,300 NRA-sanctioned shooting tournaments were held, about evenly divided between rifle and pistol matches. They ranged from small local matches to national championships, and altogether had 106,000 entrants.

The NRA is governed by a 75-member board of directors. Only life members are eligible to vote for directors and officers (a life membership costs $150). The directors and elected officers—the president and two vice presidents—receive no salary, but they do get expense allowances. Day-to-day operating responsibility rests with the executive vice president and the executive director, both full-time paid employes.

Underlying virtually all the NRA's activities is a persistent defensiveness on the subject of gun controls—a sense that, somehow, the NRA and its members are being unfairly persecuted by those who want stricter gun laws. This preoccupation is evident in conversations with NRA officials and in published materials distributed by the NRA both to its members and to the press and public, and it surfaced frequently in discussions at the NRA's annual meeting at Portland, Ore., last month.

In one panel discussion on hunting, for example, Dale L. Shaw, a Colorado State University forester and gun enthusiast, reported that a survey of 200 Colorado State students found two-thirds were opposed to hunting. "A real shocker to me," Mr. Shaw added, "was that over half the students from rural areas were against hunting." The reasons for the students' attitude, he said, included general sentiment against killing for sport, unpleasant personal experiences with hunters and the publicity given the killing of endangered species.

The discussion sparked an outpouring of bitterness and suspicion among the 400 people in the room—much of it directed ultimately toward those elements in U.S. society that want tougher gun laws. The chairman of the NRA's hunting and conservation committee called antihunting sentiment "a flank attack by the antigun people." One speaker pointed to "the emotional outcry of the apartment-block critics," and Mr. Shaw himself complained that some New York City residents equate hunting with the killing of "puppy dogs and kitty cats."

Finally, one member of the audience rose to point out that the antigun movement gained considerable momentum after the assassination of President Kennedy. Then he asked: "Do you think if this had been an attack on Mrs. Kennedy they would want to emasculate every man in the country?"

AS INNOCUOUS AS GOLF?

The depth of frustration felt by NRA members at talk of tighter gun controls seems rooted in a feeling on their part that owning and shooting guns for sport is as innocuous as, say, playing golf. In fact, a visit to a meeting of the Chabot Gun Club, a San Francisco-area NRA affiliate, turns up striking parallels with golf. Most of the members present are target shooters who spend most of their weekends on the club's shooting range—and make the same sort of jokes as golfers about how their wives sit home. Several members, totally unaware of the irony, even complain about the hazards from golf balls when they drive along a road bordering a golf course. One member says his car was hit by golf balls five times in a single day and adds that he can't understand why authorities seem unwilling to act against errant golfers. "I guess there's nothing we can do about them," he mutters.

Many gun enthusiasts see a conspiracy to penalize the hunter and target shooter while letting the criminal roam free. Their solution to the problem of guns and crime is simple: Pass tough laws providing long mandatory prison sentences to anyone using a gun for a crime.

The antigun conspiracy, they believe, is nurtured by a biased press. A reporter attending a gun club meeting is asked the same question as a preliminary to almost every interview he seeks: "Do you shoot?" When the answer is no, the looks are incredulous, and a second question usually follows: "Well, then, how can you write about guns?"

NRA would also have to answer that question in the negative. The current president, Fred M. Hakenjos, is involved with guns only through his job with Hercules, Inc., the gunpowder maker. Maxwell E. Rich, executive vice president, neither hunts nor shoots at targets; before his NRA job (a full-time staff position) he was an official of the Salt Lake City Chamber of Commerce and an adjutant general in the Utah National Guard. Louis Lucas, the executive director, is a certified public accountant and a nonshooter.

ENERGETIC, NONETHELESS

NRA officials profess to see little significance in the fact that many key personnel don't shoot; they say the number of shooters varies widely from year to year.

Whether they shoot or not seems to have little effect, however, on the energy with which NRA officials press the organization's cause. Executive Vice President Rich, for one, is a frequent witness in congressional hearings on various gun-control proposals, and other staff members consult often with the aides of Congressmen—both sympathetic and unsympathetic—on gun matters.

Perhaps most effective are the NRA's efforts to keep its members informed about gun-control activities around the nation through its monthly American Rifleman and through the separate mailings of thousands of legislative bulletins.

The legislative bulletins, though they don't urge members to any course of action, often lead to massive campaigns to deluge legislators with mail and to jam legislative galleries and hearing rooms when gun-control matters are discussed. If a state legislative committee, for instance, plans a hearing on a gun-control bill, every NRA member in that state will receive a bulletin with the time and place of the hearing, the text of the proposed measure, and the names and home cities of all the legislators on the committee.

NOT SO FIRE-EATING

The American Rifleman isn't quite so dispassionate. The magazine, which is financed largely through advertising by gun and ammunition makers and is sent free of additional charge to members who pay their $7.50 annual dues, frequently emphasizes the message that "communism engaged in a shooting war against young Americans in Vietnam, does not want young Americans in the U.S. to be taught to shoot." It calls interest in guns "universal, usually in direct ratio to intelligence and education," and lashes out at the federal Gun Control Act of 1968 as "a legislative monstrosity saddled upon the people in a period of emotionalism." The 1968 act bans interstate mail-order sales of guns, limits imports of guns and requires gun dealers to demand identification and to keep records of purchasers of firearms, and ammunition.

In recent years, however, the editorials seem to have been toned-down from the fire-eating prose that sometimes appeared in the mid-1960s. In 1967 the magazine asked who would guard "the doors of American homes from senseless savagery and pillaging" if the National Guard were overseas fighting a war. The editorial noted that "the armed citizen represents a potential community stabilizer," and, speaking of gun-control bills, concluded: "There is little indication that their sponsors have given any thought to the fate of citizens who may be trapped and beleagured by howling mobs that brush police aside."

In 1965 an editorial noted that "the taking of a human life is a matter of deepest concern. Nevertheless, our laws rightly recognize the fact that a person may resort to the use of firearms, when necessary, for the protection of himself, his home and his place of business. . . . If he elects to use a gun, that is his privilege. The important thing is that the individual must have the opportunity to make his own decision, and obviously his decision lacks meaning in such instances if he does not have the right and the opportunity to have a gun to enforce that decision." NRA officials say they still stand behind these editorials.

NOT ALWAYS SO MILITANT

Surprisingly, some observers on Capitol Hill say the NRA's lobbying efforts haven't always been as militant as the American Rifleman's prose. Franklin L. Orth, who was executive vice president and day-to-day operating head until his death two years ago, was frequently quoted as searching for a compromise on gun legislation. "He was an honest man who would almost cry whenever you'd talk about Jack Kennedy," says Mr. Perian, the former Senate staffer. (President Kennedy's presumed assassin, Lee Harvey Oswald, purchased his rifle by mail order from an ad in The American Rifleman.)

According to Mr. Perian, the turning point came in 1969 when Mr. Orth was invited to testify before the Senate's Juvenile Delinquency subcommittee, which considers gun legislation. Instead, the NRA's then-President Woodson Scott, a New York lawyer and a strong opponent of gun controls, showed up. "Orth told me his directors accused him of working with the committee," Mr. Perian states. "He maintained his post but they shoved him in the background. Orth was invited as a witness, and the NRA wouldn't even let him in the room." Asked whether the executive vice president had ever before failed to appear at congressional testimony, William Gilmour, a former NRA public-relations man, stated that "it never happened before, in recent years at least."

Mr. Basil, the NRA's legislative director, denies the organization clamped down on Mr. Orth in order to take an uncompromising line on legislation. "Frank Orth was never at odds with the directors," he says. "He could not very well be: he was an employe." Mr. Basil says Mr. Orth was out of town on NRA business the day of the hearing.

To the NRA, the whole controversy over the need for gun-control legislation is vastly blown out of proportion. The American Rifleman, for example, points out that "the handgun is used legitimately by millions of target shooters and hunters as well as for home protection. . . . In itself it is no more inherently criminal than a pair of scissors, a piece of rope or a brick."

The organization's home-firearm-safety instructor's guide takes up the analogy. It tells instructors to "attempt to remove fear if any exists . . . point out the appeal to the senses; fine workmanship, interesting sounds even without firing, cool, smooth, substantial feel, distinctive odor. Be sure to point out the respect due firearms as . . . instruments which have great potential for sport—improperly used, great potential for harm. Point out also, the last is true of a baseball bat, a fishing rod, roller skate or other rather innocent-looking items that have the double potential."

COMMENCEMENT ADDRESS BY ALF M. LANDON

Mr. PEARSON. Mr. President, Mr. Alf M. Landon recently delivered the commencement address at Mount Saint Scholastica Academy in Atchison, Kans. I have had occasion to read his statement and found it to be an excellent analysis of current American foreign policy and a lucid evaluation of the changing world scene. Since this is a most sigificant statement, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY ALF M. LANDON

I am honored to speak to you on this great day in your lives and in the lives of your families and friends.

Mr. Cooney suggested that I would be speaking to a "smart and alert group" who are "tuned in to present day domestic and international problems, with a deduction to make the future better for others and themselves."

I remarked that a frank discussion of that kind would call for somewhat of a political tone that some would think was not appropriate for this audience. He replied that a message that offers them the opportunity of participating in the times we live in and world affairs will "strike a responsive cord."

At the time the first class entered the Academy of Mt. St. Scholastica in 1863, Atchison was on the edge of what was generally called, in those early days, the great American desert.

The only means of transportation then was by horse power or by paddle wheel steamers on the Missouri River. The first link from Atchison to Topeka had yet to be built—as the start of the great transcontinental railroad, the Atchison, Topeka and Santa Fe.

Between the opening of this—then the only boarding school for girls west to the Pacific Ocean—and the students of today—occurred the vast changes wrought by the development and general use of new power and technology in agricultural and industrial production. The motor car and the airplane have, to a considerable extent, succeeded railroad passenger transportation. The tractor and the truck have eliminated horse power in agriculture. Now we are on the verge of nuclear energy for peace time power uses.

In a nutshell, America has changed during the little more than 100 years existence of this fine Academy from an agricultural economy to an industrial economy and from a weak and divided little American Republic to the greatest power in the world.

There is some similarity between the political climate of that first class and this graduating class of this fine Mt. St. Scholastica Academy.

At the time of that first class, our beloved country was deeply divided in a fratricidal war. In 1863, there were riots and arrests on the streets of New York and elsewhere—against the continuation of the war—just as there have been on some of the college campuses today.

Then, some of the leaders in the Democratic Party, as well as Republicans, were critical—not only of the policies and objectives of President Abraham Lincoln, but as to his conduct of that war. Yet, among President Lincoln's strongest supporters, there were stalwart Democratic leaders. Today we find somewhat the same division among some Democrat presidential candidates, as well as some Republican and Democrat members of the Congress—and among the press, with President Nixon's Vietnam policies.

There is also somewhat of a comparison between President Nixon's policy of blocking the delivery of military supplies and equipment to Communist North Vietnam and President Lincoln's ordering a blockade of Confederate ports—and, later on, many other examples including Sherman's March to the Sea, cutting the south in two, reducing military supplies to the Confederate armies. Also, there was General Grant's move to destroy the beautiful, productive Shenandoah Valley as a source of food supply to the Confederate troops. His orders were graphically expressed, that, when the Union troops got through, a crow flying over that valley would not be able to find anything to live on.

North Vietnam is in somewhat the same position, with Haiphong and its other harbors blocked, as the Confederate armies were in the north in that great war. Those were strategic moves of President Lincoln's at that time.

President Nixon's order last Monday night is the first strategic move in this long and frustrating Vietnam War. What we have been doing up to now is interdicting supply lines by hitting trucks and other means of moving supplies over the Ho Chi Minh Trail, etc. These are tactical maneuvers.

By blocking Haiphong and all other harbors of North Vietnam—keeping the supplies from coming in—we are now, for the first time, strategically limiting the capability of North Vietnam in moves comparable to President Lincoln's strategy in the Civil War.

It is to America's interest, as our President has stated, that we intend to be a Pacific power.

That is as important to America as maintaining our position in the Atlantic Ocean and the Caribbean Sea. That has been our historical policy since we became a world power—which President Nixon is simply carrying out—as all of our other presidents have done.

After the end of World War Two in 1945, we got involved in bi-partisan foreign policies that led to committing our land forces all over the continent of Asia and elsewhere in an attempt to police the wide world.

Mr. Nixon's policy is a complete reversal of that folly. He specifically—in an article in Foreign Affairs magazine in October, 1967—said we should be a Pacific power limited to the water's edge and that our Pacific friends should form their own defenses internally. If our friends were attacked and if called upon, we would support them. We would not be the foundation of their defense. They would have to organize their own defense system. That is precisely the Vietnam policy of our President from the start of his administration.

Incidentally, President Nixon is trying to persuade our European friends to accept that same concept of defense. The picture of 250 million Europeans formed into the European Economic Community depending on the United States of America for their defense is ridiculous. Mr. Nixon is encouraging them to form their own defenses—just as he is trying to do in his Asia policies.

Russia is now building up its position in the Mediterranean Sea. That can be a menace and a threat to Israel and the moderate Arab states.

Israel is the crossroads of the Middle East. It is the balance of power in that area. It needs our assistance in the Nixon policy seeking to keep a balance of economic and military forces for peace.

I say this with a background of repeatedly urging—since 1948—the admission of the People's Republic of China to the United Nations and our diplomatic recognition and also a detente with Russia. At the same time, I said we must not be second militarily to any country in the world.

Now for a larger look at the world we live in and the overall long view of Mr. Nixon's conception and pragmatic execution of policies for a peace that will last longer than one generation. We have had a war every generation since before the turn of the century, starting with thet Spanish American War of 1898.

In President Nixon's campaign speeches of 1968, you will find the broad outline of the policies he has been pursuing.

In February, 1969.—20 days after his inauguration—in a public statement, he made the first step—some call it only a gesture—so what?—toward normalization of relations with China—which is now in the making. I promptly supported that in a speech the following March.

He has already modified trade restrictions with Russia and China by executive order permitted under an Act of Congress.

Last Thursday, the Russian Trade Minister and the Russian Ambassador to the United States had a cordial 45 minute visit with our President in the White House.

China, Russia and the United States have a common denominator of interest in the measure of stability on which peace and prosperity are based for all the world's peoples. Mao and Chou En-lai and their moderate generals are also interested in a degree of stability in China itself. And so are the Soviet leaders. The present leaders in both countries are getting old. The leadership of both China and Russia are facing a new and rising generation. They both have similar problems.

There are growing numbers of protestors of the present Communist leadership. They do not want to get rid of Communism. They simply want to get rid of the personal repression of the individual and threats of war. The circulation of repressed expressions of personal writings is causing the Soviet much concern.

Romania, Yugoslavia and Poland are building their own Socialist states. There is no doubt that Russia could use its military power to suppress them—just as it did with Hungary and Czechoslovakia—but it shrinks from that now.

There is a growing demand in Russia and its Balkan satellite states that the Communist governments make good on their promises of both bread and butter. This they have not so far been able to do.

Both China and Russia are very interested in tapping the industrial production of the United States so that they can meet their consumers' needs. They need particularly America's technology of food production.

Our President is meeting them half way in our new trade and world peace policies abandoning the bi-partisan outmoded militant containment policies he inherited from his four predecessors.

Mr. Nixon's long range goal is a peace that will accommodate the legitimate needs and national interests of other nations. That is too often overlooked in international relations. Every country—friend or foe—will always act in its own interests as it sees them at a particular time.

If they have doubts about our new momentous policies based on stabilization of international relations, we have doubts about them.

While the abandonment—at least a modification—of the militant foreign policies of the three major powers—is yeasting, that calls for persistence with patience.

In a nutshell, it means speaking softly while carrying a big stick, as President Theodore Roosevelt advocated for our great and beloved country.

In the midst of these exciting times, leaving old friends of boarding school days, you are entering a different style of life, but not too different basic problems from the first graduating class of this fine school, founded by the Sisters of St. Benedict, whose influence has contributed so much, not only to the life of Kansas, but to the life of other states and other nations in the world.

What a splendid tribute this fine and successful school is to the bold and pragmatic vision of the Sisters of St. Benedict of the need for such a school and in daring to start, in those really violent times, on the frontier of civilization, a school for girls—the first between the Missouri River and the Pacific coast. Surely it is a historic demonstration of the Benedictine Sisters' dedication to betterment of humanity.

So, today, as we join in our congratulations to you 1972 graduates, we pause in admiration and respect for the Christian inspired leadership and foresight of the Sisters of St. Benedict in establishing Mt. St. Scholastica under the most trying and discouraging circumstances.

Their consecrated successors, over the years, answering that call, have, in their dedicated good administration of Mt. St. Scholastica, covering many trying and difficult years, fulfilled and honored the dreams of a school founded for educational and inspirational values.

Despite the frustrations that seem to exist today, they are no greater—and no easier solutions—than heretofore. But, as always, good music is just as beautiful; good literature is just as elevating; and good character is just as ennobling.

I wish you the best of health, happiness and good luck.

AN ACT AGAINST AGGRESSION

Mr. TOWER. Mr. President, in the May 14 issue of the Hearst newspapers, there appeared a very succinct and thought-provoking editorial from the editor in chief, Mr. William Randolph Hearst, Jr. In this editorial, Mr. Hearst sets forward his most cogent reasons for supporting the President's recent moves in Vietnam. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection the editorial was ordered to be printed in the RECORD, as follows:

AN ACT AGAINST AGGRESSION

(By William Randolph Hearst, Jr.)

NEW YORK.—There shouldn't be any doubt that the big story of this week is also one of the big stories of the year and of the years of the Vietnam War. President Nixon's decision to cut off military supplies to the invading North Vietnamese divisions by mining their harbors and bombing their railroads is of such magnitude that its repercussions will be felt far into the future.

As readers of this column know, I have advocated this type of action against our vicious and intransigent enemy for a long time. It has always seemed wrong to me that, after committing our troops in Vietnam, we did not move decisively to cut off supplies moving to the enemy in the field from Russia, China, Poland, and other Communist countries.

If President Johnson had done this or if

President Nixon (who was critical to me of Johnson's stopping the bombing without some similar "quid pro quo" from the North) had mined the ports when he first came in, there would be no shooting war today.

There isn't much use in crying over spilled milk. President Nixon has now moved boldly to prevent these supplies from reaching Hanoi's invasion force and I should think all Americans who want a quick end to the killing there should be pulling—if not praying—that his efforts succeed.

What gripes me though are the cries of anguish that have emanated the past few days from our Senate Doves, our Democratic presidential candidates and some of our young people on campus who think that the United States had committed a blatant act of aggression against a peace-loving North Vietnamese people when, in fact, we have simply reacted to their 12 divisions of troops invading and attempting to conquer South Vietnam.

Since so many people who should know better have criticized President Nixon either out of ignorance or political motivation, I thought it well today to look at the record of what has happened in Vietnam and Paris and to factually recap the situation.

For instance the Hanoi delegation in Paris, resorting to its usual hysteria and deceit, accused the President of violating the 1954 Geneva Accords and the 1968 understanding by which U.S. air attacks against the North were halted.

In point of fact, it was Hanoi that violated the 1954 and 1968 agreements when it moved a massive army across the Demilitarized Zone last month in an effort to conquer South Vietnam by force of arms.

The Hanoi crowd in Paris declared: "As long as the Nixon administration continues its aggression in Vietnam, continues its policy of Vietnamization of the war and escalation of the war, all the Vietnamese people, united as ever, will resolutely continue their resistance struggle until they reach their fundamental objectives, namely independence, freedom and peace."

On the surface, that is pretty high sounding prose. But, since when have the "Vietnamese people" been "united as ever"?

And since when have the North Vietnamese people—or for that matter any people living under a Communist government—enjoyed "independence and freedom"?

We have sought endlessly to work out some kind of peace agreement, even to the point of sending Dr. Henry Kissinger to Moscow to get the help of the Russians.

The Soviet leaders assured Kissinger last month that they were interested in ending the war on a basis that would be just to both sides. They urged resumption of the Paris talks and promised to use their constructive influence to make those talks fruitful.

So what happened? President Nixon gave us a good rundown on that situation when he appeared on the nation's networks Monday night. He said:

"I authorized Dr. Kissinger to meet privately with the top North Vietnamese negotiator, Le Duc Tho, on Tuesday, May 2, in Paris. Ambassador Porter, as you know, resumed the public peace negotiations in Paris on April 27, and again on May 4.

"At those meetings, both public and private, all we heard from the enemy was bombastic rhetoric and a replaying of their demands for surrender."

The President pointed out that in more than three years of negotiating we have offered 1) de-escalation of the fighting, 2) a cease-fire with a deadline for American withdrawal, 3) new elections with Communist participation, 4) an exchange of prisoners and 5) President Thieu's agreement to resign one month in advance of elections.

"And North Vietnam has met each of these offers with insolence and insult," said President Nixon. "They have flatly and arrogantly refused to negotiate an end of the war and bring peace."

Every time the United States has made a peace offer, the Communists have greeted it with insult and an escalation of the war.

Kissinger, at a press briefing on Tuesday, covered in complete detail the valiant efforts of our government to reach some sort of settlement through negotiations over a six-month period, beginning last November.

Even though we knew the Communists were massing a powerful force about the DMZ, we did not bomb supply installations or missile sites because of our concern over our relationships with China and the Soviet Union.

When the negotiators finally sat down at the conference table last week, Kissinger explained: "We were confronted by the reading to us of the published Communist statement. It had taken us six months to set up the meeting and innumerable exchanges and when we got there, what we heard could have been clipped from a newspaper and sent to us in the mail."

Kissinger added: "What is it the other side is asking of us that we have rejected? The other side has asked us, Prior To a Cease-Fire, that the following steps be taken:

"The President of South Vietnam must resign. What is called by the other side the 'machinery of oppression of the government' must be disbanded. Pacification must be stopped. Vietnamization must be stopped, which means the end of American military and economic aid. All persons who have been arrested on political grounds should be set free. Then a government should be formed which is composed of all those who favor peace, independence, neutrality and democracy, presumably, by definition, including the Communists.

"In that government, in other words, the Communists would be the only organized force, since all the organized non-Communist forces would have been disbanded by definition.

"All of this is prior to a cease-fire. Then this government is supposed to negotiate with the Communists a final solution. In other words, this is only the thinnest veneer; this government, which already contains the Communists, is then supposed to negotiate with the provincial revolutionary government, which at that moment will be the only force in the country which has an army, which is backed by the North Vietnamese army. It will be the only force in the country that has any physical strength, and it is supposed to negotiate with them a final settlement. And all of this, ladies and gentlemen, is before a cease-fire."

The above needs no interpretation from me. The Communists demand that we destroy, not only the present government, but the present form of government in South Vietnam, thus turning the country over to the well-organized Communist forces of the North. To this—thank heaven—President Nixon positively stated, "This will not happen. We will not cross the line from generosity to treachery."

So since we obviously cannot reach a negotiated settlement under those terms, our only choice is to help South Vietnam from being forcibly taken over—which is what we have been doing for the last five years.

This, in essence, is the choice made by our President. It may be brinksmanship, but it is the only way I see to convince North Vietnam that we are in this thing for the duration and to bring them to a meaningful peace conference.

THE MINIMUM WAGE BILL

Mr. DOMINICK. Mr. President, as a member of the Committee on Labor and Public Welfare, I have followed closely the work on the minimum wage bill. It was reported today by a majority of the full committee, with increases proposed which far exceed any cost of living increase over the past 6 years, far exceed the House proposals, and directly sharpen the inflation cycle which we have been fighting so hard.

On May 23 the Director of the Cost of Living Council issued a statement warning about the effect of such increases and pointing out that the indirect effects on the wage bill will greatly exceed the estimated $2.8 billion of direct cost to the Nation.

It was in recognition of these factors and others that the Senator from Ohio (Mr. Taft) and I introduced a substitute bill conforming to the House minimum wage increase provisions, therby reducing the inflationary impact of the Senate bill.

Mr. President, I ask unanimous consent that Mr. Rumsfeld's statement of May 23 be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Donald Rumsfeld

Donald Rumsfeld, Director of the Cost of Living Council, today called on the Congress to "exercise restraint" in adopting new minimum wage legislation.

"All who are serious about wanting to reduce inflation and achieve true peacetime prosperity, must carefully assess the potential impact on unemployment and inflation of the minimum wage legislation now pending in the U.S. Senate.

"Any proposal which fails to take into account the upward pressure on prices, generated by an abruptly higher minimum wage, poses a threat to the national effort to stabilize costs and prices.

"The Senate Labor and Public Welfare Committee is expected to approve Senate Bill 1861 tomorrow. That measure, which probably will be voted on by the entire Senate next month provides for a 25% increase in the minimum wage within 60 days of passage. The bill would add $2.8 billion in direct costs to the Nation's wage bill in the first year. Additional increases would be required in subsequent years.

"While the direct impact on the total wage bill and on prices of so large an increase in the minimum wage is great, its indirect effects will likely be even more substantial. Adjustment of the Pay Board standards might be necessary to maintain customary wage differentials for workers with higher skill levels, which would result in a significant escalation in labor costs. Those most in need of jobs for the income and work experience they provide will find it more difficult to compete for jobs when employers are prohibited from hiring them at wage levels commensurate with their skills.

"Such a large and abrupt change in the minimum wage will lead to additional wage increases for some, which will be paid for by the low wage earner in the form of lost employment opportunities, and by the American consumer in the form of higher prices.

"The House-passed version of the bill, H.R. 7130, is far more reasonable in its provisions than the Senate version. Although it provides for a 12% increase in the minimum wage, it will not have as severe an impact on employment opportunities or inflation as the measure now pending in the Senate. The House version wisely makes provision for young men and women seeking full or part-time employment by allowing a teenage differential. This provision avoids the unintended result of providing an incentive for firms to reduce their total number of workers and will encourage additional jobs for groups experiencing disproportionately high unemployment.

"Congressional Amendments to the Economic Stabilization Act in December 1971 involving the exclusion of certain fringe benefits from control and the mandated retroactive wage payments, have resulted in a loosening of the Pay Board rules and the passing along of substantial increased costs to consumers across the country. Continued Congressionally mandated loosening of the Economic Stabilization Program's regulations could reduce the ability of the country to achieve the stated anti-inflation goals.

"At a time when the Nation is embarked on an effort to reduce inflation, reduce unemployment, and expand job opportunities, the Senate should weigh carefully any proposal which requires large increases in wages and costs."

Mr. DOMINICK. Mr. President, it should be noted that in estimating the direct costs, Mr. Rumsfeld is not taking into account the increased coverage of the Senate bill, the overtime provisions, or the ripple effect of the increases. These factors if built into the estimate could raise the yearly increase in annual costs to the Nation to a figure in excess of $8 billion, almost all of which would have to be absorbed by the consumers who purchased the products and services covered by the bill.

NUCLEAR POWER: WHAT IS THE MEANING OF RECENT VOTES?

Mr. GRAVEL. Mr. President, should the recent passage of interim licensing authority for the Atomic Energy Commission be interpreted as clear sailing in Congress for nuclear electricity?

Definitely not. Passage of the interim licensing bills tells us only what we all knew before: Congress is not yet ready for a nuclear power moratorium. I would like to stress the word "yet."

Inquiries by my office staff prior to the vote revealed a widespread awareness of nuclear hazards among other Senate staff people. There is worry, all right.

How long before that worry carries Congress across the very thin line which separates the OK-to-license position from the stop-everything position? That is the question which must be bothering the utilities and other heavy nuclear investors.

THE VOTE IN HOUSE AND SENATE

The House passed its interim licensing bill, H.R. 14655, on May 3, 1972, by a voice vote. The Senate passed its bill, S. 3543, on May 17, 1972, by an 80–0 rollcall vote. I was absent; my position against the bill was announced.

The bills which passed are intended to get nuclear power plants into operation faster. Now, if nuclear power were safe, I would have no objection to having it sooner instead of later.

But I am convinced that nuclear power is far too primitive and hazardous at this stage of its development to permit any licensing at all. That is why I introduced the nuclear power moratorium bill, S. 3223, on February 23, 1972.

THE LOGIC OF THE VOTE

The only alternative to supporting a moratorium on nuclear licensing is to support continued licensing. There is no middle ground. Either you continue licensing, or you stop licensing. The positions are adjacent, not opposite extremes of some continuum. Therefore, Members of Congress can shift from one position to the other in a flash.

If you are not yet ready to stop nuclear licensing, then you might as well accelerate it. After all, if nuclear power plants are safe enough today to license at all, why not expedite them a little? A nonexistent threat to public safety and national security will be exactly the same whether nuclear plants go into operation 6 months earlier or 6 months later.

WHAT MATTERS AND WHAT DOES NOT

The same is true about some very real nuclear threats, too. The major unsolved problems of nuclear power can be abbreviated into seven categories:

First, deficiencies in design, including the crucial emergency core cooling system.

Second, haphazard quality control in manufacturing and construction.

Third, vulnerability of powerplants to sabotage.

Fourth, vulnerability of fuel reprocessing plants to accidents and sabotage.

Fifth, transportation accidents, especially involving plutonium.

Sixth, likelihood of theft of fissionable material, especially plutonium, to make private atom bombs.

Seventh, absence of place or reliable method for storing radioactive waste for the next half-million years.

Under such circumstances, it is of virtually no importance whether you license a particular nuclear power plant in the spring or in the fall, or whether AEC hearings consumer 2 weeks or 2 years. What matters is the persistence of fundamental unsolved problems which could result in unintended, but irrevocable, nuclear pollution.

The important question is not how rapidly we license nuclear power plants, but why we allow licensing at all.

ARTICLE PLACED IN THE RECORD

The case against nuclear licensing is made with incisive logic in an article from the winter 1971 issue of Environmental Law, a journal of the Northwestern School of Law in Portland, Oreg. The article, entitled "Nuclear Power, Technology, and Environmental Law," is written by Drs. Arthur R. Tamplin and John W. Gofman, who originally proposed a nuclear moratorium in testimony before the Pennsylvania State Legislature in August 1970.

Mr. President, I ask consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Environmental Law Journal, Northwestern School of Law, winter 1971]

NUCLEAR POWER, TECHNOLOGY AND ENVIRONMENTAL LAW*

JOHN W. GOFMAN** and ARTHUR R. TAMPLIN***

In the discussions with the editors that led to the request for the writing of this article, two points were made:

(1) One of the major problems that citizens have when they try to stop the AEC or private utilities from building nuclear power plants is the lack of relevant scientific information that could be used as evidence to point out the dangers that are present when nuclear power plants are built.

(2) We would like to invite you to contribute a technical article for our journal that would help both lawyers and private citizens when they are faced with problems of presenting evidence at AEC Hearings.

Our major thrust will be to show that we do not believe that the nuclear power threat to the environment should or will be solved by citizens and their legal advisors fighting AEC and the utilities concerning the construction of a *particular* nuclear power facility. We are aware that many environmentalists and environmental lawyers feel that the legal approach is one effective way, among many, to tackle this problem. Some among both groups express little hope that legal approaches will solve anything *directly*, but that such approaches will, by attracting wide public attention, bring pressure to bear upon legislators, state and federal, to reappraise the entire venture into nuclear power generation.

There is certainly no doubt that the reactions against construction and operation of nuclear power plants have had two effects. First, several nuclear power plants have indeed been delayed.[1] Second, the issue has become a national one, in some measure the result of public and legal efforts to stop or delay plants, or to insist upon more stringent controls upon emissions of radioactive substances. We would consider any success in delaying plant construction to be counterproductive because in doing so the real issues are obscured.

Since it is possible to say that the issue of nuclear power plants has become a national concern, the real question to ask is whether more of the same approach is worthwhile. We do not think so. Indeed, we consider such efforts to obscure the problem. This issue of nuclear power is too large, too important, to be handled piecemeal. The question to be decided is whether this nation should or should not go forward with *any* program of nuclear power plant construction in its present state of development. The purpose of this article is to provide information to convince the legal profession and the environmentally-concerned citizen that fighting *individual* nuclear power plants is no way to solve such a vitally important national problem.

THE NATURE OF THE NUCLEAR POWER PROBLEM

The biological effects of radiation and radioactivity are now under intensive study and discussion by the scientific community, by governmental agencies, and by the public. Evidence is being presented to indicate that the seriousness, or magnitude, of biological effects of radiation upon humans has previously been grossly *underestimated*,[2] Our work has led us to the conclusion that the hazard of cancer development from ionizing radiation is some 20 to 30 times as great as "standard-recommending" bodies indicated less than ten years ago.[3] The danger of genetic mutations and the human suffering and death which follow have been underestimated even more than the cancer hazard.[4]

But biological hazard of radiation and radioactivity does not mean that nuclear electric power generation is intrinsically unsafe. We must consider engineering and operating details of the industry before judgment concerning the biological hazard can be rendered. Our most pessimistic estimates of the cancer and genetic hazard of radiation would become irrelevant if *guarantees* were made that humans would *never* be exposed to radiation or radioactivity as a result of the operation of nuclear power generating plants. Of course, it is meaningless to consider only "routine" operation of the nuclear reactor itself. Any realistic evaluation (rarely, if ever, provided by nuclear power proponents) should encompass routine operation, accidental releases of massive quantities of radioactivity at reactors, releases of radioactivity associated with accidents in transport, releases at the fuel reprocessing centers, and releases to the environment associated with radioactive waste management (or *mis*-management).

Footnotes at end of article.

Thus, the biological and the engineering aspects are closely intertwined and must be considered together. The nuclear electric power industry has burgeoned forth in the face of appalling ignorance, misinformation, and lack of candor by the major proponents of the industry. Since this involves the potential for irreversible nuclear pollution of the planet, the problem cannot properly be handled by permitting or denying the construction and operation of a specific plan.

If the engineering and operation of nuclear power plants *can* expose humans to radiation and radioactivity, then the biological hazards become of *prime importance*. The evidence is quite clear that humans will be exposed.[5]

THE ENGINEERING OF NUCLEAR POWER PLANTS AND LOW-LEVEL RADIATION EXPOSURE

The United States Atomic Energy Commission has promulgated regulations concerning the magnitude of permissible releases of a large variety of radioactive substances.[6] These releases are calculated to conform with a so-called primary standard. The primary standard is that no person at the perimeter of a nuclear facility shall receive more than 0.5 rads of total body exposure per year.[7] (A rad is a measure of absorbed ionizing radiation energy.) [8] More lenient standards apply for exposure of a part of the body.[9] If a person breathes the air or drinks effluent water discharged from the plant, the radioactivity content is supposed to be below the level which can result in delivery of 0.5 rads to persons just outside the perimeter.[10]

These release standards are erroneous because, by neglecting proper accounting of uptake of radioactive materials by various human food chains, the standards could allow for grossly higher exposures to the public.[11] The AEC claims that it always considers this issue of the effect on food chains, and that the standards for release of radioactivities can and will be upgraded, so that the 0.5 rad whole body exposure limit will be met.[12] In any event, let us look at the meaning of this 0.5 rad standard and the related recommendations of the Federal Radiation Council that the *average* exposure of the U.S. population should be kept below 0.17 rads per year.[13]

A fundamental question we must ask is the meaning of the primary standard. What is implied by the statement that it is "permissible" for individuals to receive up to the primary standard of 0.5 rads per year from peaceful atomic programs, or for the average public exposure to be as high as 0.17 rads per year? There are two possibilities: (a) no harm accrues to persons exposed, or (b) the benefits to be achieved outweigh any harm.

For it to be true that no harm accrues to persons exposed at an average level of 0.17 rads per year would require that evidence of a "safe" or "threshold" amount of radiation exposure has been presented. No satisfactory evidence of this sort has ever been presented. Not a single standard-recommending body believes any such evidence to exist. We need not argue the "maybes" that some such evidence will mysteriously materialize. The point is that *none* exists.

For it to be true that the benefits outweigh the risks would require that some individual has presented calculations and evidence on this score. Neither we nor anyone else can discover any such evidence or calculations.[14] The simple statement, "Surely the benefits will outweigh the risks" emanating from nuclear power promoters is pure public relations pap.

No proponent of nuclear power has refuted any of the findings that a serious cancer and genetic danger comes of an average exposure of 0.17 rads per year. Scientists differ on the precise magnitude of the problem, but all estimates indicate a hazard of grave proportions.[15]

As a result of our research into the cancer hazard associated with the "permissible" level of radiation exposure, we have come upon a startling realization. The nuclear power industry, including reactor manufacturers, the electric utility industry and the leadership of the Joint Committee on Atomic Energy all have been laboring under the illusion that the "permissible" dose is truly a "safe" dose. The Atomic Energy Commission has certainly *not* discouraged this illusion, to state the situation conservatively.

Congressman Chet Holifield, as Chairman of the JCAE, told us in 1969 he had been given to understand that a 100-fold margin of safety existed in the "permissible" dose. More recently he has stated that the margin of safety is at least six-fold.[16] Both figures are completely unsupported by a shred of evidence.

Electric utility ads abound with statements that the "standards" must be safe because international experts recommended them.[17] The international experts to whom they refer are the members of the International Commission on Radiological Protection. But the electric utility ads conspicuously refrain from mentioning other items in the commission's reports.

In the context of the International Commission's discussion of their recommendation of an average exposure of 0.17 rads per year (or 5 rads in 30 years), it was also noted that:

"Because of the need for guidance in this regard, the Commission in its 1958 Recommendations suggested a provisional limit of 5 *rems* [18] per generation for the genetic dose to the whole population, from all sources additional to natural background radiation and to medical exposures. The Commission believes that this level provides reasonable latitude for the expansion of atomic energy programs in the foreseeable future. It should be emphasized that the limit may not in fact represent a proper balance between possible harm and probable benefit, because of the uncertainly in assessing the risks and the benefits that would justify the exposure." [19]

In a recent publication of the International Commission on Radiological Protection the new data concerning cancer induction in humans exposed to x-rays are reviewed.[20] The conclusion of their data is that the cancer hazard is approximately *30 times* what the International Commission Report No. 9 indicated in 1965. This is an agreement with our own and other's estimates of the extremely serious cancer risk from ionizing radiation.[21]

Dr. Walter Jordan, a prominent advocate of nuclear power, recently published an article stating, "The levels that have been set, even for workers in the nuclear industry, are meant to be at least an order of magnitude below that where physical effects on the individual would be observed." [22]

It is shocking to find that Dr. Jordan, a member of the AEC's Safety and Licensing Panel (which holds hearings regarding construction and operation licenses), is totally unaware of the biological hazards associated with "permissible" doses of radiation.[23]

There are many examples indicating that the entire industrial-governmental nuclear power complex has been appallingly misinformed or uninformed about the hazard of the "permissible" dose.[24] The engineering and construction of nuclear power plants have gone forward with the *false* sense of security that a wide margin of safety exists. Regardless of any statements about the engineering design providing an adequate margin of safety, the fact is that any such design uses as its takeoff point a false illusion of a margin of safety a factor of between 10 and 1,000.[25] Thus, there is ample reason to question *all* the engineering considerations that have served as the bases for the design and construction of current nuclear power plants.

The only rational conclusion we can draw is that the nuclear electricity generation industry needs to go back to the drawing boards. It must factor in realistic consideration of the biological hazard and the absence of any margin of safety in the "permissible" radiation exposure. We would not deny that it may be possible to develop a safe approach to nuclear electricity generation. But to go forward with installation of nuclear power facilities designed and engineered under a false illusion of a margin of safety necessarily represents engineering practice at its worst. When these plants are estimated to have an operating lifetime of 20 to 30 years, the magnitude of the folly is seriously compounded.

THE HAZARD OF MAJOR ACCIDENTS AT NUCLEAR POWER PLANTS

The preceding discussion relates primarily to the "routine" operation of nuclear power facilities. Serious as the doubts are concerning such "routine" operation, there are even more serious questions related to the potential for catastrophic accidents at such facilities. In order to appreciate the implications of such potential disasters, one must consider the prospective deployment of such plants by the electric utility industry.

The electric utility industry sells electric power, primarily to large metropolitan centers characterized by major industrial concentrations and high population densities. Economically, it is desirable, from the utility's point of view, to build its generating stations as close as possible to the electrical load. Transmission lines are costly and transmission losses are economically undesirable. As a result, most nuclear power plants are being built or planned with 30 miles of major cities, with many much closer.[26] In the event of catastrophic accidents, 30 miles is well within the range of severe danger for humans. So is 100 miles, with certain meteorological conditions prevailing.[27]

What is the risk of a catastrophic accident? What are the potential hazards to life and property from such an accident? Surely, it would represent a minimum principle of morality and responsibility for the proponents of nuclear electric power to have thought these questions through carefully and to be prepared to answer them before launching upon a major program of deploying nuclear plants near metropolitan centers. The answers are not only unsatisfactory, they are shocking.

We can dispense immediately with the public-relations-type of answer which abounds from the AEC and the electric utility industry. They simply state that the nuclear power plants are safe.[28] The evidence at their disposal to back such statements simply is *non-existent*. It is *not* an answer to state that we have not had a disaster yet.

The simple truth is that no ones knows the risk of a catastrophic accident at a nuclear power plant. The combined total of all experience with all nuclear reactors for the entire atomic energy era falls far short of even minimal reassurance. Let us examine some of the sober statements of experts in the nuclear power field.

Dr. Walter Jordan has pointed out that we have a total of 100 reactor-years of operating experience with commercial nuclear power reactors.[29] This experience, Dr Jordan states, does not give us any assurance that the chance of a catastrophic accident is as low as 1 in 10,000 per reactor per year. But then he notes, "The only way we will know what the odds really are is by continuing to accumulate experience in operating reactors." [30] What reassurance this is for those living in the vicinity of these mushrooming, experimental power plants!

Dr. David Inglis points out that this 100 reactor-years of operation that Dr. Jordan talks about does not assure us that the risk might not be 1 in 100 per year per reactor.[31] With the plans for 100 reactors operating by 1980, such a risk factor could mean one catastrophic accident per year. One per century should be considered intolerable!

The chilling reassurances of Dr. Jordan do

Footnotes at end of article.

not tell us the whole story about our "100 reactor-years" of operating experience. The average power of the nuclear plants upon which this experience was achieved was less than *one-fifth* of the 1,000 megawatts of many of the power plants now being built.[32] Our experience with 1,000 megawatt plants is *zero*. Hence, these plants being built in the heart of metropolitan areas can be regarded as totally experimental. Although no evidence exists, it is possible that there may be more severe stresses upon the 1,000 megawatt plants than upon the small ones for which the experience was accumulated.

Dr. Jordan's words leave us with a dark foreboding: "Scientists and the public should be prepared to face the possibility of a nuclear incident just as we expect major earthquakes that will exact a large toll in property and lives." [33]

In 1957, an Atomic Energy Commission sponsored study, the Brookhaven Report, considered the hypothetical consequences of an accident releasing 50% of the inventory of radioactive fission products.[34] Among the conclusions reached were:

(a) The possible evacuation of several hundred thousand persons.

(b) Seven billion dollars worth of property damage.

(c) 3,400 persons killed from acute radiation sickness.

(d) Up to 150,000 square miles of agricultural land contaminated beyond use.[35]

Based upon the doses of radiation accumulated in such a hypothetical accident, it is possible to predict that more than 50,000 persons would die prematurely of cancer as a result of such radiation exposure.

Some have argued that since 1957 engineering improvements have been made which might reduce the risk of such a catastrophe.[36] We hope so. Dr. Jordan suggested that a major accident now might only release 5% of the radioactivity inventory, whereas the Brookhaven Report considered a hypothetical accident with 50% release.[37] We must add, however, that the radioactivity *inventory* of a reactor today is approximately 10 times that of the reactors considered in 1957, so the Brookhaven Report considerations are of no lesser force today (5 x 10 is 50). It should also be noted that the inventory of long-persistent radioactivities in a 1,000 megawatt reactor after one year of operation is equivalent to the long-lived radioactivity from 1,000 Hiroshima atomic bombs.[38]

Dr. Joseph Hendrie, Chairman of the AEC's Advisory Committee on Reactor Safeguards, in a letter (November 12, 1969) addressed o AEC Chairman Glenn T. Seaborg, expressed the serious concern of the Advisory Committee as follows:

"Dear Dr. Seaborg: The Advisory Committee on Reactor Safeguards wishes to reemphasize some previous recommendations concerning the need for safety research in several important areas in which the effort has not been sufficient. The Committee has been recently informed that overall reactor safety funding for FY 1970 and 1971 will be considerably below the AEC estimates of need for the water reactor safety research program, as well as for safety research on seismic effects, on sodium-cooled fast reactors, on high-temperature, graphite-moderated, gas-cooled reactors, and on environmental effects. As a consequence, many safety research activities have not been initiated. The Com- slowed, or have been terminated. The Committee reiterates its belief in the urgent need for additional research and development in these areas, and refers in the paragraphs below to earlier statements of the Committee on these subjects * * *.[39]"

In a similar letter to R. E. Hollingsworth, AEC General Manager, the Advisory Committee reiterated its warning concerning the implications of the failure to fund the safety research essential for reactors in the nuclear power program.[40]

Dr. Milton Shaw, AEC's Director of Reactor Research and Development, provided the following "optimistic" reassurance to those who will live for the next 20 to 30 years near the nuclear power plants now under construction:

"The commitments for nuclear plants made in 1966, 1967 and beyond are very important. These large, unprecedented orders really saturated and overwhelmed the capabilities of the country to produce nuclear plants. That is why we have had this heavy backlog of effort on the nuclear plants. Probably another most important point to register is that there are now 71 utilities and some 20 architect-engineering firms dispersed throughout this country working on nuclear plants. Most of these personnel are trying to build the first nuclear plant they have ever built. They have to get their nuclear plant education with this plant. They have to train the special labor skills. The labor situation is not very good right now, anyway. Skilled labor, and engineering and management talent to do these large nuclear jobs is in short supply. This is one tremendously heavy load, unexpected as it was. Normally, when you break in a new and complex industry you have to do it on a more gradual basis than this way.[41]

It appears that the nuclear plants which will ring many of our major metropolitan centers for 20 to 30 years are being built by amateurs and apprentices.

Further testimony from Dr. Shaw is hardly more confidence-building.[42] Those concerned about the danger of a major catastrophe at a nuclear power plant know that loss of integrity of the cooling water flow to the reactor core is the major concern. As a result, a system known as the "Emergency Core Cooling System" has been engineered into the modern nuclear reactors, in the hope that this system will be actuated and thus avert disaster.[43] Such a system has *never* been tested under any realistic conditions. That the AEC considers such a test vital is amply expressed by Dr. Shaw in testimony before Congress.[44] The plans call for the *first* test of such an Emergency System in 1975.[45] The reactors dependent upon the system are being deployed near population centers now.[46]

In reply to questions from Chairman Holifield of the Joint Committee on Atomic Energy, Admiral Hyman Rickover, director of the nuclear submarine program, had the following to say about civilian nuclear power stations:

"There is need for utmost care in design, manufacture, installation and operation of complex systems and equipment inherent in this technology. No carelessness can be tolerated anywhere in the entire chain, or the results may prove disastrous. Unfortunately, there are many who are not aware of the necessity of this approach. The difficulties you refer to in connection with the fabrication of civilian nuclear central power plants are, I believe, largely due to failure to specify and enforce the required high standards for systems and equipment.[47]

There are numerous other statements from the experts in the field [48] which, if taken together, indicate that the current breed of nuclear power plants being installed in metropolitan regions represent a gigantic game of Russian Roulette. There are souls who consider Russian Roulette a rejuvenating experience. Surely the American public deserves at least the opportunity to decide if they want to play.

THE VERDICT OF THE INSURANCE INDUSTRY: "NO CONFIDENCE"

The nuclear electric power industry, we believe, stands alone among American industries in its inability to purchase liability insurance for major damages it may cause. This came about for the following reasons. The United States Atomic Energy Commission had tried to sell the electric utility industry the idea of nuclear electricity generation. The private insurance industry, recognizing the potential for astronomical liability from nuclear power plant accidents, refused to consider carrying any major share of the liability.[49] The electric utility industry refused to budge into the nuclear power field. In a gesture of disdain for the rights of the public, the Congress of the United States, prodded by the Joint Committee on Atomic Energy, passed the now infamous Price-Anderson Act.[50] While heralded as a law to hasten bringing "the benefits of the atom" to the American public, this Act simply disenfranchised the public. The Price-Anderson Act originally set a maximum liability of 500-million dollars for a single nuclear power plant accident. Later this was raised to 560-million dollars.[51] It is interesting to contrast this figure with the 7-billion dollar damage potential estimated by the AEC's Brookhaven Report. Of further interest is that even today the private insurance industry will carry only 82-million dollars of this 560-million dollar liability, the remainder of the inadequate insurance being carried by the U.S. government.[52]

Nuclear power proponents have stated that the private insurance industry lacks the actuarial experience and that this accounts for its reluctance to insure nuclear power plants for a significant portion of the potential liability. Precisely correct! What is not stated by the nuclear power proponents is that the U.S. public also lacks the actuarial experience with respect to loss of life from nuclear power plant accidents. But the public is not granted the same option as the insurance companies—the public is forced to take the risk of life itself.

It is a strange spectacle indeed for the AEC to be licensing nuclear power plants that are uninsurable. If the plants were safe, they should be insurable. If they are uninsurable, it defeats understanding how they may be considered worthy of licensing.

The private insurance company industry has taken additional action to protect itself against the nuclear electricity industry. Practically all homeowners' policies now carry exclusion clauses which absolve the insurance carrier of liability in the event of nuclear accident or radioactivity damage to property.[53] It appears the public is lulled into believing such exclusion clauses were inserted because of concern over nuclear war. If the insurance companies had nuclear war in mind, they certainly would not find it difficult to state so in the policies.

EMPTY ATOMIC ENERGY COMMISSION PROMISES

The first reaction of the AEC to several recent estimates concerning the 20 to 30-fold greater cancer hazard from radiation was to ridicule the estimates.[54] But soon numerous other scientists made similar, or even more dismal, estimates of the cancer hazard. Next, the estimates of the genetic hazard appeared, which paled the cancer hazard evaluation. The Commission and its supporters in the nuclear electricity industry had to develop a new strategy. They stopped ridiculing the cancer hazard associated with the "permissible" population exposure of an average of 0.17 rads per year. The grand pronouncement was made that nuclear power plants were not delivering anywhere near the 0.17 rad average to the population.[55] Of course, this was known to everyone before the AEC exhumed this discovery. Indeed, we had carefully and explicitly pointed this out with our original presentation of the cancer hazard estimates.[56] But the AEC spokesmen went further and promised that nuclear electricity generation would never deliver even a small fraction of the 0.17 rad average to the population, even with the full development of nuclear power plants.[57]

This AEC promise *seemed* eminently reasonable. In meetings, in lectures, in print, people asked AEC spokesmen why they were so desperately fighting the proposed reduction in the "permissible" exposure of the population.[58] No answer, ever.

The AEC's reluctance to reduce the "per-

Footnotes at end of article.

missible" exposure in the face of its assurances that the nuclear power industry would never deliver even a minute fraction of this dose puzzled many people. It finally even puzzled Congressman Craig Hosmer of the Joint Committee on Atomic Energy. So Congressman Hosmer asked Commissioners James T. Ramey and Wilfred E. Johnson and the late Commissioner Theos J. Thompson why such a large "cushion" was required in the "permissible" doses.[59] After numerous uninformative exchanges, Mr. Hosmer repeated his question. And finally the answers spilled forth.

From the late Commissioner Thompson:

"Mr. Hosmer, we don't have at the moment any way to set a reasonable cushion. There is not that sort of experience. So we should not move and make that cushion until such experience exists."[60]

And from Commissioner Johnson:

"I wanted to add, with regard to the same point that Dr. Thompson brought up that we do not need the flexibility in the levels, in part, because they have to apply broadly over various kinds of plants, such as chemical processing plants, as well as reactors."[61]

And a little later, he added:

"On top of that, we must consider new plants that come along. They will have different kinds of releases and the limits have to apply to them, too."[62]

Some AEC spokesmen have complained that the controversy over nuclear power safety has damaged the credibility of the AEC. A perusal of the glaring discrepancy between AEC spokesmen's public relations promises concerning exposure and AEC testimony presented above readily clarifies from where the loss of AEC credibility comes.

RECOMMENDATION FOR A NATURAL MORATORIUM ON NUCLEAR POWER PLANTS

We believe the material presented here indicates that the rash proliferation of nuclear power plants near major metropolitan centers is unwise. The nuclear electricity is doing its research and development "in the field," with the American public participating as guinea pigs in a gigantic experiment. The citizens who have been aroused sufficiently to protest nuclear power plant installations have recognized this fact.

In an effort to stem the tide of protest, nuclear power proponents have threatened the specter of brownouts, loss of air conditioners, and the withering away of the American way of life. Yet, no rational discussion has taken place in this country concerning realistic or desirable levels of electric power consumption. Very few persons, with even a minimum of understanding of environmental impact of electric power production, would agree that the optimum electric power output should be that which the utility companies can sell with a determined advertising campaign. The documentation of the case that "we need nuclear power now" is simply nonexistent.

The entire question of whether we will *ever* need nuclear fission electric power stations needs careful examination in the public forum. Any research and development of nuclear electric power should be conducted in remote, underground locations, rather than upon the public. The PRICE-ANDERSON ACT should be repealed forthwith, and the nuclear power industry, thereby, be forced to assume its liability. The cancer and genetic hazards of "permissible" radiation dosages need to be fully explained to the public.

All of these objectives can best be met through a moratorium on nuclear power plant construction until the issues are fully considered. Realistic power requirements must be ascertained. The various alternative approaches to meeting electric power requirements must be carefully assessed.

None of these objectives are achievable through a plant-by-plant battle between concerned citizens and the nuclear juggernaut. It is not a question of a particular power plant. Rather, it is a question of wanting or not wanting nuclear power at all in its present state of development, or, more properly, lack of development.

We believe that members of the legal profession concerned with environmental problems would be best advised to join citizens in the effort, through legislation or initiative, to achieve a moratorium on nuclear power plants.

FOOTNOTES

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[1] Calvert Cliffs Nuclear Power Plant, Unit 1, Lusby, Maryland; Davis-Bease Nuclear Power Station, Oak Harbor, Ohio; Shoreham Nuclear Power Station, Brookhaven, New York; Palisades Nuclear Power Station, Southhaven, Michigan; Vermont Yankee Generating Station, Vernon, Vermont; Monticello Nuclear Generating Plant, Monticello, Minnesota; Enrico Fermi Atomic Power Plant, Lagoona Beach, Michigan.

[2] Gofman & Tamplin, *Low Dose Radiation and Cancer*, 17 THE INSTITUTE OF ELECTRICAL AND ELECTRONIC ENGINEERS, INC. TRANSACTIONS ON NUCLEAR SCIENCE 1 (1970); *Hearings on S. 3042 Before the Subcomm. on Air and Water Pollution*, 91st Cong., 2nd Sess., at 58–73 (1969); A. TAMPLIN & J. W. GOFMAN, "POPULATION CONTROL" THROUGH NUCLEAR POLLUTION 7 (1970).

[3] Gofman, Gofman, Tamplin & Kovich, *Radiation as an Environmental Hazard*, PROCEEDINGS OF THE 24TH ANNUAL SYMPOSIUM ON FUNDAMENTAL CANCER RESEARCH, ENVIRONMENT AND CANCER, M. D. Anderson Hospital, Houston, Texas (in press).

[4] Gofman & Tamplin, *Nuclear Energy and the Public Health*, VI NEVADA ENGINEER No. 5 (October 1970).

[5] *Hearings On Environmental Effects of Producing Electric Power Before the Joint Committee on Atomic Energy*, 91st Cong., 2nd Sess., pt. 1, at 191–194 (1969).

[6] AEC Standards for Protection Against Radiation, 10 C.F.R. § 20.0 (1971).

[7] *Id* at § 20.4(b).

[8] *Id.* at § 20.105(a).

[9] *Id.* at 20.101(a).

[10] *Id.* at § 20.106(e).

[11] Tamplin, *The Regulation of Man-Made Radiation in the Biosphere*, in NUCLEAR POWER AND THE PUBLIC (H. Foreman ed. 1971).

[12] *Supra* note 5, at 179–181.

[13] FEDERAL RADIATION COUNCIL, STAFF REPORT No. 1 ON BACKGROUND MATERIAL FOR THE DEVELOPMENT OF RADIATION PROTECTION STANDARDS pt. V, at 26–30 (1960).

[14] J. W. GOFMAN & A. TAMPLIN, POISONED POWER: THE CASE AGAINST NUCLEAR POWER PLANTS (1971).

[15] Gofman & Tamplin, *Radiation: The Invisible Casualties*, 12 ENVIRONMENT No. 3, 12–19, 49 (April 1970); Lederberg, *Government is the Most Dangerous of Genetic Engineers*, Washington Post, July 19, 1970; Pauling, *Genetic and Somatic Effects of High-Energy Radiation* 26 SCIENCE AND PUBLIC AFFAIRS: THE BULLETIN OF THE ATOMIC SCIENTISTS No. 7, 3–5 (1970).

[16] *Hearings of Environmental Effects of Producing Electric Power Before the Joint Comm. on Atomic Energy*, 91st Cong., 2nd Sess., pt. 1, at 1588 (1970).

[17] Bonner, *Atomic Q. and A*, P.G. and E. LIFE, July-August 1970, at 15–17.

[18] A "REM" is a roentgen-equivalent man. The "REM" is the product of the RAD dose times the RBE, where RBE is relative biological effectiveness which compares effect of any specified form of radiation with the effect of x-rays. Gofman, *Medical Effects of Radiation*, MODERN NUCLEAR TECHNOLOGY (Mills, Biehl, Mainhardt ed. 1960).

[19] *Radiation Protection: Recommendations of the International Commission on Radiological Protection*, ICRP PUBLICATION 9, at 15 (1965).

[20] *Radiation Protection: Radiosensitivity and Spatial Distribution of Dose*, ICRP PUBLICATION 14 (1969).

[21] Pauling, *Genetic and Somatic Effects of High-Energy Radiation*, 26 SCIENCE AND PUBLIC AFFAIRS: THE BULLETIN OF THE ATOMIC SCIENTISTS No. 7, 3–8 (1970).

[22] Jordan, *Nuclear Energy: Benefits versus Risks*, 23 PHYSICS TODAY No. 5, 32, 37 (May 1970).

[23] *Ibid.*

[24] AEC, NUCLEAR POWER AND THE ENVIRONMENT, at 23 (1969); *Hearings * * *, supra* note 16.

[25] *Ibid.*

[26] *Supra* note 14, at 366–367.

[27] AEC, THEORETICAL POSSIBILITIES AND CONSEQUENCES OF MAJOR ACCIDENTS IN LARGE NUCLEAR POWER PLANTS, WASH—740 (1957).

[28] Advertisement, *The Western White House is Located About 4400 Yards from This Nuclear Power Plant*, TIME 42–43 (June 22, 1970).

[29] *Supra* note 22, at 38.

[30] *Ibid.*

[31] Inglis, *Nuclear Energy and the Malthusian Dilemma*, 27 SCIENCE AND PUBLIC AFFAIRS: THE BULLETIN OF THE ATOMIC SCIENTISTS No. 2, 14, 17 (1971).

[32] *Supra* note 14, at 366–367.

[33] *Supra* note 22, at 38.

[34] *Supra* note 27.

[35] *Ibid.*

[36] *Supra* note 22, at 32–38.

[37] *Id.* at 38.

[38] *Supra* note 14, at 189.

[39] *Hearings on AEC Authorizing Legislation, Fiscal Year 1971 Before the Joint Comm on Atomic Energy*, 91 st Cong., 2nd Sess., pt. 3, 1619–1620 (1970).

[40] *Ibid.*

[41] *Id.* at 459.

[42] *Id.* at 1156–1376.

[43] *Emergency Core-Cooling Systems for Light-Water-Cooled Power Reactors*, 24 NUCLEAR SAFETY INFORMATION CENTER (October 1968).

[44] *Supra* note 39, at 1156–1376.

[45] *Ibid.*

[46] *Supra* note 14, at 366–367.

[47] *Hearings on Naval Propulsion Program, 1970 Before the Joint Comm. on Atomic Energy*, 91st Con., 2nd Sess., 96 (1970).

[48] *See supra* note 14.

[49] *Id.* at 171–188. Green, *The Risk-Benefit Calculus in Nuclear Power Licensing*, SYMPOSIUM ON NUCLEAR POWER AND THE PUBLIC (1970).

[50] Act of Sept. 2, 1957 Pub. L. No. 85–256.

[51] 42 USCA § 2210(e) (1970).

[52] *Supra* note 49.

[53] Refer to your own homeowner's policy.

[54] *Hearings on Environmental Effects of Producing Electric Power Before the Joint Comm. on Atomic Energy*, 91st Cong., 1st Sess., at 685–692 (1969).

[55] Address by Theos. J. Thompson, AEC Commissioner, Briefing Conference for State and Local Government Officials on Nuclear Development, Columbia, South Carolina, May 21, 1970.

[56] Gofman & Tamplin, *Low Dose Radiation and Cancer, supra* note 2.

[57] *Supra* note 55.

[58] Victor P. Bond testimony, *Hearings on the Vermont Yankee Nuclear Power Plant Before the Public Service Board of the State of Vermont*, September 1970.

[59] *Supra* note 5, at 205–206.

[60] *Id.* at 205.

[61] *Ibid.*

[62] *Id.* at 206.

CARE FOR NARCOTICS ADDICTS

Mr. SCOTT. Mr. President, with very little fanfare, President Nixon recently signed into law an important measure that provides care for narcotic addicts who are placed on probation, released on parole, or mandatorily released. This new law, it is hoped, will have a significant impact on the problem of recidivism, criminal repeaters, especially as such crime is drug related.

On February 25, 1972, Federal district judge Charles R. Richey rendered a very significant opinion here in the District of Columbia. The case in point, the Turner case, involved an unarmed street robbery committed by a young man with a drug habit to support. Judge Richey complained that existing law was so restrictive that he had no choice but to rule against the man, for the 1966 Narcotics Addict Rehabilitation Act specifically excludes the benefits of drug treatment programs for those who commit "crimes of violence" by virtue of drugs. In other words, the chances of breaking the man's drug-crime-drug cycle were nearly impossible.

Judge Richey urged that treatment facilities be provided for drug addicts charged with crimes of violence after imposition of sentence. He noted that there are several programs presently available from the time of arrest through the whole trial process up to the imposition of sentence, but that thereafter hardly anything could be expected. The judge further indicated that although therapy can prevent addicts from continuing a life of crime after release, the exclusion of the benefits of treatment under the 1966 NARA provisions for those who commit crimes of violence by virtue of drugs works against this concept.

Not more than a week later, the Senate passed S. 2713, a bill authorizing the Attorney General to provide care for narcotic addicts who are placed on probation, released on parole, or mandatorily released. This administration-sponsored measure precisely hit upon one of the glaring loopholes of the NARA—that is, the inability to provide aftercare services for these addicted criminals.

Because of my concern over the need for this new law to be effective, I wrote to Norman J. Carlson, Director of the Federal Bureau of Prisons. I asked him to bring me up to date on the procedures employed in the treatment of these individuals in Federal penal and correctional institutions. Mr. Carlson responded by telling me that programs for the "excluded" persons were now in operation at seven institutions, including the U.S. penitentiary at Lewisburg, Pa., a long-term adult institution.

Mr. Carlson mentioned approvingly that the recently passed Senate bill broadened the concept of addiction to include persons who are dependent on "soft" as well as "hard" drugs. He also noted with some satisfaction the provision of that bill authorizing special services to drug dependent probationers as an alternative for commitment.

I was particularly interested in the operation of the drug abuse program at the Lewisburg Penitentiary. The primary selection factors for treatment are a history of drug usage and a motivation for treatment. The programs are essentially voluntary and the general treatment begins from 12 to 18 months before their anticipated release. With the new law in effect, residents who have completed treatment in a drug abuse unit will become eligible for aftercare services as do NARA releasees. Mr. President, I ask unanimous consent to include in the Record a summary of the program now in operation at the Lewisburg facility.

The fiscal year 1973 administration request for narcotic addict treatment programs in the Bureau of Prisons is approximately $3.4 million. This covers the cost of treatment of narcotic addicts while in institutions and provides for aftercare treatment services after the inmate is released. The additional cost of the new law will be minimal, but still rather important to the program's effectiveness.

The House of Representatives just approved the full budget request for the Bureau of Prisons, thanks largely to the efforts of Congressman Tom Railsback of Illinois. Had the budget been cut by the $1 million which he was successful in restoring on the floor, an estimated $100,000 for drug addiction treatment would have been lost along with $500,000 for aftercare services for 253 new releasees. I intend to watch the progress of this appropriations measure very closely and will support fully the entire budget request. We simply cannot afford to cut corners on a measure as important as this.

To those who say that Congress and the administration are unable and unwilling to respond to a demonstrable need, I say, "look at this new law." We have taken another step in the long, slow process of criminal rehabilitation with the enactment of this measure. It certainly will not be the cure-all, but if it enables an estimated 5,000 individuals to become productive members of society over the next 5 years, then it will be well worth the effort it took to pass the law.

One final remark needs to be made about Judge Richey's decision in the Turner case. Every once in a while it is necessary to remove the traditional cloak of judicial restraint to make a point, and a good point at that. This widely read decision placed the burden directly where it belonged—on the men and women elected to represent the people of the Nation. Mr. President, I ask unanimous consent that the decision and the Lewisburg drug treatment program summary be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[U.S. District Court for the District of Columbia, Criminal No. 1467-71]

United States of America Versus Larry R. Turner

Appearances: Brian W. Shaughnessy, Esquire, Raymond Banoun, Esquire, Attorneys for the Government.

Jon P. Avelrod, Esquire, Attorney for the Defendant.

OPINION BY JUDGE CHARLES R. RICHEY

This case is before the Court pursuant to the defendant's Motion for a Civil Commitment in Lieu of Prosecution under Title I of the Narcotic Addict Rehabilitation Act (NARA), 28 U.S.C. § 2901, *et seq.* (1970). Since the defendant is charged with an unarmed street robbery, the government urges denial of the defendant's motion because Congress has specifically excluded persons charged with crimes of violence from the benefits of Title I of NARA. The government contends that the defendant is ineligible for treatment under the Act, since an unarmed street robbery is by definition a crime of violence under NARA.[1] The defendant counters this position by arguing that he is a drug addict who would benefit from the treatment and counseling stemming from a commitment under Title I of NARA. Furthermore, the defendant contends that Title I of NARA, 28 U.S.C. § 2901, *et seq.* (1970), is unconstitutional on its face and as applied to the facts herein.

DEFENDANT'S BACKGROUND

The Court has had the opportunity to carefully examine the defendant's background, and it believes that a brief summary is appropriate at this point. The evidence shows that the defendant is a twenty-two year old young man who was born with a twin brother on March 23, 1949, in Emporia, Virginia. The defendant and his brother were reared primarily by their grandmother until 1964, when they came to Washington to live with their mother, step-father and an older brother. The defendant dropped out of school sometime between the sixth and eighth grades in order to go to work. Eventually, the defendant, due to a lack of intellect, experience and strength of personality, became involved with an undesirable group of friends. This led to a juvenile record (primarily in the form of unauthorized use of automobile charges) and later a drug-oriented life style. In 1970 the defendant was convicted as an adult for petit larceny, and in 1971 he was convicted for a violation of the Uniform Narcotics Act.

The evidence herein is also *undisputed* as to the following with respect to the defendant:

(1) To date he has received no meaningful and effective treatment for his drug addiction.

(2) At present, medical authorities state that the defendant's drug addiction supersedes in importance his other problems—personal and psychological.

(3) The recent history of the accused suggests that he cannot benefit from a community-based narcotic treatment program.

(4) Medical authorities state that the defendant can be helped in a controlled institutional setting which is designed for the treatment of addicts both with regard to their drug addiction and the underlying factors influencing their dependence on drugs.

(5) There are currently no correctional or other appropriate facilities in the District of Columbia available to meet the needs of the defendant and hundreds like him. However, the NARA facility at Lexington, Kentucky, is available for individuals who have the same problem.

(6) The defendant is not a hardened criminal in the classical sense, but a somewhat impoverished individual who is not in control of the events of his life, and who needs assistance in understanding himself in order to come to terms with the factors that

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[1] The police record in evidence discloses that the defendant walked up to the complainant and said: "Give me your money!" This resulted in a taking of $12.50, but no physical harm to anyone.

have led him down the path of drugs and criminal activity.

The defendant argues and the evidence supports the conclusion that incarceration in District of Columbia or regular penal facilities will do nothing to solve his problem of drug addiction or his underlying problems. The Court fully agrees with the defendant on this issue. As indicated earlier in this opinion, the defendant has already been incarcerated for both juvenile and adult offenses, but at no time has he received extensive treatment for his narcotics addiction. Should the defendant be convicted for the instant offense, he will still receive no help with respect to his addiction to drugs, since he would not be eligible for a commitment under Title II of NARA, 18 U.S.C. § 425, *et seq.* (1970), since the same exclusion for crimes of violence is present in that title as is present in Title I.

The Court believes that it must state quite frankly that it is very troubled by the defendant's dilemma. It is shameful that our laws and society will not permit the defendant this opportunity of evaluation and therapeutic and psychological treatment under tightly controlled supervision. Moreover, the Congress and our society have become more aware of how to deal with drug addicts than was the case in 1966 when NARA was enacted.

The fact and evidence here demonstrate conclusively that this defendant and others similarly situated need to be treated—not incarcerated and hardened further in the ways of crime.

DISCUSSION OF NARA

Before the Court addresses itself to the issue of constitutionality, it is felt that a brief discussion of the Narcotic Addict Rehabilitation Act is in order. The Act was passed by Congress in 1966, and the legislative history clearly shows that the purpose was to provide comprehensive treatment for drug addicts both within and without the context of federal criminal cases. Title I of NARA, 28 U.S.C. § 2901, *et seq.* (1970), provides the alternative of civil commitment in lieu of criminal prosecution in the discretion of the District Court, and it is this section which is the subject of the instant defense motion. Title II, 18 U.S.C. § 425, *et seq.* (1970), permits the sentencing judge to commit a convicted offender to a narcotics rehabilitation facility instead of a prison. Title III, 42 U.S.C. § 3401, *et seq.* (1970), provides for a straight civil commitment of narcotic addicts who are not charged with a criminal offense.

Both Title I, as provided in 28 U.S.C. § 2901 (g)(1), and Title II, as provided in 18 U.S.C. § 4251(f)(1), exclude from the benefits of the Act those charged or convicted with a crime of violence. The terminology "crimes of violence" is statutorily defined in 28 U.S.C. § 2901(e) and 18 U.S.C. § 4251(b) respectively and includes the offense of robbery. As was stated earlier, the defendant in the case at bar is charged with committing an unarmed street robbery, which he alleges he perpetrated in order to sustain his habit. Under the Act, as presently drafted, it is clear that the defendant cannot be either civilly committed or even sentenced, should he be found guilty of the robbery offense, to NARA type facilities.

CONSTITUTIONALITY OF TITLE I ON ITS FACE

At this point the Court must first determine whether Title I of NARA, 28 U.S.C. § 2901, *et seq.* (1970), is unconstitutional on its face as argued by the defendant. The defendant contends that the statute as presently drafted constitutes a violation of the Equal Protection Clause of the Fourteenth Amendment of the Constitution, which has been held to be incorporated into the Due Process Clause of the Fifth Amendment. *See, Bolling v. Sharpe,* 347 U.S. 497 (1954). It is argued that Congress acted arbitrarily when it automatically excluded from NARA treatment those addicts who have been charged or convicted with crimes of violence. Further, the defendant states that the distinction made between the addicts fails to demonstrate any "relevance to the purpose for which the classification is made." *Baxstrom v. Herold,* 383 U.S. 109, 111 (1966). Finally, the defendant cites *Watson v. United States,* 439 F.2d 442 (1970), for the proposition that "discrimination between the two classes of addicts is constitutionally unacceptable." *Id.* at 457. In *Watson v. United States, supra,* the United States Court of Appeals for the District of Columbia held the provisions of 18 U.S.C. § 4251(*f*)(4) (1970), which automatically excludes an offender who has been convicted of a felony on two or more prior occasions to be violative of equal protection. It should be noted, however, that the Court of Appeals restricted its ruling to the facts of the case and the disqualifying exclusion of Title II as applied to the appellant. The Court in *Watson, supra* at 457, considered it crucial that the appellant was a narcotics addict of long standing, and that his eligibility would have been patent except for the fact that he had two prior narcotics convictions that were felonies. The Court of Appeals therefore concluded that the Constitution required eligibility due to the peculiar facts presented by appellant's situation. More recently, however, the United States Court of Appeals for the District of Columbia in *United States v. Leazer,* Criminal No. 24,799 (D.C. Cir., decided January 19, 1972) indicated that the classifications made by Congress in NARA were based on the "legitimate goal of deterrence," and the court stated that it was in no position to say that such a policy judgment was not proper. *Id.* at 5.

In any case where the constitutionality of a statute is questioned, there is a presumption of constitutionality, and there is an extremely heavy burden on the questioning party to rebut the presumption. Having given full consideration to the arguments and memoranda by both counsel, the Court finds that it is compelled by the decisions of *Baxstrom v. Herold, supra,* and *United States v. Leazer, supra,* to uphold Title I of NARA as constitutional on its face.

CONSTITUTIONALITY OF TITLE I AS APPLIED

The second issue before the Court is whether or not Title I of NARA is constitutional as applied to the facts in the instant case. The defendant has urged that the Court should follow the Court of Appeals decision in *Watson v. United States, supra,* which held that the two prior felony exclusion provision as applied in that case was unconstitutional. The Court notes several important differences between *Watson* and the instant case. First of all, the crime in *Watson* was clearly nonviolent in nature. Secondly, in *Watson* the defendant was clearly the kind of individual that Congress wished to treat under NARA. Thirdly, there was obvious unequal treatment given to narcotics addicts charged or convicted of similar narcotics offenses. In the case at bar it has been shown that all individuals who have been charged with crimes of violence have been excluded from the benefits of NARA, therefore all persons in the defendant's status have received equal treatment. Congress has clearly indicated in its legislative history of NARA that it wished to exclude addicts charged or convicted of crimes of violence. Based on the foregoing, the Court concludes that Title I of NARA as applied to the facts in the instant case is constitutional.

CONCLUSION

Although this Court has determined the statute to be constitutional in the instant case, the Court believes that further comment is necessary. The Court has had the opportunity to do much research in the area of drug related crime and the treatment facilities available in the District of Columbia. As a result of this research, the Court makes the following findings:

(1) Although drug addicts have traditionally committed nonviolent crimes, such as shoplifting and forgery, to get their drug money, the increased cost of drugs has led addicts to the commission of more armed robberies and other violent crimes.

(2) Because narcotics addicts continually commit crimes to support their addiction and because narcotics addicts are not cured without extensive treatment, statistics prove that addicts are more apt to become recidivists after they are released from penal institutions.

(3) The cost of drug related crime to the District of Columbia citizens totals more than $30 million a year using the most conservative figures available. Some estimates run as high as $200 million a year.

(4) While statistics are not precisely ascertainable at the present time, prison officials and medical authorities state that narcotics addiction is at epidemic levels among inmates.

(5) Currently, correctional officials state that there is a lack of narcotics treatment available for inmates in the District of Columbia correctional facilities, except in cases of emergency, such as extreme sickness resulting from withdrawal.

(6) The Narcotics Treatment Administration Program is available to a defendant only on an out-patient basis while he is on bond prior to trial or pending sentence upon conviction. No NTA program is available to a defendant during incarceration in a District of Columbia penal institution.

Because of this Court's position in the governmental scheme, the defendant and other addicts similarly situated must rely upon Congress, business leaders in the community, city officials and the public to pass legislation and establish drug treatment programs which will assist in the cure of addiction. It is clear that treatment and/or rehabilitation benefits society by reducing the cost of addiction. For example, the cost of treatment under the Narcotic Treatment Administration Program is approximately $2,000 a year for each addict. Assuming one established a program for treatment of 1,000 addicts. the cost for treatment would be approximately $2 million. Statistics clearly show that an 80% success rate would result in a cost benefit of approximately $16 million. *See, The Economics of Drug Addiction and Control in Washington, D.C.: A Model for Estimation of Costs and Benefits of Rehabilitation,* at 65 (1970).

Aside from the monetary cost benefits of a successful drug treatment program, several other benefits will result, such as:

(1) A reduction or abstinence from the use of drugs by the addict;

(2) A reduction in crime related to addiction;

(3) A reduction in the demands on the criminal justice system, because there will be less crimes to be prosecuted and a decrease in recidivism;

(4) An increase in productivity of the addict;

(5) An increase in the physical and psychic well-being of the addict.

The goal in enlightened correctional philosophy is rehabilitation. If society demands that individuals, such as the defendant, must be held criminally responsible for their actions despite the fact that they are products of addition, then the burden is on society to make every effort to rehabilitate that person. Although medical science has not been able to find a cure for cancer, it is a verifiable fact that narcotics addition can now be successfully treated. This Court hereby calls upon the Congress, the public, and the entire community to take immediate steps to inaugurate a meaningful program for dealing with addicts along the lines outlined in Title I of NARA.

U.S. PENITENTIARY, LEWISBURG, PA.

Goal: Changing the life style of the ex-addict.

Concentrate on creating a realistic and positive self image of accomplishment for each member of the organization.

(1) Staffing—Caseworker, psychologist, two correctional counselors and a clerical position.

(2) Program Plan—Multi-phase.

A&O UNIT

Basic Orientation—series of four program presentations heavily weighted in the area of achievement motivation. Recruit from the A&O unit for Road Back Anti Addition group which is voluntary in nature and enjoys the same status as a standard Alcoholics Anonymous institutional group—The Road Back group is by design an inmate self help group whose active participants are a recruitment source.

PHASE I

By viewing the Road Back group participation as Phase I of the DAP program utilizing this as a DAP prep school we can demand a greater level of emotional commitment to the program, a higher set of standards of achievement in basic institutional programming as well as a more substantial level of behavior modification as criteria for admission to the formal Phase II DAP program.

The Road Back Monday Evening meeting for a period of 2 hrs serves as an emotional counter balance to the participation levels of the several small therapy groups that meet at various times during the week for one hour sessions. The objective of the small therapy groups in the Road Back Program are to introduce the addict as quickly as possible to the therapeutic situation.

The sessions conducted with a staff moderator extract some degree of involvement even if a large measure of it shields the individual from real revelations of his emotional problems. This non directive approach forces considerable personal discipline.

METHOD OF SELECTION

The institutional caseworker and their respective teams will be assigning men at the time of classification to the drug program. Other significant numbers of drug users who are not readily identifiable in terms of their offense category will be recruited from the A&O unit for the Road Back Anti-Addiction Group—1 year time frame—Use the Road Back group to plant the idea while man is processing through A&O while interest level is high in areas of treatment and rehabilitation for the addiction problems and general programming.

GENERAL PROGRAM

1. A series of A&O recruitment programs initially conducted by staff members and inmates and ultimately placed on video tape so that when the institution completes its closed circuit TV network these programs can be utilized through the institution television media. Programs will be designed to appeal to the basic needs of the addict concentrating on emotional, educational and vocational development. In addition credit will be given for participation in these A&O programs toward becoming members of the Road Back Anti-Addiction Group.

2. Within 90 days after institutional classification all members either voluntarily acquired, or specifically assigned, to the institution drug program will have recorded and compiled a complete needs profile beginning with a psychological assessment, utilizing current test techniques i.e. Minnesota Multiphasic personality Inventory, California Maturity etc., a psychological evaluation based on at least three individual interviews with a qualified clinical psychologist, a distillation of educational testing utilizing the standard tests that are given for normal classification evaluation and specific motivational tests, i.e. Kuder Preference and any of the newer motivational tests plus the evaluation of an experienced educational advisor. In addition an in depth vocational evaluation utilizing the principles of mechanical aptitudes, basic vocational abilities and realistic aspirations.

Temporary Category I status will be given to all volunteer and individuals assigned to the institution drug program with a 90-day intervention to cast program goals.

3. During compilation period the ex-addict and his coach or sponsor from the Road Back Group will be actively involved in program plan.

4. Once a program plan is established it will become the general criteria for evaluation of inmates who will further progress into the DAP program.

5. DAP graduates will be assigned as coaches and linkers and group moderators for a special attention group experiencing various degrees of difficulty and frustration.

6. The Bucknell facility and wives that have volunteered their service after careful screening, can be utilized at this point in special tutoring sessions that address themselves to unique problems of individual learning.

"I WALKED IN HIS MOCCASINS"

Mr. STEVENS. Mr. President, a belated honeymoon brought Buchan Jones and her husband to Alaska and to a new and fulfilling, if sometimes difficult, way of life.

Working with the Bureau of Indian Affairs, Mrs. Jones' first teaching assignment was at Pilot Point on the Alaskan peninsula. From there she went to Mount Edgecumbe and then on to Juneau in the capacity of education supervisor. In 1971 Mrs. Jones retired after 15 years as director of admissions at the University of Alaska.

"I Walked in His Moccasins" was written in 1952 as a Christmas message to teachers working in the Alaskan bush. Shortly thereafter, Edward R. Murrow included it in one of his broadcasts. The message contained in the article remains as timely and relevant today as it was 20 years ago.

The message was called to my attention by another Alaskan, Elmer Shaw, who is now with the Environmental Policy Division of the Congressional Research Service in the Library of Congress. Elmer Shaw has written a poem entitled "Skylines of Alaska." I ask unanimous consent that both of the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

I WALKED IN HIS MOCCASINS

(By Laura Buchan Jones)

Of him who scoffs at his fellow man without understanding—of him who laughs without sympathy—of him who ridicules without tolerance—of him who judges by appearances, the Eskimos are known to say, "For two moons let him walk in my moccasins."

For two moons, I walked in his moccasins. Boldly, happily, wearily, and sadly I walked along the distant trails and ancient bypaths. Wearing his moccasins, I learned many things.

I learned that all men are the same. It is the same things that cause all men to grieve. With some, grief is dry-eyed and silent. With others, grief manifests itself in tears and wailing. Whether the death of a loved one be proclaimed by the beat of tom-toms, the smoke of a signal fire, or the solemn procession along the street, all men mourn.

It is the same things that cause mankind to rejoice, although some men laugh, some men chuckle, and others merely smile. A mother's joy in her baby's first step is dissociated with her complexion. A father's pride in the courage of his son is not governed by the country in which he lives.

In these moccasins, I learned that the compulsions of mankind are democratic. Hunger refutes discrimination, be it raw fish, or rice or black bread, or T-bone steak that men envision in their deliriums of starvation. Cold disclaims fastidiousness. One woman who finds warmth in a fur coat, envied by her neighbors, is contradicted by another who wears hers with the fur inside, unseen.

Far out on the trail one day, I met a man who offered me five beaver skins for my two dollar hunting knife. To my protest of his lavish tender he replied, "Here on the trail your mediocre knife is priceless. Back in the town it is worth but two dollars."

It was then that I saw that the real value which men set upon those things that they desire is determined by the intensity of their needs. I saw, too, that in the frustration of unfulfilled needs, mankind is innately capable of violence toward one another.

Alone and lost in the terrifying emptiness of the storm-enveloped tundra, as my moccasins superimposed their prints on those of the boy who spoke no English, yet rescued me and led me to sanctuary, I discovered the true meaning of education. Man is not stupid if he knows not those things I know. Man is stupid only when he knows not those things he needs to know. Yes, I found that knowledge for knowledge's sake is a luxury that mankind can ill afford.

Then as the storm and gluttonous nights of the North settled their weight upon us, I walked from the chill, windswept house of the white man, where I slept cold and restless, to find warmth and oblivion in a crowded igloo. Lingering contentedly at the fireside of my friend, I learned that the fleeting of time does not justify the discard of yesterday, the haste of today, nor the fear of tomorrow. Yesterday, having departed, has been conquered in the passing. Today, being here, is not suspenseful. Tomorrow, yet to come or not to come, like the temperamental winds, will pass in unpredicted rage or kind tranquillity. In hurrying to meet the time that is yet to come, man is denied the security of the tested past and the beauties of the time that is with him now.

I learned that no man has a monopoly on beauty; no man has a corner on contentment. The red man's sky is just as blue; the yellow man's sun is just as warm; the black man's stars are just as bright; the white man's grass is just as green. Beauty is impartial. Contentment such as that which men enjoy as they sit serenely in their doorways when day is done, is neither rationed by color nor dispersed by race.

There came a time that the very moccasins I wore deprived me of my rightful place among my fellowmen. Rejected, by a sign on an open door, I learned that among all men there are those who disbelieve and those who bestow but lip-service to the ideals that other men cherish. Trudging wearily home, I saw that all men are the same. Most men are good. It is the ignorant and the bad among them that erect a social myth of inequality.

I learned, too, that sometimes men are blind and foolish. They sing of peace on earth. They pray for peace. They search for peace with atom bombs and secret projects. But such an achieved peace is transient. Here today and gone tomorrow, the seeds of its departure are sown at its arrival.

It is a peace immortal that we seek—a peace fabricated upon good will among men.

It is seeing this sameness among men that makes for good will. It is understanding man's apparent differences that makes for peace.

I learned that it is gentleness and humility in a man that make him truly noble; for having these, he knows Man for his trifling smallness; he sees the strength and towering greatness of The Men.

Yes, for two moons I walked in his moccasins. Wearing them, I learned many things.

Skylines of Alaska

(By Elmer W. Shaw, forester, Bureau of Land Management, Anchorage, Alaska)

Unrivaled Alaska—vast, unknown, supernal;
Sprawling the width of a continent.
Boasting a skyline of jewels—
Gleaming glaciers, peaks, and pinnacles
Sweeping the stars in their splendor.
Home of the moose and the caribou herd,
Home of the Athabascan native,
The Indian, Eskimo, and Aleut,
Each strong, resourceful, and friendly.
Alaska—aboriginal word for "great land"
Totem-pole land of a myriad faces.
Land of the midnight summer sun
Brewing up thunderheads and dry lightning
Throughout the tinder-dry Interior,
Leaving a scatter of rising smokes
To blacken the forest and tundra.
Heroic men on the firelines,
Cursing the smoke and the rations,
Working on and on 'round the clock,
All hoping for a break in the weather.
Smoke from the spruce and smoldering moss
Hangs like a shroud on the skyline—
Mile upon mile of public domain,
A pattern of forests, lakes, and rivers
Where the silver salmon spawn—
Vast storehouse of vital resources.
Yes, this is Alaska, our great land,
Fossil-old and jet-age new,
Proud in her heritage of men and soil,
A virile, lusty people, swiftly emerging,
Strong in their will to advance.
Frontier Alaska—land of tomorrow,
Ours to nurture, plan, and build,
Ours to preserve and protect for the future.

AMBASSADORS OF SONG BEHIND IRON CURTAIN

Mr. MILLER. Mr. President, last week, 50 young men and women from Clarke and Loras Colleges in Dubuque, Iowa, left on a 3-week concert tour of Europe.

This outstanding group, known as the Clarke Collegiate Singers, will visit several European cities, including areas of Hungary at the invitation of the Government of Hungary. It is believed that this is the first American choral group to have been invited by the Hungarian Government to perform in that country.

What these youth expect to accomplish was summed up by one of the singers, Tom Hughes, from my hometown of Sioux City. Tom said:

> The fact that I am going to Hungary, behind the Iron Curtain, is a challenge to all of us. What we do will have an effect on those who meet us and hear us sing. In a sense, we are ambassadors to the youth of other lands.

Mr. President, I ask unanimous consent that an article on this concert tour which appeared in the Des Moines Register of May 17 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Des Moines Register, May 17, 1972]

Students To Be Ambassadors of Song Behind Iron Curtain

(By Auleene Eberhardt)

Dubuque, Iowa.—College students in this city have been practicing instead of protesting.

Fifty young men and women from Clarke and Loras Colleges, who make up the Clarke Collegiate Singers, have been practicing wherever and whenever they could get together.

The group will leave Thursday on a three-week tour of Europe which will include concerts at Budapest and Lake Ballaton in Hungary as a result of an invitation from the government of Hungary. This is believed to be the first American choral group to be invited by the Hungarian government to perform in this country behind the "Iron Curtain."

The invitation came about after the group won three international prizes at the 1970 international Music Festival in Llangollen, Wales.

In addition to the stops in Hungary, the tour will include Ljubljana, Yugoslavia; Salzburg, Austria; Venice, Italy, and Zurich, Switzerland. All members will pay their own way but a donation of $2,000 from the Dubuque Packing Co. will be used for unforeseen expenses.

John Lease, the director, is a graduate of Morningside College, Sioux City, and earned a master of music education degree from Wisconsin State University. He also studied with the American Academy of Opera in New York and performed as a tenor soloist in Carnegie Hall.

"The singers have rapport and it spreads to their listeners," he said. "The girls and boys get honest enjoyment from creating an excellent performance."

Members of the group are from 18 Iowa cities and towns and several out of state towns.

One of the singers, Jack Wertzberger, 19, said, "I'm very excited about this tour. I think it will establish some good human relations with the youth of other countries."

All of the singers feel, as does Tom Hughes, 18, Sioux City, that they have a kind of diplomatic mission to fulfill.

"The fact that I am going to Hungary, behind the Iron Curtain, is a challenge to all of us," he said. "What we do will have an effect on those who meet us and hear us sing. In a sense, we are ambassadors to the youth of other lands."

Kevin McFarlane, 19, looks on the tour as an opportunity for young Americans to show real friendship for young people in all the countries they visit. "It is quite possible that these concerts in Hungary and Yugoslavia could be the means of bringing more warmth in our relations with foreign countries," he said.

Singers in the group who are from Dubuque are:

Miriam Chappell, Mark Cole, Ellen Hartmann, Betty Koethe, Kevin McFarlane, John Wertzberger, Jim Wilberding and Diane Willoughby, Mark Kohnen.

Other Iowans in the group are:

Julie Ament, Cherokee; Linda Berger, Carroll; Diane Bieber, Guttenberg; Mary Bilunas, Tom Hughes, Nancy Meis, David Bitter, all of Sioux City; Rita Breen, Springfield; Tom Coenen, Woodbine; Terese Cummings, Earlville; Katie Driscoll, Bernard; Mike Hamilton, Fort Dodge; Jean Larsen, DeWitt; Connie Link, Balltown; Michele Luttenberger, Burlington; John McGuire, Algona; Kathy Mack, Waterloo; Steve Smith, Epworth; Jim Williams and Tom Teele, Independence; Linda Walker, Scranton; Bill Farmer, Mason City; and Terry Harrington, Oelwein.

UNITED AIR LINES 25TH ANNIVERSARY

Mr. INOUYE. Mr. President, in April 1934 Hawaii-born William A. Patterson became president of the then fledgling United Air Lines. He has been a central figure in the Nation's air transport industry for four decades and directed United Air Lines for 32 years.

Mr. Patterson retired as United's chairman of the board and chief executive officer in 1966. He now serves as director emeritus and honorary chairman of the board.

On May 1, 1972, United Air Lines marked 25 years of service between Hawaii and the mainland United States with the flight of a 747 Friend Ship named in Mr. Patterson's honor on the same day.

It was under William A. Patterson's leadership that United Air Lines took so prominent a role in the development of air transportation between Hawaii and the mainland.

The 1947 inaugural flights were flown in propeller-driven DC-6 aircraft, queen of the skies at that time. Each plane carried 33 passengers plus mail and freight. The trip took over 9 hours in each direction with the planes averaging 300 miles per hour. By the end of the first year of service, United had carried 16,877 passengers to and from the islands.

In January 1950 United placed Boeing 377 Stratocruisers into island service; and while the trip took about 1 hour longer than it did in the DC-6, passengers now had two-level airliners with a spacious lounge below the main passenger cabin. By the end of the year, United was carrying more than 30,000 persons annually between the islands and the mainland.

The jet era came to the mid-Pacific island chain on March 14, 1960. When United started service with McDonnell-Douglas DC-8's, flying time was cut to about 5 hours and the Hawaiian Islands were deeply entrenched as one of the traveling public's favorite vacation spots.

On July 23, 1970, United Air Lines put its $23 million Boeing 747's into service, and the air traveler was treated to a most luxuriant jet passage across the Pacific.

Today United has over 170 scheduled flights between the islands and 113 cities on the mainland. Later this month, the airline will log its 100,000th flight to and from Hawaii, and by the end of the year, will carry its 10,000,000th passenger to the islands.

Not all of United's business is passengers. During the July 1971 dock strike, the airline carried virtually every type of vital commodity to and from the islands. By the time the strike ended, the airline had flown a total of 347 freighter flights carrying 12,706,393 pounds of freight and mail.

In January 1972 another dockworker stoppage pressed United's planes into an emergency airlift. During the 1-month walkout, the airline flew 72 extra freight flights carrying 13,581,900 pounds of supplies for the islands.

Starting this summer, all of United's flights between the west coast and Honolulu will be flown in 747 Friend Ships.

In honor of United's 25 years of service to the islands, John A. Burns, Governor of the State of Hawaii, made the following proclamation:

> I proclaim the month of May 1972 as Hawaii-United Month . . . congratulations on this happy occasion to United Air Lines, its nearly 1,000 employees throughout the State and its 48,000 employees throughout its system.

"CUBA, CASTRO, AND THE UNITED STATES"

Mr. BEALL. Mr. President, the Reverend Dr. Joseph F. Thorning was invited by Congress to offer the invocation during its recent celebration of Pan American Day. Dr. Thorning, a distinguished resident of my native State and known by many as the "Padre of the Americas," performed this important duty for the 28th consecutive year.

Dr. Thorning is today pastor emeritus of St. Joseph's-on-Carrollton Manor and associate editor of world affairs. Among his published works, his book "Miranda: World Citizen," a biography of the Precursor of Latin American freedom, is still a best seller of the University of Florida Press. The introduction to this work was written by the then President of the Republic of Ecuador, Don Galo Plaza, who is now Secretary General of the Organization of American States. Articles and book reviews by Dr. Thorning appear regularly in World Affairs, America, and the Fordham University Quarterly, Thought. His services in the area of Latin American affairs have been cited in the Catholic Standard, the weekly newspaper of the Archdiocese of Washington, edited by the Reverend Monsignor William O'Donnell. As representative of Dr. Thorning's recent work, I submit his review of Philip W. Bonsal's new book "Cuba, Castro, and the United States," which appeared in this spring's edition of World Affairs and ask unanimous consent that it be included in the RECORD.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

BOOK REVIEW

(By Joseph F. Tharming)

Cuba, Castro, and the United States, by Philip W. Bonsal, University of Pittsburgh Press, 1971, 318 pp., $9.95.

First-hand testimonies are the stuff of history. Viewed in the light of that principle, the book by Philip Wilson Bonsal, U.S. Ambassador to Fidel Castro's Cuba (1959-60), has a definite value. His account proves the cordial attitude of U.S. officialdom toward the forces of the "Revolution" which, amid scenes of popular enthusiasm, took power in Havana on January 1, 1959.

With spectacular patience and boundless good will the U.S. envoy repeatedly presented the case for Cuban-American friendship: geographical proximity, a common faith in democratic procedures, and the mutual advantages available in complementary economies. Mr. Bonsal made every effort to conciliate the "Maximum Leader" and to solve problems in an atmosphere of respect for the sovereignty of the Cuban Republic. He believed Fidel's promises about constitutional guarantees, "free elections," and "Liberty with Bread."

In less than "one hundred days" however, the Castro brothers, Fidel and Raúl, displayed their true colors. Judicial circuses made a shambles of human rights; a campaign was launched against independent educational centers, some of them religious in nature; and communication facilities, including the press, radio, and TV, were either seized or subjected to intimidation. Fidel's degradation of his own hand-picked President, Judge Manuel Urrutia, should have been a sure clue to future developments. Under the circumstances diplomatic skill and "Franciscan" forbearance were doomed to frustration and eventual failure. In October, 1960 Ambassador Bonsal was recalled to Washington for another assignment.

In a chapter entitled "Conclusion," the author calls for the resumption of diplomatic relations and economic collaboration with Cuba. He sees this as a viable and attractive policy only after the overthrow of Fidel, without outlining any program for the move. In the same chapter he describes the Soviet Union as a "power with no geopolitical interest in Cuba, now that it has been demonstrated that Castro's Cuba has no serious role to play in Latin America and that a Soviet power base in Cuba is unacceptable to the United States." (p. 219)

This assertion is made at a time when reputable scholars are on record as persuaded by evidence that there already exists a Soviet base for nuclear-armed submarines in the port of Cienfuegos.

Some of the comments offered by Mr. Bonsal about the volumes he consulted are witty and apt. One must add that he does not appear to have read two books evaluating his own performance in Cuba: *Dagger in the Heart: American Policy Failures in Cuba* by Mario Lazo (New York: Funk and Wagnalls) now in its fourth printing; and *The Losers* by Paul D. Bethel, a press officer in the U.S. Embassy, Havana, in the period under consideration (New Rochelle: Arlington House). *Dagger in the Heart,* it may be emphasized, was the subject of an article in *World Affairs,* Winter 1969. Title of the article: "Is Cuba a Key to Peace?"

THE CASE-CHURCH AMENDMENT

Mr. GAMBRELL. Mr. President, since the Senate is currently considering the Case-Church amendment to the State Department authorization bill, and since the Senate Foreign Relations Committee yesterday approved a foreign military aid authorization bill with an August 31 end-the-war amendment, I would like to take this opportunity to present my views on our military activity in Vietnam.

At the present time, I am carefully following all developments in Vietnam and in Moscow, and will do everything I can consistent with the welfare of our troops and our POW's to end our involvement there.

I have supported the President's recent actions in the Vietnamese war, in the belief that they are necessary for our troops to effect an orderly withdrawal from South Vietnam, along with the recovery of our prisoners of war. President Nixon has more immediate facts at hand to evaluate the risks of his actions. However, he has announced, and is executing, a withdrawal of our forces from active combat in South Vietnam and I think the bombing and harbor mining which he has ordered is justifiable in view of the attacks on our withdrawing forces by the North Vietnamese. However, this action should not lead us to be optimistic about the outcome of the war in South Vietnam. President Nixon's latest actions would probably have been more effective, had they been taken 3 or 4 years ago. There is little likelihood of "winning the war" since we have reduced our forces to a very small number of men. I would certainly oppose any increase of our involvement in this tragic war.

When I came to the Senate in February 1971, we had already adopted a "no-win" military policy in Vietnam, and I felt that we should complete troop withdrawal in a manner which would assist in securing early release of our POW's. In June 1971, I voted for legislation which would have established a date-certain for withdrawal contingent on release of our POW's. That deadline would have elapsed by now if it had been adopted at that time in the form I supported.

The procedure and timing for further Senate action on end-the-war legislation is unclear at this time. It would seem to me to be advisable to defer action on the Case-Church amendment to the State Department authorization bill due to the talks currently underway in Moscow, as long as we can be assured that there will be no substantial delay in Senate consideration of the foreign military aid authorization bill which contains the August 31 deadline for troop withdrawal.

My present inclination is to support the Case-Church resolution containing the Byrd amendment which I supported. It puts a 1972 deadline on our participation in the war subject to return of prisoners and a cease-fire. This is consistent with President Nixon's most recent proposal. I am inclined not to support the August 31 deadline contained in the foreign military aid authorization bill. This severely shortens our time for withdrawal and gives us no options on the prisoners except further bombing.

Basically, my position has been to support the President in his rapid withdrawal, using every possible bargaining tool to obtain the return of the prisoners. While I have not been in accord with every feature of the President's program, he has not, as yet, seriously departed from the course of action on which we both agree. While I have taken this occasion to express my sentiments on this entire subject, it is obvious that developments, from day to day, could have some bearing on any vote that might be taken. Therefore, no prejudgment should be made on how I might vote on any specific issue now pending or that might come on for decision.

INFECTED CALIFORNIA BIRDS

Mr. STEVENS. Mr. President, on page 2 of the Friday, April 7, Alaska Ketchikan Daily News, an editorial entitled "Newcastle Disease Has Infected California Birds" appeared. The editorial did not mainly concern Newcastle disease.

It drew a nice parallel between that disease and the Government's reaction to it on the one hand, and the equally economically devastating mercury in halibut situation and the Government's reaction to that problem.

On April 7, the same date the editorial appeared, I introduced S. 3461 and amendment No. 1107 to H.R. 7117. Both of these bills attempted to seek similar solutions to the problem.

S. 3461 provides a purchase-subsidy program under which the Federal Government would purchase fish which the owner was prevented from selling as the result of "prohibitive Federal or State restrictions." Amendment 1107 would provide partial reimbursement for losses incurred by commercial fishermen as the result of prohibitive Federal or State restrictions imposed upon domestic fishing.

The problem still remains unsolved. However, I am hopeful that the Senate will begin the consideration of these bills in the not too distant future.

However, because so many people in my part of the country face such devastating economic losses as a result of the FDA guidelines, I would call my colleagues' attention to this editorial and hope that they will join with us in attempting to resolve the difficulty.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the article was ordered to be printed in the Record as follows:

Newcastle Disease Has Infected California Birds

The federal government will spend about $4 million to pull California poultry farmers out of the hole. Newcastle disease has infected two million birds in California and the agriculture department rules that they must be destroyed.

The disease is harmless to humans but is deadly to the birds.

The disease was traced to imported exotic birds, brought into the U.S. by a poultry farmer.

On March 14 Secretary of Agriculture Earl Butz declared a national emergency for the poultry farmers and under his proclamation the farmers will be reimbursed for the birds lost.

Great.

But as a contrast, look what happened to Pacific Northwest fishermen last season. After catching and marketing halibut for over 70 years, the small halibut fishermen in Southeastern Alaska was delivered an economic blow from which many will never recover. The federal food and drug administration ruled that halibut with a mercury content above .05 parts per million could not be marketed. The higher mercury content is found mainly in halibut caught in Southeastern Alaska. Not all halibut in the area had the content but enough did that each fish had to be checked, some complete loads were rejected and much of the rejected halibut still sits in storage. The fisherman is holding the sack.

Two United States senators, Ted Stevens of Alaska and Ernest Hollings of South Carolina, held a hearing in Petersburg last fall to see what the problem was on halibut.

They learned, among other things, that the Canadians are catching and marketing halibut from the same grounds fished by U.S. fishermen. The Canadians have the same mercury limit on halibut but they average the whole load of fish rather than test each fish. They also learned that the Canadians reimburse the fisherman or fish buyer in cases where some form of pollution has suddenly made a crop of catch unfit for the market.

The halibut fishermen had the senators' sympathy. But that is all they got. The poultry farmers got paid.

SENATOR SCOTT'S RECORD ON MONETARY AND FISCAL POLICY

Mr. MILLER. Mr. President, the key held by Congress to America's economic well-being lies in its control over fiscal policy. Over the years, big spending by those in control of the Congress has contributed its share to the inflationary spiral. Record quantities of imports have also had a detrimental effect on our economy.

The minority leader, the distinguished Senator from Pennsylvania (Mr. Scott), has long advocated, as have I, congressional restraint on spending. He has also favored, as have I, easing the tax burdens on both business and individual taxpayers.

President Nixon's decision to "float" the dollar has had a beneficial impact on our balance of trade, easing somewhat the threat of imports to our domestic economy, although by no means are we out of the woods yet in this area. Senator Scott and I both supported this action of the President. I ask unanimous consent to place Senator Scott's record on fiscal policy and related matters in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Senator Scott's Monetary and Fiscal Policy

THE 92D CONGRESS

Legislation

S. 680—To restore balance in the Federal system of government in the United States; to provide both the flexibility and resources for the State and local government officials to exercise leadership in solving their own problems; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States.

S. 1433—To promote more effective management of certain related functions of the Executive branch by reorganizing and consolidating those functions in a new Department of Economic Affairs.

S. 2194—To advance by one year the standard deduction provisions of the Tax Reform Act of 1969.

Amdt. 686 to H.R. 10947 Political Contribution Tax Incentives. To provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes.

Votes

Voted for extending certain laws relating to payment of interest on time and savings deposits and economic stabilization.

Supported an amendment to allow as a business deduction (instead of a personal deduction) up to $400 per month for domestic help and child care.

THE 91ST CONGRESS

Legislation

S. 35—To extend head-of-household benefits under the Internal Revenue Code to unremarried widows and widowers, and individuals age 35 and over who have never been married or who have been separated or divorced for three years or more, and who maintain their own households.

S. 50—Federal Revenue Sharing Act.

S. 1285—To establish a National Economic Conversion Commission.

S. 2259—To amend the Federal Credit Union Act to assist savings and credit needs of low-income persons.

S. 3077—To amend the IRS Code of 1954 to allow credit against income tax to individuals for expenses in providing higher education.

Votes

Voted to reduce the oil and gas depletion allowance to the 23% level recommended by the Senate Finance Committee.

Voted to increase the personal income tax exemption $750 by 1972 (a similar plan was included in the final Tax Reform Bill approved by the President).

Voted for Scott-Yarborough amendment to provide that funds of private foundations may be used to influence the outcome of specific public elections or in voter registration drives under certain conditions.

Voted to delete provisions requiring private foundations to terminate their tax-favored status after 40 years.

Voted to provide for a tax credit for expenses of higher education.

Voted to allow charities, educational institutions and art museums to continue receiving contributions without undue tax burden, and to not unduly restrict those who make these beneficial contributions.

Voted to liberalize the restrictions on rental housing and rehabilitation expenses.

Voted for the Tax Reform Act of 1969.

Voted for amendment to Employment Security Amendments requiring the Treasury to issue a new type of savings bond maturing either after 10 or 20 years, with interest at 6%, to be sold on a discount basis.

THE 90TH CONGRESS

Legislation

S. 1744—To provide Federal controls over foreign banking corporations operating within the United States.

Votes

Voted to allow income tax credit to individuals for higher education.

Voted to restore the investment tax credit and allowance of accelerated depreciation in the case of certain real property.

Voted to exempt from tax the profits from advertising in publications of certain tax exempt organizations.

THE 89TH CONGRESS

Legislation

S. 1130—To allow employers income tax credit for providing employee training programs.

S. 1635—To require annual approval by Congress of aggregate amounts of expenditure authorizations contained in general appropriation acts.

S. 2311—To provide for deduction of certain education expenses of teachers.

S. 3014—To allow income tax credit for contributions by individuals to National and State committees of political parties.

Votes

Voted against a two-year suspension of the 7-percent investment tax credit applicable to certain depreciable property.

Voted to provide a sliding scale income tax credit up to a maximum of $325 for college tuition and other costs.

Voted to exempt railroad rolling stock from the suspension of the investment tax credit.

Voted to exempt aircraft acquired pursuant to exercise of option under contract binding as of October 9, 1966, from suspension of the investment tax credit.

THE 88TH CONGRESS

Votes

Voted to provide liberalized treatment of certain long-term capital gains.

Voted to provide a sliding scale income tax *credit* for college costs up to a maximum of $325.

Voted to provide a tax deduction from earned income by a working college student.

Voted to retain the 4 percent dividend tax credit but to limit it to a maximum of $300.

Voted to repeal retail excise tax on jewelry and furs costing less than $100, and all such tax on luggage, handbags and cosmetics.

Voted to repeal manufacturer's 10-percent excise tax on mechanical pens and pencils.

Voted to reduce from 10 to 3 percent the so-called cabaret tax.

Voted to repeal the 10 percent tax on live theater dramatic and musical performances.

Voted to reduce the tax on general telephone service.

Voted to provide tax deductions for expenses of transportation to and from one's place of business or employment.

THE 87TH CONGRESS

Legislation

S. 2—To provide tax deduction for small businesses, for additional investment in depreciable assets, inventory and accounts receivable.

S. 3384—To provide income tax deduction for taxpayer supporting dependents handicapped so as to be unable to care for themselves.

Votes

Voted *not* to eliminate the 7 percent tax credit to segments of business for investments in new machinery and equipment.

Voted to permit deduction of certain entertainment expenses "associated" with the active conduct of the taxpayer's business.

Voted to encourage the establishment of voluntary pension plans by self-employed individuals.

Voted to reduce oil and gas depletion allowance from 27½ to 15 percent on a sliding scale based on gross income.

THE 86TH CONGRESS

Legislation

S. 526 to prohibit deduction of expenses or losses incurred in illegal wagering.

S. 564 To increase personal income tax exemption to $1,000 for any year dependent is student at college level or above.

S. 566 To allow income tax deduction for vocation transportation for disabled persons.

S.J. Res. 113 To establish Committee on Taxation of Interstate Commerce in order to bring about greater uniformity in state taxation of business income derived from interstate commerce.

S. Con. Res. 70 To create a Joint Committee on Federal-State Economic Relations.

Votes

Voted *against* repealing credit against income tax for certain dividends received by individuals.

Voted not to deny deductions in excess of $1,000 annually for (1) entertainment expenses, (2) gifts, (3) dues or initiation fees, and (4) travel to places outside the U.S., Canada and Mexico to attend conventions for advertising purposes.

Voted not to repeal the 4 percent credit for dividends received from domestic corporations.

Voted not to withhold income tax on interest and dividends.

Voted not to deny as trade or business expense deduction expenditures made for entertainment, gifts and club dues.

NATIONAL AVIATION SYSTEM PLAN

Mr. PEARSON. Mr. President, I have recently had an opportunity to review the national aviation system plan, as prepared by the Federal Aviation Administration under the leadership of the Administrator, John H. Shaffer. The current issue of Airport World contains an excellent summary of the plan, and I would commend this material to the Senate.

As ranking member of my party on the Senate Aviation Subcommittee, I have been gratified by the detailed research and thought which have contributed to the development of this plan. There is no doubt that aviation activities in the United States will experience a sustained period of expansion in the next decade. During 1971, FAA centers handled 13 million air carrier aircraft and only 3.7 million general aviation aircraft. By 1982, it is estimated that the air carrier figure will reach 15.6 million while general aviation will increase sixfold to 18.3 million. Numbers of aircraft in the U.S. civil fleet will total an estimated 206,310 by 1982, up 54 percent from 1971.

The latest annual edition of the national aviation system plan reflects an increase of almost 800 U.S. civil airports since last year's report—a 7.2-percent rise to a new total of 11,989. Of the total, 3,240 airports are included in the national airport system. As such, they are eligible for Federal development aid.

The FAA foresees a need for 1,410 additional airports through 1982 which would include 112 for combined air carrier and general aviation operations and 1,298 for the exclusive use of general aviation operations.

The FAA projects a funding requirement—including both ADAP and local sponsor funds—of $6.4 billion to meet the airport development requirements for the next 10 years.

The Congress in adopting the Airport and Airways Revenue and Development Acts of 1970 created the aviation trust fund to provide a source for Federal contributions to airport development and airways improvement. As one of the original Senate sponsors of this legislation, I am gratified to note the commitment of the FAA to an aggressive national aviation system plan. Administrator Shaffer is to be congratulated for his foresight in structuring this plan, and is to be commended for his commitment to the orderly development of our national aviation system.

Mr. President, I ask unanimous consent that two articles from Airport World summarizing the national aviation system plan be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE NATIONAL AVIATION SYSTEM PLAN

FUNDING THE PLAN

FAA activities are financed from two sources: the Trust Fund and the General Fund. These funds provide for the expansion and improvement of the nation's airport and airway system and for the imposition of user charges. All revenues from aviation user taxes are appropriated to the Trust Fund. Additional payments to this fund may be authorized by Congress to provide the difference between tax revenues and Airport/Airway appropriations enacted by Congress.

Prohibited is the use of Trust Fund user tax revenues for FAA operations and maintenance expenses. User tax money may be expended only on programs for airport development and planning, airway facilities, research and development, and administrative costs associated with the airport and airway programs.

FAA safety regulation actvities and the National Capital Airports (Dulles Int'l. and Washington National) are financed from the General Fund. Trust Fund appropriations are divided into the following three categories (shown with recommended funding levels):

Engineering and Development: No specific amount is allocated in the Airport/Airway Act; expectations are that urgent E&D requirements will exceed an annual obligational authority of $100 million.

Facilities and Equipment: An annual obligational authority through June 30, 1980, of not less than $250 million for the acquisition, establishment and improvement of air navigational facilities.

Airport Development: A total obligational authority through June 30, 1980, of $2.5 billion for airport development, including $250 million annually for air carrier and reliever airports for fiscal years 1971–1975, plus $30 million annually for general aviation airports; obligations for 1971 through 1973 are not to exceed $840 million. The planning grant program is authorized a total of $75 million (but not to exceed $15 million in any one fiscal year); matching grants are authorized up to two-thirds of the project cost.

The National Aviation System Plan provides for the orderly acquisition of new facilities and equipment at a rate great enough to fulfill immediate system shortcoming as well as provide for future demands. In recent years the system has failed to keep pace with changes required by aircraft development and generated by increases in air transport.

A need for continuing expansion is seen throughout the next decade because the flight activity for 1982 is expected to be double that of 1971.

Estimated FAA expenditures for fiscal years 1973–82 will total approximately $22 billion, considerably in excess of the estimated $12.8 billion revenues. The funding planned during this period for facilities/equipment and engineering/development for the airport/airway system is about $900 million in excess of the amounts anticipated at the time the Airport/Airway Act was enacted (May, 1970).

To support these planned higher levels of investment, additional or increased user charges will be proposed in 1973, depending upon the results of the cost allocation study awarded the Resource Management Corp. (Bethesda, Md.) in August of 1971, and upon revenue projections.

What will be the "shape" of the next 10 years?

General aviation, air carrier and military activity combined will result in significant increases in airways and air terminal traffic that will have to be handled by FAA facilities. Predictions are that the number of IFR aircraft to be handled by Air Route Traffic Control Centers will grow from 21.3 million in FY 1971 to 38.7 million in 1982.

During 1971, centers handled 13 million air carrier aircraft and only 3.7 million general aviation aircraft. By 1982, it is estimated that the air carrier figure will reach 15.6 million while general aviation will increase sixfold to 18.3 million.

FAA-operated airport traffic control towers logged 54.2 million aircraft operations in FY 1971. This total is expected to grow to 81 million in 1976 and to reach 130 million in 1982. Part of the increase in operations will result from the installation of new towers, with growth in activity at existing tower-equipped airports accounting for the remainder.

Air carrier and general aviation flying will account for all of the growth in operations, as military activities are expected to decline at airports with FAA control towers.

Flight services provided by FAA flight service stations and combined station/towers numbered 48 million in FY 1971. This total is expected to increase to 142.3 million in FY 1982.

Pilot briefs, which constitute the largest volume of services and which are primarily for general aviation pilots, are expected to increase to over three times the current level. Filings of flight plans and aircraft contacts are expected to be at least two times greater in 1982 than in FY 1971.

Numbers of aircraft in the U.S. civil fleet will total an estimated 206,310 by 1982, up 54% from 1971. Of these, 203,000 or about 98% will be general aviation aircraft (which, in 1971, numbered 131,407). In addition some 21,000 military aircraft will operate in U.S. airspace.

The U.S. air carrier fleet will not increase as rapidly as passenger traffic, reflecting the greater productivity of larger capacity subsonic aircraft and the eventual introduction of supersonic transports. The fleet is expected to total 3,310 aircraft in 1982, up 30% from the 2,679 in service at the beginning of 1971. Jets will account for nearly all of the fleet's capacity by 1982; turboprops will be found primarily on low-density routes.

Over the next decade, today's standard four-engine jet will be replaced on high-density, long-haul passenger routes by larger three- and four-engine jets. By the end of the period, two-engine wide-body jets will be entering scheduled service in significant numbers and supersonic transports, though relatively few, will be contributing significantly to capacity in international passenger service.

Development of V/STOL and STOL aircraft for air carrier service will continue, however the timing of their introduction in substantial numbers is still indefinite.

Re general aviation aircraft, rotorcraft and turbine-powered fixed-wing aircraft will show the highest proportional increases during the next 10 years, though they still will account for a relatively small percentage of the total fleet. Dominance will continue to be held by piston-powered, single-engine aircraft.

Military aircraft in the 48 continental states are expected to decrease slightly from about 20,500 on June 30, 1971, to 19,600 by June 1972. Thereafter, the active inventory will increase to the 21,200 level—a gain of 8%—and remain at this figure through 1982. Active aircraft in the contiguous 48 states represents about 60% of the worldwide U.S. military fleet.

Military jets will hold at about 10,200 and turboprops at about 1,000, while piston-powered aircraft will decline from 3,500 in 1971 to 2,500 in 1978 and level off. Military helicopters will decline to about 5,500 in 1972 and build back to a plateau of some 7,500 by 1974, remaining at this number through 1982.

Domestic airline passenger traffic growth tapered sharply in FY 1970, reflecting the slowdown in national economic growth. Following another year of reduced growth in FY 1971, scheduled revenue passenger miles are expected to increase at a long-term rate of 11% annually for the period 1973–82, down slightly from the 13% annual rate recorded between 1960–1970.

International scheduled passenger traffic will grow at a slightly faster rate than domestic traffic, averaging about 12% annually between 1971 and 1982.

These increases will produce 307.5 billion domestic and 96.5 billion international revenue passenger miles in 1982. Air cargo will continue to grow rapidly, with increases averaging 15% per year over the next decade. This would increase domestic and international freight, express and mail from 5.3 billion ton miles in FY 1971 to nearly 25 billion by 1982.

The complexity of the ATC problem becomes obvious when one considers the forecast demand in light of the widely diverse range or performance characteristics of today's and future aircraft.

Currently there are 27 Air Route Traffic Control Centers from which en route control and services are provided. Of these, 21 are in the continental U.S.; the other six are in Alaska (two), the Canal Zone, Guam, Hawaii and Puerto Rico.

The present en route long-range radar network consists of 91 co-located search radars and radar beacon systems (also known as primary and secondary radars). A total of 85 of these systems are in the conterminous 48 states; six are located in Alaska (two), Guam, Hawaii, Panama and Puerto Rico.

This radar network will be expanded from 85 to 112 systems. Of the present 85, three will be decommissioned, seven will be transferred to the FAA from the Department of Defense, and the FAA will purchase 23 new ARSR–3s for operational use. These 112 systems will provide radar coverage for about 90% of the forecast IFR traffic flying in the conterminous U.S.

Also planned are second systems in both Hawaii and Puerto Rico. One of these will be an ARSR–3; the other will be transferred from the military.

One of the critical problems of air traffic control is that of determining the three-dimensional (latitude, longitude and altitude) position of controlled aircraft. During the 1960s the Air Traffic Control Radar Beacon System (ATCRBS)—known also as secondary surveillance radar—was implemented to improve surveillance capability. It has steadily supplanted radar as the primary system.

The new Discrete Address Beacon System (DABS) will provide a natural vehicle for a digital data link between the ground ATC system and the aircraft within the system. Transition to DABS will be a very gradual process requiring a decade or so.

Automatic data link communications techniques are currently being evaluated in an operational test over the continental U.S. Certain scheduled air carrier aircraft have been equipped with a data link system which will print out ATC clearances, terminal advisories, and other information directly in the cockpit.

Moreover, the airborne data link equipment will automatically construct position reports, plus pilot originated weather reports, and transmit this digital information to the ground.

It is also planned to supplement the present HF communications service in the oceanic areas by providing pre-operational satellite communications service on UHF frequencies. This service, which will be available early in FY 1974 to early 1978, will include both voice and digital data.

Assumed is a cooperative effort between the United States and European interests in which the telecommunications satellites and control stations will be jointly owned and operated, while the individual countries will operate the centers controlling their assigned airspace.

Because the air traffic control tower is the primary facility in the terminal system, its establishment and improvement is a high-priority item. New towers will be funded in a continuing program through 1982. Also planned is the development of a ground control and guidance system to reliably display aircraft and vehicular movement in blind-spot areas and during night and low-visibility conditions.

One procurement program underway will provide for the installation of 65 airport traffic control towers under one "turnkey" contract. These include projects from the FAA's FY 1970, 1971 and 1972 F&E programs. Structures will be manufactured to a standard design and to a uniform standard of quality.

Relative to terminal area automation, the installation of 61 ARTS III systems at selected large and medium hub locations is planned for completion by the early part of calendar year 1973. Three additional systems have already been installed for support and training purposes. No decision has been made as yet regarding upgrading of ARTS II locations to ARTS III.

When all phases of the planned system have been implemented, a mixture of controlled and uncontrolled aircraft will operate below Flight Level 180, except in designated areas. The 250 kt. speed limit will be established below 12,500 while transponders with 4096 codes (Mode 3A) and altitude reporting capability (Mode C) will be required at 12,500 ft. and above, and in designated areas.

Terminal Control Areas with an airspace lid of 12,500 ft. will be established at the higher density locations. At other locations, various levels of radar service together with increasing automation capability will be provided to reduce the risk of mid-air collisions.

In the planning period 1973–82, the base of Area Positive Control (APC) airspace will remain at Flight Level 180 throughout most of the U.S. Over heavily traveled routes the base will be lowered at 10,000 ft. The upper limits of APC will be extended upwards to Flight Level 1,000 to accommodate aircraft of advanced design.

APC will be lowered in the Golden Triangle (a triangle bounded by Boston, Chicago and Atlanta) and West Coast Corridor in the 1975 time frame. The use of a standard altimeter setting, 29.92 HG, will be lowered from the present 18,000 ft. to 12,500 ft.

VORTAC is the basic short-distance navigation aid and will continue to be through 1972–82. Recent development in area navigation avionics, and in procedures for their use, are expected to increase significantly the utility of the VORTAC system.

The FAA now operates 858 en route VORs, at which 695 are co-located with TACAN or DME, and 50 terminal VORs. Of the en route facilities, about 30% are high-altitude VOR/VORTACS. Another 29 VORs are operated by the military, and 44 by state or private owners.

Present plans for expansion of the en route VORTAC system are limited to the installation of new or relocated facilities provided to serve new airports, to facilitate the flow of air traffic in the vicinity of high-density terminal areas, and to establish new airways.

Terminal VORs (TVOR) will be installed to give approach guidance to eligible airports that are not expected to qualify for an ILS and are not near an en route VOR or VORTAC. Distance measuring capability will be provided where it does not exist—the standard DME at en route VORs and a low-power, solid-state version at terminal VORs.

Capital investment amounting to some $109 million will be required for new en route navigation facilities and equipment, and improvements to existing facilities, during the next 10 years. More than one-half of the total, $57.6 million, will be for Doppler and Precision VOR modifications to improve the coverage and accuracy of VOR ground stations.

Other significant expenditures will be for expansion of the VOR/TVOR system ($15.6 million), for the provision of distance measuring capability at VOR/TVORs ($17 million) and for VORTAC system improvements ($16.2 million).

Landing aid facilities expenditures during the next 10 years are estimated at $306.6 million. Of this amount $85.5 million is for conventional ILS systems. By 1978, the 653 runways so equipped will be more than double today's 322 ILS runways and the number of Category II/III runways will increase almost fivefold.

Microwave landing systems, including the interim V/STOL ILS, will account for $150 million or slightly less than one-half of the total. The remaining funds will go for DME at ILS ($4.9 million) and for visual aids—approach lighting ($50.9 million), runway end identification lights ($3.3 million), and visual approach slope indicators ($11.7 million).

PILOT REQUIREMENTS 1972 VERSUS 1982

Types of airspace	Flight condition	Pilot requirements			
		1972	1972		1982
Uncontrolled	VFR (day)	Current pilot certificate: 1. Student 2. Private 3. Commercial 4. ATR	Appropriate rating: 1. Single engine 2. Multi engine 3. Land 4. Sea 5. Instructor 6. Instrument 7. Helicopter 8. Glider	Current medical: 1st, 2d (FAR 61.3)	Same as 1972.
Uncontrolled	VFR (night)	Same as VFR (Day)			Same as 1972.
Uncontrolled	IFR	Same as VFR plus: Pilot certificate: Private or higher with 200 hours.		Rating: Instrument	Same as 1972.
Controlled (nonpositive)	VFR	Same as uncontrolled VFR plus: Pilot certificate: Private or higher.			Same as 1972 plus: Annual pilot proficiency check.
Controlled (nonpositive)	IFR	Same as uncontrolled IFR plus: FCC radio-telephone rating.			Same as 1972 plus: Annual pilot proficiency check.
Positive control	VFR	Not authorized			Not authorized.
	IFR	Same as controlled nonpositive IFR			Same as 1972 plus: Annual pilot proficiency check.

AIRBORNE EQUIPMENT REQUIREMENTS, 1972 VERSUS 1982

Type of airspace	Flight condition	Airborne flight and navigation equipment requirements		
		1972		1982
Uncontrolled	VFR (day)	1. Airspeed 2. Altimeter 3. Compass 4. Tachometer 5. Oil temperature	6. Manifold pressure 7. Fuel gage 8. Landing gear 9. Belts (FAR 91.33)	Same as 1972.
Uncontrolled	VFR (night)	All above plus: 1. Position lights 2. Anti-collision light	3. Landing light (if for hire) 4. Electrical source	Same as 1972.
Uncontrolled	IFR	Same as VFR plus: 1. 2-way radio 2. Navigation system 3. Gyro turn/bank 4. Sensitive altimeter adjustable for barometer pressure	5. Clock with sweep second hand 6. Artifical horizon 7. Directional gyro or equivalent 8. Generator	Same as 1972.
Controlled (nonpositive)	VFR	Same as uncontrolled VFR		Same as 1972 plus transponder.[1]
Controlled (nonpositive)	IFR	Same as uncontrolled IFR		Same as 1972 plus transponder.[1]
Positive control	VFR	Not authorized		Not authorized.
	IFR	Same as uncontrolled IFR plus: 1. DME 2. Transponder	3. VOIR (in TCAs)	Same as 1972 (see footnote).

4096 code, Mode 3A transponder with Mode C automatic altitude reporting capability will be required at the 21 high density terminal locations, in APC, and at 12,500 feet or above. All nonparticipating aircraft operating within the terminal radar service area at remaining radar locations that are equipped with ARTS system will also be transponder-equipped with Mode C capability.

ACCRUED LIABILITY TO CIVIL AVIATION FROM USER TAXES BY TAX TYPE—FISCAL YEARS 1972-82

[In millions of dollars]

Type of tax	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982
Passenger ticket tax, 8 percent	553.5	613.1	688.8	770.0	858.8	955.9	1,061.0	1,175.9	1,301.6	1,437.9	1,586.1
Waybill tax, 5 percent	30.7	33.8	37.9	42.4	48.8	56.1	64.0	73.5	83.1	93.9	106.1
Fuel tax, 7 cents a gallon	45.8	48.2	49.1	52.1	54.4	58.6	62.0	65.7	71.2	74.9	79.7
International passenger tax, $3.00	41.5	45.9	51.1	56.8	63.0	69.8	77.2	85.3	94.1	103.7	114.1
Aircraft use tax	18.6	19.4	20.2	21.2	22.1	23.5	24.8	26.2	27.6	29.0	30.8
Taxes on a/c tires and tubes	3.2	3.3	3.5	3.8	4.1	4.4	4.7	5.0	5.3	5.6	5.9
Total	693.3	763.7	850.6	946.3	1,051.2	1,168.3	1,293.7	1,431.6	1,582.9	1,745.0	1,922.7
Air carrier	633.7	700.1	784.4	875.5	976.3	1,087.0	1,206.7	1,338.4	1,481.4	1,636.7	1,805.9
General aviation	59.6	63.6	66.2	70.8	74.9	81.3	87.0	93.2	101.5	108.3	116.8
Cumulative total	693.3	1,457.0	2,307.6	3,253.9	4,305.1	5,473.4	6,767.1	8,198.7	9,781.6	11,526.6	13,449.3
Air carrier	633.7	1,333.8	2,118.2	2,993.7	3,970.0	5,057.0	6,263.7	7,602.1	9,083.5	10,720.2	12,526.1
General aviation	59.6	123.2	189.4	260.2	335.1	416.4	503.4	596.6	698.1	806.4	923.2

TOTAL AIRCRAFT IN THE SERVICE OF U.S. AIR CARRIERS (AS OF JANUARY 1)

Aircraft type	Reported				Forecast			
	1950	1955	1960	1965	1971	1972	1976	1982
Total aircraft	960	1,446	1,850	2,125	2,679	2,600	2,680	3,310
Fixed-wing aircraft	949	1,426	1,827	2,104	2,663	2,583	2,659	3,285
Jet			84	725	2,136	2,107	2,340	3,110
2- and 3-engine				214	1,205	1,224	1,546	2,420
4-engine			84	511	931	883	758	625
SST							36	65

Footnote at end of table.

Aircraft type	Reported 1950	1955	1960	1965	Forecast 1971	1972	1976	1982
Fixed-wing aircraft—Continued								
Turboprop			213	312	374	345	248	130
1- and 2-engine			35	97	264	263	211	115
4-engine			178	215	110	82	37	15
Piston	949	1,426	1,530	1,067	153	131	71	45
1- and 2-engine	589	773	661	620	119	107	63	45
4-engine	360	653	869	447	+34	24	8	
Helicopter	11	20	23	21	16	17	21	25
Piston engine	11	20	23	6	3	3		
Turbine engine				15	13	14	21	

Note: Included here are all passenger and cargo aircraft owned or leased by, and in the domestic or international service of the United States certificated route, supplemental, intrastate and commercial air carriers. Aircraft used for training and aircraft that have been withdrawn from service and are awaiting disposal are not included here. (Aircraft in the service of air taxi operators are shown in the general aviation aircraft fleet.)

TRENDS IN FACILITIES

Facility	1950	1955	1960	1965	1970[1]	1982[2]
L/MF ranges	378	344	305	48	27	0
VOR/VORTAC	371	424	725	867	900	1,038
NDB	141	175	190	286	281	307
Air traffic control centers	31	31	35	28	27	25
Airport towers	172	100	153	226	288	489
Combined station/towers[3]		75	75	66	46	0
Flight service stations	451	364	335	331	332	887
International flight service stations	15	11	11	12	8	8
Instrument landing systems	96	157	191	257	306	1,255
Precision approach radar	7	10	18	30	0	0
Airport surveillance radar	7	31	52	77	120	268
Air route surveillance radar			35	84	90	120
Airports	6,403	6,839	6,881	9,566	11,195	12,700

[1] Excludes military and/or non-Federal facilities.

[2] Forecast.

[3] CSTs should be considered as additive to either FSSs or towers.

ACTIVE GENERAL AVIATION AIRCRAFT BY TYPE

Aircraft type	Reported 1950	1955	1960	1965	Forecast 1971	1972	1976	1982
Total aircraft	55,500	60,432	78,760	95,442	131,407	135,000	154,000	203,000
Fixed-wing aircraft			77,730	93,130	127,609	130,800	148,400	194,800
Turbine			546	574	2,401	2,500	3,600	7,300
Piston			77,184	92,556	125,208	128,300	144,800	187,500
Rotorcraft			659	1,503	2,247	2,600	3,500	5,200
Other			371	809	1,551	1,600	2,100	3,000

Note: General Aviation fleet as of January 1, 1971 reflects a new definition of active aircraft. "Must be registered as of the specified date and must have reported hours flown during the previous calendar year."

LANDING AIDS F. & E. UNIT AND COST SUMMARY—FISCAL YEARS 1973–82

[Cost in thousands of dollars]

Item	1973 Units	1973 Cost	1974 Units	1974 Cost	1975 Units	1975 Cost	1976 Units	1976 Cost	1977 Units	1977 Cost	1978–82 Units	1978–82 Cost	1973–82 Units	1973–82 Cost
Instrument landing system		20,539		17,880		20,411		22,055		20,540		139,231		240,656
Category I ILS		7,421		10,234		9,120		13,250		3,124		12,063		55,302
Establish ILS and approach lights[1]	10	3,518	24	[1] 6.732	20	[1] 1,500	33	[1] 9,257					87	[1] 25,117
Establish localizer with DME	1	369											1	369
Relocate from category II runway			17	1,700	19	1,900	15	1,500	15	1,500			66	6,600
Establish RVR	8	427											8	427
Establish COMLO	23	527											23	527
Improve ILS category I		2,580		1,892		1,610		2,493		1,624		12,063		22,262
Improve ILS to category II standards	16	6,095	12	3,600	15	4,500	15	4,500					58	18,695
Add glide slope and marker to localizer	6	596	1	99	1	99	1	99					9	893
Establish DME at localizer			40	1,800	60	2,700							100	4,500
Provide category IIIA all weather landing system	2	1,121	2	1,121	6	3,369							10	5,611
Provide category III all weather capability (E. & D.)		4,691												4,691
Provide ILS sustaining engineering (E. & D.)		615												615
Provide V/STOL approach and landing system			6	936	4	628	5	778	10	1,556	50	7,782	75	11,675
Establish microwave landing system							15	3,428	65	15,860	523	119,386	603	138,674
Category I							10	1,280	40	5,120	300	38,400	350	44,800
Category II							3	978	15	4,890	191	62,266	209	68,134
Category III							2	1,170	10	5,850	32	18,720	44	25,740

LANDING AIDS F. & E. UNIT AND COST SUMMARY—FISCAL YEARS 1973–82.—Continued

Item	1973		1974		1975		1976		1977		1978-82		1973-82	
	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost
Visual aids		2,024		4,661		4,245		5,278		6,093		43,617		65,918
Establish VASI	35	913	44	1,164	44	1,164	44	1,164	44	1,164	228	6,085	439	11,654
Establish REIL	17	215	26	287	26	287	26	287	26	287	176	1,945	297	3,308
Establish LDIN	2	185	3	180	3	180	3	180	3	180	15	900	29	1,805
Approach lighting		711		3,030		2,614		3,647		4,462		34,687		49,151
MALS			5	222	5	222	5	222	5	222	57	2,537	77	3,425
MALS/RAIL			24	1,800	20	1,500	33	2,475	40	3,000	250	18,250	367	27,025
Modernize ALS		62												62
Establish ALSF			3	660	3	660	3	660	3	660	50	11,000	62	13,640
V/STOL approach lighting			6	348	4	232	5	290	10	580	50	2,900	75	4,350
Visual aid improvements (E. & D.)		649												649
Total landing aids		22,563		22,541		24,656		27,333		26,633		182,848		306,574

EN ROUTE NAVIGATION AIDS F. & E. UNIT AND COST SUMMARY

Item	1973 Units	1973 Cost	1974 Units	1974 Cost	1975 Units	1975 Cost	1976 Units	1976 Cost	1977 Units	1977 Cost	1978-82 Units	1978-82 Cost	1973-82 Units	1973-82 Cost
Short distance navigation aids		2,548		9,360		9,620		12,550		11,850		61,500		107,428
Establish/Relocate Convert VOR		914		8,164		8,336		11,509		10,905		51,860		91,688
Establish TVOR	2	255	1	132	15	1,976	15	1,976			45	5,929	79	10,268
Provide DME at TVOR			24	1,080			30	1,350	20	900	58	2,610	132	5,940
Establish VOR			3	1,307	5	715	5	715	5	715	20	2,860	38	6,312
Provide DME at VOR			20	2,000	20	2,000	20	2,000	20	2,000	31	3,100	111	11,100
Relocate VOR/VORTAC	2	477											2	477
Convert VOR to DVOR	1	182											1	182
Convert VOR to PVOR			20	3,645	20	3,645	30	5,468	40	7,290	205	37,361	315	57,409
Improve VOR		1,634		1,196		1,284		1,041		945		9,640		15,740
Replace obsolete VOR transmitters	29	103											29	103
Implement 50 kHz spacing		221												221
Provide mobile:														
VOR			2	280	2	280	1	140					5	700
DME			2	220	2	220	1	110					5	550
Other VORTAC imporovements				696		784		791		945		9,640		12,856
Engineering support (E. & D.)		1,310												1,310
Low and medium frequency facilities		119		300		300		300		250		500		1,769
Replace tube-type monitors	74	89											74	89
Relocate Jackson, Miss "H"	1	30											1	30
Other				300		300		300		250		500		1,650
Long[1] distance air navigation aids														
Total		2,667		9,660		9,920		12,850		12,100		62,000		109,197

[1] Excludes approach lights in fiscal year 1974–76.

AIRPORTS—THE NEXT 10 YEARS

The latest annual edition of the National Aviation System Plan released by the FAA reflects an increase of almost 800 U.S. civil airports since last year's report—a 7.2% rise to a new total of 11,989. As of December 1, 1971, 10,598 are classified as airports, 931 as heliports and 460 as seaplane bases.

Of the 11,989 total, 3,240 airports are included in the National Airport System (a rise of only two since last year) which includes only those considered necessary to meet the national need of civil airports. As such, they are eligible for federal development aid.

The FAA foresees a need for 1,410 additional airports through 1982 which would include 112 for combined air carrier and general aviation operations and 1,298 for the exclusive use of general aviation operations. By 1982 the National Airport System is expected to rise nearly 4.5% to 4,650 allowing for intrasystem changes (abandonment and conversions).

To accomplish these changes, a funding requirement (including both ADAP and sponsor funds) of $6.4 billion is envisioned to meet the requirements of the next 10 years (1973–82).

Under the Airport and Airway Development Act, $2.5 billion is available from the federal coffers over the 1971–1980 time period for the Airport Development Program (ADAP) and airport planning grants. Although the Act expires on June 30, 1980, follow-on legislation is expected by the FAA which would provide continued ADAP funding at or near $250 million yearly and planning grants of $15 million a year after the $75 million original total allocation for that program is expended.

Presently, fund matching between federal and local agencies is on a 50–50 basis. Aviation Subcommittee hearings scheduled to be in progress at the time of publication are expected to include an airing of the Cook amendment to the Airport/Airways Act. This would increase the federal share of matching funds to 75%.

While no immediate action is expected, it is contemplated that such legislation, if passed, would be retroactive to allow the increased benefits to accrue to airport sponsors who might otherwise hold up needed improvements while waiting for the lower funding requirement.

Distribution of airport development assistance over the 1973–82 period compares within one or two percentage points of the previous 1972–81 figures. The breakdown is:

52% for primary airports, 28% for secondary and the remaining 20% for feeder airports.

52% for new airports, 48% for improving existing ones.

44% for the construction of new primary and secondary airports, the major portion of which (34%) would fund 12 new primary airports.

As with most prognostications, the aviation system plan is subject to many contingencies, which are recognized by the FAA as potential problem areas.

The environmental effects of airport upgrading and building as evidenced by noise, various pollutants, compatible lands use and airport access facilities are causing such a public furor that, unless solutions can be found, many needed airport development and building projects may be stymied. Especially constraining are the environmental blocks to V/STOLports and heliports due to their closer proximity to densely populated areas.

The frustrating effect of jurisdictional problems is considered the most critical constraint to the development of an overall balanced system of airports to serve major metropolitan cities and relieve congestion. The need here is for adequately empowered multi-jurisdictional bodies to decide upon types of airports and their locations in the best interests of the entire metropolitan areas they are intended to serve.

Money—in the form of local investment to match federal fund grants—is another impediment to quick action. The Grant-in-Aid Program requires a 50% local participation in project costs, but many communities which need better airport facilities and have a definite place in the system may not have the resources available to match the federal portion. The 75–25 ratio proposed by the Cook amendment is one attempt to alleviate this problem.

Still an unknown regarding its impact on ADAP is the Uniform Relocation Assistance Act. Prior to July 1, 1972, 100% of all relocation costs incurred by the local sponsors can be paid from ADAP funds, but afterward they will be eligible for federal funding at the same matching percentage as airport development work in the state.

The airport system planning effort of the FAA involves preparation of the National Airport System and provision of advisory services for its development. Implementation has begun of an expanded planning program.

Among other aspects, the National Airport System Plan (NASP) differs from its predecessor National Airport Plan in the following areas:

The time span is being expanded from the previously envisioned five to 10 years to ultimately encompass 20 years.

Prior to consideration for development recommendations, an airport will be examined in relation to its *total* needs (airfield area landing aids, terminal building area and airport access).

Functional role and priority in the system will identify long-range requirements for the total airport and for setting of development priorities.

Decision-making procedures will employ greater use of systems analysis techniques beginning with the FY 1972 plan. Initially manual, the system is expected to be largely automated by 1981.

Greater participation is being invited from the aviation industry and user community during the planning process to allow basic airport development decisions to respond to the social and economic objectives of the community it serves.

As part of its planning efforts, the FAA prepares and issues planning materials and information for the guidance of airport management and community planners. Advice and guidance is offered on such aspects as: location criteria for airports to serve multiple geographic areas; layout planning for minimum noise exposure; guidance for implementing the planning grant program (latest is Advisory Circular 150/5070–6 on developing airport master plans) and participation in urban transportation planning.

Standardization of airport design criteria and safety are two aspects of the overall airport system that go hand-in-hand and are emphasized by the FAA. It will study and offer guidance in over 20 specific areas, among them:

Studies to keep abreast of developments and requirements of V/STOL aircraft.

Development of a single design criteria publication for air carrier airports.

Guidance on parallel runway separation at air carrier airports.

Design and developmental guidance for seaplane bases.

Correlation of airport design criteria with environmental considerations.

Requirements for airports served exclusively by air cargo carriers.

The next step further is FAA's concern with airport construction standards. These relate to airfield surfaces and visual aids.

One evaluation has been completed on the effects of high strut loads and multi-wheel landing gear on pavements, which will result in a pavement design criteria for locations frequented by the heavier aircraft. Also in the area of pavements is a study of flotation economics (wheels vs. pavement thickness), pavement dynamics under moving loads, and other design considerations aimed at development of a pavement science planners can use for present and future heavy aircraft. Pavement surface treatments and texturing will be examined to evaluate anti-skid properties.

Criteria have been developed and published for better and more economical Cat I and Cat II taxiway lighting and an integrated lighting system is under development for the attainment of Cat II operational capability.

Criteria will be developed for low-cost VASI, REIL, airport beacons and approach lighting systems for use under VFR conditions. With criteria already developed for VFR visual guidance for heliports, a new program aims at development of an integrated IFR visual aid system including lighting and marking. Heliport and STOL-port visual aids are being evaluated at the FAA's NAFEC R&D center (*Airport World*, March 1972).

Airport operations and maintenance criteria are part of a continuing program aimed at improving operating safety at airports. Prevention and removal of snow, ice and slush, firefighting equipment and techniques, reduction of the bird population in the vicinity of airports, facility maintenance, aircraft arrestment and acceleration (including arresting devices for elevated STOLports) and control or modification of terminal area weather.

The final rule is being developed on airport certification (FAR Part 139) which will be implemented May 21, 1973. Advisory circulars have been developed on fire and rescue service, emergency plan, airport safety self-inspection and the airport operations manual.

What used to be called Research and Development is now Engineering and Development (think E&D instead of R&D). Twenty-one major E&D programs are each subdivided into program elements and further broken down into subprograms.

Among specific studies has been a contract awarded to study the feasibility of a close-in, offshore airport for the New York metropolitan area and to compare its merits with conventional installations.

In the doing-something-about-the-weather department is a subprogram which will eventually develop and test prototype fog dispersal systems and techniques in such a way as to best balance out improved visibility, aviation benefits and environmental impact.

Grouped under one subprogram is development of fire-fighting equipment/techniques to ensure crew and passenger survival after crash landings, removal and control of winter's snow/ice/slush hazard and utilization impediment, and emergency runway arresting systems.

New criteria for pavement design and construction are expected to result in more economical and durable surfaces that are expected to result in significant cost savings.

Modern analytical techniques will be used to measure and predict airport capacity increases which can be expected from new airport facilities.

The airside aspects of terminal ground traffic is the subject of a subprogram to develop new designs, procedures and actual hardware to improve traffic flow at new and existing airports. Included will be dual-lane techniques, high-speed exists and entrances, aircraft transporters and systems to dissipate aircraft wake turbulence.

Use of traffic-sensing devices will be investigated to aid ground controllers in those instances where surface aircraft traffic is obscured from the tower. Related to this is development of ground control and guidance systems which can increase airport traffic handling capability, minimize traffic delays and complete all-weather ILS CAT III capability. Tests will be conducted at NAFEC.

The concept of elevated STOLports in compatible real estate locations (over highways, railroads, etc.) will get a share of attention with the development of one or more sites for research and operational tests.

Landside terminal area design studies will cover problems associated with the development and operational areas of high density metropolitan airports. Terminal building space, baggage, mail and cargo handling, land acquisition, zoning, access/egress, ground receivers and concessions will be included.

The intermodal aspects of the interface of the airport landside with other transportation systems is a subject which the FAA presently is planning to recommend to DOT for primary leadership.

The final specific E&D subprogram is in the area of accident prevention, which will attempt to develop means for improving and measuring runway surface traction.

AERONAUTICAL ACTIVITY LEVELS FOR FUNCTIONAL ROLE AIRPORT CLASSIFICATION SYSTEM

Airport category	Public service level (annual enpl. pass.)	Aeronautical operational density (annual arcft. ops.)
Primary system	More than 1,000,000	
High density		More than 350,000.
Medium density		250,000 to 350,000.
Low density		Less than 250,000.
Secondary system	50,000 to 1,000,000.	
High density		More than 250,000.
Medium density		100,000 to 250,000.
Low density		Less than 100,000.
Feeder system	Less than 50,000	
High density		More than 100,000.
Medium density		20,000 to 100,000.
Low density		Less than 20,000.

NATIONAL AIRPORT SYSTEM COMPOSITION AND REQUIREMENTS 1973–82

System classification	Projected system adjustments: System additions[1]	Projected system adjustments: Intra-system changes	Projected 1982 national systems
Primary system:			
High density	8	+30	50
Medium density	3	+13	30
Low density	1	−4	25
Total	12	+39	105
Secondary system:			
High density	15	+207	253
Medium density	80	−15	250
Low density	80	+88	342
Total	175	+280	845
Feeder system:			
High density	127	+5	193
Medium density	463	+448	1,706
Low density	633	−773	1,800
total	1,223	−320	3,699
National system Total	1,410	−1	4,649

[1] Includes new airport construction requirements and additional privately and publicly owned airports to be included within the national system over the 10-year period.

NATIONAL AIRPORT SYSTEM DEVELOPMENT NEEDS 1973–82: AIRFIELD AREA ONLY

[In millions of dollars]

System classification[1]	Improvements to existing airports		New airport development		Projected total development needs, 1973–82
	1973–77	1978–82	1973–77	1978–82	
Primary system:					
High density	$360	$24	$463	$1,080	$1,927
Medium density	270	38	100	380	788
Low density	420	56	30	132	638
Total	1,050	118	593	1,592	3,353
Secondary system:					
High density	43	10	46	147	246
Medium density	516	113	146	94	869
Low density	292	160	137	103	692
Total	$851	$283	$329	$344	$1,807
Feeder system:					
High density	56	29	73	48	206
Medium density	254	48	109	110	521
Low density	345	43	71	45	504
Total	655	120	253	203	1,231
System total	2,556	521	1,175	2,139	6,341

[1] Airport classifications are based on the combined functions of public service and aeronautical operational density. The classification system is discussed in detail in Chapter 10 of the National Aviation System Policy Summary.

ENGINEERING AND DEVELOPMENT FOR AIRPORTS—FISCAL YEARS 1973–82

[Cost in thousands of dollars]

Program, element, and subprogram	1973	1974	1975	1976	1977	1978–82	1973–82
01 System:							
012 Specific Studies	341	400	400	400	400	2,000	3,941
012-608 Guidelines for National, Regional and Metropolitan Airport System Planning.							
08 Runways/Taxiways:							
081 Safety Support	1,789	2,000	2,000	2,000	2,500	7,500	17,789
081–261 Fog Dispersal and Prevention.							
081–731 Airport Safety Support System.							
082 Design/Layout/Construction	1,851	1,500	1,000	700	300	1,500	6,851
082–120 Airport Design and Surfaces.							
082–121 Airport Capacity Determination and Airside Configuration, Design.							
082–122 Advanced Airfield Facility Designs.							
083 Ground Surveillance and Guidance	2,309	1,500	1,500	1,200	500	1,000	8,009
083–123 Airport Blind Spot Ground Surveillance for Problems Situation.							
083–601 Airport Ground Control and Guidance.							
084 STOLport Design	400	200	100	100	100	500	1,400
084–790 STOLport Design and Testing.							
09 Landslide:							
091 Terminal/Cargo/Passenger	55	700	1,400	1,200	1,200	1,700	6,255
091–601 Landslide Terminal Area Design Studies.							
092 Access/Egress	0	700	1,400	1,200	1,200	1,700	6,200
18 Aircraft Safety:							
183 Accident Prevention	138	150	150	150	150	750	1,488
183–731 Runway Surface Traction.							
Totals	6,883	7,150	7,950	6,950	6,350	16,650	51,933

DISTRIBUTION OF AIRPORT DEVELOPMENT ASSISTANCE (ADAP)

[In percent]

Purpose	5-year period, 1973–77	5-year period, 1978–82	10-year period, 1973–82
A. Development of existing airports in—			
Primary system	28.1	4.4	18.3
Secondary system	22.8	10.6	17.8
Feeder system	17.6	4.5	12.1
Subtotal	68.5	19.5	48.2
B. Establishment of new airports in—			
Primary system	15.9	60.0	34.2
Secondary system	8.8	12.9	10.5
Feeder system	6.8	7.6	7.1
Subtotal	31.5	80.5	51.8
Total	100.0	100.0	100.0
C. Estimated level of assistance (billions)	$1.40	$1.15	$2.55

SUMMARY OF FEDERAL FUNDING FOR AIRPORT DEVELOPMENT PROGRAM, 1973-82

[In millions of dollars]

Program	1973	1974	1975	1976	1977	1978–82	1973–82
ADAP	280	280	280	280	280	1,150	2,550
Planning grants	15	15	15	15	15	75	150
Total	295	295	295	295	295	1,225	2,700

LET THE HANDICAPPED IN OUR BUILDINGS

Mr. DOLE. Mr. President, during the past decade, the pressures to create a more livable environment have mounted as Americans demand improvements in the Nation's quality of life. Foul air, spoiled rivers, dying lakes, and squalid slums are all well-known targets of environmental action, but a vital part of the effort to improve the environment must also take into account the special needs of the physically handicapped and the elderly in our population, particularly in the design and construction of new buildings.

The American Institute of Architects reports that more buildings will be built in the United States between now and the year 2000 than were built here in the nearly five centuries since Columbus discovered America, and due to medical and rehabilitation advances, the number of crippled children, disabled adults, and old people in the active population is steadily increasing, and fewer of them are housebound.

In the years to come, there will be more handicapped people, and they, with the rest of the population, will need more buildings and parks and transportation facilities. Therefore, now is the time to plan, to design, and to control the construction of buildings, recreational areas, and equipment that will serve not just part, but all, of our citizens.

With such a clear need for priority attention to providing a barrier-free environment, one might think that all architects, engineers, planners, and financiers would automatically provide for the needs of the physically disabled, but in too many instances such is not the case. A continuing effort must be made to educate old and new architects and engineers to the necessity of design with the needs of all Americans in mind—the disabled as well as the able bodied. Simple items which are included in the design of a structure can be tremendously important to the handicapped. Such things as ground-level entrances, elevators, doors wide enough to permit entry of wheelchairs and people on crutches, toilets that can be used with privacy; lowered water fountains and phones can be the difference between full utilization or cruel deprivation for use by many individuals. An article by Harold Katz which appeared in the May issue of Today's Health describes the problem faced by the handicapped who seek full accessability to public and private structures in America. I ask unanimous consent that the article, "Let the Handicapped in Our Buildings," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LET THE HANDICAPPED IN OUR BUILDINGS

(By Harold A. Katz)

Picture yourself an invalid in a wheelchair. Suddenly, you feel ill. You know help is as close as the nearest public telephone, perhaps only 20 feet away. But you can't maneuver your wheelchair into the phone booth! Even if you could, the coin box is too high.

Or imagine a wounded Vietnam veteran. He has spent months undergoing treatment so that he can return to a socially useful life.

The veteran wants to enroll in a business school to learn computer technology. He knows this is a field in which people are urgently needed. But there's a problem. The school of his choice is inaccessible because he is disabled. He cannot wheel himself up the steps of the building. But even if he somehow managed the steps, he couldn't get through the revolving doors at the entrance.

Every day architectural barriers restrict the full usefulness of 25 million partially or totally disabled individuals. As a result, this country is squandering untold resources of human potential. Consider these statistics. of human potential. Consider these statistics:

More than two million workers suffer disabling injuries every year.

More than two million youths are orthopedically handicapped.

One of every 10 persons in the United States has a temporary or permanent disability. If we include the infirmities of old age along with diseases or handicapping conditions that can occur at any time—heart conditions, emphysema, arthritis, impaired sight or hearing—about 16 million people are limited in their ability to carry out such normal activities as working, keeping house or going to school.

There are five million Americans with cardiac conditions, most would benefit from the elimination of architectural barriers.

More than half a billion dollars is spent annually on the vocational rehabilitation of the disabled. According to Dr. Howard A. Rusk, director of rehabilitation medicine at the New York University Medical Center, every dollar spent on rehabilitation could bring eight dollars back in taxes alone.

What is an architectural barrier? It is anything that prevents free access to, or use of, a building by a person in a wheelchair or on crutches, or who is using some artificial means of support. A revolving door is such a barrier; so is a regular door or a set of double doors if the maximum width is less than 32 inches. A narrow flight of steps, or even a wide flight with steep risers, can be a barrier; so can an auto parking stall with too little room for a disabled person to maneuver.

A drinking fountain located too high is an architectural barrier; similarly a toilet cubicle or the toilet fixture itself can be a barrier to the person in a wheelchair. Other simple and seemingly harmless items can be serious barriers: elevator controls and light switches that are thoughtlessly placed out of reach; automatic elevator doors that close in less than seven seconds; wall-mounted telephones; slippery or uneven floor surfaces; lack of handrails; inadequate lighting.

Other barriers affect persons who have more specific disabilities. Warning bells or sirens are useless to the deaf. Yet the simple solution is the addition of a flashing light. Also in this category are warning signs that cannot be read by the partially-sighted or blind. However, the person with impaired vision can easily be warned by raised numerals and letters he can feel, doornobs that have irregular surfaces to denote danger, and auditory signals such as a musical tone to indicate the opening or closing of an elevator door.

At every turn the physically handicapped are frustrated in the activities that most of us take for granted—going to church, school, the theater, the library, a sporting event, a restaurant or motel—even voting.

"The millions who encounter these barriers are more than statistics," says Carl A. Morring, Jr., a former president of the National Easter Seal Society for Crippled Children and Adults. "They are people like you and me, striving for a better life. They are a child with cerebral palsy, a young wage earner with multiple sclerosis, a boy crippled in an automobile accident, a housewife with muscular dystrophy. . . . They are the countless citizens over 65 who are affected by the chronic disabilities that accompany old age."

How frustrating to prepare the physically handicapped for productive lives and then unwittingly deny them entrance to the buildings in which they might find work! Consider the talents and enthusiasm wasted if we cannot help the two million young people with orthopedic handicaps. If these otherwise able young people are to become self-reliant, contributing members of society, they need schools where they can maneuver freely.

If architectural barriers were to be eliminated from schools alone, it would not only promote better education—studies show that separate schools stifle learning—but it would also eliminate the tax burden of building special schools for the handicapped.

Nor is the opportunity lacking. According to architect Robert Diamant, co-designer of Chicago's John Hancock Center, more buildings will be erected in this country between now and the year 2000 than were built here in the nearly five centuries after Columbus discovered America.

It is not "by design or intent that buildings are constructed so as to be inaccessible," says Hayward McDonald, member of the National Commission of Architectural Barriers. It is, he says, "primarily a matter of oversight. If the architects and builders get accustomed to building federal and other structures according to minimum standards for the handicapped, and discover that they can do this without undue cost, or at the expense of beauty of design or loss of primary function, we shall have met the enemy and defeated him. . . ."

Architectural barriers not only interfere with a disabled individual's access, points out Dr. Henry Betts of the Rehabilitation Institute of Chicago, "they interfere—more seriously—with the *quality* of life he can make for himself. Since persons suffering from physical handicaps are more confined indoors . . . the disabled are more than usually circumscribed in their social lives . . . The removal of architectural barriers would overcome senseless limitations to a more stimulating existence for the very individuals who need it most."

Yet progress has been meager and erratic. The first major advance was the establishment by the American Standards Association of basic guidelines.

These standards, though excellent, did not carry the force of law; they could be ignored with impunity by architects, contractors and owners. And many states which did pass legislation made adherence merely a matter of discretion.

It must be emphasized, too, that it is not enough to have legislation covering only public buildings built with tax funds. Most job opportunities in this country occur in private businesses in *privately-owned* buildings.

Illinois does have a law with teeth. It requires all new buildings for public use (including those privately built) to be accessible to the handicapped. Unless they are, a building permit cannot be issued.

California law requires all government buildings open to the public to be accessible to the physically handicapped. It also requires buildings with special toilet facilities for the handicapped to be sign posted.

Some communities have acted locally to overcome barriers. Champaign and Urbana, Illinois, have ramped the curbs in their downtown shopping areas. Fort Lauderdale, Florida, has amended its building code to eliminate barriers from future public buildings and already has constructed a public library, theater and swimming pool accessible to the handicapped.

Fresno, California, and Milwaukee, Wisconsin, have building codes to eliminate certain barriers from public buildings. St. Paul, Minnesota, has a new civic center and arena, as well as a large mall and business area, which are barrier-free, and its city health center, conservatory, downtown library and 13 public schools are accessible to the handicapped. In Chicago, the Civic Center has accessibility features and an addition to the Art Institute was designed to be barrier-free.

Yes, there have been attempts to bring 25 million handicapped Americans back into the mainstream of American life. But these efforts, though commendable, are too few and too slow. What we need are:

1. Uniform laws throughout the United States requiring construction of barrier-free buildings for public use.

2. The logical extension of the architectural barrier philosophy to public transportation to make it freely usable by the physically handicapped. (Our society can put a man on the moon, but it cannot yet provide public transportation capable of getting a physically handicapped person from one part of the city to another).

3. General recognition that just as our country is determined to eradicate all vestiges of discrimination based on race, religion or sex, so will it no longer tolerate second-class status for the physically handicapped.

EDUCATION AMENDMENTS OF 1972—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore (Mr. Gambrell). Under the previous order, the Senate will now resume the consideration of the conference report on S. 659, which the clerk will state.

The legislative clerk read as follows:

A report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education—the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. Will the Senator yield some time to me?

The ACTING PRESIDENT pro tempore. The Chair advises the Senate that the vote on the adoption of the conference report will occur at 3:30 p.m. The time prior thereto is to be equally divided between and controlled by the manager of the bill, the Senator from Rhode Island (Mr. Pell), and the Senator from New York (Mr. Javits).

Mr. MANSFIELD. Mr. President, I withdraw my request.

How much time does the Senator desire?

Mr. GOLDWATER. Two minutes.

Mr. MANSFIELD. I yield 2 minutes under the time to the distinguished Senator from Arizona.

Mr. GOLDWATER. I thank the Senator.

THE PRESIDENT'S VISIT TO MOSCOW

Mr. GOLDWATER. Mr. President, during the campaign of 1968, candidate Richard Nixon said, in effect, that the United States under his presidency would never become weak militarily. He knew then, as he must know now, that because of the years that Robert McNamara had been Secretary of Defense, the United States had been undergoing a virtual unilateral disarmament. Had it not been for President Kennedy's movement into Vietnam and into war in Vietnam, McNamara could have very well so weakened this country that we would have been at the mercy of new powerful nations who cared to challenge us.

I mention this background because of what I have read in the paper the last several days and what I have heard from other information—which, by the way, can no longer be called classified. I am concerned that the President, in Moscow, is going to make a step that will be to the detriment of our position in this world of power.

In effect, what he proposes to do is to allow the Soviets to continue to build up their submarine and missile strength for a period of 5 years while at the same time we reduce our ABM sites, get out of the nuclear submarine business, and allow our missiles to stand at their present level, which is considerably below the Soviet.

I hope that what I have been hearing is wrong, because in this world, if we go away from power and others go toward power, the United States cannot be second to anyone, which, in my opinion, we now happen to be in several categories of the military, including missiles. To allow this to further deteriorate would, in my opinion, be a great disservice to the United States, to our responsibilities in the world, and to the hopes that peace might come. While it will do no good for a Member of Congress to oppose this, because there is no way to oppose it by vote, nevertheless, I find myself in disagreement with my President on this move if the reports we hear are indeed true.

However, the President may be getting something in return for this agreement, if made; and if what he gets is worth the risk of the SALT agreement, then the agreement becomes another matter. I think it is very important that we know if there is any linkage between what is agreed upon at the SALT talks and other events to involve the United States and Russia very directly and strategically in the context for world balance of power.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the distinguished Senator from Delaware.

Mr. BOGGS. I thank the distinguished majority leader.

THE UNITED STATES-SOVIET ENVIRONMENTAL PROTECTION AGREEMENT

Mr. BOGGS. Mr. President, President Nixon yesterday signed a major agreement with the Soviet Union on cooperation to improve the environment.

The President is to be congratulated on this major step forward in our effort to insure a better environment for all people of the planet.

I think it is significant that this agreement, which President Nixon signed with President Podgorgny of the Soviet Union, was the first major agreement to be reached at the summit talks.

We all recognize that there may be additional agreements in Moscow on issues affecting the military postures of our two nations. These would be important. Yet I can think of few areas of cooperation that have greater long-range significance than this environmental protection agreement.

I believe that Chairman Russell Train and his fellow members on the President's Council on Environmental Quality are to be congratulated for developing the basis for this agreement.

Specifically, Mr. President, the Moscow agreement will enable the two most powerful industrial nations of the world to work together on research projects in a number of specific environmental areas. Further, the agreement will encourage a mutual sharing of information, which will be vital to a fuller understanding of world environmental problems.

While the Senate, in the past, has considered a number of major environmental laws, our vision has largely been limited to problems as they occur within the territory of the United States.

Yet, as we are all aware, problems of environmental degradation are worldwide in scope. Air pollution in one country can affect the people of another nation. Water pollution from one nation can affect marine breeding grounds, damaging fishing areas adjacent to another country. Pollution may have a damaging effect on climatic conditions throughout the world.

Thus, yesterday's agreement is truly a landmark on the road toward a better environment for all Americans and for all peoples.

I wish to express my congratulations to President Nixon and his advisors on its development, and I congratulate the Soviets for their willingness to work with us in this great task, which will benefit both our peoples.

Mr. President, a fact sheet on the U.S.-U.S.S.R. environmental protection agreement has been prepared. I ask unanimous consent that it be printed at this point in the RECORD, to give Senators a fuller understanding of the broad scope and significance of yesterday's agreement.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

FACT SHEET: U.S.-U.S.S.R. ENVIRONMENTAL PROTECTION AGREEMENT

1. The Agreement on Cooperation in the Field of Environmental Protection between the Governments of the United States of America and of the Union of Soviet Socialist Republics was signed in Moscow May 23, 1972 by President Nixon for the U.S. and by President Podgorgny for the U.S.S.R.

The agreement is the first of its kind between the two countries and represents the first comprehensive one on the environment between two major nations. We have no similar agreement with other nations, although we have several formal and informal arrangements with other nations and organizations relating to specific problems.

The agreement calls for joint research development, mutual cooperation and exchange of information in all eleven specific areas of environmental protection. These are: air pollution, water pollutions; environmental pollution associated with agricultural production; enhancement of the urban organization of national parks; marine pollution; biological and genetic consequences environmental changes on climate; earthquake prediction; arctic and subarctic ecological systems; and legal and administrative measures for protecting environmental quality.

2. *Three factors make this agreement unique:*

It marks the first time the two countries have decided to work together in all areas of environmental problems;

In the past agreements on environmental problems have involved only exchanges of time. This agreement identifies potential cooperative programs between the two countries to be implemented at a much higher level and focuses on long-term problems. It is open-ended, will remain in force for five years, and can be extended successive five-year periods unless either government wants to end it;

The agreement will identify the relative effectiveness of legal and administrative measure to protect the environment as practiced by two radically different forms of government. In the U.S. control is exercised through legislative and regulatory measures; in the U.S.S.R. it is exercised through a state-controlled mechanism.

3. Bilateral programs envisioned through the agreement would involve exchange of scientists; experts and research scholars; organization of bilateral conferences symposia and meetings of experts; exchange of information and research findings and the development and implementation of joint programs and projects.

The agreement will establish a U.S.-U.S.S.R. Joint Committee on Cooperation in the Field of Environmental Protection, which will meet once a year in Washington and Moscow, alternately. Between these sessions contact will be maintained by two Coordinators—one Soviet and one American. It is expected that the Coordinators will be designated shortly and that U.S.-U.S.S.R. Joint Committee will meet in the near future to work out details of bilateral programs.

4. Agreement is result of careful planning and private and governmental exchanges on problems of environmental quality over past few years. Following the preparation of draft proposals from interested U.S. agencies, by the Council on Environmental Quality working with the National Security Council, CEQ Chairman, Russell E. Train, was asked by the White House in November, 1971 to head an interagency task force to study the possibility of a U.S.-U.S.S.R. environmental agreement.

Train met with Soviet Ambassador in Dobrynin in March, 1972 to discuss specific areas for bilateral cooperation which the task force had developed and possible forms for the agreement. In April, 1972, the Soviet Union invited the U.S. to send a small technical delegation to Moscow to develop a draft agreement. In early May, a four-man team headed by Dr. Gordon MacDonald of CEQ went to Moscow and agreement was reached on a draft text. The negotiations were conducted quickly and successfully with no major substantive disagreement on either side.

5. The agreement has practical importance to the rest of the world because it underlines the significance the two major powers place on the importance of environmental issues. It may very well lead to other kinds of bilateral agreements between countries who share similar kinds of problems. And it provides a positive push to the United Nations activities on the environment to be highlighted by the two-week U.N. Conference on the Human Environment beginning June 5. Although the Soviets have so far declined to participate in the conference because the inclusion of East Germany is still not resolved, this agreement shows their clear and real interest in environmental issues.

6. Agreement is closely tied to development of better Soviet-U.S. trade relations because it will allow purchase of technology in use by either nation to meet environmental goals.

7. On balance the U.S. will gain as much as the Soviets from the agreement. For example, although we are ahead in several areas of technology in combatting air and water pollution, the Soviets have made significant progress in such areas as arctic and subarctic ecology and in controlling urban sprawl and improving public urban mass transportation.

Mr. PELL. Mr. President, will the Senator yield?

Mr. BOGGS. I yield.

Mr. PELL. I congratulate the Senator from Delaware on his remarks, and I wish to associate myself with them and to join in congratulating the President and those members of his administration who worked out this agreement.

As chairman of the Subcommittee on Oceans and International Environment, I know that we will look forward to recommending consent to this agreement. I think the remarks of the Senator from Delaware were singularly well chosen and felicitous.

Mr. BOGGS. I thank the distinguished Senator from Rhode Island. I know of his great work in this field. I appreciate his associating himself with these remarks, and I am honored.

EDUCATION AMENDMENTS OF 1972—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education—the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

The PRESIDING OFFICER (Mr. GRAVEL). Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I ask unanimous consent to have printed in the RECORD various communications concerning S. 659.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

NEW HAVEN, CONN.,
May 22, 1972.

Senator CLAIBORNE PELL,
Washington, D.C.:

I am very enthusiastic about the higher education provision reported out by the conference on S. 659. While the busing rider bothers me, I am not qualified to judge how it looks in the light of alternatives. However, I did want you to know, that these provisions relating to students and institutional support would go a long way to help all universities without imposing a heavy hand of uniformity on higher education. Best of all, it would help the students who need it most and still allow them to choose the institutions they most want to go to.

KINGMAN BREWSTER, JR.,
Yale University.

Re higher education bill.

To: Presidents of state colleges and universities and associate members of the AASCU.

From: President Robert R. Martin, AASCU.

Date: May 16, 1972.

Conferees on higher education omnibus bill are reported close to agreement. We anticipate that Conference Report S. 659 will shortly reach the floors of the House and Senate for action. Key supporters of bill are certain that a major push from constituents on all House and Senate Members will be imperative to enact this legislation. S. 659 contains major new thrusts in institutional aid, student aid, and program support needed by AASCU members. It is urgent that not only AASCU presidents, but members of their boards of trustees and other local leadership wire and call their Senators and Representatives urging early adoption of the conference report.

Re higher education bill.

To: AASCU presidents, AASCU non-member presidents, AASCU associate members.

From: President Robert R. Martin, AASCU.

Date: May 19, 1972.

Attached is an informal and unofficial summary of the higher education bill that came out of the conference Wednesday, May 17, 1972. This summary deals only with selected highlights of the complex bill. We hope to have a copy of the actual bill (still being written) and the conference report early next week and we will send you evaluations of the implications for AASCU institutions in the various provision of the bill.

We have met in the past two days with the Members of the Senate and House who steered the bill through the conference and through the many necessary and inevitable compromises. They all have emphasized that they will have to "run scared"; vigorous grass roots support in the form of phone calls from and even personal meetings with officials of institutions of higher education, their trustees, faculty members, students, and interested persons outside of the college community, will be needed to gain the necessary votes to pass this legislation.

Mr. PELL. Mr. President, we are now leaving H-hour on D-day, the moment of decision as to whether this omnibus education bill, with its very new, broad, innovative higher education provisions will become law.

I would call to the attention of the Senate two new concepts in the higher education provisions which are emplanted in the legislation. The first is that education beyond high school should be a matter of right, a matter of entitlement to our Nation's youngsters without restriction due to the economic situation of the family. The other innovative concept is that there should be direct assistance to institutions of postsecondary education. This assistance is based in part on the number of students receiving the basic grant I spoke of earlier, the amount of Federal student assistance at each school and graduate education. By this approach we hope that we have avoided some of the constitutional problems that might have arisen if institution aid had been on a straight capitation basis.

Together with this, we have created a new Division of Education within HEW, somewhat overhauled the Office of Education, and established an Institute of Education, seeking to make easier, the implementation of the bill of the Senator from Connecticut (Mr. RIBICOFF), to establish a Department of Education and Culture. By overhauling the basic law, we have made the spinoff of the division easier to accomplish.

In addition, we sought to accomplish some consolidation and attempted to make a very complicated set of code books on the Higher Education Act more simple and easier to read.

In addition to that, this bill has had added to it the President's emergency school aid program, which was designed to bring additional money to those areas of our Nation, particularly the ghetto areas, where our Nation's disadvantaged children are concentrated.

The amount of money was increased over the President's request from $1.5 billion—actually from $1.350 billion, because $150 million was already appropriated—to $2 billion.

Also, passage of this portion of the bill would achieve many of the objectives in the President's proposal for the equal educational opportunity that the Senate is now considering.

In addition to that, the bill carries on its back the various antibusing provisions. These antibusing provisons, like the tip of an iceberg, are all the Nation sees. Just as one cannot see the bulk of an iceberg, which is underwater, the broad, new educational approaches in this bill, have been submerged beneath the surface. But this tip, which is very obvious, causes the problem which makes its passage difficult. It is this tip that has caused the unholy alliance of the left and right in opposition to the bill. If this polarization of the forces from the left and the right come together and move toward the center, we will soon find the middle ground diminished and the supporters of the bill will be overwhelmed. That would be a very sad day indeed for the Senate, the Congress, and our Nation.

For those reasons, I would hope that those in opposition would not succeed in their intention and efforts to torpedo the bill. I would hope that those groups fail in this body and also in the other body. I would hope that when the bill is finally passed, as I trust it will, that the President will sign it. I would hope that he would not exacerbate the national concern with busing. That when he looks at the tip of the iceberg, the President does not lose sight of the far more basic educational philosophy in the bill, and that he will act the role of a mature leader and concentrate on the really important issues educational concerned. He should also recognize that this bill is truly a great credit to the administration, who contributed much of the thinking and much of the work that went into the bill.

I would hope that the bill could become law. If it did become law, and if appropriations followed quickly with administration support, we would find the effects of this bill playing a role in the education plans of our Nation's youngsters and their parents in the coming fall

For all these reasons, I would hope that this bill would survive. I would also submit that, if it passes, those on the right and those on the left, who oppose it for reasons that they consider important—local reasons and ideological reasons—will in the end be very, very glad indeed that this bill has passed.

I yield the floor.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

Everything that the Senator from Rhode Island (Mr. PELL) has said is true. It is a matter of deep regret to me, and I think it should be to the country, that this bill has been used as a vehicle to perpetuate injustice—that that is the straw that breaks the camel's back.

Mr. President, I say everything the Senator from Rhode Island has said is true on the substance. I do not agree with him about "the right and the left." It is very easy to toss that one in the air and say, "Well, some people want an absolute bar on busing. Some people want lots of busing. We are in the middle." I do not think that is true at all. I do not think those of us on my side of the issue wants lots of busing. We showed that in the Senate when we worked out a very honorable and very pragmatic set of criteria which would determine the future of the busing issue, which should have satisfied everybody—the city dweller's concern about having a child bused inordinate periods of time, the concern of all parents about the fact that children could not learn if the busing were too intrusive in their lives as well as the suburban dweller's concern about the impact on the suburban school of outside children being transported to that school.

We have protected them all and thus limited court-ordered busing. We refused to inhibit busing within these limts of the reassignment of students to different schools, because we felt there had to be desegregation of our schools.

The idea that such desegregation has been completed is an illusion. Some has taken place. Much has not, both in the North and in the South. And I emphasize that.

Finally, Mr. President, and very importantly, we are trying to deal with a heritage of injustice. Let us remember that in the very same room of the old Supreme Court Chamber in the Capitol in which we came to the conclusion of this tremendous conference in terms of time and complexity, the case of Plessy against Ferguson was considered more than 75 years ago, which perpetuated into our law as late as the latter part of the 19th century——

Mr. PELL. Mr. President, will the Senator yield for a question?

Mr. JAVITS. Surely.

Mr. PELL. The Senator from New York has been here twice as long as I have. Does he recall a conference which was long as this one or as arduous as this one, or one which went as late into the morning hours in, incidentally, the old Supreme Court chamber to which the Senator referred?

Mr. JAVITS. I can confirm that. I am not sure history would not show that there were conferences that lasted even longer or that were tougher, but this ranks with the best of them, I can assure the Senator.

Again, I repeat, because it is from a friend to a friend, my feeling of satisfaction of how well the Senator from Rhode Island carried it off.

To resume, the Plessy against Ferguson doctrine was that of "separate but equal"—that is, that facilities, including schools, could be separate for blacks and whites provided they were equal—an anathema to our Constitution, an anathema to the dignity of the black man, an anathema to justice—finally reversed by the same Supreme Court in 1954 in Brown against Board of Education, 58 years later. Now some 18 years after that we are still struggling with the concept.

So, Mr. President, while thoroughly embracing all of the magnificent educational achievements of the bill, one still has to decide whether he can swallow the fact that this outstandingly fine education bill should be used as the carrier for a confirmation of injustice. I do not consider that a doctrine of the left or the right. I consider it the path of honorable legislating, to have faith in the legislative process to produce a result without being a carrier for major injustice.

Mr. President, I am not unmindful of the fact that there are black groups that themselves adopt a parochial and racist attitude with respect to desegregation of the schools and busing. People in my position have learned, through the years, that you cannot expect thanks or appreciation when you make very hard and difficult decisions of this nature. But I am deeply convinced that the future of our Nation is very heavily tied up with some restoration of real equality between that 11 percent of our population which is black and the 89 percent which is white, and that so much of the difficulty which is being suffered today is due to the heritage of injustice and the result of deprivation practiced over so many years. When the issue is as deep and as moral as that, I do not consider it an issue of the left or the right.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I yield myself 5 additional minutes.

One could say this is a decision, Mr. President, which is deep in the right, because it is grounded so heavily in the interpretation of the Constitution, not only by the Supreme Court but by us, because of the whole series of legislation since 1954 seeking to assure equality of education, which we ourselves have enacted. This is a deep question of conscience for each individual, Mr. President, and each individual must decide for himself where the preponderant benefit to the country lies. I have made my decision; others have made theirs. I respect every decision, including that of the distinguished manager of the conference report, the Senator from Rhode Island (Mr. PELL) for himself, but I cannot accept any categorization of this decision as being a decision of the right or of the left.

I remember, Mr. President, from my own career in the House of Representatives, an extremely concerned Member of Congress from downstate Illinois who voted in what one could consider a most liberal way upon a constitutional issue. He said to the House at the time that it deeply grieved him; he felt it was the most painful thing he had ever done to vote as he did. The measure involved a question of the paying of a bill by the Federal Government which the courts had found should be paid, and he was deeply opposed to paying it, but he voted to pay it nonetheless because he felt that the Constitution prevailed over every other consideration of ideology.

So I would say that the decision is a decision above ideology, above left or right. It is a decision as to the degree of importance which one is to give to a profound constitutional question like the question of the desegregation of schools.

Mr. President, I hope very much that every benefit which will flow from this measure as it develops into law one way or another—as I have no doubt it will—will show its great value to our people. But I cannot equate this value, which I am convinced inheres in the educational aspects of the bill, with the crushing load of injustice which we continue to ask minorities to bear in this country. Nor, Mr. President, at a time when they feel the tide is flowing against them, would I fail to lend my voice and such influence as I have to their cause, because it is not a friendless cause; on the contrary, it is a typically, traditionally, and deeply American cause.

Mr. President, I express the hope that our problems will be dispelled, the problems both of those who vote for and those who vote against, by the action of the courts—indeed the statement of managers of the conference invites that, and quite justly, with relation to the so-called Broomfield amendment—and that the courts, profiting from our discussion and debate and the considerations which went into our debate here, will either find the provision constitutional, as I believe they properly can and should, or, at the worst, will find that it does not deal with public school desegregation because of the language of the measure itself, which inhibits for the 19-month automatic stay both transfers and transportation to achieve a balance, as the bill states, in race, sex, and other considerations, including socioeconomic status. I hope the courts will be persuaded by their own decision that this inhibition does not extend to court ordered desegregation based upon violations of constitutional rights in segregating children in school, that the courts cannot be deprived of the authority to redress that kind of damage which is done to the individual if he is denied his rights under the Constitution of the United States, and that our power does not extend to depriving them of the jurisdiction to redress the deprivation of a constitutional right.

If we cannot deprive them of the jurisdiction to deal with that constitutional right itself, we cannot deprive them of the incident, to wit, the immediate implementation of an order redressing a violation of that right.

Mr. President, the Supreme Court could settle both these questions very quickly, and I have no doubt that should this measure become law the Supreme Court will be faced with those questions very quickly. I hope the Court will give them the highest priority, so that the issues may be settled; and if they should, as I hope they will, find the law unconstitutional and vague, then, Mr. President, the country can truly find relief and enjoy the benefits of the magnificent structure in respect of education which is being established by this bill.

Mr. President, I close my part of this debate as follows:

This is truly a historic piece of legislaton for what it does for the higher education. Yet I am constrained to oppose the conference report, because it is also a historic piece of legislation for what it does against the interests of the children of minorities, and against the Constitution of the United States. Notwithstanding all of the meritorious provisions, all of this which means so much to education in our Nation, to our students and our schools. I have not signed the conference report, though I am the ranking Republican member of this committee, and played a tremendous part, in terms of time and effort, from the very moment the bill first came before us in committee.

But all of this is outweighed by one provision which, in my judgment, is a clear and unconstitutional repudiation of the principles regarding equality of the races in terms of equality of opportunity. This provision, as Tennessee Ernie Ford used to put it, is the clod in the buttermilk. Because of it the contents of the entire churn, the fruit of so much toil, is ruined.

Once again, higher education is made the secondary issue in a higher education bill. Once again, a complex and fine bill becomes like an inverted pyramid resting on its point—the civil rights issue. Once again the Congress is rent with a debate between morality and pragmatism.

It is, therefore, with regret that I feel I must vote to reject the conference report on this bill.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I now suggest the absence of a quorum, and ask unanimous consent that the time for the quorum call may be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield to the Senator from Florida such time as he requires.

Mr. CHILES. I thank the Senator from Rhode Island. I should like to ask him several questions.

In the debate on the original bill, Senator Talmadge's amendment in section 804 was as follows:

> A parent or guardian of a child, or parents or guardians of children similarly situated, transported to a public school in accordance with a court order, may seek to re-open or intervene in the further implementation of such court order, currently in effect, if the time or distance of travel is so great as to risk the health of the student. Such reopening or intervention will also lie if the effect of such a court order is alleged to impinge on the quality of his or her educational processes. Further, such parent or guardian shall have the right to re-open or to intervene as a class in respect of such a busing plan on behalf of such student and all other students similarly affected thereby.

I interpret the original Talmadge amendment, as adopted by the Senate, to mean that an existing and final school busing order can be reopened either because the time or distance of travel risks the child's health or because the effect of the court-ordered busing significantly impinges on the child's educational processes. Is this the Senator's understanding of the original language?

Mr. PELL. In response to the Senator, I have reviewed the Record of March 1, and I agree that the Record indicates that that was the intention of the original Talmadge amendment.

Mr. CHILES. As I read the explanation of the conference report by the conferees, it was their intention to retain the substances of the original Talmadge amendment in section 804 of the conference report. Am I accurately reflecting the intention of the conferees in this regard?

Mr. PELL. This particular section was discussed three times. There were a number of questions about the technical meaning of the language. The language which was adopted by the conference was, in my opinion, designed to carry out the original intent of the Talmadge amendment. I can assure the Senator that at no time during the course of the conference was there any stated intention to change the intent of the Talmadge amendment.

Mr. CHILES. I thank the Senator from Rhode Island.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield to the Senator from Virginia such time as he requires.

Mr. HARRY F. BYRD, JR. I thank the distinguished Senator from Rhode Island.

Mr. President, the conference report on higher education is a very important piece of legislation. There are many facets to it. On the whole, I approve of the measure in regard to higher education. Since I have been in the Senate, I have favored Federal support for higher education.

I approve of many parts of this bill. I am not in agreement with some aspects. The conference report contains 228 pages.

One of the sections that concerns me a great deal is that which pertains to the busing of schoolchildren for the purpose of creating an artificial racial balance in the public schools.

This report was only available at 10:30 yesterday morning. It is somewhat difficult to digest and understand all of its ramifications. I understand that the conferees spent some 6 to 8 weeks in working out the conference report. It is rather difficult to comprehend all of it in the short period which has been available prior to the time the Senate will be called upon to cast its vote.

But if I correctly understand the provisions, the conference report, insofar as it deals with the question of the compulsory busing of students to achieve a racial balance, is much stronger in condemnation of and in attempting to prevent compulsory busing than was the original Senate action.

As to whether it goes as far as the House of Representatives went in its legislation, I am not completely clear in my mind on that point.

With regard to the compulsory busing of schoolchildren to achieve racial balance, I would prefer—and so voted yesterday—to send the legislation back to conference so as to strengthen its antibusing provisions.

Yesterday, the Senate debated that question and it concluded otherwise. So, those of us in the Senate today must determine whether to vote to reject the conference report entirely or to support it.

The report, as I read it, makes clear that Congress does not sanction, does not favor, does not advocate, and does not approve of the compulsory busing of children to achieve racial balance in the schools. That section does not go as far as I would like for it to go. But it goes further than the Senate has been willing to go in the past. I think that is a good sign.

Why did it come about?

Well, the House of Representatives, being closer to the people than the Senate, perhaps, helped to prevail upon the Senate conferees in that regard.

But more than that, I think the elections held in recent weeks have had an effect; and if they have not had an effect, they certainly should have.

When one sees the results of elections in Florida, Maryland, and Michigan, it seems inescapable to me that those elections suggest the overwhelming majority of the American people are strongly opposed to what is being forced upon them by the Department of Health, Education, and Welfare and by the Federal courts in regard to the busing of their children.

I feel that Congress should take a strong and firm stand—a clear-cut stand—in all-out opposition to compulsory busing. Congress is unwilling to do that. But the conference report does take more steps forward than have ever been taken in the past. It is stronger than the Senate has ever been willing to go in the past.

If the House should send to the Senate stronger legislation than this, I shall vote for it. If it were possible for amendments to be presented to the Senate making the antibusing provisions stronger, I would support such provisions.

But in considering the conference report on balance, in considering the fact that this is a highly important piece of legislation involving $21 billion of authorizations over a 4-year period, and considering the fact that the antibusing provisions go further than the Senate has ever before been willing to go, then I think, on balance, I shall be inclined to cast my vote in the affirmative.

Mr. President, in regard to the question of busing, it seems to me that the Department of Health, Education, and Welfare and our Federal courts have gone and are still going completely contrary not only to the will of the people of this Nation, but also contrary to the best interests of the schoolchildren themselves.

I strongly condemn the policy of compulsory busing and I hope that Congress will speak out out more strongly on the subject than it appears willing to go at this time. But most certainly the conference report goes further than the Senate has ever been willing to go before. That is some consolation to those of us who oppose the practice of compulsory busing in order to achieve a racial balance in our public schools.

I am strongly opposed to compulsory busing. It is wrong. It is unjust. It is not in the public interest.

The conference report does not go as far in opposition to compulsory busing as I would like. But at least it seems to be a step or two in the right direction.

If anything stronger comes along I will vote for that also.

Mr. President, I yield back the remainder of my time.

Mr. PELL. Mr. President, I thank the Senator from Virginia (Mr. HARRY F. BYRD, JR.) for his words and hope that he will not regret his present viewpoint.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHILES). On whose time?

Mr. PELL. Mr. President, I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield to the Senator from Alabama as much time as he cares to have.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Rhode Island for yielding time to me at this time.

On yesterday, Mr. President, I voted against the motion made by the distinguished Senator from Rhode Island (Mr. PELL) to table the motion by the distinguished Senator from Michigan (Mr. GRIFFIN) to instruct the Senate conferees to accede to the House amendments. I was not happy then with the provisions of the conference report on busing, and I am not happy with those provisions today.

The conference committee proposal does not put an end to massive busing and cross busing to achieve racial balance in public schools. To the contrary, it condones, encourages, and authorizes funds for present and future busing to achieve racial balance.

The proposal does not address itself to the fundamental problem which is now and has always been an abuse of discretionary equity powers of U.S. district court judges to shape gargantuan desegregation decrees.

The measure does not heed the twice given House instructions to its conferees not to waffle on the issue of forced busing.

The measure does not meet the expectations of President Nixon nor the requirements of his own temporary and long-range proposals on busing.

In that connection, Mr. President, the President recommended legislation—and it is pending in the Senate at this time—that would have withdrawn jurisdiction from the Federal courts to issue any new orders prohibiting forced busing for the purpose of creating a racial balance and for that prohibition to extend for 1 year from June 30 of this year.

The difference between the conference report and the President's recommendation is that the conference report would not stop or prevent district courts from issuing orders for mass, forced busing. It would merely stay the enforcement of those orders pending an appeal, whereas, under the President's proposal, the authority to issue the orders in the first place would be withdrawn during the period of the moratorium.

Neither the conference report nor the President's recommendations cover what might be called old busing. And in Alabama and the South, that is what we have to contend with, because some 90 percent of the forced busing that can be ordered by the Federal district court has already been ordered. The decrees are final. There is nothing to appeal from. There are no new orders to be issued.

So, as a result neither the President's plan nor the conference report gives a great deal of relief to Alabama and the South. The conference report does not recognize the integrity of neighborhood schools, even to the extent conceded by the U.S. Supreme Court.

It does not even suggest that busing children should be a remedy of last resort in the desegregation process.

Mr. President, in the President's recommended legislation, in reciting and outlining the steps that courts are authorized to use to desegregate public schools, the use of forced busing is at the very bottom of the list. But in that regard the conference report does not come up to these beneficial provisions of the President's suggested legislation.

The conference report does absolutely nothing to relieve the grave injustices that have already been inflicted on the school systems, the schoolchildren, and the parents in the South, because desegregation is an accomplished fact in Alabama.

I was interested to note what happened in the State legislature in the State of New York, where they recently passed in the State legislature, house and senate, a moratorium not only on new busing but on old busing. The assembly majority leader, John E. Kingston, said that busing children to achieve racial balance "has disrupted the orderly administration of the education process and has divided our society."

It is my firm conviction that Mr. Kingston has expressed the sentiment of the people from every State and region of the Nation. Every time the people of this country, whether they be in the North or South have gotten a taste of forced busing of schoolchildren in order to create an artificial racial balance there is great opposition to any such move.

Look at what happened in the State of Michigan in the recent Presidential preferential primary, where the leading advocate of putting an end to forced mass busing, even though he came from the Deep South, received 52 percent of the votes cast in that presidential primary.

In fact, there is only one concession in the proposal that relates to relief from busing, and that is in cases where final orders have not been issued. In such cases it would permit a delay in implementation until appeals have been exhausted or the time for appeal has expired. That is the full extent of the statutory relief offered by the bill.

The chief beneficiary will be the areas outside the South. There will be areas where the desegregation process is just now starting or has not started. There is more desegregation in the South than there is in the North and East. It seems as if the Federal courts are going to start very soon and they have already started in some areas, desegregating public schools in areas outside of the South.

Let us begin with section 802(a) which relates to use of funds. In substance, the idea attempted to be conveyed is that appropriated funds may not be used to bus school children in order to overcome racial imbalance in a school or school system. But note the escape clause—"except on the express voluntary request of appropriate local school officials."

We in the South know what that means. A U.S. district court judge simply issues an order which requires local school officials to request such funds as may be necessary to overcome racial imbalance in a school system. The penalty for refusal to request such funds is the threat of confiscatory fines and imprisonment, without trial by jury. It is that simple. We in the South are quite familiar with this technique and there is no reason to believe that the same technique will not be applied uniformly throughout the Nation. The point is that the appropriated funds can and will be used to bus children or to pay such other cost as may be required by a U.S. district court judge. There are no "ifs," "ands" or "buts" about it.

Then, there is a provision that Federal officials shall not require the use of local funds for transportation of pupils. But notice the escape clause—"unless constitutionally required. And what does that mean? Simply this—The Department of Health, Education, and Welfare, the Department of Justice, and any other Federal agency may require use of local funds and condition receipt of Federal funds on use of local funds for transportation to achieve racial balance when such transportation is required by a U. S. district court judge.

Mr. President, all this talk that Federal funds cannot be used for busing and Federal agencies cannot require or force local school systems to use State or local funds for that purpose, sounds mighty good. That sounds like they are going to cut off the funds and since they would have no funds there would be no busing. But, Mr. President, it does not work that way.

The U.S. district judge in his decree orders busing of schoolchildren. Nowhere does the conference report withdraw the power to order busing of schoolchildren under order of the Federal court except as regards the moratorium during the appeal which expires, by the way, on January 1, 1974. So the Federal judge orders the local school system to bus. He does not say where to get the money. He just says, "Bus, and if you do not bus and provide the funds the local school officials will be in contempt of court."

So all these provisions are not worth anything whatsoever and the main value of the conference report is that it does provide a moratorium on busing orders that are under appeal until the decision on that appeal or the time for appeal has expired, if there is no appeal.

Mr. President, that is worth something, and that is better than what we now have, but I do not want anyone to feel the junior Senator from Alabama approves the language of the conference report. They have given just as little as they possibly can to get the conference report agreed to.

It will, in all likelihood, be an entering wedge. We have constitutional amendments pending that would outlaw forced busing for the purpose of creating a racial balance in our public schools. Perhaps this entering wedge will let us move on to that provision. Perhaps the distinguished Senator from Michigan (Mr. GRIFFIN) will offer again his plan for withdrawing jurisdiction from the courts to order busing for the purpose of creating a racial balance in our public schools.

It will put Congress on record as favoring some limitation, and that limitation will be effective insofar as it goes. I am frank to say that very little relief is going to be given to the State of Alabama in this regard, but wherever this practice is used and resorted to—and it looks like that is going to be throughout the country—this conference report would give some small measure of relief.

It is hoped that during this moratorium period Congress will come forward with permanent legislation limiting the jurisdiction of Federal courts, outlining procedures for desegregating the public schools, rules to be used by the Federal courts—which is definitely within the power of Congress.

I would hate to see this important piece of legislation—legislation authorizing appropriations for higher institutions of learning, money that is greatly needed by our universities, our colleges, our junior colleges, grants and loans for students, enabling them to get the benefit of a college education—defeated by a defeat of this conference report.

Send it back to the conference for further conference, favorable consideration of stronger provisions against busing? Yes, do all those things. It was tried on yesterday. Now we are going to have a vote at 3:30 up or down on the conference report.

Much as I feel that the conference report provisions aimed at stopping forced busing of schoolchildren for the purpose of creating racial balance fall short of the mark, they are a step in the right direction. They are more than we have now. They may open the way for passing more effective legislation.

Mr. President, it is going to be with great reluctance that I vote for this conference report with its inadequate provisions against forced busing, but I feel that much important legislation is at stake. This is a combination of some five major bills, and the conference committee has worked long and hard to try to come to a compromise on the busing provisions. I am not satisfied with them. If it were a vote up or down on those provisions, I would vote against them as being inadequate and try to get better ones. But lumped in as it is under the liberal rules of the Senate, allowing adding such amendments or riders to a bill, lumped in as it is with the authorization bill for higher education, I feel constrained to cast my vote in favor of the conference report, feeling that in doing so I am doing what is best for the people of Alabama and what is best for the people of the Nation.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum, the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield such time as he may require to the Senator from California (Mr. CRANSTON).

Mr. CRANSTON. Mr. President, I would like to inquire of the chairman to clarify one point relating to section 803 of the bill, the Broomfield amendment, which provides for staying the effect of certain final court orders requiring the transfer or transportation of students until all appeals are exhausted or the time for appeal has expired. That amendment was agreed to in toto by the Senate conferees with the only addition being an expiration date—January 1, 1974. It was my understanding, as one of the conferees for the Senate present during the entire discussion on this point, that all stays granted pursuant to section 803 will expire no later than the date the section expires, that is, January 1, 1974. Is this a correct statement, in the chairman's judgment, of the intent of the majority of Senate conferees in accepting the Broomfield amendment with an amendment adding a specific expiration date and of the effect of the inclusion of this expiration date?

Mr. PELL. Yes, that is correct. We were very concerned since the Broomfield amendment, as adopted by the House, was completely open-ended. The stated purpose of that amendment—now section 803 of the bill—was to permit the appellate courts to resolve what were said to be inconsistencies in the application of school desegregation requirements by various Federal district courts, without making local school agencies implement the district courts' decrees during the time the issue was being resolved on appeal. We believed that the Supreme Court should be able to deal with this matter between now and 1974; hence, our insistence upon a termination date.

I also concur in the Senator's statement as to the effect of the termination date, that is, that all stays granted under section 803 will expire by January 1, 1974. However, as a nonlawyer, I would like to call on Senator EAGLETON, who is a lawyer and formerly attorney general of his State, and who was active in the conference in the negotiations on this point, as were you.

Mr. EAGLETON. Mr. President, the compromise reached by the conference committee with respect to this section was very definitely based upon the establishment of a date which sets the outside limit both for applying for a stay and for keeping such a stay in effect. Thus, the expiration of section 803 will operate to dissolve automatically any stays granted thereunder that may remain in effect on January 1, 1974, since they are dependent for their force and effect upon this section. Thereafter, the granting of stays in cases where the court orders the transfer or transportation of students will be governed by the law as it exists apart from section 803. I think this point should be made very clear so that the courts are not faced with the argument—as January 1, 1974, approaches—that that date was added to section 803 simply to limit the period during which application for a stay may be made, and that once granted, such stays remain in effect until all appeals are exhausted or the time for appeal has expired. Such a reading is directly contrary to the legislative intent and to the clear meaning of section 803.

Mr. PELL. Mr. President, I suggest the absence of a quorum, the time for the quorum call to be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield to the Senator from North Carolina such times as he requires.

Mr. ERVIN. Mr. President, I should like to ask a question of the distinguished Senator from Rhode Island for the purpose of clarifying the legislative record with respect to the pending conference report.

I invite the attention of the Senator to page 213 of the conference report, particularly that portion which follows the discussion on page 212, where it speaks of what the conference report does with respect to a statement in the House amendment and with respect to a statement in the Senate amendment. It is followed by this sentence at the top of page 213:

> The conference substitute's version of the Senate provision, therefore, restates the policy contained in section 2(a) of Public Law 91-230 and in no way supercedes subsection (b) of such section.

My question is this: Does the language I have just read have any application to section 806 on page 147 of the bill as reported by the conference committee?

Mr. PELL. In answer to the Senator's question, I can assure him that the language in the statement of the managers' report found on page 213 in no way refers to the provision of which the Senator is speaking.

Mr. **ERVIN**. I thank the Senator. That was the conclusion I had arrived at after reading all these references. I am glad to have the confirmation of the Senator that the interpretation I had placed on it is correct. I thank him very much.

Mr. **PELL**. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged against both sides.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MANSFIELD**. Mr. President, will the Senator yield me 1 minute?

Mr. **PELL**. I yield.

ADJOURNMENT OF THE TWO HOUSES

Mr. **MANSFIELD**. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 619.

The **PRESIDING OFFICER** laid before the Senate House Concurrent Resolution 619, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, May 24, 1972, it stand adjourned until 12 o'clock meridian, Tuesday, May 30, 1972.

The **PRESIDING OFFICER**. Is there objection to the immediate consideration of the resolution?

There being no objection the Senate proceeded to consider the concurrent resolution.

Mr. **MANSFIELD**. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The amendment will be stated.

The legislative clerk read as follows:

On page 1, line 3, strike out the word "it" and insert "and that when the Senate adjourns on Thursday, May 25, 1972, they"

Mr. **MANSFIELD**. Mr. President, in explanation, it does not seem possible that we can finish the pending business this week, unfortunately. We hope to finish it early next week. We do hope to clear up some items in the meantime and go as far as we can on the pending business. I make this announcement only to indicate the situation which exists.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment.

The amendment was agreed to.

The **PRESIDING OFFICER**. The question is on agreeing to the concurrent resolution as amended.

The concurrent resolution (H. Con. Res. 619) was agreed to as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Wednesday, May 24, 1972, and that when the Senate adjourns on Thursday, May 25, 1972, they stand adjourned until 12 o'clock meridian, Tuesday, May 30, 1972.

HIGH-SPEED GROUND TRANSPORTATION

Mr. **MAGNUSON**. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 979.

The **PRESIDING OFFICER** laid before the Senate the amendments of the House of Representatives to the bill (S. 979) to extend the act of September 30, 1965, as amended by the acts of July 24, 1968, and October 13, 1970, relating to high-speed ground transportation, by removing the termination date thereof, and for other purposes which were to strike out all after the enacting clause, and insert:

That (a) the first section of the Act entitled "An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes", approved September 30, 1965 (49 U.S.C. 1631), is amended by inserting "and door-to-door ground transportation" immediately after "high-speed ground transportation".

(b) The first sentence of section 2 of such Act (49 U.S.C. 1632) is amended to read as follows: "The Secretary is authorized to contract for demonstrations to determine the contributions that high-speed ground transportation and door-to-door ground transportation could make to more efficient, safe, and economical intercity transportation systems.".

SEC. 2. (a) Section 8(a) of such Act (49 U.S.C. 1638(a)) is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting immediately after paragraph (1) the following new paragraph:

(2) In awarding contracts for the design or manufacture of equipment, or for the construction of facilities, in connection with research and development and demonstration projects under this Act, the Secretary shall give consideration to proposed contracts which will increase employment in labor areas (as those areas are described by the Secretary of Labor in title 41 of the Code of Federal Regulations)—

"(A) which are experiencing a rate of unemployment of 9 per centum or more of the area's work force, or a rate of unemployment of 150 per centum or more of the federally determined unemployment rate for the entire United States; or

"(B) which have experienced a 1 per centum increase in unemployment, as determined by the Secretary of Labor, of the available work force as a result of the termination or reduction of a federally financed or supported program and such increase in unemployment continues to exist.

Nothing in this paragraph shall be construed to require that any contract awarded under this Act must be wholly performed in any one labor area.".

(b) Paragraph (3), as so redesignated by subsection (a) of this section, is amended to read as follows:

"(3) Except as provided in paragraph (2) of this subsection, the private agencies, institutions, organizations, corporations, and individuals with which the Secretary enters into agreements or contracts to carry out research and development under this Act shall, to the maximum extent practicable, be geographically distributed throughout the United States.".

SEC. 3. The first sentence of section 11 of such Act (49 U.S.C. 1641) is amended by striking out "and" and by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: $97,000,000 for the fiscal year ending June 30, 1973; $126,000,000 for the fiscal year ending June 30, 1974; and $92,200,000 for the fiscal year ending June 20, 1975.".

SEC. 4. Section 12 of such Act (49 U.S.C. 1642) is repealed.

SEC. 5. (a) Section 504(a)(3) of the Interstate Commerce Act (49 U.S.C. 1234(a)(3)) is amended by striking out "fifteen years after the date thereof" and inserting in lieu thereof "twenty-five years after the date thereof".

(b) Section 505 of the Interstate Commerce Act (49 U.S.C. 1235) is amended by inserting immediately after "renewal or extension of any such guaranty" the following: "for any period of time not exceeding twenty-five years from the date of the original guaranty".

SEC. 6. Part V of the Interstate Commerce Act (49 U.S.C. 1231 et seq.) is amended by renumbering section 510 as section 511 and by inserting immediately after section 509 the following new section:

"AUDIT BY COMPTROLLER GENERAL

"SEC. 510. (a) In any case in which—

"(1) there is outstanding any guaranty by the Commission made under this part; or

"(2) the Secretary of the Treasury is required to make any payment as a consequence of any guaranty by the Commission made under this part;

the financial transactions of the common carrier by railroad subject to this Act with respect to which such guaranty was made may be audited by the Comptroller General of the United States under such rules and regulations as he may prescribe. The representatives of the Comptroller General shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such common carrier by railroad pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

"(b) A report of each such audit shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the financial operations and condition of the common carrier by railroad involved in such audit, together with such recommendations with respect thereto as he may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed in the course of the audit, which, in the opinion of the Comptroller General, adversely affects the financial operations or condition of the common carrier by railroad involved in such audit or lessens the protection afforded the United States at the time the original guaranty was made. A copy of each report shall be furnished to the Commission at the time it is submitted to the Congress.".

And amend the title so as to read: "An Act to amend the Act of September 30, 1965, relating to high-speed ground transportation, to enlarge the authority of the Secretary to undertake research and development, to remove the termination date thereof, and for other purposes.".

Mr. **MAGNUSON**. Mr. President, I move that the Senate disagree to the amendments of the House on S. 979 and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. HARTKE, Mr. MOSS, Mr. BEALL, and Mr. WEICKER conferees on the part of the Senate.

EDUCATION AMENDMENTS OF 1972—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education) the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from California.

Mr. CRANSTON. Mr. President, in connection with clause (iv) in section 421(c)(1) in the conference report, regarding the general education provisions, I note that the statement of managers on the middle of page 207 fails to set forth an agreement I had personally and specifically reached with Secretary of the Department of Health, Education, and Welfare Richardson prior to conference action. That agreement was that we would amend my original anti-consolidation provisions so that the bar against making receipt of one piece of Federal assistance dependent on the receipt of assistance under another program would apply only to the adoption of such a tie-in as a matter of policy; and that if HEW proposed to attach such a condition to receipt of any assistance, the Secretary would notify the authorizing committees in each House well in advance of carrying out such intention. Was that the understanding of the distinguished chairman?

Mr. PELL. I assure the Senator from California that the answer is "yes," that that is my understanding.

Mr. CRANSTON. Thus, it is my hope—and I hope the floor manager will join me in this—that the Secretary of the Department of Health, Education, and Welfare will abide by this agreed procedure even though it is not specified in the statement of managers.

Mr. President, by supporting the higher education conference report, the Senate has an opportunity to move toward enactment of what is perhaps the most important piece of postsecondary education legislation ever to come before the Congress. The issue has been confused and clouded by the busing amendments, but the basic worth of the bill has not been eclipsed. I supported the Scott-Mansfield approach to busing that was adopted by the Senate. Over my opposition, we came out with something far less desirable in conference. But if the conference report is rejected, we will wind up with something still less desirable. Generally, if the conference report is sustained by the Senate and the House, this Congress will have enacted that legislation that is paramount to the future of higher education in this country.

At the core of the bill is a new program of financial assistance for students, the Basic Education Opportunity Grants. This provision introduces the concept of "entitlement," under which any student admitted to an accredited institution of higher education would be entitled to a Federal grant based solely on need. The grant would be equal to $1,400 minus what his family could reasonably be expected to contribute, but could not exceed 60 percent of what he needed to meet his educational costs.

This new grant concept is in addition to existing aid programs, such as work-study and guaranteed interest loans. Private as well as public colleges benefit from the formula. It will provide added help to students who must meet the higher costs of private colleges.

The final bill, as agreed upon by the conferees, provides general financial support for institutions of higher education, channelled to the institutions based upon the number of federally assisted students it enrolls. This feature not only provides assistance to colleges and universities burdened with rising costs, but encourages the schools to seek out and recruit students with financial need.

There are other provisions that will mean much to students and to institutions of higher education. A new National Institute of Education, modeled on the National Institutes of Health, will address basic, practical research in the processes of learning and teaching; emergency funds to institutions with severe financial difficulties are authorized; new assistance to community colleges, particularly valuable in my State of California, is provided; States are given new moneys to broaden their scholarship programs; and substantial improvements in Indian education programs are authorized.

I am particularly pleased that the conferees were so receptive to provisions of the bill that I had introduced in the Senate. I am proud of these measures and I feel they will make a significant impact on the levels of education addressed by this bill.

VETERANS EDUCATION

My amendment sets up a $183 million incentive program to encourage colleges to recruit and enroll more Vietnam veterans as students. This will enable a college to get a $300 "cost of instruction" grant for each Vietnam or post-Korean war veteran it enrolls, or $450 if the veteran is a high school drop-out.

A participating college must boost its student-veteran enrollment by at least 10 percent. It will continue receiving the per capita bonus for each succeeding academic year that it maintains that new level of increased veteran enrollment.

Colleges must invest at least half the money in a special program that requires them to set up a full-time Office of Veterans' Affairs, participate in postsecondary programs for the educationally disadvantaged or run a prep program if the school is located near a military installation, run tutorial programs, and carry out active, outreach recruiting and counseling activities under federally assisted work-study programs.

Small schools of under 2,500 enrollment who could not feasibly carry out the four-point program on their own will be permitted to do so in concert with other colleges, or could receive a waiver of part or all of the four programmatic requirements.

This college incentive program to enroll more educationally disadvantaged young war veterans is needed because of the lethargy, delay, and footdragging of the Veterans' Administration and the Department of Defense. The VA and the Pentagon are to blame in large measure for the distressingly large number of Vietnam and post-Korean war veterans who are high school dropouts but who have not used their GI bill benefits to complete their education.

The American Association of Junior Colleges recently testified that at least half of our young veterans need further education or training if they are to compete realistically in the job market. Yet of the 4,110,000 Vietnam veterans who either dropped out of high school or never went beyond high school, a mere 550,000, just 13.4 percent, have gone back to school under the GI bill.

Those 4-million-plus veterans with a high school education or less constitute 80 percent of the 5,138,000 discharged Vietnam veterans who are eligible for free educational assistance.

Unemployment, which is now at a rate of 5.8 percent overall, runs as high as 15 percent for Vietnam veterans and up to 30 percent if they don't have a high school diploma.

Mr. President, yesterday I received a letter from Phillip M. Ramsey, of Montreat-Anderson College in North Carolina, describing the types of special veterans programs which that college had begun and plans to expand and improve under the veterans cost-of-instruction provision in the conference report. He also described some totally new programs which his college would begin under my amendment.

I am tremendously impressed with the ingenuity and initiative which this junior college has displayed and its very obvious commitment to providing maximum assistance to returning veterans. I ask unanimous consent, Mr. President, that the text of Mr. Ramsey's May 19, 1972, letter to me and the enclosed news release describing these programs be set forth in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MONTREAT-ANDERSON COLLEGE,
Montreat, N.C., May 19, 1972.

Senator CRANSTON: Enclosed is an outline of a program or type of program that passage of your amendment for $200 direct institutional aid for veterans would stimulate on many college campuses.

While the scholarships in our current program are for only one year, passage of your program would allow us to offer this for both years here at Montreat. Furthermore, we feel that if Federal Government is willing to invest this type of money in us on behalf of veterans, we should be able to invest at least $200 per veteran from our own resources.

Our next step to the development of this program is to set this program on a regional basis (Western N.C.) with the other 4 colleges and universities.

I would like your comments. You may use this press release in any way you may need.

I enjoyed your "input" at the National Conference for Veterans several weeks ago.

Very truly yours,

PHILLIP M. RAMSEY.

MONTREAT-ANDERSON COLLEGE ANNOUNCES SCHOLARSHIPS FOR VETERANS

MONTREAT, N.C.—Montreat-Anderson College has been commended by the American Association of Junior Colleges for creating a most unique college program to recruit military service veterans.

Less than a month ago, Phillip Ramsey, Montreat-Anderson College's Director of Admissions and Financial Aids, hired several veterans who are enrolled at MAC to visit veterans who may not be aware of their opportunities to attend college. Working with North Carolina Veteran Organizations and the local Employment Security Commission Offices in Asheville, North Carolina, the veterans have gained a valuable amount of experience in counseling veterans for education and employment opportunities.

"A lot of veterans are afraid to attend college," said Les Alsup, a veteran student recruiter, who admits he felt the same way when he returned from the service last year.

"I graduated with a C average from high school and thought I'd never make it in college," Alsup said, "but I found I could do quite well. The four years away from school made me value my education opportunities more."

EDUCATION BENEFITS

Montreat-Anderson College encourages veterans to not hesitate in making application to the college. Many veterans felt they received a "bad shake" in high school, some men may just be slow starters, while many other men feel they could use some special attention in getting back into the "swing" of education. For these men, MAC provides a one-semester Academic Enrichment Program. The program consists of a reduced full-time academic load, taught by a group of selected faculty who provide the student with individualized instruction while earning full college credit for all work. The emphasis of the A. E. Program is on success.

In addition to the A. E. Program, the faculty is specially organized to provide Tutorial Assistance for Veterans who request this additional help. This means a veteran can take advantage of his nine months of up to $50 per month in additional VA benefits for tutorial assistance at MAC.

SCHOLARSHIP ASSISTANCE

Since the cost of obtaining a college education has increased steadily in recent years, MAC felt it should do something significant in reducing the initial cost of a veteran's education expense. Beginning with the fall semester of 1972, the college will provide a $500 scholarship to each veteran upon his first-time admission to the college.

This grant makes the first-year room, board and tuition expense $1495 for a resident veteran and a mere $700 for a commuting or married veteran.

These grants are intended to bring the college's cost in line with the veteran's VA benefits of $175 per month for single men and $205 per month for married men.

OFF-CAMPUS "1–2" EMPLOYMENT

A very real concern for most married veterans is additional income to support his family while completing his personal education. The Veteran's Off-Campus "1–2" Employment Program is designed to provide both the married and single veteran with additional income while in pursuit of his education.

Located just minutes from the college campus are some of the most distinguished textile, woodworking, aerospace and electronic firms in the country. Under special arrangements with the college, these firms hire two veterans for one job position. For example: One veteran works from 3:00-7:00 PM, another works from 7:00-11:00 PM. Each man works four hours a day, twenty hours a week. This means in addition to VA benefits and the college scholarships, a veteran may earn up to $170 per month in taxable income within the "1–2" program.

Montreat-Anderson College is greatly indebted to Charles Erwin of the Asheville office of the Employment Security Commission for its assistance in the creation of the "1–2" program and especially for the "built-in" mutual benefits for both local industry and the veteran. Not only does the "1–2" program provide a manpower resource for industry during the fall and winter months, but because the college year ends the first week of May and resumes the 28th day of August, veterans within the program provide a trained force of men who are available for full-time employment at these same firms for up to four months during the summer.

In addition to these immediate mutual benefits, there are some long range benefits also. In recent years, industry has increasingly turned to the graduates of two year institutions for management personnel. Firms have found many of these men to possess the necessary skills and abilities to enter into their own management development programs. The Veterans "1–2" Program provides a unique opportunity for both the veteran and industry to get a good look at each other for possible future career employment.

As if the education opportunity, scholarships and employment were not enough, the college reports there are a number of privately owned residents both on and off campus available as housing for married veterans.

When Ramsey, the originator of the MAC Veteran Program, was asked why the college developed such a program, he said: "Colleges, and especially two year colleges are increasingly becoming more sensitive to the educational needs of their local communities. We on the staff of MAC were particularly aware of the needs of local veterans. The question we asked ourselves was "what should be the response of a small, private, two year institution which cherishes its tradition of church related higher education." Our response to this and other questions is our Veterans Education Program.

When asked what the college hoped to accomplish through the Veteran's Program, Ramsey responded. "We realize that we are not capable of handling all the veteran education responsibility in North Carolina or even western North Carolina for that matter. Our purpose is simply to pull our share of the load and challenge other North Carolina Colleges and Universities to create and develop similar education programs for North Carolina Veterans."

CONSUMERS' EDUCATION

Mr. President, the higher education amendments contain an important section providing for the development of a consumer education program. I introduced this section because of the current inadequacy of Federal aid to provide consumer education.

The consumer today is confronted by a plethora of goods. We live in a society which is more affluent than any other in history. The average supermarket stocks from 8,000 to 10,000 separate products. Ten years ago, the average supermarket stocked less than 3,000 products. The marketplace has developed to an unbelievable level. The proliferation of goods and services; the variety, the quantity, the range of quality—all reflect the technology of our modern world. Given the complexity of the market, the consumer needs both protection and education.

In the past decade, the Congress has enacted a variety of measures to help protect the consumer—truth-in-packaging, truth-in-lending, and the Federal Highway Act exemplify the recent trend to provide the consumer with needed information. There is currently legislation pending to provide truth-in-advertising, detailed information on the durability of automobiles and the effectiveness of drugs.

The Federal Government now spends more than $200 million annually for the protection of consumers—$25 million in lawsuits alone.

There is no question that we need additional protection and assistance for the consumer, and this is available through the legislative process. Much has been done, but we cannot legislate everything, and we should not legislate everything. Along with the legislative effort, we must have, and personally I believe this is most critical, education of the individual to his consumer role. This education will provide an important ounce of prevention instead of the more expensive pound of cure. Educated consumers will be less likely to make errors, which have led to the abundance of consumer disputes in our courts.

The need for consumer education courses in addition to protection for the consumer was also highlighted in the comments of the Consumers Union on the pending legislation:

"For example, the Consumer Credit Protection Act of 1968 which has been accompanied by some educational and informational activities on the part of the Federal Reserve Board and the Federal Trade Commission has been much more effective than the Fair Packaging and Labeling Act of 1966. Admittedly, neither is panacea and, the latter is inherently the weaker piece of legislation. But the lack of any educational effort and other negative elements has resulted in minimal impact on the marketplace and consumers. The studies which have examined various local unit pricing experiments also demonstrate that the usefulness of this information is directly related to educational level or specific education on the way to use unit pricing. Usage is restricted due to ingrained habits and attitudes as well as lack of information. But where an effort to inform has been made, poor consumers as well as suburban housewives have altered their pattern of supermarket behavior to take advantage of the aid being offered."

The need for consumer education has been broadly recognized. President Nixon in his consumer message of February this year stressed the importance of consumer education. He said:

"Consumer education is an integral part of consumer protection. It is vital if the consumer is to be able to make wise judgments in the marketplace. To enable him or her to do this will require a true educational process beginning in childhood and continuing on."

The President went on to direct the Secretary of Health, Education, and Welfare to—and I quote:

"Work with the nation's education system to (1) promote the establishment of consumer education as a national education concern; (2) provide technical assistance in the development of programs; (3) encourage teacher training in consumer education; and (4) solicit the use of all school and public libraries as consumer information centers."

The current Federal program to assist States develop consumer education programs is however totally inadequate.

We desperately need specialized courses that deal extensively with such things as consumer purchasing of food, clothing, furniture, and appliances; the environmental effects of consumer decisions; purchasing and maintaining an automobile; apartment rental and home buying; short term consumer credit; budgetary and money management; fraud, quackery, and deception; banking and savings; investments; life and health insurance; consumer law, and social security, medicare, and medicaid.

This bill provides for the development of such general consumer courses and the training of teachers to teach them. It authorizes $80 million over the next 3 years for that purpose.

BILINGUAL EDUCATION

Mr. CRANSTON. Mr. President, I am particularly pleased that the House-Senate conferees accepted the amendment sponsored by Senator KENNEDY and me setting a 5-percent earmark of authorizations under part C or part D of the Education Professions Development Act, specifically for the training of bilingual education teachers.

This specialized training for teachers in bilingual education is one of our greatest needs and has been one of our most significant neglects. Some 5 million children nationally could benefit from bilingual education, but these children will never be reached without the necessary bilingual personnel.

This new emphasis on the training of bilingual teachers adds a fresh dimension to Federal bilingual programs, and can work in forceful concert with services provided under title VII of ESEA, the Bilingual Education Act. According to estimates I have seen, title VII programs now allocate for teacher and teacher aide training just 15 to 25 percent. This level of allocation is totally inadequate. We cannot begin to meet the needs of Mexican American and other bilingual children until we face up to our responsibility to encourage more teachers, better trained, for bilingual programs.

I believe the amendment Senator KENNEDY and I cosponsored is a major step forward.

EDUCATIONAL RENEWAL

On February 28, the Senate adopted my amendment dealing with the controversial "educational renewal" program of the U.S. Office of Education. In the weeks that followed, my amendment—prohibiting unauthorized program consolidation and limitations on appropriations not specifically authorized by law—was the topic of lengthy, thoughtful discussions and negotiations between myself and HEW Secretary Elliot Richardson and others. The Secretary and I made much progress in our talks. My amendment, as adopted by the conferees, reflects that progress and notes the assurance given by the Secretary regarding a new status for the bilingual education program within the U.S. Office of Education.

My amendment, and the accompanying report commentary, reasserts the role of the Congress in determining Federal education policy and priorities. The intent of the provision is not to stifle innovation, but to assure that Congress and its national education constituency have a full opportunity to advise the executive branch on proposed shifts in Federal education policy and programs.

The original language of my amendment specified the organization, by statute, of the Bureau of Elementary and Secondary Education. My chief objective was to secure divisional status for the bilingual education program, title VII of ESEA. As a result of our negotiations, Secretary Richardson gave me, in writing, the following assurance:

> I have made the decision to transfer the Bilingual Education Program, as a Division, from the Deputy Commissioner for Renewal to the Bureau of Elementary and Secondary Education, under the Deputy Commissioner for School Systems. It is my intention that this Division remain a separate and identifiable entity within that Bureau, and I can assure you that it will remain so during my tenure as Secretary.

In a subsequent letter, the Secretary specified that this elevated status for bilingual education would be accomplished "by the end of May."

Upon receipt of this assurance, I recommended to the conferees that the language of my amendment dealing with the Bureau of Elementary and Secondary Education be dropped, and the conferees unanimously agreed.

The language of my amendment, as adopted by the Senate, also provided statutory authority for an experimental effort in renewal and set a similar authorization for the "right to read" program. The conference report makes clear the feeling of the conferees that statutory authority for renewal should not be granted at this time, pending a cohesive legislative proposal from the Department of Health, Education, and Welfare. Legislative authority for the "right to read" program was also deleted from my amendment, but the bill provides an authorization of $12 million for the program in fiscal 1973.

I had made clear to Secretary Richardson, in the course of our conversations, that specific legislative authority for the renewal program was both needed and desirable. The conferees agreed that this authority was needed. They did not feel, however, that the renewal program warranted legislative sanction at this time, and voted to drop this language from my amendment.

In the words of the conference report:

> In rejecting the Senate language providing new authority for educational renewal, we do not wish to make any judgment as to the merits of "educational renewal" at this time. However, we intend to make clear that in our view inadequate authority exists at this time to provide a legal basis for carrying out the renewal program. If the Department wishes to proceed with the Renewal concept, the Committee invites submission of appropriate legislation in order that it may be considered.

I believe the spirit of my discussions with Secretary Richardson is best characterized in this letter to me of May 6:

> Your cooperation and assistance in clearing up any unintended problems created by the original language in your amendment is greatly appreciated. From our conversations I am confident that your intention is not to hobble the administration of education programs, but only to require that actions taken by the Executive Branch are fully consistent with the intent and will of Congress. You have my assurance that I will do all in my power to ensure that our agreements are adhered to in both letter and spirit.

Mr. President, I want to add a word of commendation to the distinguished chairman of the Senate Education Subcommittee (Mr. PELL). Without his devoted efforts, we would not have this far-reaching bill for higher education. Senator PELL deserves our warm thanks for the tireless, unselfish job he has done in charting a new and more promising course for American education.

Mr. PELL. I share the Senator's hope.

Mr. President, I should like to point out two typographical errors in the conference report, and make clear for the RECORD that these typographical errors should in no way alter our intention with respect to this conference report.

On page 91 of the conference report, in the proposed section 1071 of the Higher Education Act, it is stated that the Bureau of Occupational and Adult Education is to have responsibility for administration of all of title X of the Higher Education Act. The conference report fails to contain two words: "part B" before "this title." It is the intention of the conferees that the new Bureau have responsibility for occupational education, but not for junior colleges, which are intended to be administered through the Bureau of Higher Education.

In the statement of the managers concerning section 802(b) of the conference report, on page 219, the statement fails to contain the word "not," with the result that the statement reverses the intent. In addition, toward the beginning of the same sentence, the word "which" should be "with the," so that the last sentence of the statement in that paragraph should read as follows:

> The conference agreement does not amend the General Education Act, but contains the language of the House amendment, with the following exception: "on the express written voluntary request of appropriate local school officials" and adds a further limitation to that exception by requiring that no funds shall be available for transportation when the time or the distance of travel is so great as to risk the health of the children or significantly impinge on the educational process and adds a further limitation that the educational opportunities available at the school to which it is proposed that such student be transported must not be substantially inferior to those offered at the school to which the student would otherwise have been assigned.

Mr. ERVIN. Mr. President, will the Senator from Rhode Island yield me 2 minutes?

Mr. PELL. I am happy to yield to the Senator from North Carolina.

The PRESIDING OFFICER (Mr. COTTON). The Senator from North Carolina is recognized for 2 minutes.

Mr. ERVIN. Mr. President, as is so often the case where legislation deals with major questions in highly controversial areas of our national life, the legislation which the conference report, if adopted by both Houses and signed by the President, would bring into being, has many provisions which I think are excellent. It also contains many provisions which I do not like at all.

I recognize, however, that in major legislation of this nature, the ultimate result has to be, necessarily, a compromise of many different viewpoints.

Since there are 100 Senators and 435 Representatives, and legislation can only be obtained by a majority of each body, and despite my misgivings in some respects concerning the legislation which the conference report envisages, I believe that the conference report, taken as a whole, as we must take major legislation of this kind, contains features of a wholesome nature which outweigh the features which I consider to be of an undesirable nature.

For these reasons, despite the fact that I do not approve of all the provisions in the legislation which the conference report will bring into being, I feel that it is my duty, under the circumstances, to support the conference report and, therefore, I expect to vote in favor of its adoption when that question comes before the Senate.

Mr. PELL. I thank the distinguished Senator from North Carolina for his interpolation and I am delighted at his support.

Mr. TALMADGE. Mr. President, once again the children of Georgia and the children of the South are being asked to accept the short end of the stick. Once again, the children of my State are being turned into second-class citizens in the world of education. It is ironic to me that this should occur in a time when so much is said about equality of opportunity.

The inherent unfairness of the conference report can be clearly shown by comparing the provisions contained in section 802a to those contained in section 804.

The latter section is what is left of an amendment I introduced when the Senate first considered this bill. Had it not been for this amendment, no provision at all would have been made for children who were locked in under final busing orders. Apparently, their plight had escaped the attention of the committee which reported this bill. Section 804 allows existing busing orders to be challenged if—

> The time or distance of travel is so great as to risk the health of the student or significantly infringe on his or her educational process.

The same language appears in section 802a. This section is the one which provides protection for children throughout the rest of the country who are not yet subject to final busing orders. Keeping this in mind, it is indeed significant to note that they are afforded one additional protection; namely—

> Where the educational opportunities available at the school to which it is proposed that any such student be transported will be substantially inferior to those opportunities offered at the school to which such student would otherwise be assigned—

Now then, Mr. President, what does this language mean? It seems to me to mean that these children cannot be bused if the school to which they are being bused is worse than the school which they are leaving. This is commendable, Mr. President, and it makes good sense.

Busing should not be employed when the net result of it is to expose a child to a poorer education than the one he left behind him. Certainly, it is absurd and even criminal to spend the taxpayers' money to secure for a child an education inferior to the one he was getting before the money was spent.

What appalls me, however, and I may say even angers me is the fact that the conferees have not seen fit to extend this protection to the children of my State who are locked in under final busing orders. Apparently, it is perfectly all right to bus a Southern child to a school which is worse than the one he left. It is equally clear that such a practice is to be prohibited for children outside of the South. This would seem to me to be a perfect textbook example of calculated discrimination resulting directly from State action. I have been led to believe that this was exactly the thing the Supreme Court attacked 18 years ago in the Brown decision.

When such discrimination as this is handed to me and I am asked to swallow it on behalf of my constituents in the name of quality education, it is more than I can do. I cannot go home and face the people of my State and tell them that I succumbed without a fight to legislation which allowed their children to be bused to inferior schools, and protected children all across the Nation from the same fate.

I devotedly share the desire for educational excellence which has been expressed on other quarters of the floor today. Like any other Senator in this Chamber, I want the best that I can get for my constituents. I doubt that any Member of this Senate would stand passively aside and allow the children of his constituency to be treated in such a shabby, unfair, and discriminatory fashion. I know that I am unable to swallow this bitter dose silently in the name of lofty ideals expressed by the representatives of those who were not asked to take the same medicine.

QUORUM CALL

Mr. PELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time for the quorum be equally divided.

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW; AND ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, after the two leaders have been recognized under the standing order, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes; after which, that there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EDUCATION AMENDMENTS OF 1972—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education, the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged against both sides.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

Mr. PELL. Mr. President, I yield 10 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, I thank the Senator from Rhode Island very much.

Mr. President, would the Chair notify me when I have used 8 minutes of my time?

The PRESIDING OFFICER. The Chair will be glad to do so.

Mr. STENNIS. Mr. President, I thank the Chair very much.

I commend the Senator from Rhode Island for the long, hard hours he has put in on this conference report. As always, he is a skillful legislator. I do not agree with him on many major points. However, I admire greatly his work and the skill he shows in fulfilling his responsibilities and obligations to the Senate.

Mr. PELL. Mr. President, I thank the Senator very much.

Mr. STENNIS. Mr. President, the measure before us, S. 659, covers the entire spectrum of Federal financial assistance for our public education programs at all levels. This particular measure includes amendments to, extension and additional authorizations for the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act, the Elementary and Secondary Education Act of 1965, Public Law 874, and many other programs, including some new education programs. This bill provides the authority and establishes the level of Federal support for such programs for the next several fiscal years. If the bill is not enacted, some of the programs will not exist and others will have insufficient financial support.

The conference report before the Senate for rejection or approval is far from perfect. There are many features of the conference report, and the massive bill itself, which I do not approve, and if these particular matters were standing alone in separate bills, I could not support them. For instance, I had hoped for stronger measures to prohibit forced busing of our school children and I would much prefer approval of the House amendments relating to busing than the amendments approved by the conferees. This is a measure, an example, of one of the many flaws to which I refer.

Yesterday, I supported the motion by the Senator from Michigan (Mr. GRIFFIN) seeking to recommit the conference report to the conferees with certain instructions relating to acceptance of the House amendments against busing. Unfortunately, there was a motion to table the motion to recommit and the motion to table carried by a vote of 44 to 26. I voted against the motion to table, because I wanted the bill to be sent back to the conferees in the hope that stronger antibusing measures would prevail in the reconvened conference.

That matter is not before us now and the only question before the Senate now is whether the Senate will approve the conference report, making it possible to have an education bill this year, or whether to reject the conference report leaving the entire matter open to question. There is the chance, of course, that if the Senate approves the conference report, the House may not do so or might recommit the conference report for further consideration by the conferees.

Mr. President, if the House does take action, I believe a better bill could possibly come out of the reconvened conference. And if it does on this subject that I have mentioned, I would be glad to support it.

On balance, considering all the factors and the issue now before the Senate, I think the needs for additional Federal financial assistance for education at all levels are so great that I should support the conference report and I will so vote. I have stated, the bill is far from perfect and I am not satisfied with the conference report, but there are two basic principles included in the bill and in the conference report, to a marked degree, for which principles I have waged a continuous fight for several years. For the first time, these basic principles will have been finally included in a final legislative act if this bill is approved by the Congress.

First, I refer, of course, to the basic principles of the Stennis amendment, which I introduced 2 years ago calling for a single national policy applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of local education agencies of any State without regard to the origin or cause of such segregation.

Second, I refer to a measure of congressional control and restrictions on unnecessary and unreasonable forced busing of our schoolchildren, in all too many instances apparently solely to satisfy the whims of some social statistician that there must be some kind of racial balance established in every school of every school district in the South. For the first time, if the pending measure is enacted into law, Congress will have recognized that this is a national problem which must be solved and will have taken affirmative steps toward correcting the situation. I am disappointed that stronger action was not taken, and I still prefer such stronger action and especially recommend the amendments approved by the House on these subjects. But at least the first step has been taken, which I predict will lead to some important restrictions and actions which will offer some relief and lead to additional action later. For the first time, Congress has recognized that forced school busing without parental consent is frequently injurious and hazardous to the health and well-being of children and is subject to regulation and control by the Congress. This also takes into account the severe and often irreparable damage done to the educational processes and the education system by long miles of busing to strange areas and classrooms, severely hampering and interfering with the proper academic atmosphere for our children to learn and attain the education they must have. This action by the Congress, although it does not go as far as I would have liked, is an effective beginning and opens the door and paves the way for more complete and permanent controls against busing soon.

With reference to the Stennis amendment, I originally introduced this amendment in 1970 as an amendment to the pending Elementary and Secondary Education Act. My amendment, in its pure form, read as follows:

> It is the policy of the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any state without regard to the origin or cause of such segregation.

As the Senate will recall, the debate on my amendment was extensive, complete and called the attention of the Nation for the first time to the extent of segregation in the North and West and the unreasonable double standard that had been followed by the courts, the Department of Health, Education, and Welfare and the Justice Department in forcing desegregation in the South and totally ignoring similar and frequently worse conditions of segregation in the North and West.

During the Senate debate, the courageous Senator from Connecticut (Mr. RIBICOFF) joined with me in sponsoring the amendment referring to the situation in the North as "monumental hypocrisy."

During the debate the Senate amended my original amendment to include the words "whether de jure or de facto" immediately preceding the phrase "in the schools of the local education agencies of any State without regard to the origin or cause of such segregation."

The Stennis-Ribicoff amendment was approved by the Senate by the overwhelming vote of 56 to 36.

In that year, the House bill had no similar language and when the House-Senate conferees met they scuttled the amendment completely, turned it around 180 degrees, adding language which provided that instead of one single uniform national policy, as the Senate had approved, we would have two policies, one for de jure situations, code words for segregation in the South, a theory long since outmoded and exploded, and a second policy for de facto situations, code words for segregation in the North.

Senator RIBICOFF moved to recommit the conference report for the purpose of reconsidering the Stennis amendment, but that motion to recommit failed and the conferees' version of the Stennis amendment was signed into law on April 13, 1970, as Public Law 91–230.

Last year when the Senate had before it the Emergency School Aid and Quality Integrated Education Act of 1971, the Stennis-Ribicoff amendment was offered again in the same words as previously approved by the Senate, adding only the phrase "and this title" so that it would apply to the pending bill. After considerable debate, and the Senate approved the amendment, for the second time, by a vote of 44 to 34, reaffirming its preference and support for the original wording of the Stennis-Ribicoff amendment.

When the bill reached the House, the House subcommittee approved substantially similar language, leaving out references to title VI of the Civil Rights Act of 1964 and section 182 of the Elementary and Secondary Education Act of 1966 and also omitting the words "whether de jure or de facto." This action was approved by the full House committee and so far as I can determine, was not even discussed on the floor of the House. After passage by the House, the bill with its amendments, combined with the higher education bill, was returned to the Senate and to the Senate committee, which reported the complete bill, with the Stennis amendment in the same form as originally passed by the Senate and the complete bill was passed by the Senate in that form.

Therefore, the matter before the House-Senate conferees relating to the Stennis amendment was to work out the differences between the amendment approved by the Senate on the one hand, and the language approved by the House on the other hand. The alternatives were to add to the House amendments the additional Senate language, in whole or part, or to delete from the Senate language those words not included in the House language, in whole or part. Of course, the conferees could, in lieu of this more obvious and logical approach, adopt both amendments, leaving out of the Senate language the words "and this title." This is what the conferees did.

The language of the conference report

speaks for itself. It is clear that the Senate has approved and the House has approved and the conferees have approved a policy for the United States that guidelines and criteria established pursuant to title VI of the Civil Rights Act of 1964 and the Elementary and Secondary Education Act and the Emergency School Aid Act now pending shall be applied uniformly in all regions of the United States in dealing with conditions of segregation by race in the schools of the local educational agencies of any State without regard to the origin or cause of such segregation.

That is what the conferees have done and that language speaks for itself. For the first time, if this conference report is adopted and the bill is signed into law, we will have a uniform national policy in school desegregation matters, North, South, East, and West applied uniformly without regard to the origin or cause of such segregation. That is the Stennis amendment, pure and simple. The conferees have approved it and in fact by the rules under which the Congress operates, and especially the rules of the Senate, they could have done no less and did not.

I am aware that the statement of the floor managers, not a part of the conference report, not an effective part of any legislative history, makes the statement:

> The conference substitute's version of the Senate provision, therefore, restates the policy contained in section 2(a) of Public Law 91–230 and in no way supersedes subsection (b) of such section.

This statement of the managers on this subject is superfluous and has no standing whatever.

I am satisfied that the meaning of the amendment, as included in the conference report, is clear as a bell.

In any event, the Stennis-Ribicoff amendment has been approved by the conferees and I expect to remain constantly informed as to the steps taken by the Department of Health, Education, and Welfare, the Justice Department and other Federal agencies to make certain that this statement of congressional policy is complied with fully.

In view of all these considerations, I am going to support the conference report to S. 659 with the hope and belief that this measure is a step forward and takes real affirmative action for a national policy to get our public schools back to their proper role of educating our students without unreasonable and unnecessary outside control and interferences in matters having nothing to do with education.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PELL. Mr. President, I yield the Senator two additional minutes.

The PRESIDING OFFICER. The Senator is recognized for two additional minutes.

Mr. STENNIS. Mr. President, I have conferred at length by telephone with my colleague, the Senator from Mississippi, who is unavoidably detained from the Chamber today. He authorizes me to say for him that on the points I have enumerated here, and for the reasons given, if he were here he would vote for the passage of this conference report under these circumstances with the same hope for future consideration on the matter of forced busing.

Mr. PELL. I thank the Senator.

Mr. STENNIS. I thank the Senator and those Senators who worked on this bill.

Mr. PELL. Mr. President, I thank the Senator from Mississippi for his words and for passing on the sentiments of his senior colleague from Mississippi. I express my deep appreciation to both of them for supporting the conference report.

Mr. STENNIS. I thank the Senator.

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. GAMBRELL. I thank the Senator from New York for yielding to me.

The PRESIDING OFFICER. The Senator may proceed.

Mr. GAMBRELL. Mr. President, by unanimous consent a vote has been scheduled this afternoon on the conference report on the higher education bill. I supported the bill when it originally passed the Senate, and still support its principal components, exclusive of the provisions dealing with forced school busing. With reference to the busing provisions of the legislation, my position is quite clear from the debates which have occurred in the past on this subject. I am opposed to school busing as is being required by Federal court and HEW Department orders at the present time. I am particularly opposed to discriminatory desegregation enforcement as is being applied in Southern States, when no such enforcement is being applied in other parts of the country.

Legislation which I have offered would work toward equalized educational opportunities, as well as equalized desegregation enforcement throughout the country. It is obvious that the dictates of current political expediency are opposed to any such high-minded objectives.

The provisions of the conference report in respect to forced school busing are a compromise which smells to high heaven. It is an unwise program arrived at by the unwilling, to be imposed on the unrepresented. I put the blame for this fiasco at the door of the White House. Instead of providing positive leadership toward equal education opportunities, and a fair solution of the busing question, President Nixon has proposed a plan which is neither fish nor fowl, and as might have been expected, has attracted no support.

The provisions of the present legislation are ambiguous. We have little indication as to what it means, or to whom it might apply. Whatever antibusing relief it contains is temporary and what is most repugnant about the proposal is that it discriminates agianst those most deserving of relief. Forced busing will continue to be rigidly applied to those who have suffered with it the longest, and those who have tried to voluntarily comply with the patchwork orders of Federal district courts and the Department of Health, Education, and Welfare. In my view, it is such school systems which ought to be the first to receive relief from compulsion.

About the only thing which can be said for the present proposal is that it gives temporary relief to some, and provides an opportunity for Federal financing of court ordered busing. To me, this is like mitigating a hanging by furnishing an elastic rope.

What bothers me most is the possibility that this compromise will paint over the sores of the busing controversy, and leave it to erupt again in a year when the American people will have no opportunity to forcefully express themselves on the subject. In my opinion, this is the year to solve the matter, and to give the American public an opportunity to speak for equal education opportunities while expressing their resentment over bureaucratic abuse which lies at the heart of the busing controversy.

In view of the sentiments which I have expressed here I have decided to vote against approval of the conference report. This is not a vote against the higher education bill. It is not a vote against the emergency school assistance program. I have voted for both of these bills when presented separately, although each has some defects that concern me.

Also, I do not relish or approve of the practice of holding legislation "hostage," in order to piggyback legislation in which I am interested. Unfortunately, this tactic has been made necessary by the stubborn and intolerant refusal of the Senate leadership, and the refusal of the Education Committees of both Houses, to make any effort to represent the will of the people on the busing issue.

Finally, I regret to say that the people's wishes on this matter have come more nearly to being recognized, as more busing has been required in areas of the country outside the South. What was once detached support for busing has changed to frenzied and desperate maneuvers in search of compromise. Maybe another court order or two, or a little even-handed enforcement by the Nixon administration, will bring this issue to a point where it can be fairly and decisively disposed of. I reject any half-measures. Let us get on with a final solution.

I yield the floor.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair will inform the Senator from Rhode Island that he has insufficient time. He would have to suggest the absence of a quorum on the time of the Senator from New York.

Mr. PELL. Insufficient time?

The PRESIDING OFFICER. For a quorum call.

Mr. PELL. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. PELL. How much time does the Senator from New York have?

The PRESIDING OFFICER. Fifty-two minutes.

Mr. PELL. I ask unanimous consent that the time for the quorum call be taken out of the Senator from New York's time.

The **PRESIDING OFFICER.** Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Who yields time?

Mr. JAVITS. Mr. President, I yield the Senator from Minnesota 10 minutes.

Mr. MONDALE. I thank the distinguished Senator from New York.

Mr. President, I approach this vote on the conference report for the Education Amendments of 1971 with mixed and troubled emotions.

I am proud of this bill, which represents years of hard work by myself and other members of the Education Subcommittee under the dedicated chairmanship of the distinguished Senator from Rhode Island (Mr. PELL), weeks of consideration by the Senate and the House, and 2 months of conference to resolve differences between the House and Senate bills.

The conference report establishes a new program of basic educational opportunity grants, a new commitment that no qualified American student should be denied the resources to attend an institution of higher education.

It contains a desperately needed program of aid to institutions of higher education, to help them meet the soaring costs of postsecondary education, which cannot be met through tuition alone.

It contains the Emergency School Aid Act, a $2 billion program to assist school districts desegregating as a matter of local choice or under legal requirement in providing integrated education of high quality to all students.

It contains the Indian Education Act, sponsored by Senator KENNEDY and myself, which passed the Senate unanimously last October, a measure which, if adequately funded, should go far toward assuring real educational opportunities for the 70 percent of Indian children attending public schools.

Just this one measure alone, embodying many of the fundamental recommendations of the Special Subcommittee on Indian Education originally chaired by the late Senator Robert Kennedy, is of fundamental importance.

In addition, the conference report provides for the establishment of a National Institute of Education, modeled on the National Institutes for Health, to provide the coordinated educational research and development activity now so clearly lacking—which includes a much needed initiative for innovative and creativity in higher education.

Mr. President, this as well is a long overdue and fundamental reform. Serving, as I have for nearly 2 years, as chairman of the Select Committee on Equal Educational Opportunity, I am appalled by the amount we yet need to learn about the best way to educate the children of our country, and particularly about bringing equality of educational opportunity to millions of what I call "cheated children" in America, who are denied the minimum ingredients for a hopeful life, including a decent education.

Hopefully, the National Institute will, for the first time, undertake a broad, thoroughgoing, highly sophisticated, and ongoing series of research and demonstration projects to determine how best to meet this compelling and heartbreaking problem in this country.

This measure also provides for expanding existing programs of assistance to postsecondary education, for protection against discrimination on the basis of sex in educational programs, for a National Student Loan Marketing Association to support the guaranteed student loan program. It provides for the first time for ethnic heritage studies centers in local communities and for still other programs.

Ethnic heritage studies centers are a long overdue proposal to fund studies in the history and cultural tradition of American ethnic groups. There is a great deal of interest in this program. In Minnesota, for example, representatives from the Iron Range would like to establish an ethnic heritage center there, and undertake, while there is still time and while many of the oldtimers are still around, a basic study of the ethnic heritage of the people of that remarkable area of my State. And many other areas of my State see great promise in the ethnic heritage center studies program as well.

This is perhaps the single most important education bill ever before the Congress. Preparation of the legislation contained in this conference report has occupied much of my time for the past 2 years. And the Senator from Rhode Island (Mr. PELL), along with all other members of the committee, are to be deeply commended for the landmark legislation that has been reported from the conference.

The Senator from Rhode Island (Mr. PELL), above all, has spent hundreds of hours listening to the best minds in this country, listening to teachers, parents, professors, and other persons interested in education, and is most responsible for the remarkable and revolutionary measure which now is before the Senate in the form of a conference report.

But, to my great sorrow, I am unable to support this report which contains so much that is innovative and badly needed.

The higher education bill left the House encumbered with three amendments designed to cripple the capacity of Federal courts and agencies to remedy racially discriminatory school segregation under the Constitution and title VI of the Civil Rights Act of 1964.

These amendments would have prohibited use of Federal funds to support desegregation-related transportion, forcing financial hardship on numerous school districts undertaking added transportation under court order or title VI plan.

These amendments would have prohibited the Departments of Health, Education, and Welfare and Justice from encouraging or requiring any transportation to achieve desegregation, effectively barring Civil Rights Act enforcement in many cases.

And they would have required exhaustion of appeals before implementation of any court order involving either transfer or transportation of students.

The Senate responded with the so-called "Scott-Mansfield compromise," which effectively nullified the worst features of the House amendments, permitting funding for transportation or voluntary request of local officials, permitting continued law enforcement under the Supreme Court's guidelines for transportation, and staying orders pending appeal only in multidistrict cases, a developing area of the law where further clarification through judicial review is needed, and where courts themselves have shown willingness to stay orders pending appeal.

The conference has substantially improved the original House provisions. Funds will be available to support transportation, and law enforcement can continue under reasonable guidelines. But the conference report retains the so-called House "Broomfield" amendment, relating to exhaustion of appeals, through January 1, 1974. This provision would represent the first congressional retreat from the national commitment to nondiscrimination in public education embodied in the Civil Rights Act of 1964.

The amendment, in my opinion, is badly drafted, and it may well be found to have no legal effect. But the intention of its principle sponsor seems clear enough. The provision is designed to postpone all orders, in all cases—however simple—involving either the transfer or transportation of children to achieve desegregation. All desegregation—even straightening a "gerrymandered" school zone line—requires "transfer" of students from one school to another. And a clever lawyer can keep the average case on appeal for years.

If the intention of its sponsor is given effect, the Broomfield amendment will halt 14th amendment enforcement in its tracks for up to 18 months—6 months longer than President Nixon's proposed moratorium.

I cannot support this provision, for two reasons. First, I believe the Broomfield amendment is unconstitutional. Its provisions for extensive delay in the simplest cases contravene the Supreme Court's rulings in *Alexander* v. *Holmes* 269 U.S. 19 (1969), and *Carter* v. *West Feliciana Parish,* 396 U.S. 226 (1970), where the Court ordered immediate implementation of plans pending appeal.

> Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.

Second, I believe the Broomfield amendment's vain and unconstitutional attempt to halt all desegregation tragically distracts attention from the legitimate concerns of parents of all racial and ethnic backgrounds.

We cannot address these real concerns—the concern of minority group parents that their children will be victims of further discrimination within "desegregated" schools, the concerns of all parents that their children not be transferred to bad schools—while we debate futile legislative efforts to roll back the clock, to suspend the Constitution in hopes that the problem will disappear.

Perhaps the Broomfield amendment is "the best we can do" in this Congress. But I cannot bring myself to support this provision which pits Congress against the courts in an unconstitutional effort to sanction continued maintenance of officially imposed school segregation for an additional 18 months.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield the Senator 2 additional minutes.

Mr. MONDALE. Mr. President, I think most of us would agree that if someone offered us a bargain—to reduce our freedom of speech, our right to assemble, or our right to practice our religion in exchange for another 10 miles of super highways—we would all say, "we cannot exchange our freedoms for such considerations." The freedoms found in the Constitution, the freedoms fundamental to American life, are in a real sense noncompromisable. They are on a different level, a different plateau, and bear a different value from other disputes.

I do not think we can compromise the basic human rights even for a magnificent program of higher education such as that embodied here. Therefore, in sorrow, and not in anger, I cannot support the conference report.

Mr. President, I ask unanimous consent that a memorandum entitled "The Constitutionality of the Nixon Administration's Proposed Student Transportation Moratorium Bill," prepared by Richard T. Seymour and Lewis D. Sargentich for the Washington Research Project Action Council, be printed in the RECORD at the conclusion of my remarks. This memorandum, which discusses the constitutionality of the administration's proposed student transportation moratorium, also demonstrates the very doubtful constitutionality of the so-called Broomfield amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONDALE. Mr. President, I close by professing my profound admiration for the gifted, creative and dedicated work by the chairman of the subcommittee, the Senator from Rhode Island (Mr. PELL), the Senator from New York (Mr. JAVITS), the Senator from Colorado (Mr. DOMINICK), the Senator from Massachusetts (Mr. KENNEDY), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), and many others who worked so hard for all these years to develop one of the most impressive and creative educational proposals ever to reach this stage of the legislative process in the history of the U.S. Congress.

EXHIBIT 1

THE CONSTITUTIONALITY OF THE NIXON ADMINISTRATION'S PROPOSED STUDENT TRANSPORTATION MORATORIUM BILL

(By Richard T. Seymour and Lewis D. Sargentich)

Introduction and Contents

This memorandum discusses the proposed student transportation moratorium bill from the standpoint of the ordinary principles of Constitutional law by which the courts have traditionally passed upon the validity of legislation. Other memoranda, parts of which are still in preparation, will discuss other issues.

The questions which this memorandum seeks to answer are four:

1) Can Congress lawfully suspend the right to an integrated education while it deliberates on the second Nixon bill? See page 2.

2) Is the proposed legislation unlawfully overbroad—*i.e.*, so completely unrelated to the evils it claims to redress that it violates the Constitution, even though other, narrower legislation having a closer relationship to these evils would be upheld by the courts? See page 6.

3) Does this legislation's difference in treatment between school districts desiring to remain segregated (which are spared the need to integrate) and school districts desiring to comply with the Constitution (which can) violate the Constitution by making the enjoyment of a constitutional right turn upon a purely arbitrary decision by each school district? See page 10.

4) Does the proposed moratorium violate a 57-year string of constitutional decisions of the Supreme Court by freezing into place a segregated status quo? See page 13.

Some of the discussions on these points is as relevant to the proposed Equal Educational Opportunities bill as to the transportation moratorium bill.

I. THE CONSTITUTIONAL RIGHT TO AN INTEGRATED EDUCATION CANNOT BE SUSPENDED WHILE CONGRESS DELIBERATES

The bill seeks to suspend for a year the power of Federal courts to order any meaningful remedies[1] in dealing with *de jure* segregated schools. This is ostensibly so that Congress will have the necessary time to deliberate about the problem of school segregation and come up with appropriate remedies. The problem is that constitutional rights can no longer lawfully be suspended while a legislature contemplates means of dealing with a problem. When the Supreme Court handed down the second *Brown* decision in 1955, 349 U.S. 294, it authorized a departure from the normal rule that deprivations of constitutional rights should be remedied immediately and totally, and allowed limited delays in achieving complete desegregation if a school board could "establish that such time is necessary in the public interest" and was consistent with full compliance. 349 U.S. at 300.

As early as 1964, the Supreme Court announced that the period in which these rights could be suspended had come to an end:

"The time for mere "deliberate speed" has run out, and that phrase can no longer justify denying these Prince Edward County school children their constitutional rights to an education equal to that afforded by the public schools in the other parts of Virginia." *Griffin v. County School Board of Prince Edward County,* 377 U.S. 218, 234 (1964).

The Court reiterated this point the next year. In *Bradley v. School Board of the City of Richmond,* 382 U.S. 103, 105 (1965), it stated, "Delays in desegregating school systems are no longer tolerable." Three years later, the Supreme Court again held that these rights could no longer be suspended:

"The burden on a school board today is to come forward with a plan that promises to work, and promises realistically to work *now.*" *Green v. County School Board of New Kent County,* 391 U.S. 430, 439 (1968). *Accord, United States v. Montgomery County Board of Education,* 395 U.S. 225, 235 (1969).

In October, 1969, the Supreme Court again held that the constitutional right to an integrated education could no longer be delayed, but had to be enforced fully and immediately:

"The question presented is one of paramount importance, involving as it does the denial of fundamental rights to many thousands of school children, who are presently attending Mississippi schools under segregated conditions contrary to the applicable decisions of this Court. Against this background the Court of Appeals should have denied all motions for additional time because continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools." *Alexander* v. *Holmes County Board of Education,* 396 U.S. 19, 20 (1969).

A month and three days later, the Fifth Circuit Court of Appeals authorized a one-semester delay in the full integration of the student body in a number of school districts, although it ordered the complete and immediate integration of faculty, staff, etc. *Singleton* v. *Jackson Municipal Separate School District*, 419 F. 2d 1211 (1969). Under the name of *Carter* v. *West Feliciana Parish School Board,* 396 U.S. 290 (1970), the Supreme Court reversed the *Singleton* decision six weeks after it was entered. Justices Harlan and White, in a concurring opinion, stated that they understood *Alexander* to require that, upon a *prima facie* showing of continued segregation, . . . "plaintiffs may apply for immediate relief that will at once extirpate any lingering vestiges of a constitutionally prohibited dual school system.

* * * * *

"*Alexander* makes clear that any order so aproved should thereafter be implemented in the minimum time necessary for accomplishing whatever physical steps are required to permit transfers of students and personnel or other changes that may be necessary to effectuate the required relief." 396 U.S. at 292, 293.

Referring to two other cases, Justices Harlan and White continued:

". . . this would lead to the conclusion that in no event should the time from the finding of noncompliance with the requirements of the *Green* case to the time of the actual operative effect of the relief, including the time for judicial approval and review, exceed a period of approximately eight weeks. This, I think, is indeed the "maximum" timetable established by the Court today for cases of this kind." 396 U.S. at 293.

Justices Black, Douglas, Brennan and Marshall expressly disagreed with the conclusion of Justices Harlan and White that an eight weeks' delay in full integration would be permissible:

". . . those views retreat from our holding in Alexander v. Holmes County Board of Education, 396 U.S., at 20, 90 S.Ct., at 29, that 'the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.' " *Id.*

Footnotes at end of article.

In the unanimous decision in *Swann v. Charlotte-Mecklenburg Board of Education*, 91 S. Ct. 1267, 1275 (1971), Chief Justice Burger quoted the language of *Green* appearing above, and continued:

"This was plain language, yet the 1969 Term of Court brought fresh evidence of the dilatory tactics of many school authorities. Alexander v. Holmes County Board of Education, 396 U.S. 19, 90 S. Ct. 29, 24 L.Ed.2d 19, restated the basic obligation asserted in Griffin v. County School Board, 377 U.S. 218, 234, 84 S.Ct. 1226, 1234, 12 L.Ed.2d 256 (1964), and *Green, supra*, that the remedy must be implemented *forthwith.*"

The moratorium bill provides for a year's delay in all new court orders requiring any additional or any different student transportation, and affects equally every school district in the country whether it be a rural, two-school district with a total of 120 students or a large metropolitan district such as Richmond. Independently of the constitutional issues of overbreath discussed in the succeeding section, the moratorium bill violates the strong policy, to which the courts have time and again addressed themselves, for closely tailoring the remedy in a school desegregation case to the particular problems and needs of particular school districts.[2]

Under the last eight years of controlling decisions, the delay sought by this bill is in clear conflict with the Constitution, a conflict that appears in even starker relief by the stay's lack of relation to any consideration of differing degrees of administrative burden and of differing types of court orders in differing kinds of school districts.

II. THE PROPOSED BILL IS UNCONSTITUTIONALLY OVERBROAD

The student transportation moratorium bill is purportedly directed at the physical and educational harm to children caused by excessive busing. If the legislation were closely linked to the prevention of such harm, it could well be upheld by the courts. The Nixon proposals, however, are a blunderbuss approach that reach all student transportation and have not the remotest links to the degree of harm present in any particular situation.

The articulation of the purported goals of this legislation in the "findings" of Section 2 cannot save the legislation if it is otherwise overbroad. Since this bill affects fundamental rights, the constitutional standard by which it must be judged is that enunciated in *Bates v. City of Little Rock*, 361 U.S. 516, 525 (1960):

"But governmental action does not automatically become reasonably related to the achievement of a legitimate and substantial governmental purpose by mere assertion in the preamble of an ordinance. When it is shown that state action threatens significantly to impinge upon constitutionally protected freedom it becomes the duty of this Court to determine whether the action bears a reasonable relationship to the achievement of the governmental purpose asserted as its justification."

And again, in *Shelton v. Tucker*, 364 U.S. 479, 488 (1960) (footnotes omitted):

"In a series of decisions this Court has held that, even though the governmental purpose be legitimate and substantial, the purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved. The breadth of legislative abridgment must be viewed in the light of less drastic means for achieving the same basic purpose."

"In *N.A.A.C.P. v. Button*, 371 U.S. 415, 438 (1963), the Court stated:

Precision of regulation must be the touchstone in an area so closely touching our most precious freedoms."

And yet again, in *United States v. Robel*, 389 U.S. 258, 265 (1967):

"When Congress' exercise of one of its enumerated powers clashes with those individual liberties protected by the Bill of Rights, it is our delicate and difficult task to determine whether the resulting restriction on freedom can be tolerated."

There, the statute was invalid because Congress could have used "less drastic" means of achieving a valid legislative goal. 389 U.S. at 268. Similarly, in *Dean Milk Co. v. City of Madison, Wisconsin*, 340 U.S. 349, 354 (1951), the Court struck down an overbroad milk inspection ordinance, since reasonable alternatives", having a lesser impact on interstate commerce, were available.

As recently as March 21, the Court reaffirmed these principles in invalidating Tennessee's durational residency requirement for voting:

"It is not sufficient for the State to show that durational residence requirements further a very substantial state interest. In pursuing that important interest, the State cannot choose means which unnecessarily burden or restrict constitutionally protected activity. Statutes affecting constitutional rights must be drawn with 'precision,' *NAACP v. Button* 371 U.S. 419, 438 (1963); *United States v. Robel*, 389 U.S. 258, 265 (1967), and must be 'tailored' to serve their legitimate objectives. *Shapiro v. Thompson, supra*, 394 U.S., at 631. And if there are other, reasonable ways to achieve those goals with a lesser burden on constitutionally protected activity, a State may not choose the way of greater interference. If it acts at all, it must choose 'less drastic means.' *Shelton v. Tucker*, 364 U.S. 479, 488 (1960)." *Dunn v. Blumstein*, 40 U.S. Law Week 4269, 4273 (March 21, 1972).

How fare the Nixon proposals under these standards? Very poorly. For example:

1. School District A, which has never made any efforts to desegregate but which could be completely integrated by a paring or other plan that would require some busing. Even if no student would have to ride for more than ten minutes, the Administration bill would prohibit the court from issuing the order.

2. School District B, which has been attempting to comply with *Brown v. Board of Education* for years, but which has so far been given a bit more lenience by the local Federal district court than the law allows. It has just one final step to take in order to be in full compliance but this step involves a restructuring of the existing student transportation. Fewer students will be bused and the average ride will be shorter, but the new plan involves busing some students not now being bused. Others now being bused would no longer be bused under the new plan. The Administration bill prohibits a court from ordering the final step, even if the court found that the new plan would be *better* for the health and well-being of the children involved than the existing plan.

3. School District C, run by segregationist diehards, has only two schools, a block from each other. Since it's a rural district, it has always had a fair amount of busing. But it has never allowed black children to ride on the same school bus with whites and, even though all whites needing transportation are bused, a fair number of black children are forced to walk miles to school each day, while they're passed by half-empty "white" school buses. The Nixon bill would prohibit a court from ordering the school district to pick up these black children.

4. School District D, which is operating under a final desegregation plan involving some busing, finds that a new black family has moved into the district. Under the Nixon bill, it could refuse to pick up the new black family's children pursuant to the *existing* plan, and a United States court would be powerless to do anything about it.

5. School District E, operating under a plan that allows students to transfer from a school in which their race is a majority to one in which their race is in a minority, refuses to allow such majority-to-minority transfers after the effective date of the Nixon bill. Even if a student trying to volunteer to transfer was already being bused, the Nixon bill deprives the Federal court of the power to order compliance with the existing transfer provision. The proposed legislation does nothing to prohibit "harmful" levels of busing in existing orders—assuming that such levels have ever been ordered. Nor does the legislation forbid a school board to volunteer a plan that would require such "harmful" levels of busing. It does prevent a student from volunteering to be bused in order to enjoy an integrated education.

The legislation under consideration, then, forbids far more desegregation than its announced purposes require, and leaves intact some of the claimed evils it purports to redress. It has the same constitutional infirmities as the Tennessee voter residency statute struck down March 21:

"Similarily, the durational residence requirements in this case founder because of their crudeness as a device for achieving the articulated state goal of assuring the knowledgeable exercise of the franchise. The classifications created by durational residence requirements obviously permit any long-time resident to vote regardless of his knowledge of the issues—and obviously many long-time residents do not have any. On the other hand, the classifications bar from the franchise many other, admittedly new, residents who have become minimally, and often fully, informed about the issues." *Dunn v. Blumstein*, 40 U.S. Law Week 4269, 4278.

There is little room for doubt that the Administration transportation moratorium bill falls fatally short of "the exacting standard of precision we require of statutes affecting constitutional rights", *Dunn, supra* at 4279.

III. THE EXCEPTION FOR SCHOOL DISTRICTS VOLUNTEERING TO OBEY THE CONSTITUTION IS AN UNCONSTITUTIONAL LEGISLATIVE CLASSIFICATION MAKING THE AVAILABILITY OF A CONSTITUTIONAL RIGHT TURN UPON A PURELY ARBITRARY DECISION BY EACH SCHOOL DISTRICT

Section 3(c) of the student transportation moratorium bill allows a school district to make a free-will offering to the Founding Fathers. Section 405 of the Equal Educational Opportunities bill has an identical provision. If a school district *wants* to desegregate, by means involving additional or different busing, the Administration bills will not block its way. A prohibition of a school district's voluntary obedience to the Constitution would be even more glaringly unconstitutional,[3] but the effort to evade this problem chosen by the drafters runs afoul of perhaps the two most frequently enforced constitutional principles: that legislative classifications affecting fundamental rights have some compelling basis, *Bates v. City of Little Rock*, 361 U.S. 516, 524 (1960),[4] and that the enjoyment of constitutional rights cannot be made to turn upon arbitrary decisions.

The Supreme Court most recently articulated the standards it uses in evaluating such classifications under the Equal Protection Clause[5] in *Dunn v. Blumstein*, 40 U.S. Law Week 4269 (March 21, 1972). Discussing Tennessee's durational residence requirements for voting, which the court held to be unconstitutional, the decision stated:

"Durational residence laws penalize those persons who have traveled from one place to another to establish a new residence during the qualifying period. Such laws divide residents into two classes, old residents and new residents, and discriminate against the latter to the extent of totally denying them

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Footnotes at end of article.

the opportunity to vote. The constitutional question presented is whether the Equal Protection Clause of the Fourteenth Amendment permits a State to discriminate in this way among its citizens.

"To decide whether a law violates the Equal Protection Clause, we look, in essence, to three things: the character of the classification in question; the individual interests affected by the classification; and the governmental interests asserted in support of the classification." 40 U.S. Law Week at 4271 (footnote omitted).

This proposed legislation seeks to divide all black school children into two classes: those attending school in school districts which wish to obey the Constitution, and those attending school in districts that prefer to continue each of the remaining vestiges of discrimination, the elimination of which would require some degree of student transportation. The consequence of what district a black child attends is severe: in the first, he will obtain full and immediate enjoyment of his constitutional rights; in the second, his rights will be suspended for a year or, perhaps, be lost altogether.

The only difference that accounts for such a total disparity in the enjoyment of a constitutional right is the choice of the school board. The proposed legislation establishes no standards for a school board to follow in deciding how to exercise its choice: *a decision based upon whim or caprice, or based upon the sentiment that black children are inherently inferior, is fully acceptable under the Nixon plan.* The children in both types of school systems are equally entitled to redress, and any legislative scheme that conditions the enjoyment of constitutional rights on so unprincipled a pivot must fall. The language of the Court in *Yick Wo v. Hopkins.* 118 U.S. 356, 366–367 (1886) is telling:

"We are consequently constrained, at the outset, to differ from the supreme court of California upon the real meaning of the ordinances in question. That court considered these ordinances as vesting in the board of supervisors a not unusual discretion in granting or withholding their assent to the use of wooden buildings as laundries, to be exercised in reference to the circumstances of each case, with a view to the protection of the public against the dangers of fire. We are not able to concur in that interpretation of the power conferred upon the supervisors. There is nothing in the ordinances which points to such a regulation of the business of keeping and conducting laundries. They seem intended to confer, and actually do confer, not a discretion to be exercised upon a consideration of the circumstances of each case, but a naked and arbitrary power to give or withhold consent. . . . [If a mandamus action were brought against supervisors who had arbitrarily withheld their consent,] it would be a sufficient answer for them to say that the law had conferred upon them authority to withhold their assent, without reason and without responsibility. The power given to them is not confided to their discretion in the legal sense of that term, but is granted to their mere will. It is purely arbitrary, and acknowledges neither guidance nor restraint."

And, at 369–70:

"When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power." *Accord, e.g.; Gulf, C.&S. F. Ry. Co. v. Ellis,* 165 U.S. 150, 155, 159–60 (1897); *McLaughlin v. Florida,* 379 U.S. 184, 190–91 (1964).

The conclusion of the Supreme Court in striking down the San Francisco ordinance serves as well to indict the "free will" classification of the two Administration bills:

". . . [I]n the famous language of the Massachusetts bill of rights, the government of the commonwealth 'may be a government of laws and not of men.' For the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself."

IV. THE BILL WOULD FREEZE INTO PLACE A SEGREGATED STATUS QUO

The justification for the transportation moratorium bill rests in large part upon the purported finding that it is necessary to freeze the power of the courts to order any school desegregation remedies involving new busing, in order to preserve the status quo while Congress deliberates on the problem of school desegregation and the provision of remedies therefor.

The constitutional flaw in this approach is that it is a segregated status which would be frozen into place over the next year. Supreme Court decisions in both the voting and the school areas have held that any action which results in this kind of "freeze" of discrimination[6] is unlawful. In *Guinn* v. *United States,* 238 U.S. 347 (1915), the Supreme Court invalidated Oklahoma's "grandfather clause", which had attempted to evade the Fifteenth Amendment's prohibition of voting discrimination by limiting voting eligibility to those who were qualified to vote under Oklahoma law just prior to the adoption of the Fifteenth Amendment, and to their lineal descendants. This legislation "froze" the prior discrimination in place, and was therefore struck down. Twenty-four years later, the Court faced a second attempt by Oklahoma to freeze the status quo of past discrimination by preserving for their lifetimes the voting privileges enjoyed by white citizens prior to the *Guinn* decision, while imposing new and onerous registration requirements on all persons who had not previously been voters. The Oklahoma statute was struck down. *Lane* v. *Wilson,* 307 U.S. 268, 276 (1939) (Frankfurter, J.). And in 1965, the Supreme Court held that Louisiana could be enjoined from enforcing a new voter-qualification test for new registrants, even though no attack was made on the constitutionality of the new test, because it was more onerous than prior standards and because it did not apply to voters who had previously registered. Since the previous registrants were white, the Court held that this statute would freeze the status quo of past discrimination, and that it could not be enforced. *Louisiana* v. *United States,* 380 U.S. 145, 154–56 (1965).

In addition, the Court held in *Alexander* v. *Holmes County Board of Education,* 396 U.S. 19 (1969), that the process of staying the implementation of a plan providing for full desegregation froze the status quo of past discrimination, even if for only a short period, and that school districts were constitutionally required to desegregate first, and litigate later. And less than a year ago, the Court again held that each formerly dual school system must eliminate racial discrimination "root and branch":

"In this remedial process, steps will almost invariably require that students be assigned "differently because of their race." See Swann v. Charlotte-Mecklenburg Board of Education, No. 281, 402 U.S. 1, 91 S. Ct. 1267, 28 L. Ed. 2d —; Youngblood v. Board of Public Instruction, 430 F. 2d 625, 630 (C.A. 5, 1970). *Any other approach would freeze the status quo that is the very target of all desegregation processes." McDaniel* v. *Barresi,* 402 U.S. 39 (1971) (emphasis supplied).

Under this unbroken, 57-year string of Supreme Court decisions, it is clear that any governmental action freezing the status quo of prior discrimination, even if the freeze be only temporary as in *Alexander* and *Carter,* violates the Constitution.

FOOTNOTES

[1] Virtually every meaningful remedy for segregated schools—pairing, zoning, educational parks, etc.—necessarily involve some degree of student transportation. And the vast majority of school districts, which have traditionally used some degree of student transportation for reasons unrelated to desegregation, cannot possibly have any level of desegregation that does not involve some change in transportation. A prohibition of student transportation, therefore, strikes at the jugular vein of school desegregation and makes any meaningful remedy impossible.

The proposed bill not only prohibits the transportation of any child who was not being transported prior to its effective date, but also prohibits assigning to a different school any child who is presently being transported for any reason. The bill thus immunizes from new pupil assignment orders more than 40% of the students in the country—those who have to take a school bus in order to get to school anyway.

[2] This policy was expressed most clearly in the second *Brown* decision, 349 U.S. 294, 299–30 (1955) (footnotes omitted):

"Full implementation of these constitutional principles may require solution of varied local school programs. School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts will have to consider whether the action of school authorities constitutes good faith implementation of the governing constitutional principles. Because of their proximity to local conditions and the possible need for further hearings, the courts which originally heard these cases can best perform this judicial appraisal. Accordingly, we believe it appropriate to remand the cases to those courts.

"In fashioning and effectuating the decrees, the courts will be guided by equitable principles. Traditionally, equity has been characterized by a practical flexibility in shaping its remedies and by a facility for adjusting and reconciling public and private needs. These cases call for the exercise of these traditional attributes of equity power. At stake is the personal interest of the plaintiffs in admission to public schools as soon as practicable on a nondiscriminatory basis. To effectuate this interest may call for elimination of a variety of obstacles in making the transition to school systems operated in accordance with the constitutional principles set forth in our May 17, 1954 decision. Courts of equity may properly take into account the public interest in the elimination of such obstacles in a systematic and effective manner. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them."

In *Green* v. *County School Board of New Kent County,* 391 U.S. 430, 439, the Court stated:

"The obligation of the district courts, as it always has been, is to assess the effectiveness of a proposed plan in achieving desegregation. There is no universal answer to complex problems of desegregation; there is obviously no one plan that will do the job in every case. The matter must be assessed in light of the circumstances present and the options available in each instance. It is incumbent upon the school board to establish that its proposed plan promises meaningful and immediate progress toward disestablishing state-imposed segregation. It is incumbent upon the district court to weigh that claim in light of the facts at hand and in light of any alternatives which may be shown as feasible and more promising in their effectiveness."

In *Montgomery County,* 395 U.S. at 235, the Court again stated its adherence to the policy that "in this field the way must always be left open for experimentation." The courts deciding remedial questions are to be: "Local courts so far as practicable, those courts to be guided by traditional equitable flexibility to shape remedies in order to adjust and reconcile public and private needs." 395 U.S. at 227.

This policy was strongly endorsed by Chief Justice Burger in *Swann,* 91 S. Ct. at 1276:

"If school authorities fail in their affirmative obligations under these holdings, judicial authority may be invoked. Once a right and a violation have been shown, the scope of a district court's equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies.

"The essence of equity jurisdiction has been the power of the Chancellor to do equity and to mould each decree to the necessities of the particular case. Flexibility rather than rigidity has distinguished it. The qualities of mercy and practicality have made equity the instrument for nice adjustment and reconciliation between the public interest and private needs as well as between competing private claims." Hecht Co. v. Bowles, 321 U.S. 321, 329–330, 64 S. Ct. 587, 592, 88 L. Ed. 754 (1944), cited in *Brown II, supra,* 349 U.S. at 300, 75 S. Ct. at 756."

[3] *North Carolina State Board of Education* v. *Swann,* 91 S.Ct. 1284 (1971).

[4] This is especially true where, as here, the legislation gives local school districts the option to maintain their classification of students based on race. A long line of Supreme Court decisions have held such classifications to be inherently "constitutionally suspect", and subject to the "most rigid scrutiny". *E.g., McLaughlin* v. *Florida,* 379 U.S. 184, 192 (1964); *Bolling* v. *Sharpe,* 347 U.S. 497, 499 (1954); *Korematsu* v. *United States,* 323 U.S. 214, 216 (1944); *Anderson* v. *Martin,* 375 U.S. 399 (1964); *Watson* v. *City of Memphis,* 373 U.S. 526 (1963).

[5] The due process clause of the Fifth Amendment is coextensive with the Equal Protection Clause of the Fourteenth Amendment in the area of school desegregation. *Bolling* v. *Sharpe,* 347 U.S. 497 (1954).

[6] The Fifth Circuit explained the concept of freezing the status quo of discrimination in the *United States* v. *Duke,* 332 F.2d 759, 768–69 (1964):

"While theoretically applicable to all, these new requirements primarily affect those who bore the brunt of previous discriminations and tend to maintain the position of advantage which one class has already obtained over the other. . . .

"It may be said that when illegal discrimination or other practices have worked inequality on a class of citizens and the court puts an end to such a practice but a new and more onerous standard is adopted before the disadvantaged class may enjoy their rights, already fully enjoyed by the rest of the citizens this amounts to "freezing" the privileged status for those who acquired it during the period of discrimination, and "freezing out" the group discriminated against."

The three-judge court in *United States* v. *Louisiana,* 225 F.Supp. 353, 393 (E.D. La., 1963), *affirmed,* 380 U.S. 145 (1965), stated:

"A court of equity is not powerless to eradicate the effects of former discrimination. If it were, the State could seal into permanent existence the injustices of the past."

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, I suggest the absence of a quorum, on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. MONDALE. Mr. President, will the Senator yield me 2 minutes.

Mr. PELL. I yield.

Mr. MONDALE. I thank the Senator. For the purpose of legislative history, I would like to ask the manager of the conference report, the distinguished Senator from Rhode Island, about the intent of section 961 in the conference report. Am I correct that this section, which reflects a similar provision in the Senate bill, is specifically designed to authorize the Department of Health, Education, and Welfare to assume the administration of the highly successful CLEO program which, in 3 years, has assisted approximately 1,000 students from disadvantaged background in gaining admittance to law school?

Mr. PELL. The Senator is correct. The CLEO program is currently being jointly funded and administered by OEO and HEW through the Council on Legal Education Opportunity. The transfer to HEW, which this section will provide, is supported by the administration.

Mr. MONDALE. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be taken out of the time of the Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I yield 2 minutes to the distinguished Senator from Louisiana (Mr. LONG).

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

FORCED BUSING

Mr. LONG. Mr. President, a national newspaper, the National Enquirer, recently devoted nearly three full pages of space in three separate issues to the question of school busing. I am on record as opposing the forced busing of children to achieve racial balancing and very much in favor of a constitutional amendment to prevent this injustice.

The National Enquirer ran both sides of the issue. A letter written by my distinguished colleague, Senator GEORGE MCGOVERN, was in favor of school busing. The newspaper asked me to present my views and our letters ran side by side.

In addition, other issues of the National Enquirer presented the views of two Members of the House of Representatives and two prominent educators on this question. A ballot was printed in each issue, asking the readers to express their sentiments.

Mr. President the first result of this nationwide poll is overwhelmingly against school busing. After a third weekly tally of ballots, the total of 11,270 received by the newspaper through May 5 shows that 98.4 percent registered a protest against forced busing of little children to achieve racial balancing of our public schools.

A total of 11,094 were against busing, with only 176 in favor of it. That is an astounding ratio of more than 73 to 1 against busing.

Mr. President, I might point out that the National Enquirer took no sides on the question, but rather presented the pro and con statements to help its readers form an opinion.

I would like to commend the National Enquirer for its efforts and its interest in how readers feel about such issues. This kind of journalistic curiosity is a credit to the Fourth Estate and certainly a help to this Congress. The huge national circulation of this publication—over 3,200,000—and its distribution through supermarkets and other places handy to everyone provide a good barometer of public opinion against forced school busing.

I ask unanimous consent that the excerpt from the April 23, 1972, issue of the National Enquirer be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

ENQUIRER READER POLL ON FORCED SCHOOL BUSING

This is another Enquirer opinion poll. We believe your opinion is important and that you should have an opportunity to express your views on the vital issues of the day. We take no side on these issues, but we do provide space for expert opinions both for and against every question. And we also present, impartially, a brief summary of the issues and events surrounding each question. Then you tell us what you think by completing the ballot which appears at the bottom of this page and mailing it to The Enquirer. As soon as the ballots are counted, we will publish the results. So speak out. Make your opinion heard.

THE FACTS

One of the most hotly disputed issues of the day is the forced busing of school children to achieve racial balance in our public schools. Legislators, clergymen, educators and ordinary citizens have lined up on both sides of this issue. Both blacks and whites have publicly spoken out on both sides of this question.

An amendment to the U.S. Constitution has been introduced in Congress that would prevent busing to achieve integration. In one state—Florida—voters have had a chance to register their feelings on a proposed anti-busing amendment in a straw vote on March 14. By a margin of nearly 3 to 1 (1,096,025 for, 384,303 against) the voters endorsed the idea of an anti-busing amendment.

Now, The Enquirer extends the chance to people in all 50 states to make their opinion known on this important question.

FOR

DEAR ENQUIRER READER: All of my political life I have fought for the principle and the practice of integrated schools, based on simple justice and the unanimous view of all who have studied the problem that integrated education is better for the children and the community. I will not change that position, regardless of the political cost.

I believe that school busing and redistricting, as ordered by the federal courts, are among the prices we are paying for a century of segregation in our housing patterns. For more than a generation, black children were bused to avoid integrated schools, and one of the more cynical aspects of our present debate is that President Nixon, seeking to make political capital of this difficult situation, is ignoring history and asking the nation to believe this problem began yesterday.

Talk about a Constitutional amendment to prevent busing is sheer demagoguery, whether it comes from Governor Wallace or the President. This is an attempt to divert Americans from the enormous frustrations which now beset us. An anti-busing amendment will not bring our POWs home one day sooner from Vietnam. It will not make our income or property tax system any less unfair. It will not put a single unemployed American back to work, nor will it take one milligram of filth from our air or water. All it will do is to increase racial tension and despair.

We would be better served if the President announced, as I have, that he intends to enforce the law, and not turn Americans against their neighbors on this issue. Then we could all turn our attention to the real problem: How to achieve quality education at the end of the bus line, and neighborhood schools in neighborhoods in which every American can live.

Senator GEORGE MCGOVERN.

AGAINST

DEAR ENQUIRER READER:

I feel it is idiotic and discriminatory to bus children around the countryside to achieve some misguided do-gooder's concept of racial balance.

In 1954, the Supreme Court decision meant to me that every child was entitled to go to the school nearest his home. The logic of that decision was that it was discriminatory to tell a child that he could not go to a particular school because of his race.

Now in 1972, that's exactly what the courts are ordering to achieve racial balance—telling children that they cannot go to a particular school near their home because of their race. It is discriminatory and an outrage to send children 20 or 30 miles from their homes in bad weather and across dangerous intersections, to achieve someone's social aim.

I have yet to find a parent—black or white—whose child is being bused for several hours a day, who approves of forced school busing. The only people who want it are the intellectuals and even they don't want it for their own children.

A good education for every child should come first. It's far better to spend our money on teachers and building better classrooms than to spend it on buses and drivers which contribute nothing to a child's education. The only logical answer is to say that every child is entitled to go to the school nearest his home and that if he does not want to go nearest his home, he can go wherever he pleases.

I am very much in favor of a Constitutional amendment which would prevent forced school busing. And I believe that if the Congress approves this amendment, the voters in each state will make their feelings known so strongly that this amendment will be ratified with record-breaking speed.

Senator RUSSELL LONG.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I again suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, how much time remains to the manager of the bill?

The PRESIDING OFFICER. Six minutes remain to the Senator from Rhode Island, and 12 minutes remain to the Senator from New York.

Mr. JAVITS. Mr. President, I yield 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes.

Mr. CHILES. Mr. President, I understood that under the previous unanimous-consent agreement I was to be recognized for up to 15 minutes prior to the time of the vote.

Mr. PELL. The Senator is absolutely correct. He has already spoken for 2 minutes. That means that he has 13 minutes remaining. We have to vote at 3:30 this afternoon.

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from Florida.

Mr. PELL. Mr. President, I yield the remainder of my time to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 11 minutes.

Mr. CHILES. Mr. President, I thank the Senators. I do not think I will use all the time.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Florida yield me 2 minutes, with the understanding that he get the time back? It may not take me that long.

Mr. CHILES. With that understanding, I yield to the Senator from West Virginia.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972 AND FISHERMAN'S PROTECTIVE ACT—UNANIMOUS-CONSENT REQUEST

Mr. ROBERT C. BYRD. Mr. President, with the authorization of the majority leader and having discussed the following request with the assistant Republican leader and with the Republican leader and other Senators, I propose the following unanimous-consent request.

I ask unanimous consent that the following limitations on the following amendments to the unfinished business, the State authorization bill, be agreed to:

That on amendment No. 1203 offered by the Senator from Pennsylvania (Mr. SCOTT) there be a 1-hour limitation.

That on amendment No. 1201 offered by the Senator from Tennessee (Mr. BAKER) there be a 1-hour time limitation.

That on amendment No. 1196 offered by the Senator from Virginia (Mr. HARRY F. BYRD, JR.) there be a 2-hour limitation.

That on amendment No. 1174 offered by Mr. BROOKE, there be a 2-hour time limitation.

That on amendment No. 1176, offered by the Senator from Colorado (Mr. DOMINICK), there be a time limitation of 1½ hours.

That on an amendment to be offered by the Senator from Illinois (Mr. PERCY), there be a time limitation of 1 hour.

That on the bill, H.R. 7117, there be a time limitation of 1 hour.

That the time on each amendment be equally divided between and controlled by the mover of the amendment and the manager of the State authorization bill.

That with respect to the bill, H.R. 7117, the time be equally divided between the Senator from Washington (Mr. MAGNUSON) and the Republican leader or his designee.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, reserving the right to object——

Mr. JAVITS. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Michigan has been recognized.

Mr. GRIFFIN. Mr. President, I believe that it would be helpful if the bill which the Senator referred to by number could be identified by title.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield me an additional 2 minutes with the same understanding?

Mr. CHILES. With the same understanding, I yield 2 minutes to the Senator from West Virginia.

Mr. ROBERT C. BYRD. H.R. 7117 is an act to amend the Fisherman's Protective Act of 1967. It is Calendar No. 736.

Mr. GRIFFIN. Mr. President, I must say that I did not realize this earlier. However, the Senator from Texas (Mr. TOWER) has an amendment to offer to that bill. I do not know what time limitation he would agree to. For the time being, could we eliminate that portion of the request.

Mr. ROBERT C. BYRD. Mr. President, for the time being I withdraw that portion of the unanimous-consent request.

Mr. JAVITS. Mr. President, reserving the right to object, may we know whether this would foreclose other amendments to the State authorization bill?

Mr. ROBERT C. BYRD. It would not.

Mr. JAVITS. Is any time limitation sought to be put on any other amendments?

Mr. ROBERT C. BYRD. No.

Mr. JAVITS. Just those that have been enumerated?

Mr. ROBERT C. BYRD. The Senator is correct.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from West Virginia?

Mr. HUGHES. Mr. President, reserving the right to object, and I do not wish to object——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time not be charged against the time of the Senator from Florida.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. CHILES. Mr. President, we are approaching the 3:30 p.m. deadline.

Mr. HUGHES. Mr. President, something has arisen since my conference with the majority whip. I would like to request that he withhold his request to give me an opportunity to talk to him for a couple of minutes. I would rather not do it in colloquy if that is possible.

Mr. ROBERT C. BYRD. Mr. President, I withdraw my request for the time being, and I ask unanimous consent that the time of the Senator from Florida be allotted a full 15 minutes prior to the rollcall vote.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. JAVITS. Mr. President, reserving the right to object, I do not think we have enough time remaining between us. We have no requests for speakers. I am willing to yield all the time that I have remaining, with the exception of 2 minutes, to the Senator from Florida.

Mr. CHILES. That will be sufficient.

EDUCATION AMENDMENTS OF 1972—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education, the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

Mr. CHILES. Mr. President, in discussing the conference report, we are of course talking about a number of important subjects encompassed in this conference report.

I think that the conference committee has done some yeoman work in bringing back to the Senate a report that they could reach agreement on with the conferees. I compliment the chairman of the Senate conferees as well as the other members of the Senate conferees for being able to reach some agreement.

Mr. President, I think the distinguished Senator from Rhode Island has performed a great task in coming back to the Senate with a report.

Mr. President, in May of 1971, I introduced S. 1755, a bill to establish a student loan marketing association, and S. 1756, a bill to strengthen the student insured loan program.

The program provides for student loans. The program for insured loans is excellent. However, it did and does need some adjustment.

Over the past 5 years it has gone from $77 million in 1966 to $863 million in the first 9 months of fiscal year 1971.

In 1970, there were 921,896 students receiving assistance from this program. And dollar for dollar the taxpayers' money goes to providing more students with a guaranteed student loan program than any other form of student loan assistance.

It is also important because it provides that students can get assistance under the main requirements having to do with poverty and those having to do with their needed amount of economic assistance. Yet with the high cost of tuition and the high cost of obtaining a college education, for many students in the lower middle class and the middle class this is the only way they have an opportunity to obtain an education. They will eventually pay the money back into the program and it can be reused.

The changes in the bill are essential. Their provisions would enable more students and more leading institutions to join together and help insure that the financial barriers to higher education will become less and less significant.

I believe that the student loan sections of the conference report will get the federally insured loan program to more students by removing many hitches in the current law, encourage many more lending institutions to participate, and multiply the number of outlets through which to obtain insured loans.

Many banks, while acknowledging that the program is valid and that they would like to participate, because the period of these loans is for 10 years and because they cannot turn over their loans to commercial banks, do not want to have paper they cannot turn over for 10 years, and they have failed to come under the program or they have done so on a limited basis. Therefore, they have not provided the resources they would have provided if we set up a marketing situation so they could market these loans as they will be able to do so if the bill becomes law.

The enactment of this legislation is of tremendous importance to the young people and the colleges themselves.

Mr. President, another section of the conference report to which I lend my strong support is the language that provides where a local school district may be in violation of the law with regard to Federal funds, a technical or inadvertent violation, and where the violation is clearly unintentional, the school district will be given the opportunity to correct the situation and not lose the Federal funds or the right to obtain Federal funds under the emergency integration portions of the loan or be required to pay back money it has already received, as happened in some school districts, because of technical or minor violations of sections of the program.

I think the conference report adds clarity to that section and evidences the congressional intent that we are not going to allow these Federal funds under the impact program to be used to foster segregation, but at the same time we are not going to work a penalty on a school board, because of an inadvertent violation of one of these provisions.

Mr. President, before I come to the most controversial section of the conference report I wish to touch on one other section that I think adds greatly to the present law. I refer to the provision having to do with the impact funds for segregation for trying to help an area that is trying to enter into its plan for integration, that provides that where districts are under a court order, being under that court order itself is sufficient reason if they are trying to comply and carry out the terms of that order, and they will be eligible for emergency funds without having to go through further requirements as to whether or not HEW would like to add something to the court-imposed plans. Where the district is under a court order and is attempting to comply, and requests funds to comply with that order, HEW would not be able to add additional requirements. That is a great benefit to the present law.

With respect to provisions having to do with busing, many of us are not happy with the provisions that come forth from the conference committee, but what we have to look at is not whether we are satisfied that this is our answer to busing or to stop busing, but I think we have to look at what we were able to pass in the Senate, what the House passed, and what came out of the conference committee. When one looks at that, it will be seen the conference report should be agreed to. Certainly, it should be from the standpoint of the Senator from Florida because there are several provisions in the report of benefit to our State in this regard.

Had the Ashbrook amendment, which is the House provision, been agreed to, it would have cut off all Federal funds to be used for busing. What would that have done in Florida and in the South? In my State we are under a court order to bus and we have to bus, but that measure said we could not use Federal funds to comply with that order. That would have meant that the city of Jacksonville and other cities in Florida would have had to bus, but they would have to use local tax dollars to buy the buses and not use Federal dollars, so it would have meant an increasing burden on the taxpayers, who are the prime source of revenue. It would have placed that intolerable burden on the district, in addition to the burden of busing under the conference report, if the school board requests in writing the use of Federal funds for the purpose of carrying out a busing order. Then, they would be able to use these funds. That is a benefit to my State rather than having the Ashbrook amendment, which would have stopped busing, but it would have prevented us from using any of the Federal funds.

Mr. President, in addition, I think the language of the Talmadge amendment which is in the report, which states for the first time that where busing is now going on a parent can reopen a suit if they can show the time or distance is so great or that the educational opportunities are unequal as a result of busing, is the first time it appears to me to give some recognition to Florida and the South where busing is going on, and we would be treated somewhat similar to all others. Some seem ready to act to stop future busing and to put into effect the Swann decision, which has to do with future busing, but gave no relief to present busing. The Talmadge amendment is a part of this conference report and would offer some relief.

While I would like to write antibusing provisions so that they would be uniformly applied, I think the report, on balance, is positive in that respect and the conference report overall should be agreed to. I support the conference report.

Mr. JAVITS. Mr. President, I yield to the Senator from Rhode Island.

Mr. PELL. Mr. President, I rise to urge my colleagues of all political persuasions and viewpoints to join together in supporting the conference report, which covers such a broad spectrum. I think that a large and overwhelming supportive vote in the Senate will play a great role in the deliberations in the House when they consider this matter. I ask for that support.

Mr. JAVITS. Mr. President, as I have maintained for 2 days of debate on the conference report, this is a magnificent education bill. However, it is terribly unfortunate that it is marred by unjust, oppressive, unconstitutional, as well as legally vague provisions construed by those who offered them in the other body, and by the managers, as "antibusing."

I close with the feeling that I have expressed constantly that the vote is a matter of deep conviction by each individual as to which preponderates, the unjust provision to which I have referred or the benefit of a great education bill. I have chosen the first course. I shall vote "No" on the report. In addition, I would like to urge the highest priority in the litigation which will test this provision.

The committee invites it and I am very pleased the managers do not construe the Bloomfield amendment to be retrospective but prospective. The committee invites early judicial consideration; I do, too.

I will face no happier day than the day the Supreme Court settles this question and strikes down the amendment and leaves us all to enjoy the great benefits that inhere in this bill.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 2 minutes before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I take the floor at this time, by authorization of the able majority leader, to announce, first of all, that there will be at least one more rollcall vote today.

Mr. STENNIS. Mr. President, may we have order? We cannot hear.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. After the adoption of the conference report, there will be at least one further rollcall vote today.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the disposition of the conference report, the Senate proceed to the consideration of amendment No. 1203 by Mr. SCOTT to the State Department authorization bill, and that there be a limitation of 1 hour on that amendment, to be equally divided between the distinguished author of the amendment and the distinguished manager of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that there will be a rollcall vote on that amendment.

Then I ask unanimous consent that on the following amendments there be time limitations as stated. I do this by direction of the majority leader, having discussed it with the distinguished Republican leader and the distinguished assistant Republican leader.

Mr. President, I ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on amendment No. 1201 by Mr. BAKER, there be a limitation of 1 hour—these are amendments to the unfinished business, the State authorization bill—that on amendment No. 1196 by Mr. HARRY F. BYRD, JR., there be a time limitation of 2 hours; that on an amendment by Mr. BROOKE (No. 1174) there be a limitation of 2 hours; that on amendment No. 1176 by Mr. DOMINICK, there be a time limitation of 1½ hours; that on an amendment by Mr. PERCY, the number of which I do not now have, there be a time limitation of 1 hour. In each case the time limitation is to apply at such time as the amendment is called up.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, what is going to happen if any amendments are offered to any of those amendments?

Mr. ROBERT C. BYRD. Mr. President, that is a very pertinent question. I think it was appropriate for the Senator to raise the question.

I ask unanimous consent that time on any amendment to an amendment be limited to 30 minutes, and the same with respect to any debatable motion or appeal.

Mr. JAVITS. That does not exclude motions to table?

Mr. ROBERT C. BYRD. It does not.

The PRESIDING OFFICER. Is there objection to the several requests?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object, because all these requests have been cleared, as the distinguished majority whip has indicated—I want to make it clear, however, to some of our colleagues who have inquired of me that these amendments do not involve any of the so-called end-the-war amendments. The Senator from Massachusetts (Mr. BROOKE) has one, but the one the Senator referred is not another amendment that he has in that category.

Mr. CASE. Mr. President, reserving the right to object——

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. I am sorry I was not here when the Senator read his request, but I understand it may include a vote tomorrow on the Dominick amendment, so-called.

Mr. ROBERT C. BYRD. In reply to the able Senator, it would be the intention of the majority leader or myself later today to ask unanimous consent to clock these amendments into sequence.

It would be our intention to ask that the Senate tomorow, after routine morning business, take up the Fisherman's Protective Act of 1967, H.R. 7117; with that to be followed, on the Foreign Relations Authorization Act, by the amendment by Mr. BAKER (No. 1201); to be followed by the amendment by Mr. DOMINICK (No. 1176). That would constitute the business for tomorrow, and the Senate would then go over until Tuesday next.

Mr. CASE. The Senator from New Jersey, unfortunately, has to be away. He is not away very often, but he has made a long-term commitment to be at a labor gathering at Montreal, which is important in its own right to labor and to the Senator from New Jersey. The Senator from New Jersey is especially interested in the Dominick amendment, because it would strike a provision which was inserted in the bill at my instance. Therefore, I must be here. I would need about a half hour, but I would not want either to close debate on the Dominick amendment or to have a vote on it tomorrow.

Mr. ROBERT C. BYRD. The request of the distinguished Senator from New Jersey (Mr. CASE) will certainly be taken into consideration. I am not asking at this time for the clocking in, by sequence, of any of these amendments, and the Senator's wishes will be taken into consideration when such is done.

The PRESIDING OFFICER. Is there objection to the several requests of the Senator from West Virginia? Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object, as I understand it, the Senator from West Virginia did not put it in the form of a unanimous consent request at this time.

Mr. ROBERT C. BYRD. Mr. President, in answer to the able senior Senator from Virginia, the request at this time is only with reference to a time limitation on each of the various amendments that have been enumerated. May I say this has been cleared with the leadership.

Mr. HARRY F. BYRD, JR. It does not apply to the so-called sequence?

Mr. ROBERT C. BYRD. Only with respect to amendment No. 1203 by Mr. SCOTT, which would follow after the rollcall vote which is about to be had.

The PRESIDING OFFICER. Is there objection to the several requests? Without objection, they are agreed to.

EDUCATION AMENDMENTS OF 1972—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the amendment of the House to the text of the bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act—creating a National Foundation for Postsecondary Education and a National Institute of Education, the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes.

Mr. BEALL. Mr. President, as a member of both the Education Subcommittee and the conference committee, I urge favorable Senate action on the Conference Report on S. 659, the Education Amendments of 1972.

The issues confronting the Congress were both numerous and complex. The bill that emerged from the conference committee represents a compromise hammered out in extended conference meetings.

When the legislation passed the Senate on August 6 of last year, I said:

> This measure is both massive and monumental. It is not only for the moment, but for the future.

Truly, this bill is one of the most significant education measures ever enacted by the Congress of the United States. It is designed to carry out the historic pledge made by the President of the United States when he declared:

> No qualified student who wants to go to college shall be barred for lack of money. That has been a great American Goal; I propose that we achieve it now.

The pending measure is designed to bring about a realization of this great national goal.

To achieve this goal of making postsecondary education available to all with the ability and desire to attend, the bill authorizes a new student assistance program called "basic educational opportunity grants", which is viewed by the conference committee as the foundation upon which all other Federal student assistance programs will be based. Under this program, the student will be entitled to receive a grant of $1,400 minus expected family contributions. The amount of the grant, however, could not exceed one-half the actual cost of attending the institution selected by the student.

In addition, present student aid programs such as work study, the national defense student loans, the guaranteed student loan program, and the educational opportunities grants are extended and improved. Furthermore, there is created a student loan marketing association whose function will be to buy, sell, and warehouse guaranteed student loans, thereby making it possible for more loan funds to be available to more students. The legislation also authorizes a new program of matching grants to States to encourage them to increase their appropriations for student scholarships.

Like other Members of Congress, I have spoken to many presidents of colleges throughout the States and know of the financial difficulties that many are experiencing. The bill for the first time provides a program of institutional assistance to the Nation's universities and colleges. This new program of grants to higher education institutions will be allocated under a formula which apportions 45 percent of institutional assistance on the basis of the total amount of supplemental educational opportunity grants, work study, and national defense student loan funds paid to students at each institution with a formula weighed to give more funds to small institutions; 45 percent on the basis of the number of basic grant recipients at each institution, again with the formula weighed to give the more funds to smaller institutions; and 10 percent of the funds appropriated will be allocated on the basis of graduate students at each institution.

Realizing that there will probably be insufficient funding initially for these programs, various limitations and provisions dealing with this eventuality are provided.

Finally, under institutional assistance, there is a veterans cost of instructions payment. Under this program each institution of higher learning will receive $300 for each veteran attending school and an additional $150 for each veteran who is in a special or remedial program. To be eligible for this program, the institution must increase its enrollment of veterans by 10 percent to be initially eligible.

Also under institutional assistance provisions, I am pleased that the conference committee adopted S. 2154, the emergency assistance for institutions of higher education, which was authored by me and cosponsored by Senator DOMINICK. The bill as introduced authorized $150 million over a 2-year period, but the conference committee reduced the authorization level to $40 million. I am convinced that this interim emergency assistance will be needed to save some institutions from financial disaster over the next 2-year period until the appropriations level for institutional aid is high enough to help the Nation's colleges and universities. I was disappointed, however, that the provisions of this program authorizing grants to improve the planning and managing capabilities of institutions of higher education were dropped. I believe there is a great need for improving management and encouraging innovation in this respect. I hope that the $145 million authorized by the legislation for improvement of postsecondary education will be able to meet the intent of this part of my proposal.

Also, I am delighted that the conference committee included the community college provision, which was found in title X of the Senate bill, and in addition, added the occupational education program of the House bill. This occupational education program was similar to S. 1856, cosponsored by me on the Senate side.

The community college provision authorizes a program for community colleges designed to help them improve educational opportunities in the various States; $275 million over a 3-year period is authorized for the purposes of this title. Grants can be made for planning, development, establishing, and conducting initial operations of the community colleges. Along with Commissioner Marland and others, I have been speaking on the need to improve and emphasize occupational education programs in the country and I am delighted that this is included in the final product. The bill, as before the Senate, authorizes a new program to assist the States in the designing, establishing, and conducting programs of postsecondary occupational education with an authorization of $100 million for fiscal year 1973, $250 million for fiscal year 1974, and $500 million for fiscal year 1975. Occupational and vocational education has been the stepchild of education in this country for too long. It is time that the country give the occupational education the support and resources that are needed to do the job.

The legislation also authorizes a National Institute of Education which is designed to redress the sorry state of educational research. It is no secret that we know very little about the learning process as, for example, how students really learn to read.

As the President stated:

> We must stop pretending we understand the mystery of the process.

Our social problems and rising expectations underscore the need for a quantum leap in educational research, development, and equally important, dissemination of such results to the classroom. The need for expanded research programs in education is evidenced by comparing additional research expenditures with industry and other fields.

Industry, for example, spends about 4 percent or $8 billion of net sales on basic and applied research.

In the health area, we as a nation spend approximately 5 percent or $2.5 billion of the total national expenditures for health on research.

In agriculture, we spend an amount equivalent of about 6 percent, or $900 million annually, of the total net income from farming on research development and application by Government agencies, colleges, and industry.

In the defense area, we spend approximately 3.87 percent or $7.8 billion a year for research and development.

Yet, in education research, expenditures only a few years ago were only about one-tenth of 1 percent of the total educational budget. Today research expenditures amount to about one-fourth of 1 percent or about $125 million a year.

Thus, there is little question that educational expenditures for research and development must be greatly expanded and I am delighted that these two powerful vehicles for education change and reform, the Institute and provisions for support for improvement in postsecondary education, are included in this legislation.

The authorization for the national institute is over one-half billion dollars over a 3-year period. It is my hope that the national institute will give particular attention to the reading problem. I believe that reading is the key to success in school as well as success in later adult life. It is my hope that this will be the number one priority of the new national institute.

There are numerous other important provisions of S. 659, such as the sections calling for a study of postsecondary education; the provisions prohibiting sex discrimination; and the sections creating a new ethnic heritage and consumer education programs. Furthermore, the legislation extends various existing higher education programs including cooperative education, community services, college library and library training and research programs, developing institutions, and higher education facilities to mention a few.

I am pleased that the conference included a small but important amendment offered by me to make certain that children in institutions for neglected or delinquent children or in adult correctional institutions will be eligible for elementary and secondary education funds. I offered this amendment to prevent the hardships that would have resulted to the Hagerstown Correctional Training Center, as described by the Baltimore Sun reporter Roger Twigg on July 30, 1971. I ask unanimous consent that the article be printed in the RECORD following my remarks.

The conference committee also sustained the Senate's position and retained the proposal amending the vocational education definition to include training for volunteer firemen.

No group does more for their communities than this dedicated group of citizen-firefighters, and this is a small step in recognition of the public service and sacrifice that these men make in order to make all of our communities safer.

The bill also authorizes a 2-year, $2 billion program of grants to facilitate desegregation. The program will also be used to aid schools in our inner-city areas which have a large concentration of minority students.

Finally, the conference committee reached a compromise on the busing controversy. While no one is completely satisfied with this provision, it is the best settlement the conference committee could reach under the circumstances. I ask unanimous consent that the language of the conference report explaining the busing provision, appearing on pages 219 and 220, be printed following my remarks.

Mr. President, in the Nation's history and in its education system, one can discern a steady, forward march in the extension and the expansion of educational opportunities for more of our young men and women. This measure will be a giant step in our constant pursuit of the national goal of making certain that financial barriers will not prevent American youth from continuing their education. I strongly urge the enactment of this landmark legislation by the Senate.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, July 30, 1971]

CORRECTIONAL CENTER LOSES FEDERAL EDUCATION FUNDS

(By Roger Twigg)

The education of nearly 1,000 young inmates at the Hagerstown Correctional Training Center will be curtailed because of the elimination of federal financing for the program.

The funds to educate "youthful offenders" at the minimum security institution had been provided for the past three years under Title I of the Elementary and Secondary Education Act.

A spokesman for the U.S. Department of Health, Education and Welfare, which distributes the funds, said money for the Maryland program was cut off July 1—the start of the current fiscal year. The spokesman added, "they will have to refund the balance of unspent funds."

MONEY ORDERED RETURNED

The federal agency has ordered the state Division of Correction to return $90,000 of the $200,000 it received for the educational program this year.

According to an informed source, the federal agency has told the Division of Correction that "it was not the intent of Congress, when the Education Act was passed in 1965, to provide funds for educating juveniles in adult institutions."

The program was first authorized by Congress in 1965 to educate "youthful offenders in juvenile institutions," the source said.

AMENDED IN 1968

But, he added, the act was amended in 1968 to allow the Department of Health, Education and Welfare to, "at its own discretion provide funds for educating delinquent children 16 to 21 years of age whether or not they were housed in adult or juvenile institutions."

He said the lack of federal funds will seriously curtail—by as much as two-thirds—the education of nearly 1,000 young inmates at the training center.

The majority of the inmates, the source said, are 21 years old or younger and are serving terms for what police describe as "soft crimes," such as daylight burglary, larceny and auto theft.

He said nearly 80 per cent of the inmates at the training center have not completed public school education, while 50 per cent have less than a fifth-grade education. About 90 per cent of them "are out of the ghetto sections of Baltimore city," he added.

The federal spokesman said financing for such a program could be provided only to institutions which "house children who have been adjudicated to be delinquent." He said the age limit for the delinquent children is 21.

"I can assure you that this has been given very close scrutiny because of the very strong efforts of Maryland officials to maintain the program," the spokesman said. "For some reason or other, that institution does not fall under the guidelines or else the program would be continuing."

"STRINGENT GUIDELINES"

The informed source at the state Division of Correction accused the federal agency of applying "stringent guidelines to tie up, by bureaucratic red tape, funds which rightfully belong to the correctional institution."

However, Senator J. Glenn Beall, Jr. (R., Md.), in a letter to state officials last week, described the cut in funds as a "misunderstanding."

Senator Beall said he has introduced an amendment to the Education Act which would clarify use of the funds. He said he introduced the amendment in the Labor and Public Welfare Committee and that it was adopted and would be sent to the Senate floor.

WILL ALSO HALT STUDY

The Division of Correction source said the loss of federal funds will force the state agency to release 16 teachers, an administrator and a secretary from the training center unless "emergency state funds can be obtained."

The loss of federal financing also will halt a 5-year, $75,000 state-financed study by the Department of Vocational Education to develop a full-scale educational program for Maryland correctional institutions, the source said. The study presently is in its third year.

GENERAL PROVISIONS RELATING TO ASSIGNMENT OR TRANSPORTATION OF STUDENTS

Use of funds for transportation.—(a) The Senate amendment provided that no provision of the Senate bill shall be construed to require the assignment or transportation of students or teachers in order to overcome racial imbalance. There was no comparable House provision. The House recedes.

(b) The House amendment amended the General Education Provision Act to provide that no funds appropriated for the purpose of carrying out any applicable program may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system. The Senate amendment contained an identical prohibition but provided an exception "on the express written request of appropriate local school officials" and added a proviso that no court or officer of the United States shall order the making of such a request and no funds shall be available for transportation when time or distance of travel is so great as to risk the health of the children or significantly impinge on the educational process. The conference agreement does not amend the General Education Act, but contains the language of the House amendment, which following exception: "on the express written voluntary request of appropriate local school officials" and adds a further limitation to that exception by requiring that no funds shall be available for transportation when the time or the distance of travel is so great as to risk the health of the children or significantly impinge on the educational process and adds a further limitation that the educational opportunities available at the school to which it is proposed that such student be transported must be substantially inferior to those offered at the school to which the student would otherwise have been assigned.

(c) The House amendment provide that no officer or employee of the Department of Health, Education, and Welfare (including the Office of Eductaion) or of any other Federal agency shall, by rule, regulation, order, guideline, or otherwise, (1) urge, persuade, induce, or require any local educational agency, or any private nonprofit agency, institution, or organization, to use any funds derived from any State or local sources for any purpose for which Federal funds appropriated to carry out any applicable program may not be used, as provided in this section, or (2) condition the receipt of Federal funds under any Federal program upon any action by any State or local public officer or employee which would be prohibited by clause (1) on the part of a Federal officer or employee. Almost identical language appears in the Senate amendment modified as follows: (1) The Department of Justice is specifically mentioned and (2) the prohibited activities enumerated in clause (1) are permitted if constitutionally required. In addition, the Senate amendment prohibited any officer of any Federal agency from urging, persuading, inducing or requiring any local educational agency to undertake transportation of any students where the time or distance of travel is so great as to risk the health of the child or significantly impinge on his or her educational process; or where the educational opportunities available at the school to which it is proposed that such student be transported will be substantially inferior to those offered at the school to which such student would otherwise be assigned under a nondiscriminatory system of school assignments based on geographic zone established without discrimination on account of race, religion, color, or national origin. The House recedes.

Court appeals.—The House amendment provided that notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent State or local authority for the purposes of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. An identical provision was contained in the Senate bill but is applicable only to court orders requiring transportation of students between local educational agencies or consolidation of two or more such agencies. The Senate amendment provides that the section shall expire at midnight on June 30, 1973.

The conference agreement contains the precise language of the House amendment and provides that this section shall expire midnight January 1, 1974. This section does not authorize the reopening of final orders, however, appealable orders are considered to be within the scope of this amendment. The conferees are hopeful that the judiciary will take such action as may be necessary to expedite the resolution of the issues subject to this section.

Amendments authorizing intervention in court orders.—The Senate amendment, but not the House amendment, provided that a parent or guardian of a child transported to a public school in accordance with a court order to seek to reopen or intervene in the further implementation of such order, currently in effect, if the time or distance of travel is so great as to risk the health of the student or if the effect of the order is alleged to be significantly to impinge on the quality of his or her educational process. Such right of intervention shall extend to intervention as a class in respect of such busing plan on behalf of such student and all other students similarly affected thereby.

The conference agreement contains the substance of the Senate amendment. The langauge relating to time or distance of travel was conformed to be identical with the restriction contained in section 802.

Amendments affecting rules of evidence.—The Senate bill, but not the House amendment, requires that the rules of evidence required to prove that State or local authorities are practicing racial discrimination in assigning students to public schools shall be uniform throughout the United States. The House recedes.

Application of proviso of section 407(a) of the Civil Rights Act.—The Senate amendment restated a portion of the language of section 407(a) of the Civil Rights Act of 1964 and provided that such language shall apply to all public school pupils and systems, under all circumstances and conditions everywhere in the United States, its territories, and possessions. There was no comparable House provision. The House recedes.

Mr. DOMINICK. Mr. President, as the ranking minority member of the Education Subcommittee, I rise in support of the conference report of the Education Amendments of 1972. The conference report represents a fair compromise between the House and Senate bills painstakingly structured during 9 weeks of conference concluding with a marathon 15-hour final session. It represents a most conscientious effort to resolve differences fairly to the ultimate benefit of higher education. And, finally, it represents a true compromise—one in which persons on both ends of the ideological spectrum are dissatisfied.

The bill has been variously referred to as "the most significant piece of postsecondary education legislation to be passed in a lifetime" and as "one of the greatest accomplishments in higher education that has ever taken place in Congress." Platitudes aside, the report represents, at the very least, approximately an $18.5 billion Federal commitment to postsecondary education improvement and expansion through fiscal year 1975. The greatness or importance of S. 659, quite obviously, can only be judged with hindsight, but it promises much to a higher education system which, lacking innovation, could well become moribund during the next several years.

I mention several years, because, if we fail to enact this bill, it may well be 2 years before Congress is able to again devote the time and resources to higher education extension legislation. A continuing resolution of old programs is all that is possible this session, and next year Congress will be concentrating on extending and expanding the elementary and secondary education programs—a most challenging project in view of the present financial problems besetting our Nation's school districts. Even if Congress is physically able to act on higher education legislation next year, I cannot see Congress approving two expensive education authorizations in 1 year, and priorities being what they are, I foresee higher education suffering as a result. Thus, the issue becomes one of not the future greatness of S. 659, but rather, one of most emergent practical need for such legislation.

Mr. President, unfortunately, the emergent need for extending and expanding higher education legislation is being held ransom by a busing controversy which is beginning to transcend reason. It is particularly unfortunate for American taxpayers, postsecondary students, their parents, and the postsecondary institutions themselves that the merits of programs authorizing approximately $18.5 billion will be overshadowed and threatened by a busing issue which was not even originally part of the bill.

I say that it is unfortunate that such potentially promising and necessary programs are jeopardized without attempting to diminish the impacts and consequences of busing. I, perhaps as well as any Senator, realize the controversies, the fears, the violence, and unrest which can flow from mandatory busing. The capital city of my State is presently awaiting the Supreme Court's decision on its case which well may provide the definitive national busing statement we have all been waiting for. Following the Court's order in this case 42 schoolbuses were burned up; one of our high schools to which students were transferred was closed on three separate occasions, once for over 10 days; and school board members had to obtain police protection for themselves and their families. My concerns for a sane resolution to the busing controversy led me first to cosponsor Senator GRIFFIN's joint resolution to amend the Constitution, and later to seek national guarantees of equal educational opportunity through introduction of President Nixon's Equal Educational Opportunities Act of 1972. My involvement in and concern for the problems of mandatory busing are thus substantial. Yet, I do not intend that such an issue should torpedo a bill as necessary, as promising, and as comprehensive as this.

Assuming that one can still remain practical in the barrage of emotional rhetoric swirling around the busing issue, no Senator should allow busing alone to dictate his vote on this report. The proponents of mandatory busing must recognize the political exigencies of the present situation. A defeat of the conference report will not end the busing debate. It will continue until the Supreme Court finally decides the issues or Congress works out other methods to support quality education.

On the positive side, the conference report contains language substantially similar to the Senate-adopted Scott-Mansfield amendment concerning the expenditure of Federal funds and Federal requirements concerning the expenditure of State and local funds for busing. It also contains the House-approved Broomfield amendment staying the effectiveness of busing orders until all appeals are exhausted or the time for appeals has run, effective to January 1, 1974. In essence, the modified Broomfield amendment guarantees schoolchildren the right to continue attending their present school through final decision of the case, rather than shuttling them from school to school each time a district court order is implemented and then reversed. To guarantee less educational tranquility would, in my opinion, produce counterproductive educational results.

A consequence for civil libertarians advocating defeat at all costs of the Broomfield amendment is the concurrent death of numerous programs contained in the report expressly or substantially for the disadvantaged or minority student. The shallowness of such logic is blatantly obvious for those who read the bill instead of their own headlines and rhetoric.

Killed in the heat of such anti-Broomfield rhetoric would be programs such as the entire student assistance program in S. 659 which is structured, more than ever before, for the needy students by the inclusion of the basic educational opportunity grant "entitlement" for such students. Even without the BEOG or the expanded authorizations of S. 659, during fiscal year 1971, approximately 1,280,000 national defense loans, college work-study jobs, and educational opportunity grants were distributed to America's poor students. Additionally, 1,080,739 guaranteed student loans were made in fiscal year 1971 with 70 percent of them to students from families with adjusted family incomes below $9,000. Also, 90 percent of the institutional assistance program is specifically written to encourage the enrollment of poor students. Part I of title I contains a special graduate fellowship program for students from disadvantaged backgrounds. A vote against the conference report is a vote against authorizations of $96 million, $100 million, $100 million, and $100 million for this year and the next 3 years, respectively, for the special programs for students from disadvantaged backgrounds. These three programs—upward bound, talent search, and special services for disadvantaged students—assisted 143,000 disadvantaged students toward postsecondary education in 1971. Also killed would be special educational programs, such as the Indian Education Act with authorizations of $116 million, the strengthened Teacher Corps, and special bilingual and migrant education programs contained in part E of title I and title V—all over the busing fight.

Mr. President, if the conference report fails to pass, then the poor child's opportunity to escape poverty through the new $850 million Occupational Education Act or the extended Vocational Education Act fails also. Dying with the bill would be the $25 million ethnic heritage program and the $80 million consumers education program. And, finally, as a last watery drop in a pool of chaos, the civil libertarians would vote against a $2 billion emergency school assistance program designed to assist school districts in meeting the special needs incident to desegregation, to encourage voluntary integration, and to aid schoolchildren in overcoming the educational disadvantages of minority group isolation. The record should be clear that those who vote against the conference report because of special allegiances to mandatory busing do so with the full knowledge that they are consigning the above-mentioned meritorious education programs for the disadvantaged to the junk heap.

To those colleagues who oppose the conference report because the effect of the Broomfield language is ambiguous or not strong enough may I point out that this was the best we could get. May I quote to you some legislative history from the House side describing exactly what is intended by the language. On March 8, 1972, the distinguished minority leader (Mr. GERALD R. FORD) asked the author of the amendment several highly pertinent questions. Their colloquy went like this:

> Mr. GERALD R. FORD. I would like to ask the gentleman several questions. First, is the Broomfield amendment retroactive?
>
> Mr. BROOMFIELD. Yes; it is.
>
> Mr. GERALD R. FORD. Is it retroactive in its entirety?
>
> Mr. BROOMFIELD. In its entirety.
>
> Mr. GERALD R. FORD. The second question is this: Your amendment states that the effectiveness of 'any order' to achieve a racial balance of students 'shall be postponed.'
>
> Now, does that mean that it would affect orders which have already been put into effect or put into partial effect? In other words, all would be suspended pending final appeal?
>
> Mr. BROOMFIELD. That is correct.

The only limitations that the conference placed on the express and clearly intended language of the Broomfield amendment are the termination date of January 1, 1974, and the statement of the conference's qualification that it affects only appealable orders. I understand this qualification to add nothing other than to substantiate the finality of the order language already contained in the amendment. In view of the language and the legislative intent, I believe that the effect of Broomfield is clear, and my colleagues should vote accordingly with full knowledge of the consequences.

Hopefully, the above has been helpful in clarifying and placing in better perspective an issue which should be considered secondary. The merits of the crux of the conference report have already been most thoroughly described by the distinguished chairman of the subcommittee (Mr. PELL) and certainly do not require my reiteration.

Mr. President, I would, however, like to make special reference to some significant provisions which I personally took a substantial interest in. Section 133 of the bill creates a Student Loan Marketing Association to serve as a secondary market and warehousing facility for guaranteed student loans. Sallie Mae, as the association is referred to, would provide much needed liquidity for private lenders dealing in the most active Federal student assistance program. The guaranteed student loan program, in its 5-year existence, has made more than 3.6 million loans totaling more than $3.3 billion to students attending more than 2,000 educational institutions. In spite of the above-cited activity, private lenders are becoming more hesitant to devote a substantial portion of their loan portfolio to low-interest loans which are not fully paid off for as long as 10 years after the student has completed graduate school, and served in the military, the Peace Corps or VISTA.

The association would encourage greater participation by furnishing a source where the student loan paper could be discounted by such lenders thus freeing money for more loans. The particularly attractive aspect of Sallie Mae is that except for $5 million in seed money and Federal guarantees on its obligations, the capability of the guaranteed student loan program is immeasurably expanded without the use of Federal funds. After June 30, 1982, Sallie Mae becomes completely independent and self-operating as from that date forward, the association will not even be able to issue Federal guaranteed obligations.

In order to overcome funding contingencies and formula restrictions contained in the new general institutional aid program, Senator BEALL and I introduced a concept of emergency institutional assistance. It is intended to provide interim emergency assistance through fiscal year 1974 to institutions faced with financial distress serious enough to threaten either the closing of the institution or curtailment of quality education programs. Whereas 45 percent of the general institutional assistance is contingent upon substantial appropriations for basic educational opportunity grants and 90 percent of it is contingent upon the enrollment of students receiving student assistance, this assistance is available upon a determination of need only. To insure against funding abuses, the program requires that need be determined for public institutions by both an appropriate State agency and the Commissioner after he has consulted with a panel of non-Federal Government specialists. Private institutions have the option of forgoing the need determination by the State agency. Although the authorization level was cut to $40 million, the program should prove most helpful to those institutions beyond the assistance of the general institutional aid program.

To further educational opportunities consistent with the included Indian Education Act, and more specifically to encourage and stimulate developing Indian institutions of higher education, I authored language to make Federal funds more available to such institutions. Pursuant to a recommendation made by the old Special Subcommittee on Indian Education, on which I had the pleasure to serve as ranking minority member, I offered language authorizing the Commissioner of Education to waive the present 5-year existence eligibility requirement for developing Indian institutions, if he determines that such action will increase higher education for Indians. This language which was strengthened by Senator BELLMON on the floor and modified in conference allows Indian institutions, community college or otherwise, which are making a reasonable effort to improve their quality, which are struggling for survival and which are isolated, to apply for 1965 Higher Education Act title III funds whether they have been in existence for 5 years or not.

In the original Senate report on S. 659, which was ordered printed on August 3, 1971, I devoted the majority of my individual views to advocating a more flexible, postsecondary education system with increased emphasis on the training of skills for blue collar trades and careers. Thus, I am delighted that the conferees saw fit to provide such emphasis by extending the Vocational Education Act of 1963, as amended in 1968, for 3 years and authorizing a new $850 million occupational education program. To provide further diversity away from purely baccalaureate degrees, the conference also created a new community college plan to encourage the planning, establishment and expansion of State community college systems. These actions are all consistent with Commissioner Marland's concept of career education and my own desire to restore the respect for and interest in trades and careers which literally built our country and which are necessary for its continuance.

Before closing, Mr. President, I must cite the excellent and diligent efforts of our Education Subcommittee chairman, Mr. PELL. He guided this mammoth bill through endless months of hearings, executive sessions, floor debates, recommittal, and finally through the conference itself. Also deserving special mention is the noteworthy attendance and participation of the minority Senate conferees. To Senators JAVITS, SCHWEIKER, BEALL, and STAFFORD, I offer my profound thanks for outstanding assistance throughout a very grueling conference. The conference report contains part and parcel of each man's labors and contributions. It represents a most conscientious effort by all Senate conferees to reflect the will of the Senate. It substantially accomplishes this result to the definite benefit of American postsecondary education.

Mr. President, I urge my colleagues to vote in support of this substantial monument to the improvement of higher education in America. The busing issue is of great importance and must be faced but there are many other opportunities to debate the issue without jeopardizing this landmark legislation.

Mr. KENNEDY. I face a dilemma with this bill because, on the one hand, I vigorously support the truly landmark higher education provisions approved by the conferees, the Indian education reform provisions which I sponsored, and the extension of Federal funds to aid schools in the process of desegregation.

But, on the other hand, I speak with equal vigor in opposition to the amendments grafted onto this measure in the wake of public hysteria over the issue of busing.

It is the latter issue which forced me to reluctantly decide against signing the conference report. I did so with regret because I have worked for many years on several of the major education concepts contained in the bill reported by the conference committee. I believed these provisions represent the most far-reaching higher education legislation reported to the Senate in modern times.

But today, the Nation's most pressing social issue is not the manner nor the level of Federal assistance to higher education. Rather, it is the question of how black Americans and white Americans will live together. Therefore, I felt it would be wrong to indicate in any way that I recommend the conference report to my colleagues with its antibusing desegregation provisions.

It is painfully clear that providing endless delays to desegregation orders is a slap in the face to the Nation's minority citizens. It is a blow that is especially unwise because that legislation effectively hampers any initiative by the Federal Government or the courts to seek an end to inequality in our Nation's public schools.

Black and white families alike are distressed and frustrated by the clamor over school busing. White families feel that orders requiring suburban students to attend schools in deprived inner city classrooms are wrong.

But for years, parents of black children have stood by helplessly as all-white suburban heavens were promoted by official actions of Government agencies which could have prohibited racial discrimination in real estate dealings, had they wished.

If we argue that busing to erase the inequalities in our schools must be halted, then we must be prepared to adopt other measures that seek to accomplish that goal. Outlawing busing will not solve the problem of an inadequate education for black or white Americans.

Clearly, we are not in favor of busing which endangers a child's health.

Clearly, we are not in favor of busing which significantly impinges on the educational process.

Clearly we are not in favor of busing for busing's sake.

But if it is wrong to send white children to schools that some people call "inferior," then it is wrong to tell black children that they must stay in those schools and keep quiet about it.

Measures that prohibit school authorities from carrying out their constitutional mandate to adjust the deprivation caused by segregated schooling are unacceptable. I cannot support them. And they totally hide the real issue for equal education under the emotional veil of the busing issue. So long as we have public schools in this country, white and black children will ride buses. They rode them in the 1930's. They rode them in the 1950's. And they will ride them long after this debate is only a sorry memory in Senate history. But, equally sorry will be the chapter in the national history showing that we told millions of black men and women across the country that their children were not permitted to attend decent schools.

Anyone who denies that this is the effect of antibusing measures has not faced up to the shameful results of years of blatant neglect and discrimination.

Eighteen years after the surging thrust of the Brown decision, Americans know deep down that the real goal is and must be quality education for all, regardless of race. Busing was not conceived as a lasting and permanent approach to that problem. And it should not be. It is a stop-gap measure to achieve the goal of ending segregated education.

As it appears on the floor today, this measure contains three basic discriminatory amendments, all designed to interfere with the ability of the courts to assure equality of education to the children of this land.

Although the conferees were successful in preserving the diluting language of the Mansfield-Scott compromise in both the Ashbrook and Green amendments reported by the House, we were unsuccessful in an important third area. The provision known as the Broomfield amendment was adopted virtually intact by the Senate conferees. The vote came after an all-night bargaining session and climaxed a 2-month conference. The House proposal was accepted by a 7-to-5 margin.

The proposal meant that the Broomfield amendment as it had been passed by the House would be accepted in its entirety. There would be no change in the text of the amendment: athough the House conferees did limit its duration to 18 months.

The Broomfield amendment signifies exactly what the President's moratorium symbolizes—willingness by the Federal Government to see the fourteenth amendment guarantees of equal educational opportunity diluted, delayed and diminished.

The amendment provides for the delay of any Federal court order requiring the transfer or transportation of students, until appeals have been finally exhausted. The measure clashes with the Supreme Court decision in *Alexander* v. *Holmes County* (396 U.S. 19 (1969)) where the Court specifically rules that remedies must be enforced during the appeals process in school desegregation cases.

The Court had seen the same sorry record that we have seen since 1954, the same delays, the same maneuvers, the same refusal to respond affirmatively to the Court ruling in Brown against Board of Education.

An so the Court ruled that compliance with the Constitution required that desegregation orders be enforced, because the constitutional rights of minority children were being denied each day they were forced to attend segregated schools. Moreover, because the appeals process may run for many years, the courts demanded obedience to desegregation orders without further delay.

That the appellate process can take many years is evident in the case of the State of South Carolina. There, 16 years elapsed between the Court's initial order and the final decree to eliminate segregation in the public schools. Within 2 years of that date, the situation in South Carolina shifted dramatically. In 1970, before the final order was implemented, only 15 percent of the State's black students were in desegregated schools. By last September, over 90 percent were in desegregated schools.

Thus, for 16 years, the process of compliance with the Constitution was delayed. For other States and school districts, that process continues to be delayed.

For those districts, the Broomfield amendment would offer still more time for the constitutional rights to equal education to be denied to minority children.

At a time when we are committed to law and order, it is inconsistent, and probably unconstitutional, to pass legislation which has the specific objective of preventing enforcement of constitutionally protected rights. For the effect of the Broomfield amendment would not simply be to deny relief but to deny relief required by the Constitution.

Some have argued that the amendment may be interpreted to apply only to orders which require racial balance. And since the Supreme Court never has set forth that requirement—the Court has merely ordered an end to segregation—these observers argue that its effect would be construed out of existence. However, valid that claim may be, and I hope that the Court places that interpretation on it, the author of the amendment stated quite clearly his intent when he introduced and defended the amendment before the House.

His intent was to delay all orders requiring busing. While he argued that he simply sought uniformity to end any unfairness caused by differing district court decisions around the country; in fact, the House heard him well and understood that his course was first, delay, and only second, uniformity.

And that view was reflected in the conference. For in the interest of compromise, I suggested that if the Broomfield amendment was substantially shortened in time to a period of several months, and a provision was added requiring immediate review by the Supreme Court of a district court order—by-passing the circuit court of appeals—then the demand for uniformity would be met.

However, the House conferees rejected that proposal, arguing that the intent of the House would not be satisfied by my suggestion.

And so the final version is before us. Its intent goes far beyond busing. It is a measure, as was the President's, to turn the clock back. It is a measure to maintain confusion and uncertainty in school districts across the land.

And it is a measure which denies to minority children the rights that the Constitution guarantees them.

Therefore, I found that I could not sign the conference report recommending this legislation to my colleagues.

And I did so with great reluctance because of my regard for the yeoman work accomplished by the chairman of the Subcommittee on Education, Senator PELL, in the field of higher education.

I believe that the provisions in the Senate-passed version of S. 659, the basic provisions of which are retained in the conference report, represent a stellar legislative achievement.

As a cosponsor of the higher education bill and as a member of the Subcommittee on Education, I watched the progress of this measure during hearings both in the 91st Congress and in the current session.

And the thrust of this legislation is aimed at relieving the following three gaps in our system of higher education:

First, postsecondary education has been denied to young men and women because of financial obstacles. The Commissioner of Education told the subcommittee last year that a student from a family with an income over $15,000 is almost five times more likely to attend college than a student from a family with an annual income under $3,000.

Second, there is the growing financial crisis among the colleges and universities across the land. The Carnegie Commission study a year ago discovered that 60 percent of the 2,340 institutions of higher education in the Nation were on their way to financial trouble or already mired in the red. At a time when enrollments are 60-percent higher than in 1965, Federal support to colleges and universities was declining to the lowest level since 1966. The financial crisis spans both public and private institutions. Public institutions find themselves resting on the shaky foundation of property taxes and private institutions on the even shaker ground of tuitions and donations. In my own State of Massachusetts, where more than half of the 215-000 full-time undergraduates are enrolled in private schools, the financial conditions of those schools is dire. A select committee reporting on the financial problems of private higher education in the State reported that we could probably expect a deficit of $50 million within 4 years and two to three times that amount by 1980 to 1981.

Third, there is the demand to provide diversity in post-secondary education and innovation and reform as well. The growing population of high school graduates has swept around and over the traditional 4-year college or university. Their demands frequently are better satisfied by community colleges and vocational institutions.

At the same time, there has been a recognition, forced on us in part by the students, and shared by many educators and administrators as well, that the rigid structure of the traditional 4-year college needs basic reform. The free university, the university without walls—these were all responses to a need. But research within the higher education community has been relegated to a low priority and the funding of promising experiments has been inadequate.

The Senate higher education bill grappled with these three problems and it succeeded, I believe, in meeting them head on and providing thoughtful and far-reaching solutions. I believe the conference report preserves those solutions.

STUDENT ASSISTANCE

The pioneering aspect of the student-aid package is that it commits the Federal Government strongly to the principle that every qualified high school graduate is entitled to further education, whether in community colleges, vocational institutes, or the traditional 4-year college or university.

I have endorsed the concept of an educational entitlement equivalent to the GI bill of rights for several years. In April 1969, I introduced a higher education bill of rights incorporating the recommendations of the Carnegie Commission on Higher Education. That measure included the theory of an educational guarantee similar to the basic grant program.

Senator PELL has refined and developed this basic grant program so that it will be the underpinning for Federal student-assistance program.

And this program will reach 1,800,000 full-time students. This is six times the number of students who receive aid under the current EOG program, and three times the number who would have received aid under the House bill.

For the first time, we put Federal money behind the Federal promise to permit every qualified individual the right to obtain higher education regardless of his income.

The measure provides $1,400 to each student, less his family contribution. The conference also accepted the House limitation that the grant shall not exceed the difference between the family contribution and the actual cost of instruction. In the event appropriations are insufficient to cover the full entitlement, they are to be reduced to up to 60 percent of the student's actual need.

The philosophic underpinning of this program is that students from low-income families have less access to other sources of financial aid than middle- and upper-income students, thereby increasing their dependence on Federal financial assistance.

These students are less likely to obtain guarantee and other loans since they have less collateral. They are less likely to receive support from relatives or civic groups. Also, institutions of higher learning serving predominantly disadvantaged populations tend to have smaller endowments and thus are unable to offer their own students any significant support.

Without other alternatives, the question whether these students receive Federal assistance will determine their educational future. And the importance of this fact is simply that for many of these students the primary means of moving into the mainstream of American economic and social life is to obtain a college education.

The basic grant program reflects the best possible public policy by supporting these young citizens in their efforts to lead fuller and more creative lives.

Nor does it void in any way the existing student assistance programs. The basic grant program can be funded only after the level of appropriations that was available this year for the traditional EOG program, the work-study program and the student loan programs has been matched.

We have accepted the House provision to increase the EOG grant ceiling to $1,500. We have adopted a new scholarship program providing for matching funds to States for State scholarships with a 3-year, $150 million-per-year authorization. We have raised the level of funding for the special programs for disadvantaged students increasing the authorization for upward bound, talent search and special services for disadvantaged students to $100 million for each of the next 3 years. And we have provided for the establishment in inner city areas and poverty areas, educational opportunity centers to provide guidance to young people on entering college.

The student loan program was retained and a new student loan marketing association established to expand the availability of credit. The association will be able to buy up loan paper from banks and other lending associations, thereby permitting them to expand the number of student loans.

In that program, Congress also tried to end a discriminatory situation which has existed for 4 years. Banks have been requiring that students or their families maintain accounts with them before they grant loans. This clearly was not the intent of Congress. Three years ago, we passed legislation to prevent this from occurring. However, the Secretary has failed to issue any regulations on this matter. This year, we adopted a provision prohibiting such discrimination, and, although the House conferees opposed it, a compromise was adopted which exempts smaller banks from this requirement. Hopefully, we will prevent most students from being denied a loan because a bank demands a prior commitment to open an account.

These student aid and student loan provisions combine to establish the broadest and most expansive student assistance program ever offered by the Federal Government. They offer visible evidence of the congressional intent to assist students from low- and middle-income families to receive the benefits of higher education. It is a worthy goal and the programs are designed to achieve that goal.

INSTITUTIONAL AID

Also, the conferees recognized the financial crisis facing higher education and responded with direct college operating subsidies. The funds will be alloted to colleges and universities partly according to the number of Federal grant recipients enrolled and partly according to the total volume of Federal student aid funds it received. Ten percent of the allocation will depend on the number of graduate students that a college enrolls.

These cost of instruction payments will be geared to increase as the size of the institution grows smaller. In this way, the conferees took note of the special problem of the small liberal arts schools, which have been hit hardest by the financial crisis.

Also, there was an attempt to provide $40 million in emergency assistance over the next 2 years to help put the financial props back under some of the Nation's colleges which are suffering the most.

In addition, the conferees increased grant authorizations for undergraduate and graduate facilities and expanded the availability of construction loans.

The conference version of S. 659 retains almost in its entirety the Senate direct assistance package for the expansion of the Nations' community colleges. Some $275 million has been authorized over the next 3 years to provide for new community colleges, and the expansion of existing colleges.

A similar effort to expand the vocational institutes of higher education occurred as the bill establishes within the Office of Education a Bureau of Occupational and Adult Education and authorizes $850 million for the next 3 years to strengthen occupational education programs.

In this way, a major effort was undertaken to reverse the trend of decreasing Federal assistance to the institutions of higher education.

EDUCATIONAL DIVERSITY AND REFORM

The conferees adopted major new provisions aimed at improving the development of the teachers and counselors and administrators who direct our educational system. The teacher corps is continued and given new independence within the Office of Education and the efforts to recruit and train teachers for elementary, secondary, vocational and higher education are expanded. In addition, new provisions are included to improve the education of disadvantaged and bilingual children through retraining teachers, employing high school and college students as tutors and improving teacher training programs. In committee, my amendment to focus greater attention on the use of these programs for the needs of bilingual children was adopted with specific earmarking for that purpose.

The bill insures that there will be a single Federal agency headed by an Assistant Secretary for Education who is spokesman for Federal education policies.

To accomplish this purpose, the committee establishes a Division of Education within the Department of Health, Education, and Welfare. The Division will include the Office of Education and a new National Institute of Education.

The new Institute will continue its function of providing a coordinated system of research into higher education as provided by the original Senate amendment. But, in addition, it will also include the grant authority of the proposed National Foundation to promote innovation in the design of post-secondary education, in the modes of teaching and learning and in the ways in which higher education can be opened to all segments of our population.

In this way, the need for diversity and reform and innovation in higher education can be opened to all segments of our population.

In this way, the need for diversity and reform and innovation in higher education has been met by the conferees. For the first time, there is a focus of educational reform efforts and $250 million authorized over the next 3 years to fund those reform efforts.

I believe the combination of these programs represents a creative and thoughtful effort at expanding the opportunities of higher education and of offering a Federal commitment to improve the standard and quality of that educational product.

INDIAN EDUCATION

In a separate provision, the amendment I originally introduced to reform our Indian education programs in this country was accepted by the House conferees. The suggestions of Congressman MEEDS of the House were helpful in refining the proposals. The Indian education program reflects the year-long hearings conducted by the Special Subcommittee on Indian Education in 1968. The bill establishes three new programs: first, to assist local educational agencies in meeting the special needs of Indian students and in maintaining and operating their schools; second, to provide funds for special programs and projects to improve Indian educational opportunities; and, third, to support the improvement of adult Indian education.

DESEGREGATION ASSISTANCE

In addition to the higher education bill, the current measure contains the legislation that was passed by the Senate previously as the Emergency School Aid and Quality Integrated Education Act. The combined provisions now in the bill authorize $1 billion for each of the next 2 years.

While the House conferees objected to the specific earmarking of funds for educational parks, the basic provisions of the Senate bill remain, although in modified form. Particularly important is the successful effort to retain special incentives for bilingual education programs.

The overall thrust of the measure is to offer to the school districts across this land which are actively seeking to provide quality integrated education, the resources necessary for that purpose. And there are protections present to avoid the distortions which occurred in the use of the original emergency desegregation funds 2 years ago.

Thus, we have a monumental legislative achievement which reflects the long hours of bargaining between Senate and House conferees. The credit for the richness of the educational benefits set forth in this omnibus measure are due not only to Senator PELL but to Senator MONDALE, Senator DOMINICK, Senator JAVITS and the other members of the Subcommittee of Education as well. And the work of Chairman PERKINS of the House Education and Labor Committee, Congressman BRADEMAS and the other House conferees also was vital in molding the present legislation.

But for all of the benefits for the educational system provided by this measure, the drastic effects on desegregation called forth by the antibusing provisions make it impossible for me to vote in favor of the conference report.

What we would provide to the higher educational system would be outweighed by the blatant attack on equality of education contained within the busing amendments. I could not answer the question of a black student denied the opportunity for an equal education by a Senate provision I had voted for. If we are to find the resolution of racial disunity, then it will only come if our political leaders can communicate their determination to preserve equal opportunity for all groups within this Nation.

To accept an amendment which could be interpreted as calling for the delay of all school desegregation orders undercuts that determination and leads the Nation away from an integrated society. I refuse to turn in that direction and I therefore must sadly vote against this bill.

Mr. WILLIAMS. Mr. President, we are today considering an historic piece of legislation designed to provide new directions in the Federal effort to increase educational opportunities in the United States. It represents perhaps the most far-reaching and significant program ever developed and approved by the Congress to insure continued excellence in the American system of postsecondary education. It has been called by one newspaper "the most important piece of legislation to come out of the 92d Congress."

S. 659 was first introduced in the Senate on February 18, 1971. On August 6 of last year it passed the Senate by a unanimous vote. Two months later the House of Representatives passed its version of this bill, and on March 1 of this year, after an extended debate surrounding the issue of school busing, the Senate once again voted its approval of this legislation.

As every Senator knows, the conference with the House has been a long and grueling one. We were faced with almost 300 substantive differences which had to be painstakingly discussed and carefully reconciled; and after 10 weeks of hard work which culminated in an all-night session a week ago today, the conference was able to reach the agreement which is now before us.

I could, of course, speak at great length about each of the important provisions of this bill. Every change in an existing law has been fashioned to substantially improve upon current programs and to eliminate abuses and duplications which have come to our attention. But there are three major initiatives which are critical to the future of higher education in the United States and which merit our special attention.

The student assistance programs which we enacted beginning in 1958 have gone far in opening the doors to higher education for a large segment of our society. National defense student loans, the guaranteed student loan program, educational opportunity grants, and the work-study program have all been a vital part of our commitment to postsecondary education in the United States. Yet, it was clear from all available evidence before the Senate that these programs by themselves have not been adequate to meet the rising demands for higher education and the rising costs of attending postsecondary education institutions. To meet this need, the Senate bill created a new program of basic education opportunity grants for all students whose available resources are insufficient to enable them to attend a college or university. The basic education opportunity grant provides for a payment of up to $1,400, minus the amount which can reasonably be expected to be contributed by the student's family for his education. This program is designed to assure that no student shall be denied the opportunity to avail himself of educational opportunities beyond high school if he cannot afford it. There was no such provision in the House bill and I think that we can all take satisfaction from the fact that the primary thrust of this new program has been retained in the conference report.

The second landmark program provides financial assistance for the schools themselves. It is designed to lend financial support to the postsecondary schools for each student who is a recipient of Federal financial assistance and who is in attendance at such postsecondary institutions. These institutional grants will help reimburse the schools for improving the quality of teaching and providing specialized services which may be needed by the less advantaged students we are inducing to enroll. The House bill had provided an across-the-board per capita formula of institutional aid which was primarily without regard to whether their students were receiving Federal assistance. It was an important concept but one which the conference ultimately decided against adopting. Rather, we determined that the basic institutional aid approach of the Senate bill was better justified and would more likely achieve the goals which everyone felt were necessary. I view the adoption of this provision as a significant step forward in helping our institutions of higher education meet the demands which will be made upon them in the future, and this provision merits our enthusiastic support.

The third significant initiative in this bill concerns the development of America's community colleges. I have spoken before this body many times about the need for greater assistance for expanding and improving community college education. These low-cost institutions have experienced phenomenal growth in the past decade and are of particular appeal to students because of their proximity to those they are designed to serve, because of their flexible admission arrangement, and because they offer a comprehensive variety of programs growing out of the needs of the communities which these schools serve. In response to the growing demand for community college education and the relatively small amount of Federal support for this new form of education, I introduced legislation in the 91st and 92d Congresses designed to provide substantial assistance for comprehensive community college education. S. 659 adopts new provisions for State planning, start up, and expansion grants for community colleges and represents a renewed commitment by the Federal Government to these schools. In addition, it calls for the establishment of a community college unit within the Office of Education which is expressly designed to coordinate all programs administered by the Commissioner which affect community college education. I am, indeed, pleased that these provisions were retained in the conference report and I think this action represents an understanding by both Houses of Congress of the necessity to increase Federal support for expanding and improving community college education.

Mr. President, the directions for higher education in the United States which are contemplated in the conference report are bold, innovative and of utmost importance to the future of this great Nation. In addition to the initiatives which I have already discussed, the bill incorporates numerous other programs which will help raise the quality of our American educational system. Among these are the new National Institute for Education, the State student scholarship incentive program, the provisions for creating new educational opportunity for American Indians, the establishment of a student loan marketing association, the provisions for a new postsecondary occupational education program, the program designed to provide emergency assistance to institutions of higher education which are in serious financial distress, and the establishment of an ethnic heritage studies program and of a consumer education program.

Mr. President, I know that most of us in the Senate felt it was, indeed, unfortunate that legislation designed to assist desegregation at the elementary and secondary school level was added to the House higher education bill last year. This, of course, made it necessary for the Senate to add similar legislation to the higher education bill which had been passed early in 1971. And the most tragic byproduct of these events was the necessity to undertake consideration of the school busing issue in an atmosphere of haste, confusion, and almost near panic in the House and the Senate. We all are aware of the agony which was involved in the Senate debate which ultimately culminated in the adoption of the Scott-Mansfield amendments regarding the transportation of students. We all are aware that the majority of the Senate expressed its will that the school busing issue should not be dealt with too harshly and too precipitously. And we all are aware that the majority of the House felt that more drastic action must be taken more immediately. Thus, it fell upon the House and Senate conferees to attempt to work out the best possible compromise between these two measures.

Frankly, it is my judgment that the agreement which was reached on these matters is perhaps the best that we could have reasonably expected. It does not make me happy. Yet, my greatest fear is that had we not reached an understanding at the time this issue came before us in the conference, it is likely that the emotions in future days would force the enactment of legislation which would severely cripple Federal efforts to meet the obligations of the Constitution which have been articulated in Supreme Court decisions since 1954. We must not let this happen. And we must view the legislation before us today in its entirety—for what it does to bring new hope to thousands of young Americans who could not previously have the opportunity to pursue their educations beyond high school, for what it does to assure stability and growth in the American system of higher education, and for what it does to provide meaningful assistance to elementary and secondary schools in their efforts to provide quality integrated educational opportunties for all children.

Mr. President, this conference report is the result of long hard work and is a tribute to the men and women who labored so hard to achieve a meaningful conference agreement. Each one of the conferees deserves the greatest praise for their interest and concern in the development of a rational and forward-looking approach to educational in the United States. Congressman PERKINS, Congresswoman GREEN, Congressman QUIE, Congressman BRADEMAS, Congressman THOMPSON, and all of their colleagues representing the House deserve the highest praise for their efforts in this bill and we owe them our deepest gratitude for their perseverance and integrity. Senator MONDALE, Senator CRANSTON, Senator JAVITS, Senator DOMINICK, and indeed, all of the Senate conferees made immeasurable contributions of time and energy in securing what we all consider to be an excellent agreement. Yet above all, I must point to the tireless efforts of the chairman of the Senate Education Subcommittee, Senator PELL. He has demonstrated an understanding of the problems of higher education which is second to none among the Members of this body. He has shown his compassion for the needs of the students whose aspirations have created the enormous demand for postsecondary education. And his success in guiding this bill through the conference clearly shows his brilliant legislative ability. He was always there. He put the need to reach agreement above any personal needs or concerns. And we are all in his debt for the fine service he has rendered to Congress and the Nation.

Mr. President, the United States cannot afford to lock the doors to education. Too much is at stake for ourselves and for our children. Today we are in a unique position to approve legislation which can be the key to opening those doors and show the way to full educational opportunity for all Americans.

Mr. TOWER. Mr. President, it is with some reluctance that I shall vote to support the Higher Education Act Amendments of 1972. I am particularly pleased that the compromise bill includes strong support for bilingual education programs. Earlier in the Senate, my amendment to increase these funds by $15 million was accepted and this additional bilingual education authorization remains in the compromise version. In all, the bill provides at least $80 million for bilingual education. These funds are of great importance in Texas where many children from Spanish-speaking families enter elementary public schools where classes are taught mainly in English. Bilingual education programs help these Spanish-speaking children to learn English more easily and teach them as well to read and write in Spanish. Bilingual education is making important strides in giving Spanish-speaking children an equal start in the educational process, and I am glad that the Congress has recognized this important educational concept and is authorizing more funding for it this year.

The bill also provides an authorization for aiding needy students to go to college. Titled the Basic Educational Opportunity Grants, this section is designed to provide the difference between a student's financial capability and the cost of his education. This Federal commitment to aid capable but needy students, is indeed, laudable. This commitment, when combined with the emergency assistance to institutions of higher education, should help to solve the financial crisis that many of our nation's institutions of higher education are presently facing.

I am concerned, however, Mr. President, that the conferees have not done enough on the subject of busing. While the bill does contain a provision that would stay any busing order now on appeal or any new busing order until all appeals are exhausted, or until December 31, 1973, whichever is earlier, the conferees have, in effect, ducked the problem. The great majority of busing will continue in the country. Nothing in this bill will prohibit Federal judges from ordering still more busing in the Nation, thus disrupting still further the education process. Also, it may lead some lawmakers to think that we have actually accomplished something in this field, when, in fact, we have not. All we are doing is postponing public relief on this issue—relief that has been demanded in every primary where the issue was on the ballot, and in every poll taken on the subject.

President Nixon has proposed a program that would prohibit further busing orders, coupled with a proposal that would end busing for all practical purposes within 5 years of enactment. Several of my colleagues and I have proposed a constitutional amendment that would prohibit the use of forced busing in order to overcome racial imbalance. I shall continue to press for action on these measures. We must have substantive relief. We can no longer afford to duck the issue. With the elections coming up, the American people will be demanding that we provide a resolution to the problem of busing. The proposal in this bill will satisfy no one.

Mr. THURMOND. Mr. President, the higher education conference report which is before the Senate today, is the most important and comprehensive achievement in the field of higher education. This bill provides appropriations for many worthwhile educational programs which would be of great benefit to the States.

The provisions on forced busing of schoolchildren are not the ones I would have desired. However, these provisions are a step in the right direction of terminating forced busing to achieve a racial balance.

The importance of these busing provisions is emphasized by the fact that this is the first time the whole Congress has provided some measure of relief from undesirable forced busing. While I would have preferred the House version of the antibusing provisions, I feel that the present provisions do provide a measure of relief which is greatly needed in the United States.

The conferees did a less than acceptable job on the busing question; however, for the reasons stated above, I believe that the present antibusing provisions are better than none at all.

This bill expands all existing Federal educational programs and provides a large number of programs which are helpful to and desired by the States.

Although I cannot endorse all the contents of this comprehensive bill, I feel that on balance it is advisable that I support the conference report.

CONFERENCE REPORT ON HIGHER EDUCATION IS PRACTICAL COURSE TO ADVANCE AID TO INSTITUTIONS AND STUDENTS

Mr. RANDOLPH. Mr. President, the conference report on S. 659, the Education Amendments of 1972, is of major importance to education in West Virginia. The educational needs of West Virginia are great. S. 659, as reported from the conference, will help to meet these needs.

The higher education provisions of the bill provide a greater opportunity for many young West Virginians to receive a better education. The innovative concept of a basic educational opportunity grant, combined with the continuation of present student assistance programs, will open the doors of colleges and universities to many who previously could not afford the high costs of a college education. The conference report provides that each student is entitled to a $1,400 basic grant, but such grant may not exceed the difference between the actual cost of attendance of an institution and the amount which the student or his family can be expected to contribute to his education.

There are many smaller colleges in West Virginia which are having difficulty meeting the high costs of operation. S. 659, as reported from the conference, includes an authorization of $40 million for emergency assistance for institutions of higher education which are in "serious financial distress." This provision provides assistance to institutions of higher learning which would need additional funds to continue operation or to prevent a curtailment of educational programs to the detriment of a quality education. Also included in the conference report is a provision containing general assistance to institutions of higher education, which revolves around students receiving Federal assistance.

Apart from the student and institutional aid provisions, the Education Amendments of 1972 place greater emphasis on those students not wishing to attend the traditional 4-year institutions. Far too long, we have been preoccupied with the necessity of obtaining a college degree to measure success, while those who work with their hands have been overlooked. This bill seeks to strengthen occupational preparation for students who do not seek the traditional college education. The conference report designates a State commission to be responsible for comprehensive planning of programs of occupational education. A greater emphasis is placed on counseling and placement in elementary and secondary schools, while the conference report also improves post-secondary occupational educational opportunities.

S. 659 provides for assistance to States to develop State plans for expansion and improvement of community colleges, including vocational and technical institutions, to make available to all residents an opportunity to attend a tuition-free or low-tuition institution. Funds are appropriated for the research, planning, and establishment of new community colleges and the expansion of existing community colleges to expand enrollment and educational services.

The bill also makes provisions for strengthening developing institutions.

These provisions to which I have referred—and there are many others of great importance—are important to all States. S. 659 is truly landmark legislation. It is perhaps the most important legislation dealing with higher education that many of us, as Senators, shall have the duty to formulate. I am aware of the great differences which have occurred over the busing issue, but I hope that the overall concept of greater opportunities for a better education for all young Americans is not lost because of this issue.

Mr. President, our Subcommittee on Education, chaired so ably by Senator PELL, and all members of our subcommittee on which I serve and all members of the parent Labor and Public Welfare Committee, and the diligent staffers have my commendation for their efforts to finalize a very vital legislative advance in education to strengthen our country.

Mr. NELSON. Mr. President, the Higher Education Act of 1971 is the most significant step forward in the field of education since the Land Grant College Act of 1862. Unfortunately, it is burdened with busing amendments which have no proper place in this legislation. Even more unfortunately, the House-Senate conference agreement replaced the more rational Mansfield-Scott busing amendment with language that creates more problems than it solves.

Very few people support busing proposals for the purpose simply of creating "racial balance." thus, we face this dilemma. If we defeat the conference report, there will be no education bill this year and possibly for sometime to come. If we adopt the report, we will have endorsed a very questionable busing proposal. Neither, I would think, can anyone who believes in our system of government, support officially created and established segregation. The language of the conference report is subject to that interpretation, though its proponents may argue otherwise.

It is all further complicated by the fact that there is no doubt some busing proposal will be adopted and that proposal is likely to raise even more serious constitutional and practical problems.

Nothing will be accomplished by defeating the report and a major education bill will be lost in the process. I hope, therefore, that the conference report is adopted. If my vote is needed, I will support it. If not, I will vote "no" as a protest against the conference modification of the Senate busing amendment.

Mr. ROBERT C. BYRD. Mr. President, I wish to express my strong support for the conference report on S. 659, the Higher Education Act of 1972. I believe this legislation represents one of the greatest steps we have taken in the educational field and certainly it is legislation which is sorely needed.

This conference report represents far more than individual amendments aimed at improving our existing system. This measure, if enacted, will establish a new type of Federal assistance to educational institutions, in that it will provide the necessary assistance, without allowing the Government to interfere with the institutions' independence of action.

The key provision of this bill is a new program of grants for needy college students. These grants will provide a maximum $1,400 annual subsidy to every needy college student, minus the amount his family can reasonably be expected to contribute toward his education. This Government contribution to his education would be reduced gradually, according to his family income level, until it would disappear at the $13,000 income level. This bill would continue funding the present student grants, low-interest direct loans, and work-study pay proposals.

One of the most innovative features in this bill is a new type of college operating subsidy, also called a "cost of education" grant. These funds are distributed to educational institutions based on the number of federally assisted students enrolled, and additional funds would also be allocated to institutions based on the number of their graduate student enrollment.

This bill also authorizes: A National Institute of Education, which will finance educational research at all levels of schooling.

Immediate aid to those educational institutions which are in the worst financial shape by authorizing $40 million to be spent over the next 2 years.

Funds to finance reforms in education.

The establishment of a student loan marketing association, designed to expand Government-backed private loans to students by buying up loan paper from banks and other lending institutions.

I believe this is one of the most comprehensive approaches to educational assistance which has been considered by the Congress in the last decade, in that students may now have a choice of which schools they wish to attend, regardless of their economic condition. This legislation will make it possible for them to select a school of their choice without being wholly influenced by their economic plights, and at the same time, colleges would be competing for these students, who would be bringing additional Federal funds for their particular institution. I believe this will expand the educational opportunities for needy students and at the same time create pressure on these institutions to continually upgrade their facilities and their curriculae.

It is significant that the Carnegie Commission on Education has characterized this bill as the most important piece of legislation to be brought before the Congress since the passage of the Morrill Land Grant Act of 1862. We must have a modern education system to meet the demands of this society, and an educational system that will provide assistance for those students who are meritorious, deserving, and capable of pursuing a college-level work. I believe this bill goes a long way toward meeting these needs. I commend the chairman of the Education Subcommittee and the other members of the Labor Committee for their diligence and perseverance, in being able to report and carry through the legislative process, to this stage, this important legislation.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

The PRESIDING OFFICER. The hour of 3:30 having arrived, the Senate, under the previous order, will proceed to vote on the conference report on S. 659, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). Mr. President, on this vote I have a pair with the distinguished senior Senator from Mississippi (Mr. EASTLAND). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from Utah (Mr. MOSS) is absent on official business.

I further announce that, if present and voting, the Senator from North Carolina (Mr. JORDAN), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Idaho (Mr. JORDAN), the Senator from Wyoming (Mr. HANSEN), and the Senator from Maryland (Mr. MATHIAS) are absent on official business.

The Senator from Massachusetts (Mr. BROOKE), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

On this vote, the Senator from Wyoming (Mr. HANSEN) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Wyoming would vote "yea" and the Senator from Massachusetts would vote "nay."

The result was announced—yeas 63, nays 15, as follows:

[No. 185 Leg.]

YEAS—63

Aiken
Allen
Allott
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Ervin
Fannin
Fulbright
Griffin
Gurney
Hollings
Hruska
Jackson
Long
Magnuson
McIntyre
Metcalf
Miller
Montoya
Pastore
Pearson
Pell
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Williams
Young

NAYS—15

Buckley
Case
Gambrell
Gravel
Hart
Hughes
Inouye
Javits
Kennedy
Mondale
Muskie
Nelson
Packwood
Ribicoff
Weicker

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—21

Anderson
Bellmon
Brooke
Church
Eastland
Fong
Goldwater
Hansen
Harris
Hartke
Hatfield
Humphrey
Jordan, N.C.
Jordan, Idaho
Mathias
McClellan
McGee
McGovern
Moss
Mundt
Percy

So the conference report was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, at this time I would like to pay particular tribute and to express my personal thanks to my colleagues who were of such great assistance during both the development of S. 659 and in the conference recently concluded.

Initially, I would like to thank the junior Senator from Colorado (Mr. DOMINICK) for the excellent and conscientious way he fulfilled his responsibility as ranking minority member of the subcommittee. Moreover, without his help there could not have been a conference report.

I should like to pay particular thanks to Senator RANDOLPH for his valued assistance. The new division of adult and vocational education can be directly attributed to his efforts. Indeed the assistance found in this bill for small colleges is due to JENNINGS RANDOLPH's strong advocacy of their cause.

During the conference Senators STAFFORD, SCHWEIKER, and BEALL were of great help as were Senators WILLIAMS and CRANSTON.

In closing, Mr. President, I would like to pay a special tribute to those conferees who fully supported the education provisions of S. 659 but who had to oppose the bill because of moral consideration. Senators JAVITS and MONDALE were indeed architects of the bill. Senator JAVITS time and again used his great skill and knowledge to help create solutions and resolve problems. Senator MONDALE made an immense contribution by the role he played in developing the remarkably imaginative emergency school aid program portion of the bill. Senators KENNEDY and MONDALE together developed the Indian education portions of the bill, which is a very real tribute to the work done by our former colleague, the late Senator Robert F. Kennedy.

Finally, these remarks would not be complete if I did not pay tribute to the fine, thoughtful, and creative work done by Steven J. Wexler, the Education Subcommittee's counsel, and Richard Smith, the subcommittee's associate counsel. Roy Millenson, the minority staff director, likewise contributed to the development of this remarkable bill. And it fell to Blair Crownover of the Legislative Council's office to put together and make coherent sense out of the many, often very complicated decisions of the conferees.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The **PRESIDING OFFICER**. Under the previous order, the Chair now lays before the Senate the unfinished business, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will proceed to the consideration of amendment No. 1203 by the Senator from Pennsylvania (Mr. SCOTT), which will be stated.

The assistant legislative clerk read as follows:

On page 30, line 19, strike all through "(b)" on line 6, page 31, and insert:

"STATE DEPARTMENT CEILING

"SEC. 504.".

The **PRESIDING OFFICER**. Under the unanimous-consent agreement, there is a limitation of one hour on the amendment, the time to be equally divided between and controlled by the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Arkansas (Mr. FULBRIGHT). Who yields time?

Mr. SCOTT. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from Pennsylvania yield for a question?

Mr. SCOTT. I yield.

Mr. ROBERT C. BYRD. Is it the intention of the distinguished minority leader to have a rollcall vote on the pending amendment?

Mr. SCOTT. Yes, it is; and I now ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished minority leader yield again?

Mr. SCOTT. I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order at this time the yeas and nays on the following amendments, with one show of hands, with the understanding that no Senator's right to modify his own amendment is prejudiced by virtue of the action taken on the amendment by ordering the yeas and nays. These are amendments on which we already have agreed to time limitations. The amendments are as follows: amendment No. 1201 by Mr. BAKER, amendment No. 1176, by Mr. DOMINICK, amendment No. 1174 by Mr. BROOKE, amendment No. 1196 by Mr. HARRY F. BYRD, and the amendment by Mr. PERCY, the number of which I do not have.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on each of the amendments.

The yeas and nays were ordered.

Mr. SCOTT. This does not include the so-called Church-Case amendment?

Mr. ROBERT C. BYRD. It does not.

Mr. SCOTT. Mr. President, I do not intend to use my full time. I hope I can be through in 10 minutes, more or less, and therefore we may come to a vote rather shortly, if not too much is said by other speakers.

Section 504, subsection (a), requires a 10 percent reduction in the number of Federal civilian employees in foreign countries. Specifically excluded from this cutback are State Department employees, Peace Corps volunteers and leaders, and other Federal employees who are assigned to the Department of State on a reimbursable basis. In addition, the Senate acted last week to extend this exemption to employees of the Department of Agriculture. Section 504 also requires a 10 percent cutback in members of the Armed Forces detailed as military attachés or to military assistance advisory groups or military aid missions. The cutback will apply against overseas strength as of July 1, 1972, and must be realized by the end of the fiscal year on June 30, 1973.

The total number of personnel under the jurisdiction of diplomatic mission chiefs amount to 26,000. After excluding employees to which the cutback does not apply, some 11,800 personnel are subject to the cut. A cutback against a base of 11,800 personnel means that almost 1,200 positions must be cut before June 30, 1973.

I am not against cutbacks for programs that are overstaffed. Substantial reductions in overseas Federal employment have already been effected—about 20 percent since 1967. Perhaps there is more fat to cut. My point is simply that some of the programs affected by this across-the-board cut are under the jurisdiction of other committees of Congress, and that these committees should have the opportunity to consider the value to the United States of these programs and the personnel who staff them. Some of these programs are vital to our national security and cannot be effectively operated if they are reduced. I assume the very same reasoning was behind the action of the members of the Foreign Relations Committee who voted to exclude State Department personnel from the cut, and instead placed an overall ceiling on these other employees.

I hope my remarks have made it clear why I cannot support section 504 as written and why I have proposed an amendment which would strike section 504(a).

Summarizing, then, the Committee on Armed Services, for example, has a very great interest in these military missions and in the military personnel involved. The Committee on Appropriations, of course, has an interest in this matter. Yet, the Department of Agriculture has received an exemption; the Committee on Foreign Relations has added an exemption to a number of personnel under its jurisdiction, but has not yet applied the same exemption elsewhere.

So that we are proceeding without regard to the committee system, it seems to me. We are proceeding without regard to the actual needs in accordance with our national security position and without regard to the views of those committees which have not had an opportunity to act or to consider this matter.

Therefore, I hope that my amendment will be adopted. The effect of the amendment will be to prevent the loss of 1,200 employees, many of whom are in vital positions and in positions of extreme importance to the security of the United States

Mr. President, I reserve the remainder of my time.

The **PRESIDING OFFICER**. Who yields time?

Mr. **FULBRIGHT**. Mr. President, I yield myself 5 minutes.

The other day, in dealing with the amendment by the distinguished Senator from Oklahoma (Mr. BELLMON), I covered much of the basic material and information on this subject. I hesitate to take the time of the Senators to repeat it, but I will just cover the highlights.

This is a problem of long standing, going back particularly to the height of the cold war a few years ago. According to the most recent information available to the committee, there are some 26,000 personnel overseas under the jurisdiction of diplomatic mission chiefs. Of this total, State Department personnel engaged in regular department-related activities number 3,409, or about 13 percent

If to this total are added those carried on the Department rolls as reimbursable personnel, those with duties on behalf of other agencies—that is, the USIA and others—the State Department total increases to 5,809. But even with these additional amounts, this total represents only 22 percent of the overall total. What we are talking about here is primarily to bring about a modest reduction in the number of other personnel such as of AID, which has 5,047, and of the Defense Department which has 4,650, excluding members of the Armed Forces of course. Then there are others—USIA, and other agencies——

Mr. PASTORE. Mr. Senator, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. Does this cut apply to nationals employed by agencies in those foreign countries?

Mr. FULBRIGHT. It does not.

Mr. PASTORE. Does not the Senator think it should?

Mr. FULBRIGHT. I cannot get even this much through—at least I do not know whether I can get this through—but the Senator can see that opposition to any cut anywhere is quite evident. These MAAG missions have nice positions—very suitable for those wanting an assignment having few duties. For instance, in Costa Rica there is a MAAG mission, even though Costa Rica does not even have an army. But it is a nice climate there for the officers to enjoy. We can find that all over the world. That is all in the world it is. There is no excuse at any time to have them there.

Mr. PASTORE. I agree with the Senator and would like to support his position, and I shall; but what disturbs me in some of these countries is that an American cannot be hired because we have to hire a national instead. The point I make is that in the military installations where the wives of Americans really want employment and need it, they cannot be hired because we have agreements with foreign countries that they have to be nationals who are hired. I am only hoping, and ask whether this cut would apply to nationals being hired.

Mr. FULBRIGHT. This does not cover army installations.

Mr. PASTORE. I just gave that as an example.

Mr. FULBRIGHT. That is an example. I have been told that we have an agreement with the Germans to hire only nationals. I do not think that applies to it. However, I am not really informed on that point. I do not think it is, though. But the story I have heard is exactly as the Senator has stated. I think, in Germany, they do have an agreement with the German Government not to allow wives of American soldiers to be employed. But I do not believe that that is the case with the Embassy itself.

Mr. PASTORE. The embassies do hire nationals?

Mr. FULBRIGHT. They do, but not really to the extent that the military does.

Mr. PASTORE. I would hope the Senator, at some other point, would give some thought to that.

Mr. FULBRIGHT. The Senator sees how difficult it is for the committee to recommend any kind of cut at any level.

The main situation here is that we have tried to reduce employment and our presence abroad. We should try to bring back our personnel. This is a very modest cut in numbers. As I have already told the Senator, the State Department itself has only 13 percent of the overall total. The others are in agencies such as Agriculture, Commerce, HEW, NASA, Export-Import Bank, USIA, and so forth.

Mr. President, I do not want to labor the point. I put these figures in the RECORD the other day. This is a very modest effort to try to save a little money and, to be frank about it, to reduce the numbers. We believe it in no way will involve the services.

I have had ambassadors tell me that they would be better off if they did not have so many people. I especially remember our former Ambassador to Rome saying that to me. I am reluctant to quote him, but I do not think he will mind. Ambassador Reinhardt said to me, "We have so many people here I would feel better if we had a reduction."

There may have been some excuse for these large missions back in the 1950's, but surely, if the President—and I hope he is as successful as he seems to be—is making progress for reducing tensions in the cold war and trying to establish better relations—this reduction is consistent with that.

Mr. President, I do not believe I need to say much more about it. The issue is clear. It is a simple effort to try to save a little money by reducing nondiplomatic members of diplomatic missions in these countries. It does not affect the military soldiers, and so forth, but only the MAAG missions in many countries, which have no duties of any consequence.

Mr. SCOTT. Mr. President, I yield myself one additional minute simply to point out that if the argument of the distinguished chairman of the committee were to apply here, it indicates there is no need to have these MAAG missions and no advisory groups in a lot of places all over the world. He cites one, Costa Rica. I suppose that is intended as a sort of reductio ad absurdum which indicates that every country is about the size of Costa Rica, which is far from the fact.

The Senator's argument would better apply if he were to try to do what I suspect he would like to do, and that is to abolish all these programs. It seems to me that he is trying to abolish them piecemeal—to take a little bit of the meat ax here and another there. Ten percent is an arbitrary figure. I do not know in whose mind it was fostered, but it is not the figure based on any special research. It is one of the figures we take out of the air. It has no special basis except that the Senator does not happen to agree with the programs.

Now, Mr. President, I yield 8 minutes to the distinguished Senator from Mississippi——

Mr. FULBRIGHT. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. FULBRIGHT. I might point out, inasmuch as the Senator makes a point about military aid, that 95 percent of our military assistance goes to 10 countries. We have MAAG missions in 46 countries. At least 36 countries are very marginal; yet we have a substantial number of MAAG missions. I do not blame the MAAG people or the military. These are nice posts. The social conditions are ideal. They have a minimum of duties to perform. There are good golf courses there and tennis courts. Especially in Latin America, it is very pleasant. It is exactly like the fight we had about the Spanish bases. They would not give up the bases for anything. They have absolutely no use, probably because they are obsolete, but they want to keep the bases. I do not blame the military who want to keep them. But the facts are that here, 95 percent of the military aid goes to 10 countries, and only 5 percent to 36. Yet we have substantial personnel still abroad.

Mr. SCOTT. Mr. President, before yielding time to the Senator from Mississippi, I should like to point out again that what the Senator is really saying is that he does not think much of the programs. I believe that the Armed Services Committee should have something to say about that. I also believe that other Senators should have something to say about it, rather than to have the Foreign Relations Committee simply arbitrarily say, "We do not like the programs. We do not think they amount to much," without providing any proof or any evidence. They say, "we just do not like the whole thing."

He implies they are soft, cushy jobs.

Many of these jobs involve people in frontline activity. Many are undertaken in extremely unpleasant conditions. They are not soft, cushy jobs at all. They are jobs which are representative of the adherence to duty and to country and to devotion to our obligations, which do not deserve the epithets applied to them.

Mr. President, I yield 1 minute to the distinguished Senator from Vermont (Mr. AIKEN).

The PRESIDING OFFICER. The Senator from Vermont is recognized for 1 minute.

Mr. AIKEN. Mr. President, I presume that the amendment offered by the chairman of the Foreign Relations Committee could be complied with without causing serious damage to any of our Government agencies. However, I do not know. In this instance we are called on to vote for many things that we simply do not know about. And I do not believe that we can vote intelligently on new provisions in this legislation.

I would call attention to title VI of this bill which establishes a study commission relating to foreign policy. If we make these decisions for ourselves, assuming that such commission is authorized and is a replica of the earlier Hoover Commission, we make the decisions in advance. And I do not see why we would need the commission. However, if we need the commission, I think we should wait until we get the report and the recommendation of that commission before taking steps to do things which perhaps we are not qualified to do without the report and the recommendations of that commission.

I do not say that the proposal of the Senator from Arkansas (Mr. FULBRIGHT) could not be complied with. I presume that it could. However, I do not know. And for that reason I would rather wait until we get more accurate information on just what the effect would be before reporting that part of the bill.

Mr. SCOTT. Mr. President, I suggest the absence of a quorum at this time and ask unanimous consent that the time be deducted equally from both sides.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none, and it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I yield 8 minutes to the distinguished chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 8 minutes.

Mr. STENNIS. Mr. President, just to be very quick about this, the provision in the bill would strike 10 percent of all Americans who are employed in foreign countries, we will say, by the armed services or the Department of Defense or the CIA.

I do not know the extent of the hearings held on this matter by the Foreign Relations Committee. I do not fully understand why they excepted the Department of State, although there seems to be a special provision in the bill.

My attention was called to this matter a few days ago. We had some work done on it with reference to the CIA. However, I did not understand that this amendment was going to be called up this afternoon. Otherwise I would have been compelled to ask for time.

Mr. FULBRIGHT. Mr. President, would the Senator from Mississippi yield for a clarification on that point?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. Mr. President, with respect to the CIA, they are on the State Department payroll, and there are a number of them. They would not be affected. I want to make that clear.

Mr. STENNIS. That is not a large number at all that are involved. That is special, anyway.

Mr. FULBRIGHT. I would say that in general those that are connected with an Embassy and not on its payroll are a very small number, I would think.

Mr. STENNIS. Mr. President, I say this on my responsibility. I do not believe that any agency of the Government has a cleaner bill of health than the CIA when it comes to civilian employees. Year after year I have personally checked, along with others. Under the present Director there has been a steady decrease over the years in the number of civilian employees. At a time when most all of the others were going up year after year, these were coming down some.

I just strenuously object here without any hearing or anyone looking into this matter, and certainly without getting the full picture, to putting a proviso, an amendment, in another bill that arbitrarily cuts it down 10 percent.

I warn against such action. I just do not know what the consequences might be with reference to such a reduction. As I say, I seriously warn against it. I know that this Agency has a splendid record.

Now, with regard to the armed services as a whole—and I mentioned this to some of the staff members the other day—I think we will have to ask Congress to give us jurisdiction to set the salaries and the total number of employees here at home as well as abroad. We make a yearly judgment of some kinds as to the number they can employ. But that shows my attitude and willingness to work on it. That would take some time. However, to just come here now in this way is a serious matter. Why not make it 10 percent now or next year some time; or that this must be done regardless of consequences. I have no doubt that we would have to come back if this proposal should become law, and take care of many situations at the very best.

In keeping with all of our rules of the Senate and our customs, what kind of system is it to come in here on an extraneous matter and just reduce by 10-percent employees of this type all over the world? It is not within reason, practice, custom, or within the rules of the Senate.

This is a jumped-up affair with 30 minutes to a side, to argue a matter on which no hearings have been held. There is no record to refer to; there are no estimates from anyone. There is no staff work that has gone into the heart of this matter. These matters are very difficult to get into.

Tomorrow morning first thing on the agenda is an effort to get something before our committee to further reduce the ceiling on our men in the military service. I especially have been working on that myself for the second year. We made those reductions last year, not due just to the Vietnamese drawdown. We made some; they complied, and we are making some more. I will recommend that, first thing in the morning.

But just to come in here now and say "10 percent period" on these civilians overseas is unfair and contrary to the way in which we have always considered matters here.

Mr. President, I have a few prepared remarks with reference to the CIA. I am not saying that some reduction could not be made, although, in spite of these close examinations, we have not had any inclination to make a recommendation. The way these matters are handled now, we have not made recommendations in the last few years. Jurisdiction is exclusively within this committee, just as the Committee on Foreign Relations has its exclusive jurisdiction, and this matter has been looked after.

I think that with just as much reason one could say 15 percent or 5 percent, as far as the basis for the consideration. I would like to ask the Senator from Arkansas what reason the Senator applied to the CIA, or all the rest of them, that have the same level of 10 percent? What was the logic behind using 10 percent for all of them?

Mr. FULBRIGHT. The Senator is quite wrong in saying it is 10 percent for each of them. It was an overall cut. For the Senator's information, I have already stated the major agency involved is AID with 5,047. These are people administering the AID program, which I know the Senator is now very fond of; he did not used to be such an avid supporter of foreign aid, but he is now. That is the No. 1 agency.

Mr. STENNIS. If the Senator will pardon me, the Senator is using my time. I would like to finish my statement.

Mr. FULBRIGHT. I will yield to the Senator on my time if he will permit me to comment on what he said about hearings.

Mr. STENNIS. On the Senator's time.

Mr. FULBRIGHT. Yes; on my time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. We had extensive hearings on the question of personnel in our foreign establishment. I beg to differ with the Senator that this is not under the Department of State or the Committee on Foreign Relations. The Senator's committee does not have jurisdiction over aid—military aid—except in Vietnam and Laos. The major part of it is not under the Senator's committee. It is the responsibility of the Committee on Foreign Relations to deal with aid, both military and economic. The No. 1 agency, of course, that would be affected by this is the foreign aid program.

Mr. STENNIS. If the Senator will yield, I was not making a point about the foreign aid program.

Mr. FULBRIGHT. The Senator said there was no jurisdiction here. We are not affecting military people in the Armed Forces. We are affecting those assigned to the embassies, and they are under the jurisdiction of the Department of State and not the Department of Defense. They are there and they are cluttering up many of these embassies where there are minimum military porgrams; 95 percent of all military aid goes to 10 countries, yet you have these MAAG's in 46 countries. Look at a country like Iran with 247 military attachés, because it is a very nice place to be. We have no military activities there ourselves. It is a relatively peaceful and quiet place. There is no excuse for that kind of overstaffing.

Mr. STENNIS. Did the Senator make an estimate of how many would be reduced in Iran?

Mr. FULBRIGHT. It is not by category. It was a very modest 10-percent reduction and the administration does not have to take any out of Iran if it does not want to. It can take that entire cut out of AID if the administration wants to.

Mr. STENNIS. Does the Senator have any hearings, any record, or estimate as to how many should be reduced in Paris, London, Frankfurt, or any other place? Are there any facts the Senator can stand on except this generalization?

Mr. FULBRIGHT. We do not here say that there has to be a reduction of 224 from Iran. We feel the President should have some discretion. A great many of these places are overstaffed with Americans at great expense to the American taxpayer and they are rendering no essential services. The AID program is the largest one and second are the military attachés at embassies around the world where there is nothing critical going on.

Take places like the Philippines, Taiwan, and in Paraguay. I imagine 10 military people there. It is a nice country that has not been to war in I do not know how mady decades. It is isolated in South America. I do not know what you have so many military people there for. I would say 10 percent would be minimal there. It probably should be much higher, but this discretion is left in the hands of the administration. If I were to put it the other way the Senator would say that I am tying the hands of the administration. We say it is an overall cut and it does not have to come from any one country or agency.

Mr. SCOTT. Mr. President, will the Senator yield with respect to Paraguay for a brief observation?

Paraguay had one of the worst wars in the history of the century, and it may be the reason they have not had one for several decades is the presence of American advisers.

Mr. FULBRIGHT. Is it the Senator's view that we should pay for keeping peace in Paraguay; that we are keeping this mission up to maintain peace in Paraguay? That never has been put up before. I thought it was supposed to be in the interest of the United States.

Mr. SCOTT. I do not mind the Senator oversimplifying himself, but I would not want him to oversimplify my position.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. SCOTT. Mr. President, I yield my remaining time to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I submit again to the membership—and may I please have their attention—the fact here is that there are no basic figures. No hearings went into this matter. No estimate was made as to by how many it should be reduced. Therefore, I say the 10 percent is an arbitrary figure.

We have many people employed by the CIA—I just thought I should bring this out if we are going to have it understood—that are so-called undercover employees. I am referring to the CIA. Do we want to stop that? I do not believe we do. Although I do not really believe it needs to be reduced, if it does, management being human like anyone else, it needs to be done after the facts are known, not before they are known. Who can say on the floor now, without any scintilla of evidence, that at least 10 percent of all the undercover men employed by the CIA should be taken off? I do not believe anyone can say it. It just shows what we are going into.

On these MAAG programs, if there is one employee there who is not needed, that is one too many in my book, and I do not want that employee paid. I am not trying to protect any of them, but I warn you now that this is a very serious matter. I know that to carry out this provision would seriously impair some of the most delicate and important work going on in the Department I am talking about, and I know of other matters it would impair within the military. That is about all I can say under the law.

I do not believe the Senate really wants to act without some of the facts before they really accept the story that is involved in this amendment. I have already said I am willing to do anything I can, on a scale much broader than this, that will bring about an annual accounting and responsibility for civilian employees employed by the military, whether they are abroad or here at home, and I would be willing to have the right kind of survey made of the CIA. They are not immune. It just has to be handled somewhat differently.

I shudder at what I call arbitrary action as to the Central Intelligence Agency, not based upon fact, but based upon someone's fancy. It does not even rise to the dignity of being an estimate. There is not even an estimate here that 10 percent could be cut from this group.

So I submit this matter on the facts to those who are here, and on the unproven facts of those who are sponsoring this reduction. I hope the Senate will vote for the amendment merely to stop it until there is a further look and an estimate can be made.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

With regard to the evidence, of course Senators have not had time, nor really any reason, to read the hearings, but the hearings are 834 pages long. Much of it is taken up with this matter. There are pages giving country-by-country employment, with numbers, and so forth.

I ask unanimous consent that pages 8 and 9 of the report be reproduced in the RECORD for the information of the Senate.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

NUMBER OF CIVILIAN AGENCY [1] PERSONNEL OVERSEAS UNDER JURISDICTION OF DIPLOMATIC MISSION CHIEFS, DEC. 31, 1971 (ACTUAL EMPLOYMENT)

	Total, all agencies		State						AID			
			Total		Direct		Reimbursable		Direct hire including PASA		Contract	
	United States	Foreign	United States	Foreign	United States	Foreign	United States	Foreign	United States	Foreign	United States	Foreign
Africa	5,141	3,523	867	1,495	490	675	377	820	545	656	391	168
Near East, South Asia	2,747	5,707	934	2,226	431	707	503	1,519	398	1,296	173	448
East Asia, Pacific	6,007	10,963	1,181	2,099	604	883	577	1,216	2,086	3,486	412	2,476
Latin American Republics	5,168	5,097	1,136	1,808	670	879	466	929	692	1,193	338	632
Europe	2,751	4,906	1,691	2,864	1,214	1,722	477	1,142	12	1		
Total	21,814	30,196	5,809	10,492	3,409	4,866	2,400	5,626	3,733	6,632	1,314	3,742

	USIA		Peace Corps					Agriculture			
			Staffs			Contract		Staffs		Contract	
	United States	Foreign	United States	Foreign	Volunteers	United States	Foreign	United States	Foreign	United States	Foreign
Africa	152	613	100	86	2,946	21	137	13	7	2	
Near East, South Asia	199	1,433	72	41	913	8	192	15	31	1	15
East Asia, Pacific	277	1,582	50	65	1,747	25	127	26	27		49
Latin American Republics	220	672	89	117	2,373	22	89	59	211	5	5
Europe	221	909			6			72	76	15	48
Total	1,069	5,209	311	309	7,985	[2] 76	[2] 545	185	352	23	117

	Commerce		HEW				Justice		NASA			
			Staffs		Contract				Staff		Contract	
	United States	Foreign	United States	Foreign	United States	Foreign	United States	Foreign	United States	Foreign	United States	Foreign
Africa			5		6		1		2		85	351
Near East, South Asia		2		9	3	10	25	2				
East Asia, Pacific	6	22	1		2	1	46	11	1		1	659
Latin American Republics	19	16	2	10	2	13	84	2	3		91	317
Europe	29	60	3	36	18	52	135	18	13	1	311	529
Total	54	100	11	55	31	76	291	33	19	1	488	1,856

	Transportation			Treasury		ABNC/AEC EPA/Ex. Im.		GSA/HUD Int./Labor		NSF/Smith. TVA/VA	
	CG military	United States	Foreign	United States	Foreign	United States	Foreign	United States	Foreign	United States	Foreign
Africa		2				2	10			1	
Near East, South Asia		3	1	3	1						
East Asia, Pacific	25	40	7	31	26	11	45	14	4	25	277
Latin American Republics		10	10	21		2	2				
Europe	3	71	10	93	10	47	292	7		4	
Total	28	126	28	148	37	62	349	21	4	30	277

[1] Excludes staffs of the Department of Defense and other elements, public disclosure of which is prohibited.

[2] Includes short-term contract workers.

Source: Department of State.

Mr. FULBRIGHT. There are two pages giving the number of civilian agency personnel overseas under jurisdiction of diplomatic mission chiefs as of December 31, 1971, and the actual employment agency-by-agency.

The Senator says there is no evidence; that there is nothing on it at all. This is about as complete as one can get.

I also ask unanimous consent to have printed in the Record a table of those employees in embassies who are reimbursable by agencies, which are not affected by the provisions of this bill. I ask that it be inserted in the Record simply to show the detail with which this matter has been studied.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

DEPARTMENT OF STATE

Reimbursements to the Salaries and Expenses Appropriation

The salaries and Expenses Appropriation is reimbursed each year for a variety of services provided to other U.S. Government departments and agencies overseas and in Washington. The principal service is the provision of administrative support for U.S. Government programs at Foreign Service posts. Departmental staffs and facilities are available to meet such common administrative requirements as personnel services, accounting and fiscal services, motor pool, maintenance of office and residential space, pouch and communications facilities, and security services. Costs of these services are shared by all participating agencies in accordance with the degree of participation at each foreign service post. The procedures and methods for determining total costs and the amount to be reimbursed by each agency were developed jointly with the major participating agencies and is accepted by all agencies as the basis for reimbursement.

DEPARTMENT OF STATE—REIMBURSEMENTS TO THE SALARIES AND EXPENSES APPROPRIATION, FISCAL YEAR 1971, SUMMARY

[Dollar amounts in thousands]

Reimbursement source	Positions		Amounts
	Americans	Locals	
Agency for International Development	678	1,128	$22,446
Agriculture	29	84	1,444
Arms Control and Disarmament Agency	58	2	1,720
Commerce	23	37	990
Defense Intelligence Agency	29	469	8,453
Military assistance advisory groups	71	284	3,632
Other military departments	68	263	5,508
Other State appropriations:			
Contributions to international organizations	33		1,427
Other State appropriations—Continued			
Acquisition and construction of foreign buildings	45	905	$7,005
Mutual Education and Cultural Exchange Act	52	1	1,080
Peace Corps	84	239	3,460
Section 637b, Foreign Assistance Act	116	48	3,967
U.S. Information Agency	402	1,314	20,281
Miscellaneous agencies	1,858	1,057	61,428
Total	3,546	5,831	142,841

Mr. FULBRIGHT. Mr. President, this table shows that the major part of the people employed for the CIA in miscellaneous agencies will not be affected by the provision in the bill.

These are persons on a reimbursable basis who will not be affected.

So this provision does not cut out everybody. As I have said, there is flexibility left in the administration to apply the cut where they think it will be most appropriate. I think that is the best way it could be approached by the committee.

The simple question is whether or not we wish to maintain this overblown establishment which has grown up in a period of warfare and crisis and time when we were not so stringently involved in deficits both domestic and international. So it is a very simple proposition. I submit it is in the interest of the country to attempt this modest reduction more in accordance with our capacity and more in accordance with the needs of the foreign countries in which we have these establishments.

Mr. SCOTT and Mr. STENNIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania has 3 minutes.

Mr. SCOTT. Mr. President, I yield my remaining 3 minutes to the Senator from Mississippi.

Mr. STENNIS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, this reduction expressly exempts the Department of State, and then there is a proviso in another section that relates to and mentions the Department of State, but my information is that it does not make much difference to the Department of State, according to the way this provision is written. We just do not know. It is another illustration of just how uncertain this provision is.

Going back to the CIA for a minute, I emphasize that while I cannot go into exact numbers, it is a fact that the CIA has already reduced its overseas employees by about 20 percent since 1967. I ask Senators to listen to this. These are facts. I mentioned awhile ago that we have reduced those numbers, but I did not have the figures in my hand that I do now. There has been a systematic year-by-year reduction that I knew about when it was happening, as did the Senator from North Dakota (Mr. Young). It has been a 20-percent reduction in the last 5 years, since 1967. What other agency can say that? Most of them have been going up.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. STENNIS. Yes, briefly.

Mr. YOUNG. This reduction would adversely effect the CIA. During this same period the CIA has been assigned additional problems and programs some of which I am not free to discuss. I may say at this time that the CIA has been far more accurate in analyzing the situation in Southeast Asia than has any other intelligence agency.

Mr. STENNIS. I thank the Senator.

I want time to make this point. I ask for attention. Any further reduction beyond this 20 percent would, in my judgment, seriously impair programs that are vital to our national security, such as the maintenance of the worldwide communications network. There have been no hearings on that. No one can challenge these statements about the reductions that I cite as a matter of fact, I give my judgment as to what could be the consequences to the worldwide communications network. That is not just a term. That is something that is relied on every hour of every day and every night. The President of the United States, now in conference in Moscow, relies on information coming through that network.

So let us stay our hand, here, until the facts are better known.

I yield back such time as I have.

Mr. SCOTT. Mr. President, I yield back the remainder of my time, if that is satisfactory to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, just 1 minute for a comment here. I do not wish to leave the record as if I did not know better than that this would not affect the CIA operations in Laos or elsewhere. They do not run those big operations under the embassies. This affects only those personnel assigned to the diplomatic missions, and most of them are not any such thing. They operate Air America in Laos, for example, and everything else, completely outside, you might say, the umbrella of the embassy.

Mr. YOUNG. It does affect initial assignments.

Mr. FULBRIGHT. Those assigned on a reimbursable basis to the embassy are not affected. They are exempt.

There are 1,858 Americans in miscellaneous agencies, a number of which I am quite sure are not affected whatever. It does not affect the National Security Agency. These are nonintelligence agencies.

All I want to do is set the record straight, that I am not agreeing, by my silence, with these statements of the Senator from Mississippi that we do not know anything about it, that we had no hearings, and that there is no basis whatever for this provision. This matter has been discussed for several years, and we have had many pages of record. Our hearings run to 800 pages, and much of that is concerned with overstaffing of the agencies.

This is the responsibility of the Committee on Foreign Relations. I do not blame the Senator from Mississippi; there is no reason for his committee to go into the staffing of an embassy. It is not his business, and the fact that he is surprised by this and was not aware of it is not surprising. There are a lot of things that come out of other committees that I am not aware of, either, until they come to the Senate floor.

The fact that the Senator has not dealt with it does not mean that the committee has not dealt with it in depth and I think the evidence is here. I wanted to put the record straight on that matter. I have cited a few of these figures. I could cite a number of them, but I think anyone would admit that we have too many people in some of these MAG missions. However, the main matter, I would assume, which is left to the administration, would be the AID missions.

I yield to the Senator from Mississippi.

Mr. STENNIS. I thank the Senator very much.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Director Helms to me dated May 18, in which he said:

> After reviewing the implications of this provision, I have concluded that it would seriously impair the effectiveness of this Agency in carrying out certain programs having a vital bearing on the national security.

Now, if that means anything, and it means something to me and I believe to every one of us familiar with these operations, I am saying we are trifling in the dark here with our national security.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., May 18, 1972.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: I am writing to tell you of my very serious concern over certain provisions of the Foreign Relations Authorization Act of 1972 (S. 3526) which is now pending before the Senate. Section 504 (a) of this legislation imposes a ten percent reduction, by 30 June 1973, in the total number of Executive Branch personnel (other than those of the State Department, certain military categories, and the Peace Corps) serving overseas.

After reviewing the implications of this provision, I have concluded that it would seriously impair the effectiveness of this Agency in carrying out certain programs having a vital bearing on the national security. As you are aware, this Agency has in recent years undergone significant reductions in both money and manpower. In fact, since 1967 there has been a reduction of some 20 percent in Agency overseas positions affected by this provision, with no reduction in our increasing responsibilities and commitments, many of which are in support of other Federal agencies.

In these circumstances, and in view of the present world situation bearing on U.S. national security, I urgently request your assistance in securing for this Agency an exemption from Section 504(a) of S. 3526.

Respectfully,

RICHARD HELMS,
Director.

Mr. FULBRIGHT. Mr. President, let me say once more, this does not require the President to cut one single man out of the CIA. The only reason in the world why he would do that would be if the President, in his judgment, said these are surplus. It does not require one single man or woman be taken out of the military attachés offices.

I only cite these as examples which the President has the flexibility and the discretion to apply the cut to. I assume the larger share of the cut would be in the AID missions, because that program has been cut back, not as drastically as it ought to be, but it has been cut back. That has been the trend for a number of years.

Mr. STENNIS. Mr. President, will the Senator yield? Would he except the CIA?

Mr. FULBRIGHT. I do not want the RECORD to indicate that I understood this would do what the Senator from Mississippi says it would. It would not do it. It would require the President's judgment.

Mr. STENNIS. Would the Senator except the CIA?

Mr. FULBRIGHT. Surely, if the Senator thinks that is important.

Mr. STENNIS. Well, we have prepared an amendment here that would do that, and I ask the Senator to support it.

Mr. FULBRIGHT. I accept it, and I ask unanimous consent to—well, I cannot do that, because it is the Senator's amendment. I would not mind doing it.

Mr. SCOTT. Mr. President, I do not have any time.

Mr. FULBRIGHT. If the Senator from Mississippi will vote for the amendment of the Senator from Pennsylvania, I will accept the exemption for the CIA, if the Senator from Pennsylvania will.

Mr. SCOTT. No, I do not think that is the way to do it.

Mr. HRUSKA. Mr. President, section 504 of S. 3526 requires a 10-percent reduction in the number of Federal civilian employees in foreign countries. Specifically excluded from this cutback are State Department employees, Peace Corps volunteers and leaders, and other Federal employees who are assigned to the Department of State on a reimbursable basis. The cutback will apply against overseas strength as of July 1, 1972, and must be attained by June 30, 1973.

The figures provided in the committee report—page 98—indicate that the total number of personnel under the jurisdiction of diplomatic mission chiefs amount to 26,000. With the exclusion of State employees, reimbursables carried on State's roles, and volunteers from the Peace Corps, to which the cutback does not apply, some 11,800 personnel are subject to the cut. This means that approximately 1,200 positions will have to be cut before June 30, 1973.

The personnel subject to the cut would come from a number of executive agencies and departments such as Justice, Agriculture, Commerce, HEW, the National Aeronautics and Space Agency, the Export-Import Bank and others. I am not personally familiar with many of the programs which would be affected but I do know that the Department of Justice has slightly over 300 officials overseas connected with law enforcement, including drug control activities, and with the Department's Immigration and Naturalization Service. I would seriously question the merit of taking cuts in these activities.

Rather than the indiscriminate reduction that woudl be mandated by section 504, I think the more proper and orderly approach would be for the committees having substantive jurisdiction over the various overseas programs to examine their programs for excess fat and make cutbacks where indicated.

Accordingly, I strongly support Senator SCOTT's amendment which will strike the indiscriminate cut contained in section 504.

I have two additional problems with this section and they both stem from the fact that overseas personnel of the Department of Agriculture would be included.

First, I question the economic wisdom of cutting back the overseas work force of a segment of the economy that contributes almost one-fifth of the country's total exports, and consistently makes a net favorable contribution to the balance of trade and the balance of payments.

Agricultural exports last fiscal year totaled $7.8 billion, going to more than 150 countries. In this situation, the total American personnel ceiling for USDA overseas is 203 persons, 43 of these people are officers protecting the American consumers from import into the United States of food products that do not meet

U.S. standards for purity and wholesomeness. They protect U.S. agriculture and food economy from the introduction of diseases and pests that do not exist in this country and would cause untold damage to our plants and animals should they gain a foothold here. If you cut this area you take your chances on African swine fever and dirty food.

There are 138 people engaged in market development, negotiations to lower and remove trade barriers, reporting on market opportunities and competitive situations throughout the world. These people spearhead export expansion programs that have helped to increase U.S. farm exports to record levels of $7.8 billion.

That brings me to the second difficulty with this bill. Is the authorization for the State Department and the USIA the place for this body to reduce the number of employees of the Department of Agriculture or the Department of Justice?

If it is, indeed, necessary to decide whether to eliminate some positions in agricultural market development and in U.S. consumer import protection, then it seems to me it should be done in the context of agriculture and consumer affairs rather than foreign affairs. The same holds true for all other Federal agencies and programs not specifically included within the scope of S. 3526.

I hope this amendment will be approved.

Mr. SCOTT. Mr. President, I yield back the remainder of the time which I do not have.

The PRESIDING OFFICER. Does the Senator from Arkansas yield back the remainder of his time?

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Stafford). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Pennsylvania (Mr. Scott). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Idaho (Mr. Church), the Senator from Mississippi (Mr. Eastland), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from North Carolina (Mr. Jordan), the Senator from Arkansas (Mr. McClellan), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Alaska (Mr. Gravel), the Senator from Indiana (Mr. Bayh), the Senator from Georgia (Mr. Gambrell), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Connecticut (Mr. Ribicoff), and the Senator from Illinois (Mr. Stevenson) are necessarily absent.

I also announce that the Senator from Utah (Mr. Moss) is absent on official business.

On this vote, the Senator from Connecticut (Mr. Ribicoff) is paired with the Senator from Illinois (Mr. Stevenson).

If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Illinois would vote, "nay."

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Idaho (Mr. Jordan), the Senator from Wyoming (Mr. Hansen), and the Senator from Maryland (Mr. Mathias) are absent on official business.

The Senator from Massachusetts (Mr. Brooke), the Senator from Hawaii (Mr. Fong), the Senator from Oregon (Mr. Hatfield), and the Senator from Illinois (Mr. Percy) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Kentucky (Mr. Cook), the Senator from Arizona (Mr. Goldwater), and the Senator from Kansas (Mr. Pearson) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. Brooke) would vote "nay."

The result was announced—yeas 38, nays 32, as follows:

[No. 186 Leg.]

YEAS—38

Aiken
Allen
Allott
Baker
Beall
Bennett
Bentsen
Boggs
Brock
Buckley
Cotton
Curtis
Dole
Dominick
Ellender
Ervin
Fannin
Griffin
Gurney
Hollings
Hruska
Jackson
McIntyre
Miller
Packwood
Saxbe
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Taft
Thurmond
Tower
Weicker
Young

NAYS—32

Bible
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cooper
Cranston
Eagleton
Fulbright
Hart
Hughes
Inouye
Javits
Magnuson
Mansfield
Metcalf
Mondale
Montoya
Muskie
Nelson
Pastore
Pell
Proxmire
Randolph
Roth
Spong
Symington
Talmadge
Tunney
Williams

NOT VOTING—30

Bellmon
Cook
Fong
Gambrell
Eastland
Goldwater
Church
Anderson
Bayh
Brooke
Gravel
Hansen
Harris
Hartke
Hatfield
Humphrey
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mathias
McClellan
McGee
McGovern
Moss
Mundt
Pearson
Percy
Ribicoff
Stevenson

So Mr. Scott's amendment (No. 1203) was agreed to.

Mr. SCOTT. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. STENNIS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FULBRIGHT. Mr. President, I call up the amendment I have sent to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Tunney). That will take unanimous consent because the question now recurs on agreeing to the amendment of the Senator from Michigan (Mr. Griffin), No. 1200.

Mr. SCOTT. Mr. President, I do hope that this unanimous consent will be granted. It has to do with narcotics and it is very important.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that this be in order and that the time be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, my understanding is that there will be no rollcall votes, although I cannot fully guarantee it.

Mr. FULBRIGHT. I do not think there will be any need for a rollcall vote. I will explain the amendment.

The PRESIDING OFFICER. How will the time be divided?

Mr. FULBRIGHT. Mr. President, no one is in opposition to this amendment that I know of.

Mr. MANSFIELD. Give it to the minority leader.

Mr. FULBRIGHT. I ask unanimous consent that the 10 minutes time be equally divided between the distinguished minority leader and myself.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be stated.

The assistant legislative clerk proceeded to read the amendment as follows:

S. 3526

On page 32, between lines 15 and 16, insert the following:

INTERNATIONAL NARCOTICS CONTROL

Sec. 507. Chapter 8 of part I of the Foreign Assistance Act of 1961, relating to international narcotics control, is amended by striking out section 481 and inserting in lieu thereof the following new sections:

"Sec. 481. International Narcotics Control.—It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, smuggling, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics, and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513). Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, smuggling of, and traffic in, narcotic and psychotropic drugs. The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sales under the Foreign Military Sales Act and under title I of the Agricultural Trade Development and Assistance Act of 1954, with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this chapter.

"SEC. 482. AUTHORIZATION.—To carry out the purposes of section 481, there is authorized to be appropriated to the President $42,500,000 for the fiscal year 1973, which amount is authorized to remain available until expended."

Mr. FULBRIGHT. Mr. President, this is a simple amendment. It was in the military assistance authorization bill submitted by the administration. It is the administration's proposal. It was thought more appropriate to put it in the State Department bill—the one before the Senate—because it does not really relate to the military assistance bill, simply to keep our lines a little straighter. All we have done—the committee voted it unanimously yesterday—is to transfer that authorization to this bill and authorize a line item of $42.5 million for narcotics control. That is all it does. It is precisely the same language the administration submitted in the military assistance bill. It is merely a bit of housekeeping that we engaged in. It is more appropriate in the present bill than in the military assistance bill. That is all we have done. The committee voted unanimously yesterday and authorized me to offer this amendment.

Mr. SCOTT. Mr. President, I fully agree and I yield back the remainder of my time.

Mr. FULBRIGHT. Mr. President, I yield 2 minutes to the Senator from Virginia (Mr. SPONG).

The PRESIDING OFFICER. The Senator from Virginia is recognized for 2 minutes.

Mr. SPONG. Mr. President, while I have opposed a number of the requests for foreign aid programs, I support the proposal to concentrate $42.5 million on international narcotics control programs. I agree that it is more appropriate to consider this request in connection with S. 3526, than in the foreign aid bill, where it first appeared, and I believe the administration should be commended for recommending the proposal.

Drug abuse is a problem throughout our Nation. It is a growing problem. It threatens to ruin thousands of lives and deprive our Nation of the contributions which numerous citizens might otherwise make. It is a particular threat to our youth on whom we must rest our hopes for tomorrow.

There is, however, an ironic component in the problem: no poppies which are the base of the hard drugs, opium and its derivatives, are grown in the United States. Most are, in fact, produced in the Middle Eastern area and in the "golden triangle" of Burma, Laos, and Thailand. Thus, the root of the problem is at the international level.

Consequently, we must strike at the source of heroin; we must take additional steps to prohibit the importation of the hard drugs into our Nation. That is what this authorization would help us do. Under this authorization, funds would be available for a number of activities in countries abroad, including crop substitution, educational and information activities, increased enforcement of laws which seek to restrain the illicit drug traffic and treatment programs.

A number of activities are already underway abroad. Turkey, which once provided as much as 80 percent of the illegal heroin making its way into our Nation is engaged in new crop substitution and enforcement activities. Under the former premier, growth of the poppy was to be terminated at the end of this year's growing season. This is, therefore, not the time to relent in our efforts to assist Turkey in eliminating the cultivation of the poppy. We should provide additional agriculture and enforcement assistance. And, we should, on every occasion possible, impress upon the new government the importance of adhering to the decision which has been made to ban the poppy.

I am aware that many Turkish farmers—farmers who use the poppy for such things as cooking oil, animal fodder, and fires—do not understand the dangers of the crop and the problem of addiction. For this reason, I am hopeful that serious attention will be given to the proposal, already made in the House of Representatives by Representative SEYMOUR HALPERN, that USIA engage in educational and informational activities to alert these farmers to the disadvantages of the crop. Hopefully, this would enhance the farmers' understanding of our position on this matter.

At the same time, we must take additional steps to see that, as the illicit trade from Turkey diminishes, that trade is not simply transferred somewhere else, most likely to the Far Eastern area of Burma, Laos, and Thailand. Our Nation is already engaged in some early work with those nations and this authorization would allow us to expand our cooperation with these governments in order to restrict production and exportation of opium and heroin from that area.

Mr. FULBRIGHT. Mr. President, this amendment is, in effect, a committee amendment to carry out action taken by the committee on an item in the executive branch's request for authorization of foreign aid. In the foreign aid authorization request the administration asked for $42,500,000 to carry out activities for the control of the international traffic in naroctics. I need not go into the background of the drug problem. It is one which touches the constituents of every Member of this body.

The executive branch has embarked on a broad program to try to stop the flow of narcotics at the source—to try to prevent or drastically curtail the amount of drugs reaching the United States. Last year Congress authorized the President to reach agreements with foreign countries for cooperative efforts to control the production and distribution of narcotics and permitted funds to be taken from other foreign aid programs for this purpose. It is estimated that $20.8 million will be spent on such activities in the current fiscal year. I ask unanimous consent that administration materials concerning the current and proposed program be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, the administration's request for this program was submitted in what is, in effect, a military aid bill. After some discussion in committee, where there was no objection to the merits of the request, it was decided that it would be more proper to consider the request in connection with the State/U.S. Information Agency authorization bill.

This program is not really foreign aid in the usual sense; it is really an attempt to help alleviate a problem afflicting our own society. The theory, if I understand it correctly, is to help others in order to help ourselves. I cannot predict whether the program will have any practical effect on the U.S. drug addiction problem, but I believe it is worth a try. The committee will keep a close watch on this program. I hope that future reports of results will be more realistic and lacking in the overblown rhetoric that has been characteristic of the overall foreign assistance program.

I urge adoption of the amendment.

EXHIBIT 1

INTERNATIONAL NARCOTIC CONTROL PROGRAM

The Administration believes a separate line item for the International Narcotics Control Program is important to clearly demonstrate the concern the United States attaches to the drug abuse problem. The Administration believes Congressional authorization and appropriation of the entire $42.5 million requested for the International Narcotics Control Program is essential.

The International Narcotics Control Program is an important element of the Administration's coordinated effort to control drug abuse in the United States. Major efforts are already underway within the United States to cope with the demand and internal supply aspects of the drug problems. However, these efforts will be seriously handicapped if a major effort is not undertaken outside the United States to deal with the illicit production of drugs and the illicit traffic to the United States.

Drug abuse is indeed a worldwide problem, a fact only recently recognized by many nations. The International Narcotics Control Board (INCB) stated in its annual report for 1971 that the rate of expansion of drug abuse has been so rapid "as to amount to a virtual epidemic." At the same time the INCB stated 1971 will hold a special place "because of more concerted efforts by governments to deal with these problems."

It is unfortunately true, however, that many nations involved with the illicit drug problems, both in terms of use and the production and movement of drugs, do not have sufficient resources to bring to bear on the problem. The International Narcotic Control Program's main objective is to provide the assistance required by these nations to increase their ability to curtail the illicit production and movement of drugs, with particular emphasis on opium and its derivatives.

The primary efforts of the U.S. will be directed at the improvement of other nations' enforcement capabilities to curtail illicit production and processing of and trafficking in narcotics. In some cases, the U.S. assistance may be limited to training programs for enforcement officials, others will require equipment and advisory assistance as well .

Lesser amounts of assistance may be provided in the agricultural and health sectors.

The U.S. efforts also place special emphasis on international action through the United Nations and other multilateral organizations. Largely as a result of U.S. initiative the U.N. Secretary General established a special fund for Drug Abuse Control in April 1971, and has named a Personal Representative to direct the Fund and its activities.

To provide the framework for the U.S. program, more than 50 U.S. Missions abroad have prepared Narcotics Control Action Plans outlining the nature of the problem of that particular country and the measures which need to be undertaken. These plans, approved by interagency committees in Washington under the guidance of the Cabinet Committee, have provided the basis for discussions with the foreign governments to seek their cooperation and assistance in the fight against drug abuse. In the coming months, programs of cooperation will be developed with a number of governments. In some cases cooperative programs may be limited to closer coordination between our enforcement agencies with improved exchanges of narcotics intelligence. In other cases, assistance will be required before any major benefits can be achieved.

To permit the earliest possible realization of benefits, the Administration has included in its request of $42.5 million for the International Narcotics Control Program, funds over and above those required to finance programs which have been developed up until this time. Additional programs are at various stages of development, and it is believed the importance and urgency of this effort warrants the authorization and appropriation of these additional funds in order to avoid what could result in up to a year's delay in getting important programs underway.

INTERNATIONAL NARCOTICS CONTROL PROGRAM

FISCAL YEAR 1973 PROGRAM BREAKDOWN, BY COUNTRY, AS OF MAY 1972

[In thousands of dollars]

	Total	Direct hire	Other agency	Commodities	Participant training	Other
LAOS						
Public safety	121.6	90		18.6	7	6
BNDD support equipment for the BNDD program	17.0			10.0		7
Customs assistance support for Bureau of Customs advisers	314.4		226	53.4		35
Public health—Addict rehabilitation	135.0	60		75.0		
Technical support	135.0	35				100
	(723.0)					
THAILAND						
Public safety—Narcotics law-enforcement training	75.0				75	
Customs assistance—Support for Bureau of Customs advisers, equipment and training for Thai enforcement agencies	325.0		225	50.0	50	
Upland development—Economic development plan for the hill tribes region	570.0		200	220.0	150	
	(970.0)					
VIETNAM						
Public safety	450.0	450				
Customs assistance—Support for Bureau of Customs program	50.0		50			
	(500.0)					
TURKEY						
Redevelopment program for poppy region to provide means for substitute income for farmers	10,000.0					10,000
Foreign exchange losses to offset loss of foreign exchange by the Turkish Government due to cessation of legal sales of opium	5,000.0					5,000
	(15,000.0)					
Total	17,193.0					
U.N. Fund for Drug Abuse Control	5,000.0					
Total as of May 1972	22,193.0					

INTERNATIONAL NARCOTICS CONTROL PROGRAM—FISCAL YEAR 1972 PROGRAM STATUS

[Dollars in thousands]

	Allocated	Obligations anticipated as of May 31, 1972
Laos	$1,100	$726
Thailand	1,500	1,050
Turkey	15,700	12,700
Vietnam	500	500
U.N. fund for drug abuse control	2,000	
Interregional	25	
Total	20,825	14,976

INTERNATIONAL NARCOTICS CONTROL PROGRAM, U.S. IMPLEMENTATION

More than 50 Country Teams around the world have prepared Narcotics Control Action Plans. Upon their approval by an interagency committee in Washington, the Country Teams are instructed to begin discussions with the foreign governments to seek their cooperation on narcotics control. Any programs which emerge from these discussions which require U.S. financial or technical assistance are submitted to Washington for review and approval.

Operational responsibility will be assigned to the U.S. Government agency best qualified to provide the particular type of assistance required. In many cases this will be A.I.D. In others it may be the Bureau of Narcotics and Dangerous Drugs or some other U.S. Government agency or Department.

INTERNATIONAL NARCOTICS CONTROL PROGRAM, COORDINATION

The President has named a Cabinet Committee to coordinate the International Narcotics Control Program and designated Secretary Rogers as Chairman. The Department of State and the Bureau of Narcotics and Dangerous Drugs (BNDD) have the major responsibility for the U.S. role in the international narcotics control effort.

A.I.D. has a major supporting role, using its experience and expertise in conducting assistance activities abroad and through its authority to conduct and finance U.S. overseas assistance programs. Specifically, the A.I.D. Office of Public Safety training will concentrate on the organizational and managerial aspects of enforcement agencies as opposed to the operational training programs which will be conducted by the BNDD and Customs. These three agencies are working closely to assure the various training programs are coordinated to prevent any duplication of efforts.

The BNDD is the principal operational organization in the U.S. effort. BNDD by the end of FY 1972 will have 113 agents assigned abroad working with their counterparts. BNDD personnel place special emphasis on assisting local governments attack the infrastructure of major conspirators who operate out of important cities and communication centers and on upgrading local enforcement agencies to carry out this type of operation.

The expertise of the Bureau of Customs or the Department of Agriculture will also be required frequently. In some cases, a direct transfer of funds to these agencies will provide the most feasible solution to a specific problem.

U.N. FUND FOR DRUG ABUSE CONTROL

The UN Fund for Drug Abuse Control was established on April 1, 1971 after previous approval by ECOSOC and the UN General Assembly in 1970. The UN Secretary-General appointed Ambassador Carl W. A. Schurmann of the Netherlands as his Personal Representative in charge of the Fund. He is assisted by three Special Consultants: Dr. Walter M. Kotschnig, former Deputy Assistant Secretary of State of the U.S., Dr. D. Ghosh, Director of the Government of India Central Drug Laboratory in Calcutta, and Professor Bror Rexed, Director General of the Swedish National Board of Health and Welfare.

In establishing the Fund it was generally recognized that far greater financial resources would be needed to carry out a world-wide program than could be obtained from regular UN budgets. The Fund, therefore, was set up as a voluntary one to which governments and private sources are being asked to contribute.

The U.S. took the initiative in proposing the UN Fund to meet a world emergency and made the initial pledge of $2 million to launch the Fund. Since that time pledges and contributions by other governments and a few private sources have totalled slightly over $1 million. One aid-receiving country, unable to contribute to the Fund's financial resources, has offered to contribute expertise, training and educational facilities.

The UN Fund will finance a UN Plan for Concerted Action Against Drug Abuse. This will be a comprehensive, balanced effort to assist countries to cut back both the illicit supply of and demand for drugs. Projects under the Plan will be carried out by the UN Division of Narcotic Drugs and by the various UN Specialized Agencies.

The objective of the Fund is to furnish assistance to Governments, International Organizations and Specialized Agencies in their efforts to:

(i) limit the supply of drugs to legitimate requirements by putting an end to their illegal or uncontrolled production, processing and manufacture, making use of crop substitution or other methods, as appropriate,

(ii) improve the administrative and technical capabilities of existing bodies concerned with the elimination of the illicit traffic in drugs,

(iii) develop measures to prevent drug abuse through programs of education and special campaigns, including the use of mass media,

(iv) provide facilities and develop methods for treatment, rehabilitation, and social re-integration of drug dependent persons.

The Fund intends to begin by supporting: the expansion of research and information facilities of United Nations drug-control bodies; the planning and implementation of programs of technical assistance in pilot project for crop substitution purposes; the establishment and improvement of additional drug-control administration and enforcement machinery, the training of personnel and the setting up or expanding of research and training centers which could serve national or regional needs; the enlargement of the capabilities and the extension of the operation of United Nations drug-control bodies; the promotion of facilities for the treatment, rehabilitation and social re-integration of drug addicts; and the development of educational material and programs suitable for use on high-risk populations.

The first major country program under the UN Plan to be financed under the UN Fund is in Thailand. A UN-Thai project agreement approved in December, 1971 includes projects to *replace opium poppy cultivation* by substitute crops. The UN will also assist Thailand in the treatment and rehabilitation of drug addicts, in the suppression of illicit drug traffic, and in creating drug education and information programs. The cost of the program to the UN Fund will be about $2 million. The UN Division of Narcotic Drugs is the executing organization, with technical assistance from FAO and WHO.

The Fund is exploring in cooperation with the UN Specialized Agencies (WHO, FAO, UNESCO, et al) comprehensive drug abuse control programs with other governments in critical areas, and is stationing representatives in major regions to provide advice and assistance to governments. It is also concerned with improvement of collection and use of information on illicit production, traffic and demand. It is reinforcing the UN capacity to provide training assistance, as demonstrated by the opening in April 1972 of the Central Training Unit of the UN Division of Narcotic Drugs.

To avoid any possible duplication of effort the U.S. has established a close working relationship with the UN Fund and has a continuing exchange of information with it on programs underway and being considered.

The Administration believes the UN Fund for Drug Abuse Control should receive continuing and substantial support.

Drawing on its close association with the International Narcotics Control Board and the UN Division of Narcotic Drugs, the UN Fund is in a unique position to enter into discussions with governments around the world on improving controls over narcotic drugs and to provide any assistance required, utilizing the various specialized UN agencies. The Fund will be particularly important in those countries where bilateral assistance would be politically unacceptable.

In addition to the planned additional U.S. contributions of $2 million and $5 million in FYs 1972 and 1973 respectively, the U.S. is encouraging other nations to support the Special Fund with their own contributions in a generous manner.

TURKEY

Under a UN convention, Turkey is one of those few nations permitted legally to grow poppies for export.

However, Turkey's geographic location and historical connections with Europe have resulted in European traffickers obtaining much of their illicit opium supply from Turkey, passing it on through their smuggling teams to consumers in Europe, Latin America, and principally the United States.

Removal of Turkey as a source of illicit supply will cause considerable disruption to established patterns of smuggling of opium and its derivative, morphine base, through Europe.

Obstacles to solving the problem

Poppies are a traditional cash crop of thousands of Turkish families.

Poppies are used as a source of feed and fuel.

Sale of poppies' heads for pharmaceutical uses is legal.

Farmers have little knowledge of their role in the spread of the narcotic.

Actions taken by the government of Turkey

Progressively reduced the areas in which the opium crop may be grown.

Announced in the annual decree governing opium poppy cultivation that the 1971/1972 growing season would be the last such season. A total ban will apply thereafter.

Has acted vigorously to ensure that only legitimate growers are allowed to plant poppies and that the opium gum produced is turned over to government purchasing offices.

Initiated a number of measures in the spring of 1971 to improve collections:

1. Increasing the price the Government paid for opium gum;
2. Increasing the number of collection points in poppy growing provinces; and
3. Initiating cash payments to farmers at the time the gum is turned in, rather than using a cumbersome voucher system.

Initiated a new licensing law which further strengthens the Government's authority over the growing process and requires farmers to provide much greater detail about the location and extent of areas planted. The law gives the Government greater legal basis, including stiffer penalties, against those who fail to comply.

U.S. assistance

The United States has agreed to provide $35 million in grant economic assistance over a three to four-year period, subject to Congressional appropriations, to the Government of Turkey in support of its decision to ban opium production. The funds will be used to cover legitimate foreign exchange losses resulting from the ban on opium production and to help finance development programs aimed at providing new sources of income for those farmers who will suffer the consequences of the June 30, 1971 decree.

The United States also agreed to send to Turkey a high-level team of USDA agricultural experts headed by Secretary Hardin. This visit resulted in the promulgation of a Joint Turkish/American Report on the poppy growing areas, including recommendations for improving farm income.

A follow-up team of A.I.D. and USDA officials returned to Turkey in February 1972. The United States team concluded that primary emphasis should be placed on introducing high-yielding varieties of wheat which could increase yields fifty percent over conventional varieties.

During FY 1972 the United States plans to obligate $15,700,000 in support of Turkey's efforts to eradicate opium poppies. $15 million of this amount falls under the $35 million pledge, and is divided into two categories—$5 million to cover foreign exchange losses resulting from the cessation of legal sales of opium for pharmaceutical purposes by the Turkish Government, and $10 million for redevelopment programs in the areas affected by the ban. These programs will provide farmers with alternative means for substitute income. Crop substitution, livestock and water resources development, fruit and vegetable processing plants, and perhaps light industry are being considered as elements of the program. The United States also agreed to provide $700,000 over and above the $35 million pledge—$300,000 for control and surveillance purposes connected with the last crop year; and $400,000 to finance a U.S. team to work for the Government on developing its programs for the area.

During FY 1973 we plan to obligate an additional $15 million against the $35 million pledge—$5 million to compensate for foreign exchange losses and $10 million for the poppy region redevelopment programs.

Opium production in Laos, Thailand and Burma

The largest single producing area of illicit opium in the world is the so called Golden Triangle located where the borders of Burma, Thailand and Laos converge. Production in this area is estimated to total roughly 700 tons of raw opium annually.

Of all the illicit opium being produced today, the production in the Golden Triangle presents the most difficult control problem encountered. The region has not been under the control of any government for years and is dominated largely by various insurgent groups actively engaged in resisting governmental control. Opium has been the sole cash crop of the inhabitants for nearly two centuries and is in fact being used today to finance their anti-government activities. Further complicating these problems is the traditional use of opium throughout Southeast Asia. These three countries alone are estimated to have a combined user population of about three quarters of a million, including some of the producers.

Under these existing circumstances, the elimination of the production within the Golden Triangle is a virtual impossibility at this time. However, both Laos and Thailand have launched major efforts to interdict the flow of opium out of the region into the controlled areas of these two countries. In Laos, the first legislation to limit the production of opium in the hill tribe areas and proscribing the trafficking and use of opiates outside such areas was passed in September 1971. A new special narcotics enforcement unit having nationwide jurisdiction over both civil and military elements has been established. This unit has already demonstrated its willingness to use its authority to move against suspected traffickers, both civil and military, and suspected processing sites. One heroin producing laboratory has been seized and dismantled this year.

The overall level of the Thai narcotics enforcement effort has been increasing steadily, not only by the Central Narcotics Bureau, but also by the Thai National Police. Seizures of narcotics have been rising as Thai competence in this area improves. In addition, a special Task Force has been established and is in operation in the northern part of the country, concentrating solely on interdicting drugs moving from the Golden Triangle region. By virtue of the Task Force's mobility, a rapid and secure communications system and ability to draw on the resources of local police units as necessary, it is hoped this unit will be in a position to significantly curtail the flow of opium and its derivatives through Thailand. U.S. Bureau of Narcotics and Dangerous Drugs personnel are stationed with the Task Force providing advisory assistance.

In addition to the enforcement efforts currently underway, the Thai Government has also reached an agreement with the

United Nations Special Fund for Drug Abuse Control on a five year program encompassing crop substitution, treatment and rehabilitation, law enforcement and drug abuse education. The project calls for UN and Thai contributions totalling $2 million and $5 million respectively. The Thai Government also has several other activities underway providing assistance in crop substitution to the hill tribes.

All of these programs are being closely coordinated to prevent any duplication of efforts.

Burma is the one country in the Golden Triangle area which is not actively cooperating with the United States on narcotics control at the present time. However, there appears to be a change taking place within Burma on this subject and U.S. has expressed an interest in cooperating with Burma on narcotics control and has indicated a willingness to consider assistance for this purpose should Burma request it.

VIETNAM

The hard narcotic problem in South Vietnam concerns its distribution, not its production.

Heroin has presented a problem among U.S. military personnel, and is now reported to be increasingly used by Vietnamese army personnel. This processed opium derivative is illegally brought into Vietnam through busy civilian and military airports, small coastal ports, and remote roads and rivers crossing national boundaries. Policing all of these potential points of entry presents a problem of considerable magnitude, particularly in a wartime situation.

Actions taken by the government of Vietnam

President Thieu has initiated an anti-narcotics campaign and made it a national policy of the highest priority. A Special Commission for the Eradication of Drugs and Smuggling has been established, under the President's special assistant, to plan and coordinate the effort.

Customs personnel have been replaced and customs and policing procedures at Tan Son Nhut Airport tightened. An indication of the success of these actions has been a substantial increase in the price of heroin in Vietnam, although it still is available. Over *270 pounds of heroin* and *1,000 pounds of opium were confiscated in 1971,* compared to 119 pounds of both drugs in 1969. *More than 6,000 arrests for narcotic offenses were made in 1971,* up from 3,880 in 1970 and 2,911 in 1969.

U.S. assistance

A.I.D. has given special attention to the problem, working with representatives of other U.S. agencies in assisting the Vietnamese to prepare and carry out an effective program of narcotics suppression. Vietnamese police and customs personnel have been given special training in spotting narcotics and drug sellers in addition to the normal police and customs training in narcotics suppression.

During the period 1969–1971, a total of *1,023 police* investigators were trained in narcotics and *486 are now performing specialized work in the Vietnamese Narcotics Bureau* and in covert teams assigned to key drug abuse areas. Narcotic identification has been introduced into the curricula of all National Police Training schools. Police are engaged in a substantial public education program.

Eleven Public Safety Advisors are assigned specifically to narcotics training, intelligence gathering and suppression. Commodities and equipment and participant training are supplied through the normal A.I.D. police assistance programs.

Four customs advisors from the U.S. Bureau of Customs carry out narcotics investigations and training, in addition to their normal customs duties concerned with contraband investigation and suppression.

A.I.D. is also working with the Vietnamese Ministry of Health to establish a treatment center for Vietnamese addicts. This is included as part of the normal A.I.D. Public Health assistance program.

Efforts to control the drug problem concerning U.S. troops

The demand for heroin by U.S. Army personnel in Vietnam has significantly decreased largely due to programs initiated by the U.S. Army. In June 1971 the Army launched its massive urinalysis testing program. This action plus an intensive education and counselling program, increasingly effective enforcement efforts and random, unannounced urinalysis checks, have dropped the U.S. Army drug use rate from a high of 4% of those leaving Vietnam in August 1971 to a low of 1.3% in March 1972. Efforts are continuing to lower this rate further.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has now been yielded back.

The question is on agreeing to the amendment of the Senator from Arkansas (Mr. FULBRIGHT).

The amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on agreeing to the amendment of the Senator from Michigan (Mr. GRIFFIN), No. 1200.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily in case someone wants to conduct some morning business, because we are in the process of going out. There will be no further action taken on the unfinished business—the pending business tonight.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the concurrent resolution (H. Con. Res. 619) providing for an adjournment of the House from May 24, 1972, until May 30, 1972.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISHERMAN'S PROTECTIVE ACT—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I am directed by the distinguished majority leader—after having cleared it with the Republican leader, the assistant Republican leader, and various other Senators—to propose the following unanimous-consent request:

Mr. President, I ask unanimous consent that the time on H.R. 7117, an act to amend the Fisherman's Protective Act of 1967, be limited to 1 hour, to be equally divided and controlled by the Senator from Washington (Mr. MAGNUSON) and the distinguished Republican leader or his designee; that time on an amendment thereto by the distinguished senior Senator from Alaska (Mr. STEVENS) be limited to 1 hour, the time to be equally divided and controlled by the Senator from Alaska (Mr. STEVENS) and the Senator from Washington (Mr. MAGNUSON); that the time on any other amendment, debatable motion, or appeal be limited to one-half hour to be equally divided and controlled by the mover of such and the distinguished manager of the bill, the Senator from Washington (Mr. MAGNUSON), except in instances in which the Senator from Washington (Mr. MAGNUSON) may support such an amendment, debatable motion, or appeal, in which instance the time in opposition thereto be under the control of the Republican leader or his designee; provided further that no nongermane amendments be in order; provided further that Senators in control of time on the bill may yield therefrom to any Senator on any amendment, debatable motion, or appeal.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AUTHORIZATION FOR APPROPRIATIONS FOR THE ATOMIC ENERGY COMMISSION, UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on the bill, S. 3607, a bill to authorize appropriations for the Atomic Energy Commission, be limited to 1 hour, the time to be equally divided between and controlled by the distinguished senior Senator from Rhode Island (Mr. PASTORE) and the distinguished senior Senator from Vermont (Mr. AIKEN); that time on any amendment, debatable motion, or appeal be limited to one-half hour, the time to be equally divided between the mover of such and the distinguished manager of the bill, the senior Senator from Rhode Island (Mr. PASTORE), except in an instance in which the Senator from Rhode Island (Mr. PASTORE) favors such amendment, debatable motion, or appeal, in which instance the time in opposition thereto be under the control of the distinguished Republican leader or his designee; provided further that no nongermane amendment be in order; provided further that the agreement be in the usual form with respect to the yielding of time from the time allotted on the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR CONSIDERATION OF THE FISHERMAN'S PROTECTIVE ACT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, at the conclusion of the routine morning business, the Senate proceed to the consideration of H.R. 7117, the Fisherman's Protective Act of 1967; provided further that the unfinished business remain in a temporarily-laid-aside status until H.R. 7117 is disposed of or until the close of business tomorrow, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972—ORDER FOR CONSIDERATION OF AMENDMENT NO. 1201

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the disposition of H.R. 7117, the Fisherman's Protective Act on tomorrow, the Senate return to the consideration of the unfinished business; that the pending amendments by the Senator from Michigan (Mr. GRIFFIN), the Senator from Idaho (Mr. CHURCH), the Senator from New Jersey (Mr. CASE) and the Senator from Mississippi (Mr. STENNIS) be temporarily laid aside; and that the Senate proceed to the consideration of amendment No. 1201 to S. 3526, by the Senator from Tennessee (Mr. BAKER).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF ATOMIC ENERGY COMMISSION AUTHORIZATION BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, upon the disposition of amendment No. 1201 to be offered by the Senator from Tennessee (Mr. BAKER), the unfinished business again be temporarily laid aside and that the Senate proceed to the consideration of S. 3607, the Atomic Energy authorization bill; that the unfinished business remain in a temporarily laid aside status until the Atomic Energy bill is disposed of or until the close of business tomorrow, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY, MAY 30, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, after the two leaders have been recognized, there be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF HAZARDOUS SUBSTANCES ACT ON TUESDAY, May 30, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business on Tuesday next, the Senate proceed to the consideration of the Federal Hazardous Substances Act, S. 1478, and that the unfinished business, S. 3526, be temporarily laid aside and remain in a temporarily laid aside status until the Federal Hazardous Substances Act, S. 1478, is disposed of or until the close of business on Tuesday next, whichever is earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF THE UNFINISHED BUSINESS ON TUESDAY, MAY 30, 1972, AND CONSIDERATION OF CERTAIN AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Federal Hazardous Substances Act, S. 1478, on Tuesday next, the Senate return to the consideration of the unfinished business, S. 3526, and that the following amendments be considered in the order stated:

Amendment No. 1176 by the Senator from Colorado (Mr. DOMINICK).

Amendment No. 1174 by the Senator from Massachusetts (Mr. BROOKE).

An unprinted amendment by the Senator from Illinois (Mr. PERCY) on which there is already a time limitation of 1 hour.

Amendment No. 1196 by the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TUESDAY, MAY 30, 1972, TO WEDNESDAY, MAY 31, 1972, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday next it stand in adjournment until 10 a.m. on Wednesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY, MAY 31, 1972, AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized on Wednesday next there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the order of business for tomorrow, and Tuesday next and Wednesday next will be as follows, as nearly as I can now state it, in view of the various unanimous-consent agreements that now have been entered.

The Senate will convene tomorrow at 10 o'clock a.m. After the two leaders have been recognized, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes. At the conclusion of morning business tomorrow the Senate will proceed to the consideration of H.R. 7117, the Fisherman's Protective Act. There is a time limitation thereon of 1 hour, with one-half hour on any amendment, debatable motion or appeal, except an amendment by the Senator from Alaska (Mr. STEVENS), in connection with which there is a 1 hour limitation. Rollcall votes can be expected in connection with that bill and possibly amendments thereto.

Upon the disposition of the Fisherman's Protective Act tomorrow the Senate will proceed to the consideration of amendment No. 1201 by Mr. BAKER, an amendment to the unfinished business, S. 3526, the State authorization bill. There is a time limitation on that amendment of 1 hour. Undoubtedly there will be a yea-and-nay vote on the amendment.

When that amendment is disposed of, which I presume would be at a reasonably early hour tomorrow afternoon—possibly by circa 2 p.m.—the Senate will then take up the Atomic Energy authorization bill on which there is a time limitation of 1 hour, with one-half hour on any amendment, debatable motion, or appeal. Rollcall votes can be anticipated on that bill.

That would mean that the Senate would have a busy day tomorrow, with several rollcall votes.

At the conclusion of business tomorrow the Senate will go over until 12 o'clock noon on Tuesday next. On Tuesday next, after the two leaders have been recognized, there will be a period for the transaction of routine business for not to exceed 15 minutes, with statements therein limited to 3 minutes. At the conclusion thereof the Senate will take up the hazardous substances bill, S. 1478. There is a time limitation on that bill, if I recall, of 2 hours, with 1 hour on any amendment thereto. There will be rollcall votes on that bill on Tuesday next.

When that bill is disposed of the Senate will proceed to the consideration of the following amendments and in the order stated:

Amendment No. 1176 by Mr. DOMINICK, on which there is a time limitation of 1½ hours; amendment No. 1174 by Mr. BROOKE, on which there is a time limitation of 2 hours; an amendment not yet printed, by Mr. PERCY, on which there is a time limitation of 1 hour; and then, if time permits—which I do not think it will on Tuesday next—the Senate will proceed to amendment No. 1196 of Mr. HARRY F. BYRD, JR., of Virginia, on which there is a limit of 2 hours—all of which means that on Tuesday next there will be several rollcall votes beginning with the hazardous substances bill and amendments thereto, and then on the various amendments to the unfinished business, S. 3526.

Mr. President, inasmuch as the Senate will not come in until noon on Tuesday—by reason of the resolution adopted earlier—there will be a long day of business for the Senate on Tuesday. I seriously doubt that the Senate will be able to reach the Byrd amendment on Tuesday. Consequently, if it appears that action on the Byrd amendment No. 1196 cannot be reached on Tuesday, action will occur thereon on Wednesday, together with any of the enumerated amendments, in inverse order, left over from Tuesday.

In fine, there will be rollcall votes tomorrow, there will be rollcall votes Tuesday next, and there will be rollcall votes Wednesday next.

Mr. GRIFFIN. Mr. President, the distinguished majority whip has done an excellent job in getting the various time agreements and lining up the business of the Senate. It is even conceivable, I hope, that the unfinished business, the State Department USIA bill, might be completed next week. I hope so.

Mr. ROBERT C. BYRD. As far as I know, if I may respond to the distinguished assistant Republican leader, there is only one amendment other than the amendments that have been clocked in, on each of which we have agreed to a time limitation—and other than the pending amendments by Mr. GRIFFIN, Mr. CHURCH, Mr. CASE, Mr. STENNIS, all of which are so-called war amendments—there is only one additional amendment, and that would be an amendment by Mr. BOGGS and Mr. ROTH. So conceivably—and I emphasize conceivably—the Senate could complete action on the State authorization bill Wednesday. I would prefer to think, in view of the lineup of amendments, that in all likelihood it would be Thursday of next week before the Senate would complete action on the State authorization bill.

The distinguished majority leader has stated his intention of then calling up the nomination of Mr. Kleindienst immediately upon the disposition of the unfinished business.

Mr. GRIFFIN. I thank the distinguished majority whip for that information and I join in the hope that it will be by at least Thursday.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I assume this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, if I may add one postscript, tomorrow will be a reasonably long day for a Thursday preceding a holiday. By that I mean I would expect the Senate to be in session until 4 o'clock, 4:30, or perhaps 5 o'clock—but hopefully not that long. Tuesday next will be a long day, and Wednesday, I should think, would be a long day. So there may be a good many long days ahead.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and at 5:33 p.m. the Senate adjourned until tomorrow, Thursday, May 25, 1972, at 10 a.m.

NOMINATION

Executive nomination received by the Senate May 24, 1972:

DEPARTMENT OF THE TREASURY

Edwin S. Cohen, of Virginia, to be Under Secretary of the Treasury, vice Charls E. Walker.

EXTENSIONS OF REMARKS

ARE AGENCIES INDEPENDENT?

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 24, 1972

Mr. METCALF. Mr. President, the Senate Subcommittee on Intergovernmental Relations has been conducting hearings on S. 448. This legislation would bring the budgets of independent regulatory commissions directly to the Congress, rather than through the Office of Management and Budget, which on numerous occasions has eroded regulatory functions, especially in the consumer protection field, by reduction of fund and personnel requests.

Previous hearings by the subcommittee have dealt in part with OMB impediment, through industry advisory committees, of information collection by the regulatory commissions and other Federal agencies. These hearings have led to unanimous subcommittee approval of S. 3529, the Federal Advisory Committee Act, which is cosponsored by Senators MUSKIE, PERCY, GURNEY, ROTH, BROCK, CHILES, HUMPHREY, HART, and myself.

Another area of questionable executive branch influence on the independent regulatory commissions was described by Stephen M. Aug, of the Washington Evening Star, in its May 21 issue. In the article, entitled "Are Agencies Independent?", Mr. Aug discusses the practice of several agency chairmen of sending regular reports to White House Assistant Peter Flanigan.

The provision of information, some innocuous and some not, only to the White House, without making this information equally available to the public and to the Congress, in another of the methods by which the regulatory commissions are losing their independence and becoming part of the executive establishment. I would emphasize here that this practice of monthly reports by regulatory commissions to the White House was not established by the present administration. It was begun early in 1961, at the request of an assistant to President Kennedy.

We are dealing here with a bipartisan problem of diminution of legislative authority, brought on in part by lack of legislative oversight of the regulatory commissions established by the Congress.

The Subcommittee on Intergovernmental Relations, under the able direction of the Senator from Maine (Mr. MUSKIE), with the full cooperation of the ranking minority member of the subcommittee, Mr. GURNEY, and the ranking minority member of the full committee, Mr. PERCY, with tremendous contributions by the freshman members, Mr. CHILES, Mr. ROTH, and Mr. BROCK, is attempting to redress the present imbalance that has removed power from the legislative branch and the regulatory agencies responsible to the Congress, and concentrated power in the executive branch

Mr. Aug's article provides Senators with information that will be most useful in this effort. I ask unanimous consent that it be printed in the RECORD.

There being no objection the article was ordered to be printed in the RECORD, as follows:

ARE AGENCIES INDEPENDENT?

(By Stephen M. Aug)

Once a month Federal Communication Commissions Chairman Dean Burch signs a short "Dear Peter" letter to White House assistant Peter M. Flanigan and bundles off a summary of what the FCC did during the previous 30 days.

Similar letters—some more formal—are sent to Flanigan by the heads of the Federal Maritime Commission and Federal Power Commission, while the Interstate Commerce Commission sends a monthly report addressed to the President.

At the Civil Aeronautics Board, where the practice of giving the White House a written monthly summary was abandoned several months ago after it was found that nobody was reading them, Chairman Secor D. Browne meets periodically with Flanigan.

In fact, over a 31-month period beginning in October 1969, Flanigan and Browne met 24 times to discuss the state of the airlines in general, the problems of Pan American World Airways in particular, and international airline matters.

The Securities and Exchange Commission apparently never has filed monthly reports, but its chairman, William J. Casey, has discussed financial industry matters, primarily those involving legislation, with Flanigan at some length.

Contacts between the White House and the regulatory agencies are very sensitive on two grounds.

First, Congress views the agencies as its chosen instruments to regulate commerce. In fact, the agencies regulate a wide range of the economy, from the price of long distance telephone calls and the price of airplane tickets to the construction of power projects and the amount of stockbrokers' commissions.

Second, the commissioners of these agencies have responsibilities much the same as judges for individual cases on rates, license renewals, airline and trucking route awards and the like. They are, in short, supposed to be independent of outside influences.

And, as a May 21, 1969, memo from Flanigan to the White House staff put it: "Obviously, any executive interference in this quasi-judicial function would be highly improper."

Flanigan, the presidential assistant whose special area includes economic matters, and regulatory affairs, was a central figure in the recent controversy involving allegations of White House interference in a major Justice Department antitrust suit against International Telephone & Telegraph Corp.

It was through Flanigan that a financial consultant—one of his old acquaintances—was hired to study the financial effects of forcing ITT to give up a subsidiary firm, the Hartford Fire Insurance Co. The study, which was critical of such a divestiture, was said to have been a principal reason why the Justce Department settled the suit and allowed ITT to retain Hartford, while giving up other companies, rather than taking the matter to the Supreme Court.

THE 1961 MEMORANDUM

Those monthly reports from regulatory agencies to the White House date from early in the administration of President John F. Kennedy—February 1961—but few individuals outside or inside government know about them. The agencies themselves have sought primarily to keep them private, despite the fact that the 1961 White House memorandum that asked for them was made public following a newspaper's disclosure of its existence.

The original request, dated Feb. 7, 1961, and sent to all the regulatory agencies, was signed by Frederick G. Dutton, an aide to President Kennedy. Dutton, now a Washington lawyer, wrote that "the President will appreciate receiving . . . a brief, informal written summary from the chief officer of the agency on its principal activities during the preceding month and pending for the period immediately ahead."

With the exception of the CAB, which lists upcoming speeches and hearings, none of the agencies regularly includes future events.

The CAB, further, was the only agency where copies of the report, though not normally considered a public document, were promptly provided to a reporter. At the ICC and FMC they were provided officially only after interviews of the chairmen. The FTC required a written request and took 23 days to approve it. Burch refused, through an aide, to grant access to the FCC reports.

Although monthly reports are sent to the White House by all agencies in the executive branch of the government, one long-time Justice Department lawyer in a policy role at first expressed amazement when told that the independent regulatory agencies were submitting them as well.

Then he shrugged and said, "You know, years ago nobody in the executive branch would dare get involved with the agencies; but in recent years, well . . ."

For the most part the agency reports represent an innocuous compilation of activities during the preceding month. In fact, the Federal Trade Commission, which does not file the monthly report, provides the White House daily with a bundle of press releases, speeches and texts of FTC orders.

There appear to be, however, some monthly memos which do provide an insight into agency thinking—and, in some cases, non-public information. The Federal Power Commission is an example.

The FPC regulates rates charged by natural gas producers and gas pipelines and rates for wholesale sales of electric power. In September 1969, less than a month after he became chairman of the agency, John N. Nassikas wrote Flanigan about an upcoming report.

"A commission staff report on the adequacy of natural gas reserves is in the stage of final review and is expected to be released within the next few weeks," Nassikas wrote, giving the White House an indication that could have been helpful if the President or one of his advisers were, say, preparing a speech on energy matters. Or, it would have given the White House time in which to call the FPC for an advance copy of the report before it is made public.

The Nassikas letter explained that the report, which would examine the full range of natural gas supply and demand relationships "is intended to provide a factual basis for future government and industry policy decisions" dealing with natural gas.

By the fall of 1969 it was widely known that the nation's natural gas supply was in trouble. The American Gas Association, a trade organization on which the FPC for years has relied for estimates of natural gas reserves, had reported months earlier that for the first time in history the nation had consumed more gas than it had added to reserves.

Nassikas' predecessor, Lee C. White, had alluded to the gas problem in a monthly report to Flanigan dated June 10, 1969. After pointing out the gas association's figures, White disclosed that "we have held informal meetings during the last month with representatives of the pipeline industry, producers and gas distributors for general discussions focusing on gas supply questions."

White outlined some of the problems that were discussed during the meetings that had been sought by the industry.

William L. Webb, FPC public information director, told The Star there had been no public announcement of the meetings, and they were not open to the public. He contended, however, that the fact they were held was not a secret because White's letters setting up the meetings were placed into files which are available for public inspection.

The FPC, initially reluctant to make copies of the monthly reports available for a reporter's examination, has since decided that the reports will be made available to anyone on request.

MARITIME COMMISSION

The monthly reports of the Federal Maritime Commission—which regulates ocean shipping—also appear to contain information that in some instances has not been given wide publicity. One report, dated Feb. 2, 1970, details a host of problems dealing with Latin America.

Helen Delich Bentley, a former Baltimore newspaper reporter who now is FMC chairman, said the problems involving Latin America probably came from speeches she had given. But FMC public information files do not contain such a speech.

The 1970 letter says "staff members of the Federal Maritime Commission are participating in meetings, looking toward the formation of an interim United States shipping policy for the developing nations, to permit greater participation of South American lines in the movement of cargoes without patent discriminatory action against the operation of U.S. shipping lines."

The letter contains a rundown of problems in Brazil, Peru, Chile and Mexico.

The monthly reports, however, aren't Mrs. Bentley's only way of keeping in touch at the White House. She discusses personnel—presumably ranking appointments at the agency—as well as upcoming vacancies on the five-member commission.

Further, she indicated there have been discussions over skyrocketing freight rates on some foreign trade routes—rates over which the commission has no control. She is considering legislation that would give the agency power to block increases it believes are unjustified.

Lengthy talks, have taken place between Flanigan and the CAB's Browne. The discussions, Browne said in an interview "were my idea. They involved what the President ought to know."

Among the matters discussed, he said, was the 25-year history of relations with Ireland on air rights. The Irish have refused to allow U.S. airlines to land at Dublin, relegating them to the distant Shannon airport. U.S. airlines have complained, because Irish Airlines, a government-owned company, flies direct, Dublin to New York, Browne said he urged Flanigan to convince the President to support a decision to ask the Irish to allow U.S. airlines to land at Dublin.

Browne said he and Flanigan did not discuss the explosive subject of airline mergers—up to a point. "The only discussions there would ever be of a merger would be if the board reaches a decision and then it goes to the Office of Management and Budget . . . and then to the President," Browne said. He added also that "the President, through Peter Flanigan, has every right to complain that mergers take too long" at the CAB—and this was discussed, too.

Browne pointed out that "we are independent, but the law gives the final action (in mergers) to the President if the action involves international matters" (specifically, foreign routes).

He emphasized there had been "no direction from the White House" on airline matters generally. "The White House as a whole and Mr. Flanigan in particular have been entirely and thoroughly correct. The only mention of mergers has been in this general area of why they take so long."

The board chairman also discussed at the White House the matter of airline subsidies. But Browne said the discussions were only to convince Flanigan and Caspar Weinberger, then deputy director of OMB, that the government must pay subsidies, and that they may not be cut from the CAB budget.

Browne said "we have also discussed—not lately because the airlines look so much better—but when the airlines were going through the bottom, the over-all state of the industry." Specifically, he cited the problem of Pan Am and what the President could do. He listed five areas: mergers ("which we don't talk about"), lack of a domestic airline to feed traffic to Pan Am, subsidies, a guaranteed loan, removal of competition.

Flanigan corroborated much of what Browne said: "What is discussed is the health of the airline industry and do we have more Penn Centrals . . . and international airline policy . . . We have discussed the financial problems with Pan Am and whether or not there is an impending serious problem here. We have not discussed route cases, even though these are appropriate matters of White House concern and do come here."

Flanigan said his own contacts with other regulatory agency officials include extensive discussions with William J. Casey, chairman of the SEC. Initially, the discussions dealt with legislation involving the Treasury Department that set up the Securities Investor Protection Corp., which indemnifies customers of bankrupt brokerage houses. Flanigan, whose background is largely that of Wall Street investment houses, currently discusses with Casey "the legislation that continues to be put forward" as well as major operational problems of the securities industry.

Just how proper—or improper—are the continuing connections between Flanigan and the regulators is an open question. Flanigan has emerged, in the press at least, as the business community's man in Washington. The chairman of one regulatory agency—who declined later to be identified with the quotation—also called Flanigan "the President for regulatory matters."

Regulatory "purists" take exception to not only most contacts between the regulators and the White House power structure, but to the seemingly innocuous monthly reports.

The FCC's controversial Nicholas Johnson is one: "Probably the best thing for the agency to say (in regard to matters like the monthly reports) is just like what the courts would say: We're independent . . .

"We publish reports and releases over here and if you want to be on our mailing list you're free to get them. . . . I don't think there ought to be any special sort of clandestine effort to let them know what we're doing." (Johnson made the statement after a reporter told him that FCC Chairman Burch had, through an aide, refused to make the monthly reports public).

Johnson filed a strong dissent when the FCC agreed to an industry compromise—between feuding broadcasters and cable TV operators—that was worked out by the White House Office of Telecommunications Policy and that resulted in new commission rules on cable television.

"THREAT TO INDEPENDENCE"

Referring to Clay T. Whitehead, director of OTP, Johnson said, "His participation, indeed the very existence of his office, looms large as a threat to the independence of the FCC as an agency responsible only to Congress."

And one of Ralph Nader's associates, Reuben Robertson III—who has been involved in CAB proceedings—said, "This kind of requirement, that the allegedly independent regulatory commissions report every month, seems to undermine the sense of independence that we should expect."

Robertson conceded, however, that the monthly summaries of activities are a good idea and should be made public.

He was skeptical of the Browne-Flanigan talks: "I think the way the law is set up with the White House having a certain kind of veto about some CAB decisions creates a need for some kind of contact. I see nothing improper about that. But it stretches the imagination to believe that they don't sometimes stray into areas not limited to the question of international cases."

Flanigan points to his May 21, 1969, memo to the White Houst staff. It says that in spite of the sensitivities of contacts between the White House and the regulators, "matters often arise which do require official or informal contacts with the commissions or the staffs of these agencies."

The memo explicitly warns his staff that "any expression of interest or any attempt to influence the outcome of any case pending is illegal," and that cases before these agencies "are often extremely important to the parties concerned and involve large amounts of money."

Yet, clearly there is a difference between the "purists" and those who believe in Flanigan's viewpoint. "We have to be absolutely clean as a whistle on even an appearance of interest in the exercise of their judicial and quasi-judicial responsibilities," he said, "but we clearly share policy responsibility. That doesn't mean they have to agree with us. . . .

"But there is no impropriety in discussing policy matters in which both the independent regulatory agencies and the other portions of the executive branch for which both . . . have responsibility. This administration has rigidly observed this."

ADJUSTMENT ASSISTANCE: A WORKABLE ALTERNATIVE TO PROTECTIONISM

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, in recent months we have heard an increasing chorus of calls for quotas and other protectionist measures designed to "safeguard" the jobs of American workers—jobs allegedly being placed in jeopardy by the increasing volume of foreign imports in many of our domestic markets. In particular, the Burke-Hartke bill with its rigid provision for automatic quotas when imports reach a specified share of the domestic market, embodies this backward-looking approach to the new realities of international trade in the 1970's.

I certainly would not deny that a rapid influx of imports in particular markets can cause great hardships to workers, firms, and entire communities, and for that reason would not rule out voluntary international agreements to moderate the pace of market penetration in appropriate circumstances. But temporary agreements designed to ease the transition rather than build a protective wall around the American economy are a far different proposition than the rigid, unilateral, and permanent quota approach advocated by the Burke-Hartke enthusiasts. Moreover, temporary agreements must be viewed as only one policy instrument, and by no means the most important, in a wide array of trade policy options.

Specifically, I believe renewed efforts to spur our lagging productivity growth and moderate the pace of wage increases, new international monetary arrangements designed to keep currencies in proper relationships with one another, and more efficient and effective enforcement of antidumping and countervailing duty statutes should be equally important policy tools in implementing our overall trade strategy. But most important of all must be the recognition that we can neither succeed, nor ought we try, to freeze the American economy in its current mold in terms of distribution of productive activities and investment of human and capital resources.

Our private market system is based on the notion, and the fact that productive resources will be in a continual process of shifting from one sector to another in response to changes in market demand, competitive opportunities, technological development and productive efficiencies.

It is now apparent that in some areas of industrial production traditionally carried on in our economy, we can no longer compete very effectively in international markets, nor even in our own. In the long run this means that human and capital resources cannot be efficiently and profitably invested in these areas and that resources currently devoted to these sectors must be allowed to shift to areas where opportunities are more attractive. Yet, across-the-board quota legislation would drastically impede this process and lock into the economy a permanent, inefficient and unproductive use of resources that would in time lower the overall level of economic growth and social welfare. Therefore, what we need is a policy that will work with, and facilitate the natural processes of resource shifts in the private market rather than interfere with and constrain them.

An important program designed to accomplish this latter objective is the adjustment assistance program enacted into law as part of the Trade Adjustment Act of 1962. I realize that this program has not proved very satisfactory and that there were grave deficiencies in concept and draftsmanship in the original measure. But the Nixon administration has made very conscientious and sustained efforts to overcome these obstacles and to put the program on an effective as possible basis until better legislation can be put on the books. While one of our highest priorities in the trade must be to fashion a more workable and effective adjustment assistance program, I think the following press release from the Department of Labor concerning a determination made in my own State of Illinois indicates the promise inherent in the adjustment assistance concept. It demonstrates, I believe, that we can provide aid to workers and communities adversely affected by the process of economic change and progress, but that we can also do it in such a way that will strengthen our economy rather than cripple it or sap its dynamism and potential for growth and higher standards of living for all Americans.

The text follows:

FOUR HUNDRED ILLINOIS ELECTRONICS WORKERS CERTIFIED ELIGIBLE FOR TRADE ADJUSTMENT ASSISTANCE

Approximately 400 workers at the General Instrument Corporation plant at Joliet, Illinois, whose employment was adversely affected by increased imports of electronics products, have been certified by the Labor Department as eligible to apply for trade adjustment assistance.

The certification was issued by Associate Deputy Under Secretary of Labor Edward B. Persons following a Department investigation. On April 18, 1972, the U.S. Tariff Commission had found that because of increased imports, resulting in major part from trade-agreement concessions, a significant number of workers at the plant became unemployed or underemployed.

On February 18, 1972, a petition requesting certification of eligibility to apply for adjustment assistance was filed with the Tariff Commission by the International Brotherhood of Electrical Workers, AFL–CIO, on behalf of the workers formerly employed at the Joliet plant.

Prior to closing in June 1971 the Joliet plant produced auto radio tuners. The plant's closure was attributable in major part to increased imports of like or directly competitive products.

The Labor Department's certification provides that all workers of the Joliet plant who became unemployed or underemployed on or after December 3, 1967, are eligible to apply for adjustment assistance under the Trade Expansion Act of 1962.

Workers assistance under the Trade Expansion Act includes cash readjustment allowance, testing, counseling, training and job placement and relocation if needed and desired.

The cash readjustment allowance for certified workers is equal to 65 percent of the worker's average weekly wage, but the weekly payment may not exceed 65 percent of the national average weekly wage in manufacturing. (Currenty the maximum weekly benefit for unemployment beginning on or after April 1, 1972 is $93.)

Duration of payments is normally limited to 52 weeks, but up to 26 additional weeks may be allowed for workers in order to complete approved training courses. Up to 13 additional weeks beyond the 52 week period may be allowed for workers who were over 60 when separated from their jobs.

All eligibility rulings, payments, testing, counseling, training, and job placements and relocation are conducted through the Illinois State Employment Service with funds provided by the Federal Government.

To be eligible, a worker must have been employed at the Joliet plant for six months out of the year prior to layoff and must have been gainfully employed for at least half of the previous three years.

A NEW VETERANS HOSPITAL FOR PHILADELPHIA

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 24, 1972

Mr. SCHWEIKER. Mr. President, for some time I have been concerned about the problems faced by veterans needing medical care in the Philadelphia metropolitan area. Recently I had the privilege of testifying before the Subcommittee on Housing and Urban Development, Space, Science, and Veterans, of the Senate Committee on Appropriations, on the pressing need for a new Veterans' Administration Hospital for the Greater Philadelphia area.

The committee is currently considering the fiscal year 1973 Veterans' Administration appropriation, along with a proposed amendment by the distinguished Senator from Washington (Mr. MAGNUSON) to include funding for fiscal 1973 for much needed hospital work in Arkansas, West Virginia, Colorado, New Hampshire and several other States as well as in the Philadelphia area.

I wish to emphasize the importance to the Philadelphia area of an early beginning on this hospital, and strongly urge favorable consideration of Senator MAGNUSON's amendment.

I ask unanimous consent that my testimony and the statement of my distinguished senior colleague from Pennsylvania (Mr. SCOTT) be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR RICHARD S. SCHWEIKER

Mr. Chairman: I very much appreciate the opportunity to bring to your attention a most serious problem in Philadelphia today: the very grave and pressing need for a new VA hospital.

But first, let me express the regrets of my senior colleague from Pennsylvania, Senator Scott, that he could not be here personally to support inclusion of funds to initiate planning and site selection for the new Philadelphia Veterans Administration Hospital.

I concur entirely with his views on this matter and would, therefore, like to request that his statement be inserted into the record of these hearings.

The Primary Service Area of the Philadelphia Veterans Administration Hospital encompasses four counties in Pennsylvania and four in New Jersey. The Veterans Administration estimates a current veterans population of approximately 725,000, due to increase to more than 736,000 in the next sixeight years. The Veterans Administration, in its planning projections, estimates that approximately a third of these, some 250,000, will require medical treatment at one time or another.

It is one of the four or five Primary Service Areas with the largest veterans population, yet it is the only one not served by more than one VA general hospital. This distinction is very amply demonstrated by the following statistics.

1. The nationwide average number of beds available per 1,000 veterans is 3.56. In the Philadelphia area it is .79, less than one bed per 1,000 veterans! In New York it is 3.26, and in Chicago it is 3.71.

2. The number of applications for admission to VA facilities per 1,000 veterans, nationwide, is nearly 46. In the Philadelphia PSA it is less than 16! In New York it is just under 41, and in Chicago it is over 52.

The number admitted per 1,000 veterans, nationwide, is over 26. In Philadelphia it is less than nine. In New York it is nearly 20, and in Chicago almost 27.

I think it is safe to conclude that this discrepancy is not due to the fact that the Philadelphia area veterans are so much healthier than veterans anywhere else in the United States. What these two statistics indicate is, clearly, that the Philadelphia VA hospital receives far fewer applications for medical care, because they don't bother to apply because they know there is no room for them.

3. Confirming this conclusion is still another statistic. During 1971, the Philadelphia Veterans Hospital treated nearly 14 patients per operating bed, as compared to the nationwide average of about eight!

Now, either this means that Philadelphia is extremely efficient and the rest of the nation is badly underutilizing its excess facilities, or, more likely, that the Philadelphia facility is being overwhelmed, and must maintain a much higher patient turnover than good medical practice might dictate.

The present 492 bed facility is now more than 20 years old. An additional 75 beds are contracted from the Philadelphia Naval Hospital, which has been having its own problems lately and many veterans are referred elsewhere.

It is my understanding that the Veterans Administration places a high priority on the construction of a new veterans hospital in the Philadelphia area, and I would not like to see things fall through for lack of a congressional appropriation. Needless to say, it would benefit the Greater Philadelphia area in many ways in addition to greatly improving the delivery of medical care to our veterans.

Philadelphia represents one of the nations leading medical centers with the medical schools of the University of Pennsylvania (which is associated with the existing VA facility), Temple University, Hahnemann Medical College, the Medical College of Pennsylvania, and Thomas Jefferson School of Medicine.

The Veterans Administration has had a standing policy to affiliate its medical facilities with existing medical centers for the obvious benefits this would provide.

The total cost of the projected new 560-bed facility is estimated to be approximately $34 million.

The initial appropriation for planning and site acquisition in the 1973 fiscal year budget should amount to approximately $1.7 million for design and $2 million for site acquisition; totaling only $3.7 million.

It is extremely important to our veterans population and their families that this $3.7 million be included in the fiscal 1973 appropriation for the Veterans Administration.

STATEMENT OF U.S. SENATOR HUGH SCOTT

There are 78 percent fewer hospital beds available in the Philadelphia area for veterans in comparison with the national average per thousand veterans. Although the Philadelphia area ranks sixth in total veterans population, fifty-four other areas have more Veterans Administration hospital beds. This underbedding in the hospital facilities results in an admission rate 66 percent lower than the national average.

The Philadelphia area veterans deserve better hospital facilities. A new Veterans Administration hospital facility is needed in the Philadelphia area now, and it is a must that planning funds for this facility be included in the fiscal year 1973 budget of the Veterans Administration. A first year commitment of $3 and $4 million should be adequate to initiate the planning mechanism for this much needed project.

The medical needs of the veteran in the Philadelphia area are served by a 492-bed general hospital constructed in 1950 and by using 75 beds in the Philadelphia Naval Hospital. These hospital facilities are intended to serve the needs of the 721,430 veterans in the Philadelphia area, however, only 0.79 beds per thousand veterans is provided compared to a national average of 3.56 beds per thousand veterans.

As a result of the deficiency of beds, only 8.84 admissions per thousand veterans is permitted compared to a national ratio of 26.45 admissions per thousand veterans. Philadelphia area veterans requiring medical service must either be transferred to other service areas, wait to be accommodated by the Philadelphia hospitals, or seek private medical care.

The health care needs of the veteran in the Philadelphia area are constantly increasing because of the increase in veterans population. The Veterans Administration health care services in the Philadelphia area are inadequate today, and the increasing veteran population is burdening these facilities more and more each day.

The Veterans Administration has been planning a new hospital in the Philadelphia area for the past three years. The Veterans Administration estimates a requirement of 560 new beds in this area. This 560 bed facility would include an affiliation with a medical school in the Philadelphia area, 440 acute hospital beds, 120 intensive care (skilled nursing care) beds and an ambulatory out-patient facility.

The existing 492 bed Veterans Administration hospital in Philadelphia was constructed in 1950 on a site adjacent to the University of Pennsylvania's School of Medicine. This hospital services eight counties, four counties in Pennsylvania and four counties in New Jersey, with a total veterans population of 721,430. The veterans population in the Philadelphia service area ranks sixth in the nation, and only the service areas of New York City, Los Angeles, Chicago, San Francisco and East Orange have greater veterans population. Four of these service areas are served by at least three Veterans Administration General Hospitals.

The patient demand in the Philadelphia area has exceeded the capabilities of the Veterans Administration Hospital to the extent where a contractual agreement has been made with the Philadelphia Naval Hospital to supplement the existing facilities. The critical situation in the Philadelphia area is best expressed by comparing the work load statistics of the existing Philadelphia hospital with the nation-wide statistics. The existing Philadelphia hospital with its 492 medical, surgical and neurological beds servicing a population of 721,430 veterans derives a ratio of 0.68 beds per thousand veterans. This compares quite unfavorably to the nationwide ratio of 3.56 beds per thousand veterans.

This bed shortage, commonly referred to as under-bedding, is reflected in the utilization rates experienced in the Philadelphia metropolitan area. The ratio of Philadelphia area veterans hospitalized in VA facilities for medical and surgical reasons is only about half that of the nation's average. Likewise, the admission ratio shows a similar picture.

In summary, it appears that there is ample justification for the establishment of another VA hospital in the Philadelphia area. Therefore, I respectfully request adequate funds, $3 to $4 million, be added to the fiscal year 1973 planning and site acquisition budget of the Veterans Administration for a new hospital facility in the Philadelphia area.

I regret very much that it is not possible for me to appear before the Appropriations Subcommittee on Housing and Urban Development, Space, Science, Veterans to request planning funds for a new Veterans Administration Hospital in the Philadelphia area. I want to emphasize that I consider this request important enough to justify personal testimony and your Committee was preempted only by the timing of my trip to the Peoples Republic of China on official business.

HORTON PRAISES NEW NURSING COLLEGE AT UNIVERSITY OF ROCHESTER

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. HORTON. Mr. Speaker, the critical need for more highly trained people in the field of medicine is generally recognized throughout the world. Certainly, in our country, there seems to be a constantly increasing demand for those who minister to the sick and infirm.

It is with pride, therefore, that I bring to the attention of my colleagues in the Congress, an announcement of increased medical training facilities in Rochester, N.Y.

W. Allen Wallis, chancellor of the University of Rochester, recently reported that the university will establish a college of nursing this summer which will succeed the present department of nursing.

A grant of nearly a million dollars from the W. K. Kellogg Foundation of Battle Creek, Mich., has made this possible, and will bring into being the University of Rochester School of Nursing, which will share equal status with other colleges within the university system. Chancellor Wallis' enthusiasm is certainly understandable, for this new college has been among longheld plans for future progress.

No new college has been established at the University of Rochester since 1958 so this is indeed a milestone.

The increase in training facilities for nursing made possible by this generous grant from the Kellogg Foundation, has prompted other quite sizable sums to flow into the financing of the project, including one grant of $54,000 from an anonymous donor. Because the Federal Government has provided for Federal financial support of medical care education programs, it is particularly gratifying that the money for the expansion of the university nursing school came from private sources.

Additional details concerning the establishment of this newest college at the University of Rochester were reported in the spring edition of the Parents Bulletin, published by the university.

The story follows:

NEW NURSING COLLEGE ESTABLISHED THROUGH KELLOGG GRANT

A grant of nearly one million dollars from the W. K. Kellogg Foundation of Battle Creek, Mich., will enable the University to establish a college of nursing this summer. The college will be called the University of Rochester School of Nursing and will have equal status with UR's other colleges.

UR Chancellor W. Allen Wallis says the Kellogg Foundation award, totalling $930,000 over the next five years, will "bring to reality our long-held plans for a college to succeed the present Department of Nursing."

This will be the first new college established at the University since its professional units in education, engineering, and management were created in 1958.

Kellogg officials said the grant will give the University "an opportunity to structure a college of nursing that can serve as a model for all university-based nursing schools, particularly in relation to schools of medicine." The School will be one of only a handful of nursing colleges in the country in which education, research, and service are integrated as they are in leading medical schools.

According to Chancellor Wallis: "The School of Nursing will have the professional stature necessary to integrate and expand the University's programs . . . and to promote the professional identity and independence of nursing."

A primary contribution of the School, he said, will be "its role in providing the highly qualified teachers so sorely needed in nursing schools throughout the country."

Over the next five years, the School will expand undergraduate and graduate programs and enrollment; nearly double the number of full-time teachers of nursing; expand programs of continuing education; and develop increased emphasis on research designed to improve the quality of patient care and of nursing education.

Since the Kellogg support for the School was announced, an additional grant of $54,000 was received for the School from an anonymous donor.

NIXON VERSUS FTC: BUDGETING AGAINST THE CONSUMER AND THE PUBLIC

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Wednesday, May 24, 1972

Mr. METCALF. Mr. President, during hearings on S. 448 before the Senate Subcommittee on Intergovernmental Relations, the Chairman of the Federal Trade Commission, Miles W. Kirkpatrick, was asked to describe for us the real impact of Executive Office budget cuts and fund withholding on the Commission's programs and plans. He has done so in a candid and forthright letter to me dated May 16, 1972. It portrays a picture of fiscal manipulation by the Chief Executive—a grinding down on personnel and funding—which, in my opinion, can only be translated into an "anticonsumer" and "antipublic interest" budget for this independent regulatory agency.

S. 448 would require that seven independent agencies submit their budgets directly to Congress instead of first going through the budget slashing process at the Office of Management and Budget.

According to Mr. Kirkpatrick, OMB has withheld $620,000 from the Commission's fiscal 1972 appropriations, forcing him to abolish permanently 72 new positions for which funding had been granted by Congress for one-half of the current fiscal year. Among the new positions abolished were 31 higher grade attorneys; nine economists; seven accountants; eight consumer protection specialists; and a deputy executive director for management. Indeed, this small battalion of trade enforcers was expected by Congress to be on the job by now and permanently worked into the system.

But this is only the beginning of a sordid story. Mr. Kirkpatrick goes on to say that, in addition, the Executive Office cut 208 positions from the Commission's budget request for fiscal year 1973 with what appears to be a disastrous impact on his consumer protection, competition, economic investigation, and regional support programs.

According to his letter, this cut would appear to result in:

First, a slowdown in spot-checking compliance of cease and desist orders—only one man is on the job now;

Second, no chance to bring enforcement action against violators under the Commission's well-publicized advertising substantiation program;

Third, cancellation of plans to enter the field of hospital and medical costs, including cost of hospital supplies, medicines, surgical instruments, and other items;

Fourth, cancellation of an investigation of the business conduct of multinational corporations—such as ITT—to determine their adverse effect on competition and increased prices.

Fifth, cancellation of a new program to look into patent interference and infringement settlements which lead to price-fixing and antimonopoly practices;

Sixth, postponement of investigations into joint ventures which dampen competition between parent firms. Certainly this is critical where oil, gas, and other energy sources are involved;

Seventh, a significant hampering of compliance investigations and actions relative to Commission orders and antitrust decrees;

Eighth, curtailment of the study into concentration of economic power in the automobile market as well as other big industries; and

Ninth, a drastic reduction of regional office activity and support effort for the larger consumer and antimonopoly programs spearheaded from Washington.

In the past, the Federal Trade Commission has not been as aggressive as the other regulatory agencies, but during recent years the Commission has emerged as a tough enforcer on behalf of the consumer and the competitive businessman.

Now, just when it asserts itself, when it begins to succeed in its responsibilities to Congress, the FTC is denied logistical support by the Commander in Chief. I understand why the morale of the troops is low.

This is why it is imperative that every Member of Congress know what is going on in the budgetary process of independent regulatory agencies. They are creatures of the Congress, an extension of legislative decisionmaking and enforcement. The true needs and plans of these independent agencies should be placed on the congressional table for all to see, not buried and bludgeoned by penny-pinching bureaucrats in the Office of Management and Budget, who reflect policy directives from the Chief Executive and his Domestic Council.

This is why it is important that S. 448 be considered seriously in this Congress, so that a direct access be established between the regulatory agencies and congressional committees and Members, in order that all of us can analyze and support the budgets these agencies really need.

Mr. President, I ask unanimous consent that the letter from Miles W. Kirkpatrick to me dated May 16, 1972, be printed in the Record following these remarks. Likewise, I ask unanimous consent that FTC's "Highlights of Fiscal Year 1973—Budget Justification" be printed in the Record. These "Highlights" should be of special interest since they are a part of the original budget submission to the OMB on September 15, 1971, which documentation has been obtained by the Subcommittee on Intergovernmental Relations from the FTC.

There being no objection, the items were ordered to be printed in the Record, as follows:

FEDERAL TRADE COMMISSION,
Washington, D.C., May 16, 1972.

DEAR SENATOR METCALF: Commissioners Dixon, MacIntyre and I have corrected the enclosed transcript of our February 22, 1972, testimony on S. 448.

During the hearings on S. 448 before you and the Senate Subcommittee on Intergovernmental Relations many questions were asked which could not be answered fully without consulting our operating bureaus. In response to those questions the following information is submitted.

First, to avoid any misunderstanding I would like to state that the draft letter mentioned on pages 310 and 311 of the transcript should be considered our final letter. However, please be sure to note the two errors in the letter mentioned on page 311 on lines 14 and 21.

On page 311 you asked whether the OMB has interfered with or suggested that we curtail our activities in investigating the combined ownership of coal and oil companies. Having consulted further with our personnel involved in these investigations, I can assure you that we have not been subjected to any interference or curtailment in that regard whatsoever.

Similarly, you asked whether the OMB has interfered with the full staffing of, and freedom of activity in, our current investigation of gas reserves reporting practices in South Louisiana by the American Gas Association. Again, I can confirm to you we have experienced no such interference from the OMB.

We have assigned from two to four attorneys to the gas reserves investigation at all times since its commencement in the fall of 1970. These attorneys have devoted a major portion of their time to the gas reserves investigation during such assignment; and they have been totally free to incur all necessary expenses in conducting this investigation. These expenses have included trips to such places as New Orleans and Houston and to interview various public and consumer critics of the gas industry. Similarly, investigational hearings have been held, and doubtlessly will continue, in the conduct of this investigation; and the attorneys have been under no restrictions whatsoever in incurring the necessary expenditures for witness fees, travel, court reporters, and copies of the transcripts.

We currently have only two attorneys assigned to the gas reserves investigation, but this simply reflects the status of the investigation. The Bureau of Competition, pursuant to delegated authority from the Commission, issued extensive subpoenas duces tecum to eleven of the principal gas producers in late November 1971. These subpoenas were not cleared with OMB under the Federal Reports Act, since it is the Commission's position that OMB clearance is not required under these circumstances.

All eleven of the gas producers have filed motions to quash the subpoenas. Therefore, pending Commission determination of these motions, the Bureau of Competition has concluded that the gas reserves investigation is adequately staffed with two attorneys. The Bureau reports that it will be able to add additional attorneys to this investigation in the future, if required.

On page 317 you asked what major studies were being conducted by the Bureau of Economics and whether we have experienced any interference from the OMB in carrying out these studies.

The Bureau of Economics presently has four major studies underway. The studies deal with energy, electrical equipment, automobiles, and prescription drugs.

The particular issues under investigation in the energy study derive their focus from the movement of oil companies into coal and uranium which may indicate the beginning emergence of an energy company. The subjects to be examined are:

(1) Whether uranium, coal, oil, and natural gas are now, or will soon become, close competitive substitutes for one another in the electric utility sector. This staff study has just been released by the Commission.

(2) The degree of market concentration, and trends in concentration, on a production basis in each of the fuels, with a special interest in whether the oil companies are among the leaders in all of the fuel markets.

(3) The pattern of profitability before and after a merger between an oil company and another nonoil fuel producer.

(4) The pattern of research and development expenditures before and after a merger between an oil company and another nonoil fuel producer.

The electrical equipment industry has been an industry subject to a number of antitrust actions directed at behavior, most recently the well-known price fixing conspiracy case in 1960. This conspiracy presents a direct opportunity to explore the hypothesis that firms in a highly concentrated industry will substitute a legal means of coordinating their price behavior in reaction to successful antitrust prosecution.

The issue in the automobile study is whether there is room for a viable antitrust policy after the social costs of automobile production (pollution, congestion, less safety) have been absorbed by the auto firms. It may be that the imposition of the standards set by the Environmental Protection Agency will raise the cost of production such that only a very few firms can be economically viable. In short, it may be that the solution of environmental problems inevitably necessitates a highly concentrated industry. Therefore, before an intelligent antitrust policy with regard to automobiles can be formulated, an analysis of the impact of the Environmental Protection Agency's standards is necessary. However, the demands on the Bureau are very heavy and the staff assigned to the auto study have had to be diverted to another very important assignment—the development of a model to guide the Commission in the best allocation of its antitrust resources—however, we do hope to resume this study in the fall.

Academic research has found that intensive advertising tends to make for high concentration and difficult entry. A means of easing entry and reducing concentration would be to place restrictions upon heavy expenditures for advertising. But such a policy may not work if firms can substitute other means of sales promotion for advertising. Prescription drugs offer an opportunity to examine the latitude firms may have for such substitution.

In past years, the proliferation of large numbers of new products has been cited by academic economists who have studied the drug industry as a major means of differentiating products with the consequent effect of blocking entry and protecting the high profitability of the dominant drug firms. The recent decreases in new product offerings, then, should reduce barriers to entry unless the major companies have found other ways by which to differentiate their products.

On none of these studies has a 6(b) survey yet been issued, although each will require one at some stage. Up to this time, therefore, we have had no experience indicating whether the OMB will, or will not, facilitate carrying these studies forward. We assume that OMB will cooperate in our endeavors as has been the case in the past.

The Bureau of Economics now is committing a substantial portion of its personnel (40%) to the Concentrated Industries Project. The OMB has not interfered in any way with the staff's freedom to conduct their investigations.

On page 319 Mr. Turner asked the Federal Trade Commission to describe the impact the $620,000 reserve had on the Federal Trade Commission.

The fiscal 1972 budget request of the Commission to the OMB was based on what we thought was reasonably necessary to carry out all our functions and at the same time recognizing the agency must be prepared to assimilate and effectively utilize new personnel. As a result of the $620,000 budget adjustment associated with the President's goal of reducing Federal-Civilian employment and the collateral withholding of funds, the Federal Trade Commission was required to abolish 72 new positions for which funding had been granted by the Congress for one-half of the current fiscal year as follows:

	Positions	Grade	Title
Office of Executive Director	1		
Deputy executive director—Management	1	GS-13	Systems analyst.
Bureau of Competition	10		
Office of director	3	GS-5	Clerical.
Attorney staff	2	GS-14	Attorneys.
	3	GS-13	Do.
	2	GS-12	Do.
Bureau of Consumer Protection	3		
Division of consumer education	2	GS-15	Do.
	1	GS-7	Secretary.
Bureau of economics	18		
Office of director	3	GS-5	Clerical.
Division of economic evidence	3	GS-13	Economists.
	2	GS-12	Do.
Division of industry analysis	1	GS-14	Do.
	2	GS-13	Do.
Division of financial statistics	1	GS-13	Accountant
	2	GS-12	Do.
	2	GS-11	Do.
	2	GS-9	Do.
Regional offices	40		
	23	GS-13	Attorneys.
	8	GS-12	Cons. prot. spec.
	9	GS-6	Clerical assistants.

The 72 positions and $620,000 have now been permanently taken from our appropriation base.

I was also asked how the operations of the Federal Trade Commission will be affected if it does not receive the total budget sent to the OMB. The OMB has cut from our fiscal 1973 budget request a total of 208 positions.

This reduction meant 46 positions requested for consumer protection activities at headquarters had to be eliminated. This cut will affect our consumer protection program in many ways:

(1) It will slow down the spot-checking of compliance of outstanding cease-and-desist orders. Presently, we have one man on this job. We estimate that a spot-check program for the first two or three years would require five attorneys full time in Washington with substantial assistance from our regional offices. However, this program will now have to be handled on a limited basis.

(2) Our advertising substantiation program has turned out to be more costly in direct financial outlay and in staffing effort than expected. This is because information submitted by advertisers in many cases is very technical and must be evaluated by outside consultants for in-depth analysis of technical data or by our Division of Scientific Opinions. In addition, it appears that there are more instances of nonsubstantiation or insubstantial supporting data than originally predicted. We probably could bring enforcement actions against roughly 5 to 10 percent of the ad claims for which substantiation was requested in the first four rounds of questionnaires. This means a commitment of 15 attorneys full time—assuming most of these cases will not go to trial—and we do not have the resources for that kind of program at this time.

(3) Our flammable fabrics responsibilities are steadily increasing. This is because the Department of Commerce is promulgating new standards of flammability for products, such as children's sleepwear, mattresses, carpets, etc., that must be enforced by the Commission. To keep up with this job we have shifted personnel in the Division of Textile and Furs from wool, fur and textile enforcement to flammable fabrics enforcement. We have now tipped the balance to the point where over 80% of the professional resources of the Division are devoted to flammable fabrics enforcement and less than 20% to textile and fur labeling review. At least for the next several years we could profitably employ another 15 attorneys in Textiles and Furs. We would also need 11 clerks, stenographers, and typists to support the work of the above-mentioned professionals.

Turning to competition, the OMB disallowed 48 of the requested positions and $736,800. The requested positions were needed to relieve current shortages being experienced in handling the present caseload.

The Commission had plans to enter the field of hospital and medical costs, including the cost of hospital supplies, surgical instruments and other medical items, to determine whether or not restraints of trade or unfair practices were contributing materially to the high cost of medical care.

It was also anticipated that investigation of the business conduct of selected multinational corporations would be undertaken this year in order to determine whether actions were being taken with adverse effect on competition within the United States leading to high or increased domestic prices.

Resources were also sought for allocation to the field of patent interference and infringement settlements. Past experience of the Commission leads to the conclusion that such settlements may frequently leave standing invalid patents with severe anticompetitive effects.

In addition, many investigations of joint ventures have been postponed. Joint ventures can dampen competition between the parent firms. They may also eliminate entry by the parent firms in the field in which the joint venture is undertaken.

Similarly, compliance with Commission cease-and-desist orders in antitrust and other competition matters require review and attention. The manpower shortage prevailing in fiscal 1972 has significantly hampered compliance activities, and some of the additional positions sought for fiscal 1973 were to be allocated in part to review outstanding orders in certain key industries.

Our economic activities will be obviously affected by the reduction of 10 positions from the number requested for our Bureau of Economics. One of the studies in the Concentrated Industries Project, automobiles, has been interrupted so that the staff presently committed to that particular investigation could work on policy planning. Present staffing is not sufficient to get the automobile study underway again at this time and to meet expanding workload. A major portion of our economic effort workload has escalated to meet the increased demands for services being requested by the staff in connection with the investigation and trial of antitrust matters.

Our regional offices carry out the enforcement responsibilities associated with many new statutes such as the Flammable Fabrics Act, and the new standards relating to children's sleepwear, carpets and rugs, the new Fair Credit Reporting Act, as well as monitoring compliance with the Commission's present trade regulation rules such as the retail food store advertising and marketing practices rules and pending trade regulation rules such as care labeling of textiles, holder-in-due course and cooling off.

The fact that our support offices like the General Counsel's Office, Secretary's Office and administrative staff have also received cuts cannot be overlooked in operating an enforcement agency. While no specific programs can be pointed to as being affected by these cuts, it should be clear that the substantive staff cannot function without good support.

On pages 320–322 and 325 and by your letter of February 22, 1972, you inquired about the advertising practices of utility companies. In particular, you referred to an advertisement by the Montana-Dakota Utilities Company which appeared in the *Terry Tribune* and the *Fallon County Times*.

In addition to your complaint, we have received during the past year correspondence about utility advertising from consumers, scientists and environmentalists.

In response to these various complaints the staff of the Bureau of Consumer Protection has been engaged in a review of the advertising practices conducted by and on behalf of the electric utilities. For reasons of jurisdictional limitations and resource allocations, this review has been limited to substantial instances of advertising in interstate commerce, and the staff's work has primarily been focused on advertising engaged in by national trade associations. However, even with this limitation, the amount of advertising to be reviewed was substantial.

At this time the staff has substantially completed its review of this advertising for accuracy and content. In this connection, I might point out some of the issues raised with respect to the advertising in question involved technical and scientific questions of a very complex nature. As a practical matter evaluating questions of this type has been a time-consuming activity. Since the initiation of this inquiry into this subject, it has become quite apparent there are a substantial number of complex issues involved in this matter in addition to whether or not the advertising representations may be deceptive.

In this vein there is some question as to whether some of the advertising statements under close scrutiny are really material, that is to say significant to prospective purchasers. There is also some question as to whether some of these advertisements are "commercial speech" as the courts have defined those terms. It can be argued that certain of the advertisements promoting atomic energy as absolutely safe and pollution free and advertisements which speak of the tax "advantages" of public power are really attempts to influence public opinion and governmental action and therefore immune from Commission scrutiny by the First Amendment. There is also some question as to the foreseeable results in this matter were the Commission to bring a case. There is concern that the majority of the public might not understand fully what the Commission was attacking in some of these advertisements and that the net result of any Commission action might be more harmful than beneficial.

Unfortunately, at the present time the staff has not resolved all of these important questions, and, accordingly, I am not able to advise you as to what action, if any, the Commission will take in this matter.

You asked us to comment on a particular advertisement by the Montana-Dakota Utilities Company for possible false and deceptive representations. Of special concern was the representation that Montana-Dakota was presently paying 9¼ percent on its most recent loan. The staff of the Bureau of Consumer Protection has been in contact with the officials for Montana-Dakota. The staff has been informed that the advertising representation in question refers to the company's last bond issue which was offered on October 8, 1970. The staff was further informed that as a result of this bond issue offering, Montana-Dakota Utilities borrowed $15,000,000 at the interest rate of 9¼ percent. Apparently, these are 20-year bonds recallable 5 years from the date of issue. Until 5 years have expired from the date of issue, however, Montana-Dakota must pay 9¼ percent interest on this money.

The Bureau's staff also inquired into the other representations made in the mentioned advertisement. However, the staff uncovered nothing which would raise any questions concerning the accuracy of statements made therein.

Accordingly, on the basis of the information available to the staff at this time, it does not appear that this advertisement is false, misleading, or deceptive in any material respect. Nevertheless, a copy of this advertisement will be incorporated into our files. If information subsequently received indicates that this advertisement is violative of any of the laws administered by the Federal Trade Commission, appropriate action will be taken.

On page 361 Senator Gurney asked if there were any Federal Trade Commission employees who previously worked with the OMB. A review of our personnel file indicates that none of the Federal Trade Commission's professional staff ever worked for the OMB.

On page 380 there was some discussion about the Commission's 6(b) procedures. To avoid any misunderstanding, I would like to state that the OMB does not review FTC subpoenas. We do not clear Section 6(b) special reports or letters which are addressed to persons under investigation for law violations. This is true even if we send ten or more subpoenas.

OMB *does* review Section 6(b) special reports where we send ten or more to persons *not* under investigation for law violations, *i.e.*, third parties. The same applies to letters asking for information. If the Federal Trade Commission sends ten or more identical letters to third parties asking for information, these letters must be cleared with OMB under present procedures.

I believe the above information answers all the questions raised during the hearings. Should you like any other information or need any clarification of the matters discussed above, please do not hesitate to call on me.

The answers given above are supplemental to the answers given by me in response to questions addressed to me after my statement to your Subcommittee on behalf of the Commission. As in the case of my answers to questions at the hearing, the answers in this letter are mine and are not necessarily those of the other Commissioners.

With kind regards, I am,

Sincerely,

Miles W. Kirkpatrick,
Chairman.

FEDERAL TRADE COMMISSION,
Washington, D.C., September 15, 1971.

DEAR MR. SHULTZ: I am transmitting the Federal Trade Commission's budget request for fiscal 1973, prepared in accordance with Circular No. A–11.

As required by section 1311(b) of the Supplemental Appropriations Act, 1955, as amended (31 U.S.C. 200(b)), all statements of obligations furnished to the Office of Management and Budget in connection with the Commission's appropriation request for fiscal 1973 consist of valid obligations as defined in section 1311(a) of that Act.

In Commission meeting on September 8, 1971, the appropriation request for fiscal 1973 was given full consideration. The President's Economic Message of August 15, 1971, was a part of this consideration. It was determined that the 1973 request submitted herewith was the irreducible minimum at which this Commission could operate effectively in fiscal 1973.

The schedules for fiscal 1972 and increase for fiscal 1973 have not been amended to show in the first instance the 5% cut and the second instance the increases that would be appropriate in line with this cut. These two schedules will be revised as soon as word is received from your office as to the dollar amount of reduction required of FTC under the President's directive for fiscal 1972.

The Commission will be available to discuss these budget estimates in greater detail at your convenience.

Sincerely,

MILES W. KIRKPATRICK,
Chairman.

FEDERAL TRADE COMMISSION HIGHLIGHTS OF FISCAL YEAR 1973—BUDGET JUSTIFICATION

For fiscal 1973 the Federal Trade Commission requests an appropriation of $30,647,000, which represents an increase of $5,458,000 over the amount appropriated for the current fiscal year.* These additional funds will be used principally to recruit additional personnel that are urgently needed to cope with increasing workloads, as well as to provide imaginative approaches for effectively protecting the Nation's consumers and businessmen. Specifically, this budget request will increase our staffing structure by 228 new positions in fiscal 1973, as follows: one position in the Office of Information; eight in the Office of Policy Planning and Evaluation; 20 in the Office of the Executive Director; ten in the Office of the General Counsel; 17 in the Office of the Secretary; four additional Hearing Examiners; 50 positions in our Bureau of Competition; 61 in the Bureau of Consumer Protection; 27 in the Bureau of Economics; and 30 in our Regional Offices. Each of these areas is highlighted below.

OFFICE OF INFORMATION

The most serious problem facing the Office of Information concerns the handling of case news releases. The increased tempo of Commission activities requiring the preparation of case news releases—which constitutes approximately 90 percent of the annual output of releases—seriously overburdens the current staff. An additional Information Specialist, requiring personnel compensation funds of $8,400, is requested in fiscal 1973 for this work.

OFFICE OF POLICY PLANNING AND EVALUATION

Recognizing that systematic resource allocation judgments require that the FTC have available adequate planning information, a "policy planning inventory" is being developed to facilitate the grouping and presentation of matters for evaluation and analysis by the Commission. Also, a system is being developed by which quantitative data from the inventory on the actual resource usage of the Commission can be evaluated against the framework of systematic, extrinsic planning factors. These "benchmarks" will provide a basis for establishing antitrust and consumer protection priorities in the various market areas which present themselves for possible resource commitment by the Commission.

Guidelines are being developed to assist in the evaluation of specific projects for enforcement action; also, active involvement will continue in the development of research projects on consumer behavior to assist in framing enforcement action.

To initiate these extensive projects, as well as continue its ongoing evaluation and other activities during fiscal 1973, personnel compensation funds totaling $103,100 are requested for five additional professional and three clerical positions for the Office of Policy Planning and Evaluation.

EXECUTIVE DIRECTOR

An increase of 13 professional and seven clerical positions, requiring personnel compensation funds of $190,000 is requested in fiscal 1973 for effectively staffing the Office of the Executive Director. Heavy emphasis will be placed upon enhancing our data processing capabilities to form a sound foundation for present and future FTC application. The implementation of comprehensive, fully integrated systems will assist the Commission in several areas: evaluation of issues, development of priorities, allocation of resources, and monitoring performance. The implementation of systems is designed to improve staff operational efficiency in the areas of performance evaluation and administrative reporting. The personnel requirements of the enhancement plan are heavily programming and operations oriented and are in line with the added capabilities of the hardware/software system which will be put into effect the last part of fiscal 1972.

To provide an optimum level of administrative support to the operating areas we serve, additional staffing is requested in the areas of Personnel, Administrative Services, and Budget and Finance. Also, compliance with the Budget and Accounting Procedures Act of 1950 necessitates that a small internal audit unit be established during fiscal 1973 to apprise key officials on the efficiency, effectiveness and economy of our program operations. Finally, personnel compensation funds of $27,700 are requested for hiring disadvantaged youths on a temporary basis during the Summer.

OFFICE OF THE GENERAL COUNSEL

The number of court actions handled by this Office during the past three fiscal years has averaged 102 cases. At the same time, the records in injunction cases have required substantial commitments of manpower. Also, the anticipated increase in investigative, adjudicative and rulemaking proceedings commenced by the Commission is expected to result in more suits and actions.

The recent increase in the filing of Commission complaints charging violations of our various statutes is expected to result in a corresponding increase in cease and desist orders. Also, complex administrative records will be compiled for the increasing number of antitrust cases expected to be instituted by the Commission.

Special legal research into fundamental areas of procedural and substantive law of special concern to the work of the Commission, as well as reports on consumer and ecological legislation will require additional commitments of manpower.

It is anticipated that Congress will expand the authority of the Commission in two significant respects: extending the Commission's authority to practices "affecting" commerce; and the granting of preliminary injunctive power against unfair or deceptive practices adversely affecting consumers. These actions, if taken, could also increase the litigative workload of the Office.

To effectively carry out the increasing responsibilities of the General Counsel, personnel compensation funds of $109,400 and ten new Attorney positions are requested for fiscal 1973.

OFFICE OF THE SECRETARY

The Correspondence Section has been authorized to increase its size and expand its correspondence handling capability to cope with a doubling in the volume of the Commission's mail. Also, the Section plans to increase the percentage of correspondence wherein substantive replies are prepared from less than one percent to 25 percent in fiscal 1973.

In fiscal 1973, the Division of Legal and Public Records expects a ten percent increase in the volume of paper work and record keeping resulting from a projected increase in size and volume of production on the part of the operating bureaus.

To cope with the increasing workloads, 17 additional clerical positions and personnel compensation funds of $89,800 are requested.

HEARING EXAMINERS

Beginning in fiscal 1970 the volume of litigated cases and the formal case load of the Commission began to increase, necessitating greater involvement by Hearing Examiners in evidentiary hearings and prehearing conferences. This trend will continue to accelerate through fiscal 1973 as a result of the anticipated increase in the number of litigated cases, particularly those of a regional nature. Accordingly, four additional Hearing Examiners, requiring personnel compensation funds of $90,000, are requested.

BUREAU OF COMPETITION

The critical aspect of preventing undue restraints on competition and preserving opportunties for small and large business concerns to compete fairly, as well as fashioning an antitrust enforcement program, is evaluating the merits of particular complaints and the potential competitive benefits of corrective enforcement. This is an especially vital phase of the Bureau's enforcement activity because sufficient manpower is not available to fully investigate each complaint, or to remedy every competitive problem which may from time to time affect an industry simultaneously in several regions of the country.

The Bureau's present litigation burden is increasing. In fiscal 1971, 33 restraint of trade complaints were issued, about one-third more than the 24 in the previous period. This upward trend seems likely to accelerate through fiscal 1973, and will increase the number of cases to be tried.

Investigations performed by the Bureau are related to a broad range of industries and products, and concern alleged antitrust violations of many types. For example, significant investigative resource commitments continue to be directed at two major investigations in the energy field: acquisitions by oil companies of coal companies and coal reserves; and reserve reporting practices of companies marketing natural gas from the Southern Louisiana basin. Both inquiries are part of a four-phase study of concentration in the energy field. The study, also involving the Bureau of Economics, will extend through fiscal 1973.

Some of the current matters involving petroleum marketing also will require staff commitments into fiscal 1973. Service station lease limitations, dealer coercion, vertical price fixing, and reciprocity, are being actively investigated now, but the complex nature of some of the competitive problems raised indicate the likelihood that investigations will continue into fiscal 1973.

Also, milk investigations, requiring significant legal expertise, will continue. Orders issued in the early sixties against Borden, National Dairy (now Kraftco), Beatrice Foods and Foremost, prohibiting acquisitions of smaller dairy firms, will begin to expire in fiscal 1973. A broad-scale investigation of milk marketing practices and present market structure in selected major metropolitan markets is necessary before the Bureau can recommend action to be taken with respect to market pricing problems, and dairy mergers which can be anticipated after expiration of these orders. Adjudicative proceedings in this industry may be required in fiscal 1973.

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*Does not include additional funds for pay increases.

In the drug industry, the Commission is currently investigating a number of large acquisitions by leading pharmaceutical firms of well-known cosmetic and toilet goods companies. A major manpower commitment to these inquiries, to determine merger effect on the structure of the cosmetic and toilet goods industries, should carry over into 1973.

Other matters which are expected to carry over into fiscal 1973 involve investigations of reciprocity principally in the oil and chemical industries, and an extensive review of the effectiveness of the Commission's Robinson-Patman orders in restoring or preserving competition.

Each of these studies has generated public attention and the correspondence and complaints received from consumers have added to the workload of this Bureau.

Of major importance is the task of assuring compliance with Commission orders. Many of the orders issued under Section 7 of the Clayton Act, and in some instances under Section 5 of the FTC Act, contain prohibitions against future acquisitions without prior Commission approval. Requests for merger approval by those firms under order have increased steadily and this trend should continue during fiscal 1973. Additionally, a sizable number of orders requires the supervision of divestitures directed for acquisitions held to be in violation of Section 7.

To enable the Bureau to accomplish the activities planned for fiscal 1973, 35 new Attorney and 15 clerical positions requiring personnel compensation funds of $431,700 are requested for fiscal 1973.

BUREAU OF CONSUMER PROTECTION

During fiscal 1973 the Bureau will increase its involvement in the complex marketplace problems facing today's consumer. This concern ranges far beyond coping with the simpler malpractices of an earlier day, extending as it now does into complex questions of environmental quality, access to equal marketplace treatment for deprived groups, and the redress of imbalance between the small buyer and the larger seller. To deal with problems of this scope and magnitude requires one additional Attorney to assist the Bureau Director in carrying out these ever-increasing responsibilities. Also, seven additional clerks are necessary to process the expanding workloads generated within the programs of the Bureau.

Two additional Attorneys are requested to assist in the continuous review and evaluation of problem areas and in the planning and implementation of Bureau-wide projects to be undertaken.

To fully implement a survey designed to determine the degree of present-day compliance of all orders issued in the 1960's as well as to recommend appropriate action to obtain compliance with the old orders or to halt current deceptive practices not covered by the original orders, three additional Attorneys and two clerical employees are required in fiscal 1973.

The President, in his 1971 Message on Consumer Affairs, reported that his Special Assistant for Consumer Affairs was examining the feasibility of establishing a national consumer fraud clearinghouse to facilitate the exchange of information between appropriate Federal, state and local law enforcement officials. Through continuing discussions between Commission officials, representatives of Mrs. Knauer's office, and the National Association of Attorneys General, it has become clear that additional steps must be taken to further explore the President's directive. One such step is the analysis of the data processing ramifications associated with that proposal.

The Commission has been working during the past year to establish Consumer Protection Coordinating Committees by bringing together Federal, state and local officials responsible for the prosecution of fraudulent or deceptive consumer practices. By pooling information possessed by these several agencies it is possible, through computer technology, to tabulate and classify consumer complaints with considerable benefit to the consumer. However, at best the present application is extremely limited and unsophisticated. Also, it is becoming increasingly clear that additional analysis must be given the data collected by these Committees in order to better serve the consumer protection responsibilities of the Commission.

Although there has been measurable progress in the development of an ongoing consumer fraud clearinghouse type operation, much needs to be done. Our sense of the problem is that these Coordinating Committees in essence form the nucleus of what would become a consumer fraud clearinghouse should our continuing review and analysis indicate that the program should be expanded. Accordingly, the Commission is requesting additional contractual funds, identified under our general operating expenses, to better evaluate and upgrade the processing of data from its now existing Coordinating Committees.

In fiscal 1973, the newly renamed Division of National Advertising plans to expand the monitoring of *all* national television advertising by requiring networks to submit complete advertising storyboards, thereby expediting corrective actions. Also, it hopes to conduct a more concerted review of dentifrice, cosmetic and device advertising.

Continuing programs for fiscal 1973 include timely and effective action against deceptive advertising appearing on national television; conducting a study and hearing on the Impact of Modern Advertising Techniques on consumers; policing drug advertisements, with particular emphasis on analgesics, calmatives and sedatives; reviewing health, nutritional, and weight reduction claims; and examining advertisements associated with health and beauty aids, devices, and plans. Also, significant commitments of manpower must be programmed for cigarette advertising, "environmental" advertising, and insuring that the advertising of nonprescription drug products is in accordance with the labeling requirements stemming from FDA-FTC labeling standards.

To cope with these new and expanded ongoing projects, 18 additional personnel (11 professional and seven clerical employees) are requested for fiscal 1973.

In the area of General Litigation, eight additional Attorneys and two clerks are requested in fiscal 1973 to handle the increasing litigative workload related to such important consumer areas as product safety; advertising and performance of warranties and product reliability; interstate support by national finance companies and manufacturers for local hard core fraud; unfair business practices; career schools; magazine, newspaper and direct mail advertising; and personal contact sales practices. In addition, a significant amount of time will be allotted to a preliminary investigation function planned to respond to a large volume of Congressional and consumer complaints, as well as determine whether formal investigations should be opened.

For fiscal 1973 the Division of Rules and Guides is requesting eight Attorneys and three clerical employees to assist in preparing guides and/or rules in several new areas of particular concern to consumers, as well as completing ongoing activities. New projects scheduled for fiscal 1973 include prorata guarantees; standardization of clothing sizes; destination charges; the shelf life of dry cell batteries; a uniform symbol (glyph) system for advertisements involving dangerous or hazardous products; automobile dealer guidelines regarding price, guarantee representations, model designation and year, demonstrator and repossessed cars, and used car representations; trading stamps; and special assignments, compliance activities, and general interpretive work. Numerous ongoing projects will carry over into fiscal 1973, and will continue to require substantial commitments of manpower.

The Division of Scientific Opinions will be called upon increasingly to render scientific advice and assistance to the Commission and the Divisions of National Advertising, General Litigation, and Rules and Guides. In fiscal 1973, scientific opinions will be provided in the areas of nonprescription and hundreds of "me-too-drugs"; analgesics; weight reduction; product safety; alleged environmental contaminants; foods with special dietary and nutritional claims; cosmetics and drugs; and dentifrices, dental preparations and adjuncts. It is also anticipated that research into the "tar and nicotine content" of cigarettes will be stepped-up and that the gas phase analysis of, and heavy metal determination in cigarettes will be initiated. Five additional professional and two clerical personnel are requested for these activities in fiscal 1973.

In summary, to carry out the programs planned for the Bureau of Consumer Protection in fiscal 1973, an increase of 61 additional positions (38 professional and 23 clerical employees) requiring personnel compensation funds of $612,600 is requested for fiscal 1973. Also, $15,000 is requested for hiring Consultants to assist in training state and local consumer education and law enforcement personnel, as well as to implement the President's Consumer Fraud Clearinghouse project.

BUREAU OF ECONOMICS

Seven additional professional positions are requested to enable the Division of Economic Evidence to cope with increasing investigative assignments. For the foreseeable future the pre-merger notification program will continue to require substantial manpower commitments. Also, the collection, coding and computerization of significant data relative to merger activities will continue to be of increasing significance.

The staff will become more involved in Robinson-Patman investigations, which will require additional manpower in fiscal 1973. Also, heavy manpower commitments are being made to FTC Act Section 5 investigations, which include a follow-through on the complaint issued against bottling franchise restrictions; examinations of reciprocity practices, primarily in chemicals; and the affects of advertising on competition and on the quality of information given to consumers by producers of cereals, analgesics, rubber tires, and soft drinks. The commitment of staff resources to Clayton Act Section 7 matters will continue. In the consumer protection area, the Division is becoming involved in trade regulation rules where the effect of the rule raises issues concerning competition among firms affected by the rules.

To assist the Commission in its policy planning functions, the staff will complete three studies of past Commission enforcement policy in fiscal 1972; an analysis of the effectiveness of Clayton Act Section 7 orders; and analyses of the Commission's enforcement policies in the dairy and in the food distribution industries. In fiscal 1973 the review of Robinson-Patman enforcement, begun during the current fiscal year, will continue. These reviews will continue to be emphasized to assist the Commission in determining which types of enforcement actions are likely to have the highest rewards in terms of maximizing consumer welfare.

The Division of Industry Analysis requests seven additional professional positions in fiscal 1973 to expand its capabilities in three broad areas: conducting long-range research on structural and competitive problems in the economy; completing special projects undertaken at the request of the Congress, other Federal agencies, and the Commission; and providing complex economic analyses needed to identify industries and practices most in need of enforcement action.

For some time the Commission has planned to study important industries which appear to be highly concentrated. The energy crisis which began to develop in late 1970 prompted the Commission to direct the Bureau of Economics to expedite its study plans for this area and to give special emphasis to a proposed study of the energy sector of our economy.

Pursuant to this directive, the staff completed and submitted to the Commission a report outlining the possible dimensions of the study areas within the energy sector of our economy requiring attention. The Commission, noting that the energy study would involve a considerable portion of our existing manpower, approved the priority study of four specific areas bearing on concentration: (1) a market boundaries inquiry; (2) an industry structural analysis; (3) effects of structural change on market power; and (4) effects of structural change on new investment and research and development. These studies, which are now underway, will extend through fiscal 1973 and will require additional manpower.

Four additional studies involving prescription drugs, electrical machinery, autos, and chemicals have been recommended to the Commission, with plans to begin in the current fiscal year and carry through fiscal 1973. These industries are large and raise fundamental issues with respect to competitive policy. For example, in the automobile industry, problems in the area of safety and pollution may, according to some, only be solvable by coordinated, cooperative activity of the producers. Such action, however, raises serious antitrust concern.

Also, joint ventures in the chemical industry have been increasing in importance. We plan to examine the economic benefits of this activity and the possible anticompetitive aspects, particularly since it is alleged that the major chemical companies avoid confrontation with each other by jointly entering new markets.

Six new professional and two clerical positions are requested to allow our financial statistics program to expand its coverage of the annual lines of business report to an additional 500 multi-billion-dollar corporations; obtain from 2,600 very large corporations monthly estimates of profits and corporate tax accruals to ascertain the fiscal well-being of the Nation's business community and the status of the Federal budget; and expand the coverage of the quarterly financial reporting program beyond its present commitments and plans.

Five new clerical positions are requested for the stenographic unit to expedite increasing workloads generated by the Divisions within this Bureau.

In summary, to accomplish the important activities planned for the Bureau of Economics during fiscal 1973, 27 additional positions requiring personnel compensation funds of $316,200 are requested. Also, $10,000 is requested for hiring Consultants needed to complete the concentrated industries studies and other Bureau projects.

REGIONAL OFFICES

To more effectively discharge the expanded responsibilities of the Regional Offices, an increase of 30 Consumer Protection Specialists and personnel compensation funds of $277,000 are requested for fiscal 1973.

Additional personnel will accommodate enforcement of the new carpet and rug standards, as well as further intensify enforcement of the overall Flammable Fabrics Act as applied generally to wearing apparel and fabric to be used in wearing apparel. In fiscal 1973, the Commission anticipates being faced with responsibility for enforcing additional standards in the area of children's sleepwear. These additional employees will permit the Regional Offices to carry a heavier workload than in previous years. This workload has been expanding rapidly because of additional delegations of authority.

Adequate performance of the expanded responsibilities assigned to the Regional Offices can most economically be performed by Commission personnel stationed in the cities and major metropolitan areas where potential workloads exist—particularly consumer protection problems. To effectively structure and utilize the Commission's field staff, it has been recommended that our Regional Office activities be strengthened in Dallas and Denver. Funds of $30,000 are being requested in the Commission's "Other Expenses" portion of the budget for this purpose.

MAINTAINING THE STAFFING BASE

Additional personnel compensation funds totaling $603,000 are requested to maintain the staffing base provided for the administration of the Commission's ongoing programs in the current fiscal year. Of this amount, $527,400 will be used to annualize the payroll costs of the 77 new positions authorized in the current fiscal year but funded for only one-half a year; $230,800 is needed to cover the costs of mandatory within-grade salary adjustments for the Commission's staff. Due consideration has been given to savings of $155,200 resulting from two less official workdays in fiscal 1973.

GENERAL OPERATING EXPENSES

The proposed expansions in the Commission's programs and the related increases in staffing will require the provision of personnel benefits and related support such as travel, office space, communications, contractual services, supplies and equipment. These items, together with funds to defray rising operating expenses of the Commission, will require additional funds for general operating expenses of $2,670,200. This amount will provide funds for such extraordinary items as equipment for our cigarette smoking laboratory and our flammable fabrics testing facility; data contracts of our financial statistics program; extramural data processing services necessary to accelerate the completion of our important concentrated industry studies; independent testing of advertising claims; expansion of the computer capabilities of our Consumer Protection Coordinating Committees; planning a comprehensive and fully integrated management information system; and determining the feasibility of establishing a consumer fraud clearinghouse. Also, the additional funds will allow for leasing additional computer equipment and procuring related supplies; renting additional office space for the additional staff requested in fiscal 1973; strengthening our Regional Office staffing pattern; defraying the postage, envelopes, and maintenance costs associated with the Commission's centralized and automated mailing system used for the mass distribution of such printed material as flammable fabric notices; providing for stenographic reporting services that currently exceed the amount available in our appropriation base; and enabling our Consumer Protection Specialists and Attorney staff in the major bureaus to travel. These items are explained in greater detail under the "Other Expenses" portion of our budget.

CONGRESSMAN JOSEPH P. ADDABBO REPORTS ON THE 92D CONGRESS, SECOND SESSION

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. ADDABBO. Mr. Speaker, each year I summarize the activities of Congress, reprint it from the CONGRESSIONAL RECORD at my expense, and mail it to my constituents. I have followed this practice during my 12 years in the House of Representatives in order to place my record before the residents of the Seventh Congressional District and to encourage them to send their views on the major issues of the day to me.

In addition to sending the summary of congressional activities, I send to my constituents a questionnaire on those issues expected to come before the Congress. From the answers received to those questions, from the many letters received by my office each day and from my personal contact in the district, I am able to learn the thinking of the people I represent in Washington. This is helpful to me in deciding how to vote on various measures as well as in the other duties connected with my representation of the Seventh Congressional District. It is important for a Member of Congress to reflect the concerns of his constituents and I have tried to do just that during my service in the House of Representatives.

QUESTIONNAIRE RESULTS

Earlier this year I sent out approximately 200,000 questionnaires and received a return of nearly 15 percent. This is a very high return and illustrates the high level of interest in the issues on the part of the people of our district. It is both challenging and encouraging to know that my constituents are active and informed about the legislation pending before the Congress. Following are the questions asked and the answers received:

Please indicate your views on the following questions:

1. Which of the following should be U.S. policy in Vietnam?	
(a) Withdraw all U.S. troops and negotiate for the return of prisoners after our military involvement has ended	44.6
(b) Maintain a residual military force in Vietnam until prisoners are released	27.2
(c) Suspend withdrawals and take military action to free prisoners	12.3
2. Which of the following should be U.S. policy on amnesty for those who refused to comply with draft laws?	
(a) No amnesty under any condition	15.4
(b) Amnesty in return for 3 years service in a nonmilitary conscientious objector field	47.7
(c) General amnesty for all following the end of our role in the war	13.5

Please answer each question	Yes	No
3. Do you favor continuation of wage-price controls?	61.3	28.1
4. Do you favor a national health insurance law?	58.9	31.7
5. Do you favor a welfare reform bill which would provide a Federal minimum payment for all poor, including the working poor?	48.3	31.6
6. Do you favor increased Federal aid to States and local government through revenue sharing?	53.3	22.4
7. Do you support the President's request for increased military appropriations?	22.6	56.1
8. Do you believe a greater percentage of the total budget should be spent on domestic programs?	64.1	23.6
9. Do you favor legislation to prohibit compulsory school busing?	56.3	37.1
10. Do you support increased Federal efforts to control drug abuse?	91.6	3.2

You will note that many of the percentages do not total 100. The missing percentages represent those who did not respond to particular questions and whom I have assumed are undecided.

At the present time Congress is finding it quite difficult to pass any controversial or new legislation because of the election year primary activities. We will have to recess for the political conventions of both parties in July and August and most Members hope to adjourn by October 1 in order to return home for the November election campaigns. Pending final action by the Congress, I can give you this report on the major activities of the second session of the 92d Congress to date.

FOREIGN AFFAIRS

The recent escalation of the U.S. role in the Indochina war has caused a great deal of concern in the Congress. There seems to be increasing support for the establishment of a final date for total U.S. troop withdrawal from Vietnam and I have cosponsored a number of resolutions calling for total U.S. withdrawal within 6 months conditional upon the release of U.S. prisoners of war.

The world picture can be quite hopeful if the United States and the Soviet Union can agree to work together for peace. The situation in the Middle East, for example, is dependent to a large degree on the involvement of the major powers. I have supported U.S. military aid to Israel, including the prompt delivery of phantom jets, because of the need to bolster Israel's defense position in the light of Soviet military aid to the Arab States.

The decisions of the major powers in sending or not sending military aid to other nations can provoke dangerous confrontations or at the other extreme can cool off potentially hazardous situations. The SALT talks can if successful go a long way toward controlling these kinds of actions in the future and can play a significant role in reducing the very high defense and military budgets of both the United States and Russia. We must watch developments in this area very closely during the months ahead and hope that responsible and reasonable progress will be made in this area.

As a member of the House Appropriations Committee I had the opportunity to participate directly in a number of decisions in the foreign affairs field. I have supported efforts to end appropriations to continue the war in Vietnam for more than 6 months although such amendments have as yet not been approved by the House. I was able to sponsor and vote for legislation authorizing the appropriation of $85 million for the resettlement of Soviet Jews in Israel. The House acted favorably on this just a few weeks ago and I was gratified by that action. I voted to reduce the U.S. contribution to the United Nations, another vote sustained by the House, because I believe it is time to express our disappointment over the failures of the world body to play a more meaningful role in bringing belligerent parties to the peace table. We must reassess the peacekeeping functions of the U.N. in the years ahead if we are to avoid future Vietnams and improve the chances of future generations for peace.

COMMITTEES

As I have mentioned I serve on the House Appropriations Committee, a most important and influential committee. That committee assignment gives me an opportunity to express my views on the priorities which I believe we ought to establish and emphasize. In voting on appropriation measures, I have voted consistently to increase appropriations for education, health, job development, and law enforcement assistance programs. These are major areas in which I believe we should be doing more to encourage our States and local communities to make greater efforts. I have also tried to scrutinize the proposed budgets for defense, space and other programs where I believe there is room for cutting nonessential spending. In those areas I have voted to reduce space program expenditures, against the development of the supersonic transport, and against expansion of the ABM program.

Last year I was named chairman of a Select Small Business Subcommittee. Since that time we have held a series of hearings on the minority small business program highlighting the lack of coordination of the programs designed to help minority businessmen. It is quite clear that we have had a great deal of talk about helping the small businessman in general and the minority businessman in particular, but very little action in either area. Our subcommittee will be making recommendations for changing these programs very shortly.

Our subcommittee has also held hearings in Washington and New York on the increasing and varying prices of gasoline and unfair action by refiners against local stations.

HOUSING

The House will probably consider amendments to the National Housing Act later this month. I have been particularly interested in programs to rehabilitate small private homes in order to preserve the character of residential neighborhoods. During the debate on Federal housing legislation, I will make every effort to inform my colleagues about the problems which can result from imposing massive housing developments on communities which are not able to absorb these projects. We must guard against the "saturated-housing" projects such as the one which has caused the disruption and division of communities like Forest Hills. The lesson of Forest Hills has hopefully taught us that in order not to destroy or polarize neighborhoods there must be community participation and planning of all support facilities such as schools, hospitals and transportation.

THE ECONOMY—TAX REFORM

It is too early to tell whether the economic control program begun last summer will work. It has certainly not produced the short-term results we would have wished to see. The inflationary spiral continues, particularly in the area of food prices. Most disappointing is the failure to reduce the rate of unemployment. I have voted for increased public works programs and public employment programs in order to put more people in jobs, open new job opportunities and reduce increasing welfare rolls.

The tax structure has been criticized throughout our Nation's history but never with the force and volume of today's critics. We need not only tax reform to close loopholes and rearrange the burden of taxes but we need tax relief as well to help the middle-income family. In this latter area, I have recently introduced a property tax and rent relief bill. This legislation would provide a tax credit for local property taxes and 25 percent of rent paid by apartment dwellers. The tax credit, up to a maximum of $300 would benefit the middle-income family which bears the greatest burden in connection with local taxes and high rents.

LAW ENFORCEMENT

Drug addiction and the crime it produces remains our No. 1 law enforcement problem. I have voted for increased funding of law enforcement assistance to local agencies as well as increased Federal efforts to stem the flow of narcotics into the United States. We must act to stop the flow of heroin at its source abroad and I have urged greater United Nations action in this area. I voted for the creation of the new special office on drug abuse recently established in the White House to coordinate our efforts to combat addiction.

In addition, I have sponsored legislation to fund local educational programs in our elementary and secondary schools as well as adult education courses in police-community relations. Perhaps the most serious problem facing our Nation today is the breakdown of respect for law enforcement officers and agencies. We must act now to restore confidence and respect for our institutions, otherwise chaos and increased crime will destroy our society.

ENVIRONMENT

My chief interests in the evironmental area have been the sponsorship of the Gateway National Park bill, which has passed the Senate, has been voted out by the subcommittee of the House and which now awaits House action. This most important plan would make the unique recreational resources of the Jamaica Bay area a national park, safe from further destruction from pollution or construction.

The noise problem in the Kennedy Airport area has continued to illustrate the dangers of pollution from both noise and exhaust of aircraft. I have continued to criticize the FAA for failure to enforce the 1968 Aircraft Noise Abatement Act which I cosponsored and I have urged transfer of noise control powers to the Environmental Protection Agency.

The most recent environmental crisis in Queens concerns the drinking water of many residents of south Queens. Reports of dangerous levels of nitrates provoked my asking the EPA to investigate and that Agency has issued a report critical of city action.

HEALTH

This Congress has been very active in the field of health legislation. While we may not vote on any national health insurance program this year, the Congress probably will pass some form of national health program. The House has voted to authorize new and expanded research efforts to find a cure for cancer and to control heart disease in the United States. Similar legislation in the area of sickle cell anemia will also add to this congressional record in the health field. Federal funds will also be increased for use in training more physicians, nurses, and other health personnel under legislation passed at the end of last year. It is imperative that we make quality health care accessible to all Americans and find a way to prevent the high cost of illness from bringing financial disaster to middle- and low-income families. I believe this will be a priority in the next Congress.

SENIOR CITIZENS

There are many areas in which we must press for Government action and community action to help the elderly. The problems of our aging population do not exist in isolated areas but rather they exist in every corner of our daily lives. Special problems for the aging appear most dramatically in the state of the economy where persons living on fixed incomes cannot fight back against inflation; in health where the costs of increased care required are prohibitive; in housing where access to reasonably priced housing is scarce; in transportation where the easiest trip for the young presents obstacles to the elderly; and in every other avenue of living.

The opening of a senior citizens office in south Queens and a senior citizen service center in Jamaica is an achievement for the aging of our communities.

To meet the soaring cost-of-living increases and to assure a secure retirement, I have sponsored legislation to increase benefits under the social security law by 50 percent, with increased minimum monthly allowance and an increase in amount permitted to earn without loss of benefits.

In addition, in the area of social security I have sponsored legislation to increase benefits for husbands and wives who both work. The legislation provides that the earnings of married couples should be combined for purposes of computing benefits.

I have sponsored important legislation to strengthen and improve the Older Americans Act of 1965. The bill would authorize the following new programs:

Make available comprehensive programs which include a full range of health, education, and social services to our older Americans who need them;

Provide meaningful employment opportunities to many individuals including older persons, young persons, and volunteers from the community.

Provide Federal grants and contracts for special impact programs to provide opportunities for older persons to render public service;

Authorize grants for programs to meet nutritional and dietary needs of older Americans, including provision for hot meals in neighborhood centers and in residential housing and home delivered meals for persons homebound or disabled;

Finance construction of multipurpose senior citizen centers; and

Authorize programs to improve transportation services available to older Americans including subsidized fares.

We must update and expand medicare. We must meet the new benefit needs of the 20 million senior citizens entitled to medicare benefits and consider reducing the minimum age for eligibility from 65 to a more realistic number.

It is time to recognize that social security and other benefits should be adequate to provide security.

MY WASHINGTON AND NEW YORK OFFICES

During my six terms as the Representative of the Seventh Congressional District, I have tried to make myself available to constituents who have problems involving Federal departments and agencies. In addition to my continuous weekend appearances in my district at meetings and functions of various civic, fraternal, veterans, and religious organizations, I maintain a full-time district office, and my Washington office is always ready to assist my constituents.

Please write or call me at room 2440, Rayburn House Office Building, Washington, D.C. 20515 or at 96-11 101st Avenue, Ozone Park, N.Y. 11416.

CALIFORNIA TURNS TIDE ON VET JOBLESSNESS

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. TEAGUE of California. Mr. Speaker, President Nixon, in October 1970, manifesting his continuing concern for the welfare of the returning Vietnam veteran, announced a nationwide "jobs for veterans" campaign. He instructed the Veterans' Administration, the Department of Labor and other Federal agencies to support the program fully and to cooperate with American business, organized labor, veterans organizations and State and local governments in assisting returning veterans to obtain meaningful employment.

This important program, under the direction of national chairman James F. Oates, Jr., and his efficient staff has served to focus the public spotlight upon the fact that the young veteran's blend of skills and self-discipline make him an ideal candidate for employment.

An outstanding example of the success of the jobs for veterans campaign may be found in the following article entitled "California Turns Tide on Vet Joblessness" from the April 1972 issue of the JVF Report. Here, we find Federal, State, and local government joining with the news media, business and industry in promoting jobs for veterans in a statewide campaign spearheaded by a California jobs for veterans task force headed by Gordon Elliott, who is, coincidentally, the able Director of the Veterans' Administration regional office in Los Angeles.

The article follows:

CALIFORNIA TURNS TIDE ON VET JOBLESSNESS

SACRAMENTO, CALIF.—In a few days Californians will be seeing and hearing Gov. Ronald Reagan—in a spot announcement on television—remind them that a pool of ex-GIs have returned to California and that they want jobs.

Women shoppers at Safeway stores around Los Angeles and San Diego will be getting the same message: Safeway has agreed to put the imprint "Hire the Vet" on all its shopping bags in its Southern California stores.

It is the kind of commitment—stretching from the governor's mansion in Sacramento to the grocery store in Southern California—that is needed because, like so much else in California, the problem is bigger here. Overall there are more than 3,000,000 veterans in the state, the largest veteran population of any state in the nation. Of these, 630,000 are Vietnam era veterans.

If one calculates that California, with 10 per cent of the country's population, has 10 per cent of its unemployed veterans, the figure of young Vietnam era ex-servicemen looking for work here would be around 40,000. (This is the basic formula for calculation by the Labor Department's Bureau of Labor Statistics.)

But officials around the state have the feeling, if not the figures to back them up, that California has a bit more than its "apportioned" share of recent discharges. A very high percentage of men are separated here, officials point out, and, they add, unemployment compensation, which many new veterans will be taking advantage of, is higher here than almost anywhere else in the country. Then, of course, there is the allure of California, particularly in the southern part of the state, with its endless beaches, predictably mild and sunny climate, and an industry boom providing boundless employment opportunities.

These days, though, new realities have scraped the luster off of these images. It is the rare day now when you can see a smogless sky over Los Angeles or any place near it. Oil slicks are all too common. And it is a long wait to find work with 6 per cent unemployment statewide. Nonetheless California is a strong magnet for young people, veterans and their peers alike.

The ax of the budget-tighteners in Washington, looking to stem the tide of inflation, fell heavily on California. In the north, around San Francisco, employment possibilities dried up in research firms that dot the suburbs of the city. In the southern part of the state, around Los Angeles and San Diego, the crunch came when the aerospace industry took a nose dive.

The picture, though, these days is not overly bleak. Officials are cautiously optimistic that better times economically are on the way, and there are already signs in the wind that that is the case: Some aerospace contracts have been awarded to firms around Los Angeles; construction is doing well all over the state; San Francisco has been dropped from the list of those with 6 per cent unemployment. So, while the going is still not easy for the job seeker in California, the worst seems to have passed.

In June of last year, when Gov. Reagan appointed a statewide Jobs for Veterans task force, he was anticipating, with good reasons, an economic upturn in the state. He was also anticipating, and again with good reason, the results that he might expect from a task force headed by Gordon Elliott.

Mr. Elliott (who also heads the Southern California Regional Office of the Veterans Administration) is a short, broad-faced man whose easy conviviality tends to belie the frantic pace he keeps for himself as the state's No. 1 promoter of Jobs for Veterans.

A glance at Mr. Elliott's February calendar shows that nearly half of his working days in that abbreviated month were spent making speeches, cutting commercials, attending luncheons and dinner banquets—all for the purpose of pushing jobs for veterans. Five times he traveled from his Los Angeles office to other cities in the state.

This kind of activity has clearly prompted the state's media to join Mr. Elliott's promotional bandwagon. Newspapers throughout the state have carried stories on the veteran and his problems in readjusting to civilian life; have carried promotional material distributed by the National JFV Committee; and have given free space so the veteran can advertise himself as a job candidate to his local community. Advertisers have donated billboards. Radio and TV have cooperated by running spot JFV announcements from the Advertising Council and those cut by Gov. Reagan, Mr. Elliott, and Fred Bradley, coordinator for the JFV task force in northern California.

Mr. Elliott credits the media with splendid cooperation. "You know, the FCC requires radio and television to give so much of their time to public service advertising. They just plug in whatever they're given. But in the case of promoting Jobs for Veterans, they've been calling us to get material."

It's really not a hard job selling employers on the idea of hiring veterans, according to Mr. Elliott. "Most employers were veterans themselves—a vast majority—and they are more than willing to cooperate with us in hiring veterans. It's a question of making them aware that there are veterans out there who want jobs."

Of course, Mr. Elliott concentrates on the business community because that's where the jobs and on-the-job training slots are going to come from; and he doesn't wait for a desire on the part of businessmen to hire veterans to spring up on its own accord.

One case in point is Mr. Elliott's recent interest in the possibility of California's credit unions hiring and training a large number of veterans. It is an untapped hiring source, and he has knocked on its door with determination and gusto, making one speech after another to the local meetings of the California Credit Union League urging members to train and hire veterans. Particularly train.

"Because these people don't hire great numbers all at once, it would be more useful if we could get an on-the-job training curriculum approved. We've already passed the point of defining job descriptions and now we're mapping out a full training course. When business turns up, credit unions will expand. They already have 5 per cent of all savings, and 15 per cent of all short-term credit loans. What we want is to get veterans into jobs, jobs with a future, now."

Doing that is, of course, more than just the problem of increasing awareness among employers that veterans want jobs; it is really a question of a pickup in the economy. It is also very much a question of delivery—matching employer demand to job-seeker need. In short, a problem for the employment service.

As in other states, the success or failure of any push to find jobs for veterans is going to turn on whether the veteran, in the local office of the employment service, is getting the attention and priority referral to jobs to which he is entitled. Providing that kind of service depends very much on a pervasive commitment to Jobs for Veterans running from top employment service officials through to local office managers.

At the top of California's Human Resources Department the commitment is a firm one. The director of HRD, appointed last September, is totally convinced of the need to have the department do all it can to help returning veterans.

In fact, one month after Sigurd I. Hansen came on board as HRD director he was telling a Sacramento audience that "we have no program more important than that of putting our talents and resources to work to help those who have finished their military service and are eager to get back into step with the civilian business community . . . and, I assure you that my department will give maximum effort to the opening of more doors of opportunity for the men and women who need help in getting jobs."

Mr. Hansen, like other employment service chiefs, faced the ticklish problem of instituting a veterans priority program in an agency that for the decade of the '60s had turned its attention primarily to the plight of the disadvantaged. Redirected attention to one group must necessarily draw attention from the other, critics contend.

However, some observers of the California scene are quick to build a case showing that the veterans emphasis in the employment service has actually strengthened the agency and made it a more efficient tool for all who use it.

William Fly, who is California's program supervisor of services to veterans, points out that the number of employers who were calling in job orders to HRD spiralled downward during the period that emphasis was placed so heavily on aiding the disadvantaged. Simultaneously, private employment agencies, essentially supplying the competent, highly skilled and educated workers, sprang up at every hand. The private agencies became brokerage houses for good jobs.

The result, as indicated by Melvin Sparks, veterans employment representative for California, was a decrease in the number and variety of jobs coming into local offices. Those coming in were too frequently low-wage and low-skilled positions, offering little hope for a future to a veteran, non-veteran, or disadvantaged job-seeker.

Bill Fly puts an operational aspect of the new guiding philosophy succinctly, "We have recognized that employers are important, and we are trying to get in touch with them. We will court their favor because we think if we can increase the number of job orders, we will strengthen HRD and improve the service we give the whole range of its clients."

Melvin Sparks adds another pertinent note: "We also recognize here in Sacramento that a large part of the problem of unemployed veterans is the fact that those who are having difficulty finding work are those who have always been handicapped in the labor market. They have little education, and probably did not acquire a marketable skill in the military.

"Our increasing focus on veterans is helping very large numbers of those who had difficulty finding and keeping jobs before they went into the military and who are experiencing the same kind of trouble now."

Statistics bear out the contention of the amiable Mr. Sparks that California is well on its way to easing the veteran unemployment problem. From July 1 (the start of the fiscal year) through February 29, the state had made 32,936 placements of Vietnam era veterans in jobs. This was 83 per cent of a revised placement goal assigned to California under the President's Veterans Programs, but with only two-thirds of the year gone.

(Sigurd I. Hansen, HRD Director noted in a recent press release that California's "original goal for the fiscal year ending June 1972 was set by the Department of Labor Regional Manpower Administrator at 28,449 placements, and by the halfway point of December 31 we had reached 25,097." This revamping of California's goal upward followed on the heels of the Labor Department's January commendation of HRD's "steadily gaining momentum, with the number of veterans placed being larger each report period."

Of course, this kind of progress takes more than pious statements of concern from either Washington or Sacramento. It requires commitment, administrative tools, and money.

Crucial to California's success was the infusion last year of new manpower into the employment service to work solely with and for veterans—52 assistant VERs and 38 veteran aides. These extra men have enabled California to boast that it now has at least a part-time VER operating in all of the state's 109 employment service offices. There is more time for the individual veteran and more time to contact employers to uncover jobs.

Mel Sparks is convinced that the President's mandatory listing requirement for federal contractors is also beginning to bear fruit. While these jobs can be filled by anyone, veterans will have first crack at them all.

While officials are convinced that the enormous amount of publicity supporting jobs for Veterans and the increased focus on veterans programs by the Department of Human Resources has paid off, they are certain that more work has to be done. The early release program has particularly—and will continue to do so for the next several months—tested the effectiveness of the new efforts in finding veteran jobs.

The broad outlines of California's continuing drive on behalf of new veterans were recently sketched in by Gordon Elliott in a report to Gov. Reagan and to the 50 members of the statewide Jobs for Veterans task force: a beefed-up outreach effort to "stimulate employers who have not hired veterans with the attitudes, opinions, and experiences of those who have;" and a greater focus on large employers to hire more veterans and small employers to train veterans in on-the-job training situations.

Particular attention should be paid to the needs of minority group and educationally disadvantaged veterans, the report said. In a tight labor market, these men have additional handicaps that make their job-finding efforts all the more frustrating.

Greater cooperation between all the groups trying to help veterans would serve to increase the effectiveness of the overall Jobs for Veterans program, Mr. Elliott pointed out in the report.

In some ways that criticism by Mr. Elliott is really a compliment to the range of programs that have sprung up at every hand and in every agency to help veterans. With the commitment in California to help veterans as deep as it is, it seems unlikely that state officials won't be able to iron out the administrative details to deliver service more efficiently. Placing veterans in jobs here is everybody's top priority.

HON. ED ESHLEMAN'S LATEST NEWSLETTER

HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. BIESTER. Mr. Speaker, I would like to bring to the attention of my colleagues Congressman Ed Eshleman's recent newsletter to residents of the 16th Congressional District of Pennsylvania. I am sure all of us are pleased to hear that Ed is recovering so quickly and that he will be returning to Washington next month.

The newsletter follows:

REPORT FROM YOUR CONGRESSMAN,
ED ESHLEMAN

BACK TO WORK

If you haven't gotten a letter from me, or heard me on the radio, or read the news reports about my activities, maybe this newsletter can serve to let you know that I'm back on the job after my recent heart surgery.

Since it will be another couple of weeks before I resume attending legislative sessions in Washington, perhaps that the back to work statement should be qualified to say that I'm on the job while recuperating at home. But that means I'm seeing, dictating and signing the mail; studying and evaluating national and legislative issues; and keeping up communications with constituents through my radio show and newspaper columns. And I'm in regular, daily contact with both my Washington and District offices.

As always, the work I'm doing is in conjunction with my staff. For instance, this newsletter is the result of collaboration with my legislative assistant, Bob Walker, who assists me each time in writing and assembling these reports. Unlike other occasions, however, our collaboration this time had to be via telephone.

My point is that the "ceasefire" period is over. I have the feeling that many people held off letting me know about their problems with the Federal Government or telling me their opinions about national issues while I was hospitalized and immediately thereafter. But there is no need for hesitation now and if I can help you or listen to you, get in touch.

CAPITOL COMMENT

Congressman Don Brotzman of Colorado said it, but anyone with legislative experience knows his statement is well worth repeating. It is, "Hell hath no fury like a vested interest masquerading as a moral principle."

ONE NOT ALL

Another political leader is gunned down in another senseless and regrettable tragedy. But that repugnant act should not be used to label our Nation as sick.

The Nation is not sick. We are confronted with a small percentage of sick people who are capable of attempting to murder someone with whom they disagree.

If one-half of one percent of the people in our country have that capability, that is one million persons against whom there is little defense. Their sickness should not be called a national sickness, but should be labeled for what it is—a personal affliction that too often in recent history has resulted in national tragedy.

ANSWER TO CRITICS

Those who are attempting to revive the Vietnam war as a major political issue were answered by President Nixon when he issued his third annual Foreign Policy Report several weeks ago.

He said: "I have no complaint over the fact that during this period, when I have been ending a war I did not begin, I have been subjected to vigorous criticism. I do not question the patriotism or the sincerity of those who disagree with my policies to bring peace; but as I said in 1968 when I was a candidate for President, we have only one President at a time and only the President can negotiate an end to war."

DOWN DRAFT

The chart at the right shows graphically how draft calls have been dropping.

JUST DO IT

One reason why Congress has lost power and influence in the last twenty-five years is that it has become increasingly unwilling to assume responsibility for the direction of government. It has become content to legislate in such a way that real responsibility is put in the hands of the Executive. The reason should be obvious. This gives Congress the "out" of blaming everything that goes wrong on the President. "We passed a good program," Congressmen will say, "but the White House didn't administer it right."

A colleague of mine has a modern folk tale that puts the problem into proper perspective:

There was an old owl who had a reputation for wisdom and statesmanship. A grasshopper came to see the owl and explained that he had played all summer and now needed advice on how to get through the winter without any food. The owl said, "That's easy. Just turn yourself into a bear, hibernate all winter, and you won't need any food." The grasshopped thanked him, but as he was hopping out, turned back and said, "By the way, how do I change myself into a bear?" The owl angrily responded, "Don't bother me with your silly questions. I'm in policy and that's an administrative matter."

PETE BIESTER—PENNSYLVANIA

The guest editorial in this newsletter was written by my good friend Edward G. (Pete) Biester, Jr. who represents the Eighth Congressional District of our Commonwealth, including Bucks County and parts of Lehigh and Montgomery Counties.

GUEST EDITORIAL

I'd like to address myself to penal reform, a subject about which I feel very deeply. I've had the opportunity to work closely on this through my House Judiciary Subcommittee.

Conditions in penal institutions throughout the country have recently come under close public scrutiny. Prison uprisings and increases in the crime rate have served to focus attention on the need to realize progressive reforms in the law enforcement, judicial and correctional fields—to assure the accused his legal rights, to assure him and society a fair and speedy trial and, if convicted, a conscientious effort at rehabilitation.

Ninety-eight percent of all those now imprisoned will return to society. If they come out poorly equipped for life in the real world without good job training programs, if they are more solemn, more angry and more anti-social than when they went in, we are endangering ourselves and are subjecting ourselves to their criminal behavior when they come out. If, on the other hand, they come out with job training, marketable skills, and a more wholesome attitude, then we all have a fair chance that they will not repeat their criminal behavior.

We have approached this effort with considerable humility. I don't think anyone has a sure answer on how great numbers of men and women may all be rehabilitated, but I am convinced from what we have seen so far that we are not doing nearly enough to protect the public from the repeat offender. We must be willing to experiment with work release programs, weekend furloughs, better job training, and other steps to help make society a safer place in which to live.

STARFISH SAGA

Like millions of Americans, I am committed to doing everything possible to clean up our environment. But I have never hesitated to caution that our antipollution efforts must be reasonable and responsible. We must not act emotionally and too quickly to each thing called a potential environmental disaster.

A case in point is the menace that supposedly was brewing on the Great Barrier Reef in Australia. The Crown of Thorns starfish was said to be endangering the area, and over-zealous environmentalists demanded all sorts of radical and expensive remedies. Now the latest reports show that the starfish population has returned to normal—not because the government acted, but through the cyclical population swings created by Mother Nature.

BIG SHOW

Dulles Airport outside Washington, D.C. will be the scene of the world's largest transportation exhibition from May 27 to June 4. TRANSPO 72 will feature displays of equipment and ideas from all fields of transportation. The air portion of the exhibition alone will be bigger than the Paris Air Show.

If you and your family are interested in things that move like planes, trains and automobiles, Dulles Airport may be a good place for you to plan to spend a day.

LOOPHOLE LESSON

In this political year there is a lot of talk about tax loopholes. It makes a dandy point in a campaign speech to denounce the rich who use loopholes to escape paying income taxes. For example, by now nearly everyone has heard about the 222 people with incomes over $200,000 who paid no income tax in 1968.

I, for one, find it hard to accept that these individuals did not ante up with the rest of us. But doing something to close the loopholes is more difficult than campaign talk might lead you to believe.

Those 222 non-payers cannot be considered without also considering the 19,001 people in the same income group (over $200,000) who did pay their taxes. In other words, only 3 people in a million actually escaped the tax burden, which makes the loophole seem a good deal smaller. And the question arises whether the drastic changes in tax law that might be needed to catch those few people are worth the chance that the new regulations might be just as easily evaded and maybe even worse.

In all fairness, it also needs to be pointed out that the rich who paid their taxes paid heavily. All told, they came up with almost $4 billion, which is close to five percent of the total tax revenue from far less than one percent of all taxpayers.

This is not a justification for anyone to look for an escape route at tax time. It simply is intended to show that all that glitters in a campaign speech may not be real gold.

TOO REAL

The National Association of Professional Bureaucrats lists the following guidelines for its members: "When in charge, ponder; when in trouble, delegate; when in doubt, mumble."

HELP FIGHT HEROIN

Do you want to help in wiping out the evils of drug abuse?

The Government has established a new "heroin hotline." If you have knowledge of someone who is selling heroin, you may call from anywhere in the continental United States—seven days a week—to pass along your information. Anyone who calls is guaranteed that their information and identification will remain strictly confidential.

If you can help apprehend a pusher, call the following number toll-free: (800) 368-5363.

HOW SWEET IS IT

The Federal Government has gone to great lengths in recent years to protect Americans from substances that might be harmful. People on sugar-restricted diets don't have to be reminded that their cyclamates had to be thrown away because evidence was found that this sugar substitute caused cancer.

Now someone has decided that sugar, itself, is "a crucial health hazard for all ages." A doctor is claiming that it may cause heart disease, diabetes, gout, peptic ulcers and several other "often-fatal diseases."

You might be thinking that people have been eating sugar for several thousand years, and you'd be right. But if the Federal Government decided to protect us from the sugar menace, you can bet it would be pointed out that people have been dying for several thousand years, too.

The scary part is not that sugar may actually get banned (the chances seem rather remote), but that issues just as phony have caught the attention of Washington bureaucrats before and have been acted upon.

SEX DISCRIMINATION IN CONSUMER CREDIT

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mrs. GRIFFITHS. Mr. Speaker, the National Commission on Consumer Finance held hearings this week looking into sex discrimination in the granting of consumer credit. The Commission, which will report its findings to the President and the Congress following completion of its study of the consumer finance industry and consumer credit transactions, is chaired by Ira M. Milltein. Members of the Commission include Senator JOHN SPARKMAN; Senator WILLIAM PROXMIRE; Senator WILLIAM E. BROCK; Representative LEONOR K. SULLIVAN; Representative HENRY B. GONZALEZ; Representative LAWRENCE G. WILLIAMS; Dr. Robert W. Johnson of Purdue University; and Douglas M. Head, former attorney general of Minnesota.

At this time, I would like to insert in the RECORD testimony which I submitted to the Commission on May 22, 1972. My testimony follows:

TESTIMONY OF MARTHA W. GRIFFITHS

For those who believe that women have no trouble securing credit, please listen to these letters from the Detroit area. This one came from a retired woman:

"Why can't single women and widows get credit to buy homes or have credit cards? I'm one of these, yet I have worked 30 years at General Motors. . . . Who are they kidding when they give credit to youngsters who can't meet their bills? I myself loaned [youngsters] money to cover their bills, but I couldn't . . . buy a home unless I paid cash. . . ."

Single women are not the only ones who have difficulty in obtaining credit. Many lenders will not extend credit to a married woman in her own name. The following letter was written by a young bride:

"I began working after graduation from college on September 5, 1967. Until March 3, 1972, I was single, gainfully employed, and enjoyed a flawless credit rating. . . . On March 4, 1972, I married. *Nothing else changed!* The fact of my marriage meant, however, that I had to reapply for credit at stores here in Detroit where I had been charging and faithfully discharging my debts for the over 2½ years since I moved here. Even though my income of over $16,000 is the same as my husband's, I had to reapply for credit in *his* name."

Even when a married couple applies for credit in the husband's name, some lenders will not count the wife's income. This letter came from a licensed practical nurse whose husband's earnings are not sufficient to obtain financing for a car:

"I'm married but have a job and need transportation. I tried a credit union and two small loan companies to finance a car. All said it would be my husband's credit, not mine, that they would go on. My husband has been ill for several years and naturally has not worked steady. On the other hand, I work seven days a week at two jobs (one full time, one part time). And [I] think it very unfair they will not take that as a fact. It is getting rather monotonous asking for rides home."

Divorcées have no easier time in obtaining credit. The following letter was written by a woman who had been married for nine years:

"About two years have passed since I was divorced, and I have just recently been given credit. . . . I had to have someone cosign for furniture. I had to have a cosigner for a new car; the old one was stolen. Only six months ago I was given a credit account at the very store I'm employed by and have been for 2½ years. . . . Every credit department I've come in contact with assumes since you're divorced or a woman alone, you can't be trusted to pay your bills"

Complaints such as these are abundant, and they are by no means limited to Detroit. Nationwide, men and women today do not have equal access to credit. Banks, savings and loan associations, credit card companies, finance companies, insurance companies, retail stores, and even the Federal Government discriminate against women in extending credit. And they discriminate against women in all stages of life—whether single, married, divorced, or widowed; with or without children; rich or poor; young or old.

I

Many single women have difficulty in obtaining credit, especially mortgage credit, although their income is quite sufficient. A single woman has trouble getting credit to buy a home even if she is employed by the Federal Home Loan Bank Board.

Lenders who refuse to extend credit to single women explain this policy by saying that a single woman might marry and then stop working. But the truth is that a single woman is a better credit risk than a single man. A woman who enters the labor force by age 20 and never marries has a longer work life expectancy than the average man. And a working woman who marries usually continues to work and often gains a second income which is larger than her own. Credit practices which treat single women differently than single men are not fair.

Recently a woman doctor in San Francisco wrote to me about discrimination against women in life and disability insurance. She is the president of a health services company, and she had just negotiated the purchase of long-term disability insurance for her 35 employees. Even under the most desirable disability plan available, single women had to pay considerably higher premiums than men. One single woman's policy under the plan was not renewable after age 65. And the same woman was required, if partially disabled, to seek employment outside her profession after twenty-four months. Let me quote from the doctor's letter:

"In the past I have also found it very difficult for me to obtain adequate life insurance. Whenever I've inquired about this, I've always been told that women are generally considered poor risks, and it is the policy of the company not to insure women on the same basis as men. Needless to say this policy cannot be substantiated medically, since any insurance table or list of medical statistics will show that women have a longer life span than men."

II

Like single women, married women suffer discrimination in obtaining credit. Many lenders will not grant credit to a married woman in her own name. Regardless of a wife's income, many lenders will not permit her to open a charge account, borrow money, or buy a car. These lenders will extend credit only to the husband, or to the husband and wife together, on the basis of the husband's credit record. This policy gives the husband control of the couple's finances, of course, and prevents the wife from ever establishing her own credit record. (When a wife goes through life without establishing her own credit, stores won't even cash her Social Security checks.)

Lenders who refuse to extend credit to a married woman in her own name defend this policy on the basic of state support law. A husband is legally liable for the support of his wife. Lenders say that they extend credit only in the husband's name so that they can hold the husband responsible for any unpaid bills.

But when a single woman who has credit accounts marries, lenders often insist on changing the accounts to her husband's name, even if her husband has no income! If she has been paying her bills, why should the accounts be taken away from her? And if her husband has no income, what good is his signature?

Under the Married Women's Property Acts, a married woman may acquire, own, and transfer all kinds of property just as if she were unmarried; she may make contracts; and she may sue and be sued. Why, then, shouldn't a married woman be able to obtain credit in her own name, on the basis of her own earnings, just like other adults?

If a husband cannot or will not support his wife and she cannot get credit on her own, she has problems. I have a letter from a woman who was abandoned a year ago by her husband. She earns $7,800 a year to support herself and her three children. Sixty dollars a month is deducted from her paycheck to repay the debts which her husband left. She receives no child support payments. She cannot even get credit to buy a sewing machine! It is not easy to raise a family when everything has to be paid in cash.

In theory, the legal doctrine of necessaries permits a wife to purchase what she needs and charge it to her husband. But in practice the doctrine is almost useless. As one expert has observed, the doctrine of necessaries "is hedged about with so many limitations that few merchants would wish to reply on it."[1]

Even when a husband supports his wife faithfully, the policy of putting everything in the husband's name may have cruel results later in life. Recently I received a letter from a 60-year-old woman in Winchester, Virginia. She and her husband would like to get a divorce. But their insurance company insists that the couple's health insurance policies belong only to the "head of household"—the husband. (And it was the wife who paid the insurance premiums all along.) Because the wife had a heart attack, she can no longer get health insurance on her own. So she is trapped in an unhappy marriage.

Another woman who came to me for advice had just lost her husband after a long illness. The wife had been the complete support of the family. Before the body was cold in the ground, a representative of the FHA had the colossal nerve to call that woman and ask her to use the insurance, if any, to make a complete payment on the home. She inquired from me if she had to do it. I assured her that she did not. The truth was that the woman's money had paid for the home from the beginning.

III

Lenders discriminate against a wife not only by denying her credit in her own name, but also by failing to count her income when she and her husband apply together for credit. Whether or not a couple already has children, lenders worry that the wife will become pregnant and quit her job. (Traditionally this rationale has also been used to exclude women from employment.) When one couple applied for a mortgage in Rochester, New York, the bank would not count the wife's income until the husband proved that he had had a vasectomy! And I have heard that before the Veterans Administration will count the income of a wife of childbearing age, she must bring a note from her doctor saying that she cannot bear children.

If a husband's income is too low for him to get credit on his own and if lenders will not count his wife's earnings, that couple cannot get credit at all. Let me tell you about a young couple in Chicago. Both husband and wife are 24 years old. The wife has worked as a secretary for the Federal Government for almost two years. The husband is attending college under the G. I. Bill. Together they have an income of over $10,000. When they tried to buy a house, real estate brokers who found out that the wife was the breadwinner would not show them around. When they tried to rent an apartment, several apartment managers turned them down. One manager who learned the source of their income told them that the husband's father would have to cosign the rental contract. When the husband showed some surprise, the manager snapped, "What's the matter? Doesn't your father work either?" This couple finally found an apartment to rent, but to this day then have not been able to buy a home or obtain a credit card.

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[1] Professor Homer Clark, Jr., *The Law of Domestic Relations in the United States,* West Publishing Co. (1968), page 192.

The extent of this kind of discrimination is hard to determine. When a husband and wife apply for credit and are turned down, often they do not know how much of the wife's income was actually counted. The lender need only say, "Your 'effective income' is not sufficient," and that is the end of the matter.

In a revealing statement, John Farry, president of the U.S. Savings and Loan League, characterized today's situation as follows:

"There are regional differences, as well as differences between one institution and another in the same locality. But generally speaking, the working woman or the divorcée or widow with her own financial resources has a far better chance of getting a mortgage today than she would even two or three years ago." [2]

Not even Mr. Farry would suggest that a woman has an equal chance with a man.

It is hard to view the present situation as an improvement. In 1971 Bernard Meltzer reported in *The Washington Post* that he had surveyed many mortgage lenders regarding their policy of counting a wife's income. These were his findings:

"In recent marriages (less than five years) or when the wife has been working only a short time, no recognition is given to the wife's income. Also, with young married couples, no matter what their background, the wife's income is not recognized.

"If the wife is classified as a professional and is between the ages of 26 and 35, a lender may give half credit to her income. Over 35 years, it is customary to give full credit. If the wife is in a nonprofessional occupation, usually no allowance is made for her income up to age 35, half allowance between 35 and 42, and full credit beyond that age." [3]

Recently the Federal Home Loan Bank asked savings and loan associations the following question:

"In qualifying a loan applicant, what credit would you allow for the applicant's spouse's income if she is age 25, has two school-age children, and works full-time as a secretary?"

Of the 74 associations responding, only 22 percent said they would count all of the wife's income; 26 percent would count only half of her income; 12 percent would count only one quarter; and 25 percent would count none. Since savings and loans tend to have more liberal qualification criteria than other mortgage lenders, these figures probably overestimate the willingness of most mortgage lenders to count a wife's income.

The idea that wives of childbearing age are unreliable borrowers is a myth. Most women have control over whether or not they will become pregnant. And certainly all women have control over whether or not they will quit their jobs. The fact that some wives stay home to care for their children does not mean that working wives whose incomes are needed to pay the mortgage will quit their jobs to do the same. I know of no evidence showing that married couples tend to default on their loans when the wife bears children. If a spouse's income is to be discounted solely because that spouse is female, in my judgment the amount of the discount should not exceed the cost of child care services to enable the wife to keep working.

In the Housing Act of 1949 Congress set as a national goal "a decent home and a suitable living environment for every family." Federal agencies having duties with respect to housing are required by law to act so as to further this goal. Mortgage lenders who unfairly discount the income of a working wife are wrongly denying that wife and her family a home. Yet federal agencies have not tried to prevent this kind of discrimination. The Federal Government backs every mortgage, and the Federal Government should not back mortgages where the lender discriminates on the basis of sex.

IV

Like married women, widows and divorcees suffer discrimination in obtaining credit. Whether or not a widow or divorcee has worked in the past, she has difficulty getting credit unless she has established her own credit record—a feat which is almost impossible, since a married woman can seldom obtain credit in her own name.

Sometimes the results of discrimination against the formerly married are extremely harsh. One unremarried widow with two daughters was refused a rental contract for a certain apartment because she was a "woman alone." (Apartments in the same building were available to widowers with children.) This widow was clearly able to pay the rent. She had an adequate, steady income from Social Security and from a veteran's pension, for her husband had died while on active duty in the Marine Corps. And the only place that would sell her a washing machine on credit was a store where the credit manager was an ex-Marine who wanted to "help an old buddy."

Formerly married women also report discrimination in insurance. Some companies raise the amount of a woman's auto insurance premium when she becomes divorced, regardless of her driving record. And if a divorcee has never owned a car in her own name before—even if she has been driving for 20 years without an accident—she has a hard time getting any auto insurance at all.

Credit practices which discriminate against widows and divorcees are not justified. Formerly married persons are no more immoral or unreliable than the rest of us. Nor are their incomes more unstable. Female heads of households have a tremendous economic need to work—they are not temporary workers.

In sum, credit practices which discriminate against women are prevalent, harmful, and not supported by reason.

V

No law prohibits sex discrimination in consumer credit. Nor has any federal agency charged with protecting consumers acted to prevent discrimination against women. The Federal Trade Commission has largely ignored women's special problems in obtaining credit. And the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Reserve Board have not issued regulations to prevent sex discrimination in home financing. Women have no legal protection against discrimination in consumer credit.

The right of a woman on welfare with illegitimate children to buy housing under Section 235 of the Housing Act makes a mockery of the failure of the same Housing Act to guarantee a middle class woman the same right to buy a house. It seems to me the Act is saying—"Welfare is for women." It would be so simple to correct, and unless the housing bill this year corrects it, I intend to offer an amendment on the floor of the House that the F.H.A. cannot guarantee any loans of any lender who discriminates in such loans on the basis of sex.

It is my hope that this Commission will highlight the ridiculous practices of department stores, so that young women will be encouraged to use the same self-help as my husband's secretary, who wrote to me as follows:

"When I married at the age of 27, I was forced to close existing charge accounts and re-open them in my married name. At Winkleman's, where I had had an account with unlimited credit for seven years, I was welcomed as a "new customer" and the explanation that my credit was limited to $100.00 until the time (one year) that such credit became established. In a remarkably lady-like fashion, under the circumstances, I advised them I was no longer interested in an account with them."

Legislation, it seems to me, could be worked out which stops cold the insurance companies who refuse to insure women or who charge them more for a lesser benefit. I trust you will suggest and support such legislation.

I hope you also do some surveys or demand some proof that women with jobs, accustomed to supporting themselves, are poorer credit risks than men. Do not let them confuse you with comparisons with wives without jobs. The home mortgage discrimination was brought to my attention some years ago by a man who had made a fortune buying mortgages of widows. He told me then that a woman was the best risk there was on a mortgage. She would pay for a home if she went without food.

I congratulate you on holding this hearing, and I look forward to your making a real change in the Nation's credit practices toward women.

MEMORIAL DAY 1972

HON. G. ELLIOTT HAGAN

OF GEORGIA

Wednesday, May 24, 1972

IN THE HOUSE OF REPRESENTATIVES

Mr. HAGAN. Mr. Speaker, Monday, May 29, we will observe Memorial Day.

In recognizing the significance of Memorial Day, we must not only remember the many brave men who gave their lives to preserve our freedom, but we should take this time to reassert our devotion and dedication to the cause of freedom and democracy for America and all the world.

As Americans, we share a common heritage. Our valiant men throughout our comparatively short history have fought and died so that we may remain free. Let us not forget these men nor the purpose for which they made the supreme sacrifice.

Memorial Day 1972, we should give our solemn thanks and reaffirmation of our responsibility as citizens of a great nation—a free nation—and a grateful nation.

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[2] "More Mortgages for Women," *The Washington Post*, March 18, 1972, page E15.

[3] "Dialogue on Real Estate Topics," *The Washington Post*, February 13, 1971, page D9.

IN SUPPORT OF HOUSE JOINT RESOLUTION 620

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, as a strong proponent of the neighborhood school concept, I appeared before the Committee on the Judiciary in support of House Joint Resolution 620 which is a proposal for a constitutional amendment to prohibit forcible school busing.

At this time I would like to share my remarks with my colleagus in the U.S. House of Representatives.

The remarks follow:

STATEMENT BY REPRESENTATIVE LOUISE DAY HICKS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. Chairman and Members of the House Committee on the Judiciary, I am pleased to appear before you as the Representative of the Ninth Congressional District in Massachusetts. I support House Joint Resolution 620 and have sponsored similar legislation which is now before your committee. The proposal for a constitutional amendment to prohibit forcible school busing is a lengthy process—but one that is required if we are to guarantee that the future of our children will remain in the hands of their parents, where it belongs, and not under the arbitrary decrees of judges and bureaucrats. Forcible busing to achieve racial balance is opposed by the overwhelming majority of my constituents, for reasons which I hope to explain here today.

Our country is the land of the free—a government of the people, for the people, and by the people. There are constitutional limitations on the amount of coercion that the government can exercise over the citizens. Throughout our history, the judicial branch has served as the guardian of the people, seeking to guarantee that the other two branches did not exceed these limitations. Today, however, we are threatened by the judicial branch itself. The recent examples of court ordered busing have placed fear in the hearts of all parents of young children, regardless of race. If under a court order a child can be forcibly taken from his parents and his neighborhood and bused miles and hours away into unfamiliar, often hostile, neighborhoods, then we shall have opened a Pandora's box of new, unlimited government powers. Then the government and the courts shall have all powers to decide all things that are best for these children. The erosion of parental control is the erosion of fundamental human freedoms.

Have we forgotten our objective—quality education? The goal of educating each child to his fullest potential? Quality education should remain the motivating factor in making any educational decision.

Twenty years ago, this Nation committed itself to removing discrimination from its educational systems—and I support that commitment. Yet, busing is itself an example of discrimination—the conscious assignment of a certain student to a certain school, solely because of his social or racial background. It is a poor educational decision that is made solely on the basis of color. When will there again be a time when educational standards of excellence will be the criteria for educational decisions, rather than the artificial, mathematical balancing of races?

Recent court decisions, which order children to be forcibly transported over separate, well-defined county or city geographic and political boundaries to be educated in a city or county that is foreign to them, have created chaos and disorder in the community and traumatic experiences for the children.

In Massachusetts, parents and communities affected by the so-called racial imbalance law are experiencing the same hardships and fears as those communities under court-ordered busing. A change in a district boundary line for the purpose of racial balance in the schools in Boston, Massachusetts, is tantamount to a forcible busing edict.

The Massachusetts racial imbalance law states that no school may have more than 50% non-white children in attendance. In 1965, the time of the enactment of the law, there were 70,703 white students enrolled in the Boston public school system—and 21,097 non-white students or 23% non-white students. In 1972, there are 63,798 white students enrolled and 33,429 non-white students enrolled, or 33.4% non-white students enrolled. The non-white student population increased 12,332 students from 1965 to 1972, or a 58% increase. The white student population decreased 6,605 in that same period. In 1965, there were 46 racially imbalanced schools. In 1972, there are 66 racially imbalanced schools.

Because of these recent court decisions and the racial imbalance law, the very future of public education is at stake. School districts are becoming more black, as the white flight takes place and troubled white parents place their children in private schools. White parents refuse to put quality education in second place after racial balancing, the creation of some artificial, numerical ratio determined by a court order or a racial imbalance law. "White flight" has thus led to a decline of the inner city, as tax resources undergo radical shifts. If the money now being demanded for massive busing were instead used to improve the inner city schools, the "white flight" might stop or even reverse itself.

Busing destroys the neighborhood school concept, which is more than a mere tradition, neighborhood schools are a time-honored and meaningful force for community wellbeing. Schools are an integral part of the community, a center for cultural enrichment, a meeting place for parents, children, and teachers—an environment for extra-curricular activities.

It is unfair to parents who have bought homes in a good school neighborhood to suddenly find that their children are to be bused out of that neighborhood—often into the worst areas of a city, with the highest rates of crime. Such a situation was certainly never intended by the *Bill of Rights*. What moral or legal justification could there possibly be for forcing *any* parents to send their children into the grim world of the ghetto? Would not the better answer be the *elimination* of the ghettoes, and the equalization of *all* educational facilities?

We cannot ignore the fact that for those children who are victims of poverty, the sense of security developed by living in a community with a happy home situation is often lacking—and school for them often becomes especially important as the only place to gain an awareness of their problems and to develop the skills needed for them to better themselves. They do not need the traumas brought on by busing to a new district and being segregated in the new area by being singled out as "different" or inferior to their other classmates. What a senseless indictment has been placed on a single race—the implication that because one is black, one can learn only through the process of osmosis sitting next to a white child.

What these disadvantaged children really need is a quality education in their neighborhood schools. Busing would cost millions of dollars and hours of time, and it still will not bring us our real goal—good education. If we are to reach that goal, why not direct that money and time into *compensatory programs* in the schools *now*? The schools need new equipment, more teachers, and professional and para-professional personnel to offer guidance to disadvantaged school children in the form of practical instruction of how to survive in today's mass industrial society. Let us give complete funding to the title I program and leave education of children in the hands of the educators.

Let us invite self-help to clean up the inner city, so it will be safe and more inviting. Let us give higher per pupil expenditures in city ghetto schools, where children begin life with so many handicaps. Let us finally face the problem realistically, rather than indulging in social experiments that risk the safety and rights of our children. Let us bring the resources where the children are.

Busing advocates often say that busing will mean an easing of racial tensions between the black and white communities. Sadly, this is not so. The controversy, itself, has caused immeasurable bitterness and strife already between black and white—to say nothing of the physical violence that has occurred in such towns as Lamar, South Carolina, and Pontiac, Michigan.

Again, advocates of busing may quote statistics of how small-scale programs may be effective—but frequently those bused children were selected beforehand as those who showed the most promise of success and advancement. Forced massive busing, however, would occur in the real world, not the world of theories. It would have to deal with thousands of children of all levels of ability. What disadvantaged children really need is to learn such basics as reading, writing, how to find a job, how to go upward in the educational process. With a better educational background, minorities of all types can achieve a higher standard of living, and thereby integrate society as participating residents—not as children bused in and out of the white community for eight hours of a school day—bused away from deprivation for a fleeting, frustating glance at affluence; and bused back again to deprivation.

Parents, black and white, do not want their children forcibly taken by bus from their neighborhood schools. They want their children under their control.

School administrators do not want the children forcibly taken by bus from the neighborhood schools. They know the cost of busing will be reflected in the school budget.

Traffic engineers do not want the children forcibly taken by bus from their neighborhood school. They take a dim view of more vehicles jamming the highways, endangering the lives of the children being bused.

Environmentalist do not want the children forcibly taken by bus from the neighborhood schools.

Taxpayers do not want the children forcibly taken by bus from the neighboring school. They want educational tax money spent on *education*, not transportation.

School children do not want to be forcibly taken by bus from their neighborhood schools. They want to go to school with the children with whom they live and play.

I believe in quality integrated education, but it can never be achieved by forced measures. I have never supported inferior education. Quality education is what is at stake in this controversy. We cannot let "anti-busing" become a disguise for racial prejudice or intolerance; but neither can we let the plans for busing endanger the rights or safety of our children.

We cannot let the concept of racial balance dominate the picture if quality education is thereby sacrificed. Busing means the end of the neighborhood school, and it is this institution which provides the best hope of achieving quality education for both black and white children. Don't use busing as a smokescreen to hide deficiencies in an inferior school where some children are left behind.

As members of Congress representing the

people of this nation, we must respect the will of our constituents, and they do not want forced busing. According to the latest Gallup poll, three out of four people in all areas of the country were opposed to forcible busing— that is, 76% of the American public are against forcible busing, and 47% of those people are black. It is unfair to say, therefore, that forced busing is opposed only by whites who want to prevent their children from attending frequently poorer, predominantly black schools.

We must turn our efforts away from developing massive busing schemes and toward developing better programs in the schools which will provide our children with the tools for creating a better society for us all. Confront that one directly and busing becomes what it should have been all along— merely a means of voluntary transportation.

RURAL DEVELOPMENT IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. BEGICH. Mr. Speaker, one of the recurring arguments I make regarding Alaska, and on behalf of other States, is that maximum responsibility should be vested at the most local level possible. I think that making such an argument carries the burden of showing that such responsibility is carried well.

The attached minutes and future agenda for the Alaska Rural Development Council shows, I believe, that in many areas of rural development, Alaska is making great progress. I draw this to my colleague's attention to show the sort of efforts being made:

ALASKA RURAL DEVELOPMENT COUNCIL

The conference was called to order at 9:00 a.m. Dr. Matthews began the meeting by reiterating the objectives of the Rural Development Council in a brief introduction.

Consideration of Implications and Development Needs Related to the Alaska Native Land Claims Settlement

Cliff Black, Deputy Director of the Alaska Federation of Natives, discussed some of the implications of the Alaska Native Claims Settlement Act. He indicated that the AFN's discontentment with the Act is largely due to vague wording. The stipulation which requires that operating expenses be provided for the 12 regional and 203 village corporations will take about 40 percent of the budget. If the Alaska Natives are not on top of their organizational difficulties within five years, they will be in financial trouble. At this time the Native groups need planning money to identify transportation needs and industrial development programs in forestry, fisheries and other natural resources. They need the Federal Government dollar to continue the social programs so that Settlement Act funds are not dissipated. Even now the Native groups are unable to obtain funding to implement enrollment. This is being conducted by the BIA. Black closed with a plea for a central system with quarterly auditing to be set up which would satisfy the needs of the 203 village and the 12 regional corporations. This would eliminate much of the overhead. A master plan projecting goals and timing is one of their first requirements.

Esther Wunnicke, Assistant Attorney General, spoke on the State's overview of the Settlement Act. The State recognizes the importance of the joint Land Use Planning Commission activities. Pertinent remarks are: 1) The State is amending their recent land selections to give priority to Native Claims so as not to stifle the access to Native land selection 2) The State does not want Alaska to be set up as a preservation reserve. Authorization for selection of 103.4 million acres by the State is reiterated by the Settlement Act. 3) The State believes that social services are the right of all citizens and should not rely upon funding by Native groups 4) Village and Regional Corporations must be set up to own the lands.

Flore Lekanoff, BIA, Washington, D.C., discussed the impact of the Alaska Native Claims Settlement Act. The BIA strives to maintain the rural Alaska life-style and the Settlement Act will be instrumental in preserving it. The BIA is training enrollment personnel. This is to be completed by December 18, 1973. Regulations for enrollments are being developed and the approach is to have village persons complete the data. The Department makes recommendations to Congress on the services required for the necessary rural programs. The Jones' study on health service for Native people in Alaska conducted by Senator Stevens' office should provide much of the background data for these recommendations.

REPORT OF THE RURAL HOUSING COMMITTEE

Dale Sanner, FHA, reported on rural housing. The objective is to coordinate agency housing activities and community services related to housing. They suggest that the University of Alaska fund a research project to develop a bibliography on this information. This was set up as Resolution #3 and approved by the Council.

Wally Kubley discussed insurance for rural communities. It was suggested that the State establish a revolving fund for small villages to finance engineering firms to plan sewer and water facilities. These would be refunded from housing project appropriations. Mr. Kubley discussed the proposed construction of 200–250 "turn key" homes for Southeast Alaska. There is a clearing house to coordinate the activities of the project within the State. Jerry Madden of the Governor's Office of Planning Research heads this service.

Nick Carney, Department of Economic Development, reviewed proposed legislation. Such bills as 1) development of unorganized boroughs and taxation 2) provision for sewer and water facilities 3) tax on transporting crude oil and gas 4) House Bill No. 10420, Marine Mammal Bill, would seriously impair the economy of Western Alaska. A committee of Ed Nygard, Don Perkins, Don Tomlin, George Neck and Prent Gazaway developed Resolution #1 to discourage passage of the bill in its present form.

LAND PLANNING

Jim Wiedeman chaired the discussion. The State is beginning a comprehensive plan with standards being set up for planning. There are a number of proposed studies pending in Alaska such as the BLM's PYK and the Native Alaska Land Use Study.

A discussion on the relationship between Land Use Commission established by the Claims Act and the Land Commission established by the State of Alaska was held.

Jim Wiedeman introduced Tom Davis, Office of the Governor, Division of Planning and Research, who discussed State-Federal Land Use Planning. The objective is to define the State's strategy. This is a guidance mechanism which will define the goals, objectives, and policies the State should aim to achieve. Under the present situation, decisions must be made regardless of the long range objectives. Strategy will develop alternatives and their implications may be explored. These must be put together so that the planning effort will result in progress. This would benefit both public and private activities and it would possibly survive changes of administration.

The present task is development of the work program and its objectives. For example, there is transportation planning, population planning, community planning, etc. It is hoped to have interim accomplishments each year. Public involvement and participation is necessary. Unfortunately there has been a poor record in the past. The planning group wishes to avoid getting into immediate problems and concentrate on the broad picture; however, they would probably be drawn into regional problems because of the urgency of the matters. To implement the plan and give it authority some sort of land development code, not zoning, would be a major step.

Larry Ouellette, BLM, Chairman of the Porcupine, Yukon, Kuskokwim Land Resource Study Team, discussed the North Alaska Planning Group Study. The Study Team developed by the BLM could be the nucleus of statewide planning efforts. This can be the action group for the State-Federal Land Use Planning team, to be headed by Jack Horton, Department of the Interior and the State Coordinator. The study group will develop a library on data for natural resources. It will be available to all agencies and Native groups. This information can assist the Native groups to make land selections as authorized under the Alaska Native Claims Settlement Act. Planning and data developed would be on major State divisions based on topographical boundaries. The planning group would make recommendations, not decisions, on utilization of natural resources. These would be summarized for all lands within the regional area.

Public involvement is necessary for the study. One of the objectives of the group is to identify areas where natural resources data is lacking. Possibly public meetings (not hearings) would provide information on where public access would be needed. One of the possible tasks of the study group would be to review the budgets of the various agencies involved in natural resource management programs. This would offer the opportunity to strengthen planning as needed and avoid duplication of effort.

STATEWIDE AGRICULTURAL POTENTIAL STUDY, TED FREEMAN, SCS CHAIRMAN

The proposed outline of the study is as follows:

(1) Objective of study.

(2) General overview of agricultural development in the Arctic:

(a) Alaska agriculture.

(b) Circumpolar agriculture.

(3) Presentation of primary and secondary resource information by regions.

(a) Primary resources:

(1) soils

(2) climate

(3) water

(b) Secondary resources:

(1) forest.

(2) range.

(3) crops.

(4) livestock.

(4) Existing development:

(a) Crop production.

(b) Livestock production.

(c) Forest production.

(d) Range production.

(5) Market locations in relation to potential agricultural land.

(6) Summary and consideration.

(7) Bibliography.

LOST RIVER MINERAL AND COMMUNITY DEVELOPMENT

Mr. Ron Sheardown of the Lost River Mining Company discussed progress on mineral development on the Seward Peninsula. The metallurgical report is very favorable and it should be out in April. The original estimate is for 92% product (Fluorite) and 84% extraction. There is an additional 10% of other materials such as tungsten.

The next phase is to develop an environmental impact statement which is to be completed by the end of the year. The final feasibility statement of the operation is to be completed by the end of the year. Additional work is to be on market studies and production schedules for getting on-stream.

On site work in 1972 will be engineering, drilling on present area for pit design and bulk sampling, hydrographic studies, water and power supply, airport roads, etc. The company is interested in assistance from the State for water and sewage facilities, and townsite development. If the facilities are in operation by 1972, production and shipment would begin in late 1975. The construction period would require the services of 1000–1500 workers during 1973 and 1974 and would drop to a 200–300 labor force after the start of production in late 1975.

BUSINESS MEETING

Resolution No. 1 on House Bill No. 10420 Sea Mammals was approved by the group. The resolution will be sent to Washington, D.C. through Senator Stevens' office. It will be routed to those considering the bill.

Resolution No. 2 was presented and passed by the Council proposing State support for the development of the community adjacent to the Lost River Mining operation on the Seward Peninsula.

Resolution No. 3 on Improving Alaskan Housing was presented and passed by the Council.

Ira Stevens was replaced by the election of Barry Reid of the Environmental Protection Agency to complete the term until September election as provided in by-laws.

The next Council meeting will be June 13–14 in Kodiak. The Council discussion will focus on waste disposal concerns of the marine and livestock industries and related community development needs.

The Alaska Rural Development Council meets quarterly each year. It was the consensus that the meeting provided both information and the opportunity to have views brought before many agencies.

Agencies not on the Alaska Rural Development Council and wishing to be regular participants should notify Dr. James W. Matthews, Director, Cooperative Extension Service, University of Alaska, Fairbanks, Alaska 99801.

JAMES W. MATTHEWS,
Chairman, Alaska Rural Development Council.

RESOLUTION CONCERNING PROTECTION AND USE OF MARINE MAMMALS

The members of the Alaska Rural Development Council, being representative of the Federal and State agencies and organizations concerned with improvement of the conditions of rural life in Alaska, are opposed to passage of House Bill 10420, in its present form, and any similar totally restrictive bills in the Senate regarding protection of marine mammals. Our primary opposition is to Section 107(a)(3); that such taking of marine mammals for subsistence purposes by Indian, Aleut, or Eskimo peoples "is not done for purposes of direct or indirect commercial sale".

First, we feel that this bill, which will have a major impact on a large part of the population of Alaska, should at least be subject to public hearings in rural and metropolitan areas of Alaska before being considered. Second, if this bill becomes law it immediately destroys the Native arts and crafts cottage-industry as it apparently precludes the sales of any parts of the sea mammals, or any items made from the tanned skins, or objects of art carved from the tusks or teeth. The cultures of these coastal Native peoples are firmly based on the full utilization of the sea mammals. To impose the dominant society's cultural norm of waste of a valuable resource is not only counter to their cultural beliefs, but is also contrary to present U.S. policy on waste pollution.

In addition, this arts and crafts trade is, in many villages, a major source of cash income for the village. Contrary to popular opinion, passage of the Alaska Native Land Claims Settlement Act will not solve the financial problems of these people for the near future. There is no money available to the Native people from this Act for the first two years, and total disbursements of cash over the first five years are estimated at $550 per person. The lands allotted under this Act have value only for subsistence use for a long time to come, as it has been estimated that it will take about 25 years to complete the surveying on the 40 million acres at the present level of funding. So it can be seen, that to destroy this Native arts and crafts industry by legislative fiat is to condemn these peoples to a poverty and welfare existence within an inflated cash economy. We, therefore, strongly urge the Marine Mammals Bill not be considered for passage until public hearings are held in Alaska, and until the bill is amended to allow the continuance of the Native arts and crafts industry.

RESOLUTION CONCERNING DEVELOPMENT OF LOST RIVER MINERAL RESOURCES

Whereas a sizeable commercial mineral deposit has been identified and explored; and

Whereas the Seward Peninsula of the State of Alaska is lacking in employment opportunities; and

Whereas a mine to develop this deposit would provide 300 jobs; and

Whereas the inhabitants of the area and Western Alaska are in dire need of a chance to enter gainful employment to lift themselves above a subsistence and welfare economy and enter into an improved style of living; and

Whereas the State would derive income through normal corporation taxes; and

Whereas the Seward Peninsula would benefit from improved shipping facilities; and

Whereas the lack of an established community at the site provides an opportunity for a totally planned, modern community

Now therefore be it resolved that the Alaska Rural Development Council hereby requests the Governor of the State of Alaska to direct those commissioners and directors concerned with rural and industrial development, community and health and social services, environmental protection, State planning and legal services to lend the Lost River Mining Corporation all possible assistance in getting the development underway; and

Further that effort be expended to develop full services, public docking and community facilities to complement such a development.

RESOLUTION CONCERNING IMPROVING ALASKAN HOUSING

Whereas housing in the rural areas of Alaska is substandard; and

Whereas Alaska has a unique and severe climate in which to construct housing; and

Whereas the environment differs considerably from that of most of the other forty-nine states; and

Whereas there are many State and Federal agencies involved in the building and financing of houses in Alaska; and

Whereas there exists much research and expertise on construction in the Arctic environment; and

Whereas this information is not generally known or being used to the best advantage

Therefore be it resolved that the Rural Housing Committee of the Alaska Rural Development Council, requests the University of Alaska to provide through a graduate, or similar type project under the guidance of the Alaska Rural Development Council compilation of a pertinent bibliography of all technical information pertaining to rural housing and that this information be made available to individuals, communities and State and Federal agencies.

AGENDA—ALASKA RURAL DEVELOPMENT COUNCIL, JUNE 13, 14, 1972, KODIAK ELECTRIC ASSOCIATION BUILDING CONFERENCE ROOM, KODIAK, ALASKA

June 13: 9:00 a.m., Introductions and Meeting Plan.

Development Concerns in the Marine Industry:

Howard Pollock—National Oceanic and Atmospheric Administration.

John Doyle—University of Alaska Marine Extension.

Roger DeCamp—National Canners Association.

12:00 noon, Luncheon—Kodiak Community Leaders (tentative).

1:00 p.m., Marine Waste Management: Panel Discussion, (Perspectives), City of Kodiak, Bi-Dry, Environmental Protection Agency, and Marine Advisory Programs.

Coastal Zone—Land Use Planning: Dr. Lydia Selkregg—Sea Grant Program, University of Alaska.

June 14: 8:30 a.m., Film.

Old Harbor Development: Mr. Hoffman, Community Economic Development Corporation.

Livestock Industry: (Perspectives), Dr. Drury—Institute of Agricultural Sciences, University of Alaska, Operating Ranchers.

12:00 noon, Luncheon.

1:30 p.m., Council Organization Concerns: Ways and Means Report—Nick Carney.

Subdivision Publication Report—Jim Wiedeman.

Agricultural Potential Study Report—Ted Freeman.

Council Brochure—Chairman.

Fall Conference Focus and Nominations.

UNIFORM GUN LAWS—III

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. WOLFF. Mr. Speaker, as a long-standing advocate of stronger, more comprehensive gun control laws, I would like to call to the attention of my colleagues an editorial recently broadcast on WNBC–TV in New York on this important subject. I think the editorial's call for a nationwide effort by police organizations for more realistic laws is worthy of note and I include the text of the editorial following my remarks:

UNIFORM GUN LAWS—III

Laws that would cut down on illegal traffic in handguns and control the movement of legal weapons are stymied consistently by the powerful gun lobby. What handgun laws do pass, are usually meaningless. Take the curb on the importation of cheap "Saturday Night Specials:" the guns may not be imported, but the parts to assemble them are permitted entry.

So, until there is a lobby powerful enough to counter the gun merchants, we will never get effective handgun reform.

We think there is a lobby capable of strongly influencing timid congressmen: namely, the police line organizations across the country. In almost every state, their associations are regarded as the strongest lobbyists in the Legislature. United, they can wield the same strength nationally.

They have a lot to gain. Last year, 126 policemen were killed in the nation. The majority were slain by handguns. Less than a dozen died by stabbings and beatings.

Six months ago, Edward Kiernan, President of the New York Patrolmen's Benevolent Association, attempted a national police drive against handguns. We urge him to lead the fight again. Police have the lobby power to get effective handgun legislation.

VOTING RECORDS IN CONGRESS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. WALDIE. Mr. Speaker, every election year the attendance of Congressmen and Senators declines.

Every election year, there is corresponding increase in criticism of legislators for extensive visits to home constituencies and for extensive campaigning.

The following article by Mr. Bob Kahn is a good analysis of the entire issue of absenteeism and representation in Congress. He raises issues all of us should keep in mind when we criticize each other.

The political system of the United States is based upon a legislative system which derives support, legitimacy and advice from the entire electorate. How can this legislative system be responsive if its members cannot afford the time to visit home?

The article follows:

VOTING RECORDS IN CONGRESS

(By Bob Kahn)

Recently there has been a spate of articles pointing out the horrible attendance records of our representatives in Congress—both in the House and Senate. On the radio talk shows one can hear the various commentators editorializing, both in word and tone of voice, about representatives who miss 20 percent or 30 percent of the roll calls.

They make comments like "Are you getting your money's worth?" and "We pay them to represent us and then they do not". After thoroughly arousing their regular followers, on come the anonymous voices taking the same position.

Certainly we elect Congressmen and Senators to represent us. But Californians have a problem that is different from the problems of Virginians and Marylanders who live cheek-by-jowl with the National Capital. We can not quit work an hour or so early and drop by our Representative's office. Nor can he drive to a meeting in his district in a matter of an hour or so—and then drive home to Washington, D.C. that evening.

If we want to have contact with our Congressmen or Senators either we have to go 3,000 miles ($310 air coach, round trip) or he has to come out here—the same 3,000 miles (and the same $310 air coach).

There was a day when Congress adjourned by early summer and our guys in Washington could spend the better part of six months in California. Some even left their families out here in the old days, living in an apartment or hotel while in Washington. That is no longer possible.

So the first question California voters have to ask themselves is do we want our representatives to come back and keep in touch with us in the District, be available to us here, or do we want them to spend all the time sitting in sessions in Washington? I suspect that we want them to come out here pretty often—and not just the vacation periods that Congress takes officially.

The next question we have to ask is whether or not we want our representatives to be active on Committees—the basic structure in which legislation is actually drafted. Some of those committees are pretty important to the people in California and I suspect that none of us would want all the legislation drafted by committees that lacked representation from California.

However, two problems arise if our people are on Committees. First, there are many times that the pressure of scheduling requires Committees to meet simultaneously with sessions of the legislature. There are times, when key votes are held on the floor, that sessions adjourn while the members return to the floor—but often the vote results are pretty well known in advance and there is little to be gained by returning to the floor so that a vote can be 62–38 instead of 50–30. There are many times when Committee meetings are held in various parts of the country, even in California, so that people like you and me can appear and have our wishes known. I don't think we want to eliminate that and have hearings only in Washington.

Third, the fact that persons are not present does not mean that they have not effectively cast a vote. Often when two Congressmen or Senators have to be absent when a vote is taken, and they know that they would vote in opposite direction, they leave a message behind and one of the key party officials (leader, assistant leader, whip) will announce, and it will be included in the Congressional Record, that the two named persons have paired. The entry in the Senate might read as it did on April 20th (page 13826) "Mr. Griffin. On this vote, the Senator from Colorado (Mr. Allott) is paired with the Senator from Minnesota (Mr. Humphrey). If present and voting, the Senator from Colorado would vote 'yea' and the Senator from Minnesota would vote 'nay'." However, both are officially absent and in the tabulations so loudly and often quoted, this would be an absence for both men.

Fourth, there are other reasons for absences, usually announced before the voting is done. Continuing on the same page for Mr. Griffin, he reported "The Senator from Oregon (Mr. Hatfield) is absent because of a death in his family. The Senator from South Dakota (Mr. Mundt) is absent because of illness. The Senator from Pennsylvania (Mr. Scott) is absent by leave of the Senate on official business. The Senator from Arizona (Mr. Goldwater) and the Senator from Alaska (Mr. Stevens) are detained on official business." Certainly these are reasonable causes for absence and without some of the absences the Congress could not function, and the legislative branch of the government would be in crisis. Yet we all know that Senators Goldwater and Scott are present when important issues are being debated and voted upon.

Fifth, there is the question as to whether all votes are of equal importance. Some votes, for example, authorize resolutions asking the President to proclaim Father's Day or Mother's Day. Certainly Dad and Mom are important—but should Committee meetings in Fresno investigating the status of migratory workers in California be eliminated so that the members of the Committee can vote on such resolutions? I would guess we would rather have our representatives doing more constructive things.

Sixth, at this particular time of year we have a number (currently declining) of Senators who are responding to the demands of their supporters (presumable) that they run for the Presidency of the United States. The fact that we spread our primaries out over a period of five months, and thus require an extended campaign, should not mean that the demands for attendance to vote on issues, particularly unimportant ones with sizeable support either for or against, should work to prevent Senators or members of the House from running for the Presidency. Truman was a Senator when he campaigned for Vice President. Kennedy was a Senator when he campaigned for President. Nixon was a Senator when he campaigned for Vice President. Johnson was a Senator when he ran for President—and later when he campaigned for Vice President. At least one of these men must have met with your favor.

I think the conclusion is obvious. Despite the joy of communicators with their new subject, a statistical analysis of the voters cast and not cast does not give us a great deal of information on how our Congressman or Senator represented us. A study of why he did not vote and what he was doing to prevent his voting would be more helpful. But most important, we should look carefully at how he voted—and whether he represented us.

CIVIL LIBERTARIAN—DR. CORLISS LAMONT

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. RYAN. Mr. Speaker, the New York Times recently took note of the 70th birthday of a prominent citizen of New York's 20th Congressional District—Corliss Lamont. Author, poet, philosopher, Dr. Lamont lectured on philosophy at Columbia for 20 years. The Times article by Israel Shenker describes his varied career and his belief in humanism—

> A philosophy or way of life—some people call it a religion—that rejects belief in any form of supernatural and sets up the happiness and welfare of all mankind as man's chief ethical aims, using methods of reason and science and democracy as solutions for all human problems.

The article follows:

[From the New York Times, Apr. 2, 1972]

STILL-ACTIVE CORLISS LAMONT, NOW 70, RECALLS CAREER

(By Israel Shenker)

The coat of arms of the Lamont family features a detached hand, recalling the legend that Lamonts were sailing up the coast of Scotland centuries ago when they saw an attractive piece of land. One Lamont cut off his hand and exuberantly tossed it ashore to register the family's claim.

On Tuesday, Corliss Lamont, the most prominent living member of the clan, celebrated his own 70 years—most of them against the current—determined not to throw his hand in.

A birthday reception had been scheduled at the Harvard Club, 27 West 44th Street. "But there's a strike at the Harvard Club," he noted, "and a lot of those coming to the party, including myself, wouldn't want to cross a picket line. So we shifted to the Teheran Restaurant, just down the street."

The second son of the late Thomas W. Lamont, who was chairman of the board of J. P. Morgan & Co., Corliss accepted his inheritance, but rejected the lure of commerce.

Did his wealthy family believe in free enterprise? He sailed under the banner of democratic socialism. Did his relatives have doubts about the pacific intentions of the Soviet Union? He steered by the star of peaceful coexistence, proclaiming Russian virtues. Did his elders worship God? He turned to humanism. They set a social tone; he upset it.

"My family circle was a very democratic group of people," he said. "I agreed with them probably 50 per cent of the time."

When Corliss Lamont began to study the causes of the Depression of the thirties he began his swing to the left. In 1952 he ran for the Senate on the American Labor party ticket and won 100,000 votes. Six years later he tried again, on the Independent-Socialist line, and got 49,000.

He headed the National Council of American-Soviet Friendship, and still supports it. For 20 years he was a director of the American Civil Liberties Union, then left to become chairman of the more militant National Emergency Civil Liberties Committee.

When Senator Joseph R. McCarthy investigated him, Dr. Lamont replied vigorously. He said he was not a Communist, and intended not to answer and to enjoy his First Amendment freedoms.

Cited for contempt of Congress, he won his case and continued to champion belief in the Bill of Rights. He also won against the State Department, which had refused him a passport.

For about 20 years he lectured on philosophy at Columbia where he had gotten his Ph.D., and he defended his faith time and again in scholarly and popular publications—a book defending humanism, a second book to the glory of the Clan Lamont (in Hamlet, Laertes mentions a French Lamond), a third attacking belief in personal immortality.

For him humanism is "a philosophy or way of life—some people call it a religion—that rejects belief in any form of supernatural and sets up the happiness and welfare of all mankind as man's chief ethical aims, using methods of reason and science and democracy as solutions for all human problems."

Dr. Lamont lives on the 11th floor of an Upper West Side apartment building, and works four floors higher in an office-study.

Many pleasures remain un-tasted. He has never worn the family kilt (tartan of blue and green), and he has not finished his research on the clan, but the good work continues, thanks to the Clan Lamont Society in Glasgow, Scotland, and the annual Clan Lamont Journal.

Dr. Lamont last year published "A Humanist Wedding Service," almost 25 years ago after the funeral service he composed.

Though there are four Lamont children and five grandchildren, none is in business.

Many critics have attacked him as hopelessly naive, and his second wife, whom he married in 1962, calls him an inveterate optimist. Dr. Lamont's views reflect this.

"It was almost 10 years ago that we published an open letter to Kennedy against the Vietnam War," he says, "and its shocking to me that we've been working for 10 years and the war still goes on, but maybe Nixon will really end it before the election.

"I am constantly appalled by the Soviet Union's putting dissenters into mental institutions, but I still am hopeful that when it feels that the danger of aggressive war against it is really finished, then democratic rights will flourish. Even now you have a civil rights committee functioning in the Soviet Union."

Dr. Lamont has been writing love poems as well as his more customary pamphlets and letters to the editor. The poetry is to be published this fall, and then Dr. Lamont plans to collect his essays—with moments out here and there for foot faults on the sands of rhyme.

"I'm still playing tennis the way I did 20 years ago, and I'm still skiing the same way, but I guess I'm doing it a little better now," he said.

"I'd like to be like Bertrand Russell, who died at 97 and up to his last day was active in international problems."

SUBS SAFEST MISSILE FORCE, IF WE ENHANCE ITS SURVIVAL

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. HUNT. Mr. Speaker, an excellent editorial appeared in the April 14 issue of the Denver Post concerning the latest proposal for a dramatic improvement in our increasingly important missile submarine defense system. With only nine of our existing 41-ship submarine fleet now being converted to carry the 3,000-mile-range Poseidon missile, the newly proposed undersea long-range missile system (ULMS) calls for 10 new ships carrying missiles capable of hitting targets up to 6,000 miles away. Obviously, this expanded range and the consequent increase in the maneuverable area of the submarines to some 30 million square miles of ocean—more than 10 times that of the typical Polaris submarine—would improve immensely upon the chances of the survival of this new system.

As the editorial aptly emphasizes:

> In an era when our land-based armies are gradually being withdrawn from the many defense points built up in the post war era, when the effectiveness of our air power has been shown to be somewhat limited, and when the various international efforts to achieve disarmament are still to be formalized, let alone tested, it would be foolish for this country to abandon a defense system which is so flexible and basically makes so much common sense as does ULMS.

Mr. Speaker, the full text of the editorial follows and is well worth the few moments it takes to read it:

[From the Denver Post, Apr. 14, 1972]

SUBS SAFEST MISSILE FORCE, IF WE ENHANCE ITS SURVIVAL

In the nightmarish—yet real—world of nuclear deterrence, one of the best things going for us is our sea-based strategic force, the missile submarines.

Since this force is at sea, it does not draw civilian population centers into a target area around its missiles, as landbased strategic forces do.

And, so long as the submarines can be kept undetected and therefore free from attack, other nations presumably are discouraged from launching preemptive attack on the United States, since the sea force would survive to retaliate.

Thus, a sea-based strategic force is immensely valuable in the balance of deterrence—but *only if* its chances of survival are good and a potential aggressor knows it.

Which brings us to a growing problem.

Most of the U.S. Navy's 1,600-mile-range Polaris submarines were built with technology of the 1950s in a crash program.

Nine of the 41 ship fleet now are being converted to carry the 3,000-mile-range Poseidon missile.

But because of range limitations, the subs must operate in specific areas if they are to stay "on target"—and these areas are becoming more accessible to Soviet anti-submarine warfare operations.

Adm. Thomas H. Moorer, chairman of the Joint Chiefs of Staff, recently told congressional committees that the Soviet Union is developing several new techniques "which could significantly improve their anti-submarine warfare capability in those waters in which our submarines are required to operate."

In order to provide the subs with more sea area in which to operate, the administration is proposing a new undersea long-range missile system (ULMS)—a $13.5 billion project for a fleet of 10 new ships carrying missiles capable of hitting targets up to 6,000 miles away.

The area of maneuverability would be increased by a factor of 10. A typical Polaris submarine now must operate in an area ranging from 2 to 3 million square miles. The ULMS would expand this to 30 million square miles, the Navy says, obviously increasing the difficulties for enemy anti-sub forces.

The administration is asking $977 million in its current budget for development of the ULMS. A group of legislators, led by Sen. William Proxmire, D.-Wis., and calling itself Members of Congress for Peace Through Law, seeks to reduce this to $380 million, none of which would go toward building new ships.

Proxmire and his group acknowledge that the steady build-up of Soviet missile-firing submarines in recent years is a grave threat, but fear that development of ULMS will get the United States in "a new sea-based arms race."

We agree that any arms race is undesirable. But ULMS is not a plan merely to increase our submarine fleet to keep up with the Soviets. It is a plan to keep us strong in an uncertain world.

In an era when our land-based armies are gradually being withdrawn from the many defense points built up in the postwar era, when the effectiveness of our air power has been shown to be somewhat limited, and when the various international efforts to achieve disarmament are still to be formalized, let alone tested, it would be foolish for this country to abandon a defense system which is so flexible and basically makes so much common sense as does ULMS.

When carried to completion ULMS will be costly, but it is a price we must pay, and Senator Proxmire and the critics of this particular program are doing the country a grave disservice.

"A TOUGH IMAGE IS AID TO NIXON"

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. SMITH of New York. Mr. Speaker, I am pleased to take this opportunity to place in the RECORD a recent article from the Buffalo, N.Y., Courier-Express.

In light of the fact that our President has traveled to the Soviet Union for the express purpose of promoting world harmony, this article takes on special significance. I wish to congratulate the author, Peter C. Andrews, Washington correspondent for the Courier-Express, for his keen and accurate analysis of the President's unique qualifications for carrying on these critical negotiations. I might also note that Mr. Andrews is presently in Moscow as part of the official press corps covering the President's trip to Russia.

As Mr. Andrews concludes his article—and I feel this is an absolutely correct analysis—

> The United States has the right man in the right place at the right time for the job that needs to be done now.

The article follows:

A TOUGH IMAGE IS AID TO NIXON

(By Peter C. Andrews)

WASHINGTON.—President Nixon has a much better chance of negotiating successfully with the Russians than a more "liberal" president would have.

The President has a definite image to Russians, not one that they particularly like, but at least one that they think they understand. A less conservative President would present too much of a challenge to their basic ideas of order.

President Nixon's conservative image has served him well. He has been able to do things a Democratic liberal president would not have attempted without risking untold abuse. His China trip is one example. A Democrat would have been charged with selling out to the Communists, but not old Communist fighter Dick Nixon.

The devaluation of the dollar is another example. A Democrat would have been accused of fiscal irresponsibility, but not our sound-as-a-dollar Wall Street lawyer President. He was even able to turn the devaluation into a sort of monetary triumph. The international monetary agreement reached among the 10 largest economic powers in the Free World is accepted now in financial and international banking circles as a milestone of international fiscal cooperation.

The President's law and order image helps him with the Russians. They don't want any of their minority groups, of which they have plenty, getting any ideas about demonstrations and protests. Russia's population is only slightly larger than the United States' 246 million compared to about 205 million.

It is interesting that the Russians tend to pay much more attention to conservatives. Of Congressmen, for example, the Russians virtually ignore Sen. William Fulbright, D-Ark., the chairman of the Senate Foreign Relations Committee, but pay attention to freshman Sen. James L. Buckley, C-N.Y.

Rep. Jack Kemp, R-N.Y., also a freshman, has achieved the unique distinction of having been directly responsible for the release of at least two Soviet Jews through his speeches and other activities on their behalf. Kemp's success is such that he even has senators and other congressmen with much seniority and more prestigious committee assignments calling him for assistance in getting relatives of their constituents out of Russia.

Sen. Jacob K. Javits, the liberal New York senior senator, virtually is ignored by the Russians, despite his prestige. Both Kemp and Javits are known as strong supporters of Israel, but one is a young conservative who has an excellent chance of staying in Congress for a long time, while the other is a liberal who will be 70 when he comes up for re-election in 1974.

President Nixon is expected to sit down at the bargaining table in Moscow with specific proposals. They know he is tough. They well remember his famous "kitchen debate" with Premier Nikita Khrushchev in 1969. He is not afraid of the Russians and they respect him for this.

The United States has the right man in the right place at the right time for the job that needs to be done now.

A TRIBUTE TO THE PEOPLE OF BIG RAPIDS, MICH., AND BIG RAPIDS HIGH SCHOOL

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. CEDERBERG. Mr. Speaker, 4 years ago it was my great pleasure to have appointed four fine young men to attend the various service academies as representatives of the 10th Congressional District of Michigan. These young men competed with nearly 40 others from the district and received their appointments as a result of their demonstrated academic excellence and superior physical conditioning. I suppose that, to my colleagues, this is not a terribly unusual occurrence—young men are appointed to the academies by the various Members every year.

Mr. Speaker, these four young men all happened to be graduated from the same high school, part of a class consisting of 186 students, in a town of about 12,000 population. I believe this to be a remarkable achievement and a real testament to the quality of education at the Big Rapids High School and a tremendous witness to the character of the people of Big Rapids. In fact, I do not believe that this achievement has been duplicated in any other school in our Nation. I am, I believe quite justifiably, proud that the 10th Congressional District of Michigan has this distinction and proud of the city and school which fostered the growth of these fine young men.

But Mr. Speaker, I am even more proud, as I am sure are the people of Big Rapids and the Big Rapids High School, that on June 7, 1972, Douglas Earl Cosgrove, Philip Nelson Hurst, Gregory Lee Jones, and Bruce Lee Niemann will be graduated from their respective academies and receive their commissions in the Armed Forces of the United States.

I am certain that that occasion is also unprecedented in the history of any given secondary school. I know that the people of Big Rapids are bursting with pride in the achievements of these men. The high school which served them so faithfully and prepared them so well must be recognized for the dedication and devotion to quality education which must characterize the fine people who serve the community as educators.

Above all, we cannot overlook the character of the families which fostered the growth and reared these young men in the finest traditions of our heritage. The parents of these men surely deserve every bit of recognition we can accord them for the inspiration which they have been to these young men and for the ideals which they instilled as they contributed to their sons' development. I salute these families and the pride which they must take in their sons.

Mr. Speaker, in these troubled times it is especially gratifying to me that we have the fine example of this community and its school. We hear so much today about those things that are wrong with our great Nation. It is refreshing that we can see in these young men and the community which has served them so well a splendid example of all that is right with America. The strength of character and sense of patriotism which was instilled in these boys during their formative years and which sustained them through the Academy experience surely characterize all that we as Americans cherish.

Certainly, Mr. Speaker, we all hope that these young men will never be forced to bear the burden of war, but I know that they and all of their colleagues who will graduate this June will serve with distinction in whatever capacity they are called upon.

Finally, I would like to bring to the attention of my colleagues a tribute of the Michigan State Legislature which was passed at the time of the appointment of these young men in 1968, a newspaper article from the Big Rapids Pioneer concerning the coming graduation, and finally a short statement describing the school and community which contributed so much to the development of these fine men.

The article follows:

HOUSE CONCURRENT RESOLUTION NO. 271

A concurrent resolution for Big Rapids High School appointees to United States military academies.

Whereas, Four senior classmates of the Big Rapids High School received appointments to United States military academies, probably an unprecedented event and certainly so in the sixteen years' tenure of their sponsor, Congressman Elford A. Cederberg, Tenth Congression District of Michigan; and

Whereas, The United States Air Force Academy at Colorado Springs, Colorado appointed Gregory Jones and Bruce L. Nieman. The United States Military Academy at West Point, New York appointed Phillip Hurst. The United States Naval Academy at Annapolis, Maryland appointed Douglas Cosgrove; and

Whereas, Appointments by each Member of Congress may be made for each vacancy in his district on an allotment of six nominations. Civil service examinations are given each nominee in his local area, and the resulting scores of these and of college board scores, high school records and recommendations are submittted to the Academic Board of the respective academies and the boys having the highest scores are then appointed by such boards; and

Whereas, The four cadets-elect, escorted by Big Rapids High School Principal Warren McKenzie and Mr. Roger Lintemuth, were guests of The Michigan Legislature May 13, 1968 to receive congratulations upon their appointments and for the merit of each cadet-elect in that he qualified for direct appointment, without necessity for prior preparatory school study which has characterized appointments from rural schools in past years; now therefore be it

Resolved by the House of Representatives (the Senate concurring), That by these presents commendation is accorded Gregory Jones and Bruce L. Niemann, cadets-elect to the United States Air Force Academy; Phillip Hurst, cadet-elect to the United States Military Academy; and Douglas Cosgrove, cadet-elect to the United States Naval Academy, and to Big Rapids High School and its mentors for academic excellence, for opportunity provided in abundance and in these youths demonstrably and gratifyingly utilized; and be it further

Resolved, That copies of this tribute be presented to the persons herein cited and to Big Rapids High School and administrators and Board, in testimony of the esteem of The Michigan Legislature.

The concurrent resolution was passed by the House on May 22, 1968 and concurred in the Senate on June 4, 1968.

[From the Pioneer, Apr. 3, 1972]

Four Big Rapids High School Students Will Graduate From Academies

(By Tom Marquardt)

Four years ago four students from the same graduating class at Big Rapids High School were selected to attend three service academies in the United States. That alone was unusual for a town the size of Big Rapids, but what makes it more unusual is the fact that this June, all four will graduate.

Why that fact is unusual is demonstrated by officials from the Air Force who reported that only 70 per cent of those who enter the academy ever graduate.

Two of the unique foursome are Greg Jones and Bruce Niemann who will graduate from the Air Force Academy in Colorado Springs, Colo. Phillip Hurst will graduate from West Point while his classmate Doug Cosgrove will graduate from Annapolis.

When the four men were selected, 10th District Representative Al Cederberg, R-Bay City, said. "I am not aware of any other Congressional District in Michigan or the United States for that matter, that is . . . sending four boys from their specific high school to the U.S. service schools. This is certainly a tribute to you and your staff of teachers who have been responsible for the education of these young men during the last four years."

This is a special tribute to Big Rapids High School, as their education has appeared to play a key role in the academic success of each young man.

Out of a graduating class of 186, six students were involved in prestigious schools. Besides the above four, Theodore Matthews will graduate from Purdue this year. A sixth classmate, Greg King, turned down an Air Force Academy offer while serving in the Navy.

It seems to have been a trying four years for the four graduates of Big Rapids High School but it appears all of them will make it this June.

Hurst, who was home for Easter vacation, said that actually it was only the first year that was difficult. He added, "There was less academic stress than I imagined. What was difficult was fulfilling leadership responsibilities."

Warren McKenzie, principal at the high school, had visited with three of the four men at the academies. Speaking highly of them all, he remembered the competition that prevailed between the four students while they were still in high school.

He said, "I don't know if it was a rash or what. But there was a lot of competition between the boys. They kind of like dared each other and continued to work at it all through their junior and senior years, taking tests and all."

McKenzie said that to the best of his knowledge this is the first time that the high school has sent more than one graduate to the service academies.

Under normal circumstances, in order for a high school senior to achieve acceptance to one of the service academies, he must be nominated by his respective state congressional representative.

This alone made the competition keen for the men, but McKenzie maintains that the "game was clean."

Hurst and Cosgrove both ranked at the top of a group of six nominees from the Tenth Congressional District at graduation who desired to attend their respective academy. As a result, Hurst received the appointment to West Point hands down, as well as Cosgrove who consequently entered Annapolis as a midshipman.

Competition was a little tighter for the other two men, however. Jones stood second on the list of nominees by Cederberg and was thus eliminated as an appointment from the 10th Congressional District. However, due to his high scholastic record, he was selected by the Academy Board to fill an at-large vacancy at the Air Force Academy.

Niemann was "slightly outdistanced" according to Cederberg, but also as a result of his academic record he was selected by the Academic board to fill an at large appointment to the Air Force Academy.

This June will be a welcomed date for the four men as all are due leaves to be followed by a commission into their respective branches.

Jones, whose parents have moved to Pennsylvania since his graduation from the high school, will begin a 60 day leave in June. His sister, Elizabeth, who is still attending Big Rapids High School, said that he will be commissioned as a second lieutenant and will attend Intelligence School for at least six months and possibly a year. Following that, he will be stationed in Southeast Asia for a year.

During his academy years, Jones has been honored to be on both the Dean's and Commandant's List, a tribute that entailed a lot of studying to achieve.

Niemann, one of the two Air Force cadets, will begin helicopter school following his leave of absence. This schooling will be spread over three different military installations around the nation.

Home for Easter vacation, Niemann explained that where he goes after helicopter school will depend on how high he finishes in his class. Although those who excell will probably get their choice, Niemann explained that most will go to Southeast Asia or possibly Korea.

Cosgrove will be commissioned as an ensign and will receive special training in California for 60 days. Following that, he will be assigned to a major naval base in Japan where he will be for at least two years.

Cosgrove also plans to wed Florence Nichols of Annapolis in a chapel at the academy on June 10. His wife will accompany him to Japan.

Phil Hurst, who was also home during Easter, said that after his leave he will be commissioned as a second lieutenant and attend Ft. Benjamin Harrison, Ind. where he will receive 12 weeks of finance schooling. Following that he will be stationed in Stuttgart, Germany for about three years.

The interest in the academies has its roots early in each of the men's lives. According to McKenzie, all expressed interest in attending the academies, although some chose to enroll in an academy they formerly did not even consider.

Greg Jones, who came to Big Rapids in 1964 when his father accepted an administrative position at Ferris State College, was very active in school. In sports, he participated in two years of track, one year of basketball and was a member of both the junior and varsity football teams. He wrestled for his last three years also. In other extracurricular activities, Jones participated in the school plays and was a member of the Latin Club, Varsity Club, and National Honor Society.

His acceptance by fellow students was also evident as the school elected him as school "mayor" to represent the student constituency.

McKenzie recalls, "Jones was an extrovert—a real leader. He was always into every activity."

Jones celebrated his twenty-second birthday last month. He is the son of Mr. and Mrs. Jack Jones who now live in Allentown, Pa.

Like his classmates, Bruce Niemann was active in sports, although not as much as the other three. During his prep years, he was active in both baseball and wrestling. In an autobiography composed during his freshman year, Niemann expressed a desire to attend either the Air Force Academy or Michigan State University, hopefully the academy. Following his service in the Air Force he had hoped to be an airline pilot.

Besides belonging to the high school Chess Club, Niemann was a member of the National Honor Society. He is the son of Mr. and Mrs. L. D. Niemann of 108 Lilac Street.

Phil Hurst was the only student McKenzie thought would go on to one of the academies. The high school principal said, "He (Hurst) immulates the all-American type boy in terms of physical and mental qualities."

During his high school career, his teachers thought that he was very "reliable" and some indicated he "needed to be challenged." In an autobiography written during his freshman year in high school, Hurst said that his first main ambition was to attend the Air Force academy because he loved to fly. However, later he revised his goals to attend West Point.

Born in Peoria, Ill., Hurst moved to Big Rapids when he was four. While in high school, he played on the football team for all four years, wrestled for three years, and played freshman basketball. He received awards in both drafting and geometry.

Hurst is presently engaged to a local girl who he intends to wed in West Point's chapel. He is the son of Mr. and Mrs. Nelson Hurst of 311 State Street.

Doug Cosgrove, who McKenzie said he was not that familiar with, is the son of Mr. and Mrs. Gale Cosgrove who are now residing in Lansing. His father is a press aide to the state speaker of the House of Representatives. During Doug's high school career, he played football four years, basketball two years, track four years, and wrestled during his junior year. He was a member of the Varsity Club, Jet's Club (high school science club), band, forensics, and National Honor Society. He participated in both the junior and senior plays and received a national merit letter of commendation.

Early in his senior year, Cosgrove had hoped to study law through the Army or Navy ROTC. His teachers thought highly of him and recognized his ability to think and easily grasp information. Like Hurst, Cosgrove also wanted to attend the Air Force Academy originally, but later changed his mind. In an autobiography, he predicted, "I don't see how I'll make it, but I will somehow."

And like the other men, he will. Those thoughts have probably crossed their minds more than once. But now that it is all over and it appears they will graduate, the work and ambition drained from their free time makes the results worthwhile. Not many cities the size of Big Rapids, nor many schools like the high school, can boast that four men from a single graduating class will successfully graduate from three service academies in one year.

Big Rapids

Big Rapids, Michigan is located on U.S. 131 midway between the Indiana border and the Straits of Mackinac. It has a population of 11,995 and covers an area of 5½ square miles. Ferris State College is on the south side of Big Rapids and enrolls 9100 students.

Located on the banks of the Muskegon River, Big Rapids derived its name from historical references made to the "big rapids" by the lumbermen of the area. It is significant that the voters chose this site as the location of their modern high school, overlooking the river and the rapids.

The Big Rapids Public Schools district is in a 99 square mile area, and services other school districts totaling 95 square miles. Total enrollment of the four elementary, one middle, and one high school is 2445. Tax rate for the school district is 26.10 mills.

Big Rapids High School, completed in 1964, has 43 teachers, two counselors, two administrators, and an enrollment of 880 students in grades 9–12. It has been accredited by North Central Association of Schools and Colleges since 1916 and the University of Michigan since 1884. It boasts of its vocational programs in Automotive, Agriculture, Cooperative Education, Secretarial Office Block, Clerical Office Block, as well as a Type A Special Education program for thirty students. Approximately 52% of the graduates go on to further education each year. There is strong support from the community for all types of educational programs.

Typical average midwest college town? Could be, except for one thing. Four years ago four boys from the graduating class of 186 students were selected to attend three service academies in the United States. That alone was unusual for a town the size of Big Rapids, but what makes it more unusual is the fact that this June, all four will graduate.

DOWN IN THE DUMPS

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. KARTH. Mr. Speaker, there is a story about a man who, upon falling into a giant vat of chocolate, began yelling "Fire!" Soon help arrived and he was pulled from the vat. The first thing his rescuers asked was, "Why did you yell 'fire' when you fell into the vat of chocolate?"

He replied, "You don't think I would have attracted much attention, do you, if I yelled 'Chocolate!' "

I feel much the same way as I view the ominious statistics concerning the future problems we face with our solid waste—or as some would have it: garbage. I feel that way because there are some very serious-minded people saying "Solid-waste," and "garbage" to us and they are not attracting as much attention as they should.

Perhaps, like the man in the chocolate vat, it is time to begin yelling fire.

One man who is doing an excellent job of pointing out our future solid-waste problems in a most articulate manner is the president of American Hoist & Derrick Co. of St. Paul, Mr. John E. Carroll.

But unlike some who are only problem-pointers, Mr. Carroll is also a problem-solver. Not only is he pointing an ugly picture of our future unless we act upon the growing problem of solid-waste disposal, he is offering real solutions.

Mr. Speaker, I believe the following article is an excellent example of Mr. Carroll's statement of the problems and solutions we must begin acting upon now if we are to avert a future crisis. I fear that unless we begin implementing some of Mr. Carroll's suggestions we shall find ourselves in much the same situation as the man in the vat of chocolate.

Only the substance that we will be up to our ears in will not be chocolate.

DOWN IN THE DUMPS

(By John E. Carroll)

ST. PAUL, MINN.—We are rapidly approaching the point where our cities are running out of dump space. New York, for example, will have exhausted its dumps by 1975, it is estimated.

So, all too often, we are told we must cut the present average of five pounds of waste per person per day. But even if we could—unlikely in a nation of planned obsolescence and convenience products—it would only dent the more than a third of a billion tons of the annual garbage output. We are told recycling will help us dispose of the waste and make a profit, too. But the advanced recycling technology required is a long way off. Or not yet economically feasible.

Today's real solid-waste problem is the logistics of disposal. What to do with our garbage is the heart of the concern—particularly at this time, Earth Week, 1972.

Not so long ago no one thought much about where to put man's discards. Unlimited space seemed at hand. As dump space grew scarcer, we learned to process garbage, either by incineration to reduce volume before dumping, or by compaction at the landfill to cram in as much as possible.

Volume reduction's importance grew with the need for economical transport to areas further away from our urbanized society.

The 1970 Census reveals that three of every four of today's 203 million Americans live in one hundred urban centers. Ten of these centers are considered "super cities"—metropolitan areas with 25 per cent of the country's population.

For example, New York City's population is officially pegged at approximately eight million. But the "super city" houses more than sixteen million. The result is an unequal population distribution. Seventy per cent of us live on just 3 per cent of the land.

While America averages only 57.4 people per square mile, it's like drowning in a pool averaging a foot of water. Montanans average less than five people per square mile, while New York State averages 380.3 people.

While these facts pinpoint the reason for the waste problem, they also hint at its solution, if we discard the blinders of provincialism. Why not take garbage from where there are many people and little land and railhaul it—the least expensive transportation—to where there is much land and few people?

It's easy. Just compress the garbage to its smallest possible volume and make it not only easy to handle but unobjectionable in terms of odors, vermin, or flammability. The technology is available.

Technologically, then, the logistics problem is resolvable. But that is only the first step in solving our disposal problem. Far more difficult is the recognition that solid waste disposal is a national, not a local, problem.

New York City, again, is an example of this. Although the "super city" has the nation's largest waste disposal problem, a plan to organize a three-state disposal authority—involving New Jersey and Connecticut—was all but abandoned recently. The only thing agreed upon: no on wanted someone else's garbage.

I advocate that Congress and the Administration recognize the need for national action and implement it with a seven-point legislative program:

1. To build public awareness of the problem's national scope.

2. To offer inducements for construction and operation of nonpolluting processing plants. Local governments could receive Federal subsidies, private contractors tax credits.

3. To empower the Environmental Protection Agency to identify appropriate waste depositories nationally and to supersede restrictive state laws as are found in Delaware, Maine and Rhode Island. Despoiled lands under Federal control should be the initial such landfills, while necessary legislation concerning state and private lands is created.

4. To pay such areas under state and private control a tonnage fee, based on location and distance from the waste source.

5. To accelerate beautification of America with such landfills through tax credits and subsidies, reclaiming them for parks and recreation sites.

6. To give, by executive order through the Interstate Commerce Commission, rate relief to long-distance rail haulage of properly processed wastes.

7. To accelerate recycling research by infusion of greater funds into selected, realistic programs.

At first blush, some may object to the seemingly high cost of such a national program. But the present $4.5-billion annual price tag to handle America's 365 million tons of waste is not cheap; we can expect to be spending $8 billion or more by 1980.

Inevitably the Federal Government will become involved in solid waste disposal. Why not now, when vigorous leadership and actions can meet current challenges and guarantee that future waste will not create far greater national problems?

AGRICULTURAL WEATHER SERVICE FOR NORTH CAROLINA

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. GALIFIANAKIS. Mr. Speaker, the House recently passed an important appropriations bill for the Department of State, Justice, and Commerce, the Judiciary, and related agencies. I was especially pleased to have the opportunity to support this bill because it included a vitally necessary item for North Carolina. This is the appropriation of $50,000 for an improved agricultural weather service in North Carolina as part of the National Weather Service's Special Weather Services Branch.

North Carolina is third in the Nation in total value of weather-sensitive crops and ranks fourth in per acre value of these crops. A recently completed survey in North Carolina by agricultural extension agents indicates an average yearly loss of $62,560,000 due to weather damage to agricultural commodities in the period 1966–70. According to the director of research at the Agricultural Experiment Station at North Carolina State University, J. C. Williamson, Jr., this amount could be greatly reduced if improved agricultural weather services were to be established for North Carolina. He writes:

> We conducted a survey of the superintendents of our 15 outlying research stations in which we asked them to estimate from their records and experience the reduction in annual out-of-pocket expense in their operation if improved agricultural weather forecasting of the type available in certain other states were available to them. They estimated this saving would be $60,000 per year for their 15 farms.

This improved weather service would not serve agriculture exclusively, but it would have many more benefits. The improved regionalized detailed forecasting will be of great aid in our recreational and tourist industries. Produce and shipping interests will benefit. Consumers will ultimately benefit through lowered costs of production and higher quality foods. Environmental quality will be improved and pollution reduced because better knowledge of impending weather will reduce the number of pesticides applications and amounts applied.

I am pleased that the Appropriations Committee of which I am a member recognized the value of this service to North Carolina and included it in the budget for fiscal 1973, and I especially appreciate the opportunity to share with my colleagues the need of this vital item for North Carolina.

NEW POLICY ON DRUGS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. HALPERN. Mr. Speaker, I am pleased to report that the National Advisory Council has recently approved two new policy recommendations concerning narcotics control and our representation at the World Bank, the Asian Development Bank and the Inter-American Development Bank.

These policy changes, which appear in the official National Advisory Council memorandum at the end of this statement, involve the granting of loans, to drug-producing countries, by the international financial institutions for programs in crop substitution, road construction and the development of telecommunications systems designed to assist in the suppression of the illicit drug trade.

For the first time ever the international lending institutions, which for so long have remained an untapped resource in the field of narcotics control, will be utilized to the fullest in the war against addiction. The strength of these two policy initiatives lies in the fact that the world community will no longer be forced to rely solely on negative sanctions in its attempts to harness the illicit production, processing and smuggling of hard narcotics. We can now look to the World Bank and the Asian and Inter-American Development Banks to offer sound economic incentives for positive, agricultural projects which should complement the negative sanctions of such international agreements as the Single Convention on Narcotic Drugs.

Mr. Speaker, I have every hope that the cooperation of the World Bank and related lending institutions will prove to be a most effective weapon in the worldwide offensive against the menace of narcotic addiction. The National Advisory Council follows:

NATIONAL ADVISORY COUNCIL,
May 11, 1972.

Subject: Narcotics Control and the International Financial Institutions.

Action:

The National Advisory Council endorses the policy recommendations in the Memorandum, "Narcotics Control and the International Financial Institutions," May 1972.

The Council recommends that this memorandum be made available to the Congress and to the U.S. representatives on the international financial institutions.

The foregoing is the text of an action of the National Advisory Council on International Monetary and Financial Policies approved on May 11, 1972.

FREDERICK L. SPRINGBORN,
Secretary.

NARCOTICS CONTROL AND THE INTERNATIONAL FINANCIAL INSTITUTIONS

INTRODUCTION

The magnitude of the drug problem in the United States, and the determination of federal, state, and local governments to deal with it as a matter of highest national priority, is well known and needs no further substantiation here. Internationally, the rising drug abuse in Western Europe and other countries has added impetus to increased international cooperation to arrest this problem as swiftly and effectively as possible. At President Nixon's directive, the United States has intensified its international efforts both bilaterally and in the United Nations and other multilateral organizations.

To further these efforts, the National Advisory Council (NAC) considered how the international financial institutions (IFIs)—The World Bank Group, the Inter-American Development Bank, and the Asian Development Bank—might help in ameliorating the drug control problem. At the outset it should be clearly stated that the responsibility is firmly on the individual countries for implementing anti-narcotics programs and for identifying and developing projects which might require and be suitable for foreign economic assistance.

The NAC noted the passage of the Rangel Amendment, and focused, among other proposals, on suggestions made by Congressman Halpern in his report, *The International Narcotic Trade*. The NAC took as principal guidelines the three priorities established by the Cabinet Committee on International Narcotics Control, namely (in declining order of emphasis):

(1) interdiction at the United States borders;

(2) improved overseas law enforcement and intelligence; and

(3) overseas crop substitution, crop eradication, treatment, rehabilitation, education, and research.

The Rangel Amendment was part of legislation, signed by the President on March 10, which authorized the United States to increase its contributions to the IFIs. The Amendment requires that the Secretary of the Treasury instruct the United States Executive Directors of these institutions to vote against any loan or other utilization of the institutions' funds for the benefit of any country with respect to which the President has made a determination, and so advised the Secretary of the Treasury, that the Government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such instruction shall continue in effect until the President determines, and so notifies the Secretary of the Treasury, that the Government of such country has taken adequate steps to prevent such sale or entry of narcotic drugs and other controlled substances.

RECOMMENDED POLICY ACTIONS

After full consideration of possible IFI actions in the field of drug control, and after careful examination of recommendations numbered 58, 59 and 60 in Congressman Halpern's report, the National Advisory Council recommends the following general policies:—Where the provisions of the aforementioned amendment are not applied.

1. The Secretary of the Treasury should instruct the U.S. Executive Directors to give special attention and strong support to proposals for technical and economic assistance for country or regional projects which meet the economic criteria of the international financial institutions and which have as their objective or which contribute to the elimination of traffic, smuggling or production of illicit narcotics and other dangerous drugs.

2. If countries and/or the international financial institutions (IFIs) have not been able to identify or develop projects which might be suitable for IFI financing, the U.S. Government should consider assisting countries in developing economically sound projects and loan proposals which could lessen the illicit traffic in or production of narcogenic substances. For particularly promising projects, the U.S. Government should consider assisting countries to carry out feasibility studies and prepare necessary documents for the country to submit a loan application to an IFI. Care would be taken, of course, that the United States efforts in this regard do not duplicate those of the IFIs.

These policy recommendations seek to increase IFI involvement in financially sound projects designed to curb illicit drug production and distribution. The recommendations assume, of course, that the U. S. Executive Directors will help lay the groundwork in the IFI's for IFI lending for these projects.

The specific reasons for these recommendations can best be stated by briefly examining the proposals of Congressman Halpern.

RECOMMENDATION 58

The United States should instruct its Governor at the Asian Development Bank to propose that agricultural programs designed to eliminate poppy cultivation be given high consideration. The U. S. Governor could ask that a guideline memorandum be sent to loan officers of the Bank regarding loan preference for programs so designed, consistent with the Articles of Agreement of the Bank.

RESPONSE TO RECOMMENDATION 58

The National Advisory Council's recommendations should apply to all the IFI's, and not merely to the Asian Development Bank.

The NAC recommends that the U. S. Government consider providing technical assistance where needed to countries where narcogenic crops are grown, processed or transported, if the IFI's have been unable to do so. This technical assistance should be specifically designed to develop economically sound projects and loan proposals suitable for IFI financing that would have as an additional benefit, the direct or indirect effect of reducing or eliminating the production, processing or transportation of illicit narcogenic substances. The U. S. Government should consider assisting a country to carry out feasibility studies and prepare necessary documents for the country to submit an application to an IFI for financing.

The National Advisory Council further recommends that instructions be given to the U. S. Executive Directors to support strongly any such projects which meet the economic criteria of the Banks.

A large portion of IFI lending is for transportation, port facilities and communications projects. As a spinoff to its direct economic benefits, a project, for example, for improved telecommunications can serve as an important adjunct to the interdiction of illicit drug traffic. The U.S. Executive Directors should be alert to the effect of such projects and stimulate support for them in the staff and management as well as in the executive boards of the IFI's.

Regarding crop substitution projects, it is necessary to take into account the fact that in many parts of the world growing opium poppies is virtually the only source of income. Alternatives for the poppy farmer to support his family ought to be made available. Unfortunately, no substitute has yet been found that earns as much for farmers on the same area of cultivation as do opium poppies when the produce is sold in both the legal and illegal markets. (See Appendix II.) Moreover, most of the illicit opium production comes from remote and inaccessible areas of the world. In these areas, where law enforcement is less than adequate, the cash value and portability of narcogenic substances clearly outmatches other crops which the farmer could reasonably grow and transport.

As to crop substitution studies, the National Advisory Council believes that the UN Fund for Drug Abuse Control (UNFDAC), FAO and other agencies now gaining experience in these matters could play a useful role. The efforts in Turkey and those of the UN in Thailand may provide an empirical data base for the feasibility and breadth of potential for crop substitution schemes upon which guidelines might be based.

Agricultural diversification, infrastructure expansion and industrial development to some extent provide economic alternatives to opium poppy cultivation and thus help to reduce narcotics production and marketing for illicit purposes. Financing these kinds of activities is a normal part of IFI operations and the U.S. Executive Directors should be alert to the effect of such projects and encourage their development in regions where such alternatives are feasible.

RECOMMENDATION 59

The United States should seek through the multilateral auspices of the World Bank a series of guidelines which would provide incentives, in the form of favorable loan arrangements to nations which are recognized for taking effective measures against the cultivators and processors of opium, hashish, or cocaine. The United States should stand ready to assist all international programs for crop substitution, retraining and resettlement.

RESPONSE TO RECOMMENDATION 59

The National Advisory Council (NAC) recommends that the U.S. Executive Directors of the World Bank and other IFIs stand ready to support loans—under arrangements as favorable as can be provided consistent with the financial integrity of the lending institutions—which will assist all economically sound programs for crop substitution retraining, and resettlement. Further—as mentioned in response to Recommendation No. 58—the NAC considers it appropriate for the U.S. Government to consider assisting countries to carry out feasibility studies and prepare documents for IFI loan applications in support of any such programs. This would effectively provide incentives to nations to take meaningful economic measures to discourage production and marketing of narcogenic substances.

RECOMMENDATION 60

The United States should consider the establishment of special funds under the Asian Bank and the Inter-American Development Bank to provide positive incentives in the form of available funds for nations seeking technological and economic assistance to eliminate the sources of narcotic traffic.

RESPONSE TO RECOMMENDATION 60

In view of the existence of UNFDAC and other multilateral programs to which the United States is contributing, the National Advisory Council considers it inappropriate to establish special funds within the IFIs for this purpose. The IFIs can make their most effective contribution if the policy recommendations proposed above are put into effect.

FARMERS HOME ADMINISTRATION MAKES PROGRESS IN NEW MEXICO

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. LUJAN. Mr. Speaker, on eight occasions within the past month we have received notice from Administrator James V. Smith of the Farmers Home Administration of new projects approved in our district under the rural community water and sewer program.

It is especially gratifying to see this progress being made in New Mexico.

Drought is a disaster that can strike any section of the country for a limited time. But for many rural localities in New Mexico, water shortage was a never-ending problem until the rural water program came into being.

This program has now resulted in 75 rural area water systems and 16 new town and village sewer systems in New Mexico. Half of these are in the 14 northern counties that comprise the First Congressional District.

One particular asset of the program is the character of its administration by the Farmers Home Administration, an agency of the Department of Agriculture widely experienced in service to rural people.

Farmers Home is especially well known as an agency that can go beyond the main highway onto the side roads. It has the knack of cooperation with people in the small, even remote community. In Spanish-speaking New Mexico, it speaks the language of the people. This is a principle of service strongly upheld by Administrator James V. Smith in his leadership of the agency, and by the excellent FHA organization in New Mexico headed by State Director Carroll D. Hunton.

State and community resources have resolved some water problems and regional planning organizations have lent their interest. But in many localities, the added support of the Farmers Home Administration has been decisive in helping to establish organizations that correspond to the needs and desires of the people, and to bring in capital needed to get the water flowing in disadvantaged or isolated communities.

Job-producing new business and a large scale improvement of housing are beginning to materialize. The rural housing program of the Farmers Home Administration has enabled 3,400 families of rural New Mexico, half of them in our district, to achieve modernized living conditions in new or improved homes. This program is rapidly increasing. The $5.2 million of rural housing credit in fiscal year 1971 had been exceeded by $1 million after 9 months of the current year.

These services, extended through Farmers Home Administration county offices when no other source of credit is available, brighten the future for young people of rural New Mexico who want to make their life in their home communities. They can hope for a broader range of opportunity and advanced standards of living, as compared to what their parents and grandparents have had to endure.

Mr. Speaker, an excellent illustration of the long reach into rural areas accomplished by the Farmers Home Administration is the variety of communities served by projects announced within the past month in our district.

In Colfax County there is Farley. It is a small settlement on a secondary road in the southwestern corner of the county. But 13 families living there have found a way to replace their antiquated water system by putting in a new and reliable deep well, a storage tank, and distribution system of water lines.

Their system will operate through a community nonprofit organization, the Farley Mutual Domestic Water Consumers and Mutual Sewage Works Association, headed by Mr. Steve Fernandez, president. Financing from the Farmers Home Administration totals a $10,000 loan, to be repaid from water service proceeds, and a $3,000 grant.

In Mora County, one of the earliest settlements, Chacon, is finally achieving a modern water system that will serve 38 families. Chacon's proprietary association is the Agua Pura Domestic Water Consumers Association headed by Mr. Max Fort, president. Financing is a $26,000 loan and $10,000 grant through the Farmers Home Administration.

In Sandoval County, 45 families in the Ponderosa community will soon have deep well water coming into their homes through a new central distribution system made possible by a $38,000 loan and $18,000 grant from FHA. This also is the project of a community association of which Mr. Richard B. Ramsey is president.

To the north, in Rio Arriba County's Canjilon Mountain area, both water and sewer systems are in the making for the town of Canjilon, where about 50 homes will benefit, and for 20 families who make up the Cebolla community. FHA has approved a $54,000 loan and $28,000 grant for the project at Canjilon, and a $14,000 loan and $12,600 grant to build the systems at Cebolla. Presidents of the mutual water and sewer associations formed for these projects are Mr. Higinio Romero at Canjilon, and Mr. Gustavo Martinez at Cebolla.

Details of three more projects are contained in an announcement newly received from FHA Administrator James V. Smith. It is apparent in this release that his agency is performing one of the most valuable services in the field of rural development, and helping to lay the foundation for a better day in the smaller towns and rural settlements whose interests were so long neglected or overlooked.

As a further illustration of Farmers Home Administration programs in action, I include the text of the release at this point.

[News release from U.S. Department of Agriculture, Farmers Home Administration]

FARMERS HOME ADMINISTRATION AIDS RURAL WATER-SEWER IMPROVEMENTS

WASHINGTON, May 19.—The Farmers Home Administration will provide $408,000 in loan and grant assistance to improve the water and sewer systems in Chama and Moriarty, New Mexico, and the water system at Penasco, New Mexico, FHA Administrator James V. Smith announced today.

A loan of $155,000 and a grant of $62,000 approved for the Village of Chama in Rio Arriba County will make possible an extension of water service to 46 homes and business places, and sewer service to 26 homes and businesses not served by the present village system.

Improvement of the water and sewer systems to serve a total of about 200 homes and other establishments is expected to stimulate new business development, employment and homebuilding at Chama. The village is at the junction of U.S. Highway 84 and State Highway 17 in the scenic area of northern Rio Arriba County, near the Continental Divide and the Colorado border Tourist trade is increasing and the region is becoming popular as a locale for filming feature motion pictures.

The loan and grant for water-sewer improvements will be made to the Chama village government of which Mr. Benny A. Medina is Mayor.

A loan of $100,000 and a grant of $50,000 approved for the City of Moriarty in Torrance County will enable that community also to expand water and sewer systems now taxed to full capacity. Extension of both systems, which now serve 181 homes and other establishments, is necessary to maintain health standards and allow for new building in the community. Moriarty is a center of the farm and ranch country east of Albuquerque on U.S. Highway 66. Mr. Earnest Hawkins is Mayor.

Penasco, a community south of Taos in rural Taos County, will receive a $21,000 loan and $20,000 grant to install a new deep well as a source for its central water system. The present well has become undependable. Penasco's water system, which serves 81 homes in Penasco and vicinity, is operated by a community nonprofit organization, the Penasco Mutual Domestic Water Consumers Association, of which Mr. George Visarraga is president.

Financing of the projects has been approved under the Rural Community Facilities program administered by the Farmers Home Administration, a Department of Agriculture rural credit service. Benefits of the program are made available without regard to race, creed, color or national origin. Loans are repaid in 40 years at an interest rate of 5 percent from service proceeds of the water and sewer systems.

SAM STEIGER, OUR COURAGEOUS COLLEAGUE

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. TALCOTT. Mr. Speaker, for over 2 years our colleague, the gentleman from Arizona (Mr. STEIGER) has been attempting to advise us, and through us, our constituents regarding some significant organized crime problems as they relate to pari-mutuel wagering. I have been very impressed with Mr. STEIGER's courage as I am certain he anticipated virulent attacks from those people who he named as doing business with organized crime. These attacks have now been revealed as alleged wiretapping, private investigation of Mr. STEIGER's history including his phone records, his financial statements and a total desperate attempt to discredit him. In spite of this he continued to testify, when requested, to State racing commissions, State legislatures and finally the Antitrust Subcommittee of the U.S. Senate Judiciary Committee. It is not a common practice for Members of this body to play the activist role that Mr. STEIGER has clearly played. The organization that Mr. STEIGER has focused his attention on is the Emprise Corp. of Buffalo, N.Y. They were convicted in April of this year by a Los Angeles Federal court, after a trial lasting some 6 weeks, of conspiring to conceal the true ownership of a Las Vegas gambling casino. Four of their codefendants, also convicted, have been identified by the U.S. Justice Department as members of organized crime families from Detroit and St. Louis.

Mr. STEIGER has demonstrated a tremendous knowledge of the details of the involvement and methods of organized crime in conversations with me. This dedication and unswerving purpose deserves the highest commendation and his activity in this area reflects the highest credit on this body. Only political jeopardy and perhaps worse, face Mr. STEIGER. He deserves our gratitude and I take this opportunity to say thank you to SAM STEIGER.

AIRLINE SAFETY

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. PETTIS. Mr. Speaker, as a former airline pilot, I have a special and fraternal feeling for the flightcrews who are responsible for the safety of the world's airways. Today the president of the Airline Pilots Association, Capt. J. J. O'Donnell, made a significant statement before the association's annual Air Safety Forum and Exposition here in Washington.

I commend his remarks to my colleagues because the life we save on the Nation's airways and airports may be our own:

ALPA's Airport Facilities Program

To begin our discussion of ALPA's airport facilities program, I think we should start at the very beginning.

On December 17, 1903, Orville and Wilbur Wright took their tiny aircraft from Dayton, Ohio to the sand dunes of Kitty Hawk, North Carolina for their attempt at man's first powered flight. Why did they travel to Kitty Hawk? Because of the inadequacies of the airports and facilities available to them. In fact, airports and facilities were quite scarce throughout the world at that time.

But now, nearly 70 years later, we find that we have problems similar to those that confronted the Wright brothers. Our airports and facilities are totally inadequate for the job we have to do.

Let's put it in another way. In the early part of this century—the days of the Wrights—the development and construction of the aircraft was far ahead of the development and construction of airports and facilities. We are now rapidly approaching the last quarter of this century, and the development and construction of airports and facilities continues to lag dangerously behind the development and construction of aircraft.

I believe the American public would be shocked if they had any idea of the varying degree of safety they are subjected to as they proceed on their journey from point A to point B.

One airport may have long runways with underrun and overrun areas; a beautiful modernistic control tower; terminal radar; instrument landing systems; VASI's; and fire and rescue equipment.

The next airport may have no control tower; no radar; approach facilities not really worth mentioning; the runway is a short strip with drop offs at both ends. A bucket of sand sits by the door of the terminal building with the word fire painted across the front and that's the extent of their fire and rescue equipment.

One of the better airports I fly into is a military airport, 12,000 feet, well lighted runway, control tower, terminal radar, VASI, ILS and the best fire and rescue equipment available standing by alongside the runway. I don't begrudge the military having all of these fine facilities. But I can never agree that my passenger who is the taxpayer paying for it all deserves any less.

Why does the American public allow those with the responsibility for providing aviation safety facilities to ignore their responsibility?

Because the public has little or no knowledge of aviation and its safety problems. The passenger is sitting back in first class concerning himself with the dryness of his martini, the quality of his steak, and admiring the legs of the mini skirted Stewardess as she goes about her duties.

He has no way of knowing that the FAA provided approach facilities at his home town airport are so minimal that the pilots use a commercial broadcast station to supplement the information provided by the FAA in order to increase the safety of the operations.

Yes, the airline passenger leads a very sheltered life as far as the safety of his flight is concerned.

We, the pilots, contribute to the passengers sheltered existence.

Perhaps it is time that we brought the passenger into the loop so to speak. Perhaps it is time for the airline passenger to become educated on what really goes on. Then perhaps he would take more interest and help us get the tools we need to substantially improve his safety.

The public is knowledgeable about the condition of the highways he travels over daily. When the highways reached such a deplorable state that the public became completely fed up, he demanded and received action in the form of highway trust fund legislation.

After this program got underway I flew over a city noting the ribbons of concrete fanning out in all directions.

I then proceeded to land at this city's ill equipped airport. The runway was a strip of crumbling asphalt, barely long enough to contain the aircraft even with maximum performance stopping techniques. I thought if only we could get one small mile of that concrete for this airport what a difference it would make. It seemed to me that the answer to our problem was obvious. An airport and facilities construction program similar to the highway construction program.

The entire industry apparently came to the same conclusion, and ALPA and the industry began working toward that end.

We were successful and it shows what a unified effort within the aviation industry can accomplish.

There was some public support for this legislation, but for the most part, it was an industry effort. With a fully informed and concerned public this legislation would have become a reality years earlier.

The problem now is to insure that every

dime collected for the trust fund goes to purchase the safety the public is entitled to.

When large sums of money accumulate, selfish interest begin to try to find ways to divert it to their own selfish causes.

For nearly 40 years, ALPA has been trying to bring attention to the problem of the airports and facilities lagging behind the development of the aircraft.

ALPA has had 4 presidents in its history—each has taken a strong stand on this subject.

In October 1947, our first president, *David L. Behncke*, took the following position in testimony prepared for presentation before the president's Special Board of Injury on Air Safety. He recommended (1) approach lights, runway lights and locater stations be added to complete all presently installed ILS facilities. (2) New ILS installations be made at *all airports* not having them. Similar recommendations were made throughout Mr. Behnckes' career. How many lives could have been saved if his recommendation had been followed?

C. N. Sayen, ALPA's second president, on February 27, 1961, testified before the aviation subcommittee of the Senate as follows: Quote "in our opinion no single category of preventable accidents has caused so much loss of life, injury, delay and substandard air services, destroyed and damaged aircraft, and adversely affected the growth of aviation industry than the continued lack of known and obtainable landings aids and airport standards." (Unquote)

Similar statements were made repeatedly to FAA and Congress throughout Mr. Sayen's career. How many lives could have been saved if the FAA had listened to Mr. Sayen?

C. H. Ruby, ALPA's third president, stated before the House Committee on Foreign Commerce on April 13, 1967, the following: "The association has long standing policy recommending increasing the safety and efficiency of air traffic control by more installations and commissioning of facilities such as (a) ILS, (b) control zones, (c) control towers, (d) other approach facilities."

Mr. Ruby made similar recommendations throughout his career. How many lives could have been saved if FAA had listened to Mr. Ruby?

J. J. O'Donnell, our fourth and current president, on June 23, 1971, before the Subcommittee of the Aviation Committee on Commerce, U.S. Senate, said:

"Gentleman, today in this great Nation of ours approximately 90% of the runways of our air carrier airport system do not have instrument landing systems and other important landing aids required for precision approaches. Yet these are the runways airline pilots are required to use in good weather and bad.

"Almost as many runways do not have visual approach slope indicators.

ALPA research shows that approximately 1,772 runways used by airline pilots on a continuing basis do not have either precision instrument landing systems, visual approach slope indicators or runway end identification lights.

"Ironically, after we have reviewed the ten-year accident history data, two traffic accidents involving airlines occurred during the past ten days. Again, these accidents point up the tragic cost of these inadequacies which still have not been corrected even though the remedies and the equipment have been available for several decades."

President O'Donnell has gone a step further than any other Alpha president. After noting that airline accidents and fatalities associated with nonprecision approaches were approximately 10 times those associated with precision approaches, President O'Donnell proposed a program for the accelerated installation of airport facilities—designed as a catch up program, to bring the installation of facilities in line with the development of the aircraft. Included in the program is a detailed analysis of the landing aids needed to insure maximum safety at each of the 492 airports now served by the airlines. These aids are listed, runway by runway, along with the estimated cost. A reasonable time frame for modernizing our approach facilities is provided. The program he proposed calls for a two part implementation. The first of which consists of the installation of the following facilities within two years at every airport served by scheduled airlines in the United States:

1. At least one instrument landing system (ILS).
2. An approach light system installed at all ILS locations.
3. A visual approach slope indicator (VASI) for every runway approved for air carrier operations.
4. Runway end identifier lights (REIL) for every runway approved for air carrier operations that does not have approach lights.
5. A control tower at every airline airport.
6. Radar service at 114 airports now without it.

Phase II of ALPA's plan calls for installation of the following within three years after the completion of phase I:

1. An instrument landing system (ILS) at the end of each runway approved for air carrier operations.
2. Approach lights at the end of each runway approved for air carrier operations.
3. Surveillance radar service at airports having air carrier operations. How many lives will be lost if the FAA ignores President O'Donnell?

We have been talking about ALPA's thinking on this subject. Now what about others in the industry?

ATA

On August 28, 1967, Mr. Stuart Tipton, president of ATA, in testimony before a House subcommittee, included in his recommendation for improving aviation safety the following:

FAA provide a control tower at every airport having scheduled airline passenger traffic.

FAA provide terminal radar service at every airport having regularly scheduled airline passenger service.

ILS and approach lights serving two basic directions of approach be installed at every airport receiving scheduled airline service.

Glide slope guidance—either electronic or visual—be installed on every runway used by airline jets.

Mr. Tipton, in his closing remarks to the committee, stated, and I quote:

"The cost of the program we are suggesting is high, but the longer the expenditure is postponed, the higher the cost will be. The Federal Government undertook the responsibility for the establishment, operation, and maintenance of the Federal airways system over 40 years ago. In doing so, it undertook to meet the requirements of civil and military aviation, whatever they may be. At the moment, these requirements are not being met. Unless the program we suggest is carried out, that failure will carry with it increasingly adverse results as traffic grows.

How many lives could have been saved if the FAA had listened to Mr. Tipton 5 years ago?

In May of this year, Mr. Clifton von Kann, ATA vice president—operations and airports, told Congress that a long overdue catch-up effort is needed. He stated: "The FAA program for establishing new terminal aids in FY 1972 and 1973 combined is still very inadequate in the light of air transportation needs and the intent of Congress when it adopted the Airport and Airway Development Act of 1970, setting up a trust fund to start a substantial facilities catch-up effort."

Again in May of this year, the ATA restated and updated its policy on landing aids. Among their recommendations was the following—an ILS and related approach light system provided at any airport receiving scheduled airline service: All runways normally used by scheduled airlines and which do not have ILS glide slope information should be provided with visual approach slope indicators.

NTSB

In January 1972, Gov. John Reed, Chmn. NASB, stated in a Washington speech that the board had uncovered 33 accidents in the 1966–1970 period that had the potential of being prevented had vertical guidance been available to the pilots.

In April of this year, Gov. Reed told the Transportation Association of America that it is imperative that future total accident rates be significantly improved. With 250 to 400 passenger aircraft, we must face the paradoxical fact that a decrease in the number of accidents could still result in an increase in fatalities.

Of particular concern to the safety board is the problem of approach and landing accidents under instrument flying conditions. These cases account for approximately 40% of the fatalities in air carrier operations.

Among the most significant civil aviation safety needs mentioned by Gov. Reed was improved air navigation aids, facilities and services, particularly IFR approach and landing devices, and the airport environment.

The NTSB in its recent report on the November 14, 1970 Huntington accident *renewed* its recommendation that FAA press to install instrument landing system at locations served only by non-precision approach aids.

AOCI

Airport operators council international (AOCI) recently asked Congress to modify the airport and airway development act of 1970 to provide, among other things, 100% federal funding for the highest priority projects including landing aids.

FIGHT SAFETY FOUNDATION

On May 1st of this year, Flight Safety Foundation President Dave Thomas urged FAA to direct its efforts toward improvements of safety facilities at existing airports, installation of vertical guidance facilities for all runways used by jets, improvement of weather information dissemination and organization of airspace in a more effective manner for reduction of the midair collision hazard. Mr. Thomas predicted that in the next 5 years there will be 7,200 fatalities in general aviation, 5,500 general aviation aircraft destroyed, 1,250 fatalities in air carrier service and 35 air carrier aircraft destroyed. "This indeed is a high price to pay for the lack of safety" Mr. Thomas stated.

COMMITTEE ON GOVERNMENT OPERATIONS

The House Committee on Government Operations in its 1971 report to Congress came to the following conclusions:

(Quote) "An airways system providing optimum safety for commercial, military and general aviation aircraft is essential to the continued growth of the nation. Basic air traffic control facilities and equipment, such as airport control towers surveillance radars, and instrument landing systems are an absolute requirement if optimum safety in operations is to be maintained at any airport that handles commercial airliners, on a significant volume of general aviation or military traffic." (Unquote)

FAA

And finally, we get to the FAA. What is their position?

Frankly, I am not sure but on February 12, 1972, a twin engine Beech aircraft crashed during a non-precision approach at Fulton County Airport—Atlanta's busiest general aviation facility—killing 3 and injuring 3. The accident occurred only 200 yds. From the spot where a light twin crashed less than a month previous killing one and injuring one.

The ATL Constitution headlined as follows: "Lack of ILS cited in plane crash." The article goes on to quote an FAA official as follows: "The accident could have been prevented if an ILS had been in operation at the airport." (Unquote)

On July 30, 1971, a catastrophic accident occured in Japan. At the invitation of the Japanese Government a team of FAA specialists headed by Mr. William M. Flener, spent a month in Japan studying their aviation facilities.

Mr. Flener's report to the Japanese Government warned that a major system paralysis and more accidents will occur if traffic continues to grow at the present rate.

Sixty-four recommendations were made by the FAA. Included in their recommendations is the following: All Japanese airports handling airline traffic *must* be equipped with ILS and approach lighting systems.

Can we assume that the FAA also takes the position that all U. S. airports *must* be equipped with ILS and approach lighting systems?

FAA response to ALPA's proposal for modernizing the Nation's safety aids does not indicate this. As I understand the FAA's position they think it would be nice to have an ILS at United States air carrier airports but money just isn't available.

In other words, it appears that the FAA places a higher value upon the lives of the Japanese passenger than it places upon the lives of the American passenger. This is difficult for me to understand since it is the American citizen the FAA is supposed to protect and it is the American citizen who pays the taxes which supports the FAA.

I suggest that money to save lives is available—the trust funds will have produced $1.1 billion dollars by the end of June. The problem is one of misplaced priorities—the FAA owns a fleet of aircraft comparable in size to that of many major airlines. The average annual cost per aircraft for operation and maintenance is $397,418 per aircraft. They also lease and rent aircraft. The FAA's southern region recently bragged about reducing their cost by 50% in aircraft rentals—I suggest they could have saved twice as much by not renting any aircraft.

The FAA flight standards budget for 1973 is 104 million dollars, with a substantial increase shown for each year projected thereafter—total expenditures for the next 10 years will be well in excess of 2 billion dollars.

It seems obvious to me that Government employees can buy tickets on the airlines cheaper than they can operate their own airline. I suggest that money is available to provide the public with the degree of aviation safety they have a right to expect. It's only a matter of priorities.

The most important objective of the Air Line Pilots Association is stated in section 6(c) of our constitution and by-laws and it reads as follows: "To safeguard, with ceaseless vigilance, the safety of scheduled air transportation in recognition of the high degree of public trust, confidence and responsibility placed on the members of the association."

This ALPA commitment to the American people dictates that we continue our efforts to make substantial improvements in this Nation's airport facilities. We will keep our commitment.

CLOSING STATEMENT

In closing this panel I would like to make a comment that I made at the safety forum several years ago.

The airline pilots are not being impractical or asking for the impossible. We are not asking for new inventions or new technologies. We are only asking that the construction and development of the airports and facilities be brought up to the level of the construction and development of the airplane. What we need today has been available for a long time.

We need airports and airport expansion. This requires land. Land dates back to the Book of Genesis when God created heaven and earth.

We need concrete for runways. Concrete dates back to the Roman Empire.

We need airport lighting. Edison invented the electric light in 1871.

We need terminal radars. The principal of radar was first demonstrated in 1886, although it did not come into prominence until World War II.

We need control towers which require radio. Radio dates back to the year 1890.

We need instrument landing systems. They have been around for over 30 years.

In other words, most of the things the pilot needs today to safety operate his aircraft were available even before the Wright brothers invented the airplane in 1903. There is no excuse for our not having them today.

I challenge the FAA Administrator to provide the leadership necessary to bring the Nation's aviation facilities up to the level recommended by ALPA and thus provide the American public with the safety they deserve—by doing so the Administrator can save many lives. The Administrator can do the country a great service. The Administrator can earn the gratitude of this industry. And, he can go down in my book as the first successful administrator in the history of FAA.

AN EXCELLENT ESSAY BY NBC'S FRANK McGEE

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. SPENCE. Mr. Speaker, for years the American people have been exposed to a steady diet of subjective and distorted news reporting, courtesy of the national media. It seems that neither the networks nor the national press can resist the temptation to inject certain points of view into their presentation of day-to-day events. This is particularly unfortunate because they all generally tend to see things in the same way, and thus the man who wants to consider both sides of a controversy is given very little leeway.

Recently, for example, the West German Parliament was embroiled in debates surrounding certain treaties Chancellor Willy Brandt had proposed in connection with his "ostpolitik" policies. Many people doubted the wisdom of ratifying the treaties, including a majority of the Parliament and a significant number of informed Americans. Here is the way the Washington Post covered an impending no-confidence vote against Brandt:

> If Brandt is deposed both treaties undoubtedly would be set aside, a fact that would lead to a renewal of Cold War tensions and reduce chances for improvement of Soviet-American relations. (April 25, 1972)

This is known as editorializing in a news story, and it is only one of many examples I have saved in my files.

Probably each of us has his favorite case of attempted deception by the national media. Some think of celebrated examples, such as "The Selling of the Pentagon" and other documentaries whose deliberate distortions have been proven, and in some cases admitted. Others notice long-range endeavors by the press to create a certain impression, such as widespread disaffection with our Vietnam policies among Americans. One would never guess from the news that 74 percent of the Americans support the mining of North Vietnam's harbors.

I particularly resent attempts by the media to picture the hoodlums we are subjected to here in Washington periodically as "idealistic kids." We are asked not to notice that they carry Vietcong flags, destroy our property, and shout "Victory to the Vietcong." We are supposed to forget that this slogan means "Death to American soldiers." Portraying these people as anything but what they are is a whitewash by the press and an injustice to the huge majority of truly "idealistic kids" who have contributed immeasurably to our society.

Mr. Speaker, those of us who worry about the effect this saturation from the media has on the thinking of our countrymen, may take some comfort from an excellent essay given by Mr. Frank McGee on "The Today Show," May 17, 1972. In a flash of insight and common sense, Mr. McGee admitted to his audience that voters apparently are not thinking what the national media are telling them to think, and that the primaries are reflecting that fact. Moreover, he says the American people are getting tired of being told that they are guilty for each and every social ill, real or imagined, which besets our country.

Those who work to support their families and pay taxes are getting tired of hearing criticism from politicians courting the votes of those who do not. Mr. McGee points out, in effect, that those who scream so loud and long about our involvement in Vietnam are not the same ones who make the sacrifices therefor. The disillusioned Americans Frank McGee speaks of, the ones who make up the strength and integrity of this country, the ones who protest only through the orderly procedures set up for that purpose—they are the Americans who send their sons to fight. They talk about "honor" and "pride" and they understand its importance to their country. Maybe they do not always agree with this Government's actions, but they are loath to desert their national leadership in a time of crisis.

It is interesting to note that Mr. McGee issued an unusually thorough disclaimer before sharing his thoughts—something seldom done when other type opinions are being urged upon us by the networks. And of course, it is unheard of for them to say, "(be) fully forewarned that they are only my personal thoughts. And if you do not agree with them, you certainly do not have to."

Nevertheless, this essay is a significant step toward a hearing for the side not often represented by the networks, as well as a frank appraisal of media attempts to influence the public, from a man who should know. I congratulate both Frank McGee and NBC for this effort, Mr. Speaker, and I ask that the full transcript be printed at this point in the CONGRESSIONAL RECORD.

[From the Today Show, WRC-TV, Washington, D.C.]

BYLINE

FRANK McGEE. We now have a good many of the presidential primaries behind us and not many more to go. And I would like to express some personal thoughts here, with you fully forewarned that they are only my personal thoughts. And if you don't agree with them, you certainly don't have to. And I guess the only qualifications that I have for this is that I've been in this business for quite a long while and we have covered these primaries with some thoroughness.

And it seems to me that among a great many other things that the voters in these primaries so far have done is to rather resoundingly reject a good many of the views and attitudes that have been reflected in the national media, including television. So many of the things that have been given attention in the national press, again including television, are being rejected by the voters. Changes that they have been told, either directly or indirectly, that they must make in their attitudes, the changes that they've been told, directly or indirectly, that they must effect in the American society they're not prepared to make.

It seems to me that a good many Americans feel that they have been ignored for too long and that institutions, while not responding perhaps as well as they should to the needs of minority groups in the United States, are not responding to their needs either. And they are rather weary—saddle sore is an expression we used to use in the part of the country where I grew up—with being told that so many of the social evils are attributable to them. They are the middle class. There was a time I can recall, and I'm sure you can too, when we said that the trouble with so many countries in the world was that it had no large, stable middle class; only the rich and only the poor; and that one of the redeeming graces of our society was that we did have a large and stable middle class.

It's become rather more fashionable in recent years to sneer at the middle class and to say that all of the country's ills, or many of them, are attributable to them. And yet they look at themselves and they see that we are, after all, those who work; we are, after all, those who pay the taxes. We send our children to school; we are patriotic. We may agree with you that the war is wrong, or we may not, but it is our sons, after all, who are fighting and dying there. And they don't feel that their point of view, that their sense of moral values, that their sense of the rightness and wrongness of government directions are being taken into account. And they are using the primaries to, among other things, bring this forcefully to our attention.

IN MEMORIAM—RUDY KOOP

HON. JAMES R. GROVER, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. GROVER. Mr. Speaker, I was saddened to learn of the passing of a dear friend, Rudy Koop, of Amityville, N.Y., on May 10, 1972.

As clerk of the village of Amityville for over 20 years, Rudy earned the respect and admiration of all who came in contact with him. He was a dedicated public servant; dedicated to the principles of integrity, honesty, and loyalty to the people of Amityville whom he served so well. Moreover, he was just a great person; friendly, thoughtful, and always willing to make that extra effort for anyone who came through the village office door. During his tenure as village clerk, Rudy served many different administrations, and I think the mayors and trustees, both past and present, would be the first ones to admit that he was the key to keeping things running smoothly in the village on a day-to-day basis.

Mr. Speaker, Rudy Koop epitomized the ideal of courage. Despite a crippling infirmity in his youth which affected him throughout his life, he went on to become a leader in community, civic, and fraternal service organizations. As a member of the Free and Accepted Masons, he rose to the heights of Grand Masonry. At the same time, Rudy was especially active in civic organizations such as the Lions Club, and the Rotary Club, as he found yet another way to serve the village of Amityville.

The people of Amityville, as well as the residents of the entire Second Congressional District, have lost a dedicated public servant, a community leader, and most of all, a friend.

We will miss him. Good people like Rudy Koop are hard to come by.

TOCKS ISLAND DAM: ANOTHER OPINION AGAINST

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. DU PONT. Mr. Speaker, I am pleased to place in the RECORD an editorial from the New York Times of May 23, 1972, opposed to construction of the Tocks Island Dam. The editorial underscores the growing opposition to this projects and I commend it to the Members:

PARK YES, DAM NO

It is ten years since Congress authorized Tocks Island Dam—that elaborate project for creating a 37-mile-long reservoir in the heart of the lovely Delaware River Valley for the triple purpose of water conservation, flood control and recreation. Doubts, originally confined to a few premature environmentalists, have now penetrated deep into the Delaware River Basin Commission. As a consequence, the valley now has close to a fifty-fifty chance of surviving in its natural and tranquil form.

Those are the odds cited by Secretary of the Interior Morton, and on the basis of the record they should be even better than that. The first environmental impact statement submitted by the Army Corps of Engineers was turned back by the Council on Environmental Quality as inadequate. The second, filed last October, was comprehensive enough to raise some grave questions: Drawdowns, particularly in years of drought, could shrink the lake from 37 miles to a low of 22.7, exposing thousands of acres of mud for the edification of the area's recreation-seekers. And to prevent eutrophication of the reservoir, waste would have to be piped away from the site. The Council properly wanted further information on the costs of the engineering involved and some assurance that the states of Pennsylvania, New Jersey, New York and Delaware would meet the obligation.

The hitherto solid support of the four state governments at this point showed signs of crumbling. Governor Cahill of New Jersey for the first time expressed "reservations" about Tocks Island—anti-pollution curbs could cost $100 million and additional highways to carry tourists to the park were estimated at $683 million. New York's State Commissioner of Environmental Conservation promptly reported that, if New Jersey had doubts, New York, too, would make a "re-evaluation." And similar reservations were forthcoming from Senator Buckley of New York and Representative duPont of Delaware.

Environmentalists in the area strongly favor a Delaware Water Gap National Recreation Area without the dam and reservoir. The Army Corps of Engineers has contended that under the law park and dam are interdependent. But Senator Case of New Jersey has now extracted from the Department of the Interior firm assurance that the park alone would be perfectly permissible.

Once the will is clearly established in all four state capitols, a Congressional appropriation of funds for additional land acquisitions will be needed. And beyond that the only requisite is political resistance to the pressures of developers whose dreams include neither park nor dam but just the money that might be had from exploiting a valley of unusual scenic beauty.

YOUTH IN CONTRAST

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. HAGAN. Mr. Speaker, some people are prone to dismiss our American youth as being beyond hope for any good. The newspapers are filled with stories of pot parties and other illegal indulgencies, as well as accounts of frequent deaths from overdoses of heroin and other drugs. Undoubtedly more stories about the antics of youth are published than reports of things young people are doing that are constructive and worthwhile.

It is most encouraging to learn about church groups of youth who are traveling about staging religious drama and folk musicals. Most churches of any size today have youth groups who are setting new and faster paces for their elders in the membership. The young are impatient to discover some purpose for their lives and many are succeeding.

I am proud of the live young people in my district. The Savannah News of May 12, 1972, carried a lead editorial entitled "Youth in Contrast," and a news story about 1,500 Savannah area young people attending the kickoff program of a 3-day youth festival which apparently was wholesome and enjoyable for all. The editorial and news story follow:

YOUTH IN CONTRAST

The statistics which fly at us day after day have gradually built up an immunity to shock among many Americans. In fact, a resistance seems to form, and one begins to suspect that the reason things today often seem worse than they ever were is because we don't have yesterday's statistics to make a comparison.

But there is still room for shock, especially when the National Commission on Marijuana and Drug Abuse tells us the following: that 1.5 million American teen-agers admit to trying heroin, and that millions more have also tried hashish, LSD, peyote or mescalin, and cocaine or methamphetamines.

Moreover, in serving up these alarming statistics, the commission admits that of this number it has no way of knowing how many young people continue to take drugs. And the panel's chairman, Raymond P. Shafer, says the number could still be vastly underestimated.

To not be shocked by such statistics is to admit that nothing can be done to control drug use and reverse these numbers toward zero. That's when the real shock will come in: when millions of America's young people turn out, not as solid citizens, but as emotional cripples who cannot find a place in any sort of world.

Yet no blanket indictment can be made of young people. While many experiment with narcotics, many more continue to seek constructive, healthy lives. One of the best examples of the latter is going on right now, during the first Savannah Youth Festival under way through Saturday at the Civic Center.

The festival, organized by the 30-member Mayor's Youth Council, is a mixture of fun and games and constructiveness. A dance and jam session are scheduled, on exhibit are crafts showing young talent, and the agenda includes fashion shows and cooking contests, art shows and oratorical contests, weight-lifting demonstrations, a sky-diving class, and . . . well, quite a lot. The festival is designed for young people, but we think most wouldn't mind if a few folks over 21 dropped by to visit—just to get a more accurate picture of today's youth.

The festival is not only something to do, but shows what can be done by teens. That in itself is quite a rebuttal to crime and drug statistics—quite a rebuttal to those who say we may have to accept the worst in young people, because the best no longer exists. The best is in large supply, thank you.

SOME 1,500 YOUTH ATTEND OPENING OF FESTIVAL

Some 1,500 Savannah area youths attended the variety show Thursday night which kicked off the first annual three-day Savannah Youth Festival at the Civic Center.

Mayor John P. Rousakis and two Disney characters, Mickey Mouse and Pluto, cut the ribbon, officially opening the festival at 4 p.m.

Today, an art show in the Civic Center will continue and there will be a fashion show at 4 p.m. in the upper lobby.

Rousakis' aide, Al Henderson said. "The response from the young people has just been magnificent."

"It's an opportunity they never had before," he said.

Thursday night's variety show performers included the Savannah Ballet Guild's apprentice and senior companies. The Soul Explosion, acrobatic dancer Sharon Remler; singer-guitarist Robbie Harrington; The Five Shades of Black, a song and dance group; creative dancer Annette Woodward; singers Gladys Grant and Charlton Rudolph.

Also, Sing Out, Savannah; Soulful Destination; soul and gospel singers Freedom Children; baton twirler Pam Lewis; the Academy of Black Culture's African Culture Dancers; singer Thomas Bryan; singer Regina Johnson, and the Savannah Civic Ballet.

Saturday night's Jam and Dance will feature singer-composer Bobby Hebb, who recorded "Sunny."

STATEMENT BY BISHOP FLOYD L. BEGIN AND THE SOCIAL JUSTICE COMMISSION OF THE DIOCESE OF OAKLAND

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. WALDIE. Mr. Speaker, in view of recent events which have again mandated to the people of America a need for reflection, I think this statement by Bishop Floyd L. Begin and the Social Justice Commission of the Diocese of Oakland is most appropriate.

With the realization that our Nation is presently engaged in numerous activities which foster more deaths, suffering, hatred and anguish, not only abroad but here, too, in the continental United States, we as legislators must intensify our efforts to bring peace to the hearts and minds of Americans and the peoples of the world.

The violence which has characterized the societies of the world must be replaced for the good of all men by a sense of reconciliation.

I feel this statement by Bishop Floyd L. Begin and the Social Justice Commission of the Diocese of Oakland amply portrays the feelings of people in search of peace and meaning throughout the country. For this reason I have entered this statement into the CONGRESSIONAL RECORD in hopes that we as part of the leadership of this Nation will heed its message.

The statement follows:

A STATEMENT BY BISHOP FLOYD L. BEGIN AND THE SOCIAL JUSTICE COMMISSION OF THE DIOCESE OF OAKLAND

We acknowledge the right of self-defense against unjust aggression, our own lack of a right to unjust aggression, and our obligation to cooperate in the family of nations to prevent unjust aggression.

We acknowledge that hatred of anyone augments the world's problems and that injustice practised by individuals, groups, classes, and nations are seeds of war and violence.

We acknowledge with St. John (1 John 4:20) that if we do not love those we see and know and yet protest that we love those whom we do not know, we are liars.

We acknowledge a distinction between heroic virtue and the right of self-defense and as Christians appreciate the perfection of the former. We must conclude from history and experience, especially modern history, that war proves nothing. No one wins; everyone loses. Peace is derived only from negotiation and reasonable discussion which should replace war and violence.

We have been reminded by Christ himself that violence never breeds peace but only new violence. "All who take the sword will perish by the sword" (Mt. 26:52).

As Bishop of the Catholic community and as Social Justice Commission we have no intention of entering power politics, national or international, but wish to affirm with our Holy Father principles of justice and charity which alone can bring peace.

As Americans we acknowledge the efforts of President Nixon to obtain a mutual cease-fire both in private negotiations and publicly. However, since these efforts have thus far been unsuccessful, we recommend that he declare a unilateral cease-fire on the part of the United States to be effective within three days. We ask him to call upon the forces of South Vietnam, North Vietnam, and National Liberation Front to reciprocate. We ask him to refer the Vietnam situation to the United Nations Security Council, with a pledge not to use our veto power if the other major powers wtihin it will do the same.

As Christians, we call upon Pope Paul VI to urge all members of the world community and particularly our fellow Christians to join the cry for a cease-fire and a political settlement in Vietnam. We ask that he direct his Secretary of State to communicate this plea to the leaders of all national and church governments. We ask that he proclaim a world vigil of prayer and fasting for an end to the killing and that he remind all Christians again of their obligation "to deplore every war, in its causes, its inhuman violence and its murderous and senseless destruction."

As human beings, we call upon Kurt Waldheim, UN Secretary General, to use his office as mediator of the international community to bring into world focus the fact that when two or more nations of the world community are escalating the killing of each other, it is the world's business. We implore him to consult the leaders of North and South Vietnam, their warring and neutralist factions, in order to name an impartial international commission to supervise both the cease-fire and a free election to be held in South Vietnam as directed earlier by the Geneva Accords of 1954. Finally we ask that he do everything in his power to further the efforts of the newly appointed UN Disaster Relief Coordinator, Faruk Berkol, at Geneva, to bring aid to all the suffering Vietnamese people.

THE JOHN W. McCORMACK POST OFFICE AND COURTHOUSE

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, on May 19, 1972, the John W. McCormack Post Office and Courthouse located at Post Office Square, Boston, Mass., was dedicated.

It honors the former Speaker of the House of Representatives who retired in 1970 after 42 years in Congress. Speaker McCormack was serving his third full term in Congress from Massachusetts when the building was originally dedicated in September 1933 as the U.S. Post Office and Courthouse.

Construction on this building was started in late 1931. The cornerstone was laid on January 15, 1932, and on September 9, 1933, Postmaster General James A. Farley dedicated this new U.S. Post Office and Courthouse. Massachusetts Gov. Joseph B. Ely and Boston Mayor James Michael Curley also participated in the ceremony.

The design of the new building was a joint undertaking by architects of the U.S. Treasury Department's Office of the Supervising Architect and the Boston architectural firm of Cram and Ferguson.

For years the 22-story building towered over the surrounding structures and dominated the Post Office Square area. Its vigorous upward thrust of vertical lines was considered quite modern at the time and a startling departure from the usual classical mold used for Federal buildings. Its structural frame of reinforced concrete and steel is surrounded by an exterior finish of polished granite and limestone, with some limestone on the interior court. A belt of polished black Quincy granite girdles the street floor, while its soaring towers consist of Indiana limestone. The principal entrance on the Devonshire Street side is impressive with its black and gray granite exterior, while the first floor off this entrance is striking with its fluted pink Tennessee marble reaching to the ceiling, and formalized bronze fittings in silver and natural finish.

The building contains impressive courtrooms and a large law library for the judicial branches in the building. The 336-foot high building with its over 10 million cubic feet of space is principally occupied by the U.S. Postal Service, the U.S. District Court for the District of Massachusetts, the First U.S. Circuit Court of Appeals, and the General Services Administration.

It was most fitting that this building be dedicated in honor of Speaker McCormack for his dedication to the welfare of all Government employees and his brilliant career as an attorney. In his address, this great man stated:

> The greatest pleasure I get out of life is serving the people.

VA FACILITIES IN NEW YORK AREA

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. WOLFF. Mr. Speaker, last Friday and Saturday, the Hospitals Subcommittee of the Veterans' Affairs Committee, of which I have the privilege to be a member, took a tour of certain Veterans' Administration facilities in the New York area.

I believe that the subcommittee was impressed not only by the fine work being done in the existing VA hospitals but also by the clear need for additional facilities, particularly in the Queens area. During an informal hearing on Saturday, I suggested use of two sites currently available as a means to meeting the increasing demands for VA care in Queens and Nassau Counties.

Although substantive action on my proposal may take some weeks or months yet, I am pleased that I have received support from many sectors of the community. At this point in the RECORD, I should like to include an editorial which appeared in yesterday's Long Island Press and to thank the Press for its support of this very important effort.

VA HOSPITALS AT ST. ALBANS, TOTTEN

For 23 years, Queens leaders have campaigned for a Veterans Administration hospital in the borough. At long last, there are signs of success.

The only facilities now available for Queens and Nassau veterans—estimated to number 500,000—are in Brooklyn and Northport. This is a ridiculous situation that has persisted much too long.

The suggestion that the VA share St. Albans Naval Hospital with the Navy, and use Fort Totten as a nursing home, makes sense. These sites may not be as convenient as we would like, but they are available now—at no cost to the public.

The matter is in the hands of a congressional committee studying the need for additional VA hospitals. We're pleased the congressmen seem receptive to the pleas of Queens and Nassau leaders. We urge them to put the plan into action quickly.

MEAT IS A TREMENDOUS BARGAIN

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. THONE. Mr. Speaker, meat and poultry prices offer excellent values for consumers. I have told that story before in this body. That was the thrust of my testimony before the U.S. Price Commission on April 13, 1972.

Last week, ConAgra, a firm headquartered in Nebraska, published an ad in the Wall Street Journal which told in a succinct, interesting, and informative way what great values there are in beef, pork, and poultry.

With your permission, I will insert excerpts of that advertisement in the CONGRESSIONAL RECORD.

"Today an hour's pay will buy more pounds of all three of America's favorite meats than it did ten years ago!"

"Absolutely true for beef, pork and chicken! An hour's pay buys more pounds of all three today than it did ten years ago, twenty years ago, or even last year. And if your favorite meat is chicken, even in February, 1972, the month of 'zooming prices,' the price of broilers at retail averaged just 41.6 cents a pound (compared to nearly 60¢ in 1950). And many supermarkets were offering 'specials' at 29¢ a pound!

" 'World's most advanced system of food production' . . . that's what Dr. Max Brunk, Professor of Marketing, Cornell University, has called the American broiler industry. The industry's technology and efficiency are the secret behind a better chicken at prices nearly a third lower. And this has been a key factor in the dramatic increase in acceptance by the consumer.

"It's hard to find any one food as rich in protein, vitamins, minerals . . . and as low in fat as today's chicken. On a cost basis, chicken is one of the best and most delightful ways to supply protein.

"The adult daily protein need is about 60 grams. A six-ounce serving of chicken (not counting bone and skin) contains 46 grams of protein—76 per cent of this average daily protein need.

"And a dollar spent for chicken buys as much protein as $2.12 spent for perch fillets containing 88 grams of protein per pound. The protein quality in chicken is tops, too, because it contains all of the amino acids . . . the chemical units of which proteins are made.

"Chicken is low in calories, the lowest calorie count of any meat. And no meat is lower in fat content than chicken. Sixty-four percent of that is unsaturated fatty acids.

"What about beef and pork?

"America loves beef in all its forms. Last year each American consumed about 113 pounds. That's double 20 years ago and the increase in beef eating has been 29 per cent in just the past ten years.

"Pork producers have been giving the housewife a vastly improved product . . . juicier, more flavorful, with significantly less fat. As a result, consumer acceptance of pork also has increased, with per capita consumption in 1971 of 72.8 pounds. That's an increase of 17% over ten years ago. In 1971, the average retail price of pork was about 70 cents a pound . . . a decrease of 9.8 per cent from 1970. In 1971 pork producers lost money, and it took the price increases early in 1972 to return prices to a profitable level for producers.

"It is important to realize that meat prices are cyclical and respond quickly to supply and demand. Meat prices go up and they go down. They are down some, even now, from the peaks reached in February, 1972.

"The hunger for beef has been the major push behind the price increase in beef. Beef production has been increasing, but not at a rate to keep pace with demand. Many in the industry regard the beef price rise as a long overdue increase. For beef prices have not kept pace with either the cost of production or inflation. In the past 20 years the price of beef has risen 31 per cent. In the same period, the cost of living is up 56 per cent.

"Even though red meat prices recently have been the highest in memory, the fraction of disposable income being spent for food in the U.S. is still declining. As beef and pork prices moved to new peaks in February, the average wage earner's purchasing power outstripped the increase in meat prices.

"The average hourly wage for U.S. manufacturing workers in 1960 would buy 2.57 pounds of beef; today the figure is 3.06 pph (pounds per hour). And the average U.S. production worker could buy even more pounds of pork and chicken with one hour's pay than in 1960."

WOMEN WORKER MYTHS

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mrs. GRIFFITHS. Mr. Speaker, studies now being released are countering many of the myths surrounding the woman worker. Frankly, these myths holding that women have higher absentee rates than male workers, that married women workers are taking needed jobs away from unemployed males, and that women workers basically work to afford luxuries, simply fail to hold water. This is most appropriately pointed out in an article written by Sylvia Porter, which appeared in the Evening Star of May 22, 1972:

YOUR MONEY'S WORTH: WOMEN WORKER MYTHS

(By Sylvia Porter)

Not long ago, a young acquaintance who works in a private employment service and who is compensated according to the number of jobs he is actually able to fill, received from an employer a request for the following:

Mechanical engineer specializing in fluid control devices—e.g., heat exchanges, centrifugal pumps, valves, fluid mixers and separators; substantial salary for the qualified person.

But there was a catch. The employe had

to be a woman. Although sure that a search would be fruitless, the young man nevertheless called his firm's Chicago office. Within minutes, this office produced the names of six eligible lady candidates and one was promptly hired for this job.

You're in the majority if you never would have considered an engineering specialty in "fluid control devices" a woman's job. You are also in the majority if you continue to indulge in unfair, illegal "job labeling" which arbitrarily insists that one occupation is for men only and another for women only.

Aptitude tests, though, have repeatedly shown that women can perform just about any job as well as men can. Women are now represented in virtually every one of the 400-plus occupations listed in the 1970 census. Yet, in defiance of all equal opportunity laws, job labeling persists—and it continues to bar women from the higher level, higher paying jobs.

Here, in addition to the "women's jobs" myth, are other myths which mock this era of equal job rights.

Myth: Women are absent from their jobs because of illness more than men are, thus cost the employer more money.

Reality: The absenteeism rate due to illness or injury currently averages 5.2 days a year for women, 5.1 days for men. Moreover, these figures ignore the fact that relatively few women work in high managerial positions which always have been associated with lower absenteeism rates, and thus they may be distorted.

Single women, on average, are absent from their jobs 3.9 days a year against 4.3 days for men. And women aged 60 and over, according to a Civil Service Commission study, also have lower absenteeism rates than men in this age bracket.

Myth. Women switch jobs much more frequently than men do.

Reality: Labor Department studies show that women's job changing rates are just slightly higher than rates for men. And men are more likely to change occupations than women.

Myth: In this high unemployment period, women are taking jobs away from men, the traditional breadwinners.

Reality: In 1971, an average of 18.5 million married women were in the labor force against an average of 3 million unemployed men. Thus, if all these married women quit and if all the unemployed men moved into their empty jobs, there would remain 15.5 million unfilled jobs—causing one of the most horrendous economic disasters imaginable. What's more, few of today's unemployed men have the education, skills or other qualifications to fill jobs held by women as secretaries, nurses, school teachers.

Myth: Women work only for "pin money."

Reality: Of the 33 million women now in the labor force, nearly half are working because they are single, widowed, divorced, separated or have very low-income husbands.

Myth: Training women is a waste of money since they quit when they marry or have children.

Reality: The separations are only temporary. Even taking into account her child-rearing, non-working years, the average woman worker has a worklife expectancy of 25 years. For a single woman, the average is 45 years vs. an overall average of 43 years for men, married or single.

Myth: Men don't like to work for women.

Reality: Notes the Labor Department Women's Bureau: "Most men who complain about women supervisors have never worked for a woman." And a study reported a few years back in the Harvard Business Review disclosed that a clear majority of 59 percent of the men canvassed did not downgrade women managers or supervisors.

Myth: Women fall apart in a crisis.

Reality: In the words of Charles D. Orth, a career development specialist, in a recent Harvard Business Review: "If men are present during a crisis, they expect the women involved to become emotional and fall apart—and women often do oblige. But somehow, if men are absent, women usually cope quite well."

THE FUTURE OF OUR NATION'S MERCHANT MARINE AND OUR FUEL AND ENERGY CRISIS

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. KEITH. Mr. Speaker, the future of our Nation's merchant marine has long been a serious concern of mine. Likewise, the coming crisis in our fuel and energy supplies has been of special interest to me, as a concerned Congressman and citizen.

Both of these subjects were discussed by my friend and colleague from Tennessee, Mr. WILLIAM ANDERSON, in a speech he delivered at the Washington Propeller Club on May 22. His proposal for an American fleet of liquid natural gas carriers is one that will receive a great deal more attention in the months and years ahead, and I strongly commend it to the attention of my colleagues and the country.

The proposal follows:

REMARKS OF REPRESENTATIVE WILLIAM R. ANDERSON

President Nottingham, distinguished members of the Propeller Club, my colleagues in Congress, and distinguished guests: I am honored to join you in observing National Maritime Day 1972 and in saluting this year's winner of the National Maritime Poster Contest, Miss Marilyn Gage.

I am extremely pleased also that the Southern Region Poster Contest winner happens to be a constituent of mine, Kem Hinton of Murfreesboro, Tennessee.

As we gather today to honor the U.S. Merchant Marine, this audience will have no difficulty on agreeing that for a nation such as ours to be secure it must have a merchant fleet of the first quality.

An overview of the history of our merchant marine shows that we have not always been wise or used very much imagination in our maritime programs. In the Spanish American War it was necessary to purchase foreign merchant shipping. When World War I broke out, ships of the warring nations were suddenly withdrawn from our services and we were left with goods piled up at the docks.

Today, our maritime situation is even more tenuous.

The hope and promise of the 1970 Merchant Marine Act is still just that—hope and promise. Few new ships are under construction under its subsidy provisions. The American fleet continues to be old, small and slow, unattractive to those who have cargo to move, carrying only five or six percent of the nation's foreign trade. An air of pessimism pervades the U.S. shipbuilding industry and U.S. Flag operators as well. But on the opposite side of the coin there is much to provide optimism. Brighter and stronger programs and policies may lie ahead.

On both sides of the Hill we have committees whose leadership and membership thoroughly understand the problem and are avidly devoted to its solution. Downtown we have a Maritime Administration and a Maritime Commission fully equal to the challenge which confronts us. The Coast Guard has fully demonstrated its interest and ability to proceed, as have the trade unions which would build the ships and the operating unions which would operate them.

Quite frankly, I will reserve judgment on our fourth arm of government, the Office of Management and Budget, because I have seen little to indicate very much interest on its part in a revitalized U.S. Merchant Marine.

Sometimes a solution to a very difficult problem can be found by interfacing that problem with another of large magnitude and difficulty.

This may be the case with the U.S. Merchant Marine. I speak, of course, of the immediate potential for revitalizing our shipbuilding industry through the construction of a large fleet of tankers to carry liquefied natural gas.

Though there appears to be overwhelming agreement that the United States should move immediately and aggressively in this field, we have become so timid in shipbuilding and maritime matters that we are permitting other nations to take the lead.

As you know, a moderate amount of LNG is being transported at sea at the present time but none—absolutely none—in ships produced by the United States. This is impossible to justify when one considers our experience in mass production shipbuilding and the technology, materials and trained personnel that we are blessed with in the relatively new field of cryogenics, derived in part from our space program. And, as pointed out by Dr. Ralph Lapp in his recent testimony before the House Interior Committee, natural gas, the cleanest of all fossil fuels, "forms the most critical element in the U.S. energy supply picture."

It is very much in the national interest that the U.S. emerge world leader in LNG facilities and transport.

Parenthetically, the oil industry should not feel threatened by LNG. We are talking about importing but a minute percentage of our total energy needs at a time when oil imports must increase many fold.

There are many estimates as to the number of LNG vessels which will be required by 1985. Some authorities indicate that the figure could be as high as 120 to 150 vessels. The President's Commission on American Shipbuilding, in its March 14, 1972 interim report, estimated that 100 LNG tankers of 120,000 cubic meter capacity each would be needed within ten years to service the United States, European and Japanese LNG markets. When one considers the multiplying effect accompanying any essentially new industry, we are talking about a minimum of 100,000 new jobs, if a large percentage of these ships are indeed built in the United States and fly the American Flag.

If the United States does not participate in this major market, the balance of payments consequences on the LNG transportation side alone are bound to be severe and could amount to around seven or eight billion dollars of outflow by the year 1985. As LNG imports increase, gas production dependency will shift from domestic to foreign sources. To balance this, our LNG transportation dependency must shift from foreign sources to domestic sources. The same is, of course, true of oil.

LNG is an important source of energy for the future. The nation which controls the ships to transport this energy will control the energy itself. LNG ships are the ocean pipelines without which the system cannot function.

Energy is central to the internal and external security of the United States and its economy. With our present dependency on foreign bottoms we are pursuing a dangerous policy of energy and economic brinkmanship.

Having examined the LNG subject over a period of time, and having discussed it with a large number of individuals, including some from abroad, I cannot help but reach the conclusion that the United States is in grave danger of permitting one or more other nations to pre-empt this highly important and lucrative field.

I have not discussed the matter with Jimmy the Greek, but if we don't get going immediately, the odds are about two to one that this is precisely what is going to happen.

It is vital to the national interest that we proceed at once with an aggressive LNG carrier program. Such a program will not be without financial, physical and political risk. Therefore, it is incumbent upon our Federal Government to establish such a program as a matter of high national priority and to shoulder whatever portion of the risk necessary in order to provide the necessary confidence for the shipbuilders and the energy industry to proceed, and proceed at once.

This means but one thing. As in the case of the Mariner Program, the government itself should contract to build the ships and then lease or sell to private interests in a manner compellingly attractive to those interests.

This is a program which I believe should, and hopefully will, gain the enthusiastic support of most of the environmental organizations. As I understand it, accidental LNG spillage does not leave a residue of contamination and, as we all know, natural gas is an almost perfectly clean burning fuel.

During this day and every day, in Venezuela and in other locations of the world, an impossible-to-estimate number of cubic feet of natural gas flowing from various oil wellheads is being flared to the atmosphere—a disgraceful waste of a priceless asset.

Perhaps the key to our Merchant Marine crisis and to our energy crisis is something a bit more pronounced than interfacing the two problems. Perhaps it will finally evolve that we become civilized and moral enough to look past the immediate future and concern ourselves with the situation that subsequent residents of the Planet Earth will inherit, five, six, or even ten generations down the line. If during the past three decades we had been capable of looking even *one* generation ahead, we would not face the acute pollution and ecological problems that now almost overwhelm us.

We should set our sights now to make us a leader in the world with a modern Merchant Marine, because we have to be first. Our geography, our standard of living, our political posture and our future demand it.

Let us so dedicate ourselves on this Maritime Day 1972.

NAVY PLANNER DISCUSSES FOLLY OF BILLION-DOLLAR AIRCRAFT CARRIER

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. LEGGETT. Mr. Speaker, I have recently received a letter from the former assistant director of the long-range objectives group for the Chief of Naval Operations. Mr. Stuart Barber, who retired from this high Pentagon position in 1970, points out that it is just plain silly to commit $1 billion to a single ship.

Of course, an operating aircraft carrier consists not only of the ship itself, but of escort ships and a complement of aircraft. It costs us between $2 and $3 billion to procure an operating aircraft carrier force, depending on the number of escorts which receive nuclear power and the cost overruns on the F–14 aircraft now attempting fabrication at the Grumman factory.

The functioning of this multibillion-dollar force depends entirely on the ability to launch and recover large high-performance jet aircraft. This ability can be destroyed by an antiship missile launched from an inexpensive patrol boat or hydrofoil against the carrier's unarmored superstructure.

The Navy likes to claim that after major fires off Vietnam, two aircraft carriers were back in operation within 2 hours. This is deceptive. It is true that the Navy was able to prove its point by drawing a light aircraft over to a catapult and launching it. But resumption of combat operations required several months of repair and in a full combat situation, the total projected war will probably terminate before the repairs.

Mr. Speaker, there are more effective ways to spend our defense money.

I insert in the RECORD Mr. Barber's letter followed by a letter he recently published in the Washington Post:

ARLINGTON, VA.,
May 19, 1972.

Hon. ROBERT L. LEGGETT,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: I write to urge your strong opposition to the "billion dollar CVAN". The basic arguments against it are in the attached letter to the Washington Post. The story behind these arguments is:

Beginning in 1968–69, CNO's long range objectives group was urging on the CNO a greater investment in anti-submarine warfare (ASW), especially ship-based air ASW, at the expense of attack carrier and amphibious forces, as a necessity to assure our control of the seas under prevailing budget restrictions, with an aging fleet.

In 1969, the Nixon Doctrine reinforced our case by in effect reducing the Asian priority which called for strike and amphibious forces, while holding firm the NATO priority which calls on the Navy primarily for sea control, threatened principally by Soviet submarines.

Two recent Navy studies, the ASW Force Level Study (1968–69) and the NARAC–G Study (1971) have strongly confirmed the appalling inadequacy of NATO ASW forces. The latter study indirectly supports the adequacy of 10–11 attack carriers to accomplish essential NATO tasks, provided they can be protected from submarines.

The critical shortage is thus not in *attack* carriers, but in anti-submarine carriers, and ASW helicopters operating from other ships.

Despite this the Navy is planning to phase out ASW carriers, while spending $915M to build a gold-plated 12th modern attack carrier.

The desirable alternative is to spend the $951M to keep several old WWII carriers going for a while longer as ASW carriers, while building new, 35000-ton, *non*-nuclear sea control carriers, at about $300–$350M each, to replace them. At the same time, ASW aircraft forces should be built up at the expense of reducing carrier-based attack aircraft no longer needed for Asia. I proposed several alternative programs along these lines during recent consulting work for the CNO's staff.

For the record, I was civilian assistant director of CNO's long range objectives group from 1956 until my retirement in 1970. While in that position I twice received the Navy's highest civilian award.

I would be glad to discuss this subject in more detail with you or your staff at your convenience.

Yours sincerely,

STUART B. BARBER.

AIRCRAFT CARRIER

Your correspondent Rear Admiral LaRocque is entirely correct in suggesting that the value of our bombing in Southeast Asia should be carefully scrutinized by Congress before it approves the proposed fourth nuclear-powered aircraft carrier, budgeted at $951 million. But in fact he fails to state the full case against this ship.

As one who for 30 years has strongly supported naval carrier forces, I consider the Navy's request for this carrier an unconscionable, parochial imposition on the nation, in defiance of national priorities, interests and needs.

In the first place, it is absurd to suggest that a single ship, without its aircraft and escorts, is worth nearly a billion dollars. Only a mind wholly out of touch with the realities of today could believe that it is.

More damning is the fact that the Navy's own studies—as Secretary Laird well knows—indicate that the Navy has grave deficiencies in anti-submarine warfare. The billion dollars could buy a lot of other things far more valuable against submarines—and available sooner—than this CVAN.

There will be much Navy palaver about flying anti-submarine planes from this CVAN. Sure, and you could drop depth bombs from the fantail of a battleship, but that wouldn't justify buying battleships for anti-submarine warfare. For a billion dollars you could build three genuine anti-submarine aircraft carriers. No, the only honest justification for this CVAN is carrying air war against land areas.

What is most disturbing is the disregard, by the Navy and Mr. Laird, of factors one would think basic. For one thing, there has developed a vast national opposition to banging the boondocks of Asia. There is also the problem of the defense budget. These two factors call for a fresh look at our priorities. I believe it generally accepted that our first non-nuclear priority—well ahead of Asia—is NATO. Our anti-submarine deficiencies go to the very heart of the NATO defense. It is news to many people that NATO needs more U.S. attack carriers than the 11 modern ones already funded, when U.S. and other NATO naval forces combined couldn't get our military shipping safely across the Atlantic (let alone bring in essential oil) against submarine opposition.

It would be very healthy if the Congress would stop this mindless perpetuation of our no longer tenable addiction to imposing our will on Asians, and re-focus Pentagon attention on our high priority problems of sea control.

STUART B. BARBER,
Former Assistant Director of the Navy's long range objectives group.
ARLINGTON.

IMPORT PROBLEMS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. GAYDOS. Mr. Speaker, over the past years I have frequently criticized the unfair trade practices employed by foreign manufacturers in competition with domestic industries for a share of the American trade market. I have constantly emphasized that because I seek to correct these inequities does not mean I advocate building a wall around the United States to prevent any foreign made product from reaching our shores. I have said, and I say again, I believe America can compete with anyone where the competition is fair as well as free.

Recently, there have been two instances where it appears the U.S. Treasury Department and the U.S. Tariff Commission also feel that foreign producers are not playing fair in competing for their share of our trade market.

In April, the Tariff Commission issued a notice that Westinghouse Electric Corp. was being injured because imports of large power transformers were sold here at less than fair value. The Commission's findings made the imports subject to special "dumping" duties and applied to transformers made in France, Italy, Japan, Switzerland, and the United Kingdom.

Now, the Treasury Department has announced it is investigating complaints filed by two major domestic electronic product manufacturers that Japan is NOT playing fair in the electronic market competition. According to the domestic manufacturers, the Japanese Government, in one way or another, is subsidizing the Japanese electronic industry's exports.

This government-industrial partnership gives the Japanese manufacturer an unfair edge in fair competition because it permits him to sell his product cheaper than the American model. He does not worry about a loss because the government will back him.

If the Treasury Department finds the allegations are true, it will mean additional duties will be imposed on the Japanese products to compensate for the subsidies granted them by the Japanese Government.

This could very well mean the American consumer will pay a little more for a Japanese made television set, radio, tape recorder or what have you. But what is the alternative? What will happen if Japan is permitted to continue this practice without objection by the United States.

Based on past experiences, this is what could happen. Slowly, but steadily, the Japanese will increase their share of the American electronic market by underselling domestic producers. Eventually, the domestic industry will collapse under the pressure and when that happens Japan will control the market and the price. The sky can be the limit as far as the price is concerned. It could easily exceed the former price charged by the domestic producer and who is to object? It has happened this way before. It could happen again.

Mr. Speaker, I am inserting into the RECORD for the benefit of my colleagues copies of two news articles which deal with the actions of the Tariff Commission and the Treasury Department. The former item appeared in The Pittsburgh Press on April 21, 1972; the latter in The Daily News of McKeesport, Pa., on May 19, 1972. The articles follow:

U.S. PROBE OF JAPANESE SUBSIDIES ON ELECTRONICS COULD BOOST DUTY

WASHINGTON.—The Treasury Department has served notice that the prices Americans pay for millions of Japanese electronic goods may be boosted because Tokyo subsidizes the industry.

If a Treasury investigation now under way goes against the Japanese, American consumers could find themselves paying more for Japanese television sets, radios, tape recorders and record players.

In terms of dollar volume, it is the biggest case of alleged unfair trade ever taken up by the United States and the first time that the U.S. government has examined the system of subsidies granted Japanese exporters.

Japanese electronics imports into the United States exceeded $831 million last year.

Magnavox and Zenith, two giant American competitors, prompted the investigation by filing an official complaint with the Treasury.

"We've analyzed the complaints and feel we have to investigate," said Eugene T. Rossides, the Treasury's assistant secretary for enforcement. "But I want to emphasize that this is only the opening of an investigation."

Now the government must determine if Zenith and Magnavox are right in alleging that the Japanese government provides all kinds of tax-related and hidden subsidies to electronics exporters.

If so, an additional duty will be imposed on each item to compensate for the subsidies.

The investigation is expected to take several months. But the fact that the Treasury is investigating the general area of government subsidies to foreign businesses selling in the United States indicates a new toughness in trade matters.

Zenith and Magnavox alleged that such subsidies as special depreciation allowances, a shipping differential, tariff rebates, export insurance, development assistance and other incentives are illegal and discriminatory.

The stepup in enforcement against subsidized exports was evident last week when the Treasury announced it was probing whether to charge extra import duties to Michelin Tire Ltd. of Canada for its imported steel-belted tires.

The Treasury said the Canadian government subsidized construction of two Michelin factories. The company is French-owned.

WESTINGHOUSE HAS IMPORT WIN

WASHINGTON.—The U.S. Tariff Commission issued a notice today that Westinghouse Electric Corp. is being injured by imports of large power transformers sold in the U.S. at less than fair value.

The finding makes the products subject to special "dumping" duties. It applies to transformers made in France, Italy, Japan, Switzerland and the United Kingdom.

The commission held a hearing on the matter in March, after an investigation by the Treasury Department which supported Westinghouse's complaint.

The Tariff Commission also announced that it will investigate the importation of Belgian welded-wire mesh for concrete reinforcements, to determine whether it is being dumped in the U.S.

DEMOCRACY ALIVE AND WELL IN ROME

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. LEGGETT. Mr. Speaker, contrary to recent press speculation that the Italian people, including many of my own relatives in the old country, would opt for simplistic, rightist solutions to solve some of modern Italy's problems, this did not occur in the elections held this month.

The Christian Democratic party long holding a plurality in the country reasserted its position under the leadership of Premier Giulio Andreotti. The Communists backslid, the Fascists picked up a few percent, but the opportunities were basically reemphasized for a new center or center left coalition to forge new housing, health, and poverty programs for the Italian people.

I say the May 1972 Italian elections marked a great month for people and democracy in Western Europe.

Recent articles analyzing the result by Paul Hofmann in the New York Times and the Christian Science Monitor follow including a chart of the results:

[From the New York Times, May 14, 1972]

ITALY: THE CENTER IS STILL HOLDING

(By Paul Hofmann)

ROME.—It took a full 24 hours after last Tuesday's election to get a clear picture of how Italy had voted in one of its most decisive electoral tests since the fall of Fascism. The computerized polling tally had proved far from successful.

But if the computer had failed its test, democracy had not. The nation, long denounced as ungovernable, had shown that it wanted strong—but not authoritarian—leadership. And in doing so it gave a new strength to the Christian Democratic Government of Premier Giulio Andreotti.

One telling sign was the 93.1 percent voter turnout. In Ravenna, the city of Byzantine mosaics, Dante's tomb, Byronian memories and huge oil refineries, a record 98 percent of the electorate went to the polls. What's more, there was no graver electoral incident up and down the country than a young woman in an Adriatic resort who wanted to cast her ballot clad only in a bikini and was barred by a straitlaced carabiniere.

Aside from sticking by the rules, Italy has also reconfirmed the substance of democracy. More than 61 percent of all votes went to parties that reject totalitarian models. About 29 percent of all voters backed the Communist party—still the strongest in the West—and its far-left fellow travelers or rivals, and 8.7 percent rallied behind resurgent neo-Fascism, which had allied itself with the remnants of the monarchist movement.

Had elections been held two months earlier, the outcome might have been more ominous. A plot psychosis, urban guerrillas, violence by wildcat strikers and chaos in the schools, all on top of a crime wave, were then frightening the nation. While the Communist apparatus was on the defensive, anxious to hold positions threatened by ultraleftist groups, Italy seemed headed for a sharp swing to the right. The neo-Fascists were all set to profit from the anger of the Italian "silent majority."

However, the Christian Democratic Government of Premier Andreotti, uninspiring thought it looked, stressed its concern for law and order. The police in nationwide sweeps rounded up gangsters and thieves, and investigating magistrates tore into the conspiratorial political underground. At the same time, the many Christian Democratic factions, usually feuding among themselves, buried the hatchet and campaigned hard on two fronts—against Communism and neo-Fascism.

Thus the much-maligned Christian Democratic party became the real star of the elections. After 27 years in government it was still going strong, leading substance to Mr. Andreotti's old quip: "Power wears out only those who don't have it."

The neo-Fascists, with 24 seats in the old 630-seat Chamber of Deputies, had hoped that the new image of respectability built by their soft-spoken leader, Giorgio Almirante, would increase their strength to 80 or 100 seats. They won 56. The Christian Democratic party says it can live with them but will never accept the rightists as allies. The Christian Democrats also reiterated their anathema against Communism during their campaign and this won back many anti-Communist voters who had been flirting with the rightists.

Inspired by the Roman Catholic church, the Christian Democratic party professes its determination to bring about long overdue reforms—better schools, hospitals and old-age care, more low-cost housing, improved commuter transportation, a more equitable tax structure and a better deal for stagnant southern Italy.

The divorce statute, enacted after a long fight 17 months ago, clearly isn't a desirable reform for the Christian Democrats and may now be thoroughly amended, if not repealed.

The chances are better than in a long time that strong party leadership may assert control at the forthcoming Christian Democratic convention in the fall. If this happens, the Christian Democrats could successfully exercise one of their two options—to rebuild the center-left coalition with the Socialists that has governed Italy for most of the last 10 years, or to build a new center coalition with the moderately conservative Liberal party. In either case, a united and strengthened Christian Democratic party could negotiate terms with its allied and—at last—launch the needed reforms. Until then, Italy will be run by what is rather affectionately known as a "beach government," a Cabinet that pays the civil servants, operates the railroads, collects taxes, guards motorways and leaves Italians to their own devices during the hot months.

BEFORE AND AFTER THE VOTE

CHAMBER OF DEPUTIES (TOTAL 630 MEMBERS)

	Post-election	Pre-election
Right:		
Italian Social Movement (neo-Fascist)	51	24
Monarchist Party	5	6
Center:		
Liberal Party	21	31
Christian Democratic Party	267	266
South Tyrol People's Party	3	3
Republican Party	14	9
Social Democrats	29	29
Left:		
Socialist Party	61	62
Proletarian Socialist Party	0	23
Communist Party	179	177

SENATE (TOTAL 322 MEMBERS)

	Post-election	Pre-election
Right:		
Italian Social Movement (neo-Fascist)	22	11
Monarchist Party	4	2
Center:		
Liberal Party	8	16
Christian Democratic Party	138	138
South Tyrol People's Party	2	2
Republican Party	5	2
Social Democrats	12	12
Left:		
Socialist Party	34	36
Proletarian Socialist Party	11	12
Communist Party	83	89

[From the Christian Science Monitor, May 11, 1972]

A SHIFT AWAY FROM EXTREMES

There is a fundamental common sense among the Italian people which proves its strength when it comes to the test. That common sense was reaffirmed in last Sunday's general elections, whose results on the whole are reassuring both to Italy itself and to Western Europe of which Italy is such an important part.

It had been feared that the elections would result in a big swing to the far right. In fact, the neofascist Italian Social Movement, in alliance with the small Monarchist Party, did make considerable gains, upping its representation in the Senate from 13 to 26 seats and in the chamber from 30 to 56. But in the overall context the neofascists did not score the big victory they had hoped for.

Far more significant was the strength manifested at the center of the political spectrum by the Christian Democratic Party, which has been the dominant party in Italian politics for the past 26 years. The Christian Democrats conducted a clearcut campaign, reasserting the principles laid down by their distinguished postwar Prime Minister, Alicide de Gasperi, and telling the Italian voters unequivocally that they would eschew any cooperation with the extreme right or extreme left.

The result was that they recouped the 5 percent loss suffered in last year's regional elections, retaining all of their 135 seats in the Senate and increasing their representation in the chamber by one seat—from 266 to 267.

While on paper the Communist Party, second biggest party in Italy, improved its showing in both houses, its ally, the Proletarian Socialist Party (PSIUP), lost all 23 of the seats it held in the lower house and the 13 seats it held in the Senate. The independent leftists also are no longer represented in either house. On the whole, therefore, the extreme left lost ground, while there was little change in the position of Socialists and Social Democrats.

Where does this leave Italy? The Christian Democrats have emerged from the elections with their reputation enhanced, but still not strong enough to govern on their own, unless they take the risk of ruling as a minority government, as in fact they have been doing since the collapse of the last Center-Left cabinet in January.

There are two coalition possibilities: a revival of the Center-Left formula or a coalition of the Center parties. Whether or not a new Center-Left government can be formed will depend to a great extent on the Nenni Socialists and their off-and-on flirtation with the Communists. Presumably the Christian Democrats will now insist that they end this flirtation if they come into the government.

The task of cabinetmaking is not going to be easy. Possibly a caretaker administration will be formed to tide the country over until after the party conventions of the Christian Democrats and the Socialists in the fall.

This would mean fresh delay in initiating the reforms to which the Center-Left parties are committed. It could open the door to more military on the political fringes. But the bulk of Italian voters have clearly drawn away from the extremes of right and left, and, on the whole, there is reasonable cause to be heartened by the election results.

VIEWS AND NEWS—THE TRANS-ALASKA PIPELINE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. BEGICH. Mr. Speaker, the Seattle Times, one of the fine newspapers in the Pacific Northwest, responded to the announcement regarding favorable action on the trans-Alaska pipeline permit application with an editorial supporting that decision. In the same issue, the Times carried a news story regarding the continuing work of the oil industry regarding containment of oil spills.

I believe we should continue to demand the best effort possible from the industry and Government to insure the safe movement of this oil. The cost of such safety is a secondary factor, in my own view, and the project must take advantage of every safeguard possible. This is the sort of work, reported in the attached article, which must continue:

[From the Seattle Times, May 12, 1972]

THE TIMES' OPINION AND COMMENT: THE RIGHT PIPELINE DECISION

Interior Secretary Morton's decision to authorize construction of the trans-Alaska oil pipeline is a logical and welcome step in both the national and the Alaska-Pacific Northwest interest.

The decision, coming at this time in advance of the November elections, required a certain amount of political courage in view of the noisy opposition to the Alaska pipeline from some environmentalist groups and Midwest congressmen.

The national interest in the expeditious development of Alaska's development of Alaska's vast Prudhoe Bay deposits has come into ever-sharper focus during the many months the Interior Department has been studying the issue.

Only yesterday President Nixon authorized increases of foreign-oil imports by approximately 15 per cent due to the inability of domestic oil production to keep pace with rising domestic demands.

And there was disclosure of new efforts by European oil consortiums to shut out American companies from oil sources in the Middle East, further complicating the serious energy-supply outlook in this country.

Unsettling events overseas repeatedly drive home the point that there can be no substitute, from either a national-security or an economic standpoint, for developing domestic sources of energy whose availability is altogether independent of foreign control.

The stipulations attached to the construction and operation of the 800-mile Alaska pipeline are generally conceded to be the most stringent ever imposed on a project of that kind. The project will remain from beginning to end under tight governmental control and will be subject to instant suspension.

A pipeline through Canada, as advocated by some environmentalists and Midwestern congressmen, does not represent a satisfactory alternative from standpoints of either environmental protection, economic necessity or the logical distribution of oil and natural-gas resources.

The project promises to provide an economic boost far eclipsing the gold rush in magnitude for Alaska and the Puget Sound region.

It offers a means of breaking Alaska's pattern of persistent poverty and dependence upon seasonal industries and federal handouts.

A final go-ahead for the pipeline awaits the disposition of legal challenges. Every effort should be made to expedite the court processes so that this project of such import to the nation and its 49th state will not be subject to further undue delay.

[From the Seattle Times, May 12, 1972]

OIL COMPANIES MOVE TO CONTAIN BIG SPILLS

(By Hill Williams)

Private industry is moving faster than the government in providing defenses against something that everyone hopes won't happen—a major, open-water oil spill in Puget Sound.

The Coast Guard hopes to have new systems operational in 12 to 18 months that would increase oil-pickup capability and begin ship-traffic controls to help prevent spills.

But a one-year-old cooperative of 10 oil companies operating in the Puget Sound area already has on hand about $120,000 worth of oil-spill-cleanup equipment and is acquiring more.

In fact, the Canadian Ministry of Transport, caught short when the freighter Vanlene wrecked on the west coast of Vancouver Island on March 15, borrowed oil-containment booms from the cooperative.

"We had no real procedures worked out to lend our equipment to Canada," said John C. Doolittle, manager of the Washington State Oil Spill Cooperative. "But I loaned it to them anyway."

Doolittle felt that the need was one that the cooperative was intended to meet, "to make sure that there is an organization that will have the resources to handle large spills."

Just a few weeks younger than the cooperative is an oil-pickup business operated by three Seattle firms. Known as MOPS (for Marine Oil Pickup Service), it has been limited to small, dockside spills until recently.

Barry Paulsen, project coordinator for MOPS, admits to spending "many nights worried that someone was going to call with some type of spill we couldn't handle . . . If it had been in the open water, there would have been nothing we could do."

But, Paulsen added, the situation is better now.

"We're just getting to the point where we can handle open-water spills," he said.

MOPS' equipment includes about a mile of various sizes of oil-containment booms and the firm has an open order with the manufacturer for more.

MOPS also has converted a landing craft into a self-propelled oil-pickup vessel. With its bow ramp lowered below the water surface and small boats leading two lines of boom from the ramp ahead of the vessel to form a 100-foot-wide V, the vessel—known as the Sag River—can chug along collecting, concentrating and finally pumping the oil into onboard tanks.

The Sag River is mainly what has made MOPS capable of picking up oil in open water.

MOPS is a joint venture of the Puget Sound Tug & Barge Co., the Marine Power & Equipment Co., a Lake Union shipyard and Pac-Mar Services, a tank-cleaning firm.

The Washington State Oil Spill Cooperative was formed by Atlantic Richfield, Mobil Oil, Phillips, Shell, Standard Oil of California, Union Oil, Sound Refining, U.S. Oil & Refining, Texaco and Time Oil.

Its equipment is mostly in Bellingham, near the Sound's biggest refineries.

Doolittle said the cooperative has 1,000 feet of boom that will contain oil in waves up to six feet high and currents up to 2 knots. And it has a Husky offshore skimmer that is towed along at the point of a V to suck up surface water and oil at the rate of 1,800 gallons a minute.

The oil-water mixture is pumped to setting tanks in an accompanying barge.

Doolittle said the cooperative is continuing to look for equipment to increase its ability to handle spills. The co-ops aim is to be able to handle spills up to 20,000 barrels, bigger than any that have ever happened on Puget Sound.

But the cooperative and MOPS both face a problem hindering the growth of oil-spill-cleanup defenses across the country: Good dependable equipment just isn't available.

Paulsen said MOPS would like to buy a skimmer that would be more efficient than the Sag River. But manufacturers are having development problems, he said, and "unfortunately the equipment that looks good is not available yet for purchase."

MOPS is doing some developmental work on cleanup devices itself, while waiting for others to become commercially available.

Doolittle said that the cooperative, too, is waiting for the development of new devices.

The cooperative would like to have some commercial firm, such as MOPS, become operating agent for its equipment. Plans toward that end are under discussion, Doolittle said.

"An organization like MOPS can't afford to go out and spend $1 million for equipment," he said, "Cleaning up oil is just not that much of a commercial venture. But the co-op is going to have to do that.

"Our equipment is available. I'm not sure of the details but my position is that if there's a problem this equipment is available and we'll work out the details later."

WHY HAVE WE MISJUDGED SO BADLY?

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. WOLFF. Mr. Speaker, my colleagues are well aware of my position on the ongoing war in Indochina. In the past few weeks I have spoken out strongly against what seems to be a re-escalation of American involvement and risk in the war.

I would like to call to the attention of my colleagues an article by columnist William F. Buckley, Jr., on the current prosecution of the war. I think that Mr. Buckley has raised some very relevant questions about the decisionmaking process relative to the conduct of the war.

The column follows:

WHY HAVE WE MISJUDGED SO BADLY?

(By William F. Buckley, Jr.)

What I want to know is: why have we known so little? Why have we misjudged so gravely? I ask the questions, at this point, clinically, without prejudice to any future right to give way to anger.

One week ago the President of the United States told the entire country and the entire world that the invasion of South Vietnam would be repulsed, that that was the solid military judgment of Gen. Abrams.

Today the South Vietnamese are almost everywhere in tatters, the millions of pounds of bombs we continue to dump over North Vietnam and much of South Vietnam appear to be about as related to stopping the North Vietnamese offensive as underground atomic explosions in Amchitka. One province is gone, another teeters at the brink, the refugees swarm out of the cities in such numbers as the Chinese did during the thirties fleeing the Japanese, the South Vietnamese army falls apart, whole regiments and divisions become nothing more than journalistic abstractions. Why didn't we know? Anticipate it? Warn against it?

There are many cases to be made against President Nixon, but let us confine ourselves to the one that says simply: with all his experience, with his knowledge of the dozen times his predecessor ventilated on optimism which proved to be inopportune to the point of being macabre, what did he do to overhaul the means by which he got his information?

Is it the fault of Gen. Abrams, who was there before President Nixon was elected? What is the nature of Abram's misestimates: was it on the morale of the South Vietnamese that he guessed wrong? If so, why did he guess it wrong? Did he make enough allowances, in his estimates, for the morale factor? If not why not? Did the Defense Department probe the matter, or simply accept the estimates of the commander in the field? Did the CIA contribute to the estimate? When, early in Mr. Nixon's term, the CIA advised that Vietnamization would not work, were its arguments confuted, and if so by whom, using what arguments, what analysis?

Or was it the military strength of North Vietnam that we misestimated? The President told us that it was last October that we discovered that the enemy was preparing for a great offensive. Indeed: did we know on what scale the enemy was preparing? Did our intelligence services perform usefully? Did we weigh the amount of equipment being off-loaded from the Soviet freighters? Did we know the nature of the material? Did we infer the uses to which it would be put? Did we organize our defenses, given the assumptions, competently?

There are many things to be focused upon in the next weeks, having to do with the consequences of what is happening in Vietnam, but one of them surely is the dumbfounding incompetence of our calculations.

How many other mistakes, and miscalculations, have we made, are we relying on? As we have sat in Helsinki playing poker, have we proceeded on the basis of information put together by the same people who put together the information on which we have relied in Vietnam? Gen. Thieu has gotten around to firing a couple of generals. Will we? Do we ever fire generals? Sen. McGovern points out that although we have only one-fifth as many men under arms these days as we had during the height of the Second World War, nevertheless we have as many high grade officers now as then. How come? Lincoln occasionally found it necessary to change his generals, why is it we haven't?

Do we need to completely revamp our intelligence system? What about the State Department? And of course the army.

There are a lot of people who, after assimilating the loss of South Vietnam and the victimization of those South Vietnamese who fought because we told them on network teevee that we would never let them go down, are going to ask the hard technical questions, and they are not going to spare the army, indeed they may very well not spare the commander-in-chief, and I'm not so sure they should.

AUTO SAFETY AND THE AIR BAG

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. BROOKS. Mr. Speaker, in this morning's issue of the Washington Post, Allstate Insurance had a full page statement urging immediate adoption of the airbag concept as a means of reducing the tragic death toll on the Nation's highways. The efforts of this company and others who are pushing for traffic safety are commendable.

Unfortunately, there appears on another page of the same issue of the Washington Post, a picture and article describing the failure of an airbag test at Wayne State University's auto safety laboratory. This test, along with previous troublesome demonstrations indicates that the airbag concept, even in the artificial environment of the experimental laboratory, has not yet achieved a degree of reliability that qualifies it as the sole lifesaving device to be installed on millions of mass-produced automobiles.

On April 18, the Department of Transportation test-crashed a multimillion dollar experimental vehicle to test, among other things, the airbag concept, to the consternation of those involved and to the disappointment of the public generally, the airbag system did not function properly due to human error and, as a result, three dummies were killed.

The further report this morning that another test involving an airbag installed in a late model sedan had also failed to function—again under the artificial and highly controlled environment of a testing facility—causes increased concern.

Some progress is being made in the evolution of this concept as is reflected in the Allstate Insurance message. A human "guinea pig" was used in a production automobile, I believe for the first time, and the system operated effectively—however, at low speeds which motorists would encounter primarily in city or residential driving. The effectiveness of the system at impact speeds that would realistically be encountered on the Nation's highways is still to be proved.

These events demonstrate the need for continued development and testing of the airbag concept. As reflected in a House Government Operations Committee report of December 16, 1971, this concept offers great potential as a lifesaving device, however, a great deal of testing in a real world environmental lies ahead before practical appliction of airbag technology can, on a realistic basis, increase the level of safety on the Nation's highways.

As indicated in our committee report, efforts to downgrade and discard the use of seatbelts and shoulder harnesses under policies emanating from the Department of Transportation must stop. Seatbelts and airbags are not alternatives, but, in the most meaningful sense, can be used to complement each other in an overall, coordinated system to increase the safety of the Nation's automobiles.

It is of interest to note that in the successful Allstate test a seatbelt was used despite the philosophy of the Department of Transportation that the airbag can totally replace this more rudimentary and time-tested lifesaving device.

Those who would push airbag concepts too fast, or overstate the system's potential application, do the public a grave disservice and, in the long run, may hinder rather than help in the implementation of an effective lifesaving system. As an advocate of further development of the airbag concept used in conjunction with seat and shoulder harness systems, I must express some concern over statements made by responsible sources as to the proven reliability of airbags. When airbags fail to function in test vehicles with scores of experts hovering about, what can we expect of a system installed in a family automobile operating in adverse environmental conditions throughout the country with little if any maintenance for months or years following the production of the installation of the airbag system?

As reflected in our December 1971 report, we need real world testing of this concept with production models operating under normal conditions. The Nation's automobile manufacturers are responding to this need. I believe that Federal officials in charge of the Government's highway safety program should show the same high level of responsibility in their approach to the auto safety problem as they logically expect from the automobile manufacturers.

At this point in the Record, I would like to submit four articles—one from the Washington Post of April 19, 1972; one from the Evening Star of April 21, 1971; one from the Washington Post of April 29, 1971; and, finally, one from the Washington Post of May 24, 1972—which describe crash-testing of vehicles equipped with airbags.

The articles follow:

[From the Washington Post, April 19, 1972]

Car Survives, "Occupants" Die

(By Jack Eisen)

Phoenix, April 18.—With a muted "clunk," a federally financed experimental safety automobile was smashed into a steel wall at a speed of 49 mph near here today, with mixed results.

The car survived, looking barely dented by the impact, but its occupants—three man-sized dummies—did not.

Air bags, which were supposed to inflate instantly on impact to restrain the dummies, failed to work. As a result, the heads of both dummies in the front seat were thrown against the windshield, the torso of one was torn in two, and the dummy in the back seat was propelled against the front seat head rest.

Douglas Toms, administrator of the U.S. Department of Transportation's National Highway Traffic Safety Administration, said it was obvious human occupants would have been killed.

Although officials refused to speculate on the air bag failure, some automotive experts suggested among themselves that electric wiring that would have set off the air bag controls may have been detached during a brief halt in the countdown 12 minutes before the crash.

Despite the malfunction, Secretary of Transportation John A. Volpe and several aides, including Toms, hailed the tests as a substantial success.

"I'm not disturbed at all that this is a setback, because we're testing," Volpe said, asserting that the tests provided evidence that a structurally safe car can be engineered.

Carl Roberts, deputy program director for Fairchild Industries, Inc., which produced the car on Long Island, said he was disappointed but not disheartened. He cited the same reason as Volpe.

The demonstration was the first public viewing of one of the test cars being put through its paces. About 300 persons, mainly representing governmental bodies and foreign and domestic makers of automobiles and components, watched at a 157-acre test site on the desert.

At a secret test March 31, a similar car made by AMF, Inc., was smashed into the barrier at the same speed. A film shown today showed that it, too, survived structurally but its air bags worked, restraining the dummy passengers.

A current model standard car also was propelled into the wall. Its front end crumpled into an accordion-like tangle of steel. Clearly, no passenger could have survived.

John Edwards, associate administrator for research of the Highway Safety Administration, said data from a series of tests on both cars and the dummies will be evaluated.

Then either Fairchild or AMF will be chosen to build 12 more prototypes for further tests. The four experimental cars built to date cost more than $4 million.

Under federal specifications, each of the safety cars must provide protection to occupants in a head-on crash at 50 mph, a rollover at 70 mph, or a side impact at 30 mph.

Today's test was surprisingly unspectacular. The car, loaded with instruments feeding data into computers through 94 channels by microwave and an attached cable, was pulled along a 1,200-foot guideway by a cable attached to its underframe. The car engine was not running.

The car hit the barrier with a "clunk" sound barely audible to spectators on bleachers 50 yards distant, and bounced back a little more than five feet, its back end rearing slightly upward.

The front bumper, which extends 30 inches forward of the car body and is cushioned by twin hydraulic cylinders, was crumpled. The hood was so undamaged that a test technician raised it effortlessly. The radiator sprung a leak, but the car's fuel system was intact.

When spectators were permitted a close view of the car they saw the dummies in the front seat sitting upright. But marks on their heads matched large bubbles in the windshield, made of a special soft, resilient glass. The dummy in the back seat was slumped.

The test program is intended to find ways that production-model automobiles can be more safely engineered. Volpe said there are no plans to produce that test model cars for public sale, but he expressed hope that safety features can be added in regular cars within six or seven years at a cost no more than $300.

[From the Washington Evening Star, Apr. 21, 1972]

Experimental Crash—Air Bag Failures Probed

(By Charles Yarbrough)

"We're going to have to find out very soon why the air bags failed. I'll assure you it will be the subject of some serious investigation."

That was among initial post-mortem observations on the fate of three man-sized dummies in an experimental safety car which was crashed into a barrier at 50 miles an hour at Phoenix on Tuesday. It came from Sol Davis, chief of systems engineering for Fairchild-Hiller, developers of the automobile.

"It is a puzzle," said a spokesman for the Department of Transportation.

Transportation Secretary John H. Volpe, perhaps, put it all into proper focus. He was quoted as saying he wasn't "disturbed that this is a setback, because we're testing."

At least two of the dummies would have suffered injuries, up to and including fatal.

They were supposed to have been restrained by the passive, air bag system which the government is demanding (or something better) for all 1976 automobiles.

The bags did not deploy.

Critics of the air bag concept will be quick to emphasize that the dummies did not wear seat or shoulder belts. The same critics, and they are legion, will point out that the tests proved nothing of the air bag effectiveness in secondary collisions or roll-overs after initial impact. The Phoenix crash was a head-on.

Presumably, such testing will come later.

Thus far, the score is a 50–50 tie. In late March, the same type vehicle was crashed. The air bag system operated properly.

It certainly is premature to think in such grim percentages, but one of the arguments the industry has made is the possibility of even a small percentage of air bag failure unless proper research and development—and practical use—is permitted.

There was even great hue and cry when the government permitted an extension of the mandatory date for passive restraint systems.

Admittedly it is too soon for either critics and proponents to make any points.

It seems the stand-out triumph here is the seat belt and shoulder harness, no matter how irritating the new warning buzzers may be. There is the assumption that eventually the passive system would replace the harness entirely.

Over all this is the specter of a car occupant—without harness—being out of position in the automobile when the impact comes.

There was general jubilation over the structural strength of the experimental car, particularly when compared with the accordion effect made upon a conventional automobile crashed against the same barrier at the same speed at Phoenix. No one doubted that the dummy occupants would have died.

The bumper of the Fairchild experimental car, which automatically extends one foot in front of the car at speeds over 30 miles an hour, showed some damage, but the rear two-thirds was hardly marred.

Secretary Volpe's optimism stemmed from the ideas that apparently were proved by the experimental car crash.

"When we determine what ideas are good and feasible, we will issue federal standards that must be met, leaving enough time for manufacturers to meet them."

The test car, with a V-8 engine, weighed about 5,400 pounds. By comparison, a Cadillac Fleetwood Seventy-Five limousine weighs 5,784 pounds.

[From the Washington Post, April 29, 1972]

HUMAN ERROR CITED IN AIR BAG FAILURE

An error in electric wiring caused the failure of air cushions to inflate in the crash test of an experimental safety automobile last week in Arizona, Secretary of Transportation John Volpe said yesterday.

The car, manufactured under a federal contract by Fairchild Industries, Inc., was crashed into a steel wall at 49 miles per hour April 18 near Phoenix. The vehicle withstood the impact with limited damage, but three passengers—represented by dummies—apparently would have been killed.

Volpe said an investigation showed that two wires connecting pressure-controlled switches in the front bumper with the air cushion control box had been reversed during assembly.

After the wiring error was found and corrected, Volpe said, the test was rerun April 20. The air cushions inflated, protecting the passengers against the impact.

"I am encouraged to learn that the problem was one of human error, not with any failure of the system itself." Volpe said. "We must not permit this one human error . . . to distract us from recognizing the very real accomplishments that have been demonstrated in vehicle structure performance."

The cushions also deployed properly in a March 31 test of another experiment car manufactured by AMF, Inc.

After other tests are run with the Fairchild and AMF cars, the Transportation Department will analyze the results. It plans to award a contract to one of the firms for the construction of 12 more cars.

Volpe stressed that the air cushion systems in the experimental cars are required to operate much faster than the systems now being developed for scheduled installation in cars to be sold in 1975.

[From the Washington Post, May 24, 1972]

AIR BAG TEST FIZZLES; DUMMY HITS WINDSHIELD

(By David C. Smith)

DETROIT, May 23.—Just shortly after Allstate Insurance Co. said here today that a human volunteer had come through an auto air bag barrier crash test in Arizona unscathed, an air bag test involving a dummy at Wayne State University's auto safety center in Detroit failed.

Allstate's revelation and the Wayne State test were part of a program put on by the Department of Transportation's National Motor Vehicle Safety Advisory Council. M. Judson Branch, Allstate chairman is also chairman of the advisory group. He is perhaps the leading proponent of the air bag "passive" restraint system.

As part of the advisory group's conference here, Allstate showed a film in which a human volunteer was unharmed in a barrier crash at 17⅕ miles per hour—a force equal to hitting a parked car in the rear-end at 35 miles per hour.

The test, conducted by an independent automotive testing facility in Phoenix, is believed to be the first in which a human volunteer was used in a regular production car (1972 Mercury Monterey) without wearing any special padding, helmet or other protection.

He sat on the front seat passenger's side of the car and in the crash was protected by an air bag which performed "perfectly". He also was wearing a lap safety belt.

Allstate, of course, underscored that the test demonstrated "the reliability of production-built, air-bag equipped cars."

In the Wayne State test, conducted "live" for newsmen, a 1969 Chevrolet Imapala sedan equipped with a air bag installed within the steering wheel housing was crashed at 30 miles per hour into a barrier at the university's auto safety laboratory.

The air bag failed to inflate sending the dummy's head first into the steering column and then crashing into the windshield.

Dr. Lawrence Patrick, Wayne State safety expert and a member of the DOT advisory council, could only say "this is most embarrassing." He speculated that a short circuit caused by pinching of wires connecting the battery's power to the device activating the bag had caused the misfiring.

"It was a case of human error, and I take full responsibility," said Dr. Patrick. "We had such good success with our tests in the past that I didn't feel it was necessary to go through all the usual preliminary testing procedures."

The air bag failure ended the advisory council's program acclaiming the advantages air bags.

Air bags or other passive restraint systems will be required on all new cars starting with 1976 models. Detroit's auto makers generally are not enthusiastic about air bags, pointing out that they have many drawbacks including reliability at this stage of development.

CORRECTION OF THE RECORD

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. ASHBROOK. Mr. Speaker, there are ample reasons to oppose the conference report on the Education Amendments Act of 1972. However, yesterday in remarks which appear on pages 18551–18554, I indicated that the conference report, on page 219, categorically stated that the antibusing amendments did not amend the General Education Provision Act in the manner which we accomplished in a vote on my amendment last November.

The report stated:

> The conference agreement does not amend the General Education Act but contains the language of the House amendment, which exception.

Evidently those who drafted this report did not correctly state the case or indicate what actually happened in conference. It is true that they changed the applicability of my amendment but in checking the printed RECORD which appeared on page 18493 of the May 23, 1972 CONGRESSIONAL RECORD, it does appear that they accomplished the goal I had in title VIII by adding section 802(c) which says:

> SEC. 802(c) An applicable program means a program to which the General Education Provisions Act applies.

I believe, Mr. Speaker, this does accomplish the same purpose intended by my amendment last November. The basic amendments themselves were changed in a manner I find unacceptable but my statement yesterday, based on page 219 of the conference report, was not accurate and I want the record corrected accordingly. At a proper time, this should be made a matter of legislative record during the debate to assure all Members that the conferees did, in this instance, adhere to the House position.

TAX ON SULFUR POLLUTION

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. GREEN of Pennsylvania. Mr. Speaker, yesterday, Congressmen VANIK, CORMAN, and myself introduced legislation which would levy a charge of 20 cents per pound on the sulfur content of fuel, and on emissions of sulfur oxide where the fuel itself is not covered. This tax would be phased in at a rate of 5 cents per year until 1975.

President Nixon gave such a tax strong rhetorical endorsement in his January 1971 state of the Union message, but, as has so often been the case since this administration took office, the President's performance has not matched his rhetoric. Instead of coming forward with a plan which would make pollution abatement economically desirable to private industry and get complimentarily with the regulatory scheme already adopted pursuant to the Clean Air Act, the President has proposed a low tax that would provide no economic incentive for polluters to abate, encourage companies to move their pollution into regions where the air is clean, and discriminate against companies which use appropriate abatement equipment but which are located in areas of low ambient air quality. The result of such an approach would be a nonrevenue raising tax which fails to perform any useful purpose. Sulfur pollution would continue to run rampant, and no money would be raised.

Yet, we should not permit this pollution to continue. Sulfur oxides are the worst air pollutants from stationary sources. According to the Council on Environmental Quality, almost 29 million tons were emitted nationally in 1971. That is half the total of all air pollutants, and it has been estimated that this tonnage could increase fourfold by the year 2000. Indeed, only pollution from transportation sources exceed sulfur in quantity.

And these emissions have profoundly damaging effects on health, property, and vegetation. Sulfur oxide irritates the respiratory system, causing both temporary and permanent harm. In addition, coughing, shortness of breath, bronchitis, asthma, heart disease, pneumonia, chest colds, and emphysema may all be linked to sulfur pollution.

In dollars and cents, the total health costs from this pollution are in excess of $3.3 billion. The national costs of damage to property and vegetation is estimated at $5 billion annually. Thus, upward of $8.3 billion worth of harm is done by sulfur pollution. That amounts to 25 cents worth of harm for every pound of sulfur emitted into the air.

These tremendous costs make it imperative that we act immediately to cut sulfur emissions. But we must seek new methods by which to do this, because, clearly, the present regulatory scheme is not working. It is not working because, simply put, it is much cheaper for a polluter to delay compliance with air quality standards and to fight the Government in court than it is for him to develop and implement abatement technology.

And the President's plan will not work either because it is too intertwined with the ineffective regulatory scheme and because the tax it imposes—15 cents per pound in the worst areas and 10 cents in clean air regions—is not severe enough to make failure to abate economically unattractive.

Only the approach offered in H.R. 15140 and its forerunners will make a significant impact. First, the 20 cents per pound tax should encourage polluters to abate because that cost is higher than the estimated 19 cents per pound it would cost for "desulfurization," the most expensive of abatement methods. This charge would be applied uniformly throughout the entire Nation, and there would be no variation—such as exists in the administration's plan—for high air quality regions. Thus, there would be no incentives for a polluter to take its pollution to areas where the air is relatively clean. Finally, the revenues raised by this tax would not be earmarked; therefore, no program would be dependent on continued air pollution for its funding.

I urge all my colleagues to give full consideration to this approach to pollution control. The air and water should not be free dumping grounds. We must bring pollution under control, and do it quickly. In my opinion, this taxing approach offers the best chance of achieving that goal.

CONGRESSMAN WYDLER PRAISES ROCKAWAY HEALTH COUNCIL ON SENIOR CITIZEN DAY

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. WYDLER. Mr. Speaker, on May 5, the committee on aging of the Rockaway Health Council sponsored Rockaway Health Council Senior Citizen Day at St. Joseph's Hospital, Far Rockaway, N.Y. More than 200 officers and members representing all the senior citizen organizations and clubs within the Rockaways and the Five Towns of Nassau attended. This was a local response to the 1971 White House Conference on Aging.

During the morning program, senior citizens and professionals assembled and discussed some of the resolutions of the White House Conference on Aging and sought application to the Rockaways and the Five Towns, communities with rapidly expanding senior citizen populations. The following topics were discussed and are presented in order to seek solutions to the special problems affecting 20 million Americans past the age of 65.

THE RECOMMENDATIONS

I. HEALTH

We the delegates to Workshop on Health recommend the following:

Recognizing that one of the major problems affecting the elderly is maintenance in their own homes, we seek to avoid institutionalization and urge that the following services be provided:

(a) homemaker-housekeeper programs in the Rockaways and Five Towns;

(b) home health aide program.

We also recognize as a problem proper nutrition. Two solutions are suggested:

(a) the sponsorship of a community meals on wheels program in the Rockaways and Five Towns, including the sponsorship of such programs by local senior citizen organizations for members unable to feed themselves;

(b) a community food distribution program.

We also suggest that the aged receive special and adequate medical supervision in their own homes. We would recommend and urge that our local hospitals intensify their community medical-health outreach programs.

II. INCOME MAINTENANCE

We the delegates to the Workshop on Income Maintenance recommend the following:

That as income is related to the fact that citizens need an adequate income if they are to be free, we urge a minimum annual income for recipients of Social Security of $1930 and an overall increase of 25%. This would assist in bringing all elderly Americans above the federally established level of poverty and assist in conferring freedom to millions of Americans.

III. TRANSPORTATION

We the delegates to the Workshop on Transportation recommend the following:

Recognizing that our local senior citizens are often prohibited from utilizing public transportation either from limited incomes or inaccessability, we urge that

(a) our local seniors be permitted to utilize discount cards on all forms of public transportation within our communities;

(b) the elimination of the discriminatory double fare within the Rockaways and the extension of the time limits to all hours;

(c) the extension of the discount rates to the handicapped of limited means;

(d) the reduction of rates on the Long Island Rail Road for seniors.

IV. HOUSING

We the delegates to the Workshop on Housing recommend the following:

Recognizing that the present structure of private and public housing within the Rockaways and the Five Towns does not meet the needs of our senior citizens due both to the high rents and to the limited numbers of apartments for seniors, we urge the

(a) creation of a Senior Advisory Board on Housing in the Rockaways and the Five Towns to work with planners, builders and public officials in matters of housing

(b) the involvement of all public and private agencies in the special problems of aging;

(c) Housing Department sponsorship of local meals on wheels programs to feed our starving elderly;

(d) 25% of all public housing be for senior citizens;

(e) governmental rent subsidies for the aged and needy

(f) federal low cost housing programs should not discriminate against the elderly but foster and reflect meaningful cross sections of the community

(g) the installation of telephones on all floors of public housing developments;

(h) the assignment of security officers to help make units safe for the elderly;

(i) the installation of ramps with rails for the blind and handicapped aged; and

(j) the assignment of trained nurses in housing units.

V. SAFETY

We the delegates to the Workshop on Safety recommend the following:

Recognizing that senior citizens are particularly prone to attacks by muggers, we urge that·

(a) our seniors not walk alone but rather in groups;

(b) our seniors carry a small flashlight when approaching dark areas;

(c) our seniors carry hand alarms to alert police and passersby;

(d) our seniors not travel alone in elevators;

(e) our seniors learn the names of our local police officers.

VI. RETIREMENT ROLES

We the delegates to the Workshop on Retirement Roles recommend the following:

Recognizing the need for our senior citizens to lead active and productive lives in their golden years, we urge that

(a) Social Security retirement plans give senior citizens the economic basis for development of programs;

(b) family responsibility for older persons should be added to government responsibility . . . in particular moral and economic responsibility;

(c) the improvement of medical services so that seniors are able to enjoy recreation and other roles;

(d) that part-time employment positions for seniors be created;

(e) that voluntary programs be expanded for seniors and that seniors take advantage of all existing programs.

We recognize that senior citizens have retired from earning a living but have not retired from life. We also urge

(a) the speedy adoption of the resolutions of the White House Conference on Aging;

(b) the speedy establishment of multiservice senior centers;

(c) the speedy governmental subsidy of medical programs for the aged;

(d) the speedy establishment of pre-retirement and counseling program to start not later than at age 60 and

(e) the establishment of volunteer and part-time salaried activities for senior citizens both for the well being of those whom they serve as well as for their own well being.

The full program of the day follows:

ROCKAWAY HEALTH COUNCIL SENIOR CITIZEN DAY—NEW DIMENSIONS FOR THE SEVENTIES

THE MORNING PROGRAM

9:30–10:15 a.m.—Registration.

10:30–11:30 a.m.—Workshop Discussions—applying the resolutions of the 1971 White House Conference on Aging to our local communities.

1. Health.
2. Income Maintenance.
3. Transportation.
4. Housing.
5. Safety.
6. Retirement Roles.

THE AFTERNOON PROGRAM

12:00–1:00 p.m.—Buffet Luncheon.

1:00–3:00 p.m.—

Welcome: Mrs. Esther Keehn, New York City, Department of Social Service, Hammel Senior Center, Co-Chairman, Rockaway Health Council Committee on Aging.

Fred Springer, President, Rockaway Health Council.

Keynote: Hon. John W. Wydler, Member of Congress, Member select Sub-committee on Special Problems of Aging.

Address: Hon. Frank Brasco, Member of Congress.

Hon. Francis Purcell, Presiding Supervisor, Town of Hempstead.

Hon. Robert T. Groh, Deputy Borough President of Queens.

Community dialog

3:00 p.m.—Closing Remarks: Kevin M. McCarthy, St. Joseph's Hospital, Co-Chairman, Rockaway Health Council Committee on Aging.

ACKNOWLEDGMENT

Today's program has been a special effort of the Rockaway Health Council and its Committee on Aging.

The grateful thanks of the Council is extended to all those participating, and to those who spent many hours to make this Senior Citizen Day a success. Special thanks of the Council is extended to St. Joseph's Hospital for contributing the luncheon and to Peninsula Hospital Center for its many supporting efforts.

It is our hope that the resolutions discussed today might find relevance in our community and that the White House Conference on Aging might truly lead to New Dimensions for the 70's and make this world a little better for America's twenty million citizens past the age of 65.

FRED SPRINGER,
President, Rockaway Health Council.

In his remarks to the delegates at the White House Conference on Aging, Mr. Nixon reminded the Nation that America's senior citizens "are among the most valuable resources this Nation possesses". It is the quest of the Rockaway Health Council that America realize that these citizens who have done so much for our Nation not be forgotten in their golden years.

TRIBUTE TO RALPH H. COLSON

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, I want to call the attention of my colleagues to a testimonial dinner to be given next week in Randolph, Mass., to honor a great leader among men, Ralph H. Colson, who has devoted over 39 years of his life helping the lives of others as a teacher, coach, and administrator. Ralph will be 70 years old on June 12. For the past 18 years, he has served as senior supervisor of health, physical education, and safety in the State department of education. Just recently, Ralph was the recipient of the coveted presidential citation of service at the 87th Convention of the American Association for Health, Physical Education, and Recreation in Houston, Tex. I know that my colleagues join me in extending to Ralph on the occasion of this fitting tribute to a great man our best wishes for a past well done and for the future yet to come.

I insert the following article:

COLSON AWARDED PRESIDENTIAL CITATION

BOSTON.—Ralph H. Colson, Senior Supervisor of Physical Education, Health and Safety with the Massachusetts State Department of Education, was recently awarded a Presidential Citation of Service at the 87th convention of the American Association for Health, Physical Education, and Recreation in Houston, Texas.

The award, presented by Louis E. Alley, president of the AAHPER, honors Mr. Colson for his "many contributions to youth through health, physical education, and recreation."

He has for 40 years been a wholehearted, enthusiastic supporter of amateur athletics and physical fitness, cautioning time and again, "We are a soft nation. . . . Nobody walks anywhere any more."

Mr. Colson, who will retire from the Department of Education in June, has earned wide recognition during his career as an athlete, track coach, teacher, and member of the Olympic Development Committee.

He has been honored many times for his outstanding professional leadership. Earlier in month, the AAHPER presented him a plaque recognizing that he has "dedicated his life to the promotion of school and amateur athletics" in the state, the nation, and the world.

THE DIRTY LITTLE SECRET THAT EVERYONE KNOWS—THE VAST INFLUENCE OF MONEY IN POLITICS

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. McCLOSKEY. Mr. Speaker, I would like to discuss this afternoon an issue which may well be one of the two or three most important before the Congress. The problem is what John Gardner recently referred to as "The Dirty Little Secret That Everyone Knows—The Vast Influence of Money in Politics." The recent hearings before the Senate Judiciary Committee on the ITT-Hartford case, the conviction of one of our colleagues of taking a $25,000 bribe, the cases of Bobby Baker and Martin Sweig, high-ranking aides to our highest leaders in Congress—all of these examples point to the possibility that the influence of big money contributions may be as dangerous to the American system of government as is our ancient grievance of racial discrimination. The problem before us is that of reforming the political campaign contribution and lobbying laws so that all of us are free from the undue influence which inevitably must stem from excessively large contributions to our incomes from special interests of immense wealth.

The influence of money in political decisionmaking has been with us since the inception of electoral self-government. In recent years, however, the threat of concentrated wealth, working secretly to influence governmental decisionmaking, has reached crisis proportions. This has been true under both Democratic and Republican administrations; the issue is not a partisan one. Within the past year, a Democratic Congressman has been convicted of taking a $25,000 bribe; a former Republican Congressman convicted of income tax evasion. The peril to our system of government is immense.

Our Nation operates by the consent of the governed. Our people must consent to file honest tax returns, consent to give honest judgment in jury cases, consent to serve in the armed services in time of conflict. That consent is and can only be based on faith that the Government itself is honest.

A recent poll taken by the Center for Political Studies at the University of Michigan reflects specifically the trend which I believe all of us have instinctively sensed in recent years. Since 1958, the faith and trust of Americans in their own Government has been diminishing rapidly. During the past 7 years, the number of Americans trusting the Government dropped from over 60 percent in 1964 to less than 40 percent of 1970.

During the same time frame, the question was asked:

> Would you say the government is pretty much run by a few big interests looking out for themselves or that it is run for the benefit of all the people?

The percentage of Americans believing the Government was run for the benefit of all the people dropped until by 1970, less than half of our people felt they could trust the Government.

There was ample reason for that belief in 1970. There is even clearer reason today. An increasing concentration of wealth working secretly to support political candidates and to influence Government decisions is not only welcomed but encouraged by politicians, both in the administration and in Congress. Let me more precisely define the three evils which so endanger the Nation.

First: Is the new concentration of wealth, primarily in big business, but also in big labor; second, the new importance of wealth in electoral politics; third, the encouragement of secrecy in the application of that wealth to influence political campaigns and governmental decisionmaking.

With respect to the first point, new concentration of wealth, there can be no question. Attorney General Mitchell recognized the problem nearly 3 years ago. By June 1969, 200 large corporations controlled approximately 60 percent of the manufacturing assets of the Nation. Corporate mergers had more than doubled in the previous year. The Attorney General said in a speech in June 1969:

> The danger that this super concentration represents to our . . . political . . . structure cannot be overestimated.

Despite the Attorney General's expression of concern, his office was to drop the antitrust action against ITT 2 years later, and by the beginning of 1972, it was estimated that the percentage of manufacturing assets controlled by the "Big 200" had increased from 60 to 70 percent.

Today less than 2 percent of our people own 80 percent of the corporate stock of America; less than 3 percent earn over $25,000 per year.

A Brookings Institution report reflects that the top 20 percent of our people earn 45 percent of the gross national income; the bottom 20 percent earn only 3.2 percent.

There is indeed a concentration of wealth. It is increasing, often by the same type of merger as between ITT and the Hartford Fire Insurance Co. which Assistant Attorney General McLaren once started to challenge but ultimately agreed to.

What did the Attorney General mean when he said, back in 1969, that the concentration of economic power meant "danger to our political system?"

The whole thrust of our constitutional form of government at its inception was restrain the accumulation of power, to separate and diffuse powers among three branches of Government, to create the equivalent of a fourth branch, the press, with freedom to criticize and print the truth about government itself.

As our forefathers recognized that concentration of political power could mean tyranny, so also have we understood that concentration of economic power did likewise. When only 5 percent of the people can afford a $1,000 campaign contribution, it behooves us to concede that political power as well as economic power has been concentrated precisely as the Attorney General described. Why then have both Democratic and Republican administrations failed to provide leadership to terminate this increasing concentration of wealth and power?

The answer to these questions lies in the second evil, the influence of big money on the political process. Administrations are the principal beneficiaries of the economic power of big business as the goal of our economy—on the theory that those profits will ultimately "trickle down" to the public at large.

This administration resurrected the SST after it had been abandoned by the Johnson administration, supported the bail-out of the Penn Central Railroad and urged the granting of a Federal loan guarantee to Lockheed under conditions no small business in America could have hoped to obtain.

In 1968, the Republican Party was able to raise twice as much money from businessmen as was the Democratic Party from all sources. As the administration in power, the Republican leadership is in a beautiful position to cash in on its enthusiasm for big business.

President Nixon's chief fundraiser in 1968, Maurice Stans, was named as Secretary of Commerce for 4 years and then resigned to raise money 4 years later from the very businesses he had been regulating. Attorney General Mitchell, the Nation's chief law enforcement officer, in charge of all antitrust and price-fixing prosecutions, is in an excellent position, as campaign director to apply gentle persuasion to wealthy businessmen to make large contributions.

If ITT and Hartford stockholders will lose $1.2 billion from a successful antitrust action, it is understandable that their corporate officers might think $400,000 a paltry sum to contribute to those who might help them.

Who besides big businessmen can afford to attend $500 per plate dinners? The $5 million raised from a single Republican dinner last year was raised almost entirely from big businessmen. In Houston, Tex., nearly all of the 400 people in attendance—raising $200,000 for the President's reelection—were reported to be oil men. What does this bode for the hope of ending the oil import quota system as recommended by the President's task force over 2 years ago?

The administration, like its predecessor, has not hesitated to respond swiftly and helpfully to those who make large campaign contributions. Consider the great milk boondoggle of last spring, finally disclosed in the newspapers last September.

The Government has long had the power to guarantee the price of manufactured milk. Last spring that guarantee was $4.66 per hundredweight. The dairy farmer leaders came to Washington to seek an increase. On March 12, 1972, Secretary of Agriculture Hardin denied the increase, finding no evidence to support it.

The dairy farmers, then, 10 days later, on March 22, secretly paid $10,000 to four Republican campaign committees. The next day, March 23, the dairy farmer leaders were granted an audience with the President himself at the White House. The following day, March 24, the dairy farmers secretly paid $25,000 to 10 Republican committees for the reelection of the President. Lo and behold, the following day, March 25, Secretary Hardin announced that he would grant a price increase of 27 cents per hundredweight on the basis that "continuing research" had turned up new information on rising costs.

Ten days later, on April 5, $45,000 was given to nine additional committees, and by August 20, a total of $170,000 had been given to at least 68 committees, most if not all of them based in Washington, D.C., where a loophole in the law permitted them to go unrecorded as to the source and amount.

The same type of decision accompanied the same type of dollar contributions, had not been uncommon in the prior Democratic administration. In his just-published book, "The Political Payoff," Washington lobbyist, Robert Winterberger details similar payoffs to influence Members of Congress in both parties.

The importance of money to politics can easily be recognized when we look at the 1970 Senate races in seven large States. Eleven of the candidates were millionaires, and all seven of the winners were millionaires. No candidate for public office today has even the remotest chance of winning unless he has either immense personal wealth or wealthy backers. This is a tragedy for the democratic process.

Let me describe one additional example of power of wealth and the power of generous campaign contributions. This example came to light last November in testimony before my own House Subcommittee on Conservation and Natural Resources.

Armco Steel was the 69th largest corporation in the United States in 1970. Its corporate officers were reported by the Washington Star to have given $14,000 to the Nixon campaign. Armco Steel has also been one of the worst polluters of the Houston ship channel. Its Houston plant for years had been putting nearly a half ton of cyanide per day into the ship channel. Cyanide is one of the most toxic substances known to man.

On December 9, 1970, the Environmental Protection Agency filed an action to force a termination of the cyanide discharge after all negotiations with the company had failed. On September 17, 1971, the Federal district judge issued an order requiring that the discharge of cyanide cease forthwith. On September 28, the president of Armco, Mr. C. William Verity, wrote a letter to President Nixon at the White House, asking him to look into the court's decision. On September 30, Mr. Verity was reported to have commented that Secretary of the Treasury Connally had been contacted and that through his influence, high level consultations were going on at that moment between the Justice Department and the EPA concerning the decision.

On October 4, the Houston Business Journal quoted Verity as saying:

> I pray every night for John Connally . . . if I could only have another son, his name would be John Connally Verity. At least there is reality in Washington and it changes the entire outlook for the steel industry and most gratefully Armco.

As a result of Verity's letter the White House specialist in business affairs, Mr. Peter Flanigan, called in the EPA and Justice Department lawyers. A few days later on November 4, 1971, the Government's lawyers stipulated to a modification of the court's judgment of September 17, permitting Armco to continue the discharge of cyanide until July 1, 1972.

The seriousness of this set of circumstances lies in the fact that after a lawsuit was in progress, after a judgment was obtained, the posture of the prosecution was relaxed not by the arguments of counsel of Armco, communicated to the Government attorneys and the court, but by the direct intervention by the steel company president with the President of the United States. Any ordinary litigant who sought to stop, personally, a lawsuit by the Justice Department would be condemned or prosecuted.

Since the inception of this country, attempts to interfere with the prosecution of the litigation by the parties themselves have been considered a violation of law and reprehensible. President Nixon is a lawyer. Nevertheless, his personal assistant Peter Flanigan admittedly contacted EPA and the Justice Department after the President received Mr. Verity's letter.

When our Government Operations Subcommittee asked Mr. Flanigan to come before the Congress and explain this situation, he declined, claiming, "executive privilege."

Mr. Flanigan is no stranger to governmental decisions which mean millions to big businessmen. He was also a fundraiser for Mr. Nixon's 1968 campaign, and at one time was the president of the Barracuda Tanker Corp., owner of the Liberian flag tanker *Sansinena*. Under U.S. law, the tanker was ineligible for U.S. coastal shipping unless a waiver could be granted by the Treasury Department. Being ineligible for such trade, the *Sansinena* was worth an estimated $4.5 million; if the waiver could be granted, its value was estimated at over $11 million.

For several years, Mr. Fred Hartley, president of the Union Oil Co., had reportedly been trying to obtain a waiver for the *Sansinena*. The waiver could not be granted, however, so long as U.S. tankers were available for the coastal trade. On February 25, 1970, Flanigan's 200 shares of stock in Barracuda were sold to others in the Barracuda venture. On March 2, the Treasury granted an unusually broad waiver for the ship, on the ground that the national security required it.

Senator Joseph Tydings disclosed these facts in a speech to the Senate on March 9, stating that by a stroke of the pen, the Government had made $6.5 million for Barracuda. The House Committee on Merchant Marine and Fisheries prepared to hold a congressional inquiry on the subject, whereupon the White House called Treasury officials to the White House on the evening of March 9. The next day, Secretary of the Treasury, David Kennedy, announced that the waiver would be canceled. The national security apparently no longer required the *Sansinena* for the coastal shipping of oil.

These examples merely illustrate the power of wealth applied to the governmental decisionmaking process.

The importance of secrecy to the large business donor is best illustrated by a letter written to a friend recently by Thomas P. Pike, a wealthy drilling machinery manufacturer who gave $10,000 to the 1968 Nixon campaign and once served as an Assistant Secretary of Defense.

In asking for major gifts, Pike wrote:

> I can't emphasize too strongly that the protection of your stake and my stake is precisely what is at stake here.
>
> We have a deadline of April 7th to meet for this important gift phase of the drive phase of the drive, because that is the effective date of the new Federal campaign law which will require reporting and public disclosure of all subsequent campaign contributions in excess of $100 *which we all naturally want to avoid*.

Why would an honest campaign contributor want to keep his gift secret?

With secrecy terminated on April 7, there still remains the problem of the undue influence of the extremely large gift. When we in the Congress suggested a $5,000 limit per contributor, the President said he would veto the bill.

So long as politicians depend on big money, it will be hard to enact legislation which attacks the growing disparity between rich and poor.

Recent Government reports have indicated that this disparity is increasing. Under the present tax laws, individuals earning $100,000 per year through various tax breaks in the law can take advantage of various legitimate deductions to reduce their tax rate to perhaps 7 percent.

This is about half the rate paid by the average individual earning between $10,000 and $15,000 per year. The problem for the lower income earner is that he misses out on basic amenities of life by reason of the proportionate tax payments he is making.

With increasing property taxes levied by local government, it is becoming less and less possible for the young, the elderly, the poor or the disabled to ever hope to own their own home. Existing tax laws are thus structured to actually prevent one of our traditional national goals—that everyone have the opportunity to own his own home.

In fact, tax reform may be the number one issue of our time. Not just tax reform, but a shift from all of the taxes which fall on the lower middle-income strata—the real property tax, the sales tax, the social security tax, the proposed value added tax, et cetera—to the higher levels of Federal income tax. Yet, how do we achieve tax reform until we have campaign contribution reform? What Congressmen will vote to put a higher tax burden on the very people upon whom he depends for reelection?

I think it is now time we recognized the need to limit Federal campaign contributions to a maximum figure of $5,000 per donor, with enforceable penalties against the evasive, deceptive or indirect gift.

I think, also, that we should consider public financing of Federal election campaigns. Once the primaries are over, major party candidates might be given from the U.S. Treasury a specified and equal sum of money, proportionate to the number of voters in their district or State.

Assuming a cost of $200,000 per congressional district, or $87 million to the taxpayers every 2 years, the cost would be far less than that we pay in the loss of public faith occasioned by the ITT, Armco, San Diego, and dairy farmer cases and the periodic disclosure that a Senator or Congressman is the beneficiary of singularly large campaign contributions from special interests. Tax reform laws which might be passed by a new Congress, free of worry about its campaign funds, would only shift the burden to the same wealthy people who are now contributing those funds anyway. The only difference would lie in the loss of the political influence which campaign donors now exert over the politicians who depend on them for reelection. If this does nothing more than restore the faith of Americans that their political leaders are beyond the reach of the wealthy special interests, it will represent a great contribution to our national security and domestic tranquility.

For these reasons, I have introduced today the Federal Campaign Contribution Limitation Act, which will limit an individual's total contribution to a candidate and all of his committees to $5,000 in a given calendar year.

RESOLUTION TO MAINTAIN STRONG TIES WITH GREECE

HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. BOW. Mr. Speaker, I was pleased to learn that the National Republican Heritage Groups in their recent general assembly in Chicago voted in favor of maintaining strong ties of trade and friendship between the United States and Greece and for a continuation of military aid to Greece.

This is a position I have followed consistently and urged strongly upon my colleagues in this body.

The text of the resolution is as follows:

> Recognizing that Greece is in a strategic position in the Mediterranean and that Greece is a faithful and staunch friend of the United States and a loyal member of NATO, we urge the United States Congress to reverse its unjustified decision in curtailing military aid to Greece. We also ask the President of the United States to do everything in his power to restore military aid to Greece.

NUCLEAR REACTOR SAFETY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. EILBERG. Mr. Speaker, I am presently engaged in a fight to stop the construction of a nuclear powerplant 11 miles from my district in the city of Philadelphia.

This facility, on an island in the Delaware River, is only 13 miles upstream from the Torresdale filtration plant which processes more than half the city's water.

The staff of the Atomic Energy Commission has recommended approval of this site even though it clearly violates the Commission's recommendation that a reactor of this size, 6,600 megawatts thermal (MWT) be at least 48 miles from a population center of 25,000 or more persons.

I am opposing the construction of this plant, not because I am against the safe use of atomic energy, but, because I believe this installation would be a definite hazard to the millions of people who live in the critical area around it.

The Atomic Energy Commission's record in this area is deplorable. It reflects a policy of irresponsibility in the critical area of safety and concern for the people.

The Commission is supposed to be the voice of the people in matters of atomic energy. Its record shows that instead it has been representing the nuclear power industry and that it has had the industry's interests as its first priority.

To this date no definitive work has been completed on all aspects of operational safety. Until now there has been no incontrovertable evidence that the safety and emergency equipment is adequate. In fact, there are a growing number of responsible people who feel the equipment is not capable of meeting the demands that will be placed upon it.

The fact is, the AEC has not done its job in perhaps its most vital area of responsibility, safety.

At this time I enter into the RECORD an article from the May 5, 1972 issue of Science, which gives a clear picture of this situation:

NUCLEAR REACTOR SAFETY: AT THE AEC THE WAY OF THE DISSENTER IS HARD

> A number of disquieting indications have turned up in the past 2 years to suggest that a vital safety feature of nuclear power reactors may be far less capable of preventing a catastrophic accident than has long been assumed. As this disturbing information trickled into the Atomic Energy Commission from the nuclear industry, and from the AEC's own national laboratories, it carried with it the gravest of implications for public

safety. For the feature in question—the emergency core cooling system (ECCS)—is a last-resort device meant to guard against what is thought to be the "maximum credible accident" that a reactor can possibly sustain, a major loss of cooling water through a broken pipe or valve.

Now, after pondering this unseemly problem for 2 years, the AEC is engaged in a showdown public hearing on it with environmentalists, utilities, and reactor manufacturers. From the testimony so far, it has begun to look as if the AEC's own administrative safeguards are in as questionable shape as the reactors it licenses. For a large amount of evidence has accumulated suggesting that AEC policy-makers have been studiously ignoring, rejecting, and even discouraging dissenting views from within the agency in the matter of emergency core cooling.

The argument over ECCS is neither academic nor trivial. Should a reactor's searingly hot core run dry, the ECCS is supposed to reflood it with water within seconds after the leak occurs. Should the ECCS fail—or even hesitate for long—the core could melt and ensuing steam explosions could scatter its radioactive contents over a wide area. The indications are that existing designs of backup cooling systems might not adequately reflood a reactor after a major leak.

For more than a year, the AEC kept its growing apprehensions largely to itself, sharing them with the four companies that manufacture reactors but telling the public essentially nothing. Late in 1970, to its credit, the AEC appointed a "task force" of four senior members of the regulatory staff to take a look at the problem and suggest some answers.

In an offhand sort of way, the task force acknowledged that the AEC indeed had a serious problem when, on 19 June 1971, it issued a set of special instructions for operating and evaluating reactors. These "interim criteria," the task force said, would compensate for any unforeseen shortcomings in backup cooling systems. Happily for the multibillion dollar nuclear industry, the "interim criteria" imposed no serious hardships on utilities that were then operating some 20 power reactors. Nonetheless, an AEC press release said, these special regulations were "clearly conservative."

That, however, may not be quite the case. And issuance of the "interim criteria" turns out to have merely been the beginning, not the end, of the ECCS affair.

Last January the new AEC chairman, James R. Schlesinger, ordered a hearing in the matter of ECCS to allow the public to comment on the "interim criteria." This is not an unusual procedure in itself, but what it has produced certainly is.

The hearing, which may continue through the summer, has already uncovered an extraordinary welter of dissent inside the AEC over the way that the agency handled the problem of emergency core cooling. In recent weeks, half-a-dozen foremost specialties in nuclear reactor safety from two national laboratories and from within the AEC's regulatory structure have testified that the interim criteria are—in many respects—anything but conservative. More than 20 others within the AEC appear to share these misgivings. And at least two technical experts—the very ones who recognized the problem in the first place—have said that question still surrounding the adequacy of this safeguard device are so serious, and are so far from being resolved, that they warrant an immediate and indefinite moratorium on reactor design changes and on increases in reactor power levels, pending further research.

But more than this, compelling evidence has come to light of several instances in which AEC officials apparently have tried to prevent more conservative, dissenting opinions from percolating up from the AEC's national laboratories and out into public view.

Utilities and reactor manufacturers are yet to be heard from, and they are expected to testify that the ECCS regulations are in some ways *too* conservative. Though the balance of testimony may yet shift, it seems at this point inescapable that the AEC has badly bungled one of the most serious safety issues ever to arise—and did so for reasons that are not at all clear—by ignoring or rejecting the more conservative judgments of a large portion of the expertise at its disposal.

The hearing that has aired all this dirty laundry is taking place on the first floor of a rented office building in suburban Bethesda, Maryland, near one of the AEC's three headquarters buildings in the Washington area. Technically, it is known as a "rule-making" hearing, one meant to gather information to assist the five AEC commissioners in deciding whether to change a proposed or existing regulation.

The hearing is being held now partly because the AEC considered its ECCS regulations so urgent last year that it put them into force without providing the usual 30- to 60-day comment period. What's more, environmental groups had learned of the AEC's concerns, and since last summer have been interjecting the core cooling issue into more and more reactor licensing hearings. In an apparent effort to settle the issue once and for all, Schlesinger ordered the hearing.

Although it has now raised broad questions about freedom of dissent and about relations between the national laboratories and the commission, the specific issue at hand is the adequacy of the interim criteria worked out by the senior task force, under the direction of Stephen H. Hanauer, the chief technical adviser to the AEC's regulatory staff.

Essentially, the Hanauer group did two things: It laid down some new operating rules for power reactors which are aimed at reducing the already small chance of a major "loss-of-coolant accident," or LOCA. (One such rule set a maximum operating temperature of 2300 degrees C.) Second, the task force issued special instructions for evaluating the performance of ECCS in the event of a major leak. These instructions applied to all 20 or so reactors then operating, as well as to more than 100 being designed or built, and they called for using one of several computer models of LOCA phenomena previously developed by the AEC and industry.

The Hanauer group recognized that computer models of ECCS performance have never been adequately verified by experimental work, nor, indeed, has a backup cooling system ever been tested under realistic operating conditions in a working reactor (*Science*, 9 July 1971). Nevertheless, the task force felt confident that a lengthy set of "suitably conservative" assumptions and conditions it prescribed for plugging into the models would fully buttress the model's weaknesses. These evaluations-by-computer would then be used as a basis for licensing reactors until those initial "disturbing questions" about core cooling could be cleared up. (It might be noted at this point that the question first arose when inconsistencies between computer models of reactor accidents suggested that engineering design assumptions once thought to be conservative really were not.)

The hearing on these instructions has been under way for 15 weeks and has produced, so far, more than 8,000 pages of oral testimony and thousands of pages more of written documents. The thrust of testimony to this point has been to substantially discredit the asserted conservatism in the Hanauer group's handiwork. And one report, in the trade newsletter, *Nucleonics Week*, indicates that chairman Schlesinger has been "upset" to find so many doubts raised about safety measures that he had been led to believe were thoroughly defensible.

Had the hearing been confined to utilities, reactor "vendors," and the AEC, it might have been a far swifter and less mortifying affair. What made the difference was the participation of some 60 environmental groups in a coalition calling itself the National Intervenors. (The Intervenors are receiving some technical support from half-a-dozen members of the Union of Concerned Scientists, the Boston affiliate of the Federation of American Scientists.) At the hearing, the Intervenors are represented by Daniel Ford, a 23-year-old Harvard economics graduate and a member of the union who has devoted himself for the past year in reactor technology, and by Myron M. Cherry, an aggressive Chicago attorney who has become something of a bête noire to midwestern utilities through his involvement in several reactor licensing hearings.

Cherry is the hearing's most striking personality. Lean, wiry-haired, exceedingly intense, he evinces a Naderesque energy and ardor. A sometimes flamboyant courtroom tactician, he pops up frequently with discursive objections, and he's not above delivering a verbal shin kick to a hostile witness on occasion. (He once accused Stephen Hanauer of sleeping during the hearing.) "From a parliamentary standpoint," Cherry said in a recent interview, "this isn't a judicial proceeding, it's a circus. So I don't necessarily feel like being judicial."

On the other hand, his cross-examinations have revealed a facet of the ECCS affair that otherwise might never have seen the light of day.

The environmentalists scored their first points early in February, when members of the AEC regulatory staff presented the agency's technical justification for the interim criteria. It soon evolved that the Hanauer group had intended to write a detailed "white paper" on its findings, but never got around to doing so. Hanauer conceded that, to his knowledge, the five commissioners never were furnished with technical documents supporting the criteria—and thus, by implication, had accepted them on faith.

In time, the regulatory staff did write a post facto justification and this became the AEC's official hearing testimony. Cherry then inquired as to whether any of the staff who were present, and who had prepared the testimony, disagreed with it. Seemingly, with great reluctance, one nuclear engineer, G. Norman Lauben, raised his hand. He conceded, "There were certain portions of the testimony that I would have to consider personally as not being sufficient." He went on to explain that, if an assumed value involving a heat transfer coefficient—as specified by the criteria—were inaccurate by the relatively small amount of 20 percent, then emergency core cooling systems in a number of reactors might not be able to prevent melting of the core in the event of a major water leak.

Lauben had raised what was to become a central question in the hearing: AEC doctrine holds that unknowns in reactor behavior can be offset by conservative engineering assumptions. But can one always be sure what "conservative" means?

Cyril G. Lawson, an authority in core cooling problems from Oak Ridge National Laboratory, elaborated the point:

> The assertion is that conservative assumptions are made where possible, and this is true. But there are some areas where, in my opinion, we don't know whether the assumption we are making is conservative or not because we don't know what is occurring physically.

As to whether backup cooling systems would or would not perform as they were supposed to, Lawson said that both possibilities were equally speculative. No one, he said, had ever tabulated the "conservatisms" and "unconservatisms" presumed to exist in ECCS design, "so the net conservatism is unknown."

On 9 March, Philip L. Rittenhouse, another safety researcher from Oak Ridge, pointed to what he felt were serious technical deficiencies in the interim criteria. Then he startled the hearing by asserting that a great many of his colleagues in the national laboratories and the AEC headquarters staff shared his reservations about the reliability of backup cooling equipment. Cherry asked who these colleagues were. Rittenhouse read into the record the names of 28 persons, including Lauben, Lawson, William B. Cottrell, the director of nuclear safety programs at Oak Ridge, his assistant David O. Hobson, and ten top officials of the Aerojet Nuclear Corporation, which manages the safety research program at the National Reactor Testing Station in Idaho. Significantly, Aerojet Nuclear is responsible for running most of the AEC's emergency core cooling research, much of which has yet to be completed.

"These people have too many reservations . . . shared too generally, for me to pass off," Rittenhouse said. "These reservations [concern] portions of the LOCA. Maybe they're just not sure what's going on."

Some of the most damaging criticism of the way the AEC handled the core cooling question has found its way into the hearing record in the form of internal AEC correspondence and memoranda. The commission itself released a large number of such documents after Cherry threatened to sue for them under the Freedom of Information Act. Other revealing letters, reports, and memos have arrived in unmarked envelopes in Cherry's morning mail. "The AEC leaks like a sieve," he says.

One document which the AEC released during this period was a "Dear Jim" letter, which Alvin M. Weinberg, the director of Oak Ridge National Laboratory, wrote to AEC chairman James Schlesinger on 9 February. In it, Weinberg expresses a "basic distrust" of the sort of computer calculations that the Hanauer group advocated for evaluating ECCS performance, "especially where the calculations have not been checked by full-scale experiments . . . and the consequences of failure are serious."

Weinberg makes a second point worth quoting at length, for it hints at one major cause of the AEC's present embarrassment:

I have one other point, I believe ORNL and the other National Laboratories should have been as intimately involved in the preparation of the interim criteria as we have since been in the preparation of AEC testimony for the hearings. That we were not so involved reflects a deficiency in the relation between Laboratory and Commission that troubles me. I continue to believe that the rather independent expertise of the national laboratories—an expertise which can only be maintained through complete access to information—must be called upon fully by the Commission even when this may uncover differences of opinion between the laboratories and the staff of the commission.

So far, dissent has been concentrated in the laboratories, but it is by no means limited to them. The most severe and detailed criticism of the AEC's handling of the ECCS affair has come from two members of the commission's own regulatory staff, Morris Rosen and Robert J. Colmar. Until the staff was reorganized earlier this year, Rosen headed the systems performance branch of the Division of Reactor Standards and Colmar was his deputy. Together they were directly responsible for day-to-day evaluation of backup cooling systems.

The hearing record shows that last 1 June, Rosen and Colmar fired off a strongly worded memo to the Hanauer task force urgently protesting that the criteria it was about to issue were not conservative enough and would not prove "technically defensible" as a basis for reactor licensing. They contended that the computer models that figured so prominently in the criteria were crude and arbitrary, and rested on only a thin foundation of experimental verification of questionable relevance to the huge power reactors currently being built.

They argued that uncertainties of ECCS performance appeared so great, and the sophistication of present computer models so poor, that a more prudent course of action would be to institute a moratorium on reactor design changes and power-level increases. At the same time, they urged a rapid acceleration of core cooling research.

Hanauer has acknowledged that the task force received and discussed the memo. But its advice is not reflected in the regulations the taskforce issued 18 days later.

It appeared at one point that the AEC would not allow Rosen and Colmar to testify at the hearing. A lower-level decision to this effect is said to have been reversed by L. Manning Muntzing, the new director of regulation.

The two engineers testified on 12 and 13 April, and from all appearances the passage of 10 months had only heightened their qualms. Rosen presented an 80-page critique of the interim criteria in which he charged that "undeniably serious gaps" exist in knowledge of ECCS reliability. He said that he found it "disturbing and discouraging" to see the dissenting views of what he believed to be a large majroity of experts available to the regulatory staff "still being basically ignored."

"Margins of safety once thought to exist do not," Rosen warned, "and yet reactor power levels continue to increase, resulting in an even more tenuous situation."

(In an interview, Rosen and Colmar attached an important caveat to this statement. They said that, in their opinions, the probability of an individual reactor suffering an uncontrollable accident is low enough —and the present number of reactors is small enough—so as not to pose an undue risk to public safety. "We're not saying reactors working today are going to blow up," Colmar emphasized. "What concerns us is the future situation, when 100 reactors are running in the mid-1970's and a thousand by the end of the century.")

For his part, Colmar traced the history of the AEC's apprehensions and the genesis of his own dissent. On the strength of his story, he and Rosen would seem to rank in the major league of government whistle-blowers.

Colmar testified that in February 1970 he was assigned to evaluate a new and relatively sophisticated computer model of a loss-of-coolant accident which Westinghouse had developed for its reactors. Colmar said Westinghouse was highly enthusiastic about the model, which it called SATAN, partly because the company thought it demonstrated more-than-adequate capacity in backup cooling systems and perhaps even enough to permit a simpler, less costly design.

Colmar soon came to precisely the opposite conclusion. Westinghouse was reading its own model incorrectly, and far from showing excess cooling capacity it strongly suggested that design assumptions once thought to be conservative were in fact overly generous.

Rosen began working with Colmar on SATAN and together they communicated their dismaying findings up the chain of command. By May, worried memos were circulating through the regulatory staff. One, from Edson G. Case, head of the reactor standards division, spoke of "serious implications" for Westinghouse and the other manufacturers. A memo dated 2 June 1970 from Richard C. DeYoung, one of Colmar's supervisors, to Peter A. Morris, head of reactor licensing, reported that "Westinghouse has admitted in private conversations that they erred in their initial claims. . . . [and] The general consensus of those who have reviewed the situation is that a serious problem has been uncovered for all PWR [pressurized water reactor] plants. . . ."

As the summer wore on, doubts about backup cooling broadened to include reactors made by Babcock & Wilcox. At the same time, reports filtering in from the National Reactor Testing Station described experimental evidence, raising a "serious question regarding safety margins in ECC systems"—evidence that was substantiated late in 1970 by some dramatic failures of a small mock-up of an ECCS at Idaho (*Science*, 28 May 1971).

LICENSING CONTINUED

Yet in the face of all this information, the AEC refrained from holding up any reactor licensing activities until early 1971, nearly a year after the problem first came to light. Indeed, over the protest of Rosen and Colmar, the AEC certified one B & W reactor plant as safe in August 1970. (The name of the plant was not divulged.)

Toward the end of 1970, the commission appointed its senior task force, a commendable gesture at least. Glenn Seaborg, then chairman, said the Hanauer group would "provide overall management review of important safety issues," which was about as close as the AEC ever came to openly admitting that it had a problem on its hands.

Up to now, the AEC had reacted laudably, if slowly, to a difficult situation. But pressures apparently came to bear on the task force to produce an answer that was both technically sound and expedient. As time passed, the task force is said to have turned a deaf ear to the worried experts as its disposal and put aside its ambition to write a definitive "white paper." At one point, the task force commissioned a state-of-the-art report on ECCS from Aerojet Nuclear. The draft that Aerojet delivered in the first week of April 1971 was replete with pessimistic talk of experimental work yet undone, the crudeness of computer models, and the difficulties of "patching" them up with conservative assumptions that no one could be sure were conservative. The Aerojet report received only cursory attention, and the task force finally did what so many advised against: It issued its interim criteria based on essentially the same computer models that had triggered the whole affair, and it buttressed them with what it hoped was a solid dose of conservatism. The final product was, in Colmar's phrase, "a triumph of hope over reason."

Early this January, Morris Rosen was removed from his job and Colmar requested a transfer. An AEC spokesman said Rosen had been promoted to a higher position—as technical adviser to the director of regulation—with added responsibility. While that may be true, he also has less to do with emergency core cooling. "It's the sort of thing," he says philosophically, "that, if it happened very often in an organization, you'd have to wonder."

Other, related events may also give one pause to wonder whether the expression of dissent is not a difficult and sometimes risky practice in the AEC. For example, there is the letter that William Cottrell and several other at Oak Ridge wrote to AEC headquarters on 6 December 1971, criticizing the interim criteria and speaking of "wide gaps in our knowledge." A week later, one of Cottrell's snuperiors, Donald Trauger, got wind of the letter and took the unusual step of calling L. Nanning Muntzing about it. He told the director of regulation that the letter was only a draft, that it didn't represent Oak Ridge's views, and would he please send it back? Muntzing complied. Testimony at the hearing later established that the letter was not a draft and that it certainly reflected the views of a number of qualified people at Oak Ridge.

A month or so later, Schlesinger found it necessary to call Weinberg and ask him to assure Cottrell, Trauger, and other that anyone called to testify should feel free to express his views even if they conflicted with official policy.

Then there's the matter of the Advisory Committee on Reactor Safeguards, the semi-autonomous, 15-man "watchdog" of reactor safety. Participants in the hearing are allowed to submit written questions to the safeguard group but the AEC will not allow individual members of the committee to testify, as they are said to be very busy and their appearance would serve no useful purpose. Actually it might, but not the AEC's. Several members of the ACRS are thought to be sympathetic to Rosen and Colmar's proposed moratorium.

REPORTS BLUE-PENCILED

Finally, at one point in the hearing, it was brought out that AEC headquarters regularly blue-pencils reports on reactor safety research emanating from Aerojet Nuclear to remove what authorities in Washington consider to be "speculative" material. J. C. Haire, an Aerojet official, testified that he thought this practice was "rather an inhibition of free and open discussion," and he surmised that it was done by the Division of Reactor Development and Technology, under Milton Shaw, "to avoid the problem, or burden if you will, of having to spend a lot of time answering public inquiries [on safety matters] that are adressed to Congress and referred to them."

The whole sorry story of emergency core cooling generates a natural compulsion to seek out guilty parties and assign some measure of blame. Rosen and Colmar, who are perhaps in the best position to do that sort of thing, are unwilling. They tend to ascribe the affair to human nature, to call it a product of groupthink and the bureaucrat's instinct to keep programs running no matter what the cost. "It's the sort of thing that can happen in any regulatory agency," Rosen says.

That's probably part of the problem. Certainly there have also been barriers in communication between the nuclear safety program and the AEC's regulatory arm; perhaps safety programs belong under the aegis of regulatory authority, not the development side of the AEC.

In any event, given that emergency cooling is only a small part of nuclear safety technology, it would seem worth the while of Congress to take a penetrating look at the health of reactor safety research and the use of expert opinion by the AEC.

WILLOWS DAILY JOURNAL OPPOSES ESCALATION IN VIETNAM

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. LEGGETT. Mr. Speaker, I have long hoped that the Vietnam war would not be an issue in the 1972 election. Despite its political advantages for the opposition party, there is no such thing as a "good war." There are only bad wars and very bad wars; the endless involvement in Indochina is one of the worst. I would have preferred to have fought the election on the issues of the economy, credibility, national priorities, and so forth.

But President Nixon's unfortunate escalation of the war has brought it back to center stage. He has given up the pretense that the war is fading away, and has begun the heaviest bombing in history—a bombing which he must continue indefinitely if the Saigon regime is to have hope of surviving.

So far the Soviets have reacted with restraint, and I hope they will continue to do so—which means we had better not push our luck.

Now is the time for testing the will and determination of the South Vietnamese people—the artificial American buttressing must be phased down if the will of the Vietnamese people is to surface.

These issues are perceptively discussed in a recent editorial in the Willows Daily Journal of Willows, a rural newspaper in north central California. I insert this editorial at this point in the RECORD:

AN ABSURD WAR

(By Lyon Evans)

About a week or so ago I decided I was going to stop using the Journal editorial page as a sounding board for my frustrations over the war in Viet Nam. It seemed to me that there was simply nothing more that could be said about this squalid adventure that hadn't already been said before—and many times over. Those with the predisposition to grasp my point of view would long since have done so, I thought; those who hadn't were simply beyond the reach of whatever I could tell them.

Yet as I sit fumbling at the typewriter in the aftermath of Nixon's latest Viet Nam bombshell, my shame, rage, sadness and fear have been so thoroughly aroused that I feel compelled to take up the cudgels still another time.

In a word, by ordering the mining of Haiphong harbor and the interdiction of supply lines from China, Mr. Nixon has sent the United States down a road from which there well may be no return. It is a road full of unknown pitfalls and dangers; it is a road down which no one man had a right to send us.

Make no mistake about it—this is major escalation of the Viet Nam war. Like the Laotian and Cambodian invasions before it, it is an act of extreme recklessness, one that had been considered and rejected five years ago by that extreme Hawk, Lyndon Johnson.

Also like Cambodia and Laos, it is an act which will probably have comparable results—that is to say, worthless as a deterrent to the North Vietnamese, but instrumental as a source of deeper, more destructive and probably irreversible American involvement.

The prospect of American jets and bombers blasting hell out of the North Vietnamese landscape is not new, of course; but the prospect of American battleships dropping mines into Haiphong harbor and challenging Russian ships to a game of "chicken," in the fashion of the 1962 Cuban missile crisis, is.

It is not a prospect which can hold out any comfort to a sane man—but then, in this instance, it would appear that Mr. Nixon has taken leave of his sanity. Consider the possible consequences, as they present themselves to a mind admittedly benumbed at this hour by the magnitude of the situation:

1. The Moscow summit almost surely will be cancelled. This, along with its attendant prospects of improved international relations, including possible nuclear arms limitations agreement. Mr. Nixon's desire not to lose a war that cannot be won in an irrelevant part of the world apparently takes precedence over all that.

2. The Russians almost surely will be pushed into greater belligerence, perhaps in such places as Berlin and the Middle East as well as Viet Nam. For the Russians have been gratuitously, shamelessly bullied, and blamed for a war that they have only marginally been involved in. And for them to act like a "pitiful, helpless giant" (if you'll pardon the expression) in this instance, however otherwise statesmanlike it might be, is surely more than anyone has a right to expect.

3. The Chinese may well intervene. For those who scoff at the prospect, consider what happened in Korea 22 years ago. And consider what General MacArthur said about getting involved in a land war in Asia.

4. America is apparently now committed not to "ending the war," as Nixon pledged four years ago, but continuing and expanding it—indefinitely.

Measured against all this, what positive results does the United States stand to gain from the latest round of escalation? Namely, as Mr. Nixon put it, staving off a South Vietnamese defeat—at least, prior to the November elections. And that's about all. For to entertain the notion that the latest saber-rattling, after 25 years of war, will induce the North Vietnamese, to stop fighting and beat their swords into plowshares, is even more fantastic than the other premises on which this fantastic escalation is based.

Finally, to cap it all, we have the prospect of the President of the United States—a man with a conspiratorial view of history and a tendency for lurid over-dramatization of events (in the "Checkers Speech," "last press conference," "Six Crises" etc.)—single-handedly ignoring the Congress, the American public, many of his advisors, his own past rhetoric and promises and the dictates of what should pass for common sense, in embarking on a course of action the consequences of which even he cannot fully foresee.

All of which is enough to make me, personally, depressed as hell. But worse: It disgusts me; it so thoroughly sickens me and darkens my already tenuous faith in this country and all that it stands for, that I feel reduced to some sort of impotent marshmallow, floundering around in search of something that can't be co-oped by the galloping absurdity.

What to do in such a situation? Demonstrate? Write letters to my congressman? Throw bombs and bricks? Refuse to pay my taxes? It all sounds futile, and a bore.

I suppose there is really nothing to do but sit tight and pray—or possibly begin packing one's bags for Lapland or New Guinea—somewhere, anywhere there aren't any newspapers or television sets or other grubby reminders of this latest nightmare concocted by our political wise-men.

Yet the sad truth is that there is no place on earth that one can escape to at this hour to forget the shame and folly America has brought upon herself in continuing and now escalating the Viet Nam War. We have simply exceeded all the bounds of decency and morality and common sense, and whatever terrible things happen to us as a result, will probably be just what we deserve. This is not a prospect I find easy to live with; the question is, how the Hell can Mr. Nixon?

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

WEALTH, NOT HEALTH, MOTIVATES INSURANCE INDUSTRY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. ROSENTHAL. Mr. Speaker, the private health insurance industry has traditionally shown far greater interest in wealth than health. As a result, it must bear a large portion of the responsibility for the skyrocketing medical costs we are experiencing today.

It has shown itself either unwilling or unable to do much, if anything, about keeping prices down. Its emphasis on treatment in hospitals rather than in less expensive outpatient facilities has helped send costs up.

If we are to have meaningful reform in the financing and delivery of health care in this Nation—and that is something sorely needed—we must begin with the abolition of the private health insurance industry.

This point is clearly made in a column by Judith Randal printed in the Washington Star, May 18, 1972. I include that column for all to see:

OF HEALTH INSURANCE AND PROFITS

(By Judith Randal)

If you are beguiled by those ads that portray insurance agents as friendly fellows whose pleasure it is to help you out of jams, you may find the following instructive reading. It is from a booklet called "Introduce Yourself to Health Insurance" that was prepared for the training of agents for the Aetna Life and Casualty Co.—the largest commercial writer of health policies which last year collected over $1 billion worth of premiums.

"Ever buy a used car?" it begins. "It's a risky business. The Super Whizbang gleaming in the sun on Honest Abe's lot may look OK, but it could end up costing you a bundle . . . If you're as dopey as we are about cars, you'll take it to a good 'underwriter'—a good mechanic . . . You see what we're getting at. An insurance company is something like a used car buyer. Before accepting a risk, the company underwriters it by using sources that can provide useful information about the risk . . . Otherwise, it's bound to wind up with a file full of clunkers."

When you are in business to make a profit, as all commercial insurance companies are, the aim is to minimize the risk in order to maximize profits. But what the booklet doesn't say is that the risk of an individual's not being able to get health insurance is far greater than any chances the industry takes.

One reason for this is that if you are among the estimated 60 million Americans who do not derive their health insurance protection from a group policy embracing at least 25 members of the same organization, big brother is watching you. What this means is that should you or someone in your family file a claim—or even make application for coverage—everything the insurance company can find out about you and them will be filed in a computer bank to which the 760 life insurance firms that sell health policies subscribe.

The bank is called the Medical Information Bureau and has its headquarters in Greenwich, Conn., although the records are processed by a division of the Sperry-Rand Corp. in Boston. Among the classifications, in addition to almost every "health impairment" known to medicine are "sexual deviation," "unhealthy appearance" and a history of "lues"—a euphemism for syphilis.

Nor need you even have been sick or abnormal for your records to find their way into this vast computerized memory. Perhaps you have been guilty of "reckless driving" or have a "poor retail credit rating." Or it may be that two members of your family developed cancer before age 60 or had the same hereditary disease. Or perhaps you have only one eye or have gained or lost 10 pounds or more in the past year. Drawing as it does on everything from physical examinations and hospital records to Veteran Administration files, the computer doesn't miss a trick.

And what if the report of another person's disability ends up by mistake in your computerized pigeon hole? There is nothing you can do about it since the MIB never checks with you and regards its data as "confidential."

This stricture, however, does not deter members of the MIB from exchanging files among themselves. According to information supplied to the Senate Antitrust and Monopoly subcommittee—the source, too, of the other details in this column—there is nothing to prevent the sharing of print-outs of the 12.5 million profiles now in the data bank. In fact, a notation on the MIB "health impairment" classification list says that "details" can be obtained by payment of one dollar.

To be sure, the names of the doctors and hospitals involved are often omitted from the print-outs to protect their confidentiality. But your right to privacy is not the MIB's concern. Thus, you may find that you cannot buy health insurance, have to pay more for it than other people, or can buy it only if coverage for what ails you is specifically excluded. (The same is true if you purchase health insurance from a casualty insurance, rather than a life insurance, company. These firms have a similar information network called the Casualty Index Bureau, whose mailing address is in Morristown, N.J.)

If the government were to discriminate against you as an individual because of information in its files, you could justly claim to be the victim of a bill of attainder and seek relief in the courts. But there is no court whose writ runs to the computerized memories of the MIB and CIB, and consequently no apparent way to get redress.

All of which suggests, to state the obvious, that: (1) companies that sell about 60 percent of the health policies in this country are more interested in profits than they are in public service and (2) to expect a national health insurance plan based on private enterprise to be productive of a fair shake for all Americans—as the Nixon administration and others have proposed—is excessively naive.

WILTON ROBERTS

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. JONES of Tennessee. Mr. Speaker, on May 1, 1972, Mr. Wilton Roberts was honored with an open house at the Greenfield High School, Greenfield, Tenn. He is retiring after a long and distinguished career in the field of education.

Mr. Roberts taught both Mrs. Jones and me in high school and we remember him as a fine teacher, dedicated to his work, and interested in his students. His devotion to his work and students made him an outstanding educator.

A recent issue of the Tri-City Observer included a story announcing Mr. Roberts' retirement and recounting some of the highlights of his career:

CITY TO HONOR WILTON ROBERTS

Greenfield residents will honor one of their all-time top educators Monday when they observe "Wilton Roberts Day."

Highlight of the day will be a special Open House Monday evening, May 1, from 7 to 8 o'clock at Greenfield High School. The Open House will feature a short program at 7:30 honoring Mr. Roberts, who is retiring at the end of this school year.

Mr. Roberts has devoted 46 years of service as teacher and administrator in the field of education. The past seventeen years of this period have been devoted to education in Greenfield, during which he has served as principal of both the high school and elementary school.

Mayor Johnny Tharp Tuesday made the day an official celebration when he issued a proclamation proclaiming May 1 as "Wilton Roberts Day."

Mr. Roberts was born in Henderson County. He attended public schools in Henderson and Chester counties. He began his college education at Freed-Hardeman College, the University of Tennessee, and Union University.

He received his B.A. degree and did graduate work at UT and George Peabody College.

Mr. Roberts began his career in education 46 years ago. He served as principal at Rutherford and Centerville and was superintendent of the Trimble Special School District for 13 years.

He then came to Greenfield and served for fifteen years as principal at Greenfield High School. The past two years he has been elementary school principal.

Mr. Roberts has been elected president of the Madison, Dyer and Weakley County Educational associations. He recently completed a term of office as president of the West Tennessee Education Association.

He is a 40-year member of the Tennessee Education Association and is a member of Phi Delta Kappa honorary educational fraternity.

PEACE DEMONSTRATIONS

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. DON H. CLAUSEN. Mr. Speaker, our Nation's Capital has once again undergone a weekend of protest.

Yesterday, an editorial appeared in the Washington Daily News which I believe reflects the current thinking of a great many Americans on the question of these so-called peace demonstrations.

With the thought that many of my colleagues would appreciate reading the contents of this outstanding editorial, I believe it should be recorded in the RECORD:

MAIN PURPOSE IS TROUBLE

It should be reasonably clear by now that the main purpose of the organized "peace" demonstrations is not peace at all, but trouble.

The avowed aim of the leaders of these groups is to end the war in Vietnam. But the real motive is obscure. Insurrection seems to be at least a part of it.

After the latest "protest" weekend here, the leaders issued a statement in the joint name of the "National Peace Action Coalition" and the "People's Coalition for Peace and Justice." The statement, as usual, accused the police of acting "in a deliberately provocative way to interfere with our right of free asembly."

The police have been generously tolerant of these demonstrators. They have permitted them to assemble on public property (in this case the Capitol steps), to parade thru congested streets, to interfere with the thousands of tourists who visit Washington, to litter parks and streets, to disrupt traffic, to carry the Viet Cong flag, to insult public officials, even to burn effigies.

But the "right of free assembly," as practiced in the national capital over the weekend, included an attempt forcibly to block entrances to the Pentagon, a barrage of rocks, bottles and bricks thrown at police, broken windows in government buildings, setting taxpayer-owned information booths on fire.

This weekend was tame compared to many in the past. Only a year ago, a monster demonstration turned into a riot. Thousands were arrested.

In the end, only a relative few actually were prosecuted. But the police made their point. This time the crowds were far smaller. The disorder was reduced to skirmish proportions. The damage was negligible by comparison.

The taxpayers again will get the bill—for damages to public property and for extra police protection. But it may be the message is getting across: This country will tolerate dissent, freely but not when it is exercised with violence, destruction and mayhem.

INFLATED RETAIL PRICES

HON. ARTHUR A. LINK

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. LINK. Mr. Speaker, I call the attention of the House to an article in the May 9 New York Times by Lacey Fosburgh which alleges a link between organized crime and the inflated retail price of meat in the New York-New Jersey area.

With all of the furor over high meat prices, this information should be of concern to consumers and producers alike.

And, Mr. Speaker, I feel that we should take special note of the part played in this by our colleague from Montana (Mr. MELCHER) a member of the House Livestock and Grains Subcommittee who first called attention to the sharply escalating price of retail meat cuts as the beef moved from the producing areas of the midwest and west into eastern metropolitan centers.

That subcommittee also has heard testimony from Mr. Scoppetta, a special assistant U.S. attorney for the southern district of New York, and a Manhattan grand jury still is looking into the overall picture.

The article follows:

[From the New York Times, May 9, 1972]

HIGH MEAT PRICES LAID TO RACKETS

(By Lacey Fosburgh)

The infiltration of organized crime into key positions in the New York City meat industry has artificially inflated the retail prices for fresh meat in supermarkets by 15 per cent, according to information developed by the Manhattan District Attorney's Office and other law enforcement agencies here and in Washington.

Consumers buying meat in the New York-New Jersey area, they say, are putting at least a million dollars a week directly into the coffers of organized crime.

YEARS OF COLLUSION ALLEGED

Racketeers—both in the industry and in the unions that service it—have reportedly been in collusion for at least two years "systematically" extorting "week by week, month by month," as one source put it, "vast sums of money" from the supermarket chains and the wholesale suppliers.

"This is the price they pay to stay in business," another source said, "the price of labor peace."

This picture of extortion, bribery and the ultimate victimization of the consumer emerged from a series of interviews in the last few weeks with Federal and state law enforcement officials, members of a Congressional subcommittee investigating the meat industry and experts on organized crime in general.

Possible collusion between key figures in the industry and the unions—principally Local 174 of the Amalgamated Meat Cutters and Butchers Workmen's Union—has been the focus of an investigation by the Manhattan District Attorney's office for more than a year.

Several weeks ago a grand jury was convened to hear evidence on such crimes as extortion, coercion, grand larceny, bribe receiving by labor officials and commercial bribery.

Through the years racketeers have gained control periodically of various branches of the food industry, such as trucking operations, and have been implicated in crimes involving processed and kosher meats. The sources generally agreed, however, that the system operating in New York now was far more pervasive.

Sources have disclosed that the daily operation is rather straightforward. Representatives of both the retail and wholesale outfits are approached by racketeers, who make it clear that unless they inflate their prices and hand over the extra money, their companies will no longer be able to stay in business because of severe labor troubles.

THEY'RE BUYING PROTECTION

"It's really very scary," said one Federal source. "They're threatened, and they pay off. They have to, I suppose. They're buying protection."

Representative John Melcher, Democrat of Montana, whose House Subcommittee on Livestock and Grain has been looking into the meat industry for more than a year, said:

"The activity of organized crime in meat sales in New York is much broader than anything uncovered before. We're talking about quarters and sides of meat, vast volumes of beef sold every day of the week. We're talking about a drain from the consumers that runs into over a million a week."

Alfred J. Scotti, the Chief Assistant District Attorney for New York County, and Assistant District Attorney Franklyn Snitow are in charge of the investigation, here, but they have refused to comment on the case.

The key question disturbing most officials aware of the dimensions of the problem is precisely how much the consumer is being affected. Virtually all sources questioned said. New York prices were inflated approximately 15 per cent.

They said they had arrived at the 15 per cent average in two ways. In the first place, they said, the evidence uncovered by the Manhattan prosecutors and various Federal agencies—with the use of electronic surveillance, informants and cooperative witnesses—indicates that the racketeers' take ranges from 2 to 3 cents a pound on some items to as much as 30 or 35 on others.

Secondly, they point to the consistent discrepancy in meat prices here and in Chicago where, according to the Bureau of Labor Statistics, during the last year virtually all meat sold was 30 to 60 cents a pound cheaper than here.

As Representative Melcher put it: "It's out of whack." A study of both cities, he said, shows that they have comparable costs for transportation and distribution and that wages are lower here than in Chicago.

"There's no logical reason for such a discrepancy," he said. "Somebody is getting a big bite of it somewhere."

The year-long investigation by the Manhattan District Attorney's office came to light about a month ago, when Mr. Snitow appeared in State Supreme Court to ask that Herbert Newman, president of Transworld Fabricators, a meat brokerage concern at 40 Gansevoort Street, be ordered to testify before the grand jury.

Several principals in the company had close contact in the past with organized-crime figures, and individuals indirectly associated with the concern are among the targets of the District Attorney's inquiry.

LINKS TO ORGANIZED CRIME

One of the leading credit-clearing houses for the food industry, Market Services, Inc., lists Sol Steinman as its vice president. A source there described him as the brother of Moe Steinman, who is the director of labor relations for Daitch-Shopwell.

Moe Steinman was a key witness at the State Commission of Investigation's 1969 hearings into the infiltration of organized crime into legitimate business. He admitted during the hearings that he had a close social relationship with John Dioguardi, who is known as Johnny Dio and is described by law-enforcement officials as a captain in the crime-syndicate family operated by the late Thomas Luchese.

In addition Mr. Newman, who has been given immunity to testify before the grand jury, and Mr. Steinman were formerly the owners of another meat-brokerage concern, Kaylo Associates of 408 West 14th Street.

In 1969, however, according to sources in the meat industry, ownership of Kaylo was transferred, for unknown reasons, to Charles Anselmo, a man described by officials as a major loanshark with strong organized-crime connections. In 1966 he was convicted here on a number of charges involving conspiracy, extortion and bribery in the meat industry and was sentenced to 18 months in prison.

RARICK REPORTS TO HIS PEOPLE ON THE BACKGROUND OF VIETNAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. RARICK. Mr. Speaker, the President's recent decision to mine the North Vietnamese harbors and resume bombing to knock out supply routes to the North Vietnamese Army invading South Vietnam has resulted in renewed demonstrations in our country.

Strangely, the protesters who profess to be against war and aggression never mobilized into action to oppose the invasion by Communist troops nor to protest against the Soviet Union which supplied 85 percent of the war materiel—the tanks, the surface-to-air missiles, the Mig aircraft, and the trucks which enabled the resumption of the war.

It was not until several weeks later when the President took action for the safety of our men and to aid our South Vietnamese ally that—almost like someone pushed a button—the protest demonstrations were renewed and continue until this day.

Admittedly, the protestors vary from those who sincerely oppose war and violence to the extreme friends of Hanoi and dupes who are being used to help continue the war unless the United States surrenders or completely withdraws from Southeast Asia.

For those who may be misled into believing that our country's actions are always wrong and those of the Soviet Union are always right, an examination of the situation from a political standpoint, which is well understood by the Soviets and all Communists, in the United States as well as worldwide may prove enlightening.

The President was selected on a promise that he had a solution to ending the war which he called Vietnamization and which would get Americans out of Vietnam. The President has been making periodic withdrawals from Vietnam and in fact had reduced our troop strength from over 500,000 to roughly 60,000 and has announced that despite the invasion, he expects to withdraw another 20,000 in the near future. If the Soviets and the North Vietnamese Communists truly wanted peace or wanted the United States out of the Far East, they are aware that by election day November of 1972, only 8 months from now, President Nixon would have had all U.S. troops out of Vietnam except perhaps cadre and technical advisers. The Soviet Russians and North Vietnamese Communists also understand that if they had waited until after the withdrawal of all American troops the President in resuming bombing could not have claimed his action was justified to protect the lives of American fighting men. Thus, one can only reasonably conclude that the Soviets who have long used Vietnamization in North Vietnam—that is furnishing arms and training to other people to fight their wars—do not want peace in Vietnam unless it comes as victory over the United States or surrender with our loss of face. And until they achieve their goal, they want war.

Both the Soviets and the Communist dupes of North Vietnam are aware that their most successful weapon in achieving victory over the non-Communist forces of the United States and our allies comes from blind demonstrations and protests in our country. The war will be won or lost in the United States, not in Vietnam. The tactic follows the same successful operation as that used by the Communists to condition the French to leave Southeast Asia—that is massive demonstrations, strikes, and threatened violence in Paris and other French cities.

While much is publicized about the war these days and Communist-aiding demonstrations are played up as newsworthy, little is reported to our people in the way of background on the history of Southeast Asia, why the country of Vietnam was divided into two nations, separated, not by a wall like Berlin, but by a demilitarized zone called the DMZ—a strip of land approximately 6 miles wide—which was negotiated to separate the Communist north from the non-Communist south until such time as United Nations-supervised elections could be held. Few Americans are aware that we became involved in Vietnam in the interests of peace by substituting our men, money, national prestige, and materiel for the inadequacies of the United Nations.

So, I thought today you might be interested in looking back on the history of the Vietnam conflict for a better understanding of who is for peace and who merely talks peace to fool the American people.

The war in Vietnam began back in 1946—26 years ago—immediately following the end of World War II. At that time Indochina as it was known included the countries of Laos, Cambodia, and all of Vietnam. They were French colonies that had been occupied by the Japanese during World War II and the native resistance against the Japanese was supported both by the United States and Communists. After World War II, the French returned. Ho Chi Minh led the rebellion in a supposed war to gain independence from the French. Unfortunately the independence struggle became entangled with the ambitions of the Communists to expand their control and the postwar determination of the free world to halt all forms of Communist aggression.

The long years of violence and struggle coincided with the military action of the United States in Korea to stop Communist aggression in that country. By 1954, the Geneva Conference on Korea and Indochina was held in the interest of negotiating peace in Korea and a solution to the French desire to end the conflict in Indochina. The Geneva Conference was participated in by the United States, the Soviet Union, Red China, Great Britain, and France. No agreement was reached on Korea and so-called peace talks over Korea continue at Panmunjon to this day, 18 years later. But compromise agreements were reached on Indochina providing for a French withdrawal, sounding similar to present U.S. withdrawal and providing for subsequent unification of Vietnam on the basis of general elections in 1956. The Geneva Accord left Laos and Cambodia as independent states.

However, Vietnam was partitioned or cut in half so that approximately half of the country remained in non-Communist hands and the other half under Communist control. Shrewd negotiations by the Communists induced the French to agree to the DMZ line separating the two countries to be at the 17th instead of the 18th parallel and preserving the right to reunification if by peaceful means. An effective international supervision was called for by the agreement.

As per usual, in negotiating with Communists, the cease-fire accords make it clear that the British and French under political pressures from home, far from Indochina, and whose citizens were not fully apprised of the situation made over concessions to the Communists so that the international commission had no power and the Communists who were near home and immune from political reaction could block every move toward peace which did not meet with their complete approval and was not in their best interest.

The United States, while participating in the Geneva Conference, disassociated itself from the agreements. Under Secretary of State for the United States Walter Bedell Smith, declared following the final declaration:

> In the case of nations now divided against their will, we shall continue to seek unity through free elections supervised by the United Nations to insure that they are conducted fairly.

The Geneva agreements, including the partition of the country can best be described as a series of compromises in the interest of peace, with no real safeguards to the pledges of the nations, the people, or the political factions involved.

The French thereafter withdrew and for a period of 5 years there was relative stability in the south under the Diem government and complete efficient dictatorship in the north under Ho Chi Minh. The United States, which had participated in the Geneva Conference had pledged that it would not use force to disturb the settlement but that any renewal of Communist aggression would be viewed as a matter of grave concern.

Elections for reunification in North and South Vietnam have never been held because of South Vietnam's position that free elections were impossible under the Communist regime to the north.

By 1959, Communist forces from the north had sufficiently infiltrated men and agitated discontent into the south so that guerrilla warfare began to intensify markedly. Then came the South Vietnamese coup which overthrew the Diem regime and the assassination of the President, who because he was of a minority and non-Communist, was characterized by some of our press as a tyrant and dictator.

A new constitution was written, elections held, and the new President, Nguyen Van Thieu was installed in 1967. Thereafter U.S. involvement followed with the Tonkin Gulf incident provoking massive military involvement programed not to seek a military victory or the annihilation of the enemy, but rather as a police action to assist the free nations of the area to defend their freedom from Communist aggression. To this day there are elections in South Vietnam. But elections are unheard of in North Vietnam, even in the Communist party following Chairman Ho's death. The average South Vietnamese citizen who has been at war for 26 years is constantly harassed by guerrilla terrorism and violence, while no such guerrilla action has ever been extended by the South Vietnamese to harass or threaten the North Vietnamese citizen or as an attempt to overthrow that Communist government. The battleground has been in South Vietnam.

Much of the bombing in Vietnam has been south of the demilitarized zone against forces invading from the north. Therefore the South Vietnamese have suffered as much or more destruction from the bombing as have the Communists in the north. This has been a weird undescribable warfare.

Earlier in the war North Vietnamese troops had bolstered the strength of guerrillas called Vietcong. Their effectiveness was as terrorists. Our U.S. Vietnamization process was training the South Vietnamese to combat guerrilla activity while the recent military offensive was by 13 divisions of a mobilized army equipped with over 500 Russian tanks and many sophisticated weapons. In the early years of the fighting, the North Vietnamese, except for infiltration bypassed the demilitarized zone and used sanctuaries in Cambodia and Laos from which to attack the South. During the more recent invasion the North Vietnamese ignored all understandings and attacked in strength crossing directly over the DMZ.

I hope that this brief résumé of the past history of the Vietnam war may offer some better understanding and insight into the present conditions in Vietnam—why we are there and why the President was compelled to take the action that he did. Amazingly, the President is trying to get us out of Indochina but the Communists would not let him. The Communists would not let the President withdraw—they do not even want an American Dunkirk—they want victory. It is strange for Americans today to protest the President's action and in so doing allow themselves to be used as tools—not for peace—but to continue the war and to prevent peace. These are exactly the opposite reasons and goals they give for demonstrating.

Seemingly we now have a new breed of peace protesters—they should be called peace hawks—if they do not get their solution for what they think is peace, they are ready to start a war.

SMALL BUSINESS TAX SIMPLIFICATION AND REFORM ACT OF 1972

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. RAILSBACK. Mr. Speaker, the need for financial help for small business has existed for many years, but it has grown particularly acute in the last few years. In 1970, business failures were 17 percent above the previous year, and indications are that the number of such failures this year will be almost this high. Moreover, small businesses continue to experience extreme difficulty in retaining adequate earnings for their business needs. External sources of funds are not always available to small business; and when they are, the sources of funds are either costly or unsatisfactory in terms.

Since small business plays a crucial role in our society. I am convinced we should do everything in our power to sustain a vigorous and healthful environment for small business. Therefore, I am today introducing a small business tax simplification and reform measure which has already been sponsored by Congressman JOE EVINS, chairman of the House Select Committee on Small Business, and Senator ALAN BIBLE, chairman of the Senate Select Committee on Small Business.

This legislation evolved over a number of years after intensive consultation with small business or organizations and many tax and economic experts within and outside of the government. It is a bipartisan, comprehensive bill which provides relief to small businesses not only at one point of their development, but during their entire economic life cycle.

In order to facilitate the early financing of small business concerns, investors are assured liberal tax treatment of any losse that are incurred on the stock. Further encouragement to the original investors is provided by granting small business corporations a Federal income tax exemption on taxable income up to $1 million during each of the first 5 years of operation.

The 5-year exemption will assist the newly created small businesses to compete more successfully against established firms. This will help them meet stiff competition from larger establishments which have been able, over the years, to build up adequate reserves to finance their business needs.

The legislation recognizes that even when a small business becomes established, its financial troubles are far from over. A serious problem in operating a small business is the inability to obtain external funds, particularly through borrowing. As the Small Business Administration stated in its 1971 annual Economic Review:

> Historically, small businesses are among those that find credit availability severely restricted and obtainable only at comparatively high costs and under other terms that are not the most desirable.

In a recent survey of interest rates on small business loans, the Federal Reserve Board found that for February of this year the average rate on small—$10,000 to $25,000—short-term noninstallment loans to business was 7.19 percent. This represents a substantial cost to business.

In addition to the tax-exemption feature contained in the bill, it also has provisions designed to aid small business in retaining additional funds which will be available for growth. One such provision is the proposed corporate tax rate reduction for corporations with small and modest levels of taxable income. Under this provision, the current rate structure which consists of a 22-percent rate on the first $25,000 taxable income and a sharply increased rate of 48 percent on income in excess of $25,000 would be replaced by a graduated rate schedule ranging from 20 percent to 50 percent.

Besides providing necessary tax relief to small business and other provisions designed to assure the preservation of small business, the legislation I am today introducing is also written to simplify the tax laws pertaining to small business.

Small business is excessively burdened by the complexity of the tax laws and the forms it must fill out to comply with these laws and other legal requirements of operating a business. Even though a business manager is highly competent in operating his business, he is beset with so much red tape that it diverts a considerable part of his valuable time away from company work. This is usually costly to him, and, in some instances, leads to the destruction of the business. The small businessman cannot afford to hire an expert accountant or other professional individual to fulfill all his commitments to the Federal, State, and local governments. He must fill out numerous forms relating to withholding of Federal and State income and employment taxes from his employees, excise taxes collected from consumers, licensing, census studies, and an endless list of other government forms.

The deep concern over the ever-increasing amount of paperwork required by the Federal, State, and local governments prompted the Senate Select Committee on Small Business to conduct a study on government reports and statistics. On October 8, 1968, the findings were published. The report acknowledged that the small business community is justly concerned about the proliferation of reports and paperwork they are required to furnish. Most of the complaints involved tax returns, census reports, and wage and earnings reports. The cost of Federal paperwork alone accounted for over $8 billion in 1967.

However, as a conference of small businessmen held during May of last year explained the general problem still exists. They pointed out, for example, that large corporations can hire clerical help and install computers to handle their paperwork. However, many small businesses find it nearly impossible to understand and work with the maze of government forms and reports.

My good friend, Jim Rosborough, president of the Moline Tool Co., has explained to me the burden of filling out all the required forms. I insert the text of his letter at this point in the RECORD:

MOLINE TOOL CO.,
Moline, Ill., May 12, 1972.

Hon. THOMAS F. RAILSBACK,
Cannon House Office Building,
Washington, D.C.

DEAR TOM: I recently had a pleasant conversation with Pat Wichser of your office, regarding the possibility that something may be done in the way of simplifying tax forms, and in decreasing the astounding number of Government forms that we and others are required to fill out. The burden of filling out forms is a great one, and we question that the benefits are in proportion to the amount of paper work required.

I will comment below on individual and corporate taxes and, also, on other reports that are required.

INDIVIDUAL TAXES

It is evident that the U.S. tax forms for individuals are far too complex, by the fact that a new and non-productive industry has been created to help people compute their Federal Income Taxes. I work on my own Income Tax, which is relatively simple since most of my income is in salary from our company. However, between the Federal and State forms, I find much language that is complex, confusing, frustrating and apparently so designed. The percentages, deductions, credits and allowances are a remarkable tangle. I have trouble in believing that this mass of confusion could have been created, except with intent to do so.

CORPORATION TAXES

The Federal Government, which is the largest partner of the Moline Tool Company, takes a basic 48% of any profit we are able to produce. The regulations and rules for computing corporate Income Taxes are extremely complex. We feel it is necessary to hire a public accounting firm to do this work for us, because it would be impossible for us to do this ourselves with any certainty that we could do it correctly. Also, we believe that our Income Tax reporting would immediately become suspect, if we did our own work and did not hire an outside certified public accountant. The fact that it is felt necessary to hire CPA's to compute taxes and fill out tax forms, is further evidence that the regulations and forms pertaining to Income Tax reporting are much too complicated and confused. Taxes should be relatively easy to pay.

OTHER REPORTS

When you were in our office recently, we mentioned that from January 1 through April 30, 1972—that is, for a period of 17 weeks or 85 working days—Moline Tool Company has had to fill out and return to various Governmental agencies, a total of 49 forms. This averages out to be one form every 1.8 days. Of course, this reporting is in addition to the regular work we must do to stay in business such as paying our people and our bills, ordering and keeping records on materials, invoicing our customers, and following up on collections; seeking orders, doing our engineering, maintenance and negotiating—and many more things to keep a business in operation.

The burden of red tape imposed on small corporations by all Government bodies is tremendous and growing. I am sure you remember Willis Kuschmann who retired from Moline Tool Company a couple of years ago. He did our bookkeeping and accounting work for many years. Shortly before he retired in 1970, Mr. Kuschmann made a survey of the changing requirements of tax reporting over the period that he did this work for us. In 1933, there were a total of (8) tax returns bills, ordering and keeping records on materials, invoicing our customers, and follow-our engineering, maintenance and negoiating—and many more things to keep business

We are attaching hereto, a list of the 23 Federal Forms and 26 State Forms (total 49 Government forms) that we have filled out in the first 85 working days of 1972.

We certainly would appreciate some relief from this fast-growing burden of Governmental red tape. Much of it, we feel, is unnecessary, burdensome and of no benefit to anyone except those who prepare the forms and compile endless statistics therefrom.

Thanks for being interested in some of these problems of small business.

Sincerely,

JAMES B. ROSBOROUGH, *President*.

LIST OF GOVERNMENT REPORTS AND FORMS FILED BY MOLINE TOOL CO. FROM JANUARY 1 THROUGH APRIL 30, 1972

23 Federal forms

Federal Unemployment 4th Qtr. 1971.
F.I.C.A. Wages Paid 4th Qtr. 1971.
Withholding Taxes 12-31-71.
Withholding Taxes 1-15-72.
Withholding Taxes 1-31-72.
Withholding Taxes 2-15-72.
Bureau of Commerce Annual Report Form MA100.
O.S.H.A. Report.
W-2's for 1971.
1099's for Dividend.
1096—Summary of 1099's.
Federal Income Tax Extension.
Federal Trade Commission Form MG-3 (P&L).
F.I.C.A. 2-29.
Federal Trade Commission Quarterly Report.
F.I.C.A. 3-15.
F.I.C.A. 3-31.
1st Quarter F.I.C.A.
1st Quarter Federal Unemployment.
MQ35-W Survey of Business on Hand & Shipments.
MQ35-W Supplement.
F.I.C.A. 4-15.
F.I.C.A. 4-30.

26 State of Illinois forms

State Unemployment 4th Qtr. 1971.
State Unemployment Report Form DL 1219.
State Income Taxes Withheld 1-15-72.
State W-3 Report of Wages.
State Income Taxes Withheld 2-15-72.
State Income Tax Extension.
Illinois Sales Tax Report 1-31-72.
Illinois Sales Tax Report 2-28-72.
Illinois Local Unemployment Office Report—Expected Emp.
Illinois Form DL 1219—State Unemployment.
State—Statement of products BLS 790 Ill. Dep't. of Labor.
State of Illinois Annual Report.
Illinois Local Unemployment Office Report—Expected Emp.
State DL 1219 Job Openings and Labor Turnover.
Illinois Unemployment Investigation.
State Income Taxes Withheld 3-15-72.
State DL 1219.
State Annual Sales Tax Report.
State Annual Income Tax Payment.
Illinois 1st Quarter State Unemployment.
4/21 Illinois Form DL 1219.
4/28 Illinois Sales Tax.
3/31 Illinois Sales Tax.
4/28 Illinois ISES-871—Dep't of Labor.
DL 1219 May.
4/15 State Income Taxes Withheld.
Total—49 Reports and Forms.

Mr. Speaker, the Small Business Tax Simplification and Reform Act of 1972 will help simplify the tax laws pertaining to small business, and, hopefully, relieve small business of some of their problems.

The current provisions of the Internal Revenue Code that pertain to small business are scattered throughout the Code. The bill requires that these sections be consolidated into one chapter or other appropriate subdivision. This would greatly simplify the identification of these provisions which apply to new and small businesses.

An Office of Small Business Tax Analysis would be established in the Office of the Secretary of the Treasury, with the objective to make a continuing study of the effect of Federal, State, and local taxes on small business, and the problems caused to small business in complying with the reports and procedural requirements of the various governments.

In addition, a Committee on Tax Simplification for Small Business would be established. The committee, which would consist of officers from the Treasury Department, Office of Management and Budget, Small Business Administration, and the Internal Revenue Service would conduct a continuing study and review of the Internal Revenue Code toward simplifying the Code as it pertains to small business.

I am convinced the bill I am today introducing demands immediate attention. Small business deserves tax relief and simplification now.

CRITICS PRAISE JACKSONVILLE SYMPHONY

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. BENNETT. Mr. Speaker, the Jacksonville Symphony Orchestra, from Jacksonville, Fla., which I represent in the Congress, has been playing an important part in the city's 150th susquecentennial anniversary celebration. To mark the 150th anniversary of the city's founding, the orchestra commissioned two original works. One, by Duke Ellington called "Celebration," recalls Ellington's performances in Jacksonville severals years ago. The other work is by Carlisle Floyd in the form of a monodrama entitled "Flower and Hawk." The symphony performed the new works along with "Dies Natalis" by Howard Hanson and Weber's Konzertstueck for Piano and Orchestra in Jacksonville on May 17. Then the symphony headed north for premier performances in Washington and New York.

On May 18, the symphony performed at the Kennedy Center for the Performing Arts in Washington. The following night, they delighted New York audiences at Carnegie Hall. The Washington and New York reviews clearly indicate the excellence of the Jacksonville Symphony performances.

Washington Evening Star staff writer Irving Lowens said:

> True, Jacksonville did go through one season without symphony concerts and things did look pretty black at one time. But the orchestra reorganized, struggled through a season without a regular conductor, and finally, with Willis Page as musical director, managed to return to what seems to be vigorous health.

Washington Post music critic Paul Hume wrote of the symphony:

> Two years ago The New York Times ran a long obituary on the Jacksonville Symphony Orchestra, complete with details on the cause of death.
>
> Last night, the Jacksonville Symphony, playing on the stage of the Kennedy Center Concert Hall, gave resounding evidence of its unquestioned resurrection.
>
> Willis Page proved himself during the evening equally adept in supporting a pianist and a singer, as much as in his ability to build a renewed orchestra well and in a highly promising manner.

Raymond Ericson of the New York Times wrote:

> In these unfamiliar works, the orchestra performed very well. It was excellently disciplined, a tribute to Mr. Page, who handled the varying stylistic challenges of the program with assurance and understanding. Mary Lou Wesley Krosnick was the pianist in the Weber work, playing with accurate, fleet fingers and much spirit.

Finally, Harriet Johnson of the New York Post also praised the symphony:

> "The orchestra's string choir is warm and well integrated and in the opening "Dies Natalis" by Howard Hanson, the most distinguished piece on the program, the strings picked up the air by their quality and unified working together."

BICYCLE BOOM

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. HALPERN. Mr. Speaker, several weeks ago I sponsored a bike ride around the Capitol because I wanted to demonstrate that the bicycle is a viable means of transportation which does not pollute the environment and is a healthful way to exercise.

Many of my colleagues joined me on this "great bike ride" and many more voiced support for new bike facilities throughout the country.

The reason for our interest in providing additional bicycle facilities is that more and more people are riding bikes to work and using them for pleasurable trips in and around the city.

Recently, efforts have been made to build bike highways in urban areas and several large cities across the country have already installed bike racks so that people can park their bikes downtown and shop. My own city of New York has installed bike racks in various parts of Manhattan so those who wish to come into town can do so quickly and easily.

While it is not unusual to see automobiles toting bicycles on the roof or in the trunk, it is unusual that people are now carrying bikes on long trips. As the summer months approach, more and more people are taking lightweight bicycles with them to Europe, and airlines are now permitting passengers to carry bikes as luggage.

One of the reasons that cycling has once again become part of Americana is that people are aware of the great benefits of riding a bicycle as well as the emergency of new technology which led to the development of the 10-speed bike.

While most cyclists do not use the 10-speed bike the truly avid rider has long been aware of these "new fangled" machines.

Yesterday's Christian Science Monitor published a fascinating article, written by Jim Hughes, which describes in some detail, the wonderful world of bikes. I think my colleagues in the House would find it most interesting, and therefore, for their information I would like to include Mr. Hughes article in today's RECORD:

U.S. BICYCLE BOOM—WATCH THE 10-SPEEDS WHIZZING BY

(By Jim Hughes)

The United States is putting on the 10-speed bicycle. If you know more than three of the following names from Europe you are probably wearing 10-speeds yourself: Motobecane, Chiorda, Ross, Rudge Ginet, Schauf, Riviere, Mercier, Atala, Italvega, G. LaPierre, Raleigh, Peugot. . . . That's a partial list of 10-speed bicyclemakers.

You've seen them—the bikes that are thin all over. The handlebars are on upside down and wrapped in tape. The drive chain appears to be too long, and there's a thing that juts down from the back wheel to take up the slack.

Overall a 10-speed looks like a machine used to elevate the human posterior higher than the human head. It is an absurd position, without dignity.

But men who know bikes, although they admit that one would not lounge in such a position, insist that having the hands lower than the knees and the rear higher than the head is the best way to pedal.

FANCY NAMES TO SPORT

The thing that juts down from the back wheel turns out to be the heart of the system. It is called a derailleur, which is fancy for derailer. (One of the nicer things about 10-speeds is the foreign names you can throw around, which puts you definitely in.) The derailleur is not a French terrorist who removes trains from their tracks; instead it jumps the drive chain off onto the many sprockets of the bike.

One of man's best friends is that old party, mechanical advantage. Mechanical advantage is our constant companion—not much company, but we couldn't even get out of a chair without it.

The derailleur brings mechanical advantage to the aid of the cyclist. One of the ways to get it is the lever. So the bicycle turns out to be a distant relative of the crow-bar.

A LEVER FOR UPHILL

On a 10-speed, mechanical advantage disports itself in an array of five sprockets on the rear hub and two on the pedal crank. When pedaling uphill the rider pulls a little lever that is inconvenient to reach. (To the new rider everything on a 10-speed is inconvenient.) This "derails" the drive chain onto the next sprocket. This makes the feet go more and the wheels less.

It is the derailleur's only trick. It gets the same work out of you in the end, but it keeps you from throwing your hands up and quitting. If after pulling the levers all the way you still can't get up the hill, you are tired and should go home and rest.

A visit to a bicycle shop will show you the size of the bike boom. People are crowding in to look and buy. The sweep of the boom is more than the African violet thing of past years, and less than the hula hoop, without the hoops' faddish overtones.

SHORTAGE LAST YEAR

In 1971 10-speed bikes were hard to get. Even so sales doubled. Ben Olken of the Bicycle Exchange in Cambridge, Mass., expects another 50 percent rise this year. Mr. Olken thinks bicycle sales have a lot of factors driving them upward. Ecology and people wanting to get some exercises—a lot of them got tired of jogging."

But he smiled at the idea of boom. "I was reading a 1940 Esquire the other day. There was an article about the bicycle boom. It is a cyclical thing that comes every 20 or 30 years."

Mr. Olken has been selling 10-speeds since 1947. They aren't new to him.

There is a big spread in prices. Bikes that look about the same range from $70 to $400. What you get for more money is better quality and lighter weight. If you already have everything, you can wade in there with the other conspicuous consumers and pay $800 for a dainty handmade bike.

ONE-UP FOR GRANDMA

One ride on a conventional three-speed or balloon-tire bike weighing 40 pounds in the company of a person on a 10-speed weighing 23 pounds is convincing. Even if the other rider is your grandmother you will be humiliated. She will be loafing along waiting for you all day. You will rush out and get your own 10-speed so you can defeat her in a rematch.

When you get to the bike shop you will be confused by having to choose among all those makes. Here are a few more to mull over: Phillips, Schwinn, Iverson, Triumph, Gazelle, Lejeune, Masi, J. R. Jackson, Bianchi, Gitane, Viking Hetchin's, Rene Herse, Poglaghi, Mercian, Allefro, Cinelli, Falcon, Huffy, Rollfast, Columbia, Murray, Royce Union.

OLDER AMERICANS GUARANTEED INCOME ACT OF 1972

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. BINGHAM. Mr. Speaker, today I am introducing legislation which would guarantee to all persons 65 years and older a minimum income of $100 a month.

Presently, persons not covered by social security may receive a small government pension after they reach age 72. The monthly benefit is $48 per individual and $62 per couple, less income from other government pensions. However, this aid is limited to persons who turned 72 prior to 1968 or were covered by social security after 1966. Individuals receiving public assistance may be totally excluded. For those on social security, the minimum monthly benefit is $70.40. H.R. 1, which the House passed last year, would increase that minimum 5 percent.

My Older Americans Guaranteed Income Act of 1972 is designed to help assure an end to poverty and despair for our senior citizens. It would amend the social security laws to increase and expand benefits for all Americans whether covered by social security or not. Specifically, my bill would eliminate the 1968 or prior social security coverage restrictions for persons not insured under social security. Also, it would lower the eligible age to 65 and would increase benefits to $100 per person and $150 per couple. As under present law, that amount would be reduced according to other government pensions. However, persons receiving public assistance would also be permitted to receive a supplemental allotment to bring their monthly payments up to the $100 floor. For those covered by social security, my measure would increase the minimum payment to $120 per month for an individual and $180 a month for a couple, as well as increase benefits 20 percent.

Mr. Speaker, the Federal Government must recognize its responsibility to the elderly. Until we provide every American 65 years and older with a guaranteed income of at least $100 a month, the ideal behind our social security laws rings hollow. The Older Americans Guaranteed Income Act should now become a rallying point for all older Americans—an expression of the need and a beacon for the direction which the American society must take in caring for the elderly. We must end the squalor and poverty for our elderly once and for all—by guaranteeing them the right to income and security.

Further, Mr. Speaker, I would like to express my thanks to my friend, Mr. Gerard Farley, president of the New York City Civil Service Retired Employees Association for pointing out to me the inequitable treatment that local and State retired employees receive under the existing law. Many, if not most of their ranks receive no benefit from the existing law and live on very low pension income. These former government employees who dedicated their lives to the public in local and State service deserve to be treated with gratitude and rewarded with security during their golden years. I would like to add that Mr. Farley is to be commended for the fine and dedicated work he has done on behalf of these dedicated and well-deserving retired government employees.

SENATE—*Thursday, May 25, 1972*

The Senate met at 10 a.m. and was called to order by Hon. Quentin N. Burdick, a Senator from the State of North Dakota.

PRAYER

Rabbi Mordecai Levy, Tri-City Jewish Center, Rock Island, Ill., offered the following prayer:

O Lord of the universe, ruler of mankind, it hath been told Thee, O man, what is good and what the Lord doth require of Thee, but to love with strength and to do justly with human kind.

We seek daily to fill our lungs with the correct words, our minds with responsible ideas, and our limbs with the power to act righteously. These characteristics are divine in quality. Let them not repose in the heavenly spheres where Thou alone act supreme and exalted.

Let them guide our lives: in government, and in the street where human beings congregate. May our leaders, yea—may all peoples find the means to humanize Your ideal concepts, to the end that in the arena of social domesticity, in the marketplace of the human situation, we shall transform the erring part of human frailty into a plan, where man shall live in peace, extending love and friendship without favor.

Shalom, peace is not a static quality in which people rest complacent, but a dynamic urge to fulfill our human destiny.

O Lord, bless the work of our hands as we dream to labor, and labor to dream for such a world. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

> U.S. Senate,
> President pro tempore,
> *Washington, D.C., May 25, 1972.*
>
> *To the Senate:*
>
> Being temporarily absent from the Senate on official duties, I appoint Hon. Quentin N. Burdick, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.
>
> Allen J. Ellender,
> *President pro tempore.*

Mr. BURDICK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 24, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ALLOCATION OF TIME TO SENATOR PROXMIRE TODAY INSTEAD OF SENATOR ROBERT C. BYRD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time allocated to the distinguished Senator from West Virginia (Mr. Robert C. Byrd), the deputy majority leader, be, instead, used by the distinguished Senator from Wisconsin (Mr. Proxmire).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, under New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar, under New Reports, will be stated.

U.S. COAST GUARD

The second assistant legislative clerk proceeded to read sundry nominations of Ricardo A. Ratti to be rear admiral and Charles J. Hanks to be rear admiral.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 767 and 769.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMISTAD NATIONAL RECREATION AREA, TEX.

The Senate proceeded to consider the bill (S. 1295) to establish the Amistad National Recreation Area in the State of Texas which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 5, line 24, after "Sec. 6.", strike out "There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act." and insert "There are hereby authorized to be appropriated not to exceed $1,020,000 for acquisition of land and $18,000,000 for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering and cost indexes applicable to the types of construction involved herein."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to provide for public outdoor recreation and use and enjoyment of that portion of the Amistad Reservoir in the United States on the Rio Grande, Devils, and Pecos Rivers and surrounding lands in the State of Texas, and for the conservation of scenic, scientific, historic, and other values contributing to public enjoyment of such lands and waters, there is established the Amistad National Recreation Area in the State of Texas. The boundary of the national recreation area shall be that generally depicted on drawing numbered RA–AMI–20013, dated April 1968, entitled "Proposed Amistad National Recreation Area, Texas", which is on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior may by publication of notice in the Federal Register make minor adjustments in the boundary, except that the total acreage of the area of the area may not be increased to more than a total of sixty-five thousand acres.

Sec. 2. (a) Within the boundary of the Amistad National Recreation Area the Secretary of the Interior may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange. Such acquisitions shall be in addition to lands and interests therein acquired for the purposes of the Amistad Dam and Reservoir as contemplated in the treaty between the United States and Mexico regarding the utilization of the Colorado, Tijuana, and Rio Grande Rivers, signed at Washington February 3, 1944 (59 Stat. 1219) described in minute numbered 207 adopted June 19, 1958, by the International Boundary and Water Commission, United States and Mexico, and authorized by the Act of July 7, 1960 (74 Stat. 306).

(b) In exercising his authority to acquire property by exchange, the Secretary of the Interior may accept title to any non-Federal property within the Amistad National Recreation Area, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(c) The Commissioner for the United States, International Boundary and Water Commission, United States and Mexico, may on request of the Secretary of the Interior, act as his agent with respect to the land acquisition program authorized by subsection (a) and the Secretary may transfer to the Commission from time to time the funds necessary for such purpose.

SEC. 3. (a) The Secretary of the Interior shall administer the Amistad National Recreation Area in a manner that is coordinated with the other purposes of the reservoir project, and in a manner that in his judgment will best provide for public outdoor recreation benefits and conservation of scenic, scientific, historic, and other values contributing to public enjoyment.

(b) In the administration of the national recreation area the Secretary may utilize the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and such other statutory authorities relating to areas of the national park system and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate for recreation and preservation purposes and for resource development not incompatible therewith.

(c) Employees of the Department of the Interior designated for the purpose may make arrests for violations of any Federal laws or regulations applicable to the area and they may bring the accused person before the nearest United States magistrate, judge, or court of the United States.

(d) Any United States magistrate appointed for the Amistad National Recreation Area may try and sentence persons committing minor offenses, as defined in title 18, section 3401(f), United States Code, except that the magistrate shall apprise the defendant of his right to elect to be tried in the district court of the United States, and the magistrate may try the case only after the defendant signs a writtten consent to be tried before the magistrate. The exercise of additional functions by the magistrate shall be consistent with and be carried out in accordance with the authority, laws, and regulations of general application to United States magistrates. The provisions of title 18, section 3402, United States Code, and the rules of procedure and practice prescribed by the Supreme Court pursuant thereto, shall apply to all cases handled by such magistrate. Chapter 231, title 18, United States Code, shall be applicable to persons tried by the magistrate and he shall have power to grant probation.

SEC. 4. The Secretary of the Interior shall permit hunting and fishing on the lands and waters under his jurisdiction within the national recreation area in accordance with the applicable laws of the State of Texas, except that the Secretary may establish periods when, and designate zones where, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations of the Secretary under this section shall be issued after consultation with the Park and Wildlife Commission of the State of Texas.

SEC. 5. Nothing in this Act shall be construed to be in conflict with the commitments or agreements of the United States with respect to the use, storage, or furnishing of water and the production of hydroelectric energy made by or in pursuance of the treaty between the United States of America and Mexico regarding the utilization of the Colorado and Tijuana Rivers and of the Rio Grande, signed at Washington, February 3, 1944 (59 Stat. 1219), or the Act of July 7, 1969 (74 Stat. 260).

SEC. 6. There are hereby authorized to be appropriated not to exceed $1,020,000 for acquisition of land and $18,000,000 for development of the area, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering and cost indexes applicable to the types of construction involved herein.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–801), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

S. 1295 would authorize the establishment of a 65,000-acre national recreation area in southwest Texas, comprising that portion of the Amistad Reservoir and adjacent lands on the Rio Grande. Devils, and Pecos Rivers in the United States.

BACKGROUND

The Amistad Dam and Reservoir project was constructed for purposes of water conservation, flood control, and generation of hydroelectric energy by the International Boundary and Water Commission, United States and Mexico, pursuant to the treaty of February 3, 1944. It is a body of water that is shared between two great nations, and one that has in the past and is currently developing a climate of cooperation between the Government of Mexico and the Government of the United States in unifying their efforts in planning and developing for a great international recreation area.

Amistad Reservoir actually had its beginning at a point in history that signified international cooperation along the Rio Grande with the signing of the treaty of Guadalupe Hidalgo in 1848. Pursuant to this historic treaty and subsequent agreements between the United States and Mexico, Amistad Dam was constructed and on May 31, 1968, its gates were closed and it began to impound water. It was here that, although not duly constituted, Amistad National Recreation Area became operational and the National Park Service assumed the administrative responsibilities for the U.S. portion of the reservoir.

NEED

Amistad Reservoir is the 16th largest manmade body of water on the North American Continent and has enormous potential for recreational use. Ninety thousand people live within a 100-mile radius of the proposed recreation area. Some 2.3 million live within 250 miles and another 7.7 million within 350 miles. The zone contains 15 metropolitan centers, including those of San Antonio, the Dallas-Fort Worth complex, and Houston. Amistad, with its present limited development, already draws patronage from throughout Texas and adjoining States, especially New Mexico, Arkansas, Oklahoma and Louisiana.

The area can handle 15,000 people per day, and it is estimated that 1 million people per year will visit it during its first 5 years as a national facility.

ARCHEOLOGICAL SITE PRESERVATION

More than 350 archeological sites have been recorded near the Pecos and Devils River confluence with the Rio Grande. This area enjoys the distinction of having one of the oldest, largest and most notable concentrations of Indian pictographs on the North American continent. These pictographs represent a span of time from the days of Spanish conquest and back as far as 8,000 B.C. These sites are utterly irreplaceable. As these sites become easily accessible by boat for the first time, the invaluable cave pictures which have survived for centuries may be extensively vandalized during the next few years. Already in a few of the caves which have been accessible to the public for many years, the paintings have been scratched, chipped, smoked, painted over and shot at. Legal protection of this national treasure is not enough. Day-to-day supervision is desperately needed.

COMMITTEE AMENDMENT AND COST

The estimated costs of this project would be $1,020,000 for land acquisition which includes $46,924 for relocation assistance funding, and approximately $19 million for development costs. The committee amended S. 1295 to limit the sums to be authorized to the figures stated above.

NATIONAL AND INTERNATIONAL INTEREST

The Rio Grande River has had national as well as international significance since the treaty of Guadalupe Hidalgo in 1848. Not only does it serve as an international boundary for about half of its course, but it also provides as an important source of water for both the United States and the Republic of Mexico.

The headwaters of the Rio Grande River are in the Rocky Mountains of Colorado, and many communities, in Colorado, New Mexico and Texas depend upon its waters for survival. In 1906 a treaty was entered into between the United States and Mexico to divide the waters of the Rio Grande. The delivery of water to Mexico under the 1906 treaty is an obligation of the Nation, and this was confirmed in the authorization and construction of the Elephant Butte Reservoir to aid in such deliveries.

The fact that the Rio Grande River has been the subject of several treaties makes its development, protection, enhancement and augmentation a national concern and obligation. The obligation is not diminished because a majority of the users of the Amistad National Recreation Area are Texans, just as the national interest in the proposed Gateway National Recreation Area is not diminished simply because the vast majority of its users will be New Yorkers. To the contrary, the international character of the river adds to national interest, especially since international treaties have imposed additional burdens upon three States and their citizens without compensatory setoff or other consideration.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs in Executive Session on May 17, 1972, unanimously recommended enactment of S. 1295.

J. EDGAR HOOVER FEDERAL BUILDING

The Senate proceeded to consider the bill (S. 3568) to designate the Federal Bureau of Investigation Building now under construction in Washington, D.C., as the "J. Edgar Hoover Federal Building," which had been reported from the Committee on Public Works with an amendment on page 1, line 7, after the name "Hoover", strike out "Federal"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Bureau of Investigation building now under construction in the northwest section of Washington, District of Columbia, on the site bounded by Ninth and Tenth Streets, Pennsylvania Avenue, and E Street, is hereby designated, and shall be known, as the J. Edgar Hoover Building.

SEC. 2. Any law, rule, regulation, document, map, or record of the United States in which reference is made to the Federal Bureau of Investigation building referred to in the first section of this Act shall be held and considered to be a reference to the J. Edgar Hoover Building.

Mr. ROTH. Mr. President, I would like to commend the membership of the Public Works Committee and its chairman, Mr. JENNINGS RANDOLPH, in particular, for the efficient and speedy handling of the legislation before us today. S. 3568 was introduced on May 2 and referred to the Public Works Committee at that time. The committee acted promptly and, it is my hope that the full membership of the Senate will be able to follow their excellent example.

This bill, S. 3568, would name the new FBI headquarters in honor of J. Edgar Hoover. The cosponsors of this legislation, Mr. Boggs, Mr. Beall, Mr. Buckley, and I, believe that this proposal would create a most fitting tribute to Mr. Hoover.

J. Edgar Hoover served this Nation honorably and well. He literally spent a lifetime in service to his country. Seldomly does one man have the opportunity to spend more than half a century in public life. Mr. Hoover served in one capacity alone, as Director of the Federal Bureau of Investigation, for almost 48 years.

In the course of his years of service, J. Edgar Hoover amassed enormous power. Presidents might come to office and leave office, but the tenacious visage of J. Edgar Hoover, looking down from his balcony at the Department of Justice as they rode the inaugural path from the Capitol to the White House, never faltered. He was appointed as Acting Director of the FBI under President Coolidge and he died in office as Director of the organization under President Nixon, a span covering the administrations of eight Presidents. It is sometimes hard to realize that one man could have seen and influenced so much of our Nation's history.

J. Edgar Hoover almost seemed an institution of the American government itself. He was certainly a legend in his own time. To millions of Americans J. Edgar Hoover was a hero. The mere mention of the name brought forth visions of crimefighter extraordinaire—and of an unblemished American patriot.

Although critics of Mr. Hoover decried, in the past few years particularly, tendencies which they labeled autocratic, the legend of J. Edgar Hoover remained intact and untarnished to millions of Americans. Legend, it must be remembered, has a way of becoming reality. The myths of a culture are the sinew that holds a society together. And J. Edgar Hoover has been a member of that select group of American folk-heroes for decades now.

It is only fitting that we in the Senate acknowledge and pay tribute to the American people's opinion by naming the new FBI headquarters the J. Edgar Hoover Building. I can think of no more appropriate name for the edifice nor can I think of a better living memorial to J. Edgar Hoover, I would urge my colleagues to give S. 3568 their utmost consideration.

Mr. BOGGS. Mr. President, I wish to express my strong support for S. 3568, legislation that would name the new FBI headquarters now under construction on Pennsylvania Avenue, as the J. Edgar Hoover Building.

Passage of the bill will demonstrate clearly the great respect that the Senate and the Nation had for Mr. Hoover. We all know the record of service achieved by this great American. During his lifetime, J. Edgar Hoover built the most respected law enforcement agency in the world out of a small Federal agency.

In his 38 years as Director, Mr. Hoover dedicated his life to FBI. And his dedication enabled every American to enjoy a better life in safety.

While the naming of this new FBI headquarters for the Bureau's first Director is but a small tribute by comparison to what Mr. Hoover gave his country, I think it is a symbol of our great respect and admiration for the man.

President Nixon, of course, has already declared that the building should be named for Mr. Hoover.

The decision by the Public Works Committee to report this bill is an effort to add the voice of the Senate to that tribute, and to place the name J. Edgar Hoover into the laws of our land.

I wish to thank and congratulate my colleagues on the committee, particularly our fine chairman, Mr. Randolph, and the ranking Republican member, Mr. Cooper, who have a great interest in perpetuating Mr. Hoover's memory in this way. And I wish to commend the distinguished Senator from Delaware (Mr. Roth) for his leadership in developing this legislation.

I urge that the Senate give the bill prompt but careful consideration.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to designate the Federal Bureau of Investigation building now under construction in Washington, District of Columbia, as the 'J. Edgar Hoover Building'."

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO TRIPLER ARMY HOSPITAL IN HONOLULU

Mr. MANSFIELD. Mr. President, I am in receipt of a letter from an old friend, Joe Capsin, of Honolulu, Hawaii, in which he refers to the extraordinarily able treatment he received at the Tripler Army Hospital in Honolulu.

Mr. President, I think that, all too often, we do not give enough credit to those who serve so capably and with such devotion in these hospitals. I ask unanimous consent to have this letter printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Honolulu, Hawaii,
May 17, 1972.

Hon. Mike Mansfield,
Majority Leader, U.S. Senate, Senate Office Building, Washington, D.C.

Dear Mike: I was hospitalized from 27 March to 6 April—this year—and I want you to know I was indeed impressed with results of the treatment I received from a team of able and dedicated doctors while a patient at Tripler Army Hospital, Honolulu. The team of doctors were:

Major Lawrence Johnson (No. Carolina); Major Richard Helman (Nashville, Tenn.); Major Freeman Howard (Harlin County, Ky.); Captain Pedro Cruz (Ponce, P.R.); Captain Dalton Diamond (Sardis, Miss.); Captain Lee Joyner (Clarendon, Ark.), and Captain Frederick Brown (Searcy, Ark.).

In all my experience in Service hospitals (Army and Navy), which dates back to 1919, I have never met such able and dedicated Service medical practitioners so much so they are deserving of recognition in the Congressional Record. . . .

With kindest personal regards and just every good wish, I am

Sincerely your friend,

Joe Capsin.

A TALK WITH GOVERNOR ASKEW OF FLORIDA

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a conversation which the magazine Listen, a journal of better living, conducted with the distinguished Governor of Florida, Reubin O'D. Askew, including the questions and answers, and also the two brief summaries contained therein, one entitled "With the Governor" and the other entitled "Freedom—Just Another Word?" be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Listen Talks to Reubin O'D. Askew, Governor of Florida

Governor, do you really enjoy a life of public service?

I enjoy the challenge that it offers, the satisfaction that comes from public service. However, there are times when I enjoy it more than other times.

Did you have specific educational training in the university for this career, and did you have this in mind when you were in school?

Yes, as long as I can remember I've wanted to go into public service, and I went to college with this avowed purpose. As a result, I received a degree in public administration which is a degree in government, with minors in political science, sociology, and business. Later I received a law degree. I thought all of this would be good background for possible entry into public service.

How is the reality now in view of the anticipation?

I think it's a great deal more strenuous than I had envisioned it to be. The thing that you can't fully appreciate until you experience it is the fact that the office is with you wherever you go. I was a member of the Florida Legislature for 12 years—four in the House and eight in the Senate—and served as president pro tempore, so I was not new to responsibility. But it's different when you hold an executive responsibility. The final decision must always be made by you. I am somewhat surprised at the constant pressure that stays with you and the importance of learning to live with it.

What would you say has been your greatest satisfaction in this type of public life?

I believe the greatest satisfaction is to have a part in setting a better tone in government. People want to believe in their government and its leaders. It's a matter of speaking honestly with the people. We try to do this during the campaign and as a result hopefuly restore confidence in the minds of people as to their government. Whether they agree or disagree, I would hope that we have established a tone in which they feel we are honestly trying to find solutions and are working hard to bring about meaningful answers to the pressing problems of today.

As you develop your governmental programs, do you have youth in the background of your thinking?

We certainly do. I look back at what I think is the most substantive achievement of the first year of my administration—the passage of a tax on corporate profits. Florida is the only state in the nation that had a constitutional prohibition against personal income tax of any kind, and I ran on a platform of making our tax base more elastic in taxing corporate profits.

The young man who worked up the background information on this, and to whom I looked, is only 23 years old. This major change in our state was brought about essentially through the commitment of a young man.

What is your personal thought on youth today?

I'm encouraged by the spirit of inquiry of our young people today. I know they have problems and that they are going to have to learn as we all have had to learn. I hope that they will learn quickly to stay away from drugs, because they're a copout. They are an escape from reality, and are anything but what most young people really want. Most of them want to make this world a better place in which to live.

I am encouraged by their willingness to address themselves honestly. One of our biggest problems as adults is that they speak so honestly to us that we sometimes don't know for sure how to respond. We want to couch our replies in certain protective terminology, when they usually go straight to the meat of the coconut. I think that history is going to record that the young people, more than any other segment of our population, will have made the greatest contribution during this period in which we are living.

You mention the drug problem. What do you feel are the major dimensions of the problem?

In the case of the drug problem—we hear so much about drug abuse in terms of marijuana, and in terms of the hardcore drugs. I was one of the first many years ago in Florida who started urging legislation, which is now on the books, to make a mandatory requirement within our health courses to teach the adverse health effects of narcotics. We talked of narcotics then as opposed to alcohol use and cigarette smoking; but I think today, with all the talk about drug abuse, by far the greatest drug abuse problem in this country comes from alcohol. As big as our concern is—and legitimately it should be about drugs other than alcohol—what is happening to the country in terms of the effects of alcohol is staggering. I get taken aback when I see so many parents willing to give advice to young people about drugs and yet give a perfect example of drug abuse in their own right, except that it has become more socially acceptable, although certainly not any more desirable in terms of good health and the strengthening of their character.

Would you say that the drug abuse problem is as much an adult problem as it is a youth problem?

I certainly would—very much so. It's just a matter of what type of drugs are being referred to. I don't think you can say that alcohol is not a drug. It's just that so many people indulge in it that they want conveniently in their mind to separate it from the drug scene. It is a problem, and it will remain a problem. We need to do a better job than we have, not only of rehabilitating people who have become subjects of alcohol, but we also need to do a better job of educating our young people, particularly in schools.

The point I am making is that if the adult population who indulge in intoxicating beverages wish to do what they should do in regard to combating drug abuse, they must be willing to categorize themselves as part of the problem and be willing to face up honestly and reevaluate their own habits if they are to make an impression upon those they seek to counsel.

What's your evaluation of smoking, particularly among young people?

I feel very strongly that smoking is a serious mistake. In some ways smoking has far greater health implications than does alcohol. There's no way you can smoke without doing substantial injury to your body. I think you do injury to your body when you use any form of alcohol, but smoking has come to be socially accepted for everybody. We try to attack it on the basis of a social problem when it's not really a social problem, except when we have people disabled from work with pulmonary and respiratory conditions, which by far are the greatest category of disabling injuries considering work capacity in this country.

I was reared within my own faith to believe that it is a sin to smoke, so consequently I was never faced with that problem. I have never smoked. Aside from the religious aspect, from the purely health standpoint, smoking is probably the worst single habit for the body considered socially acceptable that you can fall into.

Is it my understanding, Governor, that you have been a life-long abstainer from both smoking and drinking?

From smoking I have. I went through a period in my life when, more than anything else to satisfy a curiosity, I tasted alcohol. That's about all it amounted to, and it didn't last long. As far as cigarette smoking is concerned, I've never smoked, and for all practical purposes you could say that I've not indulged in any form of alcohol.

Both my wife and I choose not to smoke or drink, and we don't serve any alcoholic beverages in our home. When we were privileged to become occupants of the mansion in Tallahassee, we chose to continue that practice. As a result, we do not serve any alcoholic beverages in the mansion, which is the subject of a great deal of conversation, both light and otherwise, in Florida; but I've always remarked that you'd be surprised how early people go home when you don't serve liquor.

Have you found this personal stand to be a drawback in your official duties and state functions?

I attend some gatherings where alcoholic beverages are served. It's my own choice not to drink, and I'm not in a position to impose that choice on others; but I think that for whatever it's worth I can at least in my own way set an example to show that it just isn't necessary. A short while ago a very distinguished person and his wife stayed at the mansion; then we had an airplane trip together. He told me three weeks later that both of them had decided to stop drinking, because in the first place they really didn't like it and there was no particular reason to drink. They merely thought it was part of the routine and they would feel out of place if they didn't. But when they saw that my wife and I could do without it, they decided they could do without it too. I've never felt handicapped in any way whatsoever by my desire not to drink or smoke.

We were mentioning the matter of alcohol in connection with drug abuse. How can the average person out in his own community or neighborhood help to reduce social acceptability for its use?

Well, they could encourage people who like to take a drink occasionally to have parties and gatherings without the use of alcohol. Most people don't really give this any serious consideration, and I think they'd find that a trend to nonuse of alcohol will substantially improve conversation and open the way to develop new friends.

When you speak to young people, Governor—and I think you frequently speak to youth groups—what do you suggest to them as positive alternatives to the drug way of life?

To develop pursuits that they enjoy and participate in themselves. In the first place, any young person interested in athletics can forget it if he is going to start experimenting with drugs or, in my opinion, cigarette smoking or drinking of any kind. The age in which the prize fighter trains on beer is over. The person who winds up lasting the longest is the one who leads the healthiest life.

Young people need early in their lives to develop interests that give them some confidence—even if it's only in one area. If they have this self-confidence, then they don't experience as much anxiety in this transitional stage. I also feel that it's essential for a young person to make church a part of his life. I personally feel that no one can find fulfillment without a fullness that can only come by a belief that there is a Being which we look to as our Creator. In the formative years of a young person's life, I think he needs to see the fascinating and intriguing thing that can come from discovering himself and his relationship with his Maker. I think it can certainly help him form a foundation with which he can solve most of his problems in life. Faith is not an insurance policy against never having troubles. It is a policy that tells us how we can rely on something larger than ourselves to help solve those problems.

Would you say that religion is the best protection against temptation to drugs?

In my opinion, yes. I don't think there's any greater protection against drugs than a reliance upon God, because then you really don't need to depend on drugs. I also know that for a young person faith usually does not play as much a part in life as it should. I think in addition to this, a young person needs to develop pursuits in which he can excel. It could really be most anything—the importance is not so much in trying to learn everything, as it is in learning one thing well, and in which you feel confident in your own way. All of us need some type of foundation to hold onto.

WITH THE GOVERNOR

This "Listen" talk with Governor Askew of Florida was a 250-mph affair] It was done in the governor's plane at about 14,000 feet, and with the background noise of two jet props and the voices of legislators and staff members on the plane.

Taking off from a secluded corner of the Tallahassee airport, the flight was part of one of the governor's many split-second schedules of state business, the first stops this time being at Tampa and Fort Lauderdale.

We met the governor as he entered his plane, the last person of the flying party that day to board. He is tall and slender, with a confident smile, one that easily catches with everyone around. He had just come from the executive mansion, having attended a series of legislative and staff meetings on judicial reform.

Governor Askew was at the end of his first year in office, and in this short time seemed to have ignited the enthusiasm of his people. The taxi driver back in Tallahassee had told me, "He's the best yet!" A man on the street outside the capitol had remarked, "I didn't vote for him, but I will next time."

His name is already on the national scene, being pushed as a vice-presidential possibility. He has been selected as the keynote speaker for the presidential nominating convention of his party. For him, he is much more interested in doing a good job where he is, as the first-term governor of a key state.

He has plunged into major legislative problems such as tax reform, judicial change, overhaul of the prison system, educational improvement. He sells his new programs vigorously and persuasively.

Governor Askew has gained a reputation for fair play and sincerity, but no one will say he is easily bent when he holds strong convictions on what he feels is for the public good.

Equally strong are his personal-life convictions, which he holds for himself. These he does not try to impose on others, yet he does make an impact through the quiet power of his own example.

A family man, the governor deliberately plans his program to include time with his wife Donna Lou and two children, Angela Adair (11) and Kevin O'Donovan (9).

A churchman, he holds office in his Presbyterian congregation, and openly upholds religious principle as a requisite for success in public and private life.

An advocate of individual initiative, the governor started early to make his own way. At age nine he worked to support himself and contribute to his family. After high school graduation, he entered the Army as a private in the paratroopers. Following his receiving a B.S. at Florida State University, he served for two years in the Air Force and then went back for his law degree. 1958 saw him elected to the state House of Representatives, and 1962 to the state Senate.

But the plane is now landing at the Fort Lauderdale airport—on schedule, at 6:15 p.m., where in 15 minutes the governor will depart in a state car for the Diplomat Hotel in Hollywood, Florida, to address the opening meeting of a Christian leadership convention.

After that, the state troopers will drive him to Miami Beach, where, after informal legislative consultation at the Balmoral Hotel, he will end his day by going up to his room for his time of Bible reading and devotion—to catch some rest before getting up early to begin at 8:30 in the morning a full series of press conferences scattered across the state from the Beach north to Saint Augustine.

Thus "Listen" has a brief glimpse into a rather typical day for Governor Askew of Florida.

FREEDOM—JUST ANOTHER WORD?

I'm sure many of you are familiar with the song, "Me and Bobby Magee," recorded by the late Miss Janis Joplin. I don't pretend to be a fan of rock music. (I was just getting used to Frank Sinatra.) But there's a line in "Bobby Magee" which I find somewhat disturbing. It says that "freedom's just another word for nothin' left to lose."

I think I understand the frustration and the despair beyond that statement. But I believe that freedom is an opportunity—the ultimate opportunity—the condition in which we have everything to lose, as well as everything to gain.

I believe, along with author Albert Camus, that "freedom is nothing else but a chance to be better, whereas enslavement is the certainty of being worse."

I hope that each of you will take advantage of your freedom in the manner suggested by Camus. I hope you will use it wisely, bravely and intelligently for the betterment of yourselves, your fellowman, your country, and your world.

There are many ways of doing this. Some, such as peaceful demonstrations on a given issue, are dramatic. Others, such as arming yourselves with education, that great right arm of democracy, are less spectacular but more effective in the long run.

The most effective way of exercising your freedom—the vote—will be open to you soon. The vote for 18-year-olds is, I think, long overdue.

Regardless of the means, the important thing is commitment.

As you know, we lost Janis Joplin to the disease of escape, the disease of drug abuse. If there is any one message I want to get across to you, it is the senselessness of wasting the gift of life in this way. Just as we have no time for flattery, we have no use for drugs—they kill, they cripple, they destroy. I can't make you stay away from them. I can only ask you to think about what you really want out of life, and to act accordingly.

We have lost other young people to the apostles of distrust, hate, and fear. Don't let others turn you from a generation of commitment into one of escape.

Don't cop out for what might have been—hang in there for what can be.

It is hard—it is demanding—it is more difficult than merely sitting on the sidelines taking potshots at those who are in the game. But it is rewarding—believe me.

PRESIDENT NIXON'S TRIP TO MOSCOW

Mr. MANSFIELD. Mr. President, I want to take this means to commend President Nixon for the substantial achievements which he has been able to accomplish so far in his meetings with President Podgorny, Chairman Brezhnev, and Premier Kosygin in Moscow.

Up to this time, bilateral agreements have been reached in the field of the environment, in the field of health, in the field of space, and in the field of scientific cooperation.

It is my understanding that there are other agreements still under consideration—one, a pact reducing the risk of incidents at sea, another having to do with a commercial maritime accord, and another having to do, possibly, with trade agreements.

Of course, the big one, has to do with SALT, seeking to bring about a reduction in strategic arms limitations.

I want to commend the President for what he has been able to accomplish thus far. I know that he has been diligent, that a lot of groundwork has gone into this meeting at the summit. I join the distinguished Republican leader, my good friend and able colleague, the senior Senator from Pennsylvania (Mr. SCOTT), in expressing my thanks for what the President has been able to achieve so far, my hope that what he would like to accomplish in the remaining days ahead will also be possible.

I know also that the President, as he told the joint leadership, will discuss with the Soviet leaders the question of the tragic war in Indochina and also the situation as it exists in the Middle East.

This is a most difficult assignment for the President. He is carrying out his duties with dignity and responsibility.

I wish him well. He has the prayers of the Senate for his success.

Mr. SCOTT. Mr. President, I thank the distinguished majority leader for his expected and usual generosity in support of the constructive achievements of the President in Moscow in which, I am sure, the whole country joins.

I think that most Americans did not realize how many areas were open for cooperation, as evidenced by the fact that a number of the treaties have already been announced and approved and that there are other treaties coming.

This is probably the greatest advance in Soviet-United States relations since the assumption of government by the Soviet Union in that country.

It evidences, I think, a genuine desire on the part of both the superpowers to lower their voices, to reduce world tensions. I spoke with Mr. Soslov, whom I had asked to see last August, because I am No. 3 in my party and he is No. 3 in his party. I asked him then to consider seriously the possibility of joint space exploration, which I have long advocated, as have many others.

I am delighted that this is now to be put in effect. This will establish the trend of both nations to regard outer space as an area for peaceful exploration rather than war-like involvement.

I said to Mr. Suslov at the time that I thought that while both nations were powerful and both nations were being told by their friends that what they were doing was right, in all truth and fact, all the rest of the world at one time or another is frightened by the power of the two great superpowers.

It is our right and our political obligation to reduce the threat to the rest of the world and to reassure them. Having done so, we then have a moral leadership which we can assert to the rest of the world, so that they, too, will not go too far along the nuclear road in the direction of threatening the security and peace of the world. On the contrary, all nations should put their hands to this nuclear power, to this nuclear plow, so that we may cut new furrows for the world's betterment and enrichment, rather than to continue with the unfortunate overhanging threat to the world's peace.

I join with other Senators in commending the President for all that he has done and is doing.

TRIBUTE TO SENATORS PELL AND JAVITS ON ADOPTION OF EDUCATION CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I simply wish to commend the outstanding efforts of the distinguished Senator from Rhode Island (Mr. PELL) in leading the adoption yesterday of the education conference report. This measure represented one of the most significant and far-reaching proposals that will come before the Senate during this Congress. Senator PELL, as chairman of the Education Subcommittee, deserves the Senate's highest commendation for this success. Particularly appreciated was Senator PELL's work in carrying out those provisions of the measure designed to provide the best higher education possible for the greatest number of young people—our most valuable resource. But the effort devoted to resolving the pressing issue of schoolbusing was also greatly appreciated.

The same may be said of Senator JAVITS' contribution. As always, the distinguished senior Senator from New York applied the full measure of his skill and ability in behalf of the Senate's position on the substantive matters involved. His talents are of enormous significance. The Senate, again, is deeply in his debt.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the senior Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

THE U.S. NAVY'S EMPHATIC SUPERIORITY OVER THE SOVIET NAVY

Mr. PROXMIRE. Mr. President, all too often when it comes to the complex questions of national security there are insufficient facts available to make sound judgments. Sometimes this is due to our system of classification. Sometimes it is because the issues are terribly sophisticated and technical in nature. And sometimes it is simply a case of being supplied with partial or incomplete data.

The size of the Soviet Navy is just such a case.

We have heard that the Soviet Navy is growing dramatically, challenging the United States in every ocean, and that unless we meet this challenge by abruptly increasing expenditures on our own Navy, we will no longer be able to defend the Nation's interests.

Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, has recently told the Senate Armed Services Committee:

> The continuing growth of Soviet naval capabilities relative to our own is a matter of increasing concern to the Joint Chiefs of Staff. The Soviet Navy has already acquired a global reach. Their ships are now operating on a sustained basis in the Atlantic, Pacific, and Indian Ocean, the Mediterranean and increasingly in the Caribbean. Unless we accelerate the modernization of our fleet, the Soviets will increasingly challenge our control of the seas in those maritime regions essential to the success of our forward defense strategy, as well as in ocean areas closer to our shores.

Inevitably, comparisons are drawn between the United States and U.S.S.R. naval forces. This is a very difficult business. If comparisons are to be accurate, they must range along a number of lines, not only numbers, but tonnage, sophistication, and effectiveness. But this has not been done. We have had too many half-truths. The Pentagon has artificially made it appear that the Soviet Navy is a massive, modern force that directly threatens the United States. Now what are the facts? Who has the naval power? The answer, the United States leads the Soviet Union in almost every major naval category and current building programs will keep us on top.

My information shows that a number of significant variables have been overlooked thereby giving the impression that the Soviet and Warsaw Pact nations are enormously more powerful than they are in fact.

Let us look at some of these comparisons, based on Navy data as of February 1972.

TOTAL NUMBERS AND CAPABILITIES

In terms of overall numbers of ships, we should talk about major combatants or ships of about 1,000 tons or over. This leaves out small vessels used in coastal areas that might distort the total numbers. The United States has 246 surface major combatants compared to 222 for the U.S.S.R.

The capabilities of the U.S. Fleet, however, are far superior. For example:

The United States has four nuclear powered surface ships and is building seven more. The Soviets have none.

The United States has 14 attack aircraft carriers with up to 95 aircraft each and nuclear weapons. The Soviets have none.

The United States has two antisubmarine carriers. The Soviets have none.

The United States has seven amphibious assault helicopter carriers and is building five more up to 35,000 tons. The Soviets have two cruisers of 15,000 tons with helicopter pads for this category. The Soviets have a large ship under construction in the Black Sea that has not yet been identified. It could be a merchant ship or possibly an aircraft carrier.

The United States intends to add a fourth nuclear carrier, the CVN-70, and a fleet of eight follow-on small carriers called Sea Control ships.

In short, our superiority in aircraft carriers, seabased air operations, and nuclear surface ships is absolute.

CRUISERS

There is considerable confusion about modern day definitions of cruisers. The United States is not building any more traditional cruisers. Instead, we are producing various destroyers, some of which are larger than traditional World War II cruisers. The Soviets, on the other hand, are emphasizing cruisers, but these turn out to be smaller than some U.S. destroyers.

Nevertheless, the Soviet Union has 25 cruisers, but 14 of them are without missile capability. Four of the 25 cruisers are so old that they probably are being deactivated. Ten others are actually smaller—4,800 to 6,000 tons—than the U.S. nuclear destroyers—7,600 to 9,000 tons. The U.S.S.R. also has three converted and three new cruisers of 12,000 to 15,000 tons under construction.

The United States has eight conventional cruisers and one nuclear cruisers. All but one of the U.S. cruisers carry missiles. In addition, the United States is planning to build a number of 10,000-ton cruiser-size, surface-effects ships.

DESTROYERS

In terms of destroyers, the United States has 65 missile-equipped destroyers to the Soviet's 40. Two U.S. destroyers are nuclear and five more under construction. No Soviet destroyers have nuclear propulsion. The Soviets have about 155 older nonmissile destroyers and they are building a new sophisticated class called the *Krivak*, two of which are already operational. The United States has some 115 additional nonmissile destroyers and is building 16 modern DD963—*Spruance*—class vessels and 14 *Knox* class destroyer escorts. The first procurement request for 50 3,400-ton patrol frigates—PE's—is in this year's U.S. budget. The PE's will be larger than most Soviet destroyers. By mid to late 1970's, the United States will have an advanced surface-to-surface missile called the Harpoon onboard all our major combatants and some of the patrol boats. How about submarines?

SUBMARINES—ATTACK AND CRUISE MISSILE

During World War II, Stalin decided to build 1,200 submarines. This plan was never carried out. However, the submarine remains the major offensive weapon of the Soviet fleet. They currently have 343 submarines, a number that is decreasing yearly as the World War II vintage submarine becomes obsolete. Of the 343, 190 are old diesel attack submarines of limited operational capabilities and are being retired. They also have 65 nuclear attack submarines of which 40 are cruise missile equipped and they have 28 older diesel attack submarines equipped with cruise missiles.

The United States has at least 56 nuclear attack submarines, none with cruise missiles, and 41 older diesel attack submarines without missiles which are being retired. We are building 21 new SSN-688 class and SSN-637 class nuclear attack submarines. The SSN-688 will be the most modern, sophisticated attack submarine in the world. Plans are even being made to produce a follow-on to the SSN-688 which will have a long-range cruise missile capability.

Overall, the Soviet Union retains numerical superiority in submarines, but the speed, quietness, sophistication, and operational techniques of U.S. attack submarines are entirely higher quality. U.S. submariners get much better tactical training and have better equipment.

STRATEGIC SUBMARINES

The figures for ballistic missile submarines show a disparity in strength favoring the United States. U.S. seabased strategic capability is imposing. We have 41 ballistic missile submarines with missile ranges up to 2,500 nautical miles. The Poseidon version carries 16 missiles with about 10 multiple independently targeted reentry vehicles—MIRV's—each. By fiscal year 1975 we will have 31 Poseidon boats with 4,960 reentry vehicles plus 10 older Polaris boats of 16 launchers, each with three multiple reentry vehicles—MRV's.

The Soviets have about 25 Y-class ballistic missile submarines and 17 more under construction, but their missile range is 1,200 nautical miles less than Poseidon, they have neither MRV's nor MIRV's, they have less accuracy, their boats are noiser and thus are more susceptible to ASW techniques. They do not have as long on-station time as U.S. boats, and they suffer from restricted geographic operating conditions. Older versions, the Hotel and Golf classes are smaller, with even more restricted missile range and operating conditions. Of the entire operational Soviet ballistic missile fleet of 60—roughly 25 Y, 25 Golf, 10 Hotel classes—only 8 to 10 of their ships or 16 percent are on station at any one time. The United States has 32 operational Polaris/Poseidon boats with about 16 or 50 percent on station. A new long-range naval missile, the SS-NX-8 has been tested by the Soviets and may be retrofitted into their Y-class submarine or alternately, placed aboard a new class of submarines.

ALLIED FORCES

A simple point-by-point comparison between United States and U.S.S.R. navies is a seriously incomplete picture, however. Allied combatants ships must also be included. Major NATO combatants number 757 compared to 583 for the Warsaw Pact. This case is aptly demonstrated in the Mediterranean. The total average number of Warsaw Pact and their allied—Egypt, Yugoslavia, Albania—major combatants in the Mediterranean ranges from 43 to 54. The counterpart NATO and our allied forces—one-half French fleet, Spain, Israel—total is 164 or almost four times as many.

In fact, either the French or Italian Mediterranean forces is numerically, at least, the equal of the Soviet Mediterranean fleet.

We must not overlook the British and French strategic forces. The British have four Polaris ballistic missile submarines which carry the A-3 triple MRV. The French have one ballistic missile submarine with 16 tubes and have four more under construction.

ADDITIONAL ADVANTAGES

Let me mention a few other areas in which the U.S. Navy has a decided advantage. We do not operate under the restricted geographic conditions that hamper the Soviet fleet. They must face iced-in ports and narrow transit waters where they can be detected and even bottled in during wartime. We have numerous overseas bases for replenishment, crew liberty, and repairs. Advanced bases also provide for quick reaction time.

The U.S. Navy surveillance and communications systems are far more sophisticated than anything the Soviets have.

We also have a significant lead in the strategically important area of anti-submarines warfare—ASW. The U.S. Navy confidently states that no U.S. Polaris-type submarines are being detected or followed by Soviet submarines. On the other hand, U.S. listening devices and attack submarines do detect, identify, and track Soviet submarines. No one questions our superiority in this field. U.S. capability in tactical ASW is likewise far superior and this moderates, to some degree, the heavy Soviet emphasis on submarines. The 5nm ASROC and 35 nm SUBROC, for example, are ASW innovations used exclusively by the United States.

So far I have pinpointed a number of distinctions between the United States and U.S.S.R. fleets. I think it is apparent that our conventional and nuclear surface fleet is far more powerful, in almost every category, than their Soviet counterparts. I have also shown that in terms of some types of submarines, and possibly surface-to-surface missiles, Soviets lead at present.

MODERNIZATION AND CONSTRUCTION

But what about modernization and construction rates? Are not the Soviets gaining on us rapidly?

The answer: "No." It is true that since the Soviets have decided to modernize some of their fleet and replace older vessels and then show these ships in some new areas of the world, they have attracted a lot of attention. It must be noted, however, that they have had limited open ocean experience, nothing comparable to the U.S. Fleet. The decision to enter new waters was political, not the result of an increasing number of ships. The Soviet fleet still is defensive in character as opposed to the primary offensive capability of the U.S. Fleet. They have held only one major worldwide ocean exercise, OKEAN, in April of 1970. Since then they have only modestly increased their training exercises in foreign waters.

Now for the facts on modernization. Between 1960 and 1969, and according to the U.S. Navy's own data, the U.S. shipbuilding program has exceeded the Soviet's in every type of ship except the surface-to-surface missile ship. During that period we completed:

Five attack carriers—the Soviets none;

Six helicopter carriers—the Soviets two;

No surface-to-surface missile ships—the Soviets 14;

Fifty-five surface-to-air missile ships—the Soviets 15; and

Eighteen antisubmarine warfare ships—the Soviets none.

The U.S.S.R. has expanded shipyard capacity particularly for Y-class submarines, to accommodate their modernization program but there was Soviet naval buildup as a result of the Cuban missile crisis of 1962.

The Soviets have some good weapons, particularly their antiship cruise missiles which directly threaten our aircraft carriers. And they have been modernizing their fleet selectively including the use of more efficient gas turbines. But there has been no crash program. There has not even been a buildup in numbers. They do not belong in the same category with the U.S. Navy, a worldwide balanced open ocean force with advanced bases, sea knowledge, staying power, and air coverage.

WELL-KNOWN TECHNIQUE

The Pentagon's buildup of the Soviet Navy is a strange but well-known technique. Clearly, if the Soviet Navy is suddenly that much of a threat, our own Navy has not been wisely using its funds, even though they get more money from Congress than the other two services.

It is more likely that the Pentagon is again crying "wolf" in the hope of stampeding Congress into buying the new billion dollar aircraft carrier, the CVN-70, and the multibillion-dollar underseas long-range missile system—ULMS. The Navy has conducted a skillful and extensive lobbying campaign in Congress but we must not be swayed by their incomplete data.

This kind of exaggeration drives the defense budget up every year. But even worse, it is a misstatement of the facts. We are No. 1 militarily, and we should not be afraid to say so.

FACTS IN LETTER UNANSWERED

I have written Admiral Zumwalt, the Chief of Naval Operations, challenging the Pentagon to give the full story about the Soviet Navy—a net assessment as this administration prefers to call it.

The admiral has replied but he has not offered a rebuttal to any of the facts. The point is that while he has written that he disagrees he offered not one single specific fact in rebuttal—not one.

Thus, while he states that he believes that many of the assessments in my letter are incorrect, he offers only to "brief me."

I am writing back and insisting that he reply to my facts in writing. I was briefed by Admiral Zumwalt on the F-14. First of all, he brought a flotilla of admirals, captains, and commanders to my office. There was so much gold braid that I calculated that almost half the funds for Navy pay and allowances must go to these gentlemen.

GOLD-BRAIDED BRIEFINGS

Then he gave me a "selected" briefing. He justified that biggest lemon of all lemons, the F-14 fighter plane, which will cost at least $16 million a copy. The way he did it was to take some relatively unimportant factors to try to show that it was superior to the F-4 in those single facets.

It reminded me of the way baseball records are kept. They now talk about the record for left-handed catchers who hit singles in the fourth inning of the fifth game of a seven-game World Series against a rookie left-hander.

It was that kind of "selected" information the briefing used to justify the F-14.

I am, therefore, refusing a briefing which, if like the last one, never would produce any solid answers and which was largely a gold-braided snow job.

I am insisting that the admiral answer me in writing and put it down on paper where we can see it, analyze it, and not be overwhelmed by uniforms and charts.

The main thrust of my remarks should now be clear. Why should we sharply increase the spending for our Navy when we are so emphatically superior to the Soviets in so many ways? The facts dictate otherwise. Let us be prudent in our fiscal judgments and not overreact to inflated threats.

I ask unanimous consent that the exchange of correspondence with Admiral Zumwalt be placed in the RECORD at this point. I also ask that the May issue of the Defense Monitor, which contains a breakdown of United States-Soviet naval forces be inserted in the RECORD. The Defense Monitor is published by the newly formed Center for Defense Information, headed by Rear Adm. Gene R. LaRocque, U.S. Navy, retired, who, I think, is going to make a tremendously useful contribution to our understanding of the real facts on defense.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U. S. SENATE,
Washington, D.C., May 19, 1972.

Adm. ELMO R. ZUMWALT,
Chief of Naval Operations,
The Pentagon,
Washington, D.C.

DEAR ADMIRAL ZUMWALT: I do not believe that the Department of Defense has presented Congress and the public with a full and complete comparison of the naval programs of the NATO countries and the Warsaw Pact. My research shows that a number of significant variables have been overlooked, thereby giving the impression that the Warsaw Pact nations are enormously more powerful than they are in fact.

I intend to make a full presentation to the Senate on this subject May 25th, demonstrating that the present balance of naval forces is dramatically weighted on the side of the U.S. and NATO countries. I invite you to comment on the following points which I will make, and I will submit your reply to the Senate at the same time so that comparison can be drawn. It is imperative that you respond no later than noon Wednesday, May 24th.

Our conventional and nuclear surface fleet is far more powerful, in almost every category, than their Soviet counterparts. Even though we have 246 major surface combatments and the Soviets have 222, the capabilities of the U.S. vessels are far superior.

For example, the U.S. has four nuclear powered surface ships and is building seven more. The Soviets have none. The U.S. has 14 attack aircraft carriers with up to 90 aircraft each. The Soviets have none. The U.S. has two anti-submarine carriers. The Soviets have none. The U.S. has seven helicopter carriers and is building five more up to 35,000 tons. The Soviets have two converted cruisers of 15,000 tons with helicopter pads. A large new Soviet ship under construction in the Black Sea has not yet been identified. It could be a merchant ship or possibly an aircraft carrier.

A numerical comparison of cruisers points up further misleading statements. The Soviets have 25 to our 9 but only one large Soviet cruiser has any missile capability while all but one of the U.S. cruisers carries missiles. Four of these Soviet cruisers are so old that they probably are being deactivated. Ten Soviet cruisers are smaller in size than many U.S. destroyers.

Considering destroyers, Soviet ships are less numerous (65 to 40) and much smaller in size.

The figures for submarines also show a disparity in strength favoring the United States. U.S. ballistic missile capability is imposing. We have 41 ballistic missile submarines with missile ranges up to 2500 n.m. The Poseidon version carries 16 launchers with about ten Multiple Independently-targeted Reentry Vehicles (MIRVS) each. By 1975 we will have 31 Poseidon boats with 4,960 reentry vehicles plus ten older Polaris boats equipped with triplet multiple reentry vehicles (MRVS). The Soviets have about 25 Y-class ballistic submarines and 17 more under construction, but their missile range is 1200 n.m. less than Poseidon, they have neither MRVs or MIRVs, they have less accuracy, their boats are noisier and thus susceptible to ASW techniques, they do not have as long on-station time as U.S. boats, and they suffer from restricted geographic operating conditions. Older versions of Soviet submarines, the Hotel II and the Golf II classes are smaller with even more restricted missile ranges and operating conditions.

It must be noted that the Soviets do possess some 68 cruise missile submarines which present a threat to U.S. surface craft. They also have a large but quickly obsolescing number (190) of diesel attack submarines of greatly limited capabilities. The U.S. has 56 nuclear attack submarines, more than twice the Soviet's 25. Furthermore, U.S. models are of across-the-board better quality and we are building a more modern submarine class (SSN–688) at a fast pace.

In view of these specific facts, the United States has a clear naval advantage over the Soviet Union in tonnage, conventional fire power, basis, modernization and nuclear warheads. If you dispute this apparent advantage in any respect, please give me your detailed rebuttal.

A simple point-by-point comparison between U.S. and Soviet navies is a seriously incomplete picture however. Allied combatant ships must also be included. Major NATO combatants number 767 compared to 583 for the Warsaw Pact. The case is aptly demonstrated in the Mediterranean. The total average number of Warsaw Pact and Allied major combatants in the Mediterranean ranges from about 43 to 54. The counterpart NATO and Allied forces total is 164 or almost four times as many. In fact, the French and Italian Mediterranean forces are at least, individually, the equal of the Soviet Mediterranean fleet!

Just as present comparisons greatly favor NATO forces, long-term projections also show that this dominance is likely to prevail. The U.S. has 63 major new combatants authorized and under construction ranging from nuclear aircraft carriers to the ill-fated DE–1052 Knox class escorts. This is not to mention the $1 billion new nuclear aircraft carrier or $942 million as a down payment on a $11.9 billion ULMS fleet the Department of Defense is requesting in the Fiscal Year 1973 budget.

I am enclosing a table prepared by the Center for Defense Information on which I base some of my conclusions.

Please give whatever evidence you have to contradict this table and the conclusion that the present U.S. Navy building programs are more than enough to keep the U.S. far ahead of the Soviet Union in significant categories of naval warfare for the foreseeable future.

Sincerely,

William Proxmire,
U.S. Senator.

Chief of Naval Operations,
Washington, D.C., May 23, 1972.

Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: Thank you for your letter of May 19, 1972 giving me the opportunity to comment on the points you propose to make in your presentation to the Senate on May 25th.

I am sure you recognize that I am in substantial disagreement with many of the statements in your letter. The Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Director of the Central Intelligence Agency, the Secretary of the Navy, other Navy witnesses and I have presented all the facts we know concerning the relative naval posture of the United States and our allies and potential adversaries to the Senate Armed Services and Appropriations Committees in executive session. This testimony is in the process of security review and the unclassified portions will be published by the cognizant committees in conjunction with their reporting out the military procurement authorizations and appropriations bills.

I regret that the time available from receipt of your letter to the deadline you have set for receipt of my reply is not sufficient for me to address adequately the issues you have raised. Further, since the President is at this moment in Moscow engaging in a series of extremely serious discussions on a number of sensitive subjects, it would be inappropriate for me at this time to engage in correspondence concerning the issues raised in your letter.

Let me assure you that I am perfectly willing to discuss the issues with you after the President returns. In order to do so, it will be necessary to assemble in one presentation the pertinent facts. Therefore, I will be happy to discuss these issues with you and answer any questions you may have.

Since I believe that many of the assessments in your letter of May 19 are incorrect, I would suggest that you avail yourself of this briefing before making the presentation to the Senate. Should you decide, however, to proceed with your presentation without this briefing, I would appreciate your including this reply with your presentation to the Senate.

E. R. Zumwalt, Jr.,
Admiral, U.S. Navy.

[From the Defense Monitor, May 1972]

THE SOVIET NAVAL THREAT: REALITY AND ILLUSION

Admiral Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, has told Congress that "a major shift in the naval balance between the United States and the Soviet Union" is taking place.

"Unless we accelerate the modernization of our fleet," he told the Senate Armed Services Committee on February 15, 1972, "the Soviets will increasingly challenge our control of the seas in those maritime regions essential to the success of our forward defense strategy, as well as in ocean areas closer to our shores."

On the basis of these arguments, the Defense Department has asked Congress for $9.7 billion in new Navy procurement funds for fiscal 1973, about $1 billion more than in 1972, which was in turn about $1 billion more than in 1971. These funds are part of a Navy "modernization" program: 42 major combat ships and 21 submarines now under construction or authorized by Congress and more than 60 major surface ships and a new fleet of ballistic missile submarines contemplated (see tables 4 and 5).

The Center for Defense Information has made its own study of the naval balance and has reached the following conclusions:

The balance is heavily in favor of the United States.

The Soviet Union is doing little which would significantly change the balance in the next few years.

There is little evidence to support the request for a large increase in money for ships designed to protect US power overseas and to greatly expand US strategic weapons capability.

A LOOK AT THE BALANCE

Defense Department testimony to Congress on the Soviet naval threat stresses such trends as an increase in the number of Soviet major combat surface ships in the last five years (from 185 to 215, including two new helicopter carriers, seven new missile cruisers, 18 new missile destroyers and 36 new escorts). It stresses Russia's numerical advantage in submarines (about 343 Soviet to 138 US), new Soviet anti-ship missiles, and increases in Soviet naval operations in the world's oceans.

But these presentations fail to give a fair picture of the relative strengths of these two navies. The diagrams and data on the following pages give a fair picture. They show that:

1. The Soviet Union has no nuclear-powered combat surface ships and is not reported to be building any. The United States has four and is building seven more.

2. The United States has 14 attack aircraft carriers which carry from 40 to 90 jet aircraft each, used for striking land or sea targets. Two nuclear carriers are under construction. The Soviet Union has no attack carriers and no sea-based fixed-wing aircraft. The Defense Department has asked for funds in 1973 to start building the power plant for a fourth nuclear attack carrier. It also has asked for funds to design a new fleet of at least eight smaller follow-on carriers to be called Sea Control Ships.

3. The United States has two anti-submarine carriers which carry helicopters and fixed-wing anti-submarine aircraft. The Soviets have two anti-submarine carriers which are actually cruisers with large helicopter landing decks. One 35,000-ton ship is under construction in the Soviet Union which may be a carrier or some other type of ship.

4. The United States has seven "assault" helicopter carriers designed to move marines ashore. Five more, twice the size of the existing ones, are under construction. The Soviet Union has no comparable ships.

5. The United States has nine cruisers. The Soviets have 25. But four of the Soviet cruisers are pre-World War Two and are probably being retired. Ten of the Soviet cruisers are smaller than many US destroyers. The US Navy wants to build two 2200-ton prototypes of what would eventually be a cruiser-size hovercraft called a "surface effects ship."

6. Soviet missile-firing destroyers are fewer and smaller than their US counterparts. Congress has already authorized 30 new destroyers (DD963 Spruance Class), which are larger than any destroyers of the Soviet Union. The US Navy is asking for funds for 50 new "pa-

trol frigates" which will be larger than most Soviet destroyers. By the late 1970s all US destroyers and patrol frigates are to be equipped with the new Harpoon surface-to-surface missile.

7. The present US fleet of 41 strategic ballistic missile submarines has 2800 separately targetable warheads.[1] Russia's ballistic missile submarines have about 500 warheads (see Table 1). Also, a greater percentage of the US ballistic missile submarines are on station at a given time than is the case with the Soviet submarines. By 1976, the number of separately targetable US submarine-launched warheads will increase to almost 7000. This figure does not reflect the proposed new ULMS ballistic missile submarine system which will be the subject of a subsequent edition of *The Defense Monitor*.

8. The Soviets have a fleet of 68 submarines armed with anti-shipping "cruise" missiles. The United States decided in the 1950s not to develop a capability in this area and abandoned its Regulus missile program. Recently, the Pentagon decided to go ahead with development of a new cruise missile for a new attack submarine.

9. The US has more than twice the number of nuclear-powered attack submarines as the Soviet Union. The Rusisans have 190 diesel attack submarines as compared to 41 for the US, but these are being phased out of both navies. The total number of Soviet attack submarines has decreased from 430 in 1960 to 283 in 1972, and Admiral Moorer states that he expects this number will continue to decline as newer submarines are introduced at a slower rate than older units are withdrawn. The US is building a new class of nuclear attack submarines (SSN 688 Los Angeles Class).

CONSTRUCTION

Admiral Moorer told Congress: "The rate of modernization in the Soviet surface fleet is expected to accelerate during the next few years."

The Russians are building mainly light cruisers and destroyers. These include Kesta II cruisers, and Krivak and Kashin destroyers. Recently these have been built at a rate of about one per year in each class. Defense Department reports have suggested another "possible" cruiser construction program and a "possible" carrier.

But in view of the U.S. construction program already in progress, Soviet "acceleration" would have to be enormous to make a significant difference in the overall balance.

REGIONAL BALANCES

When talking about a shifting balance, Defense Department witnesses limit themselves to comparing the US and Soviet navies. Yet, many NATO allies have modern effective navies that must be taken into account. When NATO and Warsaw Pact forces are compared the balance clearly favors NATO (see Table 2).

The balance is even more striking when naval forces in the Mediterranean, for example, are examined alone (see Table 3). (Not shown in the table are the more than 50 small patrol boats armed with anti-ship missiles which the Soviet Union has given many of her allies in the area. These boats normally operate relatively near shore.)

OTHER FACTORS

The map on page seven shows that Soviet fleets suffer geographic and climatic handicaps—limitations not faced by the US Navy. Some fleets are partially iced-in during winter. Others can be bottled up in home waters because of narrow passages through which they must travel. These "choke points" also facilitate NATO's monitoring of Soviet fleet movements.

In discussing the US-USSR naval balance, Defense Department witnesses neglect to consider the US Coast Guard—a force which possesses over 50 ocean-going cutters of naval destroyer size, armed with guns and anti-submarine weapons.

CONCLUSIONS

The overall naval balance favors the United States. The Soviet Union is not likely to change this status in the near future.

The naval "balance" argument does not, therefore, justify, by itself, the kind of naval buildup which the Defense Department has under way now or plans in the future. However, Defense Department testimony makes clear that the Navy has other purposes in mind. Admiral Elmo R. Zumwalt Jr., Chief of Naval Operations, told Congress that the Navy's four "capabilities" are:

"Assured second strike" (This refers to the Polaris-Poseidon fleet retaliating with strategic missiles after a Soviet nuclear attack on the United States.)

"Control of sealines and areas"

"Projection of power ashore"

"Overseas presence"

The first "capability" is defensive. In view of the overwhelming second strike capability which the U.S. possesses, the new ULMS program is not needed at this time. The American public deserves a much clearer definition of the other Navy "capabilities": What kind and degree of "control of the seas" has the U.S. decided to pursue? Under what conditions and in what areas of the world will it "project power ashore"? What portion of the present Navy and what portion of the "modernization" program is designed for overseas presence? These are questions which must be publicly asked and answered before additional programs are approved by Congress.

"Every addition to defense expenditure does not automatically increase military security. Because severity is based upon moral and economic, as well as purely military strength, a point can be reached at which additional funds for arms, far from bolstering security, weaken it."—President Eisenhower.

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[1] To put in context with overall U.S. strategic capability, Secretary Laird gave these comparative figures for nuclear weapons for mid 1972:

Total offensive strategic nuclear weapons (warheads):

U.S.	5, 700
U.S.S.R.	2, 500

TABLE 1.—CURRENT BALLISTIC MISSILE SUBMARINE COMPARISON

Type	Number of submarines	Missile type	Missile range	Number of launchers per submarine	Total number of launchers	Number of independent warheads per submarine	Total number of warheads
U.S.[1]:							
Poseidon	12	Poseidon	2,500 nautical miles	16	192	192	2,304
Polaris	21	A-3	2,500 nautical miles	16	336	16	336
Polaris	8	A-2	1,500 nautical miles	16	128	16	128
Total	41				656		2,768
U.S.S.R.[2]:							
Yankee	26	SS-N-6 (Sawfly)	1,300 nautical miles	16	416	16	416
Hotel II	9	SS-N-5 (Serb)	650 nautical miles	3	27	3	27
Golf II	25	SS-N-5 (Sefrb)	650 nautical miles	3	75	3	75
Total	60				518		518

[1] Figures as of June 1972.

[2] Figures as of February 1972.

TABLE 2.—MAJOR NAVAL COMBATANT COMPARISON

[Figures as of February 1972]

NATO

	Total	United States	United Kingdom	France	Canada	Denmark	Netherlands	Italy	Norway	Portugal	Greece	Turkey	West Germany
Attack and ASW carriers	20	16	2	2	0	0	0	0	0	0	0	0	0
Helicopter carriers	12	7	3	2	0	0	0	0	0	0	0	0	0
Cruisers	16	9	3	2	0	0	2	0	0	0	0	0	0
Destroyers and escorts	460	214	76	48	20	2	18	24	5	11	12	10	20
Submarines	259	138	34	20	4	6	5	10	15	4	2	10	11
Total	767	384	118	74	24	8	25	34	20	15	14	20	31

WARSAW PACT

	Totals	U.S.S.R.	Bulgaria	Czechoslovakia	East Germany	Hungary	Poland	Rumania
Attack and ASW carriers	0	0	0	0	0	0	0	0
Helicopter carriers	2	2	0	0	0	0	0	0
Cruisers	25	25	0	0	0	0	0	0
Destroyers and escorts	206	195	2	4	3	0	2	0
Submarines	350	343	2	0	0	0	5	0
Total	583	565	4	4	3	0	7	

TABLE 3.—MAJOR NAVAL COMBATANTS IN MEDITERRANEAN AREA

	NATO and U.S. allies					Warsaw Pact and U.S.S.R. allies					
	Total	NATO [1]	Spain [2]	Israel	Morocco	Total	Warsaw Pact (U.S.S.R.) [3]	Egypt	Yugoslavia [4]	Albania [4]	Others [5]
Attack and ASW carriers	5	4	1	0	0	0-0	0-0	0	0	0	0
Helicopter carriers	3	3	0	0	0	0-1	0-1	0	0	0	0
Cruisers	3	2	1	0	0	2-4	2-4	0	0	0	0
Destroyers and escorts	106	86	17	2	1	14-17	5-8	7	2	0	0
Attack Submarines	47	41	3	3	0	27-32	7-12	12	5	3	0
Total	164	136	22	5	1	43-54	14-25	19	7	3	0

[1] NATO includes U.S. 6th Fleet; United Kingdom forces normally in the area; one-half of the French Navy; and the naval forces of Italy, Greece, and Turkey.

[2] One-half of the Spanish Navy.

[3] U.S.S.R. totals are normal and highest observed.

[4] Yugoslavia and Albania are included though the political situation with the U.S.S.R. may be strained at the moment.

[5] Others include Syria, Libya, Algeria, Tunisia, and Lebanon.

TABLE 4.—*Summary of major US Combatant ships authorized or presently under construction*

2—Nuclear Attack Carriers.

5—Large Amphibious Helicopter Assault Carriers.

5—Large Nuclear Guided Missile Destroyer Leaders.

16—Large All-Purpose Destroyers (DD963 Spruance Class).

14—Large Escorts (DE 1052 Knox Class).

12—Large Nuclear Attack Submarines (SSN688 Los Angeles Class).

9—Medium Nuclear Attack Submarines (SSN637 Sturgeon Class).

TABLE 5.—*Summary of major US combatant ships, fiscal year 1973 requested*

$299 million for long lead items for one additional nuclear attack carrier (CVN–70). (Eventual total program will cost an estimated $951 million.)

$10 million for contract design for a "first buy" of eight new follow-on carriers called Sea Control Ships (SCS). (Eventual total program will cost an estimated $1 billion.)

$50 million for two 2200-ton prototypes of a new major surface combatant called Surface Effect Ship (SES), which will be a large hovercraft. (Eventual total program cost is not available.)

$945 million for advanced development of a new strategic-missile nuclear submarine called Undersea Long-Range Missile System (ULMS). (Eventual total program will cost an estimated $11.2 billion as "presently constituted.")

$612 million for procurement of seven additional all-purpose destroyers of the DD963 Spruance Class. (Eventual total program will cost an estimated $2.7 billion.)

$192 million for the lead ship of a new fifty ship class called Patrol Frigate (PF). (Eventual total program cost is estimated at $2.4 billion.)

$1.05 billion for procurement of six additional nuclear attack submarines of the SSN688 Los Angeles Class. (Eventual total program will cost an estimated $6.8 billion.)

(All total program cost estimates are based on Department of Defense figures.)

TABLE 6.—U.S. AND U.S.S.R. MAJOR NAVAL COMBATANTS
[Figures as of February 1972]

	United States	U.S.S.R.
Surface:		
Aircraft carriers	16	0
Helicopter carriers	7	2
Cruisers (with missiles)	8	11
Cruisers (without missiles)	1	14
Destroyers and escorts (with missiles)	65	40
Destroyers and escorts (without missiles)	149	155
Surface total	246	222
Submarines:		
Nuclear submarines (with ballistic missiles)	41	[1] 35
Diesel submarines (with ballistic missiles)	0	25
Nuclear attack submarines (with cruise missiles)	0	[1] 40
Diesel attack submarines (with cruise missiles)	0	28
Nuclear attack submarines (without missiles)	56	25
Diesel attack submarines (without missiles)	41	190
Submarine total	138	343
Major naval combatant total	384	565

[1] Estimated.

THE CENTER FOR DEFENSE INFORMATION

The enormous size and complexity of the military effort in this country has outrun the institutions established for citizen understanding and control of public policy. An informed public opinion on national defense and foreign commitments is lacking in our society.

For these reasons the Center for Defense Information has been established. The Fund for Peace has encouraged and made possible the initiation of this Center. Further funding will be provided by private foundations and interested individuals. The Center will be under absolutely no financial or other obligation to any government, military, industrial or individual special interest.

The Center will concentrate exclusively on analyzing and circulating public information on matters of national defense and overseas commitments, as well as scrutinizing our national defense program on a day-to-day basis. Its appraisals will challenge existing assumptions about national defense and provide the basis for rational alternative policies and budgets, to be measured against those of the Department of Defense.

The Center will disseminate its research and information to the broadest public possible through position papers; a journal, *The Defense Monitor*, of which this is the first edition; and material designed for the news and other media. In addition, the Center will respond to requests for information on defense matters. Future editions of *The Defense Monitor* will include analysis of the defense budget, ULMS (Underwater Long-range Missile System), the B–1 Bomber, technological superiority, the proposed attack carrier, U.S. forces overseas and military commitments to foreign nations, as well as other topics of vital national and military concern.

The Center and its rapidly developing inventory of information will be a reliable and non-partisan resource for all individuals and groups, insisting upon a military that will genuinely defend and strengthen American society, not weaken it by overcommitments and waste of resources.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business not to exceed 15 minutes, with statements therein limited to 3 minutes each.

REFORM OF PENSION AND WELFARE FUNDS OF AMERICAN WORKING MEN

Mr. JAVITS. Mr. President, I am moved to speak this morning because of an interesting series of events which took place yesterday in New York relating to the reform of pension and welfare funds of American working men and women. The funds involve over 30 million workers, close to 50 percent of the nonagricultural work force, in round figures, and something estimated at in excess of $134 billion in assets in the pension and welfare systems of the United States.

I was due to speak yesterday at the sixth Annual Conference on Employee Benefits run by two magazines in the field in the Hotel Americana in New York. Because of what is the well-known situation here in this Chamber, where I am the ranking Republican member of the committee which was dealing with the conference report on the higher education bill and the antibusing controversy, I could not personally deliver the speech. Instead it was delivered by one of my legislative aides, Frank Cummings, who, indeed, was the man who developed this whole concept; so it was quite fitting that he read my speech.

This morning, the report of what took place yesterday is published in the New York Times under the headline "Private Pension System Termed Fraud by Nader." The reference there, of course, is to Ralph Nader, who is well known as as a consumer's advocate. The speech which was delivered in my behalf by the representative of my office describing the major pension fund reform bill authored by Senator WILLIAMS of New Jersey and myself was not mentioned. In the New York Daily News report, Mr. Nader is quoted as referring to the bill as "warmed over soup."

I consider the omission in the Times and the story in the News to so unbalance the understanding by the people and the affected workers of the situation, as to constrain me to make it clear in this very public way, because to label the private pension system—which certainly needs reform—a "consumer fraud"—is to make legislation of an epithet. That is taking advantage of the fact that Mr. Nader is identified with the idea of exposing consumer frauds. To label as a consumer fraud something which is not, which sadly needs reforming, however, and to approach it as a consumer fraud and as if it were something for which somebody should go to jail, is going to dam up any hope for true, effective reform, and hurt millions and millions of workers by completely misrepresenting to them what really is the situation.

The fact is that there is no consumer fraud involved, and to create such an impression is itself a gross misrepresentation, and a great disservice to the thousands of business and labor leaders and others who have poured years of hard effort into improving and strengthening private pension plans.

What Mr. Nader's statement fails to appreciate is the historical and economic factors which underlined the impetus for the growth of private pensions, and it is this failure—along with the sensational headlines—which leads to the completely distorted picture Mr. Nader has painted.

In the early 1940's and 1950's—when the private pension concept really took shape—it was safe for most employers to assume that the average worker seldom changed jobs but rather chose to remain with one employer for all or most of his working career. It was safe to assume that the pace of technological and economic change was sufficiently gradual to alleviate concern over possibilities of premature plan termination without adequate funds to pay benefits. It was safe to assume that the traditional application of State trust law doctrine would insure against the mishandling of plan funds. And—most importantly—it appeared that any problems or defects in private pension plan structure could be handled adequately by the network of Internal Revenue Service regulations which formed the conditions for employers receiving tax deductions for their pension plan contributions.

Most of the plans that were created in the 1940's and 1950's were built on these assumptions. Today, none of these assumptions are realistic any longer. As a result, the terms of pension plans are simply inadequate in the main, and in some cases there is inadequate funding, inadequate fiduciary standards, and great danger of benefit loss to workers relying on these plans.

It is one thing to chastise the pension plans for being too slow to recognize the changed circumstances of modern industrial life and for failing to institute needed changes in light of these circumstances. It is quite another thing to crucify these plans on the cross of consumer fraud.

The fact is that substantial numbers of workers—perhaps the majority—will not get benefits from their pension plans, but that is not because these programs have been misrepresented, but only because the terms of the plans themselves fail to vest the workers after reasonable years of service.

The epithet consumer fraud is simply put out as a carrier for Mr. Nader's pet scheme as to how he wants to reorganize pension and welfare funds. If we were to adopt Mr. Nader's proposal—and I doubt that anyone will want to—we would turn upside down and emasculate the private pension system and the fundamental incentives for its further growth and development. For one thing, Mr. Nader proposes a system with immediate vested rights for workers. Since the turnover rate of casual or transient workers is the highest—close to 90 percent according to our Senate Labor Subcommittee findings—the sheer cost of vesting these workers would be enormous and the whole chance to get pension plans which are worthy would be blown.

In order to accomplish the funding of these arrangements—solely to achieve the vesting of these casual or transient employees—it would be necessary to move away from the fixed-benefit promise made by most private pension plans today, to a fixed-contribution pattern—in which the amount of employees' benefits would be based exclusively on the contributions made to the plan. This would run completely counter to the progressive trends in the pension field would destroy thousands of collective bargaining agreements designed to secure adequate income supplements to social security, and would turn back the clock over 40 years to the primitive beginnings of private pensions in this country.

In addition, Mr. Nader proposes the "collectivization" of all private pension contributions into a limited number of so-called private government-insured institutions, licensed by the SEC, and chosen by the worker as an investment medium. In effect, Mr. Nader would create a series of governmentally regulated mutual funds to hold and invest all pension moneys.

Now I want to give a greater voice to workers in the operation and investment of their pension funds, but governmental regulation of these funds by the SEC, in the manner proposed by Mr. Nader, inevitably means the setting of investment standards by that agency. The implications of such massive governmental intervention into the arena of free investment decisionmaking so essential to the successful operation of our capital markets would be catastrophic to the plans. This would exploit a serious problem in order to discredit a high prospect of even greater profits from private institutions.

Mr. President, this situation indicates that nobody is entitled to a free ride on a reputation. The fact that Mr. Nader has a reputation for being an advocate of honesty to consumers does not give him a license to distort this situation by labeling it a consumer fraud, because to do so can injure millions of workers. It is greatly unfair because a great deal is being done about this pension plan reform.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I yield the Senator my 3 minutes.

Mr. JAVITS. I thank the Senator.

The interests of the workers are not being overlooked. Almost 2 years ago the Senate authorized a major inquiry into pension and welfare funds, under the auspices of the Senate Committee on Labor and Public Welfare, with the Senator from New Jersey (Mr. WILLIAMS) as chairman, and myself as the ranking Republican member of the committee. The Senate has devoted $500,000 so far to this work. Personally, I started work on this problem 7 years ago.

There has been a tremendous unearthing of just how this private pension system operates and why the absence of the reasonable vesting of many millions of workers has led to such critical hardships. There is no question about that. The administration has come forward with its own bill for reform.

The Senator from New Jersey (Mr. WILLIAMS) and I have, as a culmination of 7 years of work, introduced a major reform bill on May 11, 1972. There have been extensive Senate hearings on this matter before the Committee on Labor and Public Welfare, and before the Ways and Means Committee of the other body, which held hearings involving witnesses from the Treasury Department and others, including myself.

I have little doubt that we will have affirmative reform and important legislation on this whole subject in the Congress within this year, perhaps, because we are that close to it, and that is our disposition. Certainly it will happen next year.

Under those circumstances, just to label something a blanket consumer fraud, as I say, is to mistreat the very people intended to be benefited with that kind of epithet, by damning up the possibility of intelligent legislation for years, and using that epithet as a means to carry Mr. Nader's own pet scheme literally, for no other reason than that.

Mr. President, we have no sacred cows, Mr. Nader or anybody else. Everybody has to be responsible for what he says and its implications.

In order to set the record straight, I have made my statement this morning. I ask unanimous consent that my speech as delivered yesterday may be made a part of my remarks, fully explaining the work and reforms which are imminent in this field. I also ask unanimous consent that a summary of the bill introduced by the chairman of the Labor and Public Welfare Committee and myself may be made a part of my remarks.

There being no objection, the speech and summary were ordered to be printed in the RECORD, as follows:

The Congress and Private Pensions—Confrontation or Cooperation?

(Address of Senator JACOB K. JAVITS)

Thousands of American workers are writing to me and saying, in essence: I am worried about my pension—I have worked a long time for the same employer, who advised me I was earning a pension, but now I am told I didn't qualify for it, or there isn't enough money there to pay it, or I am told that if I leave, after all those years, to take a better job in a different company I will forfeit all my pension rights.

The question is not whether there will be cooperation or confrontation between American pension plans and Congress; the question is whether there will be a confrontation between the plans and their own "beneficiaries." They are the ones who are complaining. They are the ones who have something to lose. And they are the ones about whom we must care—for if we do not find a way to insure that private pension plans will provide them a decent retirement income, then we will end up funding their retirement needs through much-less-desirable and much-less-satisfactory means.

The morale factor involved here is very high. It is well recognized that there is a serious erosion of morale among American workers. It has also become apparent that further social security taxes to support really adequate social security payments will strain individuals and employers and even jeopardize the position of both, in the private enterprise system by which they personally profit the most.

With 30 million workers now under private pension plans and $130 billion in assets—growing at the rate of over $10 billion a year and with further growth under a new reform law inevitable—the impact upon the income needs of our older citizens could be decisive.

Accordingly, private pension plan reform deserves the highest priority to restore the morale and interest of the American worker.

S. 3598—THE NEW WILLIAMS-JAVITS PENSION REFORM BILL

The bill for private pension reform which I introduced at the opening of this Congress as S. 2—itself the culmination of seven years of work—has now been succeeded on May 11, 1972, by the bill introduced by Senator Harrison A. Williams, Jr. (D.–N.J.), Chairman of the Senate Committee on Labor and Public Welfare, with me, as the ranking minority member of the Committee. This bill, S. 3598 (the "Retirement Income Security for Employees Act of 1972"), at its introduction, was co-sponsored by a bipartisan coalition of 14 Senators from the Committee, and I stated at that time that this represented "the support necessary to bring this bill to the Senate floor—which we certainly should be able to do this year."

The new bill represents several months of intense study, discussion and consultation. In structure and format, and in the substance of many of its major provisions, it resembles closely S. 2, my prior bill on the subject, which has been pending before the Senate Labor Subcommittee. There are, however, some differences of degree and approach and also some innovations which are not to be found in S. 2.

Does the pension industry—the pension planners, administrators and consultants—have a stake in this bill? Of course they do, for it is their industry which is about to become subject to minimum standards for the first time. And any time the Government steps in with regulations and regulatory officials, there is always the whole panoply of problems that come with administrative regulation: a proper sensitivity to the practical needs of those being regulated; a proper understanding of "what actually goes on;" a decent concern for administrative efficiency, and a recognition that slow-moving decision making can be even worse than no regulation. In short, if regulation is to be of any real help, it must be feasible, fair and efficient.

Feasibility

First, as to feasibility. Can we afford it, without stifling the pension industry, without killing the less-funded plans, and without either stunting the growth of existing plans or preventing the birth of new ones?

As co-author of the new bill, I pointed out that the Treasury Department testifying before the House Ways and Means Committee on the cost of the varying vesting proposals, stated that the probable cost of my own bill, S. 2, which provides graded vesting beginning at 10% after 6 years—would be less than 1% of payroll. Presumably the cost of the new Williams-Javits bill would be even less as vesting does not begin until 2 years later. We all know that wages have risen over 6% every year since 1965. In each one of these last seven years—on the basis of either my bill or the new bill—vesting could have been achieved simply by allocating one of these percentage points to pension vesting—leaving the other 5 percentage points to wages.

Moreover, the new legislation has involved some further tailoring, and I have no doubt that it can fit the cost level which American business is prepared to bear—indeed, even the very cost level which it is now already bearing. Take any level of contributions to a pension plan, and apply vesting standards to it, and the result is not a requirement that more money be put in the plan, but rather that the same money be allocated more equitably. No bill now pending in the Congress tells any employer what level of benefits he must promise; the bills only state that, if an employer promises a certain benefit level, it must be vested after a certain length of service.

If there is any added cost then, it can only arise from the fact that pre-existing plans already have established benefit levels, without vesting, and it may be unrealistic to require them to reduce the "promise" of those plans to a more modest level, in order to deliver upon that promise to more participants. As to these plans, the new bill provides for very substantial cost-amelioration measures.

For example, the new bill permits an option to existing plans to continue the plan for older workers without having to meet the new vesting requirements while, at the same time, requiring a new plan to be created for new employees which would comply with the vesting requirements. Older workers under this option could remain under the old plan or move into the new plan. While the bill mandates that the rate of contributions to both old and new plans be the same, it does not mandate that the level of benefits be the same, and therefore, a method has been devised to protect older workers against the possibility that benefits might—and I emphasize the "might"—be reduced in order to absorb the cost of vesting younger workers, while new workers also get fair protection.

Other devices to ameliorate cost problems are provided in connection with the funding requirements of the new bill. For example, employers unable to make the required contributions for any particular year may be permitted to spread the deficit equally over a 5 year period and this type of relief can be provided for 5 consecutive years before the Secretary of Labor is required to determine whether more drastic procedures are necessary to protect the fund's actuarial soundness.

These are just a few examples; there are others, including providing for phase-in periods and making vesting applicable only with respect to service after the effective date of the Act. I suggest that every effort has been made to avert the imposition of excessive economic burdens on existing plans, and it is in that spirit that I reaffirm my conviction that effective vesting, funding and reinsurance provisions can be enacted which will not impair the viability of the private pension plan system, and, indeed, that their enactment will contribute greatly to strengthening the system.

A tone of confrontation would assert: no minimum standard is feasible, because all are too costly. A spirit of cooperation asserts: of course there must be a minimum standard, but let's find a feasible way to bring it about within a reasonable time. The Congress will not be intimidated by the former, but we should certainly prefer the latter.

Fairness

What is fair vesting, funding and adequate protection for a pensioner? At the very least, I think most of us have come around to the view that reserving pensions for the few who qualify for the "gold watch" after a lifetime of work for just one employer is not fair to the many others who devote long years—10, 15 or 20—but less than a full lifetime to a single employer. Yet I know that most of the experts in the industry believe—and with a good deal of merit—that a pension plan cannot—or at least should not necessarily—provide retirement benefits for the "casual" employee, the "short-timer," the employee with no substantial connection with the company which created the pension plan. The question is simply where to draw the line. I have proposed "graduated vesting"; initial vesting of a small percentage after 6 years and then a gradual increase until full vesting after 15 years. (The new Williams-Javits bill provides for initial vesting after 8 years but otherwise is similar to my formula.) This approach has the advantage, in my view, of protecting the employee from losing "everything" because he misses the "magic number" of years by only a brief period after long years of work; and still, this system requires very little in the way of cost for the early years—even until the 10th year of credited service. There is nothing sacred about the particular formulae incorporated in the legislation. In a spirit of cooperation, we can still tailor this formula to make it as decent and fair as resources permit. In a "showdown," on the other hand, I believe this formula has enough appeal to stand.

In this connection, I reiterate my opposition to the Administration's vesting proposal—the so-called "Rule of 50". Certainly it is the least costly of the various vesting proposals, but that is because it is the least effective. Also, it carries with it some real danger of exacerbating age discrimination in hiring.

In my judgment, it is wrong to approach the legislating of appropriate vesting standards on the basis of what costs the least. Obviously, effective vesting will cost something more—and both employers and workers will have to share in bearing these additional costs. But they will get something of inestimable value in return. The employer will obtain improved morale and productivity on the part of his work-force; the employee will obtain the pension security he desires so desperately.

Ineffective vesting will satisfy no one. If enacted into law, it will mean simply that Congress will be called on again and again to strengthen the statute until it is truly effective.

Efficiency

Finally, as to efficiency. My proposal, S. 2, called for the establishment of a U.S. Pension Commission and the consolidation of all pension regulations—including all the old rules under the tax laws and the Disclosure Act—in a single agency which would give the pension administrator "one-stop service."

On this point, I have always believed that, in the long run, the pension industry and I would find substantial common ground. I know the traditional distrust which industry holds for the establishment of any new government agency, and any new bureaucracy. But it is that very feeling which, I suggest to you, should form the basis for supporting the Commission proposal. For we already have a large pension "bureaucracy" in the IRS, handling tax qualifications; we already have a large "bureaucracy" in the Labor Department, handling the Disclosure Act, and bonding requirements; and then there is the SEC handling variable annuities, and so on and on. Those bureaucracies are already there; shouldn't we consolidate the authorities in one coordinated body? The vesting-funding-reinsurance regulations will require somebody to administer their requirements; should it not be the same agency for them all? And shouldn't this be a group of real professionals, who know how the industry works, and what its needs are, and who are, at least to some extent, outside the "political" branches of the Government?

However, I must be candid with you on this subject: the Commission approach has not generated at this time a sufficiently wide-spread base of support, and I do not regard it as a "fighting issue" on which the fate of the substantive reform provisions should hang.

Unlike S. 2, the new Williams-Javits bill places responsibility for administration and enforcement in the Secretary of Labor rather than in an SEC-type commission. There are reasonable arguments that can be made in support of the concept of lodging this new regulatory authority in the Secretary of Labor and after due consideration I agreed with Senator Williams that the Secretary of Labor is a logical candidate for exercising this authority.

Of course, I believe that the arguments in support of the independent commission approach are still valid. And it may well be that as we move forward into the active consideration of this legislation that there will be renewed interest in this proposal. We will have to wait and see. I emphasize, however, that I am not at all dismayed by placing these new responsibilities in the Secretary of Labor and I foresee no problems whatsoever in moving ahead toward enactment of legislation on this basis.

Expanded coverage

It has been suggested that the drive for pension reform has ignored a more important problem—expanded coverage—which should deal with the problems of the 50 percent of the Nation's work force not covered by private pension plans at all.

I support expanded coverage, and support incentives for such coverage, such as those tax incentives suggested by the President in his message to the Congress on the subject. But incentives are one thing, and mandates quite another. Our private pension system has always been "voluntary," in the sense that the decision whether to have a pension plan has always been a private voluntary decision, and the decision as to the level of pension benefits has also always been a private voluntary decision. Indeed, the bill I have co-authored in no way diminishes that private voluntary character—it merely says to private pension plans: once you voluntarily decide to promise something, the law requires that you live up to the reasonable expectations built upon that promise.

Further, the movement for expanded coverage mandated by law would not, in my view, be of significant value if it would simply expand expectations without expanding delivery—thus multiplying the number of disappointments.

On the other hand, if pension plans really begin to "deliver," and employees learn that a pension plan is a real promise, which will deliver real benefits, I have no doubt that expanded coverage will inevitably follow. without any legal compulsion, for labor unions, employees and other participants will insist on coverage, and will be much more willing to forgo some of their real wages and real wage increases to obtain, in return, even more important real retirement benefits. That is the way to get expanded coverage under a voluntary private pension system.

Employees of small business

Who and where are those 50 percent of the American work force who are not "covered" by private pension plans? According to BLS, it appears that the overwhelming majority of employers without private pension plans are in the small business sector—many of whom lack the profit levels which enable larger employers to take advantage of the tax incentives for private plans, or whose work force is too small to provide a basis for "spreading" (thus, minimizing) administrative costs of pension plan operation.

Part of the solution, no doubt, is in the Administration's proposal (S. 3012) giving tax deductions to employees who contribute to individual saving retirement plans or to employer plans. Yet there is some doubt as to whether low-income employees are likely to see enough benefit to take advantage of such deductions.

The real solution for small business in my judgment may be in a private voluntary nationwide cooperative pension program somewhat along the lines established by the college teachers' retirement system (TIAA-CREF), to which any employer together with his employees could make tax-deductible contributions. Such a program could be run entirely on a private basis, like a fraternal benefit plan, without the hazard of any significant administrative expense to contributing employers. My staff and I are now exploring the possibility of legislation which will assist in the development of this kind of a system for the small employers who presently account for the great bulk of the "non-covered" members of the work force.

In sum, I have no doubt that we can develop a fair, feasible and efficient system of private pension plans, and of private pension plan regulation. And under that kind of regulation, private plans will develop even more rapidly than in the past—and coverage will expand without mandating coverage and particular benefit levels. The central question is not whether we mandate plans, but whether we require that pension promises be kept, and the reasonable expectations built upon those promises not be disappointed.

So there needn't be a confrontation between the pension industry and the Congress. There shouldn't be confrontation between the private system and the workers, either. And the legislation will be better—fairer, more feasible, more efficient—if we work it out together.

Summary of Major Provisions of the Williams-Javits Pension Reform Bill—Retirement Income Security for Employees Act

PURPOSES

The purposes of the "Retirement Income Security for Employees Act" are:

1. To confer upon the Secretary of Labor the duty and responsibility to implement and administer the programs and provisions of this Act designed to improve and coordinate the establishment, administration, and operations of private employee pension and welfare plans, and provide for the enforcement of its provisions through administrative and judicial remedies.

2. To improve employee benefit plans by creating standards which will promote and adequately protect the interests of workers covered by such plans by making provisions for:

(a) Prescribed minimum vested benefits to employees after they have worked reasonable periods of time with an employer;

(b) The protection of the worker's earned rights to benefits in his or her pension plan by a combination of minimum and required standards of funding, and a Federal program of insurance to prevent losses of unfunded vested benefits where the plan terminates;

(c) A voluntary system of portability and reciprocity of credits to enable workers to transfer their earned retirement credits among different employers;

(d) Minimum standards and safeguards against abuses in the administration and management of employee benefit funds, and requirement of more comprehensive disclosure and detailed reporting of the plan, including full financial disclosure of the plan's operations, and also sufficient explanation to workers of their rights, obligations, and benefits.

(e) Effective judicial enforcement of the Act's provisions by the government and the workers affected.

Title I—Organization, powers, and duties of the Secretary of Labor

Sec. 101. The Secretary would have the responsibility to promote programs and plans for the establishment, administration, and operations of employee benefit plans. It would require the registration of such plans with the Secretary upon compliance with requirements set forth in the statute. The Secretary would also direct, administer, and enforce a pension insurance program and others relating to portability, vesting, funding, and fiduciary and disclosure requirements. The Secretary is empowered to conduct inquiries reasonably necessary to ascertain violations of the Act and use subpoena powers if necessary, and bring authorized actions to enforce the Act, prescribe rules governing actuarial standards, certify actuaries as qualified to furnish reports required under the Act, and furnish Congress with annual reports and studies.

Office of Administration

Sec. 103. Within the Department of Labor, there shall be an Office of Pension and Welfare Plan Administration to be headed by an Assistant Secretary of Labor, appointed by the President, with Senate advice and consent, to exercise power and authority delegated the Secretary of Labor for the administration and enforcement of the Act.

Coverage and exemptions

Sec. 104. Unless exempt, the provisions of the Act apply to any pension or profit-sharing-retirement plan established or maintained by an employer, a union, or both together in any industry or activity affecting interstate commerce. The fiduciary provisions of the Act apply to all employee benefit plans unless exempt.

The Act does not apply to plans administered by federal or state governments, plans administered by religious organizations, plans for the self-employed, plans covering not more than 25 participants, plans established outside the territorial jurisdiction of the United States for citizens of other countries, certain plans for key executives and plans for members of labor organizations which are financed exclusively from the members' dues.

The funding and plan termination insurance requirements are not applicable to profit-sharing or money purchase plans, because of the nature of these plans.

Registration of plans

Sec. 105. Requires covered pension and profit-sharing-retirement plans to file and register with the Secretary and upon a finding that the plan is qualified for registration, the plan is issued a certificate of registration by the Secretary. The criterion for granting a certificate of registration is compliance with the requirements of the Act. Every plan must apply for plan termination insurance as a condition for registration.

Certificate of rights

Sec. 106. The Secretary shall require by regulation that each plan furnish a vested participant, upon his termination of service with the plan, with a certificate reciting the benefits due the participant and the location of the entity responsible for payment and the date when payment shall begin.

Title II—Vesting and funding requirements

PART A—VESTING

Eligibility

Sec. 201. No pension or profit-sharing-retirement plan may require as a condition for eligibility in the plan a period of service longer than six months or an age greater than 21, whichever occurs later.

Vesting schedule

Sec. 202. All pension and profit-sharing-retirement plans are required to vest rights in participants with respect to service on or after the effective date of the title at the rate of a 30 percent vested interest commencing with eight years of service, and increasing by 10 percent each year thereafter in order that 100 percent vesting is attained after 15 years of service.

It further provides that no more than three of the eight years required to qualify for a 30 percent vested right need be continuous years of service, but that service prior to the age of 21 may be ignored in determining eligibility for a vested right unless the participant or his employer has made contributions to the plan with respect to service prior to age 21.

Any plan may allow more liberal vesting than required by the Act.

PART B—FUNDING

Sec. 210. Every employer is required to provide contributions for funding of his pension plan in a manner adequate to liquidate all pension benefit liabilities which may accrue under the terms of the plan. Employers must fund all normal service costs annually and must fund initial unfunded liabilities existing on the effective date of this Title, or in any plan established after the effective date of the Title, within 40 years from the applicable date. If any amendment to the plan results in substantial increase to the plan's unfunded liabilities, the increase shall be funded separately as if it were a new plan and shall be regarded as a new plan for purposes of the plan termination insurance program established under this Act.

If a plan has an experience deficiency (resulting from actuarial error) for any particular year, the deficiency must be liquidated in no more than a five-year period.

Within six months after the effective date of the Title or within six months after the date of plan establishment, whichever is later, the plan is required to submit a report by an actuary who has been certified by the Secretary, stating information necessary to determine the appropriate application of the funding requirements to the plan. Plans are also required to be reviewed every five years by certified actuaries who are to report the funding obligations that must be met and any surplus or experience deficiencies. The Secretary is authorized to exempt certain plans from these filing requirements.

Discontinuance of plans

Sec. 211. The Act requires all funds of terminated pension plans to be distributed according to the following priorities:

First, to retirees or persons eligible to retire on date of plan termination; second, to participants who have vested rights under the plan but who have not reached retirement age; and, third, to other participants. In addition, employers are held liable for contributions owing to the plan that were required to be made by virtue of the funding requirements of the Act, but which were not made as of the date of plan termination.

PART C—OPTIONAL ELECTION TO DIVIDE PENSION PLAN

Sec. 215. Employers with plans in existence at the effective date of the Act would be given an option. They would be permitted to retain their old plans in existence without complying with the vesting provisions of this Act, but would be required to comply with all other provisions of the Act. In addition, the employer would be required to establish a new plan to conform to the vesting requirements of the Act. All new employees, and any old employees who wish to join the new plan, would be included. The new plan would supplement the prior plan, providing all new employees with the protection required by the vesting provisions of the Act. The old plan would be allowed to phase out as older employees who elected to remain in the old plan retire.

PART D—VARIANCES

Sec. 216. The Secretary is authorized to grant an initial delay of up to three years to comply with the vesting or funding requirements of the Act where initial compliance with these requirements would be unduly burdensome, impractical, or would otherwise adversely affect the interests of employees.

Sec. 217. Upon a showing that an employer cannot make the required annual contribution to the plan, the Secretary is authorized to permit the deficiency to be funded over a period of five years, provided that the Secretary is satisfied that such a waiver will not adversely affect the interests of employees and will not impair the financial position of the plan termination insurance fund. No waiver may be granted for more than five years, and where a plan has been granted five consecutive waivers, the Secretary may determine:

1. Whether merger on consolidation of the deficiently-funded plan with another plan of the employer is feasible and would not adversely affect the interests of participants involved;

2. Whether in order to protect the interests of participants and the position of the plan termination insurance fund, it is necessary to order the plan to terminate; and

3. Such other action as may be appropriate to carry out the purposes of the Act.

No amendments increasing plan benefits are permitted during any period that a funding waiver is in effect.

The Secretary is required to promulgate regulations governing funding of fixed-contribution multi-employer plans to assure that such plans are provided with sufficient assets to cover benefits under the plan. In promulgating such regulations, the Secretary is required to set a funding period that will actuarially reflect an adequate basis for funding the plan's benefit commitments and which takes into account the particular situation pertaining to the plan, industry, and circumstances involved. In no event is the Secretary authorized to prescribe a funding period for a fixed-contribution multiemployer plan which is less than 40 years, and no such plan is permitted to increase benefits beyond a point for which the fixed contribution rate would be actuarially inadequate unless such rate is increased commensurately.

The Secretary may determine also that employer's withdrawal from a multiemployer plan will significantly reduce the rate of aggregate contributions to the plan. He may then require the fund to be allocated between the nonworking and working participants, and treat the nonworkers' share of the fund as terminated for insurance purposes, and the remaining portion of the fund as a new one for funding, variances, and insurance purposes.

Title III—Voluntary portability program for vested pensions

Program established

Sec. 301. There is established a voluntary program for portability of vested pension credits. The program will be administered by and under the Secretary's direction and designed to facilitate the voluntary transfer of vested credits between registered plans. Plans registered under the Act may voluntarily apply for membership in the program and upon approval be issued a certificate of membership by the Secretary.

Acceptance of deposits

Sec. 302. Upon request of a plan participant, plans which are members of this program are required to pay, to a central portability fund administered by the Secretary, monies representing the value of the participant's vested rights when he is separated from the plan prior to retirement. The Secretary will prescribe the terms and circumstances of deposits to be made.

Special fund

Sec. 303. The Act establishes a Voluntary Portability Program Fund under the supervision of the Secretary into which payments will be made in accordance with regulations prescribed by the Secretary under the portability program. The Secretary shall be the trustee of the fund, and shall administer the fund and report to the Congress annually of the fund's operations and fiscal status. The Secretary is authorized to deposit the amounts received in financial institutions insured by the FDIC or FSLIC but not more than 10 percent in any one financial institution.

Individual accounts

SEC. 304. The Fund would establish individual accounts for each participant with respect to whom it has received monies under the portability program.

Payments from individual accounts

SEC. 305. As the request of a participant transferring into a new plan, the Secretary is required to pay out of his account the accumulated amounts to purchase pension credits from the new plan which are actuarially equivalent. Unless the monies in a participant's account have been transferred to another employer's plan at the participant's request, the Secretary is required to use the monies in the participant's account to purchase a single-premium life annuity from a qualified life insurance carrier when the participant reaches age 65.

Technical assistance

SEC. 306. The Secretary is authorized to furnish technical assistance to unions, administrators, and all others affected by this Act who wish to develop portability or reciprocity arrangements of their own.

Title IV—Plan termination insurance

Program established

SEC. 401. There is established a Private Pension Plan Termination Insurance Program administered by the Secretary.

Condition of insurance

SEC. 402. The insurance program insures participants against losses of vested benefits arising from plan termination. Vested rights acquired prior the effective date of the Act or which exceed the minimum vesting requirements provided for by the Act are not insured.

The amount of vested benefit insurance is limited to 50 percent of highest average monthly wage of participants earned over a five-year period or $500 monthly, whichever is the lesser.

No insurance shall be paid if the plan is terminated less than three years from date of establishment or registration unless the Secretary determines that a registered plan was otherwise in substantial compliance with Act and that the reserve position of the insurance program will not be adversely affected.

Insurance will not cover vested rights created by any plan amendment which took effect less than three years prior to plan termination.

No coverage is extended to participants who own 10 percent or more of employer voting stock.

Assessment and premiums

SEC. 403. Plans shall pay an initial uniform assessment to be prescribed by the Secretary to cover administrative costs of the program. The Secretary shall prescribe an annual premium rate based upon unfunded vested liabilities. For the first three years that there are unfunded vested liabilities subject to insurance, the insurance premium shall not exceed 0.2 percent of the plan's unfunded vested liabilities. After the initial three-year period, the Secretary may prescribe an annual rate based upon experience, and unless Congress objects within 60 days, the new premium shall become effective.

The Secretary is required to consult with appropriate private and government agencies on matters relating to the assessment and premium rates before prescribing rates.

Payment of insurance

SEC. 404. Insured plans must receive authority from the Secretary to terminate, and the Secretary must determine that statutory requirements have been complied with and that the prospective termination is not designed to avoid or circumvent the Act.

The insurance to be paid shall be the difference between the plan's assets and unfunded vested benefits owed at the time of plan termination.

Recovery

SEC. 405. Where employers in terminated plans are not insolvent, they may be liable for reimbursement of a portion of insurance benefits paid. The liability of the employer is to be based on the ratio of the plan's unfunded vested liabilities to the employer's net worth, and the employer is required to reimburse the Secretary for that percentage of the unfunded vested liabilities which is represented by the foregoing ratio.

The Secretary shall make arrangements with employers on equitable terms for the reimbursement of insurance paid.

Pension benefit insurance fund

SEC. 406. Within the Treasury Department, there is established a fund for the deposit of premiums, assessments, etc., made under the Act and for payment of such claims thereunder.

Title V—Disclosure and fiduciary standards

The new Disclosure and Fiduciary Requirements of this Act are accomplished amendment to the Welfare and Pension Plans Disclosure Act. (WPPDA).

Disclosure

SEC. 501. Annual reports required to be filed are required to be accompanied by a certificate designating the Secretary as agent for service of process in any action arising under this Act.

SEC. 505. Plan descriptions under this Act are required to be comprehensive and written in a language and manner calculated to be understood by the average participant. In addition, the prior filing requirements are revised to authorize plan amendments to be filed in accordance with regulations prescribed by the Secretary. Heretofore, plan amendments had to be filed within 60 days after they were effective.

SEC. 506. There are two significant changes to the WPPDA made by this section. The first is a new requirement that the annual financial report must include an opinion of the plan's financial condition by an independent accountant based upon the results of an annual audit. Second, plans must include in their reports more detailed financial information, particularly in connection with party-in-interest transactions, and more detailed actuarial information relating to the plan's funding method and its overall financial soundness.

SEC. 507. The requirements of the WPPDA relating to the furnishing of reports and information to employees is substantially broadened to require administrators to furnish to every participant upon his enrollment in the plan a summary of the plan's important provisions written in a manner calculated to be understood by the average participant (this requirement covers major amendments as well), including an explanation of a participant's rights and obligations under the plan and the circumstances which may disqualify him from benefits, and to furnish to participants every three years a revised, up-to-date summary of the plan's important provisions (including major amendments).

Additionally, the plan administrator must furnish to participants and beneficiaries, upon request, copies of the plan description, annual report, or bargaining agreement, trust agreement, contract, or instrument under which the plan is established and operated. The plan administrator may make a reasonable charge to cover the costs of such copies.

Plan administrators are also required to furnish participants with notices of any vesting or funding variation the plan has received under other provisions of the Act.

SEC. 508. Amends Section 14 of the WPPDA to restructure the Advisory Council on Employee Welfare and Pension Benefit Plans so that it will serve as an advisory council for both the WPPDA and the Retirement Income Security for Employees Act. The Advisory Council is expanded from its present number of 13 members to 19 members. New permanent categories of membership are added to include the fields of actuarial counseling, investment counseling, and accounting. The period of advisory council meetings is changed from its required twice a year to meetings of at least four times a year.

Fiduciary standards

SEC. 509. Adds new Section 15 to the WPPDA which establishes fiduciary standards for employee pension and welfare plans.

In general, requires plans to be established pursuant to a trust agreement and requires plan funds to be treated as a trust for the exclusive purpose of (1) providing benefits to participants and their beneficiaries and (2) paying reasonable administrative expenses.

Requires a fiduciary (i.e., a person who is responsible for handling plan funds) to act solely in the interests of participants and beneficiaries and as a prudent man in a similar situation and other like conditions would act. The fiduciary must adhere to trust terms which are consistent with the Act and to refrain from transactions where his personal interests would conflict with the interests of the participants and beneficiaries. However, transactions which are otherwise prohibited may be permitted by the Secretary if he finds that the participants' interests would be served by such action. A fiduciary is prohibited from investing more than 10 percent of a pension fund's assets in securities of the employer.

In general, fiduciaries may be reasonably compensated and entitled to receive benefits which belong to them by reason of being participants in a plan and may also make certain loans to participants or beneficiaries or make reasonable arrangements with parties-in-interest for office space or other services.

Any fiduciary who breaches his trust is personally liable for losses resulting from such breach, and co-fiduciaries are jointly and severally liable except that a co-fiduciary may avoid liability by objecting promptly to any action which may constitute a breach of trust.

Exculpatory clauses in trust agreements are prohibited; however, fiduciaries are permitted to allocate specific responsibilities among themselves, and, thereby, subject to approval by the Secretary, limit the responsibility of each fiduciary.

The bill further prohibits any person who has been convicted of certain specified crimes from serving as an administrator, officer, trustee, employee, or consultant, of or with respect to a plan, for five years following his conviction or release from imprisonment, unless the Secretary determines that a waiver is justified.

Finally, the bill requires all investments and deposits of plan funds to be made in the name of the fund or its nominee and prohibits employees of either the employer or an employee organization from receiving commissions, or brokerage fees with respect to plan investments; and provides for a transitional period as determined by the Secretary for a plan to dispose of conflict-in-interest investments.

Title VI—Enforcement

SEC. 601. The Secretary is empowered to petition the federal courts to compel a pension or profit-sharing-retirement plan to comply with the Act or effect recoveries of monies which may be due under the Act.

Sections 602, 603, 604, and 605. When the Secretary has reason to believe that a pension, profit-sharing, or other employee benefit plan is violating the Act or the plan's governing documents, he may seek relief in the federal courts to compel the return of assets to the fund, to require payments to be made, to require the removal of a fiduciary, and to obtain other appropriate relief. Plan participants also may seek relief in federal and state courts against violations committed by a fiduciary, including his removal from office. They may also seek relief to recover benefits required to be paid under the plan in the same courts. The Secretary has the right to remove an action pending in a state court to the federal courts for relief provided under this Act.

Sections 607 and 608. Administrators and fiduciaries have the right to obtain judicial review of the actions of the Secretary. The bill provides a statute of limitations of five years for actions arising under the Act.

Section 609. This Act supersedes state laws covering the same matters. However, the Act does not exempt or relieve any person from complying with any state law regulating insurance, banking, and related matters, and does not remove state jurisdiction over plans not subject to the Act. State courts are not prevented from asserting jurisdiction in compelling the accounting of a fiduciary or requiring clarification of the plan. The Secretary or a plan participant may remove such a case from the state to the federal court if it involves the applicability of the Act.

Mr. JAVITS. Mr. President, I thank the majority leader for yielding his time to me.

SENATOR ERVIN: HE STILL SPEAKS WITH A FRESH VOICE

Mr. MANSFIELD. Mr. President, the Tampa Tribune-Times issue for May 7, 1972, published an article by Robert Shogan about our distinguished colleague, the senior Senator from North Carolina (Mr. ERVIN), entitled "Senator ERVIN: He Still Speaks With a Fresh Voice."

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered printed as follows:

[From the Tampa Tribune-Times, May 7, 1972]

SENATOR ERVIN: HE STILL SPEAKS WITH A FRESH VOICE

(By Robert Shogan)

WASHINGTON.—At an age when many veteran senators are content to echo their past rhetoric and reiterate old positions, 75-year-old North Carolina Sen. Sam Ervin is demonstrating a fresh voice and dynamic presence.

The folksy Southern Democrat oratory backed by a keen legal mind is still vintage Ervin. And sometimes his actions seem paradoxical given a record that leans toward the Establishment side of national life.

But in recent days—in cases ranging from basketball to big-business favoritism—he has emerged as a zealous defender of constitutional guarantees protecting individuals against corporate bullying and the legislative branch against executive encroachment.

In the celebrated International Telephone and Telegraph Corp.-Richard Kleindienst case, it was Ervin who successfully insisted that executive privilege could not keep White House aide Peter Flanigan from testifying before the Senate Judiciary Committee.

Although never known as a friend to labor, he battled on behalf of America's tallest working men. In recent Congressional hearings, he condemned the proposed pro basketball merger on the grounds it would create a monopoly unfair to wage earners—in this case, professional athletes.

And his eloquence so intrigued the Supreme Court that the Justices kept him talking after his allotted time. The case involved the Pentagon Papers that Alaska Sen. Mike Gravel had read into the Congressional Record. The Justice Department was seeking to question a Gravel aide, Ervin said:

"Nothing comes nearer to scaring a poor Senator or Representative to death (than giving) the Executive branch, with all its power and might, and the Judicial branch, with all its power and might, the authority to pass officially on his conduct."

Last year, he opposed Army surveillance on private citizens and debated against a Presidential order expanding the authority of the Subversive Activities Control Board.

"This executive order manifests a fear of freedom," he said. "It manifests a fear of the American people."

Asked to explain behavior that sometimes seems paradoxical, the tall, ruddy Senator declared, "I am in possession of a great affliction, a Scotch-Irish conscience which will not permit me to follow after a great multitude to do what I conceive to be evil."

For all his stature as a civil libertarian, Ervin has opposed virtually every piece of civil-rights legislation in the Senate. Critics say it is conventional Southern political wisdom. But Ervin says:

"They gave to the Federal government supervision of things that ought to be left to individuals. Racial relations, like other human relations, can only be settled in a satisfactory manner by the persuasive power of reason and not by the force of the power of law."

But civil-rights advocates like Washington lawyer Joe Rauh are not impressed. "How can a man understand the civil liberties of white people and not understand the civil rights of black people?" asks Rauh, general counsel of the Leadership Conference on Civil Rights. "Ervin is a man whose mind is in chains. If he could ever get out of the chains, he'd be the greatest man in the Senate."

Today, after 18 years in the Senate, Ervin is a courtly politician who brings small-town attitudes and zealous love of the law to bear on complex present-day concerns. He was born in the mountain country around Morgantown, N.C., where his father practiced law for 65 years.

After heroic service in World War I (he was twice wounded and received the Silver Star and Distinguished Service Cross) he earned a law degree at Harvard, married his sweetheart, Margaret Bell, and eventually was named to the North Carolina Supreme Court after serving in the legislature. In 1954, he was appointed to a vacant Senate seat and was immediately thrust into controversy.

The Senate was examining the performance of Sen. Joseph McCarthy and Ervin finally voted for censure.

Off the Senate floor, he lives quietly with "Miss Margaret," sips an occasional bourbon and ginger and appears capable of winning re-election—he's up in 1974—for as long as he chooses to run. When the question of re-election came up a few years ago, one state official remarked:

"Hell, I'd just about forgotten that Sam had to run like everybody else. Sometimes you get the feeling that he holds that seat by divine right."

Despite criticism that he is often out of step with the times, Ervin's image as an incorruptible man who follows the dictates of his God-fearing conscience often undermines his critics. He has been staunchly against women's lib legislation, and a militant North Carolina lady recently said she wrote a tart letter of protest to him.

"But then I just ripped it up," she confessed. "In the first place, it wouldn't have done any good because he thinks he's right. And in the second place, do you know how funny it makes you feel to realize that you've called Sam Ervin a male chauvinist pig on paper?"

ST. ANDREWS PRESBYTERIAN COLLEGE CONFERS AN HONORARY DEGREE UPON SENATOR SAM J. ERVIN, JR.

Mr. MANSFIELD. Mr. President, at its commencement on May 21, 1972, St. Andrews Presbyterian College of Laurinburg, N.C., conferred its honorary degree of doctor of laws upon our distinguished colleague, the senior Senator from North Carolina (Mr. ERVIN), who delivered a commencement address entitled "Our Heritage is Freedom."

I ask unanimous consent that a copy of the citation recording the reasons for the conferring of the degree be printed at this point in the RECORD.

There being no objection, the citation was ordered printed as follows:

SAMUEL JAMES ERVIN, JR.

The original purpose of the degree of *Legum Doctor* was to serve as a means of recognizing learning or attainment in the law. Today the degree is commonly awarded in recognition of distinguished service in the fields of government, politics, and public administration. The man St. Andrews chooses to honor with this degree today uniquely satisfies both the old and the new qualifications, as student of the law, jurist, Constitutional authority, legislator, and Senator.

Sam J. Ervin, Jr., was born in Morganton, Burke County, North Carolina, where he received his early education and where he began his career as a lawyer and judge. Graduated from the University of North Carolina in 1917, he served eighteen months in France during World War I. He was twice wounded. His decorations include the Fourragère, the Silver Star, and the Distinguished Service Cross.

In 1922 he earned a law degree from Harvard University. He was a representative from Burke County during several terms of the N. C. Assembly, and he served as U. S. Representative in the 79th Congress. He was successively, judge of Burke County Court and of the N. C. Superior Court, and for six years was an associate justice of the N. C. Supreme Court. He has been in the U. S. Senate since 1954.

A statesman is judged by what he fights for and by what he fights against. Throughout his life Sam Ervin has been for the law and for its goals of order and justice and freedom, for he believes that law and the respect for law are the basis of order in a free society. He believes that the individuals respect for law must be balanced by the law's reverence for the individual's rights.

It is significant that Sam Ervin's first major speech in the Senate challenged the threats and intimidation of the then powerful Senator Joseph McCarthy. As a member of the select committee to study censure charges against Senator McCarthy, he helped to bring a period of national hysteria and near insanity to a close.

As a staunch defender of the Bill of Rights, he has warned against the network of intelligence-gathering systems being developed by government and private agencies, saying that "in these systems, where they contain the record of the individual's thoughts, beliefs, habits, attitudes, and personal activities, there may well rest a potential for political control and for intimidation that is alien to a society of free men." In the name of Constitutional civil liberties, he has fought to uphold freedom of speech, thought, and privacy. In the spirit of the First Amendment he opposed the prayer amendment proposed in 1966 by Senator Dirksen. Sam Ervin was quoted at the time as saying, "I am a possessor of a great affliction—a Scotch-Irish [Presbyterian] conscience, which will not permit me to follow after a great multitude to do what I conceive to be evil."

He has fought to preserve the Fourth Amendment guarantee against government assaults on privacy. He has defended federal employees against an inquisitive bureaucracy, and he has opposed military snooping, "no-knock" legislation, preventive detention, government censorship of the press, and other police state techniques. It should not be forgot that as a member of the N.C. Assembly in the early twenties he helped to defeat a bill that would have possibly brought the Scopes "monkey trial" to North Carolina, and that in recent years he was responsible for Congressional action that finally extended full civil rights to American Indians.

His decisions and actions throughout his career have been based on the first ten amendments to the U.S. Constitution, the ground where true conservatives and true liberals meet.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. ERVIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the morning hour be extended to not beyond 11 o'clock.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Tennessee at that time, 11 a.m., may be allowed to offer his amendment and that following that amendment the Fisherman's Act, under the distinguished chairmanship of the Senator from Washington (Mr. MAGNUSON) be taken up again.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object, and I shall not object, I have an amendment, and I have geared my whole day to this agreement.

Mr. MAGNUSON. Well, Mr. President, I will say to the Senator from Texas that I did not know of any proposed amendments to our committee bill until the Senator from Texas asked me about it late yesterday. I understand the Senator from Mississippi (Mr. EASTLAND) has been interested in the matter also. I have taken a look at the amendment, and I feel that I can accept it.

Mr. TOWER. That is what I understood.

Mr. MAGNUSON. I will say to the majority leader that one problem we have is that the Senator from Virginia (Mr. SPONG) conducted most of the hearings on this bill, and he is not here today.

Mr. MANSFIELD. Is this the only amendment the Senator knows of?

Mr. MAGNUSON. I am sure we can accept the amendment on the shrimp matter.

Mr. MANSFIELD. Are there any others?

Mr. TOWER. The Senator from Alaska (Mr. STEVENS) has one.

Mr. MAGNUSON. We can accept the Stevens amendment, also, because we are going to put that in the bill, and we can lay it aside.

Mr. MANSFIELD. Very well, Mr. President, I withdraw my request. We have the agreement to continue the morning hour until 11 o'clock, if need be. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. There is a quorum call in progress.

Mr. MANSFIELD. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. BURDICK):

A resolution adopted by the Common Council of the City of Buffalo, N.Y., praying for the enactment of legislation relating to lead poisoning research; ordered to lie on the table.

A resolution adopted by the Town Board of Cheektowaga, N.Y., praying for the enactment of legislation relating to the construction of sewage treatment facilities in the State of New York; ordered to lie on the table.

REPORT ON ESSENTIALITY OF SPECIALTY STEELS INDUSTRY TO NATIONAL SECURITY—REPORT OF A COMMITTEE (S. REPT. NO. 92–804)

Mr. HARRY F. BYRD, JR. Mr. President, the Subcommittee on General Legislation has submitted to the full Committee on Armed Services a report on the essentiality of specialty steels industry to national security. This report has been approved by the full committee and I submit this report and ask unanimous consent that it be printed.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. LONG, from the Committee on Finance:

Lee H. Henkel, Jr., of Georgia, to be an Assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service);

George P. Shultz, of Illinois, to be Secretary of the Treasury;

Charls E. Walker, of Connecticut, to be Deputy Secretary of the Treasury;

William H. Quealy, of Virginia, Arnold Raum, of Massachusetts, and Irene Feagin Scott, of Alabama, to be judges of the U.S. Tax Court;

John Michael Hennessy, of Massachusetts, to be an Assistant Secretary of the Treasury; and

Edwin S. Cohen, of Virginia, to be Under Secretary of the Treasury.

By Mr. HRUSKA, from the Committee on the Judiciary:

Otto R. Skopil, Jr., of Oregon, to be a U.S. district judge for the district of Oregon; and

James M. Burns, of Oregon, to be a U.S. district judge for the district of Oregon.

EXTENSION OF TIME FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE ITS REPORT ON S. 3419, THE CONSUMER SAFETY ACT

Mr. JAVITS. Mr. President, the Committee on Labor and Public Welfare is due to report on S. 3419, the Consumer Safety Act, on May 30, 1972. By arrangement between the Chairman of the Committee on Labor and Public Welfare and the Chairman of the Interstate and Foreign Commerce Committee, I ask unanimous consent that the Committee on Labor and Public Welfare may have up to and including June 1, 1972, to report.

Mr. GURNEY. Mr. President, reserving the right to object, may I inquire from the Senator why he asks the additional time?

Mr. JAVITS. Because May 30 falls on Tuesday, and we are unable to have a meeting on that day; and the Committee on Government Operations has until May 31, which is the day before, and both committees are required to report, and the chairman of our committee feels that we need the time in order to report.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BENNETT (for himself, Mr. JAVITS, Mr. PERCY, Mr. TAFT, Mr. MATHIAS, and Mr. BEALL):

S. 3643. A bill to encourage and assist States and localities to coordinate their various programs and resources available to provide human services in order to facilitate the improved provision and utilization of those services and increase their effectiveness in achieving the objectives of personal independence, economic self-sufficiency, and the maximum enjoyment of life, with dignity, and for other purposes. Referred, by unanimous consent, to the Committee on Labor and Public Welfare; and, if and when reported by that committee, to the Committee on Finance.

By Mr. HUGHES:

S. 3644. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related Acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism. Referred to the Committee on Labor and Public Welfare.

By Mr. FULBRIGHT (by request):

S. 3645. A bill to further amend the United States Information and Educational Exchange Act of 1948. Referred to the Committee on Foreign Relations.

By Mr. BEALL (for himself and Mr. MATHIAS):

S. 3646. A bill to provide for the establishment of the Clara Barton House National Historic Site in the State of Maryland, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BUCKLEY (for himself, Mr. BENNETT, Mr. BROCK, Mr. CURTIS, Mr. ERVIN, Mr. GURNEY, and Mr. THURMOND):

S. 3647. A bill to amend chapter 85 of title 28, United States Code, relating to the censure, suspension, and disbarment of attorneys. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNETT (for himself, Mr. JAVITS, Mr. PERCY, Mr. TAFT, Mr. MATHIAS, and Mr. BEALL):

S. 3643. A bill to encourage and assist States and localities to coordinate their various programs and resources available to provide human services in order to facilitate the improved provision and utilization of those services and increase their effectiveness in achieving the objectives of personal independence, economic self-sufficiency, and the maximum enjoyment of life, with dignity, and for other purposes. Referred, by unanimous consent, to the Committee on Labor and Public Welfare; and, if and when reported by that committee, to the Committee on Finance.

ALLIED SERVICES ACT

Mr. BENNETT. Mr. President, on behalf of my colleague Mr. JAVITS and other Senators and myself, I am today introducing the Allied Services Act, which is designed to assist State and local governments in achieving a coordinated and integrated system for the delivery of the broad range of social service-oriented programs financed by the Federal Government.

During the past 20 years, the Federal Government has created a vast system of categorical programs designed to meet the increasing demands of social problems. They have been aimed at the elimination of such problems as drug abuse, inadequate educational opportunity, mental retardation, alcoholism, substandard health care, housing conditions, nutrition, family counseling, and the list goes on and on totaling well over 250 individual programs at HEW alone.

It can be accurately said that there is a Federal program designed to deal with virtually every social problem in this country. The fact that these problems still exist points out two things: first, there is much which has yet to be done, and second, that there is a question about whether or not there is the necessary coordination between programs to allow the delivery of services in a way which will be responsive to the human needs they are designed to serve.

The fact that more than 80 percent of the Department of Health, Education, and Welfare's clients require more than one service points out the increasing need for a sensible service delivery system that can offer a central location for the distribution of both information and assistance. It is unfortunate, but true that a majority of those individuals who need more than one service never reach the second service agency, and those who do, find that there are no shared case histories, no coordinated approach to the providing of assistance. Having to go through the painful retracing of individual case histories before receiving aid is demoralizing to the individual whom the programs are designed to assist, and it is also a waste of time, energy and the taxpayer's money.

The President has proposed a number of initiatives which, taken together, are designed to eliminate many of the basic faults in the present system.

His general revenue sharing proposal would return to the States and localities a significant amount of Federal money to be used by State and local officials in accordance with their local needs. The special revenue sharing proposal would do the same thing in six specific areas of public services.

The administration, under President Nixon's direction, has strengthened the Federal Government's regional structure and has initiated a comprehensive review of all Federal assistance programs in an effort to simplify and decentralize them.

Mr. President, in an effort to see to it that there is a continuation of the philosophy of increased responsiveness and coordination, I am sponsoring the Allied Services Act. I am confident that the passage of the act will create the capacity at State and local levels to discern problem areas, to eliminate duplication, and to fill existing voids in the broad range of human services that are now offered through the host of categorical grant-in-aid programs.

I am also sponsoring the Allied Services Act because I believe that we must maximize the effect of the programs and eliminate unnecessary administrative costs so that more services to people can be supported. This bill is designed to achieve that goal. If resources are pooled, administrative costs must go down. It is wasteful to have more than 250 HEW categorical grant-in-aid programs administered at the State and local level by separate structures which do not pool resources, which have separate administrative and accounting procedures, which file an inordinate amount of differing forms with the Federal Government and which require different planning effort, separate caseworkers, and separate facilities. The Allied Services Act is designed to reduce this extraordinary duplication by allowing the Governor to pool the planning resources and funds from the various human service categories, by allowing the Secretary of HEW to waive some of the administrative guidelines and regulations which require administrative duplication and duplicated costs, and by allowing a voluntary transfer of funds of up to 25 percent from one of the participating programs to another in order to reduce duplication and to fill existing voids.

Mr. President, I am sure that this is the beginning of a reform which we all have known has been needed for some time. Governors and mayors who have struggled for years in an effort to coordinate and participate in the vast range of human services available in their areas, I am certain will be pleased to see this as the first major step in the badly needed process of reform.

Mr. President, I ask unanimous consent that the summary of the proposed Allied Services Act of 1972 be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE PROPOSED "ALLIED SERVICES ACT OF 1972"

The proposed "Allied Services Act of 1972" is intended to encourage States and localities to coordinate the provision of human services to individuals and families which will assist them in attaining the greatest feasible degree of personal independence and economic self-sufficiency, or which will prevent individuals and families from becoming increasingly dependent upon public and private programs for both financial support and personal care.

The Act would define various key terms For instance, the term "human services" includes any services provided to achieve or maintain personal and economic independence. The "coordinated provision of services", means the provision of human services needed by individuals and families, in such a way as to (1) facilitate access to and use of the services, (2) improve the effectiveness of the services, and (3) use service resources more efficiently and with minimal duplication. These definitions help to restate the goals of the Act in clear terms—to lessen dependency through more effective service delivery.

Title I of the bill provides authority for the Secretary to make various types of project grants which may be needed by States and localities to plan and develop the capacity for the coordinated provision of services. There is also authority to provide technical assistance for planning or implementing a specific coordinated services program. Also, the Secretary is given authority to evaluate, directly or by grant or contract, the programs established under this Act. In addition to any salary and expense money he may wish to devote to evaluation, the Secretary may also use for this purpose amounts not in excess of 1% of the amounts appropriated to carry out the Act.

Title II describes the State and local allied services programs contemplated under this Act. Section 201(a) describes the steps which must be taken by the Governor as conditions precedent to the submission of a State allied services plan. First, he must divide the State into service areas (within which human services programs will be coordinated), after taking into consideration factors such as the distribution throughout the State of service needs and service resources, the boundaries of planning areas or areas for the delivery of individual service programs, and the location of units of general purpose local government.

In the process of delineating service areas, he must inform units of general purpose local government of his plans and consider their comments and recommendations. The service areas should conform, to the extent found practicable by him, to any other areas within the State established for the planning or administration of human services programs. Second, he must determine, after consultation with the various public and private service agencies, whether a local allied services plan will be developed for any given service area. In the event that it is, then the Governor designates a local agency to take the lead in developing and assuring implementation of the local plan. Third, the Governor must designate a State agency which is under his direction and which will have responsibility for developing a State allied services plan incorporating local plans and implementing the State plan.

Section 201(b) provides that to be designated as described above, a local agency must be an office or agency of a unit of general purpose local government (or combination of such units) which has been chosen to act in this capacity by the chief elected official (or officials) of the unit (or units), or of a public or nonprofit private agency (which, for this purpose, is under the direction of the designated State agency), which can plan for and provide a broad range of human services, and must give assurance, satisfactory to the Governor, that it has the necessary ability to develop and carry out the local plan. The Governor may designate a public or nonprofit agency, other than an office or agency chosen by a unit (or units) of general purpose local government, only if he finds that there is no such office or agency which has the capacity to carry out a local allied services plan.

The local allied services plan must be approved by the State agency and incorporated into the State plan before any of the forms of Federal assistance described below can accrue. The local plan must specify the agencies and organizations which have agreed to participate in the coordination effort, describe the service needs and resources within the service area, enumerate the programs to be included under the plan, and provide reasonable assurance that progress will be made in coordinating the provision of services. This assurance is to be provided by describing the specific functions and services to be coordinated, the benefits to individuals, and the administrative efficiencies to be achieved by the coordination.

It is the intent of this bill to have the active and continuous involvement of voluntary organizations, client groups, service consumers, and local social service providers in the planning and administrative processes of the program. Therefore, to ensure the program's responsiveness to the particular needs of each community, each plan must be accompanied by assurances that interested agencies, organizations, and individuals were afforded the opportunity to comment upon the plan prior to its submission to the State agency and will have an effective channel through which their views can be known with respect to the ongoing administration of the plan.

Section 202(a) prescribes the requirements applicable to a State allied services plan. An approvable plan must, (1) through a brief summary of the incorporated local plans, describe the current status of the coordinated provision of services, and the steps which will be taken to achieve a greater degree of human services coordination, (2) provide assurance that under each local plan services under the assistance titles of the Social Security Act will be coordinated with services under: any other three human services programs, any other HEW supported programs which the Secretary may specify, and any other such programs, regardless of whether they are receiving Federal support, which the State may desire to include, and (3) provide that the State agency will provide any other relevant information which the Secretary may request.

Subsection (b) directs that an opportunity to review and comment upon a State plan submitted for approval be afforded to the head of any Federal department or agency which is extending assistance to a program included within that plan.

Subsection (c) directs the Secretary to approve a State plan if he finds that: (1) the Governor has complied with the preliminary organizational requirements prescribed in section 201, (2) the plan meets all the specified requirements, and (3) the plan is designed to accomplish the purposes of the Act to achieve expansion of its coverage to other services and other service areas on a reasonable basis.

Subsection (d) provides certain penalties if the Secretary finds failure to comply substantially with the provisions of an approved State plan (or included local plan). He may in his discretion apply these penalties to the entire State plan or only those parts of the State or local plan or service areas affected by the noncompliance. In such instances, the subsection would provide: no Federal planning funds may be consolidated or intermingled with other such funds for human services planning, no Federal funds may be transferred among programs, no requirements may be waived, and no further payments or grants may be made (in the fiscal year for which the plan is approved) for so long as the failure to comply continues.

Section 203 describes the various types of Federal assistance which become available upon approval of a State allied services plan. Four types of assistance are available:

First, authority would be given both the Secretary and State and local governments with allied services plans to consolidate planning funds extended by the Department of Health, Education, and Welfare. Thus, the Secretary may make a single, consolidated grant of HEW funds available for planning for or under any program included in the approved State or local allied services plan. As a corollary, a State or a unit of general purpose local government, with an approved allied services plan, may use planning funds provided, by the Department of Health, Education, and Welfare and available for any program included in its plan, for planning in connection with the provision of human services under any included program.

Second, a State or local agency with an approved plan may transfer up to 25% of the Federal assistance available for use under any HEW-assisted program included in the plan to be expended in carrying out any other included programs. Assistance transferred under this authority carries with it the matching rate established under the program for which it was originally appropriated, so that no incentive to transfer will be created merely by disparities in matching rates which exist among the included programs.

The transfer authority does not apply, however, to the open-ended assistance programs under the Social Security Act, or to assistance provided under title I of the Elementary and Secondary Education Act (consistent with the Administration's special education revenue sharing bill).

Third, the Secretary is authorized to waive requirements of Statewideness, single or specified State or local agency, or technical or administrative requirements imposed in connection with any included program which, at the Federal level, is administered by the Secretary and which the State or local agency certifies impedes implementation of its allied services plan. Thus, it would not affect the basic protections provided by the Civil Rights Act of 1964 or any other generally applicable legislation; nor would it apply to programs administered by other Federal departments or agencies.

Finally, the Secretary may make discretionary grants to meet costs of planning or preparing to carry out allied services plans, or to meet the administrative costs of coordination under a State or local plan, which cannot be met from other available funds. The State must indicate how it plans to allocate the funds applied for among the various designated local agencies with approved plans. These grants are not to be used to meet the non-Federal share requirements of any Federally-assisted program and may not be made to any State for more than two years except where the Secretary finds it is necessary to enable the State to carry out a significant expansion of its allied services plan.

Section 204 provides joint funding authority. It is almost identical to that contained in the juvenile delinquency law, the Economic Opportunity Act, the Older Americans Act, and the Law Enforcement Assistance Act. It goes somewhat further than those statutes in two respects: (1) it would permit joint funding of several grants made by the same agency, and (2) it would permit waiver of technical grant or contract requirements imposed by statute as well as by regulation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the bill introduced by Mr. BENNETT and others, the Allied Services Act, be referred to the Committee on Labor and Public Welfare and that if and when it should be reported by that committee, it be referred to the Committee on Finance.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

By Mr. HUGHES:

S. 3644. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism. Referred to the Committee on Labor and Public Welfare.

COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT AMENDMENTS OF 1972

Mr. HUGHES. Mr. President, I rise today to introduce the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1972 to extend and increase the authorities under that act.

With the enactment of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act in 1970, Congress provided the Department of Health, Education, and Welfare with the tools and resources needed to begin reducing the tragic toll of alcoholism in this Nation.

During our deliberations on this bill, we learned that more than nine million persons suffer from alcoholism in this country. One-half of all traffic fatalities and one-third of all homicide victims have significant amounts of alcohol in their bloodstreams at the time of autopsy. Alcoholics die 10 to 12 years earlier than the average American. One in every 13 employees is an alcoholic. Losses to industry alone because of alcoholism have been computed at between $7 and $9 billion a year. One in three suicides in our country involves an alcoholic. The ratio of alcoholics to nonalcoholics committing suicide is 58–1.

As required by that law, the Department of Health, Education, and Welfare has compiled and sent to Congress the first of several reports required on "Alcohol and Health." In the preface to this report, Merlin K. DuVal, Assistant Secretary for Health and Scientific Affairs, recognizes that—

> While we are horrified by the abuse of such drugs as hallucinogens, narcotics, and stimulants by our youth, we pay little heed to the most abused drug of them all: Alcohol.

The new Institute on Alcohol Abuse and Alcoholism, created by this act, under the inspired leadership of Dr. Morris E. Chafetz, has made an impressive beginning in carrying out the mandate of the act.

All 50 States have submitted comprehensive statewide programs to attack this problem under the formula-grant provisions of the act.

Thousands of inquiries are being received concerning grant proposals from all over the country. The National Advisory Council on Alcohol Abuse and Alcoholism has approved over $20 million grant proposals to date.

The millions of suffering alcoholics and their families and loved ones have been given new hope by the leadership displayed by the Federal Government. We must not let them down now.

The programs and moneys authorized by the 1970 act extended for only 3 years. The amendments which I introduce today would extend and increase the authorities under the act for an additional 3 years, and seek more effectively to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism.

Despite the progress which has been made, efforts to deal with this major national problem are still too fragmented and poorly supported. A national campaign is underway to modify cultural attitudes that encourage and tolerate the abuse of alcohol. Local and State governments are becoming more responsive to the problem and are seeking Federal leadership and support to understand and approach alcohol abuse and alcoholism from a health standpoint. This momentum is crucial and must be reinforced.

I am therefore recommending a number of changes which I believe are necessary to achieve a more coordinated approach to the broad health, economic, social, and cultural aspects of alcohol abuse and alcoholism in American society.

First, the Secretary should have sufficient flexibility to accomplish this approach. I am recommending that the new Institute be identified as in the Department rather than in one of the Department's agencies. The intent is not to withdraw the National Institute on Alcohol Abuse and Alcoholism from the National Institute of Mental Health, or to settle on its location in the Department. The intent is merely to give the Secretary flexibility in its placement should he find it desirable to give the Institute more visibility.

In addition, it is important organizationally to recognize that the problem of dealing with alcohol abuse and alcoholism goes beyond mental health services and involves other services and agencies both in and out of the Department. Thus, I am recommending the designation "in the National Institute of Mental Health" be changed to "in the Department of Health, Education, and Welfare."

Second, the original act did not address the matter of personnel except for a Director, to run the Institute. My experience over the past year and a half in dealing with the Institute has convinced me that a section should be added to make clear the need for additional personnel.

Third, the original act did not incorporate the project and contract authorities administered by the National Institute on Alcohol Abuse and Alcoholism. Instead, they remained as part C of the Community Mental Health Centers Act. This has caused a good deal of confusion around the country, and works against a more focused and coordinated program approach to this problem. I am, therefore, recommending that these authorities be transferred to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, as administratively more sound, and to reduce any confusion over the purposes of these authorities.

Recommended authorizations of $480 million in formula grants for the next 3 fiscal years are based on estimates of what is needed to deal with alcohol abuse and alcoholism from a health standpoint. The State of Washington alone, for example, has indicated that it will need $58 million over the next 3 years to implement a State comprehensive program. Formula grants have been very helpful to the efforts of the States and the $480 million over 3 years is probably a modest estimate of what the States can effectively use and need. Likewise, the $420 million over 3 years in project grant and contract support is modest. Many communities are only starting to address this problem and to develop coordinated community-based programs in close association with their respective State agencies. This takes time and support so the amount requested for project support is reasonable in this sense. These total appropriations, balanced against other national priorities, will help to redress the neglect of this problem which in economic waste alone has been estimated by the National Institute on Alcohol Abuse and Alcoholism to cost $15 billion a year, including highway accidents, treatment facilities, welfare, industrial loss, and so forth.

This support will do a great deal to bring the problem of alcohol abuse and alcoholism under control.

Finally, I recommend the strengthening of the provision that would require admission to hospitals of alcohol abusers and alcoholics who are suffering from emergency medical conditions. At present, violators are only threatened by a cutoff of Federal financial assistance under this act. This would have little influence. The original House and Senate bills applied this restriction to all Federal support, and the recently enacted Drug Abuse Office and Treatment Act—Public Law 92–255—does have the more inclusive provision apply to hospitals which refuse admission of drug abusers who are suffering from emergency medical conditions.

In addition, the National Council on Alcoholism, the Alcohol & Drug Problems Association of North America, and the National Advisory Council on Alcohol Abuse and Alcoholism, created by this act, have recommended the more inclusive provision.

Individuals who have an alcohol problem should be able to obtain care in routine care facilities but are often excluded. This has contributed to the development of many special and unnecessary facilities, often far removed from other community resources. The amendment to this provision is important to obtaining the help that could and should be provided by these facilities. I would hasten to add that this is only one of several needed steps in obtaining care from community service facilities that continues to be denied solely on the basis of an individual's alcoholism.

Lack of health insurance coverage and individual physician reluctance to medically treat individuals who have alcohol problems may be greater barriers than a hospital admission policy. These forms of discrimination and unnecessary exclusions might be considered in related health service legislation before this body.

Mr. President, since the passage of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, the Nation has made an impressive beginning in controlling the suffering caused by this disease. But it is only a beginning and we must not let the hope it has given millions of Americans die now. These amendments will give the Department of Health, Education, and Welfare the tools necessary to continue this work.

By Mr. FULBRIGHT (by request):

S. 3645. A bill to further amend the U.S. Information and Educational Exchange Act of 1948. Referred to the Committee on Foreign Relations.

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend further the U.S. Information and Educational Exchange Act of 1948.

The bill has been requested by the Assistant Secretary of State for Congressional Relations and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Assistant Secretary of State to the Vice President dated May 10, 1972.

There being no objection, the bill and letter were ordered to be printed in the RECORD, as follows:

S. 3645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 703 of the United States Information and Educational Exchange Act of 1948 is hereby amended to read as follows:

SEC. 703. There are authorized to be appropriated to the Secretary of State $38,520,000 for fiscal year 1973 to provide grants, under such terms and conditions as the Secretary considers appropriate, to Radio Free Europe and Radio Liberty. Except for funds appropriated pursuant to this section, no funds appropriated after the date of this Act may be made available to or for the use of Radio Free Europe or Radio Liberty in fiscal year 1973.

MAY 10, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: There is transmitted herewith for the consideration of the Senate a proposed bill for the authorization of United States Government grants to Radio Free Europe and Radio Liberty for fiscal year 1973. It may be noted that this proposed bill is, in effect, an extension of Public Law 92-

264 which was signed by President Nixon on March 30, 1972.

We propose the extension of this legislation because we believe the broadcasting activities of these two organizations should be continued and that it is in the interest of the United States Government to support them. The bill is proposed in this form because it would appear from the legislative history of Public Law 92-264 that it is the form which most nearly meets the wishes of the Congress.

The bill is submitted at this time in order that the Congress may carry out its intention, expressed in the report of the Joint Conference Committee, to give consideration to this legislation prior to the end of the current fiscal year.

The Department has been advised by the Office of Management and Budget that this bill is in accord with the President's program.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

By Mr. BUCKLEY (for himself, Mr. BENNETT, Mr. BROCK, Mr. CURTIS, Mr. ERVIN, Mr. GURNEY, and Mr. THURMOND):

S. 3647. A bill to amend chapter 85 of title 28, United States Code, relating to the censure, suspension, and disbarment of attorneys. Referred to the Committee on the Judiciary.

Mr. BUCKLEY. Mr. President, on June 10, 1971, I introduced a bill to amend chapter 85 of title 28, United States Code, relating to the censure, suspension, and disbarment of attorneys. It is known as S. 2039. This bill was subsequently cosponsored by the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senator from Nebraska (Mr. CURTIS), the Senator from North Carolina (Mr. ERVIN), the Senator from Florida (Mr. GURNEY), and the Senator from South Carolina (Mr. THURMOND).

I now introduce a bill which will serve as a substitute for S. 2039. The substitute is cosponsored by the same Senators who cosponsored S. 2039.

Since S. 2039 was introduced, contact has been made with officials of the American and New York Bar Associations who suggested modifications which I have incorporated in this new legislation. These modifications do not weaken S. 2039 in any significant way; and their incorporation will insure much broader support for this legislation.

I ask unanimous consent that the full text of this bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section: Par. 1364, Censure, suspension, and disbarment of attorneys.

"(a) The chief judge of each United States district court shall have charge of all matters including confidentiality, except as to matters already public knowledge, relating to discipline of members of the bar of that court.

"(b) Any member of the bar of a district court who shall be convicted of a felony in any State, Territory, District, Commonwealth or Possession, shall be suspended from practice before the district court of which he is a member and upon the judgment of conviction becoming final, shall cease to be a member of the bar of that court.

Upon the presentation to the district court of a certified or exemplified copy of the judgment of such conviction, the respondent attorney shall be suspended from practicing before that court and upon presentation of proof that the judgment of conviction is final the name of the respondent attorney so convicted shall, by order of the court, be struck from the roll of members of the bar of that court.

"(c) Any member of the bar of a district court who shall resign from the bar of any State, Territory, District, Commonwealth or Possession, while an investigation into allegations of misconduct is pending, shall cease to be a member of the bar of that court.

Upon the presentation to the district court of a certified or exemplified copy of the order accepting such resignation, the name of the respondent attorney so resigning shall, by order of the district court be struck from the roll of members of the bar of that court.

"(c) Any member of the bar of a district court who shall resign from the bar of any State, Territory, District, Commonwealth or Possession, while an investigation into allegations of misconduct is pending, shall cease to be a member of the bar of that court.

Upon the presentation to the district court of a certified or exemplified copy of the order accepting such resignation, the name of the respondent attorney so resigning shall, by order of the district court be struck from the roll of members of the bar of that court.

"(d) Any member of the bar of a district court who shall be disciplined by a court in any State, Territory, other District, Commonwealth or Possession shall be disciplined to the same extent by the district court of which he is a member unless an examination of the record resulting in such discipline discloses (1) that the procedure in the foreign jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or (2) that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that the district court could not consistent with his duties accept as final the finding in the foreign jurisdiction; or (3) that the imposition of the same discipline as was imposed in the foreign jurisdiction would result in grave injustice.

Upon the presentation to the district court of a certified or exemplified copy of the order imposing such discipline in a foreign jurisdiction the respondent attorney so disciplined shall, by order of the court, be disciplined to the same extent by the district court, provided, however, that within 30 days of the service upon the respondent attorney of the order of the district court disciplining him, either the respondent attorney or the United States Attorney for the district or a bar association designated by the chief judge in the order imposing such discipline may apply to the chief judge for an order to show cause why the discipline imposed in the district court should not be modified on the basis of one or more of the grounds set forth in this paragraph (d).

"(e) Any member of the bar of a district court who shall be convicted of a misdemeanor in any State, Territory, District, Commonwealth or Possession, upon such conviction may be disbarred, suspended or censured as a member of the bar of the district court.

Upon the presentation to the district court of a certified or exemplified copy of the judgment of such conviction, the chief judge shall designate the United States Attorney for the district or a bar association to prosecute a proceeding. The United States Attorney or bar association shall obtain an order requiring the respondent attorney to show cause within 30 days after service thereof upon him, personally or by mail, why he should not be disciplined. Upon the filing of such certified or exemplified copy of the judgment of conviction, the chief judge may, for good cause, temporarily suspend the respondent attorney pending the determination of the proceeding. Upon the respondent attorney's answer to the order to show cause, the chief judge may set the matter for hearing within sixty days before a court or of one or more judges, or may appoint a master to hear and report his findings and recommendations. After such a hearing or report, or if no timely answer is made by the respondent attorney or the answer raises no issue requiring a hearing, the court shall take such action as justice may require. In all proceedings hereunder, the certificate of conviction shall constitute conclusive proof of the respondent attorney's guilt of the conduct for which he was convicted.

"(f) Any member of the bar of a district court who is guilty of conduct violative of the Code of Professional Responsibility of the American Bar Association or any other standards of conduct that may from time to time be adopted by a district court or by the Judicial Conference of the United States may be disbarred, suspended or censured.

Complaints alleging that an attorney has been guilty of such conduct shall be presented to the chief judge, and if he deems the charges of misconduct of sufficient weight, he shall refer them for preliminary investigation and recommendation to the United States Attorney for the district or a bar association in such district. The recommendation of such United States Attorney or bar association shall be presented to the chief judge and such United States Attorney or bar association will prosecute any formal proceeding ordered by the chief judge by petition setting forth the charges against the respondent attorney and an order requiring him to show cause within 30 days after service upon him, personally or by mail, of the petition and order why he should not be disciplined. Upon the respondent attorney's answer to the petition, the chief judge shall set the matter for hearings within 60 days before a court of one or more judges, of which the chief judge may be a member, or may appoint a master to hear and report his findings and recommendations. After such a hearing or report, or if no timely answer is made by the responding attorney or the answer raises no issue requiring a hearing, the court shall take such action as justice may require.

"(g) In any case in which an attorney is ordered suspended or disbarred under this section, the district court issuing such order shall notify the Director of the Administrative Office of the United States Courts, who shall notify each of the other United States courts of the action taken. Any attorney with respect to whom an order for suspension or disbarment is issued in accordance with this section shall be prohibited from practice before any United States court during the period that such suspension or disbarment is in effect.

"(h) Whenever it appears that an attorney-at-law admitted to practice in the court of any State, Territory, District, Commonwealth or Possession is convicted of any crime in a district court or is disbarred, suspended or censured in a district court, the Clerk of the district court shall transmit to the court of any State, Territory, District, Commonwealth or Possession where the attorney was admitted to practice, a certified copy of the judgment of conviction or order of disbarment, suspension or censure and statement of the attorney's last known office and residence addresses.

"(i) A visiting lawyer admitted pro hac vice to participate in the trial or argument of a particular cause in a district court shall be subject to the disciplinary jurisdiction of that court. Where an attorney admitted pro hac vice is guilty of misconduct in the argument or trial of a particular cause in any district court, the court may discipline the attorney under this section.

"(j) Proceedings under this section shall be deemed to be proceedings in which the United States is concerned within the meaning of section 547 of chapter 35 of this title. Any indigent attorney against whom a petition has been made hereunder shall be entitled to proceed in forma pauperis in accordance with the provisions of section 753 of chapter 79 and section 1915 of chapter 123 of this title."

SEC. 2. The analysis of chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following: "1364. Censure, suspension and disbarment of attorneys."

ADDITIONAL COSPONSORS OF BILL

S. 1295

At his own request, Mr. TOWER was added as a cosponsor of S. 1295, a bill to establish the Amistad National Recreation Area in the State of Texas.

S. 3537

At the request of Mr. ROBERT C. BYRD, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 3537, to amend the National School Lunch Act and the Child Nutrition Act of 1946.

ADDITIONAL COSPONSOR OF AMENDMENTS

AMENDMENT NO. 999

Mr. ROBERT C. BYRD. Mr. President, at the request of the Senator from Idaho (Mr. CHURCH), I ask unanimous consent that at the next printing the name of the Senator from Florida (Mr. CHILES) be added as a cosponsor of amendment No. 999, intended to be proposed to H.R. 1, to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

AMENDMENT NO. 1202

At the request of Mr. ROTH, the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Michigan (Mr. HART) were added as cosponsors of amendment No. 1202 intended to be proposed to the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States.

ADDITIONAL STATEMENTS

THE INEVITABILITY OF TAX INCREASES

Mr. STENNIS. Mr. President, on December 9 of last year, I made a statement in the Senate on the inevitability of tax increase. At that time, I cited the tremendous growth in Government spending, with no slowdown in view due to our national priorities that envision new and larger programs for our security and better life.

My thoughts have been reinforced by a study released today by the Brookings Institution. The study, entitled "Setting National Priorities: the 1973 Budget," finds that revenue in this country is far smaller than programs in operation, planned, or envisioned. According to the study, which is not partisan and makes no specific recommendations, if Congress enacts legislation this year for the programs proposed by the administration, the normal momentum of existing programs would push the Federal budget up to the $300 billion mark by fiscal year 1975. Revenues collected under the current tax system would not pay for those programs, nor would any new initiatives envisioned to combat domestic ills have a chance of being financed without a tax increase.

The finding of this study, Mr. President, should be taken seriously. If the study is correct, and I think it is, the administration and we in Congress must exercise fiscal restraint and the American people must be prepared for the inevitability of a tax increase or be prepared for a decrease in services and expenditures by the Federal Government.

Today's New York Times contains a front-page article about the Brookings study and its conclusions. I ask unanimous consent that the article and a statement I made in the Senate on December 9, 1971, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STUDY FINDS UNITED STATES MAY FACE A NEED FOR BIG TAX RISE

(By Edwin L. Dale, Jr.)

WASHINGTON, MAY 24.—A major study by the Brookings Institution concludes that the Federal Government has already "over-committed" for the next two years all the revenues it can expect from a growing economy and cannot spend more on solving social or other problems without a big tax increase.

The study finds that if Congress enacts this year only programs proposed by President Nixon, and no more, the Federal budget—given the normal momentum of existing defense and civilian programs—will reach $300-billion by the fiscal year 1975.

This would be $17-billion more than revenues in that year under present tax law, even if the economy were prosperous and operating at full employment.

CONCLUSION UNCHANGED

A long analysis of "options" available for possible reduction of defense spending does not change the general conclusion. The minimum defense budget suggested, though lower than that projected by the Administration, would still leave no room in the years immediately ahead for big programs to help the poor, improve education, solve the "fiscal crisis" of the cities and the like.

The study is really a book 468 pages long. Entitled "Setting National Priorities: The 1973 Budget," it is the third annual volume of its kind produced by a team of economists under the direction of Charles L. Schultze, former Director of the Budget. Most of the economists served in recent Democratic Administrations, but the book has no partisan flavor.

Its tone is pessimistic. Not only does it find the budget outlook unpromising, but in long chapters on domestic problems the book also repeatedly finds "dead ends" in the form of uncertainty about the right solutions or lack of enough money or both.

A major conclusion of the study—in a chapter entitled "What Happened to the Fiscal Dividend"—is that for the first time Federal Government spending on civilian programs now rises inexorably faster than revenues from a growing economy. Part of the reason, but only a part, is a steady series of Federal income and excise tax cuts in 1964, 1965, 1969 and 1971.

Until about 1966, the normal experience of the Federal Government was to see its revenues rise faster than expenditures except in wartime or economic recession. That is no longer the case, the book finds.

One chapter in the book suggests a series of alternative ways of raising taxes, ranging from a selected set of tax reforms through higher income tax to a new value-added tax in several possible forms.

As with the rest of the book, none of the options is chosen as the best. The most ambitious reform package would raise $13.4-billion, of which $10.2-billion would come from individuals, and a few of its provisions would affect many non-wealthy taxpayers.

CHOICE WILL BE DIFFICULT

The basic conclusion is unequivocal:

"In the decade ahead the choice will be much more difficult. Lasting new Federal initiatives can be financed only with a tax increase."

For the first time, the Brookings "budget book" also says that the possibilities of finding the necessary money by reducing or eliminating some older Federal nondefense programs are not promising.

After listing various proposals for lower spending in such areas as farm and maritime subsidies and special aid to some school districts, and referring to the vast costs of helping the poor or other programs discussed in the book, it concludes:

"The total sums involved [in the possible expenditure reductions] are small compared to the cost of new program proposals listed above. Moreover, the unsuccessful experience [with Congress] of several Administrations in trying to reduce some of these subsidies does not warrant optimism about the possibility of realizing substantial budgetary savings."

In a final chapter, the Brookings study concludes:

"Giving up the search for solutions to urgent social problems would be both irresponsible and dangerous, but taking refuge in pat, simple answers—decentralize, regulate, coordinate, spend more, spend less—seems unlikely to lead to a workable new strategy. It is time for a new and more realistic look at the Federal Government and the ways in which it can hope to carry out its activities effectively."

Observing that the big change in Government activities since the middle of the last decade has involved an effort to "find ways of changing the behavior of individuals and of institutions," the book concludes: "The Federal Government has not yet evolved satisfactory ways of bringing about these fundamental behavioral changes. Indeed, the history of the nineteen-sixties makes clear that current Federal approaches are not particularly effective."

FULL EMPLOYMENT ESTIMATES

In line with a view of the Federal budget that is accepted widely, including in the Nixon Administration, the Brookings study assumes that Federal budget deficits are not always necessarily bad but that they can be seriously inflationary when the economy is operating at full employment. Thus, all its revenue estimates are on a "full employment" basis.

It finds revenues falling short under present tax law, on this basis, in the next two years and very likely in the next four years. Even without any other new programs, the book concludes, a big increase in Social Security benefits now gaining ground in Congress could "use up" the regular revenue growth through the fiscal year 1977.

Apart from the defense analysis, this year's Brookings budget book has separate chapters bringing up to date the enormous amount of work that has been done by scholars, Congressional committees and the Administration in six major domestic areas. In each case, the problems—even apart from money—have great complexity.

They are:

Income support. This category covers the issue of welfare reform. One conclusion is that any system providing more income to the poor and at the same time preserving incentives to work would cost far more than the welfare reform bill backed by the Administration.

Health insurance. In this category the Brookings book comes closest to advocating a specific plan aimed at solving two central problems: Making sure that the poor get adequate care and avoiding financial crisis for the middle income family that experiences prolonged illness.

Child care. A wide range of problems and options is explored.

Fiscal problems of cities. One conclusion is that neither the Administration's revenue-sharing plan nor the one recently approved by the House Ways and Means Committee meets the main problem, which is that the revenue "crisis" is in the central cities rather than in the suburbs of smaller towns.

Financing elementary and secondary education. A major conclusion is that any Federal plan to alleviate the burden of the local property tax runs into insuperable obstacles in finding a fair distribution formula.

The environment. A central theme is that the Government is drifting too far in the direction of absolute "thou shalt not" type of regulation to curb pollution, which is "a task beyond the capability of any administrator," rather than using the approach of taxation or other monetary penalties or incentives to induce polluters to change their ways.

The Inevitability of Tax Increases

Mr. Stennis. Mr. President, at the time that the Senate originally passed the Revenue Act of 1971, I voted against it. Having studied the bill as it emerged from conference, I have decided to vote affirmatively on the conference report. I believe this bill should pass, and that the tax cuts incorporated in it will be beneficial to the economy by spurring its growth. But, I must state that the stimulus of tax cuts can only be effective in the short-run, and that tax increases are inevitable. We can cut taxes now but will later have to bear the responsibility of increasing them.

The philosophy behind the tax cut in the Revenue Act of 1971 is that decreased taxes will leave more spending money in the hands of the consumer, and the increased spending will stimulate the economy. The increased spending would bring in revenues in such forms as the excise tax, but the question is whether the amount of increased revenue tax generated by the growth in the economy will be sufficient to cover the increased cost of Government programs or to cover the gap left in tax revenue by the cuts incorporated in the bill.

Facts and figures that I have studied and will briefly discuss to make my point lead me to believé that the current tax cuts may well stimulate the economy in the short-run, but in the long run these cuts cannot be maintained, or if they are maintained, our Government spending must be drastically reduced and new programs envisioned by the administration, the public, or both, and by many Members of Congress, must be abandoned.

The national debt, created by the difference between spending and revenues, is now $418 billion, up $100 billion from 1965. For fiscal year 1972, with unemployment running 6 percent, the budget deficit is estimated to be $28.1 billion. In fiscal year 1971, the deficit was $24.2 billion.

Having so high a national debt—and increasing it so much each year—necessitates paying a huge amount of interest each year. For fiscal year 1971, the gross interest expense on our national debt was almost $40,000 per minute, or a total of about $21 billion. That $21 billion that paid the interest could have bought all HEW programs except social security or covered all allowances and pay, except retirement, of all military personnel including Reserves for fiscal year 1971.

The larger the gap between revenues and spending, the larger the deficit is each year to add to the national debt. Federal spending is rising sharply each year and is running at about $232 billion this fiscal year. Expenditures increased at an annual rate from the first quarter to the third quarter of 1971 of 11 percent, more than double the 4.7 percent annual rate from mid-1968 to early 1970. If spending is increasing at this rate, revenue—to cover the expenditures—must also increase.

Fiscal spending has been increasing from $10-$20 billion per year, as follows: Fiscal year 1970—$197 billion; fiscal year 1971—$212 billion; fiscal year 1972—$232 billion (estimated).

If this trend continues, and there are no indications to the contrary, the budget for fiscal year 1973 will be as high as $245 billion. Revenue this fiscal year is estimated at $204 billion and would have to increase about $12 billion in fiscal year 1973 just to hold the deficit at its current $28 billion level.

The trend of increased Federal spending, which has occurred throughout the Government and its many functions and interests, is best seen in the human resources area—an undeniably important area of high public priority. In the six years from fiscal year 1966 to 1972, education and manpower costs have doubled; income security costs, which include welfare and retirement, have more than doubled; health costs have increased sixfold. These demands will increase rather than decrease.

Briefly looking at the defense budget, it was lower in fiscal years 1971 and 1972 than it had been previously (fiscal years 1967–70). I have done what I could to bring about reasonable reductions and shall continue to do so. Secretary Laird has said that the request for the military will go up next year. I hope this is error. There are other unfunded obligations of large sums and these will continue to increase.

One large part of the national defense figure is military retirement, which increases yearly. From fiscal year 1966 to 1972, the cost of paying military retirement more than doubled. And the accrued, unpaid military retirement rose from $66 billion in fiscal year 1966 to $113.8 billion in fiscal year 1972.

I have given just a few examples of the trends in Government spending, but it is evident that we are spending more and more. The current tax cut can only be effective in the short-run as a stimulus to the economy and will, I believe, inevitably give way to tax increases to cover the rising cost of Government programs. I think the people should be fully advised of this fact now so that they may fully understand the situation and make their plans accordingly.

SENATOR SCOTT WORKS FOR VETS

Mr. HANSEN. Mr. President, as the President continued to reduce the number of men on active duty in the Armed Forces, we are faced with the great task and responsibility of finding jobs for these men when they return. The veteran does not have an easy time, having been out of circulation for an extended period of time.

The Senator from Pennsylvania (Mr. Scott) is one who recognized the need for a greater emphasis by Congress on veterans' needs. In the 88th Congress, for example, he sponsored legislation creating a Senate Committee on Veterans' Affairs. Today, we have such a committee. I ask unanimous consent to place in the Record a summary of the Republican leader's record on aid to veterans.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Veterans Affairs

THE 92D CONGRESS

Legislation

S. 377—To equalize the retirement pay of members of the uniformed services of equal rank and years of service.

Votes

Voted to provide reentry rights for veterans who left college to enter the Armed Forces and for preference for financial or other assistance in programs financed from Federal funds if they were receiving such assistance prior to induction.

Voted to provide special education assistance programs to veterans by VA and HEW.

THE 91ST CONGRESS

Legislation

S. 338—To increase the rates of educational assistance allowance paid to veterans.

S. 1205—To provide for a Supreme Sacrifice Medal for widow or kin of deceased.

S. 2800—To provide paraplegia rehabilitation allowance of $100 a month for veterans of World War I, World War II and Korea.

S. 2813—To increase amount payable on burial and funeral expenses for veterans from $250 to $400.

S. 2890—To define "active duty" so as to allow reservist or member of National Guard or Air National Guard of any state to enjoy educational benefits.

S. 3709—To prevent a decrease in the dependency and indemnity compensation of any dependent parent of a deceased veteran or in the pension of any veteran or widow of a veteran as the result of the increase in the Social Security benefits provided by the Social Security amendments of 1969.

Votes

Voted to provide additional veterans' education and training assistance.

THE 89TH CONGRESS

Votes

Voted for the Veterans' Pension and Readjustment Assistance Act of 1967.

Legislation

S. 989—To provide for at least one veterans' service center in each state.

S. 3580—To provide additional readjustment assistance to veterans who served during the Vietnam era.

Votes

Voted to provide education and readjustment benefits to those who served in the southeast Asia theater of operations as determined by the President.

Voted to provide that benefits of the Cold

War Veterans' Readjustment Assistance Act be through grants rather than loans.

Voted for the Cold War Veterans' Readjustment Assistance Act.

THE 88TH CONGRESS

Legislation

S. Res. 48—Creating a standing Committee on Veterans' Affairs in the United States Senate.

THE 87TH CONGRESS

Legislation

S. 3289—To grant national service life insurance to veterans heretofore ineligible.

Votes

Voted against reducing by $10 million funds for medical administration and miscellaneous operating expenses of the Veterans' Administration.

THE 86TH CONGRESS

Legislation

S. 688—To provide for establishment of national cemeteries in Pennsylvania.

S. 269—To equalize pay of retired members of uniformed services

Votes

Voted for the Veterans Pension Act of 1959.

Voted to offer to veterans of World War II and to veterans of the Korean War an opportunity for one year to take out national service life insurance at their attained age.

MINORITY BUSINESSES

Mr. MUSKIE. Mr. President, although the Federal Government, some State governments, and private corporations have become involved in aiding black-operated business, a meaningful program for today's economy has not been developed enabling minorities to compete effectively on a higher economic level. Blacks today make up 12 percent of the population but they control less than 1 percent of the country's economic assets.

The Honorable C. Delores Tucker, secretary of the Commonwealth of Pennsylvania, recently addressed the Chicago Economic Development Corporation Conference on "Space Age Industries' Challenge to Minority Businesses." Mrs. Tucker, a thoughtful spokeswoman of minority economic advancement, describes the problem and describes a necessary ingredient in any meaningful solution: The education and training of black entrepreneurs, technicians, and tradesmen. Her comments are based on sound logic and useful insights, and it would be worthwhile for all of us to read and discuss her views. I ask unanimous consent that her speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY C. DELORES TUCKER

It's a great honor to address such a distinguished group at this second annual symposium on "the State of the Black Economy."

We hear a lot about that black economic state of ours, that "State of Black Capitalism", but I'm afraid it's still just a state of mind—an imaginary provincial realm, a satellite colony of white corporate America, a gerrymandered whistlestop on the wrong side of the tracks.

Now if we could believe the Nixon administration, we might suppose that a bold new economic torrent of black capital is flooding into the national fiscal mainstream and making great waves in the corporate watersheds of the land, enormous black tributaries pouring into the big-money reservoirs and returning great currents of profit back to the black community.

Well, I've seen a ripple or two, but a couple of ripples don't make a wave. The river of American enterprise flows along untouched. Black capitalism is a myth, and will be for a long, long time. There is only one kind of capitalism in this country and that is American capitalism. If it has any color—it's green.

Blacks may make up 12% of the population but they still control less than 1% of the country's economic assets. Only one black-controlled corporation (Johnson products, a cosmetic firm) is listed on a major stock exchange, and *its* annual sales are only $10 million (or a fraction of the sales of the top 500 corporations). Black insurance companies, pointed out as shining examples of black economic power, have one two-tenths of 1 percent of the insurance industry's total assets.

The great majority of black businesses make less than $25,000 annually. Less than a third of all minority enterprises are profitable enough to hire workers—two-thirds are sole proprietorships or partnerships. Black-owned firms employ about 40,000 of our 25 million black brothers and sisters, the white/black dollar ratio is an incredible 333 to 1.

In terms of receipts, the most important black-owned firms are filling stations, automobile dealers and mom-and-pop food stores—hardly competition for the multinational white corporate structure!

Yet in terms of income, black America is the 10th largest economy in the world. Over $39 billion a year goes into black pocketbooks. And that $39 billion represents real economic clout.

It could make the difference between profit and loss for most consumer products, and white industry knows it—look at the growing number of black faces turning up in TV ads for the top brand-name products.

The problem is that over $38 and a ½ billion of that $39 billion goes right back out again into the white economy.

They say that money turns over six times in the Jewish community, 5 times in the general white community but only once in the black community. The black consumer market is there and the black gross national product is growing, but less than one percent stays to benefit the community.

And this is one of the roadblocks to successful black enterprise; the lack of support from his own brothers and sisters, who patronize white stores. First and foremost, we need more black unity.

Black business should be the business of everyone in the area, from the minister on down, because it means more jobs, more earnings, mores pending, more contributions to churches and neighborhood projects.

The Jewish community is a beautiful example of how valuable group commitment and concern can be.

Too many blacks still seek out the white lawyer or doctor, assuming white means better. White does not mean better.

A white is no better than a black who is trained.

We must insist upon the training to compete with whites on equal terms. A black who provides a first class service or a top-notch product will find that most buyers and investors are not concerned with color.

The white businessman gets all the expert consultation he can. But a false pride often prevents the black businessmen from seeking or accepting outside advice or assistance, despite his need for management skills and knowledge of business techniques. He may lack resources to realistically appraise his situation, or fail to assess his product, market, location or consumer needs. There is prevailing unfamiliarity among black businessmen with the total marketing concept—advertising, sales promotion, merchandising and marketing research.

Let us emulate the strengths of the white corporate structure—not the old private enterprise dog-eat-dog image but cooperation. Actually, successful white business has grown, not by destroying the competition but by merging with it into interlocking directorates and mutually supporting agreements to maximize capital flow, growth and expansion for all.

Black business fails for the lack of enough risk capital and credit to survive the first lean years. . . . The money is too little, comes too late, and is too expensive to borrow even when available at top interest for short-term loans.

Since limited capital is a major problem for blacks, we have even more need to pool our resources; blacks should set up a joint professional practice in law or medicine:

Establish clinics or cooperatives to share the costs and equipment for maximum dollar effectiveness. Two or three doctors or dentists can give better service cheaper than an individual operation—so can two or three servicemen in one body repair shop or electronics shop.

We must develop our own black financial institutions—savings and loan banks. Or as an alternative, get blacks who are tuned in to black needs and problems into the higher levels of white-run banks, so that the black needs and problems are understood and served.

We must get into the white corporate structure to understand the uses of real economic power decisions so as to share in this power and help make those decisions.

Under the best of conditions, small businesses have a high failure rate: the bankers' rule of thumb is that 50% go under in the first year, and 70% after two years. Blacks have never operated under the best of conditions.

A recession for the country is a depression for the ghetto. The recent economic "downturn" with its resulting unemployment and welfare cuts, sharply reduced the purchasing market available to inner city businesses. To make things worse, tight money conditions cut off funds further just as the new black capitalists needed them most. Fire and theft insurance premiums are exhorbitant in cities. Nixon's campaign talk about black capitalism brought high hopes but little else.

In fact, it encouraged some blacks without adequate capital or background preparation to attempt a business career. Every marginal business failure only reinforces the traditional fears of black inadequacy among both blacks and whites.

Dr. Andrew Brimmer has made a very convincing and logical case against the idea of black capitalism surviving in the all-black ghetto areas. Many black businessmen have experienced the truism of Dr. Brimmer's keen insight and had to close their business because they closed their eyes to the economic reality of doing business—"as usual."

Yet an extremely large portion of small businessmen continue to try retail business, despite a sharp decline in the number of retail establishments across the nation, the growth of shopping centers, discount department stores and supermarkets, made possible by the automobile and consumer mobility, will, probably continue at the expense of the small neighborhood retailer. Only the most efficient, best trained and best financed can survive.

The mom-and-pop store in today's world is comparable to the horse and buggy in an era of moon travel. In one way or another, the Federal Government subsidizes all areas of big business—oil, airlines, defense industries, railroads, millionaire farmers, and so on. It has an equal responsibility to subsidize black enterprise. But black enterprise has a responsibility too—to become politically informed so that you can push for legislation favorable to black business interests.

The white businessman has always had political savvy, and used it. Black businessmen can't afford to leave that crucial area to their politicians.

As the first black woman to hold a cabinet post in Pennsylvania, I know how integral a role politics plays in every area. As chairman of our State employe's retirement fund, which invests a billion dollars a year in businesses, I can make sure that the philosophy of those businesses includes blacks. There are thousands of pension funds, retirement funds and other funds across the country. It is to your interest to learn where those billions of dollars are being invested. If it is in racist corporations, work to see that such investments stop. If they are not going into sound black businesses, why not?

There are many other areas where effort should be made. The majority of black people have not had an opportunity to learn enough, or to use what they *do* learn. Black business should wholeheartedly back all good educational programs.

Training is becoming more available, but we must keep pushing. The unions can and must be made to move more rapidly. The new Vo-Tech schools offer tremendous opportunities for youngsters to learn new skills and get into well-paying occupations that have been traditionally closed to blacks. The days of the unskilled laborer are gone, but the craft skills are in greater demand than ever, and pay more than many white collar jobs.

A good plumber or carpenter or electrician can almost name his own hours and price.

Everyone—black and white—seem to be desperate for a reliable auto repairman, TV repairman or painter. How many such craftsmen do we have? It is imperative that we support Vo-Tech schools, the OIC, and all available training programs.

Blacks may lack capital but they have more than their share of artistic talent and imagination. We must encourage the talented young dress designers in this community. Photography is another field where talent means as much or more than capital.

We have very many great chefs and cooks but few top-rate black restaurants. There is no question that whites as well as blacks would support a really excellent, well-run restaurant.

Blacks are famous for their contributions to the entertainment field. Why don't we have more really good black entertainment clubs? More good black motels? More data processing services for small businessmen? Accountant services, auditing, and report-compiling services and advice are very much needed in the black community.

Black businessmen should look closely at consumer services. As consumer incomes increase, more and more of their income goes into services.

Blacks who offer consumer services are not at such a disadvantage as in retailing or manufacturing because their wit and ingenuity will make up for capital.

Black business should unite, not only *for* its own growth, but *against* any black exploitation of the black community. We have been oppressed by so many for so long that we *cannot* tolerate any oppressors among ourselves. The desire to maximize profits at community expense—the white robber baron's "the people be damned" point of view—has no place in our vision of a better black future. Improving the overall economic lot of millions of average black citizens is far more important that the achievement of high corporate standing for a few. No segment of our population can prosper while another lives in hopeless stagnation.

As Parren J. Mitchell said, "let us in black enterprise not wait until a black Ralph Nader starts to run us through the mill before assuming our social responsibilities. Let us recognize the legitimacy and indeed the morality of the union organizing of workers. Let us recognize that if we practice hypocricy, deceit and exploitation against our black brothers we shall be hated as much, if not more, than others who exploited and deceived the less fortunate, the unlettered, the unsophisticated."

Black businessmen must assume the leadership in our perplexed and distressed urban enclaves if they are to survive, and survive they must for quite a while because 80% of black people live in these areas.

Let us follow the example of our white business brethren who have traditionally exercised their influence and played a dominant leadership role in shaping the destiny of their community. Obviously, this is not to say that they shaped it wisely; many of our basic problems were created by their long years of racist misjudgment and "malignant neglect".

Too long have we played a silent role in shaping the destiny of our communities. Too long have we let pseudo-leaders . . . sociologists, false political prophets, certain segments of our ministerial representation, and perennial do-gooders . . . wave voluminous proposals, studies and position papers before us, claiming to have the solutions, or make glowing headline speeches about their theoretical concepts without understanding that black people don't suffer from theories—they suffer from a condition.

As Frederick Douglass said, we can only make change possible by becoming a part of the change-making process, through eliminating those racist institutions—political, social and educational—that hold back progress.

Black businessmen particularly have a direct interest in such change in the survival of the cities, for the same conditions which threaten the life of the city—threaten the survival of every black business.

Radical changes in our operations and thinking will be required. We must begin to think in terms of mergers and conglomerates, black with black—black with white—in order to centralize the specialized expertise and resources to develop more efficient and competitive economic units of operation. In a period when men are chartering plans to colonize the moon, we cannot afford to practice business by the 1880 concepts of individual proprietorship.

For just as "no man is an island" so—no community is an island; entirely unto itself. Every community is a piece of the continent, a part of the whole. Should a clog be washed away by decay, the earth is the less for it. The death of one community diminishes all, for the community is involved in the total society. Therefore, never ask for whom the bell tolls. It tolls for thee.

I am confident that you will seize the awesome challenges and opportunities before you, as you have so gallantly in times past. And I am confident that, working together, you will succeed.

THE GENOCIDE CONVENTION: AN AGE OF INTERNATIONALISM

Mr. PROXMIRE. Mr. President, the decade of the 1960's was a difficult period for America in the area of foreign policy. As the Vietnam war continued to escalate our position of influence and leadership diminished. Now that we are slowly withdrawing combat troops from Southeast Asia and realize our tragic mistake of involving ourselves in the bloody quagmire of Vietnam, there are some who advocate a new policy of isolationism.

But this is not the time to retreat to the safety disinterest and isolationism. Though we have wandered off the proper course for foreign policy in the past, there is no reason why we should not reorder our goals and build a constructive and peaceful program with our friends around the world. The visits of the President of the United States to Peking and Moscow will hopefully pave the road to peace and mutual understanding. With luck, it will mark the beginning of an era of international cooperation; an era which should have begun years ago.

Internationalism can be fruitful. While we maintain the sovereign integrity of our great Nation we can productively participate in the creation of a better world community. Our continued commitment to the United Nations is one avenue for such efforts and with the President's diplomatic trips abroad new doors are opening. But we should not neglect any opportunity for such involvement, and the Treaty for the Prevention and Punishment of Genocide represents a fine statement of international concern. Our ratification of the treaty would link us with civilized nations around the world who decry violence and mass slaughter.

Therefore I urge Senators to move immediately to endorse this humanitarian declaration.

UNITED STATES-U.S.S.R. ENVIRONMENTAL AGREEMENT

Mr. BUCKLEY. Mr. President, I wish to say how very delighted I am with the first fruits of President Nixon's current visit to Moscow. I refer to the agreement on cooperation in the field of environmental protection between the United States of America and the Soviet Union.

Between our two countries, we occupy about one-quarter of the land surface of the globe. Our economies generate 41 percent of the world's gross national product, and I suspect that our combined contributions to the pollution of the world's waters and air is equally significant.

The problems involved in learning how best to control pollution, and how best to protect our natural environment are highly complex, and require the broadest possible cooperation. These problems are apolitical in nature. They do not involve a competition between ideologies. They are of a kind that all men irrespective of the systems of government under which they live must and can learn to work on together.

Thus, the fact that the two leaders of the two major blocs of nations should join together in working to protect the environment should in itself dramatize to all nations the importance of coming to grips with the impact of man's activities on the natural order. This is especially significant at this time, because of the probability that the Eastern bloc of nations will not be participating in the United Nations Conference on the Human Environment which is scheduled to take place in Stockholm next month.

I see great practical benefits resulting from the agreement. We have a great deal to teach the Russians in many areas of coping with air and water pollution.

By the same token, they have a very special expertise in the Arctic regions which can be enormously beneficial to us as we begin the development of the Arctic regions of Alaska.

I believe that this agreement illustrates the kind of area where international cooperation with the Soviet Union is possible and desirable because of a sober evaluation of common interests and common objectives.

President Nixon has said:

> Together we hold this good earth in trust.

It is my hope that the first step in environmental cooperation between the United States and the Soviet Union will be seen by history to have been one leading to a truly international recognition of the President's words. The importance of the environment is, quite simply, beyond politics and transcends ideology. I applaud the President's initiative in this field and look forward to helping in any way I can to make this agreement become a working reality.

FUNDS FOR HEALTH

Mr. TUNNEY. Mr. President, on Tuesday, May 23, 1972, I appeared before the Senate Appropriations Subcommittee on Labor-HEW Appropriations to testify in support of increased funding for health programs.

In particular, my testimony dealt with the need for funds for sickle cell anemia, mental health programs, medical and health professional education, and rural and migrant health care.

I ask unanimous consent that the testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOHN V. TUNNEY

Mr. Chairman, I appreciate very much the opportunity to testify before you today to testify on health appropriations. I have been here before and I know how deeply committed you and other members of this subcommittee are to the cause of adequate health care for every citizen. Your task is a difficult one because the needs are so many and so great. I would like to talk principally about three areas of special concern to me: sickle cell anemia, mental health, and education of health professionals.

I—SICKLE CELL ANEMIA

Mr. Chairman, there is a blood disease in this country that kills half of its victims before the age of twenty.

Few survive beyond the age of forty and most are crippled long before death.

It was found to be a deadly killer more than sixty years ago.

It is called sickle cell anemia and it strikes approximately one of every 500 black persons in this country.

Medical researchers estimate that over 2 million Americans carry the so-called sickle-cell trait. And yet the vast majority of Americans have no idea what sickle-cell anemia is; they have never heard of it.

The people who suffer most from this disease do not live in the suburbs; they do not belong to country clubs; they do not go to private schools; many of them do not have family doctors; many of them never receive any adequate health care. They are black, and until very recently they have been ignored.

In October of last year thirty Senators joined me in taking a first step toward ending that neglect, the introduction of S. 2676, the National Sickle Cell Anemia Control Act. During the next few weeks, the first hearings ever held in Congress on sickle cell anemia were held by two Senate subcommittees and on December 8, 1971, the Senate voted 81 to 0 to approve it. Similar unanimous action was taken in the House and on May 16, 1972, just last week, the President signed it into law as P.L. 92–294.

As the author of that legislation, I am particularly gratified by the swiftness with which the Congress acted in passing that legislation.

Now we must move with equal speed to provide the full funds needed to implement that law. The suffering and despair of the victims of sickle cell anemia, compounded by trigic ignorance of the disease by many Americans, demands that we fulfill the promises contained in this new law.

Mr. Chairman, during the past year and a half since we began working on this legislation, the public has finally begun to learn some of the facts about this tragic disease. Newspapers, magazines, radio and television programs have begun to focus increasing attention on the nature of sickle cell anemia and the great need for support to combat it.

It has been a long process. You will recall, I am sure, that just one year ago, under the leadership of Senator Kennedy, the Senate attempted to increase funds for sickle cell research only to lose that increase in conference with the House.

Happily, that situation has now changed, I think. In voting 391–0 in favor of the National Sickle Cell Anemia Control Act, the House made it clear, I believe, that sickle cell anemia at last occupies the priority in the Congress that it has long deserved.

And for that reason, I believe we must provide adequate funding for this new law. Its passage has given new hope to the thousands of sickle cell victims throughout the nation. Let us not be a party to dashing those hopes by failing to provide the money to implement that law.

Mr. Chairman, it is clear in my mind that if we had a disease that affected one out of every 500 white children, and that if fifty percent of those children died at about the age twenty and almost all of them died before the age of forty, with the kind of excruciating pain and complications that occurs with sickle cell anemia, we would have had a massive research effort long, long before this.

Let me give you some examples of the need for funding.

Dr. Roland Scott of Howard University, a man who has dedicated his life for over twenty years to combating this disease, described the efforts at Howard's Center for Sickle Cell Anemia in hearings which I held as chairman of the public health subcommittee of the Districts of Columbia Committee. Dr. Scott is chairman of the Department of Pediatrics and Child Health at Howard. I might add that at the present time Howard University is responsible for training nearly half of all the black physicians in the United States.

Dr. Scott estimated that the cost of establishing and supporting a full scale program at Howard would cost $4.4 million initially and approximately $2 million thereafter. Last year Howard University spent $200,000 for sickle cell research. *Less than one percent* of that money came from the federal government.

Take another example. The Director of the District of Columbia Health Services Administration testified before my subcommittee that he could not even get $15,000 from NIH last year to piggyback a sickle cell test on an existing program testing children in Washington for lead paint poisoning. All he wanted to do was include a very simple test that would have reached thousands of children for almost no additional cost. But he was told there was no money.

Mr. Chairman, these examples demonstrate two things. First, there is a tremendous need for funds, but secondly, there is a particular need here in the District of Columbia. I can think of no more appropriate place to begin the fight against sickle cell than here in the Nation's capital, the city with the largest percentage of black population of any city in the country.

But the need is national as well. Dr. Elmer Anderson, Chairman of the Research Foundation for Sickle Cell Anemia in Los Angeles, has testified about the efforts of that foundation in the Los Angeles area. In 1970, he said, the total income for the foundation was $6,000. That amount was equal to the hospitalization cost of just two sickle cell crises for a single patient. Dr. Anderson put it most eloquently:

"So what we are emphasizing, gentlemen, is not the idea that we are asking for $25 million for programs for testing, research, and education; but a chance to get this disease in its right perspective so that we can save lives. We are very late in finally now becoming aware of what we should be doing. I think at this stage of the game it would benefit us all to appreciate the fact that we should stop politicking and devote our energies toward creating centers where these people can go for screening and good definitive treatment and research facilities where they can do research specifically for sickle cell anemia and not as an afterthought while considering another project to work on."

Similarly, Dr. Robert Rhodes of Meharry Medical College in Nashville, Tennessee, a school that has graduated approximately 43 percent of the black physicians practicing in the United States, has summarized the need for full funding in this way:

"In summary, for all too long, sickle cell anemia has been virtually ignored as an important disease among a major segment of this Nation's population. The victim, maligned and used in many instances as only a "good source of interesting research material." The time certainly has come to give adequate support to such programs as will provide both care for the victim and continue to expand our knowledge of this patient and his disease. It is hoped that the current spurt of interest in sickle cell disease will remain high and provide the victim with support so long denied."

Dr. Rhodes went on to cite a World Health Organization estimate that sickle cell anemia kills over 80,000 children annually worldwide.

Mr. Chairman, all of those witnesses spoke from sad experience of the need for adequate funds for research, for screening, for counselling, for treatment and for public education. But perhaps the most eloquent statement of the reasons why this Committee should provide full funding for this program was by the mother of a child with sickle cell anemia who testified before the Health Subcommittee:

"Kaaren must have been about eight months old when she had trouble with her elbows swelling . . .

"Shortly after that, Kaaren began to have bronchial infections, which would develop into pneumonia. One night she actually went into a coma.

"We struggled along with this, off and on, for two and a half years, thinking that the child would grow out of it. We had no idea of anything, except that she was weak.

"This is what the doctor said, she was just a weak child.

"In 1947 my husband and I moved to Magnolia, Arkansas . . .

"Kaaren's health began to deteriorate. She was sick most of the time and had to have a blood transfusion about every six to nine weeks.

"She would perk up immediately after the blood transfusion, and then go back down again, so that in approximately two months, she would return to the hospital for another transfusion.

"At this point no one said anything about sickle cell anemia.

"The doctor said he thought she had rheumatic fever. He changed it and said it was malaria . . .

"When we moved to Tyler, she became desperately ill, and we knew no doctor. A friend of mine suggested I use her doctor, who incidentally was an internist. I did not know what that meant at the time. It turned out that this man, a Jewish doctor, diagnosed sickle cell anemia. That was the first time we had ever heard of it . . .

"He admitted he knew very little about it. He sat down with us in his office with a textbook, and read maybe ten lines, and that was it . . .

"In 1958, the pediatrician we used tested everyone, all six of us. This is when we learned that I have a trait, my husband has a trait, Kaaren, the oldest child, has the disease, the second child has nothing, the third child has the disease, and the youngest child has a trait . . .

"We were informed she would never live to see womanhood; that if she did, very shortly thereafter she would die, and that there was nothing anyone could do, so, you know, get yourselves together, and get ready to face it."

Mr. Chairman, the bottom line is this. The Administration has proposed $15 million for sickle cell anemia for FY 1973. Of that amount, $6 million is to be used for research and $9 million for services, presumably for screening, counselling, public education, and clinical programs. Those amounts are clearly inadequate.

They might be adequate for a token effort, but they fall far short of a national commitment to combat sickle cell anemia. The Congress has called for that national commitment unanimously in both Senate and House. It is now time for us to match the words in the new law with the money to make it work.

Furthermore, despite the clearest possible need for action, the vast majority of the funds appropriated for the current fiscal year have not yet been spent. The latest word I have is that possibly as much as 80 percent of the 1972 funding for sickle cell anemia will not be committed until next month, the last month of the fiscal year. So we have already lost almost a full year in the battle.

Frankly, Mr. Chairman, I would like to see this new law funded at the maximum level. I know the realities in which you operate, and I therefore would ask you simply to do the best possible job. However, I would urge that at a minimum the committee add an additional $10 million to the President's request: $5 million for additional research as provided in Section 1102 of the Act and $5 million for screening, counselling, and public education under Section 1101.

Although far less than the full amount authorized under the Act, these additions would bring the total amount allocated next year for sickle cell anemia to $25 million. Such an addition would in no way be excessive and would go a long way toward fulfilling our commitment to the victims of sickle cell anemia and their families.

II—MENTAL HEALTH FUNDING

Mr. Chairman, on July 13, 1971, I testified before this Sub-committee regarding the effects of crippling cuts in the national mental health program proposed in the Administration budget for Fiscal Year 1972. Through the wisdom of this Sub-committee and its counterpart in the House of Representatives, and with the strong support of a large number of both citizen and professional groups, these cuts were restored last year by the Congress.

In the fall of last year, despite the manifest intent of Congress, attempts were made by the Administration to restrict expenditure of these funds. Again, strong and broad-based popular support forced release of the appropriated funds and the development of the mental health program was allowed to continue.

I am before you today because the Administration's budget for Fiscal Year 1973 again imposes severe restriction on vitally needed programs of mental health research, training, and service. During the year that has passed since my last appearance before you, I have had a chance to gain some familiarity with the status of our efforts toward mental health. I have a few comments which occur to me on some of the major recent accomplishments and greatest unmet needs in our quest for better mental health for all Americans. I have divided those comments into research, training, and service. I would add, however, that these three facets are inextricably linked. To attempt to trade one off against another in some false sense of economy runs grave risks of reducing both the strength and the effectiveness of mental health programs.

Research

In research, mental health differs significantly from other health areas in that the gap between knowledge and its practical application is far less wide. This results from both the incredible complexities of the human mind and brain, and the fact that only in the past two decades has major research in mental health been undertaken. Productive interdisciplinary research teams have only relatively recently undertaken broad-gaged studies of the factors associated with major mental illness, or the contributors to such pressing social problems as drug abuse, alcoholism, and violence.

Progress has been made. In recent years the effectiveness of lithium in the treatment of the previously difficult to manage manic-depressive psychoses has been well documented by careful research, and it now appears that this drug may also be useful in treating at least some of the 300,000 Americans each year who suffer severe depression.

The use of the drug L–DOPA for relief of the previously severely crippling symptoms of Parkinson's Disease resulted from intensive research, and further studies of this chemical and its relatives promise greatly increased understanding of the basic biochemical mechanisms of the brain.

Dr. Julius Axelrod, working in the intramural laboratories of the National Institute of Mental Health and winner of the 1970 Nobel prize in medicine, has recently discovered that the human brain has the potential capacity to produce hallucinogenic substances from chemicals normally present in brain fluids. The possible role of this process in the disordered thinking of schizophrenic patients is presently under intensive study.

Methadone appears to offer at least stabilization of a significant number of the estimated 500,000 heroin addicts in the United States, while pharmacologic research holds promise for the development of long-acting true narcotic antagonists. Meanwhile, research is continuing the search for the basic factors underlying addictive behavior.

But much is still unknown. Nearly 40 percent of the hospital beds in the United States are occupied by individuals suffering from major mental illness, and it is estimated that one in ten Americans will require psychiatric hospitalization at some time during his life. There are more than five million alcoholics in our country today and an additional four to five million individuals for whom alcohol abuse is a serious problem.

Mental health problems of young people in our society are another major area. Drug abuse among teen-agers is a tragic fact of life for thousands of American families. Death due to over-dose or the physical complications of addiction has become the leading killer of young people between fifteen to twenty years of age in several of our larger cities. The upsurge of violence and crime by young people is also a sad fact. Three-quarters of those arrested for major felonies, larceny, and negligent manslaughter are less than twenty-five years old.

Arrest rates are highest for those fifteen through seventeen, and next highest for ages eighteen through twenty. One need not be a psychiatrist to recognize the meaning of those statistics.

None of these problems is simple. None has an easy answer. But whether you measure the cost in either economic or human terms, continued support of both fundamental and targeted research on problems of mental health and illness is an excellent investment. The Administration proposes a budget of 144 million dollars for NIMH research support in FY 1973. This is inadequate to even cover inflationary increases over the past year and would provide no new funds for expanded research efforts. Both the National Association for Mental Health and major professional groups have urged the addition of ten to fifteen million dollars in new funds to support mental health research in the coming year. Even this modest increase would allow the beginning of nearly four hundred new research projects. This support seems to me minimal in the face of past accomplishments, great promise, and overwhelming need.

Training

The United States remains woefully short of professionally trained mental health manpower. While the number of psychiatrists, psychologists, psychiatric social workers, and mental health nurses has increased markedly since the end of World War II, the demand for skilled services has increased as well. Effective treatment programs in drug abuse, alcoholism, crisis intervention, and crime and violence, if they are to succeed. require—in fact demand—skilled professionals. In addition, we must provide mental health care to those for whom it has been only barely available—minority groups, children and adolescents, and those living in rural areas.

I strongly support these new treatment programs. But I would consider it tragic indeed if manpower shortages led to our producing yet another second-class care system for those most acutely in need. Highly trained and skilled professionals are required not only for the development of new mental health knowledge through research, but also for the application of this knowledge to new treatment programs and the complex, but vitally important function of program evaluation.

It has recently been suggested that less highly trained para-professional mental health workers can significantly replace professionals in treatment programs. The usefulness of new kinds of health workers in increasing the effectiveness of professionals has been clearly demonstrated and significant new roles for para-professionals in community mental health have evolved. I think, however, we should be wary about the concept of their fully replacing professionals in the extremely complex task of effective mental health care. The risk of producing a second-class system seems to me to be great.

The public demand for help with psychological and social problems has been demonstrated in California in the very rapid rise in various encounter and other group programs, not infrequently led by individuals with little or no professional training. Recent research has demonstrated that, contrary to popular belief, such quasi-mental health activities are not necessarily harmless, and may, in fact, delay the seeking of professional assistance for major mental disorder. Partly because of the effectiveness of past public education programs, persons in need are increasingly seeking mental health care. It is our responsibility to provide skilled professionals to help them.

As with research, despite a record of accomplishment and a clear-cut need, the Administration proposes to severely restrict the training activities of the NIMH. In this case, a *cut* of fifteen million dollars from the appropriation for FY 1972 is requested. Of this cut, seven million dollars is removed from funds to train psychiatrists, and the intention is again made clear to eliminate the entire psychiatry training program over the next few years. The profound impact of these cuts on the manpower supply in this essential medical specialty has been pointed out in other testimony before you. I would only like to underline the particular irony that the training programs which would be most severely restricted by such cuts are those based in medical schools and major medical centers. These are precisely the programs which provide training in research, porgram development, and evaluation, and whose graduates are most likely to enter public service careers.

Even more short-sighted, in my view, is the proposal to cut eight million dollars from the support of mental health training in the core education of health professionals who do not plan to specialize in mental illness. The bulk of mental health care in this country, especially for less severe disorders, will likely always be provided by non-psychiatric physicians, social welfare workers, and others without primary mental health responsibilities. With proper training, these individuals can be tremendously valuable in treatment, early case finding, and effective prevention of more severe disturbances.

Mr. Chairman, there is a terrible irony in the budget cuts proposed by the President. Every member of the Congress knows how deeply ever American is concerned about drug abuse. Last year we passed major new legislation designed to combat drug abuse. Yet we are now actually being asked to reduce the production of the very professionals who can provide the key manpower in that effort. I simply cannot understand that logic.

Restoration of the proposed cuts in NIMH training funds seems to me to be the bare minimum expression of our responsibility to the mentally ill of this country. The National Coalition for Mental Health Manpower, a broad consortium of citizen and professional groups, believes that an additional forty million dollars in new funds could be effectively used in the coming year, and I would support this recommendation.

Services

A final point is services. Quality mental health care is increasingly available to broad segments of the American population. The result has been a decrease in the number of patients in outmoded public mental hospitals. More than three hundred Community Mental Health Centers are currently in operation, offering the potential of comprehensive services to more than 25 percent of the total United States population. These centers are increasingly offering effective services for alcoholics, drug addicts, children and adolescents, and the aged.

The visionary concept of a truly comprehensive community mental health center system, developed during the Kennedy Administration, has allowed us to take major steps toward the goal of national mental health care. That the full implementation of the concept has in some instances proved difficult speaks to the complexity of the problem rather than to fundamental flaws in concept.

In my view, the primary task of the Community Mental Health Centers in the years immediately ahead is the assurance of high quality care to all of those treated. This will require full utilization of the research and training potentials of the Centers, perhaps through closer working relationships with universities and medical centers, and particular attention to program evaluation. To provide the best care, the Centers must have a full complement of professional staff and an atmosphere conducive to open inquiry and thoughtful innovation.

With respect to budget requests for Community Mental Health Centers, it seems to me that the highest priority must be on staffing, especially the provision of adequate professional manpower for those Centers in operation or under development. $140 million should be adequate for this purpose in FY 1973. I would also strongly support a specific allocation of $2 million for evaluation, as recommended by the Council of Comprehensive Community Mental Centers.

III—CONSTRUCTION OF HEALTH EDUCATION FACILITIES

Mr. Chairman, my third topic concerns our efforts to provide the health professionals we will need if we are ever to assure adequate health care for all Americans. There has been a great deal of discussion in the past few years about a crisis in the delivery of health care. Last year, however, the Congress passed the Comprehensive Health Manpower Training Act of 1971—legislation which the President himself termed "the most comprehensive health manpower legislation in the nation's history."

Yet, the principal goal of that legislation—to overcome health personnel shortages—will be gravely undercut by the President's failure to recommend any funds for construction of medical and other health profession schools. Denial of construction funds will destroy in a single blow the attempt to provide a coordinated, interlocking federal effort to assist education of health professionals.

The entire thrust of the legislation was to accelerate increases in health professions personnel—doctors, nurses, dentists, optometrists, and other health professionals. But if medical schools are to increase their enrollments as the Congress envisioned they must be able to expand and improve their existing facilities.

Mr. Chairman, I can give you some rather concrete examples from my home state.

The University of California operates five medical schools in California at its San Francisco, Los Angeles, San Diego, Irvine and Davis campuses. The latter three medical schools were founded in the early 1960's and operate primarily out of temporary facilities—in many cases in what amounts to mobile home type facilities.

The University at present trains about 3,900 medical students at the undergraduate and graduate levels. Yet despite the critical need for adequate, permanent facilities to provide that training, the University of California has received virtually no federal money for construction for over *three* years. Yet the President comes to us this year and proposes no new funds for construction.

Mr. Chairman, although few people realize it, that situation is not just a problem for California, it is a problem for the rest of the nation as well, because at the present time California imports 70 percent of its physicians from outside the state. In other words, unless California begins to train enough doctors to handle its own needs, the efforts of other states to increase their own medical personnel will continue to be handicapped. While I know we in California welcome young doctors who wish to practice there, I am sure you can see the thrust of what I am saying. By assisting California to develop its own medical schools, the federal government would also be assisting the rest of the nation.

This year California is taking a major step toward fulfilling its own responsibilities to its citizens. The legislature has placed on the ballot a $155 million bond issue as part of a $300 million program to meet the State's needs for health personnel.

As part of that program, the University of California's medical schools will increase their enrollment by 3,100 students, almost double the present enrollment of 3,900. This action will go a long way toward ending a shortage of physicians in that state and end the drain on the resources of other states.

But, an essential component of that effort is $97 million in federal matching funds which will be needed to make it work.

Mr. Chairman, I recall your fine work last year in providing additional construction money, particularly your gracious assistance when I offered a successful amendment to the Supplemental Appropriations bill last fall to increase funding by $20 million. I know you are aware of the needs in my state and the other states across the country. I would, therefore, ask only that you and the other members of the subcommittee be as diligent as you can in providing the maximum possible for construction grants.

The Coalition for Health Funding has recommended $250 million for such grants and I endorse that recommendation.

IV—MIGRANT AND RURAL HEALTH CARE

Mr. Chairman, there are a number of other areas in the health budget which need strengthening. I know you are aware of them and I know that other witnesses before you have made and will make the case for many of them. I know that the Committee's time is limited and so I will only touch upon them briefly. The Maternal and Child Health Services, the National Health Service Corps, and Migrant Health programs are all programs which I believe have critical importance, particularly in rural areas and areas suffering from severe economic distress. I know that I do not need to catalog for you the ways in which these programs affect directly the amount and quality of health care that is available to millions of Americans who can least afford such care.

Migrant health is a good example. In California during the peak harvest season there may be up to 100,000 migrant workers. Many counties in California remain without any migrant health services. Other large counties like Riverside and Fresno have very limited facilities to cover wide geographic areas or large numbers of migrants. The President has budgeted $23.7 million for migrant health. I would urge you to increase it to $30 million.

Similarly, funding for the National Health Service Corps should be increased substantially. Rural and inner city areas suffer critical shortages of health care workers. This program can have a major effect on that maldistribution of health services. Let me give you an example of why this program is so important. Mono County, California is a remote rural county on the east slope of the Sierras. It covers 3,028 square miles but has an average population density of only 1.3 persons per square mile. Its altitude ranges from 6,400 to 14,242 feet. On weekends the population is increased by about ten times by vacationers. Yet the county has only one hospital and that hospital recently learned that it would no longer have any physician available. Faced with this crisis the county sought help from the National Health Service Corps, and I am happy to report that as of July 1, 1972, they will have two doctors through the Corps.

Mr. Chairman, that is the kind of aid which can be provided through this program and I think it should be supported to the full extent possible.

STOCKHOLM CONFERENCE ON THE HUMAN ENVIRONMENT

Mr. MUSKIE. Mr. President, I understand that the positions to be assumed by members of the U.S. delegation to the Stockholm Conference on the Human Environment will amount to a replay of narrow and retrogressive environmental policies.

I am disturbed that there will be little opportunity for the free exchange of views and recommendations by the members of the U.S. delegation with the leaders of other nations of the world because U.S. positions have been predetermined in detail by the administration.

The Stockholm Conference is unique. It is more than an opportunity for nations to negotiate hollow treaties on vacuous subjects. It is more than an opportunity for world political leaders to show their interest in preserving the quality of the world environment. It is a real opportunity for nations of the world community to discuss freely action proposals for the improvement and protection of the global environment.

The United States began its substantive focus on environmental quality in the early 1960's. During the past decade we have examined man's relationship to the environment, the effects of man on the environment, and the need to control those effects. As a result, our environmental policies have been broadened and have become increasingly meaningful.

This Nation has made a commitment to end pollution. The Water Quality Improvement Act, the Clean Air Act, and pending amendments to the Federal Water Pollution Control Act are major indicators of that commitment.

These measures were not created to abate a little pollution here and there or to prevent pollution that could be proved specifically harmful to specific parts of the environment. These measures were designed to protect public health and welfare, to improve and enchance the environment. Yet, Mr. President, the U.S. delegation to the Stockholm Conference departs under instructions to support policies which are in many respects less stringent, less meaningful, and less useful from an environmental standpoint than those which are required in this country.

Let me illustrate. The U.S. position papers for the Stockholm Conference state:

> The United States strongly supports the concept of developing internationally agreed upon guidelines for the control of land-based pollution but believes that the current lack of adequate scientific knowledge concerning marine pollution prohibits the development at this time of comprehensive guidelines.

This statement denotes a negative attitude on the part of the administration. I do not share the assumption that the scientific knowledge to regulate marine discharges does not exist. But, in any event, the United States should not rely on a lack of information as a basis for avoiding regulation of marine pollution. Rather, the United States should exert leadership to assure that our knowledge of marine pollution effects will be expanded.

Another section of the U.S. position papers states:

> We [the United States] believe countries should take all practical steps to achieve the maximum practical harmonization of their environmental policies. *This is not to suggest that countries must adopt identical policies. We appreciate differences may be necessary and appropriate to take account of such factors as variations between countries in their capacity to assimilate pollutants,* differences in their population density and degree of industrialization as well as differences in their social and economic priorities. (Emphasis added.)

What do these statements mean? They mean simply that the positions to be advanced by the United States at the Stockholm Conference contain policies already rejected by this Nation as ineffective in achieving environmental quality. They mean that the members of the U.S. delegation will not be conveying to the world their active support for the setting of international standards and norms for environmental behavior.

More specifically, the U.S. delegation will not be advancing to the world community our support for long-term programs to restrict the introduction of pollutants into the environment, from whatever source, as an essential tool for eliminating the destruction of the global environment.

I am concerned, however, that this position, supported by the United States, presents a loophole through which the developed nations can escape. There is every reason to press for uniform standards.

I am aware of the complex problems facing the less developed nations as they work to improve the quality of life for their peoples. The wealth made available by the technological revolution has not been distributed equally among nations.

The problems associated with these inequities are being compounded by the possible effects that international pollution control measures could have on their growth. These countries need jobs. They need to improve living standards. They need to improve their balance of payments. And, they need to produce goods for their own consumption.

Uniform standards are proposed because they are ecologically sound and essential. But in the less developed countries such standards may be economically unattainable. The U.S. position at the Stockholm Conference should take cognizance of that difference.

Both the House and Senate amendments to the Federal Water Pollution Control Act contain directives intended to guide the administration in the development of U.S. policies for the Stockholm Conference. The directive states:

> The President shall undertake to enter into international agreements to apply uniform standards of performance for the control of the discharge and emission of pollutants from new sources, uniform controls over the discharge and emission of toxic pollutants, and uniform controls over the discharge of pollutants into the ocean.

Congress obviously believes there is adequate justification for internationally uniform controls and standards for the regulation of discharges of pollutants into the environment. To extend this Nation's conceptual approaches to environmental problems to the global arena would be to demonstrate real world leadership.

Clearly, these U.S. positions are in conflict with the environmental goals that have been set forth by the Congress.

The legal requirements for the Clean Air Amendments of 1970 provide for a standard of air quality that is protective of the public health. Further, the amendments require that the emission of hazardous pollutants be controlled without respect to economic cost or feasibility. The best available controls are required, by law, for all new sources of air pollutants.

The positions to be advanced by the United States at the Stockholm Conference are also in conflict with pending Senate amendments to the Federal Water Pollution Control Act. The Senate amendments respond to the failures of this Nation's existing water quality program. To accomplish this task, controls are to be applied on all sources of discharges, with total elimination of the discharge of pollutants into our Nation's waterways as the policy objective. Prohibition of discharge of toxic substances in toxic amounts without regard to economic cost is provided.

More importantly, if we are to advocate policies setting forth goals and standards for environmental control, we must provide economic and institutional policies that will make possible the achievement of such goals and standards. As outlined by the administration, the U.S. position will not permit a demonstration of world leadership for the positions advanced in these areas.

With respect to the funding of global environmental improvement measures, the "Scope Paper," which is a summary of major U.S. positions, states:

> We [the United States] do not foresee any increase in our current level of development assistance. There may well be a concentrated effort on the part of the developing world to force the Stockholm Conference to pass resolutions calling upon the developed world to supply the LDC with additional funds, above and beyond the 1% target figure, which would be used to finance the entire cost of environmental cleanup in developing countries.
>
> The United States must vote against or abstain on any resolution or document that urges acceptance of this concept of "additionality." Moreover, the Delegation must make the record in the report clearly carry the United States reservation on this issue.

What does this statement mean? It means that the United States is unwilling to provide economic assistance to nations which cannot afford to meet the costs of pollution control. It means that the United States does not support the view that we must share in the financial burden of environmental control. It means that the United States does not support the view that decent development and decent environment are one and the same for all nations.

It appears that short-term budgetary expediency is dictating the administration's position on the long-term needs of less developed countries.

The fact that we are experiencing political resistance to aid ought not restrict us from recognizing these countries. Our Government ought to recognize the equity of assistance to the less-developed countries—the long-term equity based on the assumption that the developed world used the cheapest resources to grow and now have a responsibility to contribute to the less-developed countries who can not afford both development and environmental control.

With respect to institutional arrangements the U.S. position papers advocate the creation of an integovernmental policy body within the United Nations. A strong institutional framework within the United Nations will be essential if the world community is to respond adequately to global environmental needs and demands.

But the details of the administration's position propose the Economic and Social Council—ECOSOC—as the parent body rather than the General Assembly. This position is in conflict with the recommendation of the Secretary of State's own Advisory Committee on the Stockholm Conference which declared that the new environmental machinery would be "in serious jeopardy" if it were placed under ECOSOC and recommended accordingly that the new environmental body should be a subsidiary of the United Nations General Assembly.

And what does that mean? It means that the United States advocates the submersion of the proposed intergovernmental body into an already weak institutional structure. To quote from the administration's position paper on this matter:

> The U.S. proposal is in line with the U.S. objective, shared by many other states, of strengthening ECOSOC and improving its ability to discharge its charter functions. This objective would not be served if in the midst of these efforts such a significant new function were placed elsewhere in the U.N. system.

Clearly this position further indicates the low priority which the administration places on international environmental problems. I believe the advisory committee is right in stating that the new environmental unit "will bear such importance for the world that its vitality and potential—and not the vitality of, or long range plans for, the ECOSOC—should determine where it is placed in the organizational structure."

This was the advice not only of the advisory committee but of all the expert witnesses that testified before it in public hearings. The failure of the administration to follow this advice is but another example of its failure to take adequate account of expert opinion in developing its positions for Stockholm.

Another illustration of the administration's lack of leadership is its failure to accept the advisory committee's recommendation that the United States propose the filing of international environmental impact statements.

If international environmental cooperation is to be a reality and not just a slogan, the principal countries of the world must be willing to report on all their activities that might affect the environment of others and to consult in good faith with other countries and with international agencies when questions or objections are raised.

This would be the international equivalent of the section 102(2)(c) statements required by our National Environmental Policy Act.

I recognize that all the members of the United Nations will not be willing to undertake such an obligation at Stockholm. But there is no reason why there should not be established an "International Environmental Coalition" of those key countries that bear special responsibilities for the preservation of our endangered planet.

I believe the members of such a coalition should also agree that environmental disputes to which they are a party can be taken to the new environmental institution in the United Nations at the request of any other country and that they will cooperate with any scientific fact-finding panel that might wish to make on-the-spot investigations on their territories.

It is not yet too late for the U.S. delegation to take up the idea of an "International Enviroimental Coalition" at Stockholm. I call upon the President to see that our delegation takes this important measure of leadership before it is too late.

The aforementioned are but a few of the examples of the predetermined positions of the administration. By accepting these positions, members of the U.S. delegation will risk failure in their attempts to communicate to world leaders the programs which we have already initiated. They will risk failure in their attempts to communicate to world leaders the minimum values we have found to be essential in this country. They will risk failure in their attempts to communicate to world leaders our economic commitment to solving problems in places other than the United States. More critically, they will risk failure in their attempts to communicate to world leaders the absolute need for an institutional arrangement which will raise the visibility of the environmental issue.

The nature of the delegation itself has also been a source of concern to me. Although many distinguished Members of the House and Senate have been named to the delegation, there is an almost complete absence of leading members of the scientific and environmental communities.

I am aware that there are those who believe that real world leadership by the United States at the conference would be tantamount to U.S. domination at the Stockholm Conference.

I submit that there can be leadership without domination. We must lead in the hope that our initiative, our assistance, and our demonstrated good will can serve to encourage others to participate in the same spirit.

I urge the President to remove the limits on free discussion proposed for members of the U.S. delegation. I urge the Senate Members of the delegation—my colleagues who will be voting on any conventions which may result—to speak out in Stockholm on the environmental goals that have been set by the Congress and only reluctantly accepted by the administration.

I ask unanimous consent that the Scope paper be printed in the RECORD.

There being no objection, the Scope paper was ordered to be printed in the RECORD, as follows:

UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT, STOCKHOLM, JUNE 5–16, 1972; SCOPE PAPER

BACKGROUND

At the summer, 1968, session of the U.N. Economic and Social Council, Sweden proposed the holding of the first World Conference on the Human Environment. The proposal was endorsed by ECOSOC and approved by the U.N. General Assembly at its 23rd session in Resolution 2398 of December 3, 1968. A 27-nation Preparatory Committee, of which the U.S. is a member has met four times in the last two years to chart the course of action for the conference. The U.S. has played a major leadership role in these preparations.

U.S. OBJECTIVE

The overall U.S. objective for the conference is to raise the level of national and international concern for environmental problems and to increase national, regional and global capabilities to recognize and solve those problems which have a serious adverse impact on the human environment.

U.S. PRIORITIES

The conference will provide the first opportunity on a world-wide basis for nations to call for the initiation or strengthening of a series of international actions designed to improve the global environment. At an early stage of preparation for the conference, an intensive effort was made to identify actions which are of greatest interest to the U.S. On the basis of this analysis, which included well-defined proposals and initial cost estimates, the U.S. has developed the following priorities for actions which it believes should be recommended by the conference.

The U.S. supports and will participate in the development of conventions, agreements and other mechanisms to conserve and improve the global environment consistent with other U.S. policy objectives. Such conventions, agreements or other mechanisms would provide bases for cooperative international actions in areas of high priority, e.g., marine pollution, the release of toxic substances into the environment, the preservation and exchange of potentially useful plant and animal genetic stocks, preservation of rare species and unique natural, cultural and historic areas, and consultations when the activities of one country adversely affect the environment of others.

The U.S. supports appropriate efforts to sample, analyze and disseminate information on the condition of the global environment. This requires the coordination and supplementation of existing systems for monitoring human health, the atmosphere, the oceans and terrestrial environments. Data obtained would be available to all nations and would be used to measure trends and identify problems requiring international action.

The U.S. supports the development of coordinated national research programs concerned with environmental problems of regional and global significance. These programs would be done cooperatively by countries with UN coordination and encouragement. In developing countries such programs would not only provide research information useful in solving problems, but would also produce cadres of trained scientists. Areas meriting research attention include the development of analytical methods for assessing pollutants, studies to develop criteria and recommended control techniques, cooperative research on human settlements problems, recovery and recycling of resources, irrigation water quality maintenance, reduction of fertilizer and pesticide pollution, ecosystem analysis, resource management, marine-pollution abatement and control, and how proper environmental management can enhance development.

The U.S. supports the effective strengthening of training, education, and public information programs in the field of environment. Competence within a country to deal with environmental degradation is a key element to national action. Included in this area would be development of public education programs (e.g., teacher education, teaching materials, and pilot education programs) and development of environmental training programs in fields such as ecosystem management, water, forestry, soils, land planning, wildlife management, and agricultural, human and industrial waste management. In addition, public information programs would be developed to provide an understanding of the nature of environmental problems and the need to support efforts to solve them.

The U.S. supports the establishment of improved mechanisms for the exchange of national experience in solving specific environmental problems. A preponderance of the problems of environmental degradation can be solved only on a local or national basis. Procedures should be established for sharing knowledge on how to solve problems and could include establishment of an international referral center for exchange of practical information and national experience.

The U.S. supports regional arrangements to deal with key regional problems, such as conservation and purification of water, management of soil, urbanization, forestry. This would include the establishment or strengthening of regional programs designed to deal with environmental problems common to several countries, e.g., urbanization; natural-resource management, including soils, water, and tropical forests; and the effects of agricultural fertilizers, pesticides and fungicides. Such regional programs might also be used for manpower training appropriate to the region.

The U.S. supports improved UN coordination of environmental programs. The U.S. has proposed the establishment of a small Secretariat as a part of the United Nations and an intergovernmental Committee to coordinate environmental programs and administer an Environmental Fund financed by voluntary contributions from governments.

The U.S. supports the establishment of a mechanism outside the UN to provide environmental scientific advice to the UN and nations. This would provide an international institutional framework for obtaining authoritative non-governmental, scientific advice as to priorities for action, research and evaluation, and the most effective uses of resources.

EXTENT OF U.S. COMMITMENT

There are five critical issues on which the Delegation must firmly oppose recommendations contrary to the specific U.S. position.

1. The U.S. has proposed a United Nations Fund for the Environment designed to finance the recommendations for environmental programs, projects and functions that are most likely to be centered in the international community following the Stockholm Conference.

The U.S. shares the general view that, while the great majority of actions for environmental improvement must be taken at the national level, there is an essential need for international efforts as well.

These international efforts should serve two kinds of purposes. First, they should deal with inherently international environmental needs such as global monitoring of human health, the oceans, the atmosphere, and terrestrial environments; research; and assessments of the condition of the world environment. Second, they should serve to strengthen national capabilities in the environmental field through education and training, information, exchange, and programs to attack environmental problems on a regional basis—thus enabling national and local authorities to draw on the knowledge, experience, and organizational and technological capacities of the international community. The United States contribution to the proposed Fund would be predicated on its use for such purposes, rather than to solve specific economic development problems within the borders of individual countries. Any effort to convert the voluntary Fund into a development fund must be resisted and, if an attempt to convert it is successful, the Delegation must vote against creation of such a Fund.

2. The current view of the U.S. is that new machinery will be required within the United Nations to coordinate the array of environmental activities of the United Nations system, and to administer the Fund.

As to the nature of this machinery, there is general agreement that a new specialized agency should not be created. The U.S. has proposed the creation of a small high level staff unit under the direction of an Administrator whose responsibility would include coordination of environmental activities of the UN specialized agencies and administration of the voluntary Fund. Policy direction for these activities would be provided by an ECOSOC Commission.

3. Financial support for countries to deal with specific problems within their borders should be principally a national responsibility. However, environmental programs are a part of the development effort, and technical and financial assistance to developing countries for environmental improvement is desirable. Although the proposed voluntary Fund would not be used for this purpose, international development agenices should be encouraged to support environmental elements of development projects out of existing budgets.

In October 1970 on its 25th Anniversary, the United Nations adopted unanimously a global strategy document for the target of the 1970s, the United Nations Second Development Decade. One of the goals set forth in that document called for the developed world to:

"Endeavor to provide by 1972 annually to developing countries financial resource transfer of a minimum net amount of 1% of its gross national product."

The United States supported the 1% target (but not the target dates) and agreed to use its best efforts to achieve that goal. However, at the present time we are at about 0.5% of our GNP. We do not foresee any increase in our current level of development assistance. There may well be a concentrated effort on the part of the developing world to force the Stockholm Conference to pass resolutions calling upon the developed world to supply the LDCs with additional funds, above and beyond the 1% target figure, which would be used to finance environmental costs of development assistance projects, or to finance the entire cost of environmental clean up in developing countries.

The U.S. must vote against or abstain on any resolution or document that urges acceptance of this concept of "additionality". Moreover, the Delegation must make the record in the report clearly carry the U.S. reservation on this issue.

4. With the exception of those recommendations which pertain to the issues discussed in the paragraph above, U.S. support for implementation of Conference recommendations will be through the voluntary Fund. However, the Fund will be inadequate to launch all appropriate programs simultaneously which could be supported from it. Consequently, priorities will have to be established among programs as no additional U.S. support is foreseen at this time. The Delegation must make clear that the U.S. contribution will be through the Fund and that the U.S. does not expect the UN specialized agencies to automatically include the costing of the implementation of Conference recommendations in their regular budgets.

5. In the Draft Declaration, there is a paragraph dealing with nuclear testing. If any attempt is made to amend the language on this subject the Delegates must hew precisely to the position paper on this subject.

LAW DAY SPEECH BY SENATOR TUNNEY

Mr. ROBERT C. BYRD. Mr. President, on May 1, 1972, Senator JOHN V. TUNNEY gave the Law Day address to the San Diego Bar Association. He spoke of some of the critical issues which I believe confront us, particularly those of us in the legal profession, in the years ahead. I ask unanimous consent that Senator TUNNEY's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR JOHN V. TUNNEY

I brought along a copy of a brochure which I have had in the reception room of my Senate office. On the cover it says "San Diego is excitement." Until the past month I never really appreciated the full meaning of that claim.

I should begin by apologizing to those of you who were looking forward to the festivities here in August. I'm afraid I played a rather active role in depriving San Diego of the Republican convention.

Today I want to talk with you about some of the things which you and I as lawyers have to face in the coming years. They are issues which are, in a sense, on the cutting edge of change in our society.

You aren't going to agree with me on all of them. And on some of them I am unsure myself of how the merits line up. But I would like to try to sketch the dimensions of them for you today and ask you to think about them as lawyers—men and women whose profession is to make dispassionate judgments after analyzing the facts.

I say this because they are issues which must be resolved through law was the instrument by which we deal with change.

The first of these problems is drug abuse. Here in San Diego with its geographic location as a point of entry for illegal drug traffic there is as much concern about drug abuse as there is in any part of the country. I have been here myself in the past, holding hearings about drug smuggling, overproduction of pills and such. I have learned that it is a lot easier as a politician to stand here and deplore such abuse and call for stricter laws and tougher penalties than it is to deal with the real human tragedies which drugs represent.

A few weeks ago the National Commission on Marijuana and Drug Abuse appointed by President Nixon issued its first report. It was titled "Marijuana: A Signal of Misunderstanding," and in some way the report itself became a signal of misunderstanding. It contained three basic recommendations for changes in federal law:

(1) decriminalization of possession of marijuana for personal use, but with possession in public subject to seizure and forfeiture;

(2) decriminalization of casual distribution of small amounts of marijuana not involving sale for profit, and

(3) specific abolition of a plea of marijuana intoxication as a defense to any criminal act committed under its influence.

Those recommendations are controversial ones to be sure, but they are the product of extensive study by a very balanced Commission. We must deal with them accordingly.

I've become deeply concerned at the way young people's lives can be ruined by a criminal conviction. We must take a hard look at the differences betwen marijuana and hard narcotics, at the differences between use of marijuana and the use of heroin, amphetamines and barbiturates, and particularly at the differences between those who traffic in drugs for profit and those whose offense is confined to use.

There is no single answer to the drug problem. But we are not going to make any headway at all until we begin to deal with it on some rational basis, with a minimum of preconceptions and emotion.

Lawyers can help a great deal in that process and I would ask you to join. Drug abuse is one of the most difficult issues for the political process to handle because of the very deep fears that people have. It is, therefore, subject to all kinds of political rhetoric and even demagoguery.

Congress is going to have to deal with this problem and particularly the marijuana report. And I would ask your help in making the debate on this issue as reasonable and productive as possible because the lives of our children are at stake.

A second issue is our prison system: what do we really want our prisons to do? We know what they are doing now—three quarters of all persons released from prison each year will ultimately return, convicted of new crimes. That should tell us something about the deterrent value of incarceration alone—but incarceration alone is about all we have at the moment. Of the total annual expenditures of $1.5 billion for corrections, between 80 and 90 percent goes for custody and administration. Perhaps 20 percent of those working in corrections are assigned tasks which could be described as directed toward prisoner rehabilitation.

You know as well as anyone the state of our prison system. As lawyers, many of you have prosecuted or defended the persons who populate that system. And you know as well as anyone the measure of its failures by the numbers of people whom you see as prosecutor or defender over and over again.

Part of the failure admittedly results from inadequate funds. But the most irresponsible thing a politician can do is to pretend that money alone is the solution.

Because the real problem is that we have not faced the basic question—what do we want prisons to do? Prisons in this country today reflect precisely the ambivalance and the conflict which the public itself feels about what it wants from the penal system. Punishment, deterrence, isolation, rehabilitation—how much of one and how little of another.

I don't have the answer to that question for you today—but I have some ideas and you undoubtedly have some as well. You and I as lawyers have a responsibility to deal with those ideas honestly and promptly, because the divisions in our society are saying is going to place even greater demands on that penal system.

One aspect of this question is revision of the criminal laws themselves—who should go to prison, why and for how long. The Senate Judiciary Committee is presently engaged in such a revision, one which will undoubtedly continue for quite some time.

We are going to decide, for example, whether the definitions of criminal conduct should be revised, whether the penalties we impose serve their objectives and whether there are alternatives to incarceration which should be added to those laws. The debate on those questions will be long, difficult, and—unfortunately but probably—emotional. You can have a direct impact upon the quality of that debate and its final product both as individuals and as groups. I urge you to do so.

Another aspect is the penalties we impose after prison—the continuing effects of a criminal record on the basic rights of citizenship such as the right to vote, the right to hold office, the right to pursue certain occupations (the legal profession for example). And what is their effect upon prospects for rehabilitation?

For example, we have to think very hard as members of the bar about denying a young man the opportunity to practice law for following his conscience and accepting a jail sentence rather than be drafted for a war he believes is unjust. Similarly, the question of amnesty is going to confront us in the Congress. Here again we will face a difficult question but one which lawyers can help to resolve.

I don't pretend that any of these issues are easy ones. They are particularly difficult for the political process to handle responsibility because of their emotional content. But you can help in that endeavor.

A third issue more difficult to describe precisely but equally fundamental for the future—is the issue of privacy. I had been a Senator for barely two months before I began sitting with Senator Sam Ervin as a member of the Constitutional Rights Subcommittee. Over the next few months we listened to the Army tell how it spied on members of Congress. We listened to the Justice Department describe the records it keeps. We listened to dozens of witnesses tell of the hundreds of ways in which public and private agencies gather and retain data on individual citizens.

Much of that data is gathered in legitimate ways for legitimate reasons. But what concerns me, and what should concern you also as lawyers, are the safeguards which must be employed to assure the privacy of the individual.

We have entered an era where information once gathered is inevitably retained; once retained is inevitably exchanged; once exchanged is inevitably expanded; and where an erroneous entry acquires an existence of its own.

You have all experienced this problem in one way or another—a client whose license is revoked by mistake, a credit record based on a neighbor's gossip.

You also have a very important role in developing the solutions—the guidelines and the safeguards to protect against abuse. You can help us write the laws in Congress but more importantly you can use your wisdom and advice to counsel against unnecessary or irresponsible collection and dissemination of information, both in government and in industry.

I have one final thought—and I think it is perhaps appropriate to share it with you here because it springs largely from the events surrounding the ITT case.

The repercussions of the Senate hearings will be felt in many different ways during the coming months, but there was one overriding issue in those hearings. It is one which exists in any administration regardless of party, and it goes to the very heart of people's faith in their government. That issue is the ventilation of our entire system of government.

One goal we must set is the development of new and better ways to assure that public business is conducted in public.

The ITT case proved to many people what they had believed all along—that government is not responsive to the individual citizen but only to powerful interest groups whether corporate or labor. I saw a poll the other day which was taken in Ohio. It showed that 16 percent of the people had faith in the Congress 18 percent in the Supreme Court and 21 percent in the Presidency. In other words, about 80 percent of the people in that state had no confidence in any branch of the federal government.

I don't think any one of us can ignore those kinds of warning signals. As a politician I certainly can't, but as lawyers you can't either because unless we can restore that confidence it will erode the very basis of an orderly society—the law itself.

THE PASSPORT OFFICE AND AUTOMATION

Mr. MAGNUSON. Mr. President, as the world around us becomes more computerized and plasticized daily, I noted with interest, an article in the May 20 New York Times.

The article, by Benjamin Welles, details some of the pressures on Frances G. Knight, Director of the U.S. Passport Office.

Regardless of a person's opinion on how our wallets have grown to the bulging point with those little plastic cards over the past few years, the article contains useful and educational information about the problems of the Passport Office.

Mr. President, I ask unanimous consent that Mr. Welles' article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PASSPORT CHIEF FIGHTS "GADGETRY"

(By Benjamin Welles)

WASHINGTON, May 20.— Frances G. Knight, director of the United States Passport Office, is standing firm against mounting pressures for what she describes as "pie-in-the-sky gadgetry."

The object of Miss Knight's ire is a demand by airlines, the travel industry, Presidential panels and some foreign countries for the early development of an embossed, or coded, plastic card in place of the familiar book-type passport used by American and foreign travelers throughout the world. Last year 2,350,000 passports were issued to United States travelers at a standard cost of $12 each.

The card would bear the traveler's name and other pertinent details normally found at least—could be read electronically by machines at international airports and other ports of entry. Speed and convenience are cited as the principal benefits.

In January a possport subcommittee of the International Civil Aviation Organization, meeting in Montreal, recommended development of such a card, and the recommendation is now being studied by that group's 124-member governments. Miss Knight, representing the United States, abstained when the subcommittee voted to make its recommendation.

"I'm not against progress, but I'm totally opposed to pressures by groups, some of whom are self-serving and others merely ignorant," she said in a recent interview. "I'm against ideas that are half-baked, technologically unworkable and totally unrealistic in terms of cost."

PORTS OF ENTRY DISCUSSED

In the first place, Miss Knight noted, there are 285 separate ports of entry and exit in the United States. Unless each was equipped with a fool-proof electronic "scanner" to read cards, and unless each was, in turn, connected to a giant computer established at some central point in the United States, she asserted, the system would break down. Travelers wishing to avoid United States controls would use entry ports without scanners.

Furthermore, she said 147 foreign countries still require United States travelers to have entry visas stamped into their passports, and plastic cards would have no space for visas.

"Some people are urging 'piggy-back' cards with attached visa-sheets," she said, "but this doesn't simplify anything—it only complicates it. Very few foreign countries are going to have the money or technology to develop automated travel cards for 10 years at least."

Noting reports that there may be as many as two million alien who have entered the United States as tourists and who have since "disappeared" into the American population, Miss Knight stressed the importance of tight passport controls to cut down international crime, drug-running and espionage.

She cited an INTERPOL report last Dec. 23 disclosing the arrest of a criminal ring and the recovery of 395 blank or stolen passports from 20 countries.

"At the last three I.C.A.O. meetings I've urged immediate steps to standardize the location and details of requisite information in all passports," she said.

FOOLPROOF SYSTEM SOUGHT

Miss Knight said that 52 countries had sent officials to study the workings of the United States Passport Office, which she described as the "most efficient" in the world. By using 111 specially designed passport-writing machines in its 11 offices across the nation, it last year issued passports with an average delay of three to five days, she said. The agency, moreover, earned $22-million and spent less than $9-million.

Last week Miss Knight announced the letting of a $150,000 contract to Computer Sciences Corporation of Falls Church, Va., for a year's study of a possible new foolproof travel document. Miss Knight stressed that she had no objection to a travel "card" provided it was secure and internationally acceptable.

"No evidence has been produced," she said, "that any mechanism can match the inspection-and-clearance time of an alert, knowledgeable inspector of the Immigration and Naturalization Service at entry ports, which has been estimated at 5 to 10 seconds."

Three years ago while in France inspecting French prototype plastic travel cards, Miss Knight was interested by a card with a picture of a pretty young woman on it, plus embossed routine details of her birthplace, domicile and age.

"There were some coded dots and dashes on the back," Miss Knight recalled, laughing, "and finally they told me that this was a record of her arrest for prostitution in Marseilles some years ago. Do you think the American people are going to accept any sort of card without knowing exactly what's coded in it?"

FRANCHISEES OR INDEPENDENT BUSINESSMEN?

Mr. HART. Mr. President, a case can be made that all franchisees should have the opportunity to go to court and claim damages from arbitrary termination, such as would be provided gasoline retailers in S. 3642, the bill Senator ERVIN and I introduced yesterday.

In fact, I have been attempting to persuade Senators of the merit of that case for some time. Thus far, unfortunately, I have not been persuasive.

But I shall keep trying.

Meanwhile, it is clear that if Congress is not yet prepared to give access to the courts to all franchisees, at least it should provide this for gasoline retailers.

The theory is that franchisees are "independent businessmen." That is a theory strongly embraced by the parent companies in this industry—the oil companies—but vehemently denied by the retailers themselves.

As a part of its investigation of gasoline marketing, the Senate Antitrust and Monopoly Subcommittee has received a great deal of correspondence and heard testimony from or interviewed hundreds—or perhaps thousands—of these "independent businessmen."

The common thread throughout was that the retailers felt more like serfs than freemen.

A questionnaire sent out by the subcommittee to gather information on practices in the industry elicited some typical responses.

One gasoline retailer took the opportunity to get quite a few gripes off his chest. Listen to his story:

> I had to remove Hertz Truck Rental because "the trucks spoilt the architectural beauty of the station." "The trucks also interfered with the sale of gasoline because they block up the driveways, etc.," I was told. Furthermore, my lease forbids me from having the trucks on the company's property.
>
> About a quarter of a mile away on the same street that I am located, my company sells gasoline to a cooperative which in turn retails for 32.9 and 37.9 (lower than my suggested prices from the company). The company representatives have told me that the gasoline is sold to the cooperative at the same price that it is sold to me. This I do not know, but I do not believe their story. As of this writing, I have been forced to drop my prices to meet the competition from the cooperative.
>
> The oil company is always suggesting to me the idea of a 24-hour operation—although the economic factors do not indicate longer hours, but rather shorter hours in order to keep expenses down (especially wages and employee theft when the dealer is away).
>
> I would like to see something done about these long hours and seven days per week stipulated in the lease. In my locality, for example, there are three other gasoline stations and at 9:00 p.m. at night there is hardly sufficient business to keep one of us operating in a profitable way. Yet, all four of us remain open and paying helpers to do nothing. The same is true on Sundays and public holidays. There is no wonder so many of us dealers go out of business every day.

His story was not uncommon. Another dealer wrote:

> They try to get us to open earlier and close later. Pressure is on for all of us to buy more from our own company, tires, accessories, batteries, etc., and large amounts at one time.
>
> Our rent has been increased, and our price on gas has gone up one-tenth of a cent; but our profit on gas has not been even as much as we made 10 years ago. How can we get ahead . . . . . we cannot have a 40-hour week like humans, sure we are businessmen but work 100 hours or more or have nothing.

One of the questions on the form related to pressures upon gasoline dealers to buy motor oil, tires, batteries or accessories from their franchisor.

Obviously, the retailers are still feeling this pressure. Some sample replies:

> They expect you to buy their products and you know that future leases and improvements are based partially on this. They say, 'if you don't buy our tires, etc., we will not repair your station equipment. . . .' My company makes it very clear to their dealers that if the dealer does not sell enough tires, batteries, oil and accessories to satisfy them that the dealer's lease will not be extended or renewed.

One dealer had a new "accessory" being forced on him:

> "They are always checking shelf stock—tires, etc., pushing their brand down your throat. We even have to sell fertilizer which we pay more for then they sell it to individual accounts."

A good percentage of the dealers told us that they didn't feel they could set their own retail prices—many saying that they feared they would be shortened in services if they did not adhere to the franchisor's suggested prices.

One dealer had good evidence that fears of retaliation—at least in his case—were not unfounded.

Asked if the franchisor usually suggests the retail price, the dealer checked the "Yes" box. Asked if he usually posted that suggested price, he checked the "No" box. Asked if he believed deviating from the suggested price might bring him difficulty from the company, he checked the "Yes" box and wrote in how he knew—"They are canceling me."

Mr. President, why do the retailers go along with the demands of their parent companies? For the reason some of them stated in the quotes I have cited: They fear termination.

And termination for a gasoline retailer is not as simple as picking up your pink slip and starting the hunt for another job. As Senator ERVIN has said, these dealers have investments of their own ranging from $12,500 to $25,000 in their stations. More than dollars, many have worked years to build up goodwill and customer acceptance in their location.

In short, they are independent businessmen when it comes to scratching together the investment to get into business—but are not independent when it comes to deciding how most profitably to run that station or when to pull out of the business. Those decisions often are made in some office far distant from their station.

Mr. President, as I said, I think it is asking little to allow any franchisee who feels he has been arbitrarily canceled to go to court and try to prove damages. This strikes me as the ultimate in fairness.

But if we are now willing to go only part way, it seems the gasoline retailer is a good first start. Certainly, I am not aware of another area of franchising with a failure rate of 35 percent nationally and up to 50 percent in certain locations.

Also, enacting this bill would help a goodly number of franchisees, for the gasoline retailers make up almost one-half of the 406,000 franchisees in the Nation.

In summary, Mr. President, I think this is a good and necessary piece of legislation and am happy to join Senator ERVIN in sponsoring it—and further to applaud the able senior Senator from North Carolina for his concern.

SUPPORT FOR PRESIDENT NIXON'S VIETNAM POLICY

Mr. ALLOTT. Mr. President, evidence of support for the President's policy regarding Vietnam continues to appear. Today I would like to share with the Senate three items coming from Colorado.

First, Mr. President, the city council of Thornton, Colo., has gone on record with a resolution of resounding support for the President. I know the President is deeply grateful to the people of Thornton. I commend the city council and the city of Thornton, and I ask unanimous consent that the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the Peoples of the Republic of South Vietnam have been engaged in a conflict in defense of their right of self-government, and

Whereas, these Peoples have asked the aid of the United States of America, and

Whereas, the United States of America has aided these Peoples in defense of their freedom, and

Whereas, the United States of America has been severely criticized, both at home and abroad, and

Whereas, some critics are those who openly and overtly are sympathetic with and support the cause of Communism, and

Whereas, the Commander-in-Chief of the United States Armed Forces has made many attempts to seek an end to these hostilities, and

Whereas, the Communist forces continue to invade and attempt to force their will on the Peoples of South Vietnam and other neighboring countries; Therefore, be it

Resolved by the City Council of the City of Thornton, Colorado, as follows:

1. That full support is given to the Commander-in-Chief of the United States Armed Forces to continue to provide all the necessary action and protective measures to insure the orderly return of American personnel consistent with their safety and insuring freedom for the Peoples of South Vietnam.

Passed and adopted at a regular meeting of the City Council this 8th day of May, A.D., 1972.

City of Thornton, Colorado.

TOM CARRILLO,
Mayor.

Mr. ALLOTT. Mr. President, I have been gratified by the evidence that the newspapers of Colorado have been reflective and supportive during this difficult period. As an example of responsible, intelligent Colorado journalism, I ask unanimous consent to have printed at this point in the RECORD an editorial from the Pueblo Chieftain and the Pueblo Star-Journal. The editorial is headlined "Nixon's Defensive Act Necessary."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NIXON'S DEFENSIVE ACT NECESSARY

In addition to the abandonment of 17 million South Vietnamese to North Vietnamese savagery, is the important question of the welfare of 60,000 American troops in South Vietnam who have been scheduled to leave the country during the next several months.

President Nixon's action to blockade the major port of Haiphong and conduct aerial attacks on railroads, bridges and supply depots is not an aggressive act, but rather a much-needed defensive action to try to stop the invasion by North Vietnam which also threatens American troops who would be sacrificed to the unpredictable and wanton treachery of the North Vietnamese forces. The aggressor in this instance is North Vietnam.

The unanswered and imponderable question is why the North Vietnamese undertook the invasion of South Vietnam in March when, if they had waited no more than six months, practically all American forces would have been withdrawn in accordance with President Nixon's schedule of withdrawal.

The President's course of action should make the North Vietnamese question their own policy as to why they jumped the gun to try to accomplish a military victory and then contend that they had actually pushed the Americans out of South Vietnam. Are they trying to reason that by so doing they would not have acceded to the planned withdrawal nor to permitting South Vietnam to hold elections as to what form of government they want and who should be their leaders?

The President's action is bold and is similar to the one which General Douglas MacArthur would have advocated, as he did when President Truman prevented him from bombing North Korea and pursuing the North Korean and Chinese armies to assure their defeat.

It must be concluded that the North Vietnam invasion in strength has been undertaken with the approval of Russia which is the principal supplier and is responsible for the tremendous buildup of all materiel with no other purpose in mind than that it was to be used for the complete military conquest of South Vietnam.

It is so strange, and evidence of foggy thinking, to see protesters in the United States turning their backs on their own people in South Vietnam as the ravages of the invasion place the outcome on a teeter-totter unless some massive defensive moves are undertaken.

His decision altered the terms by which he would end direct U.S. military involvement in Vietnam. Once U.S. prisoners of war are released, once an internationally supervised ceasefire has begun in Indochina, he said, the United States will cease all acts of force and within four months withdraw all U.S. forces from Vietnam. No longer would the U.S. insist on linking total withdrawal to the progress of Vietnamization. Nor would the proposal include demands that the invading North Vietnamese first pull back behind their own borders.

Had this been Mr. Nixon's only message Monday night, it is not hard for us to imagine that it would have been read here at home as a capitulation by the President to his most passionate critics. In his press briefing, Henry Kissinger made oblique reference to this irony. "The modification of our peace proposal," he said, "corresponds with what was the accepted wisdom everywhere only a little while ago."

Only through such a stand as that taken by the President are the elements of a solution placed on top of the table for the preservation of American lives as well as to attempt to preserve the principles of free government for a country of 17 million persons who at no time have ever indicated that they want to be ruled by Communists.

Mr. ALLOTT. Finally, Mr. President, I want to share with the Senate a news story concerning a poll of opinion at Colorado State University. CSU students, like most Americans, are anxious to end the war. In addition, the students, like most Americans, support the President's recent actions against North Vietnam as measures designed to bring the war to an end.

I ask unanimous consent that an article published in the Denver Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CSU VOTE RAPS WAR, OK'S MINING

FORT COLLINS, COLO.—Colorado State University students voting on a Vietnam war referendum Monday and Tuesday have expressed opposition to the war in general but were split nearly even on the mining of North Vietnamese ports.

The referendum was sponsored by the student governing body and was broken down into three questions.

Students voted 1,736-1,102 in expressing opposition to the war in general and voted 1,470-1,377 against a statement expressing opposition to the mining of the North Vietnamese ports.

The third question dealt with a proposed allocation of $300 to antiwar groups on campus and was defeated by a vote of 1,631–1,266.

About 2,900 of the 17,000 students attending CSU cast their ballots in the referendum.

THE PLIGHT OF SOVIET JEWS

Mr. TUNNEY. Mr. President, I recently had the privilege of advising Senators of a touching telephone conversation between several of my constituents and Mr. Lev Lerner in the Soviet Union.

I have learned that a subsequent, and equally important, conversation transpired between Mr. Lerner and one of my constituents, Mr. Stuart Lotwin.

I should like to advise Senators of that conversation as well as of the contents of a letter which Mr. Lotwin received from Mr. Lerner.

These communications add a very touching human perspective to the urgent plight of the Jews in the Soviet Union.

I ask unanimous consent that a transcript of a telephone conversation on March 11, 1972, and a letter be printed in the RECORD.

There being no objection, the transcript and letter were ordered to be printed in the RECORD, as follows:

TELEPHONE CONVERSATION

Between: Lev Lerner, Leningrad, U.S.S.R. and
S. J. Lotwin, Los Angeles, California
Re Soviet Jewish Immigration to Israel.

MARCH 11, 1972.

S.L. Hello; is this Lev?

L.L. Yes.

S.L. Lev, this is Stuart Lotwin again in Los Angeles.

L.L. Yes.

S.L. How are you?

L.L. We are bad because we do not get the permission to go to Israel.

S.L. You still have not received your permission?

L.L. We have heard that they will give the permission only in 1974.

S.L. 1974, they said?

L.L. This is very hard news for us—do you understand?

S.L. Yes, yes, keep talking. Who told you "in 1974?"

L.L. I was said by OVIR. This is the Soviet organ who gives the permission . . . OVIR.

S.L. Oh, O.V.I.R., right?

L.L. Yes. I know that many of my friends cannot get the permission too.

S.L. Yes, I know that.

L.L. Only a few permissions between my friends . . . do you understand?

S.L. Yes, only a few of your friends have received permission . . . Let me talk a second, Lev. You were told that you cannot get permission until 1974.

L.L. Yes. It was said by the KKB. Do you understand?

S.L. Yes, I understand . . . I understand. I see. Lev, are you working now?

L.L. Yes, I am working but at my work was a collective meeting who offered to me to refusal from my desire to go to Israel.

S.L. Yes, I remember that.

L.L. After my refusal, they decided I shall be dismissed. But, no, I am working for the present time.

S.L. Well, that's good.

L.L. Yes, and the same meeting was of the work of my wife.

S.L. Yes, the same with your wife.

L.L. Yes.

S.L. I see. Are you working as a mechanical engineer?

L.L. Yes, I am mechanical engineer. But no, I was sent as a mover of the vegetable cases during 15 days.

S.L. I see. You went back to work in 15 days.

L.L. Yes.

S.L. And your profession is as an engineer?

L.L. Yes, I am mechanical engineer at present.

S.L. Lev, let me tell you some things that are going on here; first about you and then about things otherwise. Now, OK are you listening?

L.L. Yes.

S.L. Your name and the city Leningrad and the message that you gave us last time, "Do Not Forget Us" is on a big sign on one of the busiest streets in Los Angeles.

L.L. Yes.

S.L. So that your name is up there for everyone to see and many people have seen it.

L.L. Yes, thank you very much.

S.L. The other thing that has happened—I was in Washington, the capital of the United States several weeks ago, and our last conversation was put on tape and this was played for a number of United States Senators who said that they are going to try to help you.

L.L. Yes, thank you very much.

S.L. And your name and this conversation will be read on the floor of the United States Senate Sunday, next week, for every Senator to hear. Now, in the meantime, these people are trying to help you specifically to get out of Russia to immigrate to Israel.

L.L. Yes, thank you.

S.L. And we are trying very hard to make this happen.

L.L. Yes, thank you for your help.

S.L. Well, we are trying.

L.L. Yes, and our greetings to all our friends.

S.L. Fine. We are talking about everyone but specifically with you.

L.L. Yes.

S.L. Now, also, let me tell you some of the other activities that are going on in the United States in regard to people within the Soviet. First, on the end of April, the last day of the month of April, across the Country, a day called "Solidarity Day for Soviet Jews," meaning that everyone is standing behind them. Petitions (several millions of people are signing these) are going to our President Nixon so that when he goes to Moscow in May, to ask him to influence his counterparts in Russia to help free the political prisoners, to grant the equal rights to everyone and to speed the visas.

L.L. We sent a letter to President.

S.L. You did? Good, good.

L.L. This was our application to him for the help.

S.L. I see; when did you send the letter?

L.L. Near three weeks ago.

S.L. Three weeks ago? OK, we have a way to find out maybe if they have been received. Let me tell you some other things before getting back so you can tell other people what's happening. In the United States Congress there is what we call legislation to be able to provide money to Israel to resettle people coming from Russia.

L.L. Yes.

S.L. A very, very important thing is the Information Agency here having regular ten minute broadcasts at 49 meters or 6040 KC at 7:15 a.m. on Sundays, and 11:15 p.m. on Mondays. This will be a program beamed only about Jewish people within Russia.

L.L. Yes.

S.L. The United States State Department, the Foreign Office, is starting to print up and distribute to the Country pamphlets, books about the mistreatment of Jews in Russia.

L.L. Yes.

S.L. I heard Congressman Bell—remember he was in Leningrad in January?

L.L. This year!

S.L. That's right, this year. I heard him speak. He spoke before a gathering of about a thousand or two thousand very influential people Thursday night in Los Angeles, telling what the situation is and what everyone, as well as the Government, should do to help. So tell the people that many people of high influence in this Country are very concerned and are working very hard to make it 1972 instead of 1974.

L.L. Yes.

S.L. So, I have not written to you, but I will this week. I have been busy trying to help you in other areas.

L.L. Yes, thank you.

S.L. Will you write right away because I am also talking to the Postal Service of the United States and have complained to them about the letters. And if you write to me and I don't receive it, this will be very helpful. So they will complain about the mail not going through.

L.L. Yes.

S.L. Good. So anyway, the important thing is that there is a great feeling within the United States of many people; not only Jewish people, but non-Jewish people. They want to do everything that they can so that you and others like you will be able to go to Israel to live in your homeland as you desire.

L.L. Send our thankful for their confidence.

S.L. I will. Our thanks will be when we hear that you are in Israel; that is the thanks. That is the important thing and we are trying hard, and I know that you are trying very hard too; so do keep your confidence up and your strength and courage that it will happen before the OVIR has said to you.

L.L. Yes.

S.L. How is your wife? Is she working?

L.L. My wife is OK now, but she really wants to go to Israel. It is very hard for her—the waiting.

S.L. Yes, I imagine it is. And your daughter, how is she?

L.L. OK too.

S.L. Good; is she going to school?

L.L. Yes, she go to school.

S.L. That's good. Now one other thing. In the month of April, ev, an acquaintance of mine is going to be in Russia. He will be in Moscow. I have asked this man to call you when he is there. It will be easier to talk, you know, as far as the transmission is concerned.

L.L. Yes.

S.L. We will let you know his name and when he will be there and if there is anything you would like us to send either for yourself or for other people; if you will tell him, when he gets back he will tell me and I will arrange to have it sent. That is probably the easiest way to do it.

L.L. Yes, I understand.

S.L. I see. How is Genrich Mirkin?

L.L. He is waiting for the permission too.

S.L. Is he working?

L.L. Yes, he is working but his wife was dismissed.

S. L. What kind of work did she do?

L. L. She is an engineer too.

S. L. I see. He is working and you are working as engineers?

L. L. No, he is on the light work and she does not get the new work.

S. L. I see. Does your wife speak English, Lev?

L. L. No. Only a little; not much.

S. L. Does she speak Hebrew?

L. L. Not much.

S. L. She is right there with you isn't she?

L. L. Yes.

S. L. What is her name?

L. L. Zina.

S L. And what is your daughter's name?

L. L. Asya.

S. L. That's a very pretty name—Zina and Asya; they are pretty names. I have one other thing about your visa to Israel. I am going to try to work on that here, myself, with the help of the Senators of the United States that I have been talking to. I have one question: In your work before, you were dismissed, did you have a Class I Security Classification?

L. L. What? Repeat that.

S. L. Did you have a Security Classification; was your work secret?

L. L. No. I was not connected with secret work.

S. L. You were not?

L. L. Yes.

S. L. I see; because there is a law in Russia. .

L. L. Yes.

S. L. OK, well that's important because I'll be asked that since you're an engineer. Well, what I'll do now is get back with these Senators of the United States and tell them that you have been told that you cannot leave until 1974, and ask them to put whatever influence they can to make 1974, 1972, God willing.

L. L. Yes, of course.

S. L OK, so we'll try and you wait until we'll be calling you later and when my contact does go to Moscow he will talk to you and there will be more time for you to talk. Give our best regards to your wife, to your friends, to your family. . .

L. L. Yes, thank you and give our greetings too.

S. L. Yes, we will; our hearts are with you.

L. L. Thank you.

S. L. I do hope that I will see you this year in Jerusalem and that we'll be together in the not too distant future. Finally, Passover, which will be coming soon, at our Synagogue there is a big sedar and we are all going to be talking about the true meaning this year of "Let my people go," for people like yourself into Israel. I especially want to give you special greetings for Passover because this is the true exodus that is happening in our life time.

L. L. Yes, I understand.

S. L. We will be with you in spirit and will continue to work hard to make this dream become a fact.

L. L. Yes, thank you.

S. L. So please give our regards and we will see you in Jerusalem and our goal is that we will see you in Jerusalem this year not 1974.

L. L. Bashana Hazot (In this year).

S. L. Yes, I understand what you said, but I don't speak Hebrew well. I repeat the same to you. You are better than I am at Hebrew.

L. L. Yes, yes.

S. L. L'hitraot. (See you soon).

L. L. I hope that we shall meet in Israel this year.

S.L. Absolutely; absolutely. That's our goal, and we will try to make that come true. So you keep your courage and spirit up and we'll be talking to you again in April

LL. Yes, yes, of course.

S.L. Good, so, Shalom and a Happy Pesach (Passover).

L.L. Yes, Shalom.

S.L. Good-bye.

Mr. STUART J. LOTWIN,
Los Angeles, Calif.

DEAR STUART: I was glad to get your letter and earlier to hear you on the telephone. Such signs of attention and your care support us in these hard days of the waiting of permission for the departure to Israel, of the waiting of meeting with our Homeland by whose anxieties, difficulties and successes we live already now being far from our Home.

My family consists of four persons. The youngest of us, my girl, is 11, and the oldest, my mother-in-law, is 64. But all we are living now only by one hope and dream and by their soon realization.

The documents for the official registration of the permission on the departure to Israel were handed by us in Soviet competent organs already one year ago. But on all these applications and following addresses we got only refusals. And recently we were announced that we should get the permission only in 1974.

It is very hard to wait and we don't want to submit that much time else we shall be separated from our homeland.

In addition my mother-in-law is already many years, the hard life had undermined her strength. In the last war she had lost her husband, the father of my wife Zina, and was forced to live on the scanty earning working as a telegraphist and to bring up her daughter. They had lived all terrible days of the blockade in Leningrad. All this had undermined her health and will she can live till those days when she will step on the land with which in every her Passover prayer she dreamt to meet in the next year.

Her daughter, my wife, Zina Kats, 35, always was intimate with Jewish spiritual, national and religious life. Therefore it is so clear her aspiration and impatience to waiting.

Perhaps from us only I is the fruit of the revival of Jewish selfconsciousness. But perhaps because of this that I later than they had understood where my Homeland my aspiration for my people isn't weaker but stronger.

Now I and my wife work but situation on the work and around us is strained. So as we wait the permission we constantly wait for sudden dismissals, collective meetings where to everybody for our desire to live with our people, with our relatives is permitted. Give us the names a traitor, a criminal and everybody becomes refined in proposals of punishments—into prison, or uranium mines and more and more.

But we are unshakable in our desire. We wait and hope that even not next year but this year we shall be in Jerusalem. We believe knowing our moral and juridicial rightness. We fight and shall fight for our right to live on our Homeland. And all these days with us the help and the countenance of our friends as your ones. We are sure that you wouldn't forget us.

We send in this letter our not very good picture. Everybody of us believes that in life we are better. The picture isn't full. We are only three. There are no mother-in-law and my mother and father who will go with us to Israel.

With the best wishes, thanks and greetings to your family and all our friends.

Sincerely yours,

LEV.

U.S. SHOE INDUSTRY

Mr. MUSKIE. Mr. President, one of the most conspicuous yet innocent victims of the unfair inconsistencies of this administration's economic program has been the shoe industry. While price controls on shoes and other finished leather goods are vigorously enforced, the cost of the hides essential to the shoe industry is skyrocketing. U.S. manufacturers cannot get the hides they need because they are being exported to supply foreign competitors. The administration has the power to remedy these problems by imposing temporary export controls—but it has stubbornly refused to act.

Since the beginning of phase I, the prices of cattle hides in this country have more than doubled. The most immediate cause of this extraordinary price increase has been a sharp reduction in the number of cattle slaughtered in Argentina, the second largest supplier of cattle hides to the world market. To protect its domestic industry, Argentina has taken prompt action to restrict exports, and Argentina's hide exports have consequently dropped precipitously from 7.5 million in 1970 to 3.2 million in 1971. New restrictions imposed early this year will reduce the 1972 total to less than 1.3 million hides.

The effect of Argentina's action has been to create a severe hide shortage on the world market. All the world's major hide suppliers, with the exception of the United States, have quickly taken steps to conserve the hides necessary for their domestic industries, further depleting the supply on the world market and focusing drastically increased demand on the U.S. cattle hide market. As a result, the U.S. footwear industry is left with less than 60 percent of the supplies it needs. The anticipated increase in the number of cattle slaughtered in the United States this year will not offset the decline in Argentine exports.

As a result of administration inaction in response to the crisis, virtually every tanner in this country is faced with having to curtail his operations to some extent. The shoe industry is, in turn, unable to obtain the leather it needs to maintain production at an acceptable level. American manufacturers competing with foreign industry for U.S. hides are adversely affected because, since devaluation, foreign manufacturers have a currency advantage averaging 12 percent in purchasing raw materials in this country.

The importance of the cattle hide crisis lies in the fact that hide costs are the principal factor determining the cost of making shoes. Hide price increases so far are expected to affect the retail cost of American-made shoes in varying degrees, according to size and construction. Specifically, the cost of women's shoes will probably rise $1 to $2, men's shoes will cost $2 to $4 more, and women's boots may be as much as $4 to $6 more expensive.

The effect of such increases on the U.S. shoe industry's competitive position would be disastrous. They must be of special concern in the light of what is already an extraordinarily high unemployment rate in the industry. In my home State of Maine, where leather-related industries account for more jobs than any other industry in the State, the impact has been painfully evident. The fact that so many shoe-manufacturing operations in this country are small, family-owned businesses has made them particularly vulnerable to price increases and scarcity of supplies.

The administration has made one of its major economic themes the need for American industry to modernize in order to meet foreign competition. The shoe industry has been in the forefront of those making every effort to modernize, at considerable initial expense. And yet, despite its modern techniques, the shoe industry is being crippled by forces beyond its control—but not beyond the administration's control. Unless decisive action is taken, irrevocable damage will be done to this industry which is already threatened because of growing foreign competition.

In response to this crisis, in March I cosigned a letter sent by members of the New England delegation to the President, urgently requesting that the administration consider invoking the Export Control Act on a temporary basis to deal with this critical situation. No action has been taken by the administration and the situation has become steadily worse.

I was chairman of the subcommittee which drew up the Export Control Act and was one of its principal sponsors when it was enacted. The criteria it established for invocation of export quotas were that such action must be necessary to protect the domestic economy against a drain of scarce materials and to reduce the inflationary impact of excessive demand. There is no question in my mind that the present hide situation fits these criteria. It should also be noted that in its report on the administration's economic stabilization bill in November 1971, the Committee on Banking, Housing, and Urban Affairs explained that its amendment to the administration bill requiring that the President take action to prevent shortages of raw materials was directed specifically to the present conditions in the hide market. This further expression of congressional intent should leave no question as to the applicability of the Export Control Act.

I call upon the Secretary of Commerce to invoke export controls immediately. No clearer need for the imposition of temporary export controls could exist. There is no justification for further delay.

We do not need permanent export controls. The Government has the authority to remove as well as to impose controls, and I would certainly expect that they could be removed as soon as altered conditions in the Argentine cattle market bring the world hide supply back to previous levels. In addition, export controls should be tied to price levels. Effective controls would reduce the inflationary impact of excessive and abnormal foreign demand for U.S. hides, and the anticipated result would be stabilization of prices. Controls could and should be eased as it becomes evident that inflation in the hide market is subsiding.

Although the effect of reasonable controls on livestock producers and packers would be minimal since hides represent only 4 or 5 percent of the value of cattle on the hoof, a price floor should also be set so that hide dealers and packers will not be adversely affected by controls. The purpose of imposing export quotas in this case is simply to assure the domestic industry of an adequate supply of hides and to stabilize the market. Controls should be regarded as an emergency action of as short a duration as is required. Controls were invoked by the President in 1966, with immediate results, and were lifted after nine months in effect. If properly administered, controls are a limited, reasonable measure of proven value.

In addition to the failure of the Secretary of Commerce to invoke export controls on a temporary basis to relieve the scarcity and reduce the prices of hides now affecting this country's tanners, the Price Commission has been seriously remiss in not taking action to counter the drastic increase in the price of hides. Although hides are subject to controls, the Price Commission's apparent disinterest in enforcing them has rendered the controls meaningless. Therefore, while the Commission has been extremely tough on leather and shoe manufacturers in preventing them from passing on their own high costs to the consumer, it has done nothing to protect them from the devastating cost spiral which made their price increase requests unavoidable.

The immediacy and gravity for the situation cannot be overemphasized. The administration has had more than enough time to come to the realization that temporary invocation of export controls on hides is not only appropriate under the Export Control Act, but it is essential to save the shoe industry from irremedial harm. Thousands of jobs are at stake. If the administration delays longer, it will have to take responsibility for the bitter results of inaction.

SENATOR SCOTT'S RECORD ON JOB OPPORTUNITIES AND REGIONAL DEVELOPMENT

Mr. SAXBE. Mr. President, the administration's new economic policy is keyed to the creation of more jobs for American workers. Having more jobs means having more money in circulation and a healthier economy.

The distinguished Senator from Pennsylvania (Mr. SCOTT), the Republican leader, vigorously supported the job development tax credit. He also supported Senator JAVIT's plan to encourage American industry to expand its work force. By advocating the general and special revenue sharing plans, Senator SCOTT is encouraging States and localities to work together on a regional basis.

I ask unanimous consent to place in the RECORD a summary of Senator SCOTT's record on behalf of job opportunities and regional development.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Job Opportunity and Regional Development—1

92D CONGRESS

Legislation

S. 10—To establish a national policy for metropolitan centers and rural areas relative to the revitalization of rural and other economically-distressed areas.

S. 31—Emergency Employment Act of 1971 to provide during times of high unemployment for programs of public service employment for unemployed persons.

S. 346—To provide incentives for the establishment of new or expanded job-producing industrial and commercial establishments in rural areas.

S. 575—To authorize funds and to carry out the purposes of the Appalachian Regional Development Act of 1965.

S. 680—To restore balance in the Federal system of government in the United States; to provide both the flexibility and resources for State and local government officials to exercise leadership in solving their own problems; to achieve a better allocation of total public resources; and to provide for the sharing with State and local governments of a portion of the tax revenue received by the United States.

S. 687—To authorize financial assistance for Opportunities Industrialization Centers.

S. 1430—To promote more effective management of certain related functions of the Executive branch by reorganizing and consolidating those functions in a new Department of Community Development.

S. 1483—To further provide for the farmer-owned cooperative system for making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent.

S. 1871—To amend the United States Housing Act of 1937 to provide for the inclusion of child-care facilities in low-rent housing projects and to provide that the eligibility of a family to remain in such a project despite increases in its total income shall be determined solely on the income of the family.

S. 1971—To eliminate a Federal navigational easement at Penn's Landing along the Delaware River in Philadelphia.

S. 2515—To further promote equal employment opportunities for American workers.

S. 2632—To amend the Internal Revenue Code of 1954 to permit a tax credit for the creation of additional jobs.

Amdt. 475 to HR 10947 Rural Development Tax Credit. To Provide a tax for the establishment of new or expanded job productions, industry and commercial establishments in rural areas.

92D CONGRESS

Votes

Voted to provide Federal assistance for programs of public service employment during periods of high unemployment.

Voted for the Emergency Employment Act of 1971 which would authorize the appropriation of funds during periods of high unemployment to enable State and local government agencies and certain other eligible applicants, to hire the unemployed in "transitional" public service employment.

Voted for the Equal Employment Opportunities and Enforcement Act of 1972.

Voted to increase funds for the Neighborhood Youth Corps (summer jobs).

Voted on an amendment to increase funds for the Equal Employment Opportunities Commission.

Voted for appropriations to the Department of Labor for emergency employment assistance.

Voted for an amendment to trigger additional unemployment compensation when unemployment in a state has reached or exceeded 6 per cent.

Supported an amendment to allow as a business deduction (instead of a personal deduction) up to $400 per month for domestic help and child care.

Recorded in favor of an amendment to provide a 10 per cent investment tax credit to industries creating new jobs in rural areas and in certain cities with 6 per cent or more unemployment.

THE 91ST CONGRESS

Legislation

S. 1072—To authorize funds to carry out purposes of Appalachian Regional Development Act of 1965.

S. 15—Rural Job Development Act—To provide income tax incentives and other benefits for employers operating certain industrial or commercial enterprises in rural job development areas.

S. 1079—To consent to the Susquehanna River Basin Compact.

S. 1362—To provide Federal financial assistance to Opportunities Industrialization Centers to assist in job training in low-income areas.

S. 2940—To provide for acquisition of property for Independence National Historical Park in Philadelphia.

S. 3607—To create a Rural Community Bank to assist in rural community development by making financial, technical, and other assistance available for the establishment or expansion of commercial, industrial, and related private and public facilities and services.

S.J. Res. 113—To direct the Federal Trade Commission to conduct comprehensive investigation of unfair methods of competition and unfair or deceptive acts or practices in the home improvement industry; to expand enforcement activities in these areas.

Votes

Voted to increase appropriations for the Office of Economic Opportunity from $1.624 billion to $2.048 billion.

Voted to express the sense of the Senate that the aggregate of opportunities for job training for disadvantaged youth shall in no event be less than that for fiscal year 1969.

Voted to increase funds for the Neighborhood Youth Corps summer program under the Manpower Training and Development Act.

Voted to authorize funds to extend programs under the Economic Opportunity Act.

Voted for Employment and Training Opportunities Act of 1970.

Voted for Employment and Manpower Act.

Voted for an increase from $50 to $100 million funds for Neighborhood Youth Corps summer programs to be available until September 30, 1970.

Voted to require states to develop annual comprehensive manpower plans.

Voted to create the National Insurance Development Corporation to provide reinsurance for insurance companies for losses resulting from riots and civil disorders.

Voted for the Housing and Urban Development Act of 1968.

Voted for the Urban Mass Transportation Act of 1969 to authorize the Secretary to make grants or loans to assist States and local public bodies and agencies in financing the acquisition, construction, reconstruction, and improvement of facilities and equipment in public transportation.

Voted to provide $587.5 million in urban renewal funds.

Voted for amendment to increase from $200 to $500 million in funds for grants for basic water and sewer facilities in metropolitan areas.

THE 90TH CONGRESS

Legislation

S. 1592—Natinal Home Ownership Foundation Act—To create a private nonprofit National Home Foundation with authority to make loans and to offer technical assistance to aid local organizations in conducting home ownership programs.

S. 2088—To provide incentives for creation by private industry of additional employment opportunities for residents of urban poverty areas.

S. 2134—To provide incentives for establishment of new or expanded job producing industrial and commercial establishments in rural areas.

S. 2219—To provide Federal financial assistance to help cities and communities of U.S. develop and carry out intensive local programs of rat control and extermination.

S. 2572—To establish a Domestic Development Bank for development of employment and business opportunities in certain urban and rural areas.

S. 2573—To charter an Economic Opportunity Corporation to encourage private enterprise participation in the effort to rebuild urban slums and eliminate poverty in the U.S.

S. 3649—To provide private enterprise with incentives to employ and train unemployed and low-income unskilled persons residing in both urban and rural areas, and to provide community employment and trained by Federal and local governments as the employer of last resort.

S. 3876—To establish a community self-determination program to aid people of urban and rural communities in securing employment.

Votes

Voted to increase funds for grants to neighborhood facilities by $15 million.

Voted to increase funds for the model cities program by $300 million.

Voted *not* to limit contract authorization for rent supplement program to $20 million.

Voted to restore $40 million in 1968 contract authorization for the rent supplement program.

Voted to restore $46 million in funds for the National Science Foundation.

Voted *not* to limit eligibility for the homeownership program to families whose income was 70 percent or less of the prescribed limits for low- and moderate-income programs.

Voted to retain a guarantee program for financing new community land development.

Voted to give those whose homes were destroyed in riots and civil disorders priority in relocating in urban renewal areas.

Voted to establish a Department of Housing and Community Development.

Voted *not* to eliminate funds for the rent supplement program for FY 1966.

Voted *not* to reduce from 90 to 50 percent the Federal contribution of funds to pay the salary of any teacher in the National Teacher Corps.

Voted to stimulate mortgage credit for Federal Housing Administration—and Veterans' Administration-assisted residential construction.

Voted to continue present policy or requiring at least 40 percent of assignments of male enrollees in the Job Corps to be primarily directed to the conservation, development, or management of public natural resources or recreational areas.

Voted to establish a $200 million program of grants to employers of up to 15 percent of the cost of training the unemployed.

Voted *not* to abolish the Job Corps.

Voted to transfer the Headstart program for disadvantaged pre-school children from the Office of Economic Opportunity to the Office of Education so that it would be better administered.

Voted *not* to reduce the authorizations for the Economic Opportunity Amendments of 1967 by $198 million.

Voted for the Economic Opportunity Amendments of 1967.

Voted to add $25 million to the Headstart program under the Office of Economic Opportunity.

Voted to increase by $215 million funds for the Office of Economic Opportunity.

89TH CONGRESS

Legislation

S. 1766—To authorize loans for rural areas water supply; make grants for rural community development planning and construction.

S. 3451—To assist in provision of adequate housing in areas in which there is a shortage of housing credit as a result of the occurrence of riots and other civil disorders.

Votes

Voted to retain the rent supplement program for disadvantaged persons.

Voted for the Housing and Urban Development Act of 1965.

Voted not to eliminate Appalachia programs for land stabilization, conservation and erosion.

Voted for the Appalachian Regional Development Act of 1965.

Voted for the Manpower Act of 1965.

Voted for the Public Works and Economic Development Act of 1965.

Voted to retain the voluntary assistance program for needy children under the Economic Opportunity Act of 1965.

Voted for the Economic Opportunity Amendments of 1965.

Voted for the Community Development District Act of 1966.

Voted for the Demonstration Cities and Metropolitan Development Act of 1966.

88TH CONGRESS

Legislation

S. 1274—To provide preference in awarding certain government contracts to contractors in areas of substantial and persistent unemployment.

S. 1832—To increase jurisdiction of the Delaware River Port Authority.

S. 2782—To assist in development of the Appalachian Region by estalishing the Appalachian Regional Commission and by authorizing grants to be made to assist in encouraging local industry, health and educational facilities.

S. 3025—Urban Land Improvement and Housing Assistance Act—To authorize Federal incentive grants to State and local governments to strengthen their capacity to utilize land more productively.

Votes

Voted to provide an additional $587.5 million for the urban renewal program.

Voted against reducing by $100 million the authorization of appropriations to finance youth programs under the Economic Opportunity Act of 1964.

Voted for the Economic Opportunity Act of 1964.

87TH CONGRESS

Legislation

S. 856—To create a regional intergovernmental Compact for the Delaware River Basin.

S. 2982—To assure decent, safe and sanitary housing to families displaced by construction of highways forming a part of the Interstate System.

S. 3516—To establish an Office of Urban Affairs in the Executive Office of the President in order to coordinate Federal programs and to serve as a source of information to state and local officials.

Votes

Voting *not* to reduce to 37,000 the number of public housing units authorized under the proposed Housing Act of 1961.

Voted *not* to reduce by $700 million authorized grants for urban renewal.

Voted for Humphrey-Scott amendment providing three-fourths Federal contribution rather than two-thirds on urban renewal housing in small communities in distressed areas.

Voted *not* to eliminate $50 million in grants for mass transportation experiments.

Voted *not* to eliminate a $100 million authorization for grants for open space and urban development.

Voted for the Housing Act of 1961.

Voted for the Temporary Extended Unemployment Compensation Act of 1961.

Voted for the Area Redevelopment Act of 1961.

Voted *not* to limit the length of time or the authorization for the retraining program of the Manpower Development and Training Act of 1961.

86TH CONGRESS

Legislation

S. 548—To grant the consent of Congress to the Great Lakes Basin Compact.

S. 942—To establish a Commission on Equal Job Opportunity Under Government Contracts.

S. 3558—To establish program of financial and technical assistance to alleviate conditions of substantial and persistent unemployment in economically depressed areas.

85TH CONGRESS

Votes

Voted *not* to eliminate $300 million in funds for direct loans to veterans, *not* to eliminate 35,000 additional public housing units, and *not* to cut back from two-thirds to one-half Federal share of capital grants for slum clearance.

Voted to agree to conference report on the Housing Act of 1959.

Voted to override the President's (Eisenhower) veto of the Housing Act of 1959.

Voted to extend (for one year) the Federal Housing Administration Mortgage Insurance Authorization Programs.

Voted *not* to reduce from 37,000 to 25,000 the units of public housing authorized.

Voted for the Housing Act of 1959.

Voted to provide for 37,000 additional low-cost dwelling units.

Voted for the Housing Act of 1960.

CAREER EDUCATION—AN IDEA WHOSE TIME HAS GONE

Mr. ROBERT C. BYRD. Mr. President, on Monday, May 8, 1972, I had the pleasure of addressing the American College Testing Conference in Iowa City, Iowa. The conference was attended by educators from many areas of the United States.

The subject of my speech was "The Responsibility of the Federal Government in Career Education," and I ask unanimous consent that the text may be reprinted in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY MR. ROBERT C. BYRD

Mr. Chairman, Ladies and Gentlemen: When President Harcleroad invited me to speak to your conference on the "Federal Government and its Responsibility for Career Education", it brought back into sharp focus, a debate on the Floor of the United States

Senate just a month short of one year ago. At that time, I offered on the Floor, an amendment to the Office of Education Appropriations Bill for Fiscal Year 1972.

I asked that an additional sum of $10,000,000 be appropriated to augment the Research and Development appropriation in the Bill for the purpose of demonstrating the importance of career education programs in our nation's elementary and secondary schools.

In requesting agreement to my amendment, I pointed out that what we needed in our schools is more emphasis on aptitude testing and a greater effort to familiarize our young people with the many career choices that are available.

There were no career education programs funded as such at that time, and I felt that the demonstration projects that would be feasible under this additional funding, could start testing as early as junior high school, and, thusly, indicate to the student the occupational career which he or she could most capably and profitably pursue.

In other words, the testing would reveal whether the student was capable of higher education courses or whether vocational training would be preferred, and, if so, what type of occupational career would be advisable.

The Senate agreed on a figure of $7,000,000 and the Byrd Amendment was sent to a conference with the House of Representatives, where, as frequently happens, the conferees further reduced the amount to $2,000,000.

Though I obtained only 20 percent of the money for which my amendment originally asked, it was nevertheless an important step forward. In February of this year, I requested from the Office of Education a status report on the $2,000,000 commitment. Of the $2 million, $465,000 was committed for the four-year-old career guidance program at the Appalachia Educational Laboratory.

The bulk of the remainder is being spent in the six LEA—Local Education Agency—demonstration sites: Los Angeles; Mesa, Arizona; Jefferson County, Colorado; Pontiac, Michigan; Hackensack, New Jersey; and Atlanta, Georgia.

Among the activities these funds are paying for are: the designing, development, and installation of comprehensive career education information systems in each LEA; the installation in each of a follow-up information system to provide monitoring of student progress in school and school-related employment; the provision in each Local Education Agency of an integrated career education support system, including data, guidance staff, instructors, and students, for analysis, policy, and program development; and the development in each Local Education Agency of an interest and aptitude testing program to facilitate student self-understanding in relation to the work world.

I have dwelt somewhat on these details to show that, in the Congress, I have been aware for some time of the necessity for the support and expansion of career education. Though the concept is in its infancy, enough progress has been made and its usefulness so demonstrated, that I foresee continued, and, hopefully, increased support by the Congress.

So, I welcome this opportunity to discuss with you an idea whose time has come—career education. It's not such a difficult concept to understand; yet, it has eluded us for such a long time.

Career education is what *all* education should be. It is vocational education; but it is more than vocational education. It is college preparatory education; but it is more than that. It is work experience; but it is more than work experience.

Career education is education which enables an individual to develop his creative potential, and which guides him in the constructive use of his talents. It is an education which prepares a person to apply his skills—mental and manual—in an ever-changing world of work.

I think that the concept of career education has been long in coming because of the way we tend to compartmentalize education. In high school, for example, there is one curriculum for the college-bound youngsters, and vocational education or industrial arts programs for the rest.

The stigma attached to vocational education, however, reveals the deep bias which many Americans have against job preparation. It puzzles me that so many men and women, who have proudly worked in trades and now hope that their children will aspire to college educations, disdain their former occupations.

As one who has worked with his hands, it saddens me. A high school education which does not equip a graduate with job training or direct him to a suitable form of post-secondary education, and a college education which does not prepare a graduate for a career are *not* really education. In a way, they are a fraud.

I do not believe that career education will achieve respectability until some attitudes are changed and some widely-held false notions about education are dispelled. One who achieves high personal attainment in life is generally regarded as a success. But, unfortunately, college attendance is considered a prerequisite to such attainment. It has become the imagined passport to "getting ahead." We seem to have forgotten our own humble heritage. We were not a Nation of lawyers, doctors, and statesmen only, but also of pioneers, farmers, and blacksmiths. We seem to have forgotten that human dignity, honesty, integrity, and leadership do not reside on the college campus alone. We seem to have forgotten the dignity of work.

It is this regrettable confusion in our values which is perhaps responsible for the nose dive American attitudes have taken toward workmanship and craftsmanship and the undue emphasis we have come to place on higher education and white collar jobs. You may recall this assessment made by former Secretary of HEW, John Gardner: "An excellent plumber is infinitely more admirable than an incompetent philosopher. The society which scorns excellence in plumbing because plumbing is a humble activity and tolerates shoddiness in philosophy because it is an exalted activity will have neither good plumbing nor good philosophy. Neither its pipes nor its theories will hold water."

We are concerned here today about colleges and career choices, about matching students with opportunities and about realistically preparing our young to be not only informed citizens but also productive members of society. This means, in part, providing options and opportunities to those youngsters who have the ability and the ambition to pursue college educations. It also means providing options and opportunities for the majority of youths who would benefit better from other training.

I believe you will agree that today there are all too many youngsters in our colleges who simply should not be there. That such young people are in college is much more likely to mean that college has become an exaggerated status symbol rather than that our national educational level is being upgraded.

Many of these young people do not have the ambition, the drive, or even the ability to take advantage of higher education. It is a waste of time, money, and effort to expose to the liberal arts, as we do, young men and women who have no real interest in, nor capacity for, such educational and cultural development.

Certainly the most futile and unproductive fad to be taken up by colleges and universities in recent years has been the relaxation of standards, the watering down of requirements, which have often resulted in the admission of ill-prepared and unprepared individuals, on the mistaken theory that everyone is somehow benefited by a college degree, and can benefit from college level work.

The swift upward climb of college enrollments in recent years indicates to me that we have gone far afield in assuming that the academic milieu is for everyone, irrespective of his or her own talents and interests.

The misconceptions about higher education in this country, as they have developed in recent years, have contributed as much as anything else to swelling the ranks of the dropout generation.

I have always felt that one of the great myths foisted on the young people of America during the past 20 or 25 years, is the one that says "You'll get nowhere in this life without a college education." Millions of American parents have scraped and sacrificed, millions of their children have worried themselves into premature gray hairs, because society, in almost every stratum, has insisted on the absolute necessity of "having been to college". Little thought seems to have been given by parents, students, or, indeed, educators as to whether the individual who was being cajoled, goaded, or forced to go to college, possessed the basic intellectual and psychological assets needed to make a college education fruitful or even advisable.

It is true that, since the end of World War II, society has gradually receded from the attitude that a college graduate was some kind of a superior being. But there still persists the attitude that the *lack* of a college education, carries with it some undefined stigma.

Commissioner of Education Marland has estimated that "Of those students currently in high school only 3 out of 10 will go on to academic college-level work, and one-third of those will drop out before getting a baccalaureate degree. That means that 8 out of 10 present high school students should be getting occupational training of some sort, but only about 2 of those 8 students are, in fact, getting such training.

I do not believe that the answer lies in encouraging or pressuring high school students to overcrowd our colleges. I believe that what is required is a timely frank assessment of a student's interests and talent and the provision of education and training appropriate to his ambition. This is career education, and I believe it lies at the heart of equal educational opportunity. We owe this kind of preparation for life to every student.

You may think from Commissioner Marland's increasingly frequent remarks about career education that the idea is an Administration brainstorm. Well, it isn't. Some of us in the Senate have been concerned about the need for a closer relationship between education and the world of work for some time as I mentioned earlier. And there is further legislation pending in the 92nd Congress which reflects the consensus that the Federal Government should play a greater role in encouraging the development of career education.

S. 659, the Education Amendments of 1972, focuses on career education from several angles. The Senate-passed bill particularly emphasizes the importance of combining education and work opportunities. The provisions regarding community colleges take sharp notice of the special contributions these unique institutions make in the area of career education and educational opportunity.

The newest member of the education family—the 2-year college—has shown remarkable growth and acceptance. In 1960, there were some 678 junior colleges enrolling 660,000 students. By 1970, there were over 1,000 junior colleges with nearly 2.5 million students. And it is estimated that, by 1975, enrollments will exceed 3.3 million.

This enthusiastic acceptance of 2-year colleges is indicative of how successful they have been in meeting educational needs. They bring education and training opportunities to their communities—reflecting the economic needs of the area.

Through close ties to local businesses and industry, they are able to direct their programs to local employment needs. Their value lies, too, in the many options they provide—not just for the recent high school graduate and new worker, but also for the veteran adult worker, as well as for those re-entering the work force and those who are up-dating their skills or acquiring new skills. The American Association of Junior Colleges estimates that "Community junior colleges currently offer more than 14,000 occupational education programs—and more are on the way."

These schools are called "The Open Door Colleges"—not to be confused with open enrollment—because they open the doors to numerous education and training opportunities leading toward a satisfying and meaningful career. They open doors to individuals who might not otherwise pursue postsecondary education. They open doors to innovations in job preparation, academic and remedial education. Career education has been the by-word of the community college phenomenon.

We in the United States Senate would like to build upon the successes of the community college. Under S. 659, we would add a new Title X to the Higher Education Act authorizing grants to the States and territories of the U.S. for a survey of postsecondary education programs throughout each State and for the development of a Statewide plan for the expansion and improvement of postsecondary education programs in community colleges. This Title would also authorize grants to assist the States and localities in establishing and expanding community college education so that every person would have the opportunity to attend a community college within a reasonable distance from his home. $50 million would be authorized for such grants for Fiscal Year 1973.

Title X would also establish a Community College Unit within the Office of Education to coordinate all programs administered by the Commissioner of Education—including the Vocational Education Act of 1963—which affect community colleges.

Another important facet of career education is the vocational education program available to a youngster particularly during his junior high and high school years. Here he can narrow down his interests and aptitudes. Our vocational education curriculums can be made more relevant to the needs of those youngsters who will make their careers in business, industry, and the trades. Our young people can, and should, have broader exposure to various occupations through closer contact between school and work.

The Vocational Education Act of 1963, as amended in 1968, can be the vehicle through which career education is provided to the 8-out-of-10 youngsters who will not complete college educations. S. 659 would extend certain parts of the Act for 3 years through fiscal 1975, including provisions for exemplary and innovative programs to stimulate new ways to create a bridge between school and work for young people still in school, who have graduated or dropped out, or who are in postsecondary vocational education training. Several other programs which I believe are of critical importance in the transformation of vocational education into career education would be extended by S. 659. Grants to the States are authorized for cooperative vocational education programs, carried out through arrangements between schools and employers. These programs can provide students with actual work experiences related to their occupational education.

Another vital vocational education program under the Vocational Education Act which would be extended, is the work-study program. This program provides part-time employment to students while attending school, and is intended to encourage and enable dropouts to return to school and to provide opportunities for students to learn about the various kinds of occupations and, for some, a first experience in being employed. Also important is the program of grants and contracts for curriculum development in vocational and technical education. This program, too, would be extended for 3 years.

Another feature of the pending higher education legislation, as it relates to vocational career education, which may be of interest to you is the creation of a Bureau within the Office of Education to be responsible for the administration of all vocational, occupational, career education, adult and continuing programs. The House and Senate bills, currently in conference, differ somewhat in specifics but both recognize the need to give greater visibility to these important programs. Our Senate Committee on Labor and Public Welfare which reported S. 659 was sorely disappointed at the lack of order and internal organization within the Office of Education. To insure that the intent of Congress be carried out with regard to vocational, career and adult programs, therefore, we find it necessary to legislate the internal organization of the Office of Education.

The Federal concern for career education is not limited to the special contributions of the community college and the importance of effective vocational education programs. It encompasses also the 4-year college and university. Educational opportunity means the availability of choices to students of all ages and at all levels to develop their talents, and to positively employ those talents.

What is required to help guide the right student to the right place at the right time, and what is the Federal role in encouraging career education at the higher education level? The testimony we have received at our Education Subcommittee hearings and the reports of major higher education commissions and study groups over the past few years lead me to wonder how it is possible, if at all—given the present structure of higher education and degree requirements—to provide options to students. There seems to be a tendency in higher education, as in many other areas, to allow past accomplishments and achievements to blind us to present failures and inadequacies. But there has been increasing criticism of the traditional concept of higher education: that it takes place at a given point in a person's life, and is administered by a professor to a group of students. And this criticism comes from within the higher education community as well as from outside.

I have always been amazed at how well higher education has managed to isolate itself from the real world, how ill-prepared many college graduates are for careers, and how poorly their training relates to their own job expectations and to the manpower needs of the country. If learning and training are part of a life-long process—and I believe that they are—then higher education must adjust to this reality. The Carnegie Commission on Higher Education has definitively outlined the need for improvement of educational processes and techniques and has vigorously recommended the greater concentration of efforts on meeting these needs.

Just a year ago the Commission noted that young people should be given more options "in lieu of formal college, to defer college attendance, to drop out from college in order to get service and work experience, and to change directions while in college." The Commission recommended that "opportunities for higher education and the degrees it affords . . . be available to persons throughout their lifetimes . . . ," and that "More educational, and thus career, opportunities should be available to all those who wish to study part-time or return to study later in life . . . " There remarks constitute a solid endorsement of the concept of career education.

To date, the Federal responsibility for the development of career education at the college level has been limited. A major thrust, I would say, has been in the area of student financial aid. The high cost of college today severely limits the prospects of students from low and middle-income families for higher education. I believe that eliminating the financial barriers to higher education is an important part of achieving equal educational opportunity and providing the students who do possess drive and ability with the chance to further their potentials. The availability of substantial Federally-supported student aid programs has, I believe, a considerable impact on college and career choice.

With the Higher Education Amendments of 1968, the Federal Government assumed a greater responsibility for career education at the higher education level. This legislation authorizes Federal grants to institutions of higher learning for the planning, establishment, and expansion of cooperative education programs. And, of course, a number of colleges have been providing career education via their cooperative education programs before the "career education" came into use. I am pleased that the Administration is at last requesting a solid appropriation of $10.8 million for these programs in Fiscal Year 1973.

A final development which is of special significance for career education at the higher education level is the proposed National Foundation for Postsecondary Education. By means of such a Foundation the Federal government could play a meaningful, but indirect, part in encouraging the innovation, reform, and experimentation so needed in higher education.

Just as the National Science Foundation plays this role in science, and the National Institutes of Health does in medical research, the National Foundation for Postsecondary Education could stimulate the development of career education in higher education. For example, one of the expressed activities of the Foundation is "the creation of institutions and programs involving new paths to career and professional training, an dnew combinations of academic and experiential learning."

Provisions for the Foundation were contained in the Senate version of S. 659 but not in the House passed bill.

Its future in the 92d Congress is not encouraging. However, it is a good idea; and good ideas have a way of resurfacing.

Career choice involves a number of factors. Indeed, it includes putting the right student in the right place at the right time. It means that, if this combination carries a high price tag, he will have financial resources available to help him pay for it. It also means that the choices and programs actually exist which will meet his needs and aspirations. This must be our goals at all levels of education. I believe that the Federal government will and should continue to be involved in this important effort.

Edwin Markham, whose people imagery was frequently interlarded with a strong stream of pragmatism, knew nothing about career education; but he knew well about the dignity of work:

Out on the roads they have gathered, a hundred-thousand men,
To ask for a hold on life as sure as the wolf's hold in his den.
Their need lies close to the quick of life as rain to the furrow sown:
It is as meat to the slender rib, as marrow to the bone.
They ask but the leave to labor for a taste of life's delight,
For a little salt to savor their bread, for houses water-tight.
They ask for the right to labor, and to live by the strength of their hands—
They who have bodies like knotted oaks, and patience like sea-sands.
And the right of a man to labor and his right to labor in joy—
Not all your laws can strangle that right, nor the gates of Hell destroy.
For it came with the making of man and was kneaded into his bones.
And it will stand at the last of things on the dust of crumbled thrones.

RESOLUTION MEMORIALIZING CONGRESS TO ENACT LEGISLATION TO PERMIT STATES TO USE FUNDS FROM HIGHWAY TRUST FUND FOR USE ON MASS TRANSPORTATION

Mr. PELL. Mr. President, the General Assembly of the State of Rhode Island recently adopted a resolution expressing the need for legislation to permit States to use funds from the highway trust fund for mass transportation.

I think the time has long past to do something for mass transit.

The congestion caused by the construction of more highways has created a crisis on the roads and in the cities. The country is now facing a mass transportation crisis.

I have heretofore expressed in the Senate my deep concern about the lack of funds available to States for mass transportation; and I am delighted that the general assembly of my State has adopted this resolution.

I ask unanimous consent that it be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S. 3588

Resolution memorializing Congress to enact legislation to permit the States to use funds from the Highway Trust Fund for use on mass transportation

Resolved, That the members of the Congress of the United States be and they are hereby respectfully requested to enact legislation which will permit the states to use funds from the Highway Trust Fund for use on mass transportation; and be it further

Resolved, That the members of the Comand he hereby is authorized and directed to transmit a duly certified copy of the resolution to the senators and representatives from Rhode Island in the Congress of the United States.

THE ENERGY PROJECT; AN OBJECTIVE STUDY, OR JUST RHETORIC?

Mr. HANSEN. Mr. President, that there is a national energy crisis is no longer news.

It is a well recognized fact, almost a cliché. Many efforts are being made by many different organizations to study the crisis.

I am sure that Senators are well aware, that the Senate's national fuels and energy study itself is well beyond the halfway point. Many agencies within the executive branch have been conducting energy studies. The National Petroleum Council is concluding a monumental 3-year study involving the participation of over 1,000 experts, representatives of all sectors of the energy industry.

The Ford Foundation, too, has recently decided to involve itself in the energy study business by initiating its own research project. I have concerns about the outcome of the Ford study as I will indicate in a moment.

What is needed in an attempt to find solutions to the energy crisis is a rational analysis which will culminate with well-reasoned, sensible solutions. As Secretary of the Interior Morton indicated in his testimony before the House Interior Committee energy hearings, well reasoned solutions are hard to come by. Secretary Morton said:

> We know that our energy crisis message is getting across to some segments of the public and private sectors. Advice has been plentiful from the conservationists, from industry, from the consumers, and even from some of the 61 departments and agencies of our Government who in some way have an input into our energy policy. This advice taken together has said: Give us an energy policy that is intelligent and concise and, above all, responsive to the interests of the Nation as a whole. Give us a policy that can apply to the short-term and to the longer term as well. Give us an energy policy, they say, that will provide the consumer with the type of fuel he wants, in the amounts he needs, at the time he must have it, and at the lowest possible price. Assure us this energy will be from secure and reliable sources. But don't drill offshore of my coastline, don't build any pipelines across my land, don't strip mine any coal, don't build any refineries or storage facilities in my area, abolish the oil import program but don't move oil in by tanker for this might pollute our waters. Give us an energy policy that guarantees protection of the environment, where the use of energy does not intrude upon our esthetic values nor damage the ecology of the land. Give us an energy policy that will maximize national security yet not impinge upon normal trade between Nations.

I wonder whether these are the types of conclusions which will emanate from the Ford Foundation project. In a pithy statement by Gene Kinney in this week's Oil and Gas Journal, the Ford Foundation's energy study is discussed in some length. Mr. Kinney points out that its director, S. Davis Freeman, was a former head of the President's energy policy staff.

Sometime prior to his White House assignment, he served as an aide to Joseph C. Swidler at the Federal Power Commission. Swidler advocated a policy of continuation of strict controls on the price of natural gas at the well-head. In our own hearings, we reviewed the inadvisability of such a policy and I am now hopeful that we will be seeing some changes for the better in the regulation of natural gas prices.

Mr. Freeman has also stated frequently that he favors royalty bidding for offshore leasing, opposes the import quota system, opposes the trans Alaska Pipeline, and opposes incentives to reverse the trend of the declining level of domestic exploration for energy minerals. It is my understanding that Mr. Freeman has a reputation for favoring expanded Federal regulation controls and big Government spending as solutions to our national energy crisis as opposed to encouraging the industry to participate in finding solutions to as many of its own problems as possible.

It is my hope that none of these prejudices attributed to Mr. Freeman do in fact exist. I am also hopeful that if they did at one time exist, that they will no longer influence the manner in which Mr. Freeman conducts his study nor influence the manner in which he arrives at his conclusions and recommendations.

If the Ford Foundation energy study is to have any consequential impact on the Congress or the executive branch, its contents must bear at least some resemblance to objectivity and sound judgment.

I am confident that Mr. Freeman realizes this and will make every possible effort to present a balanced view. I am confident also that his sponsor, the Ford Foundation, will insist upon no less.

Yet I think it is in the public interest that Mr. Kinney's comments concerning Mr. Freeman and the Ford Foundation energy project be widely circulated.

Accordingly, Mr. President, I ask unanimous consent that Mr. Kinney's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

FORD FOUNDATION BIDS FOR ENERGY-POLICY INFLUENCE

(By Gene Kinney)

So the Ford Foundation is going to have its energy study too. It may turn out to be most influential of all the studies now going. It is well funded—$2 million—for a 15-month project.

The study will be directed by people with good connections in and out of government, and who know their way around Washington. The director is S. David Freeman, former head of the President's energy-policy staff. Project coordinator is Monte Canfield, former chief of the division of minerals in the Bureau of Land Management.

Freeman can outspend the House and Senate studies now under way, with a staff of 10 and others on call through his advisory board. Oil and gasmen are represented on the board by William Tavoulareas, president of Mobil; Minor S. Jameson, executive vice-president of the Independent Petroleum Association of America; and Joseph R. Rensch, chairman of Pacific Lighting Service Co. So are environmentalists and educators.

The main goal is to show how the energy system may evolve, depending on the choices made now. The National Petroleum Council will do much the same thing in its 3-year study winding up this year. But NPC may have to overcome the stigma of a special pleader, whereas Ford will have the appearance of objectivity.

It will be interesting to see the conclusions Freeman reaches in light of his known views favoring royalty bidding for offshore leases (as does Canfield), a trans-Canada oil line from Alaska over the all-Alaska system, conservation of energy (don't drain America first), and opposition to oil-import quotas. As a former aide to Joseph C. Swidler at the Federal Power Commission, he helped to keep strict controls on the price of gas at the wellhead, a policy he may now consider inappropriate in view of the results.

The Ford Foundation is already in the energy-policy business indirectly. The foundation is the principal backer of the Center for Law and Social Policy, whose lawyers got the injunction 2 years ago preventing the Interior Department from issuing the permit for the Alaskan pipeline. A second big angel of the center is the Rockefeller brothers fund. Two economists for Resources for the Future—another Ford creation—provided the main economic argument against the Alaskan pipeline for environmentalists.

Ford also underwrites the Natural Resources Defense Council, one of the groups which won cancellation of the Offshore Louisiana lease sale last December.

However the energy study may influence future policy, the Ford Foundation has already played a larger role than is generally realized.

FISH FARMING

Mr. FULBRIGHT. Mr. President, commercial fish farming continues to be the fastest growing agricultural industry in Arkansas. There are currently over 35,000 acres of Arkansas land in fish ponds compared with the 500 acres with which the industry began in the early 1950's. Originally, the idea of growing fish commercially was suggested as a means of diversifying agriculture in the State—one which presented an opportunity for farmers to bolster their income from conventional crops and, at the same time, utilize the soundest principles of soil and water conservation and good land management. What has emerged has been an industry of phenomenal growth which requires a new breed of farmer able to employ the many diverse skills necessary to ply the new trade.

One such farmer, Darryl D. Saul, of Des Arc, Ark., was recently the subject of a most interesting article by Leland DuVall in the Arkansas Gazette of May 7. This article was called to my attention by Roy Prewitt, of Lonoke, Ark., who has been associated with fish farming from its earliest days, and is a pioneer of that industry in the truest sense. A former Commissioner of Public Welfare and technical adviser to the Geneva Conference on Trade, Mr. Prewitt founded the American Fish Farmers Federation and currently serves as a member of the American Fisheries Advisory Committee and consulting editor of the American Fish Farmer and World Aquacultural News.

Roy Prewitt's letter provides a unique account of the nature and growth of the fish farming industry in one area of Arkansas, and Leland DuVall's article testifies to the imagination and hard work of one of many enterprising Arkansas fish farmers. I am particularly gratified by the rapid and successful development of fish farming noted in these materials.

Federal interest in assisting the industry began with legislation which I introduced in 1957 to authorize the establishment of Federal fish farm experimental stations. During the past 15 years, I have consistently advocated Federal assistance for research in and development of this industry. The Research and Experimental Station in Stuttgart, Ark., and the Kelso Fish Farming and Development Center at Rohwer, Ark., established at a cost of more than $300,000, are direct results of these efforts. Each year these facilities carry out research which is highly beneficial to the fish farming industry. Moreover, millions of dollars in Federal credit have been made available to fish farmers in Arkansas and other States since 1962 as a result of amendments which I sponsored at that time to include fish farmers under the provisions of the Farmers Home Administration Act.

Mr. President, I ask unanimous consent that both Roy Prewitt's letter and Leland DuVall's article from the Gazette of May 7, be printed in the RECORD.

There being no objection, the letter and article were ordered to be printed in the RECORD, as follows:

LONOKE, ARK., *May 20, 1972.*

HON. J. WILLIAM FULBRIGHT,
U.S. Senator,
Washington, D.C.

DEAR SENATOR: The enclosed article, "Arkansas Farmer Provides a Lot of Crappie Bait," by Leland Duvall, which appeared in the *Arkansas Gazette* will interest you.

While there is no doubt that other states, other areas, and other people could duplicate what Darryl Saul has done and what I saw from the top of a 135 foot rice dryer, it is note-worthy that none have done so.

Arkansas pioneered in fish farming, but it was not until you amended the Farmers Home Administration Act to make fish farmers eligible for loans, the Arkansas Legislature made fish grown on farms, live stock and their culture an agricultural pursuit and farm produced fish an agricultural commodity, the Arkansas Supreme Court, by dicta, gave the culture of fish the dictionary definition of agriculture which is the "art and science of the production of plants and animals useful to man" and the Arkansas Game and Fish Commission legalized the culture without restriction, of all species of fish for all purposes, that this most ancient form of agriculture began its phenomenal growth in this state.

Although it is well known that fish of many species are farmed in every county in Arkansas, I was only able to get specific, accurate, and comparative information from an area in central Lonoke County.

Charles Griffin, President of the Lonoke Production Credit Association, told me, "We began financing fish farming in a limited way in 1958. Our loans in this area now amount to $6 million dollars and are increasing at the rate of about $1 million a year. We have never had a loss on a fish farm loan. Other lending agencies are also financing fish farmers, but I am unable to estimate the amount." In discussing fish farmers, Mr. Griffin said that while many fish farmers grow conventional crops as well as fish, they are different from conventional farmers. He said they have to be entrepreneurs and innovators since they do not have governmental and institutional aids which are available to conventional farmers. Griffin said, "Our fish farmers wear many hats. They have to develop their own markets, be their own veterinarians and acquire many arts and skills, which are at the beck and call of conventional farmers. We have watched them develop these skills from their own experience and from that of other fish farmers." Mr. Griffin was my authority for stating that the fish crops from this area is now grossing about $6.5 million annually.

James E. Heim, County Soil Conservation Service Supervisor, said, "Central Lonoke County has 11,500 acres planted to bait minnows, 500 acres to catfish, and an undetermined much smaller number of acres in other species. The cost of construction of the ponds, plus the water supply equipment was approximately $2.5 million dollars." This does not include roads, processing and grading facilities, harvesting, transporting, maintenance and earth moving equipment. Henry Chambers, Vice President of the Lonoke Production Credit Association, thinks this may amount to as much as $225.00 per acre of fish farms. Leroy Barber, County Agricultural Extension Agent, says the land on which these fish are grown has an average value of $400.00 per acre before improvements, but says that much of the land where fish are farmed is not suitable for other purposes. It can be seen that this adds up to a sizable capital investment. Mr. Barber stated that Lonoke County farmers plant 168,000 acres to soybeans and receive a gross return of $11 million and a net return per acre of $47.50; 35,000 acres to rice with a gross return of $10 million and a net return per acre of $107.50; and 40,000 acres to cotton with a net return of $55.00 per acre and a gross return of $6 million. He also said the County's 70 dairy farms grossed $3 million, 20,000 head of beef cattle $2 million, and 400,000 laying hens $2 million.

William E. Bailey, State Game and Fish Commission Biologist, says the net return for fish per acre is as follows: catfish fingerlings $693.99, buffalo fingerlings $2,125.30, goldfish, $535.00, Israeli carp $395.00, fathead minnows $292.00, and golden shiner bait minnows $201.50.

While it is well known that much more labor, skilled and otherwise, is necessary to farm fish than to farm conventional crops, no statistics are available as to how many new jobs have been created by fish farming in the Lonoke area. Maurice Sagely, Superintendent of Schools, gives an insight into this by stating: "From early spring to the summer recess from 85 to 100 boys from the 9th grade up work from about 4 P.M. to 8 P.M. each week day and all day Saturday on local fish farms. They work Sundays if they wish. During the summer vacation at least 100 school boys work full time on local fish farms."

Andrew Hulsey, Director of the Arkansas Game and Fish Commission, sees this early training on fish farms as of great future benefit to the nation. "In the very near future we will have to manage not only our farm ponds, but our public waters for food production. It is a well established biological fact that much more valuable animal protein can be grown in an acre of water than an acre of land. These youths are learning things by actual practice that cannot be taught in universities. Many will get degrees in biology and become teachers, and others will become managers. We help fish farmers in many ways. Arkansas is perhaps the only state where a farm grown black bass can be sold, without restrictions, in a food market." We are giving Arkansas fish farmers a stock of the White Amur. We think this fish will lower the costs and greatly increase farm fish production by converting aquatic vegetation into organic fertilizer. Mr. Hulsey also thinks the production of bait minnows on farms is a good conservation practice. "Before they were grown on farms, they were trapped from the public waters. The minnows grown in Arkansas save a lot of food for game fish."

J. B. Hairston, Director of the County Agricultural, Stabilization and Conservation Agency, sees fish farming as an excellent soil and water conservation practice. "It provides maximum absorption (insoak) into the soil and prevents erosion which causes siltation," he stated.

While conservationists in Arkansas think that farm culture of fish is a good conservation practice, the fish farmers complain that conservation agencies of other states are setting up legal barriers that hamper sales and damage their business. They say that some states bar importation of certain species, others all species, some have confiscatory import taxes, and some have state line inspection laws which serve no purpose other than to hamper free movement of their products in inter-state commerce. They say these barriers are increasing. This was predicted by the Commission on Marine Science and Engineering and Resources in its report to President Nixon in late 1970. It stated, "Established interest, including commercial and sportfisheries, recreation, conservation and navigation tend to look upon aquaculture as an interloper that may interfere with traditional activities. Often this conflict is based more on emotion than on reason." The report continued, "To many qualified observers, it is these legal and institutional problems which are the greatest barrier to a viable aquaculture program in the U.S. today. As it (aquaculture) grows, the conflicts will increase."

Arkansas fish farmers are not alone in their complaints of barriers. I hear this from fish farmers in many states.

The time may have arrived for the Congress of the United States to consider whether or not the farming of fish for food, sport, bait, recreation, or artistic purposes 'promotes the general Welfare'.

Sincerely,

ROY PREWITT.

ARKANSAS FARMER PROVIDES A LOT OF CRAPPIE BAIT

(By Leland DuVall)

Measured by the standard yardstick, Darryl D. Saul of Des Arc is a prudent farmer and an astute manager of his agricultural business. He pays close attention to detail, does his jobs on schedule and keeps a complete set of books. He knows his costs and his profits and he can tell a visitor a great deal about each individual cow in his 225-head herd of registered Polled Herefords.

But despite his intimate knowledge of most phases of his business, Saul refuses to hazard a guess at the number of "livestock" he owns on a given day. His best estimate probably would miss the mark by at least a million—one way or the other—and if he had an accurate count on a given day, the figure would be far off the mark the following day.

Darryl Saul is in the minnow business.

He makes no claim to being the "biggest" producer in Arkansas but he knows, within a few square rods, the area of his lakes and ponds. It works out to about 1,200 acres. Actually, the land holdings devoted to minnows total 1,500 acres but the headquarters, the home site, levees and some undeveloped areas account for about 300 acres. Figuring 50,000 fish, to the acre, this would work out to something like 60 million but Saul would not attempt to defend the estimate. After all, this is the spawning season—as well as the heavy selling season—and the critters have been laying millions of eggs on the Spanish moss mats that have been distributed along the edges of the breeding ponds. Large numbers of these eggs have been moved to fresh ponds—the mats are transported and replaced at regular intervals—and the fry are hatching. Workers move about 1,500 egg-loaded mats a day to hatching ponds.

At the same time, trucks from most of the states east of the Rockies are hauling the minnows away. There is just no way to maintain an accurate estimate of the inventory.

The dollar value of the crop is somewhat easier to measure. Saul said his sales last year were in excess of $400,000.

Minnows constitute an important farm crop in Arkansas but the size of the operation is unknown. Production has blossomed in recent years and little statistical information has been gathered by those who keep tabs on other kinds of farm sales and harvests.

(Anyone who questions the classification of minnows as a farm crop is not familiar with the law. By legal definition, the production of fish on a commercial scale in Arkansas is a form of agriculture and the output constitutes a crop in the official sense of the word. The distinction is important. It opened the way for the regulations and supervision to be brought under the Agriculture Department and also made possible the lending of Farmers Home Administration funds for fish farming. The Production Credit Association, which is not a government agency, followed the lead and is a major supplier of credit to this particular form of agriculture.)

Even though no official figures on production and sales of bait minnows are available, the business is rather sizable and is concentrated in relatively small areas: Lonoke, Des Arc, Brinkley-Hunter, Paragould and Dumas.

Roy Prewitt of Lonoke, a pioneer in the business, gave his pond-size estimate of the value.

"I can stand on a rice drier at Lonoke and, with the aid of a telescope, see ponds that produce an annual sales volume of $6.5 million," Prewitt said.

His view would not reach the Saul operation.

Saul, who described himself as a river man, grew up around De Valls Bluff and "started at the bottom" in the minnow business. He began by seining "wild" minnows from natural ponds and lakes and from the White River and peddling them to bait shops around Arkansas. When he got an opportunity to lease some land and begin producing minnows, his wife filled in as a driver of the pick-up truck and helped support the family until the business was established. She then moved into the office and assumed responsibility for the books.

Minnow farming requires—among other things—careful attention to details and close management. The ponds must be drained and "worked up" every year in order to assure maximum production. This keeps down coarse vegetation (which would use the fertilizer) and controls disease. The idea of cultivating and fertilizing the pond may seem strange to persons accustomed to thinking the treatment belongs to plants. Actually, the practices are designed to grow plants—but the "crop" is only remotely related to rice or soybeans. The minnow farmer cultivates and fertilizes his pond so that it will grow *phytoplankton*, a form of microscopic plants on which the minnows "graze." The tiny floating plants can be classed at the bottom of the life cycle. By the process of photosynthesis, they convert the energy of the sun into another (stable) form that serves as feed for the tiny minnows. The "farmer" refers to the *phytoplankton* as the "bloom" on the pond—the growth of the plant changes the color of the water—and can judge his plant production by the varying shade of the pond.

Given the heavy stocking rate, the minnows would starve if they were forced to live by grazing alone. The farmers feed their livestock a balanced ration, produced by commercial mills, in order to obtain an acceptable rate of growth. With a good bloom on the pond and with adequate feed, minnows grow rapidly.

Fry hatched from early April spawns are ready for the market before July 1. Saul said the spring hatch would be "two-inch" minnows by the latter part of June, which makes them ideal for crappie bait. Buyers seek uniform size.

In the early days of the business, producers actually counted the minnows they sold at wholesale just as the bait shop counts those sold to the fisherman. The wholesalers built shallow tanks that resembled pool tables, dumped the minnows into the film of water and shuttled them into the pockets. Saul and other growers now employ a better system.

They grade the minnows with sieve-like devices and separate them into groups held in different tanks. Then, knowing the size of the minnows in a given tank, they weigh the little fish and quote prices by the pound.

The two-inch minnows, for example, also are known as "four-pound" minnows because four pounds, in that size range works out to 1,000 minnows. The "six-pound" size is minnows that are 2.5 to 3 inches and the grades move up the scale to the 20-pound minnow—the largest produced on the Saul farm.

The 20-pound minnows are yearlings and none are kept on the Saul farm beyond that age. He explained that young minnows—those hatched in the spring and summer and carried over to the next spring—produced more eggs than older minnows and also were healthier. When the brood stock completes the spawning cycle, the minnows are sold and the ponds are drained and cultivated in preparation for the following season.

Saul explained that size determined buyer interest. Buyers who supply bait shops in crappie areas want the four-pound (two-inch) minnow; bass fishermen use the six-pound or eight-pound minnows; and those who go after catfish want still larger sizes. Most of the large minnows—up to the 20-pound size—are sold in the Northern states where they are used by ice fishermen.

No one should be surprised by the fact that Saul sells his minnows in many states. He said only about 2 per cent of his crop went to Arkansas bait shops. Arkansas is one of four or five major bait minnow states and all the big producers have customers scattered over wide areas. The small producers—some of whom grow minnows as a sideline and derive most of their income from other sources—concentrate their sales efforts on local outlets while the major growers seek customers in all parts of the country. Saul said a large part of this production went to states along the Atlantic Coast.

Saul has three or four trucks, some of which are used to haul minnows from the ponds to the grading center, but buyers—for the most part—haul in their own trucks. The seller's responsibility is not quite over when the trucks are loaded: The minnows have to be healthy and they have to be loaded in such a way as to assure high livability in transportation. Saul (and other sellers) maintain ice storage houses so that they will be able to chill the water in the tanks and provides liquid oxygen for the minnows to breathe during the shipment.

Some Arkansas producers—particularly those who grow goldfish—use airfreight for cross-country shipment but the bulk of the crop moves in scaled trucks and oxygen-enriched water. One of the major airlines has reported that its biggest airfreight business out of St. Louis is minnows, some of which are raised in Arkansas and hauled to St. Louis for loading.

With the development of an accurate method for grading the wholesale minnow business evolved into a sort of honor system among sellers and buyers. In the earlier days, buyers tended to question the count and haggle over shipments. Now they apparently are confident that they are receiving full measure when they buy from established producers and there are few arguments.

Even though the Golden Shiner is the major crop—and, so far, the only cash crop—in the Saul operation, the situation may change and the farm may become better known for Polled Hereford cattle than for fishbait.

More than a year ago, Saul bought an additional 1,250 acres about five miles from his minnow farm—giving him a total of 2,750 acres—and began establishing a herd of registered Polled Herefords. He has concentrated on Circle M breeding and has obtained some of his stock from the Circle M Ranch in Mississippi. A one-fourth interest in one bull cost $26,000.

The herd numbers 225 head—the count here is accurate—and Saul plans to hold his first production sale November 20. The 50 head that will make up the consignment have been picked and will be fitted for the sale.

In preparation for his expected series of production sales, Saul has built a combination fitting-auction barn and has installed air conditioning for the ring. The equipment includes a feed mill.

The land in the new spread was "sort of between the hills and the flats" and some of it was overgrown with shrubs. Using some of the equipment needed for working the minnow ponds, Saul cleaned up the land, applied lime and fertilizer and seeded it to adapted grasses and legumes. He believes he has adequate pastures for 500 head of brood cows and hopes to reach that level within a few years.

Despite the fact that the cow herd is a sentimental favorite, Golden Shiners still bring in the money for the operation of the farm—including the salaries of the 14 full-time employees. Two of the men work the cow herd and the remainder stay busy all year with the minnows.

The Saul operation is different only in detail from some of the other good minnow farms in Arkansas. Prewitt's estimate that $6.5 million worth of minnows were grown annually within view of a rice dryer lookout point at Lonoke applied to the wholesale price, which ranges from about 50 to 65 cents a pound for the larger sizes up to about $1.50 a pound for the smaller minnows. The mark-up between the farm and the retail level is quite impressive.

On the current wholesale market, the two-inch minnow brings the grower in the neighborhood of $6 per 1,000. The same minnows may sell for a dollar a dozen at retail in some shops, which works out to more than $80 per 1,000.

Since all figures on the annual value of the Arkansas minnow crop are raw estimates, the retail value also would be no better than an uneducated guess.

The surprising factor is that a crop could become that valuable without anyone knowing very much about the statistics: Neither Saul nor any other major producer could guess within 1,000,000 of the number of minnow he owns at any given time.

TRANSPO 72

Mr. SPONG. Mr. President, a truly landmark event will take place in my State of Virginia beginning this Saturday, May 27, through Sunday, June 4. I am referring to Transpo 72, the unprecedented U.S. International Transportation Exposition, which will be held at the Dulles International Airport in Loudoun County, Va.

We, in Virginia, are proud to be the hosts to this remarkable exposition. Here at one time and in one place will be brought together an array of technology in the transportation field such as has never been assembled before. We spend a great deal of our time and attention discussing the problems of transporting people and goods within our Nation and abroad. The difficulties we encounter daily in traffic congestion and our increasing concerns for environmental protection are well known to all of us.

The transportation demands of the future are truly staggering, and we can only meet these demands by greatly expanding our present technology. Furthermore, if transportation capacity is to expand in a manner which is acceptable in terms of its effect on human environment, we must marshal the best scientific know-how in this country and in the world.

It is with this purpose in mind that the Government is sponsoring this transportation exposition. On display will be the latest innovations in transportation technology. In addition, it should prove to be a world marketplace, displaying the wares of American industry before customers gathered from around the world.

I commend the Secretary of Transportation, John A. Volpe, for his far-sighted leadership in producing this first-of-its-kind exposition. Secretary Volpe recently expressed some of the hopes for Transpo 72 in a speech before the National Press Club. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY U.S. SECRETARY OF TRANSPORTATION JOHN A. VOLPE AT THE NATIONAL PRESS CLUB, WASHINGTON, D.C., THURSDAY, MAY 11, 1972

Let me make it perfectly clear—here at the outset—that despite what you may have heard, we have no plans to move TRANSPO to Miami Beach.

TRANSPO 72 is now only two weeks away. And I appreciate this opportunity to tell you about it. It's the world's first international transportation exposition and I'm convinced it will live up to expectations. It will be exciting, comprehensive and educational. It will perform an important national and international function. It's going to sell American ideas and products. And it's going to provide an entertaining glimpse at the transportation technology of tomorrow.

Putting a show of this kind together is no easy task. I brought Bill Bird, Vice President of Kaiser Industries, and a top management team in here just eight or nine months ago. And they've done a tremendous job. The scope of TRANSPO is unique for any government agency—indeed, for any organization. It requires coordinating hundreds—even thousands—of individuals, corporations, planners, government leaders and world experts. With relatively small resources, we're putting on a show four times larger than the Seattle World's Fair. And naturally there have been a few problems. And with all due respects to the fourth estate, the problems always seem to make more news than the successes. So let's at least touch on the problems.

I don't know how many of you live in Virginia. But those of you who do, know what it's like to work that good red Virginia clay. As one of our construction foremen said, "When it's dry it's like powder, when it's wet it's like lard." And we've had our share of good Loudoun County rain; over nine inches in the first thirty days. Normal rainfall for that period should have been about three inches. So our surfacing program has been a little slow. But in case anyone is wondering, *yes* we are going to open on time—and we're going to open with a bang (not with a big "splash"—if I can steal a line from the headline writers).

I'll tell you that I now have a new appreciation for our Federal Highway Administration—the way they have tackled this problem in spite of the natural obstacles. They're stabilizing 180 acres, including over 500,000 square yards of calcium sulphate sludge surfacing for parking facilities. That's the material we've dubbed "super sludge" which is built from such environmental waste products as reclaimed rubber, sulphuric acid wastes, ground glass and incinerator residue.

Even this surfacing project has demonstration value: in testing new aggregates for highway construction—and in testing new uses for municipal and industrial waste products.

Our second major problem involved the business chalets which—to put it politely—collapsed in a high wind a few weeks ago. But they're back up again—safe and solid. We now have 152 modular housing units constructed on the site which will provide business space for 37 industrial companies. These centers, equipped with utilities, a kitchen and toilet facilities—plus any other amenities the companies want to install—will be completed within the next few days. They're attractive, comfortable, and entirely suited to our purposes.

Exhibit space in the four huge exhibition halls, each one and one-half times the size of a football field, is now sold out. And about 98 percent of the one million square feet of outdoor exhibit space has also been reserved. The 400 exhibitors run the gamut from foreign nations, to giant aerospace firms, to small computer companies. And they all have a story to tell—the transportation story that is so much a part of our daily lives.

I want to emphasize that this is a *total* transportation exposition featuring every mode imaginable—from the Apollo 12 command module to earth-bound construction equipment.

As most of you know, Congress first authorized the TRANSPO idea as an air show. But transportation in America is much more than just one mode. And aviation is not the only mode of transportation with international ties. So we asked Congress to expand the air show to an international transportation exposition covering all the modes. Our mobility problems are shared by almost every nation. And TRANSPO gives us an expanded opportunity to share those problems, to discuss mutual solutions, and to create world markets for all facets of America's transportation industry.

This situation is particularly true with regard to mass transportation and the problems of urban mobility. The so-called "people mover" is certainly of international interest. The four to be exhibited at TRANSPO—built by Ford, Dashaveyor, Transportation Technology, Incorporated and Monocab—are one-of-a-kind systems. Many of you were out at TRANSPO a few weeks ago when I hitched a ride on each of them.

During the exposition they'll be open to the public. We'll be watching people's reactions, and asking a few questions about passenger acceptance. But one short ride at TRANSPO isn't really going to tell us whether people will give up their cars (under certain circumstances) for "people movers." The real test will be of the technology. And that testing will continue out at Dulles for several months after TRANSPO closes.

A similarly dramatic breakthrough in technology will be General Motors' exhibition of a totally new construction concept for mass producing transit buses and rapid rail coaches. The concept involves a modular process in which five foot sections of a coach are mass produced. The modular sections are then welded together to fit any size or function desired.

The value would be a new degree of flexibility in transit planning. Cities could select any coach size vehicle—in 5-foot increments—without worrying about special orders or special construction pricing. GM people tell me that equipment costs could be significantly reduced with this new process. And I look forward to seeing it demonstrated at TRANSPO.

We'll also have experimental safety vehicles on display. The experimental safety vehicle program represents a $100 million effort world-wide. We have agreements with six nations to build ESV's that would constitute a whole family of different size and weight cars. This one program could affect vehicle technology throughout the world in the next few years.

We'll also have the Turbotrain and a tracked air cushion vehicle on display—examples of the next generation of high speed rail technology. And I might add that these rail vehicles—like ESV's and the people movers—represent just a first wave of new technology geared to environmental and social considerations.

As social scientist Peter Drucker points out, "To overcome the problems success always creates, one has to build on that success." The problems of our success represent a relatively new awareness in America. And at TRANSPO we're going to demonstrate some of the ways we are building on past successes to provide a cleaner and safer future.

This same theme will underlie the six separate conferences to be held during TRANSPO. Sponsored under the general auspices of the International Congress of Transportation Conferences, these meetings will cover air transportation, the environment, transportation as a service, vehicle and highway safety, air cargo, and the experimental safety vehicles.

We have planned TRANSPO for multiple audiences—buyers, users, thinkers and visitors. But this is, after all, an industrial exposition. Let's not hide the fact that our exhibitors are looking for sales, that America is looking to improve its balance of payments position, and that TRANSPO is designed to foster both objectives.

We're expecting 350,000 business visitors, with 50,000 coming from other nations. And we hope to see our business centers humming with activity.

There has been some talk about the cost of TRANSPO. But few people have mentioned the cost of not having TRANSPO—the cost of not presenting our products to the world market. In transportation, as in all areas of our economy, we are in a world market. Foreign cars abound. Foreign aviation competition is getting tougher every day. And transportation system components—the computers, the bearings, the electronics, the guidance and control systems—are often taking a long boat trip before they ever reach the American consumer. As you well know, right here in Washington a Japanese firm was a strong competitor in the bidding to build our Metro subway cars.

How often have we seen this headline: "U.S. being squeezed out of world markets?" I have seen it far too often. And TRANSPO is just one way—my way—of saying that we're not going to let that happen. Even if we don't have the best transportation available, we're certainly capable of producing it. And that's the message TRANSPO will help carry to the governments and businessmen of the world.

I might add that a lot of home folks don't know about our transportation genius either. Vice President Agnew took this problem to the Harvard Business Club a few weeks ago. He urged businessmen to re-assert themselves and their products in *American* life—to speak candidly to our citizens about what our business is doing, and what it is capable of doing. And that's what we want TRANSPO to do.

We've designed this show as a family affair—a chance for all citizens to see transportation at close range, to kick the tires, to get something more than a passenger's view of mobility. We have an elaborate traffic plan to guide nine lanes of cars into the TRANSPO site. Buses will be making regular runs from downtown locations—at reasonable rates. And when they get there, I guarantee some spectacular air shows and exciting exhibits to see.

TRANSPO is going to be a winner—for businessmen, for exhibitors, for the public, for the cause of transportation knowledge, and for the status of American transportation. I hope all of you are looking forward to it as much as I am.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

AMENDMENT OF FISHERMEN'S PROTECTIVE ACT OF 1967

Mr. MANSFIELD. Mr. President, in accordance with the previous order, I move that the Senate now proceed to the consideration of Calendar No. 736, H.R. 7117.

The ACTING PRESIDENT pro tempore. The bill be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 7117) to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of United States vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. In accordance with the previous order, time on this measure is under control. Who yields time?

Mr. MAGNUSON. Mr. President, is H.R. 7117 now the pending business?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MAGNUSON. Mr. President, I merely want to suggest that the basic measure that we are now considering is a House bill that has been passed by the House of Representatives and was referred originally to the Committee on Commerce, and we unanimously reported it favorably.

Since the bill was reported, some other serious problems in the fishing industry have arisen throughout the United States that need to be, I think, considered very seriously, and they are very much germane to this particular bill. One of them is the subject of a proposed amendment by the Senator from Texas, I guess joined in——

Mr. TOWER. By the Senator from Mississippi (Mr. EASTLAND).

Mr. MAGNUSON. By the Senator from Mississippi and others who are interested. I had a chance, late yesterday, to look over the proposed amendment of the Senator from Mississippi and the Senator from Texas, and I feel, though I have not consulted all the members of my committee, that we can accept it. I am sure that the Senator from Virginia (Mr. SPONG) and the Senator from Alaska (Mr. STEVENS), who were active in this matter in committee, have the same opinion, and I am willing, on their behalf—we are trying to get Senator STEVENS here—to accept the so-called Tower amendment at this time, and then our plan is, after consultation with the majority leader, to accept this amendment and possibly the Stevens amendment when he comes in, and then lay the matter aside until next week, when the Senate can vote on the bill as amended.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. MAGNUSON. Or I will revise that. If we can pass it later today, that will be fine, too.

I ask unanimous consent, for the purpose of the RECORD, that an excerpt from the committee report (No. 92–584) of the Committee on Commerce, beginning with the heading "Purpose" on page 1 and ending immediately before the section-by-section analysis on page 4, be printed in the RECORD at this point.

There being no objection, the excerpt from the report (No. 92–584) was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the legislation is to expedite the reimbursement of U.S. vessel owners for charges paid by them to obtain release of the vessels and crews illegally seized by foreign countries.

In achieving this purpose, the bill would require the Secretary of State to immediately ascertain the amount paid by a vessel owner to a foreign country to obtain release of his vessel and crew and to certify such amount to the Secretary of the Treasury for immediate reimbursement. Upon reimbursement out of the revolving fund authorized to be established under the bill, the Secretary of State would be required to immediately notify the foreign country of such reimbursement and take such action as he may deem appropriate to collect the amount of the claim from the offending country. If reimbursement is not made within 120 days after notification to the offending country, then the Secretary of State is required to deduct the amount of the claim from any funds programed to that country under the Foreign Assistance Act and to transfer such funds to the revolving fund. The bill would authorize to be appropriated $3 million to provide initial capital for the fund and such sums as may be necessary to meet future requirements of the fund.

LEGISLATIVE BACKGROUND

The Fishermen's Protective Act (22 U.S.C. 1971–1977), which H.R. 7117 would amend, presently provides that where a vessel of the United States is seized by a foreign country on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States, and a fine, fee, or other direct charge must be paid by the vessel owner in order to secure the prompt release of the vessel and crew, such owner is entitled to be reimbursed by the Secretary of the Treasury for the amount of such fine, fee, or other direct charge. Existing law also provides that the owner of such a seized vessel may be reimbursed, under a fund administered by the Department of Commerce and funded by both the Federal Government and vessel owners, for costs attributable to damage to and/or destruction of the vessel, gear or equipment, the market value of fish spoiled during the period of illegal detention, and one-half of the loss of gross income which might have accrued to the vessel owner and its crew had the seizure not occurred.

H.R. 7117, introduced by Congressman Pelly of Washington, was the subject of several days of hearings held by the House Committee on Merchant Marine and Fisheries. It was passed by the House of Representatives on August 2, 1971 and referred to the Committee on Commerce, where it was the subject of hearings conducted by the Subcommittee on Oceans and Atmosphere on November 22 and 24, 1971.

Testimony at the hearings held by the Committee on Commerce was generally in support of this legislation. The respective position of the various departments and agencies of the Federal Government concerned with H.R. 7117 are set forth hereafter under "Agency Comments".

BACKGROUND AND NEED

The Fishermen's Protective Act was passed August 27, 1954, and amended August 12, 1968. This act, as amended, directs the Secretary of State to attend to the welfare of the crew of any vessel of the United States seized by a foreign country on the basis of rights or claims not recognized by this country in territorial waters or on the high seas. The State Department is also directed to secure the release of the vessel and crew. In carrying out these functions, the Secretary must find that there is no dispute of material facts relative to the vessel's location and activities when seized. If the vessel owners must also pay a fine, fee, or other direct charge to secure release, then the act directs the Secretary of the Treasury to reimburse the owner in an amount that represents such charges.

Further, the act does not apply to seizures made by a country at war with the United States or seizures made under a fishery convention or treaty to which the United States is a party. The Secretary of State is also directed to recover from the foreign country the amounts expended under this act. The act applies to fishing vessels and other vessels of the United States.

The traditional policy of the United States is to support the principle of the freedom of the seas, and it has consistently opposed the efforts of other countries to limit the freedom of the seas by excessive claims to territorial waters. For a number of years, a fundamental dispute has existed between the United States and various South American countries in regard to their claims of sovereignty and exclusive jurisdiction over the sea within 200 miles of their coasts.

In general, such claims are in direct conflict with principles of international law adhered to by the United States, and the assertion of such 200-mile claims challenges the basic sovereign interests of this country. The United States has, in the past, opposed extensions of territorial sea limits beyond 12 miles and it is the view of the United States that under international law it is not required to recognize such claims. As this country begins to prepare its diplomatic position in regard to the International Law of the Sea Conference under the auspices of the United Nations, currently scheduled for 1973, it is important that the position of the United States in regard to further protection of its fishermen and citizens be clearly enunciated by Congress and actively implemented by other elements of the Federal Government.

For two decades, various South American countries have been seizing U.S.-flag vessels in international waters on the basis of jurisdictional claims not recognized by the United States. Ecuador, and Peru have been the most persistent and flagrant violators of the rights of U.S.-flag vessels on the high seas. Harassment and seizure of this country's fishing vessels continue to occur and have increased in intensity during the past year.

Unfortunately diplomatic efforts seeking to reach a resolution of this problem thus far have not been successful. For example, testimony presented during hearings on this legislation by the American Tunaboat Association pointed out the fact that during the 10-year period from January 1, 1961, through December 31, 1970, there were 92 seizures of U.S. fishing vessels with total costs directly related to such seizures constituting approximately $933,184.

During the period from January 1, 1971 through November 24, 1971, the date of their appearance before the Committee, there have been a total of 27 illegal seizures (39 by Ecuador and 1 by Peru) and payment of fines and other direct charges under the existing act totaled $1,845,021. In addition, payments under section 7 of the act (the insurance program) for other losses incurred as a result of their seizures are estimated to be approximately $160,000.

Presently, it takes approximately 250 days from the date of the seizure to the date the Secretary of State certifies to the Secretary of the Treasury the amount of the claim for reimbursement. In addition, it takes approximately another 180 days from the date of certification before reimbursement is actually made to the vessel owner, making a total waiting time of 430 days. Under existing practice, reimbursement to the vessel owner can only occur if the funds for such reimbursement have been allocated in either one of the two appropriation measures considered by Congress during a fiscal year for this purpose. During this period of time, the vessel owner has lost the use of the money paid to the offending country, seriously depleted his working capital and has paid interest at a very high rate on moneys which he has borrowed in order to raise the necessary funds to obtain the release of his vessel and crew.

Moreover, there are indications that Ecuador has instituted a policy that would substantially increase the fines and other direct charges levied upon a fishing vessel if it represents the second or subsequent seizure of that particular vessel by Ecuador. For example, on January 18, 1971, the fishing vessel *Apollo* was seized by Ecuador and again on March 3, 1971. On the first seizure, the vessel owner paid $86,650 in fines and other direct charges. On the second seizure, a total charge of $155,340 was levied and paid by the vessel owner. The fishing vessel *Caribbean* was seized on January 23 and again on March 27, 1971. On the first seizure, the *Caribbean* paid $41,200 and $74,160 on the second seizure.

On the basis of existing law and current procedures for processing claims, it would be almost impossible for any vessel owner, such as those of the *Apollo* and *Caribbean*, to obtain reimbursement on both such claims within one calendar year. Of even greater significance is the fact that most, if not all, private vessel owners would not be in a financial position to pay a second fine within a few months from the date of the first seizure. Thus, many vessel owners may be in the precarious position of depleting their financial resources initially and then being forced to cease operations because of pending bankruptcy due to the imposition of the second fine.

Enactment of this legislation will effectively reduce the long delay in the reimbursement process by the creation of a revolving fund from which reimbursements would be immediately made.

Mr. TOWER. Mr. President, will the Senator from Washington yield to me, to call up my amendment?

Mr. MAGNUSON. Yes; I yield the floor to the Senator from Texas.

Mr. TOWER. Will the Senator yield me 3 minutes?

Mr. MAGNUSON. Yes.

AMENDMENT NO. 804

Mr. TOWER. Mr. President, I call up amendment No. 804, on behalf of the Senator from Mississippi (Mr. EASTLAND) and myself.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TOWER's amendment (No. 804) is as follows:

On page 5, line 17, after "made by" insert "the preceding provisions of".

At the end of the bill insert a new section as follows:

"SEC. 7. The Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a), is amended by inserting after section 4 thereof a new section as follows:

" 'STORM REINSURANCE

" 'SEC. 4A. (a) The Secretary of Commerce is authorized to take such action as may be necessary to provide reinsurance to carriers against excess losses on claims for losses resulting from damage to or destruction of commercial fishing property caused by storms. The Secretary may enter into such contracts, agreements, or other arrangements, upon such terms and conditions as may be agreed upon, with such carriers in order to carry out the purposes of this section. The Secretary may issue such regulations regarding the classification, limitation, or rejection of excess loss risks reinsured by him under this subsection as he deems advisable.

" '(b) (1) Reinsurance under subsection (a) shall be made available to any carrier who issues insurance against (A) probable storm losses at premium rates approved by the Secretary consistent with the objective of this section to provide insurance against such probable losses at reasonable costs, and (B) excess storm losses at no premium charge, but subject to reinsurance by the Secretary under this section.

" '(2) Premium rates established by the Secretary for probable loss coverage shall be—

" '(A) uniform with respect to similar classifications of property and risks;

" '(B) sufficient to provide adequate proceeds to pay all claims for probable losses over a reasonable period of years; and

" '(C) exclusive of any loading for administrative expenses of the United States under this section.

" '(3) No premium may be charged any carrier for excess loss reinsurance unless the Secretary determines that such carrier's probable loss experience justifies the imposition of such a premium, but in no case shall an excess loss reinsurance premium exceed premium rates established under paragraph (2) of this subsection for any classification of property.

"'(d)(1) The Secretary is authorized to establish a Fishing Fleet Reinsurance Fund (hereafter called the fund) which shall be available without fiscal year limitations to make such payments as may be required under reinsurance contracts, agreements, or other arrangements under this section.

"'(2) The fund shall be credited with reinsurance premiums, interest which may be earned on investments of the fund, such amounts as may be appropriated for the fund or advanced to the fund from appropriations, and receipts from any other source.

"'(e) For the purposes of this section—

"'(1) "citizen of the United States" includes a corporation, partnership, or association which is organized under the laws of any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

"'(2) "carrier" includes private insurance companies, associations of persons engaged in the business of commercial fishing, associations of persons who own commercial fishing property, or any combination thereof;

"'(3) "commercial fishing property" means any real or personal property (including vessels and any machinery, equipment, or gear thereon) of which at least 50 per centum of the interest therein is owned by a citizen of the United States and which is used in the business of commercial fishing; and

"'(4) "storms" includes hurricanes, typhoons, waterspouts, tidal waves, and any other such wind or water disturbance, whether or not directly caused by meteorological forces, as the Secretary may define by regulation to be included in the definition of storms.

"'(f) No contract, agreement, or other arrangement for reinsurance shall be issued or entered into under this section covering risks against which insurance is available on reasonable terms from other public or private sources.'"

Mr. TOWER. Mr. President, amendment 804 has received the support of nearly every major fishing concern. Among these are the Texas Shrimp Association, the Louisiana Shrimp Association, the Southeastern Fisheries Association, the National Shrimp Congress, and the National Fisheries Industry.

This measure is designed to give some relief to the owners and operators of the Nation's fishing fleet. I have become concerned recently that many fishermen and shrimpers are no longer able to operate their boats properly, due in large part to the ever-increasing insurance rates. In my own State of Texas, there have been three major hurricanes in the last 5 years. As a result of these storms, large segments of the fishing fleet were either completely destroyed or severely damaged. Fortunately, however, most of that damage was covered by insurance. The real problem seems to be that the disaster reserves that insurance companies in the area have kept for such storm emergencies are depleted, and the companies are having to raise premiums on this type of insurance altogether, since the risk of these disasters has been so apparent in the last 3 years.

As the price of insurance is rising, and nearly every other cost of doing business is going up at the same time, the small fisherman or shrimper finds it nearly impossible to insure his boat, even if he can find somebody to write it.

I feel that it is imperative that we take immediate steps to come to the assistance of this important industry in the United States in this limited, proper way.

My legislative proposal would amend the Fish and Wildlife Act of 1956, as amended, by creating a new section dealing with storm reinsurance. The Secretary of Commerce would be authorized to take the necessary action against excess losses on claims for losses resulting from damage to or destruction of commercial fishing property caused by storms. In carrying out his authority under this act, the Secretary would establish the fishing fleet reinsurance fund. In this way, we would not only be helping to insure that there would be private insurance available and that the Government would not have to ultimately move into this field, as the Government of Canada has found it necessary to do already, but, more hopefully, we would also help to entice new companies into this field of insurance by making it profitable again. At present, a company might only write such a policy for one of its better customers in order to be of assistance to that particular customer. The fisherman or shrimper who has no other insurance, but who needs the protection for one or a few boats, has little chance of purchasing adequate protection at any price, much less at costs which he can afford.

I do not view this as an attempt to put the Government irrevocably into the fish industry insurance business. Rather, I view it as an extension of the principle that has governed storm losses on land for years: Where private companies are unable to protect against storm and storm-related losses at reasonable costs, the Government has moved in and underwritten disaster insurance. It is now time that the Government provide the same protection to the man who make his living offshore. The fact that there are currently only two concerns that even consider writing this type of insurance for the average fisherman or shrimper in the Gulf of Mexico area shows that we are in a crisis situation. If we should wait until after there is another storm in the gulf, there might indeed be no insurance industry left to save and no fishing or shrimping fleet left to worry about.

I thank my friend from Washington for his willingness to accept the amendment. I think this will be a great boon to the small-fleet fishermen in business not only along the Gulf coast, but everywhere else along our coasts as well, because all small-boat operators in fishing areas will benefit from this measure, whether they operate out of the great State of Washington or the great State of Texas.

Mr. JAVITS. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. TOWER. I am not in control of the time.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. JAVITS. Under the previous order, is there any time to oppose this amendment?

The ACTING PRESIDENT pro tempore. There is 15 minutes in opposition, under the agreement for control of time.

Mr. JAVITS. To whom is the 15 minutes granted?

Mr. MANSFIELD. The Senator could have the time, if he opposes the amendment.

The ACTING PRESIDENT pro tempore. If the manager of the bill is in favor of the amendment, the time in opposition goes to the minority leader.

Mr. JAVITS. Mr. President, in the absence of the minority leader, unless the Senator from Texas wishes to claim the time in opposition, I claim it.

The ACTING PRESIDENT pro tempore. Very well.

Mr. JAVITS. I yield myself 10 minutes.

Mr. President, I would just like to find out what this is all about, for this reason: I happened to be on the floor strictly by happenstance, but I know that the Committee on Foreign Relations reported this particular measure adversely, unfavorably, and it seems to me that therefore we ought to at least know what the amendment which is before us, and which the chairman of the Committee on Interstate and Foreign Commerce is willing to accept, would do.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. JAVITS. Of course.

Mr. TOWER. This amendment has nothing to do with any of the international aspects of the measure. It simply provides a reinsurance program whereby the owners of perhaps one shrimper, or maybe 2 or 3, can obtain disaster insurance. It bears not at all on the Foreign Relations Committee's objections to the bill. That is all it would do.

Mr. MAGNUSON. The original bill deals with foreign relations matters. It deals with seizure of ships off the coast of South America. The amendment of the Senator from Texas does not, but his amendment is germane to the whole thrust of the bill.

Mr. JAVITS. I understand. Mr. President, may I ask the Senator from Washington if it is intended to vote on this bill today?

Mr. MAGNUSON. If we can, later in the day, but not now.

Mr. JAVITS. May I, then, ask the majority leader what will happen? Will we take a recess?

Mr. MANSFIELD. No. What we are trying to do is to fit into the legislative position we are in today a number of factors. The distinguished Senator from Tennessee (Mr. BAKER) is on his way here to offer an amendment to the unfinished business, after the amendments of the distinguished Senator from Texas (Mr. TOWER) and the distinguished Senator from Alaska (Mr. STEVENS) are disposed of. It is intended, if at all possible, to vote today on this bill, on which we have a time limitation to which the Senate agreed yesterday.

Mr. JAVITS. My inquiry was simply whether there will be a hiatus between the time of the adoption of these amendments and the time of the vote, so that I can consult the chairman of the Committee on Foreign Relations.

Mr. MANSFIELD. Yes, there will be, because the distinguished Senator from Tennessee is going to offer an amendment to the unfinished business.

Mr. JAVITS. Of course, I accept the assurance of the Senator from Texas that his amendment does not affect the foreign relations aspects of this bill.

Does the amendment of the Senator from Alaska affect that situation?

Mr. STEVENS. I am happy to state to my colleague that mine has no relationship. It deals solely with the problem of fishermen who cannot sell their fish after the fish are caught because of regulations of the Federal Government in the environmental field.

Mr. JAVITS. I thank the Senator.

I appreciate very much the indulgence of the Senators. I have not the remotest notion of what the committee will do about appearing on the floor, but I felt that they ought to have a chance to know what is happening.

Mr. MAGNUSON. Senator SPONG will be here. He handled most of the hearings. I assure the Senator from New York that he can have as much time as I have if he wants to oppose the original bill, the House bill. These two amendments relate to fisheries and they are germane, but they do not dip into the international problem.

Mr. JAVITS. I thank the Senator.

Mr. HATFIELD. Mr. President, I am pleased to support the amendment of my friend from Texas (Mr. TOWER) to the pending bill, H.R. 7117. I know him to be a man who has fought for years for the commercial fishermen of the gulf coast, and elsewhere around the country. As a Senator from a State where commercial fishing is very important, I have known that Mr. TOWER always was ready to join in efforts to support the commercial fishing industry.

This amendment is a worthy step toward the protection of something far beyond the control of the fishermen of this country. Storms that ravage our coasts inflict damage far beyond the capability of all commercial fishermen to repair and replace. In an industry beleagured by a declining economic outlook, storm damage spells ruin. It is that simple.

The fishermen of Oregon exist on bare essentials, many fishing as a part-time occupation to supplement their incomes from other sources. The economics of the fishing industry—facing as they do the rapacious appetites of foreign fishing fleets—are such that a severe storm can ruin the economic life of an important segment of Oregon communities along the Pacific coast.

Senator TOWER's amendment, providing for reinsurance for storm damage to commercial fishing fleets should be adopted, and it will be welcomed by the commercial fishermen of Oregon.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. TOWER. The pending business is my amendment No. 804?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Does the Senator from Washington yield back his time?

Mr. MAGNUSON. Yes.

The ACTING PRESIDENT pro tempore. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

AMENDMENT NO. 1107

Mr. STEVENS. Mr. President, I call up my amendment which is at the desk.

The ACTING PRESIDENT pro tempore. The amendment offered by the Senator from Alaska will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill insert a new section as follows:

"(a) As used in this section—

"(1) The term 'Secretary' means the Secretary of Commerce.

"(2) The term 'domestic fishing' means commercial fishing which is subject to regulation or restriction under the laws of any State.

"(3) The term 'fishing equipment' includes nets, equipment, and vessels used in domestic fishing.

"(4) The term 'prohibitive Federal or State restrictions' means restrictions related to a deterioration in the quality of the aquatic environment and imposed on or after January 1, 1971, by any State or by any department or agency of the Federal Government which, in the judgment of the Secretary, impair the economic feasibility of any type of domestic fishing to such an extent as to reduce (1) by 50 per centum or more the fair market value, in the affected area, of fishing equipment principally useful for that type of fishing, or (2) by 20 per centum or more the market value of the commercial catch in the affected area which would have been realized in the calendar year concerned but for the imposition of such restrictions.

"(5) The term 'eligible owner' means any legal entity which—

"(A) is the owner of fishing equipment, and

"(B) was engaged in domestic fishing as his usual occupation for one month or more prior to the imposition of prohibitive Federal or State restrictions thereon.

"(b)(1) Any eligible owner adversely affected by the imposition of prohibitive Federal and State restrictions in any calendar year may apply to the Secretary for a grant under this section for the purpose of enabling such owner to meet the usual business expenses which, but for the economic loss caused him by the imposition of such restrictions, such owner would ordinarily be able to meet.

"(2)(A) In any case in which paragraph (B) does not apply, a grant made by the Secretary under this section may not exceed an amount equal to 70 per centum of the yearly gross earnings from domestic fishing operations which the eligible owner lost in the calendar year as a result of the imposition of such Federal or State restrictions. In determining lost gross earnings from domestic fishing operations for an eligible owner under this paragraph, the Secretary shall subtract the amount of actual or estimated gross earnings from such operations in the year in which such Federal or State restrictions were imposed from the yearly gross earnings from domestic fishing operations made by such eligible owner in the last calendar year in which no prohibitive Federal or State restrictions affected such owners' operations.

"(B) In the case of an eligible owner who substantially increased his investment in fishing equipment for use in the calendar year in which such restrictions are imposed, as compared with his investment in fishing equipment in the calendar year immediately preceding such calendar year, a grant made under this section may not exceed an amount equal to 70 per centum of the estimated yearly gross earnings from domestic fishing operations which the eligible owner lost in the calendar year as a result of the imposition of such Federal or State restrictions. In estimating lost gross earnings under this paragraph, the Secretary shall take into account the size, type, and number of fishnets owned by the eligible owner and in use by him at the time of, or intended to be used by him before, such Federal or State restrictions were imposed and the expected income per fishnet for that calendar year.

"(3) No grant may be made under this section unless application therefor is made before the close of the calendar year after the calendar year in which the prohibitive Federal or State restrictions concerned are imposed.

"(C) The Secretary shall attach such conditions and limitations with respect to a grant made under section 3 of this Act as he deems necessary or appropriate to protect the interests of the United States. The acceptance of a grant made under section 3 of this Act shall operate as an assignment to the Secretary of all rights of the eligible person receiving the grant to recover damages against any party for committing or failing to commit acts which resulted in the imposition of the prohibitive Federal or State restrictions on the basis of which the eligible person obtained such grant. If the Secretary recovers damages by exercising any right assigned to him under this section, any amount so recovered in excess of the amount of the grant made under this Act and the administrative expenses incurred in exercising such right shall be paid to the eligible person concerned.

"(D) There is authorized to be appropriated to carry out the purposes of this Act not to exceed $4,000,000 for the fiscal year ending June 30, 1972, and not to exceed $5,000,000 for each of the four succeeding fiscal years."

The ACTING PRESIDENT pro tempore. Is this the Senator's amendment on which there is a 1-hour limitation?

Mr. STEVENS. This is the amendment, Mr. President.

The ACTING PRESIDENT pro tempore. Thirty minutes to a side.

Mr. STEVENS. Mr. President, this amendment deals with the problem of fishermen, primarily the fishermen on the west coast.

I ask unanimous consent to have printed in the RECORD at this point the statement I made when I submitted this amendment, so that it can be understood in context by the people who will be reviewing this RECORD on the other side.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Mr. Stevens. Mr. President, today I am introducing a bill and submitting an amendment to another bill designed to assist Alaska fishermen who are faced with economic ruin as the result of restrictions imposed upon them in their domestic commercial fishing by prohibitive Federal or State restrictions.

The bill I am introducing today authorizes the Secretary of Commerce to purchase these fish from any legal entity which first, owns fishing equipment; and second, engages in domestic fishing as its usual occupation. The catches of fish which may be purchased are those which the owner is prevented from selling by restrictions related to a deterioration in the quality of the aquatic environment which were imposed on or after January 1, 1971 by any State or Federal agency and which, in the judgment of the Secretary, impair the economic feasibility of any type of domestic fishing.

The Secretary is authorized to buy such fish at the fair market price in the area at the time of purchase. The "fair market price" is a term of art widely used in the law and easily determinable. Such fair market price must be evaluated in the specific locality, that is the specific town or city at which the catch is sold. The price must be determined as of the specific date of sale. Thus defined, these terms will provide the Secretary with practical guidelines for enforcement.

The total amount of such purchases in any calendar year from any one eligible owner may not exceed 50 percent of its gross earnings from domestic fishing operations. The Secretary is then authorized to dispose of these fish in any legal manner he deems appropriate. Any such purchase must be subject to the condition that the eligible owner assign to the Secretary any right he may have to recover damages for the act or omission resulting in the imposition of such Federal or State restrictions. The Secretary is also empowered to prescribe rules and regulations necessary to carry out the provisions of the act.

Finally, amounts not to exceed $4,000,000 for fiscal year 1973 and $5,000,000 for fiscal year 1974 are authorized.

Mr. President, this bill is specifically designed to alleviate a problem facing many small fishermen in southeast Alaska. It is the result of mercury pollution levels found in halibut by the Food and Drug Administration. This finding has resulted in a determination that halibut above a certain size may be dangerous and unfit for human consumption. Because of this finding, the industry has been unable to sell halibut over a certain size, such size varying depending upon the area of the ocean in which the halibut was caught. This problem has had devastating economic effects throughout southeast Alaska.

On October 8, 1971, the Subcommittee on Oceans and Atmosphere of the Senate Commerce Committee held hearings in Petersburg, Alaska, on this subject. At these hearings, the chairman of the subcommittee, the distinguished Senator from South Carolina (Mr. Hollings) and I were present. A large number of representatives from various fishing groups and governmental agencies were also present and testified before us. A report of these hearings is contained in report No. 92–41, which has just recently been printed. I believe that the need for this legislation is amply demonstrated by the testimony of the many witnesses who appeared and described in detail their personal accounts of the economic devastation they face as a result of this FDA determination.

For example, the situation facing the Petersburg Cold Storage Co. is typical. The Petersburg Cold Storage Co. is owned by 170 individual shareholders. It serves one of the small southeast Alaska towns which is directly affected. It was founded in 1926 by a local group of fishermen and merchants handling fish products, primarily halibut. It has operated successfully and has produced roughly 125,000,000 pounds of halibut, a yearly average of 3,000,000 pounds. Yearly ranges have been from 1 to 5 million pounds. The replacement value of the plant alone is $1,500,000 and it has an insurable depreciated value of $1,029,000. It employs 20 to 60 people per season. The average employment for a 12-month period is 28. The annual payroll runs about $400,000. Normally, they would have 20 to 30 halibut vessels outfitting in Petersburg at times other than the normal seining season. However, as a result of the mercury pollution level, last year only two vessels fished for halibut in the area immediately surrounding Petersburg. In a poll of 13 fishermen in nearby Kake, Alaska, in 1971 not a single fisherman indicated he felt he could economically fish for halibut, given the present restrictions. The same fishermen indicated that they felt that they did not believe that they would be able to fish in 1972 either.

Of course, solutions other than this bill are also being sought. However, even though it is not at all certain that a level as low as 0.5 part per million is necessary or even practical, I believe that one solution that must be considered is embodied in this bill. I urge that my colleagues give it their most serious attention.

Mr. President, the amendment I am introducing today attempts yet another solution to this problem. This amendment is identical to S. 875, a bill I introduced a little over a year ago. This amendment would provide partial reimbursement for losses incurred by commercial fishermen as the result of prohibitive Federal or State restrictions imposed on domestic commercial fishing. It would also authorize grants from the Secretary of Commerce to enable any eligible owner to meet the usual business expenses he was prevented from meeting as a result of these restrictions. Under the bill, if a fisherman accepts reimbursement, he automatically authorizes the Federal Government to file suit in his behalf against those who polluted the waters. Any amount collected in excess of the initial reimbursement and court costs would be turned over to the aggrieved fisherman accepts reimbursement, he automatically authorizes the Federal Government to file suit in his behalf against those who polluted the waters. Any amount collected in excess of the initial reimbursement and court costs would be turned over to the aggrieved fisherman by the Government which initiated the suit. Although it is reasonable to expect this method of reimbursement will ultimately be self-supporting, such a status will probably not be achieved for several years. Accordingly, my amendment appropriates $4 million for operation of the program during the first year and $5 million for each of the 4 succeeding years.

Mr. STEVENS. I ask my good friend and neighbor, the Senator from Washington, whether he has reviewed this amendment and if it is acceptable to him.

Mr. MAGNUSON. As I stated earlier, I have. I am sure that Senator Spong, Senator Hatfield, who has handled some of these hearings, and I will accept the amendment at this time; because I say again that it is germane to this bill. It does not deal with our international problems with Ecuador and Peru, but it is germane to the bill.

Mr. STEVENS. I am indebted to the chairman of the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I yield back my time.

Mr. STEVENS. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, I have not exercised the parliamentary privilege of moving to reconsider. I do not think we will have to do that, but I do want it open so that if other Senators wish to discuss it a little or perhaps wish to move to reconsider and then discuss it, they will be able to do so. But I am almost positive that there will be no problem about these two amendments.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending bill be laid aside temporarily, that the unfinished business be laid before the Senate at this time, and that the Chair recognize the distinguished Senator from Tennessee (Mr. Baker) for the purpose of offering an amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate resumed the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

AMENDMENT NO. 1201

The ACTING PRESIDENT pro tempore. Under the previous order, the pending business is the amendment of the Senator from Tennessee, which will be stated.

The legislative clerk read as follows:

On page 26, line 15, strike out all of section 205.

The ACTING PRESIDENT pro tempore. There is a time limitation of 1 hour for debate. Who yields time?

Mr. BAKER. Mr. President, I suggest the absence of a quorum, on my time.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Proxmire). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield myself such time as I may utilize.

Mr. President, I rise to offer an amendment to strike a section of the bill S. 3526 which I believe is unwise and goes far beyond either the intent or the jurisdiction of the Foreign Relations Committee. It is a provision which would prevent the U.S. Government from providing any assistance to foreign governments in the field of information. It applies to all Government agencies, prohibiting any of them from directly or indirectly preparing or assisting in preparing for dissemination, or disseminating, information of any kind for, on behalf of, or in the name of a foreign government.

The committee was apparently concerned about the activities of the U.S. Information Agency in Southeast Asia. These activities were begun during previous administrations. USIA assisted the information services of the governments of the Indochinese States and Thailand. But the Agency has testified that they have discontinued this effort and that present USIA policy is that such activities shoud be the responsibility of the governments concerned. To the extent that the bill is directed against USIA operations in Southeast Asia, it addresses a situation which no longer exists.

However, it will have an adverse impact on other agencies and activities which promote American domestic and foreign interests and which should be continued. Since World War II our Government has provided information assistance to foreign governments as a constructive and relatively inexpensive part of foreign policy. In addition, of course, it has served our own domestic policy interests when other governments were in a position to communicate to their people matters about which our Government was concerned, or which which were matters of international policy, such as the current efforts on narcotics control and ecology.

In post war Europe we provided advice and, in some cases, media materials to governments which received Marshall plan aid and which supported our foreign policy objectives. Following the Marshall plan period, the United States on occasion responded to requests of a small number of developing nations for assistance with their own information program. This assistance was carefully tailored to provide support for our overall foreign policy goals and was designed to encourage a stable and peaceful political evolution. It was provided only for limited periods of time and for limited objectives.

The sweeping language of section 205 would either prohibit or seriously impair the further dissemination of information which is now routinely passed between Federal agencies and foreign public and private agencies to serve mutual interests in such fields as welfare, commerce, and security. In reaching well beyond the intent of the original Informational and Cultural Exchange Act, section 205 would prohibit or impair the further dissemination of information dealing with the following areas of concern to our Government, both domestically and as they relate to foreign policy:

A. NARCOTICS

Section 205 would prohibit dissemination of information to foreign public agencies for further dissemination of information concerning detection, controls, seizures, and prosecutions which have a direct impact on our domestic drug problem. Foreign narcotics control activities such as the preparation of training materials based on United States-supplied information for use in police antidrug divisions, would be seriously hampered. Further, Federal agencies would be prohibited from disseminating information received from a foreign country for the purpose of apprehending or extraditing for that foreign country a fugitive drug pusher who has sought refuge in the United States. It would seem that such a prohibition would also be contrary to treaty obligations.

B. FAMILY PLANNING

Section 205 would also prohibit the dissemination of information to foreign public agencies and impair the use of information by foreign private agencies concerning methods to achieve planned population growth and advanced methods of curtailing uncontrolled birth rates.

C. POLICE MATTERS

Section 205 would prohibit the dissemination of information to foreign police agencies for further dissemination concerning international crimes and criminals, extradition matters, and law enforcement techniques. Such prohibition would also appear to be an abrogation of U.S. treaty responsibilities.

D. ECOLOGY

Section 205 would prohibit the dissemination of information to foreign public agencies for further dissemination concerning violations of environmental protective agreements, management of natural resources development, and techniques to help minimize or redress ecological damage.

E. EDUCATION, INCLUDING PEACE CORPS CONTRIBUTIONS

Section 205 would prohibit the dissemination of information to foreign public agencies for further dissemination and impair the dissemination of information to foreign private agencies which are designed to improve the effectiveness of educational systems.

F. HEALTH

Section 205 would prohibit the dissemination of information to foreign public agencies for further dissemination concerning international health problems, epidemics, and other indigenous health problems in foreign countries, and the overall use and development of medicines and techniques in improving the health of populations.

G. COMMERCE

Section 205 would prohibit the U.S. Travel Service from providing information to foreign public agencies and impair its effectiveness with foreign private agencies for the further dissemination of information, materials, texts, and photos designed to encourage travel to the United States.

There are many other illustrations falling into such areas as disarmament goals, atomic energy, military aid, insurgency, agricultural affairs, international money matters, and international law, which could also be affected by this provision.

I doubt very much that the sweeping language used in section 205 would have been favorably reported by the Senate Foreign Relations Committee had the points I have touched upon been covered in hearings before that committee when this legislation was being considered. I am unaware of the depth of the committee's hearings on this matter.

Clearly, section 205 goes beyond the scope of S. 3526, which I understand to be an authorization measure for the Department of State, USIA, the Arms Control and Disarmament Agency, and the Peace Corps. Moreover, the ramifications of section 205, as I have illustrated, are clearly outside the purview of the Information and Educational Exchange Act.

In addition to the above, this bill would have one other undesirable result. The second section requires attribution by the particular Government agency of any product it disseminates overseas. I have already indicated how this requirement could impair the effectiveness of our Government's cooperation with foreign private agencies on matters concerning our commerce, health, and welfare.

The requirement that attribution be placed at the beginning of the material would seriously diminish the effectiveness of materials which this Government might want to have distributed abroad and would require new printing of those which we do attribute, either by a specific Government agency or the U.S. Government in general, either at the beginning or the end of the document. The bill would apply to all material distributed, including copies of historical documents, political science tracts, information about law enforcement, international police work, ecology, health and population control, and travel service promotion. These are things which obviously the U.S. Government has no interest in hiding, but whether the specific attribution may be printed in the right place or say exactly the right thing and can be accomplished within the time established in this bill, which would be the time of passage, is difficult to ascertain and it could result in unnecessary and unwarranted expense to the Treasury.

In one special respect this provision could have a most undesirable effect on USIA's operations. USIA assists foreign television producers who want to come to the United States and make films about our country. The Agency lends its studios, provides stock footage as desired, and facilitates travel, interviews, and filming by the foreign television crews. Many of these products are valuable in correcting distortions about life in the United States which are so prevalent abroad.

Mr. President, as evidence of the distortions and a description of some of the work USIA is doing to correct them, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks the series by Mr. Merrill Panitt, editor of TV Guide, which recently appeared in that publication.

The **PRESIDING OFFICER** (Mr. PROXMIRE). Without objection it is so ordered.

(See exhibit 1.)

Mr. **BAKER**. Mr. President, Mr. Panitt's analysis is startling, but that his report is all too true is confirmed by any of us who have had an opportunity to see how our Nation is represented on television screens in other countries. I think we would all agree, indeed foreign visitors to the United States do agree, that the best remedy for some of the false impressions people overseas have about our country is to expose more of the broad reality of life here to television viewers abroad. That is what USIA, with its programs of facilitative assistance to foreign television producers, is trying to do. The problem posed by this bill, however, arises from the fact that in most instances foreign television networks are Government owned and Government operated. If the bill passes with this restrictive provision, a question could be raised whether USIA would be able to continue to give the foreign government television networks the help that they request from the Agency.

Mr. President, it is for these reasons that I offered the pending amendment.

At this time, I reserve the remainder of my time.

EXHIBIT 1

WITH FRIENDS LIKE THESE—ON TELEVISION, SOME OF AMERICA'S TRADITIONAL ALLIES DO NOT ALWAYS ACT THE PART

(By Merrill Panitt)

There used to be a catchy headline in an advertisement for a halitosis remedy. "Even your best friends won't tell you!"

Our best friends, the Belgians, the English and the French, aren't a bit bashful. They tell us. Often. On television.

Usually, they tell us by running news films or public-affairs programs, from American networks, that dwell on our problems. Sometimes it's a matter of giving air time to American dissidents such as James Baldwin, Norman Mailer, Stokely Carmichael and Abbie Hoffman. Occasionally they send their own camera crews to the United States to cover a big news story—such as the Attica prison riot.

Whatever is wrong with us, we don't keep it a secret. And our friends are only too willing to pass our troubles along to their viewers.

We asked David Attenborough, director of programming for the British Broadcasting Corporation, whether he thought Americans were paranoid about being criticized on European television.

"I don't think you're paranoid at all," he said. "What we're dealing with is a problem which is a universal problem. It faces us about every country and every activity you can think of." Whereupon he related the complaints of British industrialists and trade unionists who told him that the BBC was "grossly distorting" the situation of labor relations because it only reported strikes and strike threats.

"It seems to me," he said, "that television's job is not to report the average, but to report the significant. It is particularly important to us in the country to report the significant in the United States. Partly because we are so close, but partly because, as that article says [TV Guide, "Through a Glass—Very Darkly," by Robert Musel, Oct. 2, 1971], what is happening today in the United States is going to happen in five years' time in this country.

"I don't know whether it's true or not, but we do reflect a great deal of what happens in the United States. Certainly if you look over the past few years, many of the things that have happened—the student movement, the drug situation—both of these were seen earlier in the United States than here. Hippies, the love generation. I knew about them first from reports from America.

"Of course we report racial troubles. Of course we report student troubles. Of course we report Vietnam. But if that's all we reported, then you would have a real cause for complaint.

"But what do we see of America? What we see overwhelmingly is Apollo. We've devoted a tremendous amount of time to Apollo flights and Houston and we've gained knowledge of the way Americans indulge in badimage and small talk but organize themselves technologically. Last night we had a program on the 6th Fleet. It seemed to me to demonstrate America's concern and responsibility and how much money you are spending on NATO. We also see a great deal of America on the fringes—things like The Mary Tyler Moore Show represent a certain aspiration in the American character. So does Ironside. All these things together form an amalgam."

All of what Attenborough says is true, of course, but then there's no way to avoid covering an Apollo flight, to avoid giving viewers the sight of men walking on the moon. And NATO is very much Britain's business too, so it behooves BBC to tell its audience what's going on in the Mediterranean east of Gibraltar. There is also some question as to whether Mary Tyler Moore's appealing smile and Raymond Burr's ability to stare down a criminal outweigh the damage wrought by giving American dissidents television time and free rein—and a great deal of encouragement—to attack the basic structure of American society.

After Robert Musel's Oct. 2 article appeared in these pages, BBC used it as the subject of a television panel discussion during which it was brought out that critical programs on such subjects as American unemployment, pollution, sex and marriage, draft evasion, black power and student disorders, all within a period of a few months, did indeed give Americans the impression that British television was slightly biased against them.

Still, said Attenborough, "I and my colleagues, and I believe a great number of British people have profound admiration for the way in which America not only talks about freedom of speech and freedom of reporting, but actually sticks to it. And even when—the going is tough—as it certainly has been during the past two or three years, you say, 'Look, we meant it. We meant that reporting during the Vietnam war is free and open as far as is humanly possible.' And there are very few other countries—as I know personally to my cost—where you can say that."

As elsewhere in Europe, television in Britain, especially news and public-affairs departments, is populated largely by young, left-leaning intellectuals who somehow feel it is their mission to denigrate the American civilization. They scoff at American "materialism"—while in Britain, as throughout Europe today, there appears to be just as much preoccupation with flashy automobiles, comfortable homes and convenience appliances as there is in America. They become indignant over American "racism"—while their own growing racial difficulties are handled with typical British reserve, and politicians win re-election by advocating a halt to black immigration.

This youthful bumptiousness is most evident on a few panel and "magazine" programs, the latter being quite popular in Europe and the model for such American public-affairs programs as *60 Minutes*. In fairness it should be noted that British television generally has a tendency to snipe—whether at the United States or at any other country. This tendency has been described rather accurately, as "bitchiness." It makes for lively, fascinating television.

On panel and talk shows, participants also snipe at their own country and at each other. British television interviewers are sharp and probing. They will not permit their questions to be turned aside and they frequently display anger. One told the man he was interviewing: "Will you please answer the question, for once!" The man he was interviewing was the Prime Minister.

Most knowledgeable Americans believe that as a matter of over-all policy, British television is by no means anti-American. Nor are the majority of producers and editors who work for BBC or the independent commercial organizations. There certainly are, however, enough of them who either dislike America or whose politics involve criticizing America, to make British television—on frequent occasions—a source of frustration and anger for Americans in the audience.

What effect all this is having on British viewers is impossible to measure. Without doubt, however, they are getting a distorted picture of our society if they depend entirely upon television for their information about America.

In Belgium the picture of America one sees on television depends largely upon where one is sitting—in Flanders to the north or Walloonia to the south. The Flemish speak a kind of Dutch, much as Americans speak a kind of English. The Walloons speak French. Each group has its own separate and distinct television network operating under the aegis of the Belgian government.

The Flemish network has strong central control, straightforward news reports with no editorial comments, a number of variety programs with jolly, fat Ed Sullivan in charge, and quite a few American programs run with the original sound track and Flemish subtitles.

The Walloon network permits more local autonomy and gives its producers more or less *carte blanche*. It imports a number of programs from France, and when it runs a program from the United States or Britain or any other country, it is carefully dubbed into French. The news sometimes includes a few editorial asides. An example:

The day Rap Brown was wounded and captured in a New York holdup attempt, the newscaster explained that early reports did not make it quite clear how Brown's capture occurred. "But then," he added, "it often happens that black militants in the United States are shot by police in circumstances that are not clear."

Belgians pay about $19 for their annual television licenses and the money goes directly to the government, which decides how much of it will be necessary to run television for a year. Sometimes it is more than the license-fee income, sometimes less. Technically the government has no voice in programming and a law forbids censorship.

Both networks, however, are extremely cautious about domestic politics, leaning over backward to be fair to all parties. There is little investigative reporting or criticism in covering the government. It is said that there are three political parties in Belgium—conservative Liberal, conservative Social Christian and conservative Socialist—for Belgium is a business-oriented country, welcomes foreign investments (United States investment there is about $1.2 billion; and is a strong NATO supporter.

Belgian networks have adopted a unique method of making certain that all shades of political thought are represented in the news departments. Each news jobs is assigned a point value—an editor might be worth three points, a reporter one. Each political party is assigned a total number of journalistic points depending upon the party's strength in parliament.

Still the French-language network does seem to reflect thinking a bit more to the left than the parliamentary statistics would suggest. The Social Christians now are the ruling party, with the Liberals to the right and the Socialists to the left. If the Social Christians are the center party and if they have more jouranlistic points than the others, why are there so many leftists in the news department? We put that question to Emile Henceval, director of news and current-affairs programming for Radio-diffusion-Television Belge (RTB), the French network.

Henceval explained that the general population is more conservative than the young journalists who come out of the universities and go into television. "RTB has great difficulty in recruiting young journalists who have conservative opinions," he said. "There are hardly any.

"But there is a strong and active left-wing minority even among the Social Christians, and the young ones are attracted by that. If a young Social Christian has one journalistic point, he represents the left wing of the Social Christians, even though the general tendency of the party is center. And one always recruits young people."

Then, we asked, is the general picture of America filtered to the Belgian people through these young leftist journalists?

"That is too dramatic, too general a statement," Henceval said. "The majority of young journalists who represent this movement [a critical current toward United States policy] are just as critical of Russia. But it is not the same. . . . Toward the United States one is very critical but very friendly. If you ask young journalists whether they want a month in America or a month in Russia, they'll all choose the United States."

While there is less editorial criticism of America and there are fewer programs about offbeat—and down-beat—aspects of our country on the Flemish network, the news reports do not paint a bright picture.

"It is only natural," said Lode Van Uylven, news director of Belgische Radio on Televisie (BRI), "that Vietnam and racial conflict and demonstrations get more time on the air than anything else. That's the nature of news. Our sources are mainly the American networks. Whatever they put on the air themselves, we got over here."

The director general of the French language network, Robert Wangermee, insisted that the bad news from America was not really all bad. "What we appreciate from American television is liberty of spirit, of self-criticism about the problems of America," he said. "This is very important, that most of the criticism is coming from the United States."

* * * * *

Some Americans living in Belgium say that the French-language network there seems to follow the attitudes of television in France. That would seem to be true if only because so many programs that appear in Belgium—including public-affairs shows—originate in France. This French influence would also be felt, for the same reason, in other Francophone countries.

Belgium, however, has fallen slightly behind in adopting the new French television attitude toward America. In France, America is doing pretty well.

There are some lapses, but generally we found French television almost *pro*-American compared with some of the other European countries we visited.

This is an about-face from treatment of the United States by French television during most of the de Gaulle regime. At that time, television news was all but the property of the administration. When a cabinet member was to make a speech, however minor, one of his flunkies would call a network news chief and demand that the speech be covered. It was covered.

Television program heads had their antennae up for clues as to what their editorial positions should be. De Gaulle was highly critical of the United States. So was French television.

Although many suspect that the antennae are still up, television news, we were told by the news and special-events chiefs of France's two networks, is now absolutely free. The networks themselves do not criticize the French government, but they do cover opposition political rallies that find fault with President Georges Pompidou and his administration.

Aside from a treatment of "Uncle Tom's Cabin" which was less than complimentary, and a program on group psychology freaks which offered a strangely warped view of how Americans relieve their tensions, the past two years have been relatively free of openly gratuitous slams on French television.

There still are, however, complaints from Americans living in France about what they see as an overly critical attitude toward us, and some have been especially touchy about television reports from the First Network's New York correspondent, Emmanuel de la Taille. Asked about this, de la Taille admitted that he probably was being influenced by the highly critical attitude of the American media to which he is constantly exposed.

So criticism of America still is to be found on French television, but on the whole it has been reasonable and thoughtful. Pierre Desgraupes, news and public-affairs head of the First Network, related a revealing anecdote. It seems the former Soviet ambassador to France was unhappy because French television spoke very seldom about the Soviet Union but quite often about the United States. One day, over lunch, he voiced his complaint to the director general of French TV and to Pierre Desgraupes.

Desgraupes replied that if the Russians made it as easy for him to get a camera crew into Moscow as the Americans do to get a crew into New York, the Soviet Union would be spoken of often too.

After the Russian left, Desgraupes' boss told him: "You know, you won't make it any easier for us to get a crew into the Soviet Union by telling him that."

"Why not?"

"Because you speak a lot about the United States, but you know—and he knows—that everything you say is critical."

We asked Desgraupes if he was making a conscious attempt to balance all the bad news from America with programs that established some sort of balance. He said he was trying, but it was difficult. He even felt compelled, at one time, to produce a program that explained American news-gathering methods, and American freedom of information, to the French audience.

Doesn't France have freedom of information?

"In Europe generally, but especially in France," Desgraupes said, "there is less of a tendency toward the sort of fair play, the sort of criticism that exists in the United States. If we were to criticize trade unions, they wouldn't accept this the way trade unions do in America. If we were to criticize, say, funeral directors, we'd have a letter from their trade union the next day telling us we had put the honor of their profession into jeopardy. Americans accept criticism much more easily than Europeans."

We heard this in other countries too. America has a journalism all its own, a tradition of exposing wrong-doing or unfairness wherever it appears. American readers—and viewers—have become accustomed to this criticism of the Establishment, as has the Establishment. This is not true in most of Europe. The ground rules of journalism are simply different. Some Europeans look upon our self-criticism as a sign of weakness. More, we believe, see it as a basis of American strength.

As in other countries, most of the young people who go into news in France lean to the left. Desgraupes said they were relatively easy to control. The real problem, he said, was directors, many of them Communists, who come and go in television and are almost impossible to control.

The Second Network in France has presented a great many programs on aspects of America rarely touched by other European broadcasters—social security, life in a midwest community, education, old age. This network appears to be more interested in why things happen than merely what is happening. So far as America is concerned, this results in more balanced programming.

News and special events are headed by Jacqueline Baudier, a respective news executive, who doesn't care what her newsmen's politics are so long as they are neutral and objective when they're working.

What is objectivity? we asked.

"Honesty," she replied. "You can't always be objective. But you can be honest."

French television's new—and more balanced—treatment of the United States may or may not have something to do with the results of two recent polls. One showed that 59 per cent of those polled said that America is the country that interests them most, the country they most wanted to visit. China was second with 20 per cent.

The second poll showed that the attitude of all Frenchmen polled toward the United States was generally favorable, with those most favorably inclined toward us being in the 19–29 year-old age group.

Which may indicate that everybody in France didn't believe everything they saw on television during the de Gaulle years.

HOW LEFTIST INFLUENCE ON DUTCH TELEVISION OFTEN RESULTS IN A TWISTED VIEW OF THE UNITED STATES

(By Merrill Panitt)

The Dutch are a tolerant people. When the Puritans were hounded out of England for their religious beliefs, they found safe harbor in Holland for the time it took to prepare their voyage to the New World. When last summer's hippies in Europe found themselves unwelcome in many countries, they turned their bare feet toward the friendly ambience of Amsterdam, where many of them still are to be found living on barges tied up along the city's celebrated canals.

Dutch television is tolerant too. There is a deliberate effort to give air time to the entire gamut of political, religious and social beliefs, an effort which through an odd circumstance results in somewhat more criticism of the United States than would seem to be absolutely fair in that tolerant country. The Dutch television structure is such that there is lively competition to attract young, leftist viewers. Nothing is more surefire in appealing to this audience than taking America to task for its various sins.

Television time, a total of about nine hours a day on two networks, is pro rated—according to the number of members they have—among associations that represent various political, religious and social beliefs. The more members, the more time on the air. Membership involves subscribing to a television magazine published by the association. Programming is financed from funds provided by a $20 annual license fee on each television set and by advertising income from commercials that precede and follow each newscast. The money is divided among the associations which in order to fill their air time, produce their own programs or buy them from foreign sources. They share common studio facilities and transmitting equipment. The associations have found that there is little inclination on the part of middle-aged and old people to switch from one association to another. But young people are susceptible to change, and they will join a different association if it appears to represent their views better than the old one did. Their views generally are leftist views.

It is only natural, then, for the associations to compete for the attention of the young leftists in the hope of gaining them as members and thus winning more time on the air. At very least the associations feel compelled to keep the young people they already have from switching affiliation. This is known in Dutch television as "protecting your left flank."

Two associations make no bones about being left-oriented. One is VARA, which has more than 400,000 members and is therefore entitled to an "A" classification and all the time on the air a Class A association enjoys. VARA represents the Socialists, who are now led chiefly by the New Left. (There are 14 parties in Holland and the Socialists are the largest party with 23 per cent of the vote in the last election. It is in opposition, however, because the government is a coalition of five minority parties.) The other leftist association is VPRO, which has under 250,000 members and is classified "C," which entitles it to considerably less time than VARA. VPRO is a far-out Protestant organization known for its satire. It has drawn the fire of conservative Protestants who complain that some of its programs take the form of obscenity bordering on pornography.

VARA did a program on Angela Davis implying that she could not get a fair trial in the United States. It also did one featuring an interview with Chicago 7 attorney William Kunstler, during which the Dutch interviewer Pier Tania deliberately fed Kunstler questions worded to bring out the most poisonous anti-American propaganda the attorney could produce.

When VARA covered the funeral of prisoners killed in the Attica riot, the interviewer was Pier Tania again. He began the program with this statement:

"American blacks may demonstrate and bury their dead, but American society stays unmoved. There is a growth of poverty, discontent, violence. The black leaders are saying that the black civil war has already started. Attica is a political case. While authority over 1200 black prisoners. Criminals, yes, but also colored people who never had a chance in American society."

He supported this contention with interviews of three mourners at the funeral, one of whom obligingly told Tania: "We feel that America is one big Attica; one big concentration camp. America is a prison, a slave camp for black people. We can't stay here and we can't leave here. We are enslaved here. We're not robbing, we're expropriating money from the thief himself. We're taking what belong to us. Were going to get the person who created this violence—known as Richard Milhous Nixon and Company, known as the United States Government."

For whatever consolation it may provide, VARA has described the Soviet Union as "even more indigestible than the United States."

VPRO, the satirical Protestant association which is just as far left as VARA, has been disowned by many Protestants who object to its sexual permissiveness and its political radicalism. One of its most virulent slams at the United States recently was a musical program titled "Carte Blanche," which featured an American black and two American Indians who live in Holland. Much of it was racial material, with lyrics such as "Niggers hanging from the trees, swinging in the breeze" used to describe current conditions in the United States. Said one American who once spent several years in the Soviet Union, "I never saw anything worse on Moscow TV."

In its preview of the current season, VPRO promised to deliver a number of satirical attacks on the United States, including burlesques of the Chicago 7 trial and interviews with unsuspecting Southerners who respond to friendly Dutch interviewers in good faith and then become the object of ridicule when the film is shown by VPRO.

These two organizations make no attempt to balance their anti-American material, but say it is up to the more moderate associations to provide balance. Among the more moderate ones is KRO, the Catholic group, which is left of center and which is the vanguard of efforts to force acceptance by the Vatican of artificial birth control and of marriage for priests.

KRO has presented many programs, from American sources and from its own production teams, which show positive aspects of the United States. In recent months it broadcast the ABC documentary on Mayor Charles Evers of Fayette, Miss., and a documentary on police work in Kansas City, Mo., which presented policemen as neither villains nor heroes, but men doing an often difficult but always necessary job. But it also offered its viewers programs on anti-Vietnam demonstrations. Lieutenant Calley and the My Lai massacre, and the Pentagon Papers.

TROS is an association more concerned with entertainment than politics. Significantly, it is growing more rapidly than any other group. NCRV represents the traditional, conservative, Reformed-Church, small-town segment of Dutch society. The largest association, AVRO is somewhat to the right of center it brought "The Selling of the Pentagon" to Dutch TV. It also telecast a friendly documentary on the 6th Fleet in the Mediterranean.

None of these associations is permitted to broadcast news. That is the prerogative of NOS, an umbrella organization which has no members but which is awarded 40 per cent of all television time for news, sports, some other types of programs, and the presentations of associations which have under 100,000 members and therefore no right to regular time segments of their own.

As an example, we watched a program broadcast during NOS time as a joint effort by three small church groups—IKOR (Interchurch Consultation for Radio and TV Matters), CVK (Convention of Churches) and RKK (Roman Catholic Church Association). The program was *Kenmerk*, a weekly information program about the church and society, which was offering a two-part series on American use of "chemical warfare" in South Vietnam. The first part had to do with chemical defoliants. That program began with a shot of a map of Europe with Hitler in an inset making a speech. Then the narrator said: "Thirty years ago we divided the world into good and evil, on one side the Nazis, on the other side the Allies and the Dutch. Then the world was divided into the Communist world on one side and we and the Americans on the other. Then the Americans streamed into Vietnam."

The program showed defoliated forests, women and children war victims, bombs being released from planes, and interviews with a Dutch biologist and a Communist Vietnamese doctor. Twice during the program, shots of war victims—fleeing refugees and crying children—had as musical background a male choir singing "Glory, Glory, Hallelujah."

The second part of the series had to do with nausea and tear gases. It presented a film history of chemical warfare, including atrocity film from World War I, which showed chlorine gas victims. Somehow the gases used in Vietnam were equated with the deadly chlorine gas of the First World War.

It was explained that this was a church matter because all this material was being delivered to the bishops meeting in Rome.

News reports as presented by the umbrella organization, NOS, are free of editorial comment. NOS does no editorializing and the associations do no news. But the associations do offer comments on the news, and it is in these commentaries that bias often emerges, for even in the moderates organizations there are leftists in key positions. Holland's most respected news analyst, G.B.H. Hiltermann, appears on television for AVRO, the largest association, and also writes for a leading weekly magazine. In his view, the associations are "completely run or governed or even tyrannized by the New Left."

Hiltermann is no conservative. In Holland, a social-welfare state which is neither completely free enterprise nor completely socialist he is middle of the road. In America, he says, he might be a very liberal Democrat, or even a very, very liberal Republican.

He says all of the broadcasting associations are under leftist influence. "You are forced. You must be progressive. You must agree that something new is coming. You must find new ways. It is fashionable. Maybe it is because this country has for so long been a fairly rigid colonial power. Now that anything is permitted, we are just like Denmark. All of a sudden we are the most revolutionary, the most open, the most crazy society in Europe. The boys with the longest hair are in Holland, the girls with the hottest hot pants are here. This is a country in terrible turmoil. We have all these revolutionary young people trying to find out if our inherited values have some meaning. I'm not against that. The trouble is we have no Establishment, no government, no authority which is still secure in its own position, which can stand. That is the problem."

Hiltermann insists that newspaper circulation figures and popular votes in elections prove that only a minority of the Dutch favor the left. But the left *is* in control of television, and the United States, as the supercapitalist state, is a sitting duck for television pot shots.

"When I was 18 or 19 years old," he says, "I too thought that society was something alien and different and even hostile. At the university we were saying that one day we would have another world, and we would have ideas and discussions and we would plan a better world. And so I think that as a student maybe I too was thinking of blowing up the world.

"But then the world was strong and the Establishment was strong. I don't think that the attitude and the mentality of the younger generation and the atmosphere even in this country is basically wrong. I do think that it is something that will pass over. When they grow up they will change their opinions. The main thing is that the Establishment is weak, so the left is far more effective now. And then there's the mass media. Just think, if you're young and you have long hair and you've something crazy to say or do—you'll be on television. Just give the word! There is no balance, no counterweight, no counterinfluence."

Hiltermann said that the young people one hears from in Holland are leftists but in addressing students at universities, especially engineers, he has gained the impression that the majority of students are not inclined toward the left.

"You must notice in the United States that this left minority can extend a great influence, and the world has constantly been shaped by minorities. The Russian Revolution was not made by a majority. And a convinced and passionate and eagerly working minority can convince a people of quite a lot of things, especially if they are in control of communications. That is the danger."

At the headquarters of the organization that broadcasts all news reports in Holland, the deputy head of NOS television programs, Harry Hagedorn, said he didn't know—or care to know—the political views of the men who read the news.

"Our job is to report all opinions and viewpoints. We want to have critical people working for us, but not activists."

He admitted that Dutch television was critical of the United States but that the criticism comes out of true friendship. He also said he believed viewers were getting a balanced picture of the United States.

However, when he first visited America, he said, "I was surprised to find poor white people. Here in Holland we always thought that poverty had only to do with black people. We thought they were treated badly and so they were poor. I saw that there were white people who were poor too."

We asked Hagerdorn whether Dutch television criticized the United States so often because America is a capitalistic nation. "It may also be," he replied, "because we have problems in our country and it's very nice to look at other people who also have problems."

Ratings are a deep secret in Holland, where only a few top executives see the figures. The most popular program most weeks is *Peyton Place*. Next comes *On the Buses*, a British situation comedy. American programs occupy about 31 hours a week—some 18 per cent of all television time. Among the programs are *Lucy, The Brady Bunch, Alias Smith and Jones, Mission: Impossible, Bonanza* and *Nancy*.

Most of them have much higher ratings than the current-events programs that emphasize a negative view of the United States. Still, it is annoying and frustrating for an American to see his country's faults exaggerated, or at least dwelled upon until they overshadow our accomplishments.

J. William Middendorf, America's Ambassador to the Netherlands, put it as diplomatically as possible: "One of the trends I've seen since I've been here has been a tendency for quite a few television programs to take America out of context. They show a part of America that does exist, but to someone who doesn't have the shared experience with America that those over 40 in the Netherlands have had either during the war or after it—to such an outsider selecting a few programs about America without looking at the over-all picture, he might get the impression that America is made up of nothing but illnesses. I would hope that there would be more of a balance possible.

"I don't say this as a criticism of all of Dutch television. I say this as a criticism of a very small part of it. One tends to remember the few negatives—and the few negatives do stick in your mind—at least those that don't seem to be at all balanced."

The Ambassador said he was chiefly concerned with the effect of these programs on the younger generation in Holland who might get the idea that America is just "kind of a sick place."

American observers agree that the Dutch people have a much more positive attitude toward America than their television does. One mitigating factor may be the fact that the source of each critical program is known. Says James Everett, an American public-relations man who also is general manager of an English-language newspaper distributed in Benelux countries, "They tell you this next program is presented by a leftist organization, so you sit back in your seat and can discount it. Labeling prejudices tends to take the sting out of them." The Dutch are used to considering the source of the programs they watch on television.

Not long ago one of Holland"s former leading industrialists, now a consultant well-qualified to analyze socio-political conditions, was commissioned to do a private report on Dutch attitudes toward the United States. Here are some of his comments:

"The virtues inherent in social criticism a very small section of the young people. Their somewhat wanton anarchy is rejected by most young people, but their sociocritical ideas have become the common property of the younger generation. Also older people have been led to thought and have become uncertain. Dismayed by overpopulation [Holland is the most densely populated industrial nation in the world], frustrated by a worldwide moral and religious crisis, made radical by their powerlessness in regard to all sorts of problems, their own and international, they are confronted evening-in and evening-out by the often glib and emotional radicalism of the TV commentators. . . .

"The virtues inherent in social critcism are at present the monopoly of the political left in Holland (and in Europe). This means that the leftist parties can find in the United States an ideal target, a self-evident bogey, directed at the maintenance of the established position of institutions such as the army, capitalism, big business, etc., and thus opposed to renewal, anti-intellectual, violent, against participation, etc.

"The illustrated self-criticism of the United States which is obtainable everywhere supplies ample and damaging material to strengthen this latter picture."

An Evil Place Run by Evil Men

(By Merrill Panitt)

Sweden has the most blatantly anti-American television this side of the Iron Curtain. We were introduced to it one quiet Sunday evening in Stockholm, when an English lesson appeared on our hotel-room screen.

It featured a man, a boy and a sketchbook. The man asked, "What is this?" and held up a drawing of a pretty girl standing in front of the Eiffel Tower. "That's easy," said the boy. "She is French."

"What is this?"

Picture of a happy boy bundled up against the snow. Background: the Kremlin. "That's easy. He is Russian."

"What is this?"

Picture of a fat, ugly man chewing on a huge cigar. He was wearing a big cowboy hat, an aloha shirt, and shorts revealing hairy legs. Draped from his shoulders were two cameras.

"That's easy. He is American."

It is the contention of many of those working in Swedish television that the medium should not just inform, it should educate and mold public opinion, it is molding public opinion against America.

Take educational television, directed toward school children. Among the treats enjoyed by first- to fifth-grade youngsters was a two-part atrocity film from North Vietnam showing the alleged results of American bombing.

Recently geography books were distributed to children to be used as texts for in-school telecasts. The cover of the book on the Soviet Union bears an innocuous picture of the Kremlin. The cover of the book on the United States is a picture of unhappy black children behind a fence.

"On Swedish television," says Lars Winburg whose business takes him to the United States on occasion, "America is an evil place run by evil men with evil intent."

News from America, bad enough usually in its original form, is edited to make it appear worse. Thus film footage on the Selma, Ala., march was edited to show only blacks walking, and whites jeering from the sidelines. There were no pictures of the whites who joined in the march. In coverage of our last national election only anti-Administration candidates were interviewed.

American civil-rights legislation is rarely, if ever, mentioned. (School textbooks, printed in 1960, don't cover the subject either.) Dollar imperialism is one word, like damnyankee. Our technological and space achievements are shown, but commentators dwell on the question of why is it that Americans can go to the moon if they can't solve their problems on earth.

The death of Whitney Young, head of the National Urban League, went unnoticed on Swedish television. So did the efforts of NAACP director Roy Wilkins to combat efforts by black separatists to have separate facilities on college campuses. But Stokely Carmichael is a fixture on Swedish television, and the Black Panthers are given so much time that many Swedish people believe it is the only American organization that speaks for blacks.

When Ralph Abernathy, head of the Southern Christian Leadership Conference, arrived in Sweden and appeared at a press conference, he was promptly labeled "Uncle Tom." He told the reporters that to judge from Swedish media, the Black Panthers were Black America. "Look," he said, "there are more people at my Sunday sermon in Atlanta than there are Black Panthers in all of the United States." No Swedish newspaper, or television newscast, carried the quote.

As for Angela Davis, it has long since been concluded that she will be found guilty—*if* the Americans bother to bring her to trial. The Swedish plea is that she be given political asylum outside the United States.

There is a mild joke about Sweden having stereo television—two channels on the left. Actually, many people refer to Channel 2 as the Red Channel, because it's not easy to separate the news from the editorial comments there, and Channel 2 has even more of a tendency than Channel 1 to edit news to fit what the men in the news departments like to believe.

Who are the men in the news departments? According to a leading Channel 2 television producer who asked not to be identified. "It is a floating, seemingly intellectual, unreal people who are the basis for recruitment into the news department. They are not only left, they're professionally left—slightly anarchistic.

"I don't know how the people here at Channel 2 vote, but I would say very many of them are to the left of the party in power [which is left of center]. I doubt that the political pattern is representative of the people in general. If you have a conglomerate of intellectual and young—very, very young—staff at Channel 2, it will stand more to the left. That means that the attitude toward America is not only based on the Vietnam war but it reaches a little deeper to the fact that America is a capitalistic country."

Sweden is a welfare state, with the state owning transportation, communications and the nation's largest iron mine. Other businesses operate under the private-enterprise system. Taxes are extremely high. A family man earning $10,000 a year must pay more than $4,000 in taxes to support state health, education, pension, housing subsidy and other welfare measures. While many necessities of life are covered by welfare, the average family can afford meat only once a week. There is concern in the government about "tax fatigue."

Sweden, incidentally, is experiencing unemployment and inflation problems. Taking into account thousands of people working on emergency government projects, the total unemployed figure runs to about 3.1 per cent of the 3.9 million working force, which is critically high by Swedish standards.

Television is government chartered, with each set owner paying a license fee of $40 a year. For this he has two channels of television on the air each evening and educational television for his children during the day.

The preoccupation with what is going on in America, and what America is doing wrong in international relations, is almost to be expected. There are eight million Swedes in Sweden, about 12 million people of Swedish descent in the United States. Over a period of 50 years, about a quarter of Sweden's population emigrated to America. And the Swedes themselves boast, "We are the most American nation outside of America."

Dr. Leif Carlsson, a leading political commentator and head of the cultural department of the newspaper Svenska Dagbladet, is also a member of the Royal Control Board of the Swedish Broadcasting Corporation. We asked him whether the Swedish people were getting a balanced picture of the United States through their television. His reply: "Not quite, I'm afraid."

In straight news, such as a speech by President Nixon, he said, the people usually do get objective news.

"In one certain sense, however," he said, "the picture is unbalanced. Some phenomena in American life have been stressed out of all proportion—such as the Black Panther party, the black-power movement, even the antiwar movement. If the Swedish public were to create their picture of the American social scene in its broadest sense from Swedish television—as of course the Swedish public must do in most cases—there is a risk that they must overlook the central fact that there are important developments in the United States other than the Black Panther party, that there are indeed political thinkers other than Eldridge Cleaver.

"My fundamental impression," he said, "is that these extreme and marginal phenomena—important as they are—are given in Swedish television a role out of all proportion to what they in reality are."

Dr. Carlsson said some of his personal friends who are television producers have radical leanings and would be proud to admit it—especially the young ones, and there are a great many young ones.

"I have the impression," he said, "that there is emerging a new type of TV journalists, who have the honest and honorable conviction that it is their duty to do the good thing, to head the good forces of the world. To knock the United States. To play Americans down and help what they regard as the true cause of the American people, the American people being more or less unconsciously identified with the black community of the United States and the student population. They are presenting what I regard as a distorted picture of the United States but of course they regard it as a true picture of the United States. They present this obviously distorted picture because out of very serious convictions they think that this is the right thing to do."

It is also the right thing to do, by their standards, to offer viewers a three-part propaganda series from Cuba, propaganda films from North Korea and North Vietnam, even material from the Argentine underground.

The Soviet Union, on Swedish television, is pictured as an essentially peaceful nation, with such episodes as the marches into Hungary and Czechoslovakia classified as "exceptions." In contradiction to this picture, the Soviet Union is, however, attacked vigorously on these "exceptions," as well as on its lack of intellectual freedom, treatment of the Jews and persecution of writers such as Solzhenitsyn. Other members of the Soviet bloc come in for criticism too on matters of personal and intellectual freedom.

Still, if anyone kept score, the U.S. would undoubtedly win the "most often criticized by the Swedes" prize.

Journalists in Sweden are protected by a press law which forbids interference with their creative efforts. An American reporter told us that the worst job in the country must be that of a managing editor: "He can't manage because of the labor laws. [It's almost impossible to fire anyone.] And he can't edit because of the press laws."

These laws also apply to television, and one television director sued the director general of Swedish broadcasting because some scenes had been cut out of one of his programs. The film director won the case in a lower court, but much to the relief of broadcasting executives, a higher court reversed the decision.

By law, television programs must be "Impartial." Hakan Unsgaard, the head of Channel 1, cited this law several times when we questioned him as to whether he thought Swedish television was being fair to the United States. In effect he said it was fair because the law said it had to be.

He made much of the fact that they get most of their material about the United States from American networks. If there is more emphasis on problems than anything else, that is perfectly natural in news coverage, he said.

Unsgaard is a member of a group that supervises the journalism school in Stockholm. "Within the last two or three years," he said, "graduates of the school have had the idea that they not only have to describe what's happening in the old who, what, when, where, why tradition, but they also have an ambition to change the society by their writing."

He also made the point that there is an interaction among the various media. "You have in the Swedish press and radio and in books, the debate about the United States, especially about the United States in Vietnam. That, of course, is also reflected in Swedish television programs. If the press is critical of America, television is likely to be."

The press *is* critical of America. It is almost a competition to see who can paint the most unfavorable picture.

There was the celebrated case of Glanton Dowdell, an American black who jumped bail on savings-bond forgery charges and fled to Sweden. There he became a public hero on television and in the press by claiming that he was being persecuted because he was a labor leader and that he would be killed if he returned to the United States. An American attempt to extradite him failed. Finally a Swedish paper sent a reporter to Detroit to investigate. It was learned that Dowdell was no labor leader, that he had a long police record, that his story was ridiculous. The paper printed the facts, but it might just as well not have because it kept right on referring to Dowdell as a labor leader who was being persecuted by the United States.

An American took the paper's editor to lunch and asked why, if Dowdell had been proved a fraud, he still was being described in news stories as a persecuted labor leader.

"Because," he replied, "any editor who did not handle the stories that way would lose his credentials as a radical in the Stockholm journalistic 'community.'"

The American expressed amazement. "Are you saying to me that it's more important to you as a journalist and editor to be considered a good radical than to be correct in what you print?"

Answer: "Yes."

This kind of thinking is difficult for most Americans living in Sweden to understand. Some of them call television stations after particularly insulting and inaccurate programs and try to set the record straight. They find few people interested in facts.

"If this country were to be a book," one exasperated observer said, "it would have to be written by Lewis Carroll or Joseph Heller. It's all either 'Alice in Wonderland' or 'Catch 22'."

Oddly enough, polls show that there still is a great reservoir of good will toward America in Sweden. Asked where they would want to live if they had to leave Sweden, more Swedes picked the United States than any other country. But there is, perhaps, something ominous in the fact that a larger percentage of Swedes over 25 than under 25 wanted to live in the United States. Television may be having its effect on young people.

At least that is the contention of many Americans in Stockholm. One, Gunnar Rasmussen. who heads Pan Am Airways in Sweden, says he has seen a change in attitude toward him and his family since the current anti-America kick started in about 1966.

"I'm certain this television propaganda is having a big influence in changing their opinion of America," he said. "Over the 11 years I've been here I have seen the change. And the opinion that some of the youngsters have of us is absolutely unbelievable."

James Everett, an American public relations man, spent a number of years in Sweden, where his two teen-age daughters were happy that they spoke the language so well they could pass as Swedes in school. "They were almost ashamed of being American," Everett said. "To be an American in Sweden, living in a Swedish environment, is like being a Negro in a WASP community. That may be a bit harsh, but you do have that feeling there."

The problem is a serious one. American Ambassador Jerome H. Holland does a great deal of traveling and speaking around Sweden and is considered by Americans there to be our strongest asset in countering the leftist propaganda. But because this brilliant diplomat is black and holds high government office, he frequently is accused by the leftists of being an "Uncle Tom." He scored well in two television appearances (Swedish TV felt it had to balance those appearances later by running what amounted to a Soviet bloc documentary-film festival), but the job of restoring American prestige will be long and difficult—especially among the young who have neither close familial ties with America nor personal knowledge of America's role in two European wars.

We were told that things are not as bad now as they were before the major withdrawals of American troops from Indo-China. We were told that Sweden's unemployment and inflation problems were centering the attention of the media more and more on her own problems rather than those of the United States. We were told that we had arrived during National Vietnam Week (Slogan: "Get U.S. out of Vietnam") and that it was an unusually mild one—only three or four television programs on the subject during the entire week.

It is good to be told that America is being treated more kindly these days on Swedish television. But to these eyes there still seems to be quite a way to go before anything resembling balance is achieved.

TO LET EUROPE SEE US AS WE ARE

(By Merrill Panitt)

Anti-Americanism is a fact of life in Europe. The bias is quite evident on television and there is little doubt that presenting a negative picture of America is a labor of love for young leftists with access to the medium.

According to Jean-Francois Revel, the middle-of-the-road socialist whose "Without Marx or Jesus" proposes new guidelines for leftist thinking, there are two varieties of anti-Americanism and both of them share a single function: to explain failure.

"For the anti-American of the right, the decline of his own country has been caused by the inordinate increase of American power; that increase has been made possible by the decline of the other great powers. For the anti-American of the left, the absence, or the failure, of socialist revolutions is what must be explained, and the invention of a foreign scapegoat provides a much-needed balm for the ego of the left, which has been bruised by so many defeats and betrayals. American 'imperialism,' therefore, is as good an excuse for disappointed socialism as for frustrated nationalism."

According to Donald Wayne, an American editor now in London writing a book on European anti-Americanism, it is no new phenomenon. He says one of the worst periods was in the 1920s, when Europeans thought of us as a predatory people who invented Prohibition and gangsterism, made money out of World War I, and then tried to collect our war debts.

"The only Americans they saw were tourists," Wayne says, "and the tourists came over here and misbehaved. The attitude of the Europeans was: 'Look at these people. They have no culture, they're barbarians, and they have everything. And look at us. We have culture, we have status, we have background and we have nothing'."

During World War II, Wayne says, American GIs were resented because they didn't belong and didn't want to be in Europe. In England, during that war, the British had a saying that the Americans had three faults: "They're overpaid, oversexed and over here."

Now, says Wayne, Europeans feel that

America is in economic trouble because of the Vietnam war and we expect Europe to help pay the bills for it. Among other things, they also blame us for the hippies who invaded Europe and the drug problem they now face.

Whatever the causes, the effect is criticism of America and Americans in all media, and especially on television, where young leftists find various means of spotlighting our real and imagined failings. We are also the victims of what Joseph Luns, former foreign minister of the Netherlands and now chief of NATO, describes as "selective indignation." Somehow, he says, "people get terribly excited about a Greek soldier putting a bomb under the car of his commander and feel he shouldn't be executed, but the fact that 110 young people have been murdered at the Berlin wall by the GDR [German Democratic Republic] apparently makes no impression. No attention is paid when China wipes out an independent country, while the Free Angola Committee looks under every stone and sometimes under nonexistent stones."

There is a definite tendency, we were told by news chiefs in Britain, Sweden, Holland, Belgium and France, for young people who espouse leftist political causes to go into television news. Many of them feel it is their mission to educate as well as inform their viewers, and, America being capitalistic, some of the "education" takes the form of discrediting America.

Certainly they do not have to look far for material that shows this country in a bad light. Film from American network newscasts—of antiwar demonstrations, racial disorders, strikes, every one of America's problems—is available throughout Europe by plane or satellite on a daily basis. That is the nature of news. "The same thing is true of us," says Ray Scherer, NBC's London correspondent. "We cover Northern Ireland, and the stuff that gets on the air is the rough stuff. If there's something fairly peaceful or something that involves their Parliament, it's hard to get it on. We try, but it's hard to get it on." Good news is no news.

Then, too, there are the network public-affairs programs that analyze America's troubles for American viewers. These are offered for sale abroad. On foreign screens, far from the daily routine of normal life in America, viewed by eyes that cannot possibly place those problems in an accurate perspective, these programs spotlight an America in the throes of dissent and confusion.

A case in point is the Vietnam war, seen on European screens just as it was here—filmed by American network teams for American audiences personally concerned with what American soldiers, their sons, were doing. Only rarely did European television organizations feel it necessary to assume the expense and trouble of sending their own camera teams to Vietnam to film the war *from the perspective of non-participating Europeans.*

Americans, influenced largely, we believe, by what they saw on television, eventually turned against the war. But until relatively recently, Gallup polls showed more than half of the American people supporting it. Europeans saw and were influenced by the same coverage, but they were not involved in the controversy—the two-sided controversy—over the war that was raging in America. When antiwar demonstrations started, Europeans were first puzzled, then angered, over our continued presence in Vietnam.

In sharp contrast to our continuing compulsion to tell the world all that is happening in America, the Russians maintain a wall of silence. It is all but impossible for European broadcasters to obtain spot-news footage from the Soviet Union or the Soviet bloc. Documentaries that present anything but wildly laudatory descriptions of life and production under Communism are unavailable. If a broadcaster wants to cover an aspect of the Soviet Union, the Russians will do it for him—or it won't be done. Only good news is released, and, we were told by a number of news chiefs, even that comes in so late as to be useless.

Yet the Russians are losing ground among leftists, chiefly because they do not dare to turn their cameras—and permit foreign newsmen to turn their cameras—on every facet of what is happening in the Soviet Union. If their system is superior to that of the Americans, the young leftists are asking, why don't they let us see it as the Americans let us see theirs?

And cameras or no, wall of silence or no, the bad news seeps out. The Soviet economy is a shambles, production is shaky, creative thought is stifled. Today's young leftists in Europe are not satisfied with theory. They want to see practical application of theory—and in the case of the Soviet bloc today, the theory of communism is not working well. All this deosn't make the young European leftists like America more than the Soviet Union, but it does make them respect our country more.

What appears to be our great weakness abroad—continued publicity about America's troubles—has turned out to be our strongest asset. No matter how loudly or how often American dissidents shout on European television about loss of freedom in the United States, the newscasts every evening prove they are wrong. Our freedom of information is real and apparent, and the point is driven home every time an American demonstration appears on a European screen, every time a Presidential hopeful condemns the Administration.

Like most Americans, we have wondered about all the downbeat news featured on the evening newscasts. We have been concerned about the effect of all this negative information on our own people and on people abroad who might see it—especially people who are not accustomed to American-style self-criticism in their own journalists' treatment of their own countries' problems.

There obviously is no simple answer. But we do know that in America, television exposure of black demands for equality have—at very least—contributed to the tremendous strides toward equality made by black Americans during the past decade. Television brought us student demonstrations for participation in college administrations. At least some of those demands have been satisfied. Television coverage of the war in Vietnam undoubtedly influenced our entire Nation's attitude toward that war. And it is evident that television exposure of the dangers of pollution helped bring about government action to curb pollution.

Thus, while it is not pleasant to look at bad news—and all the subjects mentioned above appeared on our screens as bad news—the broadcasting of that news does help bring about change. The ability to change is one of the basic strengths of our democracy. Television speeds change.

As for the effect of our bad news on Europeans, we have recently discussed the subject in detail with Americans overseas and with executives in charge of television news in Britain, Sweden, Holland, Belgium and France. And we are more than ever convinced that daily proof of our freedom of information appearing on European screens—in contrast to Soviet censorship—is definitely helping to reduce Soviet influence there.

All this does not make us any more popular in Europe, nor does it convince the young leftists on television that our system is to be admired, but it does make them shrug in resignation when one asks about Russia, and it does bring the statement from many of them that "Russia is hopeless." As a result they turn to other brands of socialism as practiced by Mao and Tito, to the philosophy of Marcuse, or even to the new leftist theory that the working man has made more progress in America than anywhere else and that the freedom, the culture and the technological ability of America make it the only possible place where a socialist world revolution could begin.

The anti-Americanism evident on television in some countries, the criticism of America evident in others, is a cause for concern, we were informed, at the "highest levels of our Government." Only on Swedish television does there appear to be real animosity toward the United States. In the other countries we visited, there were varying degrees of bias shown—frequently in some places, rarely in others. But the inescapable fact is that in each country there are a great many leftists in television who, even if they don't like Russia, abhor capitalism and want to show America in the poorest possible light. So far, at least, this leftist sentiment in television news departments does not represent the thinking of the majority of *viewers* in those countries.

It is important that these viewers respect the United States. One cannot hope, considering the fact of the Vietnam war and the international moves we have had to make to strengthen our economy, that Europeans would love us or be pro-American. Anti-Americanism, according to many experts, runs too deep for that. But there are good reasons why it is desirable that they respect us.

International relations once were based entirely upon military and economic requirements. Diplomats conducted their negotiations in private on the basis of those requirements. This is no longer possible. A new requirement—public attitude—has been added. Sometimes it is possible for leaders to manipulate the public attitude—but not always.

It might have been advantageous to open relations with mainland China five or 10 years ago, but the American public was not ready. Its attitude was such that our leaders continued to oppose China's entry into the United Nations.

Visits by Soviet leaders Brezhnev and Kosygin to other countries have as one of their purposes the fostering of good will among the people of those countries.

Certainly it makes it easier for us to negotiate with the leader of a country if he knows his people are favorably disposed toward us—or that they at least respect us.

Today television, as the most pervasive communications medium, can be used as a tool for creating or destroying good will toward the United States. It may be that American entertainment programs seen on European television are helping us. Our travel and antipollution documentaries certainly show up on the positive side.

The United States Information Agency offers what it terms "facilitative assistance" to European TV camera teams interested in positive aspects of America. In the case of countries with meager television budgets, we sometimes offer small monetary grants to help them cover American medical research, engineering developments or whatever subject interests them. The budget for this is small, however, and not too much can be done.

Perhaps the most important result of this program is to give foreign television news specialists an opportunity to see the United States for themselves, to observe at first hand the America they have been talking about on TV. To many it is a revelation. On the whole, European news and public-affairs specialists go back home after visiting America with a much more balanced picture of our country. And they are more likely to present their viewers with a more balanced picture.

The USIA also produces some film for television which its offices overseas offer without charge to European television broadcasters.

By far the most effective material available to Europeans is in the form of network public-affairs shows and documentaries which are offered for sale abroad by the networks. Some of these treat American problems—"The Selling of the Pentagon," "Hunger in America," specials on the Attica prison riot, and similar programs. The networks also turn out many positive programs, but in most cases it is the negative ones that make the best programming because they are newsy and controversial. It is therefore easier to sell the negative ones to foreign broadcasters whose budgets permit them to buy only a few programs from our networks.

Suggestions have been offered on how to make the more positive network public-affairs programs available to European television. One is to provide USIA with sufficient funds to buy foreign television rights to a number of American network public-affairs programs. The film then could be made available as complete programs or as source material, segments of which could be used in programs produced by Europeans.

Another suggestion is to provide some sort of tax relief for the networks if they would agree to turn over foreign rights to at least some of their public-affairs shows to the USIA.

Certainly some means must be found to provide positive programming about America to European broadcasters without charge. The advantage of using network programs is that they would be free of any stigma of propaganda.

American companies with major investments in Europe might also consider the wisdom of sponsoring documentaries about America for use on our own networks and for distribution overseas without charge. Bell Telephone did this with a program titled "It Couldn't Be Done," which has been seen in some 129 countries, to good effect. If a program is interesting enough to be shown on American television first, it is less likely to be considered propaganda by foreign broadcasters.

It goes without saying that bad news is unfortunate, as are programs that reveal negative aspects of our country. But for our own good, for the sake of our own change and progress, we must continue to examine and criticize our faults. And we cannot, even if we would, prevent this negative information from going overseas for it is shining proof of our freedom, of our desire to change and to improve our society.

All we can hope to do is to present a more balanced picture. To make certain that the positive is shown along with the negative. To let Europe see us as we really are.

AMERICA OUT OF FOCUS: HOW—AND WHY—EUROPEAN TELEVISION DISTORTS OUR IMAGE

(By Merrill Panitt)

As seen in television news and current-affairs programs in much of Europe, the United States of America is a horrifying country.

It is seen as imperialistic and warlike, bent on dominating Southeast Asia and the emerging countries of Africa, which it is preparing to exploit.

It is described as a place where blacks live in near-slavery, despite the admirable efforts of the only organization that represents them—the much-persecuted Black Panthers.

It is alleged to be plagued with poverty because capitalists want it that way. The threat of poverty helps them exploit workers.

It is pictured as forcing millions of young people, concerned about Vietnam, crime and pollution, to turn to hard drugs.

It is projected as a corrupt, dangerous place where walking on the streets—anywhere and everywhere—is an invitation to be robbed and/or murdered.

The impact of all this on viewers is so strong, so pervasive, that even loyal Americans working abroad confess that each time they are scheduled to go home on leave they experience real fear about what they will find there.

"Imagine," they say, "what effect this distorted picture has on Europeans who have no frame of reference, no background of life in America to balance what they see on television."

More important, perhaps, imagine a future in which our leaders must deal with a new generation of European leaders conditioned to believe that our system is no longer viable, our national morality is despicable and our people are disunited.

The picture is not entirely black. Our comedy and variety-entertainment shows picture a happier America, and our Western shoot-'em ups, are generally accepted as pure fiction—even if there is some doubt about crime programs. (A Polish television executive, it is reported, was taken to task for not being anti-American enough. He promptly satisfied his bosses by scheduling *The Untouchables.*)

There are also such inescapable news events as the Apollo flights which present America and its society in a more favorable light.

Finally, there are signs that in a few countries, at least, those in control of television realize that they may have gone too far—or permitted their subordinates to go too far—in presenting a malignant view of the United States. Now and then there are efforts to counter the preponderance of negative news and current-affairs programs by showing positive aspects of the apparently ailing colossus across the Atlantic.

In the past two and a half years, Americans in France have witnessed a near about-face in television's once venomous attitude toward their country. But they still were pleasantly surprised recently when a newscaster discounted a tirade about American injustice from Angela Davis's sister, Fania, by carefully pointing out that Angela Davis has so far been extended every possible right provided by the United States Constitution.

That sort of balance is certainly an exception in Europe today. And the reality of television news and current affairs abroad is such that even if there were a conscious effort on the part of television officials to be fair to the United States—and we cannot find too much evidence of that—it would be extremely difficult to do so. Here are some of the reasons:

1. Much of the American news that reaches European television screens is bad news. Ed Murrow said, "Good news is no news." A Dutch television executive prefers: "When the garbage is collected it isn't news." Whatever definition one chooses—or invents—the fact remains that unless an event or happening is unusual, it isn't news. And more often than not, an unusual event means bad news.

American journalism has a muck-raking tradition. More than any other people, we dote on self-criticism. Our television, our newspapers, our literature, our art, all reveal the nature of our discontent with the way things are. Whether this self-criticism is a major factor or a minor one in America's growth and power is a subject for philosophers to determine. Certainly, however, it has not hampered our progress.

While there is some self-criticism in European countries, nowhere is it such a basic characteristic of journalism as in the United States. Nowhere is muckraking present to the degree it is in American journalism. Our television news programs, like our newspapers, are concerned with what is wrong with our government structure, our leaders, our prisons, schools, roads, automobiles, race relations, traffic systems, pollution laws—every facet of our society. In Europe, there is much less emphasis on exposing what is wrong, much more satisfaction with the status quo.

The difference between a French journalist and an American journalist, it has been said, is this: the American will dig up a scandal, write the story, and print it. The French journalist will dig up the story and tell you about it over dinner.

Not long ago French Premier Chaban-Delmas made a walking tour of Nanterre, a deplorable slum bordering Neuilly, one of Paris' most exclusive and expensive suburbs. The hovels of Nanterre are made of discarded oil cans, and the inhabitants, most of them foreign laborers, cook their meager meals over open fires. Journalists made a big thing of the Prime Minister's visit and his statement that something had to be done. But there was little mention of the slum *until* the Prime Minister's visit. He made it news—really news, because unlike America, where politicians seek out troubled areas, Europeans prefer to find unhappiness farther from home.

While American newsmen dig for trouble and bring it to the attention of the public, European newsmen are more likely to confine their reporting to what *has* happened. Because European viewers are not conditioned to a great deal of self-criticism in their own countries, American self-criticism—always evident on their screens—has great impact on them. To them, America is a morass of unsolvable problems, whereas their own countries—according to the same channels that dwell on American troubles—are relatively trouble-free. A little unemployment here and there, growing resentment against laborers imported from Portugal, Turkey and Northern Africa, some difficulty over rising taxes, but generally all is well.

2. Europeans are avidly interested in news of America. In the five countries we recently visited—England, Sweden, the Netherlands, Belgium and France—interest in America was exceeded only by each country's own national news.

This is understandable. America is where the action is. Decisions affecting the peace of the world are made here, as are decisions involving world trade. Our music is international, as is our literature, our dance, our art. Technological advances, more often than not, originate in America.

So do troubles. Pollution is certainly nothing new to Europe, whose rivers have turned up millions of dead fish at various times throughout the past couple of centuries, and whose cities are just as smoggy as ours. But our communications media started talking—and worrying—about pollution before the European media did.

Whether it be pollution, racial strife, student unrest, crowded roads, technological unemployment or anything else, Europeans see in the news of American woes a portent of many of the very problems that will be affecting them in a few months or a few years.

America, too, is the bulwark against the Russians. She came to Europe's aid twice in major wars and can surely be counted on to do so again if the need should arise. Many believe that General de Gaulle pulled France out of NATO because he was absolutely certain that in the event of trouble, the United States would have to come to France's aid—whether France was in or out of NATO. That left de Gaulle free to play a lone hand in world politics and build his own armed forces any way he wanted to.

After World War II the United States played a major part in the rebuilding of Europe. American taxpayers paid for some $9 billion in nonmilitary foreign aid in just the five countries we visited.

What happens *in* America, then, and what happens *to* America, are of vital interest to Europeans. That is why their television carries much more news of the United States than any other foreign country.

3. Most of what appears on European television about the United States originates at ABC, CBS, NBC or PBS. A few countries maintain permanent correspondents in Washington and New York who are on hand

to cover the top news events and to offer commentary. Occasionally special camera teams are sent to the United States to do specific programs. But day in and day out, the bulk of American material for European evening news programs comes from our networks and is delivered by plane or by satellite. Network current-events programming—from "The Selling of the Pentagon" and "Hunger in America" to "Who Invited Us?" and "Attica"—appears either in original hour-long form or as film segments of European programs.

In Holland, for example, film from "Who Invited Us?" the controversial PBS documentary on American incursions into other countries, was used in a program titled "America the Beautiful." A Dutch televison magazine ran this description of it: "Clips from film archives, quotes from politicians, authors and military men. Fragments of movies and TV commercials telling the story of the myth and the reality of 'God's own country' which is always the subject of admiration, disgust, illusions, dreams and nightmares in ever-changing form. Genocide and slavery were the roots of America's riches. Poverty is nowhere as aching as it is in America."

What we consider to be a story of interest only to Americans on tonight's network newscast will, if it's big enough or exciting enough, usually turn up on the air in a dozen European countries later tonight or perhaps tomorrow. Whether it be an anti-war demonstration, a prison riot, a politician's attack on the Administration or any other news—and it's generally bad or it wouldn't be news—the film will appear. Seen by foreigners, it will be out of context, free of the balance and perspective provided by living in America and knowing what normal life here actually is.

In the words of Pierre Desgraupes, chief of news and current-affairs programming at the largest of the two French networks, we Americans are the "victims of our own virtue." It is our cherished—and greatly envied—freedom of information that may be exaggerating our troubles in the eyes of many Europeans, leading them to believe we are a nation on the brink of disaster.

But while it may make us its victims, this virtue also is our most effective weapon against the Soviet Union in European communications. Even the most bitter critics of America throw up their hands in disgust at the rigid control of news exercised by the Russians. Newscasters describing an Apollo launch take delight in pointing out that the Soviets release censored film or tape on a launch only after it has gone off successfully, while the Americans permit live coverage.

Asked why they don't run as much material about the Soviet Union as they do about America, European news chiefs reply that it's impossible, the Russians insist upon supervising all filming, and that is unacceptable to the news chiefs. As for what the Russians themselves offer, it's mostly parades and events of little news value.

The contrast between the American and Russian approaches to news is evident on European television. Despite the image distortion inherent in revealing—out of context—our most critical problems to the world, nothing stands out more clearly and more lastingly than American freedom of information. This, we were told by television news executives in each country we visited, is our strongest asset.

Whether this is an intellectual exercise or not remains to be seen. Is the message of the freedom of our communications media enough to outweigh the detailing of America's problems night after night on European television? The answer may be in the fact that even though they are thoroughly familiar with all that is wrong with America, the great majority of Europeans, young and old, keep insisting in public-opinion polls that, given their choice of any country other than their own, they would prefer to live in the United States.

4. The final reason why balance and fairness in treatment of America is all but impossible today in the countries we visited is the political thinking of the men engaged in television news and current-events programming there.

There is a tendency for young people to hold political views further to the left than those of the majority of a country's voters. There also is a tendency for those interested in communications arts—drama, literature, painting, television, news—to hold political views further to the left than those of the majority of a country's voters.

In Britain, France, Sweden, Holland and Belgium, young people are in the majority in television news and current-affairs departments. Most of them lean to the left. They freely admit this as do their superiors.

"Left" can mean anything from a middle-of-the-road member of the Socialist Party to Communist, Maoist or anarchist. Whatever their beliefs, the United States represents many of the things they like least—capitalism, the war in Vietnam, racial unrest.

They are not particularly happy with what's going on in their own countries—or in the Soviet Union, for that matter—but for one reason or another it is usually easier, and safer, to criticize the United States.

Obviously there is less difficulty in analyzing someone else's faults than one's own. For years we told the British how to solve their colonial problems. Only a few weeks ago Sen. Ted Kennedy informed them that they ought to withdraw from Northern Ireland. The further away a problem is, and the less we know about it, the easier it is to solve.

It probably would not be fair, in the case of most of the five countries we visited, to describe television news and current-events criticism of the United States as clearly intentional anti-Americanism. But slanted documentaries, one-sided film editing, editorial asides during news programs, ridicule, half-truths and outright lies are evidence of at least a *bias* against America.

The form of bias is different, as is its intensity, in each of the five countries. In France, it was just barely evident, a far different situation from the one that obtained at the height of the de Gaulle regime. After France, in order of increasing bias against America on television, we would list Belgium, the United Kingdom, the Netherlands and—most biased of all—Sweden.

We have listed four major reasons why it would be difficult for European television news and current-affairs programs to present a completely well-balanced picture of America to their viewers. Difficult or not, it *could* be done. At least there might be a more *equitable* balance between the positive and negative aspects of the United States if more European television executives were inclined to make an effort in that direction.

Some of this bias is, perhaps, understandable. We are big and rich and strong. We have undoubtedly made some mistakes in our international relations, as have most nations. But our mistakes receive more attention than theirs. Now we seem to Europeans to be getting our comeuppance in Vietnam and in our economic situation. It is always satifying to see the big fellow in trouble. Dwelling on his troubles—out of frequently proclaimed friendship—makes interesting television.

But some of the bitterness evidenced on home screens in the countries we visited could have serious consequences. A generation brought up on television programming that presents a distorted picture of the United States could cause serious trouble in the future. Public opinion today is a tremendously important factor in the conduct of foreign affairs, perhaps as important as military and economic considerations.

That is why bias shown against the United States on European television, a medium of unequaled emotional impact upon its audience, is causing serious concern in the highest circles of the American Government.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. FULBRIGHT. Mr. President, the pending amendment would put the Senate on record as saying: "Yes, we think it is perfectly proper for the U.S. Information Agency to serve as the mouthpiece of foreign governments and to propagandize foreigners in the name of, and on behalf of, private corporations."

In this fiscal year the USIA admits to a budget of nearly $2 million for propaganda aid to the Thieu government. And I suspect that this is only a small fraction of the total cost. If Senators want the United States to continue to be the mouthpiece for General Thieu's government or any other government, they should vote for this amendment. If Senators think the United States should let other governments speak for themselves to its own people, they should vote against the amendment.

The members of the Foreign Relations Committee do not believe that our Government should be the handmaiden of every foreign government and U.S. corporation operating overseas by underwriting their propaganda for their own people.

The provision approved by the committee, which the Senator from Tennessee's amendment would strike, simply says that no Government agency shall, without specific authorization:

First. Prepare or disseminate propaganda for, on behalf of, or in the name of, a foreign government; or

Second. Prepare information for distribution abroad unless it bears the name of the agency involved.

How, may I ask, does the Senator from Tennessee's concept of the proper role for the USIA abroad fit in with the so-called Nixon doctrine? Somehow, while I never have had a clear explanation of the Nixon doctrine, I thought it had something to do with becoming less involved in the affairs of other nations, especially internal affairs. This involvement of turning out propaganda for foreign governments or under the imprimatur of U.S. corporations, is nowhere authorized in the Smith-Mundt Act. And I believe that the authors of this basic statute would be the first to protest the perversion of the act, if they were here with us. The committee provision, which the amendment proposes to delete, serves to have our overseas information program devote its original purpose of telling the truth about the United States.

The kind of practices that were never contemplated under the Smith-Mundt Act and have been revealed in recent years are broadly described in the committee report:

> In recent years the Committee was warned of U.S. Government agencies:
>
> Preparing informational materials which have been attributed to foreign governments, such as in the case of Vietnam and Laos;
>
> Funding by the Government of Radio Free Europe and Radio Liberty with no attribution to the U.S. Government;
>
> Distributing general propaganda materials without attribution to the Government, as in the case of the comic book, "El Desengaño," dealing with urban terrorism, and distributed throughout Latin America; and
>
> Preparing for and attributing informational materials to private U.S. companies overseas, such as in the case of an investment brochure recently prepared for and attributed to Texaco-Gulf in Ecuador.

I continue to quote from the report:

> These practices are deceptive and serve to undermine the basic tenets of the Information and Educational Exchange Act of 1948—an Act whose fundamental purpose was and still ought to be to inform the people of other countries about the United States.
>
> The examples of unattributed material prepared by this or that Federal agency, of covert funding of radio broadcasts to Eastern Europe and the Soviet Union, of propaganda prepared by a Government agency and then attributed to a foreign government—all of this indicates how far we have strayed from the basic purposes and goals set forth in the 1948 Information Act.

We require foreign governments to identify the propaganda they put out in the United States. The very least we can do is to require our own propaganda agency to do likewise when it operates in foreign countries.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for an additional 2 minutes.

Mr. FULBRIGHT. Mr. President, I urge Senators to approve the policy recommended by the Foreign Relations Committee. Anyone who votes for the amendment should be under no illusions as to what he is endorsing.

He is endorsing a policy which says:

First, that our Government can do abroad things that we would never allow foreign countries to do here;

Second, that we should continue to be the mouthpiece for the Thieu government—or do the same for the Greek, Brazilian, or Haitian governments, if the executive branch sees fit to do so; and

Third, that it is proper to use the taxpayers' money to publish propaganda tracts abroad for, and in the name of, private U.S. corporations.

I hope that the Senate will not endorse such a policy.

I urge the Senate to defeat this amendment. The sort of practices it would condone go deeply against the traditions of our free and open society.

Mr. President, I ask unanimous consent to include in the RECORD at this point certain information supplied to the committee by the USIA bearing on this issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. INFORMATION AGENCY, AUTHORIZATION HEARINGS, SENATE FOREIGN RELATIONS COMMITTEE, MARCH 1972 FOR FISCAL YEAR 1973

USIA Response to SFRC Requirement—item 20 (excerpts).

Please describe in detail all services rendered by the USIA to, or in behalf of, foreign governments in FY 1971, thus far in FY 1972, and proposed for FY 1973, including the estimated costs of the services to each country.

Following are explanations of abbreviations used in the responses on countries in the East Asia/Pacific area:

JUSPAO—Joint U.S. Public Affairs Office (Saigon).

GVN—Government of Vietnam.

CORDS—Civil Operation and Rural Development Support (Joint AID/MIL/State/USIA organizations in Vietnam).

PSYOP—Psychological Operations.

VIS—Vietnamese Information Service.

RLG—Royal Laotian Government.

GKR—Government of the Khmer Republic (Cambodia).

RTG—Royal Thai Government.

OFFICE OF ASSISTANT DIRECTOR FOR EAST ASIA AND PACIFIC (IEA)

Introduction

In fulfilling its overseas mission, USIA has been charged with responsibility of working with host country information programs where necessary to achieve our goals. However, USIA's standard operating policy, as stated in an instruction to all overseas posts in 1971, is that we do not provide assistance to host country governments' internal or external information programs. In support of overall U.S. foreign policy objectives in Southeast Asia, USIA has currently made exceptions to this policy for the Government of the Khmer Republic (Cambodia) and the Government of the Republic of Viet-Nam.

In recent years, assistance and services had also been provided to the Royal Thai Government and the Royal Lao Government. Such support to the first government was terminated on May 21, 1971, and to the second on July 1, 1971.

Cambodia (Khmer Republic)

Fiscal Year 1971

In an effort to assist the GKR to improve Radio Cambodia, USIA provided a radio engineer on temporary duty to survey the condition of the radio facilities and make recommendations for and initiate emergency improvements. This service cost to the USIA was about $33,000, of which approximately $15,000 was for test instruments and ground antenna materials (from USIA surplus stocks), and transmitter tubes.

In addition to the above monies for the radio improvement project, about $3,000 in USIA funds was also used for printing 160,000 posters and 1,000,000 leaflets designed and distributed by the GKR.

Fiscal Year 1972

The GKR initiated a plan for reinforcing its radio coverage in northwestern and southern Cambodia through expansion of facilities at Battambang and Kompong Som. Two transmitters to be used in this project are being procured by the GKR under the Commodity Import Program financed by AID. Technical supervision for the installation of the transmitters is being performed by a USIA radio engineer on non-reimbursable detail to the Department of State. Cost to the USIA is approximately $50,000, which includes the salary of the engineer and expenses related to his function.

USIA plans to authorize JUSPAO in Viet-Nam to transfer one 10-KW radio transmitter (as well as two non-operable transmitters for spare parts) to the GKR to replace one of its Phnom Penh transmitters which is reported to be in failing condition. The three items of equipment originally were turned over to JUSPAO by the U.S. Navy in 1970 after their extensive use in airborne transmitter aircraft. Current value of the transmitters is estimated at $1,000. This disposition of used equipment of minimum value, excess to USG needs in Viet-Nam, is believed to be the best utilization of it in view of the GKR's problems in keeping its national radio on the air.

In addition to supporting the radio project, USIA funds were used to procure motion picture raw stock, valued at $150, for the GKR production of a documentary film for domestic use in Cambodia.

Fiscal Year 1973

USIA plans to continue to provide a radio engineer on non-reimbursable detail to the Department of State to supervise the completion of the two GKR transmitters at Battambang and Kompong Som about April 1, 1973. Cost to the USIA is estimated at $38,000. USIA has no other plans for providing any assistance to the GKR.

Laos (Royal Lao Government)

Fiscal year 1971

USIA funds estimated at $36,700 were for three issues of Current Scene magazine, paper for the Lao Photo Sheet, production of 19 reels of motion pictures, and support for RLG cultural teams. Two used USIA vehicles in excess of our needs were donated to the Lao Information Service, with current value estimated at $400 each.

Fiscal years 1972 and 1973

All programmed advice and assistance to the host country information apparatus have been terminated, but the post intends to continue to be responsive to specific requests for advice.

Thailand (Royal Thai Government)

Fiscal year 1971

USIA-funded equipment in the estimated amount of $56,416 was provided to the RTG. Equipment included 43 used vehicles (value $22,000), 88 film projectors ($22,968), 46 portable generators ($7,084) and miscellaneous audio-visual items ($4,364).

In addition, USIA funds estimated at $63,500 were for two regularly-issued magazines (Horizons and Seripharb), posters, training materials, and recordings of materials for radio use.

Fiscal years 1972 and 1973

As in Laos, all programmed advice and assistance to the host country information apparatus have been terminated, but the post intends to continue to be responsive to specific requests for advice.

Viet-Nam (Government of the Republic of Viet-Nam)

Fiscal year 1971

USIA-funded services provided to or on behalf of the GVN totaled approximately $2,560,700. This amount covered the estimated costs of advisory assistance unilaterally to the GVN's Ministry of Information and indirectly to the Vietnamese Information Service by support of joint USG–GVN programs through CORDS.

American salaries (for 26 advisors and support personnel)	$832,000
Media support (periodicals, pamphlets, product evaluation, etc.)	705,000
Operational expenses (foreign service allowances, local personnel salaries, and pro-rated housekeeping and overhead costs)	1,022,000
Spare parts for motion picture projectors to the GVN	1,700
Total	2,560,700

Fiscal Year 1972

USIA-funded services provided to or on behalf of the GVN was estimated at $1,901,000. This figure is expected to be revised downward by a minimum of $500,000 by the end of the fiscal year, but we are unable to determine the exact figure at this time. There has been a steady reduction of USIA-funded advisors and support personnel during the fiscal year, and by the year's end the number will be zero.

American salaries	$588,000
Media support	522,000
Operational expenses	786,000
Used office furniture and equipment to the GVN	5,000
Total	1,901,000

Fiscal Year 1973

USIA-funded services to or on behalf of the GVN will have ceased. The only USIA officer involved in any service will be one AID-funded advisor supervising the execution of an AID-funded contract to train GVN radio technical personnel. This project, scheduled for completion during the first half of FY 1973, is a carry-over from FY 1972 to facilitate the technical operation of the GVN's new high power radio network.

As in Laos and Thailand, although all USIA programmed advice and assistance to the host country information apparatus will have ceased, the post intends to continue to be responsive to specific requests for advice.

Services rendered by VOA technical activities

Philippines

VOA regularly employs two GOP radio technician trainees for a one-year period. Salary costs are paid by VOA.

Estimated cost:

Fiscal year 1971	$1,500
Fiscal year 1972	1,800
Fiscal year 1973	1,800

Thailand

The Thai Government shares use of the VOA Bangkok station and pays its proportionate share of the power cost. The remaining direct costs of the GOT transmissions are paid by VOA.

Estimated cost:

Fiscal year 1971	$8,700
Fiscal year 1972	9,200
Fiscal year 1973	11,000

OFFICE OF ASSISTANT DIRECTOR FOR WEST EUROPE (IWE)

IWE/USIS has rendered no program services, other than radio transmission service described below, to the countries of Western Europe in FY 1971, or thus far in FY 1972, and proposes no such services in FY 1973.

However, as in most USIS country programs, copies of much of our material output is provided host country officials and ministries for informational purposes. Accordingly, some of the content of USIS materials may find their way into host country reporting or information output.

Services rendered by VOA technical activities

Greece

VOA presently provides the Greek Government substantial airtime on the Thessaloniki facilities free of charge. When the Kavala station becomes operational (replacing Thessalonika), VOA will provide the GOG airtime on the medium wave transmitter and exclusive use of one shortwave transmitter free of charge.

Estimated cost:

Fiscal year 1971	$18,000
Fiscal year 1972	18,000
Fiscal year 1973	46,000

OFFICE OF ASSISTANT DIRECTOR FOR LATIN AMERICA (ILA)

ILA/USIS has rendered no major program services to the governments of Central and South America in FY 1971, or thus far in FY 1972, and proposes no such services in FY 1973.

During FY 1972, however, some facilitative assistance was given on request to the following governments:

1. In Colombia, USIS Bogota has provided occasional technical advice to the Press Office of the Colombian President on TV techniques and presentation.

2. In Bolivia, USIS has provided suggestions to the Bolivian Government on publicity for its economic emergency plans.

OFFICE OF ASSISTANT DIRECTOR FOR NEAR EAST AND NORTH AFRICA (INE)

Morocco

VOA provides Radio Rabat up to 300 weekly transmitter hours over the Tangier transmitters free of charge. The present rate of usage by Radio Rabat approximates the maximum provision.

Estimated cost:

Fiscal year 1971	$61,000
Fiscal year 1972	57,000
Fiscal year 1973	65,000

USIA Response to SFRC Requirement—Item 21. (Excerpts.)

For FY 1971 and FY 1972 please list any publications which USIA produced or helped to prepare, editorially and/or financially, but which were distributed without attribution to the agency or the U.S. Government. Also list all publications produced for, or in behalf of a foreign government, the number produced and the cost of each publication.

OFFICE OF ASSISTANT DIRECTOR FOR EAST ASIA AND PACIFIC (IEA)

Vietnam

Development of non-attributed Psyop materials by JUSPAO field development division FY 1971 combined through phase-down first quarter FY 1972. JUSPAO shipped these printed materials to GVN Information Service, distributed at reader level.

A. Pamphlets: Following pamphlets developed and ordered by JUSPAO from RSC Manila during FY 1971. Some deliveries extended into first quarter FY 1972. Costs calculated at 75 cents per one thousand impressions.

Title	Number copies	Cost
Growing Up in Fire Fight	130,000	$4,680
Appeal to Blood Donors	12,000	63
Pre-Natal Care	26,000	230
Brother Hai and Village Co-Op	200,000	4,200
New Faces in Vietnam	100,000	10,200
Face to Face Communications (9 manuals)	450,000	4,987
One Image Two Lives	300,000	3,375

	Number of copies	Cost
Mr. Ba and People's Self-Defense	520,000	$5,025
My Project	100,000	2,400
Mr. Ba and Phoenix Program	113,000	1,097
Corporal Nam Defends Outpost	200,000	4,350
VIS Handbook	20,000	105
Vietnam Magazine Color Covers for Pilot Model	5,000	90

B. Periodicals: Fiscal year 1971: Huong Que (Rural Spirit) farmers' magazine, 12 issues, cost $188,000, Copies 500 thousand each issue.

Long Me (Mother's Heart or Motherland) Magazine supporting amnesty program, 6 issues, Cost $50,200, 200,000 copies each issue.

Weekly Psyop community development newspaper Ngay Nay (Vietnam Today). Format single sheet, two pages, shared by JUSPAO and GVN Ministry of Information. JUSPAO printed 300 thousand each issue numbered 26 through 34 and 50 and 51, Cost $20,000, Total 3.3 million copies.

Fiscal year 1972: Huong Que (Rural Spirit) Farmers' Magazine, 3 issues Cost $47,200, Copies 500 thousand each issue.

Long Me (Mother's Heart or Motherland) Magazine supporting amnesty program, 2 issues, Cost $16,800, Copies 200 thousand each issue.

Weekly Psyop community development newspaper Ngay Nay (Vietnam Today). Format single sheet, two pages, shared by JUSPAO and GVN Ministry of Information. JUSPAO printed approximately 150,000 of issues numbered 11 and 18 through 21. Total 1.2 million copies, Cost $7,000.

C. Other Fiscal year 1971: JUSPAO printed covers for Ministry of Information question and answer series Peoples' Information Program. 36 small covers, 50 thousand copies each, cost $2,000 each issue.

64-page Annual Report in co-operation USAID and Ministry of Foreign Affairs—attributed MFA. Four thousand copies, Cost $500.

Fiscal year 1972: 64-page Annual Report in cooperation USAID and Ministry of Foreign Affairs—attributed MFA. Four thousand copies, Cost $500.

OFFICE OF ASSISTANT DIRECTOR FOR LATIN AMERICA (ILA)

USIS programs which have assisted in the production of publications for or in behalf of host countries:

Bolivia—Post produced bi-monthly *Progreso* (dealing with socio-economic development) published under the auspices of the Bolivian Development Corporation. Preparation of materials and editing done by USIS. Financing shared with Development Corporation. (Circulation: 10,000 bi-monthly.)

Colombia—At the request of the U.S. military mission USIS printed 10,000 copies of a cartoon book for the Colombian Armed Forces. (Cost: $471.53.)

USIS programs which have produced or assisted in the production of materials distributed without attribution to USIS or the Agency:

Bolivia—Post presented 10,000 copies of Agency produced cartoon booklet, "El Desengaño," on urban terrorism to Ministry of Information for distribution without attribution to USIS.

Dominican Republic—In FY 1971 post arranged for printing of a C. P. Snow article dealing with the population problem. Reproduced in Spanish by the Agency's Regional Service Center in Mexico and distributed by the Dominican National Council on Population and Family.

Ecuador—Post produced four pamphlets totaling 15,000 copies dealing with the contribution of foreign private investment in the petroleum sector to host country progress. Attributed to and distributed by Texaco-Gulf. (Cost: $500.)

Post produced one pamphlet, 4,000 copies, of an English language tourist guide. Attributed to the BNC and the Taxi cooperative. Distributed by the taxi union. (Cost: $200.)

Post produced one pamphlet, 2,000 copies, for the International Transport Federation. Attributed to and distributed by the local Transport Workers Union. (Cost: $100.)

Paraguay—Post assisted financially and editorially in the production of the Journal of the Association of Paraguayan English teachers. Three issues published annually. Distributed free and without USIS attribution but BNC Director's name appears on masthead. (Cost: $525).

Mr. FULBRIGHT. Mr. President, I might add that this affects all Government propaganda agencies. All suffer from a lack of credibility on the part of the recipients of the propaganda.

Mr. President, I am very doubtful that the USIA has any substantial effectiveness because most knowledgeable people recognize that its output is not straight information and certainly not objective.

I think the theory of an official information agency should be that people are not like sheep—although some are—and are not so stupid that they can be hornswoggled by propaganda, propaganda for which we are unwilling to take responsibility. If we are going to put information out, at least we should identify the fact that our Government is responsible for it.

The amendment of the Senator from Tennessee would result in allowing us to put it out without assuming responsibility for publishing it. I think this is a very sorry practice. There is one other analogy I think of.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **FULBRIGHT.** I yield myself 1 additional minute.

In my State it is against the law to put out propaganda in a political campaign without attribution. It is against the law to put an advertisement in any newspaper or magazine without carrying the name of the person who is responsible.

If we were to adopt the Senator's amendment we would be, in effect, authorizing a huge U.S. Government agency to put out propaganda without taking responsibility for it. I do not know how much further you can pervert and distort the mission for our information program that was envisaged by the Smith-Mundt Act.

That is the issue. I see no reason to belabor it. In view of the fact that there are only three or four Senators in the Chamber, there is no point in belaboring it. I am ready to yield back the remainder of my time and come to a vote. I have no doubt the Senator has a majority. I am under no illusion that with the support he has he will prevail. I am prepared to yield back my time if the Senator is prepared to yield back his time.

The **PRESIDING OFFICER.** Who yields time?

Mr. **BAKER.** Mr. President, I yield myself 2 minutes.

Mr. President, I am almost ready to yield back the remainder of my time. I might say now for the advice of our colleagues in the Chamber that I do anticipate asking for the yeas and nays and I hope we will have a sufficient number of Senators present to order the yeas and nays.

The **PRESIDING OFFICER.** The yeas and nays have already been ordered.

Mr. **BAKER.** Very good. I thank the Presiding Officer.

Mr. President, on the matter of the prediction of the distinguished chairman of the Committee on Foreign Relations that the Senator from Tennessee has the votes to carry the amendment, I hope he is as good a prophet as he is an adversary. I have no such assurances.

I would like to make a few brief remarks and then I am ready to yield back the remainder of my time.

Mr. President I understand the concern of the distinguished chairman of the Committee on Foreign Relations in this regard. The so-called propaganda aspects of the USIA program have been called into examination and account by the Senator's committee and described extensively in public forum.

However, I think the necessity for this amendment, and the concern of the Senator from Tennessee is that section 205 of the bill goes far beyond the concern described by the distinguished junior Senator from Arkansas. Section 205 of the bill would amend the U.S. Information and Educational Exchange Act of 1948 which is permanent legislation pertaining to the responsibilities of the U.S. Information Agency for carrying out international information activities. According to the committee report, the purpose of the 1948 act is to inform the people of other countries about the United States. This is in line with the purpose clause of the 1948 act which is "to promote understanding of the United States among the peoples of the world—strengthen cooperative international relations."

Mr. President, the principal purpose of section 205 as I understand it is to more closely conform USIA's information work overseas to the objectives of the 1948 act through certain restrictions on the preparation and dissemination of information abroad. I defer to the Senate Foreign Relations Committee which has legislative jurisdiction over the operations of USIA on whether such statutory guidance is necessary or desirable.

Mr. **FULBRIGHT.** Mr. President, will the Senator yield?

Mr. **BAKER.** I yield.

Mr. **FULBRIGHT.** This would not prohibit any of that propaganda. It is the sly under cover approach that we are dealing with. We give Turkey millions of dollars they can use to put out their own propaganda under their own name. What the committee is getting at is misrepresentation that is engaged in by our doing it without attributing it.

There is nothing in here to prevent the United States from flooding Turkey with all kinds of propaganda as long as we take the responsibility for it. We think it unwise to refuse to take responsibility for what it put out. There is nothing here to prevent them from putting out propaganda about dope, heroin, or anything else, as long as they take the responsibility for putting it out.

Mr. **BAKER.** I thank the chairman for those additional remarks. But that touches the point that concerns me because section 205 is so broad that anything related to the act would pertain to this section or any other law.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **BAKER.** Mr. President, I yield myself 2 additional minutes.

The **PRESIDING OFFICER.** The Senator is recognized for 2 additional minutes.

Mr. **BAKER.** So, I am concerned that it applies not only to the 1948 act, which this bill seeks to amend, but an entire range of other acts.

While I subscribe to the sterling virtues of disclosure, whether in politics or in foreign policy, I suggest that we have in this bill unintentionally extended this section to other bills that we are not concerned with now.

Mr. **FULBRIGHT.** Mr. President, will the Senator yield?

Mr. **BAKER.** I yield.

Mr. **FULBRIGHT.** Will the Senator give an illustration of what he means? I do not know what the Senator is talking about.

Mr. **BAKER.** I refer to the efforts of the United States to secure control of narcotics traffic between Turkey and the United States. That is not covered by this bill or by the 1948 act; but to be able to say that the guidelines we prepare for them must carry a disclaimer that they are prepared by the United States would destroy the effectiveness of the program to discourage traffic in drugs between Turkey and the United States.

Another example would be family planning. Family planning is carried on by private agencies and religious institutions, more often than not, and only recently has the Government gotten into that field. But in traveling through India last fall I saw placards and billboards on the way to New Delhi and on the way out of that city, that were there largely because of the efforts of private institutions. The information had been disseminated by the Federal Government.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **BAKER.** Mr. President, I yield myself 2 additional minutes.

To have such signs in foreign lands carry a disclaimer that they are provided by the U.S. Government would destroy the effectiveness of such programs, in my view.

Another example would be in the field of health. Much of our health work is done on a voluntary or nongovernmental basis. The effect of this provision would be to attribute to the U.S. Government the efforts of private agencies or religious agencies, or those in the health field.

I really do not quarrel with the laudable purposes that the distinguished chairman of the Committee on Foreign Relations made about the so-called propaganda efforts, but I do quarrel with the effect on a half dozen other functions that technically are not concerned with the 1948 act and would have concurrent jurisdiction by the Committee on Foreign Relations.

I wish to make this additional point. The distinguished junior Senator from Arkansas spoke in the opening portion of his rejoinder of our efforts through propaganda to prop up the Thieu regime in Southeast Asia. If my information is correct, and I believe it is, the testimony of officials of the USIA before the Committee on Foreign Relations was that there is no such effort made by the USIA in Southeast Asia.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **BAKER.** Mr. President, I yield myself 2 additional minutes.

My information is and the testimony was that the Thieu regime is not involved in this nor is USIA. That is not the issue before us.

I intend to reserve the remainder of my time until we can have a brief quorum, and then I think I will be in a position to yield back the remainder of my time.

I conclude by saying I feel that the sweeping scope of section 205 is far beyond that which we want to deal with in this bill and that it is going to have serious and unintended effects upon the future policy of the U.S. Government, and private, religious, and philanthropic organizations throughout the country. Therefore I have prepared the amendment which I offer at this time.

I now suggest the absence of a quorum, to be charged against my time.

The PRESIDING OFFICER. Under the precedents of the Senate, the Senator does not have enough time to suggest the absence of a quorum. The Senator will have to ask unanimous consent to have time taken out of the other side. If both sides yielded back their time, he could suggest the absence of a quorum.

Mr. BAKER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5½ minutes remaining.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

I suppose I cannot do that under the rules.

The PRESIDING OFFICER. The Chair is informed by the Parliamentarian that the only way the Senator could do that would be for both sides to yield back their time.

Mr. FULBRIGHT. Mr. President, I am prepared to yield back my time.

Mr. BAKER. Mr. President, I am prepared to yield back my time, but I need to check one point first.

I ask unanimous consent that I may ask for a short quorum call without the time being charged to either side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield 4 minutes of my time to the distinguished junior Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. I thank the distinguished Senator from Tennessee for yielding to me.

Mr. President, I support the amendment of the distinguished Senator from Tennessee (Mr. BAKER) eliminating section 205 from the bill.

The bill under consideration would make it impossible to use covert psychological warfare of a nonattributed or falsely attributed nature in support of military operations.

Overt psychological warfare would be affected in these particulars:

It would degrade assistance to other countries in contingency operations.

It would affect the preparing and dropping of leaflets attributed to the country, but prepared by the United States.

It would hamper making radio broadcasts to warn the populace.

It would degrade U.S. military aid to underdeveloped countries in assisting military of the host country in civic action projects.

It would degrade assistance to allies in these categories:

The printing of NATO safe conduct passes and leaflets for distribution by allied aircraft.

The development of psychological warfare materials and campaigns that would utilize allied resources for production and dissemination.

U.S. technical aid to allies could not include participation of U.S. personnel in training or advisory roles in units producing psychological warfare materials.

It would restrict the effectiveness of participation in disaster relief operations.

This section of the act which the amendment of the Senator from Tennessee would strike out would inhibit our international work in police matters, in health, in travel promotion, in ecology, in family planning, in travel publicity, and in countless fields we cannot foresee today.

I believe this issue has not been given the thorough study which would be appropriate before it is enacted into law. It has many ramifications which we would regret were we to do so.

In this day of constantly expanding international contacts, many parts of our Government are in frequent communication with public and private counterparts overseas. This section would inhibit the free flow of information among them—a communications link which is vital to a stable international order and to specific U.S. interests.

We would not wish to cut down on the flow of information to help control the traffic in dangerous drugs, to advise others on the population explosion, to advance international communication on crime, or to disseminate new knowledge in the many fields in which the United States is a world leader.

I am particularly disturbed by the way in which this section would inhibit the dissemination of information developed by the U.S. private sector. As I understand the section, it would require that any private book, English teaching text, film, or other medium which may be translated or reprinted by a U.S. agency for further dissemination abroad must carry the U.S. agency's name at the beginning. This may be practical in some cases, but in others the private U.S. author or publisher may wish the overseas product to be identical to the original.

Mr. President, I believe this section, section 205, should be eliminated from the bill. The amendment of the Senator from Tennessee would do that, and I support his amendment.

Mr. BAKER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. BAKER. Has the Senator from Arkansas yielded back his time?

The PRESIDING OFFICER. The Senator from Arkansas has yielded back his remaining time.

Mr. BAKER. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. PROXMIRE). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Tennessee (Mr. BAKER). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from Louisiana (Mr. ELLENDER), is absent on official business.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Minnesota (Mr. HUMPHREY), would each vote "nay."

On this vote, the Senator from Georgia (Mr. GAMBRELL) is paired with the Senator from Illinois (Mr. STEVENSON). If present and voting, the Senator from Georgia would vote "yea" and the Senator from Illinois would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Maryland (Mr. MATHIAS) are absent on official business.

The Senator from Vermont (Mr. AIKEN), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Illinois (Mr. PERCY), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. TAFT) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 42, nays 27, as follows:

[No. 187 Leg.]

YEAS—42

Allen
Allott
Baker
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Curtis
Dole
Dominick
Ervin
Fannin
Griffin
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, Idaho
Long
Packwood
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Talmadge
Tower
Weicker
Young

NAYS—27

Bayh
Burdick
Case
Cooper
Cranston
Eagleton
Fulbright
Hart
Hatfield
Hughes
Inouye
Javits
Kennedy
Magnuson
Mansfield
McIntyre
Metcalf
Mondale
Nelson
Pastore
Pearson
Pell
Proxmire
Spong
Symington
Tunney
Williams

NOT VOTING—31

Aiken
Anderson
Bellmon
Brooke
Church
Cook
Cotton
Eastland
Ellender
Fong
Gambrell
Goldwater
Gravel
Harris
Hartke
Humphrey
Jordan, N.C.
Mathias
McClellan
McGee
McGovern
Miller
Montoya
Moss
Mundt
Muskie
Percy
Ribicoff
Stevenson
Taft
Thurmond

So Mr. BAKER's amendment (No. 1201) was agreed to.

Mr. BAKER. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. BROCK. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. BURDICK) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Commerce.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 15097) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AMENDMENT OF FISHERMAN'S PROTECTIVE ACT OF 1967

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. HART). Under the previous order, the Senate will now resume consideration of H.R. 7117, the amendment of the Fisherman's Protective Act of 1967, which the clerk will state.

The assistant legislative clerk read as follows:

> H.R. 7117 to amend the Fisherman's Protective Act of 1967 to expedite the reimbursement of United States vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes.

The PRESIDING OFFICER. Who yields time?

PROGRAM

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, may I inquire, who has the floor?

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor and has 28 minutes remaining.

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader——

Mr. MANSFIELD. If the Senator will not mind, I yield myself 5 minutes on the bill on this side to reply.

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader what the further business of the Senate is for today.

Mr. MANSFIELD. Mr. President, as the Senator knows and the Senate knows, after discussing the matter with the distinguished minority leader on yesterday, we agreed to a resolution which would free the Senate at the close of business today, on a recess basis, until noon of Tuesday next. In other words, we get the extra day because of the condition of the Calendar.

As to the pending bill, H.R. 7117, two amendments have already been added by Mr. TOWER and Mr. STEVENS. I do not know how much more time it will take because it is under a limited time basis.

Would the Senator from New York (Mr. JAVITS) indicate whether he thinks there will be a rollcall vote on final passage?

Mr. JAVITS. I have no idea. It should not be necessary. I do not think the amendment I will propose is that critical, but I cannot tell. It will all depend.

Mr. MANSFIELD. I thank the Senator.

Following disposition of H.R. 7117, we will then proceed to the consideration of Calendar No. 768, S. 3607, a bill to authorize appropriations to the Atomic Energy Commission. That bill will be handled by the distinguished senior Senator from Rhode Island, the chairman of the Joint Committee. There will be a rollcall vote on final passage of that bill.

When that is disposed of, we will go out until noon on Tuesday next.

Mr. SCOTT. Mr. President, an amendment will be offered by the two Senators from Pennsylvania and the Senator from Nevada (Mr. BIBLE), the Senator from New Jersey (Mr. WILLIAMS), as well as the Senator from Tennessee (Mr. BAKER); but I believe we can agree on it, and if we can, there should be no need to take very long or to have any yea and nay votes.

Mr. PASTORE. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. PASTORE. We discussed in committee that the additional $500,000 might not necessary. That is a question that can be debated each way.

Mr. SCOTT. I am glad to hear that. This has reference to the atomic cardiac pacemaker, which is of considerable interest to everyone. The budget request was for $1 million. The pacemaker is powered by nuclear fuel, as the Senator knows. I think this development is very important, and the full $1 million should be authorized as well as appropriated later on.

Mr. PASTORE. We have seen the model, and I will say that I felt strongly that maybe we should make it $1 million. I think we should have it, because of the importance of this instrument.

Mr. SCOTT. I think so, too, and I thank the Senator.

AMENDMENT OF FISHERMEN'S PROTECTIVE ACT OF 1967

The Senate resumed the consideration of the bill, H.R. 7117, to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes.

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 2, line 11; on page 4, line 5; and on page 5, line 1, strike "8" and insert in lieu thereof "9".

The PRESIDING OFFICER. Does the Senator wish to have these amendments considered en bloc?

Mr. STEVENS. Yes, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendments will be considered en bloc.

Mr. STEVENS. Mr. President, this is a technical amendment. At the time the bill was prepared, we did not take into account the enactment, last December 23, 1971, of Public Law 92-219, which already added a new section 8 to the Fisherman's Protective Act of 1967.

This amendment will make the amendment of this bill become section 9, to follow the enactment of last December 23, 1971. It is a technical amendment. I urge its adoption and yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, I yield back my time.

The PRESIDING OFFICER (Mr. HART). The question is on agreeing to the amendments en bloc of the Senator from Alaska.

The amendments were agreed to en bloc.

Mr. JAVITS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 3, line 24, after the word "country" insert ", if any," and on page 4, line 1, after "1961" insert "unless the President certifies to the Congress that it is in the national interest not to do so in the particular instances,".

Mr. JAVITS. Mr. President, I apologize to the Senator from Washington (Mr. MAGNUSON) for not having had the opportunity to show him this amendment in advance, but I think if he will be kind enough to give me his attention, he will see the situation in a minute.

The PRESIDING OFFICER. Does the Senator from New York ask that these amendments be considered en bloc?

Mr. JAVITS. Yes, Mr. President, I do.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendments will be considered en bloc.

Mr. MAGNUSON. Mr. President, I understand that the Senator's amendment would allow—I have been over in Appropriations with HEW and I did not get here until just now—the discretion to be in the President.

Mr. JAVITS. Mr. President, it would allow the final discretion to be with the President. If he certifies to Congress that the national interest is an overriding consideration he can waive the application of the provisions of the law. I think the principal is a good idea, provided that it is only charged to the specific AID program of the country that seizes boats.

The State Department pointed out that if there is an allocation to that country for foreign aid, then this provision would effect that country. However, if there were not, then it should not hurt anyone else.

The first part of my amendment says "if any." In other words, it is charged against their allocation and only their allocation of foreign aid, if there is any.

Mr. MAGNUSON. In other words, if there was foreign aid, we would still charge it against them.

Mr. JAVITS. The Senator is correct.

Mr. MAGNUSON. And if there was not, it would be at the discretion of the President?

Mr. JAVITS. It comes out of whatever specific funds there are for the country, yes. But it does not reduce the foreign aid funds for other countries or other programs.

Mr. MAGNUSON. That is a new way to approach it.

Mr. JAVITS. Mr. President, I am not through yet. I want the Senator to get the whole picture in reply to his question.

Another thing that the administration is concerned about is that if they are actually in negotiations with a given country about this very vexing matter—and I think the countries who seize U.S. boats are wrong—it may be very unwise and counterproductive to dock them, say, $50,000 in the midst of negotiating effort to work out the whole problem. So, by providing that the President could certify to Congress that in that particular instance he does not think it is the best thing to do in the national interest, then we avoid that impasse. That is the purpose. That is not all they want. However, that is all I think they ought to get.

Mr. MAGNUSON. Mr. President, the Senator from New York used the words "if they are in negotiations." They have been negotiating for years on this matter. Nothing ever happens. Every time they seize about 15 tuna ships, the State Department and all of the Presidents, including this one, sends a troubleshooter down and he negotiates with them. The last one was Finch. He set me an exchange of cables stating that he thought he was getting some place. But nothing happened.

This has gone on and on. I could put in the RECORD a long list of the negotiations we have had with them.

Then a State Department man by the name of Meyer went down there.

Mr. JAVITS. He is still in charge of Latin American affairs for the Department of State.

Mr. MAGNUSON. It was still the same as it always has been. We have to take some kind of action with these people. They have now induced Brazil to have a 200-mile limit.

I was in Peru 8 years ago and talked to them. I spoke to the President of Peru and I asked him how he arrived at 200 miles. He said that he did not arrive at that figure, that our country did, the United States.

I asked him how that was. He pulled a dog-eared document out of his desk that stated that during World War II President Roosevelt had proclaimed a neutrality zone of 200 miles around South America. That was the basis of it. I guess that many Presidents have many documents that they keep in the bottom drawer. We have to get something done.

I am not saying that Finch and these people are not trying to do something about this. However, they never seem to be able to reach the point where they can stop the thing. We have reached a point where we are paying out quite a bit of money on this.

Mr. JAVITS. I know that.

Mr. MAGNUSON. It encourages them to make their fines larger because they know that the fishermen will ultimately get paid. However, it takes time to do this. The fishermen are usually working on a pretty tight budget. I have known fishermen who have gone to the bank and borrowed money while waiting for the State Department to get a check back to them.

So, due to the fact that the Senator from New York wants to join us in this matter and help us out, maybe we can try this new method and let us see what happens.

Mr. JAVITS. Mr. President, I would like to make these points.

I agree with the Senator about negotiations. I really mean seriously that the President in all integrity must certify to Congress—and this is no light matter—that the national interest is of overriding importance. It ought to be a critical matter and not merely the fact that someone is down there trying to work it out.

Mr. MAGNUSON. Mr. President, I would be willing to take the amendments to conference.

Mr. JAVITS. Mr. President, I yield back the remainder of my time.

Mr. MAGNUSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendments en bloc of the Senator from New York.

The amendments were agreed to.

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment reads as follows:

On page 6, line 3, add the following sections:

SEC. (7). That section 4 of the Fishermen's Protective Act of 1967 is amended—

(a) by inserting immediately before "by a country" a comma and the following: "or vessel of the United States or its gear damaged,"; and

(b) by inserting before "in accordance" the following: "or such vessel or its gear damaged".

SEC. 8. The first sentence of section 5 of such Act is amended by inserting after "vessel of the United States" a comma and the following: "or damage to such vessel or its gear,".

SEC. 9. (a) Section 7(a) of such Act is amended to read as follows: "(a) The Secretary, upon receipt of an application filed with him at any time after the effective date of this section by the owner of any vessel of the United States which is documented or certificated as a commercial fishing vessel, shall enter into an agreement with such owner subject to the provisions of this section and such other terms and conditions as the Secretary deems appropriate. Such agreement shall provide that, if such vessel or its gear is damaged as a result of the action of a vessel operated by the government of such country or any other activity of such government (on the basis of rights or claims in territorial waters or the high seas which are not recognized by the United States and when there is no dispute of material facts with respect to the location or activity of such vessel at the time of such attempt), or if such vessel is seized by a foreign country and detained under the conditions of section 2 of this Act, the Secretary shall reimburse—

"(1) the owner of such vessel for actual costs, except those covered by section 3 of this Act, incurred by the owner arising out of damage to his vessel or gear by such country, or during the seizure and detention period and as a direct result thereof, as determined by the Secretary, resulting (A) from any damage to, or destruction of, such vessel, or its fishing gear or other equipment, (B) from the loss or confiscation of such vessel, or its fishing gear or other equipment, age fees or utilities;

"(2) the owner of such vessel and its crew for the market value of fish caught (A) before damage to such vessel or gear and lost or spoiled as the result of such damage, or (B) before seizure of such vessel and confiscated or spoiled during the period of detention; and

"(3) the owner of such vessel and its crew for not to exceed 50 per centum of the gross income lost as a direct result of such damage or such seizure and detention, as determined by the Secretary of the Interior, based on the value of the average catch per day's fishing during the three most recent calendar years immediately preceding such damage or seizure and detention of the vessel seized, or, if such experience is not available, then of all commercial fishing vessels of the United States engaged in the same fishery as that of the type and size of the damaged or seized vessel." (b) Section 7(b) of such Act is amended by striking out "seized".

(4) For these purposes of carrying out Sections (1), (2), (3), the Secretary is authorized to use the Fisherman's Protective Fund.

Mr. KENNEDY. Mr. President, I commend the Senator from Washington for the pending legislation, the Fisherman's Protective Act, that we are considering this afternoon.

Mr. President, I would like to call to the attention of my colleagues a problem which is not covered by the current bill, and one which I believe does require legislative action.

The current bill amends the Fishermen's Protective Act. It essentially would protect U.S. fishermen on the West Coast and the Gulf Coast of this Nation whose normal activities result in challenging the territorial jurisdictions of Latin American nations who claim 200-mile limits to their sovereignty.

I believe the establishment of a fund to provide a ready source of funds to permit reimbursement of those fishermen until such time as international arbitration can take place is a necessary and justifiable goal.

However, I question seriously the provision which would require the cutoff in foreign aid from such Nations. I believe the two matters are not directly related. One involves the difference between two nations over the proper limits of national sovereignty as it applies to the sea. The second involves our national policy in favor of assisting development. Because we disagree with a nation on one subject, namely the question of territorial limits, should we cancel an equally important policy of this Nation, namely our belief that the development of poor nations ultimately is in our interest, and the interest of peace and stability?

I would hope that provision could be altered.

But there is a second matter which I would call to the attention of my colleagues.

While this bill would protect fishermen whose ships are seized by foreign nations, it would do nothing to protect fishermen whose vessels are damaged by the ships of foreign nations.

Particularly in the New England area, our fishermen have had to face loss of gear and damage to their boats caused by Russian and East European fishing vessels who have invaded the traditional fishing grounds of the Georges Bank.

Last year, several serious incidents occurred in which Russian boats ripped through the gear of U.S. lobster boats. Substantial damage occurred, and other vessels were harassed as well. I protested to the State Department several times. Also, similar incidents have occurred in the waters off Alaska.

I ask unanimous consent that the correspondence and related statements to be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1).

Mr. KENNEDY. Now, I believe that we should at least offer the same protection proposed to be given to seized ships to U.S. vessels who sustain damage from foreign vessels on the high seas.

Our fleets are facing enough competition from foreign subsidized fleets without having to endure loss of gear and vessel damage, and loss of income while repairs are being made. This amendment should be the minimum protection that we can give them.

My amendment authorizes the Secretary of Commerce to pay out of the newly created Fishermen's Protective Fund, the costs of damage to gear or to vessels of U.S. fishermen caused by the vessels of other nations. It also provides for the Secretary to reimburse U.S. fishermen for repairs which they must undergo as well as for the loss of income which the Secretary determines has occurred as a result of the damage.

In this way, while we carry out negotiations with the government of the nation at fault, we insure that there will not be an unbearable financial loss imposed on U.S. fishermen.

It is about time that the Government of the United States took even this small action to halt the decline of our fishing fleets. The New England fishing fleets, the fleets of Gloucester and New Bedford, the fleets that traditionally have fished in the Georges Bank have been shoved aside by the modern floating fish factories subsidized by the Soviet Union, by Poland, by Rumania, and by other East European countries.

That situation is bad enough. We have been negligent in protecting our fleets. We have been derelict in our responsibilities to this Nation's fishermen. This legislation hopefully will represent a first step to reverse that situation, a first step which should be followed by vigorous negotiations in defense of the rights of U.S. fishermen at the Law of the Seas Conference, and by consideration and study of the measures needed to revitalize our fishing fleet and to permit it to compete effectively with the ships of foreign nations.

I see the senior Senator from Rhode Island on the floor. He can testify to this as well.

Mr. President, I would like to see if the Senator from Washington, the sponsor of the bill, would at least consider making available this fund to American bottoms and fishermen and lobstermen whose fishing vessels and equipment have been damaged by foreign ships. It seems to me that this is the full spirit of the legislation.

I have not had the opportunity to talk to the manager of the bill about this matter. However, it has been discussed with the staff members. I was wondering if we could ask for some reaction from the manager of the bill.

EXHIBIT 1

STATEMENT BY SENATOR EDWARD M. KENNEDY ON DESTRUCTION OF FISHING EQUIPMENT OF A U.S. FISHING BOAT BY RUSSIAN TRAWLERS THIS MORNING

I am extremely disturbed by the initial reports just received from the U.S. Coast Guard and a Massachusetts lobster fishing firm that 15 to 20 Russian fishing vessels destroyed an undetermined amount of fishing equipment of the boat "Wily Fox" this morning off the coast of Nantucket.

I have lodged a protest with the State Department and requested an immediate inquiry.

Also, I have contacted the Coast Guard and asked for a complete investigation of the details of the incident and an explanation why adequate protection was not provided these boats which reportedly have been threatened by Russian vessels in the past.

Only last night, there was an incident of harassment which a Coast Guard cutter investigated but the cutter did not remain this morning.

The reports I have received indicate that between 8 to 8:30 am., some 15 to 20 Russian boats, in flat calm and with obvious evidence that the Prelude Corporation's "Wily Fox" had nets and traps laid, ran through the lines and actually took aboard some of the "Wily Fox's" fishing equipment. This has been confirmed both from the boat and the Coast Guard.

This is an obvious violation of international rules of the seas and I strongly protest this action.

I cannot believe that less than 50 miles off the coast of Nantucket, this country cannot assure the protection of our fishing boats.

Also, I cannot understand why previous Coast Guard Board of Inquiry reports concerning Russian harassment of U.S. fishing vessels have not been followed up by the State Department so as to prevent incidents of this kind.

STATEMENT BY SENATOR EDWARD M. KENNEDY ON CONTINUED RUSSIAN HARASSMENT OF U.S. FISHING VESSELS

The deplorable incidents of "harassment" by Russian fishing boats of U.S. vessels off the coast of Massachusetts are continuing. Today, a Russian trawler reportedly ran through the lines of the "Wily Fox" as soon as the Coast Guard cutter "Vigilant" left the scene. Although the Coast Guard cannot be blamed since the "Vigilant" was responding to an emergency call, I cannot understand the slowness with which the State Department is responding to this crisis.

The history of this matter does not begin with the flagrant incidents which occured yesterday. Over the past three months, a series of unjustified and illegal interferences with the fishing operations of U.S. fishing boats have taken place. In several instances, the Coast Guard has filed reports of its investigations with the State Department. Yet, the incidents continue.

The slow response of the State Department is creating an even more dangerous situation. Fishing boat owners are talking of resorting to arming their vessels if the continued damage and interference by Russian boats continues. But not acting forcefully and quickly, the State Department is adding to the potentially explosive situation that now exists.

The rules of the seas clearly are violated when a ship intentionally and repeatedly runs through the lines of another vessel. I would urge the Secretary seek an international meeting on this matter immediately. The current situation cannot be allowed to continue.

Until an international agreement is reached, I strongly urge this Administration to provide whatever protection is necessary to our fishing boats. We cannot sit back and calmly watch as our fishing vessels are molested and harassed and their equipment damaged. We cannot permit our fishing boats to be driven from the seas.

(The text of Senator Kennedy's letter to Secretary Rogers follows:)

May 12, 1971.

I am writing to urge that a formal protest be lodged at the unjustified harassment of U.S. fishing vessels by Russian trawlers off the coast of Massachusetts over the past several months. The latest incident which occurred this morning was the most blatant and it involved some 15–20 Russian fishing vessels who rammed through the lines of the U.S. fishing boat "Wily Fox" some 32 miles south-southeast of the Nantucket lightship. The Russian boats confiscated some of that equipment before leaving the scene.

Not only do we have the reports of the ship captain of this incident but fortunately a Coast Guard plane was flying overhead and saw the entire event.

If there has been any lack of documentation in the past, the action this morning surely provides adequate reason for a formal protest to be lodged by the government with the appropriate Soviet authorities.

I cannot believe that this nation is unable to assure the safety and security of U.S. fishing boats less than 50 miles off the coast.

STATEMENT BY SENATOR EDWARD M. KENNEDY ON RUSSIAN HARASSMENT OF U.S. FISHING BOATS

I am shocked by the brazen actions of the Soviet fishing trawlers which today once more cut through fixed lines and nets of U.S. fishing boats. The action early this morning comes less than 24 hours after a meeting with the Soviet fishing fleet Captain which was lauded by State Department officials as a very successful meeting.

Yet today, with their radars turned off, they steamed through the fixed lines of the lobster boats Pat San Marie and the Wily Fox. Those lines reflect radar so had the Russians wanted to avoid them they easily could have done so.

It is time for the State Department to protest these actions to someone with more authority than a Commander of the Russian fishing fleet. It is time that the Soviet Ambassador was informed that while it might appear to be a very minor matter in terms of our overall relations, it is a very significant matter to the New England fishermen whose livelihood is being threatened.

This is the third time in a week that this harrassment has occurred and the time is long overdue for it to be stopped.

Also it is time that the Russian fishing fleet or the Russian government began compensating our boats for their lost gear.

Surely, forceful action by the State Department is called in this matter.

DEPARTMENT OF STATE,
Washington, D.C., May 20, 1971.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: The Secretary has asked me to respond to your letter of May 12, 1971 concerning incidents involving damage to American lobster pot fishing gear by foreign vessels, and especially an incident involving the American fishing vessel *Wily Fox* on that date. The Department is very much aware of this problem and shares your concern. A number of actions have been taken in connection with the problem, and we intend to continue to pursue the matter until it is satisfactorily resolved.

Because of the growing concern about increasing reports of such incidents, the Department on March 16 requested the Coast Guard and the National Marine Fisheries Service to work with the American fishermen to ensure that the lobster gear is adequately marked so that all fishermen operating in the area will be aware of its presence and can take the necessary steps to avoid it. These agencies are working with the fishermen to this end. It is being urged that all fishermen voluntarily comply with the signals and markings prescribed in the International Convention on the Conduct of Fishing Operations in the North Atlantic. This Convention was negotiated with a view to minimizing or eliminating such incidents. Although it is not yet in force, it is believed that voluntary adherence by all fishermen to the signals and markings will substantially reduce the number of such incidents.

On May 10 the Department addressed diplomatic notes to the Embassies of all nations known to have fishing vessels operating off our Atlantic coast, calling attention to the problem and requesting their cooperation. The fisheries authorities in each nation were requested to issue appropriate instructions to their fishermen to exercise due caution when fishing in areas where fishing gear is deployed and to take all necessary and proper steps to avoid damage to fishing gear in the water. It was noted that the United States is urging all American fishermen to voluntarily comply with the signals and markings prescribed in the Convention, and it was suggested that all fishermen who operate in the area be familiarized with the provisions of the Convention and that they be urged to observe its provisions on signals and markings. It was also suggested that governments which have not yet become party to the Convention consider doing so. They were informed that the United States intends to deposit its instrument of ratification of the Convention as soon as the necessary domestic implementing legislation has been enacted. The notes also conveyed information on the nature and location of the deep water lobster fishery.

Formal or informal representations have also been made to a number of Embassies on this problem at various times. For example, representations were made in February to the Japanese Embassy concerning an incident in which the American fishing vessel Sea Dog suffered damage to its fishing gear by a Japanese fishing vessel. As a result of these representations the owners of the two vessels involved have agreed to compensation of approximately $4,000 for the gear damage.

Because of the increase in incidents, the Department on May 12 requested the Coast Guard to intensify its vessel patrol in the area while we attempted to resolve the problem through diplomatic means. The Coast Guard is cooperating in this regard to the maximum extent possible. In addition, on May 13 we requested the Coast Guard and National Marine Fisheries Service to attempt to arrange a meeting with the Commander of the Soviet fishing fleet to discuss the technical and practical aspects of the problem. Such a meeting has been arranged.

On May 14 the Department lodged a vigorous protest with the Soviet Embassy concerning an incident involving the Wily Fox and a Soviet fishing vessel which occurred on April 1. The full report on this incident had been received in the Department a few days earlier. In connection with this protest, we elaborated on the growing number of recent incidents and urged that all appropriate action be taken to eliminate them. We noted that we would be in further contact with the Soviet Embassy as soon as the full reports of more recent incidents have been received. We also intend to be in contact with other Embassies in connection with similar incidents. The Coast Guard has been requested to expedite the full reports of all pending cases of such incidents, and it is cooperating in this regard.

Fisheries officials of most nations fishing off our Atlantic coast will be attending a meeting of the International Commission for the Northwest Atlantic Fisheries in Halifax, Nova Scotia commencing on May 24. Although this matter is not within the terms of reference of the Commission, we intend to take advantage of the presence of these fisheries officials for further discussions on this problem.

We have attempted to keep your office fully informed of the recent development concerning this problem. We very much appreciate your deep concern in this matter, and I can assure you that we will pursue the matter to the fullest extent possible to protect the rights and interests of American fishermen on the high seas.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

Mr. PASTORE. Mr. President, if the Senator would yield, I would like to say something before the manager of the bill speaks on this point.

I associate myself with everything the distinguished Senator from Massachusetts has said. As a matter of fact, this situation has become so serious that we had to take boats out of the mothballs both on the Atlantic and on the Pacific side of our country. I say in all due modesty that I was responsible for the sponsorship of that appropriation.

I quite agree with the Senator from Massachusetts that something needs to be done. And I would hope that we could accede to the request of the Senator from Massachusetts.

Mr. MAGNUSON. Mr. President, the amendment offered by the Senator from Massachusetts is consistent with what we are trying to do in the pending bill. We are trying to make whole the fishermen who have been harassed by the damage of their ships and the seizure of their ships so that they will not have to bear this burden. One purpose of the bill is to take that amount out of the foreign aid, if there is any.

But this would do the same thing we do for the tuna fishermen whose ships are affected by some action by a foreign country beyond their control. I think it is time for all of this to come to a head.

I am willing to take the amendment to conference to see what we can work out with a good, tough bill, to stop all these instances.

Mr. KENNEDY. Mr. President, I appreciate the statement of the distinguished chairman of the committee.

I hope that the amendment will be agreed to in conference. We will be glad to work with the chairman. He has always been extremely interested in protesting fishing interests in the Northeast and we will be glad to work with him. I hope this measure is taken to conference.

Mr. MAGNUSON. I think the House bill was a little more limited than it should be on the one matter because they wanted to get it passed quickly and they did not go into these other matters at great length. I am sure we can work this out in conference.

Mr. STEVENS. Mr. President, will the Senator from Massachusetts yield to me?

Mr. KENNEDY. I yield.

Mr. STEVENS. Mr. President, I associate myself with the amendment of the Senator from Massachusetts and join in comments made by the Senator from Rhode Island the Senator from Massachusetts.

I wish to ask one question with respect to a problem we had with the *Viking King* and the *Viking Queen* last year, the two most modern vessels in the Alaskan fleet. A Russian trawler got hold of their crab pots and pulled their cables out and stripped their trawling gear.

One thing mentioned to me last week was that although Russia is prepared to pay the actual cost of the gear they have not paid anything in terms of the interest costs the owners have incurred as a result of the money they had to put out to get repairs made, and the losses they incurred while the vessels were laid up.

I know the amendment of the Senator from Massachusetts makes reference to the actual cost incurred by owners arising out of actual damages to vessels. Would the Senator agree this would be an actual cost involved in this type of operation, interest paid on money borrowed for repair of vessels?

Mr. KENNEDY. It would be so covered; not only the actual cost of repairs but those related items as well. That is specifically included in the amendment. I think the Senator's examples apply not only to the Alaskan fleet but to the Northeast, as well .

Mr. STEVENS. I thank the Senator. Yesterday I placed in the Record a statement concerning 225 foreign vessels, all of which are larger than any vessel from Florida or Alaska, fishing in Alaska waters this year, and all of them have the potential for this kind of harm. We have had considerable difficulty.

I am pleased the chairman has decided to take the amendment to conference, and I hope it will be agreed to.

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

Mr. STEVENS. Mr. President, I wish to join the distinguished chairman of the Committee on Commerce (Mr. Magnuson) in expressing support for H.R. 7117 and urging its favorable consideration by the Senate.

This bill, H.R. 7117, would make several amendments to the Fishermen's Protective Act of 1967. The principal objective of the amendments made by H.R. 7117 is to expedite the reimbursement of U.S. vessel owners for charges paid by them to obtain release of the vessels and crews illegally seized by foreign countries.

Mr. President, as my colleagues in the Chamber may recall, fishing vessels of the United States have for some two decades been subject to seizure and assessment of monetary penalties by various South American countries who have been seizing such vessels in international waters on the basis of jurisdictional claims not recognized by the United States. Perhaps the most persistent and flagrant violators of these internationally recognized rights of U.S.-flag fishing vessels on the high seas have been Ecuador and Peru. Chile also has made a similar jurisdictional claim. These so-called CEP states—that is, Chile, Ecuador, and Peru—having no shelf off their coast, have claimed—

> Exclusive sovereignty and jurisdiction over the [200 nautical mile] zone and exclusive sovereignty and jurisdiction over the seabed and subsoil.

Mr. President, neither H.R. 7117 nor the act which it amends, the Fishermen's Protective Act of 1967, go to the root of the problem which they seek to address in my opinion. Rather, these provisions simply would make whole the owners and operators of U.S. fishing vessels subject to such seizures.

Nothing would be done to correct the flagrant practice of such illegal seizures except with respect to the provisions of section 3 of H.R. 7117 which would require the Secretary of State to take such action as he deems appropriate to make and to collect any such reimbursement claim paid against the offending foreign country.

Mr. President, quite frankly while I support the provisions of H.R. 7117, I personally am not wholly satisfied with the approach that it takes. We in the United States are blessed with a very valuable fisheries resource, and I might add that insofar as concerns resources of the Continental Shelf, the preponderence of these are located off the shores of my own State of Alaska. My own personal preference would be to see the United States unilaterally extend its own jurisdiction by widening the present contiguous fisheries zone so that each point on the boundary line would be 200 nautical miles from the nearest point on the interline or at a point corresponding to a depth of 550 meters, whichever alternative produces the greatest breadth. Such legislation has been introduced by me as S. 46 and an alternative proposal as S. 872, both of which presently are pending before the Committee on Commerce.

In conclusion, Mr. President, I do support H.R. 7117 and urge its passage. However, I am not satisfied that this should be the only remedial action taken, and I would urge at some earlier date that this Congress undertake consideration of appropriate legislation to extend our jurisdictional claim and thereby provide needed protection for our valuable fisheries resources.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 7117) was read the third time and passed.

The PRESIDING OFFICER. The Chair wishes to inquire if the Senator from Washington desires technical corrections to be made in the engrossment of the amendments.

Mr. MAGNUSON. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR MAGNUSON

Mr. MANSFIELD. Mr. President, I simply wish to extend the Senate's gratitude to the distinguished senior Senator from Washington (Mr. Magnuson). As the chairman of the Committee on Commerce he has again established his record as a legislator surpassed in his dedication and skill. More than anything, it was outstanding advocacy and sharp persuasiveness that led to the Senate's overwhelming approval of this measure.

These are attributes that have characterized Senator Magnuson's outstanding record of public service. Today, achievement marks another triumph for him; this time achieved in behalf of this Nation's fishing interests for which Warren Magnuson has fought throughout his public life. The Senate is deeply in his debt again.

AUTHORIZATION FOR APPROPRIATIONS TO THE ATOMIC ENERGY COMMISSION

Mr. MANSFIELD. Mr. President, I move that the Senate turn to the consideration of Calendar No. 768, S. 3607.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (S. 3607) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Joint Committee on Atomic Energy.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, we are dealing here today with S. 3607, which would authorize appropriations to the Atomic Energy Commission for fiscal year 1973. It was ordered reported without dissent by the Joint Committee on Atomic Energy on May 16. The bill would authorize appropriations totaling $2,602,975,000 for operating expenses and plant and capital equipment for the coming year. That amount is approximately 4.5 percent less than was requested by the AEC.

I ask unanimous consent to include in the Record at this point the section-by-section analysis contained in the committee report beginning at page 44 which describes in considerable detail the provisions of the bill.

There being no objection, the analysis was ordered to be printed in the Record, as follows:

Section-by-Section Analysis

SECTION 101

Section 101 of the bill authorizes appropriations to the Atomic Energy Commission, in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended, for "Operating expenses" and "Plant and capital equipment."

Section 101(a) of the bill deals with the authorization of appropriations for "Operating expenses." The Commission's authorization request under this heading was presented to the committee in terms of costs to be incurred during fiscal year 1973, adjusted in total to the obligations to be incurred during the fiscal year.

The Joint Committee is recommending authorization of $2,109,980,000 for "Operating expenses," not to exceed $126,400,000 in operating costs for the high-energy physics program category. It is the Joint Committee's intent that the amount specified for any program or category shall be exceeded only in accordance with specific arrangements which have been developed between the Commission and the committee. These arrangements include provisions for periodic reporting to the committee of changes in estimates of authorized programs. These informal procedures, embodied in an exchange of correspondence between the Atomic Energy Commission and the committee, have operated efficiently. It is the Joint Committee's belief that legislative measures or other formal devices that would impose legal limitations upon the reprograming of Commission funds are not necessary at this time. It is the committee's intent that the procedures specified in this exchange of correspondence shall remain in effect during fiscal year 1973.

It is intended that costs incurred pursuant to the authorization contained in this act shall be generally in accordance with the analysis of the proposed bills submitted by the AEC and other background and explanatory materials furnished by the Commission in justification of the AEC's fiscal year 1973 authorization bill.

Plant and capital equipment obligations are provided in two sections of the bill. Under section 101(b), authorization is provided for new construction projects and capital equipment not related to construction. This authorization, together with the changes in prior-year project authorizations provided for in section 105, comprise the total authorization for plant and capital equipment provided in this bill. The AEC's request for authorization for these purposes was presented on the basis of new obligational authority required. New construction projects authorized under subsections (1) through (10) of section 101(b) of the bill total $222,025,000.

It is intended that the projects under this authorization be related, as in previous years, to the analysis of the proposed bills submitted by the AEC and other background and explanatory materials furnished by the Commission in justification of the AEC authorization bill. It is not intended to prevent technical and engineering changes which are considered necessary or desirable by the Commission consistent with the scope and purpose of the project concerned.

Pursuant to section 101(b)(11), appropriations are authorized for capital equipment not related to construction in the amount of $164,080,000. This equipment is necessary to replace obsolete or wornout equipment at AEC installations. Additional equipment is required to meet the needs of expanding programs and changing technology. Examples of typical equipment include machine tools, computers, and office equipment. The Joint Committee expects to receive a report from the Commission at least semiannually on obligations incurred pursuant to this authorization.

SECTION 102

Section 102 of the bill provides limitations similar to those in prior authorization acts.

Subsection (a) provides that the Commission is authorized to start projects set forth in certain subparts of subsection 101(b) only if the currently estimated cost of the project does not exceed by more than 25 percent the estimated cost for that project set forth in the bill.

Subsection (b) provides similar limitations for projects in other subparts of subsection 101(b), except that the increase may not exceed 10 percent of the estimated cost shown in the bill.

Subsection (c) provides limitations on general plant projects authorized by subsection 101(b)(10), whereby the Commission may start such projects only if the currently estimated cost of such project does not exceed $500,000 and the maximum currently estimated cost of any building included in such project does not exceed $100,000; provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy. Additionally, section 102(c) provides that the total cost of all general plant projects shall not exceed the estimated cost set forth in subsection 101(b)(10) by more than 10 percent.

Under arrangements previously agreed to by the Commission and the Joint Committee, the Commission shall report to the Joint Committee and the Appropriations Committee after the close of each fiscal year concerning the use of general plant project funds, and such report shall identify each project for which the proposed new authority has been utilized.

SECTION 103

Section 103 of the bill authorizes the Commission to undertake engineering design (titles I and II) on construction projects which have been included in a proposed authorization bill transmitted to the Congress by the Commission. It is understood that this work would be undertaken on projects which the Commission deems are of such urgency that physical construction should be initiated as soon as appropriations for the projects have been approved.

SECTION 104

Section 104 of the bill provides authorization for the transfer of amounts between the "Operating expenses" and the "Plant and capital equipment" appropriations as provided in the appropriation acts. The AEC appropriation acts have, in past years, provided that not to exceed 5 percent of the appropriations for "Operating expenses" and "Plant and capital equipment" could be transferred between such appropriations, provided, however, that neither appropiation could be increased by more than 5 pecent by any such transfer. It is understood that any such transfer shall be reported promptly to the Joint Committee on Atomic Energy.

SECTION 105

Section 105 of the bill amends prior AEC authorization acts as follows:

(*a*) Section 101 of Public Law 91–44, as amended, is further amended by striking from subsection (b)(1), project 70–1–b, bedrock waste storage, the figure "$1,300,000" and substituting therefor the figure "$4,300,000".

(*b*) Section 101 of Public Law 91–273, as amended, is further amended by (1) striking from subsection (b)(1), project 71–1–e, gaseous diffusion production support facilities, the figure "$45,700,000" and substituting therefor the figure "$72,020,000", (2) striking from subsection (b)(1), project 71–1–f, process equipment modifications, gaseous diffusion plants, the figure "$10,400,000" and substituting therefor the figure "$34,400,000", (3) striking from subsection (b)(6), project 71–6–a, National Nuclear Science Information Center, the words "AE only" and substituting therefor the words "American Museum of Atomic Energy", and further striking the figure "$600,000" and substituting therefor the figure "$3,500,000", and (4) striking from subsection (b)(9), project 71–9, fire, safety, and adequacy of operating conditions projects, the figure "$45,700,000" and substituting therefor the figure "$69,000,000".

(*e*) Section 101 of Public Law 92–84, as amended, is further amended by (1) striking from subsection (b)(1), project 72–1–f, component preparation laboratories, the figure "$3,000,000" and substituting therefor the figure "$25,300,000", (2) striking from subsection (b)(2), project 72–2–b, weapons neutron research facility, the words "(AE only)" and further striking the figure "585,000" and substituting therefor the figure "$4,400,000", (3) striking from subsection (b)(3), project 72–3–b, national radioactive waste repository, the words "Lyons, Kansas" and substituting therefor the words "site undetermined", and further adding after the words "*Provided,* That" the words "with respect to any site in the State of Kansas", and (4) striking from subsection (b)(5), project 72–5–a, radiobiology and therapy research facility, the words "(AE only)" and further striking the figure "$345,000" and substituting therefor the figure "$1,600,000".

SECTION 106

Section 106 rescinds, except to the extent funds have already been obligated, the authorization for rebuilding of the gaseous diffusion plant cooling tower at Portsmouth, Ohio (project 70–2–a, Public Law 91–44, $1,000,000) and research and development test plants associated with project Rover (project 70–4–b, Public Law 91–44, $1,000,000 and project 71–3–b, Public Law 91–273, $1,000,000.) Of the amount rescinded, $2,000,000 was applied to reduce new obligational authority requested for fiscal year 1972 and $990,000 from project 70–4–b is being similarly applied relative to fiscal year 1973.

Title II

SECTION 201

Title II provides for a cooperative Federal-State effort to provide funding of a program of remedial action to limit possible exposure from radiation resulting from an extensive usage of uranium mill tailings as a construction-related material—subgrade, backfill and mortar component—in the area of Grand Junction, Colorado. Section 201 asserts the recognition by the Congress of the moral propriety of Federal participation in this program notwithstanding the very low probability, in the opinion of the Joint Committee, of any legal liability on the part of any Federal agency. Uranium mill tailings have a uranium content so low as to not qualify as source material under the Atomic Energy Act of 1954, as amended, and therefore are not within the regulatory jurisdiction of the Atomic Energy Commission. Radium and its decay products radon daughters, which are the source of the radiation emanating from mill tailings, have never been within AEC regulatory jurisdiction.

Nonetheless, the mill tailings at issue resulted from production of uranium concentrate by private producers under contracts with the Government to provide materials deemed essential to the national security and defense. In section 201, the Congress "recognizes and assumes the compassionate responsibility of the United States" to assist in providing a remedy to protect the health and welfare of the affected people where no other remedy at law is apparent. Such action constitutes awareness that at times undesirable conditions can develop outside the legal concepts of fault and liability. This concept, of course, is not new. In 1955 the Congress passed Public Law 84–378, the Texas City Disaster Relief Act, upon which Title II is patterned. While the condition being addressed in Title II in no way approaches disaster proportions, clearly prudence dictates action to limit unnecessary future exposure to that population.

SECTIONS 202, 203, AND 204

Section 202 authorizes the AEC to enter into a cooperative arrangement with the State of Colorado to provide not in excess of 75 percent of the costs of a State program to assess the conditions and take appropriate remedial action to limit radiation exposure resulting from construction uses of uranium mill talings. Such action may appropriately take a variety of forms such as removal of tailings from under or around structures, application of sealants to structure basements, or addition of external or internal ventilation facilities to name but a few. The basis for determination of the need for remedial action is to be guidelines established by the Surgeon General of the United States and the selection of appropriate action is to be made by the Atomic Energy Commission after consultation with State officials and others as appropriate. The State will administer the performance of remedial action which will be undertaken by the State or its contractors and payment therefor will be undertaken by the State or its contractors and payment therefor will be a State function.

The legislation requires that the United States be held harmless against claims that might arise out of performance of remedial action and that a release from any possible liability of the United States relative to the mill tailings be obtained upon performance of remedial action or waiver thereof. Any tailings removed as part of remedial action become the responsibility of the State of Colorado. State law will govern the respective rights of persons affected by this legislation relative to title to property, rights of heirs, trespass, and so forth.

It is anticipated that the AEC will establish by rule or regulation guidelines for administration of its responsibilities under this legislation. These would include required reporting procedures by the State, accounting methods and procedures to be employed, inspection by the AEC of work performed under the State program, and others deemed necessary by the Commission. The public notice and participation provisions of section 553, Title V, United States Code, are made specifically applicable to the promulgation of such rules and regulations notwithstanding the exceptions in subsection (a)(2) thereof relative to matters of agency management or personnel, public property, loans, grants, benefits, or contracts.

The arrangement, which is to include at least the above provisions, is to be submitted to and lie before the Joint Committee for 30 days while Congress is in session before becoming effective. Section 101(a) of the bill includes, as part of the authorization of appropriations for AEC operating expenses for fiscal year 1973, the amount of $5,000,000 to be applied to the source materials program for implementation of this Title II.

TITLE III

SECTION 301

Section 301 would amend section 161 of the Atomic Energy Act of 1954, as amended, to authorize the Commission to charge Federal agencies fees for the licensing of nuclear power reactors. Under the new authority, the Commission would be authorized to prescribe and collect from any other Government agency, which applies for or is issued a license for a utilization facility designed to produce electrical or heat energy pursuant to sections 103 or 104 b. (that is, a nuclear power reactor) any fee, charge or price which it may require, in accordance with the provisions of sections 483a of Title 31 of the United States Code or any other law, of applicants for, or holders of, such licenses.

The Commission adopted regulations, effective October 1, 1968, requiring payment of fees by applicants for and holders of licenses to construct and operate power reactors at the time of application for the construction permit, issuance of the construction permit and operating license, and annually thereafter. These regulations were promulgated in furtherance, and under the authority, of Title V of the Independent Offices Appropriations Act of 1952 (65 Stat. 290; 31 USC 483a), which states that it is the sense of Congress that any license or permit issued by a Federal agency to any person except those engaged in the transaction of official business of the Government, shall be self-sustaining to the fullest extent possible, and that the head of each agency is authorized to prescribe fees therefor. In view of the exception for persons engaged in the transaction of official business of the Government, and the absence of other statutory authority to charge Government agencies license fees, the Commission provided an exemption to Government agencies from the requirement for payment of fees.

Under the proposed authority, anticipated revenues from issuance of construction permits and operating licenses to Federal agencies are $900,000 for fiscal year 1973 and $1.14 million in ficsal year 1974.

Mr. PASTORE. Mr. President, very briefly, the bill provides for $2,109,980,000 for operating expenses, the components of which are listed in the table on page 3 of the committee report. The report also contains a detailed discussion of each program. The committee's recommendation relative to operating expenses is a net increase of $41,550,000. Of this amount, $15.5 million would provide additional electric power and maintenance for the gaseous diffusion plants which are our Nation's sole source of enriched uranium for nuclear powerplants as well as the primary source for the entire free world. An additional $5 million is recommended to provide financial assistance to the State of Colorado for a State program to limit radiation exposure resulting from the past usage of uranium mill tailings as construction material.

The authority for participating in that program is contained in title II of the bill. The committee has also recommended increases of $3.5 million for safety research under the reactor development program, $7 million for the redirected space propulsion program in order to take the fullest advantage possible of the technology developed under the now terminated NERVA program, and $3.7 million for an additional test in the development of a hardened, low-radioactivity nuclear engineering explosive being developed for sequential firing as part of the program to release natural gas deposits now trapped in nonpermeable rock formations. That program has the potential for doubling our natural gas reserves and I need not belabor the magnitude of our imminent natural gas supply problems.

Included within the AEC's budget is the amount of $126,400,000 for the high energy physics program. My colleagues will recall that the AEC is the principal funding agent for this activity for the entire Federal Government, and this program represents almost 5 percent of the entire AEC budget.

With regard to the plant and capital equipment portion of the budget, the committee's recommendations are set forth in the table appearing on pages 35 and 36 of the committee report and include $222,025,000 for new construction projects, $164,080,000 for capital equipment not related to construction, and $106,890,000 in increases in authorization for previously authorized projects. The committee's recommendation reflects a reduction of $163,425 000 below the amount requested by the Commission.

Mr. President, since the tables I have referred to present the budget picture in a clear and easily understood fashion, I ask unanimous consent to have printed at this point in the Record the tables contained in the committee's report at pages 3 and 4 and at pages 35 and 36.

There being no objection, the tables were ordered to be printed in the Record, as follows:

AUTHORIZATION OF OPERATING EXPENSES [1]

[In thousands of dollars]

Program	AEC authorization request	Committee recommendations	Change	Page no.
Nuclear materials	426,600	447,100	+20,500	7
Weapons	877,700	877,700	0	12
Reactor development				12
Civilian power reactors	177,500	180,500	+3,000	13
Cooperative power				15
General reactor technology	44,500	44,500	0	16
Nuclear safety	53,300	56,800	+3,500	17
Operational services	1,930	1,930	0	17
Subtotal, civilian power related	277,230	283,730	+6,500	
Space nuclear propulsion	5,000	12,000	+7,000	18
Space electric power development	34,970	34,970	0	18
Terrestrial electric power development	1,000	500	−500	19
Naval propulsion	149,800	149,800	0	20
Total, reactor development	468,000	481,000	+13,000	
Physical research				21
High energy physics	126,400	126,400	0	22
Medium-energy physics	16,000	16,000	0	23
Low-energy physics	25,300	25,300	0	23
Mathematics and computer	4,650	4,650	0	24

Footnote at end of table.

AUTHORIZATION OF OPERATING EXPENSES—Continued

[In thousands of dollars]

Program	AEC authorization request	Committee recommendations	Change	Page no.
Physical research—Continued				
Chemistry	46, 950	46, 950	0	24
Metallurgy and metals	24, 500	24, 500	0	25
Controlled thermonuclear	38, 000	38, 000	0	25
Total, physical research	281, 800	281, 800	0	
Biology and medicine	93, 800	93, 800	0	25
Training, education, and information	12, 400	12, 400	0	27
Isotopes development	5, 900	5, 900	0	27
Civilian applications of nuclear explosives	6, 800	10, 500	+3, 700	28
Nonnuclear technology	3, 000	3, 000	0	29
Community	5, 000	5, 750	+750	29
Regulation	35, 000	35, 000	0	31
Program direction and administration	121, 000	120, 100	−900	32
Security investigations	7, 300	7, 300	0	33
Cost of work for others	18, 400	18, 400	0	33
Revenues applied	−328, 685	−328, 685	0	33
Changes in selected resources	52, 885	57, 385	+4, 500	34
Unobligated balance brought forward	−18, 470	−18, 470	0	35
Total authorization	2, 068, 430	2, 109, 980	+41, 550	

[1] Includes amounts submitted in amendment of Mar. 3, 1972.

PLANT AND CAPITAL EQUIPMENT AUTHORIZATIONS[1]

[In thousands of dollars]

	AEC request[2]	Committee recommendations	Change
New construction projects	299, 750	222, 025	−77, 725
Capital equipment not related to construction	167, 080	164, 080	−3, 000
Increases in prior-year authorizations:			
Project 70–1–b, bedrock waste storage (AE and site selection drilling only), Savannah River, S.C. (from $1,300 to $16,300)	15, 000	3, 000	−12, 000
Project 71–1–e, gaseous diffusion production support facilities (from $45,700 to $107,120)	61, 320	26, 320	−35, 000
Project 71–1–f, process equipment modifications, gaseous diffusion plants (from $10,400 to $69,000)	59, 000	24, 000	−35, 000
Project 71–6–a, National Nuclear Science Information Center (American Museum of Atomic Energy), Oak Ridge, Tenn. (from $600 to $3,500)	2, 900	2, 900	0
Project 71–9, fire, safety, and adequacy of operating conditions projects, various locations (from $45,700 to $69,000)	23, 300	23, 300	0
Project 72–1–f, component preparation laboratories, multiple sites (from $3,000 to $26,000)	23, 000	22, 300	−700
Project 72–2–b, weapons neutron research facility, Los Alamos Scientific Laboratory, New Mexico (from $585 to $4,400)	3, 815	3, 815	
Project 72–5–a, radiobiology and therapy research facility, Los Alamos Scientific Laboratory, New Mexico (from $345 to $1,600)	1, 255	1, 255	0
Total plant and capital equipment authorization	656, 420	492, 995	−163, 425

[1] A table showing the Atomic Energy Commission's appropriations request for fiscal year 1973 and the effects of the authorization recommendations of the Joint Committee on this appropriations request is set forth as an appendix to this report on pp. 53–54.

[2] Includes amounts submitted in amendment of Mar. 3, 1972.

The following table presents a capsule summary of the authorization requested by the Commission for fiscal year 1973 and the effect of the committee's recommendations thereon:

Program	AEC request	Committee recommendations	Change
Operating expenses	$2, 068, 430, 000	$2, 109, 980, 000	+$41, 550, 000
Plant and capital equipment	656, 420, 000	492, 995, 000	−163, 425, 000
Total	2, 724, 850, 000	2, 602, 975, 000	−121, 875, 000

XVIII. PLANT AND CAPITAL EQUIPMENT

AEC request

The Commission requested authorization totaling $656,420,000 for plant and capital equipment in fiscal year 1973, including $248,200,000 for 34 new construction projects, $51,550,000 for general plant projects, $189,590,000 for increases required for 8 previously authorized projects, and $167,080,000 for capital equipment not related to construction. The following table shows the various projects for which authorization is requested, and the committee's recommendation on each request.

PLANT AND CAPITAL EQUIPMENT

[In thousands of dollars]

Project	AEC request	Committee recommendations	Change
Nuclear materials:			
73–1–a. In-tank solidification systems auxiliaries, Richland, Wash	2, 500	2, 500	0
73–1–b. Waste management effluent diversion control facilities, separations areas, Richland, Wash	1, 000	1, 000	0
73–1–c. Expansion of weighing and sampling facility for gaseous diffusion plant, Portsmouth, Ohio	1, 400	1, 400	0
73–1–d. Component test facility, Oak Ridge, Tenn	21, 200	20, 475	−725
73–1–e. Radioactive waste management improvements, Savannah River, S.C	1, 300	1, 300	0
73–1–f. Safety improvements, reactor areas, Savanna River, S.C	2, 000	2, 000	0
73–1–g. Contaminated soil removal facility, Richland, Wash	1, 400	1, 400	0
73–1–h. Rover fuels processing facilities, National Reactor Testing Station, Idaho	3, 250	3, 250	0
73–1–i. Radioactive solid waste reduction facility, Los Alamos Scientific Laboratory, N. Mex	750	750	0
73–2–a. Atmospheric pollution control facilities, heavy water plant, Savanna River, S.C	4, 300	4, 300	0
73–2–b. Improved sanitary waste treatment facilities, Savannah River, S.C	1, 100	1, 100	0
Weapons:			
73–3–a. Weapons production, development, and test installations	10, 000	10, 000	0
73–3–b. Laser fusion laboratory, Los Alamos Scientific Laboratory, New Mexico	5, 200	5, 200	0
73–3–c. Laser fusion laboratory, Lawrence Livermore Laboratory, California	6, 800	6, 800	0
73–3–d. Classified facilities, sites undesignated	15, 000	15, 000	0
73–4–a. New sewage disposal plant, Mound Laboratory, Miamisburg, Ohio	700	700	0
73–4–b. Land acquisition, Rocky Flats, Colo	8, 000	8, 000	0
Reactor development:			
73–5–a. Liquid Metal Engineering Center facility modifications, Santa Susana, Calif	3, 000	3, 000	0
73–5–b. Modifications to EBR–II, National Reactor Testing Station, Idaho	4, 000	4, 000	0
73–5–c. Modifications to power burst facility, National Reactor Testing Station, Idaho	1, 500	1, 500	0
73–5–d. Modifications to TREAT facility, National Reactor Testing Station, Idaho	1, 500	1, 500	0
73–5–e. Research building safety modifications, Mound Laboratory, Miamisburg, Ohio	3, 000	3, 000	0
73–5–f. Pu-238 fuel form fabrication facility, Savannah River, S.C	8, 000	8, 000	0

Project	AEC request	Committee recommendations	Change
73-5-g. Modifications to reactors	2,000	3,000	+1,000
73-5-h. S8G prototype nuclear propulsion plant, West Milton, N.Y.	125,000	56,000	-69,000
Physical research:			
73-6-a. Accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois	400	400	0
73-6-b. Accelerator and reactor improvements, Brookhaven National Laboratory, New York	975	475	-500
73-6-c. Accelerator improvements, Cambridge Electron Accelerator, Massachusetts	75	75	0
73-6-d. Accelerator improvements, Lawrence Berkeley Laboratory, California	525	525	0
73-6-e. Accelerator improvements, Stanford Linear Accelerator Center, California	1,025	1,025	0
73-6-f. Accelerator and reactor improvements, medium and low-energy physics	600	600	0
Biology and medicine:			
73-7-a. High-energy heavy ion facility (BEVALAC), Lawrence Berkeley Laboratory, California	2,200	2,000	-200
73-8-a. Replacement of laboratory service systems, Oak Ridge National Laboratory, Tennessee	1,200	1,200	0
Administrative:			
73-9-a. Addition to headquarters building (AE only), Germantown, Md.	7,300	1,500	-5,800
General plant projects	51,550	49,050	-2,500
Subtotal, new construction projects	299,750	222,025	-77,725
Increase in prior-year project authorizations:			
70-1-b. Bedrock waste storage (AE and site selection drilling only) Savannah River, S.C.	15,000	3,000	-12,000
71-1-e. Gaseous diffusion production support facilities	61,320	26,320	-35,000
71-1-f. Process equipment modifications, gaseous diffusion plants	59,000	24,000	-35,000
71-6-a. National Nuclear Science Information Center (American Museum of Atomic Energy) Oak Ridge, Tenn.	2,900	2,900	0
71-9. Fire, safety, and adequacy of operating conditions projects, various locations	23,300	23,300	0
72-1-f. Component preparation laboratories, multiple sites	23,000	22,300	-700
72-2-b. Weapons neutron research facility, Los Alamos Scientific Laboratory, New Mexico	3,815	3,815	0
72-5-a. Radiobiology and therapy research facility, Los Alamos Scientific Laboratory, New Mexico	1,255	1,255	0
Subtotal, construction projects	489,340	328,915	-160,425
Capital equipment not related to construction:			
Nuclear materials	25,700	25,700	0
Weapons	63,380	63,380	0
Reactor development	25,600	25,600	0
Physical research	41,800	40,300	-1,500
Biology and medicine	5,200	5,200	0
Training, education and information	900	900	0
Isotopes development	800	800	0
Civilian applications of nuclear explosives	700	700	0
Regulation	800	800	0
Administrative	2,200	2,200	0
General reduction		-1,500	-1,500
Subtotal, capital equipment	167,080	164,080	-3,000
Total plant and capital equipment authorization	656,420	492,995	-163,425

Mr. BENNETT. Mr. President, I want to compliment the distinguished chairman of the Joint Committee on his excellent summary of the provisions of S. 3607 as reported by the Joint Committee. I wish to associate myself with his remarks and reiterate the fact that this bill was very carefully considered by the committee and has the full support of the committee. Every effort has been made to insure that the program as recommended yields the best return for each taxpayer's dollar. I believe that it does. The committee also has sought to maintain the maximum congressional control, particularly relative to construction projects and that is reflected by the recommended reduction by $163,425,000 in the plant and capital equipment portion of the budget. The recommended authorization for construction projects is essentially at the level of new obligational authority being requested by the AEC.

There is one significant exception to that general rule, however, and that is relative to the two construction projects which comprise the Cascade improvement program to increase the capacity of our gaseous diffusion plants. In that case, while the committee has recommended a reduction of $70 million in the authorization, we urge the appropriation of $30 million more than requested by the AEC. As my colleagues will recall, the committee and the Congress have been urging a more rapid implementation of that program than has been recommended by the administration, and we continue to feel that it is imperative that these facilities be modernized at the optimum rate practicable. As our distinguished chairman mentioned, the committee also has recommended that $15 million be added to the budget to restore electrical power to the gaseous diffusion plants as part of the program of bringing the existing plants to full-rated capacity. Both of these actions are considered necessary and prudent if we are to insure the availability of enrichment capacity sufficient to meet both the domestic and free world demand for nuclear fuel. The committee's comments on these two recommendations appear in the committee report at pages 8 and 41.

Mr. President, I concur with our distinguished chairman that this bill is a sound piece of legislation. The program of the commission has received the most careful scrutiny by the committee not only in 10 public hearing sessions and 3 executive hearing sessions but also through many hours of careful study. I believe the recommendations of the committee reflect the proper ordering of priorities and are responsive to the needs of the public and the rapidly maturing nuclear industry as well, and I urge passage of this bill.

Mr. PASTORE. Mr. President, this is a sound bill and as a reading of the committee reports will reveal, it has been carefully considered by the joint committee. The report spells out in detail the fiscal year 1973 Atomic Energy Commission program as recommended by the committee and, as I indicated earlier, the bill has been approved by the committee without dissent.

In due time, I shall urge the passage of the bill. I understand that the Sentor from Pennsylvania has an amendment, which I am ready to accept, and in order to allow him to come to the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I submit an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 1, line 7, delete "$2,109,980,000" and insert in its place "$2,110,480,000".

Mr. SCOTT. Mr. President, my amendment would increase the Atomic Energy Commission's authorized operating expenses by $500,000, to a new total of $2,110,480,000. The purpose of the amendment is to fund fully, at the $1 million administration requested level, the terrestrial electrical power development program which provides for the development of a radioisotopic power system for use in a cardiac pacemaker. Joining me on this amendment are Senators SCHWEIKER, WILLIAMS, BIBLE and BAKER.

During the Senate's consideration of this bill last year, I offered the very same amendment. This year, the cut came about largely due to some unfortunate misunderstandings between the contractor and the Joint Committee on Atomic Energy. I understand that those differences have now been clarified and I am hopeful that my amendment will be adopted once again. The distinguished chairman of the committee, Mr. PASTORE, said last year that any decision on this matter "ought to be on the side of saving human life." I trust that he still harbors those same good feelings.

Mr. President, this money will allow the program to terminate on schedule, as this is the fifth and final year. The ARCO Nuclear Co. in Leechburg, Pa., has done an outstanding research job on the cardiac pacemaker and they should be allowed to complete their work. I am told that their work this year will allow the orderly transition from animal implants to human implants—certainly good news for those 80,000 Americans who need and use cardiac pacemakers to help them to live with a malfunctioning heart. In order to allow for a further elaboration of this excellent program, I ask unanimous consent to include in the RECORD certain explanatory material, in addition to an article in last night's Evening Star discussing the nuclear pacemaker.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ARCO NUCLEAR CO.,
Leechburg, Pa., May 18, 1972.

Senator HUGH SCOTT,
U.S. Senate Office,
Washington, D.C.

Subject: AEC Authorization Bill 3607 Radioisotope Powered Cardiac Pacemaker.

DEAR SENATOR SCOTT: As a direct result of the restoration of funds last year for the Nuclear Pacemaker Program, we have been able to make good progress and are nearing the end of the program and the planned benefits to the public. However, the Joint Committee on Atomic Energy has just recommended that the funds for this program be reduced to one half ($500,000) of the amount requested by the Atomic Energy Commission for Fiscal Year 1973. The funds which were cut need to be restored in order that the objectives of the program can be achieved expeditiously and the benefits reach the public in the next couple of years. At the full funding level recommended by the AEC Fiscal Year 1973 would essentially be the final year of the program which is now about 80% completed. It seems very wasteful to slow down the program just when it is close to a successful conclusion in such a worthwhile field. In making its recommendation the Joint Committee made the following statements for each of which I have included our comments:

1. "The Joint Committee has learned that a patent has been issued to one of the contractors under the AEC Cardiac Pacemaker Program."

This is correct, and of course the patent is available by licenses from the government to industry and the public.

2. "The Joint Committee also has been advised that the Program Manager of the Cardiac Pacemaker Program and the Manager of the Nuclear Energy Conversion Technical Center, where the pacemaker research was conducted have both resigned from that contractor. The Committee expresses concern that just when the technology has been developed to the point of patentability, loss of key leadership may cause the program to falter. The Commisison is urged to see that this does not occur."

The former Program Manager of the Cardiac Pacemaker Program did resign. Substantially prior to this in a regularly scheduled corporate personnel adjustment, we had, with the AEC's concurrence, given the present Program Manager essentially full responsibility for the project activities. The present Program Manager, while younger, has had just as much program experience, has a higher educational level, and has an outstanding record of achievement. The Manager of the Energy Conversion Technical Center also recently resigned and we have been interviewing a number of excellent candidates for his replacement. We expect to make a choice shortly. As is common knowledge, many very high quality scientific and engineering managers are currently available on the job market. In any case, we last fall added an experienced executive, a Metallurgist by training, to be responsible over-all for our Energy Conversion activities on site, and we have no doubt that our leadership of this unit is stronger than it was last year.

3. "Careful examination of the AEC Pacemaker Program as proposed for the coming year indicates that a portion of the one million dollars requested for continued research will be applied to development of production line techniques in preparation of manufacturing documentation. It is the view of the Committee that this effort should more appropriately be the responsibility of manufacturers desirous of entering the business of manufacturing pacemakers."

This statement must be the result of some misunderstanding since no development of production line techniques is planned for the coming year. This work has all been completed. The budgeted work does include around $20,000 to complete the generation of data on device fabrication. It also includes $140,000 for analysis of the production line techniques and for documenting them in a manner which will make them usable to industry in general. Having done the work it would seem wasteful to leave it in an undocumented state which would be difficult for a company with modest resources to utilize. Additional production effort in the budget is for fabricating units for test and implantation purposes.

4. "The AEC effort to develop a procedure for licenses and appropriate license assumptions should be continued. The Committee strongly recommends that the AEC and this contractor proceed with implantation and evaluation of the AEC pacemaker in human patients, such as those patients who have volunteered and complete the program for safety evaluation."

We certainly appreciate the Committee's approval of the principle objectives of the Program but do not believe these can be accomplished in a satisfactory manner at the reduced funding level and neither reduction of the support activities nor the work scheduled to bring the benefits of this project to the public appears to be advisable since they would result in a substantial reduction of the benefits right at the end of a lengthy and successful program.

One further point they may need to be clarified is the change which took place during the last year in our company name. Previously, the work was carried out by the Energy Conversion Division of NUMEC. With the sale of the rest of NUMEC, the Energy Conversion Division was transferred to ARCO Nuclear Company. NUMEC was, and ARCO Nuclear Company is, a fully-owned subsidiary of the Atlantic Richfield Company. The change in name does not reflect any change in basic corporate responsibility.

As a consequence of the separation of this unit from the NUMEC ones at the same site we have been able to adopt a smaller and simpler accounting and business system and as a result have increased the percentage of our personnel in the scientific and engineering program. Since the transfer to ARCO Nuclear, and apart from the managers mentioned above, we have added 2 Ph.D. Physicists, 1 M.S. and 2 B.S. Mechanical Engineers, 1 B.S. Metallurgical Engineer, 1 B.S. Ceramics Engineer, 1 B.S. Chemist, and 1 M.S. Electrical Engineer, while loosing only 1 B.S. and 1 M.S. Mechanical Engineer. We believe there is no question that our staff and capability, equipment and leadership have been strengthened substantially in these moves.

I sincerely hope that this information is of interest to you and that you will use it to help us bring this worthwhile program to a successful conclusion. I have attached a summary of the accomplishments that we made last year and what we will accomplish in the coming year if the required funds are restored. Your help last year was instrumental in restoring the funds and permitting this worthwhile program to be carried forward. If you have any questions concerning this matter please do not hesitate to call or write at your convenience.

Sincerely,

S. A. KOLENIK,
Program Manager.

PROGRAM SUMMARY

There are approximately 80,000 men, women, and children in the United States who need and use cardiac pacemakers to help them live with a malfunctioning heart. This number increases every year by 25/30,000 people. Their average age is 71 years, and they as a group average 6 years of life with a pacer. The United States census shows the number of people in the older age brackets is growing much more rapidly than the population as a whole and thus there is a strongly growing need for devices to increase further the useful life span of our citizens. At present, the average battery implant operates successfully for only 2 years, and the average patient is required to have 3 or more implants with the associated surgical risks and costs. A 10-year nuclear battery pacer should eliminate need for this additional surgery, hospital time, and expense for most users.

The AEC nuclear battery program is aimed at ensuring an effective, reliable unit for the users and safety for the public as they associate with these nuclear pacemaker users. The major responsibility of the program has been the development of safety and reliability standards. It has been found that it will be necessary for such a nuclear unit to withstand industrial fires of 1900°F, cremation at 2100°F, free fall at terminal velocity, direct impact from a hand gun bullet, crushing, and drowning without rupture or breach of the fuel capsule.

The other major responsibility of the AEC program is the design and fabrication of a unit which will meet these standards, and the demonstration that it can be manufactured economically.

The AEC program in FY 1973 will provide units for human implant which have demonstrated this safety and efficacy to the users and the public. During FY 1973 to facilitate the transition of these devices into general use, a system cost reduction analysis will be made and published which will demontsrate the economical production of nuclear batteries to these necessary standards of safety and reliability. Such economical feasibility will be further demonstrated in FY 1973 by fabrication of pacers using electronics obtained from commercial pacer manufacturers.

This has been a highly successful program so far. It is about 4/5 done, and the FY 1973 part of the program will bring it essentially to completion. There is still need for the program because commercial sources have not yet proposed to make available pacers which will meet the required standards.

OBJECTIVES TO BE ACHIEVED IN FISCAL YEAR 1973

1. PERFORM HUMAN IMPLANTATION

From the same pilot production run, which will be completed in FY 1973 and which will demonstrate the technical and economical feasibility of these nuclear devices, a group of 25 systems will be completed and reserved for human implantation. This so-called pilot production group was fabricated in a continuous run or single lot to assure that each of the reliability, animal and laboratory tests applied to individual units would be applicable to the whole group, thus permitting a proven reliability demonstration before moving on to the stage of initial human implantation. When it has been proven statistically through animal implantations and laboratory tests that a reliability significantly better than that of present battery-powered pacemakers has been achieved, the human implantations will be carried out. This is anticipated to take place at about the midpoint of FY 1973 after the animal implant program is completed and sufficient evaluations performed to allow human implants.

2. CLINICAL EVALUATION IN HUMAN PATIENTS

Following the selection of suitable clinics and the actual implantations, a complete program of clinical evaluations will be carried out. This program will be established by the combined efforts of the National Heart and Lung Institute, AEC, the private clinics selected to perform the implants, and ARCO Nuclear Company. A detailed experimental protocall will be established and an associated written document will be published upon which future such experiments by private medical organizations can be based.

3. COMPLETE SAFETY TESTING AND ANALYSIS

The safety testing and analysis required to qualify implantable nuclear devices for widespread use will be conducted. These tests include industrial fire, cremation, free fall impact, crush, bullet impact, drowning, corrosion, power tool, and automobile accidents. The information obtained by these tests and analyses will provide the base upon which regulatory criteria and procedures can be established in order that such nuclear devices can be released for widespread use. Also, a detailed study will be completed to establish the probability levels for all potential serious accidents.

4. SYSTEM COST REDUCTION ANALYSIS

Following completion of the pilot production run and finalized manufacturing documentation, a detailed cost reduction analysis will be conducted. The production startup difficulties and fixturing costs will be accounted for as well as the benefits of the anticipated learning curve in order to accurately extrapolate true larger quantity unit cost. This analysis is very important in the demonstration of the economical feasibility of producing implantable nuclear devices of the highest standards and reliability.

5. MANUFACTURING DOCUMENTATION

A complete set of detailed manufacturing documents will be prepared. These will include all production techniques, inspection procedures, quality assurance criteria and procedures, testing plans, sampling plans, all drawings, materials, and analysis used to fabricate the implantable nuclear powered cardiac pacemakers as part of this program. Since all of this information belongs to the American public, it will be available to any private organization that wants to fabricate such devices including all existing commercial pacemaker manufacturers.

6. INITIATE TRANSITION TO GENERAL USE

A small group of systems will be fabricated for use with synchronous and demand types of pacer circuits obtained from various commercial pacer manufacturers. These are the most common types of pacer circuits used today, and they require much more power than the simple fixed rate circuit used for the pilot production units. This will demonstrate the flexibility and maximum usefulness of the nuclear battery developed since it will be demonstrated that it has enough power and a high enough output voltage to properly operate almost all existing commercial pacemaker circuits, as well as many other non-pacemaker types of implantable circuits. This effort will also introduce a large number of commercial pacer manufacturers to the details of what is required to transition the nuclear battery to general use. Extensive liaisons with various commercial pacer manufacturers is, therefore, anticipated for this effort.

7. QUALIFY NUCLEAR BATTERY FOR HUMAN USE

Sufficient reliability studies and testing and the execution of FDA requirements test program will be performed. Also, the establishment of nuclear battery standards and safeguards to assure high reliability, patient safety, and safety to the general population. In addition, a small group of systems will be taken through the procedures established to obtain a general users license to demonstrate the feasibility of introducing the nuclear device into the general population.

8. ANALYSIS OF OTHER APPLICATION

An analysis will be completed which will demonstrate that the technology developed as part of this program can be applied to other types of medical devices which are presently being developed by the medical and engineering community. Such other devices include such worthwhile application as heart attack monitors, implantable cardiac de-fibrillation, phrenic nerve stimulators, carotid sinus stimulator, pain control devices, blood pressure controller, accelerated bone healing devices, cerebral stimulation to restore visual and auditory functions, bladder control, and stimulators to restore muscle strength to paralyzed limbs. Many of these devices are only possible because of the potential use of nuclear batteries which have enough power to operate the new devices over long periods of time while still being small enough to be implantable.

ACHIEVEMENTS IN FISCAL YEAR 1972

As a result of the restoration of Program funding the following achievements were made.

Pilot production techniques were established as well as a set of preliminary safety standards, reliability standards, quality assurance standards, operating procedures, and qualification testing methods. Using the upgraded qualification testing methods, extensive engineering studies and actual animal implantation test results, the system design was greatly improved over the initial system. The pilot production of nuclear pacemaker systems was initiated as well as the animal implant program required to achieve qualification for human implantation. An extensive safety test program was initiated, which included extensive cremation testing. Based on this testing, a recommended safety standard was formulated for cremation conditions, based on actual cremation conditions. This was the first data of this type ever developed. Several fueled systems were fabricated and subjected to actual cremation conditions. A special standard was developed for electronic circuits for use with nuclear batteries. Using this standard, a group of pilot production electronic circuits were fabricated and placed on life tests for statistical demonstration of adequate reliability for human use. A more suitable fuel form was introduced as well as a complete fuel specification for future use. Preliminary license work was conducted to lay the ground work for experimental human implantations next year. Life test data continued to demonstrate the feasibility of meeting the 10 to 20 year design life of the nuclear pacemaker.

[From the Washington Evening Star, May 24, 1972]

ATOM-POWERED HEART CLOSE

(By Judith Randal)

OAK RIDGE, TENN.—The Atomic Energy Commission predicts that within eight to ten years a human being could be walking around with a completely implanted artificial nuclear-powered heart.

Meanwhile, barring unforeseen complications, it will grant the first American license for nuclear-fueled heart pacemakers sometime in the next two months.

At a science writers' seminar held here at the AEC's Oak Ridge National Laboratory, scientists said yesterday that an atom-powered heart—under development since 1964—should be ready for preliminary reliability tests by the end of this year.

But this does not mean, they stressed, that it will be put into patients or even into animals at that time.

What it does mean, they explained, is that the power unit—fueled by plutonium 238—will be tested in a laboratory situation to make sure that it is capable of driving the part of the artificial heart that actually pumps blood out to the body.

To date, such pumping units have been operated by air-driven components that are not suitable for internal implantation.

Dr. William E. Mott, the physicist who heads the AEC's thermal applications branch in Germantown, Md., told reporters that a number of criteria must be met before the nuclear device is ready for testing on human beings. The device, he said, must be responsive to the body's changing energy needs and compatible with its tissues.

In addition, the power cell of the heart will have to be rugged enough to withstand accidents that could split open the radioactive component and expose both the patient and the public to radiation. To date, he said, none of these problems appears to be insurmountable.

Mott estimated that the operation to implant a heart will cost about $10,000 and the device itself about $31,000. Amortized over its expected 10-year lifespan, this works out to be about $3,000 annually.

An issue that the AEC and its partner in the venture, the National Heart and Lung Institute, must face, Mott said, is whether the public will support this kind of life-saving measure at the cost that will be involved.

Assuming, as had been estimated by NHLI, that 15,000 to 45,000 Americans a year could benefit from such therapy by the year 2000, he said, the total annual bill might come to $800 million.

As for cardiac pacemakers, present models used in this country operate on chemical batteries. Although they are effective in providing a regular and sufficiently powerful beat to correct the condition known as heart block which deprives the body of sufficient blood, they have the disadvantage of having to be surgically replaced about every two years.

This shortcoming is corrected by atomic-powered pacers and some 30 such devices with an expected lifetime of eight to ten years have been implanted in European patients since 1970.

Dr. Andrew Gage, a cardiac surgeon at the Veterans Administration hospital in Buffalo, N.Y. has applied to the AEC for permission to install French "pacers" in 10 to 20 patients. AEC officials said yesterday that the request will probably be granted in the next two months.

Present plans also call for the first trials of an American pacemaker—developed under AEC auspices—at the Beth Israel Hospital in Newark, N.J. early in 1973.

At yesterday's meeting, James C. Malaro of the AEC's regulatory staff said that changes in the Atomic Energy Act will be required before the new pacers can be used on patients except on an experimental basis.

He explained that this will, involve both the waiving of individual licenses for everyone needing such a device and international agreement on safety and reliability standards so that patients will be free to travel abroad.

Present pacemakers he said, cost about $1,000 and those powered by atomic fuel will probably cost at least three times that much. However, since the surgery to implant and re-implant batteries at two-year intervals runs, to $800 to $900, the longer-lived atomic devices are probably cheaper in the long run and protect the patient against the rigors of repeated surgery.

Mr. SCOTT. The distinguished manager of the bill is well aware of this program. The electronic pacemaker is a most important substitute for the model presently being used. It is more compact, it is smaller, but more than that, it is powered by nuclear energy. This pacemaker fits into the chest cavity of the patient, and the attendant plastic cord and small screw fit into an arterial section, as I understand, and provide electronic stimulation for the heart.

I have been told that research is going on to provide for what would amount to a great advance in this system, an electronic heart itself, which we hope some day will be accomplished. Meanwhile, this money ought to be in the bill to assure continuing research and development in this field.

Mr. PASTORE. Mr. President, if the Senator will yield, I am perfectly willing to accept the amendment. It is a good amendment. The committee had certain qualms about this cut that we made of $500,000. It can be argued each way. But I think the safe thing to do is to put the money in, and then, if it need not be used, it will not be, because we are dealing here with something which will be a boon to a lot of people who have heart conditions which require a pacemaker, and if we can achieve a very effective one, propelled by nuclear power, it would have a very lasting effect, and they would not have to be removing it from the body as often as they do now.

For that reason, I am perfectly willing to accept the amendment.

Mr. SCOTT. I thank the distinguished manager of the bill, and again point out that this may be the precursor for far more important electronic means of supplementing failing human organisms.

Mr. PASTORE. That is correct.

Mr. SCOTT. I urge the adoption of my amendment.

Mr. SCHWEIKER. Mr. President, several months ago I introduced S. 3201, a bill to expand the scope of the National Heart and Lung Institute and to provide special emphasis on the prevention of arteriosclerosis and other cardiovascular diseases. Parts of my bill were included in S. 3323, the National Heart, Blood Vessel, Lung and Blood Act of 1972, which passed the Senate without opposition on April 7.

I stated then the case for an intensified attack on heart disease, and what important benefits could be derived from a relatively small investment of Federal research funds.

Today I would like to briefly discuss a related matter.

There are approximately 80,000 men, women, and children in the United States who need and use cardiac pacemakers to help them live with a malfunctioning heart. This number increases annually by 25,000 or more.

At present the average lifespan after installation of a pacemaker is 6 years. The battery-operated pacemakers today, however, require battery replacement about every 2 years, subjecting these people to the risks, trauma, and costs of serious surgery, three or more times in what is probably their last decade of life.

The Atomic Energy Commission has been funding research into nuclear powered pacemakers for some years now, and a number of these programs are very close to successful completion.

One of these programs, carried on by Arco Nuclear Co. of Leechburg, Pa., is now about 80 percent completed, and full-funding for fiscal 1973, of $1,000,000 is essential to permit the program to be brought rapidly to completion.

Several important tasks still remain which would essentially qualify this nuclear pacemaker for human application. It would be very unfortunate, in my judgment, to reduce the Atomic Energy Commission's original request for $1,000,000 at all, and thereby endanger this essential program when it is so near to fruition.

I would, therefore, strongly urge support for the amendment the distinguished majority leader, Senator Scott, has offered on behalf of myself and the distinguished Senator from New Jersey, Senator Williams, to reinstate full funding for this very important program.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. SCOTT. I yield back the remainder of my time.

Mr. PASTORE. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Hart). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Pennsylvania (Mr. Scott).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, I yield whatever time he may require to the Senator from Colorado (Mr. Dominick).

AEC AUTHORIZATION BILL—TITLE II

Mr. DOMINICK. Mr. President, on February 9, 1972, Senator Allott and I introduced S. 3150, a bill to provide Federal financial assistance to limit radiation exposure resulting from the use of uranium mill tailings in the area of Grand Junction, Colo. At the same time Mr. Aspinall introduced an identical measure in the House of Representatives.

The bill was designed to provide the fiscal framework for correcting a situation which has developed in our State for which existing law appears to afford no remedy.

The intent of S. 3150 has been incorporated into S. 3607, the AEC authorization bill as title II, now pending before the Senate.

Mill tailings are the residual materials accumulated as the result of the processing of uranium ore. The problem arose when in the 1950's and early 1960's these tailings were used as construction material and were later found to be the source of low-level radiation in some homes and public buildings.

There has been considerable coverage of this subject by the media during the past year—a large portion having little or no foundation in fact—and the result has been the creation of uncertainty and doubt surrounding the town of Grand Junction. Real estate values and the ease of transfers of property have suffered, but not so much as the peace of mind of the people in that area.

In October of last year, the Subcommittee on Raw Materials of the Joint Committee on Atomic Energy, chaired by Representative Wayne Aspinall, of Colorado, and on which I serve, held comprehensive hearings to develop the facts on this issue. While the subcommittee did not seek to affix either legal liability or responsibility, it became obvious that there was no clear course of action by which the radiation exposure problem could be resolved without a disproportionate burden on the homeowners. The Federal and State agencies involved—the AEC and the Colorado Department of Public Health—each asserted lack of authority and control of events leading to the use of the tailings and a similar lack of authority to effectuate a remedy.

Title II of S. 3607 will remove that obstacle as to the AEC. It recognizes the fact that these tailings were the residue of a significant Federal program designed to enhance our national defense and security—to provide nuclear materials for our stockpile. It authorizes the AEC to financially assist the State in a program of remedial action to limit future radiation exposure which could result from the unfortunate use of these mill tailings.

Under the bill, the AEC will be authorized to provide up to 75 percent of the cost for necessary remedial action. The State must establish and administer an appropriate program to undertake the necessary action which must be approved by the Commission. The standards to be applied in evaluating the appropriate action will be those promulgated by the Surgeon General of the United States. Much study and data collection has been conducted and is being continued with the assistance of the Environmental Protection Agency.

The Colorado Legislature on April 6, 1972, following the lead of our committee, passed legislation which indicates Colorado will assume its part in this Federal-State cooperative program.

Mr. President, title II of the AEC authorization bill is in the highest tradition of Federal-State cooperation to assure the health and safety of our people. It reflects recognition of the fact that there are times when adverse consequences can result without the fault or blame of anyone, yet something must be done by someone. This is not a new concept. Perhaps the best known example is the Texas City disaster in 1947, to which the Congress addressed itself with basically similar legislation in 1955.

Mr. President, I wish to thank the distinguished chairman of the Joint Committee on Atomic Energy (Mr. Pastore) as well as the other members of the committee for the expeditious handling of this urgent problem. I know I can also speak for the citizens of my State in the Grand Junction area who are most appreciative of the efforts of the committee in bringing about a resolution of this problem.

Mr. ALLOTT. Mr. President, it is with a great deal of pleasure that I rise in support of S. 3607, a bill to authorize appropriations to the Atomic Energy Commission. I want to give special thanks to the chairman of the Joint Committee on Atomic Energy, the senior Senator from Rhode Island (Mr. Pastore) and also to my colleague, Senator Dominick, for their efforts in reporting S. 3607.

I am particularly pleased that the committee has included as title II, S. 3150, a bill which Senator Dominick and I introduced in February of this year. Title II will provide necessary Federal financial assistance to limit radiation exposure from the use of uranium mill tailings in the area of Grand Junction, Colo. There is no denying the necessity of this legislation, and the speed which the Joint Committee has displayed in reporting the bill is to be highly commended.

Mr. President, let me take just a moment to trace the history of the uranium mill tailings problem in the Grand Junction area. During the 1950's and early 1960's uranium mill tailings were used and became a favorite type of construction material in the Grand Junction area. There are several reasons for this; easy access, excellent construction qualities and inexpensive costs are just a few. At that time, for a variety of disputed reasons, no one suspected any danger from using the tailings in construction. During the late 1960's the Colorado Department of Public Health and the Atomic Energy Commission became concerned that the use of tailings in this way may have a detrimental effect on public health. This concern resulted in terminating further use of the tailings after 1966, without prior approval by the State department of health.

Since that decision in 1966, the various governmental agencies involved, have been working to first define the problem and second, to propose a solution. Until fairly recently, this work had been progressing in an orderly fashion. During the past year considerable media attention has been given to the subject. This attention, while in some ways good, has in many ways created something of an unjustified fear in the Grand Junction area. The media attention has caused the various Government agencies to expedite and coordinate their respective endeavors. This has been good. The adverse effects can be seen in the unjustified fear of the ctizens of the Grand Junction area. It can also be seen in many economic aspects of this area. Property values have declined and general concern has been expressed about the future effects on the properties where the presence of tailings has been noted.

It is because of these uncertainties that I believe it is imperative that Congress reach a speedy solution to this problem. Passage of S. 3607 will accomplish just this.

Title II recognizes the traditional concept of Federal-State cooperation in solving problems. The State of Colorado has acted during the past month in passing a similar piece of legislation to meet its initial share of the responsibility. Congress should do no less. Passage of S. 3607 will allow action to commence in reaching a solution to this problem.

Once again I congratulate the floor manager of the bill and the members of the Joint Committee on Atomic Energy and state my full support of this measure.

Mr. PASTORE. Mr. President, I yield back the remainder of my time.

Mr. BENNETT. Mr. President, I yield back the time of the minority.

The PRESIDING OFFICER. All time has been yielded back.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and the nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Idaho (Mr. CHURCH), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from Louisiana (Mr. ELLENDER) is absent on official business.

I further announce that if present and voting, the Senator from Illinois (Mr. STEVENSON), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Georgia (Mr. GAMBRELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON) and the Senator from Maryland (Mr. MATHIAS) are absent on official business.

The Senator from Vermont (Mr. AIKEN), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Illinois (Mr. PERCY), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from Iowa (Mr. MILLER), the Senator from Ohio (Mr. TAFT), the Senator from South Carolina (Mr. THURMOND), and the Senator from Hawaii (Mr. FONG) would each vote "yea."

The result was announced—yeas 71, nays 0, as follows:

[No. 188 Leg.]

YEAS—71

Allen
Allott
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Cooper
Cranston
Curtis
Dole
Dominick
Eagleton
Ervin
Fannin
Fulbright
Griffin
Gurney
Hansen
Hart
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McIntyre
Metcalf
Mondale
Montoya
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Symington
Talmadge
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—29

Aiken
Anderson
Bellmon
Brooke
Church
Cook
Cotton
Eastland
Ellender
Fong
Gambrell
Goldwater
Gravel
Harris
Hartke
Humphrey
Jordan, N.C.
Mathias
McClellan
McGee
McGovern
Miller
Moss
Mundt
Percy
Ribicoff
Stevenson
Taft
Thurmond

So the bill (S. 3607) was passed, as follows:

S. 3607

An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $2,110,480,000 not to exceed $126,400,000 in operating costs for the high energy physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) NUCLEAR MATERIAL.—

Project 73–1–a, in-tank solidification systems auxiliaries, Richland, Washington, $2,500,000.

Project 73–1–b, waste management effluent diversion control facilities, separations areas, Richland, Washington, $1,000,000.

Project 73–1–c, expansion of weighing and sampling facility for gaseous diffusion plant, Portsmouth, Ohio, $1,400,000.

Project 73–1–d, component test facility, Oak Ridge, Tennessee, $20,475,000.

Project 73–1–e, radioactive waste management improvements, Savannah River, South Carolina, $1,300,000.

Project 73–1–f, safety improvements, reactor areas, Savannah River, South Carolina, $2,000,000.

Project 73–1–g, contaminated soil removal facility, Richland, Washington, $1,400,000.

Project 73–1–h, Rover fuels processing facilities, National Reactor Testing Station, Idaho, $3,250,000.

Project 73–1–i, radioactive solid waste reduction facility, Los Alamos Scientific Laboratory, New Mexico, $750,000.

(2) NUCLEAR MATERIAL.—

Project 73–2–a, atmospheric pollution control facilities, heavy water plant, Savannah River, South Carolina, $4,300,000.

Project 73–b–2, improved sanitary waste treatment facilities, Savannah River, South Carolina, $1,100,000.

(3) ATOMIC WEAPONS.—

Project 73–3–a, weapons production, development, and test installations, $10,000,000.

Project 73–3–b, laser fusion laboratory, Los Alamos Scientific Laboratory, New Mexico, $5,200,000.

Project 73–3–c, laser fusion laboratory, Lawrence Livermore Laboratory California, $6,800,000.

Project 73–3–d, classified facilities, sites undesignated, $15,000,000.

(4) ATOMIC WEAPONS.—

Project 73–4–a, new sewage disposal plant, Mound Laboratory, Miamisburg, Ohio, $700,000.

Project 73–4–b, land acquisition, Rocky Flats, Colorado, $8,000,000.

(5) REACTOR DEVELOPMENT.—

Project 73–5–a, Liquid Metal Engineering

Center facility modifications, Santa Susana, California, $3,000,000.

Project 73–5–b, modifications to EBR–II, National Reactor Testing Station, Idaho, $4,000,000.

Project 73–5–c, modifications to Power Burst Facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73–5–d, modifications to TREAT facility, National Reactor Testing Station, Idaho, $1,500,000.

Project 73–5–e, research building safety modifications, Mound Laboratory, Miamisburg, Ohio, $3,000,000.

Project 73–5–f, Pu–238 fuel form fabrication facility, Savannah River, South Carolina, $8,000,000.

Project 73–5–g, modifications to reactors, $3,000,000.

Project 73–5–h, S8G prototype nuclear propulsion plant, West Milton, New York, $56,000,000.

(6) Physical Research.—

Project 73–6–a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, $400,000.

Project 73–6–b, accelerator and reactor improvements, Brookhaven National Laboratory, New York, $475,000.

Project 73–6–c, accelerator improvements, Cambridge Electron Accelerator, Massachusetts, $75,000.

Project 73–6–d, accelerator improvements, Lawrence Berkeley Laboratory, California, $525,000.

Project 73–6–e, accelerator improvements, Stanford Linear Accelerator Center, California, $1,025,000.

Project 73–6–f, accelerator and reactor improvements, medium and low-energy physics, $600,000.

(7) Biology and Medicine.—

Project 73–7–a, high-energy heavy ion facility (BEVALAC), Lawrence Berkeley Laboratory, California, $2,000,000.

(8) Biology and Medicine.—

Project 73–8–a, replacement of laboratory service systems, Oak Ridge National Laboratory, Tennessee, $1,200,000.

(9) Administrative.—

Project 73–9–a, addition to headquarters building (AE only), Germantown, Maryland, $1,500,000.

(10) General Plant Projects.—$49,050,000.

(11) Capitol Equipment.—Acquisition and fabrication of capital equipment not related to construction, $164,080,000.

Sec. 102. Limitations.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (3), (5), (6), and (7) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project under subsections 101(b) (2), (4), (8), and (9) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b) (10) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000, provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (10) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

Sec. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Sec. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

Sec. 105. Amendment of Prior Year Acts.—(a) Section 101 of Public Law 91–44, as amended, is further amended by striking from subsection (b)(1), project 70–1–b, bedrock waste storage, the figure "$1,300,000" and substituting therefor the figure "$4,300,000".

(b) Section 101 of Public Law 91–273, as amended, is further amended by (1) striking from subsection (b)(1), project 71–1–e, gaseous diffusion production support facilities, the figure "$45,700,000" and substituting therefor the figure "$72,020,000", (2) striking from subsection (b)(1), project 71–1–f, process equipment modifications, gaseous diffusion plants, the figure "$10,400,000" and substituting therefor the figure "$34,400,000", (3) striking from subsection (b) (6), project 71–6–a, National Nuclear Science Information Center, the words "AE only" and substituting therefor the words "American Museum of Atomic Energy", and further striking the figure "$600,000" and substituting therefor the figure "$3,500,000", and (4) striking from subsection (b)(9), project 71–9, fire, safety, and adequacy of operating conditions projects, the figure "$45,700,000" and substituting therefor the figure "$69,000,000".

(e) Section 101 of Public Law 92–84, as amended, is further amended by (1) striking from subsection (b)(1), project 72–1–f, component preparation laboratories, the figure "$3,000,000" and substituting therefor the figure "$25,300,000", (2) striking from subsection (b)(2), project 72–2–b, weapons neutron research facility, the words "(AE only)" and further striking the figure "$585,000" and substituting therefor the figure "$4,400,000", (3) striking from subsection (b)(3), project 72–3Xb, national radioactive waste repository, the words "Lyons, Kansas" and substituting therefor the words "site undetermined" and further adding after the words *"Provided,* That" the words "with respect to any site in the State of Kansas", and (4) striking from subsection (b)(5), project 72–5–a, radiobiology and therapy research facility, the words "(AE only)" and further striking the figure "$345,000" and substituting therefor the figure "$1,600,000".

Sec. 106. Rescission.—(a) Public Law 91–44, as amended, is further amended by rescinding therefrom authorization for the following projects, except for funds heretofore obligated:

Project 70–2–a, rebuilding of gaseous diffusion plant cooling tower, Portsmouth, Ohio, $1,000,000.

Project 70–4–b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

(b) Public Law 91–273, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 71–3–b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

TITLE II

Sec. 201. The Congress recognizes and assumes the compassionate responsibility of the United States to provide to the State of Colorado financial assistance to undertake remedial action to limit the exposure of individuals to radiation emanating from uranium mill tailings which have been used as a construction related material in the area of Grand Junction, Colorado.

Sec. 202. The Atomic Energy Commission is hereby authorized to enter into a cooperative arrangement with the State of Colorado under which the Commission will provide not in excess of 75 per centum of the costs of a State program, in the area of Grand Junction, Colorado, of assessment of, and appropriate remedial action to limit the exposure of individuals to radiation emanating from uranium mill tailings which have been used as a construction related material. Such arrangement shall include, but need not be limited to, provisions that require:

(a) that the basis for undertaking remedial action shall be applicable guidelines published by the Surgeon General of the United States;

(b) that the need for and selection of appropriate remedial action to be undertaken in any instance shall be determined by the Commission upon application by the property owner of record to the State of Colorado within four years of the date of enactment of this Act and recommendation by and consultation with the State and others as deemed appropriate;

(c) that any remedial action shall be performed by the State of Colorado or its authorized contractor and shall be paid for by the State of Colorado;

(d) that the United States shall be released from any mill tailings related liability or claim thereof upon completion of remedial action or waiver thereof by the property owner of record on behalf of himself, his heirs, successors, and assigns; and further, the United States shall be held harmless against any claim arising out of the performance of any remedial action;

(e) that the State of Colorado shall retain custody and control of and responsibility for any uranium mill tailings removed from any site as part of remedial action;

(f) that the law of the State of Colorado shall be applied to determine all questions of title, rights of heirs, trespass, and so forth; and

(g) that the Atomic Energy Commission shall be provided such reports, accounting, and rights of inspection as the Commission deems appropriate;

Provided, That before such arrangement or amendment thereto shall become effective, it shall be submitted to the Joint Committee on Atomic Energy and a period of thirty days shall elapse while Congress is in session (in computing such thirty days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however,* That the Joint Committee on Atomic Energy, after having received the arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such thirty-day period.

Sec. 203. The Atomic Energy Commission shall prescribe such rules and regulations as it deems necessary and appropriate to carry out the provisions of this title II. Notwithstanding the provisions of subsection (a)(2) of section 553 of title 5, United States Code, such rules and regulations shall be subject to the notice and public participation requirements of that section.

Sec. 204. For the purpose of carrying out the provisions of this title II, there is included in subsection 101(a) of this Act authorization of appropriations in the amount of $5,000,000.

TITLE III

Sec. 301. Section 161 of the Atomic Energy Act of 1954, as amended, is amended by adding at the end thereof the following new subsection:

"w. prescribe and collect from any other Government agency, which applies for or is issued a license for a utilization facility designed to produce electrical or heat energy pursuant to section 103 or 104b, any fee, charge, or price which it may require, in accordance with the provisions of section 483a of title 31 of the United States Code or any other law, of applicants for, or holders of, such licenses.".

Mr. PASTORE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRIBUTE TO SENATOR PASTORE

Mr. MANSFIELD. Mr. President, it is with the greatest pleasure that I rise to congratulate the distinguished senior Senator from Rhode Island (Mr. PASTORE) for the magnificent manner with which he handled the AEC authorization measure today. The efficiency and dispatch with which this matter was greeted and its unanimous approval by the Senate are all a great tribute to Senator PASTORE and his outstanding skill and ability. The Senate is deeply grateful. Senator PASTORE may add another outstanding achievement to his already overabundant record of public service.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The PRESIDING OFFICER (Mr. ALLEN). At this time under the previous order, the Senate will return to the consideration of the unfinished business, S. 3526, which the clerk will state.

The legislative clerk read as follows:

S. 3526, to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

ORDER FOR FURTHER TRANSACTION OF ROUTINE MORNING BUSINESS TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of routine morning business, with statements limited to 5 minutes, the period not to last beyond 30 minutes; and that the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) may be recognized at the beginning, however, for 15 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered; and the Senator from Virginia (Mr. HARRY F. BYRD, JR.) is now recognized for not to exceed 15 minutes.

IMPORTATION OF CHROME ORE FROM RHODESIA

Mr. HARRY F. BYRD, JR. Mr. President, next week, probably on Wednesday, the Senate will vote on amendment No. 1196 to the pending legislation; namely, the Foreign Relations Authorization Act of 1972, S. 3526.

The amendment to which I have referred would keep the law as it is now in regard to the importation of chrome ore from Rhodesia.

Last year, Congress enacted legislation which said that the President of the United States could not prohibit the importation of a strategic material, if such material was being imported from a Communist-dominated country.

That legislation passed the Senate in September. It then passed the House of Representatives by a vote of 251 to 100, and it was signed into law by the President and became effective this past January 1. That is the history.

The Foreign Relations Committee in the Foreign Relations Authorization Act of 1972 now seeks to repeal what Congress did last year. That seems to me to be a very illogical proposal. The legislation enacted by Congress last year only became effective January 1 of this year. So, I see no particular logic in what the Foreign Relations Committee is attempting to do.

When Congress acted as it did last year in regard to permitting the importation of a strategic material—and as a practical matter it applies mainly to chrome from Rhodesia—the reason that Congress acted as it did last year was so that the United States would no longer be dependent on Communist Russia for a strategic war material.

It was in 1966 or 1967 that President Johnson, by unilateral action, placed an embargo on trade with Rhodesia. Rhodesia is the No. 1 chrome-producing nation in the world. As a result of that embargo, put on unilaterally by the Chief Executive, and without the approval of Congress, the United States could no longer import chrome from Rhodesia. As a result, the United States has become dependent on Communist Russia for 60 percent of our imports. Congress last year did not regard this embargo as logical and it passed the legislation which I have already described.

Mr. President, the State Department released several days ago a letter addressed to one of the Members of the Senate in which the State Department expressed approval of the effort to repeal the legislation which Congress enacted last year. The reason that the State Department gives is that the measure adopted last year has put the United States in violation of its international obligations.

What the State Department is saying that is because the United Nations has decreed an embargo on trade with Rhodesia, the United States must adhere to that embargo even though it makes the United States dependent on Communist Russia for a vital and strategic material. I must say that I do not subscribe to the reasoning enunciated by the Department of State.

The State Department last year fought the proposal to end our dependence on Russia for this strategic material. So I am not at all surprised that the State Department is taking the action that it is taking today.

I speak as one who favors the United Nations. I came back from war duty in the Pacific in 1945 by way of San Francisco at the time that the United Nations was being formed. So, I have felt a rapport with that organization through the years. However, when it comes to the defenses of the United States, then I say that the first consideration must be given to our own Nation.

Congress last year appropriated $77 billion for national defense. It is now being called upon by the present administration to appropriate $83 billion for defense this upcoming fiscal year.

It certainly does not seem very logical to vote these huge sums of tax money to arm ourselves against potential aggressors—and the No. 1 potential aggressor is the Soviet Union—and at the same time pass legislation which would make the United States dependent on Communist Russia for vital war material.

I point out that when Congress took action last year to remove the embargo on the importation of chrome from Rhodesia, at the time the roll was called in the Senate and in the House of Representatives, representatives from 46 of the 50 States voted to end the United States dependence on Russia for this strategic material.

It is not a regional matter. It is a national matter. It is not a State Department matter. It is a national defense matter.

I emphasize again that an analysis of the rollcalls of the Senate and the House of Representatives shows that Representatives from 46 of the 50 States supported the proposal to eliminate the embargo on trade with Rhodesia insofar as the importation of chrome is concerned.

A drive is now being made to have Congress rescind its action of a year ago. That drive is being spearheaded by the New York Times and the Washington Post, two very influential newspapers.

They are putting all the heat they can on Members of Congress. I cannot speak for anyone except myself but I do not expect to let the New York Times and the Washington Post dominate my vote so long as I am a Member of the Senate. I recognize how influential they are, and I recognize how determined they are.

Mr. President, in the debate on this matter the statement has been made that we must have an embargo on trade with Rhodesia because their internal policies are not to the liking of the United Nations or to many Members of Congress. I must say I am not totally in sympathy with their policies.

But the problem which exists between Great Britain and Rhodesia which led to the embargo is a matter to be determined by those countries. Why should the United States inject itself into the matter? Whether Rhodesia is independent of Great Britain or continues as a colony of Great Britain is a matter to be determined by them, as I see it.

Several nights ago, for the second time, I went to see the musical comedy "1776" which is a magnificent show dealing with the American independence and the Constitutional Convention that led to the creation of the United States. What Rhodesia is seeking today is what the United States sought in 1776.

Rhodesia is seeking independence from Great Britain. Whether she should have independence or should not have independence is certainly not a matter for me to say; I think it is a matter to be determined by those countries, and I do not think it is appropriate for the United States to inject itself into the matter and attempt to force Rhodesia through a trade embargo to subject herself to the desires of Great Britain.

The basic question at hand, and the

one which the Senate will be called upon to vote on next week—probably next Wednesday—deals not with the internal affairs of Rhodesia.

Mr. President, it deals not with whether Rhodesia should or should not be independent of Great Britain, but the fundamental question is whether the United States shall be dependent on Communist Russia for a vital war material.

I have no quarrel with those who feel there is nothing wrong about the United States being put in that position. I happen to feel otherwise. I happen to feel it is a very foolish policy, by which this Nation is being placed in a position of dependence for 60 percent of its chrome imports, a vital war material, on Communist Russia.

I hope when the roll is called next week the Senate will stand this year just as it did last year to permit the importation of this strategic material from Rhodesia, despite the embargo placed on trade with that country by the United Nations.

Insofar as the action of the American Government is concerned, I want to point out again that the embargo on trade with Rhodesia was not the work of the Congress of the United States; it was put on unilaterally by the Chief Executive. Many Members of the Senate who will vote contrary to the way I am going to vote next week have been those who have been the loudest in their demands that Congress reassert itself and cease giving so much power to the President. I certainly believe that way. I think we should cease giving additional power to the President.

I do not approve of the trade embargo which was placed on Rhodesia unilaterally by the President, with Congress having no say.

In conclusion, I want to point out that the only time Congress has had an opportunity to vote on this matter was last year when Congress overwhelmingly voted to rescind the embargo which was unilaterally placed on this country by the Chief Executive 6 or 7 years ago.

The issue is clear cut.

AUTHORITY FOR ALL COMMITTEES TO FILE REPORTS TOMORROW BETWEEN 9 A.M. AND 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may have authority to file reports tomorrow between the hours of 9 a.m. and 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest what I assume and hope will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further routine business to be transacted at this time?

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider two nominations which were reported earlier today and which are at the desk.

There being no objection, the Senate proceeded to consider executive business.

U.S. DISTRICT JUDGE

The PRESIDING OFFICER. The clerk will state the first nomination.

The legislative clerk read the nomination of Otto R. Skopil, Jr., of Oregon, to be a U.S. district judge for the district of Oregon.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of James M. Burns, of Oregon, to be a U.S. district judge for the district of Oregon.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. HRUSKA. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, the President will be so notified.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Tuesday, May 30, the Senate will again reconvene. The meeting time will be at noon. The period for the transaction of routine morning business will not exceed 15 minutes, with a time limitation of 3 minutes on statements therein.

The Senate will then proceed to consider the Federal Hazardous Substances Act, S. 1478, with an agreement thereon limiting time on the bill to 2 hours; time on any amendment in the first degree to 1 hour; and time on any amendment to an amendment, debatable motion, or appeal, to 30 minutes. Rollcall votes are expected on that bill and in connection with amendments thereto.

Upon the disposition of S. 1478, the Senate will proceed to the following amendments to S. 3526, the State authorization bill, in the order stated and with the time limitation on each as indicated:

Amendment No. 1176, by Mr. DOMINICK, 1½ hours.

Amendment No. 1174, by Mr. BROOKE, 2 hours.

An amendment by Mr. PERCY, the number of which I am not aware of at the moment, 1 hour.

Amendment No. 1196 by the distinguished senior Senator from Virginia, HARRY F. BYRD, JR., 2 hours.

Rollcall votes have already been ordered on each of those four amendments. Any of the foregoing amendments which are not reached on Tuesday will spill over into Wednesday and will be taken up in the order enumerated.

So, for the information of Senators, Tuesday will be a reasonably long day beginning at noon, in accordance with House Concurrent Resolution 619, which was adopted on yesterday. Several rollcall votes will occur during the day on Tuesday. It would be purely a guess, but I would venture the guess that there would be at least three votes, and possibly from that number on up to half a dozen votes. Of course, the situation could change and I could be wrong.

So, insofar as Tuesday is concerned, that about states the case.

On Wednesday, May 31, the Senate will continue with action on the unfinished business, S. 3526, the State authorization bill, with rollcall votes during the day.

It is entirely possible that action could be completed on the State authorization bill on Wednesday, but, if not, the Senate will continue action on the State authorization bill on Thursday. There is a good possibility that action will surely be completed by Thursday, but if not, the Senate will continue action on the State authorization bill, S. 3526, into Friday.

Senators know that conference reports are privileged matters and may be called up at any time. Appropriation bills will be coming along rather frequently during the next several days—the next 30 days, as a matter of fact.

So, as a final note, I would add that the Kleindienst nomination will follow action on S. 3526, the State authorization bill, in accordance with the statement by the distinguished majority leader. That being the case, the Kleindienst nomination could be expected to be called up by late Wednesday of next week, but if not then, certainly Thursday or Friday of next week, I should think.

A final reminder: There will be several rollcall votes Tuesday. Roll call votes are expected on Wednesday.

ADJOURNMENT UNTIL TUESDAY, MAY 30, 1972

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the provisions of House Concurrent Resolution 619, as amended, that the Senate stand in adjournment until 12 o'clock noon on Tuesday next.

The motion was agreed to, and at 1:35 p.m. the Senate adjourned until Tuesday, May 30, 1972, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 25, 1972:

CORPORATION FOR PUBLIC BROADCASTING

The following-named persons to be Members of the Board of Directors of the Corporation for Public Broadcasting for terms expiring March 26, 1978:

Michael A. Gammino, Jr., of Rhode Island, reappointment.

Joseph D. Hughes, of Pennsylvania, reappointment.

Gloria L. Anderson, of Georgia, vice Oveta Culp Hobby, term expired.

Theodore W. Braun, of California, vice Joseph A. Beirne, term expired.

Neal Blackwell Freeman, of New York, vice Zelma George, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 25, 1972:

U.S. COAST GUARD

The following-named officer of the U.S. Coast Guard for promotion to the grade of rear admiral:

Ricardo A. Ratti.

The following-named officer of the U.S. Coast Guard Reserve for promotion to the grade of rear admiral:

Charles J. Hanks.

U.S. DISTRICT COURTS

Otto R. Skopil, Jr., of Oregon, to be a U.S. district judge for the district of Oregon.

James M. Burns, of Oregon, to be a U.S. district judge for the district of Oregon.

EXTENSIONS OF REMARKS

A CAPITAL LEARNING EXPERIENCE: STUDENT INTERNS IN GOVERNMENT—A PROMISING NEW APPROACH

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. PUCINSKI. Mr. Speaker, recently more than 300 student leaders from 38 States visited Washington to express interest in the pending higher education legislation, meet their elected Representatives, and discuss among themselves the response of the Federal Government to their sense of social concern and desire to participate actively in public affairs. These young people have made a major contribution toward helping us reach agreement in conference on the higher education bill.

As a conferee, and as a member of the Subcommittee on Higher Education, I have a profound respect for the contribution of these young people.

The National Student Lobby which has helped bring these young people together has properly sensed the contribution that young people can make to the legislative process. It is for this reason that Congress should pay close attention to the unanimous interest shown by these young people in proposals to expand Federal assistance for work-study and internships, arrangements for short-term or part-time employment, or volunteer service by students while they are attending college. Every Member of Congress knows how greatly student interest in internship assignments has grown in recent years. Hardly any of us is in a position to accept all the offers we receive from students and their home institutions for summer internships and, increasingly often, similar opportunities during the school year. Thus I am led to wonder if the Federal Government is yet doing enough to accommodate this new thrust of student interest. It seems to me that Washington, with its enormous array of Government bureaus, almost all of which are carrying out studies or experimental programs from which students could learn a great deal, should be a center for various experimental efforts to combine higher education and public affairs on a scale not hitherto attempted.

It has been with the greatest of interest that I have learned of a proposal for a summer student program combining internships with organized courses. The program will run on a small scale in the summer of 1972 for around 100 students, each of whom will have a ful-time internship assignment, paid or unpaid, in an agency or office in Washington whose work is somehow relevant to the study of a major theme of public policy. The program is being cosponsored by three organizations: Mount Vernon College, a local 2-year women's college—although some of the seminars will be offered by Georgetown University and Catholic University; Organization Response, a nonprofit collaborative of scholars and scientists working to promote innovation in institutions of learning; and the National Student Educational Fund, a nonprofit educational organization representing over 100 student governments around the country.

The title of the program is "A Capital Learning Experience." The program will offer a number of study areas, including "Science and the Citizen," "New Towns," "Technology Assessment and the Quality of Life," "Dynamics of American Foreign Policy," "Environmental Quality," "Institutional Change in Higher Education and Research," "Health Care and Public Policy," "Television and Popular Education in America," and "Urban Ethnology Field Techniques."

At the end of the summer the organizers of the program will hold an open conference for other educational institutions, Government agencies, associations, students, and others who might be interested in participating in a similar venture during the academic year or next summer. Present plans call for the conference to be sponsored by the office of program development, George Washington University, which is administering a grant to the university from the National Endowment for the Humanities which provides, in part, for the establishment of a work-study office in the consortium of universities to serve local institutions and, perhaps, other colleges and universities elsewhere.

Increasingly often students are interested in seeking and receiving regular academic credit for the studies they carry out in agencies and offices. Unless a suitably qualified scholar or scientist is familiar with their work such credit can be hard to arrange. And yet, if the learning is genuine, and the student completes the assignment he or she has undertaken, it seems like a very good idea to secure academic recognition for it. To do so might help to relieve the strain on faculty time and facilities in institutions of higher education, while also recognizing that the entire community has at least a potential contribution to make to higher education.

The organizers of "A Capital Learning Experience" believe that a promising way for students to arrange to receive credit for their summer study efforts would be to enroll in a seminar related to the topic they are working on in their host agencies or offices. The instructor of each seminar will be prepared to help students secure credit, not just for their classroom work in a weekly seminar, but also for the work they have carried out in an agency or office, so long as it is directly relevant to the topic of the seminar. The range of initial offerings is fairly broad and might become more extensive in the future. Agencies are encouraged to contact the organizers of the program about student interns they have already selected for this summer who might want to enroll.

The organizers of the program have invited students seeking internship opportunities to file with them brief statements of their capabilities and interests. Agencies or offices hoping to find suitably qualified junior staff members for the summer of 1972 might contact the National Student Educational Fund or Organization Response if they are prepared to offer an internship to a suitably qualified student to carry out a project in one of the policy areas chosen for this summer.

The organizers of the program are careful to point out that the internship prospects they have identified are only that—possibilities, and no more. If agencies are interested, the prospects could be turned into actual appointments in a large number of cases. Oftentimes agencies have interesting projects which cannot be carried out for lack of help. A structured program through which these opportunities could be advertised or brought to the attention of students would have a great deal to commend it.

The National Student Educational Fund is a private, nonprofit organization representing student governments all over the country. One of its primary purposes is to help students become involved in research and policy-oriented internships in the Washington area. Toward that end the fund is prepared to enter into simple contracts with Government agencies and other organizations whereby the fund could administer blocks of internship stipends, at considerable savings to agencies in redtape, flexibility, and simplicity. The advantage to agencies is that positions created for full-time, year-round employees would not have to be encumbered for students on short-term assignments. Such contracts could include provision for health insurance and tuition.

In 1892 the universities of the District of Columbia secured legislation authorizing Government agencies to offer their students access to facilities for study and research. By the act of March 3, 1901 (20 U.S.C. 91) the statute was broadened to include students from colleges and universities elsewhere. Because of the rigidities of Government employment and a lack of any obvious method for funding such appointments, relatively little was done by way of introducing students to the laboratories, libraries, and study project of Government departments. Today we are more sophisticated, and the colleges and universities are much more interested. This seems to be an opportune time for an expanded effort to include students in the enterprise of government.

Let me make it clear that the responsibility for adopting and carrying out policy rests with the Congress and the executive branch, but the study of possibilities and needs is a more general responsibility, in which students are eager to take part. Perhaps we should encourage more programs such as this one to open up the governmental process to students, faculty, and citizens generally. In hopes that my colleagues and other readers of the CONGRESSIONAL RECORD will be interested in these possibilities, I ask unanimous consent that a brief statement about the program I have mentioned be entered in the RECORD at this point, and that it be followed by a few brief excerpts from pertinent publications, collected by Organization Response.

A Capital Learning Experience, Summer 1972

Students are invited to submit project outlines for policy-oriented studies they would like to carry out in Washington.

Agencies are invited to inform us about challenging policy study assignments, paid or unpaid, in which they are prepared to supervise students.

In the following priority areas:

Science and the Citizen; New Towns; Technology Assessment and the Quality of Life; Dynamics of Contemporary American Foreign Policy; Comparative Political and Economic Systems; Environmental Quality; Institutional Change in Higher Education and Research; Health Care and Public Policy; Television and Popular Education in America; and Urban Ethnology Field Techniques.

A program to combine internships with regular seminars, with academic credit available for both phases of the program.

Sponsored by:

Mount Vernon College, Office of the Vice President for Academic Affairs, Foxhall Road, N.W., Washington, D.C. 20007, an independent two-year woman's college located in a quiet residential section of Northwest Washington, accredited by the Middle States Association.

Organization: Response, a nonprofit collaborative of scholars and scientists working to promote institutional innovation in the world of learning, 3233 P Street, N.W., Washington, D.C. 2007; a priority project for 1972-73 is to develop new institutional mechanisms to foster learning assignments beyond the campus.

The National Student Educational Fund, representing over 100 student governments, working to expand internship opportunity in Washington, 1835 K Street, N.W., Washington, D.C. 20006. A nonprofit organization able to administer student stipends, health insurance, and internship plans.

A CAPITAL LEARNING EXPERIENCE

The Washington, D.C. area offers unparalleled resources for the study of public affairs. Apart from summer jobs that students arrange themselves and a very few fall or spring term cooperative education placements, no systematic effort has been made to widen the scope of opportunity for students to carry out academically related projects in agencies of the Federal Government or the offices of national associations. As a first step toward a more intensive use of study opportunities in the Washington area, a small pilot project is planned for the summer of 1972: several seminars on policy topics, designed as an academic experience for students pursuing full-time internships or work-study projects. The aim of the program is to demonstrate the academic value of field experience in policy studies, in the expectation that Mount Vernon college and other educational institutions in Washington and elsewhere will sponsor expanded programs in the future, both in summer and during the school year.

GENERAL SUMMARY

A Capital Learning Experience is an undergraduate program designed to knit together on-the-job or field experience and academic study. Student participants will work full-time in summer intern positions in government or social action agencies and in addition, will be enrolled in seminars taught by members of the policy community in Washington.

The seminars, most of which will meet weekly and carry three hours of academic credit, are built around themes, such as "Dynamics of Contemporary American Foreign Policy," "Health Care Delivery," and "Science and the Citizen." Seminars will capitalize on the internship experience of the students by means of discussion, by supplementary reading, by providing guidance and perspective—in brief, by affording each student an opportunity to examine and reflect on his or her work experience.

Numerous internships have already been established in government agencies and research establishments. Most of these are already committed for 1972. Paying summer jobs have been greatly reduced by the job freeze in the Federal Government but a very few may still be arranged in special cases. Those who have already arranged summer jobs in policy-related fields are encouraged to apply for admission to the seminars. Students willing to pursue study assignment as volunteers, without stipends, may be able to secure interesting assignments, of considerable potential academic value, and arrange to receive academic credit for their field experience in addition to that provided through the seminars. Students are expected to establish a strong reinforcing relationship between the seminars and their work in offices and laboratories—to learn at first hand how knowledge can or should be applied to social needs.

This program is admittedly experimental this year. For that reason, the students we are interested in at this point are those who have a well-developed interest in a specific area—ideally, a fairly clear notion of "what they would like to spend the summer doing" or those who have already arranged internships. For example, a biology student interested in the physiological effects of noise might well be an ideal candidate for an internship in Congress or in the Environmental Protection Agency while participating in a seminar on Technology Assessment and the Quality of Life.

Also because this first year is experimental and even more because of a conscious commitment to administrative flexibility, we plan to make available a number of options in the matter of academic credit and in organization of the seminars. However, all the seminars established for the summer of 1972 will carry three hours of academic credit from a sponsoring academic institution. Some will be taught by regular faculty members of area colleges and universities, such as Georgetown University, Catholic University, and the U.S. Naval Academy. Students should arrange to have program credits recognized by their home institutions.

Students may also arrange to receive academic credit for their internship assignments; some will be worth three hours, some six hours. Other intern assignments may not be eligible for academic credit or students may wish to seek credit for them. Where a student wishes to undertake an assignment for credit, the sponsoring academic institution will assist in arranging a learning contract whose successful performance will lead to the award of credit. Where the internship does carry academic credit, the internship supervisor, i.e., the student's on-the-job supervisor will be called upon to certify that the assignment was satisfactorily completed.

Each seminar will have about ten students. Its instructor will choose the members of his seminar from among those who have expressed interest and who have or are seeking appropriate internship assignments. He will also have a role in deciding whether or not the internship will be convertible to academic credit. Further, he will have a major role in scheduling. As noted above, most seminars will meet weekly. However, depending on the nature of the internship assignments and arrangements at the faculty members' institutions, they may meet more often, or less often and more intensively. For example, the seminar whose major academic orientation is anthropology may be scheduled to allow for more intensive class meetings at the beginning and end of the program.

OFFERINGS

Science and the Citizen, an exploration of the unfulfilled popular dimension of science, development of programs to advance the public understanding of science.

Instructor (tentative): Wilton S. Dillon, anthropologist and student of communications processes in society, Director, Office of Seminars, Smithsonian Institution; former staff member, National Academy of Sciences. Author, Gifts and Nations (1968).

Internship Prospects: Mostly volunteer, with science agencies such as the National Science Foundation or the National Academy of Sciences, or assist in developing popular exposition to be offered in conjunction with the December, 1972 meeting of the American Association for the Advancement of Science.

Offered by: Mount Vernon College, June 26-September 1, 1972. Three credit hours. Tuition: $165.00. Field experience credit by arrangement.

Preparation: Sociology, science, education, cultural studies.

New Towns, Planning and design of experimental cities and towns, government support of new towns, role of new technology in human settlements.

Instructor: being arranged.

Internship Prospects: Mostly volunteer, with new communities, such as Columbia, Maryland (The Rouse Corporation), Reston, Virginia, or others, or the Department of Housing and Urban Development, urban research groups, or committees of the Congress.

Offered by: Mount Vernon College, June 26-September 1, 1972. Three credit hours. Tuition: $165.00. Field experience credit by arrangement.

Preparation: Political science, architecture, city planning, or urban studies.

Technology Assessment and the Quality of Life, detailed predictive studies of the impact of new products and technological change on communities, the environment, and individuals.

Instructor: being arranged.

Internship Prospects: Mostly volunteer, with the Department of Transportation, engineering consulting firms, the Environmental Protection Agency, Food and Drug Administration, or other regulatory bodies.

Offered by: Mount Vernon College, June 26-September 1, 1972. Three credit hours. Tuition: $165.00. Field experience credit by arrangement.

Preparation: Upperclass work in a technical or analytic discipline, such as chemistry; studies of tolerances; experience with testing consumer products; or safety research.

Dynamics of American Foreign Policy, exploration of fourteen current issues confronting policy-makers. Simulation exercises will be employed as a means of explicating relationships assumed to operate in the foreign policy formulation process, and exposure to foreign affairs agencies will be provided to enable students to derive insights into the policy-making process from practitioners. Emphasis will be on student participation.

Instructor: Charles W. Kegley, Assistant Professor of International Politics, School of Foreign Service, Georgetown University. Coeditor. After Vietnam: The Future of American Foreign Policy (Doubleday Anchor Books. 1971)

Offered by: Georgetown University Summer School, registration fee $15.00; tuition (3 credits hours): $181.00. Extra credit available through the Independent Study Program through arrangement with the instructor.

Internship Prospects: Mostly volunteer, with embassies, the World Bank, Department of State, Agency for International Development, or various international policy associations.

Preparation: Developed interests in international affairs, political science, government, or foreign area studies.

Comparative Political and Economic Systems, scholarly analysis of and systematic instruction in comparative economic and political systems in the world. (No further applications for 1972)

A six-week program, fully enrolled for the summer of 1972, combining two courses, "Comparative Political Systems" and "Comparative Economic Systems," with internships in a wide variety of agencies, Congressional offices, and associations. For application materials for the summer of 1973 write to Mrs. Kathleen Teague, Executive Secretary, Charles Edison Memorial Youth Fund, 2121 P Street, N.W., Suite 222, Washington, D.C. 20037. Tuition: about $350 (subject to change)

Instructor: Dr. Lev E. Dobriansky, Professor of Economics, Georgetown University.

Environmental Quality, human environmental dependence, basic biological and social processes influenced by the physical environment, human ecology, and policy applications of the above.

Instructor: Denis Hayes, Fellow Woodrow Wilson International Center for Scholars Smithsonian Institution; National Organizer, Earth Day, 1970.

Offered by: Mount Vernon College, June 26-September 1, 1972. Three credit hours. Tuition: $165.00. Field experience credit by arrangement.

Preparation: Biology, ecology, or environmental studies or projects.

Institutional Change in Higher Education and Research, the social responses of institutions of learning to new public expectations, alternative institutions, study of the literature of institutions.

Instructor: Dr. Philip C. Ritterbush, Chairman, Organization Response, a nonprofit collaborative of scholars and scientists working toward improvement in institutions of learning. Former Director of Academic Programs, Smithsonian Institution; former staff member, Office of Science and Technology. Editor, The Bankruptcy of Academic Policy (1972); Scientific Institutions of the Future (1972).

Internship Prospects: Volunteer assignments to assist in developing future issues of PROMETHEUS, an analytic policy review for institutional leaders and others concerned with future directions of the world of learning; studies in educational associations.

Offered by: Mount Vernon College, June 26-September 1, 1972. Three credit hours. Tuition: $165.00. Field experience credit by arrangement.

Preparation: History, sociology, or institutional change projects.

Health Care and Public Policy, a critical examination of the health care delivery system and the Federal Government's role.

Instructor: Dr. Alan Kaplan, Adjunct Professor, School of Law, American University; staff member , the Institute for the Study of Health and Society.

Internship Prospects: National Institutes of Health, medical education associations, consulting firms, research establishments, Congressional committees.

Offered by: Mount Vernon College, June 26-September 1, 1972. Three credit hours. Tuition: $165.00. Field experience credit by arrangement.

Preparation: Social studies, economics, or sociology.

Television and popular education in America, an exploration of public policies which might enhance the contribution of the media to education.

Instructor: Lt. Robert Clark Weller, Instructor, U.S. Naval Academy. Conducting course, spring term, 1972 on experimental applications of television in education.

Internship Prospects: Corporation for Public Broadcasting, Federal Communications Commission, U.S. Office of Education, educational associations.

Offered by: Mount Vernon College, June 26-September 1, 1972. Three credit hours. Tuition: $165.00. Field experience credit by arrangement.

Preparation: Communication, literature, popular culture.

Urban Ethnology Field Techniques, an intensive experience in observing social conditions.

Instructor: Dr. Michael Kenny, Director of the Field School and Professor of Cultural Anthropology, Catholic University of America, Washington, D.C. 20017. Phone (202) 529-6000, ext. 605/6.

Offered by: Catholic University of America. 6 credit hours. Tuition: (graduate) $366.00; (undergraduate) $306.00. This course will run from June 19 through August 11. The first and last weeks will be intensive seminar-workshops. The rest of the period will be given over to intensive field observation. Applications should be submitted as soon as possible.

Preparation: Social studies, anthropology, urban studies.

Other Subjects. Applicants may send project outlines and statements of educational background. We will attempt to assist in placement of referral to other agencies.

1972 PROGRAM—EXPLORATORY PHASE

The seminars listed herein are expected to be offered if ten or more suitably qualified students apply. In order to be considered each student must have arranged a work-study or internship appointment in a Washington area agency or organization directly relevant to the seminar topic, or seek such an internship through our program offices. No students will be accepted for any seminar until the exploratory phase has been concluded and Mount Vernon College or other academic sponsor has agreed to offer the seminar.

ACCEPTANCE

As soon as applications for a particular seminar reach the minimum level (generally eight or ten) set by the instructor and the academic sponsor, students will be accepted by formal notice in writing. Internships may be arranged at any time. Offers for both paid and unpaid internships will generally be made by agencies or offices direct to students who have applied through this program.

APPLICATION PROCEDURES

Each student should submit two copies of the following:

1. Cover sheet (with items in the following order double spaced)

1. Institute (no student should apply to more than one).
2. Name of student.
3. Address (dormitory, box number, etc.).
4. Telephone Number.
5. Name of Institution.
6. Address of Institution.
7. Major (or expected major) and degree for which enrolled, date expected.
8. State whether health insurance coverage, family or college, would be in effect in Washington, D.C. from late June through early September, 1972.
9. Preference for dormitory residence or residence in community.
10. Write "Stipend Necessary" if a paid internship is necessary in order for you to participate in this program.

Write "Prepared to Volunteer" if no paid internship can be arranged.

2. Capability statement

Outline of courses completed, including grades and name of instructor, with a phrase or two regarding the skills acquired. List of previous employment or special projects, extra-curricular activities relevant to the subject of the institute, and other information that might help to establish your qualifications to pursue an internship or work-study assignment. Items under preparation in the preceding list are examples of areas of capability relevant to particular policy topics, but are not to be regarded as necessary prerequisites. Indicate the dates when you could be available in the Washington area if accepted for the program. This statement should be factual and objective, and a fair representation of your capabilities. No more than 500 words, normally about half that many.

3. Project outline

A description, in your own words, of a subject you would like to explore or study, a line of policy you would like to review, or the kind of project with which you would like to become associated. Specify the agency or office which might best accommodate such work. Students who have already arranged internships should indicate the period of their appointment, supervisor (if known), and name of agency or organization. This project outline and the capability statement will be used by our program staff in attempting to arrange internships. Their intent is to describe what you have learned, what you would like to learn, and (briefly) how you might hope to go about doing so.

APPLICATION ADDRESS

A Capital Learning Experience, the National Student Educational Fund, 1835 K Street, N.W., Washington, D.C. 20006.

APPLICATION PROCESSING

We will acknowledge receipt of your application with a description of the seminar for which you have applied, and biographical information about the instructor. Students should use this descriptive material in securing advance approval of their college or university for seminar credit.

By the second week of May we expect to be able to advise whether or not an internship could be arranged. Students receiving internship appointments in the interim should notify the program. Letters of final advice about the program will be mailed in the second week of May or soon thereafter. Learning contracts for field experience credit need not be cast in final form before students arrive in Washington.

Sponsoring academic institutions are not necessarily committed to offering the seminars described herein. The purpose of this announcement is to invite applications which, if received in sufficient quantity and quality, will make it possible to proceed.

OFFERS OF INTERNSHIPS

Agencies or offices willing to offer paid or unpaid internships to students with interests in any of the policy subjects listed in this announcement are invited to contact Miss Kathleen Paasch, Executive Secretary, Organization Response, 3233 P Street, N.W., Washington, D.C. 20007. Telephone (202)333-1866.

AN INVITATION TO PARTICIPATE

We extend this invitation to students, faculty members, educators, and potential host establishments. We hope to arrange a program of learning assignments and seminars that may test the capacity of a major city and its human resources to support student-initiated learning. We may not be able to offer all of the seminars listed herein unless students planning or hoping to spend the summer in Washington on academically related projects contact us before the end of April. We offer to do our best to arrange rewarding internship assignments and seminars. By so doing we hope we are laying a foundation for the future. Agencies and colleges unable to participate in 1972 are invited to inform us of their interests for 1973 and beyond. We will try to bring such information to the notice of all who may be interested.

PETER COYE,
President, National Student Educational Fund.
Dr. EILEEN KUHNS,
Vice President for Academic Affairs, Mount Vernon College.
Dr. PHILIP C. RITTERBUSH,
Chairman, Organization Response.

ON THE DESIRABILITY OF INVOLVING COLLEGE STUDENTS IN BUSINESS AND COMMUNITY AFFAIRS

(Compiled by Philip C. Ritterbush, Chairman, Organization Response, a Washington-based collaborative of scholars and managers working in support of programs of off-campus study. Dr. Ritterbush formerly served as Director of Academic Programs, Smithsonian Institution.)

RELEVANT EDUCATION FOR THE 1970'S

It is paramount in our democratic system that each individual, as a responsible citizen, participate actively in appropriate matters pertaining to education. There are many areas in which business and industry can effectively participate in the enrichment and betterment of education. In order to reap the maximum benefit of this participation, a qualified person of appropriate rank should be designated at the federal, state, and local government education levels, to coordinate and encourage business, industry-education cooperation particularly in those areas where business and industry are in a position to make unique contributions to the betterment of education overall. These may include among others:

1. Encouraging and supporting programs at all levels of education aimed at bringing about a better understanding on the part of all—students, teachers, employees, and the public at large—of the contributions and inherent potentialities of our system of competitive private enterprise and democratic government.

2. Providing current information on specific areas of educational emphasis necessary to meet the current and future manpower and new knowledge needs of business and industry.

3. Assisting in the extension and improvement of technical-vocational educational programs aimed at improving the employability of youths and adults.

4. Sharing programs, techniques, and methodology developed in industrial training activities with educational institutions and others conducting training programs.

5. Participating in programs of cooperative education (work-study programs) and summer employment for students, teachers, counselors, and administrators.

9. Encouraging the active participation of company personnel in educational activities at all levels.

By: Education Committee National Association of Manufacturers.

From: Official Policy Positions 1971.

NORTHEASTERN UNIVERSITY PROGRAM OF COOPERATIVE EDUCATION

Cooperative Education at Northeastern University is a program providing for the coverage of a full-time job 52 weeks of the year through the use of two students on an alternating work-study schedule. Through meaningful work experience in one or more fields, the student has the opportunity to perceive the integration of theory and its application in the real world. Paid assignments, which enable the student to participate in a training program or complete a specific job, foster the growth of qualities such as responsibility, initiative, and cooperation with others. Through this exposure he is better able to determine where his interests lie and where his chances for success are greatest.

Northeastern University's quarter system provides for three work periods each year. One consists of 26 consecutive weeks, from the middle of June until December, followed by two 13-week work periods in the other half year.

A cooperative employer gains the services of intelligent and motivated men and women to perform duties that might free some of the professionals to do the work for which they are trained. As the student matures and becomes more familiar with the departmental operations, he is able to assume greater responsibility. Employers are also in the enviable position of evaluating potential career employees in a working situation prior to making any long-term commitments.

In these times, when students are earnestly interested in making a meaningful contribution to society, employment with organizations such as yours may enable them to do so in a positive manner. The students' experiences also provide the campus with good feedback on the progress being made by their government in solving current problems.

Also available from: Roy L. Wooldridge, Dean of Cooperative Education, The Co-Op Handbook 1971–1972: Northeastern University, 360 Huntingdon Avenue, Boston, Mass. 02115.

WORK-STUDY PROPOSALS AND RETURNING VETERANS

Our distinguished colleague from New York, Mr. Scheuer, has recently introduced two imaginative new legislative proposals aimed at aiding returning veterans of the Vietnam era. (One has been adopted as part of the Higher Education Amendments now pending in the Congress.) They are well on their way through the legislative process and I think it is not too early to take note of their significance.

The new program added as section 426 of the House-passed bill would authorize $50 million yearly to support new opportunities for part-time off-campus work for veterans and other students in community service, and would thereby combine financial assistance with meaningful, useful employment.

The following article by Jim Castelli of the *Catholic News*, the newspaper of the Archdiocese of New York, describes these programs and I commend it to your attention:

"The work study program is an addition to the current work study program which, under the Higher Education Act of 1965, aided 375,000 students at 2386 institutions last year. The current system promotes the creation of new on-campus jobs, mostly clerical. The Scheuer amendment would use $50,000,000, a third of the current budget, only for off-campus jobs which were involved in community service, in such areas as environmental quality, health care, education, welfare, public safety, crime prevention and control, transportation, recreation, housing and neighborhood improvement, rural development, conservation, beautification, and other fields of human betterment and community improvement!

"The funds would go to public and private non-profit agencies and to governments which can provide community service programs, and will pay full salary . . . The 40,000—50,000 students and vets in the program could earn about $1200 for the school year. This plus $180 a month GI benefits and summer earnings would mean an annual income of about $4000, hardly enough for a family man, as Scheuer points out, but enough for a single vet, and more than many have now."

By: Congressman Michael, Harrington of Massachusetts, 19 October 1971.

From: Congressional Record, pp. 11065-6.

SOME ANCIENT WISDOM

"I hear and I forget . . .
I see and I remember . . ..
I do and I understand."—Confucius.

From: an official announcement, Wake Forest University Graduate School of Management.

PROPOSALS LEADING TO CREATION OF SPECIAL COOPERATIVE PROGRAM BETWEEN BUSINESSES AND UNIVERSITY OF DAYTON, OHIO

We need these young people, now. We need their energy, their talent, and their skills. We need their imagination and fresh points of view. We need the courage they have that allows them to innovate so boldly. We hear a lot of talks these days about the military-industrial complex." I would like to see us encourage the idea of the "educational-industrial complex."—the concept that American universities and industry have a close and ongoing relationship which is a true partnership for human progress.

By: William Verity, Jr., President, Armco Steel Corporation.

From: report on Project Interface, Office of the Vice President, University of Dayton.

BY THE DIRECTOR OF THE PEACE CORPS (NOW THE U.S. ACTION AGENCY)

"Higher education has to loosen its embrace on the student body. It has to tear down the walls that keep the students in and the greater world out. I firmly believe that a true 'higher' education should be intellectually based, but not limited to papers and exams, it must also be an education that brings the individual into an informed, useful relationship with his fellow man. He knows that he is a human being, knows where he comes from, makes his peace with where he is going, and is pleased to share the journey, brief as it is, with many others along the way.

"In this age of color television, satellites, Teflon, and digital, it may be difficult to accept the strong idealism of people who also seem so comfortable in our material world. But it is genuine. And the challenge to higher education is to nourish and encourage it, not stifle it."

By: Hon. Joseph Blatchford, Director, U.S. Action Agency, Washington, D.C.

From: Commencement Address, Bowling Green University, 12 June 1971.

IS YOUTH WILLING TO COOPERATE WITH THE ESTABLISHMENT?

"There is broad agreement among students and establishment leaders on many of the most pressing areas of domestic social need that warrant attention—poverty, race relations, pollution, reform of the political process and the legal system.

"Beneath their anger (over student acts of violence), establishment leaders are keenly interested in working with the students, sympathetic to their goals and even their feelings;

"Beneath their mistrust of the establishment, the majority of students want to work with establishment leaders;

"The majority of the media to the contrary, the overwhelming majority of the student body is moderate, antiviolent, and desirous of working within the system;

"Millions of students especially the forerunner group, are ready to devote time and effort, at minimal compensation and at the cost of postponing their individual career paths, to working toward the solution of pressing social problems."

(Of business surveyed in 1970 by Daniel Yankelovich, Inc. some 73–76% of industrial/retail establishments indicated interest and willingness in collaborating with college students; 1% of banks and insurance companies; and 71% of utilities and transportation companies. "There is enormous frustrated desire (among business leaders) to establish dialogue with these young people.")

By: The Task Force on Youth, Office of John D. Rockefeller 3rd.

From: Youth and the Establishment: A Report on Research . . . by Daniel Yankelovich, Inc. (N.Y.: JDR 3rd Fund, 1971).

NONTRADITIONAL STUDY

"We find enormous interest and considerable activity in non-traditional education already evident throughout the country. Most recently the external degree has been receiving the lion's share of attention, but other non-traditional approaches are also being attempted more widely, than we had supposed to be the case. There is a great emotional surge, among educators and the lay public alike, toward a postsecondary educational system with more flexibility than heretofore and with more options from which the individual should be able to choose, regardless of age or circumstances. The reasons for such interest vary but there is no question that it exists. Educators have their major concern centered in desirable academic change . . ."

By: Commission on Non-traditional Study, created under the College Entrance Examination Board in 1971.

From: New Dimensions for the Learner; A First Look at the Prospects for Non-Traditional Study (1971).

THE VALUE OF EXPERIENCE IN HIGHER EDUCATION

"We have not been very inventive about how to relate studies and experience or thought and action, and the result can be frustration, or apathy, or even revulsion on the part of good students. There is an excitement and an important feedback that comes from actually seeing and experiencing the relevance of intellectual exercises.

"Unquestionably, the notion that knowledge can and should be pursued for its own sake is at the heart of our lack of interest in connecting studies and concerns. We pay the price in student disinterest and in the proliferation of activities which do not have the discipline of intellectual content. A closer coordination of the student's two lives would bring the university into better focus and it would serve to aid the development of appropriate extracurricular activities, as well as add an important stimulus to intellectual growth."

By: James A. Perkins, then President, Cornell University.

From: The University in Transition (1966).

FOR ADDITIONAL READING

Asa Knowles and Associates, Handbook of Cooperative Education, $12.50, from Jossey-Bass, Inc., 615 Montgomery Street, San Francisco, Calif. 94111.

A VIEWPOINT ON SCHOOL BUSING

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. FRASER. Mr. Speaker, from time to time we all receive constituent letters that make a particularly strong impression on us. Earlier this year, I received a copy of such a letter from Stanley Efron of Minneapolis on the busing issue.

In a forceful yet reasoned manner, Mr. Efron outlined his concerns to President Nixon about the need for continued national commitment to integrated education.

I include Mr. Efron's letter at this point in the RECORD:

RICE & EFRON,
Minneapolis, Minn., March 21, 1972.

President RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR PRESIDENT NIXON: I am a white lawyer, with nineteen years of practice at the law, and some small reputation in my community for knowing what I am doing. I have four children, three of whom are now in the public school system in the City of Minneapolis, the fourth who will be entering shortly, have been involved in public school matters since my oldest child entered kindergarten some eight years ago, have served two terms as President of the P.T.A. of an elementary school located in my fairly affluent neighborhood, have served one term as the President of my high school district P.T.A., and spent one year as Vice Chairman of the Minneapolis Citizens School Facilities Committee.

I give you my background only so that you will be aware that I am not speaking in the abstract about school matters as many politicians seem to be in the most recent past. This letter is occasioned by the text of your announcement on busing broadcast Thursday night on radio and television. I have read and examined the text carefully.

My own position is well known. I am *not* opposed to busing for the purpose of achieving racial balance in our schools, provided there is quality integrated education at the end of the bus ride and provided travel distances for students within the area can be established in such a way as to minimize travel time. In a metropolitan area such as this, a maximum travel area of three miles is desired. I have spoken out in favor of this type of busing many times over many years as a useful tool when other methods of achieving the end to segregation fall short of that goal.

I find that many white and black people in this community share that view. I am not so naive as to believe that *most* white Americans share that view. Most white Americans, in my experience, love slogans such as "I am opposed busing for the purpose of achieving racial balance". Such slogans are actually meaningless.

I would dearly like to know how we can stop busing in a way that will provide better education for every child in America "in a desegregated school system". I have examined your speech very carefully to find out how we get a desegregated school system. You raised the question "How can we end segregation in a way that it does not result in more busing?" You do not answer it. I invite you to answer it. That answer was not in your speech, and is certainly not in the outline of your legislative proposals.

As a lawyer I am fearful of your intemperate remarks regarding the judicial system. I have often been unhappy by the decisions of lower courts and have found that taking appeals sometimes solves my problems. If, in fact, the lower Federal courts have gone too far "beyond the requirements laid down by the Supreme Court", surely the Supreme Court will remedy the situation in due course.

Perhaps you believe that the Congress and the President ought to be intermediate appellate courts designed to speed up the process. That surely would be a strange twist to our Constitution.

I am not so fearful as you that school children will be terribly affected by busing during the period in which the cases wind their ways up to the Supreme Court. Last year the Minneapolis School District took a timid first step in pairing two elementary schools in adjacent neighborhoods to achieve better racial balance and quality integrated education. Since my second and third children were destined to enter my local neighborhood all white school, which in my view provided a completely inferior education to most other schools in the city, including the inner-city schools, we and many of our neighbors obtained permission to send our children on a bus to the integrated paired schools, which are less than two miles from our neighborhood. We had mixed feelings about having our children, who were once able to walk to our neighborhood school, to be forced to travel an hour a day on the bus.

Since one of them was hit by a car last year walking to his neighborhood school, despite the presence of traffic signs and traffic guards, and since the school day is somewhat shorter because all the children eat lunch at school, we felt we could make the sacrifice. The result is that our children are now getting a vastly superior education to almost any school that is located elsewhere in the city, including the all white schools in our affluent neighborhoods which, not surprisingly, vary in quality. It is even in my view vastly superior to the education in some of inner-city schools which have large amounts of Federal funding to bring quality education to them, but which somehow don't reach that quality because the racial and social economic mix of the students does not provide the kind of educational atmosphere which is conducive to a quality education.

It is not that I oppose additional school aid funds for education for poor children or any children. In fact, 2.5 billion dollars in the next year is a pitiful recommendation. What you don't seem to realize, however, is that in the large cities of our nation, there are schools so inferior even in the affluent areas, the white children who go there aren't getting a decent education.

I don't think it is necessary for me to relate to you what the suburbs do to the central city. You have an expert consultant on that in Professor Charles Alan Wright, who has written on that subject many times and who, unless he has recanted his views, should be able to give you an earful in his inimitable style.

In any event, I am certainly pleased to see that after three years in office you have come to a decision that it is time to make a national commitment to see that children in the central cities get a quality education. It is my dim recollection that there have been those in Congress (and even a few mayors) who have been trying to tell you that.

In directing all agencies and departments of the Federal government at every level to carry out the spirit of your message in all their actions, I presume that you intend that they do so regardless of acts of Congress or the Federal Constitution. Perhaps you don't intend that but certainly that is the message we get.

You tell us "experience in case after case has shown that busing is the bad means to a good end". I would really like to know where you get your "case after case". In the South as well as in the North, experience in "case after case" has shown that busing sometimes works and sometimes does not work or that it is sometimes the only way of achieving an end to segregation. Your conclusion is simply not supported by the credible evidence.

I am not so convinced that the great majority of the white Americans are in favor of desegregation or quality integrated education. I am convinced that statements of the type which you have made comfort those who are truly opposed to integrated education and truly opposed to an end to segregation. What is essentially contained in the latter part of your speech is support for separate but equal educational facilities. This kind of lip service to ending segregation with the indiscriminate attack on busing encourages the bigots in this community and elsewhere to attempt to turn the clock backward for education in this country.

I am pleased to say, however, that what

you have done along with George Wallace, has finally stirred enough fears in the hearts of men and women, old and young, Republicans and Democrats alike, that the bigots, the narrow-minded and the 19th century simpletons may well, in fact, take control of our local governmental institutions, including our school board. We are finally stirred up enough to form here a broadly based nonpartisan organization to end the meddling of politicians in educational matters for their partisan advantage.

I do not consider that you have struck a balance which is either thoughtful or just. Massive educational aids were always needed to improve the quality of education. They cannot be balanced against the harm done by the divisiveness of your position on transporting children where it is necessary to do so. You probably have expressed the views of the majority of white Americans. You certainly haven't expressed any leadership. George Wallace is leading your pack.

Very truly yours,

STANLEY EFRON.

DO NOT GIVE UP THE SHIPYARDS

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. LEGGETT. Mr. Speaker, the House Armed Services Subcommittee on Naval Ship Construction filed an excellent report 2 years ago wherein Chairman CHARLES E. BENNETT of Florida and the committee recommended as follows:

CONCLUSIONS

I. GENERAL

1. All shipyards need to have a steady flow of work in order to maintain a competent work force able to meet all possibilities. Shipyards in the past have had too many periods of "feast" or "famine." Schedules must be thoughtfully prepared and then carefully adhered to. Any other course would only increase costs which are already rapidly rising.

II. NAVAL SHIPYARDS

2. The Naval shipyards have had so many employees laid off that they are now, or will be, staffed below the "low efficient level."

3. The naval shipyards may well now have staffs cut so small that they will be unable to respond to emergency surges in the future.

4. Each naval shipyard should have some lower priority new construction to use as a buffer between crash emergency surges.

5. The naval shipyards have not been kept modern—despite the Long Range Modernization Program. Consequently, they are at a marked disadvantage in any comparison with private shipyards. The problem keeps compounding itself, for the less modernization, the less work that is given to the yards, so the less need to modernize it.

6. The Ten-Year Long Range Modernization Program had slowed to a twenty-year program at the time of the hearings. Now, with the Military Construction Authorization Bill for Fiscal Year 1972, it has been even more drastically reduced.

III. PRIVATE SHIPYARDS

7. The private shipyards need to have a steady flow of work so that they can plan for their own modernizations.

8. The profits for naval work performed in private shipyards must be increased so that the yards can survive on the work.

9. There have been too many private shipyards removed from the naval work. There should not be any effort made to further limit those yards. On the contrary every effort must be made to increase the yards available for naval work.

10. The total package procurement method of buying ships should not be continued. Prototype or lead ship construction should be followed, together with multi-year purchase of a series of ships. The procurement should be spread among yards after a thorough examination of all problems related to the construction of the particular type ship.

IV. BUY AMERICAN

11. All of the Buy American provisions of law should be written into permanent legislation—including the Byrnes (no foreign construction of a naval vessel) and Tollefson (no foreign construction of a major component of hull or superstructure) amendments—and the provisions relating to Naval ship work should be strengthened to be at least as strong as the provisions concerning the Merchant Marine.

V. NAVAL ARCHITECTS

12. Immediate steps must be taken to preserve our shrinking group of naval architects.

VI. MILITARY SPECIFICATIONS

13. The military specifications relating to ship work must be quickly and wisely reexamined to be sure that the specifications are not unnecessarily complicating the construction and repair of naval ships—thereby increasing their costs.

Unfortunately, the Navy Department and the Office of Secretary of Defense have followed but few of the committee's recommendations.

The Navy has pursued a policy of congregating 80 percent of the naval ship construction contracts in four private shipyards of the country which has led to a situation where the fat yards are so fat that they cannot digest the work allocation given them by the Navy Department.

This policy of overconcentration of work in but a few locations is dangerous for national security reasons. It has resulted in a virtual freezing out of naval shipyards for 6 years from new construction work. This policy in turn has led to a slight chilling of the small but essential private shipyard work assignments that have been admittedly reduced as a result of the need for naval shipyards to feed on available repairs and alterations.

The small private yards have erupted particularly on the west coast where the Navy has naval shipyards but virtually no new construction or conversion activities in either public or private yards.

This eruption of the small yards stimulated Ed Hood of the Shipbuilders Council to hire for money the outstanding firm of Ernst and Ernst to do a comparative analysis of public and private yards on recent Navy work.

The analysis of Ernst and Ernst contained in a fat report is based on all nonclassified information—which means it has general newspaper authority and reliability. The report is a shabby one, uses unrepresentative data, is admittedly so highly conditioned by auditors statements of disclaimer that the document is more confusing than helpful.

However, Ernst and Ernst did its job for which it was paid. The report contains enough abstract thoughts taken out of context that the lay person is certain to be confused—the press was, which is not unusual.

The Navy was not, which is fortunate.

I would include at this point in my remarks a short analysis by the Navy Department of its analysis of the Ernst and Ernst survey:

ANALYSIS OF ERNST AND ERNST REPORT ON SURVEY OF COST DIFFERENTIALS AND OTHER FACTORS—PRIVATE VERSUS NAVAL SHIPYARDS OF NOVEMBER 1971

(Prepared by Naval Ship Systems Command, Washington, D.C., March 1972)

EXECUTIVE SYNOPSIS

The Ernst and Ernst study

In February 1972, the Shipbuilders Council of America made public the report of a study conducted by the accounting firm of Ernest and Ernst. The objectives of the study were, ". . . to measure cost differentials between performing shipwork in private versus Naval shipyards and to document private industry's assessment of their capability to perform work on Navy vessels of various sizes and sophistication." Based on a comparison of naval and private shipyard manhours expended in performing certain work, on a computation of value added per production worker hour and on responses received to a capabilities questionnaire, Ernst and Ernst concluded that: (a) The cost of a production worker hour in naval shipyards is higher than in private yards, (b) The manhours required in naval shipyards exceed those in private yards for similar work, (c) Total naval shipyard costs exceed private yard costs, (d) Overhead costs in naval shipyards account for the major portion of the manhour cost differential, and (e) Private shipyards consider that they have significantly greater capabilities to perform naval shipwork than they are given credit for by Navy officials.

Results of the NAVSHIPS analysis

The Naval Ship Systems Command performed detailed analysis which revealed the *following major deficiencies* in the Ernst and Ernst Study:

A major part of the study is *neither based on nor representative of a significant portion of the naval or private shipyard complex.*

The study employs different bases for developing costs in naval and private shipyards, with the result *that private yard costs are significantly understated in comparison with the naval shipyards.*

The study *rejects the basic principle of incremental cost analysis, resulting in a misleading and unsupportable impression of possible savings to be achieved by shifting work from naval to private shipyards.*

The study employs a *"value added" concept* which is considered inappropriate for the type of analysis undertaken and which may result in further understatement of private shipyard costs in comparison with naval shipyards.

The study relies on *unaudited responses by a limited number of private firms to financial and capabilities questionnaires.*

NAVSHIPS study

NAVSHIPS has undertaken a study which addresses, among other things, the comparative cost of naval shipwork performed in both naval and private shipyards. The study covers shipwork performed by all 10 naval shipyards and by 15 private yards. It includes a large variety of ship construction, conversion, alteration and repair work. *NAVSHIPS is being assisted in the study by Booz-Allen Applied Research and by Price Waterhouse, both of whom bring nationally recognized expertise to bear on the many subject areas which must be examined in a study of this nature.* It is expected that the *study will be completed this summer.*

SECTION I—INTRODUCTION AND SUMMARY

Background

In January 1971 the Shipbuilders Council of America engaged the accounting firm of

Ernst and Ernst to update its 1962 "Survey of Cost Differentials Between Private and Naval Shipyards" and concurrently to assess the capabilities of private shipyards to undertake overhaul, conversion and repair work on all types of U.S. Navy vessels. The report of the Ernst and Ernst study, entitled "Survey of Cost Differentials and Other Factors—Private vs Naval Shipyards", dated November 1971, was provided to selected members of the Congress and to Department of Defense and Navy officials in late February 1972. The Naval Ship Systems Command performed an analysis of that report to determine the validity of the conclusions reached. This paper presents the results of that analysis.

The Ernst and Ernst Approach

In order to determine a total cost differential between naval and private shipyards, cost was divided into two components—one which addresses the difference in the amount of production worker time required to perform the work and another which concerns the difference in the cost of a production worker hour. The total cost differential is then expressed as a combination of these two components. To assess the man-hour, or performance, differential, Ernst and Ernst requested information from the Navy and from private industry on the DLG modernization and SSBN conversion programs. The assessment of cost per hour differentials was based on information contained in the *Financial and Operating Statements of the 10 naval shipyards for fiscal year 1970 and on information supplied by 21 private companies in response to a financial questionnaire which was sent to more than 200 firms.*

The Ernst and Ernst assessment of private shipyard capabilities is based on information supplied by 23 private companies (34 shipyards) in response to a questionnaire mailed to more than 200 firms.

Ernst and Ernst conclusions

The major conclusions of the Ernst and Ernst study were:

The cost of a production worker hour in naval shipyards, on a value added basis, is 49% higher than in private yards.

The manhours required in naval shipyards exceed those in private yards by 39% to 52% for similar work.

Total naval shipyard costs could exceed private yard costs by 109% to 124%.

Overhead costs in naval shipyards account for the major portion of the 49% manhour cost differential.

Private shipyards consider that they have significantly greater capabilities to perform naval shipwork than they are given credit for by Navy officials.

Validity of the Ernst and Ernst conclusions

The limited data collected and the methods used in the Ernst and Ernst study are such that their *conclusions cannot be considered valid.*

First, the computation of the "performance differential" between naval and private shipyards is based entirely on a comparison of the manhours expended by one naval shipyard and one private shipyard in performing certain DLG modernizations. *Ernst and Ernst offers no explanation as to why the SSBN conversion program data were not used.* They do, however, provide *two significant disclaimers* relative to the *"performance differential"*:

"Ideally, such a measurement would be based on the experience of significant numbers of naval and private yards doing like work." (Page II–A–1).

"Additional comparisons involving more private and naval shipyards are required before this can be considered as representative of all naval shipyards compared to private yards." (Page II–C–2).

There are 10 naval shipyards engaged in conversion, alteration and repair work and approximately 200 private shipyards which hold master ship repair contracts with the Navy. *Any attempt to generalize regarding this entire complex on the basis of one naval and one private yard is not valid, as Ernst and Ernst recognizes.*

Second, Ernst and Ernst apparently *made no attempt to determine whether or not the work associated with the DLG modernizations at the naval shipyard was technically comparable to that at the private shipyard. The fact that two of the three ships modernized at the naval shipyard are of a different class than the three modernized at the private yard is dismissed out-of-hand.*

Third, the 39 to 52% "performance differential" *cited does not take into account work subcontracted.* Ernst and Ernst does note (Page II–C–5) that including the 55,000 manhours which the private yard *estimated* was subcontracted would reduce the "performance *differential" by 6 to 7%.* In addition, differences between *the make or buy policies* of the naval and *private shipyard are not addressed.* In general, naval shipyards "make" *more than private shipyards.* If that situation obtains in the specific case of the DLG modernizations, *the effect is to understate the private shipyard's manhours and thus to overstate the "performance differential."*

Fourth, because of the manner in which Ernst and Ernst requested the private shipyards to provide data, the overhead rate per production worker hour in the private shipyards is significantly understated in comparison with the naval shipyard overhead rate which was developed on a different basis.

Fifth, by using the value added concept, Ernst and Ernst may have further understated private shipyard overhead, *since costs for such items as purchased, materials and contract work are excluded.*

Sixth, the Ernst and Ernst report does *not indicate the representativeness, from a geographical or capabilities point of view, of* the 21 firms who *responded to the financial questionnaire.* All ten naval shipyards, which have extensive capabilities for performing the many highly complex and diverse types of work assigned, are covered in the computation of production worker hour costs. *The five naval shipyards located on the West Coast and Pearl Harbor have average wages which are fifty cents per hour higher than the East Coast naval shipyards due to the higher area wage rates of private industry on the West Coast. Unless the 21 private firms are equally weighted, an obvious disparity is introduced.*

Seventh, in making adjustments to naval and private shipyard costs, Ernst and Ernst used DOD Directive 4100.33 as a guide. However, their methodology did not adhere to the basic principle of incremental costing specified in the directive and the Bureau of Budget Circular A–76 on which it is based. The effect of this is to give a misleading impression that savings are assured by shifting work from naval to private shipyards.

Eighth, the private shipyard capabilities data presented in the Ernst and Ernst *report are the unaudited result of self evaluations by 23 firms* (34 shipyards) using a definition of "having capability" which not only allows, but indeed *encourages, overstatement of capabilities.* The general capabilities tabulation indicates that a large number of shipyards have a major conversion, alteration and repair capability. *However, where special qualifications are required, the number of shipyards remaining is greatly reduced.* This does *not* appear in the summary highlights.

For these reasons, as well as others cited in succeeding sections, the *conclusions reached by Ernst and Ernst are considered invalid.*

SECTION II—PERFORMANCE DIFFERENTIAL

Shipyards and shipwork considered

In their calculation of manhour "performance differential", Ernst and Ernst *considered work performed by only two shipyards—the Philadelphia Naval Shipyard and the Bath Iron Works. Ernst and Ernst themselves recognized that no general conclusion could be drawn from this comparison—quotations to this effect are cited in Section I.*

The only shipwork considered in the computation of manhour performance differentials was the mordernization and rehabilitation of *DLG–6, 15 and 16* at Philadelphia and of *DLG–17, 21 and 24 at Bath.* On the basis of the total manhours/mandays expended, as reported by the Navy and the Bath Iron Works, a performance *differential of from 39 to 52 percent was computed.*

Shipwork comparability

Of the six ships considered in the "performance differential" calculation, *two at Philadelphia (DLG–6 and 15) are of the DLG–6 class while the other four are of the DLG–16 class.* The differences in these separate ship classes and in the rehabilitation work packages associated with the individual ships are of such magnitude as *to obscure true differences in shipyard performance.* Some data relating to these two ship classes are presented below to illustrate differences:

	DLG–6 class	DLG–16 class
Length	513 feet	533 feet.
Beam	52 feet	54 feet.
Displacement	5,600 tons	7,000 tons.

	DLG–6 class	DLG–16 class
Guns	1—5 inch/54 4—3 inch/50.	4—3 inch/50.
Missiles	1—Twin Terrier launcher.	2—Twin Terrier launcher.
Age at start of modernization.	96 months (2 ship average).	59 months (4 ship average).

There are many other differences in electronics and fire control systems installed in the two classes prior to modernization which complicate the problem of finding comparable work performed during modernization. *Since Ernst and Ernst did not take such differences into account, the performance differentials cannot be considered valid.*

It might appear that, if the two DLG–6 class ships at Philadelphia cannot be compared with the DLG–16 class ships at Bath without a detailed analysis to determine work comparability, *at least the DLG–16 could be compared with the Bath modernizations. However, this would not be a valid comparison either, since the DLG–16 was the lead ship* in the modernization program and therefore *had the associated one-time costs.* While lead ship effort is not separately identified by naval shipyard accounting systems, the project development (construction plans) effort at Philadelphia for DLG–16 was reported separately and it alone amounted to 244,000 manhours. As Ernst and Ernst noted in their report, *Philadelphia provided the lead ship design for this class to Bath and therefore the Bath manhour figures do not include any lead ship effort.* If only the 244,000 manhours are excluded from the Philadelphia total figure of 1,672,000 manhours, *the performance differential drops from the stated 39%–52% to 10%–30%. While this analysis is certainly not rigorous, it does show the invalidity of simply comparing total manhour expenditures without considering work comparability.*

SECTION III—COST PER PRODUCTION WORKER HOUR

Ernst & Ernst has presented an interesting but questionable analysis of the differences in the cost of a production worker hour between naval shipyards and a limited sample of the shipbuilding and ship repair industry. This analysis implies that a production worker hour in naval shipyards costs 49% more than a production worker hour in private shipyards. However, the Ernst & Ernst report states (on page II–A–4), *"Also, the Cost per Hour Differential cannot be used as a measure of savings to be realized. . . ." This caveat was not given any recognition by the Shipbuilders Council of America in forwording the Ernst & Ernst report to the news media and Congressional authorities, even though it recognizes that the cost per hour differential has no inherent value in workload allocation decisions.* This problem is discussed more fully under the paragraph entitled *"Failure to Make an Appropriate Cost Analysis" at the end of this section.*

Invalid comparisons

Analysis of the development of the Cost per Hour Differential reveals *technical flaws* in methodology which result in misleading conclusions. To be more specific, Ernst & Ernst *developed overhead cost per production worker hour in private shipyards on a totally different basis than that used for naval shipyards, with a resulting significant comparative understatement of the private yard overhead rate.* Consequently, any comparison with naval shipyard costs is invalid on the basis of the data presented. *For example, the following types of costs included in naval shipyard overhead and to some degree in in private shipyard overhead are excluded from the Overhead Cost Element of the Cost per Production Worker Hour for private shipyards in the Ernst & Ernst study:*

Working foremen.

All personnel engaged in: receiving, storage, handling, packing, warehousing, shipping, maintenance, repair, janitorial functions, watchman services, product development, auxiliary production for plant's own use (e.g. power plant), and record keeping and other services closely associated with production operations.

This error has a double effect since it reduces both the gross overhead cost in private shipyards and at the same time increases the production worker hour base over which the understated overhead costs are distributed on a production worker hour basis.

Ernst & Ernst perpetuated this error in their discussion of performance differential (see page II–C–5). *They indicate that productive employees constitute about 80% of the total work force in private yards, but only 60% to 65% in naval shipyards. This 15% to 20% difference results, at least in part, from the different bases used to define a production worker in naval and private shipyards.*

Inadequate reflection of capabilities

The naval shipyard complex comprised 10 activities ranging in civilian employment levels from approximately 5300 to 9900, with a ten-yard average of about 7300 employees. Each of these yards is required to maintain many highly complex and diverse types of work assigned.

On the other hand, the private respondents to the financial questionnaire are reported as 21 yards with an average total 1970 employment level of 33,679, or approximately 1600 employees per responding shipyard. The presumption must be drawn that the private shipyard overhead cost per production worker hour does not reflect, to the same degree, the higher overhead burden associated with maintaining viable capabilities for diverse, complex shipwork in the naval shipyards.

Errors in average hourly wage data

In addition, Ernst & Ernst has included in the computation of the average hourly wage for production workers in naval shipyards elements of cost which are specifically excluded from average hourly wages for production workers in private shipyards. These elements are overtime premium pay and various differentials for shift and dirty work. While these may not be significant in the overall analysis of the cost per production worker hour, they tend to overstate the disparity in average wages between the private shipyard sample and the naval shipyards. This overstatement, on the basis of a preliminary analysis of overtime, is in excess of $.23 per hour. Accordingly, the difference in average hourly wages would more closely approximate $.18 in lieu of the $.41 reported by Ernst & Ernst. Further, the naval shipyard statistic is heavily weighted by the West Coast and Pearl Harbor wages which average $.50 higher than the East Coast. Unless the Ernst & Ernst sample is equally geographically weighted, the disparity in wages may be unduly influenced in one direction or the other by the regional bias of the sample. Ernst & Ernst makes no revelation concerning any possible bias introduced in the comparison by the geographical distribution of their respondents.

Omissions caused by use of the value added concept

The Cost per Production Worker Hour is generally recognized to include the average hourly wage of the production worker, fringe benefits, and total overhead costs per production worker hour. The use of the value added concept distorts to an unknown degree the statistical disparity in the element of overhead costs between naval and private shipyards. To the extent that actual private shipyard overhead includes purchased energy, services and materials to a significantly greater degree, proportionately than naval shipyards, the overhead of private shipyards, as computed by Ernst and Ernst on the value added basis, would be further understated in comparison with naval shipyards. This would be an additional understatement on top of the significant understatement of private shipyard overhead introduced by the faulty technique already discussed. It is considered that the use of the value added concept has no validity in an analysis of the cost of a production worker hour and its use adds further to the lack of acceptability of the data presented.

Nonacceptability of special adjustments

The overhead statistic for naval shipyards developed by Ernst & Ernst is further augmented by $1.11 per production worker hour, for cost elements (see page II–E–4) *which include military compensation, depreciation, insurance, taxes, interest, retroactive pay raise and other indirect costs* (central administrative services). While Ernst & Ernst reports that DOD Instruction 4100.33, which prescribes comparative cost procedures, was used as a guide, the fact is that, for these adjustments, *essential guiding principles of this instruction were disregarded.* It is significant that both DOD Instruction 4100.33 and Bureau of Budget (BOB) Circular A–76, also applicable, embrace the concept of incremental cost analysis [*] in prescribing for the comparison of costs of similar products or services in government and commercial activities, BOB Circular A–76, which is implemented by DOD 4100.33, clearly establishes the following policy for making private/Government cost comparisons: "The objectives (of the cost comparisons) should be to compute, as realistically as possible, the *incremental or additional cost* (underlining supplied) that would be incurred by the Government under the alternatives under consideration."

Incremental cost analysis is a thoroughly accepted principle which is widely applied throughout government and industry. It is universally accepted and sponsored by both the cost accounting and industrial engineering professions, and, in fact, is acknowledged by Ernst & Ernst to be applicable in specific situations.

Ernst & Ernst's rejection of the incremental costing principle prescribed by DOD 4100.33 for the purpose of their analysis is based on a relatively obscure quotation from a 1939 reference and 1968 article in a management magazine (see page II–A–4). Both of these point out that in the long run (over several decades) all costs are variable. While this long-range view is acceptable, it is not considered pertinent for this analysis. *It would be pertinent only if the following unforeseeable and improbable conditions were to be obtained:*

1. *All naval shipyards were to be either closed or turned over to private industry. Only in such an event would long-range Government costs incident to the retention of this capacity be eliminated.*

2. *Private industry would assume all the resulting workload without equivalent capital investment to replace and augment Government capabilities.*

Since disregard by Ernst & Ernst of the incremental cost principle for cost analysis prescribed by DOD 4100.33 and BOB Circular A–76 is not acceptable, *it follows that most of the adjustments which comprise the $1.11 add-on to naval shipyards overhead costs are erroneously applied. Only $28 million, covering retroactive pay increase and taxes, of the $115 million used for developing this adjustment is applicable* under the rules of DOD instruction 4100.33. *On this basis the overhead adjustment of $1.11, if at all applicable, should be reduced to $.27 per production worker hour.*

Failure to make an appropriate cost analysis

The Ernst & Ernst report states that the *objective of the analysis was to compare the cost of performing work in private versus naval shipyards.* With this as their objective, *they rejected the principles of incremental cost analysis and applied the principles of full absorption accounting. Full absorption accounting is most useful as a tool for pricing products. It has no real applicability in allocating work between naval and private shipyards.*

To be useful in work allocation decisions, a study would have to examine the complete cost implications of various allocations of work between naval and private shipyards. The Ernst & Ernst study did not do this, as recognized in the previously quoted disclaimer, "Also, the Cost Per Hour Differential cannot be used as a measure of savings to be realized. . . ."

DOD Instruction 4100.33 prescribes a procedure for such studies which is in consonance with the incremental costs concept already discussed. This prescribed procedure follows:

"If the operation is performed in-house, the amount to be reported (as a savings) represents only those costs which can be identified to the support of the operation and which would not be necessary if the function were not being performed. The amount represents the actual dollar savings of overhead costs that would be realized if the operation were discontinued."

It is obvious that the Ernst & Ernst study did not pursue this line of inquiry. However, a prior 1964 Navy study did pursue such a line of inquiry and concluded that, in consideration of the fixed costs remaining in naval shipyards, the price paid for work in private shipyards would have to be 80.4% of the costs of similar work in naval shipyards before it became economical for the Government to transfer such work to private shipyards. At the time of that Study, private shipyard prices for CAR work, with adjustment for Supervisor of Shipbuilding costs, were reported to be averaging 98.2% of naval shipyard costs. These latter data were derived from a comprehensive analysis of conversion, alteration and repair cost differentials developed as part of the Arthur Andersen & Co. Study of 1962. There has been no similar authoritative study completed since that time. The Ernst & Ernst report does not, for reasons discussed in this analysis, meet the criteria necessary for supplanting the previous Arthur Andersen and Co. data. Based on these previous studies, the allocation of only new construction to private industry is justified on economic criteria. In general, the level of CAR work performed in private shipyards must be justified on a basis other than a strict economic analysis. The Ernst & Ernst report, because of the deficiencies described herein, cannot be used for evaluating or modifying the basis for existing workload allocation policies of the Navy.

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[*] Incremental cost analysis seeks to determine how specific cost elements are affected by decisions to increase or decrease production levels. Certain costs remain fixed at all production levels and decisions are based on the incremental or added costs of the alternatives considered.

SECTION IV—PRIVATE SHIPYARD CAPABILITIES

Background

As preamble, it should be stated that both the Navy and the Maritime Administration have a vital interest in the capability of the national shipbuilding and repair industry. This interest is embodied in law by Section 502(f) of the Merchant Marine Act of 1936, as amended, which states that, "The Secretary of Commerce, with the advice of and in coordination with the Secretary of the Navy, shall at least once each year—survey the existing privately owned shipyards capable of merchant ship construction—to determine whether their capabilities for merchant ship construction, including facilities and skilled personnel, provide an adequate mobilization base at strategic points for purposes of national defense and national emergency." This is augmented by Section 210, which includes responsibilities for ". . . . the creation and maintenance of efficient shipyards and repair capacity in the United States with adequate numbers of skilled personnel to provide an adequate mobilization base."

Two administrative steps have been taken recently to more closely and effectively assess the U.S. shipbuilding, conversion and repair industrial capabilities for both naval and merchant vessels:

a. Establishment of the Joint MARAD–NAVY Shipbuiding and Repair Committee on December 14, 1970 to, among other responsibilities, "assess and annually report on the efficiency and capacity of the shipbuilding and ship repair capabilities of the United States to file current and mobilization requirements and otherwise carry out coordinative provisions of the Merchant Marine Act of 1936."

b. DOD Directive 5030.9 dated *January 19, 1972* assigning the Commander, Naval Ship Systems Command *additional duty as Coordinator of Shipbuilding, Conversion and Repair for the Department of Defense with responsibility, interalia, to: "Serve as the DOD focal point for providing information on the total capacities and capabilities of the shipbuilding, conversion and repair facilities of Government agencies and of private industry within the United States."*

Finally, it should be noted that the Commander, Naval Ship Systems Command is also the Coordinator for Ship Repair and Conversion for the Department of Defense and the Department of Commerce by Letter or Agreement between DOD and DOC dated 9 November 1955. It is under this responsibility that the document, "Principal Shipbuilding and Repair Facilities of the United States", which describes the major physical capacities of the private and naval shipyards, is compiled and issued to interested government agencies.

Navy capabilities assessment techniques

As pointed out by *Rear Admiral Sonenshein* in his testimony before the Seapower Subcommittee of the House Committee on Armed Services in June, 1970, *capacity, as measured by physical assets, is only part of the picture. Capability to assume types of workload also includes factors such as the availability of skilled personnel, availability of long-lead components and material not originating in the shipyard, availability of special capabilities such as for work on nuclear propulsion plants, planning and ship design capability, financial viability, and a very important but often overlooked prerequisite—management capabilities in both the private shipyards and in the government supervising activities sufficient in size and experience to properly and effectively handle such work.*

The Navy assesses these additional factors in two ways: first, in conjunction with the Maritime Administration, frequent surveys of the shipbuilding and repair industry are made using the jointly developed Standard Form 17 "Facilities Available for the Construction or Repair of Ship". These forms are quite comprehensive, including space for description of the work normally subcontracted and for full narrative description of the shipyard's production experience. *The last survey of the shipbuilding industry was conducted in mid-1971, and approximately 140 replies were received from the industry.*

Secondly, through its *20 Supervisor of Shipbuilding,* Conversion and Repair activities located at major port and shipbuilding locations, the Navy *maintains intimate contact with the private sector and awareness of individual private shipyard capabilities and limitations.* Prior to issuing contracts to private shipyards for repair and alteration of navy ships, the Supervisors conduct on-site visits and assessments of these firms. These, plus the continuing contact maintained with the private yards, make the Supervisors fully cognizant of private shipyard capabilities in relation to Navy shipwork.

The Ernst and Ernst assessment of capabilities

This assessment is based on responses from 34 shipyards (23 companies) to a capabilities questionnaire which was mailed to over 200 private firms. Ernst & Ernst notes a number of qualifications which are inherent in the sample size and method of data collection:

". . . the composition or representativeness of the sample has not been evaluated."

"We did not attempt to audit the data received. Because of the self-evaluative nature of the questionnaire, there may be a problem with over-optimistic responses."

"Because the term ordnance can connote anything from small guns to guided missiles and the term electronics spans equipment from radios to computer systems, we recognize that the data received may have limitations."

"We recognize that there may be a problem of interpretation insofar as a yard rated its capability on the basis of the average size of ship within the class, rather than in relation to the total range of vessel configurations."

A few examples serve to illustrate the inadequacies of the data presented:

a. The *report lists 9 shipyards as having the capability to perform major conversion, alteration and repair work on CVAs and CVANs, but only 3 yards as having a drydocking capacity for these ship types. However, since major CAR work on these ships generally requires drydocking, it is apparent that the 9 yards do not really have the capability. Furthermore of the 3 private companies known to have drydocking capacity for carriers, two have have no remaining capabilities to carry out work of this type. Newport News Shipbuilding and Drydock Company is the only private shipyard with substantial capability in this field.*

b. In a *significant number of cases, the report lists more private* yards capable of performing *major* CAR work on a particular ship type *than* the number shown as capable of performing *minor* alteration and repair. *Certainly a yard capable of performing major work on a given ship would also be able to do minor work.*

c. The reports lists 18 shipyards as having drydocking capability for an LHA. Our records show only 11 private shipyards capable of drydocking a ship this size and only 10 companies with building ways large enough to construct this vessel.

d. The number of private shipyards capable of performing nuclear plant maintenance (including refueling) is incorrect. NAVSHIPS notes that only three private yards currently have this capability.

e. In the case of DLGNs, 15 shipyards are listed as having the capability to perform major conversion, alteration and repair, but only 5 are shown as having nuclear plant maintenance capability. The disparity is obvious. Furthermore, not even five private yards actually have this capability, as noted in d, above.

The above disparities, and others, result from two major problems with data presented by Ernst & Ernst to show private shipyard capabilities. The first is that these data are based solely on a self-evaluation by the companies which responded. Certainly if these firms are attempting to secure a larger portion of Navy work, they would tend to be overly optimistic in their assessment of their own capabilities. The second problem has to do with the definition used by Ernst & Ernst for "having capability". Under this definition, a responder could list the capability if:

1. He had done this type of work since 1965.

or 2. He believed he had the internal capability for the type of work.

or 3. He believed he could do this type of work with subcontractor assistance.

This definition not only permits, but in fact encourages, overstatement of capabilities.

Additional comments

Two final points should be made. *First, the Navy intends in no way to denigrate the actual or potential capabilities of the private shipyards of the United States.* There is no question that, over a period of time, and with the sufficient investment, the private shipbuilding industry of the United States could build itself up to handle whatever task it was confronted with. There is also no question that the nation, as well as the Navy, has much to gain from a strong and efficient private shipbuilding industry.

The other, and perhaps critical point in the entire discussion may be pin-pointed in the final paragraph of the Ernst and Ernst conclusions, in the sentencing reading, "The Navy has currently cut back the amount of CAR work assigned to private shipyards and has plans for further reductions."

The Navy has not changed its policy regarding the allocation of conversion, alteration and repair work to private shipyards. However, as the Fleet composition shifts more and more toward larger, more complex ships with highly sophisticated systems, *the capabilities of shipyards desirous of undertaking Navy CAR work will have to be upgraded.* Except when specifically justified, CAR work is not assigned to a specific private shipyard, but rather, must be bid for in active competition with other private yards. *Thus, the private shipyards do have a serious problem in deciding how much investment to make in upgrading their capabilities when there is no guarantee that they will be able to achieve a continuing workload.*

THE ALASKA HIGHWAY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. BEGICH. Mr. Speaker, Alaskans were greatly disappointed by the President's recent announcement not to move forward at present with plans to pave the Alaska Highway. At a time when Canadian interest in their Northwest is at a high point, such a decision seems most untimely.

Still, even within this disappointment, there exists a possibility for action which is recognized by the Alaska Legislature in the following resolution. They, and I, would assign first priority to the paving of the 205-mile segment of the road between Haines Junction in the Yukon Territory and the Canada-Alaska border to the north, thus linking the Marine Highway to the interior road system by paved highway.

The resolution follows:

HOUSE JOINT RESOLUTION NO. 118 RELATING TO THE PAVING OF A PORTION OF THE ALASKA HIGHWAY

Be it resolved by the Legislature of the State of Alaska:

Whereas President Nixon has recently announced the cancellation of plans to go forward with the paving of the Alaska Highway; and

Whereas the reconstruction and paving of the Alaska Highway is crucially important to Alaska's continued development and progress; and

Whereas the paving of the highway would reduce the dependence of the North on seasonal transportation for bulk shipments, thus reducing the cost of living in Alaska's northern communities; and

Whereas the paving of the highway would greatly stimulate tourist traffic to Alaska and would also accelerate the construction of secondary and local roads to provide a long needed primary road network in Alaska;

Be it resolved by the Alaska Legislature that the President is urgently requested to reconsider his cancellation of plans for paving the Alaska Highway and that he direct the Department of Transportation to carry forward immediately with the review and analysis necessary to the implementation of the reconstruction and paving of the Alaska Highway; and be it

Further resolved that the initial top-priority segment of the project be the paving of the 205-mile strip of highway between Haines Junction, Yukon Territory and the Alaska border which would establish, in conjunction with the Alaska Marine Highway System, good, dependable access to Alaska from all other areas of our nation.

Copies of this resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable John A. Volpe, Secretary, Department of Transportation; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

LOW COST AIR TRANSPORTATION

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. LEGGETT. Mr. Speaker, over the past few years it has become increasingly apparent that the American consumer is getting the short end of a large number of deals. Increasingly, consumers have begun to react vigorously to protect their own legitimate interests, and in many cases they have achieved excellent results.

One of the worst cases of anticonsumer regulation has been in the field of air travel. Most Americans who regularly read newspapers are vaguely aware that something is wrong here, that the Government has disgracefully cooperated with the airlines against the public interest to inflate the price of air travel. But I think very few Americans are aware of just how bad the situation is.

Consider the case of inclusive tour charters. These are arrangements whereby the traveler pays a package price for air fare, transfers, hotel room, and sometimes other extras. European and Canadian airlines are encouraged by their governments to arrange these tours in the most attractive way they can, and to set prices on a competitive basis. The results are startling.

Consider a Londoner who wishes to take his wife on a 4-day vacation to Athens. Regular coach fare would be $682 round trip for the two of them, hotel would be $103 and transfers would be $5, totaling $790.

But any London couple can buy an inclusive tour supplying all of this for only $145. Moreover, the airlines are happy to do it, because at these rates they fill their planes and make a nice profit.

Mr. Speaker, this is in no sense an atypical or out-of-context example. Similar packages are available to and from almost every major city in Europe, and will be used by more than 8.5 million Europeans. Similar arrangements are available to Canadians.

But here in the United States, inclusive tour charters are crippled by three incredible restrictions. First, the tour must last 7 days or more. The American who wants to get away for a weekend, even a 4-day weekend, must either pay through the nose or forget about it. Second, he must make at least three overnight stops at least 50 miles apart. That is, he must waste 3 days on each trip. Finally, the total cost of the tour must be at east 110 percent of the regular scheduled airline fee.

If the hypothetical London couple to whom I previously referred were subject to American regulations, their $145 vacation would cost them $750.

Their cost would be increased $605, or more than 400 percent, because of Government interfernce in the free market.

The only semipractical way for an American to circumvent these regulations is to belong to what is called an "affinity group" at least 6 months in advance. An "affinity group" must be a group which is formed for purposes unrelated to travel. If the group so much as mentions cheap charter flights in its recruiting advertising, it is disqualified from placing people thus recruited on the charter flights.

Even for those who clearly and legitimately qualify as members of an affinity group, the usefulness of inclusive tour charters is drastically reduced. Instead of having his choice of dozens or hundreds of charters, as do European citizens, the unlucky American is limited to one or two charters per year his club or society may make available. If he does not want to go to the south coast of Spain for 2 weeks in May, he may be out of luck.

Why do these inane regulations exist? The answer is obvious. They exist as a result of lobbying by the scheduled airlines who want to make inclusive charters as unattractive as possible so that people will have to pay their full exorbitant fares or do without.

Perhaps this public-be-damned attitude is acceptable conduct for a corporation. But establishment of these restrictions is not acceptable conduct on the part of a government which is supposed to represent the public interest. These regulations are neither of, by, nor for the people. They are of, by, and for a special interest group flying in large part empty airplanes.

They should be repealed entirely. If they were, we would find airlines, using late model jet aircraft such as the super DC–8 with fully qualified crews, who are eager to take a Boston couple to Cozumel, Mexico, for 2 summer weeks for $350, including hotel. A Los Angeles couple could take a 4-day weekend in La Paz, Bolivia, for $124 in the summer.

The Senate Commerce Committee is now considering such legislation. It is in the public interest, and I hope to see it enacted into law as soon as possible.

MEXICAN PATROL VETERANS BACK NIXON

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. YOUNG of Florida. Mr. Speaker, support for President Nixon's courageous actions in Vietnam have poured in from every corner of this Nation.

Nothing summarizes the sentiment of the majority of Americans more than a resolution recently adopted by the Suncoast Patrol 63, Mexican Border Veterans, Inc., of St. Petersburg, Fla., in my home district.

A story of the action taken by this group of former National Guardsmen who patrolled the Nation's border with Mexico against raids by Pancho Villa was carried this week in the St. Petersburg Times. The article follows:

MEXICAN VETS BACK NIXON

Suncoast Patrol 63, Mexican Border Veterans Inc., of St. Petersburg, has gone on record as supporting President Nixon's actions in Vietnam.

A resolution adopted backing the President said in part:

"Whereas our President, Richard M. Nixon, as commander-in-chief of our Army and Navy, has issued orders to prevent military supplies reaching our enemy by land or sea to force an end to this conflict and effect the release of our military personnel and prisoners of war, therefore be it resolved that Suncoast Patrol 63 . . . does completely endorse and support this action.

"It is high time the people got behind our President and gave him full support."

Organized in 1930, the Mexican Border Veterans consists of former National Guardsmen called up to patrol the nation's Mexican border in 1916 after raids into the United States by supporters of Pancho Villa.

Until 1970, members were not recognized by Congress as war veterans and thus were not eligible for veterans benefits.

But in December 1970, a new pension law gave them pension benefits and entrance to Veterans Administration hospitals.

The 43rd Annual Mexican Border Veterans Convention (state) will be held Saturday, May 27, at the Tides Hotel on Redington Beach.

Patrol 63 has 65 members and hopes to increase that number.

H.R. 15139—A BILL TO MAKE THE USE OF FIREARMS IN ALL CRIMES A FEDERAL OFFENSE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. PUCINSKI. Mr. Speaker, I have today introduced H.R. 15139, a bill designed to make the use of a firearm in the commission of a crime a Federal offense.

My proposal would also prohibit the insidious practice of "plea bargaining" in every crime involving the use of a firearm.

Plea bargaining is the practice used by defense lawyers to get a reduced charge against their client on the promise that the defendant will agree to plead guilty to the reduced charge.

Governor Wallace would not have been assaulted had my bill been law. For the young man who shot Governor Wallace had been arrested by the police 2 months earlier on a charge of carrying a concealed weapon.

In court, the charge against the assailant was reduced from "carrying a concealed weapon" to a simple "disorderly conduct" after the assailant had agreed to plead guilty to the lesser charge.

Governor Wallace's assailant walked out of court a free man after paying a meager $38 fine for his "disorderly conduct."

I am thoroughly convinced that we will not be able to stop the rash of crimes committed with the illegal use of a gun until this Nation makes clear that such criminals will be fully prosecuted.

I am asking that the use of a firearm in the commission of any crime be made a Federal offense in order to assure the strongest prosecution against such criminals.

Too often, local prosecutors do not have the staff and resources to fully prosecute cases. As a result, they are inclined to agree to a reduction of charges upon a plea of guilty to the lesser charge.

I know that we will need more Federal prosecutors and I am willing to support additional appropriations if it will help get those who illegally use guns in the commission of crimes off the streets.

I am certain that my legislation can make a significant contribution toward restoring a greater degree of law and order.

My bill provides that a criminal who has been prosecuted and sentenced for a crime will be given an additional penalty up to 10 years in prison if he uses a gun in the performance of such a crime. In a second offense, the additional penalty for using a gun in a crime can be up to 25 years in prison.

Only when we make it clear to criminals that they will not be able to talk their way out of full prosecution can we stop this insidious practice of using firearms in the commission of crimes.

My bill prohibits judges placing on probation or suspending the sentence against those convicted of a crime involving the use of a gun.

I would hope that this strong legislation would give us a basis for greater prosecution of those who use a gun in the commission of a crime. I am certain that effective enforcement of this particular provision would substantially reduce the increasing demands for new methods of gun registration.

The text of my proposal follows:

H.R. 15139

A bill to amend title 18 to penalize the use of firearms in all crimes and to forbid plea-bargaining in connection with such crimes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 924(c) of title 18 of the United States Code is amended to read as follows:

"(c) Whoever uses any firearm during the commission of any crime shall be tried in a United States District Court for such offense and upon conviction, shall, in addition to the punishment provided for the commission of such crime, be sentenced to a term of imprisonment for not less than one year nor more than ten years. In the case of his second or subsequent conviction under this subsection, such person shall be sentenced to a term of imprisonment for not less than two years nor more than twenty-five years. Notwithstanding any other provision of law, the court shall not suspend the sentence in the case of any conviction under this subsection or give any person so convicted a probationary sentence, nor shall the term of imprisonment imposed under this subsection run concurrently with any term of imprisonment imposed for the commission of such felony or crime."

SEC. 2. No officer, charged with the responsibility of prosecuting criminal offenders, who does or should reasonably believe any person has committed any offense, and that such offense was accompanied by circumstances constituting a violation of section 924(c) of title 18 of the United States Code, may effectively reduce or fail to prosecute fully any charges against such person with respect to such offense in return for such person's agreement to plead guilty or otherwise not to contend against any prosecution of that person for any other charges with respect to such offense.

PUBLIC PARTICIPATION IN HIGHWAY DECISIONS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. DINGELL. Mr. Speaker, an ongoing problem facing citizens who seek to participate in the governmental process is the inaccessibility of information necessary to their effective participation. This problem is often most acute where a citizen desires to affect policy in the administrative branch of government, but is unfamiliar with an agency's operating procedures. Although most agencies have established procedures to govern the administration of their programs, copies of these procedures may be difficult and in some cases nearly impossible for citizens to obtain.

A good example is the Federal-aid highway program. The Federal-aid highway program is the Nation's largest continuing public works project. In 1971 alone, $4.7 billion were distributed to the States as reimbursement for highway building costs. Since 1956, these Federal expenditures have been funded through the Highway Trust Fund, a repository for various categories of Federal highway user taxes. The taxes may be used only for highway purposes.

Under the Federal-aid highway program, State highway departments are responsible for planning, designing, and constructing Federal-aid highways. The Federal Highway Administration—FHWA—within the U.S. Department of Transportation administers the Federal reimbursements. The primary responsibility of FHWA is to assure that the State highway departments have adhered to Federal standards before the States are reimbursed for a portion of the Federal-aid highways costs. This responsibility is carried out by requiring the State highway departments to obtain Federal approvals at various stages in the highway building process.

Several recent popular publications have attempted to translate the adverse environmental and social impacts of the Federal-aid highway program into terms that may be widely understood. The highway trust fund has knowledgeable and articulate critics. But very little is known about the way in which the Federal-aid highway program is actually administered.

The principal source of the confusion is not difficult to identify. The FHWA's procedures that are published are incomplete, outdated and virtually inaccessible. The U.S. Department of Transportation's formal regulations on the administration of the Federal-aid highway program fill only 8 pages in the current Code of Federal Regulations. FHWA's operating procedures are published in several categories of voluminous, obscure directives: Orders, policy, and procedure memorandums—PPM's; international memorandums—IM's; and administrative memorandums—AM's. The relative status of these directives within FHWA is difficult for an outsider to fathom.

Copies of FHWA's operating procedures and periodic indices to them are, in theory at least, available to the public for inspection and copying. However, there is no routine circulation of new or revised operating procedures outside the Federal Government, State highway agencies, and highway-related private organizations such as the American Road Builders Association and the Associated General Contractors of America. Copies of operating procedures which are out of print cost 25 cents per page, and they must be ordered specially; no public duplicating equipment is available at any FHWA office anywhere in the country.

But it is these difficult-to-discover

operating procedures which govern administrative decisionmaking in the Federal-aid highway program. If a citizen wishes to participate in that process, he must be familiar with these procedures.

For this reason I have had collected the most important of these FHWA operating procedures and now insert them in the CONGRESSIONAL RECORD.

The material follows:

BUREAU OF PUBLIC ROADS, U.S. DEPARTMENT OF COMMERCE, POLICY AND PROCEDURE MEMORANDUM 10-1—MAY 28, 1965

FEDERAL-AID HIGHWAY SYSTEMS

Superseded Issuances:

PPM 10-1, as amended; IM 10-61, as amended; and IM 10-1-64.

1. PURPOSE

The purpose of this memorandum is to set forth policies and procedures relating to designation of the National System of Interstate and Defense Highways, the Federal-aid primary highway system and the Federal-aid secondary highway system.

2. OBJECTIVE

Highway systems are established as a means of defining the extent and characteristics of the highway plant. The classification of highways into integrated systems provides a stable framework for planning, financing and executing long-range programs on an efficient, economic and consistent basis to meet essential needs of traffic.

The Federal-aid systems are so selected as to promote the general welfare and the national and civil defense, and to become the pattern for a long-range program of highway development to serve the major classes of traffic broadly defined as (1) interstate or interregional, (2) city-to-city primary, either interstate or intrastate, (3) secondary or farm-to-market and (4) intra-urban. The designation of the Federal-aid highway systems forming integrated and connected networks in each State and nationwide, insures continuity in the direction of expenditures of available Federal-aid funds.

3. SYSTEM CLASSIFICATION

a. The National System of Interstate and Defense Highways consist of routes of highest importance to the Nation, which conduct the principal metropolitan areas, cities, and industrial centers, including important routes into, through, and around urban areas, serve the national defense and, to the greatest extent possible, connect at suitable border points with routes of continental importance in the Dominion of Canada and the Republic of Mexico.

b. The Federal-aid primary highway system consists of routes of the National System of Interstate and Defense Highways and other important routes with their urban extensions, including important loops, belt highways and spurs.

c. The Federal-aid secondary highway system consists of the principal secondary and feeder routes in rural and urban areas.

4. BASIC PRINCIPLES OF SYSTEM DESIGNATION

a. Extent of System: Each system is limited in extent, either by law or by administrative practice.

(1) The Interstate System is limited by law to 41,000 miles and is a part of the Federal-aid primary system.

(2) The Federal-aid primary system in each State is limited by law to seven percent of the 1921 total rural highway mileage of such State, except that in addition the law permits, without charge against the seven-percent limitation, mileage within Federal reservations, mileage within designated urban areas, and mileage of Interstate routes that were not a part of the primary system prior to their designation as Interstate routes. Permissible system mileage in any State may be increased by increments of one percent of the 1921 total rural highway mileage whenever provision has been made for the completion and maintenance of ninety percent of the States designated system mileage exclusive of mileage within Federal reservations and urban areas and Interstate mileage not previously a part of the primary system. The primary system may be considered as meeting the ninety-percent completion requirement if ninety percent of the mileage has been improved to provide right-of-way, geometric design, surface, base and subgrade, and structures consistent with requirements for traffic service.

(3) As provided in the Federal-aid regulations, the Federal-aid secondary system shall not exceed in any State at one time a mileage that can be initially improved within a reasonable period of years and thereafter maintained with income expected to be available.

b. Selection of Routes: In each system, routes should be designated in descending order of importance irrespective of current status of improvement, considering existing and potential traffic, the advancement of economic and social values, the conservation and development of natural resources, the promotion of desirable land utilization and other pertinent criteria. Data and findings in classification and needs studies should be utilized where available. System mileage should be distributed on a reasonable and fair basis within the area the system is designed to serve. Where systems are being expanded, no route deserves acceptance until all routes of higher importance have already been designated or selected for concurrent designation.

c. Integration of Systems: All systems shall be properly integrated, with each route connected to another Federal-aid route.

(1) Interstate and primary routes will usually have like system connections at each end, but there will be some instances where stub routes are justified.

(2) Unlike system connections of primary and secondary routes at State lines are not acceptable except in unusual circumstances where their denial might penalize or work a hardship on a State. Such cases might arise when a State is capable of handling a primary system that reaches down to include routes of a lower level of importance than are included in the primary system of an adjoining State. A route might also have changing characteristics as it penetrates an adjoining State, so that based on relative position in the separate scales of importance in the two States it might merit different classifications.

(3) Stub secondary routes in rural areas are permissible as routes reach outward from major highways and market centers to serve small local traffic-generating sources. Points where there is an appreciable break in local traffic, such as schools and road junctions, are acceptable as secondary route termini. A county line is not normally justified as a terminus. Stub or dead-end secondary routes in urban areas are permissible, but should be avoided except to serve important destinations such as a market center, stockyard, dock or industrial area, railroad terminal, airport, etc.

(4) Secondary routes entirely within urban area boundaries are permissible, but should be held to a minimum. They will normally involve the more densely populated sections of a State, where rural secondary routes and their urban extensions have been substantially improved, and additional secondary mileage in urban areas is needed to provide adequate latitude in the programing of available funds.

(5) Closely parallel routes separated by a river, railroad or other barrier, or providing different types of service as in the case of a freeway and a local service road or collector-distributor for the freeway, may be justified.

(b) Federal-aid secondary routes need not be continuous through Indian reservations, but may connect at the reservation boundaries or at points within the reservation with routes of the Indian reservation road system.

(7) Individual routes or clusters of routes in widely separated or remote areas of a State (as in Alaska), and on offshore islands are permissible without connections to other segments of the system if the routes are otherwise justified.

5. CONTROL AREAS AND CONTROL POINTS

a. A control area, as it pertains to the Interstate System, is a metropolitan area, city or industrial center, a topographic feature such as a major mountain pass, a favorable location for a major river crossing, a road hub which would result in material traffic increment on the Interstate route, a place on the boundary between two States agreed to by the States concerned, or other significant feature.

b. An intermediate control point on the Interstate System is either end of an acceptable section on the detailed location of an Interstate route and beyond which feasible detailed locations are known to exist.

c. A control point on the primary system is generally a city of some consequence, a route junction or other point of significance.

d. A control point on the secondary system is generally a town of some consequence, a route junction, or other significant point. As found necessary, control points may also be small communities, schools, clusters of farmhouses, etc., to which local service is provided.

e. Federal-aid routes in urban areas are generally identified by reference to control points in the vicinity of street intersections, without tying the route to specific streets.

6. APPROVAL AUTHORITY

Interstate routes and control areas are approved in the Washington office. Approval authority on control points, general locations and specific locations of the Interstate, Federal-aid primary and Federal-aid secondary routes is delegated to the regional engineers, as explained in paragraph 4 of AM 1-10.2.

7. GENERAL PROCEDURES

a. The State highway department has the responsibility for initiating route selections and proposing changes in routes already designated. Each proposal is to contain adequate supporting information in justification of the desired action and maps of sufficient scale and detail to show the system changes involved. In the event the proposal involves routes through Federal reservations, it shall be discussed with the appropriate Federal agency.

b. Proposals requiring approval in the Washington office are to be forwarded with appropriate comments and recommendations, either by memorandum or by endorsement on the proposal. Proposals that are approved in field offices should be forwarded to the Washington office with such documents and copies of correspondence as may be necessary to complete or correct the records.

c. The milage reporting forms prescribed by PPM 50-5.3 and discussed in the "Instruction Manual for the Compilation and Reporting of Highway Mileage" are to be used as the official mileage records.

d. Route descriptions should, in general, follow the examples shown in Enclosures 1, 2 and 3. Minor deviations from these examples are acceptable, particularly in those States having their own standard forms.

e. It is desirable that all routes be numbered in some logical manner. Single route numbers preferably should be assigned to single lines of traffic flow, with Interstate and Federal-aid primary routes normally extending for considerable distances within or across the State, and Federal-aid secondary routes normally extending for much shorter distances within or across the country. One plan is to number the routes in sequence from south to north and from west to east, with odd numbers for south-north routes, and even numbers for west-east routes, and with some numbers reserved for possible subsequent additions to the system. This plan also is a desirable first step in route section (project) numbering procedures correlating route and project numbers. For clarity and ease in system identification under this plan, separate blocks of numbers can be assigned to the different systems. Other acceptable plans may be devised that would be equally effective.

8. PROCEDURES FOR INTERSTATE SYSTEM

a. Interstate routes shall be numbered in accordance with the numbering scheme adopted by the American Association of State Highway Officials. Route descriptions for city-to-city routes are to name all control areas. Descriptions for belts, loops and spurs into, through and around urban areas should be very broad, to avoid the necessity for revision when detailed locations are selected.

b. In support of proposals for control areas, the State highway department should forward copies of the official State highway map, or section of map, with the control areas and the affected Interstate routes marked thereon; a statement justifying control areas; and a statement indicating agreement with adjoining States on State-line connections.

c. All Interstate routes automatically become a part of the Federal-aid primary system. Interstate route mileage is charged against the permissible Federal-aid primary system mileage if the Interstate route replaces a primary route in the same general area. It is not charged when the existing primary route serving the same general area is retained on the primary system. In the latter case, if the primary route is later deleted or transferred to the Federal-aid secondary system, the Interstate mileage added without charge shall be reclassified as chargeable on the basis that the Interstate route involves a relocation of an existing primary route.

9. PROCEDURES FOR PRIMARY SYSTEM

a. Route descriptions are to cover both rural and urban portions of Federal-aid primary routes. Primary route descriptions need not be made nor primary route numbers assigned to Interstate System routings (general or detailed) that depart from Federal-aid primary routes retained on the primary system. Primary route descriptions are to be revised where designated control points are deleted, changed or new control points added. Each proposal should indicate the net change in system mileage for each approval action requested, classified as rural, Federal reservation or urban.

b. Detailed reference to control points within urban areas should be avoided as much as possible. Urban maps marked to show the general routings in all urban places of 25,000 or more population shall be forwarded as a part of the official approval documents. In some cases, maps may also be desirable for smaller urban places. When alignment changes in urban areas are of such magnitude as to involve system revision, revised maps are to be submitted by the State for system approval regardless of whether the wording of the route description requires change.

c. A general description of a route extending into or through an urban area is sufficient to cover closely parallel streets with one-way traffic.

10. PROCEDURES FOR SECONDARY SYSTEM

a. Suitable scale sketch, strip or county maps with routes marked thereon should accompany individual proposals for system revisions. For extensive revisions of the system, county planning survey maps, preferably half-scale, should be used.

b. Proposals covering system changes are to contain a statement by the State highway department that there has been compliance with section 103(c) of Title 23, U.S. Code, regarding cooperation with appropriate local authorities. The manner and extent of such cooperation are to be determined by the State. Where all public roads and highways in a county or other political subdivision of a State are under the control and supervision of the State highway department, the State highway department is considered the local road authority and cooperation with other local authorities of such political subdivisions is not required.

11. RECLASSIFICATION, DELETIONS, AND REINSTATEMENTS

a. The reclassification of a Federal-aid highway route from one Federal-aid system to another does not relieve the State of its obligation to the Federal Government to maintain portions thereof constructed as Federal-aid projects or of any other obligation included in project agreements executed for Federal-aid projects on portions of that route. When controlled access Federal-aid primary routes are transferred to the Federal-aid secondary system, all access control features are to be retained in force unless a request by the State to the contrary is approved by the Bureau of Public Roads.

b. The approved deletion of a Federal-aid highway route from any Federal-aid system, without reclassification to another Federal-aid system, relieves the State of its obligation to the Federal Government to maintain portions thereof constructed as Federal-aid projects, in accordance with section 116(a) of Title 23, U.S. Code. Such deletion also relieves the State of any other obligation included in project agreements executed for Federal-aid projects on portions of the deleted route. Where routes are transferred from one system to another, the actions for deletion and addition should be made simultaneously, if possible.

c. Requests for reinstatement of routes previously deleted from any Federal-aid system shall be approved only when the State expressly agrees to resume its obligation for the maintenance of any portion of the route constructed as a Federal-aid project. Resumption of any other obligations included in project agreements executed for Federal-aid projects on the route being considered for reinstatement shall be mutually agreed to by the State and the Bureau of Public Roads.

REX M. WHITTON,
Federal Highway Administrator.

Enclosure.*

BUREAU OF PUBLIC ROADS, U.S. DEPARTMENT OF COMMERCE, POLICY AND PROCEDURE MEMORANDUM 20-4—AUG. 10, 1956

POLICY ON INTERSTATE SYSTEM PROJECTS

Supersedes: PPM 20-4 (Aug. 4, 1954)

1. PURPOSE

The purpose of this memorandum is to prescribe the policy of the Bureau of Public Roads in administering the Federal-Aid Highway Act of 1956 with respect to the National System of Interstate and Defense Highways, hereinafter called the Interstate System.

2. GENERAL

The Federal-Aid Highway Act of 1956 authorizes the appropriation of Federal funds over a 13-year period for completing the Interstate System and expressly provides that the standards for the system shall be adequate to accommodate the traffic expected thereon in the year 1975. Furthermore, Federal-aid Interstate funds may participate in the cost thereof to the extent of 90 percent plus sliding scale increases in the public lands States. The Interstate System is to be developed to standards including control of access and freeway characteristics justified for these important highways. Such standards shall be applied uniformly throughout the States. Its development is to be accelerated and as each section is opened to traffic it should be as nearly a completed facility as feasible. It will be the policy of the Bureau of Public Roads to accomplish these objectives by expeditiously effecting the construction of the system to the standards necessary for safe, fast, and economical travel.

3. LOCATION

a. The general locations of the Interstate System, to the statutory limitation of 40,000 miles as provided in the Federal-Aid Highway Act of 1944, have been designated by cooperation between the State highway departments and the Bureau of Public Roads. Additional routes totaling not more than 1,000 miles in length which may be designated as provided for in the Federal-Aid Highway Act of 1956, shall be designated in the same manner as were the routes constituting the original 40,000 miles, that is, by cooperation between all the State highway departments and the Bureau of Public Roads.

b. The routes of the system designated as to function and in general location on August 2, 1947, and on September 15, 1955, and the additional routes which may be designated in accordance with the 1956 Act, are continuous routes between named cities and other control areas, or are supplemental routes at urban areas such as spurs, loops, and belts. Existing highways have been used as convenient indications of the general locations of Interstate System routes. The location on which an Interstate System route is to be constructed shall be determined by means of engineering, traffic and economic studies, including consideration of local needs, and agreed upon by the State and the Bureau of Public Roads in advance of the time the route or a portion thereof between intermediate control points is proposed for improvement as an Interstate project. The location on which construction is to be performed shall be shown on appropriate maps and be subject to the approval of the Bureau of Public Roads. Maps shall be of such scale that the relation of the proposed location to the culture in the area is clearly shown. In urban areas the relation to streets, all forms of transportation and to land use and improvements should be shown.

c. Where an Interstate highway is not to be constructed on the existing highway location, the existing highway route should generally be retained on the Federal-aid system and thus be eligible for improvement with appropriate Federal-aid funds. Where an existing highway location is used, the existing highway may be utilized as a part of the Interstate improvement, if standards are adequate, or retained as a frontage road.

4. STANDARDS

a. An Interstate System project is one for the construction, reconstruction or improvement of a section of highway on the location approved for a route of the Interstate System. Such a project shall be designed and constructed to the Design Standards for the Interstate System adopted July 12, 1956, by the American Association of State Highway Officials and approved by the Commissioner of Public Roads on July 17, 1956. A copy of these standards is attached.

b. Interstate projects approved prior to July 17, 1956, may be constructed in accordance with the design standards in effect at the time of approval.

c. Bridges supporting Interstate highways shall be designed in accordance with the current Standard Specifications for Highway Bridges of the American Association of State Highway Officials using the H20-S16(44) loading except that, to overcome known deficiencies in floor systems of bridges designed with such loading, all bridges and floor systems with spans under 40 feet shall be designed using an alternate loading of two axles four feet apart with each axle weighing 75 percent of the rear loading of the H20-S16 loading.

d. Designs for all culverts and bridges over streams shall be in accord with the Standard Specifications for Highway Bridges of the

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*[Ed. Note: Example of suggested forms omitted.]

American Association of State Highway Officials to accommodate floods at least as great as that for a 50-year frequency or the greatest flood of record, whichever is the greater, with the runoff based on the land development expected in the watershed 20 years hence and with backwater limited to an amount which will not result in damage to upstream property or to the highway. All other drainage facilities are to be designed to keep the traveled ways usable during storms at least as great as that for a 10-year frequency, except that a 50-year frequency shall be used for underpasses or other depressed roadways where ponded water can be removed only through the storm drain system.

e. The combined surface course, base course, and subgrade of all interstate highways shall be designed to provide adequate support for the type and volume of traffic expected in 1975. The supporting ability of the surface course, base course, and subgrade in combination shall be at least that required to support 18,000 pounds carried on any one axle, or a tandem-axle weight of 32,000 pounds, or an over-all gross weight of 73,280 pounds, with distances between axles or groups of axles equal to those corresponding to these loads in the current Policy on Motor Vehicles Sizes and Weights of the American Association of State Highway Officials, or the corresponding maximum weights permitted for vehicles using the public highways of each State under laws and regulations established by appropriate State authority in effect on July 1, 1956, whichever is the greater, as required in Section 108(j) of the Federal-Aid Highway Act of 1956.

5. PUBLIC HEARINGS

The State highway department shall comply with the provisions of Section 116(c) of the Federal-Aid Highway Act of 1956 with regard to public hearings for all Federal-aid projects including those on the Interstate System that involve the bypassing, or going through any city, town or village, either incorporated or unincorporated in accordance with procedures issued by the Bureau of Public Roads.

6. APPLICATION OF POLICY

The policy stated herein is applicable to all projects hereafter approved for construction on the approved location of the routes of the Interstate System, that are financed in whole or in part with Federal funds, regardless of the class or year of Federal funds involved.

C. D. CURTISS,
Commissioner of Public Roads.

BUREAU OF PUBLIC ROADS, U.S. DEPARTMENT OF COMMERCE, POLICY AND PROCEDURE MEMORANDUM 20-8—AUG. 10, 1956

PUBLIC HEARINGS, FEDERAL-AID PROJECTS

1. PURPOSE

The purpose of this memorandum is to prescribe the policy and procedures of the Bureau of Public Roads in administering section 116(c) of the Federal-Aid Highway Act of 1956, with respect to public hearings.

2. REQUIREMENTS AND CONDITIONS

a. Section 116(c) of the Federal-Aid Highway Act of 1956, hereafter referred to as the section, requires any State highway department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town, or village, either incorporated or unincorporated, to certify to the Commissioner of Public Roads that it has had public hearings, or has afforded the opportunity for such hearings, and has considered the economic effects of such a location. It requires further that, if such hearings have been held, a copy of the transcript of said hearings shall be submitted to the Commissioner of Public Roads, together with the certification. The intent of this requirement is to give every interested citizen an opportunity to be heard on any such proposed project, and is an opportunity for the State highway department to more fully inform the public of the advantages of such project.

b. The provisions of this memorandum apply to every Federal-aid project, including 1954 Secondary Road Plan projects, for right-of-way for, or the construction, reconstruction or improvement of, a highway bypassing or going through, including projects entering or within, any city, town, or village, included are projects as follows:

(1) those in accepted program stage 1-A on June 29, 1956, and are subsequently advanced to approved program stage 2.

(2) those in approved program stage 1-B or 2 on June 29, 1956, but for which the State had not submitted P.S. & E. to the district engineer.

(3) those programed subsequent to June 29, 1956.

c. The provisions of this memorandum do not apply to those projects that are solely for further improvement, such as resurfacing, of an existing highway on a location within the limits of the existing right-of-way and which do not change the layout or function of the road and streets that connect to the existing highway.

3. PROCEDURES

a. The State highway department shall give the officials and other citizens of a city, town, or village affected by the location of a Federal-aid project to which the requirements of the section apply, the opportunity to be heard in public hearings at a location and at a time reasonably convenient for such citizens. Where citizens avail themselves of such opportunity, a public hearing shall be held and a transcript made thereof. The State highway department shall give reasonable advance notice to the district engineer of the location, date, and time for each such public hearing. In cooperating with the State highway departments in carrying out the intent of the section, district engineers will arrange to attend such hearings or review the transcript thereof.

b. Where a Federal-aid project, or a route embodying several Federal-aid projects, to which the requirements of the section apply affects several adjacent cities, towns, or villages, one combined public hearing may be arranged provided the hearing is reasonably convenient in location and time to the citizens of all the affected cities, towns, or villages.

c. The certificate by the State highway department shall recite when and where the public hearing was held or, if a hearing was not held, when and how the opportunity for a public hearing was given and in either case shall contain the statement that the State highway department has considered the economic effects of the location of the project. A transcript of the public hearing shall accompany the certificate and shall be forwarded to the district engineer of the Bureau of Public Roads. In those instances where a public hearing was held prior to June 29, 1956, and a transcript thereof was not taken, a statement covering the gist of the discussions will be accepted as satisfying the requirement for a transcript.

d. In those States operating under the 1954 Secondary Road Plan the certificate and transcript of hearings on plan projects shall be submitted to the district engineer by the State at the time it submits the agreement estimate.

e. Where there is available to the State highway department a current master highway plan of a community on which public hearings have been held, the State highway department need not again hold hearings if it satisfies itself that such hearings had been held within a reasonable period of time and had conformed to the procedures prescribed in this memorandum and the location of the Federal-aid project does not differ materially from that in the master highway plan. Under these conditions the State may certify, when it submits plans for Federal-aid projects on highways of the master plan, that hearings have been held and it has considered the economic effects of the location. Transcripts of such hearings shall accompany the certificate unless the hearings were held prior to June 29, 1956, and transcripts are not available, in which case a statement regarding the hearings shall be submitted covering the gist of the discussions.

f. A State highway department may arrange with the appropriate city, town, or village officials for holding a hearing and obtaining a transcript of same, but the State highway department must retain responsibility for insuring that such hearing conforms to the procedures given herein and submits a certificate, accompanied by the transcript, that hearings have been held and it has considered the economic effects of the location.

g. The district engineer will authorize a State highway department to proceed with the preliminary engineering or the acquisition of right-of-way or both, of a programed Federal-aid project involving the bypassing, or going through, any city, town, or village with the understanding that the project for preliminary engineering is for the determination of the most feasible location that will reasonably well serve the over-all interests of the general public, or is for preparation of documents for right-of-way acquisition or P.S. & E. for physical construction on a location the economic effects of which have been or subsequently will be considered, and that public hearings as prescribed herein will be held and the economic effects of the location considered before the right-of-way is acquired to an extent commiting the State to the proposed location. If certification is given at the preliminary engineering of right-of-way stage that a public hearing has been held and that the economic effects of the location adopted have been considered, further public hearing will not be required.

h. The district engineer will not approve P.S. & E. or authorize advertising for the physical construction of any project covered by the provisions of this memorandum until he has received the certification and transcript and is satisfied that the State has considered the economic effects of the proposed location in the light of the matters presented at the hearing.

C. D. CURTISS,
Commissioner of Public Roads.

BUREAU OF PUBLIC ROADS, U.S. DEPARTMENT OF COMMERCE, POLICY AND PROCEDURE MEMORANDUM 20-8(1)—JUNE 16, 1959

PUBLIC HEARINGS, FEDERAL-AID PROJECTS

Supplements: PPM 20-8 (Aug. 10, 1956)

1. PURPOSE

The purpose of this memorandum is to supplement existing memoranda relating to public hearings to further describe the various elements of PPM 20-8 and other memoranda regarding the subject, in order to assure similar application in all cases and uniform recognition of the intent and purpose of the hearings required by Section 128 of Title 23, USC, hereafter referred to as Section 128.

2. OBJECTIVE AND INTENT OF PUBLIC HEARINGS

a. The responsibility for the selection or designation of Federal-aid highway routes rests with the State highway departments, as provided by Section 103. The authority to approve such State action is vested in the Secretary of Commerce, who has delegated such authority to the Federal Highway Administrator. There is no requirement under Title 23, USC, that there be a public hearing as a part of a State's action in selecting or designating a Federal-aid highway route, nor for approval of such action by the Federal Highway Administrator.

b. Section 128 requires that there be a public hearing or that there be opportunity afforded for one, prior to the time that a

State highway department may proceed with certain Federal-aid projects for the improvement of previously selected or designated Federal-aid highway routes.

c. The objective of the public hearings is to provide an assured method whereby the State can furnish to the public information concerning the State's highway construction proposals, and to afford every interested resident of the area an opportunity to be heard on any proposed Federal-aid project for which a public hearing is to be held. At the same time the hearings afford the State an additional opportunity to receive information from local sources which would be of value to the State in making its fiscal decision as to which of possibly several feasible detained locations should be selected.

d. The hearings are not intended to be a popular referendum for the purpose of determining the location of a proposed improvement by a majority vote of those present. They do not relieve the duly constituted officials of a State highway department of the necessity for making decisions in State highway matters for which they are charged with full responsibility. The public hearing procedure is designed to insure the opportunity for or the availability of a forum to provide factual information which is pertinent to the determination of the final location considered by the State to best serve the public interest and on which improvement projects are proposed to be undertaken.

3. REQUIREMENTS AND CONDITIONS

a. Section 128 requires that any State highway department which submits plans for a Federal-aid highway project involving the bypassing of, or going through, any city, town or village, incorporated or unincorporated, shall certify that it (1) has held public hearings, or has afforded the opportunity for such hearings, and (2) has considered the economic effects of such a location. Section 128 also requires that any State highway department which submits plans for an Interstate System project shall certify that it has held public hearings at a convenient location, or has afforded the opportunity for such hearings, for the purpose of enabling persons in rural areas through or contiguous to whose property the highway will pass to express any objections they may have to the proposed location of such highway. If hearings have been held, the State highway department shall submit a copy of the transcript of the hearings together with the required certification.

b. These requirements contemplate that the State highway department will fully inform the public concerning the general location and design features, and the general economic and other aspects of the proposed improvements together with possible alternate routes, all in sufficient detail to permit residents of the area to have full and reliable information as to the project.

c. Except as provided in this paragraph and in paragraph 4, a public hearing shall be held, or the opportunity for a public hearing afforded, with respect to (1) any Interstate project, and (2) any other Federal-aid highway project (including any Secondary Road Plan project) which involves the bypassing of, or going through, any city, town or village, either incorporated or unincorporated. No public hearing is required where a project is for resurfacing or widening, the addition of traffic lanes, the replacement of existing grade separation structures, or similar improvements, if the project is within the limits of the existing right-of-way, if abutting real property is not adversely affected, and if the layout or function of connecting roads or streets is not changed. Public hearings are required with respect to projects which necessitate the acquisition of additional rights-of-way (including rights of access, light, air or view) and projects which may have an adverse effect upon abutting real property, such for example as those which involve a material change of grade of an existing street or highway, the large scale removal of shade trees, or similar features of general public interest. A public hearing should be held, or the opportunity afforded therefor, in any case where doubt exists as to whether a public hearing is required by section 128.

d. As here used "economic effects" means the benefits or losses both to the motorists using the proposed improvement and the overall community affected thereby. The economic effects of a proposed location are proper matters for discussion at a public hearing held with respect to the project. However, the State highway department must certify that it has considered the economic effects of the proposed location, irrespective of whether the matter was discussed at a public hearing, or whether a public hearing was actually held.

4. PROCEDURES

a. Public hearings required by Section 128 should be held before the specific location of a proposed project is selected, but not until after the State highway department has selected a corridor location from among the alternates studied, and has developed preliminary plans in sufficient detail to enable the public and the State to consider and discuss the principal features of the proposed project at the public hearing.

b. Reasonable advance notice must be given of scheduled public hearings or of the opportunity therefor, and the purpose thereof. Such notice shall include either a description or some specific identification of the proposed route or routes to be discussed. The notice shall be published at least once each week for two successive weeks in a newspaper having general circulation in the vicinity of the proposed project and shall also be publicized through other means, such as news releases to newspapers and radio and television stations, so as to provide reasonable assurance that the notice will come to the attention of all interested or affected persons. The use of graphic illustrations is desirable though not necessarily required. Reasonable advance notice of the location, date and time of each such public hearing should be supplied to the Bureau's division engineer.

c. A State highway department may arrange with the officials of the appropriate county, city, town or village, for holding a hearing (including giving notice thereof and obtaining a transcript of the hearing) for the State highway department, but the State highway department shall retain responsibility for insuring that the notice and hearing conform to the requirements of law and the procedures given herein and shall be responsible for submitting the certificate required by Section 128.

d. In order to fully inform the public, State highway departments should make available, well in advance of the public hearing, information concerning the location and design of the project, and the general economic and other aspects thereof. It is sometimes advisable to hold informal informational meetings, clearly identified as such, well in advance of the official hearing.

e. Public hearings are to be held at a place and time generally convenient for persons affected by the proposed project. Where a Federal-aid project, or a route involving several Federal-aid projects, affects a community and a rural area, or more than one of either, and the circumstances are similar, one combined public hearing may be held provided the place and time thereof are generally convenient.

f. Information and data concerning the proposed project should be available at the public hearing. A representative of or spokesman for the State highway department should explain the proposed project, its location and design, the general economic and other aspects thereof, and alternate routes, if any, that have been considered. If the project is one involving the bypassing of, or going through a city, town or village, incorporated or unincorporated, any person of the affected area or his representative who is present at the hearing should be allowed to express his views and present data and material concerning the project. If the project is an Interstate System project in a rural area, any person, or his representative, who is present at the hearing and through or contiguous to whose property the highway will pass must be given the opportunity to express any objections he may have to the proposed location of the highway.

g. A written transcript of the proceedings must be made and shall include all statements, together with a copy of or identifying references to exhibits, data and material submitted for the record of the hearing. Tape, wire, or similar recordings will not be accepted as a transcript. If, however, a recording of the proceedings is made, such recording shall be made available to the division engineer upon his request.

h. For each public hearing held, the State highway department is to submit a certificate which recites the date, time and place of the hearing accompanied by a copy of all notices of the hearing and a written transcript thereof. If the opportunity for a public hearing was afforded but a hearing was not held, the certificate is to explain how and when such opportunity was afforded, and why no public hearing was actually held. In either case, if the project involves the bypassing of, or going through, any city, town or village, incorporated or unincorporated, the certificate must contain a statement that the State highway department has considered the economic effects of the location.

i. The certificate referred to in paragraph 4(h) must be submitted to the division engineer of the Bureau of Public Roads no later than the date upon which plans for the project are submitted to him for approval except that certificates relating to projects under an approved Secondary Road Plan are to be submitted to the division engineer by the State prior to the execution of the project agreement.

j. The State highway departments are expected to assume the cost of conducting required public hearings as an administrative function without the use of Federal-aid funds. However, data, charts, maps, models, photographs, and other documents or materials prepared or assembled with the aid of Federal funds, including highway planning survey funds, may and should be fully used in connection with public hearings.

5. ACTION BY PUBLIC ROADS

a. The division engineer may authorize a State highway department to proceed with preliminary engineering of a programed Federal-aid project before a public hearing is held. Such authorization will be given, however, for only that work necessary for the development of preliminary plans to the degree proper for presentation at a public hearing. In addition, the division engineer may approve acquisition of certain parcels necessary for right-of-way in exceptional cases as provided under paragraph 4c of PPM 21-4.1.

b. To provide coordination with the State highway department in carrying out the provisions of Section 128, it is desirable that the division engineer or his representative attend public hearings as an observer. While in attendance at a public hearing the division engineer, or his representative, may properly explain procedural and technical matters covered by Federal-aid laws and regulations, but in no case shall he indicate a preference for any proposal advanced by the State highway department or by others.

c. The division engineer may approve the location and authorize the State to proceed with the development of plans, right-of-way acquisition, and the actual construction of the proposed improvement only after (1) he has evaluated the information and factual data presented at the hearing together with other information and data available to him, (2) he is satisfied that the requirements of Section 128 and this memorandum have been fulfilled and (3) he has concluded that the proposed location and advancement of the project are in the public interest.

Federal Highway Administration, U.S. Department of Transportation, Bureau of Public Roads, Policy and Procedure Memorandum 20-8 (Jan. 14, 1969)

PUBLIC HEARINGS AND LOCATION APPROVAL

Par. 1. Purpose
Par. 2. Authority
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Par. 4. Definitions
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Par. 9. Consideration of Social, Economic, and Environmental Effects
Par. 10. Location and Design Approval
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1. PURPOSE

a. The purpose of this PPM is to ensure, to the maximum extent practicable, that highway locations and designs reflect and are consistent with Federal, State, and local goals and objectives. The rules, policies, and procedures established by this PPM are intended to afford full opportunity for effective public participation in the consideration of highway location and design proposals by highway departments before submission to the Federal Highway Administration for approval. They provide a medium for free and open discussion and are designed to encourage early and amicable resolution of controversial issues that may arise.

b. The PPM requires State highway departments to consider fully a wide range of factors in determining highway locations and highway designs. It provides for extensive coordination of proposals with public and private interests. In addition, it provides for a two-hearing procedure designed to give all interested persons an opportunity to become fully acquainted with highway proposals of concern to them and to express their views at those stages of a proposal's development when the flexibility to respond to these views still exists.

2. AUTHORITY

This PPM is issued under authority of the Federal-aid Highway Act, 23 U.S.C. 101 et seq., 128, 315, sections 2(a), 2(b)(2), and 9(e)(1) of the Department of Transportation Act, 49 U.S.C. 1651(a) and (a)(2), 1657(e)(1); 49 CFR § 1.4(c); and 23 CFR 1.32.

3. APPLICABILITY

a. This PPM applies to all Federal-aid highway projects.

b. If preliminary engineering or acquisition of right of way related to an undertaking to construct a portion of a Federal-aid highway project is carried out without Federal-aid funds, subsequent phases of the work are eligible for Federal-aid funding only if the nonparticipating work after the effective date of this PPM was done in accordance with this PPM.

c. This PPM shall not apply to the construction of highway projects where the Federal Highway Administrator has made a formal determination that the construction of the project is urgently needed because of a national emergency, a natural disaster or a catastrophic failure.

4. DEFINITIONS (AS USED IN THIS PPM)

a. A "corridor public hearing" is a public hearing that:

(1) Is held before the route locations is approved and before the State highway department is committed to a specific proposal;

(2) Is held to ensure that an opportunity is afforded for effective participation by interested persons in the process of determining the need for, and the location of, a Federal-aid highway; and

(3) Provides a public forum that affords a full opportunity for presenting views on each of the proposed alternative highway locations and the social, economic, and environmental effects of those alternate locations.

b. A "highway design public hearing" is a public hearing that:

(1) Is held after the route location has been approved, but before the State highway department is committed to a specific design proposal;

(2) Is held to ensure that an opportunity is afforded for effective participation by interested persons in the process of determining the specific location and major design features of a Federal-aid highway; and

(3) Provides a public forum that affords a full opportunity for presenting views on major highway design features, including the social, economic, environmental, and other effects of alternate designs.

c. "Social, economic, and environmental effects" means the direct and indirect benefits or losses to the community and to highway users. It includes all such effects that are relevant and applicable to the particular location or design under consideration such as:

(1) Fast, safe and efficient transportation.
(2) National defense.
(3) Economic activity.
(4) Employment.
(5) Recreation and parks.
(6) Fire protection.
(7) Aesthetics.
(8) Public utilities.
(9) Public health and safety.
(10) Residential and neighborhood character and location.
(11) Religious institutions and practices.
(12) Conduct and financing of Government (including effect on local tax base and social service costs).
(13) Conservation (including erosion, sedimentation, wildlife and general ecology of the area).
(14) Natural and historic landmarks.
(15) Noise, and air and water pollution.
(16) Property values.
(17) Multiple use of space.
(18) Replacement housing.
(19) Education (including disruption of school district operations).
(20) Displacement of families and businesses.
(21) Engineering, right-of-way and construction costs of the project and related facilities.
(22) Maintenance and operating costs of the project and related facilities.
(23) Operation and use of existing highway facilities and other transportation facilities during construction and after completion.

This list of effects is not meant to be exclusive, nor does it mean that each effect considered must be given equal weight in making a determination upon a particular highway location or design.

5. COORDINATION

a. When a State highway department begins considering the development or improvement of a traffic corridor in a particular area, it shall solicit the views of that State's resources, recreation, and planning agencies, and of those Federal agencies and local public officials and agencies, and public advisory groups which the State highway department knows or believes might be interested in or affected by the development or improvement. The State highway department shall establish and maintain a list upon which any Federal agency, local public official or public advisory group may enroll, upon its request, to receive notice of projects in any area specified by that agency, official, or group. The State highway departments are also encouraged to establish a list upon which other persons and groups interested in highway corridor locations may enroll in order to have their views considered. If the corridor affects another State, views shall also be solicited from the appropriate agencies within that State. All written views received as a result of coordination under this paragraph must be made available to the public as a part of the public hearing procedures set forth in paragraphs 8.

b. Other public hearings or informal public meetings, clearly identified as such, may be desirable either before the study of alternate routes in the corridor begins or as it progresses to inform the public about highway proposals and to obtain information from the public which might affect the scope of the study or the choice of alternatives to be considered, and which might aid in identification of critical social, economic and environmental effects at a stage permitting maximum consideration of these effects. State highway departments are encouraged to hold such a hearing or meeting whenever that action would further the objectives of this PPM or would otherwise serve the public interest.

6. HEARING REQUIREMENTS

a. Both a corridor public hearing and a design public hearing must be held, or an opportunity afforded for those hearings, with respect to each Federal-aid highway project that:

(1) Is on a new location; or

(2) Would have a substantially different social, economic or environmental effect; or

(3) Would essentially change the layout or function of connecting roads or streets.

However, with respect to secondary road programs, two hearings are not required on a project covered by paragraph 6(a)(1) or (2) unless it will carry an average of 750 vehicles a day in the year following its completion.

b. A single combined corridor and highway design public hearing must be held, or the opportunity for such a hearing afforded, on all other projects before route location approval, except as provided in paragraph 6. c. below.

c. Hearings are not required for those projects that are solely for such improvements as resurfacing, widening existing lanes, adding auxiliary lanes, replacing existing grade separation structures, installing traffic control devices or similar improvements, unless the project:

(1) Requires the acquisition of additional right-of-way; or

(2) Would have an adverse effect upon abutting real property; or

(3) Would change the layout or function of connecting roads or streets or of the facility being improved,

d. With respect to a project on which a hearing was held, or an opportunity for a hearing afforded, before the effective date of this PPM, the following requirements apply:

(1) With respect to projects which have not received location approval:

(a) If location approval is not requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the corridor hearing requirements is required unless a substantial amount of right-of-way has been acquired.

(b) If location approval is requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the corridor hearing requirements is not required.

(2) With respect to those projects which have not received design approval:

(a) If design approval is not requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the design hearing requirements is required.

(b) If design approval is requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the design hearing requirements is nevertheless required unless the division engineer finds that the hearing adequately dealt with design issues relating to major design features.

e. If location approval is not requested within 3 years after the date of the related corridor hearing held, or an opportunity for a hearing afforded, under this PPM, a new hearing must be held or the opportunity afforded for such a hearing.

f. If design approval is not requested within 3 years after the date of the related design hearing held, or an opportunity for a hearing afforded, under this PPM, a new hearing must be held or the opportunity afforded for such a hearing.

7. OPPORTUNITY FOR PUBLIC HEARINGS

a. A State may satisfy the requirements for a public hearing by (1) holding a public hearing, or (2) publishing two notices of opportunity for public hearing and holding a public hearing if any written requests for such a hearing are received. The procedure for requesting a public hearing shall be explained in the notice. The deadline for submission of such a request may not be less than 21 days after the date of publication of the first notice of opportunity for public hearing, and no less than 14 days after the date of publication of the second notice of opportunity for public hearing.

b. A copy of the notice of opportunity for public hearing shall be furnished to the division engineer at time of publication. If no requests are received in response to a notice within the time specified for the submission of those requests, the State highway department shall certify that fact to the division engineer.

c. The opportunity for another public hearing shall be afforded in any case where proposed locations or designs are so changed from those presented in the notices specified above or at a public hearing as to have a substantially different social, economic, or environmental effect.

d. The opportunity for a public hearing shall be afforded in each case in which either the State highway department or the division engineer is in doubt as to whether a public hearing is required.

e. Public hearing procedures authorized and required by State law may be followed in lieu of any particular hearing requirement of paragraph 7 or 8 of this PPM if, in the opinion of the Administrator, such procedures are reasonably comparable to that requirement.

8. PUBLIC HEARING PROCEDURES

a. Notice of public hearing:

(1) When a public hearing is to be held, a notice of public hearing shall be published at least twice in a newspaper having general circulation in the vicinity of the proposed undertaking. The notice should also be published in any newspaper having a substantial circulation in the area concerned; such as foreign language newspapers and local community newspapers. The first of the required publications shall be from 30 to 40 days before the date of the hearing, and the second shall be from 5 to 12 days before the date of the hearing. The timing of additional publications is optional.

(2) In addition to publishing a formal notice of public hearing, the State highway department shall mail copies of the notice to appropriate news media, the State's resource, recreation, and planning agencies, and appropriate representatives of the Departments of Interior and Housing and Urban Development. The State highway department shall also mail copies to other federal agencies, and local public officials, public advisory groups and agencies who have requested notice of hearing and other groups or agencies who, by nature of their function, interest, or responsibility the highway department knows or believes might be interested in or affected by the proposal. The State highway department shall establish and maintain a list upon which any federal agency, local public official, public advisory group or agency, civic association or other community group may enroll upon its request to receive notice of projects in any area specified by that agency, official or group.

(3) Each notice of public hearing shall specify the date, time, and place of the hearing and shall contain a description of the proposal. To promote public understanding, the inclusion of a map or other drawing as part of the notice is encouraged. The notice of public hearing shall specify that maps, drawings, and other pertinent information developed by the State highway department and written views received as a result of the coordination outlined in Paragraph 5. a will be available for public inspection and copying and shall specify where this information is available; namely, at the nearest State highway department office or at some other convenient location in the vicinity of the proposed project.

(4) A notice of highway design public hearing shall indicate that tentative schedules for right-of-way acquisition and construction will be discussed.

(5) Notices of public hearing shall indicate that relocation assistance programs will be discussed.

(6) The State highway department shall furnish the division engineer with a copy of the notice of public hearing at the time of first publication.

b. Conduct of public hearing:

(1) Public hearings are to be held at a place and time generally convenient for persons affected by the proposed undertaking.

(2) Provision shall be made for submission of written statements and other exhibits in place of, or in addition to, oral statements at a public hearing. The procedure for the submissions shall be described in the notice of public hearing and at the public hearing. The final date for receipt of such statements or exhibits shall be at least 10 days after the public hearing.

(3) At each required corridor public hearing, pertinent information about location alternatives studies by the State highway department shall be made available. At each required highway design public hearing information about design alternatives studied by the State highway department shall be made available.

(4) The State highway department shall make suitable arrangements for responsible highway officials to be present at public hearings as necessary to conduct the hearings and to be responsive to questions which may arise.

(5) The State highway department shall describe the State-Federal relationsip in the Federal-aid highway program by an appropriate brochure, pamphlet, or statement, or by other means.

(6) A State highway department may arrange for local public officials to conduct a required public hearing. The State shall be appropriately represented at such public hearing and is responsible for meeting other requirements of this PPM.

(7) The State highway department shall explain the relocation assistance program and relocation assistance payments available.

(8) At each public hearing the State highway department shall announce or otherwise explain that, at any time after the hearing and before the location or design approval related to that hearing, all information developed in support of the proposed location or design will be available upon request, for public inspection and copying.

(9) To improve coordination with the State highway department, it is desirable that the division engineer or his representative attend a public hearing as an observer. At a hearing, he may properly explain procedural and technical matters, if asked to do so. A Federal Highway Administration decision regarding a proposed location or design will not be made before the State highway department has requested location or design approval in accordance with paragraph 10.

c. Transcript:

(1) The State highway department shall provide for the making of a verbatim written transcript of the oral proceedings at each public hearing. It shall submit a copy of the transcript to the division engineer within a reasonable period (usually less than 2 months) after the public hearing, together with:

(a) Copies of, or reference to, or photographs of each statement or exhibit used or filed in connection with a public hearing.

(b) Copies of, or reference to, all information made available to the public before the public hearing.

(2) The State highway department shall make copies of the materials described in subparagraph 8. c. (1) available for public inspection and copying not later than the date the transcript is submitted to the division engineer.

9. CONSIDERATION OF SOCIAL, ECONOMIC, AND ENVIRONMENTAL EFFECTS

State highway departments shall consider social, economic, and environmental effects before submission of requests for location or design approval, whether or not a public hearing has been held. Consideration of social, economic, and environmental effects shall include an analysis of information submitted to the State highway department in connection with public hearings or in response to the notice of the location or design for which a State highway department intends to request approval. It shall also include consideration of information developed by the State highway department or gained from other contacts with interested persons or groups.

10. LOCATION AND DESIGN APPROVAL

a. This section applies to all requests for location or design approval whether or not public hearings, or the opportunity for public hearings, are required by this PPM.

b. Each request by a State highway department for approval of a route location or highway design must include a study report containing the following:

(1) Descriptions of the alternatives considered and a discussion of the anticipated social, economic, and environmental effects of the alternatives, pointing out the significant differences and the reasons supporting the proposed location or design. In addition, the report must include an analysis of the relative consistency of the alternatives with the goals and objectives of any urban plan that has been adopted by the community concerned.

(a) Location study reports must describe the termini, the general type of facility, the nature of the service which the highway is intended to provide and other major features of the alternatives.

(b) Design study reports must describe essential elements such as design standards, number of traffic lanes, access control features, general horizontal and vertical alignment, right-of-way requirements and location of bridges, interchanges, and other structures.

(2) Appropriate maps or drawings of the location or design for which approval is requested.

(3) A summary and analysis of the views received concerning the proposed undertaking.

(4) A list of any prior studies relevant to the undertaking.

c. At the time it requests approval under this paragraph, each State highway department shall publish in a newspaper meeting the requirements of paragraph 8.a.(1), a notice describing the location or design, or both, for which it is requesting approval. The notice shall include a narrative description of the location or design. Where practicable, the inclusion of a map or sketch of that location or design is desirable. In any event, the publication shall state that such maps or sketches as well as all other information submitted in support of the request for approval is publicly available at a convenient location.

d. The following requirements apply to the processing of requests for highway location or highway design approval.

(1) *Location approval.* The division engineer may approve a route location and authorize design engineering only after the following requirements are met:

(a) The State highway department has requested route location approval.

(b) Corridor public hearings required by this PPM have been held, or the opportunity for hearings has been afforded.

(c) The State highway department has submitted public hearing transcripts and certificates required by section 138, title 23, United States Code.

(d) The requirements of this PPM and of other applicable laws and regulations.

(2) *Design approval.* The division engineer may approve the highway design and authorize right-of-way acquisition, approve right-of-way plans, approve construction plans, specifications, and estimates, or authorize construction, only after the following requirements have been met:

(a) The route location has been approved.

(b) The State highway department has requested highway design approval.

(c) Highway design public hearings required by this PPM have been held, or the opportunity for hearings has been afforded.

(d) The State highway department has submitted the public hearing transcripts and certificates required by section 128, title 23, United States Code.

(e) The requirements of this PPM and of other applicable laws and regulations.

e. The division engineer, under criteria to be promulgated by the Federal Highway Administrator, may in other appropriate instances authorize the acquisition of right-of-way before a design hearing.

f. Secondary Road Plans shall be amended as necessary to incorporate procedures similar to those required for other projects. Secondary Road Plans shall include provision requiring:

(1) route location and highway design approval.

(2) preparation of study reports as described in paragraph 10(b), and

(3) corridor and highway design public hearings in all cases where they would be required for Federal-aid projects not administered under the Secondary Road Plan. Project actions by the division engineer or submissions to the division engineer which are not now required should not be established for Secondary Road Plan projects as a result of this PPM.

11. PUBLICATION OF APPROVAL

In cases where a public hearing was held, or the opportunity for a public hearing afforded, the State highway department shall publish notice of the action taken by the division engineer on each request for approval of a highway location or design, or both, in a newspaper meeting the requirements of paragraph 8.a.(1), within 10 days after receiving notice of that action. The notice shall include a narrative description of the location and/or design, as approved. Where practicable, the inclusion of a map or sketch of that location or design is desirable. In any event, the publication shall state that such maps or sketches as well as all other information concerning the approval is publicly available at a convenient location.

12. REIMBURSEMENT FOR PUBLIC HEARING EXPENSES

Public hearings are an integral part of the preliminary engineering process. Reasonable costs associated with public hearings are eligible for reimbursement with Federal-aid funds on the same basis as other preliminary engineering costs.

F. C. Turner,
Director of Public Roads.
Lowell K. Bridwell,
Federal Highway Administrator.

Bureau of Public Roads, U.S. Department of Commerce, Policy and Procedure Memorandum 21-1—April 15, 1958—Federal-Aid Programs

Supersedes: PPM 21-1.1, dated July 21, 1956; GAM 275 (Temporary Topic 10-A); GAM's 312, 326, 340 and supplement 1 thereto, and 342 (Temporary Topic 20-A); GAM 336 Revised, as it pertains to selection of secondary projects (Temporary Topic 10-C); memoranda dated November 17, 1942 (Temporary Topic 10-A), January 9, 1946 (Temporary Topic 20-L); and November 12, 1952, June 22, 1955, and March 11, 1957 (Temporary Topic 20-A); Cherry Memorandum No. 22.

1. PURPOSE

The purpose of this memorandum is to prescribe the policy of Public Roads in the submission and approval of programs of projects involving Federal-aid funds and to outline the procedure to be followed in the preparation and submission of programs. This memorandum applies to Federal-aid projects in Regions 1 to 9, inclusive.

2. REQUIREMENTS FOR PROGRAMING AND AUTHORIZATION OF FEDERAL-AID PROJECTS

a. In accordance with the Federal-aid regulations, each State highway department is to submit to Public Roads a detailed program of proposed projects for the utilization of apportionments of each class of Federal-aid funds. The programing of Federal-aid funds. The programing of Federal-aid funds for any phase of a project shall be considered a definite initial commitment on the part of the State highway department and Public Roads to undertake and complete such work within a reasonable length of time. Federal-aid funds cannot participate in any project costs incurred prior to program approval of the project or prior to authorization to the State to proceed with the work.

2. Approval and authorization of a project to participate in Federal-aid funds shall not be given prior to approval of the involved route as a part of the Federal-aid system. Projects for determining the acceptable location of Federal-aid routes are exceptions to this requirement.

3. PURPOSE AND MEANING OF PROGRAM STAGES

a. In order that Public Roads may authorize the State to proceed with the project or any phase thereof with clear understanding of the State's intent to request reservation of Federal-aid funds from either apportioned funds or funds expected to be apportioned, the programs of items of work shall be identified in either Stage 1 or Stage 2 as shown herein.

b. Stage 1 indicates, insofar as preliminary engineering or acquisition of right-of-way is concerned, that the State intends to proceed with such programed work as may be approved and authorized by Public Roads, but will defer requesting reservation of available Federal-aid funds. Stage 1 indicates, insofar as construction is concerned, that the State intends, if the programed work is approved by Public Roads, to advance later the construction to contract or force account status, if approved in Stage 2 and authorized by Public Roads, and will at the time of Stage 2 submission request reservation of available Federal-aid funds.

c. Stage 2 indicates insofar as preliminary engineering or acquisition of right-of-way is concerned that the State has requested reservation of available Federal-aid funds for work that was approved in a Stage 1 program or as may be approved initially in a Stage 2 program. Stage 2 indicates insofar as construction is concerned that the State has requested approval and reservation of available Federal-aid funds for work that was approved in a Stage 1 program or as may be approved initially in a Stage 2 program.

4. PROGRAM APPROVAL, AND AUTHORIZATION TO PROCEED

a. Stage 1 Programs

(1) Projects for preliminary engineering or for acquisition of right-of-way or a combination thereof may be approved in Stage 1 provided sufficient justifying information is submitted. Written notice of approval of such projects shall be issued to the State, together with a statement of conditions, if any, controlling the advancement of the projects, or any phase thereof, to Stage 2. Written notice of authorization to proceed with preliminary engineering or acquisition of right-of-way, or both, shall be issued to the State, together with conditions controlling the work which may be performed and the subsequent Federal-aid reimbursement. If the information submitted by the State permits, the written notice to the State should cover both program approval and authorization to proceed. If the program information submitted by the State is sufficient to permit program approval of the project, but not sufficient to permit authorization to proceed, the written notice for the latter action shall be withheld until the justifying information is presented. In all cases Federal reimbursement shall be limited to the Federal pro rata share of costs incurred after the date of authorization to proceed.

(2) Preliminary engineering may be for engineering studies, including surveys, (a) to determine a proper location whereon to perform construction or (b) to prepare designs and other plans, specifications and estimates, covering the construction upon a proper location or (c) for both. Preliminary engineering of type (a) may be authorized at the time of program approval in Stage 1. In cases where the preliminary engineering covers work of types (b) or (c), the authorization to proceed with the preparation of the PS&E is not to be issued until the location proposed by the State has been found acceptable by Public Roads. In the event of urgent need for a preliminary engineering project because of unexpected changes or additions to a State's current work schedule, the State may submit program requests therefor, and Public Roads may give immediate written approval and authorization to proceed therewith, subject to the condition that subsequent review of the proposed project establishes that said project is properly a Federal-aid project and that reimbursement of eligible costs incurred after the date of authorization is also proper.

(3) A right-of-way project may be (a) for studies to determine the relative right-of-way costs and other factors pertinent to alternate construction locations, including incidentals connected with the acquisition of rights-of-way on a selected construction location, or (b) actually to acquire rights-of-way on a selected construction location including incidentals connected therewith, or (c) for both. Right-of-way work as defined in (a) above may be authorized at the time of program approval in Stage 1. In cases where the right-of-way covers work of types (b) or (c), the authorization to proceed with the acquisition of right-of-way is not to be issued until the State has indicated on maps or by drawings or other records the proposed general location of the highway, together with the appropriate areas or limits of the right-of-way

to be acquired and they are found acceptable by Public Roads. In exceptional cases, but after program approval, the Bureau may authorize the State to acquire certain parcels prior to acceptance of the proposed general location for the entire project, when it is found that the certain parcels are within the limits of the conceived proper location, and it is agreed such action is necessary to protect the public interest.

(4) To facilitate subsequent advancement to Stage 2, projects for physical construction may also be included in Stage 1, provided sufficient justification information is submitted. Written approval of such projects in Stage 1 is to be accompanied by a statement of conditions, if any, pertaining to the advancement of the project to Stage 2. However, in no event will actual construction be authorized to proceed until and unless the project is advanced to and approved in a Stage 2 program.

(5) The written notice to a State approving any Stage 1 program shall contain the following clause: "Program approval and any authorization to proceed with a Stage 1 project shall not constitute any commitment of Federal funds nor shall it be construed as creating, in any manner, any obligation on the part of the Federal Government to provide Federal funds for the undertaking." Stage 1 program action is intended (a) to permit certain work preliminary to the physical construction of the highway to proceed prior to the availability of Federal funds, (b) to facilitate advancement of the project to Stage 2 when and if Federal funds are provided, and (c) to permit authorization of preliminary engineering or right-of-way which action establishes the date on and after which eligible costs incurred in performance of such work on Stage 1 projects may be reimbursed from available Federal funds, if the work is subsequently approved in a Stage 2 program.

b. Stage 2 Programs

(1) Projects for preliminary engineering, or acquisition of right-of-way, or construction, or any combination thereof, may be approved in Stage 2, provided sufficient justifying information is submitted and provided sufficient Federal-aid funds are available. Written notice of approval of such projects, or any phase thereof, shall be issued to the State. Written notice of authorization to proceed with preliminary engineering or acquisition of right-of-way, or both, shall be issued to the State, together with conditions controlling the work which may be performed and the subsequent Federal-aid reimbursement, when such written notice was not given under a Stage 1 program, and such written authorization shall constitute reservation and obligation of Federal funds. When such written notice of authorization to proceed with preliminary engineering or acquisition of right-of-way, or both, was given in a Stage 1 program, written notice to the State of program approval in Stage 2 constitutes a reservation and obligation of available Federal funds. Written authorization for the State to advertise for bids or to proceed with force account construction shall be issued by the division engineer either when he advises the State of his approval of the PS&E for the project, or at such other time as required conditions are met, and such written authorization shall constitute obligation of Federal funds. Controls on locations on which preliminary engineering may be performed or right-of-way acquired, and combined written notices of approval and authorization to proceed, are to be as outlined under Stage 1 programs, paragraph 4a.

(2) In all cases where only a part of a Stage 1 projects is advanced to Stage 2 the program submission covering such approval action must include a clear and complete description of not only the part being advanced to Stage 2 as a separate project, but also of the part of the initial Stage 1 project being retained in Stage 1. This is to be accomplished by splitting the program item as outlined in paragraph 10.

c. 1954 Secondary Road Plan Projects

(1) Projects submitted under the Plan and providing for preliminary engineering or right-of-way acquisition in either Stage 1 or Stage 2 may be given program approval and the State shall be authorized to proceed in accordance with the same provisions outlined herein for other Federal-aid projects.

(2) Projects providing for physical construction in Stage 2 may be given program approval in the same manner as other Stage 2 Federal-aid projects, as provided herein. The program approval letter to the State shall authorize the State to proceed to take all actions necessary to advance the work to completion in accordance with the provisions of the State's 1954 Secondary Road Plan approved by the Commissioner.

5. PROJECT DESIGNATION PREFIX LETTERS

a. The following prefix designations shall be used to identify projects financed with Federal-aid primary, secondary, or urban funds.

F Federal-aid primary project, not an Interstate improvement.

FI Federal-aid primary project, Interstate system improvement.

FG Railway-highway project on Federal-aid primary system, not an Interstate system improvement.

FGI Railway-highway project, Interstate system improvement, financed with primary funds.

S Federal-aid secondary project on Federal-aid secondary system.

SG Railway-highway project on secondary system.

SF Highway project on Federal-aid primary system, not an Interstate improvement, financed with secondary funds (permissible only in States having control of all public roads).

SFI Highway project, Interstate system improvement, financed with secondary funds (permissible only in States having control of all public roads).

SFG Railway-highway project on Federal-aid primary system, financed with secondary funds (permissible only in States having control of all public roads).

SFGI Railway-highway project, Interstate system improvement, financed with secondary funds (permissible only in States having control of all public roads).

U Highway project on Federal-aid primary system in an urban area, financed with urban funds.

UI Highway project, Interstate system improvement, in an urban area, financed with urban funds.

UG Railway-highway project on Federal-aid primary system in an urban area, financed with urban funds.

UGI Railway-highway project, Interstate system improvement in an urban area, financed with urban funds.

US Highway project on extension of Federal-aid secondary system into an urban area, financed with urban funds.

USG: Railway-highway project on extension of Federal-aid secondary system into an urban area, financed with urban funds.

b. The following designations shall be used for projects financed with Interstate funds.

I(52): Interstate system improvement, financed with 1952 Act Interstate funds.

IG(52): Railway-highway project, Interstate system improvement, financed with 1952 Act Interstate funds.

IN: Interstate system improvement financed with 1954 Act Interstate funds.

ING: Railway-highway project, Interstate system improvement, financed with 1954 Act Interstate funds.

I: Interstate system improvement financed with 1956 Act Interstate funds.

IG: Railway-highway project, Interstate system improvement financed with 1956 Act Interstate funds.

c. Projects jointly financed with a combination of the various funds authorized by Federal-aid highway legislation shall be identified by a combination of the prefix designations applicable to the funds involved and must be included in the program for each class of funds involved and require separate Forms PR-1 for each program. A hyphen should be used between the prefix letters which designate the different classes of Federal funds, for example, FG-UG-316 (7).

d. A jointly financed project must be described in each program involved as an entity both as to project location and character of proposed work. The length, cost, and Federal funds applicable to the particular program shall be shown on the Form PR-1 for that program. The overall totals for cost, Federal funds, and length for all classes of funds combined shall be indicated on each Form PR-1 in parentheses. The length shown to be financed with each class of funds, where not otherwise controlled, may be determined on a proportional basis in accordance with the Federal financing.

e. The above procedure similarly applies to projects covering the construction of bridges over streams which constitute the line between two States. Such projects normally jointly financed by the two States, shall also have a single project designation agreed upon by the two States and must be programmed concurrently by both States.

f. Prefix designations for projects providing solely for the establishment of temporary and permanent geodetic markers in accordance with specifications of the Coast and Geodetic Survey, shall be the same as for other Federal-aid projects, except that the letters "GM" (for Geodetic markers) shall be used as the first lettters of each project designation, such as, "GMF," "GMI(52)," "GMI," etc. Complete instructions relating to geodetic marker projects are given in PPM 20-9.

g. Prefix designations for bond issue projects on the Federal-aid primary or interstate systems to be programed under the provisions of section 5 of the Federal-Aid Highway Act of 1950 shall be the same as for other Federal-aid projects except that the letter "B" shall be used before the usual prefix such as "BF," "BI," etc. Program Forms PR-1 shall be identified by placing the words "Bond Issue" after the word "Primary" or "Interstate" as the case may be.

h. Prefix designations for Interstate projects programed for advance construction under the provisions of PPM 21-8 shall be the same as for regular Interstate projects except that the letters "AC" for advance construction shall be used as the first two letters of the prefix, i.e., "ACI."

6. NUMBERING OF PROJECTS ON THE PRIMARY AND SECONDARY SYSTEMS

a. The first step in project numbering is to designate and assign numbers to route-sections comprising each route as set forth in PPM 10-1. Route-sections are subdivisions with termini at logical points such as intersections, stream crossings, county lines, and municipal boundaries.

b. The route sections are to be numbered consecutively along each route. For primary system routes, the route-section numbers will be documented in the route report.

c. All Federal-aid improvement projects located within any route-section must be identified by the same number as the route-section, followed by a number in parenthesis (agreement numbered) to indicate in sequence the number of improvements financed from Federal-aid funds within the route-section regardless of class of funds, for example, improvements on route-section 414 within an urban area would be numbered U-414(1), FG-414(2), U-414(3), etc.

d. In some States, route and project numbering procedures have been developed to identify the route number, section number, and agreement number, for example, F-81-1(1), F-81-1(2), etc.

e. One series of project numbers may be used for projects on the primary system and a parallel series for secondary system projects.

f. To facilitate mechanical tabulation of project data, the portion of primary and secondary system project numbers covering route and section identification shall not exceed four digits, and the portion in parenthesis covering agreement number shall not exceed three digits, for example, F-81-12(002).

g. When an improvement project involved contiguous portions of adjoining routes, separate projects with appropriate project numbers shall be submitted for the applicable portion of each route.

7. NUMBERING OF PROJECTS ON THE INTERSTATE SYSTEM

a. The Interstate project number shall consist of five elements, for example, I-70-3 (8)116.

b. The appropriate symbol, I, is as defined in paragraph 5b.

c. The route number 70, is as officially designated by the AASHO. Where routes have been designated as East, West, North, or South, the letters E, W, N, or S, as appropriate, shall be used as suffixes to the route number, without hyphen. Related or subsidiary routes are covered in paragraph 7g.

d. The route section number, 3, is the number of the subdivision of the main route. Not more than nine sections shall be selected on any one route within a State, and shall start and terminate at some logical point, such as a State or county boundary, beginning (or end) of a route within a State, intersection of Interstate Routes, stream crossing, or other appropriate point. The sections are to be numbered consecutively along the route, from west to east or from south to north.

e. The agreement number, (8) is the chronological number of the improvement project programmed within the route section.

f. The post mileage, 116, is the distance in miles, less any fraction, measured along the route easterly or northerly from (1) the point where the routes enter the State, or (2) from the beginning of a route that originates within the State, to the western or southern end of the project, and has no relation to the length of the project. While the post mileage is an essential part of the project number for Public Roads records and procedures, it may be omitted from the State's own records, if desired. Use of the post mileage as a part of the project number has no connection with mile-posts on Interstate System routes and does not in itself require that mile-posts be installed.

g. As of the date of issuance of this memorandum, the AASHO had not finalized a means of identifying subsidiary routes, such as circumferential or distributor routes at urban areas. Instructions for numbering projects on such routes will be contained in Circular Memoranda until such time as complete route numbering procedures have been established by the AASHO.

8. PREPARATION OF FORM PR-1 AND SUPPORTING DATA

a. Each project shall be shown on a separate Form PR-1, copy attached, accompanied by appropriate supporting data. Forms PR-1, if reproduced locally, shall be printed on 8½" x 11" size sheets and on a grade of paper receptive to ink notations, and shall provide a clear 1½" left hand margin.

b. Most of the entries to be made on Form PR-1 are self-explanatory but certain entries are to be made in accordance with the following:

(1) A project number (including agreement number) must be assigned to each project in a Stage program, in addition to the item number. It may not be feasible to assign project numbers to all projects in a Stage 1 program, but an item number in the regular sequence is to be assigned. When project numbers are assigned to Stage 1 projects, the portion of the number in parentheses should be shown only for those projects which the State expects to advance as an entity to a Stage 2 program.

(2) *Route Number.* Show the Federal-aid route number; also show the U.S. State, or county route number that will best serve to locate the project on a map of the general area.

(3) *Average Daily Traffic.* Indicate present traffic on existing road and estimated future traffic, whether project is on a new or an existing location, and show the year for which the future traffic is estimated.

(4) *Termini.* The description of termini should clearly relate, within reasonable accuracy, the location of at least one end of the project to an identifiable point on available maps of the general area, with an indication of the direction of the project from that point.

(5) *Character of Proposed Work*

(a) For preliminary engineering define, if for investigative work, the nature thereof, and if for the preparation of PS&E refer to the understanding between the State and Public Roads as to acceptability of the location.

(b) For acquisition of right-of-way, define the scope of the work to be undertaken plus reference to the understanding, if any, between the State and Public Roads as to acceptability of the proposed location and width of right-of-way to be acquired.

(c) For construction, show such of the following information as may be pertinent: the number and width of lanes, kind of work, type of surface, number and overall length of bridges, right-of-way width, access control (if any), and other major elements, if involved, such as parking restriction, lighting, curb and gutter, sidewalks, traffic control devices, major utility adjustments, sufficiency rating (if available), stage construction (if proposed), etc.

(6) The total estimated cost for each included phase of work shall be shown. The estimated Federal funds for each such phase shall be shown only for projects included in a Stage 2 program, as projects in Stage 1 do not involve any actual commitment of Federal funds. For projects covering only preliminary engineering, right-of-way, or both, the total estimated cost of the associated physical construction shall be shown in parentheses.

(7) *Remarks.* Show explanatory information related to the project, such as railroad benefits, requests from railroads for structure clearances for future tracks or for off track maintenance equipment, source of funds other than Federal-aid or State funds, item numbers of projects covering associated phases or stages of work previously programed, bridge projects which must be jointly financed by two States, unusual financing such as may be occasioned by projects traversing trust patent or tribal lands, etc., where such information is applicable.

c. *Supporting Data for Stage 1 Projects.* Projects proposed for inclusion in Stage 1 programs shall be supported by as much of the information outlined in paragraph 8d as is applicable and available. Approval of and authorization to proceed with a project for preliminary engineering or for right-of-way acquisition in Stage 1 will depend on the extent of the supporting data furnished.

d. *Supporting Data for Stage 2 Projects.* The following supporting data are to be shown, preferably on the back of Form PR-1. Additional sheets may be used when needed. Information listed in paragraph (1) through (4) below is pertinent to existing facilities. That listed in paragraphs (5) through (10) is pertinent to the proposed facility.

(1) Type, width, and condition of existing surfacing and roadway within the project limits and on adjacent sections at each end of project.

(2) Substandard existing alinement and grade.

(3) Existing major structures—number, overall length and condition; roadway width, estimated or posted capacity and proposed treatment of any substandard structures to remain in place.

(4) Existing railroad crossings—name of railroad, number of main tracks, number of other tracks, number and speed of trains, type and adequacy of existing and proposed protection, and data on sight distances.

(5) Railroad benefit determination and basis. Sketch map showing relationship of old and new crossing is desirable.

(6) Airway-highway data where an airport is involved.

(7) Full explanation where project is affected by any water development project or where provision for navigation is required.

(8) Federal-aid systems—is route revision or addition involved?

(9) Public Hearings—are they required? If so, have they been held?

(10) For projects providing for surfacing only on roads graded and drained or to be graded and drained without Federal-aid participation—a statement that the road to be surfaced meets or will meet approved standards.

(11) For Federal-aid secondary plojects in those States operating under the 1954 Secondary Road Plan, any proposed exception to the minimum design standards or the procedures approved by the Commissioner shall be identified and reasons therefor explained by the State highway department in accordance with the procedures prescribed in PPM 20-5.

(12) For Federal-aid secondary projects which do not include surfacing in those States not operating under the 1954 Secondary Road Plan—A statement is to be included that the type of construction can be maintained at reasonable cost to provide all-weather service, or that such type of construction will be provided with or without Federal-aid participation.

(13) For expressway projects and projects having urban characteristics, the following additional information pertinent to the proposed facility should be submitted.

(a) Typical cross section if available; otherwise width and number of traffic, parking, and auxiliary lanes, and width of median and frontage roads; also parking control, highway lighting, and traffic control contemplated.

(b) At critical intersections give volume of cross traffic and method of traffic control.

(c) Location of grade separations.

(d) Reference to any preliminary engineering report previously submitted.

(e) Major utility adjustments.

(f) Buildings to be moved or demolished.

(g) Information concerning nonparticipating work.

(h) Project sketch map of adequate scale showing relation of projects in urban areas to other streets.

e. For all projects—unusual or complicated situations are to be explained if they have not been previously covered.

f. Each program submission shall include a suitable highway map of the State, or of the counties or of the sections of the State or counties involved, of sufficient scale to show clearly for each project its diagrammatic location and project number. For urban projects a map of each involved urban area, or pertinent section thereof, shall be furnished. Different symbols or colors should be used to distinguish Stage 1 projects from Stage 2 projects. Only one copy of each program map need be submitted to the Washington office.

9. PREPARATIONS, SUBMISSION, REVIEW, AND APPROVAL OF PROGRAMS

a. The preparation of a program and its review shall include a careful consideration of the merits of the program as a whole and of the individual projects composing it. Each program shall represent a definite part of the long-range plan for the adequate improvement of the particular system involved. A careful examination shall be made of previously programed projects covering preliminary engineering or right-of-way only, to assure that the associated physical construction has been programed and advanced within the period of time set forth in the project agreement for such preliminary engineering and right-of-way work. It is essential that highway planning survey data and such techniques as sufficiency ratings be applied to the maximum degree.

b. Program submissions shall be separate for each class of Federal-aid funds involved such as I, F, S, and U, and each program shall include an assembly of the Forms PR-1 and supporting data for the projects, program maps, copies of program approval documents, and other pertinent correspondence. Separate programs are also required for bond issue projects and for advance construction of interstate projects.

c. Each program shall be considered as a supplement to previous programs for the respective classes of Federal funds. The several fiscal year Federal-aid funds authorized by the 1944 Federal-aid Highway Act, and subsequent Acts, are to be pooled into single cumulative programs for each class of funds. These programs are to be identified with respect to funds, such as Federal-aid primary, secondary, urban, or 1952, 1954 or 1956 Act Interstate.

d. Subdivision of programs by State highway districts is permissible if accompanied by an alphabetical list of counties showing the district in which each county is located. If this method is used, both the district number and the item number should be shown in the space for "Item No." on Form PR-1.

e. Future program submissions for each class of funds shall continue the sequence of item numbers previously established, and the projects in both stages of a program are to be assigned item numbers in the same series. An item number, once used in a program for a specific project designation (or improvement if the project designation cannot be shown), should not later be used for any other project included in that program.

f. Federal funds cannot participate in any actual construction work started or contracted for by a State prior to the apportionment of such funds to the State unless such work is programed under the provisions of section 108(h) of the 1956 Act for under section 5 of the 1950 Act. Except in special or unusual cases no phase of a project shall be included in Stage 2 of a program unless Federal funds are requested and available for full Federal participation in the cost of that particiular phase of the project or for a reasonably substantial participation which the State agrees to accept as a firm commitment. So-called token financing with Federal funds will not be approved. Special projects for necessary advance right-of-way acquisition on extensive mileage, to take advantage of lower values obtaining prior to anticipated private or business developments, which are programed initially at less than the full pro rata of Federal funds, but with the understanding Federal financing will be modified later to provide full pro rata participation, will not be subject to the above restrictions.

g. Programs should be submitted preferably annually or semiannually, and should include new projects in either Stage 1 or Stage 2 and may include projects to be advanced from Stage 1 to Stage 2. The addition of a single project to a program should be resorted to only in an unforeseen situation which requires its programing before it is practical to include it with other projects in a regular program submission.

h. The State highway department shall submit each program to the division engineer of Public Roads with complete supporting data as outlined in paragraph 8d. The division engineer shall review each program and take final action in accordance with delegated authority on programs involving Federal-aid secondary funds. Programs involving Interstate, primary, or urban funds, in those divisions which have not been redelegated full program approval authority, shall be forwarded to the regional engineer, accompanied by a report containing all of the information which may be necessary to support fully the division engineer's conclusions and recommendations concerning each project. The regional engineer will review each program and take appropriate action on the included projects, in accordance with his delegated authority as set forth in AM 1-10.2. Programs involving Interstate, primary, or urban funds, in those divisions redelegated full program approval authority, shall be reviewed and approved, when appropriate, by the division engineer. Concurrent with his notice of such approval action to the State, the division engineer shall submit the prescribed copies of his program action letter and all other program papers direct to the Washington office and to his regional office.

i. Program approval actions, either by a memorandum from the regional engineer to the division engineer, by a letter from the regional engineer to the State routed through the division engineer, or by a letter from the division engineer to the State shall be in conformity with paragraph 4 above. Programs or modifications thereof which involve a total of Federal funds exceeding the State's apportionment will not be approved.

j. All correspondence with the Washington office regarding program submissions or modifications shall be separate from other project correspondence.

10. REVISION OF PROGRAMED PROJECTS

a. Project revisions which exceed the limitations of authority redelegated to division engineers, as required or permitted in AM 1-10.2 require approval of the regional engineer. Revisions within the authority redelegated to the division engineer should be approved by him.

b. Approval of the revision of projects shall be accomplished as follows:

(1) For projects which have not advanced beyond program status, revision shall be accomplished by the approval of the State's request on Form PR-9 (copy attached), which shall provide pertinent project data and supporting justification. Approval by the regional or division engineer shall be indicated by signature thereon. This applies equally to projects in Stage 1 and Stage 2.

(2) Form PR-37 shall be used to document Stage 2 projects which have been, or are being, advanced to authorized status. Any changes in description of termini, character of work involved, or pertinent supporting information, that cannot be adequately shown on the face of the form submitted, should be clearly but concisely explained on the reverse side.

c. *Use of Item Suffix Letter.* Projects being advanced or transferred from one program stage to the other shall retain the original item number. No project identified by a project agreement number can be included in both program stages at the same time. If only a portion of a project approved in Stage 1 is advanced to Stage 2, the original item number shall be used for both the portion of the original project retained in Stage 1 and the portion advanced to Stage 2 under a separate agreement number. The suffix letter "A" shall be added to this item number for the portion of the original project retained in Stage 1, and the suffix letter "B" shall be added to this item number for the portion advanced to Stage 2. When a project is advanced from Stage 1 to Stage 2, but is split into two or more separate projects at that time, the original item number shall be used for all resulting projects with the suffix letters A, B, C, etc., added to identify the separate projects derived from the original single item. If any part of the original item remains in Stage 1, the suffix letter "A" shall be added to the original item number for that part. If the part retained in Stage 1, under the original item number with the suffix letter "A" added, is again split into two or more separate projects the resulting projects should carry the original item number with the suffix letter "A" used for one project and the next unused suffix letters, such as C, D, E, etc., added for the new project or projects resulting from the split. The above described use of item suffix letters is also applicable in all cases where a programed project in either stage is later split into two or more projects although a transfer between program stages is not involved. Item suffix letters are not to be used for any purposes other than those described above.

d. When a project is programed in Stage 2 for preliminary engineering and/or right-of-way only and, prior to execution of the project agreement, the State desires to add the construction phase to the project, this shall be accomplished as a regular major revision of the original project. However, if the project for the preliminary engineering and/or right-of-way phases only has already been placed under agreement at the time the associated construction phase is to be programed, the construction phase must be programed under a separate project agreement number and a separate item number. In such cases a reference to the item number of the project covering the other associated phases of the overall improvement should be shown in the "Remarks" space on the Form PR-1.

e. All revisions should be promptly reported to the regional and Washington offices.

11. GENERAL REQUIREMENTS

a. Governing legislation relative to the use of Federal aid secondary funds emphasizes the need for improvement of local roads. In furtherance of such policy, not less than 50 per centum of the Federal-aid secondary funds apportioned to each State for any fiscal year after deduction of the highway planning survey funds shall first be made available to the appropriate local road officials and shall remain available until the end of such fiscal year for roads not on the State highway portion of the Federal-aid secondary system. After the appropriate local road officials have been formally advised of the amount of funds available to them, and of the time during which such funds will remain available, no part thereof shall be programed for use on the State highway portion of the Federal-aid secondary system during such period of availability, unless such local road officials shall formally decline the use thereof. In any State that has full financial responsibility for the construction and maintenance of a very substantial percentage of the total local highway mileage therein, Federal-aid secondary funds in excess of 50 per centum thereof may be applied to such highways for which the State is responsible that are included in the Federal-aid secondary system, subject to the condition that the projects selected are not on routes that are potential additions to the Federal-aid primary system within a reasonable time.

b. Programs utilizing secondary funds, except in those States having such full responsibility must be accompanied by a statement from the State that the projects were selected and the specifications therefor determined in cooperation with appropriate local officials of the counties concerned and that such officials have concurred in the determination and selection as required under section 1(b) of the Federal-Aid Highway Act of 1950.

c. Improvements to be financed with Federal-aid funds authorized for expenditure only in urban areas are intended to be substantial in character and of benefit to the involved municipality. Projects which accomplish only incidental improvement, and do not result in increased traffic capacity shall not be financed with urban funds. An exception is the installation of grade crossing protective devices on extensions of secondary routes into urban areas or on portions of primary routes.

d. Contributions by counties, cities, or other local units of government to the cost of any Federal-aid project may be used in lieu of either State or Federal funds, provided that the sum of the local contributions plus the Federal funds claimed may not exceed the total cost of any such project.

e. The full 1½ percent highway planning funds for each fiscal year shall first be included in Stage 2 of the respective programs as HPS reserve items and so shown in the highway planning survey apportionment control record. Project agreement numbers are not required at this time. Then as the HPS work programs are approved regular HPS projects with agreement numbers should be set up, drawing the required Federal funds in each case from the programed HPS reserve. Whenever a programed-only balance remains under an HPS reserve item a split in the item results and item suffix letters as described in paragraph 10c shall be used. Balances in the HPS reserve at the close of each fiscal year shall be reviewed and, if not needed for current HPS purposes, released for use on construction pursuant to paragraph 4 of PPM 50–1.1.

12. RAILWAY-HIGHWAY PROJECTS

a. Under the provisions of Section 5(a) of the 1944 Act the entire construction cost of projects for the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from Federal funds, except that not more than 50 per centum of the right-of-way and property damage cost, paid from public funds, on any such project may be paid from Federal funds; and not more than 10 per centum of the sums apportioned to any State under the terms of that Act and subsequent Acts shall be used for such railway-highway projects. (See PPM 21–10 being prepared as of April 15.)

b. Projects which provide for the elimination of hazards of railway-highway crossings and that are to be financed as described in paragraph 12a are to be identified by the prefix "G". Projects which provide for the elimination of hazards of railway-highway crossings and that are not to be financed as described in paragraph 12a are not to be identified by the prefix "G". They are to be identified and programed in the normal manner prescribed herein for other than "G" projects.

c. The program submission documents for any project involving the elimination of hazards of railway-highway crossings shall include sufficient data to permit determination that there are or are not benefits to be received by a railway and whether or not there is to be financial liability on the part of the railway. These determinations shall be made in accordance with the provisions of General Administrative Memorandum No. 325 until such time as it is superseded by PPM 21–10.

d. If it is determined under the procedure in paragraph 12c that there is a financial liability on the part of the railway, its liability shall in the case of a "G" project be 10 percent of its total cost, or in the case of a regular Federal-aid project 10 percent of the cost of that portion of such project properly chargeable to the elimination of hazards of railway-highway crossings.

e. Contributions by railroads may be used in lieu of either State or Federal funds, provided that the Federal funds claimed may not exceed the total cost of the project less the amount contribtued by the railroad. For railway-highway improvements financed as regular highway projects involving participation of State and Federal funds, the railroad contribution shall be applied to the project in either of the following two ways: (1) by deduction from the total cost of the project and applying the authorized Federal pro rata to the remaining balance; or (2) by deduction from either the State's or the Federal Government's pro rata share of the total cost of the project.

13. STAGE CONSTRUCTION

Projects submitted for program approval may include any phase of a complete improvement such as preliminary engineering, right-of-way acquisition, adjustment of utilities, grading, drainage structures, bridge substructures, bridge superstructure, or paving. Such projects may be given program approval, and if any phase thereof is authorized and carried through to completion with Federal-aid reimbursement therefor, all subsequent further work on such projects shall conform to all Federal-aid procedures and requirements even if such work is financed without Federal-aid participation.

14. COPIES OF PROGRAM PAPERS TO BE SUBMITTED TO WASHINGTON

a. Forms PR–1 and written notice of program approval shall be submitted direct to the Washington office in duplicate at the time notice of program action is issued to the State. One copy shall have the name of the Public Roads approving official indicated thereon and shall be marked "For the Federal-aid Division, Office of Engineering." It shall be accompanied by one copy of all other papers and maps constituting the program submission by the State. The second copy of Form PR–1 and approval notice shall be marked "For the Program Analysis Division, Office of Administration."

b. A single copy of written notices of authorization to proceed when issued separately from program approval notices with the name of the Public Roads approving official indicated thereon shall be mailed to the Washington office at the same time they are issued to the State, and marked—"For the Federal-aid Division, Office of Engineering."

c. For project revisions which involve only a change in the financing, without materially affecting the scope of the work previously approved, only one copy of the PR–9 or PR–37 approval document need be submitted to the Washington office. This copy shall have the name of the Public Roads approving official indicated thereon and shall be marked—"For the Program Analysis Division, Office of Administration.

d. For project revisions involving changes in length, location, or scope of work previously approved, and other changes, such as the withdrawal of a project from the program, the transfer of a project from one program stage to the other, changes in termini or character of work, the combination of two or more projects into a single project, or the splitting of a single project into two or more projects, duplicate copies of Form PR–9 or PR–37 covering such field approval actions shall be promptly submitted to the Washington office with the name of the Public Roads approving official indicated thereon. One copy shall be marked "For the Federal-aid Division, Office of Engineering," and the other copy "For the Program Analysis Division, Office of Administration."

e. Form PR–37 is to be submitted to the Washington office marked "For the Program Analysis Division, Office of Administration," reporting change in fiscal status resulting from the authorization to the State to proceed with preliminary engineering or right-of-way acquisition for which Federal funds are being obligated, whether issued in conjunction with the State 2 program approval notices or as subsequent actions. Form PR–37 relating to authorization to the State to proceed with preliminary engineering and right-of-way acquisition for any project in a State 1 program shall not be submitted until the work is subsequently approved in a State 2 program.

15. PARTICIPATING RATIOS

a. For regular highway projects financed with Federal-aid primary, secondary, urban, or 1952 Act interstate funds the legal ratio is not to exceed 50 percent; for 1954 Act Interstate funds the legal ratio is not to exceed 60 percent, and for 1956 Act Interstate funds the legal ratio is not to exceed 90 percent of the cost of preliminary engineering right-of-way and physical construction; subject in all cases to the sliding scale increase in public lands States.

b. For projects which provide for the elimination of hazards of railway-highway crossings, see paragraph 12.

c. Projects located entirely on nontaxable Indian lands (individual or tribal) within Indian reservations or on lands within national parks or monuments under the jurisdiction of the Department of the Interior are eligible for 100 percent Federal-aid financing. Where a project is located partly on lands referred to above and partly on other lands, that part located on such other lands is ineligible for 100 percent Federal-aid financing.

d. The sliding scale rates authorized in public land States will be set forth in Circular Memoranda and will apply as follows; except that such rates do not apply to "G" projects:

(1) For preliminary engineering and right-of-way, rates in effect at the time Federal funds for such work is programed in Stage 2.

(2) For physical construction and construction engineering, except for Secondary Road Plan projects, rates in effect at the time the division engineer approves the PS&E.

(3) For physical construction and construction engineering for Secondary Road Plan projects, rates in effect at the time the division engineer receives the agreement estimate.

(4) The rates initially determined shall be retained throughout the life of the project, except that at the final voucher stage the rates then in effect may be used if the State elects.

16. REVIEW OF INACTIVE PROGRAM ITEMS

Programs should be carefully reviewed periodically to the end that inactive projects of long standing, which will not be advanced to active status with reasonable promptness, will be withdrawn from the program.

B. D. Tallamy,
Federal Highway Administrator.

Attachments[*]

Bureau of Public Roads, U.S. Department of Commerce, Policy and Procedure Memorandum 21–1(1)—July 17, 1959

FEDERAL-AID PROGRAMS

Policy and Procedure Memorandum 21–1, dated April 15, 1958, is amended as follows:

Paragraph 8b(1) is revised to read:

(1) A project number (including agreement number) shall be assigned to each project included in either Stage 1 or Stage 2 of a program, in addition to the item number. If a Stage 1 project is not advanced as an entity to Stage 2 the agreement number initially assigned to the Stage 1 project shall be retained for that portion of the original project remaining in Stage 1, and a new agreement number shall be assigned to each Stage 2 project derived from the original single Stage 1 item. When the last part of the work covered by the original Stage 1 item is advanced to Stage 2 the agreement number initially assigned to the State 1 item is to be used for that Stage 2 project.

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[*] [Ed. Note: Example copies of Forms PR–1 (6–5–56) and PR–9 (6–4–57) are deleted.]

Paragraph 10c: Revise second sentence to read:

c. An improvement identified by a single project number (including agreement number), as defined in Paragarph 6 or 7 of this memorandum, cannot be included in both program stages at the same time.

Paragraph 11b is revised to read:

b. Program utilizing secondary funds in those States not operating under the 1954 Secondary Road Plan shall be accompanied by a statement from the State that the projects were selected in cooperation with appropriate local officials of the counties concerned and that such officials have concurred in the selection as required under Section 103(c), 105(b) and 106(b) of Title 23, U.S.C.—Highways. A similar statement is required as part of a State's approved standards and procedures under the 1954 Secondary Road Plan and is, therefore, not required with program submissions from those States operating under the Plan.

Paragraph 13 is revised to read:

Stage construction projects submitted for program approval may include any phase or stage of a complete improvement such as grading, drainage structures, bridge substructure, bridge superstructures or paving. Such projects may be given program approval and if any phase thereof is authorized and carried through to completion with Federal-aid reimbursement therefor, the State shall include in the letter of submission and the project agreement shall contain a clause by which the State agrees that all subsequent stages of construction necessary to provide the initially planned complete facility, within the limits of the Federal-aid project covering a previous stage of the improvement, will conform to at least the minimum values set by approved AASHO design standards applicable to the class of highway facility involved, even if such work is financed without Federal-aid participation.

The references in paragraphs 14 a, b and d to the "Federal-Aid Division" are revised to read "Systems, Programs and Operations Division."

ELLIS L. ARMSTRONG,
Commissioner of Public Roads.

BUREAU OF PUBLIC ROADS, U.S. DEPARTMENT OF COMMERCE, POLICY AND PROCEDURE MEMORANDUM 21–1(2)—OCT. 12, 1959

FEDERAL-AID PROGRAMS

Policy and Procedure Memorandum 21–1, dated April 15, 1958, is further amended as follows:

Paragraph 4c(1) is revised to read:

(1) Projects submitted under the Plan and providing for preliminary engineering and/or right-of-way acquisition in either Stage 1 or Stage 2 may be given program approval and, if so approved, the State shall be authorized to proceed to take all actions necessary to advance the work to completion in accordance with its Secondary Road Plan approved by the Commissioner. Such authorization of a Stage 1 project shall be with the understanding that it does not constitute, or in any manner create, any obligation on the part of the Federal government to provide Federal funds for the undertaking, unless and until the project is advanced and approved in Stage 2 of the program.

Paragraph 11b (revised July 17, 1959, PPM 21–1(1)): Delete the words "and that such officials have concurred in the selection" from the first sentence.

ELLIS L. ARMSTRONG,
Commissioner of Public Roads.

BUREAU OF PUBLIC ROADS, U.S. DEPARTMENT OF COMMERCE, POLICY AND PROCEDURE MEMORANDUM 21–1(3)—AUG. 12, 1960

FEDERAL-AID PROGRAM

NOTE: This amendment does not change any existing procedures. It is issued solely for the purpose of putting in permanent form the procedures already established by Circular Memorandum dated July 16, 1959.

Policy and Procedure Memorandum 21–1, dated April 15, 1958, is further amended as follows:

Paragraph 8b(4) is revised to read:

(4) *Termini*. The description of termini should clearly relate, within reasonable accuracy, the location of at least one end of the project to an identifiable point such as street names, county lines, municipal boundaries, intersecting highways or stream or railroad crossings, on available maps of the general area, with an indication of the direction of the project from that point. A brief statement of location limited to 45 digits including periods, commas, and spaces between words should be shown on the first line. Additional and complete data locating and delimiting the project should be shown on the second and subsequent lines.

Paragraph 8b(5) is amended by adding subparagraph (d) as follows:

(d) The work described under subparagraphs (a), (b), or (c) shall be summarized on the same line as "Character of proposed work." This summary shall be limited to 35 digits including punctuation and spaces between words. Detailed descriptive data should be shown on the second and subsequent lines.

ELLIS L. ARMSTRONG,
Commissioner of Public Roads.

BUREAU OF PUBLIC ROADS, U.S. DEPARTMENT OF COMMERCE, POLICY AND PROCEDURE MEMORANDUM 21–1(5)—FEB. 2, 1962

Policy and Procedure Memorandum 21–1, dated April 15, 1958, is further amended as follows:

Paragraph 4a(1) is revised to read: (additional wording italicized)

(1) Projects for preliminary engineering or for acquisition of right-of-way or a combination thereof may be approved in Stage 1 provided sufficient justifying information is submitted. Written notice of approval of such projects shall be issued to the State, together with a statement of conditions, if any, controlling the advancement of the projects, or any phase thereof, to Stage 2. *The optional Form PR–48 properly completed may be used as the initial program approval document if preferred.* Written notice of authorization to proceed with preliminary engineering or acquisition of right-of-way, or both, shall be issued to the State, together with conditions controlling the work which may be performed and the subsequent Federal-aid reimbursement. If the information submitted by the State permits, the written notice to the State should cover both program approval and authorization to proceed. If the program information submitted by the State is sufficient to permit program approval of the project, but not sufficient to permit authorization to proceed, the written notice for the latter action shall be withheld until the justifying information is presented. In all cases Federal reimbursement shall be limited to the Federal pro rata share of costs incurred after the date of authorization to proceed.

Paragrph 4b(1) is revised to read: (additional wording italicized)

(1) Projects for preliminary engineering, or acquisition of right-of-way, or construction, or any combination thereof, may be approved in Stage 2, provided sufficient justifying information is submitted and provided sufficient Federal-aid funds are available. Written notice of approval of such projects, or any phase thereof, shall be issued to the State. *The optional Form PR–48 properly completed may be used as the initial program approval document if preferred.* Written notice of authorization to proceed with preliminary engineering or acquisition of right-of-way, or both, shall be issued to the State, together with conditions controlling the work which may be performed and the subsequent Federal-aid reimbursement, when such written notice was not given under a Stage 1 program, and such written authorization shall constitute reservation and obligation of Federal funds. When such written notice of authorization to proceed with preliminary engineering or acquisition of right-of-way, or both, was given in a Stage 1 program, written notice to the State of program approval in Stage 2 constitutes a reservation and obligation of available Federal funds. Written authorization for the State to advertise for bids or to proceed with force account construction shall be issued by the division engineer either when he advises the State of his approval of the PS&E for the project, or at such other time as required conditions are met, and such written authorization shall constitute obligation of Federal funds. Controls on locations on which preliminary engineering may be performed or right-of-way acquired, and combined written notices of approval and authorization to proceed, are to be as outlined under Stage 1 programs, paragraph 4a.

Paragraph 8a is revised to read:

a. Each project shall be reported on a separate Form PR–1, a reduced-sized copy of which is attached, and accompanied by the appropriate supporting data. If the project is to be financed with more than one class of Federal-aid funds, a separate Form PR–1 is to be prepared for each class.

Paragraph 9f is revised by adding the following sentence at the end of this paragraph: "Right-of-way projects programed under this partial financing exception, in the public interest, may also include preliminary engineering costs and any necessary advance utility adjustment work required by this protective acquisition of hardship parcels of right-of-way."

Paragraph 9h is revised to read: (additional wording underlined)

h. The State highway department shall submit each program to the division engineer of Public Roads with complete supporting data as outlined in paragraph 8d. The division engineer shall review each program and take final action in accordance with delegated authority on programs involving Federal-aid secondary funds. Programs involving interstate, primary, or urban funds, in those divisions which have not been redelegated full program approval authority, shall be forwarded to the regional engineer, accompanied by a report containing all of the information which may be necessary to support fully the division engineer's conclusions and recommendations concerning each project. The regional engineer will review each program and take appropriate action on the included projects, in accordance with his delegated authority as set forth in AM 1–10.2. Programs involving interstate, primary, or urban funds, in those divisions redelegated full program approval authority, shall be reviewed and approved, when appropriate, by the division engineer. Concurrent with his notice of such approval action to the State, the division engineer shall submit the prescribed copies of his program action letter, *or properly completed Form PR–48*, and all other program papers direct to the Washington office and to his regional office.

Paragraph 9i is revised to read: (additional wording underlined)

i. Program approval actions, either by a memorandum from the regional engineer to the division engineer, by a letter from the regional engineer to the State routed through the division engineer, by a letter from the division engineer to the State, *or by a properly completed Form PR–48*, shall be in conformity with paragraph 4 above. Programs or modifications thereof which involve a total of Federal funds exceeding the State's apportionment will not be approved.

Paragraph 11e is revised to read:

e. HPS projects will be programed in accordance with the provisions of PPM 50-1.1.

F. C. TURNER,
Assistant Federal Highway Administrator and Chief Engineer.

[ED. NOTE: Example copies of Forms PR-1 (Revised 7-61) and PR-48 (Revised 4-62) are deleted.]

BUREAU OF PUBLIC ROADS, U.S. DEPARTMENT OF COMMERCE, POLICY AND PROCEDURE MEMORANDUM 21-1(7)—OCT. 31, 1962

FEDERAL-AID PROGRAMS

1. Subsections 8(a) and 8(b) of the Federal-Aid Highway Act of 1962, approved October 23, 1962, provide as follows:

"8(a) The last sentence of subsection (c) of Section 103 of Title 23, United States Code, is amended to read as follows: 'This system may be located both in rural and urban areas, but any extension of the system into urban areas shall be subject to the condition that such extension pass through the urban area or connect with another Federal-aid system within the urban area.'

"8(b) The amendment made by subsection (a) of this section shall apply to apportionments made before as well as after the date of enactment of this Act."

This amendment rescinds the former limitation that Federal participation in projects on the extensions of the Federal-aid secondary system into urban areas be only with funds authorized for use on extensions of Federal-aid primary and Federal-aid secondary systems within urban areas. Effective as of date of approval of the Act, there may be Federal participation in projects on the extensions of the Federal-aid secondary system into urban areas from any available balances of apportionments of Federal-aid secondary funds made before or after the date of approval of the Act as well as from any available balances of apportionments of Federal-aid urban funds made before or after the date of approval of the Act.

This amendment rescinds the former optional condition that in any State having a population density of more than two hundred per square mile as shown by the latest available Federal census, the system may include mileage in urban areas as well as in rural. The amendment establishes that the Federal-aid secondary system in any State regardless of its population density may be located both in rural and urban areas, and requires that any extension of the system into urban areas shall be subject to the condition that such extension pass through the urban area or connect with another Federal-aid system within the urban area.

A State highway department may at its option propose the transfer of projects on the Federal-aid secondary system in urban areas from the urban fund program to the secondary fund program for any such project for which the project agreement had not been executed prior to the date of approval of the Act. Actions on such proposed changes, if any, will be administered in accordance with provisions of PPM 21-1 as amended and AM 1-10.2 as amended, and will require supporting data under subparagraphs 8c and 8d(11) and a statement from the State under subparagraph 11b, all of PPM 21-1, to the satisfaction of Public Roads for each such project involved.

2. Paragraph 5a of PPM 21-1 dated April 15, 1958, is amended by the deletion of all prefix designations beginning with "S" and ending with "USG", and the replacement thereof by the following prefix designations:

S: Federal-aid secondary project on Federal-aid secondary system in rural area.

SG: Federal-aid secondary railway-highway project on Federal-aid secondary system in rural area.

SF: Highway project on Federal-aid primary system in rural area, not an Interstate improvement, financed with secondary funds (permissible only in States having control of all public roads).

SI: Highway project, Interstate System improvement in rural area, financed with secondary funds (permissible only in States having control of all public roads).

SFG Railway-highway project on Federal-aid primary system in rural area, financed with secondary funds (permissible only in States having control of all public roads).

SGI: Railway-highway project, Interstate System improvement in rural area, financed with secondary funds (permissible only in States having control of all public roads).

SU: Federal-aid secondary project on Federal-aid secondary system in urban area.

SUG: Federal-aid secondary railway-highway project on Federal-aid secondary system in urban area.

SUF: Highway project on Federal-aid primary system in urban area, not an Interstate improvement, financed with secondary funds (permissible only in States having control of all public roads).

SUI: Highway project, Interstate System improvement in urban area, financed with secondary funds (permissible only in States having control of all public roads).

SUFG: Railway-highway project on Federal aid primary system in urban area, financed with secondary funds (permissible only in States having control of all public roads).

SUGI: Railway-highway project, Interstate System improvement in urban area, financed with secondary funds (permissible only in States having control of all public roads).

U: Highway project on Federal-aid primary system in urban area, financed with urban funds.

UI: Highway project, Interstate System improvement in urban area, financed with urban funds.

UG: Railway-highway project on Federal-aid primary system in urban area, financed with urban funds.

UGI: Railway-highway project. Interstate System improvement in urban area, financed with urban funds.

US: Highway project on Federal-aid secondary system in urban area, financed with urban funds.

USG: Railway-highway project on Federal-aid secondary system in urban area, financed with urban funds.

3. Paragraph 15d(4) of PPM 21-1 issued April 15, 1958 is revised to read:

(4) The rates initially determined shall be retained throughout the life of the project, except (a) the State may elect to revise active projects by modification of agreements to utilize revised rates and (b) at the final voucher stage the State may elect to utilize the rate then in effect.

4. The pertinent portions of this PPM 21-1(7) will be incorporated in PPM 21-1 when it is republished.

REX M. WHITTON,
Federal Highway Administrator.

BUREAU OF PUBLIC ROADS, U.S. DEPARTMENT OF COMMERCE, POLICY AND PROCEDURE MEMORANDUM 21-1(8)—APR. 22, 1963

FEDERAL-AID PROGRAMS

Superseded issuances:

Policy and Procedure Memorandums 21-1 (4), dated November 22, 1961 and 21-1(6), dated February 9, 1962.

Policy and Procedure Memorandum 21-1, dated April 15, 1958, is further amended as follows (underlining denotes revised text):

Paragraph 4a(3) is revised to read as follows:

(3) A right-of-way project may be (a) for studies to determine the relative right-of-way costs and other factors pertinent to alternate construction locations, including incidentals connected with the acquisition of rights-of-way on a selected construction location, or (b) actually to acquire rights-of-way on a selected construction location, including incidentals connected therewith, or (c) for both. Right-of-way work as defined in (a) above may be authorized at the time of program approval in Stage 1. In cases where the right-of-way covers work of types (b) or (c), the authorization to proceed with the acquisition of right-of-way is not to be issued until the State has indicated on maps or by drawings or other records the proposed general location of the highway, together with the approximate areas or limits of the right-of-way to be acquired and they are found acceptable by Public Roads. In exceptional cases, but after program approval, the Bureau may authorize the State to acquire certain parcels prior to acceptance of the proposed general location for the entire project, when it is found that the certain parcels are within the limits of the conceived proper location, and it is agreed such action is necessary to protect the public interest. Also, right-of-way acquisition or any phase thereof such as title searching, appraisals, etc., may be programed in stage 1 and authorizations to proceed with the work may be issued on an entire route, route-section or project basis, subject to the above provisions.

Paragraph 4b(1) is revised to read as follows:

(1) Projects for preliminary engineering, or acquisition of right-of-way, or construction, or any combination thereof, may be approved in Stage 2, provided sufficient justifying information is submitted and provided sufficient Federal-aid funds are available. Written notice of approval of such projects, or any phase thereof, shall be issued to the State. The optional form PR-48 properly completed may be used as the initial program approved document if preferred. Written notice of authorization to proceed with preliminary engineering or acquisition of right-of-way, or both shall be issued to the State, together with conditions controlling the work which may be performed and the subsequent Federal-aid reimbursement, when such written notice was not given under a Stage 1 program, and such written authorization shall constitute reservation and obligation of Federal funds.

When such written notice of authorization to proceed with preliminary engineering or acquisition of right-of-way, or both, was given in a Stage 1 program, written notice to the State of program approval in Stage 2 constitutes a reservation and obligation of available Federal funds. With respect to acquisition of rights-of-way, or any phase there of, Stage 2 program approval shall be on a project or route-section basis, as distinguished from the entire route basis permitted for Stage 1 program items. Projects may be programed in Stage 2 covering all or any part of the right-of-way work between the project termini, with the understanding that the projects may be modified at any time to include additional work. Any work not included in a project when the agreement is executed may be programed subsequently as a separate project instead of by modification of the project agreement if desired. Written authorization for the State to advertise for bids or to proceed with force account construction shall be issued by the division engineer either when he advises the State of his approval of the PS&E for the project, or at such other time as required conditions are met, and such written authorization shall constitute obligation of Federal funds. Controls on locations on which preliminary engineering may be performed or right-of-way acquired, and combined written notices of approval and authorization to proceed, are to be as outlined under Stage 1 programs, paragraph 4a.

Paragraph 9f is revised to read as follows:

f. Federal funds cannot participate in any actual construction work started or contracted for by a State prior to the apportionment of such funds to the State unless such work is programed under the provisions of section 108(h) of the 1956 Act or under Section 5 of the 1950 Act. Except in special or unusual cases no phase of a project shall be included in Stage 2 of a program unless Federal funds are requested and available for full Federal participation in the cost of that particular phase of the project or for a reasonably substantial participation which the State agrees to accept as a firm commitment, other than as provided in paragraph 4b(1) with respect to acquisition of rights-of-way. So-called token financing with Federal funds will not be approved. Right-of-way projects programed under this partial financing exception, in the public interest, may also include preliminary engineering costs and any necessary advance utility adjustment work required by this protective acquisition of hardship parcels of right-of-way.

F. C. TURNER,
Assistant Federal Highway Administrator and Chief Engineer.

FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, BUREAU OF PUBLIC ROADS, POLICY AND PROCEDURE MEMORANDUM 21-1(9)—JUNE 13, 1967

FEDERAL-AID PROGRAMS

The effective date of this amendment is July 1, 1967.

Policy and Procedure Memorandum 21-1 dated April 15, 1958, is further amended to include a new paragraph 4a(6), to read as follows:

(6) Any Stage 1 Project for preliminary engineering or right-of-way acquisition work for which the State intends to claim reimbursement for the Federal share of the cost shall be advanced from Stage 1 to Stage 2 program status on or before the date the first construction project is authorized for the section of road on which the Stage 1 PE or ROW project is located, provided, that under special circumstances and based on a justification submitted by the State and approved by the division engineer, the advancement of the PE or ROW work from Stage 1 to Stage 2 program status may be deferred until, but not later than, the date that the sections of highway involved are open to traffic. In any case where there are Stage 1 PE or ROW projects involved on sections of road already open to traffic as of the effective date of this amendment, the advancement of the Stage 1 projects to Stage 2 shall be accomplished at the earliest practicable date not later than January 1, 1968. If any State determines that it cannot fully comply with this date without serious restriction on its construction program, it may submit a request through the Division Engineer to the Director of Public Roads for an exception. Any such request shall be supported with complete details including a schedule showing the exact date on which each such Stage 1 project will be advanced to Stage 2.

F. C. TURNER,
Director of Public Roads.

FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, BUREAU OF PUBLIC ROADS, POLICY AND PROCEDURE MEMORANDUM 21-3—NOV. 20, 1968

PRELIMINARY ENGINEERING

Par. 1. Purpose and Application.
2. Definition.
3. Programing.
4. Coordination Between Washington Regional Division Offices and Others.
5. Preliminary Engineering Reports.
6. Progress Reports.
7. Use of One and One-Half Percent Funds.

1. PURPOSE AND APPLICATION

The purpose of this memorandum is to prescribe the policy of the Bureau of Public Roads with respect to the preliminary engineering phases of Federal-aid highway projects, except for Federal-aid secondary projects in those States operating under the 1954 Secondary Road Plan. The provisions of the memorandum shall apply to preliminary engineering for all projects proposed for construction with Federal-aid funds (except for the Federal-aid secondary projects excluded above) regardless of whether or not there is to be Federal participation in the financing of the preliminary engineering work.

2. DEFINITION

a. Preliminary engineering is any engineering activity executed preparatory to the letting of a contract for construction or the undertaking of construction by force account. The activities listed in the following tabulation (not necessarily complete) individually or in combination are classified as preliminary engineering when related to a specific proposed improvement:

Economic and feasibility investigations.

Surveys.

Mapping.

Route studies to determine desirable location from among several alternates.

Subsurface investigations including borings and soil profiles.

Preparation of preliminary plans and estimates, as a basis for final construction plans.

Right-of-way studies when not authorized as a part of the right-of-way phase.

Preparation of construction plans, specifications, and estimates.

b. Engineering reports prepared in connection with any of the above items are not considered a separate activity.

3. PROGRAMING

Preliminary engineering projects may be programed separately, or preliminary engineering may be programed in a project with right-of-way or construction or both. When preliminary engineering is to be following by construction without an intervening appreciable period of time, the programing of preliminary engineering as a separate project generally is not warranted. On complex projects where preliminary engineering will take considerable time, or where there is to be delay in following preliminary engineering with construction, preliminary engineering projects may be programed in either Stage 1 or 2 separately from the construction and either separately from or along with the right-of-way phase, with the understanding that construction will be undertaken within a reasonable time, generally not more than five years.

4. COORDINATION BETWEEN WASHINGTON REGIONAL DIVISION OFFICES AND OTHERS

a. All interests concerned—Federal, State, and local government agencies and public utilities and carriers—should be coordinated and the project should be the result of joint planning and understanding at appropriate stages.

b. Preliminary engineering is a direct responsibility of the State highway departments but as circumstances warrant the work may be done by city, county, or other engineering offices acting for and under the general supervision of the State highway department, or by consulting engineering firms retained for particular projects.

c. Both regional and division offices should be familiar with the State's planning and make early and careful reviews of each phase of preliminary engineering for proposed projects.

d. Before commencing preparation of plans, specifications and estimates, agreement shall be reached on essential features such as approximate location, type of highway, number of traffic lanes, degree of access control, approximate width of right-of-way, and type and approximate location of bridges.

e. The regional engineer may require that studies or advance plans resulting from any phase of preliminary engineering work prior to the preparation of construction plans, specifications and estimates be furnished for review in the regional office before division office approval is given the State.

f. For projects including unusual, movable or major bridges, and projects including tunnels, the Division Engineer shall obtain and submit to the Washington office through the Regional office preliminary plans with supporting data, including the layouts of approaches, for review and approval. For this purpose an unusual bridge is defined as one involving:

(1) Difficult or unusual foundation problems;

(2) Unusual or new designs, either structural or operational or both, or;

(3) One for which the standards and criteria might be questioned.

A major bridge is one estimated to cost $1,000,000 or more. However, if the bridge has no unusual features and only because of its length or width exceeds the $1,000,000 cost figure, the Regional Administrator may at his discretion approve the preliminary plans and is to furnish informational copies to the Washington office. In cases where the space between the travelways of dual bridges is not bridged, the dual bridges shall for this purpose be considered two bridges, and the estimated cost for each bridge shall govern. Where desired, preliminary plans for bridges or other structures not included in the above definition may be submitted to the Washington office for review and comments. Furthermore when the division office becomes aware that a major bridge is proposed to be constructed under the 1954 Secondary Road Plan, the State shall be advised that the Washington office will provide preliminary review service if requested.

g. The regional engineer should forward to the Washington office preliminary highway studies and advance plans of the types indicated in paragraph 4e (other than those required above for major structures) with special design problems such as new, unusual or controversial design features, also at intervals he should forward similar advance plans for typical case designs of higher type facilities for review as to general policy features, interpretation and application of standards and guides and national uniformity.

h. On projects deemed by the regional engineer of sufficient importance, he should arrange at an appropriate time for Washington office personnel to go over the ground, discuss the route and general concepts of design with representatives of Public Roads, the State, and local agencies connected with the improvement, and join in conferences toward agreement on details.

i. In an investigation and location of a route, including studies under consultant engineering contracts, and subsequent development of project plans, there should be a clear understanding of the steps or phases to be undertaken and of the phases that are to be approved before advancing to the next phase. In a typical case, a reconnaissance study should be made of several alternates. Then, after selection of two or more of the alternates by the State highway department, a further preliminary study should be made of these locations in sufficient detail so that the feasibility of plan and profile is readily evident. At this stage the route should not be tied down by calculations nor should the right-of-way descriptions be computed. There should be, however, for each alternate, an estimate of construction costs as developed by engineering study, of the right-of-way costs (made or approved by the State's right-of-way division whenever practicable), and where applicable economic analyses including road user and other benefits and effects on local traffic and local economy. The desirable and undesirable features of all alternates should then be listed and compared and a recommendation made of one of the alternates. The next step would be the preparation of preliminary plans on the approved location which would tie down the line, profile, cross sections, structures, and right-of-way. After approval of these plans there follows the last step, preparation of construction plans. The division engineer shall arrange to review these basic data and design conclusions at each significant step or phase, offer comments and suggestions as the circumstances warrant and upon resolution of design problems indicate agreement or approval of the design to that stage.

5. PRELIMINARY ENGINEERING REPORTS

Frequently, as part of preliminary engineering it is necessary or desirable to prepare reports of findings or recommendations. In such cases, these reports are an essential part of a completed preliminary plan and the State should submit copies when plans are forwarded for approval if they had not been submitted earlier. These reports are to be prepared by the State highway departments either with their own personnel or in conjunction with consultant engineers. If a State highway department has not developed outlines as guides in preparing these reports, it may obtain such guides from Public Roads.

6. PROGRESS REPORTS

The division engineer should prepare narrative reports for information of the regional and Washington offices whenever he deems it desirable, particularly during the early planning and location phases of preliminary engineering. These reports may be informal. They are particularly valuable where controversy has arisen or is anticipated. In many cases the desired information can be provided by forwarding a copy of a memorandum report from a division or staff engineer covering visits, conferences, or items noted on field trips.

7. USE OF ONE AND ONE-HALF PERCENT FUNDS

a. One and one-half percent funds provided under Section 307(c), Title 23 USC may be used for systematic and long-range planning and programing. These funds may not be used for work which is clearly preliminary engineering. It is difficult to establish precise criteria which can be uniformly applied in marginal cases to differentiate route location studies which are legitimately within the area of planning from preliminary engineering. General guidelines are offered with the expectation that application will be in accordance with the circumstances in each case.

(1) In general, subject to clarification and limitation in subsequent paragraphs, one and one-half percent funds may be used for route location studies to a degree of refinement no greater than that required for step 3 designation in the 104(b)(5) Interstate System cost estimate study; namely, a definite location based on preliminary studies adequate for presentation at a public hearing.

(2) One and one-half percent funds are frequently used for development of comprehensive transportation plans in urban areas. It is the intent of the Bureau of Public Roads to encourage by all possible means preparation of such plans. It is expected that general route location studies which are a part of these plans will be made in sufficient detail to permit estimates of costs of right-of-way and of construction adequate for capital fund budgeting. In some cases this will of necessity involve elements which in other situations, such as for the specific improvement of a route or route segment, would be classed as preliminary engineering.

(3) Studies for a single route in an urban area often involve improvement or reconstruction on an existing location with some acquisition of right-of-way to permit minor adjustments in alinement. These studies are not considered eligible for Federal participation with one and one-half percent funds. In order to qualify for one and one-half percent financing, location studies for a single route in an urban area should involve alternates which differ to a major degree. A simple example of an eligible study is one involving alternate locations on opposite sides of the central business district. One which may require some judgment in extending approval as being eligible for participation in one and one-half percent fund financing is the study of alternates passing on one side or the other of a neighborhood, large shopping center, or school district. In general, a more restrictive attitude is to be taken toward single route studies than toward comprehensive transportation plans, since it will usually be possible to program a preliminary engineering project for the former.

(4) Usually the decisions which govern the selection of the line in rural areas are limited to solution of typical engineering problems, and a preliminary engineering project is feasible. One and one-half percent funds may be used for studies involving alternates which differ in traffic service or economic impact to a degree that analysis of these factors is of major importance in arriving at a decision.

(5) The following activities are illustrative of those which may be conducted with participation in one and one-half percent funds in connection with eligible route studies:

(a) economic and feasibility investigations;

(b) aerial photography or mapping, to a scale commensurate with the objectives of the study, when adequate maps are not available;

(c) assembly and analysis of traffic data; and

(d) exploratory studies of right-of-way or subsurface conditions necessary for producing program cost estimates.

b. When both highway planning studies financed with one and one-half percent funds and preliminary engineering work are included in consultant or other service contracts, the activities chargeable to each shall be identified.

REX M. WHITTON,
Federal Highway Administrator.

FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, BUREAU OF PUBLIC ROADS, POLICY AND PROCEDURE MEMORANDUM 21-7—APRIL 21, 1971

PROJECT AGREEMENTS

Par.
1. Purpose
2. Form PR-2
3. Preparation of Agreement
4. Agreement Regarding Liquidated Damages
5. Modification of Agreement
6. Use of Forms for Other Work
7. Project Record

1. PURPOSE

To prescribe the form and procedures for the preparation and execution of project agreements for Federal-aid projects.

2. FORM PR-2

a. Form PR-2, Federal-aid Project Agreement, (Attachment 1) is to be prepared by the division office and used for agreements between Federal Highway Administration and the State highway departments for all Federal-aid projects, including bond issue projects and Interstate projects for construction in advance of apportionment, pursuant to Sections 122 and 115, respectively, of Title 23, USC. The division engineer may, upon request, furnish such information as will enable the State to prepare and execute the project agreement at the time the State is in a position to place a project under agreement. The agreement may then be forwarded for review and execution by the division engineer.

b. Form PR-2 is designed (1) to cover the various types of projects and kinds of work to be undertaken, (2) to indicate the effective date governing reimbursement of the Federal share of eligible items of cost, (3) to show the total amount of Federal funds obligated and under agreement for the project, and (4) to set forth any special provisions relating to the project.

c. All information normally required to be typed or filled in on the form can be placed on the first page. All signatures will also appear on that page. The other pages contain various special provisions that apply to individual projects depending upon the project identification. The applicable special provision becomes automatically incorporated in the agreement by means of such project identification. Space is provided for listing other agreements or provisions that apply.

d. Form PR-2.1 is to be prepared by the Washington office and used for agreements between Federal Highways Administration and the State highway departments for all projects in each annual National Cooperative Highway Research Program.

3. PREPARATON OF AGREEMENT

a. The division office will insert the "Monthly Transaction" and "Project Report" numbers in accordance with current instructions.

b. No entry is to be made in the space indicated for the name of the county for highway planning and research projects (HP&R).

c. Information furnished in the section "Project termini" is to identify the location of the project by termini, such as "three miles east of Excell to four miles west of Clark," and by U.S. or State route number or indication that it is on a county or local road, as the case may be. Engineering stations should not be used. For highway planning and research projects, this space should be used to describe the class of work, such as "Regular planning survey," "Highway needs study," "Physical research project," or others, when separate project agreements for such work are executed.

d. The project classification or class of work is to be indicated by inserting in the appropriate space the date subsequent to which items of cost incurred are eligible for Federal participation. The term "Highway planning" is intended to cover highway planning and research projects financed with 23 USC 307(c) funds. In the space designated "Other" there should be included, and identified, any special projects that do not come under any of the enumerated classes.

e. Where the length of the project is to be given, its overall length to the nearest tenth of a mile is sufficient.

f. The amount of Federal funds entered should be the total obligated to all phases of the project. Any portion of a project being retained in "programmed only" status shall not be included in a project agreement. For construction work the estimated cost of the project and amount of Federal funds should generally be based on contract prices or force account estimates as approved by the division engineer. In the case of bond issue projects under 23 USC 122, and projects on the Interstate System constructed in advance of apportionments pursuant to 23 USC 115, the estimated amount of Federal funds that may be obligated subsequently should be entered in the space provided for the Federal fund amount.

g. The agreement required by 23 USC 129 when Federal funds are to participate in the cost of constructing a toll facility or approach thereto, will be referenced under "Additional Provisions."

h. If any additional or amended provisions should be set forth in an attachment to Form PR-2 and reference made thereto under "Additional Provisions."

i. Separate project agreements should be prepared and executed for each successive improvement or independent class of work that is not to be performed reasonably contemporaneously with other work, between the same terminal, financed with Federal funds.

j. In the case of highway planning and research projects, the project agreement (PR-2) may be executed when the State has been authorized to proceed with the work program in whole or in part. However, in the event the project agreement is executed for only part of the work program, the project agreement shall be amended at such time as the State is authorized to proceed with the remaining part.

k. Agreements between a State and a Federal agency, whereby the Federal agency undertakes the construction of a Federal-aid project and requires a deposit or payment to that Federal agency in accordance with 23 USC 132, will be referenced under "Additional Provisions."

l. Two copies of the agreement are to be forwarded by the division engineer to the State highway department for signature and return, except when the agreement is initially prepared and executed by the States. When executed by the division engineer the ribbon copy is to be retained in the project folder by the division engineer and the other executed copy transmitted to the State. Conformed copies are to be transmitted directly to the Washington office and, if required, to the regional office.

4. AGREEMENT REGARDING LIQUIDATED DAMAGES

a. Definitions: For the purposes of this memorandum the following terms shall be considered to have the following meanings.

(1) Contract Time: The number of workdays or calendar days allowed for completion of the contract, including authorized time extensions.

(2) "Calendar Day" and "Work Day" shall have the meanings set forth in the applicable State specifications but if the terms are not defined therein they shall have the following meanings:

(a) Calendar Day: Every day shown on the calendar.

(b) Workday: A calendar day, exclusive of Saturdays, Sundays and State recognized legal holidays, on which weather and other conditions not under the control of the Contractor will permit construction operations to proceed for the major part of the day with the normal working force engaged in performing the controlling item or items of work which would be in progress at that time.

(3) Liquidated Damages: The charges assessed against the contractor to cover additional costs incurred by the State because of failure of the contractor to complete the contract within the contract time. Assessment of liquidated damages will be by means of deductions at a specified rate per day for each day of overrun in contract time from payments otherwise due the contractor for performance in accordance with the contract terms.

b. Basis of participation.

(1) Where construction engineering is claimed as a participating item on the basis of actual expenses incurred, the State's total construction engineering costs for the total contract construction work eligible for Federal reimbursement shall be reduced, rather than the State's pro rata share thereof, by the appropriate amounts in the schedule of deduction set forth below for each calendar day or workday as the case may be, of overrun in contract time. Furthermore, the total contract construction amount eligible for Federal participation is to be reduced by the amount liquidated damages exceed construction engineering costs.

(2) Where the State is being reimbursed for construction engineering on the basis of an approved percentage of the participating construction cost or where construction engineering is not claimed as a participating item, the total contract construction amount that would be eligible for Federal participation without considering liquidated damages assessed against the contractor, shall be reduced by the appropriate amount in the schedule of deductions set forth below for each calendar day or workday as the case may be, of overrun in contract time.

SCHEDULE OF DEDUCTIONS FOR EACH DAY OF OVERRUN IN CONTRACT TIME

Original contract amount (or the engineer's estimate of the total construction cost		Daily charge	
From more than	To and including	Calendar day	Work day
$0	$25,000	$30	$42
$25,000	50,000	50	70
$50,000	100,000	75	105
$100,000	500,000	100	140
$500,000	1,000,000	150	210
$1,000,000	2,000,000	200	280
$2,000,000		300	420

c. Exception: When the applicable State specifications or contract provisions prescribe a schedule of liquidated damages in lesser or greater amounts than prescribed in the above schedule, the following exceptions to the rule stated in paragraph 4b are applicable:

(1) The lesser amount prescribed in the state schedule for the size of contract involved may be used instead of the corresponding amount prescribed in the schedule listed in paragraph 4b, provided the state demonstrates to the satisfaction of the FHWA division engineer that such lesser amount is adequate to cover average daily costs for construction engineering on contracts in that particular range of contract amount. The adequacy of the lesser amount prescribed in the State schedule is to be supported by facts to be presented by the State of the average daily construction engineering costs on Federal-aid highway contracts of similar scope of work and of the applicable range of contract amount.

(2) The greater amount prescribed in the state schedule for the size of contract involved shall be used instead of the corresponding amount prescribed in the schedule listed in paragraph 4b, in order that the contract construction costs in which there may be Federal-aid participation will not be in excess of the amount actually paid by the State to the contractor for the work performed under the contract.

5. MODIFICATION OF AGREEMENT

a. Form PR-2A, Modification of Federal-aid Project Agreement (Attachment 2) is to be used for any modification of the project agreement. Ordinarily, such modification will be needed only to increase the amount of Federal funds to cover approved changes. This form can also be used, as may be desired, to cover any changed conditions not otherwise handled by approved change orders, which should be explained in the space "Other revisions."

b. Any modification of the agreement at the final voucher stage to provide additional Federal funds only to cover normal overruns, or to increase the amount of Federal funds pursuant to approved change and extra work orders, will not require a revised agreement estimate in support of the modification as the final voucher will be sufficient for that purpose.

6. USE OF FORMS FOR OTHER WORK

When federally financed or assisted highway work outside the regular Federal-aid program, such as defense access projects, but excluding Forest highway projects, is handled by the State highway department under current Federal-aid procedures. Forms PR-2 and PR-2A may be used. In such cases an appropriate reference should be included under "Additional Provisions."

7. PROJECT RECORD

The project agreement and any modifications thereof will form a part of the project status records.

F. C. TURNER,
Federal Highway Administrator.

Attachments*

FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, BUREAU OF PUBLIC ROADS, POLICY AND PROCEDURE MEMORANDUM 21-12—AUG. 26, 1965

CONSTRUCTION AUTHORIZATION

1. PURPOSE

To prescribe the policies and procedures under which a State highway department may be authorized to advance a Federal-aid highway project to the construction stage.

2. APPLICABILITY

The provisions of this memorandum are applicable to all Federal-aid highway construction projects, except those under the 1954 Secondary Road Plan and those to be constructed under direct Bureau of Public Roads supervision in Alaska.

3. CONSTRUCTION PHASES

For the purposes of this memorandum, the construction of a project is considered to consist of the following phases which may be authorized to proceed either independently of each other or in combination:

a. Right-of-way clearance phase—which means the removal, adjustment or demolition of buildings and other major obstructions within the right-of-way limits when performed separately from the contract for the physical construction of the project. This phase does not include (1) the acquisition of right-of-way; (2) the removal of trees and brush or any other work that is included in the contract for the physical construction of the project; nor (3) any right-of-way clearance work that, under the terms of the right-of-way acquisition agreement, is the obligation of the property owner from whom the right-of-way was acquired.

b. Utility phase—which means the removal, relocation or adjustment of publicly or privately owned utilities as necessary to accommodate the highway, except that it does not include any work that is to be performed at the expense of the utility company.

c. Railroad phase—which means the removal, relocation, or adjustment of railroad facilities as necessary to accommodate the highway. It is limited to work that is incidental and a necessary preliminary to the physical construction phase and does not include the building of grade separation structures nor the installation of protective devices under separate major contracts.

d. Physical construction phase—which means the actual construction of the highway itself with its appurtenant facilities. It includes any right-of-way clearance or utility and railroad work that is a part of the contract for the physical construction phase instead of a separate phase as described under paragraphs 3a, 3b, and 3c.

4. COORDINATION OF PHASES

The right-of-way clearance, utility, and railroad phases are to be coordinated with the physical construction phase that no unnecessary delay or cost to this last phase will occur. To accomplish this objective it will in general be desirable and in some cases necessary for all or part of each of these three former phases to be performed in advance of beginning the physical construction phase. This may necessitate issuing the authorization to proceed with right-of-way clearance, utility and/or railroad phases separately from and well in advance of authorizing the physical construction phase to proceed.

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*[ED. NOTE: Example copies of Form PR-2 (Revised 2-71) (Federal-Aid Project Agreement) and PR-2A (Revised 10-68) are deleted.]

5. MEANS OF PERFORMING WORK

a. The work involved in the right-of-way clearance phase should be performed in whichever of the following ways or combinations thereof is in the public interest:

(1) By purchasers of the buildings or structures, provided the purchase is made from the highway agency rather than from the property owner.

(2) By State or other public forces.

(3) Under a contract let by the highway agency.

b. The work involved in the utility and railroad phases will ordinarily be performed by forces of the utility company and railroad company, respectively, or under a contract let by such company. Occasionally, however, it may be in the public interest for the highway agency to perform with its own forces or to let a contract for the performance of items of work such as, clearing, grading, trench digging, pipe laying, and construction of drainage structures or of utility tunnels and manholes.

6. AUTHORIZATIONS FOR RIGHT-OF-WAY CLEARANCE, UTILITY AND RAILROAD PHASES

As soon as the highway location and design, and the acquisition of rights-of-way, have advanced sufficiently so that the buildings and structures to be removed, adjusted, or demolished and the utility and railroad facilities to be removed, relocated, or adjusted are definitely established, decision should be made as to how the work involved is to be done. Appropriate arrangements should then be made to see that to the maximum extent practicable and economical, the work is completed before the physical construction phase is ordered to proceed, and any such work to be performed during the physical construction stage is properly coordinated therewith. The division engineer, after approval of the necessity for the proposed work, after review of the eligibility of the proposed work for Federal participation, and after approval of the plans, specifications, cost estimates and performance arrangements, therefore, should immediately issue authorization to proceed with that part of the work without waiting for the physical construction phase to be ready to proceed. Authorizations should be issued separately or in combination, as may be appropriate, for each of the various phases of the work in which there is to be participation.

7. AUTHORIZATION FOR PHYSICAL CONSTRUCTION

Authorization to advertise the physical construction for bids or to proceed with force account construction thereof should normally be issued as soon as, but not until, all of the following conditions have been met:

a. The P.S.&E. therefor have been approved.

b. A statement is received from the State, either separately or combined with the information required by paragraph 7c below, that either all right-of-way clearance, utility and railroad work has been completed or that all necessary arrangements have been made for it to be undertaken and completed as required for proper coordination with the physical construction schedules. Where it is determined that the completion of such work in advance of the highway construction is not feasible or practical due to economy, special operational problems and the like, there shall be appropriate notification provided in the bid proposals identifying the right-of-way clearance, utility, and railroad work which is to be underway concurrently with the highway construction.

c. A statement is received from the State certifying that either:

(1) All necessary rights-of-way, including control of access rights when pertinent, have been acquired including legal and physical possession. Trial or appeal of cases may be pending in court but legal possession has been obtained. There may be some improvements remaining on the right-of-way but all occupants have vacated the lands and improvements and the State has physical possession and the right to remove, salvage or demolish these improvements and enter on all land.

(2) Although all necessary rights-of-way have not been fully acquired, the right to occupy and use all rights-of-way required for the proper execution of the project has been acquired. In addition to pending trial or appeal of pending cases for some parcels full legal possession has not been obtained but right of entry has been obtained, the occupants of all lands and improvements have vacated and the State has physical possession and right to remove salvage or demolish these improvements and enter on all land.

(3) Although practically all necessary rights-of-way or right of occupancy and use have been acquired, a few parcels remain for which such rights have not been acquired, but that negotiations or court actions to acquire such rights and possession for the remaining parcels are in progress and it is fully expected that full physical possession and vacation of these parcels will be obtained including right to remove, salvage or demolish improvements and enter and use all land by the time the construction contract is otherwise ready for award or the force account construction is ready to proceed.

(4) That the circumstances with respect to acquisition of a few parcels warrant proceeding with advertisement for bids or with force account construction on the basis it will be in the public interest to do so in advance of completion of the acquisition of the rights of the said few parcels.

(5) Certification under (3) or (4) above may be resorted to only in very unusual circumstances. This exception should never be allowed to become the rule. When certification (3) or (4) is used, full explanation and reasons therefor must be given including identification of right-of-way parcels where right to physically occupy and use is not obtained. Estimated date for each parcel must be given when physical occupancy and use will be obtained and substantiation that such date is realistic.

d. The certificate and copy of the transcript of public hearings as required by Section 128, Title 23 USC (formerly Section 116(c) of the Federal-Aid Highway Act of 1956) has been received from the State.

e. An affirmative finding of public interest has been made as required by Section 112(b), Title 23 USC (formerly Section 17(a) of the Federal-Aid Highway Act of 1954) in case construction by some method other than contract based on competitive bidding is contemplated.

f. In the case of projects in which Interstate funds authorized by the Federal-Aid Highway Act of 1956 are to participate, the authorization to advertise for bids shall not be issued unless a schedule of minimum wage rates determined by the Department of Labor in accordance with the provisions of Section 113, Title 23 USC (formerly Section 115 of the Federal-Aid Highway Act of 1956) are in effect and will not expire before the end of the period within which it can reasonably be expected that the contract will be awarded.

g. A statement that the steps relative to relocation advisory assistance as outlined in paragraph 9 of PPM 21-4.4 have been taken, or that they are not required.

8. FORM OF AUTHORIZATION

The authorizations to proceed may be by letter to the State highway department or by endorsement on the State's request for such authorization. When appropriate the authorization may be included in the document approving the P.S. & E. The regional and Washington offices are each to be furnished a copy of the authorization.

REX M. WHITTON,
Federal Highway Administrator.

FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, BUREAU OF PUBLIC ROADS, POLICY AND PROCEDURE MEMORANDUM 80-2—APRIL 17, 1967

Right-of-Way Procedures (Program Authorization; Engineering Coordination; Right-of-Way Plans; Titles and Closings)

Par.
1. Programming and Authorization
2. Plans
3. Project Agreements
4. Inspection
5. Title, Deeds and Closings

1. PROGRAMING AND AUTHORIZATION

a. Right-of-way shall be programed in accordance with PPM 21-1(1) and amendments thereto and may be programed separately or in conjunction with some other phase of the work. In the event right-of-way is added to another phase of work previously programed, only those right-of-way costs incurred subsequent to authorization to proceed therewith will be eligible for Federal participation. At the program stage the State shall furnish Public Roads the best possible estimate of the cost of rights-of-way to be acquired. Such estimate shall be made or approved by the right-of-way division of the State highway department and shall constitute a basis for the approval of the program.

b. Either at the time of program approval or subsequently, Public Roads shall issue a letter of authorization to the State to proceed with (1) studies to determine the relative right-of-way costs and other factors pertinent to alternate construction locations including incidentals connected with the acquisition of rights-of-way on a selected construction location, or (2) to actually acquire rights-of-way on a selected construction location including incidentals connected therewith, or (3) for both. In cases (2) or (3) the authorization to proceed with the acquisition of right-of-way is not to be issued until the State has complied with the public hearing requirements and has indicated on maps, or drawings, the proposed general location of the highway, together with the approximate areas or limits of the right-of-way to be acquired, and the estimated cost thereof, and they are found acceptable by Public Roads. In exceptional cases, but after program approval, Public Roads may authorize the State to acquire certain parcels prior to acceptance of the proposed general location for the entire project, when it is found that the certain parcels are within the limits of the conceived proper location, and it is agreed such action is necessary to protect the public interest. The cost of right-of-way actually incorporated into the final location will be eligible for Federal participation.

2. PLANS

Prior to authorization to acquire partial takings, the State shall submit for formal approval by the division engineer a right-of-way plan meeting the requirements of paragraph 4h of PPM 40-3.1. The right-of-way plan shall carry the Federal-aid project number.

3. PROJECT AGREEMENTS

a. The estimate of the cost of right-of-way required by paragraph 1a may be accepted for use in the project agreement. Such agreements may be entered into at any time after the division engineer has accepted the proposed general location of the project and the approximate right-of-way limits therefor, and has authorized the State to incur right-of-way costs.

b. Project agreements covering the acquisition of rights-of-way shall contain a clause providing for the refund of any payments made by the Federal Government in the event that actual construction of a road on such rights-of-way is not undertaken by the close of the seventh fiscal year following the fiscal year in which the agreement is executed. Where a State, before expiration of the 7-year period, has awarded a contract for construction of a section of highway, upon a reasonable portion of the right-of-way covered by the Right-of-Way Project Agreement, and has proceeded with sufficient actual work to give visual evidence thereof at the construction site, which is in contemplation of and evidences the State's good faith, intention and plan to proceed without delay in an orderly manner to complete construction of the highway upon the entire length of right-of-way covered by the Right-of-Way Project Agreement, such action will be considered as complying with the statutory requirements.

4. INSPECTIONS

a. Right-of-way representatives of the State and Public Roads shall make field inspections on a continuing basis of a representative number of complex Interstate, Primary and Urban highway projects at preliminary and final stages of location to assure consideration of significant right-of-way elements involved in the location and design of the projects and to document the project records relative to such right-of-way elements. Desirably such inspections will be made in company with the location and design engineers of the State and Public Roads. Reports covering the results of such inspections shall be included in the project files of Public Roads.

b. The selection of projects on which right-of-way representatives are to make inspections and reviews is left to the judgment of the States and Public Roads division offices. It is advisable that right-of-way representatives and State counsel make inspections and reviews in company with the location and design engineers on those projects involving either change in location of the highway and costly or complex acquisitions of rights-of-way, or changes in the design on a location that is to be retained and which involve costly or complex acquisitions of abutting lands or interests therein. Division engineers shall evaluate all proposed projects, and especially those that involve right-of-way acquisitions including takings of improvements, and determine with their staffs those projects that will not require inspection and review by Public Roads right-of-way representatives. Division engineers are to request the State highway department to make a similar evaluation, and to coordinate reviews by State and Public Roads right-of-way representatives and engineers on those projects mutually selected as warranting such a review. A record shall be made and retained in the files of each division office of those projects for which a determination is made that Public Roads right-of-way representatives need not make inspection and review.

5. TITLE, DEEDS AND CLOSINGS

a. A State highway department may employ outside individuals and firms for abstract or title services, and closing and escrow services if it is not staffed to perform such services. The necessity for the procurement of these services must be indicated in the organization, policy and procedures submitted to Public Roads under paragraph 4a(20) and (21) of PPM 80-1.

b. Where possible all title transfer instruments should be recorded in the land records of the appropriate jurisdiction. If not recordable they should be retained as a part of the State's permanent records.

c. The State highway department shall maintain in its parcel file a closing statement itemizing all charges deducted from the purchase price, dated and certified as true and correct by the closing attorney or other person handling the closing transaction. A copy of the closing statement shall be furnished the property owner, who shall be requested to acknowledge receipt of the amount shown on the statement as due him.

F. C. TURNER,
Director of Public Roads.

FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, POLICY AND PROCEDURE MEMORANDUM 90-1—AUG. 24, 1971

Guidelines For Implementing Section 102 (2)(C) Of The National Environmental Policy Act of 1969, Section 1653(f) of 49 U.S.C., Section 470f of 16 U.S.C., And Section 309 of The Clean Air Act of 1970.

Par.
1. Purpose
2. Authority
3. Definitions
4. Policy
5. Application
6. Procedures

Appendix A—Procedures on Historic Preservation

Appendix B—Example of Design Concurrence Letter

Appendix C—Location Stage Flow Chart

Appendix D—Design Stage Flow Chart

Appendix E—Environmental Statements—Contents and Format

Appendix F—Evaluating Highway Section Environmental Effects

Appendix G—Inter-Agency Review of Draft Environmental Statements

Appendix H—Selections from PPM 20-8, dated January 14, 1969, for use with the National Environmental Policy Act Guidelines

Appendix I—Purchasing Copies of Environmental Statements

1. PURPOSE

To provide guidelines to highway departments and Federal Highway Administration (FHWA) field offices to assure that the human environment is carefully considered and national environmental goals are met when developing federally financed highway improvements.

2. AUTHORITY

a. Section 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91-190) states that all agencies of the Federal Government shall:

"include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible officials on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by Section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes."

b. *Section 1653(f) of 49 U.S.C.,*[1] *Section 138 of 23 U.S.C., and Section 4(f) of the Department of Transportation Act* (all of which are hereafter referred to as "Section 4(f)") permits the Secretary of Transportation to approve a program or project which requires the use of publicly owned land from a park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or land from an historic site of national, State, or local significance as so determined by such officials (hereafter "Section 4(f) land") only if:

(1) there is no feasible and prudent alternative to the use of such land, and

(2) such program includes all possible planning to minimize harm to the Section 4(f) land resulting from such use.

c. Section 470f of 16 U.S.C.[2] provides that the head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such undertaking.

d. Section 309 of the Clean Air Act of 1970 (Public Law 91-604), as amended, provides:

"(a) The Administrator (Environmental Protection Agency) shall review and comment in writing on the environmental impact of any matter relating to duties and responsibilities granted pursuant to this Act or other provisions of the authority of the Administrator, contained in any . . . (2) newly authorized Federal projects for construction and any major Federal agency action (other than a project for construction) to which Section 102(2)(C) of Public Law 91-190 applies. . . . Such written comment shall be made public at the conclusion of any such review."

3. DEFINITIONS (AS USED IN THIS MEMORANDUM)

a. Highway Section—a substantial length of highway between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study. (See paragraph 6).

b. Agency Decision—FHWA approval of the location of a highway improvement. (Subsequent approval of the design; right-of-way acquisition; the plans, specifications, and estimates (PS&E) or authorization to construct a project within the highway section is not, for the purposes of this memorandum, an additional agency decision.)

(1) A determination to prepare and process a supplemental environmental statement would be the basis for a new agency decision for either a highway location or design. (See paragraph 6p).

(2) In accordance with the Secondary Road Plan as permitted by Section 117 of Title 23 U.S.C., the approvals of the location, design, right-of-way acquisition and construction (PS&E) have been delegated to

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[1] Section 1653(f) of 49 U.S.C. is identical to Sections 138 of 23 U.S.C. and 4(f) of the Department of Transportation Act as amended in Section 18 of the "Federal-Aid Highway Act of 1969."

[2] This requirement is also found in Section 106 of the National Historic Preservation Act of 1966.

the appropriate State highway department for highway improvements on the Federal-Aid Secondary System.

c. Environmental Statement—a written statement containing an assessment of the anticipated significant beneficial and detrimental effects which the agency decision may have upon the quality of the human environment for the purposes of:

(1) assuring that careful attention is given to environmental matters,

(2) providing a vehicle for implementing all applicable environmental requirements, and

(3) to insure that the environmental impact is taken into account in the agency decision.

d. Negative Declaration—a written document in support of a determination that, should the proposed highway section improvement be constructed, the anticipated effects upon the human environment will not be significant.

e. Highway Agency (HA)—the agency with the primary responsibility for initiating and carrying forward the planning, design, and construction of the highway. For highway sections financed with Federal-aid highway funds, the HA will normally be the appropriate State highway department. For highway sections financed with other funds, such as Forest highways, Park roads, etc., the HA will be the appropriate Federal or State highway agency.

f. Human Environment—the aggregate of all external conditions and influences (aesthetic, ecological, biological, cultural, social, economic, historical, etc.) that affect the life of a human.

4. POLICY

It is a national policy that all Federal agencies promote efforts for improving the relationship between man and his environment and to make special effort for preserving the natural beauty of the countryside and public park and recreational lands, wildlife and waterfowl refuges, and historic sites. It is also national policy that Federal agencies consult with other appropriate Federal, State, and local agencies; assess in detail the potential environmental impact in order that adverse effects are avoided and environmental quality is restored or enhanced, to the fullest extent practicable, and utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decisionmaking which may have an impact on man's environment. The environmental assessments include the broad range of both beneficial and detrimental effects.

5. APPLICATION

a. An environmental statement or combined environmental/Section 4(f) statement or negative declaration, whichever is appropriate, shall be prepared and processed in accordance with this memorandum for each highway section proposed for construction with funds administered by the Federal Highway Administration, including in appropriate cases any section financed from funds transferred to the Federal Highway Administration from other agencies, which receives or received design approval (see paragraph 5e) on or after February 1, 1971.

b. An environmental statement or combined environmental/Section 4(f) statement, whichever is appropriate, shall be prepared and processed in accordance with this memorandum for each highway section which received design approval on or after January 1, 1970, and before February 1, 1971, and which constitutes a major action significantly affecting the environment (see Appendix F, paragraphs 2 and 3) if, in the judgment of the FHWA division engineer, implementation of the National Environmental Policy Act to the fullest extent possible requires preparation and processing of an environmental statement. In making his judgment the FHWA division engineer should consider, in addition to the written reassessment prepared by the HA (see paragraph 5c) for each such highway section, the status of the design; right-of-way acquisition including demolition of improvements within the right-of-way; number of families already rehoused and those yet to be rehoused; construction scheduling; benefits to accrue from the proposed highway improvement; significant impacts; and measures to minimize any adverse impacts of the highway.

c. Highway sections which received design approval on or after January 1, 1970, and before February 1, 1971, that are classed as a major action are to be reassessed by the HA in consultation with the FHWA division engineer or his representative. The written reassessment should consider if the highway reassessment should consider if the highway plans were developed in such a manner as to minimize adverse environmental consequences.

d. A highway section involving an historic site included in the National Register of Historic Places shall be coordinated with the State Liaison Officer for Historic Preservation and representatives of the Office of Archeology and Preservation of the National Park Service, Department of the Interior, as set forth in Appendix A. The provisions of Section 470f, 16 U.S.C., should be satisfied before submitting the final environment/Section 4(f) statement to the FHWA (see paragraph 2c).

e. Design approval may be regarded as having been obtained prior to February 1, 1971, if any one of the following conditions is satisfied.

(1) Prior to the issuance of revised PPM 20-8 dated January 14, 1969, procedures of the FHWA (then the Bureau of Public Roads) did not require a HA to receive a formally documented FHWA design approval before undertaking right-of-way acquisition and/or preparation of the plans, specifications and estimate (PS&E). Therefore, design approval was that action or series of actions by which the FHWA indicated to the HA that the essential elements of the highway as set out in paragraph 10 of PPM 20-8 were satisfactory or acceptable for preparation of the PS&E. Such actions may have consisted of review and comments upon preliminary plans, schematic drawings, design studies, layouts or reports or unconditional approval to acquire all the right-of-way for a project. The HA shall identify those projects (both Federal-aid and non-Federal-aid) in the above category which it anticipates Federal-aid funds will be requested for a subsequent stage and furnish the FHWA division engineer for his concurrence a letter similar to Appendix B of this memorandum citing the document(s) or action(s) which it believes are equivalent to design approval. The FHWA division engineer's concurrence in the HA's determination will serve as verification that the previous actions or approvals were in effect design approval.

(2) Written approval by the FHWA of the design submitted in accordance with paragraph 10 of PPM 20-8 dated January 14, 1969.

(3) Similar type evidence that an official of the State highway department approved the design prior to February 1, 1971, for projects administered under an approved Secondary Road Plan. Such evidence need not be submitted to the FHWA division engineer for concurrence but shall be available in the State highway department's files.

f. A single environmental statement, or negative declaration, is applicable to jointly planned undertakings between the FHWA and other Federal agencies. The lead agency will be responsible for the appropriate document (i.e. the HA for a proposed highway section that also requires a U.S. Coast Guard action for bridge clearance over navigable water). Highway section proposals submitted for an FHWA approval shall include a copy of the statement prepared and processed by another Federal agency or reference to such a statement previously furnished to FHWA. A highway section in this category will generally be of the nature where there is no actual transfer of funds to the FHWA and the FHWA acts only in the capacity of a review agency or consultant advisor to the other Federal agency.

g. An environmental statement shall not be required in connection with any highway section that is urgently needed because of a national emergency, a disaster, a catastrophic failure, or similar great urgency. The HA may request and the FHWA may exempt such urgently needed highway sections from the environmental statement requirement after consultation with the Office of the Secretary of Transportation and the Council on Environmental Quality.

6. PROCEDURES (SEE APPENDIXES C AND D FOR A FLOW CHART)

The highway section included in an environmental statement should be as long as practicable to permit consideration of environmental matters on a broad scope. Piecemealing proposed highway improvements in separate environmental statements should be avoided. If possible, the highway section should be of substantial length that would normally be included in a multi-year highway improvement program.

a. A proposal to develop or improve a highway section should be coordinated in the early stages with appropriate local, State, and Federal agencies (paragraph 5a of PPM 20-8 and paragraph 4 of IM 50-1-70). Initiation of coordination at the beginning of the location study will assist in identifying natural and cultural areas of significance, agency and public concerns and help in determining the need for and preparation of an environmental statement. Existing coordination mechanisms, such as above cited (public hearings, Office of Management and Budget Circular No. A-95 reviews) and other established procedures for coordination should be used to the greatest extent practicable. The information obtained through coordination and the highway studies (technical, engineering, social, economic, and environmental, as appropriate) should also be used in evaluating the potential environmental impact (both beneficial and detrimental) of the highway section proposal.

(1) The environmental statement and/or Section 4(f) statement may be a part of the study report for the highway location, if desired; however, if included in the study report, the statements are to be consolidated in one place in the report and in a form that can be reproduced separate from the report.

b. Draft environmental statements, when required (see paragraph 5), including Section 4(f) information, shall be prepared by the HA (see Appendix E for contents and format) and circulated for comment during the location study. The environmental statement should be prepared utilizing a systematic, interdisciplinary, approach which will assure that environmental impacts are described in detail. A representative of the FHWA division office shall indicate that the draft statement has been cleared for circulation and comment by signing and dating the draft statement. An environmental statement is required only for those sections which the HA and division engineer determine that construction and operation of the highway section will have a significant impact upon the environment. Appendix F lists guidelines to assist in determining significant impacts associated with the construction and operation of a highway. In addition, the HA may wish to consult other local, State, and Federal agencies with specific impact expertise when determining the significance of an impact.

c. The draft environmental statement, including necessary Section 4(f) information when required, is to be circulated by the HA to the appropriate agencies (see Appendix G) for comment, and made available to the public not later than the first required notice of location public hearing (30 to 40 days before date of hearing) or notice of opportunity for a public hearing as set out in PPM 20-8 (see Appendix H). The comments as received from other agencies are to be made available at either the FHWA Division or HA office for public review and copying. If the highway section qualified for exemption from public hearings procedures (PPM 20-8) and a public hearing is not afforded a draft environmental statement if required (including necessary Section 4(f) information) is to be prepared and circulated for comment, and made available to the public as early as practicable. The HA shall request a determination of significance from the Section 4(f) lands agency and include the letter requesting such determination and the determination, if received, as exhibits to the draft statement. An additional location or design public hearing will not be required for the sole purpose of presenting and receiving comments on the draft environmental statement for those projects which were processed in accordance with procedures in affect at the time.

d. The HA shall furnish 17 copies of each draft environmental statement to the FHWA division engineer who shall distribute 16 copies to the following recipients:

FHWA Regional Office, 1.

FHWA (to the Office of Environmental Policy, EV-1), 2.

DOT's Office of Environment and Urban Systems (TEU), 3.

Council on Environmental Quality (CEQ), 10.

(722 Jackson Place, NW., Washington, D.C. 20006).

NOTE: The HA is to make distribution to all other required local, State, and Federal agencies (see Appendix G).

e. The HA shall announce the availability of and briefly explain the draft environmental statement or negative declaration in its presentation at the location public hearing (or at the highway design hearing when a draft statement is prepared and circulated in conjunction with design studies).

f. The HA may establish a date not less than 30 days from the date of transmittal, plus a normal time for mail to reach and be returned from the recipient, for return of the comments, except 45 days plus mailing time shall be allowed for the Environmental Protection Agency (EPA) to comment. The FHWA should include a similar time period (30 days plus mailing) for return of comments from FHWA Office of Environmental Policy (EV-1), DOT's Office of Environment and Urban Systems (TEU), and the Council on Environmental Quality (CEQ). If an agency does not respond by the indicated date, the HA may assume the agency had no comments. The HA should endeavor to grant requests for a time extension of up to 15 days for return of comments unless a 45 day review period, plus mailing time, was originally established.

g. Draft environmental statements shall be available for review by the public at the HA headquarters; the State, regional, and metropolitan clearinghouses; the FHWA division, regional, and headquarters offices; and at the appropriate public hearings. The HA and FHWA may charge non-governmental individuals and organizations for copies of environmental statements in accordance with established fee schedules.

(1) The public and private organizations may also order copies of draft and final environmental statements from the National Technical Information Service, U.S. Department of Commerce (See Appendix I).

h. Similar procedures apply to highway sections which have received location approval but did not have design approval before February 1, 1971. In such instances the environmental statement, combination environmental/Section 4(f) statement or negative declaration shall be prepared and processed during the design studies. The final environmental statement or negative declaration for such highway sections shall be furnished to FHWA before or with the request for design approval. If the design public hearing was held prior to the issuance of this memorandum, an additional design public hearing will not be required for the sole purpose of presenting and receiving comments on the draft statement. All other requirements for circulation for comment and availability to the public will apply.

i. The HA shall prepare a final environmental statement or combined environmental/Section 4(f) statement for each project for which it prepared and circulated a draft environmental statement following the format in Appendix E. The final statement shall include a copy of all comments received and reflect the HA's consideration and disposition of the environmental comments at the public hearing and comments received on the draft statement.

j. FHWA review and acceptance of the final environmental statement shall be the responsibility of the Regional Federal Highway Administrator. The Regional Federal Highway Administrator shall indicate his acceptance by signature thereon, and forward 15 signed copies of the final statement as follows:

FHWA (to the Office of Environmental Policy, EV-1), 15.

A copy of a signed statement may also be returned to the originating office. The HA and FHWA may, upon request of an individual or organization, make a copy of the statement as signed by the Regional Federal Highway Administrator available, but such document should be marked "NOT Official—Subject to Approval by U.S. Department of Transportation."

k. FHWA's Office of Environmental Policy shall be responsible for:

(1) submitting the necessary copies of the final statement to TEU for concurrence,

(2) informing the Regional Federal Highway Administrator of such concurrence (at which time the final statement may be considered to be an officially approved U.S. DOT statement), and

(3) informing the Regional Federal Highway Administrator when CEQ is furnished copies of the final statement.

l. The Regional Federal Highway Administrator shall be responsible for:

(1) assuring that a copy of the final statement as sent to CEQ is furnished (by the HA when appropriate) for public inspection at the HA headquarters; the appropriate State, regional, and metropolitan clearinghouses; and the FHWA division and regional offices following TEU's approval or assumed concurrence, and

(2) assuring that the following time limitations have expired prior to FHWA's approval of the location (or design if the location was previously approved).

(a) Ninety (90) days have expired since the draft environmental statement was circulated for comment sent to CEQ (postmarked), and made available to the public as described in 6g.

(b) Thirty (30) days have expired since the final environmental statement was made available to both CEQ and the public. This time period may run concurrently with the ninety (90) day period.

m. Negative declarations shall be prepared by the HA when the anticipated impact of construction and operation of a highway section is determined to be not significant (not of major importance). Appendix F outlines several types of highway section improvements which may warrant a negative declaration; however, each highway section should be evaluated to determine whether its impact is significant. The time of preparation outlined previously for environmental statements also apply to negative declarations. Their purpose is to include in the written record evidence that the highway section was evaluated and a determination made that it would have no significant effect upon the quality of human environment. They should be based on the information developed during the highway study and coordination with local, State, and Federal agencies.

n. A negative declaration need not be circulated for comment, but its availability should be included in the notice of the public hearing or opportunity for public hearing. The FHWA division engineer shall concur in the negative declaration before he approves the location or design, whichever is appropriate.

o. The HA and FHWA may, based upon comments at the public hearing, rescind a negative declaration and prepare and process an environmental statement if in their judgment significant impacts have been identified which were not previously considered. It would not be necessary in such instances to hold additional public hearings for the purpose of presenting the draft environmental statement.

p. The HA shall include reference to the previous environmental statement, negative declaration, or design approval exemption, if applicable, when requesting design approval, authorization for right-of-way acquisition, approval of PS&E, and construction authorization.

(1) A new environmental statement, or a supplemental statement will be necessary for a highway section when the proposal being processed introduces a new or changed environmental effect of significance to the quality of environment. The FHWA may also request an environmental statement for a highway section which received design approval before February 1, 1971, when in its judgment changes in the highway subsequent to the reassessment (see paragraph 5c) introduce significantly different impacts on the environment.

(2) A supplemental statement is to be processed in the same manner as a new environmental statement. Where the need for a supplemental statement results from the use of Section 4(f) land only, a Section 4(f) statement may be prepared in lieu of a supplemental environmental statement and coordinated with the Departments of the Interior and Housing and Urban Development by the HA. The coordinated Section 4(f) statement, with comments and suggestions and the HA disposition of same, shall be furnished to the FHWA for appropriate processing.

q. In accordance with the Secondary Road Plan, as permitted by Section 117 of Title 23, U.S.C., State highway departments operating under an approved Secondary Road Plan have the responsibility for reviewing and approving the location and design of Federal-aid secondary improvements. However, the FHWA division engineer is to concur in negative declarations, where applicable. Environmental statements are to be prepared and processed in accordance with the provisions of this memorandum.

F. C. TURNER,
Federal Highway Administrator.

PROCEDURES FOR HISTORIC PRESERVATION

1. The provisions of 16 U.S.C. 470(f) require that all proposed highway sections that are federally assisted be developed with consideration to effected districts, sites, buildings, structures, or objects that are included in the National Register for Historic Preservation. This authority derives from Section 106 of the National Historic Preservation Act. Procedures for compliance have been implemented by the Advisory Council on

Historic Preservation, and the National Park Service, Department of the Interior, as follows:

a. At the earliest stage of planning or consideration of any undertakings carried out, licensed, or financially assisted by the Federal Government, an agency should follow these steps:

(1) Consult the National Register of Historic Places to determine if a National Register property is involved in the undertaking. The National Register is maintained by the Office of Archeology and Historic Preservation, National Park Service, and monthly addenda are published in the Federal Register.

(2) Apply the "Criteria for Effect." If there is no effect, the undertaking may proceed.

(a) Criteria for Effect

1 A federally financed or licensed undertaking shall be considered to have an effect on a National Register listing (districts, sites, buildings, structures, and objects, including their settings) when any condition of the undertaking creates a change in the quality of the historical, architectural, archeological, or cultural character that qualified the property under the National Register criteria for listing in the National Register.

2 Generally, adverse effect occurs under conditions which include but are not limited to:

a Destruction or alteration of all or part of a property;

b Isolation from or alteration of its surrounding environment;

c Introduction of visual, audible, or atmospheric elements that are out of character with the property and its setting (i.e. introduction of a new highway or a higher type functional highway, such as a freeway for an arterial, into the environment of a historic site).

(3) If there is an effect, regional, or State officials of the agency[1] in consultation with the State Liaison Officer and a representative of the Office of Archeology and Historic Preservation shall:

(a) Determine if the effect is adverse—if not, the undertaking may proceed;

(b) Upon finding an adverse effect, select and agree upon a prudent and feasible alternative to remove the adverse effect, in which case the undertaking may proceed;

(c) Failing to find and agree upon an alternative, recommended all possible planning to minimize the adverse effect and delay further processing of the undertaking pending the receipt of comments from the Advisory Council.

(4) Provide written notice affording the Advisory Council an opportunity to comment upon doubtful or unresolved situations of adverse effect and upon request submit a report of the undertaking.

2. The procedures call for applying the "Criteria for Effect" to determine whether a proposed highway section will have an effect on an historic place. This determination of effect should be made by the HA in consultation with the division engineer and the State Liaison Office.[2] The State Liaison Officer should act as liaison between the HA and the Office of Archeology and Preservation of the National Park Service when this is necessary. If there is documented agreement that a project will not have an effect on the National Register Historic Site, no further review is required under the National Historic Preservation Act. However, if the highway section uses land from a historic site, a Section 4(f) review will be required.

3. If there is a finding of adverse effect, the proposed highway section is to be processed in accordance with these procedures and the Office of Environmental Policy should be notified and kept informed of further developments. If it becomes necessary to provide a written notice affording the Advisory Council on Historic Preservation an opportunity to comment in doubtful or unresolved situations of adverse effect, the Office of Environmental Policy will act as the coordinating element for the Federal Highway Administration.

[Ed. Note: Appendices B–D are omitted.]

ENVIRONMENTAL STATEMENTS—CONTENTS AND FORMAT

1. Environmental statements and combination environmental/Section 4(f) statements (draft and final) shall have a title page similar to the examples attached to this Appendix.

2. The following sections, as a minimum, are to be covered in environmental statements:

a. A description of the proposed highway improvement and its surroundings. The description should include the following type information: type of facility; length; termini; basic traffic data, including trips for the design year and anticipated new trips generated two years after completion of the highway section; right-of-way (including existing ROW); lengths on existing and new location; major design features such as number of lanes, access control, location of bridges and interchanges, etc.; a general description of the surrounding terrain, existing land use and proposed land use (a map preferable), and other existing environmental features; existing highway facilities including their deficiencies; the need for the proposal; the benefits to the State, region, and community; an estimate of when the proposal will be constructed; and the current status of the proposal with a brief historical resume. Inventory of economic factors such as employment, taxes, property values, etc., should be included as appropriate. The description should also include any involvement with Section 4(f) land (Paragraph 3 of this Appendix). A vicinity map(s) shall be furnished which will show the proposed highway section and its relationship to surrounding natural and cultural features such as towns, lakes, streams, mountains, historic sites, landmarks, institutions, developed areas, principal roads and highways and similar features that are pertinent to a highway study. Detailed maps, sketches, pictures, and other visual exhibits should be used to show specific environmental involvements as necessary. Maps and layouts of the proposed highway/Section 4(f) land involvement should be sufficiently detailed to give a layman reviewer a reasonable understanding of the highway impact and proposed measures to minimize harm.

b. The probable impact of the proposed development or improvement. The evaluation and discussion should specifically emphasize significant beneficial and detrimental environmental consequences upon the State or region or community, as appropriate, of building a new highway into or through an area, or modernizing the existing highway by upgrading and/or relocation.

(1) This section, for instance, would discuss and evaluate the broad impacts on the area or region such as the problems relating to anticipated increase in urbanization or the probable impact of displacing people (if these are significant elements of the highway proposal). Efforts to minimize impact should also be discussed in broad items. For example, measures necessary to insure proper rehousing should be discussed rather than evaluating specific number of people displaced by different alternatives and other differences of the alternatives. The significant environmental impacts of alternative locations and, as appropriate, designs, include a "do nothing" alternative is a proper subject for discussion under "Alternatives" paragraph 2d of this Appendix.

(2) Impacts upon the narrow band (i.e., about 1000 feet) adjacent to the highway may be included when significant to the whole of the region or community. However, the discussions under this section should address the probable significant impacts of the highway proposal (as opposed to individual alternative locations or designs) which might include the probable impact upon such elements, factors, and features listed in paragraph 3 of Appendix F.

c. Any probable adverse environmental effects which cannot be avoided should the proposal be implemented such as water or air pollution, effect upon Section 4(f) land, damage to life systems, urban congestion, threats to health or other consequences adverse to the environment identified under paragraph 2b of this Appendix. Adverse effects should include those which cannot be reduced in severity and those which can be reduced (but not eliminated) to an acceptable level unless the reduction is a result of a different location in which case it should be included in the discussion of alternatives (paragraph 2d of this Appendix).

d. Alternatives: The locations and/or designs studied in detail by the HA are to be described (narratively and with maps and other visual aids, as necessary) and the probable beneficial and/or adverse effects of each alternate (including a do-nothing alternative) identified to the extent practicable consistent with the scale of the proposed highway improvement and significance of the impact. The exploration of alternatives should include an objective evaluation and analysis of estimated costs (social and transportation), engineering factors, transportation requirements, and environmental consequences. The description of alternatives will include information, as appropriate, similar to that suggested in Section A of this Appendix. The discussion of environmental impacts will include more detailed impacts for each alternative than the broad environmental consequences for the corridor identified in paragraphs 2b and 2c of this Appendix. The draft environmental statement should indicate that all alternatives are under consideration and that a specific alternative will be selected by the HA following the public hearing. The final environmental statement will be prepared for the selected alternative. Unless the final statement is included in the location study report (design report when prepared and circulated during design study), the final statement should include a brief discussion of the data supporting the selected alternative. This section should also include a discussion of alternatives to the use of Section 4(f) lands.

e. The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity. The short-term uses should be evaluated (construction, changes in traffic patterns, the taking of natural features such as trees, etc., and man-made features such as homes, churches, etc.) as compared to the long-term effects (foreseen changes in land use resulting from the highway improvement or other similarly related items that may either limit or expand land use, affect water, air, wildlife, etc., and other environmental factors).

f. Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. Highways require use of natural resources such as forest or agricultural land, however, these are generally not in sufficient quantity to be significant. The improved access and transportation afforded by a highway may generate other related actions that could reach major proportion and which would be difficult to rescind. An example would be a highway improvement which provides access to a nonaccessible area, acting as a catalyst for industrial, commercial, or residential development of the area.

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[1] When the agency has no regional or State officials, the Office of Archeology and Historic Preservation will perform this service.

[2] State Liaison Officers are appointed by the Governors to be responsible for State activities under the National Historic Preservation Act.

g. Where unavoidable adverse environmental effects are encountered, planning and measures taken and proposed to minimize harm should be identified. These include procedural and standard measures which are required by standard specifications or standard operating procedures such as erosion control, stream pollution prevention, borrow pit screening or rehabilitation, fencing, relocation of people and businesses, land acquisition procedures, joint development, etc. Measures unique to a specific project should be discussed in detail. Examples of such would be depressing an urban highway to minimize audio and visual effects, providing buffer zones for esthetic purposes, replacement of parklands, etc.

h. Final statements shall incorporate all comments received on the draft (including environmental comments contained in the public hearing transcript) along with a discussion of the comments and suggestions. The HA shall describe its disposition of the comments and suggestions (e.g., revisions to the proposed development or improvement to overcome anticipated problems or objections; reasons why specific comments and suggestions could not be accepted; factors of overriding importance prohibiting the incorporation of suggestions, etc.). This section may be added at the end of the review process in the final text of the environmental statement.

i. Measures to minimize harm to Section 4(f) lands should be included under a separate paragraph even though discussed elsewhere in the final statement.

j. Each copy of draft and final environmental statements should be accompanied by a summary sheet prescribed as attached to this Appendix.

3. The following information, when pertinent and available, should be included in the combination environmental/Section 4(f) statements. (See paragraphs 2a, 2c, 2d, and 2i of this Appendix.) To the extent practicable, this information should be included in the draft to initiate the necessary interagency review.

a. The description of the project (see paragraph 2a of this Appendix) shall include information about the Section 4(f) land in sufficient detail to permit those not acquainted with the project to have an understanding of the relationship the highway and park and the extent of the impact, such as:

(1) Size (acres or square feet) and location (maps or other exhibits such as photographs, slides, sketches, etc., as appropriate).

(2) Type (recreation, historic, etc.)

(3) Available activities (fishing, swimming, golf, etc.).

(4) Facilities existing and planned (description and location of ball diamonds, tennis courts, etc.).

(5) Usage (approximate number of users for each activity if such figures are available).

(6) Patronage (local, regional, and national).

(7) Relationship to other similarly used lands in the vicinity.

(8) Access (both pedestrian and vehicular).

(9) Ownership (city, county, State, etc.)

(10) If applicable, deed restrictions or reversionary clauses.

(11) The determination of significance by the Federal, State, or local officials having jurisdiction of the Section 4(f) land.

(12) Unusual characteristics of the Section 4(f) land (flooding problems, terrain conditions, or other features that either reduce or enhance the value of portions of the area).

(13) Consistency of location, type of activity, and use of the Section 4(f) land with community goals, objectives, and land use planning.

(14) If applicable, prior use of State or Federal funds for acquisition or development of the Section 4(f) land.

b. A description of the manner in which the highway will affect the Section 4(f) land (include within paragraph 2c of this Appendix) such as:

(1) The location and amount of land (acres or square feet) to be used by the highway.

(2) A detailed map or drawing of sufficient scale to discern the essential elements of the highway/Section 4(f) land involvement.

(3) The facilities affected.

(4) The probable increase or decrease in physical effects on the Section 4(f) land users (noise, fumes, etc.).

(5) The effect upon pedestrian and vehicular access to the Section 4(f) land.

c. A specific statement (with supporting reasons) that there is no feasible and prudent alternatives. (Include in discussion of alternative paragraph 2d of this Appendix.)

d. Information to demonstrate that all possible planning to minimize harm is or will be included in the highway proposal. (See paragraph 2i of this Appendix.) Such information should include:

(1) The agency responsible for furnishing the highway right-of-way.

(2) Provisions for compensating or replacing the Section 4(f) land and improvements thereon, including the status of any agreements. (Include agreed upon compensation, replacement acreages, and type land, etc., when known.)

(3) Highway design features developed to enhance the Section 4(f) land or to lessen or eliminate adverse effects (improving or restoring existing pedestrian or vehicular access, landscaping, esthetic treatment, etc.).

(4) Coordination of highway construction to permit orderly transition and continual usage of Section 4(f) land facilities (new facilities constructed and available for use prior to demolishing existing facilities, moving of facilities during off-season, etc.).

e. Evidence that the provisions of Section 470(f) of 16 U.S.C. (Section 106 of the Historic Preservation Act of 1966) have been satisfied when National Register Properties are involved.

EVALUATING HIGHWAY SECTION ENVIRONMENTAL EFFECTS

1. Draft and final environmental statements should be prepared and processed in accordance with the procedures required by this memorandum for all highway sections falling under one or more of the following three categories:

a. Highway sections where organized opposition has occurred or is anticipated to occur.

b. Highway sections significantly affecting historic or conservation lands (public or private) independent or whether they are Section 4(f) cases.

c. Highway sections which are classed as major actions and are also likely to significantly affect the quality of the human environment. This category requires a two-step analysis. First, it must be determined if the proposed highway section is a major action (paragraph 2 of this Appendix); secondly, the significance of the effects upon the human environment must be determined (paragraph 3 of this Appendix).

2. The following should be used to determine whether a proposal to construct or improve a highway section is a major action.

a. Highway sections entirely or generally on new location.

b. Major up-grading of an existing highway section resulting in a functional characteristic change (e.g., a local road becoming an arterial highway). Such changes usually result by adding lanes, interchanges, access control, medians, etc., and require extensive right-of-way acquisition and construction (grading, base, paving, bridges, etc.) which have the potential of significantly affecting the human environment.

3. Any of the following highway sections should ordinarily be considered as significantly affecting the quality of the human environment.

a. A highway section that is likely to have a significantly adverse impact on natural, ecological, cultural, or scenic resources of national, State or local significance.

b. A highway section that is likely to be highly controversial regarding relocation housing resources.

c. A highway section that divides or disrupts an established community or disrupts orderly, planned development or is inconsistent with plans or goals that have been adopted by the community in which the project is located or causes increased congestion.

d. A highway section which involves inconsistency with any national standard relating to the environment; has a significantly detrimental impact on air or water quality or on ambient noise levels for adjoining areas; involves a possibility of contamination of a public water supply system; or affects ground water, flooding, erosion or sedimentation.

The comments, suggestions and information obtained during the highway studies, including the coordination and evaluation required by paragraphs 5a and 4c of PPM 20-8 will in most instances supply the information necessary to make the determination required above.

4. Negative declarations shall be prepared for all highway sections which are not major actions and for highway sections, even though classed as major actions, where it is determined there is no significant effect upon the quality of human environment as a result of the study and early coordination. Highway improvements of the following types are not likely to have significant impacts upon the environment:

a. Signing, marking signalization and railroad protective devices.

b. Acquisition of scenic easements.

c. Modernization of an existing highway by resurfacing; less than lane width widening; adding shoulders; auxiliary lanes for localized purposes (weaving, climbing, speed-changing, etc.)

d. Correcting substandard curves,

e. Reconstruction of existing stream crossings where stream channels are not affected.

f. Reconstruction of existing highway/highway or highway/railroad separations,

g. Reconstruction of existing intersections including channelization,

h. Reconstruction of existing roadbed (existing curb to curb for urban cross sections), including minor widening, shoulders and additional right-of-way,

i. Rural two-lane highways on new or existing location which are found to be generally and local, State, and Federal officials.

[ED. NOTE: Appendices G–I are omitted.]

FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, BUREAU OF PUBLIC ROADS, INSTRUCTIONAL MEMORANDUM 20-1-69—APR. 8, 1969

Interim Criteria Promulgated Under Paragraph 10e, PPM 20-8,

Public Hearings and Location Approval, Relating to Right-of-Way Acquisition

Paragraph 10e of PPM 20-8, dated January 14, 1969, provides that the division engineer may authorize the acquisition of right-of-way before a design hearing under criteria to be promulgated by the Federal Highway Administrator.

The criteria to be followed are as follows:

1. *Full Takings.* Approvals of full takes may be authorized by the division engineer subsequent to the holding of the corridor hearing and his approval of a final location. Such approval location should be positively fixed to the degree that there is assurance that the entire parcel will be required for the highway right-of-way and the takings are necessary to provide orderly and humane relocation of displacees under the provisions of Section 30, Title 23, U.S.C.

2. *Partial Takes.* Partial takings may not be made prior to the design hearing except under the conditions described in the following paragraph.

3. *Protective Buying.* Whole and partial takings may be made subsequent to the corridor hearing and approval of the location by the division engineer in those instances where it is demonstrated to the satisfaction of the division engineer that such action is necessary in the public interest to (a) forestall proposed commercial and residential development which would utilize the proposed highway right-of-way or adversely affect the highway design or (b) result in a substantial dollar savings in the cost of right-of-way acquisition over that which would have been incurred had the right-of-way been acquired at a later date.

4. *Hardship Cases.* Whole takes may be made following the corridor public hearing and the division engineer's approval of the highway location where it is demonstrated that the property owner would suffer undue hardship if acquisition were deferred until after the design public hearing.

F. C. Turner,
Federal Highway Administrator.

Federal Highway Administration, U.S. Department of Transportation, Bureau of Public Roads, Instructional Memorandum 20-1-69(1)—May 27, 1969

Interim Criteria Promulgated under Paragraph 10e, PPM 20-8, Public Hearings and Location Approval, Relating to Utility Relocations

This supplements the provisions of IM 20-1-69 dated April 8, 1969, as follows:

The division engineer may authorize the relocation or adjustment of utility facilities before a design hearing under the following conditions:

(1) Where the utility facilities to be adjusted or relocated occupy, in part or in whole, any rights-of-way authorized pursuant to IM 20-1-69, dated April 8, 1969, and

(2) Any relocation or adjustment of facilities under the provisions of paragraph 3d of PPM 30-4 dated February 14, 1969.

F. C. Turner,
Federal Highway Administrator.

Federal Highway Administration, U.S. Department of Transportation, Bureau of Public Roads, Instructional Memorandum 20-1-69(2)—June 11, 1969

Interim Criteria Promulgated under Paragraph 10e, PPM 20-8, Public Hearings and Location Approval, Relating to Right-of-Way Acquisition

Numbered paragraphs 2 and 4 of IM 20-1-69 are revised to read as follows:

2. *Partial Takes.* Partial takings may not be made prior to the design hearing except under the conditions described in the following paragraphs.

4. *Hardship Cases.* Whole or partial takes may be made following the corridor public hearing and the division engineer's approval of the highway location where it is demonstrated that the property owner would suffer undue hardship if acquisition were deferred until after the design public hearing.

F. C. Turner,
Federal Highway Administrator.

POSTAL SERVICE

HON. ELWOOD HILLIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. HILLIS. Mr. Speaker, in 1968, the President's Commission on Postal Reorganization found that—

> The postal system as presently organized (is not) capable of meeting the demands of our growing economy and our expanding population.

The Commission attributed a major share of the blame for the postal crisis to "decades of low priorities assigned to modernization and management needs" and to "years of lagging productivity."

I myself have long been concerned about the quality of mail service, and what the Postal Service intends to do to meet the challenges that it is faced with. This concern has heightened since my appointment to the House Committee on Post Office and Civil Service.

It was my duty on May 19 to inspect the Postal Service's prototype "electronic" post office at Cincinnati. It is in this facility that the Postal Service is striving to overcome the "decades of low priorities assigned to modernization" and to greatly increase productivity through a specially designed letter mail processing system.

The system is built around codes imprinted on letter mail envelopes. The codes are "read" by computers, much as bank computers "read" checks and credit them to the proper account.

Letters are successively sorted, stacked, faced, canceled, and "escorted" to the carrier's delivery case at the rate of 43,300 an hour—per machine.

The speed factor is vital, Mr. Speaker. The Postal Service is currently processing some 250 million pieces of mail a day, and the total is expected to exceed 300 million during this decade. So, obviously, the old-fashioned manual processing methods will no longer do.

Once the prototype at Cincinnati proves itself, the Postal Service will then mechanize some 200 of the largest post offices in the Nation. The cost of the nationwide program is estimated at $3.9 billion, but, I am told, the return on investment will approximate a billion dollars a year.

It should be noted also that the system will relieve individual employees of many repetitive and fatiguing tasks while opening up more rewarding positions in the Nation's post offices.

Let me point out that the United States trails many nations of the world in postal mechanization. For example, mail coding systems date back to the 1940's and are being used in Australia, Denmark, France, South Africa, Germany, England, Canada, and several other countries.

The U.S. Post Office began research on mail coding systems as early as 1956 and, by 1968, prototype models of code keyboards and code sorting machines had been developed. The facility at Cincinnati has been operational since September 1970.

I am delighted to report that a number of major mailers in Cincinnati are cooperating in this experimental program—some are even encoding their own mail as an accommodation to the Postal Service.

OPERATION DRUG ALERT PROGRAM

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. GALIFIANAKIS. Mr. Speaker, today I want to recognize and commend Kiwanis International and the Kiwanis Clubs around the world for the exemplary service they provide to our States and Nation. I wish to draw special attention to this service organization's awareness of current problems as evidenced by their Operation Drug Alert program.

Kiwanis International has recognized the danger to our country, the damage to our citizens, and the waste, brutality, and sorrow wrought by the misuse of drugs throughout our society.

This is a massive problem the Kiwanians have chosen to confront. It involves both physical and mental dependency; it knows no economic, racial, or geographical boundaries, and it is symptomatic of a deeply rooted, badly misshapen approach to seeking pleasure or solving problems. Such things are not easily changed.

But Kiwanis International has, as always, faced up to the challenge of finding solutions to complex problems. This organization has taken a determined stand on the drug problem and has brought to bear the pragmatic idealism and expertise of its members. By tackling this problem they inspire others in their community and Nation to involve themselves.

In February 1969, the Kiwanis International Board of Trustees designated Operation Drug Alert, a program directed toward the prevention of drug abuse, as its major emphasis program for all Kiwanis Clubs in the United States during the 1969-70 year. This program was similarly designated as an emphasis program for the succeeding year—1970-71, and for the current year—1971-72.

The program's main objectives are:

To educate as many people as possible to the nature and consequences of the use, abuse, and misuse of drugs, especially concentrating upon the prerisk group of youth of elementary and junior high age;

To inhibit, reduce, or eliminate drug abuse within the community; and

To safeguard the community against further incidence.

This year's program places special emphasis on prevention and remedial action.

To assist local Kiwanis Clubs in working toward these objectives, Kiwanis International provides each club with a planning manual and other support materials, including booklets, recorded spot announcements, suggested newspaper releases, et cetera.

Reports from 4,709—88 percent—Kiwanis Clubs in the United States and Canada revealed that for 1 year alone, from October 1970 through September 1971, 2,056 of these clubs had played a substantial role in a communitywide program and an additional 913 had carried out projects independently. These clubs had distributed to youth more than 2 million copies of the two drug education booklets available from Kiwanis International and, in addition to that, distributed nearly 4 million copies of drug education materials available from other sources or produced by themselves.

These Kiwanis Clubs had sponsored a total of 12,678 public meetings or forums and 63,574 members had given at least 1 hour of their time to the program.

These clubs had either helped to initiate, assisted financially, or in some other way significantly supported: 685 drop-in centers, 764 hotlines, 164 methadone maintenance programs, 600 halfway houses, and 1,843 other counseling or rehabilitation programs.

These impressive figures do not even include the various other kinds of involvement of Kiwanis Clubs in the program, such as the purchase of books for libraries, billboards, bumper strips, and so forth. Nor do they reflect the substantial contribution made by the Kiwanis-sponsored youth organization, the Key Clubs, and Circle K Clubs, on more than 4,000 high school and college campuses, which had their own drug abuse prevention programs or cooperated with Kiwanis Clubs in theirs.

There are over 100 Kiwanis Clubs in my own home State and according to Dr. Cecil Cooper, district governor of the Carolinas district, and Mr. Carl Hyatt, Jr., secretary-treasurer for the district, 90 percent of the 100 clubs have been actively involved in Operation Drug Alert.

I wish I could site them all individually, but to give you an idea of what they have been doing, I want to mention just two here.

The Kiwanis Club of High Point, N.C., promoted the film "Way Out" which depicts the dangers of drug abuse. There were 3,000 copies of the Kiwanis Club booklet "Deciding About Drugs" and 15,000 copies of the article "But Mom—Everyone Smokes Pot," distributed to schools, shopping centers, and business firms. Under Kiwanis sponsorship, Scott Ross, former New York disc jockey and drug addict, spoke to over 12,000 people at public meetings in the community, and over 250,000 in the television viewing audience heard Mr. Ross on three special taped programs. The club actively participated in the formation of the High Point Drug Task Force, composed of representatives of local schools, churches, parent-teacher, civic, and professional groups.

In Goldsboro, N.C., Operation Drug Alert Day was officially proclaimed by the mayor, and the Kiwanis Club there conducted an intensive drug education program for the entire community. Three separate assemblies were held in local schools for students in grades 6 through 10, and a meeting for the general public was conducted in the evening. Each of the four sessions centered on the appearance of a former drug addict and pusher, backed up by a panel of experts; 3,000 copies of an educational booklet on drugs were distributed to those attending the sessions.

I am heartened and hopeful for our future when I see the energy and ideals of an outstanding organization such as Kiwanis International being put into action. It is through the resourcefulness, drive, and commitment of such organizations and private citizens that we are able to strengthen the present, and build our tomorrows on a sturdier foundation.

I think to get a clear picture of what Kiwanis International is really all about, one has only to look at a few of its stated objectives:

To cooperate in creating and maintaining that sound public opinion and high idealism, which make possible the increase of righteousness, justice, patriotism, and good will;

To develop, by precept and example, a more intelligent, aggressive, and serviceable citizenship; and

To encourage the daily living of the Golden Rule in all human relationships.

I think we all owe a debt of gratitude to these Kiwanians, who give so much of their time and of themselves, and I am proud to commend Kiwanis International for the fine work it is doing. It is a very special honor for me to be a member of the Kiwanis Club in my own hometown of Durham, N.C., and to be a part of this worldwide service organization.

SALT PRIMER

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. HOSMER. Mr. Speaker, under today's date I am issuing a memorandum to the House membership in my capacity as chairman of the Republican Conference Committee on Nuclear Affairs which deals with some of the semantics and some of the substance of the strategic arms limitation talks and such agreement as might flow therefrom. Previously I had asked the press to hold the memorandum for release until Friday, but I have cancelled the hold due to the fact that Congress will not be meeting anymore this week and I wanted to communicate the memorandum to colleagues this week by means of the Appendix of the RECORD. The document, which may prove timely, follows:

MEMORANDUM

From: Rep. Craig Hosmer, Chairman, GOP Task Force on Nuclear Affairs
To: House Membership
Subject: SALT Primer

Superpower: The U.S. or U.S.S.R.

SALT: Strategic Arms Limitation Talks between superpowers, thus SALT Treaty.

Strategic Systems: Defensive: Anti-ballistic Missile (ABM).

Offensive: Bombers, Intercontinental Ballistic Missile (ICBM), Submarine Launched Ballistic Missile (SLBM).

Passive: Civil Defense, hardening.

NCA: National Command Authority—the seat of governmental authority.

NOTE: The existing Moscow ABM system is designed to protect the USSR's NCA, whereas the U.S. Safeguard installation near Omaha is designed to protect elements of the American strategic retaliatory force.

MRV: Multiple Re-entry Vehicle—more than one warhead to an ICBM or SLBM rocket, but with warheads separately pre-targeted and not thereafter guided.

MIRV: Multiple Individually Guided Reentry Vehicle—multiples which can can be individually guided to various targets, take evasive action, etc.

Warhead: The nuclear bomb components of a strategic weapons system.

Throw Weight: The total weight of the warheads, guidance packages and associated payload which a rocket can lift or "throw." The heavier the throw weight, the more megatons an individual ICBM, SLBM or ABM can be assumed to carry.

Strategic Sufficiency: A capability by one superpower to survive the other's surprise first strike nuclear attack with sufficient undamaged strategic power remaining to retaliate with unacceptable damage.

Overkill: Capabilities obviously in excess of sufficiency.

Counter Force Strategic: Targeting of one side's strategic weapons against the other side's strategic forces.

Counter Value Stratgey: Targeting against cities and productive capacity.

Vulnerability: Subject to destruction by surprise attack; i.e., a manned strategic bomber down for repairs at a known airbase is more "vulnerable" than a Poseidon submarine patrolling deep under the high seas.

National Means of Inspection: A capability by one party to a SALT treaty to monitor the other side's adherence by its own means, such as spies, satellites, etc.

Quantitative Limitations: Restrictions imposed by an arms limitation agreement in terms of numbers or quantity.

Qualitative Limitations: Restrictions which have to do with yield, accuracy, number of MIRVs and other qualitative features of an arms control agreement.

NOTE: A treaty written primarily in terms of quantitative limitations could inspire reasonable confidence inasmuch as national means of inspection can be fairly well relied upon to monitor it. Contrast a treaty written in qualitative terms which is not capable of being monitored except by intrusive inspection which is not allowed.

MT: Megaton—explosive power equivalent to one million tons of TNT (KT: one thousand tons equivalent).

Total MT: Aggregate megatonnage of each superpower's strategic arsenal. By this measure the Soviet arsenal exceeds the American arsenal.

Equivalent MT: A measure of destructive capability. The destructive effect of an explosion diminishes by the square of the distance from Point Zero. Therefore a KT yield closer to the target may do more damage than a MT yield further away. Thus, if a power has smaller yield warheads, but has more of them, or can deliver them more accurately, or both, it might pack an equal or greater destructive capability than a power with very large yield warheads. By this measure the U.S. and Soviet arsenals are comparable.

Note (1): Thus a SALT treaty which allows one side more ICBMs than another side may still not be lopsided. The total number of one side's individually guided warheads nested within fewer ICBMs may add up to as many or more equivalent MTs of destruction than the other side's larger number of ICBMs packing fewer individual warheads. Or, the same difference may result from variations in each side's mix of total ICBMs, SLBMs, bombers, varying accuracies, and throw weights, etc., etc.

Note (2): For similar reasons, a SALT treaty which allows one side more Polaris/Poseidon type submarines than the other is not necessarily lopsided.

Note (3): What is omitted from an arms limitation agreement must also be knowledgeably noted when assessing its overall effect, i.e., such things as no limitations on forward based systems or bombers, etc.

Note (4): Additional factors which cannot be ignored in evaluating superpower relative strength include (a) the strategic potentialities of their respective allies—for example, U.S. allies or near allies operate nine Polaris-type submarines and a number of strategic bombers; and, (b) the strategic potentialities of U.S. non-bomber aircraft stationed at overseas bases and aboard ships.

MISCELLANEOUS FACTORS

Forget "strategic superiority"—that went out with the Soviet buildup of the 1960's which could not have been stopped short of starting a pre-emptive war.

Strategic relationships need not be calculated in shorter than five year spans since their size and complexity inhibits rapid change. In this light, the interruption of one side's arming trend has great arms control significance because it actually stops weapons from coming into being. Contrast the situation of permitting the continuance of R&D, which does no more than satisfy one of several conditions, for weapons to be brought into being at some indefinite future time, and thus has considerably less significance.

Within a specified ceiling on strategic systems, the replacement of individual ICBM, SLBM, etc. units by qualitatively improved units can be permitted without immediate cause for alarm since it is unlikely to upset mutual sufficiency as quickly as the opposite side can substitute its own improved replacements. Substitutions tend to be stabilizing since they retain one's confidence in one's own capabilities.

The foregoing has been written at a fast pace without reference to research material. It can be generally depended upon as to concepts, reasonably relied upon as to substance, but accuracy of detail is subject to memory.

You may be hearing lots of "experts" pontificating on SALT in the near future and since most are unlikely in actually to be experts, take it with a grain of salt.

AN HONEST REVIEW OF AMERICAN-SOVIET UNION SUMMIT AGREEMENTS

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. ROUSSELOT. Mr. Speaker, many segments of the news media, the academic community, various business leaders, and others are hailing the potential agreements that are proposed to be achieved at the Moscow summit meeting as major steps toward "world peace" Before the American public is again misled into hoping for more than is possible—or led into a false sense of security by so-called proposed treaties—it is, in my opinion, highly important to review the results—or achievements—that have occurred from past agreements with the Soviet Union. Therefore, I commend to my colleagues, and especially to the news media, a thoughtful study done by the staff for the Senate Judiciary Committee of past summit meeting agreements between U.S. Presidents and Soviet leaders. U.S. News & World Report, in the May 29 issue—page 29—did a brief review of these "accomplished agreements" between our country and Communist dictators. I urge my colleagues to review this record and try to seriously consider whether any agreements coming out of a Moscow meeting are really worth the paper on which they are written. The record follows:

SOVIET RECORD IN 25 SUMMIT AGREEMENTS

(Honored: 1—Broken: 24)

In seven summit meetings between a U.S. President and a Soviet leader, 25 agreements have been reached. The Soviets have violated 24 of those 25 agreements, according to a staff study for the Senate Judiciary Committee. Here is their record:

1943. At Teheran, in a meeting with British Prime Minister Winston Churchill and U. S. President Franklin D. Roosevelt, Joseph Stalin made four major agreements. Russia broke all of them.

1945. At Yalta, in another wartime Big Three meeting, Russia entered into six major agreements, of which five were violated. The only pledge kept was to enter the war against Japan—and that was done only after the outcome was decided.

1945. At Potsdam, where President Harry Truman represented U. S. in a summit meeting after Germany's surrender, Stalin made 14 major agreements. All were broken.

1955. At Geneva, in a Big Four meeting including France, Russia agreed that Germany's reunification problem should be settled by free elections. Moscow later refused to permit such elections.

No hard agreements were reached at the last three summit meetings—in 1959 when President Dwight Eisenhower met with Nikita Khrushchev in Camp David, Md.; in 1961 when President John F. Kennedy met with Krushchev in Vienna, and in 1967, when Premier Alexei Kosygin conferred with President Lyndon B. Johnson in Glassboro, N. J.

The Russians similarly have failed to keep many other international agreements with the U. S. Examples:

In World War II, the Soviets promised Western allies they were seeking no territorial aggrandizement. But Russia by 1948 controlled 11 countries—plus East Germany—and 750 million people.

Russia repeatedly promised the U. S. between 1942 and 1946 that it would guarantee freedom and free elections in Hungary, Bulgaria, Poland, Czechoslovakia and Rumania. All those countries wound up with Communist dictatorships.

The Kremlin pledged to repatriate World War II prisoners, but instead sent millions of them to slave-labor camps.

Russia gave the U. S. a promise that Korea would be free and independent—then set up a Communist government in the northern half of the country and masterminded an attempt to invade and conquer the rest of Korea. That broken promise cost of the lives of 33,629 Americans.

The Soviet Foreign Minister traveled to New York in 1946 and repeated a previous Kremlin promise that the Danube River would be opened to free navigation and trade. Today, the lower Danube, behind the Iron Curtain, is still a controlled Communist waterway.

The Soviet Union promised the U.S. that it would treat Germany as one country after World War II—then sealed off its occupation zone, turned it into a separate country and is now seeking to make Germany's division permanent.

Russia's promise of free travel between Berlin and the West has been broken repeatedly. Outstanding examples of this were the Berlin blockade of 1948–1949 and the 1961 construction of the Berlin Wall.

Russia repeatedly assured the U.S. in 1962 that the arms build-up in Communist Cuba was purely defensive in character—then secretly put in offensive missiles aimed at the U.S. When this action was met by a firm U.S. challenge and naval blockade, Russia promised to remove the missiles.

Faced with Russia's long history of breaking agreements, the U.S. attempted a tacit rather than a formal agreement to halt nuclear testing in 1958. In 1961 the Soviets broke this understanding and resumed testing.

In signing a nonproliferation treaty in 1969, Russia promised to end the nuclear arms race and work toward disarmament. Instead, Russia accelerated its missiles construction, overtook the U.S. and is now challenging in almost every category of nuclear weaponry.

In 1970 Russia approved of a U.S. cease-fire plan in the Middle East, then helped Egypt violate it by moving SA–2 and SA–3 antiaircraft missiles up to the Suez Canal.

Other countries, as well as the U.S., have learned by experience that they could not rely on agreements with the Kremlin. Examples:

In joining the League of Nations in 1934, Russia pledged not to resort to war. In 1939, Russia was expelled from the League for acts of aggression, including the invasion of Poland and Finland—both countries with which Moscow had signed treaties of nonaggression.

In violation of nonaggression pacts, Russia invaded Estonia, Latvia and Lithuania in 1940 and incorporated them into the Soviet Union.

ILLINOIS QUESTIONNAIRE

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. ERLENBORN. Mr. Speaker, a lot of water has been going under the bridge this spring, so that the questions which I sent to my constituents in March have answers which must now be interpreted in a new light. I refer principally to the question about the Vietnam war.

It seems to me that the people of the 14th Congressional District in Illinois are united in their desire to get out of the war, but can't agree which door leads to the exit.

This questionnaire was sent to 80,384 postal patrons, and 7,065 of them were returned. This is a little less than 9 percent, one of the best returns in 2 or 3 years.

The higher returns may be partly explained by the fact that both husbands and wives could make their replies.

(The questionnaire follows:)

QUESTIONNAIRE

A quick summary of the most popular answers:

1. How to get out of Vietnam: 48 per cent said to follow our present course of gradual withdrawal, contingent upon a stable South-Vietnam, able to defend its people; and upon the return of our prisoners of war.

2. The New Economic Policy: Only 13 per cent believe it is working well, the rest being divided between "mediocre" and "unsatisfactory."

3. Amnesty to draft dodgers and deserters: 42 per cent want trials for all who have avoided military service; only 6 per cent want unconditional amnesty.

4. Priorities (that is, where should the federal government spend more? and where less?): The least popular programs are farm subsidies, foreign aid and space exploration. The most popular are crime prevention, medical and drug research, and protection of the environment.

5. Compulsory arbitration of crippling transportation strikes: 83 per cent favor it.

6. The new his-and-hers format: 82 per cent of the men and 86 per cent of the women replying prefer it.

On the War, the questionnaire asked:

Which statement most closely approximates your position on the War in Vietnam?

a. Our present program: Withdrawal by stages, contingent upon a stable South Vietnam, able to defend its people; and upon the return of our prisoners of war. Preferred by 50 per cent of the men, 45 per cent of the women, 48 per cent of the total.

b. A date certain: Agree to withdraw by a specified time, contingent only upon release of our prisoners and the safe departure of our troops. Preferred by 33 per cent of men, 40 per cent of women, 37 per cent of the total.

c. A play for victory: Greater military and naval pressure on North Vietnam. Preferred by 5 per cent of men, 3 per cent of women, 4 per cent of total.

d. Get out: Withdraw unconditionally and stop all help to the government of South Vietnam. Preferred by 11 per cent of men, women and total.

The second question asked: How do you rate the New Economic Policy? That is, has Phase II succeeded in slowing inflation?

a. Good—16 per cent of men, 10 per cent of women, 13 per cent of total.

b. Mediocre—49 per cent of men, 46 per cent of women, 47 per cent of total.

c. Unsatisfactory—35 per cent of men, 44 per cent of women, 40 per cent of total.

Respondents were given a choice of four preferences on amnesty. Which statement most nearly approximates your opinion about amnesty for draft dodgers and deserters?

a. No general amnesty: trials for all who have avoided military service—47 per cent of men, 37 per cent of women, 42 per cent of total.

b. Require the most flagrant violators to stand trial and face possible prison; but amnesty for most who agree to some form of public service for, say, two or three years—26 per cent of men, 29 per cent of women, 28 per cent of total.

c. Amnesty for all who agree to some type of military or civilian service for a specified period of time—21 per cent of men, 27 per cent of women, 24 per cent of total.

d. Unconditional amnesty and pardon—6 per cent of men, women and total.

Twelve categories of federal spending were listed in the questionnaire, asking citizens to express their preferences. Representative Erlenborn said that, on this question, the variations between men and women were so slight that the effort to distinguish between them was abandoned.

Here is the phrasing of the question:

Federal spending involves your tax dollars. Should we spend more in the following categories? Or less? Or the same?

[In percent]

	More	Less	Same
a. Aid to the poor	23	34	43
b. Consumer protection	50	14	36
c. Crime prevention and control	69	4	27
d. Defense (other than Vietnam)	21	39	40
e. Education, Federal aid	45	22	33
f. Environmental protection	62	10	28
g. Farm program	11	51	38
h. Foreign aid	4	83	13
i. Health care	45	16	39
j. Mass transportation	51	20	29
k. Medical and drug research	65	7	28
l. Space exploration	12	55	33

Those responding to the questionnaire could answer "Yes," "No," or "Undecided" to the question: Do you favor compulsory arbitration of strikes in the transportation industries?

The men's answers were 85 per cent yes, 9 per cent no, and 6 per cent undecided.

The women's replies were 82 per cent yes, 7 per cent no, and 11 per cent undedided.

The totals were 83–8–9.

The final question was concerned with the space for two replies to the questions:

Formerly, my questionnaires had space for only one answer, the presumption being that husband and wife usually agree. This time, there is space for both husband and wife to be heard. How do you like the innovation?

Said Erlenborn: "This is one question which never should have been asked." The answers:

a. Liked the old way better—2 per cent of men, 2 per cent of women, and 2 per cent of total.

b. It makes no difference—16 per cent of men, 12 per cent of women, 14 per cent of total.

c. Like the new format better—82 per cent of men, 86 per cent of women, 84 per cent of total.

The questionnaires were mailed March 20. Most were returned by March 30, all were in by April 10.

The North Vietnamese invasion of South Vietnam started March 31, and the American bombing of the North followed almost immediately.

SIXTEEN-INCH SHELLS: THE LAST THING THE LAOTIAN VILLAGES NEED

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. LEGGETT. Mr. Speaker, it appears the Military Establishment is developing fantasies of taking the battleship *New Jersey* out of mothballs and sending it to Vietnam. The idea is that the battleship's 16-inch main batteries can throw shells as heavy as Volkswagens 23 miles. With modifications, the range of the guns could be extended to the point where the battleship could lob shells all the way across the narrow part of Vietnam into Laos.

Mr. Speaker, it should be evident by now that the answer to our problems in Southeast Asia does not lie in greater firepower. If it did, we would have won long ago.

We have dropped three times the tonnage of bombs on these primitive little countries as we dropped in both theaters of World War II combined. We have used our heaviest bombers, our hottest fighters, and our best small arms in immense quantities.

We have shelled out more than $150 billion, more than 10 times the $5.26 billion the Defense Department says North Vietnam has received from all outside sources combined, even allowing a two-for-one correction for the lower cost of production in Communist countries.

The challenge lies now with the South Vietnamese Army and the Vietnamese people. Such that they can show their allegiance and determination under Vietnamization, I think the United States should now phase down, not phase up; the Vietnamese destiny should now be up to the people.

We would be foolish to increase our firepower. While firepower cannot win the war, it can go a long way toward losing the peace. The Vietnamese still speak with bitterness of November 23, 1946, when a French cruiser sailed into Haiphong harbor and spent the night dropping shells into the city, killing 20,000.

Now we are considering doing the same thing. But, instead of 5-inch guns, we would use 16-inchers. Instead of bombarding for one night, we would do it for months or years. Instead of shelling one city, we would shell all of Vietnam and part of Laos as well.

If we want the eventual governments in these countries to be neutralist and free of Soviet or Chinese domination, I cannot imagine a more counterproductive course than introduction of a battleship.

At the conclusion of my remarks, I insert an article favoring activation of the *New Jersey*. The article, from the current issue of Armed Forces Journal, is by Robert Heinl. Mr. Heinl's previous column was devoted to the thesis that the Army is discriminating against high-ranking West Pointers by making them bear an unfair share of the blame for atrocities in Vietnam. Certainly, Mr. Heinl deserves credit for imagination.

The article follows:

RETURNING "NEW JERSEY" TO VIETNAM WILL SAVE PLANES, PILOTS, MONEY

(By Col. Robert D. Heinl, Jr.)

It is a pity Defense Secretary Laird, Navy Secretary Chafee, and several admirals (notably including ex-Chief of Naval Operations D. L. McDonald) who blackballed the battleship *New Jersey* into premature retirement or stubbornly roadblocked its activation weren't sitting along the DMZ last week when the weather was so bad that our air power was either grounded or blinded.

In those grim first days of the communist Easter offensive, all the U.S. firepower we had along the DMZ amounted to a pickup assortment of sandlot fire-support ships from a U.S. Navy which (unlike the Russians) turned its back on the gun as a modern weapon, and shovelled the *New Jersey* into mothballs because battleships don't sit well with the Navy's notions of professional image.

The situation—during the first five days grave, critical, desperate, were some of the adjectives that correctly described it—was a classic one for Naval gunfire.

Major enemy units in massed formation, columns of armor, trucks, supplies, were streaming southward along a coastal plain, flanks wide open to warships offshore, hardly an American airplane flying—and what was the Seventh Fleet able to produce?

Not much.

The puny gunfire-support force (maybe detachment is a better word: "force" might be misleading) amounted (and still amounts) to one ancient 1943-model light cruiser stripped of three-fourths of her 12 original 40-year-old 6-inch guns; and five assorted destroyers, mostly World War II vintage, mounting 5-inch guns dating from the mid-1930's.

The total broadside (weight of fire) of the above ships—which in the crunch proved unable, despite valiant efforts, even to stop Russian-model amphibious light tanks from crossing the Cua Viet river under their guns—amounts in aggregate to less than one ton, 1,455 pounds to be fairly exact.

The longest-range gun the Navy had (and has) on the DMZ was aboard one modern destroyer—the 5-inch 54 caliber gun that fires a 75-pound shell over 12 miles.

In contrast with the foregoing feeble capabilities, the *New Jersey*'s comparable broadside—primarily nine mighty 16-inch guns, largest in the world—amounts to a little over nine tons (18,300 pounds). With those same big guns, the battleship can throw a shell that weighs more than a Volkswagen complete with accessories, over 23 miles.

Put in other terms, our one battleship (which Messrs. Laird, Chaffee, and their subaltern admirals hastily deployed home from Vietnam in 1969 to the mothball fleet at Bremerton, Washington) would have had about 13 times the firepower and double the range of the said little aggregation of ships the Navy was able to scrape up in this direst emergency of the war.

To modernize and activate the *New Jersey* (as well as to accuratize its fire-control system for the pinpoint bombardment shooting we so badly needed last week and this one, too) cost $21-million.

SIX DOWNED PHANTOMS

For $21-million, you have just about the price of ten B-52 strikes, or of six downed Phantoms, not including the added cost and agony of 12 more hostage American POW's assuming anyone walks away from the crashes.

In terms of operating costs, it would have cost the Navy 20–25 percent more money to keep the *New Jersey* on the active list than it does to operate the *USS Oklahoma City*, the one cruiser (with three pitiful 6-inch guns) now off the DMZ.

The *Oklahoma City's* total broadside is 425, pounds, part of which can reach about 11 miles. For 25 percent more, we could have had the *New Jersey* (18,300 pounds, 23 miles range), which at this juncture of events might seem to have been a considerably better bargain.

In 1967, when the late Sen. Richard Russell and other members of Congress forced former Defense Secretary McNamara and an aviation-dominated Navy hierarchy into bringing back the *New Jersey* from mothballs, it lay within the Navy's power to more than double the range of the battleship's 16-inch guns.

SECRET DEVELOPMENT

For the cost of two shot-down Phantoms, the Navy could have pushed a development (since proven with brilliant success for the eight-inch guns of the cruiser *St. Paul*) that would have enabled the *New Jersey* to shoot its big guns all the way to Laos.

That this still secret (though simple and inexpensive) development was not quickly and energetically applied to the *New Jersey* reflected the die-hard resistence of carrier-minded admirals who abominated the efficient, cost-effective old battleship as a symbolic put-down to their costly way of warfare.

Wouldn't it make sound military—let alone money—sense to reactivate the already modernized and paid-for *New Jersey* and keep her with the Seventh Fleet until every American is out of Vietnam and Hanoi has finally learned that she cannot smash her way into the south?

NIXON ADMINISTRATION CHANGES STAND ON CRIME DEATH BENEFIT BILL

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. JAMES V. STANTON. Mr. Speaker, as the author of H.R. 12629, which has 21 cosponsors among the Members of this House, I am highly pleased to report to my colleagues a significant development with respect to this legislation, which occurred only this morning and which, apparently, has greatly improved the prospects for approval of this measure by the Congress.

The distinguished gentleman from Virginia, Mr. RICHARD POFF, appeared as the first witness before Subcommittee No. 1 of the House Judiciary Committee as this panel opened hearings on a number of bills, including Mr. POFF's as well as my own, that would authorize payment of a $50,000 death benefit to the family survivors of certain public officials who get killed in line of duty. Until this morning, Mr. POFF's bill, H.R. 9139, was known as the Police Officers Benefit Act of 1971. However, the gentleman asked that his bill be amended and assigned a new title—the Public Safety Officers Benefit Act of 1971. The amendment would extend eligibility for the death benefit beyond the families of police officers to those of other law enforcement officers, firemen, and court and correctional personnel.

As my colleagues here know, I have repeatedly urged legislation of this kind and, in fact, I introduced H.R. 12629 in order to move us toward this goal. The main difference between the original version of Mr. POFF's bill and the measure I had offered was that mine was broader in terms of coverage. With the amendments introduced by Mr. POFF, the principal distinction between the two bills may now be viewed as having been reconciled.

Because of Mr. POFF's high rank on the Judiciary Committee and because he has so ably presented the administration point of view on other occasions, I am assuming that he spoke for the administration this morning when he offered his amendment. If such be the case, then this action reflects a significant change of posture by the administration, which earlier had opposed the inclusion of firemen in death benefit legislation on the ground that "by and large, they are not the victims of felonious assaults," according to testimony given earlier at a Senate hearing by a Justice Department spokesman. That official, Mr. Richard Velde of the Law Enforcement Assistance Administration, had also warned that inclusion of firemen in the legislation would open the door for inclusion of other officials—such as court and correctional personnel—and that this make the program too expensive. I gather, then, that the administration has now decided that to do this very thing would be a small price to pay for improving the morale of public officials whose duties place them in hazardous proximity to criminals.

I want to commend Mr. POFF and the administration for taking this new approach. I said this in my own testimony this morning before the subcommittee, and I want to reiterate it here before the Members of this House. I hope that we will move speedily now toward enactment of this very important piece of legislation, which will help to bring some peace of mind to the Nation's crimefighters by assuring them that their families will be taken care of, at least financially, should tragedy strike.

There remains one important distinction between my bill and the revised version of the administration bill. The latter authorizes the death benefit only when it can be shown that the deceased public official had been the victim of a felonious assault. H.R. 12629 authorizes automatic payment of the death benefit, whatever the cause of death. I shall continue to advocate my own bill because I fear that, otherwise, payments will not be made to families when a killing results indirectly from some criminal act. For example, a policeman who is killed in an automobile accident while answering a call for assistance is just as much the victim of a crime, in my opinion, as the policeman who gets shot. Similarly, a fireman who loses his life while working at the scene of an arson, or while answering a false alarm, is also undoubtedly the victim of a crime. My legislation would cost more in terms of dollars and cents, but my feeling, from contacts with my constituents, is that the taxpayers are perfectly willing to accept this extra burden which, relatively speaking, is not large.

At this point, I would like to insert in the RECORD the testimony I gave this morning to the members of the subcommittee:

STATEMENT OF CONGRESSMAN JAMES V. STANTON BEFORE HOUSE JUDICIARY SUBCOMMITTEE NO. 1, MAY 24, 1972

Members of the committee, I am highly pleased with this opportunity to appear before you on behalf of the Public Safety, Criminal Justice and Correctional Personel Benefits Act (HR 11993, HR 12629), of which I am the author and to which 21 of our colleagues have added their names as cosponsors.

While this bill is similar to others now under consideration by this panel—in that it would pay a $50,000 indemnity to the family survivors of certain public servants who lose their lives in the line of duty—its distinguishing feature is the larger number of persons that it covers. It insures not only the families of policemen and policewomen but also the families of firemen, *all* law enforcement officers and *all* public officials with duties that involve them in the administration of justice. Specified in the bill, on Page 3, Line 12, are "police, sheriffs, deputy sheriffs, highway patrolmen, firemen, parole and probation officers, investigatory and correctional personnel, alcoholic beverage control agents, judges, magistrates, justices of the peace, and other officers of the court."

The reasons that justify our launching such a program in the first place—whether it be a narrow one limited only to policemen and perhaps a few others, or the broader programs that I advocate most strongly—have already been outlined for you by earlier witnesses. It is a tragedy of our time that persons whose professional duties place them in proximity with criminals are, more and more, finding their lives imperiled. The most current annual figures available—and these pertain to law enforcement officers alone—I quote from the 1970 Uniform Crime Report of the Federal Bureau of Investigation—are as follows:

"During 1970, 100 law enforcement officers were killed by felonious criminal action. This is a 16 percent increase over 1969, when 86 law enforcement officers were slain. During the period 1961–1970 (10 years) 633 officers were murdered. The average number of police officers slain was 59 a year during the period 1961–1969. Specifically, there were 37 killed in 1961; 48 in 1962; 55 in 1963; 57 in 1964; 53 in 1965; 57 in 1966; 76 in 1967; 64 in 1968; 86 in 1969; and 100 in 1970."

I might add, Mr. Chairman, that 1971 was an even worse year. In its first nine months, 112 law enforcement officers were killed around the country.

Why should this be a matter of federal concern? Because, to begin with, state and local death benefits for this purpose are uneven across the nation—and, in fact, as of

October, 1970, there were 18 states that provided no financial assistance at all to the survivors of law enforcement officers. We need uniformity, assurance of coverage and adequate benefits.

But even more to the point, Mr. Chairman, is the fact that the federal government through this Congress has already asserted an interest in the efficient operation of state and local agencies dealing with law enforcement and the judicial and correctional processes. We have done this through the Omnibus Crime Control and Safe Streets Act of 1968, which is an instrument for dispensing several categories of federal aid to these agencies. If we are interested, then—to cite just one example—in raising the educational level of police, court and correctional personnel, then surely it follows that we are concerned about the morale of these public officials. And I submit that one of the most important contributions we can make to their morale in these lawless and troubled times is to assure them that the federal government *is* concerned about their welfare and that of their families that their government stands behind them as they risk their lives in the course of performing their routine duties.

Mr. Chairman, it is this same Omnibus Crime Control and Safe Streets Act which gives us the rationale for extending the death benefits included in these separate bills beyond law enforcement officials so that they cover also court and correctional personnel. Underlying the Safe Streets Act is a recognition of the fact that the safety of our citizens depends as much on the successful operation of the courts and correctional institutions as it does on the efficient operation of police departments. In other words, judges, prosecutors, probation and parole officers and prison guards play a role that is on a par with—and in no way secondary to—the role played by police officers in protecting the public. Therefore, it would be a refutation of the Safe Streets Act if we were to amend it here—as these several bills, including mine, propose to do—and restrict the new benefits offered to policemen alone.

There can be no doubt that these other officials feel the need for coverage—and in fact *do* need it. To include them in the legislation is no mere act of appeasement or frivolity. In California, in the case in which Angela Davis is a defendant, we have seen the killing of a jurist—Judge Harold Haley of the Marin County Court. In New York State, there was the Attica prison riot in which several guards lost their lives. And, more recently, in nearby Maryland, Governor Wallace was shot, and an Alabama state trooper and a Secret Serviceman assigned to him were also struck by bullets. If these incidents show anything at all, it is that *no public official today is safe*—and therefore they should know that they need feel no anxiety about the security of their families if tragedy strikes.

Statements I have received from local officials since my introduction of this bill show clearly, Mr. Chairman, that these persons do experience anxiety. For example, Judge Walter Whitlatch of the Cuyahoga County Juvenile Court summed up the situation in his court when he wrote to me: ". . . When one considers the deranged, angry, hostile individuals, youth and adults, who daily come before the Court there is just no way to belittle the very dangerous situation of the judge who must rule on the cases of these individuals."

John Flanagan, Bailiff of the Cleveland Municipal Court, reinforced this view, writing: "In this age, when reason and understanding of the judicial processes are sadly lacking, a guarantee of financial survival must be considered for dependents of court attaches."

Probation officials are confronted with a similar situation. As John Alden, probation officer of the Cuyahoga County Juvenile Court, pointed out: "Assaults which have occurred on our people and incipient threats in the form of concealed weapons taken from juveniles and adults worry staff in direct contact with an increasingly militant public. Our direct service to probationers and in neglect cases has been affected by underlying fears our probation officers have expressed for their safety."

David Rogers of the Ohio Adult Parole Authority wrote: "As you have indicated, the Criminal Justice System is not only composed of policemen. There are others: Parole and Probation Officers, Investigatory and Correctional personnel, Alcoholic Beverage Control Agents, Judges, Magistrates, and Officers of the Court whose role is providing protection to this great nation and all that it stands for."

Now as to firemen, Mr. Chairman, why should they be included in this program? Some would say that firemen are not, after all, law enforcement officers, nor are they part of the criminal justice apparatus. Others say that firemen do not need the coverage.

For example, Richard Velde, Associate Administrator of the Law Enforcement Assistance Administration told a Senate judiciary subcommittee last November 30: "By and large, they (the firemen) are not victims of felonious assaults." I take strong exception to this statement, Mr. Chairman. I would like to know how many more firemen will have to lose their lives, or be wounded, or be shot at, or become the target of rocks and other missiles, before the administration will bring itself to admit that what we are dealing with may safely be defined as "felonious assaults"? I, for one—and I am certain this is true of most of my colleagues here—became convinced of this fact a long time ago. I have statistics which I am about to produce but I want to say first that, long before I obtained these figures, I was aware of what what was happening. In fact, virtually every citizen knows this. Is it possible that the administration is ignorant of what is going on?

As a citizen of Cleveland, Ohio, I know that about a dozen bullets were sent crashing into a fire station at East 105th Street and Superior Avenue about a year and a half ago. I know that the men working out of that station were returning from a false alarm a short time afterward and were fired at four times by snipers. I know that a fire station at East 66th Street and Chester Avenue twice became the target of snipers, the first assault occurring while two firemen stood on the sidewalk in front of the station. I know that firemen working out of the station at East 79th and Holton Avenue were stoned when they responded to still another alarm.

I know too, Mr. Chairman, that on September 14, 1970, in Cincinnati, the station house of Engine Company No. 32 came under attack by machine guns. Two firemen were wounded by rapid bursts of gunfire through the plate glass windows of a closed door at the station. Fireman Tom Donovan was shot in the left arm. Fire Lieutenant John Hammersmith was hit twice in the right leg. This, Mr. Chairman, was an unprovoked assault.

Mr. Chairman, on the same day that Mr. Velde gave his testimony on behalf of the administration, a statement was submitted to the Senate Subcommittee on Criminal Laws and Procedures by the International Association of Firefighters. This statement asserted:

"The Federal Government's own investigation into the loss of life and injury during the riots of Watts, Detroit, Newark and Cleveland showed that firefighters suffered more casualties than police officers."

One year ago, a House judiciary subcommittee was advised by this same organization:

"Any discussion of firefighting today must include acknowledgement of a new hazard. Fire fighters are prime targets—sitting ducks—to those who foment and promote civil disorders. Virtually every city in the land is experiencing a fantastic increase in the number of false alarms to which fire fighters must respond. A fire fighter is just as dead when killed by a fall from his truck as he is when killed in a burning building. And every additional false alarm increases the chances of such a fatal accident. A fire fighter is just as dead when killed by a sniper's bullet as he is when killed in a burning building. And our newspapers and other news media have been filled with stories of sniping attacks on fire-fighters during times of civil disorder. Indeed, one study of civil disturbances in 11 cities reported four fire fighters killed and some 400 injured, a greater toll than that suffered by police."

Mr. Velde also said, Mr. Chairman, that to extend coverage to firemen "would lead to pressures for other public service groups to also want coverage on these benefits . . . This would tend to open the door for other civil servants for coverage and when all is said and done, it could be a very expensive program."

I emphatically agree with Mr. Velde on this portion of his testimony. Certainly, the inclusion of firemen would cause other groups to insist on having coverage. As I have said, they *should* have coverage, so I am not at all disturbed by this prospect. As to this becoming an expensive program, this would certainly be true—if the present rate of the killing of public officials persists. If it does persist, however, then this would strengthen the justification for spending public funds in this fashion—because the need for the program would be demonstrably great.

How much would it cost? I would say, Mr. Chairman, about $12 million at the present rate of killing. In addition to the policemen who were killed in 1970, some 120 firemen lost their lives while performing their duties. The number of prison guards and court officials who met with death is not immediately available but, of course, it was much smaller.

I say $12 million is not too large a price to pay. The proposed Law Enforcement Assistance Administration budget for fiscal year 1973 is $850,000,000—$152,000,000 more than it is for the current year. Personally, I don't mind adding a little more to it—especially when we learn, as the recent report of the House Government Operations Committee show, that a great deal of this money has been wasted on questionable purchases of equipment for law enforcement officials. I would much rather spend money on human beings than for gadgets—and the expenditures I propose might in the end prove more productive for the taxpayers, if indeed morale is a factor that we must consider.

One further observation, Mr. Chairman. The bill I have placed before you provides benefits only in the event of the death of a peace officer. But I have pending before this committee another piece of legislation, subsequently introduced (HR 14482), which also would grant compensation to public officials, as well as to private citizens for injuries sustained when they come under criminal attack. This measure would reimburse crime victims for medical bills and income lost because of hospitalization. I recommend to you that the two bills be combined—reserving the $50,000 indemnity for public officials only but extending the other benefits to private citizens *and* to public officials.

Again, I would like to thank you for this opportunity of appearing before you, and I would be happy to answer any questions you might have.

THE FLAG

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. KING. Mr. Speaker, the 14th of June is the anniversary of the day in 1777 when the Continental Congress adopted a resolution designating the Stars and Stripes as our flag—the flag of freedom.

As we all know, the Stars and Stripes flew over General Washington's headquarters at Valley Forge. It was carried into action at the siege of Fort Stanwix, later at the Battle of Brandywine and it was carried by our victorious troops at Saratoga. The Stars and Stripes has flown over the scene of every battle the United States has fought for freedom.

Because of the historical significance of Flag Day and the many observances which will take place throughout the country, I would like to call my colleagues attention to an article which appeared recently in the Troy Record Newspaper of Troy, N.Y., written by Mr. James Pasinella, chairman of the flag day committee for that city.

In my opinion, Mr. Pasinella has attributed special significance to the Stars and Stripes by reminding us that we honor on this occasion not merely the flag, but what it represents and that we should all commit ourselves again to the achievement of its ideals and continuation of its traditions.

Mr. Pasinella, known to many as simply "Jimmy," was the founder and continues to be chairman of the Flag Day Committee. It has largely been due to his inspiration and efforts that the annual Flag Day Parade has grown from a small veterans post and single band parade to one in which there are now 20 bands, about 5,000 marchers, and the parade is viewed by upward of 75,000 people. It is the outstanding Flag Day event in northeastern New York, and we are all proud of Jimmy, his patriotism, and his work. Mr. Pasinella is a long-time employee of the U.S. Post Office in Troy.

Under leave to extend my remarks, it is a great pleasure for me to include the article by Mr. James A. Pasinella:

THE FLAG

Editor The Record: It seems as though over the past ten years, people have been so busy defending their rights and quoting what the United States Constitution gives them the right to do, that they have forgotten something very important. I am writing this letter in defense of our American Flag, which I have a right to do. Our Flag has been burned, stomped on, mutilated, worn as patches by some people and even used as a cover to drape a nude couple in a stage play in New York City.

With all the demonstrations, dissent, and disenchantment among our young people, what has the American Flag got to do with the decisions made by our law makers and leaders, on our foreign policies, or anything else? Why should foreign flags, especially, be carried by our own people? Why can't they carry the American Flag?

May I ask and can anyone tell me, why must a piece of cloth, Red, White, and Blue which stands out as symbol of our country since 1777 be the target for anyone who disagrees with our foreign policy etc.

When we show our respect by removing our hats, or saluting the American Flag as it passes by in a parade, we are showing respect to a symbol of our country. Since 1777, it has been an inspiration to Americans of all races, colors and creeds, in defending our country against all its enemies, but remember one thing. It is only a piece of cloth of Red, White and Blue, which we all cherish. It has nothing to do with making decisions or setting any policy, or starting any war.

I have an only son, who is approaching draft age, and I certainly do not want to see him go to war, but in the event he is called to serve his country, should a piece of cloth be held responsible for his having to serve. When we gather on Flag Day, U.S.A., we gather as a mixture of all groups of Americans. Political Actions are not a part of our show of respect for our Flag.

If I did not have the cooperation of all the people, Democrats, Republicans, Citizens Party, as far as politicians are concerned, and the many fraternal, Government and military organizations, who committed themselves for this show of respect for a piece of cloth, our American Flag, then there would be no Flag Day Parade. May I add that many of my young friends helped me tremendously.

These parades were received by the public with great enthusiasm and pleasure, and added the necessary mix of events that make parades an important part of our American tradition.

So, when Flag Day, U.S.A., comes around, remember that we are honoring only a symbol, the symbol of our country. On Flag Day no other flag will be honored—only our American Flag. No political signs of any nature even was entered, and I thank the main political leaders in respecting our rules.

So on June 11, 1972, our Flag Day celebration, let us all be Americans, and if you have to wave anything, pick up a piece of cloth of Red, White and Blue, and join in with all of us.

May I add that if the American Flag could talk—and I quote from a poem I once read, that piece of cloth would ask "What have I done" "What Have I Done" to deserve this desecration to me."

JAMES A. PASINELLA,
Flag Day Committee.

TROY.

FOR STRICT GUN CONTROL

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. THOMPSON of New Jersey. Mr. Speaker, the brutal and senseless attempt on the life of Gov. George C. Wallace of Alabama has again focused public attention on the need in this country for effective gun control legislation on the national level. The argument for gun control legislation was compellingly made in an editorial which appeared in the Sunday, May 21, edition of the New Brunswick Home News. I am pleased to place that editorial before my colleagues for their attention and consideration:

FOR STRICT GUN CONTROL

It is bitterly and tragically ironic that Gov. George C. Wallace of Alabama, a bitter foe of gun control, should have been cut down by shots from a snub-nosed revolver in the hands of a man who should never have been permitted to carry a gun.

The accused criminal had owned a .38 caliber revolver last year. When he was arrested for carrying a concealed weapon near Milwaukee, and was convicted on a lesser charge of misdemeanor, police confiscated the weapon. But five weeks after that he had no trouble whatever in buying an identical revolver from a dealer in Milwaukee, and that was the weapon he used to gun down Gov. Wallace in Maryland on Monday.

Once again pressures will rise for effective federal legislation against handguns. And federal legislation is the only effective legislation. New Jersey has a strong gun licensing law, but it is ineffective because it is so easy for people to buy guns elsewhere. New York, despite its stringent Sullivan Law, has many homicides by handgun because it is so easy to carry guns across state lines.

Estimates are that there are something like 30 million handguns in the United States, perhaps one for every other household. Annual sales, despite bans on import of some types of small arms, run about 2.5 million annually.

Only a small fraction of the handguns in the United States are in police or other legitimate use.

Nor is the only menace of the handgun its use in assassinations or in purposeful criminal use. The majority of gun homicides in the United States occur within the family circle or are perpetrated among people who have been friends or acquaintances. In these cases it is the easy killer at hand that leads to the homicide.

We are probably the most heavily armed large nation in the world and we suffer grievously from that fact. In Britain, for instance, last year there were only 1-300th as many gun-murders as in the United States, and Britain has one-fourth our population.

Ending the traffic in handguns (and even the recall and destruction of handguns now in public possession) would be a monumental task. The gun lobby is tremendously powerful. Hunters, who only on the rarest occasions have use for handguns, see in control of small arms a threat to their sport. And there is a strange part of the American ethic which seems somehow to equate the ownership of guns with masculinity and the ancient spirit of Americans needing firearms to defend their homes.

No sensible person claims that gun control will end killing in this country, or prevent assassinations. But strict gun control at the federal level can save lives, and improve the quality of living in our country.

It is time for our legislators to wake up to their responsibility and effectively control guns.

McLAUGHLIN: A STORY OF POWER

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. ABOUREZK. Mr. Speaker, the progressive people of McLaughlin, S. Dak., in my district, have published a small booklet, "McLaughlin: A Story of Power," which describes their success in 2 years of operation of their own municipal electric utility system.

The city of McLaughlin, after its people voted to create their own electric utility, built an entirely new electric distribution system underground. The old overhead poles and wires were removed. As far as I am able to determine, McLaughlin is the first and only city in the

Nation that has its entire electric distribution system underground, with no unsightly poles and wires marring the horizon.

This community of about 900 people in western South Dakota has, in the first 2 years of operation of its electric system, earned $67,489 in net earnings over and above the cost of service, a desirable source of revenue to any city hard pressed for needed income.

McLaughlin's experience is a testimony to a number of dedicated people in that community, including Otto Schneider, Mayor Ed Walker, former Mayor Carl Stockert and a number of others who resisted heavy pressure and led the effort to bring the municipal electric utility into being.

The story of McLaughlin, S. Dak., is a story for other communities feeling the financial pinch between the need to adequately fund their services to their citizens, and their simultaneous inability to raise already confiscatory property taxes.

Mr. Speaker, I include the text of the booklet as an extension of my remarks at this point in the RECORD:

MCLAUGHLIN: A STORY OF POWER

(McLaughlin, South Dakota; pop. 863; el. 2,006; date inc. 1909; a trade center for ranching and small grain farming.)

Two lines of tiny, cramped print in the big book tell you the bare-bones of it about McLaughlin—a tiny prairie town out there on the South Dakota plains, a rural community in the 1970's trying to hold on.

Is that it? Is that McLaughlin's story?

Sure, that's the McLaughlin story. That's the bare-bones of it.

Really, it's a story of thousands of other "two-liners" all over rural America—farm communities up against it, struggling to uphold and continue a style of life, a dignity, deep-rooted in the American experience.

But every rural town in all regions of rural America has its own peculiar dilemma. Each town has its own tale to tell. McLaughlin's is a heartening one. It is a success story.

It is a success story revolving around a long, hard-fought battle for public power. And like all stories of great achievement, it begins with people power.

It began in 1963 when the private utility serving McLaughlin with electricity approached the city council, suggesting that a franchise election be called to renew the contract.

But some residents of the town had another idea. They wanted the city to investigate the idea of a municipally-owned electric system. Other cities of similar size in the region owned and operated their own system. They were doing well. Why didn't McLaughlin do the same?

The council, then headed by Mayor Carl Stockert, listened to the advocates of the city-owned system, then voted to postpone action on calling a franchise vote.

Visits were made to towns in the region with their own power systems. All reports were favorable. The U.S. Bureau of Reclamation was contacted. The citizens were assured that the Bureau would supply electric power upon proper application.

A McLaughlin Power Committee was organized. It was headed by Otto Schneider, a long-time advocate and pioneer of rural electrification in the region.

The investor-owned utility serving McLaughlin fought hard to retain its small, but profitable service. The opposition to municipal ownership was well-manned and well-financed. It took five years, four elections and one recount before McLaughlin finally voted to go "municipal."

The first two elections in 1966 and 1967 were standoffs. The municipal power committee, in analyzing these elections, felt the people needed more facts in order to make the right decision.

The committee went to work. First, a go-ahead for an engineering study was obtained from the city council. Findings of the study showed that a municipal system for McLaughlin was indeed feasible and would no doubt net the town an annual profit.

The Committee used the results of the engineering study and collected facts about other municipal systems in the area for a booklet entitled, "Twenty-one Questions About a Municipal Power System."

Copies of the booklet were made available to all voters in the community. Public meetings were held to adequately air the private vs. public power question, financial feasibility and service issues.

In April of 1968, the private power company again asked for a 20-year extension on its franchise. The franchise was rejected by a vote of 277 against, 170 in favor.

The election was made more significant by a city alderman contest with pro-public and pro-private slates. The pro-public slate, headed by present Mayor Ed Walker, was victorious.

Final decision was made in December, 1968, when voters gave approval to $162,000 in revenue bonds to finance construction of a new municipal power distribution system.

The margin was narrow—60.6 percent in favor in a state where law requires 60 percent approval for bond issues.

The vote, 279 in favor, 181 against, was contested by the private utility, but a recount showed no change.

Public power went on the line for McLaughlin December 24, 1969, but there was a difference. When the switch was pulled, the transmission lines overhead did not sing with the surge of this "new" electricity. McLaughlin, you see, had put its electric distribution system underground, becoming the first city in the United States to have an all-underground electric system. Today, there are no unsightly utility poles and lines in McLaughlin.

After opponents had stated time and again that the cost of underground installation was prohibitive, the members of the city council were surprised and pleased to receive construction bids which were actually less for underground installation compared to standard overhead systems.

What's the financial picture after two years of operation? Excellent, as indicated below:

1970	
Revenues	$94, 447
Expenses	57, 106
Net income	28, 971
Equity from Dec. 1969	2, 235
Equity from Jan. 1, 1970	31, 206
1971	
Revenues	$94, 447
Expenses	58, 164
Net income	36, 283
Equity Dec. 31, 1970	31, 206
Equity Dec. 31, 1971	67, 489

The city of McLaughlin, in its first two years of system operation, has repaid indebtedness of $7,000 on the original bonded indebtedness of $162,000.

On April 3, 1970, the people of McLaughlin turned out to dedicate their new power system. It was a day of double rejoicing, for the new municipal hall was also officially opened that day. There were a lot of important people there that day. They said a lot of important things. It was McLaughlin's day.

McLaughlin continues to build. In 1971 an indoor-outdoor swimming pool, the first of its kind in the U.S., was completed and dedicated. An airport facility with a lighted runway and beacon came into operation in 1970. Production is now going forward in the manufacture of prefabricated housing units by a private development corporation, Standnig Rock Industries, Inc., located at McLaughlin.

The city improvement projects have been made possible, city officials feel, to a substantial degree, by the better financial condition of the city brought about by the new municipal electric system.

It's not just the fiscal aspect of the city-owned power system alone, however. Says Otto Schneider: "The experience we gained in the struggle for our own electricity in the '60's gave us the confidence to move ahead. We cut our teeth there."

Is the McLaughlin experience unique? It is, in the sense that each community has its own set of problems and has its own way of attacking them.

Beyond that, the people of McLaughlin have shared a similar experience in the 1960's and 1970's. Just ask the people of Glasgow, Princeton, Hickman, Fulton, and Paducah, Kentucky; Mountain View, Nixa, and Granby, Missouri; Elbow Lake, Minnesota; Alton, Iowa; and Los Alamos, New Mexico; as well as Colman, Aurora, and the Heartland Consumers Power District in South Dakota.

You'll find every community experience, every struggle, for publicly-owned power different, unique. But you'll find every community achievement began with people power.

WIDOWS OF POLICEMEN AND FIREMEN

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. HALPERN. Mr. Speaker, each day we call upon our policemen, firemen, and corrections officers to subject themselves to danger and put their lives on the line.

These men are on the frontlines of our domestic war—a war whose casualty rate has increased dramatically in the past few years. In recent months eight firemen, policemen, and corrections officers have been killed during the performance of their duty.

While steps must be taken to protect these fearless public servants we must also be certain that in case of tragedy, the families of those who have died in the line of duty are cared for in the same way they would have been had not their husband or father been killed.

We have long provided benefits for the widows of veterans who have fought in foreign wars; we can do no less for the men who protect us here at home.

The dangers in our city streets is far greater today than ever before. Let us give courage to the men and families who are on the frontlines of that war.

Yesterday, in the New York Times, Judy Klemesrud wrote an outstanding article in which she examines the lives of the widows and families of policemen and firemen who have died in service to their community. They say nobody cares.

I think Mrs. Klemesrud's article points to a very real problem that must be reckoned with.

Therefore, later this month, I will be offering testimony in support of legislation which I have sponsored which will deal more equitably with the widows and families of firemen, policemen, and corrections officers killed in the line of duty.

At this time, Mr. Speaker, I would like to include into today's RECORD, the New York Times article so that my colleagues in the Congress can be made aware of the real need for this important legislation so they too can offer their assistance in providing adequate care for the wives and families of public servants killed while they were protecting us.

The article follows:

WIDOWS OF POLICE AND FIREMEN—THEY SAY NOBODY CARES

(By Judy Klemesrud)

They call themselves "New York's forgotten women." They break into tears easily, they proudly wear their husbands' medals of bravery pinned to their dresses, and they receive a pension check once a month—a check they feel is not nearly enough for the family of a man who gave his life protecting the residents of New York City.

The women, 432 in all, are members of the Police and Fire Line of Duty Widows of New York City, Inc.

Founded in April, 1961, for the "mutual benefit" of the members, the group now numbers 236 widows of firemen and 196 widows of policemen. They range from modly dressed, long-haired women in their early 20's to 90-year-olds who reside in nursing homes. Ten of the widows are black.

"Sometimes you feel that nobody even cares about you," said Mrs. Doris Campisi, 40 years old, of Glendale, Queens, whose policeman husband, Anthony, was stabbed to death six years ago while making an arrest at 38th Street and Eighth Avenue.

"In the beginning, the city gives you medals," the yellow-haired mother of two went on, "but after a while you begin to feel just like just a number on a pension check."

The city hasn't forgotten entirely. Once a year, there are separate memorial services for deceased policemen and firemen. The police memorial service will be held tomorrow at 11 A.M. in the Police Academy auditorium, 235 East 20th Street. An official contingent of 14 police widows from the widows' association plan to attend.

And the pension situation, as of last week, isn't quite as bleak as it was. Mrs. Campisi and 21 other members of the Police and Fire Line of Duty Widows went to Albany last week and lobbied successfully for the passage of a bill that would increase their $4,420 yearly pensions by about $1,000 a year, their first cost-of-living increase since 1965. The bill passed both houses last Friday, and now awaits the signature of Governor Rockefeller.

In another development, Mayor Lindsay yesterday instructed his legislative representative in Albany, Richard Brown, to send a memo to the Governor urging him to sign the "widow's bill," as it is known, into law. The Mayor also issued a separate statement supporting the bill.

The widows' group was founded by Mrs. Florence Churchill, now 75, of Manhattan, a policeman's widow, at a time when the majority of the widows were receiving only $28 a week. While the group's major objective has always been to better the members' financial condition, it also serves as a social organization.

The members, who pay $5 in annual dues, meet four times a year, in October, November, April and May. Their projects include writing letters to politicians, pointing out such things as the fact that police and fire widows in San Francisco and Boston receive their husbands' full pay, as opposed to the half-pay they get in New York presently based on the 1965 pay scale, and baking cookies for the members who live in nursing homes. There is also an annual Christmas party, "where we pay some guy $20 to come and play the accordion," one member said.

The widows frequently talk of their struggles to make ends meet, their loneliness, how hard it is for them to get a loan or credit, and the indifference of former friends. But in this respect, how are their lives any different from those of other widows?

"There is one big difference," said Mrs. Helen Venturelli, 58, of the Bronx, a policeman's widow who is the group's vice president. "Someone killed our husbands, and that's a very difficult thing to bear." (Most of the firemen, of course, were killed while fighting fires.)

Like many of the widows, Mrs. Venturelli altered her life-style drastically after the death of her husband. She went to work part-time for the Honest Ballot Association for 16 years, and then, when she left, found it rather difficult for a woman her age to find a job.

NECESSARY ECONOMIES

Living entirely on her pension, she gave up reading newspapers, because she couldn't afford them, as well as loin lamb chops, English muffins and bananas. She said today she eats mostly spaghetti or hamburger ("A pound and a half makes five patties"), makes her own clothes and gives herself her own home permanents.

The pension plans are financed by deductions from the men's paychecks. Some of the widows are also eligible for Social Security benefits—if their husbands signed up after the plan was first offered to them in 1958.

The police and fire widows generally receive the same benefits—with one exception. In 1964, a group of anonymous businessmen founded an organization called the Hundred Club of the City of New York, Inc., to help the widows and children of policemen killed in the line of duty.

Headed by Michael J. Murphy, a former Police Commissioner of New York, the group has distributed about $165,000 among 30 families since its formation. Each widow received $1,000 for immediate expenses—often invaluable as it can take months for a pension check to arrive.

The Hundred Club, at 654 Madison Avenue, also pays outstanding debts, "whether it be a $15,000 mortgage, a $500 furniture loan, or both," Mr. Murphy said. At Christmas, the club sends each child under the age of 18 a $100 savings bond.

Widows who remarry automatically relinquish their membership in the Police and Fire Line of Duty Widows, and they lose their pensions as well. However the children continue to receive them. The group has no statistics on the number of widows who have remarried.

"I just don't know whether I could get married again," said Mrs. Carol Cosgrove, of Massapequa, L.I., an attractive 29-year-old mother of four who "occasionally" dates. "It would really be a gamble—you'd always worry how the new husband is going to treat your children. How do you know he won't start beating them up?"

Several of the women mentioned that their husbands' deaths had had tragic effects on their children. Mrs. Esther Weisse, 62, of the Bronx, a fireman's widow, said that her 26-year-old daughter, a secretary, telephoned from her office at noon every day to see if Mrs. Weisse is all right.

"If I'm going out, I have to phone her before I leave," Mrs. Weisse said. "She goes out of her mind that something might happen to me, too."

Nothing angers these women quite as much as the insults and epithets and rocks and bottles that have been hurled at New York's finest and firemen lately.

"These men are prepared to go through hell for the people," said Mrs. Cecilia Meyer, 59, of Cambria Heights, Queens, a policeman's widow. "All right, so maybe they have a few bad eggs. But the public just does not appreciate them the way that they should."

Most of the widows seemed opposed to the idea of having a son go into the same line of work as his late father.

KILLED IN FIRE

"Over my dead body would my son be a fireman!" said Mrs. Kathleen Roche, 56, of the Bronx, a seamstress whose husband was killed in a fire in an abandoned building in 1951. "I'd rather have my son dig ditches—and I wouldn't let my daughter marry a fireman either."

And although some of the widows have married men who, like their first husbands, were policemen or firemen, the sentiment seems to be against this practice.

"I would never, never want to go through all that again," said Doris Campisi, "the bell ringing in the middle of the night, the priest standing there, the shock, the nightmares. I tell you, it is just awful."

OFFSHORE DRILLING—THE COMING BATTLE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. HARRINGTON. Mr. Speaker, the plans of the Nixon administration to initiate offshore oil development on the Atlantic coast have provoked more serious citizen action and scientific and economic study than any comparable environmental problem in New England that I can remember. What is at stake includes a whole coastline that serves as a recreation area for millions of people in the metropolitan corridor, and that contributes to our economy through fisheries and tourist industries.

A New England coalition has been formed, including many citizen groups that share a concern for the New England coast, and for its value to the region. One of the organizers of this coalition, Barbara Heller, outlined the problems that face New England in the offshore oil proposal in the May 1972 issue of Not Man Apart, published by Friends of the Earth.

Mrs. Heller proposes a five-point requirement before oil development is allowed in New England: First, elimination of the oil import quota system; second, development of an energy policy that places proper stress on conservation of energy; third, proof by the Interior Department and the oil companies that drilling will not be against the public interest; fourth, assumption by the oil companies of full liability for damages caused by spills; and fifth, bringing cleanup and tanker technologies up to date. Mrs. Heller's suggestions are excellent ones.

Offshore drilling confronts many of us in the House. For the information of my colleagues, I include the article from Friends of the Earth in the RECORD at the conclusion of my remarks.

[From Not Man Apart, May 1972]

THE COMING BATTLE AGAINST OFFSHORE DRILLING

The Atlantic coast of New England, from Maine's cliff-strewn coast to Connecticut's Long Island Sound, is one of the nation's great natural resources—providing beaches, clean air, fishing—an escape for the millions of people who live in the most densely populated area of the country. Aside from this, New England's coast provides real economic strength in its tourist and fishing industries. Indeed, the Georges Bank area off Massachusetts is one of the nation's most productive fishing grounds. But in one important respect, New England is a handicapped land—it does not have enough natural resources of its own to supply its energy needs. Therefore most of New England's power is generated from imported oil.

These diverse regional characteristics were brought into sharp focus when Secretary of the Interior Rogers Morton announced last November that Georges Bank was one of three priority areas on the Atlantic Coast targeted for future oil development leases. The announcement sparked a flurry of activity by state officials, agencies, and conservation groups. Massachusetts State Senator William Bulger held a series of hearings under the aegis of his special Legislative Commission on Marine Boundaries and Resources. The New England River Basins Commission and the New England Regional Commission plan to fund a study focussing on the effect oil and gas development will have on the balance between the regional economic situation and the environment. Senator Edward Kennedy introduced a bill in the Congress which would authorize a study by the National Academy of Sciences on the ecological impact of oil in the Georges Bank area.

In addition, a New England Coalition has been formed, which consists of environmental and fishing interests, and which hopes to include tourist and consumer groups. The Coalition's policy is to oppose any leasing of Continental shelflands until there is proof that offshore drilling would be in the New England public's interest both environmentally and economically. The Coalition will publish a bulletin detailing the status of the proposed leasing, and will discuss various research efforts into the ecological and economic effects of oil.

To understand the offshore drilling issue we must examine several related issues and view the total in perspective. If environmentalists learned anything from the SST fight, it was that we are much more creditable and considerably stronger when we approach an issue from all angles. We can no longer operate in a vacuum, but must consult scientists, engineers, economists, and any other experts who can help in the battle for the environment. The oil question, especially, is one involving diverse areas of interest and expertise. If conservationists insist on limiting their arguments against offshore drilling to its effects on clams and birds and beaches, then we will lose, and deservedly so.

Let's examine some of the issues involved in the oil controversy:

ENERGY USE IS THE BASIC ISSUE

Recent testimony before the House Interior and Insular Affairs Committee by Secretary Morton focused attention on the energy situation when he said, "We must convince the public of the imminent crisis and the urgent need to take action now." The Federal Power Commission predicted in mid-April that the nation's demand for electric power will quadruple by 1990. The electric utilities in New England have initiated a massive TV and news media blitz of advertising, largely anti-environmentalist. In addition, the Massachusetts Electric Company has been sending with its regular monthly bills an addendum marked "Your share of clean air" which consists of the cost of the low sulfur fuel which Massachusetts law now requires it to use. These pronouncements and propaganda clearly show that the public is on the receiving end of a conscious effort by public officials, public utilities, and public agencies to create an energy crisis much greater than the facts would support.

The energy issue, which previously has been barely visible, will assume a high priority in this and the coming few years. Now it is being seen by most of the public from a completely unbalanced viewpoint, and the environmental opponents hope to keep it that way by this massive campaign to create an energy crisis. I do not deny that there is one; only that its scope, significance, and solutions are not what those who advertise it would have us believe. One of their main purposes is to push through legislation to facilitate rapid construction of power plants. The other major purpose is to prevent delays in oil exploitation. Secretary Morton criticized environmentalists' lawsuits blocking oil leasing in the Gulf of Mexico and delaying the trans-Alaskan pipeline as "arbitrary actions." We are told that we need oil, from the Altantic coast, from oil shale, from wherever we can obtain it, to satisfy our energy needs. Thus we must realize that the oil question is intimately related to the larger energy problems. But if we redirect our technology, if we design better insulated buildings with more fluourescent than incandescent lights, and windows that open so that office people don't have to use air conditioners on warm winter days—then we will diminish our demand for electrical energy, and thus our need for oil.

ECONOMICS OF THE OIL IMPORT QUOTA SYSTEM

New England pays the highest prices in the nation for electricity because it pays the highest prices for oil. Why? The answer is simple. The import quota system restricts the free market mechanisms which should govern the world oil market. We simply cannot obtain anything over a certain specified amount of foreign oil. This could be quickly remedied by a Presidential order. Arguments have been made for keeping the quota system on grounds of national security. Those arguments were most effectively demolished by the President's Cabinet Task Force "Report on Oil Import Control," (February, 1970) which recommended elimination of the quota system. The President, however, disbanded the task force instead of the quota system, and promptly appointed another committee which obligingly recommended that he retain the system.

In addition to the import quota system we have the depletion allowance, the underwriting of drilling costs, and other tax incentives for domestic oil production. These devices are, very simply, a huge bonanza to the oil companies paid by the consumer. The Cabinet Task Force estimated that in 1969 the nation's consumers "paid about $5 billion more for oil products than they would have paid in the absence of import restrictions."

What would happen if the import quota system were suddenly lifted? Chances are reasonably good that New England's oil prices would decrease. If, in addition, the tax breaks to the oil companies were discontinued, there is a possibility that they would lose interest in leasing the offshore areas. Their tax incentives for domestic production are so great that without them, companies might very well find it unprofitable to drill off New England's coast.

ECOLOGY VERSUS TECHNOLOGY

Numerous studies, notably those of Dr. Max Blumer and others at Woods Hole Oceanographic Institute in Massachusetts, have shown that oil has long-term effects on the biota of areas where oil spills have occurred. Any major spills in the New England area would be disastrous to the fishing industry which is already in serious financial trouble, and to the resort-tourist interests which comprise a substantial portion of the coastal economy. Considering the known effects of oil on ocean organisms (there is still much that is unknown such as the effects of oil on phytoplankton), and considering the medieval state of drilling and oil clean-up technology, it seems reasonable for New England to expect solid assurances that it will not be the site for a new "Santa Barbara" or for Gulf-type platform fires.

The New England Governors have repeatedly stressed their concern to the Interior Department. After some reassuring words on how careful they would be, the Interior Department is now talking about sharing profits with the states. In more realistic language—they would like to buy off the Governors. The Governors have so far been adamant in their demands for assurances of environmental protection. In a concerted effort they have initiated a suit challenging the import quota system on the grounds that it unfairly discriminates against New England consumers. With enough public support Governors will hold to their solid line of reasoning. They will be strongly supported by the newly formed Coalition and by diverse groups in New England.

New England should not assume the risks of offshore development until:

1. The import quota system and tax incentives have been eliminated so that the large oil companies are competing in a free market.
2. The nation has developed a rational energy policy which includes plans for research and development of future energy sources and for energy conservation.
3. The Interior Department and oil companies can prove that drilling will not be counter to the public interest.
4. The oil companies are held completely liable for cleanup of any spills which might occur and will compensate for any damage to the fisheries or other economic interests.
5. Cleanup and tanker technologies are brought up-to-date.

COMMEMORATIVE STAMP TO HONOR PUERTO RICAN PATRIOT: LUIS MUÑOZ RIVERA

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. BADILLO. Mr. Speaker, very few men—particularly in the world of politics—become legends in their own times or enjoy the unique status of being the fathers of their countries. Most Americans are familiar with the accomplishments and contributions of such great patriots as George Washington, Sun Yat-sen, Simon Bolivar, William Tubman, Mahatma Gandhi and other world famous political figures. Yet there is one man who certainly ranks in the forefront of this distinguished group but to whom tributes are neither as frequent nor as well publicized. This man is the famous Puerto Rican patriot Luis Muñoz Rivera.

Poet, newspaper writer and publisher, civil rights activist, and political leader, Luis Muñoz Rivera can truly be considered as the father of Puerto Rican independence and one of the greatest men Puerto Rico has produced. This outstanding patriot devoted his life to fighting for Puerto Rican rights and in striving to achieve just and fair treatment for Puerto Ricans. As the founder and editor of three Puerto Rican newspapers, Muñoz Rivera effectively utilized the pen rather than the sword in championing his cause and he devoted his life to the struggle for autonomy for Puerto Rico and equality for his people. His work was carried forward by his son, Luis Muñoz Marin, the first elected Governor of Puerto Rico.

Born into a proud Spanish family in the mountain town of Barranquitas in 1859, Luis Muñoz Rivera was a bright and able student. As a young man he energetically pursued a deep and abiding interest in politics and in equal rights and justice for Puerto Ricans. He soon became a leader of the Liberal Party and through his many writings, a leading spokesman for freedom for Puerto Rico.

Although Muñoz Rivera did not originally favor a complete separation from Spain, he was a leader of the movement to gain autonomy and some degree of self-government from the mother country. He was instrumental in achieving the Charter of Autonomy from the new Spanish Republic in 1897.

Following the Spanish-American War, the great Puerto Rican leader valiantly defended the rights of his people when military rule was imposed by the United States and after civilian government was instituted following the passage of the Foraker Act in 1900.

In 1901, Don Luis and his family came to the United States and in the same year he founded the Puerto Rico Herald in New York, the first Puerto Rican newspaper published in English. Using the paper as a forum, his attacks on what was being done to his beloved Puerto Rico were forceful and direct, and as he once wrote:

> We affirm the right of Puerto Rico to assert its own personality.

This was a theme he was to continue stressing throughout his public life.

Following his return to Puerto Rico a number of years later, Muñoz Rivera was elected as the Resident Commissioner from Puerto Rico in 1910, a position he was to hold for 6 years. During his tenure as Resident Commissioner, the Jones bill—granting full American citizenship to Puerto Ricans—was introduced and Muñoz Rivera, enlisting the support of President Wilson, fought long and hard for its passage. Unfortunately, his death in 1916 robbed Muñoz Rivera of the opportunity to see the Jones Act signed into law the following year.

Mr. Speaker, we can all take great pride in the life of Luis Muñoz Rivera and the many accomplishments he made to our people. His memory remains alive today in Puerto Rico and all Boricuas are justifiably proud of his outstanding contributions to them. The official proclamation of the Commonwealth of Puerto Rico in 1952 can be properly considered as the culmination of the efforts which Muñoz Rivera initiated some five decades earlier.

Mr. Speaker, I believe it would be a fitting and proper tribute to the courage, integrity, and patriotism of this great leader to have a commemorative stamp issued in his honor. I have written to the Postmaster General, urging that he and the Citizens' Stamp Advisory Council give this proposal full and careful consideration and that such a stamp be issued on December 12, 1973 to coincide with the 75th anniversary of the signing of the Treaty of Paris which marked Puerto Rico's independence from Spain. In addition, I am today introducing legislation authorizing the issuance of such a commemorative stamp in order to focus attention of our colleagues on Luis Muñoz Rivera's life and accomplishments. I welcome the participation of our colleagues in this effort and in urging the U.S. Postal Service to take appropriate steps to issue a Luis Muñoz Rivera commemorative stamp next year.

The letter and resolution follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 23, 1972.

Hon. ELMER T. KLASSEN,
Postmaster General,
U.S. Postal Service,
Washington, D.C.

DEAR MR. POSTMASTER GENERAL: I am writing to propose that the U.S. Postal Service issue a commemorative stamp in honor of the famous Puerto Rican patriot and statesman, Luis Muñoz Rivera.

Luis Muñoz Rivera was long a champion of Puerto Rican independence and his life, both public and private, was devoted to the cause of autonomy for Puerto Rico and equality for our people. In addition to his political activities he was also a noted poet, newspaper writer and publisher.

During his tenure as Resident Commissioner of Puerto Rico, a position he held for six years, the Jones Bill—which granted full American citizenship to Puerto Ricans—was introduced in the Congress and enacted into law. Muñoz Rivera was instrumental in this measure's passage.

While I realize that many commemorative stamp proposals are currently pending, I believe a stamp to honor Muñoz Rivera deserves special consideration. To the best of my knowledge, no Puerto Rican has ever been so honored, although countless other nationality groups have been represented by commemorative stamps.

I suggest that a Luis Muñoz Rivera commemorative stamp be issued on December 12, 1973 to coincide with the 75th anniversary of the signing of the Treaty of Paris whereby Puerto Rico secured her independence from Spain.

I urge that you and the Citizens' Stamp Advisory Committee give this proposal your fullest, most careful and sympathetic consideration with a view toward authorizing the issuance of a special stamp to honor Luis Muñoz Rivera's life and important contributions.

Sincerely,

HERMAN BADILLO,
Member of Congress.

H.J. RES. —

Joint resolution to provide for the issuance of a special postage stamp in commemoration of Luis Muñoz Rivera

Whereas Luis Muñoz Rivera was an outstanding patriot who devoted his life to achieving fair and just treatment for Puerto Ricans; and

Whereas Luis Muñoz Rivera is considered as the father of Puerto Rican independence and one of the most distinguished statesmen produced by Puerto Rico; and

Whereas Luis Muñoz Rivera served as the Resident Commissioner of Puerto Rico in the United States Congress; and

Whereas Luis Muñoz Rivera's tireless energy and dedication secured the passage of the Jones Act and the granting of U.S. citizenship to Puerto Ricans; and

Whereas Luis Muñoz Rivera symbolizes the many outstanding accomplishments of and contributions to American society by more than four million Puerto Rico Americans; Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Postmaster General is authorized and directed to issue a special postage stamp in commemoration of the late Luis Muñoz Rivera. Such stamp shall be of such denomination and design as the Postmaster General shall determine, shall be first placed on sale on December 12, 1973 and shall be sold thereafter for such period as the Postmaster General shall determine.

COMMENDS KIWANIS

HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. GALIFIANAKIS. Mr. Speaker, today I want to recognize and commend Kiwanis International and the Kiwanis Club around the world for the exemplary service they provide to our States and Nation. I wish to draw special attention to this service organization's awareness of current problems as evidenced by their Operation Drug Alert program.

Kiwanis International has recognized the danger to our country, the damage to our citizens, and the waste, brutality and sorrow wrought by the misuse of drugs throughout our society.

This is a massive problem the Kiwanians have chosen to confront. It involves both physical and mental dependency; it knows no economic, racial or geographical boundaries, and it is symptomatic of a deeply rooted, badly misshapen approach to seeking pleasure or solving problems. Such things are not easily changed.

But Kiwanis International has, as always, faced up to the challenge of finding solutions to complex problems. This organization has taken a determined stand on the drug problem and has brought to bear the pragmatic idealism and expertise of its members. By tackling this problem they inspire others in their community and nation to involve themselves.

In February 1969 the Kiwanis International board of trustees designated Operation Drug Alert, a program directed toward the prevention of drug abuse, as its major emphasis program for all Kiwanis Clubs in the United States during the 1969–70 year. This program was similarly designated as an emphasis program for the succeeding year, 1970–71, and for the current year, 1971–72.

The program's main objectives are:

To educate as many people as possible to the nature and consequences of the use, abuse, and misuse of drugs, especially concentrating upon the prerisk group of youth of elementary and junior high age;

To inhibit, reduce, or eliminate drug abuse within the community;

To safeguard the community against further incidence.

This year's program places special emphasis on prevention and remedial action.

To assist local Kiwanis clubs in working toward these objectives, Kiwanis International provides each club with a planning manual and other support materials, including booklets, recorded spot announcements, suggested newspaper releases, and so forth.

Reports from 4,709—88 percent—Kiwanis clubs in the United States and Canada revealed that for 1 year alone, from October 1970 through September 1971, 2,056 of these clubs had played a substantial role in a communitywide program and an additional 913 had carried out projects independently. These clubs had distributed to youth more than 2 million copies of the two drug education booklets available from Kiwanis International, and, in addition to that, distributed nearly 4 million copies of drug education materials available from other sources or produced by themselves.

These Kiwanis clubs had sponsored a total of 12,678 public meetings or forums and 63,574 members had given at least 1 hour of their time to the program.

These clubs had either helped to initiate, assisted financially, or in some other way significantly supported: 685 drop-in centers, 764 hotlines, 164 methadone maintenance programs, 600 halfway houses, and 1,843 other counseling or rehabilitation programs.

These impressive figures do not even include the various other kinds of involvement of Kiwanis clubs in the program, such as the purchase of books for libraries, billboards, bumper strips, and so forth. Nor do they reflect the substantial contribution made by the Kiwanis-sponsored youth organization, the Key clubs and Circle K clubs, on more than 4,000 high school and college campuses, which had their own drug abuse prevention programs or cooperated with Kiwanis clubs in theirs.

There are over 100 Kiwanis clubs in my own home State and according to Dr. Cecil Cooper, district governor of the Carolinas district, Mr. Carl Hyatt, Jr., secretary-treasury for the district, 90 percent of the 100 clubs have been actively involved in operation drug alert.

I wish I could site them all individually, but to give you an idea of what they have been doing, I want to mention just two here.

The Kiwanis Club of High Point, N.C., promoted the film, "Way Out" which depicts the dangers of drug abuse. There were 3,000 copies of the Kiwanis Club booklet "Deciding About Drugs" and 15,000 copies of the article, "But Mom—Everyone Smokes Pot," distributed to schools, shopping centers, and business firms. Under Kiwanis sponsorship, Scott Ross, former New York disc jockey and drug addict, spoke to over 12,000 people at public meetings in the community, and over 250,000 in the television viewing audience heard Mr. Ross on three specially taped programs. The club actively participated in the formation of the High Point Drug Task Force, composed of representatives of local schools, churches, parent-teacher, civic, and professional groups.

In Goldsboro, N.C., Operation Drug Alert Day was officially proclaimed by the mayor, and the Kiwanis Club there conducted an intensive drug education program for the entire community. Three separate assemblies were held in local schools for students in grades 6 through 10, and a meeting for the general public was conducted in the evening. Each of the four sessions centered on the appearance of a former drug addict and pusher, backed up by a panel of experts; 3,000 copies of an educational booklet on drugs were distributed to those attending the sessions.

I am heartened and hopeful for our future when I see the energy and ideals of an outstanding organization such as Kiwanis International being put into action. It is through the resourcefulness, drive, and commitment of such organizations and private citizens that we are able to strengthen the present, and build our tomorrows on a sturdier foundation.

I think to get a clear picture of what Kiwanis International is really all about, one has only to look at a few of its stated objectives:

To cooperate in creating and maintaining that sound public opinion and high idealism, which make possible the increase of righteousness, justice, patriotism, and good will.

To develop, by precept and example, a more intelligent, aggressive and serviceable citizenship, and

To encourage the daily living of the Golden Rule in all human relationships.

I think we all owe a debt of gratitude to these Kiwanians, who give so much of their time and of themselves, and I am proud to commend Kiwanis International for the fine work it is doing. It is a very special honor for me to be a member of the Kiwanis Club in my own hometown of Durham, N.C., and to be a part of this worldwide service organization.

FAMILY FARM AND SMALL BUSINESSMEN DESERVE PROTECTION

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. PURCELL. Mr. Speaker, today I am forced to reintroduce a measure that I put before the Congress as far back as 1967 and also in each subsequent session. The fact that this bill has not been enacted into law grows more deplorable with each week that passes.

The bill I refer to is intended to relieve the American farmer and small businessman from an economic stranglehold improvidently imposed by senseless Internal Revenue Service regulations. Each year thousands of American farmers are being forced from their land due to irrational policies promulgated by the IRS and because the Congress of the United States refuses to heed their cries for assistance.

I put this bill before the Congress once again because the Internal Revenue Service continues to assess, for estate tax purposes, agricultural land at the value for which it could be sold on the speculative market, rather than for what it is worth as farmland. Playing openly into the hands of the self-enriching profit speculators, this Revenue Service policy is systematically destroying a vast segment of American agriculture and at the same time is accelerating the uncontrolled spread of the megalopolis into rapidly degenerating rural areas.

Current IRS policy is to appraise and tax a farmer's land holdings at its value for development—often five to 10 times higher than its worth as farmland. As a result, farmland must often be sold to waiting speculators in order to cover the unbearable inheritance taxes.

A common occurrence today is the situation where a young farmer attempting to continue on family owned land, located on the outskirts of the burgeoning suburbs, must assume a tremendous mortgage with 9 or 10 percent interest in order to pay the inheritance taxes. In thousands of instances repeated all over the country, the young farmer will not be able to carry the burden. So, he has to sell. Any way you look at it, it comes out the same—foolish IRS policy and lack of governmental response has forced another farmer off land his family has worked for decades.

The bill I am reintroducing provides the drastically needed revisions to the valuation criteria used by the IRS and would establish a more reasonable and practical estate tax. In effect it would assure and protect the future of the agricultural areas of the United States.

Not only is congressional action needed on this measure to prevent the disintegration of the family farm as we know it today, but appropriate action now would help put an end to the hodge podge of State and county statutes that have cropped up in the search for methods of circumventing IRS regulations. For example, in Florida, farmers by the thousands have been forced to incorporate thereby utilizing tax exempt corporate gift tax statutes. In California, New Jersey, and Maryland, the trend has been toward setting up agricultural land use districts. Farmers in various other States have chosen to enter into special contractual relationships with county governments which enable the State to enter its own tax assessments for Federal purposes.

Makeshift expedients have been devised throughout the country. This is in my opinion a dangerous and undesirable consequence which in the long run makes a mockery out of our goal to provide reasonable, practical, and uncomplicated laws for the governing of society. In light of such developments, it is no wonder to me that public mistrust and widespread disrespect for governmental institutions is running rampant in our society.

I offer this bill once again in the interest of securing the future of the family farm in this country and in the hope of renewing credibility and respect for Government.

MOORHEAD BILL TO CREATE STATUTORY SECURITY CLASSIFICATION SYSTEM AND TO PROVIDE FOR ACCESS BY CONGRESS TO INFORMATION FROM THE EXECUTIVE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. MOORHEAD. Mr. Speaker, I have today introduced a bill to correct the many deficiencies and abuses connected with the operation of the Nation's security classification system and problems relating to access to information by the Congress from the executive branch.

The key feature of this legislation is the establishment of an independent Classification Review Commission, composed of nine members who would be provided broad regulatory and quasi-adjudicatory authority over the administration of the security classification system in the executive branch. The commission would also have the responsibility of settling disputes between the Congress and the executive over access to both classified and unclassified types of information requested by Congress or the Comptroller General of the United States. The commission's decisions in this latter area would be subject to judicial review.

Three members of the Classification Review Commission are to be appointed by the Speaker of the House, three by the President pro tempore of the Senate, and three by the President. Terms would be fixed at 3, 5, and 7 years, but no member could be reappointed, and not more than six members may be from the same political party.

Mr. Speaker, the statutory security classification system established in this legislation would replace the Presidential Executive order approach to this problem which our hearings have shown to be unworkable and which has resulted in the massive overclassification and needless classification of documents and undermined the integrity of our entire security classification effort. Obviously, it is impossible to write language—either in an Executive order or in a statute—to cover all situations in this complex field. But the machinery that would be established by this legislation would provide the flexibility to deal with security classification problem areas on a case-by-case basis, while providing the overall independent administration and regulation of the system to properly enforce its provisions and insure its effectiveness within the framework of our representative system of government.

The Foreign Operations and Government Information Subcommittee over the years has held numerous hearings and conducted investigations into these same subject matters, spanning a period of more than 15 years and four national administrations—two Republican and two Democratic. Additional hearings are currently being held on security classification problems and instances of denial of information requested by Congress from the executive branch—information needed by Congress to discharge its constitutional duties and responsibilities.

Mr. Speaker, I stress the fact that this matter is not a partisan one. The weaknesses of Executive orders in the administration of our security classification system have been obvious to the past five Presidents. Over the past 25 years, we have had two Executive orders in operation and the most recent inadequate attempt to deal with the problem is Executive Order 11652, issued by President Nixon on March 8 of this year, and scheduled to take effect on June 1, 1972.

The dimensions of this difficult problem were eloquently described in President Nixon's statement on March 8:

> Unfortunately, the system of classification which has evolved in the United States has failed to meet the standards of an open and democratic society, allowing too many papers to be classified for too long a time. The controls which have been imposed on classification authority have proved unworkable, and classification has frequently served to conceal bureaucratic mistakes or to prevent embarrassment to officials and administrations.

The long-range effects of such a system were also listed:

> The many abuses of the security system can no longer be tolerated. Fundamental to our way of life is the belief that when information which properly belongs to the public is systematically withheld by those in power, the people soon become ignorant of their own affairs, distrustful of those who manage them, and—eventually—incapable of determining their own destinies.

All Americans should be able to agree on these fundamental principles on which any free nation's security classification must be predicated. We can also agree on other requirements of such a system, as similarly described in President Nixon's statement:

> Yet since the early days of the Republic, Americans have also recognized that the Federal Government is obliged to protect certain information which might otherwise jeopardize the security of the country. That need has become particularly acute in recent years as the United States has assumed a powerful position in world affairs, and as world peace has come to depend in large part on how that position is safeguarded. We are also moving into an era of delicate negotiations in which it will be especially important that governments be able to communicate in confidence.
>
> Clearly, the two principles of an informed public and of confidentiality within the Government are irreconcilable in their purest forms, and a balance must be struck between them.

Mr. Speaker, these are the basic premises on which we all can concur in the formulation of a system to safeguard our legitimate national defense and foreign policy secrets, while, at the same time providing the American public with the information required to preserve unity of purpose.

As I have pointed out on several occasions on the House floor, the new Executive order does not, in my carefully considered judgment, meet the basic criteria laid down in the President's own statement. It is unworkable, contains massive technical defects, and contains major loopholes that will only make the problem of overclassification worse, while seriously jeopardizing the integrity of vital defense and foreign policy secrets that do require the utmost protection.

These conclusions have been reached after hearing testimony before our subcommittee from witnesses of the Defense, State, and Justice Departments who were all involved in the creation of the new security classification Executive order. It was for this reason that I publicly called upon the President on May 3 to suspend indefinitely the June 1 effective date of the new order.

Mr. Speaker, I have felt that those who criticize an existing program or policy have an obligation to propose viable alternatives if their criticism is to be seriously considered by others. The bill I am introducing today provides that viable alternative which meets the fundamental criteria spelled out by President Nixon in his March 8 statement and the criteria developed during our extensive hearings on the security classification system and the need for Congress to obtain information from the executive branch.

This legislation would establish, for the first time, a sound, flexible statutory system to deal effectively with the dual need to safeguard our truly vital defense and foreign policy secrets, while assuring the Congress and the public to information required to preserve our representative system of government. The "tilt" should always be toward disclosure. Full details are described in the section-by-section analysis of the measure and the full text of the bill, which follow my remarks. For reference purposes, I will also list the citations in the RECORD to my previous remarks on this subject and appendix insertions I have included.

Other highlights of the proposal, embodied in the Freedom of Information Act Amendments of 1972, are summarized below:

> Strictly confines classification of national defense information to "Top Secret", "Secret", and "Confidential", depending on the level of damage to the national defense that would be caused by its unauthorized disclosure;
>
> Limits original "Top Secret" classification to only the Departments of State, Defense (including the Army, Navy and Air Force), the Central Intelligence Agency, the Atomic Energy Commission, and designated offices within the Executive Office of the President;
>
> Limits original "Secret" classification to only the Departments and agencies listed above and the Departments of Justice, Treasury, and Transportation;
>
> Limits original "Confidential" classifications to the Departments and agencies listed above and the Department of Commerce and the National Aeronautics and Space Administration;
>
> Provides for a strict limitation upon those top officials in each of the Departments and agencies listed above as to who can exercise the authority to classify information. Such officials shall be held fully accountable and shall be subject to reprimand and other disciplinary action for overclassification or other violations of regulations;
>
> Requires a three-year downgrading procedure for most types of classified national defense information—one year from "Top Secret" to "Secret" one year from "Secret" to "Confidential"; and one year from "Confidential" to a declassified state, and transfer to the National Archives, where it would then be subject to disclosure provisions of the Freedom of Information Act;
>
> It authorizes a procedural "savings clause" that could be applied narrowly to certain types of highly sensitive national defense information when invoked by the Executive department or the President, subject to the approval of the independent Classification Review Commission created under the legislation;
>
> National defense information previously classified is subject to an automatic declassification procedure after a period of 15 years, except for highly sensitive data subject to the "savings clause" procedure.

Mr. Speaker, in summary, this legislation strikes that delicate balance between the conflicting needs of the Congress and the Executive, and the public as a whole in this vital area. But it also requires as rapid disclosure of information as possible, consistent with the national interest. It would replace the unworkable and unmanageable Executive order approach to the security classification system and would provide a practical, enforceable, meaningful administrative mechanism to safeguard the Nation's truly vital defense secrets, while preserving the constitutional need of Congress for information to investigate and to legislate, and maintaining the public's right to know that is essential in our representative system of government.

I invite comments and suggestions from my colleagues here in the Congress for improvements in this legislation, as well as those from the executive branch and the public. Hopefully, other Members of the House and Senate bill, after carefully considering the measure, join in cosponsoring it with me:

Congressional Record Citations to Security Classification Remarks and Insertions by Representative William S. Moorhead

"Hearings on the Freedom of Information Act to Begin Monday, March 6", March 1, 1972, Congressional Record, page 6335.

"Moorhead Hits Nixon Action on Security Classification Executive Order", March 8, 1972, Congressional Record, page 7594.

"Foreign Aid Funds May Be Cut Off Tomorrow Because of Refusal to Provide Congress with Vital Information on Cambodia", March 14, 1972, Congressional Record, page 8368.

"U. S. Assistance Program in Cambodia", March 16, 1972, page 8694.

"Section-by-Section Comparison and Analysis of Executive Orders 10501 and 11652, 'Classification and Declassification of National Security Information and Material' ", March 21, 1972, page 9377.

"New Security Classification Executive Order Perpetuates Censorship and Secrecy", article by William G. Florence, March 27, 1972, page 10345

"Muddled Secrecy System", editorial in St. Louis *Post Dispatch*, April 26, 1972, page 14551.

"Moorhead Urges Postponement of Effective Date of New Presidential Executive Order on Security Classification System", May 3, 1972, page 15692.

"Expert Urges Statutory Security Classification System to End Dangerous Overclassification and Administration Chaos", testimony by William G. Forence, May 4, 1972, page 16007.

"Senator Gravel Attacks Secrecy in Government, Urges Congress to Exercise Its Legitimate Power as a Coequal Branch", testimony by Senator Mike Gravel, May 9, 1972, page 16467.

"Government Secrecy Costs Twice as Much as Government Public Information," summary of GAO study on costs of security classification system, May 15, 1972, page 17340.

H.R. 15172

A bill to amend section 552 of title 5 of the United States Code to clarify certain exceptions from its disclosure requirements, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the "Freedom of Information Act Amendments of 1972".

Sec. 2. Section 552(a) (3) of title 5, United States Code, is amended by adding at the end thereof the following new sentence: "The court shall award reasonable attorneys' fees and court costs to the complainant if it issues any such injunction or order against the agency."

Sec. 3. Section 552(b) of title 5, United States Code, is amended by—

(1) striking out "(b) This section" and inserting in lieu thereof "(b) (1) Subsection (a)";

(2) redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively;

(3) striking out subparagraph (A) (as so redesignated) and inserting in lieu thereof the following:

"(A) required under subsection (d), in the interest of national defense, to be kept secret;";

(4) striking out "or" at the end of subparagraph (H) (as so redesignated), by striking out the period at the end of subparagraph (I) (as so redesignated) and inserting "; or" in lieu thereof, and by inserting after subparagraph (I) (as so redesignated) the following new subparagraph:

"(J) related to the foreign policy of the United States."; and

(5) inserting at the end thereof the following new paragraph:

"(2) If any matter falls within paragraph (1) and is classified under subsection (d) as Top Secret, Secret, or Confidential and is subsequently declassified under subsection (e), then subsection (a) applies to such matter."

Sec. 4. Section 552 of title 5, United States Code, is amended by adding at the end thereof the following new subsections:

"(d) (1) Official information may, in the interest of national defense, be classified as—

"(i) Top Secret;

"(ii) Secret; or

"(iii) Confidential;

by appropriate agencies as described in subparagraph (A) of paragraph (2). Such classified information shall be known as national defense information. Official information may be classified as Top Secret only if its unathorized disclosure could cause exceptionally grave damage to the national defense the United States. Official information may be classified as Secret only if its unauthorized disclosure could cause serious damage to the national defense of the United States. Official information may be classified as Confidential only if its unauthorized disclosure could cause damage to the national defense of the United States.

"(2) (A) (i) Official information may be originally classified as Top Secret by the following agencies: the Department of State, the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Central Intelligence Agency, the Atomic Energy Commission, and by such offices within the Executive Office of the President as the President may designate by Executive order.

"(ii) Official information may be originally classified as Secret by any agency which may originally classify official information as Top Secret and by the Department of the Treasury, the Department of Justice, and the Department of Transportation.

"(iii) Official information may be originally classified as Confidential by any agency which may originally classify official information as Top Secret or Secret and by the Department of Commerce and the National Aeronautics and Space Administration.

"(B) (i) Within the agencies described in subparagraph (A), the classification, in the interest of national defense, of official information may only be done by the head of each such agency, and such other senior principal deputies, assistants, and subordinate officials within each such agency who are designated in writing by the head of each such agency. However, subordinate supervisory officials below the level of section chief or its equivalent may not be designated to classify official information as Top Secret, Secret, or Confidential. Nor may any individual be designated to classify such information unless his day-today operational responsibilities make it imperative that he have such authority. The head of each such agency shall semiannually review each individual whom he has designated in writing as having authority to classify official information in order to take away such authority from any individual whose operational responsibilities no longer make it imperative that he have such authority.

"(ii) Individuals who are designated in writing by the head of an agency pursuant to clause (i) as having authority to classify official information may not redelegate such authority to any other individual.

"(3) (A) Except as otherwise provided by statute, the head of each agency described in subparagraph (A) of paragraph (2) shall compile and maintain a full and complete list of the names and addresses of all individuals within such agency who have the authority to classify official information as Top Secret, Secret, or Confidential, including a breakdown identifying individuals who have the authority to classify official information into each such category. A copy of such list shall be submitted by each such head quarterly to the Classification Review Commission. A copy of each such list shall also be made available, upon written request to the appropriate agency head by any committee of Congress or by the Comptroller General of the United States, to such committee or the Comptroller General.

"(B) Any individual who, acting in a clerical capacity, handles any classified information need not have authority to classify official information pursuant to subparagraph (A) in order to put markings on material containing any such information to identify its category of classification.

"(4) No agency other than an agency described in subparagraph (A) of paragraph (2) may, in the interest of national defense, classify official information, and no such authority may be delegated to any other agency except by statute.

"(5) (A) The classification of official information shall be strictly based upon the definitions of Top Secret, Secret, and Confidential, as defined in paragraph (1).

"(B) Each individual who has the authority pursuant to paragraph (2) (B) (i) to classify official information as Top Secret, Secret, or Confidential shall be held accountable, under regulations prescribed by the Commission, for his failure to accurately classify such information.

"(C) Such individuals shall not classify official information in order to conceal incompetence, inefficiency, wrongdoing, administrative error, to avoid embassassment to any individual or agency, to restrain competition or independent initiative, or to prevent or delay for any reason the release of official information in violation of subsection (e). Any such individual who classifies official information in violation of this subparagraph shall be subject to administrative reprimand, including suspension or such other disciplinary action as shall be prescribed under regulations of the Commission.

"(D) Classified information furnished to the United States by a foreign government or international organization shall be classified by an appropriate agency described in subparagraph (A) of paragraph (2) as Top Secret, Secret, or Confidential, depending upon its category of classification by such foreign government or international organization. However, the provisions of such information to any appropriate committee of Congress shall not be denied, upon the written request of such committee to the appropriate agency.

"(e) (1) (A) Whenever—

"(i) any official information which has been classified on or after the effective date of the Freedom of Information Act Amendments of 1972 pursuant to subsection (d) as Top Secret, Secret, or Confidential; and

"(ii) such information no longer satisfies the criterion (as described in subsection (d)(1)) for classification in such category;

then such information shall be promptly downgraded to an appropriate less stringent category or declassified by an individual within the agency concerned who has authority to classify such information.

"(B) Except as provided by paragraph (3)—

"(i) any official information which is originally classified pursuant to subsection (d) as Top Secret, Secret, or Confidential on or after the effective date of the Freedom of Information Act Amendments of 1972; and

"(ii) any official information which was originally classified, in the interest of national defense, as Top Secret, Secret, or Confidential during the fifteen-year period immediately preceding the effective date of the Freedom of Information Act Amendments of 1972 pursuant to any Executive order and which is classified as Top Secret, Secret, or Confidential on such effective date; shall be downgraded or declassified, as the cause may be, by an individual within the agency concerned who has the authority to classify such information according to the schedule in paragraph (2).

"(C) Except as provided by paragraph (3), any official information which was originally classified, in the interest of national defense, prior to the fifteen-year period immediately preceding the effective date of the Freedom of Information Act Amendments of 1972 pursuant to any Executive order, directive, memoranda, or other authority and which is classified as Top Secret, Secret, or Confidential on such effective date shall be automatically declassified by an individual within the agency concerned who has the authority to classify such information within six months after the effective date of the Freedom of Information Act Amendment of 1972.

"(2) Official information which is classified as Top Secret, Secret, or Confidential and which is described in subparagraph (B) of paragraph (1) shall be downgraded or declassified, as the case may be, by an individual within the agency concerned who has the authority to classify such information according to the following schedule:

"(A)(i) Official information classified as Top Secret and described in paragraph (1)(B)(i) shall be downgraded to Secret twelve months after the date of its original classification as Top Secret.

"(ii) Official information classified as Top Secret and described in paragraph (1)(B)(ii) shall be downgraded to Secret within twelve months after the effective date of the Freedom of Information Act Amendments of 1972.

"(B)(i) Official information classified as Secret and described in paragraph (1)(B)(i) shall be downgraded to Confidential twelve months after the date of its original classification as Secret.

"(ii) Official information classified as Secret and described in paragraph (1)(B)(ii) shall be downgraded to Confidential within twelve months after the effective date of the Freedom of Information Act Amendments of 1972.

"(iii) Official information which is downgraded to the category of Secret pursuant to the provisions of paragraph (1)(A) or pursuant to the provisions of clause (i) or (ii) of subparagraph (A) of this paragraph shall be downgraded to the category of Confidential twelve months after the date of its downgrading to the category of Secret.

"(C)(i) Official information classified as Confidential and described in paragraph (1)(B)(i) shall be declassified twelve months after the date of its original classification as Confidential.

"(ii) Official information classified as Confidential and described in paragraph (1)(B)(ii) shall be declassified within twelve months after the effective date of the Freedom of Information Act Amendments of 1972.

"(iii) Official information which is downgraded to the category of Confidential pursuant to the provisions of paragraph (1)(A) or pursuant to the provisions of clause (i), (ii), or (iii) of subparagraph (B) of this paragraph shall be declassified twelve months after the date of its downgrading to the category of Confidential.

"(3) Official information which is classified as Top Secret and which is described in subparagraph (B) or (C) of paragraph (1) shall not be downgraded to a less stringent category or declassified, other than in accordance with procedures described in paragraph (4), if such information—

"(A) is specifically exempted from disclosure by statute;

"(B) pertains to cryptologic systems;

"(C) would disclose intelligence sources or methods; or

"(D) would disclose a defense plan, project, or other specific defense matter, the continuing protection of which is of vital importance to the United States and the unauthorized disclosure of which could cause exceptionally grave damage to the national defense of the United States.

"(4)(A) Official information which is classified as Top Secret, is described in subparagraph (B) or (C) of paragraph (1), and is within the purview of subparagraph (A), (B), (C), or (D) of paragraph (3) shall be downgraded to Secret by an individual within the agency concerned who has the authority to classify such information twelve months after the date of its original classification as Top Secret in the case of information described in paragraph (1)(B)(i) and twelve months after the effective date of the Freedom of Information Act Amendments of 1972 in the case of information described in paragraph (1)(B)(ii) or paragraph (1)(C). Immediately after its downgrading, such information shall be transmitted by the head of the agency concerned to the Chairman of the Commission.

"(B) The Commission may, by a majority vote of its full membership, allow such information to continue to be classified as Secret for a period of twenty-four months beginning as of the date of the downgrading of such information by the agency concerned to Secret. Prior to the end of such twenty-four-month period, the Commission may, by a majority vote of its full membership, allow such information to continue to be classified as Secret for a period of twelve months beginning as of the end of such twenty-four-month period. Prior to the end of such twelve-month period, the Commission may, by a two-thirds vote of its full membership, allow such information to continue to be classified as Secret for an additional twelve-month period beginning as of the end of the preceding twelve-month period. At the end of this additional twelve-month period, such information shall be downgraded to Confidential by an individual within the agency concerned who has the authority to classify such information, and twelve months after the date of its downgrading to Confidential, such information shall be declassified by any such individual. However, if prior to the end of such second twelve-month period the President informs the Commission, in writing, of the detailed justification for the continued safeguarding of such information based upon national defense interests of the United States of the highest importance, then such information shall continue to be classified as Secret unless the Commission, within fifteen calendar days of its receipt of the President's written justification, by a two-thirds vote of its full membership, rejects such justification. If the Commission does not so vote to reject such justification, then such information shall continue to be classified as Secret until the Commission, by a two-thirds vote of its full membership, rejects such justification. If the Commission does so vote to reject such justification, then such information shall be downgraded to Confidential by an individual within the agency concerned who has the authority to classify such information, and twelve months after the date of its downgrading to Confidential, such information shall be declassified by any such individual.

"(C) If the Commission does not vote under subparagraph (B) to allow any information within the purview of subparagraph (A) to continue to be classified as Secret for such twenty-four month period or for the first or second twelve-month period described in subparagraph (B), then such information shall be downgraded to Confidential and thereafter declassified according to the schedule provided under paragraph (3), except that if such information is described in subparagraph (C) of paragraph (1), then it shall be promptly declassified by an individual within the agency concerned who has authority to classify such information.

"(5)(A) Any official information which is downgraded or declassified under this subsection shall be marked as soon as practicable in order to clearly identify its new category of classification or the fact that it has been declassified, the date of such downgrading or declassification, the name of the person who authorized such change, and the name of the individual who executed such change.

"(B) In cases where—

"(i) classified information has been transferred from one agency to another agency;

"(ii) the agency which originally classified such information has ceased to exist; or

"(iii) such information has been transferred to the General Service Administration in order to be placed in the Archives of the United States;

the Commission shall prescribe regulations which delineate who shall have the authority to downgrade such information to a less stringent category and to declassify it.

"(f)(1) There is established a commission to be known as the Classification Review Commission (referred to in this section as the 'Commission').

"(2)(A) The Commission shall be composed of nine members as follows:

"(i) Three appointed by the Speaker of the House of Representatives. Not more than two members appointed under this clause may be of the same political party.

"(ii) Three appointed by the President pro tempore of the Senate. Not more than two members appointed under this clause may be of the same political party.

"(iii) Three appointed by the President. Not more than two members appointed under this clause may be of the same political party.

A vacancy in the commission shall be filled in the manner in which the original appointment was made.

"(B) Not more than six members of the Commission appointed shall be of the same political party. All members of the Commission must be citizens of the United States.

"(C)(i) Of the members first appointed—

"(I) one appointed by the Speaker of the House, one appointed by the President pro tempore of the Senate, and one appointed by the President shall be appointed for a term of three years;

"(II) one appointed by the Speaker of the House, one appointed by the President pro tempore of the Senate, and one appointed by the President shall be appointed for a term of five years; and

"(III) one appointed by the Speaker of the House, one appointed by the President pro tempore of the Senate, and one appointed by the President shall be appointed for a term of seven years.

"(ii) Any member appointed to fill a vacancy occurring prior to the expiration of the term or which his predecessor was appointed shall be appointed only for the remainder of such term. A member may not serve more than one term on the Commission, except that a member may serve after the expiration of his term until his successor has taken office.

"(D) No member of the Commission shall actively engage in any business, vocation, or employment other than that of serving as a member of the Commission.

"(3) (A) Six members of the Commission shall constitute a quorum.

"(B) The Chairman and Vice Chairman of the Commission shall be elected from the membership by the members of the Commission. The term of office of the Chairman and Vice Chairman shall be two years.

"(C) The Commission shall meet at the call of the Chairman or six of its members.

"(4) (A) Members (including the Chairman and Vice Chairman) of the Commission shall each be paid at the annual rate of basic pay in effect for level II of the Executive Schedule of section 5315 of title 5, United States Code.

"(B) (i) The Commission shall have an Executive Secretary who shall be hired by the Commission and who shall be paid at a rate not to exceed the rate of basic pay in effect for level IV of the Executive Schedule of section 5315 of title 5, United States Code.

"(ii) Subject to such rules as may be adopted by the Commission, the Chairman may appoint such personnel as he deems desirable.

"(iii) The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(5) (A) The Commission shall prescribe such regulations as it considers necessary or appropriate to effectuate the provisions of subsections (d) through (g) of this section including such regulations as are described in subsection (d) (5) (B), subsection (d) (5) (C), subsection (e) (5) (B), and subsection (g) (6).

"(B) The Commission shall prescribe standards and procedures concerning the handling of official information which is classified in the interest of national defense which shall be applied uniformly by the agencies concerned (including the Commission) and shall include, but not be limited to, the following—

"(i) assuring that (I) knowledge and possession of such information shall be limited to individuals who are trustworthy and whose official duties require such knowledge or possession, that (II) such information shall not be disseminated outside of the originating or controlling agency except under such conditions and by such methods as are authorized by the President or the head of disseminating agency, and that (III) no individual may withhold or authorize withholding such information from Congress;

"(ii) assuring that such information shall be appropriately and conspicuously marked or otherwise identified in order to show its category of classification;

"(iii) assuring that such information shall be marked in order to identify the agency which classified it, the date of its preparation and classification (including the date of its subsequent downgrading and declassification), and the name and title of the highest ranking person authorizing its classification (and subsequent downgrading and declassification);

"(iv) assuring that such information shall be used, possessed, transmitted, and stored only under conditions which will prevent dissemination to or access by unauthorized persons; and

"(v) assuring that appropriate accountability records shall be established and maintained with respect to such information.

"(6) (A) The Commission may for the purpose of carrying out its duties under subsections (d) through (g) hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem advisable. The Commission may administer oaths or affirmations to witnesses appearing before it.

"(B) The Commission may secure directly from any agency information necessary to enable it to carry out its duties under subsection (d) through (g). Upon request of the Chairman or Vice Chairman of the Commission, the head of such agency shall furnish such information to the Commission.

"(C) The Commission may use the United States mails in the same manner and upon the same conditions as other agencies.

"(D) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

"(E) (i) The Commission shall have the power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

"(ii) If a person issued a subpena under clause (i) refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(iii) The subpenas of the Commission shall be served in the manner provided for subpenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

"(iv) All process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

"(F) The Commission shall carry out its functions with respect to the downgrading and declassification of official information as described in subsection (e) (4) and (e) (5) (B).

"(G) The Commission may issue decisions, orders, and directives, and distribute reports, administrative memorandums, and other information in order to assure that the provisions of subsections (d) through (g) are carried out.

"(H) The Commission shall publish annual reports of its activities and shall make available for public inspection at reasonable times in its office a record of its proceedings and hearings. However, the Commission shall not make public any classified information prior to its declassification.

"(I) The Commission shall conduct a thorough and continuing investigation and appraisal of the policies, standards, and operations of agencies classifying information, in the interest of national defense, under subsection (d).

"(J) The Commission shall investigate, upon the vote of at least three of its members, inquiries initiated by private citizens, officers or employees of the United States, or any other person concerning any allegation of improper classification of official information within the purview of subsection (d) or (e) or concerning any allegation of the failure of any agency, or of any officer or employee thereof, to comply with the provisions of subsection (d) or (e), or any regulation prescribed by the Commission under paragraph (5) (A) of this subsection, or any standards or procedures prescribed by the Commission under paragraph (5) (B) of this subsection, or any decisions, orders, or directives issued by the Commission under subparagraph (G) of this paragraph. The Commission shall have a report published which describes the results of each investigation. The Commission shall, when appropriate, refer such matters to the Attorney General of the United States.

"(K) The Commission shall, pursuant to the provisions of subsection (g), furnish to Congress, committees of Congress, and the Comptroller General of the United States, upon request, certain classified and unclassified information necessary for Congress to discharge fully and properly all of its constitutional responsibilities.

"(g) (1) (A) The Commission shall promptly consider any written request transmitted to it for the issuance of an order directing any agency to transmit official information held by such agency which is classified or unclassified to—

"(i) either House of Congress, if such request is made upon the direction of a majority vote of the Members of such House;

"(ii) any committee of Congress, if such request is made upon the direction of a majority vote of the members of such committee and the subject matter of the information requested relates to the jurisdiction of such committee; or

"(iii) the Comptroller General of the United States, if the request is made by him.

"(B) For the purposes of this section, the term 'committee of Congress' means any committee of the Senate or House of Representatives or any subcommittee of any such committee or any joint committee of Congress or any subcommittee of any such joint committee.

"(2) Any request transmitted to the Commission under paragraph (1) (A) shall state with reasonable particularity the information or category of information requested and include a description of any efforts made to obtain access to such information, identifying the agency to which such request was made, the date of such request, and a copy of all correspondence with any such agency with respect to such request.

"(3) When the Commission receives any request under paragraph (1) (A), it shall immediately inform, in writing, the head of the appropriate agency and the President of such request, including a description of the information requested.

(4) (A) The agency which is informed under paragraph (3) of such request shall transmit the information requested to the Commission within three calendar working days of the date upon which such agency is so informed by the Commission. The head of such agency shall transmit to the Commission, along with such requested information, a letter containing a statement setting forth the recommendations of the agency as to whether such information should be made available by the Commission to the person requesting it under paragraph (1) (A).

"(B) If the agency concerned fails to transmit such requested information to the Commission pursuant to the provisions of subparagraph (A), the Commission shall immediately issue a subpena under subsection (f) (6) (E) (i) requiring the production of such information.

"(5) (A) If the agency concerned transmits such information to the Commission pursuant to paragraph (4) (A) and the recommendation of such agency is to release such information to the person requesting it, then the Commission shall transmit such information to such person.

"(B) If, however. the recommendation of such agency is not to release such information to the person requesting it, the agency shall transmit to the Commission a detailed justification in writing setting forth the specific reasons for its recommendation. The Commission shall conduct an investigation to determine whether such information shall be transmitted to the person requesting it. In making such determination, the Commission shall weigh the constitutional rights and powers of the parties concerned, including (i) the extent to which such information is necessary to Congress so that Congress may fully and properly discharge its constitutional responsibilities, and (ii) the extent to which the disclosure of such information to Congress would be contrary to the public interest or would seriously endanger the national defense of the United States. The Commission shall publish its determinations in the Federal Register. The proceedings of the Commission shall be recorded.

"(6) (A) The Commission shall prescribe regulations to govern its proceedings under paragraph (5) of this subsection.

"(B) In any case within the purview of paragraph (5) (B), the Commission shall hold a hearing at which a party is entitled to present its case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Such hearing shall be public, unless, because of the sensitive nature of the information in dispute, the Commission decides by a two-thirds vote that the hearing shall be closed.

"(C) The Commission shall meet immediately after the conclusion of the hearing to begin deliberations. The Commission shall render its decision in writing to each party within three calendar working days after the conclusion of the hearing. Such decision shall set forth in detail the reasons for the determination of the Commission.

"(7) (A) In carrying out the provisions of paragraph (5), the Commission is authorized to enter an order in each case either granting or denying the request. The Commission shall prescribe such terms and conditions as it deems necessary to protect the security of the information concerned, including but not limited to, requiring that the person requesting such information or his agent—

"(i) take adequate measures to guard the physical security of the information received;

"(ii) assure that access to the information be limited to Members of Congress whose responsibilities require access to such information, or to appropriate staff members of either House of Congress, or of any committee of Congress, or to the Comptroller General of the United States or any employee of the General Accounting Office who possesses proper security clearance; and

"(iii) take adequate measures to assure that all discussions with respect to such information shall take place in executive session of a committee of Congress and closed sessions of either the Senate or the House of Representatives, as provided in the rules of each such body.

"(B) The requirements imposed in clauses (i) through (iii) of subparagraph (A) shall apply only to classified information which the person requesting such information obtains through an order of the Commission and where the hearing described in paragraph (6) (B) with respect to such information is closed by vote of the Commission.

"(8(A) There is vested in the United States Court of Appeals for the District of Columbia exclusive original jurisdiction to review any final decision of the Commission under paragraph (6) upon complaint filed by a party to the proceeding at which such decision was made within fifteen calendar days of the date of publication of such decision by the Commission in the Federal Register pursuant to paragraph (5) (B). The decision of the Commission shall be upheld if there is substantial evidence on the record to sustain that decision. Such case shall be immediately considered and shall have precedence over all other cases pending before such court.

"(B) There is vested appellate jurisdiction in the Supreme Court of the United States to review by appeal as a matter of right any decision made by the United States Court of Appeals for the District of Columbia pursuant to this paragraph. The Supreme Court shall act promptly in considering such appeal and rendering its judgment thereon.

"(C) The judicial review provided for by this paragraph shall be the exclusive mode of judicial review."

SEC. 5. It is the sense of the Congress that the President, in conformity with article II, section 3, and article I, section 8 of the Constitution of the United States, shall keep Congress fully and currently informed with respect to all of the activities of agencies covered under this Act.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 7. (a) Except as provided by subsection (b), the foregoing provisions of this Act shall take effect at the beginning of the sixth month that commences after the date of its enactment.

(b) Section 552(f) (1) through (5) and (g) (6) (A) as added by section 4 of this Act and section 6 of this Act (to the extent necessary) shall take effect upon the enactment of this Act.

SECTION-BY-SECTION ANALYSIS OF "FREEDOM OF INFORMATION ACT AMENDMENTS OF 1972"—SECURITY CLASSIFICATION SYSTEM AND ACCESS BY CONGRESS TO INFORMATION FROM THE EXECUTIVE BRANCH

Section 1 designates this Act as the "Freedom of Information Act Amendments of 1972."

Section 2 amends Section 552(a) (3) of title 5, United States Code by authorizing the Federal courts to award reasonable attorneys' fees and court costs to complainant member of the public in suits under the Freedom of Information Act in such cases where the government's position in denying the information requested is not sustained.

Section 3 contains technical amendments renumbering and rephrasing exemptions under Section 552(b) (1) of the Freedom of Information Act. It also provides that classified information subsequently declassified under the Act shall be subject to the same disclosure provisions of the Freedom of Information Act.

Section 4 adds new subsections to Section 552, title 5 of the United States Code to provide for the establishment of a security classification system to safeguard classified information known as National Defense Information.

Subsection (d) (1) authorizes such information to be classified "Top Secret" only if its unauthorized disclosure could cause exceptionally grave damage to the national defense of the United States; "Secret" only if its unauthorized disclosure could cause serious damage to the national defense of the United States; and "Confidential" only if its unauthorized disclosure could cause damage to the national defense of the United States.

Subsection (d) (2) (A) authorizes original "Top Secret" classification by the Departments of State, Defense (including the Army, Navy, and Air Force), the Central Intelligence Agency, the Atomic Energy Commission, and by such offices within the Executive Office of the President that he may designate by Executive Order. It also authorizes original "Secret" classification by those Departments and agencies having "Top Secret" classification authority and by the Departments of Justice, Treasury, and Transportation. The subsection also authorizes original "Confidential" authority by those Departments and agencies having "Top Secret" and "Secret" classification authority and by the Department of Commerce and the National Aeronautics and Space Administration.

Subsection (d) (2) (B) specifies that such classification may only be done by the head of each department or agency and such other senior principal deputies, assistants, and subordinate officials within each who are designated in writing by the head of such department or agency, provided that such subordinate supervisory officials are not below the level of section chief or its equivalent. It further requires that such classification authority shall not be granted unless his day-to-day operational responsibilities make it imperative that he have such authority. The head of each department or agency is required to review semiannually the list of those having classification authority and to remove such authority from those whose operational responsibilities no longer make it imperative that they have such authority. Authority may not, in turn, be redelegated by any individual designated in writing by a department or agency head.

Subsection (d) (3) (A) requires each department and agency head to compile and maintain a full and complete list of names and addresses of all individuals within such agency who have authority to classify within each of the three classification categories. A copy of such list is to be submitted quarterly to the Classification Review Commission and shall be made available, upon written request to the appropriate department or agency head by any committee of Congress or by the Comptroller General of the United States.

Subsection (d) (3) (B) applies to individuals acting in a clerical capacity, who do not need classification authority to place markings on such information to properly identify its category of classification.

Subsection (d) (4) provides that classification of National Defense Information shall not be exercised by any other department or agency except those listed in subsection (d) (2) (A) of this Act, except by statute.

Subsection (d) (5) (A) specifies that the classification of official information shall be strictly based on the definitions of "Top Secret," "Secret," and "Confidential," as defined in subsection (d) (1) of this Act.

Subsection (d) (5) (B) specifies that each individual having the authority to classify official information pursuant to subsection (d) (2) (B) as "Top Secret," "Secret," or "Confidential" shall be held accountable for his failure to accurately classify such information under regulations prescribed by the Classification Review Commission.

Subsection (d) (5) (C) provides that such individuals shall not classify official information under the Act in order to conceal incompetence, inefficiency, wrongdoing, administrative error, to avoid embarrassment to any individual or agency, to restrain competition or independent initiative, or to prevent or delay for any reason the release of official information in violation of subsection (e) of this Act. Violators shall be subject to administrative reprimand, including suspension or such other disciplinary action as prescribed under regulations by the Classification Review Commission.

Subsection (d) (5) (D) provides that classified information furnished to the United States by a foreign government or international organization shall be classified by an appropriate agency described in (d) (2) (A) of this Act as "Top Secret," "Secret," or "Confidential," depending upon its category of classification by such foreign government or international organization. However, the provision of such information to any appropriate Congressional committee shall not be denied, if requested by such committee in writing to the appropriate agency.

Subsection (e) (1) (A) provides for the continuous downgrading and declassification of official information classified on or after the effective date of this Act pursuant to subsection (d) as "Top Secret," "Secret," or "Confidential" and which no longer satisfies the criterion described in subsection (d) (1) for classification in such category. Such information shall be promptly downgraded to an appropriate less stringent category or declassified by an individual within the agency concerned who has authority to classify such information.

Subsection (e) (1) (B) provides an automatic downgrading and declassification schedule (except for information contained in (e) (3) below) for (i) official information classified on or after the effective date of this Act pursuant to subsection (d) as "Top Secret," "Secret," or "Confidential" and (ii) official information originally classified, in the interest of national defense, as "Top Secret," "Secret," or "Confidential" during the 15-year period immediately preceding the effective date of this Act and which is still classified as "Top Secret," "Secret," or "Confidential" on such effective date. Such information shall be downgraded or declassified, as the case may be, in accordance with the schedule described in subsection (e) (2) below.

Subsection (e) (1) (C) provides that except for information contained in subsection (e) (3) below, any official information which was originally classified, in the interest of national defense, prior to the 15-year period immediately preceding the effective date of this Act pursuant to any Executive Order, directive, memoranda, or other authority and which is classified "Top Secret," "Secret," or "Confidential" on such effective date shall be automatically declassified within 6 months after the effective date by an individual within the agency concerned who has the authority to classify such information.

Subsection (e) (2) provides for a downgrading and declassification schedule for official information classified as "Top Secret," "Secret," or "Confidential" that is described in subsection (e) (B) (1) above, to be exercised by an individual within the agency concerned who has the authority to classify such information.

Subsection (e) (2) (A) (i) provides that official information classified as "Top Secret" and described in (e) (1) (B) (i) above shall be downgraded to "Secret" 12 months after the date of its original classification as "Top Secret."

Subsection (e) (2) (A) (ii) provides that official information classified as "Top Secret" and described in (e) (1) (B) (ii) above shall be downgraded to "Secret" within 12 months after the effective date of this Act.

Subsection (e) (2) (B) (i) provides that official information classified as "Secret" and described in (e) (1) (B) (i) above shall be downgraded to "Confidential" 12 months after the date of its original classification as "Secret."

Subsection (e) (2) (B) (ii) provides that official information classified as "Secret" and described in (e) (1) (B) (ii) above shall be downgraded to "Confidential" within 12 months after the effective date of this Act.

Subsection (e) (2) (B) (iii) provides that official information which is downgraded to "Secret" pursuant to (e) (1) (A) or the provisions of (e) (2) (A) (i) or (ii) shall be downgraded to "Confidential" 12 months after the date of its downgrading to "Secret."

Subsection (e) (2) (C) (i) provides that official information classified as "Confidential" and described in (e) (1) (B) (i) above shall be declassified 12 months after the date of its original classification as "Confidential."

Subsection (e) (2) (C) (ii) provides that official information classified as "Confidential" and described in (e) (1) (B) (ii) above shall be declassified within 12 months after the effective date of this Act.

Subsection (e) (2) (C) (iii) provides that official information downgraded to "Confidential" pursuant to (e) (1) (A) or the provisions of (e) (2) (B) (i), (ii), or (iii) shall be declassified 12 months after the date of its downgrading to "Confidential."

Subsection (e) (3) provides a "savings" procedure for certain types of highly sensitive classified material so that official information classified as "Top Secret" and described in (e) (1) (B) and (C) above shall not be downgraded or declassified, other than in accordance with the procedures described in (e) (4) below, if such information—

(A) is specifically exempted from disclosure by statute;

(B) pertains to cryptologic systems;

(C) would disclose intelligence sources or methods; or

(D) would disclose a defense plan, project, or other specific defense matter, the continuing protection of which is of vital importance to the United States and the unauthorized disclosure of which could cause exceptionally grave damage to the national defense of the United States.

Subsection (e) (4) (A) provides that official information classified as "Top Secret", is described in (e) (1) (B) or (C), and within the purview of (e) (3) (A), (B), (C), or (D) above shall be downgraded to "Secret" by an individual within the agency concerned who has the authority to classify such information 12 months after the date of its original classification as "Top Secret" (in the case of information described in (e) (1) (B) (i) above) and 12 months after the effective date of this Act (in the case of information described in (e) (1) (B) (ii) or (e) (1) (C) above). Immediately after its downgrading to "Secret", such information shall be transmitted by the head of the agency concerned to the Chairman of the Classification Review Commission for consideration.

Subsection (e) (4) (B) provides for Commission procedures to permit, when it deems warranted, the extension of security classification protection to the types of sensitive information described in (e) (3) above. When initially transferred to the Commission pursuant to (e) (4) (A) above, the Commission may, by majority vote of its full membership, extend for 24 months the "Secret" classification to such information in individual cases, if the information warrants continued protection at that level in its judgment.

Prior to the expiration of this 24-month period, the Commission may again, by a majority vote of its full membership, extend the "Secret" classification to such information for an additional 12 months.

Prior to the expiration of this additional 12-month period, the Commission may again extend the "Secret" classification to such information for an additional 12 months, but in this instance a two-thirds vote of its full membership is required.

At the end of this second 12-month extension period, such information shall be downgraded to "Confidential" by an individual within the agency concerned who has the authority to classify such information and 12 months later shall be declassified by any such individual; except, however, that if the President informs the Commission in writing prior to the expiration of the second 12-month extension of the "Secret" classification of such information and providing a detailed justification for the continued safeguarding of such information based upon national defense interests of the United States of the highest importance. Under such procedure, the information shall then continue to be classified as "Secret", unless the Commission rejects such Presidential justification by a two-thirds vote of its full membership within 15 calendar days of its receipt of such justification.

If the Commission upholds the Presidential justification for continued safeguarding of such information, then such information shall continue to be classified as "Secret" until the Commission, by a two-thirds vote of its full membership, subsequently rejects such justification.

If the Commission rejects the Presidential justification for continued "Secret" classification of such information, then such information shall be downgraded to "Confidential" by an individual within the agency concerned who has the authority to classify such information. After 12 months of the date of its downgrading to "Confidential," such information shall be declassified by any such individual.

Subsection (e) (4) (C) provides that if the Commission does not agree to grant the extensions permitted under the provisions of (e) (4) (B) above, such information will be downgraded to "Confidential" and thereafter declassified according to the regular schedule. If such information falls within the type of information described in (e) (1) (C) (15 years or older), it shall be promptly declassified by an individual within the agency concerned who has authority to classify such information.

Subsection (e) (5) (A) provides that official information that is downgraded or declassified shall be marked as soon as practicable to clearly identify its new category of classification or its declassification. The date of such action, the name of the person authorizing the change, and the name of the person who executed such change shall also be shown.

Subsection (e) (5) (B) provides that the Commission shall prescribe regulations to delineate who shall have authority to downgrade or to declassify classified information in cases where (i) it has been transferred from one agency to another; (ii) where the original classifying agency has ceased to exist; or (iii) where such information has been transferred to the General Services Administration to be placed in the Archives of the United States.

Subsection (f) (1) established a Classification Review Commission.

Subsection (f) (2) (A) provides for the composition of the 9 member Commission, with 3 members to be appointed by the Speaker of the House, 3 members to be appointed by the President pro tem of the Senate, and 3 members to be appointed by the President. No appointing authority may name more than 2 of the 3 members from the same political party. A vacancy shall be filled in the same manner as the original appointment.

Subsection (f) (2) (B) provides that not more than 6 members of the Commission shall be of the same political party. All members of the Commission must be citizens of the United States.

Subsection (f) (2) (C) provides that of the members first appointed, one from each appointing authority shall be for a term of 3 years; one from each appointing authority shall be for a term of 5 years; and one from each appointing authority shall be for a term of 7 years.

It also provides that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member of the Commission may not serve more than one term, except that a member may serve after the expiration of his term until his successor has taken office.

Subsection (f)2) (D) provides that no member of the Commission shall actively engage in any business, vocation, or employment other than that of serving as a member of the Commission.

Subsection (f) (3) (A) provides that 6 members of the Commission shall constitute a quorum.

Subsection (f) (3) (B) provides that the Chairman and the Vice Chairman of the

Commission shall be elected from the membership by the members of the Commission. The term of office of the Chairman and Vice Chairman shall be 2 years.

Subsection (f)(3)(C) provides that the Commission shall meet at the call of the Chairman or 6 of its members.

Subsection (f)(4)(A) provides that members of the Commission (including the Chairman and Vice Chairman) shall each be paid at the annual rate of basic pay in effect for Level II of the Executive Schedule of section 5315, title 5, United States Code.

Subsection (f)(4)(B) provides for an executive Secretary, to be hired by the Commission and who shall be paid at the annual rate of basic pay in effect for Level IV of the Executive Schedule of section 5315, title 5, United States Code. The Chairman may also appoint other Commission personnel, subject to rules adopted by the Commission. The Commission staff shall be appointed under the provisions of title 5, United States Code governing appointments in the competitive service. They shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

Subsection (f)(5)(A) provides that the Commission shall prescribe such regulations as it considers necessary or appropriate to effectuate the provisions of subsection (d) through (g) of this section, including those specifically described in subsections (d)(5)(B), (d)(5)(C), (e)(5)(B), and (g)(6).

Subsection (f)(5)(B) provides that the Commission shall prescribe standards and procedures concerning the handling of official information, classified in the interest of national defense which shall be applied uniformly by the agencies concerned, including the Commission. These standards and procedures shall include, but not be limited to, the following:

(i) assuring that (I) such information be limited to trustworthy individuals whose official duties require such access; (II) such information not be disseminated outside of the originating or controlling agency except as authorized: (III) no individual may withhold or authorize withholding such information from Congress;

(ii) assuring that such information shall be appropriately and conspicuously marked or otherwise identified to show its category of classification;

(iii) assuring that such information shall be marked to identify the agency which classified it, the date of preparation and classification (including the date of its subsequent downgrading and declassification), and the name and title of the highest ranking person authorizing its classification (and subsequent downgrading and declassification);

(iv) assuring that such information shall be used, possessed, transmitted, and stored only under conditions which will prevent dissemination to or access by authorized persons; and

(v) assuring that appropriate accountability records shall be established and maintained with respect to such information.

Subsection (f)(6)(A) provides that for carrying out the purpose of its duties under subsections (d) through (g) the Commission may as it deems advisable hold hearings, take testimony, administer oaths, receive evidence, and carry out other such types of functions.

Subsection (f)(6)(B) provides that the Commission may secure directly from any agency the information necessary for it to carry out its duties under subsections (d) through (g). The head of such agency shall furnish such information upon the request of the Chairman or Vice Chairman of the Commission.

Subsection (f)(6)(C) provides that the Commission may use the United States mails in the same manner and conditions as other agencies.

Subsection (f)(6)(D) provides that the Administrator of General Services shall provide the Commission on a reimbursable basis such administrative support services as it requests.

Subsection (f)(6)(E)(i) provides that the Commission shall have the power to issue subpenas requiring attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission; (ii) provides that if a person issued a subpena under clause (i) above refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district where the hearing is held or within the judicial district where such person is found, resides, or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony on the matter under investigation. Failure to obey such order of the court may be punished by such court as contempt thereof; (iii) provides that the subpenas of the Commission shall be served in the manner provided for subpenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts; (iv) provides that all process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

Subsection (f)(6)(F) provides that the Commission shall carry out its functions with respect to the downgrading and declassification of official information as described in subsections (e)(4) and (e)(5)(B).

Subsection (f)(6)(G) provides that the Commission may issue decisions, orders, and directives, and distribute reports, administrative memoranda, and other information in order to assure that the provisions of subsections (d) through (g) are carried out.

Subsection (f)(6)(H) provides that the Commission shall publish annual reports of its activities and shall make available for public inspection at reasonable times in its office a record of its proceedings and hearings. However, the Commission shall not make public any classified information prior to its declassification.

Subsection (f)(6)(I) provides that the Commission shall conduct a thorough and ocntinuing investigation and appraisal of the policies, standards, and operations of agencies classifying information, in the interest of national defense under subsection (d).

Subsection (f)(6)(J) provides for an inquiry procedure, initiated by private citizens, officers or employees of the United States, or any other person, whereby the Commission shall investigate (upon the vote of at least 3 of its members) allegations of improper classification of official information within the purview of subsections (d) or (e); allegations of the failure of any agency, or any officer or employee thereof, to comply with the provisions of subsections (d) or (e); or any regulations prescribed by the Commission under subsection (f)(5)(B); or any decisions, orders, or directives issued by the Commission under subsection (f)(6)(G).

The Commission shall also publish a report which describes the results of each investigation and, when appropriate, shall refer such matters to the Attorney General of the United States.

Subsection (f)(6)(K) provides that the Commission shall, pursuant to the provisions of subsection (g) below, furnish to Congress, committees of Congress, and the Comptroller General of the United States, upon request, certain classified and unclassified information necessary for Congress to discharge fully and properly all of its Constitutional responsibilities.

Subsection (g) spells out the procedure by which the Commission shall handle requests for information from Congress, Congressional committees, and the Comptroller General of the United States as provided for in Subsection (f)(6)(K) above.

Subsection (g)(1)(A) provides that the Commission shall promptly consider any written request transmitted to it for the issuance of an order directing any agency to transmit official information (classified or unclassified) held by such agency to (i) either House of Congress, if such request is made upon the direction of a majority vote of the Members of such House; (ii) any committee of Congress, if such request is made upon the direction of a majority vote of the members of such committee and the subject matter of the information requested relates to the jurisdiction of such committee; or (iii) the Comptroller General of the United States, if the request is made by him.

Subsection (g)(1)(B) provides that for the purposes of this section, the term 'Committee of Congress' means any committee of the House of Representatives or the Senate or any subcommittee of any such committee, or any joint committee of Congress or any subcommittee of such joint committee.

Subsection (g)(2) provides that any request transmitted to the Commission under (g)(1)(A) above shall state with reasonable particularity the information or category of information requested and include a description of efforts made to obtain access to such information, identifying the agency to which such request was made, the date, and a copy of all correspondence with any such agency with respect to such request.

Subsection (g)(3) provides that when the Commission receives any such request under (g)(1)(A) above, it shall immediately inform, in writing, the head of the appropriate agency and the President of such request, including a description of the information requested.

Subsection (g)(4)(A) provides that the agency informed of the request under (g)(3) above shall transmit the information requested to the Commission within 3 calendar working days of the date when it is informed by the Commission. The head of the concerned agency shall also transmit to the Commission a letter containing a statement of the recommendations of the agency as to whether such information should be made available by the Commission to the requesting Congressional authority.

Subsection (g)(4)(B) provides that if the agency concerned fails to transmit such requested information as provided in (g)(4)(A) above, the Commission shall immediately issue a subpena under subsection (f)(6)(E)(i) above, requiring the production of such information.

Subsection (g)(5)(A) provides that if the agency concerned transmits the requested information pursuant to (g)(4)(A) above, and its recommendation is to release such information to the Congressional authority requesting it, then the Commission shall transmit such information to that authority.

Subsection (g)(5)(B) provides that if, however, the recommendation of the concerned agency is not to release such information to the Congressional requesting authority, the agency concerned shall transmit to the Commission a detailed justification in writing setting forth the specific reasons for its adverse recommendation. The Commission shall then conduct an investigation to determine whether such information shall be transmitted to the Congressional authority requesting it. In making such determination, the Commission shall weigh the Constitutional rights and powers of the parties concerned, including (i) the extent to which such information is necessary to Congress so that it may fully and properly discharge its Constitutional responsibilities, and (ii) the extent to which the disclosure of such information to Congress would be contrary to the public interest or would seriously endanger the national defense of the United States.

The Commission shall publish its determination in the Federal Register. The proceedings of the Commission shall be recorded.

Subsection (g)(6)(A) provides that the Commission shall prescribe regulations to govern its proceedings under (g)(5) above.

Subsection (g)(6)(B) provides that in any case within the purview of (g)(5)(A) above, the Commission shall hold a hearing at which a party is entitled to present its case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Such hearing shall be public, unless the Commission decides by a two-thirds vote that the hearing shall be closed because of the sensitive nature of the information in dispute.

Subsection (g)(6)(C) provides that the Commission shall meet immediately after the conclusion of its hearing to begin deliberations and shall render its decisions in writing to each party within 3 calendar working days after the conclusion of the hearing. The Commission's decision shall set forth in detail the reasons for its determination.

Subsection (g)(7)(A) provides that in carrying out the provisions of (g)(5) above, the Commission is authorized to enter an order in each case either granting or denying the request. The Commission shall prescribe such terms and conditions as it deems necessary to protect the security of the information concerned, including, but not limited to, requiring that the Congressional authority requesting such information or his agent (i) take adequate measures to guard the physical security of the information received; (ii) assure that access to the information be limited to Members of Congress whose responsibilities require access to such information, or to appropriate staff members of either House of Congress, or any Congressional committee, or the Comptroller General of the United States or any employee of the General Accounting Office who possesses proper security clearance; and (iii) take adequate measures to assure that all discussions with respect to such information shall take place in executive session of a committee of Congress and closed sessions of the House of Representatives or the Senate, as provided in the rules of each such body.

Subsection (g)(7)(B) provides that the requirements imposed in (g)(7)(A) (i) through (iii) shall apply only with respect to official information classified under subsection (d) above and where the hearing described in (g)(6)(B) above shall have been closed by vote of the Commission.

Subsection (g)(8)(A) provides that the United States Court of Appeals for the District of Columbia shall be vested with original jurisdiction to review any final decision of the Commission under (g)(6) above, upon complaint filed by a party to the proceeding at which such decision was made within 15 days of the date of publication of such decision by the Commission in the Federal Register as provided in (g)(5)(B) above. The decision of the Commission shall be upheld if there is substantial evidence on the record to sustain that decision. Such case shall be immediately considered and shall have precedence over all other cases pending before such court.

Subsection (g)(8)(B) provides that the Supreme Court of the United States shall be vested with appellate jurisdiction to review by appeal as a matter of right any decision made by the United States Court of Appeals for the District of Columbia pursuant to (g)(8)(A) above. The Supreme Court shall act promptly in considering such appeal and rendering its judgment thereon.

Subsection (g)(8)(C) provides that the judicial review provided herein shall be the exclusive mode of judicial review in such cases.

Section 5 provides that it is the sense of Congress that the President, in conformity with Article II, Section 3, and Article I, Section 8, of the Constitution of the United States, shall keep Congress fully and currently informed with respect to all of the activities of agencies covered under this Act.

Section 6 provides that funds necessary to carry out the provisions of this Act are authorized to be appropriated.

Section 7 provides that (a) except as provided by subsection 7(b) below, the foregoing provisions of this Act shall take effect at the beginning of the 6th month that commences after the date of its enactment.

Section 7(b) provides that Section 552(f) (1) through (5) and (g)(6)(A) as added by sections 4 and 6 of this Act (to the extent necessary) shall take effect upon the enactment of this Act.

"THERE IS NOTHING INVIOLATE"

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. HARRINGTON. Mr. Speaker, yesterday there occurred another shift of U.S. policy in Vietnam. In addition to the vast quantities of bombs being dropped on the people and land of North Vietnam under "Operation Linebacker"—more bombs have been dropped on Hanoi and Haiphong in the last 2 weeks than in the entire 1965–68 period—the President has now authorized the bombing of nonmilitary targets.

According to one field officer:

> There is nothing inviolate. If someone says we want that target up there . . . we go get it.

It is obvious that President Nixon is growing more and more desperate as he receives the inconclusive results of his previous acts of desperation. The question that must be asked is: when and how will it end? Each escalation could bring us closer to direct confrontation with the Soviets and the Chinese despite Mr. Nixon's trips, and no closer to a settlement of this tragic war.

The only way to end the war is to withdraw our troops and let the people of Vietnam settle their problems among themselves. This most recent escalation of the airwar was reported in a story by Peter Osnos in the Washington Post of May 24, and I commend it to the attention of my fellow Members.

BOMBING OF NORTH SPREADS TO NONMILITARY TARGETS

(By Peter Osnos)

SAIGON, May 24.—U.S. Air Force and Navy jet fighters carried out their heaviest raids so far on North Vietnam over the weekend, expanding again the scope of their targets and the range of the attacks, the U.S. Command said Tuesday.

An average of more than 330 strikes a day were flown in a three-day period ending Monday evening, the command said, including attacks on bridges and rail lines only 40 miles from the border of China.

In addition to the strictly military installations and transportation facilities that had been the principal targets up to now, the command confirmed that a power transformer eight miles northwest of Hanoi had also been attacked.

[Several thousand South Vietnamese marines launched a combined amphibious and helicopter assault Wednesday on the coastal strip called the "Street Without Joy" east of Quangtri City, AP reported.]

Senior U.S. officers said the justification for hitting the power plant was that it supplied electricity to many truck repair shops and small factories in the Hanoi area providing war-related services. They said the transformer was 75 per cent destroyed.

Well-informed American sources said a cement factory in the vicinity of the port city of Haiphong was also hit, but this raid was not included in the command's latest listing of bomb damage.

[In Washington, Defense Department spokesman Jerry W. Friedheim confirmed the bombing of nonmilitary installations and said U.S. bombers "will be hitting some of the other targets, such as power plants and some of the industrial facilities which support the military effort of the north."

[Friedheim told newsmen that U.S. commanders "probably have more flexibility in their targeting than was exercised in the 1967–1968 period."]

The renewed regular bombing of North Vietnam, code-named "Linebacker" by the Pentagon, coupled with the mining of the country's seven ports and heavy naval bombardment has now surpassed anything mounted by the United States in past years.

Despite failures in the previous bombing campaign to stop the flow of men and equipment to the South, officers believe this time the effect will be greater. "We are doing better," said one very senior commander. The greatest impact on Hanoi's war-making capability, U.S. officers believe, will be the failure to get supplies from the sea routes, a direct result of the U.S. mining of harbors.

[The official North Vietnam News Agency said antiaircraft crews and planes shot down eight American warplanes over North Vietnam, four of them over Habac Province, UPI reported.

[U.S. Air Force and Navy fighters shot down four Soviet-built Mig interceptors over North Vietnam Tuesday, AP reported, citing U.S. military sources.

[Communist gunners fired 14 rockets into Bienhoa airbase, 15 miles north of Saigon, overnight, Reuter reported. First reports said one South Vietnamese soldier was killed and 15 persons, including four U.S. servicemen, were wounded.]

In the two weeks since "Linebacker" began, Hanoi and Haiphong have been hit as many times as they were in the 1965–1968 period, according to the informal records of military statisticians.

"There is nothing inviolate," said one ranking officer responsible for the conduct of the air war. "If someone says we want that target up there . . . we go get it."

Moreover, the commanders maintain that the bombing is substantially more effective than it was in the past because of improvements on the conventional 2,000–3,000-pound bombs that have been fitted with laser-guided and electro-optical homing devices. These bombs can be released from altitudes as high as 20,000 feet and still score accurate hits in up to 80 per cent of the strikes, Air Force journals have reported.

The "smart bombs" have been responsible for the success in knocking out bridges, rail lines and other targets that had once proved troublesome to pilots who kept having to come back to them.

The important rail and vehicular Thanh Hoa Bridge, 80 miles south of Hanoi, for example, was struck many times in 1965–68, but never rendered useless for a significant time period.

The bridge was hit again on May 13 and the Air Force maintains it has been put out of action for the foreseeable future.

"The simple fact is that he (North Vietnam) can still repair these things," said a senior Air Force officer, "but I can take them out in just a few minutes. It takes about two minutes for each bridge. It's a relatively clean, surgical operation. Bombing is very precise with these weapons."

The officer said that the attacks 40 miles from China destroyed six bridges with only eight planes.

"Smart bombs" have been in the Air Force and Navy arsenals for as long as two years, but they were not used extensively in operations over the Ho Chi Minh Trail or inside South Vietnam. Other high-priced equipment—computers, sensors and the like—is also credited with improving results.

While commanders maintain that fewer planes are now necessary to accomplish greater objectives, they are at no loss for assets. Since the buildup began in mid February, air strength in Southeast Asia has risen to the level of the peak years of "Rolling Thunder."

Fighters and bombers operate from six bases in Thailand, (one was recently reopened), anywhere from five to seven aircraft carriers and some B-52s are based on Guam. There are Air Force and Marine squadrons based at Danang and Bienhoa, inside South Vietnam.

Through careful manipulation of the manpower committee, Pentagon planners have managed to avoid sending so many people to South Vietnam that the steadily dropping troop strength figures would be reversed.

Many of the additional planes (the overall total is about 1,100) are deployed inside South Vietnam where the air offensive also continues to expand. The total number of sorties in May is likely to come close to the figure for May, 1968, the highest of the war. That month, the daily average was about 400.

Tuesday, Air Force and Navy jets flew 426 sorties. For the entire month of January, 1972, 169 U.S. sorties were flown inside South Vietnam.

THE PRESIDENT OF CHINA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. CRANE. Mr. Speaker, this coming Saturday one of the most viable and valuable members of the free nations of our world will inaugurate its renowned President for his fifth 6-year term. That nation is the Republic of China and its President is Chiang Kai-shek.

To show how viable the ROC is in the world today, two-way trade showed a 41.6 percent increase in the first quarter of 1972 over the first 3 months of 1971. This, Mr. Speaker, despite prognostication by some so-called experts following the ouster of the ROC from the United Nations last fall that the island's economy would falter.

The January–March totals showed exports of $574 million and imports of $526 million, leaving a trade surplus of $48 million. In that same quarter, industry showed a growth of 26.1 percent, compared to the same period of 1971. Wholesale prices climbed 1.42 percent while consumer prices went up 2.13 percent. Foreign investment amounted to $16 million in the first 3 months of this year, a gain of 1.08 percent over last year's corresponding period.

Is this the economy of a nation faltering? Under the guidance of President Chiang over the past 24 years this island nation has far surpassed most larger nations to become a worldwide economic marvel.

A nation so economically independent, the ROC under President Chiang has not forgotten the people who inhabit the island. Illiteracy has been virtually wiped out under his administration. There are some 85 universities, independent colleges, and junior colleges throughout the ROC. Government expenditures for education are high on the list of national priorities.

The ROC Government is fundamentally democratic and most public officeholders were born and raised on Taiwan, as opposed to the misconception that mainlanders are given preference at the expense of so-called Taiwanese.

The majority of the nation's highly trained 600,000-man military forces were also native born on Taiwan.

Second only to Japan in Asia, the ROC economy is booming with an annual gross national product growth rate in excess of 10 percent. Its per capita income in 1971 was $330, as compared with $60–$90 in Red China. Per capita income for 1972 is currently running at $418.

For many years the United States has been the principal private investor in the ROC's economy. Now the government has embarked on a campaign to interest Western European industrialists, particularly those in West Germany, to help Taiwan's expansion and enjoy the tax benefits, lower labor costs, and proliferating development under the ROC's generous and attractive program for capital.

The growth of foreign trade suggests that by the end of this year, the ROC will be reporting a total volume in excess of $5 billion.

Mr. Speaker, these facts speak for themselves. Here is a nation, under the leadership of President Chiang, which has been growing by leaps and bounds during the past two decades. It is a nation that was, until last fall, one of the most respected and faithful members of the United Nations—until its ouster in favor of Red China. The ROC was a charter member of this same United Nations and one of its stanchest supporters. The ROC, under President Chiang, has never since its inception committed a single act of aggression against any other nation. It is and will remain a true member of the freedom-loving and peaceful nations of the world.

Mr. Speaker, I want to congratulate President Chiang on his upcoming inauguration, and to say that all men in all nations can learn the ways to peace and progress through the great example of President Chiang Kai-shek and his people. I hope my colleagues and the American people will join with me in extending the warmest of congratulations to the President and his wonderful people.

FAA PRINCIPAL OPERATIONS INSPECTORS—QUALITY CONTROL AND SAFETY

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. CHARLES H. WILSON. Mr. Speaker, on December 8, 1971, I had the privilege of inserting in the CONGRESSIONAL RECORD an article pertaining to the duties and responsibilities of an elite corps of Federal employees known as the FAA air carrier inspectors. This article was succinctly summarized by the Administrator of the FAA, Mr. John H. Shaffer, in his letter to me of December 29 wherein he stated:

> As bigger and faster aircraft impose increased demands upon airmen, I am confident that the FAA's air carrier inspectors will continue to successfully meet the challenge of making aviation as safe and efficient as humanly possible.

Mr. Shaffer makes the further point that the FAA utilizes many professional skills in carrying out its worldwide aviation functions and that it is difficult to single out any one group of employees in what is essentially a team effort. I agree wholeheartedly that air transportation safety is a team effort and in line with that thought I am today inserting an article pertaining to another group of FAA professionals known as the principal operations inspectors—POI's. The POI is an FAA systems manager experienced and trained to insure quality control within the air transportation industry. This article was written by Capt. Ed Mack Miller with the assistance of the Air Carrier Operations Inspectors Society, together with Mr. Robert W. Prescott, founder and president of the Flying Tiger Line, and his able vice president, Mr. Ed Pinke. I commend these gentlemen on providing us with a profile of the POI and his counterpart in the air transportation industry.

Mr. Speaker, I cannot overemphasize the important role these professionals play in providing us with a team effort combined to insure a safe and efficient air transportation system.

The article follows:

THE SUPER-MOVERS

(By Ed Mack Miller)

Months before the Japanese attack on Pearl Harbor, a small group of former Army Air Corps, Navy and Marine pilots were having their own private war with Japan.

These "soldiers of fortune," called the American Volunteer Group (AVG) had been formed by an American flying officer, Claire Lee Chennault, who had gone to China in 1937, after early retirement (as a Captain) to serve as an advisor to that country's air force.

With a total strength of only 90 obsolete Curtiss P-40 Tomahawk fighters, 250 men and practically no spare parts, supplies or logistical aid, Chennault welded his rag-tag group into a fantastically successful tactical air command.

A brilliant tactician, Chennault had gained fame in his 15 years as a stateside Air Corps pilot by his innovations in aerial tactics and his radical advocacy of new air-war concepts.

In China he got a chance to prove his tactics—and for awhile his Flying Tigers were the only bright patch on a desultory spread of defeats the U.S. was sustaining.

From the summer of 1941 until the spring of 1942, with the prime mission of defending the Burma Road, the Tigers shot down the fantastic number of 286 Japanese aircraft, although greatly outnumbered and facing technically superior Japanese planes. It was conservatively estimated that they took a toll of Japanese personnel that included 1,500 pilots, navigators, gunners and bombardiers.

The noses of the P-40s the Japanese came to fear so much were painted with the pointed-tooth mouth of a tiger shark, hence the name "Flying Tigers."

After the United States entered the war early in 1942, Chennault was recalled to active duty as a Brigadier General and given command of the China Task Force, which a year later, when he was promoted to Major General, became the 14th Air Force.

Expanding the nucleus of the AVG, the 14th continued to blast the enemy with devastating effectiveness, reaching a peak of efficiency by the end of 1944 where, in one month, the 14th destroyed 241 enemy planes.

The Flying Tigers have been compared to the Lafayette Escadrille in World War I, in that they flew and fought in the service of a friendly nation before the entrance of their own country into the war.

As had been said of them, " . . . facing overwhelming odds in the air, underequipped and poorly supplied, the Flying Tigers, like their predecessors, bought time for the Allies and secured a place for themselves in history."

After World War II, a number of the original AVG members, along with other veteran fighter and transport pilots and a Los Angeles businessman raised $178,000 and formed one of the first all-cargo airlines—in a small, two-car garage in Long Beach, California.

Robert Prescott, who is still guiding the Flying Tigers' fortunes, had acquired a fleet of 14 twin-engine "Conestoga" planes. Shortly thereafter, the Flying Tiger Lines, as it was called, got into the blue.

In 1946, FTL was awarded a contract to supply American occupation forces in Japan. The Conestogas were not the planes for the job, and so soon the airline acquired 42 DC-4s, reducing this fleet in 1949, but adding 25 C-46 Commandos for domestic routes.

The first all-cargo operation scheduled, Route 100, was awarded to the Tigers in October, 1949, and as things began warming up in South Korea, FTL was given contracts to supply U.S. troops in this far outpost.

By 1953, Tiger gross revenues had reached some $25 million annually. Soon DC-6As were phased into the fleet, and the company became the nation's largest carrier of air freight. Shortly thereafter, Tigers placed the largest single order to date for Lockheed "Super H Constellations."

Next in the expansion plans of FTL came the bigger and more versatile Canadair CL-44, with a purchase of 16 of the "swing-tail" planes in 1961.

It was quickly becoming a jet world, however, and FTL began its transition to Boeing 707s in 1965, and DC-8s in 1968. Its fleet was modified to "all-jet," with the total acquisition of nineteen "stretched" DC-8-63 aircraft worth $250 million.

Currently, the company employs approximately 1,000 certified airmen, including pilots, navigators, dispatchers, and mechanics.

Tigers currently fly two scheduled routes: Route 100 across the U.S. and Route 163 linking the U.S. with eight nations and territories in Asia. Its route system extends 17,500 miles, stretching from Boston to Bangkok, and in terms of frequencies across the Pacific, it is the second most active airline. Last year, it airlifted well over 500 million tons of cargo and its revenues totaled in excess of $140 million. Its commercial business, domestic and international, has more than tripled its military business. Tigers today is far less dependent on military contract flights than it has been at any time in its 26-year history. Much of this growth is the result of Bob Prescott's tough-minded approach to gaining leadership in the air cargo industry.

He is especially outspoken on the need for an airline to have top-drawer regulatory supervision, the key to efficient operation and the key to growth.

"We aim for professionalism on our airline," Prescott says. "We demand the highest degree. We give our people as much training as they can absorb. We are not corner-cutters. We have gone to one type of plane, the excellent DC-8-63, for efficiency . . . because efficiency will keep us in business and let us make a profit.

"Efficiency is why we are both lucky and proud to have qualified regulatory people who understand our everyday problems. These people must be highly professional, too. We insist on it. And you can't get these top-drawer managerial people for peanuts . . .

"I feel that it is healthy to have outside regulatory people look at our airline. I'll be frank. I'm glad that we have good inspectors to look over our shoulders; it gives us sound assurance that we are doing what we ought to be doing. I don't have time to go into all corners of the airline to see if we're doing the right thing. I don't want anything to go wrong. A $12 million piece of equipment is . . . well, it's damned costly. We want . . . expect it to be right.

"We get fair treatment from the FAA, no doubt about it. In the early days the Tigers didn't feel that the old CAA was truly cooperative. Now the Flying Tigers look to the FAA Air Carrier as a partner."

Senior Vice President of FTL is Ed Pinke, who, 20 years ago, was chief pilot. He was promoted to Director of Operations in 1955.

"FAA quality control is a good thing," says Pinke. "It's a basic. As a corporation, we don't need to have an internal audit to the extent that we would if we didn't have the FAA. We want quality control. We want the POI in here.

"It's a healthier system than if you set up your own internal auditors. The internal auditors system doesn't work because internal auditors are working for the company. Eventually a 'Buddy System' develops; they make friends in the company, and they get brainwashed as to how to do a thing . . . or they overlook some things because they don't want to get a fellow employee in trouble.

"With an outside audit . . . or FAA quality control, if it is done properly, we welcome it. We think it's great. We feel we are getting some of our tax dollars back by having an outside group come in and look at us coldly, carefully. It gets all of our people thinking."

The Principal Operations Inspector Prescott and Pinke are talking about is a key man in the "audit" scheme. The POI is an FAA Systems Manager, trained to work at the top management level. He makes inputs into the FAA rule-making process, and is the prime point of contact between the FAA and the air carrier on flight operations matters. It has been said that a good POI is a manager, technician, a pilot, a diplomat, an "Ombudsman" for the public, and is a trained analyst. To be topnotch, he must also be a good speaker, writer . . . and something of a practicing humanist, even a sort of minor prophet . . . and certainly he must have legal understanding and some of the mental attributes of a compassionate judge.

Men like this in top FAA positions are comparable with the private sector, because their occupations require equal specialized training and experience. Included in this group are those in administrative support positions, in the professional categories, in the physical sciences, engineering and social sciences, and the paraprofessional or technological positions that support full professional positions.

If the FAA cannot keep pace in these areas . . . if the men sent to be "opposite numbers" to dynamic executives in industry are not of equal caliber, the whole industry suffers.

Ed Pinke likes the system:

"The FAA is able to furnish standardization for training departments and check pilots. One thing a lot of people miss is that we get cross-pollination from the FAA technical people, if they are good men and doing their job well. It causes good techniques and procedures to be disseminated among all operators. It is a terrific safety factor to have cross-pollination.

"I personally am very proud of the Tigers' relationship with the FAA. I have been in management for 17 years, and I can say we've had good relations with the POI's all that time."

Pinke also points out that what had begun as a $178,000 investment only 26 years ago has grown into a corporation of major proportions. A short time ago, management reorganized the company and formed the Flying Tiger Corporation, a holding company, and the Flying Tiger Line has become a wholly-owned subsidiary. The entire corporation now has assets of $700 million, nearly 3,800 employees, and a future which should be as bright as our past.

From the time of the AVG and its courageous exploits in China, the Flying Tigers' name has been a name to be proud of.

"Getting airborne with the Tigers," said one observer, "is definitely an uplifting experience. Those guys can hitch on to anything and carry it any place; they really are supermovers."

This outstanding record must be read in conjunction with Bob Prescott's previous statement wherein he said, "The key to efficient operation and the key to growth are both intertwined with the need for an airline to have top-drawer regulatory supervision. I'm glad we have good inspectors to look over our shoulders; it gives us sound assurance that we are doing what we ought to be doing." This statement in itself proves the fact that a good POI must be a manager, technician, pilot, diplomat, prophet and judge.

SALEM LEADS IN PRESERVATION EFFORTS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. HARRINGTON. Mr. Speaker, when the urban renewal programs first began many of the finest historic buildings in our Nation's cities were razed without a thought to their intrinsic value and to preserving the individuality of the city. As a result, in many urban renewal areas we now see modern blah unrelieved by a sense of a city's past.

The time has long since come to reexamine these attitudes, and Salem, Mass., in my district, is a leader in this area. As Gil Scott wrote in the Christian Science Monitor of May 3, 1972:

Historic Salem has turned around its urban renewal approach from bulldozing its past to preserving the best of its antiquity.

Salem's mayor, Samuel Zoll, deserves a great deal of credit for getting the new plan accepted. As Scott wrote, the mayor "asserts that Salem 'contains more authenticity in a historical sense than any other community in the country' and that the new project emphasizes its sensitivity to that heritage."

The Salem plan is both innovative and farsighted. I commend Mr. Scott's article "Urban Renewal About-Face: Salem Restores Antiquity" to those interested in preserving our past while moving toward a better future in our cities:

URBAN RENEWAL ABOUT-FACE: SALEM RESTORES ANTIQUITY

(By Gil Scott)

SALEM, MASS.—Historic Salem has turned around its urban renewal approach from bulldozing its past to preserving the best of its antiquity.

And where factions squabbled for 10 years over this issue, now a workable agreement has emerged in this community of 40,000 between the business sector, politicians, and those with a historical bent.

Many old buildings were razed under an old urban renewal plan that began in 1962 and then fizzled.

Significant aspects of the redevelopment plan include building low-rise apartments and bringing new life into the commercial district.

William J. Tinti, vice-chairman of the city's Redevelopment Authority, says the plan's thrust is to blend residential, commercial, and retail uses in the project area.

Under the old plan, not only were large numbers of buildings to be demolished but also a four-lane road was to slice through the redevelopment area.

EXTERIOR RIGHTS BOUGHT

Now, buildings will be preserved and restored with the help of a facade easement program that allows the city to purchase the exterior rights to a building, and then provide the building owner with money to restore the structure.

The four-lane-road plan, which many argue would have been an eyesore, has been abandoned in favor of a periphery traffic plan that would prevent traffic from moving through the project area. And they are even thinking of restoring an old trolley line, which could deliver passengers only minutes from historic sites.

"This is a radical departure from the old plan," says Mr. Tinti. "Instead of having another planner who would give us a new plan, we decided to find the best developers in and out of the country and to try to interest them in the development potentials of Salem: its maritime lore, an unused harbor, Salem's close relationship to Boston."

Salem got 27 proposals from developers, many of them "remarkably similar" to the city's aspirations, Mr. Tini explained. Finally, the city designated three developers, who have combined their efforts in the city's new plan.

REALISTIC PLAN SOUGHT

"We took the end of the urban renewal process and made it the beginning in Salem," Mr. Tinti enthuses. "We tried to sell Salem as a whole and built a realistic plan based on the best market we could find."

The plan helped to build bridges among various community factions which had become bitter and frustrated because for a long time it seemed nothing would be done for the city.

Much of the credit for selling the new redevelopment plan goes to Mayor Samuel E. Zoll, who is in his 30's and was elected mayor in 1969. He asserts that Salem "contains more authenticity in a historical sense than any other community in the country" and that the new project emphasizes its sensitivity to that heritage.

"In many cities throughout the country, urban renewal has been a colossal failure," he argues. "This particular project illustrates that a city can pull itself up by its boostraps and deal with contemporary urban problems."

NATIONAL SIGNIFICANCE

The Mayor says Salem's plan has national significance because Washington thinks local governments are incapable of dealing responsibly with such programs.

Mayor Zoll is proud of Salem's maritime heritage, pointing out that it once was one of the busiest ports in the United States, sending out ships and adventurous skippers who bartered New England products for spices, pepper, silks, and other rich cargoes.

Its old customs house is a national shrine; its Peabody museum has one of the nation's finest collections of maritime memorabilia. Still awaiting restoration is Salem's Derby Wharf, from whence little ships and their youthful crews went to far corners of the world, opening new trade routes and returning with cargoes that made Salem one of the richest cities in America.

It was this seaborne wealth that gave Salem its classic mansions; there are more homes in Salem dating from the early 1800's than in any other city in the country, the mayor says.

REVENUE SHARING IN SOUTH DAKOTA

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. ABOUREZK. Mr. Speaker, the revenue-sharing proposal which we will be debating shortly has been the subject of a great deal of national attention. A large number of figures have been tossed about showing this community getting so many dollars and that county getting so many dollars, but frankly, Mr. Speaker, my study of this bill leaves me convinced that States like South Dakota are left holding the bag. As long as this bill discriminates against South Dakota, I cannot support it.

This is a simple matter of looking out for South Dakota. The revenue-sharing bill we are looking at in Congress would gyp my State. It would return $5.52 per person to the State of South Dakota and $17.23 per person to the State of New York. It would give $20 per person to South Dakota localities, and $35.29 per person to New York communities. This kind of return discriminates against South Dakota. It places us 40th of the 50 States in return to State government and 45th in return to local government.

If the $30 billion that will be poured into this revenue-sharing scheme over the next 5 years were just put into existing programs, with all their inadequacies, South Dakota would still get some $43.6 million more than it will under revenue sharing. Further, this plan also ignores the fact that South Dakota's revenue-sharing effort is the eighth greatest in the Nation. Even though we try harder than 42 other States to meet our tax obligations, practically every one of the 42 States who are not doing as much as we are to raise money are going to get more Federal aid than we are under revenue sharing.

This seems to me to be an upside down, reward the lazy approach to revenue sharing. It does not encourage those States and localities that having been making the strongest effort to continue to do all they can to raise their revenue needs locally and it encourages those who have not been doing all they can to continue to sit back and wait for the Federal Government to rescue them.

This plan must either be rejected or significantly rewritten so that States like South Dakota get a fair shake. The people of South Dakota pay their taxes. They badly need Federal help in the areas of education, public works, and farm programs. Yet under this revenue-sharing bill they are handed the very short end of the stick. I think that is unfair, and I oppose this revenue-sharing bill for that reason.

PROBLEMS OF CONGRESS IN OBTAINING INFORMATION FROM THE EXECUTIVE BRANCH—CONSTITUTIONAL LAW EXPERT DESTROYS THE MYTH OF "EXECUTIVE PRIVILEGE"

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. MOORHEAD. Mr. Speaker, the Foreign Operations and Government Information Subcommittee's continuing hearings on the problems of Congress in obtaining information from the executive branch received highly significant testimony yesterday from Prof. Raoul Berger, Charles Warren senior fellow in legal history at the Harvard Law School. He is the author of a comprehensive study, published in 1965, entitled "Executive Privilege v. Congressional Inquiry."

Professor Berger has had a long and distinguished career in the law. He received his law degree from Northwestern University and an LL.M. degree from Harvard University. His Government service included the Securities and Exchange Commission, where he was in charge of appellate matters; service as special assistant to the Attorney General; and associate and then general counsel of the Alien Property Custodian during World War II.

He served as regents professor of law at the University of California, Berkeley, and in recent years has devoted himself to study and writing. He is the author of "Congress v. the Supreme Court—1969" and his book "Impeachment: Some Constitutional Problems" will be published this fall by the Harvard University Press.

Professor Berger has been a member of the American Law Institute for many years. He served as chairman of the section on administrative law and as chairman of the Special Committee on Special Courts, both of the American Bar Association.

Mr. Speaker, for many years we have heard Members of this body lament the erosion of power in the legislative branch and the corresponding growth of the power of the Executive that has gradually distorted our status as a coequal branch of Government. I recently pointed out the fantastic growth of the White House staff and the centralization of decisionmaking in the White House and Executive Office of the President. The subcommittee headed by the distinguished gentleman from Arizona (Mr. UDALL) has likewise been studying the results of this trend.

To whom are these all-powerful White House policymakers responsible? Unlike other executive branch officials at the Cabinet or sub-Cabinet level they refuse to testify before congressional committees charged with oversight or legislative responsibilities. A significant number of such "immune" policymakers have been requested to present testimony before the Foreign Operations and Government Information Subcommittee on matters within our jurisdiction. We did not want to question them about their personal conversations with the President, but about technical matters in which they have been involved. In every case, they have not been permitted to appear, because of some vague doctrine, manufactured for the purpose of preserving their immunity. I am sure that other committees and subcommittees of this body have had similar experiences.

Mr. Speaker, for many years the Executive has cited "Executive Privilege" to deny information or witnesses from the Congress. Many Members probably think that this so-called "doctrine" has some deeprooted constitutional basis which dates back to our colonial period. This is not the case, as is so ably documented by Professor Berger's testimony before our subcommittee.

He points out, Mr. Speaker, that the so-called "historical precedent" refusing the appearance before congressional committees of the President's "intimate advisers" dates back only to 1950 or 1951 and has no constitutional basis at all.

Professor Berger also completely demolishes the myth of "Executive Privilege" as it relates to two incidents during the Washington administration often claimed to be its historical precedents—the 1792 investigation of the House of Representatives into the St. Clair expedition against the Indians and the Jay Treaty papers case in 1796. He likewise effectively destroys other "historic precedents" for "Executive Privilege" advanced in a 1957 memorandum by former Attorney General William Rogers and those presented last June by then Assistant Attorney General William Rehnquist in testimony before our subcommittee.

Mr. Speaker, I commend a careful reading of Professor Berger's revealing testimony to all of our colleagues who believe, as I do, that the time has come for Congress to reassert its constitutional prerogatives as a coequal branch of our Federal Government:

STATEMENT OF RAOUL BERGER

It is a privilege to respond to your invitation to appear before you. You are grappling with a grave national problem—the growing and dangerous practice of the Executive branch to withhold vital information from both the public and the Congress. My concern will be with the legal problems that attend the assertion of executive privilege to shut off Congressional inquiry. About the need of Congress to know if it is not to legislate and appropriate in the dark, you know full well. Much of what I shall say is familiar to this Committee. But our task is to bring the entire Congress up to the informed level of this Committee, and to educate the American people as to the flimsiness of executive privilege claims.

Let me begin with the most recent example of how history is being manufactured under our noses, the claim of privilege for Peter Flanigan on the ground that he is a member of the White House staff. Counsel for the President, Mr. John W. Dean III, explained that Mr. Flanigan's immunity was grounded on "long established historical precedent." What are these precedents? When Assistant Attorney General William Rehnquist appeared before you in June, 1971, the instances he mustered for the refusal of the President's "intimate advisers to appear" went back no further than the Truman administration, i.e. about 1950 or 1951. These refusals were based on the principle, said Mr. Rehnquist, that the advisers "ought not to be interrogated as to conversations . . . with the President or advice given or recommendations made to the President." III 363.[1] It required only twenty years to transform those incidents into "long established historical precedents." It will hardly be presumed that President would claim that he discussed the settlement of the ITT antitrust case with Mr. Flanigan. So the claimed immunity for Flanigan constitutes a brand-new "historical precedent," mere membership in the White House staff immunizes from Congressional inqury. Let me postpone the immunity claimed for Presidential advisers to my discussion of the case of Henry Kissinger.

I shall discuss a number of basic problems, beginning with executive reliance on the separation of powers; then I shall delineate the historical basis of the Congressional power of inquiry which, at the adoption of the Constitution, was deemed to extend to surveillance of executive performance. Then I shall show that there is no comparable history for executive privilege, and that the earliest precedents invoked by Executive spokesmen, which were incidents in the Washington administration, will not withstand scrutiny. Next I shall comment on the recent shelter claimed for "candid interchange" of opinions by subordinates, and then upon the shaky basis for the claim of immunity for confidential advice to the President. Finally, I shall comment on the refusal of the Defense Department to comply with your request for information under the Act of 1928, and on the measures open to Congress to bring executive refusals of information to a test.

The first appeal of the Executive branch, repeated before you by Assistant Attorney General Rehnquist, is to the separation of powers, II 359, which postulates that Congress is encroaching on the Executive prerogative. Was there an executive prerogative to withhold information from Congress at the adoption of the Constitution? Only if there was such a prerogative can it claim the protection of the separation of powers. In other words, it is necessary to demark the attributes of each department before the separation of powers comes into play. To look to the Article II "executive power" for the answer is like looking into a crystal ball. When former Justice Arthur J. Goldberg testified before you in March, 1972 that—

"It is true that Article 2, vesting the Executive power of the United States in the President, necessarily implies that certain activities he conducts, either directly or through his staff and the Executive Departments are privileged." [2]

He assumed the answer.

For what the Framers meant when they employed the terms "legislative power," "executive power," we must look to history, exactly as the Supreme Court did when it inquired whether the "judicial power" included a power to hold in "contempt."

History discloses an established, virtually untrammeled parliamentary power of inquiry; whereas the Executive Branch has *not advanced a single precedent prior to the Washington administration* which shows the existence of executive power to refuse information to Parliament. Nor do the Washington incidents stretch so far.

The great William Pitt, speaking in 1742 to the proposed investigation of the ousted Premier, Robert Walpole, said:

"We are called the Grand Inquest of the nation, and as such it is our duty to inquire into every step of public management, either abroad or at home, in order to see that nothing is done amiss."

RB 1058.[3] Remember the words "grand inquest." Pitt's statement was echoed in 1774 by James Wilson, second only to Madison among the Framers:

"The House of Commons have checked the progress of arbitrary power, and have supported with honor to themselves, and with advantage to the nation, the character of grand inquisitors of the realm. The proudest ministers of the proudest monarchs have trembled at their censures, and have appeared at the bar of the house, to give an account of their conduct."

RB 1288n. Reference to the "grand inquest" was made in the Massachusetts Ratification Convention by Fisher Ames, 2 Elliot's Debates 11, and in North Carolina by Archibald Maclaine, 4 Elliot's Debates 44. In the Second Congress, Elias Boudinot stated in 1792, respecting a proposed investigation of the affairs of the Secretary of the Treasury, Alexander Hamilton, that "we're now exercising the important office of the grand inquest of the nation," and noted that the inquiry was "into the conduct of an officer of the Government in a very important and highly responsible station." 3 Ann. Cong. 947–948. The investigation, I may add, was welcomed by Washington. RB 1081 n. 200.

That the separation of powers interposed no obstacle to such inquiry may be gathered from the high priest of the doctrine, Montesquieu, who was endlessly cited by the Founders. The legislature, he said, should "have the means of examining in what manner its laws have been executed by the public officials." RB 1059–60.

All this was summarized by the Supreme Court in *McGrain* v. *Daugherty*, 273 U.S. 135, 161 (1927) in the wake of the Teapot Dome scandals:

"Power to secure information by such [investigatory means] has long been treated as an attribute of the power to legislate. It was so regarded in the British Parliament and in the Colonial legislatures before the American Revolution."

"A legislative body," said the Court, "cannot legislate usefully or effectively in the absence of information . . . and where the legislature does not itself possess the requisite information . . . recourse must be had to others who do possess it," as Roger Sherman had said with respect to the Act of 1789. That Act made it the duty of the Secretary of the Treasury to furnish information required of him by either branch of Congress, and Sherman said, "we must procure it where it is to be had." RB 1061.

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[1] References are to hearings before this Subcommittee in June 1971, and the volumes I, II, and III will merely be cited as I, etc.

[2] CONGRESSIONAL RECORD, March 24, 1972, page 10150.

[3] Berger, Executive Privilege v. Congressional Inquiry, 12 UCLA Law Rev. 1044 (1965), hereafter cited as RB.

The Court also declared that an investigation "of the administration of the Department of Justice . . . and particularly whether the Attorney General and his assistants were performing or neglecting their duties" was within the jurisdiction of Congress. 273 U.S. at 177. True, there the brother of the Attorney General, an Ohio banker, sought to resist the investigation; but it is absurd to argue, as did Attorney General Rogers, that the Attorney General himself could not be called in an investigation of his own derelictions. RB 1055.

The Act of 1789 specifically provided that the Secretary of the Treasury must appear in person. That Act, drafted by Alexander Hamilton, enacted by the First Congress, virtually an adjourned session of the Convention, and approved by President Washington, who had presided over the Convention, made it the duty of the Secretary of the Treasury "to give information to either branch of the legislature in person or in all matters . . . which shall appertain to his office." 1 Stat. 65–66, 5 U.S.C. § 242. Both writing (as he may be required) respecting the Secretaries of War and of the Treasury appeared before the House in the St. Clair investigation. 3 Ann. Cong. 1106 (1792). RB 1060.

Where is the comparable history of executive privilege? When Assistant Attorney General Rehnquist appeared before you in June, 1971, he stated that the privilege is "firmly rooted in history and precedent." II 360. He avouched no pre-Constitution precedent to show that legislative surveillance of the executive was in any wise limited; instead he relied on two incidents during the Washington administration: the St. Clair investigation and the Jay Treaty incident. Neither constitutes a precedent.

In 1792 the House examined into the failure of General St. Clair's expedition against the Indians and called on the Secretary of War for documents. According to what Mr. Rehnquist described as "an excerpt from Jefferson's notes of the cabinet meeting," II 360, it was agreed that the "house was an inquest, therefore might institute inquiries," but that the President had discretion to refuse papers, "the disclosure of which would injure the public." RB 1079. However, all the details of the disastrous expedition were in fact turned over, so that the case is hardly a case for a *claim* of the Executive to withhold information from Congress.

Jefferson's "notes" did not find their way into the executive files; there was no evidence that the meditations of the cabinet were ever disclosed to Congress. Indeed, it would have been unsettling and unwise to excite the House by a claim of discretion to withhold when all the information was in fact turned over. The Jefferson "notes" were found amongst his papers after his death and first published many years later, under his "Anas," what he described as "loose scraps," and "unofficial notes." RB 1089n. There this "precedent" slumbered until it was exhumed in a memorandum submitted to the Senate in 1957 by Attorney General Rogers. What a "precedent!" If it is a precedent, it teaches that Washington would not claim privilege to hide a shameful failure within his administration.

The second "historical precedent" invoked by Assistant Attorney General Rehnquist is Washington's refusal to turn over the Jay Treaty papers to the House. II 360–361. The papers had been delivered to the Senate, but were refused to the House because, said Washington, the House had no part in treaty making and hence no "right" to the papers. But he emphasized that he had no disposition to withhold "any information . . . which could be requested of him as a right," as for example, had the House required the papers for purposes of impeachment. RB 1086. In sum, this was not a case where executive privilege defeated a "right" of inquiry, for the papers were delivered to the Senate, but an alleged absence of a "right" of the House to inquire. Indeed, the very terms "executive privilege" are a relatively late newcomer on the scene.

The "executive power" was conceived by the Framers as a power to "execute the laws," RB 1071–76, and the legislature necessarily, in the words of Montesquieu, "should have the means of examining in what manner it laws have been executed." We need to recall that the prevalent belief at the end of the Colonial period was that the executive, in the words of Edward Corwin, "was the natural enemy, the legislative assembly, the natural friend of liberty." RB 1070. And despite Madison's disenchantment with State legislative excess in the post-Revolutionary period, he concluded that "in republican government, the legislative authority necessarily predominates." Federalist, No. 51. Today the Executive branch tells Congress, the senior partner in government, that disclosure to it of certain information is "inappropriate" or not in the "national interest."

Another "precedent" cited by Assistant Attorney General Rehnquist arose in 1953, *Reynolds v. United States*, 345 U.S.1. II 360. There a private litigant in a suit against the government sought disclosure of an Air Force report respecting secret electronic equipment. The claim of a private litigant to such disclosure stands far lower than that of Congress. Concealment of departmental derelictions, for example, the Teapot Dome frauds, or of foreign commitments, may be far more damaging to the national interest than a failure of justice in a private litigation.

Then too, there is a long history of parliamentary inquiry into executive conduct, which is much older than, and entirely independent of, the right of a litigant to executive disclosure in the courts. *Reynolds*, in fact, speaks against the exaggerated executive claims, for the Supreme Court said that it is for the Court, not the Executive, to "determine whether the circumstances are appropriate for the claim of privilege." 345 U.S. at 8. Although the Court found that the litigant had not proven the need for disclosure in light of an "available alternative," it was yet at pains to state that "judicial control over evidence in a case cannot be abdicated to the caprice of executive officers." Indeed, Mr. Rehnquist concedes that the "President's authority to withhold information is not an unbridled one," but concludes that the "potential for abuse" must still be left "for the exercise of presidential discretion." II 361. A "bridle" on the Executive which he alone can check is no bridle at all. In short, the Executive branch asserts a right finally to determine what is "appropriate" for Congress to see after the Supreme Court decided that the Executive has no such right against a private litigant.

The claim of privilege for "candid interchange" among officials is illustrated by your own recent experience. You had requested "Country Field Submissions" for Cambodia, the type of information the "past three administrations" have routinely furnished. (Press release, Chairman Moorhead, March 16, 1972). These submissions, your Chairman explained, "describe the real political and economic situation in a country, what the goals and objectives of the United States assistance program are," and the like. When access to these submissions was refused, the Committee invoked the statutory cut-off for aid to Cambodia. At the last minute President Nixon forestalled the cut-off by an appeal to executive privilege. A similar rebuff was experienced by the Senate Foreign Relations Committee.

President Nixon explained that "unless privacy of preliminary exchange of views between personnel of the Executive Branch can be maintained, the full frank and healthy expression of opinion which is essential for the successful administration of government would be muted." Hearings before the Senate Subcommittee on Separation of Powers on Executive Privilege (July–Aug. 1971) p. 46.

No trace of this branch of privilege appears in history until it was put forth in 1954 by President Eisenhower in defense of the Army against the onslaughts of Senator McCarthy. RB 1309–10. It is therefore a recent made-to-order doctrine, altogether without historical foundation, which cannot be justified as the exercise of a *constitutional* power to withhold. Moreover, this principle of "candid interchange" was laughed out of court by the highest judicial tribunal of England, the House of Lords, in *Conway* v. *Rimmer* [1968] 1 All.E.R. 874, a private litigation. In the words of Professor Wade of Oxford, "The flimsiness (as Lord Reid called it) of this overworked argument has long been obvious and their Lordships have now shattered it without mercy." 84 L.Q.R. 173. Nevertheless, the President solemnly invokes as a sufficient reason for withholding from Congress information as to how the Defense Department plans to spend appropriated funds an excuse which the Lords rejected for withholding from a private litigant.

Such presidential frustrations of Congressional attempts to obtain information vital for the performance of its functions reveal how futile it is to make a cut-off of funds turn on presidential invocation of executive privilege. A Department determined to withhold information, as these incidents disclose, will generally procure presidential concurrence.

I would therefore recommend that all future cut-offs be made dependent *solely* on departmental refusal of information to Congress. As the President's abandonment of the claim of executive privilege for Peter Flanigan, in order to save the appointment of Richard Kleindienst as Attorney General indicates, the President may conclude that some claims of privilege are too dearly bought.

We have seen that the claim of privilege for members of the White House staff, according to the "precedents" mustered by Assistant Attorney General Rehnquist, is new-minted. Suppose Peter Flanigan were charged with violation of the Corrupt Practices Act and that Congress launched an investigation to ascertain whether there were grounds for impeachment. Can it be maintained that Mr. Flanigan's plea of immunity from investigation would be sustained? Impeachment lies against "all civil officers" regardless of location in the government; and Congress, as President Washington recognized, may investigate before it impeaches.

I propose to show that even the claim for confidential advice to the President, for example, by Mr. Henry Kissinger, has very shaky underpinning. There is no need to rehearse Mr. Kissinger's omnipresence in foreign affairs. That he has taken over high-level functions of the Secretary of State is open and notorious. Although the Secretary, in the words of Chief Justice Marshall in *Marbury v. Madison*, is a "confidential agent" of the President, he enjoys no blanket immunity from inquiry. Mr. Kissinger, however, is claimed to be unaccountable to Congress.

This area of privilege has been highly overrated. In the memorandum Attorney General Rogers submitted to the Senate, he claimed "uncontrolled discretion" in a department head to withhold "confidential" information, citing *Marbury* v. *Madison*. RB 1101, 1110. But Mr. Rogers himself quoted

Chief Justice Marshall as saying on the trial of Aaron Burr that "the principle decided there [Marbury] was that communications *from* the President to the Secretary of State could not be extorted from him." RB 1110. Even this much was pure dictum, because *Marbury* involved a claim to delivery of a commission which had been signed by the President and sealed by the Secretary of State, about which there was nothing confidential at all. So far as *Marbury* is a precedent, it does not, according to Marshall himself, shelter a communication from a high officer *to the President*. A private letter from General James Wilkinson to President Jefferson was in fact held subject to subpoena by Marshall on the *Burr* trial and it was turned over to the court by Jefferson.

In truth, *Marbury* is altogether irrelevant to Congressional inquiry. It was a litigation by a private individual, and Marshall stated that the "province of the court . . . is not to inquire how the executive or executive officers perform their duties." Precisely that function lies within the province of the legislature, as Pitt, Montesquieu and James Wilson made clear, and as the Supreme Court held in *McGrain* v. *Daugherty*. In 1792 Washington welcomed an investigation of the Secretary of the Treasury; RB 1081n; and he turned over all documents in the investigation of General St. Clair, thus recognizing the inquiring function of Congress.

It also needs to be remembered that a number of British Ministers were impeached for giving "pernicious advice" to the King, Berger, Impeachment for "High Crimes and Misdemeanors," 40 So.Cal. Rev. 395, 413 (1971), and that in the Virginia and South Carolina Ratification Conventions Francis Corbin and Henry Pendleton alluded to such "advice" as within the scope of impeachment. Id. at 431. If such "advice" be impeachable, inquiry whether it was given cannot be barred on *constitutional* grounds whatever may be the merits of the practical arguments for confidentiality. Practical desiderata cannot be translated into constitutional dogma.

Now I come to what seems to me the most glaring example of bureaucratic recalcitrance—the refusal of the Defense Department to comply with the request of this Committee for information under the Act of 1928, now codified in 5 U.S.C. § 2594. The Act provides that upon request of the Committee on Government Operations every executive department shall "furnish *any* information requested of it relating to *any* matter within the jurisdiction of said Committee." (emphasis added). Senate Report No. 1320 (70th Cong., 1st Sess.) recites that the Bill repealed the requirements of a large number of statutes covering certain listed reports on the ground that the "requirements are obsolete . . . have no value and serve no useful purpose . . . To save any question as to the right of the House of Representatives to have furnished any of the information contained in the reports proposed to be abolished a provision has been added to the bill requiring such information to be furnished . . . " On the basis of this report, the Assistant to the President, Mr. John D. Erlichmann, argues that the Act was merely designed to apply to the "discontinued reports." III 785, 788.

On this interpretation, the Act preserves the right of Congress to require obsolete and valueless reports while barring access to reports of immediate value and need. It reads a statute designed by Congress for its own benefit against Congress and in favor of the Executive. In effect, the Executive would revise the Act of 1928 to read, "notwithstanding the provisions of this repealer, the Committee may require the discontinued reports." But the Congress went beyond this: it provided for the requirement of "*any* information . . . relating to *any* matter within the jurisdiction of said Committee.

The prototype of this provision is the Act of September 2, 1789 (1 Stat. 65–66, 5 U.S.C. § 242), which made it the duty of the Secretary of the Treasury "to give information . . . respecting *all* matters . . . which shall pertain to his office." In 1854, Attorney General Caleb Cushing advised the President that "by legal implication" every branch of the Executive Department is under the same duty." 6 Ops. Atty. Gen. 326,333. The broad language of the Act of 1928 may be read as declaratory of this duty.

Mr. Erlichmann admitted that the language of the 1928 Act "unquestionably is rather broad," III 788; and Assistant Attorney General Rehnquist "cheerfully conceded" that "the extremely broad purpose . . . is a permissible interpretation of the language." III 785. Why must we prefer a narrow to a broad reading of a statute designed by Congress for its own benefit? Our guide rather should be the statement of Chief Justice Marshall:

"It is not enough to say, that this particular case was not in the mind of the Convention, when the article was framed . . . It is necessary to go farther, and to say that, had this particular case been suggested, the language would have been so varied, as to exclude it . . ."

Dartmouth College v. Woodward, 4 Wheat 518,644 (1819). Would the Congress have excluded a request for the SST report from the words "*any* information . . . relating to *any* matter" and have restricted the request to "obsolete and valueless" reports? The answer is self-evident. It follows, in my judgment, that a refusal of information required by your Committee under the Act of 1928 is a violation of law.

It would be unrealistic to expect that the Attorney General would take action against members of the Executive branch who are carrying out executive policies in defiance of law. Congress must therefore undertake to enforce its own rights. Does Congress have a judicially enforceable right? In my 1965 article I examined in detail the questions whether a suit between Congress and the Executive constitutes a "case or controversy," Whether it presents a "political question," and whether Congress has "standing to sue," and concluded that these doctrines interpose no obstacle to suit. RB 1333–62.

Marbury v. Madison teaches that one in whose favor a duty is imposed upon an officer has a right to sue for breach of the duty. There it was held that the Secretary of State was under a duty to deliver a commission which had been signed to the judicial appointee, and that the appointee could bring mandamus to enforce the duty to deliver the commission. 1 Cranch 137,166 (1803). An action under the Act of 1928 would be even clearer, for the statute unmistakably requires the Executive branch to furnish the information required by the Committee. If there would be a question whether a requirement lay within the "jurisdiction" of the Committee, that cannot be unilaterally decided by the Executive.

The Congress ought by statute authorize a suit on behalf of the Congress against a member of the Executive branch for failure to comply with a duty imposed by statute to the detriment of Congress, or indeed, for any impairment of its functions, in order to dispel doubts raised in *Reed* v. *County Commissioners*, 277 U.S. 376 (1928), when a Senate Committee sought to sue in the absence of such authorization. And the statute ought to provide for the appointment of counsel to represent Congress. You might also consider a permanent attorney who would screen Committee applications for such suits. The relevant House, I suggest, should in each instance approve the institution of a suit, in order to prevent a future Senator McCarthy from plunging Congress into a discreditable action. You can do no less after insisting that the President alone must invoke executive privilege.

A more immediate way of raising the issue before the courts is by resort to the Congressional contempt power, recognized in *Jurney* v. *McCracken*, 294 U.S. 125 (1935). The procedure, described in *McGrain* v. *Daugherty*, 273 at 153, is issuance of a subpoena, and on refusal of the witness to appear or to testify, issuance of a warrant by the presiding officer of the House, commanding the Sergeant at Arms to take the recusant into custody, to bring him before the bar of the House, and keep him in custody for contempt. The *Jurney* and *McGrain* contempts ran against private individuals; but in his testimony before you Assistant Attorney General Rehnquist stated that a "member of the executive branch who himself has custody of the documents . . . would have to respond to a subpoena." II 385. And he agreed that Congress has power to punish "a contempt of the Congress by an officer of the Government who refused to appear and supply information." II 379.

I am aware of reluctance to invoke the contempt power; indeed, when I considered the matter in 1965, I shrank from what might be a violent confrontation. RB 1333. But experience and further reflection have persuaded me that I was mistaken. President Andrew Johnson besought the Congress to submit the issue which led to his impeachment—his failure to comply with a statute which he believed invaded his prerogative—to the courts. When the two branches are engaged in a boundary dispute, that is, as to the extent of their several powers, the issue Madison said cannot be decided by either. Decision, said Justices Jackson and Frankfurter must be left to an independent arbiter. Such issues, said the Supreme Court in *Luther* v. *Borden*, are for the courts.

There is no need to regard a contempt proceeding as merely punitive; it may be viewed as a means of getting the dispute into court through the medium of a writ of habeas corpus sought by the officer, as was the case in *Jurney* and *McCracken*. Only if the officer is in the custody of the Congress will the writ lie. Until Congress faces up to the fact that the swelling tide of executive privilege claims can be stemmed only by decisive Congressional action, executive claims will continue to clog Congressional performance of vital functions.

POWER SHORTAGE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. HARRINGTON. Mr. Speaker, New England is currently facing the worst power shortage in its history. Utility engineers are predicting a 3-million-kilowatt shortage of electricity in the New England region this summer. This will plunge reserve rates to a disastrously low 8.8 percent. This means that blackouts, brownouts, and voltage reductions will occur with alarming frequency.

In addition, the cost of power in New England is rising at a tremendous rate—Boston's electric rates rose 11.3 percent in 1971 compared with 6.3 percent nationally—while Boston Edison reported the highest earnings and dividends in its history. The future is no brighter with an estimated $500 million in rate increases being projected over the next 4 years.

There is an alternative to the chaotic system that has retarded New England's economic development and cost New

England consumers more than those in any other region of the country. That alternative is to create a public agency to coordinate the generation and transmission of electricity in the entire region. Over the years, the private utilities have fought each and every attempt to introduce public power in New England. And the public has suffered the consequences.

While the private utilities have claimed that a public agency would not substantially lower the cost of power in New England, it now can be shown that a regional generation and transmission agency would save the people of New England $695 million over the next 10 years. This was the conclusion of a recently published study "Cost of Electricity in New England," prepared by R. W. Beck & Associates, a nationally based firm of analytical and consulting utility engineers.

In light of the current power situation in New England and the fact that a regional generation and transmission authority will, in addition to saving over half a billion dollars, provide regional planning, research and development, and a mandate to reduce the environmental impact of powerplants in the region, I will shortly be introducing legislation to establish a New England Regional Power and Environmental Protection Agency to assume responsibility for all new power generation and transmission in the region.

At this point, I would like to introduce into the RECORD the summary report of the R. W. Beck study, so its conclusions can be studied by my fellow colleagues:

SUMMARY REPORT—COST OF ELECTRICITY IN NEW ENGLAND

(R. W. Beck and Associates Analytical and Consulting Engineers)

SECTION I—INTRODUCTION, CONCLUSIONS AND SUMMARY

Introduction

This report is directed toward answering questions that are being asked about the cost of electric power in New England.

1. Why are power costs high and going higher?
2. What can be done to reduce power costs?
3. Are the private power companies doing everthing possible to reduce the cost of electricity to the consumer?
4. Why are the publicly-owned electric utilities so interested in obtaining Revenue Bond financing?
5. Why do the private power companies oppose the publicly-owned electric utilities' owning and operating large generating projects?
6. Does the rate regulation now imposed on electric utilities by state and federal regulatory commissions require the utilities to provide power at the lowest cost?
7. Would a regional public power authority really reduce power costs in New England?

Scope of analysis

In this report, we have presented our analysis of the trends in power costs and how major decisions made by the private companies regarding methods of obtaining power to serve New England power needs have affected power costs. These analyses have not been directed at an evaluation of the increases in operating costs, such as fuel costs, that the private companies are claiming to support their requests for a rate increase. However, the results of our analyses do show that if the publicly-owned electric utilities had been provided with the authority necessary to undertake the financing of a portion of the power supply facilities needed and planned for in New England that the over $500 million in rate increases which are projected to occur in the next four years would be substantially reduced if not completely unnecessary.

Electric power reliability in New England is not directly related to power costs, so it has not been discussed in this report. However, during the course of the analysis we have made, it has become very clear that the power supply problems in New England have reached the crises level and that major efforts and cooperation are needed between all sectors of the electric utility industry and regulation commissions to avert future limitations in power supply. It is also questionable if the private companies alone can provide the over $5 billion investment funds needed to construct the generating facility additions scheduled between now and 1980. Therefore, if New England's power needs are to be met, the publicly-owned electric systems as well as the federal government must assist in financing of the region's major generating and transmission facilities.

This report also sets forth alternatives available in planning and financing future power supply facilities and the possible savings with these alternatives.

Conclusions

Our review of (1) the historical and projected trends in power costs, (2) the programs of power supply developed in the past and proposed for the future and (3) alternatives available to reduce power costs have caused us to conclude the following:

1. The cost of power in New England would be much lower today if projects supported by the publicly-owned utilities, but opposed by the private companies, had been developed as a source of power supply for New England. Two of these sources of power supply and the amounts by which they would have reduced costs are as follows:

	Possible annual savings
(a) Canadian Base Load Power	$36,000,000
(b) Dickey-Lincoln Project	2,000,000

(Reference Section IV of this report)

2. Public financing of major generating projects such as Maine and Vermont Yankee would result in substantial savings on power supply costs. The annual average savings estimated by public financing of these Yankee Projects are:

	Possible annual savings
(Reference Section II, page 5 of this report)	$13,000,000

3. If the publicly-owned systems were allowed a means of financing just their own power supply needs with Public Revenue Bonds, their estimated annual savings in power costs would be:

	Possible annual savings
(Reference Section V, page 4 of this report)	$16,000,000

4. A regional public power authority could if it developed and financed the future power supply facilities of the area, effectively reduce future power costs. The annual average savings in power costs from 1976–1985 is estimated to be:

	Possible annual savings
(Reference Section V, page 6 of this report)	$69,000,000

5. The average annual reductions in power costs summarized above total $136,000,000. This would more than offset the average annual $125,000,000 increase projected for New England residential consumers over the next four years.

(Reference Section III, page 4 of this report.)

6. A significant reason for the high cost of power and its continuing increase is due to the private power companies opposition to power supply programs which did not allow them to invest their own funds and obtain an investment return.

7. Power costs in New England can be reduced by establishing a regional public power agency and allowing the publicly-owned electric utilities to participate in the financing of major generating projects with Public Revenue Bonds.

8. The private power companies are continuing to oppose programs which would reduce power costs in New England as evidenced by their filing of the New England Pool Agreement with the Federal Power Commission before a joint program of power supply development had been worked out with the publicly-owned electric utilities.

9. If the publicly-owned electric utilities had the ability to finance major power supply facilities with Revenue Bonds, they could supply their customers' power needs for much less cost than they now are required to pay to the private companies for wholesale power.

10. The private companies have opposed the publicly-owned systems' owning and operating large generating plants and using Revenue Bonds for financing because this would allow the publicly-owned systems to provide their consumers' power needs for a cost much lower than the cost they now must pay to the private companies for wholesale power.

11. In those regions of the country where the publicly-owned systems and other public agencies have contributed to the cost of financing major power supply facilities, power costs are lower and the consumer of both the public and private utilities has benefited from low cost power.

12. The regulatory commissions which impose regulations on the private companies, do not include any requirement that the companies develop the lowest cost power supply program.

13. The public systems have, in the past, provided a limited means of measuring what power supply costs should be. However, the major increases in wholesale power costs now being imposed on the public systems by the private companies are causing the publicly-owned systems' costs to be unrealistically inflated.

14. If a regional public power agency is not established and the publicly-owned electric utilities are not allowed to provide a measure of competition through their own means of financing, power costs in New England will continue to increase. The now projected $500 million increase in residential rates to New England customers for the period 1972–1985 can only be considered an example of increases that will follow.

Summary

In summary, our analysis clearly indicates that the only positive programs for reducing power costs in New England are those programs supported by the publicly-owned (municipal and cooperative) electric utilities. These programs for low cost power have been opposed by the large private companies and unless the publicly-owned utilities can obtain the authorization to finance these programs independently with Public Revenue Bonds and a regional public power authority is established, New England will never be able to obtain electric power at the lowest possible cost.

SECTION II—ELECTRIC UTILITY INDUSTRY IN NEW ENGLAND GROWTH AND FINANCING REQUIREMENTS

General

The average use of electricity by the New England consumers is less than elsewhere in the nation largely due to the higher than average cost of power. However, despite high costs, competition from other energy sources and the dampening effects of increasing rates, there is very good reason to believe that electric power use will continue to increase at an impressive rate in New England. The growth in per capita electric energy production in New England and a comparison of this production with the total United States and other leading power usage countries are shown on Figure 1 in the Appendix.

New England Electric Industry Growth

The electric utility industry is the largest industry in New England and affects the lives of nearly every person in the region. Its size and growth can be illustrated by the historical and projected growth in total revenues from ultimate consumers. This growth is summarized in the following table and shown graphically on Figure 2 in the Appendix.

New England electric industry

Year	*Annual revenue from ultimate consumer*
Historic	
1950	$353,000,000
1955	496,000,000
1960	677,000,000
1965	873,000,000
1970	1,204,000,000
Projected	
1975	1,750,000,000
1980	2,500,000,000
1985	3,600,000,000

The great amounts of money which electric consumers in New England will pay for electric service in the future should alert the industry, consumer groups, and most of all, regulatory agencies and legislatures that there is a crucial need to find the most economical way to provide the electric power the people of this region will require.

Power production facilities must be doubled by 1980

Through the eight-year period 1972 to 1980, the electric utility industry plans to bring into service over 17,500,000 kilowatts of new generating capacity. This will more than double the existing electrical generating capacity now serving the area. The private utilities have projected that a major portion of this capacity will be nuclear and pumped storage hydro projects. Therefore, the overall conservative estimate of the cost of this investment is $300 per kilowatt, or over $5,250,000,000 in generating facility additions. Other major investments will also be needed in transmission, substation and distribution facilities.

The projected electric power requirements of New England and the new generating installations being considered to supply these requirements are shown on Figure 3 in the Appendix. It should be noted that due to the lead time required to construct electric generating facilities, all of the generating projects shown on Figure 3 will need to be committed for construction before the end of 1972, if the electric power consumers of the region are to be assured that electrical generating capacity will be available to provide service when needed.

Financing—a major cost item

The cost of financing is one of the significant components of electric rates and a difference of one or two percent in the cost of money can have a major effect on total power cost when investments of $5,000,000,000, as discussed above, are involved.

One major source of low interest money which is used to assist in the financing of major power supply projects in most of the other areas of the country—but not in New England—is low interest public Revenue Bonds. This type of financing is normally made available through the publicly-owned electric systems (municipals and cooperatives). The municipally-owned electric utilities in Massachusetts have tried, for several years, to obtain the privately-owned electric companies, support for a program which would allow the municipally-owned systems to contribute to the financing of major projects with lower cost Revenue Bond funds—without success.

Although Revenue Bond financing (bonds issued against the earnings of a public agency instead of the credit of the community) is available and has been used in nearly every state in the nation, including Massachusetts, the private companies have actively opposed legislation which would allow the municipally owned electric departments in Massachusetts to use this type of financing. A Bill to allow the municipally owned electric systems to issue Revenue Bonds is again before the legislature this year. Revenue Bonds are also required to ensure that the municipally owned systems in Massachusetts can become active participants in the New England Power Pool, discussed later in this Report.

If Revenue Bond financing could be utilized on a major generating project, it would ensure a substantial cost savings in the cost of power from the project due to the 1.5% to 2.5% lower interest rate these Bonds bring in the financial market. Also, public ownership and financing of major projects by publicly owned systems offer savings which occur because non-profit municipal systems are not required to pay income taxes. The public systems do, in most instances, transfer money to their communities or pay an in lieu tax. These payments often exceed the amount a private company would be required to pay for local property taxes.

The savings possible from lower financing cost and no income tax payment due to municipal ownership and financing have been estimated over the thirty-year projected life of the Maine and Vermont Yankee Nuclear Projects. This savings amounted to nearly $400,000,000. The total annual cost of power from these Yankee Projects under existing private ownership and alternately municipal ownership is summarized in the following table.

Comparison of estimated power cost over total 30-year project life Maine and Vermont Yankee—1,389,000 kilowatts

	Total estimated annual cost
Existing Private Financing, Average Cost—0.766 cents/kwh	$2,026,374,000
Public Financing, Average Cost—0.615 cents/kwh	1,628,961,000
Savings with Public Ownership and Financing	397,413,000
Annual Average Saving Over 30 Years	13,200,000

Utility regulation does not require low cost power supply

The charge an electric utility collects for the electric energy it sells to its consumers is allowed through regulation to be equal to its costs of providing the electric service plus an amount which represents a return on its investment. The items evaluated and ruled upon in the rate proceeding before regulatory commissions are which costs can be included in the cost of providing service and the amount of return to be allowed.

A major item which is generally disregarded in rate regulation proceedings, but which has a significant effect on the cost the private utilities charge for electricity, is the management decision to undertake a certain program for power supply as opposed to an alternate program or programs. Therefore, the regulation which is currently imposed on the electric utilities appears to create more incentive to follow programs which will result in a greater return on investment than to select power supply programs which will provide the lowest cost power.

SECTION III—ELECTRIC POWER USAGE AND COST

Electric power usage

The cost of electric power in New England has, historically, been among the highest in the nation, causing electric consumers in the region to utilize other types of fuels or energy sources which, in many cases, are considerably less convenient. Nevertheless, electric power consumption in New England has more than tripled in the past twenty years with per capita electric energy production following a similar growth pattern. This also indicates the New England consumer is becoming increasingly more interested in the conveniences possible with electric energy. The total New England electric energy sales and per capita energy production for 1950, 1960 and 1970 are shown on the following table.

ELECTRICAL ENERGY SALES AND PER CAPITA PRODUCTION IN NEW ENGLAND

[In kilowatt-hours]

Year	Total energy sales	Per capita electric energy production
1950	1,341,000,000	1,740
1960	2,530,000,000	2,741
1970	4,883,000,000	5,145

Therefore, while it can be anticipated that the New England per capita consumption of electric energy will continue to lag behind the national average, as shown on Figure 1 in the Appendix, it can also be assumed that the growth rate will continue to keep pace with or be greater than the national average. For this reason, it is our opinion that the projected increases in electric requirements, as developed by electric utility companies' representatives who comprise the New England Planning Committee, are a realistic minimum.

New England retail rates compared to others in the nation

A comparison of retail electric rates in each state is published by the Federal Power Commission in its annual publication, "Typical Electric Bills". In 1970, the lowest average rate for a residential customer who used 500 kwh per month was found in the State of Washington where this customer paid $6.03. New York was the highest of the 48 contiguous states with a cost of $13.51 for an average residential use of 500 kwh per month. The rankings for the New England States for the past nine years are shown in the following table:

NATIONAL RANKING OF TYPICAL AVERAGE RESIDENTIAL BILLS IN THE NEW ENGLAND STATES FROM HIGH TO LOW FOR MONTHLY USAGE OF 500 KW.-HR.[1]

	National ranking								1970	
	1962	1963	1964	1965	1966	1967	1968	1969	Rank	Average bill
Connecticut	37	41	40	37	38	38	39	38	36	$10.94
Maine	47	47	47	48	48	48	46	46	45	11.85
Massachusetts	42	46	48	46	46	46	45	43	42	11.61
New Hampshire	46	45	42	42	42	44	43	41	40	11.41
Rhode Island	38	37	39	40	40	40	35	33	32	10.61
Vermont	32	32	32	35	34	26	27	27	26	10.26
Total U.S. average for 1970										10.51

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[1] Does not include rate adjustments due to fuel clause increases.

As the table indicates, up to this time, Vermont has been able to maintain the best ranking—the lowest power costs—in New England, although the state is sparsely settled which normally requires a higher cost investment per consumer than the more populous states. Credit for Vermont's lower power costs can be given to the low cost hydroelectric power obtained from the St. Lawrence and Niagara developments and the jointly-owned and state regulated transmission system of the Vermont Electric Company (VELCO).

Reasons for high power costs

The reasons for high power costs in New England have been the subject of numerous reports. One such report was recently undertaken for the New England Regional Commission and titled, "A study of the Electric Power Situation in New England, 1970–1980". This report which is often referred to as the "Zinder Report" identified the high cost of power in New England as being due to high operating costs that resulted from large numbers of small systems who have produced their power and supplied their own needs without the benefit of regional planning and joint construction of large, low unit cost facilities.

The electric companies identify the reasons for high power costs as high taxes, high fuel cost and high general operating cost. These costs, which are high, could be offset to a large degree, by the savings possible with the assistance of the publicly-owned systems in the financing of large projects, or the purchase of low cost hydro power from Canada. These methods of reducing power costs have been supported by the publicly-owned electric utilities (municipals and cooperatives) and could have resulted in substantial savings in power costs to the electric consumers in New England.

Trends in electric rates

Retail rates—residential rates up $500,000,000 in four years

Recently filed and approved rate increases plus fuel cost adders are projected to increase the cost of power to residential consumers in New England by nearly $500,000,000 during the next four year period, 1972–1975 for an annual average increase of $125,000,000.

The major portion of the increase will be due to basic increases in retail rates while a less, but still significant amount, will be attributable to fuel cost adders. These increases which represent an average annual increase of nearly 18 percent in the cost of electricity to residential consumers in New England are shown on Figure 4 in the Appendix.

Wholesale rates—40 municipals to pay $97,000,000 more in four years

Despite continuous efforts by the publicly-owned systems to reduce wholesale power costs, or prevent their increase, wholesale power costs to the publicly-owned systems who must purchase their power from the private companies have increased as much as 70 percent to some communities. Based upon information contained in wholesale rate filings by the New England Power Company and the Boston Edison Company, and general information on power costs and fuel costs, the average cost of wholesale power to the Massachusetts municipal electric systems will increase over the period from 1972 to 1975 by an estimated $96,840,000.

Table I in the Appendix summarizes the increases which are expected in the average cost of power to the 40 Massachusetts municipally-owned electric systems and shows how this average cost is now expected to increase from 0.925 cents per kilowatt-hour to 1.543 cents per kilowatt-hour, in 1972, due to the increase in wholesale rates. These projected increases in power costs are shown graphically on Figure 4 in the Appendix.

SECTION IV—OPPORTUNITIES TO REDUCE POWER COSTS THAT WERE OPPOSED BY THE PRIVATE COMPANIES

Introduction

The lack of joint planning, the general fragmentation which has existed in the New England power industry and the generally high costs are reasons for the high cost of electricity in New England. However, major programs which could have offset these high costs have been opposed by the private companies. These included opposition to Federal development of water resources for energy purposes and the purchases of low cost hydro electric power from outside New England.

Canadian hydro power rejected in favor of nuclear generation

In 1966, a program to import up to 2,100,000 kilowatts of low cost Canadian hydro power was rejected because the private electric companies opposed this plan and proposed that the development of large nuclear projects would be more economical. The power which was available from Canada was high load factor power equivalent to that available from a nuclear project and would have made over 14,700,000,000 kilowatt-hours of baseload energy available annually at an average cost of less than 0.5 cents per kilowatt-hour

The nuclear power plants proposed to take the place of this low cost Canadian energy are still in the construction stage but the average cost of power from two of these alternative nuclear plants is now estimated to be over 0.75 cents per kilowatt-hour.

Based on the projected cost of 0.75 cents per kilowatt-hour for power from these and other nuclear projects it can be estimated that power costs in New England will be increased by more than $36,000,000 annually because nuclear plants are being constructed instead of buying hydro power from Canada. This can be projected to be an increase of over $1,188,000,000 over the thirty-year life of the nuclear projects.

Dickey-Lincoln School hydro project

The Dickey-Lincoln School Project is proposed to consist of two dams and generating stations, one peaking installation near the Town of Dickey, and a second dam, 11 miles downstream on the St. John River, at Lincoln School, for purposes of regulating discharges from the Dickey Project and baseload generation.

The power output of the project was proposed by the United States Army Corps of Engineers to make available 105,000 kilowatts of 40% load factor power in the Maine area and 725,000 kilowatts of power at 12% load factor in other New England areas. Annual energy from the project is estimated to be 782,000,000 kilowatt-hours.

The project has one of the highest benefit-to-cost ratios of any Corps project, estimated to be 1.9:1.0 based on 1970 price levels. However, delay in the project's development is causing the project's costs to increase and will cause the cost of power to the consumer from the project to increase. Between 1965 and 1971, this increase has been estimated to be over $94,000,000. It is interesting to note that this has not seriously changed the benefit-to-cost ratio because the alternatives to the project have increased in cost also.

The project is estimated to take six and one-half years to build, although power will come on line incrementally starting one year previously. Therefore, if the proposed development had proceeded as initially proposed, it would now be available to meet the current power shortage. The original estimated cost for the project would also have resulted in substantial savings over alternatives now being developed.

The cost of capacity from the Dickey-Lincoln Project compares closely with pumped storage projects now being developed—with one significant difference. Energy obtained from the pumped storage projects must first be generated by some type of thermal plane to transfer the water from the project's lower to upper reservoir. The Dickey-Lincoln Project has a natural water flow and pumping is not required. This makes the annual cost of energy from Dickey-Lincoln in the range of $2,000,000 less than any of the pumped storage alternatives presently being developed.

The cost advantage of hydro power is dramatic today when compared to fossil fuel prices for use in electric generating plants which have gone up more than 100% from price levels of two years ago. Because hydroelectric dams convert falling water to electrical energy, they do not depend on any fuel. Therefore, the cost of electricity to consumers who received their electric power from systems using hypdro power have not been subject to the large fuel cost increases.

SECTION V—ALTERNATIVES AVAILABLE TO THE ELECTRIC UTILITY INDUSTRY

Introduction

New England is at a crucial point in the development of its electric energy system. Increases in fossil fuel costs, which can only be described as fantastic, pressure on the industry to overcome the inefficiency of operating a multitude of systems which did little effective joint planning, continuing increases in the demand for electric power, tougher environmental regulations, action by various groups to delay the installation of generating units and the inflation in all costs—labor, materials and money—all spell extreme difficulties for the electric industry. Power shortages of one sort or the other seem nearly unavoidable in the near future.

Under these pressures, there are three alternatives which appear available to the electric industry. Each alternative will significantly affect the cost consumers must pay for electric service and the reliability of the region's power supply. These three alternatives, which are discussed below with respect to their probable effects on the cost of power are: (a) the private power companies' continued domination of the industry with possible merging of control into a few or one large company, (b) a successful NEPOOL Agreement resulting in a regional power pool which accepts public and consumer-owned systems as participants without compromising their integrity, and (c) the institution of a regional agency, or authority, solely responsible for supplying all bulk power to private, public and cooperative distribution systems.

Alternative I—continued domination by private companies

The private power companies have opposed the publicly-owned electric utilities obtaining an effective means of providing financial support for the development of power projects in New England. The regulatory commissions or legislative bodies responsible for the containuation of decisions which would allow this limitation of the publicly-owned systems' operations to continue should understand this will increase future power costs in New England and prolong the shortage of electric capacity.

The additional generating capacity planned by the private companies to meet the projected electric requirements of New England, as proposed by the New England Planning Committee, was referred to earlier and is shown on Figure 3 in the Appendix. As indicated, fossil fired steam power plants are proposed to provide the majority of the capacity needs of the region between 1973 and 1977. After 1977, it is proposed that New England will rely heavily on nuclear units. In reviewing the plans for future power supply facilities proposed by the private companies several decisions are apparent:

(1) No significant hydroelectric power from Canada is planned.

(2) No major consumer-owned development of generating facilities is included.

(3) No Federal project, such as Dickey-Lincoln, described earlier.

Should this planning, which does not include the low cost alternatives proposed by the publicly-owned systems continue, it can be assumed the increases in power cost will continue. The present increases filed or pending in residential electric rates are projected to increase costs to the New England consumers by nearly $500,000,000 in the short period 1972–1975. Increases that will develop over a longer period are staggering to the imagination.

Alternative II—successful integration of public and private sectors through NEPOOL

Improved working relationships between the private companies and the publicly-owned systems, enabling the joint planning and joint development of power projects would assure greater protection of consumer interests and lower cost power.

The publicly-owned electric systems' capacity requirements in the region represent approximately 9% of the total load. However, the electric generating capacity these publicly-owned systems are scheduled to develop under the plan proposed by the private companies will amount to less than 1% of the regional requirements in 1975.

If the consumer-owned systems were able to use public Revenue Bonds and develop just their own power requirements, substantial savings to the New England electric consumer would result. A study of developing a publicly-financed power system versus a privately-owned power supply system for the State of Maine resulted in a projected cost savings to Maine electric consumers of over $25,000,000 over a fourteen-year period. The total electric requirements of the State of Maine are nearly equal to those of the consumer-owned systems, so it can be concluded the same magnitude of savings is possible if the publicly-owned systems in New England were allowed a means of providing their share of generating plant financing.

A benefit which may not be ascribed directly to lower rates, but which is important to legislatures and regulatory agencies is that active participation of consumer-owned systems in generation and transmission facilities provides a comparison of the costs of developing the region's power systems. The "yardstick" principle can be demonstrated as effective because private companies charge less for electric power in those areas where publicly-owned systems have developed power projects. A comparison of average power costs and percent of ownership of electric generating capacity for Massachusetts and other parts of the country is shown on Table 3 in the Appendix.

Alternative III—regional wholesale electric power agency

The New England Regional Commission's study of the electric utility industry in the region, the Zinder Report, recommended the establishment of a regional agency which would be responsible for the production and transmission of all bulk power in the region. It is not necessary to review that report here, but only to point out the consequences that would result from financing future generation and transmission facilities with Revenue Bonds.

To translate into power cost savings the effect of a single agency taking over the responsibility for all bulk power production and transmission, one has to look at two assumptions:

(a) That agency would *not* purchase existing generating facilities but would build all future additions and purchase the output from existing generating facilities pretty much as companies now purchase it from the NEPOOL dispatching operation, NEPEX. That is, the lowest cost units operate first and are the last to be curtailed as power demands go down.

(b) That the agency would purchase all existing power supply facilities and make all future additions.

Since the first assumption is the more likely alternative to be selected, the savings possible if a public, non-profit, Regional Wholesale Electric Power Agency were created and were to build all the new generating and transmission facilities in New England, can be estimated. The estimated savings to New England electric consumers is estimated to amount to the following:

Estimated savings in power cost if all power supply facilities put into production from 1976 to 1985 were owned and financed by a public power authority

1976	$10,000,000
1977	20,000,000
1978	30,000,000
1979	45,000,000
1980	60,000,000
1981	75,000,000
1982	90,000,000
1983	105,000,000
1984	120,000,000
1985	140,000,000
Ten-year total savings	695,000,000
Annual average	69,500,000

The private power companies may find the idea of a regional wholesale power agency more and more attractive as they experience financial strain because of delays in getting large nuclear generating station power projects into service along with other fiscal problems. Furthermore, the smaller private companies would find this type of agency would offer more assurance that they could obtain power from large generating projects.

Should legislation be written providing for the usual powers required for a regional electric power authority and, in addition, for meeting the increasingly stringent environmental requirements protection, such an agency might well become very attractive to a wide segment of the public and a persuasive idea in the U.S. Congress and state legislatures.

SECTION VI—PUBLICLY-OWNED ELECTRIC SYSTEMS

The electric systems in New England, both public and private, for the most part, had the same type of beginning. They started as small, independent generating utilities serving local areas. Over the years, most of the private companies have merged into larger companies but the municipal systems generally serve the same local areas.

The merging of the companies has been a slow process and the competition between the private companies led to the independent construction of a large number of small and medium size generating plants in New England, while other parts of the country were constructing larger size and more efficient generating on a joint basis. The small public systems financing authority allowed them to also construct small generating stations which some of the public systems did until recently, thereby retaining a comparative cost standard in the region.

However, the economies and efficiencies available from large size generation units have caused private utilities of the area to join together to plan and construct large generating projects. Large size joint projects are now the only type of generating project being planned in the region.

Most of the publicly-owned systems have not had the opportunity to participate in the ownership of the major generating projects, and the small generating units they have available are no longer good alternatives except for peaking power. Therefore the public systems have not continued to install their own generation and have become, with limited exceptions, fully dependent on the power companies for their power supply. The inability of the public systems to join together to construct large projects appears to be one of the major reasons there is not any real competition or incentive for the private companies to reduce the cost of supplying electricity in New England.

Power cost is major item of expense

The cost of purchased power represents the major item of a publicly-owned system's cost. In 1970, the publicly-owned systems in Massachusetts paid an average of $5.69 out of every $10.00 of revenue for purchased power. Rate increases will cause this amount to increase to nearly $7.00 out of every $10.00 of revenue for some systems.

Other operating costs experienced by the publicly-owned systems are very comparable with the private companies in the region. A graphic comparison of the allocation of total gross revenues for the private companies and municipally-owned electric systems in Massachusetts, for 1970, is shown on Figure 5 in the Appendix.

Illustration 2 on Figure 5 shows the cost allocation for the municipally-owned systems revenues if the $5.69 paid to the Companies is reallocated to those items the private companies indicate are covered by the wholesale power revenue they receive. This reallocation illustrates how the companies assign a major amount of the revenue received from the municipals to taxes and return to the companies. These are the items of cost the publicly-owned systems could effectively reduce if they were allowed to develop their own power supply facilities.

Public systems keep power cost down

The publicly-owned systems in New England and particularly the municipally-owned systems in Massachusetts can be credited as the only ones who over the years have proposed, supported and taken positive actions to hold down the cost of electricity in New England. As illustrated on Figure 4 in the Appendix, the rate proceeding initiated by the Massachusetts municipal systems in the early 1960's caused a definite reduction in the cost trend line of wholesale power. Their activities can also be credited with reducing power costs by over $19,000,000 to the consumers of these publicly-owned systems over the 1964–1971 period. Retail power cost has also been affected by the programs of the publicly-owned systems. This effect is illustrated by a comparison of the curves showing the average cost of power to residential customers and wholesale customers on Figure 4.

Public systems offered capacity but can't obtain it

The need for joint planning of power supply on a regional basis has caused the total electric industry of New England to work toward the development of regional pooling and power supply planning. The publicly-owned systems have worked with the private companies in this power supply planning, and they have requested and been offered output (entitlements) in large generating units proposed in the region. The sources of power now proposed to be available to the publicly-owned systems and its relationship to their total load requirement is shown on Figure 6 in the Appendix.

The publicly-owned systems ability to actually obtain and utilize the entitlements, which have been offered, has been a point of discussion between the public systems and private companies for several years. The publicly-owned systems need the ability to finance the purchase of the project entitlements which have been offered, but the comanies have opposed the public systems obtaining this authority. Other problems which the public systems have not been able to resolve with the private companies include the transmission arrangements for getting the power to their systems and integrating this power with that which they now obtain from the companies.

Plans supported by public systems could reduce cost

Two of the power supply programs supported by the publicly-owned systems in New England were the development of the Federally approved Dickey-Lincoln School Project in Maine and the purchase of power from Canada. If the projects had been developed as originally proposed, power from them would now be available in New England and the savings associated with these projects would have been helping to reduce power costs. To illustrate the amount of savings possible from these sources of power, we have calculated the amount that the Massachusetts municipal systems will be expected to pay for power from 1972–1975 as proposed under the wholesale rate schedules of the companies and compared this cost to the current cost estimated from these alternate sources of power which were supported by the public systems, but not developed. These sources of power are estimated to have been able to reduce the cost of power to the municipal systems from $210,000,000 to $105,000,000 or cut the cost of power in half over this four year period. These savings, for the public systems, could be expected to go towards reducing power costs of the consumer. The tabulation of these savings is shown on Figure 7 in the Appendix.

The public systems have also proposed to construct major generating projects on sites they have available and share the output with the power companies and help relieve the current power shortage. These efforts have also been rejected by the private companies.

Public systems provide a cost standard

Publicly-owned electric systems constitute a substantial amount of the funds needed for facility expansion in areas of the country where power costs are low. In these low cost power areas, major projects are constructed by the public systems who together or individually issue Revenue Bonds.

Opposition to the publicly-owned systems efforts to obtain Revenue Bonds has been a major issue in the negotiations of a New England Power Pool. The private power companies have claimed anything that would allow the publicly-owned systems to construct low cost generation would put the companies out of business. If this were the case, the six major power companies that operate in the Pacific Northwest would not be in existence.

An objection to public ownership of electric systems is often stated on the basis that the public systems do not pay their share of taxes. A review of the revenue allocation shown on Figure 5 in the Appendix, shows that the total public systems tax burden after allocation of purchased power expenses (Illustration 2) is nearly equal to that of the private companies. The payment of local taxes or in lieu taxes is also very comparable. Table 2 in the Appendix shows how the municipals in Massachusetts make an in lieu tax payment to the local community equal to 4.47 percent of their net plant investment. This compares to local tax payment equal to 4.67 percent of net plant investment for the private companies in Massachusetts and 3.89 percent of net plant investment for private companies in New England.

LET STATES KEEP NO-DISCHARGE REGULATIONS FOR BOATS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. FRASER. Mr. Speaker, the Senate-House conference committee will meet again next week on the Federal Water Pollution Control Act Amendments of 1972. When this bill passed the House of Representatives on March 29, 1973, we were successful in including an amendment permitting individual States to prohibit the discharge of sewage from vessels into their rivers and lakes. Without this amendment, the bill would preempt all State laws of this type. I ask Members of this House to urge the conferees to retain the House amendment in the water pollution control bill.

The Minnesota-Wisconsin Boundary Area Commission has forwarded a resolution to the Environmental Protection Agency urging that Agency to issue regulations requiring holding tanks on boats. Let us not take a step backward and enact a law that allows inadequate Federal standards to prevail. Let us not wipe out good State laws already in existence. Let us not write off efforts of hardworking citizens and elected officials in States throughout the Nation to clean up our waters.

The resolution of the Minnesota-Wisconsin Boundary Area Commission follows:

RESOLUTION

Whereas, It is in the public interest to maintain and improve the quality of large bodies of water, such as the St. Croix and Mississippi Rivers and Lake Superior in Minnesota and Wisconsin, which offer outstanding recreational opportunities for millions of persons, and which serve other important public purposes; and,

Whereas, The use of said Minnesota-Wisconsin Boundary Waters for commercial shipping and recreational boating by watercraft equipped with marine toilets has increased dramatically in the last several years, and is expected to increase substantially in the future; and,

Whereas, The random discharge of untreated or poorly-treated wastes from such marine toilets endangers the health and recreational enjoyment of persons and degrades the habitat of fishes and waterfowl in such waters; and,

Whereas, In order to effectively maintain and improve the quality of these public waters, the States of Wisconsin and Minnesota have each enacted laws requiring watercraft with onboard toilets to have state-approved devices, such as holding tanks, to preclude any discharge of wastes into these and other public waters from such marine toilets; and,

Whereas, The Federal Environmental Protection Agency has proposed Federal standards, as required by the "Water Quality Improvement Act of 1970", which will preempt all state and local laws governing the design, manufacture, installation or use of marine sanitation devices beginning in 1973 (for new watercraft constructed after June 26, 1971) and in 1976 (for existing watercraft); and,

Whereas, Said proposed Federal standards will permit discharge of marine toilet wastes into these and other interstate waters provided said wastes are first subjected to a level of treatment "which will be approximately the equivalent of the secondary waste treatment standards for municipal waste facilities", unless a state applies to the Administrator of the Federal Environmental Protection Agency for issuance of a regulation completely prohibiting the discharge from a vessel of any sewage into particular waters of that state, and;

Whereas, After several years of study, consultation with state and federal agencies and public discussion, the Minnesota-Wisconsin Boundary Area Commission has concluded that the most practicable and reasonable way to maintain and improve the quality of public waters with respect to control of waste discharges from marine toilets is to require onboard devices which will retain such wastes for disposal in approved shore facilities;

Now, therefore, be it resolved, by the Minnesota-Wisconsin Boundary Area Commission, That the Commission recommends to the Administrator of the Federal Environmental Protection Agency that the proposed Standards of Performance for Marine Sanitation Devices (18 CFR Part 640) be revised to require that any vessel with a marine toilet onboard have attached to such marine toilet a device which meets standards approved by the Secretary of Transportation which will retain the wastes from the marine toilet for disposal in approved shore facilities, and which will preclude any discharge of such wastes from the vessel directly into the waters of the United States; and,

Be it further resolved, That the Commission advises the Administrator of the Federal Environmental Protection Agency of its reasons for the above recommendation, as follows:

(1) There should be no question that the retention devices recommended by the Commission would be acceptable for compliance with the federal regulations, even as they are presently proposed, since the Administrator of the Environmental Protection Agency, in his statement accompanying the publication of the proposed rules in the FEDERAL REGISTER dated May 12, 1971, said, in part,

"Holding tanks and other devices which preclude any discharge are presently on the market and are capable of providing compliance with the standards."

(2) It is a fact, also acknowledged by the Administrator of the Environmental Protection Agency, that there probably is no device currently available which will provide the so-called "secondary treatment" of marine toilet wastes now proposed as the minimum standard in the new regulations for use on most of the watercraft covered by the rules. The agency only hopes that some kind of economical, reliable, easy-to-operate-and-maintain device will be developed, tested, proven, produced, marketed and sold by mid-1973 when its rules take effect for "new vessels". The Commission believes the Agency, the boat owners, the public and the public waters would be much better off if they relied on the already developed, tested, proven, produced and marketed retention systems rather than betting on a mythical device.

(3) The Commission further believes that by continuing to allow random discharges of wastes from marine toilets violates the spirit of the present federal-state pollution control effort which seeks to consolidate and make more efficient and effective the treatment of sewage and other wastes which are degrading the quality of lakes and streams.

(4) The Commission, after years of observation of the problems of recreational boaters relative to proper maintenance and operation of their onboard waste disposal systems, has serious doubts that every private onboard treatment plant will work properly with any degree of consistency. Reliability is a primary factor in assuring that a vessel, whose machinery happens to be discharging wastes near a swimming area (which doesn't even have to be a designated beach on many waters) or fishing ground or water intake, will not "accidentally" foul such an area. The superiority of retention devices over direct-discharge systems relative to this matter is obvious.

(5) The question of how to provide sufficient numbers of receiving facilities for disposal of wastes from retention devices appears to be academic, based upon our experience in the Upper Mississippi-St. Croix waterway. Where the onboard retention regulations have been effected in this area, a total of a

privately-owned, commercial marinas have voluntarily installed and maintained approved pumping stations in response to the desires and needs of area boaters.

And, be it further resolved, That, in the event the proposed federal Standards of Performance for Marine Sanitation Devices are not amended to require onboard retention devices which would preclude any discharge of wastes from vessels directly into the waters of the United States, the Commission calls upon the Governor of the State of Minnesota and the Governor of the State of Wisconsin to make a written application to the Administrator of the Environmental Protection Agency, under the provisions of Section 15(f) of the Federal Water Pollution Control Act, for issuance of a regulation completely prohibiting the discharge from a vessel of any sewage into the Minnesota and Wisconsin waters of the Mississippi River, of the St. Croix River, and of Lake Superior.

HOUSTON CHRONICLE COMMENDS JOHN CONNALLY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. TEAGUE of Texas. Mr. Speaker, former Secretary of the Treasury John Connally's sudden announced retirement was a surprise to all of us, and I for one was sorry to see him leave. I feel that many in this body share my feelings that he is a great American and public servant who has served his country well. I could say no more however than has the following editorial from the May 19, 1972, Houston Chronicle and wish to include it as a part of my remarks:

JOHN CONNALLY SERVED WELL

John Connally has obviously served the nation with distinction. The former Texas governor took Washington by storm during the 18 months he spent as secretary of the treasury.

Rarely has any man received as lavish praise from a president as Connally did from President Nixon on the occasion of his resignation announcement earlier this week. These comments were especially significant since President Nixon is the head of the Republican Party and Connally is a top figure in the Democratic Party.

Connally has certainly given no indication that he will cease to be a Democrat. The Chronicle does not read into Connally's resignation any kind of dissension within the administration or any great secret plans for the future.

One of the statements the President made in commenting upon Connally's resignation seems to have been largely overlooked. Nixon said that when he returns from the Moscow summit meeting around the end of this month he will have an announcement of a temporary assignment for Connally.

The Chronicle believes the broad speculation about Connally resigning to put himself in a position to be the vice-presidential nominee on the Republican ticket this year is highly inaccurate. Neither Nixon nor Connally has given the slightest indication that this is so. And it would be a rather crudely contrived situation if they had any such plans.

John Connally has served Texas well, has served his nation well and The Chronicle is pleased President Nixon intends to use in the future Connally's great leadership abilities.

POLL OF CONSTITUENCY

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. EILBERG. Mr. Speaker, each year since being elected to Congress, I have conducted a poll of my constituency. The survey has become a useful and important instrument of exchange between myself and the nearly half-million people I am proud to represent.

Once again I am mailing the questionnaire to every household in my congressional district, some 153,000 homes.

At this time I enter into the RECORD my 1972 congressional questionnaire:

MAY 20, 1972.

DEAR FRIEND: Every year I have been in Congress I have asked you for help in deciding how I should vote on the issues facing this country.

Because the Fourth Congressional District is so large (471,271 persons according to the last census), it is impossible for me to meet more than a small percentage of you, even though I am home every weekend.

That is why this questionnaire is so important. It lets me know what you are thinking so I can do my job, representing you in Congress, better.

It will only take a few minutes to answer the questions. When you are done, please fold the questionnaire according to the instructions and return it to me. Your answers will be confidential. If you have any additional comments to make, please do not hesitate to add them to the questionnaire. As in the past, I will send the results to every household in the district, when they are tabulated.

If you want more than one questionnaire for your family, please contact my district office, 216 First Federal Building, Castor and Cottman Avenues (RA 2-1717).

With best wishes,

Sincerely,

JOSHUA EILBERG.

1. Do you believe the President's program of wage and price controls is working?

2. Do you favor the President's method of giving big business tax breaks so extra money can "trickle down" to the average taxpayer or do you favor direct tax relief for the individual taxpayer as one means of stimulating the economy?

3. Nonessential government spending must be cut. If you were writing the Federal budget which program would you cut first? (*check one*)

(a) Crime.
(b) Defense.
(c) Education.
(d) Foreign aid.
(e) Health.
(f) Highways.
(g) Housing.
(h) Pollution control.
(i) Space.
(j) Welfare.

4. Do you have more money to spend for luxuries now than you did in past years?

5. Federal revenue sharing is about to become a reality. Which of the following problems facing Philadelphia do you think the funds should be used to help solve?

1) Police and fire protection.
2) Environmental protection.
3) Public transportation.
4) Capital improvements.

6. a. Should the Federal government administer a comprehensive national health care insurance plan?

b. If yes, which plan do you favor?

1) Federal health insurance for the poor; government payments to help all other families meet costs of catastrophic illnesses.

2) Comprehensive national health insurance for all Americans, financed partially from increased social security taxes and partially from Federal general revenues.

3) Health care plan similar to Medicare for entire population; option for individuals to purchase approved private insurance plans instead of national plan.

4) Voluntary income tax credit for purchase of private health insurance; free health benefits for the poor.

5) Establishment of Federal standards for health benefits provided by private insurers; benefits for poor subsidized by Federal and State funds.

7. a. Law enforcement officials agree that 40 to 60 percent of all crime is caused by drug addicts who need money to support their habits. Do you think a system of government operated clinics—similar to the present system in England—which supply drugs to addicts free or for a small charge would help to solve this problem?

b. Congress has given the President the power to cut off aid and use other economic weapons against countries which do not act effectively to break the drug pipeline which operates within their borders and ends in this country. Do you think we should cut off aid to such countries as Thailand, Laos, Cambodia and Vietnam if they do not cooperate in this area?

c. Would you favor economic sanctions against France, Turkey and Middle Eastern and South American countries if they do not cooperate fully in solving this problem?

8. a. Elimination of penalties for the possession of marijuana if it is only for personal use was recently recommended by a Federal commission headed by former Governor Raymond P. Shafer. Do you approve of this idea?

b. Do you favor the legalization of marijuana?

9. Do you approve of busing as a means of integrating children?

10. a. Would you support additional controls over air and water pollution and increased use of Federal funds for such programs?

b. Are you satisfied with the program being made to clean up the environment?

c. Are you prepared to bear some of the cost of cleaning up the environment either in the form of increased taxes or higher prices for some goods and services?

11. a. Were you upset by the charges that the Justice Department approved the takeover of the Hartford Fire Insurance Company by ITT after ITT promised to give a political party $400,000?

b. Do you think this indicates that big business has too close a relationship with government?

c. Do you feel Richard G. Kleindienst should be confirmed as Attorney General?

12. a. Do you believe you are being told the truth by the Administration about the war in Indo-China?

b. Do you feel the media are reporting the war accurately?

c. Do you support the President's policy in Vietnam and the rest of Indo-China?

d. Would you support an immediate pull out from Vietnam if the North Vietnamese release the Americans they are holding prisoner?

13. Do you feel Russia and the United States should try to impose a settlement on Israel and the Arab countries?

14. What do you think are the three most pressing problems facing America today? Please list in order of urgency.

15. What is the one local problem which troubles you the most?

FUTURE OF THE FBI

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. HOGAN. Mr. Speaker, with the passing of J. Edgar Hoover have come many debates over the past and future of the Federal Bureau of Investigation, and I was privileged to join that debate recently on "The Today Show." In a discussion conducted by Edwin Newman of the NBC network, I was interviewed along with former Attorney General Ramsey Clark and Bernard F. Conners, a former FBI agent.

Mr. Speaker, because the interview brings out many important points about the FBI, I insert a transcript of the program into the Record:

Guests Assess Future of FBI

Edwin Newman. The death of J. Edgar Hoover led to a rash of suggestions and arguments and counter-arguments about what will now happen to the FBI. Well, we thought it would be appropriate to talk with three men who are certainly in a position know about the FBI, about its future and any changes that should be made in its functions, in its way of operating and the manner in which it's regulated.

First, we have Ramsey Clark, who was Attorney General from 1967 to '69 during the administration of President Johnson. Mr. Clark is now in private law practice.

Next, Representative Lawrence Hogan, Republican of Maryland, who served for ten years as an FBI special agent. And Bernard F. Conners is a businessman from Albany, New York, who was an FBI agent for eight years and who's the author of a novel based on his experience in the FBI, called "Don't Embarass the Bureau."

We asked the Federal Bureau of Investigation whether it wanted to be represented here this morning. It declined, but said that the Acting Director, L. Patrick Gray, III, would make himself available for an appearance on "Today" in the near future.

Let's begin by asking this question. Is this a matter that should be talked about? Is the FBI a problem? Should changes be made?

Mr. Clark.

Ramsey Clark. Well, I think the FBI's very important to this country, and I think changes need to be made. I would put three in the primary positions. First, I think there needs to be a new public accountability. This agency must serve the people, and the people, therefore, must know about its activities.

Second, there needs to be a democratization and involvement of all sorts of our people—blacks and minority, and poor and young—in the Bureau's performance if it is to serve all the people.

And, third, there desperately. I believe, needs to be an updating of enforcement priorities and investigative practices.

Newman. Representative Hogan, do you agree?

Representative Lawrence J. Hogan. Well I agree in part. I would like to see at this juncture—because we are at a turning point in the FBI's history—I'd like to see an analysis made of the statutes over which the FBI has legislative purview. There are a number of statutes which the FBI really, I don't think, has any business investigating. There are some one hundred and eighty-five in total, but they include the interstate transportation of unsafe refrigerators, the Migratory Bird Act, applicant investigations. I'd like to see the FBI become the investigative agency which it was designed to be. And I don't think there'd be much disagreement on the part of FBI agents or officials that many of these matters do not warrant the specialized investigative skills of FBI agents and perhaps could be transferred to some other agency.

Newman. Well, do those activities really take a lot of time at the FBI . . .

Representative Hogan. No, they don't . . .

Newman. . . . a lot of manpower?

Representative Hogan. . . . Well, they don't. Well, applicant investigations, for example, do. Now I don't see why most of your applicant investigations, other than the Bureau's own, couldn't be transferred, totally and completely, to the Civil Service Commission. The way it stands now the Civil Service Commission conducts an investigation until they find some derogatory information, and then they turn it over to the FBI. And the FBI conducts special applicant type investigations for the White House.

But I'd rather see a concentration of the FBI's energy and skills on the really serious criminal offenses.

Newman. Mr. Conners.

Bernard F. Conners. Well, I think that possibly before we start prescribing the solutions to the problem, it might be in order to suggest what I think the problem is. And in my estimation as an agent of the Bureau for several years and a man who has researched the Bureau considerably—I've written a book on it—I feel that the problem is that during the past fifty years, the FBI has been expanding its role in the—in the field of domestic intelligence to the point that it poses serious problems in terms of constitutional principle.

I think I would be the first to say that I think J. Edgar Hoover exercised great restraint in the use of these powers. But the point I would like to make is that we have no assurance that his successor would act as propitiously. Few countries have ever permitted law enforcement and internal security matters to be concentrated in the hands of one individual. The exigencies of these affairs have to place an enormous demand on the integrity and the restraint of the one who administers them. And notwithstanding President Nixon's comments of a few days ago that he does not want the FBI to become political, he's a very sincere, honorable man and I know he means that. But in a free society the citizens have a right to expect more than the professed good will of its leaders.

And as it stands now, there's absolutely no control of the FBI. The inner workings of the FBI are beyond any outside scrutiny.

Newman. Mr. Clark, is that what you meant when you talked about accountability? You said the FBI must be made accountable to the public.

Clark. Yes, I think that's a major part of it. We really have great difficulty knowing what the FBI does and why.

Newman. Did you have great difficulty when you were Attorney General knowing what the FBI was doing?

Clark. Yes.

Newman. You did?

Clark. Yes. The Attorney General's position is a busy place, and I don't think that the Attorney General should endeavor to be in daily control of the FBI. I think that would be terribly harmful. I don't think the President of the United States ought to try to be the chief of police. I don't think our free society can function that way. He can't do very well as commander-in-chief, much less chief of police.

So I think we need public accountability in that office. We need a commitment to freedom and liberty that the people can see. And we need the involvement of all sorts of our people so the public will feel represented in its police agencies.

Newman. But when you wanted to know something about what the FBI was doing, could you find out?

Clark. Yes. [Technical difficulties.] . . . And then you'd find out. I never encountered any refusal to obey a command, but sometimes the commands weren't fulfilled with great heart.

Newman. Mr. Hogan.

Representative Hogan. Yes, I'd like to comment on something that Mr. Conners and Mr. Clark said. Mr. Clark said there's no outside scrutiny of the FBI. Now, that's absurd. The Congress approves all the money which the FBI spends. The Appropriations Committee has the power to check into any aspect of the FBI's operation. The Department of Justice, as Mr. Clark has just observed, has the authority to find out anything the FBI is doing. So Mr. Clark had the power to know everything that's going on there. The fact that he was busy with other things, it seems to me, would be a criticism of the Department of Justice's overseeing rather than the FBI.

Newman. Mr. Conners.

Conners. Well, I would answer Mr. Hogan in this way. Unlike law enforcement—and I think we all agree that the Bureau has done admirable—at least I think they've done an admirable job in the law enforcement field. They have a wonderful elite corps, which I must say I feel has not had the proper leadership the last few years. But unlike law enforcement work, investigations in the internal security field rarely come to the attention of the public. Therefore, we have found that the Bureau, by virtue of its expandable concept of its role in the security field, has brought us to the point that we have an organization investigating citizens for all manner of things for which there is really no statutory basis. And this, to me, has been a great usurpation of authority.

I should think it would be obvious to the most obtuse or blunted observer of the national scene that once we have an organization which is beyond any outside supervision, which has been under the absolute control of one individual, however great, for forty-seven years, and which is conducting unlimited investigations into the character, loyalty and integrity of its citizens, then we have to have something which infringes on democratic principles. Because such an organization will find no opposition to its policies, for in time everyone will fear it, particularly the legislators. The politicians will find it far more propitious to extol the virtues of such an organization rather than stand up and take it on.

Newman. Gentlemen, we'll be back with more of this discussion of the FBI. . . .

* * * * *

Newman. We're talking about the future of the FBI with a former Attorney General, Ramsey Clark, with Representative Lawrence Hogan of Maryland, who was a G-man, if I may use that phrase, if it's not out-of-date, and with Bernard Conners, a businessman and author, who also was a G-man.

Mr. Hogan, you wanted to say something.

Representative Hogan. Yes. I wonder if Mr. Conners and I were in the same organization. And to say that there is no statutory basis for the FBI's internal security investigations is just ridiculous. There's a number of violations. The Espionage statute, the Internal Security Act, the Anti-Bombing statute: all these things are related to investigation of subversive activities.

Now should the FBI just ignore these responsibilities to protect the internal security and to know that there are revolutionaries in the country? And anyone who says there are not just doesn't know the facts.

Newman. Well, let's focus on this question then, because I think this is perhaps the basic question that bothers—concerns people about the FBI: its activities in building up dossiers of information about private citizens.

Now where should the line be drawn on whom the FBI investigates and why?

Mr. Clark.

Clark. Well, I think that there should be no investigation by the FBI in enforcement of criminal statutes except where there is some probable cause to believe that a crime has been committed. I don't think you can have target people or target areas and go out and gather intelligence with electronic surveillance, and things like that, with impunity in a free society. I think to try to do that is very harmful. For twenty years Mr. Hoover himself refused to use wiretapping. And then over a period of years he succumbed to the temptation, and I think to the great detriment of the FBI, both in terms of its performance and in terms of the confidence that the people have in the system.

I think their responsibility is to seek facts and to seek them only where there is reason to believe that there is some violation or potential violation of . . .

Newman. Well, is it correct that there are millions of dossiers in the FBI files that have nothing to do with possible committing of crimes?

Clark. Well, dossier is an easy word, and people have . . .

Newman. A loaded word.

Clark. . . . different ideas. I think it is. And people have different ideas of what it means. I don't know. I remember when I was Attorney General, though—one time twenty or thirty congressmen—and it was closer to thirty than twenty—called me to ask for a meeting to see whether there were dossiers. I met with them, and then I inquired of the Director, and he said, no, there are no dossiers on members of Congress.

But they're concerned. They don't know. There is no method of public accountability, so even the Congress can't find out . . .

Representative Hogan. Well, Mr. Clark . . .

Clark. . . . And to say that—to say that the Congress is a watchdog of the FBI is to deny all history. They have never watched the FBI. There has never been scrutiny of their budget. It is essentially a lump sum budget. It has never been cut by the Congress. And we need a public scrutiny, an official scrutiny, from the Congress as well.

Newman. Mr. Hogan.

Representative Hogan. I'd like to comment on two things that Mr. Clark said—first of all, that no investigations should be conducted unless there is a violation. Mr. Clark himself, at the time of the 1968 race riots after the assassination of Martin Luther King, instructed the FBI to conduct an investigation to penetrate the black revolutionary organizations so we could get advance knowledge of when race riots might occur so we could act accordingly. So I think that's a legitimate exercise of statutory authority of the FBI.

Clark. It's a misinterpretation of history and fact, however. I was there, and that did not happen in that fashion. We were seeking facts of criminal activity or potential criminal activity and not merely trying to develop dossiers or anything . . .

Representative Hogan. Yes. No, I understand that. No, I didn't mean to imply that. But to develop information on potential criminal activity is what I'm talking about. And this is the penetration of an organization that is a revolutionary group.

I'd like to comment quickly on wiretapping. I respect Mr. Clark's view of wiretapping. I don't agree with it. But while he was in office, because of his feelings about wiretapping they couldn't be used. And now that they are being used, we have doubled our number of convictions of Mafia figures, largely, according to the present Attorney General and the late Director of the FBI, because of the information gained from wiretapping.

So it is helping us to cope with organized crime.

Newman. Mr. Conners.

Conners. Notwithstanding what Mr. Hogan says, I think that obviously there's enough divergence of opinion, insofar as the FBI is concerned. We started off our conversation, and you asked us what we thought should be done.

Well, I've heard many whimsical observations made that there should be a domestic intelligence review or an ombudsman, or whatever. But I would like to take this occasion on the "Today" show this morning to suggest to President Nixon—and I understand he watches the "Today" show—to appoint a committee composed of eminent jurists, constitutional lawyers, civil libertarians, prominent law enforcement officials and intelligence experts to study the FBI in a scholarly way, with a view toward making available to Congress the results of their study in the hopes that legislation will result which will enable the Bureau to have a statutory basis for their undertaking in the security field, as well as have, hopefully, restrictive legislation insofar as any secret police organizations in government to insure that they operate within constitutional principles.

Newman. We have perhaps a little more than a minute left.

Mr. Clark, you've said the FBI developed an ideology, and you objected to that. What was the ideology?

Clark. Well, I think it was the ideology of Mr. Hoover and it diverted it from fact seeking; it encumbered it. The specter of communism. When I think of the resource that we wasted in the investigation of the Communist Party, U.S.A. in this country when organized crime was flourishing and the FBI itself, as late as the late 1950's, was denying that there was a Cosa Nostra or organized crime, it just—it boggles the mind. And that was the result of an ideology. And if there is anything a pursuer of fact cannot be, it's ideological. They're antithetical. He has to seek the facts, however they are, and he's got to enforce priority. And that—that's where we failed.

I think the Director should have a limited term. I think there should be a civilian review board of eminent people across the country reflecting all walks of life who know the priorities and publish the priorities and who receive complaints about the Bureau in an ongoing evaluation—examination of the performance of the FBI. But I don't think we should wait until that report comes in.

Newman. I'm going to give you the last word, Mr. Hogan.

Representative Hogan. As long as there's an organization, the Communist Party or any other group, which has as its avowed purpose the overthrow and the destruction of the United States government, I think the FBI would be derelict if it didn't conduct investigations to know when that revolution might occur.

As far as organized crime, the FBI didn't even begin to have the tools to cope with organized crime until September of 1961 when Congress enacted laws which enabled them to investigate the Mafia.

Newman. Well, there, unfortunately, we must bring this discussion to a close.

Our thanks to Bernard Conners and Representative Lawrence Hogan, both of them former FBI agents, and to Ramsey Clark, the former Attorney General. . . .

TO AID OUR SENIOR CITIZENS IN VARIOUS AREAS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. CULVER. Mr. Speaker, we live in a world of sensationalism—one in which the fastest mile, the biggest headline, or the longest moon walk, catch and hold our attention. As a consequence, we find our efforts directed toward solving problems which are considered to be crises and which are presented with overwhelming statistical certainty. Sagging economic growth, rising crime, mushrooming world population, increasing pollution—all of these can be measured and quantified.

But as we race to keep ahead of our next breath, what happens to those persistent but less dramatic human problems which may easily be overlooked in the scramble to solve the emergencies?

The elderly are a sad case in point of this neglect. Once a decade we have a White House Conference on the Aging, and on occasions we are told of a nursing home fire or a medicare abuse. But in the periods between these calls for help, the country proceeds on a schedule of "business as usual" as far as the elderly are concerned.

With Senior Citizens Month upon us, it is proper that we evaluate our past achievements and rededicate our future efforts toward making the needs of our senior citizens a priority effort in our national policy. Toward this end I am pleased to introduce a package of four bills in several of the areas which I feel are of critical importance.

THE WHITE HOUSE CONFERENCE ON AGING

The White House Conference on Aging held last November focused again on the crucial needs of the Nation's 20 million Americans 65 and older. As a result of the week of meetings, the delegates arrived at recommendations including minimum income standards, goals for the construction of housing units for the elderly as well as improvement and expansion of health care facilities, funded transportation programs and retirement policies.

The mood of the Conference was one of hope tempered by the disillusionment resulting from the lack of progress made since many of these same goals were articulated during the 1961 conference. A majority of the recommendations from this earlier Conference had not been achieved for a variety of reasons, including lack of organization as well as practical techniques and methods.

EARLIER LEGISLATIVE ACCOMPLISHMENTS

The primary concern voiced at 6,000 forums conducted in September 1970, as an introduction to the White House Conference on Aging, was income and health problems. Certainly the legislation which we have passed in this area is a step in the right direction.

Beginning July 1, 1966, nearly every

American 65 and over became eligible for two important types of health insurance protection—hospitalization insurance financed through social security contributions and an attractive practical plan of medical insurance available on a voluntary basis.

Also, social security benefits have increased steadily since 1965, since the 7 percent increase at that time, Congress has passed:

A 13 percent increase in 1967; a 15 percent increase in 1969; and a 10 percent increase passed last session of Congress and made retroactive to the beginning of the year.

In addition, a legislative proposal which passed the House last June and is now under consideration in the Senate provides an additional 5 percent increase and an automatic cost-of-living benefit for social security recipients.

Also included in the legislative proposal which I just mentioned is a measure which would raise the amount which a social security recipient can earn yearly as well as increase payments to widows and to the blind and disabled.

However, changes in social security benefits lag behind the immediate and crucial needs. The five senior citizens who contact my office every day with problems related to the present confusing and inadequate system do not need help in 10 years when another conference rolls around; they need an answer today.

For this reason, I have consistently supported social security increases, in addition, I contacted the chairman of the Ways and Means Committee in February urging that he give serious attention to enactment of a 20-percent increase for social security recipients.

LOOPHOLES IN THE LAW

Because I believe we must go beyond an increase in benefits, I introduced legislation which would tighten two of the loopholes in present law which currently cause problems for many of Iowa's citizens.

One of these bills would improve the operation of medicare by authorizing advance approval for extended care facilities. This would eliminate the heartbreaking problems faced by many medicare patients who are assessed retroactively for medical benefits weeks or months after they thought they were covered. Hopefully this would provide relief for people such as 80-year-old John Wantz from Maquoketa who received notice 2 years after his wife had died that medicare had changed its mind about paying for her care and instead billed him for $1,621.

The other legislation which I introduced in February would assure that old age assistance recipients will not lose all of their State assistance when a social security increase is enacted. Many States, including Iowa, have used this increase in social security benefits as an opportunity to cut other State elderly assistance programs and put this increase in the State treasury.

One particularly outrageous example came to my attention when Birdie Oliphant from Cedar Rapids ended up $49 poorer as a result of an increase in social security benefits. Her $11 increase in social security benefits raised her income just enough that she was no longer eligible for $60 of State old age assistance.

These problems are particularly urgent in a State such as Iowa which has the largest percent of population over 65 than any State in the Union other than Florida. Over 12 percent of Iowa's population is 65 and older and 14,000 people are currently receiving both social security and old age assistance payments.

Yet these are but small efforts on behalf of those people who have laid the groundwork for this generation, who have sacrificed many years of their lives only to be forgotten as they grow older.

We have made a step in the right direction but we have not yet begun to come close to adequate solutions in many areas. Certainly in a society which allocates $3.2 billion per year for our total space budget and which exerts the research efforts of our Nation's finest experts, it is unacceptable that we do not channel a greater amount of our energy into problems of the elderly.

However, we cannot make adequate progress by simply funding present programs at a higher level; we must combine appropriations with attitudes.

CULVER PROPOSALS FOR THE ELDERLY

As part of my own efforts in this regard I introduced legislation during the first week of Senior Citizen Month which I hope will meet some of the needs articulated in the White House conference. It includes:

First. Housing for the Elderly Act which would provide for an Assistant Secretary of Housing who can coordinate all existing programs for the elderly as well as provide a central source for information with respect to housing for the elderly. It would also authorize grants for the planning and construction of multipurpose facilities to demonstrate the utility of such facilities in meeting the special needs of the elderly.

Second. Older Persons Transportation Act to improve transportation opportunities for older persons by providing them with reduced fares on local and interstate transportation systems and by providing grants and loans to provide new transportation services planned and designed to meet needs of persons 65 and older.

Third. Older American Community Service Employment Act which establishes a comprehensive midcareer development service program and authorizes loans and grants to public and private agencies for training designed to upgrade the work skills and capabilities of middle-aged and older persons.

Fourth. Finally, many of these needs would be combined in a community center for the elderly and I thereby propose to fund the development of such centers, places where elderly people could gather to share meals and conversation as well as a possible center for employment, retraining, and transportation facilities. The center could provide the coordination so badly needed in many communities by serving as the center of activity for senior citizens.

I do recognize, however, that we must go beyond legislative proposals and our good intentions to give substance to these programs by implementing them fully and creatively. We must think through a realistic and comprehensive policy on aging and seek to integrate the particular needs of the elderly into our national planning and policy.

INADEQUATE TRANSPORTATION

One particular area in which these efforts could be successfully and imaginatively carried out is in the overall transportation crisis, listed as the second most serious concern of senior citizens in the White House conference forums.

Our transportation service has badly deteriorated nationwide, imposing particular burdens on senior citizens. Many small towns in Iowa do not have a bus system; oftentimes senior citizens cannot afford to take a taxi and, according to a recent study, 76 percent of the elderly nationwide are not licensed to drive.

It is certainly conceivable to provide reduced transportation rates as one part of the solution of this problem so that our elderly citizens who find more time available to visit friends, can also find the monetary resources to make the trip. This is why I introduced legislation in 1968 and again in 1970 to provide reduced air fares for the elderly on a standby basis. And this is why I included this measure as part of this legislative package.

But I have since realized that a variety of other problems exist which cause inconvenience and hardships for the elderly such as narrow aisles and steps on buses which make it difficult for those in wheelchairs or poor health to utilize the public transportation systems.

This encourages the situation in which the person finds it easier just to stay at home, who then has a meal consisting solely of a bowl of ice cream as was recently reported in a Washington newspaper article on problems of the elderly—instead of enjoying a meal with a friend.

With a little of the kind of imaginative thinking which has led the United States to the pinnacle of scientific achievement, we could redesign our antiquated buses to meet the special needs of the elderly.

Why not put the motor on top of the bus? This would eliminate troublesome and hazardous steps and has been proven workable. Why not widen aisles and add more poles to facilitate movement?

Although innovative demonstration projects have been funded in this area, including the use of computer-directed mini-buses which pick up riders at their doors and deliver them to destinations throughout a given city, many of these programs face the threat of termination or have already been discontinued after the Federal demonstration grants were completed.

The discontinuance of these valuable programs just when the elderly were beginning to feel new flexibility in their lives and learned to rely on the services they provided has left frustration and disappointment.

In Dubuque, a progressive city in my district, a transportation project has been successfully started by project concern which picks up individuals and delivers them to the grocery store, drug store, or wherever they may need to go. Project concern has already successfully integrated such projects as hot meal delivery, leisure learning centers, preretirement courses and food and friendship groups into the city's existing agencies, thus providing for their continued existence.

I understand that the associated groups of elderly in Cedar Rapids have recently focused on the plans for a new housing complex for the elderly which would provide about 500 units to meet the needs of senior citizens. It is certainly commendable that they have set the groundwork in this area.

I believe that this city and this Nation has the will, the energy, and the talent to carry these goals forward. We must redirect our energies and rededicate our efforts toward fulfilling the declaration of aging rights which reads:

> Humanity's fundamental rights are life, liberty and the pursuit of happiness. They are rights that belong to all, without regard for race or creed or sex. We declare that all people also inalienably possess these rights without regard for age.

TRIBUTE TO SAK YAMAMOTO

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. ANDERSON of California. Mr. Speaker, each of us has heard the mythical story of Horatio Alger, and how he overcame great obstacles to reach the "American Dream;" how he started with nothing, except faith, ambition, a burning pride and a desire to succeed.

Such a man is Sak Yamamoto.

Originally from Tacoma, Wash., Sak and his wife, Greta, moved to California in 1937.

After the beginning of World War II, in May 1942, Sak and his wife were placed in a relocation camp in Arizona. After a year, they were offered their freedom, provided they could find employment outside the west coast area.

Mr. Yamamoto found employment in Illinois, where the family resided for 11 years.

In 1954, the Yamamoto family returned to California and established their home in Carson.

There, in Carson, Mr. and Mrs. Yamamoto unselfishly devoted their time and their energy to the service of their community and their fellow man.

The parents of four children—Glenn Lee, Mrs. Karen Gillespie, Mrs. Brenda Joyce Moore, and Janice Yamamoto—and the proud grandparents of four grandchildren, Mr. and Mrs. Yamamoto are active in youth affairs.

In 1957, Mr. Yamamoto founded the Caballeros Youth Band. He is a life member of the Avalon Council PTA, and he is on the Board of Managers for the Wilmington, Carson, Dominguez YMCA.

In addition, Sak has served on the advisory board of Carnegie Junior High School and Del Amo Elementary School.

To aid in the fight of diseases that cripple and kill, he has served 3 years as the local chairman of the March of Dimes for the city of Carson.

An active business family, Mr. and Mrs. Yamamoto are the owners and operators of the Paradise Trailer Lodge in the city of Carson. For over 10 years, Mr. Yamamoto has served on the board of directors of the chamber of commerce, an organization he presided over between 1966 and 1968.

When the residents of the areas were working to incorporate the city of Carson, Sak was in the forefront of the fight, and upon incorporation as a city, he was elected to serve on the first city council in 1968.

This past month, Sak was reelected to the city council for a 4-year term.

Mr. Speaker, those of us who know Mr. Yamamoto's dedication to the community and to his neighbors cannot adequately express our gratitude for his service. He is a tremendous asset to our country and to our community, and I am proud to call him a friend.

WGR, BUFFALO'S PIONEER RADIO STATION, MARKS 50TH YEAR

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. DULSKI. Mr. Speaker, last Monday, May 22, marked the 50th anniversary of broadcast radio in my home city of Buffalo, N.Y. It was in 1922 that WGR went on the air with a makeshift studio. Now it operates from a $400,000 downtown broadcast center. Over the years it has had only three owners, presently being a unit of the Taft Broadcasting chain.

Many personalities, many pioneering programs, and many, many air hours have come and gone in the past half century. For instance, who can forget the radio antics of Colonel Stoopnagle and Bud?

"Buffalo Bob" Smith started on WGR and went on to national recognition with the Howdy Doody show. He was Ralph Snyder while an announcer at WGR, but he changed his name to Ralph Story when he joined the network program "$64,000 Question."

WGR has had a continuing impact upon our community and richly deserves the nostalgic plaudits that are coming its way at this time. There have been many changes in format over the years, as the station kept up with the ever-improving technical developments as well as the broadcasting techniques.

So, it is happy golden anniversary to WGR—showing its age only in years, not in programming and service to the community. Mayor Sedita very properly proclaimed this week in Buffalo "WGR 50th Anniversary Week."

One of the guests at the anniversary luncheon the other day was Dr. Joseph Manch, Buffalo superintendent of schools, a veteran broadcaster who disclosed that he was moderator of one of the first live local programs on WGR.

Mr. Speaker, as part of my remarks I include an excellent May 23 article on WGR's anniversary by the radio-TV editor for the Buffalo Courier-Express, Jack Allen:

BUFFALO RADIO INDUSTRY TURNS 50 WITH LITTLE FUSS

(By **Jack Allen**)

Buffalo radio and its pioneer station, WGR, celebrated its 50th anniversary Monday with a minimum of fuss and fanfare.

Present at an anniversary luncheon were a number of Taft Broadcasting Corp. officials from the Cincinnati headquarters of the big outfit that now controls the destinies of both WGR radio and TV (Ch. 2).

Greetings were offered by Mayor Frank Sedita, who recalled he was 15 years old when WGR–AM went on the air on May 22, 1922.

"What a different kind of radio it was in those days," said the mayor, challenging those present to admit they were around at that time, too.

"Those were the days of crystal sets," he said, "when WGR was born. You used to pick a crystal until you came up with some kind of music and a lot of static."

Maybe things haven't changed that much, after all, except for the crystal, and the static could at times be the music.

But Sedita hit a cogent point when he said that the little box you used at that time cost about $200. This is comforting to know in a day when we all bleed under the whip of inflation.

A luncheon guest also was Dr. Joseph Manch, the Buffalo schools superintendent, who told us confidentially that he was the moderator of one of the first live local programs on WGR radio. Of all things, it was a program of Italian cultural background emanating from the West Side, "And I," said Manch, "was one of the few around who could handle the accents needed."

NEW $400,000 RADIO CENTER

He had difficulty explaining this to Police Commissioner Frank Felicetta and Sheriff Michael Amico, present at the table. Manch, really a veteran broadcaster, for many years moderated the "High School Forum" on WBEN radio before Dan Kublitz took over the chores.

Present also were Charles S. Mechem Jr., Taft board chairman, who spoke of the company's commitment to this area in the new television station to open this summer on Delaware Ave., and the $400,000 radio broadcast center at 464 Franklin St. which has eliminated a lot of the static that from time to time reduced the station's signal at 550 kc. on the AM dial.

The radio station has indeed seen many changes from its inception in 1922 in a makeshift studio on Elmwood Ave., both good and bad depending upon your outlook.

Its latter-day history has been plagued with labor troubles, but Taft officials seem confident that these days are gone and a new, peaceful era lies ahead.

The station has changed hands twice since it belonged, with WKBW, to the Buffalo Broadcasting Corp. It was sold to the Transcontinent Television Corp. and then Taft.

Its programming has followed and sometimes set the everchanging trends in radio formats through the years.

PERSONALITIES OF OTHER DAYS

Personalities ran the gamut, from the days of Ralph Snyder, Col. Stoopnagle and Bud, John "Old Bones" Lascelles, Bill Mazer and Frank Dill, through Fred Gage, John Otto (still present), Phil Soisson, Bob Wells, Cy Buckley and others to the current Frank Benny and company.

Formats in turn varied from rock to "good music," all-talk to middle of the road, as WGR's position in the highly competitive Buffalo radio market changed through the years.

Its ownership also varied from the WGR Corp., almost entirely owned by Buffalo and

Western New York residents, to that of the giant Taft corporation, with its radio-television properties, amusement-park facilities, real estate, animation studio (Hanna-Barbera) and a multitude of other financial interests across the country.

This too, is either good or bad, depending on whether you look at things from a hometown viewpoint, as far as services, community control and interest are concerned, or the greater financial stability of a national company.

Taft officials at the luncheon were optimistic as to the future, with pledges of cooperation and boosts to the future of Buffalo as a good place to do business.

Current broadcast personnel who put in some time at WGR include WBEN's Clint Buehlman, the station's "Muscial Clock" watcher in the early '30's; George Torge, former WGR announcer who now is station manager at Ch. 4; Dick Shepard, Ch. 7 sales manager who was a high-school reporter at WGR and later station manager; Ralph Hubbell; and Jack Eno of WEBR.

Under program director Dave Hammond, WGR now runs a ship with fairly pleasant "middle-of-the-road" music, a happy-talk air and a generally upbeat format that is not hard to take.

Following is a May 23 article from the Buffalo Evening News by its radio-TV editor, Gary Deeb:

WGR MARKS 50TH BIRTHDAY IN CIVIC EVENT

(By Gary Deeb)

Niagara Square ceremonies, a civic luncheon and a gathering of past and present employes marked the golden anniversary celebration of WGR Radio Monday. The occasion also served as the observance of a half-century of radio in Buffalo, as WGR was the area's first station in 1922.

Mayor Sedita proclaimed "WGR 50th Anniversary Week" during noon festivities alongside the McKinley Monument. There were brief remarks by Charles Mechem, board chairman of WGR's parent Taft Broadcasting Co., and Leon Lowenthal, vice president and general manager of WGR Radio.

Then John McClay, executive vice president of Taft, pushed a gold button activating a cartridge tape that officially began the station's second 50 years. WGR morning man Frank Benny was master of ceremonies for the brief outdoor ceremony.

A Plaza Suite luncheon followed, with a number of city and county officials in attendance. Board Chairman Mechem toasted WGR's new $400,000 radio facility on Franklin St. as "probably one of the finest in the United States."

Current and former WGR employes capped the day's events with an informal party Monday night in the Four Seasons Motor Inn, Town of Tonawanda.

Since getting airborne as Buffalo's pioneer station, WGR has been the springboard to nationwide success for dozens of radiomen, among them Buffalo Bob Smith, Col. Stoopnagle & Bud, Jack Smart, Fran Striker, the Modernaires, Roger Baker, Foster Brooks, Ralph Story, Bill Mazer and Frank Dill.

HOUSE OF REPRESENTATIVES—*Tuesday, May 30, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O that men would praise the Lord for His goodness and for His wonderful works to the children of men.—Psalms 107: 8.

Almighty and Everlasting God, in whom we live and move and have our being, help us to live through the days of this week with peace and with joy. Direct us with Thy wisdom, support us by Thy power, sustain us in Thy love that we may come to the end of each day unashamed, unafraid, and with a quiet mind.

Bless our President in his efforts for peace and justice. May he return successful in his endeavors to foster cooperation among the nations of the world.

Bless our Speaker as he leads this House of Representatives. Together may we work for a greater unity in our country, a greater faith in our Nation, and a greater good among the people of our land.

In the spirit of Christ, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House the approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 659) entitled "An act to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, 81st Congress, and related acts, and for other purposes."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title.

H.R. 7117. An act to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1295. An act to establish the Amistad National Recreation Area in the State of Texas;

S. 3230. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission docket No. 279–A, and for other purposes;

S. 3568. An act to designate the Federal Bureau of Investigation building now under construction in Washington, District of Columbia, as the "J. Edgar Hoover Building," and

S. 3607. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

APPOINTMENT OF CONFEREES ON H.R. 11350, INTERNATIONAL CRIMINAL POLICE ORGANIZATION

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11350) to increase the limit on dues for U.S. membership in the International Criminal Police Organization, with the Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate on the disagreeing votes of the two Houses.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. EDWARDS of California, CONYERS, and WIGGINS.

NEW ECONOMIC POLICY

(Mr. CONABLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CONABLE. Mr. Speaker, last Thursday the Department of Commerce reported that the index of leading economic indicators, which often anticipates broad movements in the economy, showed exceptional strength during the month of April. The index rose 1.4 percent last month, to 140.2 percent of the 1967 average, up from March's 138.2 percent. In addition, the Commerce Department reported that the March gain, which was originally estimated at 0.9 percent, has been revised sharply upward to 1.9 percent above the February level. The March rise was the largest monthly rise in the index since the 2.1 percent increase in March 1971.

The April performance was encouraging for reasons other than just its large size. Of the 12 leading indicators, eight are now available for April. Of the eight, seven strengthened, which was the first time in 3 years that such a high proportion of the eight indicators initially available improved. The April increase in the index was the 17th in the last 18 months, and indicates, according to Harold C. Passer, Assistant Secretary of Commerce for Economic Affairs, that continuing "strong economic growth is ahead."

At the same time that the leading indicator figures were announced by the Department of Commerce, the Department of Agriculture reported that during the month of April the typical "market basket" of groceries cost 0.7 percent less than in March. This was the second month of decline in grocery costs. Retail beef prices fell about 3.8 percent, which was the first time that they have declined since last October.

Mr. Speaker, this economic news is especially encouraging because it shows strengthening economic performance accompanied by price declines. This news is similar to the news earlier this month that gross national product, industrial production, and consumer credit are rising, all while the Consumer Price Index shows a reduction in inflation. May has given us sound evidence that the new economic policy is enabling us to resolve the inflation-economic growth dilemma.

AGREEMENT ON STRATEGIC ARMS

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, the accords which have been announced from Moscow between President Nixon and the Russian heads of state represent significant progress toward a better understanding. In particular, the agreement on strategic arms limitation is an important achievement. Admittedly it gives Russia the edge, but at least it starts applying the brake on unlimited arms expansion. They are now outbuilding the United States in new weapons. Assuming they will honor their signature, we will be better off with the agreement than to engage in a costly arms race.

Another area of progress is the declaration of principles committing both countries to seek peaceful solutions to their differences. Both this and the strategic arms limitation indicate a recognition of the folly of nuclear war. It is notable that general accord was reached in a number of areas. Environmental protection, medical research, and scientific and technical agreements between the two countries have been forged and there is to be a limited joint space effort.

I am convinced the President's trip to Russia is sound and has been in America's best interests. We are reaching understandings with Russia which can reduce world tensions and open the door to better relations. It is doubtful the President's trip will have an appreciable effect on the Vietnam war in the immediate future but at least the Russians are talking instead of reacting in force. That is a very important difference.

I applaud the President for his efforts. We must credit him with accomplishing more than any of his recent predecessors in his attempts to bring about better world understanding.

CALL OF THE HOUSE

Mr. KOCH. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 172]

Abernethy
Abourezk
Alexander
Anderson, Tenn.
Ashley
Aspinall
Badillo
Baker
Baring
Barrett
Bell
Bingham
Blanton
Blatnik
Boland
Brown, Ohio
Broyhill, N.C.
Burleson, Tex.
Burton
Byrne, Pa.
Caffery
Celler
Chappell
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Conyers
Corman
Cotter
Daniels, N.J.
Delaney
Dent
Derwinski
Dickinson
Dingell
Dowdy
Drinan
Dulski
Dwyer
Edwards, Ala.
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flynt
Foley
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Galifianakis
Gallagher
Gaydos
Gettys
Gibbons
Gray
Green, Pa.
Griffin
Griffiths
Gubser
Hagan
Halpern
Hanna
Hansen, Wash.
Harrington
Harsha
Hathaway
Hawkins
Hébert
Helstoski
Henderson
Hillis
Holifield
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, Tenn.
Kazen
Keating
Klucynski
Kuykendall
Kyros
Landgrebe
Landrum
Lloyd
Long, La.
Long, Md.
Lujan
McCloskey
McCulloch
McDonald, Mich.
Macdonald, Mass.
Mathis, Ga.
Mayne
Melcher
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Montgomery
Nichols
Obey
Pelly
Pickle
Pike
Podell
Pryor, Ark.
Pucinski
Rangel
Rees
Reid
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, N.Y.
Rosenthal
Rousselot
Roy
Roybal
Ruth
Ryan
St Germain
Sandman
Sarbanes
Satterfield
Scheuer
Schmitz
Sebelius
Skubitz
Smith, Iowa
Springer
Staggers
Stephens
Stokes
Stubblefield
Taylor
Teague, Calif.
Tiernan
Udall
Veysey
Wampler
Whalley
Wilson, Charles H.
Winn
Yatron

The SPEAKER. On this rollcall 278 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

NONRETURNABLE BEVERAGE CONTAINERS

(Mr. VIGORITO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VIGORITO. Mr. Speaker, for a number of years I have devoted much time and effort in an attempt to solve some of the Nation's solid waste problems, especially the problem caused by nonreturnable beverage bottles and cans.

Throwaway containers are one of the greatest problems we face if we are going to clean up our countryside and if we are going to recycle our natural resources. Ever since I introduced a bill in the 91st Congress to ban the use of nonreturnable containers in interstate commerce I have seen a growing national awareness of the threat posed by throwaways.

It is with pleasure that I bring to the attention of my colleagues an excellent article on this subject printed in the May 12, 1972, issue of Life magazine, page 79. Written by Edmund Faltermayer and entitled, "The Returnables," this article puts the problem in excellent focus. We admit that bottles are not the only litter, and that they are not the entire solid waste disposal problem. Yet, as Mr. Faltermayer states, "even a small improvement is an improvement," and if we could control the indiscriminate throwing away of millions of bottles and cans, we would be making a big dent in the problem.

Mr. Faltermayer makes a few other good points: By returning to returnable bottles, we would conserve natural resources, we would save our bankrupt cities because there would be less trash to burn and bury and, finally, we could save the consumer money, because it is well known that products in returnable bottles cost less than when they are marketed in disposal containers.

I respectfully urge all my colleagues to read this excellent article in the May 12 issue of Life.

ADDITIONAL FUNCTION FOR SUBVERSIVE ACTIVITIES CONTROL BOARD

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 994 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 994

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9669) to amend the Subversive Activities Control Act of 1950, as amended. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Internal Security, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the text of the bill H.R. 11120 if offered as an amendment in the nature of a substitute for the bill H.R. 9669. If said substitute is not agreed to in the Committee of the Whole, it shall be in order to consider the amendment recommended by the Committee on Internal Security now printed on page 2, line 8 through line 21 of the bill, and all points of order against said amendment for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of the consideration of H.R. 9669 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The Chair recognizes the gentleman from Missouri (Mr. BOLLING).

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, this is an unusual rule and an unusual situation. Apparently, the matter that it brings before the House caused considrable division in the House Committee on Internal Security. In fact, it was necessary to provide for a waiver of points of order against the committee amendment, which appears in the bill, because it was not germane to the bill itself.

The gentleman from North Carolina (Mr. Preyer) appeared before the Committee on Rules to ask for a special rule making it in order for him to offer, or for somebody to offer, H.R. 11120 which proposes an entirely new and different approach to the problem purportedly handled by the Subversive Activities Control Board and by the bill, H.R. 9669, which would change the Board's title.

I made the motion for this rule because I believe H.R. 11120, the proposition offered by the chairman of the committee, the gentleman from Missouri (Mr. Ichord), and by the ranking majority member of the committee, the gentleman from North Carolina (Mr. Preyer), deserves serious discussion in debate.

The gentleman from North Carolina (Mr. Preyer) in his testimony made it quite clear that his proposition and the proposition of the gentleman from Missouri (Mr. Ichord) did not have many supporters because apparently both sides of this old argument had decided already it was an unsatisfactory approach.

I suspect that there are a great many people on one or both sides of this argument who will find anything that can possibly pass the Congress unsatisfactory. I made the motion not that there is any hope of my supporting an old bill that I have opposed for many years but because for a long time I have thought it essential for the Congress to give careful consideration to the problem of subversives who use the freedoms that this society enjoys in order to destroy them.

I say that despite the fact that I think there is a whole new generation of Americans who believe that Senator Joe McCarthy of Wisconsin invented American Communists. I do not happen to agree with that, and I think it is predictable that subversion will be a problem in the future, as it has been in the past, and I think the Congress would be well advised to give serious consideration to trying to devise a constitutional way in which we can deal with the problem of loyalty.

Mr. Speaker, I have no further requests for time and I reserve the balance of my time.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

As the gentleman from Missouri has explained, House Resolution 994 provides for an open rule and 2 hours of general debate on H.R. 9669, and waives points of order on page 2, lines 8 through 21, because of germaneness. In addition, it also makes in order the offering of H.R. 11120 as an amendment to the bill. As I have said, it is an open rule and provides for 2 hours of debate. I reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ICHORD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 9669) to amend the Subversive Activities Control Act of 1950, as amended.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 9669, with Mr. Wright in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Missouri (Mr. Ichord) will be recognized for 1 hour, and the gentleman from Ohio (Mr. Ashbrook) will be recognized for 1 hour.

The Chair recognizes the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, I yield myself 10 minutes.

The CHAIRMAN. The gentleman is recognized.

Mr. ICHORD. Mr. Chairman, H.R. 9669 is an administration bill drafted by the Department of Justice, introduced by the gentleman from Ohio (Mr. Ashbrook) and referred to the House Committee on Internal Security.

I think, before moving into the terms of H.R. 9669, I should briefly review the history of the Subversive Activities Control Board. The Subversive Activities Control Board was established in 1950 for the purpose of providing a way of making public the identity, the purposes, and mode of operations of Communist organizations within the United States. The act was based upon the principle that an informed public is essential to the effective operation of our free institutions of government. This, I believe, is a valid principle.

However, the act went much further than disclosure by attaching certain disabilities to membership in subversive organizations. For example, section 5 of the act has made it unlawful for a member of either a Communist action group or a Communist-front group to hold a nonelective office of employment under the United States.

Section 6 made it unlawful for a member to apply for a passport. United States against Robel, a 1967 Supreme Court decision, struck down the prohibition on defense employment as too broad.

Section 6 was voided by Aptheker against the Secretary of State, a 1964 Supreme Court case.

These decisions and other decisions of the courts have circumscribed the act and restricted the work of the Subversive Activities Control Board. Also the work of the Subversive Activities Control Board has been restricted by the failure of the Attorney General to assign them work under the act. It is the Attorney General who must initiate proceedings before the Board. As a result, the Subversive Activities Control Board has not been busy in recent years.

The need for H.R. 9669 came into being when the President amended Executive Order 10450 by Executive Order 11605. Executive Order 10450 is the authorization by which executive agencies operate a loyalty and security program. Executive Order 11605 purported to assign—and by order of President Nixon to amend Executive Order 10450—to the Subversive Activities Control Board the function formerly performed by the Attorney General under the loyalty security program. Under 11605 the Subversive Activities Control Board will have the responsibility of designating subversive organizations, which I believe is a decided improvement, rather than have the Attorney General perform this task.

The Attorney General's list is now out of date. In fact, the Attorney General has made no designation since the year 1955.

Many constitutional lawyers have contended that the President had no authority to delegate this new function to the Subversive Activities Control Board, an independent quasi-administrative agency. This is one of the reasons for the committee amendment. The committee amendment authorizes the transfer of such duties to the Federal Internal Security Board.

Let us look at H.R. 9669 as originally introduced, and I think the Members can readily see the reasons for the amendment. Section 2 of the bill reads:

> Sec. 2. The provisions of subsections (c) and (d) (1), (2), and (3) of section 13, and section 14 of the Subversive Activities Control Act of 1950, as amended, shall apply to proceedings conducted pursuant to section 12 of Executive Order 10405, as amended.

Subsections (c) and (d) (1), (2), and (3) of section 13, and section 14 provide for the power of subpena to be given to the Subversive Activities Control Board. They also provide for a court review of the proceedings of the Subversive Activities Control Board as well as providing for the punishment of misbehavior before the Board.

For the order of the President to be effective the Subversive Activities Control Board must have these powers to effectively function. However, regardless of whether the President had the power to delegate this function to the Subversive Activities Control Board, he did not have the power to give the Subversive Activities Control Board such things as subpena power and the provision for immunity and so on.

So, H.R. 9669 is definitely in order. As originally introduced, H.R. 9669 was drafted in a very unusual and I think inartistic manner. It would pick up sections 13 and 14 of the Subversive Activities Control Act of 1950 and state that they shall apply to proceedings conducted pursuant to section 12 of the Executive order as amended. This in effect would freeze the loyalty and security program and eliminate the advantage of flexibility inherent in a program operated under Executive order.

I suppose that under such a procedure if the Executive order were further amended the statute would go out the window because these powers are granted by the Congress under the bill and predicated upon the existence of the present language of Executive Order 11605.

I believe the Members can readily see the purpose of the committee amendment that has been adopted by the Committee on Internal Security.

Let me move specifically to the provisions of the act. By the amending order, 11605, President Nixon delegated to the Subversive Activities Control Board the function of making determinations of the character of certain subversive organizations in furtherance of the program established by Executive Order 10450. These determinations have hitherto been made by the Attorney General and, as I stated before, comprise the so-called Attorney General's list.

This list was circulated by the Attorney General to the heads of each department and agency of the Government as a guide to personnel or security officers and as an investigative device for ascertaining the suitability of individuals for employment in the executive branch.

Under the new Executive Order 11605 the Attorney General will retain responsibility for initiating proceedings for the designation of organizations but the Board will make the findings of fact.

The CHAIRMAN. The gentleman has consumed 10 minutes.

Mr. ICHORD. Mr. Chairman, I yield myself an additional 5 minutes.

The present Federal civilian employee loyalty and security program had its origin in Executive Order 9835, promulgated by President Truman in 1947. This order required a loyalty investigation of all civilian employees.

Under the security program operated under Executive Order 9835, the standard was whether there was reasonable doubt as to the loyalty of the individual applicant to the Government of the United States. It was provided that investigations pursuant to the order should be designed to develop information relating to an individual's membership in or association with groups described in the order simply as: First, totalitarian; second, Fascist; third, Communist; fourth, subversive; fifth, which have adopted or show a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States; and sixth, which seek to alter the form of government of the United States by unconstitutional means.

Investigation into this aspect of a person's conduct and activity was continued by President Eisenhower in the superseding Executive Order 10450.

Executive Order 10450 set up a new employment standard which was "whether or not the employment of the individual was clearly consistent with the interests of national security." So this is the standard that is being used at the present time under the loyalty and security program, that is, whether the employment is clearly consistent with the interests of national security.

It was a practice under both orders to require the Attorney General to furnish a list of organizations which he found after investigation to be of those categories. The list provided a basis for specific inquiries of applicants for Federal employment. In the Truman administration organizations were designated by the Attorney General without notice or without hearing. However, as a result of some litigation on the subject, the Eisenhower administration made designations only after notice and opportunity for hearing. In both administrations the Attorney General served as the initiator of proceedings and as the factfinder in making designations of the described organizations. The Attorney General was both the prosecutor and the judge. So I think H.R. 9669 is a decided improvement, because it separates the initiating function from the judging function.

President Nixon's new amending order, 11605, would separate these above-mentioned functions. The Attorney General is required to continue his initiating function with respect to the designation process. However, the factfinding function is delegated to the Subversive Activities Control Board. The Board will determine the facts as to whether the organization is of the type that the Attorney General alleges it to be in his initiating petition.

Mr. ECKHARDT. Will the gentleman yield?

Mr. ICHORD. I will in just 1 minute.

The Board would thus serve a quasi-judicial function which it is well equipped to perform. As I stated before, it now performs a similar function under the Subversive Activities Control Act of 1950 in making determinations of the character of the Moscow-controlled Communist organizations as defined in the act.

I should point out to the gentleman who has arisen that the new Executive order does one thing further. It describes more fully the first four categories of organizations I have noted; to wit, totalitarian, Fascist——

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ICHORD. Mr. Chairman, I yield myself 3 additional minutes.

Totalitarian, Fascist, Communist, and subversive.

Personally, I believe that the language is not too well framed. The definitions appear to the extremely tautological, to say the least, and the language also refers to activities which seek to accomplish certain things. I did not know that activities had a frame of mind. An organization can have a purpose, but I did not know that activities had a frame of mind. For that reason the committee in its report has suggested to the executive that the program should be overhauled and be reformed by the President. This is the advantage of the committee amendment.

It does not require the granted powers to be dependent upon any existing order.

In conclusion, I would also like to note that, in dealing with the question of maintenance of the Attorney General's list, the committee's inquiry reveals there is literally a unanimity of opinion among the security and personnel officers of the agencies we have heard, and we have heard representatives of all the Cabinet departments of the Government and of 12 major independent agencies. Almost without exception, they have been in accord on the need of an updated Attorney General's list. Indeed, the failure to maintain it has been one of the most notable deficiencies in the administration of the Federal employee loyalty and security program.

Mr. Chairman, when we go back into the House, I will ask that a statement by the gentleman from North Carolina, subcommittee chairman, which was made at a hearing on March 16, 1972, be placed in the RECORD. I regard it as an important contribution to the literature on subjects with which we are concerned.

The statement follows:

STATEMENT BY THE HONORABLE RICHARDSON PREYER, CHAIRMAN, SUBCOMMITTEE ON LOYALTY AND SECURITY, HOUSE COMMITTEE ON INTERNAL SECURITY, SUBCOMMITTEE HEARINGS, MARCH 16, 1972

As you know, this subcommittee, consisting of myself as subcommittee chairman, together with Mr. Ichord who is chairman of the full Committee, and Representatives Claude Pepper, John M. Ashbrook, and Roger H. Zion, has been engaged in a study of the administration of the Subversive Activities Control Act of 1950 and of laws and procedures underlying the Federal Civilian Employee Loyalty and Security Program. More recently, several bills relevant to the inquiry, including H.R. 11120, H.R. 9669, and H.R. 574 have been referred to this subcommittee for consideration and report.

In the course of its inquiry, you will recall, the subcommittee has heard representatives of all cabinet departments of the Government (including the Post Office Department, now the U.S. Postal Service), and twelve major independent agencies, as well as the Subversive Activities Control Board. We now approach the close of the subcommittee's public hearings. In due course we shall make our report. I am pleased to take this opportunity to note that, on the whole, we have found the administrative and security officers of the departments and agencies to be frank and cooperative. We are grateful for their contribution to the subcommittee's efforts.

On the occasion of the appearance today of representatives of the Civil Service Commission, an agency which carries a heavy burden in the administration of the loyalty and security program, I am impelled to observe that I share certain apprehensions regarding the operation of this program. These arise because it is evident that there are some serious deficiencies in procedural aspects and regulations under which the program is administered. Yet it does not appear to me, nor is it my belief that the Civil Service is riddled with subversives. On the contrary, I believe that the employee recruitment program has operated generally to provide the Federal Government with a body of trustworthy, loyal, and effective public servants.

Nevertheless, figures brought to our attention indicate that the efforts of subversives to penetrate our Government, in some of its most sensitive agencies, has by no means abated. Some indication of the magnitude of the effort may be derived from the fact that full-field investigations, prompted by subversive associations of applicants for Federal employment, within recent years have numbered about 500 each year. That there has been some penetration of Government by subversives seems clear. Of the 20-odd agencies of Government of whom we have inquired, several agencies have advised us that one or more persons in their employ are present or past members of certain subversive groups.[1] Those of which we are informed do not appear to be significantly large in number. However, we cannot verify this information. It is an extraordinary fact that neither the Civil Service Commission, nor the several departments of the Government, maintain any separate indices with respect to persons employed in Government as to whom investigation has revealed past or present affiliation with subversive organizations.

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[1] These responses are collected in Appendix C of the subcommittee Hearings, Part 4.

On the other hand, we do know that there are weaknesses in the procedures, the consequence of which must necessarily be that some subversives, however small their number, may pass through the screen. It is also clear that we seem to be having extraordinary difficulty in ridding ourselves of those of whom we are aware. Indeed, I have formed the impression—and this is on the basis of candid disclosures by experienced security officers in the major departments and agencies of Government—that there is really no program for the dismissal of persons on loyalty grounds from non-sensitive positions. It is a matter of significance, as well as a matter of surprise to me, that most agencies have told us they have ceased dismissing persons on loyalty and security grounds. Our examination of existing procedures in the major departments and agencies of the Government reveals that most of them have adopted no regulations to implement dismissals from non-sensitive positions on loyalty grounds. It is also a fact that although most agencies do have regulations implementing dismissals from sensitive positions on "national security" grounds, yet no agency within the past 5 years has dismissed any employee from any such position on loyalty or security grounds.

The agencies tell us that they have been advised to take that course by the Civil Service Commission and the Department of Justice. We are informed that they have been instructed to utilize "suitability" grounds—that is suitability grounds *other than* loyalty or security—in all cases. This, of course, assumes that other grounds may appear as a basis for dismissal when an individual's loyalty or security status is called into question. What happens when such other concurrent grounds do not exist? May we then presume that the loyalty or security risk is permitted to retain his employment?

The agencies in fact appear to take the view that the Supreme Court has said we cannot have a loyalty or security program in nonsensitive positions, in support of which the decision in *Cole* v. *Young* [2] is frequently cited as the culprit. It does not appear to me that the decision is the disaster it is said to be, or that it should have the effect which ostensibly has been attributed to it. It is of course true that the summary procedures for suspension and dismissal authorized by the Act of August 26, 1950 [3] "in the interest of the national security" have been limited by the decision to positions determined to be sensitive on national security grounds. Moreover, it is the obvious effect of the decision that E.O. 10450 shall require appropriate amendment if it is to be applicable both to sensitive and non-sensitive positions as originally intended on its promulgation in 1953. However, the decision explicitly recognized that there is no absence of authority to dismiss employees on the ground of reasonable doubt as to loyalty, regardless of position, under the general personnel laws, particularly the Lloyd-LaFollette and Veterans' Preference Acts.[4] These congressional enactments provide liberal procedures for dismissals and, while requiring notice and an opportunity to respond, do not require confrontation or crossexamination of Federal witnesses.

So we must inquire of the Civil Service Commission why they have not, on the other hand, advised agencies to implement procedures for dismissals from non-sensitive positions on loyalty grounds under the Lloyd-LaFollette and Veterans' Preference Acts, or with respect to persons not within the purview of this legislation, then under such procedures as were employed in *Bailey* v. *Richardson?* [5] We must also inquire of them why they have advised the agencies not to process dismissals from sensitive positions on loyalty or security grounds as authorized by the Act of August 26, 1950 and as required by E.O. 10450?

Apart from *Cole* v. *Young*, we are also advised that other court decisions have had a significant impact on the loyalty and security program. These decisions, we are told, have virtually rendered removal actions based on membership impossible. There are difficulties, our witnesses have said, in proving what is conceived as the inflexible requirement of the cases that (1) the goals of the organization are unlawful, (2) the member has knowledge of these goals, (3) the member specifically intends to further and accomplish these goals, and (4) the member is an "active" and not merely passive or inert member. Mr. Mardian, Assistant Attorney General, Internal Security Division, in a statement to our Committee last July 29, 1971, expressed it as saying that some of the difficulties "have arisen as the result of court decisions which require that action can only be taken against an employee whom the Government can prove has knowingly involved himself in the illegal conduct of an organization in which he is active." Mr. Kevin T. Maroney, Deputy Assistant Attorney General, Internal Security Division, who appeared before us this January 27, 1972, put it this way: "The Supreme Court has indicated that only knowing and active membership in certain types of organizations, and not mere membership *per se*, can be the basis for governmental sanctions against an individual," for which he cites ***Aptheker*** **v.** ***Secretary of State*****,** 378 U.S. 500 (1964); ***Elfbrandt*** **v.** ***Russell*****,** 384 U.S. 11 (1966); ***Keyishian*** **v.** ***Board of Regents*****,** 385 U.S. 589 (1967); ***United States*** **v.** ***Robel*****,** 389 U.S. 258 (1967); ***Brandenburg*** **v.** ***Ohio*****,** 395 U.S. 444 (1969); ***Baird*** **v.** ***State of Arizona*****,** 401 U.S. 1 (1971) and ***In Re Stolar*****,** 401 U.S. 23 (1971).

I cannot fully agree with the propositions as stated by any of these gentlemen. The position they take is too rigid, too indiscriminate. Such unqualified representations have had the effect of discouraging, confusing, and disconcerting our security personnel. Although cases called to our attention by Mr. Maroney are typical of those frequently cited for the proposition which he and some others assert, they are all distinguishable from the situation under the Federal employee loyalty and security program either as currently authorized (pursuant to E.O. 10450) or as proposed in the bill, H.R. 11120. This fact indeed is made clear by Mr. Justice Goldberg, who wrote for the majority in *Aptheker*, a principal case cited by Mr. Maroney, in which a divided court voided section 6 of the Subversive Activities Control Act.

Section 6 to which I refer prohibited and made punishable the application for, or use of, passports by members of organizations required to register as Communist. It was voided on the ground that it "too broadly and indiscriminately restricts the right to travel and thereby abridges the liberty guaranteed by the Fifth Amendment." In determining the constitutionality of the provision, said Mr. Justice Goldberg, it was important to consider that Congress has within its power "less drastic" means of achieving the congressional objectives of safeguarding our national security. As an example of such means—and this is the point I wish to emphasize—he cited the Federal Employee Loyalty Program. "Under Executive Order No. 9835," he said, "membership in a Communist organization is not considered conclusive but only as one factor to be weighed in determining the loyalty of an applicant or employee." This was said in relation to footnoting the 1950 remarks of Peyton Ford, then Assistant to the Attorney General of the United States, in expressing to the Congress the views of the Department of Justice with regard to a proposed Government loyalty bill which predicated, as Justice Goldberg noted, a conclusive presumption of disloyalty on the fact of organizational membership. Mr. Ford is quoted as saying:

"A world of difference exists, from the standpoint of sound policy and constitutional validity, between making, as the bill would, membership in an organization designated by the Attorney General a felony, and recognizing such membership, as does the employee loyalty program under Executive Order 9835, as merely one piece of evidence pointing to possible disloyalty. The bill would brand the member of a listed organization a felon, no matter how innocent his membership; the loyalty program enables the member to respond to charges against him and to show, in a manner consistent with American concepts of justice and fairness, that his membership is innocent and does not reflect upon his loyalty."

Indeed, the latest and perhaps most relevant of the cited decisions, the case of *Robel*, does not support the rigid conclusion Mr. Maroney asserts. In voiding on the ground of "overbreadth" provisions of section 5 of the Subversive Activities Control Act which made it unlawful for a member of a Communist-action organization (in this case the Communist Party, USA) "to engage in any employment in any defense facility," Chief Justice Warren likewise appears to suggest a screening program as a permissible alternative. (389 U.S., at 266 f.) Moreover, the decision was understood by Mr. Justice White, in a dissenting opinion with which Mr. Justice Harlan joined, "to permit barring respondent, although not an 'active' member of the Party from employment in 'sensitive' positions in the defense establishment." Although concurring in the result, on the ground that there were no standards established for the designation of "defense facilities," Mr. Justice Brennan took the position that the Congress could as a "prophylactic" measure bar *all* Communist Party members, whether active or passive, from employment in defense facilities.

The remaining cases cited by Mr. Maroney are likewise distinguishable. In *Elfbrandt*, a State loyalty oath statute, subjecting the affiant to a perjury prosecution if he knowingly became or remained a member of the Communist Party, was voided because, here again, a disability was imposed resting upon a narrow fact of current membership of which the individual could not exculpate himself.[6] In *Keyishian*, sections of the New York State Civil Service and Education Law, intended to insure the employment of loyal teachers, requiring removal of teachers for "treasonable and seditious utterances," were held "unconstitutionally vague," and other provisions of the statute which made Communist Party membership prima facie evidence of disqualification were held void for "overbreadth," because by official administrative interpretations the presumption of disqualification arising from proof of "mere" membership was not fully rebuttable. *Brandenburg*, which involved an Ohio criminal syndicalism statute similar to the Federal Smith Act, appears to me to have been cited in error, for I see nothing relevant to the proposition for which it is cited.

Lastly, Mr. Maroney cites *Baird* and *Stolar*. These cases were decided together with *Law*

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[2] 351 U.S. 536 (1956).

[3] Now 5 U.S.C. 7531–7533.

[4] Respectively 5 U.S.C. 7501 and 7512, 7701.

[5] 181 F. 2d 46 (1950), affirmed 341 U.S. 918. Miss Bailey, a probational appointee, was dismissed from the Federal service because of alleged disloyalty in accordance with the standard established by E.O. 9835 (President Truman's "loyalty order"). Her dismissal under regulations of the Civil Service Commission rather than procedures of the Lloyd-LaFollette Act was sustained.

[6] This distinction has been advanced by the "Burger Court" in the latest decision on the subject. See *Connell* v. *Higginbotham*, 403 U.S. 207, decided June 7, 1971.

Students v. *Wadmond,* 401 U.S. 154 (1971), which he does not cite, although the trio involved the same, or similar, issues relating to applications for membership in State bars. The State requirements involved in Baird and Stolar were voided, whereas in Wadmond they were upheld. Actually, Wadmond throws some light in support of procedures laid down in H.R. 11120. In Baird and Stolar, applicants for membership in the State bars were denied admission for failure to respond to questions relating to membership in subversive organizations, whereas in Wadmond similar inquiries were upheld in which it appeared that no person was refused admission, and it further appeared that the inquiry had no purpose of "penalizing political beliefs," but was directed toward ascertaining the good faith with which an applicant could take the constitutional oath. Mr. Justice Stewart, writing for the majority in Wadmond, thought it important to point out that there was no indication that a New York bar applicant would not be given the opportunity to explain "any mental reservation" and still gain admission to the bar.

Litigation in which the agencies have been involved, unsuccessfully in several instances, has indicated that they have not availed themselves of procedural advantages. In the administration of the loyalty-security program, the role of presumptions with respect to knowledge and intent arising from proof of membership has been ignored, and the agencies have not taken into account the burden which should rest upon the applicant of coming forward with rebutting evidence upon proof of membership. See *Keyishian* v. *Board of Regents,* supra, at page 608. Certainly where the Government has established the character of the organization and has introduced evidence of the applicant's membership we may require the applicant to assume the burden of coming forward with credible evidence establishing (a) lack of knowledge of the purpose of the organization, and (b) lack of intent to further its purposes. The three-judge district court in *Law Students* v. *Wadmond,* (297 F. Supp. 117, at 125) had occasion to note the significance of distinguishing between a shifting of the burden of proof, which could be constitutionally impermissible, and the burden of coming forward with evidence, for which there is abundant favorable precedent. The court had occasion to say, "We see no reason why New York may not impose the latter with respect to a subject concerning which the applicant has detailed knowledge, but the committees will be required to make extensive investigation." Undoubtedly the utilization of such permissible and rational trial techniques would lighten the burden of the personnel and security officers in the administration of the loyalty and security program. We have seen no evidence that these useful and intelligible procedures are followed or promulgated.

It ought to be made clear, it appears to me, that the point of focus is not upon the organizational membership but upon the standard. To that end it is of no consequence whether that standard be, as in loyalty cases, loyalty to the Government of the United States, or, as in the bill H.R. 11120, good faith support of the Constitution of the United States, or, as in national security matters, clearly consistent with the interests of the national security. There should be no doubt that we are looking to the nature and character of the individual's activities or associations in their totality, and that the purpose of the inquiry is not punishment, but enlightenment, with assurance to the individual that he shall have full opportunity to respond to the issues and to the investigation. This, I believe, to be the true distillation of these most recent decisions of the Court. It is, in my opinion, the essence of such cases as *Robel* and *Aptheker.*

Indeed, when we talk of organizational associations, are we not endeavoring to determine whether the individual is committed to a purpose or ideology inconsistent with the faithful and most efficient execution of his responsibilities to the Federal Government? To make this judgment, we cannot literally look into the individual's mind, but we seek to read it in the only way possible, and that is on the basis of his actions. It is in objective manifestations by deed or speech that intent or purpose should be proved in this as in other cases. In making these determinations, we cannot adhere to rules or limitations which defy reality.

Organizational membership is significant and objective evidence of an individual's commitment to a particular purpose or ideology. It must be recognized, however, that we are dealing with a complex and subtle area of inquiry. Certain organizations, such as those in the Communist movement, have a detailed doctrinal base. We must be able to discriminate among varying types of action and auxiliary organizations and the significance of an individual's relationship to each. We must take into consideration the nature of the position which the applicant seeks. Is he, for example, seeking employment in a position to which he will have access to top secret defense information? Here, past membership in a subversive organization may be significant, particularly when it is evident that the individual has recently severed membership for the purpose of seeking sensitive employment.

When we talk of "active" and "knowing" membership, are we not only reciting some evidential factors which relate to the ultimate question of purposive membership? Is the fact that the individual is inactive necessarily an exculpating fact? On the contrary, it may be significant, particularly where there is reason to believe that the individual is a "sleeper" in the Communist Party, or has discontinued activities and severed all contact with the Party for the purpose of later surfacing and undertaking a special mission on its behalf. May an individual be a loyalty and security risk who does not accept, or share, the illegal means of purpose of the organization? Certainly if the individual shares the ultimate political objective of the organization, but takes the position that, while he himself would not attain it by illegal means, he will nevertheless stand by and not oppose those who would, can one say that such a person "supports" the Constitution or is fit for Federal employment?

I would like to say that I am coming increasingly to the view that some of the principal deficiencies in the loyalty and security program can, and should, be resolved by executive action. Other deficiencies must be resolved by legislation. The advantages of flexibility inherent in executive action has much to commend it in this difficult field of trial and error, rather than the more rigid route of legislation, although these are certain areas which undoubtedly require the base of legislative authority or the impetus of legislative action. I am not unmindful of the failures of executive action during the years since the enactment of E. O. 10450. It may be argued, with good reason, that in placing our reliance on executive action we have had little evidence to comfort us in this approach. Nevertheless, this subcommittee shall make its report on existing deficiencies, and we shall hopefully make several recommendations for executive action. If we see no beneficial response to this course, we may then take the alternative route of mandatory legislation.

The bill H.R. 11120 provides the necessary legislative base for the erection of a Federal Employee Security and Appeals Commission which would follow upon the repeal of the Subversive Activities Control Act. The provisions of the bill which establish a mandatory loyalty-type standard for Federal employment are intended to give legislative impetus to the loyalty program which, as the investigation indicates, has so seriously deteriorated since the decision in *Cole* v. *Young.* It is my position that the Federal Government must have, and maintain, a district loyalty program for access to all positions in Government. Apart from ethical concerns, the maintenance of a loyalty standard involves the question of efficiency. It is a means of giving assurance that the operation of the Government will not be sabotaged, impeded, or obstructed by individuals who are not committed to its successful operation, or who are committed to its failure and destruction.

I would like to observe in conclusion, that the difficult question, it appears to me, in the maintenance of the loyalty and security program has not been with the sensitive policy-making positions, but with respect to the great mass of positions which have been commonly, although not always accurately, referred to as non-sensitive. I am speaking now from the standpoint of investigation for clearance. It is evident that we cannot afford investigations of a full-field type for all positions, either from a point of view of what it would cost, or from the point of view of what it would do to civil liberties in this country. That we must have some degree of investigation seems clear. If there are no investigations, or if the investigations are largely ineffective, it is not inconceivable that the Government would ultimately be overrun, and in a substantial degree immobilized, by persons hostile to its purposes. I think that this matter can be worked out along lines provided in the bill, H.R. 11120.

Certainly no argument is necessary to support the proposition that the Government and people of the United States have a most vital and imperative interest in maintaining the integrity of its civil service. It was a bitter experience to learn not so long ago of the loss of our atomic secrets, because of the deep penetration made into our scientific community by individuals committed to the Communist ideology. However, excesses that may follow upon a failure to maintain public confidence is, in my opinion, the true, and perhaps most abiding, lesson of the McCarthy era.

Mr. Chairman, I yield to the gentleman from Texas (Mr. ECKHARDT).

Mr. **ECKHARDT.** I thank the gentleman for his explanation.

I rise to seek some clarification standard as to the relationship between the Attorney General and the Board itself.

As I understand the gentleman's explanation, the Attorney General would, in effect, be the prosecuting body and the Federal Internal Security Board would be the factfinders, so to speak?

Mr. **ICHORD.** That is quite correct, and the Federal Internal Security Board would be the quasi-administrative or quasi-judicial agency, an independent agency, whose members are appointed by the President and confirmed by the other body.

Mr. **ECKHARDT.** Mr. Chairman, if the gentleman will yield further, I would like to direct his attention to lines 11 and 12 where there is the expression "or such other persons as the President may empower"——

It seems to me extremely dangerous to permit the President to appoint ad hoc prosecutors. That seems to be to lend itself to demagogy.

Mr. **ICHORD.** That language was placed in the amendment giving the President that authority, and it may well be that the President would want to delegate the prosecution function to the legal arm of some independent agency of Government.

For that reason, it was thought that the President should not be restricted in this delegation of this power to the Attorney General.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. ICHORD. Mr. Chairman, I yield myself 1 additional minute.

Mr. ECKHARDT. Mr. Speaker, if the gentleman will yield further, that is precisely the thing that troubles me when we are dealing with courts, when we are dealing with instrumentalities created by Congress, when we are dealing with the Attorney General as a Cabinet officer, we may expect that there will be some traditional limitation on this body as to the authorization of such other persons to act as prosecutor. To me that would be as if, for instance, we permitted the President to appoint some ad hoc prosecutor in the field of labor relations or antitrust or other areas of governmental enforcement.

It seems to me tremendously dangerous. I know the gentleman from Missouri is a careful constitutionalist and would be as concerned as I am.

Mr. ICHORD. May I point out to the gentleman that we are not specifically authorizing a loyalty security program by this legislation. The loyalty security program is already in operation.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. ICHORD. Mr. Chairman, I yield myself 1 additional minute.

The CHAIRMAN. The gentleman is recognized for 1 additional minute.

Mr. ICHORD. The loyalty security program is already being operated under Executive order. So, we are not changing the present law. The present law is such that the President would have the power to delegate to any such person, in addition to the Attorney General, because he does not receive that authority under this specific act today.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield further?

Mr. ICHORD. Yes; I yield further to the gentleman from Texas.

Mr. ECKHARDT. If that be true, and in order to avoid the encouragement of ad hoc prosecutors, would the gentleman agree that that language might well be taken out and that the removal of that language would improve the bill?

Mr. ICHORD. I would see no particular need for amending the committee amendment to that extent. I think that the President can be trusted to delegate this function to a very responsible agency or individual.

Mr. Chairman, I reserve the balance of my time.

Mr. ASHBROOK. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I wish to speak in strong support of the administration's bill, H.R. 9669, to amend the Subversive Activities Control Act of 1950. This bill, introduced by myself, and amended by the distinguished gentleman from Missouri, Chairman ICHORD, was reported out of the committee on April 25, 1972, on a vote of five ayes including that of Mr. ICHORD, and one nay. The distinguished gentleman from North Carolina (Mr. PREYER) voted present.

On May 25, 1972, Mr. PREYER issued a letter to all Members of the House in which he announced that at this time he would offer an amendment to the above H.R. 9669 by way of substituting for it H.R. 11120, a bill introduced by Mr. ICHORD and Mr. PREYER. This bill would repeal the Subversive Activities Control Act with its numerous prescriptions and criminal penalties on a wide variety of subversive operations and substitute for it a whole new bureaucracy to administer a Federal security program based upon the concept that an applicant for Federal employment would be required to take an oath that he would in good faith support the Constitution of the United States and would be denied employment only if it appeared there was a reasonable doubt that he would support the Constitution. I am opposed to H.R. 11120 which would substitute a single, narrow, untried program for two broad programs that have proven effective over more than 20 years and have withstood constitutional tests in their essential aspects.

To understand and evaluate these two bills I believe it desirable to review briefly the evolution of the problem.

PREVIOUS LEGISLATION AND EXECUTIVE ORDERS

Until July 1971, the Government's program for the control of the Communist Party, U.S.A., its fronts and infiltrated organizations was separate and distinct from its Government employee loyalty and security program.

The former resulted from the Subversive Activities Control Act passed by the Congress in 1950 with findings, accurate at the time, which in effect limited its exposure and proscriptive provisions to Communist-action organizations controlled directly or indirectly by the Soviet Union and to the Communist front organizations controlled by such a Communist-action organization. In 1954, the Act was amended by the Communist Control Act which included exposure and proscriptive provisions for Communist-infiltrated organizations, again limited in its application to Moscow dominated Communists.

Throughout the 1950's the Attorney General initiated proceedings against the Communist Party, U.S.A., as a Communist-action organization and against 20 of its fronts. Following 10½ years of litigation, the Supreme Court on June 5, 1961, upheld the constitutionality of the Subversive Activities Control Board and its finding that the Communist Party, U.S.A., was a Communist-action organization and the Board's order to register. However, subsequent judicial decisions found some of the proscriptions and penalities of the act to be unconstitutional so that by the 1968 amendment to the act it was desirable to conform the act to judicial decisions.

In the meantime, new categories of Communist-action, front and infiltrated groups, not Moscow controlled, have evolved which are not covered by the act as amended in 1968. They include followers of Mao, the Trotskyites and several varieties of homegrown communism not dominated by a foreign power. Under the present Subversive Activities Control Act it is not possible to proceed against such organizations.

Due in a large measure to the above changes in the world Communist movement and the fact that as a result of SACB proceedings, few new Communist Party, U.S.A., fronts have been formed. Only four new Board proceedings have been initiated by the Attorney General in the last 7 years, two of which are pending in an inactive status and two in an active status.

A measure of the effectiveness of this program is that of the 23 fronts against which proceedings were initiated, eight dissolved before they could be served with process and the others, with the exception of two, have since dissolved or disbanded. The remaining two are dormant and may expire at any time.

Our Government employees loyalty and security program has its modern origin with Executive Order No. 9835 promulgated by President Truman on March 21, 1947. This order, in brief, established criteria for loyalty of Government employees and required the Attorney General to furnish the Civil Service Commission with the names or organizations which were Communist, Fascist, subversive or which sought to deprive others of their constitutional rights by illegal means. Thus was founded the so-called Attorney General's list. The concept was continued and broadened by President Eisenhower in the publication of Executive Order No. 10450 in April 1953.

Those organizations designated under the previous Executive order were redesignated under Executive Order No. 10450. Such designations were made in nonadversary closed administrative actions. A total of approximately 283 organizations were included on the list. Shortly after the promulgation of this order a series of judicial decisions including that of the joint Anti-Fascist Refugee Committee against McGrath and National Lawyers Guild against Brownell indicated the desirability and the necessity of the designations of such organizations only after adversary proceedings in which the principles of due process were observed including the right of appeal. The requirement for due process in such proceedings ended designations under this Executive order in 1955 as the executive branch did not have the authority to confer upon these proceedings the powers of due process to include the right of subpena, the power to administer an oath and the right of judicial appeal.

On July 2, 1971, Executive Order No. 11605 was published which amends Executive Order No. 10450 by conferring upon the SACB those powers to designate organizations formerly held by the Attorney General. In addition, the Executive order broadens the scope of organizations covered thereby and defines the terms totalitarian, Fascist, Communist and subversives and establishes criteria for the designations of such organizations.

Since the promulgation of this last Executive order it has been contended by organizations seeking to judicially overthrow the order, that the executive lacks the power to transfer from the executive branch to a congressional created body the functions formerly exercised by the Attorney General. It is also probable that the executive lacks the authority to provide for subpena power and the right of judicial appeal.

Notwithstanding the fact that no organizations in which membership or sympathetic association is one factor to be considered in the employment or retention in employment of government employees, is affirmed by all of the agencies most concerned with employee loyalty and security that have testified before the Internal Security Committee. All but about 20 of the original 283 organizations are now defunct in a substantial part, due to the fact, that their designation has deprived them of membership and a loss of financial support because of the loss of tax exemptions both for the organization and would-be donors.

THE ADMINISTRATION'S BILL—H.R. 9669

H.R. 9669 would amend the Subversive Activities Control Act of 1950 as amended, by changing the name of the SACB to the Federal Internal Security Board and section 2 of this amendment would also give congressional authorization to the President to transfer to the SACB such functions in this area as he may see fit and would also empower the Federal Internal Security Board to extend these trappings of due process to proceedings brought under Executive Order 10450 as amended that are now available under the Subversive Activities Control Act which, as we have said, has been held constitutional in this regard.

The adoption of H.R. 9669 would have the effect of combining both the Communist control program, including not only Moscow-dominated organizations but also Maoist, Trotskyites, home-grown Communist and the violence-prone organizations with the Government security and loyalty program. This provides a governmental purpose and interest in the exposure of all of those organizations that would come within the definitions contained in both the 1950 Act and the amended Executive order. The importance of this is pointed up by the occurrences in this city within the last few days. Those organizations whose activities have had the announced purpose of the disruption of the Government through violent illegal action would, upon the production of evidence in full adversary proceedings, be sufficient to support a designation by the Internal Security Board under this proposed amendment. The designation of such organizations would not necessarily result in the complete disqualification of members from Government employment. But, if upon inquiry, if it appeared that an applicant for Government employment was a knowing and meaningful member of such a designated organization, that fact would be an element for consideration along with all other aspects of the individual's background in determining whether or not he met appropriate standards of loyalty and security for the position sought.

Testimony before the Internal Security Committee has indicated that little more can be done under the present narrow limits on the Subversive Activities Control Act or under the above Executive orders without the passage of an amendment such as the one we are presently considering.

It is noteworthy that all of the executive agencies as well as national patriotic agencies, whose views have been solicited, and have testified in hearings have supported this bill in its original form. In these same hearings, every agency opposed directly or by implication, H.R. 11120, the Ichord-Preyer bill. This includes those executive agencies most concerned with employee loyalty and security such as the Civil Service Commission, the Department of Justice, the Department of State, Department of Defense, and the U.S. Postal Service.

It is axiomatic that a primary obligation of any government is to defend itself against those who would destroy it either from the outside or internally. Therefore, we believe, that this Government has a duty to define, to discover and to expose those organizations which are attempting to subvert or destroy this Government from within and to take all needful steps to preclude the employment of members of such organizations in branches of Government where their employment is not clearly consistent with national security.

There is little good that I can say for H.R. 11120. As Mr. Ichord said when he voted for H.R. 9669 in the committee and as Mr. Preyer and Mr. Ichord said before the Rules Committee, H.R. 11120 simply does not have a constituency. This is for good reasons, I believe.

H.R. 11120 would repeal the Subversive Activities Control Act of 1950, abolishing the Board and nullifying the Government employee loyalty and security program established by the above Executive orders. That bill would create a whole new bureaucracy to administer a Federal security program based on requiring Federal employees to take an oath that they will in good faith support the Constitution of the United States and that persons will not be employed where there is a reasonable doubt that they will not in good faith support the Constitution. Whose concepts of "good faith" and whose interpretation of the Constitution shall be supported? Chairman Mao's, Moscow's, Castro's, the SDS Weatherman's? I believe that Mr. Preyer concedes that there is a problem of vagueness.

The repeal of the Subversive Activities Control Act would largely nullify more than 20 years of effort by the Attorney General, the SACB and the judiciary in the Communist control program. The adoption of the substitute bill would also largely nullify 30 years of effort, administrative decisions and judicial decisions in the Government employee security program. Should any essential particular of the substitute bill be found unconstitutional by the courts the Nation would be without either a Communist control program or a Federal employee security program.

Of equal importance is the fact that the substitute bill if enacted would leave the American people unprotected from a variety of subversive operations according to the testimony of the Department of Justice and of Dr. Charles Rice, professor of law at Notre Dame University. The Ichord-Preyer proposal, by discarding the 1950 act would eliminate laws making it a crime:

First. For anyone to knowingly combine, conspire, or agree with another person or persons to perform acts which will contribute substantially to the establishment in the United States of a totalitarian dictatorship—Communist, Nazist, Fascist, or any other type—dominated or controlled by a foreign government—section 4(a).

Second. For officials and employees of the U.S. Government to communicate classified security information to representatives or agents of foreign governments, to members of the Communist Party, or to members of groups found to be Communist fronts or Communist-infiltrated organizations by the Subversive Activities Control Board—SACB—without first obtaining permission of appropriate authority—section 4(b).

Third. For agents and representatives of foreign governments, members of the Communist Party and members of groups the SACB has found to be Communist fronts or infiltrated, to obtain or receive classified security information from officials and employees of the U.S. Government without special authorization of appropriate authority—Section 4(c).

Fourth. For members of the Communist Party and members of groups found to be Communist fronts by the SACB to seek, accept and hold Government employment while concealing their membership in these Communist organizations—Section 5(a)(1)(A).

Fifth. For Communist Party members and member groups found to be Communist fronts by the SACB to hold government positions—Section 5(a)(1)(B).

Sixth. For Communist Party members and members of organizations found to be Communist fronts by the SACB to seek, accept and hold jobs in defense facilities while concealing the fact that they are members of Communist organizations—Section 5(a)(1)(C).

Seventh. For officials and employees of the United States to contribute funds and services to the Communist Party and to groups found to be Communist fronts by the SACB—Section 5(a)(2)(A).

Eighth. For U.S. officials and employees to advise, counsel, or urge members of the Communist Party and SACB-found fronts to seek, accept, and hold employment in the U.S. Government and in defense facilities while concealing the fact that they are members of Communist organizations—Section 5(a)(2)(B).

Ninth. For the Communist Party and organizations found to be Communist fronts or Communist-infiltrated groups by the SACB to distribute material in the mail, broadcast material via radio and television, and solicit money through the mail or by broadcasting, without revealing the fact that the SACB has found them to be Communist—Section 10.

Tenth. Failure to file registration statements under the Foreign Agents

Registration Act is a continuing offense as long as the failure exists—Section 20.

Eleventh. It is a misdemeanor for anyone to wilfully violate orders and regulations issued by the Secretary of Defense and various other authorities for the protection or security of military or naval aircraft, airports, vessels, harbors, piers, bases, ports, laboratories, explosives, vehicles, and so forth, against misuse, destruction, loss, or injury by fire, accident or by enemy action, sabotage, or other subversive actions—Section 21 (a).

In addition, repeal of the act will eliminate provisions:

Twelfth. Authorizing the Secretary of Defense to designate defense facilities in which members of the Communist Party and SACB-found fronts will be barred from seeking, accepting, and holding employment unless, in doing so, they reveal their membership in these Communist organizations—Section 5(b).

Thirteenth. Denying tax deductions for contributions to the Communist Party and to groups found to be Communist fronts or infiltrated organizations by the SACB—Section 11(a).

Fourteenth. Denying exemption from Federal income tax to the Communist Party, and to organizations bound to be Communist fronts and Communist-infiltrated by the SACB—Section 11(b).

In addition, the substitute bill would seriously limit the types of organizations that could be designated for consideration in determining a person's employability to three categories. These are: first, organizations seeking the overthrow of the Government by force and violence or other unlawful means; second, organizations which advocate as a principle to be translated into action the propriety of resistance by force to the execution of the laws of the United States or engaging in a rebellion or insurrection against the authority of the United States; and third, fronts or subdivisions of first and second. Such categories are not nearly so broad or as specifically defined as those subject to designation under Executive Order No. 10450 as amended by 11605.

The Postal Service and the Civil Service Commission testified that the preemployment investigation requirements of the bill would be unbearably expensive and the delays would completely disrupt employment practices in the great majority or nonsensitive positions.

Again, I think it of utmost importance that of all the agencies invited to testify or submit views upon H.R. 11120, those that did so opposed it. It is also opposed by government employee unions, the Veterans of Foreign Wars and the American Legion.

In conclusion, I can see no merit in the bill to be offered by the distinguished gentleman from North Carolina as a substitute for H.R. 9669. The substitute bill would cast aside all of the effort of nearly 30 years and entrust these aspects of national security to an untested concept of an oath to support the Constitution in good faith. The administration's bill would continue in one agency, two programs that have been, upon all the evidence, effective for more than 20 years and need only the updating that would be made possible by this bill.

Your support for H.R. 9669 will be welcomed.

The statements of the late J. Edgar Hoover as well as the representatives of the Communist Party, its "front" organizations and its individual apologists, indicate that the repeal of the Subversive Activities Control Act is a primary CPUSA tactical objective. I hope that this body will not accommodate their ambition.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman.

Mr. YATES. Mr. Chairman, in view of the gentleman's last statement, where the gentleman just stated that it is important that we take such steps as may be necessary to preclude employment of those people who are members of such organizations, a few moments ago the gentleman indicated this was only one factor in employment. How does the gentleman reconcile those two statements?

Mr. ASHBROOK. Again it goes back to the evaluation of the department or agency concerned to evaluate the significance of an individual's membership in an organization and its relationship to the employment criteria which is that his employment must be clearly consistent with national security. Membership could have been at a time when he did not understand the true purposes of the organization. I would say a person who was a leader in any of these organizations attempting to overthrow the Government, in my judgment, not as an employing officer, but as a Member of the Congress, should not receive employment, and a person who only belonged and who did not have a leadership position and did not necessarily subscribe to their views, might have changed his opinions. I may say mere membership in an organization should not necessarily exclude the prospective employee or the employee but it is one factor to be considered by the employing agency in determining whether he meets the security criteria.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. ASHBROOK. Yes, I yield to the gentleman from Illinois.

Mr. YATES. What has happened over the past 10 years since the Supreme Court decision holding unconstitutional the thrust of the previous legislation? What has been the practice in the Government agencies in hiring employees? Have we suffered any danger as a result of not having legislation of this kind on the books?

Mr. ASHBROOK. Again I say to the gentleman—and I think the gentleman from North Carolina would substantiate this—witness after witness representing executive agencies of the Government and departments of the Government have indicated, for all intents and purposes, there is very little they can do at the present time. It does present a problem to them, and the passage of this bill would help them in meeting the problem we are talking about.

As to whether or not the Government has collapsed in the last 10 years, obviously it has not, but it has been a problem which has been recited time after time by witnesses before our committee.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. ASHBROOK. I yield to the gentleman from Illinois.

Mr. YATES. Have the witnesses testified that where the employees referred to were members of organizations that witnesses considered to be inimical to the best interests of the United States, that action could not be taken to check those employees, to suspend them, or to terminate their employment?

Mr. ASHBROOK. The point the gentleman makes is accurate. They are not able even to take into consideration membership in these organizations. Maybe in the backs of their minds they might think it is a red flag or something they should watch, but because a suspect organization has not been designated, because no organizations can be designated, there is no way an employment department or personnel office or anybody in security who might be charged with reviewing the background of an employee who is on the rolls—there is no lawful way they can take into consideration membership in undesignated organizations, and that is precisely what we are trying to rectify in this legislation.

Mr. YATES. But the gentleman has indicated that mere membership in organizations is not sufficient to terminate employment.

Mr. ASHBROOK. Mere membership is not. It is one factor, that is correct, and membership in these suspect but undesignated organizations cannot even be considered; that is the point I would like to make.

Mr. YATES. That is correct. The employee has to stand upon his merits as an employee without respect to his associations in any organization, and if he is not a good employee or a loyal employee, his employment can be terminated under present procedure; can he not?

Mr. ASHBROOK. I would say that that is not exactly accurate, I say to the gentleman from Illinois.

Mr. YATES. Where is it not accurate?

Mr. ASHBROOK. Because when you use the word "loyal," whether or not he is loyal cannot be evaluated on the basis of these suspect but undesignated organizations, because there has been no finding that it in fact merits designation. If you have Organization X which is dedicated to the overthrow of the Government but is not designated, the reviewing personnel officer cannot take his membership into consideration.

Mr. YATES. Does he not take the same oath that Members of Congress take to support and defend the Constitution of the United States?

Mr. ASHBROOK. Yes; and Communists in the past who have been desirous of subverting the Government have taken that oath. So I do not think that is anything in which the gentleman can place his trust.

Mr. YATES. But if he is not willing, in fact, to sustain and support the Constitution of the United States, can he not be liable for perjury?

Mr. ASHBROOK. I have yet to see a

case where that would happen. By the time that is discovered the individual is guilty of treason, espionage, or one of the many crimes punished by the Subversive Activities Control Act and is in Cuba or the Soviet Union.

Mr. YATES. Well——

Mr. ASHBROOK. Would the gentleman recount a situation where a mere prosecution for perjury would take place?

Mr. YATES. I would certainly think that mere association in such an organization would not be inimical——

Mr. ASHBROOK. That is correct, mere association would not be inimical.

Mr. YATES. The true test is whether or not he is a person who is willing to stand by the oath, to sustain the oath he has taken to support and defend the Constitution of the United States. As the gentleman has indicated, his membership in these organizations is not the test. Therefore, why is not the present condition the true test?

Mr. ASHBROOK. I would merely say in response to the gentleman that the true test is not necessarily whether he takes the oath or not. The true test is whether his true intention is to uphold the Constitution.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the chairman of the committee.

Mr. ICHORD. It seems to me the gentleman from Illinois has failed to grasp how the loyalty security program under Executive Order 10450 operates, and I think we have to distinguish between a preemployment investigation, and we have to distinguish between the case of the retention of the employee. Now, under section 10450, all positions in Government are divided into sensitive and nonsensitive positions.

If we are dealing with a sensitive position, there has to be a full field investigation of the individual. If we are dealing with a nonsensitive position, there does not have to be a full field investigation. As a matter of fact, usually there is no investigation whatsoever.

Mr. ASHBROOK. None at all in many cases prior to probationary employment.

Mr. ICHORD. And the standard for employment under this program is whether his employment is clearly consistent with the national interests. The employment standard is the key thing.

The gentleman from Ohio has correctly pointed out a person's membership in a subversive organization is just one of the factors to be taken into consideration. I would point out, however, that once it appears that an applicant for employment is a member of a designated subversive organization, the red flag goes up, and under Executive Order 10450, a full field investigation is required.

Mr. ICHORD. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, even if I did not believe as strongly and sincerely as I do that H.R. 9669 and H.R. 11120 run roughshod over the vital first amendment rights of the people of this country, I would rise in opposition as vigorously as is possible to prevent this Congress from again attempting, in still another area, to abdicate it's legislative authority to the executive branch of government.

The separation of powers contained in our Constitution, brilliantly conceived by the founders of this great country, was meant for the protection of our freedoms by this unique set of political checks and balances. However, this great system falls seriously out of balance when the legislative branch writes a blank check to the executive branch.

Besides the unconstitutional infirmities under which these two pieces of legislation are heavily burdened, I can never understand the apparent willingness with which Congress gives up its constitutional authority and perogatives in so many vital areas. It is bad enough, that we fail to fight back when we see the executive branch usurping our authority, but why we abdicate it without even being asked is more than I can understand.

H.R. 9669 which would authorize the President to use any criteria he chooses to ask the SACB to investigate and label organizations relevant to an employee's loyalty would totally abdicate congressional responsibility to establish legislative standards for the President to implement.

This bill is a clear example of our unconstitutional transfer of legislative authority to the executive branch. Under H.R. 9669 the Congress vests in the President total, unfettered, and absolute power to write the loyalty-security laws of the United States.

Certainly, if we are going to permit and commit this abrogation of legislative power, it is only fitting that we do it with H.R. 9669, which itself stands a better than even chance of being declared unconstitutional.

One of the very best synopses of the history of this entire area was made by Chairman ICHORD of the House Committee on Internal Security in his remarks to the House on June 2, 1970, when he announced the inquiry into the operation and administration of the Subversive Activities Control Act of 1950 and the operation and administration of laws and procedures relating to Federal employment security. This statement appears also beginning at page 5123 of the hearings themselves.

Chairman ICHORD states therein after carefully charting the course of the act and noting various court decisions and their effect:

> We have thus not only the question of the necessity for the revival and maintenance of these programs, but whether in light of the weaknesses in the programs, either or both should be maintained at all.

Chairman ICHORD also stated that:

> Moreover, in the balancing of the ostensible requirements of national security with individual liberties, particularly in the context of the ideals and basic premises of a libertarian society, we shall be faced with issues of profound constitutional and philosophical import. We shall need, and we shall seek, the assistance of our best minds and most informed experts in fulfilling the urgent task before us.

In looking over the first three volumes of the hearings—and I understand there is a fourth volume, not yet printed—I note with interest that these best minds and most informed experts all work for the U.S. Government and are involved in employee security—loyalty programs under existing law—positions from which an objective view may not be easily reached.

Testimony by John Mahan, Chairman, SACB, testimony by Timball Johnson, Director, Bureau of Personnel Investigations, Civil Service Commission. Testimony by Paul J. McNichol, Assistant Director, Security, USIA, and so on through the agencies—the witnesses from each of the major departments of the executive branch.

Now while I will stipulate that all of these gentlemen are informed experts, I cannot stipulate that they represent the only informed experts or even a cross section of informed experts. Are there no constitutional scholars to explore the profound constitutional and philosophical issues? No great civil libertarians to represent the view of our libertarian society? No. Apparently the sum total of these hearings is a bill, H.R. 9669, never considered in these hearings which, as originally introduced, attempted to clarify and incorporate into the act by reference Presidential Executive Order 11605. This Presidential Executive order appeared the day after John Mahan, Chairman of SACB, testified before the Senate Appropriations Committee that "We do not have enough time." That Executive order attempted to remedy the situation in open contravention of Congress' right to legislate SACB functions. As a result of that Executive order nine groups brought suit in U.S. District Court for the District of Columbia.

In a case entitled "American Servicemen's Union against Mitchell," the Court clearly intimated that Executive Order 11605 was unconstitutional. It was then clear that H.R. 9669 as originally introduced stood little chance of curing a long line of constitutional defects. This amended bill strikes the original bill's references to Executive Order 11605. It replaces them with a wholly vague, undefined, and unlimited transfer of legislative authority to the President or his designee. It enables them to create any criteria they want with respect to the character of relevant organizations which the SACB may use as a basis for Federal agencies to exclude on "loyalty" grounds prospective and existing employees.

History and the courts have shown us that the Subversive Activities Control Act of 1950 was bad law. A long line of court decisions stand today as testimony to that fact. Experience should at least tell us not to duplicate the mistakes of the past. The Supreme Court has pointed out time and again the dangers and infirmities with which this type of legislation is burdened.

To expand the authority of the SACB in light of its nonfunctioning condition might seem to some a logical thing to do. But here we give to Presidents present and future unconstrained authority to enlarge the areas of impermissible associations.

No citizen would have a guide as to what he could say or what group he could join without placing his job and future in jeopardy. This "chilling effect" on freedom of association and of speech is more than a chill, it is a deep freeze.

Clearly, there is a need for a legitimate program carried on in the interests of our national security, but I submit that the loyalty-security program carried on by all agencies and branches of our Government, counseled by the Department of Justice, and aided by the FBI, appears also in the light of experience and history to be adequate for these purposes. A return to the dark days of guilt by association and witch hunting is not required.

Narrowly drawn legislation, ever so carefully delineating the lines of balance between the legislative purpose and individual rights is what is needed in this area, not expanded powers or unlimited authority.

I respectfully urge your no vote on H.R. 9669.

H.R. 11120 offered as a substitute is not a substitute for what exists. It repeals and changes entirely our present Federal employee security program. It is major legislation which has not been considered by the full Internal Security Committee or any other congressional committee.

The difficulties and differences which are apparent within the Internal Security Committee itself on these pieces of legislation are reason enough to reject both.

Both approaches are wrong and I urge you to vote against them.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Chairman, in explanation to the gentleman from California, I would point out that a subcommittee of the House Committee on Internal Security held extremely lengthy oversight hearings into the operation of the Subversive Activities Control Board as well as the loyalty security program. All those hearings concerned the question we are dealing with today. In fact, the committee held hearings comprising four volumes of testimony, so the committee has looked very carefully into the problems involved in this legislation.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the distinguished chairman of the committee pointed out under the present procedures there are different investigations for applicants for Government employment, depending upon whether the job is a sensitive or a nonsensitive one—and rightfully so. If a proposed employee applies for a job to cut grass on the mall or clean up rubbish on the monumental grounds seeks that employment, presumably he does not need a full field investigation. I would take it, on the basis of what the gentleman from Ohio said, even if the person were a member of a so-called subversive organization, that would not stand in the way of his employment, because he would seek a nonsensitive position. But if the person seeks a sensitive position, according to the chairman of the committee there is a full field investigation by the FBI which would presumably disclose all the person's associations. The employer, the Government, would be able to determine whether or not that person's employment should be approved, depending on whether he is the sort of person who has the traits and qualifications for a position in a sensitive spot in the U.S. Government. This is a most thorough investigation.

Why then, is a new procedure like that in the bill needed? Are not the screening procedures now adequate without the SACB?

Mr. EDWARDS of California. I should like to address myself to that for a moment, because in going through the 2,500 pages of testimony from these various heads of the Federal agencies there was a huge lack of enthusiasm for this legislation.

I might disagree here with what the gentleman from Ohio (Mr. ASHBROOK) said. Over and over again the heads of the various civilian agencies of the Federal Government said, "No, our procedures really are very good."

For example, Kimbell Johnson, Director of the Personnel Investigation, Civil Service, said:

> I suggest that the investigative practices of the executive branch are operating smoothly. They are operating economically and efficiently.

The head of the Treasury Department said:

> We feel our security program indeed is in good shape. The Department did not propose any remedial legislation.

The Deputy Assistant Secretary of State for Security said:

> The Department knows of no present weakness or failure in its personnel security problems.

This is repeated over and over again; although, here and there, with a light touch, some improvement is suggested.

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Missouri.

Mr. ICHORD. I want to make sure that the gentleman from California is not taking the testimony of witnesses out of context.

Was that testimony given in reference to H.R. 11120?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ICHORD. Mr. Chairman, I yield the gentleman 2 additional minutes.

Or was that in relation to the overall operation of the loyalty-security program?

I believe the testimony of the witnesses was given in regard to H.R. 11120. Almost without exception every agency which came before the committee and testified that there was need for an up-dated Attorney General's list. And with regard to what was said by Kimbell Johnson of the Civil Service Commission, I want to point out a letter from him which appears on pages 5981–83 of part IV of the committee hearing record. In the last paragraph he states "We are grateful for the opportunity to share with you some of the background concerning the increasing difficulty of taking effective action in cases involving memberships in organizations such as you have named."

Of course, this legislation would delegate to the Subversive Activities Control Board the performance of the function once performed by the Attorney General.

Mr. EDWARDS of California. I believe that a careful reading of the 2,500 pages of testimony from the various organizations would indicate a real lack of enthusiasm on the part of any of these organizations for any updating. They really do consider their procedures today to be adequate to handle this large danger, which the committee has come up with.

Mr. Chairman, I am about to conclude. I really believe that both these proposals, the substitute and the bill, should be voted down.

There is a need for a legitimate program carried on by all agencies and branches of the Government, counseled by the Department of Justice and aided by the FBI, and that is what we have.

I suggest that it would be a great mistake to return to the dark days of guilt by association, witch hunting, and having books on the desk of the head of every agency, where one could look into the book and see that a particular individual 25 or 30 years ago joined an organization which, within the past few days, the SACB has declared questionable. I believe it would be a great mistake.

Mr. ASHBROOK. Mr. Chairman, I have no further requests for time at this time.

Mr. ICHORD. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER of North Carolina. Mr. Chairman, at the appropriate time I will offer H.R. 11120 as an amendment in the nature of a substitute for H.R. 9669.

H.R. 9669 makes no contribution to solving any of the basic problems existing in our security system. It merely tinkers with the security program—and in an unconstitutional way. We need a fundamental reexamination of the program—we need a bill that is constitutional and that strikes a fair balance between personal freedom and our country's security.

My amendment is an effort at such a basic overhaul of the program. It repeals the whole of the Subversive Activities Control Act of 1950 and sets up a new Federal employee security program. Recent hearings before the Internal Security Committee have demonstrated the need for change in our present program. For one thing, the present program is confusing to the agencies and individuals affected. The Supreme Court has described the present program as "confused" and "awkward and ambiguous." It needs to be simplified and clarified. For another, the present program was designed as a response to the cold war period—a simpler period when the source of danger to our internal security was more easily identified. The earlier program was directed at, and phrased in terms of, Russian communism only. Today, security problems not only involve Chinese-oriented communism but "non-ideological" radical groups such as the Weathermen.

It lays down a new employment standard: That a prospective Government employee will in good faith support the Constitution of the United States—that is, this is the oath required of Federal officers and employees by article VI, clause 3 of the Constitution, and by Statute (5 U.S.C. 3331). The new bill attempts to draw the line in terms of the democratic process; no one is a risk to the internal security of the country as a Federal employee so long as he is willing to play by the rules of the game; but kicking over the checkerboard is not simply another way of playing the game. The test that every employee must meet is whether there is "reasonable doubt that he will support the Constitution." This does not eliminate advocating change, demonstrating or marching for change; but it means accepting the constitutional process of change—that is, change within lawful limits, by amending the Constitution, not by revolution.

The present standard is whether the employment of an individual in Government is "clearly consistent with the interests of national security." It has created such confusion among agencies that it is in effect useless. One indication of this is that not one single employee has been dismissed on loyalty and security grounds during the last 5 years.

I realize the difficulties in presenting a new approach to an internal security program by amendment. And perhaps it is expecting a lot to ask you to pass this under the circumstances. Nevertheless, I decided to offer this amendment at this time because, first, I am convinced it is a vastly better approach than our present security program, even though, it is not perfect. I have an open mind about changes to it. And, second, I think it is high time that we begin a serious dialog in this country and in Congress about our internal security program: whether we need any general program—I think we do—and if so, how it can be designed so that it will strike the proper balance between personal freedom and our country's internal security. To date, the internal security program of our country has been largely the hunting preserve of professional vigilantes of the extreme right and the extreme left. Moderates and liberals in particular have not chosen to dirty their hands with the complex job of making security regulations. True, personal liberty comes first—we always give our enemies a head start in this country, and properly so. But the Government is entitled to security standards, and someone has to take the responsibility of designing them.

I am not a crusader in this field. I did not seek my position on this committee, nor my appointment as chairman of the subcommittee, but have approached it as a job to do. This is the best solution Chairman ICHORD and I have been able to come up with. Perhaps you have a better one.

The issue now before this House is the right of the Federal Government to deny Government employment to those who knowingly and intentionally advocate the overthrow of the Government by force, violence, or other unlawful means, or who knowingly and intentionally join organizations that so advocate. What must be sought here is a balance between the individual's right to reasonable and fair treatment in being considered for employment and the right of all of us, acting through the Government, to maintain the security of the Government itself.

The first consideration to be kept in mind here is that there is no legal right to a Government job. There is a legal and moral right not to be denied a Government job, or to be dismissed from one, for reasons which are arbitrary and invidiously discriminatory. But apart from this limited right and the general right to fairness of procedure in considering an application for employment, there is neither a legal nor a moral right to a governmental job. Instead, access to such a job is a privilege. It follows, therefore, that the Government does not violate anyone's rights by the mere fact that it denies him a Government job. Instead, our inquiry must be whether the grounds for the denial are reasonable and whether a fair procedure was followed in ruling upon the application.

Under H.R. 11120 each applicant for employment would be required to state whether he ever organized or belonged to any organization "which, during the period of your membership or association, you knew was advocating or teaching that the Government should be overthrown or overturned by force, violence, or any unlawful means." If he answered "yes" to this question, he would be required to say whether, during the period of his membership or association, he had "the specific intent to further the aims of such organization—to overthrow or overturn the Government—by force, violence, or any unlawful means." The President, acting through his agents who rule on the application for employment would be empowered to take these answers and the employee's association with such groups into account as one factor in determining his suitability for Government employment.

This provision is sound. It is saved from constitutional invalidity, under the restrictive decisions of the Warren court, by the facts that the membership in question is not innocent, that the existence of such membership is not an automatic bar to employment and that the applicant's right to appeal from a denial of employment is fully protected. The act is designed to affect only knowing and intentional membership in the organization in question.

It might be objected that membership in subversive groups should operate as a bar only to Government employment that is sensitive. But the distinction between sensitive and nonsensitive positions is unrealistic. In today's climate there is no Government position which is not sensitive. Who but the janitor would know better the location of air-conditioning ducts in which to place explosives? In fact, the sensitive-nonsensitive distinction is used as a facade by those who would remove all barriers whatsoever to the employment of subversives in Government. Instead of trying to salvage the unworkable sensitive-nonsensitive distinction, we simply should recognize that it would be criminal folly to employ in any Government position any person who seeks to overthrow the Government or who joined an organization that seeks that overthrow.

We are not talking about squelching free association or free speech; we are not talking about putting penalties on association—no civil penalties.

We are talking about the question of whether, in deciding if someone can be admitted to a sensitive or nonsensitive job, then among other things, you would consider what kind of man he is. Mr. Emerson, who testified against any general security program, said that suitability should be the test, and that a member of the Ku Klux Klan should be disqualified from serving as Director of the Civil Rights Division of the Justice Department. I would say that in the Civil Right Division, an acknowledged member of the Ku Klux Klan who belongs with the specific intent, or even who has belonged and has not given convincing evidence of a change of mind, or who belongs particularly with the specific intent to further the aims of that organization, that person should not work in the Civil Rights Division of the Justice Department under any circumstances.

Does that mean that he should not have any Government job whatsoever? Well, I think here you have to draw the distinction—are you talking about an organization that is hostile to the Civil Rights Division, or an organization that is hostile to the Government itself? The governing principle, it seems to me, is that you should not take somebody into any branch of the Government who, himself, has specific intent to overthrow that branch of the Government, whether it be the Civil Rights Division, or whether it be the big picture—the entire Government as a whole.

If somebody has that specific intent, which is what this act is directed at, specific intent to overthrow the entire Government of the United States, it would seem to me that he is not qualified to hold any Government position, but that we can reasonably say to him that in the interests of the best use of the taxpayers' money, if nothing else, and in the interests of the credibility of the Government service, he will have to seek employment elsewhere.

This would not mean that he would go to jail: this would mean that he would have to seek employment elsewhere. That is why it is important to focus on what type of organization it is we are talking about. We are not talking about excluding somebody from a job because he belongs to the New York Liberal Party or the New York Conservative Party: we are talking about excluding somebody from a job because, as is pointed out in this bill, he belongs, with specific intent, to organizations which have as their purpose the overthrow of the Government of the United States. And if you cannot exclude that man from Government service without descending into sensitive distinctions excepting insofar as the intensity of the check is concerned, whether it be a national agency check or a full field investigation, if you cannot exclude that man from government service, then it seems to me that the basic idea of Government service is reduced to futility.

There should be no irreconcilable conflict between the legitimate demands of national security and the freedom of the individual. It is important for our social health that we reach a fair resolution. Rebecca West has pointed out that:

> The worst offense of Maclean and Burgess in England was "the spreading and degrading cloud of doubt their flight engendered. It followed that suspicion often fell on people who were innocent.

Similarly, in this country the source of much of Joe McCarthy's support was the apparent indifference to national security on the part of those in authority. A fair and effective security program can prevent this sowing of mistrust in our society.

As Rebecca West concludes in "The New Meaning of Treason"—

> If we do not keep before us the necessity for uniting care for security with determination to preserve our liberties, we may lose our cause because we have fought too hard. Our task is equivalent to walking on a tight rope over on abyss, but the continued survival of our species through the ages shows that, if we human beings have a talent, it is for tightrope walking.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ICHORD. Mr. Chairman, I yield the gentleman 5 additional minutes.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 additional minutes.

Mr. ICHORD. Mr. Chairman, would the gentleman yield to me at this point?

Mr. PREYER of North Carolina. Yes, I shall be glad to yield to the chairman.

Mr. ICHORD. I just want to take this opportunity to compliment the gentleman now standing in the well.

As I indicated previously, the gentleman from North Carolina (Mr. PREYER) has headed a subcommittee which has made a very extensive investigation, oversight investigation, into the internal security program, as well as the administration of the Subversive Activities Control Act of 1950.

I compliment the gentleman and the members of the subcommittee for the thoroughness with which these subjects have been explored.

Indeed, I regard the gentleman from North Carolina (Mr. PREYER) as one of the country's most knowledgeable persons on the subject with which we are concerned.

I would like to state to the gentleman that it is my intention to vote for the substitute which the gentleman offers. However, I am not pushing the amendment. I believe that the time is not ripe.

However, like the gentleman from Missouri (Mr. BOLLING), I think these matters should be discussed by the House.

Our problem with the substitute is that it has no constituency. The extreme left has opposed it very actively here in the Congress, primarily, I suppose, because they think it will be more efficient than the present program. The right has opposed it as it would abolish the Subversive Activities Control Board and repeal the total provisions of the Subversive Activities Control Act of 1950.

So, my position is strictly a pragmatic one.

I think that H.R. 9669 is an improvement. However, I do believe that the gentleman's amendment which he will offer when we read the bill for amendment is a superior approach.

Mr. PREYER of North Carolina. I thank the chairman for his comments and I appreciate the problem with reference to this amendment which has been attacked from both the right and from the left.

I hope that it means we can strike a balance on this question of balancing personal freedom and national security.

I was pointing out that the provisions under H.R. 11120, which I think saves the constitutionality of this bill, is that membership is only one factor in determining the suitability for Government employment and, also, that membership is not innocent. It has to be shown that the membership was knowing and intentional and so forth.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. PREYER of North Carolina. I am glad to yield to the gentleman from Illinois.

Mr. YATES. As I understand it the Supreme Court decision in *Keyeshian* v. *Board of Regents*, 385 U.S., said that—

> Mere knowing membership without a specific intent to further the unlawful aims of an organization is not a constitutionally adequate basis for exclusion from (a government) position * * *

If a person knows that he is a member of a particular organization, that in itself is not grounds for excluding him.

Now, how does the requirement in the gentleman's bill change that Supreme Court decision?

Mr. PREYER of North Carolina. Well, the gentleman from Illinois is right, of course, and the provisions of this bill are worded—in fact, the provisions are lifted out of the case of Law Students against Wadman, in which the very provisions we use have been upheld.

I do not believe there is any question about the constitutionality of this bill in that it does not say in any way that membership alone disqualifies. It does allow for the man who is accused to come in and explain his membership. This is really what due process and our Supreme Court decisions have held.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. PREYER of North Carolina. I yield to the gentleman from New Hampshire.

Mr. WYMAN. It is very clear, is it not, that when you have this type of hearing that one of the things that the administrative agency has as its responsibility is to ascertain the intent of the individual applicant for employment, and there is all the difference in the world between being a member of an organization, or not knowing its purposes, and intending objectively to accomplish those purposes. And it is required under the decision that my colleague had just referred to that the intention to accomplish those purposes shall be established at a hearing before a person is disqualified from further employment.

Mr. PREYER of North Carolina. The gentleman is right.

The CHAIRMAN. The time of the gentleman from North Carolina has again expired.

Mr. ICHORD. Mr. Chairman, I yield 3 additional minutes to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER of North Carolina. Mr. Chairman, I think what we want to be clear on here is that we are not talking about limiting free association or free speech, and we are not talking about imposing penalties because of association. There are no such penalties in this amendment. We are talking about the question of whether in deciding if somebody should be admitted to a sensitive or nonsensitive job, then among other things to consider is the kind of man he is.

Now, does it mean if we exclude a person from a Government job, from a sensitive position, that he should not have any Government position whatever?

Professor Emerson used the example when he testified before our committee—and he was a man, I would say to the gentleman from California, (Mr. EDWARDS) who testified against all of the bills, and also Mr. Spicer of the American Civil Liberties Union who testified—but Professor Emerson gave the example that a member of the Ku Klux Klan should not be allowed to be the director of a civil rights division of the Department of Justice. He said that the test of suitability was sufficient.

I think we would all agree with Professor Emerson on his specific example, but I would look a little further than Professor Emerson, I would say that any member of the Ku Klux Klan who belonged to that organization with the specific intent to further the aims of that organization ought not to be permitted to work in the Civil Rights Division under any circumstances.

Does that therefore mean that he should not be given any Government job?

I think we draw the distinction here, are we talking about an organization that is just hostile to the Civil Rights Division, or an organization that is hostile to the Government itself?

The difference in principle, it seems to me, ought to be that we should not take somebody into any branch of the Government who himself has the specific intent to overthrow that branch of the Government, whether it be the Civil Rights Division or whether it be the big picture of the entire Government as a whole.

If somebody has that specific intent, which is what this act is directed at, the specific intent to overthrow the entire Government of the United States, it would seem to me that he is not qualified to hold any Government position, and that would include nonsensitive positions.

Of course, we can reasonably say to them, in the interest and the best use of the taxpayers' money, if nothing else, and in the interest of the credibility of the Government service, "You will have to seek employment elsewhere." It does not mean he would go to jail; it just means he seeks employment elsewhere.

The **CHAIRMAN.** The time of the gentleman from North Carolina has again expired.

Mr. **ICHORD.** Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. Chairman, will the gentleman yield?

Mr. **PREYER** of North Carolina. I yield to the gentleman.

Mr. **ICHORD.** It appears to me that the gentleman from Illinois appears to be proceeding from the premise that employment is a matter of right.

Is it not true, I would ask the gentleman from North Carolina, that for all practical intents and purposes, we do not have a loyalty security program in regard to nonsensitive positions?

Mr. **PREYER** of North Carolina. The gentleman is correct. This bill would bring nonsensitive positions into our security program.

Because of the holding in the case of Cole against Young we, in effect, have no security program for nonsensitive positions at this time.

Mr. **ICHORD.** Is it not also true that the Department of Justice has advised personnel security officers not to proceed on the ground of loyalty but to proceed on the ground of suitability and efficiency?

Mr. **PREYER** of North Carolina. That is part of the confusion in the present program. No one has been dismissed from Government employment in the last 5 years on the grounds of loyalty-security. But that does not mean that everybody is loyal or that there are no security risks.

The **CHAIRMAN.** The time of the gentleman has expired.

Mr. **ICHORD.** Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. **PREYER** of North Carolina. It means they are dismissed on some other ground. This is a tortuous and artificial way to get at it. They are dismissed on the ground of suitability because that is less troublesome, but it does not avoid legal problems. It raises the point of what if there is no alternative ground for dismissal of someone who is a security risk, for example. Then you run into problems.

Mr. **ICHORD.** Is it true, I would ask the gentleman from North Carolina, that many, if not all of the departments, have not devised rules and procedures for dismissal of nonsensitive position employees under a loyalty provision?

Mr. **PREYER** of North Carolina. Yes; the gentleman is correct.

I think many of them have misinterpreted perhaps and have not devised their own loyalty-security programs. I think probably they could and they should. I think my amendment would make it perfectly clear and make it legally and perfectly acceptable for them to proceed with that kind of program.

The **CHAIRMAN.** The time of the gentleman has expired.

Mr. **ASHBROOK.** Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. MIKVA).

Mr. **MIKVA.** Mr. Chairman, I thank the distinguished minority Member for yielding this time to me.

Mr. Chairman, I appreciate the concern that the committee has for trying to help the executive branch to develop suitable employment standards for its employees. Everybody who has ever hired anybody knows how difficult it is to find good men and women.

Just this morning, for instance, in reading the Washington Post, I find this very committee has had some trouble with some of its employees violating Federal and State law. I refer specifically to the column by Mr. Jack Anderson. I have reason to believe the facts are accurate.

Two of the investigators of the House Internal Security Committee, assigned as I understand it to the distinguished ranking minority Member, went into Chicago and apparently sought to bug a room where a convention of some far left organization was taking place.

Of course, that violates State and Federal law.

I must say in defense of the distinguished ranking minority Member whom Mr. Anderson called personable—and I would agree, that he did not condone this behavior.

He said that if it occurred, it certainly occurred without his consent and that he would have disapproved of it, and I am glad to hear it.

But more than the question of approval or disapproval, these employees, though they might have been hired by the gentleman from Ohio, they are still employees of the House. If the facts are true, they violated the Omnibus Crime Control Act and very clearly violated the statutes of Illinois which specifically prohibit this kind of electronics eavesdropping. I would like to inquire of the chairman and the ranking minority member what we are going to do about screening the employees of his committee to see to it that they do not violate State and Federal laws; whether any specific disciplinary action will be taken by the committee if the facts prove true; whether an investigation is started, or what? If either of them would care to answer, I would be happy to yield to them.

Mr. **ASHBROOK.** Mr. Chairman, will the gentleman yield?

Mr. **MIKVA.** I yield to the gentleman from Ohio

Mr. **ASHBROOK.** I think the key to what the gentleman has said is the question whether it is true. There is a lot of difference between what is charged often and what is actually the case. I am looking into it. I did not know anything about it until I was told by one of Mr. Anderson's associates over the weekend. I have not been able to talk to the other party. I am attempting to look into it, and if it is the case, I would be as exercised about it as the gentleman is.

Mr. **MIKVA.** Let me say to the gentleman that these events occurred in the city of Chicago, and I will be happy to make available to him all the facts I have on it since it involved some people at the hotel with whom I have an acquaintance.

Mr. **ICHORD.** Mr. Chairman, will the gentleman yield?

Mr. **MIKVA.** I yield to the gentleman from Missouri.

Mr. **ICHORD.** I am not familiar with the facts in the story written by Jack Anderson. Of course, I am sure the gentleman from Illinois does not believe every story he reads in the newspapers. I would point out that it is my intention to look into the facts surrounding this matter. I would also point out that the story of Jack Anderson was not complete in that it described a young workers liberation league as a far-leftist group. It is very far left. In fact, I would say to the gentleman from Illinois, as I am sure the gentleman well knows, the Young Workers Liberation League is the youth arm of the Communist Party, U.S.A. I would state specifically to the gentleman that no employee of the House Committee on Internal Security is authorized to engage in wiretapping.

But let us get the facts first. I am sure the gentleman would be the last to believe everything he reads in the newspapers.

Mr. **MIKVA.** Let me assure the gentleman that I appreciate his enlightening me on the location of this particular group in the political spectrum. I did not know that in the past, but I am willing to accept his word for it.

Mr. **ICHORD.** The gentleman may.

Mr. **MIKVA.** I am curious to know if the chairman would suggest that the degree of malfeasance of these employees would be measured by how far to the left the organization stands. Let us assume that it was the Communist Party itself. Would that justify electronics eavesdropping?

Mr. **ASHBROOK.** Mr. Chairman, will the gentleman yield?

Mr. **MIKVA.** I yield to the gentleman from Ohio.

Mr. **ASHBROOK.** Absolutely not. If it is wrong, it is wrong whatever the group.

Mr. **MIKVA.** I might also point out that I did discuss this matter with the chairman. It happens that the owner of the hotel where these events took place is a friend of mine. He is not a member of the group that was under surveillance; he happens to be engaged in the American activity of making money owning a hotel.

Mr. **ICHORD.** Mr. Chairman, will the gentleman yield?

Mr. **MIKVA.** I am glad to yield to the gentleman from Missouri.

Mr. **ICHORD.** The gentleman is correct in saying that he discussed the matter briefly with me. I am sure the gentleman from Illinois was not the one who leaked the story to Jack Anderson. Is that not true?

Mr. **MIKVA.** Do not be too sure. Let me say in conclusion I think there may be something endemic about this kind of problem whenever we get into groups whose sole function is that of looking into somebody else's thoughts, philosophies and intents. I believe very strongly that the Government and the Congress have to measure the suitability of their employees, and I believe that neither Congress nor the Government ought to be powerless to measure that suitability. But something seems to happen when a group, whether it is the House Internal

Security Committee or the Subversive Activities Control Board, gets involved in measuring what is going on in a person's mind, they go into such practices as wiretapping or electronics eavesdropping.

I would much prefer to have the gentlemen who now make up the Subversive Activities Control Board do something else for a living, and perhaps the activities now engaged in by the House Internal Security Committee could properly be transferred to the House Judiciary Committee, as they are in the other body, and perhaps we would have less occasion to find out who is bugging whom. I thank the gentleman very much.

Mr. ICHORD. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I find myself constrained to come forward and assert that I am neither, I think, of the extreme right, nor of the extreme left, and yet I do oppose the amendment described by the distinguished gentleman from North Carolina (Mr. PREYER) for whom I have the highest respect. But because I do oppose it, and because I do not want to accept the designation that the distinguished gentleman from Missouri has placed on those who might oppose this, I feel it necessary to explain why I oppose it. Let me point out first that Executive Order 10450 does give departments and agencies the authority to screen those they employ. I agree with that purpose. I think agencies should have the right to screen their employees for security purposes.

The thing that troubles me, however, is the writing of a specific act which provides for uniform screening of persons regardless of the sensitivity of the job. There is a tremendous invasion of privacy therein involved.

Of course, the gentleman from North Carolina has properly said that employment is not a matter of right, but fair and evenhanded treatment in public employment is a matter of right, and I think the gentleman has quite sincerely attempted to protect that fair and equal treatment.

But the difficulty is, I think, the gentleman from North Carolina has made of the function of governmental employment a judicial process which does not really adequately protect first amendment rights. I would think that a person seeking Government employment would rather simply be turned down as not a suitable employee for the particular job and not a suitable employee, because the agency head may feel he is not suitable for several different reasons—perhaps even including the agency head's consideration that the person might be a security risk—I would think the person would rather be turned down rather than have a Federal case made out of his rejection, particularly when the Federal case cannot, in fact, be adequately tried so as to do the applicant justice.

The applicant for Federal employment is asked first whether he ever belonged to an organization that he knew to be in favor of overthrowing the Government by force. If his answer is yes, he is asked whether he had the specific intention to further the aims of the organization. Let us say the applicant answers the first question yes, because he feels he has to answer it that way, although he might not have really known specifically what the full nature and purposes of the organization were. Perhaps he contributed a dollar to the aid of Loyalist Spain in the 1930's, and he does not know exactly when he found out that the Loyalists pretty much fell into the lap of the Soviet Union, and he does not know exactly how he ought to classify that contribution and his resulting membership in an organization. But he answers yes. He wants to be candid and fair. Of course, in the first place he has to make a very difficult judgment in answering the first question. It is not a black and white question, but in answering the second question no, he is quite sure he had no specific intent to further the aims of such organization. The agency does not employ him. The agency says, well, if you knew an organization to which you belonged was subversive, we think under the circumstances there is some evidence that you would be a security risk.

Now, what kind of review does he have? His review lies under th judicial review provisions on line 14 of page 16:

> The findings of the Commission as to the facts, if supported by substantial evidence, shall be conclusive.

It does not say anywhere that the Security Board would have to find that he had a specific intent to overthrow the Government by force or violence, and if it does require that, it does not say that the Board might not answer that question in the affirmative on the basis of evidence that the applicant merely belonged to the organization. So the ultimate result is that under the assumptions of the judicial review the man is, in fact, convicted of being unsuitable as a security risk because it is determined that there is "a reasonable doubt that such person will in good faith support the Constitution of the United States."

For my part, I would think that one would be in a better position simply to be refused employment in the first place, rather than to be put through a trial in which the ordinary standard of proof on the basis of substantial evidence on the record as a whole supports agency action.

Any Members who have ever tried an administrative agency case know that it is virtually impossible to overthrow the agency determination when the agency says. "We had some reasonable basis on the record as a whole" and the facts to be proved are as subjective as those here involved.

In this instance the agency would say, "We knew, and you admitted, that you belonged to an organization that has as a part of its purpose the overthrow of the Government by force and violence."

Mr. ICHORD. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Missouri.

Mr. ICHORD. I agree with the gentleman up to a certain point, but I do not know exactly where he takes off in disagreement with me.

As the gentleman has indicated, we are trying to engage in a very delicate balancing of the rights of the individual against the security interests of the Nation.

Let me ask this question: Does the gentleman believe that a loyalty-security program can be efficiently and effectively operated?

Mr. ECKHARDT. I believe it can, by the agency involved.

I would leave in effect Executive Order 10450, substantially as it is, and I would let the agency weigh these matters in its own discretion. I believe in the long run this will have a less deleterious effect on free speech than any other approach.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ICHORD. Mr. Chairman, I yield the gentleman 1 additional minute.

Would the gentleman from Texas be in favor of the present approach where, because of difficulties—mainly Supreme Court decisions regarding the matter of loyalty—the agency is advised by the Department of Justice to look around to see if it can find other grounds for the dismissal, rather than to dismiss on loyalty grounds? This seems to me to be quite dangerous, I would say to the gentleman from Texas.

Mr. ECKHARDT. I must say to the gentleman if he understands me to so believe he is under a misapprehension.

The point I am making is that in judging an employee there are many factors which determine whether or not the agency will select him. There may be some lurking question in the mind of the agency head that the person would not be as devoted to the program of the governmental agency and as loyal to its general purpose as someone else. But I would hate to see a situation in which that man is called in for a quiz as to whether he supports the Constitution, and to what extent he does, and why he does not if he does not, and so forth. This all to me is extremely offensive under the first amendment rights.

Mr. ICHORD. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, in the 2 minutes I have I will say that I have listened very carefully to the debate here and that it has made two things quite evident: first, there has been no firing of anybody because of loyalty reasons in the past 7 years; second, there has been no evidence presented here today that would justify this attempt to overrule the Supreme Court, ignore the Constitution, and grant such broad powers to the executive.

H.R. 9669, the principal measure, would revive the guilt-by-association "Attorney General's List" which a long line of cases has held to be in violation of the first and 14th amendments.

It is true that nobody has a constitutional right to a job, but it is also true that nobody has a right to be deprived of a job for unconstitutional reasons or through unconstitutional means.

I think it is quite curious to suggest that the listing by an applicant or an employee of his membership in a listed organization would not disqualify him but merely touch off an investigation to see whether he is aware of and in agreement with the goals of an organization.

It is quite evident that such a person would be discriminated against in hiring and in being the first to be fired.

The other very serious constitutional infirmity of the bill is that it delegates substantial legislative powers to the executive in violation of the constitutional provisions with which we are so familiar.

Having gone through the lesson of the Gulf of Tonkin and many other things, I should think we would be very careful not to grant to the President such broad power to enforce the law, not to mention the power to make the law. I believe that H.R. 9669 does both.

H.R. 11420 the substitute bill, would violate, in its scope of inquiry, the decisions you mentioned, Mr. PREYER, in the Wadmond and Stolar cases, in that it gives authority to go into the nature of a political organization and political association beyond what is permitted under those cases.

Both bills are ill-advised and unconstitutional, and I urge their resounding defeat.

Mr. TEAGUE of Texas. Mr. Chairman, I speak for H.R. 9669 and against the proposed amendment—or "any amendment that may be offered."

H.R. 9669 is designed to strengthen and improve the Federal personnel security program. It has been the subject of hearings. It has been reported by the Committee on Internal Security. It is endorsed by the Department of Justice, the administration, the American Legion, the Veterans of Foreign Wars, and by the SACB and others whose views merit our positive consideration.

This bill has the value of retaining the present time-tested and court-tested security program with as few changes as possible—and with only such changes as will clearly better guarantee due process to all parties concerned and improve the chances of the program's continuing to survive any constitutional challenges.

We are dealing here with a complicated, sensitive subject—the balance between individual rights and Government security, which is the security of the people as a whole, their group rights. Any changes made in such a program must be carefully studied and analyzed, both from the viewpoint of constitutionality and of practicality.

No proposed amendment meets these criteria. None has won the approval, after hearings, of any appropriate, qualified committee. Lacking this, I do not see how, in a relatively few minutes of debate, and lacking a report on a proposal, we can thoroughly explore and resolve such important questions.

I recommend passage of the bill as reported and the rejection of all proposed amendments.

Mr. WYMAN. Mr. Chairman, I urge all Members of the House to support H.R. 9669.

What we are asked to vote for, through this bill, is the continuation of a sound, effective, and constitutional Government personnel security program. The program in effect today was initiated, basically, by an Executive order of President Truman in 1947. With some changes it has been continued in effect by every President since that time.

The compilation of an Attorney General's list has been, and is, a key element in this program. This list was actually initiated prior to the Truman loyalty order by an Executive order of President Franklin D. Roosevelt issued on February 5, 1943. Thus, it has been in effect as a guide and yardstick in Government personnel security matters for almost 30 years.

Why do we need an Attorney General's list? Because the head of each Government agency, by Presidential directive, is responsible for determining that the employment of every person in his agency does not create or continue a meaningful risk to the national security.

How can he do this? It is clearly impractical to conduct, or have the FBI make, a full-scale investigation of the lifetime activities and associations of every individual applicant for Government employment. The cost would be prohibitive and it would be grossly inefficient because of the intolerable delay in hiring needed personnel.

But suppose it could be done and agency and security officers had before them complete life histories of all applicants. How would they interpret them? What would it mean securitywise, for example, if one person had been associated with the Chopin Cultural Center in Chicago, another with the Guardian Club in San Antonio, a third with the Idaho Pension Union and still another with the Citizens Protective League in New York City?

Were or are these groups subversive? Is or was it their intent to destroy our constitutional form of government? If the latter, were they associated ideologically and by action with a hostile foreign power or international movement, or were they purely domestic in nature? If they had foreign ties, were they Fascist, Nazi, Communist, or of some other type completely alien to our form of government? Answers to these questions are vital to a sound security program, as are the individual applicant's role and intent as a member.

Even experts on subversion, sitting in Washington, could not be expected to know the name and nature of every group, large or small, old or new, in every area and city of the country, which had adopted an ideology and program of action so completely alien to our form of government that knowing affiliation with the group raised a valid question about a person's fitness for Government employment.

Yet, unless someone in Government knew the facts, there could not be a worthwhile security program. The groups mentioned a moment ago, though they have innocent sounding names, have been found to be subversive by various Attorneys General and are presently on the Attorney General's list.

That is why President Truman, as F. D. R. had done before him, directed the Attorney General to prepare a list of such organizations for the information of Federal security officials and why directives to that effect have been continued by every President since that time. The Attorney General, with the services of the FBI at his disposal, was the one Government official in a position to prepare such a list.

The fact that an applicant for Government employment has been affiliated with a group on the list has never been an automatic bar to his employment. But it is a factor to be weighed in determining continuing fitness on security grounds—a warning signal calling for investigation to determine whether the association was knowing and intending or unwitting, when it existed, for how long, and so forth, with particular reference to classified employment. Consideration of these and related factors has resulted in some persons associated with groups on the list being hired and some being denied Government positions.

The House Committee on Internal Security has recently held extended hearings on the Federal personnel loyalty/security program and the administration of the Subversive Activities Control Act. The question of the Attorney General's list was a major consideration in these hearings, in which security officials and counsel of some two dozen Government departments and agencies testified. Let me quote the summary of their testimony about the Attorney General's list as it appears in the committee report on the bill we are now considering, H.R. 9669:

> With few exceptions, all of the departments and agencies of whom inquiry had been made have supported the concept of the Attorney General's list, and regard it as helpful in the execution of the loyalty-security programs maintained by them . . .
>
> Several agencies have made clear that they have neither the expertise nor the facilities for independently proving the character of organizations, and have urged that the determination of such questions be centralized.

The committee itself, after reviewing the testimony and evidence stated:

> We are in agreement that the maintenance of a current and reasonably comprehensive Attorney General's list of subversive organization is indispensable to the efficient operation of the Federal Civilian Employee Loyalty and Security Program.

The hearings also pinpointed a serious problem known for years to persons informed on this matter. This is the fact that the Attorney General's list has not been kept up to date. No group has been added to it since 1955, a period of almost 17 years. Of the 283 groups now on the list, at most 20 are functioning today. The personnel security program has lost some of its effectiveness because of this. Again, let me quote the committee report of testimony on this subject:

> Virtually, all [departments] deplored the fact that there has been a failure in maintaining current designations, and for that reason found it [the list] unsatisfactory.

The committee itself stated:

> The failure to maintain a current Attorney General's list has been but one of several weaknesses in the maintenance of the loyalty and security program.

As the first step in correcting this situation and revitalizing the Attorney General's list, President Nixon issued Executive Order 11605 last July 2. Under previous orders, the Attorney General had sole authority in compiling the list.

He was, in effect, accuser, prosecutor, judge, and jury.

Let me point out that the Executive orders of both Presidents Truman and Eisenhower authorizing the Attorney General to compile the list have been challenged in the courts on more than half a dozen occasions. They survived every one of these challenges.

The trend of recent court decisions in the loyalty-security area and relating to due process, however, convinced the President that a system providing greater due process and protection against unjustified listing would be advisable. The most significant change in the program effected by his order of last July, therefore, was that the Attorney General was denied the absolute authority he previously had in compiling the list. The new order provides that he may add a group to the list only after he has convinced an independent, quasi-judicial agency, the SACB, that the group fits the definition of one of the six types of organizations enumerated in the order; that is, that it is totalitarian, Fascist, Communist, subversive, advocates force and violence to deny others their rights under the Constitution, or that it seeks to overthrow the Government by unlawful means.

This order was studied and discussed at length in the White House and Office of Legal Counsel of the Department of Justice before it was issued. It was agreed, without question, that the President had authority to give the SACB new duties in the same area, and of the same type, assigned to it by the Congress. Many similar Executive orders have been issued in the past.

There was also agreement, however, that the President did not have the authority to confer on the Board for these hearings the subpena and contempt power the Congress had conferred on it for proceedings under the Internal Security Act.

The administration, therefore, sent to the Congress a bill which would give it such authority in proceedings related to the Attorney General's list. The purpose of the bill and of the authority it would confer on the Board is to insure fair and full disclosure to both sides in Board hearings, and also to enable the Board to cope with deliberate disruption of its proceedings. The only other provision in the bill as it was sent to Congress was that it would change the name of the SACB to "Federal Internal Security Board."

As the report on the bill indicates, an amendment proposed by the distinguished chairman of the committee was adopted before the bill was reported. The committee agreed that this amendment would strengthen and improve the Government security program and remove any doubts about the authority of the President to act as he did in issuing the Executive order.

I share the views of the committee that this is an important and much-needed piece of legislation, and I trust that the House will act favorably on it.

Mr. BADILLO. Mr. Chairman, I rise to express my very grave concern over both the measure designed to expand the powers of the Subversive Activities Control Board (H.R. 9669) and the intention to substitute for it legislation effecting a rather fundamental and comprehensive change in the Federal employee security program. Both of these ill-conceived measures raise very serious constitutional issues and potentially infringe upon those basic rights of citizens which we have all sworn to uphold and defend. Neither one of these can be justified on any basis and they both deserve prompt and decisive defeat.

The civil liberties of prospective Federal civil servants are seriously endangered by H.R. 9669. This bill attempts to legitimize the President's Executive Order 11605 of last year by delineating new duties for the SACB. It simply perpetuates a needless bureaucracy which is nothing more than a vestige of a bygone era and period of "subversive" witchhunts. Not only does the SACB have no substantive or justifiable duties to perform but there is no evidence that any Federal agency needs this body to insure that its employees are acting in a manner detrimental to our system of government. Testimony before the committee earlier this year revealed that no Federal department or agency has had to remove a single employee on the basis of loyalty or security for at least 2 years.

Further, as our able colleague from Massachusetts (Mr. DRINAN) has so aptly observed in his scholarly and perceptive dissenting views, H.R. 9669 represents a "total abdication to the President of legislative authority over the jurisdiction of the SACB" as the President is established as the sole and exclusive legislator regarding SACB activities. This legislation grants to the President virtually unlimited and clearly unconstitutional powers to delegate to the SACB investigations of organizations which some may consider as subversive. Considering the fact that Executive Order 11605 would probably be declared unconstitutional if enforced, I shudder to think what the present or some other misguided President in the future may classify as subversive. In addition, there is absolutely no justification as to why the Congress should abandon or otherwise relinquish its constitutional responsibilities for defining the jurisdiction and responsibility of any Federal department, agency, commission, board, or other official or semiofficial body, especially during this period when we are attempting to exert and regain our authority and powers of influence in foreign and military affairs.

Our colleague from North Carolina (Mr. PREYER) notified us last week that he intends to offer the language of H.R. 11120—replacing the SACB with a Federal Employee Security and Appeals Commission—as a substitute for H.R. 9669. Not only do the Department of Justice and the U.S. Civil Service Commission oppose this measure but this legislation has never been reported out of committee, even though there have been about 2 years of hearings into the whole issue of loyalty-security programs in the Federal Government. H.R. 11120 as such has neither been considered by the Internal Security Committee nor any other congressional committee and, in view of such a major restructuring of governmental policy and practices, I believe it would not only be dangerous but irresponsible for us to act on it without the benefit of full congressional hearings and an appropriate report. Additionally, there are no meaningful guarantees that the current questions of unconstitutionality will be avoided, that the rights of present and prospective Federal employees will be fully protected and that there will be no "guilt by association" provisions.

Mr. Chairman, in striving to afford appropriate protections against the threat of internal subversion and disloyalty we must not revert to the repressive attitudes and approaches of previous times and attempt to establish such protection by abridging the rights of citizens. I am fearful that this is what these two measures would primarily accomplish. In the process they will simply exacerbate current domestic tensions and will seriously curb constitutional liberties. We cannot permit this to happen and I again urge that we soundly defeat this misdirected legislation.

Mr. ANNUNZIO. Mr. Chairman, I am opposed to both of these bills—H.R. 9669 and H.R. 11120—that come to us from the Internal Security Committee and have essentially the same purpose, which is to provide a statutory basis upon which the Subversive Activities Control Board may carry out the function which President Nixon has given it by Executive Order 11605 of July 2, 1971—the function of updating the Attorney General's list of subversive organizations to be used as a means of investigating the loyalty of applicants for Federal employment. H.R. 9669 changes the name of the Board to the Federal Internal Security Board; H.R. 11120 changes it to the Federal Employee Security and Appeals Commission.

The output of the SACB hardly justifies its continuation. As a result of more than 20 years of effort, the Board, as of June 30, 1971, had published final orders determining one organization—the Communist Party—to be a Communist-action organization and seven organizations to be Communist fronts. The Board's record of achievement is pathetic.

Last year, the SACB Chairman indicated, their entire workload consisted of listening to three witnesses. Thus, the SACB's political appointees have done little more than draw their large salaries and drain the citizens' pocketbooks of hard-earned tax dollars which could be put to better use elsewhere.

Mr. Speaker, I protest the utter waste of money which would be appropriated for the Federal Internal Security Board or the Federal Employee Security and Appeals Commission. In 1970 Congress gave the SACB $401,400 for fiscal 1971; in 1971 Congress gave it $450,000 for fiscal 1972. These sums add up to close to a million dollars over a 2-year period. Are we going to throw away hundreds of thousands of dollars that could be directed to meeting the crying needs of our cities for better schools, expansion of mass transit, for the fight against environmental pollution and crime in the streets?

Mr. Speaker, I urge Members to vote down these bills, to abolish the SACB, and to spend the money we would save to meet the real needs of the country.

Mr. CELLER. Mr. Chairman, I oppose H.R. 9669, which delegates to the President totally unlimited authority to proscribe political associations of Federal employees and applicants for such employment. The only standard—that an organization be "relevant" to an employee's suitability on loyalty and security grounds—is the equivalent of no standard at all.

Three important constitutional principles are violated. First, the Constitution vests all legislative authority in the Congress. That authority cannot be delegated to the President who can only execute laws which the Congress has enacted. Second, in an area which touches the first amendment, very clear standards must be written into the law to insure that activities protected by the first amendment are not included within the legislative prohibition and to prevent the arbitrary exercise of authority by those entrusted with the execution of the laws. Third, the first amendment prohibits exclusion of individuals from Government employment on the basis of nothing more than membership in organizations, even those which advocate the violent overthrow of the Government, an occurrence in no way prevented by this bill.

The law is well established that Congress may not delegate legislative authority to the President. As long ago as 1825, the Supreme Court regarded this principle as "universally recognized." Said the Court:

> That Congress cannot delegate legislative power to the President is a principle universally recognized as vital to the integrity and maintenance of the government ordained by the Constitution. *Field* v. *Clark*, 143 U.S. 649 (1825).

That is precisely what we have here. As was so well put in the dissenting views, by passing this bill:

> The Congress would simply vest in the President nothing more or less than the power to write the loyalty-security laws of the United States.

The Supreme Court has also spoken on laws affecting the first amendment, holding that they cannot be vague or overbroad. As the court stated in a case striking down prohibitions against employment of members of "Communist-Action" organizations in defense facilities.

> It has become axiomatic that "precision of regulation must be the touchstone in an area so closely touching our most precious freedoms." *NAACP* v. *Button*, 371 U.S. 415, 438 (1963); see *Aptheker* v. *Secretary of State*, 378 U.S. 500, 512–13; *Shelton* v. *Tucker*, 364 U.S. 479, 488 (1960). *United States* v. *Robel*, 389 U.S. 258, 265 (1967).

It is no answer to suggest, as do the proponents of this legislation, that problems of vagueness and overbreadth may be cured by administrative care in drawing regulations. The limitations must be placed in the first instance on the one who is to do the implementing. Administrative discretion can be a dangerous tool, especially in the delicate area governed by the first amendment. The Supreme Court has described well this vice of unfettered executive branch discretion. Where such discretion exists, said the Court:

> No one can tell . . . what meaning is intended . . . [They] will be given meaning according to the predilections of the [administrator] . . . [to some they] will be synonymous with "radical"; to other [they] will be synonymous with "communist." [They] can be expanded to include those who depart from the orthodox party line—to those whose words and actions, though completely loyal, do not conform to the orthodox view on foreign or domestic policy. These flexible standards, which vary with the mood or political philosophy of the [administrator] are weapons which can be made as sharp or blunt as the occasion requires. *Joint Anti-Fascist Refugee Committee* v. *McGrath*, 314 U.S. 123, 174–76 (1951) (concurring opinion).

Familiarity with actions of this administration in the loyalty-security area provides a perfect illustration of why we must enunciate carefully the standards to be followed. Executive Order No. 11605, the administration's current attempt to define those kinds of organizations which ought to be blacklisted, is a textbook example of constitutionally prohibited vagueness and overbreadth.

The Executive order authorizes the Attorney General to petition the SACB to hold hearings to determine whether any organization is "totalitarian, Fascist, Communist, subversive or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means."

The range of impermissible conduct encompassed in the definitions of the phrases quoted above boggles the mind. Not only is advocacy of force or violence included, but advocacy of "autocratic" government, of "rigid one-party dictatorships," or of a system in which "control is centered in a single individual, group or political party, allowing no effective representation to opposing individuals, groups or parties and providing no practical opportunity for dissent." Advocacy of support for some of this Nation's allies, as well as our enemies, could come within these standards.

Although the order specifies that the forbidden objectives must be pursued by "unlawful means," those means are not defined. Presumably, they can, and may well, include such crimes as parading or demonstrating without a permit, organizing draft resistance, burning a draft card, illegal strikes, violating injunctions, disorderly conduct, symbolic but harmless acts of civil disobedience, or even jaywalking.

The Executive order is so vague and overbroad that the committee report on H.R. 9669 spends almost three full pages on its drawbacks and deficiencies. Moreover, one Federal judge has already indicated that it:

> Raises constitutional problems by reason of [its] vagueness and overbreadth and the resulting effect on the rights of many government workers, present or future. *American Servicemen's Fund* v. *Mitchell*, C.A. No. 1776–71 (January 10, 1972).

I have described the Executive order at some length to demonstrate to you why it is that we cannot rely on the executive branch to narrow its use of the unfettered power which this bill would give it. Unless its vagueness, overbreadth and lack of standards are cured, the Congress has no business passing it.

The Supreme Court has set very specific standards which Government must meet when trying to probe the associations of applicants and employees. Stated briefly, the first amendment protects membership in all organizations, even those with illegal objectives, unless the individual knows of the purpose and shares a specific intent to promote the illegal purpose. *Whitehill* v. *Elkins*, 389 U.S. 54 (1967), *Keyishan* v. *Board of Regents*, 385 U.S. 589 (1967); *Elfbrandt* v. *Russell*, 384 U.S. 11 (1966); *Wieman* v. *Updegraff*, 344 U.S. 183 (1952). The Supreme Court, in an opinion within the last six weeks, has restated its adherence to these principles. *Cole* v. *Richardson*, 40 U.S.L.W. 4381 (April 18, 1972):

> We have made clear that neither federal nor state governments may condition employment on taking oaths which impinge rights guaranteed by the First and Fourteenth Amendments respectively, as for example those relating to political beliefs. *Law Students Research Council* v. *Wadmond*, 401 U.S. 154 (1971); *Baird* v. *State Bar of Arizona*, 401, U.S. 1 (1971); *Connell* v. *Higgenbotham*, 403 U.S. 207, 209 (1971); Marshall, J., concurring). Nor may employment be conditioned on an oath that one has not engaged, or will not engage, in protected speech activities such as the following: criticizing institutions of government; discussing political doctrine that approves the overthrow of certain forms of government; and supporting candidates for political office. *Keyishian* v. *Board of Regents*, 385 U.S. 589 (1967); *Baggett v. Bullitt*, 377 U.S. 360 (1964); *Cramp* v. *Board of Public Instruction*, 368 U.S. 278) (1961). Employment may not be conditioned on an oath denying past, or abjuring future, associational activities within constitutional protection; such protected activities include membership in organizations having illegal purposes unless one knows of the purpose and shares a specific intent to promote the illegal purpose. *Whitehill* v. *Elkins*, 389 U.S. 54 (1967); *Keyishian* v. *Board of Regents, supra; Elfbrandt* v. *Russell*, 384 U.S. 11 (1966); *Wieman* v. *Updegraff*, 344 U.S. 183 (1952). Thus last Term in *Wadmond* the Court sustained inquiry into a bar applicant's associational activities only because it was narrowly confined to organizations which the individual had known to have the purpose of violent overthrow of the government and whose purpose the individual shared. And, finally, an oath may not be so vague that "men of common intelligence must necessarily guess at its meaning and differ as to its application, [because such an oath] violates the first essential of due process of law." *Cramp* v. *Board of Public Instruction*, 368 U.S., at 287. Id at 4383.

This bill does not by its terms violate these standards because it itself states no standards at all. But it leaves the executive branch totally free to violate those standards in a way which, as I described earlier, the individual will most often be powerless to prevent. That is why if we are to enact any legislation in this area, it must contain clear prohibitions and mechanisms for the employee to insure that his or her constitutional rights are being observed.

H.R. 11120

This brings me to H.R. 11120 which Congressman Preyer has offered as a substitute to H.R. 9669. I believe this bill is also unconstitutional. I am joined in that view by constitutional scholars who testified before the House Internal Security Committee, as well as by the administration which expressed doubts about its constitutionality and concluded that it would decrease the effectiveness of the current Federal employee security program.

H.R. 11120 appears to create the standards which H.R. 9669 lacks. It uses many more words, but upon examination it turns out to give the President just about as free a hand as H.R. 9669. The heart of the bill appears in section 6 which authorizes the President in determining whether employees will in good faith support the Constitution:

> Any fact relevant and material to that determination, including, but not limited to, the holding of present or past membership in, or association with, organizations within the United States of the following types:

The balance of section 6 attempts to reproduce associational inquiries which the Supreme Court has allowed for attorneys. *Law Students Civil Rights Research Council* v. *Wadmond,* 401 U.S. 154 (1971), *Baird* v. *State Bar of Arizona,* 401 U.S. 1 (1971); *In re Stolar,* 401 U.S. 23 (1971).

The bill thus, on the one hand, gives the appearance of an attempt to comply with these limitations outlined in Supreme Court decisions, while actually containing a vast loophole. The proponents of the bill have attempted to seize on the Court's language in Wadmond to the effect that the Government could test the applicant's good faith by certain limited associational inquiries. But that language does not authorize a departure from the Supreme Court standards as set forth earlier in the Cole case, requiring "knowing membership with a specific intent to further illegal objectives." The "includes, but not limited to" language in H.R. 11120, as well as its reference to simple "membership or association" expressly frees the President from the very limits which the proponents of the bill claim have been carefully written into it.

Moreover, I see no constitutional basis for a loyalty program as broad as this one. The Supreme Court has never sanctioned a comprehensive loyalty program for all Government employees without regard to the sensitivity of their positions. In the 1971 cases concerning lawyers, the Court relied heavily on the special responsibilities of that profession. Indeed, in United States against Robel, the Court struck down a law prohibiting employment of Communists in a defense plant, finding it a fatal flaw that it made "irrelevant that an individual subject to the penalties—may occupy a nonsensitive position." 389 U.S. at 266. Lower Federal courts have begun to issue such rulings. In *Soltar* v. *Postmaster-General,* 277 F. Supp. 579 (N.D.Cal. 1967), the Government's interest in requiring an applicant for a Post Office job to reveal his political associations was found insufficient to override the first amendment rights. *Accord, Stewart* v. *Washington,* 301 F. Supp. 610 (D.D.C.). I believe these courts correct. If the Government's interest in Robel, that of safeguarding the defense of the United States, which the Court recognized as very substantial, was not enough to justify a sweeping loyalty program there, then certainly, when you consider the massive assault on the first amendment, there is insufficient interest to establish such a program for every Federal employee without regard to the kind of job he or she holds.

H.R. 11120 is a massive fraud. It purports to protect constitutional rights while robbing them in a wholesale fashion. It must be rejected.

CONCLUSION

In conclusion, then, I ask you to keep the following thought in mind.

The first amendment to our Constitution guarantees to all our people freedom of speech and freedom of association. These are not simply abstract phrases to be taught to students as they learn about our system of Government in school. The strength of a democracy, as the first amendment recognizes, depends, in part, on the freedom which people feel to discuss, debate, criticize, and oppose the policies and actions of their Government. Both of these bills would shut off that debate, by frightening individuals from joining groups which advocate highly unpopular views. We must recognize that the Constitution under which this entire Government must operate simply does not permit people to be penalized because of their membership in groups which advocate unpopular and offensive ideas and indeed leaves no room for the Government to frighten people out of doing so.

As Senator Sam Ervin said during last year's debate over the funding of the Subversive Activities Control Board, "a fear of freedom" seems to permeate the air each time these issues are debated. We here in the Congress must make it clear that the freedom embodied in the first amendment is nothing to fear, but a precious value of our form of Government which we have an obligation to protect.

Mr. RYAN. Mr. Chairman, H.R. 9669 represents another attempt to revive the moribund SACB. In the 21 years of its existence, the SACB's single accomplishment has been to increase the load of our already overburdened courts by generating a vast amount of constitutional litigation. The total uselessness of the SACB was brought out once again when the appropriations bill for fiscal year 1973 for the State, Commerce, and Justice Departments came before the House on May 18. Contained in that bill was $450,000 for the SACB, an appropriation I opposed strongly.

Because the Federal courts have held most of the duties of the Board unconstitutional, Executive Order 11605 was issued and published in the Federal Register on July 7, 1971. This Executive order authorizes the Government, in evaluating the loyalty of its employees, to consider "knowing membership in, or affiliation or sympathetic association with" any group which is totalitarian, Fascist, Communist, subversive, which unlawfully advocates force or violence to deny others their constitutional rights, or which seeks to overthrow the Government by unlawful means. The SACB, under this order, was given the task of making a list of such organizations to replace the outdated Attorney General's list.

The constitutionality of this order has been questioned, and in *American Servicemen's Fund* v. *Mitchell,* C.A. No. 1776-71 (Memorandum and Order, January 10, 1972), although the district court dismissed the action as premature, it left no doubt about the ultimate unconstitutionality of the Executive order. The court stated:

> * * * the Order contains definitions governing listing which appear on their face to raise constitutional problems by reason of their vagueness and overbreadth and the resulting effect on the rights of many Government workers, present or future.

The bill currently under consideration is an attempt to legitimize this Executive order. It represents yet another step in the effort to revive an obsolete piece of Government machinery. Yet, not only does this legislation attempt to prop up this failing and unnecessary Board, it does so in a manner which is of doubtful constitutionality.

The bill would give the Board additional duties by empowering the President to delegate to the SACB the authority to conduct hearings and make findings with respect to the character of certain organizations in order to ascertain the suitability of persons, on loyalty and security grounds, for employment by the executive branch.

This may well constitute an unconstitutional delegation of legislative authority to the executive. There are no guidelines set forth in this legislation, no standards which would effectively circumscribe presidential action in this area. The President would be authorized to create any criteria in the desired "with respect to the character of relevant organizations."

We, in the Congress, are becoming increasingly aware and vocal about the need to reassert our constitutional authority in many areas of national concern. Passage of this measure would constitute still another instance of the abdication of congressional responsibility in favor of the executive by giving the President free rein in determining which associations represent a threat to national security.

The provisions of this bill dangerously undermine one of our basic freedoms, the right to assemble freely without fear of Governmental reprisal. The designation of "unloyal" associations is left to the discretion of the President. Because the provisions are so broad and vague, no one can predict with any certainty which associations present and future President might deem "unloyal." Surely, this is a serious constraint on the fundamental right of freedom of assembly.

Moreover, this is an unwarranted constraint. The House Internal Security Committee heard testimony from representatives of every cabinet department on this bill. None of the departments' spokesmen mentioned the need for expanded and more elaborate security procedures.

This is potentially dangerous legislation At the very least it is unsound and repressive. It should be defeated.

Mr. ICHORD. Mr. Chairman, in closing I would say to the Members of the House that H.R. 9669 as amended by the committee amendment does only three things. Much of the general debate today I fear has been irrelevant to the problem at hand. H.R. 9669 does only three things.

One, it changes the name of the Subversive Activities Control Board to the Federal Internal Security Board.

Second, it authorizes the SACB to perform the function that used to be performed by the Attorney General. I think this is a decided improvement. We will separate the prosecuting function from the judging function.

Third, it would give the SACB or the Federal Internal Security Board the powers to carry out that function.

It is necessary to have subpena power. It is necessary to give the Federal Internal Security Board the power to go into court to get its orders enforced.

It would also provide for court review. That is what H.R. 9669 does, and I ask the Members of the House to support the transfer.

Mr. WYMAN. Will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from New Hampshire.

Mr. WYMAN. It does not provide that any Federal employee loses his job because he is on any list of Subversive Activities Control Board renamed may come up with in the future, does it?

Mr. ICHORD. The gentleman is eminently correct. It does not.

Mr. Chairman, I have no further request for time.

Mr. ASHBROOK. I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3(11) of the Subversive Activities Control Act of 1950 is amended by deleting the words "Subversive Activities Control Board" and inserting in lieu thereof the words "Federal Internal Security Board".

(b) Section 12(a) of the Subversive Activities Control Act is amended by deleting the words "Subversive Activities Control Board" and inserting in lieu thereof the words "Federal Internal Security Board."

(c) The caption to section 12 of the Subversive Activities Control Act of 1950 is amended to read "Federal Internal Security Board".

SEC. 2. The provisions of subsections (c) and (d) (1), (2), and (3) of section 13, and section 14 of the Subversive Activities Control Act of 1950, as amended, shall apply to proceedings conducted pursuant to section 12 of Executive Order 10450, as amended.

Mr. ICHORD (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. PREYER OF NORTH CAROLINA

Mr. PREYER of North Carolina. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. PREYER of North Carolina:

Strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Constitutional Oath Support Act."

STATEMENT OF PURPOSE

SEC. 2. It is the principal purpose of this Act to establish procedures in the executive branch to insure that the oath or affirmation to support the Constitution, required of Federal employees by law and in pursuance of Article VI, clause 3 of the Constitution of the United States, is taken in good faith. The procedures thus established are intended to provide a means for assuring that only such persons as are loyal to the Constitution, disposed to defend and maintain it against all enemies, foreign and domestic, and committed to the efficient execution of their duties thereunder, are employed by the Government of the United States.

EMPLOYMENT STANDARDS

SEC. 3. The President shall establish and maintain in the executive branch of the Government, including the United States Postal Service, an effective program to insure that no civilian officer or employee shall be employed or retained in employment in any department, agency, or establishment thereof as to whom there is a reasonable doubt that such person will in good faith support the Constitution of the United States.

AUTHORITY TO PRESCRIBE REGULATIONS

SEC. 4. (a) The President is authorized to institute such measures and prescribe such regulations, not inconsistent with the provisions of this Act, as may be necessary to establish and maintain the program required by section 3 and otherwise to execute the provisions and purposes of this Act.

(b) No department or agency (including any independent establishment) of the executive branch of the Government shall make any contract or agreement in contravention of any of the requirements of this Act and the regulations issued pursuant thereto. Any such contract or agreement shall be void and of no effect.

PREAPPOINTMENT INVESTIGATIONS

SEC. 5. (a) The appointment of each civilian officer or employee to any position in the executive branch of the Government shall be made subject to investigation to determine whether there is any reasonable doubt that such person will in good faith support the Constitution of the United States. The scope of the investigation shall be determined upon the basis of an assessment as to the degree of adverse effect an occupant of the position (by virtue of the character and location of the position) could bring about on the national and internal security, the national interest, and the mission of the agency in which employment is sought, but in no event shall an investigation include less than a national agency check and written inquiry with respect to the person under investigation, and the completion of questionnaires required by section 6 of this Act.

(b) No person shall be appointed to, or employed in, any position in the executive branch prior to (1) the completion of a national agency check and written inquiries, (2) the completion by such person of the questionnaires required by section 6 of this Act, and (3) a preliminary determination made on the basis of the results thereof that there is no evidence to sustain the conclusion that a reasonable doubt exists that such person will in good faith support the Constitution of the United States: *Provided, however,* That the President may, by regulation, exempt foreign nationals from the requirements of this Act, and may, for reasons which he shall certify are necessary and compelling in the national interest, authorize the appointment of a limited number or class of persons for employment prior to completion of the investigation required by the provisions of this section.

(c) Persons delegated to make evaluations of the reports and results of investigations shall be specially trained and qualified for their duties, and shall be knowledgeable by reason of study, training, or experience on the subject of the origin and history of subversive organizations, their diversity, ideologies, leadership, and semantics, their organizational, recruitment, and indoctrination techniques and practices, their propaganda, agitation, and conflict doctrines, their strategies and tactics.

ORGANIZATIONAL INQUIRY

SEC. 6. (a) In determining whether any person seeking or holding employment in the Government of the United States will in good faith support the Constitution, the President may consider any fact relevant and material to that determination, including, but not limited to, the holding of present or past membership in, or association with, organizations within the United States of the following types:

(1) organizations of whatsoever description which have as a purpose or objective the overthrow of the Government of the United States or of any State by force, violence, or any unlawful means;

(2) organizations which advocate, teach, or urge, as a principle to be translated into action, the propriety or necessity of armed resistance or resistance by force to the execution of laws of the United States or the propriety or necessity of assisting or engaging in any rebellion or insurrection against the authority of the United States; and

(3) organizations which have been organized, or which are substantially controlled, by one or more organizations, or members of one or more organizations, described in paragraphs (1) and (2) of this subsection, and which operate directly or indirectly in support of the purpose, objective, advocacy, or teaching of organizations described in the aforesaid paragraphs.

(b) All applicants for employment in the executive branch shall be required to complete a questionnaire in writing in response to the following questions:

"(1) (A) Have you ever organized or helped to organize or become a member of any organization or group of persons which, during the period of your membership or association, you knew was advocating or teaching that the Government of the United States or of any State should be overthrown or overturned by force, violence, or any unlawful means? (If your answer is in the affirmative, state the facts below.)

"(B) If your answer to question (1) (A) is in the affirmative, did you, during the period of such membership or association, have the specific intent to further the aims of such organization or group of persons to overthrow or overturn the Government of the United States or of any State by force, violence, or any unlawful means?

"(2) (A) Is there any reason why you cannot take and subscribe to an oath or affirmation that you will support the Constitution of the United States? (If there is, explain.)

"(B) Can you conscientiously, and do you, affirm that you are, without any mental reservations, loyal to and ready to support the Constitution of the United States?"

(c) In addition to such general inquiry

with respect to membership in, and association with, organizations set forth in subsection (b) of this section, each applicant for employment in the executive branch shall be required to complete a questionnaire in writing with respect to past or present membership in, or association with, such specifically named organizations as are relevant to the applicant's age group and have been determined by the Federal Employee Security and Appeals Commission, established pursuant to the provisions of this Act, to be of the types set forth in subsection (a) of this section.

(d) Nothing contained in this section shall be deemed to prohibit the President from making inquiry of any person seeking or holding employment in the Government with respect to his membership in, or association with, organizations hitherto designated pursuant to Executive Order 10450.

FEDERAL EMPLOYEE SECURITY AND APPEALS COMMISSION

SEC. 7. (a) A commission is hereby created and established, to be known as the Federal Employee Security and Appeals Commission (hereinafter also referred to as the Commission), which shall be composed of five commisioners, who shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three commissioners shall be members of the same political party. All persons appointed as commissioners shall be trained in the profession of law, admitted to practice before the bar of any Federal district court, or of the highest court of any State, and shall be knowledgeable by reason of study, training, or experience on the subject of the origin and history of subversive organizations, their diversity, ideologies, leadership, and semantics, their organizational, recruitment, and indoctrination techniques and practices, their propaganda, agitation, and conflict doctrines, their strategies and tactics.

(b) The first commissioners appointed shall continue in office for terms of three, four, five, six, and seven years, respectively, the term of each to be designated by the President, but their successors shall be appointed for terms of seven years, except that any person chosen to fill a vacancy shall be appointed for the unexpired term of the commissioner whom he shall succeed. Upon the expiration of his term of office a commissioner shall continue to serve until his successor shall have been appointed and shall have qualified. The President shall choose a chairman from the Commission's membership. Each member of the Commission shall be eligible for reappointment. No commissioner shall engage in any other business, vocation, or employment. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(c) The Commission shall have an official seal, which shall be judicially noticed. The principal office of the Commission shall be in the city of Washington, but it may meet and exercise its powers at any other place. Three members of the Commision shall constitute a quorum. A vacancy in the Commission shall not impair the right of the remaining commissioners to exercise all the powers of the Commission.

(d) Subject to the civil service laws and classification acts, the Commission may appoint and fix the compensation of a chief clerk and such examiners and other employees as it may from time to time find necessary for the proper performance of its duties.

(e) The Commission may adopt such rules and regulations, not inconsistent with the provisions of this Act, as may be necessary for the performance of its functions and duties. The Commission may, by one or more of its members, or by such examiners as it may designate, prosecute any inquiry necessary to its duties in any part of the United States. Examiners designated for such purposes shall possess the same training and knowledge as required in the provisions of subsection (a) of this section for the appointment of commissioners.

(f) The Commission shall at the close of each fiscal year make a report in writing to the Congress and to the President, stating in detail the work it has performed, the names, salaries, and duties of all employees of the Commission, and an account of all moneys it has disbursed.

FUNCTION OF THE COMMISSION

SEC. 8. (a) It shall be the duty and authority of the Commission—

(1) upon application made by the Attorney General, or such other person or persons as the President may authorize, to make determination whether an organization is of any of the types set forth in subsection (a) of section 6 of this Act;

(2) upon application made by the head of any department or agency in the executive branch, to make determination whether an organization is of any of the types set forth in subsection (a) of section 6, in cases in which this question is a controverted fact in issue (not previously determined by the Commission) in any agency proceeding pursuant to this Act, or other act or executive order;

(3) upon application made by an organization for a determination that such organization is no longer of the type set forth in subsection (a) of section 6, to hear and determine such application; and

(4) upon application made by any individual, other than an individual holding a position to which this paragraph has been made inapplicable by section 13(b), who has been dismissed from employment in any department or agency of the executive branch on the ground that there is a reasonable doubt that such individual in good faith will support the Constitution of the United States, or on other loyalty or security grounds, to receive, hear, and determine his appeal from any such adverse decision, under and subject to such conditions and limitations as the President may prescribe.

(b) Upon application being made by any party in interest as provided in subsection (a) of this section, the Commission after notice and hearing shall make a report in writing and shall state its findings as to the facts and cause to be served on the parties to the action an order setting forth its determination of the issue with respect to which the application is made. A record open to the public shall be maintained of all proceedings, and copies of all such proceedings before the Commission shall be furnished to any person upon request and upon payment of the reasonable costs thereof as then currently fixed by the Commission: *Provided, however*, That the record of the whole or any part of the proceedings to which members of the general public have been denied access pursuant to subsection (d) of this section, may be closed to the general public in accordance with such regulations and upon such limitations as the Commission may determine.

(c) The Commission may, by one or more of its members, or by such examiners as it may designate, hold hearings, administer oaths and affirmations, examine witnesses and receive evidence at any place in the United States, and may require by subpoena the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed relevant to the matter under inquiry. Each party to any evidential hearing conducted by the Commission shall have the right to the assistance of counsel, to offer oral and documentary evidence, and to cross-examine witnesses. The testimony and proceedings shall be recorded and transcribed by persons designated by the Commission, and shall be filed in the office of the Commission. Proceedings shall be conducted promptly. The Commission shall establish such rules and practices as shall provide for the expeditious performance of its duties.

(d) All hearings conducted by the Commission shall be public: *Provided, however*, That members of the general public may be denied access to the whole or any part of the proceedings and hearings conducted pursuant to paragraph (4) of subsection (a) of this section, except in cases where the individual affected makes demand for a public hearing.

(e) Where an organization declines or fails to appear at a hearing accorded to it by the Commission in proceedings initiated pursuant to paragraph (1) of subsection (a) of this section, the Commission shall nevertheless proceed to receive evidence, make a determination of the issues, and enter such order as shall be just and appropriate. A dissolution of any organization subsequent to the date of filing of any application for a determination of its character under such paragraph shall not moot or abate the proceedings, but the Commission shall receive evidence and proceed to a determination of issues: *Provided, however*, That if the Commission shall find such organization to be of the type alleged as of the time of the filing of such application, and prior to its alleged dissolution, and shall find that a dissolution of the organization has in fact occurred, the Commission shall enter an order determining such organization to be of the type alleged, and shall make a finding of the fact and date of its dissolution.

(f) No application shall be made pursuant to the provisions of paragraph (3) of subsection (a) of this section more than once in each calendar year. The application shall be filed in such detail and in such form as the Commission shall by regulation prescribe. Upon failure of any organization to appear at a hearing accorded to it in proceedings pursuant to the said paragraph (3), the Commission may forthwith, and without further proceedings, enter an order dismissing the application.

COMPULSORY PROCESS AND IMMUNITY OF WITNESSES

SEC. 9. (a) Subpoenas may be authorized, signed, and issued by any member of the Commission or any duly authorized examiner. Subpoenas shall be issued upon request of a party to the proceeding, and upon a statement or showing of general relevance and scope of the evidence sought. The attendance of witnesses and production of documentary evidence may be required from any place in the United States, and at any designated place of hearing. Witnesses summoned shall be paid fees and mileage in amounts authorized to be paid to witnesses in the district courts of the United States.

(b) In case of disobedience of a subpoena, the Commission may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence. Any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in the case of contumacy or refusal to obey a subpoena issued to any person, issue an order requiring such person to appear (and to produce documentary evidence, if so ordered) and give evidence relating to the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found.

(c) No person, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him, or subject him to a penalty or forfeiture, shall be excused from testifying or producing documentary evidence; but no natural person shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify, or produce evidence, documentary or otherwise, before the Commission in obedience to a subpoena issued by it: *Provided*, That no natural person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

MISBEHAVIOR AT HEARINGS

SEC. 10. Any person who, in the course of any hearing before the Commission, any member thereof, or any examiner designated thereby, shall misbehave in their presence or so near thereto as to obstruct the hearing or the administration of the provisions of this Act, shall be guilty of an offense, and, upon conviction thereof by a court of competent jurisdiction, shall be punished by a fine of not less than $100 nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. Whenever a statement of fact constituting such misbehavior is reported by the Commission to the appropriate United States attorney, it shall be his duty to bring the matter before the grand jury for its action.

JUDICIAL REVIEW

SEC. 11. (a) The party aggrieved by any order entered by the Commission determining any organization to be of the type set forth in section 6, or affirming the denial or dismissal of employment of any appellant before the Commission, may obtain a review of such order by filing in the United States Court of Appeals for the District of Columbia within fifteen days from the date of service upon it of such order, a written petition praying that the order of the Commission be set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission, and thereupon the Commission shall file in the court the record in the proceeding, as provided by section 2112 of title 28, United States Code. Upon the filing of such petition the court shall have jurisdiction of the proceeding and shall have power to affirm or set aside the order of the Commission; but the court may in its discretion and upon its own motion transfer any action so commenced to the United States court of appeals for the circuit wherein the petitioner resides. The findings of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. The judgment and decree of the court shall be subjected to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

(b) The taking of any appeal, or the making of any application for or grant of certiorari, as provided by subsection (a) of this section, shall not operate as a supersedeas, nor shall the operation or effect of the determination of the Commission from which appeal is taken or review sought be stayed by any court pending final disposition of the appeal, review, or any remand.

PRIOR EXHAUSTION OF ADMINISTRATIVE REMEDIES

SEC. 12. No court of the United States shall have jurisdiction to issue any restraining order or temporary or permanent injunction to question the authority, function, practice, or process of the Commission, any commissioner, any examiner designated by it, the Attorney General, or such other person as the President may designate, and their agents, and no such court shall have jurisdiction of any action or proceeding on the complaint of any person adversely affected by the enforcement, execution, or application of the provisions of this Act, except after exhaustion of the administrative or other remedies authorized or provided pursuant to the provisions of this Act.

HEARINGS ON DISMISSALS

SEC. 13. (a) Individuals in the civil service whose removal or suspension without pay is sought on the ground that there is a reasonable doubt that any such individual will support the Constitution, shall be accorded the benefits of such notice and hearings as are accorded by law and regulation to individuals in the competitive service: *Provided, however*, That any determination adverse to any such individual shall be subject to review on application to the Federal Employee Security and Appeals Commission as provided in paragraph (4) of subsection (a) of section 8.

(b) Neither the provisions of this section, nor of paragraph (4) of subsection (a) of section 8, shall be applicable to individuals holding positions to which appointments are made by nomination for confirmation by the Senate, or to individuals holding employment in the Federal Bureau of Investigation, Central Intelligence Agency, and National Security Agency.

LAWS REPEALED AND AMENDED

SEC. 14. (a) The Subversive Activities Control Act of 1950 is repealed.

(b) Clause (92) of section 5316 of title 5, United States Code, is amended as follows: (1) by striking the words "Subversive Activities Control Board", and (2) inserting in lieu thereof the words "Federal Employee Security and Appeals Commission".

(c) Section 7311 of title 5, United States Code, is amended by striking paragraphs numbered (1) and (2).

(d) Subsection (b) of section 410 of title 39, United States Code, is amended (1) by striking the word "and" at the end of clause (5), (2) by striking the period at the end of clause (6) and inserting in lieu thereof a semicolon followed by the word "and", and (3) by adding at the end of said subsection the following: "(7) the provisions of the Constitutional Oath Support Act."

SEPARABILITY OF PROVISIONS

SEC. 15. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remaining provisions of this Act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

APPROPRIATION

SEC. 16. There are authorized to be appropriated to the Federal Employee Security and Appeals Commission the unexpended amounts hitherto appropriated for this fiscal year for the use of the Subversive Activities Control Board.

Mr. PREYER of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes in support of his amendment.

Mr. PREYER of North Carolina. Mr. Chairman, it is difficult to deal with something as complex as this in 5 minutes. However, I shall principally try to answer some of the questions raised about the bill.

First, let me say that I am not a crusader in this area. I did not seek my appointment on this committee or as chairman of this subcommittee.

So, I have approached this whole question as a job to do. I have tried to come up with the best-balanced program between national security and personal liberty that I have been able to achieve. I think Chairman ICHORD agreed that there may be some better suggestions than we have right now.

First, on the subject raised by the gentleman from Ohio (Mr. ASHBROOK) in his "Dear Colleague letter," I do not think we should allow this to alarm us too much. The gentleman from Ohio says for one thing that our amendment would repeal a number of existing laws, and that is true. However, I want to point out the fact that everyone of those laws which this repeals, all were duplicated by laws on the books, or they are laws which have been voided by Supreme Court decision, or they are laws which have never been enforced, and evidently treated as "dead letters" by the Department of Justice.

There is a memorandum which has been inserted into the RECORD on this subject at page 19077. I agree that a lot of that deadwood ought to be repealed. Nothing substantive has been changed.

Second, his "Dear Colleague letter" presumes to say that if this amendment is held unconstitutional, then the whole security program would fall. This is simply not the case.

The President has inherent authority to maintain a security program. He can do what is necessary. This amendment does not disrupt Executive Order 10450. It just says that there is a minimum of what you have to do, and that Executive order can be easily modified to fit in with our amendment.

Third, is the question of repealing the findings of the Subversive Activities Control with reference to Russian Communists. Well, I think we ought to repeal that, for this reason. The purpose of our amendment is to enact legislation to screen for employment without engaging in characterization of shifting organizations.

Mr. ICHORD. Mr. Chairman, would the gentleman yield? I do not wish to interrupt the gentleman, but I think the Members will not object to a unanimous-consent request for additional time.

I wanted to elaborate upon the point brought out by the gentleman from North Carolina in regard to the contention of the gentleman from Ohio that it would repeal several provisions now in the Subversive Activities Control Act.

For example, is it not true, I would ask the gentleman from North Carolina, that the Subversive Activities Control Act of 1950 prohibits members of the Communist Party from holding Federal employment?

Mr. PREYER of North Carolina. The gentleman is correct.

Mr. ICHORD. And it is also true, is it not, I would ask the gentleman from North Carolina, that that specific question has never been passed upon by the Supreme Court?

Mr. PREYER of North Carolina. The gentleman is perfectly correct.

Mr. ICHORD. Is it not also true, I would ask the gentleman from North Carolina, that present departments of the Government have members, known members of the Communist Party in their employment?

Mr. PREYER of North Carolina. The gentleman is further correct.

Mr. ICHORD. So what the gentleman from North Carolina is repealing by this substitute is an act that has not been enforced, and is not being enforced by the present administration?

Mr. PREYER of North Carolina. The gentleman is correct.

I do not see where much is lost by repealing the recitation of the 1950 cold war history, which does not really apply to the world pluralistic communism we have today at this particular moment in our history.

This is a bill dealing with legislation, not dealing with a series of facts.

Finally, to address generally the question that the gentlewoman from New York and the gentleman from Texas (Mr. ECKHARDT) raised, whether mere inquiry into membership would discriminate against a persons employment? That is, would the interviewer make sure that the person was an active and knowing member.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

(By unanimous consent, Mr. PREYER of North Carolina was allowed to proceed for 2 additional minutes.)

Mr. PREYER of North Carolina. The answer to that question, I think, the legal answer, is in its judicial review, and you must count on that as keeping the agency and the hearings honest. But beyond that I think we have to have some sort of inquiry of this kind.

For example, let us take the Black Panther Party. Now, there are all sorts of Black Panthers. There is the Black Panther who joins through highly idealistic motives to help his black neighborhood, and views it in terms of a breakfast program. So that, I do not think, you would want to bar that kind of a Black Panther from employment in the government.

There is also the revolutionary kind of Black Panther, and you do want to bar that man. I do not know how you can answer that question unless you allow some kind of flexibility in it. We cannot look inside a man's mind and see what is his intent, you have to judge by his acts. And if he joins the Communist Party he does it of his own free will. Nobody forces him to do it.

So what we are driving at does not seem to me to be any gross invasion of a person's privacy to ask and to inquire, "Were you really a Communist? Or was that a mistake of your youth, and are there reasons why you should be excused?"

In an imperfect world I do not know how we can do any better than that as far as protecting people's privacy.

So that I think the amendment is an effort to try to strike a balance between personal freedom and the security of our country.

Mr. Chairman, I hope the amendment will be adopted.

Mr. ZION. Mr. Chairman, I speak against the amendment—which is actually the bill, H.R. 11120. I do not question the sincerity and good intent of its sponsors but I want to point out that, ofter being introduced, this bill was referred to, but failed to win approval of, the Committee on Internal Security.

This amendment would repeal in its entirety the Subversive Activities Control Act of 1950, a statute which contains 20-odd provisions in the security area.

The Supreme Court, referring to the congressional findings about the nature, strategy, and tactics of the world Communist movement found in the Subversive Activities Control Act, has stated:

> They are the product of extensive investigation by Committees of Congress over more than a decade and a half. . . . We certainly cannot dismiss them as unfounded or irrational imaginings.

The same thing can be said about the more than a score of criminal and other provisions in the statute. They were enacted because "extensive investigation by Committees of Congress," over a period of many years, revealed their need. Each one of them was designed to cope with a known form of Communist subversion that had been documented in hearings and reports of the Congress.

There is no evidence that the Communists of today have abandoned these specific tactics and activities. Therefore the statute is still needed and there is no basis for repealing it.

It has been pointed out that the Committee on Internal Security has held extensive hearings on the loyalty-security program and the administration of the Subversive Activities Control Act. Not one of the many Government attorneys and security officials who testified in these hearings urged or supported repeal of the statute. The Department of Justice strongly opposed enactment of this amendment—H.R. 11120—to repeal it.

Why?

The Department representative pointed out, for example, that it would repeal a section of the Foreign Agents Registration Act which is considered by the Foreign Agents Registration Section of the Internal Security Division of the Department to be "one of the most effective weapons in the enforcement of" that statute.

What would this amendment substitute in place of that section? Nothing. It would simply create another gap in our security.

The Department also pointed out that this proposal would repeal a statute designed to protect classified Government information from enemy agents, a statute under which a former State Department official in Poland, Irving Scarbeck, was successfully prosecuted for giving Government secrets to a Communist agent, a statute, I might add, upheld by the Supreme Court.

What would this amendment substitute for this provision? Nothing.

The Justice Department representative pointed out, in addition, that this measure would repeal the statute under which Daniel Ellsberg has been indicted for making the Pentagon papers available to the Soviet Union and all other enemies of this country, as well as to everyone else in the world.

It would repeal a statute making it a misdemeanor to willfully violate orders designed to protect defense weapons and facilities from sabotage and other subversive actions.

It would replace the present personnel security standard that employment must be "clearly consistent with the interests of the national security" with a new standard which, the Department of Justice states, compares unfavorably with the present one because it is based on a person's subjective intentions. An applicant for employment will swear to support the Constitution "in good faith"—his good faith. But what faith is that?—faith a la Mao, or Stalin, or Castro, or Brezhnev? Do we want the "good faith" of the Weathermen or the Black Panthers to be the standard for Government employment?

What would this measure do to the Attorney General's list, for 30 years the yardstick in weighing a person's fitness for a Government position? It would eliminate from the list the following classifications of organizations—"Fascist," "Communist," "totalitarian," and "subversive."

Today, a person is not eligible for a Government job if he is knowingly and purposefully affiliated with such groups. If this measure were adopted, however, members of such groups would have entree into the Government service to carry out their subversive aims from within—unless the Government could prove that the organization, in addition to being fascist, totalitarian, and so forth, also advocated overthrow of the Government, rebellion or insurrection against its authority, armed or forceful resistance to the execution of its laws, or was actually controlled by such groups or their members.

Anyone familiar with present-day subversion knows that there are many Communist and subversive groups functioning today which cannot be proved to have such a program. There could be any number of Fascist, Nazi, and other totalitarian groups of this kind functioning tomorrow. But, under the standard provided in this measure, none of them could be placed on the Attorney General's list and we could well end up with a Government riddled with adherents of subversive alien ideologies. Is this what we want?

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. ZION. I am pleased to yield to my colleague.

Mr. WYMAN. Mr. Chairman, in the gentleman's opinion, does the present atmosphere at the top policy levels of the Government of the United States and the Soviet Union reflect in any way a need for the bill presently before the committee?

Mr. ZION. Certainly, not—certainly not.

Mr. WYMAN. Why not?

Mr. ZION. Because it is quite apparent that although the President is making really good moves and in good faith—what is considered good faith by one nation or one group of individuals would not be considered good faith by others.

For example, an applicant for employment, and this is what we are talking about, may well swear to support the constitution "in good faith." But it is his faith. And what faith is that? Is it the faith of Mao? Is it the faith of Stalin? Or the faith of Castro or Brezhnev?

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. ZION. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Is it not a fact that there would be a need for a continuing function of this type having nothing whatever to do with communism or the Communist Party?

Mr. ZION. Certainly. There are many other groups, as I have said.

Mr. WYMAN. There are many organizations that have as an objective the overthrow of the government or acts of violence that are not related to communism.

Mr. ZION. There are, indeed, as the gentleman from New Hampshire well knows in his former capacity. He has witnessed such groups as a former State attorney general and chairman of the Internal Security Committee on the National Association of Attorney's General of the United States.

It has been argued by proponents of this measure that some of the statutes it would repeal are "essentially duplicated" in other statutes. This is like arguing that we can repeal our kidnaping laws because they are "essentially duplicated" in theft and robbery laws and kidnaping is no more than stealing, so it would not matter at all. The argument is unconvincing for obvious reasons.

Moreover, the fact of the matter is there are no other statutes which do precisely what the statutes this amendment would repeal do, and real gaps in our security will be created by its enactment.

They have also argued, for example, that no harm would be done because there has never been a prosecution under some of the statutes they would repeal. They cite, as one example, section 5 of the Subversive Activities Control Act, which makes it a criminal offense for officials or employees of the Government to make financial contributions to the Communist Party. They have written "it would appear that this provision is not enforceable, nor is it being enforced. It is a fact of significance that no prosecution has been instituted" under this provision since its 1950 enactment.

Such reasoning is thoroughly specious. Can any supporter of this amendment name a single Government official or employee who has made financial contributions to the Communist Party, who therefore should have been prosecuted under the statute, but has not been? I wait for an answer.

Logic indicates that the very opposite of their claim about this provision is true. Namely, that it has been 100 percent effective. With this statute in effect, the few people in Government employment who may wish to make contributions to the Communist Party have been afraid to do so. They know of this statute, they are afraid to violate it, to risk the chance of a fine and term in prison. There is such a thing as "preventive medicine" in law. All the evidence indicates that this statute has been completely successful as a deterrent, drying up all contributions to the Communist Party from Government employees.

Repealing this statute now—and that is what we are being asked to do—would be just like saying to all officials and employees of the Government: "As far as we, the Congress, are concerned, it is perfectly OK for you to help the Communist Party financially. Go ahead and do it. We've had a law against it, but we see no need for it or use in it, and have decided to repeal it."

It is not surprising that the Veterans of Foreign Wars, the American Legion, and a number of publications and columnists, as well as the Department of Justice, have opposed and criticized this measure.

We have every reason to vote for its defeat.

Mr. DAVIS of South Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the distinguished gentleman from Missouri, the chairman of the House Committee on Internal Security, has done the country a great service in bringing before the House these important issues which require our action. The question of the retention of the Subversive Activities Control Act of 1950 has become the subject of much controversy by reason of the failures in its enforcement. The Subversive Activities Control Board, established by the act, has been the subject of much adverse comment by reason of the failures of its workload.

We, therefore, have before us a most serious issue whether the Subversive Activities Control Act of 1950 should be repealed, or whether it should be retained and some means taken to revitalize the Board. It is our duty to see that public funds are not wasted and, more importantly, to see that important programs in the interest of our national security are not neglected.

The Committee on Rules in its wisdom—and I compliment its chairman, the distinguished gentleman from Mississippi and its members—has given us the opportunity to meet this issue squarely and by providing alternative routes toward its solution.

The bill, H.R. 9669, would continue the existence of the act and the Board which it established. It would not, however, expand the present enforcement—or lack of enforcement—of that act, but it would delegate an additional function to the Board in connection with the present civilian employee loyalty and security program.

On the other hand, the bill H.R. 11120—known as the Ichord-Preyer bill—would abolish the Board, but would establish in its place a Federal Employee Security and Appeals Commission, together with a comprehensive loyalty program. There is much to be said in favor of both approaches.

I only recently became a member of the Committee on Internal Security, and did not have the privilege of participating in the committee action on these measures; but I fully support the chairman and I want to compliment him and the other members for their thorough and objective approach to the issues. I also want to express my regard for the subcommittee chairman, the distinguished gentleman from North Carolina, whose subcommittee has conducted a most intensive examination of the issues with which we are faced today.

The time for taking a cold, hard look at the Subversive Activities Control Board is long overdue. H.R. 11120 surely will not solve all problems for all time in the field of employee security, but it appears to me to offer a far greater prospect for improvement over the existing situation than H.R. 9669. Therefore, I intend to cast my vote in favor of the proposed amendment which would substitute H.R. 11120.

Mr. ICHORD. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. ICHORD. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I supported the rule making H.R. 11120 in order, because I think it does pertain to matters which should be discussed by this body. It is my intention to vote for the amendment offered by the gentleman from North Carolina. However, I am not pushing the same. My position is very pragmatic. First, I think that H.R. 11120 is a superior approach, but it does not have any constituency. In fact, the extreme left wing, the Committee Against Repressive Legislation has put out several circulars against this "atrocious" act, H.R. 11120. Some of my more conservative friends and those of the right are opposed to it, because it repeals the Subversive Activities Control Act of 1950, and abolishes the Subversive Activities Control Board. Nevertheless, I still consider it a superior approach, but I do not think it has any chance of surviving the legislative hurdles.

I do feel, since I intend to vote for the measure, constrained to point out that the gentleman from Ohio in a circular letter, I believe, has been quite harsh in regard to the sponsors of H.R. 11120 when he states that it would eliminate certain laws. I would point out to the Members of this House that those measures which the gentleman states in his circular letter would be eliminated are either already duplicated in title 18, or they have been voided by the Supreme Court of the United States or the administration is not enforcing those provisions.

For example, let us look at the first provision he says would be eliminated. I read the same: First, for anyone to knowingly combine, conspire or agree with another person or persons to perform action which would contribute substantially to the establishment in the United States of a totalitarian dictatorship.

I would point out to the Members that this provision was undoubtedly voided by the decision of Baggett against Bullitt. In any event there has never been a prosecution under that vague provision. My position is that we should either fish or cut bait. We should either enforce the law or take it off the books.

Let us go on to No. 2. For officials and employees of the United States to communicate classified security information to representatives of agents of foreign governments—that offense is duplicated. It is already covered under the espionage statutes of title 18.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Ohio at this point.

Mr. ASHBROOK. Mr. Chairman, I think the gentleman should point out in all fairness that the statute he says this duplicates relates only to matters of defense, where this refers to classified other security information also. Is that not accurate? There is a difference between these and defense secrets.

Mr. ICHORD. It is my position, I will state to the gentleman from Ohio, that title 18 also covers matters referred to by the gentleman.

Mr. ASHBROOK. It does not refer only to defense. This refers to classified information. There is a big difference between classified security information and information only in the area of defense. I will agree there is a disagreement as to what is repealed and what is not repealed, and this is an example.

Mr. ICHORD. Let us go on to Nos. 4 and 5, and they are practically the same. Take the fifth one.

For Communist Party members and members found to be Communist fronts by the SACB to hold government positions—that is under section 5(a)(1)(B).

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. ICHORD was allowed to proceed for 5 additional minutes.)

Mr. ICHORD. Mr. Chairman, this is a section that has not been enforced by the administration or preceding administrations. The failure to enforce a law only breeds disrespect for the law, and I am sure the gentleman from Ohio will readily concede that there are known Communist Party members now employed.

It is in direct contradiction to the statute which is on the books.

For example, on page 5985 of the committee hearings there is a letter from the Post Office Department which indicates that they have three known members of the Communist Party U.S.A.

That section is not now being enforced.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Ohio.

Mr. ASHBROOK. The gentleman is not contending, as he said earlier, that this would be duplicative. This is a case where he simply wants it off the books?

Mr. ICHORD. Not in this case. I am merely contending that the law is not being enforced. I contend that this breeds disrespect for the law. Either enforce it or take it off the books.

Mr. ASHBROOK. I appreciate the gentleman yielding, and although this is not in sequence, let us go back to point one.

Mr. ICHORD. I am not talking about point one, I would state to the gentleman from Ohio. I am talking about point five.

Mr. ASHBROOK. I believe the same thing applies.

Mr. ICHORD. Am I not correct that there are three known Communist Party members employed by the Post Office Department?

Mr. ASHBROOK. I cannot say the gentleman is correct in saying that. He is correct that the information has come to our attention. The gentleman has stated the testimony correctly.

Mr. ICHORD. I would refer the gentleman to page 5985 of the committee hearings, a letter from the Post Office Department to Mr. Nittle so advising.

Mr. ASHBROOK. It does not say they are members of the Communist Party. That is why I cannot say, in answer to the question, whether they are now or not. The evidence says that they were members; is that not correct?

Mr. ICHORD. Certainly there would be the matter of the finding involved, but there is no action being taken to enforce this law.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Does the gentleman suggest the failure to enforce this statute in any way lessens the need for the statute to be on the books?

Mr. ICHORD. No, I am not suggesting it. What I am suggesting to the gentleman from New Hampshire is that if the law is going to remain on the books we ought to enforce it, because failure to enforce the law breeds only disrespect for the law.

Mr. WYMAN. I agree with the gentleman.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Ohio.

Mr. ASHBROOK. The statute specifically refers to employees who are members of the Communist Party. As I understood the testimony, the witness referred to members of the Post Office Department, employees, who were members, so there would be no way they could be prosecuted. That is my understanding. Is that not correct?

Mr. ICHORD. If they were members of the Communist Party U.S.A., No. 5 or section 5(a)(1)(B) states it is unlawful for them to hold Government employment.

Mr. ASHBROOK. And the gentleman is saying that we should take it off the books and has nothing to substitute for it.

The point the gentleman gave, as I understand it, does not bear out the example, because the testimony was that they had three employees who were members of the Communist Party U.S.A. The statute specifically refers to employees who are members, so there would be no way to prosecute. That does not apply here.

Mr. ICHORD. I stated at the outset all those provisions had either been voided by the Supreme Court or they were duplicative of other provisions or else the law was not being enforced.

Mr. ASHBROOK. I respectfully disagree with the gentleman.

Mr. ICHORD. I am making the contention now that the law is not being enforced

Let us go to No. 10. I believe the gentleman here may well have a point. However, it is my position that H.R. 11120 does not repeal any part of the Foreign Agents Registration Act of 1938.

Mr. PREYER of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from North Carolina.

Mr. PREYER of North Carolina. On the question of the three Communist Party members, which the gentleman was discussing, at page 5986 of the record there is a letter from the Post Office Department which points out that only one of those now presently employed by the Post Office Department is a past member of the Communist Party.

Mr. ICHORD. But he has been identified as a member of the Communist Party.

Mr. ASHBROOK. It says identified as a former member, not identified as a present member. Is that not correct?

Mr. PREYER of North Carolina. I believe if the gentleman will look at the letter from the Post Office Department addressed to me, on page 5986, it identifies two of them as present members of the Communist Party.

Mr. DULSKI. Mr. Chairman, I rise in opposition to the amendment for several reasons.

First, I believe there is a serious question of committee jurisdiction involved in the amendment. When the provisions of this amendment, as contained in H.R. 11120, were introduced, I immediately directed a letter to the chairman of the Committee on Internal Security pointing out that many of the procedures proposed to be established under these provisions would be in direct conflict with existing procedures under provisions of law codified in title 5, United States Code.

While jurisdiction of the Internal Security Committee extends to Communist and other subversive activities affecting the internal security of the United States, all matters relating to Federal employees are covered by the jurisdiction of the Committee on Post Office and Civil Service.

I think it highly unusual for an amendment of this magnitude to be offered under the procedure that was authorized by this rule without any consideration having been given by the Committee on Post Office and Civil Service which has this primary jurisdiction over matters affecting Federal employees.

Of more significance in my opposition to the amendment is the position taken by the administration which is strongly opposed to any of these provisions.

I have requested information on this matter from the Civil Service Commission and they have forwarded to me the statement representatives of the Commission made before the Committee on Internal Security. I agree with the points they have raised in opposition to the amendment and urge the Members here today to defeat the amendment.

Some of the major points in opposition are—

First, there is no constitutional or other legal requirement for an oath by employees as distinguished from officers in the constitutional sense.

Second, the proposed requirement for preappointment investigation is not realistically operable because it would result in a tremendous increase in the work to be done on an urgent basis and would be costly and time consuming. Presently security checks are made on less than 20 percent of appointees.

Third, the new loyalty criterion and the considerations required under sections 3 and 6 of the amendment will not meet the requirement for denying Government employment on the basis of membership in the Communist party or in any subversive organization because of the requirement that membership must be shown to include the member's knowledge of the organization's unlawful purposes and the member's specific intent to further those unlawful purposes.

Fourth, the proposed Federal Employment Security and Appeals Commission would create jurisdictional confusion as between the Commission and the functions of the Civil Service Commission in the appellate area, whereas the existing appeal rights to the Civil Service Commission are fully adequate.

The amendment specifically is made applicable to the U.S. Postal Service. It will create a whole new bureaucracy to administer a Federal security program based on requiring Federal employees to take an oath that they will in good faith support the Constitution of the United States and that persons will not be employed where there is a reasonable doubt that they will not in good faith support the Constitution. The problem is who is going to determine what is meant by "good faith."

The repeal of the Subversive Activities Control Act will largely nullify more than 20 years of work in this area to control the Communist program. If enacted, it will leave the American people unprotected from a variety of subversive operations because of the repeal of several existing provisions of law.

Mr. Chairman, we are convinced that the amendment would create unwarranted administrative difficulties and should be defeated.

The letter follows:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., February 3, 1972.

HON. RICHARD H. ICHORD,
Chairman, Committee on Internal Security, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your request for the views of the Civil Service Commission on H.R. 11120, a bill "To repeal the Subversive Activities Control Act of 1950 (title I of the Internal Security Act of 1950), to establish procedures assuring that the constitutional oath of office shall be taken in good faith, and for other purposes."

The basic purpose of H.R. 11120, as expressed in sec. 2 of the bill, is to ensure that employees of the Government are persons loyal to our Constitution and disposed to defend and maintain it against all enemies. We have several doubts as to the bill's operational feasibility. Our principal concerns over some of the provisions of H.R. 11120 are set out hereinafter.

The bill is based largely on the conclusion expressed in sec. 2 that law and Article VI, clause 3, of the Constitution require an oath or affirmation to support the Constitution by all "Federal employees". Just what "law" the bill has reference to is not evident but if the reference is to 5 U.S.C. § 3331 (1970 ed.) it should be noted that that statute has been held to apply only to officers in the constitutional sense and not to Federal employees. (40 Comp. Gen. 500 and decisions cited therein.) The provision of the Constitution referred to requires, *inter alia*, such an oath or affirmation by "all executive * * * *Officers*." (Emphasis added.) Whether such an oath or affirmation is required by the Constitution of Federal *employees* is not evident either from the constitutional language or any law interpreting that language that we are aware of. We hasten to add that we do not question the power of Congress to require a constitutionally sound loyalty oath or affirmation by Federal employees; but we do believe that further thought may be in order on the conclusion that such an oath or affirmation is a *constitutional* requirement for individuals who serve the Government in positions that are not offices in the constitutional sense.

Sec. 5 of the bill would require a preappointment investigation of not less than a national agency check and written inquiries (NACI) for each appointee to an office or position in the executive branch. Moreover, the section would require that every such appointee be appointed subject to investigation[1], the degree of which would depend on the nature of the office or position. While we do not dispute the theoretical benefit of these requirements, we do not consider them realistically operable.

A preappointment investigation reqirement of the type mentioned would result in such a tremendous increase of work to be done on an urgent basis (many applicants as well as agencies would not or could not wait out the average 8-week delay that an NACI now requires), that implementing the provision is likely to prove operationally unrealistic and, certainly, costly and time consuming.

While we would not attempt to forecast the judicial reaction to the new loyalty criterion or the considerations specified as relevant and material to determining whether the criterion is met (secs. 3 and 6 of the bill) we are concerned that some of these provisions appear to have the same basic fault that courts have found in existing oaths, both Federal and non-Federal. Accordingly, we endorse the observation of the Department of Justice in its report on H.R. 11120 that these provisions "may result in unfavorable judicial scrutiny" by reason of the principles of law contained in the cases cited by the Department.

To highlight the concern expressed in the immediately preceding paragraph we call attention to the recent decision by the United States District Court for the Northern District of California in *Cummings* v. *Hampton*, No. C–70 2130 RFP, October 14, 1971 In that case, the court permanently enjoined the Government from requiring an applicant to answer loyalty questions on a Government form because the court found them to be constitutionally defective as vague and overbroad. The court stated that case law bars the denial of Government employment solely because of membership in the Communist Party or in any subversive organization as to to do so would not rest upon the constitutionally valid basis that such a membership, to be offensive to Government employment, must be with the member's knowledge of the organization's unlawful purposes and with that member's specific intent to further those unlawful purposes. Moreover, the court ruled that even had the Government's questions been constitutionally sound on those bases, the Government failed to meet the following test expressed by the Supreme Court:

"When a State (or the Federal Government) seeks to inquire about an individual's beliefs and associations, a heavy burden lies upon it to show that the inquiry is necessary to protect a legitimate state interest." *Baird* v. *Arizona*, 401 U.S. 6 (1971); *Gibson* v. *Florida*, 372 U.S. 539 (1963).

The loyalty questions in sec. 6(b) of H.R. 11120 may meet the judicial test of knowing membership with the specific intent to further the organization's unlawful aims, but the testing considerations in sec. 6(a) entirely omit the "knowingness" and "intent to further" elements (an omission that could be faulted by a court). We note also that sec. 6(c) of the bill also refers to membership alone without the constitutionally required adjuncts of "knowingness" and "intent to further." Moreover, there is no showing in the "four corners" of the bill that establishes the existence of a legitimate governmental interest which makes these inquiries of all employees necessary, unless it is the inference that they are needed to determine whether the oath is take in good faith. As noted hereinbefore, there is a question as to whether the taking of such an oath is constitutionally required of all employees as distinguished from officers in the constitutional sense. The want of such an express showing in the bill leaves open the danger of a court disapproving the use of the questions because, as stated in the *Cummings* decision, *supra*, "the Government has not suggested any significant Federal interest which would necessitate the inquiry * * *. Thus, plaintiff's (the employee's) First Amendment rights are not 'outweighed by the state's interest in ascertaining the fitness of the employee for the post he holds' * * *."

The Civil Service Commission endorses the views of the Department of Justice relative to the proposed establishment and operation of the Federal Employee Security and Appeals Commission (FESAC) by sec's. 7 through 13 of the bill. In addition, the Civil Service Commission objects to those provisions of sec's. 8 and 13 which would vest the FESAC with authority to decide an administrative appeal from an individual removed from employment in the executive branch on the ground that there is "a reasonable doubt that such individual in good faith will support the Constitution of the United States, or on other loyalty or security grounds."

(Note, in this regard, the significant difference between sec. 8(a)(4) which includes an adverse action based on "other loyalty or security grounds" and sec. 13(a) which is limited strictly to reasonable doubt that the person will support the Constitution.) This authority would conflict with, and create jurisdictional confusion relative to, the right of executive branch employees to appeal removals and other adverse actions to the Civil Service Commission under statute (5 U.S.C. § 7701 (1970 ed.)) and Executive order (Executive Order No. 11491). Furthermore, the Commission is strongly opposed to any statutory provision that segregates one aspect of Federal personnel administration from all others which are under the jurisdiction of the Commission. The Civil Service Commission is the central personnel agency of the executive branch and, as such, must be able to coordinate all facets of the Government's personnel program.. Hence, the authorization of the FESAC to decide employees' appeals in the loyalty and security areas would result in a distortion of the programmatic needs of the Government. We feel strongly that the existing appeal rights to the Civil Service Commission are fully adequate and that no new administrative appellate authority is necessary in the limited area of loyalty and security.

By reason of the foregoing, the Civil Service Commission is opposed to the enactment of H.R. 11120.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,
ROBERT HAMPTON, *Chairman.*

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[1] Contrast this requirement with the current practice which limits preappointment investigations to sensitive positions which constitute only about 20% of those to be filled. To attempt to comply with such a requirement would probably result in the investigation of applicants before certification whenever possible which would increase the number of NACI's required far beyond the 80% addition of actual positions to be filled.

Mr. WYMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will not take the full time, but I would like to ask the gentleman from North Carolina this question.

In section 3 of your proposal you set up a proposed security program for the whole country that says no civilian officer or employee shall be employed or retained in employment in any department or agency of the Federal Government as to whom "there is reasonable doubt that such person will in good faith support the Constitution of the United States."

I want to ask you, if you think Executive Order 10450 or the Internal Security Act of 1950 is too broad or too general, then how can you possibly propose anything as nebulous as this language or standard and maintain the courts would or could uphold it?

Mr. PREYER of North Carolina. Will the gentleman yield?

Mr. WYMAN. I yield to the gentleman.

Mr. PREYER of North Carolina. I do not regard the standard as at all nebulous. It is a standard which is derived from the U.S. Constitution itself and could hardly be unconstitutional. Certainly, we do not regard the Constitution as nebulous. I think these plain English words are understandable. Moreover, the statement of purpose contained in section 2 of the bill sets forth objectives sought to be attained by this standard and serves to clarify it.

In addition, it is a standard which is applicable to both sensitive and nonsensitive positions, and the President is authorized to issue regulations to implement it. You will recall that under the Truman order the standard was reasonable doubt as to an individual's loyalty to the Government. This was never defined and is a much vaguer expression than mine. Yet, it was a workable standard. Moreover, it was upheld in the decisions of the courts testing it.

On the other hand, the standard established under Executive Order 10450—that an individual's employment be clearly consistent with the interests of the national security—appears to me to be not only more vague, but also has the vice of having been construed as not applicable to nonsensitive positions. Hence, if it is a loyalty program you want, it is clear that the standard under Executive Order 10450 must be amended in the light of Cole against Young. I am quite satisfied that the standard established in the bill, H.R. 11120, is both workable and constitutional. See particularly the decision in Law Students against Wadmond.

Of course, in applying any standard much depends upon the training, experience, and wisdom of the administrator. I do not think any bill can legislate wisdom in the administrator. We cure that by the electoral process. However, I do believe that the standards set up in the bill and its requirements are capable of successful and efficient management.

Mr. WYMAN. If the gentleman will answer this additional question, I would appreciate it. Your amendment requires a finding that such person will in good faith support the Constitution of the United States. When? In 1975? In 1980? Under what circumstances and what conditions do you have in mind that good faith support of the Constitution would be tested? Would it be failure to have assurance concerning his good faith intentions which could adversely affect the security of the country at the present time? At some future time? Is the gentleman going to require this of all Federal employees whether or not they are employed in a sensitive or classified position?

Mr. PREYER of North Carolina. The standard is presently applicable. The determination to be made as to the fact whether the individual will support the Constitution in good faith and is a present standard and is to be measured against the individual's past and present conduct. There must be no reasonable doubt that the individual will now, or in the future, support the Constitution. It is both a present fact and a prediction based upon conduct. In this respect it differs from no other standard established under Executive Order 9835, or under Executive Order 10450.

Moreover, it is a standard, as I said, applicable to all appointments, and foreign nationals alone may be excluded by the President. In this respect it is more effective than the present standard under Executive Order 10450 which, as a result of Cole against Young, is now applied only to sensitive positions. Thus, Executive Order 10450 covers only a small minority of Government employees. The standard established in my bill will cover all. Surely this is your desire and the objective of a loyalty standard.

I repeat that it is not a vague standard, for the meaning of the standard is clearly set forth in the Constitution itself in the one oath which has been spelled out and required of the President on taking office. That oath is in the following language:

> I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States.

Thus in section 2 of the bill, the meaning of the phrase "support the Constitution" is described as encompassing loyalty to the Constitution, a disposition to defend and maintain it against all enemies, foreign and domestic, and implies a commitment of fidelity to the duties imposed by it. Hence, I do not think that the standard is nearly so vague and general as the gentleman would imply. We are simply saying that the man will in good faith serve and be loyal to the ends of the organization for which he works.

Mr. ASHBROOK. Will the gentleman yield?

Mr. WYMAN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

I ask the gentleman from North Carolina is this is not an accurate statement. I happen to believe H.R. 11120, I will say in response to the question that the gentleman addressed to the gentleman from North Carolina, completely reverses the thrust. Under this bill the employment of the individual has to be clearly consistent with the interests of national security. But under H.R. 11120 there only must be a reasonable doubt that he will support the Constitution in good faith.

So, you completely turn it around. The other one had to be in consonance with national security, but you put the onus on the question of "reasonable doubt."

Mr. WYMAN. I do not know whether the gentleman from North Carolina wants to respond to that question at this time but if he desires to do so, I shall be glad to yield further to him.

Mr. PREYER of North Carolina. I would say that that standard applies only to sensitive positions.

Mr. ASHBROOK. That is right.

Mr. PREYER of North Carolina. It does not apply to nonsensitive positions.

Mr. ASHBROOK. That is what we are talking about. Does it not completely reverse the thrust?

Mr. WYMAN. I would like to observe to the Members that are about to vote on this Preyer amendment, that to substitute such general language for the existing provisions of the Internal Security Act of 1950 and the Executive orders subsequently promulgated, is to worsen the security picture, not strengthen it. It will worsen it from the point of view of Federal employees as well as those who rightfully are concerned that subversive persons shall not hold sensitive positions having access to properly classified secret materials, weapons, formulas or in research and development. As unsatisfactory to some have been the procedures under the Internal Security Act and the so-called Attorney General's list in particular, to require the firing or deny the hiring of persons in Government service because there is a reasonable doubt "that such person will in good faith support the Constitution of the United States" is to compound the difficulty. Such a standard is virtually impossible to enforce. It has a time problem as well as a relevancy problem. Involving, as it undeniably does, a matter of attitude on the part of the employee, it is subject to change overnight so to speak, and the right to make that change is subjective with each affected individual.

The whole thrust of the present system utilizing the old Subversive Activities Control Board whose name will now be changed, is to provide an initiator—in this case the Attorney General, and a Government agency that will act upon a record subject to judicial review and only after notice and hearing. In the old days the Attorney General could add or remove groups from his list without notice and hearing. No longer can this be done.

Yet it is undeniable that beyond the problems of Communist objectives, there may well be groups in this country that have as their purpose and objective the overthrow of the Government or of a subdivision thereof, or the commission of unlawful acts either singly or in concert. Knowing and intentional membership and participation in such activity is and should remain a proper disqualification for sensitive Federal employment.

The present amendment is glaringly deficient and should be defeated.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute. In general, I endorse the arguments advanced by the chairman of the Post Office and Civil Service Committee, Mr. Dulski, and question the jurisdiction of the Internal Security Committee to deal with the loyalty and security provisions for Federal employees, as contained in the substitute.

In addition, I strongly oppose repealing the Subversive Activities Control Act of 1950 and thereby nullifying nearly a decade of combined effort by the Attorney General, the Subversive Activities Control Board, and the courts in combating Communist conspiracy. I am not convinced that the new bureaucracy to be established by the substitute would be as effective in controlling the spread of communism as is the existing program.

As has been pointed out, the Committee on Post Office and Civil Service for many years has been extensively involved in legislation relating to the security and loyalty of Government employees and applicants for Government positions.

According to Chairman Hampton of the Civil Service Commission, the existing loyalty and security program is adequate, and the existing appeal rights to the Civil Service Commission are sufficient. No new administrative appellant authority is necessary in the limited area of loyalty and security.

I am as sympathetic as any Member to the necessity of maintaining strict loyalty and security in the Federal civil service. If any further legislation in this area is necessary, I feel that it should come from my own Committee on Post Office and Civil Service, which has rightful jurisdiction. I do not believe the matter should be handled as it is here proposed—in a substitute amendment offered on the floor, and which is opposed by most of the agencies of the executive branch, by the Government employee unions, and by the American Legion and the Veterans of Foreign Wars.

I urge the defeat of the substitute amendment.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must say that I snare some of the concerns that have been expressed here about the problem of protecting the Government against those who would overthrow it by violent or illegal means.

I also share the doubts expressed by the gentleman from California (Mr. Edwards) and some of the other speakers as to the constitutionality as well as the necessity of the bill under consideration, H.R. 9669.

But, addressing myself to the substitute offered by the gentleman from North Carolina (Mr. Preyer), I have some real concerns about the constitutionality of the actual language chosen, and I would like to ask the sponsor of the substitute a couple of questions.

It seems to me that the language that is used, that permits the exclusion of an employee if there is a reasonable ground for doubt as to whether he will support the Constitution, does some tricks with the burden of proof and thereby, it seems to me violates constitutional due process.

If you can take that kind of approach, then you can easily switch the burden of proof under almost any type statute, criminal or civil, because all that the proscution would have to prove would be that there are reasonable grounds to question the loyalty of the individual.

Under this approach, the employee could come in with an overwhelming amount of evidence, but, so long as there was some credible evidence on the other side, it seems to me that under this statutory language the Government would prevail. I would like to ask the gentleman from North Carolina (Mr. Preyer) how he overcomes that objection.

Mr. PREYER of North Carolina. I think it is clear under the bill that the burden of proof, of course, remains on the Government to prove its case. As the gentleman knows, as a lawyer, the burden of going forward with the evidence may shift in the course of the testimony. The burden of proof remains with the Government. It must present substantial evidence. It seems to me, for example, that the Government would show that an employee joined the Communist Party and the burden of proof must be on the Government to show that. But there might be a shifting of the burden of coming forward with evidence to the employee who is the only one who has access to the facts in his head, to rebut the presumption that that raises. If you join an organization you are presumed to know the purposes of that organization. After all, no one forces you to join the Communist Party, that is an act of free will. So that in such a hearing the burden of going forward with the evidence may shift from time to time. But I think that it is clear under this bill that the burden of proof remains solidly on the Government to prove that there is reasonable doubt as to the good faith in which the defendant took the oath under the Constitution.

Mr. SEIBERLING. But is not that the opposite to the normal rule in both civil and criminal cases, that the plaintiff or prosecution bears the burden of proof, and proves its case by a preponderance of the evidence, and is a criminal case beyond all reasonable doubt? Under this bill, the Government is relieved of its burden, it seems to me, and need only introduce enough evidence to raise a reasonable doubt.

Mr. PREYER of North Carolina. Of course, this is not a criminal procedure.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Texas.

Mr. ECKHARDT. In addition to the point that the gentleman is making that all that has to be shown by the Government is that there is reasonable doubt for support of the Constitution, if there is substantial evidence on it to support the agency's decision the man can be refused employment. I do not know what substantial evidence is of reasonable doubt of support of the Constitution. I really do not know how you can grapple with those terms in a judicial manner.

Mr. SEIBERLING. I must confess I have the same difficulty even though I commend the gentleman from North Carolina for having made an excellent effort here to try to bring some order out of the chaos in this field, but I suggest that maybe a little further study is desirable on that particular point.

Mr. PREYER of North Carolina. I suggest to the gentleman that while this bill does not attempt to explain reasonable doubt or substantial evidence, those terms have been known and explained for years in our courts of law, and I do not think we need to set out all those aspects in this.

I appreciate the comments of the gentleman about the bill, however. This is a difficult decision. I think all of us need to think about it, and to work toward coming up with an answer to the question.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. Preyer).

The amendment in the nature of a substitute was rejected.

COMMITTEE AMENDMENT

The CHAIRMAN. Pursuant to the rule, the Clerk will now report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, strike out lines 3 through 7, and insert in lieu thereof the following:

"Sec. 2. Under such regulations as he may prescribe, the President is authorized to delegate to the Federal Internal Security Board the function of conducting hearings and making findings, upon petition of the Attorney General or such other persons as the President may empower, with respect to the character of relevant organizations to be designated in furtherance of programs established to ascertain the suitability of individuals on loyalty and security grounds for admission to or retention in the civil service in the executive branch. The provisions of subsections (c) and (d) (1), (2), and (3) of section 13, and section 14 of the Subversive Activities Control Act of 1950, as amended, shall apply to proceedings conducted by the Federal Internal Security Board pursuant to the delegation authorized by this section."

Mr. ICHORD. Mr. Chairman, I rise in support of the amendment, and move its adoption.

Mr. Chairman, as I pointed out in general debate, this committee amendment is for the purpose of settling the question as to whether or not the President has the power to delegate the function of preparing the Attorney General's list to the Subversive Activities Control Board renamed as the Federal Internal Security Board.

The bill, as originally drafted, was very rigid and I think quite inartistic.

Section 2 of the bill states that the provisions of subsections (c) and (d) (1), (2), and (3) of section 13, and section 14 of the Subversive Activities Control Act of 1950, as amended, shall apply to proceedings conducted pursuant to section 12 of Executive Order 10450.

Section 12 is the new amendment delegating the power to the Subversive Activities Control Board.

I say it is very inartistic, because if this is not changed, the bill will have the effect of freezing in the flexibility of the loyalty security program.

It would appear to me that the grant

of the powers under sections 13 and 14 of the Subversive Activities Control Act of 1950 would be entirely contingent upon the language of the Executive order remaining the same. That is, this statute and the grant of power, would be repealed by a change in the Executive order. The advantage of flexibility would be lost.

This is the reason for the committee amendment and I renew my motion for its adoption.

AMENDMENT OFFERED BY MR. ECKHARDT TO THE COMMITTEE AMENDMENT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. ECKHARDT: Page 2, lines 11 and 12, after the words "Attorney General", strike out "or such other persons as the President may empower."

Mr. ECKHARDT. Mr. Chairman, I should like to have the Committee carefully consider this amendment.

The amendment will not in any way, I think, affect the major purpose of the committee amendment. But, as the able gentleman from Missouri, who I think knows more about the specifics of this act and its mechanics than anyone on this floor, has explained in the original general debate, the Attorney General plays the role of prosecutor, the initiator of a proceeding which will ultimately result in a quasi-judicial determination—that is a determination by the agency itself.

The Federal Internal Security Board then acting on the Attorney General's petition is required to make a determination of whether or not that organization fits the criteria which are said to constitute it a subversive organization.

We do not ordinarily permit the President to enter into a judicial process. We do not let him appoint an ad hoc Attorney General to prosecute.

Certainly in no State's process do we permit somebody other than the county or the district attorney to become the moving party in a process which leads to judicial determination. But this committee amendment would so do. Keep this in mind: When the amendment states that "the Attorney General may petition, or any other person that the President may empower may petition," it sets the machinery afoot. In my opinion, the Federal Internal Security Board then has no discretion but to proceed. It may ultimately hold that the organization is not subversive, but I think that, once the petition is filed, the Board must proceed just as a court must proceed, though that court need not come out with a decree of guilt.

Let us see what this does. Suppose, for instance—and I should not really think that the President would do this—but suppose that he should appoint Mr. Ehrlichman, for instance, as that person who may institute the process and Mr. Ehrlichman decides that the "Friends of the Soil"—and this is an imaginary organization—is perhaps somewhat subversive in undermining industrial development, or the Forest Preservation Society is subversive in that it will stop trees from getting to the mills. Once this is instituted the agency must act, and great harm may be done to entirely desirable organizations by virtue of the very prosecution itself.

Mr. ICHORD. Mr. Chairman, will the gentleman yield at that point?

Mr. ECKHARDT. I yield to the gentleman from Missouri.

Mr. ICHORD. Of course, I think the gentleman would have to concede that the Attorney General could possibly bring such an action declaring the Friends of the Soil a subversive organization.

Mr. ECKHARDT. That is true. We had at least one Attorney General in the early 1920's, I think, who rather abused his office in such matters, but I should not raise such a contention against the former Attorney General, though he was very close to the President, or really any Attorney General, except in the most pressing times. There is a dignity to the position. There is a respect for law. There is a tradition behind the Office of the Attorney General that has a more restraining effect than that which would exist with respect to a member of, say, the White House family, or to someone the President appoints ad hoc. I suggest this amendment would improve the bill and would prevent a very bad loophole for activity which might be entirely counter to the major purposes of the bill, and I ask for an "aye" vote.

Mr. ICHORD. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. ICHORD. Mr. Chairman, I reluctantly oppose the amendment offered by the gentleman from Texas (Mr. ECKHARDT). I do not think that the langauge "or such other person as the President may empower" is as dangerous as the gentleman from Texas contends. I would point out that the President of the United States also appoints the Attorney General, and the Attorney General could do these things which the gentleman from Texas fears.

The amendment offered by the gentleman from Texas would be restrictive of the power of the President. I would point out that we are dealing with a loyalty security program operated by the President of the United States under Executive order. At the present time the President of the United States has the authority to appoint anyone to be the prosecuting agent.

The gentleman from Texas and I are in agreement on one point, I think. This is an outstanding improvement over the present situation. We do separate prosecuting function from the judging function. But I think the President of the United States should retain the authority to appoint perhaps a legal officer in one of the other departments for the purpose of prosecuting the proceedings. You are still separating the judging function and the prosecuting function. This would be restrictive of the power of the President.

I have no real strong feelings against the amendment. I feel that the President will use the Attorney General, but I do not think it is necessary to restrict his authority in this respect.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the gentleman from Texas.

Mr. ECKHARDT. As the language is now written, will the gentleman concede that the President might appoint such other person from the staff of the Internal Security Board?

Mr. ICHORD. I think that the President could possibly do that, but I believe it would be absurd to think that he would. If he did that, he would be merging the prosecuting function and the judging function as they do under the Attorney General's list.

Mr. ASHBROOK. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I will not take the 5 minutes, but I will merely say for the RECORD, from the legislative history, I do have mixed emotions. I am inclined to agree with the gentleman from Texas and his amendment. I do believe that the Chairman is correct. I do not think it is likely that the President would misuse this power, but time and time again we do talk about giving power to the executive branch and later, when it is exercised in a way which does not seem to meet with our favor at some future time, we wonder how this happened. Sometimes this is the way it happens. It starts.

I personally have legislation before the Internal Security Committee and before the House which would give to other individuals or agencies the power to present petitions before the SACB, but personally I would rather effect change by legislation and let the House work its will, than to give this broad power to the President.

I can say for the administration, the administration does not seek this delegation. The Justice Department, while not opposed to this language, does not think it necessary. I can say from what they have told me they do not think it is necessary and contains some potential dangers. I am saying, in effect, I do not believe it hurts anything being in section 2, but insofar as good legislation is concerned and good legislative drafting, I am certainly not averse to taking it out. I basically support the amendment offered by the gentleman from Texas.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT) to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 9669) to amend the Subversive Activities Control Act of 1950, as amended, pursuant to House Resolution 994, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The **SPEAKER**. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The **SPEAKER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER**. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **ASHBROOK**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 226, nays 105, not voting 101, as follows:

[Roll No. 173]

YEAS—226

Abbitt
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Belcher
Bennett
Betts
Bevill
Biaggi
Blackburn
Boggs
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, Va.
Buchanan
Burke, Fla.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
du Pont
Edmondson
Erlenborn
Esch
Fisher
Flood
Flowers
Ford, Gerald R.
Fountain
Frelinghuysen
Fuqua
Garmatz
Gaydos
Goldwater
Goodling
Green, Oreg.
Gross
Grover
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Heckler, Mass.
Hicks, Mass.
Hillis
Hogan
Horton
Hosmer
Hull
Hunt
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Keith
Kemp
King
Kluczynski
Kyl
Landgrebe
Latta
Lennon
Lent
McClory
McClure
McCollister
McCulloch
McDade
McEwen
McFall
McKevitt
McKinney
McMillan
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mayne
Melcher
Michel
Miller, Ohio
Mills, Md.
Minish
Minshall
Mizell
Mollohan
Morgan
Murphy, N.Y.
Myers
Natcher
Nelsen
O'Konski
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Roe
Rogers
Rooney, Pa.
Rostenkowski
Roush
Runnels
Ruppe
Sandman
Saylor
Scherle
Schneebeli
Scott
Shipley
Shoup
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Stuckey
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Waggonner
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—105

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Annunzio
Aspin
Badillo
Begich
Bergland
Biester
Blatnik
Boland
Bolling
Brademas
Brasco
Burke, Mass.
Carey, N.Y.
Carney
Celler
Chisholm
Clay
Collins, Ill.
Conte
Conyers
Culver
Curlin
Danielson
Dellums
Diggs
Dingell
Donohue
Dow
Eckhardt
Edwards, Calif.
Eilberg
Fascell
Findley
Foley
Forsythe
Fraser
Frenzel
Giaimo
Gonzalez
Grasso
Gude
Harrington
Hathaway
Hechler, W. Va.
Heinz
Hicks, Wash.
Howard
Hungate
Karth
Kastenmeier
Koch
Leggett
Link
McCloskey
McCormack
McKay
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Meeds
Metcalfe
Mikva
Mink
Mitchell
Monagan
Moorhead
Mosher
Moss
Murphy, Ill.
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Podell
Price, Ill.
Rangel
Rees
Reid
Reuss
Riegle
Rosenthal
Ryan
Schwengel
Seiberling
Stanton, James V.
Sullivan
Symington
Thompson, N.J.
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
Wolff
Yates

NOT VOTING—101

Abernethy
Alexander
Anderson, Tenn.
Ashley
Baker
Baring
Barrett
Bell
Bingham
Blanton
Brown, Ohio
Broyhill, N.C.
Burleson, Tex.
Burton
Byrne, Pa.
Caffery
Clausen, Don H.
Clawson, Del
Corman
Cotter
Daniels, N.J.
Delaney
Dowdy
Drinan
Dwyer
Edwards, Ala.
Eshleman
Evans, Colo.
Evins, Tenn.
Fish
Flynt
Ford, William D.
Frey
Fulton
Galifianakis
Gallagher
Gettys
Gibbons
Gray
Green, Pa.
Griffin
Griffiths
Gubser
Hagan
Halpern
Hanna
Hansen, Wash.
Hawkins
Helstoski
Henderson
Holifield
Hutchinson
Jarman
Jonas
Jones, Tenn.
Kazen
Keating
Kee
Kuykendall
Kyros
Landrum
Lloyd
Long, La.
Long, Md.
Lujan
McDonald, Mich.
Mathis, Ga.
Miller, Calif.
Mills, Ark.
Montgomery
Nichols
Pryor, Ark.
Pucinski
Robison, N.Y.
Rodino
Roncalio
Rooney, N.Y.
Rousselot
Roy
Roybal
Ruth
St Germain
Sarbanes
Satterfield
Scheuer
Schmitz
Sebelius
Sikes
Smith, Iowa
Springer
Stephens
Stokes
Stubblefield
Tiernan
Udall
Veysey
Wampler
Whalley
Wilson, Charles H.
Winn
Yatron

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Sikes for, with Mr. Drinan against.

Mr. Evins of Tennessee for, with Mr. Bingham against.

Mr. Hagan for, with Mr. Burton against.

Mr. Nichols for, with Mr. William D. Ford against.

Mr. Baring for, with Mr. Gallagher against.

Mr. Montgomery for, with Mr. Green of Pennsylvania against.

Mr. Gettys for, with Mr. Hawkins against.

Mr. Jarman for, with Mr. Helstoski against.

Mr. Henderson for, with Mr. Roybal against.

Mr. Veysey for, with Mr. Scheuer against.

Mr. Schmitz for, with Mr. Stokes against.

Mr. McDonald of Michigan for, with Mr. Tiernan against.

Mr. Stephens for, with Mr. Charles H. Wilson against.

Mr. Del Clawson for, with Mr. Holifield against.

Mr. Caffery for, with Mr. Cotter against.

Mr. Rousselot for, with Mr. Hanna against.

Mr. Burleson of Texas for, with Mr. Kyros against.

Mr. Kuykendall for, with Mr. St Germain against.

Mr. Mathis of Georgia for, with Mr. Ashley against.

Mr. Gubser for, with Mr. Halpern against

Until further notice:

Mr. Abernethy with Mr. Hutchinson.

Mr. Rodino with Mr. Jonas.

Mr. Fulton of Tennessee with Mr. Keating.

Mr. Rooney of New York with Mr. Baker.

Mr. Blanton with Mr. Eshleman.

Mr. Alexander with Mr. Brown of Ohio.

Mr. Long of Maryland with Mr. Fish.

Mr. Yatron with Mrs. Dwyer.

Mr. Udall with Mr. Edwards of Alabama.

Mr. Stubblefield with Mr. Springer.

Mr. Delaney with Mr. Sebelius.

Mr. Evans of Colorado with Mr. Ruth.

Mr. Pucinski with Mr. Robinson of Virginia.

Mr. Mills of Arkansas with Mr. Lujan.

Mr. Miller of California with Mr. Lloyd.

Mr. Pryor of Arkansas with Mr. Broyhill of North Carolina.

Mr. Smith of Iowa with Mr. Don H. Clausen.

Mr. Sarbanes with Mr. Frey.

Mr. Daniels of New Jersey with Mr. Winn.

Mr. Roncalio with Mr. Wampler.

Mr. Gray with Mr. Whalley.

Mr. Gibbons with Mr. Byrne of Pennsylvania.

Mr. Roy with Mr. Barrett.

Mr. Anderson of Tennessee with Mr. Corman.

Mr. Flynt with Mr. Griffin.

Mr. Galifianakis with Mrs. Griffiths.

Mr. Jones of Tennessee with Mrs. Hansen of Washington.

Mr. Hansen of Idaho with Mr. Kee.

Mr. Landrum with Mr. Long of Louisiana.

Mr. **POAGE** changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **ICHORD**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on H.R. 9669 and include extraneous matter.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CONFERENCE REPORT ON S. 1736, AMENDING PUBLIC BUILDINGS ACT OF 1959

Mr. **WRIGHT** (on behalf of Mr. GRAY) filed the following conference report and statement on the bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and pro-

tection of public buildings, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92–1097)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Public Buildings Amendments of 1972".

SEC. 2. The Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 601 et seq.), is amended as follows:

(1) strike out in subsection (b) of section 4 the figure "$200,000" and insert the figure "$500,000" in lieu thereof;

(2) strike out in subsection (a) of section 12 the following: "as he determines necessary,";

(3) insert at the end of section 12(c) the following sentence: "In developing plans for such new buildings, the Administrator shall give due consideration to excellence of architecture and design."; and

(4) section 7 is amended to read as follows:

"SEC. 7. (a) In order to insure the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for such buildings, except as provided in section 4, no appropriation shall be made to construct, alter, purchase, or to acquire any building to be used as a public building which involves a total expenditure in excess of $500,000 if such construction, alteration, purchase, or acquisition has not been approved by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively. No appropriation shall be made to lease any space at an average annual rental in excess of $500,000 for use for public purposes if such lease has not been approved by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively. For the purpose of securing consideration for such approval, the Administrator shall transmit to the Congress a prospectus of the proposed facility, including (but not limited to)—

"(1) a brief description of the building to be constructed, altered, purchased, acquired, or the space to be leased under this Act;

"(2) the location of the building or space to be leased and an estimate of the maximum cost to the United States of the facility to be constructed, altered, purchased, acquired, or the space to be leased;

"(3) a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed facility or the space to be leased, having due regard for suitable space which may continue to be available in existing Government-owned or occupied buildings;

"(4) with respect to any project for the construction, alteration, purchase, or acquisition of any building, a statement by the Administrator that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action; and

"(5) a statement of rents and other housing costs currently being paid by the Government for Federal agencies to be housed in the building to be constructed, altered, purchased, acquired, or the space to be leased.

"(b) The estimated maximum cost of any project approved under this section as set forth in any prospectus may be increased by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction or alteration costs, as the case may be, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this subsection exceed 10 per centum of such estimated maximum cost.

"(c) In the case of any project approved for construction, alteration, or acquisition by the Committee on Public Works of the Senate and of the House of Representatives, respectively, in accordance with subsection (a) of this section, for which an appropriation has not been made within one year after the date of such approval, either the Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives, may rescind, by resolution, its approval of such project at any time thereafter before such an appropriation has been made.

"(d) Nothing in this section shall be construed to prevent the Administrator from entering into emergency leases during any period declared by the President to require such emergency leasing authority, except that no such emergency lease shall be for a period of more than 180 days without approval of a prospectus for such lease in accordance with subsection (a) of this section."

SEC. 3. Subsection (f) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490 (f)), is amended to read as follows:

"(f)(1) There is hereby established in the Treasury of the United States on such date as may be determined by the Administrator, a fund into which there shall be deposited the following revenues and collections:

"(A) User charges made pursuant to subsection (j) of this section payable in advance or otherwise.

"(B) Proceeds with respect to building sites authorized to be leased pursuant to subsection (a) of this section.

"(C) Receipts from carriers and others for loss of, or damage to, property belonging to the fund.

"(2) Moneys deposited into the fund shall be available for expenditure for real property management and related activities in such amounts as are specified in annual appropriations Acts without regard to fiscal year limitations.

"(3) There are hereby merged with the fund established under this subsection, unexpended balances of (A) the Buildings Management Fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1972; (B) the Construction Services Fund, created by section 9 of the Act of June 14, 1946 (60 Stat. 259), as amended; and (C) any funds appropriated to General Services Administration under the headings 'Repair and Improvement of Public Buildings', 'Construction, Public Buildings Projects', 'Sites and Expenses, Public Buildings Projects', 'Construction, Federal Office Building Numbered 7, Washington, District of Columbia', and 'Additional Court Facilities', in any appropriation Acts for the years prior to the fiscal year in which the fund becomes operational. The fund shall assume all the liabilities, obligations, and commitments of the said (1) Buildings Management Fund, (2) Construction Services Fund, and (3) the appropriations specified in (C) hereof.

"(4) There is authorized to be appropriated to the fund for the fiscal year in which the fund becomes operational, and for the succeeding fiscal year, such advances to the fund as may be necessary to carry out its purposes. Such advances shall be repaid within 30 years, with interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining period to maturity comparable to the average maturities of such advances adjusted to the nearest one-eighth of 1 per centum.

"(5) In any fiscal year there may be deposited to miscellaneous receipts in the Treasury of the United States such amount as may be specified in appropriation Acts.

"(6) Nothing in this section shall preclude the Administrator from providing special services not included in the standard level user charge on a reimbursable basis and such reimbursements may be credited to the fund established under this subsection."

SEC. 4. Section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490), is amended by adding two new subsections reading as follows:

"(j) The Administrator is authorized and directed to charge anyone furnished services, space, quarters, maintenance, repair, or other facilities (hereinafter referred to as space and services), at rates to be determined by the Administrator from time to time and provided for in regulations issued by him. Such rates and charges shall approximate commercial charges for comparable space and services, except that with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term 'alter' is defined in section 13(5) of the Public Buildings Act of 1959 (73 Stat. 479), as amended (40 U.S.C. 612(5)), the rates charged the occupant for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such alterations. The Administrator may exempt anyone from the charges required by this subsection if he determines that such charges would be infeasible or impractical. To the extent any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue.

"(k) Any executive agency, other than the General Services Administration, which provides to anyone space and services set forth in subsection (j) of this section, is authorized to charge the occupant for such space and services at rates approved by the Administrator. Moneys derived by such executive agency from such rates or fees shall be credited to the appropriation or fund initially charged for providing the service, except that amounts which are in excess of actual operating and maintenance costs of providing the service shall be credited to miscellaneous receipts unless otherwise authorized by law."

SEC. 5. (a) Whenever the Administrator of General Services determines that the best interests of the United States will be served by taking action hereunder, he is authorized to provide space by entering into purchase contracts, the terms of which shall not be more than thirty years and which shall provide in each case that title to the property shall vest in the United States at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in each of such purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder. Each purchase contract authorized by this section shall be entered into pursuant to the provisions of title III of the Federal Property and Administrative Services Act of 1949, as amended. If any such contract is negotiated, the determination and findings supporting such negotiation shall be promptly reported in writing to the Committees on Public Works of the Senate and House of Representatives. Proposals for purchase contracts shall be solicited from the maximum number of qualified sources consistent with the nature and requirements of the facility to be procured.

(b) Each such purchase contract shall include such provisions as the Administrator of General Services, in his discretion, shall deem to be in the best interest of the United States and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the United States. No such purchase contract shall provide for any payments to be made by the United States in excess of the amount necessary, as determined by the Administrator, to—

(1) amortize the cost of construction of improvements to be constructed plus the fair market value, on the date of the agreement, of the site, if not owned by the United States; and

(2) provide a reasonable rate of interest on the outstanding principal as determined under paragraph (1) above; and

(3) reimburse the contractor for the cost of any other obligations required of him under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so required of the contractor.

(c) Funds available on the date of enactment of this subsection for the payment of rent and related charges for premises, whether appropriated directly to the General Services Administration or to any other agency of the Government and received by said Administration for such purpose, may be utilized by the Administrator of General Services to make payments becoming due from time to time from the United States as current charges in connection with agreements entered into under authority of this section.

(d) With respect to any interest in real property acquired under the provisions of this section, the same shall be subject to State and local taxes until title to the same shall pass to the Government of the United States.

(e) For the purpose of purchase contracts provided for in this section for the erection by the contractor of buildings and improvements for the use of the United States, the Administrator is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity, to effectuate any of the purposes of this section; and is further authorized to bring about the development and improvement of any land owned by the United States and under the control of the General Services Administration including the demolition of obsolete and outmoded structures situated thereon, by providing for the construction thereon by others of such structures and facilities as shall be the subject of the applicable purchase contracts, and by making available such plans and specifications for the construction of a public building thereon as the Government may possess. Projects heretofore approved pursuant to the provisions of the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.), may be constructed under authority of this section without further approval, and the prospectuses submitted to obtain such approval shall for all purposes, be considered as prospectuses for the purchase of space, except that any such project shall be subject to the requirements of section 7(b) of the Public Buildings Act of 1959, as amended, based upon an estimated maximum cost increased by not more than an average of 10 per centum per year, exclusive of financing or other costs attributable to the use of the method of construction authorized by this section.

(f) Except for previously approved prospectuses referred to in (e) above, no purchase contract shall be entered into pursuant to the authority of this section until a prospectus therefor has been submitted and approved in accordance with section 7 of the Public Buildings Act of 1959, as amended.

(g) No purchase contract shall be entered into under the authority granted under this section after the end of the third fiscal year which begins after the date of enactment of this section.

(h) No space shall be provided pursuant to this section until after the expiration of 30 days from the date upon which the Administrator of General Services notifies the Committees on Appropriations of the Senate and House of Representatives of his determination that the best interests of the Federal Government will be served by providing such space by entering into a purchase contract therefor.

SEC. 6. (a) The Postmaster General of the United States Postal Service shall convey to the city of Carbondale, Illinois, all right, title, and interest of the United States and such Postal Service, in and to the real property (including any improvements thereon) in Carbondale, Illinois, bounded by old West Main Street on the south, Glenview Drive on the west Illinois Route 13 and access road to Murdale Shopping Center on the north, and by Texaco Service Station and residences on the north, approximately 308 feet on the east, 525 feet on the south, 420 feet on the west and with an irregular boundary on the north, a total area of approximately 191,100 square feet. The exact legal description of the property shall be determined by the Postmaster General, without cost to the city of Carbondale, Illinois. Such conveyance shall be made without payment of monetary consideration and on condition that such property shall be used solely for public park purposes, and if it ever ceases to be used for such purpose, the title thereto shall revert to the United States which shall have the right of immediate reentry thereon.

(b)(1) The United States Postal Service shall grant to the City of New York, without reimbursement, air rights for public housing purposes above the postal facility to be constructed on the real property bounded by Twenty-eighth and Twenty-ninth Streets, Ninth and Tenth Avenues, in the City of New York (the Morgan Annex site), such facility to be designed and constructed in such manner as to permit the building by the City of New York of a high-rise residential tower thereon, *Provided*, That—

(A) the City of New York shall grant to the Postal Service without reimbursement exclusive use of Twenty-ninth Street between Ninth and Tenth Avenues in the City of New York, such use to be irrevocable unless the Postal Service sells, leases, or otherwise disposes of the Morgan Annex site; and

(B) the City of New York shall agree to reimburse the Postal Service for the additional cost of designing and constructing the foundations of its facility so as to render them capable of supporting a residential tower above the facility, and shall issue any permits, licenses, easements and other authorizations which may be necessary or incident to the construction of the postal facility.

(2) If within twenty-four months after the City of New York has complied with the provisions of paragraphs (A) and (B) of subsection (d)(1) of this section, the United States Postal Service has not awarded a contract for the construction of its facility, the Postal Service shall convey to the City of New York, at the fair market value, all right, title and interest in and to the above-described real property. Such conveyance shall be made on the condition that such property shall be used solely for public housing purposes, and if public housing is not constructed on the property within five years after title is conveyed to the City of New York or if thereafter the property ever ceases to be used for such purposes, title thereto shall revert to the Postal Service, which shall have the right of immediate reentry thereon.

SEC. 7. To carry out the provisions of the Public Buildings Amendments of 1972, the Administrator of General Services shall issue such regulations as he deems necessary. Such regulations shall be coordinated with the Office of Management and Budget, and the rates established by the Administrator of General Services pursuant to sections 210(j) and 210(k) of the Federal Property and Administrative Services Act of 1949, as amended, shall be approved by the Director of the Office of Management and Budget.

SEC. 8. (a) Notwithstanding any other provision of law, the House Office Building Commission is authorized (1) to use, to such extent as it may deem necessary, for the purpose of providing office and other accommodations for the House of Representatives, the building, known as the Congressional Hotel, acquired by the Government in 1957 as part of Lot 20 in Square 692 in the District of Columbia under authority of the Additional House Office Building Act of 1955 and (2) to direct the Architect of the Capitol to lease, at fair market value, for such other use and under such terms and conditions and to such parties as such Commission may authorize, any space in such building not required for the aforesaid purpose.

(b) Any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the "House Office Buildings" and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings.

SEC. 9. Section 8 of the John F. Kennedy Center Act, as amended (72 Stat. 1969), is amended by inserting "(a)" immediately after "SEC. 8" and by adding at the end thereof the following new subsection:

"(b) There is hereby authorized to be appropriated to the Board not to exceed $1,500,000 for the fiscal year ending June 30, 1973, for the public costs of maintaining and operating the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts."

SEC. 10. Section 6 of the John F. Kennedy Center Act, as amended (72 Stat. 1968), is amended by adding at the end thereof the following new subsection:

"(e) The Secretary of the Interior, acting through the National Park Service, shall provide maintenance, security, information, interpretation, janitorial and all other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1973, to the Secretary of the Interior such sums as may be necessary for carrying out this subsection."

SEC. 11. This Act shall become effective upon enactment. The effective date of applying the rates to be charged pursuant to the regulations to be issued under subsections (j) and (k) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended, shall be as determined by the Administrator of General Services but in any event shall not be later than the beginning of the third full fiscal year subsequent to the enactment thereof.

And the House agree to the same.

KEN GRAY,
JOHN C. KLUCZYNSKI,
JIM WRIGHT,
WILLIAM H. HARSHA,
JAMES R. GROVER, JR.,
Managers on the Part of the House.

MIKE GRAVEL,
JOHN TUNNEY,
J. CALEB BOGGS,
JOHN SHERMAN COOPER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

With respect to the amendment of the House to the text of the Senate bill, the Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the Senate bill, the House amendment and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

SHORT TITLE

The Senate bill, the House amendment and the conference substitute all have the short title "Public Buildings Amendments of 1972".

SECTION 2

Senate bill

This section increases from $200,000 to $500,000 the maximum cost of any alteration to or acquisition of a public building which may be undertaken by the General Services Administration in the absence of an authorization from the Committees on Public Works of the Senate and House of Representatives.

G.S.A. must receive authorization from the Committees on Public Works before it may construct or acquire any public building involving an expenditure in excess of $100,000, or alter any public building involving an expenditure in excess of $200,000. This has increased those limitations to $500,000 each.

Under section 7(a)(2) of the Public Buildings Act of 1959, whenever the Administrator of General Services transmits to the Congress a prospectus for a proposed project, that prospectus must include "an estimate of the maximum cost of the project." This subsection strikes the word, "maximum,".

This section also repeals sections 7(c) and 7(d) of the Public Buildings Act of 1959.

This section strikes the words, "as he determines necessary" from section 12(a) of the Public Buildings Act of 1959, which authorizes and directs the Administrator of General Services, "as he determines necessary, to submit to Congress prospectuses of proposed projects in accordance with section 7(a) of this Act."

This section amends section 12(c) of the Public Buildings Act of 1959 by providing that the Administrator of General Services shall give due consideration to excellence of architecture and design in developing plans for future public buildings.

House amendment

This section is the same as the Senate bill in increasing to $500,000 the maximum cost of any alteration to or acquisition of a public building which may be undertaken by G.S.A. without specific authority from the Committees on Public Works.

This section strikes out "as he determines necessary" from section 12(a) of the Public Buildings Act of 1959 which requires the Administrator of G.S.A. to submit to Congress prospectuses of proposed projects "as he determines necessary".

This section amends section 12(c) of the Public Buildings Act of 1959 by providing that the Administrator of G.S.A. shall give due consideration to excellence of architecture and design in developing plans for future public buildings.

This section amends section 7 of the Public Buildings Act of 1959 to require the Administrator of G.S.A. to submit a prospectus for approval by the House and Senate Public Works Committees whenever he proposes to secure leased space for which he proposes an average annual rental in excess of $500,000.

Conference substitute

The conference substitute is the same as the House amendment except that the Administrator is authorized to enter into emergency leases for not to exceed 180 days during any period when the President declares that such authorization is needed. No emergency lease could be for a longer period without approval of the Committees.

In the letting of contracts for purchase contract construction, it is the intent of the conferees that the General Services Administration retain ownership of architectural and engineering designs and plans developed for such facilities prior to enactment of this Act.

Further, the conferees recognize that additional design and engineering work may be necessary on some of the projects that will be constructed under a purchase contract arrangement. The GSA should make every effort to contract for such work with the original architect or engineer. GSA should also make every reasonable effort to contract directly for such services with the architect or engineer, rather than directing that the contractor make such arrangements. The conferees believe this is essential, whenever possible, to avoid a situation in which an architectural or engineering firm may face a conflict of interest between the Federal Government and the contractor.

SECTION 3

Senate bill

This section amends section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)).

It establishes in the Treasury a fund for financing real property management and related activities including but not limited to the acquisition, construction, alteration, maintenance, operation, and protection of public buildings. Into this fund are deposited: user charges from eligible departments and agencies equivalent to the commercial value of the office space which they occupy; proceeds with respect to building sites authorized to be leased pursuant to section 210(a) of the Federal Property and Administrative Services Act; and receipts from carriers and others for loss of, or damage to, property belonging to the fund.

It also provides that moneys deposited into the fund shall be available for expenditure in such amounts and for such purposes as are specified in annual appropriation Acts. Authorizations for capital expenditures, however, may be made without regard to fiscal year limitations.

This section lists certain appropriations presently made to G.S.A. which are to be merged into the new buildings fund, together with their liabilities, obligations, and commitments, authorizes advances to be appropriated into the fund, repayable with interest within 30 years, and provides that in any fiscal year, there may be deposited to miscellaneous receipts such amounts as are specified in the annual budget estimates for the fund.

Finally this section enables G.S.A. to provide special services to agencies not included in the standard level user charge on a reimbursable basis, with reimbursements to be credited to the fund.

House amendment

Except for minor technical clerical and clarifying amendments the House amendment is the same as the Senate bill excluding authorization for advances to the fund.

Conference substitute

This is the same as the House amendment including, however, an authorization for advances to the fund during the first two years of its operation.

SECTION 4

Senate bill

This section amends section 210 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490) by adding to it three new subsections.

New subsection (j) authorizes the Administrator of General Services to charge eligible agencies for furnished services, space, quarters, maintenance, repairs, or other facilities at rates determined by him. These rates shall approximate commercial charges for comparable space and services. However, in the case of those buildings for which the Administrator is responsible for alterations only, the rates charged shall be sufficient to recover only the applicable cost of the alteration. Agencies and their activities may be exempted from the G.S.A. rates by the President.

This subsection also authorizes the Administrator to alter Federal buildings.

In addition, this subsection authorizes the Administrator to maintain, operate, and protect Federal buildings and sites and to provide related services, including demolition and improvement with respect to sites authorized to be leased pursuant to section 210(a) of the Federal Property and Administrative Services Act of 1949, authorizes the G.S.A. to rent space in buildings in the District of Columbia, and authorizes the Administrator to provide, on private or other property not in government control, fencing, lighting, guard booths, and other facilities which are appropriate to enable the United States Secret Service to perform its protective functions.

New subsection (k) provides that any Executive agency, other than G.S.A., which provides space and services to other agencies, may do so at rates approved by the Administrator of General Services.

New subsection (l) contains definitions.

House amendment

The House provision authorizes and directs the Administrator to charge for services, space, quarters, maintenance, repairs, or other facilities at rates which he determines in regulations which rates are to approximate commercial charges for comparable space and services. In the case of buildings for which the Administrator is responsible for alterations only, the rates charged shall be fixed so that to recover only the approximate applicable cost incurred in providing the alterations. The Administrator may exempt anyone from these charges. If exemptions are granted, appropriations are authorized to reimburse the fund for the lost revenue. In addition, authorization is provided to executive agencies providing space or services to other persons to charge them at rates approved by the Administrator and the Director of O.M.B.

Conference substitute

The conference substitute is the same as the House amendment except that the Administrator's right to exempt anyone from charges is contingent upon his determination that these charges would be infeasible or impractical in that particular case. The requirement that the Director of O.M.B. approve rates to be charged for executive agencies other than G.S.A. is removed from this provision and placed instead in section 7 of the legislation.

SECTION 5

Senate bill

This section amends the Public Buildings Act of 1959, as amended (40 U.S.C. 601 et seq.) by adding a new section 4 and renumbering the existing section 4 and subsequent sections appropriately.

This section enables the Administrator of General Services to enter into purchase contracts with terms of between 10 and 30 years. Each such contract must provide that title to the property vests in the United States. Installment payments by the United States are applied to the purchase price.

It also authorizes the Administrator to require security from those entering into purchase contracts with the United States. No purchase contract may be entered into which provides for payments by the United States in excess of the amount necessary, as determined by the Administrator, to: (1) amortize the cost of improvements to be constructed, plus the fair market value, on the date of the agreement, of the site, if owned or acquired by the contractor; (2) provide a reasonable rate of interest on the outstanding principal; and (3) reimburse the contractor for the cost of any other obligations assumed by him under the contract, including the payment of taxes, costs of insurance, and costs of repair and maintenance.

This section authorizes the use of monies from the buildings fund and other direct appropriations to G.S.A. for the installment payments on purchase contracts.

In the case of all purchase contracts, real property remains subject to state and local taxation until its title vests in the United States.

The Administrator is also authorized to enter into agreements to effectuate the purposes of this section, and to bring about the development and improvement of any land owned by the United States and under control of G.S.A. In the case of projects which have received prior authorization by the Committees on Public Works, which have not changed substantially in scope, and which have not increased in construction cost by more than an average of 10 percent per year since the authorization, no new approval is needed from the committees before a purchase contract may be entered into.

Except for the previously noted projects, no purchase contract shall be entered into until the Committees on Public Works have approved individual prospectuses for such projects.

Finally the section limits the purchase contract authority of G.S.A. to three years.

House amendment

The House provision is not an amendment to the Public Buildings Act of 1959 but a free standing authority. The purchase contract authority would permit G.S.A. to make regular payments over a period not to exceed 30 years to persons who would finance and construct buildings to G.S.A. specifications. At or before the end of the contract term, title to the building would vest in the United States. Each purchase contract would be entered into in accordance with title III of the Federal Property and Administrative Services Act of 1949. The determinations and findings supporting negotiated contracts are to be promptly reported to the committees. Proposals for purchase contracts are to be solicited from the maximum number of qualified sources. The remaining provisions in the House amendment, except for technical and clarifying changes, are the same as those of the Senate bill with regard to purchase contracts, including authorization to construct by this method projects heretofore approved under the Public Buildings Act of 1959 without further approval.

This provision of the House amendment was modified on the floor of the House by the adoption of a new subsection (h) prohibiting purchase contracts until they have been authorized by resolutions adopted by the Committees on Appropriations of the Senate and House, respectively.

Conference substitute

The conference substitute is the same as the provision of the House amendment except for a clarifying amendment adopted to subsection (f) removing certain superfluous language and the adoption of a substitute subsection (h) which would prevent space being provided by lease purchase until the Committees on Appropriations had been notified by G.S.A. of the intention to do so in each instance and 30 days had passed from the date of such notification.

SECTION 6

Senate bill

This section authorizes the Administrator of G.S.A. to issue such regulations as he deems necessary to carry out this Act.

House amendment

This is the same as the Senate bill with the additional requirements that regulations be coordinated with O.M.B. and rates established under section 210(j) by the Administrator be subject to approval by the Director of O.M.B.

Conference substitute

This is the same as the House amendment except that rates under 210(k) are also subject to the requirement of approval by O.M.B.

SECTION 7

Senate bill

This section specifies that funds available to any eligible agency may be used to pay user charges established under section 210(j) and (k) of the Federal Property and Administrative Services Act of 1949.

House amendment

No comparable provision.

Conference substitute

No comparable provision.

SECTION 8

Senate bill

This section is intended to insure that the General Services Administration adheres to all applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Under this section, the Administrator of General Services must file a statement with the Secretary of the Department of Housing and Urban Development and with the Administrator of the Small Business Administration, detailing the number of residential and small business units to be demolished or removed by a given project, and how the G.S.A. intends to comply with the above Act. The Secretary of Housing and Urban Development and the Administrator of the Small Business Administration, in turn, are required to certify that the measures to be undertaken by G.S.A. are consistent with the requirements of the Act.

House amendment

No comparable provision.

Conference substitute

No comparable provision.

SECTION 9

Senate bill

This section fixes the effective date of the legislation at no later than the beginning of the third full fiscal year following its enactment.

House amendment

Same as the Senate bill.

Conference substitute

Same as both Senate bill and House amendment.

SPECIFIED PROPERTY

Senate bill

No comparable provision.

House amendment

Section 6 of the House amendment authorizes and directs the Postmaster General to convey without monetary consideration to the city of Carbondale, Illinois, certain specified property on condition that it be used solely for public park services. In addition, the Postal Service is required to grant to the city of New York air rights above a postal facility to be constructed in that city upon compliance with certain conditions relating to the use of the adjoining street and the payment of costs of construction necessary to support public housing above the proposed postal facility. If the Postal Service fails to award a contract for construction within two years after the city has complied with the requirements then the Postal Service is required to convey at fair market value all of the real property. This conveyance is to be on condition that the property be used for public housing purposes and if public housing is not constructed on the site within five years after passage of title to the city or if the property ever ceases to be used for that purpose, title reverts to the Postal Service.

Conference substitute

Same as the House amendment.

OTHER PROPERTIES

Senate bill

No comparable provision.

House amendment

Section 8 of the House amendment authorizes the House Office Building Commission to use for the purpose of providing office and other accommodations for the House of Representatives, the Congressional Hotel (presently Federal property) and directs the Architect of the Capitol to lease, under the direction of the Commission, space in the building not required for those purposes. Space in the building used for offices and accommodations for the House of Representatives is to be deemed to be part of the House office buildings for the purpose of laws, rules, and regulations applicable thereto.

Conference substitute

Same as the House amendment.

KENNEDY CENTER

Senate bill

No comparable provision.

House amendment

Sections 9 and 10 of the House amendment authorized appropriations to the Board of Directors of the Kennedy Center of not to exceed $1.5 million for fiscal year 1972 to finance that part of the building's operation, maintenance, and protection costs which are related to the nonperforming arts functions of the Center. In addition, the Secretary of the Interior acting through the National Park Service is required to provide maintenance, security, information, interpretation, janitorial, and all other services necessary to the nonperforming arts functions of the Kennedy Center and appropriations are authorized for fiscal year 1973 for this purpose.

Conference substitute

Same as the House amendment.

In section 10 of the bill, the authority provided to the National Park Service by the words "information" and "interpretation" was discussed by the Conference Committee, as the words are not defined and as the interpretations of the National Park Service and of the Kennedy Center on this point appear to differ.

The managers on the part of the House and Senate agreed that section 10 does not confer exclusive responsibility on the National Park Service for providing information and interpretation services at the John F. Kennedy Center for the Performing Arts, and in no way does it give authority to the National Park Service over the Friends of the Kennedy Center or place the Friends under the direction of the Park Service. The role of the Friends of the Kennedy Center with respect to interpretation and information services at the Kennedy Center shall be determined by agreement between the Board of Trustees and the National Park Service.

KEN GRAY,
JOHN C. KLUCZYNSKI,
JIM WRIGHT,
WILLIAM H. HARSHA,
JAMES R. GROVER, Jr.,
Managers on the Part of the House.
MIKE GRAVEL,
JOHN TUNNEY,
J. CALEB BOGGS,
JOHN SHERMAN COOPER,
Managers on the Part of the Senate.

BANKS REAP HUGE SUBSIDY FROM TAX AND LOAN ACCOUNTS

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the big commercial banks of this Nation are reaping a bonanza by retaining billions of dollars in Federal tax payments.

Through the benevolence of the U.S. Treasury Department, nearly $6 billion of income tax funds and related payments were in interest-free tax and loan accounts in commercial banks across the United States in mid-February. These deposits of public funds—paid in by the average taxpayer—represent one of the largest single business subsidies provided by the Federal Government.

Mr. Speaker, these statements are substantiated by a study which the Banking and Currency Committee released today concerning the tax and loan account balances in 12,838 commercial banks. As my colleagues know, the phrase, "tax and loan accounts," is used to describe funds belonging to the U.S. Treasury which are deposited in demand accounts in private commercial banks.

These funds come from several sources, including payments for Government securities purchased by the bank—either for its customers or its own accounts; from payments of various taxes such as employee withholding income taxes, payroll taxes from the old-age insurance program, railroad retirement taxes, certain excise taxes, and corporate taxes. These deposits in the commercial banks have ranged as high as $11 billion in recent years.

Mr. Speaker, the banks repaid untold millions in added profits from the deposits which they are free to invest any way they see fit under the law.

The money is subject only to periodic withdrawal from the accounts by the Treasury Department and most banks—particularly the big money center banks—are able to estimate with great precision the average balances that can be expected from the tax and loan accounts during any year.

At present, 102 of the Nation's nearly 14,000 commercial banks hold 44 percent of the Treasury's tax and loan accounts. The 50 largest banks hold more than one-third of all such deposits. The greatest concentration of the funds is in New York City where eight banks control 12½ percent of the Nation's tax and loan funds.

Mr. Speaker, it is ironic that the very commercial banks which have sought Federal subsidies and guarantees for loans to such corporations as Penn Central and Lockheed Aircraft Corp. are holding millions of dollars of interest-free tax money.

For example, Mr. Speaker, the banks which sought—and received—the guarantee from the Federal Government on Lockheed, had $1.4 billion of Federal tax and loan accounts as of mid-February of this year. In other words, these banks had Federal funds six or seven times the amount of the guarantee that they were seeking from the American taxpayer.

Once again, this situation makes it appear that the Lockheed loan was much more of a bailout and a bonanza for the banks than it was assistance to the Lockheed Aircraft Corp. or its workers. I regret greatly that the Treasury Department did not reveal these huge tax and loan account balances at the time they were up here lobbying for the Lockheed guarantees. This might well have placed a different color on the entire transaction.

Mr. Speaker, here is a list of the Lockheed banks and their tax and loan accounts:

Lockheed banks and their tax and loan accounts

	Million
Bankers Trust Company	$71.6
Bank of America	149.7
Bank of California	19.4
Chase Manhattan	177.3
Chemical Bank	102.5
Citizens & Southern Nat'l Bank (Atlanta)	15.2
Continental Illinois National Bank	63.7
Crocker National Bank (San Francisco)	33.2
FNB of Atlanta (First Nat'l Bank)	9.0
FNB of Boston (First Nat'l Bank)	38.7
FNCB (First National City Bank—New York City)	139.5
Fulton Nat'l Bank (Atlanta, Ga.)	13.0
Girard Trust Bank	18.3
Irving Trust Company	51.1
Mfrs. Hanover Trust Company	87.2
Mellon National Bank	66.7
Morgan Guaranty Company	75.2
Pacific Nat'l Bank of Washington	13.0
Philadelphia National Bank	38.2
Security Pacific Nat'l Bank (Los Angeles)	109.9
Trust Company of Georgia	10.2
UCB (United California Bank)	55.6
Wells Fargo Bank	46.9
Total	1,405.1

The system is discriminatory against the smaller banks of the Nation and the study shows a prima facie case of gross favoritism for the large banking institutions. It is even more discriminatory toward credit unions, savings and loan associations, and mutual savings banks who receive none of this Federal largesse.

Since the great majority of the tax and loan funds come from withholding for income tax purposes, the system is also highly discriminatory against the average wage earner. Most people are willing to pay their taxes in advance through withholding in the belief that their Government needs the funds, but, in truth, these payments do not go directly to the Treasury but into deposits in the commercial banks. So the withholding system provides a massive welfare program for commercial banks.

Mr. Speaker, the study shows a need for the Federal Government to take one of two steps regarding the handling of the tax and loan accounts:

First. Require the payment of interest to the Treasury Department, or

Second. Require the use of the Tax and Loan Accounts as a "carrot" to encourage banks to make more loans available for small business, housing, environmental quality projects, and other activities which would help provide jobs and meet national economic and social goals.

The Treasury Department, led by Under Secretary Charls Walker, has exhibited a plodding and unimaginative approach to the utilization of the tax and loan funds.

These billions of dollars of tax funds could provide a tremendous incentive to move credit into areas of greatest need, and it is tragic that we have a Treasury Department which spends all of its time finding excuses for not prodding and encouraging the commercial banking industry into a better allocation of credit. The Treasury's attitude—and the figures compiled in the committee study—lend credence to the belief that these funds remain as an interest-free subsidy to the banks and that they are allocated, at least in part, on the basis of political favoritism.

Mr. Speaker, I have asked the comitttee staff to investigate Treasury Department claims that the money remains interest-free in return for various services that commercial banks perform for the Federal Government.

In the past, the Treasury has listed such things as issuing and payment of savings bonds, purchasing of Government securities, cashing Government checks, and procuring and distributing Federal income tax forms to the public as "services" provided free for the Federal Government.

The staff study establishes that virtually all of these activities are provided as a normal run of customer services which are used by the commercial banks to help attract and keep depositors. These are services being provided for the depositor and not for the Federal Government.

In many cases, commercial banks are refusing to cash Government checks except for their depositors and some banks are requiring a service charge for the purchase of Government securities by smaller investors.

In addition, some banks are charging the Federal Government for basic banking services despite the fact that they are beneficiaries of huge tax and loan accounts. For instance, Chase Manhattan had a tax and loan balance of $177.3 million in February and, at the same time, was charging the Treasury Department $4 million annually for operating banking facilities at military installations in the United States and overseas.

It is a myth that commercial banks are providing any real service in return for this huge subsidy bonanza.

Mr. Speaker, the committee has already launched a second study concerning various "time deposits" maintained by various governmental agencies in banks around the Nation. These funds are also interest-free and the committee wants to determine both the level and the allocation of these funds.

The sad use of public deposits is one more evidence of the misallocation of credit in the commercial banking system.

The lack of public interest direction in the deposit of public funds must be viewed alongside of the Federal Reserve System's traditional resistance to the use of monetary mechanisms to allocate funds to credit-starved sectors of the economy. It is no wonder that our cities and rural areas have such a backlog of public needs in view of the joint Treasury-Federal Reserve foot dragging about allocation of credit.

JAMES FRAZER HILLMAN

(Mr. MOORHEAD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MOORHEAD. Mr. Speaker, I rise in sorrow today to advise the House of the death of one of Pittsburgh's leading citizens. James Frazer Hillman, pioneer conservationist, dedicated philanthropist and prominent Pittsburgh coal operator, died on May 26 in the Presbyterian University Hospital at the age of 83. I knew Mr. Hillman all my life and there is no man for whom I had greater admiration or deeper affection. It was James F. Hillman who developed my interest in conservation and I had the honor of serving with him on the boards of the Pittsburgh Park and Playground Society and the Western Pennsylvania Conservancy.

This Nation and my community have suffered a great loss.

To Mrs. Hillman, his four children, his grandchildren and great grandchildren my wife and I extend our deepest sympathy.

I include with my remarks articles from the Pittsburgh Post Gazette, the Pittsburgh Press, the New York Times, and the Washington Post on the subject of James F. Hillman:

PHILANTHROPIST JAMES HILLMAN DIES

PITTSBURGH.—James Frazer Hillman, a prominent area coal operator and philanthropist, died Friday in Presbyterian-University Hospital. He was 83.

Mr. Hillman, as president of Harmon Creek Coal Corp., which had extensive strip mining operations west of the city, voluntarily began the restoration of the strip mines to productive land years before state laws were passed in 1945 requiring land restoration.

A native of Pittsburgh, Mr. Hillman donated funds and large tracts of land for park development in Pittsburgh and Allegheny County. He also developed forests, a park, lake and swimming pool for the residents of northwest Washington County, where he operated several mines.

In January, 1969, Hillman donated 3,654 acres in Hanover Township, Washington County, to the state as a park, and 2,975 acres for public hunting land in the same area.

Mr. Hillman had his employees stockpile top soil when mining, then after the strip excavation had been restored to contour, the top soil was replaced. Within two years there would be no evidence that the land had been used for strip mining.

His firm planted 20,000 to 30,000 trees annually on the restored land. And in some instances grass was planted.

The World War I veteran spearheaded a drive in 1948 to beautify the city, and subsequently conceived the Mayor's Committee for a Cleaner City, of which he was chairman.

Mr. Hillman was a member of the board of trustees of Carnegie Institute. He had also been president of the board at Shadyside Hospital; a member of the City of Pittsburgh's Sinking Fund Commission; on the board of directors of the Pittsburgh Bicentennial Association; emeritus trustee of the Dollar Savings Bank; charter member of the Bibliophile Society; and a member of the Civic Light Opera advisory board, Pittsburgh Playhouse board and the Pittsburgh History and Landmark society.

Funeral services were scheduled for Sunday at Calvary Episcopal Church, with interment following at Homewood Cemetery.

Mr. Hillman is survived by his widow, the former Marguerite Wright, of Augusta, Ga., four daughters, 15 grandchildren and two great grandchildren.

CONSERVATION PIONEER JAMES F. HILLMAN, PHILANTHROPIST, DIES

James Frazer Hillman, prominent Pittsburgh area coal operator, philanthropist and pioneer in the field of conservation, died yesterday (May 26) in Presbyterian-University Hospital at the age of 83.

As president of the Harmon Creek Coal Corp. which had extensive strip mining operations along Route 22 west of here, Mr. Hillman voluntarily began restoring strip mine pits to fertile, productive land years before State laws were passed in 1945 requiring land restoration.

Mr. Hillman was equally active in the move to make Pittsburgh a cleaner and more attractive city.

He promoted such projects long before he became chairman of the Mayor's Committee for a Cleaner City in March, 1948, and he was one of the organizers of Pa Pitt's Partners, the citizen group which strongly supported the move for a more attractive city.

As a philanthropist he donated thousands of dollars for parks and other community projects both in Pittsburgh and in Washington County as well as large tracts of land for park developments.

A native of Pittsburgh, Mr. Hillman had many mining operations in Burgettstown and Smith Township in northwestern Washington County, and he developed forests, a park, lake and swimming pool for the residents of that area.

In Pittsburgh Mr. Hillman donated $32,000 to the city in 1949 for the development of four neighborhood parks in the Spring Garden section of the Northside, the Hill district and Hazelwood.

The donation was made through the Allegheny Conference on Community Development of which Mr. Hillman was chairman from 1949 to 1951.

In 1956, the industrialist, one of the city's most prominent Republicans, offered the city $12,500 to improve a city playground named for an early stalwart of the Democratic party—the Jefferson playground in a heavily-populated area of the Northside.

He also gave the city $5,000 for new types of playground equipment and was responsible for development of many of the city's community parks.

A contributing life member of the Western Pennsylvania Conservancy since 1961, Mr. Hillman was honored by that agency in March, 1969, for his practice of land conservation in the strip mine business. He also received numerous other awards.

In tribute, the Conservancy presented him with an honorary life membership. He was only the sixth person to receive the honor.

In January, 1969, Mr. Hillman and his wife donated 3,654 acres in Hanover Township, Washington County, to the state for use as a state park and 2,975 acres for public hunting land in the same area. He made several gifts of land in the Burgettstown area.

Not satisfied with merely restoring the contour of the land excavated in strip coal mining, Mr. Hillman insisted that it also be restored to fertile ground.

His employees stockpiled the topsoil when mining. After the strip excavation had been restored to contour, the topsoil was replaced and within a year or two there would be no evidence of the mine.

Coupled with this operation was the continuous, planned planting of 20,000 to 30,000 trees a year on the restored land. In some cases grass was planted on some of the restored land and produced a healthy growth suitable for cattle grazing.

Mr. Hillman, whose firm had been operating in Washington County since 1928, was especially proud of one 400-acre tract that was restored as an upland game preserve. That project was completed with the cooperation of the Pennsylvania Game Commission.

The late Mayor David L. Lawrence lauded Mr. Hillman as "doing a great service to the community" by his efforts in conceiving the Mayor's Committee for a Cleaner City.

The 25-member committee served as a liaison between the citizens and city officials for development of a clean city. It worked in close cooperation with Pa Pitt's Panthers and had over-all charge of projects undertaken in that field.

Mr. Hillman lived on Parish Lane, Shadyside, and the Pittsburgh office of his firm is located in One Oliver Plaza, Downtown.

Mr. Hillman attended Shady Side Academy, New York Military Academy, Haverford School and in 1912 graduated from Yale University.

In 1914 he married Marguerite Cabell Wright of Augusta, Ga. He is survived by his wife; four daughters, Mrs. John C. Oliver Jr. of Sewickley, Mrs. Richard I. Purnell of Locust Valley, New York, and Mrs. Thomas J. Hilliard Jr. and Mrs. J. Mabon Childs, both of Pittsburgh; 15 grandchildren and two great-grandchildren.

In World War I, Mr. Hillman served with the U.S. Army overseas as infantry captain of the 82nd Division.

In addition to the presidency of Harmon Creek Coal Co., he also was president of Industrial Coal and Iron Co., which became the Haverhill Co., which he sold in 1943.

In 1965 the University of Pittsburgh granted Mr. Hillman an honorary degree of Doctor of Laws and cited him as an "enlightened conservator, beloved citizen and friend, patrician gentleman."

Mr. Hillman was a member of the board of trustees of Carnegie Institute, a member of its Fine Arts Committee and from 1959 to 1965 was vice president of Carnegie Library.

Mr. and Mrs. Hillman have made numerous donations to the Museum's department of Fine Arts and Decorative Arts.

Mr. Hillman was a member of Calvary Episcopal Church, where he served on the Vestry and as Senior Warden. He also served as a member of the board of trustees of the Episcopal Diocese of Pittsburgh.

Mr. Hillman had been president of the Shadyside Hospital board of trustees, member of the advisory committee of the Home for Crippled Children, and chairman of the Pittsburgh Board of Education fund-raising committee for the Pioneer School for the Physical Handicapped.

He also was a member of the City of Pittsburgh's Sinking Fund Commission, the board of directors of the Pittsburgh Bicentennial Association, emeritus trustee of Dollar Savings Bank, charter member of the Bibliophile Society, and a director of the Civic Light Opera advisory board, Pittsburgh Playhouse board and the Pittsburgh History and Landmarks Society.

Friends will be received at the residence. Services will be held at 12:30 p.m. tomorrow at Calvary Episcopal Church, Shady Avenue and Walnut Street, Shadyside. Interment will be private in Homewood Cemetery, Squirrel Hill.

[From the Pittsburgh Press, May 27, 1972]

J. F. Hillman, Conservationist, Leader, Dies

James Fraber Hillman, prominent Pittsburgh coal operator-conservationist, died yesterday following a lengthy illness in Presbyterian-University Hospital.

Mr. Hillman, 83, of Parish Lane, Morewood Heights, had won acclaim for the reclamation work of his Harmon Creek Coal Co. long before the statewide strip mine act made such reclamation mandatory.

MR. HILLMAN HONORED

A noted civic leader, Mr. Hillman was honored several years ago in Burgettstown, Washington County, where a monument in his honor was erected following his donation of a 74-acre site to the community for a park.

The park site was a former strip-mine tract for the Florence Mine of Harmon Creek Coal Co.

Mr. Hillman's work in strip-mined land reclamation had been subject of articles in national magazines, newspapers and trade journals. In 1962 his reclamation work was praised in a nationally televised program.

He was also instrumental in passage of the state strip mining legislation in 1963.

A modest man, Mr. Hillman avoided whenever possible publicity concerning his accomplishments and civic endeavors.

YALE GRADUATE

A graduate of Yale University in 1912, he served as captain of a machine gun company in World War I, serving in the 82nd Division.

He was one of three men who raised funds in 1957 to build and equip the School for the Physically Handicapped Children in Brookline and in 1949 he donated several parklets in the city.

He was a member of the board of trustees of the Pittsburgh Episcopal Diocese, served as chairman of the Mayor's Committee for a Cleaner City, and headed the Allegheny Conference on Community Development.

ACTIVE IN C. OF C.

Mr. Hillman was active for many years in the Pittsburgh Chamber of Commerce and served as director of that organization. He was an organizer of Pa Pitt's Partners, an organization which emphasized cleanup of the city, a member of the Pittsburgh Bicentennial Committee, and a supporter of the Western Pennsylvania Conservancy.

He also served as president of the Shadyside Hospital Board of Directors; chairman of the United Housing Council, trustee of Dollar Savings Bank and a director of the Colonial Trust Co.

He was a member of the Sinking Fund Commission for the City of Pittsburgh, president of the Pittsburgh Park and Playgrounds Association and a director of the Civic Light Opera Association.

DONATED PAINTINGS

In later years he had also taken an interest in art and had donated John Kane paintings of Panther Hollow to Carnegie Museum and served as a member of the museum's fine arts committee.

He was a member of the Duquense, Pittsburgh Golf, Rolling Rock, Fox Chapel Golf and Elizabethan Clubs.

He is survived by his widow, Mrs. Marguerite Cabell Wright Hillman, and four daughters, Mrs. John Oliver Jr., of Sewickley, Mrs. Richard Purcell of New York, Mrs. Thomas Hilliard Jr., and Mrs. J. Mabon Childs, both of Pittsburgh.

Friends will be received at Mr. Hillman's home.

Services will be held at 12:30 p.m. tomorrow at the Calvary Episcopal Church, Shady Avenue at Walnut Street, East End.

Burial will be in Homewood Cemetery, Squirrel Hill.

[From the New York Times, May 27, 1972]

James F. Hillman, Conservationist

Pittsburgh, May 26.—James Frazer Hillman, a Pittsburgh area coal operator, philanthropist and a pioneer in the field of conservation, died today in Presbyterian-University Hospital. He was 83 years old.

As president of the Harmon Creek Coal Corporation, which had extensive strip mining operations west of Pittsburgh, Mr. Hillman voluntarily began restoring strip mine pits to fertile, productive land years before state laws were passed in 1945 requiring it.

Mr. Hillman donated thousands of dollars for parks and other community projects both in Pittsburgh and in Washington County, Pa., as well as large tracts of land for park developments.

A native of Pittsburgh, Mr. Hillman had many mining operations in Washington County, and he developed forests, a park, a lake and a swimming pool for residents there.

He received numerous awards for this work as a conservationist including an honorary Ll.D. from the University of Pittsburgh in 1965.

In January, 1969, Mr. Hillman and his wife donated 3,654 acres in Washington County to the state for use as a state park and 2,975 acres for public hunting land.

Not satisfied with merely restoring the contour of the land excavated in strip coal mining, Mr. Hillman insisted that it also be restored to fertile ground.

Mr. Hillman attended Shady Side Academy in Pittsburgh, New York Military Academy and the Haverford School. In 1912 he graduated from Yale University.

During World War I, Mr. Hillman was a captain with the 82d Division overseas.

He is survived by his widow, Marguerite Cabell Wright of Augusta, Ga., whom he married in 1914; 4 daughters, Mrs. John C. Oliver Jr. of Sewickley, Pa.; Mrs. Richard I. Purnell of Locust Valley, L.I., and Mrs. Thomas J. Hilliard Jr. and Mrs. J. Mabon Childs, both of Pittsburgh; 15 grandchildren and two great-grandchildren.

A funeral service will be held Sunday at 12:30 P.M. at Calvary Episcopal Church, Pittsburgh.

THE PROBLEM OF GOVERNING OUR OVERCROWDED CITIES

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Halpern) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, perhaps the most critical problem facing New York City, and every large metropolitan area in America today, is a pervasive malaise which is reflected quite clearly in such symptoms as an ever-escalating crime rate, a staggering incidence of police corruption, and an unprecedented rise in narcotics addiction. The usual, automatic reactions to these outward signs of a grave, underlying problem consist of superficial promises to provide temporary relief for this or that crisis.

What is ailing America's large cities at the most basic level can, I feel, be traced to the size, for example, of New York City's population in relation to the ante-dated governmental structure which is expected to provide adequate services for 7,800,000 citizens.

Let us not be deceived into thinking that these public administration deficiencies can be dismissed as an academic problem—one which has little to do, let us say, with the price of heroin in the neighborhood schoolyard. Actually, the two phenomena are intimately related.

New York City can no longer command sufficient tax revenues to pay for the requisite police, fire, sanitation, education, welfare, and social services. An ever-expanding ring of suburbs is strangling the city by taking full advantage of jobs and services without contributing a fair share in taxes. It is little wonder that entire sections of New York City are being overrun by thieves, callous pushers, and desperate addicts.

There is no magic remedy for this underlying malaise. We may have to experiment with new forms of local government—a regional tax and service base, for example, that would pool the resources of New York City and its surrounding suburbs in Nassau and Westchester.

Another possible solution which must be tried is the concept of revenue sharing. Too great a number of States and cities are approaching real bankruptcy. Drug abuse, to take an example mentioned above, has now reached the point in New York City where almost 200,000 addicts are coursing through the streets. Approximately 27,000 of these addicts are presently being treated, but the city is obviously fighting a losing battle. If a significant amount of Federal revenue, however, were shared with the States and localities, then the city of New York might be given a fighting chance in its battle against the narcotics plague.

If a Federal revenue-sharing mechanism is quickly put into effect, and if research, experimentation, and public debate proceed on the feasibility of new political subdivisions, we will, I am sure, have gone a long way toward reserving the fundamental verve and spirit of our great cities.

City agencies will finally be able to attack the crime and drug abuse problems with more than a handful of funds. More importantly, we would be in an infinitely better fiscal position to embark upon the housing, education, and social service programs which can make productive citizens of potential criminals and addicts.

ALASKA PIPELINE BILL TO BE INTRODUCED

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, tomorrow I am introducing in the House legislation that would delay final approval of the Alaska pipeline so that a National Academy of Sciences' study can be conducted comparing both the economic and environmental merits of a trans-Canadian pipeline as an alternative to the Alaska route. This legislation would also require congressional approval before any go-ahead could be given for either an Alaskan or Canadian pipeline.

There is, I believe, overwhelming evidence that building parallel natural gas and oil pipelines across Canada to the Midwest would have both tremendous economic and environmental advantages over building a separate oil pipeline corridor through Alaska and another natural gas line through Canada.

I believe the administration's decision to give the go-ahead for an Alaska pipeline was based on political criterion, not on economic and environmental considerations. I also believe that an objective and thorough study by the prestigious National Academy of Sciences will prove that the Canadian pipeline is superior in virtually every respect.

The question of how the huge quantities of oil and natural gas in Alaska are to be developed is so important to this country's overall energy policy, and to the protection of the environment, that this question must ultimately be resolved by Congress. The administration has already shown how easily it can be pressured by the oil industry. The burden now falls on Congress to insure that a rational decision is reached.

DON'T VIOLATE FOREIGN DRUG LAWS

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, as the summer travel season approaches, I believe it is once again necessary to warn Americans, particularly the youth of this country, as to the possible consequences of drug offenses committed abroad.

It should be emphasized that many foreign countries impose severe penalties for possession of, and trafficking in, marihuana and narcotic drugs. In addition to the penalties, imprisonment in foreign jails often exposes convicted Americans to inadequate medical care and unsanitary living conditions.

I wish to commend the Bureau of Security and Consular Affairs for being instrumental in bringing this message to the American people who travel abroad.

I wish to include in the RECORD at this point a summary of the efforts of this Bureau in this matter and I especially want to commend Barbara Watson, the Administrator of the Bureau of Security and Consular Affairs, for her unselfish and devoted work in warning Americans as to the hazardous repercussions of foreign drug violations:

SUMMARY OF STEPS TAKEN BY THE BUREAU OF SECURITY AND CONSULAR AFFAIRS TO ALERT YOUNG AMERICANS TO THE DANGERS OF VIOLATING FOREIGN DRUG LAWS

One of the responsibilities of the Bureau of Security and Consular Affairs involves the welfare and protection of American citizens abroad, including those who are arrested for violating the laws of other countries. For many years the reasons why Americans were in jail were the obvious ones, including fraud, careless driving, smuggling and black marketing. Early in 1969, however, a new and ominous element entered the reports of arrests coming into the Department from posts abroad. Young people were being detained for violating the drug laws of foreign countries in constantly increasing numbers. At the end of March 1969, there were 142 Americans in foreign jails for this reason. By the end of March 1970 the number had risen to 522 and a year later it was 711.

The problem caused the Department the greatest concern for a number of reasons. The bulk of the offenders were young persons who did not appear to realize that the drug laws of foreign countries are often more strictly enforced than they are here. Foreign jails are frequently unsanitary; food and medical care are inadequate; and sometimes the sentences are long. Lastly, since travelers are subject to the laws of the country they are visiting, there are strict limits as to what our consular officers can do to assist American citizens once they have been arrested.

Considering these factors it appeared to the department that the most effective step that could be taken to limit the number of Americans being arrested abroad on drug charges was to warn them *in advance* that foreign countries often have severe penalties for violation of their drug laws, that they frequently implement these laws strictly and that Americans when traveling abroad are subject to such laws as much as are citizens of the country concerned. With this concept in mind, the Bureau of Security and Consular Affairs in cooperation with the Bureau of Public Affairs drew up and executed a continuing and far reaching public information program involving all the media beginning in early 1970. Listed below according to the type of media involved are the principal activities undertaken by the two Bureaus thus far to warn Americans:

A. PRESS CAMPAIGN

Miss Barbara M. Watson, the Administrator of Security and Consular Affairs, initiated a widespread press campaign with a briefing for correspondents on March 31, 1970. At that time she distributed a press release pointing out the increasing number of young Americans under detention in foreign jails on drug charges. The conference received nationwide coverage in newspapers, on national television and in the student press. The Administrator held a similar press conference the next spring to provide a fresh warning before the summer travel season and she plans to do the same thing later this spring.

B. MAGAZINE PUBLICITY

The Bureau of Security and Consular Affairs and the Bureau of Public Affairs have cooperated in encouraging and assisting magazines to print articles on the drug situation abroad. Articles on the subject appeared in the *U.S. News and World Report, Time, Newsweek, Life,* the *Reader's Digest, Playboy* and other magazines.

C. TV PUBLICITY

The Department worked closely with CBS to produce an excellent TV presentation for the 60 Minutes Show in June 1970 including interviews with young Americans abroad. The Bureau also helped the Cox Broadcasting Company produce a TV series in early 1971 featuring interviews with Americans actually serving sentences in foreign jails on drug charges. Richard Valeriani interviewed the Administrator for the NBC evening TV news report in June 1971 as well. Miss Watson appeared on the Chris Craft TV show in March 1971, the Today Show in April and WETA-TV in June of that year to disseminate further the message on penalties for drug violations abroad.

The Bureau of Public Affairs distributed filmed interviews with the Administrator on this subject to nearly 500 TV stations in 1970 and 1971. It is in the process of doing so again this year. In addition, the Bureau distributed two public service slide announcements warning against penalties for narcotics violations in foreign countries to the above TV stations.

D. RADIO PROGRAMS

In March 1970 the Department arranged with Metromedia to broadcast a series of six radio spots featuring Miss Watson and a young man who had returned to the U.S. after serving a jail sentence for drug violations in Beirut, Lebanon.

During the same month Miss Watson taped a radio talk warning young Americans of the dangers of violating drug laws which was distributed to approximately 1,000 radio stations by the Bureau of Public Affairs. A series of four public service "spot" announcements were also distributed to 665 youth-oriented radio stations. Miss Watson discussed the same subject on the Arlene Francis Show on station WOR and she taped an interview for station KABC in Los Angeles.

E. SPEECHES

The Administrator and other members of the Bureau staff have given numerous talks on the subject of drugs. Miss Watson gave major addresses at the World Affairs Council in Pittsburgh in October 1970 and at Barnard College and the National Association of Foreign Students at the University of British Columbia in May last year. Other officers participating in the Department's speaking program have been provided with material and were asked to refer to the problem in their speeches, and have done so in numerous engagements.

F. OTHER MEASURES

The Bureau of Security and Consular Affairs and the Bureau of Public Affairs have produced and distributed to Passport Agencies, universities, travel agencies, and all major international air carriers, over 600,000 leaflets warning young travelers of the penalties for violating foreign drug laws. Several airlines responded by including articles on the subject in their passenger publications.

In May 1970 a letter was transmitted to each Member of Congress regarding the increasing number of young Americans under detention abroad for violating drug laws. Many Congressmen distributed copies of the letter to their constituents. Miss Watson also appeared before members of the House to brief them personally in 1971.

All posts abroad have been alerted to the problem and many have prepared and distributed posters and leaflets for the attention of Americans already abroad.

The Department has also cooperated with the White House and with the Advertising Council concerning their excellent campaign on the same subject.

The rate of increase in the number of Americans in jail abroad on drug charges has been slowing down in recent months. It stood at 919 at the end of March which was a moderate increase over the previous month's total of 881. It appears, therefore, that the Department's efforts to alert young travelers to the dangers of violating foreign drug laws are bearing fruit. We do not consider, however, that the task is by any means complete. In addition to the steps mentioned previously, the Department is now preparing a pamphlet for young Americans who are planning to travel abroad which includes a section on penalties for violating foreign drug laws and an explanation of the limits as to what consular officers can do to help them if they are arrested. The Administrator has already given a short talk for TV spots. The Department is also planning to distribute a series of short radio spots to rock and university stations featuring an interview with a young American who has returned to this country after serving time in a foreign jail for drug violations. We shall continue our campaign to alert young Americans to the dangers of violating foreign drug laws with the goal of achieving a substantial reduction in the number of arrests.

REPORT ON THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I would like to take this opportunity to congratulate my distinguished colleagues on the Government Operations Committee for their preparation of the current report on the Law Enforcement Assistance Administration. The Legal and Monetary Affairs Subcommittee, chaired by my good friend, Hon. JOHN S. MONAGAN, deserves our special appreciation.

LEAA has for some time been subject to a great deal of criticism from various quarters. The organization has been President Nixon's answer to the catastrophic growth of street crime in our Nation. Regretably, LEAA has failed in its mandated duty. The report states unequivocally:

> The block grant programs of LEAA had no visible impact on the incidence of crime in the United States.

Several Members of Congress have introduced bills to reorganize and improve the operation of the law enforcement agency. I believe that the Congress should hesitate no longer in taking action on these bills. The report suggests that congressional action would be the most suitable and successful type of remedial improvement for LEAA. I agree with this suggestion.

Last January 27 the members of the Chicago delegation joined in sending a letter to Mr. Jerris Leonard, the Administrator of LEAA. In that letter we offered our criticisms of the agency's operation. I am sure that I represent the other Congressmen from my city when I say that we are pleased that our criticisms have been verified by the committee's report.

PANAMA: CENTER FOR EXPORTING NARCOTICS INTO UNITED STATES

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 20 minutes.

Mr. FLOOD. Mr. Speaker, during the period February 18–24, 1972, as part of its comprehensive inquiry into Isthmian Canal policy questions, the Subcommittee on the Panama Canal, House Committee on Merchant Marine and Fisheries, visited the isthmus and conducted hearings in the Canal Zone. I commented at some length on that visitation in a statement to this body in the CONGRESSIONAL RECORD on March 29, 1972, on the subject, "Panama Canal: Time To End Diplomatic Futility and To Focus on Major Modernization."

One of the matters delved into by the subcommittee was the export through Panama to the United States of narcotics, which has reached a dangerous volume and reportedly involves high officials in the revolutionary government of Panama: Juan Antonio Tack, its Minister of Foreign Affairs; Moisés Torrijos, currently Panamanian Ambassador to Spain and brother of Omar Torrijos, commandant of the National Guard of Panama; and others.

Although the indicated congressional visitation in the Canal Zone was ignored by the controlled press of Panama as well as in that of the United States despite the issue of press releases by the subcommittee's able chairman, my distinguished colleague from New York (Mr. MURPHY), it was not ignored in the press of other Latin American countries.

In a series of three articles by Julio Argain, respected correspondent for "El Colombiano" in Buenos Aires, Argentina, he summarized the drug problem now existing on the isthmus. Among the highlights of these articles are the following points:

That Panama has become a principal distributing center for the export of narcotics into the United States and the Canal Zone.

That the use of narcotics is spreading among the Armed Forces of the United States in the Canal Zone and elsewhere, impairing national defense.

That fortunes are being made in Panama in this nefarious business and that those implicated include Foreign Minister Tack and Ambassador Torrijos.

That in the effort to weaken the United States, the people of which are anticommunistic, narcotics have augmented ideological propaganda as a weapon for destruction.

That countries pushing the narcotic business are those ruled by Communist governments and pro-Red nationalist or "progressive" ones, that is to say, radical.

That the real reason for the assassination on January 3, 1955, of President Remón of Panama, as publicly revealed by an officer of the Panamanian National Guard after 17 years of suppression, was Remón's strong opposition to the narcotics traffic.

Notwithstanding all these and other revelations there are those in the executive department of the U.S. Government who are so naive or stupid as to allow themselves to be brainwashed by members of the revolutionary government of Panama into believing and asserting that the United States should not oppose or question to any extent the role that the present Panamanian Government is now playing as regards the subjects under discussion.

In this connection, the United States is charged with tremendous responsibilities in the maintenance, operation, sanitation, and protection of the Panama Canal. The Canal Zone is not a piece of public or waste land but indispensable territory for canal purposes and no amount of sophistry or shabby sentimentalism can change the realistic facts involved.

The revolutionary government of Panama, doubtless following Soviet practice, states a premise that is absolutely false in character and then seeks to exploit it. For example, as to the oft repeated propaganda slogan that "the canal is ours," Panamanian revolutionaries never discuss the zone territory as being in any wise necessary for canal purposes but refer to the subject only in the manner that it belong to Panama and is of inconsequential value.

The reason that the Canal Zone and canal are under the control of the United States is because no other nation, after the French failure, was willing to undertake the costly and undetermined project. Now, after the canal has been built and operated in an efficient manner for many years by the United States, there has emerged the claim by the revolutionary government of Panama that despite the 1903 treaty the canal has always belonged to Panama and that our Nation, in refusing to recognizing the validity of that claim is practicing the most cruel and wicked form of imperialism against Panama. This particular form of Soviet argument is applicable wherever the United States is concerned but not where Soviet power in Cuba, Chile and the satellite countries in East Europe are concerned. Why is it that Panama has been able to bluff its way in getting high officials of our Government to agree in advance to cede sovereignty over the Canal Zone to that weak and unstable country, which power is not vested by the Constitution, article IV, section 3, clause 2—in the executive but in the Congress, which includes the House. Nor do our high officials ever answer the most atrocious demands presented by Panamanian demagogues. Certainly the time has come for them to speak out as did Secretary of State Hughes on December 15, 1923, in response to demands of Panama for increased sovereignty over the Canal Zone. On that occasion he called in the Panamanian Minister and with a refreshing degree of candor and vigor stated that our Government would never surrender any of the canal grants under the 1903 treaty, that it "could not, and would not, enter into any discussion" affecting its exclusive sovereignty over the Canal Zone, and that it was an "absolute futility for the Panamanian Government to expect any American administration, no matter what it was, any President or any Secretary of State, ever to surrender any of these rights."—House Document No. 474, 89th Congress, page 153. Yet, at this very moment, our officials are negotiating for such surrender to a government that not only has made impossible and unrealistic demands but also is reportedly undermining the morale of our youth and Armed Forces by the export of narcotics.

Mr. Speaker, in order that the illuminating recent newsstories by Julio Argain may be available to the Congress and agencies of our Government concerned with the narcotic problem and Isthmian Canal policy questions, I quote them as parts of my remarks along with a recent newsstory from the Washington Post. The last cites the CIA as stating that Panama is "one of the great contraband centers of the world" and thus serves to confirm the revelations in the Argain newsstories:

DRUG RUNNERS—I

(By Julio Argain, correspondent for "El Colombiano")

BUENOS AIRES, March, 1972.—The "boom" [English in original] these days in Buenos Aires—and surely in many other capitals, maybe with greater resonance—has been constituted by the accusation made by officials of United States Federal Customs Bureau and the Federal Bureau of Narcotics and Dangerous Drugs, attached to this country's embassy in Panama, indicating that high officials in the Panamanian government were implicated in the smuggling of drugs from Panama to the great republic to the North.

This time it isn't just a matter of a pointless accusation picked up in the street concerning unnamed parties. It was made in Washington by Democratic Representative John M. Murphy, who "maintains it despite a denial from the State Department", and Murphy gave names: the implicated officials, among others, could be the Minister of Foreign Affairs, Juan Antonio Tack, and the Ambassador to Spain, Moisés Torrijos (who previously held this post in Argentina, from where he "unseasonably" absented himself without even saying farewell to the government in Buenos Aires in the customary protocolar manner), brother of Panama's "strong man". The names of the reporting agents attached to the U.S. diplomatic service were given, and all this was widely divulged by *Washington Post* columnist, Jack Anderson.

The immediate result of the scandal might be foreseeable, once representative individuals were exposed: the government of Panama expelled the reporting agents, instead of confronting them and demanding that they prove their statements, rash and slanderous, if they were false. The aggressive and arrogant statements made within certain circles in Panama when the United States is mentioned, were tempered down. Advantage wasn't taken of the magnificent opportunity which presented itself to unveil the "Yankee intrigues". The charges were simply denied, notwithstanding their extraordinary gravity.

Surprised by the unexpected impact, the United States Department of State has assumed a confused attitude, at least thus far. On one hand it has refuted the reports of its agents, but it isn't separating them from their posts as if they were common liars. On the other hand, it "deplores" the fact that the government of Panama has taken an "unjustified" stand. That is to say, "unjustified" because the accusation is positive, it is true, so nothing justifies the expulsion of the three agents.

By not checking further or explaining what the two contradictory positions are based on—declaring that it refutes its agents' reports and then right away expressing the opinion that their expulsion is not justified—the State Department forgets a dispatch which the world news agencies transmitted on June 15, 1971 (published on the 16th), which assures that "President Nixon is calling for an energetic campaign against crime and drugs". In fact, at that time, Mr. Nixon "met in the White House with two consecutive war councils" to adopt measures "against crime and drugs, *because they are undermining the police and the Army*". In these latter emphasized words is the key of the campaign which Nixon "promised", after verifying that the drugged American soldiers in Indochina were estimated at 50 thousand, physically and mentally handicapped not only for the nation's defense, but for any other job. Everything is contained in the above-mentioned dispatch.

Panama [has been] converted into a principal distributing center for narcotics, for there they are received from different countries in the world, especially from Laos, Thailand, and China, and [are directed] not merely to the Americans in their homeland. The use of drugs is also spreading among Panamanian youth and the United States garrison in the Canal Zone. A simple procedure for reducing without struggle, while at the same time carrying on a juicy and disreputable business which is producing earnings of tens of millions of dollars. This proven peril to the national defense was what determined the establishment in Panama, as an attaché to its embassy, of a section from the United States Federal Customs Bureau and the Federal Bureau of Narcotics and Dangerous Drugs.

One detail of the greatest importance, outstanding without a doubt, in Representative Murphy's accusation refers to the fact that this congressman is the Chairman of the House Subcommittee for "Panama Canal Affairs", and he personally gathered the details of his sensational announcement during a visit he made to the Isthmus during the latter half of last February. He must be very well informed, without possibilities of falling into errors or mistakes that could cause him a lack of prestige and to be removed from the exceptional position which he holds at the present time.

Drugs In Panamanian Politics—II

To speak of drug running in Panama is something as common as speaking of the weather or asking a friend about his health. Under its practice fortunes impossible to acquire by common means have been amassed and are brazenly displayed. There are buildings which have received a low-cost classification [this sentence somewhat vague, seems to be; and it needs to be made known how their construction was paid for]. Daring merchants hid drugs in their imported merchandise. In some way they prevented the discovery of these when the merchandise was unloaded and also being reported when they went on the market.

A political crime that moved America had its origins in the narcotics problem. It is no longer necessary for us to say it because an outstanding person in the present Panamanian administration has exposed it, perhaps for the first time in print. Here is the background.

Around the middle of 1971 Major Manuel J. Hurtado of the National Guard was removed from his post as mayor of Panama City, which awakened the most varied comments, and in the fact of these, Major Hurtado addressed a letter to his chief and bosom friend, "strong man" Omar Torrijos. This letter was published on July 16, 1971, in the daily *"La Estrella de Panamá,"* and it reads literally: "I am aware that my removal as Mayor has even been attributed to a decree I issued forbidding the thick prostitution in the bars and nightclubs, and people have been so vile as to say that this decree had ulterior motives. . . . There is one thing indisputable in the decree: through it was definitely controlled that which isn't controlled by physical examinations nor orderly file cabinets: *The narcotics traffic,* against which our immortal symbol, *General José Antonio Remon Cantera,* struggled relentlessly and *gave his life*". (The underlining of the capitalized words is by us).

A sensational revelation by an authorized source. Remón was vilely and cowardly assassinated while he was President of the Republic (January 3, 1955), because of "opposing the narcotics traffic". The crime was exposed as to its origin sixteen years after it was committed. The foregoing was superfluously known and in Panama comments were made on it in private. This crime has frightening aspects since the novelistic narration of the facts begins with the prior arrest in Puerto Rico of a lady closely tied to Remón, who was hiding an important amount of heroinic drugs in her luggage. The event was widely publicized. Then a nauseating trial at which innocent people were sentenced in an unmerciful struggle by beneficiaries who aspired to power.

A week before the publication of Major Hurtado's letter, the Associated Press and United States International agencies, among others, reported the arrest at Kennedy International Airport in New York City of Rafael Richard, 24, the son of the Panamanian ambassador to Nationalist China, after a contraband of 79.3 kilos of heroin was discovered in his luggage, whose market value was over 20 million dollars." A bail of 50 thousand dollars was set for Rafael Richard's release. Already on February 12, 1971, Panamanian citizen Joaquin Him González, had been arrested in the Canal Zone by United States authorities serving an arrest warrant from the court of Dallas, Texas, for "being implicated in the traffic of drugs," (dispatch from the Italian news agency ANSA, among others). At this time the Panamanian Chancellor Tack hastened to state that this was an "illegal action" and to demand the surrender of the alleged criminal [to the] as yet unrecognized right of jurisdiction.

We could document a great deal more in this respect in order to demonstrate that the traffic of drugs in Panama is an everyday occurrence, the recourse of certain privileged groups in order to amass wealth, and that the details of their doings is freely discussed. They frighten no one. No government has ventured to fight the shameful trade, and the only leader who was able to fight this moral gangrene from the lofty spheres of his people, has been overthrown on three occasions by the National Guard. His replacements have never initiated a punitive campaign against the drug pushers.

As a final point to this report we will mention one important statement, strictly documented like all the foregoing: a dispatch by the French news agency AFP on July 14, 1970, sent from Mexico, begins with the exact following words, prior to the details: "The American professor, Kenneth F. Johnson, of the University of Southern California, accused the Panamanian government of being a narcotics pusher and urged the United States to cut off aid to regimes such as that of Panama."

Drugs, Yes: Ideology, No—III

It is categorically seen that the countries engaged in the smuggling of drugs into the United States, who have made Panama their worldwide geographical capital, are ruled by communist governments—or nationalists or progressives, as they now like to be called in order to arouse the least possible suspicion.

It isn't hard to uncover the reasons for appealing to these disguises and thus, undermining the democratic bases of Lincoln's homeland, and we condense them in the title of this article: Drugs, Yes. Ideology, No.

It is totally counterproductive for communism to carry on ideological propaganda in America. Communism is the underdog and the peoples of our hemisphere aren't made up of majorities of unconditionally stupid people. It suffices to review recent history to reach this conclusion.

The failure of the "Soviet paradise" in Cuba under the dictatorship of Fidel Castro has been thunderous and becomes more pronounced every day. The second formal attempt in Bolivia by the former General Juan José Torres was crushed in hours and gave way to the union of the two big democratic parties, irreconcilable enemies until this historical moment; the Bolivian socialist phalange and the nationalist revolutionary movement. Before this, the guerrilla Ernesto Guevara, who had promised "to raise a Sierra Maestra all along the Andes," was defeated and killed. The Peruvian "nationalist" (red) attempt was placed in ridicule when, after having very spectacularly appropriated the property of the International Petroleum Company, a United States firm, it assigned 1,200,000 hectares of territory to Occidental Petroleum, a United States firm from Los Angeles, for exploration and operation. Later on, Peru decorated Nixon's wife for her "sympathy and assistance" shown following the 1970 earthquake. Other first ladies of the continent did the same thing, but only the one from the United States was thanked: Lima so urgently needs United States' favor that it didn't even notice the diplomatic "boner" it pulled. In Chile, the communist government front is defeated in three consecutive elections and officially admits its failure. In addition, the country has entered upon a period of rationing and this is increasing the popular discontent. The communist Frente Amplio [Broad Front] is defeated in a catastrophic manner in Uruguay and a citizen who has promised to follow a hard line against the subversion initiated by the former leader, Pacheco Areco, is elected President of the Republic. In Brazil communist activity has totally disappeared and—together with Colombia and Venezula—along with this their development and progress are surprising.

The strategy of Sovietized socialism needs to be rectified. No more ideological propaganda; let it be replaced by enticement to the use of narcotics with more practical results. There must be complacent and corrupt authorities who will personally get wealthy while they poison, weaken and frustrate their young people, by converting them into an amorphous and innocuous group which neither reasons nor possesses a will.

But the problem which this perspective offers to the consideration of the United States and other injured parties is no longer political. It concerns neither hygiene nor public health. Now it is national defense.

In a previous article of this series we mentioned an official charge made by the President: 50 thousand American soldiers in Indochina have taken heroin drugs and have been incapacitated as useful persons: thousands of them "can't even be used as employees. The rest will need a long and costly detoxification process, whose outcome is problematic. If in the same proportion as in Indochina, 20 or 25% of the whole United States Army were hooked on narcotics, the country would lose the strength which backs up its status as the world's leading power. And it would have to capitulate, no longer in a war, but at a table of negotiations for lack of the condition upon which it bases its outstanding position."

And the key in the operation of this criminal campaign of annihilation: Panama. Naturally, because the United States permits it, protects it and even rewards it, and pays no attention to its patriots who report the scandal.

The country being used as the springboard for this process obtains its own benefits as well. It injects the poison of the narcotics into its own citizens and makes them irresponsible and submissive to the acceptance of tyranny. A healthy populace reacts and even goes to the sacrifice, if need be, consciously and patriotically inspired. Converted into puppets, they allow it to go on.

Drugs, yes. Ideology, no. A new time bomb which needs to be disarmed as a basic duty of national defense before it goes off.

[From the Washington (D.C.) Post, May 6, 1972]

Heroin Traffic Shifts South of Border

(By Jack Anderson)

For decades, international heroin gangs have sent their deadly wares from Marseilles' back-alley laboratories directly to Mafia distributors in New York City.

But crackdowns have now made this direct trade dangerous for the Corsican criminals in France and their Cosa Nostra counterparts in the New York City area.

Increasingly, they are shipping the addictive white powder through Latin America and the Caribbean, where bribery, bootlegging and buccaneering have been respected pursuits since the days of Blackbeard, Henry Morgan and Captain Kidd.

The Central Intelligence Agency, which only lately has gotten into dope counterspying, has summarized the problem in a 20-page secret report circulated to a few federal agencies.

Area by area, here is the CIA's picture of this new dope circuit:

CENTRAL AMERICA

Mexico produces "15 to 20 per cent (perhaps up to 25 per cent) of all heroin used in the United States . . . most notorious of the illicit drug centers in Mexico is Culiacan, capital of the state of Sinaloa.

"It has been called the 'Heroin Capital of Mexico.' Many of the well-to-do townspeople, including those now engaged in legitimate businesses, are said to have gotten their start dealing in narcotics."

The home-grown Mexican heroin is sent to San Diego, Los Angeles, Seattle, Denver, Phoenix, Albuquerque, Houston, Fort Worth and Dallas.

MEXICAN FIXES

Our own investigation has turned up a government-protected dope "shooting parlor" in Juarez, Mexico. Young American addicts from El Paso, some on military drug withdrawal programs, simply cross into Mexico to get a "fix."

Panama, whose foreign minister Juan Tack was recently exposed by us as sanctioning dope traffic, is "one of the great contraband centers of the world," reports the CIA. Heroin pours in from Lima and Santiago, cocaine from Guayaquil and Quito, in Ecuador, and from Colombia. European and Asian dope exporters also use Panama as a transshipment point.

Costa Rica opium crops have been discovered recently "in gardens, in a cemetery, and on the slopes of Irazu Volcano." There are unconfirmed reports of clandestine labs.

THE CARIBBEAN

Nicaragua may be a "transit point for heroin shipped north from South America via Panama to the United States," says the CIA.

Puerto Rico and the Virgin Islands have heroin operations run by "Cuban exiles and Puerto Ricans in the United States (who) act as middle men . . . while Argentinians, Chileans, Uruguayans, and nationals of other transshipment countries act as couriers."

Guadeloupe, Curacao, Aruba and Trinidad are also named by the CIA as "steppingstones" for shipment of heroin, cocaine, hashish and marijuana to the U.S.

SOUTH AMERICA

"Big-time operators with international connections and innumerable small-scale smugglers called 'hormigas' (ants) cross the sievelike borders with impunity," alleges the CIA.

"The busy ports of Barranquilla, Rio de Janeiro, Montevideo, Buenos Aires, Valparaiso, Antofagasta, Callao, Guayaquil, and Buenaventura act as funnels. . . . Smuggler planes, ranging from Piper Cubs to DC-3s, and even to four-engined Lockheed Constellations . . . are used," says the secret CIA report.

OFFICIAL CORRUPTION

"Most of the drug traffic in South America involves marijuana, which is grown extensively in Colombia, Brazil, and Paraguay and coca leaves and cocaine produced in Bolivia, Peru, Chile and Ecuador."

But there is also some opium production in Colombia and Ecuador.

"An Italian shipping line is currently involved in smuggling heroin from Marseilles, France, to Valparaiso, Chile, via Panama," says the CIA without naming the shipping line.

BECAUSE THIS IS A GOOD COUNTRY

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. Flowers) is recognized for 5 minutes.

Mr. FLOWERS. Mr. Speaker, in the last 2 weeks since the tragic attempt to kill Gov. George Wallace, I have spent much time in serious reflection on the problems of our Nation, just as many others must have. Many people have wondered aloud at what our country might be coming to—when a man in public life speaking out forcefully on the issues is shot down in cold blood in the middle of a political gathering.

Of course, most of us share those feelings of concern, and in my public statement immediately following the incident, I said:

> I am shocked beyond belief that anything such as this could happen once again in America. It leaves me with a dread feeling about the future.

In retrospect, I must say that my feelings are somewhat different. First of all, and of great importance, let us not forget that our Governor was shot by one man apparently acting alone—just as in the Kennedy assassinations. People such as Oswald, Sirhan, and Bremer are few and far between, and they are far outnumbered by the good, kind, law-abiding citizens who for the most part make up the character of the "average American."

I agree, Mr. Speaker, with the statement the President made in the state of the Union message last January 20.

> America is great not because it is strong, not because it is rich, but because it is good.

I am reminded of the man I met at the hospital shortly after the shooting. He noticed my Alabama license tag and asked me to relay to the Governor's doctors that he was there to give blood if needed. He was from Maryland and had driven 75 miles just to be there. Another man from Pennsylvania made the same offer before I could hardly get out of my car.

I remember the speed at which news of the incident circulated. For the first time in memory, there was a complete overload on the telephone switchboard at the Capitol. There were simply not enough lines to handle the traffic.

Nearly as quick as the jamming of the switchboard came a spontaneous outpouring of sincere and genuine concern from every conceivable source. Political and Government leaders, other candidates, many who did not necessarily agree with the Governor's political views—average Americans of every race, color and creed expressed their distress over the tragic event and their prayerful hope for an early and complete recovery by Governor Wallace. The President immediately made available every facility of the Federal Government and personally visited the hospital on the eve of his departure for Moscow.

The physical handling of all the calls, letters and telegrams has been a real problem, but it has been one of those heartwarming experiences that doesn't come along often enough. I know that it has been a pleasure for my office staff to help out in this regard. I am told that at one time, there were probably more flowers for Governor Wallace at the hospital than at the National Botanical Gardens.

So, I am still optimistic about the future. Sure, we have got our problems as a Nation, and we have got to be watchful for the Arthur Bremers of this world. But America is still the greatest Nation ever on the face of this earth, with hope so vast that only the most pessimistic would fail to acknowledge.

STATEMENT OF CONGRESSMAN FRED SCHWENGEL ON BOMBING

The **SPEAKER**. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 5 minutes.

Mr. **SCHWENGEL**. Mr. Speaker, from time to time I have the privilege of associating with and learning from students who are in the colleges in my district. And, probably because I do have a liaison committee on each college campus that deals with and considers the important issues of our time, I hear from them more often and because of that, they speak more frankly to me about the issues and problems. This is both helpful to me and to them, because I can give them the benefit of my experience and my knowledge that helps bridge the gap and to develop an understanding and appreciation of each other's area of responsibility.

Recently, I received a petition from Peter Benner and Annie Lataurette. They handed me a petition with over 6,000 names on it relative to the Vietnam war. The petition reads as follows:

> We, the people of Iowa City, petition our representatives, Senators Hughes and Miller, and our Congressmen, Schwengel, to declare themselves *publicly* in favor of an immediate halt to the bombing of North Vietnam and immediate withdrawal of all American forces from Vietnam. We demand that they pledge themselves to support all legislation in Congress to this effect. We ask that this public statement be made within their districts by May 30.

Their real concern, Mr. Speaker, is that they believe as I do that bombing has little effect on a desirable outcome of that conflict. They have pointed out to me what is already known from special studies—that over 6.4 million tons in all have fallen in the Indochina area. This, according to the Cornell University study, has left over 20 million craters in those lands. This they believe, and I believe, will be a scar on the earth that will not be good to look back on, especially when we note that it has not been successful. They point out the fact that we all know that is a tragedy. Over 50,000 of our boys come back in boxes and over 450,000 Asian civilians have been killed. Add to this the millions who have been wounded and will carry scars for life. They see the futility of this operation.

This is the reason, Mr. Speaker, why I issued the following statement after the bombing began:

STATEMENT OF CONGRESSMAN FRED SCHWENGEL

The President's remarks last night give us all cause to pause. With most Americans, I hope and pray the President's new initiatives will bring an end to the war. Encouraging to me was the President's statement that the release of the POW's and an internationally supervised cease-fire would guarantee a complete American withdrawal in four months. But there are grave risks which cannot be minimized. The risk of direct confrontation with Russia and China over Vietnam is now a real threat for the first time in the War.

Given the rather poor and shoddy performance of the South Vietnamese Army in the northern part of their country, one cannot help but wonder if Vietnam is worth this sort of confrontation.

We have given the South Vietnamese every advantage. In 1971 we gave them $1.5 billion in military aid compared to the $175 million in military aid received by the North Vietnamese from Russia and China. The South Vietnamese have had the benefit of our complete air superiority, in both South and North Vietnam.

Even with all of those advantages, they have lacked the capability and will to defend themselves. To risk major power confrontation over such a nation is questionable to say the least.

There is no doubt that the North Vietnamese have unnecessarily provoked this confrontation. We are withdrawing from Vietnam. While I personally have favored a more rapid withdrawal and have so voted, it is clear we were on our way out. The current situation should not alter our basic commitment to complete our withdrawal.

It is my earnest hope that the North Vietnamese, encouraged by Russia, will now begin serious negotiations which can finally end the war.

THORNING ON DEBRAY ON ALLENDE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, Dr. Joseph Thorning, the well-known expert on Latin America and recently the acting Chaplain of the House in our annual celebration of Pan American Day, has reviewed for the magazine America the book "Conversations With Allende" by Régis Debray.

Dr. Thorning's posing of the pertinent questions about the Allende regime and his analysis of the present Chilean situation come at a very significant time and for this reason I include here with my remarks Dr. Thorning's review for the information of those colleagues interested in Latin-American problems in general and the Chilean problem in particular.

THE CHILEAN REVOLUTION—CONVERSATIONS WITH A POSTSCRIPT BY SALVADOR ALLENDE

(By Régis Debray)

Will the Chilean Revolution be a "revolution without rifles"? That is the key question posed by French journalist Régis Debray in his dialogue with President Salvador Allende.

Debray whose original idol was Fidel Castro, supplies an answer of his own. In his Introduction the author assures his readers that, in order to gain absolute power, the use of force is sanctioned by "universal principles of Marxism-Leninism."

In responding to the inquiries of his youthful admirer, Allende provides data about his boyhood, medical education and political thinking. As a lad of fourteen, he was greatly influenced by a cobbler-anarchist who taught him "how to play chess," to enjoy "the good things of life" and to read books on social issues. Three generations of his family were freemasons, who often engaged in controversy with conservatives, especially "on a religious front." Almost from the start, Allende reveals, he was "aware of his anti-imperialist vocation." As a youthful politician, he became one of the founders of the Socialist Party in Valparaiso. He insists, however, that his Marxism had "nothing to do with European Social Democrats."

When in 1938 President Pedro Aguirre Cerda organized the first short-lived "Popular Front" government, he named Dr. Allende Minister of Public Health. The job showed the young man's capacity for leadership and brought his gifts of oratory and organization to national attention. Despite three subsequent defeats in hard-fought presidential campaigns, he won enough votes from a Socialist-Communist coalition in the Chilean Senate to become President of that body during the Christian Democratic administration of Eduardo Frei Montalva (1964–70). In his fourth try for the *Casa Moneda*. Allende emerged as victor. His plurality in the popular vote was 36.3 per cent.

As President of Chile, Dr. Allende, although alluding to some differences with Castro as "fundamental and violent." explains that their goals are almost identical: "complete economic and political domination." As often as Debray expresses impatience with "the pace of socialization," his mentor emphasizes his determination to "expropriate the means of production that are still in private hands." For this to happen, he adds, control must be established over the legislative and judicial branches of government. His models are "the Socialist countries."

Recent events in Chile raise doubts about Allende's prospects of success for such a comprehensive program. The 1972 congressional by-elections brought victories to a reunited front of Christian Democrats, liberals and nationalists. As a result, Allende does not dare to consult the public about his decision to dominate congress and the courts. Food shortages, housing problems, runaway inflation, lowered productivity in mines, factories and on farms, defaults on indebtedness and near-bankruptcy haunt the Popular Front regime.

The Debray-Allende colloquy is a valuable reference work. It can be studied, now and in the future, either as a blue-print for another collectivized society or as a plan for peaceful construction of a Socialist, but non-Soviet, Republic, respectful of basic rights and dedicated to the correction of social evils, while providing fairly for human needs.

JOSEPH F. THORNING

Rev. Dr. Joseph F. Thorning is United States Honorary Fellow of the Historical and Geographic Institute of Brazil.

TO CORRECT A BLATANT INEQUITY

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, today I am introducing legislation to rectify a blatant inequity in the charitable contributions provisions of the Internal Revenue Code. Presently the artist taxpayer may take a deduction only to the extent of the original cost of the materials utilized in the creation of a literary, musical, or artistic composition, or similar property which was created by his personal efforts.

Therefore when a painting with a fair market value of several thousand dollars is donated to a museum by its creator he may now take a deduction only to the extent of his basis in that property—a sum of some $10 or $15. At the same time a person who had purchased the painting may deduct its full fair market value if he should make a charitable contribution. This situation is absurd. It also militates against such charitable contributions by artists. The public will ultimately suffer the loss of accessibility to these works which may find their way into private collections.

The bill which I am introducing today will correct this unconscionable situation by permitting the creator to deduct the full fair market value of the literary, musical, or artistic composition, or similar property which has been donated to a charitable organization. I urge my colleagues to support this vital legislation and terminate this inequity in our tax law.

HAS THE UNITED STATES CHANGED ITS CUBA POLICY?

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I am sure you know of my deep concern over the growing Soviet military and naval presence in the Caribbean. I wish to call to our colleagues' attention a column by Miss Virginia Prewett which appeared in the Washington Daily News and other newspapers throughout the country.

Administration Says No, But—Has U.S. Changed Its Cuba Policy?

(By Virginia Prewett)

The Nixon administration insists it has not changed policy on Fidel Castro's Cuba. But somebody close to the President should take a good look at what is happening in Florida, because people there believe he is changing.

To begin with, the coast guard forces available for patrols in the narrow seas between Florida and Cuba have been cut back. Forces have been reduced all over, but treating the Florida situation the same as, for example, that off Cape May, New Jersey, is considered by many Floridians to indicate a change of attitude in Washington.

The U.S., meanwhile, has cracked down hard on Cuban exile groups that might try to take advantage of relaxed naval patrols. This has been duly noted. The report is current in Miami, where it is believed, that the State Department will also this year close its Office of Cuban Affairs there.

But in an incident considered even more significant, the U.S. on March 25 allowed the Russian oceanographic survey ship, the "Academician Kurchatov," to put into the port of Miami as part of 15-nation exercises in the Caribbean.

The ship, which for years has been gathering information about the Caribbean which can be most useful to Russia as it converts Cuba into a major naval base, is considered by Miami's large community of Cuban exiles as a symbol of Russian domination of their homeland.

DON'T LIKE IT

And plenty of "Anglos" do not like it. Its presence in Miami harbor was protested by Mayor David Kennedy of Miami, by Mayor Steve Clark of Dade County, by Rep. Claude Pepper, a Florida Congressman, and others.

The Cuban exile community attempted a demonstration, which was so roughly put down by the police that the Cuban newspapermen's association is protesting. Organizations of both Jews and Lithuanians protested in Miami, and somebody exploded a big bomb or mine in the water about a mile from the ship.

Cuba's exiles in Miami, who have built a new and thriving community attached to the original resort metropolis, knew the Russian ship was headed toward the Miami port before its actually arrived. Manolo Reyes, a TV personality who is often an exile spokesman, took a request to the State Department's Office of Cuban Affairs in Miami the day before the ship was due.

WOULD DIVERT SHIP

He respectfully suggested that the ship be diverted to Port Everglades, about half an hour from Miami, or to Fort Lauderdale. He was told that President Nixon's trip to Russia necessitates a "lessening of tensions" with Russia and the visit was part of this.

The Russian ship, whose use in the consolidation of Russia's military strength in Cuba is well understood even by laymen, has only put into a U.S. port once before, when a storm drove it into the Boston harbor in 1969.

The Cuban spokesman reminded the State Department official that President Johnson, at the Statue of Liberty on Oct. 3, 1969, reaffirmed this nation's invitation to Cuban exiles to come to the U.S. Dr. Reyes pointed out that allowing the "Academician Kurchatov" to visit Miami, the new "Free Havana" of the exiles, is "humiliating" to the latter. Thousands of them are now naturalized U.S. citizens.

ASSASSINS RISK LITTLE IN UNITED STATES

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, Mr. Paul M. Bruun, the distinguished editor of the Miami Beach Daily Sun-Reporter in my district, has expressed, in his column of May 6, 1972, the strong reaction of most Americans to the terrible attack upon Gov. George Wallace.

I include it in the Record so that my colleagues may have an opportunity to read Mr. Bruun's statement:

Assassins Risk Little in United States

(By Paul M. Bruun)

Sirhan Sirhan, who assassinated Sen. Robert Kennedy is still alive in a comfortable prison apartment. Had it not been for the personal actions of a night club owner, the assassin of President John F. Kennedy would probably be enjoying a comparable comfortable and safe existence without having the daily cares of earning a living and paying taxes.

There are those who disagree bitterly with me and my campaign for the Biblical philosophy, "An eye for an eye and a tooth for a tooth." Today, a murderer, an assassin takes little if any chance of losing his life for taking the life of another. Instead of reaping his just reward at the end of a hangman's noose, or a session with the squat seat where he cooks until dead, or having his life ended in a gas chamber, he is guaranteed a long and costly trial, defended by the best lawyers this country has to offer, notoriety beyond belief and a satisfactory income from writing about his evil deeds.

This once-great nation has gone soft, too soft with criminals in all stages of the ever-increasing wave of crime that is engulfing us at every turn, an epidemic of crime which has made our streets and highways unsafe at any hour and which has even reduced attendance in churches, because would-be worshipers in houses of God are actually scared for their lives.

I believe there is a remedy, a cure. I am convinced that a few public hangings, some electrocutions shown on TV, some punishment by a firing squad with the public permitted to watch via the tube, would cause those who take what they believe to be their own personal law into their own hands to think twice before committing their dastardly deeds.

Yesterday was a restless day for me. I was late in leaving my office for my afternoon rest. I was expecting an important long-distance 'phone call. The phones were on. I was awakened by the frantic ringing of both the electric doorbell and a ship's bell I have hanging by our front door. Caesar went racing to answer giving full throat to his journey. I had no choice but to get up and see who wanted what. (It was a magnificent vase of blood-red roses for Josephine from an appreciative subject about whom she had written).

I reasoned that I had better check with my office. Over the office radio I learned of the attempt to kill Gov. George Wallace. Now this isn't very conducive to resuming a rest hour.

Recently, a long-time friend who was in New York City phoned me regarding a program in which he is interested. He is a dyed-in-the-wool Democrat; has been all his life. He told me confidentially, "Paul, if I thought nobody would learn of it, I would vote for Gov. George Wallace." I told him apparently a lot of people felt the same way from his Florida and other primary totals.

I saw George Wallace once, when I drove a Sun-Reporter photographer to the Miami Beach Auditorium when he spoke to a capacity crowd. I was there for about five minutes. He had his audience in the palm of his hand. One would-be heckler was suddenly silenced by those around him, as would-be hecklers should be silenced, when another has paid for the use of a hall.

This is not a column either for or against Wallace. It is a repetition of what I have long preached; there is no place in this country for lawlessness, for the lawless.

Instead of more and more states removing the supreme penalty for murder and rape and a few other select crimes, the death penalty should be added to one whale of a lot more crimes.

There was a time when it was rumored that "A man's home is his castle." Today, this is a joke. Today, criminals can sue a home owner and win large settlements because they were injured in their illegal, their lawless pursuit. I honestly believe that every murderer, every assassin, every rapist, every person who breaks and enters any property that is not his, with the intent to do harm (and why else would any criminal enter another man's property) has no right to live among decent citizens. There are those who will think this is too harsh treatment for criminals, but I know of no other way that the overwhelming tidal wave of lawlessness will be ended. Why should any person have legal protection when he enters property that is not his, yet today's soft-in-the-head lawmakers, leftists and liberal citizens are all too willing to turn the other cheek.

I have one hell of a lot more sympathy for the family of John and Robert Kennedy than I have for those who assassinated these two bright young men who were devoted to their country, whether you agreed with them or not.

For John and Robert Kennedy there was no appeal. I pray as I pray you are praying that Gov. Wallace survives the dastardly attack that felled him in the midst of his campaign to be the President of the United States.

After a murderer has been hanged, gassed or electrocuted until dead, there is no appeal. Our liberal courts, our liberal soft-in-the-head-citizens, had better awaken and damn soon, or there will be no United States of America in which to awaken.

Perhaps the assassin attempt on Gov. Wallace will drive home to our soft-in-the-head citizens that only a get-tough policy with criminals will make this Nation habitable. Too much time has already been lost because of the liberals, those do-gooders who have helped ruin a once-great and safe nation.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to:

Mr. Griffin (at the request of Mr. O'Neill), for May 30 through June 6, 1972, on account of official business.

Mr. Alexander (at the request of Mr. O'Neill), for today, on account of official business.

Mr. Roybal (at the request of Mr. O'Neill), for today and the balance of the week, on account of official business.

Mr. Kyros (at the request of Mr. Brasco), for today, on account of official business.

Mr. Corman, for Tuesday, May 30, 1972, on account of official business.

Mr. Hagan (at the request of Mr. Bevill), for May 30, 1972, through June 1, 1972, on account of official business.

Mr. Helstoski (at the request of Mr. Bevill), for today, on account of official business.

Mr. Eshleman (at the request of Mr. Gerald R. Ford), for today and the balance of the week, on account of continued recuperation.

Mr. Brown of Ohio (at the request of Mr. Gerald R. Ford), for today and tomorrow, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Hastings) to revise and extend their remarks and include extraneous matter:)

Mr. Quie, for 1 hour, on June 1.

Mr. Halpern, for 5 minutes, today.

Mr. Kemp, for 15 minutes, today.

Mr. Schwengel, for 5 minutes, today.

(The following Members (at the request of Mr. Mazzoli) to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 10 minutes, today.

Mr. Aspin, for 10 minutes, today.

Mr. Rodino, for 5 minutes, today.

Mr. Rostenkowski, for 5 minutes, today.

Mr. Flood, for 20 minutes, today.

Mr. Flowers, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Michel and to include an editorial.

(The following Members (at the request of Mr. Hastings) and to include extraneous matter:)

Mr. Burke of Florida.

Mr. Conte.

Mr. Keith.

Mr. Halpern in three instances.

Mr. Price of Texas in two instances.

Mr. Derwinski in five instances.

Mr. Steiger of Wisconsin.

Mr. Wyman in two instances.

Mr. Findley.

Mr. Railsback in two instances.

Mr. Kemp in two instances.

Mr. Teague of California.

Mr. McClory in three instances.

Mr. Wyatt.

Mr. Arends.

Mr. Hosmer in two instances.

Mr. du Pont.

Mr. Mizell in two instances.

Mr. Bray in two instances.

Mr. Schwengel.

Mr. McDonald of Michigan.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous matter:)

Mr. Gonzalez in three instances.

Mr. Hagan in three instances.

Mr. Rogers in five instances.

Mr. Rarick in three instances.

Mr. Seiberling in 10 instances.

Mr. Garmatz.

Mr. Drinan in three instances.

Mr. Brademas in six instances.

Mr. Dent.

Mrs. Hicks of Massachusetts in two instances.

Mr. Roybal in 10 instances.

Mr. Burton.

Mr. Boland in three instances.

Mr. Gibbons in two instances.

Mr. Moss in two instances.

Mr. Wolff in two instances.

Mr. Harrington in three instances.

Mr. Van Deerlin.

Mr. Bolling.

Mr. Bingham in three instances.

Mr. Rangel.

Mr. Minish in two instances.

Mr. Fauntroy in six instances.

Mr. Albert.

Mr. Begich in five instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1295. An act to establish the Amistad National Recreation Area in the State of Texas, to the Committee on Interior and Insular Affairs.

S. 3568. An act to designate the Federal Bureau of Investigation building now under construction in Washington, District of Columbia, as the "J. Edgar Hoover Building"; to the Committee on Public Works.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on May 25, 1972 present to the President, for his approval, a bill of the House of the following title:

H. R. 14655. An act to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 46 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 31, 1972, at 12 o'clock noon.

OATH OF OFFICE OF MEMBER

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

> "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the Office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 92d Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C. title 2, sec. 25), approved February 18, 1948:

William S. Conover II, 27th District of Pennsylvania.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Pursuant to an order of the House on May 24, 1972, the following report was filed on May 25, 1972*]

Mr. HOLIFIELD: Committee on Government Operations. H.R. 6962. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Community Development, and for other purposes; with amendment (Rept. No. 92–1096). Referred to the Committee of the Whole House on the State of the Union.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2029. A letter from the Secretary of the Treasury, transmitting a report on the operations of the exchange stabilization fund for fiscal year 1971, pursuant to 31 U.S.C. 822(a); to the Committee on Banking and Currency.

2030. A letter from the Director, Office of Legislative Affairs, Agency for International Development, Department of State, transmitting a copy of Secretarial Determination 72–2, pursuant to section 620(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2031. A letter from the Deputy Director, Defense Security Assistance Agency, transmitting a quarterly report for the period ended March 31, 1972, on deliveries of excess defense articles at acquisition cost and at the value specified in section 8(c) of Public Law 91–672, pursuant to section 8(d) of the act; to the Committee on Foreign Affairs.

2032. A letter from the Librarian of Congress, transmitting his annual report for fiscal year 1971, together with four issues of the Quarterly Journal of the Library of Congress, and a copy of the annual report of the Library of Congress Trust Fund Board; to the Committee on House Administration.

2033. A letter from the Secretary of the Interior, transmitting a report on the Upper Iowa River, Iowa, pursuant to the Wild and Scenic Rivers Act of 1968; to the Committee on Interior and Insular Affairs.

2034. A letter from the Assistant Secretary of the Interior, transmitting the annual report for the Colorado River Basin project for fiscal year 1971, pursuant to 82 Stat. 885; to the Committee on Interior and Insular Affairs.

2035. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed contract with FMC Corp., San Jose, Calif., for a research project entitled "Improved Sensors and Fire Control Systems for Mining Equipment," pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

2036. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed grant with the Pennsylvania State University for a research project entitled "Interrelating Data for Technical Products with Federal Standard Industrial Classification (SIC)," pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

2037. A letter from the Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Mine Safety Appliances Co., Pittsburgh, Pa., for a research project entitled "Design, Develop, Fabricate, and Demonstrate a Battery Powered Manually Operated Underground Mine Rescue Team Vehicle," pursuant to Public Law 89–672; to the Committee on Interior and Insular Affairs.

2038. A letter from the Chairman, Federal Power Commission, transmitting copies of parts II, III, and IV of the 1970 National Power Survey; to the Committee on Interstate and Foreign Commerce.

2039. A letter from the Chairman, Federal Power Commission, transmitting a copy of two publications entitled "Depreciation Practices of Natural Gas Companies, 1969," and "Statistics of Publicly Owned Electric Utilities in the United States, 1970"; to the Committee on Interstate and Foreign Commerce.

2040. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the proposed use of certain research and development funds appropriated to NASA to support the space shuttle main engine research and development program, pursuant to section 1(d) of the NASA Authorization Act of 1972; to the Committee on Science and Astronautics.

RECEIVED FROM THE COMPTROLLER GENERAL

2041. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Federal Deposit Insurance Corporation for fiscal year 1971, pursuant to section 17(c) of the Federal Deposit Insurance Act (H. Doc. No. 92–304); to the Committee on Government Operations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GRAY: Committee of conference. Conference report on S. 1736. (Rept. No. 92–1097). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Senate Joint Resolution 72. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas; with amendments (Rept. No. 92–1098). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By **Mr. ADDABBO**:

H.R. 15189. A bill to allow a credit of not more than $300 against the Federal income tax for State and local real property taxes, or for a corresponding portion of rent, paid by individuals with respect to their principal residences; to the Committee on Ways and Means.

By **Mr. BIAGGI** (for himself, Mr. Dow, Mr. Miller of California, and Mr. James V. Stanton):

H.R. 15190. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By **Mr. BLATNIK**:

H.R. 15191. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By **Mr. BOLAND**:

H.R. 15192. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By **Mr. BRADEMAS** (for himself, Mr. Koch, Mr. Annunzio, Mr. Badillo, Mr. Begich, Mr. Brasco, Mr. Burke of Massachusetts, Mr. Carney, Mr. Cleveland, Mr. Corman, Mr. Davis of Georgia, Mr. Delaney, Mr. Eilberg, Mr. Fauntroy, Mr. William D. Ford, Mrs. Grasso, Mr. Gude, Mr. Halpern, Mr. Harrington, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Helstoski, and Mrs. Hicks of Massachusetts):

H.R. 15193. A bill to amend the Education of the Handicapped Act to provide for comprehensive education programs for severely and profoundly mentally retarded children; to the Committee on Education and Labor.

By **Mr. BROYHILL** of Virginia:

H.R. 15194. A bill to amend the Internal Revenue Code of 1954 to increase the amount allowed under the percentage standard deduction; to the Committee on Ways and Means.

By **Mr. CARNEY**:

H.R. 15195. A bill for the relief of Warren, Ohio, and Niles, Ohio; to the Committee on the Judiciary.

By **Mr. CONTE**:

H.R. 15196. A bill to authorize the involuntary recall of the Coast Guard Reserve to duty in time of national disaster; to the Committee on Merchant Marine and Fisheries.

By **Mr. CULVER** (by request):

H.R. 15197. A bill to amend section 304 of title III of the International Claims Settlement Act of 1949 to provide for the determination of additional claims for payment out of the Italian Claims Fund; to the Committee on Foreign Affairs.

By **Mr. DANIELSON**:

H.R. 15198. A bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices; to the Committee on the Judiciary.

By **Mr. DINGELL** (for himself and Mr. Moss):

H.R. 15199. A bill to assure protection of environmental values while facilitating construction of needed electric power supply facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By **Mr. ESHLEMAN**:

H.R. 15200. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

By **Mr. FUQUA**:

H.R. 15201. A bill to amend title 10, United States Code, to authorize additional general officer rank for officers of the Regular Army Medical Service Corps, and to reorganize the Army Medical Service Corps; to the Committee on Armed Services.

By **Mr. HALPERN**:

H.R. 15202. A bill to amend the Drug Abuse Education Act of 1970 to broaden the scope of its programs to include programs involving correctional institutions and facilities and the personnel of such institutions and facilities; to the Committee on Education and Labor.

H.R. 15203. A bill to authorize assistance to local educational agencies for the financial support of elementary and secondary education, and for other purposes; to the Committee on Education and Labor.

H.R. 15204. A bill to provide the Secretary of Health, Education, and Welfare with the authority to regulate the interstate shipment and sales of pet turtles; to the Committee on Interstate and Foreign Commerce.

H.R. 15205. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing-retirement plans to establish minimum standards for pension and profit-sharing-retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, to amend the Welfare and Pension Plans Disclosure Act, and for other purposes; to the Committee on Ways and Means.

H.R. 15206. A bill to amend the Internal Revenue Code of 1954 to provide that tuition for the education of a handicapped dependent at a private school shall be treated as a medical expense of the taxpayer when such education is recommended by a physician; to the Committee on Ways and Means.

H.R. 15207. A bill to amend part E of the Omnibus Crime Control and Safe Streets Act of 1968 to require applications for grants for correctional institutions and facilities to include provisions for drug addiction and rehabilitation programs and to direct the Attorney General to prescribe standards for the administration of drug rehabilitation programs in correctional institutions and facilities; to the Committee on the Judiciary.

By **Mr. HALPERN** (for himself, Mrs. Abzug, and Mr. Scheuer):

H.R. 15208. A bill to establish national, regional, and local awareness advisory councils in order to facilitate communication between the President and the people of the United States, and for other purposes; to the Committee on Government Operations.

By **Mr. HARRINGTON**:

H.R. 15209. A bill to establish a contiguous fishery zone (200-mile limit) beyond the territorial sea of the United States; to the Committee on Merchant Marine and Fisheries.

By **Mrs. HICKS** of Massachusetts:

H.R. 15210. A bill to establish in the Public Health Service an institute for research on dysautonomia, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By **Mr. JACOBS**:

H.R. 15211. A bill to amend Rule 15 of the Rules of Criminal Procedure for the U.S. district courts; to the Committee on the Judiciary.

By **Mr. KOCH**:

H.R. 15212. A bill to amend title 38 of the United States Code in order to permit veterans to transfer all or part of their educational assistance under chapter 34 of such title to their spouses and to provide educational assistance at the secondary school level to widows, widowers, and spouses eligible for educational assistance under chapter 35 of such title; to the Committee on Veterans' Affairs.

By **Mr. KOCH** (for himself, Mrs. Abzug, Mr. Bergland, Mr. Bingham, Mr. Clay, Mr. Fascell, Mr. Horton, Mrs. Mink, Mr. Moorhead, and Mr. Scheuer):

H.R. 15213. A bill to amend the Education of the Handicapped Act to provide for comprehensive education program for severely and profoundly mentally retarded children; to the Committee on Education and Labor.

By Mr. KOCH (for himself and Mr. HARRINGTON):

H.R. 15214. A bill to amend certain provisions of the Controlled Substances Act relating to marihuana; to the Committee on Interstate and Foreign Commerce.

By Mr. MONAGAN:

H.R. 15215. A bill to modify the restrictions contained in section 170(e) of the Internal Revenue Code in the case of certain contributions of literary, musical, or artistic composition, or similar property to the Committee on Ways and Means.

By Mr. OBEY:

H.R. 15216. A bill to provide continued rail transportation in rural America; to the Committee on Interstate and Foreign Commerce.

By Mr. RARICK:

H.R. 15217. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mr. TALCOTT:

H.R. 15218. A bill to amend the Internal Revenue Code of 1954 to provide that the requirement of filing certain returns and the tax on unrelated business income shall not apply to certain nonprofit social clubs, domestic fraternal societies, and veterans' organizations; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas:

H.R. 15219. A bill to provide for disclosure designed to inform Congress and the public of the identity of persons who for pay or with funds contributed to them seek to influence the legislative process, the sources of their funds, and their areas of legislative activity, and for other purposes; to the Committee on Standards of Official Conduct.

By Mr. VIGORITO:

H.R. 15220. A bill to authorize the Corps of Engineers to cooperate with the States and subdivisions thereof in the enforcement of State and local laws and ordinances in lands owned by the United States and developed by the Corps of Engineers for public use; to the Committee on Public Works.

H.R. 15221. A bill to authorize the reinstatement and extension of the authorization for the beach erosion control project for Presque Isle Peninsula, Erie, Pa.; to the Committee on Public Works.

By Mr. WIDNALL:

H.R. 15222. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. MINSHALL:

H. Con. Res. 623. Concurrent resolution expressing the sense of the House of Representatives with respect to the withdrawal of all American forces from Vietnam; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Con. Res. 624. Concurrent resolution expressing the sense of Congress with respect to the failure of the Government of Paraguay to control the international traffic in narcotic drugs; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

394. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Massachusetts, relative to the war in Indochina, which was referred to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIAGGI:

H.R. 15223. A bill for the relief of Mrs. Bruna Turni and Miss Graziella Turni; to the Committee on the Judiciary.

By Mr. DANIELSON:

H.R. 15224. A bill for the relief of Leon Z. Dimapilis; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 15225. A bill for the relief of Larry C. Runkle; to the Committee on the Judiciary.

By Mr. VAN DEERLIN:

H.R. 15226. A bill for relief of Kazuko Nishioka Dowd; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

243. By the SPEAKER: Petition of Frank Clapp, Beverly Hills, Calif., relative to a resolution of the City Council of Beverly Hills concerning American involvement in Indochina; to the Committee on Foreign Affairs.

244. Also, petition of the Town Board, Cheektowaga, N.Y., relative to the construction of sewage treatment facilities; to the Committee on Public Works.

SENATE—*Tuesday, May 30, 1972*

The Senate met at 12 noon and was called to order by Hon. STUART SYMINGTON, a Senator from the State of Missouri.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God our help in ages past, our hope for years to come, we thank Thee for Memorial Day, for sacred memories of valiant men of the past who gave their last full measure of devotion to preserve the peace and further the Nation's welfare. We would remember also all those in perilous places, now daily sacrificing for the Nation—the duty bound, the wounded, the widowed, and the prisoners of war. Be to them their strength, their comfort, their healer, and their deliverer.

We especially thank Thee this day for the new promise of peace between the nations and the prospects of its achievement in our age. May conflict everywhere be diminished and violence abated and in the climate of good will be replaced by peaceful adjudication. Guide the leaders of the nations to the time when "nations study war no more" and all men live as brothers in Thy kingdom of justice and righteousness.

We pray in Thy holy name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 30, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. STUART SYMINGTON, a Senator from the State of Missouri, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. SYMINGTON thereupon took the chair as Acting President pro tempore.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of May 25, 1972, the following reports of a committee were submitted, on May 26, 1972:

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. 3463. A bill to amend section 906 of title 44, United States Code, to provide copies of the daily and semimonthly Congressional Record to libraries of certain United States courts (Rept. No. 92-805);

S. Con. Res. 79. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Amphetamine Legislation 1971" (Rept. No. 92-806);

S. Res. 293. Resolution authorizing the printing of additional copies of the committee print entitled "Hunger and the Reform of Welfare: A Question of Nutritional Adequacy" (Rept. No. 92-811);

S. Res. 301. Resolution relating to the printing and distribution of legislative proceedings with respect to the death of former Senator James F. Byrnes (Rept. No. 92-812);

S. Res. 302. Resolution authorizing supplemental expenditures by the Committee on Finance for the procurement of consultants (Rept. No. 92-813);

H. Con. Res. 483. Concurrent resolution providing for the reprinting of a House document entitled "Report of Special Study of Securities Markets by the Securities and Exchange Commission" (Rept. No. 92-807); and

H. Con. Res. 545. Concurrent resolution authorizing the printing of additional copies of hearings on "American Prisoners of War in Southeast Asia, 1971—Part 2" by the Subcommittee on National Security Policy and Scientific Developments (Rept. No. 92-808).

By Mr. CANNON, from the Committee on Rules and Administration, with an amendment:

S. Res. 300. Resolution authorizing supplemental expenditures by the Select Committee on Equal Educational Opportunity (Rept. No. 92-814);

H. Con. Res. 530. Concurrent resolution to reprint brochure entitled "How Our Laws Are Made" (Rept. No. 92-809); and

H. Con. Res. 552. Concurrent resolution to provide for the printing of the Constitution of the United States together with the Declaration of Independence (Rept. No. 92-810).

By Mr. CANNON, from the Committee on Rules and Administration; original resolutions reported:

S. Res. 306. Resolution relating to the printing and distribution of legislative proceedings with respect to the death of former Senator Dodd (Rept. No. 92-815);

S. Res. 307. Resolution authorizing additional expenditures by the Secretary of the Senate in connection with his duties under the Federal Election Campaign Act of 1971 (Rept. No. 92-816);

S. Res. 308. Resolution to pay a gratuity to Katheryn Sames;

S. Res. 309. Resolution to pay a gratuity to Mary Ann D. Price; and

S. Res. 310. Resolution to pay a gratuity to Lewis Mance, Mary L. Allen Abney, and Lina Bridges.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 25, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations for the U.S. Tax Court only.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar, under the U.S. Tax Court only, will be stated.

U.S. TAX COURT

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Tax Court.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 770.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROVISION FOR COPIES OF THE CONGRESSIONAL RECORD TO LIBRARIES OF CERTAIN U.S. COURTS

The bill (S. 3463) to amend section 906 of title 44, United States Code, to provide copies of the daily and semimonthly CONGRESSIONAL RECORD to libraries of certain U.S. courts, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that clause of section 906 of title 44, United States Code, relating to the furnishing of bound copies of the Congressional Record to libraries of the United States courts of appeals and certain other courts, is amended by inserting immediately before "one bound copy" the following: "one copy of the daily, one semimonthly copy, and".

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF "AMPHETAMINE LEGISLATION 1971"

The concurrent resolution (S. Con. Res. 79) authorizing the printing of additional copies of Senate hearings entitled "Amphetamine Legislation 1971," was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary five thousand additional copies of the hearings of its Subcommittee To Investigate Juvenile Delinquency during the Ninety-second Congress, first session, on S. 674, to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such Act to schedule II, and for other purposes.

PROVISION FOR REPRINTING "REPORT OF SPECIAL STUDY OF SECURITIES AND EXCHANGE COMMISSION"

The concurrent resolution (H. Con. Res. 483) providing for the reprinting of a House document entitled "Report of Special Study of Securities Markets by the Securities and Exchange Commission," was considered and agreed to.

ADDITIONAL COPIES OF "AMERICAN PRISONERS OF WAR IN SOUTHEAST ASIA, 1971—PART 2"

The concurrent resolution (H. Con. Res. 545) authorizing the printing of additional copies of hearings on "American Prisoners of War in Southeast Asia, 1971—Part 2" by the Subcommittee on National Security Policy and Scientific Developments, was considered and agreed to.

REPRINTING OF "HOW OUR LAWS ARE MADE"

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 530) to reprint brochure entitled "How Our Laws Are Made," which had been reported from the Committee on Rules and Administration with an amendment, on page 2, after line 2, insert a new section, as follows:

SEC. 2. There shall be printed for the use of the Senate fifty-one thousand five hundred additional copies of the document specified in section 1 of this concurrent resolution.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

PROVISION FOR PRINTING OF THE CONSTITUTION OF THE UNITED STATES TOGETHER WITH THE DECLARATION OF INDEPENDENCE

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 552) to provide for the printing of the Constitution of the United States together with the Declaration of Independence which had been reported from the Committee on Rules and Administration with an amendment after line 8, insert a new section, as follows:

SEC. 2. There shall be printed for the use of the Senate fifty-one thousand five hundred additional copies of the document specified in section 1 of this concurrent resolution.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF "HUNGER AND THE REFORM OF WELFARE: A QUESTION OF NUTRITIONAL ADEQUACY"

The resolution (S. Res. 293) authorizing the printing of additional copies of the committee print entitled "Hunger and the Reform of Welfare: A Question of Nutritional Adequacy" was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Select Committee on Nutrition and Human Needs five thousand additional copies of its committee print of the Ninety-second Congress, second session, entitled "Hunger and the Reform of Welfare: A Question of Nutritional Adequacy".

PRINTING AND DISTRIBUTION OF LEGISLATIVE PROCEEDINGS WITH RESPECT TO THE DEATH OF FORMER SENATOR JAMES F. BYRNES

The resolution (S. Res. 301) relating to the printing and distribution of legislative proceedings with respect to the death of former Senator James F. Byrnes was considered and agreed to, as follows:

Resolved, That the legislative proceedings of the Congress relating to the death of the former Senator from South Carolina, James F. Byrnes, ordered by the Senate on May 1, 1972, to be bound and printed as a Senate document, shall be prepared, printed, bound, and distributed, unless and to the extent otherwise provided by the Joint Committee on Printing under chapter 1 of titlte 44, United States Code, in the same manner and under the same conditions as memorial addresses, on behalf of Members of Congress dying in office, are printed under sections 723 and 724 of such title, except that the number of copies to be printed and the distribution thereof are to be as follows:

(1) One hundred copies to the family of the said James F. Byrnes, bound in full

morocco, with gilt edges, suitably lettered as may be requested by that family;

(2) One hundred copies to each Senator from the State of South Carolina;

(3) Two copies to the Vice President and each other Senator;

(4) Ten copies to each member of the House of Representatives from the State of South Carolina; and

(5) One copy to each other Member of the House of Representatives, including the Resident Commissioner from Puerto Rico and each Delegate.

SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON FINANCE FOR THE PROCUREMENT OF CONSULTANTS

The resolution (S. Res. 302) authorizing supplemental expenditures by the Committee on Finance for the procurement of consultants was considered and agreed to, as follows:

Resolved, That the Committee on Finance is authorized from the date of agreement to this resolution through February 28, 1973, to expend not to exceed $5,000 for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 2. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee.

SUPPLEMENTAL EXPENDITURES BY THE SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY

The Senate proceeded to consider the resolution (S. Res. 300) authorizing supplemental expenditures by the Select Committee on Equal Educational Opportunity which has been reported from the Committee on Rules and Administration with an amendment in line 6, after the word "thereof", strike out "$123,000" and insert "$107,500", so as to make the resolution read:

Resolved, That Senate Resolution 247, Ninety-second Congress, agreed to March 6, 1972, is amended as follows:

(1) In subsection (a) of the first section, strike out "May 31, 1972" and insert in lieu thereof "June 30, 1972".

(2) In section 2, strike out "$104,000" and insert in lieu thereof "$107,500".

(3) In section 3, strike out "May 31, 1972" and insert in lieu thereof "June 30, 1972".

The amendment was agreed to.

The resolution, as amended, was agreed to.

PRINTING AND DISTRIBUTION OF LEGISLATIVE PROCEEDINGS WITH RESPECT TO THE DEATH OF FORMER SENATOR DODD

The resolution (S. Res. 306) relating to the printing and distribution of legislative proceedings with respect to the death of former Senator Dodd was considered and agreed to, as follows:

Resolved, That the legislative proceedings of the Congress relating to the death of the former Senator from Connecticut, Mr. Dodd, ordered by the Senate on February 3, 1972, to be printed as a Senate document, shall be prepared, printed, bound, and distributed, except to the extent otherwise provided by the Joint Committee on Printing under chapter 1 of title 44, United States Code, in the same manner and under the same conditions as memorial addresses, on behalf of Members of Congress dying in office, are printed under sections 723 and 724 of such title.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE SECRETARY OF THE SENATE IN CONNECTION WITH THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

The resolution (S. Res. 307) authorizing additional expenditures by the Secretary of the Senate in connection with his duties under the Federal Election Campaign Act of 1971 was considered and agreed to, as follows:

Resolved, That in addition to the authority contained in Senate Resolution 267, agreed to March 1, 1972, the Secretary of the Senate, in carrying out the duties imposed by the Federal Election Campaign Act of 1971 (Public Law 92–225, approved February 7, 1972), is authorized until June 30, 1972, or until the date on which the Legislative Branch Appropriations Act, 1973, becomes law (whichever date is later), (1) to employ personnel on a temporary basis, including microfilm camera operators and key tape terminal operators on a contract basis subject to the prior approval of the Committee on Rules and Administration, (2) with the prior approval of the Committee on Rules and Administration, to contract for the systems requirements and functional design of an automated statistical reporting system, and for the processing, duplication, and magazine loading of microfilm.

SEC. 2. The expenses of the Secretary of the Senate under this Resolution, which shall not exceed $25,000, in addition to the amount provided by Senate Resolution 267, agreed to March 1, 1972, shall be paid from the contingent fund of the Senate upon vouchers approved by the Secretary of the Senate.

KATHERYN SAMES

The resolution (S. Res. 308) to pay a gratuity to Katheryn Sames was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Katheryn Sames, mother of Mary A. Sames, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

MARY ANN D. PRICE

The resolution (S. Res. 309) to pay a gratuity to Mary Ann D. Price was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary Ann D. Price, widow of William R. Price, an employee of the Senate at the time of his death, a sum equal to six and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

LEWIS MANCE, MARY L. ALLEN ABNEY, AND LINA BRIDGES

The resolution (S. Res. 310) to pay a gratuity to Lewis Mance, Mary L. Allen Abney, and Lina Bridges was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Lewis Mance, brother; and to Mary L. Allen Abney and Lina Bridges, sisters of Lila M. Griffin, an employee of the Senate at the time of her death, a sum to each equal to one-third of six and one-half months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

PRESIDENT NIXON'S ACCOMPLISHMENTS IN MOSCOW

Mr. MANSFIELD. Mr. President, President Nixon has left Moscow. He is now in Iran. Tomorrow he will visit Poland. On Thursday, he will return to the United States.

I want to take this occasion to commend the President for the substantial successes he was able to achieve in Moscow at the summit meeting which was attended by the General Secretary, Mr. Brezhnev; the Premier, Mr. Kosygin; and the President of the U.S.S.R., Mr. Podgorny.

While it may be true that many of these agreements were reached before hand, I am certain in my own mind that all of them cannot be placed in that category.

I think, also, that the true purpose of a summit meeting has been achieved because, to me, a summit is a place not necessarily for conversation or contact but for the placing of the imprimatur of the heads of the respective states-nations concerned—in this case, a series of bilateral agreements between the U.S.S.R. and the United States. That was done.

I am happy that there is to be a joint effort in space flight beginning in 1975, that exchange agreements have been achieved in science and technology, medicine and health, and the environment as well as on harassment at sea and most important of all, that a SALT agreement has been entered into. I do not intend to get euphoric over what was accomplished in the achievement of this first step, but it could possibly lead to a diminution of the arms race and a stop to the spiral of arms expenditures which have marked the histories of our two nations in recent years.

Let me say that the first step is the hardest and sometimes the longest. On the basis of what the President has been able to achieve of substance, I think, this is a first step that has been well worthwhile. I hope that the President will consider the possibility of addressing a joint session of the Congress on his return so that he can tell us collectively what he has been able to do, what his expectation and hopes are, and through such a joint session to report likewise to the people of this country.

So, again I want to say that I am happy that the President has gone to Moscow, as I was happy that he went to Peking. I think that in both areas he accomplished much in the area of better understanding and certainly, as far as the Moscow summit meeting was concerned, he achieved much in a way that was substantial.

Mr. SCOTT. Mr. President, the distinguished majority leader always puts the country first. And I would plead for the Senate to follow that leadership and do the same. There are a few skeptics on the right who have fears which would have been justified in an earlier climate. There are some tremulous souls of the neoisolationist left who are fearful of almost anything and everything that goes "bump" in the night. However, these are few and, I believe, they do not represent the sentiment of the Senate or of the two-thirds of the Senate required to ratify these numerous treaties.

These are good treaties. It is quite true that some of them might have been accomplished without the Moscow meeting. I think the SALT agreement itself, however, required a summit to bring about this last and ultimate solution of most difficult questions, including particularly the installation of radar sites.

Therefore, the great deal of hard work which has been carried on by Ambassador Gerard Smith and the Russian Ambassador Semyonov and all of their aides has come to fruition. It is a strong step, a step that recognizes the balance of terror that has for too long frightened the rest of the world.

I welcome the suggestion of the distinguished majority leader that the President be invited to address a joint session of the Congress in addition to meeting with the bipartisan leadership of both Houses, which I am sure he will do. I think that both are good ideas.

I recall what Mr. Suslov, the No. 3 in the Russian hierarchy in the sense of being head of the foreign affairs section, and I discussed this last August when I said, "No matter what your associates tell you, no matter what your allies tell you, and no matter what our allies tell us in the way of support, the truth is that the whole issue is scaring the hell out of us and the rest of the world." And I asked the translator to translate that literally.

He said that he felt that was true. And that is reflected in the statements made by Brezhnev, Kosygin, and Podgorny, as well as the President's very moving address to the Soviet people.

There is a tradition in Russia where a visitor is presented upon his entry into that country with bread and salt. This is a gesture of friendship and hospitality, a a sign that the guest is welcome. I think it is symbolic here. I think we have an agreement that embodies the very bread of life and the very salt of security.

While there is much more to be done, we have exchanged with the Russians at long last our bread and salt. Let us hope that what will come from it will be life, the security of life, a better life, reduction of tensions, and our ongoing example to other nations of the world that power need not breed distrust, but that power may be used wisely for peaceful pursuits of men and that, as the Bible instructs us, we may follow after the ways that lead to peace.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes.

THE RESIGNATION OF DR. VON BRAUN

Mr. ALLEN. Mr. President, on last Friday, May 26, Dr. Wernher von Braun announced that he is retiring from the National Aeronautics and Space Administration to enter private industry.

In his statement, Dr. von Braun said—

> I leave NASA with a deep feeling of gratitude for the wonderful and unique opportunities the agency has given me during the last 12 years.

Mr. President, I consider as one of the most profound understatements of all time the fact that this man is thanking his country for opportunity. To the contrary, it is we, the people of America, who should thank Dr. von Braun for giving us the inspiration, the challenge, and the drive to accept man's greatest opportunity, the exploration and development of space and the planets.

We all know the history of how, even before the final defeat of Germany in World War II, Dr. von Braun came to the United States with a team of his fellow German rocket scientists and engineers; how this team set up temporary quarters at Fort Bliss, Tex., until they moved to their permanent work station in Huntsville, Ala., where they adapted their knowledge and ability to help the U.S. Army develop its rocket programs at Redstone Arsenal. It was here that our Nation's first long-range military rockets were developed, then turned over to the Air Force to become the beginning of what is now our powerful intercontinental ballistic missile force.

Certainly we remember the terrifying announcement in 1957 that the Russians had launched the world's first satellite—the sputnik. After an initial period of floundering through interservice rivalries, the order was given the Army's missile team under Dr. von Braun to launch America's first satellite. Beating his own deadline, Dr. von Braun directed the modification of an Army missile called the Redstone and guided its launching at Cape Canaveral, Fla.—now Cape Kennedy—putting into perfect orbit an Explorer I satellite. This was the beginning of the Space Age—American style.

It was following this triumphant success with Explorer I that American policy dictated the establishment of an agency for the exploration of space for peaceful purposes. The National Aeronautics and Space Administration was created and the Army team at Redstone Arsenal was broken apart. Thereafter, Redstone Arsenal would become the Army's missile and rocket research and development center while NASA created the George C. Marshall Space Flight Center at Huntsville to develop rockets for space exploration purposes not related to military needs. Dr. von Braun was selected to become Director of this Center, remaining in that position until 1970 when he was named Deputy Associate Administrator for Planning at NASA headquarters in Washington.

Mr. President, I have been privileged to know Dr. von Braun personally for many years, working with him in creating the Alabama Research Institute at the University of Alabama in Huntsville, and in building the Alabama Space and Rocket Center, also in Huntsville, with its magnificent collection of historic space-related equipment and, not so incidentally, a vast collection of personal papers donated by Dr. von Braun. It was my privilege to have served as chairman of the State commission which planned and built this center and still to be a member of the commission.

I have had the opportunity to see Dr. von Braun in action. He has been an outstanding citizen of his adopted home State of Alabama, lending not only his stature and his influence but, most important of all, lending his knowledge and ability to ventures for the betterment of his community, his State and his Nation.

Dr. von Braun's move from Government to private enterprise is a startling climax to the long fight by some against this country's space ventures. Also symptomatic of the effect this whittling away process is having is the announcement this past weekend of the retirement of a number of our astronauts. They are leaving because they see little prospect for being able to contribute to manned space exploration because of the drastic reduction of funds for this purpose and because of the annual battle over funds for any further space programs.

Mr. President, I do not imply that Dr. von Braun's departure from NASA is because of the withering away of the Agency's vine. I accept his announcement at its face value, that he has decided to retire from NASA so that he can now devote his time to help implement some space projects which he feels are of particular importance and because he thinks he can do this best in private industry where the tools of progress are being made.

Dr. Wernher von Braun is a byword throughout the world. I speak for all Alabamians in thanking Dr. von Braun for his contributions toward a better life and in wishing him every success in whatever adventures he finds along his chosen path. We know that he has provided the leadership to bring us where we are. We know that the world will never be the same because of him. I have every confidence that we will continue to look ahead, with the stars guiding us toward the peaceful conquest of space and the use of knowledge for the betterment of all mankind.

Mr. President, in the Saturday, May 27, edition of the New York Times there appears a well-documented article by John Noble Wilford entitled "Von Braun's Departure Marks the End of an Era," and another by Harold M. Schmack, Jr., entitled "Von Braun Will Leave NASA for Job in Aerospace Industry." I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 27, 1972]

VON BRAUN'S DEPARTURE MARKS THE END OF AN ERA

(By John Noble Wilford)

In July 1969, the time of the first landing on the moon, Dr. Wernher von Braun reflected on his germinal role in space exploration and on the infinite opportunities. He quoted from the late Dr. Robert H. Goddard, the American rocket experimenter, who had written:

"There can be no thought of finishing, for aiming at the stars, both literally and figuratively, is the work of generations, but no matter how much progress one makes there is always the thrill of just beginning."

Now, having known the "thrill of just beginning" and realizing there can be no "finishing" for him or his pioneering generation, Dr. von Braun, at the age of 60, is leaving the National Aeronautics and Space Administration for private industry.

His departure marks the end of an exciting era—the era of tinkering with rockets that often fizzled, of shepherding a team of German missilemen who would be a nucleus of the American space program, of firing the enthusiasms of earth-bound minds, of rushing to catch up with the Russians after Sputnik 1, of building the mammoth rocket that would put men on the moon, fulfilling the dream of centuries and a national commitment of the decade.

The departure of Dr. von Braun, whose name, more than any other, became synonymous with space, is a reminder of how many others who forged the American space effort in the last 15 years have left the scene.

John H. Glenn, Jr., is an Ohio businessman with political ambitions. Frank Borman is a vice president of Eastern Airlines, Neil A. Armstrong is a professor at the University of Cincinnati, James E. Webb, the NASA administrator who built the Apollo team, is a Washington lawyer-consultant. Thomas O. Paine, the administrator in charge at the time of the moon landing, is a vice president of the General Electric Company.

Dr. Robert R. Gilruth, who gathered the manned space flight team while Dr. von Braun was building the rockets, recently stepped down as director of the Manned Spacecraft Center in Houston. Others of space's first generation have scattered to industry or are close to retirement.

118-MAN TEAM

Of the original 118 German-born engineers who came to the United States with Dr. von Braun after World War II, only 35 remain at the Marshall Space Flight Center in Huntsville, Ala. This is NASA's chief rocket development center, which until 1970, Dr. von Braun headed. One of his protégés, Dr. Eberhard Rees, another of the Peenemünde V-2 rocket Germans, is the current director.

Another six of the original team are with NASA at other centers, including Dr. Kurt H. Debus, director of the Kennedy Space Center at Cape Kennedy. Twenty-two others are in industry, 12 are deceased, 16 returned to Europe years ago, and 27 have retired.

Dr. von Braun has been more than an able engineer. He provided the American space program with more than his knowledge of the V–2 technology.

The tall, hearty, articulate Dr. von Braun is one of those rare engineers with charisma. "Working for the Government, you don't wind up a rich man," one of his associates at Huntsville once said. "But working for him, you feel you're a member of a great team."

Waitresses at Cape Kennedy ask Dr. von Braun to autograph their menus, while not even recognizing the higher NASA brass at the table. Around the country, people who have forgotten the names of most of the astronauts and never knew those of other NASA officials, think of Dr. Braun as NASA and ask all sorts of questions about him as a man and about his ideas for space.

INSPIRED ENGINEERS

One of Dr. von Braun's principal contributions was his belief in space exploration long before it became a reality. His belief, expressed personally in lectures and conferences and books, attracted and inspired many of the young engineers who would be ready to take up the Soviet challenge in 1957, the year of the first Sputnik launching.

In 1956, for example, Dr. von Braun coauthored an imaginative book on the exploration of Mars. It may have seemed frivolous at a time when most people were preoccupied with Suez and Hungary.

But later the next year, a nation startled into the space age by Sputnik would turn to Dr. von Braun, and he was ready. In fact, his associates insist that if it had not been for a Washington edict favoring the Navy's Vanguard project, Dr. von Braun's team could have put up the first man-made satellite months before Sputnik 1, which was launched Oct. 4, 1957.

REDSTONE LAUNCHED

In any event, Dr. von Braun's team rushed into action and on Jan. 31, 1958 fired a Redstone, a rocket that owed much to V–2 technology, and launched Explorer 1 into an orbit of earth. It was the first of many successes for Dr. von Braun and the nation.

The Saturn 5 moon rocket was Dr. von Braun's major engineering achievement. Its design bears the clear von Braun imprint, a combination of lessons learned at Peenemünde and of the precision technology of a computer age. In 11 launchings, this biggest of rockets has performed flawlessly—something that cannot be said for any other rocket—and has sent 10 men to walk on the moon.

But the Redstones have long since been museum pieces, and Saturn 5's work will come to an end with the launching of Apollo 17 in December and the Skylab space station next spring. So perhaps it is understandable that Dr. von Braun would decide to leave NASA at this time.

For NASA, however, the timing may be not so opportune. The space agency is struggling to win support for new post-Apollo programs, particularly the reusable shuttle system. It will miss Wernher von Braun's flare for the dramatic, his ability to articulate the adventure of space that often gets lost in the nuts-and-bolts of spaceflight.

[From the New York Times, May 27, 1972]

VON BRAUN WILL LEAVE NASA FOR AEROSPACE INDUSTRY

(By Harold M. Schmeck, Jr.)

WASHINGTON, May 26.—Dr. Wernher von Braun, one of the chief architects of man's first landing on the moon, is retiring from the National Aeronautics and Space Administration.

The German-born rocket expert, who has worked for the United States Government since the end of World War II, will leave the space agency July 1 to become corporate vice president for engineering and development of Fairchild industries, a major aerospace company.

"Dr. von Braun's decision to retire from NASA is a source of great regret to all of us at the agency," said Dr. James C. Fletcher, NASA's administrator.

"For more than a quarter of a century he has served the United States as the leader in space rocket development," Dr. Fletcher said in the announcement. "His efforts first put the United States in space with Explorer 1. As director of the Marshall Space Flight Center for over 10 years, he directed the development of the world's most powerful rocket, the Saturn V—which has taken 10 American astronauts to the surface of the moon."

Two of those astronauts, Neil A. Armstrong, the first man to set foot on the moon, and Edwin E. Aldrin Jr., his companion on the historic Apollo 11 moon landing, Capt. Edgar D. Mitchell of Apollo 14 and Lieut. Col. James B. Irwin of Apollo 15, plan to retire July 1. The moon exploration program comes to an end, for the time being, in December when Apollo 17 is scheduled to complete the series.

Explorer 1, the first successful United States satellite was launched in January, 1958, by a rocket system developed under Dr. von Braun's direction. His group was given the job after the Soviet success with Sputnik in October, 1957.

Dr. von Braun's leading role in American space rocket development continued until early 1970, when he left the Marshall Space Flight Center in Huntsville, Ala., to come to Washington as deputy associate administrator for planning at the space agency.

In announcing that move, Dr. Thomas O. Paine, who was then NASA's administrator, said Dr. von Braun "has an unmatched record of looking to the future to choose the most promising avenues of technical advance."

In a comment released today by the space agency, the 60-year-old Dr. von Braun said he was "leaving with the knowledge that NASA has enough well-thought out plans to keep it moving ahead for many years to come, even though some of these may have to be deferred because of budget constraints."

"I would like to devote my time now to help implement some space projects I feel are of particular importance," he said. "I think I can do this best in private industry where the tools of progress are being made."

Dr. von Braun was one of the early and most persistent advocates of manned space flight. He was active in rocketry since 1930 and was one of the pioneers in that field in Germany.

In 1937, after five years as chief of a small rocket development station near Berlin, he became director of the Peenemune rocket center, where German experts developed the V–2 missile that bombarded London during the closing months of World War II.

When the war ended, Dr. von Braun and about 100 other German rocket specialists surrendered to the Western powers. He and his group came to the United States in September 1945, under contract to the Army.

They are credited with major contributions to United States rocket development for the military and for NASA.

Said Dr. von Braun in the announcement of his retirement:

"I leave NASA with a deep feeling of gratitude for the wonderful and unique opportunities the agency has given me during the last 12 years."

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. SYMINGTON) laid before the Senate the following letters, which were referred as indicated:

REPORT ON PROPOSED USE OF CERTAIN RESEARCH AND DEVELOPMENT FUNDS

A letter from the Administrator, National Aeronautics and Space Administration, reporting, pursuant to law, on the use of certain research and development funds appropriation to that Administration; to the Committee on Aeronautical and Space Sciences.

Report on Settlement of Certain Indian Claims

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, the proceedings have been concluded with respect to docket Nos. 18–E and 58, Bay Mills Indian Community, Sault St. Marie, Arthur Lawrence Lablanc, Daniel Edwards and John L. Boucher, and Ottawa and Chippewa Indians of Michigan, et al., Plaintiffs, v. The United States of America, Defendant (with accompanying papers); to the Committee on Appropriations.

Reports of the Federal Power Commission

A letter from the Chairman of the Federal Power Commission submitting two reports; one entitled "Depreciation Practices of Natural Gas Companies, 1969"; and the other "Statistics of Publicly Owned Electric Utilities in the United States, 1970" (with accompanying reports); to the Committee on Commerce.

Semiannual Consolidated Report of Balances of Foreign Currencies Acquired Without Payment of Dollars

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of balances of foreign currencies acquired without payment of dollars, as of December 31, 1971 (with an accompanying report); to the Committee on Foreign Relations.

Report of the Comptroller General

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Audit of Federal Deposit Insurance Corporation for the Year Ended June 30, 1971, Limited by Agency Restriction on Access to Bank Examination Records" (with accompanying report); to the Committee on Government Operations.

Report on the Upper Iowa River, Iowa

A letter from the Secretary of the Interior, reporting, pursuant to law, on the Upper Iowa River, Iowa (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Contract for Research Project With FMC Corp., San Jose, Calif.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with FMC Corp., San Jose, Calif., for a research project entitled "Improved Sensors and Fire Control Systems for Mining Equipment" (with accompanying papers); to the Committee on Interior and Insular Affairs.

Proposed Contract With Mine Safety Appliances Co., Pittsburgh, Pa.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with Mine Safety Appliances Co., Pittsburgh, Pa., for a research project entitled "Design, Develop, Fabricate and Demonstrate a Battery Powered Manually Operated Underground Mine Rescue Team Vehicle" (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED GRANT WITH PENNSYLVANIA STATE UNIVERSITY, UNIVERSITY PARK, PA.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed grant with the Pennsylvania State University, University Park, Pa., for a research project entitled "Interrelating Data for Technical Products with Federal Standard Industrial Classification (SIC)" (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED AMENDMENT OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

A letter from the Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend the National Environmental Policy Act of 1969 to provide a temporary partial exemption from the requirements for the issuance of environmental impact statements (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT ON THE LIBRARY OF CONGRESS

A letter from the Librarian of Congress, transmitting, pursuant to law, a report on the Library of Congress, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Rules and Administration.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Symington):

A resolution of the Senate of the State of Louisiana; to the Committee on Foreign Relations:

"Senate Resolution No. 18

"A resolution to express to the President and the Congress of the United States the support of the Senate of Louisiana for the recent action taken by the President in the Vietnam conflict

"Whereas, there are some 60,000 American troops engaged in the Vietnam conflict and fourteen to fifteen hundred American soldiers remain confined in prisoner-of-war camps in Vietnam, who have loved ones in the United States anxiously awaiting their return; and

"Whereas, the interests of world peace and the welfare of all peoples make it imperative that the Government of the United States do everything possible to protect the lives and safety of our troops and of our allies in South Vietnam because men cause wars, weapons do not; and

"Whereas, there is a need to terminate this terrible war but in an honorable manner.

"Therefore, be it resolved by the Senate of the Legislature of Louisiana that the member of the Senate do hereby express to the President and the Congress of the United States their support for the recent action taken by the President in the Vietnam conflict.

"Be it further resolved that a copy of this Resolution shall be sent to the President of the United States, the members of the Louisiana Congressional delegation, the Department of Louisiana Veterans of Foreign Wars and the Department of Louisiana American Legion, the latter two both located at the Old State Capitol in Baton Rouge."

—— ——.

Lieutenant Governor and
President of the Senate.

A concurrent resolution of the Legislature of the State of Delaware; to the Committee on the Judiciary:

"Senate Concurrent Resolution No. 47

"Relating to the proposed amendment to the Constitution of the United States declaring equal rights for men and women

"Whereas, at the first session of the 92nd Congress of the United States of America, begun and held at the City of Washington on the 21st of January, 1971, and at the second session of the 92nd Congress of the United States of America begun and held at the City of Washington on the 18th of January, 1972, it was resolved on October 12, 1971 by the House of Representatives and on March 22, 1972, by the Senate of the United States in Congress assembled (two-thirds of each House concurring therein), that the following Article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'Article —

" 'Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

" 'Sec. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this Article.

" 'Sec. 3. This amendment shall take effect two years after the date of ratification."; and

"Whereas, the citizens of the State of Delaware desire to re-affirm their belief that men and women shall have equal rights under the law. Now, therefore,

"Be it resolved by the Senate of the 126th General Assembly of the State of Delaware, the House of Representatives concurring therein:

"1. That the said proposed amendment to the Constitution of the United States be, and the same is hereby ratified by the General Assembly of the State of Delaware and shall be, to all intents and purposes, a part of the Constitution of the United States.

"2. That certified copies of this Concurrent Resolution shall be forwarded by the Secretary of this State to the Secretary of State of the United States; to the presiding officer of the United States Senate; to the Speaker of the House of Representatives of the United States; to the Administrator, General Services Administration, Washington, D.C.; and to all other appropriate Federal officials.

"3. That the Secretary of the Delaware Senate and Clerk of the Delaware House of Representatives be, and they are hereby directed to deliver copies of this Resolution to the Delaware Secretary of State at their earliest convenience."

A resolution adopted by the Legislation of Erie County, N.Y., praying for the enactment of legislation relating to water quality in the Great Lakes by December 21, 1975; to the Committee on Appropriations.

A resolution adopted by the city council of East Lansing, Mich., praying for an immediate cessation of all bombing of North Vietnam; to the Committee on Foreign Relations.

A letter, in the nature of a petition, from Frank Clapp, Beverly Hills, Calif., relating to the administration's Vietnam policy; to the Committee on Foreign Relations.

A resolution adopted by the board of directors of the Lake County Farm Bureau, Tavares, Fla., praying that more stringent action be taken to combat and reduce the wave of crime; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. HRUSKA, from the Committee on the Judiciary:

Norman C. Roettger, Jr., of Florida, to be a U.S. district judge for the Southern District of Florida.

Mr. STENNIS. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the nominations of 57 flag and general officers in the Army and Navy. I ask that these nominations be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Brig. Gen. Constant Collin Delwiche, and sundry other U.S. Army Reserve officers, for promotion as Reserve commissioned officers of the Army;

Brig. Gen. David C. Matthews, and sundry other Army National Guard of the U.S. officers, for appointment as Reserve commissioned offiers of the Army;

Tom R. Stoughton, for reappointment to the active list of the Regular Army of the United States, with the grade of major general, Regular Army, and major general, Army of the United States;

Lt. Gen. George Irvin Forsythe, Army of the United States (major general, U.S. Army), to be placed on the retired list, in the grade of lieutenant general;

Eugene A. Grinstead, Jr., and sundry other officers, for promotion in the Navy;

Philip O. Geib, and sundry other officers, for promotion in the Navy;

Rear Adm. Robert E. Adamson, Jr., U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Vice Adm. Frederick H. Schneider, Jr., U.S. Navy, for appointment to the grade of vice admiral, when retired;

Vice Adm. Nels C. Johnson, U.S. Navy, for appointment to the grade of vice admiral, when retired; and

Vice Adm. Evan P. Aurand, U.S. Navy, for appointment to the grade of vice admiral, when retired.

Mr. STENNIS. Mr. President, in addition I report favorably 48 Air National Guard officers for promotion in the Reserve of the Air Force in the grade of lieutenant colonel. Since these names have already appeared in the Congressional Record in order to save the expense of printing on the Executive Calendar I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Roland E. Ballow, and sundry other Air National Guard of the United States officers, for promotion in the Reserve of the Air Force.

By Mr. PASTORE (for Mr. Magnuson), from the Committee on Commerce:

Richard E. Wiley, of Illinois, to be a member of the Federal Communications Commission;

Benjamin L. Hooks, of Tennessee, to be a member of the Federal Communications Commission; and

William R. Haley, of the District of Columbia, to be a member of the National Transportation Safety Board.

PUBLIC BUILDINGS AMENDMENTS OF 1972—CONFERENCE REPORT—REPORT OF A COMMITTEE

(S. REPT. 92-818)

Mr. ROBERT C. BYRD (for Mr. Gravel), from the committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes, submitted a report thereon, which was ordered to be printed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MANSFIELD:

S. 3648. A bill for the relief of Hong-To Lam and his wife, May-Fung Shum Lam. Referred to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 3649. A bill for the relief of Hwa-Ja Seon Yeong Moon. Referred to the Committee on the Judiciary.

By Mr. NELSON (for himself, Mr. McGovern, Mr. Hart, Mr. Hughes, Mr. Mondale, Mr. Humphrey, Mr. Gravel, and Mr. Bayh):

S. 3650. A bill to provide for transmittal of the Department of Defense 5-year defense program and for congressional deliberation of major mission and support functions of the 5-year defense program. Referred to the Committee on Armed Services.

By Mr. BAKER (for himself, Mr. Humphrey, Mr. Allen, Mr. Allott, Mr. Beall, Mr. Bellmon, Mr. Bennett, Mr. Boggs, Mr. Brock, Mr. Brooke, Mr. Cook, Mr. Cooper, Mr. Cranston, Mr. Dole, Mr. Dominick, Mr. Fannin, Mr. Fong, Mr. Griffin, Mr. Hart, Mr. Hughes, Mr. Jackson, Mr. Javits, Mr. Kennedy, Mr. Mathias, Mr. McGovern, Mr. Mondale, Mr. Muskie, Mr. Nelson, Mr. Packwood, Mr. Pastore, Mr. Percy, Mr. Pell, Mr. Roth, Mr. Saxbe, Mr. Schweiker, Mr. Scott, Mr. Sparkman, Mr. Stafford, Mr. Taft, Mr. Thurmond, Mr. Tower, Mr. Tunney, and Mr. Williams):

S. 3651. A bill to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes. Referred to the Committee on Finance.

By Mr. BENNETT (by request):

S. 3652. A bill to clarify and regulate the powers of the States to tax commercial banks, to empower the States to tax national banks, to foster and promote the dual banking system by providing for equal State taxation of national and State banks, to promote the interstate flow of moneyed capital and the financial resources of insured banks, to foster and promote interstate and foreign commerce and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BURDICK:

S. 3653. A bill to improve judicial machinery by amending the requirement for a three-judge court in certain cases and for other purposes. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON (for himself, Mr. McGovern, Mr. Hart, Mr. Hughes, Mr. Mondale, Mr. Humphrey, Mr. Gravel, and Mr. Bayh):

S. 3650. A bill to provide for transmittal of the Department of Defense 5-year defense program and for congressional deliberation of major mission and support functions of the 5-year defense program. Referred to the Committee on Armed Services.

FIVE-YEAR DEFENSE PROGRAM

Mr. NELSON. Mr. President, we are looking at the wrong defense budget.

We will soon be looking at the defense budget for fiscal year 1973, when we should be looking at fiscal 1974 and beyond fiscal year 1973.

Time has already robbed the Congress of all of its flexibility to make major decisions on the level of defense spending in fiscal 1973. It is now already too late to make any but marginal changes of a few billion dollars in the fiscal 1973 defense budget. Before we have finished with the two basic defense bills—procurement authorization and appropriations—this year, we will have lost even more of our flexibility in making major decisions.

Meanwhile, the administration is already far along in planning the fiscal 1974 defense budget, and it has been making the basic decisions on that budget without any significant congressional guidance. By the time the fiscal 1974 budget reaches us for consideration the time squeeze again will have robbed Congress of its ability to change it.

The central point is that, in order to effectively make decisions on the level of defense spending, Congress must look ahead and plan ahead just as the military planners do.

The ability of Congress to work ahead in this fashion will not be developed overnight. I am proposing today one step—a beginning—in this direction. It is a bill requiring the President to transmit the Department of Defense's 5-year defense program to Congress for its deliberation.

The bill further instructs the Armed Services Committees of the House and Senate to:

Review the administration's planning of the defense program and budget for the next 5 years.

Examine the Department of Defense's 5-year budgetary information classified by missions—that is, by major force categories and support rather than according to the arbitrary budget categories which Congress has traditionally used.

Hear DOD testimony explaining national security objective and strategy, force unit missions and capabilities, areas of deployment and potential deployment of our force units, and associated U.S. commitments, relating to the use of America's defense resources—including manpower, weapons systems, organized units, and funds—in the 5-year defense program.

Report its findings and recommendations as part of the regular reports of the committees.

CONGRESS IS LATE

As the following table shows, the regular defense appropriations bills generally are passed by Congress about half way through the fiscal year to which they apply:

	Fiscal year [1]—				
	1968	1969	1970	1971	1972
Authorization act	June 5, 1967	Sept. 20, 1968	Nov. 19, 1969	Oct. 7, 1970	Nov. 17, 197
Regular appropriation act	Sept. 29, 1967	Oct. 17, 1968	Dec. 29, 1969	Jan. 11, 1971	Dec. 18, 1971
Last major supplemental appropriation	July 9, 1968	July 22, 1969	July 6, 1790	May 25, 1971	1972

[1] Fiscal year 1968 begins July 1 of calendar year 1967; fiscal year 1969 begins July 1 of calendar year 1968; and so on for each year

Midway in the fiscal year is very late to try to make substantial changes in a budget. Defense Department Comptroller Robert C. Moot discussed this in testimony before the Joint Committee on Congressional Operations last year:

> By that time, the Department has been operating for six months based on the continuing resolutions. Plans and work schedules are in being, covering at least the next several months—this involves deployments, combat operations, training rates, re-

> build and transportation schedules, manpower programs, ship and aircraft operations, and so forth. At the same time, contractors are at work producing goods and services for defense. Industry manpower is engaged, parts orders and subcontracts have been let, and work is proceeding. Large parts of the Defense program are not subject to orderly change if decisions are delayed until the middle of the fiscal year.

Even the very beginning of the fiscal year may be too late, for practical purposes, to make major changes in defense spending for that year. Late last June, Senators PROXMIRE and MATHIAS sought unsuccessfully to place a $68 billion ceiling on defense outlays for fiscal 1972—a $7 billion cut from the administration's budget, or 9 percent. The Proxmire-Mathias amendment was placed on the continuing resolution, at the start of the fiscal year, precisely to avoid the argument that such large changes could not be made late in the year. However, one of the main arguments raised against the amendment on the Senate floor was that even at that early date in the fiscal year, cuts that magnitude would be highly disruptive. Manpower would have to be reduced by layoffs rather than attrition. Contracts would have to be terminated with penalty payments and bases abruptly closed—all resulting in much inefficiency. The amendment was defeated 24 to 63. The incident seems to suggest that even at the beginning of the fiscal year Congress has lost must of its flexibility of decision.

By the time the Military Procurement Authorizations Act of 1973 reaches us—conceivably sometime in the fall—Congress can make marginal changes. For example, it might cut $2 or $3 billion—in the fiscal 1973 defense budget, which no doubt have already been taken into account in Pentagon planning. But we have already lost our chance to realistically consider more major changes.

PENTAGON PLANS AHEAD

While Congress is looking at the fiscal 1973 defense budget, the administration is already far along in planning the fiscal 1974 budget, and is doing so without any guidance from Congress.

According to the DOD's Program/Budget Review Schedule for calendar year 1972, the administration's annual defense budget planning process consists of 37 steps. Planning for fiscal year 1974 actually began last June—that is June 23, 1971—with the issuance of the Joint Strategic Objective Plan—JSOP—vol. I, a strategy paper by the Joint Chiefs dealing with a defense program from 1974 to 1981.

This January, the 5-year defense program inherited from the previous cycle was updated, and the 5-year defense program for fiscal years 1974–77 was updated in February. By the end of May 1972, 16 of the 37 steps had been completed. Included in the 16 completed steps were an analysis of strategic issues by the Joint Chiefs; strategic guidance by the Secretary of Defense fiscal guidance by the Secretary of Defense indicating how much money could be spent in 1974 and following years; an outline of forces by the Joint Chiefs within these constraints; and most recently, program objective memorandums from each of the services detailing changes in their force levels, support, and activities under these policies.

By the time the Defense Department appropriations bill for fiscal year 1973 reaches us the Secretary of Defense will have made program decisions leading to the further updating of the 5-year defense program to cover fiscal years 1974–77.

This will be followed by review by the Office of Management and Budget and presentation of the fiscal 1973 budget to Congress early in calendar year 1973. This process actually looks even farther ahead than 1978. Step. No 16, scheduled for June 1, consists of a strategy paper by the Joint Chiefs dealing with a defense program from fiscal 1976 to 1982.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a list furnished by the Department of Defense outlining these 37 steps as they were conceived at the beginning of the budget cycle.

With some minor changes, this list has been followed very closely through step 15 at the end of May. The actual completion dates of each step have been close to the planned action dates shown on the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

TRADITION

Mr. NELSON. Mr. President, while the Pentagon plans 5 years ahead, Congress sticks to a traditional, annual appropriation schedule. This procedure simply bars Congress from effective participation in defense planning.

This Pentagon planning process takes place with no formal participation by Congress. The documents involved are regarded as internal papers of the administration and are not furnished to congressional committees dealing with defense. Nor do these committees appear to have sought them. Some information from the document is reflected in testimony to these committees by administration witnesses in closed session.

The most basic of these documents in terms of looking ahead is the annually updated 5-year defense program. So far as I have been able to determine, this has not been furnished to congressional committees even on a secret basis. The 5-year program included money totals for the Defense Department for each of the 5 years. These figures have not been included in the Secretary of Defense's annual report to Congress even in its classified information form. The Senate Armed Services Committee has received classified information from the 5-year program but not the document itself.

REORGANIZATION ACT

Last September when I introduced amendment No. 425 to the Military Procurement Authorizations Act of 1972 calling on the Armed Services Committee to examine among other things the 5-year defense program, I noted that the Legislative Reorganization Act of 1970 requires legislative committees to estimate the 5-year costs of legislation they enact. I discussed the paucity of information forthcoming despite that act.

To comply with this provision, Chairman F. EDWARD HÉBERT of the House Armed Services Committee wrote Secretary Laird last May asking for 5-year projections. Mr. Laird replied by citing the difficulty of making such projections:

> As you know, any projection of Defense financial requirements beyond the budget year is extremely tentative at best. Such programs as may be proposed by Defense components have not been approved by the President nor have they been subjected to the thorough review and analysis by my staff to assure that they represent firm requirements supportable within the dollar levels that might be expected to be available to the Department of Defense in future years.

Mr. Laird went on to say:

> I can also provide the general estimate that to support the 5-year forces contained in my Defense report on the fiscal year procurement and RDT&E in the range of $22–23 billion (in fiscal year 1972 dollars) would be required for each of the next 5 years.

The estimate covers only procurement and research and development—about a third of the defense budget—because those are the only major items covered in the authorization bill. The Legislative Reorganization Act exempts appropriations committees from making 5-year estimates. This exchange—and a similar exchange between Mr. Laird and the Senate Armed Services Committee—appear to be the closest Congress had come yet to estimating defense costs over the next 5 years.

My amendment, No. 425, failed. But soon after, Senator STENNIS introduced legislation which was enacted as section 506 of Public Law 92–156. It requires the Department of Defense to submit a written report regarding development and procurement schedules for each weapon system for which any funds for procurement are requested. That and the annual military manpower requirements report in compliance with Public Law 92–129 are major strides toward the concept of Congress looking at the defense budget beyond the immediate budget year.

But Congress is still a long way off from reviewing the entire defense budget in as systematic a fashion as the budget is conceived and created in the Defense Department.

The Brookings Institution has perhaps come closest to such a systematic review of the defense budget in its recently published book, "Setting National Priorities: the 1973 Budget." Some of Brookings findings concerning the financial implications of the 1973 defense budget are rather startling. It states that—

> By fiscal 1977 the current defense posture will cost $86.6 billion in funds authorized, an increase of $3.4 billion.

Using other assumptions, Brookings reports that funds could rise to $95 billion by 1977, an increase of $12 billion. Further:

> Since proposed defense outlays in 1973 are only $76.5 billion as against $83.2 billion in requested authorizations, the increase in actual defense spending between 1973 and 1977 could be $6 billion greater. This would mean that as expenditures rise gradually toward the level of authorizations, the increase in actual defense spending could range from $10 billion to $18 billion by 1977. Using the mid point of this range and allowing for the effects of continuing inflation, defense expenditures in current dollars could be approximately $100 billion in 1977.

This is an important revelation. It is all the more reason why Congress should be looking ahead. This information is vital to each Senator and Congressman when it comes time for him to vote on DOD appropriations this year.

The Brookings study is a major accomplishment and contribution to Congress' understanding of this year's budget. But Congress must not rely on others to do its work. It must conduct its own formal and official review of the Department of Defense 5-year defense program. Congressional deliberation should be structured according to force levels, manpower levels, and procurement schedules for each mission function rather than on the basis of the budget categories now in use. Starting next fiscal year, it should begin to authorize the 5-year defense program and each year bring it up to date with changes resulting from such things as new planning contingencies and improvements in efficiency. As a result, public debate and congressional deliberation shall be focused on the objectives of the defense program and how they are being carried out rather than on isolated, unrelated items in a defense budget of a given year. The Brookings study makes this point in support of the idea of Congress' authorizing the 5-year defense program. Mr. President, I request unanimous consent that a selected passage from the Brookings study entitled, "Reviewing the Defense Budget" be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. NELSON. Mr. President, passage of this bill would provide the impetus to start Congress and the public in the direction of advance planning of defense budgets.

Studying the 5-year prospects of the defense budget will bring the Armed Services Committees into a kind of advance planning which now only the administration is doing. It will be a healthy thing to have these committees review the administration's own planning. The committees do not have to come up with complete, detailed 5-year defense programs all by themselves. They would have great latitude as to the nature of their recommendations.

It is sometimes said that, in order to really tackle basic defense issues, Congress would have to build itself a vast establishment of planners and systems analysts like the administration has. In my opinion this is an exaggeration. The basic thing Congress needs is to address the real questions, which involves looking ahead. If it looks at these questions, it will find it already has within its own establishment vast resources to find the answers.

Mr. President, in order to further explain my proposal, I have asked that the following items be printed in the RECORD. The list of 37 steps in the program/budget review schedule for calendar year 1972 and the passage from the Brookings Institution study entitled "Reviewing the Defense Budget."

I ask unanimous consent that the text of the legislation I have introduced today be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3650

Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that expenditures by the Department of Defense constitute approximately 42 percent of the Federal budget and approximately 6.4 percent of the Nation's gross national product; that the executive branch of the Government plans for the defense of the United States on a five-year basis and the Congress authorizes funds for such defense on a one-year basis; that the executive branch structures its five year defense program to meet predetermined missions while the Congress authorizes funds for defense purposes on the basis of other criteria; and that a closer coordination between the executive and the legislative branches of the Government with respect to defense planning and authorization would result in a sounder and more economical defense program for the Nation.

SEC. 2. Beginning with calendar year 1973, the President shall, at the same time he submits the budget to the Congress (pursuant to section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11)), transmit to the Congress the five-year defense program of the Department of Defense for the five fiscal years beginning July 1 of the calendar year in which such report is transmitted to the Congress. Beginning with the budget submitted in the calendar year 1974, and each calendar year thereafter, the President shall also transmit to the Congress at the same time the budget is submitted to the Congress in such calendar year any proposed changes in the current five-year defense program together with cost estimates and other pertinent information reflecting recent information, possible changes in planning contingencies and improvements in efficiency.

SEC. 3. (a) The Committees on Armed Services of the Senate and the House of Representatives acting separately, jointly, or both, shall each year conduct comprehensive studies of each such five-year defense program, transmitted to it pursuant to section 2 of this Act, including matters of force levels, manpower levels, and procurement schedules for each mission, function, or purpose.

(b) In carrying out such study with respect to any five-year defense program, such Committees shall, among such other matters as such committees deem appropriate, consider—

(1) the military forces needed, the combinations of such forces, the military and political purposes served by such military forces;

(2) the necessity for any new weapon system planned for in such program, and the time schedule on which any new weapon system is to be introduced and any existing weapon system that is to be phased out during the period covered by such program;

(3) the questions of efficiency and readiness of the support levels of the combat forces;

(4) the five year cost implications of such plan.

(c) The Committees on Armed Services of the Senate and the House of Representatives shall report the results of their study of the current five-year defense program together with such recommendations as they deem appropriate, including proposed legislation authorizing funds for a five-year defense program.

EXHIBIT 1

PROGRAM/BUDGET REVIEW SCHEDULE—CALENDAR YEAR 1972

Item	Action	Agency	Action date
1	Submit JSOP-Vol I (74–81) strategy and force planning.	J	June 23, 1971.
2	Provide comments on JSOP-Vol I to JCS	O	Aug. 4, 1971.
3	Issue defense policy and planning guidance (top secret).	O	Oct. 23, 1971.
4	Identify and issue selected analysis topics	O	Nov. 1, 1971.
5	Issue materiel support planning guidance	O	Dec. 7, 1971.
6	Submit comments on defense policy and planning guidance.	JC	Do.
7	Submit JSOP-Vol II (FY 74–81) analysis and force tabulations.	J	Dec. 23, 1971.
8	Submit comments on materiel support planning guidance.	JC	Dec. 30, 1971.
9	Update 5-year defense program through fiscal year 1973.	C	Jan. 10, 1972.
10	Update 5-year defense program for fiscal years 1974–77.	C	Feb. 4, 1972.
11	Issue planning and programing guidance memorandum.[1]	O	Mar. 9, 1972.
12	Submit joint research and development objectives document (JRDOD).	J	Feb. 22, 1972.
13	Provide selected analysis	JC	Prior to Mar. 31, 1972.
14	Submit joint force memorandum (JFM)	J	May 16, 1972.
15	Submit program objectives memorandum (POM)	C	May 30, 1972.
16	Submit JSOP-Vol I (75–82) strategy and force planning (calendar year 1973 cycle).	J	June 1, 1972.
17	Issue initial budget guidance for preparation of fiscal year 1974 budget estimates.	O	June 15, 1972.
18	Issue first "Issue Paper" (IP)	O	June 19, 1972.
19	Transmit first "Issue Paper" (IP) to Secretary of Defense.	O	June 23, 1972.
20	Issue last "Issue Paper" (IP)	O	July 17, 1972.
21	Transmit last "Issue Paper" (IP) to Secretary of Defense.	O	July 21, 1972.
22	Issue program decision memorandum (PDM)	O	Aug. 4, 1972.
23	Submit reclamas to PDMs	O	Aug. 14, 1972.
24	Issue reclamation decisions on PDMs	O	Aug. 24, 1972.
25	Issue defense policy and planning	O	Sept. 1, 1972.
26	Identify and issue selected analysis topics (calendar year 1973 cycle).	O	Do.
27	Issue materiel support planning guidance (calendar year 1973 cycle).	O	Sept. 5, 1972.
28	Submit annual budget estimates and backup information.	C	Oct. 2, 1972.
29	Start budget hearings	O	Oct. 9, 1972.
30	Submit comments on defense policy and planning guidance.	JC	Oct. 13, 1972.
31	Update 5-year defense program	C	Do.
32	Submit comments on materiel support planning guidance.	JC	Oct. 20, 1972.
33	Start issue of program/budget decisions (PBDs)	O	Nov. 6, 1972.
34	Provide comments (reclamas) on PBDs	C	Nov. 13, 1972.
35	Issue revised PBDs based on reclamation comments	O	Dec. 1, 1972 to Dec. 18, 1972.
36	Conduct joint meetings with JCS and service secretaries to discuss major unresolved budget issues.	O	Dec. 15, 1972.
37	Submit JSOP-Vol II (FY 75–81) analysis and force tabulations (calendar year 1973 cycle).	J	Dec. 22, 1972.

[1] Includes (1) force planning (2) fiscal levels (3) POM guidance and (4) materiel support planning guidance.

Legend: O—Secretary of Defense; J—JCS; C—Military departments and defense agencies; JC—JCS, military departments, defense agencies.

EXHIBIT 2

SETTING NATIONAL PRIORITIES: THE 1973 BUDGET BY BROOKINGS INSTITUTION

REVIEWING THE DEFENSE BUDGET

Most public and congressional discussion of the baseline defense budget is concentrated on a surprisingly few issues, and even for these, important interrelationships are often overlooked. Examples in recent years are (1) the debates over whether to build the Safeguard system, or a new manned strategic bomber, or a new nuclear carrier; (2) the attention paid to cost overruns or mismanagement in the case of the C-5A transport, the F-111, and the F-14; and (3) the recurring controversy over maintaining large U.S. forces in Europe. These are indeed important questions. Individually or collectively, however, they affect only a small part of the defense budget. Moreover, issues of this kind are raised almost fortuitously instead of being the result of a systematic examination of the defense program. Too much attention is paid to a few individual defense issues that are generally unrelated, and too little to the objectives of the defense program and how they are being carried out.

Consideration of the national security options outlined in this chapter, or of the choices as to major force categories illustrated in Chapter 4, would require a very different approach to reviewing and approving defense spending. Major emphasis would be placed on the following factors:

Force levels. How many major force components are needed, in what combination, and to serve what political and military purposes?

Questions of force size and structure also involve the pace at which new weapons systems should be introduced and, equally, the pace at which older, less effective systems should be phased out.

Support levels. How should combat forces be supported? In part this is a question of efficiency. It also involves readiness—how quickly must U.S. combat forces respond to contingencies, and how long will they need to be sustained? Readiness requirements cannot be assumed to remain constant, for they change from time to time as changes in the international situation become reasonably well defined. Moreover, unless it is assumed that there are no constraints on total defense spending, the relationship between readiness and force levels must be regularly assessed, since the tradeoff inherent in this relationship is a fundamental factor in determining the defense posture. In general, the assessment of support levels requires examination of numerous diverse elements in the defense program that are small individually but together account for one-third of military spending. No other set of issues highlights so well the importance of the undramatic in reviewing the defense budget.

Short-term versus long-term implications. What time horizon should govern defense budget decisions? The deference posture is made up of weapon systems that require a long lead time to develop and procure, of forces whose training entails costly investments, and of forward deployments that are the product of political alignments developed over the years. Concentrating on current year outlays sharply limits the scope of the review and the opportunity to consider fundamental changes. Furthermore, changes that can result in savings over the longer term frequently involve initial one-time costs. A reluctance to accept such costs can mean forgoing opportunities to improve the defense program.

These factors are fundamental to the process of formulating the defense budget in the executive branch. Why, then, is there not a parallel examination outside the executive branch? In large measure, the answer lies in current congressional procedures, which determine not only the form and content of congressional scrutiny of defense appropriations, but also the character of the public debate.

The legislative process is in two stages, authorizations and appropriations, each of which is the responsibility of separate committees. Authorizations cover only selected aspects of the defense program, principally procurement of major weapon systems, research and development, and military manpower levels. Appropriations cover the entire defense budget, but in categories that are largely independent of those used by the executive branch for force planning purposes. Both the authorization and appropriation procedures tend to concentrate on the exceptional items of change in the current budget; neither focuses on the issues noted above—force levels, effectiveness, support, readiness, and the necessary tradeoffs among them. Furthermore, they are almost exclusively concerned with spending requests for the current fiscal year; the long-range consequences of spending decisions receive less attention.

This approach is the more surprising in that the congressional review process is initiated by the secretary of defense's report on the five-year defense program, which states the purposes of the program and outlines the force decisions needed to achieve them. Since 1971, moreover, the Defense Department has provided the Congress with an annual report on military manpower requirements for the coming fiscal year, based on major missions. And the presentation of both reports is preceded by the President's foreign policy report, which places defense requirements in the broader setting of the administration's assessment of the international situation and its statement of U.S. foreign policy objectives. These reports unfortunately are the only formal link between force planning in the executive branch and the congressional review of the defense budget. After the Congress receives them, the legislative process follows its separate path.

How could the Congress organize its review and approval of defense spending in terms of the purposes of U.S. military forces, as does the executive branch in formulating the defense program? Basing congressional authorization and appropriations on the five-year defense program would be one way to begin. This would require that congressional deliberation be structured according to force levels, manpower levels, and procurement schedules for each mission function rather than on the basis of the budget categories now in use. The Congress would continue to review and approve defense spending annually, but would do so with explicit awareness of the longer-term implications for costs and for force capabilities. Each year the executive branch would propose amendments to the five-year program that reflected the most recent information, possible changes in planning strategy, and estimates of requirements for the new final year of the planning period. The Congress, through its Armed Services Committees, would review the administration's recommendations and explicitly authorize a new five-year program. Subsequently, through its appropriation process, the Congress could decide on funding for the first year of the new program, with its five-year implications specifically in mind.

Such a fundamental change would require a transition period for developing the necessary information and new procedures. From the outset, the Congress could authorize funds for the five-year defense program. Initially, however, it could continue within this five-year framework to authorize and appropriate funds according to existing budget categories such as procurement, military personnel, and military construction. The new budgetary information classified by missions—that is, by major force categories and support—would provide important new data that for the time being would be supplementary in character. Eventually, the Congress could begin authorizing and appropriating funds on the basis of the new categories, should that be justified by experience gained in the interim.

Even with the same planning information and following the same general approach, the Congress presumably would apply somewhat different criteria than does the executive branch to its evaluation of the defense program. But these differences would not detract from the basic advantage of reviewing the defense program in a long-term framework: the opportunity it provides to consider changes in planning contingencies and improvements in efficiency.

Moving in this direction would not in itself result in abrupt changes in the defense budget or in the way the government manages the defense program. To the contrary, the objective would be orderly change brought about by focusing public and congressional reviews of defense spending on the most important questions.

By Mr. BAKER (for himself, Mr. HUMPHREY, Mr. ALLEN, Mr. ALLOTT, Mr. BAKER, Mr. BEALL, Mr. BELLMON, Mr. BENNETT, Mr. BOGGS, Mr. BROCK, Mr. BROOKE, Mr. COOK, Mr. COOPER, Mr. CRANSTON, Mr. DOLE, Mr. DOMINICK, Mr. FANNIN, Mr. FONG, Mr. GRIFFIN, Mr. HART, Mr. HUMPHREY, Mr. HUGHES, Mr. JACKSON, Mr. JAVITS, Mr. KENNEDY, Mr. MATHIAS, Mr. McGOVERN, Mr. MONDALE, Mr. MUSKIE, Mr. NELSON, Mr. PACKWOOD, Mr. PASTORE, Mr. PERCY, Mr. PELL, Mr. ROTH, Mr. SAXBE, Mr. SCHWEIKER, Mr. SCOTT, Mr. SPARKMAN, Mr. STAFFORD, Mr. TAFT, Mr. THURMOND, Mr. TOWER, Mr. TUNNEY, and Mr. WILLIAMS):

S. 3651. A bill to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes. Referred to the Committee on Finance.

STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

Mr. BAKER. Mr. President, on behalf of myself and Senator HUMPHREY, and for Senators ALLEN, ALLOTT, BEALL, BELLMON, BENNETT, BOGGS, BROCK, BROOKE, COOK, COOPER, CRANSTON, DOLE, DOMINICK, FANNIN, FONG, GRIFFIN, HART, HUGHES, JACKSON, JAVITS, KENNEDY, MATHIAS, McGOVERN, MUSKIE, NELSON, PACKWOOD, PASTORE, PERCY, PELL, ROTH, SAXBE, SCHWEIKER, SCOTT, SPARKMAN, STAFFORD, TAFT, THURMOND, TOWER, TUNNEY, and WILLIAMS, I send to the desk a bill, entitled the "State and Local Fiscal Assistance Act of 1972" and ask that it be appropriately referred.

Mr. President, the bill that Senator HUMPHREY and I and 41 of our colleagues introduce today is a general revenue-sharing bill, identical to a bill reported by the Committee on Ways and Means of the other body on April 26, 1972. I ask unanimous consent that a brief analysis of the bill and a table estimating distributions under the bill for calendar year 1972 be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS OF STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

The State and Local Fiscal Assistance Act of 1972 provides $29.575 billion in relatively unrestricted aid to state, county, city and township governments over five years. Each year $3.5 billion is allocated to localities, and $1.8 billion is allocated to state government. The $1.8 billion grows by $300 million a year after the first year. Localities must establish a trust fund to spend the money and must establish that they will spend only for certain high priority purposes: maintenance and operating expenses for public safety, environmental protection, and public transportation and capital expenditures for sewage collection, refuse disposal systems, and public transportation. The final section of the bill provides for Federal collection of state imposed individual income taxes ("piggybacking") once five states comprising at least five percent of the tax returns have entered into an agreement with the Secretary of the Treasury. Eligible state individual income taxes are those that closely conform with the Federal individual income tax. Payments to states and local governments are scheduled to be made retroactive to January 1, 1972, while piggybacking is scheduled to begin January 1, 1974. once the five percent and five states have made the necessary agreement. The bill provides that the Secretary of the Treasury will administer the program and that no person be denied the benefits of the program on the ground of race, color, national origin or sex.

Allocation of the $3.5 billion each year is made directly to the local governments on the basis of population, urbanization, and need. Allocation of the $1.8 billion each year to the state governments is made half on the basis of total state and local taxes, and half on the basis of state individual income tax collections. The bill provides that no locality may receive more than 50 percent of its revenues.

ESTIMATED DISTRIBUTION OF FUNDS UNDER H.R. 14370 "STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972," BY STATE

[Amounts in millions of dollars]

	State share	Local share	Total
United States, total	1,800.0	3,500.0	5,300.0
Alabama	14.9	65.2	80.1
Alaska	3.5	3.1	6.6
Arizona	14.0	32.1	46.1
Arkansas	8.0	30.4	38.4
California	241.1	369.7	610.8
Colorado	20.3	39.1	59.4
Connecticut	21.0	51.7	72.7
Delaware	7.8	9.5	17.3
District of Columbia	10.8	15.2	26.0
Florida	31.9	118.1	150.0
Georgia	28.3	75.1	103.4
Hawaii	13.2	12.7	25.9
Idaho	5.8	9.6	15.4
Illinois	105.1	196.6	301.7
Indiana	31.0	82.8	113.8
Iowa	26.2	41.6	67.8
Kansas	13.8	34.0	47.8
Kentucky	19.2	52.6	71.8
Louisiana	18.4	64.8	83.2
Maine	5.6	14.2	19.8
Maryland	50.1	67.4	117.5
Massachusetts	74.6	104.4	179.0
Michigan	91.0	152.7	243.7
Minnesota	51.7	62.4	114.1
Mississippi	10.1	35.9	46.0
Missouri	27.9	79.6	107.5
Montana	6.9	9.9	16.8
Nebraska	9.7	24.8	34.5
Nevada	3.7	8.5	12.2
New Hampshire	3.3	10.2	13.5
New Jersey	44.7	135.0	179.7
New Mexico	6.5	16.0	22.5
New York	317.4	332.2	649.6
North Carolina	36.3	76.8	113.1
North Dakota	3.6	8.4	12.0
Ohio	49.5	177.8	227.3
Oklahoma	11.4	41.4	52.8
Oregon	24.8	35.2	60.0
Pennsylvania	98.4	202.5	300.9
Rhode Island	7.8	18.0	25.8
South Carolina	14.3	43.5	57.8
South Dakota	3.7	9.8	13.5
Tennessee	14.3	65.0	79.3
Texas	46.2	202.0	248.2
Utah	8.8	20.2	29.0
Vermont	5.7	5.3	11.0
Virginia	38.3	77.3	115.6
Washington	20.9	58.2	79.1
West Virginia	10.0	26.4	36.4
Wisconsin	65.9	71.1	137.0
Wyoming	2.2	3.9	6.1

Mr. BAKER. Mr. President, on March 9, 1967, I devoted my "maiden speech" as a freshman Senator to the introduction of S. 1236, 90th Congress, first session, a bill which was called "The Tax-Sharing Act of 1967." On September 23, 1969, I introduced S. 2948, 91st Congress, first session, the Nixon administration's "Revenue-Sharing Act of 1969." On February 9, 1971, I introduced Senate bill 680, 92d Congress, first session, the administration's revised "General Revenue Sharing Act of 1971."

Mr. President, on each of these occasions I have tried to stress in the strongest possible terms the need for broad, bipartisan support for revenue sharing. The urgent fiscal needs of State and local governments far transcend any partisan political credit that might inure to any individual or political party as the result of its enactment. I have stated this same appeal for bipartisan support in testimony before the Senate Subcommittee on Intergovernmental Relations and before the House Committee on Ways and Means. On April 26, 1972, the Ways and Means Committee, under the able leadership of its remarkable chairman, Representative MILLS, reported the "State and Local Fiscal Assistance Act of 1972," by a strong bipartisan vote of 18 to 7. Those of us on both sides of the Senate aisle who support the concept of revenue sharing regard this as a major step toward enactment of legislation before the 92d Congress adjourns sine die.

It is thus with particular pleasure that Senator HUMPHREY and I are able to introduce that bill in the Senate with such broad support from Members of both parties and from all over the ideological spectrum of both parties. It is our hope that the other body will act affirmatively and expeditiously on H.R. 14370, so that the Senate can proceed with final consideration of the measure.

It is important to note, I think, that cosponsorship of this bill in the Senate on the part of any given Senator does not necessarily mean that he supports every part and provision of the bill as presently written. This Senator himself expects to seek modifications in the bill, whether in committee or on the floor. What is important in the judgment of Senator HUMPHREY and myself is that the bill be formally before the Senate and that the wide support for it on both sides of the aisle be made known. We will, of course, welcome future cosponsorship of any other Senator who has not yet indicated his wish to be added to the bill.

Mr. President, to use the hackneyed phrase, revenue sharing with State and local governments is an idea whose time has long since come. Quite apart from the very real and important implications of the program for redressing an imbalance that some of us see in the relationships between the Central Government and local governments, the fiscal facts speak for themselves: States, counties, and cities urgently need these funds. Enactment into law of general revenue sharing can be one of the proudest bipartisan achievements of this Congress. We can do it, and we must.

Mr. JAVITS. Mr. President, I am cosponsoring the State and Local Fiscal Assistance Act of 1972 (H.R. 14370), which is now being introduced in the Senate, and I do so in the same bipartisan spirit with which the distinguished minority leader and the administration have lent their support as well. Our State and local governments face a fiscal crisis of the first magnitude. Economists have been predicting this crisis for more than a decade. Officials at all levels of Government have also dealt with the problem for a long time; indeed, I introduced my first revenue-sharing bill 7 years ago, in 1965.

In helping relieve fiscal conditions at the State and local level, revenue sharing goes to those services which we as citizens need on a day-to-day basis: Public safety, sanitation, mass transportation, et cetera. Revenue sharing helps balance out the result of an accident of our Federal system, that the Federal income tax—a relatively recent kind of tax in our country—has become the most flexible and valuable part of our tax base. Because of the way our tax code has developed, with the income tax playing such an important part, the Federal Government has been the prime beneficiary of America's economic growth; but at the same time, it is the State and local governments which have had to cope with the increased services which our relative well-being demands.

As a result, Governors and mayors have been faced yearly with the uncomfortable prospect of either raising taxes or cutting back on essential services. The record is clear: In the past 12 years the Federal Government has reduced income taxes four times, while State and local governments have had to raise their taxes innumerable times. In my own State of New York, cutbacks on essential State's services such as highway resurfacing and aid to local governments for sewage construction had to be seriously considered as an alternative to raising taxes this year.

It comes as no surprise that the citizen is simply unwilling to pay increased taxes when he sees Government services around him stagnating or even deteriorating—and my constituents remind me daily of this fact. With the introduction of revenue-sharing legislation which has already been favorably considered by the Ways and Means Committee we have come the closest yet to giving this problem the priority attention it deserves.

However, I would be truant to my conscience and to my obligations as a Senator if I did not point out certain aspects of the bill which I believe need careful scrutiny in the Finance Committee.

First, we should examine closely whether the distribution formula matches need and merit with the funds available. I am concerned, for example, that some of the cities where our worst urban problems are found will receive less under the bill at hand than under the original administration proposal. New York City will receive $41.8 million less, and other cities such as Newark, Cleveland, Philadelphia, Detroit, and Los Angeles are in the same boat. The main reason for this difference is that the administration's original bill gave greater weight to the tax effort of local governments than does the present bill. Now, tax effort basically reflects the sacrifice citizens are making to receive Government services, and it is only fitting that such sacrifice be adequately rewarded in any reform of our intergovernmental fiscal system.

Second, we should seriously inquire whether the $5.3 billion annual funding for revenue sharing is money enough. I realize that some have criticized revenue sharing at its present level as too much, and I too have deplored the runaway budget deficits which we are presently faced with. But the answer to that problem is not to give up revenue sharing; the answer is to bite the bullet and raise enough Federal taxes to fund the services which we expect from Government.

Whatever the outcome of the revenue-sharing bill, Americans will pay for their State and local governments in one way or another: Through increased State and local taxes, higher interest rates because of increased Government borrowing, reduced services, or inflation. Take your own choice. But my choice is to restore a sound Federal tax base and at the same time provide a significant measure of help for our beleaguered State and local governments. States and localities are estimated to need more than $20 billion in additional funds this year simply to maintain the same level of services. I trust that the Finance Committee will look closely to decide whether a $5.3 billion revenue-sharing program will provide an adequate measure of fiscal relief or will merely postpone briefly the need to raise more taxes or eliminate more services.

Third, in the event adequate levels of aid by revenue sharing are not forthcoming, the Finance Committee should inquire into alternatives or supplements to revenue sharing. Personally, I favor a liberal tax credit for the payment of State and local income taxes to governments with a certain level of tax effort, in order to encourage fiscal responsibility at the State and local level. Other proposals could include a variable formula of grants based upon the falloff in State and local tax receipts due to changes in the business cycle. The latter area has been dramatized in recent years by the fact that several major units of government—Newark, for example—collected less revenues during the recession year of 1970 than in the previous year, notwithstanding that the costs of government were accelerating.

Congress has the chance to make history this year by enacting the first major reform of our fiscal system since it was founded and I congratulate the President for setting aside partisanship to support the product of the Ways and Means Committee and its very able chairman.

In the final analysis, I shall support any revenue-sharing proposal which combines significant aid with fiscal responsibility; above all, I do not want revenue sharing to be construed as a giveaway program and an inducement to fiscal irresponsibility at the State and local levels. However, I hope that the Finance Committee will consider the bill at hand in the proper context of meeting the real needs of citizens for adequate Government services. In this regard, there is more work to be done in sharpening the distribution formula, reassessing overall the level of assistance, and considering supplements or alternatives.

AID TO THE CITIES

Mr. TUNNEY. Mr. President, I am joining today with a number of my colleagues in sponsoring the State and Local Assistance Act of 1972, the general revenue-sharing legislation which would deliver some $30 billion to State and local governments over the next 5 years.

My support for this legislation is based on very practical considerations.

First among these considerations is the fact that there are many cities in the State of California and across the Nation which are trapped in the maze of fiscal deficiency.

In recent years they have seen the demands on their limited resources increase many times. They have been called upon to make new, extended or more adequate provision for law enforcement and public safety.

They have had to become more heavily involved in providing public transportation systems. Fundamental concerns about public health and an aroused awareness of the importance of environmental protection have made more pressing the need for the direction of more resources into improved sewerage and refuse disposal systems and general environmental programs.

The accelerating momentum of these demands has assumed geometric proportions under the impact of increased costs and general inflation. It has been estimated that since 1966 the prices paid by State and local governments for goods and services have risen by about one-third.

These pressures are difficult enough to handle where they are predominantly the product of the trend to increasing urbanization, where they are part and parcel of the growing pains of healthy development.

However, there are many cities where these problems have been compounded by a severely declining tax base. Particularly in inner-city areas, the movement of the more affluent families to the suburbs has left the intensifying problem of not only maintaining but restoring essential services to the standards from which they have declined.

Not only have the problems themselves increased progressively. They have also been left to be shouldered by substantially lower income families. To the strictures of a declining tax base are added the fact that costs are often considerably greater in these hard-pressed central areas.

These problems are by no means the exclusive preserve of center cities, however. They are all too familiar to the smaller communities, too, whether urban or rural.

The story of the unresponsiveness of local revenue sources to such increases in need is just as familiar. Static or actually declining tax bases leave only one way out for communities determined to help themselves. They have had to resort to steep rate increases in a desperate attempt to make ends meet, to provide the police and the fire services, the sewers and the refuse disposal, the transportation systems which they must have.

They have reached the end of their ability to tax—and that on taxes which are inappropriately rigid and regressive.

ESSENTIAL SERVICES AT STAKE

These are the communities which have nowhere to turn in handling their difficulties. Either they receive assistance from outside, or they have to settle for substandard and inadequate services which would lead citizens in more affluent areas to revolt.

They simply do not have it in their power to restructure their resources in such a way as to provide all their needs for themselves.

Ever since my early days in the House of Representatives I have supported the fundamental principle of general revenue sharing. Some of the supporting arguments have changed or disappeared.

The "fiscal dividend," for instance, has turned from a promise to a mirage. But the need in those cities with limited resources which have done all they could on their own is no mirage. They need not an assertion of general principle, but dollars—dollars which they can spend according to their pressing local priorities.

They need those dollars quickly. The problems they face are here and now. They are not gradually emerging. They have already emerged and they are intensifying. If Federal assistance is to have any meaning it must come quickly. It has already been delayed too long.

It is on this practical element of urgency that my support for this particular bill is predicated.

The bill which has emerged from the House Ways and Means Committee is not perfect. As it now stands it represents an accommodation of diverse approaches, and not a particularly happy accommodation at that.

Yet, given the political realities of this particular year, it is the only bill dealing with revenue sharing which has any chance of becoming law. For anyone genuinely concerned to get meaningful aid to the cities in their time of actual crisis this is the only realistic vehicle for achieving that end.

Accordingly I have given my support to the general approach of this bill—Federal relief is the hard-pressed finances of State and local governments.

AREAS OF GREATEST NEED

This is not "warts-and-all" support, however. It is my intention when the bill reaches the floor of the Senate to do all I can to secure improvements in its provisions, and particularly in the allocation of funds among local governments.

Under the present allocation formula, too much of the money will be going to the "haves," and too little to the "have-nots."

The fundamental justification for general revenue sharing is the fulfillment of established and identified needs. It is not the creation of a grab-bag for all who could do with a little extra money. Handing out money where it is not genuinely needed is fiscal irresponsibility whether it goes by the name of revenue sharing or not.

Whatever money is appropriated must be directed to the areas of greatest need. Analysis of the likely allocations of the money shows that far too little emphasis has been placed on giving extra help to those communities with limited resources which have already made every effort to help themselves.

This is the problem which revenue sharing must handle, and handle effectively if it is to be more than a facade for a political exercise.

I regard this legislation as an essential tool in meeting the urgent problems of the cities. My efforts will be directed to its passage—but in a form which more adequately directs appropriate resources to those areas of most urgent need.

REVENUE SHARING: A TEMPORARY ANSWER TO STATE-LOCAL FISCAL CRISIS

Mr. ROTH. Mr. President, I have long supported the concept of revenue sharing as a temporary means of meeting the financial crisis facing State and local governments. During my first congressional campaign of 1966 I endorsed this principle. I also introduced in the 91st Congress, H.R. 13353, the House version of a revenue-sharing bill proposed in the Senate by the distinguished Senator from Maine (Mr. MUSKIE) and former Senator Goodell of New York. This plan was largely the result of excellent staff work by the Advisory Commission on Intergovernmental Relations.

S. 680, President Nixon's revenue-sharing measure, which I cosponsored, has also had my general endorsement. The discussion and controversy generated by all these revenue-sharing proposals has been generally gratifying. This has been a wide-ranging debate, highlighting a number of problems which go to the heart of our federal system. We in Congress, and the public at large, have given more than usual attention to such questions as these: Is the current balance of authority and initiative within American federalism a desirable one? How do the fiscal capacities of our various States and localities measure up to the pressing problems they must face in this era of change and adjustment? Are there ways in which our Federal administrative apparatus can be made to serve the people more effectively and at less cost?

Revenue sharing is not offered simply as a means of strengthening State and local finances. It is also one way of getting away from the categorical grant system as a means of giving Federal aid to non-Federal bodies. In recent years we have all been made aware of the wasteful redtape and bureaucracy surrounding this mode of intergovernmental assistance.

I repeat that I subscribe to the overall intent of the administration's program of revenue sharing, as well as that of the House Ways and Means Committee compromise introduced in the Senate by the distinguished Senators from Tennessee (Mr. BAKER) and Minnesota (Mr. HUMPHREY). In fact, I have added my name as a cosponsor of the Baker-Humphrey bill (S. 3561) as I did the administration bill.

Nevertheless, I have felt that there are several precautions we must take in drawing up revenue-sharing legislation. For example, I think that we must be certain that we do not create simply another Federal grant program, which would continue the present financial dependence of States and localities on the central Government. It would be preferable, I think, to encourage these State and local governments to put their own financial houses in order by making greater use of modern taxes, which are more equitable and responsive to the economy. Modernization of governmental structure and operations are also constructive goals we could strike for through this legislation.

If financial and governmental reforms were to be accomplished at the non-Federal level, some of the causes for the drift of power to Washington, which has taken place during the past several decades, would be eliminated. Such a revitalization of decentralized government also offers the only way to really rid ourselves of a portion of the frustrations resulting from current Federal assistance to these State and local entities. If one strongly believes in decentralized government, as I do, he must be willing to use the power and resources of the Federal Government to attack the forces which are eroding the authority of the State and local governments.

This, in turn, leads to a second concern that I have, and that is that we may create a situation in which the Federal Government would undertake on a permanent basis to levy and collect taxes which the States and localities would be allowed to spend with few restrictions. Like many others, I am somewhat fearful of any permanent separation of the taxing and spending functions. The level of Government which spends revenues should under normal circumstances be the same one which must justify their collection to the people. Given this sort of concern on the part of many national legislators, I fear that over the long run general revenue-sharing funds would soon become burdened with the same sort of "strings" now attached to categorical assistance.

Finally, we must be certain that this legislation directs sufficient amounts of shared revenues to the populous urban States and their cities, where we are told that the most serious fiscal crisis exists. I do not think, for example, that we should reenforce the tendency of the present system of grants to redistribute revenues away from the higher income States of the East and Middle West to the lower income rural States of the South and West. If we currently face an urban crisis, we should have at least one major program which puts more Federal money into the States with large center cities.

In an effort to provide general revenue-sharing legislation which would meet these objectives, I, along with the distinguished senior Senator from Delaware (Mr. BOGGS), introduced during this session of the Congress the Intergovernmental Revenue Adjustment Act (S. 2080). This bill has been introduced in the House of Representatives as H.R. 9347 by Representative JERRY PETTIS of California.

The Intergovernmental Revenue Adjustment Act would allocate 1.3 percent of total taxable income reported on Federal individual income tax forms to State and local governments. This would amount to around $5 billion. Unlike the administration bill, it contains a built-in 5-year termination date. At this point State and local bodies would be able to avail themselves of a tax credit scheme to enhance their own financial resources. This arrangement would permit citizens to credit 40 percent of their State and local income taxes against their Federal income tax bill. The assumption is that non-Federal legislators could use this credit to justify the wide use of more productive income taxes, thus improving their fiscal status vis-a-vis the central government. S. 2080 further permits the Internal Revenue Service to collect certain income taxes on behalf of State and local units.

Another departure from some earlier bills found in my proposal, is that its formula for distributing shared revenues among States and localities proportionally places more money in the large urban States and their great center cities. Charts A and B compare allocations for the various States and major cities under the Roth, administration, and Muskie bills. This pattern of distribution results from a formula which allots among States on the basis of the origin of Federal personal income taxes and to larger cities within States on the basis of population with a multiplier for the largest metropolitan cities.

My feeling is that the Intergovernmental Revenue Adjustment Act would meet the major objections which I have raised to other revenue-sharing measures. It is temporary, it directs sufficient resources to urban areas, and it contains tax credit provision for the long-range strengthening of State and local finances.

The Ways and Means Committee bipartisan bill eliminates a number of the weaknesses of S. 680, the administration bill, which my measure also sought to correct. First of all, it provides for a closeout date on revenue sharing after 5 years. Second, an incentive for States to make wider use of personal income taxes is provided by allocating half of the money distributed to State governments on the basis of State personal income tax collections. Third, the Ways and Means compromise permits the Internal Revenue Service to collect on behalf of States individual income taxes tailored after the Federal income tax. Finally, an effort has been made in this bill to put proportionally more funds in the urban areas of the Nation.

The legislation offered in the Senate by Senators BAKER and HUMPHREY does direct proportionally more Federal money into the States which contain our major urban centers. Generally the only States whose total allocations are absolutely larger under this bill, when compared to the administration bill, contain large cities. This is true even though the Ways and Means bill allocates a total of $5.3 billion rather than the $5 billion originally to be made available by the President's plan.

In addition to providing a formula of State-by-State distribution more favorable to large urban States, this new proposal apportions about two-thirds of the total revenue-sharing funds to local governments, whereby the earlier bill presented for the President by Senator BAKER (S. 680) divided the total amount about evenly between the two governmental levels. Further, the introduction of population, need, and urbanization factors into the intra-State patterns of allocation would seem to benefit urban communities.

Despite this attention given to the urban fiscal crisis, chart C suggests that our five largest cities do not claim as large a portion of their respective State's allotments as under President Nixon's original legislation. In two of these cases the large city portions are absolutely smaller, even though the new proposal allots a greater total amount of money to revenue sharing. Chart C further makes it apparent that my bill, S. 2080, places a great deal more money relatively and proportionally in these metropolitan centers than either of the other two programs.

To a considerable extent my own State of Delaware stands to benefit relatively more from modes of revenue sharing which give particular attention to urban needs. By the provisions of the Ways and Means Committee bill Delaware would receive a relatively and absolutely larger total allocation than she would if the President's proposal became law. This would amount to about $17.3 million as opposed to $14.3 million of a $5.3 billion total. Nevertheless, the Intergovernmental Revenue Adjustment Act, which I offered, would yield an even larger total of some $18.5 million based on a similar total fund. Chart D demonstrates the relative impact on Delaware of these three approaches to revenue sharing.

Charts D and E also emphasizes the fact that the bipartisan bill guarantees a larger portion of money to local governments than the other proposals. Since all local bodies, including the smaller cities and towns and county governments also have a very real need for assistance, I feel that the pattern of apportionment found in the compromise Ways and Means bill makes sense.

Chart E also gives a full breakdown of the amounts to be received by all Delaware governmental bodies with populations of 2,500 or more if this measure becomes law. Communities of less than 2,500 are to participate also, but their shares are yet to be computed for the Ways and Means Committee. This chart makes it clear that all governments and categories of governments in Delaware would be eligible for greater Federal aid as a result of the Ways and Means provisions than would have been the case with S. 680, the administration proposal.

In summary, my remarks today have stressed four major points. First, I have long supported the concept of revenue sharing as a temporary answer to State-local fiscal crisis. Second, my own legislation, S. 2080, has sought to strengthen prior proposals by introducing temporary revenue sharing which concentrates on urban needs and is replaced by tax credits after 5 years. These Federal tax credits for State and local income taxes are intended to rejuvenate the independent fiscal capacity of States and communities. Third, the Ways and Means Committee compromise, put before us by Senators BAKER and HUMPHREY, meets some of the same weaknesses of earlier legislation dealt with by my bill. This has led me to cosponsor it. Finally, my own State of Delaware, an urban State with urban problems, would receive greater assistance from this bipartisan measure than from the President's plan, although not as much as would result from enactment of my Intergovernmental Revenue Adjustment Act.

Mr. President, I ask unanimous consent that charts A through E be printed in the RECORD at the conclusion of my remarks.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

CHART A—APPROXIMATE STATE AND REGIONAL SHARES UNDER ROTH BILL, ADMINISTRATION BILL AND MUSKIE BILL[1]

State and region	Roth share[2]	Percent of United States	Administration share	Percent of United States	Muskie share	Percent of United States
United States	$5,000,000,000	100.00	$5,000,000,000	100.00	$6,000,000,000	100.00
New England	351,800,000	7.016	266,000,000	5.320	347,975,000	5.80
Maine	17,900,000	.358	23,000,000	.460	28,760,000	.48
New Hampshire	17,100,000	.342	15,000,000	.300	20,405,000	.34
Vermont	8,400,000	.219	12,000,000	.240	17,770,000	.30
Massachusetts	164,500,000	3.290	136,000,000	2.720	192,585,000	3.21
Rhode Island	24,800 000	.495	21 000,000	.420	23,830,000	.40
Connecticut	119,100,000	2.382	59,000,000	1.180	64,625,000	1.08
Mideast	1,297,300,000	25.946	1,063,000,000	21.260	1,460,125,000	24.35
New York	612,200,000	12.245	534,000,000	10.680	765,430,000	12.76
New Jersey	225,700,000	4.514	154,000,000	3.080	155,865,000	2.60
Pennsylvania	298,800,000	5,977	246,000,000	4.920	373,385,000	6.22
Delaware	17,400,000	.349	13,500,000	.270	18,450,000	.31
Maryland	120,600,000	2.412	92,500,000	1.850	123,925,000	2.07
District of Columbia	22,600,000	.452	23,000,000	.460	23,070,000	.39
Great Lakes	1,112,100,000	22.242	902,000,000	18.040	1,097,550,000	18.29
Michigan	247,000,000	4.940	229,000,000	4.580	254,610,000	4.24
Ohio	284,800,000	5.695	212,500,000	4.250	222,140,000	3.70
Indiana	123,900,000	2.478	116,000,000	2.320	133,600,000	2.23
Illinois	358,800,000	7.176	220,000,000	4.400	317,490,000	5.29
Wisconsin	97,600,000	1.952	124,500,000	2.490	169,710,000	2.83
Plains	331,800,000	6.636	411,000,000	8.022	475,615,000	7.97
Minnesota	78,200,000	1.564	107,500,000	2.150	140,290,000	2.34
Iowa	56,200,000	1.123	74,500,000	1.490	87,085,000	1.45
Missouri	105,800,000	2.117	96,500,000	1.930	111,505,000	1.86
North Dakota	7,900,000	.158	20,500,000	.410	17,820,000	.30
South Dakota	9,200,000	.185	19,000,000	.380	19,695,000	.33
Nebraska	28,000,000	.560	39,000,000	.780	35,285,000	.59
Kansas	46,500,000	.930	54,000,000	1.080	63,935,000	1.07
Southeast	758,100,000	15.160	1,044,000,000	20.880	1,145,405,000	19.00
Virginia	99,300,000	1.986	104,500,000	2.090	137,065,000	2.28
West Virginia	29,500,000	.590	41,500,000	.830	47,870,000	.80
Kentucky	50,200,000	1.003	78,000,000	1.560	80,110,000	1.34
Tennessee	70,200,000	1.403	87,000,000	1.740	86,570,000	1.44
North Carolina	83,000,000	1.661	113,500,000	2.270	150,905,000	2.52
South Carolina	37,400,000	.748	56,500,000	1.130	65,430,000	1.09
Georgia	81,000,000	1.621	107,500,000	2.150	115,940,000	1.93
Florida	146,000,000	2.921	167,500,000	3.350	163,370,000	2.72
Alabama	50,000,000	1.000	82,000,000	1.640	87,210,000	1.46
Mississippi	24,500,000	.490	61,500,000	1.230	61,990,000	1.03
Louisiana	62,000,000	1.240	101,500,000	2.030	101,300,000	1.69
Arkansas	25,000,000	.500	43,000,000	.860	47,845,000	.80
Southwest	329,900,000	6.598	390,000,000	7.800	381,900,000	6.38
Oklahoma	43,800,000	.875	63,500,000	1.270	65,190,000	1.09
Texas	237,900,000	4.758	243,000,000	4.860	230,930,000	3.85
New Mexico	15,500,000	.310	32,000,000	.640	28,505,000	.48
Arizona	32,700,000	.654	51,500,000	1.030	57,275,000	.96
Rocky Mountain	92,000,000	1.840	139,000,000	2,780	165,485,000	2.76
Montana	10,800,000	.217	19,000,000	.380	23,330,000	.39
Idaho	11,200,000	.223	20,000,000	.400	25,090,000	.42
Wyoming	6,600,000	.131	11,500,000	.230	10,360,000	.17
Colorado	46,200,000	.925	60,000,000	1.200	70,545,000	1.18
Utah	17,200,000	.345	28,500,000	.570	36,160 000	.60
Far West	700,900,000	14.018	753,000,000	15.060	887,065,000	14.79
Washington	90,400,000	1.807	92,000,000	1.840	96,875,000	1.61
Oregon	45,700,000	.914	57,000,000	1.140	78,900,000	1.32
Nevada	15,800,000	.315	14,000,000	.280	12,320,000	.21
California	549,000,000	10.981	590,000,000	11.800	657,400,000	10.96
Alaska	6,800,000	.137	8,500,000	.170	9,100,000	.15
Hawaii	19,000,000	.379	23,500,000	.470	32,470,000	.54

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[1] Statistics provided by the Advisory Commission on Intergovernmental Relations and remarks of Senator Edmund Muskie, Congressional Record, May 5, 1971.

[2] Based on origin of Federal personal income taxes—calendar year 1968, returns filed in calendar year 1969.

CHART B.—APPROXIMATE CITY SHARES UNDER ROTH, ADMINISTRATION, AND MUSKIE REVENUE-SHARING BILLS

	Roth [1]		Administration [2]		Muskie (estimate) [3]	
	Amount (millions)	Percent of State share	Amount (millions)	Percent of State share	Amount (millions)	Percent of State share
New York	$329.057	53.6	$189.35	35.4	$459.26	60.0
Chicago	134.998	37.6	47.60	21.7	73.18	23.1
Los Angeles	99.261	18.1	34.72	5.9	50.15	7.6
Philadelphia	60.262	20.1	39.78	16.1	73.41	19.5
Detroit	46.621	18.9	24.90	10.8	36.15	14.2
Houston	36.577	15.4	12.95	5.3	12.90	5.6
Baltimore	35.974	29.1	14.29	15.4	47.07	38.0
Dallas	22.005	9.3	10.56	4.3	13.42	5.8
Washington	22.600		22.90		23.07	
Indianapolis	22.302	18.1	5.61	4.8	7.31	5.5
Cleveland	25.276	8.8	11.23	5.3	12.75	5.7
Milwaukee	19.764	20.0	7.94	6.4	15.22	9.0
San Francisco	24.705	4.5	23.95	4.0	28.27	4.3
San Diego	24.018	4.4	6.38	1.1	7.43	1.4
San Antonio	$17.247	17.2	$4.69	4.7	$5.02	5.0
Boston	32.907	19.9	10.70	7.9	37.38	19.4
Memphis	13.952	19.9	5.41	6.2	9.23	10.7
St. Louis	17.721	17.8	15.12	15.6	19.60	17.6
New Orleans	12.710	20.8	9.90	9.8	11.47	13.8
Phoenix	13.364	40.7	6.36	12.3	6.30	11.0
Columbus	18.156	6.4	5.23	2.5	5.14	2.3
Seattle	17.628	19.5	8.82	9.5	7.50	7.5
Jacksonville	14.235	9.8	2.86	1.7	3.69	2.3
Denver	13.686	29.4	10.53	17.5	13.74	19.5
Pittsburgh	16.434	5.5	7.43	3.0	15.21	4.0
Total	1,090.450		539.21		993.87	

[1] Calculated from the "Advance Reports, 1970 Census of Population," Department of Commerce, Bureau of Census, December 1970; statistics made available by the Advisory Commission on Intergovernmental Relations.

[2] From the Department of the Treasury, "General Revenue Sharing," February 1971.

[3] Estimates provided by Subcommittee on Intergovernmental Relations of U.S. Senate Government Operations Committee.

CHART C.—APPROXIMATE CITY SHARES UNDER ROTH, ADMINISTRATION, AND WAYS AND MEANS COMMITTEE REVENUE-SHARING BILLS

	Roth [1] $5,000,000,000 total		Administration [2] $5,000,000,000 total		Ways and means [3] $5,300,000,000 total	
City	Amount (millions)	Percent of State share	Amount (millions)	Percent of State share	Amount (millions)	Percent of State share
New York	$329.057	53.6	$189.35	35.4	$158.87	24.5
Chicago	134.998	37.6	47.60	21.7	58.90	19.5
Los Angeles	99.261	18.1	34.72	5.9	29.72	5.9
Philadelphia	60.262	20.1	39.78	16.1	41.32	13.7
Detroit	46.621	18.9	24.90	10.8	25.83	10.6

[1] Calculated fron the ''''Advance Reports, 1970 Census of Population, "Department of Commerce, Bureau of Census, December 1970.

[2] From the U.S. Department of the Treasury, "General Revenue Sharing," February 1971.

[3] Calculated from "State and Local Fiscal Assistance Act of 1972—Supplemental Report Showing Distribution of Funds," U.S. House of Representatives, Committee on Ways and Means, April 1972.

CHART D.—APPROXIMATE OVERALL SHARES OF DELAWARE GOVERNMENTS UNDER ROTH, WAYS AND MEANS, AND ADMINISTRATION BILLS [1]

	Roth		Ways and Means		Administration	
	Amount	Percent share	Amount	Percent share	Amount	Percent share
Total to all governments	$18,500,000	[2] 0.349	$17,300,000	[2] 0.326	$14,300,000	[2] 0.270
State government share	15,096,000	[3] 81.6	7,800,000	[3] 45.1	10,320,310	[3] 72.2
City of Wilmington's share	3,404,000	[3] 18.4	3,071,823	[3] 17.8	1,930,500	[3] 13.5

[1] See footnotes chart C. All figures in this chart are based on a total $5,300,000,000 revenue-sharing fund.

[2] Of U.S. total.

[3] Of Delaware total.

CHART E.—COMPARISON OF APPROXIMATE GRANTS TO ALL DELAWARE GOVERNMENTS WITH POPULATIONS OF 2,500 OR MORE UNDER WAYS AND MEANS AND ADMINISTRATION BILLS

	Ways and Means [1] (U.S. total $5,300,000,000)	Administration [2] (U.S. total $5,000,000,000)
Total State share for all governments	$17,300,000	$13,411,438
State governments share	7,800,000	9,678,603
Total to all local governments	9,500,000	3,732,835
Total to all cities	5,707,112	2,478,148
Total to all counties	3,806,451	1,254,687
Total to all Kent County governments	1,013,503	[3] 264,540
To Kent County government	490,947	93,058
To all cities in Kent County	522,556	171,482
Dover	285,209	156,230
Smyrna	76,990	15,252
Total to all New Castle County governments	7,519,069	3,159,439
To New Castle County government	2,849,573	1,068,570
To all cities in New Castle County	4,669,496	2,090,869
Elsmere	326,800	156,230
Middletown	108,621	
Newark	754,614	91,409
New Castle	184,663	19,580
Wilmington	3,071,823	1,823,650
Total to all Sussex County governments	981,008	155,508
To Sussex County government	465,931	93,058
To all cities in Sussex County	515,077	62,450
Lewes	45,769	19,168
Milford	95,052	11,748
Seaford	96,774	19,580
Laurel	(1)	11,954

[1] From "State and Local Fiscal Assistance Act of 1972—Supplemental Report Showing Distribution of Funds," U.S. House of Representatives, Committee on Ways and Means, April 1972, p. 89. While local governments with less than 2,500 population are to receive allocations, these have not yet been provided to the committee.

[2] From the U.S. Department of the Treasury, "General Revenue Sharing," February 1971, p. 78.

[3] County totals and totals for all cities in each county may be somewhat inaccurate since $153,345 was to be distributed by provisions of administration bill to cities who were not listed by the Treasury Department.

By Mr. BENNETT (by request):

S. 3652. A bill to clarify and regulate the powers of the States to tax commercial banks, to empower the States to tax national banks, to foster and promote the dual banking system providing for equal State taxation of National and State banks, to promote the interstate flow of moneyed capital and the financial resources of insured banks, to foster and promote interstate and foreign commerce and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. BENNETT. Mr. President, I introduce by request a bill to regulate the powers of the States to tax commercial banks, to empower the States to tax national banks, to foster and promote the dual banking system by providing for equal State taxation of National and State banks, to promote the interstate flow of moneyed capital and the financial resources of insured banks, to foster and promote interstate and foreign commerce, and for other purposes.

The Constitution vests in the Federal Government several functions, including the power to coin money, which together make up the so-called money power. One of the principal responsibilities of the Federal Government arising out of the money power is to provide a medium of exchange for business, the public, and the Government. This responsibility is carried out in part through Federal coinage and currency which now amounts to some $50 billion. This responsibility is also carried out through the Nation's banking system where some $175 billion of demand deposits supports 20 billion checks per year aggregating more than $12 trillion.

The money power and the related commerce clause have served as the source of authority of the first Bank of the United States, the second Bank of the United States, the National Bank system, the Federal Reserve System, and the Federal Deposit Insurance Corporation. State-chartered banks, which were expected to disappear when the National Bank Act was passed in 1864, have been given express recognition as an integral part of the Nation's dual banking system in the Federal Reserve Act, the McFadden Act, and the Federal Deposit Insurance Act.

In carrying out its responsibilities to provide a medium of exchange through the commercial banking system, the Federal Government has limited the authority of States to tax national banks under U.S. Revised Statutes § 5219 (12 U.S.C. 548) which provided a list of taxes which States could impose on national banks. Although there were amendments to the law after its enactment in 1864, the concept of Federal statutory limitations on State taxation of national banks as Federal instrumentalities remained intact, until 1969.

In 1969, Public Law 91-156 was approved providing that at the end of 1971, the only restraint on State taxation of national banks would be the requirement that "a national bank shall be treated as a bank organized and existing under the laws of the State or other jurisdiction within which its principal office is located."

The 1969 amendment also directed the Federal Reserve Board to make an extensive study of State taxation of banks.

The Federal Reserve Board study, received in May of 1971, made five recommendations: first, intangibles owned by all insured depositories should be exempt from taxation; second, limitations should be placed on the imposition of "doing business" and similar taxes by foreign States on all depositories; third, measures should be taken to prevent discrimination between one class of bank and another, between home State and foreign State banks, and between banks and other business firms; fourth, States should be permitted to tax interest on Federal obligations in order to permit States flexibility in their taxing methods; and fifth, vault cash should be considered intangible personal property.

The Federal Reserve report stated that there may be a danger of disintermediation as a result from taxation of bank-owned intangible personal property. In addition, the Board's report points out the dangers which might result from State taxation which might discriminate between national and State banks, between home State banks and out-of-State banks, between banks and other businesses generally, or between banks and other competing financial institutions. The Board has made it clear that any State taxation which might result in such disintermediation or such discrimination might have seriously adverse effects on the Nation's financial mechanisms and the functions of the Nation's payments system and thereby on the Nation's commerce and on the maintenance of government itself. To prevent disintermediation and discrimination resulting from shortsighted or unwise taxation, the Board has suggested that continued Federal legislation is necessary.

When Public Law 91-156 was enacted in 1969, the conferees from both the House and the Senate agreed "that their respective committees would give prompt and serious consideration to any recommendations transmitted by the Federal Reserve Board as a result of its study."

On December 22, of last year, without time to consider the Federal Reserve Board recommendations before the deadline, the effective date of the permanent provisions of Public Law 91-156 was delayed until the end of 1972.

Mr. President, neither the House nor the Senate Committee has given the recommendations of the Federal Reserve study the consideration which we agreed upon when Public Law 91-156 was approved. I therefore believe that we should have hearings on the recommendations and thus give the Congress an opportunity to work its will in this important matter. It is for that purpose that I introduce this proposal, by request, today. In introducing this bill, I do not necessarily indicate support for all of its provisions. I do, however, believe that it deserves careful consideration.

SECTION-BY-SECTION ANALYSIS

The bill is designed as a new section in the Federal Deposit Insurance Act, applying to all insured banks, State chartered as well as national. The bill provides completely equal treatment for State chartered and national banks, considering them equally important parts of the dual banking system.

Subsection (a), "Authorization for States to tax National Banks," is based on the "permanent amendment" in Public Law 91-156 and is intended as an express grant of authority to States to tax Federal instrumentalities.

Subsection (b) deals with taxation by a State or subdivision where a bank has a banking office. Paragraph (b)(1) authorizes the continuance of existing taxes, provided they comply with the restrictions and limitations set forth in subsection (d). Paragraph (b)(2) provides that any future taxes which are imposed on State banks by home States or subdivisions must be imposed on business corporations generally throughout the State or subdivision on a uniform and nondiscriminatory basis. In addition, all such future taxes are subject to the restrictions and limitations set forth in subsection (d).

Subsection (c) deals with taxation by States or jurisdictions where a bank does not have a banking office. It permits such States and political subdivisions to impose taxes on real and tangible personal property in the jurisdiction on the execution, delivery, or recordation of documents in the jurisdiction, and payroll taxes on persons employed in such jurisdiction. These taxes are also subject to the restrictions and limitations in subsection (d). In general, this follows the out-of-State tax provisions of Public Law 91-156.

Subsection (d) contains three restrictions. Paragraph (d)(1) prohibits taxing intangible personal property owned by an insured bank. Paragraph (d)(2) contains a prohibition on taxes which discriminate against any class of insured banks as compared with any other class of banks, against insured banks as compared with mercantile, manufacturing, and business corporations, and against insured banks as compared with other moneyed capital and other financial institutions coming into competition with them. Paragraph (d)(3) provides that, if an insured bank has a banking office in more than one State or political subdivision, each jurisdiction may impose taxes on the banking offices in its boundaries as if it constituted a separate bank.

In view of the authority provided by paragraph (d)(1) for the continuance of existing taxes, there is no need to postpone the bill's effectiveness, and the bill would become effective immediately.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 714

At the request of Mr. PERCY, the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of S. 714, a bill to amend title II of the Social Security Act to permit a child, under certain circumstances, to become entitled to a child's insurance benefits thereunder on the basis of the wages and self-employment income of his grandparent, and to permit certain children who are adopted by their grandparent and who under existing law are not entitled to such insurance benefits to become entitled thereto.

S. 2689

At the request of Mr. CHURCH, the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 2689, a bill to promote development and expansion of community schools throughout the United States.

S. 2719

At the request of Mr. PERCY, the Senator from Tennessee (Mr. BROCK) was added as a cosponsor of S. 2719, the Alcoholic Drivers Safety Act.

SENATE RESOLUTION 311—ORIGINAL RESOLUTION REPORTED AUTHORIZING SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS (REPT. NO. 92-817)

(Referred to the Committee on Rules and Administration.)

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported the following original resolution.

S. RES 311

Resolved, That section 2 of Senate Resolution 237, 92d Congress, agreed to March 6, 1972, is amended by striking out the amount "$375,000" and inserting in lieu thereof "$500,000", and by striking out the amount "$70,000" and inserting in lieu thereof "$95,000".

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1208

(Ordered to be printed and referred to the Committee on Finance.)

Mr. NELSON. Mr. President, on behalf of myself and Senators HART, KENNEDY, MONDALE, EAGLETON, HUGHES, HUMPHREY, MCGOVERN, MUSKIE, STEVENSON, and TUNNEY, I am introducing an amendment to H.R. 1, the welfare reform bill, that would close a number of the most flagrant tax loopholes in our revenue laws.

It is no accident that tax reform has now become one of the most important issues in the Nation. The Federal income tax system is widely regarded as a national disgrace. According to the figures that have been circulated in recent weeks, there were 1,338 Americans who earned $50,000 or more in 1970 but paid no income tax at all. And for each of these individuals there were dozens more who paid far less than their fair share of the Nation's tax burden. The same inequity applies to corporations. More than 40 percent of U.S. corporations paid no Federal income tax at all in fiscal 1970.

Disclosure of facts such as these has led to a new round of popular protest against tax injustice. Throughout the country, taxpayers are insisting on reform to insure that every citizen bears his fair share of the Nation's taxes.

The Congress owes it to the Nation to respond. It has the opportunity to enact meaningful reforms this year as part of H.R. 1, and thereby lay the groundwork for the sort of comprehensive tax reform that should be our highest priority next year.

This amendment deals with three areas where the need for reform is greatest:

First, it would substantially reduce the depletion allowance and other tax advantages available to the oil industry, which enabled the 20 largest oil companies to pay taxes at the rate of less than 9 percent in 1970.

Second, it would significantly strengthen the provisions of the minimum tax, which Congress passed in 1969 to reduce the windfall tax benefits available to those who play the loopholes.

Third, it would repeal the accelerated depreciation speedup—ADR—passed last year as part of the Revenue Act of 1971. Even before the 1971 act was passed, a number of the Nation's largest corporations, such as ITT, were already using accelerated depreciation to reduce their taxes to the vanishing point. There is no justification for the additional speedup enacted in 1971; it should be terminated now.

Acceptance of this amendment will not end the need for more throughgoing tax reform. Recently, along with 11 other Senators, I introduced legislation (S. 3378) to close a large number of other loopholes. But this amendment to H.R. 1 can and should be passed now. The three reforms recommended here have been the subject of extensive debate in recent years. They are widely known and understood. They have received detailed hearings in Congress in connection with the Tax Reform Act of 1969 and the Revenue Act of 1971. There is no excuse for not doing at least this much this year.

The proposed amendment would increase Federal revenues by $6 billion in 1973—approximately what State and local governments spend today on welfare. Thus, passage of the amendment might permit Federal assumption of the total State and local costs of welfare. This in turn could result in substantial reduction of local taxes, and, in particular, local property taxes.

I ask unanimous consent that a brief section-by-section description, the text of the amendment and an article entitled "Gain Is Seen for Tax Reform" from the Washington Star of May 5 to be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF TAX REFORM AMENDMENT (No. 1208) TO H.R. 1

REDUCE TAX ADVANTAGES TO THE OIL INDUSTRY

(a) Reduce the oil depletion allowance to 15%, revenue gain (1973) $400 million.

At present, the oil depletion allowance allows oil producers to receive 22% of the gross income from oil wells tax-free, so long as it does not exceed 50% of net income. As a result of this provision, the cost of the average well is being recovered many times. In 1970, the 20 top American oil companies earned $8.9 billion, and paid only 8.7% of it in federal income taxes.

(b) Treat intangible drilling and development costs as capital expenditures, revenue gain (1973) $750 million.

At present, the costs incurred in drilling for oil and in developing an oil well may be deducted as current expenses in calculating taxable income, even though they are really capital expenditures. This section requires that these costs be capitalized (except in the case of a dry hole) and spread over the useful life of the well.

STRENGTHEN THE PROVISIONS OF THE MINIMUM TAX

Revenue gain for 1973 about $2,500 million.

Although the Tax Reform Act of 1969 adopted a so-called minimum tax on income derived from tax loopholes, the provision had many shortcomings. As a result, it is still possible for the very rich to pay little or no tax. The defects are: (i) the minimum tax does not apply to some items of tax preference; (ii) it contains liberal exemptions; and (iii) the tax rate is a very modest 10%. The amendment would make four major changes in the minimum tax. First, it would make additional items of tax preference subject to the minimum tax. Second, it would repeal the provision of existing law that allows regular income taxes to be deducted from the items of tax preference. Third, it would lower the present $30,000 exemption to $12,000. Finally, it would increase the minimum tax rate to half of the regular income tax rates.

REPEAL THE ASSET DEPRECIATION RANGE SYSTEM (ADR)

Revenue gain (1973) in repeal of the 20% Speed-up in Accelerated Depreciation Enacted in 1971, $2,400 million.

As a result of tax changes approved in 1971, businessmen can now take depreciation on their plant and equipment at a rate 20% faster than that allowed before. This 20% speed-up will cost the Treasury $27.5 billion during the decade of the 1970's. Before 1971, the tax laws already provided for the generous use of accelerated depreciation. ADR was thus a new acceleration on top of the existing system.

Originally, the change in 1971 was justified on the grounds that it would stimulate investment, and thus create jobs in the economy. But the ADR system has now been in effect for over a year, and it is hard to find an economist who thinks it has accomplished anything other than to swell corporate cash reserves. Certainly, with industry operating at about 75% of capacity, it is hard to see how it could have much impact on investment. And, with unemployment still at 6%, it has had no impact on jobs.

Total revenue gain (1973) $6,050 million.

AMENDMENT No. 1208

At the end of the bill insert the following new title:

TITLE VI—INTERNAL REVENUE CODE AMENDMENTS

SEC. 601. REFERENCES TO 1954 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference is to a section or other provision of the Internal Revenue Code of 1954.

SEC. 602. REPEAL OF ASSET DEPRECIATION RANGE SYSTEM.

(a) Section 167(m) (relating to the Asset Depreciation Range System) is repealed.

(b) Section 167(a) (relating to a reasonable allowance for depreciation) is amended by adding at the end thereof the following: "Such reasonable allowance shall be computed, subject to the provisions of Revenue Procedure 62–21 (including the provisions for the reserve ratio test) as in effect on January 1, 1971, on the basis of the expected useful life of property in the hands of the taxpayer."

(c) The amendment made by subsection (a) shall apply to property placed in service after December 31, 1971. The amendment made by subsection (b) shall apply to taxable years ending after December 31, 1971, but it shall not apply to property placed in service by the taxpayer during the calendar year 1971 if an election has been made to have the provisions of section 167(m) applicable to such property.

SEC. 603. INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS.

(a) Section 263(c) (relating to the deduction of intangible drilling and development costs) is repealed.

(b) Section 263(a)(1) (relating to the deduction of certain capital expenditures) is amended—

(1) by striking out "or" at the end of subparagraph (D).

(2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof ", or", and

(3) by adding at the end thereof the following new subparagraph:

"(F) in the case of oil and gas wells, intangible drilling and development costs incurred in drilling a nonproductive well."

(c) The amendments made by this section shall apply to expenditures made or incurred after the date of the enactment of this Act.

SEC. 604. REDUCTION OF PERCENTAGE DEPLETION RATES ON OIL AND GAS AND CERTAIN OTHER MINERALS.

(a) Section 613(b)(1) (relating to percentage depletion rate on oil and gas wells and certain other minerals) is amended by striking out "22 percent" and inserting in lieu thereof "15 percent".

(b) The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 605. MINIMUM TAX.

(a) Section 56(a) (relating to imposition of the minimum tax) is amended to read as follows:

"(a) IN GENERAL.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, on the amount (if any) by which the sum of the items of tax preference exceeds $12,000, a tax computed as follows:

"(1) in the case of a corporation, a tax on such excess at the rate of 24 percent; and

"(2) in the case of a taxpayer other than a corporation, a tax on such excess equal to one-half of the tax which would be imposed on such person under section 1, by treating the amount of such excess as the taxable income for the taxable year."

(b) Section 56(b) (relating to treatment of net operating losses) is amended by striking out "$30,000" and inserting in lieu thereof "$12,000".

(c) Section 56 is amended by striking out subsection (c) (relating to tax carryovers).

(d) Section 57 (a) (relating to items of tax preference) is amended by inserting after paragraph (10) the following new paragraphs:

"(11) CHARITABLE CONTRIBUTIONS OF APPRECIATED PROPERTY.—The amount of the deduction for charitable contributions under section 170 or 642(c) allowable for the taxable year which is attributable to appreciation in the value of property not included in gross income.

"(12) AMORTIZATION OF CERTAIN COAL MINE SAFETY EQUIPMENT.—With respect to each certified coal mine safety equipment for which an election is in effect under section 187, the amount by which the deduction allowable for the taxable year under such section exceeds the depreciation deduction which would otherwise be allowable under section 167."

(e) Section 58 (relating to rules for application of the minimum tax) is amended by adding at the end thereof the following new subsection:

"(h) ELECTION NOT TO CLAIM TAX PREFERENCES.—In the case of an item of tax preference which is a deduction from gross income, the taxpayer may elect to waive the deduction of all or part of such item, and the amount so waived shall not be taken into account for purposes of this part. In the case of an item of tax preference described in section 57(a)(9), the taxpayer may elect to treat all or part of any capital gain as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231, and the amount treated as such gain shall not be taken into account for purposes of this part. An election under this subsection shall be made only at such time and in such manner as is prescribed in regulations promulgated by the Secretary or his delegate, and the making of such election shall constitute a consent to all terms and conditions as may be set forth in the regulations as to the effect of such election for purposes of this title."

(f) Section 58 (relating to rules for application of the minimum tax) is amended by striking out subsection (g) (relating to partial exemption of tax preferences attributable to foreign sources).

(g) Section 58 is further amended by striking out "$30,000" each time it appears and inserting in lieu thereof "$12,000", and section 58(a) (relating to separate returns of husband and wife) is amended by striking out "$15,000" and inserting in lieu thereof "$6,000".

(h) The amendments made by this section shall be applicable to taxable years beginning after December 31, 1971.

[From the Washington Star, May 5, 1972]

GAIN IS SEEN FOR TAX REFORM

(By E. Edward Stephens)

Dear Counsel:

Results of a recent Harris poll are startling! 82 percent of queried people felt that the big tax burden falls on the little person in this country today; 64 percent agreed that taxes have reached the breaking point; and 69 percent said they could sympathize with a taxpayers' revolt. Is anyone in Washington trying to do something about this alarming situation?

Yes. A steadily increasing number of legislators are shooting for real reform—not the kind we got in the Tax Reform Act of 1969.

For instance, Sen. Gaylord Nelson (D-Wis.) has introduced the comprehensive Tax Reform Bill of 1972, S. 3378. It's supported by at least 13 other Senators, including presidential hopefuls George McGovern, D-S.D., and Hubert Humphrey, D-Minn., as well as presidential dark horse Edward Kennedy, D-Mass.

The Nelson bill would make sweeping changes in federal income, estate and gift tax laws. Its central idea is to shift part of the burden from low and middle-income taxpayers to wealthy people and business corporations.

President Nixon and most members of Congress want to shelve extensive tax reform until after the November election. This group includes Sen. Russell Long, D-La., powerful chairman of the Senate Finance Committee, where Nelson's bill now is lodged.

Long recently said his committee is booked up for this year. and doesn't intend to tackle major tax reform until 1973.

But backers of S. 3378 won't wait. Nelson plans to offer three of the key provisions as an amendment to the Welfare Reform Bill, H.R. 1, when it reaches the Senate floor this month. The amendment will be co-sponsored by Senators Kennedy, Walter Mondale, D-Minn., and Philip Hart, D-Mich. It would:

Do away with the asset depreciation range (ADR) system, enacted last year to shorten the time over which business property may be depreciated;

Make wealthy people pay more taxes by putting teeth into the minimum tax provisions of the 1969 reform act; and

Rein in the oil industry by reducing the yearly depletion allowance from 22 to 15 percent, and by providing that costs incurred in drilling and developing an oil well may no longer be deducted as current expenses—unless the hole is dry.

The Welfare Reform Bill is almost sure to become law this year. It has the blessing of President Nixon and Wilbur Mills, D-Ark., chairman and virtual tax czar of the House Ways and Means Committee.

But floor amendments like Nelson's usually are defeated. If they aren't voted down in the Senate, they generally are thrown out in the House-Senate conference committee, normally dominated by Mills.

Still, supporters of the proposed amendment predict they'll make it stick. These senators point to an impressive build-up in demand for tax reform this year.

They could be right. People are deeply disturbed when they learn, for example, that 1,338 Americans who had incomes of $50,000 or more paid no federal income taxes in 1970.

In the April 28 Washington Star, columnist Milton Viorst reminded readers that the Bourbon monarchy fell largely from the weight of an inequitable tax system. "I think it is time for a thorough examination of our own," he concluded.

Vote-conscious presidential aspirants and other influential people are thinking, listening. Maybe they picture angry taxpayers marching on Washington. Perhaps they hear those footsteps coming.

FOREIGN RELATIONS AUTHORIZATION ACT—AMENDMENT

AMENDMENT NO. 1209

(Ordered to be printed and to lie on the table.)

Mr. PERCY, for himself and Mr. TUNNEY, submitted an amendment intended to be proposed by them jointly to the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

FEDERAL CORRECTIONS REORGANIZATION ACT—AMENDMENT

AMENDMENT NO. 1210

(Ordered to be printed and referred to the Committee on the Judiciary.)

Mr. PERCY. Mr. President, on behalf of myself and Senators MONTOYA and BROCK, I submit an amendment in the nature of a substitute to S. 3185, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1210

Strike out all after the enacting clause and insert in lieu thereof the following:

That (a) this Act may be cited as the "Federal Corrections Reorganization Act".

(b)(1) The Congress hereby declares that a reorganization of the Federal departments and agencies dealing with parole, probation, and other activities relating to the disposition of Federal offenders is necessary to insure a unified and coordinated approach to the rehabilitation of such offenders and the protection of society.

(2) The Congress further declares that the Federal Government has primary responsibility for formulating coordinated Federal corrections policies with regard to prison construction, the appointment and training of corrections personnel, pretrial and posttrial release programs, alternatives to incarceration, the establishment of a national clearing house and study center for corrections, and other such activities.

(3) The Congress further declares that the Federal Government has a responsibility in recommending standards and guidelines to States for the operation of programs concerning State correctional facilities, and the treatment of State offenders.

TITLE I—FEDERAL CORRECTIONS ADVISORY COUNCIL ESTABLISHMENT; COMPOSITION

SEC. 101. (a) There is hereby established the Federal Corrections Advisory Council (hereinafter referred to in this Act as the "Council") which shall consist of the following members—

(1) two members who shall be former inmates of Federal Correction Institutions;

(2) two members who shall be criminologists;

(3) one member who shall be an attorney;

(4) one member who shall be a former or retired judge of a Federal court;

(5) two members who shall be involved in law enforcement;

(6) two members who shall be sociologists;

(7) two members who shall be psychologists;

(8) one member who shall be appointed on the basis of his knowledge and interest in the field of corrections;

(9) one member representing the communications media;

(10) Director of the Federal Bureau of Prisons (ex officio member);

(11) Administrator of Law Enforcement Assistance Administration (ex officio member);

(12) Attorney General of the United States (ex officio member);

(13) Associate Justice of the Supreme Court (ex officio member), who shall be designated by the Chief Justice of the United States;

(14) Secretary of Health, Education, and Welfare (ex officio member);

(15) Secretary of Labor (ex officio member);

(16) Director of the Office of Management and Budget (ex officio member);

(17) Chairman of the Federal Circuit Offender Disposition Board (ex officio member); and

(18) Chairman of the District of Columbia Court of Appeals Offender Disposition Board (ex officio member).

(b) The Council shall elect, from among its members, one member to serve as Chairman. The Council may appoint and fix the compensation of a Director (who shall be responsible for the administrative duties of the Council) and such other staff personnel as it deems necessary.

(c) Members of the Council designated in clauses (1) through (9) of subsection (a) of this section shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall serve for terms of five years, except that of such members first appointed, two shall serve for terms of one year, two shall serve for terms of two years, two shall serve for terms of three years, two shall serve for terms of four years, and one shall serve for a term of five years, as designated by the President at the time such appointments are made. Members shall be eligible for reappointment.

(d) (1) Members of the Council designated in clauses (1) through (9) of subsection (a) of this section shall receive compensation at the rate of $100 for each day on which they are engaged in the performance of duties of the Council, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses reasonably incurred in the performance of the duties of the Council.

(2) Members of the Council serving ex officio shall serve as members of the Council without additional compensation, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses reasonably incurred in the performance of the duties of the Council.

(e) The first meeting of the Council shall be called by the Attorney General of the United States.

PURPOSE OF COUNCIL

SEC. 102. It shall be the purpose of the Council—

(1) to exercise an investigative and advisory role in the oversight and direction of the Federal and District of Columbia corrections systems;

(2) to recommend standards and guidelines for States to meet before being eligible to receive grants under any Federal program involving State law enforcement and correction agencies, including the reorganization of their criminal justice systems along the lines set forth in titles II and III of this Act; and

(3) to serve as a clearinghouse for study, planning, and dissemination of information in the field of corrections.

FUNCTIONS OF COUNCIL

SEC. 103. (a) The Council shall recommend to the courts of the United States and the District of Columbia and other appropriate Federal and District of Columbia instrumentalities and officers, guidelines, and standards for—

(1) the training and appointment of correctional employees within the Federal and District of Columbia system;

(2) the design of the physical plan and facilities of Federal prisons and the replacement of existing Federal and District of Columbia correctional institutions;

(3) the operations of all Federal and District of Columbia correctional institutions;

(4) pretrial and posttrial release programs;

(5) the operation of the Bureau of Prisons; and

(6) States to meet as a condition of eligibility for Federal grants which may be made by the Law Enforcement Assistance Administration, or any other Federal instrumentality when such grant has a substantial relationship to corrections, pretrial release, posttrial release, or alternatives to incarcreration.

(b) The Council shall establish an information and study center for—

(1) the collection, evaluation, and dissemination to appropriate Federal, State, or private organizations of information relating to corrections and corrections reform;

(2) the training of personnel in the field of Federal and State corrections, including parole and probation personnel;

(3) conducting seminars for attorneys, judges, administrators, Federal and State correctional officials, ex-offenders, and students of the correctional system;

(4) the study, analysis, and encouragement of plans and projects relating to corrections submitted or recommended by private organizations;

(5) the development of plans which, if adopted, would reorganize the Federal and District of Columbia corrections systems in a manner which, within the five-year period following the date of the enactment of this Act, would give the Federal and District of Columbia courts maximum flexibility in deciding upon the disposition and treatment of Federal and District of Columbia offenders, and which would give the district court disposition boards, District of Columbia Disposition Board, and Federal and District of Columbia prison authorities maximum flexibility with respect to disposition and treatment; and

(6) the study of plans and petitions from Federal and District of Columbia prisoners and ex-offenders.

(c) The Council shall submit annually to the President of the United States, the Chief Justice of the United States, and the Congress (through the Committees on Government Operations, Appropriations, and Judiciary of the Senate and House of Representatives) a public report which shall—

(1) examine the effectiveness of the various Federal and District of Columbia programs and activities relating to the field of corrections;

(2) review and assess other programs in the field of corrections which are unique or otherwise of national significance;

(3) recommend legislative action to the Congress, and recommend to the President and the Chief Justice administrative actions which could be taken by the executive and judicial branches, to improve the system of corrections;

(4) comment specifically on the implementation of the recommendations of the so-called Wickersham Commission (the National Commission on Law Observance and Enforcement—1931), and the report of the President's Commission on Law Enforcement and Administration of Justice—"The Challenge of Crime in a Free Society"; and

(5) comment specifically on the introduction of legislation to establish academies for correctional officers training on either a national or regional basis.

(d) In carrying out its functions under this Act, the Council shall insure the coordination and integration of policies and programs respecting the disposition, treatment, and rehabilitation of offenders on the Federal and State levels.

(e) The Council shall assist in the development of funding requests for all Federal and District of Columbia instrumentalities which participate in or contribute to the areas of correction and the rehabilitation of offenders, and shall, upon request, be available to advise the Congress on matters involving the allocation of Federal resources in such areas.

(f) Any vacancy in the membership of the Council shall not affect its powers and shall be filled in the same manner as the original appointment was made.

(g) The Council may establish such temporary task forces as it may deem necessary.

(h) The Council is authorized to enter into contracts or other arrangements for goods or services, with public or private profit organizations, to assist it in carrying out its duties and functions under this Act.

TITLE II—FEDERAL CIRCUIT OFFENDER DISPOSITION BOARD; DISTRICT OF COLUMBIA COURT OF APPEALS OFFENDER DISPOSITION BOARD

ESTABLISHMENT OF FEDERAL CIRCUIT OFFENDER DISPOSITION BOARD; COMPOSITION

SEC. 201. (a) There is hereby established the Federal Circuit Offender Disposition Board (referred to in this Act as the "Circuit Board"), which shall be composed of eleven members appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall represent diverse backgrounds, including, but not limited to, the fields of correction, psychiatry, psychology, sociology, law, medicine, education, and vocational training. Such members shall serve for terms of ten years, except that, of the members first appointed, three shall serve for terms of two years, three shall serve for terms of five years, three shall serve for terms of eight years, and two shall serve for terms of ten years, as designated by the President at the time of their appointment. Each member shall be designated by the President to represent a specific judicial circuit. The Attorney General shall call the first meeting of the Circuit Board within six months after the date of the enactment of this Act.

(b) The Circuit Board shall elect, from among its members, one member to serve as Chairman. The Chairman shall represent the Circuit Board on the Council. The Circuit Board is authorized to appoint and fix the compensation of such employees as it determines necessary to carry out its duties under this Act.

(c) Members of the Board shall receive compensation as established in 5 USC 5314, relating to Level III of the Executive Schedule, except that the Chairman shall receive compensation as established in 5 USC 5313, relative to level II of the Executive Schedule. Members of the Board shall be entitled to reimbursement for travel, subsistence, and other necessary expenses reasonably incurred in the performance of the duties of the Board.

(d) The Circuit Board is authorized to enter into contracts or other arrangements for goods or services, with public or private profit organizations, to assist it in carrying out its duties and functions under this Act.

FUNCTIONS OF CIRCUIT BOARD

SEC. 202. It shall be the function of the Circuit Board to formulate, promulgate, and oversee a national policy on the treatment of offenders under the jurisdiction of any court of the United States on the basis of a charge of having violated any of the laws of the United States. In carrying out such function, the Circuit Board shall, among other things—

(1) establish and recommend sentencing guidelines and standards for the United States courts, and provide periodic review thereof;

(2) establish guidelines and standards for United States courts in pretrial release, probation, parole, or other forms of release of individuals charged with an offense or of offenders;

(3) hear appeals by offenders denied parole on the sole ground that a District Board deviated from the established national guidelines and standards established pursuant to clause (2) of this section;

(4) assist and advise the Council in determining overall Federal correction policy;

(5) assign to each member of the Board the responsibility of overseeing the direction and operation of the various District Boards within the circuit which such member represents; and

(6) assign each member of the Board the responsibility of notifying the President of the United States of any vacancy on the various District Boards within the circuit which such member represents.

REPORTS

SEC. 203. The Board shall, not less than annually, make a written report to the Attorney General concerning the carrying out of its functions and duties under this Act.

ESTABLISHMENT OF DISTRICT OF COLUMBIA COURT OF APPEALS OFFENDER DISPOSITION BOARD; COMPOSITION

SEC. 204. (a) There is hereby established the District of Columbia Court of Appeals Offender Disposition Board, which shall be composed of five members appointed by the President of the United States, by and with the consent of the Senate, and who shall represent diverse backgrounds, including, but not limited to, the fields of correction, psychiatry, psychology, sociology, law, medicine, education, and vocational training. Such members shall serve for terms of ten years, except that, of the members first appointed, one shall serve for a term of two years, one shall serve for a term of five years, one shall serve for a term of eight years, and two shall serve for terms of ten years, as designated by the President at the time of their appointment. The Attorney General shall call the first meeting of such Board within six months after the date of the enactment of this Act.

(b) The District of Columbia Court of Appeals Offender Disposition Board shall elect, from among its members, one member to serve as Chairman. The Chairman shall represent the Board on the Council. The Board is authorized to appoint and fix the compensation of such employees as it determines necessary to carry out its duties under this Act.

(c) Members of the Board shall receive compensation at the rate of $100 for each day on which they are engaged in the performance of the duties of the Board, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses reasonably incurred in the performance of the duties of the Board.

(d) The Board is authorized to enter into contracts or other arrangements for goods or services, with public or private profit organizations, to assist it in carrying out its duties and functions under this Act.

FUNCTIONS OF DISTRICT OF COLUMBIA COURT OF APPEALS OFFENDER DISPOSITION BOARD

SEC. 205. It shall be the function of the District of Columbia Court of Appeals Offender Disposition Board to formulate, promulgate, and oversee a uniform policy on the treatment of offenders under the jurisdiction of any court of the District of Columbia on the basis of a charge of having violated any of the laws of the District of Columbia. In carrying out such function, the Board shall, among other things—

(1) establish and recommend sentencing guidelines and standards for the courts of the District of Columbia, and provide periodic review thereof;

(2) establish guidelines and standards for such courts in pretrial release, probation, parole, or other forms of release of individuals charged with an offense or of offenders;

(3) hear appeals by offenders denied parole on the sole ground that the District of Columbia Board (established pursuant to section 302 of this Act) deviated from the established guidelines and standards established pursuant to clause (2) of this section;

(4) assist and advise the Council in determining overall District of Columbia correction policy;

(5) assign members of the District of Columbia Court of Appeals Offender Disposition Board the responsibility of overseeing the direction and operation of the District of Columbia Board; and

(6) assign a member of the District of Columbia Court of Appeals Offender Disposition Board the responsibility of notifying the President of the United States of any vacancy on the District of Columbia Board.

REPORTS

SEC. 206. The District of Columbia Court of Appeals Offender Disposition Board shall, not less than annually, make a written report to the Attorney General concerning the carrying out of its functions and duties under this Act.

TITLE III—DISTRICT COURT OFFENDER DISPOSITION BOARDS; SUPERIOR COURT OF THE DISTRICT OF COLUMBIA OFFENDER DISPOSITION BOARD

ESTABLISHMENT OF THE DISTRICT COURT OFFENDER DISPOSITION BOARD; COMPOSITION

SEC. 301. (a) There is hereby established in each judicial district a District Court Offender Disposition Board (referred to in this Act as the "District Board"), which shall be composed of not less than five members appointed by the President of the United States, by and with the advice and consent of the Senate, and representing diverse backgrounds, including, but not limited to, the fields of correction, psychiatry, psychology, sociology, law, medicine, education, and vocational training. Such members shall serve terms of six years, and shall be eligible for reappointment. The Board shall elect, from among its members one member to serve as Chairman. The Board may appoint and fix the compensation of such employees as it determines are necessary to carry out its duties under this Act. The Attorney General shall call the first meeting of each District Board.

(b) Each member of a District Board shall be compensated in an amount equal to $_____ per annum, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses reasonably incurred in the performance of the duties of the Board.

(c) Each District Board may establish such units as it determines necessary, which may include an investigation unit, a pretrial evaluation unit, a presentence unit, a youthful offender unit, and a narcotics and alcohol unit. Each unit shall consist of such members as shall be determined by the Board. Each unit, with the approval of the Board, shall be authorized to appoint and fix the compensation of such employees as it determines are necessary to carry out its duties.

(d) Immediately following the arraignment of a person charged with a Federal offense, the case shall be assigned to the District Board, which shall—

(1) investigate the defendant's background, family ties, relationship with the community, employment history, and the circumstances surrounding the alleged offense, and other information which it deems pertinent, and make such information available to the appropriate judicial officer or court, along with a recommendation as to the setting of bail;

(2) recommend to the appropriate judicial officer or court, if indicated, mental observation, or medical observation for problems such as alcoholism, drug addiction, or other mental or physical disabilities; and

(3) submit, within thirty days of arraignment, a written report to the counsel of record for such defendant, and the office of the United States attorney having jurisdiction over the case.

(e) The reports shall set forth the findings and conclusions of the District Board, including its conclusions as to any physical, mental, social, economic, or other problems of the defendant and shall recommend whether and what type of diversion of the defendant from the criminal justice system of prosecution is desirable. The report shall be made part of the permanent record of the defendant's case.

(f) The report shall be the basis for discussion between the United States attorney and counsel of record for the defendant at a formal precharge conference, during which the report and alternatives to prosecution shall be considered. If the United States attorney and counsel for the defendant agree that diversion of the defendant from the criminal prosecution system would be desirable, and an appropriate authorized diversion program exists, then the charges against the defendant shall be suspended for up to twelve calendar months, subject to the defendant agreeing to participate in that program. The Board shall file with the court a statement of the date the defendant has commenced participation in the program. The United States attorney shall make periodic reviews as to the progress of the defendant while participating in the program. If the United States attorney is not satisfied with the defendant's progress, he may resume prosecution of the charges by filing, within one year after the defendant commenced participation in the program, a statement of intention to resume prosecution, which shall include the reasons for resumption of prosecution. If the United States attorney does not file a timely statement of intention to resume prosecution of the charges against the defendant, the charges shall be permanently dismissed. The statement of intention by the United States attorney to resume prosecution shall be included in the record of the case.

(g) If a defendant is prosecuted for, and convicted of, a Federal offense, the court shall refer the record of the case to the appropriate District Board for review and consideration prior to sentencing. The Board shall examine and review the record, the pretrial evaluation report and other pertinent information concerning the case, including the recommendations of counsel for the defendant. Within thirty days after receiving the record, the Board shall file a written report with the court, the counsel for the defendant, and the United States attorney. Such report shall include:

(1) the sentence recommended by the Board, which may be a suspended sentence, probation, imprisonment, or any alternative authorized by law to imprisonment;

(2) the reasons for the sentence recommended; and

(3) if imprisonment is recommended—

(A) the reason imprisonment is recommended (such as for reasons of punishment, deterrence or rehabilitation) and what alternatives were considered as inapplicable, and the reasons therefor;

(B) the term of imprisonment recommended and the institution or facility in which the imprisonment is recommended to be carried out; and

(C) the goals for the offender to attain while so imprisoned which, when attained, should entitle him to parole, but the goals may, from time to time, be revised by the District Board.

(h) If the court determines not to follow the recommendations of the District Board, it shall so state in writing along with the reasons therefor, and the purposes and goals of its sentence.

(i) The District Board shall carry out, with respect to a defendant who has been sentenced, the functions relating to probation, parole, or other form of release (as the case may be) transferred to the Board pursuant to section 401(a) of this Act. In carrying out those functions, the District Board shall hold an annual hearing with respect to each offender who has been sentenced to imprisonment. In the hearing, all pertinent information concerning the offender shall be reviewed with a view to determining the progress of the offender in attaining the goals established for him by the District Board. At the hearing the offender shall have the right to be represented by counsel, to submit evidence, and to cross examine witnesses. Within fourteen days following the conclusion of the hearing, the Board shall make its determination as to whether the offender should be released on parole or other authorized alternative action taken. A determination by the Board to authorize release on parole of an offender eligible for parole shall be accompanied by a statement of the conditions of parole. If the Board determines that an offender who is not eligible for parole should be released on parole, it shall recommend to the appropriate court that the sentence of the offender be reduced so that the offender may be so released, or that an authorized alternative disposition be made. Within fourteen days after the determination, the District Board shall submit to the offender and to the appropriate court a written report containing the decision of the Board and the reasons therefor, including the views of the Board with respect to the goals the offender has attained and the goals he has not yet attained.

(j) A quorum for any hearing held pursuant to subsection (i) shall be not less than three members of the District Board.

(k) The decision of the District Board may be appealed to the Circuit Board by the offender affected by the decision solely on the basis that the District Board, in conducting the hearing, failed to follow the standards and guidelines established by the Circuit Board pursuant to section 202(2) of this Act. Nothing in this section shall be construed as abridging the right of an offender to appeal a sentence to the Federal courts.

The District Boards are authorized to enter into contracts or other arrangements for goods or services, with public or private profit organizations to assist them in carrying out its duties and functions under this Act.

ESTABLISHMENT OF SUPERIOR COURT OF DISTRICT OF COLUMBIA OFFENDER DISPOSITION BOARD; COMPOSITION

SEC. 302. (a) There is hereby established in the District of Columbia the Superior Court of the District of Columbia Offender Disposition Board (referred to in this Act as the "District of Columbia Board"), which shall be composed of not less than five members appointed by the President of the United States, by and with the advice and consent of the Senate, and representing diverse backgrounds, including, but not limited to, the fields of correction, psychiatry, psychology, sociology, law, medicine, education, and vocational training. Such members shall serve terms of six years, and shall be eligible for reappointment. The District of Columbia Board shall elect, from among its members, one member to serve as Chairman. The Board may appoint and fix the compensation of such employees as it determines are necessary to carry out its duties under this Act. The Attorney General shall call the first meeting of the District of Columbia Board.

(b) Each member of the District of Columbia Board shall be compensated in an amount equal to $______ per annum, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses reasonably incurred in the performance of the duties of the Board.

(c) Such Board may establish such units as it determines necessary, which may include an investigation unit, a pretrial evaluation unit, a presentence unit, a youthful offender unit, and a narcotics and alcohol unit. Each unit shall consist of such members as shall be determined by the Board. Each unit, with the approval of the Board, shall be authorized to appoint and fix the compensation of such employees as it determines are necessary to carry out its duties.

(d) Immediately following the arraignment of a person charged with an offense under the jurisdiction of the Superior Court of the District of Columbia, the case shall be assigned to the District of Columbia Board, which shall—

(1) investigate the defendant's background, family ties, relationship with the community, employment history, and the circumstances surrounding the alleged offense, and other information which it deems pertinent, and shall make such information available to the appropriate judicial officer or court, along with a recommendation as to the setting of bail;

(2) recommend, to the appropriate judicial officer or court, if indicated, mental observation, or medical observation for problems such as alcoholism, drug addiction, or other mental or physical disabilities; and

(3) submit, within thirty days of arraignment, a written report to the counsel of ment, a written report to the counsel of record for such defendant, and the attorney for the Government having jurisdiction over the case.

(e) The report shall set forth the findings and conclusions of the Board, including its conclusions as to any physical, mental, social, economic, or other problems of the defendant and shall recommend whether and what type of diversion of the defendant from the criminal justice system of prosecution is desirable. The report shall be made part of the permanent record of the defendant's case.

(f) The report shall be the basis for discussion between the attorney for the Government and counsel of record for the defendant at a formal precharge conference, during which the report and alternatives to prosecution shall be considered. If the attorney for the Government and counsel for the defendant agree that diversion of the defendant from the criminal prosecution system would be desirable, and an appropriate authorized diversion program exists, then the charges against the defendant shall be suspended for up to twelve calendar months, subject to the defendant agreeing to participate in that program. The Board shall file with the court a statement of the date the defendant has commenced participation in the program. The attorney for the Government shall make periodic reviews as to the progress of the defendant while participating in the program. If the attorney for the Government is not satisfied with the defendant's progress, he may resume prosecution of the charges by filing, within one year after the defendant commenced participation in the program, a statement of intention to resume prosecution, which shall include the reasons for resumption of prosecution. If the attorney for the Government does not file a timely statement of intention to resume prosecution of the charges against the defendant, the charges shall be permanently dismissed. The statement of intention by the attorney for the Government to resume prosecution shall be included in the record of the case.

(g) If a defendant is prosecuted for, and convicted of, an offense under the jurisdiction of the Superior Court of the District of Columbia, the court shall refer the record of the case to the appropriate District of Columbia Board for review and consideration prior to sentencing. The Board shall examine and review the record, the pretrial evaluation report and other pertinent information concerning the case, including the recommendations of counsel for the defendant. Within thirty days after receiving the record, the Board shall file a written report with the court, the counsel for the defendant, and the attorney for the Government. Such report shall include—

(1) the sentence recommended by the Board, which may be a suspended sentence, probation, imprisonment, or any alternative authorized by law to imprisonment;

(2) the reasons for the sentence recommended; and

(3) if imprisonment is recommended—

(A) the reason imprisonment is recommended (such as for reasons of punishment, deterrence or rehabilitation) and what alternatives were considered as inapplicable, and the reasons therefor;

(B) the term of imprisonment recommended and the institution or facility in which the imprisonment is recommended to be carried out; and

(C) the goals for the offender to attain while so imprisoned which, when attained, should entitle him to parole, but the goals may, from time to time, be revised by the District of Columbia Board.

(h) If the court determines not to follow the recommendations of the District of Columbia Board, it shall so state in writing along with the reasons therefor, and the purposes and goals of its sentence.

(i) The District of Columbia Board shall carry out the functions transferred to the Board pursuant to section 401(b) of this Act. In carrying out those functions, the District of Columbia Board shall hold an annual hearing with respect to each offender who has been sentenced to imprisonment. In the hearing, all pertinent information concerning the offender shall be reviewed with a view to determining the progress of the offender in attaining the goals established for him by the District of Columbia Board. At the hearing the offender shall have the right to be represented by counsel, to submit evidence, and to cross examine witnesses. Within fourteen days following the conclusion of the hearing, the Board shall make its determination as to whether the offender should be released on parole or other authorized alternative action taken. A determintion by the Board to authorize release on parole of an offender eligible for parole shall be accompanied by a statement of the conditions of parole. If the Board determines that an offender who is not eligible for parole should be released on parole, it shall recommend to the appropriate court that the sentence of the offender be reduced so that the offender may be so released, or that an authorized alternative disposition be made. Within fourteen days after the determination, the District of Columbia Board shall submit to the offender and to the appropriate court a written report containing the decision of the Board and the reasons therefor, including the views of the Board with respect to the goals the offender has attained and the goals he has not yet attained.

(j) A quorum for any hearing held pursuant to subsection (i) shall be not less than three members of the District of Columbia Board.

(k) The decision of the District of Columbia Board may be appealed to the District of Columbia Court of Appeals Offender Disposition Board by the offender affected by the decision solely on the basis that the District of Columbia Board, in conducting the hearing, failed to follow the standards and guidelines established by the District of Columbia Court of Appeals Offender Disposition Board pursuant to section 205(2) of this Act. Nothing in this section shall be construed as abridging the right of an offender to appeal a sentence to the appropriate courts.

(l) The District of Columbia Board is authorized to enter into contracts or other arrangements for goods or services, with public or private nonprofit organizations to assist it in carrying out its duties and functions under this Act.

TITLE IV—TRANSFER OF FUNCTIONS

PAROLE: PROBATION

SEC. 401. (a) There are hereby transferred to the District Boards established by this Act all functions which were carried out immediately before the effective date of this section—

(1) by the Federal Board of Parole;

(2) by any United States court relating to the appointment and supervision of probation officers;

(3) by the Attorney General relating to the prescribing of duties of probation officers; and

(4) by the Director of the Administration Office of the United States Court relating to probation officers and the operation of the probation system in the United States courts.

(b) There are hereby transferred to the District of Columbia Board established by this Act all functions which were carried out immediately before the effective date of this section—

(1) by the District of Columbia Board of Parole;

(2) by any District of Columbia court relating to the appointment and supervision of probation officers;

(3) by the District of Columbia Bail Agency; and

(4) by the Offender Rehabilitation Service of the District of Columbia Public Defender Service.

MISCELLANEOUS

SEC. 402. (a) With respect to any function transferred by this title and exersised after the effective date of this section, reference in any other Federal or District of Columbia law, rule, or regulation to any Federal or District of Columbia instrumentality or officer from which or whose functions are transferred by this Act shall be deemed to mean the instrumentality or officer in which or whom such function is vested by this Act.

(b) In the exercise of any function transferred by this Act, the appropriate officer of the District Board or the District of Columbia Board to which such functions were so transferred shall have the same authority as that vested in the officer exercising such function immediately preceding its transfer and such officer's actions in exercising such functions shall have the same force and effect as when exercised by such officer having such function prior to its transfer by this title.

(c) All personnel (other than the members of the Board of Parole and the District of Columbia Board of Parole), assets, liabilities, property and records as are determined by the Director of the Office of Management and Budget to be employed, held or used primarily in connection with any function transferred by this title are hereby transferred to the District Boards or the District of Columbia Board in such manner and to such extent as the said Director shall prescribe. Such personnel shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions.

(d) Effective on the effective date of section 401 of this Act, the United States Board of Parole, the District of Columbia Board of Parole, the District of Columbia Bail Agency and the Offender Rehabilitation Service of the District of Columbia Public Defender Service shall lapse.

(e) As used in this Act, the term "function" includes powers and duties.

EFFECTIVE DATE

Sec. 403. Sections 102, 103, 202, 205, subsections (d), (e), (f), (g), (h), (i), (j), and (k) of section 301, subsections (d), (e), (f), (g), (h), (i), (j) and (k) of section 302 and sections 401 and 402 of this Act shall take effect upon the expiration of the one-hundred-and-twenty-day period following the date of the enactment of this Act. All other provisions of this Act shall take effect upon the date of its enactment.

DEFINITION

Sec. 404. As used in this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and Guam.

AUTHORIZATIONS

Sec. 405. (a) On and after the date of the enactment of this Act, all moneys received by any court of the United States or of the District of Columbia as fines, penalties, forfeitures and otherwise shall be deposited in the Treasury. Such moneys received from the courts of the United States shall be deposited to the credit of Federal Circuit Offender Disposition Board, and such moneys so received from the courts of the District of Columbia shall be deposited to the credit of the District of Columbia Court of Appeals Offender Disposition Board. All such moneys shall be available for carrying out the purposes of this Act.

(b) There are authorized to be appropriated such sums as may be necessary in addition to those available pursuant to subsection (a) of this section to carry out the provisions of this Act.

MISCELLANEOUS

Sec. 406. In the administration of title I of the Omnibus Crime Control and Safe Streets Act of 1968, each State shall receive only —— per centum of the grants in any fiscal year commencing after June 30, 1973, to which it would otherwise be entitled, if the Attorney General determines that such State has failed to reorganize its criminal justice system in a manner comparable to that provided for the Federal criminal justice system by titles II and III of this Act. The Law Enforcement Assistance Administration is authorized and directed to determine the extent to which specific grant programs will be reduced in any fiscal year for any State in order to comply with the requirements of this section.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1191

At the request of Mr. Brooke, the Senator from Pennsylvania (Mr. Schweiker) was added as a cosponsor of amendment No. 1191 intended to be proposed to the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

AMENDMENT NO. 1202

At the request of Mr. Roth, the Senator from New Jersey (Mr. Case) and the Senator from Pennsylvania (Mr. Schweiker) were added as cosponsors of amendment No. 1202 intended to be proposed to the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States.

ADDITIONAL STATEMENTS

THE 80TH BIRTHDAY ANNIVERSARY OF PEARL S. BUCK

Mr. SCOTT. Mr. President, Miss Pearl S. Buck will celebrate her 80th birthday next month.

Born in Hillsboro, W. Va., on June 26, 1892, the daughter of southern Presbyterian missionaries, Pearl S. Buck has become a legend in her own lifetime.

Educated in China by her English-speaking mother and a Chinese tutor who was a Confucian scholar, Miss Buck returned to the United States at the age of 17 to attend Randolph-Macon College from which she was graduated 4 years later.

Miss Buck's scholarly study of the language and history of China provided her with a deep understanding of, and appreciation for Chinese culture and philosophy. This unique background, combined with a superb writing talent, enabled Pearl Buck to recreate for the Western World the essence of the East.

Her first published novel, "East Wind, West Wind," was followed by the epic portrayal of Chinese farm life in "The Good Earth," which brought worldwide recognition to Pearl S. Buck as a writer. As the modern world's most translated author, she has been described by the National Book Committee, in 1972, as "America's first literary ambassador."

Pearl Buck, the only American woman to have received the Nobel Prize for Literature, has also won the Pulitzer Prize, the William Dean Howells Medal, and hundreds of other distinguished awards for literature and her humanistic accomplishments.

On December 11, 1938, in her acceptance speech for the Nobel Prize, Miss Buck portrayed the history of the Chinese novel which had shaped her efforts in writing.

In 1941, mindful of the struggles of the Chinese people in World War II, and looking beyond China, she started the East and West Association, devoted to the mutual understanding of all people.

Deeply concerned with the plight of the mentally retarded, Pearl Buck became a prime mover in the formation of parents groups throughout the world to encourage these parents to recognize the problems of their children and accept responsibility for them. In order to effectively help in research, she contributed generously to enable the continuation of scientific studies in the field of mental retardation.

In 1949, alarmed over the unwillingness of adoption agencies to place children of mixed racial background in adoptive homes, she founded Welcome House, Inc., in Doylestown, Pa. Now, 23 years later, it is recognized as one of the most important agencies in the field of adoption of hard-to-place children.

In recognition of the generous contributions she has made to the children of the world and to the understanding of the East, I join with my colleague from Pennsylvania (Mr. Schweiker) and all the people of the United States in congratulating Pearl S. Buck.

TRANSPO 72

Mr. McINTYRE. Mr. President, Transpo 72 is open and before it closes it is estimated that more than 1 million persons will have visited Dulles Airport to view this look at transportation today and in the future.

The problem of moving 1 million persons into and out of Transpo 72 is going to be monumental. Security problems will be enormous.

The man who will be responsible to see that security is maintained, the man who will direct an augmented force of nearly 600 men during Transpo 72 is Chief Philip A. Houihan, who comes from Dover, N.H. If anyone can handle this tremendous job, I know Phil Houihan is the one.

Chief Phil started as a newsboy in Dover, N.H. selling Foster's Daily Democrat on the street corner. By a lot of hard work he put himself through school, served in the Navy during World War II, came to Washington, D.C., and joined the police force; then, 19 years ago transferred to the Department of Transportation where he remained since.

When Transpo 72 is not located at Dulles, Chief Phil has a force of 40 men at his command to take care of lost children, stolen cars, drug smuggling, and in these difficult days, hijacking. He has written a distinguished career and rates at the top of Federal law enforcement officials.

I know New Hampshire is proud of this great son of theirs and I know that they join me in wishing him well in this difficult task that I know if anyone can handle, Chief Phil is the one.

Mr. President, Foster's Daily Democrat, which Chief Phil used to sell on the street corners in his youth recently carried an excellent article about him. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Foster's Daily Democrat (N.H.), May 1, 1972]

FORMER NEWSBOY A SECURITY CHIEF

Washington, D.C.—Forty-five years ago, young Phil Houihan sold the Democrat as a newsboy on the Lower Square in Dover. Today he finds himself in charge of 40 law enforcement officers as Chief of Security Police at Dulles International Airport in Washington, D.C.

Chief Houihan said on the telephone recently, "I was born and brought up in Dover and went to school there." Although he left over 25 years ago, the Chief has not lost his New England speech mannerisms, which are mixed with traces of Pat O'Brien, since he is of Irish descent. He is friendly and loquacious, used to handling people.

He finds his job extremely challenging. In talking of his advancement through the various ranks he said "I want to tell the newsboys and other kids there in Dover that hard work is what will put them to the top."

Houlhan related how he went to college for two years in Hartford, Conn., after leaving Dover. He weathered World War II in the U.S. Navy, moving to Washington after his discharge. He joined the municipal police there, then transferred to the Department of Transportation 19 years ago.

In the Department, he rose through the ranks to Chief, working on security during the terms of four Presidents—Truman, Eisenhower, Kennedy, and Johnson.

His Security Police at Dulles are responsible for the safety and welfare of passengers and guests who pass within the confines of the airport. Any problems that crop up, and there are many (lost children, sick and mentally ill people, stolen cars, accidents, drugs, abandoned cars, hijacked airplanes), are handled smoothly and expertly by Chief Houlhan and his men.

Transpo 72 will be heavily occupying them this summer. An additional 600 men will be pulled from all over the metropolitan area to assist the Chief and his force in whatever way is needed.

Houlhan has boundless enthusiasm for Transpo 72, the U.S. International Transportation Exposition, which is scheduled at Dulles from Memorial Day Weekend through June 4 of this year.

It will occupy some 360 acres on the Dulles Airport grounds and draw an estimated one million people. The actual site extends for a mile and a half along the westernmost runway.

If you are thinking of an interesting trip for your family this summer, you might indeed consider it. More than 500 indoor and outdoor exhibits are being prepared. They will feature the world's latest surface, air, and space hardware and transportation technologies. Daily surface and air tech demonstrations and air performances by famous aerobatic and specialty teams will be offered.

Just one example is a new air cushion rapid transit vehicle capable of speeds up to 300 miles per hour—on a one inch cushion of air.

The Chief concludes "It would certainly be fine if a lot of people in the Dover area came and visited us—it's really going to be something to see. Tell them to look me up when they arrive. I'll do all I can to give them the red carpet treatment."

FAT LABOR CONTRACTS; NO JOBS FOR LABOR

Mr. FANNIN. Mr. President, union leaders who have demanded exorbitant wage increases and restrictive work rules have caused inflation and have forced virtually entire industries to flee overseas.

Some of these union leaders have started to realize that it is no good to have fat labor contracts but no jobs for their members.

No industry operates in a vacuum. For every action in our economy, there is a reaction. When labor costs go up, prices increase, Americans pay more for their goods, and American products are no longer competitive in certain markets.

The Wall Street Journal on April 14 published an excellent editorial stating that although there are indications that union leaders are starting to realize the problem, the majority of them still fail to understand fully their responsibilities.

Mr. President, I ask unanimous consent that the editorial be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE UNIONS AGAINST THEIR MEMBERS

No one expects the AFL–CIO to sound like the National Association of Manufacturers, but it would be nice if the federation more often could see where union members' best interests really lie.

In a recent "Memo from COPE," published by the AFL–CIO's Committee on Political Education, the first article tells of the troubles of workers who lose jobs when their employers move manufacturing operations overseas or find that they cannot compete with imports. There certainly has been much painful disclocation, but COPE doesn't seem to see either the cause or the cure.

Reading this "Memo," as well as most of the other pronouncements by labor organizations and their leaders, you might think that the troubles result solely from a diabolical plot by corporations and their lackeys in federal government. American businessmen, says COPE, are "sailing off to foreign nations with their technology, sometimes their equipment, often their management personnel, and lots of American jobs"—with the help of favorable federal tax and tariff rules.

In a roundabout way the labor group does appear to recognize that many businessmen start producing goods overseas because they can no longer produce them here and remain competitive in either foreign or domestic markets. Labor's "solution" is the Burke-Hartke bill, which would wall off much of the U.S. market as the exclusive province of U.S. companies.

COPE has the chutzpah to call this a tax-trade-consumer bill, although its inevitable result would be higher prices for many of the goods consumers buy. But the measure would indeed make a lot of Yankee businessmen go home; many, in fact, would go right out of business.

Anyone who thinks other nations would sit still for Burke-Hartke protectionism is a congenital optimist. Retaliation would be swift and extensive, and many U.S. firms would lose whatever foreign market they still have.

A lot of American firms have gone overseas partly because of present foreign trade restrictions; a factory in France, for instance, may be essential to making any sales in the Common Market. U.S. plants abroad are responsible for a sizable share of America's exports, since they often use U.S.-made components—and help to promote some products that the companies make only in America.

Many of the American companies operating overseas could no longer do so if Burke-Hartke's tax-tariff penalties are ever inflicted. As such companies shut up shop U.S. exports would drop, along with the jobs they provide.

Real solutions to the trade problems will require recognition that U.S. businessmen aren't the prime movers in this situation; they have been pulled and hauled by forces largely beyond their control.

One of the primary causes is the fixed-exchange-rate system that kept the dollar overvalued and thus made U.S. exports expensive and U.S. imports relatively cheap. Last December's exchange-rate realignment was a help, but rates could get out of line again.

They could easily do so if the U.S. government doesn't do a better job of controlling its finances and instead permits inflation to revive. The inflation, of course, has helped to push up the union wage demands that have done so much to price American goods out of markets both at home and abroad.

The unions get away with the wage demands because the government has built their power to excessive size. The same government puts a heavy tax burden on business, a burden that has slowed capital investment and thus has helped foreign nations to begin to catch up with the U.S. in technology.

The AFL–CIO's tunnel vision becomes all the more obvious when a reader flips to the back page of this "Memo From COPE." Spelled out there is an argument not for encouraging business investment, and thus increasing jobs, but for socking the corporation with higher taxes.

"There is no simple explanation of trade policy and problems," COPE says, quite correctly. Neither is it easy to understand why the federation is so determined to destroy union members' jobs.

Mr. FANNIN. Mr. President, as I stated, there are some signs of hope. Some labor leaders appear to be showing enlightenment. They have come to understand that what is in the best interest of an industry is also in the best interest of the individual worker, in most cases. As evidence, I ask unanimous consent to have printed in the RECORD two articles, and an editorial from the Wall Street Journal.

There being no objection, the articles and editorial were ordered to be printed in the RECORD, as follows:

[From the May 15, 1972, U.S. News & World Report]

BUILDING WORKERS WARNED: DON'T PRICE SELVES OUT OF JOBS

Work harder, end "feather-bedding," take smaller pay boosts. That's the advice workers are getting from both a union chief and an employer.

Just beginning to get attention in the construction industry: A drive to end "featherbedding" and slow the relentless wage spiral in the nation's building trades.

What's unique about this campaign is the fact that much of its impetus comes from key labor leaders who are convinced that construction workers in many areas have priced themselves out of the market.

UNION, EMPLOYERS UNITE

In what is considered a revolution in union tactics, officials of the AFL–CIO's building trades will join with employers in the new drive. The aim is to eliminate make-work rules and lower labor costs.

Recent speeches by a national union president and by a spokesman for employers are seen as preliminary efforts for the "educational" campaign.

Union workers are to be urged to work harder on the job, drop requirements for standby crews and modify other job-creating regulations.

Also, the unionists are to be told that construction unions must take smaller pay boosts in order to permit their unionized employers to compete with "open shop" competitors.

OUTBID

Behind the drive is an admission by union and contracting leaders that nonunion firms are making big inroads in the heavy-construction industry. With lower labor costs—and no work rules—nonunion contractors are able to outbid the unionized companies.

Speeches at a national convention of the Operating Engineers Union late in April, in Washington, D.C., served as a preamble to the campaign. Engineers handle earth-moving equipment and other machinery on construction sites.

In a hard-hitting and unusual appeal, Hunter P. Wharton, the union's president, exhorted his members to give "a fair day's work for a fair day's wage."

A step-up in worker output, he went on, is needed to stop the invasion of nonunion companies in the industry, with the resulting loss of union jobs.

At the same convention, the new president of the Associated General Contractors—James D. McClary—said the unionized companies are being hurt by the big pay raises won by building-trades unions in recent years.

CONTRACTOR'S VIEW

Mr. McClary offered this opinion on what is behind "the very rapid growth of the open-shop movement" in his industry:

"It has been made possible, in my judgment, by two things. Unions and union contractors are pricing themselves out of the market. Laugh if you want to at this, but there are still a lot of people in this country who have enough pride in their craft and in themselves that they want to work where their skill is recognized and where they can take their paycheck at the end of the week and look the paymaster in the eye.

"They want to work where their income is steady, where they are not off on wildcat strikes or honoring a picket line for someone else's stupidity, or becoming embroiled in a useless jurisdictional dispute—in many instances not even involving their own craft."

WORKERS ARE URGED TO END "FEATHERBEDDING"

Mr. McClary declared that the building industry "is in serious trouble and it could get a lot worse before it gets better." He called on workers and employers to "quit fooling around, quit playing games and go back to work."

The construction industry, he said, is guilty of "leading the inflationary spiral that is rapidly driving this country to economic ruin."

WASTED TECHNOLGY

Union work rules, the contractors' official added, have forced so many nonproducers onto the payroll that economic benefits from the complicated, expensive machines are lost.

These big machines, he went on, do not produce "if you show up later or are out drinking coffee or just plain goofing off, or quit early."

Employers also have a lot of faults, Mr. McClary admitted. For one thing, the contractors have "let you get away with many of those things I have mentioned." The business spokesman added:

"In some parts of the country, we have turned over virtual management of our jobs to your people. . . . We have become just as lazy and nonproductive as you have become."

The association president asked the union to find a way to settle differences without strikes which neither side wins. He urged workers to "cut out this stupid obsession with featherbedding."

On wages. Mr. McClary suggested they "try to go more than six months without a raise in pay—at least until we are out of our current mess and until productivity justifies an increases."

The Engineers Union's president, Mr. Wharton, spoke on the same program with Mr. McClary, and made a similar appeal for more work, fewer work rules and a slowdown in wage advances.

GENERAL WARNING

Much of Mr. Wharton's speech was a warning to other AFL–CIO building unions, as well as to his own local-union officials and rank and filers.

Mr. Wharton cautioned his members that "our progress seems to have peaked," and he declared:

"Now is the time for all of you who are leaders to display leadership. . . . It is time, if it is not too late, to turn ourselves around and approach our problems as they exist."

Labor, the union leader said, "must rededicate itself to pride of workmanship." He said local-union officers "must show the way" and "cannot continue to create jobs by having unproductive labor create jobs by having unproductive labor on the job." He added: "Our leaders can no longer demand and have standby labor on the jobs so as to create a job for those who have no desire to work for their pay."

Large wage increases won in recent years by regional construction leaders, Mr. Wharton said, may "retard our progress."

"LEAPFROGGING" DECRIED

Employers have been forced to grant big pay boosts in order to prevent, or end, strikes that could ruin business. Mr. Wharton condemned "me-too-ism" or "leapfrogging" by rival unions on wage demands. He put it this way:

"If one trade got more, then the representative of our trade or some other trade had to get as much . . . or a little more, to show he was a better negotiator than the other fellow."

As wages rose, Mr. Wharton said, "productivity was standing still and in many instances . . . it was falling below the norm."

Delegates to the union convention heard praise from Secretary of Labor James D. Hodgson. He said:

"For President Nixon and for myself, I want to thank you for a helluva job well done" in co-operating with the Government's wage-stabilizing efforts.

"You're keeping a lid on the unproductive work rules. . . . You have worked out new jurisdictional-dispute machinery. And you're reminding your members that a fair day's work for a fair day's pay is still a sound idea."

[From the Mar. 17, 1972, Christian Science Monitor]

Rubber Firms, Union Work for Changes

(By Ed Townsend)

New York.—Some significant changes are taking place in the rubber industry:

Firestone Tire & Rubber Company plant workers in Akron, Ohio, heartland of the U.S. rubber industry, last weekend voted 2,356 to 977 to give up their six-day, 36-hour workweek, zealously protected since the 1930's.

B. F. Goodrich Company has won an agreement from its United Rubber Workers local in Akron to negotiate modifications of work rules.

Goodyear Tire & Rubber Company is talking "informally" with the URW about similar cost-cutting changes in its Akron contract.

None of this would have been likely even a year ago. Rubber workers in plants in other areas are likely to put in more hours a week, produce more, and receive lower hourly pay than their union brothers in Akron. As a result, Akron plants are at a competitive disadvantage, and these days companies have little patience with unprofitable plants and products.

Blue-collar production jobs in Akron plants of the three major tiremakers have dropped from a peak of about 52,000 in 1944 to about 14,000. Some plants have been closed down, and others have been moved out of Akron.

PLANTS LESS PRODUCTIVE

According to the companies, they have had no other choice. Akron plants for years have been only 50 percent to 75 percent as productive as similar rubber plants in other areas. Tire workers in Akron are paid about $4.45 an hour, compared with $4.35 for workers similarly employed in other cities and as low as $3.75 an hour in the newest plants, where modern production processes and equipment have reduced skill demand.

Watching jobs disappear and reading recurrent reports about new plants to be erected elsewhere—most recently an announcement by General Tire & Rubber Company of a multimillion-dollar plant to be built in Mount Vernon, Ill., to produce radial tires—Akron's rubber unionists began having second thoughts about their long stubborn defense of the status quo.

Goodrich, Firestone, and Goodyear seized the opportunity to begin to talk with their uneasy local unions on ways to modify obsolete work rules and conditions and to make Akron plants more competitive.

WORKWEEK TOPS LIST

Most company executives place the six-day, 36-hour workweek at the top of the list of costly problems that need to be eliminated. The short week was put into effect by managements in the depressed 1930's as a work-spreading device. It is to be found only in Akron rubber plants, where workers long resisted a change: The six-hour day gives workers an opportunity to supplement incomes with second jobs.

Goodrich and URW agreed to change to a standard 40-hour, five-day week in 1965, in a cooperative effort to keep jobs in Akron. Last year Firestone proposed to put a new radial-tire operation in Akron if its employees would shift to the 40-hour week. They refused to, and the company built a new plant in Tennessee. The 36-hour, six-day week has been a sacred cow in Goodyear's contract, too.

Generally, the parties agree that both labor and management are jointly responsible for other nonproductive work rules and arrangements that plague Akron rubber plants. Both agreed to rules—still in contracts—intended to meet the frantic needs of production in World War II. Once they were there, they became virtually untouchable.

MEETINGS ANNOUNCED

Some limit the work that a man in any work classification may do—a practice that has made repair and maintenance costs in Akron far out of line with those elsewhere. Traditionally, an Akron rubber worker may use a "bidding and bumping" system to claim the job of a less-senior fellow unionists, whether he has the qualification or not. Piecework rates in Akron call for more pay for less production. Incentive standards need overhauling. And many other rules are considered by managements to be unduly costly and unproductive.

Members of the big Goodrich local voted 8 to 1 in January to authorize officers to negotiate with the company on a list of 12 proposals it had made for improved productivity and lower costs in Akron.

One official said URW had given up the 36-hour week at Goodrich in 1965 to do that, and had been assured then that many of the company's Akron problems would be ended. "Now they're back at the door," he said. But there seemed to be no alternative to more concessions, now being negotiated.

About the same time, Gerald D. Gelvin, president of Firestone Local 7, told his members that the union "must develop a positive cooperative attitude and an appreciation of the problems of our company." He announced that local negotiators would begin meeting with Firestone on "our mutual problems."

Last weekend, the Firestone talks produced the first really tangible breakthrough for the rubber industry in its efforts to stay in competition in Akron. At a meeting at which 82 percent of the local's membership was present and voted, the highest percentage ever for the local, members voted almost 3 to 1 for contract modifications:

"BIDDING AND BUMPING"

The six-day, 36-hour workweek will be changed over a 90-day period to a five-day, 40-hour workweek. This will permit three work shifts daily instead of four, and "minimal" layoffs are likely.

Beginning in 1973, the plant will be shut down completely for two vacation weeks every summer, a plan intended to stabilize production. Now, employees can elect to take vacation time whenever they want, on a seniority basis, and shortages of workers or skills can interfere with the efficient operation of the plant.

The piecework system will be changed so that an employee will not be reimbursed during a "down" period—when his machine is not operating—on a basis of the average rate for all employees but at his own average; some will get more, many will get less.

Seniority rules will be changed to allow older workers to elect to take time off at 80 percent of pay when layoffs are scheduled. The present system provides for laying off workers on a strict seniority basis, with those having longer service "bumping" others from continuing jobs.

SOME ADDITIONAL PAY

These changes are less than what Firestone would have liked—they leave the big wage differential untouched—but they are expected to smooth operations.

Workers who cherished the 36-hour workweek for years will have one stop to make the change more acceptable. They will be paid for four additional hours of work each week.

The workweek change was hotly debated before the ratification vote. One Local 7 oldtimer said, "Most of the real bellyaching came from the guys who've been putting in time on two jobs. Now a lot of them aren't going to be able to do it."

Progress is being made in the Goodrich talks, and similar rules gains are expected. Goodyear and union negotiators will say only that they are talking "informally" about much the same things.

Meanwhile, Mohawk Rubber Company and URW Local 6 recently announced that a joint program undertaken in Akron has increased Mohawk plant production by 25 percent—largely through programs of "change and modernization" and without reducing earnings or increasing workloads. The local represents 300 employees at the Mohawk plant.

SOVIET OUTPUT RISES

Soviet industrial production in the first two months of the year increased by 7.3 percent over the same period last year, the Central Statistical Board reports.

Labor productivity, a crucial factor in Soviet economic planning, rose by 5.7 percent.

The statistics showed that Soviet industry met planned targets for all key products during this period, the official news agency Tass says.

Biggest growth was reported for passenger cars, up 48 percent; digital program controlled machine tools, up 32 percent; instruments and porcelain tableware, up 17 percent; and refrigerators, up 10 percent.

[Editorial from the Apr. 28, 1972, Wall Street Journal]

A CONSTRUCTIVE UNION APPROACH

In recent years the International Union of Operating Engineers has won enormous pay increases for its members, but there was little rejoicing at the union's recent convention in Washington.

For more than a year the Operating Engineers and other construction unions have recognized that the big pay boosts to some extent have been self-defeating. They have priced some construction out of the market and encouraged contractors to use nonunion labor wherever possible. A high wage scale is cold comfort for the worker without a job.

"It is time to turn ourselves around and approach our problems as they actually exist," said Hunter Wharton, president of the union. "We are the makers of many of our problems."

Mr. Wharton indicated that contractors weren't always getting their money's worth when they hired union labor. "Had productivity increased as wages began to rise," he said, "we wouldn't now be faced with some of our present-day problems."

"Our leaders can no longer demand and have standby labor on the job so as to create a job for those who have no desire to work for their pay," he declared. "Labor must rededicate itself to a pride in workmanship—a fair day's work for a fair day's pay."

That would indeed be a constructive approach. If the union chooses to pursue it, maybe the atmosphere at next year's convention will be a little cheerier.

THE WAR, GOLD, AND THE DOLLAR

Mr. SYMINGTON. Mr. President, earlier this month, under the above heading, I presented on the floor of the Senate the fact there had been much comment about the recent heavy escalation of the Vietnam war in respect to the political and military implications of said escalation; but little comment about the effect of this continuing outflow of billions of dollars to foreign countries on our economy.

I mentioned that, although the United States decided to increase the price of gold from $35 to $38 an ounce, gold was selling on the London market at $54 an ounce.

As of last week, this price went above $58 an ounce.

TAILORED NEWS

Mr. SCOTT. Mr. President, I ask unanimous consent that an article written by Jenkins Lloyd Jones and published in the Washington Star of Saturday, May 27, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAILORED THE NEWS TO FIT VIEWS

(By Jenkin Lloyd Jones)

"Good evening, ladies and gentlemen. I'm Fred Flapjaw in Philadelphia, and Transcolonial Broadcasting Co. now brings you Both Sides of the News.

"The nation, as you know, has been rocked by the arrest of the brave young Britisher, Maj. John Andre, who seemed to have had some plans to West Point in his boot. There has been a second sensation in the sudden departure from his post of Gen. Benedict Arnold, commander of the West Point garrison.

"We take you now to TBC correspondent Hank Tudor at West Point.

"Thank you, Fred. I have Gen. George Washington here. Gen. Washington, what do you think of Gen. Arnold's so-far unexplained——."

"Why, that damned, gold-greedy, double-crossing, back-stabbing poltroon . . ."

"Thank you, General. I'm afraid that's all the time we have. This is Hank Tudor turning you back to Fred Flapjaw."

"Thank You, Hank, We are fortunate to have three of our experts here in the studio—Sam Stiletto, Everette Eyebrow and Dirk Smirk—to analyze Gen. Washington's remarks. Everette?"

"I thought the use of the word 'damned' on such a distinguished soldier as Gen. Arnold indicated that Gen. Washington was overwrought. But, of course, the war—let's say—has not been going well, eh, Sam?"

"Right, Ev. Gen. Washington has been under a lot of pressure, but to call Gen. Arnold a 'poltroon' doesn't give him his day in court, does it, Dirk?"

"Right, Sam. I mean these are dangerous times and cool heads are needed and in the last couple of days—well, one shouldn't use the term 'irrational' concerning Gen. Washington, but . . ."

"Thank you, Sam, Everette and Dirk. And now we take you to Ronald Redcoat at British headquarters in New York, where he has an exclusive interview set up with Gen. Arnold. Ronald?"

"Thanks, Fred. Gen. Arnold, what do you have to say for yourself?"

"Well, I . . . ah . . ."

"Are you saying that you were trying to end the war, general?"

"Well, yeah . . ."

"Are you saying that you are tired of the slaughter of American boys and took this action in an effort to return them quickly to their loved ones?"

"Yeah, that's it."

"Am I correct that you take the position that instead of fleeing for your life you were really riding for peace?"

"You got it, by, you got it!"

"This is Ron Redcoat in New York returning you to Fred Flapjaw."

"We have here in our studio Peter Pigeon, the distinguished attorney, who has some grave doubts about the treatment of the handsome and talented young British officer, Maj. Andre. Mr. Pigeon?"

"Justice-loving Americans are hanging their heads in shame, Fred, at the spectacle of a fine youth being stopped on the high road by a group of guerrillas out of uniform. He was searched without a warrant, questioned without his attorney present, imprisoned without habeas corpus and condemned to death without a jury. We are demanding that Maj. Andre and the papers stolen from him be sent on immediately to Sir Henry Clinton in New York, together with an indemnity of 10,000 sovereigns in gold."

"Thank you, Peter Pigeon, And now for our final item we go to Windsor Hanover on the campus of Harvard University. Take it, Win."

"Right on, Fred. Well, folks, we're in luck. Just as our camera crew reached the campus we happened on a joint demonstration of the Christians Concerned About Conscription Society, the Hell No We Won't Go Club and the Freedom for What Association. They have just burnt Massachusetts Hall.

"We can't turn the camera on many of the signs, but I can read you some—'George the Hatchet Man,' 'Washington, the Sneak of Trenton,' Down With the Butcher of White Plains,' 'Out! the Virginia Aristrocat.' The crowd has torn up a number of striped flags and is chanting 'Free John Andre' and 'Yea, Arnold!'

"Well, ladies and gentlemen, like them or not, here's Young America on the march. Back to you, Fred Flapjaw.'

"Thank you, Windsor Hanover. Folks, our time is up. I just want to leave you with one thought. He who ignores the demands of youth is out of touch with the future of America. This is Fred Flapjaw saying good night for Both Sides of the News."

LIMITATION OF MINUTEMAN MISSILE SITES IN MONTANA

Mr. METCALF. Mr. President, the Disarmament Agreement between the United States and the Soviet Union came as a welcome surprise. Any move toward reduction of the spiralling arms race is a step in the right direction. If we can enter into an era of mutual confidence and trust with the Soviet Union, depending upon peaceful solutions of our inevitable conflicts, we can save billions of dollars that can be better, spent on schools, hopsitals, housing, health, and other domestic needs. I applaud and approve the President's achievement in Moscow in attaining this agreement.

The proposal to limit the ABM sites to two, one of which will be around the Capital City, is causing some concern in Montana. The Minuteman missile site in Montana was one of the first to be installed. It came to Montana as no specially desirable public works project because of the stress of such defensive installations, the security involved, and the temporary nature of any military establishment.

But Montanans, who sent more men to World War II in proportion to population than any other State, rallied to the support of the Minuteman.

Then came the ABM. I opposed the ABM for several reasons. One of the chief reasons was the fact that with the above the ground radar, the ABM sites would be the prime target for any attack and that no Montanan wants our State to be the first target of an atomic or hydrogen bomb. Perhaps for this reason alone I feel the withdrawal of the plans for ABM sites around the Minuteman missile sites of Northern Montana is a good thing.

Despite their trepidations, however, and despite the fact that the Nixon administration forced through the program for ABM sites in Montana in an unparalleled display of Executive lobbying, the people of Montana instituted a patriotic effort to comply with the orders that had come from Washington. School districts met with the Corps of Engineers and made plans to take care of the increased school enrollment. The mayors and councilmen and commissioners of the cities, towns and counties involved went forward with road programs, sewage disposal improvements, extension of streets, and rezoning to provide accommodations for the expected influx of workers on the project. All these things were done at the request and with the advice of the military.

In this approach to peace of President Nixon's—and it is a good move, in my opinion—there must be provision that many patriotic citizens who had misgivings about the previous armament procedures, but who as patriotic Americans tried to go along with the military, shall not be unduly harmed.

When the details of the disarmament program are spelled out, when the impact on Montana is detailed, there will be an assessment of the costs of attempting to comply with a military gesture that today looks as if it were only to use the Montana ABM sites as instruments in the secret negotiations with Russia and as pawns in an international game of who is the stronger. There will be tremendous savings if the ABM sites are never built, and the Washington site is not authorized. But we must not forget the individual sacrifices made by the men and women of the States in which the ABM sites were to be located. A Government that gave assurances to the people that such defensive measures were vital for the protection of America should compensate citizens who relied on those assurances.

Even without this cancellation, our unemployment rate, 8 percent by the most recent report, probably will be near 9 percent soon, as thousands of work-ready students hit the labor market.

As I understand, contractors are going to be taken care of by paying them some percentage of the total contract. It is the workers who will suffer. I understand that workers are being told to report to their jobs, where they are to get 1 day's pay plus transportation back to Great Falls.

Two suggestions come quickly to mind:

First. Authorize severance pay on a sliding scale, depending on the time served, with the maximum being the percentage figure applied to contractors—thus treating everybody alike.

Second. Authorize a labor mobility fund, administered by the State Employment Security Office through local offices, to get these workmen, recently jobless in the national interest, to where there are jobs.

As more information is secured, as plans are submitted, and as legislation moves through Congress to provide for the implementation of President Nixon's agreements, I shall insist that the men and women and the public agencies of Montana which have suffered loss because of the change of plans be reimbursed.

PAUL HOFFMAN RECEIVES WILLIAM BENTON MEDAL FOR DISTINGUISHED SERVICE

Mr. PERCY. Mr. President, I am pleased to invite the attention of Senators to remarks recently delivered by one of our former Senate colleagues, William Benton. The statement was presented at a testimonial dinner in Chicago on April 13, in honor of Paul Hoffman who was being awarded the William Benton Medal for Distinguished Service by the Committee of Trustees and Faculty of the University of Chicago. The statement not only depicts the meritorious qualities of the medal's recipient, but also by its content reflects the fine character of its deliverer.

Mr. President I ask unanimous consent that the text of Mr. Benton's remarks be printed in the RECORD. I know we all join in wishing Paul Hoffman a speedy and complete recovery from his present illness.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF HON. WILLIAM BENTON

I am greatly honored that my name is connected with the medal which is to be bestowed on Paul Hoffman tonight. Indeed no honor has ever come to me comparable to my name on this medal. If Paul Hoffman is to achieve immortality, as many of his admirers anticipate, tonight's affair should squeeze me into it as his medalist.

Why was this man, now at 81 in the full flower of his manhood, why was he chosen for this medal by the University's Committee of Trustees and Faculty?

For years, since I first met him in 1935 as a young Trustee, I've been listening to his praises. Most of them add up to the claim that he embalms the Christian virtues.

Although this seems to place him squarely within the tradition of the founding fathers of this great University, is it really true? Is this man who publicized such phrases as the Studebaker Commander—*and* "The Marshall Plan"—not to mention the Ford Foundation, is he not merely a master publicist? How does it happen that his name is "a household word throughout the world?" I can assure you he never seeks personal publicity. Doesn't everyone here know that there's something the matter with a man who never seeks personal publicity?

I have decided that tonight is the opportunity I've been waiting for to reveal the low-down on this former student and Trustee of this University. I shall tell you the truth about him—even though this truth has not set me free. I shall describe him to you as few men are ever described by old friends—as he *should* be described—as we all should be described—in terms of the seven deadly sins.

The pre-eminent sin is Pride. And I say Paul Hoffman is not only immodest! he is shameless. He spends his entire life shamelessly embarrassing his friends—by showing them up—by nonchalantly doing things they cannot equal. Pride!—he flaunts it!!

A second sin is —Avarice. Is Hoffman covetous? He is positively greedy! Whenever he sees a challenging job to be done, he grabs it, does it, and seeks out another. He is not only greedy; he is insatiable.

Paul is ridden with the sin of—Lust. He lusts for new and greater honors for his friends, such as his acceptance tonight of a medal named for one of them. Furtively, he seduces his friends into new and ever more important roles, and then disclaims all responsibility for their new prominence. Where would Bob Hutchins and I be—where would we have ever been without Hoffman?

Hoffman is Envious. Some of his friends wanted to make him President of the United States. General Eisenhower invited me to lunch on the day he was installed as president of Columbia. His purpose? It was to seek my advice on how to make Paul Hoffman President of the United States. Paul was so envious of the idea of Eisenhower as a President-maker—that he stole the idea, turned the tables on Eisenhower and set about to make Eisenhower the President.

Gluttony—This clearly characterizes Paul Hoffman. His gluttony for punishment is celebrated. When the Committee for Economic Development was new, the very idea for which originated at this University, Paul became its traveling salesman—as well as its conscience. Like St. Paul, everywhere he carried the Gospel—according to CED. Early in 1943 he averaged a thousand miles a day lining up CED field organizations. He then forced gluttony down the throat of the CED. It asked for 300 community organizations; Paul gave them 3,000.

Can I not tax Paul with the sin of Anger? Ha! He once called Joe McCarthy a liar!

And Sloth? Ah yes, Sloth! Paul Hoffman is so lazy that he talks his friends into doing the good deeds which he claims his calendar doesn't give him time to do. He exhorts his friends like Lester Pearson, whom we hoped to have with us tonight, to attain peace and to see to it that right prevails—things he is too lazy to accomplish alone. Then they get the Nobel Peace Award.

Further, Hoffman is secretive and devious. He flatters his friends behind their backs in terms he would not dare use to their faces.

But there is yet more.

This is a sin so hard to pin down that early theologians did not even list it in the Big Seven. It is that of blasphemy. Thomas Aquinas had a reason for calling the seven sins deadly. It was not merely that each was a serious offense, but it would lead to even worse transgressions. I don't charge that Paul Hoffman personally practices blasphemy. No—worse! He inspires it! Ray Rubicam once told me that Paul more than any man he'd ever known, "walks in the steps of the Master".

Mr. Chairman and fellow guests, shall we not look in these realistic terms at the life of the man who has brought us together tonight? Have I now made this—let me say I want to make this—perfectly clear? Shall we or shall we not face the Hoffman facts? His are not sins of omission; they are sins of commission. They are not venial sins; they are mortal sins.

Indeed, let us remember as we pin our medal on him tonight, they may, like this great University, even prove to be immortal!

TRADE TALKS BETWEEN UNITED STATES AND JAPAN

Mr. FANNIN. Mr. President, for several years I have been deeply concerned about the serious decline of the United States in world trade. I have spoken on this subject many times in this Chamber.

One of my concerns is that our Government failed to negotiate realistic trade agreements in the 1960s and has failed even to enforce provisions in those trade agreements to protect American industry from unfair foreign competition.

It is most encouraging to see that the Nixon administration is moving both to enforce the current regulations and to negotiate new trade agreements which will give American industries a fair break in international competition.

Mr. President, an article published in the New York Times of May 18, 1972, reports on the Treasury Department action to investigate Japanese Government subsidies and incentives to Japanese industry. Another Times article reports that trade talks between the United States and Japan will resume later this summer. I ask unanimous consent that the two New York Times articles and an article on the same subject from the Washington Evening Star of May 22, 1972, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

UNITED STATES IS EXAMINING JAPAN EXPORT BID

(By Edwin L. Dale, Jr.)

WASHINGTON, May 18.—In a case of potentially major importance to Japanese-United States trade and to American consumers, the Treasury announced today it was investigating whether a whole series of Japanese Government tax and other incentives to exports of consumer electronic products, such as television sets, constituted an illegal subsidy.

If the finding is affirmative, special "countervailing duties"—an extra tariff—will be imposed on these products is found. What is more, since the same or similar Japanese incentives apply to nearly all exports, special duties might also be imposed on many other products as well, providing a domestic United States industry complains.

Imports of the electronic products involved in this first investigation amounted to $831-million last year, making this the largest case of its kind on record.

Eugene T. Rossides, Assistant Secretary of the Treasury for Enforcement, Tariff and Trade Affairs, stressed in an interview that today's announcement was "only the initiation of an investigation" and was not a "prejudgment" that subsidies are in fact being paid.

"I don't know how it will come out," he said. Japanese embassy officials said they did not believe their government's practices constituted a subsidy within the meaning of the United States countervailing duty statute.

A spokesman said "we are quite certain" that no subsidization will be found and thus no extra duty imposed.

Mr. Rossides also emphasized that "a lot of facts" must be gathered before a finding can be made, and thus he said he could make no prediction on the timing of a decision. No deadline is established in the law.

The complaints that led to the investigation announced today came from Magnavox Company and Zenith Radio Corporation. The complaints—but not the Treasury announcement—listed a long series of Japanese Government practices that the companies charged amounted to subsidies for exports.

The products involved include television and radio receivers, mono and stereo systems, and tape recorders.

The announcement today was the most dramatic in a series of Treasury actions, most not widely publicized, aimed at much tougher enforcement of the once-little-used countervailing duty and "antidumping" statutes.

Dumping complaints involve "sales at less than fair value" by foreign companies or industries, with no relation to actions of foreign governments. Only yesterday the Treasury announced an investigation into possible dumping of Canadian aluminium in the United States market, with annual imports of about $200-million involved.

In the case of the antidumping law, not only must the Treasury find "sales at less than fair value"—usually meaning sales in the United States market at a price lower than in the market of the exporting country—but also the tariff commission must find that a domestic industry has been injured. If both findings are made, a special antidumping duty is assessed.

The tougher enforcement of both laws began under Secretary of the Treasury David M. Kennedy and accelerated under Secretary John B. Connally. Dumping cases have generally outnumbered countervailing duty cases, but an important countervailing duty case involving Michelin tires from Canada was announced earlier this month.

The list of Japanese practices complained of in today's case is both long and complex. They range from liberal depreciation for tax purposes as an incentive to exports to special tariff rebates for exporting companies, from shipping subsidies to special development allowances.

All these practices have been in the Japanese law for years.

UNITED STATES-JAPAN TALKS SET

TOKYO, May 18 (Reuters).—The United States and Japan today agreed to resume negotiations on correcting an imbalance in trade now running heavily in Japan's favor.

The agreement was reached between William D. Eberle, visiting United States presidential representative for trade negotiations, and Kakuei Tanaka, Minister for International Trade and Industry.

Ministry sources said the negotiations would probably reopen in July, but no site had yet been set.

The two countries held their last round of talks in Honolulu last December, when Japan agreed to expand its import quotas of beef, oranges and fruit juice.

[From the Evening Star, May 22, 1972]

EXPORT BOOM GIVES JAPAN CASE OF JITTERS

NEW YORK.—Japan has the kind of problem the United States would love to have. Its exports are booming, its balance of payments is strongly in its favor.

But for peculiar reasons, Japan's export power is making some of its trade competitors and partners unhappy. And recognizing that this is so, some Japanese officials are, if not unhappy, genuinely worried.

One fear is that foreigners, especially the United States, will retaliate again against the flood of goods that the amazing Japanese are unloading on U.S. docks.

The United States, for example, is now undertaking an extensive study of why Japan is able to export consumer electronic products at such low prices, and the suspicion is that the answer is subsidies.

RETALIATION POSSIBLE

If that is so, then the United States might very well retaliate with duties that would raise the prices of Japanese imports and so offset their competitive advantage.

American electronics manufacturers have long claimed that the Japanese were competing unfairly, but any attempts to prove such accusations generally get bogged down in a jungle of technicalities. Whatever the reason, the Japanese have captured—literally captured—a considerable part of the consumer electronics sales in the United States. Almost all transistor radios, for example, are Japanese imports.

In all, the Japanese exported to the U.S. market last year more than $830 million of radios, television sets, tape recorders, stereos and other items. Their 1971 trade surplus was $8.6 billion.

That trade surplus is not a one-year aberration either. In the early 1900s its trade was actually balanced equally between imports and exports. From 1965 to 1968 the surplus averaged $2 billion. In 1969 it reached $3.7 billion, and in 1970 it rose to $4.5 billion.

ANOTHER PROBLEM

And now, despite the fact that the yen has been revalued 17 percent in relation to the dollar of the United States, which is its biggest market, the 1971 figure is expected to be either matched or exceeded in 1972.

And that presents what may be considered another problem: What to do with all that money.

The Morgan Guaranty Trust has suggested that Japan's way out of this dilemma may be to begin lending more heavily to foreign borrowers, including foreign governments and international development agencies.

In other words, "Japan, in trying to offset the effects of being the world's strongest trading nation," says Morgan, "is likely to become an important financial center." Some problem.

It may also compel Japan to more swiftly open up its own markets to foreign competition, although the Japanese argue that the present inability of some American companies to sell in Japan is a result of their own failings.

THE BASQUE HOLIDAY FESTIVAL

Mr. CHURCH. Mr. President, this weekend, June 2–4, Basque people from throughout the United States will gather in Boise for what is expected to be the biggest event of its kind outside the seven Basque provinces of Spain—the Basque Holiday Festival.

The 3-day event is being held to raise funds to support a worthy cause—the Basque studies program at Boise State College. Funds collected at the festival will be used to match Federal funds which have been set aside for the Basque studies program.

Boise, the capital of Idaho, is the center of the largest Basque settlement outside of the original Basque homeland in Spain and France.

Yet even as the Basques gather for this unique festival, their kinfolk in Spain continue to be persecuted by the Franco regime. In their Spanish homeland, the

Basque minority is still subjected to injustice, intolerance, and repression by Spain's Franco dictatorship.

I, for one, pledge my determination to help to call this situation to the attention of the Nation and the world. In this regard, I think that, at the very least, the United States should exercise its good and influential offices to persuade the Spanish Government to deal compassionately and justly with the Basque people. Until this happens—until the Franco dictatorship agrees to abide by the Universal Declaration of Human Rights of the United Nations—the United States should stop arming the Spanish Government.

Mr. President, I ask unanimous consent that an article describing the Basque Holiday Festival, published in the Idaho Statesman, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> ### The Basque Holiday Festival
>
> It's for everyone . . . not just for Basques. Predictions are that it will be the biggest event of its kind ever held outside the seven original Basque provinces. It will offer visitors everything from pelota to barbecue to a demonstration by California's champion working sheep dog to an outdoor Mass, said and sung in Basque to a sheepherders' ball.
>
> It's the Holiday Basque Festival, to be held in Boise June 2–4.
>
> Why Boise? Where else? Joe V. Eiguren of Meridian, whose revised and expanded "Basque History: Past and Present" has just gone on sale in local book stores, says Boise is the core of the biggest Basque settlement anywhere in the world outside of the original homeland.
>
> Hence the Holiday Basque Festival, proceeds of which are earmarked for the Basque Studies Program of the Department of Continuing Education and Boise State College, to match a National Humanities grant.
>
> Coming to Boise for the festival are people from all over the country. Reservations are in from New York, singers and dancers have signed up from California. Pelota players and weight litfers are expected from Nevada and Utah.
>
> Louise Michel Irigaray, Basque folk singer whose latest album, "The Basque Balladier" has just been released, will be here from Reno.
>
> John Laxalt of Nevada, Senator Anthony Yturri of Oregon and Mrs. Delphina Urresti Arnold (a former Miss Boise), will join Idaho Secretary of State Pete Cenarrusa and Mrs. Henry Uranga of Boise as judges for the Festival Queen and Basque Grandmother contests the evening of June 2 at Capital High School.
>
> The Western Idaho Fairgrounds pavilion will take on the aspect of a Basque town square surrounded by small shops where visitors can see films of the Basque homeland, eat Basque food, purchase souvenirs (Would you believe T-shirts marked "Basque is Beautiful"?) and watch all sorts of athletic contests, dancing and even children's costume competition and bota drinking (non-Basques might take a try at competing in this event).
>
> Combination ticket books at a discount, are on sale at the Allied Arts ticket booth in the Bon Marchá (11 a.m. to 2 p.m. weekdays) and at the Basque Center, or may be ordered by mail from Holiday Basque Festival, P.O. Box 774, Boise, 83701.
>
> Advance ticket sales close Thursday, but tickets will also be sold at the gate for both Cultural Night at Capital High and the June 3–4 events to be held at the Fairgrounds.

THE RETIREMENT OF DR. WERNHER VON BRAUN

Mr. CURTIS. Mr. President, on Friday, May 26, 1972, the retirement of Dr. Wernher von Braun from the National Aeronautics and Space Administration was announced.

He leaves the U.S. Government with the deep appreciation of all Americans for outstanding service to the Nation.

Dr. von Braun's contributions to America's space program need no elaboration. Throughout his career he has demonstrated a singleness of purpose about space exploration—a singleness of purpose which in large measure is responsible for America's preeminence in space.

When he was 18 years old, he was firing homemade rockets from a municipal dump in Berlin.

At 20, he was made head of rocket development for the German Army.

At 32, he built the V–2 rocket, the world's first guided missile, which opened a new dimension in warfare. It also opened a new dimension in future space exploration.

When the Allied armies in the East and the Red Army in the West were closing in to the final destruction of Hitler's Germany, Dr. von Braun and his fellow missile experts were confronted with two real choices: First, surrender to the Russians; second, surrender to the Americans.

Fortunately for the free world, Dr. von Braun chose America. Whenever we may experience doubts, I think his reasons are worth remembering. Here they are in his own words:

> The reason I chose America in particular is that Americans had a reputation for having an especially intense devotion to individual freedom and human rights.
>
> Furthermore, their traditional disinterest in conquest and their careful system of checks and balances in government offered the highest guarantee that any knowledge we entrusted to them would not be used wantonly.

Later, he led the American team that was called upon to play catch-up ball after the Russian's launched their Sputnik—a launch that shook the world in 1957.

In the intervening years, America's space program has been crowned with one success after another. Whether manned or unmanned, our space missions have achieved a degree of reliability and usefulness that few thought possible just a generation ago.

Dr. von Braun made this prophecy of things to come:

> In 1951, as in my youth, my eyes are still on the heavens. I still yearn some day to explore the moon. And as a private enthusiasm I have been designing an artificial satellite we could make here on earth and send up in the sky to revolve around the earth 1,000 miles out. Such a manned space platform could be a great force for peace.

His dreams have a way of becoming reality. Reinforcing his singleness of purpose is a deep-seated belief in the dignity of man and in the Almighty. Again, in his own words:

> The greatest champion of the inherent worth and dignity of every man was Jesus Christ. He taught that every man is a Child of God. He taught that each of us has a gift life on earth for which we must account at the Last Judgment. We can best make our gift life count for something if we vigorously champion the Godly life. This means, as I see it, not only loving one another and praying for our enemies, but supporting with missionary zeal the concept of individual worth.

Dr. von Braun will presently begin a new career with private industry. As he does so, he carries the very best wishes of all those who know and respect his work. A grateful Nation will long remember his singleness of purpose that brought hope and success when failure seemed eminent.

THE GENOCIDE CONVENTION AND THE MOSCOW SUMMIT

Mr. PROXMIRE. Mr. President, the President of the United States has taken a courageous and constructive step forward in the history of American foreign policy. The summit conference underway in Moscow will bring about a new phase in East-West understanding. With luck, the President will return from the summit with agreements on arms limitations and, perhaps, some kind of understanding on Vietnam.

The impact of the summit agreements on the future of the world will be profound, but the issue closest to the hearts of all Americans is a resolution of the Vietnam war. If President Nixon gains some assurance of Soviet deescalation in Southeast Asia and a willingness to encourage serious negotiations, his trip will have succeeded beyond our wildest expectations. We all hope and pray for such success.

But while we cannot be sure of a peace initiative from the Soviet Union, we can control our own actions. We can forthrightly initiate and support other methods for achieving our objective of world peace. We can uphold our obligations under existing international agreements and endorse those humanitarian declarations which we have so far neglected.

The Treaty for the Prevention and Punishment of Genocide is one of the declarations which we have failed to ratify and which deserves our support. As President Nixon continues on his journey for peace around the globe, we here at home can contribute to that effort by standing firmly on the side of human rights and human dignity throughout the world. Therefore, I urge Senators to move swiftly to endorse the Treaty on Genocide.

STATEMENT FROM STUDENT GOVERNING BODY, WILBUR WRIGHT COLLEGE, CHICAGO, ILL.

Mr. PERCY. Mr. President, Patrick M. Barton, president of the student governing body at Wilbur Wright College, in Chicago, has asked me to place in the CONGRESSIONAL RECORD the following statement:

> We the Student Governing Body of Wilbur Wright College deplore the administration's decision to resume the bombing of Hanoi and Haiphong and demand the immediate cessation of the military action in Indochina and the immediate withdrawal of U.S. land

and air forces from South Vietnam, Laos, Cambodia, and Thailand.

SECRETARY LAIRD'S BACKDOOR APPROACH

Mr. EAGLETON. Mr. President, last month the distinguished Senator from Mississippi (Mr. STENNIS), chairman of the Armed Services Committee, announced that his committee had voted unanimously to delete $226.8 million from the Air Force's fiscal 1973 request for an airborne warning and control system—AWACS. AWACS is an airborne surveillance, command, control, and communications system. It features a radar system which would have a downward-looking capability to spot low-flying aircraft over land and sea. The Air Force plans to use AWACS as a part of its Air Defense Command and as a command center for tactical air battles.

It is my understanding that the Armed Services Committee had made no final decision as to the necessity of adding AWACS to our defense structure. The deletion of funds from this year's budget was motivated by the Air Force's attempt to bypass its own "fly-before-buy" concept. I applaud Senator STENNIS and his committee for taking this action. The committee has again shown its concern that Americans receive the maximum defense benefit for their tax dollars.

AWACS was to have been a model program for the "fly-before-buy" concept. As the name implies, this concept was created to assure that complete testing and evaluation would be made on each phase of a program before making a commitment to proceed to the succeeding phase. The Air Force is now conducting what it calls the "brassboard" phase of the AWACS program—the flight testing of two competing radar systems. But the Air Force this year contradicted its own publicly stated position by requesting funding for the procurement of AWACS aircraft that were to have been purchased in the production phase. In requesting these funds prior to the completion of the initial testing phases, the Air Force was making an obvious attempt to commit Congress to a program before it could be judged workable. We are indeed fortunate that Senator STENNIS' committee quickly recognized this contradiction and took the action it did in deleting the procurement funds.

But the deletion of funds for the AWACS program has apparently led the Pentagon to conclude that additional funds are now available for the purchase of aircraft to be used in Indochina.

The CONGRESSIONAL RECORD of May 22 contains a copy of a letter from Secretary of Defense Melvin Laird to Chairman F. EDWARD HÉBERT of the House Committee on Armed Services. This letter was printed at the request of Representative ASPIN, a member of that committee. In his letter, Secretary Laird states that the Senate committee's decision to cut the funding for AWACS is "acceptable to us." He then goes on to recommend that—

> A portion of the authorization which would otherwise have been required for the fiscal year 1973 AWACS program be applied to the procurement of 24 A–7's, 12 C–130's, and 7 F–5B's.

As justification for his request, Secretary Laird stated that—

> The current invasion of South Vietnam has increased aircraft losses and emphasized the need for continued production of these aircraft.

I am concerned about the methods this administration is apparently employing to finance a continuation of its war in Vietnam. If Secretary Laird's request is approved by the House committee, it is possible that $152 million will be added to the military procurement bill for use in Vietnam with no direct action by the Senate until the bill goes to conference. This is an obvious backdoor approach to the funding of the Vietnam war and this body should recognize it as such. If the President truly believes he is leading his Nation on a proper course in Vietnam, he should be willing to put his policy on the line with an up-or-down vote by the Senate on any funds necessary for the continued pursuit of that policy.

This body is being forced by a series of unilateral Presidential actions to invoke its ultimate power—the power of the purse. If even this power is circumscribed by tactics designed to bypass the Senate, Congress will be further relegated to a pro forma role within our system. This body must not allow that to happen.

Mr. President, I ask unanimous consent that Secretary Laird's letter of April 27 be printed at this point in the RECORD. I also ask unanimous consent that a Washington Post story by Michael Getler, dated May 19, 1972, on the same subject, be printed in the RECORD following Secretary Laird's letter.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., April 27, 1972.

Hon. F. EDWARD HÉBERT,
Chairman, Committee on Armed Services, House of Representatives.

DEAR MR. CHAIRMAN: Yesterday the Senate Armed Services Committee deleted $309.9 million in Aircraft Procurement funding for the AWACS for the Air Force. It added $83 million in RDT&E, Air Force, for AWACS. The net effect of these actions is to support both Procurement and R&D. It has also permitted a reduction in the total budget of $226.8 million. This action is acceptable to us.

During the course of my testimony before your Committee, a concern was expressed that production for the A–7, C–130, and F–5B aircraft would be terminated after the FY 1972 buys. It was emphasized that in the event of additional requirements for these aircraft, it would be extremely costly to restart the lines and that as a matter of prudence small quantities of these aircraft could be procured to sustain a production base at reasonable costs. Additionally, it was pointed out that there is a current requirement for the aircraft, but as a consequence of priority considerations, they could not be included within the budget totals. The current invasion of South Vietnam has increased aircraft losses and emphasized the need for continued production, particularly in the case of the C–130 and the F–5B. In fact, the F–5B aircraft are needed for training for the South Vietnamese Air Force.

Following my appearance before your Committee, I concluded that as a prudent measure we should release the $5.8 million of A–7 advance procurement funds added by the Congress to the FY 1972 DoD budget request. It is now recommended that a portion of the authorization which would otherwise have been required for the FY 1973 AWACS Program be applied to the procurement of 24 A–7s, 12 C–130s and 7 F–5Bs. An amount of $50 million would be required for the C–130s, $12 million for the F–5Bs, and $90 million for the A–7s. The latter amount is to cover the amount of aircraft procurement plus squadron equipage. The total of $152 million can be partially offset by an amount of $60 million in savings from prior year A–7 programs. These savings in the Fiscal Year 1971 and prior Aircraft Procurement, Air Force appropriation could be transferred to the FY 1973 account. Thus authorization for new appropriation in the net amount of $92 million would be required.

This request has been cleared with the Office of Management and Budget.

Sincerely,

MELVIN R. LAIRD.

LAIRD ASKS HILL TO SHIFT CUT FUNDS TO BUY PLANES

(By Michael Getler)

A day after the Senate Armed Services Committee cut $226.8 million from a supposedly high-priority Air Force national defense project, Defense Secretary Melvin R. Laird wrote to the Chairman of the House Armed Services Committee and told him those cuts were "acceptable" to the Pentagon.

In that same letter, Laird recommended that the House committee allow the Pentagon to transfer $152 million of the money saved by the Senate cut back to buy other aircraft whose production lines might otherwise close soon and which had not been scheduled to receive any more funds in the current $83.4 billion military budget request for fiscal 1973.

Laird's recommendation would allow the Air Force to buy 24 more A–7 attack planes from Ling-Temco-Vought in Texas at a cost of $90 million, 12 more C-130 transports from Lockheed in Georgia at a cost of $50 million and seven of the small F-5B export fighters built by Northrop in California for $12 million.

The Defense Secretary's letter, written April 27 and made available to The Washington Post yesterday has drawn a sharp response from Rep. Les Aspin (D-Wis.). Aspin is a freshman congressman, former Pentagon civilian analyst and House Armed Services Committee member who now regularly bombards the Pentagon with charges of waste and wrongdoing.

Aspin charges that the 12 extra C-130 transports constitute "a new $50 million bailout" for Lockheed.

He also cites a letter from Henry Durham, a former Lockheed aircraft production manager who has testified before Congress on the C5A transport cost overruns, that says "political pressure, even at the White House, was being used by Lockheed to win this $50 million bailout."

Asked about this yesterday, White House spokesman Gerald Warren said, "We have no evidence of any pressure being exerted or anything like that."

Aspin in a statement to The Post yesterday, said he would ask Laird to respond to Durham's charges and also to explain why the Pentagon gave up so easily on the Senate's cutback of the Air Force's Airborne Warning and Control System (AWACS) project.

In testimony earlier this year, Aspin noted, "Department of Defense officials described AWACS as 'vital' to the national security."

AWACS involves an Air Force plan to develop and build a fleet of radar and computer-packed airplanes that would provide early warning against a possible Soviet bomber attack on the United States. The Air Force wants a fleet of 42 of these planes at a total cost estimated at about $2.7 billion over the next several years.

Despite inclusion of $474 million in the Air Force fiscal 1973 budget request for AWACS and Laird's overt support, there is known to be considerable high-ranking opposition within the Nixon administration to the United States making any major new investment in defense against a very limited Soviet bomber threat.

In January, administration officials hinted that AWACS might wind up being limited to a much smaller number of planes that could be used to plug air defense gaps or in localized air control situations. There is also a group forming in the Senate to oppose AWACS.

In his letter to House Armed Services Committee Chairman F. Edward Hébert (D-La.), Laird noted the Senate committee cuts and said, "This action is acceptable to us."

When Laird volunteered this opinion, the House committee had not voted on the military authorization bill that includes AWACS. The committee still has not passed on the measure and Aspin—who as a Pentagon critic is in a distinct minority on the committee—now says he will ask his colleagues to review the bill again because of the Lockheed situation.

The Senate committee had actually cut out $309.9 million in AWACS procurement, but added $83 million to allow research-and-development work to continue on the project, causing a net reduction of $226.9 million.

Laird went on to explain to Hébert that "during the course of my testimony before your committee, a concern was expressed (by some committee members, Defense officials say) that production for the A-7, C-130 and F-5B aircraft would be terminated after the FY 1972 purchases.

"It was emphasized," the letter continues, "that in the event of additional requirements for these aircraft, it would be extremely difficult to restart the lines and that as a matter of prudence small quantities of these aircraft could be procured to sustain a production base at reasonable costs.

"Additionally," Laird wrote, "it was pointed out that there is a current requirement for the aircraft, but as a consequence of priority considerations they could not be included within the budget totals."

Citing "the current invasion of South Vietnam," and "increased aircraft losses," Laird said this "emphasized the need for continued production, particularly in the case of the C-130 and the F-5B." The latter, he said is used for training the South Vietnamese Air Force. Following the Senate Committee action in cutting AWACS, Laird said "it is now recommended that a portion of the authorization which would otherwise have been required for the FY 1973 AWACS program be applied to the procurement of 24 A-7s, 12 C-130s and 7 R-5Bs."

While this would cost $152 million, Laird said there was still $60 million saved from earlier A-7 funds and thus a net amount of $92 million would have to be authorized.

The four-engine C-130 is the workhorse of the U.S. tactical airlift forces in South Vietnam and is also an excellent gunship.

The Air Force, however, has 350 of these planes already operating 12 more on order from last year which will be delivered in 1974, and 175 in the reserve fleet, according to Air Force figures.

Durham, the former Lockheed official, wrote to Aspin on May 9 and included a short news article from the May 5 edition of the Marietta (Ga.) Daily Journal.

The article reported that the head of Lockheed's C-130 program had told a local Kiwanis meeting that the company had enough C-130 orders to keep the production line running through 1973 "and is working on 1974 now. He didn't mention," the article states, "the hoped-for Air Force order of an additional 12 planes in the 1972-73 budget which the company has said are needed to fill a future gap in the line."

Durham said he was writing to Aspin to prevent another "giveaway" of public money to Lockheed. "If the Pentagon," he wrote, "has 55 to 60 extra million dollars to blow for unneeded C-130s, it could more profitably be used to start paying back the $400 million C-5 overpayment revealed by Senator (William) Proxmire in the March 27 hearing."

Durham's charges of Lockheed mismanagement on the C-5A program were attacked as "highly inaccurate" by Lockheed, but the former manager's charge of overpayments made to the firm by the government were substantially validated by the General Accounting Office during hearings last March.

WILDERNESS PLAN FOR THE SHENANDOAH

Mr. HARRY F. BYRD, JR. Mr. President, on June 24, 1971, I introduced S. 2158, a bill to create a wilderness of certain lands within the Shenandoah National Park.

On May 5, I testified before the Public Lands Subcommittee of the Committee on Interior and Insular Affairs in support of this proposal. The prospects for the passage of this legislation appear to be quite good.

I commend to the Senate's attention an editorial in the first issue of the newspaper Skyline, a free publication dedicated to outdoor living on the Skyline Drive and the Shenandoah Valley.

I salute Mr. and Mrs. Al Johnson for the publication which they have inaugurated, and ask unanimous consent that the editorial entitled "Wilderness Plan for the Shenandoah," published in the May-June 1972 issue of Skyline, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Wilderness Plan for the Shenandoah

The Wilderness Act of 1964 confirmed by legislative enactment the establishment and maintenance of wilderness areas in the national forests, and provided for the further extension of the wilderness preservation system in the national forests, the national parks, and the national wildlife refuges pursuant to specified administrative and legislative procedures. This Act requires the review of all park system units having areas of 5,000 acres or more without roads with the view to determination of their suitability for preservation as wilderness and specifies that nothing shall lower present protective standards; it therefore confirms the pre-existing priority for protection.

The fundamental policy of protection is not in conflict with the national policy for providing abundant outdoor recreational resources for all the people. The two purposes can be achieved simultaneously if planning for protection and recreation is done on a sufficiently broad regional basis.

The first need is to establish extensive roadless, primitive, or wilderness areas in each unit of the National Park System, regardless of the administrative category of the unit, for public use and enjoyment as natural country.

The second requirement is to provide abundant supplemental and alternative recreational capacity in public and private lands outside the National Park System.

The Blue Ridge has been populated for a long time. It was once wilderness. Now, through man's will, as expressed by Congress in establishing Shenandoah National Park, part of the mountain is wilderness again.

The combination of unique natural conditions with constantly better accessibility from nearby urban centers results in great pressure to expand roadways and other visitor facilities within the park. And, as is the case with highways, the more facilities provided, the greater the use and the resulting pressure for still more facilities. Carried to a logical conclusion, such a process will overwhelm the very resources the national park was established to protect.

Classification as wilderness will save the flora, fauna, and landforms from further road incursions and intensive facility development. This is the primary objective of the national parks and monuments as stated in the Act of August 25, 1916, establishing the National Park Service. Only such facilities as are consistent with this protection mandate are permissible.

If intolerable overcrowding and attendant changes in the quality of the environment in Shenandoah National Park are to be avoided, emphasis must shift to consideration of a range of outdoor recreation opportunities available in a wide surrounding region to meet the equally wide range of outdoor recreation preferences expressed by people. Given full knowledge of these opportunities, crowds can be diverted and dispersed rather than focused and concentrated in a relatively small, presently roadless area.

U.S. RURAL HOMEBUILDING INCREASES

Mr. BAKER. Mr. President, 1972 promises to be a record year for homebuilding in the United States; and to a greater degree than ever before, many thousands of rural families share in the prospect for moving up to better homes.

This rising amount of rural participation in housing progress is one of the fine accomplishments of the Nixon administration. It is largely due to a broad improvement in credit services of the Farmers Home Administration, the rural credit agency of the Department of Agriculture.

Rural housing programs, combined with the rural water and sewer program developed through this agency, are rapidly improving the balance between rural and city areas in opportunity for housing credit and better conditions of living.

The benefits of this changing situation are highly visible in our towns and countryside in Tennessee. A new house or the water storage tank of a new rural water system usually signifies a family ambition or community project brought to reality with the cooperation of the Farmers Home Administration.

The dedication and hard work of this agency in taking on a heavy load of responsibility in rural development has made it one of the most highly regarded of all public service organizations. It is reassuring to compare notes with Administrator James V. Smith, as I have done, on the outlook for still greater advances in our rural areas. I join in commending him and our State director for

Tennessee, Paul M. Koger, for all that is being accomplished under their outstanding leadership.

A modern home equipped with the basic conveniences so well known in the city and suburbs is a new discovery for many rural families in the 1970's.

It is a relatively new development that rural families of modest income can finance and buy new, up-to-date homes, and that small towns can replace their outmoded and rundown housing on a substantial scale.

Until very recent years, credit services were tilted far to the disadvantage of rural people. When a rural family could not get conventional credit to buy a home, there was little or no alternative; no significant service equivalent to the FHA loan insured by the Federal Housing Administration and commonly available in the larger towns and cities.

Consequently, for lack of adequate credit resources, inadequate housing prevailed in rural towns and country areas at about twice the rate per capita as in urban areas. Rural America, with 30 percent of the people, had half of the substandard housing in the United States.

I am happy to report that an upsurge in new homeownership for the rural families who need it most has been brought about within the past 3 years. Under improvements in the national housing act, the administration has allocated far greater authority to the Farmers Home Administration to develop insured loan credit, supplementing all regular credit available, for the rural family heretofore deprived of any chance to buy an adequate home.

The national office of the Farmers Home Administration has demonstrated a capability to channel multibillion dollar amounts of capital annually from centers of finance into rural areas. It finds private investors to provide funds for insured loans on rural housing, community facility systems, and family farms.

Field forces of the Farmers Home Administration, operating through county offices, have responded with an outstanding effort to deliver these resources down to the local level.

As one result, some 200,000 new or modernized family-owned homes have been produced the past 3 years under the rural housing program. This is more single-family housing than in all preceding years combined of the small rural housing program that existed in the 1950's and 1960's.

Housing production through the present rural program has tripled since 1968. The rural share of federally insured housing loans to families of low or moderate income is up to 30 percent of the national total this fiscal year—about 90,000 of 270,000 one-family homes.

This upward trend is expected to continue in fiscal 1973. Farmers Home Administration programs will generate about $2 billion of rural home financing in the year beginning July 1. This should account for more than 100,000 one-family houses, and more than 8,000 units of apartment housing especially adaptable to the needs of senior citizens and other lower income rural families.

All of this represents an unprecedented housing boom for the sector that, in past times, was most deprived of opportunity for decent housing: the family of low and moderate income in the countryside beyond reach of metropolitan services, including towns of less than 10,000.

As administrator of this immense new service, James V. Smith has led his agency in a remarkable performance in Government. The Farmers Home Administration has tripled its volume of loans processed and entered into the housing field in a much more comprehensive scale. At the same time, it has increased the rate of project development in the rural water and sewer programs, and expanded its credit service for the ownership and operation of family farms.

The agency has done this much more through intensified effort, improved procedures, and cooperation with private and community organizations and other lenders, than through the expansion of its own organization. Its operational costs per loan made are well below the rate of 3 years ago.

Tennessee has been a proving ground both for the need and the value of these Farmers Home Administration services.

FHA farm credit over the years has been a mainstay of thousands of family farms running short of other sources of credit. About 10,000 loans totaling more than $70 million are now outstanding in our State. These services will touch a new record high this year. Some $9 million of insured credit will be added by the Farmers Home Administration to resources in Tennessee to finance ownership or basic improvement of 420 family farms.

An additional $5½ million will help to finance production operations, supplies and equipment needed on 1,000 family farms. Nearly another million will be attracted to family farm agriculture in Tennessee from other lenders, through an increased amount of cooperative lending jointly with the Farmers Home Administration.

In the rural community facilities program, no less than 165 rural area water system projects, some embracing several towns as well as open country, and 35 community sewer systems have been developed to date in Tennessee. This program continues as one of the great forces for improvement of living conditions and employment opportunities in rural areas. New industry, better housing, better public services and a revival of progress in lagging towns invariably follow the rural water lines.

Production through the rural housing program in Tennessee which totaled about 2,100 homes through $17 million of credit in fiscal 1968, rose to the level of 4,000 homes and $45 million of financing last year. It is certain to exceed those marks this year. The dividends paid by this program in Tennessee alone can now be measured in terms of more than 20,000 modernized town and country homes, and more than 60 senior citizens' rental housing projects located in rural communities, all valued at more than $200 million.

Mr. President, this is a tremendously significant contribution to rural progress—a substantial beginning on the goals of rural development we are pledged to fulfill in the 1970's.

Our experience supports the recommendations of President Nixon, and provisions made in legislation now pending in the Congress, that this capable and locally based Farmers Home Administration system be put to still greater use for expanded programs in support of rural community development.

TRAGIC KILLING OF A NORFOLK POLICEMAN

Mr. BAYH. Mr. President, I was shocked to learn of the tragic murder of a 22-year-old Norfolk, Va., policeman, Lewis W. Hurst, Jr. This fine young police officer was shot to death with a small-caliber handgun while he was executing a search warrant for narcotic drugs. His father, Lt. Lewis W. Hurst, is the commanding officer of the Norfolk Police Department's narcotics and dangerous drug squad. Only 3 weeks ago, Lieutenant Hurst, Sr. testified before the Senate Subcommittee To Investigate Delinquency on the growing crisis of barbiturate abuse in Norfolk.

This tragic death clearly demonstrates the need for immediate, effective handgun control measures. In the past 4 months, our Nation has seen the death by gun of 45 police officers—31 were killed by handguns. Last year, 126 police officers were killed—94 by handguns. In 1970, 100 police officers were killed—73 by handguns.

We must act now to protect our Nation's police officers, who are on the frontline in the effort to preserve law and order, from the daily threat of these criminal weapons. How many more policemen must be killed before we in Congress respond to the need to enact more effective handgun controls?

I ask unanimous consent to have printed in the RECORD the article from the Evening Star, May 24, 1972, relating to Lewis W. Hurst, Jr., entitled "Policeman Shot Dead in Norfolk."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLICEMAN SHOT DEAD IN NORFOLK

NORFOLK, VA.—A 22-year-old Norfolk policeman, son of the commanding officer of the city's police narcotics squad, was fatally shot early today while assisting in the execution of a search warrant for drugs.

Lewis W. Hurst, Jr. was pronounced dead at Norfolk General Hospital after having been shot once in the chest at about 3 o'clock this morning, police reported.

Police arrested Mrs. Lillian Jones Davidson, 55, of Norfolk, and charged her with murder.

Hurst, whose father organized the Norfolk police narcotics squad in 1958 and recently testified in Washington before a Senate committee investigating drugs, was a member of a police special services unit.

He had gone to a Norfolk home with other officers, including some from the Chesapeake police department which had supplied information on which the search warrant was based.

Reports said police broke down the front door, and Hurst apparently had gone upstairs and was attempting to enter a bedroom when a shot was fired through the door, killing him instantly.

As of early this morning, police reportedly had not found any narcotics, but were continuing to search the house.

THE U.S.S.R. AND WORLD ECONOMY

Mr. JAVITS. Mr. President, President Nixon's visit to the U.S.S.R. has opened a new vista of freedom from the nightmare of atomic war by accepting nuclear arms parity as the basis of superpower relations.

But, for the short term, the proposed Joint Commission to develop the economic relationship between the United States and U.S.S.R. as trading partners, including "most favored nation" treatment and export credits, may prove to be even more important. For the U.S.S.R. wishes to be accepted as a great industrial power and to receive the credit and the reciprocity which come with that status. If the United States now recognizes these Soviet aspirations and asks that they be the reason to unlock the door of Soviet secretiveness and economic chauvinism, the benefit to all peoples, including the Soviet people, and to peace and to the other peoples of the Communist bloc in Eastern Europe, will be incalculable. For this reason I urge the President to insist on including in these negotiations, in addition to the four items already stipulated, the following:

First. Subscription by the U.S.S.R. to the fair trading rules of GATT—General Agreement on Tariffs and Trade—or to join GATT itself.

Second. Protection of patents and copyrights on a reciprocal basis through the international convention or by a special convention on the subject.

Third. Freedom of access by business and technological personnel to the business and industrial centers of both countries.

Fourth. A relationship with or membership in the International Bank for Reconstruction and Development and the International Monetary Fund—IMF—so that the U.S.S.R. may have a role in the international monetary system to be established following the Smithsonian Institution agreement and play a role with the rest of the developed world in aid to the developing world. It is noteworthy in this regard that the U.S.S.R. has been since its beginning a member of the International Labor Organization—ILO.

The U.S.S.R. is obviously bidding for economic respectability and acceptance as a major world industrial power. This is the moment to invite the U.S.S.R. to join the world economy and not to remain out of it as agitator and critic as it has for 54 years. It is a time for boldness in the world economy and the United States can leapfrog the new protectionism which could develop here at home, and in the EEC and Japan. We can do this by bringing in the two Communist giants. If we do not raise our sights to includes the U.S.S.R. and the People's Republic of China in the world economy, we will be missing the other half of the greatest chance for peace in this century.

LEGAL REFORM BY THE ANTIOCH SCHOOL OF LAW

Mr. BAYH. Mr. President, there is widespread recognition of the need for a profound rethinking and overhaul of legal education. Present legal education concentrates almost exclusively on studying decisions by appellate courts. As a result, the law student is likely to graduate without ever having seen a "live" client. He has no idea how to listen or talk to a client, how to untangle legal from nonlegal problems, or how to sort out fact from fiction. As Warren Burger said:

> The modern law school is not fulfilling its basic duty to provide society with people-oriented counselors and advocates to meet the expanding needs of our changing world.
>
> Today in many courtrooms, cases are being inadequately tried by poorly trained lawyers, and people suffer because lawyers are licensed, with very few exceptions, without the slightest inquiry into their capacity to perform the intensely practical functions of a counselor or advocate.

This September, the Antioch School of Law will open in Washington with an estimated enrollment of 140 students with a median age of 24–25. These students will study law through a clinical approach, instead of the traditional classroom casebook method, and will have the opportunity to work with experienced lawyers in the preparation of actual cases.

This clinical approach will attempt to achieve a greater balance between textbook and experiential learning. A "teaching law firm" will be at the core of the school and students will use actual legal experiences as a springboard for examining legal concepts and acquiring professional training.

The school's 3-year curriculum, which has been approved by the American Bar Association and the Federal Bar Association, is being developed by the Urban Law Institute, formerly an affiliate of George Washington University. The curriculum heavily emphasizes housing, communications, and poverty law, and provides for a neighborhood law office at which students will be assigned to assist in client interviews, landlord-tenant disputes, and welfare problems. Students will be riding in police cars, spending a night in jail and applying for public housing and food stamps.

In a related program, 15 students will be enrolled in a shorter, 15-month course of study designed to train paraprofessionals as certified legal technicians. It is hoped that the use of such technicians in business and legal office management will cut client costs and streamline duties for lawyers.

A feasibility study done for the college stated that the school "is an exciting endeavor which may help to refocus and restructure this Nation's legal institutions. It would be a school of high quality, national in scope and bearing the seeds of greatness." I hope this experiment will encourage all law schools to come to grips with the problems of our legal educational system and produce the kinds of lawyers, the legal manpower and legal scholarship needed by our country today. I ask unanimous consent that a Washington Post article about the Antioch Law School and excerpts from the April issue of the law school's newsletter, containing profiles of two professors and the student body, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

ANTIOCH LAW SCHOOL HERE TO STRESS CRUSADING ACTIVITY

(By Karlyn Barker)

When the Antioch School of Law opens here next September, its estimated 140 students will find themselves riding in police cars, spending a night in jail and applying for public housing and food stamps.

Its curriculum, oriented to turning out crusading lawyers, is being worked out by the Urban Law Institute, which will serve as the teaching arm of the school.

The three-year-old institute, which was saved from extinction when trustees of the Yellow Springs, Ohio, college formally established a Washington law school, will operate as a teaching law firm with clients represented by the school's students and teachers.

Edgar Cahn and Jean Camper Cahn will share duties as deans of the school, the first co-deanship in the annals of law education, Antioch officials believe. Mrs. Cahn is also the first black woman to serve as dean of a fully integrated law school.

Mr. and Mrs. Cahn were prime organizers of the original institute, which, until last summer, was affiliated with George Washington University and funded through the Office of Economic Opportunity.

Institute staffers said that under its Antioch sponsorship the program will continue to operate on a similar but much expanded basis, involving all students in community legal work.

At George Washington, the institute was just one program at the law school, for five to 10 students. GW dropped the sponsorship after two years, charging it had become a large public interest law firm over which the school had no control.

While at GW, ULI lawyers brought several class action suits against federal and local agencies. These included one against the Department of Housing and Urban Development charging job discrimination and another against the District government charging discrimination in providing public services to Anacostia.

The institute plans to be an integral part of Antioch's operations, with OEO continuing to pay some of the estimated $1.4 million cost to run the school during its first year. Other contributions are expected from private law firms and individuals.

In urging that the school adopt a "learn by doing" method of teaching, Mrs. Cahn said, "It's time we get away from the autopsy approach to legal education, which keeps law students from seeing a client or wrestling with actual legal problems through the law school."

CURRICULUM APPROVED

The three-year curriculum, including a vacationless period the first 12 months, has been approved by the American Bar Association and the Federal Bar Association.

It heavily emphasizes housing, communications and poverty law, and provides for a neighborhood law office at which students will be assigned to assist in client interviews, landlord-tenant disputes and welfare problems.

The school plans to enroll a majority of its students from minority groups because it thinks they can more readily sympathize with the problems of the poor. It is hoped that the estimated $2,500 annual tuition can be defrayed by raising enough money for scholarships.

It has already received 875 application

requests and will start screening for its 140 places in January.

An assistant to Mrs. Cahn said final selection will be based more on an individual's motivations and attitude than on law board test scores.

"We're using the law boards, but that will not be the only factor," he said. "We're more interested in one's ability to perform as a lawyer, not on any theoretical test."

Accreditation standards require that certain admission standards be maintained, he said, but there will be exceptions made for 10 per cent of the students who might not score as high on the law boards because of environmental handicaps.

SHORTER COURSE

Antioch officials said 15 students will be enrolled in a shorter, 15-month course of study designed to train para-professionals as certified legal technicians.

They said this is the first time such a program has been incorporated into the regular curriculum of a law school, and it is hoped that the use of such technicians and special courses in business and legal office management will cut client costs and streamline duties for lawyers.

"There will be a big emphasis on how to solve a problem without going to court," said Glenda Graham, an institute staff member. This, in itself, will save money for a poor client, she said, unless the institute takes a complaint to court as a test case.

The school is negotiating for purchase of two sites, the Lutheran Church Center, 2633 16th St. NW, and the nearby Eugene Meyer House, 1624 Crescent Pl. NW.

A small enrollment will enable Antioch to follow a clinical rather than classroom lecture approach to teaching, Miss Graham said. Its curriculum will involve every student in social and legal problems so that each will have practical community experience before he or she has a law degree.

Innovative educational programs and community involvement have long been an Antioch College trait, one that has brought the progressive school into controversy because of its District connections and its Columbia, Md., campus.

Under a special work-study program, Antioch students have often served as boat-rocking intern teachers in D.C. schools. Some have been accused of teaching radicalism. The Columbia campus, which opened in 1969, has been used by Antioch students for urban and ecological studies.

TREND IN SCHOOLS

Community involvement is becoming a trend in most law schools, according to a Georgetown Law Center spokesman, but not on the scale proposed by Antioch officials.

He said large enrollments make such on-the-scene courses optional for a few students instead of required for the whole class.

First-hand knowledge of the law may prove invaluable to Antioch students in later law practice, but it will not spare them from poring over traditional textbooks.

"They'll have to pass their bars like everybody else," said Miss Graham.

Antioch School of Law Newsletter

TWO FACULTY APPOINTMENTS ANNOUNCED

Akin to the anticipation of a student waiting for his Bar examination results is the anxiously awaited news of faculty appointments and student admissions in a new educational institution. Who are they, where are they from and what are they like? A profile sketch of the class of 1972 will be seen on page 3 and data on two recently announced faculty appointments follow:

Thomas O'Toole—Presently, serving as Dean and Professor of Law at Northeastern School of Law in Boston, where he gained a respected reputation throughout the legal profession for his work as architect and founder of the first totally cooperative law school and as an expert in curriculum design and development. His major subject areas nave been Torts, Contracts of Laws, Constitutional Laws, and Labor Law at Georgetown University where he was a full Professor and Villanova University in the position of Vice-Dean and Professor. With a remarkable degree of consistency, he received his A.B., LL.B., and M.A. from Harvard University interspersed with study in Roman Law and English Constitutional History at St. Andrews in Scotland. He is a member of the Board of Contract Appeals for the U.S. Atomic Energy Commission and has been admitted to the Massachusetts and Pennsylvania State Bars.

Dewey Roscoe Jones.—He is currently Clinical Professor of Law at the University of Missouri School of Law and Director of the Law Student program. Legal Aid Defender and Society in Kansas City. At Missouri, Dewey Jones taught Poverty Law, Legal Aid Clinic I and initiated Legal Aid Clinic II, where student work included interviews, research, and court representation for the poor. Mr. Jones is best known nationally as Director of the innovative Community Legal Education Program for the effectiveness of his pioneering work in use of the media—both graphics and electronics—to disseminate knowledge of legal rights to the poor community. He has consistently been involved in championing the rights of the poor—whether black, Spanish-speaking, or Indian—resulting in part from his early experience in Chicago when he worked as a caseworker and Spanish Instructor. Dewey Jones received his B.A. from the University of Chicago; M.A., National Autonomous University of Mexico, and J.D., Chicago Kent College of Law. He is a member of the Illinois and Missouri Bars.

FIRST APPLICANTS APPROVED

An air of jubilation pervaded the Admissions Office as the first deposits were received from accepted applicants and the Class of 1972 began to assume a human dimension. Some interesting statistics have emerged. Based on this initial group, the Antioch law student will have a median age of 24–25, somewhat older than the average entering class. The incoming class will likely have a composition of nearly 40% women law students as well. In addition, even though not a prerequisite for admission, at least 50% of the applicants who are accepted have law related or community experience and a significant percentage have advanced degrees.

MESSAGE FROM PRIME MINISTER GOLDA MEIR

Mr. PERCY. Mr. President, just before the recent 24th anniversary of Israel independence, Mr. J. I. Fishbein, editor of the Sentinel, a prominent weekly publication in Chicago, received a fascinating message from Israel's Prime Minister, Golda Meir, in which she gives many important insights into the admirable character of the people of Israel. It is my pleasure to share with Senators the text of this significant message, which was published in the Sentinel of May 11, 1972. I ask unanimous consent that it be printed in the Record.

There being no objection, the message was ordered to be printed in the Record, as follows:

Message from Israel's Prime Minister

"On the threshold of the 24th anniversary of our independence we can look back on an eventful year in Israel's life and in that of world Jewry.

"The uneasy ceasefire which came into being some 19 months ago is continuing. This was primarily due to the growing realization in the Arab world that renewed aggression or warfare against us is bound to fail in the future as it has failed in the past. We owe this to the bravery of the Israel Defense Forces and the steadfastness of the Israeli people. We have witnessed what is surely one of the miracles of Jewish history of all times. Soviet Jewry which had been cut off from the mainstream of our people for almost two generations decided to stand up for its rights under the most trying circumstances and demanded to be reunited with their brethren in our homeland. We have been privileged to witness the homecoming of many of them during the last months.

"In the Arab world the isolated remnants of once great Jewish communities have continued to bear the brunt of persecution and oppression. From there too immigrants have found their way to us and it has been our privilege to welcome them in our midst. From the countries of the West more and more people including many young people have decided to tie their future to the land of Israel and to actively participate in the great drama of building a land and a people. In Israel the work of development and upbuilding has continued apace.

"Together with our efforts devoted to the absorption of new immigrants we have increased our work in raising the standards of some of the less privileged sectors of our population by making sure that the levels of their housing, education, health and social services continue to rise and to improve. Our exports have increased substantially as has production in general. The social and economic infrastructure of the country has been broadened and widened. New villages have been established and older ones developed. Industry and agriculture have continued to develop and the fruit of our land is finding its way to more and more countries.

"As we face the New Year which will bring us to the 25th anniversary of our renewed independence we do so in confidence and determination and in full recognition of the challenges that lie ahead. Our neighbors still threaten war and destruction and we must continue to strengthen our defensive capacity which alone can deter war and pave the road to peace. We shall continue to make every effort and explore every avenue leading towards meaningful negotiations for a real peace, as indeed we must continue our efforts towards the betterment of life especially for the underprivileged sections of the population. That means more housing, more schools, more hospitals and more social services. We must enhance the progress of our economy so that in spite of the vast burden placed upon us by the defense effort our exports will cover more and more of our balance of trade.

"It would have been impossible for us to accomplish what has been achieved already without the cooperation and support of world Jewry. Together we have faced the seemingly insurmountable challenges of the past. Together we shall march on the road toward a better future, a future of peace and development and of freedom for oppressed Jews everywhere. Let us close ranks together and continue to strive towards the great cultural and spiritual renaissance of our people by increasing Jewish education and consciousness in keeping with our great past in order to face up to the call of the future.

"Chag Sameach to all of you from Jerusalem.

Golda Meir."

SUPREME COURT JUSTICES' WIDOWS

Mr. BURDICK. Mr. President, the New York Times on May 26, 1972, published an article portraying the circumstances of some of the widows of late Supreme Court Justices. A bill to correct some of the inequities of existing law applicable to these widows and to change the annuity system applicable in the future, was sponsored by Senators Hruska, Hartke, Case, Mathias, and myself. S. 2854 will be considered by the Judiciary Committee at its next meeting, and it is our hope that it will be favorably reported.

I ask unanimous consent that the article, written by Fred P. Graham, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, May 26, 1972]

Ill Widow of Frankfurter Near Charity on Pension

(By Fred P. Graham)

Washington, May 25.—In a nursing home here Mrs. Felix Frankfurter is quietly approaching insolvency on the $5,000-a-year pension granted widows of Supreme Court Justices.

Those handling her financial affairs say that by next year she may be forced to become a charity patient.

"Charity patients are treated very well there," says Dean Adrian S. Fisher of the Georgetown University Law School, a former clerk of the late Justice Frankfurter who has helped with Mrs. Frankfurter's affairs. "But is it right for a widow of a Supreme Court Justice to be a charity case?"

Of the seven widows of Supreme Court Justices, her situation is the only one approaching the point of desperation.

But it has served to underscore the inadequacy of the $5,000 pensions—a sum that was determined by the stipend granted by Congress in 1937 to the widow of President Calvin Coolidge.

The widows of all other judges in the Federal system get far more, and the $5,000 is less than the pensions paid widows of the lower-court judges of most states.

Marion Frankfurter, who is 82 years old, was incapacitated by crippling arthritis several years before her husband died in 1965. They had no children.

Donald Hiss, Washington lawyer who served as executor of Justice Frankfurter's estate, said earlier this week that the $5,000 did not cover the costs of care at the home and additional private nursing care required by Mrs. Frankfurter.

The deficit has been made up each year from Justice Frankfurter's small estate, supplemented by royalties from his writings. "A little over a year from now," Mr. Hiss said, that money will be exhausted.

Dean Fisher said that the Home for the Incurables would never discharge a patient who ran out of funds but would shift such a patient to a charity basis. He said that former law clerks and friends of Justice Frankfurter had discussed "passing the hat" to avoid that.

The inadequacy of the pensions had been unknown or ignored outside the tiny circle of the women involved until earlier this year, when the widow of Justice Hugo L. Black, who died last year, could not keep up the payments on their old Federal house in Alexandria and had to put it up for sale.

In retirement, Justice Black would have continued to receive his full annual salary of $60,000. But, as Mrs. Black told an interviewer several months ago, "there's a big difference between $60,000 a year and a $5,000 pension."

BOOK UNDER CONSIDERATION

Mrs. Black, who has a son in Washington, plans to stay here and is not in strained circumstances. She has had talks with at least one New York publishing house, Alfred Knopf, about writing a book on Hugo Black.

Mrs. Wiley Rutledge, 62, the widow of the Justice who died in 1949, says she gets by living "very simply" alone in a rented house in a pleasant neighborhood in northwest Washington. She does it on about $6,000, receiving $1,000 additional each year from her husband's insurance.

Mrs. Rutledge has a son here and a son teaching at Duke University, and a daughter married to a law professor at the University of North Carolina. But she says, "I don't have to depend on them."

When Justice Rutledge died, widows of Justices received no pensions. But when Chief Justice Fred M. Vinson died in 1953, leaving his widow with two sons recently out of college and almost no money, his former colleagues in Congress prepared a private bill to furnish her with a pension.

She discouraged the idea unless it would cover all Justices' widows, and Congress voted in 1954 to extend to Justices' widows the $5,000 stipend granted to Presidents' widows by the so-called "Grace Coolidge Act."

When the pension for Presidents' widows was subsequently raised to $10,000, and, more recently, to $20,000, nobody thought also to increase the judicial pensions.

Mrs. Vinson now lives in Washington, where her son Fred Jr. is a prominent lawyer. Three other Supreme Court widows also live here. They are Mrs. Robert H. Jackson, who broke her hip during a jaunt to Yugoslavia two years ago but still lists travel as one of her top interests; Mrs. Sherman Minton, 79, an invalid who lives with a daughter, and Mrs. John M. Harlan.

ACTION IN THE SENATE

A bill to raise the pensions to $10,000 was introduced in the Senate more than a year ago. It failed because it did not bring the present Court into the system prevailing for the lower Federal judiciary and the Federal bureaucracy, by which each official contributes 3 per cent of each paycheck and the Government matches it.

So a bill to double the pensions of the seven present widows and bring the present Justices into the contributory plan was introduced last November by Senators Quentin N. Burdick of North Dakota and Vance Hartke of Indiana, Democrats, and Roman L. Hruska of Nebraska, Republican. It has not yet been considered by the Judiciary Committee, but Senator Burdick said yesterday he expected it "to be law by the end of the session."

Under the contributory program, benefits increase according to the length of time the contributions have been made, up to a maximum of 37.5 per cent of the judge's average salary for judges who served 30 years. This currently gives the widow of a Federal district judge with 30 years on the bench a $15,000 pension.

Under the proposed new Supreme Court pension law, the maximum pension for widows would be $22,500, but few Supreme Court Justices serve 30 years in Federal service before they retire.

During recent Senate subcommittee hearings the pension plans for the various state courts were listed. The amounts are difficult to pinpoint because the widows' stipend often depends on their husbands' length of service.

But of the 50 states, the only one that had a flat pension as low as $5,000 was Colorado, which paid that amount to widows of Supreme Court Justices who retired with less than 20 years' service.

PROBLEMS WITH BLOOD BANKING

Mr. PERCY. Mr. President, blood banking and its inherent problems have become an important issue in our country's total health care picture. As the chief cosponsor of the Blood Bank Act of 1972, the Senate bill that parallels Mr. Veysey's bill in the House, I have a special interest in helping to resolve this Nation's problems with blood banking. I feel this issue is critical enough that Senators should be aware of some serious aspects of the situation. Therefore, I ask unanimous consent that Judith Randal's recent article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Paid vs. Volunteer Blood Giving

(By Judith Randal)

It was early morning in front of a Dallas blood bank—one of a "for-profit" chain that enjoys a reputation as the best in the industry and operates in several states.

The Dallas Rescue Mission next door disgorged its overnight complement of derelicts. While cameramen across the street filmed the scene, one of the unshaven and still staggering winos steadied himself against a parking meter and vomited. Then he went into the bank to sell a pint of blood.

Emerging some time later, he counted his money, put it in his pocket and pulled out a bottle of after-shave lotion. He drank from the bottle, and was headed back to the mission when he passed out on the sidewalk, the after-shave lotion still clutched in his hands.

No one knows exactly how many blood banks like this operate in the United States.

What is known, however, is that they supply about a third of the 8 million pints or so used annually for transfusion and for the additional blood fractions made by pharmaceutical companies from plasma. These fractions are life-and-death necessities for 20,000 hemophiliacs and others who have occasional or routine need for some component of blood.

Also on the record are a dozen studies published in medical journals in the past two years alone, showing that the risk of serum hepatitis is from 11 to 70 times greater when the source of the blood is a paid donor than when the donor is a volunteer. Some plasma fractions, to be sure, can be freed of whatever infection they harbor by sterilization. Others, however, would be destroyed in the process, and so cannot.

Unfortunately, the blood test that detects the presence of the antigen linked to serum hepatitis is only about 25 percent accurate. Although most blood banks use it, there is nothing in any law that requires them to be otherwise selective about donors.

Figures on how many deaths result from the liver infection are hard to come by. The government's Center for Disease Control in Atlanta estimates the number as 3,500 a year, but officials there freely acknowledge that this probably is conservative by a factor of 2 to 10.

Some of this is due to under-reporting or cases honestly missed. But some undoubtedly is due to conflict-of-interest situations involving the medical profession.

In 1970, about a year after the scene outside the Dallas blood bank was filmed, for instance, the Texas legislature—in an effort pushed by the state's Hemophilia Association to eliminate floaters and derelicts from the mainstream of blood traffic—passed a law requiring banks buying blood to hold up payment to donors for at least 15 days and then to make payment by check mailed to a fixed address.

In the last hour before the legislature's statutory adjournment, however, another measure that clouded the meaning of the new law was railroaded through, leaving blood banks free to ignore it if they wished. Thus, the reform was blunted and it still is "business as usual" for the Dallas bank which is the major supplier of the state's Veterans Administration Hospitals and for a medical center that caters to the city's affluent.

Lobbying for the last-minute change were the Texas Medical and Hospital Associations. The conflict-of-interest question arises because pathologists typically head the blood-banking committees of these organizations and, as in this case, may be allowed to speak for their entire memberships.

At their individual hospitals, moreover, it is often these specialists who decide from what sources blood will be obtained and who make out the autopsy reports. Under such circumstances, there is obviously the possibility that should, say, a terminal cancer patient be given blood, and develop serum hepatitis a month or so later, the pathologist can ascribe his subsequent death to malignancy instead of to infection.

Lest this seem incredible, the Texas Hemophilia Association has a deposition showing that one pathologist is on the payroll of the commercial bank from which his hospital obtains blood. Moreover, in an antitrust suit brought by the Justice Department against the College of American Pathologists in 1966, there were many allegations backed by evidence that conflict-of-interest situations of this and other types were not uncommon among doctors of this specialty.

After filing the suit, the government withheld action, on the understanding that the practices alleged would stop. While some progress may have been made in this direction, there are suggestions that such conflict-of-interest situations have by no means entirely disappeared.

The justification for purchased blood is that it is necessary because there are not enough volunteers. When, however, the Texas Hemophilia Association took the cause to the state's college students, they responded at a rate 600 percent greater than that of the population at large and gave 25,000 pints in 1971 and pledged 40,000 for 1972.

If nothing else, this suggests that a single national voluntary blood donation program under federal supervision is not necessarily, as its opponents charge, just a crackpot concept.

Legislation to achieve this end has been introduced into Congress by Rep. Victor V. Veysey, R-Calif., and has some bipartisan support in the House and Senate. Although the law is not ideal and is unlikely to pass this year, the proposal at least deserves a try.

DECENTRALIZATION OF GOVERNMENT

Mr. DOMINICK. Mr. President, in response to recent criticism of the President's anticrime program by some Democrats in the House, the Wall Street Journal in its May 16 edition carried a definitive editorial analysis of LEAA and the entire concept of decentralizing Government. The Journal concludes that far from being a failure, the LEAA is operating successfully after what the newspaper calls a shaky start.

I commend this editorial to the Senate, because it gives a fair appraisal of one of the first attempts by this administration to decentralize the functions of Government and return management of local programs to the communities. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Is LEAA a Flop?

Democratic members of a House subcommittee last week endorsed a report that pronounces the Nixon anti-crime program a failure, finding it shot through with waste, inefficiency, and corruption. The report catalogues questionable disbursement practices of the Law Enforcement Assistance Administration (LEAA), an arm of the Justice Department, as well as dubious spending practices by state and local law-enforcement agencies.

Well, one might say, it's an election year. The Democrats could not be expected to pronounce LEAA a model of efficiency even if it were, which it isn't. Even so, there is more here than meets the eye, more at issue than simply presidential politics. What is developing is a classic struggle between Democrats and Republicans over the strength of the central government, a struggle that has taken various forms throughout the republic's history and now focuses on the President's decentralization program. A bit of recent history explains why.

In 1968, with Republicans vowing to make "Crime in the Streets" a principal issue, Lyndon Johnson rushed forth with a plan to spend several hundred millions a year to aid local law enforcement. His proposal would have required state and local police, court, prison, and parole agencies to apply directly to the Justice Department for funds to pay for specific, approved projects. House Republicans (backed by Southern Democrats) insisted the effort be decentralized through the "block grant" concept. Under this system, each state would submit an over-all plan on how it would spend its share of the total in the federal kitty. It would not be necessary to set up another giant federal bureaucracy to oversee the program. The states would be chiefly responsible for setting priorities and spending the funds wisely.

The liberal Democrats were aghast at the prospect of turning all this political power over to the states, and predicted waste, inefficiency, and corruption unless the federal government maintained direct control. Among those in the forefront arguing this line was Rep. John Monagan, Democrat of Connecticut. He lost, and LEAA was set up along the lines designed by the House Republicans. Mr. Monagan, chairman of the subcommittee whose Democratic members last week pronounced LEAA a failure, wants to replay the 1968 debate and this time get that political power back from the states.

That's fair enough. But the campaign is getting a bit nasty. Early last month, Mr. Monagan's staff leaked its hypercritical report on LEAA to Mike Wallace and the CBS television program "Sixty Minutes." Mr. Wallace accepted the report as gospel and took his cameras around the country to illustrate the flaws in LEAA. Republicans charged that the program was carefully edited to eliminate any evidence that did not jibe with the theme of the Monagan report. They turned up one Florida police chief who spent 2½ hours being interviewed by CBS and "had nothing but praise for LEAA," yet who didn't make the show at all.

Nonetheless, the question is a valid one: "Is LEAA a flop?" And if so, has the block grant concept been so discredited that one might as well forget all the Nixon ideas about decentralizing government—including revenue sharing? Can it be that state and local agencies just cannot be trusted to spend money wisely unless, every step of the way, the federal government is dictating directions?

So far as we can tell, having watched LEAA's development with a curious eye on the block-grant experiment, the results are mixed but hopeful. Undeniably, considerable money was hastily spent in the first two years of the program, undoubtedly much of it wasted.

The biggest mistake the Republican administrators made at the outset lay in trying to prove too earnestly that Big Brother wasn't needed at all. For its first two years, LEAA's staff included but five auditors, wholly inadequate for an effort that has thus far dealt out $1.4 billion. Fortunately, after the initial experience, LEAA was reorganized under director Jerris Leonard, and the auditing staff of 50 is having more success in making sure the funds are being spent for reasonable purposes. It's now clear the program is operating far better than the Monagan report would indicate.

Even before the reorganization, the experiment showed promise. The process by which the criminal justice community sets priorities and divides up the money fairly seethes with contentiousness and compromise, signs of real decision-making at the local level. A social engineer in Washington would likely allocate the money differently. But past experience suggests more money is wasted by this method than by having local professionals decide and be held accountable.

Thus, while we can agree that LEAA had a shaky start, we think it's altogether incorrect to pronounce it a failure. Indeed, the preponderant weight of testimony from the criminal-justice and law-enforcement community indicates the Monagan view is a minority view.

THE SENATE SEEKS A PEACE COALITION

Mr. CHURCH. Mr. President, after 8 years of intensive debate and discussion concerning U.S. military involvement in the war in Indochina, Congress is still struggling to put together a peace coalition that can legislate an end to our part in the conflict.

An article analyzing the Senate's inability to vote to end our participation in the war recently appeared in Commonweal magazine. It concludes that—

> The Senate can only save itself. A majority must consistently stand up and voice its views and votes on what's good for the United States, rather than serving up comfort for the President.

It is my hope that the Mansfield amendment will serve as the rallying point for the next effort of the Senate's peace coalition.

I highly recommend this article to Senators, and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Whimper in Congress—Reaction to the Mining

In calling for Congressional support of President Nixon's latest military moves in Vietnam, the War Secretary labeled Senators opposing the White House as "quitters."

Melvin Laird's impression of the Senate as the leading institution against America's military involvement in Indochina is similarly held by a majority of observers across the country. Yet, in fact, only a minority of 40 Senators can be considered consistent war critics who favor rapid total disengagement rather than further escalation. A majority has deferred to unilateral Presidential initiatives to save the Saigon regime from falling.

Only on a few occasions over the last two years has the Senate stood up as an independent body, voting to limit U.S. military involvement in this long, senseless war. A handful of fence-sitters joined then with dependable doves to pass provisions banning an extended use of U.S. ground forces in Laos, Thailand, and Cambodia. But there has never been enough Senate solidarity to stop funds for further participation by our soldiers, sailors, and airmen in battles that won't go away; the fence-sitters have cozied up to the President's side when measures to end our part in the Indochina war have been brought to an up or down vote. The real "quitters," then, are those dozen or more solons who have refused to stand firm as Senators against the White House. This is the reason why the Senate has not moved swiftly to counteract our current military madness: Patriots of Peace don't form a working majority in the upper chamber.

Gluing together a Senate peace coalition is a precarious process. Sometimes it sticks, as did Cooper-Church forces from May through June 1970 following the President's invasion of Cambodia. During that tense time, a majority of Senators supported John Sherman Cooper of Kentucky and Frank Church of Idaho in their efforts to place a prohibition on any further forays by American ground forces and military advisers into Cambodia. On September 1, 1970, however, this fragile force broke apart, the McGovern-Hatfield measure to end the war losing by a vote of 39 to 55. In the crunch, the fence-sitters quit the fight, rejoining the hawks to give the President a free hand in the conduct of the war. And this after many months of massive messages over the media plus extensive lobbying by peace groups.

At the end of the year, the Cooper-Church coalition came together again, forcing the President to accept both a limitation on military actions in Cambodia and the repeal of the Gulf of Tonkin Resolution, in exchange for special authorization to transfer military materiel to Phnom Penh's generals.

The 1970 election reduced potential peace votes; the President gained a net of two Senatorial supporters. This loss showed up in voting on two money measures in 1971: the revised McGovern-Hatfield to bring all American armed forces home by mid-1972 failed 42–55, and the Cooper-Church coalition suffered a similar fate, failing by one vote to cut off funds for all military activities except total withdrawal.

Three statements, offered by Mike Mansfield of Montana, setting government policy to terminate our military activities in Indochina by a date certain did not invoke Congress' power of the purse, and thus were not binding on the President. Nixon signed the bill, but rejected out of hand the Majority Leader's pleas for peace.

Here it is mid-May 1972, eight years since LBJ escalated our part in the war, and Nixon has just taken the country to the danger point of disaster and defeat. His deeds are condemned by the Senate Democratic Caucus; his ways are ridiculed as imperial and impetuous. And still the Senate is seeking a peace majority that will stick together long enough to pass legislation for an orderly and rapid American disengagement and to prevent the President from embarking upon further unilateral acts of aggression.

Church is now teamed up with Clifford P. Case of New Jersey on an amendment that if enacted would bring about the total withdrawal of all American armed forces, land, sea, and air, four months after an agreement is reached to release our prisoners. The war forces oppose this fund cut-off; they expect to hand the President a gift of confidence. John Stennis of Mississippi, chairman of the Committee on Armed Services, wants to strike the Case-Church provision; his motion has been pending business before the Senate for two weeks, yet no vote has been taken. Robert Byrd of West Virginia, the Democratic whip but in fact the President's man, has fudged the issue further, adding an internationally supervised ceasefire as a precondition to the cutting off of funds. Knowing that the peace coalition has not coalesced, Church and Case have hoped that public opinion would crystallize to the point that the fence-sitters would feel safe on their side. However, the Senate's soft middle has yet to firm up sufficiently.

During this time, the President has provoked the nation twice, each time arbitrarily upping the military ante significantly and each time warning the Senate not to cross him in efforts to save the honor of his office and the present power position of the Thieu regime in Saigon. It appears that a majority of Senators have submitted to the "Emperor," as Tom Wicker of the *New York Times* has described our present governmental dilemma

Why is the Senate unable to stop our foolishness and futility in Indochina? Why won't the Senate live up to its rightful Constitutional responsibilities on matters of war and peace and, if need be, use its powers in drawing tight the pursestrings in order to alter 180 degrees our present policy? Why isn't there a peace coalition in the Senate?

A chief reason is that the fence-sitters—Southern moderates and liberal Republicans—are scared stiff to take responsibility for matters pertaining to national security. The anxiety this fright creates prevents successful politicians from applying their most important asset, common sense, to key international issues. They talk privately about our gross failure in Vietnam as well as its serious harm to our own society, but in public they insist on hiding behind the rationale that they don't know what the President knows, and it is best in this nuclear age to let him handle it—alone.

This failure to assert separate power has resulted in an almost total disconnection from the Constitutional process. Congress' last hope to play a part in the formulation of policy lies in its legislative function regarding federal funds. "That is a power that belongs just to Congress," Church reminded his colleagues last week. But he also bemoaned, "If the President treats the Senate with contempt, it is because we are contemptible."

Compounding this tendency to avoid and hide is ambivalence among the people the fence-sitters represent regarding the President's acts of aggression. Several national polls indicate three-fourths of the American public support Nixon's bombing-and-mining campaign and at the same time three-quarters support the total withdrawal of all U.S. forces from Indochina by the end of the current year. The most recent Gallup Poll, for instance, showed 71 percent favoring the Case-Church amendment to become the law of the land. Such public ambivalence produces impotence among fence-sitters who continue to lie low, hoping this will avoid antagonizing an imagined majority constituent viewpoint.

A surprisingly strong influence here is the giant-size ghost of FDR that still looms large in the cloakrooms and before the tally clerk. The President, as exemplified by the second Roosevelt, will take care of the nation's crises, so goes such impotent thinking. Congress, avoiding the issue headon, is to rubber-stamp White House actions and pay the country's defense bills. The Vandenberg thesis was concocted; it called for unchallenged bipartisanship in foreign policy. It was heralded under the Truman and Eisenhower Administrations as the way to conduct the country's cold war policies efficiently; under JFK, LBJ, and King Richard, however, it became an annual justification for wrongdoing. After Nixon escalated the war last week without consulting Congress, Walter Mondale of Minnesota, a determined dove, said that the situation between the two branches had deteriorated so badly that the President "treats the Senate like a dog would treat a fire hydrant with 100 legs."

Building a peace coalition comes down to electing enough men committed to ending the war or stimulating independence from an institution that has lost its will to be a separate body. Just as the American naval blockade of North Vietnam and the intensified bombing of its transportation network alone are unlikely to save South Vietnamese forces from further defeats, the President's actions on behalf of the Senate will not grant that institution its own independence. Or, to turn that analogy around, as did columnist Mary McGrory, "The doves have been unable to rally a majority. The Senate is like the South Vietnamese army. It has all the equipment it needs, but it lacks the will to fight."

The Senate can only save itself. A majority must consistently stand up and voice its views and votes on what's good for the United States, rather than serving up comfort for the President. The latter practice unfortunately prevails. The White House liaison for the Senate telephoned numerous fence-sitters' offices, urging those solons not to oppose the President's mining of Haiphong. The liaison advised, "I hope the Senate doesn't react until the Russians do!" What is unknown is how many ignored his pressures for passivity.

Independence is what Fulbright, Church, Case and company are urging. They want to elevate Congress to its former pace as a coequal branch of government. They refuse to be intimidated by Presidents, Cabinet Secretaries, or unreconstructed hawks. They refuse to choose a course of inaction. They no longer are willing to give a President a free hand in Indochina and they want a majority of their colleagues to join them in tying him down by tying the Pentagon pursestrings shut. They are willing to check and try to rebalance.

The wisest national policies emerge from the cooperation and close consultation between both branches. This has been lacking throughout the Vietnam tragedy.

At the height of the Korean war, a former U.S. Senator urged adopting "the right policy in a moment of great national danger." He said this meant "our policy should represent the best thinking of our national leaders, including those who disagree with the President as well as those who agree with him."

The Senator concluded, "The country wants unity, but it does not want unity on a policy which has led to disaster or on the perpetuation and power of those who made that policy and who cannot be expected to make good on any other." That was Richard Nixon speaking as Senator from California, a man at this moment bent on filling the current Constitutional vacuum.

AWARD OF HONORARY DEGREE OF DOCTOR OF LAWS TO SENATOR SMITH

Mr. DOMINICK. Mr. President, on Sunday, May 14, our distinguished colleague, Senator MARGARET CHASE SMITH, of Maine, was awarded an honorary degree of doctor of laws at the commencement exercises for Regis College in Denver, Colo. No one need enumerate the outstanding accomplishments of this very strong and respected Member of the Senate. It has been my pleasure to work closely with Mrs. SMITH over the years, particularly on the Armed Services Committee. The citation delivered in her honor by my good friend Father Thomas J. Casey, acting president of Regis College, expresses very well the high regard held for Mrs. SMITH. I ask unanimous consent that the citation be printed in the RECORD.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

CITATION

Teacher, Author, Lawmaker, Pioneer among Women! Regis College salutes you, distinguished Senator from the State of Maine.

To you, public service has been more than work done honestly and efficiently. It has been complete and courageous dedication to the people of the nation as well as to the State you represent.

To you, every human being is worthy of consideration and courtesy. You have never drawn lines of color, class, creed, sex, nor political affiliation to eliminate any person from access to your time or attention.

To you constructive criticism has been invited for it has enabled you to keep in touch with the thoughts and feelings of others. When criticism was negative, and at times even vicious, you knew it to be inevitable, the price paid by any person in public life, yet you fought judiciously with courage and dignity to right the record.

The creed by which you have lived can be summarized in your own words, "Honor is to be earned, never to be bought."

Margaret Chase Smith, by virtue of the authority invested in me, and in the name of Regis College, I confer upon you the honorary degree of Doctor of Laws this fourteenth day of May, in the year of grace nineteen hundred and seventy-two, of Regis College the ninety-fourth year.

VIETNAM WAR IMPAIRS U.S. POSITION IN WORLD

Mr. CHURCH. Mr. President, the noted columnist, Joseph Kraft, has written a realistic appraisal of America's position in the world following the Moscow talks. According to Kraft, President Nixon emphasized "restraint" on the part of the superpowers toward the Third World. But, Mr. Kraft points out:

> The Russians apparently yielded nothing to Mr. Nixon when it came to applying restraint in Asia and the Near East.

For, "as long as major American participation continues" in the Vietnam war, "Washington cannot talk seriously about exercising restraint" toward others.

Mr. Kraft concludes his column:

> The continuing Vietnam war impairs the American position virtually everywhere in the world, including Moscow.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VIETNAM WAR IMPAIRED U.S. POSITION IN TALKS

(By Joseph Kraft)

MOSCOW.—"To retain greatness we must cease to be a colossus." Talleyrand once said and that epigram defines exactly the American interest in the summit meeting which has just concluded here is Moscow.

By that standard, Mr. Nixon has scored a significant, but partial success. In relations with Russia and Europe the Moscow summit has opened the way to a safe shrinkage of what has been a grossly excessive American military effort. But in the rest of the world, thanks to Vietnam, the United States remains a giant with feet of clay.

The American need to set limits and define commitments at this point hardly needs explanation. The Vietnam catastrophe has eroded public support for the role of world policeman affected, if not actually played, by the United States for many, many years.

Some reduction of American military might around the world and at home is now inevitable. The trick is to wind down in a careful way that will not disturb power balances and unfairly harm friends and allies.

In applying that principle to bilateral relations with Russia, President Nixon made some notable achievements at the summit, especially in the nuclear arms limitation treaty. That treaty has at its core a firm and easily enforced agreement by the United States and the Soviet Union to hold to a very low level of building of defenses against nuclear weapons—that is the anti-ballistic missile, or ABM.

In the absence of a truly good ABM, there is no incentive for either side to develop ever more potent and sophisticated offensive missiles.

Most of the other bilateral agreements signed here in Moscow fit the same pattern of co-operation to maximize mutual advantage. In the accords on trade, health, the ecology, and space each side will benefit by avoiding a duplication of effort.

As regards Europe, the big development is the agreement to convoke "without undue delay" a European security conference. That conference will be a follow-on to the series of agreements worked out between West Germany and Poland and Russia to accept the present frontiers at the center of Europe—the frontiers that keep Germany divided and truncated by about one-third.

The European security conference merely means that that border arrangement will be formally approved by all the interested nations, including the United States. With the present territorial status accepted, it becomes possible to think about a "mutual reduction" of both American and Russian forces in Europe, and the communique provides for such negotiations in "a special forum."

So far, the Russians come out at least as well as, and maybe a little better than the United States. But there remains a third point of confrontation: the confrontation in the hotbeds of the southern continents—around Vietnam, around India, around the Near East and in parts of Latin America. In all these areas, Communists or parties allied with the Soviet Union are on the move.

President Nixon tried desperately hard to wring from the Russians a commitment on restraint in these areas. He broached it to the Communist party general secretary, Leonid I. Brezhnev, in their first private meeting. He raised it in the five-hour private session with the Russian leaders at the dacha outside Moscow. He made it a main theme of his toasts at the opening and closing dinners. In his publicly televised speech, he asserted that.

"Our goal should be to discourage aggression in other parts of the world, and particularly among those smaller nations that look to us for leadership and example."

But the Russians apparently yielded nothing to Mr. Nixon when it came to applying restraint in Asia and the Near East. The parts of his speech dealing with that matter were excerpted from the Pravda account. The joint American-Soviet statement of principles has only the barest reference to the subject. And the communique set out widely varying U.S. and Soviet positions on Vietnam and the Near East.

No doubt, the Soviet role in avoiding agreement in Asia and the Near East is not innocent. The Russian leaders see chances for gain, and they are not about to lay off.

But the United States, and particularly the administration, bears some of the blame for getting the worst of the bargain. There is that thing called the Vietnam war. As long as major American participation continues, Washington cannot talk seriously about exercising restraint. And the summit proves, like almost every other international event of the past decade, that the continuing Vietnam war impairs the American position virtually everywhere in the world, including Moscow.

SENATOR SCOTT'S RECORD ON DEFENSE LEGISLATION

Mr. DOMINICK. Mr. President, never before in history has our Nation been faced with the prospects of a lasting generation of peace. Agreements among the world's great powers can lead to such a peace—agreements to halt the spread of nuclear weapons, agreements to limit the growth of strategic arms, and agreements to refrain from the hostile settlement of conflict.

Congress plays a vital role in the development of America's defense posture. From the authorizing and appropriating of funds to the ratification of treaties, we do have a unique part to play. Senator HUGH SCOTT has been a proponent of a strong defense while keeping the lines of communication open to all who desire peace.

Senator SCOTT's record on defense matters deserves public recognition. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ARMED SERVICES, DEFENSE, AND DRAFT

THE 92D CONGRESS

Legislation

S. 377—To equalize the retirement pay of members of the uniformed services of equal rank and years of service.

S. 908—To exempt from induction and training, under the Selective Service Act, the surviving sons of a family which has lost two or more members as a result of military service.

S. 2944—To amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

S.J. Res. 10—To authorize the President to designate the period beginning March 21, 1971, as "National Week of Concern for Prisoners of War Missing in Action."

S. Con. Res. 49—Calling for the humane treatment and release of American prisoners of war held by North Vietnam and its allies in Southeast Asia.

Amdt. 84 to H.R. 6531 Military Service Act of 1967. To amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972.

Votes

Voted to reduce from 150,000 to 130,000 and 140,000, respectively, for fiscal years 1972 and 1973, the maximum number of persons who may be inducted into the Armed Forces.

Voted to provide for the identification and treatment of drug and alcohol dependent persons in the Armed Forces.

Voted for the Military Selective Service Act which included substantial pay raises for lower-rank enlisted personnel to encourage further the voluntary enlistment program.

Voted to require release of American prisoners, instead of a firm North Vietnamese commitment for their release.

Voted for an amendment to prohibit the induction of any person if a member of his immediate family died or was disabled, captured or missing in action as a result of military service.

Voted for an amendment to provide that when 18 year olds registered for the draft they could also register to vote.

Voted for an amendment to add a new title providing for identification and treatment of drug and alcohol dependent persons in the Armed Forces.

Voted to restore military pay increases for lower enlisted and officer ranks to levels provided in the Senate-passed draft extension bill.

THE 91ST CONGRESS

Legislation

S. 781—To establish a temporary Commission to consider the feasibility of completely voluntary system of enlistments.

S. 1433—Draft Reform Act—to revise the provisions of the Selective Service Act relating to priority for induction; provides for a random selection system.

S. 3117—To improve the judicial machinery of military courts-martial by removing defense counsel and jury selection from the control of a military commander and to create an independent trial command for the purpose of preventing command influence.

Votes

Voted to proceed with limited deployment of the Safeguard anti-ballistic missile system.

Voted for Schweiker-Scott amendment requiring Defense Department quarterly reports on major contracts for development and procurement of weapons systems, and to authorize independent audits of major contracts.

Voted to control the testing of chemical and biological warfare components.

Voted to cut military research, development, test and evaluation programs by $45.6 million.

Voted to require a comprehensive study and investigation of costs and effectiveness of aircraft carriers.

Voted to place a monetary cutoff on military funds used for independent research and development by contractors.

Voted to express the sense of the Senate favoring mutual suspension of further deployment of strategic weapons systems by the Soviet Union and the United States.

Voted to repeal the Gulf of Tonkin Resolution.

Voted to provide that nothing in the Cooper-Church amendment shall be deemed to impugn the powers of Congress, including the power to declare war and to make rules and regulations for the Government and regulations of the Armed Forces of the United States.

Voted for a study of profits of certain defense contracts and contracts not subject to competitive bidding.

Voted to place a ceiling on the number of active duty armed service personnel, and to require that for every man withdrawn from Vietnam, ceiling must be reduced by one man.

Voted to reduce by $25 million, the emergency fund for research, development, test and evaluation programs.

Voted to support the expressed intention of the President that no funds could be used to finance the introduction of ground combat troops into Laos or Thailand.

Voted to extend the Defense Production Act by establishing in the Executive Branch a Cost-Accounting Standards Board to be appointed by the President subject to Senate confirmation.

Voted to ban disposal of any chemical or biological warfare agent unless rendered harmless to man or his environment.

Voted for Senate resolution favoring mutual suspension or further deployment by U.S.S.R. and U.S.A. of strategic weapons systems.

Voted for Arms Control and Disarmament Act authorizations.

Voted for amendment stating the Cooper-Church amendment to the Foreign Military Sales Act shall be inoperative while U.S. Citizens or nationals are held in Cambodia as prisoners of war.

Voted for amendment stating that nothing shall preclude the President from taking "necessary action" to protect the lives of U.S. forces from South Vietnam.

Voted for amendment to terminate Gulf of Tonkin resolution effective upon adjournment of session of Congress.

Voted for amendment to provide incentive pay increases for military personnel and making recommendations contemplating establishment of an all-volunteer military service.

THE 90TH CONGRESS

Legislation

S. 952—To authorize research and development in the Coast Guard to develop effective electronic guidance system for use in navigation channels.

S. 1181—To exempt sole surviving son of a family in Armed Forces from combat zone service.

S. 2009—To prescribe uniform rules of procedures to be followed by the Armed Forces in the case of administrative discharge boards; to establish a Judge Advocate General's Corps in the Navy; to create single-officer general and special courts martial; to establish in each armed force a Court of Military Review.

S. 2260—To provide compensation for civilian American citizens and prisoners of war captured during the Vietnam conflict.

Votes

Voted to provide that while there are involuntary inductions, they should be only when a voluntary system is not reasonably attainable because of defense commitments beyond resources available and such involuntary inductions should be by a system of selection which is fair, just, and shared generally, with frequent and impartial reassessment by Congress toward replacing it with a voluntary induction system.

Voted to prohibit expenditure of funds for deployment of the Sentinel anti-ballistic missile system, until the Secretary of Defense certified to Congress the system was practicable and its cost could be determined with reasonable accuracy.

Voted to reduce military procurement authorizations by $661,000.

Voted to prohibit obligation or expenditure of funds for construction, procurement, or deployment of the Sentinel anti-ballistic missile system.

Voted to strike $387.4 million for deployment of the Sentinel anti-ballistic missile system.

Voted to prohibit use of funds appropriated for defense grants for indirect expenses for any research project in excess of 25 percent of the direct cost of such research.

THE 89TH CONGRESS

Legislation

S. 2482—To prohibit obstruction of performance of duty by Armed Forces, by obstruction of transportation of personnel or property thereof.

S. 3169—To authorize special programs for mentally retarded and ill or physically handicapped spouses and children of members of the uniformed services.

Votes

Voted to bar funds for vessel procurement of construction in foreign shipyards.

THE 88TH CONGRESS

Legislation

S. 2432—To provide for a comprehensive study and investigation of the compulsory military training system.

Votes

Voted to reduce appropriations for defense procurement by $474,000.

THE 87TH CONGRESS

Votes

Voted to establish the U.S. Arms Control and Disarmament Agency for World Peace and Security.

THE 86TH CONGRESS

Legislation

S. 1059—To provide for education of children of members of the Armed Forces in communities in which public schools are closed.

Votes

Voted not to increase funds for procurement of equipment and missiles by the Army from $1.45 billion to $1.68 billion.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

TOXIC SUBSTANCES CONTROL ACT OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate S. 1478, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 1478) to amend the Federal Hazardous Substances Act, as amended, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment in the nature of a substitute.

The ACTING PRESIDENT pro tempore. Debate on the bill will be limited to 2 hours, with time on any amendment in the first degree limited to 1 hour, and time on any amendment to an amendment, debatable motion, or appeal, to 30 minutes.

The Senator from Virginia is recognized.

Mr. MANSFIELD. Mr. President, will the Senator from Virginia yield to me without losing his right to the floor?

Mr. SPONG. I am pleased to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum without the time being taken out of either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. SPONG. Mr. President, I ask unanimous consent that Michael Pertschuk, Michael Brownlee, Barbara Dinsmore, Arthur Pankopf, David Clanton, Leonard Bickwit, and Allan Jones of the Commerce Committee staff and my staff be permitted to remain in the Chamber during the debate on the pending bill.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPONG. Mr. President, I ask unanimous consent that there may be a quorum call without the time being charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SPONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Who yields time?

Mr. SPONG. I yield myself 10 minutes.

Mr. President, passage of the Toxic Substances Control Act will represent a major advance in this Nation's efforts to halt the degradation of our environment. An April 1971 report of the Council on Environmental Quality revealed that there are about 2 million chemical compounds in existence with about 250,000 new compounds being produced each year. Most of these new compounds will never find their way into the marketplace. However, several hundred will be commercially produced. It is those few hundred chemicals as well as certain chemicals now in use that the Toxic Substances Control Act is designed to regulate.

The body of environmental law now in effect is indeed impressive. The Federal Government exercises control over air and water pollution, pesticides, drugs, food additives, radioactive materials, transportation of hazardous substances, and certain consumer products. In spite of all this, the environmental problems of dangerous industrial chemicals and chemicals in consumer products continue to plague us. Mercury in consumer products is a prime example. Industrial discharges of mercury have been of great concern, and rightly so. The progress made by the Federal Government in controlling industrial discharges of mercury is an environmental victory that we all can look to with pride and relief. Yet, testimony before the Subcommittee on the Environment revealed that an even greater threat may be posed by the presence of mercury in consumer products such as paint, home thermometers, sponges, and a variety of other products. When these products are disposed of, the mercury invariably goes either down the drain or out with the garbage. Municipal sewage treatment plants and solid waste disposal systems simply cannot cope with this source of mercury. In light of this, it seems far more prudent to limit the amounts of these materials in consumer products rather than letting them escape through a municipal sewage plant or asking the householder not to dispose of them at all. A variety of chemical substances present similar problems, including lead, cadmium, and other heavy metals; plastics; PCB's; and a variety of other synthetic organic compounds. The primary purpose of the Toxic Substances Control Act is to establish the needed control of products such as these.

The type of product control that is specified in the proposed legislation is not new. Pesticides, drugs, and food additives are all controlled at the point of manufacture. Yet, this control technique currently applies only to a small portion of the total number of potentially toxic substances. Moreover, existing controls do not deal with all the uses of a substance which may produce toxic effects.

The regulation provided for by this legislation would be similar to that governing pesticides, drugs, and food additives in another important respect. Under the statutes governing those substances, testing for public health and environmental effects is required prior to the introduction of those substances into commerce. The results of those tests must be cleared by the Federal Government prior to commercialization.

A similar arrangement is proposed under this legislation, but without those features which cause lengthy delays in marketing a product. For pesticides, drugs, and food additives to be marketed, an affirmative action is recuired on the part of a Federal administrator. Under the proposed Toxic Substances Control Act, an affirmative action would be required by the Environmental Protection Agency to keep something off the market. The requirement for affirmative action to restrict the chemical substance is coupled with a premarket screening feature that will give the EPA ample time to review the test data submitted.

Without premarket testing and review, the regulation of chemical substances would in many cases deal with a problem only after that problem is manifest. We will not tolerate those conditions to exist with respect to pesticides, drugs, and food additives. Neither should we tolerate similar threats with respect to other toxic substances.

Briefly, the proposed legislation has the following features:

First. It is required that certain chemical substances be tested for their environmental and public health effects and that the results of those tests and the intended uses of the chemical substance be furnished to the Environmental Protection Agency 90 days in advance of the commercial production of that substance. The 90-day grace period is for the purpose of giving EPA sufficient time to review the test data and impose restrictions if necessary. The 90-day grace period could be extended by an additional 90 days with good cause shown.

Second. EPA could require testing of existing substances if those substances are believed to pose unreasonable threats to human health or the environment.

Third. EPA would be empowered to restrict the use or distribution of a chemical substance during the premarket screening period, or at any later time, to the extent necessary to prevent unreasonable risks to human health and the environment.

Fourth. The district courts of the United States would be empowered to restrain the uses or distribution of a chemical substance if an imminent hazard exists.

Fifth. Products which violate provisions of the act would be liable to seizure in the district courts of the United States.

Sixth. Reports would be required of the manufacturers or processors of chemical substances to aid the Administrator in carrying out his functions under the act.

Seventh. A chemical substances board would be established to advise the Administrator on matters of science pertaining to chemical substances.

Eighth. EPA would be authorized to conduct research on chemical substances and to monitor those substances in the environment.

Ninth. Citizens would be afforded the opportunity to bring suit to enjoin certain violations of the act and to require the Administrator to perform mandatory duties.

Tenth. Finally, the Coast Guard would be authorized to establish regulations governing the transport of chemical substances on the navigable waters at its own initiative or upon notice of the Environmental Protection Agency.

It was my pleasure to chair the 8 days of hearings of the Subcommittee on the Environment on this legislation. A variety of witnesses were heard, including the Environmental Protection Agency, the chemical industry, environmental groups, and labor unions. All contributed to an ample record.

The Subcommittee on the Environment considered the proposed legislation in executive session on March 7 of this year and reported the bill to the full committee. The full committee unanimously ordered the bill reported on April 25.

As reported by the committee, the Toxic Substances Control Act represents a regulatory plan that will provide the degree of protection necessary without unduly burdening the chemical industry. I ask the Senate to give the bill favorable consideration.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BAKER. I yield myself 5 minutes on the bill.

Mr. President, I want to express at this time my support for the purposes of S. 1478, the Toxic Substances Control Act of 1972.

As the Members of this body will recall, this is one of several legislative proposals contained in the President's environmental message of February 8, 1971. No doubt pertinent portions of that earlier message with respect to toxic substances will be quoted during the consideration of this measure. However, I believe that the President's concluding remarks on the subject of toxic substances are most important and bear emphasis during the consideration of S. 1478. In these remarks, the President noted the following:

> This legislation, coupled with the proposal on pesticides and other existing laws, will provide greater protection to humans and wildlife from introduction of toxic substances into the environment. What I propose is not to ban beneficial uses of chemicals, but rather to control the use of those that may be harmful.

Mr. President, it is this fine balance between the appropriate control of the use of chemical substances, but without impeding their beneficial uses, to which the President referred which is of concern to me and which prompted me to write supplemental views in the report on this legislation and to offer two amendments to the bill on the floor. Specifically, I am concerned over the inherent danger made possible by the broad language of section 103 and by the premarket screening provisions of section 104, which might have the result of depriving the public of the benefit of many new chemical products and of stifling development, particularly on the part of small chemical companies, of new products which may pose no hazard to health or the environment.

Mr. President, in this connection let me hasten to point out that I am not alone in my concern over the provision of S. 1478 dealing with premarket screening. By letter dated February 22, 1972, from the Honorable William D. Ruckelshaus, Administrator of the Environmental Protection Agency, to the distinguished senior Senator from Michigan (Mr. HART)—and which unfortunately is not reprinted in the committee report—the following is noted concerning premarket screening:

> We do not believe that there is adequate justification for pre-market screening at this time. We continue to believe that the Administration bill's requirement for pre-market testing by industry and reporting afford adequate protection to the public. * * *

Mr. Ruckelshaus then proceeded in his letter to recommend the deletion of the premarket screening provision of the bill.

Mr. President, I make this observation not in strenuous opposition to the purpose of the bill, S. 1478, which I support, but rather to emphasize that we are entering into a very delicate area of balancing the equities between environmental protection and the preservation of future technology. No one in this Chamber is more acutely aware of this delicate balance than is the Senator from Tennessee. I have the double privilege of serving both on the Committee on Public Works and the Committee on Commerce, which, between them, consider the bulk of environmental legislation which comes before this body. Moreover, during the past year, I have been actively serving as Chairman of the Secretary of State's Advisory Committee for the 1972 United Nations Conference on the Human Environment, which is to convene in Stockholm on June 5, only 1 week from today. Accordingly, it seems very appropriate that today we in this Chamber are undertaking consideration of this bill, S. 1478.

As one of the leading industrial nations of the world, the United States bears a certain obligation to lead the way in improving and saving the global environment. I feel that in recent years we have done this and that we have sought to do so in a realistic and careful manner without encroaching unduly upon the economic quality of our life.

In conclusion, Mr. President, I believe it would be appropriate for me to quote the following from the President's environmental message of February 8, 1971:

> As our nation comes to grips with our environmental problems, we will find that difficult choices have to be made, that substantial costs have to be met, and that sacrifices have to be made. Environmental quality cannot be achieved cheaply or easily. But, I believe the American people are ready to do what is necessary.
>
> This nation has met great challenges before. I believe that we shall meet this challenge. I call upon all Americans to dedicate themselves during the decade of the seventies to the goal of restoring the environment and reclaiming the earth for ourselves and our posterity. And I invite all peoples everywhere to join us in this great endeavor. Together, we hold this good earth in trust. We must—and together we can—prove ourselves worthy of that trust.

Mr. President, S. 1478—the Toxic Substances Control Act of 1972—is not intended, in the words of President Nixon:

> To ban beneficial uses of chemicals, but rather to control the use of those that may be harmful.

Let us insure that this meritorious goal is met and is carried forward.

Mr. President, I reserve the remainder of my time.

Mr. SPONG. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from Virginia is recognized for 5 minutes.

Mr. SPONG. Mr. President, I have great regard for the opinions of the distinguished Senator from Tennessee (Mr. BAKER) on matters dealing with the environment. It has been my privilege to serve 4 years with him on the Air and Water Pollution Subcommittee of the Committee on Public Works. Today I serve with him on the Commerce Committee.

Mr. President, the RECORD should show certain things at this point. One is, the views of Mr. Ruckelshaus are included in the report, in paragraph 1 of a letter addressed to me, which appears on page 32 of the report. In that letter, Mr. Ruckelshaus makes clear his views on premarket screening.

The Senator from Tennessee (Mr. BAKER) is quite correct when he quotes from the President's message on the environment. That was made at a time when the mercury scare was rampant in this country, when there had been several instances of mercury poisoning. When the bill to carry out the administration's wishes in this matter was introduced, it required that new chemicals be tested, but it did not require that the results of those tests be made available unless EPA requested them.

After reviewing the administration bill, the Senator from Virginia and others felt it was necessary for EPA to have the authority to prevent chemicals from harming the environment or presenting a threat to the public health before the fact and not after the fact. Accordingly, I introduced amendments to the administration bill. In those amendments, premarket testing of new chemicals was required. In addition, new chemicals could not be marketed without the explicit approval of EPA. After hearings on the bill and on the amendments which I introduced, I became convinced that the weight of the evidence confirmed the fears of many in the chemical industry, that bureaucratic delay could hamper them if explicit approval was required, that there would be a tendency on the part of those in EPA not to take a chance on explicitly approving something if there were any doubt at all.

So the committee, after reviewing the administration's bill and my amendments, arrived at the premarket screening concept which has been covered in my earlier remarks.

The pending bill provides that test data for a new chemical substance must be submitted to EPA at least 90 days in advance of the commercial production of that substance. If the 90-day period is not sufficient then, for a good cause, an additional period of up to 90 days may be granted.

Because that history was not covered in my opening remarks, I thought the RECORD should show that we started with testing but with no requirement that the results be produced and made public.

We moved from that to premarket testing, with explicit approval required before a substance could be marketed. Finally, after weighing the testimony at lengthy hearings, the committee developed the premarket screening provision which, in my judgment, gives protection to the public and, at the same time, has safeguards for the industry.

Mr. BAKER. Mr. President, I yield myself 1 minute on the bill. On the first point made by the distinguished Senator from Virginia (Mr. SPONG), on the question of the letter from Mr. Ruckelshaus, I think what we have here are two letters of virtually identical import, one written from Mr. Ruckelshaus to the Senator from Michigan (Mr. HART) on February 22, 1972, from which I quoted, and the other written to the Senator from Virginia (Mr. SPONG) on March 3, 1972, which appears on page 32 of the report. Although the language is virtually identical, there are two different letters here.

AMENDMENT NO. 1205

At this time, Mr. President, I call up my amendment No. 1205 and ask that it be stated.

The PRESIDING OFFICER (Mr. BENTSEN). The amendment will be stated.

The legislative clerk proceeded to read the amendment, as follows:

S. 1478

> On page 31, line 22, beginning with the words "Such regulations" strike all through the period in line 6, page 32, and insert the following: "Such regulations shall apply to all chemical substances or specific classes and uses of such chemical substances which are produced in commercial quantities and which the Administrator has reason to believe may pose an unreasonable threat to human health or the environment under intended and normal circumstances of use or disposition considering the quantities to be produced."
>
> On page 27, line 22, insert the word "hazardous" before the word "New".

Mr. BAKER. Mr. President, a parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the amendment by the Senator from Tennessee (Mr. BAKER), upon which there is a control of time of 1 hour, to be equally divided.

Mr. BAKER. The time is now under the control of the distinguished Senator from Virginia (Mr. SPONG) and the senior Senator from Tennessee on this amendment; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, I yield myself 5 minutes on the amendment.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. BAKER. Mr. President, as reported by the Senate Commerce Committee, the Toxic Substances Control Act of 1972, S. 1478, would give the Administrator of the Environmental Protection Agency a broad range of new powers designed to permit him to cope with the kinds of problems which mercury and PCB may pose for human health and the environment.

These powers include the following:

One. Authority to require testing of all new chemical substances before they can be commercially produced.

Two. Authority to require environmental testing of any existing chemical substance.

Three. Authority to impose restrictions on the use or distribution of any chemical substance and such a restriction may include a total ban on use or distribution of the substance.

Four. In cases of imminent hazard, authority to petition a U.S. district court to restrain the use or distribution of a chemical substance or to order a recall.

Five. In cases where the regulations have been violated and where an Imminent hazard exists, chemical substances are subject to seizure—they can be snatched right out of the hands of the user.

Six. Authority to require all manufacturers of chemical substances to submit annual, or more frequent, reports to EPA detailing what is produced and how much.

This authority is very extensive—as extensive as the term chemical substance—which is defined as any organic or inorganic substance of a particular molecular identity. It is this vast range of new powers, conferred by this bill for the first time over a broad list of U.S. industries, that leads me to suggest some essentially minor revisions in the bill—not to curtail the power or authority of the EPA Administrator to protect health and the environment—but to make this vast and ambitious program more workable and realistic.

The pending amendment changes section 103 of the bill, page 31. As reported by the committee, section 103(a) first requires the Administrator of EPA within 1 year to "issue proposed regulations; (1) for such test protocols for various classes and uses of chemical substances, and (2) for the results to be achieved from these tests, as are necessary to protect health and the environment."

The next two sentences in the committee bill would be struck out by the pending amendment. They read as follows:

> Such regulations shall apply to all chemical substances which are produced in commercial quantities, except that the Administrator shall not propose regulations for those chemical substances or classes or uses of chemical substances which (1) in his judgment, are of no unreasonable environmental or public health threat, or (2) are more efficiently controlled through the regulation of their components. To the extent feasible, such regulations shall indicate which uses correspond to specified test results.

In the place of this language in the committee bill the pending amendment inserts the following:

> Such regulations shall apply to all chemical substances or specific classes and uses of such chemical substances which are produced in commercial quantities and which the Administrator has reason to believe may pose an unreasonable threat to human health or the environment under intended and normal circumstances of use or disposition considering the quantities to be produced.

The essential difference between the bill and the pending amendment can be quickly and simply stated: The bill applies to all chemical substances, unless the Administrator, in the exercise of his judgment, says that a substance is of no unreasonable environmental or public health threat. The amendment says that a substance is not covered by section 103 of this bill—and therefore, not covered by section 104—unless the Administrator has reason to believe it may pose an unreasonable threat to human health or the environment under intended and normal circumstances of use or disposition considering the quantities to be produced.

The difference between the bill and the amendment can be quantified rather easily.

There are, according to the Council on Environmental Quality's report on toxic substances which led to this legislation, more than 2 million identified chemical substances. Under the committee bill, the Administrator must examine that roster of 2 million chemical substances and decide, in his judgment, which ones must be tested and which ones do not have to be tested. If the Administrator can do that enormous job in 10 years—let alone 1 year—I shall be greatly surprised.

The amendment approaches the problem from the other direction. It requires the Administrator to publish a list of those chemical substances which have to be tested. I expect him to start with the most serious problems first—with compounds containing mercury or cadmium with PCB's and with the type of compounds and chemicals which are known to cause cancer.

Years of research work in this area, by industry and Government and universities and others, have given scientists and technicians the capability to determine, even in advance, with a very high degree of accuracy, whether or not a new substance is likely to pose an unreasonable threat to human health or the environment. In other words, the EPA Administrator, drawing on the scientific resources provided by section 111 of the bill—the Chemical Substances Board—will have the capability to select the kinds and classes of substances that need to be tested because of their potentially unreasonable threat to the environment—without requiring costly and burdensome testing of substances that do not require it.

Adoption of the amendment will not weaken or diminish the authority of the Administrator to protect health and the environment from the effects of chemical substances. Modern chemical technology is first, clearly capable of determining in advance, with great accuracy, which chemicals may be environmental problems and which will not be. In addition, the Administrator of EPA retains all the other powers of the bill. He can issue restrictions on use or distribution; he can seize chemical substances if they pose an imminent hazard. Furthermore, he has the reporting provisions of section 109 which will provide him with full and current information as to the chemicals in current production and use in the United States. These powers give him a vast range of authority which he can use, if necessary, to protect the public and the environment.

The amendment will not impede the inventiveness or innovation of the chemical industry and there are fears that the committee bill will do so. It will not require elaborate and expensive tests for substances which do not need to be tested. Furthermore, this amendment, like other provisions in the bill, will not restrict the customary practice of market testing products before they are placed in full commercial production.

Mr. President, I urge the adoption of the amendment, and I reserve the remainder of my time.

Mr. SPONG. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from Virginia is recognized for 5 minutes.

Mr. SPONG. Mr. President, I can appreciate the comments made by the distinguished Senator from Tennessee on his proposed amendment. However, I must oppose the amendment as its adoption would represent a serious weakening of the bill.

One of the most basic premises upon which the proposed legislation is based is that we often cannot predict what the adverse environmental or public health consequences of chemical substances will be. By looking at our past experience with classes of chemical substances, science can in some cases predict that new members of that class probably will cause problems. However, for many chemical substances, we simply cannot predict with accuracy what the environmental or public consequences will be.

While it is difficult, if not impossible, to cite what future examples might be, our recent experiences with certain chemical substances provide ample evidence of our inability to predict unreasonable hazards. Certainly our experience with mercury, which until a few years ago, was considered to be relatively harmless in the environment, is a good example. Industrial discharges of inorganic mercury were thought to lie in an inert state at the bottom of our lakes and rivers. However, further research showed that through the action of aquatic organisms the relatively innocuous forms of mercury could be converted to the very lethal methyl mercury. An unreasonable threat existed which was unknown to science.

The threat of PCB's, phosphates in detergents, and certain harmful components of plastics were all unrealized at the time of their introduction. I doubt very much whether the requisite "reason to believe" that an unreasonable hazard exists could have been demonstrated.

While it is also possible that the language of the committee's bill would not have been adequate to uncover these threats at the time of production, it would surely have increased the chances. Many times where there is no "reason to believe" a hazard exists, there will also be no basis for a "judgment" that no unreasonable threat exists. In such situations the bill would operate to increase protection over what would be accomplished by the amendment of the distinguished Senator from Tennessee.

An important subcategory of this situation is one where we have absolutely no knowledge about a new and exotic chemical which is about to be produced. Plastics are a good example of a group of chemical substances which were new and exotic at the time of their introduction. Obviously, there are many more. While it is again difficult to predict how many exotic substances may be developed, it is a safe prediction to say that they will be developed.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SPONG. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 additional minutes.

Mr. SPONG. The hearings of the Subcommittee on the Environment have demonstrated over and over that we must have the capability to gain knowledge about new chemical substances about which we cannot predict whether there is even a reason to believe that unreasonable hazards exist. Chairman Train of the Council on Environmental Quality, while not commenting directly on the substance of the proposed amendment, made the point well in his testimony before the subcommittee. He said:

> Many of these chemicals ultimately are discharged into our water, air, and soil systems. After the substances enter the environment, they may be diluted or concentrated by physical forces, and they may undergo chemical changes, including combination with other chemicals that affect their toxicity. Substances may be picked up by living organisms which may further change and either store or eliminate them. The results of the interactions between living organisms and chemical species are often unpredictable, but such interactions may produce chemicals or concentrations that are more dangerous than that of the initial pollutant.

Chairman Train went on to say:

> We need no longer be limited to repairing damage after it has been done; nor should we allow our population to be used as a laboratory for discovering adverse health effects.

Mr. President, I submit that if the amendment is adopted there is a very real chance that many new chemical substances will escape regulatory scrutiny prior to their commercial production and will come back to haunt us in the future. I urge that the amendment not be accepted.

Mr. BAKER. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, I do not intend to debate this amendment at great length. I do, however, intend to ask for the yeas and nays as soon as a sufficient number of Senators are present to do so.

Mr. President, I think the burden of the debate can best be summarized by saying that the question at hand is: As a matter of public policy should a substance be proven innocent before it can be marketed or should it be proven guilty before it can be marketed? The bill as drafted requires that a substance be proven innocent before it can be marketed. That might be simple, but we are dealing with at least 2 million chemical substances, and to prove innocence, even by the most modern, efficient proceedings, and even by the most premiere and efficient Washington bureaucracy, is overwhelming. So proving innocent before a chemical can be marketed is not practical and it is the reason for this amendment.

It is not the purpose of my amendment to weaken the bill, but to make it realistic and enforceable. If the Administrator has reason to believe a chemical may pose an environmental health hazard he may require premarket testing to determine its innocence. As far as I am concerned, the essence of the position I am trying to serve is not that it be proven guilty, as guilt in a criminal case, but rather that there be a reasonable indication that the chemical may pose an unreasonable health hazard.

Once again, as far as the Senator from Tennessee is concerned, if we could provide in the bill that whenever the Administrator finds that a substance poses an unreasonable health hazard, or has reason to believe that it poses an unreasonable health hazard, which is a degree less in probative value, then he would require testing, then our goals would be fulfilled, but to go "whole hog," so to speak, and say no chemical can be marketed unless it is proven innocent, that is, free of environmental consequences, seems to me exceeds the range of legislative practicality, because I assure Senators that on the basis of our proceedings so far, while there may be 2 million chemicals involved today, next year there may be 10 million chemicals involved.

The variation, inventiveness, and resourcefulness of the human mind, of industry and commerce, are without bounds. I suspect the future of our Nation depends on that inventiveness and that we will want to stimulate the development of new chemicals and not restrict that development. But if we are going to say that no new chemical substance can be marketed until it is proven innocent, we will deprive ourselves of many chemicals. I doubt many chemicals that are in use today could be proven innocent. I wonder if the burden of proving innocent or free of environmental consequences, gasoline, for instance, could be carried by this bill. I doubt it very much. I wonder if vaporized hydrocarbons which enter the atmosphere by mere evaporation could be classified a chemical substance free of environmental hazard, as defined by this bill.

The purpose of this amendment is to prove guilt rather than to prove the innocence of some 2 million items we are likely to be contending with.

I offer this point of view. As far as I am concerned, I am willing to settle for less than proving guilt in a criminal sense, far less than a civil sense, by saying a balancing of the equities, far less than any judicial proceeding, that there is not reason to believe it possesses some health hazard, and even that we might accomplish the same purpose, and that is my purpose, by saying, "If there is some evidence" the Administrator can require testing; but to require premarket testing when there is no evidence, and to make it show that it has no environmental impact, in my mind, is not workable and that is the basis for the amendment.

Mr. President, on my time, and for the purpose of trying to secure enough Senators to get the yeas and nays, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, I reserve the remainder of my time.

Mr. SPONG. Mr. President, I yield myself 5 minutes on the amendment.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. SPONG. Mr. President, the Senator from Tennessee has talked initially in terms of 2 million chemical substances and then in terms of 8 million or 9 million chemical substances. The testimony in the record of the hearings by Mr. Russell Train, for whom I know the Senator from Tennessee and I have a high regard, is that we are dealing with 300 to 500 chemical substances which potentially could pose a threat to the environment or to public health.

I should like to point out to the Senator from Tennessee, with respect to his use of the words "innocent or guilty," that there are already written into the bill several exceptions. Under the language of the bill, the Administrator of EPA does not have to propose regulations for any chemical substance which in his judgment are of no unreasonable environmental or public health threat. So we are not saying ab initio that every new substance must be exposed to this procedure. The evidence before the committee is that we are talking about 300 to 500 new substances.

Let me return to the theme that I tried to spell out in my earlier remarks. In the path the subcommittee traveled in going from a bill that did not call for any public revelation of any testing unless EPA requested it to the present bill, requiring pre-market screening, what we were and are seeking to accomplish, is to find out the danger of a substance, if we can, prior to its going on the market.

First of all, in the amendment, the Administrator has to have reason to believe that something "may pose an unreasonable threat to human health or the environment." That places upon him a burden of knowledge that may be beyond his ken.

I earlier read and quoted from statements by Mr. Train that the effect of some of these chemicals as they go into nature is almost unpredictable. The problem is that under this amendment the Administrator would have the burden of being all-knowing with regard to the effects of chemical substances. Unless he had knowledge of such effects, he would have no basis to set standards for testing.

Let me mention the second thing that bothers me about the amendment. It is coupled with this language:

> Under intended and normal circumstances of use or disposition considering the quantities to be proposed.

Let me give an example—and we have already had testimony as to this: Sponges or certain other articles are produced containing chemicals which, when they go into the environment, can cause hazards to health or to the environment. They may be labeled "Do Not Dispose Of," or "Do Not Flush Down The Water Systems." Under the language of the amendment, it states that no testing will be required if the products pose no threat "Under intended and normal circumstances." In this situation, under the language "Under intended and normal circumstances," there is no way in the world that it covers the housewife who neglects to follow those instructions. Yet this does not alter the situation that it may be possible to say, by testing and evaluation of test data, that these products should not be put on the market for the very reason that if they are disposed of in a careless manner they could present a hazard to public health or the environment. If they present no hazard when used as directed they would not be covered even if we were convinced they would not be so used.

Let me say, in closing, that I understand the fears and concerns of the Senator from Tennessee, and I commend him for his efforts——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPONG. I yield myself an additional 3 minutes.

I commend him for the efforts he has made in the full span of the environmental problems that the Senate has considered in the past five and a half years. But here we had the choice of passing legislation under which a chemical whose effects are unknown would not be tested until the danger has become known publicly and the condition exposed before we could get back to finding out what caused it, or of passing moderate legislation under which the public is protected against the unknown by requiring that where there is any suspicion of danger to the health or the environment, testing shall take place.

It is for these reasons that I and the subcommittee felt it was wise to be on the side of, if you will, demanding that innocence be proven in a small percentage of the overall new substances, and why this legislation passed out of the committee to the floor of the Senate.

Mr. BAKER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 17 minutes remaining.

Mr. BAKER. I yield myself 2 minutes, and at that point I shall be willing to yield back the remainder of my time if the Senator from Virginia is willing to yield back his time.

The Senator from Virginia used an example that is of special note, in saying that the Administrator of the EPA, under my amendment, would be required to find that the substance constituted an unreasonable risk to the environment and that he was concerned about placing that responsibility on the Administrator of EPA. I suggest that that same rationale applies to the bill because it puts on the Administrator the burden of determination to find that there is no unreasonable risk to the environment.

When we talk about responsibility being placed on a bureaucratic official to define and find as gilt-edged and goldplated that a substance is not unreasonably hazardous to public health, that is a great burden to place on such an official.

I am not so sure that most of them, as would be true of such officials, would find the safe thing to do is not to certify any, because how could he say it was not going to be harmful to the environment, and in that way no one would be served?

In the off chance that this amendment is adopted. I want the record to show that the amendment was adopted because it changed the purpose, in that, instead of all the substances having to be proved innocent, they have to be proved to pose an unreasonable threat. This means as long as there is any credible proof, as long as there is any legitimate concern for safety, then the administrator, in good grace and accordance with the requirements of the legislation, does not have to require premarket screening to require anybody to prove innocence before a substance is marketed is to stifle inventiveness and to stifle development of new products for civilization.

Mr. President, I am ready to yield back the remainder of my time.

Mr. SPONG. Mr. President, I am prepared to yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Tennessee. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Indiana (Mr. Bayh), the Senator from West Virginia (Mr. Robert C. Byrd), the Senator from Florida (Mr. Chiles), the Senator from California (Mr. Cranston), the Senator from Mississippi (Mr. Eastland), the Senator from Louisiana (Mr. Ellender), the Senator from North Carolina (Mr. Ervin), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from North Carolina (Mr. Jordan), the Senator from Louisiana (Mr. Long), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

On this vote, the Senator from West Virginia (Mr. Robert C. Byrd) is paired with the Senator from Louisiana (Mr. Ellender). If present and voting, the Senator from West Virginia would vote "yea" and the Senator from Louisiana would vote "nay."

I further announce that, if present and voting, the Senator from North Carolina (Mr. Ervin), the Senator from Oklahoma (Mr. Harris), the Senator from South Dakota (Mr. McGovern), the Senator from Minnesota (Mr. Humphrey), the Senator from Maine (Mr. Muskie), would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. Fong), the Senator from Wyoming (Mr. Hansen) and the Senator from Oregon (Mr. Hatfield) are necessarily absent.

The Senator from Oklahoma (Mr. Bellmon) is absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Maryland (Mr. Mathias) is absent on official business.

The Senator from Delaware (Mr. Boggs), the Senator from Colorado (Mr. Dominick), and the Senator from Ohio (Mr. Taft) are detained on official business.

If present and voting the Senator from Oregon (Mr. Hatfield) would vote "nay."

The result was announced—yeas 28, nays 43, as follows:

[No. 189 Leg.]

YEAS—28

Aiken
Allen
Allott
Baker
Beall
Bennett
Bentsen
Brock
Cook
Cooper
Cotton
Curtis
Dole
Fannin
Gurney
Hollings
Hruska
Jordan, Idaho
Miller
Randolph
Roth
Scott
Stevens
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—43

Bible
Brooke
Buckley
Burdick
Byrd,
Harry F., Jr.
Cannon
Case
Church
Eagleton
Fulbright
Gambrell
Griffin
Hart
Hartke
Hughes
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
McGee
McIntyre
Metcalf
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Ribicoff
Saxbe
Schweiker
Smith
Spong
Stafford
Stennis
Stevenson
Symington
Tunney
Williams

NOT VOTING—29

Anderson
Bayh
Bellmon
Boggs
Byrd, Robert C.
Chiles
Cranston
Dominick
Eastland
Ellender
Ervin
Fong
Goldwater
Gravel
Hansen
Harris
Hatfield
Humphrey
Jordan, N.C.
Long
Mathias
McClellan
McGovern
Moss
Mundt
Muskie
Pell
Sparkman
Taft

So Mr. Baker's amendment was rejected.

Mr. SPONG. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MAGNUSON. I move to lay that motion on the table.

The motion was agreed to.

Mr. MAGNUSON. Mr. President, I would like to speak briefly in support of the bill reported by the committee.

In requesting additional authority to regulate toxic substances the administration recognized that gaps exist in our regulatory framework that permit public health and environmental hazards to occur without regulation. While the committee bill differs from the administration's approach to the problem, we are all in agreement that the gaps must be closed.

In spite of the growing body of environmental law, the Environmental Protection Agency is presently without power to control the manufacture, use and distribution of new chemical substances which may harm the environment and public health. For example, no example, no authority now exists to control the phosphate or NTA content of detergents or the mercury content of paint. We cannot continue to rely on persuasion by government and voluntary response by industry.

The basic thrust of the committee bill is that before we unleash thousands of pounds of new chemical substances into the environment, we must insure that adequate testing and evaluation of test data is performed.

To achieve the objective of guarding against unreasonable threats to man or the environment of toxic chemical substances, the bill would provide:

First, that new chemical substances should be tested by their manufacturer prior to their commercial production and that the test results should be reviewed by the Environmental Protection Agency prior to such production;

Second, that the Environmental Protection Agency will specify those existing chemical substances which there is reason to believe might present unreasonable threats to man or the environment, and that these substances will be tested as well;

Third, a variety of tools to regulate toxic substances, including the authority to restrict use and distribution, to seize chemical substances creating imminent hazards and to order such other action as is necessary to protect man or the environment;

Fourth, that manufacturers and processors of chemical substances be required to maintain certain records and reports to enable the Administrator to properly determine hazards;

Fifth, that citizens be allowed to bring suits to enjoin violations of title I and to require the performance of mandatory duties of the Administrator of the Environmental Protection Agency; and

Sixth, that, as provided in title II, the Environmental Protection Agency notify the Secretary of the Department in which the Coast Guard is operating of the potential environmental harm from the transportation of hazardous chemical substances, and that the Secretary may take such action as is necessary to protect against such harm.

The bill, in my view, is one of the most important pieces of environmental legislation ever considered by the Congress. It is my hope that we will move quickly to enact it this year.

Mr. COTTON. Mr. President, as the senior Republican member of the Committee on Commerce which considered this legislation I would like to make a few observations concerning it.

The origin of S. 1478, the Toxic Substances Control Act of 1972, was the environmental message of the President of the United States to the Congress on February 8, 1971. In that message concerning toxic substances the President announced that he would propose legislation on this subject. He also noted, in part, the following:

> As we have become increasingly dependent on many chemicals and metals, we have become acutely aware of the potential toxicity of the materials entering our environment. Each year hundreds of new chemicals are commercially marketed and some of these chemicals may pose serious potential threats.
>
> It is essential that we take steps to prevent chemical substances from becoming environmental hazards. Unless we develop better methods to assure adequate testing of chemicals, we will be inviting the environmental crises of the future.

As a result of the President's message, the Director of the Environmental Protection Agency submitted to the Congress on February 10, 1971, the draft of a bill covering the subject presently under consideration. This draft legislation was introduced on April 1, 1971 as S. 1478 by the distinguished chairman of our Committee on Commerce (Mr. MAGNUSON) and the distinguished senior Senator from Michigan (Mr. HART). Subsequently, the committee conducted extensive hearings on this legislative measure and proposed amendments to it covering a period of approximately 8 days. The bill now before the Senate represents the work product of those deliberations of the Committee on Commerce on this measure.

Mr. President, I support S. 1478—the Toxic Substances Control Act of 1972—and did so during the committee's deliberations on it.

As for the specific provisions of the bill, S. 1478, Mr. President, I wish to make but two observations. The first concerns the concept of "premarket testing" of chemical substances and the second, the seizure of chemical substances.

With respect to the first matter, premarket testing, I wish to discuss briefly its bearing upon the development of new chemicals and the broader, more productive use of existing chemicals. Section 103 of S. 1478 provides for the issuance of test protocols to determine the possible environmental and public health effects of certain new and existing chemical substances. These tests are designed to apply to the intended uses of these chemicals to determine whether and how they might reach the environment and the resultant degree of potential harm or benefit.

What I wish to emphasize—so that we are clear as to our legislative intent—is that in order to determine what an intended use of a chemical substance might be, the manufacturer of that substance must be allowed to engage in "test marketing." By test marketing I mean the marketing procedures necessary to determine not only if a substance is technically feasible but also economically attractive.

In other words, Mr. President, if a manufacturer is to produce a substance he must first know if anyone will buy it. In order to ascertain this needed information, a limited amount of commercial application is necessary. Thus, I believe it is important to point out that in drafting this bill, S. 1478, no attempt has been made to limit the ability of the manufacturer to test his product in the marketplace before he decides to undertake commercial production. On the contrary, the bill explicitly states that test data is not submitted for prescreening until 90 days before commercial production. For the manufacturer this does not take place until after he has had an opportunity to test market his product.

It is the buyer of the chemical substance that must ultimately determine whether it is technically and economically useful. The manufacturer, if innovation is to be preserved, must have the buyers decision before undertaking the expense of the testing required under this legislation.

On the second point, Mr. President, I wish to invite the attention of my colleagues to sections 107 and 108 concerning imminent hazard and seizure, respectively. These provisions authorize the Administrator of the Environmental Protection Agency to take appropriate action to declare a chemical substance an imminent hazard, restraining its use or distribution, and to bring about seizure of such chemical substances. I would hasten to point out that there is nowhere in S. 1478 any express provision authorizing either the Administrator of EPA or any other Government official to require the refund of the purchase price of any such chemical substance or replacement of such substance. And, no amount of legislative history should be accepted to infer that any such authority was conferred by the committee. In support of my position, I would simply refer interested parties to other consumer legislative measures such as the Child Protection and Toy Safety Act of 1969, which also was considered by the Committee on Commerce, and which expressly provided for such authority with respect to refund or replacement.

In conclusion, Mr. President, the committee did not expressly address this issue. It, therefore, should not be inferred that such authority is provided in this legislation. Perhaps, after experience with this new authority following enactment, evidence may demonstrate a need for such provision and, if so, then at that time I am sure that the Committee on Commerce would stand ready to consider it. But I wish to emphasize that the authority is not in S. 1478 and it cannot be so inferred.

AMENDMENT NO. 1206

Mr. BAKER. Mr. President, I call up my amendment No. 1206 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 35, line 3, strike all through line 12, page 35.

Mr. BAKER. I yield myself 2 minutes.

Mr. President, I might say, for the benefit of Senators, that on this amendment I intend to speak very briefly and to have a voice vote and that, so far as I am concerned, there are no more amendments to this bill.

Mr. President, section 104 of S. 1478 requires that manufacturers of new chemical substances submit their environmental test data to the Administrator of the Environmental Protection Agency 90 days in advance of the start of commercial production. The 90-day period is designed to permit the Administrator to complete a professional review of the test data to make sure that the chemical, when commercially produced and distributed, will not pose an unreasonable threat to human health or the environment.

If the bill stopped there, Mr. President, I would not have the same concern. A 90-day review period is ample. It is my understanding that a full and careful professional review of test data can be accomplished in less than 60 days, and the Administrator would still have 30 more days to determine whether or not the public interest requires the issuance of proposed restrictions on the use or distribution of the new chemical substance. And, under the terms of section 104(b), such proposed restrictions would be binding on the new chemical substance.

Unfortunately, however, the bill, in section 104(c), which the pending amendment would delete, gives the Administrator authority to add another 90-day delay. This second 90-day period of delay is not necessary for the protection of the public, and the Administrator of EPA has advised the committee, under date of March 3, 1972, that the delay is not needed.

In a letter to Senator SPONG, Mr. Ruckelshaus says, in brief, that the authority of what is now section 104(b) is adequate and that section 104(c) is not needed.

I ask unanimous consent to have the letter printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. WILLIAM B. SPONG, Jr.,
Chairman, Committee on Commerce,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for information as to the operations of Section 5 of the Toxic Substances Bill, Staff Working Draft #1. As stated in the Environmental Protection Agency's letter of February 22, 1972, to Senator Hart, we are opposed to any pre-market screening provision of the toxic substances legislation. We feel that the reporting and testing provisions of S. 1478 afford adequate protection to the public and therefore, we think that Section 5 of the Committee Print should be deleted.

If, notwithstanding our objections, a pre-market screening provision is enacted, we estimate that initial screening of the majority of applications under such a provision could be accomplished within the 90-day time frame provided by Section 5. In certain circumstances, such as a product or substance involving a completely new compound or having properties whose toxic effects cannot be readily determined, more time to adequately review test data would be necessary. Our experience in the pesticides registration program has indicated that the length of time required to process applications is more than anything else a function of the availability of skilled personnel to conduct the necessary review. The length of time required for these unusual situations is impossible to estimate, but it would appear that, if Section 5 were enacted any problems of review could be adequately dealt with by the provisions of Section 5(b), of Staff Working Draft #1, under which the Administrator may effectively restrict use or distribution of a substance if warranted by data or the absence of data available to him.

We appreciate your interest in the development of the Toxic Substances Control Act, and although we disagree with utilization of a pre-market screening provision, we feel that it is important that this legislation should proceed towards enactment.

Sincerely yours,
WILLIAM D. RUCKELSHAUS,
Administrator.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAKER. I yield myself 2 additional minutes.

The extra 90-day period in section 104 (c) can, on the other hand, have several serious disadvantages:

First, it may encourage delay and procrastination by the Agency. To stall and delay is a natural human tendency, and the presence of authority for an additional 90 days would seem to encourage such an approach.

Second, for the manufacturer of a new chemical substance, an extra 90 days' delay can be a most serious matter. For the producer of fertilizers, for example, an additional 90-day delay can mean a whole year's delay if he misses the growing season for that year. For the producer of textile dyes, or the manufacturer of flame-retardant chemicals, the delay can make him miss the season of heavy production. And in the vast majority of cases, the extra 90 days of unforeseen delay can impose extra costs which will burden the producer, discourage his efforts to produce improved products, and needlessly increase his costs.

Mr. President, for these reasons I urge the adoption of the amendment.

Mr. SPONG. Mr. President, I yield myself 4 minutes on the amendment.

The PRESIDING OFFICER (Mr. BUCKLEY). The Senator from Virginia is recognized for 4 minutes.

Mr. SPONG. Mr. President, the proposed legislation recommended by the committee contains the requirement that test data and intended uses of new chemical substances be submitted to the Environmental Protection Agency 90 days in advance of the commercial production of that substance. The Administrator of the Environmental Protection Agency would be authorized to extend that period by an additional 90 days if he has good cause. The amendment of the distinguished Senator from Tennessee would strike the authority of the Administrator to impose the 90-day extension.

The language of the legislation as recommended by the committee was worked out after careful thought and consideration. A variety of approaches were considered to give the Environmental Protection Agency enough time to review the data submitted without imposing unreasonable burdens on the chemical producer. In my view, the most convincing case on the need for the extension of the initial 90-day period is the fact that for a large number of chemical substances, EPA simply will not be able to conduct a proper review of the test data in the initial 90-day period.

A letter I received from Administrator Ruckelshaus of the Environmental Protection Agency states the case well. He says:

> If notwithstanding our objections, a pre-market screening provision is enacted, we estimate that initial screening of the majority of applications under such a provision could be accomplished in the ninety-day time frame provided by section 5. (Now section 104.) In certain circumstances, such as a product or substance involving a completely new compound or having properties whose toxic effects cannot be readily determined, more time to adequately review test data would be necessary.

Thus, according to EPA, a very large number of chemical substances could not be reviewed within the initial 90-day period. To me, it seems inconsistent to say that we want EPA to review test data prior to the commercial production of a chemical substance and yet to thwart that aim by not giving them enough time to do so.

Let me assure my colleagues that the committee does not intend to accept bureaucratic laziness as the basis for invoking the extension. I quote from the committee report:

> The Committee certainly does not intend that bureaucratic lethargy will constitute a good cause for providing a basis for invoking the extension. Furthermore, the Administrator's decision to extend and his reasons therefor will be published in the Federal Register and will be subject to judicial review under section 123(b). Thus, protection is built in to guard against extensions without basis. The committee intends to impose upon the Administrator a requirement not to extend the period for review unless the extension meets the objective test of a showing of good cause.

Thus, ample protection is built-in to guard against frivolous extensions by the Administrator. In my opinion, the language proposed by the committee is fair and would provide an opportunity for a good review. I would urge that the amendment not be accepted.

Mr. COTTON. Mr. President, will the Senator from Tennessee (Mr. BAKER) yield?

Mr. BAKER. I yield as much time as the Senator from New Hampshire may require.

Mr. COTTON. Mr. President, I invite the attention of the Senator from Tennessee (Mr. BAKER) to the language on page 21 of the committee report, which states:

> If because of complicated data, the Administrator determines that the maximum total period of 180 days is not sufficient for review of the data in question, he may, in effect, grant himself an additional period of time beyond the 180 days for an adequate review of the data by proposing a restriction on use or distribution.

Now, of course, what the committee says in its report is not law. But, I should like to ask the Senator if he would not interpret that paragraph as being an invitation to "bureaucratic lethargy," to use the words of the Senator from Virginia (Mr. SPONG)?

Mr. BAKER. Replying to the question by the distinguished ranking Republican member of the Commerce Committee, the Senator from New Hampshire (Mr. COTTON), I must say that I share his concern as to the exact status of the Act in view of the report language. I assume that the report language would be looked into, if there is any room for disagreement as to what the bill means. I thought the language was not in disagreement, that it would be 90 plus 90, but the report language, by itself, might be enough to create the impression that if the statute were called into a construction of the litigation as to uncertainty of intent, and if there is uncertainty by its terms, then the intent is of paramount importance. If it is not uncertain by its terms, then the intent is immaterial, so I am afraid I would have to leave it to the courts to decide whether it is uncertain by its terms.

I suppose the best answer I can give to the distinguished ranking member is that the certainty would be far greater without the report language, but I am not sure I would agree that the statute itself is uncertain. It seems painfully certain to me.

Mr. COTTON. I would say to the Senator that at first blush I had not particularly favored his pending amendment. I voted for his other amendment. But, I did not favor this one because I have vivid recollections of the problems encountered by the Food and Drug Administration when it was required to analyze and consider the safety of a multitude of new drugs—the so-called wonder drugs and the antibiotics that were coming on the market. It became humanly impossible for the FDA to do this work in any reasonable time because of the tremendous workload which resulted.

In granting an extension of another 90 days, the committee thought it was much better to fix the goal at 180 days and hit that goal, rather than to establish a custom of running over the shorter time period.

But as to the report language which I have quoted, Mr. President, I personally believe that the legislative history of the bill should clearly show—and so far as this Senator is concerned, as a member of the committee, who went through the consideration of the bill—that there is no intent on the part of Congress to let the Administrator of EPA to have an open-ended time period as seems to be indicated by the report. We should repudiate that particular section in the report and give them a maximum of 180 days period. Otherwise, I would vote for the pending amendment. Certainly, if this time period is going to be a mark to shoot at, which no one will achieve then we should make it 90 days. It may serve to hasten the procedure in some way. Certainly, there is no bureaucracy which, by its very nature, does not need such encouragement. The agency will be faced with a lot of detail work and it will be all too easy to let the time lapse.

Mr. BAKER. I thank the Senator from New Hampshire. I join him in asking the distinguished manager of the bill if he could shed any light on this subject. As I said a moment ago, I am not sure that the language in the bill is open to more than one interpretation, if the rules of construction are called into play, and the utterances of the manager of the bill would be of greater force than this colloquy.

Mr. SPONG. Mr. President, I am inclined to agree with the initial answer given to the Senator from New Hampshire by the Senator from Tennessee that the language is fairly certain. I would say, however, that the committee report uses the language:

> If, because of complicated data, the Administrator determines that the maximum total period of 180 days is not sufficient for review of the data in question he may in effect, grant himself an additional period of time beyond the 180 days.

I have questioned this from the beginning because I did not want to encourage delay in the EPA in the testing process. However, it is entirely possible, as the Senator from Tennessee has so adequately pointed out in our discussion of the earlier amendment, that initially there may be a great many of these tests, and even where the element of complicated data is not involved, a 90-day extension would be authorized for good cause if the agency were flooded with applications and therefore needed additional time for review beyond the initial 90 days. My judgment is that the use and distribution section, which is section 106 of the bill, would only come into play if there were complicated data involved. And I believe the language is fairly certain that in almost every instance only a 90-day extension will be allowed.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. SPONG. I am happy to yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I am not quite clear in my own mind that the Senator's statement actually sums up the matter of this 180-day time period written in by the committee to allow some degree of latitude. However, because of the wording of the report, and because of the Senator's remarks at this time, if that in itself is not going to be regarded as a real effective limit, then I think I would be constrained to vote for the pending amendment of the Senator from Tennessee (Mr. BAKER). If it is just a mark to shoot at, and if the language is going to encourage delay, then we might just as well shoot at the mark of 90 days rather than 180 days.

Mr. SPONG. Mr. President, let me say to the Senator from New Hampshire that I consider the 90-day extension was a collective effort on the part of the committee because the committee felt that the 90-day period in the bill reported by the subcommittee was unreasonable. Now, in the great majority of instances, and in my judgment in almost all instances, the 90 days plus the 90 days would be all that we would be dealing with. I would interpret the statute as written to be that certain. However, I cannot truthfully say to the Senator from New Hampshire, because of the existence of section 106, that it is not possible for the administrator if the data is complicated to seek another extension beyond that.

Mr. COTTON. I think that is very clear. However, would the Senator from Virginia (Mr. SPONG) join in declaring here on the floor, that so that it will be a part of the legislative history of this bill, that only in extreme cases of necessity would it be the intent of Congress that more than 180 days be used? And, would the Senator further agree that the language which appears in the middle of page 21 of the committee report shall not be taken in any sense as a release from the express terms of the bill, or an invitation to extend the time period, except under extreme cases of necessity?

Mr. SPONG. The Senator from Virginia would be pleased to join with the Senator from New Hampshire in agreeing with the observation that this should be only in extreme cases. However, I cannot categorically say to him that under the legislation, as I understand it in its whole, an addition to the 180 days is not possible.

Mr. COTTON. Mr. President, I think the Senator does agree that the language in the report should not in a sense be regarded as an invitation to extend the period.

Mr. SPONG. Mr. President, as one who started out on this legislation recommending only 90 days, I would say to the Senator from New Hampshire that I certainly do agree.

Mr. BAKER. Mr. President, I yield myself 1 additional minute.

Is there anything else to be said on the amendment? The question of 90 days, 180 days, or 360 days has been pretty thoroughly discussed and it was explicit in the previous amendment. It is pretty much to establish the fact that something has to be proved to be or is essentially harmful. By this data I think we have clearly spelled out what I think is the policy. The printed law is not in dispute. It does not lend itself to statutory construction.

Mr. President, I yield back the remainder of my time.

Mr. SPONG. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Tennessee. (Putting the question.)

The amendment was rejected.

Mr. BAKER. Mr. President, while there are enough Senators on the floor, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. HART. Mr. President, will the Senator from Virginia yield?

Mr. SPONG. Mr. President, I am glad to yield to the Senator from Michigan, one of the original sponsors of the legislation and chairman of the subcommittee.

Mr. HART. Mr. President, I would like to thank the Senator from Virginia for a very carefully developed hearing record. The Senator from Virginia was willing to assume the responsibility for the hearings and the management of the bill.

I think that even in the rather drab condition of the hearing record, it becomes clear that the Senator from Virginia was both thoughtful and knowledgeable and effective at every stage in the development of this legislation because of his skill, his interest, and his courage. So, I do thank him.

Mr. President, I ask unanimous consent that a statement by the Senator from Utah (Mr. Moss) be printed at this point in the Record. The Senator from Utah was very interested in this matter. He wanted very much to be present. However, he finds himself unable to be here.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Moss

In the past decade, most environmental legislation which has emerged from Congress has been directed at industrial effluent and emission controls. Yet many of our most toxic environmental contaminants today may be found not in the wastes of industrial production but rather in the products themselves. When these products—products such as cadmium batteries and lead-based paints—are marketed prior to adequate testing, their disposal down sinks and drains may significantly damage our natural resources and the public health. This phenomenon of "consumer pollution" has never received an adequate legislative response.

Now we have before us S. 1478, the Toxic Substances Control Act. The Commerce Committee held several days of hearings on both an administration bill, and an alternative proposal, Amendment No. 338 to that bill.

Two developments at the hearings underscored the need for this legislation. First, the mercury crisis was recharacterized as one caused primarliy by consumer pollution rather than industrial discharges. While wastes from chloralkali plants have certainly contributed to the problem, it was stressed that the disposal of products containing mercury constituted a much more serious worry.

The second development was the new concern over the dangers of polychlorinated biphenyls—(PCB's). These are industrial chemicals which increasingly have been discovered as contaminants of our food supply. Several witnesses testified that the prevalence of this contaminant argues strongly for direct controls over all potentially dangerous industrial chemicals.

But perhaps the classic case of "consumer pollution" is the use and disposal of phosphate detergents. Toward the end of the first session, a new chapter in the detergent controversy was added when Surgeon General Jesse Steinfeld advised housewives to use phosphate products in preference to more caustic substitutes. As a result of the clamor and confusion which followed this advice, the Committee decided to give special attention to the detergent problem, rather than treat it merely as an example of the need for toxic substance legislation.

Four days of hearings were held during which government, industry, and scientific witnesses commented on various aspects of the problem. Fearing that without more, the hearings would only add to the prevailing confusion, Senator William B. Spong, Jr., who chaired the hearing, prepared a report to the Committee evaluating competitive laundry products from the standpoints of safety and environmental protection.

The Congress must now step into this field with a general toxic substances control law. I urge your support for the bill.

Mr. HART. Mr. President, I ask unanimous consent that a letter under date of May 25, 1972, from the Senator from Washington (Mr. Magnuson), the Senator from Virginia (Mr. Spong), and myself to our colleagues on the pending bill be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., May 25, 1972.

Dear Colleague: The Toxic Substances Control Act, S. 1478, will be taken up on the floor in the next few days. The bill would require manufacturers of new chemical substances to test their products for possible adverse public health and environmental effects before commercial production. It would further require submission of test data to the Environmental Protection Agency for its evaluation ninety days prior to production. If more than ninety days were required for effective review, the Agency would be authorized to extend the review period for an additional 90 days upon a showing of good cause.

The Committee bill exempts from these requirements chemical substances which in the judgment of the Administrator of the Environmental Protection Agency do not pose an unreasonable environmental or public health threat. The bill envisions the development of a "Generally Recognized As Safe" list for classes and uses of new chemical substances.

When the bill is taken up on the floor at least two amendments may be offered. The first would restrict the bill to those substances which "the Administrator has reason to believe may pose an unreasonable threat to human health or the environment." The only difference between the coverage of the bill and that of the proposed amendment relates to chemicals about which we know little or nothing. Because the amendment requires a reason to believe that the hazard exists before the provisions of the act become applicable, substances about which we have no knowledge would not be covered. The bill as reported would cover them, since they would not fall into the exemption for those chemicals which in the Administrator's judgment pose no unreasonable environmental or public health threat. Given that nothing is known about these substances, the Administrator would have no basis for any such judgment.

We believe that the amendment should be opposed, so that this class of substances will be included within the provisions of the act. A major purpose of the bill, in our opinion, is to guard against dangerous chemicals, the production and dangers of which cannot be anticipated beforehand. Many of the chemicals we are now concerned about years ago would not have given us "reason to believe" that they posed an unreasonable threat.

The second amendment, which we also oppose, would strike the Agency's authority to extend the 90-day review period for an additional 90 days. While a majority of the chemicals to be marketed probably could be evaluated in 90 days, that period would not be sufficient in many cases. Experience under the pesticide law suggests that complicated data may require as many as 5 or 6 months to review. In such cases, the amendment would allow for production and sale before review is completed. We believe the resulting risks to the public would not be justified.

For these reasons, we urge you to join us in opposing these amendments.

With kind regards.

Sincerely,

Warren G. Magnuson.
Philip A. Hart.
William B. Spong, Jr.

Mr. BAKER. Mr. President, would the Senator yield me 1 minute on the bill?

Mr. COTTON. Mr. President, I yield 1 minute on the bill to the Senator from Tennessee (Mr. Baker).

Mr. BAKER. Mr. President, I have offered two amendments to the bill that I thought were significant. I do not think that it would be amiss for me to say, at this point, that the bill has profited materially from the efforts of the distinguished Senator from Virginia who has worked diligently and in a professional way as a lawyer to improve the bill. We should be grateful to the Senator from Virginia for his craftmanship in that regard.

Notwithstanding that we disagree in certain respects on the bill, I take this opportunity to thank him for his diligent work on the legislation.

Mr. COTTON. Mr. President, I echo the statements of the Senator from Tennessee (Mr. Baker) concerning the Senator from Virginia (Mr. Spong).

We appreciate the work that the Senator from Virginia (Mr. Spong) has put into the bill and thank him for his leadership.

I also wish to acknowledge the work of the chairman of the Committee on Commerce, the distinguished Senator from Washington (Mr. Magnuson). His name has become synonymous with product safety and consumer protection.

Mr. MAGNUSON. I thank the distinguished Senator from New Hampshire.

Mr. COTTON. I yield 5 minutes to the distinguished Senator from Nebraska (Mr. Curtis).

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. CURTIS. Mr. President, I thank my distinguished colleague for yielding.

Mr. President, I rise for the purpose of asking a question or two of the distinguished Senator from Virginia with regard to the legislation.

Does this legislation grant authority to prohibit the manufacture of a chemical substance?

Mr. SPONG. It has authority, yes, to prohibit after certain things are made known and made public. It has authority if it believes any chemical substance poses an imminent hazard, to prohibit the manufacture.

First, it has the authority to set down standards for testing. Then it has authority to require that certain testing be done. Then, it has authority to examine that testing and to do testing of its own, and based on that it can keep certain chemical substances off the market

Mr. CURTIS. Suppose part of the use of those chemical substances does relate to substances coming under the jurisdiction of the Federal Insecticide, Fungicide, and Rodenticide Act. Will this proposed statute grant authority to prohibit manufacture, distribution, and use of substances that are permitted under this other act?

Mr. SPONG. The act does not cover any pesticides, and the language of the act excludes all of them.

Mr. CURTIS. But my point is this. The Senator has stated it does grant authority to prohibit the manufacture of chemical substances. Now, suppose that it is a substance that is permitted under the Pesticide Act.

Mr. SPONG. Well, it does not cover pesticides so there is no authority under this bill to prohibit that manufacture. That would have to be done under some other act or some other law.

Mr. CURTIS. I am looking at the exemption in section 110(a)(1), which states:

> SEC. 110. (a) This title shall not apply to—
>
> (1) economic poisons subject to the Federal Insecticide, Fungicide, and Rodenticide Act, and chemical substances used in such poisons, except that if a chemical substance which constitutes such a poison or such an ingredient is or may be used for any purpose which is not regulated by the Federal Insecticide, Fungicide, and Rodenticide Act, this title shall apply to such other uses;

My point is: Does this act grant authority to stop the manufacture.

Mr. SPONG. It does not contain authority to prohibit its manufacture insofar as its use as a pesticide is concerned. It would control its use as other than a pesticide. So in answer to the original question, for use as a pesticide, the authority to stop the manufacture is not under this legislation, but for any uses other than as a pesticide, the authority would be there. But that would go to use and not to manufacture, in my judgment, as long as there is a use as a pesticide.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CURTIS. Mr. President, will the Senator yield to me for 5 additional minutes?

Mr. COTTON. Certainly. I yield to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, then, they could not prohibit the manufacture of a chemical substance that is used in pesticides.

Mr. SPONG. As a pesticide. The Senator is correct. They could prohibit use of it as anything other than a pesticide.

Mr. CURTIS. And that would apply to herbicides and others.

Mr. SPONG. The Senator is correct.

Mr. CURTIS. The Committee on Agriculture and Forestry has before it now the Pesticide Act. I understand that the proposal that is before us today will not affect anything that comes out of that legislation and which may be enacted into law.

Mr. SPONG. The Senator is correct. I would repeat again for the RECORD that where there is an agricultural use or a pesticide or herbicide use—and there may be a nonpesticide and nonherbicide use—that this could reach it insofar as that use is concerned, but it could not stop the manufacture as it might in other instances.

Mr. CURTIS. It could regulate the distribution of it until it reached the point where it was used.

Mr. SPONG. No, it could regulate it insofar as the use is concerned. The committee was quite aware of pending legislation before the Committee on Agriculture and Forestry dealing with these matters and went to great pains in drafting this legislation, to incorporate clearly the exclusions of section 110 which the Senator has quoted.

Mr. CURTIS. The legislation before us will be administered by the Environmental Protection Agency. Is that correct?

Mr. SPONG. The Senator is correct.

Mr. CURTIS. Will they have any authority over the Food and Drug Act?

Mr. SPONG. No.

Mr. CURTIS. Not at all. I notice nine other exemptions. What will the act regulate?

Mr. SPONG. The act will regulate many chemical substances, new compounds being prepared for marketing that could or could not affect public health or the environment.

Outstanding examples are mercury, PCB's, and many other substances such as this. These are not presently reached by any law in the manner in which they are proposed to be covered by this bill.

Mr. CURTIS. What are these substances used for?

Mr. SPONG. For consumer and industrial products. Mercury in sponges is an example. We have had PCB's show up in chickenfeed, as the Senator knows. There are many manufactured items involved. Phosphates in detergents is another example.

Mr. COTTON. Mr. President, if the Senator will yield, I, too, was about to cite phosphates in detergents as an example, and other matters of that kind. I think, whether done successfully or not, the Senator from Nebraska can be assured that in section 110, starting on page 43 of the bill, the committee did try to lean over backward to insure this legislation would not intrude or in any way compromise measures already in effect dealing with insecticides and pesticides.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CURTIS. Mr. President, will the Senator yield me 1 more minute?

Mr. COTTON. I yield 1 minute to the Senator.

Mr. CURTIS. Is this a fair statement: That it is the intention of the legislation to regulate substances that are not now regulated, but not to impose the Environmental Protection Agency as a superagency over present regulations established by law?

Mr. COTTON. The Senator from New Hampshire understands that is absolutely correct.

Mr. SPONG. The answer would be "Yes."

I would point out further, as the Senator from Nebraska has already, that pesticides and food additives are controlled at the point of manufacture, but we are trying to reach substances that are not controlled at the point of manufacture, and there is not given to EPA any authority over areas that are excluded.

Mr. CURTIS. I thank the distinguished Senator.

Mr. AIKEN. Mr. President, if the Senator will yield, is there anything in this legislation which would permit the EPA to dictate the percentage of any toxic substance which is used in the manufacture of insecticides?

Mr. SPONG. No.

Mr. AIKEN. There is not?

Mr. SPONG. No.

Mr. AIKEN. That would be left to the insectide and pesticide laws themselves?

Mr. SPONG. That is correct.

Mr. COOK. Mr. President, will the Senator yield me 3 minutes?

Mr. SPONG. I yield.

Mr. COOK. I thank the Senator.

As the Senator knows, it was through the cooperation of the distinguished chairman of the committee, the Senator from Washington (Mr. MAGNUSON), and the distinguished Senator from New Hampshire (Mr. COTTON), that I was able to put title II in the bill, which is referred to as "Transport of Hazardous Chemical Substances on Navigable Waters."

As the Senator knows, during the course of the discussions in committee, I laid out some of the serious problems we have on the Ohio River; for instance, the fact that the harbor at Louisville, at least the bottom of it, looks similar to the bottom of Pearl Harbor, as a result of many barges sunk there by accidents which have occurred on the Ohio River.

Also, I made reference to the fact that earlier we had 640 tons of chlorine gas caught in the wickets at Louisville and it took several days to remove that gas, and on the last day that occurred the officials of the city of Louisville had to evacuate some 5,000 people in one section of Louisville. This hazard also occurred previously when a chlorine gas barge sunk in the lower Mississippi River.

I wish to ask, as a matter of legislative history, of the Senator from Virginia, the following question. On page 71 of the bill, under subsection (1), the language appears, "establish, operate, and maintain vessel traffic services and systems for ports, harbors," and so forth. Would that language be adequate to cover the control, under title II, for instance, of the period of time in which railroad bridges would be raised and lowered, or would it be necessary to attempt to control that under some other law? I happen to believe it is broad enough.

We have a problem approaching the locks at Louisville. For example, the Pennsylvania Railroad bridge is down rather than up. Consequently, as the tows come into the canal, they have to back off and wait for the bridge to be raised. This causes tremendous problems, particularly during high water.

I am wondering whether it is the intention of the Senator from Virginia, as it is mine, that the language is broad enough that, this being an integral part of the navigable system, the Coast Guard would have authority to regulate that, or would it be necessary for the tower operator, who now has no radio communication whatsoever with the barges, to come under regulations which would establish that such bridges must have radio systems so the contact with the bridge operator would be made well in advance of the tow and the tug getting into the canal, if there were no traffic on the bridge, so that such a bridge would not be a hazard to navigation—as I say again, particularly in high water or bad weather?

Mr. SPONG. I would say to the Senator from Kentucky that I interpret section 201, on page 71, as does he. I think the Coast Guard, after complying with everything in this section with regard to consultation, would have that authority.

I would also like to say to the Senate that the Senator from Kentucky is responsible for title II as it appears in the bill. I think it is a very fine addition to the legislation. It is a part of the broad study that the Senator from Kentucky has followed in the Commerce Committee for some while, and I think it is a very constructive addition.

My answer to his question is "Yes."

Mr. COOK. I thank the Senator from Virginia.

Mr. SPONG. Mr. President, I would like the Record to reflect—and I had no opportunity to thank the Senator from Michigan and the Senator from Tennessee and the Senator from New Hampshire for their gracious remarks earlier—that had I been a little quicker on my feet, I might have done so at a proper time in the Record. I want the Record to show that each of these gentlemen on the committee and in the deliberations of the committee with regard to this legislation, which is somewhat complicated and very dry, certainly made a fine contribution in their own right to the bill that is presently before us. I would also like to express my gratitude and appreciation to the distinguished chairman of the committee, Mr. Magnuson, whose assistance was invaluable on the bill and to members of the majority and minority staffs of the committee and my own personal staff, particularly Peter Powell, David Clanton, Arthur Pankopf, Michael Brownlee, Alan Jones, and Leonard Bickwit, all of whom contributed so significantly to the development of this legislation.

Mr. President, I send to the desk a minor amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk read the amendment, as follows:

> On page 31, line 4, immediately following "chemically", insert "or used as a catalyst".

Mr. SPONG. Mr. President, I have sent to the desk a minor amendment relating to the definition of "intermediate chemical substance" which would have the effect of exempting certain chemicals known as catalysts from some of the provisions of the act.

Section 110(a)(5) provides that the act, other than the provisions relating to periodic reporting of data, shall not apply to "intermediate chemical substances, unless the Administrator finds that the chemical substances cannot be sufficiently regulated by the Clean Air Act, as amended, or the Federal Water Pollution Control Act as amended, to the extent necessary to protect health and the environment." "Intermediate chemical substance" is in turn defined by section 102(12) to mean "any chemical substance which is converted chemically in the manufacture of other chemical substances subject to this title."

The purpose of these provisions is to insure that the Administrator will not be overburdened with regulating intermediate substances the sole purpose of which is industrial use in the manufacture of other substances covered by the act. It has been pointed out to me, however, that certain chemical catalysts used in the manufacture of chemical substances would not fall within the definition of "intermediate chemical substance" in the bill reported by the committee. I have been told that as a rule these catalysts are not altered chemically in the manufacturing process, although they may be essential to that process.

Mr. President, I would argue that the policy reasons which led the committee to its qualified exemption of intermediate chemical substances are also applicable where catalytic substances are involved. My amendment would therefore include within the definition of "intermediate chemical substance" not only those substances which are "converted chemically," but also any substance which is "used as a catalyst" in the manufacture of other substances subject to the act.

Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield back his time?

Mr. COTTON. I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Virginia.

The amendment was agreed to.

Mr. NELSON. Mr. President, the Toxic Substances Control Act of 1972 (S. 1478) is long overdue.

The legislation would establish a regulatory system over potentially harmful chemicals, in order to protect the environment and the public health, under the jurisdiction of the Environmental Protection Agency.

This is a reasonable approach to provide greater protection from chemical pollution.

The bill requires premarket testing and approval of new and existing chemicals that are considered a threat to man or the environment.

It provides tools for the Government to restrict the use of, or to seize, chemicals creating imminent hazards.

The bill allows for citizen suits; and for protection against environmental harm in navigable waters of the United States.

The object of the legislation is to insure that adequate information is accumulated and evaluated respecting the potential dangers involving the introduction of new chemicals into the marketplace. Historically, large numbers of chemical substances have been introduced into use, which later are found to pose human health hazards, or to endanger the air and water. This bill is a sensible proposal to prevent such problems from occurring.

It is well to take steps now to better regulate the use of toxic substances.

Mr. GRIFFIN. Mr. President, the pending bill, S. 1478, is an important measure designed to control the marketing of chemicals which may be potentially hazardous to human beings and the environment.

In the past, most efforts have been directed toward hazards and pollution already in the environment. However, this legislation is designed to operate like preventive medicine.

Among President Nixon's major recommendations last year in the environmental field was a proposal to control toxic substances. This bill is the product of his initiative.

In his environmental message to Congress in February 1971, the President pointed out that—

> Each year hundreds of new chemicals are commercially marketed and some of these chemicals may pose serious potential threats. Many existing chemicals and metals, such as PCB's (polychlorinated biphenyls) and mercury, also represent a hazard.

As a practical matter, the genesis for this legislation grew out of the 1969 mercury scare in Lake St. Clair, Mich., when high levels of toxic methyl mercury were found in fish.

At that time, Michigan Gov. William G. Milliken spoke out forcefully on the need for an orderly procedure to screen out hazardous chemicals before they reach the market. Subsequently, the administration proposed the original version of S. 1478.

Mr. President, as far as the Great Lakes region is concerned, one of the most significant features of S. 1478 is the authority contained in the bill to restrict the use of phosphates in detergents. Last year I introduced S. 2553, the proposed Detergent Control Act, which would limit the phosphorus control of detergents to 8.7 percent by July 1972, and would direct the Administrator of EPA to set health and environmental standards for all detergents.

While the legislation before us does not go as far as my bill in specific terms, I do believe it is important to recognize that the phosphate content of detergents can be regulated under S. 1478.

As the committee report indicates—

> A regulation might require that a phosplate-containing detergent could be used generally only if the test results revealed a very low level of plant stimulation characteristics. If a higher level were found, the detergent could be used everywhere except the Great Lakes Basin, where over-fertilization is a problem.

Furthermore, as the above language from the committee report suggests, distribution of phosphate detergents could be restricted on a geographic basis. In fact, section 102 of S. 1478 specifically states that hazardous chemicals may be restricted on a geographic basis. The committee report contains the following explanation:

> Thus, to use detergents as an example the Administrator could specify different levels of phosphates to accommodate those areas where phosphate eutrophication is a

problem. The Administrator could also totally ban a substance.

Finally, it should be noted that S. 1478 would leave State and local governments with authority to impose a total ban on the use and distribution of hazardous chemicals, as a number of States and local governments have already done with respect to phosphate detergents. I believe this limited flexibility can be useful in many situations.

Mr. President, while I would like to see legislation enacted that would be directed specifically at phosphates, I am pleased by the progress which this bill represents. If this legislation is vigorously implemented, it can and should be effective in reducing the pollution problem caused by phosphate detergents.

SAFETY ON OUR WATERWAYS

Mr. BAYH. Mr. President, the Federal Hazardous Substances Act before the Senate today contains a very significant provision designed to establish safety standards for the transportation of hazardous substances on navigable waters. I wish to draw the attention of my colleagues to title II of this bill. Title II is designed to ensure appropriate regulation and coordination of traffic routes, time schedules, and loading procedures for vessels transporting hazardous chemical substances on our waterways.

The legislation is necessary to protect the safety of citizens living near navigable waters and to prevent those same waters from environmental harm caused by shipping accidents. I believe this legislation will establish a foundation for safety on our national system of shipping routes.

My concern over shipping safety began with Indiana. As only one State, she has witnessed 10 separate barge collisions along the Ohio River since October of last year. The most noteworthy, as you may recall, was the collision on March 19 of a chlorine barge and a sulfuric acid barge at McAlpine Dam. Fortunately the sulfuric acid barge was removed safely within a short period, but for over 2 weeks the citizens of the surrounding area lived with the fear that 640 tons of fatal chlorine gas might escape. Portland, Ky., was evaculated and plans were made for the evacuation of three cities, two of which are in Indiana: Louisville, New Albany, and Jeffersonville. Again, on April 20 a string of three barges containing gasoline broke loose, smashed into the Cannelton Dam and erupted into flames. Fed by an estimated 3 million gallons of gasoline that the barges had dumped into the Ohio, this fire raged for several days.

It is distressing that accidents continue to occur with such regularity. Clearly there is a need for reasonable legislation to prevent future collisions. Clearly there is a need for basic ground rules of operation for those vessels directly involved with dangerous cargoes. For quite sometime we have been concerned about safety on our highways and in our airports; it is time that we show similar concern for our waterways. I commend the committee for reporting title II and urge the Senate to pass this bill.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. Who yields time?

Mr. SPONG. Is the Senator from New Hampshire prepared to yield back his time?

Mr. COTTON. Yes.

Mr. SPONG. Mr. President, I yield back my time.

Mr. COTTON. I yield back my time.

The PRESIDING OFFICER (Mr. BUCKLEY). All time having been yielded back, the question, shall the bill pass?

On this question, the yeas have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from California (Mr. CRANSTON) are necessarily absent.

I further announce that if present and voting, the Senator from Florida (Mr. CHILES), the Senator from Louisiana (Mr. ELLENDER), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from South Dakota (Mr. McGOVERN), and the Senator from Maine (Mr. MUSKIE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

The Senator from Ohio (Mr. TAFT) is detained on official business.

If present and voting, the Senator from Hawaii (Mr. FONG) would vote "yea."

The result was announced—yeas 77, nays 0, as follows:

[No. 190 Leg.]

YEAS—77

Aiken
Allen
Allott
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Fannin
Fulbright
Gambrell
Griffin
Gurney
Hart
Hartke
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—23

Anderson
Chiles
Cranston
Eastland
Ellender
Ervin
Fong
Goldwater
Gravel
Hansen
Harris
Hatfield
Humphrey
Jordan, N.C.
Mathias
McClellan
McGovern
Moss
Mundt
Muskie
Pell
Sparkman
Taft

So the bill (S. 1478) was passed, as follows:

S. 1478

An act to amend the Federal Hazardous Substances Act, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Toxic Substances Control Act of 1972".

TITLE I—TOXIC SUBSTANCES CONTROL

DECLARATION OF POLICY

SEC. 101. (a) The Congress finds that—

(1) man and the environment are being exposed to a large number of chemical substances each year;

(2) among the many chemical substances constantly being developed and produced are some which may pose an unreasonable threat to human health or the environment; and

(3) the effective regulation of interstate commerce in such chemical substances necessitates the regulation of transactions in such chemical substances in intrastate commerce as well.

(b). It is the policy of the United States that—

(1) new chemical substances and hazardous or potentially hazardous existing chemical substances should be adequately tested with respect to their safety to man and the environment and that such testing should be the responsibility of those who produce such chemicals;

(2) adequate authority should exist to restrict the distribution and use of chemical substances found to pose an unreasonable threat to human health or the environment, and to seize chemical substances that pose imminent hazards;

(3) authority over chemical substances should be exercised in such a manner as not to unduly impede technological innovation while fulfilling the primary purpose of this title to assure that such innovation and commerce in such chemical substances does not pose an unreasonable threat to human health or the environment; and

(4) as set forth herein, citizens should be encouraged to participate in carrying out the purposes of this title.

DEFINITIONS

SEC. 102. As used in this title the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "Chemical substance" means any organic or inorganic substance of a particular molecular identity, or any uncombined chemical radical or element;

(3) "New chemical substance" means any chemical substance which is first produced in commercial quantities after the effective date of any regulation promulgated pursuant to section 103 of this title which is applicable to such substance;

(4) "Existing chemical substance" means any chemical substance which has been produced in commercial quantities before the effective date of any regulation promulgated pursuant to section 103 of this title which is applicable to such substance;

(5) "Manufacturer" means any person engaged in the production or manufacture of chemical substances for purposes of sale or distribution in commercial quantities, or an importer thereof;

(6) "Processor" means any person engaged in the preparation of a chemical substance for distribution or use either in the form in which it is received or as part of another product, as defined by regulations of the Administrator;

(7) "Restrict the use or distribution" means to prescribe the amount sold to given types of processors, or to limit the type of processor to whom a substance may be sold, or to prescribe the amount which may be utilized by a given type of processor, or to limit the sale or the manner in which a substance may be used, handled, labeled, or disposed of by any person, including self-monitoring requirements for manufacturers and processors to insure that the chemical substance being manufactured or processed is of reasonably consistent composition, and such restriction on use or distribution may be applied on a geographic basis and may include a total ban;

(8) "Byproduct" means a chemical substance produced as a direct result of the production, manufacture, processing, use, or disposal of some other chemical substance which is subject to the provisions of this title;

(9) "Environment" includes water, air, land, all living things therein, and the interrelationships which exist among these;

(10) "Protect health and the environment" means protect against any unreasonable threat to human health or the environment resulting from any chemical reaction of a chemical substance taking into account the benefits of the chemical substance as compared to the risks to human health or the environment;

(11) "District courts of the United States", which courts shall have jurisdiction over actions arising under this title includes the District Court of Guam, the District Court of the Virgin Islands, the District Court of the Canal Zone, and in the case of American Samoa and the Trust Territory of the Pacific Islands, the District Court of the United States for the District of Hawaii;

(12) "Intermediate chemical substance" means any chemical substance which is converted chemically or used as a catalyst in the manufacture of other chemical substances subject to this title;

(13) "Test protocol" means a standardized procedure for performing tests as required by this title pursuant to regulations promulgated by the Administrator, the results of which will provide a basis for judging the effects of a chemical substance on human health or the environment; and

(14) "Laboratory reagent" means any chemical substance produced, distributed, or used for scientific experimentation or chemical research or analysis.

TEST STANDARDS

SEC. 103. (a) Within one year after enactment of this title and from time to time thereafter, the Administrator shall issue proposed regulations (i) for such test protocols for various classes and uses of chemical substances and (ii) for the results that must be achieved therefrom, as are necessary to protect health and environment. Such regulations shall apply to all chemical substances which are produced in commercial quantities, except that the Administrator shall not propose regulations for those chemical substances or classes or uses of chemical substances which (1) in his judgment, are of no unreasonable environmental or public health threat, or (2) are more efficiently controlled through the regulation of their components. To the extent feasible, such regulations shall indicate which uses correspond to specified test results.

(b) In determining what is necessary to protect health and the environment, the Administrator shall consider all relevant factors including but not limited to—

(1) the effects of the substance on human health;

(2) the effects of the substance on the environment;

(3) the benefits of the substance for various uses;

(4) the normal circumstances of such use;

(5) the degree to which the substance is released to the environment;

(6) the magnitude of exposure of humans and the environment to the substance;

(7) the extent to which the prescribed tests are reasonably predictive of the potential adverse effects of a substance on human health or the environment;

(8) the manner in which available data on the safety of classes and uses of chemical substances may be used in reducing the testing requirements; and

(9) the availability of less hazardous substitutes.

(c) Such test protocols may include tests for carcinogenesis, teratogenesis, mutagenesis, persistence, the cumulative properties of the substance, the synergistic properties of the substance and other types of hazards, and epidemiological studies of the effects of the chemical substance.

(d) The Administrator shall specify in the proposed regulations the date on which such regulations shall take effect, except that such regulations shall take effect as soon as feasible, allowing sufficient time for the execution and reporting of the required tests.

PREMARKET SCREENING OF NEW CHEMICAL SUBSTANCES

SEC. 104. (a) After the effective date of initial regulations promulgated pursuant to section 103 of this title any manufacturer of a new chemical substance to which such regulations are applicable shall submit to the Administrator, at least ninety days in advance of the commercial production of such substance, the test data developed in accordance with the regulations issued pursuant to section 103 of this title for the intended use of such substance. Subject to section 115 of this title, the Administrator shall promptly publish in the Federal Register the identity of such chemical substance, the uses intended, and a statement of the availability of test data. Any subsequent manufacturer of a new chemical substance for which test data have been furnished to the Administrator under this subsection or any subsequent manufacturer of a new chemical substance falling within a class of chemical substances specified in regulations promulgated under section 103 of this title for which test data have been furnished to the Administrator, shall not be required to furnish test data which are duplicative of data submitted previously by another manufacturer, except such new chemical substances shall not be commercially produced prior to the commercial production of the chemical substance for which test data were furnished under this subsection. Any chemical substance or member of a class of chemical substances or any manufacturer or processor thereof referred to under the preceding sentence shall be subject to all other provisions of this title.

(b) If warranted by data or the absence of data available to him, the Administrator may propose by regulation to restrict the use or distribution of any such substance in accordance with section 106 of this title. If such regulation is proposed prior to the expiration of the ninety-day period referred to in subsection (a) of this section such proposed restrictions on use or distribution shall apply, pending the outcome of administrative proceedings on such proposal, to any subsequent commercial production of such new chemical substance as if such proposed regulation were final. After such regulation is proposed, the Administrator may refer it to a committee referred to in section 111(c) of this title. The Administrator shall refer such proposal to such committee if requested by any interested party.

(c) The Administrator may extend the date after which a new chemical substance may be commercially produced under this title for any particular use or uses beyond ninety days from the submission of test data required by section 103 of this title for an additional period, not to exceed ninety days, for good cause shown. Subject to section 115 of this title, notice of such extension and the reasons therefor shall be published in the Federal Register and shall constitute a final action subject to judicial review in accordance with section 123(d) of this title.

(d) Nothing in this section shall be construed to prohibit the Administrator from restricting the use or distribution of any such new chemical substance pursuant to section 106 of this title after commercial production of such substance has begun or to take action against any substance which is found to be an imminent hazard pursuant to section 107 of this title.

(e) Whenever a manufacturer of a new chemical substance proposes to commercially produce such substance for a use with respect to which the Administrator has not received test data for such use pursuant to subsection (a) of this section, the manufacturer shall be required to follow the procedures of this section before such substance may be submitted to such use. The requirements of the preceding sentence shall apply notwithstanding the fact that the Administrator may previously have screened such substance for other uses without objection.

EXISTING CHEMICAL SUBSTANCES

SEC. 105. (a) The Administrator shall issue, within one year after the enactment of this title and from time to time thereafter, proposed regulations specifying those existing chemical substances the manufacture, processing, distribution, use, or disposal of which there is reason to believe may pose an unreasonable threat to human health or the environment. Concurrently with each proposal to specify such existing chemical substance, the Administrator shall propose regulations under section 103 of this title, if he has not previously done so, which are applicable to each existing chemical substance so specified. On or before the effective date of any applicable regulations under section 103 of this title any manufacturer of an existing chemical substance shall furnish the test data developed in accordance with such regulations to the Administrator. Subject to section 115 of this title, the Administrator shall, upon receipt of such test data from a manufacturer promptly publish in the Federal Register the identity of such existing chemical substance the uses to which the substance is put and a statement of the availability of test data.

(b) Manufacturers of existing chemical substances for which testing is required under subsection (a) of this section shall not be required to submit test data which would duplicate applicable test data submitted previously by other manufacturers. Such chemical substances and the manufacturers thereof shall be subject to all other provisions of this title.

(c) Whenever a manufacturer of an existing chemical substance proposes to commercially produce such substance for a use to which a regulation under section 103 of this title is applicable and with respect to which the Administrator has not received test data for such use pursuant to subsection (a), the manufacturer shall be required to follow the procedures of this section notwithstanding the fact that no objection has been raised to other uses. Whenever a manufacturer of an existing chemical substance proposes to commercially produce such substance for a new use following the effective date of a regulation under section 103 of this title applicable to such use, the manufacturer shall be required to follow the procedures of section 104 of this title before such substance may be submitted to such use.

RESTRICTIONS ON USE OR DISTRIBUTION

SEC. 106. (a) If warranted by data available to him, or in the absence of acceptable test data required under sections 104 or 105 of this title, the Administrator may propose by regulation (1) to restrict the use or distribution of any chemical substance to the extent necessary to protect health and the environment; (2) to require that any or all persons engaged in the distribution of the chemical substance so regulated give notification to purchasers or other recipients of the substance of such restrictions in such form and manner as the Administrator determines is necessary to protect health and the environment including labeling requirements on such chemical substances or products containing such substances with appropriate warning provisions and directions for use and disposal; and (3) to require such other action as may be necessary to carry out such restrictions including recalling such product or substance from the market.

(b) In issuing such regulations the Administrator shall consider all relevant factors including—

(1) the effects of the substance on human health;

(2) the effects of the substance on the environment;

(3) the benefits of the substance for various uses;

(4) the normal circumstances of use;

(5) the degree to which the substance is released to the environment;

(6) the magnitude of exposure of humans and the environment to the substance; and

(7) the availability of less hazardous substitutes.

The Administrator shall specify in the order the date on which it shall take effect, which shall be as soon as feasible. To the extent possible, the manufacturer shall be responsible for supplying all necessary information for the Administrator to make findings under this subsection. All data relevant to the Administrator's findings shall be available to the public in accordance with section 115 of this title.

(c) Whenever the Administrator has good cause to believe that a particular manufacturer or processor is producing or processing a chemical substance not in compliance with a particular restriction on the use or distribution requiring reasonably consistent composition of such chemical substance—

(1) he may require such manufacturer or processor to submit a description of the relevant quality control procedures followed in the manufacturing or processing of such chemical substance; and

(2) if he thereafter determines that such noncompliance is attributable to the inadequacy of the manufacturer's or processor's control procedures, he may, after notice and opportunity for hearing pursuant to section 554 of title 5, United States Code order the manufacturer to revise such quality control procedures to the extent necessary to remedy such inadequacy.

IMMINENT HAZARD

SEC. 107. (a) An imminent hazard shall be considered to exist when the evidence is sufficient to show that the manufacture, processing, distribution, use, or disposal of a chemical substance will result in serious damage to human health or the environment prior to the completion of an administrative hearing or other formal proceeding held pursuant to this title.

(b) If the Administrator has reason to believe that an imminent hazard exists he may petition an appropriate district court of the United States, or he may request the Attorney General to do so, to restrain the uses or distribution of the chemical substance responsible for the hazard, or to require that stocks of such substances be recalled by the manufacturer from wholesaler, retailers, and other distributors. The Administrator shall simultaneously, if he has not done so, propose any regulation which may be warranted under section 106 of this title.

SEIZURE

SEC. 108. (a) Any chemical substance which the Administrator finds (1) is manufactured, processed, distributed, used, or disposed of in violation of sections 103 or 106 of this title and (2) of itself constitutes an imminent hazard shall be liable to be proceeded against by the Administrator or the Attorney General on libel of information and condemned in any district court of the United States within the jurisdiction of which the article is found. Such substance shall be liable to seizure by process pursuant to the libel, and the procedure in cases under this section shall conform, as nearly as may be, to the procedure in admiralty; except that on demand of either party any issue of fact joined in any such case shall be tried by jury.

(b) Any substance condemned under this section shall, after entry of the decree, be disposed of by destruction or sale as the court may, in accordance with the provisions of this section, direct and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States; but such substance shall not be sold under such decree contrary to the provisions of this title or the laws of the jurisdiction in which sold: *Provided*, That after entry of the decree and upon the payment of the costs of such proceedings and the execution of a good and sufficient bond conditioned that such substance shall not be sold or disposed of contrary to the provisions of this title or the laws of any State or territory in which sold, the court may by order direct that such substance be delivered to the owner thereof to be destroyed or brought into compliance with the provisions of an officer or employee duly designated by the Administrator, and the expenses of such supervision shall be paid by the person obtaining release of the article under bond.

(c) When a decree of condemnation is entered against the article, court costs and fees, and storage and other property expenses, shall be awarded against the person, if any, intervening as claimant of the article.

REPORTS

SEC. 109. (a) The Adminstrator shall require all manufacturers of chemical substances or processors, where appropriate, to submit reports to him annually and at such more frequent times as he may reasonably require containing any or all of the following—

(1) the names of any or all chemical substances produced, imported, or processed in commercial quantities by the manufacturer or processor thereof;

(2) the chemical identity and molecular structure of such substances insofar as is known;

(3) the categories of use of each such substance, insofar as they are known to him;

(4) reasonable estimates of the amounts of each substance produced or processed for each such category of use; and

(5) a description of the byproducts, if any, resulting from the production of each such substance, and insofar as they are known to him, from the processing, use, or disposal thereof.

The Administrator may, by regulation, exempt manufacturers or processors from all or part of the requirements of this section if he finds that such reports are not necessary to carry out the purposes of this title.

(b) Whenever the Administrator determines that such action would be necessary to allow him to carry out his responsibilities and authorities under this title, he may be publishing a notice in the Federal Register, invite and afford all interested persons an opportunity to provide in writing information respecting the human health or environmental effects of a chemical substance.

EXEMPTIONS AND RELATIONSHIP TO OTHER LAWS

SEC. 110. (a) This title shall not apply to—

(1) economic poisons subject to the Federal Insecticide, Fungicide, and Rodenticide Act, and chemical substances used in such poisons, except that if a chemical substance which constitutes such a poison or such an ingredient is or may be used for any purpose which is not regulated by the Federal Insecticide, Fungicide, and Rodenticide Act, this title shall apply to such other uses;

(2) foods, drugs, devices, and cosmetics subject to the Federal Food, Drug, and Cosmetic Act, as amended, foods subject to the Federal Meat Inspection Act, the Egg Products Inspection Act, and the Poultry Products Inspection Act, and chemical substances used therein, except that if such an item or substance is or may be used for any purpose which is not regulated by such Acts this title shall apply to such other uses;

(3) any source material, special nuclear material, or byproduct material as defined in the Atomic Energy Act of 1954, as amended, and regulations issued pursuant thereto by the Atomic Energy Commission;

(4) except as otherwise provided for in title II of this Act, the transportation of hazardous materials insofar as it is regulated by the Secretary of the Department of Transportation;

(5) except for section 109 of this title, intermediate chemical substances, unless the Administrator finds that such chemical substances cannot be sufficiently regulated by the Clean Air Act, as amended, or the Federal Water Pollution Control Act, as amended, to the extent necessary to protect health and the environment;

(6) except for section 109 of this title, any other chemical substance that the Administrator finds can be regulated more effectively by the Clean Air Act, as amended, or the Federal Water Pollution Control Act, as amended, to the extent necessary to protect health and the environment;

(7) laboratory reagents, except those which there is reason to believe the manufacture, processing, distribution, use, or disposal of which may produce an unreasonable threat to human health or the environment;

(8) tobacco and tobacco products; and

(9) any extraction of any mineral deposit covered by the mining or minereal leasing laws of the United States, unless the Administrator finds, by regulation, that such extraction of such mineral deposit poses an unreasonable threat to human health or the

environment which cannot be effectively regulated under any other provisions of law.

(b) To the extent that such chemical substances are subject to regulation by other Federal laws, including the Occupational Safety and Health Act of 1970 and the Federal Hazardous Substances Act, as amended, the Administrator shall not regulate the use or distribution of a new or existing chemical substance on the basis of any possible hazard to employees in their place of employment, or the hazard directly to consumers resulting from the personal use, enjoyment, or consumption of marketed products which contain or might contain the substance.

(c) If it appears to the Administrator that any such substance may pose a hazard when transported, or when used on or in food or as a drug or cosmetic, or may be a hazard to employees in their place of employment, or may pose a hazard directly to consumers resulting from the personal use, enjoyment, or consumption of marketed products which contain or might contain the substance, he shall transmit any data received from manufacturers or processors or data otherwise in his possession which is relevant to such hazards to the Federal department or agency with authority to take legal action if a hazard is found to exist.

(d) The Administrator shall coordinate actions taken under this title with actions taken to implement the Federal Water Pollution Control Act and the Clean Air Act, and shall, where appropriate, use the authorities contained in such Acts to regulate chemical substances.

(e) The Administrator shall consult and coordinate with the Secretary of Health, Education, and Welfare and the heads of other appropriate Federal agencies in administering the provisions of this title. The Administrator shall report annually to the Congress on actions taken to coordinate with other Federal agencies and actions taken to coordinate the authority under this title with the authority granted under other Acts referred to in this section.

(f) This title shall not be construed as superseding or impairing the provisions of any other law or treaty of the United States.

CHEMICAL SUBSTANCES BOARD

SEC. 111. (a) There shall be established in the Environmental Protection Agency a Chemical Substance Board (hereinafter referred to as the "Board") consisting of twelve scientifically qualified members. The Administrator shall appoint members of the Board from a list of individuals recommended to him by the National Academy of Sciences, except that the Secretary of Health, Education, and Welfare shall appoint one member of the Board from whatever source he desires. Such Board shall include qualified scientists not more than one-third of which represent the chemical industry. None of the members of such Board, other than chemical industry representatives, shall have any significant economic interest in the chemical industry. Members of the Board shall serve one term of four years, except that one-half of the members initially appointed shall serve one term of two years. Thereafter, one-half of the members of the Board shall be appointed every two years. Members of the Board shall not be reappointed for consecutive terms. One of the members shall be designated by the Administrator to serve as Chairman of the Board.

(b) The National Academy of Sciences, in consultation with the Board, shall maintain a list of qualified scientists, to assist in carrying out the provisions of this section. Such scientists may also be utilized as consultants to the Chemical Substances Board.

(c) Except as provided in section 104(b) of this title, before proposing any regulations under sections 103, 105, or 106 of this title, the Administrator shall refer his proposed action and the available evidence to a committee selected by the Administrator from members of the Board and the list of consultants to the Board, except that the Secretary of Health, Education, and Welfare may appoint one member of such committee from whatever source he desires. Concurrently with such referral, the Administrator shall publish in the Federal Register a notice of the referral identifying the proposed action. Such committee shall include qualified scientists not more than one-third of which represent the chemical industry. None of the members of such committee have a significant economic interest in the manufacturing, processing, distribution, or sale of any chemical substance which may, directly or indirectly, be affected by the proposed action. The committee shall conduct an independent scientific review of the proposed action and shall report its views and reasons therefor in writing to the Administrator, within a reasonable time, not to exceed forty-five days as specified by the Administrator. Such time may be extended an additional forty-five days if the Administrator determines the extension necessary and such committee has made a good faith effort to report its views and reasons therefor within the initial forty-five day period. All such views shall be given due consideration by the Administrator. If the committee fails to report within the specified time, the Administrator may proceed to take action under this title. Subject to section 115 of this title, all proceedings and deliberations of such committees and their reports and reasons therefor shall be public record. The report of the committee and any dissenting views shall be considered as part of the record in any proceeding taken with respect to the Administrator's action.

(d) The Administrator may, at his discretion, also request the Board to convene a committee to consider other actions proposed to be taken under this title. In such case all provisions of this section shall apply.

(e) The Administrator is authorized to reimburse the National Academy of Sciences for expenses incurred in carrying out this section.

(f) Members of the Board or committees who are not regular full-time employees of the United States shall, while serving on business of the Board or committee, be entitled to compensation at rates fixed by the Administrator, but not exceeding the daily rate applicable at the time of such service to grade GS-18 of the classified civil service, including traveltime; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

RESEARCH

SEC. 112. The Administrator is authorized to conduct such research and monitoring as is necessary to carry out his functions under this title. Such research and monitoring may be undertaken to determine proper test protocols and results to be obtained therefrom under section 103 of this title, determinations of what existing chemical substances might present unreasonable hazards under section 105 of this title, and such monitoring of chemical substances in man and in the environment as is otherwise necessary to carry out the purposes of this title. In addition, research may be undertaken to conform the results of tests required by this title. To the extent possible, such research and monitoring shall not duplicate the efforts of other Federal agencies or the research required of manufacturers under this title. In order to carry out the provisions of this section, the Administrator is authorized: (1) to make contracts and grants for such research and monitoring; and (2) to construct such research laboratories as may be necessary to carry out the purposes of this title (A) after fully utilizing the personnel, facilities, and other technical support available in other Federal agencies, (B) when authorized by the Congress to plan, design, and construct such laboratories, and (C) subject to the appropriation of funds for this purpose by the Congress.

ADMINISTRATIVE INSPECTIONS AND WARRANTS

SEC. 113. (a) (1) For the purpose of inspecting, copying, and verifying the correctness of records, reports, or other documents required to be kept or made under this title and otherwise facilitating the carrying out of his function under this title, the Administrator is authorized, in accordance with this section, to enter any factory, warehouse, or other premises in which chemical substances are manufactured, processed, stored, held, or maintained, including retail establishments, and to conduct administrative inspections thereof.

(2) Such entries and inspections shall be carried out through officers or employees (hereinafter referred to as "inspectors") designated by the Administrator. Any such inspector, upon stating his purpose and presenting to the owner, operator, or agent in charge of such premises (A) appropriate credentials and (B) his administrative inspection warrant or a written notice of his other inspection authority, shall have the right to enter such premises and conduct such inspection at reasonable times.

(3) Except when the owner, operator, or agent in charge of such premises so consents in writing, no inspection authorized by this section shall extend to—

(A) financial data;

(B) sales data other than shipments data;

(C) pricing data;

(D) personnel data;

(E) research data (other than data required by this title); or

(F) process technology other than that related to chemical composition or the industrial use of a chemical substance.

(b) A warrant under this section shall not be required for entries and administrative inspections (including seizures of chemical substances or products containing chemical substances manufactured in violation of regulations issued under this title)—

(1) conducted with the consent of the owner, operator, or agent in charge of such premises; or

(2) in any other situation where a warrant is not constitutionally required.

(c) Issurance and execution of administrative inspection warrants shall be as follows:

(1) Any judge of the United States or of a State court of record, or any United States magistrate, may, within his territorial jurisdiction, and upon proper oath or affirmation showing probable cause, issue warrants for the purpose of conducting administrative inspections authorized by this title, and seizures of property appropriate to such inspections. For the purposes of this subsection the term "probable cause" means a valid public interest in the effective enforcement of this title or regulations thereunder sufficient to justify administrative inspections of the area, premises, building, or contents thereof, in the circumstances specified in the application for the warrant.

(2) A warrant shall issue only upon an affidavit of an officer or employee having knowledge of the facts alleged, sworn to before the judge or magistrate and establishing the grounds for issuing the warrant. If the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, or building, to be inspected, the purpose of such inspection, and, where appropriate, the type of property to be inspected, if any. The warrant shall identify the items or types of property to be seized, if any. The warrant shall be directed to a person authorized under subsection (a)(2) of this section to execute it. The warrant shall state the

grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof. It shall command the person to whom it is directed to inspect the area, premises, or building, identified for the purpose specified, and, where appropriate, shall direct the seizure of the property specified. The warrant shall direct that it be served during normal business hours. It shall designate the judge or magistrate to whom it shall be returned.

(3) A warrant issued pursuant to this section must be executed and returned within ten days of its date unless, upon a showing by the United States of a need therefor, the judge or magistrate allows additional time in the warrant. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person making such inventory, and shall be verified by the person executing the warrant. The judge or magistrate, upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(4) The judge or magistrate who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall file them with the clerk of the district court of the United States for the judicial district in which the inspection was made.

EXPORTS AND IMPORTS

SEC. 114. (a) Notwithstanding any other provision of this title, no chemical substance shall be deemed in violation of this title when intended solely for export to any foreign nation except that (1) test data which would be required to be submitted under section 104 or 105 of this title if such substance were produced for domestic use, shall be submitted to the Administrator in accordance with such sections; (2) such chemical substance shall be subject to the reporting requirements of section 109 of this title; and (3) no chemical substance may be exported if the Administrator by regulation finds that the chemical substance as exported and used will, directly or indirectly, pose an unreasonable threat to the human health of persons within the United States or the environment of the United States.

(b) If submittal of test data is required for a chemical substance under section 104 or 105 of this title, or restrictions on use or distribution have been imposed for a chemical substance under section 106 of this title, the Administrator, subject to section 115 of this title, shall furnish to the governments of the foreign nations to which such chemical substance may be exported (1) a notice of the availability of the data submitted to the Administrator under section 104 or 105 of this title concerning such chemical substance, and (2) any restrictions on use or distribution of such chemical substance that have been imposed or proposed by the Administrator under section 106 of this title.

(c) The Secretary of the Treasury shall refuse entry into the United States of any chemical substance or article containing such substance offered for entry if it fails to conform with regulations promulgated under this title. If a chemical substance or article is refused entry, the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the disposal or storage of any substance or article refused delivery which has not been exported by the consignee within three months from the date of receipt of notice of such refusal under such regualtions as the Secretary of the Teasury may prescribe, except that the Secretary of the Treasury may deliver to the consignee such substance or article pending examination and decision in the matter on execution of bond for the amount of the full invoice value of such substance or article, together with the duty thereon, and on refusal to return such substance or article for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of said bond. All charges for storage, cartage, and labor on substances or articles which are refused admission or delivery under this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

(d) The Secretary of the Treasury, in consultation with the Administrator, shall issue regulations for the enforcement of subsection (c) of this section.

CONFIDENTIALITY

SEC. 115. (a) Copies of any communications, documents, reports, or other information received or sent by the Administrator shall be made available to the public upon identifiable request, and at reasonable cost unless such information may not be publicly released under the terms of subsection (b) of this section.

(b) (1) The Administrator or any officer or employee of the Environmental Protection Agency or the Chemical Substances Board or committees established under section 111 of this title, shall not disclose any information which concerns or relates to a trade secret refererd to in section 1905 of title 18, United States Code, except that such information may be disclosed by the Administrator—

(A) to other Federal government departments, agencies, and officials for official use, upon request, and with reasonable need for such information;

(B) to committees of Congress having jurisdiction over the subject matter to which the information relates;

(C) in any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding;

(D) if relevant in any proceeding under this title, except that such disclosure shall preserve the confidentiality to the extent possible without impairing the proceeding; and

(E) to the public in order to protect their health, after notice and opportunity for comment in writing or for discussion in closed session within fifteen days by the manufacturer of any product to which the information appertains (if the delay resulting from such notice and opportunity for comment would not be detrimental to the public health).

In no event shall the names or other means of identification of injured persons be made public without their express written consent.

(2) Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552, title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

(c) Any communication from a person to the Administrator or any other employee of the Environmental Protection Agency concerning a matter presently under consideration in a rulemaking or adjudicative proceeding in the Environmental Protection Agency shall be made a part of the public file of that proceeding unless it is a communication entitled to protection under subsection (b) of this section.

PROHIBITED ACTS

SEC. 116. The following acts and the causing thereof are prohibited—

(1) the failure to comply with any final regulation or order issued by the Administrator or the Secretary of the Treasury pursuant to this title;

(2) the failure or refusal to provide information as required by sections 104, 105, or 109 of this title;

(3) the manufacture, processing, sale, distribution, or importation into the United States of a chemical substance whenever such manufacture, processing, sale, distribution, or importation is known to be or should have been known to be for a use in violation of regulations promulgated under section 103 or 106 of this title, and the use, including disposal, of any such substance when such use or disposal is known or should have been known to be in violation of such regulations; and

(4) the failure of any person who purchases or receives a chemical substance and who is required to be given notice of restrictions on use or distribution of such substance pursuant to paragraph (2) of section 106(a) of this title, to comply with such restrictions on use or distribution.

PENALTIES AND REMEDIES

SEC. 117. (a) Any person willfully violating section 116 of this title shall on conviction be fined not more than $25,000 for each day of violation or imprisoned for not more than one year, or both.

(b) (1) Any person not willfully violating section 116 of this title shall be liable to the United States for a civil penalty of a sum which is not more than $25,000 for each day of violation, to be assessed by the Administrator after notice and opportunity for an adjudicative hearing conducted in accordance with section 554 of title 5, United States Code, and after he has considered the nature, circumstances, and extent of such violation, the practicability of compliance with the provisions violated, and any good-faith efforts to comply with such provisions.

(2) Upon failure of the offending party to pay the civil penalty, the Administrator may commence an action in the appropriate district court of the United States for such relief as may be appropriate or request the Attorney General to commence such an action.

(c) The Attorney General or the Administrator may bring an action in the appropriate district court of the United States for equitable relief to redress a violation by any person of any provision of section 116 of this title, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

CITIZEN CIVIL ACTION

SEC. 118. (a) Except as provided in subsection (b) of this section, any person may commence a civil action for injunctive relief on his own behalf, whenever such action constitutes a case or controversy—

(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any regulation or order promulgated under section 103 or 106 of this title, or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this title which is not discretionary with the Administrator. Any action brought against the Administrator under this paragraph shall be brought in the District Court of the District of Columbia.

The district courts shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties.

(b) No civil action may be commenced—

(1) under subsection (a)(1) of this section—

(A) prior to sixty days after the plaintiff has given notice of the violation (i) to the Administrator, and (ii) to any alleged violator of the regulation or order, or

(B) if the Administrator or Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with the regulation or order, but in any such action any person may intervene as a matter of right.

(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice of such action to the Administrator, except that such action may be brought ten days after such notification in the case of an action under this section for the failure of the Administrator to act under section 107 of this title. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

(c) In any action under this section, the Administrator or the Attorney General, if not a party, may intervene as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such an award is appropriate.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any regulation or order or to seek any other relief.

(f) For purposes of this section, the term "person" means an individual, corporation, partnership, association, State, municipality, or political subdivision of a State.

(g) When any actions brought under this subsection involving the same defendant and the same issues of violations are pending in two or more jurisdictions, such pending proceedings, upon application of the defendant reasonably made to the court of one such jurisdiction, may, if the court in its discretion so decides, be consolidated for trial by order of such court, and tried in (1) any district selected by the defendant where one of such proceedings is pending; or (2) a district agreed upon by stipulation between the parties. If no order for consolidation is so made within a reasonable time, the defendant may apply to the court of one such jurisdiction, and such court (after giving all parties reasonable notice and opportunity to be heard) may by order, unless good cause to the contrary is shown, specify a district of reasonable proximity to the applicant's principal place of business, in which all such pending proceedings shall be consolidated for trial and tried. Such order of consolidation shall not apply so as to require the removal of any case the date for trial of which has been fixed. The court granting such order shall give prompt notification thereof to the other courts having jurisdiction of the cases covered thereby.

ENVIRONMENTAL PREDICTION AND ASSESSMENT

Sec. 119. The Environmental Protection Agency shall in cooperation with the Council on Environmental Quality and other Federal agencies develop the necessary personnel and information resources to assess the environmental consequences of the introduction of new chemical substances into the environment.

COOPERATION OF FEDERAL AGENCIES

Sec. 120. Upon request by the Administrator, each Federal agency is authorized—

(a) to make its services, personnel, and facilities available with or without reimbursement to the greatest practicable extent within its capability to the Administrator to assist him in the performance of his functions; and

(b) to furnish to the Administrator such information, data, estimates, and statistics, and to allow the Administrator access to all information in its possession, as the Administrator may reasonably determine to be necessary for the performance of his functions as provided by this title.

HEALTH AND ENVIRONMENTAL DATA

Sec. 121. The Council on Environmental Quality, in consultation with the Administrator, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and the heads of other appropriate Federal, State, and local departments or agencies, the scientific community, and the chemical industry, shall coordinate a study of the feasibility of establishing (1) a standard classification system for chemical compounds and related substances, and (2) a standard means for storing and for obtaining rapid access to information respecting such materials.

STATE REGULATIONS

Sec. 122. (a) Nothing in this title shall affect the authority of any State or local government to restrict the use or distribution of any chemical substance, or to establish and enforce standards for test protocols for various classes and uses of chemical substances, and for the results that must be achieved therefrom, to protect human health or the environment, except that—

(1)(A) if the Administrator has published proposed regulations under section 106 of this title restricting the use or distribution of a chemical substance, a State or local government may not for purposes similar to this title thereafter impose restrictions on the use or distribution of such substance other than a total ban;

(B) if the Administrator has published proposed regulations under section 103 of this title applicable to any chemical substance a State or local government may not establish standards for test protocols and results that must be achieved therefrom for such substance for purposes similar to this title;

(2)(A) if the Administrator issues a final regulation under section 106 of this title restricting the use or distribution of a chemical substance a State or local government may not enforce any such restriction of its own for purposes similar to this title after the effective date of such regulation, other than a total ban on use or distribution; and

(B) if the Administrator issues a final regulation under section 103 of this title a State or local government may not enforce any standards for test protocols and the results to be achieved therefrom after the effective date of such regulation.

(b) Publication by the Administrator of proposed regulations under section 103 or 106 of this title shall not affect the authority of a State or local government to enforce standards for test protocols and results that must be achieved therefrom, or any restrictions on the use or distribution of any chemical substance, or its byproducts, in effect at the time any such proposed regulation is published.

(c) The Administrator may by regulation, upon the petition of any State or local government or at his own initiative, exempt State and local governments from the prohibitions of subsection (a) of this section with respect to a chemical substance if such exemption will not, through difficulties in marketing, distribution, or other factors, result in placing an unreasonable burden upon commerce.

REGULATIONS, PROCEDURE, AND JUDICIAL REVIEW

Sec. 123. (a) At his own initiative, or upon the petition of any person, the Administrator is authorized to issue regulations to carry out the purposes of this title and to amend or rescind such regulations at any time.

(b) The Administrator shall publish any regulations proposed under this title in the Federal Register at least sixty days prior to the time when such regulations shall become final. The Administrator shall also publish in the Federal Register a notice of all petitions received under subsection (a) and, if such petition is denied, his reasons therefore. Such notice shall identify the purpose of the petition and include a statement of the availability of any data submitted in support of such petition. If any person adversely affected by a proposed regulation files objections and requests a public hearing within forty-five days of the date of publication of the proposed regulation, the Administrator shall grant such request. If such public hearing is held, final regulations shall not be promulgated by the Administrator until after the conclusion of such hearing. All public hearings authorized by this subsection shall consist of the oral and written presentation of data, views, or arguments in accordance with such conditions or limitations as the Administrator may make applicable thereto.

(c) Proposed and final regulations issued under this title shall set forth findings of fact on which the regulations are based and the relationship of such findings to the regulations issued.

(d) Any judicial review of final regulations promulgated under this title and final actions under section 104(c) of this title shall be in accordance with section 701–706 of title 5, United States Code, except that (1) with respect to regulations promulgated under sections 103, 105, or 106 of this title, the findings of the Administrator as to the facts shall be sustained if based upon substantial evidence on the record considered as a whole, and (2) with respect to relief pending review, no stay of an agency action may be granted unless the reviewing court determines that the party seeking such stay (a) is likely to prevail on the merits in the review proceeding and (b) will suffer irreparable harm pending such proceeding.

(e) Except as expressly modified by the provisions of this section, the provisions of the Administrative Procedures Act (5 U.S.C. 551 et seq.), shall apply to proceedings conducted by the Administrator under this title.

(f) If the party seeking judicial review applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court either (1) that the information is material and was not available at the time of the proceeding before the Administrator or (2) that failure to include such evidence in the proceeding was an arbitrary or capricious act of the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

NATIONAL SECURITY WAIVER

Sec. 124. The Administrator may waive compliance with the provisions of this title, in whole or in part, upon receiving information from the Secretary of Defense that such waiver is in the interest of national security. Upon the issuance of such a waiver the Administrator shall publish in the Federal Register a notice that the waiver was granted for good cause shown by the Secretary of Defense in the interest of national security, unless the Administrator has been requested by the Secretary of Defense to omit such publication because the publication would be contrary to the interests of national security.

AUTHORIZATION FOR APPROPRIATIONS

Sec. 125. (a) There is hereby authorized to be appropriated such sums as may be necessary, but not to exceed $6,300,000, $10,400,000, and $9,600,000 for the fiscal years ending on June 30, 1973, June 30, 1974, and June 30, 1975, respectively, for the purposes and administration of this title. No part of the funds so authorized to be appropriated shall be used to plan, design, or construct any research laboratories unless specifically authorized by the Congress by law.

(b) To help defray the expenses of implementing the provisions of this title, the Administrator may by regulation require the payment of a reasonable fee from the manufacturer of each chemical substance for which test data has been submitted under this title.

TITLE II—TRANSPORT OF HAZARDOUS CHEMICAL SUBSTANCES ON NAVIGABLE WATERS

Sec. 201. In order to protect the navigable waters of the United States and the resources therein from environmental harm resulting from the transportation of hazardous chemical substances, the Secretary of the department in which the Coast Guard is operating (hereinafter referred to as the "Secretary") after notice from the Administrator of the Environmental Protection Agency of potential environmental harm from such transport, and in consultation with the Administrator of the Environmental Protection Agency, may—

(1) establish, operate, and maintain vessel traffic services and systems for ports, harbors, and other waters used for the transportation of hazardous chemical substances;

(2) require vessels which are engaged in the transportation of hazardous chemical substances to utilize or comply with that service or system, including the carrying or installation of electronic or other devices necessary for the use of the service or system;

(3) control the traffic of vessels which are engaged in the transportation of hazardous chemical substances by—

(i) specifying times of entry, movement, or departure to, from, within, or through ports, locks, canals, harbors, or other waters;

(ii) establishing vessel traffic routing schemes;

(iii) establishing vessel size and speed limitations and operating conditions; and

(iv) restricting the operation of vessels engaged in the transportation of hazardous chemical substances to those vessels which have particular operating characteristics and capabilities which he considers necessary for safe operation under the circumstances;

(4) direct the anchoring, mooring, or movement of a vessel when necessary to reduce the risk of environmental harm from the hazardous chemical substance being transported;

(5) establish procedures, measures, and standards for the handling, loading, discharge, storage, stowage, and movement, including the emergency removal, control, and disposition, of hazardous chemical substances; and

(6) establish procedures for examination to assure compliance with the provisions of this title.

Sec. 202. In the exercise of his authority under this title, the Secretary shall consult with other Federal agencies, as appropriate, in order to give due consideration to their statutory and other responsibilities, and to assure consistency of regulations applicable to vessels and areas covered by this title. The Secretary may also consider, utilize, and incorporate regulations or similar directory materials issued by port or other State, Federal, and local authorities, including, but not limited to, the Office of Emergency Preparedness, the Corps of Engineers, and the Coast Guard.

Sec. 203. The Secretary may investigate any incident, accident, or act involving actual or potential harm to the navigable waters or the resources therein resulting from the transportation of hazardous chemical substances anywhere in the United States. In any investigation under this title, the Secretary may issue a subpoena to require the attendance of any witness and the production of documents and other evidence. In case of refusal to obey a subpoena issued to any person, the Secretary may request the Attorney General to invoke the aid of the appropriate district court of the United States to compel compliance. Witnesses may be paid fees for travel and attendance at rates not exceeding those allowed in a district court of the United States.

Sec. 204. The Secretary may, at any time, report to the Congress his recommendations for legislation which may be necessary to achieve coordination and/or eliminate duplication between the functions authorized by this title and the functions of any other agencies.

Sec. 205. A vessel used or employed in violation of a regulation under this title, shall be liable in rem and may be proceeded against in any district court of the United States having jurisdiction.

Sec. 206. Whoever willfully violates a regulation issued under this title shall be fined not less than $1,000 nor more than $100,000 or imprisoned for not more than one year, or both.

Sec. 207. Nothing contained in this title shall apply to the Saint Lawrence Seaway or to the Panama Canal.

The title was amended, so as to read: "A bill to regulate interstate commerce by requiring premarket testing of new chemical substances and to provide for screening of the results of such testing prior to commercial production, to require testing of certain existing chemical substances, to authorize the regulation of the use and distribution of chemical substances, and for other purposes."

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SPONG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the passage of this measure, S. 1478, concerning the control of hazardous substances, marks in the Senate another exemplary achievement for the able and distinguished chairman of the Commerce Committee, the Senator from Washington (Mr. MAGNUSON). It marks as well a truly great accomplishment for the distinguished Senator from Virginia (Mr. SPONG) who so expeditiously guided this important measure through to successful completion. It marks another occasion where the support and assistance of the distinguished senior Senator from Michigan (Mr. HART) was indispensable. It was the skill and knowledge of all three Senators that contributed to the success of this all-important legislation designed to protect the consumers of the Nation. As is so often the case with major matters where public and private interests appear to conflict, the task of carving out legislation is not easy and the issues never uncomplicated. It is with great appreciation, therefore, that I rise to commend the chairman and the entire Commerce Committee for a job well done.

Especially to be commended as I noted already is the Senator from Virginia (Mr. SPONG) for his capable and articulate support of the measure before the Senate and the expertise which he displayed in the debate. As always, Senator SPONG presented his views with sincerity and clarity and we are indebted to him for his contribution to our understanding of the bill.

As ranking minority member of the Commerce Committee, the extremely capable and distinguished Senator from New Hampshire (Mr. COTTON) is to be commended. His advice and help both in committee and on the floor of the Senate were invaluable and I wish to thank him for aiding in the effort to have the Senate work its will in this instance.

The Senator from Tennessee (Mr. BAKER) also is to be singled out for special commendation for the expression of his thoughtful and strongly held opinions. His contributions to the debate are greatly appreciated. I also wish to thank again the Senator from Michigan (Mr. HART) for his outstanding assistance, his comments and observations. As the chairman of the subcommittee, his leadership, as always, was most welcome.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11350) to increase the limit on dues for U.S. membership in the International Criminal Police Organization; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. EDWARDS of California, Mr. CONYERS, and Mr. WIGGINS were appointed managers on the part of the House at the conference.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The legislative clerk read as follows:

A bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Amendment No. 1176, by the Senator from Colorado (Mr. DOMINICK), which will be stated.

The second assistant legislative clerk read as follows:

On page 27, line 16, strike out "$31,995,000" and insert in lieu thereof "$32,000,000".

On page 27, strike out lines 17 through 24.

The PRESIDING OFFICER. On this amendment, time is limited to one hour and a half, equally divided between both sides.

Mr. DOMINICK. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, with the time to be charged equally against both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, my amendment is cosponsored, I am happy to say, by the distinguished senior Senator from Texas (Mr. Tower), the distinguished junior Senator from Texas (Mr. Bentsen), the distinguished Senator from Florida (Mr. Gurney), the distinguished Senator from Arizona (Mr. Goldwater), the distinguished Senator from New York (Mr. Buckley), the distinguished Senator from Nevada (Mr. Cannon), the distinguished Senator from Virginia (Mr. Harry F. Byrd, Jr.), the distinguished Senator from New Hampshire (Mr. McIntyre), and the distinguished Senator from Utah (Mr. Bennett).

It is a fairly diverse group geographically, a group that I think will carry considerable weight and one that will have looked at this situation as have I to see what is wrong with the proposal as it came from the committee.

Mr. President, my amendment No. 1176 to the Foreign Relations Authorization Act of 1972, S. 3526, delegates the $9,995,000 added to the fiscal year 1973 Arms Control and Disarmament Agency—ACDA—authorization for seismic research; and in so doing would leave this program and necessary funds in the Defense Military Procurement authorization bill, where it has been proposed in the budget as a continuing responsibility of the Advanced Research Projects Agency—ARPA. This research, in other words, has been carried on there before and will be carried on there in the future. It is in the budget, and it would be a continuing responsibility.

The transfer of the Seismic Research program from ARPA to ACDA has been proposed in S. 3526, as I understand it, because its sponsors consider this transfer essential to the achievement of an underground nuclear test ban treaty. I do not agree with this promise. As a matter of fact, while my opposition is based on a much broader set of facts, than just that and, as I will explain, I would like to make the point now that the even jeopardize rather than enhance such a test ban treaty.

It is true that former Arms Control and Disarmament Agency Assistant Director Adrian Fisher, when he appeared before the Committee on Foreign Relations on March 16, 1972, stated that "continuing to place full responsibility for all seismic research in the Defense Department has presented certain intellectual conflicts of interest—responsibility for developing nuclear weapons while refining the capability to monitor a nuclear test ban treaty. However, he also went on to state that ACDA might be in the same position of an intellectual conflict of interest in its efforts to find ways in which a determined evader could avoid detection. This would be conducted by the Arms Control and Disarmament Agency under the evasion research program proposed for transfer from ARPA.

The committee report on page 90, which refers to the statement by Mr. Fisher, who, incidentally, is Vice President of the Arms Control Association, is incomplete since it conveys only one aspect of his position. The committee report quotes him as saying:

> With the greatest personal respect for all concerned in conducting that research, I must say that they have been put in a somewhat conflicting position. The DOD is an agency charged with developing and maintaining a nuclear weapons arsenal, and naturally looks at U.S. security from the point of view of the continuing refinement of our weapons capability; at the same time it is given the responsibility for finding ways to refine our capability to monitor an agreement which would make it impossible for us to acquire and develop more and better nuclear weapons.

However, in his subsequent remarks, which are included in the hearings transcript, but are glaringly omitted from the committee report, Mr. Fisher qualifies this by stating:

> At the same time, however, we recognized full well the many practical problems which the Disarmament Agency would inherit, were it to take over and operate the seismic research program of the Department of Defense, not to mention the additional difficulties inherent in taking on programs requiring extensive logistic support from other agencies—a problem the DOD does not face. Furthermore, the Agency would have assumed not only an enormously complex operational project but also the burden of asking for funds from what—let's face it—has often been a Congress somewhat resistant to applications for research funding for ACDA on the same scale that it would more readily grant such funds to the Department of Defense. I don't need to remind the Senators present of the legislative history behind the creation of this agency and the reviews that took place in this and in the companion committee of the House in the early years of its operation. Quite frankly, at that time we were willing, if reluctantly so, to leave the funding for seismic research in the Department of Defense as the price for a fair assurance that the program would be adequately funded. If it is now decided to transfer Defense Department funds to ACDA it is important to understand that the program must not only be supported this year but in future years as well.

In my opinion, this does not make any kind of clear case to transfer the program from ARPA to ACDA.

Mr. President, what perhaps is the weakest link in the arguments to transfer this function is the unequivocal opposition of ACDA to the proposed transfer, as stated by its director, Gerard Smith. His views were expressed in a letter dated March 23, 1972 to Senator Case, responding to the Senator's proposal. Although this letter is alluded to on page 91 o the Foreign Relations Committee Report No. 92-754, on S. 3526, it is passed over in just a single sentence stating that it contains ACDA views in opposition. Mr. Smith's letter appears on page 42 of the ACDA authorization hearings.

Because of its importance to this issue, Mr. President, I ask unanimous consent that Mr. Smith's letter to Senator Case be printed at this point in the Record so that the full Senate may have the benefit of the explicit views of the Director of ACDA.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the letter was ordered to be printed in the Record, as follows:

United States Arms Control and
Disarmament Agency,
Washington, D.C., March 23, 1972.

Dear Senator Case: This is in response to your request for comments on your proposal that the Arms Control and Disarmament Agency be given responsibility for the seismic research now carried out by the Advanced Research Projects Agency.

In 1959 ARPA was assigned primary responsibility for research on seismic detection and identification and since then has expended some $250 million in connection with this activity. ACDA has followed this program very closely and has been given full access to the information resulting from this research. The ACDA staff includes a number of scientists who are highly qualified to evaluate independently ARPA's research findings. It has been and continues to be our considered judgment that this program has been well handled and that arms control requirements in this area are being met by the ARPA research effort. It should be recognized that ARPA has supported the research that has produced practically all of the advances in detection and identification technology over the past ten years. Moreover, we have been assured that ARPA does not plan to phase out this research and will continue an active program in the future to improve our detection and identification capabilities and investigate countermeasures against possible evasion techniques.

ARPA's seismic research is designed not only to serve the U.S. effort to develop a capability to verify a possible treaty banning underground nuclear tests, but also to improve our capabilities to monitor underground nuclear testing that is being conducted in the absence of such a ban. The latter mission was one of the "safeguards" undertaken in connection with our ratification of the Limited Test Ban Treaty. The Defense Department, of course, has a special interest in, and responsibility for, this mission. Since the same research program serves both purposes, I believe these two missions should be kept in mind in assessing the ARPA programs. In this connection, I would like to point out that ACDA's interest in technical developments in this field parallels our interest in other technical intelligence capabilities which are developed by the Department of Defense and which, by increasing U.S. unilateral capabilities, open up new possibilities for arms control.

While the results of the ARPA research program have been available to us, we have not sought to participate formally in the details of program planning and budgeting for ARPA research since the program was proceeding to our satisfaction, and there has been ample opportunity to suggest changes in ARPA programs. We have recently strengthened our staff in this field, and we plan to work closely with ARPA in the development of their on-going seismic research program. Looking to the future, ARPA assures us that ACDA is welcome to play an active role in all phases of the planning and evaluation of the ARPA seismic research program.

In assessing the practical consequences of your proposal, I believe that a transfer to ACDA would entail some very serious problems that could adversely affect ACDA as well as the seismic research program. These problems are pointed up by the fact that transferring the ARPA Seismic research program to ACDA would double the ACDA annual budget. Taking over management of this research program in ACDA would impose a large additional task on ACDA that could interfere with other priority activities. This does not take into account the substantial additional effort that would be involved if we were to undertake responsibility for the installation and operation of the multi-million dollar seismic network to which you referred in your letter. Finally, significant supporting resources are available to ARPA within the Department of Defense which would not be available to ACDA to support an added research effort.

I should also point out that the amendment to the ACDA Act that you enclosed with your letter to me would earmark a specific amount, which is roughly the same as our proposed FY 73 budget, for seismic research. If the total amount authorized by our authorization bill so amended should not be appropriated by the Congress, our funds for current efforts, including SALT, would be reduced while the funds for seismic research would be preserved intact.

In summary, I do not see compelling reasons favoring the transfer you propose and I foresee many serious problems. I regret therefore not to be able to support this proposal.

Sincerely,

GERARD SMITH, *Director*.

Mr. DOMINICK. Mr. President, I think I should emphasize a portion of this letter. He summarizes his opinion on page 3 of his letter as follows:

> In summary, I do not see compelling reasons favoring the transfer you propose and I foresee many serious problems. I regret therefore not to be able to support this proposal.

Mr. President, Mr. Smith is well known to many of us, and most certainly to me. He had just successfully completed the negotiations on SALT, which were signed in Moscow. He is an extremely capable and able man, and when he states, as he does in his letter in detail, the reasons why the transfer for seismic research should not be made to ACDA, I think we should take a very careful look at his opinion. Obviously the Senate is not bound by his opinion, but if the head of that agency that is to be given this program says, "I do not want it, we cannot handle it, and we do not have the ability to take care of it," what in the world are we doing by putting it in there?

Mr. President, the Department of Defense is also strongly opposed to this measure. Dr. John S. Foster, Jr., Director of Defense Research and Engineering, on May 2, 1972, wrote to the Senator from Mississippi (Mr. STENNIS) stating the Department's position.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the letter dated May 2, 1972.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DIRECTOR OF DEFENSE,
RESEARCH AND ENGINEERING,
Washington, D.C., May 2, 1972.

Hon. JOHN C. STENNIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STENNIS: I understand that an amendment is being introduced to the Military Procurement Authorization bill for fiscal year 1973 which would delete $9,995,000 for the ARPA VELA seismic research program; and that S. 3526 which provides authorization for the Arms Control and Disarmament Agency (ACDA) has been reported by the Senate Foreign Relations Committee adds this program and related funds to the authorization for that Agency. It is also my understanding that ACDA opposes this transfer. I would like to add my strongest opposition too.

This program shows every promise of being eminently successful. It has begun to define the limits of applicability of seismic means to the verification of a comprehensive test ban treaty. Clearly, the problems of identifying events of low seismic magnitudes and the potentialities of evasion techniques must continue to be taken into account in our future work, and you may rest assured that the Defense Department is continuing to give the matter its most earnest attention.

We have always viewed this program as one that is national in its scope and implications. At the same time, the program has supported Defense Department responsibilities for monitoring the terms of the Limited Test Ban Treaty and for the collection of information related to foreign nuclear developments. Thus working relationships, which include close coordination of the ARPA seismic research program, between the Department and other agencies concerned with various aspects of the program, including the Arms Control and Disarmament Agency, the Atomic Energy Commission, the Departments of Commerce and Interior have been established. These have been enormously helpful in the past and will, of course, be continued.

In continuing the VELA program, we will direct the program to the following tasks:

Categorize the geographical areas which give rise to anomalous seismic events and understand the mechanism of those events with a view to reducing the false alarm problem.

Design a worldwide seismic monitoring network utilizing options generated by previous VELA seismic research including automatic data processing of the large number of events at low seismic magnitude.

Develop treaty evasion and evasion countermeasures concepts for incorporation into the design of seismic systems and consider the impact of non-seismic means to deter the use of potential evasion techniques.

As you observe, the thrust of our future research will be directed toward urgent and relevant questions concerned with verifying a Comprehensive Test Ban Treaty. We believe that this is an important function of the Department charged with national security and one which should not be delegated. The Department of Defense has every intention, therefore, of pursuing these activities vigorously and to allocate the appropriate funding. I also have every confidence that the quality and relevance of the research will be consistent with the Advanced Research Projects Agency's excellent record in the VELA program to date.

Sincerely,

JOHN S. FOSTER, Jr.

Mr. DOMINICK. It is helpful here to point out a few of the statements made by Dr. Foster in the letter.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMINICK. Mr. President, Dr. Foster stated in his letter of May 2, 1972:

> It is also my understanding that ACDA opposes this transfer. I would like to add my strongest opposition too.
>
> This program shows every promise of being eminently successful. It has begun to define the limits of applicability of seismic means to the verification of a comprehensive test ban treaty. Clearly, the problems of identifying events of low seismic magnitudes and the potentialities of evasion techniques must continue to be taken into account in our future work, and you may rest assured that the Defense Department is continuing to give the matter its most earnest attention.

Mr. President, I point that out because it seems apparent, extrapolating from my speech for a moment, that if we are going to have a realistic SALT agreement, and I think we have one, the seismic research to maintain assurance to the people of the United States that this is not being violated by the Soviet Union is of enormous importance. At the same time, while we are not only monitoring that, we also are doing our best to assure a reasonable defense effort so far as the United States is concerned. So the Department of Defense is in this matter for the security of our country, and to transfer this program after all this work and put it under ACDA makes no sense to me.

I do not understand, Mr. President, why the Committee on Foreign Relations proposes to transfer a program from one agency of the Government to another where both agencies are flatly opposed to such a move, and when the programs involved are successful and have been managed to the complete satisfaction of both agencies for over 10 years.

Now, Mr. President, I would like to address some of the major problems that would be created by the proposed transfer.

The committee report states that the "proposed shift in responsibilities should not present many practical difficulties." This is a gross misstatement of the facts and is a point over which former ACDA Assistant Director Fisher, and present Director Smith both expressed concern. I would like to provide the relevant background information on this point, information that I derive from the thorough review of this and other Defense Department programs as part of the activity of the R. & D. Subcommittee of the Armed Services Committee. During fiscal year 1972 the program in question was funded at a level of $14,172,000. These funds were used for about 65 separate projects involving 42 different organizations, and including 16 universities, four not-for-profits, 14 industrial organizations, three DOD in-house laboratories, and five other government agency in-house laboratories.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a list of these projects in all their detail.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

VELA RESEARCH FUNDING

[In thousands of dollars]

	Fiscal year—	
	1972	1973
Seismic verification:		
Funded through other Defense agencies	9,606	7,405
Funded through non-Defense agencies	None	None
Foreign contractors	[1] (808)	[1] (860)
Evasion research:		
Funded through other Defense agencies	3,303	1,750
Funded through non-Defense agencies	1,263	840
Foreign contractors	None	None
Total	14,172	9,995

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[1] Funded through other Defense agencies,

LIST OF ARPA PERFORMING AGENCIES

DEFENSE AGENCIES

AFOSR—Air Force Office of Scientific Research
AFTAC—Air Force Technical Applications Center
AFSC/ESD—Air Force Systems Command/Electronics System Division
DNA—Defense Nuclear Agency
COE—U.S. Army Corps of Engineers
AFWL—Air Force Weapons Laboratory
DSSW—Defense Supply Service—Washington
DCA—Defense Communications Agency
ARO-A—Army Research Office—Arlington
RADC—Air Force Rome Air Development Center
ONR—U.S. Navy Office of Naval Research
NRL—U.S. Navy Naval Research Laboratory
AFCRL—Air Force Cambridge Research Laboratory

NON-DEFENSE AGENCIES

AEC/DMA—U.S. Atomic Energy Commission/Division of Military Applications
USGS—U.S. Geological Survey
NSF—National Science Foundation
NASA—National Aeronautical and Space Administration

SEISMIC VERIFICATION—CONTRACTED THROUGH OTHER DEPARTMENT OF DEFENSE AGENCIES

Contractor	Title	DOD agency	Date of initiating ARPA order	Funded to—	Funding (in thousands)		To be continued after fiscal year 1973
					Fiscal year 1972 committed	Fiscal year 1973 proposed	
Columbia University	Strong motion network and a review of existing seismic data.	AFOSR	February 1972	Apr. 30, 1973	$62	$50	Yes.
Cal Institute of Technology	Field studies using near field long period stations	AFOSR	do	do	101	50	Yes.
University of Washington	Long period station, and review of existing data	AFOSR	do	Mar. 31, 1973	97	50	Yes.
University of Nevada	Long period stations—Near field studies	AFOSR	do	do	111	50	Yes.
Systems Science and Software	Numerical model of earthquake sources	AFOSR	do	May 31, 1973	72	0	Yes.
Texas Instruments	Computer determination of fault dislocation motions	AFOSR	do	June 30, 1973	51	0	Yes.
University of Michigan	Review of existing short period data	AFOSR	do	May 31, 1973	39	40	Yes.
Southern Methodist University	Long period signal/noise improvement	AFOSR	November 1962	Apr. 1, 1973	90	100	Yes.
Columbia University	Identification studies using long period seismic data	AFOSR	February 1972	June 30, 1973	313	150	Yes.
National Oceanic and Atmospheric Administration.	Very long period seismic experiment	AFOSR	do	do	546	100	Yes.
Teledyne Geotech	VELA Seismic Center, operation and research	AFTAC	October 1964	Oct. 31, 1972	650	650	Yes.
Do	Long period seismic measurements	AFTAC	do	Sept. 1, 1972	100	225	Yes.
Do	Tonto Forest Seismic Observatory and VELA Seismic Center support.	AFTAC	do	June 30, 1973	150	100	Yes.
Philco-Ford	Montana LASA operations	AFTAC	September 1967	Dec 31, 1972	1,000	1,030	Yes.
Teledyne Geotech	Retrofit ALPA for very long period capability	AFTAC	April 1971	July 1, 1972	250	0	No.
Teledyne Corp	SAAC large array analysis and evaluation	AFTAC	January 1971	Dec. 31, 1972	1,008	1,000	Yes
IBM	Computer-peripheral equipment rental and maintenance.	AFTAC	October 1971	Dec. 1, 1972	492	215	No.
IBM	Computers for SAAC/SDL	AFTAC	February 1972	NA	481	0	No.
Texas Instruments	Long period array—Network evaluation	AFTAC	April 1971	Apr. 1, 1973	400	375	Yes.
MIT, Lincoln Labs	Seismic identification research	AFSC/ESD	October 1963	Sept. 30, 1972	1,015	1,000	Yes.
Norwegian Council for Scientific and Industrial Research	NORSAR seismic data collection	AFSC/ESD	September 1970	June 30, 1973	760	810	Yes.
IBM	NORSAR seismic data processing research	AFSC/ESD	June 1966	Oct. 15, 1972	500	0	No.
University of Bergen	Long period seismic experiment site preparation, Norway.	AFOSR	February 1972	Mar. 31, 1973	9	10	Yes.
San Calixto Observatory	Very long period seismic station, La Paz, Bolivia	AFOSR	do	May 1, 1973	18	0	Yes.
Spanish Seismological Observatory	Very long period seismic station, Toledo, Spain	AFOSR	do	do	10	0	Yes.
California Institute of Technology	Study of seismic phenomena related to earthquakes and explosions.	AFOSR	June 1963	Apr. 30, 1973	116	100	Yes.
MIT	Diagnostic techniques with the large seismic arrays	AFOSR	December 1970	Dec. 31, 1972	152	200	Yes.
DIAX Inc	Engineering feasibility study of "block accelerometer"	AFOSR	February 1972	Oct. 31, 1972	107	0	No.
MIT	Evaluation of the near field experiment	AFOSR	do	Aug. 31, 1973	5	0	Yes.
NOAA	Fault displacement sensors	AFOSR	do	May 31, 1973	40	0	No.
University of California, Berkeley	Accelerometer array for seismic studies close to explosions.	AFOSR	do	Apr. 30, 1973	80	0	Yes.
University of Helsinki	Compression wave power spectrum from seismic sources.	AFOSR	do	June 30, 1973	11	10	Yes.
Informatics	Soviet and Chinese R. & D. in geophysics	AFOSR	May 1970	Dec. 31, 1972	47	240	Yes.
Bolt Beranek & Newman	SAAC-ARPA network interface equipment	DSSW	December 1971	Dec. 30, 1972	225	200	No.
RAND	Analysis of Soviet R. & D. in geophysics	DSSW	October 1970	Dec. 31, 1972	206	250	Yes.
Teledyne Geotech	Large array data processing	ONR				100	Yes.
ITT	Large array data links	DCA	January 1968	Oct. 31, 1972	292	300	Yes.
Total					9,606	7,405	

SEISMIC VERIFICATION—CONSOLIDATED LIST OF FOREIGN CONTRACTORS

Norwegian Council for scientific and industrial Research.	NORSAR seismic data collection	AFSC/ESD	September 1970	June 30, 1973	$760	$850	Yes.
University of Helsinki	Compression wave power spectrum from seismic sources.	AFOSR	February 1972	do	11	10	Yes.
University of Bergen	Long period seismic experiment site preparation, Norway.	AFSOR	do	Mar. 31, 1973	9	10	Yes.
San Calixto Observatory	Very long period seismic station—La Paz, Bolivia	AFOSR	do	May 1, 1973	18	0	Yes.
Spanish Seismological Observatory	Very long period seismic station—Toledo, Spain	AFOSR	do	do	10	0	Yes.
Total					808	870	

EVASION RESEARCH—CONTRACTED THROUGH OTHER DEPARTMENT OF DEFENSE AGENCIES

Stanford Research Institute	Field testing of stress measurement gauge	DNA	August 1970	May 1, 1973	$106	0	No.
Systems, Science, and Software	Computer code calculations utilizing the inhomogeneities of the materials of the earth.	DNA	April 1969	Feb. 15, 1973	275	$175	Yes.
TRW Corp	Development of instrument for measuring strain in rock.	DNA	do	Dec. 31, 1972	68	0	No.
Science Applications Inc	Conversion of radiation transport code to ILLIAC computer usage.	DNA	October 1971	Mar. 9, 1973	100	75	No.
Iowa State University	Test and evaluation of triaxial seismometer	DNA			0	30	No.
Systems, Science, and Software	Seismic source functions	DNA			0	100	Yes.
Not selected	Adapting an evasion code to ILLIAC IV	DNA			0	160	Yes.
Do	Seismic radiation from a nuclear explosion	DNA			0	250	Yes.
Pacific Sierra Corp	Quantitative evaluation of the possibilities of evasion	DNA	March 1971	Mar. 15, 1973	197	250	Yes.
Defense Nuclear Agency	Tamped nuclear explosion calibration experiment for cavity evasion techniques.	DNA	December 1972	Dec. 31, 1972	1,750	0	Yes.
University of Michigan	Close in seismic measurements for tamped nuclear explosion in tuff.	AFOSR	February 1972	June 14, 1972	71	75	Yes.
General Atronics Corp	The separation of mixed seismic events	AFOSR	May 1970	June 30, 1972	121	0	No.
University of Michigan	Seismic measurements for the demonstration of nuclear evation technique.	AFOSR	February 1970	June 14, 1972	25	0	Yes.
U.S. Geological Survey	Close in seismic measurements for tamped nuclear explosion in tuff.	AFOSR	February 1972	Aug. 31, 1972	15		Yes.

EVASION RESEARCH—CONTRACTED THROUGH OTHER DEPARTMENT OF DEFENSE AGENCIES—Continued

Contractor	Title	DOD agency	Date of initiating ARPA order	Funded to—	Funding (in thousands) Fiscal year 1972 committed	Funding (in thousands) Fiscal year 1973 proposed	To be continued after fiscal year 1973
National Oceanic and Atmospheric Administration.	Close in seismic studies for tamped nuclear explosion in tuff.	AFOSR	March 1971	March 15, 1973	7	0	Yes.
Terra Tech Corp	Measurement of in situ stress in rock	AFWL	September 1969	May 1, 1973	116	0	No.
New Mexico Institute of Mining and Technology.	The modeling of the propagation of fractures in rock	AFWL	July 1970	Oct. 1, 1972	55	0	No.
Corps of Engineers	Identification of possible underground nuclear test sites in the U.S.S.R.	COE	September 1969	June 30, 1972	18	0	No.
Texas A & M University	The effect of variable strain rates on the transmission of seismic waves.	COE	September 1967	Oct. 31, 1973	53	20	No.
U.S Army Cold Regions Research and Engineering Laboratory.	Investigations of the seismic properties of permafrost	COE	March 1970	June 30, 1972	20	75	Yes.
Terra Tech Corp	do	COE	December 1971	Dec 31, 1972	60	0	No.
Teledyne Geotech	Counter evasion methods	AFTAC	October 1964	Oct. 31, 1972	100	100	Yes.
Science Applications, Inc	Conversion of 3-Dimensional explosion code to ILLIAC computer usage	NRL	December 1971	Dec. 13, 1972	66	0	No.
City University of New York	The effect of pore pressure on the strength of rock	ARO-A	March 1969	Oct 30, 1972	32	0	No
American Electronics Labcratory	Evaluation of an evasion technique by hiding in an earthquake.	AFCRL			0	100	Yes
Texas Instruments, Inc	An evaluation of potential evasion techniques	AFRADC	May 1971	June 9, 1972	48	340	Yes.
Subtotal, DOD agents					3,303	1,750	

EVASION RESEARCH—CONTRACTED THROUGH NON-DEPARTMENT OF DEFENSE AGENCIES

Contractor	Title	DOD agency	Date of initiating ARPA order	Funded to—	Fiscal year 1972 committed	Fiscal year 1973 proposed	To be continued after fiscal year 1973
University of California, Lawrence Livermore Laboratory.	Research into evasion techniques	AEC/DMA	April 1970	June 30, 1972	$230	$250	Yes.
Do	Evaluation of clandestine nuclear test scenarios	AEC/DMA	July 1966	do	193	200	Yes.
Do	Adaptation of shock code to ILLIAC computer usage	AEC/DMA	April 1971	June 30, 1973	140	0	No.
U.S. Geological Survey	Search for clandestine nuclear test sites in the U.S.S.R.	USGS	January 1972	do	273	0	Yes.
Do	Studies on foreign nuclear explosions	USGS			0	110	Yes.
National Academy of Sciences	NAS consulting on rock mechanics	NSF	September 1969	Jan. 1, 1973	10	10	No.
NASA	ILLIAC computer operations	NASA/AMES	March 1971	June 1, 1972	417	270	Yes.
Total, non-DOD agents					1,263	840	

Organization	Personnel involved	Agency fees (thousands)
OTHER DEFENSE AGENCIES		
AFOSR—Air Force Office of Scientific Research	7	$12
AFTAC—Air Force Technical Applications Center	32	22
AFSC/ESD—Air Force Systems Command/Electronics Systems Division	8	10
AFWL—Air Force Weapons Laboratory	4	2
AFCRL—Air Force Cambridge Research Laboratory	4	3
RADC—Air Force Rome Air Development Center	4	4
ARO-A—Army Research Office, Arlington	4	0
COE—U.S. Army Corp of Engineers	4	0
ONR—U.S. Navy Office of Naval Research	4	0
NRL—U.S. Navy Naval Research Laboratory	4	0
DSSW—Defense Supply Service Washington	7	0
DCA—Defense Communications Agency	3	0
DNA—Defense Nuclear Agency	13	$13
Total	98	66
NON-DEPARTMENT OF DEFENSE AGENCIES		
AEC/DMA—Atomic Energy Commission—Division of Military Applications	10	0
NSF—National Science Foundation	3	0
USGS—U.S. Geological Survey	3	0
NASA—National Aeronautical and Space Administration	3	0
Total	19	0

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **DOMINICK**. Mr. President, I yield myself 3 additional minutes.

This activity, as well as approximately $20 million of other closely related geophysical research, which comprise eight other projects in the ARPA program, is managed by the Nuclear Monitoring Research Office of the Advanced Research Projects Agency. This office consists of five civilian professionals, three military professionals, and five civilian support personnel. In addition, the support of the ARPA Program Management Office is required as well as the support of 13 other Defense organizations and four other nondefense organizations which write the actual contracts, monitor technical progress, assure acceptability of the work performed under the contract, perform the necessary audit and property accounting, and assure compliance with all the applicable statutes and procurement regulations. This heavy volume of day-to-day work involves about 100 additional people in the Defense Department alone. It is simply too big a task to be thrust upon ACDA, an oranization with only 30 individuals who have the technical qualifications to manage their full-time ongoing science and technology programs without imposing the very heavy workload that goes with the ARPA programs in seismic research. These people are lacking in research and development contract experience and have virtually none involving the large hardware procurements and operations needed for seismic research.

Furthermore, these contracts in many cases go back to the early 1960's. The effort to close out these contracts and initiate new contracts under the ACDA procurement regulations would be enormously disruptive if not impossible of accomplishment in any orderly manner. Also consider that this 12-year program has forged strong interagency relationships within Defense, with nondefense agencies, with other performing organizations, and with foreign contractors which entails international governmental relationships.

These relationships would be weakened if not broken. ARPA has made many preparations in support of the fiscal 1973 program and is firming up numerous procurement actions to be taken at the beginning of the fiscal year, only 2 months away. If appropriations are delayed beyond July 1, 1972, it is questionable as to whether ACDA will be able to apply fiscal year 1973 funds based on a continuing resolution. Thus, the net result could be to bring major segments of the program to a grinding halt. Research teams in being for many years will be broken up. Instead of giving seismic research a boost, precisely the opposite will result if section 302 remains. The momentum of 12 years of research will be destroyed and a program close to fruition will be set back rather than advanced.

A great deal has been said over an alleged conflict of interest in the Defense Department in its conduct of seismic research viewed purely as an arms control measure and its responsibility for weapon development. The two are by no means incompatible. The arms control aspect of seismic research is completely complementary to the Defense Department's role in support of the fourth safeguard to the Limited Test Ban Treaty, viz., "The improvement of our capability, within feasible and practical limits, to monitor the terms of the treaty, to detect violations, and to maintain our knowledge of Sino-Soviet nuclear activity, capabilities, and achievements," and also to the Department's responsibilities for the collection of intelligence related to foreign nuclear developments. The same research supports all three activities and the three objectives are inseparable rather than in conflict. At the same time, the Department has been able to discharge its research responsibility by means of a completely unclassified program and in a manner totally consistent with the tradition of free exchange of seismic data between scientists of all countries.

Not only that, they are totally compatible because unless we have the ability to defend this country and determine whether those with whom we have reached agreement are being bound by that agreement, we are not providing for the security of the people of the United States. Thus all seismic data from the ARPA-supported facilities is available to all without limit. This will continue to be the ARPA policy.

The committee report stresses that:

> During this same period there have been great advances in the state-of-the-art in seismic monitoring techniques.

What is not pointed out is that, rather than arising spontaneously, these advances are the direct result of the seismic research program managed by the Defense Department's Advanced Research Projects Agency. How then can it be argued that the Defense Department is not giving adequate emphasis to these efforts? What is the logic of transferring a program from the agency that is responsible for the outstanding progress thus far to an agency that, by virtue of its lack of R. & D. management experience and support resources, will be unable to sustain that rate of progress? And this fact has been stated emphatically in the letter from the Director of ACDA.

The implication is made that in decreasing the funding for seismic research the Defense Department is perhaps attempting to strangle the program. This is simply not so. The large expenditures in the past refer to a time when it was necessary to establish and operate expensive research facilities such as the worldwide standard seismograph network, $10 million; the large aperture seismic array in Montana, $15 million; the Norwegian seismic array, $10 million; the very long period experiment, $2 million; the Alaskan long-period array, $3 million; the Seismic Array Analysis Center, $35 million; the five smaller VELA arrays, $14 million; the long-range seismic measurements program, $15 million; the Seismic Data Laboratory, $14 million; the unmanned seismic observatory program, $3 million; and seven underground nuclear tests, $36 million. These major capital expenditures are completed; the instruments are developed and emplaced, the computers are purchased, and what is required is to operate these facilities, gather the data for which they were designed, study the research results that will be obtained, and when we know what to do next, proceed to do it. Rather than cast aspersions on the Department that has done all this, I think we should congratulate them on the purposeful and thorough way they have executed their national responsibility.

The implication is also made that the Defense Department has failed to exploit the monitoring opportunities opened up by these seismic advances. This is not true. Key facilities needed to acquire teleseismic data on earthquakes and explosions in the crucial region below a seismic magnitude of 4.5 are just now coming into operation. For example, the Norwegian seismic array only became operational in September 1971 and the ninth of 11 planned very long period seismic stations was installed in Hawaii in March. We will obtain a great deal of vital information from these new facilities during the next several years.

The case has been made that we should move out immediately on a further expansion of seismic monitoring facilities. While we have learned a great deal to date and while we know the kind of improvements that can be made, it would not seem to make a great deal of sense to jump the gun, as it were, and do this before the completion of the research program intended to answer such questions, and whose lack of vigor is of such concern to Senator Case. The finest seismic facilities in the world are those that have been installed over the years by ARPA. Where have they been delinquent? Are they to be maligned because they have resisted overly enthusiastic attempts which could quite possibly lead to squandering of the taxpayers' money?

What then is the outlook for the future? The program will continue beyond fiscal year 1973, despite earlier statements to the contrary. The May 2 letter from Dr. Foster to Senator Stennis, which I inserted earlier in my statement, makes this commitment clearly a matter of record.

It reflects the most current planning of the Department of Defense. Seismic research on the identification problem will continue at the current level. So will the research to examine ways in which a treaty violator could conduct a clandestine nuclear weapon development program. Ways of improving monitoring systems will be studied so that they will be able to detect evasion attempts. Finally, as the performance of ARPA's most recently installed seismic instrumentation is evaluated, the design of a follow-on seismic system will be undertaken and, where appropriate, field surveys of possible sites for additional instrumentation will be performed. In view of the difficulty of the problem and the fact that progress is limited by the rate at which suitable small magnitude earthquakes and explosions can be detected and analyzed, this seems to me to be a well-thought-out program oriented to a realistic goal.

Mr. President, it is clear from a review of the facts that the proposed transfer of the very important seismic research program from ARPA to ACDA should be categorically rejected by the Senate because it is unjustified, it is unsound, it would be highly disruptive of programs and organizational relationships and procedures that have been working smoothly for the past 12 years. Most important, it is opposed both by the Department of Defense and by the Arms Control and Disarmament Agency.

I urge my colleagues to join with me in voting for this amendment.

Mr. President, I reserve the remainder of my time pending hearing from the distinguished Senator from New Jersey.

Mr. CASE. Mr. President, it looks as if the Senator from New Jersey is in charge of the time in opposition to the amendment, and on that assumption I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, as a point of information, what is the time under the agreement?

The PRESIDING OFFICER. There is an hour and a half equally divided, 45 minutes to a side.

Mr. CASE. I thank the Presiding Officer.

The pending amendment introduced by Senator Dominick proposes to strike section 302 of the State Department-USIA authorization bill (S. 3526).

As adopted by the Foreign Relations Committee, section 302 has the effect of authorizing funds so that the U.S. Arms Control and Disarmament Agency can for the first time in its history fulfill its responsibility for seismic research as is provided for in law. This action by the Foreign Relations Committee had its origins in an amendment introduced by me and the following cosponsors: Senators Hart, Church, Pell, Humphrey, Kennedy, Mondale, Stevenson, Magnuson, Harris, Percy, Cranston, Nelson, Moss, Inouye, Williams, McGovern, Fulbright, Schweiker, and Gravel.

Senator Dominick's amendment would have the effect of retaining the present jurisdiction by the Defense Department over this program of research and development into the seismic means of verifying compliance with an eventual treaty to end underground nuclear testing.

I am opposed to Senator Dominick's amendment because I believe the evidence is clear that the Defense Department's responsibility for this research program, so essential to our national commitment to bring about an end to underground nuclear testing inevitably conflicts with its primary military role.

I do not believe that Congress intended that the Defense Department should be in the position of both controlling the development of the means by which underground testing can be ended and serving as the advocate of the military importance of continued testing.

For almost 9 years, the United States and the Soviet Union have been deadlocked in the negotiation of an underground nuclear test ban treaty. One of the principal causes of this deadlock has been United States insistence upon and Soviet resistance to, on-site inspections as a means of verifying compliance with such a treaty.

During this same period there have been great advances in the state of the art in seismic monitoring techniques. The potential of these discoveries is that the United States may be able to rely upon seismic means for verifying compliance and drop its insistence upon on-site inspections.

Has the Defense Department pursued and exploited the opportunities offered by these advances in a manner commensurate with our treaty obligation to do everything in our power to bring about an end to underground nuclear testing?

DOD JURISDICTION—AND ITS CONSEQUENCES

Seismic research was once a high-priority program.

In 1963, when a total nuclear test ban was the focus of widespread public attention, funds available for seismic research totaled $41.4 million—1963 turned out to be the high point. Since then, the trend in funding has been straight down.

By 1966, $30.2 million; 1968, $20.4 million; 1972, $14 million, or slightly more than one-third the 1963 funding level.

For the coming 1973 fiscal year, the Defense Department's request is below $10 million, and reports are persistent that plans are under way to phase out this research program entirely.

Has this declining effort simply reflected reduced scientific promise of seismic systems to distinguish between underground nuclear explosions and earthquakes in the Soviet Union?

I think not.

Despite the attempts of some individuals in the Defense Department to suppress public knowledge of the potential advances in U.S. capability to monitor without the necessity for on-site inspections, Defense officials admit that significant improvements in our existing capabilities remain unexploited at this late date. Nonetheless, the Department has continued to request less and less funds for seismic research.

The ready availability of these means of improvement, together with the recognition that they as yet remain unrealized, was recently made the subject of specific mention by the Senate Armed Services Committee. Senator Henry M. Jackson, in his capacity as chairman of the subcommittee which maintains oversight over U.S. monitoring capabilities, had this to say about the U.S. seismic network:

> It is in this area of research and development that highly worthwhile advances are still feasible and this work should be continued and enlarged. *Even at this time, a relatively inexpensive improvement of the seismic detection system could markedly reduce the number of events which are not unambiguously identified. Such improvements and continuing research on seismic detection methods and systems are particularly desirable and necessary* in view of discussion of a possible comprehensive test ban, especially in view of the possibility that deliberate evasive techniques could be applied in clandestine testing. (emphasis added)

For the Defense Department, Dr. Stephen Lukasik, Director of the Advanced Research Projects Agency, said on June 30, 1971:

> Improved seismic instrumentation is clearly needed to attain further advances below magnitude 4.5 and to assess the limits of teleseismic discrimination. . . . We have seen that to translate the greater scientific understanding of the identification problem into improvements in the seismic verification capability requires more sophisticated installations than currently exist.

On July 23, 1971, Dr. Carl Walske, Assistant to the Secretary of Defense for Atomic Energy, subsequently referred to these improvements as being "highly desirable:"

> *Many of these improvements would undoubtedly require considerable time and they would represent a substantial capital investment. Much effort* would have to go into determining where these additional facilities should be located in order to achieve maximum performance. (emphasis added)

But he also failed to offer any concrete plan of action which would realize these gains. Instead, he dwelled upon the cost and effort which would be required and then dropped the subject.

Defense officials have also referred to relocation of existing seismic stations to quieter locations where monitoring capabilities would be improved. As recently as October 27, 1971, this long-available means of improvement was still being offered as a good idea.

Dr. Lukasik said:

> One should note that it is possible to improve some stations by moving them to quieter locations.

But again, this was not followed by any specific recommendation.

Indeed, I understand that several years ago the Defense Department on its own decided that a project which would have substantially upgraded the performance of our worldwide existing seismic network, in part through relocation, should not be further explored. This decision was based upon the judgment that this task would be politically difficult and might be unacceptable to the host countries involved. But should the Defense Department alone be responsible for policy decisions of this nature?

Should the Defense Department bureaucracy, in a matter bearing upon U.S. treaty obligations, determine the degree of effort to be put forth, and even decide what diplomatic initiatives are possible or not possible?

Last year, I attempted to track down a report that a Pentagon-sponsored conference of scientists had concluded that we now have the capability to identify explosions as small as 1 to 2 kilotons by seismic means alone.

Before I was able to confirm this report—and I finally had to canvass the scientific community myself to do so—I had to deal with censored documents, a series of contradictory statements, and generally a run-around from Defense Department officials.

Certain Pentagon officials even classified the previously unclassified summary of the conference itself. And when I protested this tactic, an unidentified Pentagon official told reporters that the summary represented the views of only one participant at the conference—a statement refuted by six of the seismologists who attended the conference.

It appears to me as one of the original cosponsors of the legislation establishing the Arms Control Agency that Defense Department jurisdiction over this arms control program was never intended.

THE ORIGINAL INTENT OF THE CONGRESS

Under the terms of section 31 of the Arms Control and Disarmament Act of 1961, the Director of the Arms Control Agency is authorized and directed to exercise his powers in insuring, arranging for, and coordinating research in the following fields:

> (a) the detection, identification, inspection, monitoring . . . and elimination of . . . armaments . . . including thermonuclear (and) nuclear . . . weapons.
>
> (b) the techniques and systems of detecting, identifying, inspecting, and monitoring of tests of nuclear, thermonuclear and other weapons.

It seems to me that is so clear that anyone who runs can read.

In testifying before the House Foreign Affairs Committee in 1961, former Deputy Secretary Gilpatric forcefully stated the need for and function of this agency:

> I think that the basic thought behind this legislation is to give this Agency a status, a position where it can build up a staff and can do a job that I don't believe can be done in Defense.

He was speaking of the Defense Department—

> With our primary emphasis on security, or State, which isn't equipped to do research work and many facets of this disarmament and controls business that require talents that are not in the State Department.

Later, in stating the Defense Department's support for the assumption of research responsibility by the Arms Control Agency, Secretary Gilpatric underlined the primary role expected of it:

> The Department of Defense expects the new Agency to make its principal, biggest contribution in the area of policy formulation. Such policy formulation will be assisted by the provision in the proposed legislation enabling the new Agency to conduct and coordinate research in the disarmament area. Research in the disarmament field requires the greatest possible efforts and the use of the best minds of the country—foreign policy experts, scientists, and military strategists.

The legislative history is also unmistakably clear that the Arms Control Agency was meant to be fully in charge of developing the means for vertifying compliance with such agreements as an underground test ban. In the following colloquy, Senator Humphrey specifically questioned Mr. John J. McCloy, the President's representative, on this point:

> Senator Humphrey. Is it not a fact that the disarmament agency, as it is suggested in the bill, particularly with responsibilities that the agency would have in its functions under title III, could accelerate research, exploration, and development in this field of detection?
>
> Mr. McCloy. Oh yes.
>
> Senator Humphrey. And control?
>
> Mr. McCloy. Yes.
>
> Senator Humphrey. Now, this agency could have the responsibility, and could be able to center attention upon these fundamental areas of research; is that not correct?
>
> Mr. McCloy. That is right.

And, of course, that was right. Everyone intended that this should be its responsibility and its function, and not someone else's. The Defense Department said so, Mr. McCloy said so, and the record is replete with the definition of everyone's intention at the time.

Mr. McCloy later referred to the post-World War II experience with disarmament negotiations which made Arms Control Agency responsibility for this research of such pressing importance. As a general proposition, it remains as valid today as justification for the amendment which I have introduced and which the Senator from Colorado would hand out to transfer jurisdiction over this research to the Arms Control Agency.

What he said was this:

> The experience in the disarmament negotiations which have been conducted since the termination of World War II shows the importance of research in the field of disarmament. The problems of disarmament are highly complex, for they encompass not only technical questions concerning the reliability of inspection and control systems and techniques for their implementation, but also basic political questions concerning the maintenance of peace and security under various levels of disarmament. . . . For this reason research and study of the type authorized by S. 2180 must be a primary function of an agency dealing with disarmament, not simply for the short term with respect to current negotiations, but especially for the long term.

I emphasize that again. Yet I think no one could question the tremendous job that the agency has done in the negotiations conducted in Austria and in Helsinki, and no one could be in any way niggardly in his praise of the achievement which has resulted. But at the same time, negotiations of agreements do not constitute the sole function of the Arms Control Agency. It was not intended just to be a negotiating arm of the President. It was intended to be charged with the responsibility for research, for developing ideas, for presenting new thoughts and new ways of accomplishing things, and not just to act under the direction of the President as an executive agent. That is the reason it was given responsibility for research, responsibility for determining how much money should be requested for research purposes, and not just to act as an agent of the President in particular negotiations, as was very clearly brought out here by Mr. McCloy, not simply for the short term with respect to current negotiations, but especially for the long term, and that is why we want responsibility for this research, which is long term research, directly under the Arms Control Agency.

Of course, the Arms Control Agency can use the Defense Department and any other branch of government, and outside agencies as well. It is specifically authorized to do that under the law. But it should have the primary responsibility. It should be answerable directly to Congress and to the President for the success or failure of this research, the termination of these efforts, and the success of such efforts should not be placed in an agency which has a divided responsibility. It cannot do it. It is not fair to the agency or to the Defense Department to ask it to do it, and it is not fair to the program to have it in the hands of the Department of Defense, which at least in part has every reason not to want to come to a nuclear test ban, but to continue on its course. This I do not say is wrong on the part of the Department of Defense. That is its primary obligation. Even if there is a slightest glimmer that continued nuclear testing might help, it is up to the Defense Department to make the argument that it should continue. We cannot ask the agency charged with that responsibility to do any kind of a job in trying to work itself out of business. It makes no sense to do that.

A DEPARTURE FROM CONGRESSIONAL INTENT

No doubt it will be contended that the Arms Control Agency has, in fact, exercised a measure of supervision over the Defense Department's handling of the seismic research program.

Even should this be claimed, the fact is that responsibility has been delegated to the Defense Department to such an extent as to defeat one of the very purposes for which the Agency has been established.

My investigation has led me to believe that the Arms Control Agency has not participated in even the most basic decisions regarding funding or program content. Typically, I am told, the Agency does not even learn how much money will be spent on seismic research until after the decision has been made and the budget information released to the public.

The blunt judgment of one scientist who is intimately aware of the history of this program was expressed to me as follows:

> Although there has always been the fiction that the seismic research program was being conducted by the Defense Department in a manner responsive to the Arms Control Agency's wishes, the fact of the matter has been that the Agency has exercised no influence on program formulation or on specific content.
>
> There never have been any discussions between the Arms Control Agency and ARPA (the Defense Department organization in charge of seismic research) as to major research results required or as to fund allocations, either to major program elements or to specific contractors.
>
> Program outlines as regards research planned or contractors were not submitted to the Arms Control Agency either for review or as information.
>
> In fact, the climate has developed whereby ARPA considers the seismic research program as theirs to conform and direct as they choose, with the Arms Control Agency consisting a minor irritant to be ignored.

In exercising real control over this program, the Agency itself would have to set the goals to be achieved and recommend the funding required to achieve them.

Had this been the case, seismic research would have had an obvious visibility which would have made its neglect less likely. And it would have been treated as what it is—an arms control measure—not as just another research program in the Department of Defense.

As visualized by John J. McCloy, when he testified in favor of the Arms Control and Disarmament Act of 1961, responsibility for this program would have been very specifically assigned:

> With such an organization as this . . . you would then know who was responsible (for this research). You would have an agency with a director that you would know was charged with responsibility, and you would know where the fault lay.

NOBODY'S BUSINESS

Neither the Defense Department or the Arms Control Agency is solely to blame for what has developed. For it is clear that this state of affairs would not have obtained had the Congress sustained a high degree of interest over the years in doing everything possible to bring about a test ban.

This must be said because simply transferring responsibility for seismic research to the Arms Control Agency will not bring about the kind of major initiative which will be necessary if the prospects for an underground test ban are to be realized.

The U.S. negotiating position on the test ban has remained static since 1963. This has been so, as I have outlined, even though there have been enormous improvements in the past nine years in our ability to monitor compliance with such a treaty by seismic means.

In 1963, U. S. insistence upon on-site inspections was probably justifiable in view of our then-relatively primitive ability to verify compliance solely by seismic monitoring stations on our own soil or on that of countries bordering on the Soviet Union.

As was stated before this committee last year by Dr. Franklin A. Long, formerly Assistant Director of the Arms Control Agency:

> It was generally agreed (in 1963) that one could not, in any real sense, "identify" underground nuclear explosions by national means alone.

Earthquakes could not be distinguished from underground nuclear explosions by seismic means, and, in Dr. Long's words, the only way "to get at possible explosions—was by—a process of elimination."

Now the seismic state of the art has advanced so far that the controversy is no longer about whether we can tell the difference between earthquakes and underground explosions. Now the debate is over how small an underground explosion can be identified. Now even Defense Department officials admit that in principle we will be able to identify tests as small as one or two kilotons—by way of comparison, the yield of the Hiroshima bomb was 14 kilotons.

Contrast these enormous strides with the lack of any alteration whatever in the U.S. position on on-site inspections:

> (Acting Director of the Arms Control Agency, Philip J. Farley, on July 22, 1971): ". . . we have not had occasion to review formally the precise number and have not either introduced or determined privately a new number since we last spoke of seven, I think it was in 1963."

But the roots of this stand-pat attitude extend beyond the Arms Control Agency. This was borne out by Mr. Farley's further remarks reflecting the apparent absence of any interest in even exploring the possibility of breaking the impasse in our negotiations with the Soviet Union:

> . . . *we have not been required* to formally review our position as to the precise number of inspections we would require (emphasis added).

GETTING BACK ON THE TRACK

There is presently disagreement among arms control experts as to whether any further improvement in our seismic monitoring capabilities is even necessary. Some contend that the United States can now begin serious negotiations of a test ban without requiring on-site inspections in the Soviet Union to verify compliance.

Others, especially within the Defense Department, argue that our seismic systems will never be sufficiently reliable and sensitive to deter covert underground testing.

The advocates of "negotiation now" are concerned that primary emphasis upon the technical issue—our seismic monitoring capabilities—can lead to interminable bickering among contending scientists and the construction of unnecessarily sophisticated and evermore-refined monitoring systems. They contend that, in the final analysis, entering into an underground test ban treaty is necessarily a political decision.

Whatever the outcome of that controversy, it presents no argument against the transfer of responsibility for seismic research to the Arms Control Agency.

All avenues must be explored in order that the prospects for an underground nuclear test ban can be realized. Reviving our seismic research effort is surely one step to that end. It by no means excludes a revision of our negotiating position.

There are compelling reasons to pursue this matter. I do not need to remind the committee that:

Since the date of the conclusion of the Limited Nuclear Test Ban Treaty, the rate of nuclear testing has actually increased.

The nonnuclear powers have become increasingly restive at the prolonged delay in ending nuclear testing. The Nuclear Non-Proliferation Treaty itself is further endangered with the passage of every day—and we have been specifically warned by nations who have not yet ratified it that time is running out.

The United States and the Soviet Union continue their inexorable competition to refine their warheads through this testing, with always the potential for a technical breakthrough by either side which would wreck our hopes for arms limitation.

As one step in the effort to resolve the impasse in which we find ourselves, I ask the Senate to support the provisions of the bill as reported by the Senate Foreign Relations Committee and to reject the Dominick amendment.

Mr. President, I think it is absolutely clear that not only in principle is it wrong to give to the Defense Department this responsibility, but that it was intended from the beginning, from the initial creation of the Arms Control Agency, that it should have the responsibility, and it is up to us, it seems to me, to insist that it exercise that responsibility as it was intended to do.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. I yield myself 2 minutes, and then I will yield to the Senator from New Hampshire (Mr. MCINTYRE).

Mr. President, I listened with interest to the statement of the Senator from New Jersey (Mr. CASE). What it comes down to is that he says he wants to do more in seismic research. That is fine. I do not think any of us would object to that. That is one of the things we have been trying to do.

The other point he seems to be making is that because DOD is doing this, this is not running in accordance with his concept of the responsibility of the Disarmament Agency. Yet, the head of the Agency, Mr. Smith, in his letter to the Senator, wrote as follows:

> . . . the program was proceeding to our satisfaction, and there has been ample opportunity to suggest changes in ARPA programs. We have recently strengthened our staff in this field, and we plan to work closely with ARPA in the development of their ongoing seismic research program.

That is by the head of the Agency.

I do not know who the one scientist is that the Senator quoted, but all I can say is that with that testimony before the committee, I have grave difficulty in seeing the real strength of his argument.

Mr. President, I yield 6 minutes to the Senator from New Hampshire.

Mr. MCINTYRE. I thank the distinguished Senator from Colorado.

Mr. President, I support the amendment of the distinguished Senator from Colorado.

I shall address myself to the issues which arise from the provision of the authorization bill, S. 3526, which would remove the VELA seismic research project from the Department of Defense and transfer it to the Arms Control and Disarmament Agency. The motives behind this move appear to stem in part from the feeling that if the Department of Defense continues to be responsible for what some believe is essentially an arms control measure, this responsibility conflicts with the primary military role of the Department of Defense.

Let us examine the specifics of this issue. First, Project VELA is not "essentially an arms control measure." Project VELA is the national research and development effort to improve the U.S. capability to detect and identify nuclear explosives in all environments, not just underground. It was assigned to the Department of Defense in 1959 following discussions between the Joint Committee on Atomic Energy, the President's Science Adviser, and representatives of the Atomic Energy Commission, the State Department, the Arms Control and Disarmament Agency, and the Department of Defense.

It was intended that all Government organizations be able to discuss the pros and cons of verifying a comprehensive test ban treaty from a common technical basis. The Joint Committee, the National Security Council, the State Department, the AEC Commissioners, the Joint Chiefs of Staff, and the Armed Services, as well as the Director of the Arms Control and Disarmament Agency, all have valid needs for objective answers to scientific and technical questions. Project VELA is not intended to provide justification either for or against nuclear test ban treaties. VELA does provide technical answers to technical questions posed by those who are concerned with such treaties.

The United States did negotiate, sign, and ratify the Limited Test Ban Treaty after research sponsored by Project VELA was able to show that a treaty prohibiting nuclear explosions in space, the atmosphere and in the oceans could be verified. Indeed sensors and techniques developed by Project VELA are today providing the means by which compliance with the treaty is verified. The Department of Defense has, of course, continued a strong research effort to determine how a ban on underground testing could be verified.

Past experience has shown that answering the highly technical questions concerning verification of nuclear test ban treaties requires a strong and experienced research and development organization. I do not question the capability of the Arms Control and Disarmament Agency if it should assume responsibility for Project VELA; I do question the utility of placing a large research and development program in an agency that has not conducted large R. & D. programs and without the inhouse assistance that the Department of Defense has provided its organizations. The Director of the Arms Control and Disarmament Agency also shares my feelings and he has stated in writing that VELA should remain in the Department of Defense.

I also invite attention to an important characteristic of seismic research. By its very nature, a comprehensive program must be worldwide in scope and requires the installation of seismic stations on foreign soil. Negotiations to accomplish such deployments are often delicate and protracted. They are frequently conducted at a much higher level in foreign governments than in the United States and disenchantment with even routine administrative matters can have serious political implications. Recent experience indicates that the presence of U.S. installations in foreign countries increasingly arouses their national sensitivities and constitutes a factor in foreign relations which simply cannot be ignored. The task of monitoring seismic research has been admirably discharged by the Defense Department through such agencies as the Air Force Office of Scientific Research and the Air Force Electronic Systems Division. Such experience and expertise simply cannot be replaced. These organizations are unique in this respect. The excellent relations which we now enjoy in countries where we support seismic research should not be jeopardized by transferring the program and possibly removing these seasoned people from its management. I strongly recommend that the amendment, introduced by my good friend, the Senator from Colorado, reversing the reassignment of Project VELA to the Arms Control and Disarmament Agency and keeping it in the Department of Defense, be adopted.

Mr. DOMINICK. I thank the Senator from New Hampshire for an extremely able statement.

The **PRESIDING OFFICER.** Who yields time?

Mr. **DOMINICK.** Mr. President, I yield 3 minutes to the distinguished Senator from Kentucky.

Mr. **COOPER.** Mr. President, in committee, I voted against the amendment offered by the distinguished Senator from New Jersey and, therefore, I should like to give my reasons for so doing, and for supporting the amendment of the Senator from Colorado, Senator Dominick.

The Senator from New Jersey, Senator Case, has presented a very logical case showing the historical background of the Arms Control and Disarmament Agency, and the functions that were assigned to it. I know that he feels, also, that it is incompatible for the Department of Defense, which is concerned with the refinement and development of nuclear weapons, to be assigned the role of developing methods for arms control purposes to monitor underground tests.

However, even though from the pragmatic viewpoint the Arms Control and Disarmament Agency is the logical one to which this task and function should be assigned, we still have to depend on scientific analysis and upon objective findings no matter which agency has control. If they are honest—and I believe that scientists must be factual and objective in their judgments—I do not think that the findings on seismic capability will be different, no matter to what agency the project is assigned.

Also, from listening to witnesses, I think there is still a question, at this point, although seismic detection capabilities are much improved, as to whether one can distinguish absolutely between a nuclear explosion underground and a natural phenomenon at levels below 4.0. The Department of Defense does have the duty of defense of the country.

I was influenced, too, by the statements of Mr. Farley, representing Ambassador Smith, who said during the hearings the Arms Control and Disarmament Agency did not want the function, that they relied on and believed in the work that was being done in this field by the Department of Defense, and that ACDA could influence it by recommendations.

I realize that a comprehensive test ban treaty, correctly enforced, would halt in great measure the development of nuclear weapons. But, from all the evidence, I do not believe that we have yet reached the point that we can make these judgments.

The ACDA, after 3 years of negotiations under Ambassador Smith, has brought about one of the most unusual and significant agreements in the history of nuclear weapons—perhaps in the history of the world. They have not yet finished their work. If the treaty should be approved by the Senate, and I believe it will be approved, the second phase will begin, with respect to the interim agreement on defensive weapons, to negotiate a treaty to limit offensive nuclear weapons and, we hope, upon a reduction in nuclear arms.

The ACDA has testified it does not want to be saddled with this program of seismic testing and research at this time. I do not believe the committee gave to Senator Case's amendment the fullest consideration, other than the fine work that the Senator from New Jersey (Mr. Case) put into it. This transfer should be made at some point, but when ACDA, with the fine work it is doing, says it does not want to undertake the responsibility and is satisfied with the program, I feel, as a practical matter, that we should not change this assignment at this time. I voted against the amendment in committee and I shall vote for the amendment of the Senator from Colorado (Mr. Dominick).

Mr. **DOMINICK.** Mr. President, I want to express my thanks to the distinguished Senator from Kentucky, who has his usual broad gaged viewpoint on matters of this kind.

It is important to point out that seismic research is something which is important scientifically, as the Senator said, to all phases of humanity, whether it deals with tidal waves or nuclear explosions. Whatever we can do to support it, I think we should do. I do not see, however, why we should shift it over to the Disarmament Agency which is already saddled with many other responsibilities, and which it does not want.

Mr. President, I now yield 5 minutes to the distinguished Senator from Texas (Mr. Bentsen).

The **PRESIDING OFFICER** (Mr. Buckley). The Senator from Texas is recognized for 5 minutes.

Mr. **BENTSEN.** I thank the Senator from Colorado.

Mr. President, I rise in support of his amendment. The opponents of this amendment have already offered compelling reasons why it should be supported; but, because of its importance, I should like to amplify on a couple of points.

The opponents of the amendment state that it is incompatible with the tasks of the Defense Department in trying to determine whether we can develop a system of monitoring nuclear tests. They state there is a waning interest on the part of the Defense Department because of a lessening in appropriations for it, and that there is going to be a phasing out of the program.

First, I think that this is inaccurate. The President has assigned the project to the Defense Department and to the Atomic Energy Commission. It was assigned to them, not for political purposes or to promote or to frustrate a nuclear test ban treaty, but to see whether we could not establish a scientific, technical basis on which to monitor nuclear tests. That is a question that definitely involves the national security of this country. Therefore, I think it is important, proper, and necessary that it be assigned to the Defense Department.

Second, it has been stated that the funding levels for the VELA seismic research program have declined each year since 1963 and that this once high priority program has become less important to the Defense Department as reflected by this decrease in funding. Some have even made the accusation that plans are under way to phase out this research program entirely.

In fact, Mr. President, the VELA seismic research program is still a high priority program of the Defense Department and there is no intention of phasing it out as suggested by critics of the ARPA program. It is true that annual funding levels have decreased since 1963 but the explanation for the decrease lies in the changing nature of the technical program, not in any decrease of interest in the program on the part of the Defense Department. Past funding levels included heavy capital expenditures for the development and installation of data acquisition and processing equipment, such as the large seismic arrays and data analysis centers that are required to conduct the seismic research program. The costs of operating these research tools are obviously much less than the original costs involved in their acquisition.

Another factor in the changing cost picture is the fact that in the early days of the VELA program considerable expenditures were made for nuclear tests, conducted specifically for the VELA program, which were needed to provide data for seismic research. In recent years it has been possible for the VELA program to participate in nuclear tests conducted for other purposes by the Atomic Energy Commission and the Department of Defense. Lower funding levels in recent budgets for the seismic research program, therefore, do not at all mean that the seismic research is now considered any less important by the Department of Defense.

Finally, with regard to the progress being as a result of the VELA seismic research program, it is clear from testimony before the Joint Committee on Atomic Energy in October of 1971 that the VELA program has been very successful in advancing the science of seismology and that substantial improvements have been made in understanding the problems of seismic detection, location, and identification. Some technical problems remain, though, and it would seem only reasonable to continue to research and solve these problems with the same team that has been responsible for the excellent progress made to date.

The Arms Control and Disarmament Agency has been kept informed of the results of the VELA research program and, according to the statements of its Director Mr. Gerard Smith, the ACDA actually favors continued operation of the program under the Department of Defense.

In view of these facts, Mr. President, I see no reason to consider the transfer of the VELA program to the Arms Control and Disarmament Agency, and I hope that the Senate will support the amendment of the Senator from Colorado to the authorization bill which would prevent the transfer of this most successful project.

Mr. **DOMINICK.** Mr. President, may I express my thanks to the distinguished Senator from Texas for what I think is a very able and cogent analysis of the problem we are faced with here.

I reserve the remainder of my time.

Mr. **FULBRIGHT.** Mr. President, I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Will the Senator kindly make it 6 minutes?

Mr. FULBRIGHT. I yield 6 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 6 minutes.

Mr. KENNEDY. Mr. President, I join Senator CASE in urging that the amendment proposed by Senator DOMINICK be defeated.

The proposed amendment would delete section 302 from the bill before us. I was pleased to join Senator CASE in cosponsoring the provision now in the bill providing for the transfer of seismic research related to underground nuclear testing from the control of the Department of Defense to the control of the Arms Control and Disarmament Agency.

To state the matter succinctly, there is a conflict of interest when the Defense Department is both the leading advocate of the military significance of continued underground testing and the erstwhile director of research into the means by which that testing can be halted.

For 9 years we have witnessed an actual increase in the rate of nuclear testing as the United States and the Soviet Union pursued vigorous underground testing programs.

Yet for the same time period we have been committed to negotiate a comprehensive test ban treaty. But we have continued to oppose such a treaty until the U.S.S.R. accepts on-site inspection. In 9 years, we have refused to take notice of the advances in seismic and satellite technology and our negotiating position has not moved 1 inch.

The major public reason for the refusal of successive administrations to alter the demand for on-site inspections has been the debate over how well we could detect Soviet underground testing by national means alone.

In that regard, we have been dependent on the Pentagon for development of our seismic detection capabilities.

Yet, the commitment of the Pentagon to achieving breakthroughs in sesmic detection is shown in the declining resources it has committed to that effort.

In 1963, seismic research received $41.4 million. Last year, barely $14 million was available and this year, DOD is requesting less than $10 million.

Mr. President, I listened to the distinguished Senator from Texas (Mr. BENTSEN) explaining that the reduction is an indication in the early part of the 1960's, the costs were high, because they involved initial capital investment. Yet we have seen little willingness on the part of the Department to implement the recent recommendations of participants in the Woods Hole seminar, concrete suggestions which have been most persuasive in trying to immediately increase our seismic capabilities.

What is even worse than the evidence of declining interest and concern over the development of means to detect underground nuclear tests, is the flagrant effort of some persons in DOD to prevent the Congress from discovering what our capabilities actually are.

After DOD scientists met at Woods Hole to discuss the stage of seismic research, they issued a summary conclusion that we had reached the level where the potential existed for detection and identification of explosions down to 1 or 2 kilotons by seismic means alone. But when Senator CASE sought to acquire that summary, it was first denied, then classified, then described as the views of only one participant.

Finally, after Senator CASE personally received confirmation from a half dozen of the seminar participants as to the summary's accuracy, it was reluctantly made available.

Clearly, the Congress cannot legislate or make recommendations intelligently if information concerning this vital field is denied to us.

By transferring the seismic research program to ACDA, we are returning that program to the Arms Control Agency where it originally was the congressional intent to place it.

The Arms Control Agency is directed, in the Arms Control and Disarmament Act of 1961, title 22, U.S.C. 2551, to:

> Provide the essential scientific, economic, political, military, psychological, and technological information upon which realistic arms control and disarmament policy must be based. It must be able to carry out the following primary functions:
>
> (a) The conduct, support, and coordination of research for arms control and disarmament policy formulation;
>
> (b) the preparation for and management of United States participation in international negotiations in the arms control and disarmament field;
>
> (c) The dissemination and coordination of public information concerning arms control and disarmament; and
>
> (d) The preparation for, operation of, or as appropriate, direction of United States participation in such control systems as may become part of United States arms control and disarmament activities.

Thus, as the language of the act makes clear, the intent of the Congress in passing the arms control legislation was that the conduct and coordination of research in the disarmament field would be under the control of the Arms Control Agency rather than the Pentagon.

In the testimony of President Kennedy's special representative on arms control, John J. McCloy, before the Foreign Relations Committee, the argument was concise and compelling.

Mr. McCloy wrote:

> The problems of disarmament are highly complex, for they encompass not only technical questions concerning the reliability of inspection and control systems and techniques for their implementation, but also basic political questions concerning the maintenance of peace and security under various levels of disarmament. . . . For this reason, research and study of the type authorized by S. 2180 must be a primary function of an agency dealing with disarmament, not simply for the short term with respect to current negotiations, but especially for the long term.

It was this testimony that reflected the majority consensus of the committee, that the new agency should have direction over research and development to permit it to be "prepared to submit practical and serious proposals in this field—of arms control."

Thus, the original charter creating the Arms Control Agency and the legislative history surrounding the establishment of the agency clearly calls for it to direct research such as the seismic testing program which is vital to nuclear disarmament negotiations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I yield another 2 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for an additional 2 minutes.

Mr. KENNEDY. Mr. President, at a moment in history when even Pentagon experts are conceding the tremendous gains we have made in our potential for identifying underground tests, it is unforgivable to downgrade the seismic research program. The most vigorous research and development should be underway now to push the state of the art even further.

I have introduced a resolution urging a moratorium on underground nuclear testing by both the United States and the Soviet Union as well as prompt new negotiations for the conclusion of a comprehensive test ban treaty. It is clear from the hearings that have been held that an ultimate decision will depend on our political judgment as to what is in our national interest. That decision I believe will depend on our overall assessment of the benefits to be derived as opposed to the potential risks involved. It will be a political decision and not a technical decision. And it will be a judgment reached on the basis of the best information we have available.

And it is in that context that it is vital to transfer this research program from the Defense Department to the Arms Control and Disarmament Agency to insure that the seismic research program is actively pursued and that the Congress always has full and adequate access to the information on the results of that research.

For these reasons, I urge my colleagues to defeat the amendment of the Senator from Colorado.

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 3 minutes.

Mr. FULBRIGHT. Mr. President, the distinguished Senator from New Jersey has covered the basic arguments and facts and the history of this matter very well. The Senator deserves our gratitude for having done such a fine job in presenting the basic facts regarding this problem.

To have the Defense Department conduct this kind of research creates a fundamental conflict of interest. It is not in their interest, in my view, to really pursue this matter with great vigor.

As the Senator from New Jersey has pointed out there has been a great increase on our part in underground testing since the Nuclear Test Ban Treaty. Of course, it is not offensive to the treaty. There is no limit under that treaty as to what we may do. However, I think that we have done more than three times as much underground testing as have the Russians.

Mr. President, it was the original intent of the Arms Control Act that the Agency responsible for programs for the curtailment of armaments, especially nuclear armaments, was to be the Agency responsible for the finding of ways and means to make arms control measures acceptable. And, of course, one of the principal ways of making a total test ban acceptable is to have reliable techniques for the detection of seismic phenomena.

So I support the amendment. It seems to me, to make good sense.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **FULBRIGHT.** Mr. President, I yield myself 1 additional minute.

The **PRESIDING OFFICER.** The Senator from Arkansas is recognized for 1 additional minute.

Mr. **FULBRIGHT.** Mr. President, regardless of Mr. Farley's views representing the Agency, as we have seen so often, the representatives who appear before us at the local level, come before our committee under instructions. They are not free to choose between one view or another. I do not say that in any critical way. It is the only way in which a big government, such as ours, could operate. The individuals are part of the administration. If they want to continue to be such, they must reflect the views of their superiors.

That is why we have the Senate and House of Representatives. The Senate and the House of Representatives are not constituted of employees. They are not appointed by the administration. And it is essential that we use our commonsense and make decisions on matters of this kind. It is a matter of policy.

I think very highly of Mr. Farley in his position as Deputy Director of the Agency. However, the fact that he says something is of no real consequence in the decision as to whether it makes sense that the Agency responsible for promoting arms control should not be responsible for the seismic program.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **FULBRIGHT.** Mr. President, I yield myself 1 additional minute.

The **PRESIDING OFFICER.** The Senator from Arkansas is recognized for 1 additional minute.

Mr. **FULBRIGHT.** Mr. President, I think there is also a rather substantial domestic program of applied research in seismic matters under the Commerce Department. I am not sure that it is particularly relevant to the Dominick amendment. However, there is other research in the civilian area of the country that is not designed especially or directly for the detection of atomic phenomena, but for the study of earthquakes and seismic developments with a view to predicting and analyzing the effects of such earthquakes as occurred in California last year. It is related to this subject.

I only mention that incidentally because I was not aware of it until recently.

I hope that the Senate will support the committee and the views of the Senator from New Jersey concerning the most effective and efficient way to carry on this research, because it is consistent with the purposes of the Agency.

The **PRESIDING OFFICER.** Who yields time?

Mr. **DOMINICK.** Mr. President, I yield myself 3 minutes.

The **PRESIDING OFFICER.** The Senator from Colorado is recognized for 3 minutes.

Mr. **DOMINICK.** Mr. President, I listened with interest to the Senator from Massachusetts, the Senator from Arkansas, and the Senator from New Jersey. And not once did they answer the question as to why in the world we should transfer a program from one agency that is doing the job and wants to keep it into another agency which does not want the job, does not have the funds, does not have the finances needed, and does not want it.

Here is what the letter from Mr. Smith says, and Mr. Smith is the man who just did such a superb job in the SALT talks. Here is what he had to say:

> In 1959 ARPA was assigned primary responsibility for research on seismic detection and identification and since then has expended some $250 million in connection with this activity. ACDA has followed this program very closely and has been given full access to the information resulting from this research. The ACDA staff includes a number of scientists who are highly qualified to evaluate independently ARPA's research findings. It has been and continues to be our considered judgment that this program has been well handled and that arms control requirements in this area are being met by the ARPA research effort. It should be recognized that ARPA has supported the research that has produced practically all of the advances in detection and identification technology over the past ten years. Moreover, we have been assured that ARPA does not plan to phase out this research and will continue an active program in the future to improve our detection and identification capabilities and investigate countermeasures against possible evasion techniques.

Nothing could be clearer than that. They do not want it. They have already developed measures which have been substantially useful in the Disarmament Agency. They do not want the added responsibility. We have this enormous number of interagency programs working right now with universities and other agencies of Government through the leadership of the ARPA.

Mr. President, if the language which the Senator from New Jersey (Mr. CASE) placed in the bill is left in the bill we will be destroying that Agency and reducing the possibilities of our getting any reasonable type of seismic research evaluation.

The amendment should be agreed to in order to maintain our progress in this field.

Mr. **FULBRIGHT.** Mr. President, I yield the remainder of my time to the Senator from New Jersey.

The **PRESIDING OFFICER.** The Senator from New Jersey is recognized.

Mr. **CASE.** Mr. President, the Arms Control and Disarmament Agency will have the money, and it will do this if we say it should do it. The Arms Control and Disarmament Agency does not decide what it wants to do. Congress is the policymaking body of this Nation.

Naturally, the Department of Defense would like to keep its finger in here, and it certainly has an interest in the matter of protection and a legitimate responsibility of its own. But the primary responsibility should be where Congress originally placed it.

In 1959 when ARPA was given responsibility in this area the Arms Control Agency did not exist. We created that Agency several years later and we gave it precisely this function and we did it because we wanted an agency whose sole responsibility would be unconfused and without conflict, and it should have as its work the lessening of armaments, the control of armaments, and all manner and means necessary for that purpose, and this is vital to that purpose.

If the Department of Defense needs to do this for purposes of defense, I am not for taking anything away from the defense of this country, but I am in favor of placing the primary emphasis on the need for nuclear testing, and I am not for leaving that in the hands of those who feel that nuclear testing should continue forever. There are those in the Department of Defense who sincerely believe that; and that is fine for them but they should not have the responsibility for the research which is necessary to find ways in which we can eliminate all nuclear testing.

It seems clear that the Arms Control and Disarmament Agency has not participated in the most basic decisions about the content of this research. I am told the Agency does not know how much is going to be spent until the decision is made.

The blunt judgment of one scientist who was intimately aware of the history of this program was expressed to me as follows:

> Although there has always been the fiction that the seismic research program was being conducted by the Defense Department in a manner responsive to the Arms Control Agency's wishes, the fact of the matter has been that the Agency has exercised no influence on program formulation or on specific content.
>
> There never have been any discussions between the Arms Control Agency and ARPA (the Defense Department organization in charge of seismic research) as to major research results required or as to fund allocations, either to major program elements or to specific contractors.
>
> Program outlines as regards research planned or contractors were not submitted to the Arms Control Agency either for review or as information.
>
> In fact, the climate has developed whereby ARPA considers the seismic research program as theirs to conform and direct as they choose, with the Arms Control Agency constituting a minor irritant to be ignored.

This is not the way Congress intended the matter to rest. Congress intended when it created the Arms Control Agency to give it full authority.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **CASE.** There is no time remaining?

The **PRESIDING OFFICER.** The Senator from Colorado has 3 minutes remaining.

Mr. **DOMINICK.** Mr. President, I am willing to give the Senator from New Jersey an additional minute if he needs it.

Mr. **CASE.** The Senator is very gracious. I will not trespass on the time of the Senator.

It was the intent of Congress that this be handled by the Arms Control Agency and Congress should insist that this be carried out.

Mr. DOMINICK. Mr. President, I will take 1 minute, and then I will yield back the remaining minute.

I am consistently amazed or perplexed when we get quotations from a scientist from an agency who claims this, that, and the other, when we have a letter dated in March from the Disarmament Agency saying that cooperation is fine, and stating they have no problem and absolute cooperation. So I cannot understand why we should go forward and transfer an ongoing program to a going agency which does not want it on the say so of some scientist who may be a disgruntled employee, whose name is not mentioned.

Mr. President, I urge support for my amendment.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. DOMINICK. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from North Carolina (Mr. JORDAN), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "nay."

On this vote the Senator from South Dakota (Mr. MCGOVERN) is paired with the Senator from North Carolina (Mr. ERVIN).

If present and voting, the Senator from South Dakota would vote "nay" and the Senator from North Carolina would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG), the Senator from Wyoming (Mr. HANSEN) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is absent on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "nay."

The result was announced—yeas 45, nays 34, as follows:

[No. 191 Leg.]

YEAS—45

Aiken
Allen
Allott
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Fannin
Gambrell
Griffin
Gurney
Hruska
Jackson
Jordan, Idaho
McIntyre
Miller
Packwood
Pearson
Randolph
Roth
Saxbe
Smith
Stafford
Stennis
Symington
Taft
Talmadge
Thurmond
Tower
Young

NAYS—34

Bayh
Brooke
Burdick
Case
Church
Ellender
Fulbright
Hart
Hartke
Hollings
Hughes
Inouye
Javits
Kennedy
Long
Magnuson
Mansfield
McGee
Metcalf
Mondale
Montoya
Nelson
Pastore
Percy
Proxmire
Ribicoff
Schweiker
Scott
Spong
Stevens
Stevenson
Tunney
Weicker
Williams

NOT VOTING—21

Anderson
Chiles
Cranston
Eastland
Ervin
Fong
Goldwater
Gravel
Hansen
Harris
Hatfield
Humphrey
Jordan, N.C.
Mathias
McClellan
McGovern
Moss
Mundt
Muskie
Pell
Sparkman

So Mr. DOMINICK's amendment was agreed to.

Mr. DOMINICK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MILLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1191

The PRESIDING OFFICER (Mr. BUCKLEY). Pursuant to the previous order, the Chair lays before the Senate amendment No. 1191 of the Senator from Massachusetts (Mr. BROOKE), on which there is a time limitation of 2 hours.

The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 26, line 11, before the word "shall" insert the following: "(other than 'Problems of Communism', which may continue to be sold by the Government Printing Office)".

Mr. BROOKE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BROOKE. I ask unanimous consent that the name of the distinguished Senator from Maryland (Mr. BEALL) be added as a cosponsor of amendment No. 1191.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. There is a limitation of 2 hours on this amendment. Who yields time?

Mr. BROOKE. I yield myself 10 minutes.

PROBLEMS OF COMMUNISM

Mr. President, contained within the State Department/USIA authorization bill presently pending before this body is a prohibition on the distribution of USIA materials within the United States.

I understand the reasoning which led the Committee on Foreign Relations to adopt this provision: Funds authorized and appropriated for USIA are for the purpose of sharing American news and views with peoples around the world. Our own people have this information readily available through other channels, and materials produced for foreign consumption should not be distributed at home at the taxpayer's expense.

There is, however, one major exception to this line of reasoning. USIA produces an excellent, scholarly journal, entitled "Problems of Communism," which is unique in its field and serves as a rich source of information for several thousand prominent American scholars and researchers.

Problems of Communism is a bimonthly scholarly journal providing significant information and analysis about Communist societies and movements throughout the world. Now in the 21st year, the journal enjoys a worldwide reputation for high standards of factual accuracy and academic thoroughness. Its contributors include distinguished scholars and journalists from many disciplines in foreign area studies both here and abroad. Its audience likewise consists of scholars, writers, journalists and other influential figures who need the unbiased, objective information and analyses on Communist affairs which the journal provides.

Problems of Communism has been available for the past 15 years to any U.S. resident who wishes to pay for it at a Government Printing Office sales stand or subscription outlet. The journal currently enjoys a 5,000-copy, paid circulation in the United States, at no cost to the U.S. taxpayer. This circulation is in addition to the 30,000 copies distributed abroad by the U.S. information service. This is a good arrangement and should be continued. There is no other major journal here or abroad which fulfills this purpose, with the possible exception of the British journal Survey. Problems of Communism meets a need, and it meets it in a sane and balanced fashion.

I believe any attempt to deny U.S. readership for this well-established, scholarly journal would be self-defeating. The journal has become an institution in the United States as it is abroad. There are few among the leading American scholars in Soviet and Asian area studies who have not contributed to it or drawn upon its materials in their works. There are many distinguished foreign scholars who have depended upon it as a text, or have made it required reading for their students. It is a basis for communication among foreign and American scholars on issues of major significance. Its authority has been cited and its contents reprinted in the CONGRESSIONAL RECORD by Members on both sides of the aisle.

There is a clear need for reason and objectivity in our perception of Communist affairs. The monolith of Stalin's day has fragmented into a variety of more or less authoritarian national states. Some of these polities remain hostile to their non-Communist neighbors. Others are evolving toward a posture of coexistence. And yet others demonstrate a growing willingness to cooperate to their and our mutual advantage. All are undergoing change in one form or another. But none of these states will necessarily continue changing in a direction favorable to us or to our allies. It is very much in our interest and that of our allies that we lose no opportunity to maintain and foster a continuing, sophisticated awareness of the sources, nature, and direction of change in these evolving Communist societies. "Problems of Communism" provides a highly respected and scholarly forum through which such an awareness can be maintained within a framework of reasoned discourse.

We need such a forum. The distinguished scholars and journalists who have given "Problems of Communism" a worldwide reputation for high standards of factual accuracy and academic thoroughness will be justifiably reluctant to write for a journal which is a one-way street. And we, with our traditions, should be reluctant to distribute a journal which does not represent the highest standards of scholarly research. I strongly recommend that the amendment attached to the State-USIA authorization bill, prohibiting distribution of USIA materials to the U.S. public, be revised to permit the continued sale of "Problems of Communism" to residents of the United States through the U.S. Government Printing Office.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

This magazine is a bimonthly publication. It costs approximately $175,000 a year to publish. Again, this amendment involves a question that has arisen before: Do we wish to use the taxpayers' money to publish journals of this kind, as the Senator from Massachusetts says, for the benefit of academics?

Its total worldwide circulation, I might say, is 35,000. It is a very costly magazine. If it adds anything to the knowledge of people generally of problems of communism, I would be greatly surprised. The State Department also publishes a journal entitled "Sino-Soviet Affairs, a Journal of Reference and Record," which seems to cover the same territory.

I suppose the Pentagon has more publications than anybody else in the world. I think I saw the other day that the Pentagon publishes approximately 1,400 periodicals. The Pentagon also maintains hundreds of radio and television stations.

However, because I know the facts of life and because I know how persuasive the Senator from Massachusetts is, I am prepared to accept the amendment. I do not know why the Senator asked for the yeas and nays. There is no point in my opposing it. It is going to be adopted.

I should like to make clear for the record that this, by indirection, recognizes the validity of the provision in the bill that the activities of the USIA are not to be used to propagandize the American people. This was the original intent of the act, I might say. It was always understood to be that way, until Mr. Kleindienst overruled that in a recent ruling regarding the showing of a USIA movie on television.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BROOKE. I agree with the Senator that it is not the purpose of USIA to propagandize the American people. But does the Senator believe that the journal "Problems of Communism" is used for propagandizing the American people? Only 5,000 copies of the journal "Problems of Communism" are distributed in the United States.

Mr. FULBRIGHT. Why should the USIA do it? Was the USIA not created to propagandize foreign people? Until recently, was it not considered to be an agency to influence foreign opinion?

Mr. BROOKE. That is correct.

Mr. FULBRIGHT. The Senator is breaking it down. I can see the way it is going in the Senate. Granted, it may be a good journal, but why should the USIA do it? Of all the agencies, why does not some agency with a domestic orientation do it within a recognized legal authority? The Senator is creating an exemption to what we have always considered to be the law.

This was not my idea at all. I remember that Senator MUNDT and former Senator Hickenlooper were two of the leading spirits against allowing the USIA to do this sort of thing. This was a Democratic President. They thought it would be bad for the Federal Government to engage in propagandizing the American people. Just because there is a Republican President, everybody thinks it is all right, that there is no danger in turning loose a $200 million agency to publish material for Americans.

I am ready to accept the amendment. I think it is bad practice to make this exemption, because next year they will be back to try to exempt something else. And the prohibition will be broken down and we may end up having a Mr. Goebbels running it. If that is the way the Senator wants to do it, I cannot do anything about it.

This magazine is not very different from the one put out by the State Department. And there are probably others.

Mr. BROOKE. In all fairness, I think the journal "Problems of Communism" is a unique journal. The greatest Soviet scholars in the country contribute to this journal. It would not be so if it were published by, say, a commercial corporation.

Mr. FULBRIGHT. Harvard has a great press. If it is all this good, why does not the Harvard Press put it out, or Atlantic Monthly, or anybody except an agency that was created to influence foreign opinion about America? Why does the Senator pick out that agency to do it?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I yield myself whatever time is necessary.

Mr. BROOKE. If the USIA would publish "Problems of Communism" only abroad and there was, say, an American outfit, some other agency, that published it at home, that would be banned under the amendment which is now in the bill of the Committee on Foreign Relations. They could not make distribution of it in the United States. So the United States would be deprived of this valuable resource.

Mr. FULBRIGHT. I cannot make my point clear. The point is that the USIA is a Government-supported operation designed for the purpose of influencing foreign opinion. Now the Senator is distorting that and is saying that some of their material is good for Americans. If some is good, I do not know why all of it is not good. This is a Government-operated operation. Why does not Harvard publish it if it is all that good? I do not think it is that good. I doubt that they could sell it. Why does the Senator want the Government to subsidize it?

Mr. BROOKE. Since the Senator doubts whether it can be sold, the USIA does not publish this free to the 5,000 persons in the United States. It is sold through the Government Printing Office at a cost of approximately 50 cents a copy. I think it costs about 40 cents a copy. So the USIA makes 10 cents a copy. It is not a question of the taxpayers paying for it. The Government Printing Office orders the number of copies it uses. The USIA is not distributing it according to its own wishes or according to its own distribution formula.

Mr. AIKEN. Mr. President, will the Senator yield

Mr. FULBRIGHT. I yield.

Mr. AIKEN. The USIA issues many publications in circulation around the world which it would like to have made available to people in the United States. Some publications undoubtedly would be more valuable to our own people than this one, which it is proposed to exempt.

My question is this: If we make an exemption for one of these publications, where do we stop, when there are others which the USIA will tell you are more valuable and would be more valuable to the citizens of the United States than this one? In fact, I think the USIA would like to make many of its publications available to people in the United States—and probably they should.

That question came up a few years ago, and Congress decided against it, because they were afraid the USIA would get into politics. I do not know whether the document to which the amendment applies is good for communism or bad for communism, because I admit that I have not read it. If we do it for one publication, how can we say that they cannot distribute any others?

Mr. BROOKE. Prior to this ban in the present USIA bill, there was no prohibition other than the intent of Congress, which was quite correctly indicated by the Chairman of the Committee on Foreign Relations.

There are other publications—"America Illustrated," for example—of which

I think some 60,000 copies are distributed to the Soviet Union, and approximately 25 copies are distributed in the United States to Soviet scholars and institutes. That is at the cost of the USIA. So some flexibility has been given to USIA in these cases.

However, the journal "Problems of Communism" cannot be compared with the other publications the Senator has mentioned which are distributed in the United States. So I think there is no real fear that we are going to open the floodgates to all the publications that are sent out across the world by USIA.

Mr. AIKEN. I do not say that this is a bad publication. I simply say that I have not read it. But I do say that I am sure that USIA has other publications it would like to have made available to the people in the United States—not political, but publications which perhaps would tell us something about our own country that we do not know too much about.

If we make an exemption for one publication by law, I was wondering where we stop. I am sure the USIA has other publications which they would like to have made available to people in this country.

Mr. BROOKE. USIA has asked for an exemption for this publication. They have not asked for an exemption for any other publication. They fear that they could not get this resource if they did not have the journal "Problems of Communism." They would not get the contributions from the Soviet scholars in the United States if they did not have it. They would not want to contribute to a publication to which they were denied access themselves. They could not even read it. It would be detrimental to the success of the publication if readership was denied in the United States.

Mr. AIKEN. I have to confess that I am sure the USIA has other publications it would like to make available to the people of the United States. I have that on pretty good reliable authority.

Mr. JAVITS. Mr. President, as a member of the committee, I am pleased that the chairman has agreed to accept this amendment. I am dismayed by the fact that he considers it some exercise of "force majeur," in that the Brooke amendment has the votes, but I would like to point out that originally I had proposed to ask for this amendment myself but in deference to the chairman, who carries such a heavy load, I did not want to be the one to raise the question. I am glad the Senator from Massachusetts (Mr. Brooke) did.

In answer to the main point made, that the USIA may want other things distributed here, it is significant that we have, and the committee inserted, a complete barrier to any information of the USIA's being disseminated. This is a small exception because the prohibition is a blanket one covering all other materials. I should like to point out that this changes the existing law which was confined to a prohibition only against press releases and radio scripts. Now the prohibition is that any information shall not be disseminated within the United States, its territories, or possessions. The exception in Senator Brooke's amendment makes it solely this one, scholarly publication.

The reason for this publication is that, as happens with publications which have a tradition, this one has attracted erudite participation by its many distinguished contributors.

I ask unanimous consent to have printed in the Record a list of some of these major contributors as well as a telegram from a constituent of mine, Professor Brzezinski, who teaches at Columbia, pointing out the critical importance as he sees it to American academic life of the continuance of this journal. It is my understanding that other members of the academic community have been in touch with their Senators on this matter.

There being no objection, the list and the telegram were ordered to be printed in the Record, as follows:

LIST OF MAJOR CONTRIBUTORS

G. F. Hudson, of Oxford University, on Chinese Foreign Policy.

Robert Scalapino, of California (Berkeley) on Asian Communism.

Leonard Schapiro, of the London School of Economics, on the Soviet Union.

Tilman Durdin, of the New York Times, on China.

Colin Legum, of the London Observer, on African revolutionaries.

Robert Moss, of the London Economist, on Urucuayan Tupomaros.

Merle Fainsod, of Harvard, on the Soviet journal USA.

Harold Berman, of Harvard, on Socialist law.

James Thomson, of Harvard, on Chinese foreign policy.

Bhabani Sen Gupta, of Nehru University New Delhi, on Indian Communism.

Peter Ludz of Germany, and advisor to Chancellor Brandt, on East Germany.

Allen Whiting, of Michigan (Ann Arbor), on Chinese affairs.

Ruth McVey, of the London School of Economics, on Indonesian Communism.

New York, N.Y.,
April 26, 1972.

Senator Jacob Javits,
Washington, D.C.

With reference to conversations between Ken Gunther and Smith and Fernandez of USIA I wish to reiterate the enormous importance to American Academic Life of Free Circulation within the USA of the magazine Problems of Communism. This magazine is the principal academic magazine on Soviet affairs and it would be ironic to prevent its circulation within the USA while the Soviets are stepping up studies of America. The magazine is scholarly and a vital tool for research and teaching within American Universities. It operated on the basis of subscriptions and is intellectually open minded. I will be glad to brief you further on this but we need your help urgently.

Zbigniew Brzezinski.

Mr. JAVITS. Mr. President, I would add my hope that a private agency could be found to publish this journal, and that the USIA would turn it over to such a private agency which would assure publication. But these things are difficult to come by in publishing ventures which have certain established traditions with the agency which publishes them, and that is the situation here.

Mr. President, I also agree thoroughly with the chairman of the committee, and also with the Senator from Massachusetts (Mr. Brooke), that the agency should not be used to propagandize America. But, at the same time, we cannot be parochial and close our minds to the fact that we may want to continue what the agency is already doing, if it is doing something worthwhile and useful. We should not have such an iron rule as to defeat ourselves. Certain material such as Problems of Communism certainly is not meant to propagandize our people. It depends on what the material is, how it is put out, and what we do with it.

I think there is no question about the policy of Congress of not allowing the agency directly, indirectly, or impliedly to propagandize our people. I think we are buttoning up the law, probably to excess, in the Committee amendment, which is the subject of Senator Brooke's amendment. I believe that the case is most strongly made by the scholars, and the situation, for this exception offered by Senator Brooke. I am very much pleased, much as I regret the Chairman's reasons for it—that the Chairman is willing to accept this particular amendment. Perhaps we can find other times, places, and means including legislation to change the feeling that he has. I would very much embrace that hope, since he has led and will continue to lead the country on many important issues.

Mr. President, it is particularly germane that the Senate today is considering an amendment by Senator Brooke which would allow the continued domestic circulation of the distinguished USIA publication "Problems of Communism." President Nixon has just completed a historic visit to the Soviet Union and various accords vital to the peace and security of the United States, the Soviet Union and the world have been signed. It is my expectation that the distinguished scholars dealing with Sino-Soviet and Eastern European affairs will be analyzing this material in the months and years ahead and passage of the Brooke amendment would insure that this impartial analysis will continue to be circulated to the maximum extent possible among the American and foreign academic community interested in this subject matter.

"Problems of Communism" is now in its 21st year and enjoys a worldwide reputation for high standards of factual accuracy and academic thoroughness. There is no other major journal here or abroad which fulfills this purpose with the possible exception of the British journal survey. At this time in particular we must not lose any opportunity to maintain and foster a continuing, sophisticated awareness of the sources, nature and direction of change in these evolving Communist societies. "Problems of Communism" provides a forum through which such an awareness can be maintained within a framework of reasoned discourse. Passage of the Brooke amendment would insure the continued availability of this valuable publication to the scholars, writers, journalists, and other influential figures who need the unbiased, objective information and analysis on Communist affairs which this publication provides.

Mr. FULBRIGHT. Mr. President, may I ask the distinguished Senator from Massachusetts, has he already obtained the yeas and nays?

Mr. BROOKE. Yes.

Mr. FULBRIGHT. I thank the Senator.

Mr. President, I ask unanimous consent to have printed in the RECORD a short statement, including hearings held by the committee on June 11, 1968, which gives some of the legislative history behind this issue. It throws a good deal of light on what the committee and the USIA thought at that time about the status of the law.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT ON USIA FILMS

Section 204 of the Foreign Relations Authorization Act would amend the present Smith-Mundt Act, establishing the USIA, to make it clear that the internal distribution of USIA materials is prohibited. We thought this had been made clear when the following proviso was added to the act authorizing the showing in the United States of a film concerning the late President Kennedy.

"It is further the sense of Congress that the expression of Congressional intent embodied in this joint resolution is to be limited solely to the film referred to herein and that nothing contained in this joint resolution should be construed to establish a precedent for making other materials prepared by the United States Information Agency available for general distribution in the United States."

Some however, notably USIA and the Justice Department have disputed the interpretation placed on it. A little noticed legislative chapter, however, buttresses the views of those of us "strict constructionists" who have claimed all along it meant a total prohibition.

This somewhat obscure legislative history concerns S. 3535, a bill to authorize the exhibition and examination, within Presidential archival depositories, of certain motion-picture and other films prepared by the United States Information Agency. The bill was introduced (by request of the Administration) on May 23, 1968 and the Committee on Foreign Relations had a public hearing on it on June 11, 1968. This hearing was never printed because the bill died in Committee. It died because of the vigorous opposition of a number of Committee members to give special authorization to even the most carefully restricted use of USIA films for research purposes only by scholars in Presidential Archives, and then only after the President had left office.

This hearing is particularly interesting, not only because of the questions raised by Committee members then, but also because of the interpretation USIA officials at the time made of the restrictions of the statute.

I quote Richard M. Schmidt, then General Counsel of the Agency: "Over the years Congress had repeatedly declared its intent that the language of section 501 be construed to prohibit the Agency from making its output generally available for distribution or dissemination in the United States . . .

"I can assure this Committee that our Agency strictly and conscientiously adheres to both the letter and the spirit of congressional injunctions against domestic distribution of our output."

It is amazing to read this record four years later and see what the change in USIA's interpretation of its basic authority that has taken place. It is equally amazing to recall the attitude of Foreign Relations Committee members who were so deeply concerned about opening the door to distribution of USIA films even a crack that the bill was allowed to die in Committee.

I believe it is well for us to be reminded of this little chapter in USIA legislative history which is very pertinent to recent developments and statements. I ask unanimous request that the entire proceedings be printed in the RECORD at this point and urge all my colleagues to read it.

S. 3535

A bill to authorize the exhibit and examination within Presidential archival depositories, of certain motion picture and other films prepared by the U.S. Information Agency

TUESDAY, JUNE 11, 1968

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

The committee met, pursuant to notice at 10:10 a.m., in room 4221, New Senate Office Building, Senator Albert Gore, presiding.

Present: Senators Gore, Morse, Lausche, Symington, Williams, Mundt, Case, and Cooper.

* * * * *

Senator GORE. The committee now will proceed to S. 3535, a bill to authorize the exhibit and examination, within Presidential archival depositories, of certain motion picture and other films prepared by the U.S. Information Agency.

(S. 3535 follows:)

[S. 3535, 90th Cong., second sess.]

A bill to authorize the exhibit and examination, within Presidential archival depositories, of certain motion-picture and other films prepared by the United States Information Agency.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Information and Educational Exchange Act of 1948 (62 Stat. 6, as amended; 22 U.S.C. 1431 et seq.) is further amended by adding immediately after section 501 thereof the following new section:

"SEC. 501A. Motion-picture and other films prepared by or for the United States Information Agency relating to any President or former President of the United States or to officials and events of the administration of any President or former President, the distribution or exhibition of which is restricted by the provisions of this or any other Act, may nevertheless, when transferred to the Administrator of General Services, be exhibited, or made available for examination for research purposes, solely within a Presidential archival depository, but no such films relating to a particular President or his administration shall be so exhibited or made available as long as he remains in office. As used in this section, the term 'Presidential archival depository' shall have the meaning set forth in paragraph (1) of subsection (j) of section 507 of the Act of June 30, 1949, as added September 5, 1950 (64 Stat. 583, as amended; 44 U.S.C. 397)".

Senator GORE. The witness will be Mr. Richard M. Schmidt.

STATEMENT OF RICHARD M. SCHMIDT, GENERAL COUNSEL, U.S. INFORMATION AGENCY

Mr. SCHMIDT. Senator and chairman, thank you for the opportunity of appearing before your committee concerning S. 3535. This bill will authorize the exhibit and examination, solely within Presidential archival depositories, of certain motion picture and other films prepared by the U.S. Information Agency.

LIMITATIONS ON DOMESTIC DISTRIBUTION OF USIA PRODUCTS

As this committee knows, section 501 of the U.S. Information and Educational Exchange Act of 1948, as amended (Public Law 402, 80th Cong.; 62 Stat. 6; 22 U.S.C. 1431, et seq.) and Reorganization Plan No. 8 of 1953, authorize our Agency to prepare and disseminate abroad information about the United States, its people and its policies, through various media of communications, including motion pictures. Section 501 of the Act further provides that following its release as information abroad, such material shall be made available, upon request, for examination by representatives of U.S. press associations, newspapers, magazines, radio systems and stations, and Members of Congress.

Over the years Congress has repeatedly declared its intent that the language of section 501 be construed to prohibit the Agency from making its output generally available for distribution or examination in the United States. Moreover, the fact that a joint congressional resolution was required to authorize the domestic release of the Agency film, "John F. Kennedy—Years of Lightning, Day of Drums," underscores the frequently expressed attitude of Congress on this point. The joint resolution just mentioned (S.J. Res. 106; Public Law 89–274; 79 Stat. 1009) specifically provides "that the expression of congressional intent embodied in this joint resolution is to be limited solely to the film referred to herein, and that nothing contained in this joint resolution should be construed to establish a precedent for making other materials prepared by the U.S. Information Agency available for general distribution in the United States." In addition, section 4 of this joint resolution contains the following language:

"Any documentary film which has been, or is now being, or is hereafter produced by any Government department or agency with appropriations out of the Treasury concerning the life, character, and public service of any individual who has served or is serving the Government of the United States in any official capacity shall not be distributed or shown in public in this country during the lifetime of the said official or after the death of such official unless authorized by law in each specific case."

I can assure this committee that our Agency strictly and conscientiously adheres to both the letter and the spirit of congressional injunctions against domestic distribution of our output.

LIMITED PURPOSE OF S. 3535

The only and very limited purpose of the bill before you is to allow motion picture and other films prepared by or for the Agency relating to any President or former President of the United States, or to officials and events of his administration, to be exhibited and made available for examination for research purposes solely within a Presidential archival depository and only after the particular President concerned has left office.

The bill defines the term "Presidential archival depository" to be the same as set forth in section 507(j)(1) of the act of June 30, 1949, as added, September 5, 1950 (64 Stat. 583, as amended; 44 U.S.C. 397). As so defined, such a depository is "an institution operated by the United States to house and preserve the papers and books of a President or former President of the United States, together with other historical materials belonging to a President or former President of the United States, or related to his papers or to the events of his official or personal life."

The value to the public and to historians and other scholars of having such films made available for exhibit and examination is readily apparent and needs no further elaboration. At the same time the bill would, in no significant way, change the basic functions of our Agency or broaden the scope of its authority in domestic distribution.

This concludes my statement. I shall be happy to try to answer any questions that the committee may have. I should also like to state that the Bureau of the Budget informs us that it has no objection.

WHO REQUESTED THE LEGISLATION?

Senator Gore. What is the genesis of the bill?

Mr. Schmidt. We have repeated requests, Senator, from scholars and others asking for the film history that the U.S. Information Agency has made of previous Presidents in office and we always have to turn them down. We have numerous requests each month. We deposit our films in the National Archives with the provision that no one may see them. The National Archives holds our product but has not allowed anyone to view them.

Senator Gore. Are you saying that this request originated with your Agency?

Mr. Schmidt. Basically in our Agency as the result of the repeated requests from scholars, yes. With the creation of the Eisenhower Library, the Truman Library, and the Kennedy Library, these requests have become more frequent, and we came forth with this bill in answer thereto.

Senator Gore. Senator Morse?

LIST OF FILMS AND DOCUMENTARIES REQUESTED

Senator Morse. Mr. Schmidt, could you supply the committee with a listing of the films and documentaries that are now on file in the Archives, and a brief description of the contents of each film? I think it would be helpful if we had that material before us when we come to consider the bill in executive session.

(The information referred to appears at the end of the hearing.)

PROCEDURE FOR ACCESS TO THE MATERIAL

Senator Morse. When you say that the viewing is to be limited to the depository, it means the scholar would go there and ask to see the film, take his notes, and record what he saw for his own research writings. I am not passing value judgment on whether this should be or should not be done, but I am trying to find out what the procedure would be. Does this mean that the viewers would be limited in number and would be restricted to those scholars doing research on the subject matter; would that be correct?

Mr. Schmidt. Well, it would be whatever the rules of the archives, of the particular archives, are, Senator, as to their definition of scholars. We would turn these films over to GSA which operates the Presidential archival depositories. There is no definition of "scholar" here, but the people who would have access to the materials within the Presidential archives would be the ones who would also have access to these films.

Senator Morse. I haven't any doubt that a good many of the films that you have on deposit would have great educational value, for example, to a political science class or a history class. I am speaking hypothetically now.

Let's take a political science class, an undergraduate or a graduate seminar, concerned about the Teheran Conference. Let's assume that there was on file some film of the Teheran Conference. From the standpoint of educational impact it would be of great value to that class or that seminar. Of course, this raises the problem of the timelag—how much time should elapse before that kind of a showing could be made possible—because, as you know, there is always the argument raised as to the political implications of such films and the value of such films if they had wide dissemination in connection with political issues of the day or party issues of the day, or campaign use of the present time.

On the other hand, it seems to me if this work is well done, it represents a recording of American history that can be of great value to the student.

These are just some suggestions I am raising by these hypotheticals. I think we have to pay some attention to the timelag factor before they can be shown to a broader audience than the limited one that I have suggested—where the researcher, the Ph. D. candidate, the history professor, the political science professor, or the author wants to come in and see the film.

As a general proposition I think it is difficult to defend locking up knowledge.

You can have the book in the library on the Teheran Conference that is accessible. If you have a film on it, under whatever reasonable safeguards that you decide you ought to impose, it ought to be accessible. I think behind all this is the worry on the part of some that we should not encourage the Government to play the role of political propagandist. But I think you can provide some reasonable safeguards against that.

I think if we could have a listing of what is available and some description of it, it would be helpful.

Mr. Schmidt. Senator, I might add we operate under the Smith-Mundt Act and the only materials we would have would be from the date of the inception of that act, which would be 1948, the Smith-Mundt Act, Public Law 402.

Basically our material, film materials, would be dated back to 1948. Film of OWI and other predecessor agencies would not be governed by this prohibition against domestic distribution which we have in our law.

Senator Morse. That is all.

Senator Gore. Senator Mundt.

REQUESTS FOR USIA MATERIALS

Senator Mundt. You mentioned that the scholars have asked you for this change in legislation. I was wondering if there were any others besides scholars? Have any of the former Presidents or present Presidents or present members of the administration made the same requests?

Mr. Schmidt. I have had no communication from any Presidents, Senator. I have discussed this with representatives of the Department of Justice and with the General Services Administration in drafting the language. We do get repeated requests as you know, from people for our output, which we regularly deny, except to the people who are now qualified under the law, that is, the press and Members of Congress.

PRESIDENTIAL ARCHIVES AND ADMINISTRATIONS

Senator Mundt. How many Presidential archives are now actually operating as libraries to which the public has access? How many of these are planned?

Mr. Schmidt. I don't know the exact number in actual operation. I know, of course, of the Eisenhower Library in Kansas, the Truman Library in Missouri, the Kennedy Library which is being developed in Massachusetts, and the Johnson Library in Texas. There is also a Hoover Library in California. We would have no films in our catalog right now of Hoover because we weren't in existence at that time.

However, if we were to make a film, a historical concept, covering the Hoover administration, we would be presently barred from showing it, too, at any place in this country without this legislation.

We also provide, as you will note in the bill, that these films could not be shown in an archival depository so long as they concerned an incumbent President. They could be shown only after he left office.

Senator Williams. If you would yield, just how would the film on the Hoover administration be affected by the existing law?

Mr. Schmidt. Well, I think, under section 4 of the Kennedy film law, which states that any documentary film which concerns the life, character, and public service of any individual who has served or is serving the Government of the United States in any official capacity shall not be distributed or shown either before or after his death if produced with appropriated funds—and obviously everything we make is with appropriated funds, so we would be barred at the present time from letting out in this country any films concerning even George Washington or Abraham Lincoln. I use the Hoover example because I know there is a Hoover Library.

Senator Mundt. The bill refers to research purposes. Who is going to determine whether anybody who examines a film is doing it for research purposes or anything else?

Mr. Schmidt. This would be under the rules administered by the Presidential archival depository under the GSA. In other words, the public doesn't have access to everything in the Presidential libraries any more than they do in the Archives. The rule is you must show you are admitted for reasons of research because you are a scholar or teacher. The press would always have availability anyway.

WHEN ARE PRESIDENTIAL PAPERS OPENED TO SCHOLARS?

Senator Mundt. Does a certain time have to elapse before a research student has access to Presidential papers?

Mr. Schmidt. Not that I know of. I think that after they are once cataloged and examined by the original research staff in the archival depository they are put into the scholars library for availability. But not until that time, until they are completely cataloged and reviewed by the staff.

Senator Mundt. As I understand the procedure, USIA makes its films available to the GSA?

Mr. Schmidt. That is right. We would not administer it.

Senator Mundt. You would not administer it. Do you know whether the General Services Administration makes those films available immediately to the libraries? Does a year elapse, 5 years elapse? What are the rules?

Mr. Schmidt. I don't know, Senator. We would have to check with GSA.

Senator Mundt. Could you find out?

Mr. Schmidt. Yes; I would be happy to check and find out.

Senator Mundt. For the record.

(The information referred to appears at the end of the hearing.)

INCLUSION OF OFFICIALS AND EVENTS OF AN ADMINISTRATION

Senator Mundt. I am a little curious about one statement in the bill. I can see the appeal of doing this for Presidents, former Presidents of the United States, but the bill also includes "officials and events of the administration of any President or former President." Very frequently the officials of one administration 4, 8, 10, 12 years later become candidates for the office of Presidency. I am a little bit dubious about opening it up, perhaps widely, unless you put in some very proper precautions on using the films during the Presidential occupancy of any individual so that it would not be done to help any individual with his political career.

You open a very wide loophole there when you include the officials of any administration of any President or former President. I am just not sure that we want to get involved in doing anything that either helps or hinders the chances of a minor or major official of an administration who comes down the path, 4, 8, 12, or any other number of years later as a candidate for office, when there is in the library an official firm paid for by public funds, which would either help him or hurt him. This opens it up widely because most scholars or researchers are engaged in this business of getting raw material for publication, utilization, and dissemination.

So I was wondering why you opened the door so widely. Why not limit it to the President or former Presidents of the United States?

Mr. SCHMIDT. Senator, under the existing language of the Kennedy film resolution if we had limited it to the President—for example, let's take the Teheran Conference and let's assume the Secretary of State was present. While we could show an Agency film of that event concerning the President we would somehow have to cut out showing the Secretary of State because he was an official and appeared along with the President. It is very rare, as you know, to have film coverage of the President as an individual without someone in his administration being around him.

Senator MUNDT. It would be very easy for whoever drafted this bill to take care of that without opening up the whole Pandora's box the way it is here. Under this law you would not have to have the President in the picture at all.

Mr. SCHMIDT. That is true.

Senator MUNDT. You could show the Secretary of the Interior, or the Commissioner of Indian Affairs, or the Postmaster General, or almost anybody who is an official—any of the 3 million people presently working in the Government, who by some quirk had a picture taken of himself in some activity of which he might be proud or of which he might be ashamed. That is an awfully wide authority in order to make it available for the President and anybody who had been in the picture with him.

Mr. SCHMIDT. Senator, I dispute the fact that we would make this available to 3 million people if I heard you say that. I don't think the Presidential archival libraries operate on that broad a scale. This is not a general broad public showing.

Senator MUNDT. No; but the films would be made available. If they are chronicling the events of history during the Presidential administration you could well have a film entirely unrelated to the President, but taken by USIA for purposes that it deems wise to disseminate overseas, which gets into this General Services Administration and it becomes part of the depository.

Mr. SCHMIDT. But the point is that the present law prohibits the domestic showing of any film concerning the life, character, and public service of any individual who has served or is serving the Government of the United States in any official capacity. So if we are going to have anything concerning any governmental official in the film we must have this language allowing us to do it because we could not separate the President out from other Government officials.

The present language of the law does not limit it to the President.

LIMITING THE AUTHORITY TO PRESIDENTIAL FILMS ONLY

Senator MUNDT. We could separate the President out if we wanted to do it.

Mr. SCHMIDT. We could separate him out, but we probably——

Senator MUNDT. In the Kennedy film resolution we wrote a special law for a special President, for special conditions and designated the Kennedy Cultural Center, I believe it was, as the one that distributed the film and recompensated the Government. That has worked fairly well. There are one or two rather unhappy deviations from the intent of the law, not many, not serious enough to complain about that.

I read you the words, page 1, line 9, "relating to any President or former President of the United States." Up to that point I think you have a lot of persuasion. But then the bill adds: "or to officials and events of the administration of any President or former President." This could be any—and I don't know how you define "official"—it seems to me, Federal employees. I think each of them has a right to consider himself as an official. You are an official.

Mr. SCHMIDT. The present law bans the domestic showing of any Government film regarding any such official. For example, we do make a great number of films, as you know, when visiting heads of state come to this country. We have in each film almost invariably a picture of the President receiving the visiting head of state. Under our system of protocol invariably the Secretary of State and several other officials are also present. Unless we have the language contained in S. 3535, such a film could not be shown in a Presidential archival library because it shows not only the President, but also other officials who are specifically banned under section 4 of the Kennedy film legislation.

Senator MUNDT. Exactly, and it would be very simple to have language to cover the kind of event where the President is in a picture. Since we have had USIA under any Presidential administration I suppose we have had pictures made of a great many Government events for distribution which do not include the presence of the President whatsoever, and these are in the Archives.

Mr. SCHMIDT. I don't know we have a great many, but I am sure we have some.

Senator MUNDT. For example, you have done some on the American Indians of interest overseas. I am perfectly positive most of the motion pictures made of American Indians are not typical of what is true on a Sioux Reservation. People are living in hovels and huts and certainly such films would be antiproductive so far as the purposes of this country are concerned if they show how we have impoverished so long the American Indian. So very conceivably you have pictures of the Indian Commissioner opening a fine Indian school—we have splendid Indian schools—or one of the housing structures on the reservation, but that is certainly not a typical presentation of the status of the American Indian and it certainly does not include the more deplorable conditions showing the Indian homes in South Dakota which have neither windows nor doors nor floors. So I am sure we are not advertising America overseas by showing how we mistreat the original American citizen.

The point I am making is that I am not just sure about opening the bill to the point where the President not appear in the picture and is not part of the presentation of an event that does occurr in his administration. If we provide for every official the right to be pictured, researched, propagandized at the time his President happen to be out of office—there are pretty young public officials properly considering, I assume, taking on a career in public life—you could get into a sticky situation. I am sure you could tighten up that language to meet the purpose you have in mind, which is absolutely proper.

The picture of a President does not appear alone very often. He has his staff—the Secretary of State and people there—and there is no problem in that connection. The whole array of pictures which are taken of Americana for foreign consumption is probably the proper function of the USIA. And now it is opened up for the same kind of availability and I wonder why?

Mr. SCHMIDT. Well, I stand on the statement I made to you, sir. I don't think we are making a broad open gate change in the policy. I think we are putting this in for scholarly research. Certainly I would hope we could present to the scholars all of the material. I think it would be more dangerous if we were to say you can only have part of it. I am sure there are film excerpts that are laudatory and there are those that perhaps someone would view as being denigrating to their position. But this is part of the scholarly research process to be able to have all of this available, and we make no claims to complete objectivity, and I am certain every scholar who views it will be certain of its source.

AVAILABILITY OF COMMERCIAL MATERIALS

Senator MUNDT. Except for events that are staged and filmed especially for publicity purposes of the USIA to put its best foot forward overseas, would it not be possible for these Presidential libraries to obtain similar material from commercial sources, thereby avoiding setting another precedent for domestic use of USIA produced materials? All these events you have been talking about have been covered by CBS, NBC, and all the commercial media. It is just the staged things that are exclusively available to USIA.

Mr. SCHMIDT. No; I take issue with that. I wouldn't say we stage these things.

Senator MUNDT. You exclude the commercial people from covering these public events?

Mr. SCHMIDT. No, sir; but we certainly do a more comprehensive job in coverage of affairs of state than the commercial people do because we have more utility value from it. We certainly, during the visit of a head of state to this country, cover in greater depth the activities that would not be of as great interest to the people of the United States. The commercial movie and newsreel and television people operate primarily for the domestic audience. We are operating wholly for the overseas audience so, therefore, we will have more intensive coverage on activities of the visiting head of state, for example, than the commercial people would. Certainly the commercial material is available to the Presidential archival depositories.

Senator MUNDT. May I just conclude by suggesting, Mr. Schmidt, that you go back to the author of this bill, who is unknown to the members of the committee——

Mr. SCHMIDT. No, you are talking to the author, sir. I drafted it with Mr. Dunaway who is sitting behind me.

POSSIBLE REFINEMENT OF BILL

Senator MUNDT. In retrospect and upon careful reflection, can you see whether you can't find other language for line 9 of page 1 and lines 1 and 2 of page 2, which will accomplish the objectives which you have in mind without opening it as broadly as you do? I am a little bit afraid of establishing a precedent including as many officials as you include in motion pictures which don't even present the image of any President whatsoever, to have these tucked away in libraries, and the repercussions which eventually flow back as these people become increasingly prominent in public life, run for Senator, Governor, President, and Vice President. I am not so sure that we should subject ourselves to that kind of an attempt. Maybe we can't find other language. I hope you can; if not, perhaps someone on this committee can come up with some language which is tighter. But if you would study this longer I would like to have your recommendation.

Mr. SCHMIDT. I would be happy to review it again, Senator, but I want to say again what we are talking about is a very limited audience and I don't think it would be a big one.

Senator MUNDT. I think it is the biggest audience you can find, Mr. Schmidt—when you open it up to writers, researchers, and those who are going to write articles in depth, and make studies to share with the populace. Generally, I think that is a larger audience than you can cram into the largest theater in Washington.

Mr. Schmidt. Senator, the press already has access to this.

Senator Mundt. Why couldn't you accomplish it then—if that is all you are trying to do—without all this laborious language, by a simple amendment to the law which would add to section 501 which now says "for examination by representatives of the U.S. press associations, newspapers, magazines," and so forth, the words "and bona fide scholars"? That would do it.

Mr. Schmidt. I would like to have from you sir, a definition of "scholar" and also what part the U.S. Information Agency would play. In other words, by putting that language in the present law you would make this available to anyone who came into our Agency and said, "I am a scholar and I want to see all of your material." I don't think this would work. What we are saying in effect is we are going to transfer this material into the Presidential archival depositories where they have a system for scholars and others to come in and review this material. It leaves the U.S. Information Agency out of any domestic distribution, whereas your method would put us right into it.

Senator Mundt. It would be as easy to determine a scholar as we do a representative of a press association or a man who says: "I am writing an article for a magazine." Whatever criteria you employ, in section 501 of the act now, I think probably could be employed to determine who is a scholar.

Mr. Schmidt. Section 501 of the act at the present time states "for examination by representatives of U.S. press associations, newspapers, magazines, radio systems, and stations." That is fairly easy of identification. A person can come in with credentials showing that he represents one of those groups and, of course, Members of Congress are easily definable too, and we have had no trouble with that. But I would hesitate to sit in judgment on who ranks as a scholar.

Senator Mundt. That is all, Mr. Chairman.

Senator Gore. Senator Lausche.

BASIC PURPOSES OF U.S.I.A.

Senator Lausche. For purposes of the record I would like to ask some questions which might seem elementary but I think they ought to be asked.

This U.S. Information Agency was created when?

Mr. Schmidt. By the Smith-Mundt Act of 1948, and Reorganization Plan No. 8 of 1953.

Senator Lausche. And what was its purpose as set forth in the purpose clause of the bill?

Mr. Schmidt. If I may quote this to you, sir.

Senator Lausche. Yes, go ahead.

Mr. Schmidt. Section 2 of the act, which is known as Public Law 402, states: "The Congress hereby declares that the objectives of this Act are to enable the Government of the United States to promote a better understanding of the United States in other countries, and to increase mutual understanding between the people of the United States and the people of other countries. Among the means to be used in achieving these objectives are (1) an information service to disseminate abroad information about the United States, its people, and policies promulgated by the Congress, the President, the Secretary of State and other responsible officials of Government having to do with matters affecting foreign affairs."

Senator Lausche. All right, I think that is far enough.

Was it the purpose of the act to limit the operation of this office to the dissemination of information outside of the country and not domestically?

Mr. Schmidt. Yes, sir.

Senator Lausche. And you have tried to adhere to that by keeping the office out of the business of a news media in the United States?

Mr. Schmidt. Yes, sir.

Senator Lausche. And the provisions of films in the United States?

Mr. Schmidt. Yes, sir.

Senator Lausche. Have you ever been asked to allow your office to be used in disseminating information in the United States?

Mr. Schmidt. Well, as to the question "allow our office to be used," I would say not that I know of, Senator. We do have repeated requests from individuals in the United States for copies of our material that we produce for overseas.

Senator Lausche. Do you subscribe to the proposition that it would be wrong to allow a governmental office to become a news media in the United States and thus to be used domestically to distribute information sometimes twisted into political propaganda?

Mr. Schmidt. Senator, I follow the intent of Congress as set forth in the law, which is my job, and I have been strictly construing the law to prohibit us from engaging in domestic distribution.

Senator Lausche. All right. Now then, who determines what films you shall take in the United States to be used abroad?

Mr. Schmidt. We have an Office of Policy and Planning which works with our Motion Picture and Television Service to determine what films we need in our program, which films would be of value in carrying out the purposes of the 1948 act.

Senator Lausche. Do you take films yourself or do you hire agencies to take them?

Mr. Schmidt. We do both, sir. We have independent contractors that are retained for specific film purposes and we also do our own work.

PERIOD BEFORE MATERIAL IS RELEASED SUGGESTED

Senator Lausche. On this matter of releasing information, you have a limitation that it shall not be done during the lifetime of a President or a Vice President and I suppose it would also mean during the lifetime of an official of the Government.

Mr. Schmidt. No; the present law, section 4 of the Kennedy film resolution, is the one that says that you shall not do this without a specific act of Congress. In the bill before you we allow this, and we have no limitation related to a President's lifetime. The limitation would apply only during the incumbency of the President.

Senator Lausche. Yes. Would it be advisable to fix a time limitation after a man leaves the office or after his death, before any of this information can become available?

Mr. Schmidt. Well, I would think you would run into the problem of longevity of the person, and there can be a great gap of time if you are going to limit it to after his life. At the present time we have two former Presidents of the United States who have been out of office for some period of time. Now if we say we wait for the man to die before the scholars can see these films, this might be many, many years.

Senator Lausche. It works two ways. You have one with a lengthy life, you have another whose life has been shortly cut off. Let's take a look at this language: "Motion picture and other films prepared by or for the United States Information Agency relating to any President or former President of the United States or to officials and events of the administration of any President." I construe that to mean that this law is applicable to Presidents, Vice Presidents, and officials of any administration.

Mr. Schmidt. That is correct.

Senator Lausche. So that it would be applicable to the showing of a picture of Rusk even though the President is not in the picture?

Mr. Schmidt. That is true but only in the Presidential archival depository.

Senator Lausche. You rely upon that proposition rather heavily—the limitation that it can only be used, viewed, or exhibited in the archives.

Mr. Schmidt. Yes, sir; on line——

Senator Lausche. It cannot be taken out?

Mr. Schmidt. No, sir. On line 6, page 2, the language reads "solely within a Presidential archival depository."

Senator Lausche. Let's get down to this exception, "but no such film relating to a particular President or his administration shall be exhibited or made available as long as he remains in office." Now "no such films relating to a particular President or his administration."

Mr. Schmidt. Yes, sir.

Senator Lausche. That is applicable to the officials and the administration?

Mr. Schmidt. Yes, sir.

Senator Lausche. "Shall be exhibited or made available as long as he remains in office." It is at this point I ask you the question would it be advisable to fix a time limitation after he leaves his office prohibiting its use?

Mr. Schmidt. I would see no wisdom in it; perhaps the committee would. I think to pick an arbitrary time figure would be difficult, and I would not see the value of it, Senator.

Senator Lausche. You are suggesting under this bill that the office of the General Services Administration——

Mr. Schmidt. The Administrator of General Services because he operates and conducts the archival depositories.

Senator Lausche. You want the films turned over to him so that your present purpose will be kept intact not to use your office domestically at all but solely in the foreign field?

Mr. Schmidt. Exactly.

Senator Lausche. All right. OK, that is all I have.

Senator Gore. Senator Williams?

WHAT HAPPENS IF A FORMER PRESIDENT RUNS AGAIN?

Senator Williams. We have had instances where a President, the incumbent, would leave office, a period of time would elapse and he would be then a candidate and be elected for the Presidency. How would you cope with that?

Mr. Schmidt. Well, I think under this language if he went back into office it would stop the exhibition of all of the material, the previous administration as well as the existing one.

Senator Williams. How about during the period in which he was running for office prior to his election? This authority would stop after he was reelected, but during the important period when he was a candidate for a second term in office—when, after having been out of office, he is running again—this material would be available, would it not, under this bill?

Mr. Schmidt. I think it would, but again solely within the Presidential archival depository.

Senator Williams. What are the restrictions today regarding the showing of these films?

Mr. Schmidt. Well, they are absolutely—

Senator Williams. What restrictions are there on showing these films today?

Mr. Schmidt. The ones I read you out of section 501, which is limited to the press and Members of Congress. Otherwise they are prohibited from domestic distribution in the United States.

Senator Mundt. Would the Senator yield?

Senator Williams. Yes.

POSSIBILITY OF SETTING A TIME LIMIT BEFORE FILMS CAN BE SHOWN

Senator Mundt. Senator Williams brings up an interesting point. I remember a recent experience. Teddy Roosevelt after having been in and out, ran again, but he didn't make it the second time. Other Presidents have. Would you object to some kind of time limitation which we can write in which would avert a possible perversion, so to speak of the intent of Congress by setting not the date he leaves office but 10 years after he leaves office or some other time. Off the top of my head that would be a realistic figure to protect us against this kind of contingency.

Mr. Schmidt. My answer on the time limit, would have to be the same answer I gave to Senator Lausche. Perhaps if you wanted to cover that by saying in the event any President once again becomes a candidate for the Presidency then this provision shall not prevail that would stop the showing of it.

Senator Mundt. That would alleviate the situation conceivably but is not very likely. But the course of history moves pretty fast some days, and it could develop that some research film popularized and publicized by a lot of writers might be the very thing that causes him to run. It seems to me if you do this you ought to have a specific time period. What is the urgency? Why, instead of 15 minutes after the President leaves office, couldn't it be set at 15 years?

Mr. Schmidt. I simply think, by putting in a 15-year limitation you are certainly blacking out one of the tools of research. They can turn to the written word, the entire commercial word, but they can't turn to the particular films we produced.

Senator Williams. USIA is a propaganda organization. To that extent you are pointing out the possibility of distorting history, are you not?

Mr. Schmidt. We like to say, sir, that truth is our best propaganda.

Senator Williams. We all like to say that, too, but you will admit that the purpose of your Agency is to point out events of our country in the best light from the standpoint of our country; is that not true?

Mr. Schmidt. Yes.

LIST OF FILMS AND COSTS INVOLVED

Senator Williams. How many films are there presently that have been turned over to the Archives?

Mr. Schmidt. I don't know, sir. I told Senator Morse I would get a list of these.

Senator Williams. Do you have a rough estimate?

Mr. Schmidt. No; I don't. I think there are relatively few, sir, that concern the type of thing that this bill will cover. Most of our films probably don't contain any reference to governmental officials per se. They are concerned with life in the United States outside of the framework of government.

Senator Williams. That is my understanding. In furnishing this list of film, will you also furnish us the cost of production?

Mr. Schmidt. We do that each year, sir, and the complete list of those appear in the appropriation hearings.

Senator Williams. Yes; but it would save a lot of time putting the two together if you, when you furnish the list of films in response to the request from the Senator from Oregon, could also put the cost of each film, could you not?

Mr. Schmidt. Yes; I will have to go back through the various hearings and bring those up to date.

PRESENT RESTRICTIONS ON SHOWING USIA FILMS

Senator Williams. What are the restrictions now on the use of a film which relates to a present or former occupant of the White House, if you have such a film? What are the restrictions for showing that in this country now?

Mr. Schmidt. They are not shown in this country except for the two exceptions, that is, availability to the press and Members of Congress.

Senator Williams. I am told one of the recent films of the present occupant, of life in Texas, and so forth, was shown on the Presidential yacht on the Potomac.

Mr. Schmidt. That was to a diplomatic audience located here.

Senator Williams. Was it?

Mr. Schmidt. As far as I know it was.

Senator Williams. Did you check that at the time?

Mr. Schmidt. No; I did not check it.

Senator Williams. You did not check it?

Mr. Schmidt. We do—for example, if we have an audience of foreign students, or a gathering of foreign diplomats at the Department of State, we do show our films to such groups. But not a week goes by that we do not turn down a request for showing to domestic groups.

Senator Williams. Much was said about a specific case involving historians reviewing the film that you prepared on the Teheran Conference. When did it take place?

Mr. Schmidt. It was prior to USIA.

Senator Williams. Prior to USIA; did you have a film on that?

Mr. Schmidt. I don't know if there was one on that. If there was it was probably the Office of War Information.

Senator Williams. I just wondered why you singled out as an example, when it was an event that took place before your organization was in existence and perhaps you didn't have such a film.

Mr. Schmidt. I didn't raise that. It was Senator Morse.

Senator Morse. If the Senator will yield, I was using it as my hypothetical.

Mr. Schmidt. I was pointing out we would only have films made since the creation of the Agency.

Incidentally, the Office of War Information did have domestic distribution authority so their films would not be blocked from showing in this country.

Senator Williams. Would they be affected by either enactment or rejection of this bill?

Mr. Schmidt. No.

Senator Williams. Films of the War Information Office would not in any way be affected?

Mr. Schmidt. No.

WHO REQUESTED THE LEGISLATION?

Senator Williams. What prompted you primarily, you say you are the sponsor of this—

Mr. Schmidt. I am not the sponsor. I say we have repeated requests, an average of, I don't know, maybe 20, 30 a month, many of them referred to us by Members of Congress, and in discussion with various people at various times we have had this proposal of making our films available to scholars in our Agency. I think there are many reasons why this would not be practicable, as I pointed out before. But it did occur that perhaps this could be done at a Presidential archival level.

Senator Williams. Well, the idea had to originate with somebody that they put this in the form of legislation. Who conceived of this idea?

Mr. Schmidt. I can't say that any one person did. I think it was the fruition of many thoughts on it, sir. I worked with the Department of Justice and the GSA in drafting this.

Senator Williams. But the Department of Justice and GSA didn't draft it until somebody conceived the idea. Is this a Topsy bill; like Topsy it just growed? Aren't there some parents somewhere or somebody who——

Mr. Schmidt. I will take the responsibility here for parenthood, sir, but I think it has been inseminated from various directions.

Senator Williams. And you really don't know who conceived the idea originally for this bill before us?

Mr. Schmidt. As I say honestly, Senator, it came from the very day-to-day work problems that we have had on this of people requesting availability of the films.

Senator Williams. Then no one person is vitally interested and would be greatly disappointed if nothing happened?

Mr. Schmidt. I would be greatly disappointed if nothing happened.

Senator Williams. That is all.

Senator Gore. Mr. Schmidt, you have been frank and cooperative and, in my view, an able witness before this committee. I volunteer that to you, sir, and the committee thanks you.

Senator Morse. I would like to ask a question.

I want to share Senator Gore's evaluation of your testimony. I think you have been an exceedingly able witness. Your testimony has opened up to me recognition on my part of things that I did not know about the dissemination of your films abroad. Therefore, if I seem to ask very elementary questions I hope you will know I am only seeking to get information.

FILMS CAN BE SHOWN TO FOREIGNERS BUT NOT AMERICANS

These films you are not free to show American people you are free to show abroad. Now let me talk about hypotheticals Let's take this one: Suppose we have a film—I used Teheran as a hypothetical some moments ago—but let's get within your time bracket, your time bracket.

Mr. Schmidt. That will be from the date of the Informational and Educational Exchange Act of 1948 when we were part of the Department of State and then since 1953 as a separate independent agency.

Senator Morse. Most certainly the Punta del Este Conference would be within your time bracket or one in which President Kennedy participated, the Costa Rica Conference which led to an understanding on the part of the participants for the establishment of the beginning of a Caribbean Common Market. Let's assume you made a film of that Conference or some of the sessions of that Conference. You could show that to a student audience in Oxford, Heidelberg, any foreign university?

Mr. Schmidt. Yes, sir.

Senator Morse. You couldn't show it at Columbia, Chicago, Stanford?

Mr. Schmidt. No, sir.

Senator Morse. Any film that you have made you could, if it was decided that the auspices were appropriate, to show to a general audience anywhere in the world except in the United States?

Mr. Schmidt. Yes sir.

Senator Morse. The Kennedy film, which required a special act of Congress to be able to have it shown to the American people, could be and was shown in many parts of the world before its first showing in this country?

Mr. Schmidt. Yes, sir; one of the most popular films ever made by the USIA.

Senator Morse. It didn't have to go to the Archives or depositories in any of these countries to be seen?

Mr. Schmidt. No, sir.

Senator Morse. It was not limited to their scholars?

Mr. Schmidt. Not at all. Literally millions of people around the world have seen that film.

Senator Morse. You see that raises very serious questions in the mind of the Senator from Oregon. We are told that, we must be very careful that we don't propagandize the American people. I am more concerned that we don't conceal from them the facts that they ought to have. Yet we are told that some of your films constitute propaganda abroad. It is a very misused term. I have never known of an adequate substitute for full public disclosure and let the public be the judge. I have never been moved by the political argument that "oh, you mustn't put yourself to the test of public opinion."

IS THE BILL BROAD ENOUGH?

Our discussion this morning makes me more and more doubtful as to whether or not this bill is broad enough. I don't know why—may I say as one who taught for 21 years in college classrooms—a professor at any American university shouldn't have access to any film you produce. If a professor at Oxford can have access to it, what are we afraid of? What is happening to us in this country? We feel we have to conceal information. I am greatly concerned about the development of police state tactics in this country. I happen to think there is a greater danger of police state tactics in this Republic at the present time than in most other nations of the world. I am not asking you to pass a value judgment; that happens to be my elected responsibility. I don't know why we have to have this kind of censorship. This is a form of censorship in supposedly a free society. We can hold your agency responsible for the quality and accuracy of its work.

I happen to think that the Kennedy film ought to have been shown in every high school in this country without a congressional enactment. You have a pretty rich historical depository of your films. I am not much moved by politicians who are afraid that some film might have political influence. That happens to be part of our system of self-government. I don't understand this censorship approach that I think is implicit in a lot of the discussion here this morning.

The safest thing for the American people is an open society. I sometimes used to put it this way: In a free society there is no substitute for full public disclosure of the public's business and let the people be the judge.

So if I have any criticism of your bill it is it doesn't go far enough. But I think you and I are well aware of the fact that it probably goes as far as you can go at the present time, as we see more and more restrictions wanting to be placed upon the American people. Unfortunately because of the fact that you can stir up hysteria in a hysterical time, you have a lot of people—if you have any doubt about that, come over and read my mail—who are perfectly willing to go along with waiving their constitutional rights. And so we pass a shockingly unconstitutional crime bill and wave the flag into tatters and lead the American people to believe it is the proper way to protect their constitutional guarantees. They will get through this national hysterical jag after a while.

A lot of these politicians who voted for it will hear from the people when they ask them, "What did you do that for."

I happen to think that the American people don't have the facts about this particular field. So I want to thank you for your statement this morning. I don't have to tell you, you have trouble ahead even to get this bill through. There isn't enough of a police state yet to satisfy a lot of scared politicians in this Congress. It isn't tough enough.

The sad thing is, what the American people need is a refresher course on the origin of the Constitution such as these precious safeguards which would be thrown away in this shockingly unconstitutional crime bill that sailed through the Congress because people are afraid they won't be reelected. Of course, it is not important that they be reelected, that any of us be reelected. What is important is that while we sit here we keep faith with the oath of office we took to uphold the Constitution. And man after man—I don't hesitate to say it here as I say on the floor of the Senate or out on the public platform—walked out on the oath when they voted for that bill.

As one who taught constitutional law for years I am shocked at the performances that are going on even within the body politic. I would have the American people do a little reviewing of how police states develop out of free societies in the history of nations abroad. If you think it can't happen here you couldn't be more wrong. This is the way you destroy constitutional self-government.

So I want you to know you have one supporter for that bill. I may offer some amendments to broaden it, because I happen to believe the American people should be told what the best minds on the subject matter believe the truth to be, for I was brought up under the old political philosophy that "ye shall know the truth and the truth shall make you free."

The sad thing is the American people today are not getting the truth on issue after issue. That is why we are in a crisis, the like of which we haven't experienced for over 100 years.

I made these comments today in regard to your bill because this is just one of the little issues which added together with a lot of other little issues is creating the problem that confronts this country today.

I am glad we had you as a witness. I hope you will supply the information that has been asked for by my colleagues on the committee. And I hope it is a bill that will not die in committee, because a lot of good legislation is going to die in committee this year because the politicians don't want to face up to carrying out their responsibilities before an election. Maybe after the election they will come back carrying out their duties.

Thank you very much.

Mr. Schmidt. Thank you, Senator.

Senator Gore. We will stand in recess.

(Whereupon at 11:55 a.m., the hearing was adjourned.)

Mr. SCHWEIKER. Mr. President, "Problems of Communism" is a well-known and widely respected journal, both in the American academic community and abroad. It has long enjoyed an enviable reputation for scholarly quality and editorial excellence, as well as a notable independence from "official influence" or point of view. Its academic significance ranges far beyond its circulation, and its long-term beneficial influence, especially in this time of intense, focus upon the Soviet Union and upon Communist affairs, ranges far beyond its academic significance.

At one time or another, practically every one of our important scholars of the Soviet Union and of Communist affairs have found a forum within its pages. Its editorial policy has frequently helped to focus the best minds in the field on specific and immediate issues important to U.S. relations with Communist States.

I cannot believe that any possible benefits can be derived from a ban upon continued distribution in the United States of this fine journal, but on the contrary, I am quite certain that substantial harm to American, and even Western study of Communist affairs would result.

I would, therefore, strongly urge that the amendment, 1191, to S. 3526, proposed by the distinguished Senator from Massachusetts (Mr. Brooke), which would permit continued domestic sales of "Problems of Communism" through the Government Printing Office, be favorably considered by the Senate.

Mr. FULBRIGHT. Mr. President, if the Senator from Massachusetts is willing to yield back his time now, I am prepared to yield back my time.

Mr. BROOKE. Mr. President, I yield back the remainder of my time.

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Tunney). All time has now been yielded back.

The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. Brooke).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Florida (Mr. Chiles), the Senator from California (Mr. Cranston), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from North Carolina (Mr. Jordan), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina (Mr. Ervin) and the Senator from South Dakota (Mr. McGovern) would each vote "yea".

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. Fong), the Senator from Wyoming (Mr. Hansen) and the Senator from Oregon (Mr. Hatfield) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from Maryland (Mr. Mathias) is absent on official business.

If present and voting, the Senator from Oregon (Mr. Hatfield) would vote "yea."

The result was announced—yeas 71, nays 7, as follows:

[No. 192 Leg.]

YEAS—71

Allen
Allott
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Church
Cook
Cotton
Curtis
Dole
Dominick
Eagleton
Ellender
Fannin
Gambrell
Griffin
Gurney
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Long
Magnuson
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth

Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—7

Aiken
Case
Cooper
Fulbright
Hart
Kennedy
Mansfield

NOT VOTING—22

Anderson
Chiles
Cranston
Eastland
Ervin
Fong
Goldwater
Gravel
Hansen
Harris
Hartke
Hatfield
Humphrey
Jordan, N.C.
Mathias
McClellan
McGovern
Moss
Mundt
Muskie
Pell
Sparkman

So Mr. BROOKE'S amendment was agreed to.

Mr. BROOKE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate go into executive session, and I ask that the Senator from Rhode Island be recognized.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PASTORE. Mr. President, there are three nominations on the desk. They were reported earlier today, and I ask for their immediate consideration.

The PRESIDING OFICER. The nominations will be stated.

FEDERAL COMMUNICATIONS COMMISSION

The legislative clerk read the nomination of Benjamin L. Hooks, of Tennessee, to be a member of the Federal Communications Commission.

The nomination was confirmed.

The legislative clerk read the nomination of Richard E. Wiley, of Illinois, to be a member of the Federal Communications Commission.

The nomination was confirmed.

NATIONAL TRANSPORTATION SAFETY BOARD

The legislative clerk read the nomination of William R. Haley, of the District of Columbia, to be a member of the National Transportation Safety Board.

The nomination was confirmed.

Mr. PASTORE. Mr. President, I ask that the President be notified.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. PASTORE. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate resumed the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair withhold laying down the next amendment temporarily.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHROME ORE IMPORTS FROM SOVIET UNION

Mr. McGEE. Mr. President, as we address ourselves to the Rhodesian chrome issue, I think it is imperative that the misconceptions regarding our increasing reliance on Soviet Russian chrome be cleared up.

According to the latest U.S. Bureau of Mines data, imports from the Soviet Union in 1971 were about 36 percent of our total chrome imports. This compares with 58 percent in 1970. In fact our largest chrome imports during 1971 came from Turkey, which provided us with 39 percent of our imports.

Proponents of our violation of United Nations sanctions imposed on imports from Rhodesia would have us believe that we are increasingly relying on a Communist nation for the supply of a strategic material necessary for our national defense security. The U.S. Bureau of Mines report exposes the phoniness and nonsense of that argument.

I ask unanimous consent that the U.S. Bureau of Mines report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CHROMITE—IMPORTS IN 1971

Imports of metallurgical grade chromite from the Soviet Union in 1971 were 307,000 short tons, about 100,000 tons less than in 1970, according to Bureau of Mines data. Some of this decrease was as a result of dock strikes in the U.S. which delayed shipments. Also, the ferroalloy industry in the United States encountered weak markets due to depressed conditions in U.S. specialty steel industry. Imports from the Soviet Union were about 36% of total imports, compared with 58% in 1970.

Total imports in 1971 were 858,000 tons, as compared to 703,000 in 1970. Imports from Turkey increased dramatically to 338,000 tons from 135,000 in 1970 and reached the highest level from that source in recent years. This was probably a result of a redirection of Turkish exports from Japan to the United States and to the reopening of marginal mines due to higher prices. A Japanese company had discussed financing a ferrochrome plant in Turkey, payment for which would have been made in chromite at a rate of 100,000 tons per year for eleven years. This proposed arrangement was not finalized, resulting in additional availability of chromite for export to the U.S. (It is possible that Turkish chromite had been stockpiled for use in the ferrochrome plant and for export to Japan.) It appears unlikely that shipments at the high level of 1971 from Turkey can be maintained.

The following is a comparison of imports of metallurgical grade chromite in 1970 and 1971 by country of orgin, compiled from unpublished Bureau of Mines data:

	1970		1971	
	Short tons (thousands)	Percent	Short tons (thousands)	Percent
Southern Rhodesia			26	[1] 3
South Africa	97	14	140	16
U.S.S.R	409	58	307	36
Turkey	135	19	338	39
Others	62	9	47	6
Total	703	100	858	100

[1] This importation was licensed by the Treasury Department under the hardship provision of Executive Order 11322 since it had been paid for prior to the Executive order implementing the U.N. sanctions program.

Consumption of metallurgical grade chromite in the U.S. has been about 900,000 tons per year in recent years. Imports from the U.S.S.R. as a percentage of consumption have risen since imposition of UN Sanctions against S. Rhodesia in 1966, but only in 1970 did they exceed 40%. Sales of stockpile material and increasing use of inferior grades of chromite for metallurgical purposes have filled the gap between imports and consumption.

RHODESIA CHROME

Mr. McGEE. Mr. President, tomorrow, Wednesday, May 31, the Rhodesian chrome issue will once again come before the Senate for a vote.

Senators may recall that in October of last year the Senate adopted an amendment allowing the importation of chrome ore and other strategic materials from Rhodesia in violation of sanctions imposed by the United Nations. In effect, the United States became an overt international lawbreaker.

In light of this action, the Foreign Relations Committee has approved my amendment, which is aimed at reversing the congressional action taken last fall. My amendment, which appears as section 503 of the State Department-USIA authorization bill (S. 3526), would put us back in accord with our international legal obligations. However, amendment No. 1196 is being offered in an attempt to delete section 503 from the authorization bill.

In light of the seriousness of the issue, I should capsulize briefly the ramifications involved in tomorrow's vote.

The proponents of our violation of U.N. sanctions have chosen to overlook a very critical point in presenting their case. One of the complications associated with the action of the U.S. Senate last fall, and we warned of that danger during the debate at that time, was that we were taking action at a time when the British and Rhodesian Governments were in the midst of negotiations to arrive at an equitable compromise. All direct reports from the Rhodesian capital the morning after the Senate took its action stated that the Smith government's attitude had hardened completely. The spirit of give and take which had marked the negotiations up until our action had been completely destroyed.

These reports were substantiated when I consulted with the leadership of both the British Labor and Conservative Parties during my trip to the Isle of Jersey earlier this month to participate in the Anglo-American Conference on Africa. The leaders of both parties were adamant in reporting to me that the action of the Senate, coming when it did, hardened the Rhodesian government position and resulted in a proposed settlement far less equitable than what everyone had hoped for. This resulted in the predictable negative response the Pearce Commission received in determining the sentiment for or against the proposed settlement. Therefore, just last week the Pearce Commission report was issued rejecting the proposal because a vast majority of the blacks, which comprise 95 percent of the Rhodesian population, opposed the settlement.

Again, I emphasize, this was a direct consequence of the action taken by this body last October. Last fall we urged the Senate to hold off on consideration of the Rhodesian chrome ore issue until the negotiations were completed. But the U.S. Senate chose to ignore this plea, and, as a result, we literally sabotaged any chance for a livable compromise to be worked out between the two governments. The British have announced they will continue to abide by the sanctions until a workable settlement can be ironed out and they are hopeful that we will do the same. It therefore becomes even more imperative that the U.S. Senate reverse the action it took last fall and vote to reimpose our observance of the sanctions.

Another point which is essential to a realistic assessment of the issues involved in the Senate vote tomorrow center around our role in 1966; at that time the British and Rhodesian Governments were on the brink of armed conflict. We goaded the British into going to the U.N. as an alternative to armed conflict—at least give the U.N. a chance to come up with an alternative to violence. We interceded as an honest broker. Now we have become the only country to formally break the sanctions. As a result, this issue becomes more than just honoring our commitment to the U.N. It has become a matter of honoring our own commitment in acting as an honest broker. Our integrity as an honest broker is at stake.

Another point for consideration is the phony issue raised last year by the proponents of the chrome amendment. The proponents argued that chrome is a strategic material and it was not plausible to rely on the Soviet Union, as a Communist nation, for 60 percent of our chrome imports. Events since that vote last October have served only to bear out the misleading innuendo and phoniness of this issue raised by proponents. None of the chrome which is being imported from Rhodesia is going into our strategic stockpile. Our national defense was never imperiled by our observance of the United Nations boycott. To further compound the phoniness of this issue, the Senate, on the recommendation of the Armed Services Committee, recently passed S. 773, releasing from the national stockpile 1,313,600 short dry tons of metallurgical grade chromite. In addition, the 6-month waiting period was waived. This was done on the recommendations submitted by the administration over a year ago, at which time no fear of any shortages existed and does not now exist.

The vital point to keep in mind is that Rhodesian chrome is not going into the strategic stockpile. Government authorities have assured us that there are 2.2 million tons of excess chrome in our national stockpile. The 1.3 million tons proposed to be drawn out under S. 773 will meet our total defense and industry needs for 2 years, and our defense needs alone for almost 20 years. Private industry reportedly has ample supplies on hand as well. In addition, there are other countries which can supply us with chrome besides Rhodesia or Russia, including Turkey, from which we exported a higher percentage of our chrome in 1971 than we exported from Russia.

Proponents of allowing us to import Rhodesian chrome also leave out a very important economic factor relating to other U.S. business interests in those African nations which are not dominated by white governments. Independent black Africa, which views our position on southern African issues as a test of our commitment to self-determination and equality, have been seriously disturbed by our violation of the sanctions. This has endangered our economic and political interests in those nations which account for over three-fifths of our trade and nearly two-thirds of our investment in Africa. Our violation of the sanctions has damaged our relations with key nations such as Kenya and Nigeria.

Let me repeat: three-fifths of our trade and nearly two-thirds of our investment in Africa is in independent black African nations. We certainly are not offering American business interests any protection in those countries, which might retaliate as a result of our violation of the sanctions.

All of these facts were known last year, but not widely understood. In light of these facts, I believe that Senators were deluded into believing other than what was actually the case.

The one thing that was not clearly brought out last year, however, was the fact that the so-called chrome amendment did not involve only chrome; but some 18 other minerals, as well, of which some nickel and asbestos will soon be shipped. Not even the flimsiest strategic justification can be offered for such imports from Rhodesia.

The argument that because other nations may be surreptitiously evading the U.N. sanctions—we are allowed to do so publicly by a formal declaration of the U.S. Congress—holds very little water, in my estimation. This is no excuse for a nation that has prided itself on high moral standards and a regard for law—internationally and domestically.

The final point concerns Africa. The effect of our action last year on the nations of that vast continent has been detrimental to our national interests. The longer we keep on that course, the worse our relations are likely to become. The State Department dwells on that point in detail in a letter to me from Acting Secretary of State John N. Irwin II. I ask unanimous consent that this letter, which I have also sent to each Senator for his information, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, May 20, 1972.

Hon. GALE W. MCGEE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCGEE: In response to your request, I am writing to confirm the Administration's support for Section 503 of the State Department Authorization Bill, S. 3526, which would repeal existing legislation permitting the importation of chrome and other strategic materials from Southern Rhodesia.

The Administration opposed that legislation last year and considers that there are several compelling reasons for its repeal now. As we pointed out prior to passage, the measure adopted last year has put the United States in violation of its international legal obligations: a most serious step which the Administration then maintained and still believes was not warranted by circumstances. The legislation now under consideration by the Senate would allow the United States once again to comply fully with its international treaty obligations.

Repeal now would serve to make us less vulnerable to unfavorable international reaction. As a result of the legislation now in force, our international interests have suffered in other respects. In Africa, where our position on Rhodesia has heretofore been seen as a test of our commitment to self-determination and racial equality, our credibility has suffered. The depth of African concern has been particularly strong in some nations where our interests far outweigh those in Rhodesia. In the United Nations, we will face, with each shipment of chrome or other commodity, an increasing erosion of our position. While we have sought and continue to seek means of making the existing sanctions against Rhodesia more effective, and less liable to circumvention by others, our ability to do so is seriously limited by the legislation now in effect.

Finally, the Administration continues to hold the view that neither economic nor national considerations affecting chrome are sufficiently compelling to compensate for the adverse foreign policy consequences of the legislation now in effect. There are 2.2 million tons of excess chrome ore in the stockpile; legislation authorizing release of 1.3 million tons has already been approved this year by the Senate. This amount alone would meet our total chrome needs for about 18 months, and defense requirements amount to only about 10% of total needs. Industry stocks are high, and we continue to have access to chrome ore from a variety of other foreign sources. In short, there was no chrome shortage last year and there is none now. Moreover, the legislation now in effect permits the importation from Rhodesia of other strategic list items in addition to chrome, and under it we may expect a variety of materials including asbestos, nickel, and other minerals to be imported. The adverse international reactions to such transactions in our judgment would outweigh any possible economic advantage, and there is on strategic ground no need to import any of these materials from Rhodesia.

As will be clear from the foregoing, we have been increasingly concerned about the serious effects of the existing legislation upon United States foreign policy interests. For all of the reasons mentioned, the Administration believes that the passage of Section 503 would further those interests.

With kindest regards,

Sincerely,

JOHN N. IRWIN II,
Acting Secretary.

Mr. McGEE. Mr. President, as I have said, the Senate will be voting tomorrow on the question of whether this country will adhere to our international obligations as they relate to the Rhodesian chrome issue.

In a recent letter to me, John J. Sheehan, legislative director of the United Steelworkers of America, expressed that the position of his union has been that of upholding the United Nations embargo against Rhodesian chrome ore.

Proponents of violating the U.N. sanctions have raised allegations that to restrict the importation of Rhodesian chrome ore into the United States threatens the jobs of American steelworkers.

Yet, as Mr. Sheehan, points out, this is just not true. According to Mr. Sheehan the U.N. embargo "does not affect jobs of American Steelworkers."

I also think it is important to note a further observation by Mr. Sheehan on behalf of the Steelworkers:

> Surely we do have some commitment to prevent political exploitation of minorities and we should express that commitment through economic sanctions rather than ultimately being involved, directly or indirectly, in bloodshed.

I ask unanimous consent that the letter expressing the United Steelworkers of America support of section 503 of the State Department Authorization Act be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STEELWORKERS OF AMERICA,
Washington, D.C., May 4, 1972.

Hon. GALE W. MCGEE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCGEE: The United Steelworkers of America has maintained that upholding the United Nations embargo against Rhodesian chrome ore does not affect jobs of American Steelworkers. The recent release of excess chrome from the strategic stockpile further indicates that it is not necessary for the United States to continue to violate the embargo.

A February 22, 1972 article in the *American Metal Market* stated that, "Uncertainties continue to surround the Rhodesian chrome ore picture with respect to prices and supplies moving to the United States . . . The Rhodesian government has controlled the production and sale for all mines in Rhodesia since the sanctions were imposed by the United Nations. At the present time, the Rhodesian government has not indicated to Union Carbide how much ore will be available in 1972 [except for] an immediate shipment of about 20,000 tons of ore." Such uncertain circumstances would seem to place in question any assertion that the opening of Rhodesian imports would provide insurance against a real or potential crisis.

Surely we do have some commitment to prevent political exploitation of minorities and we should express that commitment through economic sanctions rather than ultimately being involved, directly or indirectly, in bloodshed.

We, therefore, support and urge your support of Section 503 of the Foreign Relations Authorization Act of 1972 (S. 3526), which would rescind the previous action of Congress which resulted in a breaking of the embargo.

Sincerely,

JOHN J. SHEEHAN,
Legislative Director.

PULLING THE TEETH OF CASE-CHURCH

Mr. CHURCH. Mr. President, adding the precondition of an internationally supervised ceasefire to the modified Case-Church amendment in effect pulled the teeth out of the end-the-war proposal put forth by the distinguished Senator from New Jersey (Mr. CASE) and myself.

The lead editorial in the Lewiston, Idaho, Morning Tribune explains why. I ask unanimous consent that it and a wrap-up by Congressional Quarterly of the May 16 Senate vote on the Robert C. Byrd amendment be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Lewiston (Idaho) Morning Tribune, May 14, 1972]

PULLING THE TEETH OF CHURCH-CASE

Sens. Frank Church of Idaho and Clifford Case of New Jersey have ample reason for objecting to the proposed revision of their amendment calling for an end to American participation in the war. The change would render it meaningless.

The Church-Case amendment to the State Department authorization bill calls for an end to the funding of the American war effort four months after an agreement is reached on the release of prisoners and an accounting of those missing in action. The proposed change would add one condition: agreement on an internationally supervised cease-fire. As Church and Case have pointed out, that would give the Thieu government in Saigon a veto power over American withdrawal since Saigon would have to approve any cease-fire agreement.

They could have added that Hanoi might be equally opposed to a cease-fire. The momentum of a successful offensive is too important an advantage to bargain away lightly. It may not be realistic to expect North Vietnam to stop while it is winning in return for nothing more than a promise that the *funding* of the American effort will cease. As Sen. J. William Fulbright pointed out last Tuesday, even if the funds for the war were cut off tomorrow, there would be enough money and weapons in the pipeline to keep the U.S. in Indochina for a long time.

Even in its present form the Church-Case amendment is a relatively feeble effort to force the President out of the war, since there are all kinds of ways to thwart a funding deadline. If the deadline is made conditional on an unrealistic cease-fire, the amendment will have no teeth at all.

[From the Congressional Quarterly, May 20, 1972]

SENATE ADDS CEASE-FIRE PROVISO TO VIETNAM WITHDRAWAL

The Senate May 16, by a 47-43 roll-call vote, approved an amendment making an internationally supervised cease-fire a condition for U.S. withdrawal from Indochina.

(Roll call: Vote 162, p. 1160)

Adoption of the amendment, introduced by Majority Whip Robert C. Byrd (D. W.Va.), in effect killed the intent of an end-the-war proposal put forth by Clifford P. Case (R N.J.) and Frank Church (D Idaho).

It also put the Senate on record in general agreement with President Nixon's May 8 peace offer: withdrawal of all American forces from Vietnam four months after the return of American prisoners of war and implementation of an internationally supervised cease-fire throughout Indochina (*Background, Weekly Report p. 1051*)

Although the administration supported Byrd's amendment, it continued to oppose any legislation that would cut off funds for U.S. military operations in Southeast Asia.

Adoption of the Byrd modification produced a consensus in the Senate to dispense with further consideration of the Case-Church proposal, which was similar to an amendment added by the Foreign Relations Committee to the fiscal 1973 State Department-U.S. Information Agency authorization bill (S 3526). (*Weekly Report p. 1114*)

Even with this agreement, however, a vote on passage could take place only after the Senate dealt with a compromise end-the-war amendment drafted by Majority Leader Mike Mansfield (D Mont.) after approval of the Byrd amendment.

A vote on Mansfield's amendment was not expected until after the President returned from his scheduled visit to the Soviet Union May 22–31.

Mansfield's amendment would require a two-phase disengagement from Indochina. His proposal would:

Cut off all funds for maintaining U.S. ground combat and support troops in South Vietnam after Aug. 31, 1972.

Require termination of all U.S. military operations in or over Indochina after (1) agreement on a verified cease-fire between U.S. forces and the National Liberation Front (Viet Cong) and its allies, and (2) the release of all American prisoners of war held by North Vietnam and its allies and accounting for men missing in action.

Before taking up the Mansfield amendment, the Senate was expected to clear away a tangled parliamentary situation created by the introduction of the following amendments:

A perfecting amendment to the Case-Church amendment by Minority Whip Robert P. Griffin (R Mich.) which would make the fund cutoff effective four months after actual release of prisoners (as in the President's offer), rather than on an agreement for their release.

A motion to agree to the Case-Church amendment modifying the original end-the war provision reported by the Foreign Relations Committee.

An amendment by John C. Stennis (D Miss.) to delete the committee's end-the-war provision.

Debate on Byrd's amendment and subsequent legislative maneuvering on other proposals put senators in a testy mood. Anti-war senators were frustrated by the Senate's reluctance to formulate an Indochina policy independent of the President's. Administration backers questioned the wisdom of and political motives behind such action. (*Related debate, box p. 1173*)

Supporters of Byrd's amendment contended that a congressional statement of peace terms that differed from the President's would hinder his efforts to negotiate a settlement of the war, either at the Paris peace talks or in his discussions with Soviet leaders.

They also posed a moral question: how could the United States justify removing its own forces from danger while the war continued to threaten Vietnamese lives?

Supporters of the Case-Church terms urged the Senate to take an independent position on a peace settlement. The cease-fire requirement would restrict the President's ability to negotiate, they said, by tying U.S. withdrawal to an impossible condition: North Vietnam never would accept a cease-fire that would perpetuate the existing South Vietnamese government, and the Saigon government would obstruct implementation of a cease-fire that would end U.S. military support.

Case and Church said they would vote against their own amendment if it included Byrd's cease-fire proposal.

Before the Byrd amendment was introduced, anti-war senators thought they had the votes to win approval of the Case-Church language which had been approved by the Senate Democratic Caucus May 9 by a 35–8 vote. (*Weekly Report p. 1051*)

Byrd's amendment was supported by Clinton P. Anderson (D N.M.), William V. Spong Jr. (D Va.) and John Sherman Cooper (R Ky), three key defectors from the anti-war ranks.

"We would have won yesterday with Anderson and Cooper," a Church aide said, noting that a 45–45 tie vote would have defeated the amendment.

Spong and Cooper were members of the Senate Foreign Relations Committee. Five other committee members, out of a total membership of 16, voted with Byrd: George D. Aiken (R Vt.), Gale W. McGee (D Wyo.), James B. Pearson (R. Kan.), Minority Leader Hugh Scott (R Pa.) and John Sparkman (D Ala.).

BYRD AMENDMENT DEBATE

Leading off debate on Byrd's amendment on May 15, Church argued that the requirement of a cease-fire "only makes the return of our men now held captive . . . that much more difficult."

Casting the debate in terms of legislative-executive responsibilities, Church said that by ordering the mining of North Vietnamese ports without prior consultation with Congress the President "continues a conscious policy of disregard for Capitol Hill which has been in effect throughout this senseless war, a presidential war."

Church took issue with the President's view that a Communist takeover of South Vietnam would diminish international respect for the presidency. ". . . if we left Indochina, respect for the . . . presidency, as well as . . . for the United States, would be enhanced greatly," he said.

He added that there was nothing in the Case-Church amendment that conflicted with the President's pledge made May 8. Although the amendment contained no cease-fire requirement, "it reaches through to the one consideration that is uppermost in the hearts of the American people, namely the release of our prisoners of war," he said.

Stennis said he would vote against Case-Church even if Byrd's amendment were adopted.

"There is a principle involved," Stennis said, "and say what you will, it will decrease any chance . . . for this chief negotiator, the President . . . to get terms that are possibly within his grasp. . . . Congress cannot substitute itself for the President in making negotiations."

"We do not want the President to go to Moscow with his hat in his hand. . . . In a mission of this kind, we want the chief executive to have the firm assurance that the nation is behind him."

Lowell P. Weicker Jr. (R. Conn.) said the Case-Church provision "fulfills exactly what is in the minds of the majority of my fellow Americans. . . . They support all necessary measures taken to protect our troops, but they want no further commitments to South Vietnam. . . ."

Byrd said there was an issue of morality involved in a decision to withdraw while fighting continued in Indochina. "The adoption of the Case-Church language in itself would not stop the killing in Vietnam," he said. "It cannot be accomplished merely by withdrawing the few remaining U.S. forces. . . ."

Byrd added: "It will not end until the guns, all the guns—not just U.S. guns and not just South Vietnamese guns—including those of the North Vietnamese are stilled. . . ."

When the Senate resumed debate on Byrd's amendment May 16, Alan Cranston (D. Calif.) said insistence on a cease-fire before withdrawal "is totally unrealistic because it will make our withdrawal harder to achieve, not easier.

"There could be endless wrangles over the composition of the international commission to supervise the cease-fire. There could be disagreement over whether to give North Vietnam and the Viet Cong two separate places in the negotiations. We might even once again quarrel over the shape of the table. . . .

"The North Vietnamese have never liked the idea of a cease-fire requirement. The Saigon government would have to be a party to the cease-fire arrangement. With that kind of leverage, Thieu and his generals could keep us in the fighting indefinitely."

Pointing to past North Vietnamese rejections of cease-fire proposals, Stuart Symington (D. Mo.) said the Byrd amendment would negate the Case-Church provision "by adding a provision already known to be unacceptable to the North Vietnamese."

"It is clear," he said, that "the North Vietnamese will not accept a military settlement—cease-fire—before a political settlement."

Cooper, while expressing regret at both the North Vietnamese offensive in the South and the mining of the harbors, said he supported the Byrd amendment because of the importance of the President's Moscow negotiations.

"Only the President of the United States can negotiate," Cooper said. "We cannot."

Edward M. Kennedy (D Mass.) termed a cease-fire requirement "a completely unnecessary condition that might well condemn us to many more months or even years of violence in Vietnam." If the Byrd amendment were enacted, he added, "all the Senate will have accomplished is to give the President carte blanche to carry on the war."

Church: "The question before us . . . is whether the Senate is willing to play its constitutional role in formulating a policy that will permit the United States to disengage from Indochina. Our Presidents insist not only upon the authority to make war at their pleasure, without so much as consultation with the Congress, but they also insist that Congress play no part whatever in bringing an end to this, the longest war in our history."

George McGovern (D S.D.), candidate for the Democratic nomination for President, endorsed the Case-Church amendment but called for stronger congressional action. The United States should set a withdrawal date without any conditions, he said.

But Spong asserted that the United States "would be irresponsible . . . to leave without trying to bring about a cease-fire, without attempting to end the hostilities. . . . It is . . . conceivable that the time may come when we will have to abandon our hope for a cease-fire, but I do not believe that time is upon us now."

RELATED DEVELOPMENT

The North Vietnamese Foreign Ministry May 17 officially rejected the President's proposal for an internationally supervised cease-fire in Indochina.

UNANIMOUS-CONSENT AGREEMENTS ON AMENDMENTS

Mr. ROBERT C. BYRD. I ask unanimous consent that there be a time limitation on amendment No. 1202, proposed by the Senator from Delaware (Mr. Roth), of 30 minutes, to be equally divided between the distinguished author of the amendment and the distinguished manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Chamber, and may we have the well cleared?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, at the direction of the majority leader—after having discussed the matter with various Senators, including the manager of the bill and the assistant Republican leader—I ask unanimous consent that the Senate proceed shortly to the consideration of amendment No. 1202, with no time charged against the amendment today, that the Senate resume the consideration of that amendment tomorrow morning immediately after morning business is closed, and that routine morning business tomorrow be limited to not exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of amendment No. 1202 by the Senator from Delaware, Mr. Roth, tomorrow, the Senate proceed to the consideration of the amendment No. 1196 proposed by the distinguished Senator from Virginia (Mr. Harry F. Byrd, Jr.).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the amendment of the distinguished senior Senator from Virginia (Mr. Harry F. Byrd, Jr.) occur tomorrow not later than 12:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that upon the disposition of the amendment of the senior Senator from Virginia tomorrow, the Senate proceed to the consideration of the amendment proposed by the Senator from Illinois (Mr. Percy)—and on which there is already a time limitation—if he wishes to call up his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1202

Mr. GRIFFIN. Mr. President, at the request of the Senator from Delaware (Mr. Roth) and on his behalf, I ask unanimous consent that the Senate proceed to the consideration of amendment No. 1202, so that it may become the pending business.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. GRIFFIN. I ask unanimous consent that further reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. ROTH's amendment—No. 1202—is as follows:

On page 27, after line 24, insert the following:

REPORT TO CONGRESS

SEC. 303. (a) The Arms Control and Disarmament Agency, with the cooperation and assistance of other relevant Government agencies including the Department of State and the Department of Defense, shall prepare and submit to the Congress a comprehensive report on the international transfer of coventional arms based upon existing and new work in this area. The report shall include (but not be limited to) the following subjects:

(1) the quantity and nature of the international transfer of conventional arms, including the identification of the major supplying and recipient countries;

(2) the policies of the major exporters of conventional arms toward transfer, including the terms on which conventional arms are made available for transfer, whether by credit, grant, or cash-and-carry basis;

(3) the effects of conventional arms transfer on international stability and regional balances of power;

(4) the impact of conventional arms transfer on the economies of supplying and recipient countries;

(5) the history of any negotiations on conventional arms transfer, including past policies adopted by the United States and other suppliers of conventional arms;

(6) the major obstacles to negotiations on conventional arms transfer;

(7) the possibilities for limiting conventional arms transfer, including potentialities for international agreements, step-by-step approaches on particular weapons systems, and regional arms limitations; and

(8) recommendations for future United States policy on conventional arms transfer.

(b) The report required by subsection (a) shall be submitted to the Congress not later than one year after the date of the enactment of this Act, and an interim report shall be submitted to the Congress not later than six months after such date.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENTS ON AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any amendment to amendment No. 1202, amendment No. 1196, or amendment No. 1209 be limited to 10 minutes; that the time on any debatable motion or appeal in connection with either of those amendments be limited to 10 minutes, and that the time be equally divided between the mover of such in each case and the manager of the bill.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all such amendments be germane.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

FEDERAL RESERVE SYSTEM—ORDER FOR THE TIME LIMITATION ON CONSIDERATION OF NOMINATION OF JEFFREY M. BUCHER

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that at such time as the Senate proceeds to the consideration of the nomination of Jeffrey M. Bucher, the time on that nomination be limited to 1 hour, to be equally divided between and controlled by the distinguished Senator from Wisconsin (Mr. PROXMIRE) and the distinguished Senator from Utah (Mr. BENNETT).

The **PRESIDING OFICER.** Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call of the day.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AUTHORIZATION FOR THE COMMITTEE ON COMMERCE TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE ITS REPORT ON H.R. 13188

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON) I ask unanimous consent that the Commerce Committee be permitted until midnight tonight to file its report on H.R. 13188, a bill to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at 9:30 a.m.

After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business.

The pending question before the Senate at that time will be on the adoption of amendment No. 1202 by Mr. ROTH, on which there is a time limitation of 30 minutes.

On disposition of amendment No. 1202 by the Senator from Delaware (Mr. ROTH), the Senate will proceed to the consideration of amendment No. 1196 by the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, Jr.) on which there is a time limitation, with a rollcall vote to occur thereon no later than 12:15 p.m. tomorrow.

Upon disposition of the amendment by the Senator from Virginia (Mr. HARRY F. BYRD, Jr.), the Senate, under the order, will proceed to the consideration of amendment No. 1209 by the distinguished Senator from Illinois (Mr. PERCY), in the event he wishes to call up that amendment. If that amendment is called up, there will be a time limitation thereon of 1 hour.

There will be several rollcall votes tomorrow, I would say by "several," that there would be three, four, or five and possibly more rollcall votes.

Following disposition of the various amendments to the bill, S. 3526, the Senate will then proceed to final passage of that measure, after which the Senate will go into executive session and proceed to take up the nomination of Mr. Richard G. Kleindienst for the office of Attorney General of the United States.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, for the RECORD, what is the pending question before the Senate?

The **PRESIDING OFFICER** (Mr. TUNNEY). The Roth amendment, No. 1202, to S. 3526.

Mr. ROBERT C. BYRD. That amendment is now before the Senate, is it not?

The **PRESIDING OFFICER.** It is before the Senate.

Mr. ROBERT C. BYRD. I thank the distinguished Presiding Officer.

ADJOURNMENT TO 9:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 a.m. tomorrow.

The motion was agreed to; and at 6:01 p.m., the Senate adjourned until tomorrow, Wednesday, May 31, 1972, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 30, 1972:

U.S. TAX COURT

The following-named persons to be judges of the U.S. Tax Court for terms expiring 15 years after they take office:

William H. Quealy, of Virginia.
Arnold Raum, of Massachusetts.
Irene Feagin Scott, of Alabama.

FEDERAL COMMUNICATIONS COMMISSION

Richard E. Wiley, of Illinois, to be a Member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1970.

Benjamin L. Hooks, of Tennessee, to be a member of the Federal Communications Commission for a term of 7 years from July 1, 1972.

NATIONAL TRANSPORTATION SAFETY BOARD

William R. Haley, of the District of Columbia, to be a member of the National Transportation Safety Board for the term expiring December 31, 1976.

EXTENSIONS OF REMARKS

A REMARKABLE LADY SPEAKS ABOUT A NOT TOO REMARKABLE FACT OF LIFE

HON. FRANK CHURCH

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Tuesday, May 30, 1972

Mr. CHURCH. Mr. President, recently the Intermountain Observer of Boise, Idaho, reprinted a remarkable essay by a remarkable 90-year-old woman from Boise, Idaho. That wonderful lady, Nell Tregaskis prepared her essay for delivery as a speech to the Boise Unitarian-Universalist Fellowship. In her remarks she discusses with frankness and clarity the rewards and the problems of growing old in America.

In one phrase of her essay Mrs. Tregaskis sums up a simple fact that is all too often forgotten by the young:

> The young person who rejects age rejects his future self.

I highly commend the essay and ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

SOME DAY YOU, TOO, WILL GROW OLD—HE WHO REJECTS AGE REJECTS HIS FUTURE SELF

(By Nell Tregaskis)

(NOTE.—The problems of old age may seem remote to those in the spring of life. But eventually the autumn years arrive for most of us. They will be the golden years only for those who prepare for them. The following essay on what it's like to be old is excerpted from a speech given recently by the writer, at the age of 90, to the Boise Unitarian-Universalist Fellowship.)

Except for the fact that I have lived a few more years than most of you, I have no authority to speak to you. Most of you have had as much or more experience as I have had in caring for aging relatives. I have read a few books on aging and death. I have watched many of my friends grow old and die. I have indeed had the personal experience of growing old but I have made no scientific study of these two related subjects. We are all in this together.

With health sustaining and life prolonging methods of today, each one of you (barring accidents) will, in all probability, live to be old. This is a personal problem for each of us. I am going to talk about it from a personal standpoint.

You, as a group, I as a speaker, should be highly commended for being here this morning prepared to take an honest look at a condition that is usually ignored, denied, covered up, fought against by all possible means. The whole world celebrates life, life personified by youth; we are thrilled and rejuvenated etc., etc. While to contemplate old age and death makes us to "shudder and grow sick at heart."

It is the accepted custom of our culture to deny, hide, reject everything associated with old age. As to death—immediately the life is gone and the body is dead, it must be quickly covered, almost as if we felt that it was wrong to look at the face of death until the morticians' not inconsiderable art had restored to it the semblance of resting life.

There is a wide-spread and popular prejudice toward the old. The aged are exposed to an environmental atmosphere that is hostile to advanced maturity and relatively unmindful of its needs. Amongst such attitudes are to be found the following examples. Old people are fussy, they are cranky and irritable. Old people are cantankerous, they don't understand or approve of anything the kids do. They resist change, live in the past. All this is of course, true. The care-taking, efficient mother becomes the fussy grandmother, the father who worked hard and saved money to get things the way they are becomes the conservative, stingy gramp.

Even those just over 30 are unwelcome in groups of these "kids" who look at older people (no matter how understanding and sympathetic they may be) as potential critics, symbols of conscience.

In the rapid pace of modern living, the slower elderly are treated impatiently by these arrogant, assured youngsters whose insistence on creating a revolution now is more confusing than effective.

The young person who rejects age rejects his future self. As old age approaches, he who has all through younger life clung to this image horror finds it impossible to grow into the truly mature person who has the time and the will to enjoy the so-called "golden years."

Most of us, when we are planning a trip to a strange country, try to find out what to expect. The best way to do this is to talk with someone who has been there. I have! ! ! and I am going to talk to you about my observations and experiences. I hope I may be able to help those who are coming after me to have a happier, healthier, more economically secure old age.

Realization that I was aging came to me as a stupefying surprise. I am going to read you a haiku that expresses exactly how I felt—

"I have always known that at last I would take this road but yesterday—I did not know that it would be today!"

To a man, this surprising realization may come shortly before he reaches that momentous age of 65. If he has been reasonably successful and well-liked, upon retirement, he will be given a dinner, perhaps even a token, such as a watch or plaque. His co-workers will say the most insulting things they can think of while they pound him affectionately upon the back. If it is a woman who has been active in business, professional or civic work, the leader of her thing, whatever it is, will ask her to stand up in meeting while she says some very nice things and pins an orchid on her breast. The retiring lady will get all choked up trying to tell her co-workers, no matter what bitter battles they have had in the past, what their friendship and cooperation has meant to her.

Now you enter the so-called golden years. I believe that (given the very necessary blessing of good health) the years between 65 and 85 can in deed and truth, be golden: but only if you have made preparation for them. First in importance is health. I will forego any temptation to give you herewith a lecture on this subject. Second, economic security. This is a personal problem each of you must answer to your own satisfaction and ability. My personal advice is to decide during the working years what you feel to be the minimum security you will need to make you feel independent when you no longer are earning. As for the rest of your income (if any) after meeting current obligations), *live it up, while you can* enjoy it most—and while husband and wife can enjoy togetherness.

Part of preparation for old age is to acquire memories of interesting, exciting and thrilling experiences. Store in your memory times of high adventure, triumphant struggles, and happy experiences. Some old people tell over and over stories of bitter hate, resentment, old injustices, defeats and wrongs. "If you can remember the beauty of the flame, it will be as a glowing ember to give you warmth."

This retirement business must be hard for men. There is a stoppage of that good old paycheck and all it stands for as head of the family. You are at a loss for routine employment. You realize you are a disturbing nuisance around the house.

You are free now to work at something you truly enjoy doing. If you have been doing that all your life, what a wonderful life! True happiness is doing something you love to do and getting paid for it. However, no job is easy or always pleasant. Now you can take it or leave it, but plan during your working years to have a vocation and an avocation after retirement. Prepare for pleasure. Unless you take time out during your busy, active years to listen to beautiful music, to lose yourself in the grandeur of the great literature of the ages, to go into the solitude of nature's holy places, you may not be able to enjoy these things when you have the leisure to do so.

THE GIFT

If you have the fleeting glimmer
Of a talent, guard it well,
When the sunset hours grow dimmer—
It will light you with its spell.
You can warm your old hands by it
In the evening of your days;
But if meanwhile you deny it
You cannot renew its blaze.
Just a fleeting talent, maybe,
Stringing words on threads of song,
Fashioning little things for baby
Making music phrases run;
This will be your joy enduring,
When you are alone and old,
Dearer and more reassuring
Than the riches you may hold.

This leisurely stage of aging presents fewer problems to the average woman because she never really retires from her job of being a wife and homekeeper. However she may have more free time. She should have prepared for it by cultivating, during the busy years, interest and involvement in things outside of home, and routine employment. The world is so full of a number of things that need to be done, and of pleasures to enjoy, no one with fair health should be idle or too unhappy. State, church and social organizations are proliferating places and plans for the comfort and entertainment of this time of life. Private business has built luxurious condominiums for the well-to-do. The whole world is yours to visit at cheap or sky high price. You can go to college, take what interests you and to heck with grades.

I hope this look we have taken at this stage of aging will help us to revise our image of age and to make our revised image a reality for each of us. Now we come to the leaden years. Must we also look at this dark side of the picture? Can any good come from considering it? Yes, I think we should look and yes, I think we may see things that will give us insight and understanding. Dylan Thomas says, "Do not go gentle into that good night. Rage! Rage against the dying of the light."

The great tragedy of real old age is that the power of rage departs with the years that steal life forces from the physical organs. Very few of us (if we live to the leaden years) will depart this life without suffering and final helplessness.

Now is the time of great need for love. Just like a baby, the aged need security and tender loving care. Now is the time the younger members of the family need to have sympathetic understanding and great patience. It is a joy and constant thrill to do the work necessary in caring for a baby or a lovable child developing miraculously before your eyes, but it is a heartbreaking drudgery to care for an aged malfunctioning body, housing a beloved person with nothing to look forward to but deterioration.

Our modern mode of living has made it physically impossible to care for the sick and senile in our homes. We are a kindly civilized people. We provide clean efficient care and what comfort and surcease from pain is possible. If the aged person is gifted or cursed with a strong heart, he may live, helpless and senile, year after long year, an emotional and financial burden to relatives. Relatives who in self defense acquire a callous indifference.

I am sure that there are doctors who will not use all possible artificial means to keep such patients alive. However our universally accepted social standards are such that if a doctor or nurse gave the least possible positive effort to end this life—just a puff to blow out the flickering candle—that doctor or nurse would be judged a murderer. I am not posing an answer to this problem. I am asking each one of you to look at this situation and decide whether or not you personally should do all you can to change the judgment of society as to the guilt of euthanasia.

So much for murder.

Now let us take a look at something most people consider worse. Suicide. This act, when consciously committed, is considered by public opinion as a terrible sin. The aged person (sane and reasonable) may feel that logic and emotion point to termination of life as the best possible thing in every way. He is old, he has had a long, possibly a very good life. Nothing is ahead but pain, expense and sad waiting of relatives. Should this person, I or you, make his last conscious act the act of self destruction? Again, I am not going to answer. But should not each of us do all we can to change the public condemnation of such suicide—remove the feeling of guilt from the actor and from those friends and relatives who will have this burden of guilt added to their natural grief?

I am going to read a few verses of Edgar Allen Poe's poem on—Spirits of the Dead.

Not only because I think it is a good idea to end a sort of preachy talk such as this with a nice poem but because (still speaking from a personal standpoint) it expresses my own feeling for what is beyond death.

SPIRITS OF THE DEAD

(By Edgar Allen Poe)

Thy soul shall find itself alone
Mid dark thoughts of the gray tombstone:
Not one of all the crowd, to pry
Into thine hour of secrecy.
Be silent in that solitude
Which is not loneliness—for then
The spirits of the dead who stood
In life before thee are again
In death around thee—and their will
Shall overshadow thee: be still.
Now are thoughts thou shalt not banish
Now are visions ne'er to vanish
From thy spirit shall they pass
No more—like dewdrops from the grass.
The breeze—the breath of God—is still;
And the mist upon the hill
Shadowy-shadowy-yet unbroken,
Is a symbol and a token—
How it hangs upon the trees
A mystery of mysteries!

NATIONWIDE TOUR

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. JONES of Tennessee. Mr. Speaker, recently a nationwide tour by four farmers to communicate agriculture's true story to the public was conducted by the National Agricultural Institute, a Washington-based organization. One of the tour-team members was a personal friend of mine from Memphis, Mr. John Barringer.

John is an outstanding young Midsouth farmer and an individual who gives me a sense of confidence about the future of agriculture in our country. He is an able spokesman for the cattle producer of the Midsouth and the Nation, and one who understands the relationship between food prices and agricultural production. In addition, he proved on this recent seven-city tour that he has the ability to articulate the farmer's case.

There has been much discussion recently about food prices and I feel that my colleagues will be interested in hearing the facts directly from a farmer. For that reason, I am inserting in the RECORD an article from the May 7, 1972, edition of the Memphis Commercial Appeal, which is an interview with John upon the conclusion of his tour. In making this available for Members' study, I wish to commend and congratulate John and the other members of the tour group for the outstanding service they have rendered to American agriculture.

The item follows at this point.

[From the Commercial Appeal, Memphis, May 7, 1972]

FARMERS MISS FOOD COSTS BLAME

Consumers generally do not blame farmers for higher food prices, John W. Barringer, 32-year-old manager of Barringer Farms of Collierville, said yesterday.

Mr. Barringer and three others recently completed a two-week tour sponsored by the National Agricultural Institute of Washington. It was tabbed Operation FACT (food and agriculture communications tour) and carried Mr. Barringer and others into seven leading cities.

"In a number of cities," he said, "the farmer was not even considered a real factor in high costs of food. Many of the housewives to whom we talked said they have family members who are farmers or in farm-related industries, and they realize farmers weren't charging too much at the consumers' expense."

Mr. Barringer and the other tour members spoke to housewives in supermarkets and elsewhere, appeared on national and local television programs and on many radio shows. They started out in Washington with a press conference called by Secretary of Agriculture Earl L. Butz, and also visited Chicago, the Seattle-Tacoma area, Houston, Atlanta, Boston and New York City.

Only in the East did consumers seem to blame farmers for high food costs, he said, and even then they admitted they really didn't understand.

In Washington, Mr. Barringer was asked at the press conference how he would explain to a housewife in the supermarket about beef prices rising considerably since October.

"I have no more control over what I get for my cattle when I sell them than the housewife when she pays for beef," he said. "However, consumers do have some collective control. They bid up the price of beef."

Mr. Barringer said beef prices already are on the way down, and this soon should be felt at the retail level.

The tour team tried to point out positive aspects of the farm story and to seek better understanding of consumers. The housewives were asked how they felt about farmers in general, food prices, and the connection between them. Some homemakers told the group they felt farmers were making more money—which was admitted to be true.

"Beef prices are up three per cent for the last 20 years at the farm level, but 33 per cent in retail stores," said Mr. Barringer. "On the other hand, for the same period, consumer services have risen 112 per cent, hourly earnings for non-agricultural workers 144 per cent, hourly earnings for manufacturing workers 137 per cent, and retail trade hourly earnings 150 per cent."

And Mr. Barringer noted that per capita income, a key index, gained 145 per cent over the past two decades.

"Meanwhile, farmers' costs have advanced about 125 per cent in the same period."

Mr. Barringer manages a family owned and leased farming operation of 3,000 acres. It has a 500-head cow-calf herd with feedlot facilities for 1,000 head. Also 400 acres are farmed for cotton and feed grains and the farm supports a dairy calf-raising operation.

Also on the tour were J. S. Francis of Peoria, Ariz., cotton and alfalfa producer who is chairman of the National Cotton Council promotion and public relations committee; E. Thurman Gaskill of Corwith, Iowa, operator of a 960-acre corn-hog-soybean farm, and Eugene Moos of Edwall, Wash., operator of a family wheat farm.

THE GOVERNMENT IS THROWING AWAY HUGE SUMS OF TAX DOLLARS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, May 30, 1972

Mr. HARRY F. BYRD, JR. Mr. President, in an unusually frank address, George Romney, Secretary of Housing and Urban Development, made this statement:

> The Federal government has been throwing billions of dollars into these problem areas (central cities) without making a dent upon them. It is now foolish to say that if we will only spend a little more money we will resolve these difficult issues . . .
>
> The truth is—none of us are now sure what are the right things to do.

Secretary Romney is a liberal Republican.

Senator ABRAHAM RIBICOFF, of Connecticut. former Secretary of Health, Education, and Welfare, and a liberal Democrat, has made the statement frequently during public sessions of the Committee on Finance that while the Federal Government is spending $31 billion annually on 168 antipoverty programs, the desired results are not being obtained.

I think both Secretary Romney and Senator RIBICOFF are right. The Government is throwing away huge sums of tax dollars.

The purposes are good—but the results are nil.

What the country needs most on the domestic front is to have the Government to put its financial house in order, to stop running smashing deficits, and to discard the many Government programs that have been proved wasteful and unproductive.

In his speech, Secretary Romney observed:

> The truth is—none of us are now sure what are the right things to do.

I think this is a correct observation, and that it applies to many kinds of domestic programs. If we are to have effective programs, ones which really provide meaningful help to those who need it, then we are going to have to reexamine our whole approach—and not just shell out endless billions on programs that have accomplished little or nothing in the past.

I ask unanimous consent that an excerpt from Secretary Romney's address, published in the April 10 issue of U.S. News & World Report, be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

VAST CITY AREAS "BREAKING DOWN INTO A JUNGLE"

(By George Romney)

Whole neighborhoods and vast central-city areas are experiencing such serious blight that the whole human social web that makes living possible is breaking down into a veritable jungle. . . .

We are dealing with two classes of poor. Those who attempt to continue to maintain a stable life pattern and who are not a danger to the general community, and, secondly, a much smaller group who have become the victims of social disorder, entering into the heroin subculture, and are participating in crime and vandalism on a large scale. This second population is a threat to the larger group of the poor around them and to the general population.

Unfortunately, society at large is not making the distinction between these two groups but is tending to lump them together and to stereotype the black poor, in particular, with heroin addiction, crime, violence and antisocial behavior.

An additional feature that must be noted is the growing antagonisms . . . between the working poor and the welfare poor. This is an indication that the working poor are attracting the stereotype of crime, violence and antisocial behavior to the entire group of the welfare poor.

Beyond this, we have the growing antagonisms between moderate-income groups that feel trapped within the central city because they cannot sell their home, which is the main investment of their life, in order to move to the suburb, and they feel threatened by the deteriorating social situation around them. . . .

Another very large set of problems that is involved relates to the future of the central city itself. It has been estimated that 50 per cent of the jobs in the metropolitan areas are now outside the central city and the movement of jobs from the central city to the suburb is accelerating very rapidly. The flight of the middle and upper-income groups to the suburbs, the concentration of problem populations in the central city with higher welfare costs, higher crime-control costs, higher educational costs, and a decreasing tax base—both in terms of residential property and in terms of manufacturing and commercial property—results in a growing fiscal crisis for the central city.

At the very same time, municipal workers are becoming more organized and more able to pressure annual wage increases.

The economic resources of the city administrations to meet these increased demands and to maintain services is deteriorating sharply. The more city services decline, and the more general environment appears to be deteriorating, the more is accelerated the flight to the suburbs by both business and the individual. . . .

We would do a disservice to ourselves and to the nation if we continue to approach this problem with any sense of easy optimism. There are those who say that a frank statement of the problem is so demoralizing that it contributes to making the problem worse.

It is my belief that it is essential that we face the problem in all its stark reality and full dimensions, particularly because of its contagious character.

For the problems of the central cities are beginning to penetrate the suburbs. As the Vice President has pointed out—a city is like an apple. If it rots at the core, soon the whole apple will be rotten. . . . We have been throwing billions of dollars into these problem areas without making a dent upon them. It is now foolish to say that if we will only spend a little more money we will resolve these difficult issues. . . .

The truth is—none of us are now sure what are the right things to do.

SPANISH DIPLOMAT SCORES FULBRIGHT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. DERWINSKI. Mr. Speaker, a shocking exhibition of the misuse of authority is being perpetrated by the junior Senator from Arkansas, who is chairman of the Senate Foreign Relations Committee, as he continues his ill-conceived vendetta against Radio Free Europe and Radio Liberty.

Continued news reports and editorial commentaries in the press consistently point out the fallacy of Senator FULBRIGHT's position. Two recent articles that I insert into the RECORD at this point are columns by the esteemed international correspondent of the Copley Press, Dumitru Danielopol, which appeared in the Joliet Herald News of May 22, and by the Asian correspondent of the Christian Science Monitor, April Klimley, which appeared in the Christian Science Monitor of May 24.

The articles follow:

SPANISH DIPLOMAT SCORES FULBRIGHT

(By Dumitru Danielopol)

WASHINGTON.—Sen. J. William Fulbright, D-Ark., is not popular in other countries, either.

Recently Prof. Salvador De Madariaga, Spanish diplomat, writer and teacher, former ambassador to Washington and a fellow of Exeter College, Oxford, deplored Fulbright's bid to silence Radio Free Europe and Radio Liberty.

In an article published in the Argentine "El Globo," Madariaga says that the two stations have earned their right to stay on the air.

"Their main role is to keep alive mentally and morally, like the real human beings that they are, millions of people of Europe and Russia who otherwise would vegetate without hope in that immense prison built by the Soviet Union and its European colonies," Madariaga says.

The two stations give these prisoners a chance to participate daily not only in the life of the West but of the entire world.

To silence these voices, Madariaga says, would be an act of incomparable stupidity.

The Spanish diplomat debunks Fulbright's theories.

It isn't true that the cold war is over, Madariaga says:

When did it stop? What, for instance, was the invasion of Czechoslovakia, the invasion of the Mediterranean by Soviet naval power, what are the 839 hours daily broadcast by the Communists in 100 languages? What is the meaning of the myriad of Soviet spies strewn all over the world?

"Obviously Sen. Fulbright is unaware that Soviet opposition to the liberal system of the West is absolute," the Spaniard writes. "The cold war will only be over when one or the other is triumphant."

Can one achieve detente?

No! Says Madariaga.

Ever since the war, the West has done everything in its power to have a detente with the Soviet Union, he says, but it was the Kremlin that refused. It was the Russians who refused the generous offer of the Marshall Plan made by the United States, it was they who built the Iron Curtain.

"How is it possible that such an intelligent and honest man as Sen. Fulbright to be so wrong, to be so far from the truth?" asks Madariaga.

"Purely and simply because he is the victim of the persistent propaganda aimed at bringing about confusion which the Soviet Union has deployed year after year. And he is not the only victim of this brain-washing. Another man who is suffering from the same predicament is Chancellor Willy Brandt of West Germany, another honest and intelligent man who has been duped to believe that he is working for peace in his disastrous estpolitik."

In both cases, Madariaga says, "the blindness is not the eyes but in the mind."

FUNDING IN JEOPARDY?—RADIO LIBERTY'S SIBERIAN REACH

(By April Klimley)

TAIPEI, TAIWAN.—Employees at the Taipei branch of Radio Liberty are worried that all U.S. congressional appropriations for their work will end June 20.

The station, which broadcasts in Russian to the U.S.S.R., came under attack this spring when Sen. J. W. Fulbright (D) of Arkansas accused it of being "a relic of the cold war."

Senator Fulbright's remarks and budget cuts demanded by Congress soon forced Radio Liberty's Taipei staff to face a reduction from 15 to 9, not to mention creating the feeling that the entire operation might be in jeopardy.

The Taipei bureau of Radio Liberty serves as a relay station to Siberia. The staff puts together a two-hour program each day based on scripts and tapes sent from Radio Liberty's Munich, Germany, headquarters.

The news is voiced by two Russian-language native speakers in Taipei. Three transmitters send the program simultaneously for eight hours a day with one frequency beamed to the Lake Baikal area and the other two aimed at the maritime provinces. This shotgun effect attempts to elude Soviet jamming.

NEWS EVENTS FOLLOWED

Although the station emphasizes news from Eastern Europe and Russia, there is little blatant propaganda in the daily newscasts. The excerpts from Western newspaper editorials, which follow the news frequently, do not even touch on subjects directly related to the U.S.S.R.

The press review usually concentrates on the big news of the day, such as the invasion of South Vietnam, and newspaper editorials express divergent views. The rest of the show is made up of taped commentaries on cultural, scientific, or political subjects.

Employees of the station deny that their programs are propaganda. One source explained that things have changed since the days when the station called itself "Liberation Radio" and encouraged people to actively oppose their government.

After Western countries failed to respond to the Hungarian revolt of 1956, the station changed its name and began to aim at developing a public opinion within the Soviet Union that could both exert a braking effect on Soviet foreign policy and encourage the government to improve living conditions.

BOOKS BROADCAST

One way the station tries to do this is by broadcasting "samizdats," or self-publications, which are unauthorized writing smuggled out of the U.S.S.R. They are read at dictation speed, chapter by chapter, so that listeners can make copies if they like.

The station broadcast all of Alexander T. Solzhenitsyn's books this way, with the exception of his latest, which is yet to come.

Mr. Solzhenitsyn himself has come to the defense of Radio Liberty. In early April he told a New York Times reporter that "if we hear anything about events in this country, it's through them."

The station transmitted Eugene Ginsberg's book "Noontime" and the court transcripts of the trial of the young poet Vladimir Bukousky.

Recently the bureau has been broadcasting something on Mr. Solzhenitsyn almost every day. On April 26 it read his New York Times-interview defense against an attack made on the funeral lament he had given for an editor-friend.

He told the Times that it was while listening to Radio Liberty that he first heard of the attack.

FEEDBACK LACKING

Despite its important target area in the far eastern Soviet Union, the Taipei branch of Radio Liberty is considered a country cousin of the metropolitan headquarters in Munich. European relay centers beam programs to the Soviet Union's more populated western cities, and fan letters usually come from these areas.

"They frequently think of closing us down because of this," complained one man close to the Taipei station. He went on to explain that this lack of feedback is probably the result of the fact that mail from Siberia, unlike mail from western Russia, must first go through Moscow before leaving the country.

In the early 1950's Radio Liberty had private income sources. But these have gradually dried up.

ACHIEVEMENTS CITED

The people in the Taipei bureau feel they have played a vital part in creating the new intellectual climate visible in the Soviet Union today—so different from that under Stalin. "We're needed now more than ever," one employee insisted.

"Without our broadcasting, things would be even more tragic for people like Solzhenitsyn. For instance, without us very few would have heard his works. They wouldn't know whether the charges against him are true or not. Now he's so well known even inside the country that the government can't afford to make him disappear all at once."

In his Times interview Solzhenitsyn readily admitted the Radio Liberty broadcasts help protect him. But solitary achievements like this may not be enough to keep Radio Liberty alive.

BRAND NAMES RETAILER-OF-THE-YEAR

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. FINDLEY. Mr. Speaker, Ace Hardware, of Springfield and Jacksonville, has been named 1971 "Brand Names Retailer-of-the-Year," in the hardware category, by the National Brand Names Foundation of New York. The award was presented to George T. Preckwinkle, president of the firm, in ceremonies held in New York in April 1972.

In recognition of this honor, Gov. Richard Ogilvie has proclaimed the month of June as Brand Names Month in Illinois. The coveted award is bestowed for good retail citizenship, consumer protection, and outstanding name brand merchandising.

Twice a certificate of distinction winner in previous competition, the 17-year-old hardware company received this top award under a basic brand policy of "offering only the best—of merchandise—of service—and of ourselves." The firm is now eligible to compete for the "Merchandiser-of-the-Year" award in 1972—the symbol of brand names merchandising excellence in all categories.

Ace Hardware has grown from a modest three-man operation in Springfield in 1955, when it had a combined sales, service, and warehouse space of 1,500 feet, to one of the largest and most modern hardware facilities in Illinois, employing approximately 100 persons in Springfield and Jacksonville today. Immediate plans call for construction of a second, larger store in Springfield and a store in Taylorville late in 1972 or early in 1973.

This is a fine example of how our Nation's policy of free enterprise encourages its citizens to succeed.

Mr. Preckwinkle's own philosophy of "offering the best—of ourselves" is exemplified in his personal life by expenditures of vast amounts of time and resources to activities such as serving as trustee of his church; as vice president of the Scout Council in his area; as board member and membership chairman of the YMCA; as secretary of the Greater Springfield Chamber of Commerce; and as a board member of the Kiwanis Club.

In addition, his personal example and encouragement have resulted in active participation by his employees in other worthwhile activities.

Ace Hardware, of Springfield and Jacksonville, Brand Names Retailer-of-the-Year, is working toward the future and investing in the growth of America.

CONGRESSMEN CONOVER, DENT, GAYDOS, HEINZ, AND MOORHEAD ATTEND LUNCH HONORING WINNING AND RUNNER-UP TEAMS OF WTAE-TV JUNIOR HIGH SCHOOL QUIZ PROGRAM

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. DENT. Mr. Speaker, Thursday, May 18, Congressmen MOORHEAD, HEINZ, GAYDOS, CONOVER, and myself had the pleasure of having lunch with the winning and runner-up teams of the WTAE-TV, Pittsburgh, Pa., junior high quiz. This is a most interesting and constructive public service program. WTAE-TV of Pittsburgh and western Pennsylvania deserves the gratitude of citizens, parents, and educators for their untiring efforts in this phase of education and public service.

The winning school was Penn Joint High School, Claridge, Pa., which is in my district. The runner-up, Cornell High School, is from Allegheny County. I assure you that it was a proud moment for me to congratulate the winning team, Penn Joint High School, for its success of the season in the contest. These youngsters show an exceptionally high I.Q. and a fine, clean, competitive attitude.

A special congratulation and commendation must go to the moderator, Ricki Wertz. She is an accomplished, capable, and experienced moderator. The rest of the tour members were: Tom Borden, Preston Stover, Bob Taylor, Charles McGrath, Bill Verno, Wally Abel, and Tom Phipps.

In behalf of the Members of Congress, I wish to thank all of those who participated in the program.

THE SHAME OF THE LEGAL PROFESSION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. MIKVA. Mr. Speaker, I would like to share with my colleagues an article from the Decalogue Journal by Bernard Epton, an eminent Chicago lawyer, who presently serves as a member of the Illinois General Assembly.

Senator Epton's article entitled "The Shame of the Legal Profession," was written in response to an earlier article in the same publication which projected the future structure of the legal profession and observed that the practice of law will be increasingly concentrated in large firms modeled on business corporations, and that the practice of law will increasingly resemble a business rather than a service profession.

Senator Epton agreed that this is the current trend, but properly questions whether the trend is inevitable. He suggests that the profession has a strong responsibility to resist further concentration of power in large, elitist firms. Entry to the profession should be broadened, not restricted, if the law is to be an impartial tool available to all who need its protection, rather than a weapon available only to those who can afford it.

The text of the article follows:

THE SHAME OF THE LEGAL PROFESSION

(By Bernard E. Epton)

It was with a sinking heart that I read William J. Fuchs well written article "Lawyers and Law Firms Look Ahead—1971 to 2000," in the October 1971 issue of the American Bar Association Journal. Mr. Fuchs is a much better prophet than he suspects. I, for one, agree with many of his conclusions. The shame of it, however, is the fact that many of the inevitable conclusions he predicts are ones which the legal profession itself has given birth to.

It is sad indeed to consider that lawyers will still flourish even though the practice of the law will change when we realize the destiny that we have ordained for ourselves. To suggest that "for better or worse, the law firm of the future will become more and more like a business corporation. The law will become more a business and less a profession than it has been . . ." and supinely accept this as the future, is not worthy of a man of Mr. Fuchs caliber.

I cannot help but reflect upon the outcries by the great bar associations, including the American Bar Association, upon the necessity of disciplining the legal profession. I am enraptured at the thought that the Chief Justice has indicated that the bar need cleanse itself. Where, oh where, was the Chief Justice and the noble bar associations when the problems of the legal fraternity were festering in every urban community throughout the land? Where, oh where, was the Chief Justice as well as the large law firms and the bar associations when the illiterate and the impoverished were being preyed upon? Where, oh where, were our leading jurists and our large law firms and our legal associations when corrupt and incompetent lawyers were sowing the seeds of despair and cynicism throughout 50 states. To be sure, seminars undoubtedly were being held in London or in San Francisco or in Miami Beach or in Hawaii dealing with the problems of corporate law and probate practice and tort law. The cry for disciplining the legal profession and its errant practitioners may not have been entirely absent, but it most assuredly was rather muted.

I have no quarrel with Mr. Fuchs or the Chief Justice. Although I have never met either gentleman, undoubtedly they are well intentioned individuals with impeccable credentials. I do, however, have a quarrel with the large law firms whose contribution to society will, more than any other single entity, bring forth the very future that Mr. Fuchs predicts. These are the large law firms which so thoroughly dominate the leading bar associations. To suggest otherwise is to simply deny the existence of the sun. In Mr. Fuchs fine article, he indicates that the sole practitioner may well be the "vanishing American." He very gently suggests that all is not lost, however. The sole practitioner or the small law firm can always find a pleasant existence in rural areas and I do not believe that he is too far short of the mark. The large firms today dominate such a great segment of our nation that practice in the urban communities is not too far removed from a monopoly.

Although I do not have any studies to scientifically substantiate the charge, unlike Mr. Fuchs, it is more than an article of faith. I am satisfied that the "Court can take judicial notice." Large law firms tend to monopolize the available good legal business and the only way this tendency could be counteracted would perhaps be through legislation limiting the number of lawyers who might associate in a firm or a professional service corporation for the practice of law. It is certainly true that no one has as yet produced a comprehensive study along scientific lines relative to the economics of the legal profession, but the investigations that have been forthcoming have assembled enough information to warrant the conclusions that the bar in metropolitan areas is definitely stratified in terms of income and influence.

In New York City and Chicago and other very large cities, the "best" law business is in command of a relatively few large law firms, who represent the banks, insurance companies, public utilities, manufacturing concerns, large retail merchants, etc. These "aristocrats" of the metropolitan legal world come from the prestigious law schools and congregate in the largest law firms, those with staffs of 50 to 300 lawyers. Their connections in the business, financial and social worlds practically guarantees a lucrative flow of legal business to these men and their firms. Is it difficult to believe that in many of the large law firms, you have what appears to be a law mill or a law factory? In many cases, situations exist where the individual lawyer handling a particular matter may not even know the client he represents and certainly any personal relationship is non-existent. Can any lawyer worthy of his license simply allow this situation to exist without making an effort to reverse the trend? The very basis of the legal profession was and is a client-lawyer relationship and how or why that can continue to exist in the face of these large and expanding law firms is difficult to perceive.

We will not dwell upon the obvious possibility of conflicts of interest which may occur with great frequency in factories of this size. Time and again, one law firm may handle a particular matter only to find that the party on the other side is a client of their firm as well. More important than this potential conflict of interest, however, is the fact that this bigness, this machine efficiency which is threatening to engulf our nation and our way of life is something which should be stopped. Not only the legal profession, but our medical brethren as well, should be foremost in their determination to retain the personal relationship so essential to our sanity.

There are many who might disagree with some or all of my previous comments, but can anyone question the tremendous power which is contained in any large firm? Some of the leading large law firms steadfastly insist that their power is utilized for good, that they are in the forefront of civic endeavor, charitable drives and social welfare. The fact remains that much of their power is often used in an opposite direction and even were that not the case, the fact that potentially it could be so utilized is something to be feared. Why we even have situations where large law firms have not only dominated the news media or a particular interest, but at least one large law firm in Washington has successfully swayed foreign governments and initiated national treaties.

Are there any amongst you who would question the charge that large law firms effectively dominate the various bar associations? Because of their activities in that area, time and again, lawyers from leading law firms are found in high appointive government offices or in the judiciary, almost always by appointment, rather than election. The power emanating from a large law firm is a power to destroy and if the bar associations were truly honest and objective they would be in the forefront of this fight to effectively restore the legal profession to the individual lawyer rather than the law factory.

And speaking of bar associations, as a member of the pillar of the legal profession, the American Bar Association, I question its arrogance in taking unto itself a determination of what individual is or is not fit for a Federal judicial post. It is bad enough when a local bar association takes a popularity poll to determine whether or not particular candidates are qualified for the Municipal or the Circuit bench, but who has given the right to the American Bar Association to determine who will sit on the Supreme Court or the Federal bench, Attorney General Mitchell notwithstanding.

The Constitution of the United States clearly states that the President of the United States will have the power of appointment, subject to approval by the Senate and if the President is foolish enough to frustrate the intent of the law, certainly no bar association should lend itself to such a deception. Of course, the President has every right and perhaps a duty to consult with individuals and associations before making any appointment. The present method of character assassination and veto power exercised by a handful of lawyers, however, is unfair to the entire profession as well as the nation.

Imagine the arrogance of a bar association which is dedicated to the concept of ethics and the dignity of the law which allows itself to be used as an instrument to gauge public opinion. If the Constitution wanted the legal profession to select our jurists, undoubtedly it would have so stated.

Let us for a moment, dwell upon the composition of the members of the august body who sits in judgment of our candidates for the judiciary. Of the 12 members presently serving on the Association Standing Committee on the Federal Judiciary, a check of their firms would indicate that they have respectively 52 attorneys, 45 attorneys, 33 attorneys, 10 attorneys, 101 attorneys, 31 attorneys, 142 attorneys, 35 attorneys, 120 attorneys, 50 attorneys, 6 attorneys and 51 attorneys.

Although all of the firms do not list their respective clients, it would appear that such clients as Standard Oil, DuPont, Mobile Oil Company, Bethlehem Steel Company, General Electric, Metropolitan Life, Delta Air Lines, IBM, etc., are the most frequently named.

These 12 distinguished gentlemen are the individuals who approved Messrs. Haynsworth and Carswell, etc., and yet disapproved some of the most qualified jurists and lawyers in the country.

It is truly remarkable that with 200,000 practitioners in the United States, so few individual practitioners or lawyers in small law firms can be found with impeccable civic as well as legal credentials.

The American Bar Association is not unique in its indifference to the average lawyer. The same practice, the same hierarchy and the same scale of values is repeated time and again in the state bar associations as well as the local bar associations. All of them have much in common. Almost without exception, they have all failed to meet the problems of disciplining the errant lawyer or removing any cloud from the wrongfully accused attorney.

I would not have you think that all of their activities are without merit. Oh no. There are occasions when the bar associations will present their request for funds, naturally government funds, to provide legal services for the indigent or the oppressed. This once great proud and self-reliant profession but rarely voluntarily provides the money or the time to aid the less fortunate. It might be treason to suggest that an individual could not join a bar association unless he agreed to donate one day a year to aid those who could not afford legal counsel. It might be treason to suggest a compulsory fund to reimburse the client or the litigant who was defrauded by a practitioner or left without redress by virtue of sheer incompetence or malfeasance. It might really be unfair to request additional voluntary time or effort since so much time must be expended in insuring that the Internal Revenue Service allows deductions for trips to London or testimony before committees to obtain certain additional privileges.

Mr. Fuchs has said it well. Large law firms will continue to dominate the present and the future even more. Our disagreement, however, lies only in his belief that it is inevitable. The law can still be a profession. It can still be a relationship between an individual and his client. It can be all of these things without in any way sacrificing the excellence of the practice, or without in any way succumbing to the alleged omnipotence of the large law firm.

YOUTH COALITION 1972

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. BOLLING. Mr. Speaker, the Youth Coalition 1972 representing various youth

groups around the country, met in Washington, D.C., for 2 days in May to coordinate their efforts behind a unified approach to Democratic victory in November. Youth Coalition 1972 is involving young working people including veterans, labor, and minority groups as well as unemployed youth in their program. Following is a summary of their purposes and goals:

YOUTH COALITION MEETS TO MAP STRATEGY FOR MIAMI DEMOCRATIC CONVENTION—DOMESTIC ISSUES TO BEAT NIXON

Fifty youth leaders from labor, minority, and student life met Friday, May 19th, to plan a program for mobilizing non-college youth in a campaign to defeat Richard Nixon and to avoid conflict at the Democratic National Convention like that which took place in Chicago in 1968.

A statement issued by the group, which met at the Philip Murray Building, a union headquarters in Washington, urged young people to join in Miami behind the following points:

A Democratic platform which speaks to those issues which vitally concern young people from all walks of life, particularly issues such as employment and child care which affect non-college youth.

Strong criticism of those in either the right or left wing of the party who are attempting to blackmail the convention by threatening to sit out the election or to form a third party if their favorite candidate is not nominated.

The conferees mapped plans for the presentation of platform proposals in areas of concern to young people. They decided to seek time at upcoming regional hearings of the Democratic Platform Committee for presentation of platform planks on aid to education, employment, drug addiction, housing, voting rights, veterans' benefits and child care.

Youth Coalition organizers plan to work during the months before the convention and at the convention to contact youth delegates to build support for this strategy.

GOALS AND PERSPECTIVES

Twenty-five million new voters will be eligible to go to the polls this November. Some five or six hundred young activists will go to Miami Beach this July as delegates to the Democratic National Convention. Young people will wield an unprecedented, and perhaps decisive, amount of power in the decision-making processes of 1972.

We hope that that power will contribute to electing a new President. We believe that it will, because the policies of the current administration have harmed so many young people. This administration has consistently championed the special interests of the rich and powerful at the expenses of the vast majority of Americans. Youth, like other marginal groups—the elderly, the racial and ethnic minorities—are the special victims of its callous policies.

When this administration decided as part of its economic game plan, to increase unemployment levels, the unemployment of 20 to 24 year-olds was driven to 11%, the rate among teenagers to 18%, among Negro teenagers to over 40%. When this administration decided to cut the federal budget by vetoing increased aid to education, it denied educational opportunities to thousands of young Americans and impaired the quality of education available to countless others.

While this administration has lavished billions of dollars on big corporations in tax give-aways, it has, in the name of economy, denied funds to programs vitally affecting the nation's young.

The president vetoed the child development act while millions of pre-school children of working mothers are left without licensed day-care, and millions of other young mothers are denied the opportunity to seek work.

It has refused to seek increases in G.I. benefits adequate to even the most minimal needs of young veterans.

It has offered only idle rhetoric, but not desperately needed funds for research and rehabilitation—in answer to the steadily mounting epidemic of drug addiction.

Despite the promises of his 1968 campaign, the president has failed to bring about an end to the war in Indo China. For these reasons, and more, the vast majority of young people—workers and students, soldiers & housewives, whites, blacks & browns—have a deep stake in the election of a new President.

But despite the harm which Nixon's policies have done to so many, defeating him in this year's elections will be an up-hill struggle. He has at the service of his reelection effort the vast powers of the presidency. He will have an enormous financial advantage.

But his greatest asset lies in the fragmentation of the Democratic Party. It was just such fragmentation which enabled Nixon to get elected in 1968 when, after a raucous convention, elements from both the left and right wings of the Democratic party deserted the candidacy of Hubert Humphrey.

In 1972, the Democrats face the prospect of another chaotic convention, with no likely first-ballot nominee and a potential for myriad credential challenges. There will be several hundred delegates pledged to George Wallace, who has threatened to oppose the Democratic nominee if he does not get what he wants. On the other side there are some youth activists—including some of the leaders of the National Youth Caucus—who have branded various nominees "unacceptable", threatening to withhold support or to form a fourth party if someone not to their liking gets nominated.

The vast majority of young people have a great stake in opposing any such rule-or-ruin tactics. Any delegates who engage in such tactics will be responsible for enhancing Nixon's reelection chances.

Only through energetic and well-planned efforts can these advantages of Nixon's be overcome and the perils which lie ahead for the Democrats be avoided. Toward this end Youth Coalition 72 will work:

To maximize participation of young people in the 1972 elections. In 1968 only 51% of the eligible 21 to 24 year olds voted while 70% of those 25 and over voted. We will encourage voter registration and get-out-the-vote drives among young voters with the goal of bringing their voting levels at least up to those of other age groups. We will also seek to maximize youth participation in the hard day-to-day campaign work which alone can offset Nixon's enormous financial advantage.

To build an atmosphere of unity at the Democratic convention and after, despite the obvious differences on issues and candidate preferences that are manifest within the Democratic Party. Either Humphrey or McGovern or any of the perspective "dark-horse" nominees will offer an immeasurably positive alternative to the current administration. When the Democratic Convention settles on a candidate, there inevitably will be many delegates who will be disappointed. But the urgent needs of young people make it imperative that such disappointment not lead to opting out of the election campaign by those whose favored candidate fails to win the nomination. Similarly, we will work to see that the hot contest for victory at the Convention does not devolve into the kind of bitterness which in 1968, left the Democrats paralyzed. We will oppose any attempts to use blackmail—in the form of threats of deserting the party—to affect the Convention's decisions.

To build cooperation among youth and other major Democratic constituencies such as labor and minority groups. While we firmly assert the right of young people to a meaningful role within the decision-making processes, we are also sensitive to the necessity of compromise in forging the kind of coalition which will be vital to a successful presidential campaign.

To dramatize the ways in which Nixon's policies have done harm to young people. While great public attention has been given to the opposition among young people to the war in Viet Nam, other vital youth issues have been ignored. These include unemployment, aid to education, child care, G.I. benefits, drug abuse and tax inequities, to name but a few. By focusing on such issues we hope to help mobilize the millions of non-student youth who have all too often been ignored in political appeals aimed at young people. We are painfully aware that young voters account for a good part of the support which Governor Wallace has won in the primaries—more than 50% in Michigan. We believe that this in part reflects the neglect of working youth by our political leaders. We plan to work to reverse this pattern by bringing into sharp focus the issues which most centrally concern non-student youth.

We will bring these issues before the Democratic Platform Committee, and work in concert with other groups to dramatize their urgency.

PLATFORM PROPOSAL

Among the reforms it has adopted this year the Democratic Party has decided to treat with unprecedented attention and seriousness the construction of its election year platform. It has expressed the desire to include in the platform a section which addresses the concerns of youth.

There are of course no issues which concern young people exclusively, nor are there issues which fail to affect the lives of young people, and certainly none about which politically aware young people do not have profoundly held convictions. However, there are a number of vital areas of national policy which affect young people particularly sharply or in disproportionately larger numbers. Following are proposals on some of the most urgent ones.

Employment

Young people have been the special victims of the Nixon administration's engineered rise in unemployment. Among teenagers the unemployment rate for 1971 was 16.9% and for 20–24 year olds it was 9.9%. These figures do not reflect the large number of part-time employees who have accepted such employment only because they were unable to secure full-time work. Nor do they reflect the number of "discouraged workers", those unemployed who have abandoned the active search for work. According to the 1971 Manpower Report of the President: "most discouraged workers are either teenagers or adult women . . .".

For Negro teenagers the unemployment rate for 1971 was 31.7%. Calculating in the relative high rate of "discouraged workers" which must prevail among ghetto youth and the numbers of those needing full-time work but only able to secure part-time jobs, and the number of those "employed" in the most menial and debasing jobs—errand boys, shoe shine boys, etc.—reveals a pattern of overwhelming unavailability of job opportunity.

It is worth noting, in the light of persistent myths that teenage unemployment result from their own shiftlessness, that in 1971 "quitting" accounted for a smaller percentage of the unemployed among teenagers than among workers 20 and older.

Young people desperately need a full employment economy. Full employment can be achieved and maintained through vast expansion of the public sector to meet urgent social needs. Manpower at all skill levels can be employed in social services e.g. schools, recreational facilities, hospitals, libraries, environment protection. A national commitment to a program of massive building of new housing, schools, hospitals, and transportation systems—all of which is desperately needed if our cities are to survive—would make possible the employment and training of tens of thousands of young people.

Only through a national commitment to full employment will the bitter unemployment problems of young people be solved. The Nixon administration has sought to set a special minimum wage for teenagers 20% below the prevailing minimum. This program will not significantly diminish teenage unemployment, nor will it provide the kind of jobs which offer significant training and advancement. It will throw out of work marginally employed adults. Teenagers too, need a living wage.

Drug abuse

As of the end of 1971 there were 82,000 reported heroin or opiate addicts in the U.S. Two thirds of these were under 31 years old. The Bureau of Narcotics and Dangerous Drugs estimates that there are 560,000 heroin addicts.

Heroin addiction ruins the lives of hundreds of thousands of young people each year. It is the single largest cause of soaring urban crime.

There has been little success in treating heroin addiction. Imprisonment virtually never eliminates addiction nor does hospitalization and drying out. Nor does standard psychoanalysis. In recent years two new kinds of treatment have shown some promising successes—methadone maintenance and therapeutic community as exemplified by Synanon or New York's Phoenix House. But still little is known about addiction rehabilitation. Government funds should be made available for a major research program about drug addiction and for the expansion of those programs which have registered initial success.

One of the few things that is well established about drug addiction is that rehabilitation virtually never succeeds in the absence of meaningful opportunities for the former addict to establish a constructive and respectable life style. Massive youth unemployment, particularly in the nation's ghettos, virtually dooms all attempts to contain the drug epidemic. Here again is an urgent reason why there must be full employment.

One of the most important areas in which rehabilitated addicts can be employed regardless of traditional skill level is in programs to rehabilitate other addicts. Even the fragmentary evidence currently available indicates great potential success in their kind of program.

Veterans

The needs of veterans returning to civil life from an unpopular war are being treated with unprecedented governmental and public indifference. For those seeking to pursue their education, G.I. benefits have not kept pace with costs. Current benefits for a single full-time student are $175 a month, for a student with one dependent, they are $205 a month, with two dependents, $230 a month. These are paid only during the school year, ordinarily nine months. With current average annual cost for tuition, room and board running at $1,350 in public institutions, $2,500 in private ones, even a student employed full-time during 3 summer months has little chance of making ends meet without outside assistance.

G.I. benefits must be increased well beyond the meager 8.6% proposed by the administration. Substantial increases, such as are proposed in Senator Hartke's bill S. 2161 are needed to give veterans returning to school adequate assistance.

Among veterans 20–29 years old returning to the labor force 326,000 or 8.8% were unemployed in 1971. Veterans, like teenagers, and all other segments of the American population need a full-employment economy.

Child care

There are some 4 million pre-school age children of working mothers for whom no licensed day-care is today available. There are probably millions of other mothers of young children who would like to work if good child care was available at costs which were reasonable in comparison to the mother's own earning potential.

Young mothers who are thus denied the opportunity to enter the work force until their children reach school age suffer doubly. When they finally are able to seek work they are likely to be severely hindered in their employment and earning prospects by late entry into the work force.

Young children and young families need the kind of comprehensive federal child development program which President Nixon vetoed in 1971.

Housing

Young people have been the special victims of the intensifying shortage and spiraling costs of housing. This crisis has worsened during the Nixon recession. Older families contemplating moving often have some flexibility and can adjust their plans to the vicissitudes of the housing market. But the young person embarking on a new career or the young couple setting up a home have no such flexibility. In the year between March 1970 and March 1971, 44% of all persons between the ages of 22 and 24 changed residence. This does not include college students who moved between their family's residence and their college residence.

Young people, generally without savings, are also the special victims of skyrocketing interest rates.

Young people need energetic government action to end the housing shortage and bring down costs of purchase and rental. Youth have a big stake in increased construction of public housing and more federally subsidized housing, as well as in government credit and loan institutions that will enable people to borrow at rates which they can afford.

Higher education

The cost of higher education has been spiraling steadily in the last few years. The burden of the increasing costs falls most heavily on these students who can least afford it. Today, most college students come from families whose annual income is below that established by the Department of Labor as modest but adequate. With the average cost (tuition, room and board) of public education being $1,350 per year and that of private education being $2,500 per year, moderate and low income families can barely sustain one child in school, much less several children, without help. There is need for increased aid to educational institutions and a program of direct government aid to students based on financial need.

TRIBUTE TO WILLIAM H. "BILL" FLANAGAN

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, I was deeply saddened by the passing of my dear friend, William H. "Bill" Flanagan who died on May 22, 1972.

"Bill" was a loyal son of South Boston and earned the respect and admiration of all with whom he came in contact. He was cited, in 1958, by the South Boston Citizens Association as "the private citizen who has done the most for South Boston in the past 25 years." The award was presented by Speaker John W. McCormack.

Among the many services rendered by "Bill" to the people of South Boston was his founding of the "Hall of Fame" blood bank for all hospitalized South Boston residents. He also sponsored the youth band of its Jay-Jays which was most successful in competition. He also founded the South Boston Checker Club, another community youth organization and it was through his efforts a solarium for women, the Boys Club, and gymnasium to serve the needs of the district became realities.

"Bill" Flanagan received a citation from President Truman for his services during World War II on the draft board. It was through his weekly GI Newsletter that the South Boston young men serving during World War II and the Korean conflict were informed of all community events.

This great humanitarian will be sadly mourned by the youth and senior citizens whose problems were his concerns.

We, in the Ninth Congressional District, have lost a good friend. "Bill" Flanagan will be long remembered and deeply mourned.

MOVING AHEAD PARENTS CONFERENCE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. HOGAN. Mr. Speaker, it was my great pleasure to participate in the program at a banquet of the Parents Conference of "Operation: Moving Ahead" which was held at the University of Maryland.

The enthusiasm and commitment of the parents present were an inspiration to me as I am sure they have been to their children.

If their children do not now recognize the full value of what their parents are doing for them, it is only because they are still children. Tomorrow, they will know the depth of their parents' love.

The principal speaker at the banquet was Francis W. Gates, a specialist from the Maryland State Department of Education, who concentrated on the role of the parent in the total education of his child. Mr. Gates emphasized the importance of the parents knowing what "Operation: Moving Ahead" is all about.

Mr. Speaker, I insert Mr. Gates' address into the RECORD:

PARENTS NEED TO KNOW

(Remarks by Francis W. Gates)

It is always a happy privilege to visit Prince George's County and I am especially pleased to have been involved in the activities of the past three days. This conference for Title I parents is not only evidence of an earnest and continuous search for new and different ways to reach the minds and spirits of children, but also, of our having finally come to grips with the fact that the task of broadening and strengthening educational opportunities for the children in our schools is too complex for us, as educators, to attempt alone. The problems are great and multiple. We need the help of others to share the load. Therefore, we must mobilize all of the resources available: financial, physical, human, community plus any other productive resources, and so utilize them that they will make a difference in the lives of children.

Parents have assembled, because we need your help, we are asking you to become even more involved than ever before, for parent involvement is a vitally important and necessary component of any educational program for children.

Why?

1. As parents, you are very special people to your children.

2. You and other family members are the most continuous teachers your children have.

3. Parents wield the greatest influence over their lives.

4. You know much more about children than we give you credit for.

5. As parents, you have ideas about the kind of education you want for your children and, as educators, we should listen to your concerns, assist you in developing your personal strengths, and plan *with* you—not for you—meaningful programs for involvement. This point was demonstrated by your parent conference committee through their insistence on planning this conference themselves. The conference program, this banquet, the securing of facilities, including the university for this meeting, the food services, the baby sitting arrangements for some 80 or 90 parents with small children, invitations to out-of-county guests, over-night accommodations, registrations, transportation to the meetings—every detail was handled by a parent committee with minimum input by the O.M.A. staff. To you, Mrs Rosetta Chase, for your leadership in accomplishing what some might call the seemingly impossible, I congratulate you for a difficult job marvelously done.

Your selected conference theme suggests that in order to play their powerful role in making Title I work, *"Parents Need to Know."*

1. They need to know "about Title I"

a. What the legislation is all about—and

b. Why it exists

Title I emanated from a concern for children—

a. Children with special educational needs and whose needs are not being fulfilled by the regular school program;

b. Children for whom we have not been doing the job;

c. Youngsters who need much more than their school system, or any school system, can financially provide. Recognizing that (1) the future of their nation lies in the extent to which all of its people become useful and productive citizens—and (2) that the overwhelming challenge to broaden and strengthen education for the millions of children needing the extra help is a scope of responsibility beyond the capability of most school systems, the government has provided funds for such programs as Operation: Moving Ahead—a new and different approach for giving children the *extra help* needed to raise their achievement level—so that they can function like other children their ages. Parents Need To Know that this is not an "across the board program." It does not provide *extra help* for every child in the county or every child in a school . . . only those children who have been identified as having the greatest need. In 1965–66, Maryland received $15,512,023.00 under Title I; in 1970–71 the State was allocated $19,393,356.00. This school year—we received $19,423,141.00 and from that amount—Prince George's County was allocated $1,318,250.29.

2. *Parents Need to Know*—more about Operation: Moving Ahead and What makes this program different.

First of all, the O:MA staff is committed to such educational principles as:

1. Accepting each child where he is; taking him where they find him.

2. Working with him at his own level.

3. Planning and providing a program that will help him reach the highest level of which he is capable—educationally, socially, physically.

4. Assisting schools in bringing about necessary changes in attitudes and programs by employing new personnel, new materials, new techniques—in order to achieve:

a. a greater motivation for the child in helping him *succeed* in something tried.

b. a strengthening of each child's performance by developing in him—a health concept—in other words—that "he is somebody."

c. in realizing that personal dignity and worth are indisputable rights of every child regardless of race, creed, color or condition.

The learning problems of each child are met by a helping teacher and the classroom teacher who plan instructional activities with the aides—who, in turn back up the program by working with each child individually to help fix the needed skills. Should there develop the need for the services of a psychologist or a social worker, they are "on the scene" coming to grips with the problems that adversely affect school adjustment.

I was particularly interested in and impressed with the manner in which parents expressed their concerns in the group sessions on Social Services. Although O:M.A. is an educational program and should focus on meeting the assessed learning needs of children as a "number one priority," basic to its success is a recognition of the need to identify and come to grips with the problems which might well be blocking their opportunity to achieve. We *must* deal with the problems of hunger, of clothing, of medical needs, of emotional problems and others. Therefore, this component must have comprehensive planning and well coordinated activities so that maximum benefits to its recipients can be ascertained.

3. *Parents Need To Know*—about the *"Guidelines of Title I."*

The Federal Government, realizing the importance of parents being a part of the action and having some "say" in the decisions which affect their children's education, has issued recent guidelines requiring the establishment of a County wide Title I Parent Advisory Committee in each school district. It also recommends that each Title I school have an advisory committee on which parents of Title I children are heavily represented. The main functions of these committees are:

1. To analyze the educational problems of the school.

2. To give input to the planning and development of Title I programs for meeting the needs of children.

3. To help determine what the budget of these programs should be, and

4. To continuously evaluate the program in action.

a. Does it meet the needs?

b. Does it involve the children who need the services?

c. How can it reach more eligible children?

At least 50% of the committee's membership must be parents of the children for whom the program is designed.

Parents are to be informed and consulted on services to be provided and on ways in which they can assist their children in realizing the benefits those services are intended to provide.

All parents of the children to be served must have had the opportunity to *present their views* to the appropriate school personnel and to the Parent Advisory Committee concerning the project application prior to its submission to the State for approval.

Another regulation of Title I which should be understood by parents has to do with the Comparability Amendment—which goes into effect this July 1st. Essentially, comparability means that Title I schools and non-Title I schools are to be treated equally in all respects. One of the main problems that poor children face in schools is that they do not always get *equal treatment* in the school system. In order to know if comparability exists between schools in all respects—that is, equal in the amount of state and local money being spent, the services offered, the equipment available, and the kind and number of people employed within each school—(4) *Parents Need to Know About the School System.*

A good education is one of your greatest hopes for your children, but, if you are locked in a poor rural community, the odds are that your children may get an education that is far less than you want for them unless you intervene and insist on changes that will benefit your children. Continuous sessions devoted to an understanding of your school system in terms of (a) its demonstrated position on Compensatory Education, (b) its level and quality of support to Operation: Moving Ahead, (c) its commitment to programs for providing extra help to disadvantaged children through local initiative, and (d) its willingness to initiate legislation at both state and national levels to secure additional funding for compensatory programs—in addition to the areas covered in your conference programs—would seem appropriate.

That *Parents Need to Know about being parents* was an area of consideration on which I am not fully agreed. This concept might find support from those who would criticize parents of deprived children and willfully overlook the circumstances.

1. Some of us do look upon the school with suspicion and pessimism—but this attitude is due to our own unpleasant experiences in dealing with the school in educating our children.

2. There may be some who view learning as a magical process that occurs between 9:00 and 3:30 and fail to understand the supporting role they must play twenty-four hours a day to help their children learn. However, these parents are not teacher-trained and should be helped to understand the learning process.

3. A few of us may appear to be unable to make future plans.

It must be remembered, however, that the demands and problems of daily living require the constant meeting of daily necessities and this precludes any planning for future goals. Thus, education is necessarily viewed by them on terms of the present. It is for this reason that we need more school counselors who are sensitive and empathetic to the needs of poor children and who are willing to leave their offices and work with these children and their parents with post high school planning.

I believe that parents *do* care about their children and are deeply concerned about their programs in school and their general well-being. Because the school is an important factor in the lives of children, I see parents looking upon it as a source of hope. The sessions this week on Parent Involvement will, hopefully, translate our aspirations and hopes for our children into a commitment to action that will help the children fulfill these aspirations and hopes. To do this, we will reach out and widen our horizons through a more significant and effective school involvement. This is my challenge to you as we ask the question: *"Where do we go from here?"*

The education of children is too complex and too important to be looked upon lightly. Teachers can't do it alone; parents can't do it alone. There must be cooperation between home and school; therefore, involving yourself in school activities is not just necessary—*it is a must*—if you want the best education possible for your children.

This concept is not new. Parents have always demonstrated a genuine interest in and concern for their children's education. The parents of the poor have been kept out of the main stream of involvement. They have not been given opportunities to participate in ways which make a difference. We now have *both* opportunities and responsibilities—to GET IN the main stream and help make life and learning an enjoyable and productive experience for boys and girls.

For example:

Some things in school are important; other things in school are *very* important. Reading is one of the very important things; in fact, it should rank number one. Through reading, children learn to make choices—choices which will determine their future.

Children must achieve more now than ever before. Their rate of achievement is determined by tests. Whether we like it or not, test-taking is a fact of life. Test results determine college entrance, job opportunities and many other important goals. Children must learn to be test-conscious through daily classroom experiences which point toward success.

It is incumbent upon you, as parents, to see that, in our schools, first things come first.

In these our times, continuously do we hear of the many crises in our schools, in our towns, in our cities, in our state, in our county, in our world; I believe that more stress on a good education for all children, regardless of race, creed, color or *condition in life*, is the best way to cope successfully with these seemingly unsolvable problems.

It's time for action and to become more cooperatively involved. Let's go to work to the end that this troubled world may become a better world for our children, for our children's children and for every generation of children thereafter.

NCEL "GOOD GUYS" FOR COUNTY COALITION

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues the following editorial which appeared in the Camarillo Daily News on May 16, 1972, announcing that the Naval Civil Engineering Laboratory at Port Hueneme will receive the annual Good Guy Award of the Ventura County Environmental Coalition:

NCEL "GOOD GUYS" FOR COUNTY COALITION

The annual Good Guy Award of the Ventura County Environmental Coalition will be presented to the Naval Civil Engineering Laboratory, Port Hueneme, it was announced today.

Captain Edward M. Saunders, CEC, USN, Commanding Officer, will accept the award on behalf of NCEL.

The Good Guy Award is presented by Environmental Coalition to, businesses or individuals who have consistently contributed to environmental quality in Ventura County.

The Laboratory was cited for a broad environmental protection research program, including development of the Navy's Environmental Protection Data Base, development of an oil pickup suction head, creation of five environmental protection teams, development of an emergency sewage treatment kit, and for creating an awareness of environmental quality through a series of presentations on environmental protection throughout Ventura County.

The award will be presented at the Ventura Womens' Club, 3451 Foothill Blvd., Ventura, during a dinner meeting Friday.

PAN AM BEGINS NONSTOP TAMPA-MEXICO CITY SERVICE

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. GIBBONS. Mr. Speaker, for many years one of our Nation's pioneer international airlines, Pan American World Airways, has provided our country's major air link between Florida and Mexico. Until recently Pan Am was required to operate its Miami-Tampa-Mexico City service via an intermediate stop in Merida, on Mexico's Yucatan Peninsula, while the Mexican carrier, Aeromexico, has been able to operate nonstop service between Miami and Mexico City.

This imbalance has now, in part, been rectified as a result of the Civil Aeronautics Board decision, approved by President Nixon, permitting Pan Am to offer nonstop flights between Tampa and Mexico City. It has come to my attention that Pan Am, as a result of this decision, will improve and increase its services between Florida and Mexico City beginning June 17, 1972. I enter into the RECORD the following Pan Am release entitled "Government Awards Pan Am New Florida-Mexico City Rights":

GOVERNMENT AWARDS PAN AM NEW FLORIDA-MEXICO RIGHTS

Pan American World Airways will improve and increase its service between Florida and Mexico beginning June 17 as a result of a Civil Aeronautics Board decision handed down April 18, 1972.

The CAB selected Pan Am as best qualified among several airlines that had applied to exercise new air rights that Mexico granted to the United States recently.

This means Pan Am will be able to offer nonstop service daily between Tampa and Mexico City, and daily fights between Miami and Mexico City with one stop in Tampa. Previously all flights had to make an additional intermediate stop in Merida, on Mexico's Yucatan Peninsula.

Pan Am will continue to offer service between both Florida cities and Merida four days a week.

James O. Leet, Senior Vice President-Marketing, said: "Tampa, as the western gateway to Disneyworld, will generate substantial increases in inbound traffic to the United States, and the more frequent and convenient service will also give people of the growing Tampa-Clearwater-St. Petersburg and West Coast Florida areas vastly improved access to the markets and resorts of Mexico."

Pan Am will be the only airline to offer such service.

Mr. Leet said schedules would be issued shortly, but that Pan Am planned to have its Mexico-Tampa flights arrive in the early afternoon to enable arriving passengers going to Disneyworld and other West Coast Florida resorts to continue to their destinations the same day.

"Pan Am is grateful to the Tampa Bay community for its cooperation and support in this move to improve air service to Florida's West Coast," Mr. Leet said.

ELECTIONS IN ITALY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. CONTE. Mr. Speaker, I would like to draw to the attention of my colleagues the results of the elections in Italy held earlier this month.

Before this election certain elements of the American press were predicting gains by the Communists and their friends on the far left, gains by the neo-Fascists and their friends on the far right, and losses by the advocates of the nontotalitarian form of government.

In fact, Mr. Speaker, some press accounts in this country were depicting the situation in Italy as a model of the failure of democracy.

Now that the elections have been held, Mr. Speaker, I believe it is appropriate that we all become informed on the results of those elections. I am inserting at the end of this speech, a summary of those results. This summary shows that the profits of gloom had indeed misread the political climate in Italy. Their predictions were baseless.

I would also like to include copies of two newspaper articles which give objective and realistic evaluations of the elections. One is an article by Paul Hoffman which appeared in the May 14 edition of the New York Times. The other is an editorial which appeared in the May 11 edition of the Christian Science Monitor.

The results of the elections are themselves impressive, but equally impressive is the 93.1 percentage of voter turnout that produced those results. The citizens of America would do well to follow this example of voter interest and concern. Hopefully, they will also follow the example of our Italian friends by using the polls to reject the totalitarian philosophy.

Mr. Speaker, I would like to commend and congratulate the voters in Italy for their demonstrated commitment to democracy and human freedom. I believe my colleagues will agree that they are certainly deserving of such:

BEFORE AND AFTER THE VOTE

	Post-election	Pre-election
CHAMBER OF DEPUTIES (TOTAL: 630 MEMBERS)		
Right:		
Italian Social Movement (neo-Fascist	51	24
Monarchist Party	5	6
Center:		
Liberal Party	21	31
Christian Democratic Party	267	266
South Tyrol People's Party	3	3
Republican Party	14	9
Social Democrats	29	29
Left:		
Socialist Party	61	62
Proletarian Socialist Party	0	23
Communist Party	179	177
SENATE (TOTAL: 322 MEMBERS)		
Right:		
Italian Social Movement (neo-Fascist	22	11
Monarchist Party	4	2
Center:		
Liberal Party	8	16
Christian Democratic Party	138	138
South Tyrol People's Party	2	2
Republican Party	5	2
Social Democrats	12	12

BEFORE AND AFTER THE VOTE—Continued

	Post-election	Pre-election
Left:		
Socialist Party	34	36
Proletarian Socialist Party	11	12
Communist Party	83	89

[From the New York Times, May 14, 1972]

Italy: The Center Is Still Holding

(By Paul Hofmann)

Rome.—It took a full 24 hours after last Tuesday's election to get a clear picture of how Italy had voted in one of its most decisive electoral tests since the fall of Fascism. The computerized polling tally had proved far from successful.

But if the computer had failed its test, democracy had not. The nation, long denounced as ungovernable, had shown that it wanted strong—but not authoritarian—leadership. And in doing so it gave a new strength to the Christian Democratic Government of Premier Giulio Andreotti.

One telling sign was the 93.1 per cent voter turnout. In Ravenna, the city of Byzantine mosaics, Dante's tomb, Byronian memories and huge oil refineries, a record 98 per cent of the electorate went to the polls. What's more, there was no graver electoral incident up and down the country than a young woman in an Adriatic resort who wanted to cast her ballot clad only in a bikini and was barred by a straitlaced carabiniere.

Aside from sticking by the rules, Italy has also reconfirmed the substance of democracy. More than 61 per cent of all votes went to parties that reject totalitarian models. About 29 per cent of all voters backed the Communist party—still the strongest in the West—and its far-left fellow travelers or rivals, and 8.7 per cent rallied behind resurgent neo-Fascism, which had allied itself with the remnants of the monarchist movement.

Had elections been held two months earlier, the outcome might have been more ominous. A plot psychosis, urban guerrillas, violence by wildcat strikers and chaos in the schools, all on top of a crime wave, were then frightening the nation. While the Communist apparatus was on the defensive, anxious to hold positions threatened by ultraleftist groups, Italy seemed headed for a sharp swing to the right. The neo-Fascists were all set to profit from the anger of the Italian "silent majority."

However, the Christian Democratic Government of Premier Andreotti, uninspiring though it looked, stressed its concern for law and order. The police in nationwide sweeps rounded up gangsters and thieves, and investigating magistrates tore into the conspiratorial political underground. At the same time, the many Christian Democratic factions, usually feuding among themselves, buried the hatchet and campaigned hard on two fronts—against Communism and neo-Fascism.

Thus the much-maligned Christian Democratic party became the real star of the elections. After 27 years in government it was still going strong, lending substance to Mr. Andreotti's old quip: "Power wears out only those who don't have it."

The neo-Fascists, with 24 seats in the old 630-seat Chamber of Deputies, had hoped that the new image of respectability built by their softspoken leader, Giorgio Almirante, would increase their strength to 80 or 100 seats. They won 56. The Christian Democratic party says it can live with them but will never accept the rightists as allies. The Christian Democrats also reiterated their anathema against Communism during their campaign and this won back many anti-Communist voters who had been flirting with the rightists.

Inspired by the Roman Catholic church, the Christian Democratic party professes its determination to bring about long overdue reforms—better schools, hospitals and old-age care, more low-cost housing, improved commuter transportation, a more equitable tax structure and a better deal for stagnant southern Italy.

The divorce statute, enacted after a long fight 17 months ago, clearly isn't a desirable reform for the Christian Democrats and may now be thoroughly amended, if not repealed.

The chances are better than in a long time that strong party leadership may assert control at the forthcoming Christian Democratic national convention in the fall. If this happens, the Christian Democrats could successfully exercise one of their two options—to rebuild the center-left coalition with the Socialists that has governed Italy for most of the last 10 years, or to build a new center coalition with the moderately conservative Liberal party. In either case, a united and strengthened Christian Democratic party could negotiate terms with its allies and—at last—launch the needed reforms. Until then, Italy will be run by what is rather affectionately known as a "beach government," a Cabinet that pays the civil servants, operates the railroads, collects taxes, guards motorways and leaves Italians to their own devices during the hot months.

[From the Christian Science Monitor, May 11, 1972]

A Shift Away From Extremes

There is a fundamental common sense among the Italian people which proves its strength when it comes to the test. That common sense was reaffirmed in last Sunday's general elections, whose results on the whole are reassuring both to Italy itself and to Western Europe of which Italy is such an important part.

It had been feared that the elections would result in a big swing to the far right. In fact, the neofascist Italian Social Movement, in alliance with the small Monarchist Party, did make considerable gains, upping its representation in the Senate from 13 to 26 seats and in the chamber from 30 to 56. But in the overall context the neofascists did not score the big victory they had hoped for.

Far more significant was the strength manifested at the center of the political spectrum by the Christian Democratic Party, which has been the dominant party in Italian politics for the past 26 years. The Christian Democrats conducted a clearcut campaign, reasserting the principles laid down by their distinguished postwar Prime Minister, Alcide de Gasperi, and telling the Italian voters unequivocally that they would eschew any cooperation with the extreme right or extreme left.

The result was that they recouped the 5 percent loss suffered in last year's regional elections, retaining all of their 135 seats in the Senate and increasing their representation in the chamber by one seat—from 266 to 267.

While on paper the Communist Party, second biggest party in Italy, improved its showing in both houses, its ally, the Proletarian Socialist Party (PSIUP), lost all 23 of the seats it held in the lower house and the 13 seats it held in the Senate. The independent leftists also are no longer represented in either house. On the whole, therefore, the extreme left lost ground, while there was little change in the position of Socialists and Social Democrats.

Where does this leave Italy? The Christian Democrats have emerged from the elections with their reputation enhanced, but still not strong enough to govern on their own, unless they take the risk of ruling as a minority government, as in fact they have been doing since the collapse of the last Center-Left cabinet in January.

There are two coalition possibilities: a revival of the Center-Left formula or a coalition of the Center parties. Whether or not a new Center-Left government can be formed will depend to a great extent on the Nenni Socialists and their off-and-on flirtation with the Communists. Presumably the Christian Democrats will now insist that they end this flirtation if they come into the government.

The task of cabinetmaking is not going to be easy. Possibly a caretaker administration will be formed to tide the country over until after the party conventions of the Christian Democrats and the Socialist in the fall.

This would mean fresh delay in initiating the reforms to which the Center-Left parties are committed. It could open the door to more militancy on the political fringes. But the bulk of Italian voters have clearly drawn away from the extremes of right and left, and, on the whole, there is reasonable cause to be heartened by the election results.

MEMORIAL DAY COMMENTARIES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. DERWINSKI. Mr. Speaker, I make it a special point to thoroughly read the community newspapers serving my district. It is my opinion that this segment of journalism will continue to grow in effectiveness and public interest.

The editorial commentary in local community weeklies is steadily broadening, and I am pleased to insert into the Record two very fine Memorial Day commentaries; one by the Suburban Life and one by the Sun Standard, both of which were carried in their May 25 editions.

The editorials follow:

Patriotic Gesture

"It's been taking a lot of abuse lately. We are sorry that some people who are dissatisfied with some of the things happening in this country see fit to take out their displeasure on the Stars and Stripes. Sure we've got lots of problems . . . but the flag stands for an ideal that we all believe in. Let's keep that ideal before us . . . let's fly the flag proudly!"

This message is being promoted by the Committee on Political Education (COPE) along with its project of boosting patriotism and respect for the flag. An objective of COPE is to see the American flag flying from every home in the Blue Island-Calumet Park area.

With Memorial day approaching, COPE is urging area residents to "Be a Proud American fly that Grand Old Flag."

Flags at a nominal fee will be available this Sunday, May 28, 10 a.m. until 10 p.m., in the parking lot at 127th and Loomis. The Yankee Clipper set consists of a chrome color pole, Eagle head, bracket, string and flag. Bumper stickers and a brochure on ways to display the American flag will also be available.

Besides Memorial day, other times for flying the flag this summer are: Flag day, June 14; Father's day, June 18; Independence day, July 4; and Labor day, Sept. 4.

A reminder: on Memorial day, Monday, the flag should be flown at half mast until noon.

Peace: Will It Ever Come?

Next Monday will bring the 104th observance of Memorial Day in this country, a time when we pay tribute to the millions of men and women who have fallen in all U.S. wars. Last year at this time we were hopeful that

1971 would bring an end to the Vietnam War and the accompanying turmoil and unrest which have plagued this land for more than 10 years.

Certainly, President Nixon has demonstrated this country's willingness to end its participation in the conflict. Unfortunately North Vietnam, the Viet Cong and their Communist allies have continued the aggression and insist on peace on their terms.

President Nixon, as he promised, has brought more than a half million American fighting men home from Vietnam. But he doesn't propose to have the remaining 60,000 left for slaughter by the North Vietnamese. Nor does he intend to leave our prisoners in the hands of the Communists.

He is seeking a peace with honor, but apparently North Vietnam dictators do not know the meaning of the latter word. Rather than abandon 16 million South Vietnamese to reprisal from a ruthless foe, he is trying to terminate the military commitments of previous Presidents in a way that will not further tarnish the reputation of our country in the eyes of nations that have looked to it as a defender of the rights of man.

In an effort to stop a Communist escalation of the war, President Nixon earlier this month ordered a blockade of North Vietnam ports until American prisoners are freed and an internationally supported cease-fire halts hostilities. Polls indicate that the vast majority of the American public support the President's action, although having no more desire for continued war than he does.

We should support the action with all our vigor and with the full cooperation of all citizens.

As we honor our fallen dead this weekend, let us also add special prayers for the thousands of men and women who are still fighting and dying for the cause of liberty and freedom. They have the right to expect the full backing of their government and their people.

We again pray and look hopefully toward Memorial Day 1973 when this nation and the world shall be at peace.

RODINO SUBCOMMITTEE FOCUSES ON POLICE BENEFITS BILLS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. BIAGGI. Mr. Speaker, House Judiciary Subcommittee No. 1 recently held hearings on the need to provide survivor and disability benefits for policemen, firemen, and other public safety officers who are killed or injured in the line of duty.

This is a serious problem that has received little attention in the press or in this body. When seven officers were killed last year in New York in a very short period of time, there was a great public outcry to help the widows and children of these men. Now this massacre of our public safety officers has faded from the public view and as a result, has taken a back seat in the minds of legislators. The problem, however, is still very real to the forgotten widows.

Fortunately, Congressman PETER RODINO of the Judiciary Committee had no intention of letting the matter drop, now that it is no longer on the front pages of the newspapers. His subcommittee staff developed the background information and moved the various bills to provide death and disability benefits—including several of my own—through to the hearings stage.

To underscore this problem once again for my colleagues, I would like to include Chairman RODINO'S opening statement at the start of those hearings. I urge my colleagues to read the facts contained therein and join Congressman RODINO and myself in pressing for these measures of great importance to the policemen, firemen, and other public safety officers of this country.

The statement follows:

STATEMENT OF HON. PETER W. RODINO, JR.

Today, we commence two days of hearings to consider various bills designed to provide survivor and disability benefits for policemen, firemen and other public safety officers who are killed or injured in the line of duty.

As we all know, last week was National Police Officers' week and many tributes were paid to the brave and dedicated law-enforcement officers of America.

It is tragic, however, that many of these honors were bestowed posthumously—to those who had given their lives to preserve peace and order and to protect our society. The alarming statistics relating to the number of peace officers, firemen, and other safety officials, who are slain or disabled each year, demonstrate the magnitude and severity of the problem:

In 1969, a total of 35,202 policemen were stabbed, beaten, assaulted, or wounded by a firearm.

Last year, 126 local, county and state law-enforcement officers were killed as a result of felonious criminal action—26 more than the number slain in 1970. Four of these peace officers were killed in the line of duty in my own State of New Jersey.

In 1970, 115 professional firemen died in the line of duty and 38,583 firefighters were injured. Only recently, in my own city of Newark, New Jersey, three firemen lost their lives—to protect the lives of others—while demolishing a building which was a public hazard.

Between the years 1962 and 1971, 722 peace officers died while performing their duty of maintaining order and protecting lives of others.

In the decade of the 1960's, 790 firefighters were killed in the line of duty.

In this same decade, the rate of violent crime increased by 156 percent.

These few statistics readily reveal the increasing incidence in arson and violent street crimes and illustrate the grave physical dangers which confront peace officers and firemen today.

With the ever-increasing violence in this country, the perils of police work are greatly magnified and firefighters have often become, in recent years, the targets of sniper fire.

Despite the nationwide scope of this problem, there is a great disparity among the several States as to the benefits which are provided to these courageous men and their survivors. Needless to say, in most cases the death and disability benefits which are provided are extremely inadequate. Furthermore, a study made in October of 1970 indicated that 18 States provided no financial assistance to the survivors of law-enforcement officers who are killed in the line of duty.

It is quite easy to bestow awards on these grief-stricken widows and children, but it would be far better to express our appreciation in more practical terms—by enacting legislation on both the State and Federal level to provide for their financial security.

There are few who would deny that society owes a special obligation to those brave individuals who are killed or disabled in the line of duty and, as public officials, we should be cognizant of the many sacrifices made by their families.

In fact, Congress has already assumed a limited responsibility in this regard.

In 1968, Congress passed Public Law 90-291, which provided survivor and disability benefits to State and local policemen who are killed or injured while enforcing Federal laws.

In 1970, Congress passed Public Law 91-509, which provided a lump sum payment of $50,000 to the dependent survivors of policemen and firemen in the District of Columbia who die in the performance of their duties.

Some of the bills, which the Subcommittee is today considering, would greatly expand these provisions of law; others would establish new programs of financial assistance.

Nevertheless, all of the bills before the Subcommittee properly recognize the great debt we owe to all public safety officers for the services, protection, and acts of mercy they provide. In addition, these proposals serve to insure public safety officials that their loved ones will be cared for in the event of their death.

In the course of our hearings, we will consider three different programs designed to provide survivor or disability benefits to peace officers, firemen, or other public safety officers.

The first approach presented in H.R. 9139, introduced by a distinguished Member of this Committee, the Honorable Richard Poff, and H.R. 9177, introduced by Chairman Emanuel Celler, represent the Administration's approach to the problem. These two bills would provide a $50,000 death gratuity to the survivors of fulltime State or local police officers killed in the line of duty. Additional versions of this proposal would extend similar death benefits to firemen, correctional officials, judges, prosecutors, and a variety of other public safety officers.

The second approach is contained in H.R. 714, introduced by another distinguished Member of this Committee, the Honorable Andrew Jacobs. This bill would provide that a sole surviving widow of a policeman or fireman killed in the line of duty would receive 45 percent of the monthly wage rate of her deceased husband. If there are surviving dependent children, the widow would receive 40 percent and each child 15 percent, but the total compensation could not exceed 75 percent of the decedent's monthly wage. This compensation would continue as long as the widow did not remarry or until the surviving children reached age 18. Compensation would also be provided in the event of a total temporary or permanent disability.

A third approach has been proposed by the distinguished Chairman of this Committee, the Honorable Emanuel Celler. He has proposed in H.R. 8316, the establishment of a Group Life Insurance and Group Accidental Death and Dismemberment Insurance Program for local law-enforcement officers. The costs of this insurance program would be federally shared and the government's contribution would not exceed one-third of the cost of such insurance. The amount of life insurance, as well as accidental death and dismemberment insurance would be $2,000 more than the annual basic pay of the insured rounded to the next higher thousand—with a minimum of $10,000 and a maximum of $32,000.

From this brief description of the major proposals before the Subcommittee, it is apparent that two basic issues are presented for our consideration:

What type of benefits should be provided? and—

What occupational groups should receive these benefits?

We have arranged these hearings in order to receive a wide range of divergent views on these issues. Furthermore, I am pleased to announce that we will receive testimony from a number of our distinguished colleagues and other learned witnesses who are intimately familiar with the various problems confronting public safety officers in this country.

SENIOR CITIZENS MONTH

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. BURKE. Mr. Speaker, the President on May 2 declared May Senior Citizens Month. This proclamation is well deserved because no other group of citizens has lived through more changes in America than have our senior citizens. We marvel at the achievements of our decade, but little thought is given to the advances in all areas of life that our senior citizens have witnessed.

The mode of transportation has changed from a horse and buggy trip around the block to a space ride to the moon. Medical science has brought about miracles and helped continue life at a much longer span than ever before.

The emotional changes of starting a career and family to becoming the "older man on the block" has been tremendous for our senior citizens. The feeling of living a productive, useful life sometimes begins to erode when a person retires.

My great State of Florida has the highest rate of over-65 residents in our Nation. All of the problems facing senior citizens are made very much aware to me in the daily flow of letters, telephone calls and personal visits.

A column entitled "The Vintage Years" appears in the newspapers in my congressional district and is written by Mr. R. O. Beckman. The May 11, 1972, issue of the Fort Lauderdale News carried Mr. Beckman's article entitled: "Senior Citizens Month Celebrated During May."

I would like to share Mr. Beckman's observations of this proclamation with you.

"SENIOR CITIZENS MONTH" CELEBRATED DURING MAY

(By R. O. Beckman)

From the Administration on Aging of the U.S. Department of Health, Education and Welfare comes a news release announcing that May is again "Senior Citizens Month." It states that older Americans from Alaska to the Virgin Islands will be celebrating with dinners, picnics, awards, receptions, conventions and conferences.

"The President proclaims the month and invites all Americans to find suitable means of expressing their appreciation and gratitude to older Americans for their contributions to our society." Events mentioned in the release are hobby shows in Breckenridge, Minn., Des Moines and Groton, Conn.; elderly speakers in high schools in Tennessee to encourage general understanding: exhibits at a shopping center in Boulder, Col., and Nassau County, N.Y. Johns Hopkins, Duke, Brandeis, Clemson universities and Livingston college are staging conferences on aging. Awards to outstanding seniors will be presented in Homer, Alaska; Bristol, Conn.; and Fort Worth, Tex. A senior citizens ball is scheduled for St. Croix, Virgin Islands.

This year is the 10th year that May has been designated in presidential, state and local proclamations. Its observance has been more noticable in non-conformance than in activity. It should receive special attention this year because 1972 is the year assigned to implement the recommendations of last year's White House Conference on Aging.

Nationally Congress has authorized some legislation affecting retirees but has not yet funded them. The administration news release receives little attention from communications media because thus far there are but few local programs to report.

Florida—the self-styled No. 1 retirement state with the highest percentage of over-65 residents—is not mentioned in the news release. It has long been behind some other states in recognizing the elderly. Action in spotlighting Senior Citizens Month seems delayed.

Little mention of recognition for the month was made at the national convention of the National Retired Teachers Association, at the meeting of the Florida Health and Welfare Council, both at Miami Beach, and at the Florida conference of the National Association of Retired Federal Employees in Fort Lauderdale.

Notable progress was reported in behalf of retired federal workers at the convention held last week at Pier 66. Florida chapters number 72 with a membership of some 10,000. During the year, five pre-retirement seminars were held in various areas. Resolutions were adopted urging greater comparability of annuities with government pay scales. Since 1967 federal retiree annuities have gone up a fourth to meet rising living costs. Similar provision has long been expected by Social Security beneficiaries.

Three weeks are left for our older citizens to show they're not in a state of coma. They can demonstrate their mettle by daring instead of wishful dreaming. Valor is the salt of other virtues.

LEGALIZE THE MACHINEGUN

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. MIKVA. Mr. Speaker, there has been much public discussion and editorial comment lately about the desperate need for strict handgun control in this country. The arguments for it are compelling—I think they are overwhelming—but each time the arguments are made they seem to fall on deaf ears in Congress. For each tragedy, for each big city police chief and mayor that calls for a ban on the sale and manufacture of handguns, for each new set of statistics that outlines the relationship between the increasing number of handguns and the increasing amount of crime—the opponents of handgun control have a glib rejoinder. It is easy to get ensnarled in the rhetoric from both sides.

Over the past few weeks, I have occasionally placed in the RECORD newspaper articles and editorials which indicate the growing sentiment in this country in favor of strict handgun controls. By now, it should be clear that the people of this country want to stop the national traffic in handguns, but Congress is not willing to respond to their wishes or to the decay of the big cities for which handgun crime is at least partially responsible. Because of my well-known position in favor of strict handgun control, I thought it would only be fair to place in the RECORD an example of the sentiment on the other side of the issue.

The article is by a columnist in the Chicago Daily News, Mike Royko. There are some people who think he is very good. Somebody named Pulitzer just gave him a prize.

The article follows:

LEGALIZE THE MACHINEGUN

(By Mike Royko)

The shooting of George Wallace has created still another wave of anti-gun sentiment and demands that our gun laws be toughened.

This happens every time a candidate for President is shot.

The majority of editorials and columns seem to favor increased restrictions. I am one of the few columnists who does not.

To the contrary, I would like to see the gun laws relaxed so that it would be legal for me to buy my own machinegun.

It has never made sense that a person can buy a rifle or pistol, but I cannot own the weapon of my choice.

The reason I want a machinegun is that I am a very bad shot with a pistol or rifle, due to having a prominent nose that obstructs my vision while aiming.

Therefore, I am unable to properly defend myself. But with a machinegun, I would have a fighting chance.

Some people will ask: A fighting chance against whom? What do you need any kind of gun for?

Everybody knows the answer to that. We need guns to protect ourselves against criminals, the Communist conspiracy, fiends of the night, and all the other forces that require an honest citizen to remain armed to the teeth.

First let us consider the threat of criminals.

I happen to be the sort of person who regains my coordination very slowly when I awaken.

If I awoke during the night and saw several criminals in my bedroom, by the time I got a pistol from under my pillow and took careful aim, and fired one shot, they would be at my throat, then my wallet.

But it would take only a moment for me to snatch up my machinegun, which I would keep at my side, and spray the entire bedroom with bullets without aiming. In fact, in the process I would probably spray my neighbor's bedroom with bullets, thus slaying any criminals who might be bothering him, too.

As to the threat of communism, let us be realistic. Should the United States be invaded by the Red Menace, the Yellow Peril or whatever, a handgun would be of little use.

But the Red Menace or Yellow Peril would think twice about landing on our shores if they knew 50 million of us were waiting on our front porches, crouching behind our machineguns. Consider the firepower that would represent. In only one minute, we could rattle off 30 billion bullets. That would send them packing.

Another benefit of the machinegun is that it is much safer to have around the house than a pistol.

A child can easily discharge a .32 he finds in his father's dresser. We hear of this happening all too frequently.

But it would be difficult for a child to load an ammunition belt or magazine into a machinegun. And even if he did, it would be virtually impossible for him to shoot himself. The worst that could happen is that he might shoot some of his playmates. But, then, nothing is absolutely foolproof.

Another advantage of the machinegun is that because of its size, it is impossible to conceal upon your person.

A man can walk into a bank with a pistol in his pocket, and nobody will know it. But if someone entered a bank with a machinegun under his arm, a guard would surely suspect that he was up to no good.

For years, I have been urging that the machinegun be legalized, but the various gun lobbies have been of little help.

For that matter, they have done nothing for the cause of those who believe that cannons should be legal. Not in cities, of course, but at least in sparsely populated rural areas. There are about 3 million farms in the United States. If every farm had a cannon, the Red Menace or the Yellow Peril would think twice about invading our shores.

So I have decided to form my own lobbying organization—the National Machinegun Assn. We will fight for the rights of citizens to purchase and own machineguns. I urge all of you to write to your congressman or senator and demand they support legislation that would make this possible.

I realize that some people are going to read this and say: "But machineguns kill."

Nonsense. Machineguns don't kill. People kill.

For that matter, bazookas, mortars, cannons and nuclear bombs don't kill. People kill.

The solution is not to ban handguns, machineguns, bazookas, mortars, cannons, or even nuclear bombs, but to make the penalties for their criminal use quite severe. If an evildoer knew that a judge would throw the book at him, he would think twice about using a machinegun or a bazooka to commit a crime.

That is why the slogan of my new organization is going to be:

"Weapons don't kill. People kill. So let's legalize all weapons and eliminate people."

NORTHWESTERN UNIVERSITY PRESIDENT STROTZ SETS FORTH VIETNAM STAND

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. McCLORY. Mr. Speaker, the current proclivity of some in the academic community to pose as all-seeing, all-knowing prophets and advisers on domestic and world affairs merits thoughtful analysis.

Mr. Speaker, I seem to recall that various of these same oracles who now espouse a policy of neoisolationism were the same ones who earlier supported our involvement in behalf of economic and military support in the four corners of the world.

Mr. Speaker, it appears now that we adopted too much of their thinking in the past to our detriment. It would be doubly tragic to give too much weight to their views now.

Mr. Speaker, fortunately there are many in the academic community who recognize the balance which must exist between theory and reality—and who do not view their positions on college campuses as forums from which to seek to summarily override our legislative and executive branches.

Mr. Speaker, the recent statement of Robert H. Strotz, president of Northwestern University, in response to a request that he join with other college presidents in denouncing certain polices of the President of the United States and in answer to a request from students that he make his views on Vietnam known to them—is most perceptive. This article which appeared in the May 23 issue of the Chicago Tribune follows:

CONSIDER VALIDITY OF VIEWS ON WAR

(By Robert H. Strotz)

It has become fashionable for university and college presidents to address themselves publicly to the problem of the Viet Nam war and particularly to the most recent adventure in American strategy.

By virtue of their positions as university and college administrators their views are widely publicized by the news media. It is marvelous, the attention a university president can command when he talks on almost any subject.

What prompts these men to advising the nation on its foreign policy? There are three possible answers.

SOME ARE EXPERTS

Some of them may be experts on international relations and widely read on the subject of the Viet Nam conflict. In these times, it is then almost a moral imperative that they should speak up and profess their views and we should all listen to them; not because they are university presidents but because they are citizens recognized for their expertise on foreign policy.

Others perhaps show no more than the typical student or faculty member at their institutions. Nevertheless, they apparently feel that it is proper, in view of their ascendancy of high academic office, for them to use—I might even say "exploit"—their access to the news media to propound their private views, however amateurish these may be. There is enough sin in the process of public opinion formation that they may as well sin a bit, too.

A third possibility is a cynical one that challenges men's motives—and I mention this only as a possibility. It is that they are not necessarily expressing their convictions but are saying that which their activist students want them to say, in a manner calculated to co-opt the students into thinking that the administration is with them so that any violence resulting from vehement campus demonstrations will be addressed to the outer community rather than to them.

And if they are worried that endorsing the students' predominating view will alienate support of the trustees, alumni, and other donors, they will then express themselves with a sufficient ambiguity of wording so that what they say boils down to a few platitudes, meaning nothing, and at worst only rhetorically offensive to any of the relevant pressure groups.

LIKE IT OR NOT

Your university president, whether you like it or not, belongs to none of these three groups.

I do not belong to the first group because I am not an expert on Viet Nam. I have opinions on the subject as any educated citizen would have, and mine are rather extreme. They have been extreme from virtually the beginning of the conflict. But I do not hold them with conviction.

I am not sure I am right. In fact, I am often impressed by how much more some students and faculty know than I do. And sometimes I get confused about my own thinking. There is so much to study in so many areas, and so little time. Over the years, whenever I have expressed my rather extreme views on the Viet Nam War, I have regarded that largely as a conversation starter.

I also do not belong to the second group, and this is because of a moral principle I hold. Many of you will disagree with it, and maybe I should say it is a moral quirk. But I hope you will respect it anyway. It is that I regard it as completely improper for me to exploit the position of the presidency of Northwestern to attract widespread public attention to opinions I hold—even on morally important issues—when those opinions are as amateurish as mine are on Viet Nam.

I will express my views freely in private conversation but I will not use my office to lend public importance to views which I as a person do not deserve to receive.

I may well be prepared to express myself vigorously on issues where I feel I have something really responsible and professional to say, and in some areas would feel a serious moral obligation to do so; for example, in defending academic freedom, a matter I'm convinced I know something about.

POPULAR OR NOT

And I would then speak forthrightly, whether or not my views were popular with either students or trustees. I repeat, however, that I will not prostitute the office I fill by using it to amplify the importance of opinions I hold on the basis of only modest knowledge.

Bob Strotz is not qualified to offer substantive comment on our nation's affairs in Southeast Asia. This lack of substance, however, would not prevent attention being given to whatever President Strotz offered on the subject. I will not use my position, or the name of this University, to advance my personal proclivities, especially in areas where I am without credentials, or where the university cannot be effective.

Finally, I do not belong to that third group, which I hope is mostly mythical. I am not a ventriloquist's dummy and will not misrepresent my opinions to accommodate any pressure groups. I will not lie in order to co-opt students, and I will not pompously utter a paragraph of platitudes.

There are some things I can responsibly say about Viet Nam, tho they are of limited scope. As an administrator, I can assure everyone that tho at times there may be an element of high-jinks in campus demonstrations, students are by and large in dead earnest, filled with moral concern and frequently remarkably well-informed.

The Viet Nam business has rent our society apart and very substantially undermined the traditional patriotism of our college people. It is painfully clear that a democracy has an awfully difficult time fighting an undeclared war without overwhelming consensus. Moreover, as an economist, I can say that the war has obviously drained away vast resources for which there were other high priority social uses, but most importantly I can say, on an issue that is sometimes disputed, the war is neither necessary nor sufficient for a properly functioning free enterprise economy.

BEYOND ECONOMICS

I can discuss the war in terms of the national economy, but the issues go far beyond economics, and determinations will not be made on an economic basis.

A final topic: What can students expect of me during this abnormal period on the campus? They can expect two things:

First, I will do everything in my power to keep the university open. I have a moral and perhaps legal obligation to assure that students who want "education as usual"—what they have paid for with their tuition—will have it available to them. Some of our students dissent strongly from the conventional wisdom of the majority, and they have rights, too.

Secondly, within the requirement just stated, I will do everything I can to support the opportunity for lawful student demonstrations. I say this despite any personal agreement or disagreement with the objectives of the current demonstrations. A campus should be politically alive, and I would hope that Northwestern students in particular would have an impact on public thinking commensurate with their wisdom and concern.

I think the faculty should do all that is reasonable to accommodate to the special circumstances of students whose sense of moral or religious obligation transcend their ability to adhere to scheduled routines—and Vice President Raymond Mack and I have urged this point of view.

Northwestern students have made it clear to all that this is an involved campus and I hope godspeed to all those who, in peaceful ways, are engaged in demonstrations—or in counterdemonstrations.

U.S. STEEL'S EDWIN H. GOTT RECEIVES HIGHEST SCOUT AWARD

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. MOORHEAD. Mr. Speaker, the Boy Scouts of America recently honored Edwin H. Gott, chairman and chief executive of U.S. Steel, by presenting him the coveted silver buffalo award.

The award is given annually to a small group of scouters and civic leaders for their "distinguished service to boyhood."

Specifically, Mr. Gott was cited for his work in the Scout Exploring program, a teenage activity for both boys and girls.

At this time I would like to introduce into the RECORD a copy of the press announcement from the Boy Scouts of America and convey my congratulations to Edwin Gott, a man who has never been to busy to help others.

PITTSBURGH SCOUTER AND STEEL EXECUTIVE RECEIVES SCOUTING'S HIGHEST AWARD

LOS ANGELES, CALIF., May 19.—A Pittsburgh, Pa., civic leader and steel corporation executive will receive the Boy Scouts of America's highest award for volunteer service here tonight in the closing ceremonies of the BSA's 62nd National Council Annual Meeting.

Edwin H. Gott, chairman and chief executive officer of United States Steel Corporation and national Vice-President of the BSA, will receive Scouting's coveted Silver Buffalo Award, presented annually to a small group of Scouters and public figures for "distinguished service to boyhood" at the national level. Gott was recognized for his contributions to Exploring, the BSA's program for high school age young men and women, by sponsoring special-interest Explorer posts within his and other corporations. He is also a trustee of Pittsburgh Children's Hospital and of Carnegie-Mellon, Lehigh, and Youngstown Universities.

Previous recipients of the Silver Buffalo Award include astronauts Neil Armstrong and John Glenn, football great Vince Lombardi, Dr. Ralph Bunche, Gen Douglas MacArthur, and newscaster Lowell Thomas. Others receiving the Silver Buffalo Award this year are: Louis R. Bruce, commissioner of Indian Affairs; Harvey C. Christen, Pasadena, Calif., aircraft manufacturing executive; Louis G. Feil, Chipita Park, Colo., retired Army Corps of Engineers executive; Donald P. Hammond, Monticello, N.Y., department store executive; Albert M. Jongeneel, Rio Vista, Calif., rancher; A. L. Jung, Jr., New Orleans, business executive; Prime F. Osborn III, Jacksonville, Fla., railroad president; George W. Pirtle, Tyle, Tex., geologist; and Penn W. Zeigler, Cincinnati, civic leader.

A copy of the citation for Mr. Gott follows:

Despite your burdensome responsibilities as chairman and chief executive officer of United States Steel Corporation, you have devoted considerable talent and energy to community service in line with your belief that American businessmen owe support to civic and community affairs.

High on your list of priorities has been furthering the work of the Boy Scouts of America, which you joined at the age of 13. While a rising executive in the steel industry, you renewed your commitment to Scouting in 1958 and have served as Council President and member of the Allegheny Trails Council Executive Board; a member and chairman of Region 3 Executive Committee; and, currently, as a member of the national Executive Board and Vice-President of the Boy Scouts of America.

You have given invaluable service to young adults by vigorous promotion of Exploring special-interest posts within your own and other corporations. Your fellow Scouters have recognized your many contributions to the movement by awarding you the Silver Beaver and Silver Antelope.

Your commitment to the youth of America goes beyond Scouting. You have served as a YMCA director and are now a trustee of the Pittsburgh Children's Hospital. And you have demonstrated your devotion to education as a trustee of Youngstown University; Lehigh University, your alma mater; and Carnegie-Mellon University.

At the same time, you have served your community and the Nation in many other civic endeavors. But it is as a friend and devoted worker that you receive the Silver Buffalo as a token of appreciation for your tireless involvement in Scouting and other activities for America's youth.

LAW AND ORDER

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. WOLFF. Mr. Speaker, the Leader of Locust Valley, N.Y., one of the best weeklies in America, has published some very trenchant comments concerning the recent attempt on the life of Governor George Wallace.

I think the Leader's editorial is worthy of a wider distribution than that normally reserved for a small weekly newspaper. The Leader has raised some important issues and I think that we can all profit from a careful reading of "Law and Order":

LAW AND ORDER

Once again the world has been shocked by the spectacle of a man in the hustings being shot down for no reason, apparently not even because of his political conviction. As always, when this kind of thing happens, there follows a great deal of talk about law and order, violence and what is this country coming to. During the days following the shooting of George Wallace, we have looked and listened and tried to understand what is happening. Some facts have begun to come into focus. As many commentators have pointed out, all four of the recent attackers have been what might be called borderline nuts, men who if they did not have guns could not use them. This should make it clear to everyone that there must be some kind of federal limit on the distribution of the kind of weapons that this kind of disturbed person finds so easy to obtain. The opposition to this kind of stringent regulation comes from those who claim to be concerned with the problems of maintaining law and order. One thing these attacks have shown is that law and order is not guaranteed merely by the presence of one or more policing officers. The attack on George Wallace took place in full view of the men guarding him. And this has been the pattern of other similar attacks. In fact, both the shooting of Wallace and the killing of Lee Oswald took place on the TV screen in full view of millions. Maintenance of law and order is far more complicated than police action or police restraint. It never will come to pass until our society reaches the kind of order that breeds so much respect for others that unlawful behaviour is unthinkable.

Violence does now and always has played an overwhelming role in all of history. Much of it has been carried out in the name of righteousness, in the name of God, in the name of patriotism, of family and indeed in the name of law and order. Physical violence is only the visible part of a huge iceberg. Physical violence—murder, mugging, arson—that kind of thing is so much a part of the fabric of our lives that we have come to accept it as inevitable.

Nearly 200,000,000 persons live in our nation. When this many persons live together in a free and diverse society, violence is almost certain to flare from time to time. Today it seems to most of us that there is more violence than ever. Maybe there is or maybe it is just that there are more of us living too closely packed together in a modern society to which few of us have completely adjusted. The problem now is to find the best ways to keep wanton behaviour at a bare minimum. While we seek the ways to accomplish this we must take care to insure the rights of all, the lawful as well as the unlawful, to create laws and conditions that will keep violence under control and inspire men to move ahead in positive rather than negative ways. None of this can be accomplished in a police state which always breeds violence, nor will it be done by the use of highly restrictive laws.

We no longer are a new nation searching for identity but as we have moved toward maturity our problems have become more sophisticated and their solutions far more complex than in earlier days when violence was the law. Every time we read of mindless attacks upon innocent persons, of murder, mayhem, assassination or just plain cruelty we are shocked anew. Anr so we should be. But as we strive to find our way to a more ordered, stable and safe society we must not be overcome by the same kind of panic and fear that always has and always will breed even more violence.

FROM RUSSIA WITH CHUTZPAH

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. HALPERN. Mr. Speaker, just a few weeks ago our able and distinguished colleague, Mr. BINGHAM and I returned from a study mission to Israel where I experienced some of the most moving moments in my life.

The purpose of this special study mission was to gather extensive information for the House Foreign Affairs Committee which had been considering a proposal offered by Mr. BINGHAM and myself to provide $85 million for Israel to help in resettling Soviet Jews.

Happily this provision was included in House Resolution 984 which was approved by the committee and then by the full House on May 17.

We had the opportunity to observe first hand, the dramatic arrival of Soviet Jews in Vienna enroute to the State of Israel. It was heartening to hear them speak of their hopes and dreams because now that they have left the Soviet Union there is good reason to believe that all they wished for would someday come true.

We went right to the scene and followed the very route of the emigrees—their disembarkment from planes and trains in Vienna, their interim processing and sojourn at Schonau and their arrival in Tel Aviv. We had the unique opportunity of meeting at least 200 of these refugees personally.

Not all whom I spoke to were formerly educated. Some were in fact, lawyers, journalists, and teachers, but the great majority were tailors, shoemakers, farmers, and factory workers. They did however, have a degree of commonality. They all wanted to begin a new life which encompassed spiritual as well as a cultural freedom.

I learned a great deal from these brave people. We discussed at great length what life was like in the Soviet Union and why they left their farms and homes.

We learned first hand of their experiences, of their trials and tribulations in the Soviet Union, their way of life and their oppressions merely because they were Jews—how they had been downgraded in their work and in their community life, how so many had been fired outright and penalized in one form or another merely because they were Jews and because they were determined to adhere to their heritage and traditions.

Through interpreters, we talked informally about their plights in the Soviet Union. If ever anyone had doubt of the suppression of freedoms in the Soviet Union, I wish they could have heard these refugees.

Later on in our mission we visited the absorption center in Israel where we saw the housing units where these refugees would inhabit.

One of the most serious problems faced by the influx of newcomers is the task of finding suitable housing. The building schedule of the Israeli Government provides for only 7,000 housing units to be available in 1972. These plans were drawn up in the middle 1970's when no one in his wildest dreams could imagine Jews leaving Russia.

Within the past year we have become increasingly aware of the plight of the Jewish people in the Soviet Union and have also seen an unprecedented number of Jews allowed to leave the U.S.S.R. Israeli newspapers have said that more than 5,000 arrived in 1971.

Today more than 25,000 Soviet Jews live in Israel. They constitute the largest group of refugees from the U.S.S.R. since the end of World War II. Since January of this year, nearly 2,000 per month have left Russia and while the exodus has greatly increased over the past years we cannot rest until all who wish to be free are in fact free.

The motivation for this uprising in immigration remains unclear, yet several possibilities come to mind.

First. Pressure from the United States and other countries has joined the Soviet Union to relax its policies.

Second. The desire by the Soviet Union to free themselves of those who have caused domestic strain and international embarrassment.

Third. The belief by the Soviet Union that the surge of immigrants cannot be absorbed by Israel without weakening and straining the economy or defense of this proud nation.

Several days ago, I read a most moving and perceptive article in the recent issue of Harpers magazine concerning the plight of the Russian Jews. The article, written by Anatole Shub, one of the world's leading journalists, describes, in detail, his encounter with the Soviet Jews who have emigrated to Israel.

Mr. Shub, a former Moscow correspondent with the Washington Post, was expelled by the KGB in 1969 on the charge of "anti-Soviet writings." He is also the author of the renowned work, "The New Russian Tragedy." I think Mr. Shub's article is particularly important because his reputation as an objective and scholarly writer brings much credibility to this piece.

At this time I would like to include in the RECORD highlights of Mr. Shub's article:

FROM RUSSIA WITH CHUTZPAH

(By Anatole Shub)

ORIGINS OF A NEW EXODUS

JERUSALEM.—I arrive at 10:00 P.M.—the evening's barely starting. The apartment is small and crowded, but there's hot tea for all, and patient Russian ladies to empty ashtrays and offer cookies. The shelves are stacked with Soviet classics, as well as Russian books published only in the West. A tabletop is strewn with *samizdat* manuscripts—protest petitions, memoirs of forced-labor camps, open letters to the Supreme Soviet. A tape recorder plays satiric "underground" Moscow ballads. Visitors come and go, bringing news, plans, complaints. After midnight, the discussion turns grave; we talk of Russia, its terrible history, its problematic future . . .

The scene could well be Moscow. It is, in fact, Jerusalem. It might also be Tel Aviv, Haifa, or smaller towns where the newest Israelis gather: the more than 20,000 Soviet Jews who have succeeded in leaving Russia the past year.

They have come with a kaleidoscopic variety of personal experiences, from electronics factories on the Baltic to forced-labor camps at Kolyma near the Pacific. Yet as I mingled among scores of these men and women in Israel, I soon came upon familiar faces—the faces of "dissident" sympathizers I had seen as a Moscow correspondent (1967–69) as we stood vigil outside the courthouses where Soviet democrats were being tried.

There, in Moscow, it was not easy to talk to Western newsmen; courage enough was required just to stand there. Here in Mediterranean Israel, not only do "Soviet people" feel free to talk about Russia—even to a foreigner with a tape recorder in a hotel room—they speak urgently, eagerly. Among them, they seem to have been almost anywhere in the vastness of the Soviet Union. One day in Jerusalem, I hear about the secret Trotsky archive in the Odessa library. Next day in Tel Aviv, it's penal colonies by the Arctic Sea. Maoist riots in Tajikistan. Baptists in the Ukraine. KGB chief Yuri Andropov's private collection of abstract art. The insiders' contemptuous nickname for Politburo dark horse Alexander Shelepin (*"Zhelezni Shurik,"* roughly translatable as "Iron Allie"). There is nothing remotely resembling a "typical" case. If some of their stories sound like variations on *Fiddler on the Roof*, others are glosses on *One Day in the Life of Ivan Denisovich*.

How in the world did so many, and such diverse, individuals ever join together to become—as they did in the summer of 1969—a militant, resourceful mass movement to emigrate from Russia? The hundreds then soon swelled to scores of thousands, so that all the world now knows the story of their exodus, from the protest petitions in Moscow to the jumbo jets landing the emigrants in Tel Aviv. But what about the genesis of the movement? Where had its leaders come from—and why had they led, and others followed, precisely when they did? Why had the Jewish movement become a movement just then, in 1969—not earlier, or later, or never?

A VISIT FROM THE KGB

Personal example, group protest, "legalist" strategy, "instant replay" through the Western press and radio—all these features of the Democratic Movement were to be emulated by the "Zionist" activities after 1969. However, it took two great shocks—the Mideast war of June 1967 and the Soviet invasion of Czechoslovakia in August 1968—to galvanize the Jewish movement.

Out in Kolyma, Vitaly Svechinsky followed the Six Day War on Voice of America broadcasts coming in from Okinawa. He found great sympathy for Israel, and satisfaction at the Arab-Soviet defeat, among his non-Jewish colleagues. Precisely because the Soviet public was so cool to the Arabs, however, the official anti-"Zionist" campaign became ever more strident, with Brezhnev setting the tone by equating Zionism with Nazism. Predictably, Jews who had never been Zionists began turning toward Israel. At the end of 1967, Svechinsky decided that the days of waiting were over—the time had come for him to return from Kolyma to Moscow. There he helped organize a group of some two hundred Jews willing to struggle for the right to leave Russia.

In Kiev after the Six Day War, the underground *ulpan*, or Hebrew-school, movement started up. According to one man I interviewed, it began when an elderly scholar (a former political prisoner) taught the language to three young men, using a pre-1917 Hebrew Bible as his only text. Each of the three then went out to teach others, often in groups of ten. Within a year, *ulpans* were sprouting up all over the country.

In Kharkov in mid-February 1968, Yefim Spivakovsky, who was working as an economist in an instrument factory, was suddenly summoned to the plant's iron-doored "Special Department" (or factory KGB branch). A KGB car had already come to the plant to pick up its chief engineer, accused of "subversive" activities. Spivakovsky, who had photos of Moshe Dayan as well as various *samizdat* manuscripts in his apartment, had been denounced to the KGB by a state-farm director with whom he had chatted at a seaside resort. The swoop was part of a nationwide crackdown on dissenters, in the wake of controversial trials of democrats that winter in Moscow and Leningrad.

The KGB interrogated Spivakovsky for three days at its downtown Kharkov headquarters, permitting him to go home each night. In the end, Spivakovsky struck a kind of deal. He promised to give up his "anti-Soviet"—that is, broadly oppositionist—activities, but firmly refused to renounce his "Zionist" hopes of going to Israel. The KGB interrogator accepted this distinction and closed the discussion with what Spivakovsky now believes was a hint of things to come. "We are studying your position," the KGB man said. "We will keep your desire in mind."

Here, in February 1968, was a sign that the Soviet policy on emigration to Israel might still be open to review. (A previous trickle of "family reunions" had been halted after the Mideast war.) It was also one of many indications that the police were more concerned about the Democratic Movement than about Zionism. Indeed, some explain the Kremlin's later opening of the doors to Jewish emigration as partly an effort to let some steam out of the Democratic Movement. (Tsarist officials in their time had encouraged Zionism for similar reasons.)

Now, in the summer of 1969, the Jewish movement at last began to get under way. Until then, Jews had been playing more or less by the Soviet rules, applying for exit visas individually, making little effort to publicize their collective cause. But their restraint had brought limited dividends: in March 1969 emigration was virtually halted altogether (for nearly two years). The Kochubievsky trial followed, an ugly frame-up any way you read the transcript. At last now, the Jews turned to group action in the style of the Democratic Movement and on an international scale, with collective open letters and mass petitions to the United Nations, the Human Rights Commission, and other bodies. Now, too, the Israeli Government, which had been taking a hush-hush attitude, began championing the movement overtly.

Encouraged by Israeli support, hardened by the grim Soviet winter of 1969–70 (with the worst food shortages in a decade), the Jews multiplied their protest petitions and open letters. Stung, the Soviets intensified anti-Zionist propaganda and called on the KGB. On the night of June 14–15, 1970, scores of Jewish activists were arrested in a half-dozen cities. The arrests led to the notorious Leningrad hijacking trial that December, and other trials in 1971—making the Jews even more desperate. "It was now or never, do or die," says Vitaly Svechinsky. The protesters soon found their numbers greater than anyone had imagined, and their outside support formidable: not only from abroad but from the Democratic Movement. Indeed, two of the defendants at the first Leningrad trial were non-Jewish: Yuri Fedorov (twenty-seven, Russian) and Alexei Murzhenko (twenty-eight, Ukrainian), both former political prisoners, condemned anew to fifteen and fourteen years', hard labor respectively.

When the Leningrad court sentenced two other defendants to death, the international outcry forced the Kremlin to commute the sentences. Academician Andrei Sakharov, the liberal Moscow nuclear physicist, was among the first to protest. Later, his unofficial Human Rights Committee issued a broader manifesto urging the Kremlin to "stop violating the right to leave the country."

Barely a thousand Jews had emigrated during 1970. But early in 1971, as the Jews staged ever-bolder demonstrations, sit-ins, and hunger strikes, the Kremlin started giving way, allowing troublemakers like Vitaly Svechinsky and Yefim Spivakovsky to leave the country. A dangerous precedent: "troublemaking" had paid off. New activists quickly came to the fore—professors, scientists, film directors. New protests and demonstrations greeted the trials last summer. The Kremlin gave further ground . . .

Jews applying to emigrate risked immediate loss of their jobs. Permission to leave still often took months to obtain and was by no means certain. Families were split: a brother in prison, a sister in Jerusalem. Emigration cost each departing adult some 1,500 rubles ($1,666 at the official exchange rate) in visa, transport, and other fees. Yet, by last autumn, a strange and frenzied race was on: officials at OVIR were rushing to clear the decks of applications, to show that there was no further demand for emigration. But new thousands of Jews were applying the more it seemed safe to do so. Last summer, there were only 35,000 applications; by the New Year, there were more than 80,000.

How many of the 2,150,000 Soviet Jews will eventually reach Israel is a question nobody can answer. Perhaps only one in ten. But even that many will represent a triumph of raw nerve: the only word for it is chutzpah.

The lives of the Soviet Jews who have reached Israel have not been without problems. There has been the predictable "culture shock" of sudden transition from the Russian language to Hebrew, from authoritarian "order" to freedom, scarcity to affluence, state paternalism to individual initiative; and from a society conditioned to think in universal terms to one that often seems provincial. "We have been uprooted, but we are not yet rerooted," says Professor Mikhail Zand, a distinguished Oriental-language scholar from Moscow.

Israelis, who have been watching the "absorption" of other immigrants for over twenty-five years, tend to be blasé about the process. "In the first year," the saying goes, "all immigrants complain about absorption troubles. The second year, they begin complaining about taxes. By the third year, they're complaining about new immigrants."

Predictably, the Israeli efforts to settle the new arrivals quickly in good jobs and housing have aroused resentments—notably among the "Oriental" Jews from North Africa and the Arab East, who often have had to wait years for what some "Russians" now obtain in months. Israeli officials seem to think that keeping everyone happy is mainly a question of money. (It costs some $35,000, they say, to absorb each immigrant family.)

Among the Soviet immigrants themselves, the most publicized difficulties involved Orthodox, rural Jews from the mountains of Georgia. Originating from small, tightly knit religious communities, they resisted Israeli attempts to disperse them, "melting pot" style, among several towns and villages. The Georgians used sitdown strikes and demonstrations to make their point. (As more than one immigrant has remarked in other circumstances, "If we didn't keep quiet *there*, we're certainly not going to keep quiet here.")

Although Soviet propaganda early this year claimed that 1,500 former Soviet Jews had already written complaining of Israeli conditions, and that "hundreds" had even asked to return to the U.S.S.R., this seems clearly an exaggeration; only a handful of names was mentioned in either connection. Most Soviet Jews I met seemed quite pleased to be in Israel, and those who weren't talked of going to the U.S. rather than returning to Russia. Several cut short discussion of their absorption problems with such remarks as: "Any time I get discouraged here, all I have to do is think a minute about what I've escaped from."

Soviet Jews, however, feel a deep political concern, a concern that stems from the very nature of their movement to emigrate. They have left Russia, but Russia has not left them, the activists and intellectuals least of all. Having fought their difficult struggle side by side with others resisting Soviet state power, they are appalled now by the official Israeli reserve toward the internal struggles that continue to unfold in the U.S.S.R.

Soviet Jews feel a moral debt to non-Jewish Soviet democrats who helped them at great personal risk—men like Fedorov and Murzhenko, the non-Jewish defendants at the first Leningrad trial. But Israeli authorities firmly discourage any attempts by Soviet Jews to take up the cause of their Russian friends. Funds for a Russian-language magazine were cut off, for example, because it had printed *samizdat* documents about the Democrat Movement.

The Israelis distinguish between "Zionist" and "anti-Soviet" activity for reasons of diplomacy: the Soviet authorities themselves are making the distinction, permitting "Zionists" to emigrate while sending "anti-Soviet" democrats to prisons, labor camps, and insane asylums. The Israelis go along with the distinction even when the persecuted "anti-Soviets" are Jewish. The Soviet Jews in Israel consider this shameful.

In the last analysis, differing perceptions of the Soviet Union are involved. For Israeli officials, the U.S.S.R. is primarily a great power, whose armed forces are perched on the Suez Canal and whose assent is necessary for a Mideast settlement. In this view, the inner stability of the Soviet system must be taken for granted, and normal relations with Moscow remain a desirable goal that should not be prejudiced by "Cold War" activities.

For the Soviet Jews, however, Russia is the land of their own struggle, which they know from the inside. Their own experiences, they say, testify not only to the Soviet regime's malevolence but to its ultimate vulnerability. The Russia that fighters like Spivakovsky and Kochubievsky describe is a society in malignant decomposition—a "cancer ward" kept going by inertia, cynicism, and the residues of fear; sapped by rising anti-Russian nationalisms; sinking slowly into economic impotence; straitjacketed by a political system its present leaders dare not change. ("I almost feel sorry for them," three different Soviet Jews told me on separate occasions, discussing the leadership's various dilemmas. Kochubievsky noted that "everything they touch turns against them—watch, even the Arabs will turn on them.")

Their own movement, Soviet Jews argue, has shown that the regime will retreat when it is challenged with sufficient skill and determination. The Jews' example is bound, they say, to encourage other, perhaps stronger, resistance movements—aimed not so much at emigration (where could 46 million Ukrainians go?) as at direct confrontation with Soviet power. New surprises await Russia. "This is only the beginning," say the more ardent Soviet Jews. Only time will tell whether they are right.

THE WEAPONS DEBATE

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. HARRINGTON. Mr. Speaker, the recent U.S.-Soviet arms accord, a stopgap in the ever-spiraling race for strategic parity, is certainly encouraging. What the Moscow summit last week made clear is that strategic parity is not necessarily numerical parity, or, in nuclear warfare, numbers are only partially important. Henry Owens of Brookings Institute, contends in the enclosed article, that discussions of deterrence, technical judgments as to the right mix of survivability and penetration which contribute most to stability, are generally lost to sight as a result of the general obsession with numbers and that forums which focus on these issues effectively is, sadly, lacking.

It is my hope that Congress, in committee and in the floor debate over the military procurement bill, will argue that "right mix" particularly in discussions of the Navy's four capabilities, made explicit by Admiral Moorer: "Assured second strike," "Control of the sea-lines and areas," "Projection of power ashore" and "Overseas presence."

The article follows:

THE WEAPONS DEBATE

(By Henry Owen)

"It is clear that the Russians are pushing ahead with their drive for overwhelming nuclear superiority over the United States . . . Their build-up has gone so far that the United States cannot afford to play their game any longer."

This 1971 editorial from a leading Midwestern newspaper is representative of articles which have been appearing since then with growing frequency in the American press. Some refer to "Russia's frightening weapons momentum," "Russia's continued build-up of her strategic arsenal at an unprecedented rate," and "growing Soviet arms superiority." Others conclude that recent trends "indicate a real shift in the strategic balance from the United States to Russia," or that "we are in a position of extreme relative weakness and the gap is widening every day." The headlines are revealing:

Russia abused SALT Talks to build strongest arsenal world has ever seen.

Is U.S. skidding to second-rate status?

Soviet weaponry surpasses ours.

Our situation is grim.

Along with these articles has come a series of statements by private groups concerned about the shifting strategic arms balance. These articles and statements may look like a coordinated campaign, but the explanation is actually a good deal simpler: they reflect the honest concern of their authors over the growing Soviet missile buildup, a concern which is increasingly shared by many members of the Congress and other thoughtful observers.

These people are all reacting to the same basic fact: while the strategic arms limitation talks (SALT) have been going on, the Soviet Union has increased its land-based missile strength from 1190 intercontinental ballistic missiles at the end of 1969 to 1520 ICBM's at the end of 1971, which is about 500 more than the United States has. During the same period, Russia increased its submarine-based missiles from 240 to 500; it now has as many nuclear-powered missile submarines in operation or being built as the United States, whose undersea missile force has remained constant at 41 boats. As a result, the Soviet Union, which once lagged behind us, now has several hundred more long-range missiles than the United States. The kind of arms agreement which U.S. and Soviet leaders will likely conclude will not reverse this Soviet numerical advantage. That agreement will limit strategic arms competition in certain areas only, leaving it free to proceed in others.

WHAT NUMBERS COUNT?

The concern which these facts cause is natural. But that concern needs to be reassessed in light of two other facts.

First, on purely technical grounds, these numbers do not give an accurate picture of the U.S.-Soviet strategic balance. The number of independently aimed warheads available to both sides is a better measure of their nuclear strength than the number of missiles, since it's the warheads, not the missiles, which strike targets. The United States is far ahead of the Soviet Union in developing multiple independently targeted warheads (MIRV's), and has been busy installing these warheads on both land-based and sea-based missiles. The Soviets are reported to be installing multiple warheads on some missiles, but these are not independently aimed, and so they are a lot less dangerous.

While the Soviets will eventually achieve the level of technology required to develop independently aimed multiple warheads, Defense Secretary Melvin Laird tells us in his latest annual report that they "probably have not tested MIRV missiles thus far." The result is that the United States has a large and growing advantage over the Soviets in warheads, and will probably keep that lead for several years.

Second, the size of both sides' strategic nuclear force has now reached the point at which it is not clear that marginal differences in numbers—whether of warheads or missiles—are of critical importance. In the 1950s, when neither side had what is now called "sufficiency," it was of considerable moment if one side pulled ahead of the other. But since then each side's strength has increased tremendously. When America's current program is completed, the U.S. submarine missile force alone will have over 5000 deliverable warheads; the U.S. strategic force as a whole will have over 10,000 deliverable warheads. When you're talking about this range of figures, marginal differences in numbers are no longer the heart of the matter. Each side can destroy the other, no matter who strikes first, and this is clear to all concerned.

But these considerations tend to get swallowed up in the debate. There is an instinctive tendency to focus on a clear and simple measure of the two sides' relative strength: the number of missiles that each has, and the megatonnage that they can deliver. This generates pressure to build up U.S. forces beyond the point of political and military need, at a time when budgetary resources are scarce. Just as important, it overshadows more crucial nuclear problems, which do not revolve around the relative size of U.S. and Soviet strategic forces.

There is some analogy here to the situation which existed in Europe before 1914. Germany then had a competition in ground forces going with France and with Russia, somewhat like the U.S.-Soviet competition in strategic forces today. Each country kept the size of its rival's army under close and anxious scrutiny. If that size increased, a costly parallel increase in the other's army followed. Military budgets rose steadily as a result.

And yet, when these countries found themselves on the brink of war in July, 1914, their actions in that crisis were not in the least influenced by the numerical balance between their armies. The chief military factor which made it difficult to resolve that crisis peacefully was not that France's standing army was larger than Germany's, or that Germany's reserve forces exceeded those of France, much less that Russia's army was larger than either of the other two, but rather that all these countries' war plans were so keyed to split-second mobilization schedules that each believed victory would accrue to whoever mobilized first. Hence each felt compelled to anticipate the other in making the transition from peace to war, even before the resources of diplomacy had been fully exhausted.

Nor was the numerical balance between these countries' armies decisive in the fighting that ensued. Initial victories of Germany and Russia at the frontier in August, 1914, and these countries' defeats at the Marne and Tannenberg later in the summer, owed more to the armies' initial deployments, to the quality of their weapons (notably artillery), and to the failure of their services of supply than to any differences between their gross numbers.

Leaders on both sides would have managed better to keep the peace, and, failing that, to avert defeat, if they had worried more about these mobilization and technical problems and less about gross numbers. Today, as in 1914, important strategic problems need to be tackled if effective deterrence is to be maintained. Today, as in 1914, these problems do not have much to do with the most dramatic measure of strength: the numerical missile balance between the United States and the Soviet Union. So they get relatively short shrift in the press and in public debate.

WHAT DETERS?

The first of these problems is this question: What types of weapons systems should be deployed to maintain stable deterrence? That deterrence now obtains; neither side sees advantage in being the first to strike in a nuclear exchange. Hence, even in a grave crisis, both sides are unlikely to resort to nuclear weapons. This situation could be altered if the Soviets scored both an offensive and a defensive breakthrough. An offensive breakthrough would mean developing either sufficiently accurate multiple missiles to destroy U.S. landbased missiles or sufficiently effective antisubmarine techniques to sink large numbers of U.S. missile-bearing submarines. A defensive breakthrough would mean deploying enough antiballistic missiles (ABM's) to blunt a reprisal by surviving U.S. sea-based and land-based forces. If both these breakthroughs occurred, it is at least conceivable that in a grave crisis the Russians might see some advantage in being the first to strike, and that the risk of nuclear war would be increased.

This danger will not be averted simply by expanding the scale of U.S. strategic forces. The danger depends more on the types of weapons available to both sides than on their numbers.

The best insurance against a Soviet *defensive* breakthrough is an arms control agreement which, among other things, so limits ABM's as to prevent effective ABM defense of missiles on Soviet territory. The agreement which U.S. and Soviet leaders seem likely to conclude will have this effect.

The best way to prevent a Soviet *offensive* breakthrough is for the United States to maintain both an invulnerable submarine missile force and an effective land-based nuclear force; then the Soviets will realize that even if they can knock out one of these forces, they will have to contend with the other. The President has proposed several measures to this end: acceleratnig development of an improved missile submarine (ULMS), pressing ahead with a new manned bomber, and hardening U.S. missile sites. The purpose to which these proposals are addressed makes sense. The question is whether these measures are the best way of achieving that purpose: Should ULMS development proceed now, or should it be held back until a future Soviet antisubmarine threat emerges more clearly, so that the next generation of U.S. missile submarines can be geared more directly to that threat? Is the kind of manned bomber that the Administration has in mind the right successor to the B-52, or would a somewhat different and less expensive type of plane do the job? Is hardening of missile sites sufficiently effective to warrant the expense involved? Indeed, do we need landbased missiles as well as bombers to maintain the land-based component of the deterrent, or should the land-based deterrent consist only of bombers?

There are arguments on both sides of these questions; they cry out for debate. But these arguments involve technical judgments as to which weapons will provide the right mix of survivability and penetration, and thus contribute most to stability. And these sorts of questions are a lot less interesting than the one of gross numbers to both sides of the debate about the level of defense spending. Numbers can be dramatized in charts and slogans. Technical questions cannot.

Hence these questions are likely to receive less than their due in public debate. If they are scrutinized anywhere, it will be in congressional committees, particularly the Senate Armed Services Committee, which is becoming an increasingly effective forum for rigorous analysis of defense expenditures. The fact that the Committee's chairman, Senator John Stennis, Democrat of Mississippi, tends to avoid both the glorification and the denunciation of the military-industrial complex which dominate debate elsewhere makes it easier for him to focus effectively on issues which have little ideological content. In this type of forum, however, the question of what *kinds* of weapons are needed to prevent a Soviet defensive or offensive breakthrough will probably be lost to sight as a result of the general obsession with numbers.

TALK

The second problem is how to ensure that the U.S.-Soviet strategic balance is not misjudged—in the United States, the Soviet Union, or the rest of the world. A widespread belief that the balance of effective nuclear power was tilting against the United States might encourage the Soviets to adopt more adventurous policies—for example, in the Middle East. Such a belief need not rest on objective fact. The missile gap of the late 1950s existed chiefly in Soviet claims and American doubts, but this did not make it any less important as part of the diplomatic landscape. Secretary Laird refers to this risk in his annual report. The Chairman of the Joint Chiefs of Staff, Admiral Thomas H. Moorer, stressed it in congressional testimony. There is no evidence now that either the Soviets or our allies judge the United States to be in a position of nuclear inferiority. But this could change.

In the short term, the United States could talk itself into a state of assumed nuclear inferiority. The current domestic debate over numbers of missiles could have precisely this effect. Soviet leaders might conclude that American despondency offered tempting opportunities for Soviet pressure. The way to prevent this is not to spend a lot of money remedying an inferiority which does not exist, but to educate our people to the fact that it doesn't exist.

The President's report on foreign policy includes some sensible remarks to this end: "Capabilities of both the U.S. and U.S.S.R.," he says, "have reached a point where our programs need not be driven by fear of minor quantitative imbalances." But the educational impact of these remarks is drowned out by other parts of that report, and parts of Secretary Laird's annual report, which describe and stress the Soviet threat in terms of numbers of missiles. These passages seem to foreshadow a call for a substantial expansion of U.S. missile programs larger than the expansion recommended by the President in his current budget. At some point, this kind of expansion may be required. But the main need now, in U.S. debate, is less to trumpet this possibility than to educate Americans about the fairly wide range within which the *numerical size* of U.S. and Soviet nuclear programs can vary without decisively affecting the balance of power, and the technical issues of effective deterrence which need to be faced within this range.

The President finds it difficult to talk in this vein, however, without giving offense to those large numbers of Americans who are worried about the current U.S.-Soviet numerical balance. Moreover, he has probably calculated that Soviet leaders are more likely to negotiate a succession of arms control agreements if they expect that the United States might match increases in Russian strategic forces.

On this last point he may well be right: here, as in other areas of foreign policy, there is an inherent tension between the needs of candid education at home and of sophisticated bargaining abroad.

Over the longer run, a gap between American and Russian nuclear programs could develop which, even if it were not militarily decisive, would be so large as to shape attitudes of the Soviet Union, American allies, and perhaps the United States itself. This would probably occur only if the Soviets surpassed America not only in missiles but also in independently aimed and deliverable warheads, and if the resulting differences were very large. Given the current American lead in warheads, considerable time would have to elapse until this occurred. We can put this cushion of time to good use: after partial U.S.-Soviet arms agreement this spring, we should seek a follow-up agreement which would limit other Soviet offensive weapons systems. If that agreement cannot be secured, and if Soviet strategic programs continue to escalate, that will be the time to expand our own programs.

All of which does not add up to a very impressive case for believing that the currently planned size of U.S. strategic nuclear forces is inadequate—or, indeed, that the size of these programs is the most useful measure of their adequacy. The current furor about numbers will have done a grave disservice to national security if it obscures this fact and thus diverts debate from more pressing problems of nuclear security.

COMMUNITY BASED CORRECTIONAL FACILITIES

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. RAILSBACK. Mr. Speaker, the Illinois State Department of Corrections, under the leadership of Director Peter B. Bensinger, has recently held a series of public hearings on its plans to construct several new, small, community-based correctional facilities throughout the State. This type of facility offers one of the most promising alternatives to the traditionally expensive and overcrowded prisons which have proven ill-suited to accomplish the objective of rehabilitation. At its hearing in Rockford, the Department had the benefit of hearing the perceptive views of John Anderson, Congressman from the 16th District of Illinois. I would like to insert my colleague's statement and commend it to the attention of the entire membership.

The statement follows:

TESTIMONY OF HON. JOHN B. ANDERSON BEFORE THE ILLINOIS DEPARTMENT OF CORRECTIONS PUBLIC HEARING BOARD, ROCKFORD, ILLINOIS, FRIDAY, MAY 19, 1972

Mr. Chairman and Members of the Board: I am grateful for the opportunity to appear before this distinguished Board today to testify on corrections reform. Although I am not a penologist, I do have an intense interest in this subject as a Congressman and as the former State's Attorney for Winnebago County. In this Ninety-Second Congress, I have been privileged to serve on a small, bipartisan, ad hoc Task Force on Prison Reform in the House of Representatives. So I appear before you today as an interested generalist who wants to lend full support to the efforts being made by the State of Illinois in the area of prison reform.

I am greatly encouraged by the fact that there is an increasing interest in this country in improving our corrections system. This interest is reflected not only in the increasing expenditures by all levels of government on corrections, but in the increasing involvement of community groups and individual volunteers in this area. I think our citizens (and their elected representatives) are coming to recognize that all this talk about law and order is meaningless if we do nothing about our corrections system. People are beginning to take a closer look at those crime statistics and what they mean. Nineteen out of every twenty persons sent to prison are eventually returned to society, and of those 40 percent will be back in prison within five years. Eighty percent of all felonies are committed by repeaters. Two-thirds of the 200,000 inmates in Federal and State prisons are alumni of other penal institutions. It's little wonder that President Nixon has labeled our prisons, "universities of crime." Chief Justice Burger has called our prisons "noncorrecting correctional systems," and Assistant LEAA Administrator Richard W. Velde terms them a "national disgrace."

In President Nixon's words: "The American system for correcting and rehabilitating criminals presents a convincing case for failure. No realistic program to substantially reduce crime can ignore the appalling deficiencies of our prisons and rehabilitation efforts." And Federal Prison Director Norman Carlson has said: "Jails are tanks, human warehouses. Anyone not a criminal will be one when he gets out of jail."

Psychiatrist Karl Menninger, in his book, *The Crime of Punishment*, asserts that all the crimes by jailed criminals do not equal in total social damage the crimes committed against them. He attributes this to a public which looks to its prisons for both vengeance and rehabilitation. The end result is a schizophrenic system which neither effectively punishes nor rehabilitates.

It seems to me that the President's analogy of prisons as "universities of crime" is an especially fitting one since there is ample evidence that many who enter prisons as first offenders, graduate from those institutions as hardened criminals. A Presidential Commission on Law Enforcement in 1967 reported that,

> ". . . conditions under which many offenders are handled, particularly in institutions, are often a positive detriment to rehabilitation . . . Life in many institutions is at best barren and futile, at worst unspeakably brutal and degrading. To be sure, the offenders in such institutions are incapacitated from committing further crimes while serving their sentences, but conditions in which they live are the poorest possible preparation for their successful reentry into society and often merely reinforce them in a pattern of manipulation or destructiveness."

And former Federal Bureau of Prisons Director James V. Bennett has said, "It is probable that imprisonment plays a greater role than any other single factor in creating habitual criminality."

I think it is this direct correlation between prison conditions and the rising crime rate which has stirred public interest in prison reform. As a Nation we are spending about $1.5 billion annually on corrections, and the people are beginning to realize that the only return they are getting on this investment is a higher crime rate. In effect, our investment in archaic concepts of corrections and in ancient, overcrowded and crumbling bastilles, amounts to little more than a "crime subsidy." The time has come for our society to redirect its efforts and reinvest its resources in genuinely effective rehabilitation programs.

We certainly cannot be found wanting for new ideas in prison reform. Since 1967 there have been four presidential commissions, dozens of legislative reports and over 500 books and articles all pleading for various kinds of prison reforms. As President Nixon's Task Force on Prisoner Rehabilitation reported in 1970: "The voluminous literature on the subject overflows with excellent ideas that have never been implemented nor, in many cases, even tested." The reason these reforms have not been put into effect in the past is because of the lack of public awareness of the corrections-crime correlation and the consequent lack of public financial backing for these new programs.

Hopefully, this situation is beginning to change, and I think most penologists would agree that the State of Illinois is leading the way. In 1968 we became the first State to provide governmental sponsorship for a joint halfway house-work release program, and I am proud of the fact that Rockford has one of the State's four halfway houses in the Genesis Community Center.

In 1970, the State's various correctional programs were brought under the single roof of the new cabinet-level Department of Corrections under the dynamic leadership of our Chairman today, Mr. Peter Bensinger. Governor Ogilvie proposed a comprehensive plan to reform the State's archaic corrections system, and this has received strong bipartisan support in the General Assembly. Today the Illinois Department of Corrections employs 4,800 people; its appropriation for fiscal 1972 was $84.4 million—a 60 percent increase over the State's corrections funding just three years ago. The Department currently operates six State institutions for adults, seven work-release centers, five community centers, 19 schools and camps for juveniles, and a variety of community-based programs.

The focus of these hearings is on the next major phase of the State's correctional master plan which is to establish several small, community-based, differential treatment facilities. I wish to lend my full support and strong endorsement for the community-based corrections concept because it seems to me this really goes to the heart of genuine prison reform. I think the university analogy is useful in this regard as well, for just as our large universities are in turmoil because they are too big, impersonal and often irrelevant to the needs of both the students and the society, so too are our prisons in turmoil for the same reasons. Instead of "megaversities" we have "megatentiaries," and in both instances we are talking about institutions originally designed to help solve society's problems, which instead only contribute to those problems.

Just as we are learning the value of decentralization in other segments of our society, we are coming to recognize its value in the area of corrections. The community-based corrections concept accepts the failure of our massive, impersonal prisons, far removed from population centers, and in their place would substitute a system which would keep the offender in his community or near it, where institutions with which he is familiar, such as family, friends and clubs, could aid in his rehabilitation. It seems to me that the logic behind this concept is overpowering when you consider that 19 of every 20 persons sent to prison eventually return to society. The community-based corrections concept is designed to keep a person close enough to that society that he will be able to return to a useful and productive life, rather than a life of crime. It would do this by drawing on the resources and cooperation of the community. As Federal Bureau of Prisons Director Carlson put it: "corrections must be a part of the larger society."

And I might point out that the Federal Bureau of Prisons is putting this philosophy into practice. It is currently operating nine Community Treatment Centers around the country and has plans to increase this number to 15.

Under the Crime Control Act of 1970, the Congress authorized the Law Enforcement Assistance Administration to devote at least 20 percent of its action funds for State and local corrections. Under this program, known as part E, up to 50 percent of the money could go directly to local units of government, with emphasis on the development of community-based corrections. This fiscal 1973 budget request for part E corrections grants is $113 million, up $16 million over fiscal 1972, and $64 million over fiscal 1971. So, I think you can see from this that we in the Congress are also committed to increasing expenditures for corrections, with emphasis on community-based corrections.

I think it should be stressed that the establishment of community-based corrections would cause a reduction in the number of maximum security prisons. Penologists agree that only 20 to 30 percent of present inmates represent a danger to society and must be securely confined. The remaining 70 percent can be corrected in these less restrictive, local institutions, and fewer facilities will be required for the intractables.

Obviously, the key to the success of these community-based facilities will be the extent to which you can draw upon the community's educational, social service and vocational training resources, for these will in turn determine the success of the inmate once he is released back into the community. I am confident that you will be able to plug such supportive agencies as your new Trade Advisory Board into the community-based facilities to help ensure their success.

Mr. Chairman, the correctional reforms already implemented by the State are among the most progressive and effective in the nation, and you and your department are to be commended on this. It is my understanding that you have achieved a 40 percent reduction in the adult recidivism rate over the last four years, and a 52 percent reduction in the juvenile recidivism rate. I am confident that if you proceed with the next phase of reform in the area of community-based corrections, you will experience even greater success, and your efforts have my wholehearted support.

UNITED CEREBRAL PALSY SEEKS FUNDS FOR DDSA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. BINGHAM. Mr. Speaker, last week, the United Cerebral Palsy submitted a statement to the Senate Appropriations Subcommittee on Labor and Health, Education, and Welfare, in which it detailed its support for increased funding for the Developmental Disabilities Services Act, the major new Federal program designed to aid the mentally retarded and victims of cerebral palsy and epilepsy. The statement is a thoughtful expression of the need in this critical area for the handicapped. Also, the testimony exposes as myth many of the charges which have been leveled against the program in an effort to protest increasing DDSA. For anyone who carefully studies the development of the program and its operation, it is clear that the States have enthusiastically sought increased Federal aid and there are many desirable programs in virtually every State stalled due to the failure of the Congress to fund the program properly.

Appropriation Committees in the House and Senate are presently debating the details of the fiscal year 1973 budget. Now and in the coming weeks, the Members and those interested in the welfare of some of the most deserving and most neglected Americans should raise their voices in support of DDSA and substantially increased funding.

The following is the text of the United Cerebral Palsy testimony:

STATEMENT IN BEHALF OF UNITED CEREBRAL PALSY ASSOCIATIONS, INC.

United Cerebral Palsy Associations, Incorporated is a national organization of volunteers and professionals who work together to obtain services needed by the cerebral palsied and their families. Five-hundred thousand volunteers serve the 300 state and local affiliates in 42 states and the District of Columbia.

We appreciate this opportunity to share with the Committee our concerns regarding the President's Proposed Budget for the Department of Health, Education, and Welfare for fiscal year 1972–1973.

THE DEVELOPMENTAL DISABILITIES SERVICES ACT

Our priority concern is more adequate funding of Title I of PL 91-517 (The Developmental Disabilities Services and Facilities Construction Act of 1970) for planning, services and facility construction for the developmentally disabled with unmet needs. The President has requested $21.7 million—for this program in fiscal '73—no increase over the amount appropriated for the program last year. The amount is inadequate. We urge the Committee to raise that figure to $65 million.

As you will recall the Act expanded the mental retardation legislation of the 60's to target substantially handicapped cerebral palsied and epileptic individuals as well as the profoundly or multiple handicapped retarded.

We at United Cerebral Palsy are familiar with the needs of substantially handicapped people. Cerebral palsy is not a single disability. It almost never occurs alone but in combination with other disabilities. Of the 750,000 individuals with cerebral palsy two-thirds are also mentally retarded; one half have speech and communication disorders; one-third have visual disorders; one-fifth have learning disabilities.

The cerebral palsied need a host of services that cost more than most families can afford; a range of service programs that no single health agency can provide. Because many of the people with cerebral palsy have common program needs with persons having other conditions that originate in childhood and can be expected to continue indefinitely and which constitute a substantial handicap UCPA joined with other national groups such as the National Association for Retarded Children and the Epilepsy Foundation of America to sponsor the Development Disabilities Services and Facilities Construction Act of 1970.

This program has the potential for meeting needs which are as yet unmet—serving substantially handicapped individuals who are yet unserved.

The program addresses itself to the unmet needs of these substantially handicapped developmentally disabled individuals in three ways—by assessing the resources of other programs (such as vocational rehabilitation, special education, Title IV, A, and XVI of the Social Security Act); by directly funding the services not available from any other sources; and by providing the glue to put the various service components together in an individual program for the developmentally disabled person.

We see evidence that this first goal—to identify and assess resources from existing programs—is being implemented in the states. Developmental Disabilities funds are being used catalytically for systematic planning, coordination, service integration and gap filling. Several states are deploying funds in this catalytic manner very effectively. Many states still receiving minimum allotments have been unable to begin effective harnessing of the existing resources.

Most critical however is the shortage of funds available for goal two—provision of services not available elsewhere in the community to substantially handicapped developmentally disabled people.

President Nixon recently called for immediate action "to enable one-third of the more than 200,000 retarded persons in public institutions to return to useful lives in the community." UCPA has long endorsed the concept of community services for all the disabled as opposed to institutionalization. The DDSA program is designed to put in place community programs—alternatives to institutionalization. But substantial budget increases will be necessary to implement the President's words. His commitment to reducing institutional populations will require more than the "maintenance of effort" budget prescribed by the Administration.

Until we have more adequate funding for this, Title I of the Developmental Disabilities Act, to provide services not available from any other resource the goal of this program will never be attained. Although we have made strides in the program in its short history of a year and one half we saw last year that $21.7 million is inadequate for states to serve this population.

STATES ASSUME BURDEN FOR DD CARE

States are currently spending over one billion dollars in state funds for residential care for the mentally retarded—only one segment of the population covered by Developmental Disabilities program. An additional half billion dollars of state money will be spent by states for community services for the retarded in the current fiscal year.

STATE PROJECTS AWAIT FUNDING

At the present funding level 13 states receive only the minimum $100,000. Twenty states receive less than $250,000. Even states receiving considerably more than the minimum indicate that service needs far outweigh available funds.

New Jersey: New Jersey's approved projects in 1972 totalled $1.8 million with only $547,134 in funds allotted.

Massachusetts: Massachusetts' approved projects amounted to $6 million but the state received only $246,000 in FY 72.

Washington has estimated $1 million program need for FY 73. Under the President's budget Washington will receive $263,160.

Wisconsin estimated that $1.5 to $3 million could be effectively spent for service needs in 1973. Their allocation next year, as in 1972—$425,408.

South Carolina's 1973 allocation under the existing budget will be $316,718. An estimated $1.5 million could be utilized by programs that are planned and ready to implement.

Delaware estimates $1 million could be channeled immediately to fill service needs. Only 10% of that sum, $100,000, will be allotted to Delaware.

It is important to note that these projects do not include costly construction items. Construction has been de-emphasized because the DDA appropriations have been so low.

However, construction of small group living arrangements for handicapped people is a very legitimate program need. And it is a need not presently met by any existing resource. When states receive more substantial Federal support, we will be able to move many institutionalized handicapped people into small group residences in the community.

An appropriation of $65 million for this program of formula grants to states would bring a maximum number of states above the $100,000.

UCPA is joined by the Council for Exceptional Children and its 42,000 members in urging the Committee to raise funding for the Developmental Disabilities Services Program to $65 million in 1973.

A REPLY TO ARGUMENTS AGAINST DD INCREASES

We wish to clarify for the record several issues which surfaced when the House considered the second Supplemental Appropriation Bill for FY '72.

Arguing against additional Title I DDSA money Mr. Flood pointed to unobligated DD funds and concluded that states were incapable of spending existing DD allocations.

The blame for unobligated funds cannot be laid with the states. The fact of unobligated funds cannot be used as an indication of lack of programs ready for implementation in states. Let us examine each issue and determine the source of delays.

I. Charge. Almost all of the FY 1971 appropriation, remained unobligated at the beginning of FY 72.

Reply. The authorizing legislation—PL—91–517 was enacted in November 1970 after the HEW appropriations bill for FY 71 had been completed.

FY 71 DD funds were part of a late Appropriation for FY 71 and not available for allocation to states until January 11, 1971.

Lacking Federal Regulations to govern the program, HEW delayed approval of '71 state plans until June 24, 1971—the last week of the fiscal year. In that one week 44 plans were submitted and approved on the basis of the authorizing law.

Total number of '71 state plans approved is 54. Arizona and American Samoa opted not to participate.

II. Charge. 18 of 56 state plans are approved for '72, $15 million remains unobligated.

Reply. Some delay in submitting state plans for '72 was encountered because the law required '72 plans (and all subsequent plans) to be submitted by a State Planning and Advisory Council. The Council must include ⅓ consumer representation. Appointment and instruction of Council members required time.

As an additional impediment, conflicting instructions were issued to states by HEW concerning membership on Councils required for state plan approval. These bulletins were issued as late as April of this year. Councils are still awaiting Federal Regulations to guide them in developing state plans. Proposed rule-making regulations were published in the Federal Register December 28, 1971. To date no regulations have been promulgated.

1972 state plans are currently approved by HEW on the basis of the authorizing legislation.

III. Charge. $900,000 of FY '71 remains unobligated.

Reply. Neither the Office of the HEW Comptroller nor the Division of Developmental Disabilities could verify this figure. However, we can report that 54 state plans allotting $11,000,604 to states were approved for the '71 DD budget of $11.2 million appropriated, leaving unobligated only $102,246—allotments for non-participating states.

States stand ready and able to implement millions of dollars in DD programs. The delay in obligating the Federal funds cannot justly be said to be the fault of the states—rather the Federal mechanism.

Although our priority concern is funding of the service program under Developmental Disabilities (Title I) we would be shortsighted to neglect the urgent needs for basic and clinical research into the cause, prevention and treatment of cerebral palsy. A multitude of unanswered questions face researchers investigating cerebral palsy. At the National Institute of Health the two groups most directly involved in finding solutions to these problems are: the National Institute of Child Health and Human Development (NICHD) and the National Institute of Neurological Disease and Stroke (NINDS).

NICHD

Within the last year NICHD was able to fund only about half the approved research grant applications. Although the President requests $10 million in increases for the NICHD budget (to $126.69 million)—the bulk of this increase is absorbed by commitments to family planning studies.

Other vital responsibilities of NICHD include: child health (mental retardation, perinatal biology and infant mortality), population and aging. UCP requests that the Committee increase the NICHD budget by $17 million committed to the area of child health.

Prevention and early care are prime program areas of UCP and its affiliates. Although we see encouraging results from early intervention with very young babies, we are discovering that we actually know very little concerning cognitive development.

It is extremely important therefore that funds be channeled into research in this area not only to prevent secondary handicapping conditions from occurring in our handicapped babies but also to maximize the development of our normal children.

BUREAU OF EDUCATION FOR THE HANDICAPPED

UCP joins with the Council for Exceptional Children in the position expressed earlier today in their testimony on increased funding for the Bureau of Education for the Handicapped. UCP shares the concerns expressed by Mr. Geer, Executive Director of the Council for Exceptional Children.

We also wish to commend the Bureau for its emphasis on early education of handicapped children. A BEH grant to United Cerebral Palsy and four other private agencies is enabling a National Collaborative Infant Project for 200 handicapped babies and their parents in five U.S. cities: Providence, Rhode Island; New Orleans, Louisiana; Los Angeles, California; Martin County, California and Iowa City, Iowa.

NINDS

Once again the Administrations proposed budget fails to provide adequate funding for the work of the National Institute of Neurological Disease and Stroke (NINDS). The $800,000 increase proposed would be insufficient to meet the cost of living increases. There is not provision for expanded research and training efforts in this vital field of neurological disorders which cripple or kill an estimated 40 million Americans.

As a member organization of the National Committee for Research in Neurological Disorders (NCRND) we urge the Committee to increase appropriations to NINDS. NCRND estimates that the present funding level is $28 million short of the NINDS commitments to support research and training even without any expansion.

UAF

Title II of PL 91–517, the Developmental Disabilities Act provides project grant authority to plan, construct and operate university affiliated facilities (UAF's). The UAF is a center for interdisciplinary training of professionals and paraprofessionals within a model service facility for the developmentally disabled.

UAF's can be a major source for training of the new type of professional personnel needed for serving the developmentally disabled in the community. The UAF's have never been adequately funded. The President has requested $4.5 million. The same amount appropriated last year. This amount is not sufficient for the existing 12 centers much less for expansion plans. We urge the Committee to increase this item.

VOCATIONAL REHABILITATION

Senate action on the House bill extending the Vocational Rehabilitation Act is expected shortly. The present legislation expires June 30.

The House bill, H.R. 8395, is a breakthru for the severely disabled. In its bill, the House refocused the vocational rehabilitation system to serving physically and mentally handicapped persons and adds new incentives to priority services for the severely disabled. We applaud the House initiative and we urge this Committee to reinforce the House commitment to the severely disabled when the issue of appropriations comes before the Committee.

We have highlighted the key Federal programs affecting the lives of severely and multiply handicapped people. The Federal share of responsibility for services to these people is implicit in the authorizing legislation. We urge the Committee to report the budget increases necessary for responsive and responsible Federal participation in these programs.

PROPOSAL FOR A "U.S. BAR"

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. HALPERN. Mr. Speaker, I was delighted to read in a recent issue of the American Bar Association Journal a highly informative article written by Mr. Malcolm Richard Wilkey entitled "Proposal for a U.S. Bar." It seems at times that our courts and legal system are being charged with lack of "relevancy" or initiative.

However, Judge Wilkey belies that charge by setting down some new ideas on the lack of discipline in our courtrooms, and ways in which a national or U.S. bar would operate. The establishment of a uniform system of admission to the U.S. circuit and appellate courts seems in order, as does a revision of judicial supervision in regard to an attorney's conduct in court. I am pleased to insert Judge Wilkey's article as a fine example of judicial initiative in the effort to make our legal system both more just and more efficient.

The article follows:

PROPOSAL FOR A "U.S. BAR"

(By Malcolm Richard Wilkey)

At a time when more is expected of the courts than ever before and when the stresses and burdens on the entire system of justice are virtually unprecedented, the ability of the judicial system to carry these heavy burdens is sharply diminished. While the judiciary itself deservedly receives some share of the criticism, a great share can be laid at the door of the Bar as a profession.

The system is not functioning as it should, and everyone knows it. There is little layman respect for judges and less for lawyers. So many highly publicized lawyers show no respect for either judges or their fellow lawyers, why should the layman think the legal profession and judicial system deserve respect?

This lack of respect for both the judicial system and the Bar stems in major part from the undeniable fact that there is no adequate discipline of members of the Bar once admitted. Whether the lack of public confidence and respect is fully deserved is immaterial. It exists. It is obvious that as a profession we can do better, and we should take effective action forthwith as an obligation both to ourselves and to the American people.

LACK OF DISCIPLINE IS WOEFULLY APPARENT

The lack of discipline in the Bar is woefully apparent to all. The Chief Justice of the United States, calling civility "the indispensable lubricant of the inherently contentious adversary system", described current prevalent practice in his address to the American Law Institute in May of 1971: "All too often, over-zealous advocates seem to think the zeal and effectiveness, of a lawyer depends on how thoroughly he can disrupt the proceedings or how loud he can shout or how close he can come to insulting all those he encounters—including the judges."[1] The utilization of disruptive tactics is no novelty in American legal history, nor is it within the exclusive province of those on one particular extreme of the political spectrum. Rather, the use of such tactics is a recurring phenomenon. Writing in *The New York Times Magazine* of April 5, 1970, under the title "What To Do When the Judge Is Up Against the Wall", Louis Nizer points out that in the 1944 sedition trial of thirty American Nazis and Fascists, Justice Eicher of the United States District Court for the District of Columbia died of a heart attack after seven months of deliberate courtroom disruptions by the defendants and their counsel. District Judge Harold Medina was more fortunate—he managed to survive the harassment in the 1949 Communist Party leader's trial. In 1970 in New York Judge John Murtagh was forced to suspend pretrial hearings because of the severity of the courtroom disorders caused by defendants and their counsel. The so-called Chicago conspiracy trial, arising out of the disturbances at the time of the 1968 Democratic National Convention, saw the tactics of courtroom disruption raised "to new heights of audacity".

In our present system a strange imbalance exists. In contrast to the demonstrated difficulty of the judge's controlling counsel, there is, according to Mr. Nizer, "full legal remedy for any error or misconduct by a judge. No judicial system in the world affords so many appeals to a convicted defendant to test the propriety of the judge's conduct and rulings. . . . [If] the defendants and their counsel [in the trial of the Chicago Seven] had been interested in acquittal rather than political incendiarism, they would have blessed the judge for what they claimed was his open bias."

In the face of this recurring challenge to the fair and efficient administration of justice, an interest we all share,[2] it is imperative that a response be devised which will meet the challenge without inhibiting the ardent advocacy that is the hallmark of every competent defense attorney.

While greater judicial supervision in regard to attorney behavior would not be amiss in the courts of the United States, our system of justice, with its proportionately more numerous and less socially stratified legal profession as well as its highly developed protection for defendants, allows judges less scope to exercise control over attorney behavior than in the United Kingdom. James Bassett of *The Washington Post* described the British scene in an article published July 18, 1971:

"Trial judges rule their domains with velvet-gloved iron hands. Errant attorneys suffer swift and terrible consequences to their professional careers. Only barristers, rigidly trained for courtroom appearances and bound by custom to behave with exquisite decorum, actually try cases. The preliminary work is handled by solicitors and their clerks. . . . One day a barrister may be defending a case, the next prosecuting."

But as Mr. Nizer commented on Judge Medina's ordeal in the 1949 Communist Party leader's trial: "Despite [the] venom [to which he was subjected], the judge was inhibited from retorting or defending himself, because to do so might achieve the defendants' purpose—reversible error. *In short, our system lacks the commonsense means to deal with judicial sabotage.*" (Emphasis added.)

While a statute could make the disruption of courtroom proceedings a felony, or the more frequent use of contempt citations against unruly defendants and their counsel might make "judicial sabotage" unprofitable and positively perilous, yet the solution most in keeping with the traditions of a profession would place the primary responsibility for discipline in the profession itself. Chief Justice Burger's warning voiced in his 1971 state of the federal judiciary address to the American Bar Association in New York is thoroughly justified:

"The legal profession cannot claim exemption from the propostion that those having a monopoly on the performance of vital public services should be strictly regulated to protect the public interest. A profession ought to be able to regulate itself, but the truth is that the legal profession has not done so. I suggest that the time may come when, if the legal profession wants to avoid regulation from the outside, it must sternly regulate itself from within."[3]

While not disputing the value of imposing disciplinary sanctions on an errant attorney, one cannot resist the conclusion that some form of screening prior to admitting him to the practice of law might have reduced the need for imposing the disciplinary sanctions after the fact. The current regime governing the admission of attorneys to practice, both at the state and federal levels, has made impossible the development and enforcement of an effective, nationwide screening process. Again, as the Chief Justice noted,

"The licensing and admission power over lawyers vested in each of the fifty state jurisdictions, ninety-three federal districts and eleven circuits, has led to a hodgepodge of standards for admission, and regulations that are desperately in need of careful reexamination. . . . This dispersal of authority over lawyers among fifty states and numerous federal courts has prevented meaningful regulation of professional conduct."

Without questioning the necessity of a state-controlled process for the admission to the state court bar in each of the fifty states, there is much that can be accomplished immediately on the federal level to improve the discipline and competence of those who seek to practice before the United States courts. At present each United States district court, United States court of appeals and the Supreme Court is the arbiter as to the persons to come before it in the capacity of an attorney. This highly individualized system of admission to federal practice, while no doubt reflecting local conditions within each district or circuit, does not encourage the development of a consistently high, nationwide set of admission and practice standards. Only by consolidating this currently divided admission process under a single aegis, to create what might be termed a "United States Bar" or "National Bar," with uniform nationwide criteria for the admission of attorneys to practice before all United States district and appellate courts, can we develop a consistently high level of self-regulation throughout the country.

The general principle of one national admission to the United States courts is under consideration by the Committee on Court Administration of the Judicial Conference of the United States.

HOW THE "UNITED STATES BAR" MIGHT BE ESTABLISHED

There are a variety of means whereby a "United States Bar" or "National Bar" might be created.

First, as the highest court in the federal judiciary, the United States Supreme Court might establish the standards necessary for admission to practice before it and other federal courts. This authority in the Supreme Court is derived from the ancient principle that since attorneys are officers of the court, the power to admit them to practice is most properly judicial, not legislative, in nature. This principle is confirmed by Article III of the Constitution: "The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."[4]

This grant of power of necessity implies the authority to exercise it. Putting together the traditional control of attorneys by the judiciary and the constitutional grant of the judicial power to the Supreme Court, one concludes that a decision as to who, in addition to the judges constitutionally mandated, might take part in the exercise of the judicial power is within the authority of the Supreme Court.

As to whether the Supreme Court has or should exercise the power to determine who may engage in the practice of law before the inferior United States courts, tradition-

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Footnotes at end of article.

ally exercised by them individually, the promulgation by the Supreme Court of rules of civil, criminal and appellate procedure provides an apt analogy. The Court has, consistent with the mandate of Congress, provided a basic procedural framework for the conduct of business within the federal judiciary. This framework is not so rigid as to prohibit individual United States district and appellate courts from devising additional rules to govern the conduct of their affairs. The only stipulation concerning these additional rules is that they complement rather than conflict with those promulgated by the Supreme Court.

I believe that the ultimate arrangement should be that admission to the "United States Bar" qualifies the attorney without more to practice in all United States courts, with the possible exception of the Supreme Court, and indeed that this should be the rule now. But it also can be argued that nationwide admission should await the time when a greater percentage of the Bar has more adequate academic preparation for practice in United States courts anywhere and, more important, when that preparation can be tested prior to admission to the United States Bar, something that may not be able to be done initially.

Local diversity may require different complementary rules in different districts. For example, United States courts in Louisiana might require that, in addition to complying with the nationwide criteria established by the Supreme Court, United States Bar applicants should demonstrate a knowledge of Louisiana's unique civil law tradition. United States courts in Texas, New Mexico and Arizona might require a similar proficiency in the law of any one of the three states in light of their Spanish civil law heritage. As a different example, the United States courts in the District of Columbia, with their nationally oriented practice, might provide that admission in any of several states would be sufficient for admission in the United States courts in the District.

These local rules might be permissible insofar as they are in addition to and compatible with the standards to be created by the Supreme Court to regulate the admission of attorneys to the United States Bar. The question of when local counsel should be retained is distinct from that of admission. Local rules may, as they do now, require the retention of local resident counsel, even if nonresident counsel has been admitted to the local bar.

CONGRESS STILL WILL PLAY A ROLE

Acknowledgment of the Supreme Court's rule-making authority in this area does not mean that Congress has no role to play; rather, only that it is implicit, given the constitutional grant of judicial power to the Supreme and other United States courts, the latter to be created by Congress, that they have the power to decide who may assist them in the performance of the judicial function. Said Mr. Justice Field in *Ex parte Garland*, 4 Wall. 333, 378–379 (1867):

"The profession of an attorney and counsel is not like an office created by an act of Congress. . . . They are officers of the court, admitted as such by its order, upon evidence of their possessing sufficient legal learning and fair private character. . . . The order of admission is the judgment of the court that the parties possess the requisite qualifications as attorneys and counselors, and are entitled to appear as such and conduct cases therein. From its entry the parties become officers of the court, and are responsible to it for professional misconduct. They hold their office during good behavior, and can only be deprived of it for misconduct ascertained and declared by the judgment of the court after opportunity to be heard has been afforded. Their admission or their exclusion is not the exercise of a mere ministerial power. It is the exercise of judicial power, and has been so held in numerous cases."

Congress has recognized specifically the existence of this power in the Supreme Court and the other United States courts established under Article III. In referring to appearances in United States courts, Congress stated in 28 U.S.C. § 1654: "In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein." However, as Congress also provided in 28 U.S.C. § 2071, "[The] rules prescribed [by United States courts for the conduct of their business] shall be consistent with acts of Congress and rules of practice and procedure prescribed by the Supreme court."

The Fifth Circuit in *Sanders* v. *Russell*, 401 F. 2d 241 (1968), in a case involving a district court rule restricting *pro hac vice* appearances by out-of-state attorneys in non-fee-generating civil rights cases, held that individual rules of United States district courts could not frustrate the expressed intent of Congress on a substantive matter.

CONGRESS COULD ESTABLISH AN ADMISSION SYSTEM

Congress itself could establish a set of nationwide, uniform criteria for the admission of attorneys to the practice of law before United States courts, or at least before those it is mandated by Article III of the Constitution to create. However, these standards should not interfere with the duty of the courts to exercise the judicial power vested in them by Article III. While the line between these two areas is hazy, it would be possible nonetheless for Congress to standardize the qualifications for admission to practice before United Stated courts, at least to the extent that the standards did not conflict with or unduly impinge upon the power of the courts themselves to determine who may or may not assist them in the performance of the judicial function.[5]

The Supreme Court itself in *Ex parte Garland* confirmed that the "legislature may undoubtedly prescribe qualifications for the office [of attorney and counselor], to which [an applicant] must conform, as it may, where it has exclusive jurisdiction, prescribe qualifications for the pursuit of any of the ordinary avocations of life". The Court went on to state that the "question, in this case, is not as to the power of Congress to prescribe qualifications, but whether that power has been exercised as a means for the infliction of punishment, against the prohibition of the Constitution."

ADOPTION AND IMPLEMENTATION OF ADMISSION STANDARDS

Given the existence of a variety of means by which uniform standards for admission to a nationwide United States Bar might be created, what standards should be adopted and how should they be implemented? While acknowledging room for a diversity of opinion, it would appear reasonable at the outset that all current members in good standing at individual bars of United States district courts, courts of appeals and the Supreme Court should be admitted as of right to the new United States Bar. The requirement of good standing would mean simply that a lawyer is authorized now to appear in a United States district court, a court of appeals or in the Supreme Court.

For all those who do not so qualify, particularly for those admitted to practice in a state but not to the bar of any United States district or appellate court, recognition should be accorded those with experience as attorneys, albeit not in United States courts. Given the pervasiveness of federal law in American society today, from constitutional rights to taxes, one would hope that any lawyer admitted to practice before the courts of a state but not yet to the bar of any United States district or appellate court, would possess at least a basic knowledge of federal law, especially in regard to the Constitution. Separating out now those who did not would present a super-judicial task. For those individuals, admission to practice before the new, unified bar should depend on their submitting certification from the highest court of the state or states in which they are admitted to practice, from the character committee of the bar association in that state or states to the effect that they are members in good standing, and proof of actual court practice.

For those without experience in federal law, as for those not yet admitted in any court, it seems reasonable to require an examination (in addition to the state bar examination) covering at least three subjects: the United States Constitution, federal, civil and criminal procedure, and federal administrative law. The examination should be able to test an applicant's knowledge in no more than six hours. In the light of the increasing impact of federal law in all phases of life, it would be in the public interest to ensure that those entrusted with the responsibility of assisting in the administration of justice have more than a passing familiarity with the fundamental laws and legal procedure of this nation.

Consideration of such an applicant's character in most instances should be a simple matter for those who simultaneously seek admission to the bar of a state.

In cases in which a state prescribes, equal or higher character standards than those to be established by the Supreme Court. satisfaction of the state standard would satisfy the federal criteria, provided only that the record of the state character investigation be made available to the United States Bar admissions committee. Whether this would be one national committee or organized in circuits, states or districts is a question left open here. The experience of the American Bar Association's Committee on Federal Judiciary would be one guide to the most effective organization. If a state's criteria do not meet the federal standards, the federal committee for the area involved would be empowered to conduct its own investigation.

Similarly, the question of suspension or disbarment from practice in United States courts could be determined on a nationwide basis. The Supreme Court should develop uniform criteria to govern the suspension and disbarment of attorneys from practice before the United States district and appellate courts. If an attorney deserves suspension or disbarment in one United States district or appellate court, logically he should also be suspended or disbarred in the rest. This would serve as a greater deterrent than the present system, without removing any of the protections available to an attorney threatened with suspension or disbarment who wishes to challenge the action, such as the opportunity to be heard and the right to appeal an adverse decision. It also will have the advantage of standardizing the criteria by which attorneys' behavior should be measured.

The creation of the mechanisms necessary for the operation of this new, nationwide United States Bar could be accomplished under the aegis of the Judicial Conference of the United States, the Administrative Office of the United States Courts or by means of a new body established and funded by Congress. Whatever its final form, its creation would have a salutary effect on the standards, both academic and disciplinary, applied to those seeking admission and those already admitted to practice before the United States courts. To that extent the en-

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tire judicial system would be strengthened, and the American people would be the ultimate beneficiary.

FOOTNOTES

[1] 52 F.R.D. 211.

[2] "Little thought seems to have been given to the fact that aside from the violation of traditional standards of professional duty, such conduct prejudices the interests of the clients, however much they may encourage and participate in it. Furthermore, it prejudices others who may be tried in the future, because members of the public are revolted by this degradation of the courts and the precious right of fair trial." AMERICAN COLLEGE OF TRIAL LAWYERS, REPORT AND RECOMMENDATIONS ON DISRUPTION OF THE JUDICIAL PROCESS 2 (1970). See also, 37 Crim. L. Rep. 1073, 2404.

[3] 57 A.B.A.J. 855, 857 (1971). The American Bar Association promulgated the new Code of Professional Ethics, now adopted in most states, and also adopted the report and recommendations of the Special Committee on Disciplinary Enforcement, headed by Justice Tom C. Clark. There is now a special committee promoting implementation of the Clark Committee's recommendations.

[4] Congress has provided in 28 U.S.C. § 2071 that "the Supreme Court and all courts established by Act of Congress may from time to time prescribe rules for the conduct of their business. Such rules shall be consistent with Acts of Congress and rules of practice and procedure prescribed by the Supreme Court." Congress also has specifically provided the Supreme Court with the power to prescribe rules of civil and criminal practice and procedure for the federal district courts. In 28 U.S.C. § 2072 Congress provides that "the Supreme Court shall have the power to prescribe, by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure of the district courts and courts of appeals of the United States in civil actions, including admiralty and maritime cases, and appeals therein, and the practice and procedure in proceedings for the review by the courts of appeals of decisions of the Tax Court of the United States and for the judicial review or enforcement of orders of administrative agencies, boards, commissions, and officers."

Congress also provides in 18 U.S.C. § 3771 that "the Supreme Court of the United States shall have the power to prescribe, from time to time, rules of pleadings, practice, and procedure with respect to any or all proceedings prior to and including verdict or finding of guilt, . . . or plea of guilty, in criminal cases and proceedings to punish for criminal contempt in the United States district courts . . .", and in § 3772 of the same title that the Supreme Court shall have similar power "with respect to any or all proceedings after verdict or finding of guilty, . . . or plea of guilty, in criminal cases and proceedings to punish for criminal contempt in the United States district courts, . . . in the United States courts of appeals, and in the Supreme Court of the United States . . .".

[5] By analogy, an annotation on the power of state legislatures concerning bar admissions states: ". . . [I]n the exercise of its police power, in the interest and for the protection of the general public, a legislature may, with entire validity, reasonably regulate admissions to the bar, but . . . any statutory provision which, as put into effect, involves interference with, or frustration of, the courts in the performance of their duties and functions cannot be regarded as valid. Furthermore, the act of admitting attorneys is in most jurisdictions regarded as exclusively for the courts, as is the final determination in regard to the fitness and qualifications of particular persons, and the courts, acting therein, may exercise judicial power to reject an applicant for unfitness, notwithstanding he may have met the terms of existing statutes and under the provisions thereof appears fully entitled to admission. Allen, *Power of Legislature Respecting Admission to Bar*, Annot., 144 A.L.R. 150, 150–151 (1943).

HOUSING AND RURAL DEVELOPMENT

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. ABOUREZK. Mr. Speaker, the Congress has before it several bills that relate to development of rural areas and we will soon be considering housing legislation affecting both rural and urban areas. One of the most knowledgeable experts in low-income housing in this Nation is Mr. Gordon Cavanaugh, executive director of a new organization funded by the Office of Economic Opportunity called the Housing Assistance Council, Washington, D.C. The Housing Assistance Council has been established to aid rural groups of the Nation to provide housing for low-income people. Mr. Cavanaugh recently addressed the Sixth Annual Mutual Ownership Development Foundation-Sponsored Housing Institute in San Francisco. Before joining this rural group, Mr. Cavanaugh was housing director of the city of Philadelphia and served also as the chairman and chief executive officer of the Philadelphia Housing Authority and president of the Philadelphia Housing Development Corporation. He was also chief administrator of the Relocation Service of that city.

As chairman of the recently organized Urban-Rural Forum made up of 90 members of this body, I feel the comments of Mr. Cavanaugh have a special significance to the members of this group and to all Members of Congress because he speaks from the vantage point of firsthand knowledge of both the rural and the urban housing problems. It is an important statement, especially timely, and I urge the attention of all my colleagues to it.

Mr. Cavanaugh's statement follows:

REMARKS TO SIXTH ANNUAL MUTUAL OWNERSHIP DEVELOPMENT FOUNDATION-SPONSORED HOUSING INSTITUTE

(By Gordon Cavanaugh)

I would like to begin tonight by introducing you to the Housing Assistance Council, a relative newcomer to the housing field. HAC, as we call it, is an OEO-funded and Washington, D.C., based nonprofit corporation, designed primarily to assist sponsors of low-income housing in the nation's most rural areas. Through a combination of "seed-money" loans, training and technical assistance, we try to provide those elements essential to any successful housing project, but which are so sorely lacking outside of the urban centers. In operation only 6 months, the Housing Assistance Council has already made $1.2 million in non interest bearing loans to 21 rural housing sponsors, both public authorities and private nonprofit corporations. This money will be used to cover the pre-development costs on approximately 2,500 federally assisted low-income housing units.

We have also established an ongoing program of technical assistance to help inexperienced housing groups plan low-income housing and guide it through the complex federal maze. The convoluted process of obtaining federal housing assistance is a constant source of bewilderment to those of us with considerable experience in the housing field. It is enough to make less experienced groups throw up their hands in despair. As has been observed, there is a form of government McLuhanism in this area where processing is the product and housing a byproduct. We would hope to make the going a little easier for them.

Finally, this month we will hold our first large scale training conferences—one in the state of Washington, which will include 70 representatives of housing groups throughout the entire state, and one in Bismarck, North Dakota, in conjunction with the Basin Electric Power Cooperative and other rural housing organizations in the Dakotas and adjoining states. Other training conferences are being planned throughout the country, and they will cover a wide range of topics of interest to sponsors of low-income housing in rural areas.

If at this point some of you are asking yourselves why I keep mentioning rural areas, or why a national housing organization such as the Housing Assistance Council works only in rural areas, it would be very appropriate, because the answer to these questions is what I would like to speak to you about tonight.

We are all aware of the "crisis" facing our cities, and that a large part of this crisis is the substandard housing that marks decaying inner-city neighborhoods all across the nation. No one was more aware of this than myself, having served as the senior housing official for the nation's 4th largest city. Not until recently, though, have I become aware of the terrible crisis that is also facing our rural areas. Like the cities, they are fighting for their very existence. And like the cities, the severe shortage of adequate housing is a large part of their malaise.

We are faced now with policy decisions that will have tremendous impact on the future development of this country. It is necessary that we work out a balanced growth plan that recognizes rural America as an important and unused alternative to the metropolitan sprawl we all complain of today. We must not allow large parts of our country to turn into what Senator McGovern has recetnly described as "a rural wasteland and an urban hell."

Before commenting further on what we must do, though, it would perhaps be best to share with you some of what I have learned over the past months about rural America, and especially about housing in rural America.

Contrary to the popular mythology, the quality of life in rural areas rarely measures up to even that of our worst urban areas. Medical services are grossly inadequate, as there is a severe shortage of manpower and facilities. Entire counties in the South and the Great Plains area have no physician at all.

In the area of education we again find poor quality in staffing and facilities. Rural residents spend, on the average, 2 years less in school than their urban counterparts. The proportion of high school graduates in rural areas is far less than in urban areas. But then, all of that education is not really necessary in rural areas because there are no jobs to be educated towards. The decline of the small farm and the mechanization of such rural industries as mining and forestry have thrown thousands into a rural job market that is simply unable to support them. Significantly, rural areas have one-half of the nation's poverty level families, but only one-third of the population.

Nowhere, however, is the social and economic plight of rural America better shown than in its housing. The 1970 Census of Housing shows that 59% of all substandard housing in this country is in places of 2,500 population or below, or on open land and farms. We can measure this up against the fact that only 30% of the nation's population live in these same areas. Roughly one house in seven is substandard in rural areas, compared to one house in twenty-five in urban areas.

These figures, of course, do not include overcrowded housing. If overcrowdedness is included in the definition of substandard, urban areas do in fact have a larger share of the nation's substandard housing. But the ratio of substandard to standard houses in urban and rural areas still shows to the disadvantage of rural areas, with one rural house in five substandard as compared to one urban house in ten.

Rural areas also have a severe shortage of those vital community facilities upon which good housing depends. The Senate Committee on Nutrition and Human Needs has estimated that 33,000 rural communities lack adequate water facilities, and 44,000 lack adequate sanitary facilities. In the floor debates on a rural development bill recently passed in the House of Representatives, it was revealed that there exists a potential demand of $12 billion for water and sewer facilities, most of which would come from our most rural communities.

Unfortunately, very little is being done to meet this pressing need. Rural areas are consistenly short-changed in the distribution of federal housing and community development assistance. All recent housing statistics show very clearly that the housing needs of our rural areas, and especially our rural poor, are vastly greater than the efforts we have made thus far to meet them.

For a number of reasons, HUD rarely works outside of urban centers. HUD programs require competent housing sponsors and accessible mortgage credit, both of which are lacking in rural areas. This has led to a situation where only 1.3% of all Section 236 units have been constructed in rural places of 5,000 population or below. Of all housing produced under the 221 (d)(3) program, only 4% of the market rate and .5% of the below market rate units were in rural places of 5,000 population or below. The 1970 HUD statistical report shows that 12% of all public housing is in places of 5,000 population or less, but some of these places are inside SMSAs. Considering population increases and our own research so far, we estimate that less than 10% of all public housing is *outside of SMSAs* in places of 5,000 or below.

The only federal housing programs working primarily in rural areas are those of the Farmers Home Administration. But they are meeting only a small part of the need.

In 1968 an official housing goal was established which included 6 million federally assisted units constructed by 1978. An equitable distribution of these units, based on need, would place at least 3 million of them in rural areas. This demands a yearly production quota of 300,000 assisted rural units over the 10 year period.

In fiscal 1971 the total number of houses built, purchased, or rehabilitated with Farmers Home assistance was roughly 38% of the necessary 300,000 production quota. The fiscal 1972 output will be little better than 40%. If the administration's fiscal 1973 budget request for rural housing is approved, and if all funds are spent, the Farmers Home Administration will meet approximately one-half of the necessary production quota in 1973.

It is important to note that the Farmers Home programs are not necessarily providing housing for those in greatest need. The largest single program, Section 502 single family housing, provided only 4% of its total output for poverty level families in fiscal 1971.

In a number of cases, housing legislation clearly discriminates against rural areas. For example, the Farmers Home Administration rural rental housing program does not have the necessary rent supplements that can lower monthly charges to the levels that very low-income families are able to pay. HUD multi-family projects, which serve mainly urban areas, do have an attached rent supplement program.

Urban residents can benefit under HUD's Section 115 grant program, which provides low-income persons with the funds necessary to rehabilitate their homes. No such rehabilitation grant program exists for rural residents. One is authorized under Section 504 of the Housing Act of 1949, but Congress has consistently refused to provide funds for it.

It has been estimated that $9.00 is spent for urban housing and community development for every one spent in rural areas. And yet the figures show that the need is the same for both urban and rural areas.

We must ask ourselves what effect our apparent lack of concern for rural America will have in the long run. What will happen if we allow it to die of neglect?

It is often heard around Washington nowadays that any plan for national development must face the fact that we cannot separate the people in the cities from the people in the country. What this means, of course, is that the problems of both urban and rural areas are inextricably entwined, so much so that to neglect one is to guarantee failure in both areas.

Let us for a moment trace the patterns of population movement that have had such a tremendous effect on both urban and rural areas.

One of these patterns shows people moving from the country into the cities or metropolitan areas. Often they are unskilled and uneducated. There is nothing left in rural areas to hold them anymore, so they leave their homes in hope of jobs and better places to live. They overwhelmingly settle in the central cities, thereby aggravating already critical housing and employment problems.

Recent population figures document this migration. Between 1960 and 1970, urban areas increased their population by 19%, while rural areas actually lost .3% of their 1960 population. In every census since 1940, 2 out of 5 of our counties have lost population, and these were overwhelmingly rural counties.

If it is not the poor that leave the country, it is the young and educated for whom rural areas hold no opportunity. Their departure drains these areas of their most promising talent and future leadership, thereby undermining the possibility of a future rural renaissance.

What we are left with is even higher concentration of poverty level persons, and very little hope for improvement.

The second pattern of migration is occurring in the cities, where everyone who is able, including industry, is escaping to the suburbs. President Johnson's Commission on Urban Problems projected that 89% of the growth of metropolitan areas between now and 1985 will be in the suburbs. This is almost the same as saying that all national growth between now and 1985 will be in the suburbs. The same Commission reported that in 1965 well over half of all new mercantile and industrial establishments were being built in the suburbs, and that this trend was definitely accelerating. Confirmation is found in the report last week that the 1970 Census shows that the nation's suburbs gained six times as many jobs as the central cities in the first half of the 1960s. You can imagine what a comparison with rural job growth would show.

Those who leave the cities for the suburbs are usually the upwardly mobile or the established middle class. The poor are left behind because they are not able to afford the suburbs, and restrictive zoning practices in these places preclude the development of low-income housing. Trapped in the cities, they must then cope with an ever dwindling supply of jobs.

Thus it appears that we are facing increasing concentrations of poverty and decay in both the nation's most traditional living areas—the cities and the countryside—urban and rural areas, while most development is concentrated in the suburban ring that separates the two. Somehow, this does not seem to me to be a rational development process.

What we are doing, in effect, is building up a new ring of densely settled urban areas between the older urban and rural areas that we are letting decay. The likely outcome of this process will be that in 20 years we will be still talking about the crisis of the cities, but the cities we will be referring to will be what are today our suburbs.

The crisis of today's cities, and rural areas, will by then be long past talking about.

This is not to say that the suburbs are not potentially a means of relieving some of the pressure on our inner cities, and a means of providing a better place to live for numerous low-income families. We must press on with the attempt to open up the suburbs to low-and-moderate income housing. But we must not allow ourselves to think that simply by opening up the suburbs we are getting to the root of the problem.

The problem is much larger than that.

If we are really interested in the roots of our current situation, we would realize that we cannot concentrate our efforts on any one area—city, suburb, or rural—if we are to solve the problems of them all.

Let us continue to open up the suburbs, and to expand our efforts to reconstruct the inner-cities. But let us also remember that we have a vast and rapidly decaying rural America.

Before we can get on with the work of rebuilding our cities, we must first attempt to stem the flow of people from the country side. We can make cities a more attractive place to live by making rural areas a more attractive place to live.

Ideally, though, we should not be satisfied with just keeping people in the country. We should strive to make the country a real alternative for those who are dissatisfied with urban life. To do this will require directing more of our attention, and more of our housing and community development money, to rural areas. But this does not mean taking it away from those areas that are now receiving assistance. They need everything they can get. It means increasing our program levels to include previously excluded rural areas.

Unfortunately, at this time, there is a negative reaction to subsidized housing programs in Congress. It seems that someone has convinced quite a few Congressmen that the subsidized programs are the cause of recent HUD scandals. Nothing could be further from the truth. The scandals are largely connected with unsubsidized programs, and the irregularities in the subsidized programs pale in the light of the good they have produced. But when even top-level administrators at HUD seem to be openly questioning their value, it becomes rather difficult to convince those in power that we need more not less, subsidized housing. Raising funding for housing and community development to levels commensurate with the need is further hampered by HUD's inexplicable refusal to ask for appropriations even to the level of Congressional authorizations in some instances. I urge each of you, immediately, to contact your Congressman and inform him of the positive side of the subsidy programs and of the scale of funding required for progress.

I do not mean to imply here that better housing and improved community facilities are all that are necessary to reinvigorate rural America. To do so would be naive. There must also be an on-going development of the economy to provide more jobs and easier credit. Some steps are being taken in this direction. Rural Development bills recently passed in the House and Senate included provisions for a new rural credit system, an expanded business loan program for the Farmers Home Administration, a rural revenue sharing program to the tune of $500 million, and new incentives to industry to locate in rural areas.

This last point, incentives to industry to locate in rural areas, is very important, but there is some question whether incentives alone are enough. They have been used in the past, by the Economic Development Administration for one, with no noticeable effect. At least we should not expect that they will be enough in themselves to buck the very strong trend towards the concentration of industry in metropolitan areas. One can go to meetings on rural problems and hear the talk of tax incentives, low cost plant financing and the like and swear you were at a meeting of the Urban Coalition rather than the Rural Coalition. The time may be upon us now when we will have to consider stronger planning measures than economic incentives to overcome the haphazard economic development of certain areas of the country. What these measures should or could be is unclear at this point. But what does seem clear is that sources of decent and adequate employment cannot be allowed to move at the sole convenience of the enterprise where the social and economic costs to the urban and rural communities have become so enormous.

At any rate, housing goes hand-in-hand with economic development. Recent statements of the regional economic development commission support this fact. Take, for example, a statement found in the annual report of the Upper Great Lakes Regional Commission; I quote: "The housing problem is circular, with the lack of housing retarding economic development, and the low level of economic development withholding the resources and incentive to improve housing."

Clearly then, all of us here tonight, as specialists in the housing field, have our work cut out for us. Cooperatives, especially, can be an important tool in our housing effort. In 1968 the Douglas Commission expressed its belief that cooperative housing was an under-utilized but a potentially very valuable means of providing housing for low-income families. This assessment remains true today. Not only does the cooperative method serve to reduce costs, it also encourages a spirit of community and self-determination that can only benefit alienated low-income persons. We need more cooperative low-income housing, and we need more of it in rural areas. It is disappointing to note that only one cooperative is on record as having been built under the program of the Farmers Home Administration and only little more than a dozen developed or under-development under other programs. But no matter what particular type of housing you deal with, I exhort you to remember that it is much needed in rural areas. There are undoubtedly problems to be faced in providing rural housing. The scarcity of competent housing sponsors and of mortgage credit, to mention a few. But these problems can be met. They must be met.

There are many who would argue that it is a waste of our time to try to restore rural America. They would argue that the move to metropolis in inexorable, and that we would be better off to concentrate our efforts on where people would be in the future. But this, as far as I can see, is to say that the future development of the country is out of our hands. I do not subscribe to this view. We do have the opportunity for a balanced urban growth if we are prepared to commit ourselves to its achievement.

And so I ask all of you here tonight to take the long range view; to ask yourselves the same questions I have asked tonight.

What effect will our lack of concern for rural America have on our future development?

What will happen if we allow it to die of neglect?

If the answers you arrive at are the same as mine, then ask yourselves what you, as housing specialists, can do to prevent it.

AN ADDRESS BY IRWIN MILLER, BUSINESS COMMITTEE FOR THE ARTS, METROPOLITAN MUSEUM OF ARTS, APRIL 17, 1972

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. BRADEMAS. Mr. Speaker, one of the most valuable citizens in our country is Mr. Irwin Miller, chairman of the board, Cummins Engine Co., Inc., Columbus, Ind.

Mr. Miller is a man whose interests range widely but important among them is the field of the arts.

Few persons have been more eloquent than he in urging greater awareness of the importance of the arts in our society.

In this connection, I should like to call to the attention of my colleagues the text of a most thoughtful address delivered by Mr. Miller on April 17, 1972, at the Metropolitan Museum of Arts during the annual meeting of the Business Committee for the arts.

The text of Mr. Miller's address on this occasion follows:

BUSINESS COMMITTEE FOR THE ARTS

(Address by Irwin Miller)

It has always been a very difficult thing to talk sensibly about the Arts. A reason for this is that each of the Arts is itself a unique language and hence cannot be approximated by any other language form. In this day of endless talk, and of miles upon miles of printed words, we forgot that words alone cannot express all that is contained within a man. Since the beginning of history, man seems to have been driven to the employment of every device he can conjure up to release to his fellows the limitless world of imagination and creativity and concern which is locked inside himself, and of these devices words are only one.

Even knowing this, however, it has been our custom to mistake the nature of our need for the Arts. Throughout a good deal of history the powerful have employed art as a status symbol—the mark of success and position. This applies to Francis I, to Louis XIV, the Medecis, Henry VIII, the Pharaohs, even to Pericles, and it is seen today in the kinds of public and ceremonial structures we build, as well as in the expensive art books that lie unread on living room tables. Over against this are the artists themselves—some, of course, scarcely worth the name—but others using the commissions of the powerful to make imperishable human statements to the present and the future.

There is also another use which man makes of the Arts. All too little noticed, there exists an unbroken stream of evidence of the artist who has always dwelt in each of us. The beautiful pine chairs and cherry tables that our great grandfathers made for themselves and their wives in the wilderness; dolls which mothers have always made for their children; gun stocks, cooking utensils, bed spreads, barns, saddles, hinges, locks—exquisitely made, mainly because they made the maker feel good.

The power of art is visible before us. It is visible in architecture. Buildings change the men who inhabit them. The radically different shapes of the House of Commons and the House of Representatives dictate the characteristics of political debate in Britain and in the U.S.

The power of art is convincing in music. The phrase "For as in Adam all die" looks like outworn theology on the printed page. When sung to Handel's music, the helplessness of man before death becomes only too real. And the penultimate B natural in St. Matthew's Passion encapsulates the unbearable grief of men who finally understand they have killed their God.

Thus man, so constantly frustrated by his own nature, forever ill at ease on the planet, understands in his heart that he truly cannot live by bread alone, and forever turns to the Arts for relief from the pressures within himself.

BUSINESS AND THE ARTS

What in all this has Business to do with the Arts? There are strong voices among us who say—"Nothing at all". They assert Business has a simple legal responsibility to make money for its shareholders, and to obey the laws which govern it, and that the assumption of any responsibility beyond these is presumptious, arrogant, and dangerous. I do not agree with this line of thought, nor do a very great number of present day businessmen, as your presence here tonight testifies.

If we disagree, however, we have a responsibility to make the opposing case. In many ways, ways which are no less real simply because they are not enforcible in law, business is a debtor. Your business and mine cannot exist or operate in a vacuum. We are dependent upon communities of men and women for markets, and for places in which to locate offices, factories, shops. And we want very much to be located in what we call good communities. The existence of good communities is of extraordinary value to our companies, even though no dollar sign appears on our balance sheets labelled "Located in Good Communities" or "Operating in Healthy Society". The real value of these items to a continuing business exceeds by many times, both in dollars and importance, most of the items which do appear in quantifiable terms.

If then the soil in which a business is planted be truly critical to its healthy survival, what kinds of actions are implied for business and the businessman?

Let us first inquire in more detail as to what makes a good community for business. Is it only a tough business-oriented police force? Or a city council that keeps taxes down and enforces pollution ordinances gently if at all? Is it a school system that indoctrinates the kids, and keeps down dissent? Or a welfare system administered primarily to cut costs? Business often sounds as though these were considered the marks of a good community—yet in practice we seek something else in the community we want to live and work in. We seek such things as friendly, prosperous people, good schools, excellent hospitals, openness to varieties of views, recreation and cultural activities, strong churches, and, above all, a population that is not divided—but is instead intelligently concerned for the present and future welfare of the whole community. These are the kinds of things we seek, and they are principal among the true marks of a good community. But such conditions and characteristics are a long time in the building—and, where they exist, they are in the main the result of hard and sacrificial work, not by ourselves, but by generations long gone. We have them for free, and so we are in debt to the past.

Now businessmen surely believe more strongly than most that people ought to pay their debts. So the question arises: How does one pay a debt to a dead generation? I know of no other way to pay such a debt than to work as well and as creatively for the building of our own society and our own communities as our ancestors did for theirs. Such a commitment may in fact be the only valid definition of Patriotism—as Tacitus says, "This praiseworthy competition with one's ancestors".

A DEBT TO PAY

If all this be true, and if in some real sense we have a debt to pay to the past, and if we agree on the general nature of the payment, we then have to ask ourselves what specific forms that payment ought to take. A first answer is, of course, that at a minimum we should leave our society and communities no worse than we found them. We are not doing very well at this just now. Consider the fact that presently the quality of air and water is still deteriorating, cities are slipping, schools, hospitals, universities are in constantly deeper money trouble. The private sector by itself does not seem able or inclined to turn the tide, and government either turns its back or is too slow to respond . . . May I suggest the gravity of this problem. Within only 28 years from today we will have in our nation an additional 100 million people. They will need all the facilities and services of a nation as large as Germany and France combined. And how are we responding? We are neither planning for this condition, nor are we of a mind to raise the money to equip such a nation, and time is unbelievably short. I imagine that our generation may well be judged a great deal more harshly by our posterity than we are inclined today to judge our own enterprising ancestors.

Now you are asking what does this have to do with The Arts? As we have approached this state of private material affluence in the midst of spreading public decay, we appear to have lost our way. We are not as sure about ourselves or where we are going as most generations have been. A principal complaint of Europeans about Americans has always been that Americans were cocky, and simplistically sure of automatic progress.

No one accuses us of this today. We view the future for the first time with more apprehension than excitement, and we appear to show more concern for holding on to what we have than for progress.

In our hearts I think we know two things. The first is that playing for security is the riskiest of businesses. It is a hard fact, and not debatable theology, that "He that would save his life will lose it." The times call for sacrifice and risk, and yet we have little taste for either.

The second thing is that we have about all the private material possessions we can use. But these things have brought us neither happiness, or serenity, nor peace of mind. Our young people have observed quite accurately that our second and third cars, our TVs in every room, the new house, the boat, the bank account—all these in themselves have done little to satisfy us. In pursuit and contemplation of possessions we have turned inward, and in turning inward we have become increasingly private people. But privacy has also brought loneliness, and the loss of that sense of community and belonging which is so deeply reassuring to every man and woman. So our children and we, too, talk with pathetic earnestness about our inability to communicate, and our desperate need to reach out to each other.

I am not courageous enough to try my own definition of Art. It is always safer to fall back upon a famous name. Tolstoy has said: "Art is a human activity having for its purpose the transmission to others of the highest and best feelings to which men have risen". Art is therefore best understood as attempts at human communication at the most intense level. This is transparent in the art of today. At its best, contemporary art is often the best preacher, and the visible prophet among us. At its shabbiest it is simply propaganda—but in nearly every case it represents a desperate need of one human to express a personal feeling to other humans . . . So, in this society which is already so rich in things, the single legacy which we might best hand on to our posterity is a legacy of the spirit and mind, a flourishing of all the arts in our time such as would truly give release to the creative potential within us, that would permit us to reach out to each other in expression of our deepest thoughts and needs, and in the release and the expression would help us find a new sense of community such as might make our lives rich and not empty, and might change our view of the future from fear to excitement.

DEMOCRACY AND THE ARTS

But egalitarian societies have not been good at supporting the Arts. If we are to be honest, we must confess that the great periods of art have occurred more often under autocrats than not. The Arts are in perilous shape in Democratic America today. We see in this country an unbelievable interest in all the arts—especially among our children, and at the same time we see financial neglect of the Arts.

The Performing Arts in particular run bigger deficits, the greater success they achieve. Private support does not keep pace with increasing costs. Ticket sales, while growing in numbers, cannot be priced high enough to cover the gap. And Government is unwilling to recognize that, as a major need of a great people, support of The Arts may rank in priority with support of schools, coastal shipping, tobacco growing, university research—and all the rest of the mixed bag of the good and bad and the indifferent into which we are accustomed to direct the flow of public monies.

For Business, then, support of The Arts is a part of our responsibility to the society which gives us our franchise. It ought not to fall under the category of non-controversial public relations, and business support of the arts is even in a sense shameful, if it is prompted only by a desire to enhance the Corporate Image.

Business should support the Arts and should work to increase support of the Arts by government and citizens because such action is an appropriate response to a peculiar and intense need of these times; because business itself has been enormously enriched by the work and the free inheritance of past generations; and because the only way to discharge this honest debt is to hand over to the future a country and a society truly responsive to the deepest needs of its people.

THE PERVERSION OF AMERICA

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. PRICE of Texas. Mr. Speaker, President Abraham Lincoln once remarked that he could handle his enemies; it was his friends that he worried about. Perhaps we might chuckle if it were not for the fact that the wisdom of Abraham Lincoln escapes the limits of time, and never were those words more true than today.

It is tragic that on the one hand we must guard against government so powerful that it becomes despotic—and yet, must a people be so "free" and a government so weak that society is stripped of every means by which to defend and preserve itself? In recent years, some Americans have become obsessed with their freedom—they have in their own minds distorted the purpose and intent of our constitutional Bill of Rights to convert them into a license by which to practice every form of perversion and socially irresponsible behavior. The opinion makers, that is, the liberal public officials, the liberal-dominated news media, and the ivory tower crowd at our schools and universities, have subjected the American people to a cacaphonous concert of criticism and an assault upon our institutions that has not been rivaled by anything since the Civil War. This intellectual Pearl Harbor is both infamous as it is dangerous, and the reckless rhetoric that has spewed forth has undermined our Nation to a degree and in a way thought impossible only a few short years ago.

Just how topsy-turvy and alarmingly warped our national sense of values has become is well identified by an excellent article written by Jenkin Lloyd Jones—Abraham Lincoln must surely be rolling in his grave that we are spending recklessly our Nation he fought so hard to preserve. The article follows:

U.S. NEWS IS GOOD FROM RUSSIAN VIEWPOINT

(By Jenkin Lloyd Jones)

TULSA.—If I were a Soviet strategist I would think this:

The good news now coming out of America is almost unbelievable, and the possibility that the United States will shake itself to pieces never before looked so bright. Consider these happy items:

On May 5 the American Association of University Professors voted to condemn the regents of the University of California for firing Prof. Angela Davis, the avowed Communist.

For our purposes, it is important to establish that citizens of the decadent democracies have no other choice than to pay Communist teachers to radicalize youth and advocate the violent overthrow of these states.

On May 1 the New York Times was given the Pulitzer Prize for publishing the secret Pentagon Papers which revealed official government disquietude with the Vietnamese war. There was some huffing and puffing about this by the Pulitzer trustees, but the jury award went through.

From time to time in the future our side may find it useful to steal and publish secret government documents. The fact that The Times not only got away with the Pentagon Papers' publication but was actually given a prize for it should eliminate any danger of troublesome prosecutions in the future.

On April 28 the United Methodist conference in Atlanta turned down by a vote of 534–405 a minority report that objected to branding the President as a "war criminal" and offered a vote of confidence in "the many thousands of Americans and Vietnamese who gave their lives for a cause." Instead, the conference adopted a resolution confessing America's "complicity in violence and death," and its "crime against humanity."

This was even better for our purposes than the actions of the Berrigan brothers or the defense fund for Angela Davis voted by the Presbyterians last fall. Organized religion in America need no longer be frontally attacked as an "opiate of the people." Indeed, before it self-destructs it is probable that it may be more useful to our side than otherwise.

America's growing image before the world as a flabby giant that has lost the will and the capability of self-defense is most helpful to us. On May 6 the young Marxist hijacker who ordered a plane from Los Angeles to Havana stated that "the skies of America will not be safe until the United States ceases its aggression in Indochina." He added that the President, himself, is marked for death.

This ability of single terrorists to cow American authorities and to impose the most fantastic orders upon American citizens has greatly lowered American prestige in the eyes of the world.

The electronic media in America continue to perform well. When the capitalist lackey, J. Edgar Hoover, died on May 2 one television network spent as much time interviewing his detractors as it did his mourners. This he deserved for his embarrassing book, "Masters of Deceit," and his long hostility to our movement.

Our friends continue to improve their ability to command national coverage of their commotions and disruptions. Plans are going forward satisfactorily for carefully staged riots at the two national political conventions this summer that will give the world the impression that the American political process is about to be submerged in chaos.

The belief by our theoreticians that no society can survive utter licentiousness is apparently being proved in America. Pornography, drugs and promiscuity are rampant and the "underground press," which generally supports our ideology, is ever in the forefront of the battle to spread permissiveness.

One can hardly fail to look forward to the day on which American hooligans and idlers will get the shock of their lives when we can impose our healthy disciplines upon them. But, in the meantime, they serve.

The American motion picture industry is behaving splendidly, avoiding inspiration and conditioning American youth to the belief that it lives in a rotten society. It must be noted that the actress, Jane Fonda, who has urged military desertions and told her young admirers, "Don't knock communism until you've tried it," was recently given the highest motion picture award.

Best of all is the growing prospect of overcoming America without the necessity of risking war at all. What has been described by the American historian, Dr. Daniel Boorstin, as the "national vice of self-hate" is very real.

There is a chic of treason among many American intellectuals who studiously overlook our rapid naval and missile buildup and demand the unilateral disarmament of the United States.

Thus, while most Americans are asking each other: "Who will be the next President of the United States?" perhaps the real question is: "Who will be the last President of the United States?"

THE AGENDA FOR TOMORROW

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. DU PONT. Mr. Speaker, I have had the privilege and opportunity to represent the people of Delaware in the Congress for the past 18 months. It has been an exciting, frustrating, and challenging experience. During that time, I have participated in the deliberations of the Congress and observed its strengths and weaknesses as it grappled with the problems of our Nation and world.

Before the heat and tumult of the next political campaign descends upon us, I think we should take a moment to reflect upon the progress of the 92d Congress, and the agenda for Government over the next 2 years and beyond.

Perhaps the greatest shortcoming of American politics—and the greatest obstacle to progress in government—is the dominance of rhetoric over substance. It is true on the campaign trail. It is true in the Halls of Congress. Headlines are more often the goal than helping people. We have come to accept rhetoric as a substitute for reason, promises in place of performance, and semantics as more important than substance.

In that sad fact lie both the disappointment and the challenge of a career in contemporary American politics.

We must cause the political and governmental structure of this country to focus on the real agenda of government confronting our people. This is not a time to launch America on another round of rhetoric. It is time, indeed, for sound performance, for attention to the job. Vince Lombardi used to say that success in football is a question of blocks and tackles. The same is true in government. The problems of America do not need further sensationalizing; they do need the quiet application of compassionate commonsense.

The agenda for the future begins with the host of important projects laying dormant before a Congress too busy listening to its own words to hear the people:

Meaningful reform of our financial and budgetary process to restore fiscal integrity in America. Elimination of the soft fiscal policies that led us to inflation and unemployment must rank as the most important task facing the Congress today.

All of the many proposals brought before the Congress are worthwhile in some sense, but until the budget is brought under control, Congress must learn to say no.

Revenue sharing, to bring government closer to the people—and farther away from the impersonal bureaucrat in Washington who knows little and cares less about your needs.

Welfare reform, to replace a system which everybody agrees does not work—with a system designed to use work incentives to swell the payrolls and reduce the welfare rolls.

Meaningful help for the elderly, the real victims of inflation. The legislation has all been filed: to lift the earnings limitation from social security payments; to increase social security benefits across the board and put them on an automatic cost-of-living escalator; to put all prescription drug costs under medicare; to provide a shield against the expenses of catastrophic illness, for old and young alike.

Such a list is not intended to say that Congress has done nothing. On the contrary it has major achievements to its credit; the special office of drug abuse in the White House; the Water Quality Act; extension of the franchise to 18-year-olds, campaign spending reform; the Conquest of Cancer Act.

But matched against its pressing agenda, the performance of this Congress has been disappointing to me, and that is not simply because it has been so slow to act on measures before it. More distressing is that the Congress, and government in general, have not yet perceived many of the major items on the agenda of America's future:

First. "What is America's role in this world to be?" Surely the "paying any price, bearing any burden" rhetoric of the early 1960's is one of the casualties of the Vietnam war. But if we are not to be the world's policeman, what is our role to be—and in what kind of world structure should we strive to play it?

Will our post-Vietnam foreign policy continue to be activist, or will it become an ad hoc policy, helping those who are "good," and leaving the rest go? Or will it become Neanderthal, withdrawing from reality into fortress America, unconcerned with the problems of the world, and insulated by protectionist tariffs?

These are the questions of tomorrow.

Nowhere has the Nixon administration been more attuned to the agenda of the future than here. The Guam Doctrine, the overtures to mainland China and the new hope in United States-Soviet relations have helped to reshape both the world order and America's role in it.

But it is a mistake for Congress to abstain from this process—and for the administration to ignore it. We got into Vietnam without consulting the people; as we get out, let us make sure that does not happen again.

Second. What are we going to do about bigness in America? The depersonalization of our lives is at the heart of America's crisis. Government is too big. So is business. So is labor. So are our cities. Human beings are reduced to numbers—and are given indifferent treatment by salesmen, bureaucrats, employers, and even neighbors. The goal of improved quality of American life requires a reversal of the massive trend toward the computerization of human beings.

And what of growth? Shall we attack the depersonalization of our Nation by stopping its motor? Shall we freeze in all the inequities and freeze out all the improvements of the free enterprise system by adopting a zero growth policy? I say no—that neither in the name of ecology nor equality should the cornerstone of the future be the status quo. But these, too, are questions for tomorrow.

Three. Finally, the one vital concern that should be on the congressional agenda but is not, is the desperate need to find a new sense of integrity in public service. If there is a crisis in America, it is a crisis of public trust.

I fear that Washington has no clear-cut definition of corruption, or ethics, or right or wrong. This is not a comment on individuals, or political parties, it is a comment on America's politics.

We must find the way to inject a sense of purpose back into our political life—and to make morality not just a personal belief but a national commitment. That means for Washington the recognition that it must lean over backward to prevent not just impropriety, but also the appearance of impropriety.

"Leadership with Integrity," was my slogan 2 years ago. It is even more relevant today. If the people do not trust their government—government cannot function.

These are the challenges I see before our political system, the real agenda for tomorrow—and I want to help work on it.

Of course there is much to be done, but that is no reason for despair. That is no reason to heed the prophets of doom who say that all is wrong with America, who say that we are evil because we are not yet perfect, corrupt because we are not yet pure, and that all the sweat, toil, and sacrifice that went into the building of America is for naught, because the building is not yet done.

All is not right with America—but much is; and what is not, we will correct.

There is no simple solution that will make our problems disappear; we must solve the problems of the 1970's just as we solved the problems of the 1770's, with the work of our hands and the sweat of our brow. What is needed is not rhetoric, but the quiet application of compassionate commonsense.

FREDERIC COUDERT PASSES

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. ARENDS. Mr. Speaker, with the passing of Frederic R. Coudert, Jr., affectionately known to all of us as Fritz, we have lost a very distinguished citizen.

Fritz Coudert served in the House with distinction for 12 years. He will be especially remembered for his work on the Judiciary Committee.

Under leave to revise and extend my remarks I am inserting in the Congressional Record the item that appeared in the New York Times of May 23, 1972, announcing his untimely death. He was a gentleman and a great legal scholar in the fullest sense of the term.

Frederic Coudert Jr., 74, Dead; Represented East Side in House

Frederic R. Coudert Jr., six-term Republican Representative from the East Side of Manhattan, died Sunday at Presbyterian Hospital of congestive heart failure. He was 74 years old.

Mr. Coudert, one of the city's old-line Republican leaders in the 1940's and 1950's, did not seek re-election in the 1958 campaign. Mayor Lindsay began his political career when he won the battle for the vacant seat in the House of Representatives.

Mr. Coudert's last political activity was chairmanship of the Buckley-for-Mayor Committee in 1965, when William F. Buckley Jr. ran against Mr. Lindsay. Successive illnesses in recent years had kept him away from the family international law firm, Coudert Bros.

Frederic Rene Coudert Jr. was born here on May 7, 1898, scion of a leading family. He was a great-grandson of Benjamin F. Tracy, secretary of the navy in the cabinet of Benjamin Harrison.

During World War I, Mr. Coudert was a first lieutenant in the 27th Division with the Allied Expeditionary Forces in France. He received his B.A. from Columbia College in 1918 and a degree from the Columbia Law School in 1922, when he was a Kent scholar.

Mr. Coudert worked as an assistant United States Attorney and lost in a contest with Tammany Hall for district attorney in 1929. He was a state senator from Manhattan from 1939 to 1946, gaining attention when he headed a subcommittee seeking out Communists in the public schools.

As the representative of the Silk Stocking 17th district, where he first won in 1946, Mr. Coudert established a generally conservative record. He sponsored bills seeking to limit government spending to income, to require Congressional approval before troops could be sent abroad and to limit the power of the President to initiate foreign wars. All of the measures were assailed at the time by liberals.

Mr. Coudert was returned with increasingly small margins against his perennial Democratic opponent, Anthony B. Akers. In 1954 he won by 314 votes out of nearly 100,000 cast.

After his retirement from Congress in 1958, Mr. Coudert served on Governor Rockefeller's first state commission to investigate the affairs of the city.

Mr. Coudert's first marriage, to Mary K. Callery, the sculptor, ended in divorce in 1931. He was married to the former Paula Murray in October of that year.

Mr. Coudert had homes at 988 Fifth Avenue and in Oyster Bay, L.I. He was an enthusiastic racing yachtsman. Among the honors he received was the French Legion of Honor and Columbia's University Medal for distinguished public service. He was a past president of the Federation of French Alliances in the United States.

Among his clubs were the University, Century, New York Yacht, Pilgrims, Sky, Racquet and Tennis, Piping Rock and Seawanhaka Corinthian here and Chevy Chase in Washington.

In addition to his wife he leaves a son, Frederic 3d; a daughter, Mrs. William C. Rand Jr.; two brothers, Ferdinand W. and Alexis C., and six grandchildren.

The funeral service will be held at St. James' Episcopal Church, Madison Avenue and 71st Street, tomorrow at 11 A.M. Interment will be private.

HEAD TAX ON AIRLINE PASSENGERS

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. MOSS. Mr. Speaker, for a number of years I have introduced legislation which would prohibit State and local governments from levying a "head tax" on airline passengers. My most recent proposal, H.R. 2337, is currently pending before our Interstate and Foreign Commerce Committee.

As a result of the recent decision by the U.S. Supreme Court upholding the imposition of such taxes in New Hampshire and Evansville, Ind., Nos. 70-99 and 70-212, decided April 19, 1972, I have joined together with my friend and colleague Congressman Brock Adams in pressing for the favorable consideration of my bill or a similar measure, H.R. 14847, which Congressman Adams, myself, and others have introduced. Timing is of the utmost importance at this juncture since several cities and States are already moving to impose such head taxes as a result of the Supreme Court rulings.

In this regard, Hon. Paul R. Ignatius, former Secretary of the Navy, and now the executive vice president of the Air Transport Association, recently delivered an address entitled "Let's Not Lose Our Heads Over Head Taxes" before the Aero Club of Washington. Because Mr. Ignatius eloquently addressed the multiplicity of issues involved in this question, I believe his speech deserves the attention of all Members of the House and Senate. Accordingly, I insert his remarks in the Record at this point:

Let's Not Lose Our Heads Over Head Taxes

(By Paul R. Ignatius)

I am pleased to have this opportunity to meet with you this afternoon. The Aero Club of Washington provides a pleasant and useful forum for the aviation community to meet from time to time to discuss matters of importance to air transportation. Certainly one item of interest to all of us—as citizens, as representatives of aviation as governmental officials, or as legislators—is taxes. In view of this, I want to devote my remarks to the recent Supreme Court decision on use or service charges for enplaning passengers—or "head taxes" as they are often called—and the implications of the decision.

Big tax decisions come along from time to time and sometimes they produce unexpected results. It was a tax issue after all that led to the Magna Carta in 1215. If your memory is good or if you've been helping your kids with homework lately, you'll recall that the English barons were being taxed to finance crusades, knights were taxed for what was called "shield money," and certain levies were imposed on towns and their inhabitants. As King John began to lose his war in France he cried out for more taxes. Finally, the nobles and the Church joined forces against the king, refused to pay taxes, and brought forth one of the most important documents of Western Civilization, the Magna Carta.

Our own history, of course, is studded with tax disputes. In 1765, for example, the British government required tax stamps on all papers, including newspapers. The American colonists opposed the measure and caused its repeal.

Eight years later the British tried again with the Tea Act of 1773 which turned out to be an indirect tax on a number of imports, including tea. It was greeted with a very special kind of tea party.

The only tax in our country that ever led to out-and-out rebellion was a tax on whiskey. In 1794, the fledgling U.S. government—which doesn't seem to have learned very much from the British experience—placed a tax on stills. The tax was resisted, riots broke out, and it was necessary to send the militia into Western Pennsylvania to restore order.

The head taxes that the Supreme Court recently declared constitutional will not occupy a place in history as colorful as the taxes I have mentioned. They won't lead to shining documents like the Magna Carta, or to tea parties in improbable places like Boston Harbor, or to rebellions in the far-off hills of Pennsylvania. But they are nevertheless important—exceedingly important—to the communities that propose to enact them, to the traveling public, and to the progress of aviation.

On April 19, 1972, the United States Supreme Court, in a seven to one decision, with Justice Douglas dissenting and Justice Powell not participating, upheld the constitutionality of use and service charges imposed upon airline passengers at the Evansville, Indiana, airport and by the State of New Hampshire.

The Evansville-Vanderburg Airport Authority, operator of the Dress Memorial Airport in Evansville, had enacted an ordinance establishing a "use and service charge" of one dollar for each passenger boarding a commercial aircraft at the airport. The ordinance further required the airlines to collect the use and service charge and remit the money to the airport authority, minus six per cent to cover the airlines' administrative costs to make the collection.

In the other case, the State of New Hampshire amended its revenue statutes to require every scheduled airline using any of the State's five publicly owned and operated airports to pay a service charge of one dollar for each passenger boarded at these airports. The one dollar charge was applied in the case of aircraft with a gross weight of 12,500 pounds or more. To cover commercial aircraft smaller than conventional airliners, a service charge of fifty cents was imposed for each passenger boarding an aircraft with a gross weight of less than 12,500 pounds.

The action upholding the two levies is a watershed decision because it came after years during which the courts had ruled that such taxes were unconstitutional burdens on interstate commerce. Let us look at some of the things the Supreme Court said:

"In either case," the Court said, "it is the act of enplanement and the consequent use of runways and other airport facilities that rise to the obligation. Our inquiry is whether the use of airport facilities occasioned by enplanement is a permissible incident on which to levy these fees, regardless of whether the airline or its passengers bear the formal responsibility for their payments."

The Court then reivewed its earlier decisions on highway tolls to determine whether the Evansville and New Hampshire charges met certain standards of uniformity, fairness and reasonableness and concluded that they had. The Court further concluded that "there is no suggestion that the Indiana and New Hampshire charges do not in fact advance the constitutionally permissive objective of having interstate commerce bear a fair share of the costs to the states of airports constructed and maintained for the purpose of aiding interstate air travel."

Then the Court looked to the future with a concluding comment drawn from an earlier decision: "at least until Congress chooses to enact a nation-wide rule, the power will not be denied to the State[s]."

Little more than a month has passed since the decision, but already there are signs of proliferation nationwide of locally imposed head taxes upon the nation's airline passengers.

Less than a week after the decision, the *Daily Journal* in Elizabeth, N.J. called the decision a "financial bonanza" to Elizabeth and Newark. Public officials began talking about such taxes for Detroit and San Diego. And ordinances imposing head taxes on airline passengers have already been drafted and put forward by Dallas and Philadelphia.

It is apparent already that the tax proposals will come in many shapes and sizes. Philadelphia would impose a tax of two dollars on an airline passenger each time he gets on or off an airliner there. Thus, the range has already widened from a fee of 50 cents for a passenger flying out of a New Hampshire airport in a small commuter plane to $4 for a roundtrip passenger originating and terminating in Philadelphia.

And there are also signs of a disquieting development in the aftermath of the Supreme Court decision, namely to view the use or service charge not as a means of meeting the cost of airport facilities but for general purposes. In this connection, the Mayor of Philadelphia was quoted in the press a couple of weeks ago as eying the head tax as a means of improving the city's "dismal" financial picture.

There is no question about the problems the mayors of our cities face in finding the financial resources to meet the cost of the services they must provide. David Broder, the distinguished jounalist, made the point persuasively in a new book. Broder tells of a trip by mayors of 17 of the nation's largest cities to dramatize the staggering financial problems confronting cities today. The mayors told of rising deficits, the move of affluent, substantial taxpaying families to the suburbs, the decline of property as a tax base and a desperate search for new sources of tax revenue. Broder concludes: ". . . this was no ordinary junket. For the stark, simple message the mayors were trying to drive home was that their cities were on the brink of bankruptcy and collapse."

In view of this it is not surprising that the Court's recent decision would kindle the interest of communities throughout the country in a new, and unexpected source of tax revenue, not just for the cost of airport facilities but for other financial needs as well. It is important, then, that all of us interested in aviation understand the situation that confronts us.

First, it seems to me that the enactment of airport head taxes throughout the country can have a disruptive effect on air travel. The airlines use 531 airports serving hundreds of cities and counties in the 50 states. Presumably, any of these jurisdictions could impose a head tax of varying amounts and of varying types.

When, where, and how would the tax be collected? Can one political subdivision collect the tax for another? Can a travel agency collect the tax for a number of governmental entities and make the proper remittance? Would a passenger flying non-stop pay less taxes than a person on a multi-stop flight? How would the tax be imposed on the connecting passenger? Would flight crews be taxed?

There are other questions that come to mind but the ones I have raised are sufficient to demonstrate, I believe, that the enactment of local head taxes throughout the country would be an administrative nightmare.

But there is a larger question, I think. Is the head tax needed at all?

A head tax on an airline passenger is presumably a service charge or a user charge to help defray the cost of the airport facilities he uses. This concept is repeated time and time again in the Supreme Court's decision.

Head taxes upon airline passengers designed to meet financial needs unrelated to airports are not, in fact, service charges or user charges. Thus, they would be outside the limits of the Supreme Court decision. You can be sure that the airlines will litigate any ordinance that taxes the air traveler for the purpose of meeting costs unrelated to airports.

Our focus then should be on airport needs, and the concept that the air traveler should contribute to the cost of the facilities he uses is a sound one. It is, in fact, the basis of the uniform national plan that is embodied in the Airport and Airways Development Act of 1970. This important piece of legislation, as you know, created a trust fund for financing airports and airways improvements nationwide. The fund is supplied by user charges already imposed upon airline customers.

Airline passengers, through an eight per cent federal excise tax on their tickets will pay approximately $550 million into the Airport/Airways Trust Fund in the fiscal year now ending. Other money was paid into the trust fund by air freight shippers, by the airlines, through levies imposed directly on them, and by general aviation.

Altogether this will produce a total of almost $700 million paid into the fund in this fiscal year. The trust fund is expected to receive more revenue each year as air travel expands, reaching a total of $1.5 billion by 1980.

This is a lot of money. It is enough money to build the new airports we will need, to make necessary improvements in existing airports, and to finance the cost of airways improvements.

If this is the case, why should local communities be interested in local head taxes for financing airport costs? The answer is that under the 1970 Act the local airport sponsor is required to match the trust fund monies made available, and in some instances this has proved to be a difficult undertaking.

Senator Cook of Kentucky has recently addressed this problem by introducing an amendment to the Act that would increase the trust fund contribution from 50% to 75%. As a matter of fact, the Air Transport Association has advocated a 90/10 share arrangement, the same formula used for financing the Interstate Highway System. Under either Senator Cook's 75% suggestion or the ATA's 90% proposal, the burden on the local community would be substantially reduced. Indeed when the local income from airport concessions is taken into account, the financial burden on the local community for airport development costs would appear to be quite bearable under either the 75% or 90% approach.

Thus, head taxes for meeting the cost of airport facilities are not needed, since the 1970 Act is designed to take care of the problem in a uniform, systematic manner. If the present 50/50 share arrangement is unduly burdensome on the local community, the Act can be amended to provide a greater share from the Trust Fund.

Many Congressmen who helped draft the 1970 Act have voiced grave concern about the prospects of a multiplicity of local head taxes. Senator Cannon, for example, said last week that:

"In 1970, while the Committee on Commerce and the Committee on Finance were considering this (airports/airways) legislation, it was our firm intent that the federal excise tax be the only tax on passengers in air transportation. While the Supreme Court has said that Congress did not preempt this field in 1970, it was certainly our intention, in my opinion to do so."

About a week earlier, on the House side, Representative Adams struck the same note when he said: ". . . air travelers are already being uniformly taxed for airport facilities. An additional head tax by each airport would be, in effect, double taxation on our air travelers."

Bills have been introduced in both houses of Congress to prohibit the imposition of state and local head taxes on interstate air passengers. The House measure is sponsored by Representatives Adams, Jarman, Moss, Metcalf and others. The Senate bill is sponsored by Senators Magnuson, Cannon, Pearson and Cook. Hearings will be held in several weeks.

Passage of these bills will make crystal clear what Congress thought it had already made clear, namely that the 1970 Act was intended to preempt the need for taxes of this sort. If federal preemption is clearly established through enactment of these bills, and if the Trust Fund share is increased to 75% or a higher figure, the head tax problem will disappear.

Congress should take both steps—simultaneously and quickly.

Preemption would keep user charge imposition, collection and disbursement under a uniform national plan. Changing the matching fund formula woud ease the local burden and get needed airport projects moving more quickly.

". . . at least until the Congress chooses to enact a nationwide rule, the power will not be denied to the State[s]," the Supreme Court has said. Congress has moved promptly to take the necessary action and it is important that the legislation be passed at once to prevent locally enacted head taxes from disrupting the national air transportation system.

It was Edmund Burke who said:

"Taxing is an easy business—any projector can contrive new impositions; any bungler can add to the old; but is it altogether wise to have no other bounds to your impositions than the patience of those who are to bear them?"

Let's consider Burke's warning.

Let's not lose our heads over head taxes.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

REMARKS OF ADM. I. C. KIDD, JR., AT McALESTER, OKLA., ARMED FORCES DAY CELEBRATION

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. ALBERT. Mr. Speaker, I am very pleased to include a fine and thoughtful speech delivered by Adm. I. C. Kidd, Jr., USN, Chief of Naval Material during the Armed Forces Day ceremonies observed in my home town of McAlester on Saturday, May 20, 1972. Admiral Kidd stressed so many points in his speech that need, in my opinion, to be emphasized. I am pleased, therefore, to share his address with my colleagues. The address follows:

A FEW GOOD THINGS ABOUT THE UNITED STATES

(By Admiral Isaac C. Kidd, Jr., USN, Chief of Naval Material)

It is a particular pleasure for a deep-water sailor such as I to return to the Heartland of this great country of ours. Three years ago I was privileged to visit Oklahoma City where I received a most hospitable welcome. On that occasion I learned that even though Oklahoma is nearly the inland center of these United States, you people are putting in so many lakes that Oklahoma already has one of the largest shorelines of any state in the Union. Now in Katusa, you've opened the furthest inland deep-water port in the United States, indeed an accomplishment. And, of course, as is so frequently the case far from salt water, Oklahoma has a very proud naval heritage. Four sons in Oklahoma were honored with Medals of Honor for service in this Navy and Marine Corps of ours during World War II. Over a dozen native Oklahomans have been named Flag Officers in the Navy. Seven serve currently on active duty—including Admiral Ralph Cousins, my immediate boss, the Vice Chief of Naval Operations, who is a native of Eldorado. This Navy of yours has named five destroyers in honor of natives of this state, and of course we are all very proud of our 41st Ballistic Missile submarine—USS *Will Rogers*.

But it is not only the people of Oklahoma who have forged your indelible naval traditions. U.S. Navy ships have been named for seven of your rivers, seventeen of your counties, and ten of your cities. And who can forget the valiant battleship *Oklahoma?* As a matter of passing interest, she was a member of the First Battleship Squadron which my father commanded when he lost his life on the 7th of December, 1941. On the morning of that day, *Oklahoma* was moored in Pearl Harbor outboard the battleship *Maryland*. Almost immediately after the first bomb struck Ford Island, *Oklahoma* was hit by three torpedoes in rapid succession. There was little or no time for proper damage control; and of course she began to capsize. This rapid list prevented all but one or two machine gun batteries from firing.

Then, while capsizing, she was struck by two more torpedoes. *Oklahoma's* men were strafed as they attempted to crawl over their rolling ship; others made it safely aboard *Maryland*, and helped man her anti-aircraft batteries. Though nearly a quarter of *Oklahoma's* officers and men were killed or missing, a large number were saved by heroic efforts of rescue crews—some working as long as 60 hours without sleep to get their shipmates out. Workers, many of whom were civilians, cut through the hull of the overturned ship and rescued 32 trapped crew members.

Yet, *Oklahoma* survived all this damage, was salvaged, and by the end of 1943 was being refurbished in drydock. She was not restored to duty, however, since the tide of war in the Pacific turned by that time. Nevertheless, the heroism and dedication of the officers and men of *Oklahoma* remain an inspiration to everyone still privileged to serve in Naval uniforms.

Recently, another group of Oklahomans, veterans from the World War II submarine *Batfish*—a sub that once sank three Japanese submarines in only four days—have helped keep alive memories of heroism at sea. For this, to you, we are eternally grateful.

But my purpose this evening is broader than recalling memories of the past. In order to continue to live in freedom, you and I must constantly examine the present and Not only do these wonderful people continue make ready for those unforeseen challenges that await us all in the future.

Such challenges are being met by your Naval Ammunition Depot here in McAlester, to do a superb job in meeting their primary mission, but for the second year in a row, this Depot has won the Navy-Marine Corps Resources Conservation Award. This is based on top performance in forestry operations, fish and wildlife management—(and I saw your ducks this morning)—and the development of outdoor recreational areas. Each of you is rightly proud I'm sure of this achievement and I share your pride.

I wonder, however, how many Americans are given the opportunity to share this sort of accomplishment with us? It is perhaps one of the most unfortunate, but one of the most certain, facts of history—that by the yardsticks of mass media, "good news" is generally "no news." Normally the circumstances which attract wide public attention are focused on the bad, the bizarre and the big. Difficulty rather than achievement, controversy rather than resolution, fills ours newspapers and too frequently our airwaves.

This negativism is common not only in stories about our military services and American industry, but in matters affecting this entire nation of ours. For example, how many of America's population are aware that:

More than 200 million American citizens are *not* going to be arrested this year!

More than 115 million Americans maintain formal affiliation with some religious denomination!

More than two million American teachers and professors are not going on strike!

More than two million, three hundred thousand men and women serve you honorably—on active duty in the armed forces of this nation of ours. I'm privileged to share this platform this evening with several of these wonderful men and women we honor this Armed Forces Day.

Among this two million, three hundred thousand:

Less than 5% will ever become absent without leave for any reason!

Less than one-tenth of one percent have sought political asylum outside this country!

These are rather remarkable figures considering the headlines that you and I are obliged to read from time to time. Yet information of this sort seldom receives wide public attention. Consequently, this evening, I am not going to offer platitudes about the importance of national defense, nor stress the sacrifices of the members and families of members of the American Armed Forces. These are matters of record. Instead, I would propose to touch upon a few basic accomplishments of our United States. What could be more logical on Armed Forces Day than to salute the nation our Armed Forces protects? That's really what it's all about. Literally, the only reason we have a Department of Defense is to protect the American people. If the United States was not a "have nation," if we did not possess strong spiritual values, great natural resources, substantial material wealth, and unique technological skills that others envy, then there might be no need to defend against anyone. There would be nothing to covet.

Let's look at our nation as a whole. The United States has roughly 7% of the world's land area and a bit less than 6% of the world's population; yet you and I produce over 35% of the world's goods and services. Contrast these figures with the People's Republic of China. Although slightly larger than the United States with 25% of the world's population, the Chinese produce a scant 4% of the world's goods and services. Thus a nation with four times our population produces only one-ninth as much as you and I do. Your farmlands yield 13% of the world's wheat, 46% of the corn, and 21% of the world's meat products. Our factories produce a flow of goods equal to the output of not only the Soviet Union but all of Western Europe put together.

Or consider family income. In the 20 years between 1947 and 1967, the median income for the American family increased by 76 percent. During this same period the number of middle income families nearly doubled, and the number of American families with incomes over $10,000 more than tripled.

Minority families are also progressing rapidly economically. The number of non-white American families living at the poverty level was reduced some 50% in only eight years. During this same period of time the number of non-white middle income families more than doubled.

You may believe prices are lower in other nations. Perhaps this is true. Angelique and I have traveled far and wide and have seen many countries and different standards of living. But contrast the average American worker in 1969—who earned about $460 monthly in take-home pay—and his Soviet counterpart—who in recent years I've gotten to know rather well at exceedingly close range, sometimes closer than I would have preferred. These Americans of ours worked 6 minutes to earn enough to buy a 1 pound loaf of bread, 4 minutes for a pound of cabbage, and 20 minutes for a pound of butter. Our Soviet counterpart—that same Soviet worker worked twice as long for his bread, 17 times as long for his cabbage, and more than 7 times as long for his pound of butter. The ratio is similar for most other commodities.

Now it's true, subway fares and phone calls are about even, and the Soviets work less to earn a haircut—39 minutes to our 46 minutes, maybe that's why so many of our youngsters have such long hair; I don't know. And I must admit a Russian need work but 11 hours for a modest three-room unfurnished apartment, while an American has to work 38 hours for a similar unit. Apartments in the Soviet Union, however, are very difficult to locate—and the practice of more than one family sharing an apartment remains common. It is exceedingly cozy.

How about education? Twenty years ago 2½ million people were enrolled in colleges and universities in the United States. Today we have over seven million. Twenty years ago, in higher education men outnumbered women about 2½ to 1; today the male leads 3 to 2.

The United States is second only to Canada in percentage of total school enrollment. Twenty-eight percent of all Americans, and nearly 31% of all Black Americans are in school right at this time. In the Soviet Union only 25% are in school . . . in the United Kingdom only 15% are in school.

Another key measure of national accomplishment is health. The life expectancy of you or me has increased from 50 years in 1910 to 70 years in 1960; and it's still going up. Yet, perhaps it is unfair to contrast American productivity with other nations. So let's look at two examples within the United States itself.

In 1914, an American worker had to work almost 7 hours to earn enough to buy a shirt. In 1969 he could earn a better shirt in less than 2 hours.

In 1914 he worked an hour and a half for a pound of butter; in 1969—19 minutes. I could go on and on with this type of statistic, but do you read them in the newspapers in the "what's good about our country" column?

Rioters and demonstrators may get the headlines—very often do—but the decent hard-working American still goes his quiet way and as that wonderful and inspirational leader of yours and of mine—speaker Albert said so much better than I earlier this evening—this quiet American goes his way, making his country the envy of the world—for our standard of living, but more significantly, for our freedom of choice. And that's why the likes of I and Colonel Bennie Davis, are in uniform, because we think it's worth protecting.

More than any other factor, I believe these Armed Forces of yours are probably going to be essential for sometime to come, to guarantee the freedoms that we take so much for granted . . . to guarantee the right to strike or to dissent, among other things. I spent a good part of a morning two weeks ago talking to some students at the University of Louisville. It was rather unpleasant for about an hour and a half until I finally got the message across to them that that's why I was there . . . to let them know that my job, one of many, was to guarantee their right to make life unpleasant for me. And, you know, after about an hour and a half we began to communicate. And I really put my big foot in my mouth that time too. I sort of broke the ice because I was calling on these youngsters to get up and ask their questions. Some didn't want to ask questions. They wanted to make speeches. But I called on this youngster . . . and identified her as the blonde-haired young lady in the steel-rimmed glasses in the second row. This young man got up and said, "I'm not a young lady." It was an honest mistake.

Too many overlook the fact that the military does not make national policy. The American people through their elected representatives do that. We in the military services simply carry out your wishes to the best of our ability.

It is estimated that the People's Republic of China spends about 12% of their gross national product on military programs. Moreover, the Soviet Union has long allocated about 13% of their annual GNP to military needs. In contrast, during FY 1972, the United States used only 7% of our GNP of our GNP for national defense.

Since our GNP is higher than either of these nations, our defense budget is greater than theirs. Yet virtually half of our defense dollars must be devoted to personnel related costs—both military and civilian. We don't know the exact cost proportions for Soviet or Chinese personnel, but clearly they're lower than ours. As a result, each of their defense dollars provides more actual weapons than our own.

Whether in Southeast Asia or in fleets or bases around the world; whether in strategic bombers flying at staggering altitudes; or in submarines hundreds of feet below the surface of the sea I believe I can state unequivocally that we have the very finest group of young Americans in our military services at this time that we have ever had. Quite frankly, we also ask more from them than before—intelligence, technical knowledge, education, and a willingness to sacrifice more than probably you and I had to when you were in uniform some years ago and I was a junior officer.

Their duties require not only skill, but courage and stamina to perform tedious, taxing, difficult, and sometimes dangerous jobs as a matter of routine. These fine young people represent our most vital national resource and let's not forget it for one second. Yet—for the first time in our history—American fighting men are too frequently facing these challenges without the usual acknowledgements from those of us at home. They must sacrifice without the kind of support they have so regularly deserved and been accorded. They must serve while being derided rather than dignified. And this makes my blood boil. Would that it were possible to bottle McAlester's outlook on life and spoon feed it to those of the nation in need.

As the active, dedicated Americans you are, I realize these matters concern you—as they concern those of us privileged to serve you with great pride in uniform today. Your presence this evening testifies to your concern, and may God bless you for it. Only through enlightened public opinion can we generate the support so essential to any military force serving in a democracy.

Moreover the individual Soviet or Mainland Chinese has no role in determining his contribution to his own national defense. He cannot choose between guns and butter, guns instead of butter, butter instead of guns, or neither guns nor butter. These choices are made for him.

In offering a more positive view of our nation this evening, I do not wish to be overly optimistic. Certainly we face many challenges as a nation. We must solve the riddles of the farm, the city, the suburb, and preserving our natural environment. But one basic truth transcends all these challenges.

Without a continuing absolutely certain guarantee that you and I are going to be able to continue to enjoy the way of life to which we have become accustomed there probably can be little assurance that we can count on improvements on any front! These armed services of yours provide the free environment which enables dedicated Americans such as you to meet the challenges of the present and the future while we go about our business.

This evening we are privileged to honor more than two million young men and women in uniform. As their representative tonight, I have an almighty heavy burden because they are due so much more than you or I alone can give. They wear a uniform which too often has become a popular target for neo-subversives dealing in discredit. I know you share my feeling that these outstanding young people represent a couple of million more very good reasons for concluding that you and I have an awful lot going for us in this country.

These United States of ours are pretty rugged and highly elastic. This has been proven. We have met so many challenges in the past. We have prevailed in each. The record of our accomplishments is legion. We must be sure that we continue these tasks with an attitude of constructive optimism.

In conclusion I would ask that you and I join mentally in a toast proposed by Stephen Decatur over a hundred years ago which means so much to me as I trust to you when he said:

> Our country! In her intercourse with foreign nations, may she be always in the right; but our country, right or wrong.

DAMASCUS MARKS MEMORIAL DAY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. BYRON. Mr. Speaker, yesterday, it was my privilege to participate in a moving service in Damascus, Md., to commemorate Memorial Day. The program was arranged by the American Legion Post 171 in Damascus. Luther Burke is the post commander and Buck Gladhill made many of the arrangements for the memorial service.

I would like to commend the citizens of Damascus and all the people who worked so hard to make this service a success. Participants included Rev. Lorne Burton, Franklyn O. Hayes, the Boy Scouts, the Girl Scouts, the Cub Scouts, as well as a choir from the Damascus, Woodfield, and Cedar Grove Elementary Schools. Rev. Father Walter J. Norris and Rev. Frank M. Depro also participated. The true meaning of Memorial Day was felt by all of those present at this impressive ceremony which ended with the traditional volley and taps by the Washington Blue Rifles.

PRESIDENT NIXON SPEAKS TO RUSSIAN PEOPLE

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. YOUNG of Florida. Mr. Speaker, praise for President Nixon's historic speech to the Russian people last Sunday is pouring in from across our great Nation, and from throughout the world.

The St. Petersburg Times, the major daily newspaper in the Eighth Congressional District of Florida, has long been one of the President's most persistent critics—yet even the Times laid aside partisanship to join in the nearly unanimous applause for Mr. Nixon's moving and effective address.

Here, for the consideration of the Congress, is what the St. Petersburg Times had to say in its lead editorial on May 29:

AN ELOQUENT, EFFECTIVE SPEECH

President Nixon's TV address yesterday to the Soviet people, also broadcast live in this country, was an effective demonstration of the power of communication as a force for peace.

On this historic first occasion that an American president has spoken directly to the Russian people, Mr. Nixon was at his best.

His unashamedly sentimental approach and his simple, direct and unadorned language are bound to have had deep impact upon his audience. The power of such communication—slicing through centuries of social differences, different economic systems, different cultures—simply boggles the mind. In the future, it promises to be a vastly constructive force because the hopes and goals shared by the American and Soviet people apply to all of mankind. Modern communication, like political negotiation, will help lift from man's shoulders the burdens of arms, ignorance and fear.

The President did not mention Vietnam directly, but he talked generally of restraint. The connection probably escaped most Russian viewers. Many Americans no doubt thought of Vietnamese children when he said, "Let us do all we can to insure that . . . all the children of the world can live their full lives in friendship and peace."

That the Soviet leaders allowed the President to speak to the people revealed a confidence promising policy stability. It would be interesting for one of the U.S. networks to offer equal time to party leader Leonid Brezhnev.

The President's address was a fitting climax for a summit conference that finally controlled the nuclear missile race.

NORTH CAROLINA MASTER PLAN

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. SCHWENGEL. Mr. Speaker, from time to time I have offered some constructive criticism to the American Revolution Bicentennial Commission. I feel the need for putting it in the Record so that Members of Congress who have to consider appropriations and possible new approaches may do so from the standpoint of experience and valuable information.

Mr. Speaker, for the Record today I am presenting the "North Carolina Master Plan," an article appearing in the Newsletter published by the American Bicentennial of which Mr. John Harr is the editor. This is an independent and private group seeking to influence some wiser decisions and more adequate programs for the proper commemoration of the bicentennial.

The North Carolina master plan sets a precedent that is very desirable for us to consider in some form as we pursue the challenge that remains for us to properly commemorate our 200th anniversary:

North Carolina Master Plan

The most significant effort thus far to deal with the really difficult elements of Bicentennial planning—the ideals, and principles which alone can give the Bicentennial true meaning—was made public recently in North Carolina.

It is a "master plan" which provides a "unifying philosophy and framework" for activities throughout the state in a Bicentennial Era that is defined as lasting from 1972 to 1989.

The plan has been warmly endorsed by North Carolina's Governor, Robert W. Scott, who referred to the approach as "clear and flexible" and as one that ought to "make history come alive and relate itself to the present and future." It was the product of a long, hard effort by the 23-member North Carolina ARBC, led by Chairman Hector MacLean, a former State Senator, and Executive Director Richard F. Gibbs.

Although many of the specifics necessarily refer to local subjects, it is the "unifying philosophy" on which they rest that gives the plan a stature far beyond that of a local product, one that should receive widespread attention in other states and at the national level.

The North Carolina document is remarkable in that it exhibits not only a deep sensitivity to American history, but also a genuine passion for liberty and a concern for present-day problems and future needs.

It holds that the primary goal of the Bicentennial should be to effect "a renaissance of the spirit of the American Revolution," and that this must be "more a product of action than of simply words and gestures." Other premises hold that "the highest form of honor which can be paid to the people of the Revolutionary generation would be to put their principles into action in our own lives," that "all Americans are the real beneficiaries of the American Revolution," and that this entails an obligation to pass on the benefits of that legacy "at least undiminished" to future Americans.

Based on these premises, the plan in an overall sense seeks to "re-enact" the American Revolution—to consciously set in motion processes and "principled action" that will engender a "repetition of the Revolution in the present-day lives of North Carolinians.

This, in turn, leads to the title of the plan: "American Revolution II—A Living Commemoration."

Key to the idea of making possible a "repetition" of the spirit of the Revolution is the time-frame staked out by North Carolina ARBC for the Bicentennial Era—from now until 1989. This is in contrast to the national ARBC which is due to terminate by law in 1983 (200th anniversary of the end of the Revolutionary War)—and possibly to President Nixon who, in a television address last year, appeared to suggest that the Bicentennial would end in 1976.

The North Carolina view is that the proper time span should include not only the years of ferment leading to the Revolutionary War and the War itself, but extend to the point when American liberties achieved Constitutional safeguards. This would be 1789—the year of the adoption of the Constitution, inauguration of the first President, convening of the first Congress, and the first sitting of the Supreme Court.

This offers a four-part time sequence for the Bicentennial, each of which would reflect the same spirit that prevailed during the same time period 200 years ago:

1972–76: a time for ferment, of reconsidering basic questions, of setting goals;

1976: a year of commitment;

1976–89: a period of "competition" in which Americans would work to achieve goals and try to live up to the ideals of the Revolution and the genuine needs of their time as well as their forebears of 200 years ago did;

1989: the finale, a year of "tremendous celebration," assuming that the foregoing processes have worked, goals have been achieved, and a genuine spirit of rededication has emerged.

Within this context, the myriad ideas, proposals, structures, activities, and processes which fill out the rest of the North Carolina master plan suddenly seem to have a special relevance and meaning. They range from a "goals for Dallas" process to a Bicentennial Calendar, from county and college Bicentennial Commissions to new curricula for the schools, from the use of mass media to increased historical research.

However, goal-setting is likely to be the major process in the North Carolina plan as it becomes operational. There is a newly-formed State Council on Goals and Priorities. The hope is that local governmental units will also set up goal-setting machinery.

The master plan proposes that a "North Carolina Bicentennial Congress" be held in the City of New Bern on Aug. 25, 1974. This would commemorate the 200th anniversary of the meeting of the first North Carolina Provincial Congress in New Bern, and provide for local progress reports, "especially the ones involving goal formulation."

TRY IT, YOU'LL LIKE IT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. DERWINSKI. Mr. Speaker, there has been somewhat of a controversy and criticism over the operation of Amtrak. It is my belief that, having reorganized railroad passenger traffic through this vehicle, Congress should exercise a bit of patience in addition to legislative oversight so that the problems to be overcome in railroad passenger service can be successfuly dealt with.

A very thoughtful editorial commentary in support of Amtrak was carried by WBBM Newsradio in various editorial broadcasts on May 19 which I believe to by a proper commentary on Amtrak's operation:

Try It, You'll Like It

Amtrak is under attack. Mismanagement, poor financing and bad routes are some of the complaints. Well, we just rode the train to Springfield and back, and much to our surprise, we enjoyed the whole thing.

Amtrak's slogan is: We're making the trains worth traveling again. From the standpoint of convenience, comfort and on time service, we agree.

Amtrak's "Prairie State," running between St. Louis and Milwaukee through Chicago, reminded us of the crack trains of years past . . . reclining-seat coaches, a dome car and a diner. Another train on the same route, the "Abraham Lincoln," offers reserved parlor cars and drawing rooms—echoes of luxuries past.

Airplanes and cars no doubt will continue to corner the transportation market, but WBBM suggests you try Amtrak. All trains use the remodeled Chicago Union Station, and fare reductions have just been announced on certain Eastern routes. You might be surprised to find what a relaxing experience it can be—to enjoy the roominess of the train and the pleasure of sitting down to a complete dinner with full beverage service, and best of all, the delight of seeing the American countryside at ground level.

Amtrak may have its problems, but at least, from the standpoint of service to the individual traveler, railroads have come a long way back.

B'NAI B'RITH WOMEN PASSED RESOLUTION ENDORSING SOCIAL SECURITY BENEFITS AND OTHER LEGISLATION TO AID THE ELDERLY

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. BRADEMAS. Mr. Speaker, I insert at this point in the Record the text of a resolution passed in March 1972 by the B'nai B'rith women in support of an increase in social security benefits as well as in support of a variety of other legislative measures that affect older Americans:

RESOLUTION: SOCIAL SECURITY BENEFITS AND LEGISLATION FOR THE ELDERLY

B'nai B'rith Women has traditionally been committed to the very real needs of the elderly in our communities, both in programs and in assistance. Our interest stems from our belief in the dignity of human beings of all ages, most particularly for those citizens who have contributed much to our lives and culture, but who because of their age, are no longer able to enjoy the full benefits of society.

We voice our concern, therefore, on the inadequacy of present Social Security programs and funding. Because of the exceedingly high cost of living today, many recipients find themselves living just above poverty-level. Despite the welcome assistance of medical-care programs, our elderly are frequently unable to meet their personal needs.

We commend the Congress for its efforts to raise the Social Security benefits, not just for the elderly, but for others who benefit from these funds such as widows, orphans, and the handicapped. We urge the adoption of measures to substantially increase this allocation which permits our elderly citizens to lead lives of independence and dignity.

We also urge that measures be adopted which would expand the Older Americans Act, strengthen the role of the Administration on the Aging in the Department of Health, Education and Welfare, provide work service and employment centers, mental health programs, community facilities for recreation, and low-cost plans for nutrition, housing and public transportation.

We also commend programs which seek to undertake research on the aging process and its ramifications; and recent efforts to identify and assist the elderly Jewish poor.

Our Jewish heritage has been enriched by those who have preceded us, and who have given us so much from their lives. It is in this spirit that we express this resolution.

CITIZEN PATROL REDUCES SUBURBAN NEIGHBORHOOD VANDALISM

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. WYATT. Mr. Speaker, a year ago juvenile vandalism reached such alarming proportions that the residents of a suburban Portland neighborhood decided to do something about it. Led by one area resident, Pat O'Neal, about 70 fathers began patrolling the streets in an attempt to reduce crime.

The Portland Oregonian story by Kathleen Piper details the success of this citizen effort, and I commend it to my colleagues:

CITIZEN PATROL REDUCES SUBURBAN NEIGHBORHOOD VANDALISM

(By Kathleen Piper)

Home owners plagued by juvenile vandalism might take a tip from the neighborhood west of Portland and surrounding Tualatin View Grade School.

There, 70 fathers patrolling two at a time have substantially reduced property damage, theft and other pranks of minor and major import, according to their organizer, Pat O'Neal, who lives at 9940 SW Taylor St.

"We began on April 9 of last year," O'Neal said Sunday. "We had had just about everything that could happen in this neighborhood short of murder."

Children were out after curfew at night. The school was vandalized. Juveniles annoyed neighbors by riding their motorbikes up and down the streets and on lawns.

Finally, Jack Burke's Country Store at 8998 SW Leahy Road was burglarized with $18,000 damage and was put out of business temporarily.

"It became obvious to me that we didn't have what you call a neighborhood," O'Neal said.

He said the Washington County Sheriff's Department was so understaffed, it could not respond to reports of vandalism until days had lapsed.

"There were only three county patrol cars and two state cars in the whole county then," O'Neal said, "and the state cars merely patrolled traffic on the Sunset Highway."

Washington County Sheriff Warren B. Barnes said Sunday, he was wholeheartedly in favor of the citizen patrol.

Barnes agreed that there has "definitely been a reduction" in crime in the area, but he could not say to what degree.

"We feel that they have accomplished an awful lot and probably saved an awful lot of property from being damaged. They have rousted out a couple of burglars, too," Barnes said.

Barnes said passage of a county serial levy has enabled the addition of two more night county patrol cars and after July another will be added.

Following an incident involving one of his children, O'Neal was spurred into forming the patrols.

"I interviewed every applicant for up to two hours," he said, "because I wanted to learn his philosophy. We would not accept anyone who wanted to employ guns or strong arm tactics."

The group grew to 17 and met with the sheriff. "We learned that in order for us to get anything accomplished, we were going to have to help the sheriff," O'Neal said.

The patrol was assigned each night, with two fathers from different parts of the four-square-mile area working together in the patrol car. Personal automobiles are used. The pair would patrol during the night, from approximately 1 p.m. to 2 a.m. The hours were not rigid, however.

O'Neal claims the incidence of vandalism and other related problems has shrunk from reports of two per week to only two per month. "And now when we call the sheriff's office, a car is here within minutes," he said.

O'Neal said close cooperation between the sheriff's office and his group has evolved from the patrol plan. The patrolling fathers keep careful logs of what they see during their nights on duty. Anything suspicious is reported to a sheriff's detective, who then checks it out. "It benefits both us and the sheriff," O'Neal said.

The program has also fostered a growing community spirit, O'Neal said. The fathers who work together on patrol have an unusual opportunity to communicate, he said. Neighbors who would ordinarily "just sleep here" are getting to know each other.

Since the patrol was formed, no vandalism to the grade school has occurred.

O'Neal emphasized that the approach is preventive. "We try to work through the parents. We try to keep the kids out of trouble."

"It's good to know," he said, "that instead of sitting around complaining to your wife or your neighbor, you can do something about the problems."

RESOLUTION CONDEMNING THE ESCALATION OF WAR

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. HARRINGTON. Mr. Speaker, there has been a good deal of discussion lately about how much support the President's recent escalation of the war in Vietnam has received from the public. In this connection, I think it is very worth noting that the Boston City Council recently adopted a resolution condemning that action, and expressing the strong desire that the President reverse his policy and bring the war to a speedy close. I believe that in passing this resolution, the city council of Boston was performing its solemn responsibility to represent their constituents, and I wish at this point to commend them for speaking out, and to insert their resolution in the RECORD:

CITY OF BOSTON

IN CITY COUNCIL

Whereas, Americans have been fighting in Southeast Asia for an unreasonable number of years; and

Whereas, 56,000 Americans have lost their lives in this effort; and

Whereas, it has been shown in the past that brinkmanship politics is not conducive to the long-range goal of peace which we all seek; and

Whereas, it has been shown in the past that escalation of the American effort in Southeast Asia has proved itself to be counterproductive and not in the best interest of the American people; now, therefore, be it

Resolved, That the Boston City Council condemns the recent escalation of the war in Southeast Asia and urges the immediate withdrawal of all American forces from Southeast Asia upon the release of all American prisoners of war; and be it further

Resolved, That copies of this resolution be sent by the City Clerk to the President of the United States, to the presiding officer of each branch of the Congress and each member thereof from the Commonwealth.

In City Council May 15, 1972. Adopted.

THEY ESCALATED THE WAR

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. MICHEL. Mr. Speaker, since the North Vietnamese began their massive invasion of South Vietnam there has been a lot of nonsense spoken and written to criticize the policies of the Nixon administration and to accuse the President of escalating the war when he responded to the aggression by increasing and improving our bombing policy and also by mining the key ports of entry to North Vietnam.

An editorial appearing in the May 23, 1972, edition of the Peoria Journal Star cuts through that nonsensical and misleading rhetoric in an effective fashion and I insert the text of the editorial in the RECORD at this point:

THEY ESCALATED THE WAR

When Nixon's trip to Moscow was scheduled things were pretty quiet in Vietnam, and there was every sane and reasonable cause to figure that responsible leaders on both sides would keep it quiet or make it still quieter.

Instead, today, the fighting in Vietnam involves the largest collision of main forces on both sides in the history of that war.

How did that happen?

Everybody knows how it happened although there are some who choose to leapfrog over its beginnings.

It happened because Moscow and Hanoi entered into collusion to produce the largest overnight escalation in the killing and crisis since 1968, and with obvious intentions of surpassing 1968 in violence.

They plotted a sudden and surprise switch from guerrilla techniques to a massive assault by the entire North Vietnamese regular army, led by staggering artillery and rocket barrages laying down a carpet for squadrons of the Russian's best tanks and paving the way for the advance of the North Vietnam's best infantrymen.

That offensive was a complete switch. It was prepared and lavishly armed during the lull inspired by Nixon's withdrawal policies. It exploded all across the border "front" at the exact moment when one would reasonably expect restraint.

Even more significantly, Nixon set the initial example of "cooling down" the war and asked Moscow to respond in a like spirit for peace. Instead, they obviously did just the opposite. They tried to see how much military advantage they could exploit from the de-escalation of the war on our side.

Spectacular success was a possibility—and would have exploited Nixon's visit in two ways: for military victory in Vietnam and to put the U.S. at a severe disadvantage in the Moscow negotiations.

It has a third advantage and purpose. It put Nixon the spot at home—whatever way he reacted.

It is somewhat ironic, and a symptom of how far the "anti-war" emotions have gone from beyond reality, that when Nixon responded with countering the North Vietnamese introduction of tanks, and massive rocket and artillery weapons and supplies, with mines and air action—to permit the South Vietnamese infantry and the North Vietnamese infantry to fight on fairly even terms—the U.S. was promptly accused of escalating the war.

That is patently nonsense.

It is as absurd as the constant charges—in the face of both repeated public statements from the start and overwhelming evidence in action—that the U.S. was seeking a military victory and that the "only answer" is a "political solution."

It is now pretty obvious who has been seeking a "military victory" outright and who has continually shunned the "political settlement!" It is Moscow and Hanoi, clearly. When we de-escalate—they escalate. When we counter, we are accused of responsibility for the new levels of mayhem!

This level of explosive war was clearly and flatly introduced by Hanoi. It wasn't us. It was in the face of action and efforts in the opposite direction by us.

One would think these who have decided on being critics—regardless of the events and actions of the other side—ought to at least face the barest of facts.

Another fact deserves recognition by now.

Since it was they and not we who decided to "rock the boat" and see what happened, it was Moscow taking risks with "peace." That is where the responsibility lay, and when Nixon put it on them as he announced the mining, he was saying simply: "You initiated the new major war situation, and it is your responsibility to accept the consequences of balancing it. It is time for some restraint on your side."

Significantly, there has been restraint in Moscow . . . but only after they took their gamble and tested us! They always seem to want to see if they can "get away with it" first.

That hardly encourages the persistent doctrine that they are always ready to be reasonable and we are not—and that if we let them "get away with it," they would be restrained and reasonable.

THE $55,000 CROP SUBSIDY LIMIT, A FAILURE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. ASPIN. Mr. Speaker, the $55,000 crop subsidy limit enacted last year by Congress has been a complete failure, resulting in virtually no Federal revenue savings, according to a recent report by the General Accounting Office.

The GAO report has revealed that $55,000 payment limitation resulted in savings to the Federal Government of only $2.2 million, not the approximately $68 million that the GAO had previously estimated that should have been saved.

The GAO report noted how corporations and wealthy individual farmers had been able to avoid the $55,000 per crop subsidy limit through various legal maneuverings, such as leasing part of their land or through forming different types of partnerships or corporations. The GAO stated that—

> Although the payment limitation adversely affected some individuals and benefited others, it had no significant effect on . . . government expenditures.

The report also revealed that 77 percent of those farm producers who received more than $55,000 in 1970 crop subsidy payments changed their farming interests or operations for 1971, presumably to evade the crop subsidy limit.

Some of the examples of legal maneuvering to evade the crop subsidy limit cited in the GAO report included: California corporation, which was paid about $2.5 million in crop subsidies previously, was divided up to allow 53 different individuals to receive Federal payments of $2.5 million in 1971, and thus evade $55,000 per individual crop limit for not farming. Another case the GAO cited was a New Mexico farm, which should have received the maximum amount of $55,000, but was organized as a partnership between a father and his two adult sons. Under the Department's regulations the father and two sons each received $22,300, a total of $66,900 and no savings resulted.

As you know, Mr. Speaker, the Agriculture Department pays around $3 billion annually in direct payments to producers participating in cotton, wheat, and feed grain programs. In 1971, Congress enacted a $55,000 limitation that any one farm producer could receive under each of these programs in order to eliminate enormous Federal payments to already wealthy farmers and corporations. However, it is clear that the Agriculture Department has done very little to prevent farm producers from evading the clear intent and purpose of this legislation. These wasteful overpayments to wealthy farm producers and corporations could have been used to help the family farmer struggling to survive.

Weak legislation by Congress and even weaker enforcement by the Agriculture Department have resulted in the failure of the $55,000 crop limitation. Unfortunately, Congress is apparently not very interested in closing some of the loopholes contained in the legislation itself. But, until Congress does legislate on this issue again, it is the Agriculture Department's responsibility to enforce the law as well as possible. Along these lines, the GAO recommended that the Agriculture Stabilization and Conservation Service, which administers the crop subsidy program:

First. Establish procedures to obtain information on all farming interests of each program participant so that ASCS can apply the payment limitation fully and fairly.

Second. Provide for systematic review by ASCA headquarters of the decisions made initially by the ASCA county and State committees.

Third. Clarify and expand instructions to county committees.

I am hopeful that the Agriculture Department will need GAO's advice and will attempt to more vigorously enforce the intent and purpose of the $55,000 per crop subsidy limit.

JOHN DREISKE—OUTSTANDING JOURNALIST

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. ANNUNZIO. Mr. Speaker, John Dreiske, one of Chicago's outstanding journalists and political editor for the Chicago Sun-Times, wrote his last column for that paper on Friday, May 26, 1972. He has now retired after devoting a lifetime to reporting and analyzing political news.

I met John Dreiske for the first time in 1945 and for over 25 years I have admired the fairness in his articles which brought to those in my city and to those outside of my city a keen understanding and insight of our American political system. In writing his column, Mr. Dreiske has always informed the reader of the facts and has always displayed firm impartiality regardless of the individual, the political party, or the branch of government that was receiving his scrutiny.

Mr. Dreiske's retirement leaves a tremendous gap at the Chicago Sun-Times, and it is my understanding that he will not be immediately replaced by another columnist. He will be missed not only by his associates at the Chicago Sun-Times, but by all those in our community who have had the opportunity to know him. He is indeed a man highly respected and affectionately regarded.

Having graduated from Northwestern University in 1929, John went to work on the editorial staff of the Chicago Tribune. Thereafter, he served with the Detroit Mirror, the Chicago Herald Examiner, and the Detroit Times. In 1936 he went to work for the Chicago Times and from 1938 to the present time he has been working for the Chicago Sun-Times. He served as an instructor at the Medill School of Journalism, Northwestern University, and is a member of the Illinois Legislative Correspondents Association.

While he will be missed on the political scene, as well as at the offices of the Sun-Times, nonetheless John Dreiske has earned his retirement, and Mrs. Annunzio joins me in extending to him, his devoted wife, Margaret, and their children, John and Karin, our sincerest best wishes for a healthy and happy retirement.

Mr. Speaker, I include at this point in the RECORD the last column written by John Dreiske for the Chicago Sun-Times as well as an editorial which appeared in the Friday, May 26 edition of the Chicago Sun-Times entitled "Farewell to Dreiske":

POLITICAL EDITOR'S LAST HURRAH

(By John Dreiske)

Well, so it has finally come down to this. With the production of this last of some 5,280 columns regularly appearing in The Times and The Sun-Times for 30 years, I will have retired.

As I take the traditional and very corny trip down the sunset side of the hill of life, there comes back to me clearly the feeling of high confidence I felt when I went to work for the Chicago Tribune in 1929.

I recall, too, that feeling of confidence and that sensation of being a budding king of the hill when first I walked into the State House at Springfield to cover my first General Assembly session in 1943, one year after becoming political editor.

On that day, I was accompanied by two of the finest people in the world, two reporters, the late Charles N. Wheeler of The Daily News and A. L. (Tod) Sloan of the then Chicago Herald-American.

These two gentlemen brought me up in the rugged hurly-burly of Illinois and Chicago political writing and taught me some holds that saved me from scoop disaster in many a critical situation.

Those confident early years in what, friends, is a very rough business soon passed. In those years, I knew a helluva lot more about politics than I do today. The world was my cooky. And now that world has crumbled.

But the fact that this particular career is ending is not bad news. I'm glad I made the decision to not stick around longer than three days past my 65th birthday.

Never felt better in my life and the same goes for Margaret. The final year has been a good one and that's the note on which I had always hoped to call it quits.

But that particular birthday Tuesday rang the bell for me and there came a sudden urge to sit down in a different chair and look at my life.

I can't do this, however, without scanning the many years that have passed, the last 36 spent with the same newspaper organization.

One random thought is that The Sun-Times is a terrific newspaper for a columnist with attack tendencies to be employed by.

I have in this column space written some of the damndest things about certain people whom I thought had it coming, but there was nary a whimper or column killed even when those people were well wired to our executive hierarchy.

One executive whose very good friend took a drubbing in a column dropped by my desk the next morning and, laughing, said, "Well, I see you took care of my buddy today!" And that's all there was to it.

I'm told they're not going to name a new political editor for a while and that there's not going to be a local political column for a while.

I'm kind of glad about that in a way. No bright young character is going to take over immediately and show me up with immediate contrast and much more talent.

As I write this last column, the phone is ringing, the mail has arrived and their messages roll back the years. One writer recalls a column I wrote about him 25 years ago when he was a candidate. Another writes, "I cut my teeth on politics through your column."

The staff and the executives of this newspaper have partied me and flattered me. Their fellowship—which has survived many a tense deadline crush—has been lasting and will never be forgotten.

Good-by.

FAREWELL TO DREISKE

John Dreiske says farewell to his readers on page 52 today and we regretfully must say farewell to one of the great Chicago journalists. For the past 30 years Dreiske's column prying below the surface of Illinois politics and prodding the politicians has been must reading for anyone interested in the operation of state and local government.

Dreiske saw his first duty always to inform the reader. He played no favorites among Republicans or Democrats or among political figures he admired and those he distrusted.

Thirty years of rubbing shoulders with the political lions and the political rats has hardly changed Dreiske, the man. His exquisite blend of dry wit and enthusiasm has kept him on even keel from his first column to his last.

His colleagues at The Sun-Times will sorely miss his good company, his fund of knowledge and his ever-ready helping hand.

THE ROAD TO LEXINGTON AND CONCORD

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. BRAY. Mr. Speaker, the most famous Revolutionary War poem of them all opens with lines especially significant:

> "By the rude bridge that arched the flood,
> Their flag to April's breeze unfurled,
> Here once the embattled farmers stood,
> And fired the shot heard 'round the world."

In hindsight it is easy to see and be critical of the many aspects of the British Army in those days that were not exactly strong points. However, the "embattled farmers" of Concord and Lexington, and for that matter the entire population of the American Colonies in 1775, were not quite so aware of the weaknesses as they were of the reputation the British soldier had won for himself—and rightly so.

The first clash was between these "embattled farmers" and British regulars, but ever since the founding of the colonies 150 years before, Americans had had to fight to survive. The road ended when the unskilled and unready colonists took on the world's mightiest military power. But it had begun and had gone on with many a twist and turn, when the first white man had set foot on the North American continent. The story is as much a part of our Revolutionary War history as anything could be.

Rev. Joseph Doddridge, on militia, commented:

> They were soldiers when they chose to be so,
> And when they chose, they laid down their arms.

Boiling Water may well have prescribed the ceremonies. King's regulations called for a salute to the commander in chief, three ruffles on the drum, officers to salute, other ranks to stand at rest arms. Boiling Water, so named by the remarkably prescient Mohawks when he had lived among them and taken a squaw at one time in his checkered career, was better known as Charles Lee, since June 17, 1775, by resolution of the 2d Continental Congress a major general in the "army of the United Colonies." He had come up from Philadelphia with George Washington and since he had begun his military career at age 12 with a commission in the British Army and at one time had served under the King of Poland as well, he probably knew more about such ceremonies than any man present.

Almost as if the Muse of History decreed the day should not be observed at all—July 3, 1775, was the 21st anniversary of Washington's humiliating capitulation to the French at Fort Necessity in the French and Indian wars—there is a curious blank spot about the day. The story of a ceremony under the Cambridge elm did not even appear until 1837 and is definitely apocryphal.

Perhaps none of the New Englanders thought it was worth noting; perhaps they were suspicious of the Virginian; perhaps they merely had the cautious, wait-and-see attitude of all armies on all levels when a new commander takes over. James Stevens, posted at Cambridge, did note in his diary that:

> Nothing hepping extroderly we preaded—paraded—three times.

Paul Lunt was at Prospect Hill and recorded that Washington reviewed his regiment there and Noah Chapin at Brookline said the generals were there, too.

Other than that, nothing—in newspapers, diaries, letters, nor memoirs. That is most unfortunate; the sight of the militia ringing Boston, reconstructed years later by Col. William A. Ganoe in his "History of the United States Army," cries out for an eyewitness account:

> Was ever a commander presented with a more motley throng? In the same companies were blue coats faced with buff, black coats faced with red, and hunting shirts of brown trimmed with fringes, streamers and scarlet needlework. The townsman, clad in gay hues and covered with coat or blanket, touched elbows with the woodsman wearing his dull homespun. A company of Stockbridge Indians in feathers, paint and nakedness vied in color with the Connecticut dragoons in vivid red coats not unlike the British. There were long trousers, overalls, and breeches with or without gaiters or with fringed leggings of deerskin. Stuck in the triangular hat were gaudy sprigs of various sizes and shapes. Irish, German, Scotch, Puritan and Quaker contrasted their Caucasian faces with the shiny African in his powdered wig, while graybeard and child stood side by side. Even the officers had no distinctive uniforms.

Militia, to a man as uneven in appearance as was the 168-year period of colonial militia history behind them that had begun with the founding of Jamestown in 1607. The record they would set in the years ahead would be equally as uneven. But now the colonies had a war on their hands. War meant fighting; fighting meant militia; standing armies were anathema.

So, Congress resolved, on July 18, 1775, that—

> It be recommended to the inhabitants of all the united English colonies of North America, that all able bodied effective men, between sixteen and fifty years of age in each colony, immediately form themselves into regular companies of Militia.

Settlement of the North American continent had been a military operation from the first. Asking the average American to cite any two names from the colonial period would probably produce John Smith and Myles Standish. The king provided no soldiers—indeed, he provided very little save charters and grants. The colonists were thrown on their own devices. Military drill became a way of life. Unpreparedness, as the colonists were to learn from time to time at excruciating cost, meant disaster. Strangely enough, in England, the militia system was dying out at the same time. The civil war had shown Cromwell the necessity for standing armies and Charles II was to depend upon them exclusively. The English regular army establishment is dated from his reign, and the militia almost faded completely until the middle of the 19th century.

Indians were not the only threat. Since the defeat of the Armada in 1588 England had been safe from invasion and was to be free of that fear up until the time of Napoleon. But the early settlers in Virginia feared a repetition of the Spanish massacre of the Huguenots at Fort Caroline, in Florida, in 1565. The alarm was sounded at Jamestown, several times, that Spanish ships were approaching, and appearance of a French ship off Boston in 1643 meant a hurried call to arms.

So, arms and the man, above all; Captain John Smith's "Check List for Virginia-Bound Colonists" listed:

> Arms for a man; but if half your men be armed, it is well, so all have swords and pieces. 1 armor complete, light. 1 long piece five feet and a half, near musket bore. 1 sword. 1 belt. 1 bandolier. 20 pound (s) of powder. 60 pounds(s) of shot or lead, pistol and goose shot.

The militia system itself varied from colony to colony but did retain certain elemental features of the old English method. A compulsory levy of the male population, drilling a certain number of days yearly, for summons in an emergency, was basic. Size of units differed; geographic bases varied widely; some units elected officers, other appointed them. The militia did reflect the economic and social structure of the colony with rank generally being on a par with social status. Each man had to provide his own weapons and ammunition, clothing and food, and reserves were maintained for those too poor to buy muskets.

Colonial warfare was not cheap. Cavalry was included but it was expensive; Massachusetts restricted cavalry service to those with property worth at least 100 pounds sterling. General expenses were met by quotas on individual counties and it was up to the counties to get the money any way they saw fit, by borrowing or by special taxes. In 1645 the Virginia General Assembly met the expenses of 80 men for an expedition to Roanoke by a levy of 38,000 pounds of tobacco to pay for boats and supplies. Pay alone amounted to 8,000 pounds of tobacco. Some money came in the form of fines for infractions of militia discipline, which was strict.

The load could be crushing. King Philip's war—1675–78—left a debt of 100,000 pounds sterling, a stupendous sum for the day. And not only in money: During the war, 16 Massachusetts and 4 Rhode Island towns were wiped out, and it was said 6 percent of all New England men of military age were killed. It was 20 years before the destroyed villages were resettled and 40 years before the frontier advanced again.

But the colonists could become lax, and pay a great price for it. The early Virginia colonists drilled faithfully, for awhile, then felt the Pochahontas-John Rolfe marriage would bind the Indians and keep them peaceful. While Powhatan lived, it did, but he was succeeded by his brother Opechancanough who hated the English and waited for his chance to strike.

It came on Good Friday, March 22, 1622, 4 years after Powhatan's death. The Indians came into the white settlements, peacefully at first, pretending to sell provisions, then suddenly fell on those about the houses and swept on into the fields; 350 were killed at the first attack. Jamestown was saved only by being warned by a friendly Indian boy named Chanco. The terrified colonists asked the King for—

> certain old cast Armes remayning in the Tower and the Mynorities; which though they were altogether unfitt and of no use for modern service, might nevertheless be serviceable against that people, whereunto his Majestie for the better strengthening of that Plantation graciously condiscended.

The King obliged; what was sent was put to good use in the 2 years that followed, even though disease was sweeping the colony and at one time only 180 men were fit to fight at all, and of these but 80 were suitable for actual combat. John Rolfe was among those killed, but so complete was the colonists' victory that except for a rumored attack in 1627, which never occurred, and another uprising in April 1644 that killed 300 English before it was put down, Virginia had no more troubles with the Indians on a large scale for the rest of her history.

Defense, in colonial days, at least on the surface, was every man's duty. But as so often happens, every man's duty has a way of turning into no one's responsibility. The most complete tabulation of laws and regulations of colonial times governing militia came up with 777 laws, or provisions, touching on defense. Of 608, 200 laws and 369 provisions bear on some form of compulsory service. Of the provisions, 122 delegate authority. The remaining 247 are the only ones containing anything touching on compulsion and not all of them actually compel someone to serve.

The oft-drawn picture of colonial America as a garrison-state fades at once when it is noted on balance 200 laws had compulsion aspects but 213 dealt with exemptions.

The expedition against Louisbourg, during King George's war, the War of Austrian Succession, 1744–48, was the high-water mark of militia endeavors for the entire colonial period. Shot through with elements of luck and black comedy, one French witness later wrote of it that:

> It was an enterprise less of the English nation and its King than of the inhabitants of New England alone.

The Peace of Utrecht had not settled boundary questions in North America. Outbreak of the War of Austrian Succession was first heard of by the French. Their fortress at Louisbourg was the strongest in all North America, the only French naval station on the entire continent, a haunt of privateers, and commanded the entrance to Canada. Supposedly impregnable, it had taken the French 25 years to fortify it.

Determined to strike first, a French raiding party swept down on the fishing village of Canseau in Nova Scotia. Its garrison surrendered on condition they would be sent back to Boston. They were, eventually, but first were taken to Louisbourg while the French made another raid, which failed, against Annapolis Royal. It was a mistake to take captives to Louisbourg. The fortress was not nearly as strong as its reputation had it, and Lt. John Bradstreet, captured at Casneau, reported its weaknesses to Gov. William Shirley.

Governor Shirley put it up to the legislature, the General Court, which met in secret. A committee was appointed to consider the plan, and reported adversely, but the secret was out. Supposedly the security leak was due to a member of the committee, more pious than discreet, who prayed so loudly and fervently for divine guidance that he was overheard through the walls of his room. The Boston merchants asked the court to reconsider, and this time the proposal was approved.

Shirley asked for help from all of the colonies. Connecticut sent 500 men; New Hampshire 450; Rhode Island refused men, being irked at Massachusetts over a boundary dispute, plus the rough treatment given Roger Williams by the Puritans still rankled; New York contributed 10 cannon, and Pennsylvania and New Jersey sent supplies. In Massachusetts 3,000 men were raised, and Shirley asked the Crown for naval aid from Commodore Peter Warren's fleet in the West Indies.

This time the Crown responded. Warren in a 60-gun ship accompanied by three 40-gun vessels was dispatched to Massachusetts. The expedition took on the air of a crusade; Rev. Samuel Moody, minister of York, who would go as senior chaplain, picked an ax which he intended to use in the churches to smash the heathen idols of the anti-Christ. This prompted a letter from Deacon John Gray of Biddleford:

> Oh that I could be with you and dear Parson Moody in that church to destroy the images there set up and hear the true Gospel of our Lord and Saviour there preached!

There was one skeptic, at least. Benjamin Franklin wrote from Philadelphia to his brother in Boston:

> Fortified towns are hard nuts to crack; and your teeth are not accustomed to it. Taking strong places is a particular trade, which you have taken up without serving an apprenticeship to it.

The expedition landed with practically no contest about 3 miles west of Louisbourg, on May 1. First stroke of luck: The French felt they could not hold the Grand Battery, so abandoned it after spiking the guns, 28 42-pounders and two 18-pounders, with much ammunition. The New England blacksmiths got out their tools and went to work, and when cannon from Louisbourg opened fire on the battery, to their surprise they were answered by their own guns.

Then came the second break. A French supply ship was swept up by Commodore Warren, and now the besiegers found themselves completely supplied, courtesy of the French. A demand for surrender was refused so now shelling of the town began in earnest. Before the siege was over, an estimated 9,000 cannon balls and 600 bombs were lobbed over the walls and only one building was left untouched. The French had not expected a land attack and their main battery faced the water. The cannon could not be moved and were useless. Then Warren scooped up a warship, this one rendering 64 guns, 560 prisoners, and munitions.

Then the army got its first setback. One participant was later to write that there was so much rum in evidence that it reminded him more of commencement day at Harvard than a military expedition. An attempt to storm the island on which another French battery was situated failed because of the 800 men detailed to go, too many showed up drunk. A second attempt did get ashore, then someone who had been at the rum barrels again called for a cheer. The French were alerted; 60 were killed and 119 captured, marking failure to the second attempt and depressing the army.

By the middle of June everyone was getting impatient and a major land-sea assault was planned, but before it could be launched the fortress surrendered The French flag was left flying; several merchantmen were enticed into the bay, where they were taken by Warren's ships, with total prizes over 1 million pounds in value. Half went to the Crown; half to the naval captains; nothing to the troops. They had hoped for plunder of the place, but surrender terms forbade it:

> Sabbath Day ye 16 June. They came to Termes for us to enter ye Sitty tomorrow, and Poore Termes they Bee too.
>
> A great Noys and hubbub amongst ye Solders about ye Plunder; Som Cursing, som a Swarein.

Glorious victory though it was, it made no real impact on the outcome of the war, and the disgust of the colonists knew no bounds when at the end of the war it was given back to the French, in exchange for Madras in India.

Whatever the Crown had hoped for when it had called the Albany Congress of 1754, it was disappointed. And there was no time to lose. The British fleet was twice the size of the French but where Britain had 18,000 troops under arms, the French had around 175,000. When George II addressed Parliament on November 14, 1754, he did not mention the Colonies by name, but when he referred to protecting "those possessions which constitute one great source of their wealth," Parliament took the hint.

Parliament voted money. Two understrength regiments were already on orders to sail for Virginia; the idea was that they would be filled out with men, levies, furnished by the colonists, and they would also be supplied by the colonists. Maj. Gen. Edward Braddock was appointed to command the regiments, and also to act as nominal commander in chief of all the military forces in the colonies, hopefully to bring about some unity.

Braddock had the usual dislike of the Regular for Militia. Noted Benjamin Franklin:

> He had too much self-confidence; too high an opinion of the validity of regular troops; too mean a one of both Americans and Indians.

All Braddock found was apathy, unwillingness, and outright refusal, as far as getting supplies was concerned. Washington himself said the locals "ought to be chastised." Reports of the mess came to Walpole's ears in England and elicited the caustic comment that Braddock seemed to be in no hurry to be scalped. Then in stepped America's first supply sergeant.

Benjamin Franklin was serving as Postmaster General of Pennsylvania, and came, with his son, to Braddock's camp at Fredericktown—Frederick, Md.—ostensibly to arrange for communications between Braddock and the colonial Governors. The Pennsylvania Assembly had agreed to pay for this service. The Assembly thought Braddock hated Quakers on account of their beliefs; actually, he hated them because he was certain they were trading with the French. In any case, Braddock was commander in chief and Pennsylvania felt it would be well to stay in his good graces.

Braddock and Franklin took to each other. Franklin found him fuming in impatience, waiting for the return of the men he had sent out through Virginia and Maryland to secure wagons. Franklin was about to leave when the foragers came in, with but 25 wagons and many of them unserviceable. Braddock exploded. At least 150 wagons were required, and it was all the fault of the Ministry for sending him to that godforsaken place where there was absolutely no chance of getting the provisions needed, and as far as he, Braddock, was concerned, the expedition was ended right then and there.

Franklin said it was too bad Braddock had not landed in Pennsylvania, because up there almost every farmer had his wagon. Braddock turned to him like a drowning man grasping a rope:

> Then you, sir, who are a man of interest there, can probably procure them for us; and I beg you will undertake it.

Franklin wrote down the terms he thought would be necessary, Braddock agreed to them, and advanced Franklin 800 pounds for their hire. Franklin's appeal to the people in York, Lancaster, and Cumberland counties mentioned the easy money to be made, then:

> The king's business must be done; so many brave troops, come so far for your defense, must not stand idle through your backwardness, to do what may be reasonably expected from you; waggons and horses must be had; violent measures will probably be used, and you will be left to seek for a recompense where you can find it, and your case, perhaps, be little pitied or regarded.

Franklin had to advance 200 pounds more of his own money but in 2 weeks had secured 150 wagons plus 259 packhorses.

> The advertisement promised payment according to the valuation, in case any wagon or horse should be lost. The owners, however, alleging they did not know General Braddock, or what dependence might be had on his promise, insisted on my bond for the performance, which I accordingly gave them.

And not only did Franklin get wagons and packhorses for the general. Dining one evening with some regimental officers, the colonel told Franklin of his concern for the subalterns, "who were generally not in affluence and could ill afford, in this dear country, to lay in the stores that might be necessary in so long a march, through a wilderness, where nothing was to be purchased."

Franklin's son had been a subaltern himself at one time, and he drew up a list of what he thought would be most appreciated. Franklin wrote to a committee of the Assembly "who had the disposition of some public money" and enclosed the list. To the delight of the officers, along with the wagons and pack horses, there arrived in the camp 20 additional horses, each containing a parcel of:

> Six lbs. loaf sugar, 6 lbs. good Muscovado do., 1 lb. good green tea, 1 lb. good bohea do., 6 lbs, good ground coffee, 6 lbs. chocolate, ½ cwt. best white biscuit, ½ lb. pepper, 1 quart best white wine vinegar, 1 Gloucester cheese, 1 keg containing 20 lbs. good butter, 2 doz. old Madeira wine, 2 gallons Jamaica spirits, 1 bottle flour of mustard, 2 well-cur'd hams, ½ dozen dry'd tongues, 6 lbs. rice, 6 lbs. raisins.

Horse and parcel were presented to its new owner.

Braddock was delighted and asked for more help in sending provisions out after the expedition had left; he was to say of Franklin that in the man he had found "almost the only instance of ability and honesty I have known in these provinces." Franklin put out an additional 1,000 pounds of his money in filling this task. A few days before Braddock's defeat he did return to Franklin an order for that sum; there was more to be paid on the next account, but it never was.

Things had not gone too well after Braddock's defeat. When Governor Shirley learned the role of commander in chief had fallen on him, he was preparing two moves in New York on his own. The first would be aimed at Niagara, with himself as commander; the other would be for Crown Point, with William Johnson, whom Braddock had appointed Superintendent of Northern Indian Affairs, to act as temporary major general.

Then Lord Loudoun arrived in New York on July 23, 1756, accompanied by an aide, two secretaries, his mistress and 17 servants. He came under the most comprehensive plan yet for military unity in the colonies. He could ask the colonies for recruits, money, quarters and transport, and request the aid for provincial troops, but he could not compel them. And five of the most central colonies had 60 percent of the population yet by their charters were not under direct control of the Crown. Yet, it was from these colonies than the main source of manpower would have to come.

Loudoun's normal bad temper was not helped by his first meeting with Shirley:

> I got from Major-General Shirley a few papers of very little use; only he insinuated to me that I would find everything prepared, and have nothing to do but to pull laurels, which I understand was his constant conversation before my arrival.

Shirley had not done too badly. Around 7,000 men were under arms. Most of them were under command of Gen. John Winslow, appointed by Shirley, at Half Moon, up the Hudson from Albany at a point where rapids prohibited further navigation. Men were in outposts at Fort Edward, and at Fort William Henry, which was to be the jumping-off front point for Ticonderoga.

French and Indians swarmed through the woods, picking off the unwary and the laggards. In early June Colonel Fitch at Albany had written to Winslow:

> Friday, 11 o'clock: Sir, about half an hour since, a party of near fifty French and Indians had the impudence to come down to the river opposite to this city and captivate two men.

Winslow's reply:

> We daily discover the Indians about us; but not yet have been so happy as to obtain any of them.

At Fort William Henry, on Lake George, Col. William Bagley was driving his men to build three sloops and a miniature armada of whaleboats for the planned assault on Ticonderoga. Winslow kept urging him to hurry; Bagley responded:

> Shall leave no stone unturned; every wheel shall go that rum and human flesh can move.

Two weeks later he wrote Winslow:

> I really must confess I have almost worn the men out, poor dogs. Pray where are the committee, or what are they about?

Bagley, too, was troubled by raiders and his scouts were not much help:

> There is a vast deal of news here; every party brings abundance, but all different.

And later he reported:

> I constantly keep out small scouting parties to the eastward and westward of the lake, and make no discovery but the tracks of small parties who are plaguing us constantly; but what vexes me most, we can't catch one of the ———. I have sent out skulking parties some distance from the sentries in the night, to lie still in the bushes, but the flies are so plenty, our people can't bear them.

Over at Fort Edward, Col. David Wooster was not having any more luck; so far, he wrote to Winslow, he had not been able "to give those villains a dressing."

But the colonists were learning partisan warfare. Roberts and his Rangers slipped through the forest to within sight of Ticonderoga for a scouting mission. What they saw was not encouraging. The 7,000 men under arms would not be too many for the job.

Shirley's plan would have cut New France in half and it might well have succeeded if he could have gotten things moving. But intercolonial friction had crushed these hopes. The army should have moved in April; it was not ready until August.

William Livingston of New Jersey summed up the mess:

> The colonies are nearly exhausted, and their funds already anticipated by expensive unexecuted projects. Jealous are they of each other; some ill-constituted, others shaken with intestine divisions, and, if I may be allowed the expression, parsimonious even to prodigality. Our assemblies are diffident of their governors, governors despise their assemblies; and both mutually misrepresent each other to the Court of Great Britain.

For all of Shirley's work, Loudoun still found chaos among the troops. Of the army, 27 percent was on the sick list. Fort William Henry had five to eight burials a day, and Capt. Edmund Wells wrote in his diary:

> Sept. 12 I am feeling very poorly indeed.
>
> Sept. 17 Counted 90 graves in the burying ground at Ft. Edward in 5 weeks.
>
> Sept. 18 Three more persons buried. I am very ill.
>
> Sept. 19 Too poor to attend divine service. A hundred graves today.
>
> Sept. 21 112 graves. Three of my men deserted.

Desertion was a fright. At one time in September 200 men left. General Winslow asked Loudoun permission to try the gallows—

> Although Hanging among the Americans has never as yet been Practised can't but think a Little is necessary.

Loudoun would have none of that, as he knew the value of a body in uniform, live, and not dangling from a-rope. He suggested enlistment for life in the West Indies, instead. But this went against the colonial grain. Connecticut, for instance, pardoned returning deserters and they suffered no more punishment than docking of their pay for the time they were gone.

The army was supposed to be around 8,700 men but was not close to it. New York had sent only one-third of its complement and Massachusetts was 1,100 short, refusing any more until the other colonies came through. Loudoun had hoped to enlist Americans into the British regulars. This had been successful; for a time, up until 1756, British recruiting parties had lived in a wonderland and old-world styles of recruiting swept the colonies from Maine to the Carolinas.

In addition there was the wide disparity between what a man received from a militia enlistment—not to speak of the length of time—and what the British soldier earned. After deductions from his pittance of a wage, the British soldier came out with maybe 3 or 4 pence daily. The Massachusetts troops received 10¼ pence, plus sugar, ginger, rum, and molasses as additional luxuries and a marching allowance three times that granted the regular.

By the end of the year, both sides withdrew into winter quarters. It was no problem for the French, as the uncomplaining inhabitants of Canada looked upon forcible quartering of troops in their homes as merely something to be expected and lived with. Not so in the Colonies. Most of the British regulars were in Philadelphia, New York, and Boston. Loudoun demanded free quarters; this was the custom in England. There was something to be said for his request since after all the regulars were there for the colonists' benefit.

The colonies did not see it that way. Philadelphia did let them use the public houses but there was not nearly enough room for all and argument arose between the Governor, who backed Loudoun, and the Assembly, which did not care whether they had shelter or not. The winter dragged on; many soldiers were lying on straw in outbuildings, sick, and dying from exposure. Loudoun erupted; either shelter would be given or he would send down another entire regiment and quarter the whole lot in private homes, with no arguments taken. The Assembly relented.

In New York the privates were put in barracks but the officers were left to shift for themselves. Loudoun demanded something for them. The city council was afraid of inciting the populace and the mayor tried to argue with Loudoun. Roared the Earl:

> God damn my blood! If you do not billet my officers upon free quarters this day, I'll order here all the troops in North America and billet them myself upon this city!

To show he meant it, he arbitrarily assigned six men to the home of Oliver DeLancey, brother of the late Acting Governor. DeLancey swore at them; this got him six more, compliments of Loudoun, and very likely a reminder there were many more where those came from. The city took the hint and raised a fund to provide lodgings. In Boston there was no difficulty; the troops were put up in Castle William and given what they needed.

Loudoun planned to assault Quebec in 1757 and asked the four New England provinces for 4,000 troops. He got four different proposals in return. Finally the Colonies did agree to Loudoun's figures but although the troops were promised by March 25, none were ready. Where Governors were agreeable, Assemblies balked. In the south, there was delay; Pennsylvania and Maryland came through with nothing at all. New Jersey sent only half; only New York was ready with the required number, on time.

In spite of all this, Loudoun was to finally impose some degree of military unity on the Colonies. Under him, for the first time, the commander in chief was able to order troops to go wherever he wanted them on the frontier. He also increased the strength of Rogers' Rangers to several companies and made them part of the regulars. But the Colonies did not like him; they had grumbled at his request for 4,000 men yet when Pitt asked for 20,000 the following year, with the Colonies to bear only the expense of clothing and pay, the Assemblies voted all he wanted. They were helped along, no doubt, by Loudoun's removal and by Pitt's assurances that Parliament would pay some compensation for the expenses they were to bear.

In less than 20 years the troops that had fought side by side would shoot at each other. For the British soldier, warfare was his way of life. For the American colonist, it was an unpleasant interruption of his regular routine.

The Continental Congress was to have thrust upon it, by Lexington, Concord, Ticonderoga, and Bunker Hill, the greatest concentration of military-political power ever wielded by a national legislature. It was endowed with the vaguest and most uncertain authority at its creation, yet, events of the times, and expectations of the people of the colonies, decreed that it take up, albeit somewhat unwillingly, the total responsibility for creation of the American Republic.

Three of Adams' letters show, after a fashion, the gradual awareness of what was coming to pass. With schoolboy exuberance, he would write to Abigail on May 29, 1775, that:

> . . . The military Spirit which runs through the Continent is truly amazing. This City turns out 2000 Men every day. Mr. Dickinson is a Coll.—Mr. Reed a Lt. Coll.—Mr. Mifflin a Major. He ought to have been a Genl. for he has been the animating Soul of the whole.
>
> Coll. Washington appears at Congress in his Uniform and, by his great Experience and Abilities in military Matters, is of much service to Us.
>
> Oh that I was a Soldier!—I will be.—I am reading military Books.—Every Body must and will, and shall be a soldier.

On June 17, again to Abigail:

> The Continent is really in earnest in defending the Country. . . . I have found this Congress like the last. When We first came together, I found a strong Jealousy of Us . . . but the longer We sat, the more clearly they saw the Necessity of pursuing vigorous Measures.

By July 24, again to Abigail; the full impact had struck:

> The Business I have had upon my Mind has been as great and important as can be intrusted to One Man, and the Difficulty and Intricacy of it is prodigious. When 50 or 60 Men have a Constitution to form for a great Empire, at the same Time that they have a Country of fifteen hundred Miles extent to fortify, Millions to arm and train, a Naval Power to begin, an extensive Commerce to regulate, numerous Tribes of Indians to negotiate with, a standing Army of Twenty seven Thousand Men to raise, pay, victual and officer, I really shall pity those 50 or 60 Men. . . .

In line with the unexpected, Congress first duties were predominantly military. In line with the matter of unpreparedness, the delegates had, collectively, among them, only the skimpiest of military experience to draw upon:

George Clinton of New York had served as lieutenant of rangers in the Fort Frontenac expedition of 1758.

Eliphalet Dyer of Connecticut had been appointed a captain of militia in 1745; he became major in 1753; as lieutenant colonel he led a Connecticut regiment at Crown Point; in 1758, as colonel, he had a regiment of Connecticut volunteers raised for the defense of Canada.

Edward Biddle of Pennsylvania had been appointed ensign in the provisional army in 1754; he rose to captain before he resigned in 1763.

Nathaniel Folsom of New Hampshire was a captain in Colonel Blanchard's regiment during the French and Indian wars and had served as major, lieutenant colonel, and colonel of the 4th regiment of New Hampshire volunteers.

Francis Lewis of New York had gone to Canada with General Mercer, as an aide, during the French and Indian wars. Captured at Oswego, N.Y., he had been taken to France as prisoner.

Richard Caswell of North Carolina had commanded the right wing of the North Carolina militia, under Governor Tryon, at the Battle of Alamance River in 1771, where the Regulators, backcountry insurgents, were defeated.

Henry Middleton of South Carolina had been appointed an officer of horse of the provincial forces in 1743.

Robert Treat Paine of Massachusetts had served as a chaplain of troops on the northern frontier in 1755.

And, of course, George Washington, standing out from the rest in his buff and blue uniform of colonel of the Fairfax County, Va., militia. He had more experience than the rest of them put together, but was sour on the military, was not convinced of the need for armed resistance, and had not even drilled militia for 15 years.

There was among the colonial militia a wealth of tactical skill and experience gained in the French and Indian War, not to mention numerous border skirmishes with Indians, or civil rebellions such as Caswell had experienced. But most of this had been gained fighting on the side of the Crown, with the resources of the British Empire at their sides or backs. Events had put these resources facing them, over leveled musket barrels. For the Americans, their plight was summed up by Freeman in one sentence:

> Staff, command, army, equipment, supplies—all these had to be created from nothing!

Yet, the "embattled farmers" stood—sometimes—and ran away—sometimes—as they had done before. Some of them made very good soldiers. Some of them made middling to fair soldiers. Some of them made poor soldiers.

But they got the job done.

PRIVATE HELP

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. GUDE. Mr. Speaker, James N. Sites, a consultant to the USIA, a director of the Town Affiliation Association and a vice president in charge of the Washington office of a major public relations counseling firm, has suggested some ideas for private, people-to-people communications on behalf of a better and more peaceful world.

This is Mr. Sites' commentary in the May newsletter of the National Capital Chapter of the Public Relations Society of America, Inc.

The commentary follows:

PRIVATE HELP

(By James N. Sites)

A professional communicator can hardly rub up against the foreign scene today without coming away with the conviction that America now needs private assistance as never before if we are to have any real hope of attaining international stability and building a better world. Public relations people especially are in a unique position to contribute such help.

Last September I had the opportunity to serve as public member on a U.S. Information Agency inspection mission to Sweden (partly because my wife is from Oslo and we've virtually commuted to Scandinavia over the past 25 years). And I came back with precisely this feeling. That current world conditions demand we do a far better job of opening up wider channels of private, people-to-people communications.

Everywhere in my exploration in Sweden, as well as in Norway and Denmark, I was struck by the critical depth of changed attitudes toward America in general and toward U.S. foreign policy in particular. Years of bitter criticism of our Indochina agony seems to have injected a permanent poisoning into the attitude stream of responsible segments of public opinion throughout the world.

Even close foreign friends were found seriously questioning our motives and methods. The old mystique of an America that is infallibly good and fair in its dealings with others seems to have been destroyed forever. Government credibility is particularly challenged. (Obviously, this mystique could never have been wholly valid in all cases in the first place. But so long as people generally did not question it seriously, it served U.S. diplomacy remarkably well.)

With the decline in U.S. influence on other nations' actions and the demise of automatic acceptance of U.S. policies, our foreign relations activities must be played on an entirely new stage. More than ever, the state of foreign public opinion toward American policies becomes the decisive factor in shaping foreign government decisions.

Most urgent from the PR professional's viewpoint, however, hyper-critical attitudes abroad seem to this observer to call for expanded and more effective use of non-government resources in informing overseas publics and key foreign target groups. As almost any informed foreigner will tell you, this nation's greatest asset—its most persuasive spokesman—is the individual American. And expanded exchange programs are the surest way to bring this asset into greater play.

Fortunately, a great deal is already being done through both private and government channels in this respect. As examples, the USIA helps bring many foreign newsmen to the U.S., and the State Department's International Visitors program has introduced many key foreign leaders to America. However, the volume could and should be vastly increased *outside* government channels.

I returned from abroad last fall convinced that professional organizations and private groups of all sorts could play a much more important role in the ongoing battle for the hearts and minds of people. It is not difficult to arrange exchange programs—for professional expertise and problem-solving information, as well as for people—among communications leaders and journalism educators, among labor officials and business interests, among culture-oriented people and such key professionals as lawyers, doctors, economists, sociologists and city planners.

One practical channel for achieving this end lies in the "Sister City" program of the Town Affiliation Association, which now includes over 380 U.S. communities in regular exchanges of people and materials with counterpart communities around the world. At least 20,000 people traveled under TAA auspices last year. As a TAA volunteer, I can attest to the fact that help from PRSA members and chapters would be welcomed, both in generating local publicity and in helping foreign visitors get a depth picture of the varied aspects of American life.

TAA recently received the endorsement of major U.S. news groups for implementing a worldwide Journalist-to-Journalist exchange program. Once underway, this will provide new opportunities for public relations professionals to cooperate on common goals with American press and civic leaders in Sister Cities throughout the nation.

In summary, today's tumultuous world has created great need for expanded private participation in foreign affairs. Interested public relations people can obtain information on joining this effort from TAA at 1612 K Street, N.W., Washington, D.C. 20006, or, in regard to other groups, from the Office of Private Cooperation, Bureau of Educational & Cultural Affairs, Department of State, 2201 C Street, N.W., Washington, D.C. 20520.

SAGINAW, MICH., IS DOING SOMETHING ABOUT URBAN DECAY

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. McDONALD of Michigan. Mr. Speaker, there is much talk these days about urban decay, and a lot of money being spent on finding a cure for this malaise commonly found in our major urban centers. One such project is currently underway in Saginaw, Mich. Although Saginaw is not in my congressional district, the man who planned this innovative project, Mr. Gray Graham is a constituent of mine from Waterford, Mich.

Mr. Graham first outlined his bold and imaginative plan before the Detroit Yacht Club several years ago. There were no takers at first; the idea simply did not conform to traditional thought when it came to renewal projects. But he persisted, and ultimately found willing allies in Saginaw, who saw the plan as a practical way to bring new life to their city.

I believe Mr. Graham and his associates have perfected a format for the development of urban renewal areas in our country. Proof of the pudding, so to speak, is a program currently under construction in the city of Saginaw, Mich.

What makes the Saginaw project so unique?

First. Ten local businessmen agreed to finance a feasibility study for a new downtown mall, and provided the capital required for equity and/or front working monies.

Second. Saginaw city officials and department heads cooperated to the fullest which encouraged the investor group.

Third. A total redevelopment plan was designed, to be rebuilt in stages, before an early land acquisition was requested from HUD. Because of the Saginaw system, a merchant will open his new facility the same day he closes his old. Then the old facilities are demolished and space provided for other tenants.

Fourth, in order for any new shopping area to succeed a major or anchor tenant is needed. In Saginaw, a local, independent department store did not forsake downtown for a new mall just outside the city. A long-term lease was signed and other tenants secured.

Fifth, now for the financing. Three Saginaw financial institutions agreed to underwrite the project by providing the construction loan and a $5 million mortgage. With financing secured on the first phase of an estimated $40 million project, construction began November 1, 1971.

Mr. Chairman, I commend Mr. Graham and his associates for their nonconformity in leading the way toward the eventual rebirth of downtown America. A man with a practical plan has succeeded in Saginaw, and I have great hopes that other cities in Michigan and throughout the country will benefit from Saginaw's example.

Mr. Speaker, I insert in the RECORD at this time the original speech as given before the members of the Detroit Yacht Club in 1967, as an example of original and innovative thought. I would hope that other communities with problems similar to Saginaw's will benefit from this idea.

The speech follows:

ADDRESS OF GRAY GRAHAM, DETROIT YACHT CLUB, May 5, 1967

Much discussion has centered recently around the declining importance of our nation's cities' business districts as retail centers. With business moving to the suburbs, retailing in many of these central business cores is at an all time low.

The major problem presently facing the central business districts, including Detroit, is its failure to meet the demands (i.e., parking, easy accessibility, etc.) of the new social order created by the mobility of the automobile.

All of our country's major cities were built before the turn of the century during our horse and buggy era. In 1910, for example, there were 7,000 vehicles in America, compared with 90 million today. Yet, in our central business districts today, we still have essentially the same streets and the same layouts for driving that were used by the buggy.

Detroit has, however, like most other cities, created a network of expressways to move the automobile in and out of the city, but, by virtue of this convenience, it began the rape of the central core area and its neighborhoods and created a mass exodus to the suburbs. This exodus will continue until the central city core and its neighborhoods rise up to meet the challenge of suburbia. This challenge can only be met by creating facilities and conveniences that will keep the middle and high income classes from fleeing the central city, and by making the "downtown" climate one where all can live and work in harmony.

The exodus to suburbia is creating in Detroit and other major cities throughout the nation a chaotic condition—one where the poor begin to outnumber middle and higher income groups, one where the tax base withers and the demand for city services increases, i.e., police, fire, welfare, health, and so forth.

But let us not forget that the plight of our center cores and their neighborhoods will soon be shared by suburban communities unless they, too, wake up to their responsibilities.

Today, there is an obvious need for the alteration of many Metropolitan and Urban Business Districts to salvage them from a present state of functional obsolescence—the doorway to blight. Blight is a disease. Just as physical diseases spread and destroy, blight does, too. It destroys the taxable value of the land it strikes.

Blight can be controlled and prevented in the same way that many diseases are prevented—by isolating the problem and treating it. To do this requires action by new facilities. New facilities will generate a new climate, a new spirit, and a new prestige.

The Spira-Mart is a bold and imaginative new concept, combining civic-cultural-recreational—and living facilities—with retail areas that have adequate parking and efficient expressway transportation facilities.

Due to limited acreage and high land costs in the central urban cores, the Spira-Mart concept is designed to make optimum use of available areas by building upwards—in short, a vertical neighborhood. Within the Detroit designated model city boundary, the Spira-Mart should be seen as a civic and public spirited enterprise rather than just a strict commercial venture because the Spira-Mart will become the center of neighborhood life. With urban renewal, we will have social renewal—indeed, human renewal.

The power of the Spira-Mart concept is its diversity and its ability to meet the needs of a particular neighborhood. It is, of course, assumed that every neighborhood will require a commercial area with adequate services. The neighborhood means people and people demand certain facilities and conveniences, all of which will be available around, within, or atop a Spira-Mart complex. One area may require a junior college atop the parking decks, while another may need a hospital or medical-dental clinic.

The Spira-Mart masters the horizontal street by creating vertical areas with total accessibility via parking decks and high-rise facilities. Thousands of people and businesses would return to the central core and its neighborhoods if adequate and proper living facilities were available to them at prices they could afford along with educational, recreational, entertainment, and cultural opportunities.

The Spira-Mart is designed conceptually and physically with the community and its taxpayers in mind. How new monies are raised within a city will determine which way that city will grow, how it will develop and where new businesses and industries will be located. How new tax monies are raised has a major influence on how the central core will increase in population, how much it will cost its citizens to live in it, and whether or not that city will remain or become a desirable place in which to live and work. Some cities, including suburban communities, could soon actually become unlivable because of high taxation.

Just recently, a noted architect here in Detroit said that "Detroit has said 'no' to high-rise living." I cannot accept this statement. First, where in Detroit do we have high-rise living that the majority of people can afford? I believe, in fact I am convinced, that there is a tremendous market in the downtown center core and its designated neighborhoods for high-rise living facilities designed for single persons, for young married couples, and for the retired. I believe that an adequate price range of housing must be made available in downtown areas within walking distances, or at least within a minimum taxi range of employment, or near an express bus line or rapid transit system. Different price range dwelling units could be available atop the Spira-Mart and its parking decks or in adjoining clusters in order to provide a more balanced economic and social life.

I am convinced that thousands of people would enjoy and prefer a downtown or neighborhood life as we have described with convenient educational, recreational, cultural and entertainment facilities for our increasing leisure time. All of these things will be available with the Spira-Mart complex.

I am further convinced that several Spira-Mart Complexes could and should be built in the City of Detroit at strategic locations, all linked together with the Kern Block development via an express bus system, and with each using parking decks provided by the municipal parking authority to serve not only the neighborhood but the city transit system as a whole.

If elected city officials in Detroit could unite on the Spira-Mart concept for neighborhoods, and if city departments would participate to their fullest, private capital and individual know-how would work together with federal funds to make this great city of Detroit the "Model of the World."

With the right attitude of elected and appointed officials, with the continued freedom of communication through the press, radio, TV and positive tongues, I know that leaders can unite to help change the metropolitan night mares into pleasant neighborhood dreams. These leaders can come forward from all walks of life—civic, governmental, business, cultural, religious, and educational. Nothing is more powerful than a spontaneous development of the mind. I say to the City of Detroit Keep the citizens you have and bring back many of those who have departed. I also say Look at all of the ancient great cities that are now dust or ruins. Look at the great civilizations throughout history that were. Remember, everything is people. People are the central city. The Spira-Mart is designed for people. It is not merely a shopping center developed around the prime needs of the automobile.

Design of the SPIRA-MART has been years in the making, and could not have been accomplished without knowledge of people, their attitueds their habits, their desires, AND the need of certain conveniences, all of which add up to the dignity of man and his full-life in our metropolitan cities—his desire just to be someone, to have dignity and pride, to have a respectful address.

Since the beginning of time, man has been centralized because of his right to be human, to be with people—for protection, for enjoyment, for work and for competition. The caveman, the cliff dwellers, the villagers, the city were built around a central gathering place, the old Village Square. The wagon trains that pioneered this great nation would camp in circles for the same purpose.

To design the SPIRA-MART we studied and researched schematics from ancient ruins of the Greeks, Egyptians, Romans, the medieval square of Austria, the Oriental bazar types of trade and travel from the middle and Far East; the American pedestrain oriented environment such as penny arcades, boardwalks, amusement parks, carnivals, zoos, downtowns and today's shopping centers.

We studied many methods of merchandising, ways of servicing stores, all different ways of parking, and a criterion of 21 factors for service, convenience, recreation, entertainment, living conditions and protection.

The SPIRA-MART will master the horizontal street! The Spira-Mart will create new cities within a city. The Spira-Mart will upgrade neighborhoods. The Spira-Mart, because of it's multi-land uses, helps our cities grow up, not out.

The Spira-Mart will accomodate as much on a 12-acre tract as we have today on 120-acre developments. The Spira-Mart is designed for 100,000 sq. ft. of retail area or 1-million sq. ft. and, from government, all we need is cleared land at a reasonable price and faith and credit to construct adequate parking decks where needed.

We believe the SPIRA-MART is the only means whereby the small independent merchant can afford to remain in or relocate in a modern downtown.

Friends, coming together is a Beginning; working together is progress; staying together is success!

In closing, may I quote from the Book of Proverbs, ". . . Where there is no Vision, the Peoples Perish."

ARIZONA STATE STUDENT CHOSEN NSPA DISTINGUISHED SCHOLAR

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. RHODES. Mr. Speaker, it is always encouraging to see America's young people excel. It is also refreshing to see that recognition of those qualities of scholarship, perseverance, and the like are rewarded with attention. These two factors are dramatically combined by the recent award of the National Society of Public Accountants' 1972–73 Distinguished Scholar Award to James H. Strassels, of Phoenix, Ariz.

Chosen from among over 500 applicants from across this Nation, Mr. Strassels was one of 22 recipients of a $200 academic scholarship awarded by the National Society of Public Accountants.

In addition to the scholarship, Mr. Strassels will receive a plaque in recognition of his selection as the most outstanding accounting student applying for consideration.

Mr. Strassels is a student at Arizona State University.

The NSPA Scholarship Foundation is a project initiated in 1969 by the 13,000-member National Society which represents independent public accountants. The purpose of the foundation is to provide financial assistance to deserving college and junior college students who indicate a firm intention of pursuing their accounting studies to a successful conclusion and then entering the profession of public accounting.

The other 21 students receiving scholarships this year include:

NAME, HOMETOWN, STATE, AND SCHOOL

Stanley Moschella, Lexington, Mass., Northeastern University.

Emma N. LeSaint, Bridgeport, Conn., Sacred Heart University.

Bruce W. Jester, Houston, Del., University of Delaware.

Robert B. Nolan, Philadelphia, Pa., Villanova University.

Audrey S. K. Chan, Silver Spring, Md., University of Maryland.

Kenneth M. Tweedy, Hopewell, Va., University of Richmond.

John E. Green, Boone, N.C., Appalachian State U.

Michael L. Warden, Winston-Salem, N.C., Winsalm College.

David L. Moskol, Milwaukee, Wis., University of Wisconsin.

Harold A. Runkel, Brooklyn, Mich., Davis Junior College.

Robert L. Bean, Maryville, Tenn., University of Tennessee.

Danny S. Duncan, Bardwell, Ky., Murray State University.

Jeanne M. Rooney, Cameron, Mo., Central Missouri State.

Ervina Stiegelmeyer, Rochester, Minn., Winona State College.

Richard R. Miller, Houston, Tex., University of Houston.

Judy G. Johnson, Albuquerque, N. Mex., New Mexico State U.

John D. Poe, Medicine Lake, Mont., University of Montana.

Bernardette W. Huston, Willow, Alaska, University of Alaska.

John L. Miles, St. George, Utah, Brigham Young University

Charlene D. Lacad, Honolulu, Hawaii, Kapiolani Community College.

Lawrence K. Y. Chang, Honolulu, Hawaii, Chaminade College.

THE MOSCOW SUMMIT AND "PEACEFUL COEXISTENCE"

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. CRANE. Mr. Speaker, the summit meeting in Moscow has been heralded by many as the beginning of a new era of "detente." The United States and the Soviet Union, we have been told, are now about to enter an age of "peaceful coexistence," and the cold war as we have known it in the years since World War II is soon to become a thing of the past.

This analysis, however, ignores the fact that when the term "peaceful coexistence" is used by the Communist leadership of the Soviet Union it represents a concept far different from the one conjured in western minds.

Discussing the Moscow summit and the Soviet policy of "peaceful coexistence," the highly respected South African journal, To The Point, notes that—

> "Peaceful coexistence," which is the capstone of Soviet foreign policy, presupposes peace between the superstructures only while the systematic conflict at the base level continues unabated. The Vietnam war, which is a "war of national liberation" is an entirely legitimate element of peaceful coexistence. It is an attempt by the "peace-loving" (within the socialist system there is no class exploitation and thus a condition of "peace" prevails) forces of Vietnam to replace the capitalists, "reactionary" superstructure of the Thieu Government with a socialist controlled superstructure.

While Soviet rhetoric has changed in recent years, the unfortunate fact is that the Communist goal of world domination remains. It seems to the Communist leadership that such domination can more easily be achieved through "detente" than through violent upheaval and, in this sense, the softer rhetoric may be more dangerous than the menacing rhetoric of the past.

In an article entitled "Nixon Woos The Bear," To The Point notes that—

> The men whom the American President will meet in Moscow are men of a different style and manner than Stalin or Khrushchev, but their ultimate objectives are no different and the power at their disposal is vastly superior to anything possessed by their predecessors. Nothing has changed their messianic belief that a social system which denies man his free agency is the only possible route to his temporal salvation and that beyond this nothing matters.

Those who believe that the Communist goal of world domination has abated would do well to consider the material in this article, which appears in the May 20, 1972, issue of To The Point. The text of this article follows:

NIXON WOOS THE BEAR

Ten days before he was due to embark on his second exercise in summitry with the communist world, President Richard Nixon ordered a marked escalation of the Vietnam war: Haiphong harbour to be blockaded, Hanoi bombed, and inland communications disrupted as far as possible. Immediately a big question mark loomed over the president's Moscow trip. Washington observers nevertheless remained convinced that there was no real probability that the damaging of Soviet ships in Haiphong harbour would cause Russia to call off the Nixon visit because, they said, "the Russians do not allow their higher policy to be jeopardised by mere incidents".

To be sure, Moscow used the occasion of the shooting down of the U-2 spy plane in 1960 as the ostensible reason for breaking up the summit conference which had been convened in Paris, but this was plainly the excuse and not the cause for their action. The Soviets had hoped in 1960 that their military bluff following the launching of the first Sputnik would be sufficient to overawe the West into withdrawing from Berlin, which would have given the world socialist order a tremendous psychological boost.

But the US position had clearly hardened in advance of the summit and the Soviets had been given to understand that the US knew that the military balance was still overwhelmingly in its favour and that it would not be forced or talked out of Berlin or any other of its vital interests. To avoid embarrassment, the flamboyant Khrushchev raged and stormed about an incident that he would gladly have allowed to pass had the prospects for diplomatic success been at all bright.

DIFFERENT APPROACH NOW

But a different situation exists today. The Soviet definition of the term "peaceful coexistence" has been starkly and painfully underlined by the all-out North Vietnamese invasion of South Vietnam. Yet neither Russia's provision of military equipment to North Vietnam nor the massive US aerial and naval response against the invaders would seem to jeopardise the determination of both governments to proceed with a meeting which each feels to be in its own interests. For both sides in the cold war *realpolitik* seems to be the order of the day.

The American president's assessment of his Soviet antagonists was bluntly set forth in his annual report to Congress on the state of US foreign policy, delivered in February. "The USSR tends to view external tensions as the inevitable corollary of conflicting social systems," the report declared. "Soviet diplomacy, therefore, is prepared to accept international tension as normal and, too often, to view negotiations with the United States as a form of harsh competition from which only one side can gain advantage." Communist Party Secretary Leonid Brezhnev, for his part, defined USSR foreign policy in a major address on March 20 as "implacability in ideological struggle combined with readiness to develop mutually advantageous relations with states of the opposite social system . . ."

"An improvement of relations between the USSR and the United States is possible," Brezhnev went on, "but, of course, not at the expense of some third countries or peoples, not to the detriment of their lawful rights and interests. Such is our invariable position."

President Nixon thus should go to Moscow with no illusions. Brezhnev offers none. By referring to the conflict of social systems, the president shows that he has a basic grasp of the Soviet view of the world situation. This is a remarkable step forward for any U.S. administration.

The Kremlin outlook to which the president referred is predicated on the assertion that the socialist socio-economic system, based upon public ownership of property, is in a war to the death with the capitalist socio-economic system, based upon private ownership of property. This war of the "bases" was formally declared by the Communist Manifesto in 1848. It is irreconcilable and will go on until the world socialist system is completely victorious. The specific struggle is for control of the "super structures" of each system, which are the nation-state governments. This struggle may be peaceful, as is the progressive takeover now occurring in Chile, or it may have to be violent, depending on the "correlation of forces" between the contending systems. At the head of the capitalist system stands the U.S. government controlled by Wall Street and at the head of the Socialist system stands the U.S.S.R., controlled by the Communist Party of the Soviet Union.

THE VIETNAM FACTOR

"Peaceful coexistence", which is the capstone of Soviet foreign policy, presupposes peace between the superstructures only while the systemic conflict at the base level continues unabated. The Vietnam War, which is a "war of national liberation" is an entirely legitimate element of peaceful coexistence. It is an attempt by the "peace-loving" (within the socialist system there is no class exploitation and thus a condition of "peace" prevails) forces of Vietnam to replace the capitalist, "reactionary" superstructure of the Thieu Government with a socialist-controlled superstructure. U.S. military intervention in order to prevent this regrettable but understandable from the Soviet standpoint and need not stand in the way of the pursuit of a business-like *modus vivendi* between the U.S.S.R. and the U.S., provided, of course, that the U.S. recognizes the U.S.S.R.'s right to extend her own military aid to the socialist forces of North Vietnam.

Moscow's clients are on notice, however, that nothing must be allowed to jeopardize the interests or the security of the military-technical base of the world socialist system, namely the Soviet Union, whose military power serves as the guarantor that the capitalist system will not attempt to save itself by resorting to a war of military annihilation against the socialist system in the same vein as Nazi Germany's attack in 1941. So long as capitalism still exists and remains powerful, this is ideologically regarded as an ever present possibility. Soviet military forces are charged with the responsibility of not only deterring such an attack but of winning any war should the imperialists nevertheless unleash one. Consequently, the Soviet Union needs a military force equal to, and if possible superior to, any possible adversary.

LEADING FROM STRENGTH

This is the general frame of reference under which the two sides will enter the summit talks. The Soviets want no war with the United States and they want reasonably normal relations with Washington. But they feel they are leading now from a position of great strength, since their recent strategic military buildup has placed them in at least a position of military equality with the U.S., and their political power and influence has expanded accordingly. They will make no concessions in providing aid to the world socialist system, particularly to those on the fighting front in Vietnam, unless to do so would involve an unacceptable risk of war with the U.S. But they have only now been confronted with any such risk.

MEMORIES OF PEKING

Nixon's previous discussions with the Chinese will hang heavily over the Moscow meeting. The Soviets, of course, did not like the President's Peking visit. They could not and did not complain about the normalisation of relations between the U.S. and China because this corresponds to the rules of peaceful coexistence as they define them. But they are suspicious that a deal was worked out at their expense and recognise an effort to play off China against the Soviet Union when they see one. They are ready to castigate the Chinese for any faintheartedness in support of the North Vietnamese as evidence of a betrayal of the cause of socialism.

"Many diverse views and conjectures are being expressed concerning the Peking meeting," said Brezhnev. "Views remain views, but the decisive word, I repeat, will be said by facts, actual deeds. We are in no hurry, therefore, with final assessments. The future, perhaps the near future, will show how matters stand, and we will then draw appropriate practical conclusions."

Some believe this statement was a tip-off to the fresh communist offensive in Vietnam, in which the Chinese attitude would prove revealing. There have been reports that President Nixon sought to obtain in private a Chinese willingness to try to dissuade Hanoi from launching the big offensive that was obviously in preparation, possibly as a *quid pro quo* for a more accommodating U.S. position on Taiwan.

Premier Chou En-lai is known to have had a meeting with the North Vietnamese leaders shortly after his talks with Nixon. What seems certain is that the Soviet Union, for its part, saw no reason for avoidance of embarrassment to the president on the eve of his visit to Moscow. Whether or not the Soviet leaders connived with Hanoi on the question of exact timing, their material and verbal support for the "war of liberation" in Vietnam is fully in accordance with the principles of systemic conflict.

President Nixon finds himself in no position to get them to modify this policy unless he himself is willing to throw the possibility of a direct military collusion between the U.S. and U.S.S.R. into the equation.

This is precisely the dilemma that the president and his advisors have been wrestling with as he prepares for his Moscow trip under the heavy shadow of a possible collapse of his Vietnam policy. The capitalist world already labours under the inherent strategic disadvantage that it cannot carry the systemic conflict into the enemy's camp.

Khrushchev's dictum that "what is mine is mine, what is yours is open to negotiation" has always been tacitly accepted by United States policy makers. President Nixon's principal objective, therefore, is to further narrow the definition of peaceful coexistence by persuading the Soviet Union to exercise restraint in the military component of the systemic conflict.

He would like to exclude the "war of liberation" from the communist arsenal and to obtain some further limitations on Soviet military involvements in places like the Middle East, South Asia and Cuba. He may offer various carrots such as increased trade with the U.S.S.R. as an inducement, but he also needs a stick in the form of a definite risk factor to the Kremlin if they do not comply.

MAINTAINING A FOREIGN POLICY

This is undoubtedly the reason why the president overruled the majority of his advisors who cautioned against striking Hanoi and Haiphong with the argument that he could not maintain a viable foreign policy if he did not. He had to demonstrate his resolve to the Soviets.

It will be serious enough if South Vietnam is overwhelmed by armed attack. This will prove to be a great victory for the "war of liberation" and cannot fail to encourage those elements within the socialist system who favour the violent approach to the overthrow of the capitalist superstructures.

But the prospect that it will be finally accomplished by more or less conventional invasion backed by large quantities of Soviet tanks and artillery is forcing Nixon's hand.

If a North Vietnamese victory is accomplished primarily by virtue of the assistance given by the Soviet Union, and US counterassistance to the South Vietnamese proves insufficient to stem the advance, particularly because of any lack of will by Washington, then Nixon will carry very little clout in his Moscow negotiations.

The president had stated in advance the subjects that will be under discussion in Moscow:

An initial strategic arms limitation agreement;

The problem of the Middle East and the failure so far to reach a peaceful settlement.

The general problem of East-West relations in Europe with specific focus on a possible European security conference.

Other world friction spots with the obvious focus on Vietnam; and

Areas of possible bilateral co-operation.

The topic most certain to produce at least some kind of agreement concerns SALT. It has become quite apparent that the negotiators for both sides have reached a general meeting of minds on at least the matter of anti-ballistic missile (ABM) limitation.

Based on their earlier positions, however, this will require considerable compromise and it remains to be seen who will do most of the giving. The Soviets have an operational ABM ring around Moscow and may have the capability to upgrade their extensive Tallinn air defence system in the Western USSR to an ABM system. The US so far has no operational ABM sites to defend its Minuteman offensive missile system.

The whole question of strategic arms limitation is an extremely tricky one because of the complexities of the arms race and the uncertainties of overall Soviet strategic objectives. If the Soviet leadership calculates that strategic superiority is an achievable and useful goal then their motives in any arms limitation agreement must be highly suspect. President Nixon must weigh caution against the heavy political pressure he is under on his home front to bring back an agreement.

THE INTRACTABLE MIDDLE EAST

The Middle East remains a virtually insolvable problem. Egypt's President Sadat hurried to Moscow for yet another conference with the Kremlin chiefs in advance of Nixon, presumably to try to head off any US-Soviet agreement detrimental to Egypt.

The communique, which acknowledged the right of the Arabs to regain their lands by "other means" than negotiation, suggests that Sadat received considerable satisfaction. He preceded the trip with the announcement that Egypt had given the USSR naval bases, for the first time, and again put himself in a timetable box by proclaiming that Egypt would recover its lost territories within a year, and would do it by war.

The Soviets have so far shown themselves quite reluctant to risk a military confrontation with the US over the Middle East, but their objective of solidifying their own position in the area and eliminating that of the US remains unaltered. It will be very surprising if the president achieves any change in Soviet policy on this area.

The tone for the discussions on Europe will be dependent on whether the Eastern treaties have been ratified by the West German Parliament and on whether Chancellor Brandt's *ostpolitik*, on which they are based, is still intact. The principal Soviet goal is the convening of a European security conference which would undoubtedly be aimed at the neutralisation of Western Europe and recognition of the communist *status quo* in Eastern Europe.

THE OLD POLARITIES REMAIN

The men whom the American president will meet in Moscow are men of a different style and manner than Stalin or Khrushchev, but their ultimate objectives are no different and the power at their disposal is vastly superior to anything possessed by their predecessors. Nothing has changed their messianic belief that a social system which denies man his free agency is the only possible route to his temporal salvation and that beyond this nothing matters. They are as determined as they have ever been to carry this system to the whole earth, and their conviction that the socialist system will finally triumph worldwide is undiminished.

The greatest mistake that any Western statesman can ever make is to suppose that communist rhetoric is nothing more than that—a mere semantic fog to mask great power ambition. It may come as a great surprise to much of the Western intelligentsia (they will, in fact, simply not accept it) but the communists do believe in communism and can be counted upon, always, to act accordingly.

Nixon in Moscow will find himself up against some very harsh competitors who know exactly what they want. He has stated the choice he expects to present to them: "Whether the current period of relaxation is to be merely another offensive tactic or truly an opportunity to develop an international system resting on the stability of relations between the superpowers." The American side will be greatly interested in trying to discover the answer to this question in Moscow.

The Soviet answer will be dictated by the requirements of the strategy of peaceful coexistence. But it will be motivated by the dynamics of the implacable death struggle between hostile social systems.

WINNING ESSAYS OF JOHN F. SULLIVAN SCHOLARSHIP WRITING CONTEST

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. BURTON. Mr. Speaker, the San Francisco Electrical Industry Trust sponsors a creative writing contest among San Francisco high school students. This contest is known as the John F. Sullivan Scholarship Writing Contest and was held this year between February 6 and March 26.

The general theme was, "You have been in school during the 1960's and have witnessed many changes in the character of San Francisco, a truly urban city. Assuming you are clairvoyant, describe San Francisco as you envision it will be in the 1980's."

One hundred and fifty students entered their essays in this contest and I would like to share with my colleagues the essays of the three top winners.

First prize, a $1,000 college scholarship went to Theresa Wynne of St. Rose Academy for her essay, "San Francisco—A Truly Urban City?"

Second prize, a $500 college scholarship went to Amy Hernstein of Lowell High School for the essay, "San Francisco: the Third Hundred Years."

Third prize, a $250 college scholarship went to John Mora of St. Ignatius College Preparatory for the essay, "What Was Ten Years Fifty Years Ago?"

I commend each of the winners and wish them well.

I am placing in the Record at this time, the full text of the winning essays.

San Francisco—A Truly Urban City?

(By Theresa Wynne)

The premise put forth in the essay rules states, "You have been in school during the 1960's and have witnessed many changes in the character of San Francisco, a truly urban city . . ." Let us examine that statement.

If this statement is indeed true, then it must follow that Washington, D.C., is also a "truly urban city".

San Francisco dates its onset to the late 1700's, but remained a small seaport town reached only by ships sailing from the Orient, or around the "Horn". This kept San Francisco a relatively small hamlet until the gold rush of 1847–1849, when, because of its excellent port facilities it reached the status of a true city.

Let us compare San Francisco today with Washington, D.C., a city that had reached city status some forty or fifty years before San Francisco. Can we prognosticate the future of San Francisco in the 80's by a glimpse of the Washington, D.C., of the early 70's?

What about Washintgon, D.C. today? It has many of the attributes of San Francisco. It has a multiplicity of things to do and things to see and it ranks above San Francisco as a tourist attraction with its famous parks, monuments, and scenic beauty in or near the city. It has a heritage that antedates San Francisco's by almost a hundred years. Whereas San Francisco's main industries are finance and tourism, Washington's are government and tourism.

But what of the Washington, D.C. of today? The population of the city of Washington, D.C., is now approaching 90% blacks. The population of the city's public schools approaches 97% blacks.

Washington's educational standards in the public schools rank in the lowest percentile in the country.

The once beautifully kept and preserved homes of even the Georgetown area are now rundown and have deteriorated more in the last ten years than they did in the preceding century.

I am not racially biased and have no desire to place the blame for the Washington of the 70's on any race or color. I am stating facts as they exist.

Washington, D.C. is a city only during the daylight hours. Its crime rate including armed robbery, rape, and murder almost lead the nation. The Washington Urbanite uses his city safely only during the hours from seven in the morning until seven at night. The rest of the time his home seems an armed fortress from which he emerges only with apprehension. It has been said that Washington is the only place where the bank robbers are mugged on the way to their get-away cars.

The percentage of people on welfare compared to the productive people in the city of Washington is probably the highest in the nation. The city is kept running by federal grants, since so few people are actually paying taxes.

From being the showplace of the nation, Washington has deteriorated to a filthy, unkempt, morass.

The majority of productive people in the city during the daylight hours leave the city the moment the quitting bell sounds, not to return to the city from suburbia until daylight when they are forced to return to earn a living.

The country's memorials are now guarded twenty-four hours a day as a caution against vandalism. The new Kennedy Center on the Potomac has had to be closed because vandals almost completely destroyed it in less than a six month period.

People who go to visit Washington, D.C., leave in a depressed state of mind after they have been subjected to the municipal transport system, the fear of traveling by car after dark, the filth of many of the public areas and buildings, and the realization of the depths that their capital city has failed. I, too, felt this way.

Is this then the future of San Francisco of the 80's?

Let us examine some of the changes within our city in the past ten years . . . the 60's.

In the 60's the ghetto areas tripled, welfare increased in the same proportion, the ratio of productive people to unproductive people continues to decrease yearly. Our crime rate, despite occasional dips, has continued to rise. Golden Gate Park, once safe day and night, now is unsafe at night and barely safe during the day. The rapidly increasing tax base has driven productive and fixed-income citizens to the suburbs, leaving the rich, the poor, and the singles within the city.

Studies show the progressive deterioration in the educational standards in the public schools in the city.

Will San Francisco continue along this route toward becoming in the 80's that which Washington is in the 70's? What factors might save San Francisco from this urban blight?

What about the remaining productive people in the City? Are they of the same mold as the people who have deserted Washington, or are the people of San Francisco the possible roadblock to the decline and fall of San Francisco?

The Embarcadero freeway stands as a permanent monument to the wrath of the true San Franciscan. It is the only freeway in the world that leads to nowhere, since to complete it would have meant that San Franciscans would have had to give up their Fisherman's Wharf, and their view of the Marina. They said, "The price is too high, take your money, stop the freeway, save OUR San Francisco."

In the "truly urban city" high rise buildings are a sign of city health. What are the San Franciscan's opinion about this? Ask the Rockefellers, Hunt's and the other high rise financiers how easy it is to build them in the city of San Francisco today.

Will the Chinese ever leave Chinatown . . . will the Italians ever give up North Beach . . . will the San Francisco 500 ever give up Pacific Heights . . . will the military leave the Presidio . . . will the Irish leave the avenues . . . will the people preserve John MacLaren's park . . . will the cable cars ever stop "reaching for the stars"?

Do the people of San Francisco look upon their city as a robot to be controlled by them, or as a warm, viable, almost human, object of their love and affection? Is this love affair between occupant and city the roadblock to detour San Francisco from becoming a "truly urban city" in the mold of Washington, D.C.?

What are the signs that this dire prediction may not come to pass?

Most San Franciscans look at the changing skyline and echo the primordial screams of Herb Caen. Where do most of the members of the most powerful conservation club in the world, the Sierra Club, reside?

What city of today has its most famous street undergoing a face lift when it really was only starting to show signs of age? What city has eliminated the car from its major recreational area on Sunday in order to bring the family back to the park? What city has as one of its major industries the renovation of its old homes in order to keep its character intact? What is happening to the price of land and homes in the city despite the previously mentioned drawbacks to city living?

What city of 750,000 has kept its population at that level for the entire decade of the 60's? What city of that size has . . . a major symphony, opera, and ballet season . . . a conservatory theatre and a civic light opera . . . a professional football and baseball team . . . a world famous livestock showplace . . . three major art galleries, a zoo, aquarium, and planetarium . . . ten major golf courses . . . facilities to house 25,000 delegates to major conventions at one time . . . ten of the best hundred restaurants in the country . . . free concerts for 10,000 people every week during the Summer . . . a natural seaport . . . and is surrounded on three sides by water, where even the bridges are things of beauty What city has Mother Nature's vacuum cleaner come in "on little cat feet" each night and sweep its atmosphere leaving city air that is definitely "non-urban." . . . What city would permit 40,000 of its inhabitants to lead homosexual existences without harassment and ostracism?

It is my contention that San Francisco is not a truly "urban" city, but is instead a truly "cosmopolitan" city. Urban means, according to Webster, "Of, relating to, characteristic of, or constituting a city". Is this San Francisco, or is "cosmopolitan" a more apt description? Cosmopolitan means according to Webster, "Having world-wide rather than limited or provincial scope or bearing . . . international sophistication . . . and is composed of persons, constituents or elements from all or many parts of the world".

What then will make San Francisco of 1984 the anthesis of George Orwell's megapolis? It is my clairvoyance permitted by the other premises in this essay rules that permit me to predict that in the 80's the San Francisco skyline may, and will, change, but the spirit of its people will never change, and relationship between those people and their city will go on like Anthony and Cleopatra, a love story for eternity.

SAN FRANCISCO: THE THIRD HUNDRED YEARS

(By Amy Herstein)

The city of Saint Francis, originally founded in 1776, has survived rule by four governments, vigilante groups and corrupt politicians, has braved natural disasters which might have rendered other cities ghost-towns, and has seen social change come in both its violent and non-violent forms. Yet San Francisco has become neither repressive nor anarchic. Like most cities, San Francisco has had many problems owing to its cosmopolitan nature, but that same varied nature not only has given the city a rich cultural life, but also has made San Francisco a tolerant city in intolerant times.

There is a tendency on the part of would-be clairvoyants (including) science-fiction writers and prophets of doom) to predict extremes of the future. Thus, a travel brochure of 1985 might advertise:

"Come to San Francisco, the city heated by atomic power, where pollution is eliminated by a translucent dome—the largest of its kind—covering the city. Charter one of our electric carts, or let the moving sidewalks do the walking for you."

A politician might paint a picture of utter gloom:

"San Francisco is still the city that 'knows how'. It knows how to squeeze money out of slum tenants, it knows how to cut education funds, it knows how to let the rich find tax loopholes, and it knows how to run the board of supervisors inefficiently. Vote for me John Doe, and I will correct all this."

An enthusiastic San Francisco might see the 1980's as the time for San Francisco's glory—and decide to have the city secede from the United States and become an autonomous haven for (choose one), (A) anarchists, (B) fascists, (C) anybody at all.

Finally, there is the man who predicts the imminent disaster that could come true: earthquake.

The real San Francisco of the 1980's will probably contain elements of all these visions of San Francisco. The 1980's will not be a decade in which our problems will be totally solved, but we will take great steps toward solving them.

Being a practical clairvoyant, I won't speculate on the scientific miracles that will be invented, since they take a long time to be designed and constructed for every day use. But the social character of the city, which is its life force, will certainly change in the 1980's. Here is how a child of the 1960's envisions the changes.

In the last ten years, San Francisco has lost 40,000 people; in all probability the city will not gain them back Although many families have moved, San Francisco is not yet a "singles city", nor will it be one in the 1980's. The minority and immigrant populations of the city have grown and will continue to do so. This growth pattern is characteristic of large cities, but San Francisco will not be an urban ghetto in 1985 if it revises and expands its educational system and economic aid programs.

A growing immigration population means that more attention must be paid to those who speak English as a second language. In the 1980's, expanded bi-lingual programs and cross-cultural programs will dramatically increase all San Francisco's awareness of its many ethnic groups. A growing minority population means minority representation. There will be more Blacks and Chicanos in city government; the Oriental population of the city will continue to make its voice heard. In fact, the 1980's may be the decade of the Asian-American. In the sixties a few Asians ran for public office, and in the seventies the first massive protest was registered. In the eighties, the Oriental community will make its power felt.

The continued increase of per capita income of most San Franciscans will change the buying and housing patterns of the city, although a large amount of aid will still be needed for low-cost housing, employment and education programs.

Educational opportunity will change the economic and social aspects of the city. Educational reform will be a prime concern of the 1980's. A child going to a public school in San Francisco will have attended an integrated school; since the integration program will have been in existence for fifteen years, the problems will have been ironed out. Not only will the achievement level of the students rise, but so will their knowledge of the city and its various ethnic groups. Children who have worked, played and learned with the children of other ethnic backgrounds will have fewer adjustment problems in high school; they will also carry their friendship and understanding of these other groups into their adult lives and will promote better understanding of all races. And in getting a better fundamental education, all children will have a stronger interest in, and a better chance of, pursuing higher education.

The process of education itself will change. Assuming there will not be a lack of funds, San Francisco will experiment with different types of education. A partially central, partially district school system will allow for specialized schools. Because all high schools will be centrally located, students will select a "home" school, but will work in conjunction with the schools that specialize in a particular field. Using the college system of longer classes, students will attend the specialty school three days a week and have time to commute from one school to another. The other two days would be used for other courses, or for work programs.

There would be continuing programs involving students and the community. To see what fields interest them, students will work for a certain amount of time. For example, those interested in zoology will work at the zoo, those who want to go into construction will join a crew, and those who are interested in special education will work in a center for the handicapped.

Students wanting to learn another language will have the option to choose an exchange program within the city; they will live for a term, with a family that speaks the language the student is learning. Or, a student could choose a "total immersion" course at an advanced level, in which all the student's classes would be taught in the language he was studying.

Children who have found their education meaningful will be less apt to commit crime. Furthermore, an education that prepares its students for entry into the working world will produce a generation whose skills will preclude the unemployment now facing young people.

The children born in the fifties and sixties in San Francisco will have witnessed a generation of social protest; those born in the seventies will be educated in the ways the reformers fought for. What impact will these children have on the social and political aspects of San Francisco?

By the time 1985 rolls around, students now graduating from high school will be able to hold city offices. If this generation is true to the causes it espouses, and it gets in power, there will be a number of changes in the physical and social makeup of the city.

The concerns of the eighties will not be dramatically different from those of the sixties; if changes are not made in the seventies, the problems will be intensified in the eighties. Perhaps the first thing a "young administration" will do will be to make the city safe from natural disaster. The eighties will be a decade of buildings which are as fire-safe and earthquake proof as possible. The city government will legislate the use of only nonpolluting cars, and certain taxes will be levied on those industries contributing to pollution. All manner of incentives to make the city more beautiful will be promulgated.

The aforementioned educational reforms will be instituted, as well as special programs to encourage small and minority-owned businesses.

Poverty, injustice, unemployment, urban blight and crime bill not be eliminated in San Francisco in the 1980's. But they will be lessened, thanks in a large part of revised educational systems and economic aids. The social conscience of the city will grow. And San Francisco will continue to be a beautiful and exciting city in which to live.

WHAT WAS TEN YEARS, FIFTY YEARS AGO?

(By John Mora)

In its growth a city is very much like a young child. From her birth she reaches out: wanting, taking, leaving, growing. In her eager search for instant immortality she accepts all in the name of progress. With an accelerating sprawl, her tentacles reach out in search for the resources to aid in the continual expanding boom. Growth continues until a death-wish is envisioned, which encircles further unwarranted progression. At this point the city reaches adolescence, and must come to a conclusion upon her destiny: to grow and choke within herself, or to strive for a progressive, yet checked, future. The transition from youth to womanhood follows many problems. Many are caused by the early thrust for total progressivism, while others are formed within the womb of her present culture. Even in her mellowing maturity she faces many adversities, yet her solutions to these problems becomes the key to her soverignity among the great cities of the world.

San Francisco's growth has been extremely limited by her conforming boundaries. The youthful excitement which was once the Barbary Coast's is lost within the reality which has prevented further urban expansion. All too suddenly San Francisco saw her growth hindered by her mother, the Bay and the seas which partially surround her. This self-realization led to a sobering maturity; yet, left her the problems of adolescense which had unpurposely passed her by. She sought her destiny and to the present seeks her individuality within a forest of sprawling giants.

The prison which checks San Francisco may become her blessing. Unlike many of her counterparts, she has not the ability to sprawl unquestionably. While other cities spread, she is caged. The sprawls now attributed to blooming metropolises may become in part the death of the city as the cultural and residential nucleus. What becomes of rapidly expanding communities is the degeneration of the inner city, and in all likelihood the decay will increase daily in similar proportion to the new growth. In the end there will be the skeleton of the city caused by the urban nomadic impulse, solely leaving the remnants of Troy by outlined communities. San Francisco, however, has not the ability for further expansion. This stunting of the city's circumference allows for internal rather than external retribution. The result will be the redevelopment of the sections of the city which were the byproducts of our primary expansion, as San Franciscans hastily attempted to restore the devastated hulk of a city torn asunder by nature. The first step on the long line to restoration has been taken on the Market Street Project which will leave us one of the truly beautiful avenues of the world. Thus, our inability for further expansion will allow San Francisco personal fortification from within.

The first step towards San Francisco's "Renaissance" will be the resetting of the exodus of her populace, a problem facing major cities throughout our country whose residents are fleeing the blight and congestions of the decaying core, seeking the greener pastures of suburbia. The suburbanite is becoming disenchanted with the mile after mile of look alike gingerbread houses in impersonal "communities", and the twinkling magic of the new San Francisco will call the expatriate back. An equilibrium will be reached and there will be an increased demand for housing within a desirable environment. This will lead to the construction of high density developments which will be completed with a more conscientious attitude towards land planning, allowing the preservation of open space as is logically possible. High density, however, will not necessarily dictate high rises. A more satisfactory solution would be the extensive use of the "low rise", five and six story developments being held in conjunction with the redevelopment of the rundown districts. This would in turn rather than entangling us within another string of track houses would untie the knot that chokes San Francisco's throat.

In every community transportation and communication must be the axis for cultural, industrial and residential improvement. Of all feasible forms of transportation in the 1980's BART will definitely have the foremost impact upon San Francisco and therefore the Bay Area. As a result of this new link there will become an office-commercial-residential corridor that will line the BART route. This will have a similar effect on the Bay Area as the L.A. freeways have had in joining Southern California into one conglomerate empire, without the detrimental side effect of wide use of the combustion engine. At this point San Francisco will become the hub within a tightly knit cluster of urban communities all within a short train's distance from any singular point. Our unavoidable leadership role will lead to unavoidable necessity for the high rise. This does not necessarily mean the "Manhattanization" of San Francisco, since one can avoid the bleakness attributed to the mountainous edifices constructed for the sole purpose of office space. Through careful regulation parts of the downtown will be diversified from the dilapidated hotels to the aesthetic building which will aid in the formation of a new skyline which will not distract from the serenity of the views that bless San Francisco.

There is an uncertain future for a man who lives in the past. One cannot achieve by repeating history, but rather by dwelling into the future. It is a blind man who faces tomorrow with yesterday; a blind city which expects to thrive as it was, and is, and hopefully always will be. We cannot live solely on past glories we must go beyond admiration, for a fool admires, while a man of sense approves.

VIETNAM—THE PUBLIC IS NOT FOOLED

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. ABOUREZK. Mr. Speaker, for some time now I have been saying that the people of our country are sick and tired of this war and want out.

The administration would like to create an impression quite to the contrary. Like all other escalations, they would like to think the public believes that the mining of Haiphong Harbor is a way to end the war, not to expand it.

Well, the people have been fooled by the politicians running this war long enough—and they are beginning to catch on.

I insert at this point in the RECORD a letter from Mr. Bob Aronson of WDAY radio and television in Fargo, N.D. Mr. Aronson's remarks are quite revealing in light of the clamor to back the President—right or wrong—into the dismal swamp of more escalation, more war. His letter follows:

FARGO, N. DAK., *May 22, 1972.*

DEAR SIR: Please pardon this impersonal way of communicating, but because each member of the congressional delegations of the Dakota's and Minnesota will be receiving a copy of this, I have no choice.

I am the host of "Viewpoint" a telephone talk show on WDAY radio each day from 8:45 to 10:00 A.M. As in other parts of the country the war in Vietnam has long been a hot topic. As you know President Nixon recently announced the mining of Northern Vietnam harbors along with interdiction of foreign shipping and increased bombing of the north. He coupled that announcement with a proposal that would have us out of Vietnam in four months if our POW's are returned.

Now to the point of this letter. Giving the preceding information to the audience, impartially and without editorial comment, I asked for signed postcards expressing either Confidence or No Confidence in the president's action. In three days I received about 11 hundred replies from over two dozen surrounding counties. In some cases two or more members of a family expressed their opinion on a card so our total number of replies was 1174. The breakdown was as follows. 397 people expressed confidence in the president's action while 777 said No Confidence.

Now I'm not trying to pass this off as a scientifically conducted public opinion survey, that it is not. But, of those people who responded to my query these are the results. Furthermore coming from a rather conservative area, I think it is a rather significant commentary.

I don't expect that these figures will have any great impact on the administration, but please feel free to use them in any way you desire.

Sincerely,

BOB ARONSON.

RESOLUTION OF ALASKA LEGISLATURE REGARDING TRANSPORTATION

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. BEGICH. Mr. Speaker, as you know, one of the continuing difficulties confronting the State of Alaska is the availability of transportation which is capable of fulfilling the tremendous needs of a State as large and diverse as Alaska. Two recent resolutions by the legislature of the State of Alaska bring out specific problems in this area.

The first relates to the requirements of the Airport and the Airways Development Act of 1970 regarding airport operating certificates. In this resolution, the legislature makes clear the established need of the State of Alaska for increased Federal participation in the financial support for the improvements which are necessary to meet the requirements of that act.

In the second resolution, the curious situation relating to discriminatory Alaska-to-Europe airfares is illuminated. In that resolution, the legislature asks only that the Alaska-to-Europe excursion fare should be at least the same rate as that enjoyed by persons departing from Seattle. Of course, it is obvious that the rate should be substantially less. The resolutions follow:

House Joint Resolution No. 135: Relating to the Financing of the Improvements of Airports in the State of Alaska

Be it resolved by the Legislature of the State of Alaska:

Whereas the State of Alaska has the responsibility for one of the largest number of fixed airports of any single entity; and

Whereas the requirements of the Airport and Airways Development Act of 1970 regarding airport operating certificates will require extensive construction and improvement of airports in Alaska; and

Whereas Alaska has unique problems due to the remote location of many of its airports and the high cost of construction in the state; and

Whereas the cost of these improvements will constitute a severe hardship and economic burden on the State of Alaska;

Be it resolved that the Congress of the United States is respectfully requested to enact legislation increasing the share of the United States cost of approved airport development projects in the state under the Airport and Airways Development Act of 1970 to 95 per cent of the allowable project costs.

Copies of this resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable John A. Volpe, Secretary of Transportation; the Honorable Warren G. Magnuson, Chairman, Senate Commerce Committee; the Honorable Harley O. Staggers, Chairman, House Interstate and Foreign Commerce Committee; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

House Joint Resolution No. 133—Relating to the Establishment of Airline Excursion Fares from Anchorage to Europe

Be it resolved by the Legislature of the State of Alaska:

Whereas there is a published excursion fare from Seattle to the major cities of Europe if one stays not less than 22 days nor more than 45; and

Whereas Alaska has not been granted such a fare and this results in a highly discriminatory and inequitable situation for persons who board European-bound flights in Anchorage; and

Whereas this discrimination is best illustrated by the fact that a passenger boarding a flight in Seattle and making a direct connection on a flight to Europe over the Pole and back pays $208 less than a person boarding the flight in Anchorage; and

Whereas there is no reason apparent why Alaskans should not be granted the privilege of visiting Europe under at least the same published excursion fare rate as that enjoyed by persons departing from Seattle;

Be it resolved by the Alaska Legislature that the International Civil Aviation Organization and the Civil Aeronautics Board are urged to take all immediate and necessary action to grant Alaska a published Anchorage-to-Europe rate for a 22 to 45 day stay.

Copies of this resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Secor D. Browne, Chairman, Civil Aeronautics Board; the Honorable Bernardus T. Twight, Secretary-General, International Civil Aviation Organization; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

WASHINGTON REPORT FROM CONGRESSMAN BOB PRICE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. PRICE of Texas. Mr. Speaker, it is my policy to publish a weekly news report to keep my constituents advised of my activities in their behalf. The following is the text of my latest Washington Report:

Support of the President's Vietnam Decision

I support the President's decision to mine Haiphong Harbor and to cut off supply lines to North Vietnam, and I believe that a majority of Americans agree that this course of action is both correct as well as long overdue.

In support of the President's efforts to end the war and in order to show the Communists that the American people do support the President through their elected representatives in Congress, I co-sponsored a House Concurrent Resolution which states that, when adopted, it would be the sense of Congress that a complete withdrawal of all American forces from Vietnam should be accomplished within four months after—

(1) the establishment of an internationally supervised cease-fire throughout Indochina, and

(2) the release of all American prisoners of war held as a result of the present conflict in Southeast Asia.

The President's proposal lets the Communists know a couple of things in crystal-clear terms—first, that we are willing to withdraw our forces but second, that we will do so on our terms and not as the result of military defeat at their hands.

The proposal is reasonable and one that I believe the Communists would do well to accept since, in my judgment, it is as generous an offer as we are going to make.

COTTON GROWERS ASSISTANCE BILL

I introduced legislation last week that would permit cotton growers who are victims of crop losses due to causes beyond the control of the producer to use the average county yield for that crop year in figuring participation levels in the USDA's cotton program during the next three years.

Producers are already protected from losses to their cotton crops if the loss is due to natural causes. My amendment to the Agricultural Adjustment Act would extend assistance to producers whose cotton loss is due to man-made causes that are accidental.

In view of the high costs and risks and low profit margins associated with agricultural operations these days, I believe this bill would serve the interest of cotton growers by protecting their established yields, and I hope it will receive prompt, favorable attention by the Congress.

SURE CURE FOR A KILLER

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. VEYSEY. Mr. Speaker, the May issue of Reader's Digest contains an excellent article on blood transfusion and its nemesis, serum hepatitis. The author, Mr. James R. Miller, shows the hazards of commercial blood, which has been proven 10 to 70 times more likely to infect the recipient than volunteered blood.

Mr. Miller recognizes that commercial blood banks have sprung up to fill the gap left by our shortage of volunteer donors, and he urges each citizen to give blood regularly.

If enough people read this article and take its advice, many of the problems in blood transfusion could be solved immediately. Unfortunately, a much more intensive educational effort will likely be necessary to inform the public of the need for more voluntary blood donors. The National Blood Bank Act, H.R. 11828, which I and 86 of our colleagues have introduced would provide for such an effort and would bring some badly needed supervision to blood banking in the Nation.

I commend the article from the Reader's Digest to my colleagues' attention:

Sure Cure for a Killer

(By James R. Miller)

Serum hepatitis is a liver-ravaging disease that attacks an estimated 60,000 Americans a year, kills about 6,000, and is sharply on the increase. For its treatment there is no effective medication, and for its prevention no proven vaccine. Yet it could be virtually wiped out—and soon—if more of us were willing to volunteer a gift of blood. For the disease is spread mainly through transfusions of contaminated blood—most of it from commercial blood banks.

Each year, some two million Americans are injected with whole blood or various blood components. Usually, the blood used is safe. But about three percent of those transfused develop serum hepatitis.

At onset, with its fever, aches and nausea, the disease suggests a bad case of flu. But within a week the telltale jaundice appears, signaling liver damage. The more fortunate victims are exhausted and incapacitated for weeks or months, often hospitalized. But in about ten percent—particularly persons over 40—the liver destruction is so great as to cause death. Serum hepatitis is not to be confused with "infectious hepatitis." Both are liver inflammations, but the latter, which is spread by contaminated food or water and in person-to-person contact, is the milder of the two. It is rarely fatal.

Although scientists are hard at work to develop a vaccine for serum hepatitis, most researchers think it will take from five to ten years to come up with a reliable one. Consequently, an intensive effort is now being made to test blood before it is used in transfusions.

The blood of hepatitis carriers contains a factor called Australia antigen (first found among Australian aborigines). There are five or six techniques for detecting this antigen, but even the best is no better than 25- to 30-percent sensitive. Says Dr. Saul Krugman, of New York University Medical Center, "I would rather be given untested blood volunteered by a friend or relative than tested blood from a commercial source." It is clear, then, that until such time as we have a vaccine or a dependable test we can vanquish serum hepatitis only by getting rid of contamination in our blood banks.

Why do we face such a problem? The answer can be found in our haphazard system for collecting blood. In most areas, blood banks rely on paid donors as well as volunteers. They have to, because there is a chronic shortage of blood from volunteers, particularly in our large population centers.

Of the eight million pints of blood collected in the United States last year, about half came from volunteers and half from paid donors. The portion from paid donors is steadily increasing. The vast majority of these donors are "professionals," who for a weekly or monthly fee sell their blood to commercial blood banks, hospitals and pharmaceutical firms. The rest are "walk-ins," who sell wherever and whenever they can.

Most walk-ins come from Skid Row, where unsanitary conditions and drug addiction prevail. (Serum hepatitis enters the bloodstream through a break in skin or membrane. Drug addicts who share contaminated needles account for many new cases.) They sell their blood, often repeatedly, because they need the price of a bottle, a fix or a meal. They are the main suppliers of the commercial blood banks, which pay them $5 to $10 a pint, then resell to hospitals for $25 to $35 a pint.

The impact of paid donors can be devastating. A report published in the magazine *Transfusion* shows that, in a New York City test from mid-1969 to early 1970, the serum-hepatitis antigen rate in blood from commercial banks averaged 12 times higher than that in blood from volunteer sources. Many commercial banks try to screen their donors. They check them against health-department lists of known or suspected disease carriers.—In addition to local lists, there is now the nationwide Red Cross Donor Surveillance Register, recently established in Alexandria, Va. Computerized and available to all collecting agencies, it receives weekly reports on known or suspected hepatitis carriers and maintains a master list which is fed back regularly to the agencies. They ask them if they ever had hepatitis, malaria or syphilis. They observe them carefully for signs of alcoholism, jaundice and needle punctures. But health-department lists are never complete, and straight answers to health questions are not easy to get from people who need cash badly.

Can we do anything to protect ourselves? Yes, we *can* stop serum hepatitis where it most often starts, by drying up the supply of high-risk blood from commercial blood banks. But we should know how to proceed. Commercial blood banks are now filling a need for blood created by our own inaction. If they should be put out of business tomorrow, the threat to patients who need blood would be far greater than the threat now posed by serum hepatitis. Thus, the answer is for us to volunteer enough *free* blood to remove the excuse for commercial blood banks' operation. Ninety million Americans are qualified by age group and physical condition to give blood. If as few as 10 or 12 million gave each year, there would be no need to rely on commercial blood—and there would be no shortages.

Blood giving is safe: anyone (except pregnant women) between the ages of 18 and 65 and in good health can donate blood without risk as often as four times a year. It is easy: a single prick of the needle is the only discomfort. And the whole procedure takes only half an hour.

There are some 9000 nonprofit blood banks in the United States, 6000 of them run by hospitals. The American Red Cross, largest and most experienced blood collector in the country, operates 59 regional blood centers, with 1646 participating chapters. These blood banks and agencies can be located via your telephone book, or through your family doctor or local hospital. All you need do is mark a date on the calendar, then go and give.

Our resolve to volunteer may be strengthened if we ponder three remarkable records. In Great Britain, all blood donations are voluntary and made with no reward beyond a cup of tea. There is no shortage of blood, it costs the recipient nothing, and serum hepatitis is practically unheard of. In Seattle, known around the world for its centralized nonprofit agency which collects tests, processes and supplies the 32 hospitals in the area with 100-percent volunteered blood, the serum-hepatitis rate is much lower than that of the country as a whole. In Connecticut, where all blood donations for the past 22 years have been voluntary and have been collected by the Red Cross, the incidence of post-transfusion serum hepatitis cases is about one tenth the national rate.

Great Britain, Seattle and Connecticut have no better testing methods than any other communities, and no monopoly on altruism. They simply made up their minds that they wanted good blood, and established systems that encourage people to give it. Surely we have it in us to match such performance on a national scale.

RAPPORT, INC.

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. LENT. Mr. Speaker, on Saturday, May 13, I had the pleasure of attending an open house of Rapport, Inc. of Bellmore and Merrick, N.Y. Rapport is a community-supported drug education program and, under the leadership of its president, Mrs. Joan Herman, it has a great deal to be proud of.

I have long been an advocate of drug education to teach young people the dangers of drugs before they experiment and become irrevocably involved. Some of my colleagues may be interested in the activities of Rapport:

It runs a storefront facility where "rap" sessions are held for teenagers. These sessions are led by experts in the field of behavior, and over 100 students attend them each week.

It sponsors a recreational program for all senior high school students on a continuing basis each week. Activities include athletics, movies, music, dancing, discussion groups on diversified subjects and informal conversation.

It sponsors an elementary recreation program utilizing many high school students in a supervisory capacity.

It schedules programs for community organizations emphasizing the role of parents in preventing the misuse of drugs.

It arranges "koffee klatches," conducts workshops, seminars and "rap" sessions for concerned adults.

It offers a "hot-line" service for those who have a drug problem.

Rapport seems to be working because both the adults and the students in the community believe in it. Last year over 2,000 adults participated in Rapport's door-to-door fund raising drive; nearly 1,500 students per week participate in its recreational program; and several hundred cases are handled each year through the "hot-line" service.

Mr. Speaker, I am proud that Rapport's program is working in my district, and I would strongly recommend the establishment of similar programs in other communities throughout the country.

JOHN J. NASCA PRESENTS A CHALLENGE TO CHANGE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. KEMP. Mr. Speaker, John J. Nasca, president of the Buffalo Chamber of Commerce—a chamber that has been fighting to improve the Buffalo economy under tremendous pressure, gave a great speech recently before the civic luncheon sponsored annually by the Buffalo Kiwanis Club. John Nasca is a leader who is not afraid to stand up and say what needs to be said in order to improve his community and country. His speech deserves the attention of not only New Yorkers concerned about a more progressive business climate but all who want to help create more jobs and greater prosperity for our people.

Mr. Speaker, I include at this time John J. Nasca's outstanding speech. "A Challenge To Change":

A CHALLENGE TO CHANGE

(Remarks of John J. Nasca)

Thank you. As one of the rotating sponsoring organizations, the Kiwanis Club of Buffalo is to be commended for perpetuating the civic luncheon. And you in the audience are to be commended for your support of an event which is a unique showcase of community leaders, people who care about making this metropolitan Buffalo area even greater than it already is.

In working with these leaders and asking for their assistance, I have found that most of them—if challenged severely enough—respond with a capability that surprises even themselves. That's what I'm going to try to do today—challenge you and the rest of this community to reach out toward ambitious goals, and create a stable climate of change.

If that sounds incongruous, I don't intend it to be. Suggested changes of any kind in a plodding community are traumatic, and usually are greeted with a wringing of hands. Suggested changes in a dynamic community, though, are examined in their proper perspective because dynamic communities have to change to stay vibrant.

And so, translated into descriptive community terms, a stable climate of change can be defined as flexible, responsive and openminded, but a community with a solid base from which to operate.

In past years, guest speakers on this occasion usually have touched on the highlights of the past year, statistics, and forecasts for the future. I will, too, but most of my remarks are intended to stimulate thinking and possibly to suggest new directions and priorities.

I am, as you all know, an unabashed booster of Buffalo. I push hard for the area because I believe in it and its future. Today, I begin to push harder with a challenge to change.

The economic equilibrium wasn't the steadiest in Buffalo in 1971 but a lot of positive things happened. The auditorium was expanded into one of the showplaces of major-league sports, and we finally committed ourselves to a new stadium.

Planned community developments are springing up in the suburbs and on the west side, rapid transit moved closer to reality although it still lacks sufficient funding, and a nearly 90 million dollar health care facility is under construction near Meyer Memorial Hospital. All steps in the right direction.

The strides of progress, though, sometimes aren't stretched as far as they could be. We would challenge business and industry to furnish more expertise to assist public administrators with the latest business techniques of management controls. And we challenge public administrators to call upon business experts who, up until now, have been a virtually untapped resource. I am suggesting that local business and industry provide a pool of loaned executives for this purpose. And I am also recommending that heads of companies who believe in the proposed Little Hoover Committee to review all possibilities for further efficiencies and economies in state government should, if possible, make available a high-ranking executive to serve on this committee for 12 or 18 months. Names submitted will be forwarded to the governor for appointment to the committee. The only way this state can bail itself out is to establish long range fiscal goals set by experts.

Legislators have to change their attitude about the state budget and make do with what they have. That's what business does . . . why should the state be different?

All these schemes for trying to wipe out the State's deficit—the deferral of State aid payments and revenue sharing among them—are only stopgap measures which put off the crisis for a few months. Unless the State stops spending, we'll be in the same fiscal mess a year from now. Public officials must face up to the disparity between needs and available resources.

How expensive is it to do business in New York State? Taylor Instrument of Rochester recently calculated the cost of setting up a new division in a variety of locations and projected what the net profit would be in each one based on fixed annual sales of 6½ million dollars. At the present location, the net profit would be 2.2 per cent; at Harrisburg, Pennsylvania, it would be 4.9 per cent; at Roanoke, Virginia, 6 per cent; at Charlotte, North Carolina, 6.1 per cent and at Fayetteville, Arkansas, 7.3 per cent. Draw your own conclusions.

The only way to overcome these deficiencies is to offer firms inducements to locate—and to stay—in New York State.

Start by revising the State law to increase the tax investment credit from its present level of 1 per cent to 5 per cent. The State says that the investment tax credit in 1969—the latest year for which information is available—meant a saving to business and industry of 5½ million dollars. In 1970, the figure is expected to amount to 6 million dollars.

If this investment tax credit were to be increased to 5 per cent, this would result in a total saving of 30 million dollars for business and industry, and would be a substantial form of encouragement to firms already located in New York State to remain and expand here. New jobs will be created and new revenues generated.

And the tax laws also need revising to exempt production equipment—such as Bethlehem Steel Company's open hearth furnaces—from property tax so that firms will be competitive within their own industry.

Profits in New York State are particularly hard to come by because in many cases, the costs of goods produced in this State are higher than goods produced elsewhere. Unemployment insurance in New York State and workmen's compensation account for a substantial portion of the cost of doing business. On top of these items is an inflated tax structure which almost makes us noncompetitive. All of this needs reviewing, and not in a let's-go-through-the-motions sequence.

Another thing. When will wages again be equated with productivity? Maybe we should take a longer look at how we can motivate people so that their productivity increases, especially in the public sector where increasing productivity is at the heart of any drive to slow the costs of urban services.

We need to look more closely at the new technology available in such labor-intensive areas as trash collection, police and fire departments, park maintenance and recreational services. In some cities, for example trash collections cost $49 per ton, yet the same functions can be performed by private collectors at $17.50 per ton.

Maybe this labor-management syndrome where each plays a dispassionate role needs change. Maybe employers should realize that employees, too, have a vested interest in the company and maybe, with the same reciprocal open-mindedness, employees should be more cognizant of an employer's problems.

And maybe city and county government should look to programs like PERT—performance evaluation, review techniques. Areas where management science can be applied in government are numerous, and it's up to us to single out these areas. With management science comes not only more efficiency at a reduced cost, but it can be structured so that incentives are included at every level, and there are no dead ends. I would challenge that the public sector stress incentive programs and managerial flexibility to make better use of its work force.

Until now, I haven't touched on chamber of commerce projects which we think will contribute to metropolitan Buffalo's growth.

But I do want to make mention of them without going into detail, except on the first item. I'm referring to our advocating the construction of a new jetport and rehabilitation of Greater Buffalo International Airport. Present facilities when properly improved will be adequate until 1980. By then, we will need a new airport.

We are not here to quibble over site location, only to emphasize that we think the airport should be located in Erie or Niagara County. And we would strongly urge that the studies be completed quickly so that construction can begin within the next six months.

Also at the chamber we are:

Developing a program to aid area industries entering international trade.

Starting to implement a tourism program to attract—and retain—visitors.

Promoting a large-scale cleanup campaign.

Considering formation of a business political action group.

Suggesting a review of Erie County building codes and subsequent establishment of uniform licensing for remodeling contractors and general contractors.

Surveying the local labor supply to determine needs of area busineses, to project a foreseeable skill shortage and to help remedy it by identifying employment growth industries.

Organizing special seminars-workshops to aid small businessmen.

Calling personally on executives of companies who have indicated interest in expanding or relocating in the Buffalo area. Some 50 local business leaders have volunteered to make the calls, giving the Chamber of Commerce—free—a 2 million dollar team of super salesmen.

This is only a smattering of our specialized activity. Our constant activity is acting as watchdog to protect the interests of our members and of the community.

Like recommending change when it comes to the Taylor law so that the taxpayer is adequately represented at the bargaining table . . . and contracts are hammered out instead of handed out.

A recent survey by the Bureau of Labor Statistics showed that many public employees receive higher wages and more benefits than their privately employed counterparts. When this climate exists, it's hardly an incentive for business and industry to expand and/or locate here.

A moment ago I referred to trash collection and its cost. Trash collection is only the first part of what has become one of our prime environmental problems, and that is solid waste disposal.

Business realizes that control of pollution from a variety of sources is a definite part of doing business. In tackling the problem of pollution control, we can make use of the Erie-Niagara Regional Planning Board study of all disposal methods by employing the latest scientific, engineering, managerial and computer techniques. We must also explore the re-use of materials through innovative recycling methods and by making use of available land and equipment.

By treating environmental cleanup as a personal campaign, you'll be surprised at the satisfaction you'll get just from doing your small share. A simple project like setting aside empty bottles and taking them to a recycling collection depot makes you feel as though you have at least made an effort to improve the environment.

Packaging grass clippings and other litter, cleaning sidewalks, washing your car, keeping your house neatly painted, and reducing noise to a level which does not rock your neighbor off his summer lounge chair are other small but thoughtful contributions which can instill pride in the community and help clean up the environment.

(Pause.)

In the next ten minutes of my talk, I'm going to touch on areas affecting our pocketbooks and suggest some fiscal remedies which we think make sense.

Aware that the Nation's bill for education went from 27 billion dollars to 70 billion between 1960 and 1970, I propose two partial solutions to the problem.

1. That the State's education and legislative leaders give serious study to a deferred tuition plan for public and private colleges in the State.

2. That local school districts consider adopting a 12 month school year.

Regarding the deferred tuition plan: If such a plan were adopted, then tuition would be charged as a loan against the individual student, who would then repay the loan only after graduating and reaching a specified income level.

The benefits? The State university would be in a position to increase tuition to an amount more accurately reflecting its true cost; no student would be denied a college education because of financial inability to meet that cost; the State university would no longer be selling a "cut rate" tuition in competition with private colleges.

In addition, the billions saved could be used to expand sorely needed education facilities such as medical schools; because repayments of the loans would be based on earnings in any given year, only those who could afford repayment by whatever standard established would be called upon to repay.

Regarding the 12-month school year, which, incidentally, probably could muster up plenty of lobbying support if mothers of school age children were approached in late August, when the tremors set in. The school year would be expanded to 200 days and vacations would be staggered for individual groups so that during any learning period, a portion of the students would not be in attendance. If 20 per cent of the student population were on vacation at all times when a school was in session, the school would need only 80 per cent of the space and equipment necessary under the existing system. Experiments with the continuous learning year have proved that it provides more efficient education by eliminating the retrogressive impact of long summer vacations.

The Fleischmann Commission's report on the quality and cost of financing elementary and secondary education will be released in the near future. We will be watching it closely and hope its recommendations will help stem the rising costs.

As a more immediate step, I will meet with all school superintendents on January 20 to discuss cooperative measures so that business and industry will have a closer effective relationship with the educational sector.

Our public and private colleges must establish closer working relationships so that their facilities can be operated more efficiently. Surely, empty dormitory space and empty classrooms in some private colleges could be utilized by public colleges, a businesslike move which would favorably influence businessmen upon whom the colleges depend for financial contributions and advice. And surely we must reconsider curriculums which put too much emphasis on the liberal arts and not enough on technical training.

In the last few minutes of my talk, I challenge the city and the county to put their fiscal houses in order by exercising restraint and re-examining their priorities. We recommend that the new county executive take a hard look at budget allocations, and we are confident that substantial reductions can result from the expertise which he has put into practice as a businessman. If you recall, the Erie County budget calling for a 48 million dollar increase to 266 million dollars was criticized by the Chamber of Commerce.

We are also recommending that Erie County's fiscal year be changed from a calendar year to one which will coincide with the New York State fiscal year starting April 1. Instituting this change will not only eliminate the necessity of making the budget public immediately after election but will reduce the change of the budget being passed by a lame duck legislature. And it provides a better estimate of the State-aid monies because it corresponds to the State fiscal year.

When speaking of fiscal responsibility, I challenge each of you to make your views known to your elected representatives about spending. If the Federal Government were to seize all individual income over 25 thousand dollars a year, there would be only enough additional money collected to run the Government four days. If all income over 10 thousand dollars a year were taken, the Government could continue at its present rate for 24 days.

On the State level, if the total State payroll were discontinued for the next 12 months, the State still would be unable to erase the projected State deficit of 1.5 billion dollars through March, 1973.

Does this tell you something about our spending programs?

Please keep in mind, though, that adversity often produces a rebirth of activity. It can happen here, and we must make it happen here. We must weld various interests into a unit of disciplined action so that we all benefit.

Someone once said, "a city is fundamentally a state of consciousness" and I wholeheartedly agree. Cities can be healed, streets can be clean, neighborhoods can be safe, government can operate with efficiency and compassion.

You might be saying, "I am only one out of a million" but you are one. It means promoting smiles and happy talk. It means bringing a new spirit into offices and shops, replacing the "what's in it for me" attitude with a feeling of "how can I give more of myself to this work?"

It means voting for principled public servants and helping in their campaigns. It means creating a treasure map of a prosperous, orderly, clean, honest and safe city and then doing everything you can in mind and action to make that dream a reality.

All right, we have laid in on the line. We at the chamber are going to continue to promote—and prod—the metropolitan Buffalo area because we believe in it—and in its future.

Of all our assets, we think the most outstanding one is our people. With that introduction, we present the latest advertising program to acknowledge what makes us great.

Ladies and gentlemen, "You are Buffalo." (Lights dim, stage curtain opens to show billboard, and first radio spot plays while screen is lowered and newspaper ad is flashed on the screen. Newspaper ad will be removed and lights go up as soon as second radio spot is finished. Then speech resumes.)

These were two of our six radio spots, our billboard ad and one of our newspaper ads. You will be seeing and hearing a lot more about this program. But please don't just look at it and hear it. Think about it.

And think about your stake in this community. You, and your organization, and your business firm, and your neighbors, and your friends can be the forces who skyrocket this community to a pedestal of greatness.

Thank you for your patience and for your attention. Good afternoon.

SAFETY FIRST CLUB OF MARYLAND CELEBRATES 16TH ANNIVERSARY

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. GARMATZ. Mr. Speaker, on May 16, the Safety First Club of Maryland, of which I am a member, had the opportunity of hearing an address by Ejner J. Johnson, administrator of the Maryland State Motor Vehicle Department, delivered at their 16th anniversary "Leader in Lifesaving" banquet.

Since these remarks are of paramount interest and significance to Marylanders as well as citizens in other parts of the country, I would like to take this opportunity to insert Mr. Johnson's address at this point in the RECORD:

REMARKS BY EJNER JOHNSON

Judge Edgar P. Silver, William J. Ryan, David Gordon, Maurice R. Shochatt, Reverend Clergy, Distinguished Guests and Ladies and Gentlemen:

The other day, after I had returned home from my office, I received a call from Washington, D.C. The caller—Dr. William Haddon, now President of the Insurance Institute for Highway Safety and, formerly, the first Director of the National Highway Traffic Safety Administration, this Country's top ranking safety agency.

Since Bill Haddon became president of the Insurance Institute, he and I discuss various safety projects from time to time and, using his research resources and personnel and the Maryland Motor Vehicle Administration's records, we study the efficacy of new programs and the efficiency of existing ones.

Knowing that I had served as chairman of Governor Mandel's Task Force to develop a system of Periodic Motor Vehicle Inspection and aware of the difficulty the proposal encountered at the State Legislature, Bill was anxious to advise me of recent findings in Maryland.

A study, he said, made by the Insurance Institute in cooperation with Johns Hopkins University and the Maryland Medical Examiner's Office revealed that at least 600 deaths occur Nationwide as a result of defective auto exhaust systems.

Bill said that he personally thought the figure of 600 deaths was conservative; that more likely at least 1,000 people, mostly youngsters, die each year while sitting in parked vehicles in the open air—not in garages—simply because the exhaust system is defective and deadly carbon monoxide fumes are permitted to seep into the passenger compartment.

Who dies? The hunter who crawls into the back seat of his station wagon seeking an hour's sleep before dawn and who leaves the engine idling and the heater on for warmth.

Who dies? The late-working salesman who, after a few drinks, elects to park on the side of the road rather than drive and leaves his engine idling and the heater on for warmth.

Who dies? Your daughter and my son and their two friends who park to say goodnight after a date.

Perhaps the greatest tragedy is that a few months ago, we had the opportunity to end this senseless destruction and we rejected it.

And, considering the reception that was given to the periodic motor vehicle inspection proposal developed by Governor Mandel's Task Force at the last session of the General Assembly, I doubt seriously that the program will be enacted in the near future.

I have always shunned the evangelical approach to the General Assembly; rather, I have preferred to develop a body of evidence, an overwhelming array of facts, to support a proposal designed to benefit society by reducing deaths and injuries on our highways.

But we live in a society where man is becoming increasingly insensitive to his fellow man and perhaps it's time once again that we became our brother's keeper.

We live in a society that will permit an inexperienced young man to drive a school bus loaded with high school football players with faulty brakes and faulty transmission to the top of an 11,000 foot mountain in Colorado and then express its regret and sorrow when six young men get killed.

We live in a society here in Maryland that will permit 400,000 unsafe and potentially unsafe drivers to operate on our highways simply because re-examination of all drivers once every four years is an inconvenience.

We live in a society which tolerates a system of teaching driver education in our public schools that is geared to the economic interests of public school driver education instructors and not to the needs of our children; that actually denies 58 per cent of Baltimore City school children who are eligible for driver education the opportunity to take the course because the cost is too high.

We live in a society where manufacturers are more interested in bumpers for cosmetic rather than safety reasons; where labor is more interested in permitting a professional driver to accumulate 30 points on his driving record in a two year period—the equivalent of ten reckless driving convictions—than it is in the development of programs designed to make the roads safer for professional and other drivers.

We live in a society where the insurance industry spends millions of dollars in public service advertising encouraging citizens to support State compliance with Federal highway safety standards; which spends hundreds of thousands of dollars sending lobbyists to Annapolis to testify on no fault insurance proposals and other industry matters and then fails to send even one representative to support bills on driver re-examination or periodic motor vehicle inspection or driver education or a proposal tightening the existing law to control the drinking driver.

We live in a society where dump truck operators are more interested in the cost of covering a load with a tarpaulin than they are in the rock flying through your windshield.

We live in a society that has placed a higher priority on prestige license plates than it does on human life and we have to change that.

The question, then, is: What can we do?

Perhaps of paramount importance is the continued development of evidence to support those programs that are beneficial to public safety—evidence so overwhelming that opposition to the programs no longer is significant enough to block an idea whose time has come.

In the past, there is no question in my mind that most supporters of highway safety programs ran into difficulty simply because they lacked the evidence to support their contentions. Generally, highway safety programs were enacted because common sense dictated that the program would save lives. Proponents of the program wanted it simply because they "felt" it was a good program.

This is no longer adequate.

Unquestionably, the greatest benefit which this Nation has derived from the passage of the National Highway Safety Act in 1966 is the increasing emphasis that is being placed on research.

This research has led to Federal requirements that automobiles be equipped with such items as collapsible steering columns, side marker lights, windshields that don't cut and tires that don't blow out.

This research has led to the development of a significant body of evidence to support the 16 highway safety standards developed by the National Highway Traffic Safety Administration and with which Maryland and all other states must comply.

I know now that driver re-examination will improve Maryland's highway safety posture because studies in New York and Massachusetts indicated that 22 and 23 per cent of those states' driver populations flunked the first driver re-examination.

Apply that percentage in Maryland and you can see why I suggested that there are 400,000 unsafe drivers operating on our highways at this moment. Pennsylvania enacted driver re-examination to end situations in that state similar to the ones where an elderly gentleman, almost blind and being guided while driving by an eight year old boy, struck a tree and was killed.

The problem we faced with driver re-examination in Maryland is the fear that many of our citizens—mostly the older ones—harbor. To them—re-examination means a loss of license and isolation because over the years we did not have the foresight to develop a balanced system of transportation; mobility to many means motor vehicle and loss of license means loss of mobility.

Re-examination does not mean automatic license loss. Many of the drivers who failed the examination in New York and Massachusetts did so because they did not realize that their eyesight had weakened. With corrective lenses, the license was restored but with the appropriate restriction. Some, in New York, Pennsylvania and Massachusetts, secured the return of their privileges but with the restriction permitting daylight driving only.

It is true, however, that some did lose their privileges and undoubtedly, this created hardships. But I am quite sure that many people—including the sons and daughters of those whose driving privileges were not restored—breathed a sigh of relief.

These people were removed from Harm's Way and so—to a very large extent—were drivers who shared with them the highways of New York, Massachusetts and Pennsylvania.

There are 12 drivers in Maryland who are 100 years of age or older.

There are one quarter of a million drivers in Maryland 65 years of age or older.

Half of our driver population, including since two weeks ago, your Motor Vehicle Administrator, is 40 years of age or older.

None of us are required to be re-examined because Maryland is a mail order state. Simply fill out the form, send in two dollars and you are on your way.

Driver re-examination is the only effective tool I know of that will permit the Motor Vehicle Administration to identify an unsafe driver *before* rather than *after* a highway death or injury.

Under existing law, I must rely on letters from concerned relatives or notes from dedicated law enforcement officers and judges. Mostly, however, I learn too late by reading in the newspaper, as I did last week, that a man in his eighties and his wife were killed instantly after their vehicle travelled through a stop sign and was struck broad-side by a police car.

I think we can do better than that.

In answer to the question—What Can We do?—I offer the following:

Support actively the legislation that will end the existing system of mail order license renewals once every two years and replace it with a four year license issued only after the applicant has successfully completed an examination of eyesight at least.

This proposal was considered at the last session of the General Assembly, passed the House of Delegates and got two-thirds of the way through the Senate before being killed. It had the active support of but one group—the Senior Citizens of Maryland.

What else can be done?

Unquestionably, alcohol is still the leading cause of deaths on the highways of the Nation. Alcohol, in some way, contributed to half of the almost 55,000 highway fatalities in 1971.

The misuse of alcohol by drivers and pedestrians results in 28,000 deaths and approximately 800,000 crashes in the United States each year. The relative probability of a fatal crash at .10 per cent blood alcohol concentration is about eight times that when there is no alcohol in the blood. When the blood alcohol level is at .15 per cent, the probability of an accident is more than 25 times that of no alcohol present in the blood.

The aim of both Federal and State highway safety agencies is directed primarily toward the problem drinker. These individuals represent about seven per cent of the driving population that is believed to cause approximately one-third of all driving fatalities.

It is not my intent here to suggest that the drinking driver be treated as a criminal. Quite the contrary. The drinking driver is a medical problem and our attempts should be geared toward identifying the drinking driver and attempting to rehabilitate and not punish him.

The knee jerk reaction of the typical highway safety buff is to suggest a crackdown on the drinking driver by stiffer fines, jail sentences and longterm loss of driving privileges which, in my opinion, are all the wrong things to do.

Historically, the stiffer the penalty, the more difficult it becomes to obtain a conviction.

The basic thrust of our efforts to control the drinking driver is aimed at identification and rehabilitation, no punishment. If penalties become more severe, if laws are enacted mandating the denial of driving privileges for long periods of time regardless of progress toward rehabilitation then convictions become more difficult to obtain and identification of the drinking driver equally more difficult.

Not long ago, I had the privilege of addressing a group of law enforcement officers who were about to become involved in the Alcohol Safety Action Project currently underway in Maryland. In the question and answer session, one officer complained because all individuals convicted of operating motor vehicles while their abilities were impaired by alcohol were not given automatic 60-day suspensions of their driving privileges, the maximum permitted by law. The question dismayed me, somewhat, because it illustrated, once again, the widespread notion that driver license revocations and suspensions were punishments in addition to the fines or jail sentences meted out by the Courts. In fact, they are not. Suspensions and Revocations are tools used by the Motor Vehicle Administrator to encourage efforts at rehabilitation.

At the Motor Vehicle Administration, our aim is to first identify the drinking driver and then to remove him from the highway during the period of time that addictive counselors attempt to effect his rehabilitation. If rehabilitative efforts fail, the revocation remains in effect; if they succeed, then driving privileges are restored with the appropriate restriction and with constant monitoring by MVA's Medical Advisory Board to guard against a relapse.

A revocation of privileges which continues in effect can quite properly be construed as a failure on the part of a Motor Vehicle Administrator and not on the part of the troubled drinking driver. I have no patience with motor vehicle administrators who constantly boast of suspensions and revocations as if the number measured effectiveness. It is more accurately a measure of lack of effectiveness.

What can we do?

Well, certainly we should all support the proposal to reduce the level of intoxication in Maryland from .15 to .10 per cent and the level of driving while impaired from .10 to .08, which will be considered by the Legislative Council this summer.

In so doing, the State's ability to identify the drinking driver will be greatly expanded. In July of 1969, two significant highway safety laws became effective in Maryland. The first required that, as a condition of obtaining a driver's license in Maryland, a person must give his written consent to submit to a chemical test for blood alcohol should he be arrested for driving under the influence. The second law established the crime of driving while impaired. Prior to July 1969, the monthly rate of convictions for driving under the influence in Maryland was 219. Since that time, the monthly rate has increased to 421—almost double.

By reducing the level of intoxication to .10 and driving while impaired to .08, our ability to identify an even greater number of drinking drivers will be significantly enhanced.

Perhaps we should also seriously question the wisdom of a law that mandates the withdrawal of privileges and, thus, results in fewer convictions and hampers our ability to identify the drinking driver.

While I am not prepared to recommend such a course of action at this time, I do suggest that it be given serious consideration at a time in the future when the State has a sufficient number of addictive counselors and a solid program to chart a course of rehabilitation for the drinking driver.

What else can we do?

Let's re-examine our driver education program to insure that it is adequately funded. Studies by Governor Mandel's Task Force indicated that a substantial portion of the funds for driver education were derived from fees on students.

Isn't it ludicrous that our driver education program has reached such a state that we charge students a fee to learn not to kill one another. And isn't it even more ludicrous that many students can't afford the fee and are denied instruction that may save their lives.

Let's re-examine our driver education program to insure that it's available on an equitable basis to all children in Maryland. Why should a child in Howard County have to pay $40 for a course that is available free in the schools across the line in Montgomery?

Why should children in Baltimore City and Anne Arundel County pay more than $30 for a course that's available free in Dorchester?

Let's also re-examine driver education to insure that it is doing its job. Isn't it odd that this program has been in effect for so many years and yet there isn't a single solitary person in the entire country who can offer solid testimony that driver education saves lives despite insurance company claims to the contrary.

Hopefully, the Legislative Council will be examining task force recommendations on driver education and perhaps the legislation to correct these defects will fare better in the future than it has in the past.

I suppose from my remarks that many of you feel that the highway safety effort in Maryland has as many holes in it as those defective exhaust systems we can't detect because we lack periodic motor vehicle inspection.

Actually, in relation to sister states, Maryland does pretty well—we rank fifth in the Nation in the fewest number of deaths per 100 million vehicle miles travelled and we scored what one newspaper described as a B-plus in an evaluation of a program by the United States Department of Transportation.

But we can and we should do better.

Because of the recent emphasis on research, we are developing the facts that, heretofore, we lacked. Perhaps we should regain a bit of the evangelical zeal that characterized the efforts of our forebearers.

Perhaps a combination of the two will work. It's the least we can do.

THEY'LL MARK 50TH MILESTONE WITH DRIVE TO AID RETARDED

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. MINISH. Mr. Speaker, I was edified to read recently in the Newark News of the admirable manner in which Dr. and Mrs. Jack Schaffer of East Orange, N.J., are observing their 50th wedding anniversary on June 4. They have asked that this memorable event be celebrated by contributions to the "Rose and Jack" scholarship fund of the Essex unit of the National Association for Retarded Children. What in fact could be more golden than brightening the lives of retarded children?

I know that our colleagues will join me in commending Dr. and Mrs. Schaffer upon their action which reflects the generous and compassionate spirit that has guided their lives. I congratulate them upon their remarkably full and useful careers and wish them many, many more years of happiness together.

The article in the Newark News follows in full:

THEY'LL MARK 50TH MILESTONE WITH DRIVE TO AID RETARDED

(By Elizabeth Weller)

Golden gifts are traditional for 50th wedding anniversaries, but Dr. and Mrs. Jacob Schaffer of 320 S. Harrison St., East Orange, who will arrive at the marital milestone June 4, want cash.

They ask that the money be contributed to the "Rose and Jack" scholarship fund of the Essex unit of the National Association for Retarded Children. The fund helps provide summer vacations at Camp Hope, Hanover, for retarded children.

Camp Hope, established about 10 years ago, offers an educational-recreational program. Language, arts, motor perceptual activities, music and swimming programs fill the days. Many of the staff members are trained and experienced in special education.

The Schaffers hope to boost the number of scholarships available through donations given at their anniversary celebrations. One will be held at the home of their daughter, Mrs. Leonard Howard of 8 Winding Way, West Orange, on June 4; another at the Schaffers' home on June 11.

Helping retarded children has been a favorite project of the couple. They were involved in the founding of the Essex County Association for Retarded Children, a parents' group. Formally organized in 1950, it was the second such group established in the country.

"We have a retarded child," Mrs. Schaffer said. "She is in a private institution in Pennsylvania, but I wanted to learn how other parents coped."

Under the group's influence, a recreation center for retarded teen-agers, which offered day trips, dances and other activities, was started in Temple B'nai Abraham, Newark, in 1950. Similar centers now exist in Bloomfield and East Orange as well.

The mothers in the newly formed group also started a school aids workshop, producing button and lacing boards to teach retarded children how to dress themselves, and teaching them how to use commonplace items like dishes, glasses, dresses and combs.

The organization also opened an occupational training center in a storefront in Valley Road, Maplewood. The center has since grown with the aid of the Cerebral Palsy Center in Belleville. It is now located in a former factory building in Orange.

A day care center in East Orange is another outgrowth of the group's efforts. Here, children who are not adaptable to public school are taught cooking and handicrafts and, Mrs. Schaffer said, "are accepted and loved."

The group's activities prompted the organization of the Essex County Association Clinic for Retarded Children, 62 Walnut St., East Orange, which offers diagnosis and advice to parents through a psychiatric staff.

The Schaffers, both born in Newark, were married in Temple B'nai Abraham on June 4, 1922. She is the former Miss Rose Nussbaum.

Dr. Schaffer, a past president of the Essex County Dental Society, is an alumnus of the University of Michigan, where he was a member of the Omicron Kappa Upsilon fraternity. He is a member of the National Academy of Dental Medicine, the Newark Dental Club and the Alpha Omega Dental Fraternity. Some years ago he developed a dental technique for relieving the symptoms of punctured eardrums.

Mrs. Schaffer, an artist, has work in the permanent collections of the Montclair, Rutgers College and Springfield (Mass.) museums and the Smithsonian Institution, as well as other places around the country. She has been the recipient of many awards and is listed in Who's Who in American Art and in Who's Who, American Women.

SEX DISCRIMINATION IN BANK LOANS AND CONSUMER CREDIT TRANSACTIONS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mrs. ABZUG. Mr. Speaker, I would like to bring to the attention of my colleagues an article in the May 6, 1972, Business Week entitled "Women Now Want Credit Liberated." This article is just one more indication that there is a real need to reform laws that give support to antiquated attitudes about women and financial transactions of all sorts.

The article follows:

SOCIAL ISSUES—WOMEN NOW WANT CREDIT LIBERATED

When Barbara Fox, an assistant professor of business administration at Boston's Simmons College, married Robert Ash last July, she dutifully asked her creditors to change the name on her accounts from Barbara Fox to Barbara Ash. Some ignored her, others sent her new cards imprinted Mrs. Robert Ash, and still others sent credit applications—to be filled out by her husband. Bankamericard and Master Charge went a step further. They wiped out her credit. "I simply stopped receiving bills," says Mrs. Ash. But Mr. Ash did not stop receiving bills. Bankamericard and Master Charge opened new accounts in his name (although he had his own old accounts), complete with the balance of his wife's former accounts.

Mrs. Ash's story will be one of many told by wives, widows, divorcees and the organizations that represent or sympathize with them at hearings May 22 and 23 before the National Commission on Consumer Finance, a unit established by the Consumer Credit Protection Act of 1968. The witnesses want banks and retailers to grant women credit in their own right instead of insisting that the accounts depend on their husband's credit.

BILLIONS OF DOLLARS

With $27-billion oustanding in retail and bank credit cards last year, large sums of money are clearly at stake. Representative Bella Abzug (D–N.Y.) has drafted a bill that would prohibit national banks, federally insured savings and loan associations, and federal credit unions from discriminating on the basis of sex or marital status. And several proposed state laws seek to apply the prohibition to both financial institutions and retailers. Such bills would make it easier for widows, divorcees, and working wives to get credit, thus presumably increasing sales but possibly complicating the policing of credit. Even without legislation, retailers fear, just talking about discrimination may shift consumer allegiance from institutions that withhold direct credit from women to those that grant it.

At this point in history, there are far more of the former than of the latter. "Under the law in most states today, any woman who is married, has been married, or who may even get married will find that credit, like domicile, follows the husband," says Mrs. Lynn Litwiller, national task force director on taxes and credit for the National Organization for Women. NOW will be represented at the commission hearings, together with the Women's Bureau of the U.S. Labor Dept., and the American Civil Liberties Union.

CREDIT AFTER DEATH

Some of the testimony may have a grisly tinge. Miss Jean Stapleton of the Los Angeles chapter of NOW plans to pass along the tale of an elderly neighbor who was unable to obtain credit after her husband's death because nothing was in her name. "So she keeps using her dead husband's credit cards," Miss Stapleton says. "Apparently a man who's been dead for a year has better credit than a woman who is alive and working."

Divorced or separated women also encounter trouble. Says a Chicagoan: "After my husband and I had been separated for eight months, I applied for a Union Oil credit card. My father had to sign as responsible for my debts in order for me to get an account." Ten months later, the same woman was turned down for credit by Sears-Roebuck, Standard Oil, and J. C. Penney. "I refused to lie about my marital status because I have always been responsible for my own debts," she says. "But I can't establish credit if they won't give me accounts."

MARRIAGE COUNSELING

One of the few controlled experiments in the field of credit discrimination was conducted by the St. Paul (Minn.) Dept. of Human Rights, which selected a man and woman with identical financial and personal credentials (including the fact that each was the sole support of the family) and dispatched them to the area's banks to borrow $600 for a used car. More than half the banks refused to lend the woman money without her husband's signature or consented only as a special favor after a good deal of elaborate explanation. Several bankers even expressed concern about the marriage, asking the woman why she wanted to buy a car without her husband's consent.

The man had better luck. Many of the banks that had refused to waive the cosignature requirement for the woman agreed to do so for him.

Mrs. Michael Battles, a Labor Dept. attorney, conducted her own informal survey by applying for credit at all the major retailers in Tyson's Corners, a Washington, D.C., suburban shopping center in Virginia. Though she earns more than $19,000 a year and pays her bills promptly and in full, she drew turndowns from the Hecht Co., Woodward & Lothrop, and Lord & Taylor. "Naturally," says a spokesman for the Washington, D.C., Credit Bureau. "No store in town would give her credit in her own name. That's the policy."

BAFFLING LAWS

Even where that is not the policy, word does not always seep down to the credit office. "We absolutely, positively do not discriminate," says Robert Bruton of the Bank of Virginia's Springfield office. "We'll grant credit to a married woman, to anyone who is creditworthy."

But economist Linda Helman of South Arlington, Va., found otherwise when she and her student husband applied for a Master Charge card at the bank. Mrs. Helman says bank officials told her that they could not take into account her $11,000 salary in determining their ability to pay (unless she were a nurse or teacher), and her husband's income under the GI Bill was clearly inadequate. "They didn't even bother to check our credit rating," Mrs. Helman says.

Although some retailers will give a married woman her own credit card under pressure, most concede that they don't like it. "One type of account per family is recommended for less confusion," says a Sears official.

Other retailers say they are unsure of the laws concerning a married woman's financial responsibilities, an explanation that gets an unsympathetic response from women's rights activists. "As a general rule, a man is responsible for his wife's debts, but I know of no law that absolves a woman of responsibility for her own debts just because she is married," says one woman attorney. "In Illinois a married woman is just as responsible for her husband's debts as he is for hers. And no Illinois retailer bases a man's credit on his wife's income."

THE MS. BUSINESS

Off the record (and occasionally on), creditors cite other reasons for denying married women their own credit: They might quit work to have babies or when their income was no longer needed at home. Both reasons made better sense before so many women became permanent, intentional members of the work force, say women's rights activists. Some retailers also fear that a married woman who wants to establish credit in her own name has something to hide—such as a deadbeat husband.

Although villains will unquestionably outnumber heroes in the testimony presented by women's groups, there are indications that an egalitarian approach to credit is beginning to emerge, especially in the New York area. George Beatty, president of B. T. Credit Co., a subsidiary of Bankers Trust-New York Corp., which holds the bank's Bankamericard franchise, says flatly: "We treat all potential cardholders alike. If they have incomes of their own, they stand on their own."

And at Bloomingdale's, a New York department store, James Kassas, director of accounts, reports that the store is working on a policy for women who apply for credit as Ms. "We aren't quite sure about all this Ms. business," says Kassas. "But if a woman has her own financial power, she should have her own account."

TWO COMMENTS ON THE SOVIET UNION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. HAMILTON. Mr. Speaker, I would like to bring two recent articles about the Soviet Union to my colleagues' attention.

The first is from the May 8, 1972, issue of a fine British newspaper, The Manchester Guardian, and concerns Soviet activities against the dissident "human rights movement."

The second article appeared in the Washington Post on May 28, 1972, and contains excerpts of an interview with George Kennan, a former American Ambassador to Moscow and well-recognized Soviet expert. Ambassador Kennan comments on the evolution of U.S.-Soviet relations since the Second World War.

The two articles follow:

[From the Manchester Guardian, May 8, 1972]

SOVIET DISSENTERS REFUSE TO YIELD TO REPRESSION

(By Abraham Brumberg)

The apparent calculated attempt by the Soviet authorities, launched towards the end of last year, to stifle dissident activities, has not been a great success.

Its latest manifestation this weekend was, more than anything, a sign of the underground's resilience. It involved searches by security police of 14 homes in Moscow, most of them in connection with issue No. 24 of the Chronicle of Current Events.

The Chronicle records the fate of those who fall foul of the authorities for activities regarded as anti-Soviet, information which is seldom made public officially.

When the previous issue of the Chronicle came out, in January, it was widely feared in the West that we had seen the last of this remarkable periodical, which had been appearing with uncanny regularity since April, 1968. The widespread searches, arrests, and interrogations which took place at that time (and which are reported in this issue), were clearly aimed at plucking out this irritating thorn from the Soviet flesh.

Its present appearance, therefore, must surely be taken as evidence both of Soviet failure, and of the singular courage of the "Human Rights Movement," in size as well as in scope, issue No. 24, dated March 5, 1972, compares favourably with the preceding numbers. Comprising 23 typewritten pages, it contains further information on the trial of Valdimir Bukovsky in January and of its aftermath—including the texts of various protests both within and outside the Soviet Union; reports on further arrests and on conditions in Soviet labour camps; on the persecution of Catholic believers in Lithuania and on the efforts of Jews to emigrate to Israel.

The institution of *samizdat*, (underground publications) too, continues to thrive. Among recent works listed in the Chronicle are a 400-page book called "Practical Metaphysics," Solzhenitsyn's "Autobiography," a collection of documents on psychiatric hospitals for political offenders, a translation—rich in implications—of a Le Monde article on the collaboration of French intellectuals with Hitler's regime during the occupation of France, and a work of fiction based on the Jewish emigration movement, as well as a Newsletter of the Exodus, which contains numerous documents bearing on the same subject.

In addition, the Chronicle mentions the continued appearance of two new periodicals—No. 2 of Review (which, judging by the table of contents, is a historical and political journal with a decidedly liberal basis), and No. 4 of Veche—the *samizdat* organ of the new breed of Soviet Slavophiles.

In sum—to quote the motto that appears on every single front page of the Chronicle of Current Events—"the movement in defence of human rights in the Soviet Union continues."

A letter, dated October 14, 1971, addressed by a number of political prisoners in the Soviet Union to the Danish Communist newspaper Land of Folk, also testifies to this. At first glance there seems to be nothing extraordinary about it. Similar statements outlining the grim conditions in Soviet prisons and "corrective labour colonies" have appeared in the past, some of them, in fact, composed by the authors of this letter: Yuri Fedorov, Nikolay Bondar, Gennadyj, Gavrilov, Aleksandr Chekhovskoy, Nikolay Ivanov, Vladimir Pavlenkov, and Yuri Galanskov.

What distinguishes this statement is the defiant assertion by the principal signatories that they will remain dedicated Communists, and the ample evidence, adduced in the letter, of a continuing "challenge from the Left" to the Soviet regime. There is no doubt whatever about the author's sincerity; as members of small illegal organizations seeking to establish "true communism" and "real democracy" in the Soviet Union, they behaved with remarkable courage at their respective trials, refusing to plead guilty, rejecting the help of defending counsel, and boldly affirming their political views.

Sentenced to long terms, in prison, camps, and exile, they have continued to insist on their rights by staging hunger strikes and other forms of organized protest (all described, incidentally, in the clandestine Chronicle of Current Events).

It is, therefore, no mere tactical ruse that these young idealists now address their "comrades in Denmark and other Scandinavian countries," comparing the liberty denied to Communists in the Soviet Union with those enjoyed by Communists in "capitalist countries." The latter are attacked for regarding "the very thought of judicial persecutions of dissidents in the USSR as . . . outlandishly impossible," and for doubting that in "the concentration camps of Mordovia and the Vladimir prison there are not only dissidents, but also people who have been placed there for their Marxist Communist convictions."

Drawing a parallel between the persecution of Soviet Communists with that of Danish Communists under the German occupation, the letter asserts that "in no other country are dissidents treated as mercilessly as in ours." In support of this it says:

On August 8, 1971, Izvestia reported that an Athenian court found 19 out of 25 defendants innocent, and the others, having been found guilty of disseminating underground newspapers and pamphlets, "were sentenced to various terms of punishment; three years, 10½ months, and so on.

For similar deeds we are sentenced, as a rule, to five to seven years of deprivation of freedom under strict regime, sometimes supplemented by a term of exile up to five years.

Soviet newspapers have announced that Angela Davis gave to one of her visitors a letter addressed to the Committee of Soviet Women. When we receive visitors, we are not allowed to deliver as much as a simple personal letter.

Soviet newspapers have reported that a mouse was found in Angela Davis' bed. In our barracks mice are a common occurrence and wards in the therapeutic department of the central hospital are overrun by rats.

Soviet newspapers have indignantly reported that Jackson was killed during his attempted escape from prison. We Soviet Communists, political prisoners join you in condemning such outrages. But in the Mordovian concentration camps many a prisoner has been killed from the watch towers, and not only while attempting to escape.

It is noteworthy that the other three signatories (whose record of courage has been equally impressive), while "not adherents of Marxist teachings," and while "not subscribing to some of the postulates of the 'open letter,'" nevertheless signed, as a gesture of solidarity with their "comrades," and "as a protest against the difficult conditions of political prisoners in the USSR" in general.

It is also noteworthy—though hardly surprising—that this impassioned plea has thus far not been published in any Communist newspaper in the West—although it is of unquestionable authenticity.

UNITED STATES AND RUSSIA: NO CAUSE FOR CONFLICT

(By George F. Kennan)

The conditions to which Soviet policymakers had to address themselves in 1947 have changed drastically over these 25 years.

In 1947, the Soviet Union, though seriously exhausted by the war, enjoyed great prestige. Stalin's hold on the international Communist movement was monolithic and almost unchallenged. There was still, in the major Western countries and to some extent elsewhere, a strong contingent of pro-Soviet intellectuals and fellow-travelers who were amenable to Soviet influence and could be counted on to give general support to Soviet policies. All around the Soviet frontiers, on the other hand, there was great instability. This applied to East Asia as well as to Europe and the Middle East.

For the Soviet leadership, this presented both opportunity and danger: opportunity for taking advantage of this instability, danger that if they did not do so others would. Their foreign policy, in these circumstances, was directed to two main objectives: one, the elimination, to the extent possible, of all other great-power influence—and this meant primarily American influence—everywhere on the Eurasian land mass, so that the Soviet Union would overshadow everything that was left, in power and prestige; and, two, the achievement and consolidation of effective strategic glacis [slopes on the outside of fortifications] in east, south and west.

Compare that with the situation the present generation of Soviet leaders has before it today. The international Communist movement has broken into several pieces. They retain, beyond the limits of their own military-occupational power, the overt loyalty of only a portion of it. This is a not insignificant portion; but the facade of solidarity can be maintained, today, only by extensive concessions to the real independence of the respective Communist parties. Meanwhile, a great deal of the erstwhile liberal following in other countries, disillusioned by Soviet repressive measures at home and in Eastern Europe, has lost confidence in Soviet leadership. As a military power, the U.S.S.R. has great prestige—greater, in fact, than in 1947—but as a political power it has less than it did then.

STABLE SURROUNDINGS

The instability in the areas surrounding the Soviet Union has in part disappeared. The Chinese and Japanese have put an end to it in East Asia. Economic recovery, NATO and the movement toward unification have largely done so in Western Europe, although there are disturbing symptoms of an underlying instability in Western Germany, and a state of semi-chaos in Italy that is only slightly less alarming because it is chronic.

The East Asian glacis was largely taken away from them by the Chinese. The Middle Eastern one they are gradually gaining, but it is precarious, undependable, and expensive to keep. The European one, i.e., the satellite area of Eastern and Central Europe, they continue to hold (Yugoslavia excepted) either by occupying it or by overshadowing it militarily. It is flawed by a certain potential instability in the form of the positions taken by the Romanians; but it has won acceptance in the West, and does not appear, at the moment, to be seriously threatened. It may be said, generally, that the southern and western glacis are fulfilling their function, as does the remaining one—Outer Mongolia—in East Asia; and the Soviet leaders undoubtedly derive from this fact a certain heightened sense of security.

The effort to expel American influence and presence from the Eurasian land mass has also been largely successful, though rather by the force of circumstance than as a response to anything the Russians themselves have done. Yet the result is only in part satisfactory from the Soviet point of view. In Northeast Asia, the Americans never did play a role, except in South Korea and Japan; and they have now largely forfeited their influence over the Japanese. On the other hand, Russia now finds herself confronted there by two local great powers—China and Japan—both capable of making more trouble for her in that region than the Americans ever did. In the Middle East, the American presence and influence are pretty well eliminated everywhere except in Israel, Jordan, and Saudi Arabia.

As for Western Europe: the American guaranty remains, as does the American military presence. Moscow would still like to eliminate both—just to be on the safe side. But the need for doing so has been reduced by the general Western acceptance of the Soviet hegemony in Eastern Europe. And the agreements concluded with the Brandt government will relieve the Soviet leaders of their greatest single anxiety: that of an association of American military power with a *revanchiste* and revisionist Western Germany.

POLITICAL INSECURITY

If, then, today the Soviet leaders have a sense of military insecurity, it is not—for the first time in Russian history—primarily with relation to stronger forces just beyond their land borders, but rather in relation to the nuclear weapons race, which is a subject in itself. The Chinese inroads on their international prestige and on their influence in the world Communist movement have really hurt and alarmed them, because they leave them no alternatives except isolation or alliance with capitalist countries, which could undermine the legitimacy of their power at home. They are also insecure at home, because they are dimly conscious, as was the Czar's regime 70 years ago, that they have lost the confidence of their own intellectuals, and don't know how to recover it. Finally, there is the continuing hostility of the populations in most of Eastern Europe to the Soviet hegemony, a hostility which even with full control of the media over 25 years they have not been able to overcome.

What, in the face of these environmental conditions, are their policies? These no longer represent a unified whole, or reflect any unified concept. The party priesthood exerts itself mightily to recover ground lost to the Chinese in the foreign Communist communities. The Foreign Office pursues a policy of detente with France and Germany and Italy in order to prove to the Chinese that Russia has an alternative to good relations with them, and can easily arrange for security on her western front.

The military-industrial complex, as real there as in Washington, struggles to match the cultivation of nuclear weaponry. The hotheads in their military establishment appear to be obsessed with the hope of breaking the long-standing supremacy of the Anglo-Americans on the high seas, and this strikes me, incidentally, as the most irresponsible and dangerous, at the moment, of all Soviet undertakings, comparable to the Kaiser's effort to out-balance the British in naval forces before World War I.

These policies present a sharp contrast to those of 1947. The Soviet-American conflict has been largely removed geographically from the Eurasian land mass and relegated to the struggle for the control of the high seas and the fantasy world of nuclear weaponry. A great part of the energy of Soviet foreign policy is today devoted to the effort to "contain," politically, another Socialist state—China. The anti-American propaganda and the competition with the United States for favor and influence in the Third World continue; but this is more of a force of habit than a policy, and the few successes achieved to date have come from American mistakes far more than from Soviet brilliance. "World revolution" has simply faded out of the picture as a concrete aim of Soviet foreign policy.

In general, the situation of the Soviet Union is such that were it not for the dangerous nuclear and naval rivalry, the outside world, and particularly the United States, would have little more to fear from Russia today than it did in 1910. The ideological factor makes itself felt today almost exclusively in the Soviet relationship to the French and Italian Communist parties, which, if they were to come into power, would easily destroy NATO and upset the power balance in Europe. But these parties are reflections of long-term internal crises within the respective countries, and their influence cannot be treated as primarily a problem of international relations.

A KAFKAESQUE ENCOUNTER

What all this means for Soviet-American relations is this: that the United States, having accepted the Soviet domination of Eastern Europe as well as the situation in all of Asia other than its southeastern extremity, has today, for the first time, no serious territorial-political conflict with the Soviet government, the one exception being the Middle East. But the Middle Eastern situation is, by common agreement, not worth a war between the two powers, and both hope to avoid its leading to one.

This means that today the military rivalry, in naval power as in nuclear weaponry, is simply riding along on its own momentum, like an object in space. It has no foundation in real interests—no foundation, in fact, but in fear, and in an essentially irrational fear at that. It is carried not by any reason to believe that the other side *would*, but only by a hypnotic fascination with the fact that it *could*. It is simply an institutionalized force of habit. If someone could suddenly make the two sides realize that it has no purpose and if they were then to desist, the world would presumably go on, in all important respects, just as it is going on today.

There is a Kafkaseque quality to this encounter. We stand like two men who find themselves confronting each other with guns in their hands, neither with any real reason to believe that the other has murderous intentions towards him, but both hypnotized by the uncertainty and the unreasoning fear of the fact that the other is armed. The two armament efforts feed and justify each other.

Admitting that it is unreasonable to expect either side to disarm suddenly and unilaterally, one must still recognize that this curious deadlock, devoid of hope, replete with danger, is unlikely to be resolved just by carefully negotiated contractual agreements: These latter will have to be supported by reciprocal unilateral steps of restraint in the development of various forms of weaponry.

If one could begin to work this process backward, and eventually reduce the armed establishments of the two countries to something like reasonable dimensions—for both have, of course, ulterior military obligations and commitments as well—then there is no reason why the Soviet Union should be considered a serious threat to American security.

Should this happen, however, the United States would do well not to indulge itself in unreal hopes for intimacy with either the Soviet regime or the Soviet population. There are deeply rooted traits in Soviet psychology—some of old-Russian origin, some of more recent Soviet provenance—that would rule this out.

Chief among these, in my opinion, are the congenital disregard of the truth, the addiction to propagandistic exaggeration, distortion and falsehood, the habitual foulness of mouth in official utterance. So pernicious has been the effect of 50 years of cynicism about the role of objective truth in political statement that one begins to wonder whether these Soviet leaders have not destroyed in themselves the power to distinguish truth from falsehood. The very vocabulary in which they have taught themselves to speak, politically, with its constant references to the American "imperialists" and "monopolists," is confusing and offensive, and constitutes in itself a barrier to better international understanding.

A MIDDLE GROUND

Add to this the hysterical preoccupation with espionage, the continued fear of foreigners and efforts to isolate the Soviet population allowed to play in the conduct of Soviet diplomacy, and one is obliged to recognize that it is simply unrealistic for Americans to look for any great intimacy or even normalcy, as we understand it, of relations with the Soviet Union. As is also the case with China, though for somewhat different reasons, relations can be reasonably good, but they must also be reasonably distant; and the more distant they are, in a sense, the better they will be.

What we need mostly to do is to free ourselves from some of our fixations with relation to the military competition—to remind ourselves that there is really no reason why we and the Russians should wish to do frightful things to each other and to the world—and to address ourselves vigorously, and with some degree of boldness, to the enormous danger presented by the very existence in human hands, and above all the proliferation, of weapons such as the nuclear ones.

Somewhere between the intimacy we cannot have—either with the Russians or the Chinese—and the war there is no reason for us to fight, there is a middle ground of peaceful, if somewhat distant, coexistence on which our relationship with the great Communist powers could be considerably safer and more pleasant than it now is. We cannot make it so by our own efforts alone; the Russians and Chinese have to help. But we could do better, in a number of respects, than we have been doing.

WILLIAM SEACH HONORED

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. KEITH. Mr. Speaker, today is traditional Memorial Day, and an appropriate time to pay honor to our Nation's veterans. One such veteran whom I would like to single out for special notice is William Seach, of Weymouth, Mass.

Last week Mr. Seach turned 95, and for the first time in many years, was unable to march in the Town's Memorial Day parade. He is the Nation's oldest Medal of Honor winner, and while time has slowed his steps, his mind is as sharp as anyone's.

The attached letter, from Lt. Seach to the Weymouth Veterans Committee, is one that I am sure will be of interest to my colleagues, and to all who admire patriotism and persistence. I know I speak for us all when I wish Mr. Seach the very best in the future, and thank him for his service to his country in the past.

The letter follows:

To: Comrade James E. Coyle, Chairman, and Members of Weymouth Joint Veterans Committee

From: Comrade William Seach

DEAR COMRADE COYLE: I thank you and the members of the Weymouth Joint Veterans Committee for the great honor you desire to confer on me for the 1972 Memorial Day Parade and ceremonies.

Regarding the Chief of Staff, I respectfully suggest that deserving comrade be appointed as Chief of Staff. If you wish, my name could be placed beneath his as the Honorary Chief of Staff which will be understood to mean that the word "Honorary" designates a title of honor only.

It may be interesting for you and our comrades to learn that since the fall of last year, I am now the oldest Medal of Honor winner still living. I will be 95 years old on May 23rd of this year. Also, as a veteran of the Spanish-American War of 1898, the Philippine Insurrection of 1899 and the Boxer Rebellion of 1900, for the first time in history, one individual is the last surviving Medal of Honor winner covering three separate Foreign wars. (I am also a veteran of the Haitian Campaign of 1915, and of World War I, 1917–1918.)

Two hundred and fifty-eight Medals of Honor were won during the three wars between 1898 and 1900, by men serving in the Army, Navy and Marine Corps. Of those 250 Medal of Honor winners, I am the only recipient living. The Medal of Honor was awarded me, as you know, for service in the Boxer Rebellion in China in 1900. The inscription, engraved on the reverse side of the medal, reads, "For Conspicuous Conduct in the presence of the Enemy in Battles of the 13th, 20th, 21st and 22nd of June, 1900, while with the Relief Expedition under Vice Admiral Seymour . . . William Seach, Ordinary Seaman, U.S.S. Newark."

It is possible that the Town of Weymouth, Massachusetts, may be the only town in the United States that is credited with three Medal of Honor winners, each active in a different war, each representing a separate branch of our Military services, and each with schools named in their honor. They are:

1. William Seach, Ordinary Seaman, U.S. Navy, for conspicuous conduct in four battles, while with the Relief Expedition to Pekin, during the Boxer Rebellion in China; 1900. (Now living.)
2. Ralph Talbot, 2nd Lieutenant, U.S. Marine Corps, a fighter Air Pilot against German fighter Air Pilots "for conspicuous conduct in Air Battle October 8, 1918, World War I." (Later killed in an airplane accident.)
3. Eldon H. Johnson, Private U.S. Army, 15th Infantry. For conspicuous conduct in battle; killed in action May 16, 1945 in France, World War II.

On Veterans' Day, 1950, Weymouth honored her three Medal of Honor winners at the Town Hall, with appropriate public ceremonies, by placing on a wall of the Council Chamber framed enlarged photographs of each winner, with individual citations.

I am honored that you have asked me to participate in the annual Memorial Day parade in Weymouth on May 29, 1972. For the first time in many years, I am not sure that my health will permit me to be present on that occasion. For that reason, I feel that you should not make the usual arrangements.

If it is possible for me to be present on that day, my daughter Carol Seach Donovan will see that I join the parade and she will let you know if I am present at the parade starting point. I prefer to remain in her car, however.

Thank you again for your consideration and for your kind letter. I want you all to know that I appreciate it very much.

Sincerely,

WILLIAM SEACH.

BUSINESSMEN SUPPORT UNITED STATES-RUSSIAN TRADE EXPANSION

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. SEIBERLING. Mr. Speaker, next to the agreement on strategic arms limitation, the agreement to establish a joint United States-Russian commission to develop mutually advantageous trade relations will probably be the most important achievement of the President's trip to Moscow. It is interesting to note that the President who has achieved this major breakthrough in relations with the Soviet Union built his political career on his opposition to communism.

Already, many business firms in the 14th District of Ohio are anticipating the expansion of United States-Russian trade. This is the subject of an article in the Akron Beacon Journal of Sunday, May 28, which I shall insert in the RECORD following these remarks. A common thread running through the remarks of these businessmen is their view of expanded East-West trade not only as an opportunity for profits but also for reducing international tensions and improving understanding.

It is also appropriate at this time to give due credit to a distinguished American business leader who took the initiative over a decade ago to point out to his fellow citizens the importance establishing improved trade relations with the

Soviet Union. At the time this gentleman, Mr. Cyrus S. Eaton, first advanced this idea, he was roundly criticized in many quarters. Now that the validity of the idea has been generally accepted and is being promoted by no less a person than President Nixon himself, it is only right to accord to Mr. Eaton belated recognition for his exceptional foresight and uncommon common sense. I can think of no more appropriate way to do this than to introduce into the RECORD his remarks last April 20 at the annual meeting of the shareholders of the Cheasapeake & Ohio Railway. I include following the article from the Akron Beacon Journal:

[From the Akron Beacon Journal, May 28, 1972]

AREA FIRMS PLEASED BY RUSS TRADE PACT

(By Larry Froelich)

The first breakthrough in trade negotiations between the United States and the Soviet Union a few days ago is likely to open up some fertile business opportunities for industry in the Akron area.

One of those persons pleased with the news that a joint commission will be formed to develop mutually advantageous trade relations was Art Lewis, managing director of the international division of Diebold Inc. of Canton.

Diebold is best known for its bank vault and security storage systems, but the Russians have been looking at something else, according to Lewis.

"We've been approached by people from the Soviet Union about our more sophisticated record retrieval equipment," said Lewis. "As might be expected in any bureaucracy, they are interested in faster ways of handling paper.

"Most definitely, we're very much interested in trading with them," he added.

And generally-speaking, Diebold is not alone in seeing a lucrative market for its wares behind the Iron Curtain.

"I personally feel there is a market for us in the Soviet Union," said William C. Richards Jr., president of Bellows-Valvair, "because they're going to buy the machinery they want from someone. So why not us?"

Richards said the Russians are likely to look first at machine tools, automated and food processing equipment, and rubber extracting machinery. "And in our line, I'd say they'd look at the hydraulic and pneumatic systems we make for machine tools and automated processing equipment."

A spokesman for one large tire machinery manufacturer here said his company "very definitely welcomes trade with Russia because they have a substantial and fast-growing tire industry."

Added this official: "We've had the business since our European licensees have been supplying millions and millions of dollars worth of our American-designed equipment to the Soviet Union. Now we could do it on a more direct basis and, I think, we could be competitive with the Europeans since their labor costs have been rising at a faster rate in recent years."

Through a spokesman, B. F. Goodrich said it "has long favored the expansion of trade between the U.S. and the Soviet Union in non-strategic goods and services. We regard such trade as more than a potential source of increased profits. It also represents an effective means of reducing tensions and improving relations between the two countries."

Goodrich also noted that America's balance of payments will benefit from increased trade with the USSR."

"In accordance with U.S. Government trade policy, our chemical division is continuing to sell certain types of synthetic rubber and plastic materials in the Soviet Union and we are hoping to expand this business. International BFG Co. is exploring various possibilities for export sales to Russia," the company added.

Spokesmen for Firestone and General Tire said they felt there was considerable opportunity for them in Russia but are waiting to see what type of trade agreements evolve. Babcock & Wilcox Co. in Barberton issued a similar statement.

In Des Moines, a spokesman for Massey-Ferguson said his company favored "anything that generally eases trade." Massey-Ferguson's Industrial and Construction Machinery division is located in Northampton Twp.

"As a matter of fact," added the Massey-Ferguson official, "we will be exhibiting the largest (agricultural) combine made in the U.S. next September in Moscow."

However, it is more than just goods and services which will be the magnet drawing U.S. and Soviet Union businessmen together because the Russians are thirsting for technology.

"From our knowledge," said Leonard Turk, president of NRM Corp. in Akron, "a lot of U.S. technology is being used in Russia today, supplied to them by licensees of U.S. companies. I don't think there's any question we'd like to do business with them more directly."

NRM manufactures machinery for the rubber, tire and plastics industries.

Yet as a number of the companies pointed out, there's more to it than just the business and profit angles; there's an equally vital opportunity to ease world tensions through better understanding.

"Sports has been way ahead of us in developing international understanding," commented Bellows-Valvair's Richards. "But now business has a golden opportunity to do the same thing athletes have been accomplishing for years and years."

REMARKS OF CYRUS S. EATON

Our very able and dedicated President will bring to you a full report on your company. That is what you will be mostly interested in, because stockholders are concerned about how much their company earns and what dividends it pays. As I said, our President, who is exceptional, will tell that story.

May I add that I think no other great corporation in America has an abler and more dedicated team than the one that is running your railroad. No matter how competent and dedicated the management may be, however, they have to contend with conditions beyond their control. For instance, taxation, the policies of labor leaders, contact with state and federal governments, the Interstate Commerce Commission, the S.E.C., which controls the issuance of securities. The Treasury Department and many other departments of the government are exercising more and more influence in American business. No matter how able the management, therefore, business still has to contend with these problems, mainly emanating from Washington.

Because of my interest in public utilities, some of them located in the Washington area, I have been going to Washington regularly for 65 years. I have known all of the Presidents during that time, as well as the Secretaries of State and Commerce, other top officials, and leading members of the Senate and House of Representatives.

Sometimes I have been at odds with our government. I have felt that our industry and other institutions in America deserves to do business with all the world, and for 25 years I have been constantly urging the establishment of trade relations with the Soviet Union and the People's Republic of China. I am delighted and flattered that President Nixon has made his trip to Peking, and is now planning to go to Moscow. I believe that this change of policy has great potential for us.

One may ask how it may be advantageous for us to have understanding, friendship and good relations with the Soviet Union. They have many things we can use to great advantage, and there are many things they can use from our factories and farms. Remember that, geographically, the Soviet Union is two and a half times as big as the United States, with immense natural resources that we need or can use.

Seventy years ago, the East Ohio Gas Company brought natural gas to Cleveland, the first large city in America to use that fuel. Now every city in America uses natural gas, but our domestic reserves are dwindling and more and more supplies will have to be brought from abroad. The Soviet Union's reserves of natural gas equal those of all the rest of the world combined. How are we going to get that gas to America? As it must be moved over long Arctic areas and then by ship in liquefied form to American ports, many problems must be solved. This includes pipelining the natural gas to liquefication plants, the building of special super tankers to transport the liquefied gas over lengthy ocean routes, and the installation of terminal facilities in America. We can use Soviet gas to great advantage and at the same time we can sell the Soviets many of our products.

I have been consulted constantly on the development of the Soviet Union's natural resources. The Soviets come to me because I have always felt that we will make more progress by befriending them than by denouncing them, regardless of our different political and economic systems. We have to remember that half the world, whether we like it or not, is now communist.

I am looking forward with pride and joy to improving relations between our country and the communist nations of the world, even though on occasion we may have disagreements with them. We are all uneasy about the unhappy events in Vietnam, but I am hoping that sorry chapter of our history will soon be concluded. If the President will keep his promise to go to the Soviet Union, that will pave the way for trade with that great nation.

It will be a memorable day in my life when the New York Daily News, our newspaper of largest circulation and the most vigorous denouncer of communism, uses power produced by Soviet natural gas to run its presses. I will also be delighted when the cold warriors of Washington cook their breakfast by natural gas brought in from the Soviet Union.

As you realize, I am young and inexperienced, but I am optimistic. I hope that mankind will avoid the terrible fate of destroying itself and will determine to live in peace. I am sure the cutting down of our astronomical expenditures for military equipment and of our armed forces that are stationed all over the world, followed by a reduction of taxes and the establishment of trade with every nation, will be highly beneficial to all of us generally, and to the C&O and B&O in particular.

CITIZENS OF LAUREL, MD., THANK DIRECTOR OF OFFICE OF EMERGENCY PREPAREDNESS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. HOGAN. Mr. Speaker, on behalf of the citizens of Laurel, Md., I would like to take this opportunity to publicly thank Gen. G. A. Lincoln, Director of the Office of Emergency Preparedness, for his help in Prince Georges County's efforts to clear flood debris from the Patuxent River near Laurel.

I personally urged General Lincoln to review the matter, as did county and Laurel officials, and he recently agreed to have the Army Corps of Engineers remove the uprooted trees and brush which were deposited in the river by the 1971 flood disaster.

General Lincoln's action is a vital interim step in our efforts to prevent future flooding of the Laurel area. It should ease the immediate danger as we work to put into effect a long-range plan which will solve flooding problems not only in Laurel but throughout the Patuxent Basin.

The Office of Emergency Preparedness approved the use of Federal emergency funds to clear up the river debris on August 17, 1971, following severe summer flooding in the Laurel area.

Under OEP regulations emergency debris clearance must be completed within 3 months, but work had not been started as of December 17, 1971, because of restrictions imposed upon the Prince Georges County Council by the new county charter.

OEP granted a 3-month extension, but as of February 28, 1972, the work still had not been started because of continuing difficulties imposed by the charter, and OEP announced it was withdrawing funding for the project.

County and Laurel town officials and community leaders then asked me to intercede with OEP to keep the debris clearance project alive.

I went to work on the problem and the result was the commitment from General Lincoln to clear the flood debris.

In a letter written to inform me of his decision, General Lincoln said:

> Some large uprooted trees and other loose debris remain caught on living trees and brush growing on gravel bars and along the banks of the river.
>
> This type of debris could be picked up by future floods and lodged against a bridge or other debris, possibly resulting in blockage of the river channel and increased damages.
>
> Due to this remaining threat, I have requested our Region 3 office to authorize removal of those uprooted trees and brush which were deposited by the 1971 flood disaster.
>
> Since this debris should be removed as soon as possible, the Corps of Engineers will be directed to perform the necessary work . . . Prince George's County will be required to furnish necessary rights-of-entry, along with certain assurances, but the actual work will be accomplished by the Corps of Engineers. I am assured that this work will be accomplished promptly.

Again, let me say how grateful I and the citizens of Laurel are to General Lincoln for his swift and decisive action in clearing up the flood debris along the Patuxent River.

ARMENIA'S INDEPENDENCE DAY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. DERWINSKI. Mr. Speaker, usually, when we hear the term "captive nations," we think of the nations in Central Europe that are situated on the other side of the Iron Curtain. They include such countries as Poland, Czechoslovakia, and the Baltic Republics, as well as a number of others.

We tend to forget that the sun never sets on the captive nations—they are located not only in Europe but in widely-separated parts of Asia and in the Caribbean Sea. People of every race and religion are captives of imperialistic communism. Some have been prisoners in their own lands ever since World War II, while others have been slaves of Communist oppressors for more than half a century.

Last Sunday the inhabitants of an Asiatic nation that has been a colony of the Soviet Empire since 1921 recalled their brief period of freedom. It was on May 28, 1918, that the Armenians declared their independence from Russia and Turkey. Their freedom proved to be short-lived, however, as they were soon taken over by the Soviet Union. The Turkish part of Armenia had been all but depopulated by a series of massacres. Many who survived the various attempts at genocide migrated to other parts of the world, including the United States. While they are not numerous, those who began life anew in America are loyal and industrious and have made important contributions to their adopted country.

Mr. Speaker, other vast empires have disintegrated and there is no reason to believe that the Soviet Empire is immortal. Some day it, too, will follow its predecessors into oblivion. From the ashes there will arise many free nations, reborn after years of oppression and persecution. Among them will be Armenia.

ADDRESS BY CONGRESSMAN SCOTT AT MEMORIAL DAY CEREMONIES

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. MIZELL. Mr. Speaker, I rise at this time to enter into the RECORD the text of a speech delivered by my distinguished colleague, the gentleman from Virginia (Mr. SCOTT) at Arlington Cemetery on Memorial Day.

Representing President Nixon at the annual memorial services, our colleague, Mr. SCOTT's remarks were eloquent, timely, and very moving.

In addition to giving well-deserved praise to the men and women who gave their lives in the service of the country and for the cause of freedom, Mr. SCOTT admonished the rest of us to honor their memory in our everyday lives. He said:

> In order to maintain our heritage and to perfect our American system, we need responsible citizens, both veteran and non-veteran, to be active in the affairs of government, teaching pride of America within our homes, our schools, our churches, guiding youth in character-building organizations, being active participants in community affairs.

This, he said, would be the greatest tribute to the gallant men and women who paid the highest possible price for our freedom.

I commend Mr. SCOTT's remarks to my colleagues' attention and insert them in the RECORD at this time:

ADDRESS BY CONGRESSMAN SCOTT AT MEMORIAL DAY CEREMONIES AT THE TOMB OF THE UNKNOWN SOLDIER IN ARLINGTON

We have heard wonderful music and songs to honor those who have sacrificed their lives for our country. Let me compliment you gentlemen on your fine performances. We are near our finest national shrine, the Tomb of the Unknowns, yet no ceremony we can devise, or no monument we can erect can be as meaningful as the simple fact that we meet here today in freedom. This is the true monument to their sacrifice and to the American spirit that for the past two centuries has opposed tyranny and today is opposing oppression once more.

Our freedoms were won almost 200 years ago. During that conflict 4,400 Americans died in battle and many thousands more risked everything they possessed to win our right to govern ourselves and to establish a form of government of our own choosing, free from outside direction.

Since that memorable time, almost a million Americans have died in an attempt to give those same rights, at one time or another, to almost half of the peoples of this earth.

These young men have not died for territory or for American privilege, but to help establish in the world the concept that no nation shall take over another nation by force. And today Americans are dying in South Vietnam to prevent the take over from the north and to preserve the right of a small nation to a government of its own choosing.

The American soldier in all of our wars, to his everlasting glory, has never forgotten that he is sacrificing and dying for human beings and human dignity. Wherever he has gone, the American soldier has, in the wreckage of war, in friendly country and in occupied enemy land, helped the wounded, the orphan, the disabled, the aged, the widow and the defeated enemy soldier.

In the midst of war, American soldiers have set up schools, orphanages, hospitals. They have adopted youngsters. You would find them teaching in schools or volunteering in youth programs. This in the midst of war and in the postwar occupation.

A grateful nation has attempted to compensate returning veterans and widows, and orphans of those who didn't, by providing a number of benefits. Among these are:

Education and job training under the G.I. Bill enacted after World War II, and extended to the Korean and the Vietnam veteran.

Disability compensation to veterans and survivors of all wars in which our nation has engaged is provided on a continuing basis, as are pensions for those veterans in financial need.

Home loan guarantee by the government has enabled thousands of young veterans to purchase their homes.

We also have hospitals for sick and needy veterans which are unmatched anywhere in the world.

Burial benefits have been provided, including those here at Arlington National Cemetery. Our committee on Veterans Affairs, however, has recognized the restrictions on burials and has recently approved a measure to transfer administrative control over national cemeteries to the Veterans Administration. This bill provides for a comprehensive study of the cemetery system by the Veterans Administration and for its recommendations to be made to the Congress early next year on the need for additional cemetery construction and future policy for burial of deceased veterans.

But we owe more to these patriots than

merely to care for the survivors and their dependents.

In order to maintain our heritage and to perfect our American system, we need responsible citizens, both veteran and nonveteran, to be active in the affairs of government, teaching pride of America within our home, our schools, our churches, guiding youth in character-building organizations, being active participants in community affairs.

Small radical elements within our society receive far more attention than their numbers warrant, but without active participation in the affairs of government by the great masses of responsible Americans, the radical may grow in influence. Therefore, in our own self-interest and in our national interest, we should participate and urge others to be active in maintaining our national heritage, in preserving the spirit of America.

Patriotism—love of country, reverence and respect for the concept of nationhood—is needed for a healthy nation. This requires more than a formal Memorial Day service. It requires the active participation of all of us, confidence in ourselves as individuals and as a nation, to strive for excellence and to succeed.

As we meet today, the President is abroad on a mission of peace. He has travelled to Moscow and Peking for talks, to thaw hostilities and suspicions that breed incidents and confrontations. He holds no illusion that the communist world will adopt our democratic form of government, and certainly we will not adopt theirs; but our hopes and prayers are with him as the President journeys within the communist world, seeking a pathway to peace, attempting to blunt antagonisms and to devise a formula that will prevent another major armed conflict.

All thinking people must yearn for a means of settling differences between nations other than on the battlefield.

If we are to truly honor our departed comrades, we should strive to preserve that government for which they fought and dedicate ourselves to bringing about a question of peace which all men crave, from President to humblest citizen.

As we look upon the graves of the Unknown Soldiers and the rows of headstones that surround us, we must be determined to work for peace—for a time when the lion shall lie down with the lamb, and neither shall be afraid.

THE ATTEMPT TO WEAKEN THE NATIONAL WORKER SAFETY AND HEALTH LAW

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. ASPIN. Mr. Speaker, the Congress has been bombarded recently by one of those campaigns which has become a familiar phenomenon. In this case, the letters are an attempt to scuttle some of the provisions of the Occupational Safety and Health Act of 1970, which is a magna carta of workplace environmental excellence for the 57 million workers covered by the law. The law has been in effect for only 1 year, and it has suffered from a great deal of criticism from all sides.

Before anybody rushes to amend the law, I suggest they study the analysis of the proposed amendments prepared by the Ralph Nader Task Force on Job Health and Safety, issued only a few weeks ago.

I insert "Counterattack on OSHA: The Curtis Amendments" with my remarks.

Counterattack on OSHA: the Curtis Amendments

The first serious attempt to bring about a legislative crippling of OSHA emerged from objections to the Labor Department's jurisdiction over businesses never before subject to effective regulation of any kind. On February 29, 1972, Senator Carl T. Curtis, a conservative Republican from Nebraska, introduced a series of amendments ostensibly designed to relieve "pressures" on small businesses and farms. In reality, the proposed bill (S. 3262) goes much further, seeking to gut the current standard-setting process and imposing cumbersome burdens upon the Department of Labor. Because of the possibility that S. 3262 is the forerunner of a broader counterattack on OSHA, the major recommendations of the bill merit critical exposure.

The Curtis amendments totally exempt from OSHA firms with fewer than 25 employees and "small farmers," defined as farm owners or operators predicting the use of no more than 25 man-years of compensable farm labor during the year. Of all the various legislative proposals leading to the ultimate enactment of OSHA, only the Javits-Ayres bill contained a similar (but narrower) exemption for small firms (3 or fewer employees) and small farms (employing fewer than 500 man-days of hired farm labor).

The exemption principle found very little support and was excluded from even later Republican versions of the Act. The life and health of an employee of a small business or farm should be worth as much as that of a worker in a giant manufacturing enterprise. Senator Curtis has not yet produced a scintilla of evidence to show that the actual economic burden imposed by OSHA on small businesses and small farms justifies removing a substantial number of workers from the vital protection afforded by the Act.

The proposed amendments would also extend technical assistance, including outright grants, to employers with fewer than 100 employees, for the purpose of helping them comply with standards. Why taxpayers should subsidize job safety and health expenditures is unclear. The Act, and Labor Department regulations thereunder, presently provide employers with opportunities for compliance assistance. The Small Business Administration is authorized to make loans to facilitate compliance with OSHA. The Labor Department's Compliance Manual sets out guidelines for the furnishing of educational, technical and promotional advice to employers. Thus, besides being an unwarranted giveaway, the Curtis bill is duplicative. If there is a problem here, it lies in the Labor Department's failure to publicize adequately the availability of these resources.

The Curtis amendments also extend to employers with fewer than 100 employees a one-year delay for meeting consensus standards. These standards result from agreements reached by industry-controlled private groups. Unless Senator Curtis can offer evidence of hardship upon small businessmen out of proportion to the human costs these standards seek to eliminate, it is difficult to imagine why these small employers need the extra time.

Out of approximately 13 amendments proposed by Senator Curtis, only three deal with small businesses. The remainder involve broad changes that could affect every employer and worker covered by the Act.

(1) Under the National Labor Relations Act it is an unfair labor practice for employers to set up or sponsor employee committees that interfere with the employees' right to self-representation. This means that in a non-union plant, the employer would violate the law if he created committees of workers in an attempt to impede union organizing activity. Senator Curtis' bill proposes that safety committees be exempted from the National Labor Relations Act. This exemption would enable employers to organize employee safety committees for the purpose of blocking union efforts to organize workers in the plants.

(2) The Curtis amendments propose to require the Secretary of Labor to determine the applicability of all existing and future OSHA standards (except emergency temporary standards) to "each class of business concern within each industry or form of business," and to determine as part of each standard who is and who is not covered. An alternative to imposing this heavy administrative burden on the Labor Department is to develop a system of notification that goes beyond mere publication in the Federal Register.

(3) The Curtis amendments would make cost a prominent factor in setting standards, by requiring the Department of Labor to estimate the average and maximum cost per unit to the average employer affected, and to make a finding that such employers would be economically able to comply. The burden would be on the government to gather cost data from the corporations, an undesirable change from the current procedure, which puts the onus on the companies to come forward with evidence of excessive cost or technological infeasibility if they wish to challenge a new standard.

(4) The proposed bill would allow employers to raise a number of defenses to citations for violations of OSHA including: failure to receive 30-days actual notice of consensus standards (this would require the Secretary of Labor to notify personally all firms covered by a particular standard); and the excuse that the standard violated would not have "effectively constituted an improvement of occupational safety and health." This latter provision would allow cited employers to argue the merits of a standard in the course of an enforcement proceeding, and thereby delay and hinder enforcement to a totally unwarranted degree.

(5) The bill would permit the Labor Department to enter into voluntary compliance agreements with employers, and hence waive or defer sanctions. This would invite a repeat of the history of enforcement of the Walsh-Healey Act and of the state job safety and health laws. The amendment makes no provision for any employee participation in these deals, and given the attitudes of the present Occupational Safety and Health Administration, there is no doubt that this sort of change would bring enforcement of OSHA to a screeching halt.

(6) The Curtis bill provides that failure to comply with an OSHA standard shall not be admissible as evidence of negligence in a civil action. Of course the workmen's compensation statutes preclude suits based on negligence for employees covered by the statutes, so that this provision would have no effect upon the majority of American workers. But most agricultural workers and many employees in small businesses are not covered by workmen's compensation. If one of these workers is disabled by an occupational accident or disease, his only remedy at law is a civil action against the employer based on negligence. The pernicious impact of the Curtis amendment would be to prevent the worker from proving in court that his disability resulted from the employer's violation of a federal safety or health standard, despite the fact that the purpose of the standard was to prevent the very accident or disease that disabled the worker.

(7) OSHA presently provides for the replacement of consensus or existing federal standards as new standards are proposed and adopted. Senator Curtis would have the gov-

ernment bear the costs of employer compliance with a new standard if it "could have reasonably been adopted at the time the replaced standard was adopted." What this does is levy the taxpayers for the Labor Department's failure to promulgate standards more rigorous than consensus or existing federal standards in the first two years of OSHA's applicability. The Act enables the Department of Labor to put into immediate operation consensus or existing federal (e.g. Walsh-Healey) standards without hearings or other administrative or judicial review, so that workers covered by the Act could immediately benefit from the protection afforded by these standards. Now Senator Curtis would turn this legitimate purpose on its head and penalize the government for not leaving these workers unprotected while new standards were being developed and then approved through a lengthy administrative rule-making process!

In the guise of relief for the small businessman and small farmer, the Curtis amendments would water down OSHA in several important respects. The quiet way they have been introduced and their innocuous appearance underscore the imperative need for vigilance on the part of the unions and their allies in Washington.

This is especially true in light of Assistant Secretary Guenther's incredible comment at the March 22, 1972, meeting of the National Advisory Committee on Safety and Health, when he categorized the Curtis amendments as a "middle-of-the-road approach."

AN ADDRESS BY SENATOR JACOB K. JAVITS ON VIETNAM AND THE WAR POWERS CRISIS

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. BRADEMAS. Mr. Speaker, one of the most thoughtful analyses I have seen of the relationship of the war in Vietnam and the powers of the President is an address by the distinguished senior Senator from New York, the Honorable JACOB K. JAVITS, at the commencement exercises at Canisius College, Buffalo, N.Y., May 20, 1972.

I insert at this point in the RECORD the text of Senator JAVITS' address on this occasion:

VIETNAM AND THE WAR POWERS CRISIS

(By Senator JACOB K. JAVITS)

Once more the Vietnam war has forced an intense crisis upon our nation. On the battlefield, the unexpected progress of the latest Communist offensive may threaten the very survival of the South Vietnamese government. It has certainly called into grave question the viability of President Nixon's "Vietnamization" policy. This crisis in Vietnam, caused by the military action of the Communist forces, is now also accompanied by a grave crisis within the United States brought about the actions President Nixon has announced in response to these developments in Vietnam.

President Nixon has ordered U.S. air and naval forces to conduct the heaviest bombardment of military targets of North Vietnam in the history of that war, and has now supplemented those measures with the mining and blockade of the ports of North Vietnam. This massive reescalation of U.S. combat involvement in the Vietnam war is the culmination of a series of events which have posed a major challenge to those—like myself—who believe that the Vietnam war has been as grave a foreign policy blunder as we have seen in our nation's modern "peacetime" history.

CONSTITUTIONAL CRISIS POSED BY VIETNAM ESCALATION

Yet, transcending even the military crisis respecting the Communist offensive and President Nixon's military response, our nation has been thrown into a grave constitutional crisis by the unilateral nature of the President's decision—and by the philosophy of the Constitution's meaning which he has expounded in explaining and justifying his decisions to the nation.

It is on this aspect of the crisis that I wish to concentrate today. I do so because I am the principal sponsor of the War Powers Act which was adopted by the Senate on April 13 by a vote of 68–16. The War Powers Act is a unique legislative measure to endeavor to restore the constitutional balance which was intended by the Founding Fathers to be maintained between the President and the Congress in respect of making war. This balance—written, I believe, into the Constitution—has been upset—and now essentially inverted—by post World War II practice, culminating in the Vietnam war.

For, the War Powers Act—which has not yet been adopted by the House of Representatives—while excluding this Vietnam war from its procedural provisions, nonetheless has direct relevance to the present crisis. In this respect, I am in profound agreement with the May 16 editorial statement of the New York Times on this subject which said:

"Congressional failure to challenge the President's power grab would let stand a precedent that could undermine for years to come the constitutionally mandated Congressional checks on executive war-making. To argue that Congress has no option but to support the President in an emergency, even if that emergency is enormously enlarged by his own arbitrariness, is certainly not what the Founding Fathers had in mind when they gave the Congress exclusive authority to declare war."

PRESIDENTIAL VIEWS ON NATION'S WAR POWERS AND CONSTITUTIONAL IMPLICATIONS

It is evident from his statements that President Nixon has a radically different view of what the Constitution calls for respecting the nation's war powers. On April 26, the President stated his view as follows:

"If the United States betrays the millions of people who have relied on us in Vietnam, the President of the United States, whoever he is, will not deserve nor receive the respect which is essential if the United States is to continue to play the great role we are destined to play. It would amount to a renunciation of our morality, an abdication of our leadership among nations, and an invitation for the mighty to prey upon the weak all around the world."

Speaking in Texas a few days later, President Nixon elaborated his view in the following words:

"While I had my political differences with (President Johnson), and he with me, I am sure he would agree that each of us in his way tries to leave that office with as much respect and with as much strength in the world as he possibly can—that is his responsibility—and to do it the best way that he possibly can. . . . But if the United States at this time leaves Vietnam and allows a Communist takeover, the office of President of the United States will lose respect and I am not going to let that happen."

The effect on the constitutional powers of the Congress flowing from President Nixon's doctrine of the Presidency—which does not differ from President Johnson's—in my judgment, are deeply disturbing. I find no basis in the Constitution, and no basis in our Nation's history, for equating our national morality with the degree of "strength" and "respect" commanded by the President. And the President's prescription that it is the "responsibility" of each incumbent to aggrandize the Presidency as best he can is the "responsibility" of each incumbent to aggrandize the Presidency as best he can is at odds with our whole consitutional system of separation of powers and checks and balances. If I did not have as much faith as I have in the President's feeling for democracy I could say in its barest terms it is a doctrine for successive Presidents reminiscent of the "Divine Right of Kings."

Alexander Hamilton, though regarded as an advocate of strong executive authority, in *Federalist 75,* defended the constitutional division of the war powers in the following terms:

"The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate created and circumstanced as would be the President of the United States."

The words of Abraham Lincoln on the Mexican War in 1848 when he was a member of Congress are also pertinent:

"The provision of the Constitution giving the warmaking power to Congress was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally if not always, that the good of the people was the object. This, our Convention undertook to be the most oppressive of all Kingly oppressions; and they resolve to so frame the Constitution that no one man should hold the power of bringing this oppression upon us."

PRESIDENT'S POSITION ON VIETNAM

In his April 26 address, President Nixon articulated his Vietnam policy with remarkable candor, stating it as: ". . . our overall goal of ensuring South Vietnam's survival as an independent country"—in addition to protecting our forces which are still there.

With respect to the current fighting, the President said "Our air strikes have been essential . . . in assisting the South Vietnamese in their efforts to protect their homes and their country from a Communist takeover." He further said: "I have ordered that our air and naval attacks . . . be continued until the North Vietnamese stop their offensive in South Vietnam."

I believe it is also perintent to note that the President said his plan to withdraw an additional 20,000 U.S. ground troops "has the full approval of President Thieu."

It seems clear from the President's own words that our Vietnam disengagement policy—for which he has sought and deserved so much credit—is conditioned by a first and a second mortgage—one held by Saigon as above and the other held by Hanoi—agreement on a cease-fire.

It is possible that the current combination of ARVN ground forces and massive U.S. air and naval forces will succeed in inflicting a decisive battlefield defeat on North Vietnam's Communist forces in the struggle now raging—and I hope this proves to be so. Such a victory would free us to withdraw under the President's prescription.

However, current battlefield reports and past history indicate that this outcome is uncertain. The more likely prospect is at least some more years of additional fighting by the South and North Vietnamese forces—but with at least U.S. air and naval forces providing the margin of survival for the South Vietnamese government. The question then arises, is our commitment to the Government of South Vietnam open-ended? Can we be mired there without regard to our necessities at home and abroad for as long as Hanoi chooses to press attacks and as long as Saigon alone cannot fend them off. And, the

President's silence on a residual force of U.S. troops on the ground in Vietnam can only mean we will continue to insure a policy of underwriting the government of South Vietnam with our own trip wire.

VIETNAM AND NATION'S WAR POWERS

I agree with President Nixon that the overall position of the United States everywhere in the world is at stake. But I differ on what needs to be done. In my judgment, it demands a complete withdrawal from Vietnam, rather than a reescalation of the U.S. combat role and a further extension of the President's apparent undertaking to ensure the survival of the government of South Vietnam. We have done all that any nation could do in Vietnam to help an ally—it is not our war. We have done more than can be justified in terms of our national interests and priorities.

President Nixon is now in Moscow to negotiate a number of major agreements. I have great confidence in the President's skill as a negotiator and I would do nothing to impair his effectiveness in these crucial sessions with the Soviet leaders. We must all pray for his success because in a real sense the very survival of the human race could be affected by the outcome.

By their very nature, the negotiations in Moscow involve the bargaining and compromising of the various goals of both nations. From a global perspective, we have every right to trust that while President Nixon may seek Soviet cooperation in the achievement of his objectives in Vietnam he has a clear perspective of the far more vital U.S. national interests in Europe, the Mideast, the arms race and trade.

In my judgment, it is in the overriding national interest of the United States to set a date for the total U.S. disengagement and withdrawal of our forces from Vietnam this year. That necessity, and that decision, must take priority over the understandable bent of President Nixon and his military advisors to assure, if they can, the military success of the government of Vietnam.

I am prepared to be quite blunt about that. It is not in the interest of the United States to allow the ARVN to be overrun, and the Thieu government to be overthrown by this current North Vietnamese offensive. But we have already done in Vietnam all that any nation could ever do for an ally in terms of our own casualties and treasure spent, let alone in the division of our country. And, we have helped to establish a heavily armed one-million man force (and an airforce) with a capability at least as great and probably much greater than that of North Vietnam. Now we can do no more in the fighting without serious jeopardy to our national interests at home and abroad. We can be sure of the fact that if the South Vietnamese people and government want a country, they can have it, because we have equipped them for the purpose. But for us the time has come to get out completely. We cannot continue for the indefinite future to underwrite the survival and security of South Vietnam.

From beginning to end, the Vietnam war has been a "Presidential" war which under the practice since World War II is synonymous with "undeclared" war. All the key decisions have been Presidential decisions, based on claims of authority asserted to be inherent in the President's role as Commander-in-Chief of the Armed Forces and as the essential "conductor" of the Nation's foreign policy—and in essence to omit the Congress.

The very concept of a Presidential war is alien to our Constitution and our Nation's historical traditions. Yet, in practice, the momentum of the "Presidential" war procedure is very powerful. Four years ago President Johnson, who had been elected in 1964 by the greatest plurality in our Nation's history, was forced out of politics by the Frankenstein's monster he had created in Vietnam. Yet President Nixon, while he has done so very much more to wind down the war, is still contending for the same kind of Presidential power to wage undeclared war which undid President Johnson. And, this alleged Presidential power to wage undeclared war will continue unless we can devise a methodology for controlling it—and preventing the initiation of new "Presidential" wars.

THE "WAR POWERS ACT"

The War Powers Act corrects the basic flaw of the post-war practice by restoring to the Congress and to the people a meaningful role on the question of war or peace.

The War Powers Act makes ample provision for emergency action by the President. Its unique feature is that, in doing so, it builds in an automatic stop-loss feature necessitating affirmative Congressional action within thirty days. If the President takes emergency action putting the armed forces into hostilities, he must immediately make a full report of the circumstances, authority for, and expected scope and duration of, the military measures he has initiated. If the President is unable to obtain the concurrence of Congress to extend his authority, he must terminate his actions at the end of thirty days. The bill has strict provisions to prevent filibuster or other delays.

The War Powers Act cannot create national wisdom where there is none. But it can insure that the collective wisdom of the President and the Congress will be brought to bear on the life and death questions of war and peace. The Pentagon Papers and the Anderson Papers have shown us how dissenting and questioning viewpoints can be screened out or excluded altogether from the Presidential decision-making process. The real danger to our security today is not that the Congress might hamstring the President; the real danger is that Presidents can—and do—shoot from the hip. If the collective judgment of the President and Congress is required to go to war, it will call for responsible action by the Congress for which each member must answer individually and for restraint by both the Congress and the President.

SUMMARY

In summary, we are faced with the dual task of ending an on-going "Presidential" war while also finding ways to prevent future "Presidential" wars. The War Powers Act deals with the second of these two considerations. But it is closely related to the first part of the question also. The War Powers Act grew out of the Vietnam experience and the difficulty of getting a handle on undeclared war in an *ex post facto* way through a fund cut-off. But, in greatly clarifying the problem and the basic constitutional issues, the War Powers Act, in my judgment, has now made it possible and likely that the Congress will deal effectively with the ongoing Vietnam war, too. The consensus in the Senate is stronger than ever and a new ferment is clearly evident in the House of Representatives.

The year 1972 is likely to prove to be a decisive year in our Nation's history respecting the basic constitutional issue of committing the Nation to war. I believe that the constitutional crisis which has gripped the Nation over this question will be ended by effective Congressional action.

In closing, I must state my conviction that this resolution of our national dilemma over Vietnam by getting out will not bring on the consequences predicted by the President. On the contrary, I believe America will be infinitely strengthened both at home and abroad.

FIRST INTO CHINA

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. HALPERN. Mr. Speaker, President Nixon's recent trip to mainland China opened up a new era of communication and hopefully, understanding. The isolation and ignorance which have characterized United States-Chinese relations for decades have finally come to an end. Excellent opportunities exist now to build upon the President's trip and to open new horizons of learning and knowledge and mutual respect.

I recently came across a wonderful article in Air Line Pilot written by Marty Martinez entitled, "First Into China." This article deals with the airline crews that preceded the President into China as well as those which formed part of the Presidential party. This article brings to light a unique American experience in developing relations with the Chinese. I wish to commend Air Line Pilot magazine for its development of this topic, and to insert this article into the RECORD:

FIRST INTO CHINA

(By Marty Martinez)

President Richard M. Nixon's visit to the People's Republic of China gave millions of Americans their first glimpse at the inside of that country via television. It also gave a few airline pilots who preceded the President the chance to see first hand what capabilities exist for commercial air service at the country's two major cities, Shanghai and Peking.

They found that, in general, facilities for such service are somewhat behind U.S. standards, but adequate. There was a noticeable lack of air traffic. But ground crews were highly trained and efficient, and their equipment, while not modern, was well maintained and in good condition.

In all, three carriers were involved: TWA, Saturn Airways and Pan American World Airways.

Captains C. Marvin Horstman and William A. Dixon, both TWA management pilots, flew a Boeing 707 and transported 61 television technicians and 84,000 pounds of their equipment needed to cover the presidential state visit.

A Saturn Hercules turboprop, flown by Captain Sam Terry and First Officer John Dayhuff (since upgraded to captain), carried the equipment for the TV satellite ground station.

Pan Am used two 707s with double crews, to transport the newsmen who accompanied the President. At the controls of the first of these two aircraft to touch down were Captains Sam Hunt and Arthur Nappel.

According to Captain Dayhuff, the flight was anticipated with great gusto by the entire Saturn crew. They received a thorough company briefing before departure from the West Coast and again at Andersen Air Base, Guam. There they were provided with a facilities chart prepared by the General Administration of Civil Aviation of China. It contained detailed air traffic control regulations, air routes, instrument approach charts, radio communication and navigation facilities information.

One of the navigational requirements imposed by the Chinese was that the final leg of the flight be directly from U.S. soil to the People's Republic of China, bypassing any overflight of Taiwan. Consequently, the jumping off point for the flight was Guam.

"Our route to Shanghai," Captain Dayhuff explains, "Was via Remora intersection, Shehshan, Hengsha and Lunghwa. We were required to cross Shehshan at 3,000 meters (9,843 feet) while Hengsha and Lunghwa were crossed at 1,500 meters (4,921 feet). The 10-kilometer-wide corridor that we flew from Remora to Shanghai, measured out to 171 miles."

The Saturn crew's first radio contact with Shanghai came while the aircraft was still some 1,700 nautical miles away. Using a frequency provided to it at Guam, the Saturn crew made HF contact with a woman controller who provided periodic weather reports in "good" English.

"Our instructions," Dayhuff notes, "called for us to make radio contact with Shanghai no later than 85 kilometers (52 nautical miles) from Shehshan to give our ETA for that check point and to get an OK to enter Shanghai's control area. By then we were on VHF frequency 118.1 and radio contact was excellent."

Prior to departure, the crew had been told that both Shanghai and Peking airfields do not have UHF and that only HF (AM) and VHF communications are available. All radio contact within the country is on the 118.1 VHF frequency, including the air traffic control center, approach control, radar advisories, tower and ground communications. There were a few times when there were two or more of these transmitting simultaneously.

For the most part, the procedures followed are those of the International Civil Aviation Organization, even down to the English words used and the phonetic alphabet. An ICAO flight plan was filed for entry into China and similar forms were used for flights within the country and when leaving it. The one major difference is that the metric system is used in providing flight path deviations, cruising altitudes and for weather reporting. Conversion tables were carried, however, so crews experienced no difficulty.

The approach to Shanghai is aided by a strong ADF, ILS and radar vector capability to both runways—18 and 36. The frequencies of the middle and inner markers and ILS are the same for both runways. But only one set is compatible with ICAO equipment and was reliable. The tower contact was reported as "excellent."

"Our approach to Shanghai was for landing on runway 36, using a rectangular pattern. We picked up the ILS on 110.3. After landing we made a 180-degree turn at the end of the runway and exited on the middle taxi way as the tower directed us to the hardstand area. There the airport officials had every thing in readiness," Dayhuff says.

It was scheduled as a two-hour stop, just long enough to pick up a Chinese navigator and radio operator for the Shanghai-to-Peking leg, get an update on the weather and refuel.

"The welcome was certainly one of the most ceremonious I have ever experienced," Captain Dayhuff recalls. "The entire crew was taken into the terminal building, introductions were made, tea served and a little time was spent getting acquainted. In a short while, our maintenance crew left with its Chinese counterparts to oversee the refueling and departing procedures while we received a very elaborate weather briefing."

During the refueling, the Chinese ground crews tested the fuel before putting it in the aircraft. It tested to the equivalent of JP–1 and JP–4. The trucks carried approximately 8,000 gallons and were equipped with dual single point refueling hoses. Lavatory and trash services were also available.

Once airborne for the Peking leg, the crew discovered that its two Chinese guides were also very competent. "We flew at 9,000 meters (29,500 feet)," Dayhuff says, "and had five position reporting points: Wusih, Pihsien, Tsinan, Potoow and Tawang-chuang. The total flight distance was 617 nautical miles. The only VOR station we encountered on the flight was at Wusih. All other fixes were ADF, but they were good and strong.

"En route the Chinese navigator stood behind Captain Terry. He proved very capable. Radar mapping was used continuously. Likewise, the radio operator seemed quite familiar with our equipment. He could tune HF and VHF quickly and tuned in the ADF stations for us as well. It was obvious that he had done his homework."

Both the Chinese crew members taken aboard revealed that they had studied English for four months in preparation for their duties. And, as it turned out, they managed to eliminate the language barrier fairly well. Their cheerful demeanor throughout proved that they were also enjoying themselves tremendously, according to Captain Dayhuff.

The Peking and Shanghai terminals and field layout are identical. After the Peking facility was constructed under Soviet supervision, the Chinese took the blueprints to Shanghai and duplicated the facilities down to the last taxiway. The 10,000-foot runways, although slightly rough, present no hazard and the taxiways were found to be wide enough to accommodate the U.S. aircraft. While Peking has an ILS, it is not compatible with ICAO equipment, consequently, the approach facilities used are ADF and radar. Like Shanghai, the middle and inner markers for both runways have identical frequencies and identifiers.

While the navigation and communications facilities reminded the pilots of the equipment they used just after World War Two, the most surprising aspect of flying into China was the nearly complete absence of flying activity. Captain Sam Hunt, commenting in the Pan Am employe newspaper, noted: "Here were great big airports with runways exceeding 10,000 feet, huge terminal buildings, and nobody around. There were very few planes at the airports. All were Russian-built, apparently VIP planes. I think in the three trips in and out of China we saw one airplane in the air. There was no air traffic."

As at Shanghai, the approach to Peking presented no problem for the Saturn crew: The aircraft landed on runway 36 and again had to make a 180-degree turn and taxi back to the other end of the runway. Along the way a Chinese guard motioned for the aircraft to stop, although the tower was insisting that it keep moving. "We stopped, but only for a moment as the guard quickly motioned us on," Captain Dayhuff says.

"We were then directed to an off-loading area remote from the terminal building. The signalman was using ping-pong-type paddles, red on one side and green on the other, to wave us in.

"A large crowd was waiting for us. They were all dressed alike—Mao jackets, pants and caps—so it was difficult to tell the officials from the workers. The temperature was about 3 degrees and although we were all dressed warmly, our hosts insisted that at least the maintenance crew put on the heavier Mao-type coats they had waiting for us."

After a welcoming ceremony, which included the stamping of passports, the crew was taken to its quarters. Captain Dayhuff described them as similar to military BOQ's. They contained two-man bedrooms with a bath. Adjoining the bedrooms was a common living area that was well stocked with tea, mixed beverages, fruit candy, cigarettes and political literature in English.

Individual movement of crew members was unrestricted as was ground photography. At both Shanghai and Peking, trips into the city were offered, but time didn't permit taking advantage of the invitations. For the most part, the crew could only take advantage of the facilities available at the airport, which included a small gift shop. "By U.S. standards," said Dayhuff, "it was austere. It contained handicraft items, vases, candy, toys and cigarettes. I was impressed by the fact that the Chinese had banking facilities at the airport to handle our money exchange. It simplified our shopping."

During its stay the crew was the center of curiosity, but the people kept their distance. None came up to shake hands, for example. Still, they were more than willing to pose for pictures, except for members of the army. "The military people didn't like to have their pictures taken," said Dayhuff. "They would turn away. Unlike the civilians in the area, the army troops were grim and stern looking."

The highlight of the brief stay may well have been the food. Every meal, including breakfast, was served in several courses. The evening meal consisted of some 20 courses. "We sat around a large round table with a huge lazy susan in the middle," Dayhuff recalls. "I tried everything and just when I thought I was all finished, the trays would be filled again with a different type of food. You name it and it was there: duck, fish, beef, vegetables, soup, apple turnovers, just everything."

About the overall experience, he says: "It was about the most excited I've ever been about taking a trip, and I wasn't disappointed. It was the most interesting flight I've ever been on."

Dayhuff, like the rest of the crew, was disappointed at not being able to take advantage of the invitation to visit the cities of Shanghai and Peking, but he hasn't given up hope. There may yet be other shuttle flights to that country in the near future and he plans to volunteer.

SAVE THE BOOKS CORPS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. WOLFF. Mr. Speaker, as an honorary chairman of the Save the Books Corps, I want to take this opportunity to call to the attention of my colleagues in the House the valuable work which Mr. Walter Sysak and his many coworkers are providing by sending discarded schoolbooks to children throughout the world at no cost.

Ours is a nation that has consistently opposed the book burners of the world. Therefore, I find it particularly significant that this organization not only preserves, but distributes textbooks to other nations.

This volunteer effort which has such a positive impact in our relations with other nations has sent some 225,000 volumes worth more than $1 million to 39 counties throughout the world. Many of the books have also been sent to deprived areas here in the United States. When one considers the number of books and the amount of effort necessary to raise funds for shipping them, the dedication of this organization becomes obvious.

On the eve of the 11th anniversary of the Save the Books Corps I want especially to commend Mr. Sysak, president of the corps, for his vision in starting the program, his dedication to its successful operation, and his desire to devote so much of his time and energy to a project which unquestionably makes our world a better place in which to live. I congratulate him on 11 years of excellent work. I would also like to note the considerable contributions of Bernadette O'Brien and Tim Sullivan to the organization. I wish the Save the Books Corps continued success in the future.

ANOTHER HANDGUN/ANOTHER POLICEMAN DEAD

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 1972

Mr. MIKVA. Mr. Speaker, a Chicago policeman was murdered yesterday afternoon when he tried to stop a robbery attempt. He was shot to death with a .22 caliber pistol—a Saturday night special—the weapon of choice for virtually every street criminal in this country. Patrolman Robert Gallowitch was the first Chicago policeman killed in the line of duty this year, but across the Nation 44 officers have already been killed—all but 12 with handguns. Last year 100 policemen lost their lives this same way because of a handgun.

This kind of tragedy is going to happen time and time again until Congress does something about the national traffic in handguns. We ought to ban their sale and manufacture, as other civilized countries did long ago. Handguns have one basic purpose, and that is to kill or maim other human beings. Had those robbers not been able to buy a handgun, Officer Gallowitch would be alive today. That deadly handgun gave them the "courage" to shoot it out with the police. With a knife or a broken bottle or just their fists, they would not have been so brave.

The death of Officer Gallowitch is a tragedy. But there is an even greater tradegy that Congress will not put a stop to it by banning the sale and manufacture of handguns. The shootings of Governor Wallace in Maryland and a policeman in Chicago get the headlines, but the same thing happens with much less notoriety to almost 10,000 Americans every year. Is not it about time we tried to stop it?

I insert an article from the Chicago Tribune that describes the tragedy of a Chicago policeman at this point.

Answering Robbery Call: Cop, 30, Fatally Shot; 2 Being Held

(By Patricia Leeds and David Young)

A 30-year-old Kensington District policeman was fatally shot yesterday when he approached two men who police say were preparing to rob a jewelry store at 8649 S. Cottage Grove Ave.

Patrolman Robert L. Gallowitch died in Jackson Park Hospital five hours after the shooting while a team of doctors headed by Dr. Morris T. Friedell, the hospital medical director, fought to save his life. Gallowitch's heart stopped five times, four times in the hospital while his wife, Joan, a former nurse at the hospital, and fellow policemen maintained a vigil. The operation took place in the emergency room because Gallowitch was too critical to move to an operating room.

Police said Gallowitch, who had been on the force 17 months, was in a one-man patrol car when a burglary alarm went off in the jewelry store. Gallowitch and two other policemen in one-man cars sped to the scene, with Gallowitch going to the rear and the other two to the front.

As Gallowitch stepped from his car he was shot in the abdomen. Frederick C. Lancaster, 21, who gave two addresses, 2951 S. King Dr. and 7805 S. Phillips Ave. was shot in the right arm and left leg by Gallowitch.

Patrolmen Kenneth Josephs and Paul McGrath, an evidence technician, raced to the rear and apprehended Lancaster, who is being held in connection with the shooting with a .22 caliber pistol. The other assilant fled on foot. A man believed to be Lancaster's accomplice was later arrested in his home.

The alarm had been sounded by the jewelry store owner, Jack Wittgren, who saw two suspicious-looking men approach the rear of the store in an Illinois Bell Telephone Co. installation truck.

Police said the two men, who apparently planned to use the truck as a ruse to approach the store and then cut the cables to the burglar alarm, had taken the truck from the driver, George Clark, 20, of 623 E. 63d St., while he was at 2042 E. 72d Pl.

The assailants handcuffed and blindfolded Clark and put him in the rear of the enclosed truck and drove to the jewelry store.

Gallowitch, an Army veteran and graduate of Washington High School, had a son, Robert, 6, and a daughter, Michele. Lancaster was treated at the same hospital and then taken to Cermak Memorial Hospital in the County Jail complex.

Gallowitch's death ended the career of a fine policeman, said his watch commander, Lt. Kenneth Alexander. Said Alexander, as he paced the floor of the hospital, "He was a helluva kid.

Gallowitch is the first policeman killed this year in the line of the duty.

HARRIMAN CHARGE RINGS HOLLOW

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. McCLORY. Mr. Speaker, the misleading pose of W. Averell Harriman, former Ambassador to Russia, as an objective nonpartisan expert on foreign policy deserves close examination.

In my personal view, Mr. Harriman has resorted to flagrant partisanship in his public statements which are both unbecoming a former diplomat and which subject all of his views to the closest scrutiny. Harriman's bitterness toward President Nixon—particularly in the light of the President's successful and historic missions to Peking and Moscow—resulted in a recent charge that he was "against Nixon" because "it was impossible for him to tell the truth."

In commenting on Harriman's own concealment of the truth, the distinguished dean of the Washington Bureau of the Chicago Tribune, Willard Edwards, composed an article which appeared in the Tuesday, May 23 issue of the Chicago Tribune. Mr. Edwards' article follows:

Harriman Charge Rings Hollow

(By Willard Edwards)

Washington, May 22.—Former ambassador to Russia W. Averell Harriman, a political activist despite his 80 years, explained to a group at a recent cocktail party why he is so bitterly opposed to President Nixon.

"What I've got against Nixon is that it's impossible for him to tell the truth," Harriman said.

As he was speaking, Dr. Francis L. Lowenheim of Rice University was prying another "top secret" label off a World War II message which, for unknown reasons, had remained in the Roosevelt Library at Hyde Park, N.Y., unused and unseen by scholars for 27 years until its recent declassification.

This message, from Harriman in Moscow to President Roosevelt in Washington, is dated April 2, 1945. It seemed to provide evidence bearing on Harriman's fitness to assess veracity in public figures. He is not above suppression of the truth for long periods, this new disclosure indicates.

Loewenheim is the indefatigable historian who, two months ago, unearthed a similarly buried "top secret" message from Roosevelt to Prime Minister Churchill, dated April 6, 1945. That revelation of FDR's determination, just before his death, to get "tougher" with Russian Premier Joseph Stalin, attracted world-wide attention.

The Harriman message's existence had been noted by the State Department in 1967.

But only a 75-word "excerpt" was published. It provided so little information that there was room for wonder why Harriman marked it "personal and top secret for the President."

The unpublished remainder of the message, some 500 words in length, is now available for study as a result of Loewenheim's efforts. It sheds light on an issue carefully hidden from the American public at the time and ignored in most accounts of the beginning of the cold war.

This is the issue of Communist treatment and use of prisoners of war. No subject commands more interest as the United States seeks to terminate its conflict with North Viet Nam.

The extraordinary feature of the newly disclosed message is that Russia, an ally, insisted upon treating American prisoners of war, liberated from German hands, as if they were hostages captured from an enemy. The Russian military prevented American officers from visiting them, opposed their repatriation, and kept them in harsh confinement.

In Harriman's angry words to Roosevelt, Russia was "trying to use our liberated prisoners of war as a club." Americans, particularly the wounded and the sick, were suffering hardships, he said. They were hungry and starving at a time when the U.S. was pouring vast quantities of vehicles and food into Russia.

Harriman recommended, in reprisal, that the Russians be deprived of access to liberated Russian prisoners in France. This suggestion was forwarded by Roosevelt to the War Department. There is no record of what happened to it.

"The Soviets decide to do things, not to obtain our good will, but because they think their interests are being served," Harriman warned Roosevelt. "Conversely, the things we do to assist or please them do not obtain good will from them. Failure to stand our ground is interpreted as a sign of weakness. It is my belief that if we adopt firm measures, the Soviets will pay more attention to our requests. If we delay adoption of this policy, I am convinced that we will have greater difficulties as time goes on."

Such words obviously had the ring of truth. But the State Department, always fearful of Russian sensitivity to criticism, chose to delete them in 1967 when it made voluminous disclosures of other "top secret" correspondence of the 1945 period.

Harriman, who now is assailing Nixon for not telling the truth, acquiesced in this censorship. He was agreeable to continued suppression of a truthful warning voiced 27 years ago which would still be hidden except for Loewenheim's pertinacity.

The historian said he hoped that President Nixon, arriving in Moscow today, had had access to the message.

"He might do well," he said, "to ponder its meaning for our own time. And so might the rest of us."

RETIRED PENTAGON NAVAL OFFICER REVEALS SECURITY CLASSIFICATION ABUSES AND THE SYSTEMATIC WITHHOLDING OF INFORMATION FROM CONGRESS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mr. MOORHEAD. Mr. Speaker, the Foreign Operations and Government Information Subcommittee's hearings on the Freedom of Information Act is now focusing on the access by Congress to information from the executive branch and the operations of the security classification system.

As part of this phase of our hearings, the subcommittee today heard particularly revealing testimony from an outstanding U.S. naval officer, Gene R. La Rocque, rear admiral, retired, who spent some 31 years in the service of our country as a commissioned officer of the U.S. Navy. Commissioned in March 1941, Admiral La Rocque was at Pearl Harbor during the Japanese attack on December 7, 1941, and served in the Pacific theater during World War II in destroyers. He participated in 13 separate engagements.

Following World War II, he commanded two destroyer escorts, a cruiser, a division of destroyers, and a destroyer flotilla. Later, he served with the 6th Fleet in the Mediterranean as commander of a task group.

Since 1957, he has been stationed at the Pentagon where he served on the strategic planning staff of the Navy, on the strategic planning staff of the Joint Chiefs of Staff, and was assistant director of strategic plans, Navy Department.

He is a graduate of the Naval War College, the Industrial College of the Armed Forces, and in 1969 was awarded the Legion of Merit by the Navy Department for his work in strategic planning.

Mr. Speaker, our subcommittee has received considerable testimony about the high degree of overclassification and needless classification of documents for national defense protection. Some witnesses have estimated at between 75 to 99 percent of such documents should not be classified at all. We have also heard accounts of how top Defense Department officials have deceived the Congress by half-truths, the withholding of vital information from Congress, while selectively "leaking" other previously classified information to influence a congressional decision on a weapons system or on an appropriation item. Documentation for such accounts, however, has always been elusive, because of the tight discipline imposed.

Admiral La Rocque's expert testimony is extremely important, because it documents fully these types of accounts. His experience is recent, since he retired on April 1, 1972; moreover, he served in a high official capacity for 15 years in the Pentagon until his retirement and spanned a half dozen Secretaries of Defense under four presidential administrations. Thus, his statements must carry great weight and deserve careful attention.

Here are a few brief examples:

> In the military the best way to prevent disclosure of information is to classify it. Classification is made for a variety of reasons. First, to prevent it from falling into the hands of a potential enemy; this is legitimate but accounts for only a small portion of the material classified. Other reasons for classifying material are: to keep it from the other military services, from civilians in their own service, from civilians in the Defense Department, from the State Department, and of course, from the Congress. Sometimes, information is classified to withhold it for later release to maximize the effect on the public or the Congress.
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> Frequently, information is classified so that only portions of it can be released selectively to the press to influence the public or the Congress. These time released capsules have a lasting effect.
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> Regrettably, far too much material is classified; much of it just because it is easier to classify than not. You cannot get into trouble by over-classifying; only by failing to classify. And, it is easier to maintain secure files if all material is classified. In that way, only one set of files need be maintained.
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> Classification is also very simple; all one needs is a typewriter or a Secret stamp. In most offices, the secretaries or the yeomen establish the classification. And since most typed matter is not signed, no one ever knows who classified the material or for what reason. There is no central record of what was classified, by whom, when, or for what purpose.

Mr. Speaker, it is no wonder that the security classification system as administered by Executive order during the past two decades has broken down. It has proven unworkable, unmanageable, and in my judgment as based on our hearings, is not capable of protecting those truly vital defense secrets that should deceive the highest level of protection. That is why I have introduced legislation to create a statutory system to replace the Executive order approach.

The full text of Admiral La Rocque's revealing statement is presented for the enlightenment of our colleagues:

STATEMENT OF GENE R. LA ROCQUE

Mr. Chairman, distinguished members of this committee! Your invitation to appear before this committee is appreciated and I am pleased to be here. I wish to congratulate this committee for its past success and its continuing effort to ensure a free flow of information within our society.

We cannot have a democratic society if the people and the people's representatives in the Congress do not have access to the information necessary to make sound judgements.

For the past 31 years it has been my privilege to serve this nation as a commissioned officer of the United States Navy. I plan to continue service to my country as a private citizen. For this reason I have assumed the position of Director of the Center for Defense Information here in Washington, D.C. The Center is an independent organization conducting analyses of Defense Department policies, both current and projected. The results of these analyses are being made available to the public through the media, business groups, labor groups, church groups and any citizen group or individual who desires them. We also make the results of our analyses available to the executive branch and legislative branches of the government when requested. Also, as an educational organization we try to portray in understandable terms some of the more complex defense issues.

My experience in the dissemination and classification of information has been entirely within the Defense Department. Perhaps it would be useful for me to explain the attitude I have found in the Defense Department on information dissemination and offer some suggestions to increase the flow of information for our national benefit.

As a general rule most officers recognize their responsibilities to provide the public and the Congress with accurate, timely information. Unfortunately, the nature of a military organization makes it easy for an individual to avoid this responsibility. Since everyone has an officer senior to him, each person is reluctant to release any information, as it may not be in accord with his boss's views. This is said in no way to denigrate officers, as the system functions best when there is a high level of loyalty. This loyalty is also an essential quality for promotion.

In the military the best way to prevent disclosure of information is to classify it. Classification is made for a variety of reasons. First, to prevent it from falling into the hands of a potential enemy; this is legitimate but accounts for only a small portion of the material classified. Other reasons for classifying material are: to keep it from the other military services, from civilians in their own service, from civilians in the Defense Department, from the State Department, and of course, from the Congress. Sometimes, information is classified to withhold it for later release to maximize the effect on the public or the Congress.

Frequently, information is classified so that only *portions* of it can be released selectively to the press to influence the public or the Congress. These time released capsules have a lasting effect.

The ritual begins each spring with the Pentagon implying that a potential enemy is developing a very threatening weapon, "but unfortunately the exact details are classified." These incomplete statements are the stock in trade at appropriations time to persuade the Congress to authorize military appropriation. Last year it was big holes in the ground in the Soviet Union. This year it is evidence of a Soviet ship under construction which might be a carrier or a merchant ship.

Regrettably, far too much material is classified; much of it just because it is easier to classify than not. You cannot get into trouble by over-classifying; only by failing to classify. And, it is easier to maintain secure files if *all* material is classified. In that way, only one set of files need be maintained.

Classification is also very simple; all one needs is a typewriter or a Secret stamp. In most offices, the secretaries or the yeoman establish the classification. And since most typed matter is not signed, no one ever knows who classified the material or for what reason. There is no central record of what was classified by whom, when, or for what purpose.

It has been a matter of concern to me that the Congress, charged with raising and supporting our armed forces and for declaring war has increasingly been denied the very elemental information necessary to make these decisions. I find it difficult to understand why the representatives of the people, the Congress, accept this situation.

There is an attitude among some officers that the Congress cannot be trusted with classified information because of the penchant of some to tell all to the public. In the Pentagon's lexicon, they are "bad security risks." If this attitude prevails in the military and if Congress fails to assert itself, civilian control of the military will further erode. There are some simple, workable steps, compatible with our Constitution, which could reduce the amount of classified material and consequently make more information available to the public and to the Congress.

First, each paper, document, or article classified should bear the name and rank of the person making the classification.

Second, each person authorized to classify information should be so authorized in writing.

Third, it should be clearly established that it is the obligation of the Department of Defense to provide Congress with adequate and pertinent information regardless of classification, which the Congress needs to base its decisions to raise and support armed forces and to declare war. Each member of Congress by virtue of his position should be provided all such information in order to carry out his duties under the Constitution.

Fourth, establish a section of GAO, or an independent board with maximum security clearance, to examine on a continuing basis the security system in the Defense Department.

Fifth, require classification of documents be limited to those affecting national defense—rather than national security, a broader and more ambiguous concept.

Sixth, require the Secretary of Defense and his major subordinates to appear before Congress and respond to questions whenever a majority of the Congress so requests.

Seventh, require the President, as Commander in Chief, to appear before a joint session of Congress and respond to questions whenever a majority of Congress so requests.

In a 1969 memo to the Heads of Executive Departments and agencies, the President gets to the heart of the problem of free flow of information within our government; The President's memo states, "The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information". No pretense is made of an effort to keep the legislative branch informed, but only to respond to the "fullest extent possible" to questions. The problem is that the people and the people's representatives in the Congress frequently don't know what questions to ask. Some of the burden for informing the Congress should be shifted to the Executive Branch of the Government.

MASSACHUSETTS WOMAN LAWYER HONORED

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 30, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, the Massachusetts Association of Women Lawyers recently elected Miss Doris R. Poté, an outstanding attorney, as its president for the year 1972–73. Miss Poté was graduated from Radcliffe College, cum laude, Suffolk University Law School, J.D., and Harvard Law School. She received one of the highest scores on the Massachusetts Bar exam. She serves her alma mater, Suffolk University Law School, as registrar, and at the same time is an assistant professor of law, teaching courses in consumer protection and urban law. Her activities and interests vary from the Boston Center for Blind Children, where she is legal counsel, to her position as trustee of Consumer Protection Affairs Foundation, Inc.

The members of the Massachusetts Association of Women Lawyers can certainly look forward to an exciting and memorable year under her leadership.

SENATE—*Wednesday, May 31, 1972*

The Senate met at 9:30 a.m. and was called to order by Hon. Harold E. Hughes, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, we thank Thee for every day Thou dost give us to live. We thank Thee for gloomy days and bright days, for days of striving and earnest contest, for days of pressure which drive us to prompt action, for days of reflection when life comes into clearer focus, for days of rest and quietness, for days of prayer when the curtain of sense and time are drawn back and we are in Thy presence, one with the Infinite and Eternal. Give us grace, wisdom, and strength for all the days and for every experience. Thanks be to Thee for this day to be lived to Thy glory and for our fellow man. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Ellender).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., May 31, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. Harold E. Hughes, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

Allen J. Ellender,
President pro tempore.

Mr. HUGHES thereupon took the chair as Acting President pro tempore.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of May 30, 1972, Mr. Magnuson, from the Committee on Commerce, reported favorably, with amendments, on May 30, 1972, the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, and submitted a report (No. 92–819) thereon, which was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 30, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I yield back my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Hughes) laid before the Senate the following letters, which were referred as indicated:

Report on Operations of the Exchange Stabilization Fund

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report on the operations of the Exchange Stabilization Fund, for the fiscal year 1971 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Report of Department of Defense Excess Defense Articles Deliveries

A letter from the Deputy Director, Defense Security Assistance Agency, transmitting, pursuant to law, a report on Department of Defense Excess Defense Articles Deliveries, for the third quarter of fiscal year 1972 (with an accompanying report); to the Committee on Foreign Relations.

Report of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of Payments From Special Bank Account to Lockheed Aircraft Corporation for the C-5 Aircraft Program During the Quarter Ended March 31, 1972", Department of Defense, dated May 30, 1972 (with an accompanying report); to the Committee on Government Operations.

Report on Colorado River Basin Project

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the Colorado River Basin Project, for the year ended June 30, 1971 (with an accompanying report); to the Committee on Interior and Insular Affairs.

Supplement to 1972 National Highway Needs Report

A letter from the Secretary of Transportation, transmitting, pursuant to law, the Supplement to the 1972 National Highway Needs Report (with an accompanying report); to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Hughes):

A concurrent resolution of the General Assembly of the State of Iowa; to the Committee on Agriculture and Forestry:

HOUSE CONCURRENT RESOLUTION 111

Whereas, we, the members of the Agriculture Committee of the Iowa House of Representatives, have a deep concern for the problems of the grain producers of our state in marketing grain and oil seeds, the market price of which is determined by established grade; and

Whereas, hundreds of Iowa grain producers are submitting grain and oil seeds to local markets, which grain and oil seeds average consistently higher in quality and grade than is provided for in the present grade-pricing system; and

Whereas, these producers of premium quality grain and oil seeds are usable to procure premium prices for their products under the present grade-price structure, now therefore

Be it resolved by the House, the Senate concurring, That the President of the United States, the Secretary of Agriculture of the United States, the Congress of the United States, and the Committees on Agriculture of the United States House of Representatives and Senate be directed to immediately institute a study of the present price-grading system for grains and oil seeds in the United States with the intent of establishing a new base for determining the market price of feed grains and oil seeds; and

"Be it further resolved, That copies of this Resolution be transmitted to the President of the United States, the Secretary of Agriculture of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Committees on Agriculture of the United States House of Representatives and Senate and to all members of the Iowa delegation to the Congress of the United States.

"We, William H. Harbor, Speaker of the House of Iowa, and Roger W. Jepsen, President of the Senate, hereby certify that the above and foregoing Resolution was adopted by the House of Representatives and the Senate of the Sixty-fourth General Assembly, Second Session.

"Roger W. Jepsen
"President of the Senate.
"William H. Harbor,
"Speaker of the House"

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Foreign Relations:

"A Concurrent Resolution To Express to the President and the Congress of the United States the Support of the Legislature of Louisiana in the Recent Actions Taken by the President in the Vietnam Conflict

"Whereas, wise men recognize that the holocaust of war is not a creation of the weapons used therein but rather arises out of the feelings and respect, or lack of it, of man one for another; and

"Whereas, between fifteen hundred and sixteen hundred fighting men of this nation are confined in Vietnam, an alien and foreign land very far from their families and loved ones; and

"Whereas, America's allies in this holocaust are waging a fierce battle with extreme bravery and dedication in their attempts to repulse the aggressive designs of its neighbor who wishes, by force of arms rather than peaceful means, to force its ideas and governmental forms upon other nations; and

"Whereas, without support both militarily and logistically, our allies would be unable to repel those who would impose their own will rather than allow the people of Vietnam to form their own will; and

"Whereas, our own troops of approximately sixty thousand men, as well as those of our allies, would be in a state of extreme and grave peril if the United States should pursue a policy of rapid withdrawal without reciprocal conciliatory moves on the part of the aggressor; and

"Whereas, the members of this Honorable Body recognize that the President of the United States has been more than reasonable in his willingness to talk at any time and at any place to those who would destroy, and that his words have only been answered with more guns, more fighting, and more deaths; and

"Whereas, it is the desire of all civilized men who find themselves engaged in war to cease the fighting, dying and suffering which results from war, but it is also their desire to achieve this purpose only if they can do so in an honorable and just manner which allows men to choose their own course, in a manner which will show that those who wish to subjugate will not be tolerated, and in such a manner as to bring hope of a permanent halt to the fighting and dying, so that we once again may enter into a true peace without threats of greater and wider wars.

"Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring, that the Legislature does hereby express its support of the President of the United States in his recent actions to terminate the Nation's participation in the Viet Nam Conflict but agrees with and supports his decision that the existing situation demanded the actions he has been forced to take in that area, and his efforts to achieve termination of this country's involvement with honor and with regard for the safety and welfare of our men and our allies.

"Be it further resolved that a copy of this Resolution be transmitted to the President of the United States, the members of the Louisiana Congressional delegation, the Governor of the State of Louisiana, the Lieutenant Governor of the State of Louisiana, the Department Commander of the Veterans of Foreign Wars, State of Louisiana and to the Department Commander of the American Legion, State of Louisiana."

Resolutions of the General Court of Massachusetts; to the Committee on Foreign Relations:

"Resolutions Urging the Government of North Vietnam To Withdraw All Troops From South Vietnam, Laos and Cambodia and To Release Forthwith All American Prisoners of War

"Whereas, The government of the United States is being urged to withdraw all its troops from South Vietnam; and

"Whereas, This calls for unilateral action by one of the parties to the conflict and this action should be bilateral and binding on all parties involved in this conflict; now, therefore, be it

"Resolved, That the General Court of Massachusetts urgently requests the government of North Vietnam to immediately withdraw all troops from South Vietnam, Laos and Cambodia and to release forthwith all American prisoners of war; and be it further

"Resolved, That the General Court of Massachusetts strongly urges the government of North Vietnam to accept without further delay the most recent peace proposals as set forth by the President of the United States; and be it further.

"Resolved, That copies of these resolutions be sent forthwith by the Secretary of the Commonwealth to the President of the Government of North Vietnam and to the Chief American Negotiator at the Paris Peace talks and to the President of the United States, the presiding officer of each branch of Congress and to each member thereof from the Commonwealth."

A joint resolution of the Legislature of the State of Colorado; to the Committee on the Judiciary:

"Memorializing the Congress of the United States To Enact Legislation Proposing an Amendment to the Constitution of the United States Which Would Allow One House of Bicameral State Legislatures To Be Apportioned Other Than on a Population Basis and To Submit the Same for Ratification by the States

"Whereas, The United States Supreme Court has ruled that membership in both houses of a bicameral state legislature must be apportioned only according to population; and

"Whereas, The practical application of said ruling has resulted in much confusion and delay as indicated by the fact that out of twenty-nine states which had completed reapportionment by December, 1971, one plan was vetoed, one plan was subject to review by a federal panel, and sixteen, six of which have been invalidated, were challenged in the courts; and

"Whereas, The delegates to the original constitutional convention in Philadelphia in 1787 proposed the federal plan of one house of Congress being apportioned on population and one house on representation of a state at large, and such plan was ratified by the states; and

"Whereas, The federal plan of legislative representation has been previously endorsed by its use in forty-nine state legislatures; and

"Whereas, In 1962, the citizens of Colorado voted overwhelmingly in favor of the federal plan concept for apportioning their General Assembly with such proposal receiving the approval of a majority of voters in every county of the state; and

"Whereas, For nearly two hundred years the people of the various states have had the freedom to apportion their state legislatures in the manner they felt best reflected the interests of the people, recognizing that a system of apportionment that might be appropriate for one state would not necessarily meet the needs of another state, but that each state should be free to make its own selection; now, therefore,

"*Be It Resolved by the Senate of the Forty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein:*

"That the Congress of the United States is hereby memorialized to enact legislation proposing an amendment to the Constitution of the United States which would allow one house of bicameral state legislatures to be apportioned other than on a population basis and to submit the same for ratification by the states.

"*Be It Further Resolved,* That copies of this Memorial be transmitted to the President of the United States, the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, and the members of Congress from the State of Colorado."

A resolution adopted by the Board of Aldermen, city of Somerville, Mass., praying for an immediate and complete withdrawal of all Armed Forces from all of Southeast Asia; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PASTORE, from the Committee on Appropriations, with amendments:

H.R. 15093. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes (S. Rept. No. 92–820).

By Mr. HOLLINGS (for Mr. McClellan), from the Committee on Appropriations, with amendments:

H.R. 14989. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–821).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 722. A bill to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community and to make such lands parts of the reservation involved (together with minority views) (Rept. No. 92–822).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TOWER:

S. 3654. A bill to repeal certain provisions of law applicable to federally assisted housing. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. EAGLETON:

S. 3655. A bill to require that presidential preference primaries and delegate selection conventions, caucuses, and elections be held during the month of July, and to restrict campaign advertising relating to the nomination of presidential candidates to a period of 3 weeks prior to any such primary, convention, caucus, or election. Referred to the Committee on Rules and Administration.

By Mr. STENNIS (for himself, Mr. Eastland, Mr. Allen, Mr. Sparkman, Mr. Gurney, Mr. Talmadge, Mr. Gambrell, Mr. Jordan of North Carolina, and Mr. Ervin):

S. 3656. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a South Atlantic Basin environmental conservation program. Referred to the Committee on Agriculture and Forestry.

By Mr. MANSFIELD:

S. 3657. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types. Referred to the Committee on Finance.

By Mr. INOUYE:

S. 3658. A bill to amend title 5 of the United States Code in order to provide that certain benefits to which employees of the United States stationed in Alaska, Hawaii, Puerto Rico, the Canal Zone, or the territories or possessions of the United States are entitled may be terminated under certain conditions, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. TOWER:

S.J. Res. 237. A joint resolution to authorize and request the President of the United States to issue a proclamation designating October 15, 1972, as "German Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TOWER:

S. 3654. A bill to repeal certain provisions of law applicable to federally assisted housing. Referred to the Committee on Banking, Housing, and Urban Affairs.

Mr. TOWER. Mr. President, I am introducing today a bill to repeal those provisions of the National Housing Act and the U.S. Housing Act of 1937 which require prevailing wage determinations under the Davis-Bacon Act for FHA-insured housing and public housing programs. On January 19, 1972, in introducing S. 3036, a bill to repeal the Davis-Bacon Act and the Contract Work Hours Standards Act, I outlined in considerable detail the history of Davis-Bacon and the reasons why I feel its unfortunate evolution now demands its immediate repeal. In the interest of brevity, I shall not repeat what was expressed at that time, though the substance of that statement is expressly applicable to the legislation I introduce today.

Prevailing wage determinations by the Department of Labor under the Davis-Bacon Act for FHA-insured housing and public housing have too often resulted in required wage rates for such housing which are higher than those actually prevailing in the area. Inappropriately high wage determinations have proven particularly harmful in the case of rental housing subsidized under section 236 of the National Housing Act. Higher wages result in higher construction costs, and, therefore, market rents for subsidized projects which are higher than the rents for comparable units in conventionally financed projects. Families who are able to pay rents at or near the market level are, therefore, dissuaded from living in assisted projects and the goal of achieving a greater income mix in those projects is undermined.

The inaccuracy of prevailing wage determinations has been the subject of a series of reports to the Congress by the Comptroller General of the United States. The most recent of these reports concluded that inaccurate determinations increased construction costs for the projects studied from 5 to 15 percent—"Need for Improved Administration of the Davis-Bacon Act Noted Over a Decade of General Accounting Office Reviews, July 14, 1971." As noted in the report, some of the major causes of high prevailing wage determinations were the failure to distinguish between commercial and residential construction—commercial construction wage rates usually being higher; the excessive use of data from collective bargaining agreements in areas where they covered only a small portion of those employed in construction; and the use of data from areas other than the one in which the project was located, in spite of important differences in labor conditions.

As Congress directs the Federal Government into ever expanded housing programs, and as Federal subsidies for construction of these facilities progressively deepen, I feel it incumbent that every possible effort be expended toward reducing the unnecessary costs which burden the programs and ultimately the taxpayer. Certainly a prime example of such "unnecessary costs" are those necessitated by implementation of Davis-Bacon. As stated in chapter 2 of the aforementioned GAO report:

> The wage rates prescribed by the Department of Labor are principal factors considered by contractors in estimating labor costs and in arriving at the amounts of their contract bids; the bid amounts, in turn, determine the cost of federally financed projects. In the case of housing projects financed with private funds but supported by Federal mortgage insurance, an increase in project costs imposed on the sponsors and/or users of the housing units may result in added mortgage risks to the Government.
>
> Using the results of our previous reviews of specific wage determinations for 29 selected federally financed construction projects, we estimated that, of the construction costs of $88 million, about $9 million may have been paid in excess wages, which appeared to be attributable to improper determinations of minimum wage rates.
>
> Of the wage determinations made by the Department for the 29 projects, 28 were for federally financed and insured housing projects constructed at a total cost of about $72.8 million. Of these 28 projects, 16 were for low-rent public housing, eight were for military family housing, and four were for federally insured housing. For the 28 projects, we estimated that extra construction costs of approximately $7.4 million would be incurred. These extra costs were largely attributable to the Department's prescribing as minimum wage rates for construction of residential-type housing projects the higher wage rates paid by contractors for construction of commercial-type buildings rather than the lower rates paid by contractors for construction of private residential housing.

Mr. President, I am pleased that the Subcommittee on Housing and Urban Affairs has determined to hold hearings during the month of June concerning Davis-Bacon and its effect on Federal housing programs. As the subcommittee's ranking minority member, I envision several days of enlightened testimony from those who work daily within the confines of Davis-Bacon and best know the end result of its implementation.

Mr. President, I ask unanimous consent that the text of my bill be inserted in the Record at this time.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 212 of the National Housing Act is repealed.

Sec. 2. Paragraphs (2) and (3) of section 16 of the United States Housing Act of 1937 are repealed.

By Mr. EAGLETON:

S. 3655. A bill to require that presidential preference primaries and delegate selection conventions, caucuses, and elections be held during the month of July, and to restrict campaign advertising relating to the nomination of presidential candidates to a period of 3 weeks prior to any such primary, convention, caucus, or election. Referred to the Committee on Rules and Administration.

PRESIDENTIAL PRIMARIES

Mr. EAGLETON. Mr. President, we have now completed 17 of the 25 presidential preference primaries, including those in the District of Columbia and the Virgin Islands. Perhaps it could better be said that both the candidates and the voters have so far endured 17 primaries, because one of the rare subjects of mutual agreement these days is that the present multiplicity of primaries is an ordeal for everyone.

The system badly needs reform. It is in furtherance of this objective that I am today introducing a reform bill which I hope will promote discussion of the alternatives to the present primaries and also be a vehicle for action. Other bills, embodying two basically different approaches, have already been introduced—the national primary approach, as in Senate Joint Resolution 215, the Mansfield-Aiken measure, and the regional primary approach, as in the bill introduced by Senator Packwood. Each of these suggestions seems to have as many critics as it does supporters.

My bill would bring about substantial reform in the presidential primary system by deceptively simple means. It essentially has two elements: First, it would require any presidential preference primary and convention, caucus, or election to select delegates to be held on a Tuesday in July; and, second, it would prohibit any campaign advertising more than 3 weeks prior to such primary, convention, caucus, or election.

I believe the enactment of this bill at least would guarantee that the next presidential election would be held under improved conditions, while discussion could continue on a more detailed and comprehensive primary reform measure.

NEED FOR REFORM

I do not think it is necessary to list all the ills of the present primary system. Change can be justified on the simple grounds that it is too expensive, too physically demanding, and too dangerous. Even if this were were not enough, there is a real question about whether the present system produces an adequate reflection of the public will. As Robert Bendiner stated in a New York Times Magazine article on February 17, 1972:

> Presidential primaries are bewilderingly varied in rules, techniques and significance and have in their totality no more relevance to the will of the people than the choice of a President by a combination of poker, chess and roulette.

Some primaries are closed, the vote available only to those who have established their affiliation with a party. Others are open, permitting crossover votes. In some primaries there is only a popularity or beauty contest among the presidential candidates while others are binding on delegates. The selection of delegates may be connected to the presidential preference vote or it may be separated. Either way, the selection of delegates may be binding or it may be only advisory.

Some primaries, such as Oregon, have all the presidential candidates on the ballot including, often, some noncandidates. Some States have only a portion of the candidates. The candidates themselves may or may not campaign in a primary whether or not they are on the ballot. It has now become fashionable to calculate not only the percentages of vote a candidate receives but also to relate that to the number of days or hours spent in that particular State.

Add to all of this the fact that voter participation in the primaries is always a very low percentage of those who vote in the general election; the fact that the candidates themselves concentrate on States where they are expected to win; and the fact that in multiple-candidate elections the most universally acceptable candidate does not necessarily receive the highest vote, and you have the system by which we now select the candidates for nomination to the Presidency.

The primary system was born out of the best intentions, the brainchild of the Progressive reformers around the turn of the century. They wanted to take the selection process out of the proverbial smoked-filled rooms and hand over part of the nominating process to the people. This system had a lot of logic at the time.

But with more States getting the reform spirit, the patchwork of primaries has gotten out of hand. In 1968 there were 14 primaries. Today there are 25. If the regulation length of baseball games were raised from nine to 25 innings, I doubt that even the most avid fan could sustain his interest over the length of the game, let alone the season—and the drain on the participants would be unconscionable.

ALTERNATIVES

Perhaps the change most often proposed is a national primary. The Mansfield-Aiken bill would hold one nationwide primary on a given day, with a runoff under stated conditions. This alternative has the obvious advantage of eliminating the current drawn-out political extravaganza, providing uniform rules both as to who votes and who is on the ballot, producing a clear victor and simplifying the procedure generally.

Such a system also has defects. First, it gives a tremendous advantage to an already established candidate and, conversely, it does not allow time for the emergence of new national figures or of candidates who are previously untested in the voting arena. Second, I think it favors candidates who either have money or can raise money easily for a one-shot nationwide campaign. A further objection is that runoffs after a multicandidate race may well give the voters a choice between two extreme candidates, neither of whom can command sound support.

The regional primary bill introduced by Senator Packwood would satisfy a major objection to national primaries by providing a forum for lesser known, regional, untested, or low-financed candidates.

Unfortunately, even though the regionalization of the primaries would give some uniformity to the election procedure, the voters would again be subjected to a lengthy, exhausting and expensive multiact play.

I have been contemplating a national primary bill which would provide strict spending limitations to try to overcome the problem of favoritism to a wealthy candidate, and which would provide for either the top three candidates, or any candidate receiving more than 20 percent of the vote, to be presented to the national convention, which would select the final candidate. I am still working on such a bill, but it has become apparent that as any such proposal gets more complex, the time needed for its consideration increases. For that reason I am proposing a simplified bill for the time being so we will at least be in an improved situation in case we do not succeed in a complete reform.

EAGLETON PROPOSAL

Perhaps the most compelling justification for this bill is that it tampers very little with existing mechanisms, does not involve rigidly constructed formulas, quotas, or rules, and is not a drastic departure from the present system. My bill lets the States continue to decide whether they want a primary, caucus or convention. It lets the States continue to decide whether the primary is binding or not, whether the delegates are elected separately or not and whether the primary is open or closed. It lets the States continue to decide when they will hold their primary, caucus, or convention, within a limited time framework.

My bill simple would require a State to choose delegates and hold its primary, if it chooses to have one, on Tuesday in July. Thus the advantages of a candidate having to compete in a variety of circumstances to test his breadth of appeal would be retained, but the time would be telescoped.

This shortening of the primary season would accomplish several things. First, it would limit the time in which a candidate would have to keep an exhausting schedule, expose himself to danger, and spend excessive sums of money. Second, the reduced campaign time would place a premium on issues and on a candidate's having well-thought-out positions on them. It is to be hoped that this would encourage more candidate concentration on issue-oriented engagements rather than on the "visuals" of today's image campaigns, which place a premium on being seen in every kind of ethnic restaurant, shaking hands with a worker in each occupation, and visiting all the landmarks of the country. The compressing of the whole procedure would also make the establishment of new primaries less attractive, since they would not necessarily be accompanied by the current 3 or 4 weeks of activity and spending within a State.

The second provision of the bill would prevent any campaign advertising earlier than 3 weeks before the primary date—thus holding down the leadtime on the initial primaries. This would diminish the amount of media time available to candidates, the expense of campaigning, and the wear and tear on the voter.

While the bill would rely primarily on the Campaign Spending Act to limit the expense of the primary campaigns, the telescoping of the primaries into 1 month would tend to retard the cost of campaigning and a candidate would have a more limited time to raise funds for the next primary based on his performance in the last primary. At the present time, a candidate with a good showing in one primary must maintain his momentum in the next primary, so his financial backers have to continue shelling out for each primary as if it were the last one, running the ultimate cost of election up into the stratosphere.

My bill strikes a reasonable compromise between the competing objectives of reducing the length of the primary season while providing enough time so that a relatively untested candidate would have an opportunity to win the nomination. There would be as many as 8 weeks for a candidacy to develop if there were five Tuesdays in July and a candidate used the full 3 weeks before the first primary for advertising. This should be sufficient time for the voters to judge the potential of a candidate without unduly prolonging the campaign season until the voters are tired of politics.

I am hopeful, Mr. President, that we can take advantage of the prevailing mood to reform our nominating procedures so that we do not have these same debates as we go into the 1976 presidential election. At this point, I ask unanimous consent that the text of my bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to regulate the process by which the people of the United States select the President of the United States, and to make the pursuit of a political party's nomination for election to the office of President less subject to unnecessary expense, physical exhaustion, and danger.

Sec. 2. Each State which conducts an election for the expression of a preference for the nomination of individuals to the office of President, or an election, caucus, or convention for the selection of delegates to the national nominating convention of a political party (or which regulates in any manner any such election, caucus, or convention) shall provide not later than two years after the date of enactment of this Act for holding such preference election, caucus, convention, or election on a Tuesday during the month of July occurring in each Presidential election year.

Sec. 3. (a) The Federal Election Campaign Act of 1971 is amended by redesignating sections 105 and 106 as sections 106 and 107, respectively, and inserting after section 104 the following new section:

"LIMITATION OF TIME FOR USE OF COMMUNICATIONS MEDIA IN PRESIDENTIAL NOMINATION CAMPAIGNS

"Sec. 105. No campaign advertising matter urging the nomination for election, or election, of any individual to the office of President or Vice President or urging the defeat, or disparaging the position, of any individual who is a candidate for nomination for election, or for election, to that office shall be broadcast, published, or distributed in any State more than 21 days before the date of that State's presidential preference primary election or the election, caucus, or convention held by the State or a political party therein for the selection of delegates to the national nominating convention of a political party.".

(b) Section 106 of such Act, as redesignated by subsection (a) of this section, is amended by striking out "and 104 (b)" and inserting "104 (b), and 105". Section 107 of such Act, as redesignated by subsection (a) of this section, is amended by striking out "or 104 (b)" and inserting "104 (b), or 105".

By Mr. STENNIS (for himself, Mr. Eastland, Mr. Allen, Mr. Sparkman, Mr. Gurney, Mr. Talmadge, Mr. Gambrell, Mr. Jordan of North Carolina, and Mr. Ervin):

S. 3656. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a South Atlantic Basin environmental conservation program. Referred to the Committee on Agriculture and Forestry.

Mr. STENNIS. Mr. President, on behalf of my colleagues, Senator Eastland, Senator Allen, and other Senators I am today introducing the South Atlantic Basin Environmental Conservation Act to preserve and improve the environment and to protect and enrich our soil in the affected States.

Senators have the benefit of the experience obtained in the Great Plains program that has greatly alleviated the Dust Bowl of the 1930's.

In the States involved in this bill we have a different but equally important problem affecting the public interest.

The gulf coast and southern portion of the Atlantic seaboard have the highest consistent rainfall in the Nation. They are quite often the victim of hurricanes which dump excessive amounts of water on the land. In addition, only 2 weeks ago, without a hurricane, the gulf coast area of Mississippi received up to 12 inches of rain in a 24-hour period. The results were not only eroded land but washed out bridges and other damage to private and public facilities.

Mr. President, the farmers of the area covered in this bill need long-term commitments from the Secretary of Agriculture for assistance to tie down their soil with trees, grass, terraces, and other conservation practices. Every particle of soil tied down to the land improves the quality of our small streams and rivers and improves the condition of the land within the area.

By Mr. MANSFIELD:

S. 3657. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types. Referred to the Committee on Finance.

TAX POLICY REVIEW OF 1972

Mr. MANSFIELD. Mr. President, Wilbur D. Mills, chairman of the House Ways and Means Committee, has today introduced a bill, H.R. 15230, entitled Tax Policy Review Act of 1972. I, at this time, am introducing an identical bill.

This bill provides that virtually all of the tax preferences in existing law will be systematically reviewed over the years 1973, 1974, and 1975. This result is achieved by providing for the repeal of these tax preference provisions as of the first of 1974, 1975, and 1976 if no action is taken to continue the provisions either in their present form or in some modified form. I ask unanimous consent that there be inserted in the Congressional Record at the end of my statement a list of these provisions which under this bill will be terminated over the next 3 years in the absence of action to the contrary, together with the bill itself.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. MANSFIELD. Mr. President, Senators will recall that last March 21 I took the opportunity to commend the Senator from Massachusetts (Mr. Kennedy), the Senator from Wisconsin (Mr. Nelson), the Senator from Michigan (Mr. Hart), and the Senator from Minnesota (Mr. Mondale) for their efforts in attempting to change the tax structure. At that time I indicated that in the near future I hoped to offer a proposal which would contribute toward making the tax code more equitable. As I indicated at that time, I believe that the notion of unfairness about the tax code is justified. Something needs to be done to give assurance that everyone will pay their fair share of the tax burden.

At that time I indicated that my proposal would put a termination date on every tax preference and exclusion in the tax code so that Congress must renew every preference if it is to be continued. As I indicated, if a preference has clear validity, then Congress will renew the provision.

Under this bill existing tax preference provisions can be analyzed and reviewed over the next three years. This process should afford the House Ways and Means Committee and the Senate Finance Committee and the Congress as a whole with an opportunity to make a judgment with respect to these provisions. At the time Congress makes its review of any of these preference provisions, it may decide that there is some way outside the tax system which will better achieve the goals sought or it may conclude that a preference provision previously in the code is desirable but perhaps in some modified form.

The idea that it is appropriate to review tax preference provisions or incentives from time to time certainly is not new. In the Tax Reform Act of 1969, termination dates were provided for three provisions added in that act—the 5-year amortization provision for railroad rolling stock, the special amortization provision for pollution control facilities, coal mine safety equipment and expenditures for rehabilitation of low and moderate income housing. The 1971 act also provided a termination date for the amortization of expenditures for on-the-job training and child care facilities.

By adopting on a broader scale the approach taken by Congress in 1969 and 1971, this bill would take a long step toward assuring the tax reform will be a continuing and on-going project, not something that happens only once every generation. By dividing these termination dates and spreading them over 3 years, the bill gives assurance that there will be an opportunity to adequately review these provisions in the Congress.

There is a growing sentiment in the country that the tax code needs refurbishment. Each election year, promises are made for tax reform; this proposal, if enacted this year, will assure tax reform and assure a continued currency to the tax code.

In introducing this bill, I want to make it clear that by providing for the termination of a provision in this bill, I am not expressing an opinion as to whether the provision is desirable or undesirable. Instead, what I am doing is merely expressing the view that the provisions in this bill all deserve review by the Congress to see whether in the opinion of Congress they should be retained as they are, modified or deleted from the tax law.

The termination dates provided for in this bill are quite comprehensive and are explained fully in the statement which I have asked permission to have inserted in the RECORD at the conclusion of my remarks. I commend this bill to your attention. It seems to me that it represents the best possible way of assuring a systematic review of our tax provisions.

Mr. President, I have communicated with the distinguished chairman of the Senate Finance Committee concerning the introduction of this measure. I felt it would have been inappropriate for him to consider a possible cosponsorship of this measure prior to it being referred to his committee. I know from past experience the openness of Senator LONG on these matters and that he will give this measure the fullest consideration this year. This measure in effect returns the initiative for tax writing to the Congress as a continuing matter as envisioned in the Constitution.

EXHIBIT 1

S. 3657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Tax Policy Review Act of 1972".

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TITLE I—PROVISIONS TO TERMINATE ON JANUARY 1, 1974

SEC. 101. THE $30,000 EXEMPTION AND DEDUCTION OF REGULAR INCOME TAXES FOR THE MINIMUM TAX ON TAX PREFERENCES

Section 56 of the Internal Revenue Code of 1954 (relating to the imposition of the minimum tax for tax preferences) is amended by adding at the end thereof the following new subsection:

"(d) TERMINATION OF EXEMPTION AND DEDUCTION OF REGULAR INCOME TAXES.—In the case of any taxable year beginning on or after January 1, 1974, the tax imposed by subsection (a) shall be on the sum of the items of tax preference for the taxable year without reduction by the $30,000 exemption specified in paragraph (1) of subsection (a) or by the sum specified in paragraph (2) of such subsection, and subsection (b) shall be applied without regard to the $30,000 exemption.".

SEC. 102. TREATMENT OF GROUP-TERM LIFE INSURANCE PURCHASED FOR EMPLOYEES

Section 79(a) of such Code (relating to exclusion from gross income of the cost of $50,000 of group-term life insurance) is amended by adding at the end thereof the following new sentence:

"Paragraph (1) shall not apply in the case of any taxable year beginning on or after January 1, 1974.".

SEC. 103. EXCLUSION FROM GROSS INCOME OF $5,000 EMPLOYEE'S DEATH BENEFIT

Section 101(b) of such Code (relating to exclusion from gross income of $5,000 of an employee's death benefit) is amended by adding at the end thereof the following new paragraph:

"(4) TERMINATION.—Paragraph (1) shall not apply to amounts received with respect to an employee who died on or after January 1, 1974."

SEC. 104. EXEMPTION FROM TAX OF $100 OF DIVIDENDS RECEIVED BY INDIVIDUALS

Section 116(a) of such Code (relating to exclusion from gross income of $100 of dividends received by an individual) is amended by adding at the end thereof the following new sentence: "This subsection shall not apply in the case of any taxable year beginning on or after January 1, 1974."

SEC. 105. TREATMENT OF LOSS FROM CERTAIN NONBUSINESS GUARANTIES

Section 166(f) of such Code (relating to loss from guaranty of certain noncorporate obligations) is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to any payment made on or after January 1, 1974."

SEC. 106. TWENTY-PERCENT VARIATION UNDER THE ASSET DEPRECIATION RANGE SYSTEM

Section 167(m)(1) of such Code (relating to the Asset Depreciation Range System) is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply to property placed in service in any taxable year beginning on or after January 1, 1974."

Sec. 107. Capital Gain Treatment for Lump-Sum Distribution From Pension Funds

Sections 402(a)(2) and 403(a)(2)(A) of such Code (relating to capital gains treatment for certain distributions) are each amended by adding at the end thereof the following new sentence: "This paragraph shall not apply to distributions paid to any employee on or after January 1, 1974."

Sec. 108. Treatment of Employee Stock Options

Section 421 of such Code (relating to the treatment of qualified and restricted stock options) is amended by adding at the end thereof the following new subsection:

"(d) Termination.—This section shall not apply with respect to a qualified stock option or a restricted stock option exercised on or after January 1, 1974."

Sec. 109. Tax Exemption of Credit Unions and Mutual Insurance Funds for Certain Financial Institutions

Section 501(c)(14) of such Code (relating to tax exemption for credit unions and for mutual insurance funds for certain financial institutions) is amended by adding at the end thereof the following new subparagraph:

"(D) This paragraph shall not apply to any taxable year beginning on or after January 1, 1974."

Sec. 110. Treatment of Bad Debt Reserves of Banks and Other Financial Institutions

(a) Banks.—Section 585 of such Code (relating to reserves for losses on loans of banks) is amended by adding at the end thereof the following new subsection:

"(c) No Special Addition for Years After 1973.—Subsections (a) and (b) shall not apply in the case of taxable years beginning on or after January 1, 1974, and the reasonable addition to the reserve for bad debts for any taxable year beginning on or after such date shall be computed under section 166(c) on the basis of the actual experience of the taxpayer."

(b) Mutual Savings Banks, Domestic Building and Loan Associations, and Cooperative Banks.—Section 593(b) of such Code (relating to addition to reserves for losses on loans of mutual savings banks and certain other financial organizations) is amended by adding at the end thereof the following new paragraph:

"(6) No special additions for years after 1973.—This subsection shall not apply in the case of any taxable year beginning on or after January 1, 1974, and the reasonable addition to the reserve for bad debts for any taxable year beginning on or after such date shall be computed under section 166(c) on the basis of the actual experience of the taxpayer."

Sec. 111. Percentage Depletion for Oil, Gas, and Other Minerals

Section 613 of such Code (relating to the allowance of percentage depletion) is amended by adding at the end thereof the following new subsection:

"(e) Termination.—Subsection (a) shall not apply to any taxable year beginning on or after January 1, 1974."

Sec 112. Capital Gain for Timber, Coal, and Iron Ore Royalties

Section 631 of such Code (relating to gain or loss in the case of timber, coal, or domestic iron ore) is amended by adding at the end thereof the following new subsection:

"(d) Termination.—Subsections (a), (b), and (c) shall not apply in the case of any taxable year beginning on or after January 1, 1974."

Sec. 113. Exclusion of Gross-Up on Dividends of Less Developed Country Corporations

Section 902(d) of such Code (relating to definition of less developed country corporation) is amended by adding at the end thereof the following new sentence: "No foreign corporation shall be treated as a less developed country corporation for any of its taxable years which begin on or after January 1, 1974."

Sec. 114. Exemption of Earned Income From Foreign Sources

Section 911 of such Code (relating to exemption of earned income from sources without the United States) is amended by adding at the end thereof the following new subsection:

"(e) Termination.—Subsection (a) shall not apply to any taxable year beginning on or after January 1, 1974."

Sec. 115. Alternative Tax on Capital Gains

Section 1201 of such Code (relating to the alternative tax for corporations and individuals on capital gains) is amended by adding at the end thereof the following new subsection:

"(f) Termination.—Subsections (a) and (b) and section 802(a)(2) shall not apply to any taxable year beginning on or after January 1, 1974."

Sec. 116. Rules for Recapture of Depreciation on Sale at Gain of Real Property

Section 1250 (relating to gain from dispositions of certain depreciable realty) is amended by adding at the end thereof the following new subsection:

"(g) Termination of Present Treatment of Real Property.—Any disposition of section 1250 property after December 31, 1973, shall not be subject to the provisions of subsection (a) but shall be treated under section 1245(a) as a disposition of section 1245 property, subject to the exceptions and limitations of section 1245(b), and by determining the recomputed basis of the property under section 1245(a) by adding only those adjustments which are attributable to periods after December 31, 1963."

Sec. 117. Special Exemptions for Excess Deductions Account for Farm Losses

Section 1251(d) of such Code (relating to exceptions and special rules with respect to the excess deductions account) is amended by adding at the end thereof the following new paragraph:

"(7) Termination of $50,000 and $25,000 Exemptions.—In the case of any taxable year beginning on or after January 1, 1974, subsection (b)(2) shall be applied without regard to the exceptions provided in subparagraphs (B) and (C)."

TITLE II—PROVISIONS TO TERMINATE ON JANUARY 1, 1975

Sec. 201. Exclusion From Gross Income of Amounts Received as Sick Pay

Section 105(d) of the Internal Revenue Code of 1954 (relating to exclusion from gross income of amounts received from an employer as sick pay) is amended by adding at the end thereof the following new sentence: "This subsection shall not apply to amounts received in any taxable year beginning on or after January 1, 1975."

Sec. 202. Deduction of Nonbusiness Interest and Taxes

(a) Interest.—Section 163(a) of such Code (relating to deduction of interest) is amended by adding at the end thereof the following new sentence: "In the case of an individual, no deduction shall be allowed under this section for interest paid or accrued during a taxable year beginning on or after January 1, 1975, unless the indebtedness was incurred in carrying on a trade or business or an activity described in section 212 (relating to expenses for production of income)."

(b) Taxes.—Section 164 of such Code (relating to deduction of taxes) is amended by adding at the end thereof the following new subsection:

"(h) Termination of Deduction of Nonbusiness Taxes.—In the case of an individual, no deduction shall be allowed under subsection (a) for any tax paid or accrued during a taxable year beginning on or after January 1, 1975, unless the tax is paid or accrued in carrying on a trade or business or an activity described in section 212 (relating to expenses for production of income)."

(c) Stockholder of Cooperative Housing Corporation.—Section 216(a) of such Code (relating to allowance of deduction of taxes and interest by cooperative housing corporation tenant-stockholder) is amended by adding at the end thereof the following new sentence:

"No deduction shall be allowed under this subsection for any taxable year beginning on or after January 1, 1975."

Sec. 203. Fast Depreciation Methods

Section 167(c) of such Code (relating to limitations on use of fast depreciation methods) is amended by adding at the end thereof the following:

"Paragraphs (2), (3), and (4) of subsection (b) shall not apply in the case of property placed in service during any taxable year beginning on or after January 1, 1975."

Sec. 204. Deduction of Research and Experimental Expenditures

Section 174 of such Code (relating to the election to treat research and experimental expenditures as deductible expenses) is amended by adding at the end thereof the following new subsection:

"(f) Termination.—Subsections (a) and (b) shall not apply with respect to research or experimental expenditures paid or incurred in any taxable year beginning on or after January 1, 1975."

Sec. 205. Deduction of Soil and Water Conservation Expenditures

Section 175 of such Code (relating to soil and water conservation expenditures) is amended by adding at the end thereof the following new subsection:

"(g) Termination.—Subsection (a) shall not apply with respect to expenditures paid or incurred during any taxable year beginning on or after January 1, 1975."

Sec. 206. Additional First-Year Depreciation Allowance

Section 179 of such Code (relating to additional first-year depreciation allowance for small business) is amended by adding at the end thereof the following new subsection:

"(f) Termination.—This section shall not apply to any taxable year beginning on or after January 1, 1975."

Sec. 207. Deduction of Expenditures for Clearing Land

Section 182 of such Code (relating to deduction by farmers of expenditures for clearing land) is amended by adding at the end thereof the following new subsection:

"(f) Termination.—Subsection (a) shall not apply to any taxable year beginning on or after January 1, 1975."

Sec. 208. Amortization of Railroad Grading and Tunnel Bores

Section 185 of such Code (relating to amortization of railroad grading and tunnel bores) is amended by adding at the end thereof the following new subsection:

"(1) Termination.—No deduction for amortization shall be allowable under this section for any taxable year beginning on or after January 1, 1975."

Sec. 209. Deduction of Intangible Drilling and Development Costs

Section 263(c) of such Code (relating to deduction of intangible drilling and development costs in the case of oil and gas wells) is amended by adding at the end thereof the following sentence: "In the case of any taxable year beginning on or after January 1, 1975, such tangible drilling and development costs (other than those incurred in drilling a nonproductive well) shall be charged to capital account and shall not be deductible in accordance with such regulations."

Sec. 210. Deduction of Development Expenditures in the Case of Mines

Section 616 of such Code (relating to the deduction of development expenditures in the case of mines) is amended by adding at the end thereof the following new subsection:

"(d) Termination.—Subsections (a) and (b) shall not apply to expenditures paid or incurred during any taxable year beginning on or after January 1, 1975."

Sec. 211. Tax Exemption for Ships Under Foreign Flag

Sections 872(b)(1) and 883(a)(1) of such Code (relating to tax exemption of earnings from ships under foreign flags) are each amended by adding at the end thereof the following: "This paragraph shall not apply to earnings derived during any taxable year beginning on or after Jannary 1, 1975."

Sec. 212. Special Deduction for a Western Hemisphere Trade Corporation

Section 922 of such Code (relating to special deduction for Western Hemisphere trade corporation) is amended by adding at the end thereof the following new sentence: "No deduction shall be allowed under this section for any taxable year beginning on or after January 1, 1975."

Sec. 213. Exemption of Income from Sources Within Possessions of United States

Section 931 of such Code (relating to exemption of income from sources within possessions of the United States) is amended by adding at the end thereof the following new subsection:

"(j) Termination.—This section shall not apply in the case of any taxable year beginning on or after January 1, 1975."

Sec. 214. Exclusion from Subpart F Income of Shipping Profits and Certain Dividends, Interest, and Gains

Section 954(b)(1) of such Code (relating to exclusion of certain dividends, interest, and gains from subpart F income) and section 954(b)(2) of such Code (relating to exclusion of shipping income from subpart F income) are each amended by adding at the end thereof the following new sentence: "This paragraph shall not apply to any taxable year beginning on or after January 1, 1975."

Sec. 215. Tax Exemption for a DISC

(a) Termination of Tax Exemption.—Section 991 of such Code (relating to tax exemption of a DISC) is amended by adding at the end thereof the following: "This section shall not apply to any taxable year beginning on or after January 1, 1975."

(b) Termination of Status.—Section 992 (a) of such Code (relating to definition of DISC) is amended by adding at the end thereof the following new paragraph:

"(4) Termination.—No corporation shall be treated as a DISC for any taxable year beginning on or after January 1, 1975."

Sec. 216. Step-up in Tax Basis of Property Acquired From Decedent

Section 1014 of such Code (relating to basis of property acquired from a decedent) is amended by adding at the end thereof the following new subsection:

"(e) Termination.—The provisions of this section shall not apply to property acquired from a decedent dying on or after January 1, 1975. The basis of property acquired from such a decedent shall be determined as provided in section 1015."

Sec. 217. Capital Gains on Sale or Exchange of Patents

Section 1235(c) of such Code (relating to the effective date on special treatment of patents) is amended by adding at the end thereof the following new sentence: "This section shall not apply to any amount received on or after January 1, 1975."

TITLE III—PROVISIONS TO TERMINATE ON JANUARY 1, 1976

Sec. 301. Corporate Surtax Exemption

Section 11(d) of the Internal Revenue Code of 1954 (relating to the surtax exemptions for corporations) is amended by adding at the end thereof the following new sentence: "The surtax exemption for any taxable year beginning on or after January 1, 1976, shall be zero."

Sec. 302. Retirement Income Credit

Section 37(a) of such Code (relating to retirement income credit) is amended by adding at the end thereof the following: "This subsection shall not apply to any taxable year beginning on or after January 1, 1976."

Sec. 303. Credit or Deduction for Contributions to Candidates for Public Office

Section 41 of such Code (relating to credit against tax for contributions to candidates for public office) and section 218 of such Code (relating to deductions for contributions to candidates to public office) are each amended by adding at the end thereof the following new subsection:

"(e) Termination.—Subsection (a) shall not apply to any payment made by the taxpayer on or after January 1, 1976."

Sec. 304. Investment Credit

Section 50 of such Code (relating to restoration of investment credit) is amended by adding at the end thereof the following new subsection:

"(c) Termination.—For purposes of this subpart, the term 'section 38 property' does not include any property placed in service on or after January 1, 1976."

Sec. 305. Tax-exempt Interest

Section 103(b) of such Code (relating to the inapplicability of the tax exemption of interest on certain obligations) is amended by adding at the end thereof the following new sentence: "Subsection (a)(1) shall not apply to interest on obligations issued on or after January 1, 1976."

Sec. 306. Exclusion From Gross Income of Rental Value of Parsonages

Section 107 of such Code (relating to exclusion of rental value of parsonages) is amended by adding at the end thereof the following new sentence:

"This section shall not apply in the case of a taxable year beginning on or after January 1, 1976."

Sec. 307. Exclusion From Gross Income of Scholarship and Fellowship Grants

Section 117 of such Code (relating to tax exemption of scholarship and fellowship grants) is amended by adding at the end thereof the following new subsection:

"(c) Termination.—Subsection (a) shall not apply to any amount received during a taxable year beginning on or after January 1, 1976."

Sec. 308. Exclusion From Gross Income of Gain on Sale of Residence by Persons Over 65

Section 121 of such Code (relating to exclusion of gain from sale or exchange of residence of individual who has attained age 65) is amended by adding at the end thereof the following new susbection:

"(e) Termination.—Subsection (a) shall not apply to any sale or exchange made on or after January 1, 1976."

Sec. 309. Additional Exemption for Age 65 or Blindness of Taxpayer or Spouse

Section 151 of such Code (relating to allowance of deduction for personal exemptions) is amended by adding at the end thereof the following new subsection:

"(f) Termination of Additional Exemptions Under Subsections (c) and (d).—Subsections (c) and (d) shall not apply in the case of any taxable year beginning on or after January 1, 1976."

Sec. 310. Exemption for Child Whose Income Exceeds $750

Section 151(e)(1) of such Code (relating to exemption for each dependent of the taxpayer) is amended by adding at the end thereof the following new sentence:

"Subparagraph (B) shall not apply for any taxable year of the taxpayer which begins on or after January 1, 1976."

Sec. 311. Deduction for Nonbusiness Casualty Losses

Section 165(c) (relating to casualty losses of individuals) is amended by adding at the end thereof the following new sentence:

"Paragraph (3) shall not apply to any loss incurred on or after January 1, 1976."

Sec. 312. Charitable Contribution Deductions

(a) In General.—Section 170(a) of such Code (relating to allowance of deduction for charitable contributions and gifts) is amended by adding at the end thereof the following new paragraph:

"(4) Termination.—No deduction shall be allowed under this section for any taxable year beginning on or after January 1, 1976."

(b) Estates and Trusts.—Section 642(c) (relating to charitable deductions of an estate or trust) is amended by adding at the end thereof the following new paragraph:

"(7) Termination.—No deduction shall be allowed under this subsection for any taxable year beginning on or after January 1, 1976."

Sec. 313. Medical Expense Deduction

Section 213(a) of such Code (relating to deduction of medical, dental, etc., expenses) is amended by adding at the end thereof the following new sentence:

"No deduction shall be allowed under this section for any taxable year beginning on or after January 1, 1976."

Sec. 314. Household and Dependent Care Deduction

Section 214(a) of such Code (relating to deduction of expenses for certain household and dependent care services) is amended by adding at the end thereof the following new sentence: "No deduction shall be allowed under this section for any taxable year beginning on or after January 1, 1976."

Sec. 315. Deduction of Moving Expenses

Section 217(a) of such Code (relating to deduction of moving expenses) is amended by adding at the end thereof the following new sentence: "No deduction shall be allowed under this section for any taxable year beginning on or after January 1, 1976."

Sec. 316. Nonrecognition of Gain on Appreciated Property Used to Redeem Stock

Section 311(d)(2) of such Code (relating to exceptions and limitations on recognition of gain) is amended by adding at the end thereof the following:

"This paragraph shall not apply to any distribution made on or after January 1, 1976."

Sec. 317. Nonrecognition of Gain in Connection With Certain Liquidations

Section 337(c) of such Code (relating to limitations on the nonrecognition of gain or loss in connection with certain liquidations) is amended by adding at the end thereof the following new paragraph:

"(3) Liquidations after December 31, 1975.—Subsection (a) shall not apply in the case of a plan of complete liquidation adopted on or after January 1, 1976, if at the time of the adoption of such plan the corporation has more than 10 shareholders (determined with the application of section 1371(c))."

Sec. 318. Deduction for Capitol Gains

Section 1202 of such Code (relating to deduction for capital gains in the case of a taxpayer other than a corporation) is amended by adding at the end thereof the following sentence: "The deduction provided in this section shall not be allowed for any taxable year beginning on or after January 1, 1976."

Exhibit 2

List of Provisions

Provisions Terminated On or After January 1, 1974:

1. The $30,000 exemption for the minimum tax.
2. The deduction of ordinary income taxes for the minimum tax.
3. The exclusion from gross income of group-term life insurance of employees.
4. The $5,000 death benefit exclusion.
5. The $100 dividend exclusion.
6. The guaranteed business bad debt deduction.
7. The provision permitting assets to be written off over a period 20 percent shorter than their class lives under the ADR system.
8. The capital gain treatment of lump-sum distribution from pension funds.
9. Qualified stock options.
10. The tax exemption for credit unions and certain mutual insurance funds.
11. Special reserves for losses on bad debts of banks, mutual savings banks, etc.
12. Percentage depletion for oil, gas, and other minerals.
13. Capital gain for timber, coal and iron ore royalties.
14. Exclusion of gross-up on dividends of less developed country corporations.
15. Exclusion of earned income from foreign sources.
16. The alternative tax on capital gains of corporations and individuals.
17. The recapture rules for real property.
18. The special exemptions for excess deduction account for farm losses.

Provisions Terminated on and After January 1, 1975:

1. The exclusion from gross income of sick pay.
2. The deduction for nonbusiness interest.
3. The deduction for nonbusiness taxes.
4. Fast depreciation methods.
5. The deduction of research and experimental expenditures.
6. The deduction of soil and water conservation expenditures.
7. Additional first-year depreciation allowance.
8. The deduction of expenditures for clearing land.
9. Amortization of railroad grading and tunnel bores.
10. The deduction of intangible drilling and development costs.
11. The deduction of development expenditures in case of mines.
12. The exemption of ships under foreign flags.
13. The special deduction for Western Hemisphere trade corporations.
14. The exemption of income from sources within possessions of the United States.
15. The exclusion from Subpart F of shipping profits and certain dividends and interest.
16. The provisions relating to Domestic International Sales Corporations.
17. Step-up in tax basis of property acquired from a decedent.
18. Capital gain from the sale or exchange of patents.

Provisions Terminated On and After January 1, 1976:

1. The $25,000 corporate surtax exemption.
2. The retirement income credit.
3. The deduction and credit for political contributions.
4. The investment credit.
5. The exclusion for interest on State and local bonds.
6. The exclusion of the rental value of parsonages.
7. The exclusion from gross income of scholarships and fellowships.
8. The exclusion from gross income of gain on sale of residence by person over 65.
9. Additional personal exemptions for the aged and blind.
10. The exemption for child where income exceeds $750.
11. The deduction for nonbusiness casualty losses.
12. The charitable contribution deduction.
13. The medical expense deduction.
14. The child care deduction.
15. The moving expense deduction.
16. Nonrecognition of gain on the use of appreciated property to redeem stock.
17. Nonrecognition of gain in connection with certain liquidations.
18. The deduction for long-term capital gains.

By Mr. INOUYE:

S. 3658. A bill to amend title 5 of the United States Code in order to provide that certain benefits to which employees of the United States stationed in Alaska, Hawaii, Puerto Rico, the Canal Zone, or the territories or possessions of the United States are entitled may be terminated under certain conditions, and for other purposes. Referred to the Committee on Post Office and Civil Service.

Mr. INOUYE. Mr. President, an unusual and unfair situation has developed for some persons who now work for the Federal Government under civil service in Hawaii, Alaska, Puerto Rico, and Guam. Federal employees, recruited from or transferred to these areas from the mainland in order to perform highly skilled or technical jobs for which the local labor market could not provide adequate numbers of trained people, were offered special benefits including periodic travel at Government expense to their homes of record, cost-of-living allowances, and commissary and exchange privileges. Highly qualified local residents are now frequently capable of performing this same work. Many of the mainland hires have, however, remained in their jobs continuing to draw these benefits.

Recognizing the changed labor market and the inherent inequities of this situation, the Department of Defense, the largest Federal employer in Hawaii, started eliminating these benefits administratively. However, due to the restriction in the present law, DOD could achieve this only by forcing those who refuse a transfer to mainland areas to actually leave Federal employment and be rehired as local residents. As a result some of these workers who would be more than willing to retain their positions without any special benefits are threatened with the permanent loss of their jobs.

The legislation I am introducing today would eliminate this problem by recognizing both the rights of local residents who are qualified to perform work now done by people from the mainland and the rights of those Federal employees who wish to retain their positions as permanent local residents without special privileges or benefits. At the same time this legislation would guarantee that in those instances where people with special skills must still be brought in from the mainland, appropriate travel and pay benefits can be provided. This is achieved by allowing any Federal agency to terminate the special benefits of an employee brought in from the mainland only when there are qualified local residents available for the position, the employee's "tour" or contract with the agency has expired and the employees refuses reassignment to a similar job on the mainland.

The benefits of this change in the law would be immediate and direct. First, it would guarantee that qualified local residents could compete for and work in jobs for the same pay as Federal employees from the mainland. Second, it guarantees the job security of the Federal employee who wishes to remain in the area and forego special benefits. Third, by extending travel and pay benefits to employees when local personnel is unavailable, it guarantees that qualified and capable civil servants can be recruited when needed.

This is, I feel, fair and equitable legislation aimed at eliminating certain clear injustices which have unintentionally grown into our Civil Service System. I hope the appropriate committee and the Congress will give this measure their serious consideration and approval.

By Mr. TOWER:

Senate Joint Resolution 237. A joint resolution to authorize and request the President of the United States to issue a proclamation designating October 15, 1972, as "German Day." Referred to the Committee on the Judiciary.

Mr. TOWER. Mr. President, I am introducing today a joint resolution requesting the President of the United States to issue a proclamation designating October 15, 1972, as "German Day," in honor of the many great traditions and accomplishments of the outstanding, talented, and patriotic German-American community.

There are many fine ethnic groups in America, each with a splendid history of its own and heroes of its own. None of these, however, can be said to excel the accomplishments over the years of Americans of German descent, whose deeds are, to say the least, inspiring to everyone familiar with the facts.

The most immediate and impressive fact is their contribution to the overall population of the United States. Of all American ethnic groups, the English alone exceed the Germans in total figures, and then only providing that you consider together the genuine English descendants with Scots, Irish, and Welsh descendants.

A distinct characteristic of the German immigrations throughout their history has been the very slight return migration to the "old country" as compared with recent immigrations. These German immigrants found America to their liking, and they and their descendants have made the most of it.

In the beginning, so far as the first English colonists were concerned, the *Mayflower* provided the key to a glorious land of promise. The Germans had their *Mayflower* too, under a different name. This was the good ship *Concord*, which arrived in Philadelphia in October 1683, bearing the first group of German immigrants to these shores. The leader of the group was Franz Daniel Pasturius, who had come in advance to purchase from William Penn a tract of land, on which to establish the first permanent German settlement in the American Colonies. This settlement, which was established only 2 years following the founding of Philadelphia, became known as Germantown, and for the next 100 years or so, it was to serve as a distributing center for all German colonists.

In a short time, hundreds of Germans were spread throughout the central and southern counties of Pennsylvania, and Lancaster County was developing into a kind of German stronghold. Some Germans went north, to New Jersey and New York, but the vast majority moved southward, colonizing western Maryland, Virginia's Shenandoah Valley, and many counties in Tennessee, Kentucky and North Carolina.

The most northerly settlement of Germans in the 18th century was established at Waldobora, Maine, in 1751, and the most southerly that of the Salzburgers, in 1734 at Ebenezer, Ga., which was at the time also the most southerly point of American settlement on the East Coast. Many German tradesmen remained in the coast cities of Philadelphia, New York, Baltimore, and Charleston. Pennsylvania, however, remained the State most thickly settled by the German element.

The German Quakers of Germantown immortalized themselves by their formal protest against Negro slavery in 1788, the first time such action was taken in the history of the American people. The first Bible printed in the German language was published by Christopher Saur in the year 1743, and is another example of the religious quality of these early German settlers. This was not the first time that a German printer and publisher wrote himself into history, for Peter Zenger, the founder of the independent newspaper, the New York Weekly Journal, was tried for libel in 1735, and the case became the first great fight for freedom of the press in America.

During the 19th century, German immigration out-distanced all others and reached surprising heights. From 1846 to 1854, a period embracing the ill-favored German Revolution of 1848–1849, almost 900,000 Germans came to America—an extremely large number for those days. Over half of them arrived in the years 1852 to 1854.

The arrival of this particular group of Germans had a profound effect on the long-established social customs of early America. For more than 200 years English puritanism had kept watch over the public morals of American society. But with the coming of the Germans, the Puritan tradition received a severe jolt. Fresh from the battlefields of the German Revolution of 1848, where the great questions of economic and political liberty were being decided, the new arrivals held many opinions not in keeping with the Puritan attitude. In the matter of things spiritual, the Germans held a liberal view of religion and the Sabbath. They also developed community singing, occasionally neglected business for the sake of intellectual pleasure, and took great delight in outdoor life.

Missouri, Wisconsin, and Texas were the pioneer sections toward which many directed their course, as immigration continued, interrupted only by the two world wars.

In the industrial history of the 19th century in America, the Germans became preeminent in all branches requiring technical training. They had had the advantage of technical schools at home, before such schools were founded in the United States. Above all, the Germans led the way in the field of engineering. John A. Roebling built the first great suspension bridge over the Niagara River, and followed it with construction of the famous Brooklyn Bridge. Another bridge builder of note was Charles C. Schneider, who planned and directed construction of a bridge over the Niagara—this time a cantilever-type structure, superior for carrying heavy railway traffic. Gustan Linderthal was consulting engineer and the architect of the Hell's Gate steel-arch bridge across New York's East River.

The only equal or near equal of Thomas Edison in the field of electricity and electrical engineering was Charles P. Steinmetz, the wizard of Schenectady. Albert Fink, expert railway engineer, was the originator of through traffic in freight and passenger service—while Count Zeppelin made his first experiments in military aviation in the country during the United States Civil War.

In the 19th century, however, the Germans led not only in the engineering branches of industry, but also in many other areas requiring technical training and the ingenuity of expertise. Thus, it comes as no surprise, that in the chemical industries and in the manufacture of drugs, German names were outstanding; Rosengarten, Pfizer, Dohm, Vogler, Meyer, Schieffelin, Lehn, and Fink, to list but a few. In the manufacture of pianos and other musical instruments, such great names as Steinway, Knabe, Weber, Sohmer, Wurlitzer, and Gemunder, stand out. In the development of optical instruments we recall Bausch & Lomb. The list of technical developments and accomplishments is almost endless.

Nor were the accomplishments of Germans in America limited to the contributions of these individuals of genius. On the contrary, Germans as a group performed remarkably in many areas. It has been estimated that the number of German volunteers during the American Revolution and the Civil War exceeded in proportion that of native Americans and all other foreign elements—certainly a wonderful tribute to their loyalty and courage.

In political affairs, Germans in America have long been active in reform movements, carrying on the principles of democracy enunciated in the German revolutionary movement of the 1840's. Among those German-American politicians who found in our great land a flowering of the democracy they so cherished and loved was the outstanding historical figure of Carl Schurz, who helped to organize the Republican Party in Wisconsin, became a union general in the Civil War, and later a U.S. Senator from Missouri and a cabinet member in the administration of President Rutherford B. Hayes.

Germans have also played a major part in American education. Indeed, both the highest and lowest level of the American system of education—the university and the kindergarten—were imported from Germany. Moreover, the secondary school felt the German influence when Horace Mann reported favorably on the Prussian school system in the 1840's, and established the normal, or training school for teachers.

In the area of the arts, the German influence again has served America well. Gottlieb Graupner won distinction as the father of orchestral music in America in the early 19th century, and the German participation played a major part in establishing American opera in the eyes of European critics. German ability was further demonstrated by the noted painter, Emanuel Leutze, best known for his large historical picture of "Washington Crossing the Delaware."

In the field of organized religion, German-Americans founded three major American churches early in the 18th century—the Lutheran, the German Reformed, and the United Brethern or Moravian.

One of the greatest military organizers in our Nation's history was Baron Frederick Von Steuben, who endorsed the American Revolution and made plans to engage in it, in the interest of democracy, the moment it began. Von Steuben served alongside George Washington at Valley Forge, during those bitter early months of 1778. He trained Washington's troops admirably, and throughout the war, the Continental Army proved itself fully the equal in discipline and skill of the best of the British Regulars. Of all the heroes of the American Revolution, few exceeded Baron Von Steuben in the importance of their contributions.

Certainly, we can all take pride in the accomplishments and contributions of our German-American citizens, past and present. They have played a large role in America's climb to its present position of world leadership. The scope of German-American efforts has been nationwide, and every part of our great Republic has benefited from the influence of the German settlers.

Texas is particularly fortunate in having felt the influence of the German arrivals upon our land and its fortunes. Germans began settling in Texas even while it was still a Mexican province. The first German colony was organized by Baron Von Bastrop and located on the Colorado River. Bastrop, as the settlement was named, was the northernmost white settlement in the valley of the Colorado. Much exposed to Indian attack, the early settlement was abandoned several times, but the persistence of the German settlers was eventually responsible for making this area a center for the German newcomers.

A great many of the Germans came to Texas between 1836, when it won its independence from Mexico, and 1845, when it joined the Union. Because so much of the State was unexplored as well as unsettled, and was populated by large and hostile Indian tribes, conditions were conducive to organized colonies such as the Germans established. A lone settler had little chance of survival. For these reasons, in many parts of Texas, Germans outnumbered native Americans.

Political disturbances in the 1840's drove many Germans to seek new homes where, possibly, an ideal German state might be established. Persecuted by the Diet of the German Confederation, members of the "Burschenschaften", or students' organization, began to come to Texas, and were soon followed by the German masses.

In the German-American communities of south central and southwestern Texas, the customs and culture of the founders survive—their great contributions being in music, painting, literature, and quaint colonial architecture. They established schools, singing societies, social organizations, a literary society, and pioneered in agriculture and labor organizations. Many of their descendants still observe customs of German origin in Fredericksburg, New Braunfels, and other communities where their forefathers settled.

The German settlements on the Gaudalupe and the Pedernales prospered despite unpredictable weather conditions, crop failures, and the Indian raiders. The Germans joined with Texans to wage punitive campaigns against the Indians, and in great numbers volunteered with the U.S. Army during the war against Mexico in 1846. That war had the effect of further integrating German-Americans, both in Texas and the rest of our growing, westward-expanding Nation.

The Germans were destined to play a large role in the eventual growth of this vast and powerful land. Although the Germans of Texas were never reconciled to slavery, and few names could be found on the roles of Hood's Texas Brigade when the Civil War broke out; nevertheless, in succeeding wars, German-Americans of Texas have always been found—like all Texans—more prominent than their numbers would warrant in the annals of our Nation's military forces. Two descendants of the Germans who came to Texas in its frontier days particularly distinguished themselves in World War II, General of the Army Dwight D. Eisenhower, and Fleet Admiral Chester W. Nimitz. Together they wore a total of 10 stars upon their shoulders.

German-Americans who came to America came for various reasons: for material enrichment; in search of the freedom offered by true representative democracy; and out of a sense of persecution at home in the "old country." Whatever their reasons, however, once on our proud shores they brought to bear the full weight of their talents, ambitions, and patriotic fervor.

The people of Texas are fortunate, indeed, to have shared in the German contribution to the United States of America. The names of German-American communities across our landscape are tangible evidence of their presence, and we should commend them for strengthening the fabric of America, and defending the principles of democracy along the way.

Mr. President, at this time, I ask unanimous consent that the text of my joint resolution be printed at this point in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 237

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating October 15, 1972, as "German Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3049

At the request of Mr. JAVITS, the Senator from Oregon (Mr. HATFIELD) and the Senator from Ohio (Mr. SAXBE) were added as cosponsors of S. 3049, a bill to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities.

S. 3416

At the request of Mr. THURMOND, the Senator from Michigan (Mr. GRIFFIN), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of S. 3416, a bill to preclude POW's and MIA's from losing accumulated leave upon return.

SENATE JOINT RESOLUTION 236

At the request of Mr. HRUSKA, the Senator from Tennessee (Mr. BAKER), the Senator from Texas (Mr. BENTSEN), the Senator from Kansas (Mr. DOLE), the Senator from Michigan (Mr. GRIFFIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Kansas (Mr. PEARSON), the Senator from Texas (Mr. TOWER), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of Senate Joint Resolution 236, a joint resolution to authorize and request the President to proclaim the week beginning October 15, 1972, as "National Drug Abuse Prevention Week."

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 999

At the request of Mr. ROBERT C. BYRD (for Mr. CHURCH) the Senator from Alabama (Mr. ALLEN) was added as a cosponsor of amendment No. 999, intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDT program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENTS NOS. 1093 AND 1097

At the request of Mr. PELL, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of amendments Nos. 1093 and 1097 intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

AMENDMENT NO. 1202

At the request of Mr. ROTH, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of amendment No. 1202, intended to be proposed to the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States.

NOTICE OF HEARINGS ON HOUSING

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcomittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs, will hold hearings on S. 3373, a bill to promote the utilization of improved technology in federally assisted housing projects and to increase productivity in order to meet our national housing goals, and S. 3654, a bill to delete the Davis-Bacon provision from the National Housing Act and the U.S. Housing Act of 1937 relating to FHA-insured housing and public housing programs.

These hearings will be held on June 13, 14, and 15 in room 5302, New Senate Office Building, commencing at 10 a.m. each morning.

Any person wishing to submit a statement for inclusion in the record of hearings should communicate with the Subcommittee on Housing and Urban Affairs, room 526, New Senate Office Building.

NOTICE OF HEARINGS ON VOCATIONAL REHABILITATION

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Subcommittee on the Handicapped of the Labor and Public Welfare Committee, due to an executive session of the full committee, has postponed the hearing scheduled for 9:30 a.m. on June 1, 1972. This hearing will now be held at 9 p.m. on June 2 in 4232, New Senate Office Building.

This will be a continuation of the hearings held on May 15, 18, and 23, 1972, on the Vocational Rehabilitation Amendments of 1972, H.R. 8395, the pill passed by the other body, and related legislation.

I am pleased to continue to chair these hearings on behalf of the distinguished Senator from West Virginia, Mr. Randolph, chairman of this subcommittee, and would like at this time again to thank him for giving me the opportunity.

Among those testifying on Friday will be: the Honorable Stewart B. McKinney, Congressman from Connecticut; John Kemp and Jane Shover, members, board of directors, National Easter Seal Association; Dr. John Young, project director, Southwest Regional System for the Treatment of Spinal Cord Injury, Phoenix, Ariz.; Roy Snelson, chief, prosthetics amputee center, Rancho Los Amigos Hospital, Downey, Calif., accompanied by Steve Zyn and Patricia Lemmons, patients; Dr. Henry Betts, director, Chicago Institute of Rehabilitation; Frank Taylor, Goodwill Industries of America, accompanied by John C. Harmon, general counsel; Dr. Jack G. Wiggins, member, executive committee, Council for the Advancement of the Psychological Professions and Sciences; Harry A. Schweikert, Jr., representing the National Paraplegia Foundation.

NOTICE OF HEARING ON GEOTHERMAL ENERGY RESOURCES AND RESEARCH

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished junior Senator from Washington (Mr. Jackson) I ask unanimous consent that there be printed in the Record a notice of hearings on the geothermal energy resources and research, together with a statement by Senator Jackson.

The PRESIDING OFFICER (Mr. Eagleton). Without objection, it is so ordered.

Statement by Senator Jackson

On June 15, 1972, the Committee on Interior and Insular Affairs will convene a hearing on the role of geothermal energy resources in our nation's future energy economy. The Committee also will receive testimony detailing current and planned Federal research programs and initiatives designed to expedite the development of technically and economically feasible methods employing geothermal resources for the generation of electricity.

This hearing will be held in Room 3110 of the New Senate Office Building beginning at 10:00 a.m. pursuant to Senate Resolution 45, which authorizes the National Fuels and Energy Policy Study, with ex officio members from the Public Works, Commerce, and Joint Atomic Energy Committees.

From previous hearings it is readily apparent that a number of fundamental policy issues exist regarding the effectiveness of Federal research and development efforts intended to bring new technologies into being in time frames that are responsive to the nation's energy requirements while minimizing the environmental impact of energy production.

This hearing will review existing and planned Federal programs in this area and will address institutional arrangements for management of geothermal energy research and development. Witnesses will include representatives of the Department of the Interior, the Atomic Energy Commission, and the National Science Foundation, as well as Dr. Robert W. Rex, University of California-Riverside and Donald H. Stewart, Battelle Pacific Northwest Laboratories.

Mr. President, I regret that time limitations make it impossible for the Committee to hear the testimony of all of the individuals and organizations that will want to appear. The Committee will, however, receive statements for the record which will remain open until June 30, 1972. These statements will receive a careful review and evaluation in connection with the Committee's formulation of recommendations in this area.

ADDITIONAL STATEMENTS

MONTANA'S UNCOMMON INTEREST IN TRANS-ALASKA PIPELINE

Mr. MANSFIELD. Mr. President, because of Montana's proximity to Canada and our sister State of Alaska, my constituents have shown an uncommon interest in the Trans-Alaska Pipeline project and its effect on the environment.

The May 16 issue of the Missoulian, published in Missoula, Mont., contains an interesting editorial opposing the Secretary of the Interior's recent action in approving the construction of the project. While in opposition, it does raise some very serious points which should be considered.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Trans-Alaskan Pipeline a Mistake

Last week Secretary of the Interior Rogers C. B. Morton approved construction of the trans-Alaska oil pipeline. His action was a mistake.

The pipeline's construction won't begin immediately. The matter is tied up in court, where environmental groups and Canadians are suing to prevent construction along the Alaskan route. Morton's order will wait until the court contests are settled.

Given the scheme of things, it appears clear that an oil pipeline from the far northern oil fields to get oil to the United State's market will come into being. It will be environmentally objectionable, but environmental objections will not prevent its creation.

The question then is not so much whether a pipeline of some sort will be built, but when it will be built and where it will go.

The objections to the trans-Alaska oil pipeline, which would take oil from the Arctic north to the Alaskan ice-free port of Valdez, can be summarized as:

1. The pipeline would cross intense earthquake belts and thus run risk of periodic breaks and massive environmental destruction.

2. Oil spills by tankers would be inevitable, especially in the Juan de Fuca Straits as the ships head for a refinery near Seattle. The refinery is 12 miles from the Canadian border. The Canadians believe it is reasonable to expect one tanker carrying 800,000 barrels of oil to ground in the strait each year, threatening British Columbia's fishing, seal fishing and recreation industries.

3. The oil would go to the West Coast, providing it with more energy than it can consume.

4. The pipeline would fail to serve Canadian oil discoveries in the far north, compelling the Canadians to build their own pipeline—a costly duplication of effort.

Environmentalists want a complete study made of the feasibility of building a trans-Canadian instead of the trans-Alaskan pipeline.

They believe a trans-Canadian line would be less environmentally hazardous, cheaper, would bring the oil to the midwestern and eastern markets where it is most needed, and would better fulfill the national security arguments advanced in favor of the trans-Alaskan pipeline.

National security is part of the issue. The U.S. now relies heavily on Middle Eastern oil. In the event of turbulence in that region—clearly a likely event—the U.S. wants to be less dependent on steady oil supplies from there to meet its energy requirements. Tapping the Alaskan oil would give this country an alternative source.

But a pipeline which brought both Alaskan and Canadian oil down—at less environmental hazard and to where the markets are—would be even better for national security.

The hitch with that is delay. Morton does not want to wait for completion of an environmental impact study of a Canadian pipeline route. Such a study would create further delay in developing the far northern oil fields, and would involve clearing the project through Canadian courts.

And not to be neglected in this day of high pressure business influence on the government's decisions is the fact that the seven-company consortium of oil companies which wants the trans-Alaskan pipeline already has the piping (made in Japan) stockpiled at Valdez, is ready to start laying it, and doesn't want all that pretty investment wasted, which would be the case if a trans-Canadian line were built instead.

A reasonably good bet would be that the trans-Alaskan pipeline will be built, and that it will cause periodic environmental disasters. The moral imperative is to study all alternatives and accept the one that serves the nation's needs at least hazard to the environment. To opt for the easy but most dangerous route would be shameful.

BUSING DILEMMA

Mr. SAXBE. Mr. President, This country is hung up between its courts and its politics on the school desegregation issue and a way to ease the pressure must be found. Two emotionally charged issues have entered into the public debate over school desegregation and have clouded understanding rather than clarify discussion. These are "busing" and the "neighborhood school." The people who have used them as arguments against desegregation ignore certain facts. One is that every day of every school year millions of pupils are bused to and from school. Another is that the trend of today's educational thought is away from the neighborhood school, a self-contained unit serving a relatively small student population, in favor of larger school units where economies of scale frequently make possible provision of new educational equipment, special services not financially possible in schools which serve small numbers of students, and a broader curriculum. To discuss desegregation in terms of busing and neighborhood schools is to remove the issue from the legal and educational context to which it belongs and transfer it to the arena of emotion and politics.

Once busing became a major issue, there was very little information available about how buses were already being used in school districts around the country and how they might be used in specific school districts which were going to integrate. Buses have been a major fixture, like blackboards and climbing bars, for years. In most large rural districts virtually every student is bused. In sprawling California suburbs thousands of students are bused every day to overly large, widely spaced high schools; and the State pays most of the cost. In every kind of school district, students are bused daily for special purposes: sports, educational and cultural events, field trips, and classes for the handicapped and retarded. Yet, after the bus became a symbol, statements by politicians and other officials seemed to imply that using buses to move students was a totally new and diabolical idea.

I suppose we ought to be surprised that the bus did not become a symbolic rallying point much sooner than it did. In its awkward, bulky, yellow obviousness, it makes a perfect target. To segregationists, it became a hated symbol, which a few literally tried to destroy. To many parents and to ardent defenders of neighborhood schools, it became a matter of real anxiety. Of course, the real reason the bus has come to attract so much attention is that it remains the most expeditious way to achieve fully integrated schools within a school district. There are other ways to integrate schools, such as redrawing school attendance zones within a district, pairing previously segregated schools and exchanging students between them, and building new, centralized educational parks. But in most cases, because of neighborhood housing patterns, the least awkward way to integrate a school is to put in an order for the sturdiest, most dependable schoolbus on the market.

If this were not an election year, it might be possible to do something rational about school integration and busing. But not only is it an election year; it is also a year in which all sorts of people, in all parts of the country and of all political persuasions are expressing their strong misgivings about the prospects of massive busing for the purpose of racial integration of public schools. I can well understand the temptations of campaign rhetoric, but the welfare of our Nation requires that we refrain from playing politics with constitutional rights. As long as a substantial majority of Americans, both black and white, are against busing as a solution to the problems of public education, it does not matter what school boards in their dilemma may decide or what the courts in their wisdom may decree. If the people directly involved reject it as a solution, it will not happen. It is a simple process in which the theoretically desirable gives way to the politically possible.

It is not useful to denounce these concerns as racist. America is a racist country, but unfortnately so is practically every other human society. In India, men advertise for light-skinned brides. In Indonesia, the Chinese are persecuted. In Kenya, a black government has expelled Indians. Political demagogs get votes out of the racial problems in Birmingham, England, as they do in Birmingham, Ala. In racial relationships, Americans have no ground for complacency, but neither are they uniquely guilty. Can private anxieties and public ideals be reconciled? No one can answer with complete confidence, but certainly if racial concerns about the schools are to be eased, the limits and difficulties of integration have to be candidly faced.

White voters in the suburbs around the ghettos seem determined to block what is known as cross-line busing from one jurisdiction to another. Yet if the decision by Federal Judge Robert R. Merhige, Jr., in the Richmond case is upheld and becomes a precedent, cross-line busing will be a fact of life throughout the North. Most people would probably agree that a segregated system of education, as it exists in much of the country today, is inherently unequal education. Most would agree that busing, as a temporary expedient, is the only practical way of ending the pattern of segregated schooling that the present segregated housing patterns in most major urban areas have produced. But few are willing to pay the price that the busing solution demands. If white people, either because they wish to avoid contact with black people or for any other reason, choose to move far from where most blacks live, how can it make sense—in terms of education or commonsense—to send black kids chasing after them? At some point, it becomes obvious that there must be another way to achieve the goal which is the education of our children.

Despite Ohio's dependence on the bus, our State has been untouched by Federal court and administrative orders requiring busing to achieve racially mixed schools. However, I am averaging 860 letters a week on the subject of busing, 96 percent in favor of the President's proposed legislation. Like the President, I do not support "unnecessary transportation to achieve an arbitrary racial balance." I do, however, accept busing as a remedy to overcome officially imposed segregation and to serve the purpose of equalizing educational opportunity within a reasonable area. If we bar the use of reasonable transportation as one tool for achieving desegregation, we will set in concrete much school segregation which is the clear and direct product of intentional government policy—segregation which would not exist if racially neutral policies had been followed. We hear a lot of scholastic arguments from people these days about how test scores show that this will not work or that will not work and about how the schools cannot do it all and about how money is not the answer or integration is not the answer; and, in the name of this exquisite polemical stalemate a monstrous national cop-out is being justified. That there is no single universally applicable or desirable method for meeting our constitutional social responsibilities surely does not suggest that we should merely forget them.

DISCRIMINATION AGAINST CALIFORNIA INDIANS

Mr. TUNNEY. Mr. President, on March 16, 1972, I testified before the Subcommittee on Interior of the Committee on Appropriations, presided over by the distinguished Senator from Nevada (Mr. BIBLE).

Mr. President, in my testimony I called to the committee's attention the fact that California Indians were being unfairly discriminated against in the allocation of Bureau of Indian Affairs funds. Although California has over 91,000 Indians, the Bureau of Indian Affairs is only allowed to recognize 6,100 as eligible for Federal assistance and services. Others are excluded because they do not live on Federal trust reservations.

However, there are thousands of California Indians who are not living on Federal reservations because the Federal Government either moved them off or promised them land which was never delivered.

It is my hope that the Interior Department would reverse this policy and serve all California Indians. At the very minimum California rural off-reservation Indians should immediately be declared eligible for services by the Bureau of Indian Affairs.

Mr. President, I ask unanimous consent that the testimony be printed in the RECORD:

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOHN V. TUNNEY BEFORE THE SUBCOMMITTEE ON INTERIOR OF THE COMMITTEE ON APPROPRIATIONS, MARCH 16, 1972

Mr. Chairman and members of the Committee, I appreciate this opportunity to expand on my letter of March 8, 1972 which was also signed by Senator Cranston.

California has over 90,000 native American residents. That is more than any state except Oklahoma or Arizona.

Like Indians elsewhere, Indians in California are unemployed and underemployed. Many are ill and cannot afford medical care: Thousands have no choice but to live in Hovels. Schools either teach nothing about the Indians' heritage or propagate myths of dirty savages.

Money alone will not extricate native Americans from their plight; non-Indian prejudice and callousness must also be overcome. Additional funds are needed, however, for short term relief and long term self-sufficiency. Education, medical care, housing, and economic development cost money.

The responsibility for providing that money properly rests with the Bureau of Indian Affairs and the Indian Health Service. Those are the agencies which Congress created specifically to aid native Americans. They alone have the legal authority to meet the exceptional needs of a single race.

For some years now neither the Bureau of Indian Affairs nor the Indian Health Service has dealt equitably with California Indians. Services provided to Indians in other states have been denied altogether or available only in token amounts. That pattern of discrimination must end, and this Committe should take action to see that it does.

Discrimination against California Indians is a relic of the past. Many BIA and IHS Services were stopped in the early 1950's as part of the 83d Congress' program to terminate all California Indians. Today, both the Senate and President Nixon have rejected the termination philosophy of House concurrent Resolution 108. The State of California, which once asked the government to withdraw federal Indian services, long ago asked for their return.

Of even more ancient origin is the small number of reservation Indians in California. From 1851 to 1853 the government negotiated eighteen treaties with the California Indians. Large reservations were promised along with many services. Relying on the treaties, thousands of Indians left their homelands and moved to the promised reservations. However, these treaties were never ratified. The Indians were left homeless. They could not stay where they were, and they could not return to their homes because non-Indians had moved in and taken over.

Congress and the President did create a number of small California reservations in the late nineteenth and early twentieth centuries, but the quantity and quality of land on the reservations was totally inadequate. As a consequence, only six thousand out of forty five thousand native California Indians live on reservations. Twenty five thousand others live in rural areas throughout the state. The rest live in metropolitan areas. Those Indians who were cheated out of a land base surely should be as entitled to BIA and IHS Services as those who received reservations, yet the opposite seems to be the case. The BIA allocates funds largely on the basis of reservation Indians.

That BIA policy is obviously unjust. As Senator Jackson recently said, and I quote, "Unwarranted Importance . . . has been attached to geography as a major criteria in determining Indians' entitlement to the special federal Indian service programs of the Bureau of Indian Affairs and the Indian Health Service." The unfairness of tying BIA aid to reservation residence has long been recognized in Alaska, Oklahoma, and in the Navajo service area. In California, however, the BIA continues to treat off-reservation Indians as second-rate Indians even after swearing in an affidavit to a federal court that all California Indians live on or near a reservation.

I believe that the BIA and the IHS must serve all Calif. Indians equally, on the basis of need, whether they live on or off of reservations. The President's budget recommendations are grossly inadequate to that task, for they are based on a misconception of the number of Indians who are entitled to service. I therefore hope that this Committee will effect a substantial increase in the BIA and IHS budgets for California, especially in four areas.

First, California is entitled to a much larger Johnson-O'Malley program, In 1953, before the termination policy began, California received twelve percent of Johnson-O'Malley funds. That would be $2.9 million out of the BIA's proposed budget for fiscal 1973 of $24.3 million. Instead the Bureau proposed to allocate only $248,000 to California. The excuse offered is not tenable.

The BIA has a regulation saying that Johnson-O'Malley funds are only for school districts with large blocks of tax free Indian land. Since California Indians received little from Johnson-O'Malley. That argument might be persuasive if the Bureau's regulation were valid, but it is not. Johnson-O'Malley was started in 1934. California was the first state to obtain Johnson-O'Malley funds. In the words of the Committees that recommended the program, it was intended primarily to aid "those states in which tribal life is largely broken up and in which Indians are to a considerable extent mixed with the general population." California was and is the prime example of such a state.

This Committee should restore California to the position it once justily had as a major recipient of Johnson-O'Malley funds. For fiscal 1973 the minimum appropriation should be $1,500,000, and for the next fiscal year I recommend that Congress allocate $3,000,000 to California. The need for these funds is great. Approval applications from local school districts for special Indian education projects far exceed the $189,000 available during fiscal year 1972.

The second area of special concern is health, Indian Health Service medical care in California was one of termination's victims. Today, Indians in California receive no contract medical care. Direct medical services are almost as non-existent. Colorado River Indians can receive treatment at a small hospital in the extreme southeast corner of the state; and a clinic serves students at Merman Institute. All others receive nothing.

The health condition of California Indians has drastically deteriorated since the federal government terminated its responsibility for providing health services during the early fifties.

Although it was assumed the state would provide the necessary services, serious problems existed within the state, so that during this period of indecision, the deterioration occurred.

California's rural Indians have suffered greatly from being both socially and—more importantly—geographically isolated from community health facilities and so the idea of the rural Indian Health Board was born. But the Board at present can only act in a referral capacity without sufficient funds to provide direct care to the rural Indians.

I would like to briefly mention several of the more pressing health problems in the Indian community today, for these are some areas which would be addressed by the California rural Indian Health Board if it had adequate funding.

Indians suffer the highest rate of infant deaths in the nation: while they are in the highest risk group, services such as family planning, prenatal and perinatal care are often unavailable because of high cost or inaccessibility.

The children who survive infancy are then often overlooked by the health care systems in terms of routine health maintenance services, and it has been repeatedly demonstrated that it is during those first five years of life that the greatest amount of development takes place.

There is a growing problem of drug abuse among young adult Indians, and existing approaches to the drug problem have not generally achieved the effectiveness which was hoped for. There has been an over-reliance on law enforcement agencies to solve the problem rather than addressing the problem itself.

And the elderly Indians? Mr. Chairman, I believe there are problems of such publicized magnitude among all the senior citizens of America that it goes without saying that the problems of the older Indians are undoubtedly worse.

Mr. Chairman, I wonder how many people realize that each year 30 percent of all the Indians who die, had not yet reached age 25?

Modern medicine deals with prevention, treatment and maintenance. In the Indian world, however, most efforts have traditionally been "treatment" oriented, today, it is felt that while continuing to stress treatment, approaches which stress the maintenance of well being need to be developed and implemented. Preventive medicine is almost non-existent.

There can be no viable system of health planning without concentrated efforts to determine the causes and incidence of health disorders. Therefore, more attention is needed in the Indian community to determine the special population characteristics which will provide the necessary base for developing an integrated system of health delivery services.

Indian expectations regarding health care have been rising rapidly in the last decade. Many Indians and professional groups now describe quality of health care as a right and not a privilege.

The California rural Indian health board has a unique opportunity to help California Indians since they are statewide and have access to a large percentage of the Indian population in California.

The rewards for optimum health care for California Indians are high. Sound prevention and curative techniques are known, can be applied easily, and can be instituted at relatively low cost. There is a need, however, for federal support of California Indian Health Programs if proper, adequate medical care is to be provided. Incentives should be provided to encourage both providers and patients to assume their proper share of responsibility for health care. The California Rural Indian Health Board has demonstrated its ability to provide a health support system; however, the time has come to expand their program into a health delivery system. CRIHB has the technical capacity, experience, and programs to achieve this end.

Mr. Chairman, I believe that your Committee, by allocating $6,400,000 to the California Rural Indian Health Board would take a very positive step in providing quality health planning, diagnostic, therapeutic, and maintenance services to the Indians of rural California.

Third, the California rural Indian housing situation remains critical. The $1,394,600 appropriated for fiscal year 1972 was a sizeable increase over the previous year's appropriation, but barely enuogh to keep pace with the deterioration of existing housing. If the BIA is correct in estimating an on-reservation housing need of $18,500,000, then the total need among rural California Indians is at least $51,000,000.

This deplorable situation can only be corrected by a massive infusion of BIA housing improvement program funds. Other housing programs are not an adequate substitute. HUD's 235 home purchase program is beyond the means of thousands of poor Indians. Its subsidy is so low that only 5 per cent of the home buyers under Section 235 are on welfare or social security. Turnkey IV is not well suited for any poor people because real estate taxes make the payments too high. Turnkey III and mutual self-help require payments plus a sweat equity which is beyond the means of sick and elderly Indians. Moreover Turnkey III and mutual self help must be part of a public housing agency program. However, off-reservation Indians cannot form public housing agencies. Farmers home administration programs have credit and monthly payment requirements that frequently put them beyond the reach of low income Indians. And where mortgages are required, the already small Indian land base is further jeopardized.

Rental housing is no panacea either. As I previously noted, off-reservation Indians cannot form public housing agencies and many reservations are too small and scattered to form their own local housing agency. HUD's Section 236 rental program can provide low income rental housing only through rent supplements. Those supplements, as well as 236 money generally, are in short supply.

Even if the Housing and Urban Development Act of 1972 becomes law in its present form as passed by the Senate, the changes in Sections 235 and 236 will not substantially help Indians either buy or rent housing. In addition, the money available frequently does not reach Indians. In Plumas County, California, Indians received a discriminatorly small share of rent supplements. They complained through their local Community Action Program and brought a lawsuit to stop the discrimination. When HUD ordered forty more rent supplement units allocated to the Indian Valley, the county retaliated by voting to abolish the Community Action Program.

Even counties which have local housing agencies and do not discriminate will not be able to meet the Indians' needs. California Indians are disproportionately poor and inadequate funds are available to the local agencies.

I appeal to the Committee's conscience. As the Supreme Court has said, "the United States overcame the Indians and took possession of their lands, leaving them as uneducated, helpless and dependent people." The government must not turn its back on the thousands of untrained, unemployed California Indians and their families who live in scrap wood and tar paper shacks without running water or toilets. An appropriation of at least $5,000,000 should be made for next fiscal year so that the BIA can start providing modest, decent housing to the neediest on and off-reservation rural California Indians.

Finally, the BIA must have more money for economic development in California. The cycle of dependent poverty will not be broken unless Indians educated with Johnson-O'Malley funds and BIA scholarship can take their education back to their communities and help those who are there. At present, that help is stymied by a shortage of economic development funds.

California needs a significant increase in Bureau of Indian Affairs Economic Development Funds if California Indians are ever to become self-sufficient. I have found that at least $1,125,000 could be added to the fiscal year 1973 budget and used immediately by the Bureau of Indian Affairs for Indian Economic Development.

First, $150,000 could be used to assist in the development of the Indian Campground Program. This is a new all Indian enterprise designed to utilize, nourish and develop the human and land resources of the American Indian. It's administrative structure is that of a member owned "co-op" chain. Its central aim is to develop Indian owned campgrounds and recreation facilities on Indian-owned lands; attractive, well managed campgrounds capable of competing successfully with all other first rate public or private developments. An additional $150,000 could be used now to pay for a variety of small construction projects, surveys, land use plans, roads, and extensions of water and sewer lines.

Second, $580,000 could be used for management and protection of Indian owned forests and wildlands in California.

$85,000 of this money is needed to fund the programs of accelerated timber harvest on the Hoopa Valley and Tule River Reservations.

$495,000 of this money is needed to provide for timber stand improvement, reforestation and to improve fire control capabilities at Hoopa Valley and Riverside. At Riverside, for example, adequate fuel breaks and access trails, together with continuing fire hazard reduction efforts are mandatory in order for the Bureau of Indian Affairs to prevent the periodic recurrence of disastrous fires and loss of life such as occurred in 1971.

Over the years in California, the Bureau of Indian Affairs Forestry Program has gained the reputation of accomplishing more with less funds than any other group of foresters in the United States. However, in doing so the Bureau has not been able to keep pace with the intensification of forest management and protection of other federally managed forest lands and industrial tree farms. This increase in funds would permit the Bureau's forest management effort in California to regain at least a portion of the ground it has lost because of inadequate funding.

Third, $170,000 is needed for planning services for California Indians. California reservations and rancherias desperately need professional planning services to guide the proper development of land, protect against speculators, and guard against the misuse of Indian lands by those who regard Indian lands as public property. In addition these funds would be used to provide Indians with on the job training in planning and managing their own lands. Some of the money should also be used to assist off-reservation-Indians in developing programs for business enterprises.

Fourth, and perhaps even most important, $225,000 is needed to begin a comprehensive California Indian water survey. Many California Indians consider water resources inventories as a major priority. As the Chairman knows so well, little economic planning or development can go on in the West without water. Water is the key to the economic development of many California Indian Reservations. Some locations with critical and immediate water inventory needs are the Hoopa Reservation in Northern California and the Mission Indian Lands near Escondido within the San Luis Rey Basin. Thus far California Indians have not been able to acquire hard data on water rights, water availability and water needs.

In conclusion I wish to reiterate two points. California is not now receiving a fair share of BIA and IHS funds and all California Indians are morally and legally entitled to participate on an equal basis in BIA and IHS programs in the fields of education, health, housing, and economic development. This committee should, and I trust will, remedy the injustices of the past by providing California Indians a more equitable appropriation in the years to come.

JUDGE ROBERT E. JONES

Mr. PACKWOOD. Mr. President, several months ago I spoke on the Senate floor concerning the efforts of Multnomah County Circuit Judge Robert E. Jones to guarantee to every citizen the right to a speedy trial. I speak once again today to pay tribute to this great Oregonian.

Under the leadership of Judge Jones, young women convicted of felonies and placed on probation have the opportunity to be truly rehabilitated. Volunteers in Probation—VIP—is an organization of women in Portland which is making this effort possible.

Judge Jones has implemented for felonies a program which has already been tried at the misdemeanor level. This 8 month old program, which emphasizes individual attention, shows great promise of becoming one of the most effective probation programs in the country.

Mr. President, an article published recently in the Oregon Journal outlines the background and development of this program. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

PART 1—DIANE CHANGES HER WAY OF LIFE AT 19

(By Suzanne Richards)

Diane is 19. From an average home in Idaho she had made her way to Portland and the drug scene. Arrested and convicted she appeared before Circuit Court Judge Robert E. Jones for sentencing.

Diane received three years' probation. As a condition of that probation she has had to give up acquaintance with her former friends, many of them also involved in the drug scene.

Now she has to toe the mark, try to get a job, move to a different apartment, attend the drug treatment center and follow other specific rules established by the court as terms of her probation.

Diane is finding it isn't easy to change your life, even at 19.

But Diane is one of the lucky ones. Through her experience she has found a friend. Someone who comes to her willing to give a great deal and expecting nothing in return.

Diane's new friend is a Volunteer in Probation (VIP). She is probably a woman with teenagers of her own. Someone willing to listen, to encourage when the going gets rough, to help her with grooming, budget, job hunting and the everyday problems of learning how to live a different life.

One of those VIPs is Margaret (Mrs. Don K.) McMurdie, the first woman in the program and its coordinator, who frankly admits, "I don't know what I expected. But I feel it is the most worthwhile thing I have done."

"I think it appeals to a lot of women of my age who are tired of club activities and are looking for something with more meaning." Consequently, when Judge Jones asked Mrs. McMurdie if she would like to take part in the program and recruit other women for it, she really agreed.

Today there are 30 volunteers working with 50 young women on probation.

Still in its infancy, VIP was started eight months ago by Judge Jones who developed it and continues to supervise it.

"It is the only women's felony program in the country today," explains the judge. "Similar programs have been tried in other places for misdemeanors, but never before on the felony level," he says.

The girls involved are between the ages of 19 and 26, first time offenders who are considered by the courts to be subject to rehabilitation. Their crimes range from use of drugs, forgery, robbery and burglary to sale of narcotics and being accessories to crimes.

Because the program is available, many young women who would have had to serve a jail term are now able to be released on probation. Their average probation is three years.

There is another advantage to the program.

While the average case load for a professional probation officer is 90, the volunteers have only one or two girls, at most four. They have more time to spend with them and are able to give far more individual attention than the professional.

"As far as I am concerned it is the most effective probation corrections program I have witnessed," declares Judge Jones.

Filled with praise for the volunteers' efforts he says, "These women have shown dedication beyond anything I have ever seen in the field of corrections. They have established communication levels with these young women that we rarely see.

"Since its inception we have had to revoke probation for only two of the girls. In the average probation program you can anticipate losing 20 per cent," he continues.

Since this is a court probation there are no state officers involved, no formal reports or paper work required and few established rules.

Explaining the lack of rigid controls Judge Jones said, "We have found that the women's own innovations are the most effective. They have broken through so many agency barriers without any special training. They have helped the girls find jobs and apartments, get medical and dental attention, enroll in classes or take vocational training."

Aside from their work with the girls, the volunteers have a monthly discussion meeting. Often they will have a speaker such as Judge Jones to explain aspects of the law or terms of probation. Sometimes a representative from the Crises Center or other community agencies will discuss ways in which the volunteers can use their agencies to help the girls.

But the biggest boon of the meetings is exchanging experiences and ideas. One volunteer may have already found a way to solve a problem that another is just encountering.

"Just finding out that others have had some of the same problems and that you are not alone is a big help," one woman told us.

PART 2—GIRLS WONDER WHY VOLUNTEERS WANT TO HELP

(By Suzanne Richards)

"Why would you want to do this for free?"

Often the question goes unasked, but it is always hovering somewhere in the mind of the young woman.

The probationer knows why she is there.

She has been convicted of a felony and placed on court probation. She follows the rules or she ends up in jail.

But she finds it hard to understand why this woman has stepped out of her comfortable life, far removed from her (the probationer) world, to help her.

The reasons are as different as the women who have chosen to become Volunteers in Probation.

Some have teen-agers of their own . . . reason enough.

Others readily admit, "I had reached a point in life where I had to get involved with something I felt was worthwhile."

"I think I've gotten more from it than my girls," says one volunteer. "I've become much more compassionate and understanding."

"The more you get into it the more interested you become," says another. "I have become almost tenacious in my desire to help these gals to do whatever is necessary so they won't be in this position ever again."

Where do the volunteers come from?

Most have been recruited by Mrs. Don K. McMurdie, coordinator of the program. Early volunteers brought friends into the program. One woman says, "It sounds silly, but I heard about it across the bridge table and it sounded like something I wanted to do."

"My first response was, 'Am I capable of doing this? Am I qualified?' recalls Joan (Mrs. Russell) Jennings, who now has four girls and has been in the program since the first.

"Then I realized, this is what these girls have already, a lot of trained people who go by the books. I think the beauty of it is the untrained person."

"I told my girls, 'I am just a housewife but if I can be a friend to you or help you in any way . . . I want to.' "

Most of the women agree that they would rather not know a girl's crime or background before meeting her.

"I don't try to figure out why she is in trouble," says Margaret McMurdie. "I would just as soon not know her background but let her tell me as we go along."

"It was my idea not to find out what the girls had done but to go in cold without any preconceived ideas," declares Louise (Mrs. Thomas C.) Houston. "It was quite awhile before I got their case histories and I was pleased to find out they had been very honest with me," she adds.

One thing in their favor, the women believe, is the girls are grateful to find they are dealing with an ordinary person rather than their concept of the traditional probationer officer.

"I certainly had fears about it when I started," admits Mrs. Helen (Mrs. Howard) Baker, who has also been in on the project since the first.

"I had a great lack of confidence in myself as to whether I could help a girl. But we both spoke very frankly about our relationship and we established a rapport immediately," she adds.

All of the women refer to their parolers as "my girls" and most feel as if they were an extension of their family.

Mrs. Jennings admits her whole family has become involved with the young women she is working with. "We go bicycling with them, visit at their home and my husband and I have even gone out with them and their boy friends."

"They call me with their problems, or to ask for advice when their kids are sick and sometimes just to share some good news."

How do the probationers feel about their volunteers?

"She is like a fairy godmother," said one of the young women. "She has helped with so many things. We can really relate to her. I'm not afraid to talk to her about anything because I know she isn't going to run and tell somebody."

Equally enthusiastic, another of the young women told us, "I was really lucky to have gotten her. I can really talk to her and she is a tremendous help if you have a problem in any way. It's like having an older friend."

"It seems like it was all meant to happen. She (the volunteer) has opened my eyes to a lot of different things," confided the probationer.

Another of the girls commented, "It's not like being on probation. It's just like having a good friend who is always willing to help when you need her."

The small success stories are many. A girl off of welfare and on a job, another starting a child care service in her home, someone returning to school, receiving psychiatric help, a new job, a new neighborhood to live in, others learning to budget their money, and even some who are volunteering their time for community service.

But it is not all sugar and spice and success.

One volunteer frankly admitted, "I have a girl who is not receptive at all. She is using me to keep her out of jail. But I'm not giving up. I'll get through to her."

"I have one who still won't talk to me," added another of the volunteers. "So what I've done is go back to school. I am auditing a course in techniques of counseling and I'm picking up a lot of knowledge that may help me reach this girl."

"It is very satisfying when one of your girls calls with good news," admits Mrs. McMurdie. "But if you want eternal gratitude from somebody . . . this isn't the thing for you," she adds.

"Our primary purpose is to try and see that they don't get into trouble again. Sometimes they just need that extra little push or help. And you know, it is a contagious thing. When the girls see that their volunteers want them to succeed, they try harder."

"You know you're not going to change her life. You just hope to introduce some different values into it," she continues.

Mrs. McMurdie doesn't kid herself that success is an overnight accomplishment. "We may never see the results," she admits. "But in 10 years we might realize the benefits."

PROPOSED NEW CODE ON ESPIONAGE

Mr. GRAVEL. Mr. President, on May 23 Mr. William G. Florence, who for 43 years served in military and civilian capacities for our Government in the area of security policy, testified before the Subcommittee on Criminal Laws and Procedures on the proposed new Federal Criminal Code regarding espionage. Mr. Florence, in his very excellent prepared statement for the committee, points out the dangers to the constitutional rights of free speech and a free press embodied in the new draft espionage law, which would make the communication of certain information a crime even if there were no intent to injure the United States.

I ask unanimous consent that Mr. Florence's statement and the sections on espionage from the final report of the National Commission on Reform of Federal Criminal Laws be printed in the Record. I urge Senators to give careful attention to his comments.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement of William G. Florence, Security Consultant on the Proposed New Federal Criminal Offenses Before the Subcommittee on Criminal Laws and Procedures U.S. Senate Committee on the Judiciary, May 23, 1972

Mr. Chairman, I consider it a privilege to respond to the invitation of this committee to testify regarding the sections of the proposed new Federal Criminal Code involving espionage and related offenses. The offenses I am commenting on are covered by sections 1112 through 1116 of the Code as proposed January 7, 1971 in the Final Report of the National Commission on Reform of Federal Criminal Laws.

The proposed five new sections would replace and expand the following provisions of existing law:

(1) 18 U.S.C. 793 (a)–(g): Obtaining, Copying, Receiving, Communicating, or Losing Information Relating to the National Defense.

(2) 18 U.S.C. 794 (a)–(c): Gathering or Delivering Information Relating to the National Defense to Foreign Governments or to the Enemy.

(3) 18 U.S.C. 798 (a)–(c): Disclosure of Communications Information Designated by a United States Government Agency for Limited Dissemination.

(4) 50 U.S.C. 783 (b)–(d): Disclosure by Public Servants to Foreign Governments or Communist Organizations of Information Designated as Affecting the Security of the United States, and Obtaining or Receiving Such Information by Foreign Representatives and Members of Communist Organizations.

(5) 42 U.S.C. 2274–2277: Atomic Energy Restricted Data.

I am testifying as a private citizen, concerned about the damage to our national defense that *possibly* could result from acts of espionage. But I am *far more* concerned about the damage to our country that is now being done by those who unnecessarily restrict freedom of speech and freedom of the press in the name of national defense or security, and will keep on doing so unless they are stopped.

From April 1928 through May 1971 I performed military and civilian service with the Federal Government. The last 26 years of my service involved responsibility for developing and implementing policy in the Department of Defense for classifying and safeguarding information relating to the national defense. Since June 1971, I have served as Security Consultant to Government contractors and others interested in matters involving consideration of defense interests.

On June 24, 1971 and again on May 3, 1972 I testified before the Foreign Operations and Government Information Subcommittee of the House Committee on Government Operations. My purpose was to tell the nation of (1) the intolerable abuses of the Executive branch administrative security classification system, and (2) the gross misrepresentation of the system as having the force and effect of the espionage statutes. Also, I suggested enactment of specific legislation to provide properly and Constitutionally for the Executive branch to designate information as requiring protection to preclude damage to the national defense.

Before commenting on the proposed Code, discussion of current law would be appropriate.

The outstanding characteristic of existing espionage law is that it provides adequately for punishing acts involving injury or intent to injure the nation *without abridging the freedom of speech or of the press.* Congress has refused to curtail the rights of the people for the convenience of Executive branch secrecy.

Existing law is predicated on the inherent responsibility of national defense agencies to protect their plans and operations themselves, if protection *can* be accorded and is really essential. The civilian population has no responsibility under law to protect information as such for the military forces. The crime that is chargeable to ordinary citizens is not the disclosure or misuse of national defense information *itself*. The crime is *intent to injure the nation*.

Through the years, the Executive branch has attempted to make it a crime for an individual simply to discuss openly any information classified by a person in that branch with a Confidential rating or higher. The fact that over 99½% of the documents with classification markings contained information in the public domain or did not warrant protection for other reasons made no difference.

Having failed to get Congress to enact a national secrecy law, the Executive branch long ago adopted procedures designed to convince people that *with regard to information bearing a security classification marking,* the espionage law has the same application as would an official secrets law. For example, Executive Order 10501 requires the marking of classified documents with the following notice, regardless of how nonsensical they might be: "This material contains information affecting the national defense of the United States within the meaning of the espionage laws, Title 18, U.S.C. Secs. 793 and 794, the transmission or revelation of which in any manner to an unauthorized person is prohibited by law." (*Note:* There is no such prohibition in any law.)

[Editorial Comment: Pursuant to Executive Order 11652, which replaces 10501 June 1, 1972, the National Security Council directed May 17, 1972 that classified information furnished to Congressmen and other persons outside the Executive branch be marked as follows: "NATIONAL SECURITY INFORMATION—Unauthorized Disclosure Subject to Criminal Prosecution." The directive clearly strives to kill freedom of speech and the press.]

The attitudes of literally millions of people everywhere have been influenced toward the sanctity of the Executive branch classification markings of Confidential, Secret and Top Secret. People have been so thoroughly misled by this colossal classification hoax that they believe any violation of a classification marking should lead to a jail sentence. They have also been conditioned to accept the false philosophy that there is security in Executive branch secrecy.

The report of the Senate's closed sessions of May 2 and 4, 1972, as printed in the Congressional Record for May 5, 1972, states the facts better than I could describe them myself. The Senate could not decide whether publication of national policy matters about the Vietnam war, contained in the old Secret-marked National Security Study Memorandum No. 1, would be a violation of law.

Mr. Chairman, at this point it would be most appropriate to examine the proposed Code.

My analysis of the five new espionage sections show that they reflect the false values of Executive branch security philosophy which has prevailed in this country for years. Of course, the authors expressed respect for the First Amendment in their comments. However, in the draft law they incorporated fatal doses of poison for individual freedom by including some of the repressive measures sought in the past by the Executive branch.

The proposed new sections are so tainted with faulty concepts that I urge rejection of all of them. My reasons for rejection include the following:

(1) Substitution of "national security" and "national security information" for "national defense" and "information relating to the national defense" would broaden the reach of the law to the point of unacceptable conflict with the First Amendment. It is only in consideration of the *active defense* of this nation against hostile attack that any restriction on freedom of speech could possibly be justified. Furthermore, we must continue to concentrate on sanctions against treacherous acts that would affect the active defense of this nation. Our effort should not be dissipated in harassing citizens over multitudinous matters relating to passive security.

(2) The proposal to establish a definition for "national security information" and make it the basis of prosecution is a fatal defect. It has been proved impossible to devise a definition to show whether an act of disclosure was evil. Congress demonstrated the greatest possible wisdom by declining to define "information relating to the national defense" as used in existing law. It was the purpose of Congress to penalize acts involving *intent to injure the nation,* regardless of the type of national defense information that might be involved. Absent that intent, disclosure of the information is not evil.

(3) The proposal to substitute *"prejudicial to the safety or interest of the United States"* in section 1112 for *"injury of the United States"* also would broaden the reach of the law beyond any reasonable relationship to the defense of the nation.

(4) In the proposed section 1113, the substitution of *"reckless disregard of potential injury to the national security of the United States"* for *"reason to believe could be used to the injury of the United States"* would also expand the reach of existing law beyond measurable limits. Use of the "potential injury" concept would establish broader restrictions than would apply if Congress should enact an official secrets law, such as has been proposed in the past.

(5) Continued use in section 114, 115 and 116 of the discredited administrative term "classified" as a criterion for prosecutive action.

Mr. Chairman, the interests of this nation, including defense interests, would be served effectively by keeping the existing espionage laws. Technical improvements, if any are necessary, could be made without changing the substance or application. Here are suggestions for some perfecting changes:

(1) In 18 U.S.C. 793 (d) and (e), insert "or material" after "which information" to preclude any erroneous interpretation that the "injury" criterion would not apply if the information was communicated in a document or other material as opposed to oral, aural or visual means.

(2) In 18 U.S.C. 798 (a) and (b), delete the word "classified." That word adds nothing to the definition of "information" as meaning that which is "specifically designated by a United States Government agency for limited or restricted dissemination or use." However, use of the word in section 798 has led to serious confusion about the legal basis for the security classification system in Executive Order 10501. Executive branch spokesmen erroneously claim that the inclusion of "classified" in the law shows that Congress supports the President's classification system.

Also in subsection (b), substitute "defense" for "security." Congress should make clear the fact that concern for the active defense of the nation is the only basis for restrictive legislation.

(3) Repeal 50 U.S.C. 783 (b) and (c). Those sections, which apply only to public servants, have served the purpose for which they were enacted. They were part of an attempt to make it a crime for any person to disclose so-called classified information. The proposal was made as one of many measures taken against the serious threat of Communist Party activity shortly after World War II.

In the turmoil of the times, Congress was influenced to enact the two sections involving public servants and to adopt "classification" as representing a valid designation of important military information. In today's world, sections (b) and (c) constitute more of an entrapment for individuals than protection for our nation. The provisions of 18 U.S.C. 793, 794 and 798 are adequate as applied to public servants.

If retention of 50 U.S.C. 783 (b) and (c) is considered desirable, however, they should at least be limited, as follows:

(a) Substitute "defense" for "security" for previously stated reasons.

(b) Substitute "specifically designated" for "classified." This would end the current protection which the word "classified" gives to unjustifiable restrictions that are kept on information.

The word "classified" gives no real defense quality to an item of information. The act of classifying and declassifying is strictly a matter of the mind. Whatever can be classified in the Executive branch can be declassified just as quickly. For example, the nation recently saw the President on television reading a message he had received that day from the commander in Southeast Asia about the capability of South Vietnam to withstand the North Vietnam attack. Unquestionably, that message had a classification marking when it came to the President. But as soon as he decided to use it publicly, it became *unclassified.*

Mr. Chairman, I am grateful to have had the opportunity to submit comments and recommendations regarding a matter of such importance to the country as the espionage law. The law necessarily must reflect the need for a national defense capability unaffected by treacherous acts of spying or betrayal. But of even greater importance, the law must not limit our Constitutional right to free speech and a free press, or the national defense capability will have no purpose.

Thank you, Mr. Chairman.

Questions and Answers Followed for About 45 Minutes, Including the Following

Mr. Blakey. If we don't need a classification system, it would be inappropriate for the Committee to attempt to enforce one through criminal provisions?

Mr. Florence. Absolutely. I couldn't possibly be more specific in my representation that classification has no place in considering a criminal code for this country.

Senator Hruska. Is it your position that there is no need to engage in the type of classification that is found in Executive Order 10501?

Mr. Florence. My representation was a distinction between the administrative usefulness of a classification system and the effort by Congress to distinguish between one person and another in a criminal sense.

Senator Hart. I would agree with you on the point that the commander in Southeast Asia is not the one best equipped to decide whether the people of America shall have this or that information.

Final Report of the National Commission on Reform of Federal Criminal Laws

(Commission established by Public Law 89-801. Report submitted to President and Congress by Chairman Edmund G. Brown, 7 January 1971)

§ 1112. Espionage.

(1) Offense. A person is guilty of espionage if he:

(a) reveals national security information to a foreign power or agent thereof with intent that such information be used in a manner prejudicial to the safety or interest of the United States; or

(b) in time of war, elicits, collects or records, or publishes or otherwise communicates national security information with intent that it be communicated to the enemy.

(2) Grading. Espionage is a Class A felony if committed in time of war or if the information directly concerns military missiles, space vessels, satellites, nuclear weaponry, early warning systems or other means of defense or retaliation against catastrophic enemy attack, war plans, or any other major element of defense strategy, including security intelligence. Otherwise espionage is a Class B felony.

(3) Attempt and Conspiracy. Attempted espionage and conspiracy to commit espio-

nage are punishable equally with the completed offense. Without limiting the applicability of section 1001 (Criminal Attempt), any of the following acts is sufficient to constitute a substantial step under section 1001 toward commission of espionage under subsection (1) (a); obtaining, collecting, or eliciting national security information or entering a restricted area to obtain such information.

(4) Definitions. In this section:

(a) "national security information" means information regarding:

(i) the military capability of the United States or of a nation at war with a nation with which the United States is at war;

(ii) military or defense planning or operations of the United States;

(iii) military communications, research or development of the United States;

(iv) restricted data as defined in 42 U.S.C. § 2014 (relating to atomic energy);

(v) security intelligence of the United States, including information relating to intelligence operations, activities, plans, estimates, analyses, sources and methods:

(vi) "[classified] communications information" as defined in section 1114;

(vii) in time of war, any other information relating to national defense which *might be useful* to the enemy;

(b) "military" connotes land, sea or air military and both offensive and defensive measures;

(c) "foreign power" includes any foreign government, faction, party, or military force, or persons purporting to act as such, whether or not recognized by the United States, any international organization, and any armed insurrection within the United States.

(d) "agent" means representative, officer, agent or employee or, in case of a nation, a subject or citizen.

COMMENT

This formulation of espionage substantially carries forward existing espionage statutes, 18 U.S.C. §§ 793–798. The term "reveals" is used in subsection (1) (a), however, to deal with problems raised in connection with the transmittal of information in the public domain. It permits a court to distinguish between the assembly and analysis of such information so as to constitute a revelation, and the simple transmittal of, for example, a daily newspaper. The culpability requirement of subsection (1) (a) is taken from 18 U.S.C. § 798. The definition of national security information in subsection (4) (a) is suggested by judicial construction of existing law. Note the inclusion of restricted data under the Atomic Energy Act and of intelligence and communications matters, now covered by 42 U.S.C. § 2274 a nd 18 U.S.C. §§ 798 and 952.

Subsection (2) changes the grading scheme of existing law in a manner similar to the change with respect to sabotage. See comment to § 1105, *supra*.

Subsection (3) grades attempts at the same level as the completed offense, which will not always be the case under the general attempt provision, § 1001. By specifying conduct sufficient to constitute an attempt (provided culpability is also present), this subsection eliminates the need for separate statutes dealing with those matters. *Cf.* 18 U.S.C. § 793 (a) and (b).

See Working Papers, pp. 450–54.

§ 1113. Mishandling National Security Information.

A person is guilty of a Class C felony if, in reckless disregard of potential injury to the national security of the United States, he:

(a) knowingly reveals national security information to anyone not authorized to receive it;

(b) violates a known duty, to which he is subject as a public servant, as to custody, care or disposition of national security information or as to reporting an unlawful removal, delivery, loss, destruction, or compromise of the security of such information; or

(c) knowingly having possession of a document or thing containing national security information, fails to deliver it on demand to a public servant of the United States entitled to receive it.

"National security information" has the meaning prescribed in section 1112(4).

COMMENT

This section deals with reckless mishandling of national security information in substantially the same manner as does existing law, under 18 U.S.C. § 793(c) (d) and (e) and other Title 18 provisions addressed to communication with reason to believe the conduct may injure the United States. This section also covers provisions on restricted data under the Atomic Energy Act and provisions dealing with intelligence and communications matters. See 42 U.S.C. § 2274; 18 U.S.C. §§ 798, 952.

See Working Papers, pp. 454–56.

§ 1114. Misuse of Classified Communications Information.

(1) Offense. A person is guilty of a Class C felony if he knowingly:

(a) communicates classified communications information or otherwise makes it available to an unauthorized person;

(b) publishes classified communications information; or

(c) uses classified communications information in a manner prejudicial to the safety or interest of the United States.

(2) Attempt and Conspiracy. Attempt and conspiracy to violate this section are punishable equally with the completed offense.

(3) Definitions. In this section:

(a) "communications information" means information:

(i) regarding the nature, preparation or use of any code, cipher or cryptographic system of the United States or of a foreign power;

(ii) regarding the design, construction, use, maintenance or repair of any device, apparatus or appliance used or prepared or planned for use by the United States or a foreign power for cryptographic or intelligence surveillance purposes;

(iii) regarding the intelligence surveillance activities of the United States or a foreign power; or

(iv) obtained by the process of intelligence surveillance from the communications of a foreign power;

(b) communications information is "classified" if, at the time the conduct is engaged in, the communications information is, for reasons of national security, specifically designated by a United States government agency for limited or restricted dissemination or distribution;

(c) "code," "cipher" and "cryptographic system" include, in addition to their usual meanings, any method of secret writing and any mechanical or electrical device or method used for the purpose of disguising or concealing the contents, significance or means of communications;

(d) "intelligence surveillance" means all procedures and methods used in the interception of communications and the obtaining of information from such communications by other than the intended recipients;

(e) "unauthorized person" means a person who, or agency which, is not authorized to receive communications information by the President or by the head of a United States Government agency which is expressly designated by the President to engage in intelligence surevillance activities for the United States;

(f) "foreign power" has the meaning prescribed in section 1112(4).

(4) Congressional Use. This section shall not apply to the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States or joint committee thereof. Inapplicability under this section is a defense.

COMMENT

This section substantially carries forward the provisions of 18 U.S.C. § 798. Subsection (1) (c), in present law, reads: ". . . in a manner prejudicial to the safety or interest of the United States or for the advantage of any foreign power to the injury of the United States." The latter phrase has been dropped as surplusage. The present law also contains the culpability requirement of "willfully," as well as "knowingly"; but that requirement, which would probably be "intentionally" under the Code formulations, has also been dropped. At the same time, however, the offense is graded somewhat lower than in present law (10 years), and the matters covered by this section are explicitly included in the definition of "national security information" in espionage (§ 1112), where intent to injure the United States is required and grading is at the Class A and B felony levels.

§ 1115. Communication of Classified Information by Public Servant.

(1) Offense. A public servant or former public servant is guilty of a Class C felony if he communicates classified information to an agent or representative of a foreign government or to an officer or member of an organization defined in 50 U.S.C. § 782(5) (communist organizations). "Classified information" means information the dissemination of which has been restricted by classification by the President or by the head of a United States government agency with the approval of the President as affecting the security of the United States.

(2) Defenses.

(a) It is a defense to a prosecution under this section that the public servant or former public servant was specifically authorized by the President or by the head of the United States government agency which he served to make the communication prohibited by this section.

(b) It is an affirmative defense to a prosecution under this section that the former public servant obtained the information in a manner unrelated to his having been a public servant or, if not so obtained, it was not classified while he was a public servant.

COMMENT

This section brings the provisions of 50 U.S.C. § 783(b) into Title 18, but extends the scope of the prohibitions to former public servants, subject to an appropriate affirmative defense. The section continues existing law in requiring proof only of intentional communication of classified information by a public servant to a foreign nation or the proscribed organization. No defense of faulty classification is provided. An alternative provision, prohibiting communication of classified information by anyone, together with a defense of inappropriate classification, has been considered. No need for a change from current policy to a broader prohibition, long rejected by the Congress, appears to have been established. See Working Papers, pp. 442, 450–53, 454–56, 457–61.

§ 1116. Prohibited Recipients Obtaining Information.

An agent or representative of a foreign government or an officer or member of an organization defined in 50 U.S.C. § 782(5) (communist organizations) is guilty of a Class C felony if he:

(a) knowingly obtains classified information, as defined in section 1115; or

(b) solicits another to commit a crime defined in sections 1112, 1113, 1114 or 1115.

COMMENT

This section is the counterpart of § 1115 for certain recipients of sensitive information and provides Class C felony treatment of such persons when they solicit violations of §§ 1112 to 1115. See Working Papers, pp. 442, 450–56, 457, 458–61.

COMMITTEE ON AGING CALLS FOR ACTION IN 1972

Mr. CHURCH. Mr. President, the Senate Special Committee on Aging has just issued its annual report entitled "Developments in Aging: 1971 and January-March 1972."

As the title indicates, the report covers more than the last calendar year. Publication date was delayed to permit discussion of important developments of 1972, including the President's message on aging of March 23. The report compares recommendations made at the White House Conference on Aging, actions taken by Congress, and the President's proposals.

Unfortunately, the comparison clearly shows that the Presidential message falls far short of conference recommendations and congressional initiatives. But the report also points the way to significant actions that can yet be taken while the momentum generated by the White House Conference is at a peak.

Another major theme of the report is that bipartisan congressional action has been responsible for many of the achievements in aging in 1971 and 1972. The distinguished ranking minority member of the committee, Senator FONG, has commented on this cooperative and effective teamwork; and I wholeheartedly agree with his views on the need for joint action whenever the need arises. It is, therefore, all the more important that the executive branch acts within the near future to present an action program far more definitive and challenging than it has yet offered. The White House Conference—and the fine leadership demonstrated by its Chairman, Dr. Arthur Flemming—deserve such a response from the administration.

Mr. President, my preface to the committee report gives my own personal view of the situation and makes an appeal for actions worthy of the White House Conference and the 20 million Americans now of age 65 or older.

I ask unanimous consent that the preface to the report be printed in the RECORD.

There being no objection, the preface was ordered to be printed in the RECORD, as follows:

PREFACE

"Momentum" was the magic word before and during the White House Conference on Aging, now five months behind us.

Delegates were assured that their voices would be heard, and that their recommendations would be heeded.

The dynamics of a White House Conference—and the prospect of a Presidential campaign year—were said to guarantee action on immediate and long-range needs of Older Americans.

At last, "Towards a National Policy on Aging" would become a pattern of action rather than a slogan for talk at a Conference.

There *has* been momentum since the Conference.

But it has been expressed almost entirely through Congressional initiatives.

Administration action has usually been reaction to such initiatives, sometimes grudging.

Or—its spokesmen have come to Capitol Hill to speak against reforms such as realistic Social Security increases and a genuinely effective Federal agency on aging.

Long-awaited, the President's Message[1] on Aging of March 23 proved little more than a summation of the Executive Branch bent for "game plansmanship," long on promises and dismally deficient in substance.

It is not enough to offer proposals without commitment.

It is not enough to seek to pre-empt an issue by weaving it into a "grand design" that somehow is never implemented.

To say that the President's Message was a disappointment is an understatement.

To say that there is still time for policy reversals, however, is to express more than forlorn hope.

After all, the President must realize that his so-called comprehensive strategy is pathetically unresponsive to the strong and clear recommendations of the White House Conference.

The President must perceive that hopes for bipartisan action on aging will deteriorate rapidly if the Administration plays a crafty tactical game instead of fashioning a credible action program.

And the President should realize that many participants in the Conference—including the Conference Chairman, Dr. Arthur Flemming—regarded the Conference as a prelude to triumph over the problems that now blight the lives of many millions of Americans in or near retirement. That hope of triumph should not be transformed into despair or resentment.

For these reasons, I believe the President will, as he hinted in his message, make other statements on aging within the next few months. I think that he should, in particular, pay attention to these issues:

Income.—Administration policy now calls only for a 5 percent increase in Social Security benefits, despite powerful congressional sentiment for an increase of 20 percent and other significant reforms. The President's Message makes the point that since 1969, Social Security cash benefits have been increased twice—by 15 percent in January 1970 and by 10 percent a year later—boosting Social Security payments by $10 billion. But the Message fails to mention that the Administration resisted these increases and even threatened a veto on one.

Dismal enough as the Administration's record on Social Security is, it can further be harmed by the cynical view that the Administration must hold down its "bid" on benefit levels until it determines what position Congress is taking. This position, expressed by a high-ranking member of the Executive Branch at a recent hearing[2] says in unmistakable terms that there is no Administration policy on retirement income; the goal is to get by with as little increase as possible. The Administration seems willing to settle for the 5 percent and the automatic cost-of-living adjustment mechanism. Many in Congress want "inflation-proof" benefits, too; but we want the escalator to rise from a more nearly adequate base.

A successor to AoA.—June 30 is only two months away, and it is on that date that present authority for the Older Americans Act will expire. Under that Act, an Administration on Aging has worked for almost six years to become the Federal "focal point" on aging. But in the view of almost everyone who has studied its record—including a Presidential Task Force reporting in 1970—the AoA has failed to live up to its Congressional mandate in large part because of HEW downgrading.

Several Congressional bills would make significant changes designed to upgrade AoA and to elevate the Federal effort called for in the Older Americans Act. One bill would remove AoA from its present position within the Social and Rehabilitation Service and place it under the direction of a new Assistant Secretary on Aging within the Department of Health, Education and Welfare.[3] The Administration, however, opposes establishment of an Assistant Secretaryship and other important provisions of the legislation. It would keep AoA right where it is now, under the thumb of SRS administrators whose prime commitment is to welfare services.

This position is maintained by the Executive Branch despite the increase in AoA funding levels to $100 million voted by the Congress in direct response to the White House Conference. The Congress has also passed a nutrition bill for the elderly—and it was adopted after nearly two years of Administration opposition—calling for $100 million the first year and $150 million the next year.

Now that the Congress has acted, the Administration says it is ready to build the nutrition program into the "new" AoA as a major component in its service delivery system.

We in Congress have heard for a long time about Administration plans to develop a "comprehensive service network," but that network is always described in the future tense.

We are now told that the nutrition program will help us to that goal. So will the new, higher funding levels for AoA.

But can we really have confidence in an agency which appears still to have stepchild status and a murky mission despite the many uses to which the Administration wishes to put its new funding?

Medicare and health costs.—As of July 1, Medicare enrollees will pay $5.80 a month for the physician's service (Part B) offered under that program. The President's Message urges that this premium be eliminated, and it would be difficult to disagree with this goal. It has, after all, been recommended by the Senate Committee on Aging, by advisory councils to the Social Security Administration, and by many individual legislators. But there is a hidden danger in the President's proposal: to pay for the loss of premium income, he may reduce benefits or draw from the Social Security trust fund rather than from general tax revenues. This could require an increase in the payroll tax or depletion of the trust fund. If the premium suspension is to yield real gains, it should not cause the loss of other Medicare or Social Security benefits.

When all is said and done, Medicare pays for only 42 percent of all health costs of the elderly. One of the startling points made by this committee report is that older Americans are paying in 1972 almost as much in out-of-pocket medical expenses as they were before Medicare became law in 1965. They are paying more than twice as much in out-of-pocket payments than persons under age 65.[4]

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[1] Full text of the President's Message appears on pp. 283–308. Earlier addresses by Democratic and Republican Senators on *The State of the Aging* appear on pp. 317–388.

[2] In response to a question by Senator Thomas Eagleton regarding the inadequacy of the Administration's "income strategy" for the elderly, Secretary of Health, Education, and Welfare, Elliott Richardson responded:

"It is obvious further, I think, that a Republican President could expect in many situations like this to be outbid no matter what he might propose, and, of course, this has happened again and again, and naturally we have to take that into account in the manner in which we deal with the evolving process between a given proposal originating on the congressional side and the eventual result of the legislative process." (Hearings before the Subcommittee on Aging of the Senate Labor and Public Welfare Committee; "The Older Americans Act"; March 23, 1972; hearings are not yet in print.)

[3] S. 3181, introduced by Senator Church, also calls for an Office on Aging in the Executive Office of the President. Additional details on that bill and on H.R. 12017, introduced by Representative John Brademas and others, appear on pp. 101–102.

In the face of such facts, the President offers very little, taking away with one hand what he proffers with the other.

Pension reform.—Apparently the Administration is unaware that a Senate Subcommittee study has made a powerful case for major reforms in our private pension system.[5] Congressional interest in this area is now at a high level. The President's Message, however, calls for little more than a watered-down vesting scheme and a program to make it more convenient for high-income individuals to put aside savings for their own retirement income, by means of "tax breaks" as incentives. Here again, the President seems to be waiting to see what Congress will do.

Nursing home care.—The President's 8-point program for upgrading of long-term care in the United States has been described in early reports by this Committee as little more than a "policing" and "inspection" package. A comprehensive program for elevating standards and care has been developed by Senator Frank Moss of Utah, Chairman of the Subcommittee on Long-Term Care for this Committee. Not only has the Administration failed to make a positive response to the Moss legislation; it has failed even to live up to regulations authorized by laws passed in 1969. In the meantime, nursing home costs continue to rise; patients and their families live with the fear or reality of victimization; and reputable institutions suffer from guilt by association.

Minorities.—Only the barest mention is made in the President's Message of those older Americans who suffer the multiple jeopardy which occurs when one is old, a member of a minority group, and—as is the case for nearly 50 percent of elders in such groups—living in poverty. And yet, the White House Conference had special sessions for Aging and Aged Blacks, the Asian-American Elderly, the Elderly Indian, and the Spanish-speaking Elderly. If the Administration had paid any attention at all to the statements and recommendations made by participants at these sessions, the President's Message would have had far more to say in this area. There is no Administration plan to raise *all* older Americans out of poverty. There is no statement by the Administration that it will take steps to make programs more responsive to elderly members of minority groups. There is no reply to criticisms that the Executive Branch tolerates an appalling dearth of research data about older members of minority groups. Of all the examples of unconcern provided in the President's Message, his indifferent attitude toward minorities is perhaps the most disturbing.

Service opportunities.—Speaking in December at the White House Conference on Aging, the President had kind words to say about programs which give older Americans an opportunity to serve others. He said that Federal programs to provide such opportunities have proven "remarkably successful at the demonstration level," and that they should now be established "on a broader, national basis."

Did this mean that the Administration would withdraw its opposition to Congressional proposals to establish a national senior service program? Did this mean that the President would, in his Message on Aging, provide details on a plan for a "broader, national basis?"

Not at all. The Message called simply for more of the same: demonstration at pitifully low levels of funding.

Property tax.—Here again, what was said in December did not produce much by March At the White House Conference, the President promised a study and relief. In his Message, he still promised study and was not clear at all about what form the relief could take.

Housing.—White House conferees emphatically supported Federal action to increase the production of units for the elderly to a minimum of 120,000 a year, to establish the position of Assistant Secretary on Housing for the Elderly in the Department of Housing and Urban Development, and to improve the availability and quality of services for tenants in publicly supported housing of many kinds. The President's Message makes much of the fact that guidelines on subsidized rental housing for the elderly have recently been published, even though these guidelines were at least a year overdue. He offers no overall goals; he does not withdraw Administration opposition to an Assistant Secretaryship and he proposes only more research to investigate one of the most immediate of problems: the effects of crime and street violence on elderly residents in housing projects.

Additional examples of unresponsiveness—as well as examination of those few substantial proposals made in the Message—are provided on the pages of the following report, but one other point should be made in this personal commentary.

Many of the Congressional accomplishments mentioned in this preface resulted from bipartisan action—action taken at times over the intense opposition of the Administration.

This spirit of legislative concern—or call it momentum if you will—is now the leading force for action to implement recommendations made at the White House Conference on Aging.

We will continue our efforts, but we think that the Administration should do its share, as well. Innovative ideas should be tested against each other; dialogue should be frequent and it should be candid.

Until it offers a more persuasive and vigorous effort, the Executive Branch will continue to give the distinct impression that—when White House recommendations were made—it was not listening.

FRANK CHURCH,
Chairman, Special Committee on Aging.

ANNOUNCEMENT OF POSITION ON VOTE

Mr. BOGGS. Mr. President, yesterday, I was necessarily absent during legislative vote No. 189, the vote on Senator BAKER's amendment to S. 1478.

Had I been on the Senate floor at that time, I would have voted for the amendment.

While I strongly support the intent of the Toxic Substances Control Act of 1972, I believe the amendment of the distinguished Senator from Tennessee (Mr. BAKER) would have provided a more reasonable basis for premarket testing, without undermining the intent of the bill.

THE GENOCIDE CONVENTION: STAND UP AND BE COUNTED

Mr. PROXMIRE. Mr. President, since the Treaty for the Prevention and Punishment of Genocide was written in 1948 most of the nations of the world have endorsed its humanitarian principles. This declaration, composed under the aegis of the United Nations, bears the signature of more than 75 nations representing almost all of the civilized people of the world. Among these 75 are our allies in Europe and our partners in the United Nations.

Still the United States refuses to endorse the treaty. We claim to be the leader of the free world and to embody the very essence of freedom and democracy, and yet we abstain from denouncing the most heinous crime against humanity imaginable. There is not one substantial reason for this shameful neglect. Critics have raised some minor technicalities but all have long since been cleared away.

If we are to retain our position of influence and moral leadership throughout the world we must participate in the affairs of the world. We cannot withdraw into our island continent. We must stand up and be counted as one of those unalterably opposed to violence and mass killing. Therefore, I urge the Senate to take up the treaty on genocide and move for swift ratification.

STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

Mr. BROCK. Mr. President, on Tuesday, May 30, 1972, I joined my distinguished colleague from Tennessee (Mr. BAKER) and other Senators in cosponsoring the State and Local Fiscal Assistance Act of 1972, S. 3651. The bill, whose House equivalent was reported on April 26, 1972, by the Ways and Means Committee, seeks to provide for Federal revenue sharing with the States and local communities. I commend my able colleague, Senator BAKER, for his action in placing the bill before the Senate in order that we can demonstrate our desire for speedy action to relive the fiscal plight of States and local government.

This proposed legislation has 44 cosponsors and should prove an excellent vehicle to show widespread bipartisan support for the revenue-sharing concept. However, as Senator BAKER pointed out in his remarks introducing the bill, cosponsorship of the measure does not necessarily mean that any given Senator supports every part and provision of the bill as at present written. I myself plan to seek certain modifications of the present proposal and stand as a cosponsor in recognition of the imperative need for new mechanisms to aid our State and local governments in meeting their fiscal demands.

During the past quarter century, State and local expenses have increased twelvefold. In that same period, our gross national product, our personal spending, and even Federal spending have climbed at less than one-third of that rate.

On a per capita basis, State and local expenses have climbed almost 50 percent in the past 14 years alone. Property tax receipts are six times as great as they were 25 years ago. In addition, the sales tax and the property tax are both regressive, both tax the low-income family harder than those who are wealthy. These approaches are self-defeating in that if raised to levels sufficient to support the needs of the community, they create an unbearable burden on the taxpayer and diminish the opportunity to bring in new business to enlarge the tax base. As an alternative, revenue sharing utilizes the Federal income tax as the communities' resource base.

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[4] For details on the finding and other issues related to health care, see pp. 23–30.

[5] A report, "Interim Report of Activities of the Private Welfare and Pension Plan Study, 1971," was issued by the Subcommittee on Labor, Senate Committee on Labor and Public Welfare on Feb. 22, 1972.

Most important, revenue sharing will reverse the flow of money to Washington and return power to the American people. The local and State officials elected by the people know far better than the bureaucrats in Washington the areas of greatest need. The local elected officials are responsible to the people. I feel that it is essential that Congress pass at the earliest opportunity a revenue-sharing measure which will return to the people greater control over the manner in which their tax money is spent.

Although I support the overall objective of the State and Local Fiscal Assistance Act of 1972, I do have reservations concerning some of its provisions.

Specifically, I am opposed to the provision in the bill that contains a factor in the formula for distribution of funds to State governments which is based on State and individual income tax collections. This provision has as its purpose the forcing of States to adopt individual income taxes or in cases of small existing income taxes, to greatly increase such taxes. This is a most unfair provision. Nor do I feel it either wise or proper for the Federal Government to dictate to the States the manner in which they should levy taxes. This is a usurpation of the right of the citizens of each State to determine for themselves the manner in which they are to be taxed.

I plan to work with Senator Baker and other Senators of like mind for a substitute formula that would be fair and would respect the rights of the citizens of each State to select the manner in which they choose to be taxed.

RESEARCH AND TRAINING IN GERONTOLOGY

Mr. CHURCH. Mr. President, an article published recently in Geriatrics magazine points to the current lag in research and training in gerontology and the need for improvement. The article summarizes the situation in these words:

> Striking deficiencies in research and training in gerontology must be corrected as an indispensable basis of any national program to improve the life of the elderly.

As the article indicates:

> Research and training are often overlooked in the process of developing large-scale socioeconomic improvement programs.

In an effort to help correct this oversight, the Special Committee on Aging, of which I am chairman, asked the Gerontological Society to prepare a working paper on research and training. This document, published by the committee before the White House Conference on Aging, helped focus the attention of the delegates on these crucial concerns.

The conference delegates responded with forceful recommendations in the areas of research and training.

And the Committee on Aging's latest annual report makes recommendations in accord with those of the White House Conference.

Mr. President, interest in research and training in gerontology must not be allowed to fade in the aftermath of the White House Conference. And steps to further development and expansion in these areas should receive the support of Congress.

The article from the February 1972, issue of Geriatrics cites key points from the working paper on research and training in gerontology published by the Committee on Aging and, in general, helps to make the case for immediate and long-range improvements in these areas.

I believe the article deserves the attention of the Senate, so I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

GOVERNMENT AND GERIATRICS: GERIATRIC TEACHING, RESEARCH LAGGING, SENATE UNIT SAYS

Striking deficiencies in research and training in gerontology must be corrected as an indispensable basis of any national program to improve the life of the elderly.

The statement seems almost elementary, but the Senate's Special Committee on Aging believes that research and training are often overlooked in the process of developing large-scale socioeconomic improvement programs.

A so-called "working paper" on the subject, including many recommendations for better and more adequately financed programs of research and training, was prepared for the committee and released at the recent White House Conference on Aging. But, perhaps like the subject itself, it received scant public attention.

The deficiencies, says the report, have resulted in two major consequences: [1] Public policy in aging is based upon inadequate information. [2] Where programs exist, they often are directed or staffed by persons with limited experience, or even sympathy, with gerontology.

The papers in the report, which were prepared by individual members of the Gerontological Society, recommend:

Establishment of a National Institute of Gerontology

Significant programs of research, training, and services in all appropriate federal agencies

Greater effort by medical schools in teaching and research in geriatrics, with more significant and equitable federal financing

Greater support for biomedical science to conduct basic research on the process of aging

Development of tested information and systems which will lead to sound social policy and social service practice and delivery.

Dr. F. Marott Sinex, chairman of the department of biochemistry at Boston University School of Medcine and past president of the Gerontological Society, noted in his contribution on biomedical research that the Gerontology Branch of the National Institute of Child Health and Human Development has only 120 employees, compared to an original projected staff of 272.

Dr. Manuel Rodstein, chief of medical services and director of cardiology at The Jewish Home and Hospital for Aged, New York City, makes the point that a number of major medical problems that affect the elderly are in urgent need of in-depth research. Examples:

After 30 years of investigation and hundreds of clinical reports, no definitive statements can yet be made as to the value of drugs which slow down the clotting of blood in coronary artery disease.

The need for better methods of early diagnosis is shown by the fact that the course of cancer in the aged is often of a slowly progressive nature.

The cause of heart failure, the terminal point of aging hearts, remains poorly understood.

Dr. Joseph Freeman, a Philadelphia internist and another past president of the Gerontological Society, criticized what he believed to be inadequate attention of medical schools to the problems of the aged.

Of more than 20,000 faculty members in the nation's medical schools, a study showed that only 15 had "primary titular identification" in the field of aging, according to Dr. Freeman, who commented:

"Indecisive attitudes toward geriatrics, the clinical side of aging, stand out in contrast to the increasing organization, financing, and clarity of gerontological thought displayed in the research aspects of senescence. The fault may rest in the failure of clinicians to identify geriatrics as a distinctive field in which the small fraction of irremediable senility receives a disproportionate share of discouraging emphasis.

"When as much as one-third of the potential life-span falls in the realm of geriatric medicine, there can be no excuse for the dominance of the nursing home theorem involving the less than 5% of a special population over 65 years of age which requires full custodial care."

The focal point for geriatric education must be the medical school, but education on aging must begin in high schools and be carried through such organizations as the federal health service programs directed to support significant amounts of training, Dr. Freeman said.

Dr. James E. Birren, director of the University of Southern California Gerontology Center, recommended establishment of at least one major interdisciplinary training and research center in each major region of the nation, with a goal of five or six by 1976 and nine or ten by 1982.

A National Advisory Council of Aging should be created, with its scope to include training goals and programs of all concerned agencies of government, urged Dr. Birren. His associate in the report was Miss Kathy Gribbin, a Ph.D. candidate at Dr. Birren's center.

RETIREMENT OF BILL BROWNRIGG

Mr. TOWER. Mr. President, I feel it is only fitting that we pause in our deliberations to express our gratitude to a man who has given 25 years of brilliant and dedicated service to the U.S. Senate. Bill Brownrigg, until his recent retirement, had served Senators on this side of the aisle with a degree of loyalty unsurpassed in this body. As assistant secretary to the minority, he has been extraordinarily helpful to me, not only in the early years when his knowledge and experience in the ways of the Senate were invaluable, but also in most recent years when my responsibilities have increased with seniority. Without men of Bill's caliber, we could never serve our constituencies as effectively as we would like. He will be sorely missed.

MOBILE HOME SAFETY

Mr. MOSS. Mr. President, on May 15, 1972, the Senator from Tennessee (Mr. Brock) introduced S. 3604, a bill to establish national standards for the construction of mobile homes. This is a most commendable piece of legislation and I congratulate Senator Brock for his efforts.

So far as safety standards for mobile homes are concerned, the Commerce Committee has proposed that mobile homes be considered "consumer products" in S. 3419 legislation which the committee reported on March 24, 1972. During our hearings on product safety legislation, we devoted a significant amount of time to the design problems and concurrent safety hazards of mobile homes. I quote a portion of the committee report which states:

> Because many inquiries concerning mobile home safety have been directed to the Committee, it would seem appropriate to express the Committee's intent with respect to mobile home safety. It is the Committee's intent to include mobile homes under the definition of "consumer product."

Thus, I would urge Senators who are interested in the problem of mobile home safety to be aware that an important step in this direction will be taken with the passage of S. 3419, which has been reported to the Senate Committee on Commerce.

HOODWINKING CONGRESS: THE FOSTER REPORT ON THE F–14

Mr. PROXMIRE. Mr. President, the Pentagon is concealing from Congress a comprehensive status report on the Navy's F–14 jet fighter program prepared earlier this year by Dr. John S. Foster, Jr., the No. 3 man in the administration's defense team.

Pentagon insiders are telling one story to Congress and another story to Secretary of Defense Laird in an attempt to cover up an impending $1.25 billion cost increase on the F–14.

The Navy persists in telling Congress that it can hold Grumman Aerospace Corp. to its present contract and require development and production of 313 F–14's at a total cost of almost $5.3 billion, or $16.8 million per plane.

I have learned, however, that Pentagon Research Director Dr. John S. Foster, Jr., put the projected total costs for these 313 aircraft at over $6.5 billion, or $20.8 million each, in a status report on the F–14 submitted to Secretary of Defense Laird in February of this year.

I have written today to Secretary Laird demanding public release of the Foster report and an explanation as to why no reference has been made to the facts contained in it in Navy testimony to the Congress.

I have learned, too, that the Navy and Grumman are already engaged in preliminary negotiations for a restructured F–14 contract.

Unless Congress acts soon, American taxpayers will soon be saddled with a bill for the F–14 $1.25 billion higher than the bill the Navy is now presenting.

It is my understanding that the differences between the Navy and Foster projections are due to three differing assumptions regarding the 227 F–14's not yet ordered, but counted on by the Pentagon.

First, Dr. Foster recognizes that cost overruns at Grumman have reached the point where the company will have to be bailed out if F–14 production is to continue.

Second, he recognizes that budgetary constraints, together with test program difficulties encountered thus far, will require a stretch-out of F–14 production, voiding other contracts on the plane and raising costs still further.

Finally, he recognizes that most of these planes will be equipped with advanced technology "B" engines, development work on which has continued ever since the Navy's decision to drop the engine last year from its official program.

The Foster report thus makes mincemeat of the Navy's argument that we should continue with the F–14, because the balance of the funding has already been committed and because it would now be relatively inexpensive to do so.

The report indicates that we have $3.75 billion to go, not the $2.5 billion the Navy tells us, and that the remaining 227 planes would cost an average of $16.5 million each, not the $10.2 million the Navy claims. Why doesn't the Pentagon tell us the truth?

Preliminary negotiations for the new Navy-Grumman contract are already underway. The new contract, and others with it, would be put into effect early next year after this year's F–14 funds have been approved, although the full costs implicit in those contracts would probably still not be revealed.

I understand that Grumman, in its latest proposal to the Navy has dropped all demands for the $140 million profit on future F–14 production which it insisted on in recent testimony to the Senate. It has now offered to build those planes at cost.

Congress should not be fooled by any such sacrifice on Grumman's part. Even if the company is given a $200 million loss like Lockheed's on the C–5A, taxpayers will still be stuck with an F–14 acquisition cost more than $1 billion higher than the Navy now admits.

Unless Congress acts now, it will be too late to avert another C–5A scandal. Any F–14 funds approved this year must be made subject to an ironclad, antibailout directive.

Actually, it would be much wiser to simply end the F–14 program after the 86 aircraft already on order have been produced.

The F–14 program is an exercise in gold-plated unilateral disarmament. How can we possibly hope to match the Soviets in fighter strength if each of our fighters costs as much as a whole squadron of Mig-21's?

We could buy four improved F–4's or new lightweight fighters for each F–14 the Navy wants.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter on the Foster report to Secretary of Defense Laird.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., May 30, 1972.

Hon. MELVIN LAIRD,
Secretary of Defense,
The Pentagon,
Washington, D.C.

DEAR MEL: In January of this year, Grumman Aerospace Corporation notified the Department of Defense that it was unwilling to continue production of the F–14 jet fighter beyond the 86 aircraft already on order unless changes were made in the terms of its present contract with the Navy. In February, Director of Defense Research and Engineering Dr. John S. Foster Jr. submitted to you a comprehensive status report on the F–14 program.

As you well know, Dr. Foster's report took issue with previous Navy cost projections for the F–14. The report estimated that it would cost $3.7 billion to complete the program, an increase of $1.25 billion over previous Navy estimates of $2.5 billion. The average cost of the 227 remaining planes, the report suggested, would be $16.5 million, not the $10.2 million the Navy claimed. This implied total costs for a 313 aircraft F–14 program of over $6.5 billion, or $20.8 million each, up from almost $5.3 billion, or $16.8 million per plane.

Dr. Foster's report reviewed the various causes of the projected increase—cost overruns at Grumman, the need for a stretched delivery schedule, and the Navy's eventual desire to put advanced technology "B" engines on the later planes. The report discussed the relative costs and merits of alternatives to the F–14 and concluded with a specific set of recommendations.

No reference has been made to Dr. Foster's report—or to the unpleasant facts contained in it—in subsequent Navy testimony to the Congress. The Navy has continued to claim that it can meet its previous cost and delivery schedule projections, despite clear evidence that this is a practical impossibility.

The present status of the F–14 program raises serious policy issues, issues with which the Congress as well as the Executive branch must grapple.

If it is to deal responsibly with those issues, the Congress must receive a far more candid report on the status of the F–14 program—and the Defense Department's plans for it—than the Department has provided up to now.

The cause of candor can best be served by public release of Dr. Foster's F–14 report. I therefore call upon you to review the report for security purposes and to submit to the Congress an unclassified version of it, together with any additional comments you might wish to make.

Sincerely,

WILLIAM PROXMIRE,
Chairman.

MEDICAL REPORT ON HYPERTENSION AS IT AFFECTS BLACK AMERICANS

Mr. THURMOND. Mr. President, a new awareness of the unique medical problems of black Americans is apparent in the attention now being given the blood disease, sickle cell anemia. But our black population, like other ethnic groups, have other endemic medical problems which are just as serious.

Dr. Howard W. Kenney, an eminently qualified black physician, has written an excellent medical paper on hypertension and its special significance to black Americans. Dr. Kenney presented this paper at "The National Conference on the Status of Health in the Black Community," held at Meharry Medical College, Nashville, Tenn., December 9–11, 1971.

Mr. President, as Director of the Veterans' Administration North Eastern Medical Region, Dr. Kenney is the highest ranking Negro physician in VA. His responsibilities include the supervision of 33 hospitals with a combined bed capacity of 28,000 in the most populous section of the United States. These hospitals annually care for more than 150,000 veterans of whom approximately 17 percent are black. Dr. Kenney held a research fellowship in cardiovascular diseases at

Howard University School of Medicine, and he is board certified in internal medicine and a fellow of the American College of Physicians. He earned his B.S. degree at Bates College in Lewiston, Maine, his M.D. at Meharry Medical College, and took his internship at Sydenham Hospital in New York.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HYPERTENSION: A DISEASE OF SPECIAL CONCERN TO BLACK AMERICANS*

INTRODUCTION

As a prime purpose of this Conference is the examination of health in the black community, and the pinpointing of the most critical problems and priorities so that Group Discussions can then lead to a plan of attack upon such identified problems—it is most appropriate that the Program Committee has selected the subject of hypertension. A very recent article in the New York Times, in which the reporter was quoting an interview with the Hypertensive Study Group, a national body of heart disease authorities, stated: "Hypertensive cardiovascular disease has been singled out as the major disease problem of blacks, accounting for more than half the seven-year difference in life expectancy between whites and blacks".[1] It is most appropriate also, that this disease be highlighted at this particular point in time, since clinical research has recently so effectively demonstrated that the morbidity and mortality of this insidious disease can be so greatly reduced by improved health care.[2,3,4] I must add, too, my thoughts about how appropriate also it is for the Veterans Administration to participate in this Conference, since one might say the VA, too, has a vested interest, since approximately 17% of its enormous patient load represents black veterans; and even more importantly, with respect to hypertension, it was the results of a VA multi-hospital cooperative study in anti-hypertensive therapy, completed in 1969, that conclusively established the effectiveness of drug treatment. Dr. Edward Freis, Senior Medical Investigator at the Washington, D.C. VA Hospital, recently was awarded the Laker Award for his leadership role in this cooperative study.

However, for some unknown reason, the results of this important contribution by Dr. Freis and his associates have received little public attention—and even worse, inadequate emphasis in the medical literature. In his acceptance speech, Dr. Freis stated, "There are literally millions of Americans who do not even know they have high blood pressure. There is, therefore, the need to develop adequate mass screening for the detection of hypertension as well as more effective programs in public education." He also called attention to recent surveys and articles which have shown that only 20% of the patients with persistent known hypertension in the United States are receiving effective treatment.

Such a survey article appeared in the November 15th issue of the Journal of the American Medical Association and an accompanying editorial was very candidly critical of the physicians involved, and described their attitudes toward hypertensive patients as "cavalier".[3,4] The editorial concluded with this statement: "Finding patients with hypertension is easily accomplished, but these persons also deserve careful study and individualized therapy."

THE RACIAL PECULIARITIES OF HYPERTENSION

Beginning in 1932, literally hundreds of articles have appeared in the medical literature emphasizing that hypertension is a more frequent and a more serious disease in the black population. In 1959, Phillips and Burch made an extensive review of these articles.[5] Though they pointed out the deficiencies and differences in these studies, they re-emphasized the uniform conclusion reached by these studies—there was at least a 2 to 1 increase in high blood pressure in blacks. They concluded, too, that hypertension was the leading cause of heart disease in both races, but to a greater degree in blacks.

The most reliable large-scale study was that conducted by the U.S. Public Health Service in 1960–62, and called the Health Examination Survey for Hypertension and Hypertensive Heart Disease in Adults.[6] This study (the H.E.S. Survey) embraced a nationwide probability sample of 7,710 non-institutionalized persons aged 18–79 years of age.

The H.E.S survey revealed an estimated 17.0 million adults (15.39%) to have definite hypertension; and another 16.2 million to have borderline hypertension. Though relatively uncommon in the teens, 20's and early 30's, hypertension, in all sexes and both races, reached a 10.9% incidence in the 35–44 age bracket and then rose progressively with each older age grouping. Men were more likely to have high blood pressure until age 50, but at that point on, the relationship was reversed. With respect to race, the H.E.S. Study revealed that of every age group covered, the prevalence of definite hypertension was roughly twice as great in the black population.

The statistical picture for hypertensive heart disease, which was found to be the most common specific form of heart disease, showed essentially similar results. The main variation was the more rapid rise in incidence of definite hypertensive heart disease, with age. The racial indices indicated an even greater involvement of Negroes over whites; in every age group, and of either sex, the prevalence of hypertensive heart disease was distinctly greater. Generally the rate was about 3 times as great for Negro men and more than twice as great for Negro females.

The H.E.S. Study also revealed a number of interesting and potentially significant demographic variables—several of which certainly need further close scrutiny and study. For example, whereas the overall incidence of definite hypertension was highest in the Northeast section of the nation, for black males it was significantly lower than predicted. Equally as surprising was the much lower incidence among black males in the larger metropolitan areas as compared with a startlingly higher rate in the rural areas. When income, education and occupation were related to the incidence of definite hypertension, and definite hypertensive heart diseases, the same differential between whites and blacks held up, but equally as striking and impressive was the disproportionately higher incidence among the poor, the ill-educated, and those working in the lowest paid, more physically demanding and menial type of jobs—black or white.

It is not within the scope of this paper to dwell extensively upon the many theories that have been advanced to explain the striking and important racial differentials that have been presented.[7,8,9] Suffice it to say, all such theories are only speculative and there is a glaring need for a comprehensive long-term multi-disciplinary study.

THE CURRENT STATUS OF ANTIHYPERTENSIVE DRUG THERAPY

Beginning in the late 40's, and particularly through the 50's and into the early 60's, progressive and remarkable progress was made toward the development of drugs that would effectively contain, improve and reverse hypertension, and especially the severer types, including the heretofore deadly malignant or accelerated hypertension. The combined results of many clinicians slowly, but surely, revealed a lower morbidity and mortality with vigorous, sustained and effective drug treatment of such patients. However, there was, and there has continued to be up to the present time, much difference in opinion as to whether patients with only moderate or mild hypertension should be subjected to continuous therapy with the associated expense and disturbing side effects of today's potent drugs.

Fortunately, that dilemma can now be considered passé. In 1956 Dr. Edward Freis, who had spent practically his entire career trying to find more effective drugs for hypertension, organized a 17 hospital cooperative study within the Veterans Administration. This 5-year study, whose results were publicized last year, established two major points, i.e., (1) the death rate from moderate hypertension could be reduced by 50% and the major complications (heart failure, stroke, and kidney failure) reduced by 67% with effective drug therapy, (2) the degree of protection afforded the individual patient depends on the extent of damage already present at the time of initiating treatment, and upon the adequacy of blood pressure control. The Citation which Freis received read, in part, as follows: "Dr. Freis offers a momentous opportunity to clinical medicine. It is an exemplary demonstration of the potential of preventive medicine for saving and prolonging the lives of tens of thousands of Americans."[4]

The preceding statement clearly indicates the challenge to clinical medicine and the responsibilities imposed upon each and every physician who takes it upon himself to treat patients with blood pressure elevation. After carefully and accurately establishing the presence of hypertension, and dependent upon the individual case, carrying out adequate diagnostic maneuvers to rule in or out the presence of a surgically correctible type of hypertension, he then must possess a good enough understanding of the pharmacology of today's drugs to go through the trial and error process to find the proper drug, or combination of drugs, for each patient. Most important and essential is the time spent educating the patient and explaining the importance of long-term, faithful cooperation on his or her part with the physician's instructions and the great benefits that can thus be gained.

However, a number of recent articles strongly suggest that the medical profession as a whole may not be properly delivering adequate health care as regards patients with hypertension. The November 15, 1971, issue of the Journal of the American Medical Association, the same one carrying the Lasker Awards, and in which Freis presents a very lucid and concise article on the current principles and benefits of chemotherapy, carries a special communication titled, "Evaluation of the Initial Care of Hypertensive Patients."[3] The authors had analyzed the entire calibre of care—from initial examination following admission to the hospital, to discharge—in four different hospitals. One hospital was a University hospital, one was a large VA hospital closely affiliated for teaching purposes with the same University, one was a nonaffiliated VA hospital, and the fourth was a typical modern community hospital.

The results of this retrospective analysis revealed shortcomings in diagnosis and management of a startlingly deficient type. Though the University hospital was the least deficient, it, too, was far from satisfactory in these respects. The authors very properly pointed out the glaring need for constant

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Footnotes at end of article.

educational reinforcement in the practicing physician.

The associated importance of patient education, understanding and cooperation has already been mentioned and has long been recognized. Wilder made an extensive survey of a typical Georgia County with the assistance of the Georgia Department of Public Health and the Division of Community Health.[12] Only 18% of a large number of patients—of both races—had ever been told they had hypertension, and of that group only two-thirds were on therapy at the time of survey. Finances was given as the reason for discontinuance in 16%, 12% didn't know they were supposed to continue their medications, and 30% said they stopped since they felt better, and 16% stated they only took their medicines when they felt like they needed it.

CONCLUSIONS

I believe it is quite clear at this point that arterial hypertension remains a serious and important disorder in all Americans, but particularly so in black Americans. Why it is so disproportionately more devastating in blacks has not been clarified and intensive, comprehensive, multi-disciplinary studies in this connection are overdue. There is good reason to believe that a large number of patients, and especially the underprivileged, undereducated, and poor are either receiving no attention or management of a very ineffective type.

The state of the art today is such that it is reasonable to expect that today's extremely high morbidity and mortality rates due to hypertension and its end results can be drastically reduced by an equally as drastic change in the methods by which the medical profession is approaching the problem. Hypertension must be looked upon as a public health problem—one that needs a coordinated, concentrated attack by federal, state and local health agencies working in close conjunction with all providers of health. The education and re-educating of the entire health team must have high priority and the dissemination of information to the public is just as vital. Such a nationwide educational program ought to be closely followed by carefully devised screening and detection surveys. The Guidelines for the Detection and Management of Hypertensive Populations as recently formulated and published by the Hypertensive Study Group (Of the Inter-Society Commission for Heart Disease Resources) represent a logical focal point for the formulation of specific recommendations.[13]

Because of the nature of the problem and recognition that hypertension is the "big" medical problem in Black America it is most appropriate, if not mandatory, for the black physician, the National Medical Association (with the full support of its many constituent societies), the National Dental Association, the Black Caucus, and the predominantly black medical schools, with the assistance of many lay and voluntary organizations to take the lead and spearhead these efforts. The problem is too big for doctors alone and is a political and socio-economic issue!

ADDENDUM

Shortly after completion of this paper, the author attended a luncheon meeting of the Washington Heart Association at the invitation of its current President, Dr. John B. Johnson, Professor of Medicine and Director of the Cardiovascular Research Laboratory at Howard University Medical School. That program so well demonstrated what hopefully will be done across the nation that a few comments are in order. First of all, let me add that the Washington Heart Association is a voluntary health agency dedicated to professional and lay education in diseases of the heart and blood vessels. Dr. Johnson, as principal speaker for this meeting, made the following statement: "In that period of life most vital for the development of home and the family, hypertension along with its complications is a grim reaper for the black American. Look at these astonishing figures. Between the ages of 25 to 44 years, hypertension kills black males 15.5 times as frequently as for white males; for black females 17 times."

Dr. Johnson urged the Association and the invited community leaders to actively become involved and stated, "if the heart problem is to be brought under control, it will be because of the cooperative effort of community leaders, the health agencies, the medical professionals and government".

FOOTNOTES

*Position paper read at the National Conference on the Status of Health in the Black Community, Meharry Medical College, Nashville, Tenn., December 9–11, 1971.

[1] Brody, Jane E.: *The New York Times*, November 22, 1971.

[2] Freis, Edward D.: The Chemotherapy of Hypertension, *JAMA* 218:1009–1014, November 15, 1971.

[3] Lasker Awards Citations. *JAMA* 218:1008, November 15, 1971.

[4] Editorial. Hypertension: Treatment Success and Failures. *JAMA* 218:1043, November 15, 1971.

[5] Phillips, Jeff and Burch, George E.: Cardiovascular Diseases in the White and Negro Races. *The American Journal of Medical Science* 238:133–197, 1959.

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DISCRIMINATION AGAINST WOMEN IN LOAN AND CONSUMER CREDIT TRANSACTIONS

Mr. TUNNEY. Mr. President, last week the National Commission on Consumer Finance sponsored hearings on the important subject of discrimination against women in loan and consumer credit transactions.

The testimony revealed a shocking inequality of treatment of single, married, divorced, and widowed women as against men who attempted to obtain credit cards, charge accounts, mortgages, and other types of bank loans.

Three bills have been introduced in the House of Representatives to eliminate these forms of discrimination. I support this legislative effort.

I ask unanimous consent to have printed in the Record an excellent article on this subject that was published in the Los Angeles Times of May 26.

There being no objection, the article was ordered to be printed in the Record, as follows:

Women Charge Credit Bias at Hearings

(By Marlene Cimons)

Washington.—When Jorie Lueloff Friedman, a Chicago newscaster, got married, she wrote to all the stores where she had charge accounts and asked for new credit cards with her new name and address on them. "That's all that had changed—my name and address," she said.

But Mrs. Friedman, who has supported herself for nine years and continued to work following her marriage, suddenly discovered that her credit rating—which had been good—had dissolved.

One store, she said, closed her account immediately. All of the others, she said, sent her new applications for brand new accounts. "These new forms asked for my husband's employer," she said. "There was no longer any interest in me, my job, my bank or my ability to pay my own bills. Marriage had made me a nonperson."

Mrs. Friedman's credit problems became further entangled when her bills from a leading credit card organization began being sent to her husband.

HUSBAND CHARGED

"For four months he paid his part of the bill and, with his check each month, he enclosed a note explaining that I, his wife, had paid $15 for the privilege of my own account and preferred to pay my own bills.

"We received no reply from the company," she said. "They persisted in charging my husband for my bills. The whole thing came to a head one night two months ago when my husband was here on business.

"He returned to his hotel to find he had been locked out of his room. The reason? The hotel had called the credit organization and had been informed that he had not paid his current bill and, therefore, was a bad credit risk."

A parade of witnesses told similar stories earlier this week at hearings sponsored by the National Commission on Consumer Finance, a group created by the Consumer Credit Protection Act of 1968 to study the consumer finance and credit industry and report to Congress and the President later this year.

The nine-member, bi-partisan panel sponsored the hearings dealing strictly with sex discrimination after letters of complaint began reaching its office.

"We got the idea right from the street," said Ira M. Millstein, chairman of the commission, who is an attorney with Weil, Gotshal & Manges in New York.

"Women kept writing in about these practices. They seemed to be going on for a very long time and women just accepted it. I think it's a question of awareness. The women's movement came along and women started becoming aware of these things and they became angry. I don't think business has been doing these things intentionally—I think it's just been in a rut for a long time."

DISCRIMINATION EXISTS

John P. Farry, president of the United States Savings and Loan League, a 4,800-member trade association, acknowledged during a second day of hearings that some discrimination probably exists within lending practices, but said he believes that the savings and loan business is now taking a more liberal view toward loans to women and working couples and that he has been encouraging this.

"There has been a substantial reshaping

of our thinking with respect to real estate credit involving women," he said.

Testimony concerned the various forms of discrimination experienced by single, married, divorced and widowed women as they attempted to obtain credit cards, charge accounts, mortgage loans and other types of bank loans.

"One woman in her 40s, the head of her family, desired to buy a home for herself and her children," said Illinois State Rep. Goudyloch Dyer. "She learned that in order to get a mortgage, her retired father, 70 years of age and living on a pension, would be required to sign for her."

Typical of other case histories described to the commission were:

—An unmarried widow with two daughters who was refused a rental contract for a certain apartment because she was a "woman alone," despite the fact that she had an adequate steady Social Security income and a veteran's pension from her husband, who had died while on active Marine Corps duty.

An employe of the State of Minnesota who was refused a finance company loan, as well as an account with a furniture company, despite bank accounts and good references, because her husband was a student and had no income.

A young working wife who found that a mortgage company refused to count her income when she and her husband applied for a loan because it was feared she might became pregnant and leave her job.

A widow, whose husband had been dead for six years, was unable to change her credit cards to her own name and now continues to use cards issued in his name because "it is obvious that a man who has been dead for six years has a higher credit standing than a woman widowed and working."

LOAN PROCESSING

Farry said that it was the position of the U.S. Savings and Loan League and the vast majority of savings and loan associations that loans should be made to any borrower, regardless of sex, who meets the qualifications.

"However, it is obvious that there are differences of opinion on these as well as other questions," he said. "No doubt there are some well-intentioned and sincere people in our business, as in other consumer finance businesses, who do not apply the same underwriting standards to women as they do to men. In these instances, unfortunately, it is not always as easy for a woman to get a mortgage as it is for a man."

Quinton Wells, director of the Office of Technical and Credit Standards, Housing Production and Mortgage Credit of the Department of Housing and Urban Development, said that Federal Housing Administration loan applications from single, divorced or widowed women are processed exactly the same as applications from single, divorced or widowed men.

However, he said, FHA does make a distinction between married applicants as opposed to individual men or women with no dependents. "A single man or woman has less motivation and need for the typical house than does the married couple with children," he said.

"The approval of a single man or woman will depend upon the applicant's age and type of property being purchased. A 21-year-old single man or woman without dependents likely would be rejected if the purchase involved a three-bedroom house but would likely be approved if the purchase involved a one-bedroom apartment in a condominium."

Why? "If the person is buying something they might be discontented with, or might want to dispose of, then there is a risk," he said.

Wells also said that the income of a working wife is now counted fully by the FHA. "The possibility of pregnancy is no longer a concern of FHA," he said.

IT'S POSSIBLE

Representatives from Sears, Roebuck & Co., one of the firms heatedly attacked in earlier testimony, said that although Sears preferred accounts in the husband's name, it was possible for a woman to hold one in her own name.

"If a wife indicates a preference for a separate account in her name 'Mrs. Mary Smith,' rather than 'Mrs. John Smith,' for example, and her circumstances qualify her as acceptable according to Sears' normal standards, the account should be established per her wishes," said Mildred Hagan, manager of the commercial accounts division of Sears' Boston credit central office.

BILLS INTRODUCED

While the hearings went on, Rep. Bella Abzug (D–N.Y.), who testified, denouncing the lack of legal consumer credit protections for women, introduced a series of bills designed to end sex discrimination in loan and consumer credit transactions. The first would cover all federally insured banks, savings and loan associations and credit unions and would prohibit them from discriminating against anyone because of their sex or marital status.

The second would provide the same coverage for federally related mortgage loans, while the third would amend the truth in lending act to cover sex discrimination in granting consumer credit.

"It is time that women exercise their right to take part in all aspects of American economic life," she said. "There is no rational reason to have any sort of obstacle to women who want to exercise their economic rights."

The commission, which, in addition to Millstein, consists of Douglas M. Head, former attorney general of Minnesota; Dr. Robert W. Johnson, professor of finance at Purdue University; Sens. John J. Sparkman (D–Ala.), William Proxmire (D–Wis.), and William E. Brock (R–Tenn.); and Reps. Leonor K. Sullivan (D–Mo.), Henry B. Gonzalez (D–Tex.), and Lawrence G. Williams (R–Pa.), does not intend to initiate legislation as a result of its hearings, but will file recommendations with its final report.

"I'm not sure at this point whether legislation is the answer," Millstein said. "But I do think these problems need exposure and I believe a lot of them are going to be cured."

THEY BURIED THE WRONG MAN

Mr. EAGLETON. Mr. President, Sam Smith, editor of the D.C. Gazette, has written a fascinating article entitled "They Buried the Wrong Man," about the Muskie campaign.

While I do not agree with some of the points made by Mr. Smith—I particularly disagree with his conclusion that Senator MUSKIE's candidacy is irrevocably dead—I do believe the author makes a powerful argument that Senator MUSKIE should be the Democratic presidential nominee.

I ask unanimous consent that the article, from the May issue of the D.C. Gazette, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MUSKIE: THEY BURIED THE WRONG MAN

(By Sam Smith)

Just after the Wisconsin primary, a fundraising dinner was held in Washington for Edmund Muskie. As the Senator's supporters gathered at their tables, the master of ceremonies announced, "Would everybody please be seated? The senator is about to be brought in." It wasn't a crowd used to spending money on behalf of incapacitated candidates, but the accidental use of verb brought a laugh anyway.

I was at the dinner because of some arm twisting by an old, close and otherwise considerate friend. I was feeling somewhat grumpy since I had determined not to get involved in the Democratic waterfight this year other than to support Shirley Chisholm, the favorite daughter of the state of alienation. But my friend had forced my hand and, yes, I certainly did want to see Nixon beaten and, yes, Muskie was the man who could do it most easily and, no, I certainly didn't want to see Humphrey nominated and, yes, Muskie could avoid a walkout by either wing of the party and, yes, I'll be there.

I ran into a few people I knew who were as surprised to find me there as I was. I told them I was a friend of the deceased and they went away quietly.

As it turned out, Muskie looked anything but dead. He gave a fine, and brief, speech on Vietnam, as eloquent as anything from McGovern and perhaps more impressive since it was harder to come by. As we have learned from Whittaker Chambers and Daniel Ellsberg, passion often accompanies conversion, and the verve with which Muskie has discovered Vietnam, Attica, William Loeb and George Wallace has provided this campaign with most of its few moments of non-plastic emotion.

It was difficult to believe that I was watching the unmaking of a president. In the days that followed, I began thinking more about Muskie and my interest grew inversely to the collapse of his campaign.

Part of this may be ascribed to political masochism on my part, but it is more, I think, that I, like most people, had taken Muskie very much for granted. Since we were going to end up voting for him regardless, there was no need to waste effort on his behalf.

It wasn't until Muskie stopped being inevitable, that there was cause to value his presence. All of a sudden, the well went dry and for the first time I noticed the lack of water. There we were, left with a good man who couldn't win, a bad man who couldn't win and an excruciatingly inadequate man who probably would get the nomination and might even be elected—the Red Skelton of the Democratic Party, who, every time he did his schtick you wondered why you ever thought it funny. Suddenly it was 1968 all over again, with tears, but without the teargas.

There's a story they tell in Maine about a town in which everyone always voted Republican except for one Democrat. No one knew for sure who it was but they suspected Oliver Thompson. Then one year, a few days before the election, Oliver died. When the votes came in, the results were Republican 626, Democrat 1. The local paper headlined the story: "We buried the wrong man."

As the returns came in from Pennsylvania and Massachusetts, the headline subliminally printed itself across my television screen. The Democratic Party, engaging in its usual preconvention excesses of ideological promiscuity, fratricide and other varieties of myopic idiocy was well on its way to, at worst, reelecting Nixon; at best electing a president who would kill and jail less people but who, in other respects, would reaffirm the growing national style of democracy interruptus.

Having participated in the McCarthy binge of 1968, I can share the enthusiasm of the McGovern camp, but not so much so that I forget the ending of that story. I fail to see the radical rationale for a strategy that results in the nomination of Hubert Humphrey twice in a row, even less for a strategy that may result in the election of Nixon twice.

We're told that McGovern is the most radical candidate with a chance to win the nomination. To the extent that he has the most radical constituency, this is true. But it is worth remembering that McGovern went out looking for the constituency long before it found him. Without funds, charisma or identity, McGovern recognized that in the peace, youth, left movement was a considerable source of footpower and organizing skill. As a strategy for his own advancement out of the Lazy Liberal Bar and Caucus into national politics, it can't be faulted

But McGovern a radical? As the New Republic said the other day: "How the idea gained currency that George McGovern is a radical or even an unconventional politician is a puzzle." Indeed it is. Both McGovern and Muskie have served in Congress for thirteen years. A check of their ADA voting scores over those years produces an average "liberal quotient" for radical McGovern of 86.69% and for centrist Muskie of 85.46%. Which goes to show you that the difference between a moderate and a radical within the Democratic Party is 1.23%. (Lest you think that ancient history has skewed the figures, the McGovern's L.Q. for the past three years has averaged at 91.33% while Muskie's has come out to a round 90%.)

On one issue, McGovern stands far above Muskie. The War. Granted. As late as last October Muskie voted against an amendment by Senator Mike Gravel to prohibit the bombing of Indochina. October 1971 is very late to still be holding to insisting on "not tying the President's hands" and Muskie should have known better. But the practical problem is that almost anyone else the convention might select, other than Teddy Kennedy, would be far behind George on the war.

On other matters, McGovern has come up with a respectable package of proposals that make him a very promising candidate. In fact, in promising he has a slight edge over Hubert Humphrey in everything but money. HHH, in his various campaign speeches, has tripled the national budget in increments, assuring his constituencies everything from free kosher lunches in public schools in Jewish neighborhoods to subsidized access to the Montgomery Ward catalog for anyone who earns less than he does.

The question with George is whether he'll love us quite so much in November as he does in May. He is moving right pretty fast, switching from left wing bloc captain to would-be serious contender. He's ambitious enough to make the switch. As one senatorial colleague said after McGovern entered the presidential race in 1968, "I've seen ambition dancing in other politicians' eyes, but, Jesus Christ, McGovern's eyes look like slot machines." The other day, speaking of his intention to woo party bosses to his side, McGovern said:

"Some of the more rigid purists in my camp don't even want me to talk to these people. But they're just going to have to take me on my own terms. They've got to understand that I am a politician, and if I'm going to be the leader of this country, I've got to have communications with all segments of the country. I think I can reassure them that this doesn't involve any betrayal of fundamental convictions on my part. No labor leader, no party leader is going to get me to change my position on the war, or on the need for tax reform or on the necessity for a major reallocation of resources from the military to civilian purposes to achieve full employment. Those are three things I would not compromise on."

That's not a lot of issues to be uncompromising about, especially since all of them will probably be major planks in the Democratic platform no matter who's nominated.

If McGovern starts forgetting where he came from, it won't be the first time a Democratic politician has done so. Hubert Humphrey, civil libertarian, turned law and order. Adlai Stevenson the rational turned international counsel for a nation engaged in a total irrational war. Jack Kennedy, man of peace, tried to invade Cuba. Lyndon Johnson delivered us from Barry Goldwater just in time to turn mad bomber. Bobby Kennedy prosecuted Ralph Ginsberg. And Eugene McCarthy, man of commitment, left his own crusade at a critical point to return to the monastery. The symbol of the liberal wing of the Democratic Party should be a cock just into his third crow.

Muskie, on the other hand, has made very few promises he can't keep. What you see is what you get. It may not be all that much, but at least nobody's being fooled. And Muskie would be the most human president since Harry Truman. That's no small virtue. We have suffered too long at the hands of presidents who thought they could impose their will on destiny. At this very moment we find ourselves in a revolting international escapade because of a president's delusion that, despite the fact that he's on his own five yard line with two minutes left, he still can win this one for the Gipper.

We tend to forget in these days of participatory monarchy that presidents used to be fairly ordinary fellows. It was less than twenty years ago that Truman could still go for walks along the streets of Washington without the danger of undue Karma transference. The concentration of national power in the White House, and in the person of the president, has had a debilitating effect on the residual democratic spirit of the country. We no longer seem content to elect a leading politician; we seek a benign Napoleon.

Muskie as president would be more of a moderator, letting America's political struggles be played out where they must be played and how they will be played, rather than regarding himself as a cosmic Vince Lombardi, whipping a nation of rookies on to victory. I, for one, am tired of great leaders and fear for the safety of my family and myself if we have any more.

As an added benefit, Muskie would be more likely to help the cause of radical change than another ersatz freak like McGovern or an inveterate busybody like Humphrey, either of whom could be counted upon to suppress radical dissent by use of the full arsenal of co-optation. You don't cause change by winning the White House; you cause it by turning things around in the small places of this country, thereby redefining what is possible for national politicians.

I suspect that Muskie would be more inclined to let the people work their will; McGovern and Humphrey would keep trying to work the people.

Finally, Muskie embodies the definition that has been given for courage: grace under fire. Sadly, it took the dismemberment of his campaign to illustrate this quality, but the manner in which he has faced his political problems speaks well of him and stands in sharp contrast with the incumbent president's approach to his, as he struggles paranoically through his seventh crisis.

So what went wrong? Muskie had at least four major opponents in this election: himself, his staff, the press and the primary process.

Muskie injured himself politically by being himself. This would not have been as likely to have happened in a general election campaign as in the less organized primaries since there are always enough people around a candidate in the big race to prevent the people from finding out what he is really like.

Early in the campaign Muskie expressed doubts about his qualifications for the post. "Maybe I'm not the best man to be president," he would say. Such an admission is inadmissable. Among other things, it set him apart from the unflagging self-confidence of a McGovern. Robert Anson offers this insight into McGovern in a recent issue of the New Democrat:

He seems, if anything, almost too sure of himself, like a man unencumbered by self-doubt. An interviewer found that out when he asked McGovern whether it didn't require some extraordinary sense of righteousness, almost a power neurosis, to seek the highest office in the land. McGovern didn't hesitate a moment. "I don't think it requires a power neurosis," he replied evenly. "As a matter of fact, I would say that anyone in a position to make a reasonable bid for the Presidency, who has some reasonable understanding of what needs to be done (and) who backs away from it . . . is neurotic." On another occasion, a particularly persistent reporter in Green Bay, Wisconsin, challenged McGovern: "Are you a doubter?" "Doubt?" McGovern replied, as if he were just being introduced to the concept for the first time. "Doubt about what?" "About anything," the reporter pressed. "Just about life." Said McGovern: "No."

Anyone who has seen McGovern field questions from an audience will know what the reporter was getting at. The answer comes back as soon as the question is finished. There is never a pause, never a hesitation, and only rarely any qualifications.

Muskie, like Eugene McCarthy, paid the political price of raising questions as well as answering them.

Then he cried in New Hampsire. That was a mistake the press tells us, although without explaining why its was all right for Richard Nixon to become emotional about Checkers after being caught with his hand in the Hughes till, but not for Muskie to get upset by attacks on his wife.

He failed to display the sort of competitiveness that Richard Nixon and Curt Gowdey have taught us to love. And he expressed uncertainty on issues, rather than following the example of Hubert Humphrey who took two precise—and contradictory—stands on Nixon's busing proposals within a short space of 24 hours. He was, in short, more self-revealing than we have come to expect, or like, in presidential candidates. He was like Santa Claus taking off his beard in front of the kids. And a nation that thinks its presidents come down the chimney doesn't go for that sort of thing.

Muskie's staff left plenty to be desired. It totally underestimated the challenge and treated Muskie like an incumbent running for reelection rather than what he was, a name in search of an identity. One of Muskie's biggest mistakes was lining up so many big-name endorsements. There was an excess of people around him who wanted more from him than he was able to expect out of them—the reverse of McGovern's situation. When the Muskie freight slowed down, these political boomers hopped off and grabbed the next one passing by.

But even more important was the media whipsaw in which Muskie found himself. One of the prime functions of the press is operating the national elevator. It determines who goes up and who comes down. When it spots a riser, whether it be Abbie Hoffman the revolutionary or Muskie the president, it hastens their ascent. But the moment a downtrend is perceived, it greases the slide and puts a pile of broken glass at the bottom so everyone can hear the howl. Muskie was treated to both rides.

Finally, the primary system itself hurt Muskie. For a sizable portion of the electorate Muskie was, and probably still is, its second choice. As voters emerged from the Pennsylvania precincts, for example, a poll was taken that showed that those who voted for Humphrey preferred Muskie over McGovern as their second choice by a margin of two to one. Conversely, of all those who voted for McGovern, the second choice also went to Muskie by a four to three margin. Unfortunately, there was no place on the ballot for penultimate selections. This could be changed. A method of proportional voting in which the electorate could cast its votes in order of preference would minimize the present tendency of the primaries to narrow down to those who represent the most irreconciliable segments of the party.

As it is, it looks as if the forces of truth and justice have rallied around McGovern and will troop to Miami with a majority of righteousness and a minority of votes. And in the chaos, Hubert the Cat will spring to life again.

Even if it works out differently; even if, through some quirk and fancy political footwork, McGovern sneaks through as the nominee, the end result may be even worse. For after the convention it will be time for Phase II, when all the millions of people who don't vote in Democratic primaries (and how many McGovern supporters didn't vote in primaries where they had an opportunity?) including members of the second largest party in America, the independents, will have their chance. Does anyone really think there is a liberal silent majority out there, just drooling for a chance to elect McGovern president? If the price of virtue is another four years of Nixon, I'd just as soon sin a bit.

It's still not too late for Muskie. There is no reason to believe that the next few months will be as devoid of surprises as the past few months have been full of them. If America is willing to recycle Richard Nixon and Hubert Humphrey, why not Muskie? He's hardly been used.

There is no reason not to expect a crisis at the Democratic convention; the mind of man can't recall when there hasn't been one, except when the party has been in power. And if the party has to turn to someone to resolve that crisis, better that it turn to Muskie than to Teddy Kennedy. Admittedly Kennedy has only caused the death of one girl in the past few years compared with Nixon's tens of thousands of victims, but will the voters care? It'd be better not to have to find out.

A Muskie nomination would still be an exceedingly pragmatic and moderately pleasant expedient for the Democratic Party. Muskie as a national campaigner, as opposed to Muskie in the Democratic intramural scramble; Muskie vs. Nixon as opposed to Muskie vs. Humphrey has shown his strength. He is one of the few vice presidential candidates who has added lustre to a presidential campaign. And he could do even better on his own. If he gets the chance. . . .

DEVELOPMENT OF READING SKILLS

Mr. SCOTT. Mr. President, a recent poll conducted by the Louis Harris Agency indicates that 21 million Americans, a full 15 percent of the adult public 16 years of age and over, lack some or all of the basic functional reading skills necessary to deal successfully with even the simplest everyday experiences. Equally sobering are the estimates by educators that 30 to 50 percent of those entering junior colleges require remedial reading help. Under present circumstances, America's teachers and classrooms simply cannot cope with the huge demand for special reading instruction.

To meet this growing need, the Commonwealth of Pennsylvania has launched a new and significant citizen volunteer movement to help Pennsylvania's children develop competent reading skills. The Pennsylvania Department of Education and the National Reading Center, a national nonprofit corporation dealing with reading skills, have jointly organized a workshop to train a group of tutor-trainees and coordinators to aid teachers in teaching reading. One of the primary functions of these trainees will be to provide individual training to students who require a little extra help.

Pennsylvania is one of 20 States participating in this novel approach toward ending the growing illiteracy in our Nation. I think special thanks and recognition should go to the Pennsylvania Department of Education and the National Reading Center for recognizing this problem and dealing with it effectively. I ask Senators to join me in applauding this program, and I ask unanimous consent that a list of the Pennsylvania counties participating in this program be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

FORTY-THREE PENNSYLVANIA COUNTIES PARTICIPATING IN NATIOAL READING CENTER VOLUNTEER READING-TUTOR PROGRAM

Fayette, Greene, Washington, Allegheny, Butler, Lawrence, Mercer, Crawford, Erie, Warren, Bedford, Blair, Cambria, Somerset, Cameron, Elk, McKean, Potter, Adams, Franklin, York, Lancaster.

Lebanon, Berks, Cumberland, Dauphin, Perry, Columbia, Montour, Snyder, Northumberland, Union, Luzerne, Wyoming, Lackawanna, Susquehanna, Wayne, Carbon, Lehigh, Bucks, Chester, Delaware, Beaver.

MARYLAND OPTOMETRISTS PIONEER VISION CARE PROGRAM FOR THE ELDERLY

Mr. BEALL. Mr. President, as the ranking minority member of the Senate Labor and Public Welfare Subcommittee on Aging, I am aware of the many problems facing senior Americans.

I want to take this opportunity to call to the attention of my colleagues a new and important initiative in my State. I am referring to a project being conducted by the Optometric Center of Maryland employing mobile clinics to bring much-needed vision care to Maryland nursing home residents and other elderly citizens. The White House Conference on Aging reported that nearly all persons over 65 have vision problems. Yet less than 20 percent receive adequate care. Optometrists in Maryland are determined to improve delivery of vision care to senior Marylanders and I hope that their program will be duplicated in other States as well.

I ask unanimous consent that an article which appeared in the "Daily Record" on May 20, 1972, be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

VISION CARE ON WHEELS PROPOSED

Mobile clinics may be the solution to delivering much-needed vision care services to Maryland nursing home residents, the Optometric Center of Maryland reported. The observance of National Nursing Home Week prompted the Center to make known pilot programs now being conducted by optometry to develop improved ways of bringing vision care services to the elderly.

"In working with elderly patients, we have found that requiring the patient to move from familiar surroundings for vision or other health care services often has a traumatic effect on his psychological security. He may become anxious and fearful about where he is and how he will get back to his home again," Dr. Sheldon Leibowitz, President of the Optometric Center of Maryland, said.

CRIPPLING HANDICAP

A mobile unit completely equipped and professionally staffed for providing thorough vision examinations, as well as needed optical aids, would be an asset in reaching these people. In testimony before the 1971 White House Conference on Aging, the American Optometric Association stated that nearly all persons over 65 have vision problems but less than 20 percent receive adequate care.

"As uncorrected vision problem can be a crippling handicap to the older person, but one that usually can be improved or overcome with professional vision care," Dr. Leibowitz said. "Uncorrected poor vision limits mobility, increases the risks of accidents, and restricts the enjoyment of hobbies and participation in community and civic activities by older Americans."

He added that regular vision examinations for the elderly are important in the detection of glaucoma, cataract and other eye conditions and diseases which should be treated in their early stages, when their progression most likely can be controlled.

At present, the Optometric Center of Maryland has an ongoing nursing home care program which requires the installation of specially designed portable examination equipment into each nursing home. Through this involvement efforts of optometrists in Maryland and throughout the nation are being directed toward improving methods of delivering needed vision care to all older Americans, whether they are confined to nursing homes, live in other institutions for senior citizens, or reside in private homes.

THE MOSCOW SUMMIT

Mr. TUNNEY. Mr. President, I wish to offer my support and congratulations to President Nixon on his historic visit to Moscow last week. He accomplished unprecedented results.

He brought home agreements in a wide variety of important areas. He demonstrated that America's national interests require international accommodation. He concluded agreements which prove that American interests need not be compromised in the course of obtaining agreement with the Soviet Union—that, regardless of ideological disputes and national competition, peace, and economic development is in the interests of both powers.

Regardless of the fanfare surrounding the accomplishments in Moscow, the substance of the agreements is impressive. The subjects of agreement are vital to the interests of both countries and the agreements should improve the prospects for peace.

The summit demonstrated clearly that the two sides have an easier time agreeing on bilateral matters than on international concerns which directly involve third parties. The joint communique on the Middle East and on Indochina left matters, at least on the surface, essentially unchanged.

But on bilateral matters, the achievements were proudly presented for the world to behold: First. A truly historic arms control agreement, whereby the two superpowers attempted to curb the arms race and to recognize that its continued escalation serve the interests of no one and jeopardizes the peace of all nations. Second. Both countries pledged to work toward establishing more favorable conditions for developing commercial and economic ties between the United States and the Soviet Union. Third. America and Russia agreed on measures which would prevent incidents at sea and in the air. Fourth. They agreed to cooperate in science and technology and to create a joint U.S.-Soviet Commission on scientific and technological cooperation. Fifth. They agreed to cooperate in space and designed a dramatic new mission for the joint U.S.-Soviet exploration of space in 1975. Sixth. Both sides agreed to collaborate and cooperate in the control of disease and the improvement of health; to initiate efforts in medical cooperation that hopefully will be broadened in the years to come. Seventh. They agreed to initiate a program of cooperation in the protection and enhancement of man's environment and to consult together in the near future on specific cooperative projects in this area. Eighth. And they agreed to continue and expand exchanges in the fields of science, technology, education, and culture.

Clearly, some of these agreements are more important than others. Clearly, some have more dramatic implications. The trade agreement is disappointing but, taken together, they mark an impressive and constructive development.

Taken together, they mark a clear departure from the rhetoric and conflict of the cold war. They signal an atmosphere of cooperation. They suggest the importance of preserving and protecting the peace.

It is unfortunate that international events cast a cloud over some of these developments. It is tragic that the war in Indochina continues and that the superpowers remain immersed in tensions elsewhere which could spark more tension and increase the risk and extent of conflict.

But in light of that risk and in the midst of those threats, the leaders of both countries are to be congratulated on their attempt to make the world a safer one and in their effort to improve relations between the United States and the Soviet Union.

THE MORATORIUM ON BUSING

Mr. PELL. Mr. President, S. 659, as passed by the Senate, contains a moratorium on busing. The Department of Justice on April 29 released a listing of school districts which could be affected by the moratorium. I ask unanimous consent that the statement and list from the Department of Justice be printed at this point in the Record.

There being no objection, the statement and list were ordered to be printed in the Record, as follows:

Statement From the Department of Justice

The Department of Justice listed today 157 school districts in 25 states that could be affected by President Nixon's proposed legislation to place a moratorium on court-ordered busing and to establish uniform national standards for the desegregation of public schools.

According to records available to the Justice Department and the Department of Health, Education and Welfare, the two categories of school districts that could be affected are:

At least 45 districts to which the moratorium on new busing orders may apply. These districts are involved in some stage of litigation or administrative action.

At least 112 districts that have implemented or been ordered to implement new student assignment plans since the *Swann* decision a year ago.

In addition, HEW has supplied a list of 20 school districts as examples of desegregation plans involving racial balance.

Section 202 of the proposed Equal Educational Opportunities Act states that "The failure of an educational agency to attain a balance, on the basis of race, color, or national origin, of students among its schools shall not constitute a denial of equal educational origin, of students among its schools the laws."

The lists are not intended to be all inclusive and there may be many other districts in these categories.

The list of districts that could be affected by the moratorium includes those whose cases are pending in federal district courts, whose cases are on appeal, and whose cases are in formal hearings before HEW.

The districts on the second list have implemented or been ordered to implement new or revised desegregation plans since the Supreme Court ruled in the case of *Swann* v. *Charlotte-Mecklenburg Board of Education* on April 20, 1971.

Section 406 of the proposed Equal Educational Opportunities Act states that "On the application of an educational agency, court orders in effect on the date of enactment of this Act and intended to end segregation of students on the basis of race, color, or national origin shall be reopened and modified to comply with the provisions of this Act."

The extent of modification that a school district could expected to obtain would depend, of course, upon the limitations on busing established by Congress.

School Districts That Could Be Affected by the Moratorium

1. Pending in the Districts Courts:

Alabama: Conecuh County, Fairfield, Gadsden.

Arkansas: Little Rock.

Delaware: Wilmington.

Georgia: Atlanta.

Indiana: Indianapolis.

Louisiana: Shreveport.

Michigan: Detroit.

Mississippi: South Pike.

South Carolina: Darlington County.

2. Pending in courts but no trial on merits yet held:

Connecticut: Hartford, Waterbury.

Michigan: Grand Rapids.

Minnesota: Minneapolis.

Missouri: Kinloch.

North Carolina: Edgecombe County, Robeson County.

Texas: El Paso, New Braunfels.

Wisconsin: Milwaukee.

3. Cases on appeal (effect depends upon whether or not issues on appeal involve busing).

Alabama: Jefferson County, Marengo County, Troy City, Wilcox County.

California: San Francisco.

Colorado: Denver (Supreme Court).

Georgia: Decatur City, Elbert County, Newton County, Taylor County.

Louisiana: Pointe Coupee.

Michigan: Benton Harbor.

Oklahoma: Oklahoma City.

Tennessee: Shelby County.

Texas: Austin, Corpus Christi, Dallas, Ft. Worth, Midland.

Virginia: Newport News, Richmond.

4. HEW cases in formal hearings:

Georgia: Tift County.

Maryland: Prince George's County, Wicomico County.

SCHOOL DISTRICTS UNDER POST-SWANN DESEGREGATION PLANS

Alabama: Bessemer City, Butler County, Calhoun County, Hale County, Huntsville City, Jefferson County, Limestone County, Marengo County, Mobile County, Oxford City, Perry County, Russell County, Wilcox County.

Arkansas: Blytheville, Camden, El Dorado, Little Rock.

California: Oxnard Elementary, San Francisco City Unified.

Delaware: Milford.

Florida: Broward County, Duval County, Hendry County, Hillsborough County, Jackson County, Orange County, Palm Beach County.

Georgia: Bulloch County, Chatham County, Clayton County, Muscogee County, Upson County.

Kansas: Wichita.

Kentucky: Paducah.

Louisiana: Grant Parish, Jefferson Parish, Lafayette Parish, LaSalle Parish, Lincoln Parish, Morehouse Parish, St. Helena Parish.

Maryland: Calvert County, Dorchester County.

Michigan: Kalamazoo City, Pontiac City.

Mississippi: Biloxi, East Tallahatchie, Greenwood, Humphreys County, Jackson, McComb, Madison, Simpson County.

North Carolina: Alamance County, Bladen County, Burlington City, Fayetteville City, Forsyth County-Winston Salem City, Goldsboro City, Granville County, Greensboro City, Mecklenburg County-Charlotte City, Nash County, New Bern City, New Hanover County, Raleigh City, Rocky Mount City, Sanford City, Shelby City, Wayne County.

Oklahoma: Crooked Oak, Hugo, Tulsa City.

South Carolina: Aiken County, Chester County, Florence County #1, Marlboro County, Orangeburg County #5, Richland County #1, Spartanburg County #7.

Tennessee: Bedford County, Chattanooga City, Memphis, Nashville-Davidson County, Shelby County, Williamson County.

Texas: Austin, Beeville, Bryan, Daingerfield, Dallas, Fairfield, Fort Worth, Henderson, Houston, Oakwood, Waco, Weslaco, West Orange Cove.

Virginia: Alexandria City, Charles City, Chesapeake City, Culpepper County, Henrico County, Henry County, Norfolk City, Northampton County, Petersburg City, Portsmouth City, Roanoke City.

West Virginia: Marion County.

DISTRICTS WHERE DESEGREGATION PLANS HAVE RESULTED IN RACIAL BALANCE

Alabama: Auburn City, Bullock County, Lanett City.

Florida: Tampa.

Georgia: Augusta, Chattooga County, Clarke County, Floyd County, Muskogee County, Savannah.

Louisiana: Jefferson Parish.

Michigan: Pontiac.

North Carolina: Charlotte-Mecklenburg, Salisbury City, Winston-Salem.

South Carolina: Allendale County, Florence No. 2, Greenville, Greenwood No. 50, Newburry County.

Mr. PELL. Mr. President, I understand that the following school districts would also be affected by the moratorium: Oxnard, Calif., Augusta, Ga., elementary only, and Nashville, Tenn.

REFORMS IN THE BANKING SYSTEM—ADDRESS BY SENATOR BENNETT

Mr. BROCK. Mr. President, on Tuesday, May 23, 1972, the Senator from Utah (Mr. Bennett) addressed the California Independent Bankers Association in Los Angeles. The Senator's remarks dealt with constructive reforms now being instituted within our banking system. Particularly noteworthy is the account of the resolution of a number of critical issues facing the banking industry which had inhibited its ability to serve the public interest.

Because the Senator's statement centers in large part on the recommendations of the President's Commission on Financial Structure and Regulation and their implications for the future development of our economic and financial institutions, I believe it merits careful review.

I ask unanimous consent that Senator Bennett's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by Senator Bennett Before the California Independent Bankers Association

The President's Commission on Financial Structure and Regulation was appointed because of problems, stresses and trends, which in 1969 affected all financial intermediaries, commercial banks, savings banks, savings and loan institutions, and credit unions. After struggling with its assignment for about 18 months, it issued its report with many recommendations at the end of last year. What will be the effect of the Commission's report and what can you, as independent bankers, do to influence the change it may make in your operations and your place in the banking system.

There were several conditions existing in 1969 that prompted the establishment of the President's Commission on Financial Structure and Regulation. One of the major problems that existed at that time was represented by the one-bank holding company issue which was then pending before the Congress. That issue included both the question of appropriate regulation of one-bank holding companies and the need to define the scope of permissible bank-related activities in which holding companies could engage. These were basic questions, and it was thought by some that a Presidential commission could best provide evidence that would be needed in setting a pattern for the most effective development of bank holding companies. As it turned out, the Congress was not willing to wait for the final Commission report nor in fact, was the Commission able to provide us with interim information to help us decide the issues. It is interesting to note, however, that the Commission recommendations on bank holding companies when they appeared were in line with what the Congress did.

Another major issue at that time which is not vital today was the lack of mortgage money for home building. You will remember that then there was a major crunch in mortgage money due to the attempt of the Federal Reserve Board to slow inflation through monetary policy. Today, as you know, there is no lack of mortgage money, and home building is proceeding at a record clip. Thus the two major immediate problems which existed in 1969 do not exist today.

In addition to these two major immediate problems confronting the Congress in 1969, but very much related to them, there was a feeling that the existing structural arrangement, in the banking industry, with its specialized institutions and the divided but strict regulatory control over these institutions was not meeting the needs of the public in the most efficient and effective manner possible. There was much evidence that the traditional specialized institutional approach had helped create some of the major problems facing both our financial institutions, and those whom they were intended to serve. One of the problems was the inability of savings and loan associations to compete for savings during a period of tight money and rising interest rates, these institutions had for some time been pressing for and obtaining, a gradual broadening of their lending powers. They had also been able to obtain a preferential rate under Regulation Q on savings deposit interest payments in order to stimulate savings which were limited by law to be used for housing which was lagging because of tight money conditions. As the result of the existence of Regulation Q, however, all financial intermediaries were put at a disadvantage, which made them unable to compete with interest rates being offered on other debt instruments offered in the market.

To add to the difficulty, the differing institutions were operating under the control of different regulatory agencies with different objectives, and some aspects of the regulation were criticized as being restrictive, duplicative, unnecessary, and burdensome. Over a period of many years recommendations had been made by various groups and studies for restructuring the regulation of all types of financial institutions but no legislative action had been taken on those recommendations, including the Federal Reserve Board's recommendation that all commercial banks be required to be members of the Federal Reserve System, in order to make Federal Reserve Board monetary policy more effective.

Thus the Commission came into being because there was an awareness that institutions and their regulatory agencies, as then structured, were not meeting the needs of a changing society as efficiently as they should. As a matter of fact, both the regulations and the institutions they affected had grown and developed their various purposes quite without any definite pattern and in spite of occasional attempts by both the institutions, their agencies and the Congress to improve the situation, the overall problem had never been squarely faced and solved.

Why was an attempt made in 1969 for a complete overhaul? A new President had been recently elected, eager to take action to solve as many of his inherited problems as possible. In this field he decided to appoint a Commission to study the situation and make recommendations for necessary and desirable changes. In the 1970 Economic Report of the President, the Council of Economic Advisers announced this policy decision. The Report stated:

"Our expanding and increasingly complex economy must have financial institutions reflecting the vitality that comes from vigorous innovation and competition. Financial services required by tomorrow's economy will differ in as yet undefinable ways from those appropriate today. The demands on our flow of national savings . . . will be heavy in the years ahead, and our financial institutions and financial structure must have the flexibility that will permit a sensitive response to changing demands. Thus the time has come for a thorough examination of needed changes in our financial institutions and our regulatory structure. This study will be carried out by a commission to be appointed by the President early this year."

On June 16, 1970, when names of the members of the Commission were announced, the President gave them a broad responsibility in these words "to review and study the structure, operation, and regulation of the private financial institutions in the United States, for the purpose of formulating recommendations that would improve the functioning of the private financial system."

One and one-half years later the Commission issued its report. How well its recommendations respond to the President's request is a matter of opinion, but there is no doubt that it touches on most, if not all of the problems of, and conflicts within, the industry.

A careful analysis of the Report leaves one with the conclusion that the Commission did not really recommend any new or revolutionary concepts. Nor did the Commission do much of any major basic new research. Instead, it gleaned its ideas from the many studies and recommendations which had been made before. Such studies included the Report of the Commission on Money and Credit in 1961, the Friend Study of the Savings and Loan Industry in 1969, the study on Bank Regulatory Structure by the Conference of State Bank Supervisors in 1971, and others. The Commission tried to weave the best recommendations from all these sources into a rational system which would provide the maximum freedom from unnecessary regulation and the widest opportunity for flexibility so that all financial institutions to compete as nearly as possible on equal terms in all markets, instead of trying to preserve the segmented, specialized approach which now exists throughout our present system.

Early in its deliberations, the Commission adopted two major principles which run through all its recommendations: (1) They wanted to allow the greatest amount of freedom possible to the institutions involved consistent with a safe financial system, and (2) they wanted to assure that no competitor in any market has a special regulatory or tax advantage over any other competitor in that market.

I believe too that the Commission recognized existing trends which have developed from competitive forces, and built its recommendations on those trends. One of the trends upon which its recommendations were built has been the gradual movement away from specialization by financial institutions toward a broadening of services in an attempt to become more nearly one-stop financial service centers. This is not so much different from the trend that has taken place in other segments of our economy outside of the financial community. The change from independent small-corner grocery stores and independent meat markets to the present day supermarket is a clear example of that trend. The supermarket concept was successful because it was more competitive, more efficient, and more convenient for consumers. It is reasonable to expect that the same benefits will accrue from one-step, full service financial centers. At the same time, we know that there are still many specialty shops which are equally successful as the supermarkets. They are successful because under some conditions—and for some customers—a more personal and more specialized service is desired. I believe that the same will always be true of financial services. If free competition is allowed, and the legal, regulatory, and tax burdens are equalized to the greatest extent consistent with a safe financial system, every institution will be free to compete either through the development of a full service approach or through a specialized approach, depending on the needs of its own customers and community and on the capabilities of the institution.

The Commission made specific recommendations which are intended to bring the present system more in line with these concepts. Certainly these recommendations are not perfect nor could it be expected that any group of 20 Commissioners with varied backgrounds, despite their excellent qualifications, would produce a flawless model for a complex financial system. As is always the case in such a situation, we must realize that the Commission's recommendations are inevitably the result of compromises, and that perhaps none of the Commissioners agree with all of the recommendations in the Report. Having served on various Commissions, I know very well the degree of give and take that is involved and necessary. I also know that the final reports are compromises with which no member is completely satisfied. Furthermore, the Hunt Commission obviously attempted to preserve as much of the traditional system as possible and make only recommendations which could be put into effect without disastrous consequences to any of the present segments of the system.

Considering the responsibility which the President gave to the Commission to recommend changes to improve the functioning of the private financial system, it is natural that the recommendations would affect different types of financial institutions differently. Even within the commercial bank segment, the recommendations it adopted will have a much different effect on the operations of independent banks, banks with branches, and banks which are part of a holding company, not to mention differences between small and large banks with state or national charters. I know many of you feel that the small independent banks may have had the worst of it, and will agree with part, if not all of the following quotation from a banker-member of the Commission.

"It seems that everyone gets a nice slice of pie except for the small bank. I think this is a valid criticism of the Hunt Commission Report. This happened not because of any desire to create opportunities for larger banks, but because of a desire to create a more efficient financial mechanism. I would add, however, that the report is saying that any financial system which contains 22,000 separate units is horribly inefficient . . . that we have more financial institutions than we have financial institution managers . . . that we inefficiently fractionate our capital within these institutions . . . and so I think that implicit in this report is an attitude that this number has to somehow shrink . . . though to what extent is debatable. The numbers must come down; this is the issue, not what is the best package of 'goodies' for all."

Against this background, let us now look more specifically at the areas in which the Commission recommendations seem to cause the most concern to independent bankers.

1. State-wide branching.
2. Mandatory Federal Reserve membership.
3. Removal of Regulation Q ceilings on savings.
4. Checking accounts for financial institutions other than commercial banks.
5. Greater consumer loan powers for savings banks, savings and loan institutions, and credit unions.
6. Bank holding company powers for commercial banks.

Perhaps we should discuss each of these areas and how it relates to the current evolution of banking which was and is going on and would continue I think even in the absence of the Hunt Commission Report.

First, branching. Strict limitations on a bank's right to operate outside of a narrow geographic area have been breaking down for years. In 1930, branching was prohibited in as many as 30 states. Today 19 states and the District of Columbia permit statewide branching, and sixteen states permit branching in the same county or contiguous counties, but today only 15 states provide for no branching or limiting services which include teller windows or military facilities. This, however, does not tell the whole story. In addition to branching the holding company device has been developed and is now being used ever more widely to provide the practical effects of branching both in states which limit branching, as well as in states which authorize branching.

Much of the current holding company development results from the legislation which we enacted in 1970 amending the Holding Company Act and giving the Federal Reserve Board the responsibility of determining appropriate activities which may be engaged in by holding companies. The Congress established only two basic guidelines to that authority: (1) that permissible activities be closely related to the business of banking, and, (2) that on balance the activities provide a public benefit. It has been suggested by some that the Federal Reserve Board has not followed the intent of Congress in its decisions under the Holding Company Act Amendments of 1970.

The fact is that the Board *has* followed the intent of Congress. We intended that there be flexibility effective within proper limits of service to the public and that a bank holding company's permissible activities not be too tightly proscribed. I believe that the Federal Reserve Board has followed that policy. In any event, there can be no doubt that through various means of their own devising, banking institutions are becoming more competitive through their use of branching and holding company organizations. The Hunt Commission did not bring about this trend any more than it brought about the trend from independent corner groceries to the present supermarkets.

2. Mandatory Federal Reserve membership for commercial banks has long been proposed by the Federal Reserve Board. The Board's desire for such membership in light of its monetary policy responsibility is understandable. The Congress, however, to date has not seriously considered this proposition. I personally doubt that the Hunt Commission recommendation will have much, if any, effect in bringing about such a membership requirement soon. I do not say, however, that compulsory Federal Reserve membership will not be required some time in the future.

3. The eventual removal of Regulation Q ceilings on interest on deposits has been recommended by many for years. While ceilings on interest rates payable on deposits do perform a function, there are many undesirable side effects. Consumer groups are very vocal about a regulation that limits the amount of interest that can be paid on their savings when the amount of interest they pay on loans from the same institutions is not under governmental control.

Regulation Q has been acceptable from a political point of view largely because those intermediaries whose activities are generally limited to housing would otherwise be unable to compete for funds in a tight money market. Banks, on the other hand, are able to compete because of the shorter term nature of their loan portfolio, and some of the large money market banks during the last stringent monetary policy period were paying as much as 13 percent on certificates of deposit in the Euro-dollar market. Such a situation, however, left non-monetary banks in the position of paying low rates for money and lending at high rates which appears to be profiteering during a period of crisis at the expense of borrowers. Our recent experience proves that something must be done to make it possible for institutions to compete for savings without relying on the artificial ceilings on rates paid on deposits unless we want to see more and more commercial institutions and individual bypass intermediaries and put their funds directly into market instruments. Of course, no banker wants to see rates on savings accounts swing with the short-term money market, but it is my opinion that such limitations cannot long be enforced without damage to the whole financial intermediary system.

4. Checking account services have long been limited to commercial banks. However, there has been a gradual eroding of this exclusive privilege recently. Today, Rhode Island permits credit unions above a certain size to offer checking account services. Mutual savings banks may offer checking accounts in Maryland, and third party payment programs very similar to checking accounts are now being used by savings and loan associations. Although the Hunt Commission has recommended authorizing checking accounts for other financial institutions, these developments were occurring before the Hunt Commission was established and would have continued without the Hunt Commission Report. This is one area, however, where the Commission Report may be used in persuading state legislatures to accelerate the trend.

5. Now, what about greater consumer loan powers for savings institutions as recommended by the Hunt Commission? These powers have been slowly increased every time we have a housing bill before the Congress (which is nearly every year) and nearly every time the Federal Home Loan Bank Board issues new regulations. Less than two weeks ago, on Thursday, May 11, the Federal Home Loan Bank Board proposed new regulations which would permit savings and loan associations to make loans for items such as chandeliers, dishwashers, draperies, phonographs, radios, television, and venetian blinds without being tied to the mortgage. Such loans are significantly different from those now made by savings and loan associations and will increase their competition with other financial institutions including yours. If one is concerned, however, with the flow of funds into housing from private rather than government sources, he is almost compelled to come to the conclusion that lending powers of savings institutions must be broadened into these types of loans to make them more competitive in times of monetary stringency. Again, this trend has been occurring and will continue with or without the Hunt Report.

6. The final item which I listed as a possible consideration for concern by independent bankers was bank holding company powers for commercial banks. It is only natural that commercial banks which are not part of a holding company organization would desire to be competitive with those which are. Under the bank holding company organization pattern, affiliated banks have a degree of independence which protects them from damage if some other unit of the holding company is unprofitable or suffers losses. If banks were allowed to engage in all activities which are permissible under the holding company organization, the independent bank could be more adversely affected by such losses. In my opinion, the Congress will need to carefully consider this difference before authorizing banks to engage in related non-banking activities.

The reactions to the report by various industry groups and government agencies are just about what one would have expected. Those who have been against the evolutionary trends which I have discussed would inevitably oppose the recommendations of the Commission. Those who think they can profit by these trends will be glad to see them recommended in the report.

The central theme of the Report, that there be an opportunity or freedom to compete on equal terms so far as authorizing law, regulation and tax burden are concerned, is good news to some institutions, primarily those aggressive, efficient, expansionary institutions which are straining against present restrictions. To others, particularly those who have relied on regulations protection from competition in the past, it represents a shocking departure and perhaps a threat to their existence.

While most of us proclaim or believe in competition, in fact, we generally desire it for those from whom we purchase goods or services, and deplore it when we are on the selling side. Every business institution, whether financial or otherwise, would love to have just a little bit of a monopoly position and to persuade its customers that it has no real competitors for its goods or services. Independent bankers are no different in this regard.

Official statements from agencies and industries which would be affected by the recommendations made in the Hunt Report have been generally rather cautious. It appears to me that all segments of the financial community are still carefully studying the recommendations of the Report. There have, however, been some comments, both favorable and unfavorable, on some of the Report recommendations from the staff of the Federal Home Loan Bank Board and from some industry representatives. Mutual savings bank industry representatives are the only ones of which I am aware who have expressed strong support for the Report. There is no doubt of the fact that the Report recommendations are generally favorable to that segment of industry, and include its major legislative goal of Federal chartering for mutual savings banks. The reaction by independent bankers, on the other hand, has been generally quite critical, expressing the feeling that there is something for everyone else but nothing for independent banks except more and deeper inroads into your business. I cannot disagree with that general reaction as I have already said, but you and I both know that the general trend of evolution in the financial community has been unfavorable the independent bank for many years.

Let me move on to what can be expected so far as legislation based on the Commission Report is concerned. There are several very important reasons which lead me to conclude that there is little chance that legislation will be enacted this year on the basis of recommendations made in the Report. The first and most important is that this is an election year for all members of the House, one-third of the Senate, and for the President of the United States. Unfortunately, all legislative decisions in such a year tend to be politically motivated, and one does not need to be a superior political analyst to conclude that there is little if any vote appeal in changing the structure or operation of financial institutions. The average voter doesn't know very much about the complex structure of our banking system or about the differences between present financial institutions nor is he interested in the competitive postures of present institutions or the need for a realignment of supervisory agency responsibilities.

The Treasury is presently considering the Report recommendations and discussing its problems with various industry groups which feel the recommendations would hurt their industry. This exchange of views and search for answers will require some time. Furthermore, there is no immediate crisis which requires this legislation for its resolution.

In the longer run, I expect the legislative process will face all the recommendations but the process will be a long and difficult one. This is true for several reasons. First, the Commission's Report raises many questions so difficult which should be carefully and thoroughly considered by the Congress and by state legislatures. Hasty legislative action would be tragic.

While no one can argue with the recommendations of the Commission that the proposals be considered as a package, competing institutions can be expected, as they always have, to prepare for those recommendations which they believe to be in their competitive interest and oppose those which they believe may take away any special advantage they now have or grant advantages to their competitors. The bank regulatory agencies whose responsibilities may be changed by Commission recommendations can also be expected to oppose any diminution of their authority.

Conflicts like these will not be easy for the Congress and state legislatures to resolve. I think we have been moving toward the philosophy contained in the Report, there is by no means a unanimity among members of Congress that we should favor the creations more generalized institutions all covering the whole field as compared with the various specialized institutions which we now have.

Turning to the practical question of procedure, let me also suggest that it seems utterly impossible for Congress to consider at one time the whole package as recommended by the Commission. The recommendations cut across the jurisdiction of several Congressional Committees and will require action by both Federal and state legislatures. The very complexities of the proposals dictate that many of the recommendations must be considered separately.

With little competitive gain to be seen for most of the financial institutions involved, with bureaucratic inertia tending to support the status quo, and with no easily identifiable direct consumer benefits which consumer advocates might use to arouse public support, it appears that there will be little immediate pressure for legislation and, therefore, it may well be several years before any major segments of the Commission's recommendations will be enacted.

Obviously this is not altogether undesirable for those who may disagree with the Commission's recommendations. They could hope that enactments would either never occur or would at least be as long as possible in coming. On the other hand, if you support the recommendations, gradual change would be less likely to disrupt the present system and would allow existing institutions to adjust their operations to meet the emerging patterns.

Therefore, as to just what form legislation will take, I do not know. The Administration is now carefully studying them and it should decide to support the Commission Report or any major segments thereof, we can expect the Treasury Department to submit legislation to accomplish its objectives. Since in my opinion no omnibus bill could be drafted which could be handled by a Senate Committee it is most likely that the Administration would develop a package of separate proposals adjusted to fit the jurisdiction of the Committees involved.

It is altogether possible, of course, that various associations representing particular segments of the industry will not wait for the Treasury, but will draft bills to implement the recommendations they support.

In any event I believe it will be years before the major recommendations of the Report will be approved by the Congress. This has been our experience with other attempts to make significant changes in existing financial structures. The Financial Institutions Act proposed by former Senator A. Willis Robertson in the fifties, after passing the Senate, was not even considered by Mr. Patman's Committee in the House.

Most of the Robertson proposal, however, has been enacted piecemeal over the years since that time. So may it be with this attempt to restructure our financial institutions and their regulatory agencies.

With this in mind, it is only natural that you, as independent bankers, are concerned about what you can be doing to make sure that the legislation that is finally approved will benefit your individual institutions. On a legislative level, I would suggest that you begin now to develop a program which you would like to see adopted and to gather facts to support that program. In this effort, you may desire to seek an alliance with others who have interests close enough to yours so that with some give and take you can by joint effort develop proposals that can have broad support, and, of course, you must be prepared to defend your recommendations at hearings both before the Federal Congress and the state legislatures. In other words, what I am suggesting is that you start on your homework so that you can have a part in the process that will produce the legislation under which you will have to operate in the future. If your position can be shown to be in the public interest, I'm sure the Congress will be receptive to it. If it cannot, then you will have great difficulty getting it adopted.

Turning finally to the welfare of your own banks, I would recommend that you study the trends within the whole industry, as they affect all types of financial intermediaries in order to prepare contingency plans of your own should some or all of the Commission's concepts become laws and which, if adopted, will force you to change your present structure or policies. As you see such proposals move toward approval, be prepared to make the necessary changes to enable you to meet them, such as:

1. Reorientation of your service pattern.
2. Internal reorganization.
3. Merging—even with a savings and loan institution.
4. Changing your affiliation from state or national charter.
5. Selling out to another institution or holding company.

Finally, in conclusion, now that the Report is out, we discover that:

1. There is nothing new in it.
2. It recognizes, and within limitations, legitimizes current trends.
3. As one analyst said: "There is nothing in the Report that is not going to happen anyway." I think that may turn out to be a pretty shrewd observation—give or take a detail or two—and if I were you, I would try to be ready when it happens.

COMMENCEMENT ADDRESS BY SENATOR MAGNUSON AT GALLAUDET COLLEGE

Mr. COTTON. Mr. President, during most of my service in the Senate, it has been my privilege to be constantly associated with the distinguished senior Senator from Washington (Mr. MAGNUSON), 15 years on the Committee on Commerce, and I am the senior minority member. He is chairman of the Subcommittee on Labor, Health, Education, and Welfare of the Appropriations Committee, of which I am the senior minority member. Probably few Members of the Senate, even those on his own side of the aisle, have had a greater opportunity to observe his work and watch him in action. I have always marveled at his detailed knowledge of the many varied and complex subjects handled by both of these committees. I have always admired his devotion to the unfortunate and the handicapped in our society.

On the 22d of this month Gallaudet

College, located in this Capital City, and the pioneer of higher education for the deaf, which for more than a century with substantial support from the Federal Government has set the pace for education for the deaf throughout the Nation, held its 108th commencement.

The commencement exercises took place at the Cathedral Church of St. Peter and St. Paul. Some 190 degrees were awarded: 119 bachelor of arts, 45 bachelor of science, 24 master of arts, and 3 master of science in audiology. The graduates came from 34 States, the District of Columbia, Puerto Rico, Australia, Canada, Hong Kong, Norway, and Sierra Leone. Gallaudet is currently serving students from all the States and 14 foreign countries.

The guest of honor at this 108th commencement who delivered the commencement address and received an honorary degree was Senator WARREN G. MAGNUSON.

I believe that all of his Senate colleagues and the vast number of people both in his home State of Washington and throughout the Nation who are familiar with and have deep appreciation for his life of public service will be interested not only in his powerful commencement address but also in the remarkably appropriate and accurate remarks of Dr. Merrill, president of Gallaudet, in introducing him and the well-deserved citation of WARREN G. MAGNUSON as he was presented the degree of doctor of laws, honoris causa.

I therefore ask unanimous consent that these may be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

Introductory Remarks by Dr. Edward C. Merrill, Jr., President of Gallaudet College

The Senate of the United States is the senior legislative body of our government. It consists of only 100 people who make decisions on major national policies affecting every aspect of our daily lives. When one thinks of the complexity of modern life and of the range of interests which Senators must consider, it is amazing that our speaker this morning could take a personal interest in Gallaudet College and its programs. He not only knows about us; he knows *everything* about us. He knows that we serve students from 48 states and 14 foreign countries. He knows that we are responsible for not only undergraduate and graduate programs but two demonstration schools of national significance. In fact, he even knows that we have a leaky roof here and there.

It would be flattering to believe that Senator Magnuson took a special interest in Gallaudet College, but this is not the case. He is interested in Gallaudet College but he is also interested in the National Technical Institute for the Deaf, the Seattle Community College Program for the Deaf, and deaf people throughout the land. He has provided nationwide leadership in developing a program of continuing education for deaf adults. Hopefully, this program will enable deaf adults to have access to many fine continuing education programs in various colleges and universities across the United States.

It is a privilege for me to introduce to you at this time a man who is committed to serving people. A man who is extremely perceptive of the needs of people. A man who works for the best interests of people. The Honorable Warren G. Magnuson will now present our Commencement Address.

Commencement Address by Warren G. Magnuson, U.S. Senator

I was highly honored when Dr. Merrill extended your invitation to be your graduation speaker this year. That personal pleasure was magnified when I learned that the Board had voted to award me with an Honorary Degree. Now I can appreciate even more the pride that all of you justly feel about the degrees that you have earned.

In thinking about the remarks that might be appropriate today, for you and your parents, family and friends, who all share this day with you—I was tempted to address the particular mission of Gallaudet, the problems in educational programs for the deaf, the role of the Federal government in helping to meet this particular needs, and I do intend to comment on these issues. They are too well known to you and to me, and such programs always boil down to one thing: funding. Appropriations adequate enough to meet the needs and achieve the goals.

But today, you all join with thousands of other College graduates of 1972 and become members of that select group in our nation who have earned post-secondary degrees. You have proven your academic abilities. You have also overcome all those requirements that the faculty and society at large placed in your way. You've perservered, and you are about to receive a physical evidence of achievement: the time-honored sheepskin.

While I share the pride your family and friends have in your achievement, I am also a bit envious of you and all the 1972 graduates. Envious because you are just beginning your adult lives in what I believe will be one of the most constructive exciting eras in human history.

Truly exciting because I feel this is a time when society can shape itself into more practical patterns to achieve better results for all. In short: From here on human history can become more humane.

Your parents and I, the faculty by and large, we all witnessed at least part of the first half of the 20th Century that was a time of extreme troubles for man. A time of World Wars. The immediate post World War II years, were years of shock over the fact that man could be so self-destructive, and years of indecision over what to do about it.

More than ever, we must, you must, now begin the long trail to prove that there are better ways to solve problems in the world than killing people to prove a point that man only proves to be senseless.

We live in an age that has been characterized by many titles. It has been called the Atomic Age—the Jet Age—the Space Age—the Computer age. Each of those titles symbolizes a giant step in science and technology. That is the common characteristic of all those names: they revolve around things, rather than people—around gadgetry, however important, rather than the basic purposes which gadgets must serve: Man.

I do not intend to be critical, or to depreciate the value of scientific discoveries or technology. To do so would be to deny much of my own activities in the Congress of the United States and progress, even progress for the handicapped. But I prize most highly my personal role in helping to establish the National Cancer Institute, the National Science Foundation, and expanding Federal programs of bio-medical research and bio-engineering at the National Institutes of Health.

To conquer diseases that haunt mankind and to bring the delivery of better health care to our people still remains one of the most important goals that we must have as a nation.

As we look ahead, we must conclude that man himself is our most precious resource. We must do that which can make man's life better, and we need more consciousness and dedication to leadership in the dark field of man's relationship to man.

Today, hundreds of millions of people in our world still have sickness that could be prevented; too many die before their time because they do not have access to adequate health care; far too many are ill-fed, ill-housed and ill-educated.

Our world is a world of great contrasts, and in those things that matter most to man: his health, the well-being of his family, the education of his children, the purity of the air he breathes and the water he drinks.

Man shares with all men some very real goals: peace—freedom—growth—fulfillment—security—happiness.

Peace—we must all recognize that there will never be enduring peace in this world until these great inequities among men and nations are moderated. To eliminate ignorance, bigotry, poverty, and disease are all preconditions to the elimination of war.

I am, and you should be, an optimist. All is not as bad as it may appear. Some of those clouds that have hung over man could be clearing. We could realize our fullest promise if we now direct our energies toward human goals, and you are uniquely equipped to help make society more humane.

I know it is an age old problem. What is new, is that we have the know-how and the resources to do something about man's problems. We either have the technology or know it can be developed, and with the proper utilization of our human and fiscal resources, we can solve those problems.

You are part of the promise those clouds will clear. You can help provide the leadership—not only the protests—and help provide the solutions, and above all, help establish the right order of priorities.

The challenges are enormous. We have stupid wars. In our natural environment we find man doing things that threaten the very pattern of nature. Man holds a dagger to the very heart of life. He jeopardizes not only our inheritance—political and otherwise—but our inheritors as well—the hopes and achievements of unborn generations.

Solutions can and must be found. In man's relationships to man, if peaceful revolutions are not possible, then violent ones will be inevitable.

In solving these problems, I do not know what your individual roles might be. However, I do know that with the training and education that you have received, you are now better equipped to assume more active roles in resolving them than your predecessors. But remember, whatever your role might be, you will never get away from that emerging responsibility—as an educated human—to help man get along better with man. Otherwise, your world will be no better than a pretty shoddy today!

In the pursuit of excellence in human endeavor there are some specific dangers that are ever present. Like the plagues of medieval days, these dangers attack not only the individual, but the body politic.

They attack the mind and the soul of man. For society, there is no vaccine—there is no antidote—unless we have a sensibly educated people. These dangers fester in a stagnant state of mind. They might change their attacks, their strategy, but the traits that animate them are always with us: Bigotry—Conformity—and Fear.

These are forces that block progress and could prevent the attainment of our goals. We must guard against them and attack them.

Bigotry is the noisiest and gaudiest of the three. In a time of profound changes at home and abroad, the forces of bigotry would batten down the hatches against change, or even the exploration of change.

In a day of exploding knowledge and better informed people, the bigot reads history and economics, sociology and science, in terms of what has been—rather than what is, or what could be.

The bigot waits in the snug harbor of some America Past—bombarding every landing party of the present or the future. Bigotry attacks from every direction, and the future is in jeopardy whenever critical examination is thwarted or blocked whether it be from the right, left or center.

Anyone who limits inquiry for the sake of his own cluster of causes is a dangerous foe, and the bigot constantly stands in the pathway of progress.

Conformity is the second danger. Conformity arrives in drab, protective clothing. Whispering, rather than shouting, rarely making headlines or drawing attention of any sort.

Conformity argues its case with a variety of spurious reasons: prudence—good taste—"no sense in rocking the boat". But conformity is no less deadly than bigotry when, in its quiet fashion, it reduces honest dissent, divergence and difference within society. It is a state of mind which is deadening to free inquiry and to education upon which all growth ultimately rests.

We should protect non-conformity which leads to the ceaseless seeking of the Why of things, not merely the so-what of things. And you can be a non-conformist who still respects the opinions of others and does not violate decent procedures.

The third danger is Fear. A common retort of the Fear-mongers when their works are condemned, is to insist that there are indeed things to fear. They are right, of course.

There are causes of anxiety and concern in our world today. We live in a period of human history where the race is between civilization and catastrophe. We are called upon for wisdom and leadership unmatched in the past. We can provide leadership only out of a quality of mind which is open, and exploring, and free and sensible.

No one can provide this leadership out of fear. The fear-mongers would sow a whirlwind of panic.

Most of the fears they would post in our nightmares are vague and diffuse. Fears about hidden enemies so secret that we can't hope to see them. Fears about ideologies so insidious that they are said to infect Presidents and Supreme Court Justices, Members of Congress, teachers in our neighborhood schools, and professors in our colleges.

Those are the panic-born fears that Fear-mongers would peddle, while keeping the silence of the dead about the true dangers in our society—the dangers of smugness, and indifference, and complacency.

So, mount your chargers, because whatever your role in helping to meet the challenges of our time, you must expect to come up against bigotry, conformity and fear. I'm sure that you've already faced them—in your personal lives, and at a very early age. But you've all persevered. And in so doing you won over some of those who had doubts, and fears, and reservations about deaf people.

As you leave Gallaudet, you will be severely tested in the most vital quality that any college can encourage—your individuality and how you can fit into, and help make this a better world.

You are more formally entering a society in which you can trade your individuality for togetherness; your freedom of mind for conformity; your common sense for panic or pessimism.

There will be many pressures to do so. It will be easy to give in. Some of you might, but if you do you will default on the highest promise that is yours. But I know that you will not take the easy way.

That is why your parents, your home states, and the Federal government has made such a deliberate investment in each of you. That is why Gallaudet was established and became a national responsibility. As you know, only too well, Gallaudet is unique.

But again, you are all pretty typical of all 1972 college graduates because the public and private contribution towards the expense of these educational programs far exceeds the tuition and fees paid by students. On that count, Gallaudet only differs in the degree of that Federal support.

Along with other members of the Congress, I have been happy to be in a position to be of some assistance directly to Gallaudet; to assist the special programs on your campus at the elementary and secondary levels that are about ready to come into full bloom and that are setting a pace for the whole nation to follow; and recently, we've moved Gallaudet into an area of leadership that has been too long neglected—continuing education programs for deaf adults. We hope that program too will have an impact in communities all over the nation.

We want to do more, not just on the Gallaudet campus, but all over our nation. Right now there are three special pilot programs for the deaf underway at Community Colleges in Seattle, St. Paul and New Orleans. If the initial results of these efforts hold up, it is obvious we should have many more such programs in local communities across the land.

This brings me to a very personal challenge that I feel all of you graduates face. Historically it was the hearing who decided what was best for the deaf, and then did it. Granted, it was good that something was done.

Yet that was a very paternal, patronizing way of doing things. The fact that some successes resulted means that such an approach was not all wrong. But, it was not all right either.

The deaf can't be content to be told what they should do, and how they should do it, by their hearing brethren. The deaf must not only ask, but demand a voice in the private and public agencies concerned with deaf people.

As college graduates, you have an extra responsibility to carry the ball for your brethren. You must become active and involved citizens in your home communities—in civic and community affairs, and yes—in politics.

You must demand a voice in these decisions concerning programs for the deaf, and you must fight to see that the right decisions are made.

The right decisions that establish good programs to meet the needs of the deaf, and the right decisions in the perennial efforts to secure adequate funds to support those programs.

In closing, might I say again that it is you who have honored me by inviting me to be a participant in your graduation ceremonies. I know that feeling is shared by all of my colleagues from the Congress who are also here today.

It has been a special pleasure for me because I view each of you as a notch above the average college graduate. You have had special challenges in your lives. Each of you met those challenges head on, you persevered and overcame, and that speaks highly for each of you.

That confirms that fact that each of you has those qualities that our nation needs for our future, and that the future of our nation can be a better one.

My congratulations to you all—we wish you well.

Senator MAGNUSON was awarded a doctor of laws, honoris causa, by Gallaudet College and the following citation was presented during those ceremonies:

Citation of Warren G. Magnuson on Being Presented the Degree of Doctor of Laws, Honoris Causa

Senator Warren G.. Magnuson is one of the great statesmen of American political life. Representing the people of the state of Washington in the United States Congress for the last thirty-five years, the Senator has proven his concern for the "little man." He has been a knowledgeable and influential advocate in the fields of environmental protection, health care, bio-medical research, voting rights, air safety, and consumer protection. Bringing his considerable experience and expertise to bear on these problems, he has authored major pieces of legislation and has become identified as the "father of the consumer movement." Senator Magnuson, who ranks fourth in seniority in the United States Senate, has several key committee assignments, including chairmanship of the Committee on Commerce. He is a member of the Senate Appropriations Committee and Chairman of its Subcommittee on Labor, Health, Education and Welfare. In this capacity, he introduced and guided through the Senate the Act establishing direct medical care to private citizens living in rural and urban poverty.

Continuing his interest in the neglected groups in American society, the Senator recently has sponsored the appropriation of funds for continuing education services for deaf adults in the United States. Deaf people have not often had a more effective champion than Senator Magnuson. We are pleased to recognize him today, not only for his services to the deaf, but for his broader contributions to the quality of life in the nation.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bill in which it requests the concurrence of the Senate:

H.R. 9669. An act to amend the Subversive Activities Control Act of 1950, as amended.

HOUSE BILL REFERRED

The bill (H.R. 9669) to amend the Subversive Activities Control Act of 1950, as amended, was read twice by its title and referred to the Committee on the Judiciary.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The ACTING PRESIDENT pro tempore (Mr. HUGHES). Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The Senate proceeded to consider the bill.

ORDER OF CONSIDERATION OF AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the pending amendments to the unfinished business be temporarily laid aside and remain in a temporarily laid-aside status until the amendments proposed by the Senator from Delaware (Mr. ROTH), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), and the Senator from Illinois (Mr. PERCY) are disposed of.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

In accordance with the previous order, the following amendments are to be considered in the following order:

Amendment No. 1202 of the Senator from Delaware (Mr. ROTH), on which there is a time limitation of 30 minutes.

Amendment No. 1196 of the Senator from Virginia (Mr. HARRY F. BYRD, JR.), on which there is a time limitation with the vote to occur not later than 12:15 p.m.

Amendment No. 1209 of the Senator from Illinois (Mr. PERCY), on which there is a time limitation of 1 hour in the event he wishes to call up that amendment.

The Senator from Delaware is recognized.

AMENDMENT NO. 1202

Mr. ROTH. Mr. President, I call up my amendment No. 1202.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

On page 27, after line 24, insert the following:

REPORT TO CONGRESS

SEC. 303. (a) The Arms Control and Disarmament Agency with the cooperation and assistance of other relevant Government agencies including the Department of State and the Department of Defense, shall prepare and submit to the Congress a comprehensive report on the international transfer of conventional arms based upon existing and new work in this area. The report shall include (but not be limited to) the following subjects:

(1) the quantity and nature of the international transfer of conventional arms, including the identification of the major supplying and recipient countries;

(2) the policies of the major exporters of conventional arms toward transfer, including the terms on which conventional arms are made available for transfer, whether by credit, grant, or cash-and-carry basis;

(3) the effects of conventional arms transfer on international stability and regional balances of power;

(4) the impact of conventional arms transfer on the economies of supplying and recipient countries;

(5) the history of any negotiations on conventional arms transfer, including past policies adopted by the United States and other suppliers of conventional arms;

(6) the major obstacles to negotiations on conventional arms transfer;

(7) the possibilities for limiting conventional arms transfer, including potentialities for international agreements, step-by-step approaches on particular weapons systems, and regional arms limitations; and

(8) recommendations for future United States policy on conventional arms transfer.

(b) The report required by subsection (a) shall be submitted to the Congress not later than one year after the date of the enactment of this Act, and an interim report shall be submitted to the Congress not later than six months after such date.

Mr. ROTH. Mr. President, the amendment I am offering to the Foreign Relations Authorization Act requires the Arms Control and Disarmament Agency—ACDA—to prepare a comprehensive report to the Congress on the international transfer of conventional arms from producing to recipient countries. I want to thank Senators BOGGS, CASE, HART, HUMPHREY, PROXMIRE, and SCHWEIKER for their cosponsorship of this amendment. The amendment spells out a number of topics that should be covered by this report, including the problems and possibilities of international agreements regulating and limiting the transfer of such weapons and recommendations for future U.S. policies in this particularly vital and sensitive area of arms control. Let me outline my reasons for offering this amendment.

In recent years there has been tangible progress toward controlling the testing, emplacement, and transfer of nuclear weapons. The most recent significant development is the United States-Soviet agreement announced Friday which limits the race in numbers of offensive and defensive nuclear missiles. It is important to continue to seek a fuller measure of nuclear arms control consistent with our national security requirements, but it is equally important to begin to explore seriously ways and means of reducing and regulating the massive international traffic in conventional armaments. Although all the wars occurring among the developing countries since World War II have been largely fought with foreign supplied weapons, little national or international attention has been given to the control of this traffic. Yet, the greatest danger to world peace may well lie not so much in the sudden outbreak of nuclear warfare between the superpowers, as in the step-by-step escalation of a local war fought with conventional weapons into an international war fought with nuclear weapons.

While there are no precise figures on the total magnitude of the traffic in conventional arms, all the estimates point to massive and growing dimensions. The total annual value of transferred weapons is estimated to be around $6 billion. Researchers at the Massachusetts Institute of Technology collected data for 52 developing countries for the period from 1945 through 1968. They estimated that during that period these countries acquired from foreign sources more than 8,000 combat aircraft; over 2,000 military transport aircraft; nearly 4,000 trainer aircraft; 1,300 light transport, observation, and liaison aircraft; 1,500 helicopters; nearly 14,000 tanks; 9,000 armored personnel carriers; 3,000 armored cars; 300 warships; nearly 500 landing ships and landing craft; and over 900 patrol craft.

The same study estimated that for these countries merely to maintain constant force levels by replacing this equipment as it wears out, their annual demand would be on the order of 850 aircraft, 500 tanks, 400 armored personnel carriers and armored cars, and 45 naval craft. These figures represent only a part of the total transfer of arms and military technology; they do not take into account small arms and ammunition which are the basic weapons required by insurgent groups, artillery, or the costs of transferring military expertise.

The expense of arming small countries is prodigious. The U.S. military assistance programs currently run around $1.5 to $2.5 billion annually. The Soviet Union also bears substantial costs and has expanded its military transfers to the developing world during the past decade. Even China, a comparatively much poorer country, has been a major source of military supplies for Pakistan. It is more and more difficult to ascertain benefits to these programs commensurate with their material, political, and human costs. Thoughtful Americans, for example, are increasingly questioning the traditional rationale for our military assistance programs.

They ask: Do the grants or the credit sales of military equipment by this country to developing nations help to defend incipient democracies against internal threats or do they alter the internal balance of power within these countries in favor of indigenous military elites? Do our military assistance programs help to stabilize regional balances of power or have they provided smaller nations with the capability to project their limited power beyond national boundaries and hence the means for aggression? Do military assistance programs reduce the likelihood of American involvement in local wars in developing countries by enhancing these countries' self-defense capabilities or do they provide the links and rationale for U.S. involvement where intrinsic American interests do not exist? Do such programs give the United States leverage over the military policies of its allies and customers and hence some power of restraint or do they make us the hostage of these countries as our honor becomes entangled with their military performance? Are our gifts used in ways consistent with our purposes in extending the aid or are they ultimately employed in ways quite different from those we intended?

The same questions might well be asked by Soviet policymakers. One sees very little evidence that the Soviet Union has acquired any tangible rewards from Indonesia or the United Arab Republic commensurate with the massive military aid programs it has extended to these countries. Nor can one discern any special benefits China has received from its military aid to Pakistan. The arming of developing countries has not led to any changes in the international balance of power. It does, however, carry within it the inherent threat of superpower confrontation as recent events in Southeast Asia so well illustrate. It may not have caused any wars that might otherwise have not taken place, but it certainly has made the wars in such places as Southeast Asia, South Asia, and Nigeria more bloody and destructive. The main results of the massive arming of developing countries have been stalemate and an increased level of international tensions.

I believe that it would be the beginning of wisdom for both superpowers to engage in negotiations leading toward the regulation and limitation of supplies of military weapons to other countries. President Nixon, in his address to the Soviet people, spoke of the responsibility of the superpowers "to practice restraint in those activities—such as the supply of arms—that might endanger the peace of the developing areas." I very much hope that the Soviet Union will heed this call. At the same time I believe that we must look to our own part of this responsibility by developing an American policy toward the international transfer of conventional arms. I believe that the report required by this amendment would provide, in broad outlines, the basis for such a policy. And I believe that an expression of congressional interest in this subject and a public document of our intent will not only strengthen our Government's efforts to make progress toward limiting arms transfer, but may stimulate other governments—including the Soviet Union—to declare their intentions as well.

I am aware that the Arms Control and Disarmament Agency has prepared and sponsored a number of studies on the subject of conventional arms transfer. I am also aware that the United States has called for greater attention to this issue at the Geneva-based Conference of the Committee on Disarmament. But there is nothing yet approaching a cohesive set of American policy objectives, nor, to my knowledge, has the United States presented any specific proposals for limiting conventional transfer at any international forum.

The lack of progress in this area is partly a reflection of the many difficult and complex considerations that require the attention of our diplomats and executive departments before an American policy can even be formulated. Let me give some illustrations of the considerations which ACDA must grapple with in preparing the report required by this amendment.

What would constitute a reasonable level of military assistance to smaller countries? Obviously, these countries do have legitimate internal security needs, and some, like Israel, whose right to existence has not been acknowledged by her neighbors, also have legitimate external security problems. It would not be wise to stimulate the growth of many costly and inefficient arms industries in the developing world at the expense of economic progress by restricting the external supplies of weapons to levels below those required to meet legitimate security requisites. At the same time, the superpowers should halt the practice of aggressively peddling arms and emphasizing security threats to potential recipients that exist more in the imaginations of the donors than in the perceptions of their clientele.

What categories of weapons are most susceptible to international agreements? For example, a beginning might be made in sophisticated and conspicuous equipment such as warships, which could provide an impetus for further international cooperation dealing with other weapons systems much as the Limited Test Ban Treaty helped provide the psychological atmosphere which contributed to later agreements on nuclear arms.

What forums are appropriate for negotiations on the transfer of conventional arms? For some categories of weapons bilateral agreements between the superpowers may be enough to impose a reasonably satisfactory degree of control. For other weapons, a multilateral conference of the Committee on Disarmament at Geneva may be a more appropriate negotiating body.

What possibilities exist for limitations on arms supply to specific geographical regions? Would the countries within these regions have to initiate such limitations? Would an arms limitation agreement require a great power accord to underwrite it, for example, a neutralization agreement such as the one proposed by several Southeast Asian countries?

What can be done about the vast quantities of weapons that are considered obsolete by the superpowers? As the superpowers introduce more modern aircraft, ships, and small arms, the weapons these replace are often given to developing countries as military assistance instead of being scrapped. This practice tends to make the level of assistance linked more closely to the rate of weapons development in the donor countries than to the actual security needs of the recipient countries. Perhaps international agreements could be reached on the disposal of obsolete equipment.

How can middle-sized arms suppliers be induced to cooperate in efforts to reduce the traffic in weapons? This is a particularly difficult issue because the middle-sized suppliers incur fewer political risks from their activities than the superpowers, and may achieve significant economic benefits both in balance-of-payments terms and in support for maintaining profitable levels of production of more sophisticated weapons.

Other problems exist. How can we more effectively prevent the retransfer of weapons from our aid recipients to countries or groups whose interests may be entirely different from our own? Would the collection of statistics on conventional arms movements by the U.N. as proposed by several member governments facilitate greater international appreciation of the size and growth of this traffic?

There are no simple answers to these and the many other questions that must be considered when reassessing our policies toward the arming of smaller countries. But, we begin to examine these questions and formulate specific policy proposals. This is why I am asking for a report from the Arms Control and Disarmament Agency containing policy recommendations. A vote for this amendment is a request for a thorough evaluation of the policy options on conventional arms transfer open to this country. It is an exercise in responsible congressional participation in foreign policy. Certainly we can all agree that this would be a better and safer world if the number of instruments of coercion were reduced. And all can agree that the vast material and monetary resources we and other countries pour into weapons could be better used to enrich the quality of our lives and societies.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. FULBRIGHT. I yield myself 5 minutes.

Mr. President, I think the amendment by the distinguished Senator from Delaware is excellent. I certainly will support it. It is an area in which the Arms Control Agency has authority; but, so far as I know, it has never undertaken such a comprehensive review of conventional arms.

Hopefully, in view of the ending of the war in Vietnam, there will be great surplus there and elsewhere in the world.

I think it is an excellent amendment, and I would be pleased to accept it. If I had thought of it in committee, I would have offered it there. I congratulate the Senator for bringing it up. I think it is a worthwhile and timely amendment. We should encourage them to make a thorough review and a comprehensive report on the status of conventional arms all over the world. We ourselves have done a great deal in distributing the arms. It is our responsibility, I think, to review the situation. So I would be very glad to take the amendment and I certainly assure the Senator I will support it as hard as I can in conference because it is a good amendment.

I am prepared to yield back my time if the Senator from Delaware wishes and we can vote on his amendment at once.

Mr. ROTH. I thank the Senator for his kind comments.

Mr. President, I yield back the remainder of my time.

Mr. FULBRIGHT. Mr. President, I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore (Mr. HUGHES). All time on this amendment has now been yielded back.

The question is on agreeing to amendment No. 1202 of the Senator from Delaware (Mr. ROTH).

The amendment was agreed to.

AMENDMENT NO. 1196

The ACTING PRESIDENT pro tempore. Consideration of amendment No. 1196 by the distinguished Senator from Virginia (Mr. HARRY F. BYRD, Jr.) now recurs under the previous order.

The clerk will state the amendment.

The assistant legislative clerk proceeded to read the amendment as follows:

On page 30, delete lines 12 through 18.

The language sought to be deleted is as follows:

REPEAL OF RHODESIAN SANCTIONS PROVISIONS

SEC. 503. (a) Section 10 of the Strategic and Critical Materials Stock Piling Act, as added by section 503 of Public Law 92–156 (relating to military procurement authorizations for fiscal year 1972), is repealed.

(b) Section 11 of such Act is redesignated as section 10.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be taken out of either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **HARRY F. BYRD, JR.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. STEVENSON). Without objecton, it is so ordered.

Mr. **HARRY F. BYRD, JR.** Mr. President, I yield myself 5 minutes.

The **PRESIDING OFFICER.** The Senator from Virginia is recognized for 5 minutes.

Mr. **HARRY F. BYRD, JR.** Mr. President, the pending amendment would keep the law as it is now insofar as the importation of chrome from Rhodesia is concerned. Last year the Senate and then the House of Representatives passed legislation which said that if a strategic material is being imported from a Communist-dominated country, the President could not prohibit the importation of that same strategic material from a non-Communist country.

The Senate adopted that provision and the House approved it by a vote of 251 to 100. The Foreign Relations Committee in the Foreign Relations Act of 1972 now seeks to eliminate that provision. The pending amendment which I have introduced would keep the law as it is.

Mr. President, it seems to me appropriate that if the United States finds it necessary to import a strategic material from a Communist-dominated country—which in this case is Russia—the same material should not be prohibited from being imported from a non-Communist country.

The situation that the United States found itself in—and the reason the legislation was enacted last year and became effective January 1 of this year after having been signed by the President—was that up to that point 60 percent of all the importation of chrome came from Communist Russia. That is another way of saying that the United States became dependent on Communist Russia for this vital raw material. And when the Congress considered the matter, it reached the conclusion that that was not a very logical situation to permit to exist.

I do not know why the Committee on Foreign Relations wants to repeal an act which just became effective this past January. Nevertheless, it has been proposed that this provision be repealed.

I want to emphasize that when the roll was called in the Senate and in the House of Representatives, taken together, representatives from 46 of the 50 States supported the provision which subsequently became law. So this is not a regional matter; it is a national matter. It is not a State Department matter; it is a national defense matter. Does the United States want to continue to be dependent on Communist Russia for a vital war material? That is the issue.

The **PRESIDING OFFICER.** The time of the Senator has expired.

Mr. **HARRY F. BYRD, JR.** Mr. President, I reserve the remainder of my time.

The **PRESIDING OFFICER.** Who yields time? If no one yields time, time will run equally against both sides.

Mr. McGEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. McGEE. Mr. President, I will take only a very few moments at this time. We have colleagues, I suspect, coming into the Chamber who wish to address themselves to this question.

Before I proceed I ask unanimous consent that the legislative director of my staff, Mr. Robert Bullock be permitted to join me on the floor during the course of this discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, I wish to make two or three points quickly as we recapitulate the issues in connection with this question.

Considering where we are today some 8 or 9 months since the Senate acted on this question last October 6, it is vital that we have a look backward at what has happened in the wake of that Senate action. During the debate in October last year one of the points that was made repeatedly in this Chamber was that we should at least hold off with Senate action for about 30 days until the British and the Rhodesians could complete their negotiations, which were even then underway. They had been negotiating off and on for a considerable length of time to try to reach a compromise on their impasse in regard to the status of the Ian Smith government in Rhodesia, in its relationship to the United Kingdom, and most important of all, its proposals for effecting a transition into independence with an accord that would spell some hope for the 95 percent or more black Africans in Rhodesia's population.

The Senate in its wisdom chose not to suspend any action until those negotiations were over. In fact, we acted even as the talks between the British and the Smith government were reaching a climax. The result, in hindsight, is now very clear: The moment the Senate took the action it did, that vote was transmitted by the news services to Rhodesia, at which point we have the testimony of both Governments that it froze and hardened the Rhodesian Government's negotiating position. The upshot of it was that out of those talks came a less than equitable compromise. The Rhodesian government of Ian Smith was emboldened to resist even more firmly the pressures for compromise and its firmness in resisting them was triggered in large measure, we are told, by the action of the U.S. Senate on the sanctions.

I have just returned from a conference on the Isle of Jersey this month with our British contemporaries, many of our Canadian contemporaries, and an assortment of experts on Africa. The purpose of the conference was to examine the status of many African questions now, but the point made to me personally by leaders of the Labor Party in England and by the leaders of the conservative government, was that the bargaining in a realistic sense once the Senate took its action withdrawing from sanctions against Rhodesia; and the substance of this judgment is borne out now by the Pearce Commission report.

The Pearce Commission was set up to assess the consequences of the agreement that was reached between the British conservative government and the Ian Smith government in Rhodesia. What the Pearce Commission concluded after long, tortuous, and everyone agrees, fair hearings, was that the terms of the hardened agreement were unacceptable to the 95-percent-black population in Rhodesia. What this meant in very blunt terms is that the Senate of the United States, by its action in withdrawing its full participation in sanctions against Rhodesia, contributed to the sabotage of efforts to negotiate an equitable compromise between Rhodesia and Her Majesty's government in London.

That is a serious charge, Mr. President, but it is a charge that the Senator from Wyoming alone does not make; it is a charge contained now in the record of the history of those times that we are now privileged to examine in hindsight.

My petition here today is that the Senate soberly reconsider what it did. The British petitioners, the African petitioners, and the United Nations petitioners, too, request that action. They ask for one more chance to look at the question. Again and again, those persons coming out of Rhodesia and those who are more widely versed in connection with the entire vast continent of Africa are saying that the prospect of a violent settlement of these questions in that part of the world is greater now in the wake of the continued impasse in Rhodesia than before. I would be the first to point out that the United States single-handed cannot solve all the problems of the world, but we have influence and what we do and say makes a great difference to people all over this globe, and it makes a particular difference to people in Africa. I would stress that what looms even larger than it did last October is a second implication involved in the action that this body is now being requested to take.

That is the role of the United States itself in the United Nations, and the role of the United Nations as man's only remaining hope of something just a little bit better for our world.

Let me spell out why the U.N. looms very large this morning as we share our thoughts on this troublesome problem. At the point away back in 1966 when relations between Great Britain and Rhodesia had reached their crisis, when it appeared at that time as though the only likely recourse was a shoot-out in Rhodesia, the United States interceded as an honest broker and begged the British not to take a precipitous position; begged the Rhodesians not to respond in a precipitous way, and said, "Let us give it one more chance." We urged that the issue be taken to the United Nations, where it had not been lodged until that time. Partially at our behest, through our persuasion as the honest broker in that dispute, the question was turned over to the U.N.

My friend from Virginia has often reiterated his strong support of the United Nations. I have reiterated mine. That is why I think it is important that we look at the U.N. role in this question and what is at stake, because by the judgment of the United Nations, a program of sanctions was ordered against Rhodesia.

A program of sanctions, in the modern world with modern communications, is always a complication. As we well know, there were numerous asserted violations of the sanctions once they were imposed by the United Nations; but, even so, it was a serious enough matter that the Ian Smith government still today squirms under the worldwide question mark that is thrown over the legitimacy of that regime by this official U.N. sanctions program, and Smith is still striving to get out from under the program.

It is also well to note that even the Republic of South Africa, even Portugal, two nations that might have been expected to be more or less sympathetic with the Rhodesian question, have not formally acted to break the sanctions program.

The irony of it is that the United States of America, one of the principal architects of the original document that came out of San Francisco at the end of World War II, the United States within whose boundaries this great international body is lodged, the United States which at its own initiative persuaded the British to turn this matter over to the United Nations rather than go to the next stage, which could have been force, which both sides feared—the United States became the one member of the United Nations which, by the action which this body initiated, formally and openly broke faith with a United Nations commitment.

That, Mr. President, is what our country is going to be on the line for. That is the judgment that we shall have to account for as we stand before the bar of history when we profess in our rhetoric and in our profuse oratory about how we believe in the U.N. and how important it is that the U.N. succeeds. I say here it is going to take a great deal more than rhetoric to reestablish our own integrity in the U.N. It is well enough to say we pay more than anybody else in the U.N., but you do not buy principles with dollars; you support principles with the integrity of your deeds. That is why the whole question of the U.N. is a paramount issue here as this body debates this question today.

The United Nations has been in a low state for the past few months, for many complicated reasons. The big powers have been on the front pages and the front line, trying to resolve the differences of the world. But, Mr. President, let us not be the one that gives up the last ray of hope for collective action through an organization of all of the nations, not just some of them. We have committed a great deal of that faith.

We now have a new Secretary General of the United Nations. The United Nations is now seeking to get off the ground again, in its effort as peacemaker and honest broker; in efforts to resolve the differences of man around the world. This is an hour when a constructive action in this body, reinstituting the good faith of the Senate of the United States in our commitments under the Charter of the United Nations, would be a veritable shot in the arm to that sometimes beleaguered body in New York.

Mr. President, that is the case that I wanted to make this morning in these brief remarks and to say that we are being judged all over the world by where we stand now. We are being judged in black Africa as to the sincerity, as to the credibility of our oral commitments to equality among all peoples around the world; by these same black Africans who predominate in that vast continent—we are not talking about a minority; they are the majority; they are the majority; they are the minority only in a few governments—who are looking to us for some flickering gesture at the very least to give them some hope for following our lead.

President Nixon is in foreign lands today—has been for over a week—leading in an effort to ease the tensions of the world. The President has scored some breakthroughs in China, in the East, and still more breakthroughs in the trip to Moscow, and now in Iran, and today he goes to Poland. But I say, Mr. President, the world is round. It is not flat. In is not elongated. It is round, and a part of that round is the second largest continent in the world, the continent of Africa. And we are being judged in Africa today.

So I say, Mr. President, that I think it is of the utmost importance that, without risk, without compromising the security of this country, without contravening in any way the President's heroic efforts to bring peace in the world, but, in fact, complementing them and implementing them, this body would do well to rejoin the United Nations in its action in enforcing sanctions against the Government of Rhodesia for the duration of the judgment of the U.N., which until now at least has been conditioned on the negotiating efforts between the British Government and the Rhodesian Government to work out a livable compromise of their differences.

Mr. President, I yield the floor.

Mr. BROCK. Mr. President, will the Senator from Virginia yield me 5 minutes?

Mr. HARRY F. BYRD, JR. I am glad to yield 7 minutes to the distinguished Senator from Tennessee.

Mr. BROCK. Mr. President, perhaps I might be accorded the privilege of sort of wondering aloud at some of the comments made by the Senator from Wyoming.

He has mentioned the rhetoric of this debate. I would agree that it has wandered far afield on occasion. But when he begins to talk about the United Nations, about a consistency of philosophy and a consistency of position, perhaps I might be permitted a response, and perhaps even an evaluation of the consistency of that remarkable body.

There is not a Member of the Senate or a Member of Congress who does not hope that the United Nations will play a role in creating a greater chance for peace in this world. But if they are going to do that, they are going to have to develop a consistency of philosophy, a consistency of position, a consistency of integrity as well as this Nation, and this they have not demonstrated.

When one talks about the United Nations and its right to impose sanctions, it should be remembered that a part of the United Nations Charter says that body shall not interfere in the affairs of another nation, it shall not determine the form of government of any nation. Yet that is exactly what they are attempting to do in this particular instance.

It has the perfect capacity to recognize and create all kinds of nations if it likes them, if it wants their vote in the United Nations. But if it does not like them, as it apparently does not like Rhodesia, it does not recognize them, it just says, "We are going to impose sanctions on you and keep you from existing."

I marvel at the people in this country who talk about integrity of principle, and who say that the United States should not be a world policeman. I agree with that. But then what are they doing meddling with Greece? What are they doing coming before Congress and saying that we should not have any relationship with Greece because that nation does not fit their own personal standards of majority rule?

Look at the utter hypocrisy, the sheer, rank hypocrisy of the United Nations in the instance of Taiwan. They did not happen to like the country of Taiwan. They happened to decide they wanted to play the power game, so they chose a big guy over a little guy, and said, "We are going to bring Red China into the United Nations, and at the same time we are not going to give the 14 million people on that island representation; we are going to throw them out." What a bunch of garbage there is in that position. Consistency? It is not consistency, it is hypocrisy, pure and rank.

Talk about the equality of all people. That is an objective we all share. I guess you can say that the people of Eastern Europe are equal in terms of the degree of slavery they suffer. But where were these people who speak out for equality when the people of Poland, the people of Hungary, or the people of Czechoslovakia sought their own freedom? Where were they then?

You see, it depends on whose ox is being gored. The shoe does not seem to fit on both feet. There is no consistency of position here. It just depends on which side you are on. You do not like Rhodesia, so you say, "impose sanctions," and then you plead and cry about wanting to increase trade with Eastern Europe and with the Soviet Union.

I do not think that is an unfair objective. I think trade can create an interdependency that will enhance the prospect of peace. But let us be honest about it. People who talk about one country and one standard should apply that standard around the world, or they should shut up.

I do not think the people of this country are being treated honestly. I do not think they are being treated honestly in the United Nations, and I do not think they are being treated honestly by some of our political leadership, who have the remarkable talent to select those areas where we are going to have principles and to select other areas where we will not have principles.

If there is any kind of principle in this country, if we are going to meddle in the affairs of men and nations, if we are going to say, "We are not going to deal with your country because we do not like your form of government," then let us talk about dictatorships wherever they exist. Let us talk about inequality wherever it exists. Let us be honest about it, and have a common and consistent approach to that particular problem.

But do not come to me and say, "Well, we do not like dictatorships, but we will accept some because they are liberal and we will not accept others because they are repressive," or whatever derogatory term they want to use about them. Are they dictatorships or are they not? Is there equality or is there not?

Does a Russian Jew have equal treatment? Does a Russian Baptist have equal treatment? Does a Russian Catholic have equal treatment? Does a Russian black have equal treatment? Does a Ukrainian have equal treatment? Does someone in Czechoslovakia, or Hungary, or Poland, or Rumania, or Bulgaria, or Albania? Are they equally treated? Are they?

If we are going to say, as I think we should, that it is for the people of a country to determine their own destiny, that it is not for this Nation to try to impose its will, that this is a consistent principle which we are going to adhere to, it would require that that principle apply in all areas, not just in Eastern Europe, not just in Vietnam or Asia. It would apply in Rhodesia and Africa as well.

But let us decide which angle we are going to take. Let us decide where the consistency is, where the principle is, where the integrity is, and then let us adhere to it. And I would be perfectly willing to do that. You see, I happen to agree with a lot of those people in this country who have been critical of our actions in Southeast Asia, in one instance, when we say we have got to make a decision whether an action we take is in our national self-interest first, because this Nation cannot really be the guardian of the peace if it is not strong, and if we destroy ourselves, we are not going to be very effective in saving anyone else.

Where is the American self-interest in this particular question? I think it is fair to ask. Is it in our self-interest to leave ourselves totally at the whim and wish of one nation, the Soviet Union, for our supply of a terribly strategic material like chrome? Is it? Or should we not have an alternative source of supply?

Is it in our national interest to pay double the world price for chrome? Because that is what happened the day we put the embargo on. The world price went up by two, and the American housewife, the American consumer, the American defense industry, and the American taxpayer are paying the difference.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BROCK. May I have 2 additional minutes?

Mr. HARRY F. BYRD, JR. Mr. President, I yield the Senator from Tennessee 5 additional minutes.

Mr. BROCK. The American taxpayer pays for the policies of the Government that decided it wanted to impose its will upon other governments. What is the real difference between military intervention and imperialistic intervention by an economic device? It is the same thing. It is an imposition of will, an infringement upon the free process.

I happen to think that our national interests are very much at stake in this particular matter. I happen to think the United States cannot afford to be dependent upon the Soviet Union for its sole source of chrome. I happen to think the U.S. taxpayer, the U.S. consumer, has a right to expect his Government to allow him to buy any material he wants, any place he can, at the best price he can possibly buy it for. If that means we can buy it in Rhodesia or Canada or South Guam, I do not care. But to say otherwise is to violate his freedom, and that is not the prerogative of this body. It is not the prerogative of this body to infringe upon the free process of Americans wherever they be and whatever activity they want to undertake, so long as that activity does not infringe upon the rights of others.

We have a basic question before this body. The question is whether or not this country is going to be consistent, whether it is going to be impartial, whether it is going to have integrity of principle, or whether it is going to play the game of catering, catering to a few in the intellectual world or in the press who say, "We want to select whom we are going to deal with. We are going to select those people we want to associate with. We are going to make the American people pay for it whether they like it or not."

Well, it is wrong. I support the Senator from Virginia.

Mr. McGEE. I yield myself 5 minutes.

Mr. President, I respond to the Senator from Tennessee by way of making sure that the record stands correctly in accord with at least the best facts on which we can lay our hands.

First, in regard to the allegation that we are meddling in the internal affairs of another government, an independent government. Mr. President, I challenge that, as a matter of fact. Southern Rhodesia is a part of the British Empire. Rhodesia has not been set up legally as an independent entity. That is what part of the negotiations are all about. It is a member of the British Empire by international law. We did not interfere in Rhodesia. The British requested that this matter be turned over to the United Nations. We are a member of the United Nations. We are participating as a member of that collective body that has voted to take collective action on the sanctions question. This is not meddling in the internal affairs of an independent nation.

Part of the problem is how to bring about the legal transition of Rhodesia, a member of the empire, into some kind of status of independence, and that is basically Britain's question. This phase of it she sought to turn over to the United Nations, as many colonial questions have been, in the hope of finding a solution to it.

The second fact that needs to be kept clear on the record has to do with the Soviet Union and our dependence on it for chrome we need. Let us set that record straight. First of all, the President of the United States happens to have believed that our security was enough at stake to go to Moscow. The President of the United States believes that we can negotiate a deescalation of the tensions of the world by dealing with the Russians, not by fighting them or by isolating from them at the moment.

Let me say to the Senator that, in addition, the Senator no doubt is aware of the fact that since our dialogs here last October, the trade figures for last year, 1971, are now a matter of record and have been submitted to the President by the U.S. Bureau of Mines. Last year, the imports of chrome from the Soviet Union fell almost by half. In 1970, almost 2 years ago, we were importing 58 percent of our chrome from the U.S.S.R. Last year we imported 36 percent from the Soviet Union. Where did we get the difference? Our imports from Turkey last year—and may I submit that Turkey is an ally of the United States—were 39 percent.

I think we ought to lay to rest the factor of where we are getting our chrome, even in terms of its price.

We ought to remind ourselves, as well, that this body, after our action last fall, passed S. 773. That measure authorizes the disposition of 1,300,000 tons as excess to our chrome ore strategic stockpile. That in itself should remind us that there is no great sense of urgency in national security and defense needs, if, by the best judgment of those whose responsibility it is to maintain that stockpile—and by the judgment of the Armed Services Committee we passed this release of 1,300,000 tons—we can afford to do that without risk to this Nation. I agree with that.

What it does put back into perspective is the issue of the sources of our chrome ore. Some of our chrome ore, Mr. President, is coming from the Soviet Union, from whence it has come for a good many years. It is coming even more from Turkey now. For that reason, I sought to inject these modifications of the suggestions that were being made by the Senator from Tennessee.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield to the Senator from Tennessee such time as he desires.

Mr. BROCK. Let me say, first, that there is no Member of this body for whom I have greater respect, affection, and regard, in terms of protecting our national interest, than the Senator from Wyoming. I know of his integrity and his ability in this matter. We happen to be thoroughly in disagreement on this issue, and I respect him for that as well.

But let me point out that when we are able to release some chrome from our stockpile, it is because we have alternative sources of supply, because the Senate authorized the purchase of chrome from many sources.

If we did not have alternative sources of supply, if we were totally dependent, as the Senator's position would leave us, on the Soviet Union, then we could by no means have any confidence that we should reduce our stockpile of chrome.

Second, why do we buy chrome from Turkey? One reason is that the Soviet Union jacked up the world price so high that it made it possible for inefficient producers to get into the market, and we can begin to see higher prices elsewhere. As a matter of fact, we were paying double the world price because the Soviet Union put it there, and we had no choice but to buy chrome there.

With respect to the President's trip to Moscow and the fact that the Senator believes the President went to Moscow because he had confidence in our ability and our strength to negotiate with the Soviet Union from a sincere position on both sides, I think the President's trip to Moscow was one of the greatest steps toward peace in my lifetime, and I support the President in his effort. But I point out to the Senator from Wyoming that the President did not go to Moscow and sign a treaty which turned over to the Soviet Union the responsibility for our collective defense. He did not ask the Soviet Union to defend America. He did not ask them to put their missiles in front of our shores to protect this country from attack. He went over there to negotiate an arms limitation on both sides, so that neither would fire at the other.

What the Senator from Wyoming is asking us to do is to put our defense in their hands, at their disposal; because if we are dependent, in fact, upon the Soviet Union at some future date because of his amendment, if we are dependent upon them as the sole source of chrome, then he is saying that we might as well put our entire collective security at their disposal and say, "Protect us from harm." The Senator obviously knows that we are not going to do that sort of thing. That is why I think it is terribly dangerous for this country not to afford itself of any source of supply we must have in order to maintain our security.

Mr. McGEE. I thank the Senator for his further development of this matter.

I would hasten to add two things. The first is that this administration has endorsed my position. The President of the United States has said that they approve of this section of the bill. This is the same President the Senator has been alluding to, who went to Moscow, and he is not about to let our defenses down.

I certainly agree that anything we might reduce is on a quid pro quo basis. It is negotiated. That is the only sensible thing. But let me add to that what the release of the stockpile really represents. 1.3 million tons is being authorized in this pending legislation. What is coming in from Rhodesia in the so-called new source of supply if the present rate continues for the full year, will be 50,000 tons. The Senator cannot tell the Senator from Wyoming that that was the reason for our releasing 1.3 million tons from our own strategic reserves. The real reason is, if I may point out, this was recommended by the President even before the issue came up a year ago.

We have enough reserves left excess to the stockpile, 2.2 million tons, to meet the defense needs for 20 years at the present time, according to the emergency stockpile board. We have enough for 2 years if diverted totally for commercial use without touching the basic stockpile. Keeping this record straight and in perspective, the amount of ore we will be getting from Rhodesia by letting down our sanctions and giving away a principle, sabotaging United Nations policy and calling into question our own commitment to the United Nations, injuring our image in a vast continent where we hope to improve our relations and protect our flanks if need be, and would amount to about 50,000 tons from Rhodesia. That is the anticipated sum for this year. The President has endorsed this proposal of mine to resume sanctions with our Government officially pledged to full compliance. I say to my good friends from Tennessee it begins to look like a pretty thin case to argue that our strategic interests are at stake.

Mr. BROCK. With regard to the President of the United States, I could say that he can be wrong, too.

Mr. HARRY F. BYRD, JR. Mr. President, the distinguished Senator from Wyoming says that we want to set the record straight, and I think it is a good thing to do. It is important that we set the record straight.

The expert on the stockpile situation is the distinguished Senator from Nevada (Mr. CANNON), who is the chairman of the Stockpile Subcommittee of the Armed Services Committee. He will be here in a few minutes to discuss the stockpile situation.

But I will say at this point that the record will show the Senator from Nevada stated last year, in debate on the floor of the Senate, that his subcommittee and presumably the Armed Services Committee as a whole, would not recommend the release of this stockpile of 1.3 million tons were the proposals which I made last fall to be rejected. It was because of what Congress did last year that the Stockpile Subcommittee recommended the release of 1.3 million tons from the stockpile.

The stockpile today has roughly a 3-year supply of chrome. There are probably some Senators who do not believe in a stockpile. Maybe they would say to take it all out. But the purpose of the stockpile is to protect the United States in the event of an emergency.

It has been concluded that the United States needed a 3-year supply in the event of an emergency. That is approximately what the United States has today.

As I say, the distinguished Senator from Nevada (Mr. CANNON) will be here shortly to give the exact figures. The figures I have given are close to being the precise figures.

The Senator from Tennessee raised several important points. One is that the United States has no business interfering in the internal affairs of another country. That is what it is doing.

Whether Rhodesia should be dependent on Great Britain, a colony of Great Britain, or whether it should be independent of Great Britain, is a matter to be decided by those countries. The United States has no business getting involved in that. We have been involving ourselves in too many things all over the world. Certainly we have no business getting involved in that matter, as to whether Rhodesia should be independent of Great Britain.

The fact is that the only thing Rhodesia is doing is what the United States did in 1776, seeking their independence——

Mr. HARRY F. BYRD, JR. I do not say on the floor of the Senate whether they should have independence, but I think they should have the right to obtain that independence if that is their desire. I do not think the United States should seek to prevent that from being done.

The able Senator from Tennessee raised another point about the cost of this material having been substantially raised as a result of unilateral action by the President of the United States some years ago.

You know, Mr. President, Congress never put these sanctions on. It was done unilaterally by the President. As a result of those sanctions, the price has skyrocketed. It is affecting jobs all over America.

Mr. President, I hold in my hand a telegram from William J. Hart, director of District 19 of the United Steelworkers of America. The telegram is sent from Tarentum, Pa. It reads:

> Once again I urge you to oppose repeal of the Byrd amendment as contained in section 503 of S. 3526. This matter is of great concern to the specialty steel industries and as a consequence is directly involved in the continued employment of United Steelworkers of America members.

So, Mr. President, that is another reason why the action taken by Congress last year should not be overturned. There are many jobs at stake.

The distinguished Senator from Wyoming (Mr. McGEE) mentioned my strong support for the United Nations. That is correct.

I came back from Okinawa in the Pacific in May of 1945 at the time the United Nations was being formed. I felt it would be a world organization which would make it unnecessary for persons like myself in future years to have to be sent into battle on foreign soil in far-away areas.

I had great hopes for the United Nations, but I must say that it has not lived up to those hopes. It is a different United Nations today from what it was then. There were 51 members at that time, all with long-established governments. Today there are 131 member nations, very few of which have a history of established governments.

But, be that as it may, my concern is for the United States. That should be our foremost concern. We certainly want to help the United Nations if we can but I, for one, do not want to put the affairs of this country in the hands of the United Nations.

Mr. President, just why an effort should be made here to repeal a law which passed and became effective only in January is not entirely clear to me.

You know, Mr. President, under existing law, the President can prevent the importation of chrome from Rhodesia.

All he has to say is that we shall not import any chrome from Russia and then, under the terms of existing law, it will be impossible to import chrome from Rhodesia.

It is obvious, however, that if we do not need chrome ore, the President would do just that. He would say that it is not necessary to import chrome from Russia. Therefore, under the law it is not possible to import chrome ore from Rhodesia.

So there is a means under the present law to uphold the action of the United Nations if this is what the Government wants to have done. We do not have to change the law. It can be done under the present law.

The President signed this into law last December. So I do not know why we have all of this concern about the United Nations being so heavily involved.

The sanctions were put on unilaterally by the President of the United States, President Johnson, some years ago. And the only time that Congress has had an opportunity to express itself on this issue was last fall. Both the House and the Senate then voted to make it possible to lift the sanctions insofar as this one strategic material was concerned.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. MONDALE). The Senator from Virginia has 30 minutes remaining.

Mr. HARRY F. BYRD, Jr. Mr. President, I reserve the remainder of my time.

Mr. McGEE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 5 minutes.

Mr. McGEE. Mr. President, I would like to respond to my good friend, the Senator from Virginia and cooperate with him and try to get along until the Senator from Nevada (Mr. CANNON) gets here. We have a commitment with him regarding his speech. I want to respond to some of the points raised by the distinguished Senator from Virginia.

Mr. President, I think we ought to keep the record clear on where the steelworkers of America stand on this issue, since the Senator from Virginia raises that point.

During the debate last fall we submitted the testimony of Mr. Abel, the president of the United Steelworkers of America. The president of the United Steelworkers of America said that under no circumstances have the steelworkers of the United States endorsed the Byrd amendment. Mr. Abel said they believe in the United Nations and they want the record to be straight. Nor does Mr. Hart, Mr. Abel went on to say, speak for the steelworkers. Mr. Hart, a member of the executive board, speaks for himself. The steelworkers go on record as stressing the fact that American jobs are not at stake with regard to this issue. And we believe that is one of the important facets of American policy.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter from Mr. I. W. Abel, president of the United Steelworkers of America, that stresses once again, as this matter comes up for a vote, that they want to make it clear that the steelworkers go on record as being in favor of the sanctions imposed against Rhodesia.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STEELWORKERS OF AMERICA,
Pittsburgh, Pa., September 29, 1971.

Hon. GALE W. MCGEE,
Washington, D.C.

DEAR SENATOR MCGEE: Recently the Senate debated a provision of the Military Procurement Authorizations Act, 1972 (H.R. 8687), reported out by the Senate Armed Services Committee, which would permit the United States unilaterally to breach the United Nations' embargo against Rhodesia for the purpose of importing chrome ore or chromite. Because of the official social and racial injustices perpetrated by the Rhodesian government against its citizens, the UN applied the economic solution of an embargo until such time as that government through negotiations would correct such indignities. The impact of the embargo, as far as chromite is concerned is that the American ferroalloy producers have increased their purchases of Russian chrome ore from a level of 33 per cent in 1966 to a level of 58 per cent in 1971.

During the floor debate on your amendment to delete this morally indefensible section and to maintain the embargo, Senator Harry Byrd (Va.) read a telegram from a Mr. William Hart, who specifically identified himself as a member of the executive board of the United Steelworkers of America, in support of the effort to destroy the effectiveness of the embargo. Let me assure you that his telegram neither was endorsed by the executive board of nor does it reflect the position of the Steelworkers.

The United Steelworkers of America supports the intent of the embargo and its continuation. We feel that as a nation, and in conjunction with other nations, we must be socially concerned about basic human justice and, if need be, sustain an economic price for that conviction. Furthermore, this is one of the few occasions on which the United Nations acted as the moral conscience of the world. Its effort, therefore, should continue to have the support of this country if the purpose of a United Nations organization is to be meaningful. To break the embargo on this item will surely lead to a breaking of the embargo on other items.

Arguments on the floor indicated that the Senate Foreign Relations Committee had previously rejected this measure; that fully three years before the embargo we were already importing almost 40 per cent of chromite from Russia (49 per cent in 1963); and that there is a governmental request to release 1.3 million tons of chrome from the strategic stockpile, thereby belying any charge of strategic shortage of this mineral.

However, as regards to the threat of job loss in the specialty steel industry in Pennsylvania or elsewhere, it is in no way affected by the importation of chromite from Russia. Our problem in that industry is due to the inordinate levels of specialty steel imports from Japan and Europe and not to the source of chromite imports. To correct the specialty steel trade imbalance we have supported steel quota legislation and/or voluntary agreements. However, the importation of chrome ore from Russia does not aggravate the importation of specialty steel. It certainly did not do so in the three years prior to the embargo.

The ferroalloy industry is also beset by ferroalloy imports. We have supported their contention before the Office of Emergency Preparedness for quota relief. But the relief was to be directed against ferroalloy imports, for example ferrochrome, and not the ferro ores, for example chromite, upon which the industry depends. The lack of access to Rhodesian chrome ore fields does not affect the volume of chrome ore imports. The fact that some ferroalloy producers own properties in Rhodesia should not away the United States decision to maintain the embargo.

Our problems, therefore, in the specialty steel industry and the ferroalloy industry can be solved by quota controls and not by breaking the Rhodesian embargo on chrome ore. We hope that this untimely and socially indefensible provision of H.R. 8687 will be dropped either in conference or by further action by the Senate. The price of human dignity should not be measured in terms of the cost of chromite in the United States market.

Sincerely yours,

I. W. ABEL,
President.

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from John J. Sheehan, legislative director of the United Steelworkers of America.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STEELWORKERS OF AMERICA,
Washington, D.C., May 4, 1972.

Hon. GALE W. MCGEE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MCGEE: The United Steelworkers of America has maintained that upholding the United Nations embargo against Rhodesian chrome ore does not affect jobs of American Steelworkers. The recent release of excess chrome from the strategic stockpile further indicates that it is not necessary for the United States to continue to violate the embargo.

A February 22, 1972 article in the *American Metal Market* stated that, "Uncertainties continue to surround the Rhodesian chrome ore picture with respect to prices and supplies moving to the United States . . . The Rhodesian government has controlled the production and sale for all mines in Rhodesia since the sanctions were imposed by the United Nations. At the present time, the Rhodesian government has not indicated to Union Carbide how much ore will be available in 1972 [except for] an immediate shipment of about 20,000 tons of ore." Such uncertain circumstances would seem to place in question any assertion that the opening of Rhodesian imports would provide insurance against a real or potential crisis.

Surely we do have some commitment to prevent political exploitation of minorities and we should express that commitment through economic sanctions rather than ultimately being involved, directly or indirectly, in bloodshed.

We, therefore, support and urge your support of Section 503 of the Foreign Relations Authorization Act of 1972 (S. 3526), which would rescind the previous action of Congress which resulted in a breaking of the embargo.

Sincerely,

JOHN J. SHEEHAN,
Legislative Director.

Mr. McGEE. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the Steelworkers legislative appeal under date of May 30, 1972.

There being no objection, the copy was ordered to be printed in the RECORD, as follows:

CHROME ORE IMPORTS

The issue of the United Nations-sanctioned embargo of Rhodesia, as it applies to chrome ore, will again be before the Senate very shortly. The debate which has swirled about this issue has brought to the fore many claims of undue hardship to the American speciality steel industry and threats of job loss to American steelworkers.

As the union which would be directly affected by this alleged adversity, let me again emphatically state that the United Steelworkers of America fails to see any credence in these claims. Furthermore, we have always supported the embargo in the past, and we support its reinstatement now.

A number of points concerning competition on the affected marketplace must be made clear:

(1) *Voluntary Trade Restraints*—On May 6, 1972, the White House announced that new import accords had been reached with the Japanese and European steel producers. These agreements are designed to prevent any further erosion of the domestic steel market by imports, explicitly including the specialty steel market (which is the market sector affected by chrome ore). In other words, our domestic production of specialty steel, for domestic consumption, will not be adversely affected because of different prices of chrome ore from different sources.

(2) *Price to the American Consumer*—A picture has been painted by some that the American consumer is being gouged because of the removal of the Rhodesian supply as a competitive factor. *Barron's* magazine, for example, states in its May 29, 1972 issue that the "sanctions cost United States consumers of stainless steel an estimated $100 million per annum. . . ." The inference is that the cost of Russian chrome ore rose dramatically after the imposition of the embargo, with a resulting $100 million windfall being charged off onto the American consumer. But State Department figures reveal the following:

U.S.S.R. CHROME ORE IMPORTS INTO THE UNITED STATES

	Tonnage	Percent of total U.S. chrome ore imports	Value
Year:			
1969	299,000	57	$7,800,000
1970	409,000	58	13,700,000

With the dollar value of over half of the imports being at the amounts listed in the above chart ($7.8 and $13.7 million), it is inconceivable that excess profits on the Soviet imports or even on the total imports could be $100 million.

Prices may indeed be somewhat higher for non-Rhodesian ore. But we find no assurances from Rhodesia from which to gauge what we might expect from them in the future. A February 22, 1972 article in the *American Metal Market* stated that, "Uncertainties continue to surround the Rhodesian chrome ore picture with respect to price and supplies moving to the United States . . . The Rhodesian government has controlled the production and sale for all mines in Rhodesia since the sanctions were imposed by the United Nations. At the present time, the Rhodesian government has not indicated to Union Carbide how much ore will be available in 1972 [except for] an immediate shipment of about 20,000 tons of ore." Such uncertain circumstances would seem to place in question any assertion that the opening of Rhodesian imports provides any panacea for American consumers.

(3) *Steel Market Fluctuation*—The rapid increase in price of USSR chrome after the imposition of the embargo has been exploited as an example of the loss of competition in the market. But another factor must also be considered. The period of this price increase coincided with boom years in the world steel market. That market has now deflated, and so has the Soviet price of chrome ore (down 15 per cent from the 1971 price).

(4) *Reliance Upon the USSR*—In the years of 1969 and 1970, we did in fact import the majority of our chrome ore from Russia. In 1971, however, Turkey became the leading importer at 39.4 per cent, with the USSR falling back to 35.8 per cent—almost its pre-embargo level.

* * * * *

We feel that the economic arguments against the embargo are unfounded. But more important, we feel that the Rhodesian embargo must rest on its own social, not economic merits. This nation owes a deep moral commitment to the objectives of that embargo.

We, therefore, support and urge your support of Section 503 of the Foreign Relations Authorization Act of 1972 (S. 3526), which would rescind the previous embargo-breaking action of Congress.

* * * * *

Mr. McGEE. Mr. President, the suggestion has been made repeatedly here that somehow the Steelworkers have copped out on this question, because they are concerned about jobs. The United Steelworkers of America point out that American jobs are not at stake. They are not concerned about jobs. They are concerned about the higher principles that are involved. They do not see that any jobs are affected by the sanctions on chrome from Rhodesia. The jobs may be Rhodesian jobs, but they are not jobs in the United States of America.

Mr. President, I think this ought to be spread on the RECORD as part of the true perspective of where the Steelworkers, who theoretically would have the most at stake in the Senator's proposal, stand. They support a return to this program of sanctions.

Mr. President, I return once more to the reminder that the President of the United States has endorsed this approach because this approach is simply another one of the facets of the international policy to help strengthen the American hand. It was his emergency board that made the decision, with all due respect to the Armed Services Committee, that 1.3 million tons of chrome were in surplus. Yet, my friend, the Senator from Virginia, and the Senator from Tennessee, would have us believe here that by the purchase of 50,000 tons of chrome from Rhodesia, we justify the release of 1.3 million tons from our stockpile. That is nonsense. No one who can examine the implications of that statement can believe it. It says that we have more chrome in the stockpile than we know what to do with, and by releasing the excess we are insuring ourselves of enough for our entire defense and domestic needs for 2 or 3 years ahead, besides what remains in the stockpile, which is far more.

The decision says that chrome is not in any critically short supply.

It further says that the price of ore is set in the world market and not in the machinations that go on in terms of Rhodesia.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGEE. Mr. President, I ask unanimous consent that an editorial from the New York Times of today, entitled "Atoning on Sanctions" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ATONING ON SANCTIONS

The Senate will get an opportunity, probably today, to start pulling the United States back from a violation of international legal obligations and the United Nations Charter. It will vote on Senator Gale McGee's bill to repeal a 1971 provision that had the effect of breaching sanctions twice invoked against Rhodesia's white minority Government by the U.N. Security Council.

Prospects for repeal improved greatly with a strong declaration of support from the Administration, which made no fight against Senator Harry F. Byrd's 1971 amendment. In a letter to Mr. McGee, Acting Secretary of State John N. Irwin demolished arguments for the Byrd amendment, particularly the charge that by barring Rhodesian chrome imports the United States left itself dependent on the Soviet Union for strategic material.

"There was no chrome shortage last year and there is none now," Mr. Irwin said. In fact, there are 2.2 million tons of excess top-grade chrome ore in the strategic stockpile. Months before Mr. Byrd submitted his amendment the Administration had asked Congress for permission to sell off 1.3 million tons—sufficient to supply this country's total chrome requirements for eighteen months or to meet defense-related needs alone for fifteen years.

The United States imported more chrome in 1971 from its ally, Turkey, than from Russia. The Administration also refutes the rumor that Russia itself is violating the sanctions and reselling Rhodesian chrome to this country. Tests of Soviet ore by the Bureau of Customs have produced no evidence of this whatever.

When Congress passed the Byrd bill it seemed probable that Britain would soon settle the Rhodesian problem with the white regime, making sanctions academic. But Rhodesia's black majority rejected the settlement and Britain perseveres with the sanctions. By passing the McGee repealer, Congress can bring the United States back into line with most of the international community and restore its traditional position in support of the United Nations, the rule of law and majority rule in southern Africa.

Mr. HARRY F. BYRD, JR. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 2 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, the Senator from Nevada (Mr. CANNON) is the chairman of the Stockpiling Subcommittee of the Committee on Armed Services. In the CONGRESSIONAL RECORD under date of September 30, 1971, the Senator from Nevada said:

> We have 4.4 million tons in the stockpile. We held hearings on that and determined that we should not release it.

They did not release it until this legislation was enacted last fall.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be taken equally from each side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, I yield 10 minutes to the Senator from Nevada (Mr. CANNON), chairman of the Stockpile Subcommittee of the Armed Services Committee.

Mr. CANNON. Mr. President, I thank the distinguished Senator for yielding to me.

I wish to comment on the repeal of the Rhodesian sanctions on chrome ore since I was personally involved last year as the chairman of the Senate's Stockpile Subcommittee.

As we all know, section 503 of S. 3526, the Foreign Relations Authorization Act of 1972, provides for the repeal of the Rhodesian chrome amendment—the Byrd amendment—enacted last year as section 503 of the Military Procurement Authorization Act. In order to put the issue in proper perspective, the following review may be helpful in connection with the Rhodesian sanctions provision.

The Byrd amendment, enacted last year as section 503 of Public Law 92-156, provides, in effect, that the President may not prohibit the importation into the United States of a strategic commodity unless imports of such commodity from Communist-dominated countries are also prohibited by law. In practical effect, the section would permit U.S. imports of chrome and other strategic and critical materials from Rhodesia despite the U.N. sanctions against Rhodesia and the U.S. Executive order enforcing the U.N. sanctions.

CHROME AND ITS USES

The principal commodity affected by the Byrd amendment is chrome. "Chromium is one of the top strategic metals and in 1939 along with three other metals, it was the first to be designated for stockpiling"—Mineral Facts and Problems, Bureau of Mines Bulletin 650, 1970 edition. The U.S. consumption of metallurgical grade chrome was 911,000 tons in 1970, the bulk of it going into stainless steel and other types of high performance steels.

There is no adequate replacement for chromium in the manufacture of these steel products. About 10 percent of the domestic production went directly into military and defense applications—but a large percentage of chrome is devoted to other essential applications. In the electric power generating industry, stainless steel is required for steam turbine blades because of its corrosion and heat-resistance properties. Stainless steel is essential for many transportation uses, in addition to its application in jet engine components. Industries where cleanliness and sanitation are critical also use substantial quantities of stainless steel because of its corrosion resistance—it does not chemically react with other materials to which it is exposed and hence will not contaminate those materials. Hospitals, food-processing facilities, and pharmaceutical production are examples. Household appliances and kitchen tools also use chrome—but in 1968 only about 5 percent of U.S. chrome usage went for these purposes, according to U.S. Bureau of Mines data.

NATIONAL SECURITY CONSIDERATIONS

There are important national security considerations involved in our current reliance on the Soviet Union for the bulk of our national needs for chrome. There is no domestic production of chrome ore. The only domestic source for chrome comes from disposals from the U.S. stockpile of strategic and critical materials. The Soviet Union was the source of nearly 60 percent of U.S. chrome imports in 1969 and 1970. The Russians supplied more than 40 percent in 1971. The other major suppliers were Turkey and South Africa.

It would defeat the very purpose of the stockpile if the United States were to rely on it as a major source of chrome in the future, as it has in recent years. While there is currently a surplus of chrome in the stockpile, the surplus is not large enough to meet our needs for very long.

"POLITICAL" CONSIDERATIONS

Like other minerals, chrome must be mined where it is found. With the exception of Turkey, all of the other major sources of metallurgical grade chrome ore are located in countries which the United States may have moral or political differences. Rhodesia and South Africa are both under the control of governments which practice discrimination against blacks. The Soviet Union, of course, discriminates against Jews and many other racial and religious groups. The United States, to put it plainly, would cut off its nose to spite its face if we refused to buy chrome produced in countries whose policies we do not agree with.

THE ECONOMIC CONSIDERATIONS

As the dominant world suppliers of chrome, the Russians have driven the price from a presanction level of about $25 per ton to a 1971 high of more than $61 per ton. Witnesses from the American Iron and Steel Institute testified before Congress that this increase in the price of chrome cost U.S. consumers of stainless steel more than $100 million a year.

Foreign producers of stainless steel, some of whom have benefited from the Rhodesian sanctions—because they, in fact, bought lower cost Rhodesian ore in defiance of the U.N. sanction—have increased their penetration of the U.S. steel market. In 1971, imports of cold rolled stainless steel sheets accounted for 32.9 percent of the domestic supply, imported stainless steel wire for 48.3 percent of domestic supply, and imports of stainless wire rod accounted for 56.3 percent of the domestic supply. Imports at this level clearly have a serious impact on employment and production in the domestic steel and ferroalloys industries.

EFFECT ON RHODESIA

The enactment of the Byrd amendment last year, at best, has had only a token effect on the economy of Rhodesia. In the presanction era, chrome exports accounted for only 2 percent of Rhodesia's export trade. In 1964, for example, Rhodesia's total exports were valued at $354 million, but only $7 million came from chrome.

There is some reason to believe that the U.S. action in permitting chrome imports may not have benefited the Rhodesian economy at all. This is so because:

First. Rhodesia has never stopped producing or marketing chrome ore and the Byrd amendment did not make more chrome ore available on the world market than was available before its enactment. It only enabled U.S. firms to legally import chrome that would otherwise have gone, in secret, to other steel-producing countries.

Second. The Byrd amendment has helped produce a reduction in the world price of chrome ore. The published price of Russian chrome ore today is from $7 to $9 per ton lower than the 1971 price. The 1972 published Russian price is from $52.82 to $54.24 per ton, delivered to a U.S. port, down from $61.50 in 1971—Rhodesian ore in 1972 is $48.36 per ton, delivered to a U.S. port.

Third. This reduction in the price of chrome is likely to reduce the amount of foreign exchange received by Rhodesia for the sale of chrome ore, and the Byrd amendment will, therefore, not benefit its government.

EFFECT ON U.N. AND A RHODESIAN SETTLEMENT

The U.N. sanctions against Rhodesia can probably be regarded as a failure, regardless of what Congress does about the Byrd amendment. Economic sanctions have never been a particularly successful diplomatic weapon. The Rhodesia sanctions have been in effect almost 5½ years without, apparently achieving their objective. The sanction also have been frequently violated. More than 110 cases of sanctions violations have been reported to the U.N. Sanctions Committee, including 32 which deal with chrome.

Congressional action on the Byrd amendment, either last year or this, is not likely to affect the effort to reach a settlement between the United Kingdom and Rhodesia. The United Kingdom Government reached an agreement with the Rhodesian Government after the congressional passage of the Byrd amendment, but there is no evidence that the action of Congress had any effect whatsoever on the agreement. One of the features of that agreement called for appointment of a British commission which would attempt to determine the views of the blacks in Rhodesia with respect to the agreement. That commission, the Pearce Commission has completed its work in Rhodesia and was scheduled to submit its report to the British Government by April 30, 1972. The report, however, is not expected to be made public for a month or more, to allow the British Government time to review it. There is no sign that any action by Congress will affect the course of action with the United Kingdom and Rhodesia may take in the future.

It might also be noted that the U.N. sanctions were imposed by the Security Council and cannot be lifted without a vote by the Security Council and that the Soviet Union can veto the lifting of sanctions. I, therefore, recommend that the Byrd amendment be kept intact and that the section 503 of the Foreign Relations Authorization Act of 1972 which provides for the repeal of the Byrd amendment be defeated.

Mr. HARRY F. BYRD, JR. Mr. President, I thank the able Senator from Nevada for the excellent presentation he has just made and the facts which he has brought out. I think it is very important that the facts be made available, and the Senator from Nevada, as chairman of the Stockpile Subcommittee of the Armed Services Committee, is in a unique position to present to the Senate the facts in this case, which he has just done.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. CANNON. I may say that last year, when we were considering this matter, we had before us in the Stockpile Subcommittee a proposal to release or permit the sale of chrome from the stockpile on the ground that it was in excess.

The Stockpile Subcommittee held up that release, because we felt that we needed some source of supply other than from a Communist dominated country, and it was only after the Byrd amendment passed last year that the release of the chrome was agreed to by the Stockpile Subcommittee. And I may say for myself that we certainly would not have permitted the release of chrome from the stockpile had not the Byrd amendment been adopted by the Senate. If we were to go back to that position, it would be my position, certainly, that we make a mistake in not withholding from disposition from the stockpile of any of the chrome that we now have.

Mr. HARRY F. BYRD, JR. That is a very important point the Senator from Nevada has made, and I am glad he brought it out at this point in the debate.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, I yield myself 5 minutes to respond to a couple of points the Senator from Nevada has developed here.

The first is a repetition on my part of a point I made as we were discussing this question before the Senator from Nevada arrived to make his speech. It is simply that the best estimate that we can get from our own Government is that the rejection of these sanctions, or withdrawal from the sanctions on chromium, at the very most this year will bring in about 50,000 tons of ore. That is the estimate of our own agencies.

It is inconceivable to me that the release of 50,000 tons of ore by lifting the sanctions is going to permit even the Armed Services Committee to change its point of view, let alone the board that controls the strategic reserve, so that they would release 1,300,000 tons.

I think the Senator will recall with me that last year when we were debating this question, the decision had already been made by the board itself that that 1,300,000 tons was not needed with or without sanctions against Rhodesia, and that this action had been confirmed and has now been confirmed by the Armed Services Committee in releasing that 1,300,000 tons in exchange for the 50,000.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. McGEE. I will on the Senator's time. I am trying to husband my time.

Mr. HARRY F. BYRD, JR. I yield the Senator 2 minutes.

Mr. CANNON. Mr. President, that is simply not a fact. The Armed Services Committee released that ore on the basis that the Byrd amendment had been adopted. That amount would remain in the stockpile as of now had not the Byrd amendment been adopted. So this was not a decision of the Armed Services Committee independent of the Byrd amendment.

It is a fact that the administration did propose the release from the stockpile, and we went into the matter and did not agree with them.

Mr. McGEE. But the Senator is missing my point. That is my very point: It is not what the Armed Services Committee chose to do, it is how they equate 50,000 tons of chrome ore now, this year, from Rhodesia, as an excuse for releasing 1,300,000 tons, which the Senator said we could not release while the Byrd amendment was pending and until the Senate had acted upon it. That does not hang together for me, or I would think for others. You do not agree to the release of 1,300,000 tons because, through breaking the sanction, you make available 50,000.

But I wonder whether the Senator has taken into account the second factor; namely, that the whole stress has shifted dramatically in the last year, and that our importation from the Soviet Union, which was always a critical factor, amounting to nearly 60 percent—I believe 58 percent, according to the figures supplied us—in 1970, has dropped to 36 percent this year, according to the Bureau of Mines.

Where are we getting the new ore? Not from Rhodesia, in spite of the lifting of the sanctions. We are getting it instead from Turkey, an ally of the United States.

However, all of this is really a little bit beside the point. I want to turn to another point that the Senator from Nevada made: that there is nothing in the record to suggest anything happened because of the action of the Senate of the United States last October 6 when it adopted the Byrd amendment lifting sanctions. Again, earlier in the day I detailed with great care my own visit in England with the labor party members who are out of power but were the government at the time all this began, and with the conservative government which is in power now, and which is involved in the negotiations and had been involved in the negotiations last October.

The leadership of both parties made it undeniably strong that their negotiations hit a stone wall the moment the Senate of the United States took that action. I have since had occasion to talk with political groups on both sides in Rhodesia, the one group, the Ian Smith government, saying, "We jumped with joy the night we got the news of the Senate's action lifting the sanctions," and the other group saying, "We came apart, because that was the one remaining hope we had for an equitable solution."

The record is now clear. The Senator suggests that there has been a Pearce Commission meeting and we are still waiting for the report. Well, I have the report. This is the Pearce Commission report. It was the subject of our conference earlier this month with the British parliamentarians, the Canadian parliamentarians, and all the African experts we could corral at that time.

What the report says is that the forced negotiation was inequitable and would be unacceptable, by their judgment as a result of their hearings, as a settlement in Rhodesia. I shall be glad to share this report with my friend from Nevada. That is the Pearce Commission study. But it says further that the role the U.S. Senate took last October 6 hardened and toughened the Rhodesian negotiating position, and the result was that the negotiations came up short of the kind of thing that would be acceptable to all the groups in Rhodesia.

I yield the floor, Mr. President. That is all I will take the time to say at this point.

Mr. CANNON. Mr. President, will the Senator yield me 2 minutes?

Mr. HARRY F. BYRD, JR. I yield the Senator 2 minutes.

Mr. McGEE. Let us go ahead with the colloquy, yes.

Mr. CANNON. Is it the Senator's position that we should seek, by our actions on the Senate floor, to assist factions of foreign governments in their dealings with each other? I do not see that at all.

Mr. McGEE. No, I agree.

Mr. CANNON. We did not seek such results initially, and should not now.

Mr. McGEE. No, the Senator is absolutely right.

Mr. CANNON. If we are going to reverse our position now, we would be getting right into the middle of negotiations again, as the Senator has suggested we were in the middle of them before.

Mr. McGEE. No, if the Senate stands on its position there may be no new negotiations. There is no reason for Rhodesia to negotiate.

But let me add this one factor that he leaves out. That is that our action was no interference in Rhodesia. Our role was as the middleman and the broker between Great Britain and one of its territories, a relationship that was seeking to negotiate a way to independence for another member of the old British Empire.

The British then took this matter to the United Nations, and our action on sanctions had nothing to do with backing the British; it had to do with living up to our responsibility, our commitment, if you will, in the United Nations.

The United Nations voted the sanction. Britain alone did not vote it. The United States alone did not vote it. The United Nations did, and we are a signatory member of that body. We did it in good faith. We followed through in good faith, and the Senate of the United States initiated the action that took the United States of America, as the only member of the United Nations, officially out of a commitment by the U.N. We formally broke our commitment. Nobody else broke it that way; we did it here.

Mr. CANNON. Well, Mr. President, I simply say that if we broke our commitment, we are one of many. There are many, many members of the United Nations that are completely disregarding the Rhodesian chrome sanctions against Rhodesia.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CANNON. I ask for half a minute more.

Mr. HARRY F. BYRD, JR. I yield the Senator an additional minute.

Mr. CANNON. As a matter of fact, Russia is a member of the United Nations, and we are buying Rhodesian ore from Russia, which is highly suspected of being shipped from Rhodesia to Russia and processed back to us at a higher price.

Mr. McGEE. Mr. President, I yield myself 2 more minutes. That charge has been made before, that the Russians are buying Rhodesian ore and smuggling it into the United States as Russian ore. The only one making that charge is one of the members of the steel industry, because they are trying to groom their own horse.

Our own Bureau of Mines, our own Government agencies, our own geologists have verified, upon examining the ore, that it is an entirely different ore, that it is Russian ore. I am not a great geologist. I do not know what those differences are. But they point out that Russian ore is superior in grade, that it has a different coloration, and that it has other characteristics which are identifiable, if one wants to be objective about it.

The Russians, in fact, are sending us less ore—almost half the amount they were sending us a year ago. That is the reason why it is important that we keep the record straight. Let us not plunge into this for the wrong reasons, with misinformation. That is the latest information that the Bureau of Mines of the Government of the United States has at its fingertips. It is a summary of what happend last year.

I say to the Senators who differ with me on this measure that I am afraid that what this is boiling down to is the powerful influence of two or three powerful corporations, multinational corporations, who have sought this for the importation of chrome. Labor does not want it. The U.S. steelworkers have said, "No go. We want to support the United Nations. Our jobs are not at stake in this."

This administration, the President of the United States, has endorsed this proposal. They believe that this is the way to go. I cite from the administration's statement on it.

> We opposed the Byrd amendment last fall. We oppose it for many relevant reasons this year.

This comes at a time when the President of the United States has been in Russia, negotiating with the Russians, and is now on his way home by way of another Communist country, Poland.

I think we ought to quit dragging red herrings across the stage, because it is important that this area in Africa, which means so much to many people, including the United States, not be penalized.

I would add to this the role of other American business groups in Africa. While we take this step of lifting sanctions against Rhodesia, at the same moment we have prejudiced the activities of other American business interests in Africa. This endangers American business in over three-fifths of our African trade and two-thirds of our permanent investments all over independent black Africa. These are the interests, too, that require representation here by the actions of this body. What do we end up doing? We pass a measure that is of particular interest to Union Carbide, to Foote Mineral, and one or two other companies.

I do not mind trying to protect the American interests. But the larger American interest, the administration confesses and says to this body, is in the elimination of the Byrd proposal now.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGEE. I yield myself 1 additional minute.

The shift of our imports of ore from Russia—we have cut it almost in half and are now buying more chrome ore from Turkey, our ally, than from the Soviet Union—is a dramatic shift that occurred last year, according to our own Bureau of Mines.

These are factors, Mr. President, that I think require that we try to reverse an action many took in good faith last fall. The history of events since has suggested that this matter carries with it more complications and more problems than the small gains of 50,000 tons of ore that are coming in this year, if all the schedules are kept, from Rhodesia.

Mr. President, I reserve the remainder of my time.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield 2 minutes to the Senator.

Mr. CANNON. Mr. President, the economic consideration was raised that this is benefiting some big companies. This is not the fact. The benefit is to the consumers of the stainless steel products in this country.

This is at a time when the administration is trying to institute price controls, to get at the problem of inflation. The estimate is that $100 million was saved by consumers last year by the removal and thus the lowering of the price, because the price has lowered very dramatically since the Byrd amendment was adopted last year. It is important to me if we can find areas in which we can reduce prices $100 million, in effect, to the American consumer.

Mr. McGEE. I yield myself 1 minute.

In response to that, may I say to the Senator from Nevada that, indeed, the price of chrome ore on the world market has dropped 15 to 18 percent in the last year. It has nothing to do with the release of chrome ore from Rhodesia, 50,000 tons, when by the action of the Armed Services Committee we are preparing to release 1,300,000 tons from the American strategic stockpile. There was the great factor, that was the explanation for part of the drop in this price, as all the money markets in New York will confirm.

The second reason for the drop had to do with the shift of the market. Russian chrome is the highest grade chrome and commands a higher price than most other sources on the world market. The shifting of the chrome imports from Turkey simply reflects that what Russia is producing and Turkey is producing and other countries are producing has satisfied the chrome market. This is what brought down the price of chrome some 15 percent.

It is relevant when one remembers the admonition from the United Steelworkers and from the AFL–CIO. Both organizations say, "If anybody has a stake in keeping the steel industry going, it is us. We find no relevance to the lifting of sanctions and importing chrome ore to our jobs or our chance for jobs. Our best chance lies in restoring the dignity of the United Nations, in not undercutting the President at this time, while he is underway with his mission to Europe and to Asia so recently."

So, Mr. President, I ask that the Senate reject the pending amendment of the distinguished Senator from Virginia.

The PRESIDING OFFICER. Who yields time?

Mr. HARRY F. BYRD, JR. Mr. President, what is the situation with regard to time?

The PRESIDING OFFICER. The Senator from Virginia has 7 minutes remaining, and the Senator from Wyoming has 10 minutes remaining.

Mr. HARRY F. BYRD, JR. I may say to the Senator from Wyoming that, as a result of a technicality, when the distinguished Senator from Nevada yielded to him, he was yielding on my time.

Mr. McGEE. And I was yielding on my time. The Senator from Nevada was on the Senator from Virginia's time, and I was on my time.

Mr. HARRY F. BYRD, JR. No. The response of the Senator from Wyoming was taken out of my time.

Mr. McGEE. Mr. President, if the time for my response was taken out of the time of the Senator from Virginia, I ask that it be taken out of my time instead. I apologize.

The PRESIDING OFFICER. One minute will be transferred.

Who yields time?

Mr. HARRY F. BYRD, JR. I yield myself 2 minutes.

Mr. President, I think the Senator from Nevada made a very important point, in that the consumers of this country have been affected to the extent of $100 million—$100 million on an annual basis. That is a very significant point to me.

The Senator from Wyoming spoke of what Mr. Abel, of the United Steel Workers, sitting in his top office, thinks about this matter. But if one will talk to the Members of the House of Representatives who represent steel districts in Pennsylvania, who represent the steel workers themselves, as elected officials of this Government, he will find out how concerned they are about this matter.

One of the finest speeches I have heard in the House of Representatives was by Representative JOHN DENT of Pennsylvania, last October, when he was arguing the effect the ban on Rhodesian chrome had had on the jobs of the steelworkers of the United States.

I think it is fine to think about the situation in England and how it might be affected by what we do or do not do in the U.S. Senate, but I think, first, we want to think about the United States, the people of our own country. I submit that we should not put this country in a straitjacket in regard to a vital defense material.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CHILES). Who yields time?

Mr. McGEE. Mr. President, I will yield whatever time may be necessary to keep this about equal. How many minutes would that be?

The PRESIDING OFFICER. The Senator would have to yield himself 3 minutes.

Mr. McGEE. Mr. President, I yield myself, then, 3 minutes, in that circumstance.

We have been discussing here the consequences of our action to lift sanctions and what it means for the chance of some successful negotiation.

I did not add in my colloquy with the Senator from Nevada the fact that again and again groups who have to live in Rhodesia came before our parliamentary meeting there in British territory, from both sides, saying that this hardening of the position that our action induced on the part of the Rhodesian Government brings it dangerously close to the violent stage. If that unleashes itself in Rhodesia, it would be difficult to say how it could be stopped short of the Republic of South Africa. Therefore, it is imperative that we not, in even a small way, contribute by our actions to a sharpening, or a harshening, or a worsening of prospects to avoid a blood bath in all of southern Africa. Yet that is precisely what they fear. That is what has surfaced—but only a part of it has surfaced.

I quote now from a Johannesburg newspaper, in the Republic of South Africa, where they say that with the publication of the Pearce Commission Report reflected the negative consequences of the action of this body—the iceberg is not only blocking a settlement in Rhodesia but stating that a real hazard to peaceful settlement in all of black Africa is a real one indeed. Considering the source of that particular publication, I think it should lay stress on what has happened, in their judgment, in this regard.

I point out once more that neither the Republic of South Africa, which might be regarded as a friend of Rhodesia, nor Portugal, another friend, has formally violated the sanctions in any action by their governments, nor have they recognized the independence of Rhodesia. One might have expected them to do so, but they have not. They are obviously living up to their commitment.

I say once again that only the United States of America formally broke its commitment to the United Nations. That is a pretty serious charge in times like these, when the President of our country is seeking to heal the wounds of many nations.

Mr. President, I reserve the remainder of my time.

Mr. HARRY F. BYRD, JR. Mr. President, I yield myself 1 minute. I point out that Portugal did report noncompliance with sanctions to the Secretary General of the United Nations. It appears in the U Thant report on sanctions, 1970–71.

I will point out also, since the Senator from Wyoming mentioned the defiance of the United Nations embargo, that the U.S. delegation to the United Nations, in a formal presentation, said that virtually every member of the Security Council has violated the sanctions.

Mr. McGEE. I yield myself 1 minute or 2 to respond to the Senator's comments. I must say that I misspoke myself in a technical sense in regard to Portugal, and I appreciate the Senator's correction.

The Portuguese Government never accepted the sanctions at the beginning. What I should have said was that the Portuguese Government has never taken that last step which should follow if they were believers; that is, that they recognized the independence of the Rhodesian Government. This they have not done. Neither has the Republic of South Africa, the point of it being that they still see this as competition within the British Empire—the British Commonwealth of Nations.

I should add to my friends from Virginia and Nevada that, of course, sanctions have not been perfect. Of course they have not been. There are 110 violations charged at the present time. But those violations have not yet been established. Obviously, some must take place.

The question is: Is the United States supposed to be as bad as the other guy, or is the United States supposed to be the leader in the world, trying to set a good example?

The total amount of ore to come in under the lifting of sanctions is still a mere trickle. For that reason, I think we should return to the sanctions program and restore American participation through the United Nations.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wyoming has 4 minutes remaining.

Mr. McGEE. I yield 3 minutes to the distinguished Senator from Massachusetts (Mr. KENNEDY).

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 minutes.

Mr. KENNEDY. Mr. President, I support the position of the Senator from Wyoming. I think it is eminently sound, and for a wide variety of reasons.

The American people must be pondering the action we are considering today when we have our President just returning from the Soviet Union, who is talking about expanding trade, and expanding areas of cooperation with the Soviet Union. We have had trade with them on chrome ore already. The Soviet Union has lived up to its requirements in the past.

Here, in effect, we are providing a roadblock in what has been an area of successful trade in the past.

Thus, this does not make any sense in terms of what the President is trying to do regarding our relations with the Soviet Union. It also does not make any sense from the point of view of the strategic position of the United States, which is more basic and more fundamental.

In reviewing the record and the testimony given before the committee, I have been impressed with the fact that the United States, with its present chrome reserves, has sufficient chromite on hand for some 40 years to meet our defense requirements. So it does not make any sense from the strategic position of the United States.

We have seen, with the action taken by the House and the Senate, that lifting the sanctions for the sake of chrome ore has been a vehicle to open up a wide variety of opportunities for trade with Rhodesia. The licenses granted under the provisions last year provide not only for imports of chrome but for 72 different items.

What we are effectively doing is opening up a wide variety of trading opportunities with Rhodesia at a time when they clearly have violated the fundamental Charter of the United Nations.

I think, Mr. President, that one of the fundamental difficulties with American foreign policy is that it has failed to live up to the kinds of values, the kinds of interests, and the kinds of concerns that we like to think are basic to our system and to what the American people desire.

When we violate the fundamental Charter of the United Nations, I fail to see why the United States, which stands for the principles of democracy and freedom for all the world, should be out there championing a violation of the United Nations Charter.

In summary, it does not make any sense from our strategic point of view, and it does not make any sense from the point of view of expanded opportunities for good relations with the Soviet Union. But the removal of sanctions against Rhodesia does violate the United Nations resolutions which the United States has agreed to. I do not want to see the United States in the lead of those countries which are violating United Nations resolutions.

I therefore hope that the position of the Senator from Wyoming will be sustained.

Mr. President, once again I wish to express my strong opposition to U.S. trade with Southern Rhodesia. For that reason I intend to vote against amendment No. 1196 offered by the distinguished Senator from Virginia as an amendment to S. 3526, the Foreign Relations Authorization Act of 1972. As proposed, the Senator's amendment would delete section 503 of Public Law 92–156, thereby permitting U.S. industry to continue flaunting a United Nations ban on trade with Southern Rhodesian companies.

The issue at this time is essentially the same as it was last summer when, through a series of votes, the Senate failed to uphold the provisions of a United Nations resolution banning U.S. trade with Southern Rhodesia. America voted with other Security Council members in December 1966 to impose selective mandatory sanctions in response to the rebel Rhodesian regime's withdrawal from the British Commonwealth.

But we violated that resolution last year by withdrawing sanctions against Rhodesia. At that time it was a serious matter. Now it is even more serious, because this country can no longer claim that Rhodesian chrome is required in order to reduce America's dependence on chromite from the Soviet Union. Senate supporters of trade with Rhodesia insisted that, because the United States purchases chrome ore from Russia, American industry is threatened by relying on communism for a strategic material. Moreover, it was claimed that the jump in price of Russian chromite from $58 per ton in presanction days to $71 per ton in 1971 was inflationary. It is unbearable, therefore, to those who supported the clamor for Rhodesian chrome, that the United States should continue its reliance on Russian sources. Yet, the President's current visit to Russia seeks not only to establish arms agreements, but also involves our Nation's mutual concerns regarding trade. Where is the logic in halting shipments of chrome ore from Russia while at the same time we explore other trade possibilities with the Kremlin? If it is at all right for the Treasury Department to support American industry negotiations on a $6 billion deal for liquefied natural gas from Russia what is so risky about a $14 million deal for Russian chromite?

Mr. President, although I can appreciate the irritation of those who oppose our heavy purchase of Russian chromite because of the price, that argument is not ample justification for refuting America's pledge to support the struggle for human decency wherever it is made.

Southern Rhodesia's 250,000 whites are moving closer toward apartheid—the dehumanizing system of race hate that would enslave the Nation's 5.3 million black citizens. There is no reason for the United States to profit in the exploitation of black Rhodesians.

A full look at the issue of purchasing chromite from Southern Rhodesia makes it clear that arguing for Rhodesian chromite is a farce of the cheapest sort. Last July when the Senator from Virginia testified before the Committee on Foreign Relations—regarding the matter of Rhodesian chrome—he asserted that:

> The United States today faces an imminent and serious shortage of chrome. This material is essential in the manufacture of such critical defense items as jet aircrafts, missiles, and nuclear submarines.

Yet, in those same hearings, State Department officials testified that the U.S. inventory of metallurgical grade chrome as of May 31, 1971, amounted to 5,344,000 tons. The Department verified that our stockpiles of chromite had thereby accumulated an excess of 2,244,000 tons.

In other words, the United States not only had no shortage of chrome ore, we enjoyed a substantial over abundance of this so-called critical, strategic material.

Clearly, it is nowhere close to the mark to insist that chromite is in serious shortage or that the manufacture of strategic materials is threatened. David D. Newsom, Assistant Secretary of State for African Affairs, told the Foreign Relations Committee last year that:

> Approximately 10 percent of our chrome imports go to direct defense requirements.

That leaves the other 90 percent to be consumed in the manufacture of kitchen knives, automobile trimmings and for other consumer products.

What then, can be a justifiable excuse for permitting imports of Rhodesian chrome to enter this country?

I submit that there is no such justification. There is simply no reason why the United States should purchase chrome ore from Southern Rhodesia. Moreover, the Senate and the American public must understand the folly of the situation in which we have placed ourselves regarding imports of Rhodesian chrome.

Last week, on May 23, the Pearce commission reported that the terms of the proposed settlement of Rhodesia's 6-year dispute with Great Britain was rejected by the people of Rhodesia. As a result, Sir Alec Douglas Home, announced that Britain would continue its economic and diplomatic boycott of the white rebellious Rhodesian Government. Thus, in spite of U.S. action lifting the ban on trade with Rhodesia last year, Great Britain has steadfastly maintained sanctions against the rebel government.

The Foreign Relations Committee recognized the need to maintain sanctions against Rhodesia and refused last year to report out Senator BYRD's provision to lift the ban on trade with Rhodesia. But the Senate got an opportunity to vote on the issue anyway—because it reached the floor last September as part of the military procurement bill.

The Senate voted five times on that measure. In one instance, by a vote of 45 to 43, the Senate approved the Fulbright amendment authorizing presidential discretion in granting trade with the Government of Southern Rhodesia.

Ultimately, however, the Senate lifted the ban—voting 38 to 44 in favor of the Byrd amendment on October 6, 1971.

On November 1, the House accepted the Senate approved conference report by a 151 vote margin, and on November 17, 1971, the President signed the $18 billion Military Procurement Act with the Byrd amendment included.

The administration took quick action. The Treasury Department on January 25, 1972 issued a general import license authorizing "imports of strategic and critical materials of Southern Rhodesian origin." Somehow that was interpreted to permit 72 different commodities including goose down, to enter American ports from Rhodesia.

With a license in hand—it was clear sailing for Foote Mineral Corp. They received a 25,000-ton shipment of Rhodesian chromite on March 20, 1972. Not to be outdone, the Union Carbide Corp. received a similar shipment days later. Now, I am told, other shipments are due in this country shortly.

Thus, last year, the Congress, apparently bought the argument that Rhodesian chrome is vital to our national defense and that we were running out of reliable sources for the material. But, on March 21, 1972, 1-day after the first shipment of Rhodesian ore docked at a Louisiana port—the Senate approved S. 773—a bill that allows U.S. industry to obtain chrome ore from our vast inventory of excess stockpile ore, Excerpts from Committee Report No. 92-698—describe the purpose of S. 773 and why disposal of the stockpile was proposed:

> PURPOSE OF THE BILL
>
> The proposed bill is a part of the legislative program of the General Services Administration for 1971. It would authorize the disposal of approximately 1,313,600 short dry tons of metallurgical grade chromite from the national stockpile and the supplemental stockpile and would waive the 6-month waiting period normally required before such disposal could be started.
>
> WHY DISPOSAL IS PROPOSED
>
> The material to be disposed of is excess to stockpile needs. The total inventory of the material in the national and supplemental stockpiles as of October 31, 1970, was 5,390,373 short dry tons. The stockpile objective established March 4, 1970, is 3,100,000 short dry tons, leaving an excess of 2,290,323 short dry tons, of which 978,000 short dry tons were previously authorized for disposal.

As expressed in the report language "the material, chrome ore—to be disposed of "is excess to stockpile needs."

If the chromite in the stockpile is excess to our needs then why do we need to purchase chromite from Southern Rhodesia? Even more baffling is the following report language justifying the release of "stockpiled chromite:"

> RHODESIAN ORE
>
> At the time this measure was originally considered by the committee in April 1971, sanctions against Rhodesia precluded the importation of Rhodesian ore, formerly one of the principal sources. With the enactment of section 503, Public Law 92-156, the Treasury Department has granted a general license under the Rhodesian sanctions regulations authorizing imports of strategic and critical materials of Southern Rhodesian origin. In light of this, the committee believes that the release of metallurgical grade chromite from the government stockpiles will not be detrimental to the interests of national defense.

According to the report, stockpiled chromite can be released because we voted to lift the ban on Rhodesian ore and—

> The release of metallurgical grade chromite from the government stockpiles will not be detrimental to the interests of national defense.

Who are we kidding? American industry consumes 900 thousand tons of chromite annually. We obtain that amount from the world market—without buying from Rhodesia.

Under the new authority permitting disposal of 1.3 million tons of stockpile ore—we would not need to buy chrome ore for 18 months. And even then, our remaining stockpiles of 4 million tons would sustain our defense needs for 40 years or more.

Mr. President, I submit that this Senate must not overlook these facts. The legislative history on his matter clearly shows that we failed to act properly on the merits of this matter last year.

The United States did not need Rhodesian chrome on March 29, 1971 when the Senator from Virginia introduced S. 1404, to lift the ban on Rhodesian trade. The Foreign Relations Committee knew that and refused to report the bill. The United States did not need Rhodesian chrome last September or October as the

Senate debated the Military Procurement Act. We demonstrated that at one point by voting against the Senator from Virginia. Predictably, the United States has still failed to demonstrate a need for chrome from Southern Rhodesia.

And so it is, that today we have one more opportunity to deny shipments of Rhodesian chrome or any other Rhodesian commodity from entering American ports. I can see no legitimate reason for continuing to admit chrome ore shipments into this country. All evidence shows that our national requirements can be and are being satisfactorily met from other sources.

Those who would insist otherwise can be motivated only by the insensitive claws of racism.

Supporting Rhodesian chrome imports lends support to the cruelly repressive doctrine of the white minority-ruled Rhodesian regime. Southern Rhodesia broke away from Great Britian in 1965 because it could not win approval of its national system to persecute over 5 million black Africans who deservedly seek to enjoy basic human rights and privileges. Even the British Government has reaffirmed its opposition to Rhodesia's repressive policies.

After the Senate's vote last October, it was believed that the Rhodesian premier, Ian Smith, had gained considerable leverage in his delicate negotiations to gain legal independence for the rebel government. But the Pearce Commission was obviously more impressed by the fervent expressions of rejection by African people than by the desire to reopen economic trade channels.

I am firmly opposed to trade with Southern Rhodesia as long as that nation persists with its inhuman racist policies. Bishop Abel Muzorewa, the African Methodist bishop, readily dispels any notion that sanctions are damaging to the welfare of black Rhodesians. In my talks with the bishop on May 4, I was deeply impressed with this one man's mighty conviction to stand up against the rigidity of the ruling Government. He knows that the terms of the Pearce Commission are a sellout of the African people. He also knows that the world's powers must be held accountable for their dealings with his country's rulers. If the United States is not prepared to do the right thing regarding Rhodesia, then we should do nothing—12,000 participants in last week's African American National Conference on Africa emphasized that the "right thing" can only be an end to America's complicity with the Rhodesian rulers whose distorted views violate America's pledge to seek human justice for all.

Congressman Charles Diggs, the distinguished chairman of the House Subcommittee on African Affairs, could not be more exact in saying that nothing gives African people greater concern than our position of mere lipservice against the evils of apartheid and minority rule.

I believe that if we fail to replace sanctions against Rhodesian trade we will completely destroy any credibility we may have with other African nations and we will erode the faith of concerned citizens—here at home—both black and white—who see our Nation increasing its support of countries that officially maintain racist policies.

It is time that we in the United States act to affirm the claim that all people must be granted personal rights, self-determination, and fundamental freedoms without regard to race.

It is clear that violating our United Nations resolution to ban trade with Rhodesia is totally inexcusable.

Mr. President, I shall vote to defeat the Byrd amendment, and I urge each Member of the Senate to vote against the amendment.

Mr. MONDALE. Mr. President, will the Senator from Massachusetts yield?

Mr. McGEE. This is all on the 3 minutes now, otherwise we are out.

Mr. KENNEDY. I yield.

Mr. MONDALE. Mr. President, I am sure that our country would not directly pursue a foreign policy which would be a common, ordinary foreign policy. I think it is our dream——

The PRESIDING OFFICER. The 3 minutes have now expired.

Mr. MONDALE. That we have something special, that we have higher standards in this country that would dictate—it would seem to me—a rejection of the amendment of the Senator from Virginia (Mr. Harry F. Byrd, Jr).

Mr. HARRY F. BYRD, JR. Mr. President, I yield myself 1 minute. The distinguished Senator from Massachusetts said that this proposal would throw a roadblock in the way of trade with Russia. It would do no such thing. All the proposal says is that the United States can trade with Rhodesia as well as with the Soviet Union. It keeps Russia from having a monopoly. It does do that. I do not suppose anyone wants to argue that Russia should have a monopoly on things.

Mr. KENNEDY. Do we not also get chrome from Turkey as well?

Mr. HARRY F. BYRD, JR. Yes.

Mr. KENNEDY. So, we do not have a monopoly with the Soviet Union.

Mr. HARRY F. BYRD, JR. The bulk of the imports have been from the Soviet Union.

Mr. KENNEDY. The Senator is correct.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. HARRY F. BYRD, JR. Mr. President, I yield myself one-half minute.

Mr. President, this does not prevent the importation of chrome from Russia. It does not affect trade with Russia. It says that Rhodesia can also be traded with.

Mr. President, I yield 2 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 2 minutes.

Mr. ALLEN. Mr. President, I rise in support of the pending amendment by the distinguished Senator from Virginia (Mr. Harry F. Byrd, Jr.).

The bill before the Senate would deny the United States the right to import certain stockpiled minerals considered essential to our national defense from non-Communist nations but permit importation from Communist nations.

Mr. President, whether or not the Senate should agree to the amendment must be considered in the light of unavoidable consequences of its rejection.

From the standpoint of consequences, it is crystal clear that enactment of the bill without the amendment would benefit the Soviet Union and other Communist nations. A second consequence is that the United States might well become dependent upon the Soviet Union and Communist-bloc nations for a strategic defense material. Other adverse consequences relate to our domestic industry which, unless the amendment is agreed to, will be compelled to use inferior-grade chrome ore and pay almost twice the price of a superior grade of chrome available from the independent nation of Rhodesia.

Furthermore, it would seem that the motive underlying the pending bill is punitive in that it is intended to damage the economy of Rhodesia and eventually force that nation to alter its constitution.

Mr. President, let us sum up the consequences: First, the provisions of the bill would benefit the Soviet Union and Communist nations; second, they would seriously impair our national defense; third, they would impose unnecessary burdens on our domestic industry; and fourth, proclaim our intention to damage the economy of Rhodesia and help nullify the constitution of that nation.

Mr. President, it is reasonable to ask what the proponents of the bill as pending offer to justify these adverse consequences. Since the State Department is the chief proponent, the Department's positions are instructive. It is said that the American people and Congress are bound by the United Nations treaty to uphold a specific decision by the United Nations Security Council that Rhodesia constitutes a threat to world peace. Incidentally, the mere suggestion that Rhodesia is a threat to world peace is an absurdity. It is even ludicrous when suggested by an organization vested with a responsibility for maintaining international peace and security of nations.

Nevertheless, we are asked to believe that on the basis of this determination we are obligated to implement the Security Council's decision to impose economic sanctions against Rhodesia in order to suppress the supposed threat of that nation to international peace and security.

Mr. President, let us put aside the ridiculous and purely fictitious idea that Rhodesia is a threat to world peace, which is the basis for asserting United Nations jurisdiction and thus the basis for asserting the power to impose economic sanctions on that nation. Instead, let us turn to the more fundamental argument that the American people and Congress are bound by the United Nations treaty to "gee and haw" on command of the United Nations Security Council.

Mr. President, why should the people of the United States and this Congress be bound by the United Nations Security Council with respect to measures which we must take against other nations, including the use of Armed Forces? Does the Soviet Union feel bound by the same treaty to accept the dictation of the United Nations Security Council? It does not. Do Communist bloc nations feel bound in the same manner? They do not. Does Red China feel bound to obey the dictates of the United Nations Security Council? It does not. Why, then, should we feel bound when other nations do not?

Is it not true that the United Nations is now insolvent or at least on the brink of insolvency for the sole reason that the Soviet Union, Communist bloc nations and France refused to be bound by United Nations Security Council dictates in its so-called "peace-keeping" efforts in Nigeria?

It was almost 2½ years ago that the United Nations Security Council launched its great "peace-keeping" venture against Biafra. One result of that mission was the loss of 2 million lives in Biafra through starvation and malnutrition alone, apart from the casualties of battle. Close to 5 million people were uprooted and settled in refugee camps during the "peacekeeping" efforts of that monumental tragedy which eventually cost approximately $594 million. Most of the casualties in this great "humanitarian" effort were innocent women and children.

Whether or not the United Nations war in Nigeria was justified is not the question. The question is whether or not the American people and this Congress are bound by a treaty which does not bind other member nations to the treaty.

Mr. President, the administration, through its State Department, takes the position that we should be bound by the determinations of the United Nations Security Council even though other nations are not bound. The reasons advanced for this position were clearly set out by Richard F. Pederson, Counselor of the Department of State, in a speech delivered before the United Nations Association in Stockton, Calif., on April 21, 1972.

In substance, the administration position is that the United States should be bound by Security Council decisions even in the matter of committing our Armed Forces. Further, that neither the United States nor any other nation has the right to veto or to avoid Security Council determinations including those to the use of our Armed Forces and those which call upon us to participate in economic boycotts against other nations.

The argument begins with the assumption that we must make the United Nations work as an instrument to maintain international peace and security. It is readily admitted on all sides that it has not.

The greatest obstacle to this goal, according to this argument, is the reluctance of member states to respect the authority of the Security Council—particularly among permanent members of the Council.

Therefore, it is argued, if we are to make the United Nations Security Council work, we must take advantage of and I quote:

> Ad hoc pragmatic opportunities to make use of peace keeping arrangements as political circumstances permit.

Under present political circumstances, Communist nations have agreed to sanctions imposed against Rhodesia by the United Nations Security Council. Accordingly, we must take advantage of this political circumstance and follow suit because such opportunities, and I quote:

> Are more important for the United Nations effectiveness than any other factor. It is contended that, it could well turn out that this is the only way for it—the United Nations—to continue to develop.

Mr. President, it boils down to a very simple proposition. The State Department is advocating the surrender to the United Nations of the sovereignty of the United States over decisions respecting the use of our Armed Forces and lesser measures such as economic boycotts and sanctions. In fact, the Soviet Union has been criticized by the State Department because it has not been able to persuade what the Department refers to as "a sovereignty—conscious and conservative Soviet Union," to surrender its sovereignty over decisions affecting the extent of the use of troops and armed forces and economic sanctions and the like which may be demanded by the Security Council.

Mr. President, it must be clear that there is a great contradiction in the positions of those who contend, on the one hand, that the President of the United States does not have the power to commit the Armed Forces of the United States in defense of this Nation and the position, on the other hand, that the United Nations should have that power without the right of veto on the part of the Government of the United States.

It will be extremely interesting to compare the votes of those who insist on handcuffing the President in the use of our Armed Forces in Vietnam during the present process of disengagement and those who vote in support of the contention by the State Department and this administration that all such decisions should be vested in the United Nations without the right of veto by our Government or by Congress.

Mr. President, the issue presented by this proposed amendment is whether or not we are bound by the Security Council dictates in the imposition of economic sanctions against Rhodesia. The precedent to be established or rejected is one that involves the larger issue of commitment of our Armed Forces by the United Nations in actions around the world. A vote against this amendment is a vote for the proposition that we are bound by such Security Council determination. I urge that Senators reject that proposition by voting for the amendment.

Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. McGEE. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute remains to each side.

Mr. KENNEDY. Mr. President, might I ask the Senator from Wyoming a question?

Mr. McGEE. I could only yield for 10 seconds. I have 1 minute remaining, which is a slightly short time for me.

Mr. KENNEDY. That is perfectly all right.

Mr. McGEE. Mr. President, there is one issue here that has not been discussed very fully. It concerns the role of some of the multinational, giant corporations. It leaves out Allegheny Ludlum and Union Carbide. It leaves out all of the other economic interests affected, all of which would benefit from this action. It likewise raises the prospect that the British themselves may lift their sanctions.

Mr. President, today this body votes on an issue which will test the faithfulness of this Nation to its commitment to the United Nations and to that organization's future importance and influence.

I am referring to an amendment which is being offered by the distinguished senior Senator from Virginia, Mr. BYRD. That amendment would delete section 503 from the State Department-USIA authorization bill. Section 503 would reverse action taken by this body last year which allowed us to import chrome ore and other strategic materials from Rhodesia in violation of sanctions imposed by the United Nations.

Rather than repeating the mistake we made last year, I strongly urge this body to give the United Nations a chance at survival. The organization has a new leader in Mr. Kurt Waldheim of Austria who assumes his post at a time when the U.N. is in very low status. Whatever slight hopes we may have of the United Nations becoming an effective organization must not be dashed by a repeat performance of last year. We must give the U.N. a chance rather than taking action which can only undermine both the organization and Mr. Waldheim.

There is one critical point which proponents of violating the U.N. sanctions have conveniently chosen to overlook in presenting their case. One of the complications associated with the action of the U.S. Senate last fall—and we warned of that danger during the debate at that time—was that we were taking action at a time when the British and Rhodesian Governments were in the midst of negotiations to arrive at an equitable settlement. All the direct reports from the Rhodesian capitol, the morning after the Senate took its action, stated that the Smith government's attitude had hardened completely. The spirit of give and take which had marked the negotiations up until our action had been completely destroyed.

These reports were substantiated when I consulted with the leaders of both the British Labor and Conservative parties during my trip to the Isle of Jersey earlier this month to participate in the Anglo-American Conference on Africa. The leaders of both parties were adamant in reporting to me that the action of the Senate, coming when it did, hardened the Rhodesian Government position and resulted in a proposed settlement far less equitable than what everyone had hoped for. This, in turn, resulted in the predictable negative response the Pearce Commission received in determining the sentiment for or against the proposed settlement. Just last week the Pearce Commission report was issued and the Commission rejected the proposal because a vast majority of the blacks, who comprise 95 percent of the Rhodesian population, opposed the settlement.

Again, I emphasize, this was a direct consequence of action taken by this body last October. We urged the Senate, last fall, to hold off on consideration of the Rhodesian chrome ore issue until the negotiations were completed. But the U.S. Senate chose to ignore this plea, and, as a result, we literally sabotaged any chance for a livable compromise to be worked out between the two governments. The British have announced they will continue to abide by the sanctions until a workable settlement can be ironed out and they are hopeful that we will do the same. It, therefore, becomes even more imperative that the U.S. Senate reserve the action it took last fall and vote to reimpose our observance of the sanctions.

Another point which is essential to a realistic assessment of the issues involved in the Senate vote today centers around our role in attempting to find a nonviolent solution to the British-Rhodesian problem in 1966. At that time, the British and Rhodesian Governments were on the brink of armed conflict. We goaded the British into going to the U.N. as an alternative to armed conflict—at least give the U.N. a chance to come up with an alternative to violence. We interceded as an honest broker. Now we have become the only country to formally break the sanctions. As a result, this issue becomes more than just honoring our commitment to the U.N. It has become a matter of honoring our own commitment in acting as an honest broker. Our integrity as an honest broker is at stake.

In light of these circumstances, it becomes all the more important that the United States detach itself from policies which convey the impression that we are prepared to put up with and profit from the exploitation of Rhodesian blacks. By continuing to violate the sanctions we are thus conveying this very impression.

The Senate vote also comes at a time when the President has completed his summit talks with the Soviet Union in Moscow. One of the primary purposes of the President's meeting was that of hammering out an agreement for expanding trade between our two nations. By tossing the outworn scare tactic of trading with a Communist nation into the arena of debate on the Rhodesian chrome issue, the U.S. Senate is only serving to undermine the President's efforts to seek a relaxation of tensions around the world.

The Senate is now in a position to restore our international leadership in the United Nations. Section 503 would return the United States to a position where it obeys international law and fulfills its obligations under the United Nations Charter. If we wish to see peaceful change take place in southern Africa, we will have to recognize that the sanctions program, for all of its inadequacies, has had a detrimental effect on the Rhodesian economy. In spite of the known violations of the sanctions, the proponents of violating the sanctions against Rhodesia have yet to explain how the failure of other nations to enforce the sanctions releases the United States from its obligations in terms of the international law of treaties.

There have been allegations made by those who advocate we violate international law that our defense needs require that we not be dependent on Russian chrome to meet these needs. This is nothing more than a deliberate hoax. Events since the vote last October have served only to bear out the misleading innuendo and phoniness associated with this allegation. None of the chrome which is now being imported from Rhodesia is going into our strategic stockpile. Our national defense was never imperiled by our observance of the United Nations boycott. To further compound the phoniness of this issue, the Senate, on the recommendation of the Armed Services Committee, recently passed S. 773 releasing from the national stockpile 1,313,600 short dry tons of metallurgical grade chromite.

The critical point to keep in mind is that Rhodesian chrome is not going into the strategic stockpile. Government authorities have assured us that there are 2.2 million tons of excess chrome in our national stockpile. The 1.3 million tons proposed to be drawn out under S. 773 will meet our total defense and industry needs for 2 years, and our defense needs alone for almost 20 years.

It should be further pointed out that contrary to statements by proponents of our violating the sanctions, we actually imported less chrome ore from the Soviet Union in 1971 than we did from one of our allies—Turkey. The imports from Russia declined from 58 percent in 1970 to 36 percent in 1971, according to data from the U.S. Bureau of Mines. Imports from Turkey totaled 39 percent of our total imports in 1971.

It has been alleged that the Russian ore is really Rhodesian ore. From all the evidence available to us, this also appears to be nothing more than a fabrication. Russian ore is clearly different in color, substance, and character from Rhodesian ore and is of considerably higher grade. Authorities at the Department of Commerce and the U.S. Geological Survey find no evidence that Russian ore is really Rhodesian ore transshipped. Proponents of our violating the U.N. sanctions have brought forward no scientific proof to support this allegation.

Those who oppose the U.N. sanctions ignore a very important economic factor relating to other U.S. business interests exclusive of such companies as Union Carbide, Foote Mineral Co. and Allegheny Ludlum, in those African nations which are not dominated by white governments. Independent black Africa, which views our position on southern African issues as a test of our commitment to self-determination and equality, have been seriously disturbed by our violation of the sanctions. This has endangered our economic and political interests in those nations which account for over three-fifths of our trade and nearly two-thirds of our investment in Africa. It would hardly be equitable to those American business interests which would be on the receiving end of economic retaliation on the part of those African nations because we were shortsighted in not adhering to the sanctions.

This brings me to another important point. I am very much concerned over the growing influence of multinational corporations on this Nation's foreign policymaking. In fact, the Senate Foreign Relations Committee is so concerned about the growing number of incidents in this area that we will be holding hearings into that question in the near future. Yet, Foote Mineral Co. and Union Carbide have been very instrumental in pressuring for congressional approval of our violating the U.N. sanctions to serve the economic interests of these two companies. They have been very instrumental in distorting the truth and the real issues involved in our adherence to the sanctions. These two companies have been very instrumental in fabricating the case for our ignoring the sanctions. It is, indeed, a sad day when the U.S. Senate falls victim to a ploy as reprehensible as this and allows foreign policy considerations to be determined by two corporations which have significant holdings in Rhodesia. I can tell you right now that both Union Carbide and Foote Mineral Co. will have some tough questions to answer as to their role in the Rhodesian chrome issue when these hearings open.

To allow sanctions to be broken for some American corporations and not for others creates injustices and places the Government in the anomalous position of prosecuting fertilizer manufacturers. It is interesting to note that American tobacco companies have profited handsomely from the exclusion of Rhodesian tobacco from the British market by the sanctions program, yet I have not seen a proposal offered which would lift the sanctions on Rhodesian tobacco.

In conclusion, I would like once again to refer to the letter I received from John Irwin III, Acting Secretary of State, who outlined the administration's support for section 503 of the State Department authorization bill.

Mr. Irwin stated:

> Repeal now would serve to make us less vulnerable to unfavorable international reaction. As a result of the legislation now in force, our international interests have suffered in other respects. In Africa, where our position on Rhodesia has heretofore been seen as a test of our commitment to self-determination and racial equality, our credibility has suffered. The depth of African concern has been particularly strong in some nations where our interests far outweigh those in Rhodesia. In the United Nations, we will face, with each shipment of chrome or other commodity, an increasing erosion of our position. While we have sought and continue to seek means of making the existing sanctions against Rhodesia more effective, and less liable to circumvention by others, our ability to do so is seriously limited by the legislation now in effect.

The **PRESIDING OFFICER**. The Senator's time has expired.

Mr. McGEE. Mr. President, I simply conclude by saying to my colleagues that

I have heard of selling one's birthright for a mess of potage, but never for a crock of chrome.

Mr. HARRY F. BYRD, JR. Mr. President, the amendment which we are about to vote on would leave the law as it is now and as Congress passed it last year.

Mr. President, I yield whatever time I have remaining to the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. CANNON. Mr. President, we have heard a lot about how this action would damage the results of the President's recent visit to Russia. However, it is very interesting to note that we have not heard one word from Russia that they have negotiated their policy toward the Soviet Jews. Yet we are dealing with that nation and buying chrome from them at the same time that we are trying to invoke a sanction against Rhodesia. The policy of Russia with respect to the Soviet Jews is equally abhorrent to me.

This is a very specious argument. It is an argument that does not hold water. We would save $100 million here for the American consumers.

Mr. MOSS. Mr. President, the United States must not forfeit its long-term interests in Africa for a few more boatloads of Rhodesian chrome.

Today I ask the Senate to reject the amendment offered by the Senator from Virginia. I urge its rejection, not out of blind repugnance toward Ian Smith's racist purposes, but as a matter of pragmatic national policy. Our continued purchases of Rhodesian chrome, which this measure would permit, is simply not worth the price we would have to pay in terms of our international position.

The State Department has quite understandably urged rejection of this amendment. The administration's reasoning is sound. To accept the Byrd measure would be to deny our country's international treaty obligations and to renege on our historic record of a 100-percent support for the U.N. Security Council. Moreover, it would mean a U.S. rejection of world peace through law at the time in which we are trying to construct such a framework.

These last few days have seen major breakthroughs in the development of world law. The United States and the Soviet Union have taken major steps toward substituting peaceful for military competition.

In no part of the world is there such a ground for peaceful competition among economic systems as in Africa.

Africa, itself, has not yet felt the curse of the cold war. Hopefully it never will. The long battle against colonialism, however, continues. If the United States is to maintain its good relations with independent Africa, it must be an ally in this great crusade.

Rhodesia is a symbol of that struggle. It stands as a living memory to the centuries of European colonialism in Africa. Its racist policies stand as a sharp indignity to the people of that continent, an indignity which touches them daily.

Rhodesia is an indignity to the United States as well. Here is a country ruled by less than 5 percent of its population, which sees itself as a part of the free world. It longs for membership in the Western non-Communist world. It especially seeks the economic and moral support of the United States. That support must be denied.

Today the Senate must take a firm position on the Rhodesian question. It must state to the Rhodesian people, black and white, that the United States will not sell out its principles for short-term economic gain. It will not forsake international law, its hope for peaceful development in Africa, even its essential belief in the equality of man just to get a better deal on chrome.

Mr. BROCK. Mr. President, once again the actions of this Senate's Committee on Foreign Relations appear to have been formulated in a vacuum.

I have reference to the committee's steps to restrict importation of chrome from Rhodesia and thus restore the Soviet Union to a virtual monopoly position on sales of critical chromium ore to the United States.

The illogic of this move is deepened by the fact that on September 23 of last year during deliberations on the military procurement authorizations bill, the Senate decidedly rejected attempts to restrict U.S. purchases on this one vital element from this tiny African nation.

Moreover, because of crucial negotiations between Britain and Rhodesia which were pending at the time the Senate affirmed its support of ending purchase restrictions on chrome, I offered an amendment to delay implementation of section 503 until January 1, 1972. This amendment was accepted and, therefore, the section has only been in effect little more than 5 months.

It may be worthwhile to recount some of the reasons why we found ourselves in the predicament of having to support the most powerful Communist nation with chromite purchases at a price artificially controlled by the Soviets.

In late 1966, the U.N. Council, in which we hold the right of veto, imposed selective sanctions on Rhodesia. Later, the embargo became total.

Following the action by the United Nations, President Johnson ordered an embargo on trade with Rhodesia. This action was unilaterally taken by the President without allowing the Congress the opportunity to express itself.

Prior to President Johnson's decree, the United States had imported the vast majority of strategic chromite from Rhodesia. Since there is no domestic production of the metal in this country, this action and subsequent approval by our U.N. representatives of the Security Council embargo forced the United States to turn to the U.S.S.R. for about 60 percent of its chrome ore.

During last year's debate to permit the purchase of this single strategic commodity from Rhodesia, the Subcommittee on National Stockpile and Naval Petroleum Reserve found that, since Russia became the chief U.S. source of chrome ore, she had increased the price per ton from $25 to $72 on an increase of 188 percent.

We were being had.

Mr. President, in our zeal to show our disapproval of Rhodesia's declaration of independence from Britain and minority rule over a majority, we were in actuality perpetuating a far more inequitable situation in the U.S.S.R., the domination of a tiny Communist minority over some 240 million Russians.

Furthermore, the Rhodesia sanctions have proved to have little or no effect on her economic viability.

It is foolhardy to limit ourselves to purchases of chrome from the Russians when we can purchase the same ore at a lower price from an ally; especially, when the total sanctions against Rhodesia have had little effect in altering the policies which we disapproved.

There is a double edge to the sword of economic sanctions imposed on Rhodesia. Intended to topple the existing government, they also deprive the black Rhodesians of jobs and opportunity which result from trade. Once such sanctions prove ineffective for their political motive, they should be lifted so as not to prolong the deleterious effects on the general populus.

From practically every angle the United States would be cutting off its hand to spite its face were the Senate to reinstitute restrictions on ore purchases from Rhodesia. We pay a higher price for the commodity when purchased from U.S.S.R. We create a dependency for strategic material. We harm the people of Rhodesia while doing nothing which alters the political structure of the country. By reinstituting a Johnson policy which seek to interpose ourselves in the internal affairs of another state, we perpetrate the same arrogant philosophy which sank us into our involvement in Southeast Asia.

In my judgment, there is no redeeming justification to support a renewed embargo on chromium imports from Rhodesia. Most importantly, Mr. President, there is no reason so compelling to justify our dependency for a strategic defense material on a Communist-dominated state.

I hope the Senate again reaffirms its early position that when we have the option to purchase a strategic material from a free-world nation at a competititive price that there should be no legislated impediments to exercising the option when it would require us to purchase the same commodity from the Communists at an inflated rate.

Mr. BROOKE. Mr. President, I strongly oppose the pending amendment to strike section 503 from the State Department-USIA authorization bill. This section of the bill, as drafted, would undo the unfortunate action which Congress took last year in lifting the embargo on importing Rhodesian chrome into the United States.

Many of the issues raised during last year's debate are involved today. These arguments concern national security, our relations with the United Nations and Africa, and the basic question of whether the United States should implicitly sanction the continuance of the racially repugnant policy of the current Rhodesian Government. If these were the sole points under discussion, then I would expect that the Senate vote today would reflect last year's tally.

However, I firmly believe that the Senate has an even greater obligation this year to oppose Rhodesian chrome importation. The political situation in Rhodesia is at a most sensitive point. A proposed British settlement with the Rhodesian Government has been rejected by the majority of the Rhodesian blacks who constitute 95 percent of that country's population. As a result, the future international economic policy toward Rhodesia, as well as the continued viability of the Ian Smith regime, remain open questions.

In 1966, a minority white government proclaimed its independence from British colonial rule, at a time when the British were attempting to work out a fair policy for permitting Rhodesia's black majority to participate in the political process of that country. The blatantly racist rule that has characterized that Government during the intervening 6 years has been a dark blemish in the overall record of growth for African independence and majority rule.

The imposition of economic sanctions, adopted by the United Nations General Assembly with only two dissenting votes, has represented an effort by the world community to register its opposition to the continuation of the apartheid policy. Because of these sanctions, Rhodesia cannot now freely trade with the world community.

Last year's congressional action was a direct refutation of that international agreement. By stating that the United States can import chrome from Rhodesia, Congress violated a policy which our own Government had initially advocated and which the administration still supports.

It is of the utmost necessity that the United States respect its international commitments.

We should also be responsive to world opinion. The peoples and nations of Africa in particular have expressed deep concern with the recent American action in reopening trade with Rhodesia. It has been difficult, indeed, for our Government to attempt to explain to these governments why the United States has lifted the sanctions on chrome at the same time that it has encouraged self-determination and racial equality for all African people.

In addition, it should be clear that the United States and our Nation's businesses do not need Rhodesian chrome. The amount already in the stockpile, as well as that authorized for disposal in legislation approved this year by the Senate, would fulfill our domestic needs for about 18 months. And, according to the State Department, defense requirements amount to only 10 percent of our total domestic needs.

There are also available large amounts of chrome from other nations, including the Soviet Union. At a time when President Nixon is returning from that nation with the announced intention of opening up additional trade avenues with the Soviets, it seems counterproductive for the Senate to continue to place itself on record against the importation of chrome and related minerals from Communist nations. Also, adequate chrome resources remain available from Turkey and the Philippines, allies with whom we maintain active and mutually beneficial trade relations.

In short, Mr. President, there exists no sound or logical purpose for the United States to continue to flaunt the United Nations' economic sanctions against Rhodesia. The Senate Foreign Relations Committee recognized that fact by recommending a halt to last year's resumption of trade. I hope that the Senate will agree to retain the committee's provision.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Virginia. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GRIFFIN (when his name was called). On this vote I have a live pair with the Senator from Tennessee (Mr. Baker). If he were present and voting he would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

Mr. RIBICOFF (when his name was called). On this vote I have a live pair with the Senator from Arkansas (Mr. McClellan). If he were present and voting he would vote "yea." If I were permitted to vote I would vote "nay." I withhold my vote.

Mr. CANNON (after having voted in the affirmative). On this vote I have a pair with the Senator from Maine (Mr. Muskie). If he were present and voting he would vote "nay." I have already voted "yea." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from North Carolina (Mr. Jordan), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Maine (Mr. Muskie), and the Senator from West Virginia (Mr. Randolph) are necessarily absent.

On this vote, the Senator from Minnesota (Mr. Humphrey) is paired with the Senator from Mississippi (Mr. Eastland). If present and voting, the Senator from Minnesota would vote "nay" and the Senator from Mississippi would vote "yea."

On this vote, the Senator from South Dakota (Mr. McGovern) is paired with the Senator from North Carolina (Mr. Ervin). If present and voting, the Senator from South Dakota would vote "nay" and the Senator from North Carolina would vote "yea."

On this vote, the Senator from Indiana (Mr. Hartke), is paired with the Senator from West Virginia (Mr. Randolph). If present and voting, the Senator from Indiana would vote "nay" and the Senator from West Virginia would vote "yea."

I further announce that, if present and voting, the Senator from Montana (Mr. Metcalf) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from New Jersey (Mr. Case), the Senator from Hawaii (Mr. Fong), the Senator from Wyoming (Mr. Hansen), the Senator from Oregon (Mr. Hatfield), and the Senator from Iowa (Mr. Miller) are necessarily absent.

The Senator from Maryland (Mr. Mathias) is absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

If present and voting, the Senator from New Jersey (Mr. Case) would vote "nay."

The pair of the Senator from Tennessee (Mr. Baker) has been previously announced.

On this vote, the Senator from Arizona (Mr. Goldwater) is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from Arizona would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 40, nays 36, as follows:

[No. 193 Leg.]

YEAS—40

Allen
Allott
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Cook
Cotton
Curtis
Dole
Dominick
Ellender
Fannin
Gambrell
Gurney
Hollings
Hruska
Jordan, Idaho
Long
Montoya
Pearson
Roth
Saxbe
Schweiker
Smith
Sparkman
Spong
Stennis
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—36

Aiken
Bayh
Boggs
Brooke
Burdick
Church
Cooper
Cranston
Eagleton
Fulbright
Gravel
Hart
Hughes
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
McGee
McIntyre
Mondale
Moss
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Scott
Stafford
Stevens
Stevenson
Symington
Tunney
Williams

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Griffin, against.
Ribicoff, against.
Cannon, for.

NOT VOTING—21

Anderson
Baker
Case
Eastland
Ervin
Fong
Goldwater
Hansen
Harris
Hartke
Hatfield
Humphrey
Jordan, N.C.
Mathias
McClellan
McGovern
Metcalf
Miller
Mundt
Muskie
Randolph

So the amendment of Mr. Harry F. Byrd, Jr., was agreed to.

Mr. HARRY F. BYRD, JR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CANNON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NO. 1209

Mr. PERCY. Mr. President, I call up my amendments No. 1209.

The PRESIDING OFFICER. The clerk will please state the amendments.

The assistant legislative clerk read the amendments offered by Mr. Percy (for himself and Mr. TUNNEY), as follows:

S. 3526

On page 3, line 10, insert "(1)" immediately after "(a)".

On page 3, line 14, strike out "two Deputy Under Secretaries of State" and insert in lieu thereof "an Under Secretary of State for Political Affairs, an Under Secretary of State for Economic Affairs, a Deputy Under Secretary of State".

On page 3, between lines 15 and 16, insert the following new paragraph (2):

"(2) Section 2(b) of the Act of May 26, 1949, as amended (22 U.S.C. 2652), is repealed."

On page 4, between lines 23 and 24, insert the following new paragraphs:

"(2) Section 5314(9) is amended by striking out 'or' before 'Under Secretary of State for Economic Affairs' and inserting in lieu thereof 'and'.

"(3) Section 5315(10) is amended to read as follows:

"'(10) Deputy Under Secretary of State.',"

On page 4, line 24, strike out "(2)" and insert in lieu thereof "(4)".

The PRESIDING OFFICER. The time of the amendment is under control. Who yields time?

Mr. PERCY. Mr. President, I yield myself such time as I require. For the information of the Senate, I shall not use all of the time allotted to me, and probably will complete my comments in only 5 or 10 minutes.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered heretofore.

Mr. PERCY. Mr. President, at the present time the Department of State is headed by a Secretary and an Under Secretary. S. 3526 proposes changing the title of the Under Secretary to Deputy Secretary to reflect the fact that the No. 2 officer in the Department acts as the full deputy and alter ego to the Secretary.

The No. 3 position in the Department is now authorized to be either an Under Secretary for Political Affairs, as it is now, or an Under Secretary for Economic Affairs, as it has been at times in the past. With the increasingly complex nature of the foreign affairs process, the Department should have officers at the full Under Secretary level in both the political and economic areas. It has requested legislation authorizing such a position, a request that has the full support of the Office of Management and Budget. The amendment which Senator TUNNEY and I are offering would make this possible. We cite the following reasons in support of this amendment:

First, having economic affairs raised to the importance of political affairs would reflect the fact that the Department is increasingly concerned with the economic side of foreign policy and international relations.

Second, as an agency vitally concerned with foreign economic policy, and providing important support to the President's Council on International Economic Policy, the State Department should and wishes to play a major role in correcting present shortcomings in this field. For this an Economic Under Secretary would be a significant help.

Third, to play the role envisaged for him, the Department requires a man of great skill, experience and stature, a man who is recognized and respected both within the Government and in the business community. Such an individual could not be attracted unless he were assured of a position, rank, and salary just below the Secretary and the Deputy Secretary. As we are aware, the current incumbent, Mr. Nathaniel Samuels, has resigned his position after more than 3 years of loyal and diligent service in support of this Government's efforts to strengthen its international economic position.

Fourth, while the Secretary and Deputy Secretary may from time to time become involved in economic affairs, the man in day-to-day charge of the Department's activities in this area should be able to deal, himself, with other Cabinet and sub-Cabinet officers. This would be difficult without having the requisite rank in the Department.

Fifth, the negotiations that lie ahead in trade, monetary, and commercial matters are of such extraordinary importance to the United States that the Department of State should normally be represented by an official at the sub-Cabinet level as this would permit. Needless to say, the complex East-West trade issues that combine so many political and economic considerations will require a very significant Department of State input which such an official could provide. In addition, the chief economic official in the Department is the alternate Governor of the World Bank and of certain of the regional development banks. He often heads delegations to meetings of these institutions in place of the Secretary of the Treasury, who is the Governor.

I believe that this amendment will be an effective piece of legislation to strengthen our Government's team in the vitally important field of international economic relations.

I ask unanimous consent that the complete text of a letter dated May 31, 1972, from the Acting Secretary of State, John Irwin, be incorporated in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNDER SECRETARY OF STATE,
Washington, D.C., May 31, 1972.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: I write in response to your request for an explanation of the need for establishing the position of Under Secretary of State for Economic Affairs.

As you know, your amendment to S. 3526 would enable us to upgrade the importance of international economic affairs in the Department of State. At present the senior Department official exclusively responsible for economic and commercial matters is the Deputy Under Secretary for Economic Affairs, at the fourth level of our organization. We wish to raise economic and commercial affairs to the third level, at which we now have an Under Secretary for Political Affairs.

The need for this restructuring derives from several pragmatic considerations arising from the Secretary's determination to give greater stress to our economic and commercial responsibilities.

First, is the problem of recruiting an outstanding authority to replace Mr. Nathaniel Samuels, who is resigning as our Deputy Under Secretary for Economic Affairs, effective May 31. I have found that the possibility of our securing the services of a man of this stature will be very much enhanced if he can be assured a position at the full Under Secretary level.

Second, the negotiations that lie ahead in trade, monetary and commercial matters are of such extraordinary importance to the United States that the Department of State should normally be represented by an official at the sub-Cabinet level as this would permit. Needless to say, the complex East-West trade issues that combine so many political and economic considerations will require a very significant Department of State input which such an official could provide.

Third, the strengthening of the Department's economic organization will assure other agencies of the most authoritative level of cooperation in our common efforts to improve our balance of payments and to expand our exports.

The Office of Management and Budget advises that the creation of this position is consistent with the objectives of the Administration for the general organization of the Department of State.

With kindest regards,
Sincerely,

JOHN N. IRWIN, II,
Acting Secretary.

Mr. PERCY. Mr. President, for the benefit of my colleagues, I should simply like to point out that Secretary Irwin indicates that the Office of Management and Budget advises that the creation of this position is consistent with the objectives of the administration for the general organization of the Department of State.

Mr. TUNNEY and Mr. FULBRIGHT addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. May I yield to my distinguished colleague from California?

Mr. TUNNEY. Mr. President, does the Senator from Arkansas wish to speak on this amendment?

Mr. FULBRIGHT. Yes.

Mr. TUNNEY. I have a statement in favor of the amendment, but if the Senator wishes to proceed, he may do so.

Mr. FULBRIGHT. If the Senator does not mind, I would like to do so.

Mr. President, the committee considered and rejected a proposal to create a new Under Secretary position in the Department of State.

There is no need for a new position. The statute already provides for an Under Secretary position for economic affairs, if the President wants to designate a nominee as such. The position, by statute, can be designated as either "Under Secretary for Economic Affairs" or "Under Secretary for Political Affairs." It so happens that the present incumbent, U. Alexis Johnson, was designated as Under Secretary for Political Affairs. But over the years there have been a number of Under Secretaries for Economic Affairs—Thomas C. Mann, George W. Ball, C. Douglas Dillon, and William L. Clayton. There is nothing to prevent the President from sending up tomorrow the nomination of a person to be Under Secretary of State for Economic Affairs—if he is willing to replace Mr. Johnson. Or, he can change Mr. Johnson's title to Under Secretary for Economic Affairs.

I might point out that in addition to having this authority to designate the existing Under Secretary position as one for economic affairs, there are now two other high-level positions in the Department dealing with economic affairs—a Deputy Under Secretary for Economic Affairs, Mr. Nathaniel Samuels, and an Assistant Secretary for Economic Affairs, Mr. Willis Armstrong. So I think the Department's capacity—personnelwise—to look after our economic interests in foreign affairs is there, if the President chooses to emphasize this facet of the Department's work.

I wish to make one other observation. The Department of State is probably the most top-heavy Department in the executive branch. This amendment would make it more so. The State Department has 17 positions at the Assistant Secretary level and above. Next in rank is the Department of Justice with 12 positions; the Department of Defense has only 10. The principal reason the committee rejected the Department of State's plan for additional top-level positions was because what the Department has now in the way of top level positions is so far out of line with other departments of our Government.

I urge that the amendment be rejected.

I ask unanimous consent that there be included as a part of my remarks a list of the number of top level positions, Assistant Secretary level and above, at other State departments.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

NUMBER OF TOP-LEVEL POSITIONS BY DEPARTMENT, ASSISTANT SECRETARY LEVEL AND ABOVE

State (17 positions): Secretary, Deputy Secretary (title to be changed by this bill), Under Secretary, Coordinator of Security Assistance (Under Secretary level), 2 Deputy Under Secretaries, 11 Assistant Secretaries.

Treasury (9 positions): Secretary, 2 Under Secretaries, 1 Deputy Under Secretary, 5 Assistant Secretaries.

Defense (10 positions): Secretary, Deputy Secretary, 8 Assistant Secretaries.

Justice (12 positions): Attorney General, Deputy Attorney General, Solicitor General, 9 Assistant Attorneys General.

Interior (9 positions): Secretary, Under Secretary, Deputy Under Secretary, 6 Assistant Secretaries.

Agriculture (7 positions): Secretary, Under Secretary, Deputy Under Secretary, 4 Assistant Secretaries.

Commerce (8 positions): Secretary, Under Secretary, Deputy Under Secretary, 5 Assistant Secretaries.

Labor (8 positions): Secretary, Under Secretary, Deputy Under Secretary, 5 Assistant Secretaries.

HEW (10 positions): Secretary, Under Secretary, Deputy Under Secretary, 7 Assistant Secretaries.

Housing and Urban Development (9 positions): Secretary, Under Secretary, Deputy Under Secretary, 6 Assistant Secretaries.

Transportation (8 positions): Secretary, Under Secretary, Deputy Under Secretary, 5 Assistant Secretaries.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I yield the distinguished Senator from California such time as he may require.

Mr. TUNNEY. I thank the distinguished Senator from Illinois, and compliment him on his leadership in bringing this amendment to the floor. I feel that it is a very important amendment.

Mr. President, I am certain that we all share the concern that America's economic interests should be accorded the same dignity abroad as her political interests. The passage of the Percy-Tunney amendment creating the position of Under Secretary of State for Economic Affairs will help insure that such importance is underscored for our economic affairs.

The State Department should be given the opportunity to play an important role in first, elevating the priority of America's foreign economic affairs, and second, insuring that those matters are integrated as effectively and as smoothly as possible with other foreign affairs of the United States. Creating the position of Under Secretary of State for Economic Affairs will help the State Department to elevate that priority as well as to integrate these matters smoothly and effectively.

The creation of this position will also: First, help the Department attract capable men to fill these positions related to economic affairs. As the Senator from Illinois has stressed, such individuals could not be attracted unless they were assured of the position, rank, and salary just below that of the Secretary and the Deputy Secretary.

Second, this position will help enable the person responsible for economic matters to deal personally with other Cabinet and subcabinet officers. He will be assured of the position which will help him to make the necessary personal contacts.

Third, the creation of this position will help the representative of the Department of State to deal with economic officials of comparable rank in foreign countries.

As some of us know who have had the opportunity to travel abroad and meet with officials of other nations, they put great stock, in many European countries, in a man's title and the position that he holds in his government. There is a very clearly defined pecking order, and we must have a person of substantial rank representing the United States when he meets with European officials and officials of other nations as well, who put such great stock on a person's position when there are negotiations.

Finally, and most importantly, it will help insure that the Department of State itself will be increasingly concerned with the economic and commercial implications of foreign policies of the United States.

Accordingly, Mr. President, I am pleased to join with my colleague from Illinois in introducing this amendment which should be a significant contribution to the coordination and elevation of the economic side of our foreign policies.

I think the Senator from Illinois is to be congratulated for the extensive work he has done in this area, and for giving the Senate the opportunity to vote to make such a position available in the State Department. I personally feel that this amendment should be adopted. It would be most beneficial to the United States at this time when we are having great difficulties with our balance of trade and great difficulties with our economy here at home, and need to promote exports.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I wish to express my appreciation to my distinguished cosponsor. I think his comments certainly underscore the very important role that this position will have.

We have now come to a very unusual stage in our economic history. We are challenged as we have never been challenged before. We have the first trade deficit in the United States since 1888, and we have not had it for just one quarter: we had it in the last quarter last year and the first quarter this year. It now looks as if the trade deficit this year may be larger than last year, exceeding $2 billion. Therefore, the role that the Under Secretary of State for Economic Affairs can play in the future is far more important than it has been in the past, and that is not meant to underestimate its importance in the past.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. PERCY. I ask unanimous consent that the time for the quorum call be divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. PERCY. I yield back the remainder of my time.

Mr. JAVITS. Mr. President, on behalf of the Senator from Arkansas, as a member of the committee, I yield back the remainder of his time.

Mr. PERCY. I ask unanimous consent that the order for the yeas and nays be rescinded.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? Without objection, the order for the yeas and nays is rescinded.

The question is on agreeing to the amendment offered by the Senator from Illinois and the Senator from California.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 1915. An act to provide for the conveyance of certain real property of the United States;

H.R. 5199. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255 and 124-C, dockets numbered 256, 124-D, E, and F, and dockets numbered 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in docket numbered 251-A, and for other purposes;

H.R. 8116. An act to consent to the Kansas-Nebraska Big Blue River Compact; and

H.R. 13361. An act to amend section 316(c) of the Agricultural Adjustment Act of 1938, as amended.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

THIRTY-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 30 minutes.

The motion was agreed to, and at 12:50 p.m. the Senate took a recess for 30 minutes.

The Senate reassembled at 1:20 p.m., when called to order by the Presiding Officer (Mr. Spong).

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McMillan, Mr. Stuckey, Mr. Nelsen, and Mr. Broyhill of Virginia were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 625) providing for a joint session of the two Houses of Congress on June 1, 1972, to receive such communication as the President of the United States shall be pleased to make to them, in which it requested the concurrence of the Senate.

JOINT SESSION OF THE TWO HOUSES TOMORROW

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 625.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 625, which was read as follows:

H. Con. Res. 625

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on June 1, 1972, at 9:30 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MANSFIELD. Mr. President, what time is the joint session to be held tomorrow?

The PRESIDING OFFICER. 9:30 p.m. tomorrow, June 1, 1972.

The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 625) was agreed to.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Spong). Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, are we operating on a time limitation at the moment?

The PRESIDING OFFICER. We are not operating on a time limitation, and the pending amendment is the amendment of the Senator from Michigan (Mr. Griffin), amendment No. 1200.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I be recognized for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIFTY-FIFTH ANNIVERSARY OF BIRTH OF LATE PRESIDENT JOHN FITZGERALD KENNEDY

Mr. MANSFIELD. Mr. President, Memorial Day, May 29, marked the 55th anniversary of the birth of this Nation's 35th President, John Fitzgerald Kennedy. I simply wish to note the occasion in this fashion. It is a reminder of the legacy of this great man, cut down in his prime so violently, so cruelly, so senselessly. It is a legacy of ideas, designed to heal over wounds that had been left open to fester in this Nation after years and years of inattention and unconcern. Even more, it is a legacy of inspiration and idealism that in my judgment will live as a monument to a man whose achievements unfortunately cannot be measured in years of service. An assassin's bullet made that impossible.

His achievements can and will be measured, however, by the hope he engendered for a better world, a world without fear, without suffering, without war, devastation and destruction. If mankind does reach these goals—and I pray that one day it will—it will be said then that along the way John F. Kennedy made a significant contribution.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The Senate continued with the consideration of the bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

Mr. GRIFFIN. Mr. President, have the yeas and nays been ordered on the pending amendment?

The PRESIDING OFFICER. They have not.

Mr. GRIFFIN. Is it in order for the junior Senator from Michigan to withdraw his amendment without unanimous consent?

The PRESIDING OFFICER. It is.

Mr. GRIFFIN. Mr. President, at this time I withdraw my amendment, and I ask what is now the pending question?

The PRESIDING OFFICER. The pending question, the Senator from Michigan having withdrawn his amendment, is the Church-Case amendment, as amended.

The question is on agreeing to the amendment, as amended.

The amendment, as amended, was agreed to.

Mr. GRIFFIN. Mr. President, what now is the pending question before the Senate?

The PRESIDING OFFICER. The pending question now recurs on the amendment of the Senator from Mississippi, amendment No. 1175. The amendment is on page 38 of the pending legislation, to strike out lines 1 through 12, inclusive.

Mr. GRIFFIN. I thank the Chair.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on the motion to be made by the distinguished Senator from Mississippi there be a time limitation of 10 minutes, the time to be equally divided between the distinguished Senator from Mississippi and the distinguished senior Senator from Idaho (Mr Church).

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CHURCH. Mr. President, if the Senator from Mississippi will yield to me, I need only 1 minute.

Mr. STENNIS. Mr. President, I yield the Senator from Idaho 2 minutes of his time.

Mr. CHURCH. Mr. President, in view of the action that the Senate took by a rollcall vote adding the addendum offered by the distinguished Senator from West Virginia (Mr. Robert C. Byrd) to the original Church-Case amendment, it is no longer acceptable to the sponsors, and for that reason I will not oppose—indeed, I intend to support—the motion soon to be made by the Senator from Mississippi to strike the entire provision from the bill.

I think we will have an opportunity later, on a different bill, to take up the question of how the Senate should best proceed to try to bring this endless war in Southeast Asia to a conclusion; but under the circumstances, now is not the time.

I simply want the Record to make clear that I will not oppose the motion of the Senator from Mississippi to strike this language from the bill. I thank the Senator for granting me this time.

Mr. STENNIS. Mr. President, I yield myself 3 minutes of my time.

This amendment was filed for two reasons on my part. I am opposed to the merits of section 701, which undertakes to cut off the funds on a date certain with reference to military matters in Vietnam.

Additionally, at the time it was filed, it was just prior to to the summit conference that the President was going to have in Moscow. Preliminary preparations and the atmosphere of preparations in Moscow and here were consuming the time, primarily of the governments, and I was determined that, so far as I was concerned, this section not be passed, if avoidable, during the pendency of those highly important matters. Now they have already occurred.

I want to say that I was very much impressed, as well as pleased, that the sponsors of section 701, after it has reached this stage, were willing to defeat this section. That includes the Senator from Idaho. I remember the Senator from Arkansas had some sentiments to that effect. I commend them and others of the same opinion. In fact, I think it is the overwhelming sentiment of this membership not to pursue this matter under the circumstances.

We still have the war on our hands. It is a serious matter. I am as anxious as others that it be concluded. There is merely a difference of opinion as to how it should be done. Section 701 has taken its final form.

A parliamentary inquiry, Mr. President. Amendment No. 1175 is now the pending order of business. Is it not?

The PRESIDING OFFICER. The Senator from Mississippi is correct.

Mr. STENNIS. If that amendment is adopted now, it will strike out the entire section, including the parts that have been amended. Is that correct?

The PRESIDING OFFICER. The Senator from Mississippi is correct.

Mr. STENNIS. Mr. President, I am glad to yield back the remainder of my time, unless some other Senator wants to use some of it, and we can have the vote now.

The PRESIDING OFFICER. The time of the Senator from Mississippi is yielded back.

Mr. CHURCH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I wish the Record to show that I voted "No" on the adoption of the amendment by Mr. Stennis.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 14734, an act to authorize appropriations for the Department of State and the U.S. Information Agency, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 14734) to authorize appropriations to the Department of State and the United States Information Agency.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas that the committee be discharged? The Chair hears none, and it is so ordered.

Is there objection to the present consideration of the House bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. FULBRIGHT. I ask unanimous consent that all after the enacting clause of H.R. 14734 be stricken, and that the language of S. 3526, as amended, be substituted therefor.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Indiana (Mr. Hartke), the Senator from Minnesota (Mr. Humphrey), the Senator from North Carolina (Mr. Jordan), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), and the Senator from Maine (Mr. Muskie), are necessarily absent.

I further announce that, if present and voting, the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Indiana (Mr. Hartke), and the Senator from Minnesota (Mr. Humphrey), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from New York (Mr. Buckley), the Senator from New Jersey (Mr. Case), the Senator from Hawaii (Mr. Fong), the Senator from Wyoming (Mr. Hansen), the Senator from Oregon (Mr. Hatfield), and the Senator from Iowa (Mr. Miller) are necessarily absent.

The Senator from Maryland (Mr. Mathias) is absent on official business.

The Senator from Arizona (Mr. Goldwater) and the Senator from South Dakota (Mr. Mundt) are absent because of illness.

The Senator from South Carolina (Mr. Thurmond) is detained on official business.

If present and voting, the Senator from New York (Mr. Buckley), the Senator from Hawaii (Mr. Fong), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 76, nays 1, as follows:

[No. 194 Leg.]

YEAS—76

Aiken
Allen
Allott
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Ellender
Fannin
Fulbright
Gambrell
Griffin
Gurney
Hart
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
McGee
McIntyre
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Tunney
Weicker
Williams
Young

NAYS—1

Mansfield

NOT VOTING—23

Anderson
Baker
Buckley
Case
Eastland
Ervin
Fong
Goldwater
Gravel
Hansen
Harris
Hartke
Hatfield
Humphrey
Jordan, N.C.
Mathias
McClellan
McGovern
Metcalf
Miller
Mundt
Muskie
Thurmond

So the bill (H.R. 14734) was passed.

Mr. **FULBRIGHT**. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. **MANSFIELD**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **FULBRIGHT**. Mr. President, I ask unanimous consent that the title of H.R. 14734 be amended so as to read "An act to provide authorization for certain agencies conducting the foreign relations of the United States, and for other purposes."

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

Mr. **FULBRIGHT**. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make appropriate technical corrections in H.R. 14734.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **FULBRIGHT**. Mr. President, I move that the Senate insist upon its amendments to H.R. 14734 and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. MANSFIELD, Mr. CHURCH, Mr. AIKEN, Mr. CASE, and Mr. COOPER conferees on the part of the Senate.

Mr. **MANSFIELD**. Mr. President, will the Senator yield?

Mr. **FULBRIGHT**. I yield.

Mr. **MANSFIELD**. Will the Senator name a junior Democrat to serve in my place?

Mr. **FULBRIGHT**. Mr. President, I ask unanimous consent that the Senator from Virginia (Mr. SPONG) be substituted for the Senator from Montana (Mr. MANSFIELD).

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

Mr. **FULBRIGHT**. Mr. President, I ask unanimous consent that S. 3526 be indefinitely postponed.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ORDER FOR PRINTING OF H.R. 14734

Mr. **ROBERT C. BYRD** subsequently said: Mr. President, I ask unanimous consent that the text of H.R. 14734 which passed the Senate earlier today be printed as it passed the Senate.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ANNOUNCEMENT OF POSITION ON VOTE

Mr. **MILLER** subsequently said: Mr. President, earlier today, I was absent for the votes on the Byrd Amendment No. 1196 to S. 3526 and final passage of H.R. 14734.

I wish to be positioned "aye" on both votes.

TRIBUTE TO SENATOR FULBRIGHT, SENATOR AIKEN, AND OTHER SENATORS

Mr. **MANSFIELD**. Mr. President, I wish to commend the able and distinguished Senator from Arkansas (Mr. FULBRIGHT) for his handling of the State Department-USIA authorization proposal. As always, his advocacy and great skill contributed to the overall success of the measure. In the end, this measure did not serve as a vehicle for congressional efforts concerning the war in Southeast Asia, but in no way, may I say, have those efforts been diminished—not as far as the Senator from Montana is concerned, not as far as the Senate is concerned.

There were many other issues involved in this proposal and it is well, indeed, that they were finally resolved. It was due in large measure to Senator FULBRIGHT's leadership that, at long last, the Congress retains the capacity to review the State Department and its many programs and policies from an authorizing standpoint. The Senate is deeply grateful.

The Senate is grateful as well to the distinguished senior Senator from Vermont (Mr. AIKEN) whose splendid cooperation and assistance was vital to the disposition of this proposal. As the ranking minority member he has joined consistently to aid the efficient handling of all such legislation.

It should be noted that many Senators contributed to the discussion on this measure over a long period. The distinguished Senator from Kentucky (Mr. COOPER) and the distinguished Senator from Indiana (Mr. BAYH) deserve commendation for their efforts. The distinguished Senator from New Jersey (Mr. CASE) and the distinguished Senator from Idaho (Mr. CHURCH) deserve equal praise. Their interest and concern about the tragedy in Vietnam is unsurpassed in this body.

Many other Senators should be singled out for their contributions and cooperation. The Senators from Wyoming (Mr. MCGEE), from Illinois (Mr. PERCY), and Massachusetts (Mr. BROOKE) should be included, together with many other Senators.

To the Senate as a whole I wish to extend the thanks of the leadership for its action today achieved through the joint efforts of every Member of this body.

AUTHORIZATION FOR THE COMMITTEE ON FOREIGN RELATIONS TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE ITS REPORT ON S. 3390

Mr. **FULBRIGHT**. Mr. President, I ask unanimous consent that the Committee on Foreign Relations have until midnight tonight to file a report on S. 3390, a bill to amend the Foreign Assistance Act of 1961, and for other purposes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. **MANSFIELD**. Mr. President, I move that the Senate go into executive session to consider the nomination of Richard G. Kleindienst, of Arizona, to be Attorney General, and other nominations.

The motion was agreed to, and the Senate proceeded to the consideration of executive business.

DEPARTMENT OF JUSTICE

The assistant legislative clerk read the nomination of Richard G. Kleindienst, of Arizona, to be Attorney General.

Mr. **MANSFIELD**. Mr. President, this debate will take some time.

Mr. **ROBERT C. BYRD**. Mr. President, the Senate is not in order.

The **PRESIDING OFFICER** (Mr. SPONG). The Senator will suspend. The Senate will please be in order. The Senate will suspend until all Senators take their seats.

The Senator from Montana may proceed.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the pending nomination be temporarily laid aside and that the Senate proceed to the consideration of nominations beginning with New Reports, on page 2.

The **PRESIDING OFFICER**. Without objection, the pending nomination will be temporarily laid aside and the Senate will proceed to the consideration of nominations, beginning with New Reports, on page 2 of the Executive Calendar.

U.S. DISTRICT COURTS

The assistant legislative clerk read the nomination of Norman C. Roettger, Jr., of Florida, to be U.S. district judge for the southern district of Florida.

The **PRESIDING OFFICER**. Without objection, the nomination is considered and confirmed.

U.S. ARMY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that these nominations be considered en bloc, except the last one, on page 6 of the Executive Calendar, Lt. Gen. George Irvin Forsythe.

The **PRESIDING OFFICER**. Without objection, it is so ordered, and the nominations, except for Lt. Gen. George Irvin Forsythe, are considered and confirmed en bloc.

Mr. **MANSFIELD**. Mr. President, will the Chair now call up the nomination of Lieutenant General Forsythe?

The **PRESIDING OFFICER**. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Lt. Gen. George Irvin Forsythe, major general, U.S. Army, to be lieutenant general.

Mr. **MANSFIELD**. Mr. President, it is with some degree of pride that I note the name of Lt. Gen. George Irvin Forsythe, major general, U.S. Army, to be promoted to lieutenant general.

Lieutenant General Forsythe used to be a student of mine while I was on the faculty at the University of Montana. It is with regret that I note this distinguished soldier and citizen is retiring from the Army. The Senate should be aware of the fact that General Forsythe has been the moving force behind the possible creation of an all-volunteer Army.

Mr. President, I have known General Forsythe for more years than I care to remember. I knew his family quite well. I know the area where he was raised—in the Gregson-Hot Springs area—between Butte and Anaconda. He was an outstanding student. He is an outstanding soldier.

I wish for Lieutenant General Forsythe all the best in retirement. He is a good man.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

U.S. NAVY

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations are considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The assistant legislative clerk proceeded to read sundry nominations in the Air Force, which had been placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of all these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JEFFREY M. BUCHER—UNANIMOUS CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that today, at approximately 2:30 p.m., the nominaton of Jeffrey M. Bucher, of California, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1972, be taken up; that there be a time limitation of one-half hour on the nomination, to be equally divided between the Senator from Utah (Mr. BENNETT) and the Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER (Mr. TAFT). Without objection, it is so ordered.

PROGRAM

Mr. SCOTT. Mr. President, as in legislative session, I rise to ask the distinguished majority leader, now that the Kleindienst nomination is pending, to say, first, that I shall have something to say on it later. Of course I support the nomination. I hope that the debate will not take too long because we have other nominations following it.

I should like to ask the distinguished majority leader, what is the prognosis for other legislation at this time?

Mr. MANSFIELD. Clear, may I say to my distinguished colleague, because the calendar is fairly clear. There are only four or five other items which we can take up and we cannot take them up at this time.

After the Bucher nomination, which will be considered around 2:30 p.m. today, it would be the intention of the leadership to stay with the Kleindienst nomination at least for the next several days, in the hope that it can be disposed of within that time.

I point out that the few bills remaining on the calendar, which will be considered at the appropriate time by the Senate, are: Calendar No. 526, H.R. 9096, an act to amend chapter 19 of title 38 of the United States Code, to extend coverage under servicemen's group life insurance to cadets and midshipmen at the service academies of the Armed Forces; Calendar No. 758, H.R. 9092, an act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; Calendar No. 760, S. 3617, to strengthen and expand the Headstart program; Calendar No. 759, S. 3010, to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964; and Calendar No. 785, H.R. 13188, to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard.

That is about it, as it stands now.

Mr. SCOTT. Mr. President, let me point out that the distinguished majority leader and I have been extremely anxious to get action on what is known as H.R. 1, the welfare legislation, which is still pending in the Finance Committee where its distinguished chairman, the Senator from Louisiana (Mr. LONG), has tried for a long time to be able to bring forth a bill.

I should like to inquire as to the prospects for that bill. I know that the chairman has done his very best. He has been plagued, however, with problems including the lack of quorums from time to time.

Mr. MANSFIELD. Yes, he most certainly has. The majority leader met with the chairman of the committee today, at the request of the distinguished President pro tempore, the chairman of the Appropriations Committee, the Senator from Louisiana (Mr. ELLENDER). At that time, the chairman of the Finance Committee, the Senator from Louisiana (Mr. LONG), said that he thought it would be reported out about the 9th of November——

Mr. SCOTT. Not November.

Mr. MANSFIELD. No—the 9th of June. [Laughter.] Who knows? I guess my mind was somewhere else. Anyway, that is a little delay from what I indicated a few days ago.

Mr. SCOTT. That could be the 9th of "never." I am glad he expects to report it out in June.

Mr. MANSFIELD. That is the best information I have, the way it looks at the present time.

It does not appear, because of the complexity of the report which is to be drawn up, that we will get to it, unfortunately, until after the first of the two conventions has been concluded.

Mr. SCOTT. I have heard that there will be conventions this year. [Laughter.] I thank the distinguished majority leader.

Mr. JAVITS. Mr. President, I would like to ask the distinguished majority leader whether there is any chance of consideration of Calendar No. 752, Senate Resolution 299, which is a housekeeping matter for us, to establish a select committee to deal with secret and confidential Government document questions, which arose out of the closed-door session we had here and which, as I understand it, involves one question—to wit, the motion to refer to the Judiciary Committee which I think would be decided very, very promptly. I certainly would not take any major time on it.

Mr. MANSFIELD. If the Senator could reach agreement with those who hold the opposite point of view, to have a limited period of time today, we would consider it. But I think, beginning with the formal debate on the Kleindienst nomination tomorrow, that we will have to wait until that is disposed of.

Mr. JAVITS. I raise the question in the leader's catalog, there is only one that I am directly interested in, but in the leader's catalog, he did not list it. I wonder whether we could hope that that would be taken up. I would be willing to agree on the shortest possible time—a half-hour.

Mr. MANSFIELD. May I say that I was hoping it could be worked out. I was aware of one Senator's interest. I did not mention it intentionally, in the hope that some agreement could be worked out.

THE NOMINATION OF RICHARD G. KLEINDIENST

Mr. TUNNEY. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. TUNNEY. Could the majority leader give some indication of what the schedule will be for the confirmation of Mr. Kleindienst, as to debate?

Mr. MANSFIELD. It is my understanding, may I say to the distinguished Senator from California (Mr. TUNNEY) that the minority findings are still in galley form and will not become available for distribution to all Senators until tomorrow. Therefore, the formal debate from the minority point of view would start tomorrow.

It is my further understanding that several Senators will speak on this matter this afternoon. Then, of course, the Senate has already been granted unanimous consent to call up the nomination of Mr. Bucher, of California, at 2:30.

Mr. TUNNEY. It is anticipated, however, that the debate will continue on Friday and go over until Monday on Mr. Kleindienst?

Mr. MANSFIELD. I would not be the least surprised.

Mr. TUNNEY. It could go on through Tuesday and Wednesday or Thursday.

Mr. MANSFIELD. Possibly.

Mr. SCOTT. Mr. President, I understood earlier from the distinguished Senator from California (Mr. TUNNEY) that it was not expected that there would be any undue delay here, that some speeches would be made and that all Senators who wanted to speak would be heard. However, I had the impression that there was no desire to delay this into the heat of summer and into the unnecessary heat of debate.

Mr. TUNNEY. There is certainly no intention on my part to enter into a long filibuster. I personally do not believe in filibusters. I have always felt that filibusters thwart the will of the majority. However, I do believe that we ought to have an extensive debate on the matter. We took almost 10 weeks in hearings. And a great deal of material came out through the hearings. Some Members of the Senate believe that Mr. Kleindienst should not be confirmed. I think that we have the responsibility to lay out to the Senate our concern and the reasons for our belief.

I was trying to get some sense of what the majority leader intended to do for the remainder of this week and for next week.

As I understand it, we will be debating Mr. Kleindienst's confirmation on Thursday and Friday, and presumably on Monday and Tuesday and until we finish that debate.

Mr. MANSFIELD. We will stay with it until it is finished. If it is finished tomorrow, fine. If it is finished on Friday, fine. If not, we will go into next week.

Mr. TUNNEY. Will we be operating on the dual-track system?

Mr. MANSFIELD. No, nothing will be done on that basis unless it is done on the basis of a unanimous consent request. I would only add that Senators who are very interested in this nomination on the opposing side will be given every consideration.

Mr. SCOTT. Mr. President, I was about to say that on about the 17th of February the nomination came here. The Department of Justice has been deprived of the services of an Attorney General for whatever reasons there may be, and while the debate should cover the subject like a lady's dress, I hope that it will be long enough to cover the subject and yet short enough to make the debate interesting.

Mr. JAVITS. Mr. President, I have discussed the matter of the consideration of Senate Resolution No. 299 with the Senator from Nebraska (Mr. HRUSKA), who feels that though he cannot agree on a specific period of hours, he does not intend to take very long with it. And I certainly do not. The Senator wishes to inform the members of the Judiciary Committee that the matter will come up.

I hope that the majority leader would include this matter perhaps early tomorrow.

Mr. MANSFIELD. I would be glad to do so.

Mr. HRUSKA. Mr. President, there would be no disposition on my part to delay it or to engage in long or extensive discussion. We can agree, I think, to consider the matter at any time following the consideration of the Kleindienst nomination.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is on the confirmation of the nomination of Mr. Kleindienst.

ORDER FOR ADDITIONS, CORRECTIONS, OR SUPPLEMENTS TO EXECUTIVE REPORT NO. 92-19 TO BE FILED AT OR BEFORE 5 P.M. TODAY

Mr. KENNEDY. Mr. President, I ask unanimous consent that any additions, corrections, or supplements to part 3 of Executive Report No. 92-19, dealing with the Kleindienst nomination, may be filed at or before 5 p.m. today, to be printed as part 4 of such report.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and as in executive session it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, is not the Senate in executive session now?

The PRESIDING OFFICER. The Senate is in executive session.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair.

The PRESIDING OFFICER. The question is on the confirmation of the nomination.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Wyoming (Mr. MCGEE) be recognized for not to exceed 5 minutes, to speak out of order, as in legislative session, after which the Senate then proceed to the consideration of the nomination of Mr. Bucher.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RHODESIAN CHROME ISSUE

Mr. McGEE. Mr. President, I rise slowly at this moment and with no eagerness to say what I am now compelled to say. I think my credentials as having been a strong supporter of the President's foreign policy efforts in the past are unchallengeable. My support will continue in the future when I think he is right.

However, today the U.S. Senate voted to continue our flagrant violation of U.N. sanctions against Rhodesia. All of us have been reading in the press the past few weeks about the importance of overturning the chrome decision. We have seen statements from the President and from the State Department concerning how important this action is.

In his third annual report on the state of the U.S. foreign policy issued on February 9 of this year, President Nixon discussed the potential of the United Nations, his continued belief in this vital institution, and his concern over a seeming decline in congressional support for the United Nations. In deploring certain congressional actions he specified the point that—

> The Congress exempted strategic and critical materials, notably chrome, from the U.S. implementation of the mandatory U.N. sanctions on imports from Rhodesia.

Moreover, the report issued by the Secretary of State just last March contained the following statement:

> U.N. sanctions, adopted in response to Southern Rhodesia's unilateral declaration, remain in effect. The United States' firm and effective support of the U.N. measures is qualified only by the recent Congressional adoption of the Byrd amendment, which in effect freed chrome ore from the U.S. application of sanctions. The Administration made clear its opposition to that amendment.

In light of the President's commitment to the U.N. and his opposition to our violation of the sanctions against Rhodesia in his February 9 report, and the assurances I received from spokesmen in the White House that things would be different this time around, it seemed, in light of these two incidents, we should try again. I did so on the basis of the encouragement given me by the White House on these two different occasions.

But, I now regret to report that the handling of the Rhodesian chrome ore question on the part of the administration was no different than it was last time. This time I personally appealed to the White House for assistance. I asked that they make only five or six telephone calls to marginal Senators on the administration's side of the Senate aisle—several of whom had already told me a "call from the administration would be necessary to change my vote." As it turned out, the White House would have had to make only three calls to turn the tide in our favor.

But no call was forthcoming. The administration had put its rhetoric behind the McGee bill and the U.N., but did not lift the telephone even once to back that rhetoric up.

My purpose in speaking at this time is to set the record completely straight. After all the high sounding rhetoric and the pious pronouncements, the White House alone must bear the burden and responsibility for the defeat today.

Let us keep one fact straight. It is not the Congress who can now be blamed for this defeat. It is not the Foreign Relations Committee. It is not the steel companies or the steelworkers unions. The White House, for whatever reasons, chose not to try to win.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator may be allowed to proceed for 2 additional minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. McGEE. The President's rhetoric is right. But the President was not willing to put his leadership muscle with his oratory. If it is important that this country back the United Nations, then the chrome amendment passed by Congress last fall should have been repealed today. If it is important to improve our profile and image in black Africa, and I believe it is, then the chrome amendment should have been repealed today.

I am not being partisan in my remarks concerning the administration's role in this issue. A high principle is at stake and we cannot afford to project an image of hypocrisy by saying one thing and doing another. The world has become too sophisticated to accept doubletalk. The time has come when the African nations will also no longer accept doubletalk and hypocrisy from this country as it concerns their vital interests and needs. Either we believe in those aspirations or we do not. Either we believe in the United Nations, or we do not. We cannot have it both ways.

On this side of the aisle, for better or worse, the vote was about 2-to-1 in support of the President's avowed position on the chrome question.

All I am saying, Mr. President, is that if I had thought there was the slightest inkling, that there was any uncertainty behind it again, that they did not mean it when they said, "It is going to be different this time, Mr. McGee," I would never have volunteered to bring it up, for the reason that I think the damage is greater in having the Senate vote again that which negates the rhetoric of the President, rather than to have left it untouched at all.

So I say this with a heavy heart, Mr. President, in the hope that, somehow, all those many groups will try to keep the President of the United States on the track and try to keep his position together and sort out their priorities and sort through their rhetoric and sort through their personal commitments, and lay their cards on the table, and see if we cannot stand consistent before the rest of the world.

The **PRESIDING OFFICER**. Pursuant to the previous order, the Senate will now proceed to the nomination——

Mr. HARRY F. BYRD, JR. Mr. President——

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—and I do so with some trepidation, since the distinguished senior Senator from Utah has been patiently waiting and the distinguished Senator from Wisconsin has also been patiently waiting, but I believe the Senator from Virginia wishes to have 2 minutes to reply—that the Senator from Virginia (Mr. Harry F. Byrd, Jr.) be allowed to proceed now for 2 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. I thank the Senator.

Mr. President, I had not planned to say anything on the vote which was recently taken—I think the vote speaks for itself—but since the Senator from Wyoming has seen fit to rehash the debate, so to speak, I want to make a few comments.

The Senator from Wyoming pointed out in his debate in the Senate today that the State Department had given out a letter against the proposal offered by the Senator from Virginia. He pointed out that a press conference had been held at the White House in opposition to the amendment offered by the Senator from Virginia, and he pointed out that the President of the United States had opposed the amendment offered by the Senator from Virginia.

I did not take exception to that at all. The State Department has a perfect right to oppose the amendment. The President had a perfect right to oppose it, as the Senator from Wyoming pointed out.

And the Senate had a right to disagree with the State Department and the President—which the Senate did by a vote of 40 to 36.

The Senator from Wyoming complains, because the President did not pick up the telephone and try to dictate to the Members of the Senate. Whether he should have done so or should not have done so, or whether he did or did not do it, I do not know. But I as one Senator feel that the Members of the Senate can make up their own minds. I see no reason why the President should be condemned, because he does not pick up the telephone and try to influence a Member of the Senate on a piece of legislation. So I certainly do not agree with the Senator from Wyoming in his recent comments.

Mr. McGEE. May I have 1 minute?

Mr. ROBERT C. BYRD. Mr. President, I hope we will not prolong this matter any longer than 1 more minute. I ask that the Senator from Wyoming be recognized for 1 more minute.

Mr. McGEE. Mr. President, I do not lock horns with the Senator from Virginia. He established his position and won the victory, and his victory is only the more complete because he had leaned over backward to accommodate me for the last several weeks.

But the Senator knows, having been around here long enough—and I have been here longer than he has—what the price of leadership is. He has been here long enough to know that when the President wants something, he gets on the telephone. How did they know what the USIA vote would be? Not because he made a speech in March. It was because they got on everybody's back and tried to persuade them that the President's position was the wise one.

He cannot force a Senator to vote against his will, but he can let his position be known. That is the purpose in floating. As the Senator knows, it is done on both sides. If it is an issue that makes a difference, you get on the telephone, or do it some other way. You have a caucus, or whatever it may be. We all know how that business operates. And the conspicuous absence of it in this case suggested to me that there was less than devotion to the principle, or an attempt to play both sides on that principle.

ORDERS FOR THE CONVENING OF THE SENATE ON THURSDAY, FRIDAY, AND MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, tomorrow, and Friday, it stand in adjournment until 11 a.m. on Thursday, 10 a.m. on Friday, and 11 a.m. on Monday next.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

EXECUTIVE SESSION—FEDERAL RESERVE SYSTEM

The **PRESIDING OFFICER**. Under the previous order, the Chair lays before the Senate the nomination of Mr. Bucher, which the clerk will state.

The second assistant legislative clerk read the nomination of Jeffrey M. Bucher, of California, to be a member of the Board of Governors of the Federal Reserve System.

Mr. BENNETT. Mr. President, I rise to support the nomination of Mr. Bucher to serve as a member of the Federal Reserve Board, and in that capacity I represent 12 other members of the committee, which voted 13 to 1 in support of the nomination. There was one member who abstained. I have talked with the Chairman of the Federal Reserve Board, Dr. Arthur Burns, who has the respect of most of us as an economist and as a dedicated public servant, and I find that he supports the nomination of Mr. Bucher, and in fact recommends him highly.

I ask unanimous consent to have printed in the Record at this point a letter from Chairman Burns to that effect.

There being no objection, the letter was ordered to be printed in the Record as follows:

Federal Reserve System,
Washington, May 18, 1972.

Hon. Wallace F. Bennett,
U.S. Senate,
Washington, D.C.

Dear Wallace: It occurs to me that it may be useful to put in writing what I have said to you in earlier conversations regarding Jeffrey Bucher. I am very pleased that he has been nominated to be a member of the Board of Governors. His experience in banking will be valuable to the Board, and he has intelligence, judgment, and a sincere desire to apply his talents to serving the public as a member of the Board. In conversations with me he has shown a broad understanding of the problems the Board must deal with, and a willingness to weigh alternative solutions with an open mind. I have no question that he will justify the confidence that the President and the Senate Committee on Banking, Housing and Urban Affairs have shown in him.

With warm regards,
Sincerely yours,
Arthur F. Burns.

Mr. BENNETT. At this point, I reserve the remainder of my time in order to give the Senator from Wisconsin an opportunity to express his position.

Mr. PROXMIRE. I yield myself 10 minutes.

Mr. President, I am strongly opposed to the nomination of Mr. Jeffrey M. Bucher to the Federal Reserve Board. In so doing, I intend no personal disrespect for Mr. Bucher. I am sure that he is a fine man in his field. But in my view, he is totally unqualified to serve on the Federal Reserve Board—the most powerful economic agency of the Federal Government.

The decisions of the Federal Reserve Board can make or break our economy. A mistake in judgment by the Fed can plunge our country into a deep recession or a runaway inflation. We, therefore, should insist that only the most qualified and knowledgeable men are appointed to the Board. The safety and well-being of our economy is too important to be entrusted to inexperienced amateurs. We would not dream of appointing a man to the Supreme Court with no experience in constitutional law.

Why, then, should we permit the appointment of a man to the Federal Reserve Board who has had virtually no training or background in economics or monetary policy?

The Federal Reserve Board has been only partially successful in stabilizing the American economy. Throughout most of its history, the Fed was dominated by bankers and businessmen who were able men in their chosen field, but who had no special training in monetary policy. A study by the Library of Congress shows that between 1913 and 1961 there were 40 members appointed to the Fed. Only one of these was a professional economist. A second was a professor of business administration. The rest were bankers, lawyers, businessmen, or farmers. Their track record has not been overly impressive.

For example, during the 1929–33 depression, the Fed permitted the money supply to drop by 33 percent despite the fact that one-quarter of the job force was unemployed. As Friedman and Schwartz have so eloquently pointed out in their comprehensive "Monetary History of the United States," the Fed was largely responsible for the nosedive taken by the economy from 1929 to 1933. During this period, there was only one member of the Fed who was a professional economist. The rest were bankers, lawyers, farmers, and one ex-politician.

Following this disaster, the Fed largely withdrew from monetary policy until the Fed-Treasury accord of 1951. The Fed subsequently embarked upon a policy of "leaning against the wind" under the leadership of William McChesney Martin, a former stockbroker. Unfortunately, whenever the Fed was leaning one way, the economy was leaning in the opposite direction. Many economists feel that the erratic stop and go policies of the Fed during the 1950's were largely responsible for the three recessions experienced during that period. There were no professional economists on the Board during this period, although one member had been a professor of business administration and economics.

During the Kennedy and Johnson administrations, the competence of the Fed was considerably upgraded by the appointment of men experienced in economics and monetary policy. Presidents Kennedy and Johnson made five appointments to the Fed—four were professional economists.

The Fed was further strengthened when the present administration appointed Dr. Arthur Burns, a man who is eminently well qualified to serve on the Board and whose appointment I enthusiastically supported. However, during the last 3 months, the administration has sent the Congress two notably weak appointments—Mr. Jack Sheehan last February and now Mr. Jeffrey Bucher. We seem to be taking a major leap backwards to the days when bankers and businessmen were calling the shots with tragic results for the American economy. While the record of the Fed was not perfect when the Board was dominated by economists, the Board did at least avoid repeating the disastrous blunders committed by previous Boards.

In stressing the need for economic training, I do not say the entire Board should be composed of academic economists. If banking experience is considered to be a desirable prerequisite, why not select one of the hundreds of eminently qualified economists employed by the commercial banking industry, by the Federal Reserve Banks, or by bank trade associations or consulting firms?

I believe that such men as Roy L. Reierson of Bankers Trust, Leif Olson of the First National City Bank, Tilford C. Gaines of Manufacturers Hanover, Guy E. Noyes of Morgan Guarantee, Beryl W. Sprinkel of Harris Trust, or Walter E. Hoadley of Bank of America would all be qualified to serve on the Fed. All are conservative bank economists with an intimate knowledge of banking and monetary policy. Even Charles E. Walker, the former executive director of the American Bankers Association and now the Undersecretary of the Treasury would be far more qualified to serve on the Fed than Mr. Bucher.

Mr. President, forget about economics on the Board. Mr. Bucher has had virtually no previous training in economics or monetary policy which would equip him to understand and intelligently decide upon the complex issues facing the Federal Reserve Board. However, even if we admit that noneconomists can be appointed to the Board, I believe there are other and equally compelling reasons for opposing Mr. Bucher's nomination.

First, Mr. Bucher's specific banking experience has been too narrow to qualify him for the Federal Reserve Board. His principal experience has been in the trust department, a field far removed from the commercial banking functions with which the Fed has been predominantly concerned. A trust officer essentially acts as the manager of an investment portfolio as does the investment manager of a mutual fund, pension fund, or life insurance company. He has little familiarity with commercial bank credit extension which is central to the Federal Reserve Board's regulation of our banking system. In fact, the former superintendent of banking in the State of California has testified that Mr. Bucher is not even qualified to be the head of a small bank. As I shall indicate in a moment, he is emphatically opposed to Mr. Bucher's appointment.

Second, Mr. Bucher would bring to the Board a serious conflict of interest. He comes from the Nation's largest multibank holding company and as a Board member, he would be required to rule on the many applications by bank holding companies to expand their range of services. Bank competitors are likewise anxious to stop bank holding companies from invading their particular business. Under the Bank Holding Company Act, the Fed is required to weigh the procompetitive and anticompetitive effects of bank holding company applications and render a decision which is best for the economy as a whole. How can Mr. Bucher give an objective and impartial judgment when he comes from the Nation's largest multibank holding company and because of his young age, will no doubt seek to resume his banking career following his service on the Board?

Third, Mr. Bucher's appointment can impair foreign confidence in the soundness of our bank regulatory system, because of his association with the United California Bank, a bank which has been particularly free wheeling in its international activities. This is the same bank which permitted its Swiss subsidiary to lose $48 million in an ill-fated attempt to corner the international cocoa market. This venture produced a major scandal in banking circles and caused many foreign bankers to wonder just how effectively U.S. banks were supervising their foreign subsidiaries. Moreover, a multimillion-dollar lawsuit has been filed charging the managers of the United California Bank with gross negligence. While Mr. Bucher apparently was not directly involved in the activities of the bank's Swiss subsidiary, he was a member of the bank's top management team and is presumably a product of the bank's aggressive management philosophy, which caused it to run up a sizable loss.

Mr. Bucher obviously cannot be held responsible for the mistakes of his colleagues. Nonetheless, because of the important role the Fed plays in maintaining confidence in our banking system, we must be extremely careful to appoint men whose backgrounds and previous associations do not contain even the slightest suggestion of imprudent or reckless judgment.

Mr. President, the importance of this nomination cannot be exaggerated. We are dealing with the health of the American economy. An error in judgment by the Fed can plunge this country into a deep recession or produce a runaway inflation. We should, therefore, insist on obtaining the best qualified men for the Board.

Under our Constitution, only Congress has the right to regulate our monetary system. Article I, section 8 of the Constitution specifically gives Congress the right to "coin money and regulate the value thereof." These powers belong exclusively to Congress and not the President. They have been delegated to the Federal Reserve Board by Congress. The Fed is therefore an agent of the Congress. It was deliberately created to be independent of the executive branch but not of Congress.

I intend to vote for confirmation of the nomination of Mr. Kleindienst because he is the President's lawyer, but the Federal Reserve Board is our agency. We should exercise far greater care in passing on a nomination to that Board.

Since the Federal Reserve Board is the exclusive agent of Congress, we have a far greater responsibility in confirming appointments to the Board compared to a cabinet or judicial appointment. We have the right—indeed the duty—under the Constitution to reject a nominee if he does not measure up to our standards. If Congress is seriously interested in reasserting its constitutional prerogatives, it should begin with the Federal Reserve System where it has an exclusive constitutional jurisdiction.

If we meekly acquiesce to the President and rubber stamp any appointment, no matter how unqualified the man may be, we surrender a vital constitutional power.

Mr. President, anyone who takes the time to read the hearing record on Mr. Bucher's nomination, will quickly come to the conclusion that Mr. Bucher is totally unqualified for the job. On almost every major question I asked him in the field of bank regulation, he had no clear-cut views. He said he would have to study the issue more before he could give an opinion. He did not know about phasing out regulation Q as recommended by the Hunt Commission. He was not sure about the separation of trust services from commercial banking. He was not sure about interstate branching under the Bank Holding Company Act. He wanted more time to study whether the Fed should support the housing market during a period of tight money. That is supposed to be his field—housing. In short, he had no concrete opinion on any of the regulatory problems facing the Fed. Surely, we can find a more knowledgeable appointment.

Mr. President, I reserve the remainder of my time, and I will be delighted to listen to the distinguished Senator from Utah.

Mr. BENNETT. Mr. President, I yield myself such time as I may require.

The statement which has just been put into the RECORD by the Senator from Wisconsin is similar to the statements he made in the committee both before and after Mr. Bucher's nomination was considered there. I wonder whether the Senator realizes that in repeating the statement after 13 of the 15 members of the committee voted to confirm Mr. Bucher's nomination, he is saying in effect that we have no competence to judge whether a nominee does in fact meet the requirements.

The Senator from Wisconsin has made quite a thing about the fact that Mr. Bucher is not an economist and that this is important in the economic health of our Nation. I wonder whether the Senator remembers the specific language in the Federal Reserve Act delineating the kind of people who are supposed to be appointed to the Board. I read from section 10 of the act:

> In selecting the members of the board, not more than one of whom shall be selected from any one Federal Reserve District, the President shall have due regard to a fair representation of the financial, agricultural, industrial, and commercial interests and geographical divisions of the country.

Nowhere does it say that the Board must be made up of economists or in fact that there must be any economists on the Board. Actually, the Board and its top staff may be a little top heavy with economists. There are four economists on the Board and 250 on the staff, of which approximately 100 are Ph. D.'s. So the Board has economists running out of its ears.

Also, the Senator from Wisconsin goes on to repeat the charges he made that Mr. Bucher is completely without experience in banking; and he quotes the former superintendent of the California banking department, who said that in his opinion Mr. Bucher was not fit to be the president of a small bank.

After we had listened to the former chief of the California banking department for about an hour in the committee, it became obvious to me that he did not have a basis on which to judge Mr. Bucher, because both the witness and the Senator from Wisconsin admitted that they never had met him before. This man was angry with the bank. He had sued it, and his animus was showing through his testimony before the committee. This was a chance for him to get back at the bank, so he was trying to destroy Mr. Bucher because he did not like what the bank had done.

Senator PROXMIRE has listed a number of well-known economists who he said would make better members of the Federal Reserve Board. I agree with him that they would make excellent members of the Federal Reserve Board; but, we must realize that Senator PROXMIRE is not the President, and it is the President who has the power to make the nominations.

My impression of Mr. Bucher is that he is a very able young man. In this day, when the accent should be on youth, I think it is commendable that the President has appointed this very capable young man as the only banker to serve on the Board.

Mr. President, all this fuss about a single banker not being fit to serve on the Federal Reserve Board because he is a banker intrigues and amuses me, because one of Utah's sons who served as a member and as Chairman of the Federal Reserve Board, Mr. Marriner S. Eccles, who is in his middle eighties, still a powerful intellect, said of himself in his autobiography, "Beckoning Frontiers":

> With my graduation from the high school level of Brigham Young College in 1909, my formal schooling was completed.

He is a brilliant economist and I think would be so regarded, but he has no academic credentials in economics. He is also an excellent banker. Yet, according to the standards that the Senator from Wisconsin would set, Marriner Eccles had no business on the Federal Reserve Board.

Mr. PROXMIRE. Mr. President, I yield myself 3 minutes.

It is very interesting to hear the distinguished Senator from Utah refer to Marriner Eccles. I have in my hand a letter from Professor Bridenstine, professor of economics at San Diego State College. He says:

> Senator Bennett helped rather than hindered your cause by mentioning Marriner Eccles as a banker serving a member of the Board of Governors. One need only read Mr. Eccles "Beckoning Frontiers" to recognize that a great difference regarding knowledge of monetary affairs exists between the two men.

That is, between Bucher and Eccles.

Mr. Bridenstine, who is familiar with both men, says:

> Thank you for giving me an opportunity to help you oppose the appointment of Mr. J. M. Bucher to the Federal Reserve Board of Governors. I congratulate you on your alertness and concern for the efficiency of this ever-so-powerful group.

Mr. President, I might also state that Professor of Economics Carl G. Uhr, of the University of California at Riverside, writes:

> I have read your recent letter and the enclosed reprint of the hearing on the nomination of Mr. Bucher with much interest. I agree wohleheartedly with your analysis, and it is a constant source of wonder to me how the Nixon Administration manages to nominate people of such questionable ability and background for such important functions in the government.

I have a letter from Prof. Norman F. Keiser, of the San Jose State College, Calif., which is the State where Mr. Bucher comes from. Mr. Keiser writes:

> I agree 100 percent with your evaluation of Mr. Bucher. It seems that the Fed has been subjected to a long list of inadequately prepared if not outright incompetent appointees, starting (during my period of interest) with former Chairman Martin himself. I definitely support your position that Bucher's appointment is an outrage.

A letter from J. Frank Jones, of Stockton, Calif., reads, in part:

> Mr. Bucher's experience does not qualify him in my opinion to be a member of this board. Coming from the nation's largest multi-holding company, Mr. Bucher can hardly be expected to act impartially in cases involving holding companies.

Mr. President, I yielded to myself 3 minutes. How much of that time have I remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has a minute and a half remaining.

Mr. PROXMIRE. Of the time I yielded to myself?

The PRESIDING OFFICER. Yes.

Mr. PROXMIRE. I should like to read from a statement by Mr. William A. Burkett. Let me qualify him, because he was an important witness, in my view. He is a man with a very significant background in this field. He is a former superintendent of banks of the State of California; a former president of the National Association of Supervisors of State Banks; a former director of the Department of Employment, State of California; a member of the Cabinet of Gov. Goodwin J. Knight; a former chairman of the Liaison Committee with the Board of Governors, Federal Reserve System; and the National Association of Supervisors of State Banks; and former president and chairman of the board and secretary of the National Bank of Monterey County, Calif. He said of Mr. Bucher:

> I believe this gentleman is totally unqualified to serve as a member of the Board of Governors of the Federal Reserve System.
>
> He is without any experience whatsoever in commercial banking or dealing with the economic and monetary problems of our Nation which are handled by the Federal Reserve System.

Further, he said:

> Mr. Bucher's very limited qualifications and total lack of experience or knowledge of Federal Reserve matters would work a severe hardship on the Board of Governors who are, more than anyone else, solely responsible for the monetary and economic policies of this Nation.

He said:

> In conclusion, I wish to say that I firmly believe that selfish banking interests are trying to foist upon the American public a man totally unqualified to sit as a member of the Board of Governors of the Federal Reserve System for the next 14 years, and worse than that, a man who could possibly be subjected to undue influence by his powerful former employer, the UCB Bank, owned by the world's largest banking holding company, and possibly by the powerful California bankers, C. Arnholt Smith and Frank L. King.

The **PRESIDING OFFICER**. The Senator's 3 minutes have expired.

Mr. **PROXMIRE**. I yield myself an additional minute. I continue to read from Mr. Burkett's testimony:

> Certainly, during these critical inflationary times, with deterioration in U.S. foreign trade, continued large deficits in the Federal budget, questionable economic activities, restlessness and lack of confidence of business, labor, and the people generally, certainly this is no time for the President to appoint to the Federal Reserve System someone less than the best qualified banker in the Nation.

Mr. **BENNETT**. Mr. President, it is interesting to listen to the same tirade again. Just to show how much impressed I am with the type of argument that is being used, we have heard, over and over again, that the UCB is the largest multibank-holding company in the United States. Unfortunately, the Senator from Wisconsin has apparently not even chosen to check that.

The largest is the First National City Bank of New York, which is more than twice as large as the Western Bank Corp. The second largest bank is the Chase Manhattan.

Mr. **PROXMIRE**. Mr. President, will the Senator yield?

Mr. **BENNETT**. I yield.

Mr. **PROXMIRE**. The bank the Senator is talking about is a one-bank holding company.

Mr. **BENNETT**. It is now a multibank-holding company.

Mr. **PROXMIRE**. When did it become a multibank-holding company?

Mr. **BENNETT**. I do not have that information, but according to the American Banker magazine of May 12, 1972, the largest multibank-holding company is the First National City Corp. of New York; the second is the Chase Manhattan Corp. The Western Bankholding Co. has less than half as much as the largest, and not much more than half as much as the second, and is in third place.

The largest bank holding company in the world is, of course, the BankAmerica Corp.

Mr. President, we have before us the nomination of a fine young man who has been endorsed by the Chairman of the Board, Arthur Burns.

The **PRESIDING OFFICER**. The Senator's 2 minutes have expired.

Mr. **BENNETT**. I yield myself 2 additional minutes.

Yet the Senator from Wisconsin would like to wipe him out completely, as though he had no standing, and say that he is a man of no character, a man of no education, the worst possible kind of appointment the President could make.

Then he quotes Mr. Burkett. Anyone who sat in that hearing could feel the venom in Mr. Burkett's attitude directed against Mr. Bucher, using this man as a vehicle to express his spleen. I do not think we should be moved by that kind of attitude, an attitude which is based on something personal, one which I do not completely understand, and which Mr. Burkett did not completely explain.

But when we come back to the simple problem before us, we have for consideration the nomination of a capable young man with an excellent record. He is a lawyer. He will be the second lawyer to serve on the Board. He is also a banker. He has the endorsement of the Senators from his State. He was nominated by the President. He has the approval of the Chairman of the Federal Reserve Board. He has the approval of 13 of the 15 members of the committee. I hope the Senate will join with them and approve the nomination of Mr. Bucher.

Mr. **PROXMIRE**. Mr. President, I am about to yield back the remainder of my time; but before I do so, I should like to make two points in response to the Senator from Utah. In the first place, the Senator from Utah's information concerning multi-bank-holding companies may or may not be later than my own. But I have the information that comes from the Bank Stock Quarterly, issue of April 2, 1972.

This publication shows conclusively the United California Bank is the largest multi-bank-holding company in the country. After all, even if it is the second or third largest on May 31, my point is that it is a large—a $13 billion—multi-bank-holding company, and as governor, Mr. Bucher would be in a position to regulate multi-bank-holding companies.

The distinguished Senator from Utah indicated that I would wipe this man out; that I attacked his character. The Senator apparently was not listening when I read my statement earlier. Let me read it for the third time.

> I am opposing the nomination of Mr. Bucher to the Federal Reserve Board. In doing so, I have no personal disregard for Mr. Bucher. I am sure he is a fine man in his field.

I said that here. I said it in our committee. I say it now. That does not mean that every person with a fine character ought to be on the Federal Reserve Board. We could find many persons on the streets with such qualifications.

I say that he has neither the training nor the background for this position. Could one imagine taking someone of good character off the streets and putting him on the Supreme Court? It would be just as ridiculous to put him on this highly technical and vital Board just because he is a fine man.

Mr. President, I ask unanimous consent that the letters to which I have referred to be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

West Covina, Calif.,
May 15, 1972.

Senator William Proxmire,
Member, Senate Banking Committee,
U.S. Senate, Washington, D.C.

Dear Senator Proxmire: I am writing to express my admiration for your stand in connection with the Senate Banking Committee's hearings on the nomination to the Federal Reserve Board of Jeffrey M. Bucher, Senior Vice President of the United California Bank.

You are quoted in the May 13, 1972 edition of the Los Angeles Times as stating that in your opinion Mr. Bucher was "totally unqualified" to serve as a member of the Federal Reserve Board. Speaking as a former vice president in the Trust and Investment Division of United California Bank and one who has known and worked with Mr. Bucher for several years, I can only say that I am in complete agreement with your assessment.

Mr. Bucher's experience with United California Bank has been divided among the Law Department, a term as Secretary of the Bank, head of the Court Trust Administration division of the Trust Department and subsequently as head of the Trust Department. While he would have necessarily been exposed to economic matters as well as money and credit markets, in no one of these areas would he have obtained the type of experience which would even remotely qualify him for consideration to this important post.

Having been associated with the banking industry for over twenty years and still active in the securities business, I have developed an increasing respect for the powers and obligations of the Federal Reserve Board. I am becoming more and more aware of the Board's role in shaping the course of the nation's economy. It is unthinkable to me that anyone save those with the most impeccable credentials would be considered for membership on the Board, let alone one whose background and experience are marginal at best. Membership on the Federal Reserve Board is no place in which to discharge political obligations, as I am sure you will agree.

My association with United California Bank terminated by mutual agreement in July of last year, and my feelings toward that organization to this day are not without some degree of prejudice. So you will have to accept my comments with this knowledge in mind. I have no desire to cast any aspersions on Mr. Bucher's abilities in certain other fields, but I do feel strongly that there are many other well qualified candidates who would prove to be superior additions to the Board.

Thank you for your efforts, Senator, in seeking to make certain that membership on the Federal Reserve Board goes only to the best qualified individuals for these vitally important positions.

Sincerely,

Philip W. Burge.

May 22, 1972.

Senator William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: I am in full agreement with the viewpoints you expressed regarding Mr. Jeffrey M. Bucher's nomination to the Federal Reserve Board.

I am opposed to putting one so closely allied with a huge multibank holding company in a position of such vital importance to the Nation's economy. Surely there are many men better qualified to serve the country in this key role, and the fact that Mr. Bucher has been pushed into line for this nomination is reason enough to suspect the motives of his backers.

I am writing to Senators Cranston and Tunney asking them to oppose this unfortunate nomination, as well as to continue to oppose the confirmation of Mr. Kliendienst. The pervasive influence of the ITT's, the Lockheed's, and the United California Bank's in attempting to control and use government for their own ends needs to be stopped.

I commend you on your difficult but worthwhile fight on behalf of our basic democratic institutions.

Sincerely,

William N. McNairn.

May 22, 1972.

Senator Alan Cranston,
U.S. Senate,
Washington, D.C.

Dear Senator Cranston: I have read the minutes of the hearings by the Senate Banking Committee on the nomination of Mr. Jeffrey Bucher to the Federal Reserve Board.

I am opposed to appointing Mr. Bucher to the Board on several grounds:

a. he is not qualified;

b. he represents a powerful economic special interest; and

c. the country needs the best leadership and guidance it can get from the Board in dealing with our mounting economic problems.

I respectfully ask your assistance in opposing Mr. Bucher's nomination to the Federal Reserve Board, as well as in opposing the confirmation of Mr. Kleindienst to the office of attorney-general. Both of these men represent big business interests too closely to discharge their responsibilities without taint, and in these times we can't afford to discredit our key government offices and institutions.

Sincerely,

William N. McNairn.

May 22, 1972.

Senator John Tunney,
U.S. Senate,
Washington, D.C.

Dear Senator Tunney: I have just read the minutes of the hearings by the Senate Banking Committee on the nomination of Mr. Jeffrey Bucher to the Federal Reserve Board.

Mr. Bucher, in my opinion, should not be appointed to the Board for several reasons:

1. He is not qualified;

2. He represents a powerful economic special interest; and

3. Better qualified individuals are available who can contribute much more significantly to our country's economic guidance than he could do.

I respectfully ask your assistance in opposing Mr. Bucher's nomination to the Federal Reserve Board.

Please, also, keep up your good fight against the confirmation of Mr. Kleindienst.

Nothing will bring our democracy into serious trouble faster than the appointment of men like these to positions of key influence over our economic and legal destinies.

Sincerely,

William N. McNairn.

Association of Data Processing
Service Organizations, Inc.,
New York, N.Y., May 23, 1972.

Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: We have become aware of the nomination of Jeffrey M. Bucher to the position of Governor of the Federal Reserve Board. We are writing to you to express our concern with this nomination and our disappointment with Mr. Bucher's background.

Unavoidably, our industry now finds itself indirectly regulated by the Federal Reserve Board as a result of its promulgaton of Regulation Y of the One Bank Holding Company legislation. The very permissive guidelines of Regulation Y as well as the administrative responsibility for this regulation resting with the promulgator place us, by definition, in a very sensitive position.

It may well be that highly competent economists and administrators will, over time, make reasonable sense of this new law and protect our industry which many predict will someday be our country's largest. That type of rational evolvement is far less likely when yet another banker born out of the industry and sired by the American Banking Association potentially appears on this august Board.

For these reasons, we are opposed to Mr. Bucher's nomination and ask you to resist it.

Sincerely,

Bernard Goldstein,
President.

San Jose State College,
May 22, 1972.

Hon. Senator William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: Thank you for your letter of May 17th concerning the nomination of Mr. Jeffrey M. Bucher to the Federal Reserve Board.

I cannot personally imagine that a man like Mr. Bucher without formal training in economics or monetary policy should be appointed as a Governor of the Federal Reserve Board. I particularly agree completely with Mr. Burkett's statement as he appeared before the Committee hearing that a trust officer is the last man in the financial field that should be appointed the Federal Reserve Board.

As Senior Vice President in charge of Trust Division of the United California Bank and to have the subordinates investing in the commodities and lose $48 million, it appears to me that Mr. Bucher fails to exercise his leadership.

In my opinion, if a man is incapable of exercising his leadership, how can he be expected to take the leadership role in managing the economic and monetary affairs of the most powerful agency in this country.

I think your move to oppose the appointment is a wise decision.

Respectfully yours,

James C. Ma,
Associate Professor of Business.

Washington, D. C., *May 22, 1972.*

Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: I have noted the nomination of Mr. Jeffrey M. Bucher to membership on the Federal Reserve Board, and am writing to you to express my opposition.

During my tenure as Chairman of the Council of Economic Advisers, and equally during the 19 years since then, I have studied closely the policies of the Fed and their economic and social impact. I have regarded the main thrust of these policies since 1953 as one of the main causes of the undue amount of inflation which we have suffered since then, the deficient rate of economic growth, and the excessive idleness of plant and manpower, and the progressively regressive distribution of national income with all of its social evils. In general, in my view, the policies of the Fed have become worse during the most recent years, despite some deviations.

My full views on this subject are known to you and many other members of the Congress through my books and other writings on this subject, and through voluminous testimony before Congressional Committees, including the Joint Economic Committee, the Senate and House Banking Committees, the Senate Finance Committee, and the House Ways and Means Committee. It seems apparent to me that the policies of the Fed can be corrected promptly and vigorously in the public interest only if the long-term practice of recruiting its membership to large degree, though not exclusively, from banking circle is abandoned, and if the membership of the Fed is refreshed and strengthened by bringing in more and better representation of other types of experience, interest, and alliance.

These seem to me to be sufficient reasons why Mr. Bucher's appointment to the Fed should not be confirmed. As to the other disclosed reasons which suggest his ineligibility, I have not examined these carefully enough to venture a judgment, except to say that the record is certainly not impressive in his favor.

Very sincerely yours,

Leon H. Keyserling.

Massachusetts Institute
of Technology,
Cambridge, Mass., May 24, 1972.

Re Mr. Jeffrey M. Bucher, nomination to the Federal Reserve Board.

Hon. William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: I am glad to respond to your request for a comment on the nomination of Mr. Jeffrey M. Bucher to the Board of Governors of the Federal Reserve System. I have no independent knowledge of the particular nominee. From the transcript of the hearings of the Senate Banking Committee, it seems plain that the best one can say is that it is an undistinguished nomination, perhaps worse.

As a general matter, monetary policy is a difficult and important matter at all times, and especially now that the international monetary system is in the process of reformulation. It can hardly do the United States any good, either at home or abroad, to have its policy made and its interests represented by people of little ability and less experience. To be a good Governor, it is neither necessary nor sufficient to be a professional economist.* But there must be many people in California with experience or training or both that would at least contribute to intelligent monetary policy at a time when our country and the world badly need it.

Sincerely yours,

Robert M. Solow,
Professor of Economics.

San José State College,
San José, Calif., May 24, 1972.

Senator William Proxmire,
U.S. Senate,
Washington, D.C.

Dear Senator Proxmire: Thank you very much for your letter of May 17th and for providing me with a copy of the hearings of the Senate Banking Committee on the nomination of J. M. Bucher to the Federal Reserve Board.

I do not know Mr. Bucher either personally or by banking reputation on the West coast. However, I agree with you completely that there is nothing in the record of the hearings to suggest that he is qualified for membership on the Federal Reserve Board. I am sure that few professional economists would argue that all members of that important Board need be professionally-trained economists. However, it must be equally obvious that membership on that Board requires substantial knowledge of the reality of the American economy and the ability to translate at least certain elementary principles of monetary fiscal and debt management theory into the banking policies over which that Board has such important control.

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*But it is desirable.

It seems to me a great shame that the initial high quality of the administration's appointments to that Board reflected in the initial appointment of Dr. Arthur Burns should now be so diluted by the appointments of people such as Mr. Bucher. I agree with the point you make in the hearings that there surely are and must be other people from the West coast in banking and private industry who are better qualified by knowledge and training to serve the important regulatory and control functions which the members of the Federal Reserve Board carry out.

I certainly wish you well in your efforts to examine the qualifications of nominees to the Federal Reserve Board and to subject these nominations to the glare of national publicity.

Sincerely,

JAMES F. WILLIS,
Chairman.

SAN DIEGO STATE COLLEGE,
San Diego, Calif., May 26, 1972.
Senator WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for giving me an opportunity to help you oppose the appointment of Mr. J. M. Bucher to the Federal Reserve Board of Governors. I congratulate you on your alertness and concern for the efficiency of this ever-so-powerful group.

Woodrow Wilson, shortly after passage of the Federal Reserve Act, was approached by bankers with the idea that certain of their members be appointed to the then named Federal Reserve Board. President Wilson explained that he believed it inconceivable that the governed be permitted to sit as governors. I subscribe to this view and furthermore would generally recommend use of Wilson's alternative plan: appoint bankers to the Federal Advisory Council.

Mr. Bucher, though, would hardly qualify for this group. Views of trust officers are hardly to be of much use in giving Federal Reserve representatives meaningful input about commercial-banker reactions to monetary matters.

I was very pleased, Senator, to find your listing of very competent economists employed by banks who would serve much better than Mr. Bucher. Possibly James Meigs, recently associated with the National City Bank of New York, might also be added to the list. Surely the men you mentioned possess knowledge of monetary economics: a basic prerequisite of being a member of the Board of Governors.

Senator Bennett helped rather than hindered your cause by mentioning Mariner Eccles as a banker serving as a member of the Board of Governors. One need only read Mr. Eccles' *Beckoning Frontiers* to recognize that a great difference regarding knowledge of monetary affairs exists between the two men. Mr. Eccles was already molded to put on the suit of a central banker.

Members of the Board of Governors should be above commercial interests, total commitment to a singular monetarist or fiscal view, and above political linkages. Proper management of the nation's money supply requires knowledge of the functioning of the economy and its reaction to money-supply forces. Certainly Mr. Bucher cannot be given a grade of 100 on these requirements.

Finally, I believe the remarks of Mr. W. A. Burkett, former Superintendent of Banks in California, carry great weight. Mr. Burkett should know whether or not Mr. Bucher is a qualified banker. Mr. Burkett's answer was no; I cannot do other than agree.

Respectfully yours,

DON C. BRIDENSTINE,
Professor of Economics.

UNIVERSITY OF CALIFORNIA, RIVERSIDE,
Riverside, Calif., May 23, 1972.
Hon. WILLIAM PROXMIRE,
U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR PROXMIRE: I have read your recent letter and the enclosed reprint of the hearing on the nomination of Mr. Bucher with much interest. I agree wholeheartedly with your analysis, and it is a constant source of wonder to me how the Nixon Administration manages to nominate people of such questionable ability and background for such important functions in the government.

Thank you for calling this and other matters of this importance to my attention.

Sincerely yours,

CARL G. UHR,
Professor of Economics.

SAN JOSÉ STATE COLLEGE,
San José, Calif., May 23, 1972.
Senator WILLIAM PROXMIRE,
U.S. Senate, Washington, D.C.

DEAR SENATOR PROXMIRE: I agree 100 percent with your evaluation of Mr. Bucher. It seems that the Fed has been subjected to a long list of inadequately prepared if not outright incompetent appointees, starting (during my period of interest) with former Chairman Martin himself. I definitely support your position that Bucher's appointment is an outrage.

Incidently, may I request a copy of your recent JEC hearings on the Price Commission?

Sincerely,

NORMAN F. KEISER.

STOCKTON, CALIF.,
May 24, 1972.
Hon. WILLIAM PROXMIRE,
Senate Office Building, Washington, D.C.

DEAR SENATOR PROXMIRE: I should like to register a vigorous protest against the confirmation of Mr. Jeffrey M. Bucher as a member of the Federal Reserve Board.

Mr. Bucher's experience does not qualify him in my opinion to be a member of this board. Coming from the nation's largest multi-holding company, Mr. Bucher can hardly be expected to act impartially in cases involving holding companies.

Finally, Mr. Bucher's nomination has been opposed most forcefully by Mr. William Burkett, a former Superintendent of Banking in California.

I hope you will use your influence to block Mr. Bucher's confirmation in the Senate.

Cordially,

J. FRANK JONES.

Mr. BENNETT. Mr. President, I did not think that we would get so involved in the details of this nomination here on the Senate floor. Since we have, I feel that it is appropriate to discuss in full the allegations that have been made in opposition to the nomination.

Mr. President, there has been some opposition to this appointment because Mr. Bucher is not a professional economist. Various charges and allegations have been made regarding the qualifications of Mr. Bucher, and it has been suggested that his nomination is a political payoff for campaign contributions. It has also been suggested that he was recommended by a person who could be benefited in his financial operations by decisions which would be made by Mr. Bucher as a member of the Board. It has been further stated that Mr. Bucher is unfit to serve on the Federal Reserve Board because of alleged improper actions by the Chairman of the Board of the United California Bank and the actions of a foreign affiliate of that bank.

The Federal Reserve Act established the Board of Governors of the Federal Reserve System and provided that the members of that Board be appointed by the President with the advice and consent of the Senate. We have a responsibility to carefully and objectively consider these nominations and make our judgment on the basis of the record of the individual nominated, his background, and the contributions he could make to the decisions of the Federal Reserve Board. All opposition arguments and allegations should be carefully considered. I would like the Members of this body to know that I have looked into the background of the nominee through several sources and have found no support for the opposition arguments nor have I found any other reason to oppose the nomination. Indeed, my investigation has confirmed my support for Mr. Bucher.

We held hearings on the nomination of Mr. Bucher on Friday, May 12. At that hearing, members of the committee had an opportunity to question the nominee. In addition, another witness, Mr. William A. Burkett, testified on the nomination. On May 15, the Senator from Wisconsin, who opposed the nomination in the committee, had the transcript of the hearings printed in the CONGRESSIONAL RECORD. It is interesting to note that before inserting the transcript in the RECORD, the Senator from Wisconsin altered his own statements in more than 50 instances, including the deletion of full paragraphs. The few statements which he made which might be considered as somewhat favorable to the nominee were also deleted.

Mr. President, the Senator from Wisconsin stated in his introductory remarks when he had the transcript printed in the RECORD that he emphatically supported the judgment of Mr. Burkett. Both the Senator from Wisconsin and Mr. Burkett, who had obviously provided information upon which some of the questions used by the Senator were based, made statements which do not agree with the facts which I have available.

I hope that the members of this body have read the transcript record inserted by the Senator from Wisconsin in the CONGRESSIONAL RECORD of May 15, because even with the changes made in his statements and the mistakes contained in the transcript, it is obvious that there was an attempt to discredit Mr. Bucher, using guilt-by-associaion allegations. I also hope that the members of this body have read the statement and conclusions of the Senator from Wisconsin regarding the Chairman of the Federal Reserve Board, Dr. Burns.

On May 8, 1972, the Senator from Wisconsin made his first statement to this body in opposition to the nomination of Mr. Bucher to serve on the Federal Reserve Board. He opposed Mr. Bucher at that time and during our hearings primarily because Mr. Bucher is not a professional economist and the Senator stated "that only professional economists should be appointed to the Federal Reserve Board."

While one may agree with the Senator that it is important to have professional economists represented among the members of the Board, there is certainly no reason why all of them should be economists. The Federal Reserve Act was very specific in requiring that Board members represent a broad segment of interests. Section 10 of the Act states:

> In selecting the members of the Board, not more than one of whom shall be selected from any one Federal Reserve district, the President shall have due regard to a fair representation of the financial, agricultural, industrial, and commercial interests, and geographical divisions of the country.

In my opinion, the competency of the Board would be reduced if all members were required to be professional economists. Certainly individuals with other backgrounds are necessary to provide depth to the overall judgment of the Board.

It is obvious from the letter I read earlier that Chairman Burns, who is himself a capable economist, believes that the appointment of Mr. Bucher would strengthen the Board. Nor is Chairman Burns alone among economists in this view.

According to an article in the American Banker of May 17, 1972, Mr. Karl R. Bopp, retired president of the Federal Reserve Bank of Philadelphia, a professional economist and authority on the economics of international banking, thinks the Board is overloaded with economists. I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Economist May Be No Great Asset to Federal Reserve Performance

(By J. A. Livingston)

Philadelphia.—Is chairman Arthur F. Burns seeking to dominate the Federal Reserve Board by packing it with "inexperienced amateurs" who are "ill-equipped to understand the complex issues facing the economy?" Sen. William Proxmire, D., Wis., thinks so.

As a member of the Senate Banking Committee, he opposed President Nixon's nomination of Jeffrey M. Bucher—pronounced Bu-er to rhyme with fewer—to replace Sherman J. Maisel, former University of California professor of economics. Mr. Bucher, a 39-year-old lawyer, is senior vice president in the trust and investment division of the United California Bank of Los Angeles.

Karl R. Bopp, retired president of the Federal Reserve Bank of Philadelphia, will not be defrocked—have his Ph. D. robe taken away—by the American Economic Association for disagreeing with Mr. Proxmire.

Mr. Bopp, an authority on the economics of international banking, thinks the Board is overloaded with economists and that economists suffer from a professional disease: They are apt to be doctrinaire—wedded to theory. Yet each economist is sure that he, himself, is immune to doctrinarism. "That," says Mr. Bopp smiling, "goes for me, too."

Including Mr. Maisel, the Board had five economists—Mr. Burns, Andrew F. Brimmer, J. Dewey Daane and George W. Mitchell. The two remaining members are J. L. Robertson, a lawyer with a government-career background, and John E. Sheehan, a Harvard Business School Graduate who had been president of a Corning Glass subsidiary in Louisville. Mr. Proximire also opposed Mr. Sheehan as a noneconomist.

If Mr. Bucher is confirmed, the Board's economist-to-noneconomist ratio will be restored to what it was when William McChesney Martin Jr. was chairman—four-to-three. Incidentally, Mr. Burns, who succeeded Mr. Martin, is the first economist-chairman.

As further support of Mr. Bopp's contention that the Reserve System is overeconomisted, eight of the 12 Federal Reserve Bank presidents are economists. And five of them, in systematic rotation, serve with the seven Board members on the Open-Market Committee which decides on monetary policy.

"Economists," say Mr. Bopp, "would rather be right than realistic. They want history to record that what they predicted came true. But a member of the Reserve Board must be constantly concerned with reaching the best solution of a problem today without creating a greater problem for tomorrow. This may often require compromise."

Mr. Bopp's ideal Board members would be a competent, forthright, independent man of affairs who is attuned to social, and financial parameters. In moments of stress, he ought to be able to talk to businessmen and bankers as "one of them." Economists can do this with other economists but may not have rapport with businessmen.

A preponderance in the Reserve System of economists is a post-World War Two development. The first Board had only one economist, Adolph C. Miller, and he opposed Federal Reserve intervention in the government bond market to expand credit. He regarded open-market policy as a form of government interference—non-laissez-faireism. This doctrinaire position, Mr. Bopp points out, was opposed by Benjamin Strong, president of the Federal Reserve Bank of New York, who was trained as a banker.

In addition to economists as members and as Reserve Bank presidents, the Reserve System has one of the finest economic research staffs in the world. And each bank has its own research staff. There is no dearth of economists, economic advice, or economic information.

So, if Mr. Burns dominates the Board and the Open-Market Committee, it will not be because they are packed with "inexperienced amateurs," but because he is persuasive and knows his stuff. And that can be said for any other person who might be chairman, or for that matter, any member of the Board of any Reserve Bank president who has the personality, perspective and perspicacity to sway a group.

The Senate Banking committee Tuesday approved Mr. Bucher by a vote of 13 to 1, with one abstention.

Mr. BENNETT. The article also points out that in addition to the four members of the Board who are economists, eight of the 12 Federal Reserve bank presidents are economists, and five of them in a systematic rotation serve with the seven-man Board members on the Open-Market Committee which decides on monetary policy.

Mr. Bopp's ideal Board member would be a person who is attuned to social and financial parameters. He suggests that he ought to be able to talk to businessmen and bankers as "one of them," in times of stress. He further states that economists can do this with other economists but may not have rapport with businessmen. In my opinion, Mr. Bucher meets these requirements admirably.

It is not unusual that members of the economics profession would not be so sold on their own profession as is the Senator from Wisconsin. Those within the profession can see both the strengths and weaknesses which an outsider may overlook.

In direct contrast to his great confidence in economists, the Senator from Wisconsin seems to have little if any confidence in businessmen and bankers.

The Senator states:

> Previous administrations under President Kennedy and President Johnson have wisely upgraded the competence of the Fed by appointing able economists. The present administration is taking a giant leap backward by restoring bankers and businessmen to their former positions of power.

Mr. President, let me clarify the record on this point. In January 1969 when Mr. Nixon became President, four members of the Board were economists and three were not. The Chairman of the Board was not an economist and one member of the Board had a banking background. President Nixon's first appointment was Dr. Arthur Burns to be Chairman of the Board. Dr. Burns is, of course, an eminent economist. When Mr. Bucher's nomination is approved, the Board will again consist of four economists and three noneconomists. One of the noneconomists will have a banking background. There is one important change so far as economist representation on the Board is concerned, and that is that the Chairman is now an economist. Even on the Senator from Wisconsin's terms, this is no leap backward.

Now what about the claim that bankers and businessmen are being restored to their former positions of power? That claim also falls of its own weight. Traditionally, there has been at least one and frequently more than one former banker on the Federal Reserve Board. Bankers have been represented on the Board for all but 11 of the 68 years the Board has been in existence. At one time—in 1936—four Board members were former bankers. When Mr. Bucher's nomination is approved, there will be only one former banker on the Board. I am somewhat dismayed by the Senator from Wisconsin's lack of confidence in Board members who have not had a formal background in economics. Such a background is not a necessity to function well as a Board member. The present Vice Chairman and very capable member of the Board, J. L. Robertson, is not an economist. One of the most prominent chairmen that the Federal Reserve Board has had was Marriner S. Eccles who came from my State of Utah. In his autobiography, Beckoning Frontiers, on page 27, Mr. Eccles said,

> With my graduation from the high-school level of Brigham Young College in June 1909, my formal schooling was completed.

Marriner Eccles was a banker and a businessman and nobody complained in those days because he was not a trained economist. I might add, I seriously doubt that anyone today would argue that he was not competent in his understanding of the economic concepts necessary to be Chairman of the Federal Reserve Board.

Furthermore, I have inquired and have been informed that there are 250 economists on the staff at the Federal Reserve Board. Approximately 100 of these have their doctorate degrees in economics, so the Federal Reserve Board is not without the services of trained economists. Moreover, as I have already stated, when Mr. Bucher's nomination is approved, a majority of the Board will still be economists.

There is, on the other hand, presently no member of the Board who has had a banking background or who has been in charge of a bank trust department. The Senator from Wisconsin suggested in our hearings:

> One of the most significant issues to face the banking industry and the Federal Reserve Board over the next 10 years is whether a similar conflict of interest exists between a bank's trust department and its commercial lending activities.

Now I would like to ask the members of this body if that is to be one of the most significant issues to be before the Federal Reserve Board in the next 10 years. Would not it be a good idea to have one member of the Board who has had some experience in both the commercial banking side and who has also been the head of a trust department of one of our major banking institutions? Since none of the other present members have had experience in that area, I believe Mr. Bucher's experience will be invaluable as this issue is discussed by the Board.

The second major argument used by the Senator from Wisconsin is that confirmation of Mr. Bucher would put the Federal Reserve under the control of the President. He stated,

> If we confirm the Bucher nomination, I believe we will weaken the traditional independence of the Federal Reserve Board by placing it under control of the President and the executive branch of the Government.

Mr. President, there are two assumptions which must be made in order to come to this conclusion. First, we must accept the Senator's assumption that there are now three members of the seven-man Board who are controlled by the President. Second, we must accept the Senator's assumption that Mr. Bucher will be controlled by the President. I find absolutely no evidence that either of these assumptions is correct and ask the Senator from Wisconsin to point out to this body the three members of the Board who are now under the control of the President. I also ask the Senator to give us the evidence if in fact he has any that Mr. Bucher will be under the control of the President. In his testimony before our committee when questioned about being controlled by either the President or by the Chairman of the Federal Reserve Board, Mr. Bucher stated unequivocally:

> I assure you, however, that I will be my own man and that is under all circumstances in every situation.

The Senator from Wisconsin continues by saying the reason that approval of this nomination would place the Federal Reserve Board under the control of the President is

> Because the appointment of inexperienced men such as Mr. Bucher will increase the power of Chairman Burns to dominate the Board.

He added:

> By confirming Mr. Sheehan and Mr. Bucher, we really give Mr. Burns three votes. He only needs one more to control the Board.

He further states:

> While Mr. Burns is a brilliant economist, he is also closely associated with the political fortunes of President Nixon. He has been one of Mr. Nixon's key economic and political advisors.

The attempted tie-in here is obvious. If approval of this nomination would put control of the Federal Reserve Board under the President, as the Senator from Wisconsin flatly states, and if Mr. Bucher is supposed to be under the control of Chairman Burns, it follows that the Senator is alleging that Chairman Burns is under the control of the President. There is no other logical way to explain the statement. He clarifies this, saying:

> By giving Dr. Burns another sure vote on the Fed, we are really giving President Nixon another sure vote—in direct violation of the Constitution and the Federal Reserve Act. Surely there must be other men with enough intellectual stature to exercise their independent judgment on monetary policy without becoming passive rubber stamps to the White House.

I reject this suggestion by the Senator from Wisconsin that Chairman Burns or any other member of the Federal Reserve Board is a passive rubberstamp to the White House. I, for one, am appalled at the blatant allegation. There is, in my opinion, no basis for it in fact, nor do I believe there is any evidence that the Senator can produce to substantiate the charge. If the Senator from Wisconsin has such evidence, even the slightest shred, I think he should present it so that we may consider it in making this important decision. All the evidence I have is to the contrary. To give only two examples, Chairman Burns recommended a wage and price review board for more than a year while the administration opposed any controls over wages and prices. Just recently, on May 15, the American Banker reported that:

> Federal Reserve Board chairman Arthur F. Burns asserted the independence of the nation's central bank here Friday when he presented a 10 point agenda for negotiation on international monetary reform.

Mr. President, this is such a serious matter that I believe the Senator from Wisconsin should either produce evidence showing that Chairman Burns is under the control of President Nixon and that other members of the Board are under the control of President Nixon or retract his statements to that effect. I believe that it is a disservice to the country to engage in such unfounded statements.

I cannot accept such a claim that because President Nixon appointed Chairman Burns and also Mr. Sheehan and Mr. Bucher that Mr. Sheehan and Mr. Bucher will automatically be rubberstamps for the Chairman. The record shows at least three instances in which Mr. Sheehan and Chairman Burns have cast opposing votes on supervisory matters. These three votes were very significant. It is difficult to provide clear evidence of the independence or lack of independence of Mr. Sheehan in votes on monetary policy matters, because votes taken in the last 90 days are not public. In this regard, however, I would like to remind the Members of the Senate that open market policy, the principal means by which monetary policy is effectuated, is determined by the Federal Open Market Committee. This Committee is composed of the seven members of the Board of Governors and five of the 12 Reserve Bank presidents.

This, of course, means that Chairman Burns would have to control either the entire Federal Reserve Board, or all of the bank presidents and one member of the Federal Reserve Board, or some other combination totaling six of the other 11 members of the Open Market Committee to control monetary policy. Since the Federal Reserve bank presidents are appointed by directors who are elected by the banks in the Reserve Districts, one's imagination has to be stretched pretty far to even suggest that Chairman Burns would have control of Federal Reserve System operations even if he were to have control of Mr. Bucher. Furthermore, Mr. Bucher said specifically in his testimony before our committee that he would be his own man. I believe that we must take that statement at face value since there is no evidence, I repeat, no evidence to the contrary.

Building upon his "rubberstamp" assumption, which I believe I have completely discredited with the facts, the Senator from Wisconsin said,

> I can only conclude that Dr. Burns is more interested in building a personal power dynasty than with getting the best economic judgment needed to run the Federal Reserve System. Such an exercise in personal empire building can only weaken the Board and produce tragic results for the American economy.

Mr. President, that statement carries with it the implication that the Chairman must be up to some kind of evil. He must be involved in some kind of a plot to destroy the monetary policy of the United States which he cannot carry out except with the rubberstamp connivance of other men who have been appointed by President Nixon. The implication is that President Nixon is also involved in some kind of a plot against the independence of the Federal Reserve Board and against the soundness of the American monetary system.

To me, all of this is ridiculous and I hope the ridiculousness of it will be as apparent to all Members of the Senate as it is to me.

Another argument used by the Senator from Wisconsin is that Mr. Bucher's appointment could represent a serious conflict of interest, because he comes from the largest multibank holding company in the country, a holding company with more than $13 billion in assets, and as a Governor of the Federal Reserve Board he would have a prime responsibility for regulating multibank holding companies.

First, let me say that according to my information the Senator is mistaken in saying that Mr. Bucher comes from the largest multibank holding company in the country. According to the American Banker as of May 12, 1972, the largest multibank holding company in the country was the First National City Corp. in New York with $29.3 billion in assets. The second largest multibank holding company at that time was the Chase Manhattan Corp. of New York, with $24.5 billion in assets. Western Bancorporation, the holding company with which the United California Bank is affiliated, has $13.2 billion in assets. While that is certainly a sizable amount, it is less than half the assets of the country's largest multibank holding company and just over half as great as the assets held by the second largest multibank holding company.

Second, the Senator from Wisconsin listed several individuals whom he said would be well qualified to serve on the Federal Reserve Board. He said:

> I believe that such men as Roy L. Reierson of Bankers Trust, Leif Olson of the First National City Bank, Tilford C. Gaines of Manufacturers Hanover, Guy E. Noyes of Morgan Guarantee, Beryl W. Sprinkel of Harris Trust or Walter E. Hoadley of Bank of America would all be well qualified to serve on the Fed. I might also add Gabriel Hauge of Manufacturers Hanover.

I agree with the Senator from Wisconsin that any of these individuals would be qualified to serve on the Federal Reserve Board. Let me state for the record, however, that every one of them is associated with a bank which is affiliated with a bank holding company and therefore the criteria of the Senator from Wisconsin during the hearing and in his letter of May 17 to Members of this body stating that Mr. Bucher's appointment could represent a serious conflict of interest "because he comes from the largest multibank holding company in the country" would disqualify every one of these individuals under the Senator's own standard.

Furthermore, one of the individuals suggested is associated with the Bank of America which is an affiliate of the world's largest bank holding company, BankAmerica Corporation. Another of the Senator's suggested nominees is connected with the First National City Bank, an affiliate of the First National City Corporation, the Nation's largest multibank holding company. If, as the Senator from Wisconsin claims, it would represent a conflict of interest for Mr. Bucher to be a member of the Federal Reserve Board, would it not also follow that a representative from the world's largest bank holding company or the Nation's largest multibank holding company, would also represent a conflict of interest since both of these institutions are more than twice as large as Western Bancorporation?

The Senator from Wisconsin opposes the nominee because he says he is "not even qualified to head a small bank." In saying this, the Senator also states that he emphatically supports the judgment of Mr. William A. Burkett, who in my opinion completely discredited himself by his own testimony before our committee, which I intend to discuss later.

The Senator states that Mr. Bucher's background has been in the trust department of banking and that:

> This qualifies him as a banking expert about the way a lifetime of experience as a business manager for a professional football team would qualify a man as the starting quarterback.

He adds:

> It is like getting a man to coach football who's had only experience in baseball.

Mr. President, such statements are not based on the evidence, in my opinion.

I say this because Mr. Bucher has had a much broader background in banking than serving as the chief trust officer in a major bank. During our hearings, he gave us a statement making that completely clear. He said:

> I was with the bank's law division for a number of years. This was prior to 1967, and, in that capacity, I was involved in various functions as the bank's representative in negotiating loan agreements, working with the commercial department, the installment credit department, the real estate loan department, in almost every activity they were involved with because there are legal aspects to all of these.
>
> I was also secretary-treasurer of the bank and, in this capacity, I worked with loan committees. I feel I have a very sound grounding in banking from all aspects. I don't claim to be all knowing, Senator, but I think I have a very good feel for all aspects of the commercial bank.

I have looked into the background of Mr. Bucher, as I have stated earlier, and I find that he was very competent during the years he served in the legal department and as the secretary-treasurer of the Board of Directors of the United California Bank. His service as the senior officer in charge of the trust department of the bank has been outstanding to the extent that his activities have been featured in the Institutional Investor publication of May 1969. He has also been a major speaker in trust management conferences.

Mr. President, I would also like to bring to the attention of this body that many other very capable bankers, literally dozens, have come from the trust department. One is my good friend, Eugene H. Adams, the president of the First National Bank in Denver and the president-elect of the American Bankers Association. Another is Samuel H. Ballam, Jr., president of the Fidelity Bank in Philadelphia, a $1.6 billion bank, and another is LeRoy B. Staver, chairman of the board of the U.S. National Bank of Oregon in Portland, which is a $1.7 billion bank. No doubt these capable individuals had experience with other departments of banking, just as Mr. Bucher has had, and I only mention these individuals as examples of the fact that trust department experience does not disqualify a person as a capable banker.

Finally, because of my deep interest in getting the facts on this issue, I took the opportunity to talk with the present superintendent of banks in California, Mr. Donald E. Pearson, when I was in California on Tuesday, May 23. He knows Mr. Bucher and stated that he is one of the most capable young bankers in California.

The Senator from Wisconsin stated that:

> Mr. Bucher's appointment can impair foreign confidence in the soundness of our bank regulatory system because of his association with the United California Bank, a bank which has been particularly free wheeling in its international activities. This is the same bank which permitted its Swiss subsidiary to lose $48 million in an ill-fated attempt to corner the international cocoa market. While Mr. Bucher was apparently not directly involved in the Swiss fiasco, he was a member of the bank's top management team and is presumably a product of its aggressive, speculative approach.

Indeed Mr. Bucher was not involved in the so-called Swiss fiasco, and he told us in the committee that the Swiss affiliate was acting in opposition to an express statement by the United California Bank not to participate in commodity speculation. In any event, the speculation occurred and there was a loss.

The Senator's conclusion, however, that appointing a person associated with the United California Bank would impair foreign confidence in the soundness of our bank regulatory system is completely unwarranted, in my opinion. I have received a letter from Mr. Donald E. Pearson, the California superintendent of banks, along with a copy of the judgment and a translation of the oral remarks of the Chairman of the Court of Appeals in Switzerland. The letter deals specifically with the issue of foreign confidence, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF CALIFORNIA,
STATE BANKING DEPARTMENT,
Los Angeles, Calif., May 24, 1972.

Re United California Bank—Basel AG.

Hon. WALLACE A. BENNETT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BENNETT: Again let me express to you my appreciation of your speech before the Independent Bankers of California on May 23, 1972. Also I was pleased to have an opportunity for our brief discussion.

In accordance with our discussion, I am enclosing herewith a copy of the Judgement of August 27, 1971 rendered by the Court of Appeals of the Canton Basel-City. Attached to the official decision is a translation of the unofficial oral remarks of the Chairman of the Court of Appeals. There are two portions of this translation from which United California Bank can take deep satisfaction. The first is that during the course of the proceedings the court came to regard the word of Mr. King as "absolutely trustworthy". The second is the expression of gratitude by the court for the "honorable promise given and fully kept" regarding the payment in full of all depositors.

The action of United California Bank in protecting the depositors of the subsidiary has undoubtedly enhanced the international reputation both of United California Bank and of American banks generally.

Had United California Bank chosen to do otherwise, it would have taken all American banks several years, perhaps decades, to kindle world confidence in American financial institutions.

If I can be of any further assistance please do not hesitate to contact me.

Very truly yours,

DONALD E. PEARSON,
Superintendent of Banks.

Mr. BENNETT. Of specific interest is the conclusion by the Court of Appeals that Mr. King's word was absolutely trustworthy and that the promises made by United California Bank a year ago were fully kept. The court expressed gratitude for these facts. Indeed, I believe that Mr. Pearson is correct in saying that the action of the United California Bank has undoubtedly enhanced the international reputation of both the bank and of American banks generally.

The Senator from Wisconsin criticized the nominee for his responses to questions presented to him during our hearings. He said:

> Finally, again with complete respect for you, Mr. Bucher, as a person, the fact is that you did not really give a single specific answer to any one of my substantive questions.

I would like to point out that Mr. Bucher did answer many of the Senator's questions. Others, in my opinion, were not deserving of an answer. I suppose it is not appropriate for me to say which of the Senator's questions were substantive and which were not. Let me, however, give some illustrations of questions which were answered and those which were not.

> Senator Proxmire. If confirmed can you assure this Committee that you will serve out your full 14-year term?
>
> Mr. Bucher. It is definitely my present intention to serve a full term, yes, sir.
>
> Senator Proxmire. Would you intend at that time to return to the commercial banking industry?
>
> Mr. Bucher. I have no intent in that regard at this point, no, sir.
>
> . . . I have to be honest with you. I do not have any plans . . . I really have not made any plans and I assure you, I have made no commitments.
>
> Senator Proxmire. One of your bank's vice presidents was quoted in the press as saying, "you win some, you lose some," when he was informed of the $48 million loss.
>
> Does that reflect your management philosophy?
>
> Mr. Bucher. No, sir, it does not.
>
> Senator Proxmire. Did you at any time know or suspect that something was wrong with your bank's subsidiary? I am not talking about this particular incident, but in any other way.
>
> Mr. Bucher. No, sir.
>
> Senator Proxmire. Do you see any problems in interstate banking on the part of bank holding companies?
>
> Mr. Bucher. Not per se. I am a great believer in competition and I believe in the antitrust laws. I think one of the significant tests should be the competitive factor. Therefore, I don't want to say categorically that I think crossing state lines is bad.
>
> Senator Proxmire. There is a prohibition in the law as I understand it, now, against interstate banking by multibank holding companies. Would you favor lifting that prohibition?
>
> Mr. Bucher. No, I wouldn't without certainly considering all the factors involved. I am not aware of all the factors that might be presented.
>
> Senator Proxmire. Now I would like to ask you this: As a matter of general philosophy, do you support the strict separation of commercial banking and investment banking?
>
> Mr. Bucher. Yes, I do.
>
> Senator Proxmire. One of the most significant issues to face the banking industry and the Federal Reserve Board over the next 10 years is whether a similar conflict of interest exists between a bank's trust department and its commercial lending activities.
>
> Do you think there is a conflict or danger in combining these two functions?
>
> Mr. Bucher. I think those two functions must remain separate. I think there is no question about that.
>
> Senator Proxmire. Do you think a decision of your bank to take part in the Lockheed loan was influenced by the fact that your trust department has such a sizable equity interest in the company?
>
> Mr. Bucher. No, I do not.

Mr. President, if these are not questions of substance, I wonder why the Senator from Wisconsin asked them of the witness. I do not understand how the Senator could claim that Mr. Bucher did not give a single specific answer to any of these questions.

As I said earlier, Mr. Bucher did not give specific answers to some questions involving management of the United California Bank, the actions of a foreign affiliate, and decisions that have been made by the Federal Reserve Board. We must remember that Mr. Bucher was not involved in the areas of management about which he was questioned. Nor has he been serving on the Federal Reserve Board. Since he had no involvement in the decisions, I believe that he was fully justified to decline to make a judgment without further information. We need members of the Federal Reserve Board who will consider the facts before rendering a judgment.

After the nominee had stated that he had no plans to go into banking after his 14-year term on the Federal Reserve Board and that he certainly had made no commitments, the Senator from Wisconsin asked:

> How would you feel about pledging categorically to this Committee that under no circumstances would you return to the commercial banking industry following your service with the Federal?

To my knowledge, no previous nominee to the Board has been requested to make such a commitment, nor do I believe it would have been proper for the candidate to have answered the question.

A further question asked by the Senator from Wisconsin was:

> Don't you think there is a lack of effective responsibility with the officials of your bank? Or do you think the officials of your bank were negligent in not adequately supervising the activities of the Swiss subsidiary?

Mr. Bucher answered:

> I think the best anwer I can give you is that I am not really familiar enough with the day-to-day operations of our international division, either now or during that period, to be able to speculate how much contact there was; and without that knowledge, I think it's difficult for me to make a judgment on negligence.

Is this the answer of a person trying to evade a question? I do not think so. In my opinion, we want men on the Federal Reserve Board who do not make snap judgments without any facts. We want men who will consider the facts available before making a judgment on negligence, or conflict of interest, or proper banking activity. In the absence of a consideration of the available facts, a preconceived judgment would not strengthen the Federal Reserve Board.

> Senator Proxmire. Do you think it's proper for a bank to advise its customers to invest in unregistered stock?
>
> Mr. Bucher. Generally, in the areas in which I have dealt, that would not be the type of recommendation that I would tend to favor. Circumstances, I think, would have to be looked at in each case, but certainly in the investment activities in which I was involved—of course these are of a fiduciary nature—unregistered stock would not be a type of investment I would recommend.
>
> Senator Proxmire. For months we have been waiting for the Federal Reserve Board housing study. It has now arrived, and it includes few recommendations for action the Federal Reserve Board can take, the Board largely limits itself to what other agencies can do. What important steps to help us meet your housing goals can the reserve system take?
>
> Mr. Bucher. I think we have covered this to some extent in a prior question. I know the Federal Reserve Board has concern, and I share that concern about engaging in projects which have an adverse effect on monetary policy. This is why it becomes a difficult question. It is the balancing of the role as the monetary policymaker, in effect, with other responsibilities, and I know that is what concerns the Fed. I know they are concerned also about housing, very deeply so, and I am afraid I cannot say at this point that I know the answer.

Mr. President, I have not given all of the questions which were asked of the nominee. They are all printed in the Record of May 15, 1972. I do believe, however, that Mr. Bucher made a very responsible showing before our committee, as is indicated by the fact that the committee supported his nomination by a margin of 13 to 1.

Mr. William A. Burkett, who testified against Mr. Bucher, listed 14 reasons why his nomination should not be approved. However, Mr. Burkett completely discredited himself by his own testimony. His statements were wrong. His allegations were unsupportable and he showed a surprising lack of understanding of the banking system and its operations.

After we had heard the testimony of the nominee that he had been involved in all aspects of banking, as a legal officer, secretary-treasurer of the board of directors, and chief trust officer of a major bank, Mr. Burkett stated:

> He is without any experience whatsoever in commercial banking or dealing with the economic and monetary problems of our Nation which are handled by the Federal Reserve System.

Whose statement should we take on this matter? Should we believe the nominee and the present California superintendent of banks who knows Mr. Bucher or a person who admitted before our committee that he had never had any experience with Mr. Bucher nor had he ever seen him before the hearing at the committee and had no knowledge of him other than the biographical sketch which was included in our record? Since the hearings as I have already stated, I have investigated the background of the nominee further and find his statements to be accurate and factual.

On the same lack of information, Mr. Burkett stated that:

> Mr. Bucher would not be qualified for appointment to the presidency of even the smallest bank in California because of his total lack of knowledge and experience in banking.

The Senator from Wisconsin states that he emphatically supports Mr. Burkett's judgment. I cannot agree with the judgment of a man who does not base that judgment on facts.

Mr. Burkett states:

> It is no secret that there is not a single bank in California—no large, commercial bank in California—that can or will make a large commercial loan to any corporation or business of any kind unless that corporation or business will transfer their profit-sharing pensions, trust matters, and corporate trusts to the lending bank's trust department.

This statement is ridiculous and untrue. Obviously, bank trust departments actively compete to obtain corporate pension business. However, it is a violation of the Clayton Antitrust Act for a bank to require that corporations transfer their pension business to a bank trust department as a condition for a loan. Furthermore, it would be physically impossible since large corporations generally borrow from more than one bank because the loan limits of individual banks are not sufficient to meet corporate needs. Mr. Burkett himself referred to the Lockheed loans. The fact is that six California banks made large loans, ranging from $5 million to $30 million, to Lockheed. Certainly all of them could not require Lockheed's pension business even if it were not illegal to have such a requirement.

Mr. Burkett also objected to the nomination because Mr. Bucher served as secretary-treasurer to the board of directors of United California Bank and he does not see how Mr. Bucher could escape involvement in the loss of $48 million by a subsidiary in Basel. The fact is that Mr. Bucher became the chief trust officer in 1967, 2 years before the Basel subsidiary was acquired and, according to his testimony before the committee, he had nothing to do with the purchase or any of the activities of the subsidiary.

Mr. Burkett stated that:

> The Board of Governors of the Federal Reserve System has life and death control over every bank in the United States, which total approximately 14,000 commercial banks, and 22,000 branches with commercial deposits totaling over $500 billion.

According to the April 1972 Federal Reserve Bulletin, of the total 13,784 commercial banks in operation as of December 31, 1971, 8,056, or over 58 percent, are not even members of the Federal Reserve System, but are nonmember State banks. Only a few of these are affiliated with holding companies and are thus subject to Federal Reserve supervision.

Moreover, all national banks have the option of becoming State banks, and State banks are not required to be members of the Federal Reserve System. Between the end of 1960 and 1970, 403 banks withdrew from the Federal Reserve System by changing their status from national members to State nonmembers and from State members to State nonmembers.

As long as this possibility exists, the Federal Reserve Board actually does not have life-and-death control over any bank in the United States.

Mr. Burkett also states that Western Bancorporation is the world's largest bank holding company. I have already shown that this statement is not true.

Mr. Burkett added:

> Finally, another point against the Bucher appointment is that Mr. Arnholt Smith recently purchased 94.5 percent of the Fidelity Bank of Beverly Hills, Calif., and this bank's purchase and merger will require the approval of the Board of Governors of the Federal Reserve System. Lawsuits are now being prepared to prevent this merger. Mr. Arnholt Smith is constantly seeking the approval of the Board of Governors for banks that he purchases to merge into his U.S. National Bank of San Diego, owned, in turn, by his conglomerate, the Westgate-California Corp.

Mr. President, if it is true that Fidelity Bank of Beverly Hills is being merged into U.S. National Bank of San Diego, the merger would have to be approved by the Comptroller of the Currency rather than the Federal Reserve Board because the surviving bank is a national bank. Under the Bank Merger Act of 1966, the only role of the Federal Reserve Board in such a case is to file an advisory opinion with the Comptroller on the competitive aspects of the merger.

If, in fact, Mr. Burkett were the banking expert which he indicated in his testimony before our committee, one would think that he would be more familiar with the sizes of bank holding companies, with the responsibilities of the Federal Reserve Board as compared to those of the Comptroller of the Currency, and one would certainly expect him as a former State bank supervisor to know that the Federal Reserve Board does not have life or death control over nonmember State banks which are not affiliated with bank holding companies.

Mr. Burkett did not limit his criticism of the nominee to the banking area. He stated that the appointment was a political payoff and that Mr. Bucher's present employer could stand to benefit by the appointment. To clarify his position, during our hearings the Senator from Wisconsin asked:

> Are you saying that this is in the way of a political payoff, that Mr. Bucher is appointed as a payoff to Mr. King and that Arnholt Smith is the man responsible for engineering it, is that the gist of what you are telling us?

Mr. Burkett replied:

> To the best of my knowledge and belief, I believe this to be nothing else than exactly what you stated, a political payoff.

Yet he had nothing in the way of evidence to support this statement.

Mr. President, after considering all of the allegations and all of the evidence I have been able to obtain, I find no reason to oppose the nomination of Mr. Bucher. I feel that he is a qualified young man who can make a significant contribution to the deliberations of the Federal Reserve Board. I recommend that his nomination be approved by the Senate.

Mr. TOWER. Mr. President, the nominee now before us for the Federal Reserve Board, Jeffrey M. Bucher, is thoroughly qualified to fill this important post. The very evident intelligence and competence of Mr. Bucher, in combination with his general banking experience, will make him a definite asset to the important policymaking functions of the Board.

The claim has been made that Mr. Bucher is not qualified to be on the Federal Reserve Board because, supposedly, only professional economists are qualified to sit on the Board. This simply is not so. The Board is necessarily engaged in its macro-economic policymaking with the state of the economy, and business and employment conditions generally. Along with economists on the Board and its large staff of professional economists, some 250 of them, the Board needs several accomplished businessmen and lawyers who can bring an element of the real business world into the considerations of the Board. That agency does indeed manage the Nation's monetary system, but virtually all of their decisions are ultimately based on the understandings and assumptions of the Board members about the direction and course of business spending, borrowing, employment, and the like.

A large element of business decision-making is not directly dependent on statistically analyzable or economically analyzable data, but rather upon the psychology of the businessman and the sense of the business community about the general direction of the economy, about future Federal spending prospects, about our international relations, and the like. Thus, as important as professional economists are to the Board and to other economic-policy agencies for statistical and economic anlysis as a sound background to policymaking, the ultimate decisions of an economic agency like the Fed are substantially dependent on the social and political—in the general sense—understandings of the Board members about the business community, about the consumer, about other governmental plans, about international developments, and about the attitudes and aspirations of the American people generally. In this regard, it certainly cannot be said that trained economists are superior to any of the other thousands and millions of intelligent, educated, worldly men and women of high integrity that we have in our country today. In fact, a Board of economists will tend to have fairly similar outlooks on matters by virtue of their similar educations and professions that will bias their policymaking in a fairly narrow vein, if they are not intermixed with the fresh thoughts and orientations of people from other walks of life and with other experiences to draw upon.

Mr. President, one of the great virtues of our country is that we have many talented, capable people and that our system of government is such that we can draw upon those resources very flexibly to fill top policy positions in our Government. We are not bound in a political system, such as a one-party system, where the top policy positions are filled with career men and women who are specialists in their field and who stay in Government until they retire. We believe in fresh people and fresh thinking in top policy positions of the Government, and we believe in having a strong measure of the good sense of the generalist mixed into these top policy positions, for they bring the voice of the people much closer to the functions of Government.

If we followed the theory that the Senator from Wisconsin advocates—that is, filling top Government positions with specialists only—we who sit on the Banking, Housing, and Urban Affairs Committee would not be qualified to sit on it because virtually none of us is an economist. We make economic policy decisions on that committee, and we do so though none of us is an economist. We are representing the people of this country in making vital policy decisions regarding their well-being, and we do so because we were elected on the basis of our political philosophies and the peoples confidence that we will speak effectively for them in the Government. Our committees can hire all the economists, statisticians, lawyers, and other experts that we may need to have policy alternatives presented to us. But ultimately, we must make the basic political decisions about the proper nature and direction of U.S. policies, and we do not have to be technicians to do so.

If we pressed the principle of specialism in government to the extent advocated by the Senator from Wisconsin, Arthur Burns should not be on the Federal Board because he is not an econometrician—and how can he expect to make monetary policy without being a technical expert on econometric models and equations? Of course, this is ridiculous. Arthur Burns can hire all the statistical and mathematical economists he wants to make models of the economy; all he needs to know and understand are the fundamental assumptions about human behavior and business trends, and the like, that make up the basis for such models. His staff can advise him as to the results of their model work and the possible policy alternatives he may need to consider in making the decisions he has to make; he and the other members of the Board will make their fundamental decisions with all the benefits of analysis that the science of economics and econometrics can offer, but their decisions will also be mixed with substantial elements of personal judgments about business, consumer, and governmental psychology, and their sense of the attitudes and aspirations of the American people. They do not have to be technical specialists in any field to make these policy decisions.

I congratulate the President on his choice of a highly competent, experienced business lawyer to become a member of the Fed. As I noted earlier, our country is blessed with a great many talented, competent people who are capable of serving in the highest positions in Government. The President promised the American people that he would rejuvenate the Federal Government, that he would bring new talent from our great supply of human resources and make the government responsive to the needs of the people. His choice of Jeffrey Bucher for the Federal Reserve Board is one of many such able appointments that he has made to carry through with this promise.

Mr. BENNETT. Mr. President, I yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Jeffery M. Bucher, of California, to be a member of the Board of Governors of the Federal Reserve System (putting the question).

Mr. PROXMIRE. I vote No.

The nomination was confirmed.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

EXPEDITION FOR CONSIDERATION OF AUTHORIZING LEGISLATION ON APPROPRIATION BILLS

Mr. ELLENDER. Mr. President, as in legislative session, the Committee on Appropriations convened at 10:00 o'clock this morning and considered two appropriation bills—H.R. 14989, making appropriations for the Departments of State, Justice, Commerce, the Judiciary, and related agencies for fiscal year 1973, and H.R. 15093, the appropriation bill for the Department of Housing and Urban Development, Space, Science, Veterans. These two bills have now been reported to the Senate and have been placed on the Calendar.

The appropriation bill for the Departments of State, Justice, Commerce, the Judiciary, and related agencies, has within it 34 items with total budget estimates in the amount of $1,389,000,000 which have not been authorized as of today. This is 28 percent of the total budget estimates considered in this bill. All of these 34 items were included in the bill by the House of Representatives.

In reporting this bill to the Senate, the committee has inserted language which provides that none of the funds provided for these 34 items shall be available for obligation until the enactment into law of authorizing legislation. It is the intention of the committee that this appropriation bill shall remain on the Calendar and shall not be taken up for consideration by the Senate until such time as the authorizing legislation has been passed by the Senate.

The HUD-space-science-veterans appropriation bill, which was reported this morning, also contains appropriations which are not authorized. These are included under the headings of home ownership and rental housing assistance, college housing, comprehensive planning grants, urban renewal programs, grants for neighborhood facilities, and the National Science Foundation. In each instance, again, the committee has inserted language providing that these funds which are not authorized shall not be available for obligation until enactment into law of authorizing legislation.

It is the intention of the committee that the HUD-space-science-veterans appropriation bill remain on the Senate Calendar and not be considered by the Senate until such time as all of these authorizations have been passed by the Senate.

The action taken by the committee today is in accord with the goal established earlier in the year that every effort would be made to have enacted all of the regular appropriation bills for fiscal year 1973 by June 30 insofar as possible.

As you know, the majority leader called a meeting today of the chairmen of all of the committees of the Senate, and at that meeting it was agreed that this procedure should be followed. Every effort is going to be made, as I understand it, by the standing committees to expedite the authorizing legislation.

THE NOMINATION OF RICHARD G. KLEINDIENST

The PRESIDING OFFICER. The Senate, in executive session, will resume the consideration of the nomination of Mr. Kleindienst.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I rise to speak in support of the nomination of Richard G. Kleindienst to be Attorney General of the United States. After attending almost all of the sessions called by the Judiciary Committee to consider this nomination, I am convinced that not only should Mr. Kleindienst be confirmed by the Senate as rapidly as possible, but that the Department of Justice and the United States will be most fortunate in having this fine lawyer and gentleman serve in this high capacity.

Mr. President, normally the chairman of the Committee on the Judiciary makes an opening statement on occasions of this kind. Unfortunately, the chairman of our committee (Senator EASTLAND) is away from his office attending to business in his home State that pertains to affairs of the Senate. And I have been requested to make this leadoff statement. He will have some important remarks to make in support of this nomination at a later time.

PRIVILEGE OF THE FLOOR

Mr. HRUSKA. Mr. President, I ask unanimous consent that during the consideration of the nomination of Mr. Richard G. Kleindienst to be Attorney General, two members of the minority staff of the Judiciary Committee, Stan Ebner and Malcolm Hawk, be given the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINEE'S OUTSTANDING QUALIFICATIONS

Mr. HRUSKA. Mr. President, on a personal note, before getting into the subjects raised during the hearings, it should be known that the acquaintance of this nominee and this Senator and our friendship go back more than a decade. I knew Dick Kleindienst when he was an attorney engaged in private practice in Phoenix long before he came to Washington as the Deputy Attorney General. His reputation as a professional is exemplary and he is held in high regard by his fellow attorneys with whom he practiced law for almost 20 years. Since he joined the Department in 1969, the nominee and I have worked very closely on matters of mutual interest, particularly the strong anticrime legislation which has made up a large portion of the Department's legislative program. I have always found him to be talented, hard-working and a scrupulously honest and dedicated public servant.

While possessed of strong opinions, on matters of public concern he has always been willing to listen to other points of view and has maintained an open mind toward them until all of the facts are available. The nominee is committed to vigorous law enforcement, but at the same time has a deep understanding and respect for this Nation's long dedication to individual rights coupled with equal justice for all citizens. He is a person well qualified to balance these sometimes competing interests, a quality essential in an Attorney General.

He is an aggressive and dynamic person who works with diligence and great effectiveness in seeing that the administration's and the Department's positions are presented in a forceful and persuasive manner. Despite the strength of his character, to those who know him well the nominee is also a rather surprisingly gentle and considerate person where matters of the interests and rights of others are concerned. His interest in minorities, in the well-being of his community, and in his church are less well known than some of his public positions, but they nonetheless exist and are genuinely important parts of his life.

During the time that Dick Kleindienst has been in public affairs some of the very strong aspects of his character have become well publicized. So much so, in fact, that they have tended to overshadow the subtler facets of this man which make him so well suited for the very difficult and complex office for which he has been nominated. When the controversy surrounding this nomination subsides, I hope that the real Dick Kleindienst will become better known to more of our citizens; I am confident they will be highly gratified by what they learn.

FINDINGS AND CONCLUSIONS OF COMMITTEE

The committee report filed by the majority sets out the chronology and the substance of the hearings.

It enumerates the specific charges relating to Mr. Kleindienst. Then it sets out the issues bearing directly upon his fitness to be Attorney General.

Its findings and conclusions are well based and soundly reasoned.

ISSUE NO. 1

Was Mr. Kleindienst party to an arrangement to settle the antitrust suits against ITT in return for a contribution from ITT?

Finding and conclusion: No. The negotiations and the settlement were not the product of political influence or promises of favor from ITT. Mr. Kleindienst acted properly in the conduct of his office in the matter of the settlement of these cases.

ISSUE NO. 2

Did Mr. Kleindienst lie when he said that "the settlement was handled and negotiated exclusively by . . . McLaren"?

Finding and conclusion: No.

> The Committee finds no merit in this assertion.

ISSUE NO. 3

Was there any impropriety in relying upon Mr. Flanigan to contact a financial analyst for a report on the Hartford divestiture?

Finding and conclusion: No.

> The Committee is entirely satisfied that Mr. Ramsden (the financial analyst) was not influenced to reach a particular decision either by Mr. Flanigan or by the memorandum provided him by Judge McLaren through Mr. Flanigan. . . . The Committee finds nothing improper or irregular in the fact that in the ITT case Mr. Ramsden had no direct contact with Judge McLaren. . . .

ISSUE NO. 4

Did Mr. Kleindienst mislead the committee in testifying about contacts with the White House?

Finding and conclusion: No. Language in the committee report states:

> The Committee concludes that there has been no misrepresentation. Taken as a whole, Mr. Kleindienst's testimony leaves the distinct impression that he had no substantive discussions with anyone at the White House about the ITT cases. . . .

ISSUE NO. 5

Did Mr. Kleindienst act improperly in the handling of the investigation of U.S. Attorney Steward?

Findings and conclusion: No. The committee report states:

> The Committee is not here concerned with any issues which do not directly relate to the actions taken by Mr. Kleindienst. Only the record before him at the time and the manner in which he acted upon it are relevant.

This is not only fair but the highly proper and reasonable course. The Assistant Attorney General in charge of the Criminal Division at that time—Mr. Will Wilson—questioned the need for an FBI administrative investigation. Mr. Kleindienst however, even though convinced that Mr. Steward had done nothing wrong, nevertheless did order an administrative inquiry by the FBI. The report thereon was reviewed by the career attorneys of the Criminal Division. Their recommendation, which was also that of the head of the Tax Division, was that Mr. Steward be retained as U.S. attorney. Mr. Kleindienst followed these unanimous recommendations.

COMMITTEE CONCLUSION

> We find no reason to alter our earlier recommendation that the nomination be confirmed. It is our opinion that Mr. Kliendienst is thoroughly qualified to serve as Attorney General of the United States. . . .

HEARINGS: EXTENT AND NATURE

Mr. President, the President sent this nomination to the Senate in mid-February. Over 3 months later—and almost 3½ months now—this matter is finally coming to the Senate floor for consideration.

The delay has been unconscionable, unnecessary, and unproductive. Its basis is entirely political. In years divisible by four, some members find their powers of perception dimmed if partisan political gains can spring from such dimming. That is what has happened in this case. The opportunity to try to embarrass a Republican administration in an election year seemed too great to be passed up. I rejoice that the majority of the committee was willing to forego this spectacle in order to do the work at hand with diligence and with justice.

The hearings on this matter on the desk before each Senator are lengthy and exhaustive. A close reading of them will indicate to what extent a few members of the committee were willing to go to prolong, extend, and confuse the only issue before the committee: the fitness of Richard G. Kleindienst to be Attorney General. I am confident that as this debate proceeds the fact that there is no evidence on which to question the nominee's fitness for this office will become abundantly clear. The smokescreen sought to be raised by the opponents will be seen for exactly what is is: partisan and misguided wishful thinking.

MUTILATION OF HEARING PROCESS

Now I comment on the mutilation of both the hearing process and the rules of evidence which took place during the hearings.

Time and time again this Senator and others urged the committee to move ahead with the hearing so that all witnesses could be examined and all the evidence received in an expeditious and orderly manner. These efforts were ignored as opponents of the nomination asked repetitious and irrelevant questions ad infinitum, stretching into fields far removed from the subject and the objective of the hearings. It was clearly a vain attempt to extend the sessions into a fourth and even a fifth month if possible. Accepted rules of evidence and procedure were violated repeatedly and flagrantly. It is elementary that in judicial and quasi-judicial inquiries, only evidence pressing rational probative worth is admissible. Facts presented should be such as to bring about rational conclusions and persuasions.

Let me quote from the foremost authority in this field of Anglo-American law, Professor Wigmore, who indicates that the basis for all rules of evidence is that "none but facts having rational probative value are admissible." He adds that "whatever is presented as evidence shall be presented on the hypothesis that it is calculated . . . to effect rational persuasion." (Sec. 9) Mr. President, how far the committee strayed from this test can be seen by anyone with an interest in looking into the hearing record. We were dragged into matters from A to Z while the committee's mandate was to stick to K. Our legislative objective was Mr. Kleindienst's qualifications. But the committee was compelled to listen to irrelevant, repetitive, and often impertinent testimony not just once, or even twice, but dozens of times from the same witnesses.

In addition to questions of relevancy and repetition, another vital and accepted rule, the hearsay rule, was constantly ignored to the detriment of the interests of witnesses and the nominee, but even more importantly to the detriment of the truth, and to those who had a right to know the truth. Time and again members of the committee, attorneys all, not only asked for but received hearsay testimony sometimes as much as four times removed. Another well-known figure in the law, with whom all my colleagues on the committee are familiar, Chief Justice John Marshall, had these comments to make on the value and appropriateness of this type of testimony:

> That this species of testimony (hearsay) supposes some better testimony which might be adduced in the particular case is not the sole ground for its exclusion. Its intrinsic weakness, its incompetency to satisfy the mind of the existence of the fact, and the fraud that might be practiced under its cover, combine to support the rule that hearsay evidence is totally inadmissible.—*Mina Queen* v. *Hepburn*, 7 Cranch 295.

The conclusion that can be drawn from this experience, aside from deploring it and hoping that it will not occur again, is to be convinced anew of the value of the essence of evidentiary rules which prevail in our judicial system. More than ever before, we should be aware of the great service they perform in keeping court and legislative proceedings within proper and manageable bounds in order to insure that the rights of all citizens and of orderly proceedings, together with all benefits thereof, are preserved and protected.

The committee report and its supplemental report discuss the chronology of the hearings and the legitimate issues concerning the nomination in complete detail.

No facts were discovered which convinced a majority that this nomination should be rejected. Rather than repeat in detail the discussion in the report, Mr. President, I shall discuss the evidence presented at the hearings as I saw it, with emphasis on the points that seemed particularly important, relevant, and revealing.

FIRST SERIES OF HEARINGS

In February, the Judiciary Committee moved quickly, after receiving this nomination, to hold hearings and report its findings. Two days of hearings were held, during which the nominee was questioned vigorously on a wide variety of subjects of interest to committee members. I think all of us were impressed with his knowledge, ability, vigor, and candor, even though some could not agree with his positions on some policy questions. The committee demonstrated its faith in the nominee by unanimously recommending to the Senate that he be confirmed.

I believe all committee members were impressed particularly with the forthright way in which the nominee answered the only adverse witness to appear at the first set of hearings. Mr. Clarence Mitchell, an officer of the NAACP, asked the committee to be particularly sensitive to Mr. Kleindienst's attitude toward civil rights. Specifically, he raised the issue of why a black had not been appointed to the U.S. Court of Appeals for the Third Circuit. The nominee remained in the hearing room throughout Mr. Mitchell's testimony and at its conclusion asked to be heard again, in conjunction with Mr. Mitchell, to answer the question raised. What followed was a most useful dialog which clearly established the facts behind the lack of such an appointment and gave the committee a better understanding of Mr. Kleindienst's attitude toward minorities, the open manner in which he operates, and the appointive decisionmaking process. It was an extremely revealing incident which reflected great credit on the nominee.

The committee made its recommendation to the Senate on February 29 and the stage was set for what I believe, and what was generally believed, would have been quick and almost unanimous confirmation. On that same day, February 29, a quite independent series of events began to transpire which has resulted in this confirmation being postponed for more than 3 months. The balance of my statement today is devoted to a discussion of these subsequent events.

Before getting into detail, however, I want to state unequivocally that it is the belief of this Senator that no evidence has been produced which in any way shakes my original judgment that Dick Kleindienst should be confirmed by the Senate for the post of Attorney General. And that he will fill this position in a manner which will reflect great credit on himself, the Department of Justice, the President who made the nomination, the Senators who vote for the confirmation, and the American people. Further, I should state that as I look about at the Members of this body, it is my firm belief that when the Senate is permitted to vote on this nomination, Dick Kleindienst will be very decisively confirmed.

DELIBERATELY ORCHESTRATED SECOND SERIES OF HEARINGS

On February 29 a syndicated column appeared in a number of newspapers across the Nation which seemed to allege that a connection existed between the settlement of three antitrust cases against the ITT Corp. and a contribution by an ITT subsidiary to the San Diego Convention and Tourist Bureau in order to attract the 1972 Republican National Convention to that city.

This column's publication was by design a calculated, orchestrated and calibrated move to place the entire subject into a purely political context.

The following day an additional column appeared which stated that Mr. Kleindienst had "told an outright lie about the Justice Department's sudden out-of-court settlement of the Nixon administration's biggest antitrust case" when he wrote in a letter to the chairman of the Democratic National Committee that the "settlement between the Department of Justice and ITT was handled and negotiated exclusively by Assistant Attorney General Richard W. McLaren." The column alleged that the nominee had held six secret meetings with an ITT director where, allegedly and speculatively, a settlement was agreed upon in exchange for the San Diego contribution.

As a response to these charges, Mr. Kleindienst asked that the Judiciary Committee reopen its hearings so that he would have a chance to set the record straight. The hearings reopened on March 2 and continued intermittently until April 27. During this period—the longest confirmation hearing in Senate history—the Nation was treated to the very sorry spectacle of innuendo, speculation, fourth-hand hearsay, rudeness, irrelevance and a host of other abuses of the rules of proper conduct of congressional hearings. It was an attempt to embarrass this administration and this nominee for purely political purposes.

These efforts were not entirely in vain, because with the assistance of large portions of the press, there was created in the minds of many citizens a picture of favoritism and wrongdoing totally unsupported by the testimony or the facts. I know that a majority of my colleagues have not been hoodwinked in a similar fashion and that their examination of the hearing record and the committee report will clearly substantiate that there is absolutely no evidence that Dick Kleindienst acted in the ITT or any other matter in any but the most honest and upright fashion.

Twenty-six witnesses testified during the second part of the hearings on 22 different days.

Mr. President, in all frankness, this Senator, who had engaged for a quarter of a century in the general practice of law before he became a Member of this body, is of the firm opinion that many of the witnesses could have had all the evidence pertinent and relevant to the question and the objective of the hearings elicited from them in 2 or 3 hours, but that did not happen. Some of them were there as long as an entire day, and in some instances 2 or more days. This process of asking the same question over and over and over again by one member of the committee and then followed by the same questions from other members of the committee is a course of conduct which would, of course, be totally impossible in court, and should be frowned upon as a matter of conduct in the holding of hearings of this kind by any legislative committee as well.

A great deal of testimony received had no remote or even possible connection with the nominee and his qualifications but constituted merely wishful thinking on the part of some of my more partisan colleagues. What testimony there is which does have a bearing on the nomination can be readily summarized.

REASONS FOR REOPENING HEARINGS

The reopening of the hearings was requested by Kleindienst in order to dispel any "clouds" over his head as a result of the charge that a half-dozen secret meetings had been held by the nominee with an ITT official to settle the pending antitrust litigation.

It was the position of Mr. Kleindienst, and he said so frankly and very sincerely, that if the charges made and the allegations contained in the syndicated column were true, he not only would not be considered a proper nominee for the Office of Attorney General, but would be subject to criminal prosecution for illegal conduct, for violation of law after law after law.

The testimony received by the committee shows—clearly, positively, unequivocally and finally—that there were no secret meetings, that the ITT cases were decided on the merits, that the decision to settle and the terms of settlement were McLaren's alone, that the settlement was a victory for McLaren's policy judgment regarding the accessibility of conglomerate mergers under existing statutes, and that Mr. Kleindienst's role in the entire ITT matter was secondary, ministerial, and entirely proper. Quite expectedly some seers now indicate that the clouds have "broadened and darkened." It is conceivable to me that in the minds of these rainmakers no amount of effort by the Judiciary Committee or anyone else could dispel these clouds until at least November 8, or perhaps November 9.

The single event which brought the ITT antitrust cases to the attention of the committee in the context of the Kleindienst nomination was the publication on February 29 of quotations from a memorandum, allegedly written by ITT lobbyist Dita Beard, suggesting that there was a connection between the San Diego pledge and the ITT settlement.

Throughout the hearings effort has been made to determine the authorship and the authenticity of the memorandum. These efforts have not been successful. The committee was stymied in its efforts to question Mrs. Beard closely by her recurring heart condition which forced the cancellation of all but the first day of her testimony. This Senator, and I am sure all of my colleagues, would like to have had an opportunity to question Mrs. Beard in greater detail concerning her knowledge of the memo and her participation if any in both the antitrust settlement and the underwriting offer to San Diego. Our inability to do so, however, should not prevent us from moving forward with this confirmation. We did hear from Mrs. Beard under oath that she did not write the memo, that there was no connection that she was aware of between the two events; that she did not know nor ever contacted the nominee; that she had nothing to do with the settlement of the antitrust suites; and that the pledge to San Diego was a reasonable business venture made to promote the opening of the new Sheraton hotel on Shelter Island in San Diego.

In addition to Mrs. Beard's own testimony, the committee heard a great deal of additional evidence to substantiate the important portions of her statement. The testimony of ITT president Geneen on the financial reasons why Sheraton made the commitment to San Diego was particularly enlightening. For at most $200,000 Sheraton felt that it was purchasing almost unbuyable national publicity for its new Shelter Island hotel.

Not one witness before the committee with any first-hand knowledge—first-hand knowledge—of any of the events under examination testified that there was any connection between the Sheraton pledge and the settlement of the ITT cases. In fact, every single such witness denied any link.

Equally as compelling as the testimony heard on that point were the unequivocal denials by both Kleindienst and McLaren that they were even aware of the San Diego pledge or the Republican Convention negotiations at the time the ITT suits were settled. In fact, that did not come to their attention until some months later. No matter how hard the opponents of this nomination strain to realign or reinterpret the facts, it is impossible to come up with a persuasive or even a creditable case, that there was any connection between these two quite separate events which are quite capable of standing independently against any assault on their appropriateness or reasonableness.

ITT LITIGATION

Beginning in 1969, shortly after the Nixon administration took office, the Department of Justice and particularly Assistant Attorney General McLaren began a vigorous enforcement of this Nation's antitrust laws. Throughout the decade of the 1960's, while the trend toward conglomerate mergers by some corporations in this country had reached almost epidemic proportions, the Kennedy and Johnson Justice Departments failed to take any action against these conglomerates. Allegedly, this was based on their belief that present statutes did not reach this type of situation.

It has been observed that if anyone would tend to indulge in innuendo and in conjecture and in imagination, he might engage in the thought that if there is any favoritism in this picture in favor of ITT, it would be by another administration, different from the Nixon administration, under which there was no prosecution whatsoever. That does not happen to be my belief. As a member of the Antitrust and Monopoly Subcommittee of the Committee on the Judiciary, I do know that there was genuinely and sincerely in the thinking and in the conclusions of the Assistant Attorneys General and their staff in the Department of Justice during the Kennedy and Johnson administrations, the idea that prosecution of those cases was not in order under the present statute. I believe they were mistaken. The record shows that I took exception to those conclusions at the time. But that is neither here nor there. That was their feeling and belief.

McLaren, on the other hand, felt that section 7 of the Clayton Act did permit suits to stop mergers of such conglomerate type. In 1969 he moved to put that philosophy to the test in Federal courts.

ITT is a huge conglomerate with more than 250 subsidiaries; it moved from 51st place to 11th place on Fortune Magazine's list of the 500 largest industrialists during the Kennedy-Johnson years of 1961–69. It was a logical target for the testing of McLaren's concept of the law in this particular.

Because Attorney General Mitchell's former law firm in past years had at times represented several of ITT's subsidiary corporations, he disqualified himself from any role in these cases—that is to say, any role assigned to the Attorney General by statute in the processing of the litigation which was embarked upon.

His responsibility, by statute, devolved on the Deputy Attorney General, Mr. Kleindienst. Beginning in 1969, McLaren brought Kleindienst three complaints against ITT involving its acquisition of the Canteen Co., the Grinnell Fire Equipment Co., and the Hartford Insurance Co. Kleindienst approved the filing of all three cases, as is required by the procedures in the Department of Justice.

The nominee had relatively little to do with these cases after they were filed until the spring of 1971. During the interim period, the Grinnell and Canteen cases were tried and lost by the Government in the Federal district courts. These adverse decisions were appealed to the Supreme Court. A preliminary motion was lost by the Government in the Hartford case, and September 1971, was set for trial on the merits of that case, in the Federal District Court in Hartford, Conn. Some settlement discussions between Justice and ITT had been undertaken but had not proved fruitful.

In April 1971, a director of ITT, Felix Rohatyn, asked for and obtained a meeting with the Deputy Attorney General to discuss these cases. There is some conflicting testimony on the question of what led up to this request, but the best evidence seems to be that ITT was interested in a settlement and that the subject of a meeting was broached informally to Mr. Kleindienst by an ITT employee at a social gathering. Kleindienst apparently indicated that his office doors were open to citizens with cases involving the Justice Department and that he would be willing to talk with someone from ITT.

Mr. President, we should appreciate fully what the procedures are in these cases. This was not an unusual situation. It was not extraordinary for the Attorney General or for the Assistant Attorney General in charge of the Antitrust Division to confer with litigants in antitrust cases. In fact, the testimony shows that virtually 80 percent—four-fifths—of the cases filed in this field are settled following such conferences either by way of a consent decree or by way of dismissal or in some other way. Four-fifths of the cases are thus disposed of.

In fact, Mr. President, the thrust of the legislation on this subject is that settlement of these cases should be expedited, should be favored, and that is one reason why criminal cases are seldom filed. The idea seems to be—and legitimately so, in the judgment of this Senator—that the matter at hand is to restore competition if there has been restraint of competition. The matter at hand should concern itself with correcting an unfair practice in the conduct of business or in the functioning of corporate interests and not for the purpose of dragging out litigation, with great expense in time as well as in treasure. It is in that way that some progress can be made, the courts are less clogged, the ends of the legislation are achieved, and it is a much happier situation than to fight every case to its ultimate possible conclusion which in some cases takes as many as 3 to 5 to 6 years.

The meeting with Rohatyn was held in Kleindienst's office on April 20. Only the two men were present, although as Kleindienst pointed out, it was not a secret meeting any more than any other held in the normal course of a day's activities; its existence was fully reported in his and his secretary's calendar. Both the nominee and Rohatyn testified that the director stated that ITT was having a difficult time dealing with McLaren and that ITT had new evidence to present to the Department regarding widely spread hardships which would result from the divestiture of Hartford if it was gone through with. Kleindienst indicated that he would ask McLaren if he would be willing to hear such new evidence.

The nominee communicated this request to McLaren who testified that he was willing to hear the new evidence, and set up a meeting in his office for April 29 at which ITT could make its presentation. The meeting was held as scheduled. It was so secret that Mr. Rohatyn and several others represented ITT; Mr. McLaren and others numbering some four or five, were present for the Antitrust Division; and Mr. Kleindienst attended the meeting, as did several other Government officials from other departments, including the Treasury. Rohatyn made his economic hardship argument and submitted a written memorandum to back up his oral presentation. Kleindienst made some notes but took no part in the meeting. He was there as a passive observer.

Following the meeting, McLaren determined that he was interested in the presentation, but wanted some independent verification of the ITT conclusions. In a previous conglomerate case, Ling-Tempco-Vought Co.—LTV—McLaren had used a financial analyst, who was then a Government employee, to prepare a similar study. The report had been very satisfactory and of high quality. Not knowing how to locate this expert, Richard Ramsden, McLaren called Peter Flanigan, an assistant to the President. and asked him to obtain a similar report from Ramsden on ITT. Ramsden had been an associate of Flanigan's at one time and had worked with Flanigan as a White House Fellow. Flanigan agreed to assist McLaren, called Ramsden at his new position in New York, and arranged to have him prepare the report. When the report was completed, Ramsden delivered it to Flanigan who held it until McLaren was available upon return from foreign travels and then turned it over to him in the presence of Kleindienst. The nominee testified that he has never read the report and it was not discussed when the delivery was made.

A number of factors, including the Ramsden report, convinved McLaren that it would be possible to settle the three ITT cases in a satisfactory manner without requiring the divestiture of Hartford, which was the one segment of the corporation that ITT felt it imperative to keep, in order to avoid drastic adverse financial consequences—consequences of hardship which went beyond the ITT management itself.

McLaren concluded that he would recommend settlement rather than take the cases to their conclusions through litigation. A suitable settlement would avoid the risk that the Government would lose the cases completely. It would result in a decision reached expeditiously, rapidly, and promptly, avoiding several years of uncertainty as well as expense and demands on court and department manpower and other resources. Such a strict settlement requiring substantial divestitures would not only remove the basis for a case against Hartford, but would serve as a strong precedent for condemning and deterring additional conglomerate mergers which would have anticompetitive effects.

McLaren testified that this was a difficult decision to make. He testified that there were many compelling reasons why he would like to take these cases to the Supreme Court. He indicated, however, that the decision to settle was his alone and that it was made on the merits and not influenced by pressure from other department or administration officials, or by any offer of any sort from ITT:

Quoting from his testimony verbatim:

> The decision to enter into settlement negotiations with ITT was my own personal decision; I was not pressured to reach this decision. Furthermore, the plan of settlement was devised, and the final terms were negotiated by me with the advice of other members of the Antitrust Division, and by no one else.

I might say that the other members of the Antitrust Division referred to by McLaren, in the main, are chiefly career people who have served in that division in the Department for many, many years.

McLaren negotiated the terms of the settlement and recommended to Kleindienst, as acting Attorney General for this specific purpose, that the agreement with ITT be accepted by the Justice Department. Kleindienst concurred in the recommendation as did the Federal court in Connecticut which had jurisdiction over the Hartford case.

The settlement negotiated by McLaren was the most stringent in the history of American antitrust litigation. It was the most massive and the largest settlement of antitrust litigation on this kind. It required the divestiture by ITT of six major domestic corporations, Grinnell Fire Equipment Co., the Canteen Co., the Avis Rent-a-Car Co., Levitt Housing Corp., and two insurance companies, with assets of over $1 billion and annual sales of over $1 billion. So it was not a routine case. It was not an insignificant case. It was of a very substantial size and degree.

In addition, it was decreed that ITT make no major acquisitions in the United States for a period of 10 years without the prior approval of the Department of Justice.

It is well to note, Mr. President, that that kind of provision is not ordinarily found—in fact, I do not know that it is found at all—in cases which are litigated to the end of the road. But it was put in this decree as it is commonly put in consent decrees of this type.

It is a fact, and I believe the connection is a direct one, that since the announcement of this settlement the spark has gone out of the conglomerate movement in this country and the threat of a significant anticompetitive trend in the financial and corporate community has been ended. These are not small accomplishments for a man pursuing a policy which two Democratic administrations refused to think possible.

I have already said this once, but I say it again: there is nothing irregular or improper which can be attributed to the previous administrations because they did not pursue the prosecution of those cases and sue for a divestiture of the corporations. They sincerely believed that the antitrust actions did not lie, under circumstances, within the scope of the present statutes.

Those are the uncontradicted facts regarding the settlement of the three ITT cases as reflected by the testimony before the Judiciary Committee, which shows that the results were obtained by McLaren without outside interference.

Additional, but somewhat less relevant, facts were also spread on the hearing record: Rohatyn met with Kleindienst three additional times while the settlement negotiations were in progress to complain that McLaren was being too harsh on ITT. Each time, Kleindienst indicated he would not interfere in McLaren's actions.

Each time he also refused to bring any pressure on the Antitrust Division Chief by even telling him of the meetings. the president of ITT, Harold Geneen, met once in 1970 with Attorney General Mitchell to discuss antitrust policy in general. By prior stipulation of the Attorney General, no mention was made in that meeting of ITT's three pending cases. Mr. Mitchell never discussed this meeting, or any other aspect of the ITT cases, with either Mr. Kleindienst or Mr. McLaren.

Mr. President, at the time the Department was perfecting its appeal in the Grinnell case, Kleindienst received a letter from Lawrence Walsh, a New York attorney and former Deputy Attorney General, asking for the appeal in that case to be delayed long enough for the Department to canvass the thinking of other Federal agencies regarding the advisability of pressing this case. After consultation with McLaren and Solicitor General Griswold, it was determined to accede to Walsh's request. A 30-day delay was obtained in routine fashion. Mr. Walsh made no further presentation as had apparently been expected, and the appeal was perfected. Instead of being perfected in April 1971, the appeal was perfected in May 1971. The delay admittedly could have had no effect on the Supreme Court's consideration of the Grinnell case, because in any event it would not have been heard until the fall term of court which commences traditionally in October.

The nominee testified that as far as he could recall, he had not discussed the ITT cases with anyone in the White House. He can still recall no such conversations although Mr. Flanigan has indicated that he did talk with Mr. Kleindienst about them on several occasions. Mr. Flanigan indicated that the conversations were informal and not substantive and could in no way be construed to indicate that the White House was bringing pressure on Mr. Kleindienst to settle the ITT cases.

As far as this Senator can reconstruct the testimony, the foregoing discussion sets forth everything that the nominee did with regard to the ITT cases during the 3 years they were in litigation by the Department. No one who looks at these facts objectively could conclude that Mr. Kleindienst—or anyone else for that matter—acted in any way improperly with regard to these cases.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a chronology of Mr. Kleindienst's actions in the ITT case commencing with April 16, 1969, and ending with the date of September 24, 1971, at which time final decrees in the ITT cases were entered after the 30-day waiting period. Those settlements were formally presented to the district courts of Connecticut and the northern district of Illinois.

There being no objection, the chronology was ordered to be printed in the RECORD, as follows:

CHRONOLOGY OF MR. KLEINDIENST'S ACTIONS IN THE ITT CASE

April 16, 1969—Representatives of Canteen and ITT met with McLaren and Kleindienst to argue that, rather than have a preliminary injunction against the proposed ITT-Canteen merger, ITT should be allowed to hold Canteen separate during the impending antitrust suit so that ITT could divest Canteen if the court so ordered in its final judgment.

April 28, 1969—Kleindienst signed complaint in suit to block ITT-Canteen Corp. merger.

Aug. 1, 1969—Kleindienst signed complaint in suit to block ITT-Hartford Fire Insurance Company merger.

Aug. 1, 1969—Kleindienst signed complaint in suit to block ITT-Grinnell Corp. merger.

March, 1971—Kleindienst was approached at a neighborhood party by a neighbor, Mr. John Ryan, who complained of the Justice Department's harsh position in the ITT case. Kleindienst did not discuss the case with Mr. Ryan, but said his door was always open for a representative from ITT if ITT wanted to talk about the financial and economic aspects of the case.

April 16, 1971—Kleindienst received a phone call and a letter from Mr. Lawrence E. Walsh, Attorney for ITT, seeking extension of filing of Government's jurisdictional statement in the *Grinnell* case in the Supreme Court to allow other agencies to comment on the Antitrust Division's conglomerate merger policy.

April 19, 1971—Kleindienst conferred with the Solicitor General who agreed to join in the request to the Supreme Court for a delay in filing Government's jurisdiction statement. This filing delay had no effect on the ultimate disposition of the case since the case would not be heard until the next term of Court in any event.

April 20, 1971—Meeting between Kleindienst and Mr. Felix G. Rohatyn, director of ITT, in RGK's office for roughly 25 minutes. Rohatyn asked for opportunity to present economic argument to McLaren. Kleindienst asked McLaren if he wanted to hold such a meeting. McLaren decided that he did.

April 29, 1971—Meeting in McLaren's office arranged and chaired by McLaren, and attended by 12–13 people representing ITT, Justice and Treasury to hear ITT financial and economic arguments. Kleindienst sat in as a "passive observer" according to Rohatyn's testimony.

May 10, 1971—Rohatyn came to Kleindienst's office to ask if the Justice Department had finished its review of the economic and financial arguments. Kleindienst, after checking with McLaren, said the review was still underway.

May 20, 1971—After receiving the Ramsden report, Flanigan called Kleindienst because McLaren was out of town. Kleindienst told Flanigan to hold the report until McLaren returned.

June, 1971—A few days after McLaren returned from Europe, Flanigan delivered the report to McLaren. Kleindienst was present, but there was no discussion of the report.

June 17, 1971—After preparing settlement offer in the Antitrust Division, McLaren showed it to Kleindienst and then called Rohatyn from the latter's office to make the offer to ITT.

June 29, 1971—Rohatyn came to Kleindienst's office to complain about McLaren's stubborn attitude in the negotiations. Kleindienst said he refused to inject himself into the negotiations. He made it clear that they were being handled by McLaren and not himself. Rohatyn also visited Flanigan on June 29 in another connection, but mentioned the settlement negotiations. Flanigan told him that was a matter for the Antitrust Division. A couple of days later in a discussion on an unrelated matter, Flanigan passed on to Kleindienst Rohatyn's comment and Flanigan's response. Kleindienst said that McLaren was handling the matter.

July 15, 1971—Rohatyn again came to see Kleindienst to complain about McLaren. Kleindienst again refused to intercede.

July 31, 1971—Final settlement of ITT antitrust cases reached.

Aug. 23, 1971—Settlement formally presented to the District Courts of Connecticut and the Northern District of Illinois.

Sept. 24, 1971—Final decrees in the ITT cases were entered after the 30-day waiting period.

Mr. HRUSKA. It is possible that some may want to quarrel with Mr. McLaren's final decision to settle the cases rather than to wait for a Supreme Court determination. Anyone so inclined should take into consideration the very impressive testimony given by Solicitor General Griswold to the committee. His statement to the committee indicated that it was his judgment that ultimately the United States would lose all three ITT cases and that he felt Mr. McLaren's settlement was "an extremely favorable one." It should also be remembered again that Mr. McLaren's predecessors had refused even to bring cases against ITT for lack of statutory authority. For a man with supposedly no legal basis to his claim, the ITT settlement represents a substantial and a very favorable victory for the Government and for the public.

U.S. ATTORNEY HARRY STEWARD

The third aspect of the hearings which requires some attention is a matter which everyone—even my partisan friends across the aisle—agrees was independent of the ITT case. That has to do with the matter of Harry Steward, U.S. attorney for the southern district of California. I also believe that my colleagues will agree that this matter is only relevant insofar as the nominee took part in the review of charges brought against Steward.

In its issue of March 24, 1972, Life magazine charged that Steward had interfered with a criminal investigation, including the quashing of a subpena, in order to protect a friend and benefactor.

When this matter first came to the attention of departmental officials in Washington, a memorandum was prepared in the Criminal Division recommending an FBI administrative inquiry into the matter.

This recommendation was then transmitted to Mr. Kleindienst with a notation from the Assistant Attorney General Will Wilson, head of the Criminal Division, that no administrative investigation was needed by the FBI, but that Mr. Steward be called to Washington to discuss the incident. The nominee checked with others in the Criminal Division on the propriety of such a step, was assured that it was in order, and did talk with Steward in Washington in company with one of his assistants, Associate Deputy Attorney General Harlington Wood, Jr. Following that conversation, Mr. Kleindienst, though he concluded that Steward had done nothing of a criminal nature, nonetheless ordered that a complete FBI administrative investigation proceed.

In routine fashion, the investigation was completed and reviewed by career attorneys in the Criminal Division. At that level the conclusion was that three of the five charges against Steward were unfounded, that one represented a departure from normal procedures by Steward, and that the final item, the personal interview with his friend, was "highly improper." Nonetheless, the finding was that no criminal action or wrong-doing had taken place and that while Steward should be reprimanded, there was no evidence to justify his removal from office.

In February 1971, a meeting was held in Mr. Kleindienst's office to discuss the Criminal Division recommendations. While conceding that Steward had acted in an improper manner in this one instance, in the words of the present Assistant Attorney General in charge of the Criminal Division, Henry Peterson:

> It was my conclusion that a dismissal of a United States Attorney under these circumstances would not only have been unwarranted but also grossly unfair.

Mr. Kleindienst concurred in this finding. Steward was about to try a controversial and important case on behalf of the United States, the notable and long-awaited Alessio tax fraud case. It was determined that the Department should announce its decision retaining Steward as United States attorney in a way which would not undermine his effectiveness and which would stabilize the publicity that had surrounded this matter in the San Diego press. And that was done. There was an expression of complete confidence in Mr. Steward.

The decision of the Department would have been different had Steward blocked the investigation of his friend. And well it should have been. But the facts show that the investigation continued; all that occurred as a result of Steward's intervention and decision was that the manner in which the evidence was obtained was changed.

In fact, one of the complainants about that situation is the very man who secured a sworn statement, detailed in form, from the friend of Mr. Steward. All the facts were reviewed and were used later in litigation which followed in another court. The complaint was based on a situation where there was no obstruction to the testimony to which the Government was entitled. The record shows the only question was the means by which the testimony was to be obtained.

SUMMARY

To this Senator these are the only issues which have been raised at the hearings which could possibly be construed to cast doubt on the original recommendation of the committee that Kleindienst be confirmed. As I have indicated, and as I believe a reading of the hearing record will confirm for all of those who take the time to make their own investigation, the facts will not permit a finding on any of these matters adverse to the nominee. Which is, of course, not to say that those with political motives will not make the attempt.

PROMPT SENATE ACTION NEEDED

There is one other consideration which should be brought to the attention of the Senate, which, I believe, argues very persuasively for prompt action on this nomination. Since March 1, the Department has been without an Attorney General. While the nominee has served as Acting Attorney General during this period, it is inevitable that he has not had the full authority that would be vested in one who has had his nomination approved by the Senate. As was pointed out in the individual views of the Senator from West Virginia (Mr. ROBERT C. BYRD):

> It is imperative that the person called upon to exercise the function (Attorney General) do so with the full power contemplated by the Constitution.

Several Assistant Attorneys General positions and that of the Deputy Attorney General has become vacant during this period and the President has deferred filling them until the identity of the Attorney General is known. The result has been that while the Senate delayed its consideration of this nomination the work of the Department has been handicapped for lack of the full complement of executive officers. I would hope that the doubt over Kleindienst's confirmation can be quickly ended so that this important agency can return to full strength in order to carry out it duties effectively.

Mr. President, with that goes a few thoughts that perhaps there might be extended debate on this nomination. To the extent that it is relevant, to the extent that it is pertinent, to the extent that it will not be repetitious and a grinding of meat that is already in the form of hash, as it were, it is in order. But I have an idea that unless the tendencies of some members of the committee on which I serve are changed from those exhibited during the course of the hearings we can be prepared for more of the same. I hope not. Nothing would be gained except a demeaning of the confirmation proceedings, which would not be becoming to the proceedings of the Senate.

I urge my colleagues who have not yet done so to read the committee report on this nomination and to take a look at the hearing record and the testimony. All the information anyone needs to make up his mind on the issues in this case is set forth in that record. As I said at the outset, I am confident that anyone who makes the effort will come unerringly to the conclusion that this nomination should be confirmed. I am confident that it will be as soon as we are given an opportunity to vote. And I am confident that Dick Kleindienst will make an excellent Attorney General of the United States.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. LONG. Mr. President, I compliment the Senator on a very fine statement.

I note that during the time all this matter was in process the Justice Department under the leadership of Mr. Kleindienst has undertaken to file antitrust cases with regard to the major networks making their own motion picture shows for use in prime time. I note that one editorial undertook simply to find fault that this had not been undertaken sooner. This is a major issue, and it tries the conscience of anyone concerned about the antitrust field that film producers cannot very well compete if they must try to compete against networks that, in effect, own the market.

This is a major forward move in the antitrust field, and one of the most important moves undertaken in a long period of time. I think Mr. Kleindienst should be commended for that. Unfortunately, it did not ingratiate him with the networks. At the same time it takes some courage and also some belief in the thrust and intent of the antitrust laws and the philosophy of the antitrust laws to undertake that major effort.

I had intended to express my commendation to Mr. Kleindienst for moving in that area, and I am glad to be able to do it at the conclusion of the speech of the Senator from Nebraska.

Mr. HRUSKA. I am glad the Senator made that statement. I have served now on the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary for a number of years. The problem to which the Senator has made reference has always been a sore point with many of us because 20 years ago, and maybe it was 25 years ago, a similar suit had been brought against film companies that had their own exhibiting theaters and, ultimately, the Supreme Court said that type practice violated the Clayton Antitrust Act. In the Fox case they were barred from doing that and they are still barred today.

In the case of the networks that use the productions they are also making, we see a comparable situation. I am gratified that at long last action has been taken.

Mr. LONG. Furthermore, Mr. Kleindienst played a part in the selection of the nomination of men who are now serving with distinction on the Supreme Court.

Just the other day I noticed a decision which would have been of the utmost judicial usurpation had not five Justices on that Court upheld the right of a State to exercise discretion when forced to make a welfare cutback, in making it the way the States felt most appropriate. In that case, they made the cut in the family program without cutting so deeply into programs for the aging and disabled. It was unthinkable that anyone would contend that a State legislature should be denied that discretion to decide between two programs as to which one should have the greater reduction in dollars spent.

I was dismayed to see that four Justices out of the nine on that Court undertook to hold that under the equal protection clause a State had no right to decide, when pressed by financial circumstances, that it would reduce expenditures on one program rather than on another program. I could not help but be amused as I wondered what would have happened if the Court had held the other way. Suppose the Court had gone the other way and made its holding with respect to the program for the aged instead of the family program. Could not a case have been made that they were discriminating against those who are white in favor of those who are of a different color?

Mr. HRUSKA. That would seem to be a decision suited for the realm of the State legislative bodies and not the courts.

Mr. LONG. I think it was something of a feeling of a matter of pride to us that of those five Justices who voted to confirm what clearly should be the right of the State and to refuse to usurp the legislative power that was intended to reside in the State legislatures, and in the people themselves, four of those Justices were those of whom said Mr. Kleindienst had something to do with recommending.

Mr. HRUSKA. I thank the Senator.

Mr. President, I yield the floor.

Mr. FANNIN. Mr. President, I want to commend the distinguished Senator from Nebraska for a very comprehensive, intelligent, and well-reasoned statement, which was certainly to be expected, knowing of his great ability as the ranking minority member of the Judiciary Committee.

I also want to thank the distinguished Senator from Louisiana for his support in this instance and for his statement in regard to Richard Kleindienst.

Mr. President, on February 15 of this year, President Nixon submitted to the Senate the nomination of Richard G. Kleindienst to be Attorney General of the United States. More than 3 months have passed, and the nomination has finally reached the full Senate. The path that his nomination followed during the intervening 3½ months has been the most circuitous and the most patience-trying in the history of the U.S. Senate.

As a fellow Arizonan and close friend and great admirer of Mr. Kleindienst, and as one who has observed the service of the nominee as an outstanding lawyer in his native State and his talented work as a public servant, I would like to express my appreciation to the chairman, Senator EASTMAN of the Judiciary Committee, to the ranking minority member of the committee, Senator HRUSKA, and to other committee members who worked so diligently to keep these proceedings moving forward. I know this was a most difficult task.

I have followed the nomination along that path very closely and would like to describe for my colleagues, who were unable to do so, some of the highlights along the way.

Initially, there were 2 days of hearings and a 13-to-0 vote on February 24 to report the nomination favorably. Before the full Senate could consider the nomination, Jack Anderson published a column suggesting a link between the settlement of three Government antitrust suits against ITT and a contribution by ITT to the city of San Diego to help underwrite the costs of the 1972 Republican National Convention. Anderson's basis for such a claim was a memorandum purportedly written by an ITT lobbyist. To answer the charges implicit in the Anderson column, Mr. Kleindienst himself asked that the Judiciary Committee reopen hearings on the ITT settlement. The nominee, Judge McLaren, and Felix Rohatyn, an ITT director, testified under oath for 4 days that there was no connection between the settlement and any contribution made by ITT to the city of San Diego. I would like to emphasize at this point that during the 22 days of resumed hearings there was no direct evidence of any connection between the settlement and any ITT contribution. The only item in all of the many hundreds of pages of testimony and all the documents submitted that would support a charge of a connection was the memorandum purportedly written by Dita Beard, the ITT lobbyist. Dita Beard, under oath, said she did not write the parts of the memorandum that suggest a connection. Her secretary provided an affidavit that corroborates her testimony. Some members of the committee were not satisfied with that. But they cannot ignore even stronger proof that there was no connection. If the settlement was influenced by any ITT contribution, such influence necessarily had to be felt by Mr. Kleindienst and particularly Judge McLaren. Yet both testified that they were not aware of the contribution when the settlement was reached. Judge McLaren told the Committee that—

> The decision to enter into settlement negotiations with ITT was my own personal decision; I was not pressured to reach this decision. Furthermore, the plan of settlement was devised, and the final terms were negotiated by me with the advice of other members of the Antitrust Division, and by no one else.

The majority of the committee concluded that—

> The settlement was reached on the merits after arm's length negotiations between representatives of ITT and the Antitrust Division. Those negotiations and the settlement of the ITT cases were not the product of political influence or promises of favor from ITT.

Senator HART, writing separately, concluded that Judge McLaren—

> Reached the best judgment he could and fully recommended it as his own determination of what was in the best public interest.

In addition, Senator HART found:

> No basis on which to conclude that the nominee was involved in, or aware of, any effort to link the convention and the settlement.

The other matter before the Judiciary Committee involved Harry Steward, U.S. attorney in San Diego, who was accused of interfering with a Federal investigation in that city. The committee received a full report on that matter from Henry Peterson, Assistant Attorney General in charge of the Criminal Division. Mr. Kleindienst's role here was limited to ordering an FBI investigation of Steward and making the final decision based on that investigation. Career attorneys in the Criminal Divisions concluded that most of the charges against Steward were unfounded. In one case, however, Steward protested to a strike force agent in the field rather than make his complaint to the Department in the usual manner. In another situation, Steward interviewed a friend rather than have him appear before a special grand jury. The Criminal Division determined that this was highly improper, but that a dismissal of Steward was unwarranted. The nominee adopted the recommendation of the Criminal Division not to remove Steward. The manner in which that decision was made was described in detail and at great length by Mr. Petersen in his testimony before the committee. In his words:

> A dismissal of a United States Attorney under these circumstances would not only have been unwarranted but also grossly unfair. . . .

The committee found nothing improper in this action on the part of the nominee.

Likewise, there was nothing improper in the issuance of a press release after that decision was made in which Mr. Kleindienst said:

> I have evaluated the matter and determined there has been no wrongdoing. . . . Mr. Steward will continue to serve . . . with the full confidence of the Attorney General.

As Senator HART has said:

> It was at least a plausible judgment that the public interest would best be served by a public vote of confidence in the man who would continue as United States Attorney.

Steward had not blocked an investigation; he had not been guilty of wrongdoing as we all use that word in common parlance. He was at fault for exercising bad judgment. Mr. Petersen made that point over and over again in his testimony. I urge my colleagues to look to the testimony of Mr. Petersen, a Justice Department lawyer since 1947, to gain some idea of the way this Steward matter came up and the manner in which it was handled. Read it, and you will see that no impropriety can be attributed to the nominee.

To summarize briefly then, the ITT settlement and the Steward matter were the two concerns before the Judiciary Committee. The committee found that Mr. Kleindienst had not acted improperly in either case.

The nominee's opponents, however, brought in issue after issue, unrelated to Mr. Kleindienst's qualifications. What relevance is there, for example, in possible insider trading by ITT directors? What bearing on the nominee's fitness does the size of the ITT contribution to San Diego have since there is no evidence that he knew of it at the time of the settlement? We may all wonder who wrote the memorandum attributed to Dita Beard, but we have more than ample evidence in the record that there was no connection between the settlement and the ITT contribution. The committee has already heard from most of the nine witnesses the nominee's opponents maintain are "clearly necessary" witnesses, and what the remainder would offer is clearly irrelevant to the issue before us now. We should be reminded constantly of that issue—the only issue. Is Richard Kleindienst qualified to be Attorney General?

We have heard much about the unanswered questions. Every question touching on the fitness of the nominee has been answered. We have the sworn testimony of the parties to both transactions—the ITT settlement and the Steward matter. The whole record is before us on Richard Kleindienst. His opponents cannot fairly maintain that the questions are unanswered. What they are really saying is that they do not accept the answers, that they do not believe Mr. Kleindienst, Judge McLaren, and Mr. Petersen.

A vote on this nomination is long overdue. Further delay on confirmation would be detrimental to the Justice Department and to the United States. Further delay certainly would be unfair both to the President and to Mr. Kleindienst.

Mr. Kleindienst has been working 12 to 14 hours a day holding down two jobs. Once he is confirmed, then he can take the necessary steps to bring the Justice Department staff back up to its proper strength, including the nomination of three Assistant Attorneys General.

There have been some great improvements in the Justice Department during the past 3 years under the leadership of Attorney General John Mitchell and Dick Kleindienst.

Dick Kleindienst has been one of the driving forces in making Washington a much safer city in which to live. He has worked closely with Mayor Washington and with Police Chief Wilson. It was Dick Kleindienst who provided the leadership to keep our Federal Government in operation during the May Day demonstration of last year. This was done without serious injury to demonstrators or to the people who work in Washington. And it was done with the least possible force necessary to protect the rights of both the demonstrators and Government workers.

Dick Kleindienst took the initiative in efforts to block the flow of narcotics across our borders. We have seen, as a result, unprecedented cooperation by our neighbors in the fight against narcotics.

Progress has been made on many fronts: In the fight against organized crime, in strengthening of the Federal judiciary, in antitrust enforcement, in improvement of the Federal penal system.

All of these programs have required tough but fair and dedicated leadership to accomplish. I do not know anyone who combines the qualities of toughness, fairness, and intelligence any better than Dick Kleindienst.

His professional credentials are superb. He is president-elect of the Federal Bar Association and is a member of the American, Arizona, and Maricopa County Bar Associations.

He has given generously of his time and talents to help in many civic programs. He has worked with and for the Urban League, Goodwill Industries, the American and Arizona Heart Associations, and the Phoenix Day Nursery. He has served as chairman of the executive committee of the Phoenix and OEO Small Business Development Center. He is on the board of directors of the National Symphony Orchestra Association and he formerly served on the board of the Phoenix Symphony Association.

He is a deeply religious man who has been a licensed lay reader in the Protestant Episcopal Church for 28 years. He is a former warden and former member of the executive committee for the Arizona diocese, and is currently a member of the vestry of Saint Dunstan's Protestant Episcopal Church in Bethesda, Md.

I have known Dick Kleindienst and his family for more than 20 years. I can tell you that he is a man of outstanding ability, but those of my colleagues who have watched him since he came to the Justice Department in 1969 already know that. I can tell you what is even more important. He is a man of integrity and decency. And again, those who have known him know that above all else.

Dick Kleindienst has always performed admirably in his every undertaking. He was a brilliant student at Harvard. He was one of the finest young attorneys in Arizona and developed into being one of the outstanding attorneys in this Nation. He is the devoted father of a great American family, loved and respected by all who know them. He has been very active in his church. He has been a leader in civic activities wherever he has gone. And he was outstanding as Deputy Attorney General for the past 3 years.

During the 3 years since he was confirmed by the Senate and took over his responsibilities at the Department of Justice, and since he became Acting Attorney General, Mr. Kleindienst has worked diligently and ably. His efforts have been felt most plainly in the fight against crime in this country—both street crime and organized crime. Crime has not been eliminated, but a significant beginning has been made to stem the rise in such lawlessness. As spokesman for the Department of Justice, Mr. Kleindienst has said on a number of occasions that this fight will be carried on with determination and energy.

He has become intimately aware of the multitude of problems that press in on any Attorney General, because he has dealt with many of them personally over the last 3 years.

Mr. President, it is clear that Dick Kleindienst has all the qualifications—the academic training, the legal experience, the moral strength and character, the dedication to public service, the devotion to justice—to be a great Attorney General.

Mr. President, on behalf of my distinguished colleague (Mr. GOLDWATER), who is confined in the hospital recovering from an operation, I ask unanimous consent, at his request, that I be permitted to read his statement, in which he enthusiastically supports the nomination of Mr. Kleindienst.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FANNIN. He has entitled it "The Right Man for the Right Job at the Right Time," and it reads as follows:

THE RIGHT MAN FOR THE RIGHT JOB AT THE RIGHT TIME

Mr. GOLDWATER. Mr. President, I trust my colleagues in the Senate share my delight and encouragement over the apparent decline in the numbers of violent crimes being conducted on the streets of our American cities during recent months.

Most of us, I am sure, recognize that just two short years ago serious crime in the Nation's Capital was at an all-time high and climbing rapidly. People were not safe on the streets of their Nation's Capital after dark or—in at least one notable instance—in the confines of their very homes in residential parts of this city. In one frightful case, a dinner party in a fashionable Chevy Chase home was held up, four startled couples were robbed of their jewelry and personal possessions and six of them were held at gun point while two of the women guests were taken to another part of the house and raped.

Then, of course, Mr. President, we all remember the tragic occurrences when a young female secretary to former Senator Frank Carlson of Kansas was robbed and murdered in her Capitol Hill apartment. She happened to be a personal friend of the Carlson family. Can you imagine how Senator Carlson felt when he was forced to notify old and dear friends that their daughter had been brutally assaulted and killed while working under his immediate sponsorship?

Mr. President, I certainly don't intend to detail all of the crimes that took place not so many months ago right in the area where we work. It isn't necessary. I believe our memories are all sufficient to the task of recalling the daylight robbery of a Senate clerk while her employer worked completely unaware in the room next to her. And I'm sure none of us will ever forget the bombing which shattered a large segment of the Senate side of the United States Capitol in a brazen display of radical disregard and contempt for the forces of law and order as well as the authority of the Congress and the federal government itself. Only a question of timing prevented that occurrence from resulting in dozens of innocent deaths right inside the United States Capitol.

Mr. President, what I am getting at this morning is the plain fact that three or four years ago this city and this Capitol were at the virtual mercy of a criminal element which mugged, raped, robbed, and killed almost at will. People were shot down in broad daylight with thousands looking on when they got out of their cars to argue about a minor Sunday afternoon fender bumping. Tourists began to give the nation's number one tourist attraction a broad berth. And the situation which confronted the Nixon Administration when it took office was one which actually approached a state of general anarchy. You might, Mr. President, remember these events and wonder what has been done and by whom to bring matters under control. The plain fact is the crime situation in this federal city began to improve for the first time in a decade with the advent of the Nixon Administration and a new concept on all subjects of law and order—at least it can be called new when compared with what had gone on under the administrations of Lyndon B. Johnson and his predecessor in office.

One might say that the Nixon Administration brought to the Department of Justice a new team of administrators and a new spirit of cooperation and help for the forces of law and order throughout the length and breadth of the land. This new "Get Tough" attitude quickly became known. It especially became known throughout the underworld and the capitals of crime within our American metropolitan areas.

Perhaps the man who more than anyone else can today claim top responsibility for implementing the methods of a new order in government was none other than Acting Attorney General Richard Kleindienst. As Attorney General Mitchell's deputy, he was in fact the chief of staff when it came to the administration of justice at the federal level. Thus it was, Mr. President, that a tough crime situation throughout the United States ran head-on into one of the toughest crime fighters this country has ever produced. It was not a month after the new administration took over that Dick Kleindienst was being referred to by his colleagues in the Justice Department as "Mr. Tough." And it was not long before the results of a new attitude at Justice began to result in victories for the law-abiding citizens in the District of Columbia and many other communities throughout the country.

Time and again, Dick Kleindienst, and before him Attorney General John Mitchell, ran into mean and difficult law enforcement problems—the same kind of problems that previously had erupted in riots and street fights and altercations reminiscent of the gang wars of the 1930's. But the handling and the savvy which Mitchell, Kleindienst, and company brought to these problems got them solved without the loss of lives, with a minimum of personal injury and a minimum of property damage. What is more, these nasty tasks were performed in a way which gave to our hard-pressed policemen and National Guard troops an element of dignity and respect where before they were met only with epithets and threats and curses. The insulting term "Pig" was the order of the day before the Department of Justice and the law enforcement agencies of this country received the kind of leadership they had long deserved.

For this reason alone, I say that it is time for the Senate of the United States to confirm, and confirm immediately, Richard Kleindienst for the job for which President Nixon has selected him, for the job of Attorney General of the United States.

Mr. President, I am going to do something unusual today. I am not going to promise to be brief; but I will promise to be as clear and concise and as much to the point as we all might have hoped that certain members of the Judiciary Committee had been when they examined Mr. Kleindienst for a job he had already proved he could do with exceptional efficiency and integrity.

In making this plea for Mr. Kleindienst, I just cannot help bringing to the notice of the Senate — and hopefully to the entire country — the fact that phony, ridiculous, unprovable, and degrading charges have been brought against two prominent attorneys from my State whom the President of the United States saw fit to select and nominate for among the highest offices in the land. I am of course referring to the fact that before the marathon charade which some members of the Judiciary Committee put on in the Kleindienst affair, something just as fruitless and just as degrading was directed at our great and new Associate Justice of the United States Supreme Court, Mr. William Rehnquist. It will be recalled that committee members with a special affinity for playing presidential politics by remote control did their level best to depict Mr. Rehnquist as a man whose activities were questionable and whose honesty and integrity were subject to question. The fact that the Supreme Court now enjoys the services of one of the finest young men my State has ever produced proves that this exercise in gutter-type politics was unsuccessful in preventing the confirmation of William Rehnquist's nomination. I am sure nobody has missed the great similarity which exists between the type of charges brought against Bill Rehnquist and the absolutely foundless allegations brought against Mr. Kleindienst.

Mr. President, I am an old campaigner in things of this nature and I think I can understand some of this up to a certain point. For example, if I were as thin-skinned as some of my colleagues, on the other side of the aisle, I might conclude that the degrading and unsuccessful attempts to assassinate the characters of two of the finest men my state—or, for that matter, the United States—has ever produced resulted from the fact that both men were conservative, and both men were attorneys from a small state, and both men were strong and effective supporters of President Nixon in 1968; and now to the pièce de résistance—horror of horrors—both of these men had been supporters and friends of Barry Goldwater. I hate to think that my name or my activities might in any way stand in the way of my country's receiving the highest brand of public service it is possible to obtain. I can not do much about my name. I certainly do not plan to change it, and so far as my activities are concerned, I apologize to no man for the stand I have taken for the things I believe in. I am proud of my record as a public servant and what is more, my mail and my conversations tend to convince me that other people feel much the same. I will let everyone in on a little secret. I have a whole desk full of cartoons and newspaper stories carrying the headline "Barry Goldwater Was Right." I must admit I am no collector of other kinds of headlines, but I must confess I have yet to see a single newspaper story which was headed "LBJ Was Right." And as long as we are tossing about a nomination for the high post of Attorney General, I can not remember seeing any stories headed "Ramsey Clark Was Right."

I think, Mr. President, that former Attorney General Ramsey Clark should come into this discussion to some entirely negative extent. It should be remembered right now that we in the Republican Party were aware of Ramsey Clark's arch liberal background. It should be remembered, too, that the members of my party, out of courtesy for President Johnson and in the firm belief that any President should have the right to select his own cabinet members, voted overwhelmingly to support Ramsey Clark's nomination. But while we are at it, I think it should be known, too, that Mr. Clark served long as chief law enforcement officer of this country to cast doubt and suspicion on the accuracy of the crime statistics collected by the FBI and even to challenge Republican claims that a crime wave was sweeping the country.

Mr. President, as I have indicated, Mr. Kleindienst's performance at the Department of Justice has been too outstanding for this vocal, liberal opposition to his confirmation not to have a deeper meaning. As I said, I was tempted to a presumptuous belief that my close connection with these two men may have had some effect upon their troubles in getting past an obdurate Democrat majority in the Senate, but I honestly believe that we have to seek and to find some kind of off-beat explanation for the virility of the opposition brought to bear by the Senate liberals. I suspect the opposition stems from the very thing I believe we need the most in the Department of Justice—a tough, unyielding, uncompromising application of the law of the land to all parties of all social, economic, or political statures. I am forced to the belief that some liberals are afraid Dick Kleindienst will be too good at the job he has been proposed for, and I am certainly convinced that the opposition to Bill Rehnquist stemmed not from anything he might have done in the past, but from the tough, even-handed constructionist views that he would bring to the United States Supreme Court.

Be that as it may, the holdup in the Kleindienst nomination can be called nothing but what it is—a liberal filibuster and a complete disgrace. Consider the facts. Mr. Kleindienst's name came up quite obliquely in connection with an alleged corporate loan to the Republican Party to help defray the cost of putting on its nominating convention.

Although the Judiciary Committee had voted unanimously for Mr. Kleindienst's confirmation, he, himself, asked that the hearings on his nomination be reopened so that this latest matter could be examined. And believe you me, it was examined, and examined and examined and examined. In fact, there were times when the spectators began to wonder whether Senators Tunney and Kennedy would ever stop asking the same questions. In all events, Mr. Kleindienst—a very busy man at the time, since he was serving as Acting Attorney General—patiently sat through week after week after week of Democratic fishing expeditions, most of which had nothing to do with his nomination or his job at all. It was pointed out that some whole weeks went by without the name "Kleindienst" even being mentioned in the official record of the Senate Judiciary Committee. Be that as it may, Mr. Kleindienst, in the honorable fashion he has always conducted himself, gave his critics as much time as they wanted; and after all those weeks, not a single disparaging item could be found by his hardest and unfairest critics.

The Committee filibuster, obviously carried on to bring the ITT affair into the Presidential campaign, even began to annoy other Democrats on the committee; and eventually, some 3½ weeks ago, the Senate Judiciary Committee voted 11 to 4 to confirm Mr. Kleindienst as Attorney General on the grounds that nothing derogatory toward him had been turned up in all those days and weeks of hearings. Now, Mr. President, we are faced with a holdup upon the final action of this routine presidential nomination. The opponents of Mr. Kleindienst—many of them great vocal opponents of the Senate filibusters—are doing their very best to erect a filibuster but call it by a different name. The delay on Dick Kleindienst's nomination is a filibuster, plain and simple. I label it that right here and now. We can be sure that it will not be called by the word "filibuster" when the measure comes up for official action. I have a theory about all this. I believe putting the word "filibuster" to the delaying tactics applied to the Kleindienst nomination would assay so high in political hypocrisy to actually endanger the Democrats' chances in this presidential election year.

In conclusion, let me say that by whatever name it is called, the delay in bringing the Kleindienst nomination to a speedy vote is a disservice to the President of the United States and a disservice to the people who elected him to run the government with the best men he could find. Earlier I said, at the Justice Department they called Dick Kleindienst "Mr. Tough." Now I say as a friend, who has known this man from the time he was a boy in knee pants, that they picked the right person to pin that name on.

Listen to me now, and listen closely. I have known this man all his life. He is a close and dear friend. And I can tell you truthfully Mr. President, that if I were the kind of public official who tries to use the influence of his friends in government to put over questionable deals—or even the most impeccable kinds of deals you can cook up—I believe Dick Kleindienst would be the last man in the world I would try to fix.

Mr. President, I have talked too long. I beg the Senate's indulgence. However, I think the opponents of Mr. Kleindienst have been dilly-dallying far too long themselves. I will be glad to stop talking if they will be glad to stop thinking so that we can vote finally on the finest man I have ever known to be nominated for the job of Attorney General of the United States.

ORDER FOR RECESS UNTIL 9 P.M. AFTER CONCLUSION OF BUSINESS TOMORROW; AND ORDER FOR ADJOURNMENT TO 10 A.M. FRIDAY

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent—and I do this at the direction of the distinguished majority leader—that at the close of business tomorrow the Senate stand in recess until 9 p.m. at which time the Senate reassemble to go in body to the House of Representatives to hear the President of the United States deliver his message to a joint session of Congress as provided for by House Concurrent Resolution 625 adopted by both Houses today, and that after the President completes his message tomorrow, the Senate stand in adjournment until 10 a.m. Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR JACKSON, AND ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that, following the prayer tomorrow, the two leaders be recognized in accordance with the standing order and that, following the recognition of the two leaders, the distinguished junior Senator from Washington (Mr. JACKSON) then be recognized for not to exceed 15 minutes; after which there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Senate return to executive session to resume consideration of the nomination of Mr. Richard G. Kleindienst for the office of Attorney General of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that on Friday next, following the prayer, the two leaders be recognized in accordance with the standing order, and that after their recognition, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Senate go into executive session to resume consideration of the nomination of Mr. Richard G. Kleindienst for the office of Attorney General of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS FOR MONDAY, JUNE 5, 1972

Mr. ROBERT C. BYRD. Mr. President, I make the same request for Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and assume that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 a.m. After the two leaders have been recognized under the standing order, the distinguished junior Senator from Washington (Mr. JACKSON) will be recognized for not to exceed 15 minutes; after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of the morning business, the Senate will return to executive session to resume the debate on the nomination of Mr. Richard G. Kleindienst for the office of Attorney General of the United States.

No rollcall votes are anticipated for tomorrow.

At the close of business on tomorrow, circa 5 p.m., 5:30 p.m., or 6 p.m., the Senate will stand in recess until 9 p.m., at which time the Senate will reconvene for the purpose of the assemblying of Senators to go in a body to the House of Representatives where the President of the United States will address a joint session of the two Houses of the Congress. After the President completes his address, the Senate will stand in adjournment until 10 a.m. Friday.

ADJOURNMENT TO 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in executive session, and in accordance with previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and at 5:10 p.m. the Senate adjourned until tomorrow, Thursday, June 1, 1972, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 31, 1972:

FEDERAL RESERVE SYSTEM

Jeffrey M. Bucher, of California, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1972.

U.S. DISTRICT COURT

Norman C. Roettger, Jr., of Florida, to be a U.S. district judge for the southern district of Florida.

IN THE ARMY

The U.S. Army Reserve officers named herein for promotion as Reserve commissioned officers of the Army, under provisions of title 10, United States Code, section 593(a) and 3384:

To be major general

Brig. Gen. Constant Collin Delwiche, SSAN 392-18-3841.

Brig. Gen. Frederick William Duncan, Jr., SSAN 039-03-3868.

Brig. Gen. George Fleming Hamner, SSAN 423-40-2793.

Brig. Gen. Albert Bruce Jones, SSAN 254-10-6623.

Brig. Gen. Cyrille Pierce LaPorte, SSAN 073-10-5502.

Brig. Gen. Charles Stockard LeCraw, Jr., SSAN 225-18-8431.

To be brigadier general

Col. Lawrence Holt Allen, Jr., SSAN 312-12-1965, Infantry.

Col. Raymond Astumian, SSAN 258-20-7186, Infantry.

Col. Charles Beach, Jr., SSAN 402-24-8372, Field Artillery.

Col. Edward James Joseph Breen, SSAN 150-05-4429, Infantry.

Col. Michael Paul Lagana, SSAN 080-18-1373, Corps of Engineers.

Col. Lee Lawrence, SSAN 289-07-9630, Infantry.

Col. John Ryle McKee, SSAN 481-30-6292, Infantry.

Col. Willard Phaup Milby, Jr., SSAN 227-16-3283, Infantry.

Col. Gorman Curtis Smith, SSAN 444-22-6081, Infantry.

Col. Robert Murray Sutton, SSAN 513-05-7447, Infantry.

The Army National Guard of the United States officers named herein for promotion as Reserve commissioned officers of the Army under the provisions of title 10, United States Code, section 593(a) and 3385:

To be major general

Brig. Gen. Austin Clifford Chidester, Jr., SSAN 222-07-3486.

Brig. Gen. Paul Victor Meyer, SSAN 471-01-4988.

Brig. Gen. John Joseph Remetta, SSAN 196-01-3618.

To be brigadier general

Col. Harry Warren Barnes, SSAN 442-14-7428, Infantry.

Col. Stephen Samuel Crane, SSAN 329-18-1726, Infantry.

Col. George Melvin Donovan, SSAN 444-18-5361, Armor.

Col. Merril Wetzler Goss, SSAN 177-10-0669, Armor.

Col. Guy J. Gravlee, Jr., SSAN 425-14-4084, Armor.

Col. Helmut Joseph Haag. SSAN 071-12-9225, Ordnance Corps.

Col. Robert Archibald Hughes, SSAN 241-16-7672, Armor.

Col. Merritt Alden Johnson, SSAN 531-16-8740, Infantry.

Col. Charles Hayden Jones, SSAN 286-18-0480, Corps of Engineers.

Col. James Simonet O'Brien, SSAN 474-16-0751, Infantry.

Col. Jean Gordon Peltier, SSAN 273-36-3121, Field Artillery.

Col. Harold Roden Story, SSAN 077-12-4679, Field Artillery.

Col. William Harrison Vanderlinden, Jr., SSAN 243-38-8256, Infantry.

Col. Frederick John Van Roo, SSAN 395-07-5878, Field Artillery.

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army under provisions of title 10, United States Code, section 593(a) and 3392:

To be major general

Brig. Gen. David C. Matthews, SSAN 443-09-3747, Adjutant General's Corps.

To be brigadier general

Col. William Harold Cheeseman, SSAN 473-10-9761, Field Artillery.

Col. Edgar LeRoy DeGraw, SSAN 513-28-8038, Field Artillery.

Col. William Porter Marshall, SSAN 235-16-7696, Armor.

Col. Robert William Steele, SSAN 369-18-6407, Infantry.

Col. Harry Wellington Thode, SSAN 516-46-1718, Finance Corps.

Col. William Lawrence Youell, SSAN 440-10-3846, Field Artillery.

The following-named person for reappointment to the active list of the Regular Army of the United States with grades as indicated, from the temporary disability retired list, under the provisions of title 10, United States Code, sections 1211 and 3447:

To be major general, Regular Army, and major general, Army of the United States

Stoughton, Tom R., 574-12-7861.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. George Irvin Forsythe, 517-07-9904, Army of the United States (major general, U.S. Army).

IN THE NAVY

The following-named officers of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated subject to qualification therefor as provided by law:

Supply Corps

Eugene A. Grinstead, Jr.
Wendell McHenry, Jr.
Stuart J. Evans
William M. Oller

Civil Engineer Corps

John R. Fisher

The following-named officers of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated subject to qualification therefor as provided by law:

Medical Corps

Philip O. Geib
Donald L. Custis
Edward J. Rupnik
William J. Jacoby, Jr.

Dental Corps

Wade H. Hagerman, Jr.
George D. Selfridge

Rear Adm. Robert E. Adamson, Jr., U.S. Navy, having been designated, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

Vice Adm. Frederick H. Schneider, Jr., U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Nels C. Johnson, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

Vice Adm. Evan P. Aurand, U.S. Navy, for appointment to the grade of vice admiral, when retired, pursuant to the provisions of title 10, United States Code, section 5233.

In the Air Force

Nominations beginning Roland E. Ballow, to be lieutenant colonel, and ending Donald E. Wallis, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 1972.

HOUSE OF REPRESENTATIVES—*Wednesday, May 31, 1972*

The House met at 12 o'clock noon.

Dr. James P. Wesberry, pastor, Morningside Baptist Church, Atlanta, Ga., offered the following prayer:

Blessed are the peacemakers: for they shall be called the children of God.—Matthew 5: 9.

We give Thee thanks, our Heavenly Father, for all who love this great land of ours and give themselves to the fulfillment of their longings for freedom and peace. We express to Thee our deepest gratitude for our esteemed President and for his visit to Russia and other countries in the interest of world peace.

Make our Nation, we humbly pray, a mighty factor in bringing to reality "that peace which is more than the absence of war, and which," as President Nixon has said, "enables man to pursue those higher goals that the spirit yearns for."

Should we ever become discouraged in the long, hard struggle for peace may we lift our eyes to the hills from whence cometh our help, to those invincible forces which will ultimately beat our swords into plowshares and our spears into pruninghooks.

Through Jesus Christ, our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 483. Concurrent resolution providing for the reprinting of a House document entitled "Report of Special Study of Securities Markets by the Securities and Exchange Commission"; and

H. Con. Res. 545. Concurrent resolution authorizing the printing of additional copies of hearings on "American Prisoners of War in Southeast Asia, 1971—Part 2" by the Subcommittee on National Security Policy and Scientific Developments.

The message also announced that the Senate had passed a bill and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 3463. An act to amend section 906 of title 44, United States Code, to provide copies of the daily and semimonthly Congressional Record to libraries of certain U.S. courts; and

S. Con. Res. 79. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Amphetamine Legislation 1971."

PROVIDING FOR A JOINT SESSION OF THE TWO HOUSES OF CONGRESS TOMORROW AT 9:30 P.M.

Mr. BOGGS. Mr. Speaker, I have been advised that the President of the United States desires to address a joint session of the Congress tomorrow at 9:30 p.m. Accordingly, I send to the desk a concurrent resolution for that purpose and ask for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 625

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on June 1, 1972, at 9:30 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS TOMORROW

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that on tomorrow, June 1, 1972, it may be in order for the Speaker to declare a recess at any time subject to the call of the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders and with their consent and approval, the Chair announces on tomorrow, the day set for a joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open. No one will be allowed on the floor of the House of Representatives who does not have the privilege of the floor of the House.

ELECTION OF MEMBERS TO STANDING COMMITTEES

Mr. RHODES. Mr. Speaker, I offer a privileged resolution (H. Res. 1005) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1005

Resolved, That the following-named Members be, and they are hereby elected members of the following standing committees of the House of Representatives:

William S. Conover II, of Pennsylvania: Committee on Armed Services.

Robert B. Mathias of California: Committee on Foreign Affairs.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON THE DISTRICT OF COLUMBIA APPROPRIATIONS, 1973

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the District of Columbia appropriation bill for the fiscal year 1973.

Mr. DAVIS of Wisconsin reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 9580, FEES FOR THE OPERATION OF CERTAIN MOTOR VEHICLES

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and appoints the following conferees: Messrs. McMILLAN, STUCKEY, NELSEN, and BROYHILL of Virginia.

TWO-PAGE AD IN NEW YORK TIMES CALLING FOR IMPEACHMENT OF PRESIDENT NIXON

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, I have read in the New York Times today a two-page ad calling for the impeachment of President Nixon. For the record, I personally view this ad, as I am sure many Members of the House do, with the greatest contempt.

I believe the people who have chosen to be connected with it have shown a complete disregard for the well-being of our country.

The presidential election is only 5 months away. The people will have a chance to elect the man of their choice.

Today the President of the United States is in Europe on a tour for peace and prosperity for the whole world.

I think this attack is just like knifing these efforts in the back.

Hopefully, the people of the world will recognize the fact that this ad reflects the thinking of a very few people in the United States.

THE PRESIDENT'S EFFORTS TOWARD PEACE

(Mr. HARRINGTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRINGTON. Mr. Speaker, I, like many other Members of this House, have taken the mike in the past to indicate my disagreement with administration policies, but I take the mike today to indicate my total support of the events which have taken place in the past week when the President traveled to Russia in an effort to establish some kind of agreement to bring about peace. It is my hope that this visit will ease tensions and will bring about a better understanding with the Russians and our allies.

The signing of two nuclear arms control agreements in Moscow represents a truly historic move toward the achievement of worldwide peace. This action demonstrates a recognition that a constantly spiraling arms race serves only to heighten the danger of nuclear war, while wasting scarce resources that would be far better devoted to improving the quality of life on earth.

By no means do these treaties solve all—or even most—of the obstacles that stand in the way of a peaceful world, but they are without question a first step of enormous importance. I hope they will be followed by an equally vigorous pursuit of equitable solutions to other international problems. And I hope, too, that the President's courageous assertion that our security is better served by seeking agreements than by escalating weaponry will serve as a foundation of our future international security policy.

President Nixon deserves our praise for taking this action, and it is my hope that the Senate will speedily endorse these efforts and that both bodies will begin to act with a sense of urgency toward solving these problems.

Mr. Speaker, I hope the President has great luck in his efforts to achieve these results.

The signing of the treaties last week is a broad start toward peace between the two nations.

PERMISSION FOR THE COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 13918, PUBLIC BROADCASTING ACT OF 1972

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 956 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 956

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13918) to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. Boggs). The gentleman from Missouri (Mr. Bolling), is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

Mr. Speaker, there was some controversy before the Committee on Rules on this rule, but I find it very difficult to believe that the House would not wish to consider under an open rule this very important matter.

It is my understanding that the life of the legislation that is proposed to be extended would end on the 30th of June without action by the Congress by that time. There are unquestionably very serious controversies over certain aspects of the actions of the Public Broadcasting Corporation. I believe that there will be adequate opportunity for the Members of the House to debate those controversies during the general debate which is provided for by the rule.

Therefore I urge the adoption of the rule, and reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 956 does provide for 1 hour of debate with an open rule for the consideration of the bill H.R. 13918, which has to do with the Corporation for Public Broadcasting.

I supported this program in 1967 when it was first started and, very frankly, when this was brought before the Committee on Rules I did not know at that time that there was any concerted effort in opposition to it. In fact, to some extent it came as a little bit of a surprise to me.

I regret that the matter is being brought up today. I recognize that all programs cannot be scheduled so that they would be convenient to all Members. The ranking minority member, the distinguished gentleman from Illinois (Mr. Springer) is unable to be here today, and he brought up the opposition in the Committee on Rules, but I do not know whether the gentleman ever made statements about it in the Committee on Interstate and Foreign Commerce or not.

It is a little difficult to remember all the bills and all of the witnesses appearing before the Committee on Rules, but my understanding as to what the gentleman from Illinois (Mr. Springer) told us had to do primarily with the paragraph on page 8 of the report, which says:

> A significant portion of the programming carried by public broadcasting stations can be categorized as "public affairs programming", that is programming devoted to issues of public importance. The funding of public affairs programs by CPB is entirely consistent with the intent of the Public Broadcasting Act of 1967 so long as there is "strict adherence to objectivity and balance in all programs or series of programs".

As I understand this language, particularly the last part of it, it was placed into the bill at the determined request of the gentleman from Illinois.

Subsequent thereto of the 15 directors that were appointed, I believe only eight can be from the same party and Mr. Springer indicated the President appointed some very good men and they proceeded to work in accordance with the culture, music, art, and so forth. The program was working quite well.

He then brought to our attention and mentioned one program, where a conservative, I believe he indicated Mr. Buckley was on one side and a person of an opposite philosophical point of view on the other. It was balanced in accordance with the language of the law.

Then he mentioned other programs like "The Advocates," "Sesame Street," and so on which he said were very successful programs.

However, as I understand it, he then indicated some foundations, particularly the Ford Foundation I believe, had taken such an interest in this that they were apparently controlling more of what the Corporation was doing than was the intent of the original law.

He mentioned, I believe, Sandy Vanocur getting $85,000 and Bob McNeil getting $70,000.

When objection was made, I think by the Corporation, that these funds were being paid, then the foundation turned around and reduced some of the money to the Public Broadcasting Corporation and the Ford Foundation allegedly placed them on their payroll.

I cannot prove all of the statements that I am making, but I am trying to state as best as I can recall what Mr. Springer said. He concluded by stating that he thought it should only be continued for 1 year and that he actually was opposed to a rule being granted at the time. He thought it should have more study in an effort to work out these problems so there would be a clear understanding in the future.

I believe he stated there were some 245 stations now in existence under this program, and they, of course, could get together and have quite an influential operation, if they were able to do so.

I think he also stated, if he had to have a rule, he would prefer it would be a 1-hour open rule.

Mr. Speaker, that is the best I can do in trying to explain the opposition which was expressed by the gentleman from Illinois (Mr. Springer), which I cannot find written up any place. But that is my best understanding. I do so for the protection of the gentleman from Illinois (Mr. Springer) and for the information of the House.

I want to state that over the years the gentleman from Illinois, in my opinion, in his presentations before the Committee on Rules, which has been, on many occasions, has been as learned and honest and knowledgeable as any other Member who has appeared before the committee. I think the House of Representatives will miss him greatly next year when he retires.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. Mr. Speaker, I yield to the gentleman such time as he may consume.

Mr. KYL. Mr. Speaker, if the gentleman will permit, I would like to review the particular item with which the gentleman from Illinois does have concern.

Under the law which established the Public Broadcasting Corporation, there were some protections written into the act so that the functions could be expected to be: First, educational; and second, they could be expected to be fair so far as all points of view are concerned.

When a foundation—any foundation or any individual wants to create a certain kind of programing on the Public Broadcasting Corporation, they can in fact go to the body and say—We will provide *x* number of dollars if you will broadcast a certain program—or a certain kind of program.

First, is that correct?

Mr. SMITH of California. That is my understanding of what the gentleman from Illinois said, that it has recently turned into that kind of operation so that the balance which we are supposed to have is not now taking place in accordance with the original intent of the act.

Mr. KYL. Then to pursue that one step further—if in fact the foundation or an individual or a corporation does provide the funds for certain kinds of broadcasting, the corporation or individual or the foundation that supplies the money then has more authority and more control over what is broadcast than does even the Public Broadcasting Corporation—does that follow?

Mr. SMITH of California. Apparently so.

Mr. KYL. In other words, the language which the gentleman from Illinois would seek in the bill would try to find some means of retaining in the law the same provisions of equity and education and fairness in the case when private money is utilized, as exist when Federal funds are utilized; is that correct?

Mr. SMITH of California. I would think that would be correct.

Mr. KYL. I thank the gentleman for yielding time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BOGGS). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DEVINE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

CALL OF THE HOUSE

Mr. BOLLING. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk proceeded to call the roll.

Mr. DEVINE (during the call of the roll). Mr. Speaker, a point of order. Is this not an automatic rollcall on the rule?

The SPEAKER pro tempore. The gentleman is incorrect. It is a quorum call.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HALL. Is it not true that the gentleman from Ohio objected to the vote on the ground that a quorum was not present and made a point of order that a quorum was not present, whereupon the Chair said that the rollcall was automatic?

The SPEAKER pro tempore. The Chair had previously ruled that the resolution had been agreed to and that a motion to reconsider was laid on the table. Therefore, the Chair had no alternative except to rule on the point of order that a quorum was not present and order a quorum call, in view of the fact that the gentleman's objection to the vote came too late.

Mr. DEVINE. Mr. Speaker, I was on my feet at the time the Chair made the statement that the question was on the resolution, and I raised the objection to the vote on the ground that a quorum was not present and made the point of order that a quorum was not present.

The SPEAKER pro tempore. The Chair was advised by the Parliamentarian that the Chair had previously ruled that the resolution had been agreed to and that a motion to reconsider had been laid on the table. The Chair had no alternative but to observe the gentleman's point of order that a quorum was not present, and a quorum call is now underway. The Clerk will continue to call the roll.

POINT OF ORDER

Mr. ADAMS. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. ADAMS. What the Chair has stated was not clear to the Members at the time the call was started, and I would ask the Chair, under a parliamentary inquiry, whether the Clerk will start again the quorum call. This Member answered "yea."

The SPEAKER pro tempore. The Chair has ruled. The Clerk will continue the quorum call.

The Clerk continued to call the roll, and the following Members failed to answer to their names:

[Roll No. 174]

Abernethy
Abourezk
Abzug
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Arends
Ashley
Badillo
Baring
Barrett
Bell
Bingham
Blanton
Blatnik
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Burton
Byrnes, Wis.
Caffery
Celler
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Collier
Colmer
Conover
Conte
Corman
Cotter
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Dickinson
Diggs
Dorn
Dowdy
Drinan
Dwyer
Edwards, Calif.
Eshleman
Evans, Colo.
Flynt
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Fulton
Galifianakis
Gallagher
Gettys
Gibbons
Goldwater
Griffin, Miss.
Hagan
Hanna
Harsha
Harvey
Hawkins
Hébert
Hogan
Holifield
Hutchinson
Ichord
Jarman
Jonas
Jones, Tenn.
Karth
Kuykendall
Kyros
Landrum
Long, La.
Long, Md.
Lujan
McCloskey
McDonald, Mich.
McFall
Mann
Mazzoli
Metcalfe
Michel
Mikva
Miller, Calif.
Minshall
Monagan
Moorhead
O'Hara
Patten
Pelly
Pirnie
Podell
Poff
Pryor, Ark.
Pucinski
Railsback
Rangel
Rees
Reid
Rodino
Roncalio
Rooney, N.Y.
Rosenthal
Rostenkowski
Roybal
Ruppe
St Germain
Sandman
Sarbanes
Satterfield
Scheuer
Schmitz
Sebelius
Shipley
Sisk
Smith, Iowa
Spence
Springer
Stephens
Stratton
Stubblefield
Stuckey
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Veysey
Wiggins
Wilson, Bob
Wilson, Charles H.
Yatron
Young, Tex.
Zablocki

The SPEAKER pro tempore. On this rollcall 296 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PUBLIC BROADCASTING ACT OF 1972

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13918) to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13918, with Mr. GIAIMO in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Massachusetts (Mr. KEITH) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, as reported by the Interstate and Foreign Commerce Committee, H.R. 13918—

First, authorizes the Corporation for Public Broadcasting to promote the utilization and development of telecommunications facilities for the production and distribution of educational radio and television programs.

Second, requires that at least 30 percent of the funds appropriated to CPB in each fiscal year be distributed to noncommercial educational broadcasting stations for use—in their discretion—in activities related to their local broadcast operation.

Third, authorizes an appropriation to CPB of not to exceed $65 million for fiscal year 1973 and not to exceed $90 million for fiscal year 1974.

Fourth, provides for inclusion on the 15-member Board of Directors of CPB of five members who are chief executive staff officers of noncommercial educational broadcasting stations. All members of the Board of Directors are, and would continue to be, appointed by the President, by and with the advice and consent of the Senate.

Fifth, increases from $15 million to $25 million the authorization for fiscal year 1973 for grants for acquisition and installation of noncommercial educational broadcasting facilities.

Sixth, limits the compensation which may be paid to officers or employees of CPB to that prescribed for level 1 of the executive schedule—at present $60,000 per annum.

I think, Mr. Chairman, that everyone acquainted with public broadcasting recognizes that the most important provisions of the bill are those providing authorization of appropriations for the Corporation for Public Broadcasting. I also understand, Mr. Chairman, that these provisions make this legislation controversial. Why this should be, I do not know. The administration supports extending and increasing the authorization of appropriations for the Corporation. Everyone I have talked to who is acquainted with the activities of the Corporation since it became operational about 3 years ago favors extending and increasing authorizations for it. So I have to conclude that the controversy is over the 2-year authorization with a maximum of $65 million authorized for fiscal year 1973 and $90 million authorized for fiscal year 1974 which is in the bill as reported.

Before going on to discuss these features of the bill, Mr. Chairman, I would like to point out that H.R. 13918 was introduced by our colleague from Massachusetts, TORBERT MACDONALD, for himself and six members of his Subcommittee on Communications and Power, three from our side of the aisle and three from the other side. It was reported from the full committee by a nearly unanimous voice vote. Only the gentleman from Texas (Mr. COLLINS) and the gentleman from California (Mr. SCHMITZ) have filed dissenting views. They, of course, are in the committee's report on the bill.

Now, Mr. Chairman, we all know that what we are dealing with here today is an authorization bill, not an appropriation. It sets a limit on what can be appropriated. We could have reported out an open-end authorization and no one would have batted an eye. But that is contrary to the policy of our committee. The amounts authorized in the bill are reasonable and prudent. How the $65 million would be used by the Corporation if it were appropriated for fiscal year 1973 is set forth in the committee report beginning on page 12. But let me say again, Mr. Chairman, that these are authorizations and while reasonable and prudent our experience has been that they are not always the amounts appropriated. That, of course, is the concern of our great Committee on Appropriations. So let us not fuss over something that is not all that important.

On the question of the number of years for which the bill should authorize appropriations for the CPB, the committee bill, of course, provides for 2 years. This was a compromise that was worked out in the subcommittee. I would have preferred a 3-year authorization. In fact, it is almost a policy of our committee to authorize appropriations for 3 years at a time. Yet, I understand a few Members would like to cut the bill back to 1 year. Why, I cannot understand. If they succeed, we will be back here again next year with another short-term authorization using time and effort that should be focused on the difficult problem of providing long-range financing for the Corporation. The spokesman for the administration on this legislation, Dr. Clay T. Whitehead, director of the Office of Telecommunications Policy, is working on a long-range financing plan for the Corporation and should be able to submit it to the Congress next year. It is long overdue, and I do not say that in any partisan way. The previous administration promised such a plan and failed to deliver on that promise.

Mr. Chairman, I urge the Members of the House to support the reported bill so that we can get on to the matter of providing long-range financing for the Corporation.

Mr. KEITH. Mr. Chairman, almost 5 years ago I filed additional views on the legislation which ultimately became the Public Broadcasting Act of 1967, Public Law 90–129. That legislation, of course, created the Corporation for Public Broadcasting. In my additional views I said—

> This bill will make of educational television an entity unlike anything we know now. The potential good from educational TV is limitless and much to be desired, but the potential dangers are not to be ignored; we should not consider the Corporation, which we are creating, so independent an entity that at some later date the Commerce Committee may not review and reshape its form and function.

As my views, I think, made clear, I had some apprehension about the Corporation for Public Broadcasting and its activities.

Today the House is considering the Public Broadcasting Act of 1972. In the years since its creation I have watched the activities of the Corporation for Public Broadcasting quite carefully and occasionally quite critically. Like all other human undertakings, there have been some errors and the corporation has done some things with which reasonable men have disagreed. But measured in terms of the undertaking, its uniqueness, and the problems inherent in attempting to inform, enlighten, and educate a population of over 200 million people I believe that the corporation has on balance provided a most worthwhile addition to our national education effort.

Your committee has made this a public bill. Your committee offers the Nation a better broadcasting capability, and I intend to support the bill as reported by the committee and I urge my colleagues to do the same.

I reserve the balance of my time.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the chairman of the subcommittee, the gentleman from Massachusetts (Mr. MACDONALD).

Mr. MACDONALD of Massachusetts. Mr. Chairman, I thank the chairman of the full committee, the gentleman from West Virginia (Mr. STAGGERS), who has been interested in this subject for so long and compliment him on his explanation of the bill, a statement which brings the bill into very clear focus.

As chairman of the subcommittee, I merely have a few things I would like to point out to the Members dealing particularly with the fact that the bill that is here before us is a compromise bill which was added to and subtracted from by the members of both the subcommittee and the committee from both sides of the aisle.

The Congress is in debt to the very hard-working members on the Republican side of the committee who came up with some very fine amendments which were adopted.

The bill itself came out of the subcommittee with only one dissenting vote.

Some of the difficulties that always accompany putting together a large enterprise such as this have been overcome. The broadcasters themselves, the station managers at one point had a bit of a misunderstanding going—although it is too strong a word to call it a trouble, but they had some difficulty with the Corporation. A proposal by a member of the subcommittee on the Republican side, which unanimously was adopted by us, stopped all that by putting five station managers or members of station management on a special board to join the 10 other members in this set up, so the five members are in a crucial position in this contemplated Board of 15. The five members which will represent the stations and station management will be in at the top rung. They will be consulted, and not only consulted but also will have voting consultation and given full faith credit before the board and with the other members of the Corporation.

So, as I say, there has been compromise all up and down the line. The station managers, and I am sure many Members of this body have received messages such as I have from their local broadcasters, and from their local stations saying they approve of this bill and hope it passes soon—and the sooner it does, the better off they will be, and the better off their communities they serve will be, and therefore the Nation as a whole.

I agree wholeheartedly with that, and I will ask permission at the proper time to insert in the RECORD a list of organizations which have by letter or wire or both indicated their approval of the bill as amended by the subcommittee and the full committee, and which is before the Members today. I will not go through the list now obviously, but I would just like to point out that the organizations range from the AFL–CIO to the National Association of Manufacturers, from the

National Audubon Society to the National Congress of Parents and Teachers, the National Council of Churches of Christ, the National Council of Senior Citizens, the National Council of Women, the National Grange, and the National 4-H Club Foundation.

Mr. Chairman, the following is a complete list of the organizations I have referred to:

List of Organizations

AFL-CIO.
Alliance for Labor Action.
American Bar Association.
American Association of University Women.
American Jewish Committee.
Associated Councils of the Arts.
Association of the Junior Leagues of America, Inc.
Boy Scouts of America.
Consumer Federation of America.
Council of State Governments.
General Federal of Women's Clubs.
Girl Scouts of the USA.
League of Women Voters.
National Association of the Advancement of Colored People.
National Association of Counties.
National Association of Manufacturers.
National Audubon Society.
National Conference of Christians and Jews.
National Congress of Parents and Teachers.
National Council of Churches of Christ.
National Council of Negro Women.
National Council of Senior Citizens.
National Council of Women.
National Education Association.
National Grange.
National 4-H Club Foundation.
National League of Cities/U.S. Conference of Mayors.
National Legal Aid and Defender Association.
National Recreation and Park Association.
National Urban League.
National Wildlife Federation.
Southern Baptist Convention.
U.S. Catholic Conference.
U.S. Jaycees.
U.S. National Student Association.

Mr. Chairman, this bill has been worked on very diligently. I think it has been refined to a point that it should be embraced wholeheartedly by the entire membership of this House, because it brings to the American public the broadcast of high quality material. The common denominator theory that commercial broadcasters work by and say they have to work by does not apply in this. This brings programing of a fine nature and of a better nature than the commercial stations can present to us.

The people within the industry are very happy with the bill. I include the commercial stations as well, who have contributed their money to see to it that this program is ongoing and keeps as forward looking as it has been.

Mr. Chairman, the bill we are considering today is the result of long and careful work by the Subcommittee on Communications and Power, going back to 1967 when we brought into being the framework of a noncommercial, educational, public broadcasting system for the United States. That Public Broadcasting Act of 1967 did give us a viable system, and brought a number of valuable programs to the American people that would not have been presented by commercial television.

From 1967 until now, the Congress has repeatedly requested a long-range funding program from the executive branch, and that plan has not been forthcoming. Instead, we are startled to read of a speech delivered by the head of the Office of Telecommunications Policy, Dr. Whitehead, to a convention of educational broadcasters in October of last year, in which he called on them to withhold their support of the Corporation for Public Broadcasting and speak out for the destruction of a national programing service. It was a speech intended to divide and conquer public broadcasting. It was a statement that revealed a deep desire on the part of the executive branch to make public broadcasting a second-class public service.

We wanted to find out if the stations really did want to do away with a strong national service, so we conducted extensive hearings in early February of this year to review the status and plans of public broadcasting.

The contribution of the White House to those hearings was a bill introduced while these hearings were actually in progress which called for another 1-year extension of the Public Broadcasting Act of 1967 and an increase in funds of less than 30 percent. The bill which I originally introduced called for 5-year funding at substantially higher levels, levels which both the Corporation for Public Broadcasting and representatives of noncommercial stations indicated would be satisfactory to provide the kind of quality TV and radio programing that was needed.

The subcommittee debated the provisions of these bills, and with valuable contributions from both sides, reported out H.R. 13918. This bill, which is before us today, provides for 2-year funding at $65 and $90 million dollars, for an additional $10 million for station facilities, and for a minimum of 30 percent of all Federal funds to be passed through to individual stations for local activities. It also provides for representation on the board of directors of CPB of station representatives, which further insures that station voices will be heard in the decisionmaking process regarding programing and distribution of funds.

The subcommittee reported out this bill by a vote of 8 to 1. It was cosponsored by seven of the nine subcommittee members. In the full committee, only two dissents were registered.

I am convinced that this bill represents a consensus of all the elements of public broadcasting—the Corporation, the public broadcasting service which is responsible for national distribution of programs, and the 200-plus noncommercial stations around the country. The bill has been endorsed by an impressive number of national and local organizations which are interested in quality broadcasting, from the AFL-CIO to the National Congress of Parents and Teachers. I will provide a complete list of these organizations for the record and ask unanimous consent that they be included at this point.

We have worked long and hard on this bill, and we believe it is in the public interest. It will give public broadcasting a chance to produce the kind of programs that will enrich the viewing choice of the American people, from the preschool youngsters who learn from "Sesame Street" to the adults who watch "Masterpiece Theater," "Washington Week in Review," "The Advocates," "Firing Line," and many other programs. With the guarantees written into this legislation, stations will be aided in producing quality programs for their local viewers as well. Finally we have reason to hope that the existence of a strong national and local noncommercial service will cause commercial broadcasters to upgrade the quality of their programing.

(Mr. MACDONALD of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. KEITH. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. Frey).

Mr. FREY. Mr. Chairman, I would like to compliment the chairman of our subcommittee, the gentleman from Massachusetts (Mr. Macdonald) for his handling of this bill. He has done an outstanding job, and he has been most fair, under his leadership the committee has come out with a bill that makes sense.

Also I would like to compliment the gentleman from Massachusetts (Mr. Keith) the ranking minority member of our subcommittee. Again, not only in this bill, but also thoughout the years he has provided the leadership that has allowed our subcommittee to pass outstanding legislation. It is sad, not only for our committee, but also for the Congress and Nation when the gentleman from Massachusetts retires at the end of the year. I am sure all my colleagues are deeply saddened to see him go, and we wish him Godspeed.

Mr. Chairman, I started out in the subcommittee very negative regarding the legislation. However, most of these questions have been satisfactorily answered as far as I am concerned.

One of my prime concerns was the impact of this legislation on the local stations. I did not like the idea of a few men sitting in Washington, D.C., deciding what to produce. It seemed to me this was not responsive to the needs of the people in the local communities. By adding five local station managers to the 15-man PBS board the interests of the local communities can be protected.

I am not happy about the salary paid to Sander Vanocur or John McNeill. I believe this is a mistake. But we are obligated to look at the total sum of what public television is doing, where it is going, and what it can do to help in this country.

For instance, we have increased the funding for facilities by $10 million and this will be of tremendous help in the local communities. To give a personal example, in my home area we have channel 24, which is in need of a larger antenna. Right now it gets to less than 25 percent of the potential audience.

Through the increase in funds for facilities they will get the needed antenna.

Questions have been raised, by me, about the influence of the Ford Foundation on public broadcasting. There is no question that they put a tremendous amount of money in. The testimony indicated that in essence they had no influence. I do not necessarily believe that. I believe that any time millions of dollars are donated there must be some influence. However, today Ford contributes $10 million, or less than 5 percent of the total money needed. Furthermore, for those people who are worried about undue influence such as the Ford Foundation, this bill solves this problem, as it increases the funding and allows the local stations to be more autonomous than before.

Another area I have been concerned about is the public affairs and news commentaries, of public broadcasting. The majority of the funds go for cultural and performance, and children and family. Forty-six percent go for cultural and performance, and 24 percent for children and the family, and only 30 percent for public affairs. In terms of time 38 percent are used on cultural and performance and 28 percent on children and the family. Yet in my opinion there is nothing wrong with public affairs if done properly. For instance, why not more broadcasting of public affairs in terms of county commission meetings, school board meetings, and other meetings which brings government home to the people. One of the great problems of this country is that the people really do not know what their elected officials are doing.

Obviously commercial television is not going to take prime time to do that. They spend less than 2 percent of their total prime time on public affairs. They just cannot afford to do it. The only way we can enlarge public affairs support is through public broadcasting.

There is one other area I would like to discuss. How much is the Federal share? If we take the fiscal year 1971, we find that the Federal Government contributed 7 percent of the total money that went to the broadcasting companies. They spent $9,885,460. The total station income was over $141 million. The rest comes from the States and local governments, foundations, State universities, business and industry, and individuals.

Finally, I would say to my colleagues who question the difference between a 1-year and a 2-year authorization, the committee found itself in disagreement with the initial bill being a 5-year authorization. We felt that even if a long-range financing proposal came before us in 1973, it would take some time to enact. In order to allow the necessary planning at least 2 years is needed. If the job is not being done our committee will continue its oversight function.

Mr. Chairman, I urge passage of H.R. 13918.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Rhode Island (Mr. Tiernan), a member of the subcommittee.

Mr. TIERNAN. Mr. Chairman, I want to take this opportunity first of all to congratulate the chairman of our subcommittee, the gentleman from Massachusetts (Mr. Macdonald). We had a difficult time in coming up with a bill that was a reasonable settlement to the areas of controversy between the minority and the majority, thanks, mostly as a result of the work of the chairman.

Also at this time I want to express my appreciation for the cooperation given by Mr. Keith, the ranking minority Member, and also the other members of his subcommitee, who worked very diligently in preparing a bill that was finally adopted by the subcommittee by a vote of 8 to 1 and then adopted nearly unanimously by the full committee.

I want to assure all of the Members of the House that we worked very hard on this piece of legislation.

As you know, the initial proposal presented to the committee was for a 5-year authorization. It has been my position as a member of this committee that we should have long-term financing. When the Congress first set up the Public Broadcasting Corporation, it was done because of the Carnegie report which provided the background for that action by the Congress and also within that report it clearly indicated in order for the people of America to have a viable instrument such as the Public Broadcasting Corporation, it would be necessary to have long-term financing which would be insulated from all of the possibilities of political influence or changes within the administrations here in Washington.

So, since my term on the Subcommittee on Communications I have endeavored to insist upon each administration presenting to the Congress a proposal for long-term financing.

This is a very controversial area. It may require taxation and it may require certain forms of revenue-raising that would be difficult for any administration, whether it is Democrat or Republican. I think it is necessary for us as Members of the Congress to understand that we have to provide this type of financing for this corporation.

In order to come to this House on the basis of what was stated to the subcommittee by the representatives of the administration in the person of Mr. Whitehead that the administration would present to the Congress before June 30, 1973, their plan for long-term financing and we also received assurances from Mr. Macy and others in the industry that they would cooperate with Mr. Whitehead and the administration in trying to come up with a plan that would meet the objectives and the proposals in the Carnegie report.

With that kind of a background we undertook to present to the Congress a bill providing for additional funding through the appropriations of this House and the Senate to carry the corporation in its operations through to 1974 rather than having a 1-year authorization which would end before we would have the benefit of the administration's position and their plan and an opportunity to have hearings on that plan and to have different views expressed by people interested in Public Broadcasting Corp. Therefore we have presented a bill which provides for an authorization of $65 million for fiscal year 1973 and $90 million for fiscal year 1974.

It is necessary that we do have this long-range leadtime, also, if it is going to be possible for this corporation to do its job in presenting to the local managers and stations the types of programs that we feel are necessary. It will take time for these preparations to be made. In order to get the quality which we need in these programs it does take considerable time.

Now, also, in the bill we provide for additional funding of $10 million in the area of facility grants.

In the hearings it was pointed out that for this year, the fiscal year 1973, only $15 million was provided for facility grants. Clearly, on the basis of the testimony before the subcommittee, most of the people who testified indicated the need for additional funding for local facilities and broadcasting equipment and facilities to carry on what we expect them to do in the local areas.

So, the committee has increased that authorization by another $10 million, bringing the total authorization for these grants which are administered by the Department of Health, Education, and Welfare to $25 million.

So, I think the changes we have made in that area of financing the corporation, along with the changes that were made in the board makeup for the Public Broadcasting Corp. itself where we provide for five members of the board to be selected by the local managers of stations throughout the country goes a long way toward having additional input into the corporate decisions that are being made with reference to the type of programs that we will see on public television.

Mr. KEITH. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. Collins).

Mr. COLLINS of Texas. Mr. Chairman, we have before us today in the Public Broadcasting Act of 1972, one of the most far-reaching pieces of legislation to come before the House. It involves more than the money that is authorized. It represents the Government actively entering into a system for control of public news. It is a challenge to our freedom of speech and the freedom of press.

Many of our public broadcasting facilities have outstanding records. In my own community we are fortunate in having one of the best managed and best operating facilities in America. The president of our local operation, Ralph Rogers, is not only president of the dynamic Texas Industries Co., but he also serves on the National Chamber of

Commerce Board. And everyone is impressed with the staff and operation of our local facility.

But my dissent is based on the fact that public broadcasting has changed direction from its original concept of educational television. Local communities started with enthusiasm for the need and great achievements of using television for educational strength.

Gradually, from this base the emphasis has changed to community broadcasting. This meant programing with more emphasis on cultural drama or classical music.

My wife considers the "Masterpiece Theater" on our Dallas stations to be one of TV's best shows. My daughter, Nancy, at Wellesley, impressed me last week when she told me that the Boston public station was the best in town and she mailed them $20 as her annual subscription.

But I question whether it is the responsibility of the Government to provide entertainment facilities. Should the Government also finance pro football, baseball, and underwrite all classical theater and orchestras?

American TV is well represented today with UHF and VHF television stations. Cable television will expand tremendously in the next 5 years. In most markets five to 10 channels will be available for program selectivity.

Do we need to do more in America to encourage families to put more time into television viewing? I am told the average family spends 7 hours a day watching television. How can American families know each other when many families do not even pause to eat meals together? Reading is one of the greatest factors in building an education and yet 7 hours of television is causing America to lose its reading opportunities for broadening personal knowledge.

Public broadcasting opened the door from Federal finances 4 years ago. At that time $5 million was granted. Since then the requests have begun to move and 4 years later we are paying $35 million. In the bill you have before you, public broadcasting is requesting $65 million this year and $90 million in 1974.

Commissioner Nicholas Johnson of FCC stated in his testimony that if the United States did a comparable job to Japan in Public Broadcasting in proportion to the gross national product of Japan that Congress would budget at a level of $1.8 billion. With a $40-billion deficit staring America in the face, I question the wisdom of assuming added financial obligations. And I am opposed to the suggested annual tax on TV sets to pay for it.

When the Government moves into the funding of these public broadcasting stations, we will find that the Government will also move into control. Everytime Congress spends money it soon takes over full accounting and direction of the spending of this money. The greatest danger is in the field of news. Public broadcasting should not engage in the presentation of straight news programs. Locally produced newscasts can be a big feature to a station, but can run one-third of the station's operation costs. Unless we eliminate straight news reporting, we will soon be developing a PRAVDA as an official Government TV news propaganda source.

America's news today is free and independent. It is not always right and not always factual, but it represents voices of different people. This bill gives tremendous impetus to national funding of public broadcasting, so we must be alert to the potential challenge to freedom that comes from a nationally financed and controlled news operation.

Public broadcasting has capable and aggressive management. Most communities are manned with boards of active, progressive civic leadership. They have enthusiastic, hard working staffs. With this strong, capable management, public broadcasting will expand quickly and aggressively.

I believe our concentration should be on educational television. I believe there should be more Sesame Street type shows for the Headstart group. I would like to see science subjects in high school with programs in physics, botany, and math that could be reused for years to come. I want production funds to go for educational development and not for controlled news programs.

Educational television can best be served with independent management, finance, and control. This present bill will lead to complete Federal financing, controlled Federal TV news and an annual tax on homeowners TV sets.

Mr. KEITH. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, I believe the previous speaker, the gentleman from Texas (Mr. COLLINS) has pointed out well the need for greater quality in television in general. He made the comment that the average American family spends 7 hours a day watching television. I do not think we are going to abolish television. We tried to do that with another product in this country, and did not succeed. I think that we should use the legislation before us to provide for greater quality in television.

Many people will point out that because of watching television there is less reliance on reading. Certainly this is true; television does, to an extent, draw the viewer away from the book. But at the same time, the dismaying failure to teach reading in this country, and appreciation of the good books available to us, is precisely the kind of problem which is being attacked by quality TV programing, such as that represented by the Public Broadcasting System. The fact of the matter is that millions upon millions of our children and adults in this country, despite the efforts of educators, either cannot read or cannot read well enough to function in our complex society. These functional illiterates, as the educators describe them, cannot perform such basic tasks as gaining information from a newspaper, filling out a driver's license application, or filling out a job application.

Most of my esteemed colleagues here know about the Children's Television Workshop and its most famous production "Sesame Street," which is an excellent educational television series designed for the preschool child.

The Children's Television Workshop also produces another series, titled "The Electric Company," which addresses itself straight to the problem of reading.

"The Electric Company" has been on the airwaves of our noncommercial television system for a full season now. It is directed to the child in the second, third, and fourth grades, and is designed to help teachers reinforce certain basic concepts of reading.

All the entertainment devices of commercial television—music, action, humor—are utilized in "The Electric Company" not to sell products but to interest the child in letters, words, sentences, and to help teach a child to read.

This is important work.

Preliminary studies by the Children's Television Workshop indicate that the new series is succeeding in reaching its audience, in arousing an interest in reading, and in reinforcing the skills needed to read.

I am informed that more than 18,000 schools in the country—schools with at least one television set and with access to the signals of a noncommercial, public broadcasting station—are using "The Electric Company" as part of the classroom instruction. Millions of other children watch in their own homes.

All this is occurring at a cost of about one cent per child per day. I cannot think of a better educational bargain.

The legislation we are considering would permit the Corporation for Public Broadcasting to more than double its support of the Children's Television Workshop, and, thus, the efforts of "The Electric Company" to help in this country's educational needs.

My recommendation is that the bill be passed, as submitted.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. ROONEY), a member of the committee.

Mr. ROONEY of Pennsylvania. Mr. Chairman, I rise in full support of the bill, H.R. 13918.

Mr. Chairman, I want to commend the very distinguished chairman of our subcommittee, the gentleman from Massachusetts (Mr. MCDONALD) who is with us today and who has worked long and hard to bring this bill before the house today.

I would like to say, Mr. Chairman, I suppose that I come from a very unique part of the country that really utilizes and needs the use of this educational television.

I live in the greater Lehigh Valley, which includes Allentown, Bethlehem, and Easton area.

We have no locally owned television station. All the television we receive in the Lehigh Valley comes in either from New York, Philadelphia, or Wilkes-Barre or Scranton.

In the Lehigh Valley we have channel

station WLVT which does an excellent job in bringing education to the children and to the adults in my constituency.

Mr. Chairman, the bill before us today (H.R. 13918) would go a long way to provide a modicum of stability and importantly, increased financial support for local public radio and television stations throughout the country. In fact, one-half of the funds authorized under this bill for fiscal year 1973 would return directly to local stations. These funds include $25 million authorized under the Educational Broadcasting Facilities program and in addition, not less than 30 percent of all funds authorized to the Corporation for Public Broadcasting.

This aspect of the legislation is crucially important, because of the economic pressures on local stations and the fact that many of them have been forced to work with equipment ancient in television and radio technological terms.

For example, under H.R. 13918, the Corporation would be required to distribute to local stations—using procedures worked out with representatives of the stations themselves—about $20 million during the first year. This would be an increase of about three times the present level of general station support. And in March, when the bill was reported from subcommittee, the CPB Board announced that if funds authorized for fiscal year 1973 and fiscal year 1974 are ultimately appropriated at or near the levels indicated in the bill, it contemplates a percentage distribution greater than the 30 percent for station use mentioned in the legislation.

And this support is desperately needed at the local station level, so that these stations can serve the unique needs of their communities through local programing.

For example, tightening economic pressures on participating school districts everywhere have resulted in a curtailment and, indeed, in some areas, a complete halt in support of instructional television programing activity on local stations. Businesses and industry have tightened their own belts, and what meager funds were flowing into public television stations through underwriting and direct contribution, have seriously diminished. State governmental support of educational television has also been eroded through constantly increasing demands on its treasury.

Yet, with all this, the local noncommercial public television station, born without any visible means of support, has been called upon to serve its local constituency—and despite the adverse economics—practically all public stations have responded with new and imaginative programs for its local community.

Many station managers, I am told, spend most of their time in a relentless search for "survival funds." Instead of expending energy in the creation and development of new and imaginative programing efforts—which takes dollars—many public station managers, particularly in the smaller and medium size markets, spend most of their day in designing new and imaginative ways to seek funds to pay the telephone bill.

Enactment of H.R. 13198 would help to alleviate this situation and allow local public broadcasters to concentrate their efforts on the creation of programs of specific interest to their own communities.

The bill goes a step further in guaranteeing that local broadcasting play a more meaningful role in the community by providing that five members appointed by the 15-member board of directors of CPB be chief executive staff officers of noncommercial educational broadcasting stations.

As an example of what we have been discussing, I would like to indicate the kinds of programs serving a community in my own district even now when stations are struggling to pay that phone bill.

WLVT-TV, serving Allentown, Bethlehem, and Easton, Pa., has provided these programs during the past year:

Two weeks of continuous live local programing every night, featuring all local candidates for political office, including school board, city council, State senate and assembly, district attorney, judgeships, and U.S. Congress. Live, local election returns; public hearings, featuring the Governor; State house committees; ecology versus the environment; and fluoridation.

Monthly live city council and school board reports with telephone questions direct to city and school officials; regular weekly exchange of views by college students and community leaders of seven local universities on our "College Speak In," which recently featured the Honorable Wilbur Mills in a special hour telecast. Programing such as this can only be done at the grassroots level and H.R. 13918 would help provide the necessary funds.

Mr. KEITH. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. Gross).

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. KEITH. I yield to the gentleman from Iowa.

Mr. GROSS. I wonder if the gentleman could tell me why, since general debate on the bill is about to end and it is only 2 p.m., we cannot go on today and finish this bill. Does the gentleman have any idea about what goes on that precludes disposition of this bill today?

Mr. KEITH. No, I am not privy to the leadership thoughts in that respect.

Mr. GROSS. I thank the gentleman for that inconclusive answer.

Mr. KEITH. It is a very definite answer. I do not know.

Mr. Chairman, I yield to the gentleman from Kentucky (Mr. Carter).

Mr. CARTER. Mr. Chairman, one provision of H.R. 13918 would require that no less than 30 percent of the Federal money given to the Corporation for Public Broadcasting go directly to local stations in the form of community service grants. In addition, this bill provides that $25 million would go to the educational broadcasting facilities program of HEW, which awards grants to stations for equipment.

The result of these provisions is to earmark for local station use 50 percent of the funds H.R. 13918 would provide. This recognizes the worthy contribution being made by public stations throughout the country in service to their communities.

In my State, the Kentucky Authority for Educational Television has provided a model of this kind of service. Though it has been in operation only 4 years, the authority's network, which is comprised of 13 transmitters, supplements the classroom education of more than a half-million Kentucky schoolchildren. It brings them not only the traditional courses, but also such programs as "Kentucky Is My Land," a history series that fosters appreciation of the State's rich heritage.

In addition, Kentucky educational television provides televised high school classes leading to high school equivalency certificates for the State's 760,000 adults who have not completed secondary school, and it provides a closed-circuit interconnection among the State universities and to the State's community college system.

Further, Kentucky educational television, in coperation with other State agencies, has produced programs for Kentuckians explaining such matters as motor vehicle inspection, driver's licensing, and the State's foster child situation.

The result of this system has been to bring to all Kentuckians, particularly those outside the major population centers, a service that is not available to them from any other source. Clearly, if we are to solve some of the problems of our growing society, maximum use must be made of communications for public service. This ability exists today through local public broadcasting, but it needs strengthening.

H.R. 13918 would more than triple the amount of the grants from the Corporation for Public Broadcasting to local television stations, and it would almost double the total funds available from HEW for station equipment.

I am convinced that this money is needed at the local level and urge support of H.R. 13918 as the best means for accomplishing this purpose.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. Bennet).

Mr. BENNETT. Mr. Chairman, I support this legislation and congratulate the chairman of the committee for the work he did on this bill.

Mr. Chairman, Jacksonville, Fla., which I represent in the Congress is truly proud of its public television broadcasting facility, WJCT, channel 7. For the past several years this television station has provided our community with an invaluable public service. Channel 7 has broadcast to every home in Florida's Third District the meetings of the Duval County School Board. Channel 7 has also broadcast city council meetings on a regular basis; and has done much to keep the community informed and in touch with policymakers through programs such as their audience telephone participation program, "Feedback." In just a few short years channel 7 and other public broadcast facilities around the Nation have grown and proven themselves. These public broadcast stations have made a significant contribution to the well-being of this Nation.

Public broadcasting in the United States is now at a turning point. Stations are gearing up, preparing to expand their facilities and their programing services to local communities. Public broadcasters have developed a precious momentum and momentum is a very perishable commodity. It cannot be stored away and preserved. It must be encouraged and helped along. Through H.R. 13918 the necessary resources will be provided to preserve momentum for the public broadcasting industry in this Nation. And also, the bill opens up great new areas for local broadcast operations.

First of all, 30 percent of the funds appropriated for public broacasting in each fiscal year will be distributed to local public broadcast stations for use as they see fit. Previously no minimum amount was fixed and last year only 17 percent of the appropriated funds made it to the local market and into the budgets of the local public broadcast operations. This 30-percent minimum will allow stations to expand their programing output and better serve the needs of the local community.

The grant-in-aid program under the Department of Health, Education, and Welfare would be expanded from $15 million a year to $25 million a year. Although the $10 million jump does represent a great deal of money, local stations badly need television cameras, video tape recorders, and other expensive yet necessary equipment. I know one of the most serious problems that faces WJCT in Jacksonville is the lack of such equipment, and I feel sure that with the increased authorization we will see a more than comparable increase in the quality of programing.

Third, this bill would include, on the 15-member board of directors of the CPB, five members who are chief executive staff officers of noncommercial educational broadcasting stations. I can think of no better way for the Corporation for Public Broadcasting to keep in touch with the needs of the local markets and the needs of the local citizens in the communities serviced by public broadcasting.

Another important section of the bill which should not be overlooked is the length of time in its appropriations. Producers both on the local and on the network level need time to write scripts, build sets, bring together the necessary talent and the technical crews to produce a program. Mr. John W. Massey, president of the Corporation for Public Broadcasting, said in his remarks before the Subcommittee on Communications and Power—

> As any broadcast producer will testify, a leadtime period of 18 to 24 months is imperative to the successful development and the production of original program series.

It is clear from this that the 2-year appropriation is the absolute minimum amount of time within which quality programing can be developed. If a program on the local level can be developed in 9 months, producers must be assured that they will have sufficient amount of programing time to justify the expense and the tremendous amount of work that goes into producing a television program.

Finally, H.R. 13918 authorizes an appropriation to CPB of $65 million for fiscal year 1973 and $90 million for fiscal year 1974. As I mentioned before, stations like WJCT in Jacksonville are geared up, are enthusiastic, and are ready to do all they can to service their communities. But it must be clear that they cannot do it without the necessary funds. They cannot continue to expand, they cannot continue to grow and they cannot continue to increase their services to the communities without additional Federal funds. Programs on the horizon like the adult learning program service, designed to assist adults who do not have a high school education, should not fall by the wayside. These and other programs which are now and will be broadcast via public television in the future, make public television more than just entertainment and an informational media. It turns the television into an instructor, a teacher and a window to the world; providing opportunities for many and making America a better place in which to live. I urge passage of this important legislation.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Van Deerlin), the ranking member of the subcommittee on our side.

Mr. VAN DEERLIN. Mr. Chairman, the manner in which this bill comes to the floor for consideration has been in the highest tradition of committee functions in this body. Our subcommittee was surely not of any single persuasion as to the manner in which public broadcasting, both television and radio, should be continued under Government sponsorship. We had, as a matter of fact, on the final day in our subcommittee a division of opinion. Our subcommittee chairman, Mr. Macdonald, had originally introduced a bill calling for a 5-year extension with some new departures in the manner in which funds were to be raised for public broadcasting.

A sizable number thought the administration was to be taken at its word in its assurances that there would be permanent funding proposals before Congress by the end of the fiscal year, in June of 1973. And so they argued for a 1-year limitation. We hit upon a compromise figure. We agreed that a 2-year extension, even if the administration comes up with a permanent funding plan by the time it promised, would give us some time in which to consider the plan's merits, some time in which to act in committee and bring the matter to the floor for measured debate. In any event, we agreed, the recipients of assistance under this legislation were entitled to more than a 1-year extension, for purposes of reasonable and efficient planning.

Never have they had less than 2 years. It is the policy in most authorization bills within the Interstate and Foreign Commerce Committee to provide 3-year authorizations.

There have been, and there will be tomorrow when we go to the 5-minute rule, some objections raised to the manner in which public broadcasting has conducted itself. And so I just want you to know that within our committee, public broadcasting or any other level of broadcasting finds no patsies.

I have not always agreed with the chairman of our full committee, Mr. Staggers, in his views toward broadcasting, nor he with mine, but I can tell you that nobody has Harley Staggers in his pocket.

Similarly, the chairman of our subcommittee, whom we are all so happy to see back and looking so well after a long siege of illness, is perhaps one of the most aggressive questioners of witnesses that I have seen in my 10 years in Congress. He is never impolite, but he never lets anybody get away with evasions or indirection. I can assure you that representatives of both the educational broadcast stations and the public corporation appearing before our committee have been subjected to the most rigorous cross-examination.

I do not have to tell you that men like Bob Tiernan, Fred Rooney, and Goodloe Byron are equally attentive to their responsibilities as Members of this body.

On the other side, Mr. Keith, of Massachusetts, has provided in his first year as ranking minority member of this subcommittee a very progressive and enlightened leadership on this subject.

We have already heard from Mr. Frey, the gentleman from Florida, one of the abler new members of this body. I am sorry the gentleman from Ohio (Clarence Brown) will not be back until tomorrow. He has addressed himself with special concern to educational aspects of public broadcasting and has made sure, by a great deal of hard personal work, that those interests are protected. I do not have to tell the Members the gentleman from Texas (Mr. Collins) has been very attentive to the public interest as he sees it in regard to public broadcasting.

So the bill we bring before the Members from this group of men is not the bill that the public broadcasters themselves would have preferred, nor the bill perhaps that any of us individually would have preferred. It represents a working out of differences of opinion, and differences of emphasis.

There will be, and there has been today some allusion to the salary matter. This concerns principally three salaries alleged to be excessive. Two of them are paid by an independent corporation, the National Public Affairs Center for Television. This is an independent agency funded in part by public funds and up to almost 50 percent by private foundation funds. Recently combined with the Washington, D.C., public television outlet, WETA, it is now producing public affairs programing for the Public Broadcast Service, distributed nationally.

If anyone can address himself with some objectivity to this matter of the salaries paid by NPACT to its on-the-air talent, I think I am that one. It was I who first called upon the Public Broadcasting Corporation to provide a list of those salaries; it was I who objected in this well, when they were a little slow in coming up with those figures; it was I who, upon first revelation of those salaries, expressed the view that the prime task for public broadcasting should be not to compete in the marketplace for commercial talent, but to develop its own star system. I think some mistake may have been made in hiring Sander Vanocur at $85,000, and Robert McNeill at $65,000, respectively. The third salary in question was authorized by the Public Broadcast Corporation for John Macy, former Chairman of the Civil Service Commission, who is the head of the Public Broadcasting Corporation and draws a salary of $65,000.

It can be said that if we were to go into the marketplace and try to hire men with experience in network broadcasting on public affairs, we might have to pay more than $85,000 or $65,000.

There has been some objection to what is conceived to be the ideological slant of the men who were hired. Let me say something about the NPACT operation. The No. 3 man over there is a man I have known for a great many years, because he comes from my hometown. He was political editor of the San Diego Union. Twice he was detached from his service with the newspaper in order to assist Richard Nixon, first in his campaign to be elected Governor of California, and then in his successful quest for the Presidency. So this NPACT team has political balance.

If there is an ideological slant, in whatever their private views may be, moreover, I defy anyone to show me where that slant has shown up in any of the public affairs broadcasting that has been aired by this NPAC team—and they have been on every Tuesday night for the last 15 weeks. The job that they are doing is exactly the kind of job that has been set out for this new form of broadcasting, which is aimed to give some variation, and to breathe some new life into what is put out on television and radio.

Mr. Chairman, I know I am running out of time, but I would like to emphasize the work that is being done in public radio under this funding. We usually think of this legislation in terms of television. I should imagine if any of us can think of any part of the broadcast spectrum which needs attention, it is radio. Commercial radio has been going to pot.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. VAN DEERLIN. Thank you very much, Mr. Chairman. In 3 short years, the Corporation has succeeded in increasing the number of full-service public radio stations from 73 to 121. Today, 62 of the Nation's 100 largest cities are served by such a station, as well as many rural communities.

More important, Corporation aid has sparked the same kind of programing improvements in radio, as it has in television. The result has been to add a new source of information and enlightenment to the American communications scene.

National Public Radio, the national interconnection agency that CPB helped create and which it funds, has been in the lead of this movement. Among its achievements have been the broadcast of almost 100 hours of hearings held by the U.S. Senate and the House of Representatives; live broadcasts of more than 60 major addresses from the National Press Club, and numerous special events, such as live coverage on the United Nation's debate on the admission of Red China. In addition, it has provided a broad range of cultural programs.

More than mere sentiment for an era long past prompts this redevelopment and resurgence of radio, for the medium has unique capabilities that other media lack. Being highly mobile, radio provides a sense of immediacy with which even television cannot always compete. It is also efficient, being able to provide the same kind of program as television at only only one-tenth the cost.

As recently as on the day of the tragedy at Laurel, Md., in which Governor Wallace was shot, I happened on the way home that evening to hear two public radio stations in their handling of that story. I can tell the Members it was professional and first-rate in every respect.

As I remarked a moment ago to our colleague from Iowa, I am hopeful that encouragement of public radio might give us a few more broadcasters such as the old "Voice of Iowa," H. R. GROSS, used to be.

I should like to point out that the increase in funds which is provided in this legislation—almost all of it—will go directly through to the local stations. If there is one thing we have set out to preserve in the public broadcast law in this Nation, it is the independence and the integrity of local management. There is going to be no network pushing anything down the throats of these independently operated stations.

We have $10 million in the bill for facilities grants to the stations. And we have a provision that 30 percent of all the general funds will go directly through to the local stations.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. STAGGERS. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. VAN DEERLIN. The chairman has been overly generous with me, and I hope I have not abused his kindness.

If you Members have been hearing from managers of local stations, I know you have learned there are a great many things they are eager to do in local programs which they have not been able to do because of a lack of funding.

I am delighted to assure Members that under the terms of this bill, 50 cents out of every dollar we spend, if the Appropriations Committee goes along, will go directly through to the local stations—to be spent as they see fit, under the guidance of boards of prominent citizens in each community.

There are 220 of these television stations, many of them affiliated with colleges and universities in our districts, and 121 full service radio stations.

I do hope the Members will all come to the floor with open minds tomorrow, to consider what we can do to preserve and extend the benefits of a truly people's broadcasting service in the United States.

Mr. KEITH. Mr. Chairman, I yield myself such time as I may consume.

I want again to acknowledge the very great contribution which the modest gentleman from California (Mr. VAN DEERLIN) has made to this legislation and to the cause of public broadcasting. He has been an enlightened contributor to the deliberations of the committee, and the legislation is much improved by his contribution.

The gentleman from California suggested that there had never been any justifiable complaint as it relates to the objectivity of, as I shall call them, the Sander Vanocur programs on NPACT. It is my recollection that on at least two occasions following speeches by the President, all of those who were asked for comments were opposed to the philosophy and the content of the President's remarks. The two speeches were, on the one hand, busing, and, on the other the renewed bombing in Vietnam.

Are you aware of those programs. Have they been brought to your attention?

Mr. VAN DEERLIN. If the gentleman will yield, I was referring to the regular Tuesday night "Campaign 1972" programs that have been telecast this year by NPACT.

Mr. KEITH. Yes. There were two programs produced by NPACT, which Mr. Vanocur introduced to the television audience. He admitted in his introduction, that panelists were not balanced, that they were in fact, in opposition to the President's speech.

I will say that the record does show that he made an effort to find people who could give balance to the program, but indicated he was unable to do so.

Mr. VAN DEERLIN. Will the gentleman yield for one moment further?

Mr. KEITH. Yes.

Mr. VAN DEERLIN. When the Chairman of the Federal Communications Commission, Dean Burch, appeared before our subcommittee on this legislation, this year, he testified in response to a question that he knew of no complaints under the Fairness Doctrine which had reached the FCC in relation to public broadcasting, as compared with the numerous complaints which come in response to programs and utterances on commercial television.

Of course, it can be argued that more people are watching commercial television, and that this would account for a preponderance of complaints against commercial TV. But it does seem strange that there should have been at that time—and this was in the last 4 months—not one single complaint directed to the FCC on this score.

Mr. KEITH. I recall the question. I believe it was by Mr. MACDONALD of Mr. Burch and his response was, "Yes. I checked just this morning and there were none." So this morning we called his office and asked if that same condition exists today, and by and large it does. There are one or two complaints that have been filed by an organization I believe known as AIM, which protests the interconnection system. He felt these complaints that were lodged with his office were not within the jurisdiction of the FCC. The complaints should, I believe, more properly have been brought against the individual station which by choice accepted the program. One of those had to do with sex education and the other with treatment of blacks in the penal system. But he did not feel it was his responsibility to investigate the charges—and certainly those who brought the protest should have carried it, in my judgment, to the individual stations, because all of them voluntarily used these programs, as contrasted to the network approach.

Mr. VAN DEERLIN. Does the gentleman have time to yield for one moment further?

Mr. KEITH. I will be glad to.

Mr. VAN DEERLIN. I wonder if all of the Members are aware that public broadcasting operates under a stricture which is even more comprehensive than commercial broadcasting. We have in our law for public broadcasters the statement that there shall be "strict adherence to objectivity and balance," to an extent which leaves them open to challenge if there is not almost a minute-by-minute distribution of time on controversial issues. Commercial television is under a general requirement of the Fairness Doctrine which says that an effort must be made to seek out the views of opposition forces, and to give them a comparable opportunity to be heard. But it does not require anything like the language of the amendment that we put into the public broadcasting bill 3 years ago.

Mr. KEITH. I think further than that—and I would like to comment upon the observations which the gentleman has made—the charter of the private network is to make money for the stockholders and the charter of these stations and services is entirely in the public interest. They are not looking to improve their ratings and their earnings. They are charged by Congress with educating and enlightening the public and for that reason I believe that they have, in-house, a better overview of the operation. They are, therefore, more likely to be objective than are the networks.

I would be glad to yield to the gentleman from Massachusetts (Mr. MACDONALD) who has done such an extraordinary job in this field, and have his remarks as chairman of the subcommittee on this subject.

Mr. MACDONALD of Massachusetts. Would not the gentleman say that the most important thing here is for the Congress not to get engrossed in a swamp of detail, but to keep the Congress and other political entities out of the running of public broadcasting and to look at public broadcasting as a whole.

The No. 1 question to be answered in the mind of everyone, in my judgment, is "Is public broadcasting doing a good job in its entirety?" If the answer in your mind and if the answer in the mind of all the Members is "No," then do you not think we should avoid getting involved in the swamp of trying to run public broadcasting, and judge it by the product it produces and its effect upon the American people?

Mr. KEITH. Yes, I do, but I believe, as you indicated in your questioning of the witnesses before our committee, we, by reason of our responsibility as committee members, must respond to the questions of our colleagues in the Congress.

I think when sufficient details are furnished in answer to the questions that are asked they are going to find that the program is a lot better than has been indicated in the comments that we and others have made in the committee and on the floor of the House from time to time.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. KEITH) has expired.

Mr. HANSEN of Idaho. Mr. Chairman, will the gentleman from West Virginia yield to me for a unanimous-consent request?

Mr. STAGGERS. Yes, I yield to the gentleman from Idaho.

Mr. HANSEN of Idaho. Mr. Chairman, public television came to southeastern Idaho for the first time 10 months ago with the inauguration of public television station KBGL–TV in Pocatello, licensed to Idaho State University.

KBGL–TV is a station serving the cultural, educational, and informational needs of southeast Idaho. The station offers solid local programing on community issues and events, supplementing this fare with a selection of programs made available by the Public Broadcasting Service, public television's national interconnection facility.

I am proud of the progress made by this station and hope that it will meet with every success in the future.

Since KBGL–TV has joined the public broadcasting community, it has met with one of the most crucial problems facing noncommercial broadcasting today—financial anemia.

Traditional sources of funding, such as community subscriptions, contributions, auctions, and State and local funding have never adequately met the costs of quality local programing production. The stations' local production units have always been restrained by subminimal budgets, which in turn have deprived local communities of additional public programing services.

In 1967, Congress enacted the Public Broadcasting Act to meet this need. The Corporation for Public Broadcasting—CPB—was established to be a conduit organization through which Federal funds flowed to local noncommercial broadcasting stations. To distribute these Federal funds effectively and equitably to the 223 public television and 121 qualified public radio stations, the Corporation established a system of annual community service grants to help stations supplement and expand their programing and operational capability. Other programs such as fellowships, aid to nonqualified stations, production and special project grants and competitions have also been made available to these stations during the past 5 years.

Today, we are considering H.R. 13918, a 2-year authorization bill for the Corporation for Public Broadcasting. There has been some talk about reducing this bill to a 1-year authorization, and I would like to take a moment to speak about this bill for I feel the future of stations such as KBGL–TV will be adversely affected should such action be taken.

Despite the administration's support for a 1-year authorization at $45 million, the House Commerce Committee reported H.R. 13918 as a 2-year measure with authorization limits at $65 million for fiscal year 1973 and $90 million for fiscal year 1974. Let me assure you there is no argument over the need for such legislation. The only issue involved is how much money for how long a period of time?

I feel the 2-year authorization recommendation of H.R. 13918 is extremely important given the leadtime period of 18 to 24 months needed to successfully develop and produce original program series of high quality. This leadtime period is necessary for both national and local programing production units. "Sesame Street" was on the drawing board for 21 months before the series was even aired. Programs produced by the BBC, which have appeared on public television, such as "Civilisation," "Forsyte Saga" and "Henry VIII" have also taken over 2 years to plan and produce. How ironic it is that during the very time the United States is preparing for its bicentennial celebration, the British are filming "The Last of the Mohicans" in Scotland. We must be aware that if we want programs of similar quality produced in this country, we must be prepared to make adequate funds available over a sufficient amount of time. Annual authorizations and appropriations procedures are just not condusive to such programing objectives.

The administration testified during the House Communications and Power Subcommittee hearings 2 months ago that they will offer the subcommittee a long-range financing plan by next June. Even if the plan were ready in January, there would be little likelihood of completing the legislative process in both Houses of Congress before the end of fiscal year 1973. It will take a full 2 years to develop and implement a truly refined and workable plan, and I see no need to come back next year for another 1-year authorization while such a proposal is under consideration.

I therefore urge the support of a 2-year authorization at the levels contained in H.R. 13918 as reported almost unanimously by the committee.

Mr. **STAGGERS**. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I have been very much impressed by the arguments that have been made here today. Certainly, the House owes a debt of gratitude to the gentleman from Massachusetts (Mr. MACDONALD) for his courage in being here and in handling this bill. The gentleman has been in the hospital and has just gotten out and gotten back. In fact, by being here he may be endangering his health.

I would like to compliment the gentleman from Massachusetts (Mr. KEITH) for his very able handling of this legislation on his side of the aisle. I would also like to compliment the gentleman from Florida (Mr. FREY) for his very effective and informative statement. I should also like to say thanks to the gentleman from California (Mr. VAN DEERLIN) and the gentleman from Maryland (Mr. GUDE) for their statements on behalf of this legislation.

Mr. Chairman, I would like to remind the Members that for each and every dollar the Federal Government puts into public broadcasting, $11 is contributed from other sources. I think most of the Members have heard from their people back home, from educators, and from the people who listen to the public broadcasts. They know what a good job public broadcasting is doing throughout the United States in carrying programs which inform, enlighten, and educate.

We should expand this program in order to be able to bring further education to our children and to provide programing for the elderly, which the gentleman from Maryland (Mr. GUDE) referred to.

I would also like to compliment the gentleman from Texas (Mr. COLLINS) with regard to his daughter, Nancy. In contributing her personal money to the public broadcasting station in Boston, she proved herself to be not only wise but public spirited. I feel that all over our Nation young people feel that these public broadcasting stations are doing a good job, and that they are very much in favor of them.

So I wish to commend his very percipient daughter, and to say that we thoroughly appreciate what she did.

With that, Mr. Chairman, I would end the general debate today, and ask that the first paragraph of the bill be read.

The **CHAIRMAN**. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Broadcasting Act of 1972".

MOTION OFFERED BY MR. STAGGERS

Mr. **STAGGERS**. Mr. Chairman, I move that the Committee do now rise.

Mr. **GROSS**. Mr. Chairman, on that motion I demand tellers.

The **CHAIRMAN**. The gentleman from Iowa is demanding tellers on the motion that the Committee do now rise?

Mr. **GROSS**. That is correct, Mr. Chairman.

The **CHAIRMAN**. The Chair will state to the gentleman that the Chair has not yet put the motion.

The question is on the motion offered by the gentleman from West Virginia that the Committee do now rise.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. **GROSS**. Mr. Chairman, on that I demand tellers.

Tellers were refused.

Mr. **GROSS**. Mr. Chairman, I make the point of order that a quorum is not present.

The **CHAIRMAN**. The Chair will advise the gentleman from Iowa that a quorum is not needed upon the motion that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOGGS) resumed the chair.

CALL OF THE HOUSE

Mr. **GROSS**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

Mr. **GIAIMO**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 175]

Abernethy
Abourezk
Abzug
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Arends
Ashbrook
Badillo
Baring
Barrett
Belcher
Bell
Bingham
Blanton
Bow
Brown, Ohio
Broyhill, N.C.
Burton
Byrnes, Wis.
Caffery
Carey, N.Y.
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Collier
Colmer
Conover
Conte
Conyers
Corman
Cotter
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Dickinson
Diggs
Dingell
Dorn
Dowdy
Drinan
Dwyer
Edwards, Calif.
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Flynt
Ford, Gerald R.
Ford, William D.
Frelinghuysen
Fulton
Galifianakis
Gallagher
Gettys
Gibbons
Griffin
Hagan
Halpern
Hanna
Harsha
Harvey
Hathaway
Hawkins
Hébert
Hogan
Holifield
Horton
Hutchinson
Ichord
Jarman
Jonas
Jones, Tenn.
Kuykendall
Kyros
Landrum
Leggett
Long, La.
Long, Md.
Lujan
McCloskey
McDade
McDonald, Mich.
McEwen
McFall
McKinney
Mann
Mazzoli
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Md.
Minshall
Mitchell
Mizell
Murphy, N.Y.
Nichols
O'Neill
Patten
Pirnie
Podell
Poff
Pryor, Ark.
Pucinski
Railsback
Rangel
Reid
Rodino
Roncalio
Rooney, N.Y.
Rostenkowski
Roybal
St Germain
Sandman
Sarbanes
Satterfield
Scheuer
Schmitz
Sebelius
Shipley
Sisk
Smith, Calif.
Smith, Iowa
Spence
Springer
Stanton, J. William
Stanton, James V.
Stephens
Stokes
Stubblefield
Stuckey
Terry
Thompson, N.J.
Veysey
Wiggins
Wilson, Bob
Wilson, Charles H.
Wolff
Yatron

The **SPEAKER** pro tempore (Mr. BOGGS). On this rollcall 289 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

Mr. GIAIMO, Chairman of the Committee of the Whole House on the State of the Union, then reported that that Committee, having had under consideration the bill (H.R. 13918) to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF REPRESENTATIVE RICHARD H. POFF TO THE VIRGINIA SUPREME COURT

(Mr. **DOWNING** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **DOWNING**. Mr. Speaker, I take this time to announce to the House that the Governor of Virginia, the Honorable Linwood Holton, has appointed our colleague, the Honorable RICHARD H. POFF, to the Virginia Supreme Court.

Mr. Speaker, I commend the Governor for this action. I think this appointment is a very popular and solid one.

Mr. Speaker, I have reserved 30 minutes on tomorrow so that the Members can make whatever remarks they care to make with reference to the appointment of our colleague to the Virginia Supreme Court.

THE QUESTION OF PROHIBITING THE SALE OF HANDGUNS

(Mr. **MONTGOMERY** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **MONTGOMERY**. Mr. Speaker, the attempted assassination of Gov. George Wallace has revived the debate over whether or not the Congress should prohibit the sale of handguns or the so-called Saturday night special. The Saturday night special is a cheaply constructed handgun or pistol which has little or no accuracy. This type of handgun is most often used in armed robberies and murders. It has no practical application as a target pistol and is little or no use to a homeowner in protecting his property because of the lack of accuracy. These are also the types of handguns which are the hardest for the police or FBI to trace when they have been used in the commission of a crime. Criminals usually use this type of pistol because they are easy to obtain, scare the victim just as effectively as other types of guns, and can kill or wound the victim at close range.

It would be very easy to rush forward right after the shooting of Governor Wallace and start supporting tighter gun control laws. But I feel that it would also be wrong to do so without studying the possible effects of such legislation. My greatest fear is that we would only be opening the door to even more legislation which would deny the people of America the rights of the second amendment to the Constitution which says in part:

> The right of the people to keep and bear arms shall not be infringed.

I believe the best policy would be to look into the possibility of passing stricter laws and tougher penalties for any crime committed with a handgun. There have been some proposals that there be a mandatory sentence of 50 years whenever a person is convicted of a crime with a handgun and the person would not be eligible for parole for a minimum of 25 years. If another person were killed during a criminal act with a handgun there would be a mandatory sentence of 99 years upon conviction with no chance for parole for a minimum of 50 years.

The word "mandatory" is very important since the judge and jury would not have any say-so in the length of the prison sentence. If a person were convicted of a robbery or murder with a handgun, then he would automatically be sentenced to 50 years or 99 years. I realize these would be extreme sentences, but I feel they would effectively quell the use of handguns in criminal acts. A law of this type should also satisfy those people who are opposed to capital punishment, but it would also effectively keep the gun-toting criminal off the streets.

In too many cases we have seen criminals convicted of armed robbery or murder given short sentences and returned to the streets to only kill and rob again. A tough law of this type should also serve as a deterrent to anyone who is considering the possibility of armed robbery or killing another human being with a handgun.

I have a feeling that even if the Congress were to pass a law prohibiting handguns or the Saturday night special we would not be able to stop the criminal from obtaining such pistols. There are already so many in circulation that it would still be easy to steal one. This would mean that we would only be placing the law-abiding citizens at the mercy of criminals.

Mr. Speaker, I realize that action needs to be taken to prevent future attacks on our political leaders and also prevent armed robberies and murders, but we must make certain that when we act we do not infringe upon the rights of law-abiding citizens in America. Any laws passed must be directed toward the criminal and must contain tough prison sentences.

DR. IRVING GREENBERG DELIVERS OPENING PRAYER IN THE HOUSE

(Mr. RYAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RYAN. Mr. Speaker, on May 16, Dr. Irving Greenberg, Rabbi of the Riverdale Jewish Center, delivered the opening prayer in the House of Representatives. It was through the thoughtful invitation of our distinguished colleague JONATHAN BINGHAM that we were honored by the Rabbi's presence. Because of congressional reapportionment, the Riverdale Jewish Center is now in the 20th Congressional District of New York, and I feel very privileged in having the opportunity to serve that fine congregation. At the same time I know that Congressman BINGHAM's able representation will be greatly missed.

A summa cum laude graduate from Brooklyn College, where he was also elected to Phi Beta Kappa in 1954, Dr. Greenberg received his master's degree from Harvard University in 1954, and his Ph. D. from Harvard in 1960. He was ordained in 1953 at the Beth Joseph Rabbinical Seminary.

Dr. Greenberg served as Rabbi of the Young Israel of Brookline in Brookline, Mass., from 1956 to 1960. At the same time he was a lecturer in Near Eastern Judaic Studies at Brandeis University, and director of the Hillel Foundation at Brandeis.

From 1961 to 1962, Dr. Greenberg was a Fulbright Visiting Professor in History at Tel Aviv University in Israel under the U.S. Government educational exchange program.

In addition to his duties at the Riverdale Jewish Center, he is currently assistant professor of history at Yeshiva University, a member of the board of directors of the Religious Education Association, chairman of the advisory board of the Center for Russian Jewry, and a member of the advisory board of the Student Struggle for Soviet Jewry.

Dr. Greenberg has numerous publications to his credit, and his articles have appeared in Commentary, Congress Bi-Weekly, and American Jewish Historical Quarterly, among others.

The tremendous energy he brings to all of his undertakings has earned Dr. Greenberg the respect of his colleagues and the congregation he has so ably led. Beginning in September, he will take on yet an additional responsibility, for he will serve as chairman of the newly created Jewish Studies Department at the City College of New York.

I am most pleased that we had the opportunity to hear Dr. Greenberg's eloquent and thoughtful prayer. His visit to the House came on the day that the Apollo 16 astronauts were received by the House, and Dr. Greenberg appropriately took note of this event with the following words:

> May our vision exploring the heavens, bringing men back safely, overcome our blindness neglecting earth, abandoning men to suffering.

CONGRATULATIONS TO PRESIDENT NIXON ON THE STRATEGIC ARMS LIMITATION AGREEMENT

(Mr. STRATTON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. STRATTON. Mr. Speaker, I take this time, as a member of the Committee on Armed Services, to congratulate the President on achieving the strategic arms limitation agreement in Moscow last week. I believe it represents a historic step forward in the direction of removing the threat of nuclear war from the world, and I believe it deserves to be ratified by the other body.

Incidentally, Mr. Speaker, it ought to be pointed out that the Moscow agreement is actually based on three bits of important preliminary diplomatic spadework carried out by three other Presidents. First is the "open skies" proposal of President Eisenhower back in 1959, which is now incorporated in this agreement in the reconnaissance satellites being operated by both countries.

Second is the Nuclear Test Ban Treaty, concluded by President Kennedy in 1963, which first demonstrated the feasibility of concluding a successful agreement relating to nuclear weapons without the necessity for on-the-site inspection.

The third is the dramatic effort by President Johnson and Defense Secretary McNamara at the Glassboro summit meeting in 1967 to convince the Soviets to halt construction of their new Moscow-based ABM system because it would only undermine the credibility of America's own deterrent offensive nuclear arsenal and thereby needlessly escalate the arms race without increasing real security on either side. The new Moscow agreement really represents a belated recognition of this truth which President Johnson and Secretary McNamara tried so hard to sell to Premier Kosygin at Glassboro. And so the Soviets have now come around after 6 years to recognizing the paradoxical principle that in the long run the best hope of avoiding nuclear war lies in leaving both countries equally exposed to a devastating nuclear "first strike" from the other.

This is precisely what this new pact does, and in so doing it merely formalizes a "nuclear stalemate" that has existed between our two countries for the past decade or so, a condition sometimes referred to as a "balance of terror." Since both countries are equally vulnerable to the other's nuclear forces, neither one can really benefit from starting a nuclear exchange.

I don't put too much stock, Mr. Speaker, in charges that this new agreement gives the Soviets some nuclear edge, especially in missile-firing submarines. This may, indeed, be the case, although we must recognize that we ourselves have some degree of our own in other areas, including our advantages in the field of MIRV'd weapons. What is important, it seems to me, is that by this treaty we have achieved some kind of halt to a nuclear arms race that had appeared to have no end. In the absence of such an agreement the Soviets would still have been free to continue their frenetic development of more and greater land-based missiles as well as their construction of increased numbers of nuclear missile-firing Polaris-type submarines.

Mr. Speaker, let me make one other comment. In my judgment this new Moscow agreement was made possible only because Congress in past years has backed up the President's position that our best hope of achieving a satisfactory arms limitation agreement lay in maintaining our military strength rather than in disarming unilaterally. Obviously the decision of Congress to continue with development of the ABM was a very wise one. Without an American ABM there would never have been an ABM agreement with the Soviets; and, as the Moscow discussions have made clear, an ABM agreement is the key to a broader limitation on offensive weapons. Had Congress followed the recommendations of those who suggested that we never begin an ABM, or had we followed the suggestions of those who have been urging us to disarm unilaterally, this treaty would never have been concluded at all.

Mr. Speaker, I do not suggest for a moment that these new agreements are perfect or that they will remove all further need to be concerned about our security, either nuclear or nonnuclear. But they do represent a significant advance in the direction of rational restraints on military power on which we should certainly hope to be able to continue to build; and as such they deserve to be supported by this Congress and by the American people.

USHERING IN A GENERATION OF PEACE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. QUIE) is recognized for 60 minutes.

Mr. QUIE. Mr. Speaker, this past weekend, the President of the United States spoke directly to the Russian people over television. He and the leaders of the Union of Soviet Socialist Republics had just finished days of negotiations which may, indeed, as he says usher in a generation of peace.

The leaders of our two nations have agreed on joint ventures in space; they have agreed on ways of working together to protect the environment; to advance health, to cooperate in science and technology.

They have agreed on means of preventing incidents at sea and established a commission to expand trade between our two nations.

And, most important, they have taken an historic first step in the limitation of nuclear strategic arms.

We all agreed with the President, I am sure, when he said:

> There is an old proverb that says: "Make peace with man and quarrel with your sin." The hardships and evils that beset all men and all nations, these and these alone, are what we should make war upon.

Our President desires peace, and has traveled thousands and thousands of miles this year to help insure that our generation and that of our children will have a better opportunity to live in peace with the giant powers of the People's Republic of China and the U.S.S.R. These nations account for almost 1 billion of the world's 3.7 billion population.

This President has a mammoth job in winding down the war in Vietnam, in seeking to maintain peaceful relations with the world powers, in promoting economic stability among the world's peoples, and in maintaining harmony in our own country.

We should all, I feel, stand solidly behind President Nixon and prayerfully support his efforts to bring peace to a world hungering for it.

Mr. Speaker, I should like at this point to include the President's television address to the Russian people:

TRANSCRIPT OF NIXON'S TELEVISION ADDRESS TO THE SOVIET PEOPLE FROM THE GREAT KREMLIN PALACE

Following is a transcript of President Nixon's broadcast address from Moscow yesterday, as recorded by The New York Times:

Dobry vecher [Good evening]. I deeply appreciate this opportunity your government has given me to speak directly with the people of the Soviet Union to bring you a message of friendship from all the people of the United States and to share with you some of my thoughts about the relations between our two countries and about the way to peace and progress in the world.

This is my fourth visit to the Soviet Union. On these visits I have gained a great respect for the peoples of the Soviet Union. For your strength, your generosity, your determination. For the diversity and richness of your cultural heritage. For your many achievements.

In the three years I have been in office one of my principal aims has been to establish a better relationship between the United States and the Soviet Union.

Our two countries have much in common. Most important of all, we have never fought one another in war. On the contrary, the memory of your soldiers and ours embracing at the Elbe as allies in 1945 remains strong in millions of hearts in both of our countries.

It is my hope that that memory can serve as an inspiration for the renewal of Soviet-American cooperation in the nineteen-seventies.

As great powers, we shall sometimes be competitors, but we need never be enemies.

Thirteen years ago, when I visited your country as Vice President, I addressed the people of the Soviet Union on radio and television—as I am addressing you tonight.. I said then, "let us have peaceful competition not only in producing the best factories but in producing better lives for our people. Let us cooperate in our exploration of outer space. Let our aim be not victory over other peoples, but the victory of all mankind over hunger, want, misery and disease wherever it exists in the world."

In our meetings this week, we have begun to bring some of those hopes to fruition. Shortly after we arrived here on Monday afternoon, a brief rain fell on Moscow of a kind that I am told is called a "mushroom rain"—a farm rain, the sunshine breaking through, that makes the mushrooms grow, and is therefore considered a good omen.

The month of May is early for mushrooms, but as our talks progress this week, what did grow was even better—a far-reaching set of agreements that can lead to a better life for both of our peoples, to a better chance for peace in the world.

We have agreed on joint ventures in space; we have agreed on ways of working together to protect the environment, to advance health, to cooperate in science and technology.

We have agreed on means of preventing incidents at sea; we have established a commission to expand trade between our two nations.

Most important, we have taken an historic first step in the limitation of nuclear strategic arms.

This arms control agreement is not for the purpose of giving either side an advantage over the other. Both of our nations are strong. Each respects the strength of the other. Each will maintain the strength necessary to defend its independence.

NO WINNERS, ONLY LOSERS

But in an unchecked arms race between two great nations there would be no winners, only losers. By setting this limitation together the people of both of our nations, and of all nations, can be winners.

If we continue in the spirit of serious purpose that has marked our discussions this week, these agreements can start us on a new road of cooperation for the benefit of our people, for the benefit of all peoples.

There is an old proverb that says "Make peace with man and quarrel with your sin." The hardships and evils that beset all men and all nations, these and these alone are what we should make war upon.

As we look at the prospects for peace, we see that we have made significant progress at reducing the possible sources of direct conflict between us. But history tells us that great nations have often been dragged into war without intending it by conflicts between smaller nations.

As great powers we can and should use our influence to prevent this from happening.

Our goal should be to discourage aggression in other parts of the world—and particularly among those smaller nations that look to us for leadership and example.

With great power goes great responsibility. When a man walks with a giant tread, he must be careful where he sets his feet.

There can be true peace only when the weak are as safe as the strong.

The wealthier and more powerful our own nations become, the more we have to lose from war, and the threat of war, anywhere in the world.

Speaking for the United States, I can say this: We covet no one else's territory, we seek no dominion over any other people. We seek the right to live in peace, not only for ourselves but for all the peoples of this earth.

Our power will only be used to keep the peace, never to break it. Only to defend freedom, never to destroy it.

No nation that does not threaten its neighbors has anything to fear from the United States.

Soviet citizens have often asked me, does America truly want peace? I believe that our actions answer that question far better than any words could do. If we did not want peace, we would not have reduced the size of our armed forces by a million men, by almost one-third, during the past three years.

If we did not want peace, we would not have worked so hard at reaching an agreement on the limitation of nuclear arms; at achieving a settlement of Berlin; at maintaining peace in the Middle East; at establishing better relations with the Soviet Union, with the People's Republic of China, with other nations of the world.

Mrs. Nixon and I feel very fortunate to have had the opportunity to visit the Soviet Union. To get to know the people of the Soviet Union, friendly and hospitable, courageous and strong. Most Americans will never have a chance to visit the Soviet Union. And most Soviet citizens will never have a chance to visit America.

Most of you know our country only through what you read in your newspapers and what you hear and see on radio and television and motion pictures. This is only a part of the real America.

I would like to take this opportunity to try to convey to you something of what America is really like—not in terms of its scenic beauty, its great cities, its factories, its farms or its highways, but in terms of its people.

In many ways, the people of our two countries are very much alike. Like the Soviet Union, ours is a large and diverse nation. Our people, like yours, are hardworking. Like you, we Americans have a strong spirit of competition.

But we also have a great love of music and poetry, of sports and of humor.

Above all, we, like you, are an open, natural and friendly people. We love our country. We love our children.

And we want for you, and for your children, the same peace and abundance that we want for ourselves and for our children.

We Americans are idealists, we believe deeply in our system of government. We cherish our personal liberty. We would fight to defend it if necessary, as we have done before.

But we also believe deeply in the right of each nation to choose its own system.

Therefore, however much we like our own system for ourselves, we have no desire to impose it on anyone else.

As we conclude this week of talks, there are certainly fundamental premises of the point of view which I believe deserve emphasis.

In conducting these talks, it has not been our aim to divide up the world into spheres of influence, to establish a condominium, or in any way to conspire together against the interests of any other nation.

Rather, we have sought to construct a better framework of understanding between our two nations. To make progress in our bilateral relationships. To find ways of insuring that future frictions between us would never embroil our two nations—and therefore the world—in war.

While ours are both great and powerful nations, the world is no longer dominated by two superpowers. The world is a better and safer place because its power and resources are more widely distributed.

Beyond this, since World War II, more than 70 new nations have come into being.

We cannot have true peace unless they—and all nations—can feel that they share it.

America seeks better relations not only with the Soviet Union but with all nations. The only sound basis for a peaceful and progressive international order is a sovereign equality and mutual respect.

We believe in the right of each nation to chart its own course, to choose its own system, to go its own way without interference from other nations.

STORY OF THE WOODSMAN

As we look to the longer term, peace depends also on continued progress in the developing nations. Together with other advanced industrial countries, the United States and the Soviet Union share a twofold responsibility in this regard. On the one hand, to practice restraint in those activities such as the supply of arms that might endanger the peace of developing nations. And, second, to assist them in their orderly economic and social development—without political interference.

Some of you may have heard an old story told in Russia of a traveler who was walking to another village. He knew the way but not the distance. Finally, he came upon a woodsman chopping wood by the side of the road.

And he asked the woodsman: How long will it take to reach the village?" The woods man replied, "I don't know." The traveler was angry because he was sure the woodsman was from the village and therefore knew how far it was.

And so he started off down the road again. After he had gone a few steps, the woodsman called out: "Stop. It will take you about 15 minutes." The traveler turned and demanded, "Why didn't you tell me that in the first place?"

The woodsman replied, "Because then I didn't know the length of your stride."

In our talks this week with the leaders of the Soviet Union, both sides have had a chance to measure the length of our strides toward peace and security.

I believe that those strides have been substantial. And that now we have well begun the long journey which will lead us to a new age in the relations between our two countries.

It is important to both of our peoples that we continue those strides.

HELP FOR THE SICK

As our two countries learn to work together, our people will be able to get to know one another better. Greater cooperation can also mean a great deal in our daily lives.

As we learn to cooperate in space, in health, in the environment, in science and technology, our cooperation can help sick people get well. It can help industries produce more consumer goods. It can help all of us enjoy the cleaner air and water. It can increase our knowledge of the world around us.

As we expand our trade, each of our countries can buy more of the other's goods and market more of our own. As we gain experience with arms control, we can bring closer the day when further agreements can lessen the arms burden of our two nations, and lessen the threat of war in the world.

Through all the pages of history, through all the centuries, the world's people have struggled to be free from fear. Whether fear of the elements, or hunger, or fear of their own rulers, or fear of their neighbors in other countries.

And yet time and again people have vanquished the source of one fear only to fall prey to another. Let our goal now be a world free of fear.

A world in which nation will no longer prey upon nation. In which human energies will be turned away from production for war, and toward more production for peace. Away from conquest and toward invention, development, creation. A world in which, together, we can establish that peace which is more than the absence of war. Which enables man to pursue those higher goals that the spirit yearns for.

Yesterday, I laid a wreath at the cemetery which commemorates the brave people who died during the siege of Leningrad in World War II. At the cemetery, I saw the picture of a 12-year-old girl. She was a beautiful child. Her name was Tanya. The pages of her diary tell the terrible story of war.

In the simple words of a child she wrote of the deaths of the members of her family. Zhenya in December. Grannie in January. Then Leka. Then Uncle Vasya. Then Uncle Lyosha. Then Mama. Then the Savichevs.

And then, finally, these words, the last words in her diary:

"All are dead. Only Tanya is left."

As we work toward a more peaceful world, let us think of Tanya and of other Tanyas and their brothers and sisters everywhere.

Let us do all that we can to insure that no other children will have to endure what Tanya did and that your children and ours and all the children of the world can live their full lives together in friendship and in peace.

Spasibo i do svidaniya [Thank you and good-by.]

FEDERAL FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. ESCH) is recognized for 15 minutes.

Mr. ESCH. Mr. Speaker, the following is a white paper prepared through research conducted in the past few weeks by members of my staff and with the assistance of the Congressional Research Service.

The white paper details several reasons why I believe that enactment of the Federal Fiscal Responsibility Act of 1972 would move our Nation to greater responsibility in fiscal and budgetary matters. In line with my concern for Federal fiscal responsibility, I am including an estimate by the Acting Public Printer of the cost of printing this manuscript in the CONGRESSIONAL RECORD. In a letter to me the Acting Public Printer stated that my white paper will cost an estimated $1,645 and will cover 11¾ pages in the CONGRESSIONAL RECORD.

In recent years Congress has abdicated its role in the budgetary process to a minimum level of policy assent. If Congress is to reassert its role in the process it must move to modernize its appropriations procedures. Senator WARREN MAGNUSON put it this way last year in hearings on the budgetary process:

> Congress is attempting literally to run a business ten times as large as A.T. & T. or GM combined or 50 corporations combined with machinery as obsolete as a quill pen and a slanting bookkeeper's desk.

Enactment of the Fiscal Responsibility Act of 1972, which I introduced on March 23, will make a major contribution toward helping Congress to improve its planning process and increase its oversight capabilities for Federal programs.

In these days of $246 billion budgets, it has become obvious that Congress lacks the capability for comprehensive consideration of the budget. Since 1956 the budget has increased by over 300 percent. Yet in the best of years the Congress has less than 6 months to review the 1,100-page budget document before the beginning of the fiscal year.

In order to present a complete picture of Federal spending, President Nixon forwarded his first budget in a unified format which included all trust funds. While this innovation has helped Congress see the total budgeting picture, it does not assure that Congress considers the budget from this comprehensive perspective.

The tremendous growth of Federal budgets is best illustrated by the following charts. Chart 1 compares budget estimates and appropriations since fiscal year 1946. Chart 2 compares budget data since 1954 on a Federal funds and unified-budget basis.

CHART 1.—COMPARISON OF BUDGET ESTIMATES AND APPROPRIATIONS BY SESSIONS OF CONGRESS

Congress and session	Budget estimates	Appropriations	Increase (+) or decrease (—), appropriations compared with estimates
79th Cong., 1st sess., fiscal year 1946 and prior fiscal years	$68,941,364,648	$67,545,660,880	—$1,395,703,768
79th Cong., 2d sess., fiscal year 1947 and prior fiscal years	35,153,239,093	33,571,494,011	—1,581,745,082
80th Cong., 1st sess., fiscal year 1948 and prior fiscal years	36,725,853,652	34,159,097,708	—2,566,655,944
80th Cong., 2d sess., fiscal year 1949 and prior fiscal years	41,053,346,713	38,282,717,957	—2,770,628,756
81st Cong., 1st sess., fiscal year 1950 and prior fiscal years	45,524,384,067	43,708,265,798	—1,816,118,269
81st Cong., 2d sess., fiscal year 1951 and prior fiscal years	80,172,585,565	72,200,190,841	—1,972,394,724
82d Cong., 1st sess., fiscal year 1952 and prior fiscal years	102,449,917,037	97,729,806,397	—4,720,110,640
82d Cong., 2d sess., fiscal year 1953 and prior fiscal years	91,205,894,252	82,596,777,411	—8,609,116,841
83d Cong., 1st sess., fiscal year 1954 and prior fiscal years	73,976,821,699	61,942,992,897	—12,033,828,802
83d Cong., 2d sess., fiscal year 1955 and prior fiscal years	57,422,327,386	54,812,457,263	—2,609,870,123
84th Cong., 1st sess., fiscal year 1956 and prior fiscal years	62,030,092,195	59,954,284,321	—2,075,807,874
84th Cong., 2d sess., fiscal year 1957 and prior fiscal years	68,587,724,820	68,330,229,608	—257,495,212
85th Cong., 1st sess., fiscal year 1958 and prior fiscal years	73,113,555,340	68,070,096,556	—5,043,458,784
85th Cong., 2d sess., fiscal year 1959 and prior fiscal years	81,737,060,999	81,119,818,276	—617,242,723
86th Cong., 1st sess., fiscal year 1960 and prior fiscal years	83,452,687,259	81,572,357,732	—1,880,329,527
86th Cong., 2d sess., fiscal year 1961 and prior fiscal years	$84,010,398,836	$83,799,241,957	—$211,156,879
87th Cong., 1st sess., fiscal year 1962 and prior fiscal years	101,185,574,673	96,194,946,610	—4,990,628,063
87th Cong., 2d sess., fiscal year 1963 and prior fiscal years	107,203,876,735	102,661,536,812	—4,542,339,923
88th Cong., 1st sess., fiscal year 1964 and prior fiscal years	110,270,774,856	103,798,631,671	—6,472,140,185
88th Cong., 2d sess., fiscal year 1965 and prior fiscal years	[1] 110,204,088,176	[2] 106,070,110,056	—4,133,978,120
89th Cong., 1st sess., fiscal year 1966 and prior fiscal years	[3] 121,719,754,896	[4] 119,310,113,527	—2,409,641,369
89th Cong., 2d sess., fiscal year 1967 and prior fiscal years	[5] 144,812,809,086	[6] 143,883,626,282	—929,182,804
90th Cong., 1st sess., fiscal year 1968 and prior fiscal years	[7] 162,988,905,929	[8] 156,917,115,912	[9] —6,071,790,017
90th Cong., 2d sess., fiscal year 1969 and prior fiscal years	[10] 209,439,260,996	[11] 196,537,244,324	—12,902,016,672
Consisting of:			
Trust funds	(54,012,887,000)	(54,012,887,000)	
All other (Federal funds)	(155,426,373,996)	(142,524,357,324)	(—12,902,016,672)
91st Cong., 1st sess., fiscal year 1970 and prior fiscal years	[12] 210,843,237,215	[13] 207,248,470,494	—3,594,755,721
Consisting of:			
Trust funds	(60,619,823,000)	(60,619,823,000)	
All other (Federal funds)	(150,223,414,215)	(146,628,658,494)	(—3,594,755,721)
91st Cong., 2d sess., fiscal year 1971 and prior fiscal years	[14] 217,605,978,434	[15] 232,139,894,882	+14,533,916,448
Consisting of:			
Trust funds	(65,381,174,000)	(65,381,174,000)	
All other (Federal funds)	(152,224,804,434)	(166,758,720,882)	(+14,533,916,448)

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[1] Includes $225,000,000 requested in 1965 for fiscal year 1966.

[2] Includes $75,000,000 appropriated in 1965 for fiscal year 1966.

[3] Includes $937,500,000 requested in 1966 for fiscal year 1967.

[4] Includes $926,000,000 appropriated in 1966 for fiscal year 1967.

[5] Includes $900,000,000 requested in 1967 for fiscal year 1968.

[6] Includes $875,000,000 appropriated in 1967 for fiscal year 1968.

[7] Includes $1,055,000,000 requested in 1968 for 1969.

[8] Includes $995,000,000 appropriated in 1968 for fiscal year 1969.

[9] Does not reflect additional reductions in controllable obligations effected pursuant to Public Law 90–218 (H.J. Res. 888) estimated at $3,400,617,000 on June 30, 1968. Reserves established $6,075,520,000; reserves subsequently released, $2,674,903,000; reserves remaining $3,400,617,000. (See pp. 278–282 for detail.)

[10] As in tables IV and IVa, VIIIa, and VIIIb, these totals are adjusted to exclude $12,800,000,000 of interfund and intergovernmental transactions—see par. 4, "Compilers' Notes", p. 3. Budget estimates include $2,895,000,000 requested in 1969 for 1970.

[11] As in tables IV and IVa, VIIIa and VIIIb, these totals are adjusted to exclude $12,800,000,000 of interfund and intergovernmental transactions—see par. 4, "Compilers' Notes", p. 3. Appropriations include $1,965,814,300 appropriated in 1969 for 1970.

[12] Totals adjusted to exclude $13,915,525,000 of interfund and intergovernmental transactions—see par. 4, "Compilers' Notes", p. 3. Budget estimates include $1,651,000 requested in 1970 for 1971.

[13] Totals adjusted to exclude $13,915,525,000 of interfund and intergovernmental transactions—see par. 4, "Compilers' Notes", p. 3. Appropriations include $214,000,000 appropriated in 1970 for 1971.

[14] Totals adjusted to exclude $18,232,767,000 of interfund and intergovernmental transactions—see par. 4, "Compilers' Notes", p. 3. Budget estimates include $188,011,000 requested in 1971 for 1972.

[15] Totals adjusted to exclude $18,232,767,000 of interfund and intergovernmental transactions—see par. 4, "Compilers' Notes", p. 3. Appropriations include $150,000,000 appropriated in 1971 for 1972.

Note: Concept of "budget estimates" and "appropriations" as used in the above tabulations, beginning with the 90th Cong., 2d sess., differs to some limited general extent from previous tabulations, and significantly differs in respect to inclusion of trust fund appropriation amounts not included in this tabulation prior to the 90th Cong., 2d sess. See explanation, par. 4, 'Compilers Notes", p. 3. Also, beginning with the 85th Cong., 2d sess. (fiscal year 1959), figures exclude amounts relating to refunding Internal Revenue collections and sinking fund and other debt retirement funds.

Source: S. Doc. 91–122

CHART 2.—COMPARISON OF U.S. GOVERNMENT ANNUAL BUDGET DATA ON THE UNIFIED BUDGET CONCEPT AND THE FEDERAL FUNDS BASIS AND PUBLIC DEBT OUTSTANDING AT FISCAL YEAR END, 1954–73

[In million of dollars]

	Unified budget concept [1]			Federal funds budget basis [1]			
Fiscal year	Receipts	Outlays	Surplus or deficit (—)	Receipts	Outlays	Surplus or deficit (—)	U.S. Government public debt [2]
1954	67,719	70,890	—1,170	62,790	65,924	—3,134	270,790
1955	65,479	68,509	—3,041	58,112	62,279	—4,167	273,915
1956	74,547	70,460	4,087	65,376	63,761	1,606	272,361
1957	79,990	76,741	3,249	68,768	67,142	1,626	270,188
1958	79,636	82,575	—2,939	66,580	69,731	—3,151	276,013
1959	79,249	92,104	—12,855	65,827	77,071	—11,244	284,398
1960	92,492	92,223	269	75,650	74,865	785	286,065
1961	94,389	97,795	—3,406	75,179	79,336	—4,157	288,862
1962	99,676	106,813	—7,137	79,703	86,594	—6,891	298,212
1963	106,560	111,311	—4,751	83,550	90,141	—6,591	306,099
1964	112,662	118,584	—5,922	87,205	95,761	—8,556	312,164
1965	116,833	118,430	—1,596	90,943	94,807	—3,864	317,581
1966	130,856	134,652	—3,796	101,427	106,512	—5,085	320,102
1967	149,552	158,254	—8,702	111,835	126,779	—14,944	326,471
1968	153,671	178,833	—25,161	114,726	143,105	—28,379	350,743
1969	187,784	184,548	3,236	143,236	148,811	—5,490	356,932
1970	193,743	196,588	—2,845	143,158	156,301	—13,143	373,425
1971	188,392	211,425	—23,033	133,785	163,651	—29,866	399,475
1972 (estimate)	197,827	236,610	—38,783	137,788	182,519	—44,731	446,022
1973 (estimate)	220,785	246,257	—25,472	150,617	186,784	—36,167	481,878
Cumulative deficit (1954–73)			—159,768			—225,543	

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[1] The unified budget concept includes both Federal funds and trust funds for receipts and outlays. Federal funds correspond roughly to the old administrative concept used by the Federal Government prior to fiscal year 1969. Federal funds are those which the Government administers as owner as distinguished from those administered in a trustee or fiduciary capacity (the trust funds). Historical functions of Government, such as National Defense, Veterans' Benefits, Commerce, Labor, Agriculture, interest on the public debt, and others are paid from Federal funds (tax revenue and borrowed funds). Income taxes (individuals and corporations), most excise taxes, estate and gift taxes, customs duties, and miscellaneous receipts are paid into the Federal funds accounts from which all Federal funds expenditures are paid. All trust funds receipts are paid into the specific trust fund accounts for which the revenue is earmarked. All trust fund payments are made from the specific trust funds accounts. Trust funds surplus receipts are invested in Federal securities (public debt or Federal agencies obligations). At the end of fiscal year 1971 the trust funds owned $96,000,000,000 of public debt securities. Major Federal trust funds are: old-age and survivors insurance, disability insurance, health insurance, unemployment, Federal employees retirement, railroad employees retirement, and the highway trust fund.

[2] Since the Second Liberty Bond Act of Sept. 24, 1917, the U.S. Government gross public debt has been subject to a statutory ceiling or maximum limit. Public Law 92–5, Mar. 17, 1971, established a debt limit of $400,000,000,000 and temporarily increased the limit to $430,000,000,000 through June 30, 1972. Since 1954 there have been 21 legislative measures increasing or extending the public debt limit. During this period the debt limit has been raised from $275,000,000,000 to $430,000,000,000. New legislation is expected in the immediate future to raise the public debt limit above the current level of $430,000,000,000 so as to permit financing of the current budget deficit.

Sources: U.S. Office of Management and the Budget (selected budget documents). U.S. Treasury Department (selected Treasury reports).

As our budget has grown, Congress has been forced to increase its reliance on continuing appropriations measures. These stopgap measures extend the time available for consideration of the budget, but wreak havoc on orderly budgeting and spending. They allow the processes of government to continue, but they do not allow rational planning and spending of funds.

Starting in 1954 Congress dramatically increased its use of the continuing appropriation. Chart 3 presents a record of continuing appropriations since 1954.

CHART 3—A RECORD OF CONTINUING RESOLUTIONS: FISCAL YEARS 1954–72

The single source for this record was the *Final Calendars* for each session of Congress from the 1st Session of the 83rd Congress through the 1st Session, 92nd Congress. Two points of variance in the Calendars' record of continuing resolutions might be noted:

(1) Continuing resolutions and their legislative history were included in the tables titled "Status of Major Bills" at the back of the Calendars for the 91st and 92nd Congresses. They were not included in such tables of the Final Calendars for the 83rd-90th Congresses; however continuing resolutions are listed in the index under "Appropriations, Continuing Resolutions" and their legislative histories appear under "House Joint Resolutions" in the body of each Calendar.

(2) Continuing resolutions were consistently termed "temporary resolutions" before the 85th Congress and both terms were employed for the same kind of resolution during the 85th and 86th Congresses.

"Temporary resolutions" and "continuing resolutions" are stopgap funding provisions that enable various agencies of the Government to continue their operations uninterrupted pending final action on the regular appropriation bills.

Although the terms are used interchangeably on the floor and in committee, the resolutions are consistently listed as "continuing resolutions" in the Calendars from the 87th Congress to the present.

A RECORD OF CONTINUING RESOLUTIONS: FISCAL YEARS 1954-72

CONTINUING APPROPRIATIONS, FISCAL YEAR 1954

Number of bill	Reported	Passed House	Reported in Senate	Passed Senate	Reported to conference	Date approved	Law No.
1. H.J. Res. 287	June 27, 1953, Report 681	June 27, 1953	June 27, 1953, Report 474	June 29, 1953	N/A, 1953	June 30, 1953	83-91
CONTINUING APPROPRIATIONS, FISCAL YEAR 1955							
1. H.J. Res. 552	June 30, 1954, Report 2008	June 30, 1954	N/A, 1954	July 2, 1954	N/A, 1954	July 6, 1954	83-475
CONTINUING APPROPRIATIONS, FISCAL YEAR 1956							
1. H.J. Res. 366	June 30, 1955, Report 1033	June 30, 1955	N/A, 1955	June 30, 1955	N/A, 1955	June 30, 1955	84-123
CONTINUING APPROPRIATIONS, FISCAL YEAR 1957							
1. H.J. Res. 671	July 2, 1956, Report 2550	July 2, 1956	N/A, 1956	July 2, 1956	N/A, 1956	July 3, 1956	84-658
CONTINUING APPROPRIATIONS, FISCAL YEAR 1958							
1. H.J. Res. 391	Discharged, 1957	July 1, 1957	N/A, 1957	July 1, 1957	N/A, 1957	July 1, 1957	85-7
2. H.J. Res. 426	July 30, 1957, Report 931	July 30, 1957	July 30, 1957, Report 771	Aug. 13, 1957	N/A, 1957	Aug. 14, 1957	85-13
CONTINUING APPROPRIATIONS, FISCAL YEAR 1959							
1. H.J. Res. 640	June 27, 1958, Report 2046	June 27, 1958	June 27, 1958, Report 1765	June 27, 1958	N/A, 1958	June 30, 1958	85, 472
2. H.J. Res. 672	July 29, 1958, Report 2298	July 29, 1958	N/A, 1958	July 30, 1958	N/A, 1958	July 31, 1958	85-572
CONTINUING APPROPRIATIONS, FISCAL YEAR 1960							
1. H.J. Res. 439	June 25, 1959, Report 578	June 30, 1959	June 30, 1959, Report 455	June 30, 1959	N/A, 1959	July 1, 1959	86-76
2. H.J. Res. 475	N/A, 1959	July 29, 1959	N/A, 1959	July 29, 1959	N/A, 1959	July 31, 1959	86-118
3. H.J. Res. 510	N/A, 1959	Aug. 31, 1959	N/A, 1959	Aug. 31, 1959	N/A, 1959	Sept. 3, 1959	86-224
CONTINUING APPROPRIATIONS, FISCAL YEAR 1961							
1. H.J. Res. 778	N/A, 1960	July 1, 1960	N/A, 1960	July 1, 1960	N/A, 1960	July 2, 1960	866-569
CONTINUING APPROPRIATIONS, FISCAL YEAR 1962							
1. H.J. Res. 465	June 29, 1961, Report 612	June 29, 1961	N/A, 1961	June 29, 1961	N/A, 1961	June 30, 1961	87-65
2. H.J. Res. 544	N/A, 1961	Aug. 28, 1961	N/A, 1961	Aug. 28, 1961	N/A, 1961	Aug. 30, 1961	87-182
CONTINUING APPROPRIATIONS, FISCAL YEAR 1963							
1. H.J. Res. 769	June 28, 1962, Report 1944	June 28, 1962	N/A, 1962	June 28, 1962	N/A, 1962	July 1, 1962	87-513
2. H.J. Res. 839	N/A, 1962	July 26, 1962	July 27, 1962, Report 1789	July 27, 1962	N/A, 1962	July 31, 1962	87-564
3. H.J. Res. 864	N/A, 1962	Aug. 28, 1962	Aug. 28, 1962, Report 1978	Aug. 29, 1962	N/A, 1962	Aug. 31, 1962	87-625
4. H.J. Res. 897	N/A, 1962	Sept. 28, 1962	N/A, 1962	Sept. 28, 1962	N/A, 1962	Sept. 29, 1962	87-724
CONTINUING APPROPRIATIONS, FISCAL YEAR 1964							
1. H.J. Res. 508	June 25, 1963, Report 448	June 25, 1963	June 25, 1963, Report 306	June 25, 1963	N/A, 1963	June 29, 1963	88-55
2. H.J. Res. 667	N/A, 1963	Aug. 27, 1963	N/A, 1963	Aug. 27, 1963	N/A, 1963	Aug. 28, 1963	88-109
3. H.J. Res. 782	N/A, 1963	Oct. 28, 1963	N/A, 1963	Oct. 28, 1963	N/A, 1963	Oct. 30, 1963	88-162
4. H.J. Res. 809	N/A, 1963	Nov. 26, 1963	N/A, 1963	Nov. 27, 1963	N/A, 1963	Nov. 29, 1963	88-188
CONTINUING APPROPRIATIONS, FISCAL YEAR 1965							
1. H.J. Res. 1056	N/A, 1964	June 25, 1964	June 25, 1964, Report 1116	June 25, 1964	N/A, 1964	June 29, 1964	88-325
2. H.J. Res. 1160	N/A, 1964	Aug. 18, 1964	N/A, 1964	Aug. 18, 1964	N/A, 1964	Aug. 22, 1964	88-488

CONTINUING APPROPRIATIONS, FISCAL YEAR 1966

Number of bill	Reported	Passed House	Reported in Senate	Passed Senate	Reported to conference	Date approved	Law No.
1. H.J. Res. 553	June 28, 1965, Report 553	June 28, 1965	N/A, 1965	June 28, 1965	N/A, 1965	June 30, 1965	89-58
2. H.J. Res. 591	July 28, 1965, Report 689	July 28, 1965	N/A, 1965	July 28, 1965	N/A, 1965	July 30, 1965	89-96
3. H.J. Res. 639	Aug. 25, 1965, Report 856	Aug. 25, 1965	N/A, 1965	Aug. 30, 1965	N/A, 1965	Sept. 1, 1965	89-159
4. H.J. Res. 673	Sept. 27, 1965, Report 1095	Sept. 28, 1965	Sept. 29, 1965, Report 796	Sept. 29, 1965	N/A, 1965	Sept. 30, 1965	89-221
5. H.J. Res. 695	Oct. 13, 1965, Report 1157	Oct. 13, 1965	N/A, 1965	Oct. 13, 1965	N/A, 1965	Oct. 15, 1965	89-256

CONTINUING APPROPRIATIONS, FISCAL YEAR 1967

Number of bill	Reported	Passed House	Reported in Senate	Passed Senate	Reported to conference	Date approved	Law No.
1. H.J. Res. 1180	June 27, 1966, Report 1662	June 28, 1966	N/A 1966	June 28, 1966	N/A 1966	June 30, 1966	89-481
2. H.J. Res. 1284	Aug. 29, 1966, Report 1907	Aug. 29, 1966	N/A, 1966	Aug. 29, 1966	N/A, 1966	Aug. 31, 1966	89-549
3. H.J. Res. 1308	Sept. 26, 1966	Sept. 28, 1966	N/A, 1966	Sept. 28, 1966	N/A, 1966	Sept. 30, 1966	89-611

CONTINUING APPROPRIATIONS, FISCAL YEAR 1968

Number of bill	Reported	Passed House	Reported in Senate	Passed Senate	Reported to conference	Date approved	Law No.
1. H.J. Res. 652	June 21, 1967, Report 374	June 26, 1967	June 27, 1967, Report 366	June 28, 1967	N/A, 1967	June 30, 1967	90-38
2. H.J. Res. 804	Aug. 24, 1967, Report 596	Aug. 24, 1967	N/A, 1967	Aug. 24, 1967	N/A, 1967	Aug. 29, 1967	90-75
3. H.J. Res. 853	Sept. 28, 1967, Report 724	Oct. 3, 1967	Oct. 4, 1967, Report 580	Oct. 4, 1967	Oct. 4, 1967	Oct. 5, 1967	90-102
4. H.J. Res. 936	Discharged, 1967	Nov. 28, 1967	N/A, 1967	Nov. 28, 1967	N/A, 1967	Nov. 28, 1967	90-162
5. H.J. Res. 888	Oct. 16, 1967, Report 785	Oct. 18, 1967	Oct. 20, 1967, Report 672	Oct. 25, 1967	Dec. 7, 1967, Report 1011	Dec. 18, 1967	90-218

CONTINUING APPROPRIATIONS, FISCAL YEAR 1969

Number of bill	Reported	Passed House	Reported in Senate	Passed Senate	Reported to conference	Date approved	Law No.
1. H.J. Res. 1368	June 26, 1968, Report 1588	June 27, 1968	N/A, 1968	June 28, 1968	N/A, 1968	June 29, 1968	90-366.
2. H.J. Res. 1420	July 26, 1968, Report 1800	July 26, 1968	N/A, 1968	July 26, 1968	N/A, 1968	July 31, 1968	90-447.
3. H.J. Res. 1461	Discharged, 1968	Sept. 26, 1968	Sept. 27, 1968	Sept. 30, 1968	N/A, 1968	Oct. 1, 1968	90-451.

CONTINUING APPROPRIATIONS, FISCAL YEAR 1970

Number of bill	Reported	Passed House	Reported in Senate	Passed Senate	Reported to conference	Date approved	Law No.
1. H.J. Res. 782	N/A, 1969	June 17, 1969	N/A, 1969	June 17, 1969	N/A, 1969	June 18, 1969	91-31.
2. H.J. Res. 790	June 24, 1969, Report 324	June 24, 1969	June 25, 1969, Report 274	June 25, 1969	N/A, 1969	June 30, 1969	91-33.
3. H.J. Res. 966	Oct. 23, 1969, Report 595	Oct. 28, 1969	Nov. 12, 1969, Report 529	Nov. 13, 1969	N/A, 1969	Nov. 14, 1969	91-117.
4. H.J. Res. 1017	Discharged, 1969	Dec. 1, 1969	N/A, 1969	Dec. 4, 1969	N/A, 1969	Dec. 5, 1969	91-141.
5. H.J. Res. 1072	Discharged, 1969	Feb. 2, 1970	Feb. 3, 1970	Feb. 3, 1970	N/A, 1969	Feb. 9, 1970	91-193.
6. H.J. Res. 1232	May 14, 1970 Report 1094	May 14, 1970	N/A, 1969	May 14, 1970	N/A, 1969	May 19, 1970	91-257.

CONTINUING APPROPRIATIONS, FISCAL YEAR 1971

Number of bill	Reported	Passed House	Reported in Senate	Passed Senate	Reported to conference	Date approved	Law No.
1. H.J. Res. 1264	June 18, 1970, Rept. 1220.	June 24, 1970	June 24, 1970, Rept. 959	June 24, 1970	N/A 1970	June 24, 1970	91-294
2. H.J. Res. 1328	July 27, 1970, Rept. 1334	July 28, 1970	July 29, 1970, Rept. 1041	July 29, 1970	N/A	July 30, 1970	91-370
3. H.J. Res. 1388	Discharged	Oct. 5, 1970	Oct. 6, 1970, Rept. 1280	Oct. 12, 1970	N/A	Oct. 15, 1970	91-454
4. H.J. Res. 1421	Discharged	Dec. 31, 1970	N/A	Jan. 2, 1971	N/A	Jan. 2, 1971	91-645
5. H.J. Res. 468	Mar. 15, 1971 Rept. 41	Mar. 18, 1971	Mar. 19, 1971, Rept. 40	Mar. 24, 1971	N/A	Mar. 30, 1971	92-7

CONTINUING APPROPRIATIONS, FISCAL YEAR 1972

Number of bill	Reported	Passed House	Reported in Senate	Passed Senate	Reported to conference	Date approved	Law No.
1. H.J. Res. 742	June 23, 1971, Report 302	June 24, 1971	June 25, 1971, Repor 240	June 29, 1971	N/A	July 1, 1971	92-38
2. H.J. Res. 829	Aug. 2, 1971, Report 439	Aug. 2, 1971	Aug. 5, 1971, Report 354	Aug. 6, 1971	N/A	Aug. 9, 1971	92-71
3. H.J. Res. 916	Oct. 6, 1971, Report 551	Oct. 6, 1971	Oct. 7, 1971, Report 391	Oct. 8, 1971	N/A	Oct. 15, 1971	92-139
4. H.J. Res. 946	Nov. 4, 1971, Report 612	Nov. 10, 1971	N/A	Nov. 16, 1971	Nov. 18, 1971, Report 676	Nov. 20, 1971	92-162
5. H.J. Res. 1005	N/A	Dec. 15, 1971	Dec. 15, 1971, Report 585	Dec. 17, 1971	N/A	Dec. 18, 1971	92-201

Note: N/A—Not available.

NUMBER OF CONTINUING RESOLUTIONS BY CONGRESS

83d Cong	2
84th Cong	2
85th Cong	4
86th Cong	4
87th Cong	6
88th Cong	6
89th Cong	8
90th Cong	8
91st Cong	11
92d Cong. (1st sess.)	5

The continuing appropriations process does little to assure careful Federal planning. It helps to create an uneven funding pattern for Federal programs. Many may be funded late in the fiscal year so that Federal officials are forced to "use or lose" funds in a short period of time because funds not used by the end of the fiscal year revert back to the Treasury. Since 1964 the average delay between the beginning of the fiscal year and passage of all appropriation acts has been over 3 months. In the last 9 years we have passed a total of only seven appropriation acts before the beginning of the fiscal year. This record rests on the base of 116 appropriation measures presented during that period. During our consideration of the fiscal year 1972 budget, four of the 14 measures considered were passed later than 4 months into the new fiscal year. One of the bills was finally passed 252 days into the new fiscal year. Chart 4 illustrates the delay in approval dates for appropriation acts between fiscal 1964 and 1972.

CHART 4.—APPROVAL DATES AND NUMBER OF ELAPSED DAYS AFTER BEGINNING OF FISCAL YEAR FOR ALL REGULAR APPROPRIATION ACTS, FISCAL YEARS 1964–72

	Fiscal years—									Total number of elapsed days between start of fiscal year and appropriations	
Titles of appropriation act [1]	1964 (1963 [2])	1965 (1964 [2])	1966 (1965 [2])	1967 (1966 [2])	1968 (1967 [2])	1969 (1968 [2])	1970 (1969 [2])	1971 (1970 [2])	1972 (1971 [2])	Total	Average per year
Agriculture, environmental and consumer protection programs:											
Date of approval	Dec. 30	Sept. 2	Nov. 2	Sept. 7	Oct. 24	Aug. 3	Nov. 26	Dec. 22	Aug. 10		
Number of days elapsed beyond beginning of fiscal year	183	64	125	69	116	39	149	175	41	961	107

Footnotes at end of table.

CHART 4.—APPROVAL DATES AND NUMBER OF ELAPSED DAYS AFTER BEGINNING OF FISCAL YEAR FOR ALL REGULAR APPROPRIATION ACTS, FISCAL YEARS 1964–72.—Continued

Titles of appropriation act[1]	Fiscal years—									Total number of elapsed days between start of fiscal year and appropriations	
	1964 (1963[2])	1965 (1964[2])	1966 (1965[2])	1967 (1966[2])	1968 (1967[2])	1969 (1968[2])	1970 (1969[2])	1971 (1970[2])	1972 (1971[2])	Total	Average per year
Department of Defense:											
Date of approval	Oct. 17	Aug. 19	Sept. 29	Oct. 15	Sept. 29	Oct. 17	Dec. 29	Jan. 1, 1971	Dec. 18		
Number of days elapsed beyond beginning of fiscal year	109	50	91	107	91	109	182	185	171	1,095	122
District of Columbia:											
Date of approval	Dec. 30	Aug. 22	July 16	Nov. 2	Nov. 13	Aug. 10	Dec. 24	July 16	Dec. 18		
Number of days elapsed beyond beginning of fiscal year	183	53	16	125	136	41	177	16	171	918	102
Office of Education:											
Date of approval	(3)	(3)	(3)	(3)	(3)	(3)	(3)	Aug. 18	July 9		
Number of days elapsed beyond beginning of fiscal year								49	9	58	29
Foreign assistance and related agencies:											
Date of approval	Jan. 1, 1964	Oct. 7	Oct. 20	Oct. 15	Feb. 2, 1968	Oct. 17	Feb. 1, 1970	Dec. 31	Mar. 8, 1972		
Number of days elapsed beyond beginning of fiscal year	190	99	112	107	217	109	216	184	252	1,486	165
Independent offices and Department of HUD:											
Date of approval	Dec. 19	Aug. 30	Aug. 16	Sept. 6	Nov. 3	Oct. 4	Nov. 26	Dec. 17	Aug. 10		
Number of days elapsed beyond beginning of fiscal year	172	61	47	68	126	96	149	170	41	930	103
Department of Interior and related agencies:											
Date of approval	July 26	July 7	June 28	May 31	June 24	July 26	Oct. 29	July 31	Aug. 10		
Number of days elapsed beyond beginning of fiscal year	26	7				26	121	31	41	252	28
Labor and Health, Education, and Welfare and related agencies:											
Date of approval	Oct. 11	Sept. 19	Aug. 31	Nov. 7	Nov. 8	Oct. 11	Jan. 26, 1970	Jan. 11, 1971	Aug. 10		
Number of days elapsed beyond beginning of fiscal year	103	81	62	130	131	103	210	195	41	1,056	117
Legislative branch:											
Date of approval	Dec. 30	Aug. 20	July 27	Aug. 27	July 28	July 23	Dec. 12	Aug. 18	July 9		
Number of days elapsed beyond beginning of fiscal year	183	51	27	58	28	23	165	49	9	593	66
Military construction:											
Date of approval	Dec. 21	Sept. 2	Sept. 25	Nov. 2	Dec. 8	Sept. 26	Dec. 29	Dec. 11	Nov. 18		
Number of days elapsed beyond beginning of fiscal year	174	64	87	125	161	88	182	164	141	1,186	132
Public works and AEC:											
Date of approval	Dec. 31	Aug. 30	Oct. 28	Oct. 15	Nov. 20	Aug. 12	Dec. 11	Oct. 7	Oct. 5		
Number of days elapsed beyond beginning of fiscal year	184	61	120	107	143	43	164	99	97	1,018	113
Department of State, Justice, Commerce, the Judiciary and related agencies:											
Date of approval	Dec. 30	Aug. 31	Sept. 2	Nov. 8	Nov. 8	Aug. 9	Dec. 24	Oct. 21	Aug. 10		
Number of days elapsed beyond beginning of fiscal year	183	62	64	131	131	40	177	113	41	942	105
Department of Transportation and related agencies:											
Date of approval	(4)	(4)	(4)	(4)	Oct. 23	Aug. 8	Dec. 26	Mar. 30, 1971	Aug. 10		
Number of days elapsed beyond beginning of fiscal year					115	39	179	273	41	647	129
Treasury, Postal Service, and Executive Office of the President:											
Date of approval	June 13	Aug. 1	June 30	June 29	July 7	June 9	Sept. 29	Sept. 26	July 9		
Number of days elapsed beyond beginning of fiscal year		32			7		91	88	9	227	25
National Aeronautics and Space Administration:											
Date of approval	(5)	(5)	(5)	(5)	Nov. 8	(5)	(5)	(5)	(5)		
Number of days elapsed beyond beginning of fiscal year					131					131	131
Number of regular appropriation acts	12	12	12	12	14	13	13	14	14		
Number of acts approved prior to July 1	1	0	2	2	1	1	0	0	0		
Total number of days elapsed between start of fiscal year and approval of appropriation acts	1,690	685	751	1,027	1,533	756	2,162	1,791	1,105	11,500	1,278

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[1] The titles of the appropriation acts are listed on the basis of fiscal year 1972 breakdown. Through the years there have been changes in some of the agencies and activities included in specific appropriation acts.

[2] The years listed at the head of the columns represent the calendar years applicable to the approval date of the specific acts.

[3] Prior to fiscal year 1971, appropriations for the Office of Education were included in the Labor, HEW Appropriation Act.

[4] Prior to establishment of the Department of Transportation, appropriations for various activities of this department were distributed among several appropriations acts, i.e., Coast Guard in the Treasury Act, highways in Commerce Act, and Federal Aviation Administration in independent Offices, etc.

[5] Appropriations for the National Aeronautics and Space Administration were provided in a separate act for fiscal year 1968. NASA appropriations generally are included in the Independent offices and Department of Housing and Urban Development Appropriations Act.

Source: U.S. Statutes at Large.

If Congress were able to consider the budget on a 12-month cycle the use of the continuing resolution could be substantially reduced. More importantly, Congress could become involved in developing long-range plans for Federal spending. Chart 4A illustrates congressional progress on passing budget measures as of May 25, 1972.

CHART 4A.—FISCAL YEAR 1973 APPROPRIATION BILLS, AND SUPPLEMENTAL APPROPRIATION BILLS FOR FISCAL YEAR 1972—SHOWING BUDGET AUTHORITY AND ESTIMATED OUTLAYS BY BILL, AS REQUESTED BY THE PRESIDENT, AS PASSED BY THE HOUSE AND SENATE, AND AS ENACTED IN THE 2D SESS. OF THE 92D CONG.

[In thousand of dollars]

	Budget request	House action to date	Senate action to date	Enacted
FISCAL YEAR 1973				
Legislative branch (H.R. 13955):				
Budget authority in bill	[1]519,348	427,605	514,723	(7)
Requests not considered		85,721		
Outlays	523,054	436,390	518,754	
Requests not considered		81,164		
Outlays from current (1973) budget authority	[469,198]	[382,534]	[464,898]	
Requests not considered		[81,164]		

See footnotes at end of table.

	Budget request	House action to date	Senate action to date	Enacted
State, Justice, Commerce, the judiciary and related agencies (H.R. 14989):				
Budget authority in bill	[1] 4,704,327	4,587,104		
Requests not considered		16,338		
Adjustment to budget basis [4]	+138,690	+138,690		
Appropriations to liquidate contract authority	(233,312)	(233,312)		
Outlays [2]	4,286,768	4,199,495		
Requests not considered		13,273		
Outlays from current (1973) budget authority	[2,905,619]	[2,818,346]		
Requests not considered		[13,273]		
Housing and Urban Development, Space, Science, and related agencies (H.R. 15093):				
Budget authority in bill	[1] 20,258,183	19,718,490		
Requests not considered		84,998		
Outlays	19,055,965	19,023,035		
Requests not considered		2,430		
Outlays from current (1973) budget authority	[14,726,766]	[14,693,836]		
Requests not considered		[2,430]		
Transportation and related agencies (H.R. 15097):				
Budget authority in bill	[1] 2,946,542	2,791,614		
Requests not considered		37,361		
Adjustments to budget basis [5]	−118,834	−80,400		
Appropriations to liquidate contract authority	(5,418,000)	(5,393,990)		
Advance (1974) appropriation	(131,181)	(131,181)		
Outlays [2]	8,511,957	8,429,457		
Requests not considered		7,500		
Outlays from current (1973) budget authority	[2,076,888]	[2,012,388]		
Requests not considered		[7,500]		
Agriculture and Environmental and Consumer Protection:				
Budget authority in bill	[1] 12,952,220			
Appropriations to liquidate contract authority	(195,500)			
Outlays [2]	12,270,420			
Outlays from current (1973) budget authority	[10,226,616]			
Department of Defense:				
Budget authority in bill	[1] 76,986,184			
Outlays	72,586,284			
Outlays from current (1973) budget authority	[54,926,357			
District of Columbia:				
Budget authority in bill	343,306			
Outlays	371,048			
Outlays from current (1973) budget authority	[343,306]			
Foreign assistance and related agencies:				
Budget authority in bill	[1] 5,163,024			
Outlays	3,483,594			
Outlays, from current (1973) budget authority	[1,314,797]			
Interior and related agencies:				
Budget authority in bill	[1] 2,527,154			
Appropriations to liquidate contract authority	(228,540)			
Outlays	2,533,657			
Outlays from current (1973) budget authority	[1,785,873]			
Labor, Health, Education, and Welfare, and related agencies:				
Budget authority in bill	[1] 32,317,498			
Outlays	30,427,340			
Outlays from current (1973) budget authority	[21,780,679]			
Military construction:				
Budget authority in bill	3,017,800			
Outlays	1,998,300			
Outlays from current (1973) budget authority	[640,641]			
Public Works and Atomic Energy:				
Budget authority in bill	[1] [3] 5,489,058			
Appropriations to liquidate contract authority	(53,000)			
Outlays [2]	5,709,840			
Outlays from current (1973) budget authority	[3,092,677]			
Treasury, Postal Service, and general Government:				
Budget authority in bill	[1] 5,066,603			
Outlays	5,186,644			
Outlays from current (1973) budget authority	[3,767,330]			
1972 Foreign Assistance and related agencies (H.R. 12067, Public Law 92-242) (scorekeeping effect of congressional action in current session):				
Outlays		[4] −105,000	[4] −105,000	−105,000
Urgent supplemental, 1972 (H.J. Res. 1097, Public Law 92-256):				
Outlays	5,765	5,765	5,765	5,765
2d supplemental, 1972 (H.R. 14582):				
Outlays	415,389	250,139	956,889	[8] 501,889
Requests not considered		65,250	8,500	8,500
Total, fiscal year 1973:				
Budget authority in bills	172,291,247	27,524,813	514,723	
Requests not considered		224,418		
Adjustments to budget basis [5] [6]	+19,856			
Total, budget authority	172,311,103			
Appropriations to liquidate contract authority	(6,128,352)	(5,627,302)		
Advance (1974) appropriation	(131,181)	(131,181)		
Outlays [2]	167,366,025	32,239,281	1,376,408	402,654
Requests not considered		169,617	8,500	8,500
Outlays from current (1973) budget authority	[118,056,747]	[19,907,104]	[464,898]	
Requests not considered		[104,367]		
FISCAL YEAR 1972				
Foreign assistance and related agencies, 1972 (H.R. 12067, Public Law 92-242) (scorekeeping effect of congressional action in current session):				
Budget authority		[4] −353,230	[4] −353,230	−353,230
Outlays		[4] −50,000	[4] −50,000	−50,000
Urgent supplemental, 1972 (H.J. Res. 1097, Public Law 92-256):				
Budget authority	957,476	957,476	957,476	957,476
Outlays	951,711	951,711	951,711	951,711

CHART 4A.—FISCAL YEAR 1973 APPROPRIATION BILLS, AND SUPPLEMENTAL APPROPRIATION BILLS FOR FISCAL YEAR 1972—SHOWING BUDGET AUTHORITY AND ESTIMATED OUTLAYS BY BILL, AS REQUIRED BY THE PRESIDENT, AS PASSED BY THE HOUSE AND SENATE, AND AS ENACTED IN THE 2D SESS. OF THE 92D CONG.—Continued

	Budget request	House action to date	Senate action to date	Enacted
2d supplemental, 1972 (H.R. 14582):				
Budget authority	4, 881, 943	3, 954, 453	5, 063, 517	[8] 4, 347, 698
Budget authority treated in bill as offsetting receipts	66, 138	66, 138	66, 138	66, 138
Appropriations to liquidate contract authority	(33, 000)	(33, 000)	(33, 000)	(33, 000)
Requests not considered		106, 682	16, 000	16, 000
Outlays	4, 229, 010	3, 848, 400	3, 991, 510	3, 956, 510
Requests not considered		15, 610	7, 500	7, 500
Supplemental, special payments to international financial institutions, 1972 (H.J. Res. 1174, Public Law 92-301):				
Budget authority	1, 600, 000	1, 600, 000	1, 600, 000	1, 600, 000
Total, Fiscal Year 1972:				
Budget authority	7, 505, 557	6, 224, 837	7, 333, 901	6, 618, 082
Outlays	5, 180, 721	4, 750, 111	4, 893, 221	4, 858, 221

[1] Amended by H. Doc. 267, 268, 271, 272, 275, 277, 278, 286, 289, 291, 292, 300, and 301.

[2] Includes outlays from appropriations to liquidate contract authority.

[3] Includes $180,000,000 for Appalachian development, carried in the budget as permanent contract authority with $175,000,000 in appropriations to liquidate contract authority, and treated in the bill as direct appropriation.

[4] Enacted figure used for comparability.

[5] To adjust to budget basis, add $138,690,000 for maritime subsidies treated in budget as budget authority, and in the bill as appropriation to liquidate contract authority.

[6] To adjust to budget basis, (1) deduct $125,419,000 for Urban Mass Transportation appropriation which under law automatically is offset against prior year contract authority, (2) add $6,585,000 appropriation to airway trust fund treated in budget as offsetting receipt and as nonadd item in the transportation bill.

[7] Subject to or in conference.

[8] Pending signature.

The Fiscal Responsibility Act requires Congress to consider the economic state of the country at the beginning of each budgetary cycle. It is required to establish an overall limitation on expenditures 45 days after the President's economic message. Congress is encouraged at that time to establish a comprehensive plan for Federal budget priorities. Additionally, the Fiscal Responsibility Act reestablishes the fiscal year to coincide with the calendar year.

In 1842 Congress authorized changing the beginning of the fiscal year from January 2 to July 1. They customarily would meet in December to pass all the appropriations bills before January 1. The change in the fiscal year was required so that the Congress would review the budget carefully. Congress is now a full-time job. Our budget considerations should take into account changes in the budget. We now use machinery which we used 40 years ago to consider $5 billion budgets. If Congress is not to abdicate its responsibilities completely, it must modernize its mechanism to consider our budget of $240 billion. Deliberations on the budget would then become a series of competing spending decisions between departments and agencies. We have heard a great deal of rhetoric lately about changing the Nation's priorities, but Congress cannot have a hand in this process until it starts to consider the budget as a plan for action which makes basic choices between competing categories. Aaron Wildavsky, author of "The Politics of Budgetary Process," describes several different uses for the budget. He states that it is a financial document, a plan of "intended behavior," a statement of goals, a choice mechanism, and a contract. In recent years Congress has worked from the President's budget exclusively so that its adjustments have been made without reference to an overall congressionally established spending plan. The roles in the budget which include planning and evaluation are lacking in congressional deliberation. This seems incongruous in light of the many thousands of hours of thought and work which goes into individual pieces of legislation which creates the programs the budget later funds.

In the last 5 years Congress has found it necessary to pass 29 supplemental appropriations bills. These represent several midyear corrections in Federal spending policy. However, they also represent a serious deficiency in congressional budgetary planning. In the last 9 fiscal years we have appropriated almost $10 billion a year through supplementals. Chart 5 presents a record of supplemental appropriations since 1964. Chart 5A presents the cost of these supplemental measures for each fiscal year since 1964.

CHART 5.—A RECORD OF SUPPLEMENTAL RESOLUTIONS FISCAL YEARS 1964-72

Number of bill	Reported	Passed House	Reported in Senate	Passed Senate	Reported to conference	Date approved	Law No.
SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1964							
1. H.J. Res. 875 (HEW)	Dec. 14 (63) Report 1401	Dec. 19, 1963	Dec. 20 1963	Dec. 21, 1963	(1)	Feb. 10, 1963	88-268, 1963.
SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1965							
1. H.R. 12633	Sept. 17 (64) Report 1891	Sept. 22, 1964	Sept. 29, 1964	Oct. 1, 1964	Oct. 1, 1964	Oct. 7, 1964	88-635.
2. H.J. Res. 234 (Agriculture)	Jan. 26 (65) Report 2	Jan. 26, 1965	Feb. 1, 1965	Feb. 3, 1965	Feb. 8, 1965	Feb. 11, 1965	89-2.
3. H.R. 7091 (Second)	Apr. 2 (65) Report 224	Apr. 6, 1965	Apr. 23, 1965	Apr. 27, 1965	Apr. 28, 1965	Apr. 30, 1965	89-16.
4. H.J. Res. 447 (Defense)	May 5 (65) Report 286	May 5, 1965	May 5, 1965	May 6, 1965	N/A, 1965	May 7, 1965	89-18.
SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1966							
1. H.R. 10586 (Labor, HEW)	Aug. 19 (65) Report 818	Aug. 24, 1965	Sept. 2, 1965	Sept. 7, 1965	Sept. 7, 1965	Sept. 23, 1965	89-199.
2. H.R. 11588	Oct. 13 (65) Report 1162	Oct. 14, 1965	Oct. 19, 1965	Oct. 20, 1965	Oct. 20, 1965	Oct. 31, 1965	89-309.
3. H.R. 13546 (Defense)	Mar. 11 (66) Report 1316	Mar. 15, 1966	Mar. 17, 1966	Mar. 22, 1966	(2)	Mar. 25, 1966	89-374.
4. H.R. 14012 (Second)	Mar. 25 (66) Report 1349	Mar. 29, 1966	Apr. 25, 1966	Apr. 27, 1966	May 3, 1966	May 13, 1966	89-426.
SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1967							
1. H.R. 18381	Oct. 14 (66) Report 2284	Oct. 18, 1966	Oct. 19, 1966	Oct. 20, 1966	Oct. 20, 1966	Oct. 27, 1966	89-697.
2. H.R. 7123 (Defense)	Mar. 13 (67) Report 119	Mar. 16, 1967	Mar. 17, 1967	Mar. 20, 1967	(3)	Apr. 4, 1967	90-8.
3. H.R. 9481 (Second)	Apr. 28 (67) Report 217	May 3, 1967	May 17, 1967	May 19, 1967	May 23, 1967	May 29, 1967	90-21.
SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1968							
1. H.R. 14397	Dec. 12 (67) Report 1037	Dec. 12, 1967	Dec. 13, 1967	Dec. 14, 1967	Dec. 14, 1967	Jan. 2, 1968	90-239.
2. H.J. Res. 1268 (highways and claims)	May 9 (68) Report 1373	May 9, 1968	June 12, 1968	June 13, 1968	N/A	June 19, 1968	90-352.
3. H.R. 17734 (Second)	June 7 (68) Report 1531	June 11, 1968	June 19, 1968	June 26, 1968	June 27, 1968	July 9, 1968	90-392.

Footnotes at end of table.

CHART 5.—A RECORD OF SUPPLEMENTAL RESOLUTIONS FISCAL YEARS 1964-72—Continued

SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1969

Number of bill	Reported	Passed House	Reported in Senate	Passed Senate	Reported to conference	Date approved	Law No.
1. H.R. 20300	Oct. 7 (68) Report 1953	Oct. 9, 1968	Oct. 9, 1968	Oct. 10, 1968	Oct. 10, 1968	Oct. 21, 1968	90-608.
2. H.J. Res. 414 (unemployment compensation.)	N/A	Feb. 6, 1969	N/A	Feb. 7, 1969	N/A	Feb. 9, 1969	91-2.
3. H.J. Res. 584	Mar. 24 (69) Report 91-112	Mar. 25, 1969	Mar. 26, 1969	Mar. 27, 1969	N/A	Apr. 1, 1969	91-7.
4. H.R. 11400 (Second)	May 15 (69) Report 91-252	May 21 ,1969	June 11, 1969	June 19, 1969	June 24, 1969	July 22, 1969	91-47.

SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1970

Number of bill	Reported	Passed House	Reported in Senate	Passed Senate	Reported to conference	Date approved	Law No.
1. H.R. 15209	Dec. 11 (69), Report 91-747	Dec. 11, 1969	Dec. 17, 1969	Dec. 18, 1969	Dec. 19, 1969	Dec. 26, 1969	91-166.
2. H.R. 17399 (Second)	Apr. 30 (70), Report 91-1033	May 7, 1970	June 8, 1970	June 22, 1970	June 23, 1970	July 6, 1970	91-305.

SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1971

Number of bill	Reported	Passed House	Reported in Senate	Passed Senate	Reported to conference	Date approved	Law No.
1. H.R. 19928	Dec. 9 (70) Report 91-1688	Dec. 10, 1970	Dec. 11, 1970	Dec. 14, 1970	Dec. 15, 1970	Jan. 8, 1971	91-665.
2. H.J. Res. 465 (Labor)	Mar. 15, (71) Report 92-40	Mar. 16, 1971	Mar. 16, 1971	Mar. 16, 1971	N/A	Mar. 17, 1971	92-4.
3. H.J. Res. 567 (Urgent)	Apr. 22 (71) Report 92-144	Apr. 22, 1971	Apr. 23, 1971	Apr. 23, 1971	N/A	Apr. 30, 1971	92-11.
4. H.R. 8190 (Second)	May 6 (71) Report 92-187	May 12, 1971	May 13, 1971	May 19, 1971	May 20, 1971	May 25, 1971	92-18.

SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1972

Number of bill	Reported	Passed House	Reported in Senate	Passed Senate	Reported to conference	Date approved	Law No.
1. H.J. Res. 915 (Labor)	Oct. 6 (71) Report 92-550	Oct. 6, 1971	Oct. 7, 1971	Oct. 8, 1971	N/A	Oct. 15, 1971	92-141.
2. H.R. 11955	Nov. 30 (71) Report 92-689	Dec. 2, 1971	Dec. 2, 1971	Dec. 3, 1971	Dec. 6, 1971	Dec. 15, 1971	92-184.
3. H.J. Res. 1097 (Second)	Mar. 9 (72) Report 92-909	Mar. 14, 1972	Mar. 14, 1972	Mar. 15, 1972	N/A	Mar. 21, 1972	92-256.
4. H.R. 14582 (Second)	Apr. 24 (72) Report 92-1015	Apr. 26, 1972	Apr. 27, 1972	May 1, 1972	May 3, 1972		

[1] Senate agreed to House amendment to Senate amendment Jan. 29, 1964.

[2] House agrees to Senate amendments Mar. 23, 1966.

[3] House agrees to Senate amendments Mar. 21, 1967.

Note: N/A—Not available.

Source: The Final Calendar for each Congress, 88th-91st, and the Calendar of May 3, 1972 of the 2d sess., 92d Cong. Supplemental resolutions and their legislative history are included in a table for each session titled "Status of Major Bills" at the back of the Calendars.

SUPPLEMENTAL APPROPRIATION BILLS, 1964-72

Fiscal year—									
1964	1965	1966	1967	1968	1969	1970	1971	1972	Total
1	4	4	3	3	4	2	4	4	2

CHART 5A.—TOTAL DOLLAR AMOUNT FOR SUPPLEMENTALS

FISCAL YEARS 1964-72 [1]

Fiscal year and Public Law	
1964: 88-264 (total)	$289, 688, 000
1965:	
88-635	1, 117, 196, 068
89-2	1, 600, 000, 000
89-16	2, 227, 563, 977
89-18	700, 000, 000
Total	5, 644, 760, 045
1966:	
89-199	1, 223, 181, 500
89-309	4, 741, 644, 602
89-374	13, 135, 719, 000
89-426	2, 788, 143, 303
Total	21, 888, 688, 405
1967:	
89-697	5, 025, 264, 579
90-8	12, 196, 520, 000
90-21	2, 197, 931, 417
Total	19, 419, 715, 996
1968:	
90-239	1, 842, 923, 790
90-352	50, 980, 863
90-392	6, 295, 831, 498
Total	8, 189, 736, 151
1969:	
90-608	446, 688, 727
91-2	36, 000, 000
91-7	1, 000, 000, 000
91-47	4, 352, 357, 644
Total	5, 835, 046, 371
1970:	
91-166	278, 281, 318
91-305	6, 021, 535, 005
Total	6, 299, 816, 323
1971:	
91-665	1, 853, 372, 792
92-4	50, 675, 000
92-11	1, 037, 872, 000
92-18	7, 028, 195, 973
Total	9, 970, 115, 765
1972:	
92-141	270, 500, 000
92-184	3, 406, 385, 371
92-256	957, 476, 059
(In conference)	4, 347, 698, 270
Total	8, 982, 059, 700

[1] These figures represent new budget—obligational—authority, not budget expenditures—budget outlays—which in addition to expenditures from new budget authority include billions of dollars of expenditures from carryover balances of appropriations made in previous years, and also expenditures from certain so-called permanent appropriations, such as interest on the public debt and a number of trust funds which Congress is not required to act upon at each session. Neither were release of reserves counted.

Source: Congressional Record—end-of-the-year tables titled "New Budget (Obligational) Authority in the Appropriation Bills, fiscal year ——" and general discussion on the supplemental bills themselves.

The Federal Fiscal Responsibility Act provides for periodic reassessments during the year of the congressional expenditure limitation. The Director of the Office of Management and Budget is required to submit a report to Congress at the end of the second and third quarters which details his estimate of how well Federal spending policies are complying with the expenditures limitation. If the Director estimates that spending will be in excess of the limitation for the present fiscal year he can establish pro rata reductions in all Federal departments and agencies to bring spending in line with the limitation. Upon submission of the Director's report Congress has 30 days to specify or exempt appropriations catagories where the reductions shall be made. This allows the Congress an on-going responsibility in staying within its own spending limits. Previous congressional expenditures limitations have been exceeded because Congress did not continue to monitor spending levels after they had established their priorities.

Several Members of Congress have introduced measures which would regulate executive impoundment of funds. The President has claimed the right not to spend appropriated funds since the time of Jefferson. The practice has become more widespread since the Dawes memorandum of 1921. Charles Dawes, the first Director of the Bureau of the Budget, stated that appropriations from the Congress "were to be treated as ceilings on expenditures rather than as directives to spend the full amount." Louis Fisher, who has written extensively on the Federal budgetary process, comments that the passage of the Employment Act of 1946 broadened the President's role in determining economic policy. This has lead all postwar Presidents toward the use of impoundment as one of their anti-inflationary tools

The impoundment of funds has been hotly debated since the Dawes memorandum. It can be defined as the withholding or delaying of expenditure or obligation of appropriated funds.

There is some question as to what constitutes impoundment for appropriated funds which are made available on an "until expended basis." However, the President's use of impoundment is made more open to inquiry for funds which are appropriated on an annual basis. In a 1969 memorandum Assistant Attorney General Rehnquist questioned the practice of impoundment. He said:

> With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported neither by reason or precedent.

He continued:

> It may be argued that the spending of money is inherently an executive function, but the execution of any law is, by definition, an executive function and it seems an analogous proposition that because the executive branch is bound to execute the laws, it is free to decline to execute them.

Congress must use on-going evaluations as well as regulation of impoundment to insure that its appropriations acts will be carried out.

The Fiscal Responsibility Act establishes two types of impoundment. The first is a pro rata reduction across the board in any department or agency. If the President decides to impound on this basis he must notify Congress of his impoundment. Either House of Congress then has 60 days to disapprove of the impoundment. The President is allowed to establish variations of up to 10 percent between appropriations categories. This allows the President sufficient flexibility in carrying out his economic policies while preserving congressional prerogatives in establishing spending categories.

The second type of impoundment established in the bill is called special impoundment. In cases where the President decides that he wants to impound in one budget category without regard to the pro rata restrictions established under the regular impoundment procedure, he must come to Congress 30 days in advance of his proposed impoundment. Either House of Congress then has 30 days to disapprove of the proposed action. In cases of special impoundment Congress should have the opportunity to express its wishes on proposed cuts in a program prior to its implementation. The most common reasons given for impoundment are related to economic considerations. When impoundment is carried out for noneconomic considerations such as in impoundment which is targeted against a particular program or activity Congress should have the opportunity to review the proposed action taking into account the program goals established in the authorizing legislation.

In order to show the impact of impoundment on the Federal Budget Chart 6 is a copy of a statement of budgetary reserves compiled by Caspar Weinberger in April of this year.

BUDGETARY RESERVES, APRIL 1972

Under authority delegated by the President, the Office of Management and Budget operates a system of apportioning the funds provided by the Congress. The apportionments generally are for the current fiscal year and limit the amounts the agencies may obligate during specified periods.

There are occasions when the amounts of available funds are not fully apportioned. That is, some amounts are either withheld from apportionment, or their use is temporarily deferred. In these cases, the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by both Republican and Democratic Administrations as a customary part of financial management.

The reasons for withholding or deferring the apportionment of available funds usually are concerned with routine financial administration. They have to do with the effective and prudent use of the financial resources made available by the Congress. Thus, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available). In other cases the funds may be withheld in accordance with provisions of the Anti-Deficiency Act (31 U.S.C. 665) for such reasons as a change in conditions since they were appropriated or to take advantage of previously unforeseen opportunities for savings.

Table A, attached, lists the items and amounts currently reserved for such routine financial administration. They total $9.4 billion, which is a reduction of more than $1 billion since January of this year. This reduction is indicative of the fact that amounts are frequently released from reserve—and put to use—during each fiscal year as plans, designs, specifications, studies, project approvals, and so on are completed. As a result, the total amount held in reserve usually reaches a low point at the end of the fiscal year.

The reserves established for reasons of routine financial administration are recognized by all concerned to be temporary deferrals, and their need or wisdom is usually not questioned. In addition, however, there has been a long-standing and consistent practice in both Republican and Democratic Administrations to establish some—a much smaller amount of—reserves for reasons other than routine financial administration. It is these latter reserves which have sometimes been criticized as "impoundments" of funds.

Amounts being held in reserve for reasons other than routine financial administration generally could be used (i.e., obligated) during the apportionment time period. They have not been apportioned from time to time for such reasons as the Executive's responsibility to (1) help keep total Government spending within a congressionally-imposed ceiling, (2) help meet a statutory limitation on the outstanding public debt, (3) develop a governmentwide financial plan for the current year that synchronizes program-by-program with the budget being recommended by the President for the following year, or (4) otherwise carry out broad economic and program policy objectives.

Table B, attached, lists the items and amounts currently held in reserve for reasons other than routine financial administration. They total $1.6 billion, a reduction of almost $200 million from the amount so reserved in January of this year.

The total of all current reserves (i.e., Tables A and B) is 4.6% of the total unified budget outlays estimated for fiscal 1972. The comparable percentage at the end of fiscal years 1959 through 1961 ranged from 7.5% to 8.7%. At the end of fiscal 1967, it stood at 6.7%, and a range in the neighborhood of 6% has been normal in recent years. The amount currently reserved is expected to decline still further during the remainder of the fiscal year.

(In thousands of dollars)

Agency and account:	*Amount*
Executive Office of the President:	
Council on Environmental Quality and Offices of Environmental Quality	53
Apportionment awaits development of proposals for contract studies of environmental problems.	
National Security Council	108
Apportionment awaits development by the agency of approved plans.	
Special Action Office for Drug Abuse Prevention	682
Apportionment represents the balance of appropriation which cannot be utilized by the Office in 1972 due to late enactment of legislation. Release will occur as needed in 1973 operations.	
Funds appropriated to the President:	
Appalachian Regional Development Programs	40,000
Apportionment awaits development of approved plans and specifications.	
Economic Stabilization Activities	300
A total of $100 thousand is reserved for subsequent use, as needed and anticipated, by the U.S. Courts in support of the Temporary Emergency Court of Appeals. The remainder is reserved for contingencies and will be apportioned as required.	
International Security Assistance:	
Foreign military credit sales	98,100
Apportionment awaits development by affected agencies of coordinated plans and specifications.	
International development assistance:	
Prototype desalting plant	20,000
Apportionment awaits development by the agency of approved plans and specifications.	
Inter-American Foundation	41,624

TABLE A.—*Budgetary reserve for routine financial administration, April 1972*

(In thousands of dollars)

	Amount
Amount represents balance of initial funding from AID transfer to cover first 4 years of the Foundation's operations. Apportionments will continue to be made annually as plans and specifications are developed.	
Department of Agriculture:	
Agricultural Research Service:	
Construction	70
Represents residual amount of appropriation for planning that is not required for that purpose. Apportionment awaits additional appropriation for construction.	
Scientific Activities Overseas (special foreign currency program)	352
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Animal and Plant Health Service	2,049
This amount is in excess of current estimate of 1972 needs. The funds will be apportioned, if needed, for animal and pest control.	

TABLE A.—*Budgetary reserve for routine financial administration, April 1972*—Con.

Department of Agriculture—Con.	
Farmers Home Administration:	
Mutual and self-help housing grants	729
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Direct loan account (farm operating loans limitation)	49,453
Amount reflects balances of loan authority now held pending demonstration of the need for funds.	
Consumer and Marketing Service:	
Consumer protective marketing, and regulatory programs	850
Amounts shown here is in excess of 1972 needs. If conditions change and funds are needed, apportionments will be made.	
Perishable Commodities Act Fund	1
Amounts shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Forest Service:	
Forest protection and utilization:	
Cooperative range improvement	624
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Youth Conservation Corps	1,730
These funds will be released later for the fiscal year 1973 portion of the calendar year summer program.	
Forest roads and trails	402,040
Reserve reflects amount of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.	
Expenses, brush disposal	13,803
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Forest Fire Prevention	115
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Department of Commerce:	
Bureau of the Census:	
19th Decennial Census	11,028
These funds are to be used for printing costs and will be apportioned when needed for this purpose.	
Regional Action Planning Commissions:	
Regional Action Planning Commissions	300
Funds will be released when Mississippi Valley Regional Commission is formed.	
Promotion of industry and commerce:	
Trade adjustment assistance (financial assistance)	50,000
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
Inter-American Cultural and Trade Center	5,446
Funds will be released when plans for participation in U.S. Bicentennial are completed and approved.	
National Oceanic and Atmospheric Administration:	
Research, development, and facilities	294
These funds are for disaster relief to fisheries. Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available.	
Research, development, and facilities: (special foreign currency program)	411
Apportionment awaits development of research contracts with foreign organizations.	
Promote and develop fishery products and research pertaining to American fisheries	257
Amount shown here is in excess of current estimates of 1972 needs. If conditions change and the funds are needed, apportionments will be made.	
National Bureau of Standards:	
Plant and facilities	1,495
Funds are for a new laboratory now in the planning stage. Apportionment awaits development of approved plans and specifications.	
Department of Defense—Military	
Shipbuilding and conversion	1,388,946
For use in subsequent years; these projects are fully funded when appropriated.	
Other procurement programs	21,020
For use in subsequent years; these projects are fully funded when appropriated.	
Military construction and family housing	302,602
Apportionment awaits development by the agency of approved plans and specifications.	
Civil defense programs	1,080
Amount is in excess of currently estimated needs. It will be used, as needed, in subsequent fiscal years.	
Special foreign currency program	4,903
Apportionment awaits development by the agency of approved plans and specifications.	
Department of Defense—Civil	
Corps of Engineers:	
Construction, general:	
Lafayette Lake, Ind	183
Funds are being held in reserve because of local opposition to initiation of construction of the project.	
Lukfata Lake, Oklahoma	450
Funds are being held in reserve because the State of Oklahoma is considering designating one of the streams to be inundated as a wild and scenic stream.	
New York Harbor Collection and Removal of Drift	80
Funds are being held in reserve because, although the project has been authorized by the Congress for initiation and partial accomplishment, initiation of construction must await approval of the Secretary of the Army and the President. The Secretary of the Army has neither approved the project nor sent the project report to the President.	
Panama Canal Government:	
Capital outlays	850
Under a proposal now pending before the Congress, these fiscal year 1972 funds will be combined with the 1973 appropriation for the purchase of major items of capital equipment.	
Wildlife conservation	474
Includes estimated receipts not needed for current year program. Will be used in subsequent years.	
Department of Health, Education, Welfare:	
National Institutes of Health:	
Buildings and facilities	2,565
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
Office of Education:	
School assistance in federally affected areas	4,996
Apportionment awaits development by the agency of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
Higher education	1,462
Apportionment awaits development by the agency of approved plans and specifications.	
Educational activities overseas (special foreign currency program)	16
Apportionment of this amount awaits development of approved plans and specifications by the agency.	
Social Security Administration:	
Construction	12,095
Apportionment awaits development of approved plans and specifications by the agency. These plans will depend at least in part on the outcome of legislation pending before the Congress to authorize acquisition of these facilities through purchase contracts that will provide for installment payments.	
Special Institutions:	
Gallaudet College	516
This part of an appropriation for a national continuing education program for the deaf is being held pending the development of a plan for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved.	
Howard University	3,714
Appointment of this amount awaits development of approved plans and specifications. Construction obligations are to be incurred in subsequent years.	
Office of Child Development	54

TABLE A.—*Budgetary reserve for routine financial administration, April 1972*—Con.

Apportionment of this amount awaits development of approved plans and specifications.	
Department of Housing and Urban Development:	
Model cities programs	105,000
The 1972 appropriation is available for use in 1972 and 1973; the amount reserved is being allocated among cities to cover obligations to be made early in 1973. Thus, each such city will have in advance a target figure against which to plan.	
Department of the Interior:	
Bureau of Land Management:	
Public lands development, roads and trails	16,694
Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.	
Bureau of Indian Affairs:	
Road construction	53,699
Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.	
Bureau of Outdoor Recreation:	
Land and water conservation fund	30,000
Consists of 1972 annual contract authority which the 1973 budget shows as not being obligated. This contract authority, which was made available annually through fiscal year 1989 by Public Law 91-308, approved July 7, 1970, is not being used because the Federal agencies purchasing park lands have found annual contract authority cumbersome to administer. Instead, they prefer ordinary appropriations to finance such land purchases and the budget proposes appropriation of the full $300 million annual authorization for the fund, of which about $98 million is for Federal land purchases in 1973.	
Bureau of Mines:	
Drainage of anthracite mines	3,623
Funds are spent on a matching basis with Pennsylvania as that the State and Department of the Interior develop projects for this purpose. Apportionment awaits development of approved plans and specifications.	
Bureau of Sports Fisheries and Wildlife:	
Construction	9,075
Appropriated funds for D.C. Aquarium withheld because authorized facility cannot be constructed within the funding limits established by the authorization.	
National Park Service:	
Parkway and road construction	73,589
Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.	
Bureau of Reclamation:	
Construction and rehabilitation	1,055
Funds are being held in reserve pending completion and review of the economic restudy to determine the most effective use of funds for the Second Bacon Siphon and Tunnel Unit, Wash.	
Operation and maintenance and replacement of project works, North Platte project	84
This amount fulfills the legal requirements for this account of an annually established contingency reserve.	
Department of Justice:	
Federal Prison System:	
Buildings and facilities	4,299
The apportionment awaits development by the affected agency of approved plans and specifications.	
Department of State:	
Education exchange fund (earmarked proceeds of payment by Finland on World War I debt)	22
Apportionment awaits development by the agency of specific plans for the exchange of students.	
Bureau of Educational and Cultural Affairs:	
International Educational Exchange Activities (special foreign currency program)	5
Funds represent recent recovery of prior year obligations in excess of current year needs. These funds are expected to be utilized in the future.	
Department of Transportation:	
Coast Guard:	
Acquisition, construction and improvements	7,607
Funds are for equipment or improvements and will not be needed until construction on seven projects is in an advanced stage. They will be released when needed.	
Alteration of bridges	1,000
Apportionment awaits development of approved plans and specifications.	
Retired pay	571
Appropriation is in excess of needs due to a lag in voluntary retirements.	
Federal Aviation Administration:	
Facilities and equipment (Airport and Airway trust fund)	53,639
Grants-in-aid for airports (Airport and Airway trust fund)	56,458
Construction, National Capital Airports	900
U.S. International Aeronautical Exposition	218
Civil Supersonic aircraft development termination	4,506
Apportionment of the above FAA accounts awaits development of approved plans and specifications.	
Federal Highway Administration:	
Territorial Highways	5,000
New program established by the 1970 Highway Act, effective December 30, 1970. No appropriation was provided until August 1971, although $4.5M of contract authority was authorized for each of 1971 and 1972. Territories were not prepared to handle program and have just begun to organize agencies and prepare studies for use of the funds. Total obligations through December 31, 1971, were about $93,000.	
Federal-aid highways:	
(1) 1973 contract authority	5,700,000
(2) Remaining balance from prior reductions to meet outlay ceilings and abate inflation	246,798
Urban Mass Transportation Administration:	
Urban mass transportation	299,970
The Congress provided a total of $3.1B of contract authority for the five-year period 1971–1975. Executive Branch apportionments will result in $1.0B of this amount having been used by June 30, 1972, another $1.0B (including this $300M) will be apportioned July 1, 1972, for fiscal 1973, leaving $1.1B, or $550M per year for the fiscal years 1974 and 1975. By appropriation action in fiscal years 1971 and 1972, the Congress effectively limited the amount of the contract authority that could be used each fiscal year. Thus, the $300M shown is the difference between the $600M apportioned for 1972 and the $900M upper limit for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation: "Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating more than $900,000,000 in fiscal year 1972." (Underlining supplied.)	
Treasury Department:	
Office of the Secretary:	
Construction, Federal Law Enforcement Training Center	22,239
Apportionment awaits development by the agency of approved plans and specifications.	
Expenses of administration of settlement of World War Claims Act of 1928	1
Amount shown here is in excess of current estimate of 1972 administrative costs. If conditions change and funds are needed, apportionment will be made.	
Bureau of the Mint:	
Construction	79
Apportionment awaits the completion of studies for the effective use of funds.	

Atomic Energy Commission:	
Operating expenses:	
Reactor development—	
Funds held in reserve for the Liquid Metal Fast Breeder Reactor (LMFBR) demonstration plant awaiting the completion of detailed negotiations now underway involving AEC and the Commonwealth Edison Company and TVA	43,350
Biomedical Research—	
Funds held in reserve pending development of a plan for effective utilization	370
Plant and capital equipment:	
Funds held in reserve awaiting AEC's development of firm plans or specifications for two projects in the nuclear materials and weapons programs	175
Funds held in reserve awaiting AEC's completion of feasibility studies or the results of research and development efforts for the national radioactive waste repository and two other projects	3,133
Funds held in reserve for possible cost overruns and other contingencies	5,000
Environmental Protection Agency:	
Operations, research and facilities	35,294
Awaiting completion of EPA study of requirements for Cincinnati laboratory ($28.0M) and other laboratory facilities ($7.294M).	
General Services Administration:	
Operating expenses, Public Buildings Service	5,000
Amount shown here is in excess of the current estimate of 1972 needs. It reflects revised estimates of rent and utility costs. If conditions change and the funds are needed, apportionments will be made.	
Construction, public buildings projects	45,514
San Antonio, Texas, project awaiting Congressional approval of revised prospectus—$7,402 thousand.	
Philadelphia project—additional awards awaiting completion of present construction works—$23,046 thousand.	
$10,803 thousand proposed in the 1973 budget for obligation in accordance with legislation now pending in the Congress to authorize private financing and installment payment/purchase of various projects.	
$4,263 thousand is reserved to meet possible contingencies that might arise in the course of construction.	
Sites and expenses, public buildings projects	14,665
Reserved to meet possible contingencies or for use in subsequent years—$10,380 thousand.	
Projects involving space for Postal Service are being restudied—$4,285 thousand. Apportionment awaits the completion of this action for the effective use of the funds.	
Operating expenses, Property Management and Disposal Service	769
Amount shown here is in excess of the current estimate of 1972 needs for stockpile disposals. If conditions change and the funds are needed, apportionments will be made.	
Veterans Administration:	
Grants to States for extended care facilities	8,420
State plans and requests for funds have not been presented to the extent originally expected.	
Other Independent Agencies:	
Cabinet Committee on Opportunities for Spanish-Speaking Peoples	30
Potential savings—	
The obligation rate has been lower than anticipated because of operation under continuing resolution for two quarters.	
Federal Communications Commission: Salaries and expenses (construction)	460
These funds are intended for replacement of a monitoring station. They cannot be used until the Congress raises the current limitation on FCC's 1972 construction program. It is expected that this will take place before the end of fiscal year 1972.	
Federal Home Loan Bank Board:	
Interest adjustment payments	46,888
Amount which can be effectively utilized by the Board in the current year has already been apportioned.	
Foreign Claims Settlement Commission: Salaries and expenses	19
Apportionment awaits development by the agency of approved plans.	
Payment of Vietnamese and Pueblo prisoner of war claims	150
Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available.	
Smithsonian Institution:	
Salaries and expenses, Woodrow Wilson International Center for Scholars	11
Reserved for contingencies. Will be apportioned if and when needed.	
Temporary Study Commissions:	
Commission on Highway Beautification	25
Amount being held for completion of Commission's work in 1973.	
Commission on Population Growth and the American Future	30
A small contingency amount is set aside to cover any increases in contracted costs after the Commission completes its work and disbands in May, 1972.	
National Commission on Consumer Finance	50
For terminating the Commission in 1973 after the report is completed.	
Aviation Advisory Commission	587
Funds in 1972 reserve will be used in 1973 to carry Commission through its expiration date of March, 1973.	
United States Information Agency:	
Salaries and expenses (special foreign currency program)	407
Special international exhibitions	746
Apportionment of the above accounts awaits development of approved plans and specifications.	
Water Resources Council:	
Salaries and expenses	25
Funds in reserve pending establishment of new river basin commissions.	
Total	9,394,669

TABLE B.—*Reserves for reasons other than routine financial administration, April 1972*

(In thousands of dollars)

Agency and account:	
Department of Agriculture:	
Rural Electrification Administration—	
Loans	[a] 107,000
Farmers Home Administration:	
Sewer and water grants	[b] 58,000
Department of Housing and Urban Development:	
Rehabilitation loans	[c] 53,042
Grants for new community assistance	[a] 5,000
Basic water and sewer grants	[d] 500,000
Department of Transportation:	
Federal-aid highways	623,000
Rights-of-way for highways	50,000
Urban mass transportation	[e] [299,970]
Atomic Energy Commission	17,655
NERVA-Nuclear Rocket	(16,990)
Plowshare	(665)
National Aeronautics and Space Administration:	
NERVA-Nuclear Rocket	22,400
National Science Foundation:	
Educational and institutional support	[a] 21,000
Graduate traineeships	9,500
Reserves established pursuant to President's August 15, 1971, directive to curtail previously planned Federal employment levels	85,300
Total	1,551,897

FOOTNOTES

[a] Apportionment of entire amount is planned on July 1, 1972.

[b] This amount is planned to be used for continuation of the water and sewer grant program after the fiscal year 1972

[c] Funds remaining from the 1972 appropriation for rehabilitation loans will be apportioned on July 1, 1972.

[d] This amount is planned to be used for continuation of the water and sewer grant program in 1973 and subsequent years.

[e] This item is listed here only because of public and congressional interest. It is not counted in the total of Table B because its planned use is consistent with congressional intent. The Congress provided a total of $3.1 billion of contract authority for the five-year period 1971–1975. Executive Branch apportionments will result in $1.0 billion of this amount having been used by June 30, 1972, another $1.0 billion (including this $300 million) will be apportioned July 1, 1972, for fiscal 1973, leaving $1.1 billion, or $550 million per year for the fiscal years 1974 and 1975.

Title 4 of the Fiscal Responsibility Act establishes a study commission made up of the Comptroller General and the leadership of the Appropriations Committees, the Ways and Means Committee, and the Finance Committee. The Commission will study the appropriations procedures in Congress and recommend further measures which will modernize congressional budgetary procedure. The 55 members of the House Appropriations Committee and the 24 members of the Senate committee do a remarkable job indeed, considering the tools we give them. Their review of the budget includes many hundreds of subcommittee and committee sessions. Their work and the work of the Congress could be improved by a modernization of our appropriations process. However, they clearly need more assistance and improved procedures to handle the mass of information before them.

The Commission will study the feasibility of funding some programs on a 2-year basis. Two-year funding might provide stability for many of our grant-in-aid programs. The Commission will also consider proposals such as the Magnuson bill in the Senate which would create a split session in the Congress to divide consideration between a budget session and a legislative session. This division might make more Congressmen become directly involved in appropriations decisions. The split session is used in several State legislatures and in some parliaments in other countries. Its feasibility should also be studied. Estimates by the Office of Management and Budget state that 71 percent of the 1973 budget is considered "relatively uncontrollable." The Commission should study this trend toward larger segments of "uncontrollables" in the budget. If the budget is going to be a management tool, then we must be able to redirect our spending as national needs change.

Uncontrollables are thought to be an increasing problem for several reasons. Congressional procedure for appropriations fragments our deliberations between 14 separate appropriations bills, thus the uncontrollables hide in 14 bills and are never fully examined. A second factor to be studied by the Commission is the influence which our lack of comprehensive consideration of the budget has upon our assessment of program costs at the beginning of a program. Many of our programs have very little, if any, thought given during the development phase to the overall cost relationship to other programs in the budget. These assessments may not be made, because some of us know that it may be easier to pass a new program with an underfunded budget and then work to increase appropriations after we get our program on the books.

Our concern for greater fiscal responsibility will only be realized if we make the hard decisions on spending in an atmosphere of continuous review; at the initiation of a program and, an ongoing basis. The Commission should examine the role and impact of uncontrollable expenditures in the budget.

Chart 7 shows estimates for uncontrollables in the Federal budget.

CHART 7.—CONTROLLABILITY OF FEDERAL OUTLAYS, FISCAL YEARS 1967-73

[In billions]

	1967	1968	1969	1970	1971	1972 estimate	1973 estimate
Relatively uncontrollable	$96.6	$109.8	$120.0	$130.3	$145.7	$162.8	$174.6
Relatively controllable	65.6	74.0	69.6	72.7	73.1	81.4	79.8
Adjustments [1]	−3.9	−5.0	−5.1	−6.4	−7.4	−7.6	−8.1
Total outlays	158.3	178.8	184.5	196.6	211.4	236.6	246.3
"Uncontrollables" as a percent of total outlays	61	61	65	66	69	69	71

[1] Includes allowances for contingencies and reductions for undistributed intergovernmental transactions.

Source: Office of Management and Budget.

In a report of February of this year the General Accounting Office found that Congress lacks vital information necessary for making wise budgetary and fiscal decisions. The Commission should also review how Congress can effectively obtain adequate levels of information for budgetary decisions.

The authorizations/appropriations process used in Congress has often proven to be a clumsy system for developing appropriations measures. There seems to be a growing disparity between the authorizations and appropriations measures authored each year. The authorizations issued often represent only a "wish list" with little relevance to what is finally enacted into law. This disparity creates false hopes for those interested in a particular program or activity. In addition to the unrealistic expectations by the authorizations created, the unfullfilled promises do little to encourage careful budget planning. The authorizations/appropriations gap is especially apparent in social policy fields. Chart 8 demonstrates the gap in one area, education.

Most experts on budgetary process agree that present appropriations procedures include extremely limited involvement for most Members of Congress. In both Houses the decision of the Appropriations Subcommittees most often become decisions of the full committee. The decisions of the full committee most often become the decisions of the full House. In the House this system is further strengthened by the use of closed rules on the floor. The Commission should also study ways to involve more Members of Congress effectively in making budgetary decisions. Budget decisions affect every citizen in the country. It seems proper that Representatives should plan an increasing role in deciding how our Government is to spend its money.

CHART 8.—OFFICE OF EDUCATION

LEGISLATIVE AUTHORIZATIONS AND APPROPRIATIONS, 1961-71

[In thousands]

Fiscal year	Authorization [1]	Appropriation	Difference
1961	$536,685	$528,738	−$7,947
1962	583,957	587,746	+3,789
1963	652,449	652,494	+45
1964	948,017	697,629	+49,612
1965	1,518,091	1,383,610	−134,481
1966	3,598,969	3,339,002	−259,967
1967	4,640,185	3,919,654	−720,531
1968	6,450,967	3,901,707	−2,549,260
1969	7,812,564	3,617,085	−4,195,479
1970	10,230,419	[2] 3,813,778	−6,416,641
1971	11,492,561	4,356,639	−7,135,922

[1] Since authorizations for some programs are indefinite in amount ("such sums as necessary"), their dollar figures cannot be included here. The authorization totals are therefore understated to that extent. That explains why an appropriation figure can sometimes exceed an authorization figure (fiscal years 1962-64).

[2] Appropriation after 2 percent reduction.

Source: Based on worksheets supplied by Office of Education, Department of Health, Education, and Welfare.

Congress should reassert its role in the budgetary process. The collective expertise of our membership covers every area of Federal activity. Louis Fischer quotes Justice Jackson's admonishment to Congress in his decision on the Youngstown Sheet & Tube Case. The Justice stated:

> The tools belong to the man who can use them. We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers.

RETURNING ADDICTS FROM VIETNAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 15 minutes.

Mr. HALPERN. Mr. Speaker, like a horrible nightmare, the United States has discovered that getting out of Vietnam has a price it did not anticipate. Most everyone is sadly aware of the casualty figures of the dead, wounded, and missing in actions. Yet there is another, perhaps less obvious, casualty list that will haunt American society long after the last GI has left Vietnam—the troops who became addicted while serving in Southeast Asia. The number of them is staggering. In April 1971 I conducted a study mission on the foreign aspects of the drug problem. My findings in Vietnam led me to believe that at least 20 to 30 percent of our forces in Southeast Asia were at that time using heroin. This would translate into more than 60,000 men. This figure is based on estimates given to me by military intelligence, commanding officers, drug suppression and medical personnel, servicemen, and addicts themselves. Sixty thousand men—and only a relatively small number of them have enrolled in the

Army's drug amnesty rehabilitation program.

The heroin in Vietnam is plentiful, powerful, and cheap. It is 95 percent pure and sells for as little as $2.50 for a quarter of a gram. This easy availability, combined with the danger and boredom faced by these servicemen, has produced one of the biggest problems of the war—that of stopping them from becoming addicted to drugs, especially heroin, and then bringing that addiction home with them. Once back in the United States they find that drugs are harder to get, 20 to 30 times more expensive, and considerably less potent.

Unless the addicted serviceman manages to break the habit before he gets out and returns to civilian life, he stands a good chance of drifting into a life of crime in order to support his habit, thus adding to our already skyrocketing crime rate. Moreover, as a noted physician pointed out before a Senate subcommittee, heroin addiction is a "communicable disease":

> Through a natural ripple effect, 75,000 new addicts from Vietnam will produce an additional 250,000 to 750,000 addicts in the United States within a year.

In other words, as we release increasing numbers of servicemen back into our society, we are inviting a frightful addiction to the 560,000 estimated addicts in the Nation's civilian population.

Until rather recently, the military considered drug involvement to be a problem requiring disciplinary action only. But, like the rest of society, the military has now come to recognize a greater responsibility to these addicted men and is responding with treatment and rehabilitation programs. Unfortunately, these programs in Vietnam are sorely inadequate—largely as a result of too few personnel and facilities, too little experience, and lack of a coordinated Vietnam-wide effort to establish rehabilitation centers. Another major shortcoming has been the lack of legal authorization to retain a serviceman, addicted or otherwise, beyond his discharge date. Still another drawback has been the policy of giving addicted GI's the types of discharges which disqualify them for post-discharge treatment and other veterans' benefits.

A great deal of legislation—including my own omnibus bill, the Armed Forces Narcotic Control Act of 1971—has been introduced in this Congress which would make identification, treatment, and rehabilitation of GI addicts a mandatory obligation of the Armed Forces. Implementation of this program must receive the highest priority. The drug situation in Vietnam is epidemic, and unless these returning addicts are completely cured and rehabilitated, no one can reckon what the moral, emotional, and social costs will be here at home.

CONGRESS SHOULD ENACT A "FAIR FIREARMS ACT"

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SAYLOR) is recognized for 10 minutes.

Mr. **SAYLOR**. Mr. Speaker, the recent attempt on the life of Gov. George C. Wallace has, once again, brought to the foreground the emotional alarmists in favor of stricter gun control and handgun confiscation. The blind emotions that foster these attacks fail to take into account the millions of sportsmen who use the handgun for recreational purposes as well as those individuals who keep handguns in their homes and businesses for self protection.

Gun registration is unfair and burdensome. It could prove to be more lethal than weapons themselves.

I have been in the forefront of the battle to save private firearms in the United States since the Kennedy-King-Kennedy assassinations, and the resulting wave of public hysteria against the so-called instruments of national calamity.

The confiscation of handguns is a direct violation of the right of the individual to secure and bear arms, and the constrainment by the Federal Government in this matter is shameful.

There is little evidence to prove that the Gun Control Act of 1968 altered the trend of criminal violence in the United States, and there is no doubt the American sportsman was trampled under foot during that vote. His survival and that of all firearms owners is in jeopardy. This reason led me to introduce a bill to repeal this scandalous legislation and to reenact the Federal Firearms Act.

The mania to confiscate all handguns is a direct invitation to crime. While all law-abiding citizens were turning in their guns, the criminals would become omnipotent. The resulting balance in favor of the criminal would result in victim after victim added to the bloody statistics noted on police blotters around the country.

A lawbreaker will not bother to follow any gun control law whether it is harsh or not.

For example, just recently I know where a man presented himself to a firearms dealer and totally falsified the information on the required form needed to purchase a firearm. After ignoring the gun law, he proceeded to pass a bad check for his merchandise and left the place of business never to be seen again. Unfortunately, the owners of the establishment did not realize the individual had falsified his information until they tried to collect on his bad check.

In a recent article James J. Kilpatrick stated:

> Congress can do less than judges can. If our courts would crack down hard on gun-toting criminals, hitting them with tough additional sentences for the use of a firearm, the word would get around.

The attack on crime should be the course of action, not one of misguided gun controls.

Previously I had introduced a bill in the House of Representatives calling for additional penalties for the use of firearms in the commission of certain crimes of violence.

Faced with a harsher sentence the criminal would be more reluctant to break the law. They will soon realize they cannot act as they please.

The Gun Control Act of 1968 should be replaced by a law the public can support and should include the following:

First, assure law-abiding citizens the right to own and use firearms for support and self defense; second, require mandatory penalties for the possession of a firearm or facsimile in the commission of a crime; and third, control the importation of all firearms and their component parts.

The circumstances surrounding the attempted assassination of Gov. George C. Wallace are truly tragic. However, he supports the citizens right to bear arms and his feelings on the subject are worth quoting at length:

> Restrictive gun legislation . . . really in the long run restricts the law abiding citizen who owns a gun. But the law violator doesn't pay any attention to any law . . . Actually, the only way I know to stop the growth of the crime rate is to have stricter enforcement of the existing laws . . . and have sure and swift punishment for the people who violate the law.

Unwarranted attempts by the Government to restrict and/or confiscate sporting and protective firearms are trying the patience of loyal Americans.

I strongly urge the Congress to institute a Fair Firearms Act that would assure citizens of good repute the continuing right to own and use firearms.

ARMY'S DRUG TESTING PROGRAM A FAILURE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. **ASPIN**. Mr. Speaker, today I am publicly releasing statistics furnished me by the Army's Surgeon General's Office on the sample test results of the three commercial laboratories that are doing the drug testing for the Army. These shocking statistics cast a shadow of doubt over the effectiveness of the whole GI drug program. The statistics show that the Army's drug testing program here in the United States is failing to identify heroin addicts. As a case in point, one private laboratory failed to detect heroin in 77 percent of the test samples submitted by the Army. It is clear that many GIs who are drug users are going undetected because of the gross inefficiency of the present drug testing program. The three commercial laboratories—United Medical Laboratories, Portland, Oreg., Biochemical Procedures, North Hollywood, Calif., and Washington Reference Laboratory, Washington, D.C.—have been negligent in performing these tests.

In my judgment the Army is also at least equally negligent for not penalizing these laboratories for their poor performance. While the terms of the contracts require the laboratories to correctly identify the contents of 90 percent of the samples submitted by the Army, not one of the three U.S. firms doing the heroin testing has consistently met the 90 percent requirement. Yet the Army has not penalized these firms at all.

It is my hope that the Secretary of the Army will either penalize these contractors or find other laboratories that can do a decent job. These firms have been paid over $1.6 million since the drug testing program began. It is a disservice to our GIs and to the taxpayers to continue to pay millions of dollars to laboratories which are falling short of what they promised.

A FOCUS FOR SOLAR ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MILLER) is recognized for 10 minutes.

Mr. MILLER of California. Mr. Speaker, at the risk of seeming a bit quixotic, I suspect that the time has come for civilized man to stop taking the sun for granted.

This is not to imply that one need worry about the sun not rising tomorrow or exploding into a supernova next year or collapsing into a white dwarf in a few centuries. What I do assert is the spiraling need for the human race to tap the sun's enormous energy and put it to work as a major power supply—soon.

A lot of people have become involved lately in energy problems—including myself. The record abounds with reports and studies about the so-called energy crisis—and, in my opinion, there is such a crisis. There is nothing phoney about it.

What I want to emphasize is this. Crisis is a relative word; usually its essence is immediacy—short range or short term—something we must handle right away. On the other hand, what is "immediate?" That depends on what you are and what your environment is. If you are a guppy being chased by a predator in a fish tank, it is one thing. If you are Queen Elizabeth it is something else. And if you are a Member of Congress faced with making decisions which will affect not only your country but global civilizations as yet unborn, it is still another thing.

The point is that our energy crisis is both short term and long term. It is a continuum. We know we must find substantial new sources of energy to keep us going just for the balance of this century. We are also beginning to suspect that there is nothing now available to us which will serve our needs for clean energy during the next century or the one beyond that—except the sun.

In such context is this not "immediate?"

The lifetime of our Nation is only 183 years—almost exactly the length of time that passed from the founding of Jamestown until the Constitutional Convention in Philadelphia. Does that period seem long today? Not very. Let me shrink it a little more. The time of real need for solar power may well be only half a century or less away. This is about the same span of time as between the inauguration of George Washington as President and the death of Davy Crockett at the Alamo. That does not seem very long either.

Observed on this scale perhaps it is not so hard to see why, if we are to be assured of abundant energy in 2020 and beyond, we must get on with adequate and appropriate research as of now.

For the short-term crisis, the signs are that we are waking up and moving—toward fossil fuel exploration, nuclear power development, chemical conversion research, geothermal experimentation, and the like. We have quite a way to go there, but we are started.

For the longer term crisis—toward significant solar power—we are basically still asleep.

NEEDS AND POSSIBILITIES

Projected figures on American and world energy needs are readily available and can be set forth in massive detail. Many of them are inconsistent. Some are frightening. All are revealing. None is reassuring.

It is not my purpose to document a case for energy research. That has been done many times over. But I do want to specify a few facts which seem particularly meaningful here.

One. Future energy needs.—One can find almost any kind of estimate on this matter except an estimate that trends downward. All are up. The most reliable. based on an averaging of more than 50 different forecasts, indicate that U.S. total energy needs will double in 25 years, and that electrical energy needs are doubling every 13 years which means an increase of over 400 percent before the year 2000. At the same time, our Committee on Science and Astronautics has testimony from the Interior Department which indicates the possibility of much higher energy demands depending on the accuracy of certain economic growth forecasts.

When we consider that the Nation is consuming electric energy close to its present peak capability right now, this is a sobering thing to contemplate.

Two. Energy research now underway.—Such research is presently underway in many fields including the fossil fuels, coal, oil, and gas; nuclear fuels involving processes of fission, fusion, and plasmas; hydraulic, geothermal, solar, wind, chemical, biological, and a number of other exotic types.

Reports our committee has issued show that about 4,400 energy research projects are now in the mill in the United States and probably about $1 billion is going to support them. There are 1,162 projects on which we have detailed funding information, which shows about $441 million supporting them.

This is commendable.

But let me point out that a large part of this research is devoted simply to locating new sources of fuel, such as oil, gas, and uranium, and developing new ways of getting at it.

In any case, only about 70 of the 4,400 research projects have any relation to solar energy, and they have available—so far as we can gage—considerably less than 1 percent of the total funds going into energy research. Moreover, much of the effort that is going into solar energy research—probably half or better—is not being devoted to terrestrial use, but for use in space.

Three. Supplies of energy.—Describing the world's supply of energy is very complex. It depends on many things. However, the engineers who have studied this problem tell us that "fossil fuel reserves are barely equivalent to twice the cumulative demand for energy between 1960 and 2000." U.S. supplies are less than a fourth of the world total. They go on to say that even nuclear fuels, using present reactors, can provide a margin only a little more than twice the capacity of fossil fuels—but that breeder reactors could boost total nuclear capacity about 100 times—U.S. reserves of nuclear fuels are estimated at 10 percent of the world supply.

All such supplies are "depletable."

Sources categorized as "continuous" are solar radiation, wood fuel, farm waste, photosynthesis, hydropower, wind power, tidal, and geothermal. All of these combined, excluding solar radiation, are estimated to provide maximum annual energy amounting to about 1.5 percent of the total world supply of fossil fuel energy, about .6 percent of total nuclear energy available using present methods, and about .006 percent of total breeder-reactor energy.

Solar radiation energy falling annually on the world's land surface, however, is estimated at about 28 times the world's total supply of fossil fuel energy, about 9 times the total supply of conventional nuclear energy, and about 11 percent of the total supply of breeder-reactor energy.

Four. Outlook for various energy systems.—Again, it is difficult to describe the energy outlook in terms of utilization of the various kinds of fuels. This is mainly because new technologies may provide us with more efficient ways of recovering and using these fuels.

With present technology we have no practical way of recovering a very large part of the world's remaining supplies of oil, coal, and gas. And we are even hampered in using present methods in many cases due to public outcries against such methods as strip mining, offshore drilling, surface pipelines, jumbo tankers, and the like.

Present nuclear power methods seem to have made reasonable progress with their problem of thermal pollution but very little with long-term radioactive waste disposal. No one in this country has yet succeeded in producing a reliable commercial prototype of breeder-reactor; nor does anyone seem to have a practical solution to handling the small—in quantity—but exceedingly "hot"—radioactively—waste from such plants—a kind of waste which remains highly dangerous for thousands of years. With both types of reactors, there exist wide divergences of opinion with regard to fuel availability, hazards, and the economics of plant construction and operation.

With regard to power from nuclear fusion and plasmas, scientific feasibility has not been demonstrated, and we are lacking in our materials research, among other things. As yet we have no processes or materials to withstand the enormous temperatures and radiation levels which such methods demand.

DECISIONS TO BE MADE

By reciting these circumstances, I do not mean to be negative. I have great faith in our scientists and engineers, and I have no doubt that developing technology will help us find various options to follow in alleviating the energy dilemma.

Nonetheless, in view of the foregoing evidence—and I believe that I have been reasonably conservative in my presentation of it—it seems to me that at least two firm conclusions are in order.

First. We must make a decision, probably during the 1970's, on what we want to do with some of the most valuable—but finite—resources on this planet. That is, coal, oil, natural gas, uranium and several other heavy elements.

Do we want to "burn" them? Use them all up for fuel?

Obviously we are going to be forced to do this for awhile. There is no alternative. But, as I have tried to point out earlier, a "while" is a relative thing which, if we are complacent, may quickly devour all the time we have left to develop options. Even assuming that we manage to evolve new adequate energy systems by then, what do we use in place of these precious materials which we have so inefficiently consumed?

It took billions of years for earth to make her fossil fuels material. We cannot manufacture more of it. Yet we have hundreds of needs for it other than energy. The bulk of the petrochemical industry, which is so vital to our well-being, will—for example—be lost. Such loss factors may be extended by orders of magnitude in other fields—for it is clear that important uses for these materials which are undreamed of today will exist tomorrow.

Meanwhile, at present rates of consumption, that priceless product—oil—which we first found in this country in Pennsylvania in 1825—will be gone worldwide by 2125 if not before. An interesting commentary on mankind, is it not? Particularly so in light of some of our efforts to eradicate the effects of burning oil—such as smog-control devices adapted to the internal combustion engine, which thus far, while achieving some progress toward that goal, have also succeeded in increasing auto gasoline consumption by about 20 percent when employed.

To me, the answer to the question of the indefinite use of fossil and nuclear materials for energy is clear. Let us look elsewhere.

Second. If we conclude that we must look elsewhere for major energy sources, where can we in turn except to solar radiation?

I am not aware of another likely candidate—at least one with sufficient potential to provide very large amounts of undiminished power over large geographical areas for long periods of time.

Undoubtedly there will be, as there are now, many possible way and many technologies for transmitting, converting, storing and using solar energy. Each will be important in its contribution to the total energy panorama. But I am convinced that at least one key to the problem lies in some joint space-terrestrial method of generating electric power.

If this is correct, it is going to require a lot of research, development and demonstration beyond contemporary efforts.

NATURE OF PRESENT RESEARCH

So what are these efforts?

At present, those being undertaken privately are mainly concentrated in the short-term payoff area—exploration for sources, extraction techniques, nuclear engineering, coal gasification and the like. Research on solar energy is largely ignored.

What about the Federal effort?

Government-wide, budget requests for energy research for fiscal year 1973 come to about $700 million—which is by no means hay but which is around 4 percent of the total Federal R. & D. budget. The amount earmarked for solar energy research is something like $13 million, or less than 2 percent of the energy R. & D. budget. Almost all of this is funded by the National Aeronautics and Space Administration and the National Science Foundation.

Let me take the solar energy R. & D. budget a step further.

Only about $4 or $5 million of it is devoted to research which has terrestrial applications. The rest, including a small amount of Air Force money, is aimed toward applications in space—which I strongly support; it is vital to the total understanding of solar energy potential as well as our space-oriented missions. The point I am making is that our real government financial commitment to solar energy research for terrestrial purposes at present comes to about .0003—or 3/100ths of 1 percent—of our total Federal R. & D. budget.

To understate the case—this is not much of a commitment.

If the argument I have been making is at all valid, then something is wrong with our priorities.

Last June the President sent a special message to Congress on U.S. energy needs, which has helped create an encouraging environment for energy research. The Federal Council on Science and Technology has set up a Committee on Energy R. & D. Goals—which includes a Solar Energy Panel cochaired by officials from NASA and NSF. That Panel has 5 subpanels devoted to varying systems and about 40 expert consultants involved. An important function of the Panel is to investigate the large-scale use of terrestrial solar energy and recommend to the Energy Committee what research programs are needed. The report is due by July 1, 1972—though when it may be made generally available if at all, I do not know. Nor does anyone seem to know what happens to the Panel after that.

This is fine as far as it goes.

But it does not go very far and, unless somebody really pushes the throttle, it is going to be not merely too little but too late. Moreover, there seems to be no central point of responsibility for making the required effort.

In my view, we are going to need an effort comparable in spirit and commitment to the one we put into the space program in the 1960's in order to achieve our solar energy needs. Except this new effort is likely to be more difficult and complex than our space program has been up to now and will cover a longer period. It is not going to be easy.

Perhaps it will take a disaster or a real scare to produce the effort, but when that effort comes it will have to be focused, integrated, intense, and continuing.

Nothing else will suffice.

I know there are many who think the whole concept of solar energy is too "far out" and, by current engineering standards, too inefficient. But I would remind my colleagues that today we depend for our existence on many technologies which were completely unknown 25 years ago.

I am sure it is going to cost us more, but this should not be a deterrent. I believe we must accept the fact that in the future our utilities—among the most crucial commodities in our entire scheme of living—are likely to cost what they are worth. For 100 years we in this country have been taking them for granted and paying almost nothing for them. Meditate on that. We think nothing of paying $5 or $6 for a bottle of gin or $2.50 for a lipstick or $1.25 for a can of deodorant spray, yet we gripe if our water bill goes up to 50 cents for 1,000 gallons. Try doing without water for a while—or heat or electricity—and then decide what is it worth.

This is what we are going to have to do.

UNIQUE ROLE OF SCIENCE COMMITTEE

Mr. Speaker, I bring this matter to the attention of the Congress because, as chairman of the Committee on Science and Astronautics, I believe I have a special and unique responsibility to do so.

Many congressional committees have a strong and deep involvement with energy matters. However, our committee has a particular duty in the oversight of energy research and, whether by chance or otherwise, it turns out that the three executive agencies which fall under our jurisdiction appear to be the best qualified to take the lead in supporting serious R. & D. on solar energy. These three are the National Aeronautics and Space Administration and the National Science Foundation—which, as I have already mentioned, jointly manage the activities of the Federal Council's panel on solar energy—and the National Bureau of Standards. To give added potential to this triumvirate, it should be noted that NSF and the Bureau share between them responsibility for the Administration's new "technological innovations" program.

That program is expected to be funded in fiscal 1973 at about $40 million. I do not know how it will be used, nor is it my job to dictate that use. But, assuredly, it is my hope that serious consideration will be given to providing some additional solar energy R. & D. support through these programs.

Furthermore, I deem it most appropriate to point out that, in addition to its immediate programs on solar energy research, NASA's space shuttle system could have incalculable value for ultimate solar energy use. This system may well be the only one which could assemble and maintain solar energy stations capable of employing microwave transmission to earth to overcome weather interference. I hope that those critics who have long downgraded the U.S.

manned-space-flight programs will give this some unbiased thought.

There is a fourth organization which also has a particular contribution to make to our committee regarding the solar energy endeavor. This is the Congressional Research Service (CRS) of the Library of Congress. Late last year, at the instance of Representative JOHN DAVIS of Georgia, chairman of our Subcommittee on Science, Research, and Development, the Science Policy Research Division of CRS began an extensive review of the materials research and materials needs of the United States. Their study is extensive and will take time—but it is critical, I believe, to the success of many of our research ventures, including solar energy research.

Many of our scientific and technological research personnel are aware of this fact. A number of government and nongovernment councils with the task of promoting materials research already exist. They are operating on the premise that some of the most urgent public needs facing the Nation demand new technologies which can be developed only with the advent of materials possessing properties not yet known to man.

CONTACT WITH EXECUTIVE AGENCIES

Mr. Speaker, my interest in solar energy research—and that of our committee as a whole—has stemmed in considerable part from the excellent work done over the past 9 months by our Energy Research Task Group.

This group, headed by Representative MIKE MCCORMACK of Washington, as a special unit of Representative DAVIS' subcommittee, has been given special briefings almost weekly. Each meeting has been held in a frank and informal manner with experts from all appropriate energy R. & D. fields—following extensive planning and consultation with the Congressional Research Service. The briefings culminated this month in 2 weeks of what I consider to be highly sophisticated hearings by the Davis subcommittee on our national energy research prognosis.

My comments today have been sparked by that work.

Also, as a result, I have recently been in direct contact with the heads of each of the agencies here identified as important contributors to solar energy R. & D.: Dr. James Fletcher of NASA, Dr. Guy Stever of NSF, Dr. Lawrence Kushner of NBS, and Dr. Lester Jayson of CRS.

Each has agreed to participate with the Committee on Science and Astronautics in considering the formulation of multidisciplinary, integrated programs of solar energy research. Toward this end we will begin exploratory meetings between appropriate personnel of the several agencies and of the committee within a few weeks.

In addition, it is my plan to request that each of the specified agencies report to the committee within 4 months on—

The particular contributions, existing and potential, which the agency involved is capable of giving to solar agency R. & D.;

The level of effort which the agency feels is best suited to it under present conditions;

The level of effort which is possible under accelerated conditions;

The level of commitment which the agency is willing to recommend to the administration over the next decade, insofar as this is feasible;

The identification and relative capabilities of other Government and non-Government organizations or institutions in solar energy research.

NEW TASK FORCE AND POLICY FORMATION

What do we expect from this beginning?

Eventually, of course, we hope for the creation of an effective program of solar energy research. I use the term "effective" here as synonymous with "successful."

As for immediate expectations, we are looking for three things:

First. The formation of what is perhaps the first task force of its kind—a joint Executive-Legislative-Industry task force which will cross not only the boundaries of executive departments but boundaries of the main branches of Government as well.

If executive agencies or legislative offices or committees other than those I have discussed wish to take part, they will be welcomed. In addition, expert representatives from industry should obviously be included if they are willing.

The chief mission of such an integrated task force will be to provide the mechanism for assuring a consistent, coherent and intensive assault on the enormous research problems inherent in the production and use of solar energy. If any of those three characteristics fails, the effort will fail.

Second. The promulgation of a statement of solar energy policy (perhaps involving energy generally). Hopefully, such a statement can be put in the form of a joint resolution and eventually given the force of public law. In my view, this will be especially important during those interim periods when we have made progress with the more conventional modes of energy and things begin to relax—for the moment. It is human nature then to say "why bother—why keep up the fuss over this solar bit?"

At such times, a national policy faithfully pursued may keep us from succumbing to that deceiving, and possibly fatal, technological lullaby.

Third. The concentration of attention on the possibilities of solar energy—and the ultimate essential requirements for it—on an international basis. No part of the energy dilemma is the peculiar province of the United States. While we may be the first and the most seriously affected by energy shortages, the problem itself is global. We are all in this thing together, and very likely solutions will have to come from many quarters, domestic and foreign.

One thing is apparent to me. If we do not get on with this job, such matters as the war in Vietnam, unemployment, crime, overcrowding, trade balances, education and all the other things which preoccupy so many nations today—will not make much difference. If the energy crisis becomes an energy catastrophe, we will find out, rather painfully, how relatively insignificant these contemporary issues have been.

THE THADDEUS KOSCIUSZKO HOME, PHILADELPHIA, PA.

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, I am introducing a bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home in Philadelphia, Pa., as a national historic site.

The little house at 301 Pine Street, Philadelphia is the only structure remaining in the United States that has been identified as having been the home of Gen. Thaddeus Kosciuszko, patriot, engineer, soldier and statesman.

Thaddeus Andrzes Bonawentura Kosciuszko arrived in America in August of 1776 when the struggle for freedom of the Colonies was at its lowest ebb. A little more than a year later, the fruits of his engineering and soldiering skills were to be a major factor in the American victory at Saratoga. He planned the fortifications protecting the city of Philadelphia along the Delaware River. His fortifications on the Hudson River at West Point, N.Y., are now the site of the U.S. Military Academy.

Following his unsuccessful fight for Polish freedom and exile, General Kosciuszko took up lodging at the Pine Street house on November 29, 1797. Thomas Jefferson, then the Vice President of the young United States, often visited Kosciuszko at the home and there asked him to travel to France as this country's emissary for peace. It was during his residence at the Pine Street house that Kosciuszko prepared his last will and testament, directing that his worldly fortune be used to free the enslaved.

The house where General Kosciuszko lived in 1797–98 would be a significant addition to our National Parks System and a fitting memorial to one of our great heroes.

The text of my bill is as follows:

H.R. 15250

A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve and interpret for the benefit of present and future generations the home of Thaddeus Kosciuszko in Philadelphia, Pennsylvania, the Secretary of the Interior is authorized to acquire by donation, purchase or exchange the property and improvements thereon in the city of Philadelphia, Pennsylvania, generally described as 301 Pine Street, together with such other lands and interests therein which he deems necessary for the establishment and administration of a national historic site: *Provided,* That lands or interests in lands owned by such State or city may be acquired by donation only.

SEC. 2. The Secretary shall establish the Thaddeus Kosciuszko Home National Historic Site by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands and interests in lands have been acquired for administration in accordance with the purpose of this Act.

SEC. 3. Pending establishment and thereafter, the Secretary shall administer lands and interests in lands acquired pursuant to this Act in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 416–467), as amended.

Sec. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

REVOLT IN LITHUANIA

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, in recent years the more vociferous complaints of other racial groups concerning the policy of the Soviet Union toward its minorities has obscured the regrettable situation of the inhabitants of the Baltic States whose countries were forcefully incorporated in the U.S.S.R. by Stalin in 1940.

Occasionally there are brief indications of the dissatisfaction that exists in these areas as a result of the Soviet policy of Russification.

A recent drawing aside of the curtain with the attempted defection and forcible repatriation of the Lithuanian seaman Simas Kudirka a few miles off the coast of Martha's Vineyard a year and a half ago. In his subsequent trial, a transcript of which I placed in the Congressional Record, Kudirka graphically described the conditions which he sought to flee in his home country.

Now another tragic incident has dramatically proclaimed to the world the discrimination and deprivation of human rights suffered by the people of Lithuania. On May 21 in Kaunas a young man, Roman Talanta, burned himself to death as a protest against the domination of this proud country with its long record of cultural identity and individual development.

Following the immolation, there was an outburst of rioting which spread to such an extent that units of tough, heavily armed internal security forces were sent to Kaunas by the Russians.

Several weeks ago 17,000 Lithuanian Catholics sent a petition to the United Nations to complain that Soviet leaders interfered with freedom of worship in their country.

The sudden eruption of the dissatisfaction that lies beneath the surface gives one pause and since it comes at a time when the Soviets are publicly trying to put their best foot forward indicates deep-seated dissatisfaction.

It also indicates clearly the direction in which the Russian regime could move if it wished sincerely to implement the rights of the peoples incorporated within its boundaries. The United Nations in its basic documents sets forth a Declaration of Human Rights which describes the fundamental privileges which are due to every individual from a state in which he lives. These include the rights of assembly, of free elections and of freedom of worship. Most importantly, they include the right to move freely over the borders for emigration or temporary visiting.

In a meeting recently with Soviet leaders in the Kremlin itself I urged the desirability of making the rights described in the Declaration available to the people of Lithuania and I urge the same course today. If the rulers of the U.S.S.R. had the courage to carry out such reforms there would be no need for self-immolation to demonstrate the plight of a country and there would be no need of mass demonstrations to proclaim the frustrations of a people restrained against their will.

CHAPTER I: NEW YORK STATE NARCOTIC PAROLE OFFICERS ASSOCIATION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, recently I met with a group of dedicated civil servants in New York City. They are narcotic parole officers. Their responsibilities under the New York State mental hygiene law are to work with individuals who have been or are heroin addicts and who have come into rehabilitation programs as a result of being released from a New York State Narcotic Addiction Control Commission facility. They are required to investigate the working environment of the rehabilitant, keep contact with him and evaluate his religious, group, and individual relationships, make frequent unscheduled visits to the rehabilitants at their work places and general community environment, and apprehend or assist in the apprehension and return of rehabilitants who violate the conditions of their after-care status.

These men and women bearing the title of narcotic parole officer are in great physical danger many times because they are unarmed and yet have the role of peace officers, without the protection that a peace officer has under the law. They recounted to me various episodes which make up the daily life of these dedicated young people and which the public knows nothing about.

They are seeking a change in their legal status which would permit them to carry weapons in the same way that any other peace officers would be permitted to do, in line with his or her official duty. I am convinced that there is merit to their request and further believe that they have not received sufficient public commendation for their activities.

No one yet has come up with the answer to the question of how to successfully deal with narcotic addiction. And there is no program I know of that one could call overwhelmingly successful in terms of cure, if by that term we mean the rejection by a heroin drug addict of narcotic addiction for a sufficiently prolonged period of time, outside of a therapeutic community, so as to reasonably conclude he or she is in fact no longer drug addicted. But one program that certainly requires support until better ones come along is this one and it is shameful that the State of New York has reduced its scope. The assistance the narcotic parole officers give in individual cases can make the difference between life and death, and whether a rehabilitant engages in activities of a criminal or civic nature.

I would like at this time to place in the Record a more detailed description of the program and individual experiences of some of the NPO's with whom I met:

Description of Program

PREFACE

The Narcotic Parole Officers Association is a professional organization which serves as a forum among Narcotic Parole Officers serving at different facilities of the New York Narcotic Addiction Control Commission.

It seeks to represent the concerns of the Narcotic Parole Officers for increasingly effective treatment methods for the subjects certified to the NACC. It also seeks to encourage growth in professional skills of its membership.

While the Association attempts to keep dialogue with the administration of the NACC, it is not a union and contracts with the State of New York are negotiated by the Civil Service Employee Association.

OVERVIEW

Introduction

The New York State Narcotic Addiction Control Commission was established on April 1, 1967 because—

(1) It was realized that the problem of addiction is at the heart of the crime problem in New York State. Narcotic addicts are responsible for more than one half of the crimes committed in New York City alone.

(2) Governor Nelson A. Rockefeller, in his special message to the legislature on February 23, 1966, said that "the objective of the program is to eliminate this major cause of crime by preventing those who have not resorted to crime from doing so and those engaged in crime from repeating these acts, and to eradicate the fear and anxiety created by this problem."

Since it was recognized that most addicts avoid consistent treatment, it was necessary to establish procedures under the Mental Hygiene Law to legally commit subjects to the care and custody of the NACC for periods of three or four years.

The Narcotic Parole Officers Association is in agreement with the general principles upon which the NACC was established. But certain inconsistencies in implementation, omissions, and inadequacies in program and administration have prevented this agency from realizing its goals, and have not provided an opportunity for a fair test of what this program can and should accomplish.

The first problem area is that of enforcement. The NACC is an agency, charged with the responsibility of controlling and treating unwilling and unmotivated rehabilitants with both problems of narcotic addiction and criminal behavior.

These rehabilitants have escaped from residential treatment centers, and they have brought weapons and contraband into the community based parole and treatment centers. They have lost respect for the authority of the Commission and as a result, they refuse to make reports for examinations and counseling. They refuse to participate in the numerous services established in the day care centers. They choose to revert to drug addiction and criminal style life largely because they know that their chances of being apprehended are minute.

The public should be aware of the shocking fact that over 40 percent of all persons certified to the NACC are currently absconders from its control and treatment.

The public should consider the high cost in community losses in theft and injury that result from these rehabilitants being out of the Commission's control.

Significantly, at no time has the NACC had more than 16 warrant officers who are armed and trained to make apprehensions. That is 16 men to try to apprehend over 7,000 rehabilitants in abscondence.

The administration of the NACC has refused to designate and determine that their 235 narcotic parole officers are peace officers, as are their counterparts in the Division of Parole.

This means that the narcotic parole officer is told by NACC to apprehend abscondees at his own risk.

The public should imagine how the narcotic parole officers and the rehabilitants see the administrative inconsistency, symbolized by the NACC issuing handcuffs to narcotic parole officers, to keep apprehended persons in custody, and then leaving all other questions and instruments of authority and security in doubt.

The public should know also that with these questions and concerns, the narcotic parole officer still apprehends readicted and dangerous rehabilitants in the facilities and in the neighborhoods and homes where the rehabilitants live.

The public should know, finally, that local police officers question the judgment of narcotic parole officers who go unarmed, unprotected into neighborhoods to apprehend rehabilitants which the police themselves do not like to apprehend.

Once the public comprehends the situation of enforcement, it will be clear that the NACC has been inconsistent in performing its basic responsibility of controlling and treating the unwilling and unmotivated addicts who have been certified to the care and custody of the NACC by the courts.

The second problem area is that of program administration. Again, the general design and intent of the NACC is worthy of a true application. Still there remains a number of strategically weak points in the application of the program.

Certification has often been used as a means of avoiding more appropriate criminal sentencing of the arrested addict. Rehabilitants are indiscriminately grouped in rehabilitation centers, mixing youths with hardened criminals, although the facilities were designed at some cost to allow segregation of types.

There are indadequate evaluations made of the rehabilitant's character and background, thereby not permitting appropriate programs to be developed for his treatment.

There is insufficient liaison between residential centers and parole centers in the communities.

There should be emphasis in working with the entire family constellation which would also require the use of more small satellite offices in addition to the limited number of full service centers now in operation.

There should be more effort expended to develop employment resources since private employers are unwilling to hire rehabilitants. Once a rehabilitant has proven his ability in a government funded job, private employers are more willing to hire him.

Halfway House programs should be designed to service rehabilitants whose cases warrant structured shelter. Day care and vocational training could be improved by focusing on skills more relevant to what will be needed by the rehabilitant in the community.

Greater use of the rehabilitated addict could be made in the areas of community research and clerical assistance to the officers.

Programs for inservice training for staff have generally been failures because they are orientated toward the needs of the NACC as a bureaucracy rather than the needs of the rehabilitant and the community.

A close examination of the NACC program application would reveal that the omission of certain program components is the result of an administration that is highly political in its composition and self-serving in too many of its operations.

The administrative structure of NACC was apparently designed to permit flexibility of treatment modalities and varied responses to neighborhood communities. The idea is good, but has failed to bring the desired results. Instead, the decentralized design has been used by inadequate administrators to compete among themselves because of the manner of funding.

Program priorities have not only varied among facilities, but are subject to sudden change within a single facility.

Different facilities have their own standards of rehabilitant performance, reasons for parole violation, access to certain services, such as job placement and admission to the halfway houses. All of these differences are reflected in the fact that after 5 years of operation, each facility is still producing its own mimeographed forms for most of the basic recording and servicing.

The net result of the administrative inadequacies has been to keep NACC facilities almost as chaotic as the communities and families from which the rehabilitants come. Rather than providing a structured and secure setting in which a rehabilitant may develop new behavior and insights, the NACC facilities continue the same confusion and gaming which originally contributed to the rehabilitant's need for narcotic drugs.

In closing, it should be noted that the administration of the NACC has been making sporadic efforts to correct some of the problems which have been stated above. The Narcotic Parole Officers Association feels that public awareness of the problems will greatly encourage the administration to increase its efforts to solve the problems. It is also felt that representatives of the Narcotic Parole Officers Association should be included in the discussions of the administration as it considers the problems.

INCIDENTS OBSERVED

Pursuant to questions raised about problems encountered by the Narcotic Parole Officers, in administering NACC policy, the following are actual incidents which took place within the past four months. These incidents have not been selected because they are shocking or outstanding, but because they are typical.

I. On March 16, 1972, a rehabilitant was to be returned by his Narcotic Parole Officer to the Edgecombe Returnee Unit, pending his transfer to Ridge Hill Rehabilitation Center. As is the practice, the Narcotic Correction Officer staff was alerted to the course of action to be followed.

When the Narcotic Correction Officer approached the rehabilitant, he attempted to strike him with a chair. Six officers were requested to subdue the rehabilitant and take him to the admission area. The rehabilitant swore that he would "get" his parole officer.

The rehabilitant had been a civil commitment to the NACC under Section 206 of Article 9 of the Mental Hygiene Law.

II. On ———, a rehabilitant was being returned to the Edgecombe Returnee Unit by his Methadone Provision Parole Officer. Upon learning that he was to be returned, the rehabilitant attempted to leave the office, only to find his way blocked by the Narcotic Parole Officer.

When additional officers were summoned by the Narcotic Parole Officer, the rehabilitant pulled a .25 caliber automatic pistol from his pocket. The gun was later found to be loaded. The rehabilitant pointed the gun at his Narcotic Parole Officer and said, "If I have to . . ."

The officer reacted instinctively and knocked the rehabilitant's gun hand away and grappled with him. Arriving officers helped subdue the rehabilitant and the police were called.

The gun and the rehabilitant were placed in police custody.

III. On February 28, 1972, a rehabilitant who had apparently made a satisfactory adjustment to aftercare was in possession of a loaded gun. The circumstances leading to rehabilitants' confrontation are too frequently seen by staff members.

On the above date, the rehabilitant's mother came into the office of the Narcotic Parole Officer to inform him that her son had stolen and sold her entire kitchen set, consisting of a table and chairs, plus her dinnerware and blender; and, in addition, had taken her sewing machine, portable tape recorder, and some perfume.

The officer returned with the parent to her home to evaluate the situation. The rehabilitant was not at home and the house was a shambles.

On his way back to the office, to pick up some additional information, the officer saw the rehabilitant in question proceeding through a nearby park. Apparently, on the way his mother's house.

The parole officer called to the rehabilitant, and after some discussion, the rehabilitant agreed to enter the facility with his parole officer.

When the rehabilitant was directed to empty his pockets, he began to do so. However, he aroused the officer's suspicion by omitting certain of his pockets. The officer told the rehabilitant to put his hands on the wall, which is the recommended position to conduct a search. The officer found a loaded gun in one of the rehabilitant's back pockets.

This rehabilitant was a civil commitment, certified to the Commission under Section 206 of Article 9 of the Mental Hygiene Law.

IV. On December 6, 1971, one of the officers received a call from a rehabilitant's wife, who said her husband was "strung-out", and was becoming assaultive.

This rehabilitant is 6'5" tall and weighs 240 lbs. He was committed to the Commission for 5 years on an assault charge. In addition, the rehabilitant had violated his parole, while on State Parole, and has a police record of assaults on police officers, as well as armed robbery.

The officer told the rehabilitant's wife that a warrant would be issued, and that the local police would be notified that the rehabilitant could be found at home.

The rehabilitant was arrested two months later, following his robbery of a man at knife point.

V. On January 27, 1972, a Narcotic Parole Officer, during a field visit, to a rehabilitant's home was confronted by a rehabilitant who was "high" and in possession of a quantity of pills, later found to be Doriden. Doriden is a substitute for Methodone. The rehabilitant should have been taken into custody immediately, but was not because the Narcotic Parole Officer did not possess the tools to effect custody; nor had he been officially informed as to the proper procedure to follow in such a situation.

Each officer, if he has been with the Commission more than a couple of weeks, has heard of or dealt directly with rehabilitants who have "ripped off" their own families. In many cases, the only time a parent or friend contacts the staff concerning any problems with the rehabilitant is when she or he is "ripped off" by the rehabilitant.

In addition, our officers are hesitant, and justly so, to try and take someone into custody if there is a chance the officer's health or safety may be put in jeopardy.

THE 25TH ANNIVERSARY OF THE INWOOD LODGE AND CHAPTER OF THE B'NAI B'RITH

(Mr. RYAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, this year marks the 25th anniversary of the Inwood Lodge and Chapter of the B'nai B'rith. Located in my congressional district in New York City, the Inwood Lodge and Chapter has provided many valuable services for the residents of the Inwood area, and has served as a vehicle for strengthening Jewish group identification as well as a means of personal fulfillment. It has helped to foster a real sense of community among those who have had the opportunity to participate in the many community-oriented programs it operates.

It is to the lodge and chapter's credit that its appeal has been successfully directed to people of all ages. The wide variety of services offered range from youth-oriented programs to adult education courses.

Founded in 1843 in New York City, the B'nai B'rith is a constantly growing organization, and today, it numbers over 550,000 members. Its lodges for men and chapters for women, as well as its various coeducational branches, function throughout the United States, Canada, and in over 40 countries of the free world. The B'nai B'rith has shown an ability to adapt to new needs, for it has recently lowered the admission age to 18 and is currently conducting an intensive youth services appeal.

The B'nai B'rith has always been guided by the words, "Let Thoughts Become Deeds." This is a recognition of the fact that the rhetoric of good intentions accomplishes nothing and that words must be translated into concrete action if people are to be helped. The Inwood Lodge and Chapter has truly lived up to these words, and I am confident that the lodge and chapter will continue its dedicated service to the Inwood community in the years ahead.

I was pleased to join with the Inwood Lodge and Chapter in celebrating its silver anniversary, and I would like to take this opportunity to commend it once again on the fine work it has done thus far, and to wish all of its members success in their future endeavors.

Both the Inwood Lodge and Chapter have been fortunate to have had dedicated and concerned men and women serve as president, men and women who were willing to devote a great deal of time and effort to the many activities sponsored by the lodge and chapter. I want to congratulate Sam Silverstein, the president of lodge No. 1717, and Gertrude Edelstein, president of chapter No. 690, as well as all of the officers and trustees of Inwood Lodge and Chapter, and I would like to include a complete list of the newly elected officers and trustees of both the lodge and chapter:

OFFICERS—1972–1973

LODGE NO. 1717

President, Sam Silverstein.

Vice President, Louis Cowan.

Vice President, Aaron Greenfeld.

Vice President, Werner Simon.

Treasurer, Ernest Horwitz.

Financial Secretary, Gunther Ehrlich.

Recording Secretary, Herbert Edelstein.

Corresponding Secretary, Ben Gordon.

Guardian, Henry Pershep.

Warden, Hans Munter.

Chaplain, Arnold Herzog.

Delegate to Met. Council, Des Gabor.

Delegate to Met. Council, Ernest Horwitz.

Alternate to Met. Council, Herbert Edelstein.

Alternate to Met. Council, Jason Rosenberger.

Trustees

Three years, Des Gabor, Jason Rosenberger, Hans Munter.

Two years, Edward Lehner (to fill vacancy).

Additionally, the following Trustees will be carryovers:

Two years, Ray M. Fried, Fred Grohslicht.

One year, Carl Dorfman, Martin Harth, Paul Ron.

CHAPTER NO. 690

President, Gertrude Edelstein.

1st Vice-President, Elsie Wachsman.

2nd Vice-President, Rochelle Harth.

3rd Vice-President, Helen Horwitz.

Financial Secretary, Hazel Greenberg.

Corresponding Secretary, Ruth Wolf.

Recording Secretary, Edith Rosenberg.

Social Secretary, Hilla Simon.

Treasurer, Ruth Palmer Cowan.

Delegates to Met. Council, Ida Offenberg, Anny Lerman.

Alternates to Met. Council, Bea Sosnovy, Ruth Silverstein.

Members at large

Three years, Sophie Miller.

Two years, Tess Mandel.

One year, Clara Smith.

Counselor, Hannah Gordon.

I know that these fine men and women will serve ably in their respective positions.

The 13 men who have served as President of the Inwood Lodge are justifiably proud of their organization's accomplishments, and I would like to include in the RECORD some of their comments on this memorable occasion:

Henry D. Igar (Pres. 1947–49):

"I do often think of my activities in Inwood. They were good years—and I never so well participated in things Jewish—as well as civic—after I moved away."

Benjamin B. Scherman (Pres. 1949–51):

"Time has proven that B'nai B'rith in the community is a potent force and influence for unity of purpose and accomplishment."

Abraham Kadanoff (Pres. 1954–56):

"My chief interest has been to involve us in community affairs . . . We heard speakers of note and made liaison with important groups and residents in the community."

Theodore L. Crohn (Pres. 1957–59):

"I expect to be in Israel in May and we cannot accept the invitation to join your celebration. But our thoughts certainly will be with you, and please tell our good friends in Inwood that we wish them well."

Rudolph Wachsman (Pres. 1959–61):

"When an organization lives to celebrate twenty-five years of fruitful existence, it is time for joyous celebration as well as examination and assessment."

David E. Miller (Pres. 1961–63):

"Despite the fact that the blue print for landing a man on the moon (exists), we still did not learn how to walk on this earth like human beings."

Abraham Gersh (Pres. 1963–64):

"As president, I particularly sought to increase participation by the Lodge and Chapter in Jewish activities and community work."

Rudy Schwartz (Pres. 1964–66):

"Although I am now serving as President of another Lodge in Ithaca, I find that the love and devotion I feel for Inwood Lodge can never be replaced by any other group. This will always remain special to me and my family."

Morris Kaplan (Pres. 1966–67):

"As much as any single aspect, the close camaraderie maintained by the Executive Committee will always be remembered . . . It is safe to say that all the board members were guiding lights, each in his own way."

Dennis Wolf (Pres. 1967–68):

"This was a year of exciting events, a year of a number of 'Firsts', and a year of transition."

Martin Lindenberg (Pres. 1968–69):

"The memorial services (arranged by the Lodge) for Sen. Kennedy and Dr. King still bring a lump to my throat."

Arnold Herzog (Pres. 1970–72):

"If you believe that your cause is just, continue to fight, in spite of the majority."

Sam Silverstein (Pres. 1972–?):

"Instead of paying lip service to the problems surrounding us and waiting for others to do the job, the only way we can fulfill our mission as Sons of the Covenant is through personal involvement."

G. DUNCAN BAUMAN RECEIVES DISTINGUISHED AWARD

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include pertinent material.)

Mr. HALL. Mr. Speaker, a fellow Missourian and good friend, G. Duncan "Dunc" Bauman, publisher of the St. Louis (Mo.) Globe-Democrat, was the recent recipient of a distinguished civilian award from Hon. Robert F. Froehlke, Secretary of the Army. The choice was an excellent one, for "Dunc's" love of country and heartfelt desire that this Nation maintain a strong national defense is a well-documented fact.

The following article is offered for the interest and enlightenment of all:

PUBLISHER GETS AWARD FOR CIVILIAN SERVICE TO ARMY

(By Thomas Amberg)

G. Duncan Bauman, publisher of The Globe-Democrat, was honored Saturday with a special award for "distinguished civilian service to the Department of the Army" by Robert F. Froehlke, secretary of the Army.

The award presentation, which came as a surprise to Bauman, was made in Froehlke's behalf by Maj. Gen. Wesley C. Franklin, deputy commanding general for Reserve forces (southern area) of the 5th U.S. Army, at ceremonies outside Soldiers Memorial.

The special award came during a ceremony honoring 65 members of the Missouri Army National Guard, the Army Reserve, the Missouri Air National Guard and the Air Force Reserve.

The men received Globe-Democrat Outstanding Achievement Awards for character, leadership ability, judgment and common sense, loyalty, attitude, enthusiasm and performance.

In honoring Bauman, Franklin called the publisher, "a truly distinguished and patriotic American" and praised him for his "continued commitment to the national defense."

The citation accompanying a special ribbon and medal said in part:

"As publisher of The St. Louis Globe-Democrat and responsible for its editorial policy, Mr. Bauman has used the voice of that newspaper to continually promote and support the United States Army, the Army Reserve and the Army National Guard in all their critically important needs, goals and missions to insure a strong and adequate national defense."

Telegrams from Vice President Spiro T. Agnew, Gov. Warren E. Hearnes and Mayor Alfonso J. Cervantes praising Bauman were read at the ceremonies.

The award presentations to the reservists, National Guardsmen and Bauman were preceded by a parade from the Old Courthouse to the Soldiers Memorial, where displays of Army and Air National Guard equipment were viewed by the public.

In his opening remarks to the citizen-soldiers, Bauman said:

"We're buffeted on every side by the discordant cries of an irresponsible minority who somehow feel they should have special privileges and rights, but no responsibilities."

However, Bauman said, "the group gathered here today provides both proof of this nation's stature and a reassuring contrast to that vocal minority.

"It's encouraging to see a physical and emotional reminder that most Americans still feel that democracy, not anarchy, is the viable political system which will carry our republic through this decade and the decades to come."

The citizen-soldiers "symbolize the feelings of the majority of Americans who believe that we're part of the team in the world's best ballpark," the publisher said.

Major Gen. J. Milnor Roberts, chief of the Army Reserves, praised the citizen-soldiers' role in maintaining national defense and said the Army is "placing unprecedented reliance upon these individuals."

He said 45 per cent of the total Army manpower is in reserve components which add increased readiness for defense.

During the award ceremonies, members of the Old Guard Fife and Drum Corps of the 3rd Army's 3rd Infantry Division in Washington played marches and gave a demonstration of Continental Army drills.

The group, which came from Washington for the ceremony, was dressed in Revolutionary War costumes and played tunes of that war.

Also playing at the ceremonies was the Spirit of St. Louis Drum and Bugle Corps, an award-winning, all-black marching unit.

Immediately after the award presentations, a squadron of five Air National Guard attack helicopters followed by four Phantom jets flew over.

A luncheon for recipients of the Outstanding Achievement Awards was held at the Sheraton-Jefferson Hotel.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MOSS, for the period 4 p.m. June 1 through June 6, 1972, on account of official business.

Mr. KYROS (at the request of Mr. TEAGUE of Texas), for today, on account of official business.

Mr. CORMAN, for May 31, 1972, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. POWELL), to revise and extend their remarks and include extraneous matter:)

Mr. ESCH, for 15 minutes, today.

Mr. HALPERN, for 5 minutes, today.

Mr. QUIE, for 5 minutes, today.

Mr. SAYLOR, for 10 minutes, today.

(The following Members (at the request of Mr. LINK) to revise and extend their remarks and include extraneous material:)

Mr. ASPIN, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. MILLER of California, for 10 minutes, today.

Mr. BIAGGI, for 10 minutes, today.

Mr. DOWNING, for 30 minutes, June 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON in two instances.

(The following Members (at the request of Mr. POWELL) and to include extraneous material:)

Mr. ERLENBORN.

Mr. STEELE.

Mr. ROBISON of New York.

Mr. KEATING.

Mr. HALPERN in three instances.

Mr. CEDERBERG.

Mr. DELLENBACK.

Mr. WYMAN in two instances.

Mr. MCCLORY in two instances.

Mr. DERWINSKI in three instances.

Mr. O'KONSKI in two instances.

Mr. PRICE of Texas.

Mr. BURKE of Florida.

Mr. STEIGER of Wisconsin.

Mr. FINDLEY.

Mr. YOUNG of Florida in five instances.

Mr. BRAY in two instances.

Mr. PETTIS.

Mrs. HECKLER of Massachusetts.

(The following Members (at the request of Mr. LINK) and to include extraneous matter:)

Mrs. HICKS of Massachusetts.

Mr. DAVIS of Georgia in five instances.

Mr. GONZALEZ in three instances.

Mr. HAGAN in three instances.

Mr. ROGERS in three instances.

Mr. PUCINSKI in six instances.

Mr. KLUCZYNSKI.

Mr. HARRINGTON.

Mr. EDMONDSON in three instances.

Mr. STUBBLEFIELD.

Mr. EVINS of Tennessee in two instances.

Mr. WOLFF.

Mr. BEGICH in three instances.

Mr. MOORHEAD in five instances.

Mr. DINGELL.

Mr. HAMILTON.

Mr. GARMATZ in two instances.

Mr. WALDIE in five instances.

Mr. PICKLE.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3463. An act to amend section 906 of title 44, United States Code, to provide copies of the daily and semimonthly Congressional Record to libraries of certain United States courts; to the Committee on House Administration.

S. Con. Res. 79. Concurrent resolution authorizing the printing of additional copies of Senate hearings entitled "Amphetamine Legislation 1971"; to the Committee on House Administration.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1915. An act to provide for the conveyance of certain real property of the United States;

H.R. 5199. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets Nos. 255 and 124-C, dockets Nos. 256, 124-D, E, and F, and dockets Nos. 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in docket No. 251-A, and for other purposes;

H.R. 8116. An act to consent to the Kansas-Nebraska Big Blue River Compact;

H.R. 13361. An act to amend section 316(c) of the Agricultural Adjustment Act of 1938, as amended.

ADJOURNMENT

Mr. LINK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Thursday, June 1, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2042. A letter from the Secretary of the Treasury, transmitting the semiannual consolidated report of balances of foreign currencies acquired without payment of dollars, as of December 31, 1971, pursuant to 22 U.S.C. 2363; to the Committee on Foreign Affairs.

2043. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to transfer to the Secretary of Commerce certain functions of the Secretary of the Interior relating to encouraging, promoting, and developing travel within the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

2044. A letter from the Secretary of Transportation, transmitting the supplement to the 1972 National Highway Needs Report, covering the designation and cost of construction of the Federal-aid urban system, pursuant to section 1219(d) of the Federal-Air Highway Act of 1970 (H. Doc. No. 92-266, Part 3); to the Committee on Public Works and ordered to be printed.

RECEIVED FROM THE COMPTROLLER GENERAL

2045. A letter from the Comptroller General of the United States, transmitting a report of the audit of payments from the special bank account to the Lockheed Corp. for the C-5 aircraft program, covering the quarter ended March 31, 1972, pursuant to Public Laws 91-441 and 92-156; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 13169. A bill to amend existing statutes to authorize the Secretary of Agriculture to issue cotton crop reports simultaneously with the general crop reports; with amendments (Rept. No. 92-1099). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 14163. A bill to amend the Agricultural Act of 1970, as amended, to indemnify farmers and ranchers whose domestic animals are killed by predatory animals; with amendments (Rept. No. 92-1100). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. H.R. 14423. A bill to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions; with an amendment (Rept. No. 92-1101). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 9501. A bill to amend the North Pacific Fisheries Act of 1954, and for other purposes; with an amendment (Rept. 92-1102). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 1007. A resolution providing for the consideration of H.R. 14990. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes (Rept. No. 92–1103). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 965. Resolution authorizing the Speaker to appoint delegates and alternates to attend the International Labor Organization Conference in Geneva (Rept. No. 92–1104). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 985. Resolution authorizing additional investigative authority to the Committee on Public Works; with amendments (Rept. No. 92–1105). Referred to the House Calendar.

Mr. NATCHER: Committee on Appropriations. H.R. 15259. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1106). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 15227. A bill to provide for a comprehensive study and investigation of alternative routes for the construction of a Trans-Alaska pipeline; to the Committee on Interior and Insular Affairs.

By Mr. CAREY of New York:

H.R. 15228. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 15229. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MILLS of Arkansas:

H.R. 15230. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. DRINAN:

H.R. 15231. A bill to amend title II of the Social Security Act to improve the coverage of farmworkers by requiring farm employers with substantial payrolls to report all cash wages paid to their farm employees without regard to the existing minimum requirements for coverage (and by providing that the leaders of farm labor crews will be considered the employers of the members of such crews only if they would be so considered under the usual common law test); to the Committee on Ways and Means.

H.R. 15232. A bill to amend title II of the Social Security Act to provide that any individual age 55 or over shall be considered disabled for purposes of entitlement to disability insurance benefits and the disability freeze if he meets the more liberal definition of "disability" presently applicable to blind individuals at that age; to the Committee on Ways and Means.

H.R. 15233. A bill to amend title II of the Social Security Act to provide that an individual who is under a disability and is otherwise qualified may become entitled to full widow's or widower's insurance benefits without regard to age; to the Committee on Ways and Means.

H.R. 15234. A bill to amend title II of the Social Security Act to provide for payment of full wife's and husband's insurance benefits without regard to age in cases of disability; to the Committee on Ways and Means.

H.R. 15235. A bill to amend title II of the Social Security Act to provide that an individual's marriage before attaining age 22 shall not prevent him or her from being entitled to child's insurance benefits; to the Committee on Ways and Means.

H.R. 15236. A bill to amend title II of the Social Security Act to increase from 18 to 22 in all cases the age until which child's insurance benefits are payable (in the absence of disability) by eliminating the present requirement that a nondisabled individual be a full-time student in order to qualify for such benefits after attaining age 18; and to provide that entitlement to child's insurance benefits after age 22 may be based on a disability which began at any time before attaining such age; to the Committee on Ways and Means.

By Mr. EDMONDSON:

H.R. 15237. A bill to amend chapter 2 of the Internal Revenue Code of 1954 to reduce the social security taxes imposed on self-employed individuals to the level of the taxes imposed on employees; to the Committee on Ways and Means.

H.R. 15238. A bill to amend title XVIII of the Social Security Act to increase from 60 to 120 the number of "lifetime reserve" days for which inpatient hospital benefits may be paid under the medicare program, to reduce the coinsurance payment required of the beneficiary with respect to those days, and to provide a similar 60-day lifetime reserve for posthospital extended-care benefits; to the Committee on Ways and Means.

H.R. 15239. A bill to amend title II of the Social Security Act to permit the computation of the benefits payable to a married couple (or to the surviving widow or widower) to be made on the basis of their combined earnings; to the Committee on Ways and Means.

H.R. 15240. A bill to amend title II of the Social Security Act to eliminate the present ceiling (the so-called family maximum) on the total amount of benefits which may be paid on an individual's wage record; to the Committee on Ways and Means.

H.R. 15241. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. FORSYTHE:

H.R. 15242. A bill to extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty; to the Committee on the Judiciary.

By Mr. GALIFIANAKIS:

H.R. 15243. A bill to authorize the Secretary of Agriculture to make grants for research to develop techniques of and information on the growing, harvesting, and processing of tobacco to assist tobacco producers in protecting the health of tobacco users; to the Committee on Agriculture.

By Mr. HALPERN:

H.R. 15244. A bill to eliminate the monetary limit on the amount which may be paid administratively by the National Aeronautics and Space Administration or the Department of Defense for claims for loss caused in the United States by aeronautical and space vehicles falling from outer space; to the Committee on the Judiciary.

By Mr. McKAY:

H.R. 15245. A bill to provide for the conveyance of certain mineral interests of the United States in property in Utah to the record owners of the surface of that property; to the Committee on Interior and Insular Affairs.

By Mr. McKEVITT:

H.R. 15246. A bill to amend title 38 of the United States Code to liberalize, in the case of certain hospitalized veterans with mental illness, the reduction and repayment provisions applying to compensation or retirement pay; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. McKEVITT (for himself, Mr. Davis, of Georgia, Mr. Eilberg, Mr. Heinz, and Mr. Pettis):

H.R. 15247. A bill to authorize designated employees of the National Park Service and the U.S. Forest Service to make arrests for violation of Federal laws and regulations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McKINNEY:

H.R. 15248. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts won in State lotteries; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 15249. A bill establishing a commission to develop a realistic plan leading to the conquest of mutiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:

H.R. 15250. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SEIBERLING:

H.R. 15251. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide benefits to survivors of police officers, firemen, and correction officers killed in the line of duty, and to police officers, firemen, and correction officers who are disabled in the line of duty; to the Committee on the Judiciary.

H.R. 15252. A bill to amend title 38 of the United States Code to deem any person placed for adoption by an appropriate adoption authority to be legally adopted during the period of placement; to the Committee on Veterans' Affairs.

By Mr. WHALLEY:

H.R. 15253. A bill to provide equitable tariff treatment with respect to imported passenger automobiles; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 15254. A bill to require the Secretary of the Interior to make a comprehensive study of the dolphin and porpoise for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

By Mr. WOLFF:

H.R. 15255. A bill to amend the Internal Revenue Code of 1954 to provide an additional itemized deduction for taxicab fares paid by disabled individuals; to the Committee on Ways and Means.

By Mr. WYATT:

H.R. 15256. A bill to provide for the annual reporting by Members of the Senate and House of Representatives and justices and judges of the United States of all income, assets, and liabilities, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDLER:

H.R. 15257. A bill to provide that Federal assistance for housing designed for the elderly may not be conditioned upon the construction or development of other housing in the same community; to the Committee on Banking and Currency.

By Mr. ZWACH (for himself, Mr. Quie, Mr. Nelsen, and Mr. Frenzel):

H.R. 15258. A bill to further reduce Federal control of assets of rural rehabilitation corporations; to the Committee on Agriculture.

By Mr. NATCHER:

H.R. 15259. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. DU PONT:

H.J. Res. 1213. Joint resolution authorizing and requesting the President to issue annually a proclamation designating the week beginning on the last Monday of May of each year as "National Natural History Week"; to the Committee on the Judiciary.

By Mr. SMITH of California:

H. Res. 1006. Resolution providing for the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

395. The SPEAKER presented a memorial of the Legislature of the State of Iowa, relative to the price-grading system for grains and oil systems, which was referred to the Committee on Agriculture.

PETITIONS, ETC.

Under clause 1 of rule XXII,

245. The SPEAKER presented a petition of Richard W. Bowman, Graterford, Pa., relative to redress of grievances, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

OPERATION BREAKTHROUGH

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. WALDIE. Mr. Speaker, through the gracious cooperation of the chairman of the Select Committee on Crime, Mr. PEPPER, Washington will learn of a really effective program of self-help and drug rehabilitation being conducted at the Federal Correctional Institute in Lompac Calif.

The name of the program is "Operation Breakthrough" and the story of this effort and of those outside and inside the walls of the Correctional Institute are worthy of the attention so generously given by Mr. PEPPER.

The inmates who are working hard to spread the word on the outside about the insidious nature of drugs and the life behind walls for drug offenders will testify before the Senate Subcommittee on National Penitentiaries on June 13 and will also appear before the House Select Committee on Crime on June 15.

They will tell of their efforts and their hopes. They will share with us the harrowing tales of drugs, crime, and prison. It is not a pleasant story, Mr. Speaker, but it has to be told.

Great credit for working with Operation Breakthrough should be given Mrs. Betty Stephens of Santa Barbara, Calif. She has worked tirelessly in the community to assist the correctional facility staff and inmates in making this effort a success.

Her hard work to have the representatives of the program testify before the House and Senate has been successful and no doubt will greatly help the public to become aware of this excellent program.

Mr. Speaker, a recent article in the Santa Maria, Calif., Times described the program and some of the people who are playing significant roles in it. I believe that it is of great interest for all concerned with the drug problem:

DRUGS AND PRISON: LOMPOC INMATES TELL THEIR STORIES AND THEIR DREAMS

(By Tom Leyde)

Douglas Lowery, Jesse Hernandez, Jimmy Rangel and Morgan Macdonald all have a story to tell; a true story about drugs, about crime and about prison.

The four are inmates at the Federal Correctional Institute (FCI) in Lompoc, former drug users and members of Operation Breakthrough, an inmate run program helping convicts to help themselves and inform the public.

Operation Breakthrough was conceived last May in a prison mop room when six inmates—members of the FCI Young American Jaycees—started meeting to discuss plans for a drug education program.

But despite its crude beginning, the program has blossomed and currently has 32 active members with more than 50 on its waiting list.

Through informal inmate panels, both inside and outside the institution, Operation Breakthrough attempts to communicate the truth about drug abuse to young people and parents as well as break down the stereotype beliefs people have of prisons and prisoners.

During an Operation Breakthrough panel, each inmate tells his own story—how he got involved with drugs and crime. In the case of the four inmates interviewed, all are serving sentences for drug related offenses.

Morgan Macdonald, Operation Breakthrough program director, has a rather colorful criminal record. At 25, Macdonald, who comes from Los Angeles, is serving a 15 year sentence for bank robbery. While supporting a heroin habit, he pulled five bank jobs and was also involved in forgery.

Sporting a reddish-brown mustache, Macdonald's face has a guy down the block familiarity about it. So familiar he is often mistaken for a prison officer when speaking outside the institution.

The truth about drug addiction and prison, Macdonald said, is it can happen to anyone "no matter how much education or money you've got."

Macdonald was a person who had everything going for him before he turned to heroin. He comes from a middle class family, spent four years in the Air Force as a photographer and has completed one year of college. Prior to his conviction, he was working as an analyst for the Matell Toy Company in Hawthorne.

But in 11 months, he said, "I went from the achievements I'd attained back down to the bottom and in the process burned all my friends and family."

Macdonald said he still dreams about fixing (shooting heroin) once in awhile. He cannot say with all honesty that he will not try drugs again.

As program director, Macdonald, the more loquacious of the four inmates and one of the original six members along with Jesse Hernandez, acts as a liaison between the inmates and the prison administration. He also handles program correspondence and schedules inmates for speaking engagements.

"Prison's a drag," said Macdonald, "but it's only what you make it. We're trying to make it as constructive an experience as possible."

Of those who started Operation Breakthrough, Macdonald said, none had had any previous experience in public speaking or running a drug education program. "Everything we've done so far we have played by ear. From now on we keep trying new things."

Joining Operation Breakthrough is strictly voluntary, said R. W. (Buster) Graham, corrections officer at the FCI and staff coordinator of the program.

"It's a personal commitment," the veteran Oxnard policeman and former restaurant owner explained. "The men said look, I'm in prison and I want to be able to talk." Graham said the community is not ready for the program "but we're trying to educate them."

Inmates have made approximately 100 supervised trips to communities, he said, and have presented between 35 and 45 panels inside the institution. Through television interviews, radio talk shows and public appearance, Graham estimates word of the program has reached 400,000 to 500,000 persons.

'If we can reach one person and stop him from hitting the drug scene or prison," he said, "then we have accomplished something."

Particularly interested in reaching young people is Jesse Hernandez, 27, of Santa Barbara County. Serving a six month to six year sentence for smuggling, Hernandez has composed songs about his experiences with drugs and sings them to groups accompanying himself on guitar.

"Operation Breakthrough," he said, "is at the verge of expanding. We're getting more into the juvenile assistance side." The beauty of the program, he said, "is each man tells his own story. It's like "a small index of short stories."

Hernandez, like the three other inmates interviewed, wants to go into counseling after he has served his time. All are enrolled in a program at the FCI that leads to a paraprofessional certificate. Earning the certificate means they are qualified to work with professional counselors.

Jimmy Rangel, a Mexican-American with a thin, black mustache is working hard for his certificate. He has lots of time. Rangel, a former heroin pusher and addict is serving six years for selling heroin and faces two state sentences—one from six months to 10 years and another from 10 months to 10 years—when he is paroled.

"I'm getting myself more qualified for out there," he said.

He feels the program is succeeding in reaching young people. "Students relate to us . . . They say things they wouldn't say to their parents . . . They want the truth."

The truth about Douglas Lowery, a 21-year-old black from Los Angeles, may be a shock to some. His story began at an early age.

"I started smoking grass (marijuana) when I was 12," he said. "I do not dig this place at all."

Like Macdonald, Lowery also robbed a bank. But he was not supporting a heroin habit. His trip was red devils (barbituates). Lowery was on red devils four years before the law caught up with him. He got six years.

Speaking of Operation Breakthrough, Lowery said, "The program motivates the inmate. It's their turn to tell the public how it is instead of higher officials . . . We're trying to come up for air for good."

When he leaves prison, Lowery hopes to

go to college and then into counseling. "My main goal is to help people."

Helping people is what Operation Breakthrough is all about. It's a personal breakthrough for inmates to speak outside the institution, Macdonald said. "It becomes clear to you why you're here. You look at yourself honestly."

Macdonald said the program has "suffered some growing pains, because we're grown so fast." Although the group's activities within a prison are limited, Macdonald said, "we've had one hundred per cent cooperation from Kenton (Frank F. Kenton, warden) on down . . . We're having things occur now we never thought possible."

"What I would like to see as an ultimate goal," Macdonald said, "is a breakthrough program in every federal correctional institute in the country.

"Up until a short time ago, an ex-convict and known drug user had two strikes against him. We all have two strikes against us when we leave this place and three strikes and you're out."

Those who would like to learn more about Operation Breakthrough or who would like to attend an inmate panel should telephone R. W. (Buster) Graham at RE 6-7574 or write to Morgan Macdonald in care of Graham. The address is Operation Breakthrough, Federal Correctional Institute, P.O. Box W, Lompoc, 93436.

A BLACK MAYOR VIEWS BUSING

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Wednesday, May 31, 1972

Mr. GRIFFIN. Mr. President, in Michigan the adamant opposition to forced busing reaches across lines of occupation, economic status, political party, and racial and ethnic identification.

It has become increasingly clear that most blacks, as well as whites, support the neighborhood school concept and oppose forced busing.

Inkster, Mich., is a suburb of the city of Detroit. Most of the other suburban communities which expect to be affected by the metropolitan Detroit busing order of a Federal district judge are white.

But Inkster is a city where many of the residents are black.

And the mayor of Inkster, the Honorable Edward Bivens, is black.

Mr. President, last week I received a very perceptive, thoughtful letter from Mayor Bivens. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CITY OF INKSTER,
Inkster, Mich., May 22, 1972.

Senator ROBERT P. GRIFFIN,
U.S. Senate,
Old Senate Building, Washington, D.C.

DEAR SENATOR GRIFFIN: I ask that you vote your conviction on the matter of busing; however, if your conscience will permit, I ask that you vote against massive busing.

As you know, I am Black, and despite the kinds of discriminatory acts that I've been subjected to, during my more than 40 years, I will not permit myself to be blinded on an issue like this.

I've served on my local Board of Education, and know the high cost of operating a system of buses. It has been the second highest expenditure other than salaries. I can not see the massive numbers of dollars going into busing, when those same dollars could be used to enhance educational possibilities for youngsters.

On the matter of integration, I am not convinced that integration will be realized through busing I say that because the five or six hours that Black students will spend in school with White students and then return to their Black or White habitat is not meaningful integration. Therefore busing will not accomplish integration.

On the matter of better education, I know that it is the contention of some that better facilities, and better teachers are available in White settings. Acknowledging this to be true, I then say that Black students will still experience the level of attainment that they presently realize, because if a White teacher has a racial hangup, that teacher then will not teach Black students as effectively as he or she would teach White students. Therefore the Black student is still short-changed.

I often wonder what became of the 'Black pride' that I've heard my race speak of so often. It seems to have suddenly faded.

There are certain school districts that must maintain a busing system because of certain rural characteristics and conditions. I can accept busing under these conditions. But in my area busing is not needed. What we need, across this Nation, is better teachers, in many cases better curriculums that give kids a better opportunity, and most of all greater parental involvement with their off-springs. Parents, generally speaking, have abdicated their responsibility for their children.

I feel that your leadership is necessary to defeat busing and accordingly, I solicit same.

Sincerely yours,

EDWARD BIVENS, Jr.,
Mayor of City of Inkster.

ALASKAN REPRESENTATION

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. BEGICH. Mr. Speaker, I have recently received a copy of a resolution passed by the Alaska State Legislature relating to participation by Alaska in the International Conference on the Law of the Sea. The Conference is scheduled to be held in Geneva in 1973. Any agreement reached there will have a vast impact on Alaskan fisheries for a long time to come, and yet the preliminary proposals by the Department of State appear to offer a little protection for either our national or Alaskan fisheries, and there is no official representation by Alaska on the Department's delegation to the conference. A State which has nearly half of the total coastline of the United States should have representation at a conference which so vitally affects its major industry and substantial source of livelihood. I would like to include a copy of this important resolution in the record for my colleagues' attention.

ALASKA STATE LEGISLATURE—HOUSE JOINT RESOLUTION NO. 89

Relating to participation by Alaska in the Conference on the Law of the Sea

Be it resolved by the Legislature of the State of Alaska:

Whereas an International Conference on the Law of the Sea is scheduled to be held in Geneva in 1973 and any agreement reached by the conference will have a deep and profound influence on Alaskan fisheries for generations to come; and

Whereas the preliminary proposals by the Department of State appear to offer little protection for either our national or Alaskan fisheries; and

Whereas our coastal fishery resources are being seriously depleted due largely to the effect of unregulated foreign fishing conducted without regard to sound conservation principles; and

Whereas conservation is urgently needed, both to maintain our fishery resources on a sustainable yield basis and to secure a sound economic future for our state's and nation's fisheries; and

Whereas the State of Alaska has, of all 50 states, the largest coastline, measuring 5,580 statute miles or 45 per cent of our nation's total coastline and 31,383 statute miles of tidal shoreline; and

Whereas the State of Alaska has innumerable fishing ports and villages, one of which, Kodiak, is the second largest fishing port in the entire United States; and

Whereas the fisheries industry, and fisheries related services, provide Alaska's largest source of income, having a total value of more than $200,000,000 annually; and

Whereas our fisheries industry is the largest seasonal employer of Alaska's citizens; and

Whereas representation in the Department of State delegation to the Conference on the Law of the Sea does not officially include the State of Alaska; and

Whereas a state which has nearly half of the total coastline of the entire United States should most certainly have representation at a conference which so vitally affects its major industry and substantial source of livelihood and state revenue;

Be it resolved by the Alaska Legislature that the President of the United States is respectfully requested to direct the Department of State to include representation from the State of Alaska, considering its major significance as a fishery in the United States, in the delegation to the Conference on the Law of the Sea to be held in Geneva in 1973; and be it

Further resolved that upon approval of Alaska's participation, the Secretary of State notify the governor immediately so that he can select and appoint legal and technical experts and an advisory committee of appropriate persons who are both knowledgeable in state fisheries matters and representtative of Alaska's coastal areas, and take whatever action is necessary to assure their participation to the Law of the Sea Conference in 1973; and be it

Further resolved that the Department of State also be directed to conduct hearings before August 31, 1972 for the purpose of obtaining testimony from the citizens of Alaska on matters in which they are so deeply and personally involved, in Juneau, the capital city of the state; in Kodiak, the largest fisheries port in the state; in Anchorage, the largest city in the state and center of transportation and commerce; and in Fairbanks, site of the University of Alaska's Institute of Marine Research; and that this testimony be used in preparation of the position of the United States on proposals affecting fisheries of the United States and particularly of Alaska which will be considered at the conference.

Copies of this resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Spiro T. Agnew, Vice-President of the United States; the Honorable William P. Rogers, Secretary, Department of State; the Honorable Peter G. Peterson, Secretary Designate, Department of Commerce; the Honorable J. W. Fulbright, Chairman, Senate Foreign Relations Committee; the Honorable Thomas E. Morgan, Chairman, House Foreign Affairs Committee; the Honorable Ronald Reagan, Governor, State of California; the Honorable Dan Evans, Governor, State of Washington; the Honorable Tom McCall, Governor, State of Oregon; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and to the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

RADIO FREE EUROPE TURNS OFF FULBRIGHT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. DERWINSKI. Mr. Speaker, until the battle is won, I will continue to call the attention of the Members to the shortsighted, ill-intended, stubborn opposition by the junior senator from Arkansas against the continued operation of Radio Liberty and Radio Free Europe.

One of the outstanding journalists of our day is Mr. Roscoe Drummond. His column, which was carried in the May 19 Chicago Today, eloquently argues the case for these two radio stations and the service that they render.

The editorial follows:

RADIO FREE EUROPE TURNS OFF FULBRIGHT

(By Roscoe Drummond)

WASHINGTON.—What in the world does Sen. William Fulbright want to accomplish by trying to kill Radio Liberty and Radio Free Europe? They broadcast news to the people of the Soviet Union and Eastern Europe that they can't otherwise get.

He contends that these Free World radio stations, the only means by which people living under Soviet censorship can get balanced and objective information about what is going on in the world and in their own countries, should be "buried in the graveyard of cold war relics."

There certainly can be honest differences over how these programs beamed behind the Iron Curtain should be financed. But why Sen. Fulbright wants to silence them by cutting off their funds is hard to fathom.

Whatever his purpose, Fulbright's facts are wrong, and, if he succeeds in abetting the information blackout in Russia and Eastern Europe, he will be doing great harm.

He will be arming those Kremlin leaders whose power to resist all social change rests primarily on censorship.

He will be denying to the only liberalizing forces behind the Iron Curtain a means to reach their own fellow citizens and the outside world.

He will be choking off the flow of news and knowledge at a time when Radio Liberty and Radio Free Europe can do the most good.

Perhaps Mr. Fulbright has been so busy with Viet Nam that he does not realize that there is a reformist movement in the Soviet Union, which is gaining voice and strength and which seeks to win for the Soviet people more freedom and a larger say in their own government.

This demand among professionals and intellectuals in Russia is growing. It is not seeking to overthrow the regime. It is not anti-Communist. It wants social reform and an end to repressive censorship. These Soviets are working for the good of their country as they see it. The radio news programs Fulbright wants to stifle are vital to these democratic-minded Soviet dissenters. They themselves say so.

The programs of Radio Liberty and Radio Free Europe are not cast in the climate of the cold war. A study of the scripts by the research division of the Library of Congress reached just the opposite conclusion Fulbright hoped it would. It found the programs objective and factual.

Without Radio Liberty, the Soviet people can get little uncensored information about what is going on outside or inside Russia.

A Soviet journalist who left Russia recently has described this censorship in these words:

"Not a single thing can be printed in the Soviet Union, whether it be a book or a postage stamp, a newspaper or a label for a bottle, a magazine or a candy wrapper, unless it has been approved by the censor."

This is why Radio Liberty read 16 parts of Pasternak's "Doctor Zhivago," six parts of Andrei Amalrik's "Will the Soviet Union Survive Until 1984?" and 62 parts from the book, "The First Circle," by Russia's greatest living writer, Alexander Solzhenitsyn.

This is why Radio Liberty broadcasts the pronouncements, the petitions, essays, stories and reforms proposed and contained in "samizdat." These are typewritten or handwritten privately circulated documents, nearly 1,000 of which have been put into the hands of Radio Liberty for its use.

The Soviet people would not know the truth about the Soviet invasion of Czechoslovakia, the statements of the Chinese at the United Nations or the letter from Soviet Jews to Golda Meir if they weren't broadcast by Radio Liberty.

Funding for Radio Free Europe and Radio Liberty will run out next month. A new appropriation must be approved soon or both will die an untimely death.

Radio Liberty and Radio Free Europe, far from being "relics of the cold war," further allow the free flow of ideas and information where they are scarcest.

I wonder why Sen. Fulbright wants to destroy them? It will be well if he does not succeed.

BROOKLYN PARK ELEMENTARY SCHOOL

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. GARMATZ. Mr. Speaker, Brooklyn Park Elementary School, located in the Third Congressional District of Maryland, which I have proudly represented for almost 25 years, has been the recipient this year of two first-place awards, one received nationally for the 9th consecutive year and one for first place for the 8th consecutive year, by the Columbia Scholastic Press Association.

Brooklyn Park Elementary School, under the able leadership of Mr. George E. Surgeon, supervising principal, has initiated a new 75,000 square feet "Open Space" school. Educational leaders have been arriving from around the country to view this magnificent new school.

At this point in the RECORD, I take the opportunity to insert the two official score sheets from the Columbia Scholastic Press Association to the Brooklyn Park Elementary School for their Le Petit Journal and the BPES Journal which not only gives the rating, but also comments on the excellence of these two journals:

OFFICIAL SCORE SHEET: COLUMBIA SCHOLASTIC PRESS ASSOCIATION, ELEMENTARY SCHOOL NEWSPAPERS

THE 1972 AND 48TH ANNUAL CONTEST

Name of Newspaper, B.P.E.S. Journal.

School, Brooklyn Park Elementary.

Address, Morgan Road and Fourteenth Avenue, Baltimore, Maryland 21225.

Telephone, 789–1881.

Publications Adviser, Mrs. Mary A. Fickel.

Supervising Principal, Mr. George E. Surgeon.

Rating, First place award (8th consecutive First Place Award).

Summary of the score sheet:
Appearance and Make Up, Excellent.
Name Plate or Cover, Excellent.
Typography, Excellent.
Masthead, Excellent.
Content, Excellent.
Headlines, Excellent.
News, Excellent.
Editorials, Excellent.
Features and Artwork, Excellent.
General Considerations, Excellent.

COMMENTS

"The B.P.E.S. Journal is original and complete. The headlines and subheadlines are excellent. You show much initiative."

"Your B.P.E.S. Journal shows a great deal of interest, planning and hard work on the part of all concerned. It is quite informative and practically takes the reader on a tour of the Brooklyn Park Elementary School, explaining the new innovations, etc., as one goes along with you. Keep it up. It is wonderful to be so proud of your Brooklyn Park Elementary School that you want to tell all about it."

"Excellent. Congratulations on your first place rating. Your B.P.E.S. Journal has appeal. It encourages the children to write about the interesting happenings around the Brooklyn Park Elementary School. They enjoy telling others about their wonderful school. You must be very happy in your new building. Enjoy it. You are very, very fortunate in having so many opportunities available to you. There is a good relationship between you and the Parents Teachers Association. The community at large certainly does appreciate your fine principal and his outstanding efforts in your behalf. He is bringing many, many honors to your Brooklyn Park Elementary School and to the Brooklyn Park Community. (I hope you appreciate him for all he has done.) Congratulations, Mr. Surgeon." "Your B.P.E.S. Journal is excellent."

CHARLES R. O'MALLEY,
Director, Columbia Scholastic Press Association, Columbia University, New York City, N.Y.

OFFICIAL SCORE SHEET: COLUMBIA SCHOLASTIC PRESS ASSOCIATION, ELEMENTARY SCHOOL MAGAZINE

THE 1972 AND 48TH ANNUAL CONTEST

Name of magazine: Le Petit Journal, Brooklyn Park Elementary School, Morgan Road and Fourteenth Avenue, Baltimore, Maryland 21225, Telephone 789–1881.

Adviser: Mrs. Mary A. Fickel.

Principal: Mr. George E. Surgeon.

Rating: First place award (9th Consec. National Award).

Summary of the Score Sheet:
A. Appearance and make-up:
1. Cover, Excellent.
2. Title and content pages, Excellent.
3. Typography and make-up, Excellent.
4. Titles and headlines, Excellent.
B. Content:
1. Editorials, Excellent.
2. Stories, Excellent.
3. Poetry, Excellent.
4. Essays and features, Excellent.
5. Humor, Excellent.
6. Art work, Excellent.
7. School and class notes, Excellent.
C. General considerations and advertising, Excellent.

GENERAL COMMENTS

"The Le Petit Journal, the creative arts magazine, of the Brooklyn Park Elementary School is truly "Excellent." The number, variety and high quality of contributions speak quite well for the enthusiasm generated by the adviser, Mrs. Mary A. Fickel, the principal, Mr. George E. Surgeon, and the faculty. You are to be highly commended."

"The literary quality of your students is quite evident."

"The Le Petit Journal contains an excellent mixture of stories, essays, poetry, editorials, interviews, informative articles, reviews of books, plays, music, movies, profiles of students and faculty and humor."

"Your originality is of the highest quality and all the work appearing is original."

"A sense of personal, school, community and civic responsibility of writers for the betterment of their society is quite evident in the Brooklyn Park Elementary School's Le Petit Journal."

"Congratulations Brooklyn Park Elementary School."

CHARLES R. O'MALLEY,
Director, Columbia Scholastic Press Association.

PREMIERE OF A NEW MAGAZINE: ENCORE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. **CLAY.** Mr. Speaker, I would like to bring to the attention of my colleagues the recent emergence from the world of journalism of a refreshing and creative magazine entitled "Encore." The key concern of the publication is, in the words of its editor, Ida Lewis, to answer the question "How can we prosper in this environment while still being true to our basic selves?"

Mr. Speaker, a recent editorial in the St. Louis American amplifies the aims of this new magazine and discusses its potential to probe the world's "growing complexity and interdependence."

Mr. Speaker, I wish to include this editorial in the RECORD for the benefit of all my colleagues. The editorial follows:

PREMIERE OF MAGAZINE "ENCORE" AND THE GROWING COMPLEXITY AND INTERDEPENDENCE

A new magazine has come to this corner's desk—an imposing slick-paper medium-sized format—Encore. The premiere issue is excellently presented and there is no pinch or cut-down. First off, the name is neither flamboyant nor a combination of the alphabet that represents some "action" group or movement. The editor and publisher is Ida Lewis, and this quote from the editorial page:

"Above all the key concern is, How can we prosper in this environment while still being true to our basic selves? Directed by this concern, Encore aims

To provoke: not by polemics but by opinions;

To excite: not by rhetoric but by facts and information on subjects ranging from economics to fashion;

To involve: not by sensationalism but by thoroughly researched reportage and analysis.

No group can live in isolation, for the path of isolation is barren and leads to stagnation and disintegration . . . Each family of man must pay its part in a world that is a jungle of conflicting interests and desires . . . Encore will be committed to panracialism—in both spiritual and actual terms. Encore will probe the world's growing complexity and interdependence . . ."

That package this "square" column can certainly buy.

The initial cover the Encore has a colorful picture of a young American Indian with four varicolored children huddled in front of him: Black, Mexican, Chinese, and blond Caucasian. In bold type across this pleasing picture: "America: Neither Black nor White?"

Encore's premiere issue has 80 pages of well-chosen articles and picture—none of them done in the "sensational" style—yet inciting and calling for a second look-read.

The "heavy advertizing" as seen in Ebony and the few other successful magazines, is scant in this initial issue. Two full page cigarette ads—one major oil company. . . . Pages for Ethiopian Airlines—American Airlines, Pepsi-Cola and The Aluminum Corporation.

The magazine's business address is 572 Madison Avenue, New York—and that's significant. . . .

In mentioning that there was nothing "sensational" in Encore there should be a red asterisk. . . . There is a piece entitled The Robeson Confusion—Do you really know what's happened to Paul Robeson? . . . It is in two parts—and it leaves you a bit shaky—to wait until September (when the first regular issue of Encore will appear) to find the answer to that intriguing question.

Encore has a place in the present 'seventies and the coming prophetic 'eighties. . . . By then the "growing complexities and interdependence" will have either made or marred this U.S. dream. . . . Long live Encore! In America the issue will be "neither black nor white." . . . This aged corner was nurtured on a Brown America image—the "Brown Bomber" is still its apotheosis. . . .

JUDICIAL ABUSE OF FOOD STAMP PROGRAM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. **RARICK.** Mr. Speaker, the hard-pressed taxpayers were relatively silent at the food stamp concept to aid the poor, the physically and mentally disabled, and our elderly citizens in helping them to achieve a nutritious diet.

The recent ruling of a three-judge Federal panel declaring unconstitutional the law passed by Congress denying food stamps to communal welfare loafers is an abuse of the intent and purpose of the program and a waste of taxpayers' money.

I include a related newsclipping:

[From the Washington Post, May 31, 1972]

JUDGES UPHOLD COMMUNES IN RIGHT TO FOOD STAMPS

(By Jim Mann)

A three-judge federal panel here yesterday declared unconstitutional the law passed by Congress last year to prevent so-called hippies living in communes from receiving federal food stamps.

The ruling, which can be appealed to the U.S. Supreme Court, will permit those living in communes to receive food stamps on the same basis as other individuals, as long as they qualify under economic guidelines.

At issue before the federal panel was a law passed by Congress in January, 1971, providing that food stamps should not be distributed to any unrelated persons living together under the same roof. The law was implemented last August by the Department of Agriculture, which runs the food stamp program.

The federal panel found that the law was the result of "hasty last-minute congressional action," which was apparently designed to cut off food stamps to hippie communes but which affected others unintentionally.

In their written opinion, the judges said the law ran into constitutional problems because of recent Supreme Court decisions protecting the rights to privacy and freedom of association in the home.

Communal groups and others affected by the congressional action have been permitted to receive food stamps since April 6, when U.S. District Court Judge John Lewis Smith Jr. ordered the Department of Agriculture to issue the stamps pending the outcome of the court case.

The panel that ruled yesterday included Smith, U.S. District Court Judge Aubrey E. Robinson Jr. and U.S. Court of Appeals Judge Carl McGowan.

GUN CONTROL—THE EXPERIENCE OF OTHER NATIONS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. **DRINAN.** Mr. Speaker, the gun lobby, which has for years engaged in overkill in its efforts to protect the interests of sportsmen, continues to be a very potent force against meaningful gun control legislation. Many of us believe that we can and must have stringent new gun control laws, laws which will decrease the level of violence-by-bullet without infringing on the hobby of those who enjoy sport hunting and other careful sporting use of firearms.

On May 21, there appeared in the Boston Globe an article reprinted from the Christian Science Monitor, by Florence Mouckley, with respect to the efforts toward strong gun control laws in other nations. I commend this analysis, which follows, to my colleagues' attention:

COUNTRIES WITH STIFF GUN CONTROLS ARE MAKING LAWS EVEN TOUGHER

(By Florence Mouckley)

(NOTE.—An enormous disparity exists between the low rate of gun crimes in countries where gun-control laws are stringent and the high rate in the United States where such laws are lax. A survey of eight such countries shows that those countries surveyed, still not satisfied, are pulling the net of controls tighter.)

Gun-control laws in developed countries other than the United States are tough and the trend is toward even stricter enforcement and new, harsher legislation.

Precisely how effective these stringent laws are in preventing crime is difficult to measure. However, many law-enforcement officials in the eight countries surveyed—Britain, France, Italy, Canada, Japan, the Soviet Union, West Germany and Sweden—point to their relatively low "crime-by-gun rate" compared to the United States.

The following figures for 1970 indicate the contrast between those countries and the United States:

In Britain there were 29 killings from all firearms. And total indictable firearms offenses numbered 1359 in that country of 50 million people.

Of the 430 murders that took place in Canada, 176 were committed with guns.

In France, an estimated 475 persons were killed with handguns and an estimated 625 other crimes were perpetrated with guns.

In Tokyo (overall figures for Japan were unavailable), there were only 16 cases of violent crime involving guns. (There were 194 instances involving swords; 709 with razors and knives.) It has been reported that there were 213 murders with all weapons.

Italy counted up 741 homicides with weapons of all types and had 3112 armed robberies. There were 62,084 major unarmed thefts.

The United States had 9,039 murders by guns and a further estimated 100,000 other crimes committed with firearms.

Comparisons with the United States are difficult. Most of the countries surveyed have homogeneous populations with little racial or ethnic strife. And none of these countries has America's Wild West gun-slinging, every-man-for-himself, right-to-bear-arms traditions which still persist in some quarters in the United States.

Tough gun-control laws, say officials in the countries surveyed, tend to keep down the number of guns in circulation. There is consequently less chance of their being used accidentally, in the heat of arguments by irresponsible persons, or being stolen by criminals.

In France, 60,000 handguns are held legally with an estimated 280,000 to 320,000 held illegally.

In Italy, 62,000 persons are licensed to carry pistols, but officials there refuse even to guess at the number held in violation of the law.

In Canada, Britain, Italy, West Germany, Sweden and France permits must be obtained from authorities before a handgun may be purchased.

And in Japan and the Soviet Union handguns are forbidden to private citizens with only one or two specific exceptions.

In Britain, Italy, Sweden and Japan permits must even be obtained for hunting and for target-practice guns—rifles and shotguns.

Japan, which has perhaps the tightest gun-control laws outside the Communist world, requires that a person waiting to purchase a rifle must have owned and used a shotgun—a less dangerous gun—for 10 years before he can qualify.

Canada is another country which takes a tough view of gun control.

It is, in the words of Royal Canadian Mounted Police Commissioner W. L. Higgitt, "almost impossible" for anyone in Canada to get such a permit without being a security officer of some sort.

"Let's face it," said one official, "our biggest problem is not our gun laws. It's American gun laws. We make it tough to get a gun up here. You just can't walk into a store and buy a handgun and then walk the streets with it in your pocket. But how on earth do we stop someone taking a trip to Buffalo, N.Y., buying a gun at any of a hundred places and driving back across the border with it. All we can do is lower the boom on him once we catch him."

In the Soviet Union people are not allowed to keep handguns at home except retired servicemen who have received a gun for meritorious military service.

Civilian firearms—shotguns and rifles—can be sold only to members of the Society of Hunters which maintains a wide network of clubs across the country. These can be purchased along with ammunition, in sports and hunting equipment stores by showing a club membership card.

With crime growing in many developed countries the trend is toward tougher gun-control legislation and stricter enforcement of present law.

New weapons measures now before the West German Parliament will:

Forbid the private manufacture of weapons without specific approval from authorities.

Require permits for rifles and shotguns.

Raise the minimum age for obtaining gun permits from 18 to 21 years.

Restrict the purchase of ammunition to those who have a gun permit.

Gun-control laws in Sweden are regarded as satisfactory although the current legislation, which was passed in 1949, is being overhauled and the government intends to introduce a modernized version.

The British Parliament is about to pass a new criminal-justice bill which will tighten the country's firearms laws.

Significant features:

It increases the penalty for using a real or imitation firearm to resist arrest from 14 years to life imprisonment.

It raises the penalty for carrying a real or imitation firearm with intent to commit a crime from 10 to 24 years.

Japan, where gun-control laws are rigid, feels that present safeguards are effective. The most recent change came in last year's revisions to the basic 1956 law controlling firearms and swords.

CHAIRMAN MILLS SPEAKS AT OKLAHOMA PORT DEDICATION

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. EDMONDSON. Mr. Speaker, last Saturday, May 27, Chairman WILBUR D. MILLS was principal speaker at the historic ceremonies dedicating Port Carl Albert, Oklahoma's newest port on the McClellan-Kerr Waterway.

It was a beautiful day and more than a thousand people gathered for the impressive ceremonies, near Keota, Okla., in a tribute to our beloved Speaker.

At the conclusion of the ceremonies, barges loaded with cargo for other ports in the United States and for Japan moved out into the waterway.

The remarks of Chairman MILLS were not only a moving tribute to his longtime friend and colleague, the Speaker of the House, but were also an impressive call for continued growth and development in America.

I believe all Members will enjoy reading this splendid address, and the text follows:

REMARKS OF CONGRESSMAN WILBUR D. MILLS

This is a very happy occasion for us all.

As friends and neighbors, as colleagues and constituents, we gather to pay respectful and affectionate tribute to a man we all honor and cherish, the Speaker of the House of Representatievs, Carl Albert.

Of Carl Albert, there is much that could be said: Rhodes scholar, lawyer, public servant; Majority Whip, Majority Leader, Speaker of the House; fair foe, faithful ally, good Democrat, great leader, grand American. He is all that and much more. Yet at this time and place, before this audience, it is not necessary to say the things that could be said of him. It is not necessary because, by the naming of this port, the essence of the man—and of his special meaning to his state and nation—has been said with greater eloquence than any words which might be spoken here.

By any standard, this project of which Port Carl Albert is part must be ranked as one of the boldest, most imaginative and, ultimately, most important achievements of these times. Here in the heartland of our country and continent—in a region which only a generation ago seemed doomed to waste as a vacant desert—we witness fulfillment of a mighty vision connecting Oklahoma to the sea. By vision and faith, by courage and perseverance, by audacity and determination, a vast region is being reclaimed. A vast new era of opportunity is being opened. It is on the works of such a project that his contemporaries and colleagues would expect to find the name of Carl Albert.

To say that is to express what I know to be the feelings of both Democrats and Republicans in the Congress. For Carl Albert is the kind of man—the very rare kind of man—one associates with all those qualities I have mentioned: vision and faith, courage and perseverance, audacity and determination—a man who, in all things, at all times, seeks to be constructive and to build a better America for all Americans.

I say these things admiringly from the heart. Yet, knowing the speaker as well as I do, I know that if he were presiding over the House at this moment, he would begin to use his gavel to silence these remarks. For, despite the high station to which he has risen, Carl Albert remains—as he has always been—an inherently modest and unassuming individual, motivated not by hunger for praise for himself but by a strong inner desire to achieve progress for the people.

For such a man, this port on this great waterway is the finest and most appropriate of enduring monuments to his service.

As we dedicate this facility to the service of our region's and our nation's future, there is cause—very real cause—for us to pause and reflect upon our nation's directions and upon some of the values gaining vogue among us.

For almost as long as there has been an American nation, Americans of all regions have rejoiced proudly over achievements such as this great waterway. In early New England, around the Great Lakes, through the valleys of the Ohio and Mississippi, along the rivers and shorelines of the South, the opening of canals, the building of ports, the construction of dams and highways have symbolized progress, symbolized advance, symbolized the great American work of opening a rich and bountiful continent to the enrichment of human existence.

Here in the states of the Southwest, that symbolism has been especially strong. Men and women still live among us who remember the earlier time when this portion of the planet was empty and meaningless. For them and for their heirs, growth—real and tangible growth—has never failed to evoke pride and celebration.

Today, though, there is emerging among us a new perception, a new attitude. Growth, we are being told, is somehow bad. It is to be resented and resisted. Wherever possible—and however possible—growth is to be opposed and fought and, if possible, stopped.

This philosophy is clearly gaining ascendancy. Strong and articulate voices are being heard—and, all too often, headed—in opposition to new technologies. Resistance is manifest to the most vitally needed expansions of our industry and our utilities. The drive is intent and unrelenting to eliminate from public budgets provision for those projects which are essential to support our growing population. If this great project to bring water and power and water transportation to Oklahoma were proposed in the present climate, I seriously doubt that it would receive favorable support.

I appreciate—as I believe all responsible citizens appreciate—that we must not and need not tolerate growth which despoils the environment of this planet. Americans have too long been careless and prodigal with the natural endowments of their rich land. Publicly and privately, we must impose upon ourselves a far stricter discipline to protect the heritage so uniquely ours.

My concern, though, does not lie with the earnest efforts of conscientious Americans who seek to preserve a habitable planet. The conservationist and the environmentalist have always been valuable influences upon our public policy and I think we should welcome their efforts today to help us overcome the problems besetting our quality of life. Orderly growth and orderly environment are not incompatible; on the contrary, it is difficult to have either without the other.

What concerns me—and what should, I believe, concern us all—is the perversion of the American spirit which underlies the resistance to growth.

The strongest nation is never immune to viruses of doubt. Over very recent years, such a virus has been running through our national bloodstream. Whatever problem has arisen in these times, the answer some have vocalized is the answer of doubt. America, we have heard and still hear, is a sick society, a corrupt society, a decadent society, a society ridden by guilt and diseased by errors of its past. This notion permeates much of what passes for supposedly serious discussion of our national policies.

Given such premises, the fashionable commentators of the times have constructed articles of faith which hold that we must stop doing all those things we have done—at home and abroad. Stop building strength—stop standing up for the defense of freedom—stop involving ourselves in the affairs of the world in which we live. Having withdrawn from the works of the world, the opponents of a growth America would then have us withdraw from the vital works at home which have made our nation great. They would abandon those great efforts to assure American families of their future security—abandon the ethics and values which have made this a productive society—abandon our faith and trust in tested principles and precepts—and, finally, abandon growth and expansion of those things essential to a better America.

This is strange talk, alien talk—talk which I believe we must resist and reject.

I do not want—none of us want—to live in a shrinking America or a stagnant America. None of us want to live in an America from which has been lost that strong, proud and confident spirit of optimism which is the very soul of our achievements.

Over all the past five centuries, since the Old World discovered this New World, America has inspired the optimism within the human soul. The opening of this new continent offered mankind everywhere a new hope, a new prospect, a new promise—a promise that on this earth, the individual could rise above the state, rise above the oppression of the old systems and find fulfillment in freedom for himself.

It is our duty to keep that promise alive and real.

In these times, as much as in times past, we must reject the counsel of doubt. We must, instead, turn to our tasks with new faith, new determination, new confidence and new optimism to do those great things which remain still to be done for fulfillment of this land and this system. Only by this means can we assure that the system we have created will continue to function in support of the dignity of every individual.

The challenge to us is not to stop growth but to accelerate it.

What I am saying is this:

When we examine objectively the many human and social problems troubling the members of our society, we find that none of them are caused by growth. On the contrary, virtually all are directly the result of a growth rate that is far too slow, far too inadequate for the needs of our times.

Whether we contemplate the travail of urban America or rural America, old Americans or young Americans, white America or black America, the answer is unvarying: we need more growth, faster growth, growth directed to relief of the problems besetting this age.

In housing, we are underbuilt, not overbuilt. In the output of goods, we are underproducing, not overproducing. In the construction of public works and provision of public services, we are underbudgeted, not overbudgeted.

On and on any such listing could go. But the point is made.

America urgently needs a dramatic and dynamic thrust forward to achieve the growth required to support and sustain its future.

This is not the time to cut back on growth—it is the time to remove the chains and feters from the strength of our society and our system and allow it to operate again at full force for the betterment of life for all our people.

I speak of these things on this occasion because they are appropriate both to the achievement we come to dedicate and to the spirit and character of the man we honor.

Over the three decades of his service in the Congress, Carl Alert has wrought his imposing record as a legislator and a leader of men because, above all else, he has embodied the faith, the vision, the optimism of the people from whom he comes.

He has not earned the trust of his colleagues—or the respect of the nation—by devoting himself to the cynical fads, the faithless fears or the empty doubts so fashionable among some. He has steered to the center of mainstream America, believing in the people, believing in his country, believing in the imperative of using man's energies and knowledge to make this world a better and safer place to dwell.

It is this kind of leadership our land needs today.

There is work to be done in America. It is time now for us to get on with it. It is time for us to grow again, not shrink from the tasks and burdens of putting this continent to the greater service of those who come after us.

We have problems, yes. We have conflicts, yes. We have ordeals, yes. All men and women before us have had the same. But no others have had the resources and capabilities we have to overcome our afflictions.

Out here where the land is bright, the sky clear, the horizon broad, one sees America better and senses better the depth and greatness of the American spirit. Clearly, this is a time for us to recapture the faith, renew the confidence, restore the courage that has brought our society forward.

For our generations, as for all generations before, America, as Thomas Jefferson told us, belongs to the living. This land is ours to serve and to make better. May we all look to the example of Carl Albert and, each in his own way, each according to his own talents, dedicate himself to serving the future as this great public servant has done—and is doing—in these challenging times.

TRANSPO 72

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. ERLENBORN. Mr. Speaker, it is my privilege to endorse Transpo 72 at Dulles Airport which is now underway and to salute the participation of some of America's leading industrial corporations. Among these companies is Bunker Ramo Corp. of Oak Brook, Ill., in my congressional district.

Due largely to the efforts of George S. Trimble, president and chief executive officer of Bunker Ramo, the company designed an exhibit for Transpo which offers visitors insight into Bunker Ramo's involvement in the transportation industry and in other fields as well. Bunker Ramo is the world's leading producer of automobile clocks and of electrical and electronic connectors used in many forms of transportation. For example, more than 8,000 precision-made connectors designed by the company's Amphenol Components Group are used in every Boeing 747.

The Ramo Corp. also is a leading supplier of information-handling systems. The company designed and operates the NASDAQ automated quotation system for the National Association of Securities Dealers, Inc. It also has introduced recently a highly sophisticated new information-handling system called "Market Decision System 7," which will enable brokerage firms to gain quicker access to vital market data and thus improve their services to investors.

A recent significant development by Bunker Ramo in this area is the new Market Montage Service. With this service, brokerage firms can get simultaneous data on prices, volume, and other pertinent factors on major securities that are traded on more than one stock exchange. The SEC has expressed interest in this service which is in the nature of a composite information program—a service that shows brokers where they can get the best price to buy or sell securities for their customers, something unavailable until now.

Bunker Ramo is a Government supplier, being involved principally with high-technology nonarmament systems for surveillance, reconnaisance, and mapping.

Through the participation of firms like Bunker Ramo, I am hopeful that Transpo 72, authorized by the Congress and produced by the Federal Department of Transportation, will be very much worthwhile.

FROM THE WOODS

HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. CEDERBERG. Mr. Speaker, nestled in the woods of northern Michigan, amid the towering splendor of the Norway pine, an institution as remarkable for gift of beauty and grace as for the setting in which it is placed encourages young people from across the Nation and around the world to utilize God-given artistic talents.

The Interlochen Academy of the Arts at Interlochen, Mich., recently placed in the 10th Congressional District which I represent, has been known for its contribution to music and the arts since its foundation as the National Summer Music Camp by Dr. Joseph Maddy in 1928. Over 60,000 students have taken advantage of the institution's unique offerings and today there is probably not an orchestra in the Nation which does not have an Interlochen alumnus. After 35 years as a summer camp, Dr. Maddy realized "the impossible dream" and in 1962, the camp became a year-round program of "the three R's and the arts." A one-of-a-kind institution, Interlochen's unique contribution to the promotion of the artistic talents of our young and the gift of art to the Nation continues that dream in spite of the untimely death of its originator in 1966.

Mr. Speaker, Mrs. Cederberg and I had the unique opportunity to hear the Interlochen Symphony Orchestra in concert last week at the Kennedy Center. In a program as noted for its complexity as for the brilliance of the students' performance we were able to hear and see the gift of Interlochen. It was doubly fitting that this occasion took place in one of the finest performing arts centers in the world. In a home for the arts that the Nation's Capital can take pride, we heard the work of young people in whom the Nation can take even more pride. I am happy to have been able to be a part of the evening and I look forward to the day when my colleagues will share that opportunity.

Lest my colleagues think me overgenerous in the interest of my constituents, Mr. Speaker, I would like to close my remarks with a review of last Thursday's concert by the distinguished music critic, Paul Hume. I can assure you that I share his enthusiasm and that I share his conclusion: Interlochen does its students and their country proud.

The article follows:

[From the Washington Post, May 26, 1972]

The Interlochen Arts Academy Orchestra came to the Kennedy Center last night to give an account of itself after 10 years in the woods of northern Michigan.

It is an orchestra of 100 players gathered from all over the United States, not to mention three entries from the Republic of China. Under the leadership of Clyde Roller, who combines duties as associate conductor of the Houston Symphony with long years as an Interlochen favorite, the high school age ensemble took on a program whose content would greatly credit any of our major professional orchestras and dispatched it with ease and notable standards.

The kind of precision and stylish command with which they accompanied Gyorgy Sandor in the Second Piano Concerto of Bartok was a mark of unusual excellence. The music is difficult in rhythms, sonorities, and tone quality, making unusual demands on all departments of an orchestra. It is also unfamiliar to most players of any age since it is an infrequent comer to any stage.

Sandor set a great example of style and attack throughout, as is his custom, especially in this music. But the astonishing factor was the manner in which his youthful associates caught the spirit as well as the taxing notes. The first movement is scored entirely for the soloist with winds and percussion, the second movement largely for strings and piano.

All the Interlochen winds turned out a fine gutsy kind of sound where it was wanted. The trumpets' nicely adjusted vibrato was a perfect foil for the total lack of any vibrato in the ensuing strings. Roller held the work well together and brought it off with polish and brio.

The same can be said of his handling of Glinka's "Russian and Ludmila Overture," and even more of Samuel Barber's First Symphony. Now and then, in both pieces, Roller should have asked for a more full-blooded sound—from the cellos in the overture, the solo oboe in the Barber. The players were fine but the conductor a bit placid.

In Vaughan Williams' exquisite Tallis Variations the string orchestra played with unfailing radiance, its division into various groupings highlighting even strengths. Its solo quartet was as great a joy as the small ensemble at the back of the stage. The evening closed with Stravinsky's Firebird Suite. Interlochen does its students and their country proud.

TRANSPO 72

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. PICKLE. Mr. Speaker, Transpo 1972 is open and the impact is felt throughout the Nation.

In Austin, Tex., some 1,500 miles away, I felt the impact when I could not get reservations on a Monday flight to Washington. The reason: Transpo 1972. From my district alone, we have thinkers and planners from the University of Texas, and from the Governor's office coming to learn and to observe.

This activity is repeated time and again throughout the Nation. Attendance to date has topped the half million mark and more are expected. I join in extending an invitation to this, the first international transportation exposition ever held in the United States.

It is an old axiom that you must crawl before you can walk. In the United States, our transportation systems have been crawling long enough. Hopefully, the technology exhibited at this Dulles show place will move from the experimental stage into reality.

Transpo offers a strange, exciting mixture of nostalgia and vision. Men from another time bring the nostalgia in the form of the Confederate Air Force and the daredevil feats of stunt pilots, parachutists, and what have you. Vision comes from men of today who bring us new concepts not only in air travel, but in all modes of transportation: air, ground, water, and space—with special emphasis on surface transportation.

It is worth the trip to Dulles. Just maybe, it is the first leg of a trip to the future. I urge everyone, including the Congress, to attend.

VOLUNTEER DEVELOPMENT CORPS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. WALDIE. Mr. Speaker, the old adage. It's better to give than to receive," I feel, adequately describes the feelings of many Americans who volunteer their services to help others in foreign lands. Oftentimes though, because of the extreme problems which confront our society, these gestures of kindness and humility are overlooked.

The Volunteer Development Corps is one of many volunteer organizations which is attempting in its own small way to make this world a better place to live. The Volunteer Development Corps was organized in 1970 by U.S. cooperatives to provide short term, technical volunteer help to lesser developed nations attempting a co-operative self-help program. This technical help includes any phase of organization, management, financing, plant operation, member relations and control, director-manager relations, training, venture analysis, and long-range planning.

A typical example of the commendable service rendered by this group is their project in the Panama Canal region. Directors of Cooperatíva de Consumo, Panama, República de Panama, asked VDC to train the manager and assistant manager of their new $300,000 downtown supermarket in buying, merchandising, pricing, space allocation, personnel supervision, and member relations.

VDC invited Eugene Manilla of El Cerrito, Calif., to accept this task, and he agreed. He worked there 2 months and achieved great success. Mr. Manilla retires in February as general manager of Consumer's Cooperatives of Berkeley, one of the largest retail consumer cooperatives in the United States. He was its first and only manager. Under his 30 years' management, CCB grew from a single store to eight supermarkets, four variety stores, a book store, three service stations, and other enterprises and from 200 to 60,000 members.

In these days characterized by American militaristic influence on developing nations, it is heart-warming to view such unselfish devotion to the plight of lesser developed nations shown by VDC and Mr. Manilla.

I commend their efforts and sincerely hope that all Americans will too begin to take part in helping their fellow man here at home as well as abroad.

RESOLUTION BY DETROIT LITHUANIAN ORGANIZATIONS CENTER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD a resolution adopted by the Detroit Lithuanian Organizations Center, representative of thousands of Americans of Lithuanian descent protesting Soviet disregard of Article 18 of the Universal Declaration of Human Rights.

This resolution of these fine Americans of Lithuanian descent merits careful consideration of all right-thinking men.

RESOLUTION BY DETROIT LITHUANIAN ORGANIZATIONS CENTER

We, gathered at Kennedy Square, City of Detroit, Saturday, April 15, 1972, protest the systematic violation of religious rights in Soviet occupied Lithuania, Latvia, Estonia, Ukraine, and other captive nations and peoples.

We protest the Soviet disregard of Article 18 of the Universal Declaration of Human Rights.

We protest the unjust exile of Lithuanian Bishops, Vicentas Sladkevicius and Julijonas Steponavicius.

We protest the jailing of Lithuanian priests, Prosperas Bubys, Antanas Seskevicius and Juozas Zdebskis and others for exercize of their priestly duty, at the request of parents, in preparing children for their First Communion.

We protest the restrictions placed on the training of youths for the ministry and the prohibition on rebuilding war damaged churches.

We support the petition signed by 17,000 Lithuanian Catholics protesting religious persecution, which was gathered despite Soviet police harassment and sent to His Excellency Kurt Waldheim, Secretary General of the United Nations.

We urge the Secretary General to support the Lithuanian petititon.

We urge all people, who are committed to the proposition that religious freedom is one of the basic Human Rights, to actively support this Lithuanian Petition.

This Petition is being sent to His Excellency Kurt Waldheim, Secretary General of the United Nations, His Holiness Pope Paul VI, President Richard Nixon, Cardinal Kroll, Cardinal Dearden, and Senators and Congressmen of the State of Michigan.

WHAT'S AT STAKE IN VIETNAM

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. YOUNG of Florida. Mr. Speaker, the New Leftists who advocate a Communist takeover of South Vietnam, and those people who want us to simply pull out regardless of consequences could care less about what the South Vietnamese want. Nor could they care about the fate of those who have resisted Communist aggression and simply want to live in peace.

Yet the fact remains that still today many innocent people are being slaughtered in the villages the Communists have overrun.

The Communists have not been able to win the hearts and minds of the South Vietnamese people by persuasion. Instead, they have resorted to terrorism, murder—and now an unprecedented massive invasion from the north.

For those who tear down the American flag and fly the Vietcong flag instead, for those who shout slogans of victory for the North Vietnamese and the Vietcong, a very rude awakening is due.

It is essential that the Congress and the people of America remind themselves what is at stake in this conflict—at stake not just in strategic terms but, more importantly, in human terms.

The message was dramatically brought home in two articles in today's issue of the Washington Daily News. The articles follow:

VILLAGE LEADERS FACE TRIAL BY FIRING SQUAD

(By James Foster)

North Vietnamese firing squads apparently are systematically shooting officials of captured South Vietnamese villages, a White House source said today.

The source, who declined to be identified, said the number of victims is unknown because it may be years before their graves or bones are found.

"All we can confirm," he continued, "is that (South Vietnamese) village officials are being rounded up and led off into the jungle never to be seen again."

But it is known that the North Vietnamese are under orders "to eliminate the most stubborn, cruel, diehard individuals" as the first step toward reducing resistance, coercing the local populace and destroying South Vietnam's governmental cohesion. And scattered intelligence reports indicate that this is being done, he said.

This same practice was followed at Hue during the 1968 Tet offensive, it was noted. Mass graves of Tet victims still are being found and the unofficial count of victims exceeds 5,000.

A clandestine radio broadcast monitored in South Vietnam April 24 ordered the attacking northern units "to annihilate the top archvillians and cruel units one after the other." It identified "archvillians" as administrative personnel and others responsible for controlling the masses.

The broadcast quoted an official named Cuu Long as saying annihilation of enemy leaders was "absolutely necessary" and "most important" to achieve North Vietnam's goal of overrunning South Vietnam.

Intelligence sources say Cuu Long is the name often used by Gen. Tran Do, North Vietnamese headquarters political officer and an alternate member of the Hanoi Central Committee.

ACCORDING TO STATUS

Potential victims are graded for execution according to their importance in the community. Executioners start at the top with an eye toward scaring less important individuals into cooperating.

"We must constantly create conditions for those who have followed the wrong path to forsake their evil ways and return to the right path," Cuu Long declared.

"The best way . . ." he continued, "is to annihilate the top villains in the hamlets and warning, educating and disbanding lower-ranking villains."

This also applies, he said, to policemen, spies, pacification agents and security agents.

CASE-BY-CASE

"We should deal with the civil self-defense corpsmen on a case-by-case basis," he added. Self-defense corpsmen usually are very young or very old villagers left behind to protect the homefront when young men of an area march off to war.

North Vietnamese cadre and guerrillas have been told to mingle with the local people in order to identify the "most dangerous" individuals.

By killing only the "top ringleaders," Cuu Long said, the people will be impressed by the North Vietnamese's humanitarianism, be less afraid, and more helpful in establishing permanent bases.

REDS LOSE FIGHT FOR HEARTS AND MINDS

(By Don Tate)

DA NANG, SOUTH VIETNAM.—"Yes, they intend to liberate us, even if they have to kill us all," says Nguyen Van Khanh, a white-haired farmer and former village chief, now a refugee squatting in the opening of his tent on the outskirts of this city which has turned into a running sore of humanity.

It is hot and sticky and depressing in the mosquito-buzzing tropic evening and Khanh talks about the North Vietnamese slowly, sweat dribbling down his forehead, eyes half closed. Khanh talks with little outward rancor, too tired for histrionics. There's a festering shrapnel wound on his forearm. He says let it fester.

He had fled with his family of eight, but three didn't make it. One was killed by a Communist shell, two disappeared in the confusion of the wild retreat from Cam Lo to Quang Tri two months ago. Then more shelling and the chaotic plunge from Quang Tri to Hue a month ago, then on from Hue to Da Nang, walking, running, hobbling.

HURTS UNDERNEATH

They are all too tired. Sometimes these little people seem like beasts of burden that have been flayed and kicked, pushed and herded this way and that for so long they no longer feel pain or direction. They have been layered over with a protection coat of toughness and apathy. But they are people, and somewhere underneath they hurt.

"The old men are the saddest ones," says a Vietnamese interpreter, a college student on the run from Hue. He follows the eyes of Nguyen Van Khanh down rows of tents of the camp toward a Buddhist cemetery, overgrown with weeds and full of rubbish. The gray stone tombs of the cemetery, once carefully maintained, stand amid piles of garbage, a few old tires and rusted war scrap thrown over the barbed wire from a military compound on the road running to Da Nang.

"JUNKYARD OF WAR"

Da Nang, gray looking and broken down, an old mixture of neglect and violence, sidewalks battered, tin shanties everywhere, mobs of homeless people jammed in camps and refugees pouring in from points north, is a jumbled junkyard of war.

Whom do the people blame for their latest miseries? The Americans, perhaps? Not this time, no matter how its twisted.

Do they blame the North Vietnamese, who say their moral imperative is to liberate the South?

Says Nguyen Van Khanh, rubbing his arm, traces of a sneer on his lips, "that sounds too noble, too noble for my weak stomach. We just wish they would go away."

"Wish they would go away" is repeated everywhere these days in the refugee camps.

For years it has been said that the battle for the hearts and minds of the villagers was the essential one in South Vietnam, not the count of North Vietnamese dead or the wrecks of American planes.

FLEE RED "LIBERATORS"

It is clear that whoever has the hearts and minds of these people in the refugee camps, it is not the North Vietnamese. The popular uprisings Hanoi asks for never occur. Villagers run away from the "liberators," not toward them.

It is also clear that Hanoi's insistence that the South Vietnamese are seeking to "liberate" themselves is the biggest fake in this war. There is nothing to back it anymore but North Vietnamese.

Once there was the Viet Cong. Pictured in the early days as raggedly southerners fighting B52s with little more than bows and arrows and ancient French rifles, they drew sympathy from liberation lovers. But terror, not sympathy, is evoked when divisions of Russian-tank-riding, Russian-cannon-firing North Vietnamese come rolling across borders and plastering tiny towns with thousands of shells.

LOSING EVERYTHING AGAIN

The battle for the people is one the North Vietnamese have lost in this offensive. Life had been going along pretty well for people like Nguyen Van Khanh, nothing great, but better than in a long time. Now they are losing it all again—their land, their homes, their businesses, their families—because a handful of men in Hanoi have to have a victory.

If the Communists had the support of the people they are always claiming there would be little fighting in Vietnam today. The offensive would have been irresistible. The war would be over. Communist flags would wave from housetops. The people would embrace liberators joyously. But it never happens, not in 1968, not now.

Instead there are the charred villages, the refugee camps, the people running. There is old farmer Khanh sitting in his dusty, fly-specked tent as a big yellow moon comes out on another night of war, and the thundering in the hills to the west already beginning, and the old man muttering, "We just wish they would go away."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

CRIME FACTS MISLEADING?

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. KEATING. Mr. Speaker, Cincinnati has long been recognized as having one of the top police forces in the country. One of the reasons for our outstanding law enforcement has been the high caliber of police chiefs we have had in Cincinnati.

Our present chief, Carl V. Goodin, is one of the Nation's acknowledged leaders in police work. The following article that appeared in the May 17, 1972, Cincinnati Post-Times Star demonstrates once again his grasp of the crime problem:

CRIME FACTS MISLEADING?—GOODIN SAYS STATISTICS NEED BROADER ANALYSIS

(By Stan Brenning)

The true picture of the increase in crime in Cincinnati should not be measured by annual reports of increases, Police Chief Carl V. Goodin says.

"In fact," he said, "there may be a tendency for all of us to become desensitized to crime to the extent that when compared to the preceding year, we acknowledge that it is still increasing."

He suggests a look at a larger time frame (25 years) "to really appreciate the rise of crime in our community" and offers these statistics:

In 1947 there were 794 major offenses reported, compared with 33,872 in 1971—a 326 per cent increase.

"Still worse, in our low year, 1950, we reported 6445 Part One offenses which, when compared with 1971, reflected a 426 per cent increase" (Part One offenses include homicide, rape, robbery, assault, burglary, larceny and auto theft.)

In 1950 approximately 14 out of every 1000 persons in the community were the victims of a crime; in 1971, 75 out of every 1000 were the victims of a crime.

Fifty per cent of all larcenies of merchandise valued at $50 or more in the last 25 years were reported in the last three years.

Fifty per cent of all robberies and burglaries in 25 years took place in the last six years.

Fifty per cent of all auto thefts in 25 years took place in the last eight years.

"These increases are staggering and place a tremendous burden on the police, not only in terms of reversing this trend, but also in terms of identifying, arresting and bringing the offender to justice," the chief said.

"The demands placed upon the police in dealing with crime in recent years have not been comparatively matched by an increase in police personnel," he added.

In 1947, there were 707 Cincinnati policemen, compared with 998 in 1971—an increase of 40 per cent. But crime has increased 326 per cent.

In 1959, there were 767 Cincinnati police, compared with 998 in 1971, an increase of 30 per cent. Crime has increased 426 per cent.

Goodin said that if all the social and behavioral causes for crime could be identified and their influences weighed, the list would be interminable "with constant fluctuations in their intensity, dependent to a great degree upon the conditions existing in a society at any given period of time.

"Traditionally, police have been expected to control all crime, but the causes of crime are rarely a subject for direct treatment by police and to hold the police totally responsible for crime assigns to them capabilities which, in fact, they do not have."

He said this places an unreasonable and at times, intolerable burden on the police.

"The police, by themselves, can not deal with the problem of repressing crime without an understanding of the problem, support and co-operation from the total community," Goodin said.

But, he added, if all of the causes of crime could be identified and aggregated, "a simplistic view would identify two chief factors:

"Personal inclination to commit a crime and the existence of opportunity.

"The police ordinarily address themselves to these two factors. They attempt to inhibit the inclination and reduce the opportunity, relying primarily on their visible presence in the community.

"To meet the challenge of crime, the police need sufficient personnel to meet the service demand placed upon them by the community and also have time in which to interact with the total community, producing an exceptionally high level of visibility."

Goodin said that if control of crime is viewed as minimizing the opportunity and inhibiting the inclinaton, some broad nonspecific causes can be easily identified as:

Affluence: The proliferation of goods made available to the public in recent years and which are easily stolen.

Apathy: The problem of crime and other social conditions is the government's prolem. It should not be necessary for the citizen to become involved. This allows the criminal to operate with impunity.

Complacency: Failure to institute security measures for themselves and their property, thereby increasing the opportunity to commit crime.

Courts: Lengthy delays between arrest and trial of the criminal offender which minimized the effect of speedy arrest and punishment as a deterrent. The professional criminal views crime as a profitable venture rather than a risky one when the time between arrests and trial is delayed interminably and he can continue his criminal activities with little fear of restraint.

Tolerance: Unless crime involves citizens personally, they are often indifferent to the harm it causes to its victims and the community.

Resources: Limited resources of the criminal justice system, police courts and corrections which are unable to deal effectively with the criminal offender.

VIETNAM WAR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. WALDIE. Mr. Speaker, the President has decided to commit this Nation to one more strategy of escalation and destruction in Vietnam.

After promising to end the war when he ran for the Presidency in 1968, he is now running for reelection, and he is still promising to end the war.

The President and the Secretary of State and the Secretary of Defense can plead for national unity, and certainly every American hopes that their policies may yet be successful. Nevertheless, when the President draws this country closer to wider war and confrontation with the Soviet Union over a conflict which most American citizens do not support, national unity can never be expected, and it should not be asked.

The following editorial from the April 16 edition of the National City Star-News expresses the continuing doubts of many Americans.

It is one more indication which might show the administration why all Americans cannot support our policy in Southeast Asia.

The editorial follows:

PHASE? IN VIET

Hanoi's decision to reescalate the Vietnam war was inevitable.

The Nixon administration must have been living in a dream world to have believed that the North Vietnamese would simply twiddle their thumbs while the U.S. funneled more and more aid to the Thieu regime and made it clear the U.S. would remain in Vietnam unless Hanoi agreed to a settlement permitting the perpetuation in power of the corrupt Saigon rulers.

The U.S. and South Vietnamese withdrawal from the Paris peace talks apparently gave Hanoi the excuse it needed.

Whether Hanoi's offensive will be ultimately successful is unclear at the moment.

But its strength so far underscores the fact that it will continue to take a massive injection of American resources to save the Thieu dictatorship; that the rose-colored-glasses reports out of Vietnam by the Pentagon and administration spokesmen have been wishful thinking; and that President Nixon's "Vietnamization" policy is only prolonging the killing in Southeast Asia.

The administration's resumption of massive bombings of both South and North Vietnam is an exercise in desperation; it represents a further escalation of the war and the return to a bankrupt military policy that was a failure during the Johnson administration.

It puts in peril more American lives, creates more American prisoners of war, costs more American millions in lost planes, slaughters more innocent Asian civilians and is likely to invite severe retaliation.

For Hanoi's Air Force no longer is limited to mostly defensive MIG fighters.

The word is out that the Soviet Union—whose aid to Hanoi has been a pittance compared with U.S. aid to Saigon—is now equipping the North Vietnamese with new SU-7 medium-range attack bombers, capable of striking U.S. air bases anywhere in Thailand, South Vietnam, Laos and aircraft carriers in Vietnam waters.

These SU-7's reportedly will be flown by trained North Korean pilots—a counterweight to the South Korean mercenaries the U.S. employs in South Vietnam. Thus the major advantage the U.S. has enjoyed in South Vietnam—privileged sanctuaries for its planes to rain death and destruction on Vietnamese, North and South—will be ended.

The administration calls the renewed air raids "protective reaction strikes" aimed at protecting American lives. This is sophistry; no American troops had been under attack until the air raids started. Indeed, the air raids are costing more American lives rather than saving them.

Vice-President Agnew, in a political speech, further defended the air raids on grounds it was a "selfless and moral act to defend a country under invasion."

The question is: Under invasion by whom?

Many Vietnamese, South as well as North, will contend—and history can back them up—that there is only one Vietnam, that "South Vietnam" was a creation of the U.S. and a puppet government our politicians set up there in violation of an international agreement, and that the real invader has been the United States, which has ventured 9,000 miles from its shores to kill and destroy on behalf of one faction in what is essentially a Vietnamese civil war.

This aside, the fact remains that, if South Vietnam is to be defended, the South Vietnamese should defend it themselves.

On paper, this shouldn't be hard. Saigon claims to have 800,000 troops under arms, equipped with the most sophisticated weapons the American taxpayer can buy.

The North Vietnamese invasion force reportedly consists of only some 70,000 troops whose equipment, though better than before, is no match for the South Vietnamese. The latter also have the advantage of defending their own territory. And Hanoi has yet to use offensive air power.

The difficulties of the Saigon forces in coping with the invasion might just suggest that their soldiers lack the will to fight for dictator Thieu. If that's the case, the Saigon rulers will be getting what they deserve. In no case, does this rotten, graft-filled regime deserve the risk of a single American soldier or of a single American plane.

Nor, do we believe, does it deserve a single American dollar for our dollars—many of which end up in the pockets of Thieu and his henchmen—merely provide incentive to continue the war.

The fact is that the Vietnam war is a bottomless pit, a war in which young men die to salve old men's egos.

Some 50,000 young Americans have lost their lives there—and some 300,000 Americans have come home maimed—for absolutely nothing. American intervention has driven 6 million Asians from their homes, ravaged South Vietnam, Laos and Cambodia and been primarily responsible for the deaths of more than a million Asians. It is time to call a halt.

But the Nixon administration cannot see this. It is determined to continue to risk American lives and pour more billions down a rathole—and now is even willing to re-escalate the war at additional grave risks to the safety of our men—for one reason only to save a gangster regime in Saigon that cannot save itself.

No matter how many sugar-coated and deceitful phrases Mr. Nixon and Mr. Agnew and others may utter about "protecting American lives" and "defending our allies" and "freeing our prisoners," this is what the Vietnam war is really all about. It is a war for Mr. Thieu.

It's not worth it.

The way to "protect the lives" of Americans remaining in Vietnam is to bring them home.

The way to free our POWs is to end American involvement in this shameful debacle, totally and completely.

The way to defend the South Vietnamese people from further carnage is to tell their rulers that Uncle Sam's well has dried up so they better make their own deal with Hanoi, or flee to Miami or the French Riviera, while they still have time to get at their Swiss bank accounts.

The Nixon administration's present policies are bankrupt, diplomatically and militarily, and threaten further disaster.

The President owes it to the American people to own up to this fact and admit that he and his predecessor made disastrous mistakes in judgment, rather than to try to defend the indefensible with more lies, more rhetoric, more planes, more lives, more billions and more grave risks. For nothing.

HOUSE SMALL BUSINESS COMMITTEE ISSUES REPORT MAKING 20 SPECIFIC RECOMMENDATIONS TO MAKE THE SBA A MORE EFFECTIVE AGENCY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the permanent Select Committee on Small Business is charged with the duty to conduct studies and investigate, among other matters, "whether Government agencies adequately serve and give due consideration to the problems of small business." To the Nation's over 5½ million small businessmen, the Small Business Administration, or as it is more familiarly known—the SBA—is among the most important governmental agencies. Because of this fact, this committee of the House of Representatives annually conducts a full-scale review of the organization and operation of the SBA. The purposes of that agency are to aid, counsel, assist, and protect the interests of small firms; to insure that a fair proportion of the total Government purchases and contracts for supplies, services, research, and development be placed with small business enterprises; to make loans to small business concerns and to victims of floods or other catastrophes; to license and regulate small business investment companies; to make loans to State and local development companies; and to improve the management skills of the owners of small business concerns with direct action programs and through established channels of business relations.

In order to determine the extent to which the SBA is fulfilling its assigned mission and ascertain whether it is an effective instrumentality to aid and assist the small business segment of the economy was the objective of the committee's investigations and hearings. Additionally, the committee endeavored to evaluate the need for new legislation and whether changes in the SBA's regulations may be indicated.

Recently, the committee issued House Report No. 92-1006 entitled "Organization and Operation of the Small Business Administration (1971)." Because of the great interest to this subject, I now include the 20 recommendations made by the committee in the pages of the CONGRESSIONAL RECORD. The full report may be obtained from the Committee Clerk, 2361 Rayburn House Office Building, Washington, D.C. 20515. The recommendations of the committee are as follows:

DIRECT 7(a) BUSINESS LOANS

1. Continue to take action to increase funds to be used for direct loans under the 7(a) regular business loan program. When such funds have been allocated, SBA officials should institute follow-up action to assure that such funds are utilized by field personnel.

The Committee believes that substantial direct loan funding—a balanced funding program—should be reinstituted. Only ample funding of the regular 7(a) direct loan program will achieve an equitable balance between all direct loan programs.

ECONOMIC OPPORTUNITY LOANS

2. Review its criteria in evaluating economic opportunity loans in an effort to reduce the ever-increasing ratio of losses on such loans.

3. Adopt a policy of assuring management assistance to individuals or enterprises at the time they are granted such loans in an effort to reduce the increasing loss ratio for such loans.

4. Report to the Committee by June 30, 1972, the steps taken pursuant to these recommendations and the effect such steps have had on reducing the loss ratio on economic opportunity loans.

LEASE GUARANTEE PROGRAM

5. Expedite its consideration of the Committee's previous recommendation to include major personal property in its lease guarantee program and promptly provide the Committee with a report of action taken thereon.

6. Revise its regulations to eliminate the Government's guarantee if a lessee subsequently transfers or sells the lease to a large business concern or is merged with or acquired by big business, and promptly provide the Committee with a report of action taken thereon.

SMALL BUSINESS INVESTMENT COMPANY PROGRAM

7. Provide the Committee with a statement of the policy it proposes to follow with respect to guaranteeing debentures issued by SBIC's.

8. Provide the Committee with a quarterly report based on results of audits conducted of SBIC operations showing a summary by type of the violations disclosed by such audits and the actions taken by SBA on such violations. This report should give information separately for regular SBIC's and MESBIC's.

9. Provide the Committee on a quarterly basis a report on the status of SBIC's, indicating those currently in operation, those in litigation, and those in process of termination, giving this information separately with respect to regular SBIC's and MESBIC's.

PROCUREMENT ASSISTANCE

10. Increase the number of Procurement Center Representatives (PCR's) assigned to the various military and civilian procurement agencies. Considering the deterioration of the position of small business in the Government procurement market the Committee is convinced that many more than the 43 PCR's are needed to restore the competitive position of small business in this field.

This problem has been compounded by the diversion of PCR traditional procurement activities to the 8(a) program. The Committee strongly urges and recommends that the SBA Administrator promptly initiate steps to obtain authorization for the employment of a substantial number of additional PCR's.

11. Provide the Committee with a report recommendation by June 30, 1972.

12. Exclude the procurements program from the decentralization of the program activities, and the transfer of procurement personnel from the central office to the field.

FOREIGN TRADE PROGRAM

13. Reestablish and strengthen its foreign trade assistance program, which would counsel and assist U.S. small business firms in gaining entry into the field of foreign commerce and enlarge the opportunity of small business concerns now in the field to participate in foreign trade.

CONVERSION FROM DEFENSE TO CIVILIAN PRODUCTION

14. Reestablish its conversion program, which would counsel and assist small defense-oriented concerns to change over their plant facilities and operations to civilian procurement and commercial fields.

15. Provide the Committee with a report of action taken hereon by June 30, 1972.

ADMINISTRATIVE

16. Do all possible to minimize organizational changes and adverse personnel actions in order to give a sense of stability, continuity and purpose to its personnel. Administrator Kleppe, with his fine wide background, will recognize that good employee morale and organization stability are essential to maximum performance and increased productivity.

The Committee believes and accordingly recommends that the following action be taken by the Congress:

DISASTER LOANS

17. That legislation to transfer the responsibility for disaster loans to homeowners from the Small Business Administration to

another agency of the Government should be considered.

SECTION 406 PROGRAMS

18. That the House Banking and Currency Committee, the Senate Banking, Housing and Urban Affairs Committee, and the Appropriations Committees of both Houses review all aspects of the operation, effectiveness and results of the 406 contract and grant programs as administered by SBA and the Office of Minority Business Enterprise of the Department of Commerce, respectively to determine whether they are being administered for the purposes and in the manner intended by the Congress, before additional authorizations and appropriations to each agency are made in support of such programs.

SMALL BUSINESS INVESTMENT COMPANY PROGRAMS

19. That the appropriate Committees of the Congress review closely the status of the Small Business Investments Company program before authorizing in appropriation acts further funds for guarantee of debentures issued by SBIC's.

In conclusion:

GENERAL

20. The Small Business Committee and the Congress have over the years guarded jealously the independence of the Small Business Administration, and have prevented the takeover of SBA by other Government agencies. The growing staff and funds of the Office of Minority Business Enterprise of the Department of Commerce represent an ever present danger to SBA's independence.

The Committee recommends to the National Administration that every effort be made to retain within the SBA all aspects of assisting small business and that further intrusions into this sphere be terminated. A case example is the provision of $40 million for grants for management and technical assistance to minority small business in the current fiscal year to Office of Minority Business Enterprise and the provision for an additional $63 million for fiscal year 1973, which raises serious questions as to this Administration's intent with respect to the independence of SBA.

The Committee takes the opportunity to again assert its strong support of the Small Business Administration, the agency of the Federal Government charged with responsibility to "aid, counsel, assist and protect, insofar as is possible, the interests of small business concerns," pursuant to the declared policy of the Congress.

REVOLUTIONARY WAR DEAD HONORED IN PHILADELPHIA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. EILBERG. Mr. Speaker, on Monday, Memorial Day, ceremonies were held at Old Fort Mifflin in Philadelphia to honor the 250 Revolutionary War soldiers who died there during a 7-week siege by 12,000 British troops and British naval vessels.

At this time I enter into the RECORD a statement from the city of Philadelphia which describes part of the Memorial Day activities at the fort and an account of that famous battle:

> An iron hand-shovel and an 18-pound cannonball, recovered from the wreckage of the sunken British frigate, *Agusta*, in the Revolutionary War, will be presented to Old Fort Mifflin on Memorial Day (Monday, May 29, 2 p.m.) as the fort starts its 1972 season as a historic shrine open to the public.
>
> The presentation will be made by Austin B. Brough, assistant director of Aviation at Philadelphia International Airport. It will be accepted by Robert L. Alotta, president of the Shackamaxon Society, which administers the fort for the city's Department of Recreation, and other Shackamaxon officers.
>
> The shovel and cannonball were dredged from the silty bottom of the Delaware River in 1956. They were uncovered as a seemingly unending stream of fill was pumped ashore on the Philadelphia side to serve as the foundation for the 10,500-foot-long east-west runway now under construction at the airport. Recovery was made by the American Dredging Company in the Mantua Creek Anchorage, south of the flight center.
>
> Crisp fall winds rippled the surface of the Delaware River the night of Oct. 22, 1777 as the *Agusta*, equipped with 64 cannons, slipped through the darkness toward the heart of Philadelphia. She was accompanied by the smaller British gunboat, the *Merlin*.
>
> As dawn arrived on the following day, it was discovered that the *Agusta* and her escort had run aground and were within reach of the fort's guns. Following a long exchange of gunfire, the *Agusta's* magazines exploded and the badly battered ship finally settled at noon into a watery grave.
>
> The *Merlin*, also set afire by the fort's cannon was abandoned by her crew. Other units of the British fleet retired below Hog Island as General Washington ordered the American fleet not to follow.
>
> The British had begun to build what later became Fort Mifflin on Mud Island in 1773 and called it Fort Mud. In 1776, the Revolutionary forces under the supervision of General Thomas Mifflin completed construction of the fort and it was named in his honor.
>
> In 1777 a garrison of 400 men, responsible for destroying the *Agusta* and the *Merlin*, resisted 12,000 shipborne British troops for seven weeks until the fort was demolished by the constant pounding of British warships. An estimated 250 Revolutionary soldiers died during the siege.
>
> Rebuilt in 1798, the fort was used as a prison for military deserters during the Civil War and for the storage of ammunition during World War II.

CONGRESSMAN DRINAN INTRODUCES SOCIAL SECURITY REFORM BILLS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. DRINAN. Mr. Speaker, today I submit for the consideration of my colleagues a comprehensive legislative package to reform aspects of the Social Security System which are in need of repair. This package of 10 bills is the product of several months of intensive analysis of our social security laws. I am pleased that this work has culminated during May, which is Senior Citizens Month.

To the 20.5 million Americans over the age of 65, nothing assumes more immediate importance than maintaining a decent source of income during their retirement years. Since 1935, the Federal Government has responded to the income needs of the Nation's elderly by making direct cash payments to them in the form of social security benefits. The basic soundness of the Social Security System is demonstrated by the fact that in 1971, 26 million men, women, and children—one out of every eight Americans—collected social security cash benefits every month. These benefits very often mean the difference between poverty and dignity, between humiliation and self-respect.

More than 94 million Americans, representing 95 percent of the labor force, work at jobs which are covered under social security. As the President's Advisory Council on Social Security reported a year ago:

> Social security . . . is the nearly universal base on which protection for the Nation's families is built against loss of income due to retirement, disability, or death of a family earner.

Yet this base has grown increasingly vulnerable and fragmented over the years since the inception of social security. In 1935, the population of people over 65 years of age in this country amounted to approximately 5 million, or 5 percent of the total population. Today, there are 20.5 million people over 65, 10 percent of the total population. This fivefold increase in the absolute number of people who qualify for social security coverage, plus the expansion of the Social Security System into areas not previously covered, such as health insurance, and survivorship and disability benefits, has put strains on the entire system.

Let us look for a moment at the group for which the Social Security System is designed—the Nation's 20.5 million elderly citizens.

They have an aggregate income of $60 billion a year. Of that total, $31 billion, or 52 percent, comes from social security, private pensions, and welfare programs. Another 20 percent represents savings and investments. Only 28 percent of the income of our senior citizens derives from wages earned by employment.

America's senior citizens have a median income of only $1,951. Five million of them, or 25 percent live below the poverty line, compared to less than 10 percent of the Nation as a whole.

Half of them never completed elementary school. Three million of them are defined by the Bureau of Labor Statistics as "functionally illiterate." Only 6 percent of our senior citizens have graduated from college.

Seventy percent of them live with relatives. Less than 5 percent of them live in institutions. The remaining 25 percent live alone.

Mr. Speaker, these bleak figures cannot convey even a fraction of the loneliness, frustration, or even the humiliation of being a senior citizen in the United States today. Discriminatory laws and social attitudes often prevent them from holding responsible, well-paying jobs. Inflation steals from their savings and pensions. Astronomical medical costs take a substantial proportion of the remainder. Accordingly, we must set as a very high priority the restoration of an adequate level of income for every retired American. This means several important reforms in the retirement, survivors protection and disability protection services of the Social Security System.

The bills which make up the reform package I am introducing today are not the first ones I have introduced on this subject, nor are they likely to be the last. In the past I have sponsored legislation to increase social security benefits by 50 percent (H.R. 7752), to remove the limitation on the amount of outside income which an individual may earn while receiving social security benefits (H.R. 10263), to raise the social security death payment from $255 to $750 (H.R. 8239), to allow women to retire with full benefits after 30 years of coverage, regardless of age (H.R. 5991), to include prescription drug coverage under medicare (H.R. 4245), to abolish the "recently covered work" provision of the disability requirement (H.R. 13932) and for several other purposes.

Very recently, I sponsored legislation to sever the social security benefit increase provisions from the massive welfare reform bill, which has been bottled up in the Senate for months, so that individuals can begin to receive these sorely needed increased benefits as soon as possible.

Included in the reform package I introduce today are 10 bills whose primary functions are to extend social security coverage to those who are not now covered, and to increase benefits for those whose coverage is inadequate in the face of today's higher cost of living and increased demands for services. These 10 bills include:

H.R. 15240, to eliminate the so-called family maximum on the total amount of benefits which may be paid on an individual's wage record. Section 203(a) of the Social Security Act places a limitation on the total monthly benefits payable to a family, ostensibly to prevent the family from earning more when the head of the household died or retired than the family did when the head of the household was employed. This reasoning is arbitrary in my judgment because it overlooks the fact that the vast majority of families affected by the family maximum are families in which the head of the household retired or died at a relatively early age. It is reasonable to assume, therefore, that the family's earnings would have increased over the course of time. There is no good reason to penalize these families by limiting their benefits arbitrarily.

H.R. 15239, to permit the computation of the benefits payable to a married couple—or to the surviving family member—to be made on the basis of their combined earnings. Current law makes it quite possible for a working wife to contribute to the social security trust fund without getting any additional benefits in return. This bill would eliminate that injustice by permitting a couple to combine their earnings before computing their social security benefits.

H.R. 15234, to provide for payment of full wife's and husband's insurance benefits without regard to age in cases of disability. The cash benefits now provided at age 65 for elderly wives and elderly dependent husbands of social security beneficiaries should be extended to totally disabled wives and disabled dependent husbands, regardless of age.

H.R. 15233, to extend full benefits to disabled widows and disabled dependent widowers without regard to age. Current law provides for benefits to disabled widows and widowers, but benefits cannot begin before age 50 and are sharply reduced—as compared with benefits payable to aged widows and widowers. There is no reason why a widow or widower who has lost all means of support and who is totally disabled from all gainful employment should be forced to subsist on a smaller allowance than an aged widow or widower, and there is no justification whatever for withholding benefits until the disabled widow or widower reaches the age of 50, as is now the case.

H.R. 15232, to provide that an individual aged 55 or over is considered disabled for purposes of entitlement to disability insurance benefits if he meets the more liberal definition of "disability" presently applicable to blind persons of that age. Under the definition of "disability" in present law, a worker is not considered disabled unless his impairments are so severe that he cannot engage in any gainful employment whatsoever. This strict definition often unfairly excludes members of the work force who retire in their early or middle fifties because of impairments which are not, in the strict sense of the term "totally disabling." This construction has had negative and inhumane consequences in many cases. The bill I propose would merely substitute the test of disability now used for elderly blind workers for all workers, regardless of the nature of their disability.

H.R. 15235, to provide that an individual collecting child's insurance benefits does not lose those benefits if he or she is married before the 22d birthday. At present, a person who is entitled to child's benefits loses them automatically if he or she marries before the age of 22. For the many married couples who depend on social security payments to defer part of the cost of college, rent payments, grocery payments, and so forth, this rule works a significant hardship. The bill I propose would recognize that an increasing number of young people marry before the age of 22, and that these people should not be punished for marrying by forfeiting their social security entitlements.

H.R. 15236, to continue children's benefits until the age of 22, regardless of student status. Under existing law, a child's social security benefits are discontinued at age 18 unless the child is a full-time college student. This law discriminates against the many 18 to 22 year olds who for one reason or another do not attend college. Accordingly, this bill raises the cutoff age to 22. At the same time, it extends the disability coverage age limit from 18 to 22. Under the existing law, a child can receive disability benefits only for disabilities which were contracted before the age of 18; this bill would extend the age limit to 22, thus bringing it in line with other provisions in the bill.

H.R. 15231, to improve social security coverage for farmworkers by requiring farm employers with substantial payrolls to report all cash wages without regard to the existing minimum requirements for coverage. Under present law, farm wages are covered under social security only if the worker earns $150 or more or if he works for more than 20 days. Claims by farm employees that inclusion of all cash wages would result in a bookkeeping mess, ignore the fact that today most farms are large, professionally run business enterprises which keep the same detailed business records that nonfarm businesses keep.

H.R. 15231, has an additional provision of benefit to migratory workers who are members of farm crews. Difficulties in getting crew leaders to report the covered earnings of crew members contribute to the inadequate social security coverage now received by migrant farmworkers. My bill repeals the provision in present law under which the crew leader is deemed to be the employer of members of his crew, except in cases where they would be so considered under the usual common law test.

H.R. 15237, to reduce the social security taxes imposed on self-employed individuals to the level of taxes imposed on employees. Currently, self-employed individuals must pay 1½ times as much as employees pay for the same benefits. There is no good reason for this arbitrary discrimination against self-employed individuals, which essentially amounts to a subsidy for the employee who is not self-employed. Social security tax rates should be equal for all, and not reflect the self-employed or non-self-employed status of workers.

Finally, I am today proposing H.R. 15238, to double the number of "lifetime reserve" days for which inpatient hospital care may be paid under the medicare program. At present, medicare beneficiaries receive a total of 60 lifetime reserve days during which inpatient hospital benefits are paid.

This bill would extend the number of days to 120, and would also create a 60-day lifetime reserve for post-hospital extended care benefits.

Of these 10 bills, the provisions of six are specifically endorsed by the President's Advisory Council on Social Security in its report of a year ago.

Each of these 10 reform proposals would bring equity to the application of our social security laws. The cost of each would be negligible in comparison to the benefit to Government of current welfare payments which would be saved and social benefits which would be accorded.

Moreover, Mr. Speaker, if the social security tax were graduated—a reform I have long supported—so that all are paid in accordance with their income, these proposals could be funded in a manner which would not be any drain whatsoever on social security trust funds.

I am grateful for the consideration of my colleagues to these bills.

FORMER GOV. "CHUB" PEABODY, OF MASSACHUSETTS, ACTUALLY CAMPAIGNS FOR U.S. VICE PRESIDENT

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. LEGGETT. Mr. Speaker, it is difficult to believe that near the end of the 20th century in the greatest democracy of them all, vice-presidential candidates are still selected by caprice in smoke-filled rooms in acrobatic emotional twists aimed at ticket balancing in the presidential race. I do not believe a President should have to rely on a vice-presidential candidate to present his policies to the people. The President stands alone in the

White House—usually on policy, the Vice President is ignored.

But occasionally and unfortunately more often then just occasionally, the Vice President must stand alone. Nearly a half dozen times in the past 50 years, a Vice President because of death or assassination of the President has had to take over and stand alone.

Too bad for the country that some of these Vice Presidents were mere ticket balancers. They could not stand alone. The country teetered, survived, and ebbed along.

Governor Peabody has addressed a brief message to every Member of Congress supporting a free election for the office of Vice President of the United States.

I enclose a copy of his message with enclosure at this point in the RECORD.

Its time to stop balancing and start selecting. The future of our country demands no less.

The material follows:

PEABODY FOR VICE PRESIDENT,
Washington, D.C., May 26, 1972.

Hon. ROBERT L. LEGGETT,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN LEGGETT: I know that you join in my conclusion that attempts on the lives and well-being of our nation's political leaders and aspirants are the product of sick and disoriented minds. It may well be that neither this society, nor any society, can effectively curb such grotesque conduct. However, I firmly believe that we must attempt to meet political disruption with firmer and more logical political order.

In a year when we could all expect to be deluged in political rhetoric. I have chosen to translate good words into practical action. I recognize that my unconventional candidacy for the Vice Presidential nomination is only one small effort toward the goal of making our system of government and our party more responsive to our national constituency. I recognize that my chances of success in this venture may be considered remote. Yet my past and present efforts to open our political process have not been tested solely on the basis of political practicality or the likelihood of victory. There must be a higher standard; if there is not—we must make one.

With this purpose in mind, I have addressed the attached letter to each of the recognized candidates for our party's nomination for President. I have called upon them, and I now call upon you, to unequivocally endorse the concept of a free and open convention for the election of our Vice Presidential candidate.

I await eagerly your consideration of my remarks and I am hopeful that you will be moved to communicate your views at the earliest possible opportunity.

Sincerely yours,

ENDICOTT PEABODY.

[COPY]

PEABODY FOR VICE-PRESIDENT,
May 25, 1972.

The tragic events of recent days have underscored again the frightening frailty and uncertainty which characterize all human institutions and from which the processes of politics and government can claim no special exemption. To be sure, such inherent mortality is an unavoidable condition. However, it appears to me that enlightened national leaders have the obligation—the unavoidable responsibility—of creating and maintaining a political environment which responds to unforeseen disruptions with well reasoned and popularly accepted alternatives. It was with this obligation in mind that I began my long and arduous campaign for the Democratic Party's nomination for Vice President.

Even a cursory review of our nation's political history reveals that a total of eight of our Presidents have come to that office through succession rather than election. However, in addition to these instances of "accidental" ascension, it should be noted that in this century, one of every three Presidents has served as Vice President. Four of the eight "accidental" Presidents were elected for an additional four year term, and three other Vice Presidents were elected to the Presidency upon completion of their own term of office. Furthermore, our lifetime has served as witness to the unprecedented growth in the power and scope of the Vice Presidency in domestic, international and even interplanetary matters. For these reasons, it is our view that the time has come for us to direct significant attention to the manner of selection and manner of man of our Vice Presidential aspirants.

We seek an "open convention" for the election of the Vice Presidential nominee and our movement is gaining support and endorsement across our country. In New Hampshire, my candidacy received 85% of the Democratic vote for Vice President. From South Carolina and Virginia to Arizona, Democratic Conventions have resoundingly passed resolutions demanding an open convention for the election of our Vice Presidential candidate. Our numbers grow daily and we fully expect that my nomination will be presented to the Democratic Convention in July.

I am writing to you at this time to solicit your views and positions on the question of an "open convention" for the election of the Vice Presidential candidate. I can readily understand any hesitancy you may have in supporting a particular individual for nomination to this office. My present request asks only that you endorse the proposition that the duly elected representatives of our nation's voters be given the unqualified and unfettered authority to consider and elect our Vice Presidential nominee.

This request comes in the spirit of true party reform, in the determined belief that only the Convention Delegates can speak for the broad cross section of American thought and aspiration, and in recognition of the necessity of insuring continuity and stability in our representative democracy.

Your expeditious consideration of this matter and a timely response is anticipated.

Thank you for your attention.

Sincerely yours,

ENDICOTT PEABODY.

NATIONAL WATERSHED CONGRESS HONORS DICK LONGMIRE

HON. ED EDMONDSON

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. EDMONDSON. Mr. Speaker, next week in San Diego, one of Oklahoma's outstanding citizens will be honored as the 1972 National Watershed Man of the Year by the National Watershed Congress.

The award winner is Dick Longmire, of Paul's Valley, Okla., who has been a prime mover in the watershed development program since even before its inception. He served on the committee which presented the watershed plan to President Eisenhower that resulted in the highly successful Public Law 566 program.

Because of men like Dick Longmire, Oklahoma leads the Nation in watershed development. Mr. Speaker, you and I were privileged earlier this year to be present at the dedication of the 1,500th watershed structure built in Oklahoma.

The current issue of the Oklahoma Conservation Commission newsletter tells why Dick Longmire is the National Watershed Man of the Year. I insert this account in the RECORD:

OKLAHOMAN CHOSEN FOR NATIONAL HONOR

Richard C. Longmire of Pauls Valley, Oklahoma, Immediate Past President of the Oklahoma Association of Conservation Districts and currently South Central Area Director, National Association of Conservation Districts, was selected the 1972 winner of the National Watershed Man of the Year Award, according to Douglas Trussell, Awards Chairman, National Watershed Congress of Washington D.C. The award will be presented during the 19th National Watershed Congress, June 6, 1972 in San Diego, Calif.

The accomplishments of this gentleman are too numerous to mention; however, a few highlights are listed. Longmire has been associated with conservation and watershed work since its conception and instrumental in the organization of the Watershed Program when first organized in the early 1930's. He had been President since 1950 of the Washita Flood Prevention Council which consisted of 22 conservation districts in Oklahoma and Texas that covered the Washita River Basin. This was the first attempt to organize a flood prevention program and led the way to the Washita River Watershed Pilot Project. In 1957, he was appointed as the first Chairman of the NACD Watershed Committee. For the past 20 years, he has been Chairman of the NACD Legislative Committee, and currently is Chairman of the OACD Legislative Committee. In addition, currently Longmire is serving as Chairman of Governor Hall's Agricultural Advisory Council. Longmire was a member of a committee that originated the idea of Watershed Development Programs for the entire nation and presented this plan to President Eisenhower in 1953. The following year, Public Law 566 was enacted which created funds for the construction of small watershed flood control structures through the USDA. Soil Conservation Service.

The Watershed Man of the Year Program is sponsored by some 30 national conservation, civic, industrial, and farm organizations. This award is presented annually to an individual in the United States who has made significant contributions in times past to the cause of watershed conservation and watershed management.

Only two other Oklahomans have won this award. Mr. L. L. Males, Upper Washita CD, received the first award of this kind presented in 1959. Also, Nolen Fuqua, Stephens County CD, was selected Watershed Man of the Year.

Thanks to the efforts of pioneer conservationists as Mr. Longmire, Oklahoma leads the nation in conservation work. This past year, our state dedicated its 1500th watershed structure located near Maysville, Oklahoma and named Wiley Post Memorial Lake in tribute to this great aviator who was native of Maysville.

In addition to flood control, watershed projects provide water for: municipal use, aid in purifying our environment by sediment and flood control, wildlife and recreation of all types, industrial and agricultural uses.

The local units of government, which by state law have the responsibility of conservation work, are the conservation districts which cover every foot of Oklahoma. District offices are normally located in the county seat, and they provide free assistance with the help of the Soil Conservation Service to anyone, urban or rural, with environmental problems related to the conservation of renewable natural resources such as land, water, trees and other plants, air, natural beauty, and open space.

FOUR-DAY, 40-HOUR WORKWEEK

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, as sponsor of H.R. 11437, legislation I introduced on the 4-day, 40-hour workweek, I have interest in newspaper and magazine articles dealing with the impact of this bill will have on our citizens.

One such article recently appeared in Chemical and Engineering News. I include the article in the CONGRESSIONAL RECORD, as follows:

FOUR-DAY, 40-HOUR WORKWEEK CATCHING ON

The four-day, 40-hour week is bursting out across the country as one of the most exciting developments in the work habits of the American labor force. In companies that either have adopted or are experimenting with the four 10-hour-day work schedule, both management and labor are claiming advantages. Workers like the idea of a long-three-day weekend. Management says that the 4–40 schedule gives it improved efficiency and productivity.

The 4–40 concept is spreading rapidly. Riva Poor and Bursk and Poor Publishing Co., Cambridge, Mass., testified at Labor Department hearings in September that about 670 companies were using some form of the four-day week. Last week, she told C&EN that "well over 1000 companies are on it now." Mrs. Poor, whose book, "4 Days, 40 Hours," is considered the authoritative reference on the subject, says that an average five companies per day are rearranging their work weeks.

So far, the idea of the 4–40 week hasn't taken hold in the chemical industry. Invariably, labor relations directors of chemical companies contacted by C&EN say that their processes, which operate on a seven-day, around-the-clock schedule, make the 4–40 week impractical for them. Says one company spokesman, "We know that the four-day week is becoming popular. Any labor relations man worth his salt is aware of it. But we've only discussed it within the company very informally."

Most chemical companies are content to keep their eyes open and to watch for new developments in rearranged work weeks. John J. Radigan, vice president of personnel relations for Merck, says that the chemical industry faces a different set of problems because of its heavy commitment to continuous operations. Monsanto says that the "four-day week would be difficult to implement in a continuous, seven-day-week process." Stauffer's L. J. Dequaine says, "We haven't put it in and don't intend to in the foreseeable future."

J. M. Leathers, vice president and director of operations for Dow Chemical, U.S.A., comments that it would be very difficult to sort out shift schedules. "I presume the four-day week would work with a batch-type operation," says Mr. Leathers.

Indeed, only one chemical company contacted by C&EN expressed more than passing interest in 4–40. This company proposed the four-day, 40-hour week for one of its paint plants on a trial basis. The plant currently runs 15 shifts per week and uses batch processes. However, the experiment has been postponed and there are no definite plans to reschedule it.

FOR WHOM?

Replies from chemical companies uniformly reflect the widely held idea that the 4–40 week works for small companies, but not for large, integrated, capital-intensive companies. However, says Mrs. Poor, this is a misconception. She agrees that most of the companies now using a rearranged work week are small companies. It's only natural that small companies predominate, she explains, because small companies are more flexible and are quicker to adopt new ideas. But, Mrs. Poor adds, that doesn't mean that small companies are the only ones that can benefit by a rearranged work week. She says that many large companies, including some oil companies, now use a three- and four-day work week, and that other large companies are contemplating pilot projects.

Certainly one company that qualifies as a "large" company is Chrysler Corp. Chrysler and the United Auto Workers (UAW) are studying the possibility of a 4–40 week jointly. The idea grew out of a discussion on absenteeism at last year's bargaining session, after which the company signed a letter of intent to conduct a feasibility study on the 4–40 work week. The study covers some production and maintenance workers, but not office workers or parts plants.

The company and the union agree that many problems must be overcome to restructure the work schedule of a company that has integrated, multiplant operations. Nevertheless, if the study uncovers "an acceptable degree of feasibility," a pilot operation will be started.

Neither the company nor UAW will discuss details of the study. Douglas Fraser, UAW vice president, says only that, before a revised work week is initiated, it would have to be approved by two thirds of the members involved. Then, because members won't really know how they feel about the scheme until they have experienced it, another vote would have to be taken 30 days later and two thirds of the members again would have to approve it before the revised schedule could continue.

Doubts. Although the impetus for switching to a four-day, 40-hour week came, in many cases, from labor and not management, it has been small locals or one-company unions that have done the prodding. Leaders of many large unions have serious reservations about 4–40. Some say that they have fought too long and too hard for the eight-hour day. They don't want to reverse the trend, even though it won't add to the total hours per week. Others seem willing to go along with the four-day, 40-hour week but insist that they receive overtime pay for the additional two hours per day.

A spokesman for the Oil, Chemical and Atomic Workers (OCAW) says that a worker would suffer a 10% drop in his paycheck if he worked 10 hours for four days at his regular pay rate instead of receiving time-and-a-half for the additional two hours. He also claims that worker fatigue as a result of a longer work day will lead to carelessness and accidents. In the chemical industry, where workers are exposed to toxic materials, tolerance levels may be exceeded and probably would have to be revised.

Last month, the OCAW executive board passed a resolution, its first official policy statement on the subject, that throws rocks at 4–40. The OCAW resolution says that the union should continue to make known its opposition to extended work days. If Congress wants to alter current work day/work week standards, it should settle on a 32-hour week (four eight-hour days). What's more, says the OCAW resolution, employees shouldn't lose any wages as a result of the change. In other words, they should receive the same pay for the 32 hours that they now receive for 40 hours. Any work beyond eight hours in a day should also be double-time, not time-and-a-half, says OCAW.

Legislation. What probably triggered the OCAW resolution were hearings held by the Department of Labor in September and three bills that are now floating around Congress. What triggered the hearings and the bills was a flurry of inquiries about possible amendments to two laws that make it difficult, if not impossible, for some companies to switch to 4–40. These laws are the Walsh-Healey Public Contract Act and the Contract Work Hours and Safety Standards Act. Both laws require companies that have federal contracts to pay time-and-a-half for all work after eight hours per day or 40 hours per week.

Because of the increasing interest in 4–40, the Labor Department held its hearings to determine whether changes in the overtime provisions of the two laws should be made and to determine what recommendations, if any, the department itself should make. At the hearings, the battle lines were clearly drawn. Management generally favored amending the overtime provisions and labor generally opposed changing them.

So far, the Labor Department hasn't made any recommndations. "Right now the department is a neutral observer and is evaluating the evidence," says a department official. Meanwhile, three bills have been introduced in Congress that will have a bearing on 4–40. Each of the bills is still in committee and nobody seems willing to predict when they may reach the floor of the House or the Senate for a vote.

The Cook bill (S. 2463), introduced by Sen. Marlow Cook (R.–Ky.), would amend the Walsh-Healey Act and the Contract Work Hours Act so that companies with federally financed contracts can use 4–40 without paying overtime. This bill is now in the Senate Labor Subcommittee. A similar bill (H.R. 11437) was introduced by Rep. William A. Steiger (R.-Wis.) and six other members of the House Education and Labor Committee. The Cook bill is facing nose-to-nose competition from another bill. This bill (S. 1861), introduced by Sen. Harrison A. Williams, Jr. (D.–N.J.), would require all companies, not just companies with federal contracts, to pay overtime wages for all work after eight hours per day. The Williams bill also is in the Senate Labor Subcommittee.

It still is too early to tell whether the Cook bill or the Williams bill will win the favor of the Senate. As far as legislative footwork is concerned, however, it may be significant that Sen. Williams chairs the Labor Subcommittee.

Companies with federal contracts that want to use the four-day, 40-hour week naturally are rooting for the Cook bill. They claim that the overtime provisions of the current laws put them at a competitive disadvantage compared to companies that aren't subject to the laws.

Certainly, the Walsh-Healey Act and the Contract Work Hours Act have prevented some companies from switching to 4–40. But Mrs. Poor doesn't think that the present laws necessarily have to be stumbling blocks to 4–40. She says that some companies using 4–40 pay time-and-a-half after eight hours and still save money by using the rearranged work week. Labor cost, she points out, is only one factor in total production cost and often it is a relatively small one. Increased efficiency and productivity, less startup and shutdown time, less absenteeism and employee turnover more than compensate for increased labor costs. This is particularly true, she says, in capital-intensive industries such as the chemical industry.

Benefits. Because improved productivity is one of the advantages cited most often for the four-day, 40-hour week, it isn't surprising that it was management that first introduced the idea of rearranging weekly work schedules. However, workers can benefit, too. Three-day weekends give them more usable leisure time. Commuting time, considered as lost time by most workers, is reduced 20%. The costs of lunches, travel, and child care also are lowered. For these and other reasons, it is often the workers, not management, who initiate work schedule changes. Mrs. Poor estimates that 15 to 20% of the changes now are labor-inspired.

On the other side of the coin, some companies that have tried 4-40 have discontinued using it. Some claim that shift scheduling is too complex and can't be overcome. Others complain that they can't coordinate their own operations with those of their suppliers and customers.

Labor's arguments against 4–40 focus on worker health and safety. Labor leaders say that extended work days cause mental, emotional, and physical fatigue. In fact, they think that extending the work day is a step backward and contrary to everything the labor movement has fought for.

Is 4–40 the wave of the future? It is too soon to say. Certainly the number of companies that are using it is growing rapidly. On the other hand, most of them are small companies with fewer than 500 workers. Few of them are capital intensive. In many cases, the four-day week is still on trial. Labor isn't likely to buy the idea of 10-hour days without overtime pay. Management isn't likely to buy it with overtime pay.

Janice Hedges, an economist in the Bureau of Labor Statistics' Office of Economic and Social Research, sums up the situation nicely. Writing in the October issue of the monthly *Labor Review*, she says, "The current standard is not immutable. But neither is a shift to some new standard inevitable."

GUNS AND GOVERNMENT

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. HARRINGTON. Mr. Speaker, radio station WEEI in Boston has established itself as an agency which takes very seriously its obligation to serve the public interest. Its editorials on public issues are of a consistently high order—thoughtful, tough-minded, and to the point. Recently WEEI editorialized forcefully on the need for gun control legislation that is genuinely meaningful—as illustrated by the tragic shooting of Governor Wallace several weeks ago.

I believe the arguments adduced by WEEI deserve wide readership, and the attention of Members of the House, and at this point I insert them in the CONGRESSIONAL RECORD:

GUNS AND GOVERNMENT

Once again, violence has interceded in the political affairs of this country. The assassination attempt on Governor Wallace brings back in chilling detail those dark days in November of '63 and in April and June of '68 when other national leaders fell to an assassin's bullet. This time the wounds were not fatal, and WEEI joins men of good will everywhere in praying for a speedy recovery for Governor Wallace. However, there is another casualty of this senseless shooting—our nation and its political process.

Must we face a future governed by faceless men, hidden behind bullet-proof screens? Men who dare not ride in an open car; men who fear to stand on a motel balcony; men who can't walk through a hotel kitchen after accepting cheers for an election victory; men who can't shake the hands of supporters in a shopping center.

The so-called "banana republics" of South America are governed by officials who never show their faces and never step into a crowd. Must this happen in the United States? WEEI thinks we are at best far away from that. But WEEI also feels that it's now time for a soul-searching self examination of our national psychology. Violence has become a way of life in America. It permeates the mass media. Through toy weapons it sneaks into a child's play. Violence is glorified in history books that tell more about man's wars than about the accomplishments of past generations.

And then there's Vietnam. The long and constant killing in Indochina has taken its toll on the American public in a dark, subtle manner. WEEI feels that murder in an unjustifiable war has brought violence just that much closer to the surface on the home front. As in 1968, violence is playing a part in what should be the democratic process of a Presidential election. And as in 1968, America wonders why. Tomorrow, in another editorial we'll explore a symptom of the sickness—the ever-increasing number of guns on the streets of America.

Those who argue against gun control legislation are bound to tell you that if a murder is going to take place, it will occur whether or not a gun is involved. They'll also say that if firearms were magically swept from the nation, murderers would turn to knives and clubs.

WEEI doesn't buy those arguments, and feels that the attempt on the life of Governor Wallace of Alabama is another signal that this nation needs firmer gun control laws. To people who say that a murderer will choose another weapon if a gun isn't available, we point to the fact that the assassinations of John and Robert Kennedy and Doctor Martin Luther King and the attempted killing of George Wallace were all carried out with firearms.

A gun makes killing easy. There's no physical contact between the assailant and his victim. Death by a bullet is detached and cool. It seems to WEEI that this kind of attack fits the psychological profile of the assassins of the '60s and of the man accused of shooting Governor Wallace. These men were characterized as being disturbed loners, shadows on the landscape until they used guns to catapult themselves into the spotlight.

WEEI wonders whether these men would have turned to violence if they had not been able to passively pull the trigger. Would they have acted if forced to make a physical assault with a weapon other than a gun?

To argue for more government control of firearms is to reach back into the '60s when emotions rose after three assassinations. The arguments are the same today. WEEI urges the Congress to turn its back on the powerful gun lobby and to pass meaningful gun control legislation. You can help by contacting your Senators and Congressmen and telling them to act now, before another national leader is struck down by an assassin's bullet.

HELPING THE VETS COME HOME

HON. ALVIN E. O'KONSKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. O'KONSKI. Mr. Speaker, in recent months, I have been working with the American Association of Collegiate Veterans, a group of about 300,000 men, who have returned from Vietnam and the military service, and are now pursuing their education at the many campuses throughout the country.

This past week, the president of the association, Mr. Jim Mayer, and the past president, Mr. Bob Sniffen, visited my office. As you may know, this organization is attempting to help the boys who come home find jobs, adjust to society, and make them aware of the benefits which they can receive under the GI bill. The visit by these two young men brought the following article to my attention. It was written by A. Carl Segal, M.D., director of planning for Mental Health Services, in Howard County, Md., and presented at the 125th annual meeting of the American Psychiatric Association. I would strongly suggest that we consider this article, in hopes that we may be able to be more helpful to the returning vet:

ARMY PSYCHIATRY AND THE VIETNAM VETERAN: A CRITIQUE

Basic principles of military psychiatry were developed during World War I, rediscovered during World War II, and have remained operational through the Korean and Vietnam conflicts. These concepts of forward treatment, provided soon after the occurrence of disabling symptoms, in an atmosphere emphasizing possibilities of recovery—i.e., proximity, immediacy, expectancy—have been described by Glass (1), Tiffany and Alerton (2), Artiss (3), and others. Applications of these principles, together with features of the Vietnam conflict such as: (1) sporadic rather than prolonged battles; (2) air superiority; (3) better training and more highly educated men; (4) improved communications; (5) a known 12 month rotation; and (6) a better network of combat psychiatric services have resulted in fewer combat psychiatric casualties than in previous wars (4).

Recently, however, it has become increasingly clear that there have been delayed emotional and behavioral reactions to combat experiences (5), and these may not have been addressed as successfully as more immediately apparent reactions. In this paper, a pilot effort to develop primary preventive services for such difficulties will be presented. In addition, reasons for its lack of success and implications for military psychiatry in general will be discussed.

EXPERIENCES AT A GARRISON INFANTRY POST

Relatively little has been written about stateside garrison psychiatric services for returning veterans or about their needs. As early as 1967, psychiatrists practicing at Army installations in the United States were aware of frustration and anger among troops who had returned from Vietnam, decreasing communications between soldiers and their leaders, and increasing drug use. The post described in this paper was a large Army installation in Georgia which was a major infantry training center. Forty to fifty thousand men were housed there, including 7,000 men assigned to an independent brigade composed of battalions of "leg" and mechanized infantry, artillery, armor, and support elements. Many of the men had returned from combat tours in Vietnam and were serving their remaining months of active duty training other troops who would soon be entering the combat area.

In early 1968, increasing numbers of combat veterans from the brigade were being seen by the post's mental health staff for rage reactions, anxiety, depression and psychophysiological symptoms. These often appeared to be associated with suppressed and repressed guilt about their combat roles, displeasure with their duty assignments, and a certain disillusionment with the military and other aspects of American society such as their lack of a warm welcome home and racism. There also appeared to be an increasing number of men with similar dynamics and symptoms confined in the local stockade for legal infractions such as AWOL.

The mental health staff wanted to develop some method of preventing these medical and legal disabilities, if possible, and thought that if such a step were attempted more information would have to be learned about the experience of returning from Vietnam to the United States. More would have to be learned about dynamics and symptoms not only among men already labelled as "patients" or "prisoners", but also among men functioning without those distinctive labels. Thus, a pilot program was started to study the impact of a tour in Vietnam and subsequent return to the United States, and to attempt to ameliorate the observed impacts of guilt, depression, anxiety and rage upon the lives of the men.

CASE HISTORY

Primary prevention—A pilot program

Brigade leadership and the mental health staff had developed a good working relationship prior to initiation of the effort to be described. Innovative programs proposed by mental health staff had been received with interest and support. In late 1968, the mental health staff asked the brigade commander and the commander of a mechanized infantry battalion to initiate a demonstration project in which all Vietnam returnees entering the battalion would be assigned to a group discussion with mental health personnel. Stated purposes of the discussion were: (1) to acquaint our staff with thoughts and feelings of healthy as well as emotionally impaired returnees; (2) to provide an atmosphere in which soldiers might discuss their concerns about disturbing experiences they underwent in Vietnam, and gain group support while dealing with residual anger and guilt; (3) to provide anticipatory guidance about emotional responses we knew other returnees had experienced; (4) to discuss their feelings about assignment to their unit—one which was held in low esteem; and (5) to provide returnees with a list of resources they might call upon if they should experience difficulty with emotional or general health problems, financial need or other situational crises.

All soldiers who had returned from Vietnam and reported to the unit during a given week were assigned to a discussion group held in a company dayroom in the battalion area. There, each Saturday morning, they were joined for an informal "rap session" by a psychiatrist, social work officer and enlisted social work specialist. Usually 15 to 20 soldiers attended. Repeat sessions were not held. Informality was encouraged, and the session length was flexible, depending upon the interest of the men and the vigor of the discussion. Most lasted 2 to 3 hours.

Staff began the meetings by saying they hoped to learn more about problems faced by healthy soldiers upon their return to the United States. It was explained that a large number of troops from the unit had gotten into legal and other difficulties such as AWOL, drug use, and assaultive acts, often for reasons that seemed to have been preventable. A desire was expressed to discuss alternative methods of approaching problems they might face, and to provide them with information about helpful resources.

Initially groups viewed the mental health staff with suspicion, but invariably loosened up quickly and engaged in active discussions. Interaction was facilitated by questioning them about their experiences and reactions to the experiences. At the end of each session, the staff emphasized their interest in them, and told them that if problems arose which could not be solved within their units or by other agencies, they should feel free to contact the mental health specialist responsible for services to their units. It was pointed out that the staff would try to be helpful in any type of problem, not merely one which required their definition of themselves as mentally disturbed.

Participants often desired to meet again, but time limitations precluded ongoing meetings. Most soldiers appeared to be glad that they had participated, and there were virtually no expressions of dissatisfaction about having to meet with mental health personnel.

OUTCOME OF PILOT PROGRAM

After several months, both mental health staff and commanders thought that the program was of some value, but there was no objective assessment of its effectiveness in preventing or reducing emotional and behavioral impairments. A protocol was designed to provide such data from a systematic intervention. Discussion groups were to be led by trained social work specialists, and the social work officer was to coordinate the overall project and collect data for analysis. It was planned to compare experimental and comparison units in a variety of areas including sick call and mental health clinic visits and their seriousness, utilization of American Red Cross and Army Community Service facilities, and episodes of behavioral acting out such as AWOL and other legal infractions.

Just as the study was to be undertaken in late 1969, the social work officer who had been involved in the project for almost a year, and who was to be responsible for overall implementation was suddenly placed on orders to Vietnam. The post had been assured previously of social work officer stability in order to develop model programs. Despite pleas to the Office of the Surgeon General that a potentially valuable military health research effort would be destroyed, and strenuous efforts by the staff to have the orders reversed, the officer departed.

This turn of events demoralized the staff involved. The enlisted personnel, always at great risk to be placed suddenly on orders, and correspondingly reluctant to invest themselves in long range projects, began to withdraw their interest. The psychiatrist was involved in a number of other projects and unable to free himself to begin the process anew. He also was astounded by the seeming inability of the Office of the Surgeon General to recognize the importance of such a project and support it. Enlisted social work specialists who had been trained to lead the discussion groups continued for a while, but the idea of a formal systematic study soon died.

Results of pilot program

Although attendance records were not maintained both because of a desire to preserve informality and lack of manpower to coordinate data collection prior to a formal research effort, the following are presented as impressionistic data. Most men were between the ages of 19 and 24 and had a high school education or less. Most were single, and about 15% were from minority races. Achieved ranks were sergeant (E-5) or below, with a predominance of specialists 4th class (E-4). Many had received minor judicial or administrative punishments during their military careers, but rarely had any been found guilty of a serious offense. In most groups, between 70% and 90% of the men claimed to have been using drugs in Vietnam. This was usually marijuana, and less frequently amphetamines or barbiturates; heroin was not then a major problem.

Many soldiers complained about their disappointment in returning to "the real world" from "the Nam." They had expected the civilian and military populations to appreciate their service and receive them more warmly than was actually the case. Many angry feelings also were expressed by men of all races, but especially Blacks, about returning to the overt and covert racial prejudice of the United States. They especially resented this discrimination since there had been a relative absence of such racial tension in the Vietnam combat environment.

Undue risk taking by certain types of leaders also was an important theme. They spoke in disparaging terms of the foolish junior officer "heroes" fresh from the United States eager to make a name for themselves and sometimes placing their units in unnecessary danger, and of the "juicer" (alcoholic) noncommissioned officers incapacitated by their drinking patterns. They spoke almost casually of "fraggings" (attempts to wound or kill another soldier or officer by means of a fragmentation grenade, or by shooting him) they had witnessed or heard of.

Although a formal assessment of program effectiveness was never made, certain impressions were formed. Few psychiatric casualties were noted on post among men who were provided the group experience. (How many experienced difficulties subsequent to leaving the post is impossible to know.) Commanders thought the programs were of value, and many men who attended the meetings expressed a desire to have more.

Clearly there would have been great usefulness in systematic study of a wide variety of social indices that would have related adequacy of coping mechanisms to effects of the program upon underlying guilt, depression, frustration and rage.

Army psychiatry during the Vietnam war era

Apparently there was adequate psychiatric care provided for soldiers with overt severe mental illness during the war years. Also, application of combat psychiatric principles plus features of the combat environment unique to this conflict resulted in a psychiatric casualty rate far lower than previously experienced in wartime. However, one must question whether or not less than adequate attention was paid to more subtle behavioral and emotional effects of this unpopular war, and of military service during an era of rapidly changing social concerns and priorities.

Army mental health services were dominated by over-riding concerns about personnel requirements for the combat zone. Perhaps this is how it should have been. But one would have hoped that some major degree of concern also would have been expressed for the returning troops. This is especially so in view of the Army's commitment to principles of preventive psychiatry. Unfortunately, theoretical constructs and care-giving models changed imperceptibly during the past 25 years, and little attention ever has been paid systematically to needs of garrison troops.

Stateside programs in mental health were marked by personnel turbulence and disruption which rarely allowed the development of carefully thought out intermediate, let alone long range, research, at posts other than general hospitals. Bushard (6) emphasized the value of locally-based services and requirements to work with men in their units. Army reports long have emphasized the value of mental hygiene clinics and preventive psychiatry. However, most long range research in recent years has been general hospital based such as work by Colman and Baker (7) with operant conditioning models for rehabilitation of men with character and behavior disorders.

Papers in which preventive programs have been discussed have focused on early case findings and command consultation, in situations in which behavioral disturbances already had been noted, such as reports by Spencer (8) and Chapman (9). Bey and Smith (10) in their report on organizational consultation seem to have come closest to primary preventive activities.

A number of primary preventive programs, such as described in this paper, could have been designed and implemented using existing theoretical models of group techniques, populations at risk because of specific events such as combat troops), and anticipatory guidance. Caplan (11), in recent testimony before the United States Senate, described a preventive psychiatry program that well might have been emphasized as a research effort by the Office of the Surgeon General.

Unfortunately, most mental health personnel in stateside assignments were placed in positions designed to make the development of innovative preventive programs virtually impossible. They were getting their military bearings, a task that takes a minimum of six months, devoting energy to worrying whether or not they would be assigned to Vietnam, or overwhelmed by the myriad of administrative evaluations demanded by a variety of regulations.

Automatic data processing technology, enlightened use of personnel, and revision of stifling administrative regulations might have allowed the development of more preventive outreach programs. Although combat requirements were of first order priority, perhaps mental health personnel might have been assigned to Vietnam at the beginning of their tours of duty (for immediate or delayed departure), with the rest assured that they would remain at their duty assignments until completion of their tours. This might have freed significant mental energy for productive innovation pursuits.

Perhaps Army psychiatry was one war behind. Good quality World War II or Korean conflict combat psychiatry was practiced, but inadequate attention was focused on needs of men in other than combat situations. One can only hope that a mechanism may yet be found that will allow military psychiatric practice to update and expand its conceptual models, be more responsive to changing needs associated with changing times, be more flexible, and again lead the way in innovative psychiatric practice.

Summary

Implementation of well established principles of combat psychiatry during the Vietnam war years helped play a role in decreasing the number of combat psychiatric casualties. However, questions have been raised about more long term disabling effects of the combat experience secondary to guilt, frustration, rage and depression. A pilot program attempting to address these issues by providing primary preventive services to infantry troops who had seen combat was started at a large infantry post. This program consisted of group discussions with all newly assigned troops in a mechanized infantry battalion. Goals, themes of discussions, and impressionistic findings are noted, as well as reasons for failure of systematic study of the effort. Possible reasons are given for a lack of innovative military psychiatric practices during recent years in field environments, and hope is expressed that the military may yet find a way to update its psychiatric practice, become more flexible, and again lead the way in innovative preventive efforts.

CAPT. HENRY M. SPENGLER DIES IN VIETNAM HELICOPTER CRASH

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, a memorial service was held at the new Fort Myer Memorial Chapel last Friday for a young Alexandria resident who was killed in Vietnam on April 5 after a brief but brilliant military career.

As I share the pride of his many northern Virginia friends in his accomplishments as well as their sorrow at his loss, I insert at this point in the Record his obituary as printed in the Washington Post on Wednesday, May 17, 1972:

Capt. Henry M. Spengler Dies in Vietnam Helicopter Crash

A memorial service for Army Capt. Henry Mershon Spengler III, 26, who was killed in South Vietnam, will be held at 2 p.m. Friday in the new Ft. Myer Memorial Chapel.

Capt. Spengler, whose wife and mother live in Alexandria, was killed April 5 while piloting a Cobra helicopter near Anloc. His aircraft was struck by enemy fire and crashed.

He was the son of the late Army Brig. Gen. Henry Mershon Spengler, who also was killed in a helicopter crash in 1961 at Hohenfels, Germany.

His father's death, while he was still a youth, did not deter Capt. Spengler from entering a military career.

"It was his business. When he wrote to me from Vietnam, he always said there was nothing much going on. He figured what he was doing there was just his job," his wife said yesterday. This was before American action was stepped up there.

After graduating from Francis C. Hammond High School in Alexandria, where he participated in crew, track and cross country, and also rowed for the Old Dominion Boat Club, Capt. Spengler was appointed to the U.S. Military Academy at West Point by Sen. Harry F. Byrd Jr.

He was commissioned in the Corps of Engineers, then attended ranger and airborne schools at Ft. Benning, Ga., and the engineer officer basic course at Ft. Belvoir. He was sent to Germany as a company commander and returned to this country in 1970 to pursue Army aviation training at Ft. Wolters, Tex., and Ft. Rucker, Ala.

Capt. Spengler completed the Cobra helicopter transition course at Hunter Army Air Field, Ga., and went to Vietnam in August, 1971. He was with the 3d Battalion, 7th Aerial Rocket Artillery, 3d Brigade, 1st Cavalry Division at the time of his death.

He is survived by his wife, Bette Suzanne Scott Spengler, of 401 N. Armistead St.; a 2-year-old son, Henry Mershon Spengler IV; his mother, Betty M. Spengler; three brothers, William, of Wytheville, James, of Arlington, and Robert, of Alexandria.

PROPOSES NATIONAL DAY OF MOURNING

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. GARMATZ. Mr. Speaker, I would like to call to the attention of my colleagues the following statement concerning recent developments in Kaunas, Lithuania issued by President Vytautas Volertas of the Lithuanian-American Community of the U.S.A., Inc. National Executive Committee located in Philadelphia, which I am sure will be of interest:

May 22, 1972.

A proposal for a National Day of Mourning and Prayer for Americans of Lithuanian background was issued in Philadelphia today by Vytautas Volertas, President of the National Executive Committee of the Lithuanian-American Community of the U.S.A., Inc.

He made the declaration following developments in the Lithuanian city, Kaunas, where rioting has been underway over religious oppression and lack of political freedom.

Over the weekend, several thousand youths battled police and Soviet soldiers after a young Roman Catholic, Romas Talanta, publically burned himself to death "for political reasons".

The rioting has continued since the funeral of Talanta last Thursday.

This latest development of immolation has brought international furor and attention to the problems besetting the captive Lithuanian nation.

Mr. Volertas said that to further dramatize the religious plight of Lithuanians he urged that America's 2 million Lithuanian-Americans recognize June 15 as a National Day of Mourning and Prayer to demonstrate this country's support of Lithuania's fight to establish religious and political freedom.

He said the June 15 day would coincide with the Anniversary of the Soviet Union's forceful occupation of Lithuania in 1940. He said he hoped that Lithuanians from all 50 states would participate in the mourning with appropriate ceremony.

At the same time, the President said that they are coordinating with the Roman Catholic Churches throughout the United States to officially proclaim June 15 as a National Day of Mourning and Prayer.

This latest tragedy in Lithuania comes on the heels of several internal disruptions which were aimed at focusing international attention to the political and religious problems faced by that country.

Last March 17,000 Lithuanian-Catholics signed a bitterly-worded Petition to Communist Party leaders demanding an end to religious suppression. President Volertas stated that this action is the most massive protest of its kind ever known to have emerged from Lithuania and the U.S.S.R. This and earlier attempts to relieve religious persecution had gone unheard except in the form of intensified repression.

The inch-thick Petitions were then sent to the U.N. Secretary-General, Kurt Waldheim.

In another attempt to dramatize their plight, a formal protest by the Lithuanian intellectuals was forwarded to the 5th World Congress of Psychiatrists.

In another area, President Volertas stated that he was hopeful that the Soviet government's attitude might be softened following the impending session by President Nixon and the Soviet leaders. More than 75,000 American-Lithuanians have urged the President through a Petition to bring the power of his office into play on behalf of Lithuanians when he meets with Soviet leaders.

A parallel situation, Soviet Jewry, is on the President's agenda.

President Volertas also referred to events within the last year including the imprisonment of Priests for preparing children for their First Communion at the request of their parents and two Lithuanian Bishops being sent to unlimited exile without trials.

These efforts culminated in the self-immolation and subsequent rioting in the city of Kaunas, the second largest city of Lithuania with a population of more than 300,000 persons.

FIRSTHAND INFORMATION ON C-5A

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. DAVIS of Georgia. Mr. Speaker, all too often on issues of special importance, we hear only a part of the full story. For several years, while the giant C-5A Galaxy has been manufactured at the Lockheed-Georgia complex in the seventh district, we have heard much criticism from the aircraft's detractors, both in the press and in the Congress. Those of us who believe in the C-5A's ability to carry out its assigned tasks with excellence have encountered difficulty in finding an audience willing to listen to all sides of the question.

For example, Gen. Jack J. Catton, Commander of the Military Airlift Command, the man in charge of all C–5 military operations, last week addressed the Aviation/Space Writers Association in New York on the subject of the C–5A. Despite General Catton's firsthand knowledge of the aircraft, his comments received less attention in the Nation's press than do those of the least knowledgeable critics of this plane. Because I know of the interest which the Congress holds for the C–5A and its capabilities, I would like to commend General Catton's speech as follows:

REMARKS BY GEN. JACK J. CATTON

About 30 years ago, when the American public, bombarded on all sides by conflicting advertising claims, was considering buying an expensive automobile, they were encouraged to "ask the man who owns one." The inference was that no one knew better than the operator—the man who used the machine, day-in and day-out—if it did the job. We have a similar circumstance today. The American people have purchased this C–5 machine and have been told a great deal about it. There is a lot of confusion—many different opinions, pro and con—and it's hard for the public to separate fact from fiction concerning the C–5. So perhaps this is a good time to ask the man who owns them—or at least operates them for the Air Force and the Department of Defense—for the American public.

Before I give you that opportunity to "ask the operator," I want you to all realize the C–5 was developed to do a particular job in support of this nation's military strategy. I mention this simply because that statement of fact gives us some key ideas to consider—ideas such as the C–5 itself—its procurement—the job it does—the strategy it supports.

First, the airplane. The C–5 is unique. I'm sure you're all impressed with its size. I suppose you've already heard the obvious comparisons—sit it on a football field with its tail on the goal line and its nose is inside the other twenty—its wings are way beyond both benches. Or, its tail is six stores high.

However, you might not know that we're operating the airplane daily at over 712,000 pounds gross weight—with a payload of 175,000 pounds. When we have to—and the past few weeks we've had to—we go to 728,000, with just under 200,000 pounds of payload. The airplane gives us great capabality—unique to the military needs we have.

For example, you've heard a lot about our gear problems—we have a complicated gear system—but it allows us to decouple our fleet from the JFK-type, sophisticated air terminals which might not be available when and where we need them—permits very rapid on-and-off-loading.

We cruise at .767 MACH—which is moving out—but still somewhat slower than our civilian counterparts. But we traded off those few knots of speed for the shorter on-load/off-load times. To get the drive-on/drive-off capability which helps make this a combat airplane, we had to go to the high lift rather than the high speed position on the wing—but shortened ground times are important to us in a combat situation.

Two weeks ago, the C–5s recorded ground times of 32, 30 and 27 minutes at DaNang. You know what they were carrying? M–41 tanks—and those times I gave you were from touchdown to takeoff. There—on the ground—when we are vulnerable and the cargo is vulnerable—is where and when we need the speed most—a design factor peculiar to our basic role of combat airlift.

The fact that we're carrying vehicles on those missions sets this airplane apart from our commercial counterparts whose aircraft are stressed for palletized loads. We have the ability to airdrop from this aircraft. Although we've never used that particular strategy in combat—we have tested it with some very plausible scenaries—like Freedom Vault where we flew troops and equipment from stateside bases to Korea and airdropped them. With the current pressure toward more stateside basing of our forces, the ability to rapidly move the troops from home to battlefield becomes increasingly important—whether they be airdropped or air landed in the assault.

I could go on and on with the unique features of the aircraft, but I hope you understand—the primary need this airplane was designed to meet is the outsized cargo requirements—and we can meet them. We can move every piece of equipment in an Army infantry division in this airplane—right up to the M–60, main battle tank—and we can maintain combat integrity by taking the personnel associated right along with the equipment. This airplane is one of a kind—nothing in the air can match it—and, teamed with the C–141, we can deliver balanced integral air and ground fighting forces anywhere in the world they are needed.

Not too long ago, when I spoke to one of our professional military schools, I was asked whether in hindsight I'd rather have had the 747 freighter. I had to answer "no," just because of the features I just mentioned.

The 747 doesn't have the drive-on/drive-off capability. It needs sophisticated runways and special handling equipment, while the C–5 is truck-bed high to begin with and can kneel. The 747 can't airdrop—it can't lift anything the C–141 can't. What it all boils down to is—the C–5 is different from every other kind of aircraft—because it was designed to do a particular military job. It required—and has—characteristics that no civil carrier would find a market for. And that brings me back to my framework statement—"The C–5 was developed for a special job in support of this nation's military strategy."

Having talked about the airplane itself, let me address its acquisition just briefly. We're all aware of the many procurement problems which have been aired relative to the C–5. But it's been more than seven years since the Department of Defense chose the "total package procurement" method of doing business for this aircraft. Still we hear about cost overruns—the financial position of the prime contractor—mismanagement of contracts—the Lockheed loan guarantee. How or why these problems exist has a multitude of answers—many of which depend upon one's point of view—much of it is Monday-morning quarterbacking.

Let me emphasize, however, that today I'm talking as an operator—and none of these problems associated with the C–5 can overshadow the true accomplishments of performance and flexibility offered this weapons system.

Too often, the negative aspects of the aircraft's performance are stressed. I think this is because one of the least understood facts of the C–5 is that it was purchased under a concurrent testing and production concept. Many of the alleged deficiencies of the C–5 are a result of operational aircraft being delivered while development testing was still in progress. Two years ago, when we received our first operational aircraft, testing was barely 50 percent complete. Today, testing is roughly 95 percent complete. The contractor has completed all development tests and is continuing the fatigue test which will determine aircraft service life.

We're finding some problems such as structural difficulties. You're all familiar with the pylon problem—well, that's fixed. We've had some problems with kneeling—and we're fixing them. We may well expect to have other problems too—for, after all, the C–5 is a substantial jump in the state of the art. And, when we have them, we'll fix them.

About one year of Air Force tests remain for the avionics systems and, as these systems become qualified, we—the operators—will perform small scale suitability tests.

In spite of the problems, I hope you understand we have—and will continue—to perform the mission, right along with our testing. It simply means that sometimes the crews must operate certain systems manually rather than being able to rely on automatic features.

But one thing all this testing has proven—the C–5 will fulfill the strategic airlift mission for which it was designed—that is, the rapid deployment of outsized Army equipment and the troops necessary to operate that equipment.

So, the ultimate yardstick is not in the first part of our basic statement—"the C–5 was developed"—but, rather, in the second part—"for a particular job in support of this nation's military strategy." And, the airplane is doing the job all over the world.

Last March, one of the airplanes lifted three large helicopters to Vietnam and returned with three other battle-damaged ones in a 72-hour round trip. Because the C–5 makes disassembly unnecessary, the choppers were flying missions in Vietnam within 10 hours of arrival. It used to take three C–133s, eight days and an extensive assembly time to get them in the air. In a single mission, one C–5 delivered 22 of the Army's light observation helicopters.

Elsewhere, the Republic of China had an urgent need for a turbine generator located in England. Surface transportation wasn't responsive enough. This was the only airplane in the world that could do the job—and the C–5 did it at the request of the State Department in 30 hours—London to Taiwan.

We used three C–5s to transport an airborne helicopter mine-sweeping unit from Norfolk to the Sixth Fleet. That entailed moving four CH–53 choppers, mine-sweeping devices and the people to use them.

One of our aircraft picked up a complete RAPCON, mobile radar approach control unit, in California and delivered it to Tempelhof Airport, West Berlin. Before the C–5, we would have needed two airplanes and considerable disassembly.

Frequently, we fly cargo too large for other aircraft. We have even flown cargo too large for other modes of transportation. We hauled a Navy sonar dome from Akron, Ohio, to California, because it was too large for truck or rail transport and the boat trip down the Ohio and Mississippi Rivers could have taken two months, as well as posing road closing problems.

So, it's been doing a great job for the Department of Defense in carrying the outsized cargo—but its primary mission is combat airlift. You can believe it's been tested hard on that point in the last month—and has performed in superior manner. When the Communist offensive began early last month, the C–5 was called on to do the job it was designed to do—provide direct support to the military forces. In less than six weeks, we have flown over one hundred C–5 missions into the war zone—and we're doing what we were expected to do. For the most part, we're delivering outsized, heavy equipment that only the C–5 can carry.

For example, C–5s have moved two M–48 battle tanks into South Vietnam—that's 96 tons of tanks, plus associated gear, in each airplane. I mentioned the super off-load time of the birds carrying the slightly smaller M–41 medium tanks.

Add to those several hundred tons of mixed loads of trucks, artillery pieces, vans and the ever present choppers—and you have some idea of the magnitude of the job we're doing with this airplane.

But let me superimpose another task on the already sizable operation I just described. Our plans call for us to be able to deploy our land and air forces rapidly throughout the world. In the past, we have exercised and worked hard to achieve a high level of proficiency getting ready to respond. We had a chance to show our stuff when the decision was made to move the 49th Tactical Fighter Wing from Holloman AFB, New Mexico, to Takhli, Thailand—four fighter squadrons plus a SAC tanker squadron. We put together the team—the C–5 and the C–141—and the commercial carriers who handle most of our passenger requirements—and in nine days we had moved over 4,000 tons—an entire wing of people and equipment from the States to Southeast Asia.

In contrast—remember Korea in 1951—when it took 56 days to get the first ground forces from the United States into the conflict. Even today, a shipload of tanks has a steaming time from our West Coast to Vietnam in excess of 25 days—and that is port to port, not Army camp to battlefield.

While the magnitude of this entire Southeast Asia operation is starting to sink in, let me tell you we kept our commitments to our other forces around the world. The C–5 has a role in that, too—albeit a minor one.

So, the airplane has been doing the kind of job it was procured to do—it's doing it today, not sometime in the future. To understand fully just what this means to our nation, not only in Southeast Asia, but all over the world, is to understand what the airplane means for startegic mobility—and what strategic mobility means for national policy and national security.

President Nixon provides us with a starting point. You may recall his words before Congress last September when he spoke to the challenges of peace which need to be addressed as the challenges of war are diminishing. No question as to how important our airlift force is to the successful meeting of the challenges of war, that's what I've been telling you about.

The President indicates the chips are also down in a different way—the challenge of peace. We, in the military, have the same responsibility—stay geared for the possible contingency. That's our responsibility. But our national leadership also has a responsibility—to take a deep look at our nation's priorities—where the nation is heading—the best way to get there.

We understand the reordering of priorities—the distribution of our national resources—more to the solution of domestic problems—less to defense. Our challenge is great. We must enhance the quality, responsiveness and the power of the military forces we retain. The evolving military strategy places great dependence upon mobility—the right kind of mobility—rapid, reliable, responsive.

At this point, let me remind you that we—American citizens—have invested in military aircraft required to do only the airlift tasks our commercial carriers cannot practicably perform. They—who comprise the unmatched American civil air industry—are our partners in peace and war through the Civil Reserve Air Fleet—CRAF. Our relationship makes efficient and effective use of a national resource.

Our flexible response strategy would not be practical if it were necessary to station large garrisons of American fighting forces all over the world. Strategic airlift can give us the means to find the best *mix* of overseas garrisons—prepositioning—and mobility, enabling us to reduce our overseas forces to a level we can better support—and still meet our commitments. 'Whereas, in the past, airlift forces were geared to support policy and strategy already in effect, our partnership now provides an airlift capability that gives our planners and strategists new options—options that can have a growing influence on the development of policy and strategy.

So, you can see—and, even more important, a potential adversary can see—how we are able to exploit the speed and reliability of airlift to reduce the national investment in defense—and still strike faster—hit harder—and keep the peace through balanced deterrence. We couldn't do this without the C–5. That makes it quite a machine. If you don't believe it, ask the man who owns one!

GEN. FREDERICK J. CLARKE, CHIEF OF U.S. CORPS OF ENGINEERS, STRESSES IMPORTANCE OF SMALL TOWNS IN COOKEVILLE, TENN., ADDRESS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. EVINS of Tennessee. Mr. Speaker, Lt. Gen. Frederick J. Clarke, Chief of the U.S. Corps of Engineers, recently delivered an excellent address to the Putnam County Chamber of Commerce and other distinguished guests in Cookeville, Tenn.

We were honored to have General Clarke as our guest in the Fourth Congressional District of Tennessee, which I am honored to represent in the Congress, and were most impressed with his excellent address.

General Clarke in his remarks praised Cookeville and Putnam County for their forward-looking program of progress and emphasized the importance of small town and rural America to the future of our great Nation.

Because of the interest of my colleagues and the American people in this most important subject, I place in the RECORD herewith an account of the meeting and General Clarke's address from the Cookeville Herald-Citizen.

The article follows:

TOWNS LIKE COOKEVILLE OFFER HOPE: CLARKE

"This nation is going to have to take a closer, longer look at towns like Cookeville," Lt. Gen. F. J. Clarke told more than 400 persons Friday at the annual banquet of the Putnam Chamber of Commerce.

Gen. Clarke, commander of the Corps of Engineers, was the featured speaker at the banquet which was attended by 12 mayors and four county judges from surrounding counties.

Rep. Joe L. Evins was a special guest, and the congressman received long applause when Tennessee Tech President Everrett Derryberry told the crowd: "No other congressional district in the U.S. Congress is better represented than Tennessee's Fourth Congressional District."

Derryberry presented Rep. Evins with a large color photograph of the congressman posing with five former governors, and he presented both Rep. Evins and Gen. Clarke with copies of the 1972 Tech Eagle yearbook.

E. B. Blanton, Putnam Chamber president, presented the Chamber's annual report in which he cited a successful year. He also stated that the Chamber would announce a new industry or an expansion of an existing industry within the next two weeks.

In his address, Gen. Clark lavishly praised Cookeville as a "go-ahead" community. "Even from the glimpses one gets while coming into town, it is evident that you people of Cookeville are still following Davy Crockett's advice of be sure you're right, then go-ahead. You must be doing at least something right, because obviously this is a community with plenty of go-ahead."

"This nation is going to have to take a closer, longer look at towns like Cookeville. I think that somewhere in your experience is at least part of the solution to one of the biggest problems of our time—the problem of what to do about the population explosion." Gen. Clarke said.

He said that, in recent years, this country has been adding the equivalent of another Cookeville to its population every day.

He noted problems causing negative attitudes in the big cities—polluted rivers, smog, over-crowdedness and an absence of greenspace. "Perhaps the most aggravated form of this urban myopia is the notion that because the cities are getting too big and complex, the whole economy must grind to a halt. This no-growth doctrine is receiving surprisingly wide acceptance.

"However, other people—and I am one of them—are inclined to think that such ideas are an over-reaction to the environment problem. The problem certainly exists, but I am convinced it is manageable without overturning our economy or depriving us of all the advances we and our forefathers have made in the quality of living. I think we would do better to look at places like Cookeville," he said.

"After all, why is it that so many of our people pen themselves up in the great metropolises, and then complain about congestion, no breathing space and so forth? Why, with the population growing at the rate it is, should half or more of the counties in America be losing population? If we could reverse this trend—if we could take more of our people out of the cities and disperse them throughout the beautiful, productive American countryside—I, for one, think we would be well on the way toward obtaining a manageable grasp of many or our resource and environment problems.

"Whatever it is that is chasing people away from the countryside and into the cities, you folks have obviously have the antidote," he said.

Gen. Clarke said that Rep. Evins recently gave him a copy of the Progress Section of the Herald-Citizen. "I read there that the population of Putnam County has grown more than 20 percent in the past ten years. This population is well balanced—40 percent living in town, 60 percent in surrounding rural areas. Almost two-thirds of your homes are owned by their occupants. While still keeping your close contact with agriculture, you have, I understand, some 40 industries. This is an almost ideal situation."

"One thing impressed me especially about this edition. On one side of the front page was a two-column wide article describing some $7.5 million worth of development projects about to get underway here. On the other side was a balancing two-column article on the need to wisely plan and direct growth and development.

"I read here the story of a community that does not despair of growth, one that is aware of the problems of growth but is not afraid of them, one which realizes that the solution to our resource and environment problems is not no-growth but rather wise growth.

"As you continue to carry-out this positive, forward looking, responsible philosophy in action, you will present an object-lesson that other communities all over America may heed. I find it very easy to understand why this community was designated a member community of nationwide Model Cities program.

"In addition to balance development and responsible enterprise, Cookeville illustrates another most important attribute of successful community life: teamwork. I see here your businessmen cooperating with one another through the Chamber of Commerce; the Chamber of Commerce cooperating with other community elements through the city, county and state governments; and these state and local authorities working in close cooperation with Rep. Evins and the other members of your responsive congressional delegation to make full use of federal programs.

"The University is part of the team. I note that under the leadership of President Derryberry, the traditional rivalry between town and gown here is transformed into many cooperative activities through which the students and faculty of Tennessee Technological University acquire practical experience by working on community projects to the benefit of both," Gen. Clarke said.

He said he knew from personal experience the teamwork in Cookeville, and noted the following projects which the Corps of Engineers is working on in this area:

Helping establish Edgar Evins State Park with the Corps' share being more than $3 million;

Helping establish Rock Island State Park just across the White-Warren line;

Helping to build another state park at Cordell Hull Lake in Smith County;

Helping to expand Standing Stone State Park;

Donating 535 acres for the Tech-Aqua Biological Research Station;

Contracted with Cookeville for construction of a water plant on Center Hill Lake.

"Now, does not all this hold a lesson for other communities and for the nation? I think it does. I think your experience could help point the way toward solution of some of the problems of the Appalachia region. It could help reverse the drive to the cities and thus help relieve some of the those inner-city problems we hear so much about," said Gen. Clarke.

ST. AUGUSTINE HIGH SCHOOL

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. VAN DEERLIN. Mr. Speaker, I am indebted to a constituent, Rear Adm. Paul F. Dugan, USN (Ret.), for the following capsule history of St. Augustine High School, located in my district, which is observing its semicentennial this year:

BRIEF HISTORY OF ST. AUGUSTINE HIGH SCHOOL

St. Augustine High School, San Diego, California, will observe its fiftieth anniversary this year, 1972.

It was in October, 1922, that the Augustinian Fathers, whose headquarters were at Villanova College, Pennsylvania, at the invitation of the then Bishop of Los Angeles and San Diego, opened the first Catholic School for boys in San Diego. Twenty students were welcomed by the first principal, the Reverend George O'Meara, Order of St. Augustine, and his two associates of the original faculty.

In the intervening 50 years the school has educated thousands of San Diego boys who have served their community, the State of California, and the nation as teachers, clergymen, lawyers, doctors, dentists, engineers, scientists, and career officers in all the armed services, and its graduating classes have grown from twelve in 1925 to as many as 175 in recent years.

St. Augustine High School is now recognized as one of the outstanding secondary schools in the West. Its graduates have done well in many institutions of higher learning throughout the country and have achieved high positions at home and abroad in business, industry, and the professions.

The present principal is the Reverend Patrick J. Keane, OSA, 3266 Nutmeg St., San Diego, California, 92104.

STATEMENT OF WEST LANE DOMAIN'S VISION, HOPES, AND ASPIRATIONS

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. DELLENBACK. Mr. Speaker, a group of citizens in an area of my district have started a community movement that I believe deserves nationwide attention; not because it is unique, because the idea has been used before; but because it represents the kind of resourcefulness and forward thinking necessary for a bright and profitable future for all our citizens. It is a reminder that the greatness of this country was earned by its people.

A few months ago a group of citizens met in West Lane County to talk about the future of their unique corner of the beautiful State of Oregon. Several meetings have been held since. I would like to share with the Members of this body, and with all others who read the RECORD, the sense of community expressed in an editorial prepared by Archie Root, a longtime and highly respected resident of the area and editor of the West Lane News:

[From the West Lane News, Veneta, Oreg., Apr. 20, 1972]

STATEMENT OF WEST LANE DOMAIN'S VISION, HOPES AND ASPIRATIONS

About three months ago most of the areas of population in West Lane Domain had representatives who attended a meeting in Blachly at the High School a broad outline of possible accomplishments if an attempt would be made to formulate an advisory council for our area, was presented and discussed.

Following the discussion, a formal unanimous vote dictated that an organization be formed to explore ways to improve not only our economic climate but also to attempt to uncover the intangible resources of the Domain's citizens.

Since that date almost weekly meetings have been held, to search out our hidden treasures that might enhance our well being.

First we dictated a statement of the purpose of this organization: it is the following:

The purpose: To begin from the premise that the area which surrounds and encompasses the West Lane Domain represents a stage of development that is typical of most of Rural America. That it possesses less of the material tangible assets and attributes of urban areas and also is blessed with fewer rigid conditions that detract from the real quality of life. Based on the premise, the purpose of this effort will be to encourage and seek assistance from within and without that will result in an example of self inspired productivity that will be of substantial benefit to the participating community as benefactors and beneficiaries.

We are confident that the resources of the area can be protected and enhanced while they are also capable of producing a continuous supply of material to be used in the development of employment and goods.

In keeping with the national emphasis of attempting to revitalize rural America we deem it expedient that an advisory council be elected with each of the several centers of population having representatives in West Lane Domain's plan.

This council would aim to encourage each locality to become a focal point for local activities having to do with social as well as economic enterprises. The local school buildings conceivably might be used for such endeavors as recreation, drafts, arts and entertainments. Persons at both ends of the age spectrum would be encouraged to participate in the activities of their choice.

Economically, each community might have at least one small industry—for example: a hand craft factory—utilizing local raw material and local craftsmen.

We would earnestly attempt to get our Domain recognized as "Model Rural America."

To be known as leaders in model rural living, we acknowledge the existence of problems known and unknown. But we also believe we have the consensus of enough concerned persons whose faith says the problems can be, at least partially, solved.

We will never be a leader in this sort of an endeavor if we'd overlook the resources we possess. What are they? Here are some examples:

People, real estate, water, agreeable climate and schools. Within those all-inclusive categories lies resources, the scope of which few of us can comprehend. To trigger the utilization of those talents would be one of the main functions of the proposed service plan. (Advisory Council) (Service Council).

IN THE FIELD OF RECREATION

The four day work week is nearly upon us, with the consequential 3-day weekend which means more recreation. We have two lakes which we West Laners use too little. What's more we benefit too little from the other 2-million users of our lakes.

Water cycles and new devices on which to ride behind the powerful speed boats, are two examples of things we might invent.

The Americans are about ready to go all out for some outdoor sport that would be as popular as miniature golf. We should be resourceful enough to invent that unknown sport.

IN AGRICULTURE

The bracken fern that is just now coming up, is a food product of high protein content and we have a million ton in West Lane. Some one will invent a dryer and a canner that will put this food product on the market.

We have in our Domain retired persons whom we need for their ideas. We also have youth and we need them for the very same reason.

One of the greatest things we can do is to convince all our people that they are needed and we need to encourage them to produce. The lonely ones, whether they be old, middle age or youth, ought to be "discovered" and encouraged to get involved. As a thought why not have a "senior" achievement as well as a "junior" achievement movement.

INDUSTRY

The wood products we have can provide raw materials galore. Research has already been done in many fields. Furniture, rock or other products imbedded in clear plastic could be made in extremely beautiful panels, etc. etc.

LAND

We have productive earth and climate that will produce a much greater variety of foods and fibres than we now grow.

During the depression years we imported thousands of tons of horseradish from Czechoslovakia and it's so simple to raise—

and almost impossible to get rid of. We import dandelions now.

Down south they are raising catfish in small ponds and making money doing it.

All of the aforementioned endeavors that might be tackled could have and should have been done long, ago, and much, much more. But rural America has forgotten the art of co-operation and the worthwhileness of jointly achieving.

We, the people of West Lane Domain, will, in the coming years, become a closer knit body of citizens. We will have facilities that will enable neighbors to know each other better, will share ideas and will be on positive volition toward eradicating some of the most obvious problems immediately, and have a fuller more abundant life for having attempted the unusual.

EFFECTS OF SOVIET FISHING OFF THE U.S. COAST

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. STEELE. Mr. Speaker, fishing is an important industry in the United States. It is especially vital to the economy of the coastal States as well as to the numerous fishermen who derive their livelihood from the sea.

In recent years, growing attention has been given to the Russian fishing vessels off the coast of the United States. Although various agreements have been reached between the Soviet Union and the United States regarding territorial fishing rights, there is still great concern expressed about the presence of Soviet ships fishing off the coast.

The Russian vessels, due to their enormous size and capacity, can take in much larger catches than the American boats. Also, there is a fear expressed by many of the American fishermen of being capsized or harassed by the much larger Soviet vessels while out at sea.

In order to maintain equal and fair competition with the Soviet fishing fleets, the American fleets must be outfitted with vessels that can begin to compete, in size alone, with the monstrous Soviet trawlers and their huge nets. Also, when further agreements are considered, notice must be given to improving the conditions for the American fishermen. If necessary, this may mean establishing a completely restricted territorial fishing limit with no exceptions. Specific limits on the size of catch and further restrictions on the type of fish which can be caught within specified territorial limits may be another alternative to insure the continuation of a profitable and necessary fishing industry for the United States.

The following article which was published in the May issue of the Veterans of Foreign Wars magazine, V.F.W., thoroughly discusses the situation of the American fishing industry and Soviet fishing off the U.S. coast. This enlightening article was written by Phelps Phelps, former U.S. Ambassador to the Dominican Republic and Governor of U.S. Samoa:

UNITED STATES-RUSSIAN FISHING—WHAT'S THE CATCH?

(By Phelps Phelps)

Repeated violations and interference with American commercial fishermen have marked the United States-Soviet fisheries agreements entered into for two-year periods since 1966.

Since the current pact has until next January before it expires, the public should be alerted to the situation in hopes that the new accords will provide better protection for Americans than the previous ones.

Currently two agreements are in effect with the Soviet Union for the West Coast, one covering Alaska and its environs; the other Washington, Oregon and California coasts. East Coast agreements are with the USSR and Poland and apply to the Atlantic region. Another one with Japan covers the Pacific area.

The largest American fishing vessels are less than 110 feet long, while the Russian and Polish trawlers are a thousand tons or more. Some are so large they have crews of 600 men and women.

So outclassed are American fishing craft that they can bring in only a fraction of the six to eight-ton single catches the Russians and Poles are capable of.

This problem was discussed at meetings of the Seabed Committees of the United Nations last March. Forty-three American fishery experts from all parts of the country are among the committees members.

Under the 1966–1968 agreements the Soviets were allowed to fish up to within three miles of the Long Island and New Jersey shores and to anchor for reloading usually from November to May along 10 miles of Long Island and three of New Jersey. They could enter certain ports to resupply their ships. Fishery research vessels were permitted after notifying the Coast Guard.

No limits were placed on catches of herring, ling (red hake), whiting (silver hake), porgies (scup) and flounder, or even the sportsman's favorite, black bass. However, the 1970 accords barred the Russians from catching menhaden, used for oil or fertilizer; shad and blueback and restricted river herring to 4,000 tons. Sea herring found in vast numbers in the Atlantic are unrestricted. The 1970 agreements prohibit the Russians from conducting specialized fisheries for scup and flounder. The Coast Guard estimates the amount of fish taken and the type.

The 1970 agreements, adopted as an Executive Order circumventing the Senate confirmation needed for a treaty, extended the area of operation from Cape Cod in Massachusetts to 50 miles beyond Cape Hatteras, almost to Cape Fear in North Carolina. The Soviets agreed to a period two weeks longer than previously when they would not fish in American rivers, especially for herring, during the spawning season from Jan. 1 to April 15.

Six weeks after the 1970 agreements were approved, an amendment extending the prohibited period to April 30 exempted boats less than 110 feet long. This meant American fishermen, who also were restricted by the April 15 date, could catch river herring before the Russians began their activities.

The 1970 agreements also prohibited fishing within 12 miles of U.S. shores, although the three-mile territorial limit is still maintained. This additional nine miles the U.S. added was a fisheries zone for American fishermen. Under the 1970 accords, the Russians and Poles may anchor beyond the three-mile limit, but within the nine-mile zone off Long Island and the Carolina coasts, to reload cargo as long as the ships stay six miles from the shore and the Coast Guard is notified and accompanies them.

On the East Coast also eight vessels a year may come into U.S. ports for repairs, purchase of supplies, fuel and recreation. This agreement was made by an exchange of letters. The Russians may enter only the ports of New York and Baltimore, while Poland is permitted entrance to the ports of Boston, Philadelphia and Norfolk, as well as New York and Baltimore. On the West Coast the ships may enter the ports of Portland, Seattle and San Francisco only four times a year. The Polish agreement, which was extended to next June 30, is currently being worked on for re-negotiation.

Several areas where foreign vessels are restricted from fishing with trawlers during the winter months are on the West Coast because certain fishing stocks can be overfished beyond the 12-mile limit. And Russian trawlers are not to enter any areas American fishermen are using. This is not in the East Coast agreements.

Of particular concern in the Pacific Northwest is ocean perch and salmon. While the Russians have agreed not to fish purposely for them, they are likely to take some along with their catch of other species, particularly hake, which they catch in large quantities. They say they gather very few salmon. According to an American expert, however, if they take even 10 salmon in each drag, "that could make a significant number of fish, for on the high seas, the individual stocks are intermingled." They have agreed to stay out of spawning areas.

American salmon fisheries are near the river mouth where stocks can be separated. Said an American official:

"Our view is that we have some preferential right to salmon grown in our area because, unlike the Soviet Union and Japan, we have a large investment in hatcheries. We do all possible to keep our rivers unpolluted. Our neighbor Canada, for example, hasn't put any dams on her Fraser River. On the Columbia, Americans have many hatcheries. These are expensive to operate, requiring a large financial investment to perpetuate the quantity and quality of the salmon.

"We have little trouble with the Japanese, yet we do object to their maintaining large salmon fisheries beyond 175 degrees west in the mid-Pacific. Though it is legal for them to fish there, we argue that the fish are growing very rapidly during the last few months of their lives. By not fishing for them on the high seas, they have a chance to grow to their full size before they are caught. The Japanese disagree and say it is rational to fish for salmon on the high seas and they maintain large salmon fisheries in the mid-Pacific."

Yet the United States does not permit American fishermen to catch salmon on the high seas and the Russians claim they do not catch them there.

Several restricted positions are in areas off Washington, Oregon, some parts of Alaska and the eastern Bering Sea where the Russians and Japanese are not to fish at certain times.

There have been more Russian violations on the East Coast than on the West Coast, but one in the West was recently publicized. It took place when two Russian trawlers were transferring cargo from one to another within the 12-mile limit in the Bering Sea in a restricted area and without permission. A restricted zone prohibits not only fishing but support activities such as the Russians were carrying out. After the Coast Guard "prize crew" boarded the ships to bring them to an American port, the ships' captains disregarded the orders and directed them in the opposite direction to join their other vessels. Were they intending to hold the Coast Guard crew hostage? This caused some consternation and argument, followed by compliance. The ships were taken to Adak, an American port in the Aleutians, where they were headed into the ice pack among other ships.

Violations on the East Coast occur sporadically, some this year. An American net may get tangled with larger and stronger Russian nets.

American fishermen's lobster pots were destroyed by the Russians after the Americans fishermen had placed them on the bottom of the Atlantic and left to return later for their catch. While their ships were not present, the Russians with their powerful nets, supposedly intending to catch other fish, accidentally, they said, destroyed the lobster pots According to a U.S. government spokesman, if a sufficiently valid case can be presented for damage, the U.S. government presents a claim. One case was negotiated and settled in favor of an American fisherman for $89,000. But a number of other cases are still pending. Others are being investigated and documented because there is no hope of collecting damages unless all the information is precise.

The American spokesman added: "If there is strong evidence there is a chance they will pay, we present the claim. Fishermen are free to file a claim in court, but so far the U.S. government has presented the cases."

Since then a special agreement was entered into which requires the U.S. to advise foreign governments of the location of lobster pots so their fishermen can avoid these areas. The West Coast Pacific Agreement of 1970 provides for foreign ships to leave any area where American fishermen are located. It seems this provision should not only be included in future agreements on the East Coast, but should make unnecessary an agreement to keep foreign vessels informed of where Americans are fishing or placing lobster pots.

This year an addenda to the East Coast agreement provided for inspection to be carried out by representatives of the two countries on each others' vessels. This is to detect whether limitations of fish or quantities are as prescribed. But why should American ships be inspected in American waters?

Occasionally Polish vessels commit violations. So far there have been three or four this year, even though the captains know they are being watched. The Polish vessels are as large as the Russians' and similarly equipped. Many of the Russian ships were built in Poland.

The problem of American commercial fishermen boils down to the question of protecting them. If American fishermen are to compete with the Soviets, they should have trawlers and nets of equivalent size and capability. As a solution to this, perhaps they could be granted credits at low interest that would put them in a competitive position with the Soviets and to avoid conflicts arising from disparities in equipment.

Besides that, as one American fisherman told me, there is the fear of being capsized or attacked that Americans feel when they try to fish in areas where these monster trawlers are operating with their powerful nets.

Future agreements should be drawn up with an eye to creating the best conditions and securing the best advantages for American fishermen.

The example of Norway is a case in point. When Norway's membership in the European Economic Community—the Common Market—was being considered, the others demanded fishing concessions from the Norwegians. Norway, however, firmly refused and insisted on retaining her 12-mile limit and other restrictions to protect her own fishermen. Faced with Norway's adamant position, the EEC agreed to accept her.

Then too is the threat to the American fishing industry posed by agreements with the Soviets. As a result of the huge Soviet catch of river herring three years ago, American fishermen in 1970 were restricted to half the amount taken in 1969.

American negotiators did try to restrict river herring, offering instead more reloading privileges and shore landings. The Russians refused to hear of this possibly out of fear of a repetition of the Kudirka incident. This involved the Lithuanian radio operator, Simas Kudirka, who jumped from his Soviet ship onto a nearby Coast Guard vessel and then was forcibly returned to the Russians.

The Norwegian experience might be instructive for American negotiators, and if American fishermen are equipped with trawlers large enough they might try Russian waters where varieties of fish exist that are uncommon here.

Asked why this country has not sought an agreement so American fishermen might try Soviet waters, an American official replied, "the American fishermen have not asked for it."

Enterprising as Americans are, they know their little ships would not get very far along the Soviet coast, but if they had adequate equipment that could compete, the American industry might be expanded, the cost of fish to housewives might drop and more Americans could enrich their diets with fish's extra protein.

A NEW SCHOOL FOR CHEVAK

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. BEGICH. Mr. Speaker, among the many rural Alaskan communities which have incredible needs for assistance in a wide variety of areas, Chevak must certainly be one of those deserving special attention. On May 12 of this year, the seven-classroom Bureau of Indian Affairs school at Chevak was totally destroyed by fire. Because of my earlier presentations on this topic, I am certain that my colleagues are aware of the rigors of life in such an area and the necessity for quality education to be available at the most local level.

The result of the fire is that 153 children in grades one through eight will be disrupted in the educational process and if no replacement school is built will be forced to go to school in other locations during the following years. In response to this need, the Alaska State Legislature has passed a resolution which indicates its feeling of priority for the replacement of the Chevak school. I bring this resolution to the attention of my colleagues and to the attention of the Bureau of Indian Affairs in the hope that some assurance of immediate action will be made to the people of Chevak that their children will be going to school near their homes next year:

House Joint Resolution No. 137—Requesting That a New School Be Constructed at Chevak, Alaska, To Replace the One Destroyed by Fire

Be it resolved by the Legislature of the State of Alaska:

Whereas on May 12th the seven-classroom Bureau of Indian Affairs school at Chevak, Alaska was totally destroyed by fire; and

Whereas there are 153 children in grades 1–8 whose schooling was disrupted by the disastrous fire; and

Whereas educational opportunities in rural Alaska are already limited due to a great variety of economic and geographical factors; and

Whereas many young people in the villages have to be transported to other areas of Alaska and to other states in order to get an education; and

Whereas, because most of the children affected by the Chevak fire are too young to be sent away from home for the next school term, a new school facility is desperately needed;

Be it resolved that the Alaska Legislature requests the Bureau of Indian Affairs to immediately program the construction of a new school building at Chevak, Alaska this summer to replace the one destroyed by fire so that the 153 displaced pupils may continue their education in the fall school term without further interruption.

Copies of this resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Louis R. Bruce, Commissioner, Bureau of Indian Affairs; the Honorable James E. Hawkins, Director of Education, Bureau of Indian Affairs; the Honorable Morris Thompson, Area Director, Bureau of Indian Affairs; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Nick Begich, U.S. Representative, members of the Alaska delegation in Congress.

BOSTON MASSACRE REVISITED

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. EILBERG. Mr. Speaker, the people of Philadelphia were promised that their city would be the site of the bicentennial celebration in 1976. They were led to believe by the Federal Government that there would be aid for an international exposition.

Philadelphia and the Commonwealth of Pennsylvania spent $3 million planning for our Nation's 200th birthday celebration.

Now, despite the promises and the assurances, there will be no celebration. Philadelphia, the birthplace of our Nation, the city where the Declaration of Independence was written and signed, will not get the special consideration it deserves.

The people of Philadelphia have been lied to and they are unhappy. There was disagreement about some aspects of the plans, but there was no disagreement about the fact that Philadelphia should be the site of the Nation's 200th birthday celebration.

At this time I enter into the Record a transcript of an editorial broadcast by a Philadelphia radio station which accurately describes the feelings of the people of my city:

Boston Massacre Revisited

The American Revolution Bicentennial Commission lined up Philadelphia's dreams of a Bicentennial exposition and shot them to pieces in Boston this week.

This city and the State spent $3,000,000 in planning for the exposition under the impression that it had White House approval to do so.

Didn't the "most powerful senator in the country," Hugh Scott, assure us that President Nixon had given Philadelphia the nod? Didn't the word from Washington indicate the President thought Philadelphia was the logical place for the celebration? This theme dominated Senator Scott's campaign for re-election.

But an unfunny thing happened to Philadelphia on its way to the Bicentennial exposition. An election year came up and the thinking in Washington changed. That thinking appears to be based on political expediency.

The Administration strategists apparently believe they can make much more political hay under the sunshine of a $1,500,000,000 grant divided among the fifty states.

That's how Philadelphia and the State lost $3,000,000 it had already spent for planning, as well as many more millions of potential benefits from the exposition.

But WCAU says Philadelphia can shrug off that foul blow to go on to a great celebration of its own. People across the country still want to see the birthplace of liberty, as 3,000,000 annual visitors attest, even if the present Administration in Washington is more concerned with politics.

BRITISH PONDER BASIS FOR INTELLIGENCE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. RARICK. Mr. Speaker, recent events in England have caused British intellectuals to reconsider the roles of heredity and environment in determining a child's intellect.

Of some significance in this search for truth is the figure of Dr. Arthur Jensen, who began his investigation "with environmentalist suppositions and intended to write a book on the damaging effects of a poor cultural home on the child's intelligence. It was only when he began to examine the evidence in detail that he came to believe that the genetic factors must be the more important."

Dr. Jensen, who is supported by Professor Eysenck in Britain, has advanced the theory that "both environmental and genetic factors are present" in determining a child's intellect.

Inasmuch as the intellectual controversy in Britain is relevant to the many socioeconomic experiments proposed in this Congress which are based on the assumption that by changing the environment it is possible to change and control a man, I include a related article by Dr. Richard Lynn, research professor in psychology at the Economic and Social Research Institute, Dublin, Ireland, which "considers the causes of the IQ gulf between Negro and white and the possible consequences for British society," in the RECORD:

INTELLIGENCE IN BLACK AND WHITE: PROF. RICHARD LYNN CONSIDERS THE CAUSES OF THE IQ GULF BETWEEN NEGRO AND WHITE AND THE POSSIBLE CONSEQUENCES FOR BRITISH SOCIETY

The controversy sparked off two years ago by Prof. Arthur Jensen on the low IQ of the American Negro must surely have raised in many British people's minds the question of the intelligence of coloured immigrants into Britain and the problems which may arise if Jensen's theory is right and applies with equal truth to Britain's Negro immigrants.

It cannot be said that the British intellectual establishment has been forthcoming in its discussion of this matter. Indeed, from this side of the Irish Sea, the silence is positively deafening.

Yet the problems that could arise may well be serious. For it is not just an academic matter when one section of society has an average intelligence level substantially below the rest. On the contrary, it gives rise to serious social frictions.

The first person to assemble the evidence on Negro intelligence in some detail was Dr. Audrey Shuey in her book "The Testing of Negro Intelligence" published in 1958. She reviewed a number of studies showing that the average IQ of the American Negro was about 15 IQ points lower than that of American whites. The range of intelligence among the great majority of the population is about 60 IQ points, so the black-white difference of 15 IQ points is a considerable one.

The next psychologist to take the matter up was Dr. Arthur Jensen. It is not widely known that Jensen started his investigations with environmentalist suppositions and intended to write a book on the damaging effects of a poor cultural home on the child's intelligence. It was only when he began to examine the evidence in detail that he came to believe that the genetic factors must be the more important. Jensen published this conclusion in 1969 and unleashed a considerable furor.

The background to Jensen's argument is that genetic factors are of considerable importance in the determination of intelligence. About this proposition there is virtually no dispute among psychologists and sociolgists. It is partly a matter of common sense, since everyone knows that children brought up in the same family often differ quite widely in intelligence, and as they have all been brought up pretty much in the same way the most sensible conclusion is that some children are born with more brains than their less fortunate brothers and sisters.

There is also no dispute on a second point, which is that the average Negro IQ is around 85 and the average white IQ around 100. Everyone admits this.

Where the controversy begins is with the explanation of the Negro-White difference. There are three possible theories. One is to maintain that the cause of the difference is wholly genetic. But no one takes this position, since everyone admits that the poor environment of the average American Negro probably has some adverse effect on his IQ.

The second theory is that the difference is due wholly to environmental circumstances—slum housing, the low intellectual and cultural standards of the home and so on. This is the theory espoused by the environmentalists.

And the third theory, proposed by Jensen and recently supported by Prof. Eysenck in Britain, is that both environmental and genetic factors are present. Since everyone agrees about the environmental factors, the Jensenites do not argue on this front and concentrate their efforts on attempting to establish the importance of the genetic influences.

The Jensenites base their conclusion not on one fact alone but on several different types of evidence, and no doubt different members of the group put somewhat different emphasis on the different arguments. Some of these are rather technical and others fairly straightforward. To my mind three of the more straightforward considerations make the Jensen position a fairly strong one.

LITTLE EFFECT

The first of these is the very size of the difference between Negroes and whites. Fifteen IQ points is a great deal for the environmentalists to explain. If there were only five IQ points or so to explain away, well and good. But can we be asked to believe that the environment of the American Negro is sufficiently bad to bring the IQ down 15 points? This is straining credulity.

For it is probable that the IQ is very little affected by the material environment in advanced societies. We know, for example, that the average IQ in Britain today is pretty well the same as it was in 1914. Yet there has been a great increase in general standards of living and education and improvement of the environment generally in Britain from 1914 to the present day. Hence it seems doubtful whether the very low average IQ of the American Negro can be blamed wholly on his poor environment. It is more likely that he lives in a poor environment because he has a low IQ.

Jensen's second argument is derived from the fact that almost all American Negroes are not racially pure but have different proportions of Caucasian ancestry. It is possible to tell what the proportion of Caucasian ancestry is from blood tests. When blood tests are carried out it is found that the more intelligent Negroes are those with a higher proportion of Caucasian ancestors. This is a difficult one for the environmentalists to explain away.

Yet another argument comes from the superiority of white children on simple motor tasks. One of these consists of watching four electric light bulbs and pressing the button beneath the one that lights up. Speed on this task is associated with intelligence and white children can perform faster than American Negro children. Where very simple tasks like this are concerned it seems doubtful whether adverse environmental circumstances can explain the lower average Negro performance. It seems more probable that the average Negro brain is simply not working as efficiently.

The question may be asked whether it matters that American Negroes or, come to that, other racial groups have average IQs well below those of the white races. The answer to this is that there are two reasons why it does matter. The first is that where the average IQ of a group is about 85, there are around 16 per cent with IQs lower than 70 and this is the range in which people tend to be not sufficiently competent to be worth employing in an advanced industrial society. Thus a group with a low intelligence level is a burden for the rest of the population to carry. And it is not unlikely, with its enforced idleness, to be a troublesome burden.

Furthermore, a group with a low intelligence level is apt to become resentful at its apparently under-privileged position in society. It becomes truculent when it finds that its members do not get university places, executive positions and so forth as frequently as other people, and may even set about trying to destroy society because of these supposed injustices. A distinctive group with a low level of intelliegnce is likely to be at best a disruptive influence, and at worst a dangerous one. All this can be seen in the Black Power movement in the United States and, more recently, in Britain.

And indeed, though Jensen's work is based solely on the American Negro, the same picture seems to be emerging in Britain. The evidence is not nearly so extensive as in the United States, for the British academics have been keeping their heads well down on this issue. Nevertheless, it is beginning to appear that the intelligence level of the British Negro is not very different from that of his American counterpart.

The Asians seem to be substantially more intelligent, but the average IQ of the Negroes appears to be low, and a comparatively high proportion are now having to be educated in schools for the educationally subnormal.

The problems which are likely to arise from the possibility that many of the Negro immigrants into Britain are of low intelligence is a totally neglected aspect of the immigration question. Considering the large sums that are now being spent by the race relations industry, it is surely time for some attention to be given to this potentially serious problem.

SOUTH HOLLAND RETAINS OLD DUTCH TRADITIONS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. DERWINSKI. Mr. Speaker, as a proud resident of South Holland, Ill., I am especially pleased at the wonderful growth of the community side by side with a spirited perpetuation of its historic traditions. The Chicago Tribune neighborhood section of May 18 carried a very fine article on the old Dutch traditions of South Holland. I am very pleased and proud to insert this into the Record:

[From the Chicago Tribune, May 18, 1972]

South Holland Retains Old Dutch Traditions

(By William Gaines)

The traditions of a 19th century Dutch settlement are part of the lives of modern suburbanites in South Holland.

City people crowded into the small farming community in the south suburbs in the 1950s. The descendants of Dutch immigrants who lived there feared that their village would become just another urbanized suburb.

The new people, instead, have preserved the customs, accenting the wooden shoe, tulip, and windmill. And they will all participate in the village's tulip festival which will be held June 1 through June 3.

South Holland today has 25,000 residents of various ethnic and religious backgrounds. It also has the distinction of having no liquor sales, no apartment buildings, and no sale of nonessentials on Sundays.

HAS TAX-SUPPORTED BAND

Many new residents were attracted to South Holland because of its conservative laws and religious customs.

South Holland was settled by Dutch immigrants in 1847. They were members of the Reformed Church of Holland who lived in the south province of Holland.

One hundred years later, the village, only three miles south of the Chicago city limits, was a closely knit group of descendants of the immigrants who had intermarried.

CHURCH IS COMMUNITY CENTER

The church was the center of the community and services were long and serious. There was no regular English language church service until 1935. Women were not allowed to vote in meetings of the First Reformed Church until 1942.

Farms produced vegetables and onion sets which were trucked to Chicago and other nearby cities. South Holland produced half of the country's onion sets.

The name South Holland was first used when the post office was opened in 1869. Pieter DeJong, the first postmaster, operated the post office in his general store. The village was incorporated in 1894.

The early history is not remote to Michael H. Vander Aa, DeJong's grandson.

SHOE STORE DOES NOT CHANGE

Vander Aa, 67, operates a shoe store at 16137 South Park Av. that was bought by his father in 1907.

The store is much the same as it was then. It is one small room on the front of a two-story home. A few basic shoe styles are displayed in two small windows. A counter with a large cone of string, a seat for the buyer, and shelves on two walls are the only furnishings.

In keeping with the conservatism of his forefathers, family shoes and work shoes are the backbone of the business, says Vander Aa.

Stylish fads such as imports and high heeled men's shoes were never stocked, he said.

"I never saw any need for expansion," he said. "I keep the overhead low and the prices down and my customers come back."

Children and grandchildren in some families have shopped in the store and now many of the newcomers also shop there, he said.

BARBER ORGANIZES BAND

Marching bands were common in the village since 1905, but they were loosely organized until Joseph Van Schouwen, a barber, organized a 40-member band and got village support for it in 1943. The band plays regularly in Veterans Memorial Park, on the banks of the Little Calumet River, and on holidays and special occasions.

The band performed for the dedication of the new library and post office last year.

"Some of the new people in the village are band members. They have the same interest and pride in it as the old members," Van Schouwen said. Van Schouwen, 65, saw the village grow from dirt streets and farms into a busy suburb. The bowling alley across the street from his shop at 161st Street and South Park Avenue was an onion warehouse in the 1920s, he remembers.

South Holland had a population of 3,247 in 1950, just before the building boom. Before the boom had peaked, newcomers, outnumbered the original residents by 5 to 1.

SOME MOVED FROM ROSELAND

Some of the new residents were also Dutch who had moved from the Roseland neighborhood of Chicago, but mostly the influx was a cross section of white nationalities who moved from Chicago.

Gordon Boss, of 16415 S. Evans Av., a radio engineer, himself of Dutch ancestry, found that he had little in common with the old South Hollanders.

"We had our religion in common," he said. "After that they were interested in crops and I was involved in electronic circuits, so the conversation ended after a comment about the weather."

However, many of the farmers found greener pastures in Will and Kankakee Counties or in Indiana and their sons and daughters stayed in South Holland and adopted more modern ways.

TURN TO REAL ESTATE

Many second generation farm families went into real estate, retail business and nurseries, all of which prospered from sales to the new immigrants from Chicago.

South Holland became nationally known in 1968 when the federal government forced elementary school district 151 to bus pupils to achieve racial balance. However, the district is only one of three elementary school districts to which South Holland children go.

Some families moved or placed their children in private schools to avoid sending them to a school in nearby Phoenix.

Developed land in the village is nearing its saturation point. The maximum population can be only 33,000 and it is expected to be reached within eight years. About 300 home building permits are granted each year.

The home buyers have not forgotten the tradition behind their community. Tulip Terrace, Hollandale, and Holland Estates are names of new subdivisions.

Tulips are favorites for flower gardens and there are toy, decorative windmills on lawns and an occasional decorative wooden shoe displayed. A gas station at 171st Street and South Park Avenue has a windmill on its roof.

VOTE SUNDAY CLOSING LAW

A Sunday closing law was voted by the village board in 1959, and amended in 1960 to allow the opening of gas stations, restaurants, motels, drug stores and amusement places.

The only amusement place in the village is the bowling alley and it is kept closed on Sundays voluntarily.

The South Holland Jaycees took a survey in 1964 and found that 80 per cent of the residents approved the Sunday closing law.

South Holland opened the first high school this year. Students formerly went to Thornton High School in Harvey and Thornridge High School in Dolton. Now most of them attend Thornwood High School in South Holland.

South Holland residents turn out for the annual tulip festival in the native costumes of the Dutch settlers. The first festival was held in 1967.

"The winners of contests for the best costumes and best floats in the parade have been people of all nationalities," said Thomas H. Miller, the charter president of the South Holland Jaycees.

Miller of 15363 S. Ingleside Av., an office manager for the Santa Fe Railroad, is among those who moved to South Holland in the late 1950s.

"There is an excellent community spirit. People have accepted the laws and traditions," he said. "Because there are no apartments, each resident is more permanent and has an investment in the community."

MARITIME DAY

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. BEGICH. Mr. Speaker, I have recently received a copy of a proclamation by Governor Egan declaring May 22, 1972, as "Maritime Day in Alaska." We all recognize that a strong American merchant marine is essential to the Nation's economic prosperity. In 1933, the U.S. Congress designated May 22 as National Maritime Day to celebrate the first transatlantic voyage of a steamship, the SS *Savannah,* in 1819. I would like to insert into the Record for my colleagues attention a copy of the proclamation which so rightly honors our merchant marine:

Proclamation—Maritime Day

We in Alaska recognize that a strong American merchant marine is essential to the Nation's economic prosperity and military security.

To remind us of the important role which the merchant marine plays in our lives, the Congress in 1933 designated the anniversary of the first transatlantic voyage by a steamship, the SS *Savannah,* on May 22, 1819, as National Maritime Day.

Under the Merchant Marine Act of 1970, the Nation's maritime industry will move forward with the task of rebuilding our merchant marine fleet, improving the competitive position of our shipbuilding industry, and restoring the United States to its rightful proud position in the shipping lanes of the world.

All elements of the maritime industry can utilize the opportunity provided by that Act to develop an American merchant marine fully capable of providing the modern, efficient services which are indispensable both to our foreign commerce and to our security.

Therefore, I, William A. Egan, Governor of Alaska, proclaim May 22, 1972, as Maritime Day in Alaska and urge the people of Alaska to honor our American merchant marine by displaying the flags of the United States and Alaska at their homes and other suitable places.

Dated this 5th day of May, 1972.

PITTSBURGH MAN WINS BRONZE MEDAL FOR LIFESAVING

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. GAYDOS. Mr. Speaker, it was slightly over a year ago that a young man from my 20th Congressional District, Mr. William H. Jordan, of 821 Jones Avenue, North Braddock, risked his life to save a woman from drowning.

Today, I consider it a privilege to report that Mr. Jordan's display of courage and unselfishness has won him a bronze medal from the Carnegie Hero Fund Commission of Pittsburgh, Pa. This organization has been recognizing deeds of outstanding heroism since 1904 and in that time has awarded 4,250 bronze medals, 613 silver ones, and 21 gold medallions.

The incident involving Mr. Jordan happened on May 11, 1971, and concerned Mrs. Kathleen Huber, of 1000 Electric Avenue, East Pittsburgh. Mrs. Huber was fishing from a bridge when she fell into the river below which was approximately 8 feet deep at that point. She floated face down and motionless about 30 yards from shore as the current began carrying her downstream.

Mr. Jordan saw her. He leaped from the bridge and swam to her side. As he reached her, Mrs. Huber revived and grabbed him, causing both to submerge. They went under twice more before Jordan was able to grab a board which someone on shore had thrown into the water. He held Mrs. Huber on the board while both of them floated with the current toward a high wall at the bank. A man on the wall lowered a cable and Mr. Jordan grabbed it and held on while Mrs. Huber stood on his shoulders and then was lifted to safety.

Mr. Speaker, I am proud to represent individuals such as Mr. Jordan and I take great pleasure in inserting in the Record the official case history of his lifesaving heroics and a news article from the Pittsburgh Press describing the feat:

Commission Honors N. Braddock Hero

A North Braddock laborer who helped save an East Pittsburgh woman from drowning was one of 23 honored today by the Carnegie Hero Fund Commission.

The recipient of a bronze medal was William H. Jordan, 24, of 821 Jones Ave.

His heroic deed occurred a year ago yesterday when Mrs. Kathleen Huber, 23, of 1000 Electric Ave., fell into water eight feet deep while fishing from a bridge over Turtle Creek in East Pittsburgh.

As she began to float motionless, face down, Jordan jumped from the bridge and swam to her, 30 feet from shore.

Both went under briefly when Mrs. Huber revived and grabbed him. They submerged two more times.

Grasping a board thrown into the water, Jordan held the woman on it as they moved with the current toward a high wall at the bank.

Jordan grabbed a cable lowered by a man on the wall and held on while Mrs. Huber stood on his shoulders. Others lifted her to the wall.

Today's awards increased the number given since the fund's inception in 1904 to 4,250 bronze, 613 silver and 21 gold medals.

Carnegie Hero Fund Commission Case Summary—Drowning—File No. 52042-5876

Case of William H. Jordan, Sr.

Address: 821 Jones Avenue, North Braddock, Pa.

Bronze Medal awarded to William H. Jordan, Sr., who helped to save Kathleen Huber from drowning, East Pittsburgh, Pa., May 11, 1971. While fishing from a bridge over a creek, Mrs. Huber, aged 23, fell into water eight feet deep and, unable to swim, floated motionless face down as the current moved her downstream. Jordan, aged 24, laborer, jumped from the bridge and swam to Mrs. Huber, who was 30 feet from the bank. She revived and grasped him, causing them to be submerged briefly. Mrs. Huber then attempted to climb onto Jordan. They went under briefly two more times. Obtaining a board which had been thrown into the water, Jordan held Mrs. Huber on it as they moved with the current toward a high wall at the bank. From a ledge on the wall, a man lowered a cable which Jordan grasped and held to while Mrs. Huber climbed onto his shoulders. Others lifted Mrs. Huber and then Jordan onto the ledge.

THE CHILEAN REVOLUTION—A REVIEW BY FATHER JOSEPH F. THORNING

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. BYRON. Mr. Speaker, Father Joseph F. Thorning is well known to the Members of the House of Representatives. Each year on Pan-American Day, Father Thorning, a noted expert on Latin American affairs, is the visiting chaplain of the House. Father Thorning pursues his interest in Latin America throughout the year. Recently, a book review by Father Thorning in "America," a national weekly published by the Jesuits of the United States and Canada, appeared and I would like to share Father Thorning's review of "The Chilean Revolution—Conversations with Allende" by Regis Debray with my colleagues. The book review follows:

The Chilean Revolution—Conversations with Allende, with a Postscript by Salvador Allende

(By Régis Debray)

Will the Chilean Revolution be a "revolution without rifles"? That is the key question posed by French journalist Régis Debray in his dialogue with President Salvador Allende.

Debray, whose original idol was Fidel Castro, supplies an answer of his own. In his Introduction the author assures his readers that, in order to gain absolute power, the use of force is sanctioned by "universal principles of Marxism-Leninism."

In responding to the inquiries of his youthful admirer, Allende provides data about his boyhood, medical education and political thinking. As a lad of fourteen, he was greatly influenced by a cobbler-anarchist who taught him "how to play chess," to enjoy "the good things of life" and to read books on social issues. Three generations of his family were freemasons, who often engaged in controversy with conservatives, especially "on a religious front." Almost from the start, Allende reveals, he was "aware of his anti-imperialist vocation." As a youthful politician, he became one of the founders of the Socialist Party in Valparaiso. He insists, however, that his Marxism had "nothing to do with European Social Democrats."

When in 1938 President Pedro Aguirre Cerda organized the first, short-lived "Popular Front" government, he named Dr. Allende Minister of Public Health. The job showed the young man's capacity for leadership and brought his gifts of oratory and organization to national attention. Despite three subsequent defeats in hard-fought presidential campaigns, he won enough votes from a Socialist-Communist coalition in the Chilean Senate to become President of that body during the Christian Democratic administration of Eduardo Frei Montalva (1964–70). In his fourth try for the *Casa Moneda*, Allende emerged as victor. His plurality in the popular vote was 36.3 per cent.

As President of Chile, Dr. Allende, although alluding to some differences with Castro as "fundamental and violent," explains that their goals are almost identical: "complete economic and political domination." As often as Debray expresses impatience with "the pace of socialization," his mentor emphasizes his determination to "expropriate the means of production that are still in private hands." For this to happen, he adds, control must be established over the legislative and judicial branches of government. His models are "the Socialist countries."

Recent events in Chile raise doubts about Allende's prospects of success for such a comprehensive program. The 1972 congressional by-elections brought victories to a reunited front of Christian Democrats, liberals and nationalists. As a result, Allende does not dare to consult the public about his decision to dominate congress and the courts. Food shortages, housing problems, runaway inflation, lowered productivity in mines, factories and on farms, defaults on indebtedness and near-bankruptcy haunt the Popular Unity regime.

This Debray-Allende colloquy is a valuable reference work. It can be studied, now and in the future, either as a blue-print for another collectivized society or as a plan for peaceful construction of a Socialist, but non-Soviet, Republic, respectful of basic rights and dedicated to the correction of social evils, while providing fairly for human needs.

TRIBUTE TO BORIS KOCHUBIYEVSKY

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. MIKVA. Mr. Speaker, in light of the continued repression of Jewish religious and cultural activities in the Soviet Union, it is with great pleasure that we welcome here those who have been granted exit visas by the Soviet Union. In continuing to aid efforts to focus worldwide attention upon the plight of Soviet Jewry, we can benefit greatly by hearing firsthand what life is truly like for the Jews of Russia.

Last week, my colleague from Maryland, Gilbert Gude, had the opportunity of participating in a unique "undedication" at the Jewish Community Center in Rockville, Md. Boris Kochubiyevsky, a Soviet Jew recently released from prison, and now a citizen of Israel, was presented with a plaque that had been dedicated in his honor 2 years ago, as a symbol of the fight for freedom for Soviet Jewry. An account of the tribute to Mr. Kochubiyevsky from the Jewish Week-American Examiner follows:

Area Tribute to Kochubiyevsky Winds Up With Effort to Give Petitions to Soviet Officials

It was Boris Kochubiyevsky night at the Jewish Community Center Monday evening. but Kochubiyevsky, the guest of honor, whose demands for an exit permit to Israel inspired a mass-movement of Soviet Jewry to follow suit, did not voice his usual fiery protest. Instead, he accepted the warm tributes of more than 250 area residents who had come to see him, braving a steady downpour.

A high point of the program was the presentation to Kochubiyevsky of a plaque that had signalled the initiation of an area Kochubiyevsky drive in March 1970, after he had been sentenced to three years in a Soviet prison. The plaque, at the Jewish Community Center, was to stand as long as Kochubiyevsky was denied his freedom.

Dr. David Korn, chairman of the Jewish Community Council's Soviet Jewry Committee, presented the plaque to the former Soviet militant, now a citizen of Israel. In brief response Kochubiyevsky said "helping Israel is helping Soviet Jewry," and added that Soviet Jews "count on the free world's help in securing freedom and justice."

GUDE PLEDGES SUPPORT

Rep. Gilbert Gude, who was principal speaker at the dedication of the plaque in 1970, was on hand again, this time to welcome the object of the drive he helped to launch. The Maryland congressman pledged his support to the cause of freedom of Soviet Jews and announced that he and several other congressmen would introduce a resolution to this purpose this week in Congress.

Another speaker at the rally, Michael Epelman, described his efforts to obtain the release of his wife Polina and his eight-year-old daughter Julia from Leningrad. Epelman left the USSR in February 1971 "because, as a Jew, I could not live and work in a country whose government blindly supported regimes seeking to destroy my people. I found it intolerable to continue to render allegiance to a country which supplied bullets whose purpose was to kill my brothers—the citizens of Israel."

MANY APPEALS

He said his wife knew of his feelings but he did not inform her of his plan to leave the country for fear of involving her as an accomplice in his act—with possible harsh consequences. After he arrived in Israel, his wife indicated her desire to join him, and he initiated formal steps to make this possible—but her application for an exit visa has been refused by the Soviet authorities. His wife has since appealed to many authorities, including the United Nations and the International Red Cross—all, so far, to no avail.

Another speaker, Leonard Orloff, principal of Woodson High School in suburban Maryland, told of the plight of a cousin now living in Russia who has been denied permission to emigrate. His talk was followed by brief remarks by Katia Palatnik, sister of Soviet prisoner of conscience Raza Palatnik; Shlomo Shoham, former Soviet prisoner, and by a reading of Kochubiyevsky's famous letter of protest by Anne Chodoff. Dr. Isaac Frank, executive vice-president of the Jewish Community Council, presided.

Dr. Frank distributed petitions addressed to Soviet Ambassador Dobrynin, and said that those signed petitions asking for justice and freedom for Soviet Jews on the eve of President Nixon's visit to Moscow would be delivered to the Soviet embassy that evening. Charter buses arranged by the Council took some 100 people from the Center building at about 9:30 p.m. to travel to downtown Washington. The demonstrators held two simultaneous protests. Half the group formed a picket line at 16 and K Streets, N.W., and the other half formed a silent vigil in front of the Philip Murray Building directly across from the Soviet Embassy.

REFUSE PETITIONS

Kochubiyevsky, Dr. David Korn, and Rabbi Leon Adler attempted to deliver the petitions to the Soviet embassy. After several rebuffs at the Embassy gate, a Soviet embassy official came outside and spoke to the delegation. He refused either to accept the petitions or to admit the delegation. The vigil and picket line continued until after 11 p.m.

In addition to Monday night's demonstrations, it was urged that the concern of American citizens over the plight of Soviet Jewry be forwarded to both President Richard M. Nixon and to Soviet Secretary Leonid Brezhnev during their summit talks next week.

THE FRENCH VOTE WITH BICYCLES

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. HALPERN. Mr. Speaker, in the late 1960's and on into the early 1970's, the United States has been the scene of many protests. Without doubt, peaceful protest, redress of grievances and active participation in governmental affairs are the hallmark of American tradition.

We all know, however, that we are not the only country challenged to meet the problems of the future. While ecology, urban frustration, rising prices and continuing social unrest may seem to be particular only to the United States, a quick look at any European newspaper indicates otherwise.

The form of protest may not seem different to those of us who are cognizant of these protests but a recent demonstration in Paris last month revealed that many Frenchmen made known their opposition to a government-controlled media referendum by producing a colossal traffic jam by bicycling down—10,000 at a time—the Champs Elysees.

These enterprising Parisians, some young and some old, were demonstrating their displeasure with excessive noise, traffic jams, lack of sufficient and efficient public transportation and the ominous transformation of public parks to parking lots.

While this "bike-in" did not solve the many problems facing advanced civilization today, it nevertheless was a new and imaginative way to focus attention on the ills of modern society.

This month, Friends of the Earth published a most provocative article written by Justice DeLacy Keller, which vividly describes that day in April when the French voted with their bicycles. If there are no objections, Mr. Speaker, I should like to include that article in today's Record.

The article follows:

The French Vote With Bicycles

(By Justine Dee Lacy Keller)

When all good Parisians should have been home pondering whether to vote *oui* or *non* on greater Common Market policy in Mr. Pompidou's referendum April 23, some 10,000 of them were careening down the Champs Elysees on bicycles, producing the capital's worst traffic jam since last October's Metro strike. The demonstration *a velo* strayed from riot traditions begun with the Commune uprising in 1870 and most recently seen in May, 1968; for the first time, bicycles replaced the barricades, and it was the demonstrators who wore gas masks, not the CRS riot troops called out to head them off. Despite an intensive bombardment by the government-controlled media in favor of the referendum, a greater percentage of Frenchmen withheld their opinion than in any previous referendum; apparently, the only "mobilized" Parisians were the partisans of pure air.

Signs proclaiming "Long live bicycles, down with cars," "Legs, not motors," "Autos stink, pollute and cause nervous breakdowns!" bobbed up and down at the Porte Dauphine near the Bois de Boulogne where rendezvous time was 1:30 p.m. on April 22. Hundreds, then thousands, of bicycles of all ages and styles herded protectively together, waiting for the take off signal from Jean-Luc Fessard, organizer of the demonstration for Les Amis de la Terre, Friends of the Earth's French sister, in close cooperation with the *Comite Anticuleaire de Paris,* the *Comite de Liberation Ecologique, Etre, Objectif Socialiste,* and the Federation of Users of Public Transport. There were chic folding bicycles from the 16th *arrondissement,* elderly rusted ones repainted red, racing bicycles dragged out of the cellar for the occasion. There were bicycles built for two, and even one for three, tricycles, mopeds relieved of motors, and finally a few courageous Frenchmen on roller skates. A man who had managed to scrounge up only one skate had no trouble hitching a ride. He was pulled along between two bicycles for the ten mile trek.

These enterprising Parisians were responding to posters and green-inked tracts which had been distributed by Les Amis de la Terre, and publicized by *Le Nouvel Observateur* and the underground *Charlie Hebdo.* They effectively nagged passing urbanites with the taunting question, "Are you happy?" In case of negative response, the leaflets exhorted Parisians to unite and fight the familiar causes of urban discontent: noise, traffic jams, lack of efficient public transportation, the alarming sacrifice of parks to parking lots, and the ever extending concrete carpet.

After a futile attempt by 100 or so policemen to reroute the 10,000 bicycles out onto the exterior boulevards. Fessard gave the signal to move out around 2:30 p.m. The procession swarmed around the Place de l'Etoile and started its triumphal descent down the Champs Elysees to the Place de la Concorde, up the Blvd. St. German through the Latin Quarter, toward the Bastille and on to the Bois de Vincennes, crossing Paris from west to east. Four bus loads of riot troops again tried to disperse the crowd lower down on the Champs Elysees only two feet from the Elysee Palace. Wary of an image of brutality on the day before the referendum, however, the police gave up temporarily.

While automobile traffic fumed, some sympathetic motorists used their cars to block off streets, then got out and watched the parade with amusement. Pedestrians flocked together shouting *"Bon courage"*, and the French equivalent of "Right on!" Buses unable to move sat dejectedly by the curb, and demonstrators stuck a "For Sale" sign on the windshield of one while the driver was off downing a cognac. But not all drivers were amused. Some got out of their cars to excoriate the cyclists. One frustrated driver trying to get away for the weekend refused to stop for the procession and ran into several bikes with his bumper. He immediately found himself surrounded by his adversaries, who shook the car, let the air out of his tires, and broke a tail light. The cyclists let him go after he reimbursed the damage done on the spot. Similar clashes of interests occurred until arrival at the Bois de Vincennes, where members of the Grand Magic Circus troupe greeted the throngs with open arms and played a victory hymn on musical instruments.

NIGHTSTICKS IN THE WOODS

Dancing and singing continued during the hour-long woodland revelry which was broken up when helmeted riot troops on motorcycles charged the crowd. Tear gas was used to disperse the cyclists, many of whom had already fled at the approach of the troops. Efforts by adults present to reason with the police were to no avail. Fifty people were taken into police headquarters, held for five hours, and searched; when they returned to fetch their bicycles, several were missing. The CRS seemed to take delight in smashing the spokes of the temporarily abandoned cycles with nightsticks. It is worthwhile noting that the police, in order not to provoke any criticism, waited until the demonstrators were safely out of sight in the woods before resorting to violence.

With the overwhelming success of Paris' first ecological demonstration—similar attempts at arousing public opinion against nuclear centers in Lyon, Bugey, and Fessenheim turned out only one-sixth as many people—Les Amis de la Terre scored some important points. Unhappy urbanites have realized that there exists an effective way to protest the declining quality of big-city life. The bicycle may have become the symbol of the ecological revolution just beginning in France; for the first time, the absolute supremacy of the automobile in Paris has been challenged by a substantial number of Parisians now demanding an alternative means of transport. This is quite an accomplishment in the face of Mr. Pompidou's recent proclamation, "We must adapt Paris to the automobile and renounce a certain esthetic idealism."

Strengthened by the participation of 10,000 people in Saturday's demonstration, Les Amis de la Terre plans to seek an encounter with Mr. Robert Poujade, so far ineffectual Minister of the Environment, to demand: the creation of pedestrian streets (Paris, along with London, lags far behind other European capitals in this domain); one million free bicycles at the disposition of Parisians; the development of free, non-polluting public transportation based on Rome's recent example, the closing of Paris to more automobile traffic, and a halt to creation of inner-city expressways.

Voting with a bicycle instead of a ballot isn't a political tradition in France; however, it may have just become one.

EQUAL COVERAGE FOR THE MENTALLY ILL

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. WALDIE. Mr. Speaker, this country's attention to the mentally ill has long been a problem requiring immediate action in our quest to provide comprehensive health care to all Americans.

While contemplating a national health insurance program to insure to all Americans proper medical attention, we must not again neglect the mental and emotional illness brought on by complexities of life today.

This dilemma is brought out clearly in the publication, "Equal Coverage for the Mentally Ill," being distributed by the American Psychiatric Association.

Beyond representing the official position of the American Psychiatric Association on coverage of mental and emotional illness under any system of national health insurance, this pamphlet also contains an overview on insurance coverage of mental illness.

Further, it highlights a study soon to be released, "Health, Insurance, and Psychiatric Care: Utilization and Costs," directed by Health Economist, Louis S. Reed, Ph. D.

Mr. Speaker, the problems of the mentally and emotionally ill have been in shadows long enough. I see this pamphlet as very enlightening and recommend it highly.

Copies of this pamphlet may be obtained from the Division of Public Affairs of the American Psychiatric Association, 1700 18th Street, Washington, D.C. 20009.

WASHINGTON REPORT FROM CONGRESSMAN BOB PRICE

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. PRICE of Texas. Mr. Speaker, it is my policy to publish a weekly news report to keep my constituents advised of my activities in their behalf. The following is the text of my latest Washington report:

FEDERAL GUN CONTROL

At a time when the question of gun control is once again a subject of discussion and debate, I want to make my stand on this issue crystal clear.

When the Gun Control Act of 1968 was considered by the House, I spoke in opposition to it and I voted against it. At that time I thought the act was ill-conceived, and I still do. In the 90th Congress, again in the 91st Congress, and still again in the current 92nd Congress, I have introduced legislation that would repeal the Gun Control Act.

As an interim measure, I also introduced legislation repealing the recordkeeping requirements for shotgun and rifle ammunition. I took this approach because I thought that, even if the Congress would not be disposed to repealing the full act, it would favor repeal of at least that portion of the act that had proved to be particularly burdensome to those who deal in and use sporting ammunition.

I was gratified when both the House and Senate agreed during the 91st Congress to exempt shotgun and rifle ammunition from the act. We still need to free .22 caliber rimfire ammunition from Federal regulation; the House passed a bill during the last Congress that would have done this, but the bill died in the Senate. I introduced a bill in this Congress to accomplish the same thing and one similar to mine was reported out favorably by the Ways and Means Committee last November for action on the House floor, but it has not yet been acted on.

It is clear to me that gun control is not the answer to crime in the United States. As long as criminals feel they can profit from crimes involving the use of guns, they will continue to use them—regardless of any law, federal or otherwise, to the contrary.

What we need instead of a federal gun control law is stronger enforcement of the laws we already have on the books; better wages, equipment and facilities for state and local police; stronger sentencing by the judiciary of those who are found guilty; reform of our present penal system to include teaching a man a meaningful job while he is serving his sentence; and provision for an automatic, mandatory increase of the penalty for any crime where a gun was used in committing it.

MESQUITE BRUSH CONTROL

The practice of controlling undesirable shrubs was eliminated from the national Rural Environmental Assistance Program for 1972 because it was being used in many areas for unintended purposes.

Since controlling mesquite brush in Texas, however, was one of the intended purposes of REAP, I asked the U.S. Department of Agriculture for a clarification, and they have informed me that the practice of controlling mesquite brush may be included in local programs in 1972 upon recommendation of the State and county program development groups and approval by the national office. Such a practice is permitted under "Practice F–2: County conservation practices," a category that is intended to cover practices which are not included in the national program but which are needed to meet particular conservation problems in a county.

When a practice involving the control of competitive shrubs on grazing lands is needed in a particular county for a sound conservation program, provision is made that the county program development group may develop a special county conservation practice to cover brush eradication measures that need to be performed on pasture or rangeland. Such a practice has already been approved by ASCS for use in any county in Texas in 1972 that has a need for it in providing a sound county conservation program and that submits an appropriate justification.

FHA FARM OPERATING LOANS

The Administration released $37 million in farm operating loan funds last week, making available the full $350 million appropriated for fiscal year 1972. This funding puts the farm operating loan program at an all-time high level. Two other programs are also at record levels—the farm ownership loan program with $350 million available and the emergency loan program with $140 million.

The new farm operating loan funds will be available through the Farmers Home Administration county offices and may be used to buy seed, feed, fertilizer, livestock, tractor fuel and other equipment and facilities needed to run a successful farming operation. FHA supplies this credit to family farmers who are unable to obtain conventional credit from regular sources at reasonable rates.

THE NATION'S POOR: REEXAMINING THE MYTHS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. CLAY. Mr. Speaker, much has been written and spoken concerning the plight of the poor in this country of unrivaled affluence. A decade ago poverty was thought of only as a concern of less developed countries, or as a condition relatively nonexistent in the United States. The rising GNP and an expanding economy blinded many people to the harsh realities of basic survival faced by some 25 million Americans.

Mr. Speaker, in the 1960's the war on

poverty became a major operation of government. Programs to aid the poor were developed on all levels—local, State, and Federal. These programs originated and continue to function on the basis of a variety of assumptions about poor people—age, sex, ethnic origin, demography, and work status. Often, however, these assumptions have shakey statistical foundations, or the assumptions are not revised as factors change over time.

Mr. Speaker, as an example, information from the 1970 census indicates that, although the percentage of poor in the total population has declined steadily over the years, in the period 1969–70 the real number of persons below the poverty level increased by 1.2 million. A report in the monthly newsletter of the Urban League of St. Louis, on a publication of the Office of Economic Opportunity entitled "The Poor in 1970," presents the results of the 1970 census as it relates to the dimensions of poverty in this decade.

Mr. Speaker, I would like to bring this report to the attention of my colleagues in the hope of providing a reexamination of some of the misconceptions about our poorer citizens. With your permission the report follows:

A NEW LOOK AT THE POOR

From the Executive Director:

A recent publication from the Office of Economic Opportunity, titled *The Poor in 1970*, highlights the depth of the poverty problem. There have been so many misconceptions about it. Labels like "it is a ghetto problem" or "the poor won't and don't work" are too easily offered. Some would tend to call it a problem of race. They wrongly think most of the poor are black followed by Spanish Americans and Indians.

Contrary to public opinion the labels poor and black are not synonymous. In fact, on the percentage scale based on the 1970 census report, one third or 33⅓ of the black population fall in that category. This group clearly represents the single largest percentage of an ethnic populus. Next, 25 per cent or 2.2 million Spanish Americans are classified as poor. The total combination of these groups comprise less than 40 per cent of the nation's identified poor.

Nearly seven out of every 10 poor people are white.

The census report established several facts about poverty and the poor. Children and females constitute a great percentage of the poor in America. They, together with the elderly, represent from 83 to 85 per cent of all the poor. This is understandable when one considers that in a family situation these individuals have the least income. They are usually dependent upon someone or something for their day-to-day existence.

The report also revealed that poverty is not just a product of the urban ghetto. Only 32 per cent of all the poor live in the central cities. The remaining 68 per cent live in the suburbs or in non-metropolitan areas. Geographically, the south is the hardest hit by poverty. Nearly half of the nation's poor live there. The north central section of the country has about 23 per cent of the poor.

It has been thought that poor and unemployed go hand in hand, yet the census tells us that the poor do work. Nearly 25 per cent are employed full-time year-round, 34 per cent work full-time half of the year and another 41.1 per cent work on a part-time basis.

In spite of laws recently passed by Congress, it must be noted that elderly whites tend to live longer than any single ethnic group and they stay poorer longer. Old age assistance at the state level is scarcely a livable income for them. The larger percentage of them can barely eke out an existence. Many live in substandard housing.

The census report has exploded some of the myths and misconceptions about the poor. These myths were always based on ignorance, prejudice and distorted facts. The report has given us a valid barometer with which to use in supporting the war on poverty.

ISRAEL'S INDEPENDENCE DAY

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. BURKE. Mr. Speaker, I am delighted to pay special tribute to Israel, which on May 15 celebrated its 24th anniversary of its independence. Israel is a nation which can be pointed to as a model for other nations seeking the ideal of self-fulfillment. The Jewish people for 2,000 years longed to have their own homeland and during this entire period, despite the hardships and disillusionments, the Jews never lost hope that one day it will come about.

Israel is the land of hope for the Jews of the world and beckons all its children wherever they be to come and help build the State of Israel and to help defend her against its adversaries. But, as one can see in the articles which daily appear in the press, the task is not an easy one. Daily we read of the struggles of the many valiant Jews who are trying to emigrate from the Soviet Union, but who are denied this right by the communist leaders. Recently, one of the lead stories from the Los Angeles Times of May 21, 1972, describes how the Soviet security police squashed a demonstration by Jews and other religions in Soviet controlled Lithuania. The following is the article:

SOVIETS QUASH SERIOUS RIOT IN LITHUANIA, ARREST JEWS

(By Murray Seeger)

Moscow, May 21.—The Kremlin, on the eve of President Nixon's visit to Moscow, has put down a violent riot in Lithuania, and repressed Jewish dissidents.

The new incidents involving Lithuanian Catholics and Jews in several regions were reported by Lithuanian and Jewish sources who contacted Western newsmen here.

The riot broke out in Kaunas, Lithuania, on Thursday following a funeral for Roman Talanta, a 20-year-old Catholic factory worker who died Monday 12 hours after he set himself afire in a public park.

[An Associated Press dispatch from Moscow quoting Lithuanian informants said several thousand Lithuanians fought police with sticks and stones. Young Lithuanians roaming the streets reportedly chanted, "Freedom, Freedom," and "Freedom for Lithuania." Kaunas, with a population of 306,000, is Lithuania's second largest city.]

A policeman was killed and hundreds of demonstrators were arrested during two-days of rioting, according to Lithuanians who telephoned reports to Western newsmen in Moscow.

Mostly young people, the demonstrators were protesting Russian domination of their country, which was annexed to the Soviet Union along with Latvia and Estonia by Stalin in 1940. The young people also called for more freedom for the Roman Catholic Church, which has 3.5 million adherents in the tiny republic.

To put down the riot, Soviet authorities dispatched units of the tough, heavily armed internal security forces to Kaunas. The authorities also denounced Talanta publicly as having been "mentally disturbed" and a "drug addict."

Over 17,000 Lithuanian Catholics sent a petition to the United Nations several weeks ago to complain that Soviet leaders were interfering with their freedom to worship.

Although the Kaunas riot was not directly connected with President Nixon's visit, the Lithuanians wanted their protests brought to his attention.

The same desire by Jewish leaders was blamed for the arrest of nine persons in Moscow today and for a series of confrontations between Jews and the secret police throughout the past week in different cities.

Protesting religious persecution, most of the Jewish dissidents have sought permission to emigrate to Israel. Jews who have applied for exit visas told newsmen that they had been called in by the secret police and asked to sign a pledge that they would not participate in public demonstrations during Mr. Nixon's visit.

Some of the leaders who had asked for permission to present their protests to the President were drafted into the army earlier this month. Six of those arrested today were from Moscow and the others were reportedly picked up at railroad stations when they arrived from other cities. Jewish sources said the men would probably be held in jail for 10 days.

A total of 302 Jews signed a statement to be given Mr. Nixon this week in Moscow. Twenty-four pages long, the petition says the signers hope that will be positively felt also that the summit talk will bring a "general improvement in international conditions in the solution of our problems."

"The single correct and just resolution of our problem is to allow all those to emigrate to Israel who want to," the petition says. It carries signatures from Moscow, Minsk, Vilnius, Kaunas, Riga, Tallin and Kiev.

[In Washington, Dr. David Korn, a Howard University professor who is also chairman of the Soviet Jewry Committee for the Jewish Community Council of Greater Washington, said the petition was presented to the U.S. embassy in Moscow Friday afternoon.

[Korn said that Washington Jewish activists have been unable to telephone during the past week a number of Moscow Jews seeking to emigrate to Israel. Korn said he reached Mrs. Roman Rutman by telephone yesterday and that she told him that five Jews have been arrested, including her husband.

Mr. Speaker, stories such as these reveal the true picture of the situation of people who have no place to turn and who, unlike some of those who in our country have become inveterate protesters, cannot leave their land. It is time the world took note that the Soviet Union, which seeks the role of leadership in the world, will not permit its own people the independence of self-expression, but instead, resorts to false accusations of "insanity" when their citizens seek this right.

Months ago, I urged the President to make the issue of the plight of Jews in the Soviet Union a part of his agenda during his talks with Russian leaders.

Consequently, at this propitious time, and although I am not a Jew, I would like to join with the Jews throughout the free world when they shout, "Let my people go!" My best wishes go to the people of Israel on their 24th anniversary of this great nation.

PITTSBURGH'S NEIGHBORHOOD SERVICES, INC. FINDS HIGH RISK BORROWERS NO RISK AT ALL

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. MOORHEAD. Mr. Speaker, it has long been my contention that the lending institutions of this country oftentimes disqualify for loans individuals who, indeed, are solid risks.

The banks and savings and loans make their decisions on criteria that, from their point of view, tries to exclude all but the most reliable applicants. This is fine for the institutions' repayments record but it does manage to shuttle many people, who seek loans, into the hands of loan sharks or forces them to suffer with no financial assistance at all.

This problem is especially crucial in the home mortgage and home improvement field.

But one group in Pittsburgh has gone out of its way to lend money to people who have been refused by traditional lending institutions.

I am pleased to note that there have been no outstanding defaults on loans and many, many happy new homeowners who have been helped through the faith of Pittsburgh's Neighborhood Housing Services, Inc.

Sam Spatter, writing in the Pittsburgh Press Sunday magazine supplement, has put together an excellent story on this unique organization and I would like to introduce it into the RECORD at this time:

HOW TO RECYCLE A DETERIORATING NEIGHBORHOOD

(By Sam Spatter)

Pittsburgh's central North Side is an area of older houses, vacant or small storerooms and narrow streets, but 41,000 Pittsburghers call it home.

Most of them live in these older houses because they have small, if any, incomes. And very few new houses have been constructed in their neighborhood since World War II ended.

The area is not a ghetto or a slum. Nor is it all black or all white. If anything, it is an area on its way back. That's because there are people like Tom Jones and Jim Cook and residents such as Lillian Hess, Ernest and Roseann Williams, the Charles Klinger family, and James and Jacqueline Revis.

They are just a few of the many who either work or live in the community. And they all take pride in the fact they are part of the neighborhood.

The catalyst for this feeling is Neighborhood Housing Services Inc., a four-year-old nonprofit agency which operates out of a mobile home used in the 1960s by the Urban Redevelopment Authority (URA) as a field office. URA is out of the area but Neighborhood Housing Services remains.

OTHER PEOPLE CARE

Through the agency, Tom Jones and Jim Cook show the residents that other people care about them. They do it by providing them with money to either fix up or buy houses in the community. These are the same people whose loan requests were turned down by local commercial banking institutions and the government because they are considered "high-risk."

The funds from Neighborhood Housing are not outright grants. They must be paid back, but the agency makes repayment a lot easier than usual. Interest rates can range from zero to seven per cent (or whatever the going rate is at the time).

Deciding on the loan is a board of directors composed primarily of neighborhood residents. They are the ones who determine whether a Lillian Hess, a Charles Klinger, an Ernest Williams or a James Revis gets a loan. And so far, according to Tom Jones, executive director of the agency, no one has been refused help.

"There was one fellow who wanted a rehabilitation loan and the board turned him down. Instead, it gave him a loan to buy a better house," he recalls.

So when James Cook, associate director, brought Lillian Hess' case to the directors, he needed little persuasion to get them to agree. By stretching the agency's boundary lines a little, the loan was approved and the 67-year-old widow now has peace of mind.

Up until that time, she had spent all but $13 from her $140 monthly income from Social Security and pension checks on mortgage and loan payments.

"I wrote President Nixon for help," she sighed. "He advised me to contact state and local officials and agencies. But no one seemed able to help." Mrs. Hess said she prayed for help and finally it came in the form of an attorney from the Neighborhood Legal Services Association. He didn't have funds, but he said he would bring her case to the Neighborhood Housing Services.

Jim Cook needed only one trip to the Hess home on Creek Street, just above the East Street Valley area, to know the woman was in dire straits. He brought the matter to the board which approved a loan to her to pay off the mortgage and the $4,000 for "modernization." The board said her repayment schedule should be interest-free at $35 a month.

That left her with $105 each month to buy food and clothing, pay utility bills and transportation costs. It gave her, she said, a new lease on life, despite the fact she is getting treatment at one of the local hospitals for cancer.

She has lived alone since her two daughters married and moved away. Her husband died in 1948, two years before she sold her larger home to move into her present smaller house. And a few years ago she not-too-wisely agreed to pay $4,000 to a company which built her a flight of concrete steps.

The Hess case typifies the problem many other families of the North Side find themselves in today, Jones said. But they are only part of the total housing problem in the area.

Years of neglect by absentee home ownerships and the city have taken their toll. The "riots" of 1968 accelerated the community's deterioration. There were times, just a year or two ago, when owners walked away from their property or offered to give it away.

Today, they don't do that, Jones said. Property which could have been obtained for nothing now has a price tag of thousands of dollars. And the greater number of home owners in the community are working to bring their neighborhood back.

Neighborhood Housing is making a major contribution to that comeback. The $500,000 pumped into the program by the Sarah Mellon Scaife Foundation is the prime reason, he said.

FOUNDATION AGREED

The foundation agreed to fund $125,000 in 1968 to this high-risk loan program, providing none of this money went toward administration costs. So the neighborhood went to the local financial institutions, primarily savings and loan associations. They asked, and got from 20 of them, contributions to pay the salaries of three persons—Jones, Cook and a secretary. This support has continued through today, and probably into the future.

Since its initial funding, the foundation has made three more $125,000 donations, the latest coming this year. This has given the agency the opportunity to make 240 loans, worth $390,000. All are high-risk, yet only $6,000 in loans—a meager two per cent—is considered delinquent.

That's where the neighborhood board comes into play, Jones admits. When someone gets behind, they talk to him. And unless there's a major problem involved, the payments start coming in again.

Home loans are not the agency's only concern. The staff works with families on mortgages, personal loans, re-establishing their credit ratings and housing counseling. This counseling has helped some families save money, Jones reports. Like the time one family was ready to pay $3,000 for installation of a furnace when the cost should have been half that amount.

A LOOK OF HOPE

Working with families and granting them loans has helped the neighborhood take on a look of hope and newness.

Ernest and Roseann Williams are typical examples. A Vietnam veteran, the 29-year-old Williams was paying $88 a month at the Arlington public housing complex, but now pays $75 a month on his home mortgage, made possible by the agency.

The Williamses, who have two children, own a house on Armandale Street which was boarded up after it had been vacated, vandalized and fire-bombed. There's very little trace of that deterioration today because the Williamses have, through their own talents and by hiring professional help, made the two-bedroom house an attractive, safe place to live.

For James and Jacqueline Revis, their home above a vacant store at 1600 Brighton Road, is turning into a place of beauty.

It's all because they have taken the time and effort to fix up their house with what is generally known as "sweat equity." That's when the owner does the work.

New windows have been installed, a new ceiling is in place, and wood-paneled walls set off their modernistic living room. The couple have installed new kitchen cabinets and appliances, and are working on plastering and painting the walls. Even the bathroom is in for modernization. And the empty storeroom below will eventually become the couple's game room.

Revis works at the J&L plant in Aliquippa while his wife is a nurses' assistant at St. Francis Hospital.

Mrs. Revis believes home ownership is the greatest satisfaction she, as a black woman, has enjoyed. And she urges more blacks to take advantage of home ownership instead of paying high rents for deteriorated homes others own.

"I have pride in my home, and that's why my husband and I are fixing it up," she said.

That feeling of pride in home ownership is also part of Charles Klinger's life these days. And he has dignity as well for a man unemployed but eager to make his home a place his family can enjoy. He does it, like the Revises, with sweat equity.

BOUGHT THROUGH FHA

Klinger lives with his wife, Mary, and their six children in a five-story house at 1151 Voskamp St. He purchased the house through the Federal Housing Administration's (FHA) insured mortgage program for $5,300.

It was a house that needed repairs, from the attic to the cellar. The plumbing and heating are still bad and a retaining wall has caved in.

"I asked FHA to provide the money to fix the wall, but they refused," he said. Frustrated, out-of-work, with his house slowly deteriorating and no money to make repairs, Charles Klinger was ready to give up. Neighborhood Housing's Tom Jones heard about the problem and through his efforts, a loan was forthcoming.

Instead of being a man of despair, Klinger now is a man of hope, pride and dignity.

That's what help from the agency has meant to him.

The work of Neighborhood Housing Services has not gone unnoticed.

The Lawrenceville Economic Action Program, funded by Community Action Pittsburgh, established a $50,000 loan fund patterned after the North Side program.

A high-risk revolving loan fund also has been established in the Turtle Creek Valley Model Cities Neighborhood, where a $320,000 fund was set up by the district's Housing Development Corp.

Another possible spin-off would take the North Side program to other states. The Federal Home Loan Bank Board has asked Jones to help make up proposals to be presented these communities.

Also, as a result of the activity, seven savings and loan associations here have organized a service company. Slaco, which plans to build initially 18 new housing units in the central North Side. Neighborhood Housing Services will be involved with them.

Jones said others are also demonstrating interest in the central North Side. He points to the restoration program of the local History and Landmarks Foundation in the Mexican Street area adjacent to this section, the movement of Allegheny Housing Rehabilitation Corp. into the district and the acceptance now by financial institutions of invesments in the neighborhood.

His agency has helped stop foreclosures and aided 25 to 30 people in saving their homes. And it has a $500 loan which can be given without board approval in emergency cases.

"What seems to astound the federal people, after we explain our program and how much money has been loaned, is that we can do it with a staff of three," Jones said.

SUMMER EMPLOYMENT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. DERWINSKI. Mr. Speaker, I am especially pleased to insert into the RECORD an editorial on summer employment in the Marian Megaphone, the school publication of Marian High School in Chicago Heights, Ill., by one of its staff members, Miss Laurie Wolf.

This editorial certainly contains practical advice for young people looking for work.

The editorial follows:

SUMMER EMPLOYMENT: JOBS GO TO THE BEST QUALIFIED

The majority of teens throughout the country are looking for part-time jobs for the summer months. If you're the type of person who expects a job to be there waiting for you, you can count yourself out as one of the nation's employed.

Since there is such a scarcity of jobs for any age level, only the best qualified and most interested will succeed in obtaining jobs.

It would benefit you to rate yourself before you set off on your first job interview. Ask yourself if you are truly interested in a job. Are you conscientious and do you get along well with others? You should be willing to lend a hand to a fellow employee. Get to work on time and refrain from calling in sick. If you fulfill these requirements, then you'll do all right in finding a job.

Once you've analyzed yourself, you can begin searching the paper for job openings. However, many summer jobs are filled well in advance of June 1, and experience is often needed to even get an interview.

Volunteer work is usually valuable to teens and gives them the needed experience. Candy-striping is helpful to anyone interested in the field of nursing. There is also handy-striping for boys. Working in a summer camp is useful for those who would like to teach youngsters. A small town weekly newspaper will sometimes hire young journalists to write for them. And, of course, cutting grass and yard work are always in demand.

An energetic, industrious individual can always find something to do. Just remember, you will probably spend about 80,000 hours of your life earning a living. So why not start this summer to find something useful as well as enjoyable? Make the most of your appearance on the stage of life.

LAURIE WOLF.

THE RIGHT TO BE GAY IN PRIVATE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. RARICK. Mr. Speaker, we are now apprised that the District of Columbia government has negotiated a treaty with the American Civil Liberties Union to legalize private homosexual acts involving adults 16 years of age and over.

This may be regarded by some as a tremendous step forward for the civil rights movement but most people will question the precedent of government officials legislating immorality by treaty at domestic summit meetings.

I ask that a pertinent newsclipping follow.

[From the Washington Post, May 31, 1972]

D.C. WILL NO LONGER PROSECUTE PRIVATE, ADULT HOMOSEXUAL ACTS

(By Bart Barnes)

Homosexual acts between consenting adults in private will no longer be subject to criminal prosecution in the District of Columbia under terms of an agreement between the city government and the American Civil Liberties Union.

In a stipulation filed in U.S. District Court and stemming from a lawsuit against Washington police by four homosexuals, the city government agreed that the D.C. sodomy statute "does not apply and cannot be applied to private consensual sexual acts involving adults." The stipulation defined adults as persons 16 years old and over.

Dr. Franklin E. Kameny, founder of the D.C. Mattachine Society, hailed the agreement as a major victory in the struggle for homosexual rights.

Although seldom enforced, Kameny said, the D.C. sodomy laws have provided a legalistic excuse for discrimination against homosexuals, particularly in the area of federal employment.

"We intend that our dance at our community center next week will be in celebration of this agreement," Kameny said.

Legislatures in five states, Connecticut, Illinois, Colorado, Oregon and Hawaii, have recently repealed laws prohibiting homosexual acts between consenting adults. The Colorado repeal becomes effective June 30 while the Hawaii repeal is effective at the first of the year.

The lawsuit on which the stipulation between government and the ACLU was based was brought by four homosexuals who said Washington police were using the city's sodomy statute to harass homosexuals.

Assistant Corporation Counsel Stephen Shane Stark, who signed the stipulation, denied this and made it a part of the stipulation that the agreement "shall not be construed as implying" that the city had harassed homosexuals.

The stipulation specifically mentions "private" consensual sexual acts and would not necessarily exempt homosexual acts committed in public rest rooms from prosecution, according to Kameny.

He did add, however, that he thought the terms of the stipulation should apply to the case of a man convicted in Superior Court last fall on a charge of running a disorderly house in connection with a homosexual health club at 413 L St. NW. That conviction is currently being appealed.

Praising the stipulation yesterday, James Heller, president of the ACLU Fund, said enforcement of the sodomy statute "labels homosexuals as lawbreakers, thus giving government agencies an excuse to fire them on the grounds of their 'criminal' behavior."

"The stipulation signifies that the government agrees that the invasion of privacy for the purpose of imposing conventional morality is not an appropriate police function," he said.

In recent years there has been an increasing amount of litigation and publicity involving rights of homosexuals. Currently pending in U.S. District Court here is a class action suit against the Civil Service Commission seeking an injunction blocking the federal government from firing, harassing or even investigating people solely on the basis of their private sexual life.

Ralph J. Temple, the ACLU's legal director, said yesterday's stipulation would likely be an important part of that case.

Temple also noted there have been three recent cases in which the ACLU has won security clearance for people who had been denied such clearances on grounds of their homosexuality.

There have been two cases, both widely publicized in this area, during the last year in which servicemen have been given less than honorable discharges from the Navy and the Marine Corps on grounds of homosexuality. Temple said this is also a likely subject of further litigation.

WHO ABOLISHED THE CONSTITUTIONAL POWERS OF CONGRESS?

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 31, 1972

Mr. DRINAN. Mr. Speaker, if we awoke tomorrow morning to learn that in our sleep the Constitution had been rewritten, surely we would be astonished. In my judgment, that is exactly what has happened with respect to the constitutional authority of Congress. As recent events have repeatedly shown, the Executive has taken upon himself the right to act as a legislature—and we have acceded to that baseless assertion of power in almost every case.

Vice Adm. Hyman Rickover recently testified before the Senate Armed Services Committee on this subject, and I wish to bring his excellent statement, as reprinted in the New York Times of April 27, to the attention of my colleagues. I believe that his comments would be warmly endorsed by our Founding Fathers were they alive today.

THE DECLINE OF CONGRESSIONAL POWER

(By H. G. Rickover)

WASHINGTON.—As a realist, I must say that about the only real power Congress has left is the negative power of denying funds. Surely this was never the intention of the framers of the Constitution, nor has it come about by the proper procedure of constitutional amendment. Take the bill to limit the ability of the executive to carry on indefinitely an undeclared war. I thoroughly approve the intent of the bill. But ought it to be necessary? Does not the Constitution vest in Congress and in Congress alone the power "to declare war"?

This clause occasioned hardly any debate in the Constitutional Convention. The executive was at first envisioned, as Sherman of Connecticut put it, as "nothing more than an institution for carrying the will of the legislature in effect," Congress being declared the "depository of the supreme will of the society"!

When the debate opened on the powers of the executive, even those favoring a vigorous single executive, rather than a council or committee set up by Congress, opposed giving him the power to make war—a power which at that time was everywhere the prerequisite of the executive. Fear was expressed that if the executive power within the Federal Government were to encompass peace and war, the President would be rendered a monarch "of the worst kind; to wit, an elective one."

Power seemed extremely dangerous to the founders of our Federal system. They were anxious to vest it where the people could best influence its exercise. I believe we were at that time the only country entrusting the war power to the legislature.

I digress into these historic reminiscences only to support my point that failure to exercise the powers vested in Congress results in their diminution, if not total loss.

It is, of course, the immense scope and complexity of the governmental activities financed by taxes that has brought out the enormous growth of bureaucratic influence on the way the money collected from the American people is spent. The chairman of the House Appropriations Committee has pointed out that Congress usually makes only relatively small changes in the budget submitted by the Administration. Beyond this, the increasing use of Federal power has—as Madison predicted—allowed the Federal bureaucracy to exercise what in effect are discretionary powers in disposing of public moneys.

When Congress does not exercise the power vested exclusively in it to make the laws that govern the United States, its power to do so atrophies. Indeed, I submit that Congress has already lost much of its power by not using it.

Congress may change the Administration's budget by 1 or 2 per cent, but to all intents and purposes Congress no longer has control over the budget. Like any other parliamentary body in a free society, it does, however, have the power of legislative oversight as well as the right to refuse to vote appropriations if it judges that in the past they have not been used in accordance with the laws it has enacted.

It is my firm belief that the present procurement situation can be remedied only if Congress will use these two important powers to compel reform. It is not in the nature of a powerful bureaucracy to improve its way unless prodded by someone with power from without.

Since Congress itself can no longer control in detail how appropriated moneys are spent, its constitutional control of the purse strings now depends more than ever on the judicious exercise of its investigatory function, and on the negative power to refuse funds.

SENATE—*Thursday, June 1, 1972*

The Senate met in executive session at 11 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

We bow before Thee, O Lord, not in our own merit but in our need. So often when we would do good, evil is present with us. We do those things we ought not to do and leave undone those things we ought to do. Forgive our sins, overrule our mistakes, correct our errors, complete our inadequacies, and renew us in mind and heart. Give us Thy higher wisdom for our daily duties.

We pray Thee, O Lord, to inspire and undergird the President, the Members of this body, and all our leaders, that there may come to the Nation a new reality of justice for all and the fulfillment of the long awaited kingdom where Thou dost rule in righteousness.

Hear us, in the Redeemer's name. Amen.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of May 31, 1972, Mr. FULBRIGHT, from the Committee on Foreign Relations, reported favorably, with an amendment, on May 31, 1972, the bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes, and submitted a report (No. 92–823) thereon, which was printed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Italo H. Ablondi, of New York, to be a member of the U.S. Tariff Commission, which was referred to the Committee on Finance.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senate adjourned in executive session last night; hence it is convening in executive session today, but under the unanimous-consent agreement last night, the following business will be transacted as in legislative session.

The Senator from Montana is recognized.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 31, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR APPROPRIATIONS FOR PROCUREMENT OF VESSELS AND AIRCRAFT AND CONSTRUCTION OF SHORE AND OFFSHORE ESTABLISHMENTS IN THE COAST GUARD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 785, H.R. 13188.

The PRESIDENT pro tempore. The bill will be stated by title.

The legislative clerk proceeded to read as follows:

> H.R. 13188, to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 1, line 7, strike out "$81,070,000" and insert "$81,740,000"; on page 2, line 10, strike out "$15,100,000" and insert "$18,100,000"; after line 13 insert:

> (3) a long range search and rescue helicopter.

In line 22, after the word "following", strike out "$45,650,000" and insert "$46,040,000"; on page 4, line 20, after the word "of", strike out "39,074" and insert "39,449"; and, on page 5, after line 2, insert a new section, as follows:

> SEC. 4. Section 475, title 14, United States Code, is amended—
>
> (1) by amending subsection (a) to read as follows:
>
> "(a) The Secretary of the Department in which the Coast Guard is operating is authorized to lease housing facilities at or near Coast Guard installations, wherever located, for assignment as public quarters to military personnel and their dependents, if any, without rental charge upon a determination by the Secretary, or his designee, that there is a lack of adequate housing facilities at or near such Coast Guard installations. Such public housing facilities may be leased on an individual or multiple-unit basis. Expenditures for the rental of such housing facilities may not exceed the average authorized for the Department of Defense in any year except where the Secretary of the Department in which the Coast Guard is operating finds that the average

is so low as to prevent rental of necessary housing facilities in some areas, in which event he is authorized to reallocate existing funds to high-cost areas so that rental expenditures in such areas exceed the average authorized for the Department of Defense."

(2) by amending subsection (e) to read as follows:

"(e) The authority provided in subsections (b) and (c) of this section shall expire on June 30, 1973."

(3) by adding new subsections (f) and (g) as follows:

"(f) The Secretary of the Department in which the Coast Guard is operating shall annually, not later than April 1, commencing April 1, 1973, file with the Speaker of the House of Representatives and the President of the Senate a complete report of the utilization of the authority granted in subsections (a), (b), (c), and (d) during the preceding calendar year.

"(g) The authority conferred by subsection (a), (b), (c) or (d) may not be utilized after April 1, 1973, unless all reports required by subsection (f) have been filed with the Congress."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–819), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

GENERAL STATEMENT

The Committee is concerned about the continuing deterioration in the personnel retention rates in the Coast Guard. Limitations in personnel and operational funds have resulted in stretching Coast Guard resources to the breaking point.

The committee concurs with the House of Representatives with respect to the projects which H.R. 13188 authorizes for funding, but in several instances the Committee has determined that greater resources will be needed than are authorized in the House bill, and also found need to provide for an additional helicopter.

This bill will permit the continuation of the icebreaker replacement program previously reviewed by the Committee, by permitting the acquisition of one new icebreaker and the renovation or major repair of three others. Funds are provided for abatement of pollution from Coast Guard vessels, and as amended the funds should be adequate to permit an accelerated vessel modification program for all vessels assigned to the Great Lakes. Funds are also provided for other major vessel renovations and improvements.

This bill will permit the continuation of sition of three long range search aircraft, two fixed wing aircraft and one helicopter, and funds for an additional administrative aircraft and the renovation of nine fixed wing HC–130 aircraft. These amounts are essential if the Coast Guard is to continue to expand its role in the protection of human and marine resources.

The bill provides authorization for construction of 18 major facilities and also authorizes the Coast Guard to continue to abate pollution from shore stations.

To permit the Coast Guard to improve its position with respect to the retention of personnel the Committee authorized an increase in the average active duty personnel strength of 598 men which should permit some relief in the average work week for watchstanding personnel—which is now over 60 hours per week. The Committee also authorized continuation of the program under which the Coast Guard leases housing facilities for use as public housing at those locations where insufficient public housing is available.

The Coast Guard has jurisdiction over bridge alterations to improve navigability. The bill authorizes $12,500,000 for alterations during fiscal year 1973.

EXPLANATION OF AMENDMENTS

1. The Coast Guard has an obligation to be an example to the entire domestic fleet in abating pollution from vessels. The Committee believes that the Coast Guard should set the best possible example in areas of serious pollution. Accordingly the Committee added $670,000 to permit the Coast Guard to complete pollution abatement modifications to all vessels assigned to the Great Lakes in fiscal year 1973.

2. The Coast Guard's principal role in protecting human and marine resources can not be accomplished to remote areas such as Alaska without sufficient suitable aircraft. Accordingly the Committee added $3,000,000 for acquisition of one additional long range search helicopter which will be suitable for basing at Alaskan Coast Guard facilities, such as Cordova, Alaska.

3. The House of Representatives authorized the rebuilding of moorings at Cheboygan, Michigan for the Cutter *Mackinaw*. During the hearings before this Committee the Coast Guard indicated that it would require $390,000 beyond the amount included by the House for this project and upon review of the proposed project the Committee added that amount.

4. In order that the Coast Guard can operate two cutters recently provided for in supplemental appropriations, an increase of 300 men in the authorized strength was provided. An additional 75 men were approved to permit the Coast Guard to assume the burden of operating a Coast Guard base at Kodiak Alaska, upon the deactivation June 30, 1972 of the present Naval facilities which now provide many services for the Coast Guard units located in Kodiak.

5. Present authority for leasing housing facilities for use as public quarters expires June 30, 1972. On that date the Coast Guard will have aproximately 1,600 units under lease. A serious situation would arise should these leases need to be terminated for there are not enough public housing facilities presently authorized for construction to provide decent housing for Coast Guard personnel.

The Committee felt that the Coast Guard should be required to report annually as to its utilization of the authority proposed to be conferred by this amendment and therefore provided that the authority would cease in any year that the Secretary fails to file such a report with the Congress. The report will be on a calendar year basis and will be due on April 1st of each year. Thus the report will be available to the Congress during the annual authorization and appropriation cycles.

ESTIMATED COST OF THE LEGISLATION

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91–510) the cost of enactment of this legislation is $145,880,000 for fiscal year 1973.

RETIREMENT OF BILL BROWNRIGG

Mr. MANSFIELD. Mr. President, I did not know until I read the newspaper this morning, or heard it somewhere, that William Brownrigg, assistant secretary to the minority, is retiring.

I want to take this means to express my personal appreciation to Bill Brownrigg, as well as those of my colleagues, for the unfailing courtesy, consideration, and understanding he has shown during his 25 years of service as an official in this body.

I could not let this occasion pass without telling Bill Brownrigg publicly how much I personally am appreciative of all that he has done over the years, which he has done so capably and with such distinction.

Mr. SCOTT. Mr. President, I join in what the distinguished majority leader has just said about Bill Brownrigg. We will miss him. He has done a splendid job. He has been at all times courteous and zealous in the performance of his duties. He has been effective, good-natured, always willing to put himself out for the Members of the Senate.

We wish him well in his retirement and great happiness in whatever course he pursues from now on.

JOINT SESSION TONIGHT TO HEAR PRESIDENT NIXON ON HIS TRIP TO MOSCOW

Mr. SCOTT. Mr. President, tonight, there will be a special session, where Members of the House and Senate will hear what President Nixon has to say about his trip to Moscow.

I hope that all Senators will make every effort to be present, even though we are in debate, and, I understand from the majority leader, there are not likely to be any votes today. But, I do hope that all Senators who can will attend the joint session at 9:30 p.m. this evening, to mark the historic occasion when President Nixon returns from Moscow with a great many accomplishments and some important and substantive achievements for the reduction of tensions in the world.

THE CHAPLAIN'S PRAYER

Mr. SCOTT. Mr. President, having heard the Chaplain's prayer this morning, I am reminded of the story of the traveler who was church shopping. He had gone to a new town and he was trying out the various churches. At one of them, as he knelt in prayer, the congregation was intoning from the Book of Common Prayer the well-known St. James version language:

> We have left undone those things which we ought to have done; and we have done those things which we ought not to have done; and there is no health in us.

The traveler said to himself, "Thank heaven, I have found my 'crowd' at last."

QUORUM CALL

Mr. MANSFIELD. Mr. President, if I may be recognized, I should like to suggest the absence of a brief quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE RESOLUTION 312—COMMENDING THE RETIRING SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, ROBERT G. DUNPHY

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read as follows:

S. Res. 312, commending the retiring Sergeant at Arms and Doorkeeper of the Senate, Robert G. Dunphy.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 312), was considered and unanimously agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 312

Whereas the Senate has been advised of the retirement, effective June 30, 1972, of its Sergeant at Arms and Doorkeeper, Robert G. Dunphy; and

Whereas Robert G. Dunphy has held the office of Sergeant at Arms and Doorkeeper of the Senate since January 14, 1966; and whose service to the Senate first began in September 1941; and

Whereas Robert G. Dunphy at all times has discharged the difficult duties and responsibilities of his office with dedication, fairness, understanding, and the highest integrity; and

Whereas his outstanding service and devotion to duty have earned for him the confidence, respect, and affection of all those whom he has served: Now, therefore, be it

Resolved, That the Senate commends and expresses its gratitude to Robert G. Dunphy for the outstanding manner in which he has performed the difficult duties and responsibilities of the office of Sergeant at Arms and Doorkeeper of the Senate since January 14, 1966.

SEC. 2. The Secretary of the Senate shall promptly transmit a copy of this resolution to the said Robert G. Dunphy.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Washington (Mr. JACKSON) is now recognized for 15 minutes.

THE MOSCOW ARMS AGREEMENTS

Mr. JACKSON. Mr. President, let me begin by welcoming President Nixon back tonight from his travels abroad. With him to the summit went the hopes of all Americans for progress toward a lessening of international tensions and the instabilities that cause wars. Our individual views of the results of the summit may vary, but I am sure that all of us respect the President's sincerity and the scale of his efforts in Moscow.

Mr. President, President Nixon will come before a joint session of Congress this evening to explain the results of the Moscow summit to Congress and the American people. This may provide the first opportunity we have had to receive a clear and precise description and explanation of the strategic arms limitation treaty signed last week. I am sorry to say that all we have had up until now is the elaborate stage management of a vague, confusing, and contradictory collection of rumors, announcements, and background briefings that leave the American people without any clear notion as to what has been agreed upon in Moscow.

This confusion has caused understandable dismay among members of the press corps who have attempted to report upon the terms of the SALT accords—confusion that makes it difficult to evaluate the terms—and the implications of the terms—that have been agreed to at the summit. This much, however, has clearly emerged: the agreements do not "freeze" the strategic arms balance in any sense of the word "freeze" that I have ever heard. Until the President makes public the still private understandings with the Soviets without which the agreements are impossible to interpret, we will not know precisely what is "frozen," what is "chilled," and what is actually warmed-up. At first glance most of the freezing appears to be on the American side while most of the warming up is on the Soviet side.

From the accounts I have seen, Mr. President, the concluding phase of the negotiations, and the briefings and ceremonies surrounding the announcements in Moscow, had all the appearances of a comic opera. We have learned, for example, that we and the Soviets were locked in airborne negotiations even as the plane carrying the two SALT delegations from Helsinki was making its way to Moscow for the signing ceremonies. The press was unable to obtain a copy of the final agreements because—imagine this—the only copy available was the one signed by the President and Secretary Brezhnev, and a copy could not be made from that until the TV crews had completed their coverage of the signing ceremonies.

This, Mr. President, is no way to negotiate. Something is dreadfully wrong with an approach to such difficult and vital negotiations that allows them to be carried out under the sort of pressure imposed by public relations requirements. There is at least some reason to believe that these circumstances led to last minute concessions by the United States that have had the result of increasing the permissible number of Soviet nuclear missiles. Summits are difficult at best, and summits in election years before nationwide television audiences are a very doubtful instrument of sound diplomacy. One must ask whether we would not have been better off to wait a week or a month for a more secure agreement rather than insist on the hasty signing of a less secure one.

Mr. President, although the texts of the treaty and the executive agreement contain few numbers, many more numbers have been discussed in connection with the SALT accords. In the last several days we have heard these: 1,054, 1,618, 313, 41, 42, 62, 84, 710, 740, 656, 950, and zero. The crucial question for the Nation and for the cause of world peace is whether these numbers add up to stable parity or unstable inferiority. It may clear the air to discuss some of them.

First, 1,054—this is the maximum number of land-based ICBM's that the United States is permitted to retain under the agreement.

Second, 1,618—this is the maximum number of land-based ICBM's that the Soviet Union is permitted to retain, given our understanding of the agreement. I emphasize "our understanding" because the figure 1,618 is a U.S. intelligence estimate and not a Soviet-supplied number. This vagueness on the Soviet part is most unfortunate and can only lead to uncertainty and possible tensions. The agreement would be much improved by the use of specific numbers on both sides.

Third, 710—this is the maximum number of submarine launched ballistic missiles that the United States is permitted to deploy under the agreement. It is arrived at by adding our present 656 Polaris/Poseidon missiles to our potential, under the agreement, to replace 54 of our Titan missiles with new submarine launched ballistic missiles.

Fourth, 1,016—this is the maximum number of submarine launched ballistic missiles that the Soviet Union is permitted to deploy under the agreement. It is arrived at by adding to the present Soviet forces—operational or under construction—a total of 210 submarine launched ballistic missiles. To achieve this total the Soviet would retire their obsolete SS–7 and SS–8 ICBM's and replace them with new submarine based missiles. This would give the Soviets a total of 62 modern nuclear—Y class—submarines.

Fifth, 84—the total permissible number of Soviet missile-firing submarines that can be deployed under the agreement. This is derived by adding 22 Soviet G-class submarines to the 62 Y-class submarines that they are permitted to construct.

Sixth, 44—the total permissible number of American missile-firing submarines that can be deployed under the agreement.

Seventh, 313—this is the maximum number of "heavy" ICBM's that the Soviet Union is permitted to deploy under the agreement. This again is a U.S. intelligence estimate, not a confirmed Soviet figure. Each of these missiles can carry at least a 25-megaton warhead and perhaps, eventually, as much as 50 megatons. Of course, the Soviets are free to replace single large warheads with many MIRV warheads per missile when they are able to do so.

Eighth, zero—this is the maximum number of "heavy" ICBM's that the United States is permitted to deploy under the agreement.

These numbers, Mr. President, are merely representative of the thrust of the agreements—which is to confer on the Soviet Union the authority to retain or deploy a number of weapons based on land and at sea that exceeds our own in every category, and by a 50-percent margin. Is this parity?

Now there will be some who argue that numbers do not matter; that both sides have sufficiency; and that therefore the strategic balance is stable. How curious it is that the people who hold to the numbers do not matter doctrine are the same ones who believe that without an immediate arms control agreement the world is in danger of a great nuclear war. Either numbers matter or agreements do not—you cannot have it both ways.

Among those who acknowledge that numbers do indeed matter there will be those—and I am afraid the administration must be counted among them—who argue that because we have more MIRV warheads than the Soviets, it is safe for us to have granted the Soviets—as we have done—a license to outdistance us by 4 to 1 in overall payload. What this overlooks is the fact that the Soviets are hard at work on MIRV technology themselves, a loophole big enough to drive a bus through. When they achieve a sophisticated MIRV—and they most certainly will—the combination of their vastly superior payload and modern MIRV technology will give them superiority in warheads as well. Is this parity?

Mr. President, all Americans are concerned to see the stability of the strategic balance increased. We all desire the increased security that flows from the inability of a potential aggressor to execute a disarming first strike against our deterrent forces. Unfortunately, I see nothing in the present agreement that lessens the threat to the security of our deterrent forces. On the contrary, far from freezing us in a condition of stable deterrence, the agreement permits the Soviet Union to continue its offensive buildup in a way and on a scale that could prove highly destabilizing. Simply put, the agreement gives the Soviets more of everything: more light ICBM's, more heavy ICBM's, more submarine launched missiles, more submarines, more payload, even more ABM radars. In no area covered by the agreement is the United States permitted to maintain parity with the Soviet Union.

In the weeks and months ahead Congress will have an opportunity to examine with great care the provisions and implications of these agreements. I hope that we shall soon have made available to the American people all of the private understandings with Moscow so that we might begin the difficult task of assessing these complex agreements. I was greatly disturbed, for example, to learn only yesterday that Secretary Laird has ordered the cancellation of a theoretical study conducted by one of our research organizations of the application of laser technology to ballistic missile defense. Nothing in the agreements as they have been published would call for this action. Was this done under a private understanding with the Russians? It is perfectly obvious that there is no way in the world we can monitor Soviet adherence to a provision that reaches into the minds of scientists and prohibits them from speculating on the impact of some future technology on national security.

The Senate has grave responsibilities under the Constitution to give advice and perhaps consent to these agreements. I am confident that we will approach this task with a view to assuring the best possible outcome for our own security and for world peace.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the agreement previously entered into there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements by Senators limited to 3 minutes.

Is there morning business?

Mr. COOPER. Mr. President, I ask unanimous consent that I be permitted to proceed for 5 minutes.

Mr. ROBERT C. BYRD. Mr. President, I am very reluctant to have to object, but it has been the policy of the leadership to object all last year and this year to any extensions of the 3-minute rule. If the Senator from Kentucky will take his 3 minutes I will then be glad to yield to him my 3 minutes at the conclusion thereof.

Mr. COOPER. I thank the Senator.

The PRESIDENT pro tempore. The Senator from Kentucky is recognized for 3 minutes.

SALT NEGOTIATIONS

Mr. COOPER. Mr. President, I have listened with great interest to the statement of the Senator from Washington (Mr. JACKSON). I have just read his statement a few minutes ago and I have not had the opportunity to prepare a written statement in answer, but I do wish to make some comment.

I agree with him that when the treaty limiting the ABM nuclear system is presented to the Senate it should receive the most thorough consideration, and I know it will.

I do object to his characterization of the negotiations as being hurried, as having a public relations aspect, and, indeed, being referred to as "comic opera."

The Senator from Washington, who is a close friend of mine, and for whom I have great respect, knows these negotiations have been going on for 3 years. As a member of the Committee on Armed Services and the Joint Committee on Atomic Energy, I know he has been briefed in full detail at any time he wanted to be briefed during these 3 years. I have been briefed here, and in Helsinki and Vienna by our negotiators. I know that the negotiations were thorough, steadily made progress and changes occurred in the positions of the negotiators, both United States and Soviet. As they worked to come to agreement on every issue which he discussed.

I would like to say first, speaking of the anti-ballistic missile agreement which the Senator hardly referred to, will be presented to the Senate, as a treaty and we will have every opportunity to examine it in full detail. The treaty provides parity so far as anti-ballistic-missile systems are concerned, with respect to sites, number of launchers, number of radars. Both are permitted to modernize or upgrade their system.

Now, I wish to speak to his statement regarding offensive nuclear systems. As the Senator knows, this agreement will not be submitted to the Senate as a treaty. It is an interim agreement which stays in force for 5 years; and if at the end of that 5-year period or at any time earlier our country should consider that the agreement is breached, or our security is threatened, the interim agreement would be abrogated. And, any treaty following negotiations, on offensive nuclear systems submitted to the Senate would receive searching examination by the Senate, and if the Senate believed it did not protect our country it would not approve it.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, if the Chair will recognize me, I yield my 3 minutes to the Senator from Kentucky.

The PRESIDENT pro tempore. The Senator from Kentucky is recognized for 3 additional minutes.

Mr. JACKSON. I thank the Senator.

Mr. President, will the Senator yield.

Mr. COOPER. No, I only have 3 minutes. I am sorry.

Now, I will address myself to the agreement on offensive systems—and answer the Senator's statement that the agreement gives superiority to the Soviets. I do not agree.

The Senator failed to say that there is nothing in this agreement, the interim agreement, which prohibits the United States from maintaining vast superiority in bombers, its forward-based aircraft in Europe and aircraft carriers; also the agreement denies the type of radars which would enable—as he has argued so many times—the Soviet Union to upgrade its SAMS into an anti-ballistic-missile system, and as an antiaircraft system against standoff missiles on bombers, and European-based aircraft.

The Senator is correct in his numbers of offensive missiles, but numbers do not necessarily mean parity. Our ICBM's are being MIRV'ed; our Polaris submarines—31 of them—are being MIRV'ed, by conversion to Poseidon missiles, and today we have an advantage of 2 to 1 in warheads, the element of nuclear systems which actually detonate or strike another country; and there is a capability of adding to those warheads so that we could reach a number of even 10,000 more.

The Senator said the Soviet Union will in time MIRV its missiles. I have no doubt that in time they will be able to develop MIRV and arm their missiles; but I repeat that at the end of 5 years unless there are new and unforseen developments we will certainly have the advantage over them in warheads. If the situation should change it is open again and no treaty would be agreed to, in my view, concerning land-based missiles or other offensive systems unless we were satisfied as to national security.

I wish to ask one question. What is the alternative to this treaty and agreement? If we had not come to this agreement with the Soviet Union to halt the nuclear arms race we would be arguing again the whole antiballistic missile deployment question, which if developed would cost this country $50 to $70 billion, with no effective protection for our missile system or our people, and we would be adding to our offensive systems more and more land-based missiles and submarines at an equivalent great cost of tens and tens of billions of dollars.

The United States had a choice of building up its force of land-based missiles for a number of years, and it could have built large missiles like the SS–9 which it has not done. The United States made the choice, for smaller, more accurate systems. I do not know that during that time my distinguished friend urged the Department of Defense to increase the number or size of its land-based missiles.

The United States and Soviet Union negotiated on the system and missiles both countries have at present. With our deliverable warheads we are so far superior in numbers to them that there is no way, in our view, for the Soviets to achieve superiority in 5 years. It is an interim agreement and if a treaty on offensive nuclear systems comes back and we are not in parity, we would still have our options. But what is the alternative? To continue the costly, deadly arms race?

The **PRESIDING OFFICER** (Mr. BAYH). Is there further morning business?

Mr. JACKSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

Mr. JACKSON. Mr. President, I shall be brief.

First, let me say I am well aware of the fact that we are in the fourth year of negotiations. We have had long, drawn-out negotiations at Helsinki and Vienna. I said in my remarks that "the concluding phase of the negotiations and the briefings and ceremonies surrounding the announcement in Moscow had all the appearances of a comic opera." I think we will be able to prove that in the course of the hearings because a lot was done in the closing hours beginning at 5 a.m. in the morning.

I would say to my friend from Kentucky, for whom I have great admiration and respect, that we do have specified in the agreement the permitted number of submarines, but can the Senator tell the press where the number of ICBM's that is to be permitted can be found in this agreement? All I have is our intelligence estimate; we still have to get an agreed figure as to what the Russians have, or will have, on the cutoff date, which is July 1. There is some unfortunate ambiguity here.

I think that the real question is: Where will we be 5 years after this agreement? Nothing in the agreement prevents the Soviets from deploying MIRV during this period.

I would point out to the Senator that it is totally misleading to leave the impression that because we have more warheads now than the Soviets have, they will not have more warheads than we will have at the end of 5 years. If they simply MIRV their 313 heavy missiles with one of their MIRV options that would give them 6,260, compared to our current 5,700. That is just the 313 Soviet heavy missiles. In addition, of course, the Soviets could have 1,100 land and 950 sea-based missiles, all MIRV'ed.

The Senator asks what is the alternative to the agreement. I think the alternative is an agreement that gives us parity. After all, President Nixon ran in 1968 on a program in which, in speech after speech, he insisted that we should maintain nuclear "strategic superiority."

We do not get superiority under the agreements. We do not even get parity. The aim of the agreement should have been an equalization of forces on both sides so that there would be parity. The Russians, under this agreement on offensive strategic weapons systems, get superiority in this area—there is no denial of it—in both numbers and in the payload of those numbers. I think the American people certainly should get all the facts.

Is it not rather sad that it is now coming out that the State Department, only after I prodded them yesterday, is going to come forth with the secret understandings? Why does a U.S. Senator have to get up and demand that there be a full disclosure? Should we not have, to paraphrase what someone has said, open covenants openly interpreted? One cannot begin to know what has been agreed by looking only at the agreements arrived at in Moscow that have so far been made public, and I think that is indeed a regrettable way in which to start.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, does the Senator need any time?

Mr. SAXBE. Mr. President, I yield my 3 minutes to the Senator from Kentucky (Mr. COOPER).

Mr. COOPER. Mr. President, the Senator from Washington asked why a Senator of the United States should be required to ask for information, implying that information will not be provided the Senator. I do not know on what ground he makes that statement. The administration has stated it would furnish to the Senate, with the treaty, all and full information as is required by law and precedent.

I would ask, also, where does the Senator secure his information that there were secret understandings? If Dr. Kissinger and the Soviet negotiator made some agreement, I ask him what was discussed and what was agreed which was so fearful? I know the Senator could have asked at any time what the state of the negotiations were and he would have received that information at that time. I asked and I received it right up to the meeting in Moscow. We both knew the framework of the negotiations.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. COOPER. I will repeat again, as far as the land-based missiles and other offensive systems are concerned, we do have great superiority now, at least twice as many warheads, and we can increase those to 10,000 or more warheads.

Of course, the Soviets may be able to do the same. But they have not yet done so.

I repeat, during those 5 years, if there is no treaty in this area, if there is a change which affects the security of the United States, these treaties and agreements have a provision which permits either country to abrogate it upon notice.

Certainly if, at the end of the 5 years, the situation is changed from that of our superiority today to Soviet superiority, I would say that any treaty submitted to the Senate at that time would receive the most searching examination, and could be rejected.

The Senator knows of my regard for him, but I must say I do not believe that there should be raised here suspicion that something has been held back, that there have been some secret understandings. There are none, but to raise the question, which the Senator has a right to do—engenders in the minds of the people of the country the suspicion that there are secret understandings.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Mr. President, I yield the Senator my 3 minutes.

Mr. MANSFIELD. Mr. President, who has the floor?

The PRESIDING OFFICER. The 3 minutes of the Senator during morning business have expired. Is there further morning business?

Mr. JACKSON. Mr. President, would the Senator from West Virginia yield me 3 minutes?

Mr. MANSFIELD. Mr. President, I yield 3 minutes to either of the two Senators.

The PRESIDING OFFICER. The Chair recognizes both Senators for 3 minutes.

Mr. JACKSON. Mr. President, needless to say, the distinguished Senator from Kentucky knows how I feel toward him personally. We have worked together on so many matters and we have disagreed together on so many matters that I think we have a very fine understanding and respect for the integrity of each other.

Does the Senator from Kentucky want to say now that there are no secret understandings? The State Department indicated last night that they are now going to reveal some of the secret understandings. For example, how can we direct a cutoff of laser studies in connection with antiballistic missile defense unless there are some secret understandings with the Soviets? There is nothing in the published agreement that authorizes or requires that: I am just asking the question.

Mr. COOPER. Requires what?

Mr. JACKSON. In my remarks I pointed out that Secretary Laird has directed the termination of a study on the use of lasers as an antimissile defense system. I pointed out that this can only come from some secret understanding with the Soviets. There is nothing in the treaty or the agreement that would explain that action.

Let me tell the Senator how confusing this is. The New York Times published a story on page one showing a chart that under the agreement the Soviets were to have 42 Polaris-type missile submarines and the United States 41. If full disclosure had been made, these false and confusing numbers would not have come out.

All one had to do was to talk to members of the press. They were astounded when they were told that the Soviets could have up to 84 submarines under this agreement. I think the handling of this complex agreement was unfortunate at best.

I just ask the Senator, does he now

want to tell the Senate that there are no secret understandings in relation to the treaty and to the agreement that is to be submitted to the Senate?

Mr. COOPER. Yes. I will takes the responsibility on myself to say that full and complete documentation regarding the treaty and agreement will be submitted to the Senate——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. The protocol already supplied, itself details some of the questions the Senator has been asking. The statement of Secretary Laird may or may not have involved all this matter. We will be able to find out the reasons.

The PRESIDING OFFICER. The time of the Sentor has expired.

Mr. ELLENDER. Mr. President, I yielded my 3 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I admire the Senator, but he has been implying to the Senate and the country that there were some kind of agreements secretly arrived at which will not be presented to the Senate. That is not so. There are detailed studies, scientific matters, which probably have been at the working level of the scientists and the negotiators, but, of course, the administration would come to explain in full detail the judgments upon which these agreements were reached.

Mr. JACKSON. Can I clarify——

Mr. COOPER. The Senator knows this is exactly the reason why the agreements reached this form. I know the Senator knows a great deal about nuclear weapons systems and that he knows exactly why we have come to the present status. Even with my limited experience compared with his, I can reason it out based on the evidence.

Mr. JACKSON. Mr. President, I just want to clarify one point. Does the Senator from Kentucky understand that there are no secret understandings between the United States and the Soviet Union in relation to the treaty and to the agreement?

Mr. COOPER. I believe there are none.

Mr. JACKSON. There are none?

Mr. COOPER. Because only yesterday, I believe, the Department of State said that all material affecting this agreement would be presented to the Senate. And also I believe it for another reason. We have complained in the Senate about the lack of information on many subjects, but there has been no lack of information from the ACDA nor from Ambassador Smith or CIA or the NSC telling us what was going on.

Mr. JACKSON. In fairness to my friend——

Mr. COOPER. So I say no, there will not be any secret understandings. There are papers which apply to the progress of the treaty, the development of positions and all that, but no kind of secret understanding which would permit one country to do something and the other country to be restrained of which we will not be fully aware. On the whole concept, no.

Mr. JACKSON. I understood the Senator from Kentucky to say that the State Department, the executive branch, will eventually submit other understandings that may exist. But I do not want to confuse that with the question I put earlier, which is the fundamental question: Are there secret understandings between the United States and the Soviet Union that bear on the treaty and the protocol that we have not yet seen? Does the Senator know?

Mr. COOPER. Of course, standing here, I could not say categorically no—there are no such agreements. But I can state what I believe. Does the Senator know? I will ask him that.

Mr. JACKSON. No. I am trying to obtain information.

Mr. COOPER. All right, I say the same thing.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HRUSKA. Mr. President, I yield the Senator from Kentucky 3 minutes.

Mr. COOPER. But the Senator's question, while I think it is proper to raise it, if unchallenged, could be interpreted to mean that we have some knowledge that there are secret understandings. So I am glad that the Senator has said he does not know.

Mr. JACKSON. Well, I pointed out to the Senator that the Secretary of Defense has directed the stopping of research in one area that cannot be justified from the language that appears in the treaty and the protocol. I have pointed that out just to illustrate that there must be some secret understanding.

I want to emphasize that the administration has an obligation to make available to the Senate without delay any secret understandings that relate to the treaty and the protocol. I would point out to the Senator that we do not know, for example, what the Russian position happens to be on the number of land-based ICBM's that will be permitted. There is nothing in the agreement, as the Senator knows, that specifies the number of Soviet ICBM's permitted under the agreement. I would point out that the 1,618 figure I have used is simply an American intelligence estimate, and I do not know what the Russians are going to say they are entitled to deploy as of July 1.

Mr. COOPER. First I shall respond to the question about Secretary Laird. I am sure that the Senator's committee could call him up and find out exactly what he means. But it would seem to me to be unlikely that in any way it would conflict with the agreement, because under the agreement, as the Senator knows very well, both the Soviet Union and the United States can upgrade their anti-ballistic-missile systems. The Senator will agree to that, I am sure.

Mr. JACKSON. Well, of course, as the Senator from Kentucky knows, this truncated version of an anti-ballistic-missile system is not effective. In 1970 I led the effort to eliminate an ABM system around Washington, D.C. Also the Senator knows that the administration case, which I argued for the administration, in behalf of the ABM system does not have any credibility when the ABM defense of Minuteman is confined to one site, as it would have to be under the proposed treaty. So it will be interesting to see how the administration will justify its request for funds based on this new agreement, and I speak without any partisanship, because, as the Senator knows, I carried the burden on this issue and got it through the Senate by one vote. But now we are going to have a situation in which we have agreed to an ABM system around Washington——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBERT C. BYRD. Mr. President, if the Chair will recognize me a second time, I yield 3 minutes to the Senator from Washington.

Mr. JACKSON. Which the Senate has, by almost unanimous vote, rejected. The administration has agreed to something that we will not implement, knowing full well that it is not acceptable to the Congress of the United States. I do not call that progress. It would have been better, frankly, to have had zero ABM on both sides, as compared with what the administration agreed to in Moscow.

Mr. COOPER. Well, it is certainly better than to have an area-wide system. I voted with the Senator last year on that matter, and received some criticism for it. But I go back to his two points. Referring to the statement of Secretary Laird about some later system, I can say the treaty permits—to both the United States and the Soviet Union—the updating, the modernization of their antiballistic missile system, within the limits of radars and launchers so there is nothing to prevent that under the treaty, in my view.

Second, as to the number of land-based missiles, the Senator seems to express a belief that it could go forward. The text of interim agreement itself says no additional sites can be used or considered after July 1, 1972. The proper departments and agencies in the executive branch have told us, and I am sure they have told the Senator, that they are able to detect by means of satellites any additional number of ICBMs or silos that would be opened following July 1, 1972; so I do not think we should leave the impression that that is not correct.

Mr. JACKSON. Mr. President, will the Senator explain to the Senate why the agreement was explicit in giving the number of Soviet submarines, but not the number of Soviet ICBM's?

Mr. COOPER. I think the Senator has received the same intelligence from the ACDA and from the Defense Department. They state that we know the number of existing operational ICBM's in the Soviet Union, and the sites, the silos that have been under construction.

Mr. JACKSON. Will the Senator yield right on that point? Then why did the Russians fail to acknowledge that crucial number? They acknowledged the numbers in connection with submarines, and their numbers in that case disagreed with ours.

I think the Senator knows I cannot go into any detail, but the Senator is well informed in the intelligence area, and he knows that in the past we have had some big gaps in our ability to identify the numbers of land-based ICBM's. That is all I want to say. But is it not amazing that the Russians would acknowledge the numbers that they are bound by as far as nuclear submarines are concerned, but have failed to acknowledge the number of land-based ICBM's to which they are limited? What is the reason for that discrepancy?

Mr. COOPER. Let me say that article 1 of the text of the interim agreement does not state the precise number of fixed land-based missiles, either for the Soviet Union or for the United States, but in the information supplied by the administration along with the announcement of the treaty, information on the defense agreement does state the number of ICBM's.

The PRESIDING OFFICER. All time allotted for the transaction of morning business has now expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time for the transaction of morning business be extended to the hour of 12 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I have been listening to this debate with some interest and with some concern, because it appears to me that what we are doing is shooting the gun before we put the bullet in. We are now waiting for the facts which the President, the State Department, and the Defense Department, I am sure, will present to us. On that basis and at that time, I think we will be in a better position to know what we are saying, what we are doing, and where we are going.

The distinguished Senator from Washington has mentioned the fact that there has been a cancellation of research in certain areas, which raised questions in his mind, and perhaps he has a good argument with respect to that. But may I say that, so far as I am concerned, there has been a cancellation about which there is no equivocation, and that was the cancellation of the ABM project in Montana, on Saturday last. It was shut down, period. In place of it, they are going to build an ABM system around Washington, D.C.

I think the distinguished Senator from Washington has raised some very pertinent questions, because if an ABM system is built around the capital, there will be no missiles to back it up. It will be much more expensive, much more tortuous, much more controversial.

I am not at all certain that I intend to vote for an ABM around the Nation's capital, but I am certain that, insofar as I know the facts and anticipate knowing them, I will vote for the Nixon-Brezhnev agreement; because I want to see the arms race brought to a close or at least lessened.

As did the distinguished Senator from Kentucky, I visited the American representatives of the SALT group in Helsinki, and I was encouraged by what they told us. We did not meet at the same time, but just a few days apart, and I know the distinguished Senator may have met with them more often than I did.

I think we ought to wait until the facts are in and the administration has presented its case. There is enough in the world's nuclear arms stockpile today to equal 15 tons of TNT for every man, woman, and child in this world, on the face of the globe. Most of his material is in the hands of two countries. I think we ought to wake up to the fact that if we keep up this spiraling arms race, we are going to weaken ourselves at home still more; and if we are not strong at home, we cannot be strong overseas.

So this is a matter on which I hope we would withhold judgment—although I have made some statements today—to give the President, the Secretary of State, and the Secretary of Defense a chance to present their arguments; and then we can arrive at a final judgment, but not before.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JACKSON. I point out to the distinguished Senator from Montana that I led the fight to kill the proposed ABM system around Washington, D.C. As provided in the proposed treaty, it is useless. It is a waste of the taxpayers' money. We went into that in the ABM debate. I just want to point up one of the obvious facts in connection with the SALT negotiations on the ABM system.

The Moscow agreements have been blown all out of proportion. They are not going to stabilize the strategic situation.

I point out that the Senator is properly concerned, and all of us have been concerned and deeply interested in the arms negotiations. I have been monitoring the work of the negotiators; and we are now in the fourth year.

I know that the Senator from Montana has taken the lead in emphasizing the dreadful situation that exists as to the number of nuclear warheads. But I am sure the Senator from Montana is aware that under this agreement the Russians have been given a license to continue adding warheads. My only plea here is in the interest of letting the American people get the facts. There is no freeze, properly so-called.

When a great newspaper like the New York Times publishes on the front page the breakdown on who gets what under agreement and it turns out later that those responsible for giving out the information were so confusing as to be wrong, I think it is sad.

Mr. President, I ask unanimous consent to have printed in the RECORD articles published in the New York Times and the Washington Post, in which the State Department announces that it will make public the secret understandings to which I have referred.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 1, 1972]

CONGRESS PROMISED FULL ARMS BRIEFING

(By Bernard Gwertzman)

WASHINGTON, May 31.—The Nixon Administration said today that it would inform Congress fully of all private understandings reached with the Soviet Union about the arms limitation agreements signed in Moscow last Friday by President Nixon and Leonid I. Brezhnev, the Communist party leader.

A senior State Department official said that the understandings covered the Soviet and American interpretations of the treaty limiting each side to 200 defensive antiballistic missiles and of the five-year executive agreement putting some limits on land-based and submarine-launched missiles.

The interpretations were worked out with the Russians in written form, the official said, and will be sent to the Congress "in the near future" in conjunction with the strategic arms limitation agreements.

The Russians and Americans agreed that the private interpretations could be made public as part of the legislative process that requires two-thirds Senate ratification of the ABM treaty and Congressional approval by majority vote of the five-year executive accord.

JACKSON STATEMENT CITED

Disclosure of the procedure followed a statement this morning by Senator Henry M. Jackson, Democrat of Washington, that he could not support the accords until all "secret understandings" were made public.

Interviewed on the National Broadcasting Company's "Today" show, Mr. Jackson, a senior member of the Armed Services Committee, said that "the secret part may be quite substantial."

Apparently the Administration, stung by his remarks, decided to have a State Department spokesman announce that all the interpretations would be made known.

Meanwhile, the Administration continued its campaign to promote the Moscow meeting as a major success for Mr. Nixon. Plans were announced for the President to address a joint session of Congress at 9:30 p.m. tomorrow, about half an hour after he is due to arrive at Andrews Air Force Base, outside of Washington, at the end of his 13-day trip.

Mr. Nixon, in his speech, which will be broadcast nationally on television and radio, is expected to focus on the strategic arms accords as the chief positive result of the summit meeting.

The Administration, meantime has begun mailing transcripts of two news conferences held in Moscow last Friday night by Henry A. Kissinger, the President's special adviser on national security, on the strategic arms agreements. Gerard C. Smith, the chief United States negotiator of the accords, participated in the first news conference.

The transcripts go into some detail on the accords, the State Department official said.

Aides to Senator Jackson said that he did not mean to imply that the Administration had signed "a secret treaty" with the Russians. Rather, they said, he was concerned about uncertainties in the language of the accords.

They cited, for instance, a distinction in the offensive-missile agreement between heavy and light missiles. They said that it was important to know more exactly what missiles those terms referred to.

The senior State Department official said that this was the type of question that would be clarified once hearings on the agreements began. It is anticipated that both the Senate Foreign Relations and Armed Services Committees will conduct the hearings.

Senator Jackson, who heads the Armed Services subcommittee on the strategic arms limitation talks, has not flatly opposed the accords but has made evident in several statements his disquiet about them.

He said this morning that as the result of the accords "we don't even have parity" with the Soviet Union. He cited the numerical lead—1,618 to 1,054—Moscow will have in land-based missiles, and noted that 313 of those missiles known as SS-9's "have more destructive power by many times than all of our land-based and sea-based missiles."

The Senator also said that the accords would not lead to any savings in money because of continuing and new programs being pushed to modernize current systems. "I think it's outrageous that we convey the impression we're going to stop the arms race," he said.

Mr. Kissinger said in Moscow that the five-year accord would slow down the Soviet building program and provided the hope that a more permanent agreement could be negotiated in that period.

[From the Washington Post, June 1, 1972]

Hill To Get Secret Details of Arms Pact

The administration acknowledged yesterday that it plans to keep some aspects of the U.S.-Soviet strategic arms limitation (SALT) agreements secret until the documents are presented to Congress.

The still secret material is contained in detail "interpretive" statements and appendices to the formal treaty on antiballistic missile (ABM) limitations and the interim five-year executive agreement limiting offensive missile deployment.

"All interpretive statements agreed to in conjunction with the SALT agreement will be forwarded to the Congress when the SALT treaty and the agreement are forwarded to Congress for its consideration in the very near future," said State Department spokesman John King.

Other government sources said U.S. and Russian officials had agreed to hold up release of the appendices until the documents are presented to Congress, perhaps early next week.

These appendices, sources said, cover "nuts and bolts" specifics not included in the text of the agreements signed Friday at the Moscow summit conference.

U.S. officials unanimously denied that any portions of either agreement would be kept permanently secret. Noting that Sen. Henry M. Jackson (D–Wash.) said that President Nixon might have made "quite extensive" secret arms deals with the Russians, one official said. "There were no secret agreements."

Sources said they did not know the extent of the still unreleased appendices or why they were not being immediately released. But on some occasions in the past, some material on treaties has been withheld until the documents were presented to Congress to give added impact to the presentation.

The President's unusual plan to address a joint session of Congress immediately after his return here was seen as an effort to undercut congressional opposition to the Soviet-American arms control agreements.

His speech will begin only a half-hour after his arrival at Andrews Air Force Base from Warsaw. Mr. Nixon will fly by helicopter directly to the capitol grounds.

The President advanced his scheduled arrival time in Washington by one hour to make the address in prime television time.

Mr. Nixon apparently needs Congressional endorsement not only for the antiballistic missile (ABM) treaty he negotiated with Soviet leaders but for the five-year "executive agreement" limiting offensive land- and submarine-based missiles.

The ABM treaty limiting each country to 200 defensive missiles at two locations requires ratification by two-thirds of the Senate.

The interim executive agreement limiting ICBMs to those already existing or under construction would require a majority vote in both houses, under a provision of the 1961 Arms Control and Disarmament Act, which requires affirmative legislative approval of any agreement to limit U.S. armaments.

Mr. JACKSON. Mr. President, my plea to the administration is this: Let us get all the facts out on the table as soon as possible. The people in the press corps have been calling me and have been saying: "You must be wrong about these numbers." Then I have to explain what the numbers are. This is a job that the White House should have undertaken. Does not the majority leader agree with that? Is it not important that the facts be made known to the American people and this unfortunate confusion ended.

Mr. MANSFIELD. Of course, it is important. But I would at least wait for the President to return to this country, to give him a chance, through the White House, through his departments, to send the pertinent information to Congress, and give as much of it as possible to the American people through that channel.

I would hope that we would at least try to keep an open mind. Although, as of now, I can see no justification for an ABM system ringing the Nation's Capital, I am going to try to keep an open mind until all the facts are before me, and then I will arrive at a judgment.

Mr. JACKSON. I am trying to keep an open mind, too. I made that clear in my statement. But does not the Senator think that Senators should not prejudge this situation until they get the facts as to what was really agreed upon? Would it not have been helpful for the administration to have stated simply, when the treaty and protocol and agreement were published in Moscow, that other understandings, interpretations or agreements were to be published later? Would not the Senator agree on that?

Mr. MANSFIELD. No; I would disagree, even though the distinguished Senator has a point. I would wait until the President returned.

Mr. JACKSON. Could they not tell us that other understandings or agreements are outstanding?

Mr. MANSFIELD. I do not know that other agreements are outstanding. I have read in the newspapers something about secret agreements. I know of none. I have heard of none.

Mr. JACKSON. Understandings.

Mr. MANSFIELD. Understandings. They may be working papers. We have to allow for working papers.

I would hope that we would wait until the chips are in hand and, if we have doubts, then resolve them on the basis of knowledge. So far as I am concerned, I already have come out in favor of the Nixon-Brezhnev agreement, because it is a step toward peace. It may be a risk. But, in my opinion, based on what I know up to this time, it is a risk worth taking.

For example, $200 billion a year is spent on global military expenditures, and the vast annual arms expenditures account for 6.5 percent of the entire world's gross national product. I am reading this from the Washington Post. This is two and one-half times what all governments spend on health, one and a half times their expenditure on education, and 30 times more than the total of all official economic aid given to developing countries. So this is an important factor.

The administration has worked hard and long to achieve this success. I think the President is coming back from Moscow with agreements based on substance; and I think that he, in the name of all our people, should be given the chance to explain what he has achieved, and the appropriate departments as well as the White House should give us access to the pertinent information applicable thereto.

Mr. President, I ask unanimous consent to have printed in the Record the article written by Anthony Goodman, entitled "World's Nuclear Arms Stockpile Equals 15 Tons of TNT Per Capita," published in today's Washington Post.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, June 1, 1972]

World's Nuclear Arms Stockpile Equals 15 Tons of TNT Per Capita

(By Anthony Goodman)

United Nations.—More than 23 million people are serving in the world's armed forces, while the global nuclear stockpile is equal to at least 15 tons of TNT for every man, woman and child on the planet, according to a recently published U.N. report.

Drafted by an international committee of 14 scientists and economists, the survey is titled "Economic and Social Consequences of the Arms Race and of Military Expenditures."

The panel estimated world military expenditures at more than $200 billion a year, or roughly equal to the gross national product of the developing countries of Africa, South Asia and the Far East with a total population of 1.3 billion people.

The vast annual arms expenditure also accounts for about 6.5 per cent of the entire world's gross national product, the committee found.

This is 2½ times what all governments spend on health, 1½ times their expenditure on education, and 30 times more than the total of all official economic aid given to developing countries.

The report, originally presented to the last session of the U.N. General Assembly and now available in booklet form for $1.50, noted that governments spend $25 billion annually on military research, compared with $4 billion on medical research.

In a survey of world military arsenals, the report said the number of intercontinental ballistic missiles (ICBMs) increased from virtually none at the start of the 1960s to 2,150 by the end of the decade. This included some 55 nuclear-missile submarines armed with 800 missiles capable of delivering about 1,800 warheads.

Another striking statistic is the increase in the world's stock of supersonic fighters from an estimated 6,000 at the start of the last decade to double that number by the end of the 1960s.

Soaring stockpiles have been accompanied by even more sharply rising costs, with a modern fighter plane costing 10 times the aircraft of 10 years ago which it replaced. A sophisticated modern interceptor plane could cost more than $10 million, compared with only $150,000 for the corresponding aircraft of World War II.

While chemical and bacteriological weapons, by contrast, account for only an insignificant proportion of total arms expenditures, "the ominous shadow they cast over the world is totally disproportionate to their cost," the report noted.

The panel found that six countries, out of about 120 with any significant military expenditure, accounted for four-fifths of world arms expenditure during the 1960's. They are the United States, the Soviet Union, France, Britain, China and West Germany.

Developing countries, with nearly half the world's population, account for only some 6 per cent of military spending. But during the past decade the rate of growth of their military expenditures increased more sharply than the world average.

Against a world rise of about 3 to 4 per cent a year, military spending in the developing countries has been increasing at the rate of some seven per cent annually, the report said.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HART, from the Committee on Commerce, with amendments:

H.R. 7068. An act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of

Pennsylvania, and for other purposes (Rept. No. 92–824).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 3442. A bill to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance and for other purposes (Rept. No. 92–825).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 3384. A bill to amend the Water Resources Planning Act to authorize increased appropriations (Rept. No. 92–826).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. WILLIAMS:

S. 3659. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date. Referred to the Committee on Labor and Public Welfare.

By Mr. METCALF:

S. 3660. A bill to authorize the Administrator of the Environmental Protection Agency to engage in a feasibility investigation for the Montana-Wyoming aqueducts unit, Pick-Sloan Missouri River Basin project. Referred to the Committee on Interior and Insular Affairs.

By Mr. MILLER (for himself, Mr. Talmadge, Mr. Allen, Mr. Griffin, Mr. Percy, and Mr. Chiles):

S. 3661. A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966. Referred to the Committee on Agriculture and Forestry.

By Mr. ALLEN (for himself and Mr. Sparkman):

S. 3662. A bill to provide for the establishment of the Tuskegee Institute National Historical Park, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. TAFT (for himself, Mr. Beall, and Mr. Stafford):

S. 3663. A bill to improve the quality of child development programs by attracting and training personnel for those programs. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WILLIAMS:

S. 3659. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date. Referred to the Committee on Labor and Public Welfare.

Mr. WILLIAMS. Mr. President, multiple sclerosis, known as the "great crippler of young adults," is a disease afflicting both males and females. It is characterized by patchy and scattered areas of degeneration within the brain and spinal cord and by loss of motor and sensory functions corresponding to those areas of the nervous system damaged by the disease process.

In the vast majority of cases, multiple sclerosis makes its first appearance in the very prime of human life between the 20th and 40th year. Although there are many variants of the disease process, most patients with multiple sclerosis suffer intermittent attacks of motor and sensory disturbances interspersed with periods of partial or apparently complete recovery. Sooner or later, however, the repeated attacks usually leave their mark in the form of permanent defects in such functions as vision, speech, balance, and bodily movement, with many of the patients becoming completely incapacitated with the passing of time. The cause of multiple sclerosis is unknown and there is neither a preventive nor a cure for the disease.

The life expectancy of a patient with multiple sclerosis is approximately 85 percent of that of the population at large. And, since it has been estimated that some 250,000 persons are afflicted with this disease in the United States alone, it is apparent that these persons have or will experience some 7,400,000 man-years of partial or total disability.

If it is assumed that, on the average, each of these M.S. victims could have earned $5,000 per year had he not been afflicted, this disease alone accounts for a loss in earnings amounting to $1.250 million each year. Not only is the loss of earning power in itself of substantial proportions, there is also the need to expend at least an equal sum for their nursing and medical care.

And the tragedy is not one which is limited to the individuals afflicted with M.S. There may be, on the average, as many as eight persons within the family circle of the patient who contribute to his care—either through defraying the cost or through providing all or part of his requisite care or, in the case of dependents, through being deprived of adequate housing, education, social interplay, and so forth. Thus, it is apparent that some 2 million persons in the United States suffer indirectly from this catastrophic disease.

From a more personal standpoint, we must never forget that multiple sclerosis affects the most dynamic and productive segment of our society, that is, the young adult, the parent, the developing business leader, the young scientist, and so forth.

Thus it is apparent that multiple sclerosis is a serious drain on the development of the future leadership of the Nation. The Census Bureau has estimated that persons in the 20 to 40 age group—the age of greatest incidence of multiple sclerosis—will increase by 40 percent within the next 10 years. It must be assumed, therefore, that the number of cases of multiple sclerosis will increase by no less than this amount.

Of all the major neurological diseases, there is none with more promising leads for meaningful research than multiple sclerosis. The incidence of the disease is lowest near the equator and is highest in those populations residing at or above 40 degrees longitude north and south. Furthermore, multiple sclerosis is characterized, at least during an exacerbation of the disease process, by an immune response of substantial proportions—a response which can be detected in the cerebrospinal fluid, in the brain and spinal cord, and in the blood. There can be little doubt that this response indicates the presence of some unknown agent—either from within or from outside the body—and that the identification of this agent might form the basis for the development of an effective preventive or cure.

Despite the existence of these and other promising clues, too few of our more imaginative and creative scientists have directed their energies to developing through research a practical means for control of this disease. While this unfortunate situation is due in part at least to the relative paucity of the available funds to support research on multiple sclerosis—as compared with those amounts available to support research on other diseases—it may be due in much larger part to a complacent scientific and lay public who are not aware of the magnitude of the problem nor of the possibilities for meaningful research.

Toward this end, the National Multiple Sclerosis Society is reevaluating its program of research. This assessment is being conducted by its Research Evaluation and Planning Committee under the chairmanship of the eminent professor of neurology of the Washington University School of Medicine in St. Louis—Dr. James L. O'Leary. However, it has become evident that the goal of finding a cure could be accomplished more quickly and effectively through a bold national initiative undertaken through the resources of the Federal Government.

It is for this reason that I am today introducing legislation for the creation of a National Commission on Multiple Sclerosis. This Commission would be composed of 11 members, appointed by the President, and who have demonstrated interest and expertise in achieving means for preventing and arresting the further spread of multiple sclerosis. The Commission will be charged with making a thorough evaluation of current research activities in the field of multiple sclerosis and related neurological diseases and will be responsible for developing a plan for the conquest of this disease in the shortest possible time. The Commission will also be empowered to make recommendations with respect to the need for new legislative approaches to the problem or for the revision of existing legislation.

The establishment of such a Commission would, in my judgment, stimulate the interest of both the scientific and lay communities—leading to more creative and imaginative scientific efforts in this regard.

In addition, this effort should give greater impetus to a better coordination of private and governmental research activities and will help to better clarify the role of the National Institutes of Health in regard to their multiple sclerosis research initiatives. This latter point is particularly important since there are estimated to be in the United States alone, some 250,000 other cases of neurological disease which appear to be related to multiple sclerosis in one or another important aspect. It should be borne in mind that in developing a practical answer to multiple sclerosis, it is almost certain that a corollary benefit of substantial proportions will accrue to an understanding of these other diseases as well.

Mr. President, we have seen what great strides medical science has been able to make over the years in reducing the incidence of many of mankind's crippling diseases. The Congress has had a major impact on these successes by showing its concern for speedier progress and by substantially funding creative approaches to new medical research. Most recently, we have encouraged further advances in the area of heart and cancer research. Multiple sclerosis deserves our equal attention and the bill I offer today will be an important first step in the same direction.

By Mr. MILLER (for himself, Mr. TALMADGE, Mr. ALLEN, Mr. GRIFFIN, Mr. PERCY, and Mr. CHILES):

S. 3661. A bill to amend the National School Lunch Act and the Child Nutrition Act of 1966. Referred to the Committee on Agriculture and Forestry.

Mr. MILLER. Mr. President, I am pleased to introduce for myself, Senator TALMADGE, the distinguished chairman of the Senate Committee on Agriculture and Forestry, and Senators GRIFFIN, ALLEN, PERCY, and CHILES the administration's bill to amend existing child nutrition legislation. This is consistent with my longstanding policy of supporting constructive legislation and programs in the area of child nutrition on a bipartisan basis.

In the past 4 years, substantial progress has been made in school food service. The number of needy children reached with a school lunch has increased from about 3 million to 8.4 million. Over 1 million children are receiving school breakfasts, and the President has asked for additional funds for a further substantial expansion in school breakfasts in fiscal 1973.

Over $80 million in equipment assistance has been made available in the past 4 years. And funding for this summer's special feeding program will be 2½ times that of last year.

In spite of this impressive record, more can and should be done. I am convinced that the proposals of the administration are needed and embody a substantial number of operating principles that will accelerate progress and promote efficiency in school food services.

The administration's proposals build upon the experience of both the Department of Agriculture and State educational agencies. They will provide the Congress with a sounder base upon which to make annual appropriations in support of school food services.

One of the principal changes that would be made under the bill I am sponsoring would be to place Federal funding of the school lunch and breakfast programs on a performance basis. The statistical apportionment method of distributing funds to States—which is now authorized for both the lunch and breakfast programs—has resulted in increasing inequities among the States. The new performance method of funding will guarantee States an average payment for each lunch or breakfast served. Thus, those States needing to reach more schools and more children will not have to lower rates of Federal assistance to already participating schools and children.

Last November, Congress took a partial step in this direction by enacting Public Law 92-153. The bill I am sponsoring, in effect, incorporates that performance funding principle into the permanent legislation for basic—section 4—school lunch assistance, special—section 11—school lunch assistance, and for the school breakfast program. For section 4 assistance, the bill would guarantee a minimum average rate of reimbursement of 6 cents per lunch.

I have been informed that in previous years, Iowa and many other States would start out the year paying 4 cents reimbursement per lunch, but, typically, the funds would be exhausted before the end of the school year. The State would then have to notify the schools that there would be no reimbursement after April 14, May 1 or whatever, thus causing severe budget problems. The 6 cents guaranteed minimum average reimbursement rate for the current fiscal year—which was included in Public Law 92-153 at my urging—helped alleviate this problem, but the bill I am introducing will take care of the problem once and for all.

The bill also contains new minimum and maximum family income eligibility standards for free and reduced price school meals for economically needy children. Each year, the Federal poverty index will be the minimum standard for free meals—it is now the minimum standard for free or reduced price lunches. For the fiscal year 1973, the poverty index for a family of four is $4,110. State and local eligibility standards for free meals may be set up to 15 percent above the minimum standard—up to $4,726 for a family of four in 1973. And schools will be able to offer reduced price lunches—which by law cannot exceed a 20 cent price—to children from families with incomes up to $5,343 in 1973.

The bill proposes to double the existing appropriation authorization for nonfood—equipment—assistance for each of the 3 fiscal years 1973, 1974, and 1975. During that 3-year period, half the funds appropriated by the Congress would be reserved for the exclusive use of needy schools now without a food service. We need to place increased emphasis on bringing food services to these schools. This 3-year reserve of equipment funds—and the proposed performance funding concept—will help make that increase in emphasis possible.

Other provisions of the bill will simplify and revise State matching requirements; authorize both an advance and reimbursement system of disbursements to participating schools; simplify the basis of providing administrative expenses to cooperating State agencies; enlarge membership on the National Advisory Council on Child Nutrition; and extend the lunch and breakfast programs to the Trust Territory of the Pacific Islands.

I urge my colleagues in the Senate to review these legislative proposals. They will provide a sounder legislative base on which to manage the child feeding job so that our children benefit from the food abundance our farmers supply to this country.

I hope that it will be possible to take early action on these proposals so that they can become effective for the 1972-73 school year.

I ask unanimous consent that a short summary of the bill, a section-by-section analysis, and the text of the bill be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE PROVISIONS OF THE PROPOSED CHILD NUTRITION LEGISLATION

FEDERAL SCHOOL LUNCH AND SCHOOL BREAKFAST FUNDING

1. The outdated method of distributing a fixed amount of lunch and school breakfast funds to States each fiscal year, by apportionment formula would be replaced by a performance method of funding. It would provide States a predictable basis on which to develop and expand these two programs.

2. Under the performance method, States would be guaranteed an average payment for each lunch or breakfast served during any fiscal year, with additional special payments for lunches or breakfasts served free or at a reduced price.

3. The level of the guaranteed average per-meal payment to States would be determined under the annual appropriation process, but the level of the payment under section 4 could not be less than an average of 6c per lunch.

4. No State would receive less in section 4 lunch funds, or section 11 lunch funds, or school breakfast funds, than it received in the fiscal year 1972.

THE SCHOOL BREAKFAST PROGRAM

1. The breakfast authority would be made permanent, paralleling the permanent authority for the lunch programs.

2. The program would be open to all schools. State educational agencies would be directed to give any technical or supervisory assistance needed to help start a program in schools with a special need for a breakfast program.

ELIGIBILITY STANDARDS FOR FREE AND REDUCED PRICE MEALS

1. Systematic guidelines would be established under which States and schools would establish eligibility standards for free and reduced price lunches.

2. A minimum-maximum income range, by family size, would be established, annually, within which States and schools could establish their standards.

3. Each year, the minimum Federal standard for a free lunch would be the poverty level; the maximum would be 15 percent above the poverty level. The standard for reduced price lunches in a school could be up to 30 percent above the poverty level.

4. Standards for school lunches and breakfasts would be identical.

NONFOOD (EQUIPMENT) ASSISTANCE FOR NEEDY SCHOOLS

1. The annual appropriation authority would be increased to $20 million for each of the fiscal years 1973-75; thereafter, the annual authorization would be $10 million.

2. To increase emphasis on bringing lunch and breakfast programs to needy schools without a food service, 50 percent of the funds made available in 1973-75 would be reserved for the exclusive use of such schools. The Secretary of Agriculture would be authorized to waive the State or local matching requirement for that portion of these reserved funds used to buy equipment for schools in circumstances of severe need.

SCHOOL LUNCH MATCHING FUNDS

1. Matching requirements would be simplified. The 3 to 1 matching requirement for section 4 funds from sources within the States (which includes children's payments), would be eliminated.

2. Matching from State tax revenues would be a percentage of the State's share of section 4 and 11 school lunch funds and school breakfast funds, beginning at 2½ percent in fiscal 1973 and increasing to 7½ percent by

fiscal 1977. States with per capita incomes below the U.S. average would have a proportionate reduction in matching.

3. State legislatures are given more lead time to plan to meet the matching from State tax revenues by relating matching to the previous year's expenditures.

ADVANCE PAYMENTS TO SCHOOLS

States would have permissive authority to disburse school lunch and school breakfast funds to schools on an advance or a reimbursement basis. Only a reimbursement basis is now authorized for school lunch. This authority for advance payments is already authorized for the school breakfast program.

STATE ADMINISTRATIVE EXPENSES

The basis for making Federal funds available for State administrative expenses would be simplified.

EXTENSION OF PROGRAMS TO THE TRUST TERRITORIES OF THE PACIFIC ISLANDS

The school lunch, school breakfast, and nonfood assistance programs would be extended to the Trust Territory of the Pacific Islands. The Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa already are eligible.

NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

Membership in the Council would be increased by five members. Two of the new members would be concerned with school feeding at the local level—one from a rural school and one from an urban school; one would be the parent of a school-age child; and two would be students, one of whom was eligible for a free or reduced price lunch.

SECTION-BY-SECTION ANALYSIS

SECTION 1

This section of the bill amends section 3 of the National School Lunch Act.

The change proposed by the bill would merge the separate appropriation authority for special assistance (now set forth in section 11 of the Act) with the appropriation authority for food assistance (now set forth in section 3 of the Act).

Other sections of the bill propose that Federal funding of both the section 4 and section 11 phases of the school lunch program be changed to a "performance" basis, i.e., that State would be guaranteed a specified average payment under section 4 for each lunch served and an additional average payment under section 11 for each free and each reduced price lunch served. A merging of the appropriation authorities for food assistance and for special assistance would add flexibility to the Federal funding structure without affecting the specified level of assistance to be guaranteed under each phase of the program.

It is intended that the annual appropriation request under the merged authority would indicate the estimated portion of the appropriation to be expended under each phase of the program, based upon the levels of the guaranteed payment and the projected number of total lunches and free and reduced price lunches to be served. The actual portion expended under each phase, however, would depend upon the actual number of total lunches and of free and reduced price lunches served.

SECTION 2

This section of the bill amends section 4 of the National School Lunch Act which currently specifies how available food assistance funds will be apportioned to the States. Section 4, as amended by the bill, would contain the special provisions of the Act concerned with the section 4 phase of the program: (1) the method of distributing funds to States; and (2) the purpose for which the funds are to be expended (moved from section 8 of the Act). Under the bill, the use of section 4 funds would not be limited to the cost of obtaining food. Such payments would be a general contribution to the schools' cost of operating a school lunch program. The method of distributing section 4 funds to States would be changed from an "apportionment" basis to a "performance" basis.

Under the present Act, an annual appropriation is authorized for section 4 purposes, to be apportioned to the States on the basis of a formula which takes into account the relative number of lunches served in each State in a prior period (two years prior to the year in which the funds are apportioned) and the relative need of the State as measured by its per-capita income. Each State then establishes per-meal rates of section 4 assistance to schools within the State, based on its apportioned share of the available funds for the fiscal year and the projected number of lunches to be served in that year.

The use of a "relative need" factor in the distribution of section 4 funds was of most relevance prior to the time additional special assistance funds were provided to help finance free and reduced price lunches in all schools under the P.L. 91-248 amendments to the Act. Additionally, the use of past participation data in the formula, in effect, penalizes those States most in need of reaching additional schools. As a result, interstate differences in the per-lunch rates of section 4 assistance have become more a function of the apportionment formula than of a sound Federal financing structure. P.L. 92-153 was designed to partly alleviate this problem by overlaying the statutory apportionment formula with authority for the distribution of additional food assistance funds on a performance basis—assuring all States a minimum average payment of 6 cents per lunch in food assistance in the fiscal year 1972.

This bill proposes to permanently amend the National School Lunch Act by replacing the "apportionment-formula" method of distributing the funds with a "performance" method. Under it, each State would be guaranteed a prescribed average section 4 payment for each lunch served to children.

The bill would require the Secretary of Agriculture to prescribe and announce the level of the guaranteed average per-lunch payment (called National average basic payment in the bill) for each fiscal year. The bill provides that this payment shall not be less than 6¢ per lunch. In submitting fiscal year budget requests, it is contemplated that the Secretary would inform the Appropriation Committees of the level of the guaranteed average payment upon which the budget request was based and that the Appropriations Committees would review the appropriateness of the proposed level in reporting out the Department's annual appropriation act for consideration by the Congress.

In no event would the annual amount of section 4 funds made available to a State be less than the amount of section 4 funds it received in the 1972 fiscal year.

Within the funds made available under the guaranteed average basic payment, each State educational agency would retain its present authority to adjust per-lunch rates of section 4 assistance for individual schools, within a maximum rate established by the Secretary for all States. A number of State educational agencies, for example, point out that it is desirable to provide higher rates of section 4 assistance to secondary schools because, on the average, teen-age children should be served lunches containing larger portions than those contained in the lunches served to younger elementary-age children.

SECTION 3

This section amends section 5 of the National School Lunch Act which now authorizes a program of nonfood (equipment) assistance for schools.

The program authorized by section 5 has not been funded since 1947. However, the Child Nutrition Act of 1966 does authorize an equipment assistance program and this bill proposes changes in that authority to increase its effectiveness. This bill, therefore, would eliminate an authority that has been inoperative and is no longer needed.

Section 5 of the Act, as amended by this bill, would bring together existing provisions of the Act concerning agreements between USDA and State educational agencies and methods of paying Federal funds to States—provisions that now appear in portions of sections 7 and 11 of the Act. In moving these provisions to section 5 of the Act, no substantive changes are proposed. However, in making payments of section 4 and section 11 funds to States, the Department of Agriculture would need to take into account that a section 8 of the Act, as amended by this bill, would authorize States to disburse funds to schools on either an advance or reimbursable basis.

SECTION 4

This section of the bill amends section 6 of the National School Lunch Act which is concerned with certain direct Federal expenditures under the program.

It was necessary to make technical changes in the language of section 6 in view of other provisions of the bill which place sections 4 and 11 funding on a performance basis. It is intended that the Secretary would request a single appropriation to cover the specified direct expenses but the request would indicate the estimated use of the requested sums for (1) Federal administrative expenses; (2) for nutritional training and surveys; and (3) for direct food procurement.

SECTION 5

This section of the bill amends section 7 of the National School Lunch Act which now principally deals with the matching of Federal school lunch funds by funds from sources within the State. Since 1956 each dollar of Federal section 4 assistance funds was required to be matched by $3 of funds from sources within the State (including payments made by children for fully paid or reduced price lunches). P.L. 91-248, effective for fiscal year 1972, required that State revenues constitute a certain percentage of the matching funds. The 3 to 1 matching requirement has been eliminated and the matching out of State revenues has been applied as a percentage of payments to States under sections 4 and 11 of the School Lunch Act and section 4 of the Child Nutrition Act of 1966. The changes proposed are designed to clarify certain areas of the matching requirement that are unclear, or have proved to be unworkable under present law, and to alleviate developing problems with the requirement for State revenue matching when State educational agencies administer the school-lunch program in nonprofit private schools.

Under the bill, States would place in jeopardy full payments made to them under sections 4 and 11 of the School Lunch Act and section 4 of the Child Nutrition Act if they failed to meet the matching requirement. If, for example, a State was determined by the Secretary to have met only 90 percent of its required matching from State revenue, the State would be required to repay 10 percent of all the school lunch and breakfast funds paid to it for that fiscal year.

Since under the bill all matching would be met out of State revenues there would be legal barriers to including payments out of Federal funds to nonprofit private schools in determining the State's matching requirement. The matching requirement, therefore, only applies to public schools. To complete the restructuring of the matching requirements, the special matching provisions in the last sentence of section 9 of the Act—which now apply only to nonprofit private schools in which the program is directly administered by the Department of Agriculture—would be eliminated.

The bill also recognizes that the proposed performance basis for funding the program would mean that State Legislatures could not know, at the beginning of the fiscal year, how much State revenue would need to be appropriated each year to meet the matching requirement. To alleviate this problem, the bill provides that the amount of State revenue matching would be calculated upon the previous year's use of Federal funds under sections 4 and 11 of the School Lunch Act and section 4 of the Child Nutrition Act.

The proposed bill also changes the language of the present Act concerning the guidelines to be used by States in expending the State matching revenues. The present language of the Act is designed to provide that each participating school should receive the same proportionate share of such State funds as it receives of the Federal funds made available to the State under the food and special assistance phases of the lunch program, the breakfast program, and the program of nonfood assistance. Operating experience since the passage of P.L. 91-248 has indicated that this is a wholly impractical requirement. A State cannot really insure such a use of State revenues unless it withholds their distribution until after the end of the fiscal year. More importantly, this requirement could render questionable such desirable uses of State revenues as the provision of funds to local school systems to permit such systems to hire supervisory personnel or the reserving of some State revenues for the exclusive use of needy schools.

SECTION 6

This section amends section 8 of the National School Lunch Act which now provides for agreements between State educational agencies and schools to which section 4 funds are to be disbursed.

The bill provides that the agreements would cover the disbursement of both section 4 and section 11 funds and would authorize State educational agencies to disburse such funds to schools on either an advance or reimbursement basis. Currently, the Act authorizes only the reimbursement basis and this is an especial hardship on the school serving a very high percentage of free and reduced price lunches. The bill contemplates that the Federal regulations issued by the Secretary would prescribe the general procedures under which State agencies could make the newly authorized advance disbursements. It is intended that such advances would be reasonably related to the expected payments to be earned by the schools for the number of lunches that would be served; that within each fiscal year the amounts advanced would be periodically adjusted, based upon monthly claims submitted by schools for the actual number of lunches being served; and that the advance-and-settlement cycle would be completed within each fiscal year for which advance payments are made to a school.

Under this bill, the provisions now set forth in section 8 of the Act, which deal with the type of assistance authorized under section 4 of the Act, would be moved to section 4.

SECTION 7

This section of the bill amends section 9 of the National School Lunch Act.

Section 9 of the Act now: (a) Prescribes the nutritional standards to be established under the program; (b) sets forth provisions with respect to the service of free and reduced price lunches; and (c) outlines other program requirements concerning nonprofit operations, utilization of Federally donated foods, etc. The bill reorganizes the numerous provisions of the section into three subsections. The new subsection 9(a) deals with the nutritional standards and its provisions have not been changed. The new subsection 9(b) deals with the service of free and reduced price lunches and the bill makes substantive changes in these provisions. The new subsection (c) deals with a number of miscellaneous program requirements.

Under the changes in section 9 proposed by this bill, the Secretary of Agriculture would continue to prescribe an income poverty guideline and it is intended that such a guideline generally conform with the Poverty Index published by the Bureau of the Census. The Secretary's poverty guideline would be the minimum Federal mandatory eligibility standard for a free lunch. Currently, such guideline is the minimum mandatory standard for a free or a reduced price lunch.

The bill also establishes guidelines under which States may elect to establish income eligibility standards for free lunches and reduced price lunches at levels higher than the mandatory minimum Federal standard.

Each State educational agency would prescribe the income guidelines, by family size, to be used by schools within the State in determining those children eligible for a free lunch. It is intended that a State could establish a single set of family-size income guidelines for use by every school within the State or the State could establish a range of family-size income guidelines within which each school could elect the specific income guidelines it would use. By family size, the income guidelines established by the State educational agency for free lunches could not be more than 15 percent above the Secretary's income poverty guideline.

Under the bill, schools could elect to also offer lunches at a reduced price to children from families with incomes above those that would qualify for free lunches. If the school elects to serve reduced price lunches, the income guidelines for eligibility, by family size, shall be no more than 30 percent above the Secretary's income poverty guideline. The price of such a reduced price lunch could not exceed 20 cents, the limitation now set forth in the Act.

Currently, schools are mandated to consider a third factor in their eligibility standards, i.e., the number of children in the family attending school or service institutions. State officials have almost uniformly reported that the complexity of a three-factor eligibility standard makes it difficult both to explain the required standard to local school officials and to insure that families fully understand their children's eligibility. The use of a two-factor formula—income and family size—is deemed to be equally effective in reaching needy children.

The bill would require the Secretary of Agriculture to announce each year's income poverty guideline no later than May 15 of the preceding fiscal year in order to provide States with a desirable leadtime in which to prescribe their income guidelines for free and reduced price lunches and to inform schools of any changes in the guidelines. Once announced, the poverty guideline could not be reduced by the Secretary for the fiscal year for which it is effective.

SECTION 8

This section amends section 10 of the National School Lunch Act which deals with the direct Department of Agriculture administration of the school lunch program in nonprofit private schools when State law prohibits the State educational agency from assuming responsibility for the program in such schools.

The changes made in this section of the bill are those required to place the funding of both the section 4 and section 11 phases of the program on a performance basis for those nonprofit private schools for which the Department of Agriculture has direct responsibility.

SECTION 9

This section amends section 11 of the National School Lunch Act which deals with the special assistance phase of the program.

The section 11 special assistance phase of the program would be placed on a performance basis for Federal funding paralleling the method proposed for section 4 funds under the bill. Each State would be guaranteed an average payment for each free lunch served in a fiscal year and for each reduced price lunch served. As in the case of section 4 funds, the bill contemplates that the level of the guaranteed average payments (called National average free lunch payment and National average reduced price lunch payment in the bill) would be determined under the annual appropriation process.

Although the total amount of the special assistance to be paid to a State in a fiscal year would be determined by the use of two National average payments (one for free lunches and one for reduced price lunches), it is not the intent of the bill that the State agency would be required to use the funds earned under the free-lunch average payment for free lunches and those earned under the reduced price lunch average payment for reduced price lunches. The State agency would have the authority to use the funds earned by the State under section 11(a) of the Act to vary rates of special assistance for free and reduced price lunches for the schools within the States as it deems will best accomplish program purposes, within national maximum per-lunch rates of special assistance payments established by the Secretary for all States.

Because of the revisions made by the bill in other sections of the Act (sections 5, 7, 8, and 10), subsections (c) through (g) of the present section 11 are no longer needed. The present subsection 11(h) would be redesignated as subsection 11(c).

SECTION 10

This section amends subsection (d) of section 12 of the National School Lunch Act which deals with the definition of terms used in the Act.

The definition of "State" is amended to extend the school-lunch program to the Trust Territory of the Pacific Islands which currently is eligible only for the Special Food Services Program for Children, and section 32 and section 416 food donations. The definitions of "nonfood assistance," "participation rate," and "assistance need rate" are eliminated because they are no longer used in the Act as it would be amended by this bill.

SECTION 11

This section of the bill amends section 14 of the National School Lunch Act which establishes a National Advisory Council on Child Nutrition.

The bill would enlarge the membership of the Council by five persons. Two of the new members would represent those who are concerned with program operations and supervision at the local level—one from a rural school system and one from an urban school system. One of the new members would be the parent of a school-age child, who is intended to reflect the views and experiences of parents who take an active part in local organizations concerned with elementary and secondary school programs, especially school food service programs. The fourth and fifth new members would be students, one of whom would be eligible for a free or reduced price lunch.

SECTION 12

This section of the bill revises section 4 of the Child Nutrition Act which authorizes the operation of a school breakfast program.

Under the bill, the breakfast program authority would be permanent.

The principal change in the program proposed by this bill is to authorize a "performance" method of funding—paralleling that proposed in the bill for the school-lunch program. However, Federal funding of the breakfast program would be carried out under one account rather than the two accounts (section 4 and section 11) proposed for the lunch program. The funds made available to schools would be for the general support of the program.

Each State would be guaranteed an average payment for each breakfast served by participating schools (called the National average breakfast payment in the bill). Average payments would also be guaranteed for each breakfast served free or at a reduced price (called the average free breakfast payment and the average reduced price breakfast payment in the bill). As is the case for section 4 and section 11 school lunch assistance, the level of these guaranteed payments would be determined during the annual appropriation process. Within maximum Federal per-breakfast rates for basic free and reduced price assistance, the States would retain authority to vary rates of assistance between individual schools.

Under the provisions of section 4(e) of the Act, as amended by this bill, schools would be required to use the same eligibility standards for free and reduced price lunches and breakfasts and observe the same conditions concerning the public announcement of such standards and the use of a "statement-type" application.

SECTION 13

This section amends section 5 of the Child Nutrition Act of 1966 which authorizes a program of nonfood (equipment) assistance for needy schools with no, or grossly inadequate, equipment.

The bill would increase the authorized annual appropriation to a maximum of $20 million for each of the fiscal years 1973, 1974, and 1975, and would authorize a maximum of $10 million for each fiscal year thereafter. Currently, $15 million is the maximum authorization for the fiscal year 1973, and thereafter the annual maximum is $10 million.

The increase in the level of the authorized annual appropriation would be accompanied by a new provision that would reserve 50 percent of the sums annually appropriated for the exclusive use of needy schools without a food service during the three fiscal years 1973–75. It is not the intent, in establishing this reserve, to include as a school without a food service a newly constructed school which is replacing a school (or schools) which was serving food.

The 50 percent of funds so reserved in the three fiscal years will be apportioned among the States on the basis of the enrollment in schools without a food service in the various States. If a State cannot use its share of the funds reserved for no-program schools, it will release the unneeded amounts for reapportionment to other States which can use additional funds for such schools. If there are unexpended funds out of this reserve at the end of a fiscal year, it is the intent that such unexpended funds be similarly reserved for use by no-program schools when carried over into a succeeding fiscal year under the authority of section 3 of this Act.

Thus, there would be an increased emphasis on using nonfood assistance funds to bring needy no-program schools into the lunch or breakfast program in the next three fiscal years. Thereafter, the level of the maximum annual appropriation would be decreased and the appropriations would be apportioned on the basis of the relative number of lunches and breakfasts served in the various States.

The bill continues the provision that funds from sources within the State shall finance 25 percent of the cost of the equipment acquired under this program. A change in the wording of this provision has been made to make it abundantly clear that this 25 percent provision is to be applied on a statewide basis—not school-by-school. This clarification gives States flexibility in obtaining the required State or local contribution, making it possible for the State agency to pay 100 percent of the acquisition costs when, in the opinion of the State agency, such a payment should be made. In addition, the Secretary is authorized to waive the matching requirement for any portion of the funds made available for the exclusive use of no-program schools in circumstances of unusual need.

SECTION 14

Section 14 of the bill amends section 7 of the Child Nutrition Act of 1966 which deals with Federal funds for State administrative expenses.

When the Act was passed, the program of section 11 school lunch assistance was confined to selected needy schools and the new child feeding programs—breakfast, nonfood, and the nonschool program (section 13 of the National School Lunch Act)—were limited programs, largely pilot in nature. This bill, therefore, makes language changes to reflect the need to generally strengthen State supervision and technical assistance to schools and institutions participating in all child nutrition programs.

In providing Federal funds to States it is the intent that the Secretary of Agriculture utilize such funds in a manner he deems will best increase and strengthen such State supervisory activities and provide an incentive to States to accept intrastate administration of all child nutrition programs in all eligible schools and institutions.

SECTION 15

This section of the bill amends section 10 of the Child Nutrition Act of 1966 which, among other things, authorizes State educational agencies to use up to one percent of their apportionments of program funds for developmental projects.

With the elimination of the "apportionment-formula" method of distributing school lunch and breakfast funds to States, an alternate method was necessary to determine the annual amounts of program funds State educational agencies could be authorized to use for developmental projects. Under the bill, the Secretary could authorize States to fund developmental projects out of the funds made available to them under the guaranteed average payment for school lunches and school breakfasts and the funds apportioned to them for nonfood assistance in an amount which represents one percent of the funds utilized by the States under these authorities in the preceding fiscal year.

SECTION 16

Subsection (a) of this section of the bill is intended to correct a drafting oversight in previous legislation.

Under the provisions of section 11 of the Child Nutrition Act (and section 13 of the National School Lunch Act), the benefits provided to children under the school breakfast program, the nonfood assistance program, and the special food services program are not to be considered to be "income or resources" for purposes of taxation, welfare, and public assistance programs. Inadvertently, this prohibition was not extended to benefits derived from the school lunch program and the bill proposes language changes to make clear that school lunch benefits also are subject to such a prohibition.

Subsection (b) of this section would change the definition of State to extend the child nutrition programs authorized under this Act to the Trust Territory of the Pacific Islands.

S. 3661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the National School Lunch Act is amended by striking out "to carry out the provisions of this Act, other than sections 11 and 13" and inserting "to carry out sections 4 and 11 of this Act."

Sec. 2. Section 4 of the National School Lunch Act is amended to read as follows:

"BASIC LUNCH ASSISTANCE

"Sec. 4. (a) For each fiscal year the Secretary shall make basic lunch assistance payments, at such times as he may determine, from the sums appropriated therefor, to each State educational agency, in a total amount equal to the result obtained by multiplying the number of lunches (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary under subsection 9(a) of this Act) served during such fiscal year to children in schools in such State, which participate in the school lunch program under this Act under agreements with such State educational agency, by a national average basic payment per lunch for such fiscal year determined by the Secretary to be necessary to carry out the purposes of this Act: *Provided,* That, in any fiscal year such national average basic payment shall not be less than six cents per lunch and that the aggregate amount of the basic lunch assistance payments made by the Secretary to each State educational agency for any fiscal year shall not be less than the amount of the payments made by the State agency to participating schools within the State for the fiscal year ending June 30, 1972, to carry out the purposes of this section 4.

"(b) Except for funds transferred and reserved under section 10 of the Child Nutrition Act of 1966, the basic lunch assistance payments received by each State educational agency for each fiscal year under subsection (a) of this section shall be used by the State educational agency to assist schools of the State in financing the cost of operating a school lunch program under this Act, including the cost of obtaining, preparing, and serving food. The amount of the basic lunch assistance payment to any school for any fiscal year shall not exceed an amount determined by multiplying the number of lunches served by the school to children in the school lunch program under this Act during such fiscal year by a maximum per lunch rate of basic lunch assistance prescribed by the Secretary for all States."

Sec. 3. Section 5 of the National School Lunch Act is amended to read as follows:

"PAYMENTS TO STATES

"Sec. 5. The State educational agency of each State desiring to participate in the school lunch program under this Act and to receive payments under sections 4 and 11 of this Act shall enter into an agreement with the Secretary and submit a State plan of child nutrition operations in accordance with section 11 of this Act. The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under the provisions of section 4 and of section 11 of this Act and the time or times such amounts are to be paid. The Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified."

Sec. 4. Section 6 of the National School Lunch Act is amended to read as follows:

Sec. 6. For each fiscal year there is hereby authorized to be appropriated such amounts as may be necessary to cover the direct Federal expenditures under this Act and the Child Nutrition Act of 1966, including

"(1) his administrative expenses under this Act and the Child Nutrition Act of 1966: *Provided,* That the amount so expended by the Secretary each fiscal year shall not exceed 3½ per centum of the aggregate amount of payments made by the Secretary in the preceding fiscal year under sections 4 and 11 of this Act and sections 4 and 5 of the Child Nutrition Act of 1966;

"(2) amounts to supplement the nutritional benefits of the programs carried out under this Act and the Child Nutrition Act of 1966 through grants to States or other public or private agencies, and through other means, for the purpose of providing nutritional training and education for workers, cooperators, and participants in such programs; and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966: *Provided*, That in any fiscal year the amount so expended by the Secretary for such training, education, surveys and studies shall not exceed 1 per centum of the aggregate amount of the payments made by the Secretary in the preceding fiscal year under sections 4 and 11 of this Act and sections 4 and 5 of the Child Nutrition Act of 1966; and

"(3) to purchase agricultural commodities and other foods to be distributed among the States, schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act of 1966 in accordance with the needs as determined by the local school and service institution authorities. The provisions of law contained in the proviso of the Act of June 28, 1937 (50 Stat. 323), facilitating operations with respect to the purchase and disposition of surplus agricultural commodities under section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, shall, to the extent not inconsistent with the provisions of this Act and of the Child Nutrition Act of 1966, also be applicable to expenditures of funds by the Secretary under this Act and the Child Nutrition Act of 1966."

Sec. 5. Section 7 of the National School Lunch Act is amended to read as follows:

"STATE MATCHING

"Sec. 7. For the fiscal years beginning July 1, 1972, and July 1, 1973, payments to any State under sections 4 and 11 of this Act and section 4 of the Child Nutrition Act of 1966 shall be made upon condition that the payments disbursed to public schools of the State shall be matched during such fiscal year by State revenues (other than revenues derived from the program) appropriated or utilized specifically for program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) in an amount at least equal to 2½ per centum of such payments made to such State for the preceding fiscal year; for each of the two succeeding fiscal years, such payments shall be so matched in an amount at least equal to 5 per centum of such payments for the preceding fiscal year; and for each fiscal year thereafter such payments shall be so matched in an amount at least equal to 7½ per centum of such payments for the preceding fiscal year. In the case of any State whose average annual per capita income is below the average annual per capita income of all the States, the matching requirement for any fiscal year shall be decreased by the percentage which such per capita income of the State is below such per capita income of all the States. For purposes of this section, the average annual per capita income for any State and for all the States shall be determined by the Secretary on the basis of the average annual per capita income for each State and for all the States for the three most recent years for which data are available and certified to the Secretary by the Department of Commerce."

Sec. 6. Section 8 of the National School Lunch Act is amended to read as follows:

"Sec. 8. Payments made to any State for any fiscal year under sections 4 and 11 of this Act shall be disbursed by the State educational agency, in accordance with such agreements approved by the Secretary as may be entered into by such State agency and the schools in that State which the State educational agency determines are eligible to participate in the school-lunch program under this Act. Lunch assistance disbursements to schools may be made in advance or by way of reimbursement in accordance with procedures prescribed by the Secretary."

Sec. 7. (a) The first sentence of section 9 of the National School Lunch Act is designated as subsection (a) of that section.

(b) The second through the seventh sentences of section 9 of the National School Lunch Act shall be designated as subsection (b) of that section and are amended to read as follows:

"(b) The Secretary not later than May 15 of each fiscal year shall prescribe an income poverty guideline setting forth income levels by family size for use in the subsequent fiscal year, and such guideline shall not subsequently be reduced to be effective in such subsequent fiscal year. Any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guideline prescribed by the Secretary shall be served a free lunch. Following the announcement by the Secretary of the income poverty guideline for each fiscal year, each State educational agency shall prescribe the income guidelines, by family size, to be used by schools in the State during such fiscal year in making determinations of those children eligible for a free lunch. The income guidelines for free lunches to be prescribed by each State educational agency shall not be less than the applicable family size income levels in the income poverty guideline prescribed by the Secretary and shall not be more than 15 per centum above such family size income levels. Each fiscal year, each State educational agency shall also prescribe income guidelines, by family size, to be used by schools in the State during such fiscal year in making determinations of those children eligible for a lunch at a reduced price, not to exceed 20 cents, if a school elects to serve reduced price lunches. Such income guidelines for reduced price lunches shall be prescribed at not more than 30 per centum above the applicable family size income levels in the income poverty guideline prescribed by the Secretary. Local school authorities shall publicly announce such income guidelines on or about the opening of school each fiscal year and shall make determinations with respect to the annual income of any household solely on the basis of a statement executed in such form as the Secretary may prescribe by an adult member of such household. No physical segregation of or other discrimination against any child eligible for a free lunch or a reduced price lunch shall be made by the school nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names or by other means."

(c) The eighth through the thirteenth sentences of section 9 of the National School Lunch Act shall be designated as subsection (c) of that section and the last sentence of such subsection shall be amended by deleting the phrase "under the provisions of section 10 until such time as the Secretary" and inserting in lieu thereof the following phrase "under this Act until such time as the State educational agency, or in the case of such schools which participate under the provisions of section 10 of this Act the Secretary".

Sec. 8. Section 10 of the National School Lunch Act of 1946 is amended to read as follows:

"Sec. 10. If, in any State, the State educational agency is prohibited by law from administering the school-lunch program under this Act in nonprofit private schools within the State, the Secretary shall administer such program in such private schools. In such event, the Secretary shall make payments from the sums appropriated for any fiscal year for the purposes of sections 4 and 11 of this Act directly to the nonprofit private schools in such State for the same purposes and subject to the same conditions as are authorized or required under this Act with respect to the disbursements by the State educational agency to schools within the State."

Sec. 9. (a) Subsections (a) and (b) of section 11 of the National School Lunch Act are amended to read as follows:

"(a) For each fiscal year the Secretary shall make special lunch assistance payments at such times as he may determine, from the sums appropriated therefor, to each State educational agency, in a total amount equal to the result obtained by multiplying the number of lunches (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary under subsection 9(a) of this Act) served free during such fiscal year to children eligible for free lunches, in schools in such State which participate in the school lunch program under this Act under agreements with the State educational agency, by a National average free lunch payment for such fiscal year determined by the Secretary to be necessary to carry out the purposes of this Act, plus the result obtained by multiplying the number of lunches served during such fiscal year at reduced price to children eligible for reduced price lunches in such schools during such fiscal year by a National average reduced price lunch payment determined by the Secretary for such fiscal year to carry out the purposes of this Act: *Provided*, That the aggregate amount of the special lunch assistance payments made by the Secretary to each State educational agency for any fiscal year shall not be less than the amount of the payments made by the State educational agency to participating schools within the State for the fiscal year ending June 30, 1972, to carry out the purposes of this section 11.

"(b) Except for funds transferred and reserved under section 10 of the Child Nutrition Act of 1966, the special lunch assistance payments received by each State educational agency for each fiscal year under this section shall be used by such State educational agency to assist schools of the State in financing the cost of providing free and reduced price lunches to children under subsection 9(b) of this Act. The amount of the special lunch assistance payment that a school shall from time to time receive, within maximum per-lunch rates for special free lunch assistance and for special reduced price lunch assistance established by the Secretary for all States, shall be based on the need of the school for special assistance in meeting the cost of providing free and reduced price lunches in the school."

(c) Subsections (c), (d), (e), (f), and (g) of section 11 of the National School Lunch Act are repealed and subsection (h) of such section is redesignated as subsection (c).

Sec. 10. Subsection (d) of section 12 of the National School Lunch Act is amended by inserting "the Trust Territory of the Pacific Islands," before "or" in paragraph (1); by striking out paragraphs (4), (5), and (6); and by redesignating paragraph (7) as paragraph (4).

Sec. 11. Section 14 of the National School Lunch Act is amended as follows:

(1) Subsection (a) is amended by striking out "thirteen" and inserting "eighteen" and by inserting after "(or the equivalent thereof)," the second time it appears the following: "one member shall be a supervisor of a school-lunch program of a school system in a rural area (or the equivalent thereof), one member shall be a supervisor of a school-lunch program in a school system in an urban area (or the equivalent thereof), one member shall be the parent of a school-age child, two members shall be students participating in the school-lunch program under this Act, one of whom shall be eligible for a lunch free or at a reduced price,";

(2) Subsection (b) is amended to read as follows:

"(b) The fourteen members from outside the Department of Agriculture first appointed to the Council shall be appointed as follows: Five members shall be appointed for terms of three years; five members shall be appointed for terms of two years; and four members shall be appointed for terms of one year. Thereafter, all members shall be appointed for terms of three years, except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. Members appointed from the Department of Agriculture shall serve at the pleasure of the Secretary."; and

(3) Subsection (e) is amended by striking out "seven" and inserting "ten."

SEC. 12. Section 4 of the Child Nutrition Act of 1966 is amended to read as follows:

"SCHOOL BREAKFAST PROGRAM

"SEC. 4. (a) For each fiscal year there is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of subsection (b) of this section.

"(b) For each fiscal year the Secretary shall make breakfast assistance payments, at such times as he may determine, from the sums appropriated therefor, to each State educational agency, in a total amount equal to the result obtained by (1) multiplying the number of breakfasts (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary pursuant to subsection (e) of this section), served during such fiscal year to children in schools in such State which participate in the breakfast program under this section under argreements with such State educational agency, by a National average breakfast payment prescribed by the Secretary for such fiscal year to carry out the purposes of this section; (2) multiplying the number of such breakfasts served free to children eligible for free breakfasts in such schools during such fiscal year by a National average free breakfast payment prescribed by the Secretary for such fiscal year to carry out the purposes of this section; and (3) multiplying the number of reduced price breakfasts served to children eligible for reduced price breakfasts in such schools during such fiscal year by a national average reduced price breakfast payment prescribed by the Secretary for such fiscal year to carry out the provisions of this section: *Provided*, That in any fiscal year the aggregate amount of the breakfast assistance payments made by the Secretary to each State educational agency for any fiscal year shall not be less than the amount of the payments made by the State educational agency to participating schools within the State for the fiscal year ending June 30, 1972, to carry out the purposes of this section.

"(c) Except for funds transferred and reserved under section 10 of this Act, the breakfast assistance payments received by each State educational agency under paragraph (b)(1) of this section shall be disbursed by the State educational agency to assist schools in the State in financing the cost of operating a breakfast program under this section, including the cost of obtaining, preparing, and serving food. The amount of such basic breakfast assistance payment to any school for any fiscal year shall not exceed an amount determined by multiplying the number of breakfasts served during such fiscal year to children in the school breakfast program under this Act by a maximum per-breakfast rate of basic breakfast assistance prescribed by the Secretary for all States. The breakfast assistance payments received by each State educational agency under paragraphs (b)(2) and (b)(3) of this section shall be disbursed by the State educational agency to assist schools in the State in financing the cost of serving free and reduced price breakfasts to children under paragraph (e) of this section. In any fiscal year, the amount of such funds that a school shall from time to time receive, within maximum per-breakfast rates established by the Secretary for all States, shall be based on the need of the school for assistance in meeting the cost of providing free and reduced price breakfasts in the school. Breakfast assistance disbursements by State educational agencies to schools may be made in advance or by way of reimbursement in accordance with procedures prescribed by the Secretary.

"(d) To assure access to a school breakfast program by schools drawing attendance from areas in which poor economic conditions exist, by schools in which a substantial proportion of the children enrolled must travel long distances daily, and by schools in which there is a special need for improving the nutrition and dietary practices of children of working mothers and children from low-income families, each State educational agency shall provide such technical and supervisory assistance as is required by such schools in their planning for the inauguration of a school-breakfast program.

"(e) Breakfasts served by schools participating in the school-breakfast program shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research, except that such minimum nutritional requirements shall not be construed to prohibit the substitution of foods to accommodate the medical or other special dietary needs of individual students. Such breakfasts shall be served free or at a reduced price to children in the school under the same terms and conditions as are set forth with respect to the service of lunches free or at a reduced price in section 9 of the National School Lunch Act.

"(f) If, in any State, the State educational agency is prohibited by law from administering the school-breakfast program under this Act in nonprofit private schools within the State, the Secretary shall administer such program in such private schools. In such event, the Secretary shall make payments from the sums appropriated for any fiscal year for the purposes of subsection (b) of this section directly to the nonprofit private schools in such State for the same purposes and subject to the same conditions as are authorized or required under this section with respect to the disbursements by the State educational agency to schools within the State."

SEC. 13. (a) The first sentence of subsection (a) of section 5 of the Child Nutrition Act of 1966 is amended by striking out "for the fiscal year ending June 30, 1973, not to exceed $15,000,000, and for each succeeding fiscal year, not to exceed $10,000,000" and inserting "for each of the three fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, not to exceed $20,000,000, and for each succeeding fiscal year, not to exceed $10,000,000".

(b) Subsection (b) of section 5 of the Child Nutrition Act of 1966 is amended to read as follows:

"(b) Except for the funds reserved under subsection (e) of this section, for each of the three fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, the Secretary shall apportion the funds appropriated for the purposes of this section among the States on the basis of the ratio that the number of lunches and breakfasts (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary pursuant to section 9 of the National School Lunch Act and subsection (e) of this section) served in each State in the latest preceding fiscal year for which the Secretary determines data are available at the time such funds are apportioned bears to the total number of such lunches and breakfasts served in all States in such preceding fiscal year: *Provided*, That the amount to be apportioned to the Trust Territory of the Pacific Islands for each of the three fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, shall not be less than the amount apportioned to American Samoa for each such fiscal year. If any State cannot utilize all of the funds apportioned to it under the provisions of this subsection, the Secretary shall make further apportionments to the remaining States in the manner set forth in this subsection for apportioning funds among all the States. Payments to any State of funds apportioned under the provisions of this subsection for any fiscal year shall be made upon condition that at least one-fourth of the cost of equipment financed under this subsection shall be borne by funds from sources within the State."

(c) The first sentence of subsection (c) of section 5 of the Child Nutrition Act of 1966 is amended by (1) striking out "Funds" and by inserting "Except for funds transferred and reserved under section 10 of this Act, funds"; and (2) by inserting before the period at the end of such sentence "by purchase or rental".

(d) Subsection (d) of section 5 of the Child Nutrition Act of 1966 is amended to read as follows:

"(d) If, in any State, the State educational agency is prohibited by law from administering the program authorized by this section in nonprofit private schools within the State, the Secretary shall administer such program in such private schools. In such event, the Secretary shall withhold from the funds apportioned to any such State under the provisions of subsection (b) of this section an amount which bears the same ratio to such funds as the number of lunches and breakfasts (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary pursuant to section 9(a) of the National School Lunch Act and section 4(e) of this Act) served in nonprofit private schools in such State in the latest preceding fiscal year for which the Secretary determines data are available at the time such funds are withheld bears to the total number of such lunches and breakfasts served in all schools within such State in such preceding fiscal year: *Provided*, That, for each of the three fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, any amount withheld under this subsection from funds apportioned to the Trust Territory of the Pacific Islands shall be based on the ratio of the number of children in that State enrolled in nonprofit private schools to the number enrolled in public schools."

(e) Section 5 of the Child Nutrition Act is amended by adding a new subsection (e) as follows:

"RESERVE OF FUNDS

"(e) In each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, 50 per centum of the funds appropriated for the purposes of this section shall be reserved by the Secretary to assist schools without a food service. The Secretary shall apportion the funds so reserved among the States on the basis of the ratio of the number of children enrolled in schools without a food service in the State for the latest fiscal year for which the Secretary determines data are available at the time such funds are apportioned to the total number of children enrolled in schools without a food service in all States in such fiscal year. In those States in which the Secretary administers the nonfood assistance program in nonprofit private schools, the Secretary shall withhold from the funds apportioned to any such State under this subsection an amount which bears the same ratio to such funds as the number of children enrolled in nonprofit private schools without a food service in such State for the latest fiscal year for which the Secretary determines data are available at the time such funds are withheld bears to the total number of children enrolled in all schools without food service in such State in such fiscal year. The funds reserved, apportioned and withheld under the authority of this subsection shall be used by State educational agencies, or the Secretary in the case of nonprofit private schools, only to assist schools without a food service. If any State cannot utilize all the funds apportioned to it under the provisions of this subsection to assist schools in the State without a food service, the Secretary shall make further apportionments to the remaining States in the same manner set forth in this subsection for apportioning funds among all the States and such remaining States, or the Secretary in the case of nonprofit private schools, shall use the additional funds so apportioned or withheld only to assist schools in the State without a food service. Payments to any State of the funds apportioned under the provisions of this paragraph shall be made upon condition that at least one-fourth of the cost of equipment financed shall be borne by funds from sources within the State: *Provided*, That the Secretary is authorized to waive this condition for that portion of the funds utilized to finance equipment in schools operating under circumstances of unusual need."

SEC. 14. Section 7 of the Child Nutrition Act of 1966 is amended to read as follows:

"SEC. 7. (a) The Secretary may utilize funds appropriated under this section for advances to each State educational agency for use for its administrative expenses or for the administrative expenses of any other designated State agency in supervising and giving technical assistance to schools and service institutions in their conducting of programs under this Act and under the National School Lunch Act. For each fiscal year there is hereby authorized to be appropriated such sums as may be necessary for the purposes of this section."

SEC. 15. Section 10 of the Child Nutrition Act of 1966 is amended by striking out "and may provide for the reserve of up to 1 per centum of the funds available for apportionment to any State to carry out special developmental projects" and inserting "and may authorize each State educational agency to utilize for the financing of developmental projects a portion of the funds made available to it each fiscal year under the provisions of sections 4 and 5 of this Act and sections 4 and 11 of the National School Lunch Act which portion shall not exceed 1 per centum of the total amount of funds used by such State agency in the preceding year under the provisions of sections 4 and 5 of this Act and sections 4 and 11 of the National School Lunch Act".

SEC. 16. (a) Subsection (b) of section 11 of the Child Nutrition Act of 1966 is amended by inserting after "this Act" the first time it appears "or under the National School Lunch Act,".

(b) Subsection (a) of section 15 of the Child Nutrition Act of 1966 is amended by inserting "the Trust Territory of the Pacific Islands" before "or".

By Mr. TAFT (for himself, Mr. BEALL, and Mr. STAFFORD):

S. 3663. A bill to improve the quality of child development programs by attracting and training personnel for those programs. Referred to the Committee on Education and Labor.

Mr. TAFT. Mr. President, I introduce today the Child Development Personnel Training Act of 1972. With increasing demand for day-care and child-care programs, I believe that it is important to focus our immediate attention on the recruitment and training of high-caliber professional and paraprofessional personnel.

There is no area of more critical importance than the care and education of our children. In his testimony before the subcommittee on employment, manpower and poverty, Dr. Jule Sugarman estimated that a total of 7,500,000 children are currently in need of some type of child-care services. An estimated 456,000 additional professional and 529,000 additional paraprofessionals would be required to meet this current need according to Dr. Sugarman.

The Child Development Personnel Training Act provides grants to colleges, universities, State, and local educational agencies, private training organizations, national organizations, and producers of television programing to develop programs including the recruitment, training, and retraining of personnel and the development of educational materials for young children. The Secretary of Health, Education, and Welfare will insure the coordination of all existing federally assisted training programs with the programs established under this act.

To require each staff member to have a college degree would be too costly both in terms of financial resources and human resources. Paraprofessional personnel, with the supervision of trained specialists, can be very effective in working with children. For this reason, half of the funds authorized in this bill are allocated for the recruitment and training of paraprofessionals. The office of Child Development in HEW has developed a midlevel profession of child development associates. These qualified personnel are paraprofessionals, who will be certified in all States. CDA training programs may be developed with funds authorized in this bill. The retraining of already certified elementary and secondary school teachers under this bill, will provide additional employment opportunities for these people and will effectively utilize their education and talents.

I believe that this bill will provide an effective framework for the training of qualified child development personnel so essential to the success of these rapidly expanding programs.

This is a companion measure to H.R. 14717 introduced in the House of Representatives on May 2 by the gentleman from Idaho (Mr. HANSEN).

In introducing this bill I am pleased to be joined by the following cosponsors: the Senator from Maryland (Mr. BEALL) and the Senator from Vermont (Mr. STAFFORD).

I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Development Personnel Training Act of 1972".

STATEMENT OF FINDINGS AND PURPOSE

SECTION 1. The Congress recognizes that one of the major barriers hindering the development of quality child development services at the present time is the lack of sufficiently trained and prepared professional and paraprofessional staff; further that the number of children being placed in child development and child care will increase significantly in the next decade because of the impact of Federal welfare and child development programs and the continued entry of mothers of young children into full-time employment outside the home, and that this increase will, in the future, place an intolerable strain on the already limited numbers of personnel qualified for work in early childhood programs; that the development of quality early childhood programs depends, therefore, on the availability of trained personnel in far greater numbers than present training programs can respond to; and finally, that parents can be helped effectively to use child development techniques with their own children that will lessen or prevent the need for compensatory education programs for older children.

SEC. 2. It is the purpose of this Act to respond to the demonstrated need for child development personnel in the 1970's; by stimulating the development of sufficient training and educational programs in every State and region of the United States to assure an adequate supply of personnel to meet the staffing requirements of early childhood programs.

EARLY CHILDHOOD PERSONNEL DEVELOPMENT PROGRAMS

SEC. 3. The Secretary of Health, Education, and Welfare is authorized to make grants to or enter into contracts with institutions of higher education, State and local child development agencies, State and local educational agencies, child development programs, private companies and organizations engaged in teacher training, teacher training institutions, national child development organizations, and producers of television programing, for the purpose of establishing, developing, or upgrading early childhood personnel training programs which shall include, but shall not be limited to, the development of programs to—

(A) provide postgraduate level training for teachers of professional and paraprofessional early childhood personnel and for teachers of teachers of such personnel;

(B) attract and recruit personnel, both male and female, including students and older Americans, to training for and subsequent employment in child development programs;

(C) retrain personnel prepared for and/or experienced in education at levels other than early childhood so as to enable them to function effectively in early childhood programs;

(D) provide preservice and inservice training of professional and paraprofessional personnel for teaching, management and supervisory, and administrative posts in early childhood programs, including the training and certification of Child Development Associates;

(E) help parents and high school students understand and practice sound child development techniques;

(F) develop educational television programs and accompanying materials for training early childhood personnel, parents, and high school students in the principles of child development;

(G) develop and refine certification criteria and techniques for professional and paraprofessional early childhood personnel.

APPROPRIATIONS

SEC. 4. There are hereby authorized to be appropriated to carry out this Act $40,000,000 for the fiscal year ending June 30, 1973, $60,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 for each of the succeeding fiscal years ending prior to July 1, 1979.

DISTRIBUTION

SEC. 5. At least 50 per centum of the funds appropriated pursuant to section 4 shall be used for the development of programs to attract, train, retrain, or certify paraprofessional personnel and shall be apportioned among the States. Half of such 50 per centum shall be allotted among the States so that the amount allotted for each State bears the same ratio to such half as the number of economically disadvantaged children, as determined by the Secretary, in the State bears to the number of such children in all the States; and the other half of such 50 per centum shall be allotted among the States so that the amount allotted for each State bears the same ratio to such half as the number of children younger than age six with mothers who work full-time outside the home in that State bears to the number of such children in all the States.

SEC. 6. The remaining 50 per centum of the funds appropriated pursuant to section 4 shall be used for the other purposes enumerated in section 3 and for such related purposes as the Secretary may deem appropriate to carrying out the purposes of the Act.

SEC. 7. Priority shall be placed on the development of those personnel development programs which promise to become self-sustaining after Federal assistance has ceased.

COORDINATION

SEC. 8. The Secretary shall take whatever steps he deems appropriate to achieve the coordination of all federally sponsored early childhood personnel training programs already in operation with the programs to be established under this Act and to assure the coordination of training programs with employment opportunities for early childhood personnel.

DEFINITIONS

SEC. 8. As used in this Act, the term—

(a) "State" means the several States and the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) "Early childhood programs" and "child development programs" means programs in children's homes or in day-care homes, schools, day-care centers, neighborhood centers which provide day care and/or educational services for children younger than age seven, or who have not reached the first grade.

(c) "Early childhood personnel" means any person working or volunteering in an early childhood program.

(d) "Professional early childhood personnel" means persons trained, either by attaining the A.A., B.A., M.A., or Ph. D. level through academic study, or on the basis of a credentialed combination of education and work experience that has been assessed as providing the person with specific competencies required to perform professional early childhood duties.

(e) "Paraprofessional early childhood personnel" means persons trained to less than A.A. degree level for service in early childhood programs.

(f) "State and local child development agencies" mean any State or local government agencies responsible for the operation and/or supervision of early childhood programs.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3458

At the request of Mr. PERCY, the Senator from Kentucky (Mr. COOK), the Senator from Rhode Island (Mr. PASTORE), the Senator from Minnesota (Mr. MONDALE), the Senator from Indiana (Mr. HARTKE), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 3458, a bill to amend the Civil Rights Act of 1964 in order to make discrimination because of physical or mental handicap in employment an unlawful employment practice, unless there is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

S. 3599

At the request of Mr. PERCY, the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Michigan (Mr. HART) were added as cosponsors of S. 3599, a bill to expand and improve the direct food distribution program.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 999

At the request of Mr. MANSFIELD for Mr. CHURCH, the Senator from Texas (Mr. TOWER) was added as a cosponsor of amendment No. 999 intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child-health programs, with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children, with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

AMENDMENT NO. 1204

At the request of Mr. DOMINICK, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of amendment No. 1204, intended to be proposed as a substitute to the bill (S. 1861), the Fair Labor Standards Amendments of 1972.

NOTICE OF HEARING ON A NOMINATION

Mr. KENNEDY. Mr. President, I wish to announce that the Committee on Labor and Public Welfare will hear testimony on the nomination of Mr. William A. Carey, of Illinois, to be General Counsel of the Equal Employment Opportunity Commission, on Thursday, June 8. The committee's hearing will be held in room 4232, New Senate Office Building, and will begin at 9:30 a.m.

EXTENSION OF TIME FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE ITS REPORT ON S. 3419

Mr. KENNEDY. Mr. President, under a prior unanimous-consent agreement, the Committee on Labor and Public Welfare is due to report on S. 3419, the Consumer Product Safety Act, on June 1, 1972. I ask unanimous consent that the committee's time for filing such report may be extended to midnight of June 5, 1972. I understand that such extension is agreeable to the chairman of the Committee on Commerce.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered, and, pursuant to the order of the Senate of March 24, 1972, the Committee on Government Operations is discharged from further consideration of the bill.

ADDITIONAL STATEMENTS

PROPOSED INCREASE IN SOCIAL SECURITY BENEFITS

Mr. CASE. Mr. President, the social security system provides benefits for 91 percent of America's older people. The social security system covers the great majority of retired workers, and more than half of the retired workers in the Nation rely solely on social security benefits. Consequently, the social security benefit system is the most important economic factor in the lives of older citizens.

I am supporting a 20-percent increase in social security benefits so that the needs of older people can better be met.

A 20-percent increase, along with the other changes in the social security benefits now contemplated, would raise the minimum monthly benefit from $70.40 to $84.50. It would increase the benefits for widows from $114 per month to $153 per month. Benefits to retired couples would be increased from $222 per month to $269 per month, and benefits to single retired workers would be increased from $133 to $162.

More people will be able to participate in the social security system if the new social security amendments are passed. The retirement age for men will be lowered from 65 years to 62 years—the same as for women. And those who opted for early retirement will receive full benefits instead of reduced benefits. Moreover, it will be easier for those who would like to join the social security system after retirement from jobs not covered by social security to do so sooner and to receive larger benefits.

But all of this depends on prompt action by the Senate. More than half the Senate has announced its support for the 20-percent benefit increase. Most Senators, I am sure, are in favor of the other changes in the social security law. But the key element is action—and I hope the Committee on Finance is now prepared to get this important measure to the Senate floor so that the Senate can work its will and insure that older people will have a decent chance to get along in today's world of rising costs.

AN OCEAN DUMPING DANGER AVERTED

Mr. BOGGS. Mr. President, this past weekend was one of glorious weather along the east coast. The weather and the holiday weekend attracted many thousands of visitors to our beautiful ocean beaches in Delaware.

Therefore, the timing of an action by the U.S. Army Corps of Engineers was particularly ironic. At the beginning of the weekend, the corps issued a permit that would have allowed the dumping of 2,500,000 gallons of sewage sludge a few miles off the Delaware coast.

Fortunately, this danger was averted, thanks to prompt action by Governor Peterson of Delaware and Governor Holton of Virginia. The two Governors are to be commended highly for their prompt decision and action.

But the possibility that the dumping might have occurred points up the continuing difficulties that have occurred due to the delay in the creation by Congress of an effective system regulating ocean disposal of wastes.

For the benefit of the Senate, I should like to describe the development of this sludge-dumping situation, and its resolution.

Last month, an unknown, but toxic, material was discharged into the sewage treatment facilities serving the Norfolk, Va., area. The material killed the bacteria used in treating the sewage in one of the three digesters.

To return the system to working order, the Hampton Roads Sanitation District requested an Army Corps of Engineers permit, under an 1888 act, to transport the accumulated sewage out to sea. This would allow the district to cleanse the faulty digester, so it could resume operation.

On Friday, May 26, the Norfolk District of the Army Corps of Engineers issued a permit to the sanitation district allowing the accumulated sewage to be barged to a point several miles off Cape Henlopen, Del. The site was to be the same one where the city of Philadelphia, unfortunately, now dumps its sewage sludge. Senators will be interested to know that the 1888 act does not affect transportation on the Delaware River.

Because of what was considered to be the emergency nature of the situation, the Norfolk district issued the 5-week permit without preparing an environmental impact statement.

Once he learned of the permit and proposed dumping, Governor Peterson contacted Governor Holton and asked that the dumping not take place because of its potential hazard to Delaware.

At Governor Holton's request, the Hampton Roads Sanitation District recalled its barge before it had reached the designated dumping site Tuesday. The barge has since returned to the Norfolk area, where sanitation district officials are trying to find an alternative land-disposal site for the sewage.

Three points are highlighted by this case.

First, it underlines the immediate need for a resolution of the difference between the House and Senate ocean dumping bills.

Nearly 6 months have passed since the Senate passed legislation, similar to a House-passed bill, to control ocean dumping. Yet no resolution of differences has occurred.

Because the enactment of an effective law regulating dumping at sea would have prevented this problem, without environmental brinkmanship, I would hope that the conferees can meet soon to complete action on the bill.

Second, it is clear that incomplete attention was given to the provisions of the National Environmental Policy Act in the permit consideration. That act requires the preparation of an environmental impact statement for any such activity undertaken with a Federal permit. No such impact statement was requested or prepared, apparently in view of the so-called emergency nature of the case.

It is my understanding that the President's Council on Environmental Quality knows of no precedent for waiving the procedures of the National Environmental Policy Act, although they can be expedited. They should not have been neglected in this case.

Finally, the emergency faced by the Hampton Roads Sanitation District points up the need to develop emergency plans to handle such eventualities as an unexpected breakdown by a sewage treatment system.

I think we all recognize the need to assist organizations like the Hampton Roads Sanitation District in meeting the dangers of a major breakdown of their system. The district has acted in a cooperative spirit since the danger to Delaware was brought to their attention. And they still have a large quantity of sludge to get rid of, with no place to put it.

I would hope that the Environmental Protection Agency can work with the communities of our Nation to help them develop emergency procedures to meet such a major breakdown. Those steps must not be made on an ad hoc basis, a basis that may adversely damage a neighboring State.

EXPANSION OF BEVERLY NATIONAL CEMETERY, IN NEW JERSEY

Mr. WILLIAMS. Mr. President, on March 23 of this year my distinguished colleague from New Jersey (Mr. CASE) and I introduced proposed legislation to authorize the Secretary of the Army to acquire additional acreage for the purpose of expanding the Beverly National Cemetery in New Jersey so that sufficient burial spaces would be available for our veterans in future years. This is a companion bill to one introduced in the House by Representatives ROE and HUNT.

We felt this action was necessary so that the many New Jersey men and women who served so valiantly in our Armed Forces would not be deprived of the opportunity to be buried in a national cemetery in their home State.

On May 15, 1972, the New Jersey State Senate passed a resolution memorializing the Congress to act expeditiously upon this legislation. I am in complete agreement with this objective. I ask unanimous consent that the text of the New Jersey Senate Resolution No. 19 be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION No. 19

Whereas, The National Cemetery at Beverly, in Burlington county, has reached its capacity and has for several years been closed to further veterans' burials; and

Whereas, Unless action is taken to provide additional land for expansion of National Cemetery facilities in New Jersey, thousands of New Jersey men and women who served valiantly in our armed forces in time of war will be deprived of the opportunity to be buried in a National Cemetery in their native State; and

Whereas, To provide sufficient burial space for veterans in the future within this State the Federal Government must act expeditiously to acquire such lands as are available, so that they may be used and preserved for such purposes; and

Whereas, In recognition of the needs, legislation has been introduced in both Houses of the Congress of the United States, by Senators Williams and Case (S 3413) and by Representatives Roe and Hunt (HR 13,006), of this State, to authorize the Secretary of the Army to acquire 130 acres, estimated sufficient to provide veterans' burial spaces for the next 20 years, for expansion of Beverly National Cemetery, with provision for diminishing reimbursement, over a period of 13 years, to municipalities which may suffer loss of tax-ratable real estate by reason of such acquisition; now, therefore

Be it resolved *by the Senate of the State of New Jersey:*

1. That this House hereby respectfully memorializes the United States Congress to act expeditiously upon the legislation now pending before it for the expansion of Beverly National Cemetery; and

2. That duly authenticated copies of this resolution, signed by the President and attested by the Secretary, be transmitted to the Vice President of the United States, the Speaker of the House of Representatives, the Chairman of the Veterans' Affairs Committees of the respective Houses, to which S 3413 and HR 13,006 have been referred; and to each of the members of Congress elected from this State.

(Adopted by the Senate May 15, 1972).

ARTICLES ON SALT AGREEMENT

Mr. BUCKLEY. Mr. President, 5 days have now elapsed since the terms of the SALT agreement were released in Moscow. We are now beginning to see some of the dimensions of what was agreed to, and I submit that they allow no room for an easy euphoria, or for the expectation that we can cut back still further in our investment in military research, technology and development.

In the last few days a number of columns and newspaper editorials have appeared which point up some of the very large dangers inherent in the treaty limitating our strategic offensive weapons. Three of these, an editorial published in the Wall Street Journal of May 30, a column by Crosby Noyes in the Washington Star on the same date, and a column by Joseph Alsop in the Washington Post on May 31, sketch the high risks we will be called upon to underwrite as the high price for slowing down the Soviet Union's massive expansion of her strategic capabilities. I ask unanimous consent to have these articles printed in the RECORD at the conclusion of my remarks.

As I have stated, we are being asked to assume some very high risks. It may well be that this body will decide it is necessary for us to assume them, given the drab alternative which we now face after almost 10 years of neglect with respect to the state of our defenses. I hope that the question of ratification will be the subject of the most searching debate; and in the process that we will realize the urgent need to modernize our strategic forces, whether or not the Senate decides to place its seal of approval on the agreements.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 30, 1972]

GO SLOW ON SALT

A look at the strategic arms pact signed in Moscow Friday at least clears up the mystery of why the Russians went through with the summit despite the mining of Haiphong. From their standpoint the pact guarantees that the United States will stand nearly still while they continue to improve their strategic arsenal.

From the American standpoint this does not necessarily mean the treaty part of the agreement ought to be rejected when it reaches the Senate, but it does mean a lot of hard questions need to be asked. It remains to be seen if questions will in fact be asked in any serious way, given the euphoria the signing has created. This mood makes it hard enough simply to get the numbers right, or at least to get the right numbers.

A comforting chart on the front page of the New York Times shows the Soviets merely inching into the lead in submarine-launched missiles, 710 to 656. But when you turn inside to the texts of the agreements, you find first of all that there are almost no numbers; the limits are expresed in possibly ambiguous terms of deployment as of given dates. The only exception concerns "'modern ballistic missile submarines." Here the numbers are definite. The U.S. shall have no more than 44 submarines with 710 missiles, while the Soviet Union is entitled to 62 submarines with 950 missiles.

These numbers can be reconciled, more or less, since to reach the higher totals both sides have to dismantle some older weapons. But as the pact defines old weapons the Soviets have a lot more to cash in, and the plain fact is that the "limitation" allows them to go on turning out submarines like sausages.

As of last July, the Soviet lead in land-based missiles, then 1,510 to 1,054, was offset by a U.S. lead in Polaris-type submarines. The U.S. had 41 boats with 656 missiles while the Soviets had 20 boats with 320 missiles. Building up to the 710 figure will take the Soviets another two-to-three years, then they can go to 950 by cashing in obsolete missiles. For them, the five years of the offensive-weapons agreement can be a pretty good five-year effort at arms building.

Now, even this kind of program does not in itself put the United States in any dire peril. Since nuclear weapons are so enormously destructive, the U.S. force probably can, other things being equal, provide an effective deterrent even if the Soviets do gain a 3–2 lead in both land-based and sea-based missiles. The U.S. also had European-based weapons not counted in these totals, though they have not usually been thought of in a strategic role. And at the moment at least, the U.S. lead in multiple warhead technology goes it a considerable lead in the number of deliverable warheads, probably the most important single measure of strategic strength.

But MIRV technology is not covered by the agreement, and the Soviet missiles are much larger and could eventually carry many more warheads each. Given both more missiles and larger ones, the Russians could win a huge, probably decisive, edge in warhead numbers simply by catching up in multiple-warhead technology. Their MIRV program has apparently been lagging badly, but to win the advantage they need only to do five years from now what we can do already.

If that happens the peril will be dire indeed. Even if the worst does not happen, it remains true that the pact freezes the areas in which the Russians have the advantage, like number and sizes of land-based missiles, while giving them a chance to catch up in areas where they lag, like submarines and MIRV.

One other aspect of the agreements is at least as worrisome. The limits on offensive weapons last anly five years, while the treaty limiting defensive weapons is perpetual. Even with withdrawal and review provisions, this probably means the two sides are frozen forever into a system of mutual assured destruction. The idea is that if each side knows the other can retaliate overwhelmingly, neither will start a war. This is fine so long as both sides are rational and in control of events. Yet World War II started because a madman took over a major nation and World War I started though absolutely no one wanted it. If this happens again, mutual assured destruction guarantees the utter devastation of both nations.

Mutual assured destruction is probably the best we can do under present technology, through the pact outlaws defensive arrangements that might make it more stable. But if technological advance permits the defense of populations, might not we want to pick up that option? Are we sure enough of the answer we want to foreclose the question in perpetuity?

Perhaps the risks in the treaty are outweighed by intangible political gains. It is after all the first arms pact of the missile era; we ourselves would be glad to run the risks if the payoff is a reasonable Soviet Union. But it is not necessary to say such gains should be forever ignored to say they have been often promised and seldom delivered. And the tangible parts of the pact are no great testimony to the notion the Soviet will now stop trying to press for every advantage.

So as the Senate reviews the treaty it ought to recognize that the stakes are high, in terms of risk no less than benefit. It is not a treaty to be confirmed in a fit of euphoria, if indeed it is a treaty that ought to be confirmed anytime during a presidential campaign.

[From the Washington Star, May 30, 1972]

Russia Gets N-Superiority on a Silver Platter

(By Crosby S. Noyes)

It is now only too obvious why the Moscow summit meeting came off as scheduled. Considering what they are likely to achieve as a result of it, no other problems, including the outcome of the war in Vietnam, are even approximately on the same magnitude of importance to the leaders of the Soviet Union.

It was of major importance, of course. to Richard Nixon as well. The series of agreements—the whole atmosphere of the Moscow meeting—was of very great value in an election year. The fact that most of the agreements were prepared months ahead of time and would have come into effect anyway is largely beside the point. The fact that it may take months for the American public to understand the price that was paid for a few hours of Kremlin cordiality is an essential part of the meeting's success.

The Russians played hardball in Moscow and they won. The crowning achievement of the meeting is said to have been an agreement on the limitation of offensive and defensive strategic nuclear arms. And it probably is the most disadvantageous agreement of its kind that the United States has ever entered into.

As most Americans had understood the strategic arms limitations talks that have been dragging on for nearly three years in Vienna and Helsinki, the objective was to work out an agreement that would freeze the nuclear arms race between the United States and the Soviet Union at a rough parity that would diminish both the danger of war and the cost of continuing unrestricted competition. As a concept, it was sound enough.

But the agreement reached in Moscow, in fact, does no such thing. On the contrary, it virtually assures the Soviet Union a very significant superiority in every important area of nuclear weaponry within the next five years. Far from being a freeze on anything, it permits the development of the Russian nuclear arsenal well beyond the capacity which most American experts believe they will be able to achieve.

To the extent that parity has been established in the SALT agreement, it applies only to defensive missiles, which the Russians from the outset were anixous to limit. Under the terms of the agreement, both sides, essentially, would remain vulnerable to the other. We would not have a credible defense against a first strike aimed at our land-based missile sites; the Russians would not be able to defend themselves against retaliation against their major cities.

But the apparent trade-off here is obviously not equal. Each side, under this formula, would be equally vulnerable to a first-strike nuclear attack against its offensive missile force and to a retaliatory blow to its cities. But since, under this formula, a nuclear first-strike could offer a strong probability of wiping out a very major part of the retaliatory force, the odds are clearly stacked in favor of the side that launches the first, all-out nuclear assault.

So it is in the area of offensive weapons that the Moscow agreement counts most. And in this area the Russians have won a very significant, if not decisive advantage, consecrated in a formal agreement between the two countries.

As administration spokesmen have been explaining the agreement, there is a kind of trade-off between quantity and quality in offensive weaponry between this country and the Soviet Union.

It is conceded that the Russians, under the provisions of the agreement, will be permitted to have more land-based missiles (at least 1,600) than we have (1,050). It also is conceded that if the Russians take advantage of all the options offered them, they also would have a substantial numerical advantage in submarine-launched missiles (about 950 to 700).

It is being argued, however, that because the United States has developed multiple warheads that can be independently targeted (MIRV), the Russian numerical superiority is offset. As of today, for instance, it is pointed out that we have 5,700 deliverable warheads on our existing missiles as against 2,500 for the Soviet Union. Furthermore, we are being told, it is unlikely that the Rusisians will take * * * offered to them under the SALT agreement.

Both arguments are highly suspect. The qualitative advantage assumed by administration spokesmen must be rated as temporary and highly misleading. There is nothing in the agreement that would prevent the Russians from developing multiple warheads of their own in the near future, and indeed it is almost a dead certainty that they will.

The qualitative argument, furthermore, cuts both ways. The largest Soviet warheads, MIRV-ed or not, are immensely more powerful than the largest American weapons. For example, the 313 SS–9 (or larger) weapons that the Russians will be permitted under the agreement represent at least the equivalent in explosive power of 4,725 of the largest American weapons.

To assume that the Russians will not take advantage of the options offered them under the SALT agreements is incredible. For the last 10 years, they have maintained a staggering momentum (17 new submarines and 25 new missile sites presently under construction) in an effort to achieve nuclear superiority over the United States. They can surely be counted on to take every advantage of an agreement which, in effect, hands them that superiority on a silver platter.

[From the Washington Post, May 31, 1972]

The Arms Agreement

(By Joseph Alsop)

With masterly shrewdness, plus a lot of help from the media, President Nixon has largely managed to slur over the true nature of the main bargain that he made in Moscow. Not one-tenth of one per cent of the electorate can possibly understand what the President did.

Briefly, he has accepted an arms limitation treaty that grants the Soviets a 3 to 2 lead in nuclear-strategic power, at least for some years to come. The treaty may do worse than that. But the agreed figures, which have been so under-stressed, are the best place to begin any analysis.

In submarines of the Polaris-Poseidon and Yankee classes, the Soviets can build up to 62, against 41 for the United States. For this startling advantage, the Soviets only pay by dismantling their few ancient and obsolete SS–7 and SS–8 missiles.

In submarine missile-launching tubes, again, the Soviets are to have about 950, against about 670 for the United States.

Of the vital radars on which anti-ballistic missile systems wholly depend, the Soviets are to have ten, against six for the United States.

And in intercontinental ballistic missiles, the Soviets are allowed approximately 1,500 against about 1,100 for the United States.

If these figures seem shocking, it is because they really are deeply shocking. But the figures are not the end of the story alas. There is also the very grave problem of what the experts call "throw-weight."

Throw-weight is simply the numbers of thousands of pounds of warhead a ballistic missile can deliver. The Soviets have consistently built more powerful missiles than we have in the United States. The resulting throw-weight ratio built into the new treaty can be variously estimated. But it is at least 2½ to 1 in favor of the Soviets; and it may be as high as 4 to 1 in their favor!

This throw-weight ratio in turn means that the Soviet engineers and scientists have 2½ times more chance of making great weapons improvements than our engineers and scientists. The new treaty only limits missile numbers. It places no restriction whatever on "inhole improvement," to use the jargon of the Pentagon.

These facts, in turn, are undoubtedly more important than the point being stressed at the White House—the point that we still have a considerable superiority in numbers of nuclear warheads because we have MIRVed our missiles. The Soviets are also working hard on MIRVing. They are behind in this area because they began by choosing the wrong technological approach.

Because our missiles have such limited throw-weight, our MIRVed warheads are just about useless as counterforce weapons. Over time meanwhile, the Soviets can rather easily MIRV their huge SS-9 missiles. Of these, they are allowed no less than 313.

With their huge throw-weight, those 313 SS-9 missiles can easily be converted, by good MIRVing technology, into a first-strike force. Such a force will be capable of destroying our Minuteman missile system on the ground. The larger numbers of U.S. missile warheads will not count for very much, rather obviously, when and if the missiles themselves can be knocked out in their silos.

In sum, the President has taken a calculated risk of the most hair-raising character. For reasons that will be shown in a second report, the military chiefs agree that it was a sound risk to take. If the President deserves blame, it is only blame for lack of forthrightness with the country.

But only consider the figures on nuclear submarines above cited! Here, we were long supposed to have an unbreakable monopoly. Now, the U.S. chiefs of staff say it is actually to our advantage to accept 3 to 1 ratio against the United States, even in these same nuclear submarines. The theorists of safety-through-weakness have a lot to answer for.

THE MASSACRE AT LOD AIRPORT

Mr. RIBICOFF. Mr. President, the bloody massacre at Lod Airport in Israel should bring home to all Americans the nature of Israel's enemies and the need for strong, effective measures to combat this new menace to international travel. The heaviest responsibility for this barbarous act must be placed on those governments which permit the terrorists gangs to operate openly within their territory.

Lebanon, which has received considerable assistance from our own country and other western nations, must not continue to permit itself to be used as a base and safe haven for cold-blooded murderers. Today's Washington Post contains a chilling account from Beirut of the totally immoral remarks of the official spokesman of the Popular Front for the Liberation of Palestine, the terrorist group responsible for the outrage. The freedom enjoyed by the PFLP in Lebanon is not only a direct effront to Lebanon's sovereignty, but a threat and a challenge to all civilized nations. Unless immediate prompt action is taken by the Lebanese authorities against these murderers, the world community must not be surprised if Israel acts directly against the sources of this new barbarism.

Any attempts to compare the actions taken by Israel recently to rescue the passengers of the hijacked Belgian airliner with the massacre at Lod are misguided and reprehensible.

I was gratified by the prompt statement of condemnation issued by our State Department. I would also agree with King Hussein's statement that the people who planned and carried out this attack were "sick." But these verbal expressions must be followed up by concrete actions against the terrorists themselves and their protectors. What future assaults against totally innocent civilians must occur before the world community unites in taking firm steps to protect itself from these madmen?

I ask unanimous consent that the Washington Post article, "Arab Guerrillas Call Three Assassins 'Fantastic' People" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 1, 1972]

ARAB GUERRILLAS CALL THREE ASSASSINS "FANTASTIC PEOPLE"

(By Lewis B. Simons)

"They obeyed their orders. They were fantastic people."

In an apartment on one of Beirut's main thoroughfares, Bassam Zayix, spokesman for the Popular Front for the Liberation of Palestine (PFLP), heaped delighted praise on the three Japanese terrorists who had turned Tel Aviv airport into a bloodbath Tuesday night.

"They were trained by us here in the Arab world," Zayix said. The mission of the Japanese trio, he said, was "to raise the temperature" of Arab-Israeli hostility. "I foresee that coming through Israeli reprisals—perhaps successful Israeli reprisals—and the Arab reaction to them," he said.

"Our operation could mark a turning point."

While the PFLP waited with anticipation for reprisals, officials in Lebanon and other Arab nations waited with apprehension. Special security cautions were taken at Beirut airport.

And in Tokyo, the Japanese government and press reacted with shock and disgust. "We can't believe it," most officials said.

The government expressed its regret to Israel that Japanese nationals were involved in the attack. And Israeli Premier Golda Meir told a special session of Parliament that she did not regard the three gunmen as representatives of their country. "The friendly relations between Israel and Japan will remain unhampered," she said.

As well as Tokyo police could determine initially, the three terrorists were members of the United Red Army, an extremist, revolutionary organization.

Together with another Japanese radical group, the United Red Army has been linked with the murders of 11 police and defense officials since September, 1967. Earlier this year, 12 members of the United Red Army were discovered slain by their comrades in an intrafaction purge.

In March, 1970, several "soldiers" of the group hijacked a Japanese Airlines plane to North Korea. Later, other "soldiers" went to Beirut to make contact with the PFLP.

Last October, police reported, an Arab member of the PFLP, identified as Ruvashi Ghanen, went to Japan and met with members of the United Red Army. The two groups issued jointly a booklet entitled "Arab Guerrillas and the World Red Army."

The PFLP dismissed any suggestions that the Palestinians could not carry off the bloody airport attack themselves and so had to turn to a Japanese suicide squad. "Let them say what they like," retorted Zayix. "Arabs from the occupied territories participated in this operation, too. Besides, the three Japanese were members of the PFLP . . . We have Irish members too."

The Front spokesman also denied that the Japanese were a kamikaze unit. "They were not planning to kill themselves," he said.

The man who apparently died by his own hand grenade, has been identified as Ken Torio, 23. His accomplice who was found dead is identified as Jori Sugisaki, 23. The third man, Daisuke Nanba, 23, was captured. Japanese police said there was doubt that the names were real and that their passports were forgeries.

Zayix's allusion to Irish members of the PFLP corroborated a recent statement by the militant Irish Republican Army saying that the IRA had relations with Al Fatah, the largest guerrilla element of the Palestinian movement.

The Front also claims members from other foreign countries throughout Europe, the United States and Africa. Leaders of America's Black Panther Party have said some of their members received training in Palestinian guerrilla camps.

Black African liberation movements and the Syrian-based Eritrean Liberation movement, which operates in Northern Ethiopia, have especially strong ties with the Front.

The Palestinians have used young women in love with guerrillas to carry weapons on international flights. Last year, an Israeli military court convicted an elderly French couple and two Moroccan sisters of attempting to smuggle explosive devices into Israel for use by the guerrillas.

In addition to recruiting foreign members, a Front spokesman said, the PFLP "maintains close relations with all the revolutionary movements of the world."

But beneath this grandiose view of worldwide revolutionary brotherhood, the Front made clear that the raid by the three Japanese was a direct response to Israel's successful aborting of a guerrilla attempt to free imprisoned colleagues by hijacking a Belgian jetliner three weeks ago.

The guerrillas were infuriated by the "arrogant" way the Israelis have paraded their "invincibility" since then, Zayix said.

Asked if the PFLP had any moral misgivings about the Japanese assault, Zayix replied:

"None at all."

He said that the three terrorists were instructed to open fire not on the passengers of the Air France airliner which brought them to Tel Aviv, but on those disembarking from an El Al flight due to arrive 10 minutes later, as well as their friends and relatives waiting to welcome them.

"We were sure that 90 to 95 per cent of the people in the airport at the time the operation was due to take place would be Israelis or people of direct loyalty to Israel," he said.

"Our purpose was to kill as many people as possible at the airport, Israelis, of course, but anyone else who was there.

"There is a war going on in Palestine. People should know that. Why don't they go to Saigon?"

(This article was compiled from dispatches by the Tokyo bureau of The Washington Post, David Hirst, Beirut correspondent of The Manchester Guardian and news agencies.)

ADDRESS BY PATRICK L. GRAY III, ACTING DIRECTOR OF THE FBI

Mr. HRUSKA. Mr. President, last week the Acting Director of the FBI, Patrick L. Gray III, gave an excellent address at the fourth annual crime control conference of the Governor of Mississippi. This was Mr. Gray's first speech outside Washington since he succeeded the late J. Edgar Hoover.

While paying tribute to Mr. Hoover for bequeathing to the American people "an investigative agency free of scandal or corruption, sound in principle and organization, and thoroughly dedicated to prompt, efficient, and impartial service," Mr. Gray indicated that he intended to "build on the sturdy foundation created by Mr. Hoover and the dedicated men and women of the FBI."

Pledging to oppose "any proposal which might contain seeds for the possible growth of a national police force," Mr. Gray promised continued close cooperation with State and local law enforcement agencies to insure that all citizens will receive the most effective criminal investigative services possible.

Because I believe this very eloquent and impressive speech should be read by all Senators, I ask unanimous consent that it be printed in the RECOR.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

CHALLENGES WE FACE TOGETHER

(By the Honorable L. Patrick Gray III)

The past three weeks have been the most interesting and enlightening of my career. They have provided me a unique insight into the talent, energy, and insight with which J. Edgar Hoover directed the FBI for nearly 48 years.

His legacy to us is an investigative agency free of scandal or corruption, sound in principle and organization, and thoroughly dedicated to prompt, efficient, and impartial service to the American people.

The challenge confronting my FBI associates and me is great—great in terms of its magnitude and complexity, and greater still in terms of opportunity. We can render no higher honor to Mr. Hoover, or render no greater service to the American people, than to continue to build on the sturdy foundation created by Mr. Hoover and the dedicated men and women of the FBI.

To borrow words of Shakespeare, "What is past is prologue."

Nothing is more certain in life than the inevitability of change.

To keep pace with steadily advancing technology and constantly shifting trends in crime, the months and years ahead undoubtedly will present many challenges to the FBI's procedures and techniques—but there will be no change in the deep respect for civil liberties, the strict conformity with due process, and the adherence to other fundamental principles that have characterized the FBI's performance of duty over the years.

To those of you who represent law enforcement agencies, let me reaffirm some of the principles I have in mind.

First, on the matter of jurisdiction, the FBI must—and will—continue to show full respect for the sovereignty of state and local authorities.

The FBI and the American people look upon America's state and local peace officers—numbering nearly 400,000 strong—as the Nation's principal defense against crime. It was Woodrow Wilson who warned of "the paralysis which has sooner or later fallen upon every people who have looked to their central government to patronize and nurture them." I share those views.

Occasionally there have arisen proposals to vest in the FBI responsibilities which would seem to conflict with those of state and local authorities. Such proposals raised fears that a national police force was on the horizon.

I am unalterably opposed to any proposal which might contain seeds for possible growth of a national police force. So was Mr. Hoover. As long as I am head of the FBI, the FBI will not take the first small step which might lead to the formation of a national police force.

Second, the FBI must—and will—continue to render to other law enforcement agencies the assistance requested, consistent with America's constitutional framework and within the limitations placed on our authority by the Congress, the elected representatives of the people of the United States.

The FBI is totally committed to serve all the people of the United States, and we will discharge the trust and responsibilities placed in our hands. One of the most effective ways of accomplishing this is through full and complete cooperation with you in meeting the criminal challenge to the well being of our society.

During the early 1960's a tidal wave of crime began to mount across the United States.

As a Nation, we, the people of the United States, entered the 1970's determined to reverse the malignant growth of the criminal invasion.

The Federal Government moved quickly to develop new tools and to use existing tools provided by the Congress of the United States.

Prominent among the new tools furnished us is the Organized Crime Control Act of 1970, which provides much greater witness protection and immunity than before and has expanded the FBI's jurisdiction in cases involving major gambling operations and the infiltration of legitimate businesses by racketeers.

We have been using the previously existing tools against professional hoodlums and racketeers with highly telling effect including court-approved wiretaps, an invaluable technique authorized by Congress in 1968 and first used in 1969.

I want to emphasize that in this tightly limited and controlled use of electronic equipment, the FBI conforms strictly with a law which has the sanction not only of Congress, but of our courts. This technique is employed only with the approval of the Attorney General and with the specific authority and order, in each instance, of a Federal court.

FBI electronic surveillances are instituted and maintained in a manner designed to afford the fullest protection of individual liberties while, at the same time, upholding society's right to protect itself against the ravage of organized crime.

The fundamental right of any society is to preserve itself and to maintain its government as a functioning and effective entity. This concept is basic to American law.

Chief Justice Charles Evans Hughes, a noted civil libertarian, observed in a decision handed down 31 years ago:

"Civil liberties, as guaranteed by the Constitution, imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuses . . ."

During 1971, electronic surveillances which were authorized by Federal courts led to the arrest of 1,120 leading and supportive vice and racketeering figures by FBI agents. Most of these arrests were made under the illegal gambling provisions of the Organized Crime Control Act of 1970.

Several arrests involved police officers. As you may know, the Act specifically covers police corruption, as well as bribery of other state or local officials, in connection with prohibited gambling operations.

You also are aware that illegal gambling generates the organized crime bankroll used to finance other rapacious activities such as drug trafficking, loan sharking and the like. The investment capital of organized crime flows from illegal gambling.

I believe that the record reveals that electronic surveillance conducted in accordance with law has proven to be a most successful weapon in the battle our society is waging against organized crime. We must not lose that weapon.

There remain, however, other areas for legal reform—reforms to combat crime while preserving individual rights. Something is wrong with a criminal justice process which seems not to deter or to rehabilitate.

An FBI special study launched nearly 10 years ago and continuing to this day shows that more than two-thirds of the persons arrested on Federal charges in 1970 were repeaters. The average time span between their first and latest arrests was five years and five months, and they had been arrested an average of four times each in this period.

Another study of some 16,000 offenders released to the community in 1965 showed that 63 percent of them had been rearrested within four years. Fifty-six percent of those released on probation and 61 percent of those released on parole were rearrested in this four-year period. The younger the age group at time of release, the higher the rate of rearrest proved to be.

Figures such as these clearly illustrate that far more is involved in stemming the crime problem than successful investigation and arrest. The offender must be given valid cause to believe that he will be dealt with fairly, yet realistically and effectively, by all whom he encounters along the paths of our criminal justice process.

Addressing the American Bar Association last summer, the then Attorney General John Mitchell spoke of the growing abuse of the criminal process and warned of "the Hydra of excess proceduralisms, archaic formalisms, pretrial motions, post-trial motions, appeals, postponements, continuances, collateral attacks, which can have the effect of dragging justice to death and stealing the very life out of the law."

"We face in the United States a situation," Mr. Mitchell continued, "where the discovery of guilt or innocence as a function of the courts is in danger of drowning in a sea of legalisms."

That "sea," I might add, abounds with extremely cunning sharks. I refer, for example, to the "continuance experts" who seek postponement after postponement, and invoke delay after delay, while the case grows old, witnesses waver or become unavailable, and the accused walks the streets on personal recognizance or penny ante bail.

In discussing this very problem, a newspaper in your state capital editorialized in 1968, "One of the greatest causes of increasing violence in Mississippi is that so many offenders are certain their trials can be delayed indefinitely—and that if and when they are brought to trial, they can somehow escape punishment."

I refer also to the "court shoppers" such as the attorney who was quoted in a Washington newspaper this year as saying he could "plead to anything" before one particular judge "and know that my may will walk out of the courtroom on probation."

And I refer to the "plea bargainers" whose success in arranging reduced charges prompted a veteran jurist to complain, "I personally have had a murder case prosecuted before me as simple assault. And a rape case was recently prosecuted as assault and destroying property, to wit, the undergarments."

The breakdown of our courts may ensure the rupture of our social fabric and guarantee that might will be right. No American would then be free, nor would liberty survive. That is why we can neither condone nor ignore the antics of that peculiar breed of officer of the court who deliberately obstructs the orderly processes of justice, browbeats judges, and treats the courtroom as a theater of war.

On repeated occasions Chief Justice Warren Burger has warned of the heavy damage being done to our legal system by these exhibitionists.

Addressing the American Law Institute in Washington last May, the Chief Justice noted the encroachment of "incivility" in the courtroom. "All too often," he observed, "overzealous advocates seem to think the zeal and effectiveness of a lawyer depend on how thoroughly he can disrupt the proceedings or how loud he can shout or how close he can come to insulting all those he encounters—including the judges."

The out-of-court conduct of most of these attorneys has been no less scandalous. They exploit misunderstanding; they encourage confrontation; they appeal to those who place rule by mob above rule by law.

One of the legally trained agitators to whom I refer has been quoted as telling a street audience in our Nation's Capital last September, "I have come out of a prison yard . . . where I was privileged to meet, yes, convicted murderers, child molesters, holdup artists, second-story men, and they were the finest and most decent men I had ever met."

Is it any wonder that disrespect for law, contempt for authority and distorted values prevail among those to whom this activist directs his strongest appeal? They are the tarnished legions from whose ranks have come the makers of Molotov cocktails and dynamite bombs, the destroyers of Government records, the desecrators of our flag, who resort to violence in futile attempts to achieve that which they cannot gain by the ballot.

Persons who pursue this philosophy comprise a militant assault force against the American way of life. They demand rights for themselves but utterly disregard the rights of others. They use their freedom of speech to shout down and deny freedom of speech to those who may hold opposing views.

I believe that peaceful debate, dissent, and assembly are vital life signs of our Republic. They are unalienable rights of the American citizen long protected by the Bill of Rights. Violent conduct in the exercise of these rights, however, is not protected by the Constitution, the Bill of Rights, or the Court decisions. Our Constitution is not a suicide pact.

Under Executive Directives and laws of Congress, the FBI will continue to investigate acts by individuals and organizations that threaten the security of the Nation and the rights and freedoms of American citizens. This is an area which I expect to draw the heaviest salvoes of protest and complaint because those who would alter drastically our form of Government must—and will—remain vehemently opposed to the work of the FBI in behalf of all the American people.

Appearing before a Subcommittee of Congress just 12 weeks ago, Director Hoover expressed the philosophy which he had developed during a lifetime of service to the American people in these words:

"You are honored by your friends, and you are *distinguished* by your enemies."

By every definition of the word, his was a most distinguished career. Those of us who carry on his work—the work of the FBI—will strive to merit the confidence and support of those who honored him, that vast majority of Americans who are law-abiding citizens of these United States.

THE PRESIDENT'S JOURNEY TO MOSCOW

Mr. PERCY. Mr. President, the President's journey to Moscow clearly is a major step forward in achieving peaceful and mutually beneficial relations between the Soviet Union and the United States. It constitutes, as well, a significant contribution toward assuring peace throughout the entire world.

Among the major accords signed during the summit talks, none matches, of course, the primacy and uniqueness of the Strategic Arms Limitation Treaty. There is no doubt in my mind that this represents a vital move toward controlling the nuclear arms race, which has been spiralling ever upward. The arms race, if permitted to continue unchecked, would go on draining off the precious, and, in many cases irreplaceable, resources which both of our nations urgently need to solve critical domestic problems. We all know this.

The ABM portion of the treaty will be submitted to the Senate for its advice and consent. It will certainly receive the careful scrutiny, not only of the Committee on Foreign Relations, of which I am a member, but of this entire Chamber, as well. I am confident that the SALT treaty will emerge from this Senate scrutiny and public debate, recognized as the most significant step we have taken for peace since the ending of World War II.

The public debate has already begun and as a contribution to the record being compiled for the final weighing by the Senate of the SALT agreement, I ask unanimous consent to have printed in the Record the remarks made by Senator Henry M. Jackson and myself during the course of the Today Show, of the NBC–TV network, on May 31, 1972.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

An Interview With Senators Percy and Jackson

Frank McGee. Five days ago President Nixon and Soviet leaders reached an agreement on the long-pending nuclear arms control package. The agreement would limit the number of long-range offensive missiles, ICBM's, both land-based and submarine-launched, as well as antiballistic missiles, ABM's, at the levels now in operation or under construction.

Well, how does the Senate feel about this? One of them is a treaty and will require Senate ratification.

For the pros and cons of the Senate ratification, we switch now to Washington and there Senator Charles H. Percy, Republican of Illinois, believes this is the proper course to follow; Senator Henry M. Jackson, Democrat of Washington, has some serious reservations about the agreement. With them is Today Washington Editor Bill Monroe.

Gentlemen.

Bill Monroe. Good morning, Frank. Senator Jackson, before we get in the pros and cons, why don't you tell us just briefly what is in the section of this arms control package that includes the treaty on defensive missiles or ABM's.

Senator Henry M. Jackson. Well, Bill, it permits both sides to have an ABM system around their respective capitals. It permits both sides to have a system, an ABM system, in defense of one area of their missiles It would mean, of course, a dismantling of one of our sites, at Malmstrom in Montana, which is now under way In my judgment, it's a useless system.

Monroe. Senator Percy, before we get in the pros and cons, why don't you tell us as briefly what is in the executive agreement that would run for five years covering offensive missiles.

Senator Charles H. Percy. Very wisely, the President refused to enter into an ABM agreement until we have a limitation and agreement on offensive weapon systems. Essentially what this does is freeze both sides at the present level of ICBMs and submarine-launched missile systems. And if they're to increase the submarine-launched system, they must then give up certain of the ICBMs that they now have.

So it's a freeze. And inasmuch as they were in a very heavy construction program, 250 ICBMs a year, 128 submarine-launched missiles, and we were not in any construction program, this of course gave us a decided advantage.

Senator Jackson. Well, what I . . .

Monroe. Let's get further into the pros and cons. Taking the whole package, the treaty on defensive missiles, ABMs, and the agreement on offensive missiles, what's good and what's bad about the whole package? Senator Jackson?

Senator Jackson. Well, Bill, first of all, there's no freeze. They're giving up what we call the SS7s and 8s, their outdated missiles that they were going to phase out that we phased out years ago, the Titans and the Thors and the Jupiters. And I would point out that the end-result here is no freeze at all, because they can go ahead with MIRVs. It will be possible for them to have 84 submarines to our maximum of 44 submarines. They'll have 1,016 missiles on their subs to our little over 700. I would point out that they will have an overall advantage, a very large one, on land-based systems. They get 1,618 maximum to our 1,000. I would point out that they will have the ability to upgrade these systems. And finally I would point out, because the press has been misled—we had—on the front page of the New York Times they had a story showing that the subs would be the same as the United States, that is, the Polaris type, but there's another factor: there have been some secret understandings with the Soviets that have not yet come out, and frankly I can't pass on this treaty until they make public all aspects of the treaty and the secret part may be quite substantial.

Monroe. Senator Percy.

Senator Percy. What's really happened—you can always, as two horse traders, argue who got the best of the trade. But I think what's really happened is that we have reached a point where we can now say we have taken the first step to arrest and stop the arms race, the nuclear arms race, which was running at horrendous costs for both of us.

You can't have an agreement unless there's certain advantages for both sides. It must be in their mutual interest. Otherwise it's not going to be adhered to anyway.

Here we do have a situation where the 62 submarines that they have sounds formidable. But we must recognize that we are way way ahead in MIRVing. So far as . . .

Monroe. MIRVing being installing the multiple warheads . . .

Senator Percy. Multiple heads independently targeted on them. We can't say that we don't have adequate defense. We both have sufficiency now. We certain have in our ICBM arsenal 1,054. We also have 450 big bombers against 140 for them. We also have 200 fighter bombers. We have 7,000 nuclear heads in Europe alone which are not under this treaty agreement.

So we have sufficiency. And they have sufficiency. It's in our mutual interest to—to put a freeze on this thing and say enough is enough.

Monroe. Senator . . .

Senator Jackson. Well, what I . . .

Senator Percy. While what we've really saved is not building an ABM system on either side which then means they don't have to keep up their offensive construction, we don't have to keep ours up.

Senator Jackson. Well . . .

Monroe. Senator Jackson says there is no freeze.

Senator Jackson. That's precisely right.

Senator Percy. There literally is. You can mix, you can change the mix. And of course there is no freeze on the MIRVing. And here we have a technological advantage in superiority that Senator Jackson would recognize. We're way ahead of them.

Senator Jackson. Well, I . . .

Senator Percy. But you each have to have maybe equally * * * unhappy about certain things but happy about other things—the main point is, we've now taken this first step to say it's sensible between the superpowers to limit this nuclear arms race. And I think Senator Jackson feels that in principle it's wise to say that.

Senator Jackson. Well, look. Look, let's just get this right down to the bare knuckle points of this thing. You can talk till you're blue in the face, but we don't even have parity under this agreement.

Now, Mr. Nixon started out that we were going to maintain a superior posture. We don't even have parity. When they have 1,618 missiles land based, we have 1,054. Bear in mind that 313 of those missiles—that's these huge new ones—have more destructive power by many times than all of our land-based and sea-based missiles. I'm just giving you the qualitative aspect.

Numerically they outreach us in both directions. And to convey to the public that we're going to save money here is nonsense, because the administration is coming up and asking for billions for the ULMS program, that's the advanced Navy program. The Russians are going to spend billions. And I think it's just outrageous that we convey the impression we're going to stop the arms race, because it won't.

Monroe. We have a question from Frank McGee.

McGee. Senator Jackson, the only part of this that the Senate will be required to vote on is the treaty affecting ABMs.

Senator Jackson. That's right.

Mr. McGee. A moment ago, you called it a useless system anyway. Well, why not go ahead and approve it, then?

Senator Jackson. Well, look, there are two things I want to make very clear. The ABM part involves the treaty. That'll be passed on only by the Senate. The so-called freeze, which is a misnomer, will be passed on by both the House and the Senate, because under the Arms Control and Disarmament Agency Act any executive agreement must be approved by the Congress, House and Senate.

Now, I fought very strongly against putting an ABM system around Washington, D.C. We killed it in the Armed Services Committee. It's useless, won't defend anything. And you can't defend your hardened missile sites with a one-site system. That was the whole thrust of the ABM debate. I handled it for three years; I know a little bit about this one. I got it through by one vote. It's a useless system.

Senator Percy. Frank, if I could interject, this is exactly what I've been saying and Senator Cooper and others who fought the ABM for years, that it is a useless system. And it's about time . . .

Senator Jackson. On a—on a one-site basis.

Senator Percy. . . . we realized this. I would like to answer one thing that Senator Jackson has said, because he's right in that they do have more missiles than we have. But we have three times as many warheads as they have.

(Both Senators talk at once.)

Monroe. Senator Percy and Senator Jackson, Senator Jackson of Washington, Senator Percy of Illinois, time for a station break.

ISRAEL INDEPENDENCE DAY

Mr. WILLIAMS. Mr. President, I wish to join Senators in paying great tribute to the 24th anniversary of the creation of the State of Israel. Only 24 years ago, on May 15, 1948, these courageous and determined people once again saw the rebirth of the Jewish State.

In those few years, Israel has come to be recognized as a free and sovereign nation in the international community. During that time more than 2½ million Israelis have made impressive and substantial achievements. Agriculturally, economically, and socially, Israel continues to demonstrate to the world her desire and will to survive as one of the great nations of the world.

But the burdens on Israel and her people have not diminished. Although Israel continues to seek peace and good relations with her Arab neighbors, the tensions between these peoples have remained constant. It was President Johnson who stated in June 1967 that:

> Each nation in the area must have the right to live without threat of attack or extinction.

Israel believes in and wants a permanent peace, but many of her neighbors apparently do not. As a result, the cost of maintaining a strong defense through equipment and manpower has greatly affected the Israeli economy.

Still another enormous burden on the people and the economy of Israel is the vast migration of Soviet Jews to their national homeland. In 1971 more than 15,000 Jews immigrated to Israel, as a result of cruel and unjust treatment by the Soviet Government. This figure is expected to reach more than 35,000 for 1972. Israel is a necessary and vital hope for the Soviet Jews, but this influx is surpassing her capacity to meet their needs.

The nation of Israel, in striving to defend and protect her independence, and to provide for her people and those who seek her shelter, continues to need American support—our aircraft, our armaments, and our financial assistance. The American people have responded generously in providing this greatly needed aid, with approximately three-fourths of private gifts and loans to Israel coming from the United States. But for that nation to remain economically viable, this support must continue and grow.

Mr. President, on this occasion of the 24th anniversary of Israel Independence Day, we in the United States must recommit ourselves to the support of this free nation. I personally send my best wishes to the people of Israel, and offer them my deepest respect and support.

CURRENT HEALTH ISSUES BEFORE CONGRESS

Mr. HANSEN. Mr. President, the ranking Republican members of the Committee on Finance, the Senator from Utah (Mr. Bennett), recently gave a speech before the Hospital Financial Management Association in Salt Lake City dealing with current health issues before Congress.

As is his trademark, Senator Bennett deals in a scholarly and efficient manner with this entire problem area. I ask unanimous consent that his speech, delivered on May 19, 1972, be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Current Health Issues Before the Congress

I appreciate the opportunity to speak to this group today on current health issues before the Congress. Probably the most important health legislation currently pending before the Congress is H.R. 1, the Social Security Amendments of 1971, which contains a number of very significant amendments to the Medicare and Medicaid programs. As the ranking Republican member of the Senate Committee on Finance, which has jurisdiction over this bill, I have become familiar with these Medicare and Medicaid provisions. We have been working on this bill for a number of months now, and we expect to complete our work sometime within the next month.

Today, both Medicare and Medicaid have become vast and expensive programs. The tota State and Federal expenditures for medicare and Medicaid in fiscal 1972 are estimated at over $17 billion. As this figure shows, the Federal Government has become very large purchaser of health care since the advent of Medicare and Medicaid. The amendments embodied in the current legislation are really the first major changes that the Congress has made in these programs since they were enacted in 1965. The Finance Committee staff published a detailed report on the programs in early 1970, and the Committee held an extensive series of oversight hearings later that year. All of this work has resulted in a number of very significant legislative proposals for changes in the programs.

The amendments to the Medicare and Medicaid programs will have an impact on all segments of the health care field. Patients, physicians, hospitals, nursing homes and health insurance companies will all be affected in one way or another by the changes.

In fact, these amendments have an added significance in light of the increasing pressure over the past few years for an increased Federal role in the financing of health care. It seems clear that any expanded Federal health insurance programs will draw heavily upon the patterns established by Medicare and Medicaid. I will discuss some of the various national health insurance proposals and the prospects for an increased Federal role in the financing of health care a bit later.

First, however, I would like to discuss some of the major provisions in H.R. 1.

Nearly all the provisions in the bill address the two major problems which we have faced with Medicare and Medicaid. The first problem is the sky-rocketing costs of these programs. And the second is the sometimes uneven quality of health services which has been delivered to recipients. To give some further indication of how rapidly the costs of Medicare have escalated, you might be interested to know that under current financing, the Medicare hospital insurance trust fund has a projected deficit over a twenty-five-year period of $247 billion, which the Finance Committee must deal with through a substantial increase in the Medicare payroll tax starting next year, and through provisions to tighten administration of the program. Additionally, the cost of the Part B program which covers physicians' services has nearly doubled in the past five years.

The first of the major Medicare provisions in H.R. 1 is directed at getting a handle on rapidly increasing hospital costs. As you know, Medicare currently reimburses hospitals and extended care facilities on a reasonable cost basis. This reimbursement method in perhaps too many instances has emphasized the "costs", and not the "reasonable" reimbursing hospitals for whatever expenses they have been able to document, except for certain expenses obviously excluded by specific regulations. H.R. 1 contains a provision which would change this. The provision basically attempts to put a limitation on reasonable costs, and it would operate in the following fashion.

The Medicare program would group similar facilities within an area and look at the costs of each of these similar institutions. The Secretary would be given authority to establish limitations on overall costs which would be recognized as reasonable for comparable services in comparable facilities in the area.

For example, if the per diem costs of the facilities were all grouped around $95 a day, and one similar institution had costs of $135 a day, the Secretary would be authorized to restrict the reimbursement to this latter facility. As you can see, this provision basically further defines reasonable in terms of the costs incurred by similar institutions. The Secretary would be required to give public notice as to those facilities which had excessive costs, and after such notification, beneficiaries would be liable for the payment of costs which were determined to be excessive.

The bill also contains a provision which gives the Secretary authority to experiment with prospective reimbursement mechanisms. Many experts in the hospital field have claimed that prospective reimbursement is the best way to control hospital costs. There may be a great deal of truth to this. However, prospective reimbursement may not be the panacea that some claim it is. We know the costs reimbursement method has its troublesome, inflationary aspects. However, prospective reimbursement has problems of another nature with which we must be concerned. First, when the Government negotiate a rate in advance, it puts a certain burden on the Government to closely monitor the services provided in order to determine that the quality of those services does not decline. For example, if we set a flat rate of a certain number of dollars per day, the hospital can merely cut back on the quality of its services and thus achieve a surplus of revenues over expenses. Secondly, prospective reimbursement involves a negotiation—the Government negotiating rates with hospitals. We have learned from experience with other programs that it is often difficult for the Government to obtain expert arms-length public interest negotiators who have the same incentive for tough bargaining that the institutional negotiators would have.

In spite of these potential problems, we should certainly authorize the Secretary to engage in a number of experiments and demonstrations with various methods of prospective reimbursement so that we can carefully examine the results of these demonstrations and, if they are successful, or show promise, we can give further consideration to using this type of reimbursement generally throughout the program.

H.R. 1 contains another provision which relates to hospital costs, specifically, hospital capital expenditures. Under present law, a hospital can make large capital expenditures which may have been disapproved by the State or local health planning council and the hospital would still be reimbursed by Medicare and Medicaid for the associated capital costs for that expenditure. Medicare, as you know, does not reimburse directly for capital costs, but does reimburse indirectly through the allowance for depreciation and interest on debt. The amendment in the bill would prohibit reimbursement for the associated capital costs, if the costs were for an addition to a facility or a new facility which had been specifically disapproved by the State or local health planning agency.

Essentially, this provision represents the first attempt by the Federal Government to put real teeth into our current health planning legislation. Under the partnership for health program, the Federal Government is strongly supporting State and local health planning activities. It seems good common sense to line up our Federally financed benefit efforts with these Federally financed planning efforts.

I would like to mention one other provision in H.R. 1 which relates to hospitals and which I think would be of special interest to this group—institutional planning. One of the things that became really apparent with the advent of the Medicare program was that in many cases hospitals—and particularly smaller hospitals—did not really have an adequate capacity to develop fiscal plans such as operating and capital budgets.

The Advisory Committee on Hospital Effectiveness established by the Secretary of Health, Education, and Welfare stated in its report a few years ago: ". . . the fact must be faced that deficiencies in hospital management owe something, at least, to inattention, indifference, or lack of information on the part of some hospital boards, and some trustees with the best intentions and energy have not been adequately informed by administrations on what the functions of a hospital trustee, or a hospital should be. . . . The requirement that detailed budgets and operating plans be prepared annually as a condition of approval for participation in Federal programs can be expected to disclose management inefficiencies in such health care institutions as a necessary first step toward bringing about needed improvements. Especially, the Committee believes this requirement will compel the attention of many hospital trustees to lapses in management that would not be permitted in their own businesses."

Following receipt of this report the Department of Health, Education, and Welfare strongly recommended to the Congress that we include a provision in the Medicare amendments which would require that an institution have a written overall plan and budget reflecting an operating budget and a Capital expenditures plan. The full plan would be expected to contain information outlining the services to be provided in the future, the estimated costs of providing such services, and the proposed method of financing such costs. The plan is expected to be prepared under the direction of the governing body of the institution and would cover a five-year period. The plan would not be reviewed for substance by the government or any of its agents. The purpose of the provision is to assure that health institutions carry on budgeting and planning on their own; not for the government to play a roll in that planning. As hospital financial managers you people know better than any one the importance of financial management to health institutions. This provision should not imply that existent financial management in those institutions with current planning and management activities is necessarily inadequate; rather, the provision is aimed at assuring that all hospitals avail themselves of planning and management expertise.

Thus far, I have discussed primarily those Medicare provisions in H.R. 1, which relate to health facilities. I should tell you that the Congress is also concerned about the rapidly rising increases in physician's charges. The Medicare program currently pays physicians "reasonable and customary" charges.

This means, essentially, that a physician's customary charge will be recognized up to a certain limit. That limit has been set at the 75th percentile for similar charges in a given area.

Basically, the provision in H.R. 1 would limit the rate at which this "ceiling" on reasonable charges would be raised from year to year. It contains a formula to limit the rate of increase by factors representing the costs of practice in an area and the average increases in earnings in the area.

All of these provisions relate primarily to the unit costs of services under the Medicare and Medicaid programs. Each of these provisions has been approved by the House Ways and Means Committee and the House of Representatives as a whole. They have been tentatively approved by the Senate Finance Committee and, after formal approval by the Committee and the full Senate, should become law later this year.

As a result of the Finance Committee studies of the Medicare and Medicaid programs, it was clear to us that additional provisions were necessary to control the utilization of services under the programs, if we were really to get a "handle" on the rapidly increasing expenditures. A concern over the utilization of services leads directly, in turn, to a concern over the quality of the services utilized.

It is these two concerns, utilization and quality, with which I personally and the Committee on Finance have been occupied over the past few years, and which lead to my introducing the "Bennett Amendment" two years ago.

This amendment would establish Professional Standards Review Organizations (or PSRO's) throughout the United States. These organizations would be formed by practicing physicians on a local basis, though they would have a minimum size of 300 physicians. The review oragnizations would be charged with reviewing whether services provided under Medicare and Medicaid were necessary and met proper quality standards. The review would be carried out on a formal basis using physician, patient and institutional profiles, and regional norms of care and treatment. These review organizations are not intended to replace hospital review activities where such hospital review is effective. The PSRO is intended, rather, to supplement effective hospital review and replace ineffective review.

The Bennett Amendment has been approved by the Finance Committee and I am confident that it will be approved by the full Senate and become law this year.

As I mentioned earlier, all of these Medicare and Medicaid provisions assume an added importance in view of the mounting pressure over the past few years for an increased Federal role in the financing of health care, as any expanded Federal health insurance programs will probably draw heavily upon the patterns established by Medicare and Medicaid.

The bill we are currently working on, H.R. 1, contains a rather significant expansion of Federal health insurance protection. For the first time it would bring those people who receive Social Security disability benefits into Medicare. To be eligible, however, a person would have to be disabled for at least two years. It is estimated that this provision will bring about 1½ million disabled people into the Medicare program at a cost of some $1.5 billion.

With the passage of H.R. 1, we will have Federally financed health insurance for the disabled and the aged through Medicare and for the poor through the Medicaid program.

Whether or not the Congress will expand the Federal health insurance programs beyond this point is an issue which will most probably be decided over the next few years. As you know, a substantial number of organizations, legislators and citizens are calling for enactment of some type of National Health Insurance legislation, and bills have been introduced or are being prepared which reflect the viewpoints of such diverse organizations as the American Medical Association, the AFL–CIO, the American Hospital Association and the health insurance industry. There is a great variation between these national health proposals. Some call for a minimal Federal role with the Government granting tax credits for the purchase of private health insurance. Others call for complete Federal financing of health care paid for through Federal general revenues and payroll taxes, accompanied by a vastly enlarged Federal role in controlling the delivery of health care. Still other proposals call for a more limited approach of Federal insurance against the costs of catastrophic illnesses. This latter problem—the devastating financial effects of a catastrophic illness—is one which is a cause of great concern to many Americans.

All of these National Health Insurance proposals fall within the jurisdiction of the Finance Committee. My own feeling is that the Congress will probably move in the near future to provide improved health insurance protection for the poor, perhaps through the establishment of a more uniform nationwide Medicaid program.

I think the major issue to be decided over the next few years is whether the Congress will decide to provide health insurance protection for those groups most in need—the aged, the disabled and the poor—and rely on the private sector to provide health insurance to the remainder of the population, or whether the Congress will choose to institute a national health insurance program.

I have been pleased to sponsor President Nixon's health insurance program in the Senate. The major feature of this proposal would require employers to provide a basic minimum health insurance package for their employees. The health insurance packages would have to meet minimum standards and the employer would have to pay at least 75 percent of the premium costs.

I am not, at this point in time, wedded to the details of any particular health insurance proposal. I do feel that the wisest course to follow is to build upon the strengths of the present public-private system and to work to eliminate its weaknesses. President Nixon expressed this idea well in his health message to the Congress early last year:

"We should avoid holding the whole of our health care system responsible for failure in some of its parts. This is a natural temptation in dealing with any complex problem to say: 'Let us wipe the slate clean and start from scratch.' But to do this—to dismantle our entire health insurance system, for example—would be to ignore those important parts of the system which have provided useful service.

While it would be wrong to ignore any weaknesses in our present system, it would be equally wrong to sacrifice its strengths. Our efforts to reform health care in America will be more effective if they build on these strengths."

Thank you again for providing me with this opportunity to visit with you.

ETHNIC HERITAGE STUDIES CONFERENCE RESOLUTION

Mr. SCHWEIKER. Mr. President, recently, in Washington, a National Coordinating Assembly on Ethnic Studies was convened to discuss the increased attention being given in our country today to the study and awareness of the heritages and backgrounds of the various ethnic and minority groups that make up our country.

I have been honored to be the Senate sponsor of the Ethnic Heritage Studies Programs Act, which has been approved as an amendment to the omnibus Higher Education Act, and have been privileged to work with many different individuals and groups in this growing field of ethnic studies.

The Coordinating Assembly on Ethnic Studies adopted a resolution in support of the ethnic studies legislation. I ask unanimous consent that the resolution and excerpts from a statement describing the recent conference be printed in the RECORD.

There being no objection, the resolution and excerpts were ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE NATIONAL COORDINATING ASSEMBLY ON ETHNIC HERITAGE STUDIES, WASHINGTON, D.C., APRIL 28–29, 1972

Whereas the Participants of the National Coordinating Assembly on Ethnic Studies, representing a broad spectrum of ethnic, cultural and minority groups of this nation, concerned with cultural and ethnic priorities for America have fully reviewed and thoroughly discussed the various aspects of the bill relating to the establishment and support of ethnic heritage studies, as originally introduced by Senator Richard S. Schweiker of Pennsylvania and Congressman Roman Pucinski of Illinois and now contained in the amendments to the Higher Education Act (S. 659), they have resolved:

(1) to register our approval and strong support for the basic concept of federal support for ethnic heritage studies which will provide assistance designed to afford opportunities to learn about the nature of each person's own cultural heritage and to study the contributions of the cultural heritage of the ethnic groups to this nation.

(2) As the representatives of various ethnic, cultural, minority, and academic groups, upon return to our communities, to actively work for the prompt passage of the above bill.

(3) and, to demand that full funding be given to Title IX, the Ethnic Heritage Studies Bill (S. 659), upon the final passage of this measure.

A NATIONAL COORDINATING ASSEMBLY ON ETHNIC STUDIES

An organization concerned with the promotion and advancement of Cultural, Educational and Research activities on Ethnic Affairs in the United States, was created during a 2-day Conference held in Washington, D.C. April 28–29–1972.

The Conference sponsored by the Washington Committee on Ethnic Studies brought to Washington some 50 Ethnic and Inter-ethnic communal organizations from the major metropolitan areas of the United States. During the 2-day meeting the participants put together a national organization to promote and develop Ethnic Studies and established an Advisory Council made up of ethnic and academic representatives to work for the prompt passage of the *Ethnic Heritage Studies Bill* (S. 659). The Bill was originally sponsored by Sen. Richard S. Schweiker (R-Pa.) and Congressman Roman Pucinski (D-Ill.) and is now known as TITLE IX of the Higher Education Act. Elected as officers of the new organization were, Dr. Richard Kolm, President—Dr. Jaipaul, Rev. (Dr.) Silvano Tomasi, C.S., Col. Casimir Lenard, (USA-Ret'd), Dr. Andrew T. Kopan, Dr. F. Richard Hsu, Dr. Myron B. Kuropas, Dr. Michael S. Pap, Monsignor Geno Baroni, Dr. Hyman Chanover and Dr. Frances Sussna as Vice-Presidents.

The Conference which stressed Unity, Strength and Pride in Ethnic Heritage registered strong support of the Schweiker bill and *demanded* that *full* funding be given to Title IX upon the final passage of the measure.

Conferees attending the meeting were concerned with the cultural and ethnic priorities of the nation and represented a broad spectrum of cultural, and racial groups. Among these were: The Council of Ethnic Groups in Western New York of Buffalo, The Polish American Congress, Inc., The Czechoslovak National Council of America, The Greater Cleveland Intercollegiate Academic Council on Ethnic Studies, Inc., The Italian Coalition of New York, The Detroit Area Inter-ethnic Studies Association, The American Association for Jewish Education of New York, The Lithuanian-American Community of the U.S.A., Inc., The American Slovenian Catholic Union and The Armenian National Cultural Association. Also taking part were representatives from the Bulgarian, Mexican, Greek, Hungarian, Slovak, Philippine, Latvian, Chinese, Korean and Russian communities as well as many others.

At a luncheon on Capitol Hill with various Congressmen and Senator Schweiker, the Senator stressed that ethnic pride and ethnic identity can be positive forces in bringing diverse peoples together to solve community as well as national problems. "This new ethnic studies legislation" said Schweiker, "can be a *key national catalyst* for all ethnic and minority groups to join together for a better understanding of their backgrounds, heritages and traditions." He declared once again that "the melting pot theory is dead" and called for "a recognition of all individuals and groups" for the *positive* contributions each of them make to the American mosaic. "We are pioneering new realms and rewriting the social dynamics of America" continued Schweiker, "and this *group* knows how to bring America together again", he told his audience.

CIVILITY TO COMBAT VIOLENCE

Mr. SPARKMAN. Mr. President, I am alarmed at the world's continuing capactly for violence, both nation against nation and individual against individual or groups of individuals. I think it is time that we all joined together in a call for a return to mutual respect and civility to help head off the growing number of insane acts of violence throughout the world.

I do not subscribe to the notion that society at large is responsible for individual acts of violence, but each of us must do his or her part to cool the temperature in areas of conflict.

A number of events in recent days has brought home strongly to all of us the need for calm thinking on how to head off violence before it happens. Among these are:

The attempted assassination of Alabama Governor George Wallace;

The killing of three persons and wounding of eight others at a shopping center in Raleigh, N.C.;

The senseless murder of some 25 civilians at a Tel Aviv airport by leftists;

The bombing explosion in Northern Ireland which killed eight persons and wounded many others as well as continued violence in that country;

And, an attempt by demonstrators in Ithaca, N.Y., to douse a policeman with gasoline and set him afire.

While it may be impossible to deter the insane individual bent upon violence, the rest of us might be able to influence such persons by exemplifying and stressing the necessity of mutual respect and civility.

It is neither possible, nor even desirable, that all persons throughout the world agree with each other, especially on political matters.

But at least we can express our differences in a civil manner and with a respect for the rights of others—especially the right to be free from terrorism and violence.

THE EQUAL RIGHTS AMENDMENT

Mr. **PERCY**. Mr. President, when the Senate approved the equal rights amendment in March of this year, that action brought to a close the 49-year debate in Congress over equal rights for men and women. I am proud of the step that Congress took in providing a constitutional amendment and am hopeful that each of the States can move swiftly to ratify it. Eighteen States have already done so.

In my own State, the amendment has been accepted by the Illinois Senate and is now pending final action by the House. I am hopeful that it will be approved in the very near future.

One member of the Illinois House of Representatives who has been particularly active in the fight for women's equality is Representative Giddy Dyer. A recent article which Representative Dyer wrote for the Chicago Tribune represents much of my own thinking on the matter. Her comments help to place the constitutional amendment in proper perspective by answering some of the questions about what the amendment will and will not do.

I feel that a constitutional amendment is the best way to achieve equality under the law. Amending individual labor, marriage, contract, and corporate laws would be piecemeal, time-consuming, and ineffective. Only a constitutional amendment will provide the universal applicability and impetus to States to reform their laws and practices to be consistent with the constitutional mandate.

There is no question, but that tradition and law have worked together to relegate women to an inferior status in our society. We are compelled to recognize, however, that equality can no longer be legally conditioned upon sex, that women, as they assume new roles in our society, deserve as a matter of law equal treatment under the law. It is still a matter of simple justice.

Mr. President, I ask unanimous consent that Representative Dyer's article entitled "Common Sense and Equal Rights," published in the Chicago Tribune, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOR WOMEN AND MEN: COMMONSENSE AND EQUAL RIGHTS

(By Representative Giddy Dyer)

Is equal rights an idea whose time has come?

To answer this question it is important to understand the meaning of "equality of rights under the law," as guaranteed in the proposed 27th Amendment to the United States Constitution, now before the Illinois General Assembly for ratification.

What will the Equal Rights Amendment do? First, it will not affect private lives and social customs. No amendment can turn a crude man into a gentleman; nor does it prevent a gentleman from treating another person courteously if he chooses.

WHAT ABOUT HOME?

What about the home? Will it wipe out the financial obligation of the husband and father? Definitely not. It places a mutual responsibility on both parents for the support and care of the children. Most wives would be surprised to find that a married woman living with her husband can in practice get only what he chooses to give her.

I agree with Rep. Florence Dwyer (R., N.J.), who said, "It would not take women out of the home. It would not downgrade the roles of mother and housewife. Indeed, it would give new dignity to these important roles. By confirming women's equality under the law, by upholding women's right to choose her place in society, the Equal Rights Amendment can only enhance the status of traditional women's occupations.

"For these would become positions accepted by women as equals, not roles imposed on them as inferiors."

Will the Equal Rights Amendment wipe out the right of the mother to keep the children in case of divorce? The Equal Rights Amendment would extend this right to both sexes equally. The court could then determine custody on the basis of what is best for the children.

Will the Equal Rights Amendment wipe out the laws which protect only women against sex crimes, such as rape? The Equal Rights Amendment will extend the protection of laws to both sexes. Young boys should have protection against sex abuse as well as women.

Will the Equal Rights Amendment make women subject to the draft and to combat duty equally with men? Congress has the power now to draft women as well as men if it wishes to do so. The stated position of the President, the Joint Chiefs of Staff, and decision makers in the Pentagon is to abolish the draft in favor of a volunteer army for combat duty.

WOMEN COULD VOLUNTEER

Women could volunteer under the same basis as men if they choose. The draft would be used only in case of a national emergency in which all of us would be involved—men and women, young and old, soldier and civilian.

Keep in mind that equality does not mean sameness. Men and women can be assigned different tasks according to the functions they perform best. Both sexes would be eligible for exemptions when there are dependents.

What about the protection women now have from dangerous and unpleasant jobs? Labor legislation enacted in the '20s and '30s to protect women from dangerous working conditions now serve only to act as a deterrent to promotions to more pleasant and better paying jobs. Certainly it was a step forward to take Nellie, the sewing machine girl, out of the sweat shop, but must we now keep her on the assembly line while her brother goes upward to the administrative and executive positions?

Labor Department statistics show that very few women apply for heavy lifting jobs, but if they pass the physical requirements, why shouldn't women be entitled to them? Men don't object to women staying at home and lifting 50-pound children, loads of wash, or the garbage cans, or working all night to take care of a sick child if this is necessary.

Why should their hours be arbitrarily limited in the job market? Where regulations are needed for clean air, pure water, and sanitary toilets, shouldn't men be protected from unhealthy or unsafe conditions, too?

RIGHT TO PRIVACY

Finally, will the Equal Rights Amendment wipe out women's right to privacy? Definitely not. In the Supreme Court ruling, Griswold vs. Connecticut, the right to privacy was upheld. This assures reasonable separation of men and women in dormitories, prisons, and toilet facilities.

In this year of 1972, 52 years after women were given the right to vote, over 100 years since the 14th Amendment granted equal protection, isn't it about time that women moved from second-class to first-class citizenship?

Our society has many problems crying out for solution. A violent attack on a Presidential candidate has shocked us all. A solution to these problems will come from brain power, not brawn. It is time for men and women to join in full partnership as human beings to work together to solve the problems in America today.

THE IMPORTANT QUESTION OF INSTITUTIONAL MEMBERSHIP ON THE SECURITIES EXCHANGES

Mr. **TOWER**. Mr. President, a securities exchange is a marketplace for the purchase and sale of securities, where professional securities firms, acting largely as agents, bid for, and offer to sell, securities, through the intermediaries of selected securities firms acting as specialists in the various securities issues listed on the exchange. The Securities and Exchange Commission has been concerned for 40 years with increasing the public, or agency, orientation of the exchanges, so that public investors will have the highest priority in the execution of orders and will be treated equally as among themselves, whether they are individuals or institutions. However, this successful correction of the "private club" nature of earlier exchange history is now being jeopardized by the movement of institutions onto exchanges in order to avoid the impact of the existing commission rate structure. This reversal of the trend toward increasing the public orientation of the exchanges requires a statement of congressional policy to stop the process.

The SEC "has traditionally attempted to prevent any group of investors from benefiting by their professional market position to the detriment of public investors in general. Witness the Commission's vigorous application of the 'insider trading' doctrine and its requirement that the primary exchange adopt rules restricting and regulating the activities of its members which entail the most potential for abuse-specialist activities and floor trading activities. In the days when exchanges were considered by some to be 'private clubs,' existing primarily for the benefit of their members, individuals were permitted to purchase seats and simply trade for their own account, much as some institutions seek to do now. The Commission has constantly sought to minimize the extent of such activity."[1]

What are the advantages that would accrue to membership for institutions?

The paper states:

> First, a member can trade without payment of a commission (i.e., at his 'cost') or at the intra-member rate. As soon as he makes an eighth he is profitable, unlike the nonmember who must recover his commission expense. This enables the member to swing in and out of the market and speculate on short swing changes in trading trends. Perhaps even more important, however, is the input of trading information received by the member both from other members and from activity on the floor. From his communication with other members, from his knowledge of the way market professionals such as specialists, floor brokers and block positioners operate and from his knowledge of trading activity in the particular securities and the market as a whole (which activity he may observe or hear about even before it appears on the tape) he is in a position to foresee short-term market movements. Add to this his ability to implement trading decisions in seconds and it is evident that members have a great incentive to engage in short-term trading. These short swing speculations may cause public orders to be executed at a different price than otherwise, may delay the execution of public orders, may interfere with the specialist and may wipe out an attractive trading situation before the public can act.
>
> It seems obvious then that membership on an exchange does carry with it definite trading advantages. If member firms are taking too great an advantage of their trading position, let us work to constrict that activity. If the regulations over such trading are not stringent enough, let us tighten those regulations. If the potential for abuse in such trading is too great, let us abolish that trading. But what rationale can exist for allowing that category of trading to expand in a quantum jump by permitting institutions—whose trading activity and capital resources far exceed that of current members—to join exchanges and trade simply for themselves. To the Commission that step would completely reverse the direction we have been moving and would be a significant step backwards to the concept of the 'private' club, in direct contradiction to our reading of the Exchange Act which charges us with promoting fair dealing on exchanges, insuring fair and orderly markets and protecting investors.[2]

Another type of advantage that will accrue to the institutions if unrestricted membership on exchanges is permitted is a greatly increased ability to increase the share of individual savings which can be channeled into pooled investments rather than into individual investments. Presently, the public brokerage firm utilizes only what it makes in commissions to sell and service the investor—about 1 percent of the total investor dollar. The mutual fund industry utilizes 9 percent of the investor dollar, and life insurance companies utilize 100 percent of the first year's premium. If the institutions can also utilize an at-cost trading advantage to help attract investors, in addition to the large amounts they now spend on the persuasive process, they can be expected to increase considerably the share of the investor dollar that goes into pooled investments.

The argument is made that the prime reason for allowing institutions to join exchanges is to save some transactions expense for the ultimate benefit of the mutual fund shareholder or insurance policyholder. The savings which these types of pooled investments should be entitled to, however, are provided in the negotiated rate requirements for institutional sized orders. To permit pooled investments to have in addition the trading advantages of proximity and access to trading information on the floor, the ability to act immediately on attractive trading situations, and to speculate on a very short-term basis, without at the same time imposing any obligations on them to the public investor or to market stability, is simply not fair.

The SEC also points out in this regard that even the institutions doing the best job of recapturing commissions for beneficiaries recover only a dollar a year from each $2,500 in assets managed, or 0.04 percent. Even that extremely small savings will substantially disappear when negotiated rates reach the $100,000 level. Hence what we are concerned with here is not really any significant cost savings to the ultimate beneficiaries, but substantial savings to the mutual fund management companies and the insurance companies, which make money with their brokerage subsidiaries. The arguments for institutional membership simply cannot legitimately be based on a rationale of saving money for institutional beneficiaries.

A public business requirement for exchange members is desirable, because it will help to assure that the securities markets do not become the closed preserve of the pooled investment medium. Such a development would be unfavorable for the individual investor and for the flexibility he should have, in our free market system, to invest in securities in either an individual or pooled manner, or both. The SEC feels that with unrestricted institutional membership would come the economic and psychological disenfranchisement of the smaller individual investor. The paper further states:

> Public investors making a decision to participate in the nation's equity markets must feel confident that no other investors have a preferential trading position which would enable those other investors (professionals) to exhaust attractive investment situations before the public can act. The trading advantages which accrue to membership offer a great incentive for members to speculate with short term trading, an unnecessary interference with the auction process and an unwarranted intrusion on the integrity of the pricing mechanism. Public investor representatives appearing in the Commission's hearings over the last three years have reported that many of their constituents feel the deck is stacked against the little guy. Institutions receive vast amounts of research and information that the small investor never sees. Even when the information is made available to the small investor, the institutional accounts seem to be called first. Instead of working to reverse this trend, some now urge that institutions be granted the trading and commission rate advantage of membership. We have all agreed that the confidence and participation in our securities markets of small investors is vital to the depth and liquidity of those markets and thus to the economic health of the nation. Is it fair to public investors to permit institutions, which already have a trading expertise and research capacity beyond all but the most sophisticated of investors, to also enjoy the additional advantages of membership? Is this course calculated to encourage the small investor to participate in the equity market? The questions answer themselves.[3]

It is contrary to my philosophy of our free market system for the individual to be excluded, de jure or de facto, from individual equity ownership in the publicly held American business firm. Institutional investment does provide a desirable supplement and alternative to individual investing in the market, where individuals desire investment advice and management services. Clearly this is a vital service for many individuals who cannot or prefer not to make investment decisions themselves.

Yet it also clearly would not be wise for the SEC or for Congress to allow institutions to gain advantages over the individual investor greater than the transaction cost efficiencies of large orders. Such advantages would, however, come with unrestricted institutional membership, in contradiction to the expressed purpose of the Securities Exchange Act to require that the exchanges be "public institutions—not private clubs to be conducted only in accordance with the interests of their members." Let institutions compete for the investor's dollar with the benefits of economics of scale in transaction costs and the advantages of professional money management, not with the various "insider" advantages which unrestricted exchange membership would provide for them as against the individual investing directly in the market. Exchanges could not be considered to be "public institutions" if they offer pooled investments privileged access to public market facilities without imposing public responsibilities on them.

The basis of a publicly oriented system of stock exchanges is the existence of a strong brokerage community, to serve as the agents for buy-and-sell orders and to serve as specialists in the various securities issues. One of the disadvantages to the public investor that would flow from unrestricted institutional membership would be the diversion of large-order commission revenue from the general brokerage community, which then would restrict the ability of that community to serve the general investing public. In other words, with unrestricted exchange membership, the pooled investment medium can manage to enjoy the benefits of access to the public facility of an exchange without bearing any of the costs involved in keeping that facility open to the public investor; that is, keeping a viable brokerage community which holds itself available to public orders. The exclusion of institutional orders from the support of the general brokerage function will weaken the ability of brokerage firms to provide research, advisory, custody, and transaction services for the general investing public. At the same time, the institutional investor will be reaping the advantages of trading on these public facilities at cost, which is allowing him an unjustified cost advantage over the individual investor.

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[1] Securities and Exchange Commission White Paper on Institutional Membership Presented by Chairman William J. Casey to the Subcommittee on Securities of the Committee on Banking, Housing and Urban Affairs. U.S. Senate, on Apr. 20, 1972, p. 12.

[2] Op. cit., pp. 13–14.

[3] op. cit., p. 15.

There is no reason why the institutions cannot simply do their own block trading and swapping outside the exchanges, among themselves, if they feel there are no advantages to exchange membership that warrant any expense of membership above the bare cost of transactions as principals on the exchanges. But this would be a rather illiquid way of handling their large buy and sell needs, and hence they prefer to transact business through exchanges, where the public, smaller order marketplace can facilitate the movement of these blocks of stock and help establish realistic valuations of securities. Hence, institutions do gain economic advantages from the existence of such public facilities that justify the additional expense to them of helping to maintain the general agency market, either through the means of paying brokerage commissions to participate in the market or through the means of being themselves members of the exchanges under an obligation to do primarily an agency; that is, public business.

At present, institutions are allowed to control broker-members of certain regional exchanges, even if these brokers transact business only for their affiliated institutions. Certain other regional exchanges require that half the transactions of such brokers be nonaffiliated. The New York Stock Exchange and the American Stock Exchange require that at least 80 percent of the broker's business be nonaffiliated, which is the level which the SEC presently feels is needed to establish a satisfactory public brokerage status.

The regional exchanges and the institutional community interested in membership are challenging the authority of the SEC to require a public business standard for exchange membership. In order to make its decision regarding this requirement effective, the SEC will have to undertake a 2-year proceeding under section 19(b) of the Securities Exchange Act.

In the meantime, the institutional community is under a possible fiduciary duty to seek membership on the exchanges, since some courts appear to believe that this obligation exists. Presently, the institutional membership of the regional exchanges has not severely cut into the revenue flowing into the general brokerage community. However, if Congress does not clarify the status of the exchange membership franchise vis-a-vis public orders and affiliated trading in the immediate future, institutions will probably feel that they must seek membership to achieve member rates on transactions costs and to satisfy any fiduciary duties they may be found to have in this regard. They cannot very well wait 2 more years for the SEC to attempt to affirm judicially its authority in this area.

The uncertainty of a 2-year period where no one involved can adjudge the longer run economies of being members of securities exchanges is not likely to inure to anyone's benefit. The dislocations that will occur in 2 years if the SEC wins its case will be substantially greater than they are now, and the brokerage community may in fact be seriously weakened by that time if institutions continue to join exchanges. The public simply cannot win in any result of continued delay in establishing a firm policy in regard to the public nature of securities exchanges.

The proposal has been made by the Senator from New Jersey (Mr. WILLIAMS) in S. 3347 that the establishment of a public business requirement on the exchange membership franchise should be tied to the attainment of a $100,000 negotiated commission rate level, which the SEC does not expect to reach for another 2 years, if there are no seriously adverse developments to delay that schedule. The rationale of this proposal is that the institutions are now paying "too much" for brokerage, and should have the right to continue to join exchanges in order to bypass the fixed-rate structure between the present $300,000 level and the eventual $100,000 level, until the $100,000 negotiated rate level is reached. This proposal is faulty in its assumption that present fixed-rate commissions on transactions between $300,000 and $100,000 are unjustified and should not be allowed to be charged. But the SEC, and, effectively, Congress, have acknowledged the legitimacy of the transitional continuation of fixed rates in that transaction range, while the brokerage community adjusts its cost structure to the gradual reduction of its large-order revenues. This gradualism is necessary in order to prevent widescale brokerage house failure, similar to or worse than that occurring during the 1970 market crisis, which would shake the confidence of the investing public in the market mechanism and restrict the availability of capital to American business.

Since the gradualism in achieving fully negotiated rates on institutional size orders is a matter of public policy, it cannot be also asserted that the institutions are presently paying unjustified brokerage fees in the $300,000 to $100,000 transaction range. As I stated in my letter of May 24 to Senator WILLIAMS requesting him as chairman of the Securities Subcommittee to call an executive session of the subcommittee to consider this legislation:

> The decision on the extent and timing of this downward movement in the negotiated rate level is essentially an independent economic one, depending upon the ability of the securities industry to adjust to and survive under the substantially reduced revenue situation they face in the process—this adjustment being necessary not for the sake of existing exchange members as individuals but for their aggregate importance to the soundness of the securities markets and therefore for the economy and the American public. But the decision regarding institutional membership is not dependent on such an economic development; it is the decision that Congress must make regarding whether the exchanges are to exist to serve the public or to act as private clubs for institutions to utilize to gain investment advantages over non-institutional investors and non-members. No one blames the institutions for attempting to maximize their trading advantages and minimize their costs, within the bounds of the present law, and, in fact it may actually be their fiduciary duty presently to seek exchange membership; however, this merely serves to point up the fact that Congress must act affirmatively in this area if the presently unclear public policy regarding exchange membership is to be resolved.

Therefore, Mr. President, I have urged the Subcommittee on Securities to take early and positive action on the question of institutional membership, so that legislation can have adequate time to proceed through the Senate and House before this session of Congress ends, if it has committee and member support in both the Senate and House. The SEC unanimously recommends the early passage of the Sparkman-Bennett bill, S. 1164, with certain modifications, which would establish a clear congressional policy in favor of publicly oriented securities exchanges. I believe that the great majority of the Senate will support the small investor approach of this legislation, and I hope that our committee will agree to report legislation to the floor on this subject, and on the urgent question of operations reform in the securities industry, within the month of June.

NEW JERSEY HIGH SCHOOL STUDENT PLACES IN WRITING CONTEST CONDUCTED BY THE PRESIDENT'S COMMITTEE ON THE HANDICAPPED

Mr. WILLIAMS. Mr. President, Timothy Horan, a Riverside, N.J., high school senior, recently placed fifth in a national writing contest conducted by the President's Committee on the Employment of the Handicapped. Writing on the contest theme "The Ability to Work," Timothy depicted his community's unawareness of handicapped citizens—their problems and their needs.

Like Timothy, I believe that we who serve the public must lead the way in focusing attention on a neglected group who constitute one of the Nation's largest minorities. Proposed legislation I have introduced in the past few weeks to create an Office of the Handicapped (S. 3158), to call a White House Conference on the Handicapped (S.J. Res. 202), to provide supplementary education assistance (S. 3407), and to provide greatly increased assistance to the States for the education of all handicapped children (S. 3614) will refocus this attention, and commit the Nation to assuring the rights of all individuals having disabilities. In addition, the Subcommittee on the Handicapped has begun a very thorough examination of the operation of the Vocational Rehabilitation Act, programs which have long provided very basic support to handicapped individuals.

I am honored therefore to ask unanimous consent to have printed in the RECORD Mr. Horan's excellent and sensitive article, which so well explains how far we have to go in recognizing the handicapped people of America.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

EMPLOYMENT OF THE HANDICAPPED: HOW WELL IS MY COMMUNITY INFORMED?

George Bernard Shaw: "The worst sin toward our fellow creatures is not to hate them, but to be indifferent to them: that's the essence of inhumanity."

Although my community, as a social group, feels compassion for the handicapped, most of its members in corporate enterprise, government, education, and religion are unaware of the problems of the impaired worker. Therefore, the plight of the handicapped worker is not in conquering his physical malady, but in proving to an unenlightened environment that he has the ability to provide for himself.

A community unfamiliar with the capabilities of the handicapped comes to faulty conclusions as to their qualifications. For example, having witnessed an accident in which a car struck a telephone pole, medical student Morris Robbins immediately tried to save the injured victims within the vehicle. Opening the door, he severely damaged both of his hands since a stray cable had electrified the car. As a result, one hand had to be amputated. Now a bone specialist, Dr. Robbins notes that patients sometimes lack confidence in his ability to perform intricate operations. Nevertheless, he overcomes this situation by demonstrating his medical talents.

Elected to serve all the people of the community, local government is nescient to the existence of the handicapped. "Never have I received any complaint from a disabled person in the community," stated town councilman William Ryan. "Then, again, neither have I worked with a handicapped person nor have I ever had direct contact with such a community resident, although I'm sure that there must be at least one in the town. The township does not sponsor any project or special drive for the handicapped, but I guess that they could be included in our new rap-session program," concluded the representative, still not positive that a disability problem exists. Unknowingly, the town councilman has alienated the handicapped and denied them an opportunity to contribute as equal members of the community. Moreover, he has presented a solution only to include them, not to integrate with them.

In conjunction with the local government, the library is an integral part of community life. "We have not recognized that there is a definite need in the library for information concerning the employment of the handicapped," commented Mrs. Alice Yardumian, librarian. "Few, if any, inquiries for such literature are made. Furthermore, the library has only two volumes about the topic. If the township committee would provide the necessary funding, the library could offer expanded service to the handicapped. However, under the current system this is not feasible." Although the librarian wants to help solve the problem, she does not feel that it is within her sphere of influence.

After sacrificing so much for the preservation of freedom, the disabled veteran also finds that people are oblivious to the question of his working ability. On a country road in Germany, Harry Joseph, an Army tank operator, suffered the loss of his left leg and left arm when a German bazooka shelled his tank. Following the war, Harry discovered that people had interest in him and wanted to aid him. Yet, today, twenty-seven years later, the community has forgotten Harry and the sacrifice that he made. Although Harry has secured a responsible position in customer-service relations, he feels that other disabled veterans are not as fortunate as he. "Local newspapers should bring the handicapped into the limelight," said Harry. "Let the people of the community know what handicapped workers can do for business as well as for community life. In my corporation a handicapped worker is treated as an equal, an asset to the company. Still, when my fellow workers leave the office, they completely remove themselves from the prbolems of a disabled veteran." Likewise, John McIntire, a World War II amputee, having received an injury in an airplane crash, feels that the people of the community are "so wrapped up in their own problems that they don't want even to try to become involved with amputees like myself. I want to work, and I'm glad I am able to fulfill the duties of my job. Nevertheless, only through television and other mediums of communication can everyone know that the disabled veteran wants to do his share."

Industry sometimes restricts the handicapped even though it claims equal opportunity for all persons. In many types of employment, required liability insurance regulations prevent the hiring of an impaired worker. For instance, Albert McCay, an uninsurable wheelchair case, ironically, could find work only as an inside salesman for an insurance firm. Thus, the equal-opportunities law presents inequities in a system designed to eliminate such discrimination.

Although concerned with the problem of disability, leaders are unable to transmit their knowledge to the apathetic majority. As a special-education coordinator, Robert Bice has tried to relate directly to the handicapped. "The community does not comprehend the difficulties in educating the handicapped. I have tried to make the handicapped aware of their role in society. However, unless the community is educated likewise, any progress made with the handicapped is lost." In the same way, Reverend Richard Thompson, as the spiritual head of his congregation, tries to incorporate the handicapped into his activities. However, he stated, "Without the necessary materials to instruct the public, my work is not effective. Since it is difficult to translate individual pain into mutual suffering, the community cannot readily identify with the disabled."

In conclusion, the words of Mathew Henry, "None so blind as those that will not see," describes my community. Such indifference to the handicapped will remain until each segment of my community becomes informed of the problem and of the definite role each must play in its solution.

BIBLIOGRAPHY FOR THE ABILITY COUNTS CONTEST

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A LETTER FROM A PRISONER

Mr. PERCY. Mr. President, I recently received a letter from a prisoner which I found to be most thought-provoking. It offers a much different picture of a prisoner than that which is common. Here is an articulate, thoughtful man who has some very definite ideas about prisons and prisoners.

I ask unanimous consent that his letter be printed in the RECORD at the conclusion of my remarks. I do this not because I agree with every thought the writer has expressed, but because I feel that the thoughts contained in this letter are worthy of the attention and consideration of all Senators as we continue to grapple with the problems of our penal institutions and systems.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ANTHONY, NEW MEXICO-TEXAS,
April 12, 1972.

Hon. CHARLES PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: I have read with interest your comments on prisons which were published in a recent edition of the Congressional Record. I as a federal prisoner agree with you on the dire need for prison reform; however, I contend that prison reform in itself is not enough. Crime did not begin in prison; therefore, it is practical to assume that crime will not end in prison. Through intensive introspection, and as a result of discussing the subject with various interested inmates of this federal prison, I firmly believe that we have formulated some ideas which can be developed into a very effective means of reducing crime.

My plan upon release from this federal prison is to become involved in self-help groups comprised of former prisoners—groups that will be designed to inspire ex-convicts to create a new life style with positive direction devoted to the accomplishment of productive goals.

It is a profound fact that the ex-convict in American society has a stigma that follows him to the grave—and beyond. This stigma is largely the result of the attitude of society toward ex-convicts, to wit: An ex convict is automatically branded a non-person; a second rate citizen; he is stripped of his right to vote; he is forbidden to own property in some states; he is prohibited from entering most professional fields; he is greeted by a closed door by many potential employers once that party learns that he is an ex-convict; he is required to register as a convicted felon in many states; he is not allowed to hold public office; etc.

With this constant bombardment of negatives—this gross oppression—confronting an ex-convict, what is his next move?

He resorts to lies. He becomes frustrated, bitter. He strikes back by returning to criminal activities to obtain what society has denied him, and his return to crime results in his once again being committed to prison, thereby perpetuating the fraud that I see the American system of prisons to be. The prison system is nothing more than an extension of American society; therefore, I must conclude that American society, at least in terms of its attitude toward prisons, former prisoners and prisoners, is also a fraud.

Criminologists utilize the bell curve to establish a norm and the two extremes—the norm being the "average citizen", flanked by the "super citizen" to the right of the norm and those persons with criminal tendencies to the left of that curve. They accept as an established fact that a criminal element will always be present in society. I agree, with reservations. I contend that those persons who fall to the left of that norm possess the capability to remove themselves to the center or to the right of the graph. I do not accept the status quo, regardless of the findings of criminologists!

During this period of incarceration I have become acutely aware that it is the responsibility of prisoners and former prisoners to take that "first step of a thousand mile journey" to regain their dignity. I contend that *collective* efforts on the part of ex-convicts directing their combined energies toward proving to themselves and to society that they are humane individuals is the only effective means of keeping these persons out of prison. I see these efforts far more effective than the band-aid treatment that society provides in the form of prisons which serve only to dehumanize.

I foresee great potential in such concerted endeavors. Call these endeavors self-help groups, or unions, or what you may, but I prefer to call them a movement of ex-convicts who have reached a new level of consciousness regarding crime in America—a movement of humane individuals who are striving to create for themselves a new and fulfilling life style which will ultimately reduce the prison population in this nation.

I am not so bold as to say that I have the final solution to crime and prisons, but I do contend that such collective endeavors by sincerely interested ex-convicts will prove effective in inspiring an endless number of prisoners and former prisoners to embark upon a new life style that will cause them to be responsible individuals.

These efforts are not going to be accomplished without obstacles. We will need the support of persons who are sympathetic to our desire to accomplish these goals, and it is with this in mind that I solicit your comments on ideas presented in this letter.

Very truly yours,
JAMES M. HATTON, JR.,
Register Number 46347-146.

EXPORTATION OF U.S. CATTLE HIDES

Mr. CURTIS. Mr. President, there has been a great deal of discussion lately with regard to an effort generated by domestic tanners and shoe manufacturers to restrict the exportation of U.S. cattle hides. the reason given for hide export restrictions is that shoe prices will have to be increased because cattle hide prices have advanced.

This is an old refrain, yet apparently it has been newly discovered by some individuals who choose to attack the President's economic program. What these same individuals forget is that during the previous administration a similar hue and cry was advanced by the same U.S. tanners and shoe manufacturers. It was in 1966 that the then Secretary of Commerce placed an embargo on hide exports in the name of holding down shoe prices. Even though the price of hides did fall as a result, the shoe manufacturers proceeded to increase the price of shoes anyway. The cattlemen of my State and all other States paid the bill to the tune of about $4 per head of every animal sold while the tanners and shoe manufacturers pocketed the profits.

Let us look at the situation a bit more closely. The price of cattle hides in the United States has indeed climbed in recent weeks. For example, the price of butt branded steer hides on a Midwest basis the week ending May 27 was $25 per hundredweight. For the same week, in 1971, the price was $11.50 per hundredweight—a price level near which they hovered for several years. It is interesting to note in passing that the price of like hides back in 1920 was in excess of $30 per hundredweight.

Now what has happened is that the world-wide situation is in a state of adjustment. The United States has developed a very healthy export market for approximately 40 percent of our entire cattle-hide production. Meanwhile, Argentina, the other large supplier of hides to the world, has had a severe decline in cattle slaughter the last couple of years and therefore this has tightened up considerably the total world supply. There is every reason to believe, however, that Argentina in 1972 will show an increase in cattle slaughter and therefore provide more hides in world trade.

Were it not for the substantial export market for U.S. produced hides, U.S. cattle producers literally would be giving them away. As it is, the value of the byproducts with the current level of hide prices has meant that wholesale carcass beef prices sold by the meatpacker can be maintained at a point which otherwise would have caused higher beef prices to the consumer. Meanwhile, the number of hides exported from the United States in 1972 as compared to other recent years is about static.

It seems to me that there are several real culprits involved in this complex picture entirely apart from the price of U.S. cattle hides and the very healthy export market they enjoy. Among other things, domestic tanners have materially cut back their production due to extremely high labor costs and low productivity. Another factor has been the dramatic increase in importation of leather footwear, largely from Italy and Spain, which now accounts for approximately 40 percent of all leather footwear worn in the United States.

Rather than attacking the exportation of hides, which is so important to our U.S. balance-of-payments and balance-of-trades situation, it is my contention that something needs to be done about the more critical issues at hand—the very high level of leather footwear imports and the apparent low productivity of U.S. labor and its contribution to highly inflated shoe prices to the consumer.

Meanwhile, in deference to the shoe manufacturer, on May 30, 1972, the Price Commission granted an authorized price increase to certain manufacturers confined to the actual cost of the raw material going into shoes. Interestingly, the manufacturers are required to lower prices as their raw material costs decline—something these same manufacturers did not do back in 1966. This action should remove any need for hide export restrictions which would cause irreparable damage to the domestic beef-cattle industry and possible loss of export markets that have built up over the years.

I ask unanimous consent that two items on this subject be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

PRICE INCREASE CLEARED BY PANEL FOR EIGHT SHOE FIRMS

The Price Commission allowed eight shoe manufacturers to lift shoe prices, but the increases were custom-fitted to the industry to soften the impact of sharply higher leather costs.

In a departure from its customary practices, the commission limited the companies to a dollar-for-dollar pass-through of leather cost increases. Generally the commission grants a company a percentage increase in prices, enabling the concern to boost quotas enough to cover higher costs and to maintain its profit margin. In addition to the dollar-for-dollar pass-through, the panel granted each company a standard percentage increase to cover rises in nonleather costs, such as labor. But because the pass-through more strictly limits price rises, the combined package authorized for each company will work out to less than they might otherwise have received.

The decision reflects the commission's fear that sharp increases in shoe prices may hurt efforts to reduce the rate of inflation. Because of a world-wide shortage of hides, leather costs have risen about 100%. Since the wage-price freeze ended Nov. 14, the commission said. The Commerce Department is studying the hide situation and Commerce Secretary Peter G. Peterson has warned that retail shoe prices could increase by as much as $5 a pair by autumn unless hide prices decline.

The companies that received the pass-through authorization and percentage increases were F. W. Woolworth & Co., Kinney Shoe division, 1.65% on men's shoes, 0.46% on women's shoes and 0.49% on children's shoes; Brown Group Inc., 3.59% on shoes, boots and handbags of the Brown Shoe division, and 3.16% on women's shoes made by the Samuels Shoe manufacturing unit.

Also, Interco Inc., 6.03% by the International Shoe unit, plus 3.62% on women's shoes and 3.25% on men's shoes made by the Florsheim division; Genesco Inc.'s Gemco Footwear Unit, 1.88%; U.S. Shoe Corp., 1.11% for domestic boots of the Texas Boot division, plus 1.92% for children's shoes of the Vaisey Bristol division, and 2.85% for men's shoes made by the Freeman's division.

Also, Morris Shoe Inc., 1.08% for the Lowell Shoe diivsion; Scholl Inc., 1.9%, and Athlone Industries Inc., 1.99% for women's casual shoes of the Henschel Shoe division.

In granting the increases, the commission ordered the companies to roll back any price boosts they had been permitted previously and to apply the new standards to the base-period prices that existed during the 90-day wage-price freeze imposed last Aug. 15. This may result in some decreases in shoe prices, a commission official said. The companies must report all price changes to the commission within 10 days.

Just as the companies are allowed to pass on leather costs on a dollar-for-dollar basis, they must also reduce shoe prices if their costs decline, the commission said.

The agency said it imposed the dollar pass-through limitation under a section of its rules that applies to cases where raw material costs increase sharply in a short time. In such situations, a company can't pass on any more than its actual increase in raw material costs.

In other actions, the commission granted Colgate-Palmolive Co. an increase averaging 1.8% on all its domestic sales. This will result in a 0.8% annual revenue gain.

The panel also cleared rate increases by four utilities. They were 12.5% by Bluefield (Va.) Water Works Co.; 11.4% in steam rates by Rochester (N.Y.) Gas & Electric Corp.; 6.1% by South Pittsburgh Water Co., and 0.61% by Wisconsin Public Service Corp.

The panel denied two increases, saying they were improperly justified. Lincoln Electric Co. requested a 17% increase covering iron oxide, and Tex Tan Western Leather Co., a unit of Tandy Corp., requested a 4.59 increase covering saddlery and leather goods.

In another pricing development, American Enka Co. and DuPont Co. are both increasing the price of their bulked continuous filament nylon products.

American Enka, a subsidiary of Akzona Inc., will raise the price of all its BCF nylon five cents a pound effective tomorrow, while DuPont is boosting the price of its heavier denier 3% effective today.

Industry sources put the current selling price at 79 to 80 cents a pound.

DuPont said its price rise reflected "very strong demand" for the nylon.

Bulked continuous filament nylon is used almost exclusively in carpets.

HIDE AND OFFAL VALUE—1971

January 2	$1.92
January 9	1.90
January 16	1.90
January 23	1.94
January 30	1.96
February 6	2.03
February 13	2.11
February 20	2.13
February 27	2.14
March 6	2.17
March 13	2.14
March 20	2.12
March 27	2.14
April 3	2.24
April 10	2.31
April 17	2.29
April 24	2.27
May 1	2.24
May 8	2.23
May 15	2.33
May 22	$2.26
May 29	2.26
June 5	2.21
June 12	2.23
June 19	2.20
June 26	2.18
July 3	2.17
July 10	2.16
July 17	2.15
July 24	2.13
August 7	2.11
August 14	2.14
August 21	2.15
August 28	2.20
September 4	2.23
September 11	2.19
September 18	2.18
September 25	2.20
October 2	2.19
October 9	2.18
October 16	2.18
October 23	2.22
October 30	2.22
November 6	2.28
November 13	2.24
November 20	2.21
November 27	2.25
December 4	2.31
December 11	2.25
December 18	2.24
December 25	2.26
1972	
January 1	2.32
January 8	2.39
January 15	2.39
January 22	2.42
January 29	2.50
February 5	2.55
February 12	2.57
February 19	2.64
February 26	2.64
March 4	2.81
March 11	2.90
March 18	3.06
March 25	3.24
April 1	3.39
April 29	3.22
May 6	3.32
May 13	3.34
May 20	3.35

Midwest hide prices (butt branded steer)

July 2, 1966, $17.50–19.00.
July 9, 1966, $17.50–18.50.
July 16, 1966, $18.00–19.50.
July 23, 1966, $17.50–19.50.
July 30, 1966, $18.00–18.50.
August 6, 1966, $16.00–18.50.
August 13, 1966, $15.25–17.75.
August 20, 1966, $14.00–17.00.
August 27, 1966, $14.50–16.25.
September 3, 1966, $14.00–16.50.
September 10, 1966, $14.00–16.50.
September 17, 1966, $13.00–15.00.
September 24, 1966, $12.00–14.25.
October 1, 1966, $12.50–14.50.
October 8, 1966, $11.00–14.50.
October 15, 1966, $11.50–13.25.
October 22, 1966, $11.50–13.50.
October 31, 1966, $10.00–13.50.
November 7, 1966, $11.00–13.50.
November 12, 1966, $11.50–13.50.
November 19, 1966, $12.00–13.50.
November 26, 1966, $12.50–14.00.
December 3, 1966, $11.50–13.00.
December 10, 1966, $11.50–12.50.
December 17, 1966, $11.50–12.00.
December 24, 1966, $11.50–12.00.
December 31, 1966, $12.00–12.50.
January 1, 1967, $12.00–12.50.
January 14, 1967, $12.00–12.88.
January 21, 1967, $12.00–12.50.
January 28, 1967, $12.00–12.50.
February 4, 1967, $12.00–13.25.
February 11, 1967, $12.00 only.
February 18, 1967, $10.00–12.00.
February 25, 1967, $11.50–12.00.
March 4, 1967, $11.00–11.50.
March 11, 1967, $12.00–12.50.
March 18, 1967, $11.50–12.00.
March 25, 1967, $11.00–11.50.
April 1, 1967, $11.00–11.50.
April 8, 1967, $9.50–11.00.
April 15, 1967, $10.00–10.50.
April 22, 1967, $11.00–11.50.
April 29, 1967, $11.00–11.25.
May 6, 1967, $10.00–10.50.
May 13, 1967, $10.00–10.50.
May 20, 1967, $10.50–11.00.
May 27, 1967, $10.50–11.00.
June 3, 1967, $11.25–11.50.
June 10, 1967, $11.60–12.00.
June 17, 1967, $10.50 only.
June 24, 1967, $10.00 only.
July 1, 1967, $9.25.
July 8, 1967, $9.25–10.00.
July 15, 1967, $9.75–10.00.
July 22, 1967, $10.00–10.75.
July 29, 1967, $9.00–9.25.
August 5, 1967, $9.00 only.
August 12, 1967, $8.75–9.00.
August 19, 1967, $8.50 only.
August 26, 1967, $8.50–9.00.
September 2, 1967, $8.50–9.50.
September 9, 1967, $9.50–10.00.
September 16, 1967, $10.50 only.
September 23, 1967, $10.00–10.25.
September 30, 1967, $9.50–10.00.
October 7, 1967, $9.00 only.
October 14, 1967, $8.75–9.00.
October 21, 1967, $8.50–8.75.
October 28, 1967, $8.75–9.25.
November 4, 1967, $8.00–9.25.
November 11, 1967, $7.75–8.00.
November 18, 1967, $9.25 only.
November 25, 1967, $9.00–10.00.
December 2, 1967, $10.25–10.50.
December 9, 1967, $9.00–9.50.
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January 6, 1968, $7.75–8.50.
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February 17, 1968, $8.00–8.50.
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March 30, 1968, $9.50 only.
April 6, 1968, $9.00–9.50.
April 13, 1968, $9.00 only.
April 20, 1968, $9.00 only.
April 27, 1968, $9.00 only.
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June 22, $8.00–8.50.
June 29, $8.00 only.
July 6, $8.25 only.
July 13, $8.25–8.75.
July 20, $8.75 only.
July 27, $8.25–9.00.
August 3, $8.75 only.
August 10, $8.75–9.25.
August 17, $9.00–9.25.
August 24, $9.50 only.
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September 7, $9.50–9.75.
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February 15, $10.50–11.00.
February 22, $11.00 only.
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March 15, $11.00–11.25.
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March 29, $13.00 only.
April 5, $14.50 only.
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April 19, $13.50–14.50.
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April 11, 1970, $12.75 only.
April 18, 1970, $11.25–12.00.
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June 6, 1970, $9.75–10.50.
June 13, 1970, $9.75–10.50.
June 20, 1970, $10.00–10.25.
June 27, 1970, $10.00–10.50.
July 4, 1970, $10.50–11.00.
July 11, 1970, $9.25–10.00.
July 18, 1970, $9.50–10.00.
July 25, 1970, $9.75 only.
August 1, 1970, $10.25–10.50.
August 8, 1970, $10.25 only.
August 15, 1970, $9.50–11.00.
August 22, 1970, $11.50 only.
August 29, 1970, $10.75–11.25.
September 5, 1970, $10.75 only.
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September 19, 1970, $11.00–11.50.
September 26, 1970, $11.00–11.50.
October 3, 1970, $11.50–12.50.
October 10, 1970, $12.00 only.
October 17, 1970, $11.25–11.50.
October 24, 1970, $11.00–12.00.
October 31, 1970, $12.00 only.
November 7, 1970, $11.75 only.
November 14, 1970, $12.00 only.
November 21, 1970, $11.00 only.
November 28, 1970, $9.50–10.00.
December 5, 1970, $10.00 only.
December 12, 1970, $9.50 only.
December 19, 1970, $9.50–9.75.
December 26, 1970, $9.50 only.
January 2, 1971, $9.50 only.
January 8, 1971, $9.00–9.25.
January 16, 1971, $9.00–9.25.
January 23, 1971, $9.00–9.50.
January 30, 1971, $8.75–10.00.
February 6, 1971, $9.25–10.50.
February 13, 1971, $10.00–11.50.
February 20, 1971, $10.50–11.00.
February 27, 1971, $11.00 only.
March 6, 1971, $11.00 only.
March 13, 1971, $10.50–11.00.
March 20, 1971, $10.50–11.00.
March 27, 1971, $11.00 only.
April 3, 1971, $12.25 only.
April 10, 1971, $13.00–14.00.
April 17, 1971, $13,00–14.00.
April 24, 1971, $13.00–14.00
May 1, 1971, $11.50–13.00.
May 8, 1971, $12.00 only.
May 15, 1971, $13.00–13.50.
May 22, 1971, $12.00–12.50.
May 29, 1971, $11.50–12.00.
June 5, 1971, $11.00–11.50.
June 12, 1971, $11.50–12.00.
June 19, 1971, $11.50 only.
June 26, 1971, $10.50–11.75.
July 3, 1971, $11.50–12.00.
July 10, 1971, $12.00 only.
July 17, 1971, $11.50–12.00.
July 24, 1971, $11.00–11.25.
July 31, 1971, $10.75–11.00.
August 7, 1971, $10.50–11.50.
August 14, 1971, $11.50 only.
August 21, 1971, $11.50 only.
August 28, 1971, $11.50 only.
September 4, 1971, $11.50 only.
September 11, 1971, $11.50 only.
September 18, 1971, $11.50–12.50.
September 25, 1971, $12.50 only.
October 2, 1971, 12.50 only.
October 9, 1971, $11.50–12.50.
October 16, 1971, $11.50–12.50.
October 23, 1971, $12.00–12.50.
October 30, 1971, $12.00–13.00.
November 6, 1971, $12.00–15.00.
November 13, 1971, $11.50–13.00.
November 20, 1971, $13.50–14.00.
November 27, 1971, $13.25–14.25.
December 4, 1971, $14.00–15.00.
December 11, 1971, $13.00–14.00.
December 18, $13.00 only.
December 25, $13.00–14.00.

1972

January 1, $13.50–$15.00.
January 8, $14.50–$15.50.
January 15, $14.00–$15.00.
January 22, $14.50 only.
January 29, $15.00–$15.50.
February 5, $15.00–$16.50.
February 12, $16.00–$16.50.
February 19, $17.00 only.
February 26, $16.00–$18.00.
March 4, $18.75 only.
March 11, $19.50–$20.00.
March 18, $21.00–$22.00.
March 25, $21.00–$23.50.
April 1, $24.00–$25.00.
April 8, $24.00–$25.00.
April 15, $22.63.
April 22, $22.00.
April 29, $22.00.
May 6, $23.75.
May 13, $24.50.
May 20, $25.25
May 27, $25.00.

These are Midwest prices for butt branded steer hides. In calculating the hide and offal value, we use the simple average when a range of prices are quoted.

ADDRESS BY EDWARD TELLER

Mr. BUCKLEY. Mr. President, on April 14, 1972, Edward Teller gave a significant speech in the Hungarian House of New York, as a part of a lecture series organized by the American Hungarian Historical and Library Association. I ask unanimous consent that the speech be printed in its entirety at the conclusion of my remarks.

Dr. Teller is of Hungarian origin. He came to this country in the late 1930's. He is a distinguished scientist and a loyal American. The respect, the success and admiration that is his, is well earned. He has served his new country with everything he has. He has tried to repay the indebtedness that he feels is his to this country. And he has done so three times. First, when he along with another Hungarian scientist, Dr. Leo Szilard, persuaded Albert Einstein as to the feasibility and necessity for the development of the atomic bomb. Dr. Einstein's word with President Roosevelt initiated the "Manhattan project." Second, when he convinced his colleagues about the possibility of the development of the H-bomb. He did this against tremendous odds. And third, now when Dr. Teller, inspite of irresponsible criticism and vigorous attacks on his integrity, took upon himself the responsibility and burden to appeal to the commonsense of his fellow Americans in order to awake the consciousness of our great country. He presents the facts as he knows them. His evolution of their effect on the world and his conclusions are worthy of attention.

For his relentless work for the survival of freedom his fellow Hungarian-Americans in 1969 presented to him the "freedom award" of the Hungarian Freedom Fighters Federation of the United States of America.

There being no objection, the address was ordered to be printed in the Record, as follows:

NATIONAL DEFENSE AND SECURITY

Despite popular notions, one can no longer talk of a military balance between the superpowers. Following World War II, United States superiority was enormous. However, that picture has changed drastically since. We approached parity ten years ago. The then Defense Secretary McNamara proposed atomic deterrence by assured destruction for the eventuality of a Russian attack. Like in the case of other McNamara theories, the assurance has been replaced by uncertainty.

The situation today is that the Russians have greatly superior land forces. They have advanced military air power. They are also forging ahead in naval strength. And they are getting constantly further ahead in nuclear explosives and in defense against a nuclear attack, not being hampered by budgetary and other limitations. Consequently, we cannot in good faith speak of a balance of military power. More than that, even if we should seriously strive to reach anything near equality, this would be impossible before 1980—even if we would be feverishly working for it.

Nevertheless, the situation is not quite as hopeless as it could be. Our nuclear arsenal though it cannot be regarded as an absolute deterrent, still has sufficient retaliatory power which could cause considerable havoc and will, hopefully, prevent the Russians from launching an atomic attack. Still, their intercontinental rockets can destroy in a first strike a large percentage of our retaliatory force before it can leave the ground. One has to bear in mind that rockets travel 10 to 20 times faster than the speed of sound and the incoming rocket is difficult to hit. We are beginning to develop such countermeasures, but the preparedness ratio in this field favors the Russians who have been perfecting their ballistic defense system for a full decade.

There exists the possibility that their defenses will soon be so strong that they could intercept and destroy what remains of our retaliatory force after a Soviet first strike.

In matters of defense one has to keep in mind not only the probable but also the possible. It is evident that should the Russians be able to successfully defend themselves while we could not, it would not take very long before the fate of these United States—a country which provided us with refuge and of which we have become loyal citizens—will be similar to that of Hungary or Czechoslovakia.

An equally unfortunate circumstance is our mental unpreparedness: the defeatist stance of our immediate successors, the younger generation which is soon to take over from us. What I as a professor have seen in my hometown, on the Berkeley Campus of the University of California, and also during my numerous lectures elsewhere, does not auger well for a sound defense. The trouble has spread over the whole western world. When I took part recently in the centennial exercises of the Institute of Technology at Aachen, West Germany, mob scenes indicated that in the well developed industrial parts of the free world much of the fabric of stable human character has disintegrated. Since a like situation is hardly tolerated beyond the Iron and Bamboo curtains the developing situation favors our adversaries.

Being among fellow Hungarians who are fully aware from bitter experience what it means to be defenseless against the onslaught of superior forces, gives me the chance to make a suggestion. We all owe gratitude to our new homeland. To express it in a positive way is our privilege and duty. What I suggest may not be pleasant, but it is of the utmost importance for the country that has adopted us. We, who either through personal experience or that of our kin found out about the Russians, sampled their mentality through direct contact, have a specific obligation: to urge our American friends to realize the ever-increasing dangers looming on the horizon. Once the great Russian thrust for world domination is on the march, it is difficult to foresee where and when it may stop. It is far better, therefore, to prepare for it while this is still in the realm of possibility.

That the Russians have superior power and that an equilibrium no longer exists is an undeniable fact. If we do not begin to remedy our shortcomings at once and keep at it purposefully and diligently, we shall not even reach parity with the Russians by 1980. But if we ourselves, and those Americans who have the future of the United States and the Free World at heart are unable to carry this message, and if our public opinion will listen instead to Senators like Proxmire, Fulbright and McGovern—then in a comparatively short few years our ability to defend ourselves and the western civilization will come to an abrupt end. This fate, to become a communist satellite, a colony of slaves, we must prevent.

The great advantage of a democracy is that everyone is permitted to help on his own initiative, everyone can contribute even if in a modest measure to the betterment of both private and public life. Thus each one of us can do his or her bit to see that we are not left behind. And this is a point where overzealous bureaucratic secrecy comes into the picture. I am among those who have valid reasons for being against the indiscriminate use of the red Top Secret rubber stamp. Despite this secrecy, we cannot keep a secret for a long time.

A theory, a chart, a drawing is but the embryo of any system. It is indeed a long and tortuous road to develop something tangible from a sketch. This painstaking, intricate scholarly process on the technological level is far too complicated to be snatched away by a spy. The minute details of development is what does bring the desired end result. At the end of WW II we were in the possession of the atomic bomb. Shortly thereafter the hydrogen bomb was perfected. But on account of our infatuation with official secrecy, we have fallen far behind. We oppose work on weapons in peacetime. Our adversaries have no such impediments and mental blocks. Today the Americans are ignorant of their danger because we have literally guarded the secret of Russian superiority more zealously than we have guarded our own classified information. If the American public would be given the evidence of our weakness, they would act accordingly, exerting their influence on our open political institutions, in the best interest of our country of humanity and of peace through strength.

We are in almost as bad a shape as we were at the end of the 1930s when the nazis were prepared and we had to start from scratch. Our greatest hope at the moment is that the position of our Polaris missile equipped submarines is constantly changing. God forbid that the Russians would ever be able to unscramble their course! But in every other aspect we are vulnerable. Though we Hungarians are in a minority, we must raise our voice and arouse public opinion favoring, at least, parity.

As I stated before, the Russians have better planes and missiles. Yet, essential details of their strength is a deep secret which we are not permitted to discuss. If I myself would know it, I could not tell you. Some of my colleagues, brilliant scientists, do not believe this to be so. Strangely, many liberal scientists favor secrecy. What a pity. For if and when the relevant secrets will be brought into the open, honest arguments can replace propaganda. This necessitates the declassification of all but the most sensitive intelligence information.

The beauty of democracy is its inherent openness. This quality is most beneficial to serious scholarship. But science cannot thrive if there is secrecy. We have to make science and high technology more desirable, more popular among our young people if we aspire for real progress, and if we want to survive in an ever more competitive world. It saddens me that right now there is but scant interest among the young to pursue a science career. Apparently they do not realize how important and how relevant it is for the future—their future.

If our allies, Europe and Japan primarily, will be allowed to team up their best talents and resources with ours, the picture can change for the better. To merit their full cooperation we have to lift the veil of unnecessary secrecy. Americans must come to grips with this urgent problem, not only for the sake of these United States but for the whole free world. Should we succeed in establishing a close scientific collaboration with those who are looking to us for leadership, then the world may expect a more peaceful future in which freedom will survive.

We must win over our young people to work for this ambitious and inspiring plan. It is a plan for survival.

PRESIDENT'S TRIP TO MOSCOW

Mr. TAFT. Mr. President, I wish to offer my heartiest support and congratulations to President Richard M. Nixon on his historic visit to Moscow last week. I am overwhelmed by the bipartisan support, initiated by the distinguished majority leader, which above all else, has demonstrated that Members of this body do in fact, put our country ahead of political aspirations. The final elimination of the funding cutoff provisions in the USIA State authorization bill this week was a most important manifestation of this sense of priorities.

The President, who will address a joint session of the Congress tonight, is bringing home a new hope for world peace. The many subjects of agreement are vital to the interests of both countries and the agreements greatly strengthen the prospects for world peace.

The unprecedented results are now on proud display for the rest of the world to note. President Nixon's accomplishments have been detailed on the floor many times. I can only add a note of encouragement to Members of this body, and all citizens of this Nation to give the President the encouragement and support that he so clearly deserves. They have made this world a safe place to live, and reduced the risks and tensions between the superpowers of this world.

I am hesitant at this time to refer to what is perhaps the most blatant show of bad taste and timing during this time of optimism for world peace. I reluctantly draw attention to a two-page advertisement in the New York Times, Wednesday, May 31, 1972. I do not intend to take issue at this time with the totally unfounded attack on President Nixon, but would rather note the voice of the working man, the pressmen at the New York Times, on their feelings as to how President Nixon is conducting the war in Vietnam.

The pressmen at the Times delayed the start of the first-edition press run of yesterday's issue for nearly 15 minutes to protest the contents of this paid advertisement seeking the impeachment of President Nixon. The pressmen said they would not operate the presses unless the advertisment was removed. The Times management, for economic reasons, declined to refuse the $17,850 ad.

The pressmen then asked that a statement of their viewpoint be printed with the advertisement, but production officials again refused, saying that it was a matter for the news department to look into. In a statement by the pressmen, that labeled the advertisement as "traitorous" and "detrimental to the boys in Vietnam and prisoners of war."

> We the members of the New York Times press room want it known that we do not agree with the action or intent of the paid advertisement on pages 22 and 23 of the Wednesday issue, dated May 31, 1972, and are working under protest in printing it.

I am certain that Americans who saw the ad share the feelings of the pressmen. I do not feel a need to attack or defend. The New York Times pressmen have spoken for us all.

GUN CONTROL LEGISLATION

Mr. STEVENS. Mr. President, the significant increase in crime during the last decade and the assassination and attempted assassination of prominent Americans have brought about feeling among many well-meaning persons in the Congress of the United States and elsewhere in our Nation that more stringent regulatory control should be placed on handguns—if not all guns.

More restrictive legislation would surely create a more lucrative black market in the sale of guns and ammunition and, like that other "noble" experiment—prohibition, swell the coffers of organized criminal syndicates.

Peaceful, decent, law-abiding citizens would be disarmed, and all the handguns would be held by criminals.

Handguns, like automobiles, can be dangerous in the hands of the careless, uninstructed, irresponsible or criminal. Yet it is the criminal and the assassin, not the gun, that is guilty—just as it is the irresponsible or drunken driver that is guilty, not the automobile.

Legislation to outlaw handguns would merely be another step down the road to denying the right of our people to bear arms.

The next step would be the confiscation of rifles; after that our shotguns.

This is like the man who asked for a loan of $30, but was told that only $10 was available. "That's okay," said the borrower, "I'll take the ten and you owe me twenty."

If restrictions on firearms and ammunition are necessary, the States are uniquely capable of responding to local needs. In my State of Alaska, where tens of thousands of people depend on firearms for their subsistence, the needs are far different than in the State of New York, for example. A uniform Federal law cannot meet the needs of the widely divergent communities of America. The most graphic example of this is rural Alaska where the provisions of the Gun Control Act have created great hardships for those in areas not accessible to sellers of firearms and ammunition.

Cries for gun-control legislation were the inevitable aftermath of the shooting of Gov. George Wallace. Every thinking citizen abhors that act. Yet the banning of the sale of .38-caliber handguns would not have prevented that tragic event.

Furthermore, the man who the State charges shot Governor Wallace had been arrested 2 months before on a charge of carrying a concealed weapon. That charge was reduced to a simple "disorderly conduct" when the alleged assailant agreed to plead guilty to a lesser charge, paid a $38 fine and walked out, a free man.

Mandatory penalties must be placed on those who misuse firearms or unlawfully carry firearms, but the right of law-abiding citizens to use guns for lawful purposes must be protected.

MARY GEORGE JORDAN WAITE

Mr. ALLEN. Mr. President, on May 19, 1972, Mrs. Mary George Jordan Waite, of Centre, Ala., completed a year of distinguishing service as president of the Alabama Bankers Association. She was the first woman in the United States to serve as president of a State banking association.

Even more impressive than this important milestone is the quality and quantity of dedicated service which Mrs. Waite has given to the people of Centre and Alabama. Mrs. Waite was the first woman to serve as director of the Alabama division of the American Cancer Society; the first woman to serve on the Alabama Banking Board; the first woman to receive an honorary State farmers degree from the American Future Farmers of America; and the first woman to serve on the executive committee of the Choccolocco Council of the Boy Scouts of America.

In addition, Mrs. Waite served 2 years as president of the Centre Chamber of Commerce and is the immediate past president of the Alabama Federation of Women's Clubs. A member of the American Legion Auxiliary, Mrs. Waite is past department president; past national vice president; and past girls nation director.

I have in my hand a list which bespeaks many of the outstanding achievements of Mrs. Waite, and I ask unanimous consent that it be inserted in the RECORD immediately upon the completion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. No, Mr. President, Mrs. Waite did not wait for women's liberation before giving of her talents, abilities, and skills to her people. She has been a doer and a mover since the first day she entered professional life.

As a wife, a mother, a Sunday school teacher and as a professional businesswoman, this gracious lady has made all who know her aware of her exceptional abilities and capabilities. I am proud to claim the friendship of Mary George Jordan Waite, and I know that in the days to come, she will continue to make many outstanding contributions to the people of her community, our State, and our Nation.

EXHIBIT 1

MARY GEORGE JORDAN WAITE

Chairman and President of Farmers & Merchants Bank, Centre, since 1957.

President Alabama Bankers Association—1971–72 (After May 19, 1972—Past President of Association).

Native of Centre, Alabama.

Graduate Huntingdon College, Montgomery—Graduate School of Banking of the South, LSU.

Taught English at Cherokee County High School for 5 years.

Sunday School teacher, First United Methodist Church (Young Adults).

Member Finance Committee—Assistant Organist—Member Wesleyan Service Guild.

Chairman Board of Trustees, Cherokee County High School.

Past president, Centre Chamber of Commerce (President for 2 years).

Member American Legion Auxiliary—past Department president; past National Vice President; past Girls Nation Director.

Member Pratt-Centre Business & Professional Women's Club—past club president; chosen as State Woman of Achievement in 1968.

Member Centre Literary Club—past club president.

Immediate past president of the Alabama Federation of Women's Clubs; General Federation of Women's Clubs Family Economics Division Chairman.

Secretary-Treasurer, International House, Jacksonville State University; Member Teacher Hall of Fame Advisory Board—Jacksonville State University.

Member Board of Directors State 4–H Foundation; One of 8 National 4–H Alumni Award winners 1970 (First Alabama woman, only two other men); State 4–H Alumni Award winner 1967 and 1969.

Member National Association of Bank-Women, Inc.—past state president and Regional Vice President, National Committees on Public Relations and Legislation.

Member Alabama Bankers Association; Past Public Relations Committee Chairman; past Chairman Federal Legislative Committee; Finance Committee; Member of Board Alabama Bankers Educational Foundation.

Past member American Bankers Association Federal Legislative Advisory Committee (First woman).

Past member State Banking Board (First woman).

Member Advisory Council, Alabama Small Business Administration.

Director, Alabama Division, American Cancer Society (First woman).

Member Alabama Women's Hall of Fame Board of Directors.

Received Honorary State Farmers degree from Alabama Future Farmers of America in 1970 (First woman).

Listed in Who's Who Among American Women, Alabama Lives, Personalities of the South, Who's Who in Banking, Who's Who in Commerce and Industry.

Member International Platform Association.

Member Executive Committee, Choccolocco Council Boy Scouts of America (First woman); 1971 Finance Drive Cherokee County Boy Scouts (First woman).

Married to Dan Waite, Jr.; One daughter, Betty Graves—two granddaughters and one grandson.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BAYH). All time for morning business has now expired.

ORDER FOR ADJOURNMENT TO 12 NOON TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that upon conclusion of the joint session tonight, the Senate stand in adjournment until 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY TO MONDAY, JUNE 5, AT 12 NOON

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 12 noon on Monday, June 5, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 13150) to provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes.

NOMINATION OF RICHARD G. KLEINDIENST

The **PRESIDING OFFICER** (Mr. BAYH). Under the previous order, the Senate, in executive session, will now resume debate on the nomination of Mr. Richard G. Kleindienst for the office of Attorney General of the United States.

The question is on confirmation of the nomination of Mr. Richard G. Kleindienst to be Attorney General of the United States.

QUORUM CALL

Mr. **MANSFIELD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **TUNNEY**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. **TUNNEY**. Mr. President, I ask unanimous consent that, during the debate today on the Kleindienst nomination, I be allowed to have two staff aides on the floor; Jane Frank and Tom Gallagher.

The **PRESIDING OFFICER** (Mr. STEVENSON). Without objection, it is so ordered.

Mr. **TUNNEY**. Mr. President, Justice Brandeis once said:

> Sunlight is the best disinfectant.

Unfortunately, during the long weeks of the Judiciary Committee's investigation, we had very little sunlight on this nomination.

And for that reason it is essential that we focus on the real meaning of this debate as it opens.

The issue here is not the President's right to name his own man as Attorney General. The people of this country elected Richard Nixon and until they elect a new President, he has that right. In fact, as everyone knows, before the Anderson story and before the Life magazine story, the first vote in the committee on this nomination was unanimous.

Perhaps we were all too shortsighted at that first vote. I say this not only because, as things have developed, we have learned a good deal about how Mr. Kleindienst makes decisions and about how he tells the public about those decisions, but also because, in the second set of hearings on his nomination, all of us had a rare and unsettling chance to see with new awareness the erosion of effective law enforcement in this country.

This erosion did not start with Richard Kleindienst—nor in all probability will it end with him.

To a considerable extent Kleindienst is a victim of circumstance because his nomination has become the focal point for a new look at what is wrong with our whole system.

No one in this body is hypocritical enough to pretend that corporate influence is not exercised in every administration. And no one can be very comfortable sitting in judgment upon another.

But the Senate has a responsibility here that cannot be ignored, for we are confronted with a nomination that reveals with unmistakable clarity what has gone wrong.

This is by no means the first time the Senate has been embroiled in controversy over a Presidential nominee. And I am sure it will not be the last. But the facts and circumstances surrounding this nomination, I believe, force upon this body a special responsibility to the American people. I say this because in a very real sense what is at issue here is the right of every citizen to believe that the law applies equally to all.

The nominee before us, if confirmed, will be responsible in symbol and in fact for the administration of justice in this country. Every Member of the Senate knows that.

But more importantly, Richard Kleindienst knew that when he came before the Judiciary Committee. More than anyone else in the country, save only the President and John Mitchell, Kleindienst knew the implications of the questions raised about him and the importance of the fullest possible disclosure of the facts.

And yet the hearing record is filled with the most outrageous kind of lapsed memory, convenient evasions, and deliberate destruction of documents.

Richard Kleindienst cannot be charged with all of the defects in that record. The International Telephone & Telegraph Corp. established that it is second to no one in corporate arrogance before a Senate committee.

But Kleindienst is responsible and accountable for his own conduct in the matters before us. And he is responsible for the conduct of the Department of Justice under his direction as it hindered and evaded the efforts of members of the committee to learn the truth. Moreover, he is accountable for his perception of the standard of conduct which must apply to those who hold the public trust.

And, therefore, in my mind this nomination is a test of the Senate in the minds of the American people. No one in the Senate needs to be told that citizens all over this country believe government is not responsive to their needs. And every Member of this body knows, indeed has felt, the increasing cynicism and suspicion with which public officials are viewed.

But this nomination puts the issue to those people in a form stripped of all the niceties of academic discussion.

It says to the American people with no apologies—this is the way your Government deals with special interests—this is how the system works if you are rich enough and strong enough and persistent enough—this is how the big boys play the game.

And now those people are watching us—waiting to see whether the Senate cares enough to restore some faith in that system.

We have all talked about public confidence in government. We have all deplored the alienation of our young people. And we have all come face to face, in very personal ways, with the anger and desperation of those who feel there is a double standard of justice in this country.

And it is for that reason that we all have a stake in this debate. Because the fundamental issue before us is one that cannot be discounted or explained away as simply partisan politics. Regardless of the monetary pain and embarrassment this case may cause to Republicans or the momentary pleasure and glee it may provide to Democrats, we cannot ignore the fact that an affair like ITT hurts everyone in Government. It undercuts the foundation of trust upon which we all depend—and upon which our society itself depends.

And that is my quarrel with this nomination. I do not blame Richard Kleindienst for the fact that ITT felt it could bang on every door in the Government. Nor do I blame him for the pressures that were obviously unleashed upon him.

It is a sad fact but true that no administration is spared the corporate muscle that was applied here.

But the job of the Attorney General of the United States is to stand up to that pressure and reject it, not to join eagerly in serving its goal. It is the job of the Attorney General to deal fairly and honestly with the public, not to mislead them by elaborate semantic distinctions. And it is the job of the Attorney General, when called to explain his conduct, to provide the full record, not an evasive, sanitized version of the facts as he would like them to be.

We do not know all the facts of the ITT affair. And unless the Senate decides to demand those facts we never will know what happened there.

Nor do we know the full nature and extent of Richard Kleindienst's involvement in, and culpability for, the events that took place. And unless the Senate demands that knowledge, it cannot vote responsibly to confirm him.

But even with a record as confused and conflicting as this one, we know something about how Richard Kleindienst perceived the role of Attorney General when called upon to fulfill it. And that perception was fatally deficient.

I. THE ITT SETTLEMENT

The nature and extent of Kleindienst's participation in the process of settling the ITT cases went far beyond the customary and proper role of the Attorney General. In fact, the inescapable conclusion to be drawn from that involvement is that Kleindienst used virtually every informal method available to him to assure special treatment for ITT.

KLEINDIENST—ROHATYN

John Ryan, a lobbyist in ITT's Washington office, described by ITT officials as the company's "antitrust listening post," approached his neighbor Kleindienst at a social gathering in early 1971 and began complaining about the hardness of the Government's antitrust policy as it applied to the Government's three pending antitrust suits against ITT. At some point Ryan asked Kleindienst if he would be willing to talk to someone from ITT about the economic problems which ITT would face if the Government won its lawsuits against them. Kleindienst agreed to do so and a meeting was eventually set up between Kleindienst and Felix Rohatyn, a member of ITT's board of directors and an official of the New York Stock Exchange.

Mr. Kleindienst met with Mr. Rohatyn five times in the next 2 months. And on all but one of those occasions neither his antitrust chief, Richard McLaren, nor any other Justice Department lawyer was present. In fact, McLaren was not even informed that the meetings had occurred.

There is nothing extraordinary in the Acting Attorney General hearing the plea of an official of a corporate litigant. What was extraordinary is that, by design, the two of them should be alone, the corporate agent—not himself a lawyer—appearing without his counsel, and the Acting Attorney General, totally unfamiliar with the details of the case or the issues being raised, without his counsel on the case; namely, the Assistant Attorney General responsible for "handling" the case. Moreover, although Mr. Kleindienst saw Mr. McLaren about ITT matters the day before the first Kleindienst-Rohatyn meeting, the upcoming meeting was not mentioned, nor was McLaren invited. Only afterward was McLaren asked by Kleindienst to set up a large meeting at which ITT could make a formal presentation of its hardship case to the Department. But even this task was not delegated to McLaren—Kleindienst himself called Rohatyn to tell him the meeting was on, and Kleindienst sat in on the meeting.

At that meeting on April 29, 1972, ITT made a formal presentation of its alleged hardships. A full array of ITT officials, lawyers, and economists met with McLaren and his staff attorneys working on the antitrust cases. Of itself, there was nothing extraordinary about the occurrence of such a meeting.

Yet the circumstances surrounding that meeting reveal the situation with particular clarity. Not only were McLaren and his key staff present, but Kleindienst himself was as well.

The key point is this—Kleindienst's presence could serve only one purpose—a silent but well-recognized signal to every member of the Department on the ITT cases. That signal says to the staff attorneys working on these cases that the Attorney General has a very personal interest in the matter and it is to be handled accordingly. Anyone who has ever worked in the Justice Department knows that. But most of all, Mr. Kleindienst himself knew what type signal he was giving to his subordinates by sitting in on that meeting.

In addition, however, we have the strange circumstances during the meeting itself. At that meeting Rohatyn was scheduled to meet with Kleindienst, McLaren, several Justice staff lawyers, two Treasury representatives, two ITT financial consultants, and ITT lawyers in McLaren's office at 10:30. At that hour, however, Rohatyn was called to a meeting in Attorney General Mitchell's office in connection with the stock market problems. Peter Flanigan was present at that meeting. Kleindienst, McLaren, and the others, presumably aware that Rohatyn was with the Attorney General, waited for 55 minutes for Rohatyn to arrive. If nothing else, that fact reveals in an unmistakable way the raw power which ITT could command within the Department, and particularly with Kleindienst himself.

Even assuming, however, that the mere presence of the Deputy at a single meeting, even if somewhat unusual, might not alone raise questions, that was not the end of it. Three more times, each at a critical juncture in the negotiations, Rohatyn scheduled appointments with Kleindienst. In each of those instances Kleindienst did not refer Rohatyn to McLaren when the request for an appointment was made, did not invite McLaren to attend, did not tell McLaren the meetings were scheduled, and did not tell him afterwards that they had occurred.

Finally, we have Kleindienst's direct involvement in conveying the Department's June 17 settlement proposal to ITT. On that day, having authorized a settlement offer to ITT, an offer which allowed ITT to keep the Hartford company it so desperately wanted, Kleindienst personally participated in a joint call with McLaren, relaying the good news not to ITT's lawyers who had supposedly been handling the case but to Rohatyn himself.

The obvious conclusion is that Mr. Kleindienst wanted to make sure that Mr. Rohatyn and ITT knew that he—Kleindienst—had taken care of their problems personally.

In sum, the fundamental and still unanswered question is why Kleindienst went out of his way to keep McLaren in the dark and Rohatyn in the light. The entire procedure by which the Justice Department traditionally deals with defendants involves a particular caution to keep the staff attorneys handling the matter or at least the Assistant Attorney General in charge, fully informed of all developments. Yet in this case the acting Attorney General did precisely the opposite. The question we are still left with is why.

KLEINDIENST AND WALSH

At the same time that Mr. Rohatyn was preparing his approach to Mr. Kleindienst, ITT President Harold Geneen contacted Lawrence E. Walsh, a partner in ITT's regular law firm, but himself previously uninvolved with ITT matters. Walsh was a former Eisenhower appointee to the Federal bench, Deputy Attorney General in the Eisenhower administration, and Deputy Negotiator in Paris during the first year of the Nixon administration. He was also a friend of Mr. Kleindienst's and was in contact with the Deputy Attorney General several times a week in his capacity as chairman of the American Bar Association committee which passes on all Federal judicial appointments. Walsh agreed to contact Kleindienst in an effort to persuade him to delay or back down from the filing of an appeal to the Supreme Court from the Government's loss in the District Court in the Grinnell case. McLaren had strongly recommended the appeal and Solicitor General Griswold, although he disagreed with McLaren on the legal theory, had reluctantly approved.

Walsh called Kleindienst the week before the date, April 20, on which the Supreme Court filing was due. He told Kleindienst he was sending him a letter on the ITT case, a letter which arrived April 16 by hand. This letter acknowledged that the Government would probably win the cases in the Supreme Court. In other words, the attorney for ITT was acknowledging to the Acting Attorney General that the Government could probably win its cases in the Supreme Court, but Mr. Walsh went on to argue that since the litigation had so many ramifications for the executive branch, other Departments should be consulted by Justice before the Supreme Court appeal. It said ITT understood that the Secretaries of Commerce and Treasury and the Chairman of the Council of Economic Advisers had views on the matter. Walsh said that he was approaching Kleindienst rather than McLaren because Kleindienst had "already been consulted with respect to the ITT problem," Walsh suggested that the Supreme Court filing be delayed so that ITT could make a further presentation on the need for interagency consultation. There was no mention of the fact that since 1969, as was well known to ITT, there had been at least one interagency committee consulting on antitrust policy.

It is significant that Mr. Walsh in his letter indicated that "you already have been consulted with respect to the ITT problem." How, we may ask ourselves, did Mr. Walsh know that Mr. Kleindienst had already been consulted, and in what way, and by whom, and where?

On April 19 Mr. McLaren told Mr. Kleindienst he disagreed with Mr. Walsh's position. But Mr. Kleindienst, who admitted in the hearings that he had not even read the Walsh letter, called in Mr. Griswold and asked if he could get an extension on the Supreme Court filing. Mr. Griswold said they were 9 days past the usual deadline for extensions, but could get one if there was a good reason. Mr. Kleindienst directed Mr. Griswold to try to get one and then called Mr. Walsh to tell him the good news.

And so the pattern is repeated—a direct intervention by Mr. Kleindienst for the sole purpose of postponing ITT's day of reckoning.

Again, the record is incomplete—but even with that record, Mr. Kleindienst's conduct raises grave questions.

He admitted he had not even read Walsh's letter when he ordered the Solicitor General to hold up the appeal to the Supreme Court. And so again we are left with the question why.

KLEINDIENST AND FLANIGAN

Although McLaren had professional economists on his own staff, he decided to obtain the views of an outside consultant on the ITT claims that the case had to be settled. He called Peter Flanigan of the White House and asked him to see if Richard Ramsden, a New York investment adviser and former associate of Flanigan's on Wall Street, who had worked on the LTV case as a White House fellow in 1970, could analyze the materials ITT had presented to the Justice Department in support of its hardship claim. No one knows why McLaren did not contact Ramsden himself.

On May 12 Flanigan gave Ramsden the ITT memorandum without identifying its source and asked Ramsden to prepare a report on the matters discussed, chiefly the impact on ITT stock if Hartford were to be divested.

The memorandum was one that was prepared by ITT to be used in a presentation to the Justice Department to demonstrate that settlement of the cases was imperative to ITT.

There is no question that the ITT memorandum was a lawyer's brief. It was designed to present the very best side of the ITT case. It was not in any way an attempt to be objective—the same way that we would not expect a lawyer who is arguing his client's case to do anything other than to bring out the strongest points of his client's case. We do not expect that lawyer to argue the other side of the case.

In other words, the ITT memorandum was not intended to be objective. It was intended to demonstrate, to persuade, to importune the Justice Department to drop its antitrust cases against ITT.

It is this memorandum which Mr. Flanigan of the White House gave to Mr. Ramsden, who was supposed to do the objective study of matters relating to the ITT case; and this memorandum, I repeat, was not identified by Mr. Flanigan as having been prepared by ITT.

When Mr. Ramsden completed his report on May 17 he called Mr. Flanigan to say he would be in Washington on May 20. Mr. Flanigan relayed the news to Mr. McLaren, who said he was going to Europe on May 19 and told Mr. Flanigan to hold onto the report until his return. On May 20 Mr. Flanigan called Mr. Kleindienst to inform him of the report's arrival. Mr. Kleindienst, too, told Mr. Flanigan to hold onto the report until Mr. McLaren's return.

Why, we may ask, did Mr. Flanigan feel that it was necessary to report to Mr. Kleindienst the fact that Mr. Ramsden's report arrived in his office when he had already been told by Mr. McLaren that Mr. McLaren was going to be away for a week?

I think that the inference can be drawn that Mr. Flanigan knew that the Ramsden report was a most significant document to the Justice Department, that it was going to be used by the Justice Department as justification to allow the merger of ITT with Hartford Fire after all.

At any rate, there is nothing in the record to show why Flanigan called Kleindienst to tell him about the Ramsden report, since Flanigan's testimony came before the revelation of the call, and Kleindienst said he could not remember the whole transaction. Sometime after McLaren's return on June 7, Flanigan personally delivered the report to Kleindienst and McLaren. Again there is no information on why Kleindienst was included or where the meeting took place.

Peter Flanigan is the mystery man in the ITT affair. He appears and disappears in this case like the ghost of Christmas Past.

But an even bigger mystery is his involvement with Kleindienst over the Ramsden report. Why did Flanigan call Kleindienst to tell him the report was finished when he had already told McLaren and McLaren told him to hold it, that he was going to be in Europe for a week?

Peter Flanigan is a man who does not waste words or effort on meaningless gestures. And yet he made a specific point to call Kleindienst.

Moreover, when he finally did transmit the report to McLaren, he brought it down personally to give it to both McLaren and Kleindienst. Flanigan claims he was only a "conduit," but, if that is all he was, he was certainly the highest paid messenger boy in Washington.

As a matter of fact, I cannot imagine a circumstance where a White House aide of the stature and importance of Peter Flanigan would personally carry a message or a report to the Justice Department if all he was to do was deliver it. Rather, the inference is that Mr. Flanigan personally carried the report from the White House down to the Justice Department for the purpose of having a few words with Mr. Kleindienst and Mr. McLaren. The record, of course, is inadequate. All we have is Mr. Flanigan's claim that he was nothing more than a conduit. Yet a man as busy as he was, a man who has to turn down, obviously, many phone calls a day and many meetings a day, was prepared to drop his duties and go down and deliver the report to Mr. Kleindienst and Mr. McLaren.

We will never know what kind of a conversation took place between Mr. Flanigan and Mr. McLaren and Mr. Kleindienst at that time. That is, we will never know unless the Senate demands to know; and it seems clear to me that the Senate should demand to know, and it should demand to know by reopening these hearings.

Kleindienst, of course, could not remember anything about the details. Nor could he remember anything about Flanigan's later call to him relaying more pressure. On June 29, after another private meeting with Kleindienst to keep the heat on, Rohatyn dropped in on Flanigan to deliver a little more. A few days later Flanigan passed it on to Mr. Kleindienst.

Again, Kleindienst could not remember—and Flanigan declined to mention it until after he left the stand.

And so we are left with another chapter half-written and more questions to be answered.

One thing we do know—Peter Flanigan carries the mail for big business in Washington. He knows it and so does Richard Kleindienst. And it would not take more than a wink between them to nail down a deal.

KLEINDIENST AND M'LAREN

Richard McLaren is in some ways a tragic figure in this case because of all those in Government who had a hand in this mess he alone fought the public's battle. But in the end he was outgunned and he knew it.

The record is not as complete as it should be, but it is complete enough to reveal McLaren's solitary stand against the concentration of economic power in this country.

He came to the Justice Department prepared to joust with the giants—and for 2½ years he did just that. But gradually and increasingly his vision of antitrust enforcement was overshadowed and then eclipsed.

He tried to sue Warner-Lambert to block a classic violation of the antitrust laws, and Mr. Kleindienst—acting as the Attorney General because, similarly as in the ITT case, Mr. Mitchell had ruled himself out on the basis of a conflict of interest derived from his old law firm in New York—as Acting Attorney General overruled Mr. McLaren.

He tried to block ITT's acquisition of Canteen Corp. before it was completed, but again Mr. Kleindienst, acting as the Attorney General because of Mr. Mitchell's former law practice, overruled Mr. McLaren.

Mr. McLaren tried to prevent a delay in the Government's appeal to the Supreme Court in the ITT-Grinnell case, and once again Mr. Kleindienst, as Acting Attorney General, overruled him.

Mr. McLaren consistently and adamantly rejected every attempt by ITT to prevent him from taking them to the Supreme Court. He declined their settlement offers, he refused their pleas.

Yet, in the end, after Kleindienst set the whirlwind in motion, McLaren lost that battle, also.

We do not know the whole story—but what we do know is that the entire record of Kleindienst's dealings with McLaren in the ITT cases was one which gravely undercut Mr. McLaren as the chief enforcer of the antitrust laws.

KLEINDIENST AND WILSON

During the last few days of July, Richard Dudman of the St. Louis Post Dispatch obtained a tip from sources he considered reliable that the ITT cases were about to be settled and that Kleindienst and Congressman Bob Wilson—who had been involved deeply in efforts to get ITT to help underwrite the Republican National Convention—had discussed the settlement on about July 17. When Dudman checked with ITT and the Justice Department on around July 30 or 31, neither would comment on the settlement story. When contacted by Dudman, both Kleindienst and Wilson "denied that they had discussed the matter." The story written by Dudman on August 1 reported the meeting anyway, and cited as corroboration a reported meeting between Wilson and Geneen late in June. In testimony before the committee, both Wilson and Kleindienst denied having been in contact at all during the 6-month period preceding the settlement.

After hearing Wilson's denial, Dudman rechecked his source who, as quoted on April 10, "reiterated that Wilson talked with Kleindienst in detail about the then pending settlement of the ITT-Hartford Fire Insurance Co. antitrust case in mid-July." So the question is still open.

KLEINDIENST AND ROBERTSON

Kleindienst told the committee:

> I would like to conclude my remarks by saying categorically and specifically that at no time, until some time in December 1971, did I have any knowledge of any kind, direct or indirect, that the ITT Corp. was being asked to make any kind of a contribution to the city of San Diego or to the Republican Party with respect to the prospective national convention of the Republican Party in San Diego.

However, in addition to the wire service story in August regarding the ITT gift and a New York Times article in September about ITT's contribution, Kleindienst and McLaren also had an exchange of letters with Reuben Robertson on the subject during September.

Robertson had been involved in a lawsuit challenging the ITT-Hartford merger in Connecticut and moved on September 17, 1971, to intervene in opposition to the Federal antitrust consent settlement. When asked whether he knew of Robertson, McLaren did not associate him with the ITT cases. Yet Robertson's testimony indicates that although he had over a period of time "enjoyed an excellent arms-length relationship with the trial staff lawyers working on the ITT litigation," when the settlement was announced "the staff attorneys were ordered to have nothing further to do with me or anyone connected with me." Orders denying Robertson access to attorney and documents came, he said "from the top."

On September 21, Robertson wrote Kleindienst, with a copy to McLaren, a hand-delivered letter, inquiring among other things what is the relationship between this settlement and ITT's reported financial support to the city of San Diego in connection with the site of the Republican Convention in 1972? McLaren answered the letter the following day, not by saying that he was unaware of ITT's support for the convention; but by asserting unequivocally, "there is no relationship whatsoever between the settlement of the ITT-Hartford litigation and any financial support which ITT may have offered to the city of San Diego."

Although Robertson's letter and an accompanying memorandum was the only challenge to the ITT consent decree, Kleindienst "had no recollection of the letter" and said that it was the kind of letter that was "routinely, by my staff, sent down to the various divisions of the department."

McLaren acknowledged that "I would not have written that unless I had checked with Mr. Kleindienst and asked him", referring to a part of his reply relating to contacts between Kleindienst and Congressman WILSON. "That letter, in the face of it, would indicate that the Antitrust Division or Mr. McLaren would have called me about it," admitted Kleindienst.

But, he said, "I do not recall the conversation" and "I have no recollection of that letter at all." As to the assertion that the convention pledge and settlement were unconnected, McLaren indicated he could make that statement "just out of my own knowledge and conviction." That approach is consistent with the draft of McLaren's reply to Robertson which was furnished to the committee. In that draft, it was stated: "We know of no relationship whatsoever between the settlement" and ITT's financial support for the convention. The final version, however, hardly suggested that its conclusion was based only on McLaren's own previous knowledge and personal conviction as McLaren says it was: "There is no relationship whatsoever," he stated emphatically. Yet McLaren later testified:

> I may have had my secretary do the whole thing, Senator. I didn't take that very seriously, frankly, I thought that it was such an outlandish suggestion, and I know I didn't pay attention to it.

In an attempt to ascertain who in fact handled the drafting of the September 22 reply letter, members of the committee requested the actual file copy which would have shown who wrote the letter, who signed off on it, and who received copies. When asked for this, Kleindienst, who was Acting Attorney General, said, "I have no objection to your seeing the original document in this." After repeated requests for the document had been unanswered or evaded, the Department of Justice finally replied that no copy was made for the Department's files. Since Robertson's letter was a formal comment to the Department on the Hartford settlement, it is unusual that a copy of McLaren's reply was not made for the Department's litigation or settlement file. So again we are left with questions.

KEINDIENST AND O'BRIEN

In part, the hearings on the nomination of Richard Kleindienst to be Attorney General were resumed because of allegations of "duplicity" by columnist Jack Anderson. This allegation arose from a statement in a letter from Kleindienst to O'Brien—answering charges made by the Democratic Committee chairman—that "The settlement between the Department of Justice and ITT was handled and negotiated exclusively by Assistant Attorney General Richard W. McLaren."

In the hearings Kleindienst protested that—

> To set up a meeting by which his company could present to the antitrust staff and other people in the Government, the financial-economic crisis argument is, in my opinion, completely removed from any suggestion that I negotiated or handled the settlement.

Of course, in addition to that one act, Kleindienst had been in communication with Ryan, Rohatyn, Walsh, and Flanigan concerning the ITT cases on perhaps 18 separate occasions during the spring and summer of 1971. He admitted the central impact of his activity:

> Yes, I guess I set in motion a series of events by which Mr. McLaren became persuaded that, for the reasons heretofore discussed, he ought to come off his position with respect to a divestiture of Hartford by ITT.

This later testimony before our committee just does not square with the statement that Mr. Kleindienst made in his letter to Larry O'Brien that Mr. McLaren was exclusively responsible for handling the ITT merger cases. It seems very clear that Mr. Kleindienst was very much involved personally in the decision to settle the ITT antitrust cases. As I have indicated, there were numerous contacts between Mr. Kleindienst and various persons representing ITT, as well as with Mr. Flanigan and others.

Rohatyn's statement to Anderson's associate was that "I, as a director of ITT and an investment banker, handled some of the negotiations and presentations to Kleindienst and McLaren." At least at that point in time, Rohatyn thought his approaches were part of the "negotiations." Perhaps the semantic argument of whether Kleindienst's contacts with Rohatyn amounted to handling or negotiating can best be settled by reference to excerpts from Webster's International Dictionary:

> Negotiate: to communicate or confer with another so as to arrive through discussion at some kind of agreement or compromise about something; to arrange for or bring about through conference and discussion: work out or arrive at or settle upon by meetings or agreements or compromises.
>
> Handle: to deal with; act upon; dispose of; perform some function with regard to.

Two other aspects of Kleindienst's letter to O'Brien should be mentioned. First, he wrote that he had "no knowledge, direct or indirect," of the ITT pledge for the San Diego Convention. As discussed in the preceding section, even if he did not know before September, it was highly likely that such knowledge would have come to Kleindienst's attention in September, either through the press accounts or from Robertson's letter, and which Mr. Kleindienst said was answered by Mr. McLaren, a portion of which McLaren said he would not have put in the letter unless he had spoken to Mr. Kleindienst.

Second, Kleindienst indicated to Larry O'Brien that McLaren was out of town but that he would have him "communicate with you immediately with respect to the matter raised by your letter" when he returns. No further letter or explanation ever followed from McLaren.

Kleindienst's contacts with Ryan, Walsh, Rohatyn and Flanigan raise enough questions in themselves. His blanket and selective nonrecollections, suggest that the answers to those questions may be forth the effort to find.

Mr. President, it seems clear to me that the record in the ITT mess can be summarized in two facts: a virtually complete lapse of memory on critical issues by Mr. Kleindienst and numerous other witnesses; and also by—if I can use a basketball analogy—the "full court press" put on the Government by ITT. ITT decided it would go "man to man" on every major Government official in Washington until it cracked the Government's offense. And the fact is that it worked. It is really an extraordinary thing. ITT was brought to court by the Federal Government for the purpose of divesting itself of three corporations that it had recently merged with, Canteen, Grinnell, and Hartford, and so the president of ITT, Mr. Geneen, decided he would come to Washington and talk with every high administration official he could find—the Secretary of Commerce, two different Secretaries of the Treasury, the Chairman of the Council of Economic Advisers, the Chairman of the Federal Reserve Board, the Attorney General, Mr. Mitchell. But the remarkable thing is that he now says that he came to Washington to talk to these officials only about antitrust policy generally and not about ITT and the problems that ITT was having with the Antitrust Division of the Justice Department.

At the time Mr. Geneen was in Washington discussing the so-called general antitrust policy with these various officials, there were four conglomerate antitrust cases in the Justice Department being litigated—four. Three were ITT cases.

It is absolutely inconcievable that Mr. Geneen or anyone else could think that when he was coming to Washington to discuss antitrust policy in general with the highest ranking administration officials, he could be talking about anything other than ITT.

Mr. President, it seems to me that the central question in this case is whether we have one system of justice for the powerful and for the rich, and another system of justice for the weak and the humble. When ITT gets into trouble, its president can come down and all the doors are open to them at the very highest levels of the executive branch and they can get action. But if it is a poor veteran with a veteran's problem, or a workman with a workman's compensation problem, we all know how he is treated by the bureaucracy. Oftentimes he has to wait months and months and months before he can get any kind of action at all on his claim.

An equally disturbing aspect of the ITT case, however, is that all of this lobbying occurs behind closed doors. The president of a corporation subject to antitrust litigation could discuss antitrust policy with the highest executives in the administration and not have anyone know about it—not have a record of it.

It certainly proves one thing, that we are going to have to have a change in the way the antitrust laws are administered. It seems to me that, in the future, during the course of an antitrust case, if a high-ranking official of a corporation that is a defendant in that litigation is going to lobby and pressure the top officials in the Justice Department and other Cabinet officials or the White House itself, then some safeguards are going to have to be applied, by requiring the record of such lobbying activity revealed publicly before such a case is settled. It seems to me that we need a ventilation of the whole system of settling antitrust cases.

But in this particular instance, the most peculiar thing is that Mr. Geneen, who was so anxious to discuss antitrust policy in "general" terms and supposedly not as it related to ITT, and who had all these meetings with these high-ranking officials prior to the settlement of its own antitrust cases, never was heard from again after the settlement of the ITT cases. The conclusion is obvious. Mr. Geneen had only one objective in his meetings with those officials and it had nothing to do with "general" antitrust policy, it was very specific—a favorable settlement of the ITT cases. Inasmuch as three of the four conglomerate antitrust cases in the Justice Department were ITT cases, I do not see how anyone can escape from that conclusion.

Mr. President, in some ways, I feel sorry for Mr. Kleindienst. I have the sense that Mr. Kleindienst, like Mr. McLaren, was overwhelmed by the "court" play of ITT and the power they could bring to bear.

But, sad as that may be for Mr. Kleindienst personally, the fact is, he was the Attorney General in the ITT cases and he had the responsibility to enforce the antitrust laws of this country with an even hand.

I do not know how many hours had been put into the case by the antitrust lawyers of the Department of Justice in this litigation. However, it is fair to say that thousands of hours had been put in. It is also fair to say that there had been a policy review and decision by Mr. McLaren to go forward before any suit was filed. And it is fair to say that the department had economists working for it in the department or accessible in other Federal agencies like the SEC that certainly could have given information on what the economic and financial impact of the ITT-Hartford divestiture would be.

Yet the department turned to Richard Ramsden, a 33-year-old stock analyst who analyzed the entire case in 2 or 3 days of work; and 2 years of work by the Antitrust Division evaporated as a result.

Mr. McLaren told the Judiciary Committee that the things that turned him around on the antitrust suits brought against ITT and its subsidiaries were: First, his own expertise; second, the ITT presentation; third, the Ramsden report; and fourth, the advice from a Department of the Treasury official who had attended the April 29 meeting.

Yet analyzing those reasons, we are left with a multitude of questions.

By his own admission, McLaren felt he could not rely simply on the experience of skilled antitrust lawyers.

So, he relied on Mr. Ramsden's expertise and the financial expertise of the Treasury Department officials who sat in on the meetings.

Let us explore for a moment those two inputs from the Department of the Treasury and from Mr. Ramsden.

The Department of the Treasury official, Mr. MacLaury, sat in on the meeting in which the ITT, through Mr. Rohatyn, made a financial presentation. The meeting lasted approximately 2 hours. After the meeting he took a brief look at the ITT materials supplied in that meeting and gave a brief "informal" opinion which he himself later admitted was not based upon any verification of the claims made by ITT. There was no research, no independent analysis, just a 2-hour presentation by ITT and a fast look at their memorandum later.

Can we really believe that thousands of hours of work by the Justice Department officials was discarded on the basis of a horseback opinion by a Treasury Department official after listening to 2 hours of commentary from ITT officials? I think it is highly unlikely.

Then we get to the Ramsden report. Richard Ramsden was perhaps the most forthright witness at the hearings. He told the committee plainly and simply that his report just did not stand for what Kleindienst and McLaren said it stood for. He said he made no effort to suggest what effect of such a divestiture would be on the Nation's balance of payments. He said that he was not trying to suggest that there would be a major adverse "ripple effect" on the stock market by the divestiture. As a matter of fact, he was uncomfortable that his report was alleged to suggest that.

Instead he said that what he was really attempting to do was to tell what the impact would be on the ITT stockholders.

Obviously there would be an adverse impact on the ITT stockholders. However, is the antitrust policy of the United States to be determined by the stockholders of the corporation which is subject to antitrust litigation? I think that clearly the answer is no.

So, we get back to this question again of why Mr. McLaren changed his mind. I cannot believe on my own part that Mr. McLaren changed his mind as a result of the Ramsden report which took 2 or 3 days to write, which did not address itself to the problem of the adverse ripple effect on the stock market, which did not address itself to our national balance-of-payments problem, but dealt solely to what the economic impact would be on the ITT stockholders.

I cannot believe in my own mind that a lawyer as careful and as intelligent as Mr. McLaren would reverse his opinion on the basis of this one report and an offhand opinion by a Department of the Treasury official after listening to 2 hours of presentation by an ITT official.

I cannot believe it. But I do believe, however, that the decision already had been made to reach a settlement for ITT before the Ramsden report was written, and that it was written solely as a crutch to justify that settlement.

And I think that explains why Mr. Flanigan treated the Ramsden report as being so special and so terribly important. I think that would help us understand why it was that Mr. Flanigan made a special point to call Mr. Kleindienst to tell him the report was ready after he had already talked to McLaren. And it helps us understand why Mr. Flanigan, after Mr. McLaren returned from Europe, delivered that Ramsden report personally.

The decision had been made. There was going to be a settlement, and the Ramsden report was going to be used as the thin reed, the crutch with which to justify that settlement.

I feel that Mr. Kleindienst stated the case very clearly when he first came before our committee. He said:

> I do not want to be confirmed if there is a cloud hanging over my head.

Well, after almost 10 weeks of hearings there are plenty of doubts and there is a very big cloud still hanging over Mr. Kleindienst's head with respect to what really happened in the settlement of the ITT case.

There is a big cloud, and if we take Mr. Kleindienst at his word, if he feels he should not be confirmed as the chief law enforcement officer of this land if there is a cloud over his head, then I think we should respond to that suggestion. We should not confirm him until the cloud has been removed. We should send this nomination back to the Committee on the Judiciary, reopen the hearings, and finish the job we were forced to abandon.

The number of inconsistent statements under oath that were made in those hearings, both in the ITT affair and the matter of Harry Steward, the U.S. attorney in San Diego, alone demands that action. I for one, believe that the entire record should be referred to the Department of Justice for investigation and appropriate action where it is determined that perjury has been committed or suborned. And I will make such a motion at the next executive session of the Judiciary Committee.

I believe that one of the most outrageous aspects of the Kleindienst confirmation hearings was the fact that witnesses came before a Senate committee and felt they could play fast and loose with the truth: Witnesses under oath gave testimony that was completely contrary to the testimony of others under oath. And where there was not conflict, there was the largest collection of failing memories ever paraded before a Senate committee.

I do not suggest that Mr. Kleindienst perjured himself because his problem was his memory.

Personally, I would like to believe Mr. Kleindienst, and the reason I would like to believe Mr. Kleindienst is because as a person, I like the man. But we are not talking here about personal likes and dislikes. We are talking about the kind of confidence the people in the country will have with respect to the man who is the chief law-enforcement officer of the country.

THE HARRY STEWARD MATTER

I turn now to the matter of the U.S. Attorney in San Diego, Harry Steward. I do so because I believe it is even more pertinent to this nomination than the ITT case. I say this because Mr. Kleindienst had the personal responsibility to monitor the activities of U.S. Attorneys, and therefore was personally responsible for whitewashing Mr. Steward's activities in San Diego.

His conduct in that case demonstrates to me that he is not qualified to be Attorney General.

On February 13, 1971, despite strong evidence of serious misconduct and despite a finding by the criminal division of highly improper conduct by Mr. Steward, Mr. Kleindienst officially and publicly cleared Mr. Steward of any wrongdoing whatsoever and stated that he served with the full confidence of the Attorney General.

On March 24, 1972, after the hearings on Mr. Kleindienst's nomination had resumed at his request, a Life magazine article alleged that Kleindienst had whitewashed the Steward case. Because of the serious nature of the charges in the article, the direct involvement of Mr. Kleindienst, and the fact that the events occurred in my State, I undertook personally, through my staff, an independent examination.

That examination included sending one of my legislative assistants to San Diego to interview prospective witnesses and investigate the accuracy of statements contained in the Life article. Based upon that investigation, I requested that certain witnesses be called and certain documents be requested by the committee to determine the true facts concerning Mr. Kleindienst's role in the Steward case.

In a series of rollcall votes at subsequent executive sessions, a majority of the committee refused to call a number of these key witnesses with information bearing directly upon these charges.

As a result, the committee was reduced, in effect, to hearing only the Justice Department's rebuttal of what these witnesses would have said, without ever hearing the charges.

Nevertheless, with only the testimony of the Justice Department to rely upon, substantially all of the charges made against Mr. Steward in the Life article were confirmed, and the propriety of Mr. Kleindienst's actions in clearing him was placed in grave doubt.

The facts, as we have them, are these:

During the course of a Federal investigation of illegal gambling in San Diego County, a series of facts came to the attention of Federal agents which eventually led, in late 1969, to an investigation of gifts and political contributions by the Yellow Cab Co. in San Diego to various public officials and political candidates.

Key figures in the campaign contributions were C. Arnholt Smith, a prominent Republican financier and fundraiser in San Diego, and Frank Thornton, executive vice president of a San Diego ad agency called Barnes-Champ, owned by Smith. Smith had reportedly raised over a million dollars for the 1968 Republican presidential campaign. Thornton was and is reported to be Smith's chief political lieutenant. Also involved was Charles Pratt, president of the Yellow Cab Co. in San Diego.

The investigation was being conducted by the San Diego branch of the Los Angeles office of the Justice Department's Organized Crime Strike Force, with Michael De Feo, a Justice Department lawyer and a member of the Strike Force, principally in charge. Working with De Feo was Richard Huffman, a California State deputy assistant attorney general, who had also been appointed a special assistant to the U.S. Attorneys in Los Angeles and San Diego. Huffman's dual appointment was designed to allow coordination of Federal and State investigations where the laws of both jurisdictions might have been violated. Assistant De Feo and Huffman was A. David Stutz, an IRS investigator working under the supervision of the L.A. office of the IRS Intelligence Division.

The investigators had become suspicious of a payment of $2,068 made in September 1968, to Smith's company, the Barnes-Champ advertising agency, by Yellow Cab. The amount was listed by Yellow Cab as a business expense for a "wage and hour survey." However, there apparently was a strong doubt that any such survey would, or even could, be conducted by an advertising agency.

Also, the investigators were aware of a practice used in San Diego by which a corporation or corporate executive would arrange a secret political contribution by channeling it through an ad agency for phony services rendered. There was a history, not only in San Diego, but throughout the country, of covering up this type of corporate contribution by channeling the contribution through an ad agency for so-called services rendered. Typically, an executive would call the ad agency and saying "bill me $1,000—or some amount—for a 'design concept'. I want it to cost me that much but don't spend any time on it, just give it to me now over the phone." The "concept" would then be developed in the course of a 1-minute phone call, but the company would receive and pay a bill for a much larger service which had never been performed. A few days later, the ad agency would receive an order from a candidate for precisely the same dollar amount of campaign services, for example, radio time or TV time, or billboard space or newspaper advertising. Thus, the ad agency would funnel what in essence was a contribution to the candidate from a corporation or executive.

THE GRAND JURY

As a result of the facts which had been developed by the strike force, De Feo one of the investigators, requested that a special grand jury be impaneled in San Diego. In October 1969 a grand jury was impaneled to investigate matters of organized crime, bribery, and corruption in San Diego.

Approximately four to five sessions were held by the grand jury, the last of which occurred on February 5, 1970.

So, in other words, the grand jury was in operation approximately 5 months. During these sessions, testimony was taken from a number of persons including officials of the Barnes-Champ Ad Agency.

THE ATTEMPT TO SUBPENA FRANK THORNTON

As a result of the testimony of Jerry Champ, president of Barnes-Champ, and certain others on the morning of what turned out to be the final day of the grand jury—February 5, 1970—De Feo and Huffman told Stutz to serve a "forthwith" subpena on Frank Thornton, vice president of Barnes-Champ, and to bring Thornton back physically for the afternoon session. Thornton was allegedly responsible, at Smith's direction, for securing the campaign contributions being investigated by the Federal agents.

Stutz and another IRS agent tried to serve Thornton but were told he was out of town. A short time later that day, Stutz was called in by U.S. Attorney Harry Steward. De Feo and Huffman were at that time back in session with the grand jury.

Steward asked Stutz what was going on: why had Thornton been subpenaed? Stutz told him that as a result of the morning's testimony before the grand jury, Thornton was a key witness. Steward then asked who had sought the subpena and was told that the decision was made by De Feo and Huffman. Steward indicated he wanted to see them immediately and was informed that they were in session with the grand jury. He then told Stutz he wanted to see them all as soon as the grand jury had recessed that afternoon.

STEWARD'S INTERVENTION

Subsequently that afternoon, Steward met with the three agents and a conversation, subsequently confirmed in the committees' hearings, took place.

In substance it was that Thornton was a close personal friend of Steward, had got Steward his job as U.S. Attorney and was going to try to get him a Federal judgeship.

In testimony before the committee, Mr. Steward denied having said that. However, Mr. Stutz, in a sworn statement which had been obtained by the FBI in December 1970, confirmed that Mr. Steward had said that; and according to Mr. Petersen's testimony, his statement was corroborated by Mr. De Feo and Mr. Huffman, in similar sworn statements to the FBI. Unfortunately, the committee did not have access to testimony from Mr. De Feo or Mr. Huffman or Mr. Stutz, because the committee, in its wisdom, decided not to allow them to testify, I believe that was a great mistake, because in so doing, the committee denied itself the opportunity to determine what, in fact, really did happen in San Diego and how what did happen related to Mr. Kleindienst's actions in clearing Mr. Steward.

Steward then told the agents not to reissue the subpoena, that instead he would talk to Thornton himself. One or more of the agents objected to this procedure and urged Steward that his plan was at best unwise. Steward told them he would think about it over the weekend.

A short time later, presumably the following Monday or Tuesday, Steward called Stutz and told him that he—Steward—had decided to interview Thornton and in fact had done so. The interview had taken place in Thornton's office, without any witnesses. Steward told Stutz that Thornton had satisfactorily explained the $2,068 expenditure, saying that the wage and hour study just had not been done yet.

Stutz then called De Feo and Huffman and reported his conversation with Steward. Both indicated extreme annoyance and apparently called Steward themselves to protest without success. De Feo then apparently called William Lynch, head of the Justice Department's Organized Crime Strike Forces in Washington, D.C. to complain about Steward's action.

THE IRS INVESTIGATION OF BARNES-CHAMP

Shortly thereafter, apparently in early March 1970, Stutz and Huffman discussed continuing the investigation of Barnes-Champ as an IRS matter, independent of Steward. Stutz apparently cleared his plan with his IRS superiors in Los Angeles.

Stutz then went back to Barnes-Champ and began his investigation of records. Company officials began pulling records, providing Stutz with Xerox copies; other documents were to follow.

Within a short period—apparently less than 1 week—in early or mid-March—Steward called Stutz and reportedly said "I understand you have been to Barnes-Champ." When Stutz replied affirmatively, Steward then said, "I thought we had agreed you weren't to go into that area." Stutz replied that this was a separate IRS investigation over which Steward had no control. Steward then stated, "I am the U.S. attorney and I'll tell you what to do. I have told Barnes-Champ they don't have to give you any records. You are not to contact them again."

In addition, Steward relayed to Stutz a new and conflicting explanation of the $2,068 contribution which had been under investigation. According to Steward, Thornton had now admitted the $2,068 contribution in 1968 had been after all, and the money would be returned to the Yellow Cab Co., but as of that moment, 18 months later, it had not been returned. Stutz remarked that the new story directly contradicted Thornton's earlier version and increased the suspicion of guilt. Steward disagreed and said the conflict was immaterial.

Stutz then called De Feo and Huffman and reported what had occured. Since a majority of the committee refused to hear testimony from De Feo, Huffman or Stutz, it was not possible to determine the nature of their protests to the Justice Department. Stutz also reportedly protested Steward's interference with the IRS investigation to his superiors at IRS.

All of the above events had transpired prior to or during the months of March and April, 1970. During that time the agents had not only discovered the single illegal contribution by Yellow Cab solicited by Smith and Thornton but had also uncovered the entire scheme by which Smith and Thornton used Smith's ad agency to funnel illegal contributions to numerous political candidates. What had originally appeared to be an isolated transaction now appeared to be part of a pattern by which thousands of dollars had been passed through the Barnes-Champ agency.

Steward admitted in his testimony to the committee that he was aware of the full significance of the investigation then underway:

> You know, there was more than just the campaign contribution to President Nixon involved; there were other political federal contributions that were the subject of this investigation.

As a result, the agents had diverted their attention form the Yellow Cab Co's. single contribution and were focusing instead on Smith, Thornton, the Barnes-Champ ad agency and the whole scheme.

For this reason, Steward's intervention a second time, to keep the agents out of Barnes-Champ and away from a key figure, Frank Thornton, took on critical significance: it ended an investigation which threatened to be a major embarrassment to the President and the Republican party.

A comment on the testimony before the committee is required at this point. Throughout their testimony, Steward, Petersen and Kleindienst all sought to minimize the serious nature of Steward's misconduct by asserting that Steward intervened only to spare a friend the embarrassment of a highly publicized appearance before a grand jury.

Thus, the witnesses attempted to portray Steward's action as simply an indiscretion—that all he was guilty of was interrogating a witness himself instead of allowing him to go before the grand jury.

This explanation, however, simply cannot be reconciled with the fact that Steward intervened a second time to try to stop Stutz from pursuing an independent investigation of Thornton. This time there was no grand jury involved.

The purported reasons for Steward's first interference were not applicable the second time. And yet, again he intervened, at a time clearly distinguishable from the first event, as Petersen admitted, about 2 weeks later.

It is, therefore, this second interference which reveals the actual reason for Steward's intervention and suggests the reason why he was cleared by Mr. Kleindienst. Steward recognized that the Federal agents were about to expose a Republican political scandal of major proportions, and he, therefore, intervened a second time to make sure it was stopped.

A further comment on the testimony of Petersen and Steward is also required. Both men attempted to minimize the serious nature of Steward's misconduct by claiming that the investigation of Thornton went on. As evidence for this claim, they cited a subsequent interview of Thornton which Stutz made 9 months later.

But the facts on this point seriously undercut their arguments. Had Stutz been permitted to testify, he would have related the full circumstances. But he never was allowed to testify because the committee voted not to have him testify.

In November 1970, Stutz was ordered by his IRS superiors to write up his report of the Yellow Cab investigation. Stutz complained that he could not write a complete report because he had never been allowed to question Thornton. Stutz was told to take a "pocket summons" and go down quietly and interview Thornton but not to "make a big deal of it." His questions were to be limited to the Yellow Cab investigation, and he was unable to pursue any of the other original lines of questions relating to other illegal contributions.

Petersen and Steward cited the November interview of Thornton as evidence that Steward hadn't prevented Thornton from being questioned. In fact, however, this interview was an extremely limited one and occurred 9 months after Steward intervened. In short, the evidence in no way supports the claim that Steward did not obstruct the investigation of Thornton and Barnes-Champ. Rather, it confirms the charge that he foreclosed that investigation.

STEWARD'S PROTECTION OF THORNTON AND PRATT

In late August or early September, Charles Pratt, president of the Yellow Cab Co., became an informant. During the next few weeks, Pratt provided the details of the $2,068 payment-contribution to the Federal agents. Pratt confirmed that he had been solicited for a $2,000 contribution to the 1968 Republican presidential campaign by C. Arnholt Smith and Thornton. Pratt said he could not afford it, and the suggestion was made that it come from the company funds through the Barnes-Champ agency as a phony business expense. After the IRS investigation began, Pratt admitted that a number of attempts were made by Thornton and Pratt to camouflage the expenditure.

On September 22, 1970, Pratt revealed the nature of Steward's role. He told all three investigators that Steward was protecting him, Thornton and Smith. According to Pratt, Thornton told him not to worry about the investigation because "Steward was interceding" for them, had told Thornton he "would not indict him unless forced to" and "would warn Thornton of any impending action by the Grand Jury"—Stutz affidavit. According to Pratt, he had been kept informed of what was going on in the grand jury by Thornton, who had told Pratt that he got the information through Harry Steward. Such revelations would be in violation of Federal law prohibiting disclosure of matters occurring before a Federal grand jury and would obviously be serious misconduct by a U.S. attorney.

JUSTICE DEPARTMENT INVESTIGATION OF HARRY STEWARD

Within 2 days after Pratt implicated Steward, De Feo flew to Washington with the head of the L.A. strike force—De Feo's immediate superior—to complain directly to the Justice Department about Steward's conduct and seek action against him. At a meeting on September 25, 1970, De Feo was told to cease all contacts with Steward and "that all inquiries from Steward were to be directed to Washington."

On September 28, Henry Petersen, Deputy Assistant Attorney General of the Criminal Division, sent a memo to Kleindienst's assistant, Harlington Wood. The primary purpose of the memo, according to Petersen, was "to alert the Attorney General to the status of the investigation in San Diego."

The basic charges against Mr. Steward by the three Federal agents were:

First, that Steward obstructed a Federal investigation of a scheme involving illegal campaign contributions to the 1968 Republican presidential campaign and other Federal campaigns by improperly preventing issuance of a grand jury subpena upon a key witness, Frank Thornton, telling the Federal agents not to serve Thornton because he was "a friend, got me my job as U.S. attorney, and is going to get me a Federal judgeship";

Second, that Steward obstructed and interferred with an independent IRS investigation of those same matters by an agent of the IRS for those same reasons; and

Third, that Steward told Thornton he would protect him and other associates from investigation and revealed secret grand jury information to Thornton.

The charges against Steward were referred to Stephen Weglian, a staff attorney in the Criminal Division, for review. On October 15, 1970, Weglian recommended to his superiors that an administrative inquiry be made into Steward's actions by the Justice Department, including an FBI investigation. This recommendation was brought to Kleindienst on October 16, 1970.

Meanwhile Steward had written a letter to Kleindienst's office attempting to explain his actions.

On October 20, 1970, a second memo recommending the administrative inquiry was given to Kleindienst. Handwritten on the memo was the personal recommendation of then Assistant Attorney General—Criminal Division—Will Wilson suggesting that Kleindienst summon Steward to Washington and decide whether to fire him or not.

Steward was summoned to Washington and met privately with Kleindienst on November 17, 1970. Both Steward and Kleindienst were extremely vague in their recollections of precisely what transpired in that conversation. But Petersen testified that Kleindienst emerged from the meeting and told Petersen that he did not think Steward had done anything wrong.

Following the interview with Steward, an administrative inquiry into his conduct was begun. The FBI was requested to conduct an investigation of the charges and make its report.

Sometime in December 1970, and while the FBI investigation was underway, the White House became involved. According to Petersen's testimony, at least one inquiry was made by John C. Dean III, Counsel to the President, about the Steward case. Dean had previously worked in the Justice Department as an assistant to Kleindienst. Since the committee did not hear testimony from Dean or anyone else at the White House in relation to this matter, it was not possible to determine the reason for or extent of White House interest and intervention in the case or its effect on Kleindienst's ultimate decision.

It is highly likely, however, that Steward's actions in preventing that investigation had been brought to the attention of the White House, quite possibly by Smith or Thornton themselves, in view of the danger involved to Republican political figures. The lack of the appropriate witnesses and the inadequacy of Kleindienst's testimony in his second appearance before the committee prevented any investigation of the nature and extent of White House pressure or involvement in his decision to clear Steward.

According to Peterson, the FBI report was completed and received by the Justice Department on February 11, 1971. Contained in the report were sworn affidavits of the three Federal investigators confirming in virtually every respect the charges against Steward. It was not possible to determine what other material was presented in the FBI report because the Justice Department refused to make it available to members of the committee.

On February 17, 1971, a meeting was held in Kleindienst's office. At that meeting, the Criminal Division stated the finding of its staff attorney that Steward's conduct had been "highly improper" and that he should be admonished:

> Steward's conduct in regard to Strike Force's investigation of a possible violation by Frank Thornton and Charles Pratt was highly improper. Mr. Weglian wrote in his summary: "Proper investigative technique calls for the potential defendant to be pinned down on his story under oath and recorded, if possible. The grand jury method desired by the Strike Force would have been appropriate. Regardless of the method, however, it does not seem advisable for a United States Attorney to engage in such conduct with a potential defendant who is admittedly a close personal friend. He should have excused himself altogether, or in the minimum, let other persons conduct the interview and then objectively judged, if possible, the results."

Despite those findings and despite the affidavits of the Federal agents confirming the full extent of Steward's improper conduct, Kleindienst decided to issue a statement clearing Steward of any wrongdoing whatsoever. The statement read as follows:

> At the request of U.S. Attorney Harry Steward of San Diego, the FBI was directed to investigate allegations which have been raised about the conduct of his office.
>
> These charges were exhaustively investigated by the Bureau and a report was made to the Department. I have evaluated the matter and determined there has been no wrongdoing.
>
> The Department considers the matter closed and Mr. Steward will continue to serve as U.S. Attorney for the Southern District of California with the full confidence of the Attorney General.

As explained by Peterson and Kleindienst in their testimony, the reasons for the decision were:

First, since no money was involved his actions were not corrupt;

Second, the Assistant Attorney General in the Tax Division said his experience with Steward was one of complete cooperation although he admitted he knew nothing about the charges against Steward; and

Third, Steward was about to try a big tax case in San Diego and he, therefore, could not have a cloud over his head.

Peterson summed up Kleindienst's decision in this way:

> It was decided that the Deputy (Kleindienst) would issue a statement which would indicate that Steward was still a member of the team and that the Department had full confidence in him.

He went on to explain the reasons for the deceptive wording of Kleindienst's statement in this way: That there was no way we could say that he is half right or 99.9 percent pure.

The committee's majority report sums up the testimony in this way:

> An expression of full confidence in him had to be made.

Again, a comment is in order. The basic rationale cited by Mr. Petersen over and over again for Kleindienst's statement clearing Steward was that Steward was about to try a controversial tax evasion case involving a member of the Alessio family. For this reason, Petersen said, it was decided that the public had to think Steward had been completely exonerated.

But under questioning, Petersen admitted that there were two other attorneys also working on the Alessio case who could have handled the trial and only a brief continuance would have been necessary.

The claim, therefore, that the Justice Department had to make an expression of full confidence in Steward is a substantial overstatement.

THE REMOVAL OF THE THREE INVESTIGATORS

Meanwhile, the three Federal investigators were removed or resigned from Federal agencies in San Diego. Stutz was told that he was a disruptive influence and that he would be transferred to Los Angeles. Rather than accept the transfer, Stutz resigned from the IRS intelligence division, and is now an investigator in the office of the San Diego County District Attorney.

Huffman resigned and remained in San Diego, becoming the chief assistant district attorney of San Diego County.

De Feo was informed that he would be transferred to Kansas City, despite the fact that he had apparently just bought a house and wished to remain in San Diego. Petersen maintained in his testimony that De Feo was happy to go to Kansas City because he had been born there. De Feo was a career lawyer with the Justice Department and decided to accept the transfer, becoming head of the organized crime strike force in Kansas City. Although nominally a promotion, De Feo had virtually identical authority in San Diego and was reportedly less than pleased with the transfer. The committee declined to request his testimony, however, and thus the true circumstances surrounding his transfer could not be fully determined.

KLEINDIENST'S CONDUCT

In his position as Deputy Attorney General, Richard Kleindienst had, as one of his primary duties, the ultimate responsibility for the administration of the U.S. attorneys in the various judicial districts throughout the country. It was his special duty to select nominees for the position of U.S. attorney, to monitor the operations of those appointees, to conduct any administrative inquiry into their operations and to carry out disciplinary action or removal of such appointees.

Together with his responsibility for selecting prospective nominees to the Federal bench, these tasks are among the most important and significant assigned to the Deputy Attorney General.

In view of these duties, and the facts set forth above, Kleindienst's conduct and his decisions in the Steward matter raise grave doubts about his fitness to be Attorney General.

First, Kleindienst seriously prejudiced the objectivity of any recommendation concerning the propriety of Steward's conduct by telling his subordinates who would make that recommendation even before the investigation was begun that he thought Steward had done nothing wrong.

On November 17, 1971, prior to the administrative inquiry into Steward's conduct, Kleindienst met with Steward and emerged to tell Henry Petersen that "frankly I think he has not done anything wrong." Furthermore, this statement was based upon a private meeting with Steward, without the presence of any of those persons upon whose recommendation he later purported to rely.

In other words, Kleindienst gave a clear signal of what his views were before any study of Steward's conduct was made. It is impossible to determine the full effect of that statement but it clearly placed the staff attorneys in an awkward position.

Second, Kleindienst was derelict in his duty by clearing Steward despite sworn affidavits from three Federal agents that Steward had admitted stopping a subpena and had obstructed a Federal investigation of a friend because the friend got him his job and was going to make him a Federal judge.

The basis for the claim that there had been "no wrongdoing" was attributed by Petersen to the fact that "there was not evidence to indicate that Steward's improper actions in regard to the Thornton aspect were corrupt, that is to say, that no money was involved."

The clear implication is that if Steward had been offered money to do what he did, it would be "wrong"; but since it was only a judgeship which was mentioned by Steward, it was "improper." Petersen later reluctantly admitted, however, that in his view Steward's actions did constitute wrongdoing.

In addition, as Kleindienst eventually admitted in his testimony, the charges against Steward did involve wrongdoing:

> Senator TUNNEY. Well, now the point that I have, that I am trying to understand, is that if Mr. Steward were in a position of preventing a subpena from being issued on the ground that he hoped that the man upon whom the subpena was to be served was going to get him a federal judgeship, that would be a crime, would it not?
>
> Mr. KLEINDIENST. Boy, if it weren't a crime it would come so close it wouldn't be funny.

In view of that admission, it is impossible to reconcile his action in clearing Steward with the fact that the charge against him was confirmed by sworn affidavits of the three agents with whom he had interfered. If those statements were true, then Steward should have been removed; if they were false, then appropriate action should have been taken against those making false statements. Yet, as Petersen himself testified, the evidence against Steward was "practically admitted." In fact, had the committee allowed Stutz and Huffman to testify, they could have testified to the fact that Steward was actively seeking appointment to a vacancy on the Federal bench in San Diego at the very time he intervened in Thornton's behalf.

In addition, both the serious nature and the grave impropriety of Steward's conduct were revealed by the fact that he intervened a second time to prevent the IRS investigation of Thornton. Petersen's testimony was particularly vague on this point. And Kleindienst said he could not recall what Steward told him at their meeting in November. Had other witnesses testified, however, the committee could have determined the full facts surrounding Steward's second interference and the special relevance of those facts in Kleindienst's ultimate decision.

These points are particularly important because, even from the limited testimony heard by the committee, it is clear that the White House expressed interest in Steward's situation, as evidenced by John Dean's phone call to the Justice Department. Had the committee agreed to call the additional witnesses which were requested, further details of that involvement could have been placed in the record.

Third, Kleindienst failed to evaluate the Steward case in the manner required by his position as Deputy Attorney General.

Kleindienst admitted in his testimony that there had been only three occasions in his 3 years as Deputy Attorney General when a U.S. attorney was placed under investigation. In the two instances other than Steward, the U.S. Attorneys in question were fired. Kleindienst confirmed that such cases were therefore extraordinary ones and involved one of his main responsibilities. Yet he also admitted that he had not read the FBI report or even any part of the FBI file provided to him.

Thus, although he had the full responsibility by virtue of his position as Deputy Attorney General to act as "judge" of the case for the Department, by his own testimony he never looked at the evidence:

> Senator TUNNEY. What I have difficulty understanding is if it is an unusual procedure and if one of your main responsibilities as Deputy Attorney General is to monitor the activities of U.S. Attorneys——
>
> Mr. KLEINDIENST. Yes.
>
> Senator TUNNEY (continuing). Why did you not read at least a portion of the FBI file?
>
> Mr. KLEINDIENST. Well, the answer to that from where I sit is relatively simple. It is just a question of time and in terms of what else you have to do.

In his testimony, Petersen indicated that the materials were not voluminous. It therefore would not have been unreasonable to expect Kleindienst to familiarize himself with the evidence.

Instead, the implication that Kleindienst knew all he needed to know from his private meeting with Steward 4 months previously after which he had announced that Steward has done nothing wrong.

In addition, there is considerable evidence that Kleindienst was in a hurry to clear Steward. He held the meeting less than a week after the FBI report was forwarded to Washington and at a time when the press was demanding comment from him on the Steward case. On February 16, 1971, the day before Kleindienst's announcement, Steward acknowledged in response to repeated press inquiries in San Diego that he was being investigated.

Press attention then shifted immediately to Washington. Reporters were apparently demanding comment by the Justice Department. The following day, Kleindienst made his public statement clearing Steward.

Fourth, Kleindienst issued a statement to the public about Steward which was highly misleading and designed to deceive the public in San Diego about the nature of Steward's conduct.

Kleindienst summed up the reason for his public statement clearing Steward in this way: "I wanted to rehabilitate Harry Steward." And so he issued a press release designed to rehabilitate Steward in the eyes of the public by deceiving them.

Kleindienst's statement said:

> At the request of U.S. Attorney Harry Steward of San Diego, the FBI was directed to investigate allegations which have been raised about the conduct of his office.

But Petersen flatly contradicted this statement in his testimony. When asked if the investigation was begun at Steward's request he said "absolutely not."

Kleindienst's statement said, "I have evaluated the matter. . . ." But Kleindienst testified that he had not even read any part of the FBI report to him because he didn't have the time.

Kleindienst's statement said, "I have . . . determined there has been no wrong doing." But Petersen testified that Steward's conduct had been "highly improper" and Kleindienst subsequently characterized the charge against Steward as follows: "Boy if that wasn't a crime it would be so close to it it wouldn't be funny." In addition, Petersen testified that had Steward been a subordinate of his he could have disciplined him by probation or transfer or some other action:

> Quite candidly, think, if he had been a strike force attorney I might have transferred him, but you know I didn't have those options.

Kleindienst's statement said:

> Mr. Steward will continue to serve as U.S. Attorney for the Southern District of California with the full confidence of the Attorney General.

But Steward's testimony was highly evasive and was at times directly contradicted by the testimony of Petersen, raising serious questions about the propriety of Kleindienst's "full confidence" in him. For example, Steward testified that until November 17, 1971, when he met with Kleindienst he had "no inkling" of the charges against him. But Mr. Petersen testified that Steward had written a letter to the Justice Department almost a month earlier in which he gave his thoughts on the allegations that had been made against him and his explanation of his actions.

Similarly, Petersen confirmed that Steward told the agents not to subpena Thornton because he was going to get him a Federal judgeship. But Steward testified that he never said any such thing.

Fifth, on the record at present there is no indication that Kleindienst ever took any action against Steward, even a mild admonishment, after his staff recommended such action.

Petersen testified that the Criminal Division recommended on February 17, 1971, that Kleindienst meet with Steward and admonish him. Mr. Steward in testimony to the committee said he "couldn't recall" whether Kleindienst admonished him after he received the staff's recommendation.

Furthermore, it is clear from Steward's testimony that to this very day he does not believe he acted improperly in any way, despite a clear finding to the contrary by the Justice Department. He continues to serve as U.S. attorney in San Diego, presumably still with the full confidence of Mr. Kleindienst. This fact alone raises serious questions about Mr. Kleindienst's judgment.

Sixth, on March 24, 1972, in response to the Life magazine article, Kleindienst issued an additional public statement designed to deceive the public about the accuracy of allegations against Steward contained in that article.

The Department's release stated: Life magazine's charges that the Department of Justice or the administration tampered with justice are false.

They are based upon misinformation, innuendo, hearsay, and a rehash of old rumors which were throughly investigated more than a year ago.

In fact, the Life allegations with respect to Steward's interference in the Thornton-Smith case had been documented and confirmed by the Justice Department itself as early as February 1971 and were confirmed again in the committee hearings.

Seventh, there is substantial evidence, including evidence of involvement by the White House, which indicates that Kleindienst cleared Steward for purely political reasons; namely, because Steward had prevented a potentially embarrassing political scandal by obstructing Federal agents in a Federal investigation.

The final question is whether Kleindienst did not in fact clear Steward for a purely political reason—that Steward had loyally prevented a major political scandal and embarrassment by preventing what would otherwise have been a full scale investigation of numerous unlawful contributions to the Republican Party handled by Thornton and Smith. It is this aspect which is particularly important because it bears directly upon the manner in which "justice" is and will be administered by Richard Kleindienst.

Steward testified that during his meeting with Kleindienst he informed him of Thornton's major role as a Republican fundraiser and campaign aide in California and told him of the bad publicity which would have surrounded a public investigation of Thornton.

Steward also confirmed that he knew the agents were engaged in a full-scale probe of Smith and Thornton when he interfered with that probe. When asked about what Steward told him in their November meeting, however, Mr. Kleindienst once more resorted to bad memory:

> I don't recall what he specifically told me about Mr. Thornton.

From even the limited testimony heard by the committee, however, it seems highly probable that Kleindienst's ultimate decision was based to a large extent on political considerations. Smith and Thornton by all accounts were key fundraisers in California and national Republican circles. Kleindienst himself had a key role in the 1968 Presidential campaign and was obviously a man of great political sophistication. Steward had only to mention the identity of the persons under investigation for Kleindienst to recognize the political significance of Steward's intervention.

In addition, there was the direct interest of the White House, expressed by Kleindienst's former assistant, John Dean, who had left the Justice Department to join the White House staff as counsel to the President.

It is not unlikely that other expressions of interest from the White House had been relayed to the Justice Department. Indeed, it is highly probable that Smith and Thornton were in direct contact with the White House from the moment the investigation of their contributions began.

THE INADEQUATE RECORD

Because a majority of the committee refused to call the key witnesses, the full truth about Kleindienst's actions will never be known. The committee subpenaed Stutz and Huffman, brought them back to Washington from San Diego and then refused to let them testify. The committee refused to call Smith, Thornton, Pratt, Dean, or any other witnesses who might have provided the truth. The committee refused to demand that the appropriate documents from the Justice Department be made available to its members.

In short, a majority of the committee was willing to hear only what Richard Kleindienst wanted to be heard.

I think that record is a disgrace. It demeans the right of the Senate to act responsibly on this nomination, and it makes a mockery of the public's right to the truth.

But even with the sanitized version which the committee did hear, it is clear to me that Richard Kleindienst should not be Attorney General of the United States.

Mr. President, I invite the attention of Members of the Senate and other readers of the Record to the fact that part 4 of Executive Report 92–19 is now available. Part 4 contains the expanded version of the views of Senator Bayh, Senator Kennedy, and myself, and includes much new information, we believe, as well as an extensive chronology in chart form, which provides a convenient means of placing in perspective the complex events and transactions before us for consideration.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Stafford). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Stafford). Without objection, it is so ordered.

PROPOSED AGREEMENTS BETWEEN VIRGINIA AND MARYLAND CONCERNING FEES FOR OPERATION OF MOTOR VEHICLES

Mr. EAGLETON. Mr. President, as in legislative session, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 9580.

The **PRESIDING OFFICER** (Mr. HARRY F. BYRD, Jr.) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 9580) to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. EAGLETON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EAGLETON, Mr. INOUYE, and Mr. MATHIAS conferees on the part of the Senate.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggested the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

NOMINATION OF RICHARD G. KLEINDIENST

Mr. KENNEDY. Mr. President, in the coming days the Senate will have two separate questions to decide, and it is vital that we have those questions clearly in mind before we begin:

First, does the Senate now have available to it all of the existing and obtainable information and evidence which it needs to make an intelligent and informed decision on the issues before it?

Second, do the facts now available dispel the cloud which the nominee admits lies over his nomination, and do they justify an affirmative finding by the Senate that the cases at issue were handled by the nominee and his department solely in the public interest, solely on the legal and factual merits, and without favoritism based on power or politics?

Unfortunately, the only fair answer to both these questions must be a resounding no. The long and the short of the present posture of this proceeding is that each Member of the Senate is being asked to become a party to a whitewash. Each of us is being asked to validate the performance of the nominee, and implicitly the administration, at a point when—largely because of the administration's own resistance—all the facts are not in, and when the facts elicited thus far are more consistent with plainly improper official conduct than they are with proper conduct.

Let us remember throughout the coming debate what the Senate's role is in this unique proceeding. Ordinarily, there is an extremely high burden upon the Senate to find the clearest kind of obstacle to the confirmation of a cabinet nominee. As three members of the committee put it in approving the reporting of this nomination in its original phase:

> Absent personal impropriety, incompetence, or disqualifying conflict of interest in the nominee, the President is entitled to the man or woman of his choice.

My own viewpoint was similar at the time, despite the most serious misgivings about the policies and philosophy under which the Department of Justice has been operated:

> The President must be able, within some broad limits, to choose the lawyer he wants to have at his side for the next eleven months.

I said then.

But the very day those views were filed, the posture of this proceeding changed by 180 degrees. The Senate's attention was drawn to the fact that shortly before the settlement of one of the largest and most important antitrust cases under this—and perhaps any—administration, the defendant corporation had pledged the extraordinary amount of up to $400,000 to finance the 1972 Republican National Convention in San Diego. Those facts alone on their face might have created a striking impression of irregularity, but there was more. A corporate memorandum, the authenticity of which was not at that time challenged, established that in the opinion of the corporation's only registered lobbyist, there was a link between the convention gift and the antitrust settlement. Moreover, the memorandum showed that the settlement was being assisted by both Attorney General John Mitchell, who was ostensibly disqualified because his law firm worked for ITT, and President Nixon, a former partner in the same firm.

As the person ultimately responsible for the antitrust case, Richard Kleindienst could not escape responsibility if, as was charged, "the antitrust cases had been fixed," no matter who arranged the fix. But a day after the original revelation, there was a new disclosure directly reflecting on the nominee. Kleindienst had issued a public release late in 1971, denying previous allegations regarding his involvement in the same settlement, and stating that the matter had been "handled and negotiated exclusively by Assistant Attorney General Richard W. McLaren." But it now turned out that Kleindienst himself had held what were described as "roughly a half-dozen secret meetings on the ITT case with a director of the company," meetings which the director involved admitted had taken place.

At this point, on March 1, 1972, even the nominee himself agreed that a prima facie case of impropriety had been made out, or to use his word, a "cloud" had been placed over his nomination. Both privately, in meetings with members of the Judiciary Committee, and publicly at our first hearing, he stated that he did not want to take office with that cloud over his record. He wanted a full investigation so that the cloud could be dispelled. He wanted the Senate to withhold action on the nomination.

> If there was any substantial doubt in the minds of any of the Members of the U.S. Senate.

In short, the committee and the Senate were being asked to pronounce an affirmative and total finding that the charges made were false and that the conduct of those involved had been, beyond doubt, proper, forthright, and untainted by special influences or political pressures. To use words which became well understood during the hearing, we were being asked to clear the nominee, his department, and his administration of any "wrongdoing." Each of us was being asked to place our own stamp of approval on the manner in which the ITT case was handled; each of us was being asked to certify that we had considered all the relevant facts and that these facts proved to our satisfaction that the ITT settlement had come about under perfectly normal circumstances.

The truth is, however, that we have not even had the chance to consider all the relevant facts. And the facts we have considered must lead any objective observer to the conclusion that the circumstances surrounding the ITT settlement were far from normal.

The most pressing consideration for the Senate right now is the realization that the executive branch, as it has so many times in the past, seeks here to play fast and loose with the prerogatives and responsibilities of the Senate. On the one hand, there is President Nixon himself telling the public that:

> We want the whole record brought out because as far as (Kleindienst) is concerned, he wants to go in as Attorney General with no cloud over him.

Clearly the President wants the Senate to relieve the administration of the embarrassment which the whole matter has already caused; he wants the Senate's vote to provide a shield against the justified complaints of the American public that this administration cares much more about corporate profits, campaign contributions, and presidential friends than it cares about enforcing the law, pursuing the public interest, and protecting the consumer.

One would expect that having made such an extraordinary demand upon the Senate, the administration would have cooperated in every possible way to enable the Senate to fulfill that demand. But in fact at every possible opportunity the President and his appointees have stood between the Senate and the full truth. They want the Senate to clear the administration of the charges against it, but they expect us to do it on faith, on the basis of their own self-serving denials, and without letting us have access to the facts to judge for ourselves.

There are surely relevant facts in the Justice Department's file on the ITT cases, but the nominee himself refuses to let the Senate see that file, even on a restricted basis.

There are surely relevant facts in the files relating to the interagency committees through which other Cabinet members and the White House influence antitrust activities, but the nominee himself refuses to turn those over, and his present antitrust chief refuses even to answer questions about them.

There are surely relevant facts in the file on the inquiry which led to the nominee's public finding of no "wrongdoing" by U.S. Attorney Steward despite an internal department finding of "highly improper" conduct, but the nominee refuses to give us access to that file.

There is surely relevant evidence to be obtained from White House aides, but the White House presumably on the nominee's advice, has thrown the cloak of executive privilege around them, except for one aide who was allowed to appear as long as he did not have to answer any embarrassing questions.

There is surely relevant evidence in the files of the SEC, which is investigating much the same facts as the Senate, but the Chairman, a Nixon appointee, and presumably the other members, all Nixon appointees, refuse to let the Senate have even the ITT documents obtained by the SEC before the ITT shredding spree—this in the face of a simultaneous recognition by the FTC that such agencies have an obligation to cooperate with congressional investigations.

There is surely relevant evidence in the remaining files of ITT, but ITT's attorneys and officers, who have worked in the closest coordination with the Justice Department during the hearings, now refuse to turn over materials which they promised under oath to turn over to the committee.

And surely there is relevant testimony to be obtained from the remaining witnesses—such as the man who negotiated the ITT gift for the Republican Convention—whom the committee agreed were "clearly necessary," but were prevented from testifying when the White House's friends on the committee managed by a tie vote to block further hearings.

Frankly, even apart from what the existing evidence has shown—I do not see how any Member of the Senate can go to his or her constituency or face himself, under those circumstances, and say, "I am willing to put my own seal of approval on the administration's performance in the disputed matters." For the hard fact is that so far we do not know some of the most vital facts about that performance; and we do not know because the administration does not want us to know.

The logical question is: What are they hiding? What are they afraid we will find out if we have the whole story? Why are they in such a hurry to short-circuit the Senate's inquiry and to have us make a judgment before we have the facts, rather than afterwards?

We can make some educated guesses about the answers to those questions from what has occurred already. Each week that passed, each new piece of information, each new witness, has undercut and contradicted the denials that flowed so freely from the administration and from it at each stage of the proceedings.

Last December, less than 3 months after the ITT settlement became final, and exactly 3 months after his eighth contact with ITT's Felix Rohatyn, the nominee claimed that the ITT matter had been "handled and negotiated exclusively" by McLaren. After several days of persistent questioning by the committee in March, the truth came to the surface—the nominee himself had set into motion and personally participated in the steps leading to the settlement, and he had not only dealt alone and in private with Rohatyn, but had also been in direct contact on the cases with John Ryan, ITT's chief antitrust contact man. Moreover, at a crucial point in time, he had personally ordered the delay of the long-awaited Supreme Court test on the ITT cases, at the behest of Lawrence Walsh, a lawyer who was a personal friend, a former Nixon administration official, and the person on whom the administration relied for bar approval of judicial appointments, and who had no previous connection with the cases.

On the opening day of hearings, the nominee asserted that McLaren and Rohatyn were "the two persons with whom I had any dealings" on ITT matters. The committee had to elicit or find out for itself the facts about the nominee's contacts with Ryan and Walsh, as well as Aibel and Bohon, two other ITT lawyers, Solicitor General Griswold, McLaren's assistant Comegys, and last, but certainly not least, Peter Flanigan.

It is understandable that the nominee would want, consciously or subconsciously, to forget about his contacts on the ITT cases with Peter Flanigan, the White House ambassador to big business, in the context of a charge of improper business influence upon the Justice Department, but whatever the reasons, the fact is that almost 7 days after Flanigan's name first arose in the hearings, and after an extended discussion of Flanigan's participation in the case, during which there was some hedging, the nominee made two flat, unqualified statements on that topic:

First:

> I had no conversation with Mr. Flanigan.

Second:

> Nor did I have any dealings with Mr. Flanigan.

For 6 weeks, that remained the nominee's last word on the subject, but of course, in the meanwhile the committee was informed that in fact the nominee and Flanigan had three very timely and curious contacts on the ITT settlement: Flanigan's notifying Kleindienst of the receipt of the Ramsden report, perhaps the single most important document in the case; Flanigan's delivery of the Ramsden report to Kleindienst and McLaren; and Flanigan's relaying to Kleindienst Rohatyn's complaints to Flanigan about the Department's handling of the ITT cases.

Those are the kinds of information the committee was able to bring forth despite the administration's best efforts, and despite the original denials. There are similar examples relating to Attorney General Mitchell and to ITT which will be detailed in the days ahead. I am confident that if we can get the necessary documents and witnesses, in accordance with the limited and reasonable requests already made we will learn just as much as we have learned from the previous documents and witnesses. In fact, in view of the massive efforts to deny us access to them, I am confident we will learn much more. It is vital to remember that we are not looking for some single witness or document that says "X bribed Y." As Kleindienst said about Flanigan:

> If he bribed me or set up a bribe, I doubt if he would come down here under oath and tell you.

We are looking for all the reasonably relevant facts, so that we can come to an informed and intelligent conclusion as to what those facts mean.

We do not have those facts now. Sooner or later they will appear, as facts have a way of doing. But it makes no sense for the Senate not to get them now when it can and should—and must, if it is to meet its responsibilities. It makes no sense for us to play the role of the three monkeys, seeing, hearing, and speaking no evil, while the evidence which may tell us for sure whether or not there was evil remains untouched and unseen in the sole possession of the administration and its friends. It makes no sense for the Senate to place itself in the position of being just as embarrassed as the nominee when additional revelations are made. And we will deserve that embarrassment if we have not fully exercised our power to obtain the whole truth.

The American people are so disenchanted right now with the processes of Government and with politicians in general that nothing surprises them any more. They see the ITT affair as symptomatic of a disease that infects all levels of government and all parties. They are so cynical that they expect our inquiry to be a charade, and our product to be a whitewash. They see the Nixon Justice Department and the U.S. Senate as two of a kind—protecting the same interests, responding to the same pressures, dancing to the same tune. Most of us here would disagree with that view, but if we proceed to give the administration a clean bill of health on the ITT affair, and do so when we have not even obtained the available evidence, and when the evidence we have indicates anything but a clean record, then we will feed the fires of disenchantment and cynicism with rich fuel that will burn for years to come. We will nourish in our own constituencies a justifiable suspicion and distrust that will return to haunt all of us in the future.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **KENNEDY.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Virginia (Mr. HARRY F. BYRD, Jr.) be recognized to speak for not to exceed 5 minutes as in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Virginia is recognized.

DEMAND OF HEW FOR REINSTATEMENT OF DISMISSED CAMPBELL COUNTY SCHOOLTEACHER

Mr. HARRY F. BYRD, JR. Mr. President, on February 4, 1972, I wrote Secretary Richardson of the Department of Health, Education, and Welfare, calling to his attention an investigation conducted by the Region III Civil Rights Office, involving the dismissal of a teacher by the Campbell County school system.

Dr. Eloise Severinson, the director of the region III office, demanded that the Campbell County School system reinstate, with back pay, a teacher who struck a child with a plastic hose, in violation of school system regulations, and was subsequently relieved of his position by the school board. Dr. Severinson refused to provide the Campbell County School Board with specific charges of any of the complaints against the board. This investigation occurred in September 1971.

In January 1972, Dr. Severinson concluded that the allegation of racial discrimination in the firing of this teacher was supported by the facts as she saw them.

The division school superintendent sought my assistance, and on February 1, I asked Secretary Richardson for a report on this matter.

On February 15, I discussed this case with him at a committee hearing of the Finance Committee.

On February 25, March 2, ond March 9 I sent telegrams to Secretary Richardson seeking a reply.

On March 13 he answered and stated that the case was under investigation by Mr. J. Stanley Pottinger of the HEW Office of Civil Rights.

Two months later I received a reply which had been signed for Mr. Pottinger. This letter stated:

> Based on information currently available in the case of Mr. Oswald Merritt, the Office of Civil Rights has concluded that no corrective action on the part of the district is required under the provisions of the Emergency School Assistance Program.

It is nice to know that HEW is finally willing to permit the school board to dismiss a teacher for beating a student with a plastic hose.

It is also nice to know after all this time "no corrective action on the part of the district—Campbell County—is required."

But it took HEW a long time to arrive at such a stand. I believe that some "corrective action" on the part of HEW is what is required. Now that the charges brought by Dr. Severinson have been found to be baseless, I believe that the Secretary of HEW should take immediate action to see that this employee adopts a reasonable approach in her dealings with Virginia.

IDEA OF FIXED TERMS FOR U.S. JUDGES HAS MERIT

Mr. HARRY F. BYRD, JR. Mr. President, the noted columnist, James J. Kilpatrick, has an article in today's Washington Evening Star, an article which is also published in many other papers across the Nation. In this article Mr. Kilpatrick discusses fixed terms for U.S. Federal judges.

As we know, Federal judges are now appointed for life. They are accountable to no one. Mr. Kilpatrick argues the case for fixed tenure in place of lifetime appointments.

He concludes his article by citing the fact that 47 of the 50 States have fixed tenure for their judges. And he asserts that the principle of judicial independence should be based upon the equally desirable principle of public accountability.

Mr. President, I concur fully with the views expressed by Mr. Kilpatrick on this subject. In this modern world the only persons throughout the globe who have lifetime appointments are kings, queens, maharajahs, emperors, and U.S. Federal judges.

I think the time has come to consider fixed terms for Federal judges, and at the end of each term their names would automatically then be submitted to the Senate for confirmation.

Mr. President, I ask unanimous consent that the article by Mr. James J. Kilpatrick be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IDEA OF FIXED TERMS FOR U.S. JUDGES HAS MERIT

(By James J. Kilpatrick)

If there is one clause in the U.S. Constitution that is singularly untouchable, it is the clause in Article III which says that federal judges "shall hold their offices during good behavior." This is the life tenure provision. Traditionally it has been given the reverence accorded a sacred cow.

It seemed almost blasphemous, therefore, when Virginia's Sen. Harry F. Byrd Jr., appeared a few days ago before a Judiciary subcommittee with a modest proposal for constitutional amendment. He proposed that federal judges be appointed henceforth for terms of eight years only, subject to reconfirmation by the Senate.

Well! A couple of agitated law professors followed the senator to the stand, protesting, objecting, and charging that the Virginian was trying to undermine the very pillars of judicial independence. You might have supposed that Byrd had proposed to abolish the writ of habeas corpus.

Yet Byrd is on the right track. His resolution merits serious consideration by those persons who give thought to the very essence of government. That essence is power.

The senator's premises are sound. He argues that for a variety of reasons, federal judges have assumed great power in our public life; that our fundamental law now provides no effective restraint against the abuse of that power; and that a system which fails to provide such restraint is defective and should be repaired.

Byrd also argues persuasively that in a democratic republic it simply is wrong in principle for any official to hold his office for life. Moreover, he asks, if life tenure for judges is so wonderful, why have 47 of the 50 states rejected life tenure in setting up courts of their own?

Few persons would challenge Byrd's observation on the steady growth in the power of our federal judges. The process began in the days of John Marshall—Thomas Jefferson bitterly denounced the high court for its "insidious mining and sapping of the Constitution"—and it continues to this day with accelerating speed. In the hands of our judges, the 14th Amendment has become a whole new Constitution in itself; by disdaining the intention of its framers, today's appellate judges give the 14th whatever meaning they please. Our judges have become our unaccountable masters; and they serve for life.

No such prospect was foreseen when the Republic was formed. Hamilton supposed that the judiciary always would be the weakest of the three branches. The doctrine of "separation of powers" was universally admired. How could this weak and impotent branch be protected from possible invasion by the executive and legislative branches? Life tenure was an answer. And the few prophets who foresaw the dangers of judicial usurpation—Patrick Henry was their ablest spokesman—were put down as the paranoids of their time.

Henry was right; and Jefferson also was right in denouncing the device of impeachment as a scarecrow. Except through the tedious, costly, and often ineffective avenues of appeal, our lower federal judges are immune even to rebuke. Such a judge may be incompetent or tyrannical; in the constitutional sense, this is not "ungood" behavior. At the level of the Supreme Court, justices are subject to no built-in restraints whatever.

Byrd's plan is not radical. Except for Massachusetts, Rhode Island and New Hampshire, every state in the Union adheres to a system of fixed terms subject to reconfirmation. The concept of fixed terms for state judges has been urged by the American Judicature Society since its founding in 1913. The plan won endorsement from the American Bar Association in 1937. The system has worked admirably: It has added to the desirable principle of judicial independence of public accountability. This is what Byrd has in mind for federal judges of the future.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the two leaders, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized as in legislative session for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO HAVE UNTIL 5 P.M. TODAY TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, as in legislative session. I ask unanimous consent that the Committee on Interior and Insular Affairs may have until 5 p.m. today to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will shortly recess until 9 o'clock this evening, at which time it will reconvene, as in legislative session, for the purpose of assembling in a body to go over to the House of Representatives, where the President of the United States will address a joint session of the two Houses of Congress.

At the close of the President's address, the Senate will stand in adjournment, under the previous order, until 12 noon tomorrow.

On tomorrow, after the two leaders have been recognized, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) will be recognized for not to exceed 15 minutes; after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, all of which will be as in legislative session.

At the close of morning business, the Senate will resume consideration, in executive session, of the nomination of Mr. Richard G. Kleindienst for the Office of Attorney General of the United States.

There will be no rollcall votes tomorrow.

RECESS UNTIL 9 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate at this time, I move, pursuant to the order previously entered, that the Senate stand in recess until 9 p.m. today.

The motion was agreed to; and at 3:02 p.m. the Senate took a recess until 9 p.m.

At 9 p.m., under the previous order, the Senate was called to order by the Vice President.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

JOINT SESSION OF THE TWO HOUSES—MESSAGE OF THE PRESIDENT OF THE UNITED STATES

The VICE PRESIDENT. Under the previous order, the Senate will now proceed to the Hall of the House of Representatives for the joint session.

Thereupon at 9:10 p.m., the Senate, preceded by the Secretary of the Senate, Francis R. Valeo, the Sergeant at Arms, Robert G. Dunphy, and the Vice President, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress, appears in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:16 p.m. the Senate adjourned until tomorrow, June 2, 1972, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate, June 1, 1972:

U.S. TARIFF COMMISSION

Italo H. Ablondi, of New York, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1978, vice Glenn W. Sutton.

HOUSE OF REPRESENTATIVES—*Thursday, June 1, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Let Thy mercy, O Lord, be upon us according as we hope in Thee.—Psalms 33: 22.

O God, our Father, whom we seek to serve and to whom we look for guidance along the way, we bow before the altar of prayer offering unto Thee once again the gratitude and the loyalty of our hearts. We thank Thee for this new day and for its open possibilities for great and gracious living.

By Thy good spirit, may we always be honest and kind and forgiving; may we be generous in our criticisms of others, gracious with those who criticize us, and amid all differences may we seek to be understanding.

Through these trying times, bless our President as he returns, our Speaker, Members of this House of Representatives, and all who work with them. Together, lead us in the ways of wisdom and the paths of peace; for Thy name's sake. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 625. Concurrent resolution providing for a joint session of the two Houses of Congress on June 1, 1972, to receive such communication as the President of the United States shall be pleased to make to them.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, concurrent resolutions of the House of the following titles:

H. Con. Res. 530. Concurrent resolution to reprint brochure entitled "How Our Laws Are Made"; and

H. Con. Res. 552. Concurrent resolution to provide for the printing of the Constitution of the United States together with the Declaration of Independence.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1478. An act to regulate interstate commerce by requiring premarket testing of new chemical substances and to provide for screening of the results of such testing prior to commercial production, to require testing of certain existing chemical substances, to authorize the regulation of the use and distribution of chemical substances, and for other purposes.

ARAB TERRORISM AND TOO MANY OF THE WORLD'S NATIONS ARE INDIFFERENT

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, this past Tuesday we saw a terrible tragedy occur with 25 people killed and 76 grievously wounded at the Lod Airport in Israel when brutally gunned down by three Japanese terrorists hired by an Arab organization headquartered in Lebanon.

Mr. Speaker, it is not acceptable that Lebanon permit its facilities to be used by terrorists, known to the Lebanese Government, to plot these and other killings and then say it is in no way responsible. The three terrorists, who committed the atrocities at Lod, were employed by the Popular Front for the Liberation of Palestine, the Lebanon based-terrorist organization which takes credit for the murders and maimings of innocent civilians.

The states of Egypt and Lebanon gloat over the murders and woundings. To its great credit the Japanese Government, through its Foreign Minister, called the shootings "a disgrace for Japan" even though it was not responsible for the actions of the three Japanese terrorists.

Our country is especially bereaved, because of 12 of the dead are Americans who were on a pilgrimage to the holy places of their Christian faith. We must grieve for them and all the others—murdered and wounded, Jew and Christian—who were the innocent victims of Arab terrorism. A special word of contempt is called for when one reviews not only the failure of security employed by the French airline, Air France, and the callous response of French officials to the incident. I hope that American tourists will remember both when they make their airline bookings.

COMMEMORATING FLAG DAY, WEDNESDAY, JUNE 14

Mr. NICHOLS. Mr. Speaker, Wednesday, June 14, will mark the 195th anniversary of Flag Day. For many years the House has had proper observances commemorating Flag Day here in the House Chamber.

I therefore ask unanimous consent that it may be in order at any time on Wednesday, June 14, for the Speaker to declare a recess for the purpose of observing and commemorating Flag Day in such manner as the Speaker may deem appropriate.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The SPEAKER. The Chair will state for the information of the House that, after consultation with the distinguished minority leader, the Chair has informally designated the following Members to constitute a committee to make the necessary arrangements for appropriate ceremonies in accordance with the unanimous-consent agreement just adopted: the gentleman from Alabama, Mr. Nichols; the gentleman from Maine, Mr. Kyros; the gentleman from Missouri, Mr. Hall; and the gentleman from New York, Mr. Kemp.

APPOINTMENT AS MEMBER OF THE CANADA-UNITED STATES DELEGATION, CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER. Pursuant to the provisions of section 1, Public Law 86-42, the Chair appoints as a member of the Canada-United States delegation of the Canada-United States Interparliamentary group the gentleman from Michigan, Mr. Broomfield, to fill an existing vacancy thereon.

A FIRM FOUNDATION FOR PEACE

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, the President of the United States has completed his meetings at the summit in Moscow. As President Nixon departed for Moscow, he pointed out that he was going there not to make headlines, but to work toward a lasting peace. The unprecedented meetings and agreements have borne out his forecast.

These welcomed agreements signify an important first step on the long journey toward permanent peace. At the same time, it is important that we do not allow too great a feeling of euphoria to set in. We must bear in mind that the Soviet Union is ideologically our opposite, that the same press reports which recorded the important agreements told of the still virtually closed society, the absence of "unapproved" newspapers and magazines, the rigidity with which Soviet journalists follow the official party line, and the atheism espoused by the Soviet Government. But while we must be aware that there are many obstacles and pitfalls along the path to peace, President Nixon has shown that these snares can be avoided.

Many questions remain: Will a limitation on offensive weapons follow? Will a limitation on the size, type, and sophistication of weapons be added to the unrefined limitation on number of weapons? How these questions and others are answered will determine the ultimate outcome of the President's journey to Moscow. In the meantime, it is safe to say that the President has again displayed the bold, creative leadership which this country needs. He has erected a firm foundation for understanding where none existed before and has gone a long way toward improving the atmosphere and attitude between the United States and the Soviet Union.

THE PRESIDENT HAS ACCOMPLISHED A DRAMATIC CHANGE IN AMERICAN FOREIGN POLICY

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and to include extraneous matter.)

Mr. COUGHLIN. Mr. Speaker, as President Nixon returns from his historic mission, all Americans should join in applauding his tremendous effort to move from an era of confrontation to an era of negotiation in international affairs.

Never was Mr. Nixon's personal conviction to achieve world peace and harmony more superbly exemplified than in his speech to the people of the Soviet Union. It stands as a fitting tribute to a concerned and committed President who is doing his utmost to narrow the differences between the world's superpowers. I felt that he expressed the sentiments of Americans, regardless of party, who want a world to share in peace with people everywhere.

The President has indeed accomplished a dramatic change in American foreign policy in seeking to emphasize those things upon which nations may agree and narrowing our points of difference. He deserves great credit and respect as a thoughtful champion of peace.

PUBLIC BROADCASTING ACT OF 1972

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 13918), to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 13918, with Mr. Aspinall (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee rose on yesterday, the Clerk had read the first section, ending on line 4, page 1, of the bill. If there are no amendments to be proposed to that section, the Clerk will read.

Mr. STAGGERS. Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The remainder of the bill is as follows:

Sec. 2. (a) Section 396(g)(2) of the Communications Act of 1934 is amended by striking out the period at the end of subparagraph (H) and inserting in lieu thereof "; and"; and by inserting after subparagraph (H) the following new subparagraph:

"(I) to encourage and assist the utilization and development of all forms of telecommunications facilities (including new technology) for the production and distribution of educational radio and television programs."

(b) Section 396(g) of such Act is amended by adding after paragraph (3) the following new paragraph:

"(4)(A) In each fiscal year the Corporation shall distribute to noncommercial educational radio and television stations, for use at each such station's discretion in activities related to its local broadcast operation, not less than 30 per centum of the total amount of funds received by the Corporation from the Public Broadcasting Fund for such fiscal year. The Corporation shall, after consultation with representatives of noncommercial educational radio and television broadcast stations, establish standards respecting eligibility for a distribution pursuant to this paragraph and for apportionment and distribution among noncommercial educational radio and television broadcast stations of the funds to be distributed pursuant to this paragraph. Such standards shall be designed to—

"(i) assure the maximum benefit to the public;

"(ii) reflect the relative needs and requirements of local communities;

"(iii) maintain and stimulate existing or potential sources of non-Federal financing available to noncommercial educational broadcast stations;

"(iv) stimulate the growth, development, and independence of noncommercial educational broadcast stations; and

"(v) encourage and assist the utilization and development of all forms of telecommunications facilities (including new technology).

"(B) No distribution may be made under subparagraph (A) to a noncommercial educational broadcast station for any fiscal year unless it has filed an application with the Corporation for such distribution for such fiscal year. Such an application shall—

"(i) contain such information as the Corporation may require to establish the applicant's status as a noncommercial educational broadcast station as of the date the application is filed;

"(ii) set forth the amount of non-Federal support for noncommercial educational radio and television received by the applicant during the fiscal year preceding the fiscal year for which the distribution application is filed; and

"(iii) be filed not later than one hundred and twenty days following the close of the fiscal year which immediately precedes the beginning of the fiscal year for which the distribution application is filed."

(c) Subsection (k) of section 396 of such Act is amended to read as follows:

"Financing

"(k) (1) There is established in the Treasury a special fund to be known as the 'Public Broadcasting Fund' (hereinafter in this subsection referred to as the 'Fund'). For each fiscal year the Secretary of the Treasury shall pay from the Fund to the Corporation to carry out this section such sums as may be appropriated to the Fund for such fiscal year.

"(2) There are authorized to be appropriated to the Fund—

"(A) for the fiscal year ending June 30, 1973, the lesser of—

"(i) $65,000,000, or

"(ii) $35,000,000 plus an amount which equals one-half of the non-Federal support for educational radio and television received during the fiscal year ending June 30, 1971; and

"(B) for the fiscal year ending June 30, 1974, the lesser of—

"(i) $90,000,000, or

"(ii) $40,000,000 plus an amount which equals one-half of the non-Federal support for educational radio and television received during the fiscal year ending June 30, 1972."

(d) Section 397 of such Act is amended by adding after paragraph (9) the following new paragraph:

"(10) The term 'non-Federal support for noncommercial educational radio and television' means the total of the value of cash and the fair market value of property received by public broadcasting entities—

"(A) as gifts, grants, or donations from any source other than (i) an Executive agency (as defined by section 105 of title 5 of the United States Code), or (ii) any other public broadcasting entity; and

"(B) as payment from any State, political subdivision of a State, agency of a State, or political subdivision of a State, or educational institution for services or materials respecting the provision of educational television or radio programs.

For purposes of this paragraph, the term 'public broadcasting entity' means the Corporation, any noncommercial educational broadcast station, or any nonprofit foundation, corporation, or association the principal activity of which is providing programs or services to noncommercial educational broadcast stations."

SEC. 3. (a) Paragraphs (1) and (2) of section 396(c) of the Communications Act of 1934 are amended to read as follows:

"(c) (1) The Corporation shall have a Board of Directors (hereinafter in this section referred to as the 'Board'), five of whom shall be station members and ten of whom shall be public members, appointed by the President, by and with the advice and consent of the Senate. Not more than eight members of the Board may be members of the same political party.

"(2) (A) The station members of the Board shall be appointed (i) from among citizens of the United States who are, at the time of their appointment, chief executive staff officers of noncommercial educational television or radio broadcast stations; and (ii) so as to provide, as nearly as practicable, a broad representation of various regions of the country, various size cities, various educational systems, and various types and sizes of noncommercial educational broadcast stations.

"(B) The public members of the Board shall be appointed (i) from among citizens of the United States who are not regular full-time employees of the United States and who are eminent in such fields as education, cultural and civil affairs, or the arts; and (ii) so as to provide, as nearly as practicable, a broad representation of various regions of the country, various professions and occupations, and various kinds of talent and experience appropriate to the functions and responsibilities of the Corporation."

(b) After the date of enactment of this Act, the President shall make appointments to the Board of Directors of the Corporation for Public Broadcasting in such a manner that such Board will have not later than six years from such date the composition of station and public members required by section 396(c)(1) of the Communications Act of 1934.

SEC. 4. Section 391 of the Communications Act of 1934 is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 391. There are authorized to be appropriated for the fiscal year ending June 30, 1973, such sums, not to exceed $25,000,000 as may be necessary to carry out the purposes of section 390. Sums appropriated under this section shall remain available for payment of grants for projects for which applications, approved under section 392, have been submitted under such section prior to July 1, 1974."

Mr. MINSHALL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 176]

Abernethy
Abourezk
Alexander
Anderson, Tenn.
Ashbrook
Baring
Bell
Bingham
Blanton
Blatnik
Broomfield
Burton
Caffery
Camp
Cederberg
Celler
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Collins, Ill.
Conyers
Corman
Daniels, N.J.
Dent
Dickinson
Donohue
Dowdy
Dwyer
Edwards, Calif.
Esch
Eshleman
Fish
Fisher
Flynt
Fraser
Fulton
Galifianakis
Gallagher
Gibbons
Goldwater
Griffin
Hagan
Hanna
Hawkins
Hébert
Heckler, Mass.
Holifield
Jarman
Jonas
Jones, Tenn.
Kyros
Long, La.
Long, Md.
Lujan
McCloskey
McDonald, Mich.
McEwen
McKinney
McMillan
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
O'Neill
Passman
Pelly
Pike
Pryor, Ark.
Pucinski
Rees
Robison, N.Y.
Rodino
Roncalio
Rooney, N.Y.
Roybal
St Germain
Scheuer
Schmitz
Sebelius
Sisk
Slack
Smith, Iowa
Springer
Stephens
Stokes
Stubblefield
Symington
Teague, Calif.
Teague, Tex.
Veysey
Wilson, Bob
Wilson, Charles H.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. GIAIMO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 13918, and finding itself without a quorum, he had directed the roll to be called, when 337 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. At the time of the quorum call, consent had been obtained that the bill would be considered as read, printed in the Record, and open to amendment at any point.

COMMITTEE AMENDMENTS

The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 8, immediately after "activities" insert "(other than construction of noncommercial educational television or radio broadcasting facilities, erection, repair, or modification of any building, or acquisition of real property)".

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 7, insert after line 18 the following:

"SEC. 5. (a) Section 396(e) of the Communications Act of 1934 is amended by inserting after paragraph (2) the following: "'(3) No officer or employee of the Corporation shall receive compensation at a rate in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code.'

"(b) No individual serving as an officer or employee of the Corporation for Public Broadcasting on the date of enactment of this Act shall have his rate of compensation as such officer or employee reduced solely by reason of the enactment of the amendment made by subsection (a) of this section."

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I wonder if the chairman of the committee would explain this committee amendment, since it apparently has to do with pay under the Class Act, as I understand it.

Mr. STAGGERS. What is that?

Mr. GROSS. The amendment has to do with pay under the Class Act, does it not?

Mr. STAGGERS. It is a limiting amendment, that is correct, on any officer of the corporation.

Mr. GROSS. What does it provide by way of pay?

Mr. STAGGERS. One officer is paid $65,000 a year. He is the president of the corporation. That salary was set by the corporation board. But we have decided that the pay for any of these positions should not be any higher than that of a Cabinet officer.

Mr. GROSS. Does the amendment have the effect of keeping that one individual on the payroll at a $65,000 salary?

Mr. STAGGERS. That amount will be figured as his salary as long as he is in that position.

Mr. GROSS. Is the gentleman saying that he is being featherbedded?

Mr. STAGGERS. He will be kept on under what we often call a grandfather clause, but anyone who is hired for that position from now on will not be able to get more than $60,000. There was some question about the pay of people who have been hired for more money than this. This, of course, would affect them. When we get to the amendment stage I would like to explain a little further.

The board has adopted a rule that any employee of a program producer receiving a grant from CPB will be limited to $36,000. If they desire to pay him any more than that amount, they must come before the board and have their request approved by the board for a special reason. But we have a rule providing that those employees be limited to $36,000.

Mr. GROSS. Where would the rest come from?

Mr. STAGGERS. What does the gentleman mean?

Mr. GROSS. The money above the $36,000?

Mr. STAGGERS. It would have to come out of the corporation's funds.

Mr. GROSS. And they are supplied in part by foundations?

Mr. STAGGERS. They are indeed, yes. In fact, of the money that is spent in public broadcasting, the public and individuals and private enterprise put in $11 for every $1 the Government puts in.

Mr. GROSS. Which means, sliced thick or thin, the taxpayers pay for it. It comes out of the taxpayer's pocket.

Mr. STAGGERS. One out of every $12 that is paid does, yes.

Mr. GROSS. The foundations are able to create foundations only because of tax exemptions, are they not?

Mr. STAGGERS. Yes, sir, and until they get all this settled about how that is to be finally, that will continue.

Mr. GROSS. Is there a mandatory retirement age?

Mr. STAGGERS. There is none I know of.

Mr. GROSS. Then Mr. Macy and Mr. Vanocur could be there at their present high salaries until they grow beards to their knees, could they not?

I mean gray beards.

Mr. STAGGERS. They may have gray beards now, I do not know.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. First of all, the amendment provides that anyone under contract at the present time could not be affected by the restriction.

Mr. GROSS. That is the first good reason for defeating the amendment, but go ahead.

Mr. TIERNAN. And anyone who exceeds the compensation, that is in excess of $36,000, that person's salary would have to be submitted to the board of the corporation for approval. It has not been that way in the past. That is the purpose of the amendment.

Mr. GROSS. What may we anticipate the board will do?

Mr. TIERNAN. That in any event they will not exceed the level 1 of the executive schedule under the Civil Service Act.

Mr. RANDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I listened to the colloquy. Now I would like to inquire of the Chairman exactly where we are on this matter of salaries. I thought I heard the gentleman from West Virginia say no one will draw a higher salary than the salary of an officer of Cabinet level. Is that the amendment?

Then I thought I heard something about a grandfather clause. Does this mean that some kind of an exception is being made even under the gentleman's amendment?

Mr. STAGGERS. Only for the present member that is now holding the position. We do not know how long he will hold that position.

These are good and responsible men. They are top men.

Mr. RANDALL. We are all willing to concede that. But first, may I inquire what is the present compensation of the gentleman we are talking about?

Mr. STAGGERS. It is $65,000.

Mr. RANDALL. At that salary it would be most unlikely he would resign. Also I doubt that the present board would ever remove him.

Mr. STAGGERS. I could not say about that. Certainly he was appointed by the board, and he can be removed by them.

Mr. RANDALL. But there has not been the slightest indication of any removal?

Mr. STAGGERS. No. I do not know whether the gentleman is saying we should cut his salary. I do not know whether we can by law.

Mr. RANDALL. Well, I am certainly hopeful that we make an effort to reduce that salary to save the taxpayers some money.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Iowa.

Mr. GROSS. I listened to the debate yesterday afternoon, all of it, and I got the impression from proponents that this bill is the best thing that has happened since codliver oil for children and Lydia Pinkham's compound for adults. I am now convinced that it goes much farther in favoring a few people with continued special consideration.

Mr. RANDALL. I thank the gentleman for his contribution. I hope we take some action on these salaries before we adjourn today.

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WAGGONNER. Mr. Chairman, am I correct in assuming that pending for Committee action now is a committee amendment?

The CHAIRMAN. The gentleman from Louisiana is correct.

Mr. WAGGONNER. Mr. Chairman, am I correct in assuming that the committee amendment proposes to reduce the salary to $60,000?

The CHAIRMAN. That is not a parliamentary inquiry, the Chair will advise the gentleman.

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WAGGONNER. Mr. Chairman, if the committee amendment is adopted, is it then possible to amend the committee amendment with regard to that portion of the bill having to do with the pending committee amendment?

The CHAIRMAN. If the committee amendment is agreed to, it is not subject to further amendment.

Mr. WAGGONNER. Mr. Chairman, a further parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WAGGONNER. Is a substitute to the committee amendment in order at this point?

The CHAIRMAN. An amendment to the committee amendment or a substitute is in order.

Mr. WAGGONNER. Thank you, Mr. Chairman.

AMENDMENT TO THE COMMITTEE AMENDMENT OFFERED BY MR. MATHIS OF GEORGIA

Mr. MATHIS of Georgia. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. MATHIS of Georgia: Page 7, line 24, strike out "level I of the Executive Schedule under section 5312" and insert in lieu thereof "level II of the Executive Schedule under section 5313".

Page 8, line 1, strike out lines 1 through 5.

Mr. MATHIS of Georgia. Mr. Chairman, this substitute for the committee amendment is a very simple one. It does one thing. It says that no employee and no officer of the Public Broadcasting Corporation can be compensated at a rate greater than $42,500 a year.

There has been much discussion on this matter in the past. There has been discussion on this matter on the floor of the House today. Apparently there was some concern in the committee relative to this matter, because the committee drew an amendment that has been offered that would limit this to $60,000 a year.

I applaud the committee action in this direction. I simply believe it does not go far enough.

All Members of the House have been made aware of some of the salaries of some of the people employed by the Public Broadcasting Corporation. Mr. Sander Vanocur is making $85,000, which has come to be a legend. Mr. Robert McNeill is making $65,000. The President, Mr. Macy, is making $65,000. And there are more.

All these gentlemen, in my opinion, have been living quite high on the hog as a result of funds coming from the Public Broadcasting Corporation.

My amendment simply provides that no officer or employee of the Public Broadcasting Corporation can be compensated at a rate greater than for a Member of Congress.

The amendment also goes to strike the grandfather clause, which gets to the people I am concerned about at this point right now.

Mr. Chairman, I believe that my substitute amendment is a very simple one. It goes to the heart of the matter, as I see it, to cut the salaries back to $42,500.

I urge the adoption of my substitute for the committee amendment.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MATHIS of Georgia. I am happy

to yield to the gentleman from Massachusetts.

Mr. MACDONALD of Massachusetts. Is the gentleman aware of the fact that we are talking about a new amendment, something not in the amendment under consideration?

The committee amendment, the amendment under consideration, was offered, as I recall, by the gentleman from North Carolina (Mr. BROYHILL), and it went to cover anybody earning over $60,000. There was one member of the Board, the head of the Board, John Macy, who was affected.

The amendment of the gentleman from North Carolina (Mr. BROYHILL) said that no more people should be hired by the Board at that high a salary.

This does not go to contract performers. If the gentleman is trying to reach the salary of on-the-air performers, I sympathize in some way with what the gentleman has been stating, but this is not the place, because the committee amendment goes only to the Corporation people.

He is under contract currently, given to him by the Corporation. He offered earlier—I believe it was in 1969—to take a reduction in pay.

The Board refused to cut his pay, saying that he was worth more than what he was getting then. So if the gentleman has in mind Mr. Vanocur or Mr. McNeil and other on-camera performers, this amendment that the committee has before it now is not the vehicle to do what the gentleman has in mind.

Mr. MATHIS of Georgia. I thank the gentleman.

What he is saying is that the committee did not take any action to curb the salaries of these high-paid performers in public broadcasting.

Mr. TIERNAN. Will the gentleman yield?

Mr. MATHIS of Georgia. Yes. I yield to the gentleman.

Mr. TIERNAN. There is no way for us to limit the salaries of people like William Buckley who sell their programs to stations throughout the country. His company receives over $700,000 a year for his programs to be shown on the network. So your amendment is directed only to three officers in the Corporation; namely the president and two vice presidents. I think the gentleman is mistaken in his intent, because we are talking about reducing salaries that are on a contract basis, and the gentleman, I am sure, will agree with me that we have a problem with regard to the sanctity of the contract.

What we have done in the committee is to require that no salary be in excess of level 1 of the executive salaries as set forth by the Congress. This is an extremely important step that is being taken. You are going now to try to limit it to such a status that it will be very difficult for the Corporation to carry out the mandate of the Congress.

Mr. MATHIS of Georgia. The gentleman is entirely correct.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. MATHIS of Georgia was allowed to proceed for 1 additional minute.)

Mr. MATHIS of Georgia. Mr. Chairman, I thank the gentleman from Rhode Island for his observation, and I agree. He is very eminently correct. It is exactly what I am trying to do. If the gentleman has an amendment to perfect my amendment to get people like Mr. Vanocur to work for lower salaries, I would certainly support it.

Mr. TIERNAN. Will the gentleman yield further?

Mr. MATHIS of Georgia. I yield to the gentleman.

Mr. TIERNAN. There is no way that you or I as Members of Congress can dictate to a private corporation like William Buckley Productions Corp. as to the amount of money that he will sell his product or service for.

Mr. MATHIS of Georgia. We could tell the officers of Public Broadcasting Company that they shall not expend these funds for that purpose.

Mr. TIERNAN. Then you will not be able to put any of these shows on television; I think you will run into difficulty.

Mr. MATHIS of Georgia. I think that would be a good idea, too.

Mr. TIERNAN. To knock off Mr. BUCKLEY's program?

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. TIERNAN, Mr. MATHIS of Georgia was allowed to proceed for 2 additional minutes.)

Mr. WYDLER. Will the gentleman yield?

Mr. MATHIS of Georgia. I am glad to yield to the gentleman.

Mr. WYDLER. I would try to get straightened out what we are voting on here so we can fully understand it. I would like the chairman of the committee to make two things clear to us. The first is whether this amendment and the substitute thereto will only affect the salaries of executive officers of the Corporation. Is that correct?

Mr. MACDONALD of Massachusetts. That is correct.

Mr. WYDLER. How many people besides the chairman of the board, who I understand is getting $65,000 a year at the present time, will be affected by the substitute amendment to reduce the salaries to $42,500? Who besides the chairman is getting more than that amount?

Mr. TIERNAN. Will the gentleman yield?

Mr. MATHIS of Georgia. I will be happy to yield to the gentleman.

Mr. TIERNAN. Mr. Macy, the President of the Corporation, is the highest paid member. He receives at the present time $65,000 a year. The Vice President in charge of finance and the Treasurer of the Corporation, Ralph W. Nicholson, receives $45,000 a year, and a John P. Witherspoon, the Director of Television Activities, receives $40,000. Those three individuals would be affected, and actually only the President and the Vice Presidents, if I understand the gentleman's amendment correctly, would, which would reduce it to no more than what a Congressman receives, $42,500.

So, you are only talking about reducing the salary of the President and the Vice President in charge of finance and the Treasurer of the Corporation.

I think the intent of the gentleman's amendment is not directed toward this area but, really, directed to people who receive salaries from other corporations that sell programs to the National Education Television System.

Mr. MATHIS of Georgia. I will say to the gentleman from Rhode Island that the intent of my amendment is directed at both groups. I would like to have the intent of the amendment reach both the officers and the employees of the Corporation. We may not be able to get to this unless we have the amendment to the amendment.

Mr. WAGGONNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the situation is exactly this: The committee amendment now pending affects the salaries only of the employees of the Public Broadcasting Corporation.

We have now pending before us an amendment in the form of a substitute which would reduce the amount provided for in the committee amendment, the level provided for, from $60,000 to $42,500.

Admittedly, it only affects those employees of the Corporation itself, but just bear with us and we will have before you for your attention and concern another amendment which will affect the performers who are not employees of the Public Broadcasting Corporation. Then, you will finally have available some information regarding the salaries paid these people and the talent that is used in these programs. They are completely out of line. They are nowhere near what they should be.

How many of you really think that an employee of the public broadcasting system or a performer should be paid more from tax dollars than the Vice President of the United States? That is exactly what the existing legislation provides for. We have got to do something about it.

Congress, of course, cannot tell a private company what they pay their performers, but Congress can limit grants to private corporations from the public broadcasting system if they feel salaries are exorbitant.

We will have an amendment to do that.

However, for the immediate moment, the concern of Congress is to bring into line the salaries of the paid employees of the Public Broadcasting Corporation.

The amendment to the committee amendment does that by limiting the salary of any employee to $42,500 per year. This is what we urge your favorable consideration of and then we will take up the other amendment with reference to Mr. Sander Vanocour and others.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. Yes, I yield to the distinguished minority leader.

Mr. GERALD R. FORD. There has been some concern expressed as to whether the Mathis of Georgia amendment does away with the grandfather clause.

Mr. WAGGONNER. The answer to that is "Yes."

Mr. GERALD R. FORD. May I ask this question: How long a contract does the

Corporation have with the two principals who would be affected?

Mr. WAGGONNER. That I do not know, but when it expires, the grandfather clause will no longer affect them and the contract.

In effect, the contract would be continued at its present level. However, when it is renegotiated, it cannot exceed $42,500 a year.

Mr. GERALD R. FORD. Could anyone from the committee indicate how long a contract the Corporation now has with the President and the Vice President?

Mr. WAGGONNER. I yield to the gentleman from Rhode Island to answer the question.

Mr. TIERNAN. The contract with Mr. Macy was not entered into, in fact, by Mr. Macy. He refused to sign a contract with the Corporation but chose instead to let the Board of Directors of the Corporation at its free will at any time terminate it. I think the gentleman knows Mr. Macy has a distinguished career with the Government and I think if the gentleman in the well, my colleague from Louisiana and the minority member would give me an opportunity to talk on this and after we have had some discussion on this, I think I can explain a little bit more in detail the importance of not adopting the substitute amendment.

Mr. WAGGONNER. Let me simply say that no one is talking about Mr. Macy as an individual. His character and ability are beyond question. We are talking about the system which allows Federal tax dollars to be expended in the way they are which I say to you is excessive. Whether it be Mr. Macy or anyone else is a moot question.

The question is, are we going to allow these tax dollars to be expended in an excessive way? I do not think we should.

I do not think we should, and the clearcut question is are you willing to pay these people more than the Vice President of the United States, or are you willing to pay these people more than a Member of the House of Representatives, or more than a Member of the U.S. Senate? I think not, if you lay any claim to fiscal responsibility in these days.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I will be happy to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. As I understand the response given to me by a member of the committee, if the grandfather clause was stricken there is no violation of a written contract with Mr. Macy; is that correct?

Mr. TIERNAN. If the gentleman will yield, that is correct.

Mr. GERALD R. FORD. What about the contractual situation of the Vice President of the Corporation, if there is any?

Mr. TIERNAN. As to the Vice President, I am not sure, and I would have to answer honestly, but I believe that all the others that would be affected have some type of contract, but I do not have that information available.

Mr. GERALD R. FORD. When does the existing legislation expire?

Mr. TIERNAN. As it came from the committee it would be an authorization for 2 additional years.

Mr. GERALD R. FORD. I am referring to the legislation that is currently in existence.

Mr. TIERNAN. There is nothing presently restricting the amount that the Corporation can hire personnel for.

Mr. GERALD R. FORD. I understand that, but when does the present or existing legislation that authorizes the public broadcasting service expire as such?

Mr. TIERNAN. At the end of this fiscal year.

Mr. GERALD R. FORD. On June 30?

Mr. TIERNAN. That is correct.

Mr. GERALD R. FORD. Is it true, and I would assume so, that the Board of Directors could not sign a contract with any employee beyond the period of authorization of the existing law?

Is that correct?

Mr. TIERNAN. To answer the gentleman from Michigan I would have to say that apparently the present civil service schedule of salaries does not apply, and that is why in the amendment the committee adopted we have made it clear.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(By unanimous consent, Mr. Waggonner was allowed to proceed for 1 additional minute.)

Mr. WAGGONNER. Mr. Chairman, a moment ago when I said I did not feel that this body wanted to pay the employees of the Public Broadcasting System more than Members of the House of Representatives or more than Members of the U.S. Senate, a Member of the House at that time under his breath said, "They are worth more."

I am not going to get into an argument with that gentleman as to how little he thinks he is worth, but I want to say that I can justify to my constituents that I am worth more to them than those creating all of the chaos that stems from this Corporation.

So, Mr. Chairman, I would urge the adoption of the amendment.

Mr. KEITH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the committee we had some discussion on this subject, and I think there is substantial sentiment among the members of the committee for the views that have been expressed by my colleague, the gentleman from Louisiana (Mr. Waggoner). I think that both sides have stressed the grandfather clause, and it seems to me that if only in equity for that one individual who is affected, who may have given up his employment elsewhere for this task, that we should protect his rights. And as has been revealed in the debate here by the minority floor leader, the gentleman from Michigan, Mr. Gerald R. Ford, and Mr. Waggonner, it is almost a moot point. Therefore, why don't we strike the section of the amendment which strikes the grandfather clause? Then we would have a just perspective, and it would be entirely legal. It would be equitable and recognize the validity of the contracts that have been entered into. Accordingly, Mr. Chairman, I am offering an amendment to the substitute amendment which would eliminate the language on page 8, striking lines 1 through 5, and I give that to the Clerk.

The CHAIRMAN. Is the gentleman from Massachusetts offering an amendment?

Mr. KEITH. I offer an amendment to the substitute offered by the gentleman from Georgia (Mr. Mathis).

The CHAIRMAN. The Chair will state to the gentleman from Massachusetts that an amendment to the Mathis amendment is in the third degree and is not in order.

Mr. KEITH. An amendment to the substitute is not in order?

The CHAIRMAN. The Chair will state to the gentleman from Massachusetts that there is presently pending an amendment to the committee amendment.

Mr. KEITH. In the nature of a substitute?

The CHAIRMAN. No, it is not in the nature of a substitute; it is an amendment to the committee amendment.

Mr. KEITH. Then I would respectfully ask the Chair: would it be in order to offer a substitute to the amendment offered and pending before us?

The CHAIRMAN. The Chair will state to the gentleman from Massachusetts that it would be in order to offer a substitute for the entire committee amendment.

Mr. KEITH. Then I would offer a substitute for the committee amendment that accomplishes that.

The CHAIRMAN. The Clerk will read the substitute amendment offered by the gentleman from Massachusetts to the committee amendment.

SUBSTITUTE AMENDMENT OFFERED BY MR. KEITH FOR THE COMMITTEE AMENDMENT

Mr. KEITH. Mr. Chairman, I offer an amendment as a substitute for the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. Keith as a substitute for the committee amendment: Page 7, line 24, strike out "level I of the Executive Schedule under section 5312" and insert in lieu thereof "level II of the Executive Schedule under section 5313".

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. KEITH. Mr. Chairman, all that my substitute amendment would do is to change the $60,000 maximum salary to that of $42,500.

It leaves in the grandfather clause which, as has been revealed in debate, only affects two people—one of them voluntarily, because his contract is on an informal basis; the other's circumstances we do not know about and it makes very little difference whether we do know.

The fact of the matter is that we entered into a contract—or agents of the Government entered into a contract—to pay $42,500 a year and I do not believe on the evidence offered here today that in equity or in law we have the right to do what we are doing.

It is a principle. It is not any great sum—we are only talking about $2,500 for a period of maybe months, or of weeks.

I believe this Congress should not try

to set aside the terms of a contract of this nature or of any nature where it is possible to act the way we have.

Mr. WAGGONNER. Mr. Chairman, I rise in opposition to the substitute.

Mr. Chairman, the substitute offered by the gentleman from Massachusetts is intended to do one thing—and that is to leave the grandfather clause intact in the bill.

You have heard the argument both ways—it has a purpose and it does not have a purpose, or maybe it might have a purpose.

I cannot understand why they want to preserve it if it does not mean something. Certainly, if it does not have some effect, then why leave it in the bill?

If you want to do something about it, you are going to have to get rid of the grandfather clause and say when the existing contracts do expire that the ceiling will be $42,500 a year—period—for public broadcasting corporation employees no matter whether it is the director or anyone else.

So if you want to be sure that the grandfather clause is removed which they seem so determined to protect in the legislation, then you must vote against the substitute.

It is perfectly simple that this is what we must do, and for anyone to say that we in the Congress do not have a right to amend Federal legislation that we debate on this floor is beyond comprehension to me. The question is whether or not the Congress wants to amend the legislation to place a ceiling of $42,500 on the salaries to be paid these employees, and whether or not you want to remove the grandfather clause from the committee legislation which gives them continued protection as long as they remain employed by the corporation.

So I urge you to vote down the substitute.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. GERALD R. FORD. As I understand the situation, the present law under which any and all individuals were employed expires June 30. The Board of Trustees or the Board of Directors cannot hire people beyond the limitation of the current legislation. The agreements for the President and the Vice President of this organization if any expire as of June 30, 1972. The Board of Directors has no authority to sign employment contracts beyond the expiration date of the legislation that gives them authority. Consequently there could not be any contract beyond June 30, and the proposed legislation only takes effect, if passed in time, on July 1, 1972.

If you leave in the grandfather clause, as I read it, it is an open invitation to the Board of Directors to hire or to rehire the President and the Vice President at their current salary. It is an open invitation for extended employment at that compensation. If you strike out the grandfather clause and have the categorical limitation, the Board of Directors after July 1st would be faced with an employment situation that affects everybody. I personally subscribe to the amendment offered by the gentleman from Georgia, and I oppose the substitute.

PARLIAMENTARY INQUIRY

Mr. TIERNAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TIERNAN. Do I correctly understand that the first vote will be on the amendment in the nature of a substitute offered by the gentleman from Massachusetts (Mr. KEITH)?

The CHAIRMAN. The Chair will state that the first vote will occur on the amendment to the committee amendment, that is, the amendment of the gentleman from Georgia. Then the vote will recur on the substitute offered by the gentleman from Massachusetts (Mr. KEITH) and then the vote will recur on the committee amendment.

Mr. TIERNAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to say to the Members of the House that the subcommittee had before it some question about salaries paid that had received substantial public notoriety with regard to individuals receiving very high salaries. In the hearings we discovered that most of these individuals involved were employees of agencies that the committee could not actually reach. I cite, for example, the fact that William Buckley apparently has a contract to devise a series of programs that are shown throughout our country on a weekly or a regular basis, and that his production company received a sum in excess of $400,000. What Mr. Buckley receives as a salary you and I as Members of Congress are in no position by legislation to say that he shall not receive more than $60,000 or, as the gentleman from Louisiana suggested, that he should not receive any amounts in excess of what a Senator or a Congressman is paid.

In the hearings it developed that many of you have situations in your own States where the system is either part of the educational system in your State or is a separate State entity.

The station managers, the people who manage the station agencies or the stations in the States receive salaries up to and including $60,000 a year. Now, the managing head of the Corporation for Public Broadcasting was hired after a lengthy search for someone to run this Corporation. The committee was composed of very distinguished people in the country. Dr. Milton Eisenhower was one of the three, John D. Rockefeller was on the Board, and Mrs. Hobby Harvey from Texas was the third member. The salary range was suggested between $50,000 and $75,000 to hire a gentleman to run this Corporation. Finally, Mr. Macy was hired at $50,000 with the understanding that, because this was a new Corporation and if it was to be an operating Corporation, his salary would be increased to $60,000 or $65,000 at the end of the first year.

Mr. Macy was presented with a contract and would not enter into a contract, because he wanted the Board to be in a position to terminate his employment with the Corporation if it did not work out, and he could not do the job. But I think the success of the Public Broadcasting Corporation shows the job John Macy has done as the head of this Corporation. We were going nowhere with educational programs in this country until he took over.

So I think what we are doing today is seeing an attempt to get at someone like Sander Vanocur, but I suggest to the gentleman from Georgia and the gentleman from Louisiana this is not the way to do it. I suggest at some place further we put some language in, either in this act or in the appropriation bill, if we want to include something with regard to Federal funding or entering into contracts with outside corporations that may produce shows that go on the public network.

Further, I suggest that we have to consider that this Corporation is competing with NBC, CBS, and ABC to get talent to go on the shows. The Members know the success we have had in the last few years with Sesame Street. Everyone in this Chamber knows it has been a highly successful tool in educating the children of this country.

If we start to do this kind of thing with the act, I think it is a pretty bad precedent. We will only show pettiness by it. We will be limiting the ability of this Corporation to do the job we want it to do.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. TIERNAN. I yield to the gentleman from Michigan.

Mr. HARVEY. Mr. Chairman, I thank the gentleman for yielding.

I agree with the gentleman that there is some confusion here between the treatment of the performers and treatment of officers, but I would say to the gentleman if the Members of this House wish to register a protest to the management of the Public Broadcasting Corp. as they have known it over the last several years, then a vote to take this grandfather clause out is, perhaps, the best way of registering that protest. Would not the gentleman agree?

Mr. TIERNAN. The gentleman might make that approach, but I suggest to the gentleman we not touch the grandfather clause, because that would only affect Mr. Macy who has been receiving $65,000. The amendment says the board will not hire anyone in the future in excess of $36,000 nor more than $60,000 under level 1 of the executive standard. This gives them flexibility. I think the gentleman knows from his experience on the committee that they have gotten a difficult job done and now to tell them they cannot do this, that they cannot get the talent necessary to do the job is not realistic.

Mr. WYDLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to direct a question to the gentleman from Rhode Island. The gentleman keeps referring to William Buckley and his program. I presume that has some particular significance. I might be favorably inclined toward William Buckley, but that does not mean I want to give him any amount of money that some particular person along the line here decides to pay him.

Does the gentleman mean to tell me

that we in Congress have no control in any way, shape or form over the contracts these corporations are going to make for entertainment? Is that what the gentleman is telling me? Because, if it is, I would not personally vote another dime for this program if we are in a situation here where we cannot control how much they are going to pay anyone for salary he will draw as part of the contract which he enters into with the corporation. Would the gentleman clarify his statement? It is on the record, and I do not understand it.

Mr. TIERNAN. Let me say to the gentleman the problem we have is this question of accepting or entering into agreements to produce programs that are going to do one of two or three things: Meet an educational need, meet a cultural need, or meet a community program type need that would create an interest in this program they are going to present.

Mr. WYDLER. I do not want to talk about the merits of this for the moment. Would the gentleman direct himself to the question I asked, which is, can we here today on the floor of the House control the amount of salary anybody is going to receive from this corporation, whoever he is? Can we or can we not? Are we in a situation to lose control over this? The gentleman stated it, and I want to know if that is true.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. The gentleman knows there is no way, for example, that we can limit the amount General Motors pays to its president.

Mr. WYDLER. I am talking about the Public Broadcasting Corp.

Mr. TIERNAN. The Public Broadcasting Corp. can limit the amount of salaries, which is the amendment the committee adopted, except for the grandfather language, when we said the corporation could continue to pay Mr. Macy $65,000. There is only one other person who receives more than $42,500. That is the vice president in charge of financing. If we want to limit him, we could limit him under the executive schedule.

Mr. WYDLER. Will the gentleman please answer the question? I am talking about the statement about Mr. Buckley and Mr. Vanocur. Can we or can we not limit the salaries these men receive?

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield for an answer.

Mr. TIERNAN. There is no way for the corporation to limit the amount that a private corporation, such as the William Buckley Production Corp., pays to Mr. Buckley or to anybody else in that corporation.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. The answer to the gentleman's question is simply, "No, we cannot limit what a private corporation pays its employees." But we can limit what we give in grants to that private corporation if they pay what we consider to be excessive salaries to those employees; and that is what we are attempting to do.

Will the gentleman yield for a further comment?

Mr. WYDLER. I yield further to the gentleman from Louisiana.

Mr. WAGGONNER. The gentleman from Rhode Island said that they had to compete for talent. Some of us raised the issue when the Public Broadcasting System came into being that eventually this was the point we would reach, that they would be competing with the commercial networks.

I do not believe it was ever intended that the Public Broadcasting System be in competition with the commercial networks, as much distaste as I have for some of the things the commercial networks do. It was never intended that they be competitive with these networks. We ought to get rid of that idea.

Mr. WYDLER. I agree with the gentleman on that totally.

As a matter of fact, the gentleman from Rhode Island used Sesame Street as an example of where competition is necessary. It is a very fine program, but that program did not hire great high-priced talent at all. I know it well. It started out with people who came through commercial television, but they were not big stars when they came on that network. The people they use who are stars are very low-paid people, as a matter of fact.

The example, it seems to me, proves just the opposite.

We do not want to get public broadcasting into some type of competition for salaries with NBC, CBS, and ABC.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. WYDLER. I am glad to yield to the gentleman from Rhode Island.

Mr. TIERNAN. There is no way, as the gentleman knows, that we are going to achieve what we are talking about in the amendment offered by the gentleman from Georgia. We are not limiting the amount paid Bob McCooney and the workshop, in developing "Sesame Street," because there is no way we can say to that corporation which put that together, "You are not going to pay more than x amount of dollars."

Mr. MATHIS of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have heard a lot of discussion about how many officers and employees of the Public Broadcasting Corporation would be affected. I have heard one to two mentioned.

I should like to call the attention of the committee to the December 2 RECORD, where Mr. VAN DEERLIN, a member of the committee, inserted a letter from the president outlining salary schedules paid to the officers of the Corporation, and it lists as follows:

John W. Macy, president, $65,000.

Ralph Nicholson, vice president, $45,000.

Donald Quayle, $45,000.

Hartford Gunn, $42,500 up to $60,000—we know not where.

I would suggest that there is more than one person who would be affected by this amendment, and again I urge the adoption of my amendment to the committee amendment.

Mr. GROSS. Mr. Chairman, I move to strike the next-to-the-last word.

Mr. Chairman, let me point out to the Members of the House that the new corporation known as the Postal Service has been importuning the Congress for several months, ever since the Postal Reorganization Act was passed, to permit top-level salaries to take flight in the Postal Service. The Committee on Post Office and Civil Service has refused thus far to give that request any consideration.

This legislation would set a precedent for bringing salaries in the Postal Corporation up to those paid to some of these individuals in this Public Broadcasting Corporation: If nothing is to be done to reduce these salaries, then how with any justice can top officials in another Government corporation be denied equal treatment?

I hope the amendment offered by the gentleman from Georgia is adopted, and that the substitute offered by the gentleman from Massachusetts is soundly defeated.

Mr. THOMPSON of Georgia. Mr Chairman, I rise in support of the amendment.

I would like to commend the gentleman from Georgia for offering his amendment. It is certainly one that is needed and as far as the public broadcasting system competing for talent with NBC or CBS or whatever the source may be, there are many aspiring actors and actresses throughout this country who have great talent. They may not have been recognized by the Nation as such. I would hope in the public broadcasting sector, rather than trying to go out and get name personalities and compete, not necessarily because of the talent but because of the name, would seek out some of these individuals who do have talent but who have not been recognized and obviously do not command the salaries of the higher priced people. I hope they will read the legislative record made by us here and do this.

Mr. VAN DEERLIN. Will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman.

Mr. VAN DEERLIN. Is it the hope of the gentleman from Georgia that these able dancers and thespians will be appointed officers of the corporation for public broadcasting?

Mr. THOMPSON of Georgia. So far as the officers are concerned, I really cannot be concerned as to whether the officers or managers are former actors or not. I recognize the thrust of the gentleman's amendment goes primarily to the officers of the corporation, but we had discussions here on the floor the general area of salaries, and I hope in reading the CONGRESSIONAL RECORD that the public broadcasting officials who do have the program directing authority will recognize that there are many of us in Congress who would like to see some of the aspiring actors and actresses given a chance in some of the programs rather than trying to go out after the big name actors.

Mr. VAN DEERLIN. If the gentleman will yield further, I think we can conclude that some message will have gotten through, if only from this debate.

Mr. THOMPSON of Georgia. I concur.

I would like to point out very briefly, Mr. Chairman, that we are talking about saving a few thousand dollars here when we spend millions of dollars on public television. To my way of thinking, until the advent of Mr. Macy, public television was a national disgrace and a farce. They spent millions of dollars and became the laughing stock of the entertainment world. Since Mr. Macy has taken over, public television has been improved tremendously from the education point of view. There are programs like Sesame Street which have been shown to children across the country. Mr. Macy did not ask us for a contract and did not ask for any specific amount. He told us that we could set the salary at any level that we choose whether it was higher or lower.

I think this amendment ought to be defeated. There is no point in saving a few thousand dollars in one man's salary if we are going again to turn public broadcasting off and make it into a farce.

PARLIAMENTARY INQUIRY

Mr. KEITH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Massachusetts will state his parliamentary inquiry.

Mr. KEITH. It is my understanding that under the parliamentary procedures, an amendment to an amendment is first voted on before you vote on the first offered amendment and, similarly, a substitute amendment for an amendment?

The CHAIRMAN. As the Chair stated earlier, the first vote will occur on the amendment offered by the gentleman from Georgia (Mr. MATHIS). Following action on that, there will be a vote on the substitute amendment which has been offered by the gentleman from Massachusetts, and then the vote will be on the committee amendment, as amended, if it is amended.

PARLIAMENTARY INQUIRY

Mr. ECKHARDT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ECKHARDT. Do I understand that if the amendment which is now pending before the body is passed it would have the effect of bringing about a change with respect to rates from I to II, and it would also strike out the section providing for the grandfather clause?

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry. The gentleman is asking the Chair to pass upon the effect of the action that might be taken by the committee.

Mr. ECKHARDT. Do I understand, then, if the first amendment is passed and then the second amendment is passed, that the second amendment will alter the effect of the first amendment?

The CHAIRMAN. The Chair will state that the Chair's original statement will apply.

Mr. JACOBS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am inclined to support the position of the gentleman from Louisiana in making this limitation. I think the gentleman from Georgia made an excellent point about new people and even, perhaps, new management people, coming along. After all, the Federal Government does put up money for public broadcasting.

However, what bothers me is whether what is sauce for the goose is going to be sauce for the gander. For example, I understand that for public television—public broadcasting—the U.S. Government puts up about one-seventh of the budget.

Now, do you have any idea of what percent of Lockheed's budget comes from the Federal Government? I imagine it is getting up pretty high.

After the Congress voted a substantial loan guarantee for that corporation several months ago, I read in the newspapers that that corporation voted a substantial increase in the pensions for retired corporate officers.

I wonder how much the president of that particular corporation receives by way of salary? I would not be surprised if it is in the neighborhood of $100,000. I may stand corrected, but I saw it printed a month or so ago and I think it was even more than that.

Mr. Chairman, we try to get amendments through to take away these big, fancy limousines and chauffeurs for the bureaucrats in the Federal Government, and sometimes the effort is treated in a humorous vein, or as a joke. Only one such amendment has passed this year.

I just wonder whether or not these people in public broadcasting are politically unpopular. Never hit a man when he is up. Is that the idea of politics around here?

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. Yes, I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. With reference to the big, fancy limousines, would the gentleman support an amendment, should I offer it, that the Supreme Court Justices no longer have a big, black limousine but one used schoolbus?

Mr. JACOBS. That would play in a night club pretty well, but it is not going to play in this record, because the gentleman in the well sponsored an amendment just a few days ago which deleted the limousine for the Chief Justice. None was provided for the others in the first place.

So, to answer the gentleman's question, if the gentleman wants the gentleman in the well to be consistent, the gentleman in the well will be delighted to be consistent. I only ask of the people who advance this amendment, which I support, that the next time I offer an amendment of the kind the gentleman has referred to, let us have teller votes on the record and compare them with the votes on this amendment. And we shall see if, in the business of banning luxury at taxpayers' expense, there are tomcats and alley cats who get different treatment.

If we live in a democracy and we are going to limit salaries and say we are not going to contribute to the Corporation if it does not limit salaries to $42,500, then let us be consistent when I next come around with an amendment to knock out some of these luxuries and get these easy riders off the backs of the taxpayers.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Talking about tomcats and alley cats, will the gentleman tell us why he has a box of cigars that he has been passing around to the Members?

Mr. JACOBS. If I can have unanimous consent to speak out of order I would be happy to answer the gentleman.

Mr. PELLY. Regular order, Mr. Chairman.

Mr. JACOBS. Mr. Chairman, was that an objection, or a point of order?

But speaking as far as the cigars are concerned I am happy to announce that my great dane, C–5, became the father of 11 puppies shortly after midnight this morning. Rommy, the lovely mother and the pups are doing fine.

I would further add that there are plenty of cigars left, and I yield the balance of my time as well as the cigars.

Mr. STAGGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the full 5 minutes, because I think we should vote on these amendments. I think we all have our minds pretty well made up on them. But I would like to say to the House that if this matter is voted down I believe that each of you will hear from your districts, because educational TV and educational radio are some of the greatest things you have in your States. Through this we have made great progress in education in America. It has brought us into the 20th century in the educational field, in the cultural field, and, yes, even in the public affairs field that some of the Members would like to cut out.

I would say further, as some of the other Members have said, that we are being very picayunish when we pick on two men and say we are going to cut their salaries, when actually we are trying to get at Sander Vanocur and someone else. Let us look at this thing in perspective. You have a place where you can do that, but this is not the place in the bill.

Here is a former Presidential assistant who said he would not sign a contract because he did not want the corporation directors to be obligated to him. That is how fair he has been, and some say they want to cut his salary down. Would any of you do that, any Member of the Congress? No, you would not do it, and I know you would not do it.

I would say that if you want to do this to take it out on Sander Vanocur, and Bob McNeil there is a place to do so, but do not do it to someone else. This is only affecting two people, as has been said. I think we ought to vote down all of these amendments and continue with the rest of the bill, and see what the Members think about it.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I can assure the gentleman that when the vote is over on this amendment there will be another amendment that is intended to limit the salaries of people such as Mr. Vanocur.

Mr. STAGGERS. All right, I would like to get to that, but this is not the place. I do not think there is a man in this House who wants to hurt educational TV, or educational radio in America. I do not believe their constituents want them to do that. I do not believe the gentleman from Georgia does. And when he hears from his people he will certainly get their feeling from them, I am sure, when they find out that the gentleman is trying to cut out this organization.

The gentleman says that he is not trying to do that, but he is trying to hurt two men through two other men. Let us not do that in this back-door fashion. Let us vote for the committee amendment that was presented here, and defeat these other amendments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. Mathis) to the committee amendment.

The question was taken; and on a division (demanded by Mr. Staggers) there were—ayes 73, noes 46.

So the amendment to the committee amendment was agreed to.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Massachusetts (Mr. Keith) for the committee amendment.

The question was taken; and on a division (demanded by Mr. Keith), there were—ayes 42, noes 78.

So the substitute amendment was rejected.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. WAGGONNER

Mr. WAGGONNER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Waggonner: Page 8, insert after line 5, the following:

Sec. 6. Section 396(g) of such Act is amended by adding after paragraph (4) (added by section 2(b) of this Act) the following new paragraph:

"(5)(A) The Corporation may not after the date of enactment of this paragraph make any grant to any organization or institution which—

"(i) compensates its officers or employees, or

"(ii) makes a grant to any organization or institution which compensates its officers or employees,

at a rate greater than the maximum rate of compensation prescribed by section 396(e)(3) for officers and employees of the Corporation.

"(B) The Corporation may not after the date of enactment of this paragraph make any grant to or enter into any contract with any organization or institution if—

"(i) under such grant or contract, or

"(ii) under any grant made or contract entered into by such organization or institution,

individuals are compensated for performances on radio or television programs and for services related to such performances at a rate greater than such maximum rate.

The CHAIRMAN. The gentleman from Louisiana is recognized in support of his amendment.

Mr. WAGGONNER. Mr. Chairman, this amendment prohibits the Public Broadcast Corporation from making grants to any outfit or company which pays its employees over $42,500 a year. It also would prohibit making a grant to another public broadcast system which might use it in turn to make such grants. It also prohibits grants or contracts with an entity which pays performers more than $42,500 a year.

I submit that the Public Broadcast Corporation is not intended to be in competition with the commercial networks, and that this is the best that can be done with this issue. But I admit it is full of holes. The first part, no grants, would cut off all money to the bigger stations like, for example, Boston and New York, which may pay their station directors more.

The second part, which restricts payments for on-the-air performers, could be bypassed very easily. By doing it in two jumps, we avoid some of the pitfalls. Restricting and contracting in all instances could make it impossible to obtain programs from production companies, all of which probably have employees making over $42,500. Hence the reason for the mention of grants only.

Mr. Chairman, this is an amendment which is intended to do what some tried to construe the first amendment to do. This is the amendment which will prohibit the Public Broadcast Corporation from making grants to individuals or people who participate in the system, who pay such salaries as $85,000 per year to Mr. Sander Vanocur and $65,000 per year to Mr. Robert McNeill, and $75,000 per year to a former Press Secretary of President Johnson's, Mr. Bill Moyers. How many of you people would believe that Mr. Bill Moyers works even half the time in doing this work? You know what he does for a regular means of livelihood. But still he draws $75,000 a year by participating in this program, and I say that we ought to prohibit grants in instances like this, and we should restore some commonsense to it. This affects station managers. This affects performers, and I do not believe that we ought to make grants where any such exorbitant salaries are paid.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Would the amendment in any way prohibit public broadcasting from buying a program, say, from CBS or NBC?

Mr. WAGGONNER. No, it would not. It would prohibit the corporation from making a grant if they pay their performers or their employees more than $42,500.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Texas.

Mr. ECKHARDT. Would the gentleman place the same limitation on military contracts?

Mr. WAGGONNER. The Congress can work its will on a military contract by writing legislation which restricts the authority of the Executive and every contract that the Executive has written having to do with a military contract is done under the authority of the Congress.

Mr. ECKHARDT. If the gentleman would yield further, I would hope we would not do anything so improvident with respect to military contracts as we may do in this area, because in both instances is not the question whether or not we hire competent people to serve a governmental agency on a contract?

Mr. WAGGONNER. I would like to say in response to the gentleman's comment that we are not talking at this point about a military contract, but I welcome the gentleman's continued support of the military contracts for the defense of this country.

Mr. ECKHARDT. If the gentleman will yield further, I am attempting to support the Government and the country both in the field of the military and in the field of public broadcasting.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Washington.

Mr. ADAMS. Mr. Chairman, I do not understand the gentleman's amendment.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

(On request of Mr. Adams, and by unanimous consent, Mr. Waggonner was allowed to proceed for 1 additional minute.)

Mr. ADAMS. Mr. Chairman, if the gentleman from Louisiana will yield further, if they purchase a program from that station to which they may have made a grant, and it is a quid pro quo contract, is that prohibited by the gentleman's amendment? It seems to me it would be, and I do not see how this Corporation would be able to buy anything.

Mr. WAGGONNER. We cannot make grants under the conditions of this amendment to any station which pays its station managers or their performers more than $42,500 a year.

Mr. ADAMS. What the gentleman is saying is that there is really no place this Corporation can go and buy anything any more where anybody is paid more than $42,500 in their hierarchy.

Mr. WAGGONNER. What the gentleman is saying is, as one Member of Congress, he believes the salaries have been exorbitant which have been under certain circumstances paid to station managers and to performers, and if, in purchasing documentaries, for example, they become exorbitant, we will attack that problem when it develops.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to make inquiry of the gentleman from Louisiana if he believes that this Congress has the power of making grants to public broadcasters to put any sort of limitation it wants on giving grants to a station, and whether the station is doing a good job for the community or fulfilling its obligations under the rules and regulations of the FCC. For a concrete example, let me ask the gentleman from Lousiana, does the gentleman feel the Congress would have the right to withhold grants from stations that have, say, more than 20 percent employees who are black?

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. MACDONALD of Massachusetts. I am happy to yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, yes, I think the Congress could do it. I admit it would be subject to a constitutional question, and whether it would stand a constitutional test I do not know.

Mr. MACDONALD of Massachusetts. I think the gentleman does know, if the gentleman will permit me. The gentleman knows it would not stand the test of constitutionality. I am perfectly sure in my own mind, although I have no precedent to quote to the gentleman, that this would not stand the test of constitutionality either.

I take the gentleman one step further in that line. Does the gentleman think it would be constitutional for the Congress to withhold grants from stations, no matter what kind of job they were doing, if the Congress did not like baldheaded people or people with a great deal of hair. Say that, no, the Congress in its wisdom says that if there is more than 40 percent baldheaded people hired by such and such a station, no grants would be forthcoming. Of course, I use that as a rather ridiculous extension of what the gentleman is trying to do, but, while it is illogical in a way, the legal aspects of it, it seems to me, could easily follow.

I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Of course, this is not a matter before the House, but if the gentleman will go back and read the debates of 1964 on the civil rights bill, the gentleman will find the record says that prospective employers can advertise for whomever they want, if they prove need, without discrimination.

The gentleman says can we refuse to make grants because these people have salaries beyond a certain range? We do that, for example, in the U.S. Government when we say that certain contracts are set aside for small business, because their dollar volume does not exceed a certain amount.

Mr. MACDONALD of Massachusetts. I cannot yield further to the gentleman.

I should like to point out to the gentleman that when this act was passed by the Congress in 1967 we took every step possible to try to insulate public broadcasting from any political pressure by any arm of the Government.

I believe that to take a step such as this, in which we are dictating not only to the Corporation but also to companies that get grants through the Corporation would be improper. We would be getting into whether or not somebody is qualified.

I do not know if the gentleman knows what a difficult job it is to run a good station in public broadcasting, but I should like to re-echo the words of the gentleman on the other side of the aisle.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. MACDONALD of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. MACDONALD of Massachusetts. Mr. Chairman, I should like to point out that before Mr. Macy took over this job public broadcasting just was not doing its job, and did not until they realized they had to get professional people, not necessarily as performers but as producers and writers, people who know how to operate a station. Until then it was the laughing stock of the entertainment business.

I believe the Congress has enough to do, without trying to run public broadcasting. We have not done very well before in trying to run it. I believe we ought to let them alone. We either should vote against the entire prospect of public broadcasting because they are not doing the job we set them up to do, or we shoud give them enough money to function so that they can do the job we set them up to do.

Mr. FREY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when the question of salaries of Sander Vanocur and others came up, along with many other Members of the House I was greatly upset. I still, frankly, am.

However, in looking at the total picture, which I believe is what we have to look at, it leads me to a different conclusion from the one I started out with.

I supported the Mathis of Georgia amendment, because this went to those people who are running the Corporation. However, as I understand the amendment offered by the gentleman from Louisiana, it would in essence say, for instance, if we were going to buy an educational program from a college whose president was paid more than $42,500, it would be prohibited. If we were going to purchase from BBC, or anyone else, a program such as "Henry the VIII," and BBC was run by someone who received more than $42,500, we would not be able to purchase the program.

I believe that salaries should be limited, and I believe the corporation was wrong in not supervising or having anything to say about the salary of Vanocur and others, but they have taken steps, as I understand it, to correct this situation in the future. The Corporation has required that any such salaries by an independent station must be reviewed by the Public Broadcasting Corporation.

We are going to authorize, I assume, somewhere between $35 million and $65 million. That is a lot of money. The real question is, What will we get for it?

Are we going to restrict Public Broadcasting to the point that they cannot do what is needed to make public broadcasting what it should be? I am not happy about the trend in many public affairs programs we see. I believe they have been slanted. But I do not honestly believe that this amendment is the answer to the question.

I would hope that the amendment would be defeated, but at the same time the message would be delivered to the officers, directors, and employees in public broadcasting that they have to do a better job.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. FREY. I am glad to yield to the gentleman from West Virginia.

Mr. STAGGERS. In line with what the gentleman is talking about, I stated to start with that they have adopted a rule under which individuals cannot be paid more than $36,000 unless approved by the Board. I believe that takes care of the situation. They realize what is going on and certainly they are cognizant of the way the Congress feels.

They say they have adopted this rule, and I certainly would hope the Congress would not require it in this legislation.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. FREY. I yield to the gentleman.

Mr. HARVEY. I will ask the gentleman does he not agree, however, that in accordance with the question raised by the gentleman from Louisiana (Mr. WAGGONNER) as to the right of the Corporation to make a distinction whether they make the grant or not to a particular station, that there are in this country more than 500 local educational TV stations. Yet the Corporation somehow determines that only 112 of those stations shall get grants. So I say to the gentleman is it not true that the Corporation assumed this power to decide whether a local station shall get a grant or not?

Mr. FREY. I think it is true, but to answer the gentleman, the subcommittee was trying to broaden the basis of the grants by adding five members representing the local stations to the Board so this inequity would be rectified. This would give the local stations one-third of the representation. I believe by our committee action we have cured the problem raised by the gentleman from Michigan (Mr. HARVEY).

Mr. PICKLE. Will the gentleman yield?

Mr. FREY. I am glad to yield to the gentleman.

Mr. PICKLE. I want to commend the gentleman from Florida for his appraisal of the pending amendment.

Many of us are in sympathy with putting a salary limitation, as we discussed, but this particular amendment would do violent damage to the overall program. The Corporation should not be restricted that much. Otherwise, the PCB could not participate in many quality programs because the corporations the education TV stations might be dealing with would surely have some employees on their payroll whose salaries would be in excess of this limitation.

The gentleman from Florida made a good analysis of it, and I commend him for his statement.

Mr. ADAMS. Will the gentleman yield?

Mr. FREY. I am glad to yield to the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TIERNAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the members

of the committee who have not had an opportunity to see the amendment presented by the gentleman from Louisiana for their own reading should be aware of the fact that under the language in the proposed amendment the corporation may not, after the date of the enactment of the amendment, make any grant to any organization or institution which compensates its officers or employees at a rate greater than the maximum rate of compensation prescribed by section 396(e)(3) for officers and employees of the Corporation.

Members of the House, I would like to point out to you that under the language of the amendment, the Public Broadcasting Corporation could not enter into a contract with the Texas Rangers, for example, if they wanted to do a show involving Frank Howard, because his salary would be in excess of the schedule proposed in the amendment. The "Sesame Street" program would not be able to be placed on the air because the corporation would be prohibited by this amendment in making a grant to that corporation because the producers of this show pay more than the scheduled salary to its employees. And how many more organizations, such as the Buckley organization, which received over $750,000 for a series of programs by the Public Broadcasting Company, would be barred?

I do not know how far this amendment will go, and I seriously suggest to the Members of the House, as others have suggested and my colleagues on the minority side have already suggested, that this amendment goes much further than what has been stated to you. You will do tremendous damage to the program and to the progress that has been made under the direction of Mr. Macy of the corporation.

I urge your serious consideration in defeating this amendment because it does not get to what he intends it to do and, in fact, it would wreck the program. It would do serious harm to efforts to educate the children of this country by taking off the airwaves programs such as "Sesame Street." We would not have the "Mastepiece Theater" that Mr. Collins spoke of. How can we limit the Broadcasting Corporation of Great Britain as to the amount of salaries that they pay their performers, or put on some of the great individual cellists and cultural programs where maybe they are paid $100,000 a year to perform on certain programs? We would not be in a position to have this talent made available if this amendment becomes law.

So therefore, gentlemen, I urge your support of the defeat of this amendment.

Mr. KEITH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it appears to me that the amendment my colleague from Louisiana—as offered by a conservative—is almost socialistic in nature in that it would curtail salaries in the private sector. Many of the public broadcasters would have a difficult time buying a camera from a corporation that paid its executives salaries in excess of this schedule. But, he has, I think, inadvertently offered in evidence some inconsistent testimony here. He says that Bill Moyer is paid a salary of $75,000.

Do I understand the gentleman correctly in that regard?

Mr. WAGGONNER. $75,000.

Mr. KEITH. A salary of $70,000?

Mr. WAGGONNER. $75,000.

Mr. KEITH. Actually, what we have done is contracted with an organization to pay the organization $75,000 for a series of programs. Mr. Moyer is not getting any such salary as that. And, of course, if he is a bright man—and I assume he is—he would set up a separate corporation and get around this proposal.

But I submit, really, that the most ridiculous language which can be found in this particular paragraph is to this effect—that the corporation may not after the date of the enactment of this make any grant to any organization or institution—

That is retroactive legislation if I ever heard it. The paragraph is going to be enacted today when it passes this House.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. KEITH. Yes, I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Of course, the gentleman knows that in the expression of enactment of a Federal statute it requires the signature of the President after passage in the exact form by both bodies of the Congress.

Mr. KEITH. Why do you say, after the enactment of this subparagraph?

Mr. WAGGONNER. This subparagraph is not enacted, as the gentleman well knows, until it is signed by the President of the United States.

Mr. KEITH. It would seem to me that better draftsmanship would dictate that this language should read "after the enactment of this legislation."

Mr. WAGGONNER. The gentleman apparently has not been paying much attention to some of the legislation he has been voting for, because it is boilerplate language, believe me. I would suggest that the gentleman read some other bills which contain such boilerplate language.

Mr. KEITH. Well, I guess I will have to go to law school to find boilerplate language like that.

In any event, Mr. Chairman, I concur in the sentiments expressed by our colleague from Florida (Mr. Frey) as well as the chairman of the committee.

This is, I believe, very reactionary legislation, both as to philosophy and as to the mood of this House.

We want to get at certain things which none of us like in the way of these public broadcasting programs, but it is my understanding that they have made an effort to bring about a balance. However, there have not been a sufficient number of spokesmen differing with the philosophies that have been expressed to enter into the forum.

I think it is time for those of us, as I do, who disagree with the philosophy that is being expounded to express yourself and participate in these things and give these programs the balance that they need.

Mr. WAGGONNER. The gentleman says he has never seen language like this before.

I have a copy of the committee bill and if the gentleman will turn to page 7, line 3, subparagraph (b), the gentleman will find somewhat similar language in the committee bill.

I was somewhat amused at the gentleman saying that this amendment having to do with the regulation of salaries in private industry was somewhat socialistic.

Would the gentleman feel then that anyone who voted for an increase in the minimum wage cast a Socialist vote? Is that what the gentleman says?

Mr. KEITH. I would say that gets to we, in our need to respond to the prob- the social problems in our society and lems of the poor people, have had to do that with this, but this is raising standards of the poor, whereas this is lowering standards of professionals and I do not think that they are at all comparable.

Mr. WAGGONNER. Of course, the gentleman would agree that this is subject to controversy, would he not?

Mr. KEITH. That is correct.

Mr. MICHEL. Will the gentleman yield?

Mr. KEITH. I yield to the gentleman from Illinois.

Mr. MICHEL. On Tuesday, April 25, Mr. Macy appeared before the Committee on Appropriations and I asked him the question: When you make a grant do you put any instructions on how much money you actually put apart for salaries?

He answered as follows:

> We have since the controversy arose over salaries. We place a limit of $36,000 for any payment of salaries out of funds provided by the Corporation for Public Broadcasting unless an exception is approved by the Board of the Corporation. The Board took that action in January.

It seems to me the amendment offered by the gentleman from Louisiana simply denies the Board the opportunity to make that exception and, as a matter of fact, increases the $36,000 which they have set as a limit now to $42,500.

Mr. KEITH. As I read the amendment——

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. Keith was allowed to proceed for 2 additional minutes.)

Mr. KEITH. Mr. Chairman, as I read the amendment offered by the gentleman from Louisiana, his amendment would apply to salaries of those who are under contract to an organization. So if you receive $35,000 for salaries in connection with services rendered that is all right under the amendment, and under the provisions that are outlined in the testimony just offered by the gentleman from Illinois. Under the amendment offered by the gentleman from Louisiana, however, if you get $43,000 over a year for all your services rendered to the Corporation you are prohibited from doing business with the Corporation. That is the way I see the difference, and it is to that which I object.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I wholly agree with my colleague on the committee, the gentleman from Massachusetts, (Mr. Keith) and indeed if some of this language is boilerplate language it would appear to me more as if it were written by a boilermaker than by a lawyer. I refer particularly to (B). I would like to point out how (B), if used as a general rule with regard to governmental contracting, would be extremely bad for the country.

That section says that if the Government makes a contract with a contractor to produce a part of this program, that that contract is illegal if the contractor pays anyone who helps in the production of the program more than that which is paid to a Congressman.

Let me invite you to apply that for a moment to a situation like the NASA contracts—I was formerly on that committee—and the principle is precisely the same.

Recently Wernher von Braun left the NASA program and is now working for an aerospace organization. He is a highly competent man, probably the man who knows more about rockets and rocket propulsion than anybody else in the world. Now, if we had the same rule with regard to the NASA program—and this, of course, might also apply to the military program—if you were having a piece of aerospace hardware produced by that aerospace company, and Werner von Braun worked on that contract, if he were one of those who helped proform the contract, such a contract would probably be illegal. Von Braun is, I am sure, making more than $42,500; and, it could be said that under the contract he was compensated for services related to such performance at a rate greater than that maximum rate, such contract would not be permitted.

Now, how could anything be more ridiculous than to say if you need a part of the work and a part of the time of a highly competent man you cannot employ him if he gets more pay than we are willing to give ourselves, or feel that the public will. Must we then deny ourselves of that professional's services?

That is what this says.

I suppose, to a certain extent, nearly all the Members of the House can call themselves conservative with respect to certain processess and procedures. I do.

If my colleagues here consider yourselves at all conservative, certainly you would not want to write into a provision of Federal law the principle that in engaging in a contract with the private sector, Government should mandate to the private sector that it pay no one, though solely in private employ, an amount of money more than we get as Members of the Congress.

I suggest to you that would be an extremely bad precedent, and a precedent that would deny us the qualifications and the work and the contribution of some of the most competent professionals in the United States.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman.

Mr. BROWN of Ohio. If I understand the gentleman's interpretation of the amendment, it is that the corporation may not purchase any services—that is the Corporation for Public Broadcasting—may not purchase any services from a company which compensates its employees more than $42,500.

Now I do not read the amendment that way in terms of the actual language. I would ask the gentleman, if he would permit me, to ask the gentleman from Louisiana (Mr. WAGGONNER) a question.

Mr. ECKHARDT. If I may answer your question first, and then I will yield to others on the floor.

My answer to that would be that it is clearly here in the language.

It says:

> (B) The Corporation may not after the date of enactment of this paragraph make any grant to or enter into any contract with any organization or institution if—
>
> (i) under such grant or contract, or
>
> (ii) under any grant made or contract entered into by such organization or institution, individuals are compensated for performances on radio or television programs and for services related to such performances at a rate greater than such maximum rate.

Mr. WAGGONNER. If my colleague will yield, the last few words contain the answer: "for services performed as a part of the contract with the Public Broadcasting Corporation."

Mr. ECKHARDT. Precisely—precisely. I gave the example of the space corporation. If you want to cover anyone in connection with the contract, then Mr. von Braun could not participate because he is making more than Members of this body.

Mr. WAGGONNER. Mr. von Braun did have a limitation on his salary.

Mr. ECKHARDT. He did when he worked for NASA but not now.

Mr. WAGGONNER. That was by the U.S. Congress as part of the Federal pay system.

Mr. ECKHARDT. And it is perfectly proper—if the gentleman will yield me back my time.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BROWN of Ohio. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to ask for further elaboration of the proposed amendment from its author, the gentleman from Louisiana (Mr. WAGGONNER).

The way the Corporation for Public Broadcasting operates, as I understand it, is that it purchases programs from individual suppliers and it also makes grants to local stations for the development of their programing activities and makes grants to other organizations for work in connection with public broadcasting. I want to make it clear for myself, so I can determine how I am going to vote on this, just what the gentleman has in mind by this amendment?

Can the gentleman explain to me, first, do I understand correctly that under his amendment the Corporation for Public Broadcasting would be prohibited from making any grants to any stations which pay their employees more than $42,500; is that right?

Mr. WAGGONNER. At a rate of $42,500 for those services which are performed for the Public Broadcasting Corp.

Mr. BROWN of Ohio. All right. So the local station, if it paid more than $42,500 to its managers or others for public broadcasting activities, would be prohibited and this means you are trying to keep local stations from paying more than $42,500 for their management and talent. That is consistent with the position the House has already taken in limiting the salary of those in the Corporation for Public Broadcasting to $42,500 in the previous committee amendment; is that right?

Mr. WAGGONNER. That is right as far as being able to receive public broadcast grants is concerned.

Mr. BROWN of Ohio. What about the purchase of programs from private sources? Suppose somebody like MGM gets into the production of educational programs as an adjunct to its other activities and it pays high salaries to its officers; would this prohibit the Corporation for Public Broadcasting from contracting with MGM in this particular area?

Mr. WAGGONNER. In my opinion it would not, but if the Public Broadcasting Corp. started paying exorbitant fees for such programs on a contract or a purchase-price basis, then I think it would be the obligation of the Congress in the future to review the actions of the corporation in that respect.

Mr. BROWN of Ohio. In other words, if the Corporation for Public Broadcasting, through its purchase price, made possible a small company or a large company paying exorbitant salaries, then that would be prohibited? I am confused.

Mr. WAGGONNER. I do not understand the question.

Mr. BROWN of Ohio. If the Public Broadcast Corp. buys a product from a company——

Mr. WAGGONNER. Such as an antenna, for example, which someone raised a question about?

Mr. BROWN of Ohio. No, a program from a company, from the BBC, for example—although that is not a private corporation but rather a Government corporation abroad—but if they bought a program from BBC and BBC paid somebody more than $42,500, would that be prohibited?

Mr. WAGGONNER. Of course, BBC would not be eligible for grants from the Public Broadcasting Corp.

Mr. BROWN of Ohio. I understand the grant part. I am asking about the purchase of programs.

Mr. WAGGONNER. No, this has nothing to do with salaries when you buy something on a contract basis. The fairness of the price of the contract, then, of course, would be discretionary with the Public Broadcasting Corp.——

Mr. BROWN of Ohio. And it relates only to product purchased?

Mr. WAGGONNER. Right, and would be subject to review by the Congress.

Mr. BROWN of Ohio. But it is not prohibited under this amendment?

Mr. WAGGONNER. No, it is not.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I am glad to yield to the gentleman from Rhode Island.

Mr. TIERNAN. The amendment clearly states in section 5(a) that a corporation may not make any grant to any organization or institution which, one, compensates its officers or employees or, two, makes a grant to any organization or institution which compensates its officers or employees at a rate greater than $42,500.

Mr. BROWN of Ohio. Precisely. But, the purchase of a product under a contract is not a grant. It is a purchase. I would ask the gentleman from Louisiana to comment on that because it is his proposal.

Mr. TIERNAN. Mr. Brown, you know very well the Corporation for Public Broadcasting makes the grants to every State, and if the State of Rhode Island or the State of Ohio has a superintendent of education making more than $42,500, under that amendment they could not take the grant.

Mr. BROWN of Ohio. I would like to ask the gentleman from Louisiana if that is correct.

The CHAIRMAN. The time of the gentleman from Ohio has expired. For what purpose does the gentleman from Washington rise?

Mr. ADAMS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. ADAMS. In answer to the gentleman from Ohio, I support the gentleman in his position on this question. Under section 5(a) there is a prohibition of any grants, and you must remember—and I am sure the gentleman is well aware—that the Corporation for Public Broadcasting has no production facilities. It has no ability to produce anything itself. So it either has to make a grant to an institution such as a university, or to a production facility, or to a station, to have its programs produced. The amendment would knock out all stations that I know of in the country, all universities that I know of in the country, for having people produce a program for public broadcasting.

Then let us turn to the contract section, which is the second part. Under the contract seection, if any person is compensated in the production of a particular program at a rate greater than $42,500 per annum, the Corporation cannot enter into the contract. It is illegal. Let us take the "Masterpiece Theatre." The BBC program undoubtedly has somebody on it who is compensated at a rate greater than $42,500 per annum. So you knock out all quality productions of that type. You knock out productions of the American theater industry. You take away all independent centers of production. You would have us take the Children's Workshop, which produces Sesame Street. Mrs. Cooney, the head of that program, makes more than $42,500, so there could be no grant for Sesame Street, and no contract to buy the program.

This is a mischievous amendment, and it is entirely unnecessary that we do this. What you are trying to do is to say that this country will not be able to buy anything of any quality from anybody, and, since it cannot produce itself, you will have effectively blanked it out, unless, Mr. Brown, you and I will sit in front of the television and debate questions on public television every night for free, which may be what we shall end up doing.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I think the gentleman's remarks are improperly directed at me. I rose to ask questions of the gentleman from Louisiana. The amendment is his. I think the comments or the conclusions of the gentleman from Washington about what the amendment by the gentleman from Louisiana does should more properly be directed to the gentleman from Louisiana to get his clarifications of his amendment, because I confess I still have some confusion on this myself.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, would the gentleman agree, if this amendment passes, it would effectively stop the corporation from dealing with NBC or CBS or ABC and any company, and, in fact, would prohibit the corporation from buying anything from General Motors, because they pay their employees more than the limit in this amendment?

Mr. ADAMS. Precisely. Because this amendment says if they compensate their employees at a rate greater than $42,500 per annum in a production, a contract would be illegal.

Mr. McKINNEY. And if we follow this amendment through far enough, even if the members of the corporation buy bicycles, they would not be able to ride on a bicycle to do their show, because some members of the bicycle manufacturing corporation would be paid more.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Chairman, I do not know how many times I have to say that when we are talking about salaries and contracts and products, we are talking about different things. Every Member of this House knows when we pass legislation, we have to make legislative history so that the executive may establish the guidelines by which that legislation is administered. I say it as positively as I possibly can, when we purchase something under contract conditions, something produced by any of these people that questions have been raised about, the question to consider then is the contract price. That is discretionary with the officials of the PBC, and what the PBC does then can be reviewed at any future time by Congress if they abuse those discretionary authorities in buying by contract the services or products.

Mr. ADAMS. What the gentleman proposes to do is to make these contracts illegal, and all subject to question, and will raise questions for everybody involved. I will read the language:

> Individuals are compensated for performances on radio or television programs and for services related to such performances at a rate greater than such maximum rate.

The rate the man gets is the rate he gets paid per year by whatever group pays him.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Connecticut.

Mr. TIERNAN. I thank the gentleman for yielding. Under the gentleman's amendment, we could not, for example, have the Boston Pops Orchestra perform on public contract, because the director, Mr. Fiedler, is paid $75,000 a year. So I say we cut off all possible performances in the area of culture.

Mr. WAGGONNER. No.

Mr. TIERNAN. This amendment would create tremendous problems.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. Waggonner).

TELLER VOTE WITH CLERKS

Mr. WAGGONNER. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. WAGGONNER. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. Waggonner, Staggers, Tiernan, and Thompson of Georgia.

The Committee divided, and the tellers reported that there were—ayes 163, noes 182, not voting 87, as follows:

[Roll No. 177]

[Recorded Teller Vote]

AYES—163

Abbitt
Andrews, Ala.
Arends
Baker
Barrett
Belcher
Betts
Blackburn
Bow
Bray
Brinkley
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Cabell
Carlson
Carter
Chamberlain
Chappell
Clancy
Cleveland
Collier
Collins, Tex.
Colmer
Cotter
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
Edmondson
Edwards, Ala.
Erlenborn
Findley
Ford, Gerald R.
Fountain
Fuqua
Garmatz
Goodling
Green, Oreg.
Gross
Grover
Gubser
Haley
Hall
Hammerschmidt
Harvey
Hays
Henderson
Hillis
Hogan
Horton
Hosmer
Hull
Hunt
Ichord
Jacobs
Johnson, Pa.
Jones, N.C.
Keating
Kemp
King
Kuykendall
Kyl
Landgrebe
Latta
Lennon
Lloyd
McClure
McCollister
McCulloch
McEwen
Mailliard
Mann
Martin
Mathis, Ga.
Michel
Miller, Ohio
Mills, Md.
Minshall
Mizell
Monagan
Montgomery
Myers
Natcher
Nelsen
Nichols
O'Konski
Pelly
Pettis
Pike
Pirnie
Poage
Poff
Price, Tex.
Purcell
Quie
Quillen
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Roush
Rousselot
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sikes
Skubitz
Smith, Calif.
Snyder
Spence
Steed
Steiger, Ariz.
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Ullman
Vander Jagt
Waggonner
Wampler
Ware
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wyman
Young, Fla.
Zablocki
Zion
Zwach

NOES—182

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
Aspinall
Badillo
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco

Brooks
Brotzman
Brown, Mich.
Burke, Mass.
Byrne, Pa.
Byrnes, Wis.
Byron
Carey, N.Y.
Carney
Casey, Tex.
Clark
Collins, Ill.
Conable
Conover
Conte
Culver
Curlin
Danielson
Dellenback
Dellums
Denholm
Dennis
Dent
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
du Pont
Eckhardt
Eilberg
Evans, Colo.
Fascell
Fish
Flood
Flowers
Foley
Forsythe
Frenzel
Frey
Gaydos
Gettys
Giaimo
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Howard
Hungate
Hutchinson
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Keith
Kluczynski
Koch
Link
Long, Md.
McClory
McCormack
McDade
McFall
McKay
McKevitt
McKinney
Macdonald,
Mass.
Madden
Mahon
Mallary
Matsunaga
Mayne
Mazzoli
Meeds
Minish
Mink
Mitchell
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Pepper
Perkins
Peyser
Pickle
Podell
Powell
Preyer, N.C.
Price, Ill.
Railsback
Rangel
Rees
Reid
Reuss
Riegle
Robison, N.Y.
Roe
Rogers
Rooney, Pa.
Rosenthal
Rostenkowski
Roy
Runnels
Ryan
Sarbanes
Scheuer
Seiberling
Shipley
Shoup
Shriver
Smith, N.Y.
Staggers
Stanton,
J. William
Stanton,
James V.
Steele
Steiger, Wis.
Stratton
Sullivan
Symington
Udall
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Wolff
Wylie
Yates
Yatron
Young, Tex.

NOT VOTING—87

Abernethy
Anderson, Ill.
Anderson,
Tenn.
Ashbrook
Baring
Bell
Bingham
Blanton
Broomfield
Burton
Caffery
Camp
Cederberg
Celler
Chisholm
Clausen,
Don H.
Clawson, Del
Clay
Conyers
Corman
Daniels, N.J.
Dowdy
Dwyer
Edwards, Calif.
Esch
Eshleman
Evins, Tenn.
Fisher
Flynt
Ford,
William D.
Fraser
Frelinghuysen
Fulton
Galifianakis
Gallagher
Gibbons
Goldwater
Griffin
Hagan
Hanna
Harsha
Hawkins
Hébert
Holifield
Jarman
Jonas
Jones, Tenn.
Kee
Kyros
Landrum
Leggett
Lent
Long, La.
Lujan
McCloskey
McDonald,
Mich.
McMillan
Mathias, Calif.
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Mollohan
Passman
Patman
Pryor, Ark.
Pucinski
Rodino
Roncalio
Rooney, N.Y.
Roybal
St Germain
Schmitz
Sebelius
Sisk
Slack
Smith, Iowa
Springer
Stephens
Stokes
Stubblefield
Stuckey
Thompson, N.J.
Tiernan
Veysey
Wilson,
Charles H.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. HARVEY

Mr. HARVEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARVEY: Page 2, strike out lines 13 and 14 and insert in lieu thereof: "certain of the total amount appropriated under subsection (k) for such fiscal year.".

Page 3, insert "and" at the end of line 18; strike out lines 19 through 23; and in line 24 strike out "(iii)" and insert in lieu thereof "(ii)".

Page 4, strike out line 3 and all that follows down through and including line 23 on page 5 and insert in lieu thereof the following:

(c) Subsection (k) of section 396 of such Act is amended—

(1) by striking out "and for each" in paragraph (1) and inserting in lieu thereof "for each";

(2) by inserting "; and for the fiscal year ending June 30, 1973, the sum of $40,000,000" before the period at the end of paragraph (1); and

(3) by striking out "1972" in paragraph (2) and inserting in lieu thereof "1973".

Mr. HARVEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HARVEY. Mr. Chairman, I asked that this amendment be not read in its entirety because it is really very simple. It has a twofold thrust. No. 1, it reduces the authorization of the committee bill from 2 years to 1 year and, No. 2, it reduces the amount of the authorization for fiscal year 1973 from $65 million to $45 million.

I might point out, Mr. Chairman, that the $45 million would still be $10 million more than the Corporation was granted in fiscal year 1972.

Mr. Chairman, there are three very strong arguments, I believe, that could be made for this amendment.

First of all, the administration itself has come before the committee and pledged to develop long-range financing for public broadcasting within the next year. I happen to think with a lot of others that if we go ahead and grant a 2-year authorization that this is going to undermine the efforts once again to get long-range financing. And I would read to you from the hearings on page 278 the statement of Mr. Clay Whitehead, adviser to the Preisdent, where he said this, and I quote:

> We agree with the view, expressed strongly during these hearings, that there must be a workable long-range financing plan, as contemplated by the Public Broadcasting Act of 1967, and the administration intends to submit one before the proposed extension of authorization expires.

Mr. Chairman, I believe that the administration should be held to its commitment. I think that this Congress should hold the administration's feet to the fire to get a permanent plan for financing and do the job we set out to do when we commenced public broadcasting in 1967. I said at that time that we were putting the cart before the horse because we were setting up public broadcasting before we had set up the system of financing it. Now I think that we should force this administration to do just that, and within the next year come in with a plan for long-range financing.

Mr. Chairman, there is another reason why we should support this amendment. I point out the fact that the activities of the Corporation for Public Broadcasting have strayed an awful long way from the original intent of the act. This was conceived as a vehicle to assist local broadcasting, concentrating on local issues. Instead it has increased its national level public affairs programing, and what it has really become is a forth network.

Mr. Chairman, over the past 4 years the Corporation for Public Broadcasting has received a total of $91.7 million. $78 million of it has been Federal appropriations.

In those 4 years it has distributed only 13 percent of its money to local broadcasting stations.

In addition, I would point out that the Corporation for Public Broadcasting's 1972 budget provides an estimated $1.7 million to advertise and otherwise promote national network programs of the Public Broadcasting Service.

The Ford Foundation gives an additional $1 million to the Public Broadcasting Service for advertising purposes.

I ask this question: Why should tax funds and tax-exempt funds of this magnitude be used to influence the viewers who watch the programs that their tax dollars support?

You need only to look at some ads that appeared in the Washington Post and the New York Times. I have two of them in front of me here. The one from the Washington Post and the New York Times that ran on April 25, 1972, just before the Massachusetts and the Pennsylvania primary elections.

I submit to you that in terms of space and cost to the network—one the public broadcasting and the other the NBC—there is very, very little difference.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. HARVEY asked and was given permission to proceed for an additional 5 minutes.)

Mr. HARVEY. Mr. Chairman, the Corporation for Public Broadcasting was supposed to use its funds and its statutory authority to develop diverse and pluralistic program production systems and minimize the domination of programing by the National Educational Television station in New York City. But, out of a total of 215 educational TV stations, only six major city stations produced 91 percent of all prime-time programs for PBS, and NET alone produced 25 percent of the total prime-time hours. Next season the New York City station will produce 70 percent of all PBS programs in the "cultural and performance" category. The New York City and Washington stations together will produce nearly 50 percent of all the news and public affairs programs on PBS. What kind of program diversity is this?

Nothing could be more clear in the legislative history of the 1967 act that the Congress did not want the Corporation for Public Broadcasting to create a fixed-schedule, nationwide TV network. Yet this is precisely what they have done and we now have a "live" interconnection network for these stations during 18.5 hours of prime time each week. I think we deserve an explanation of why our intent has been so blithely ignored.

It does not matter whether you are in Milwaukee, Wis., or Detroit, Mich., or San Francisco, Calif.—if you tune in a local station at a certain time of day you get the same program. That is because they are trying to build up a huge public broadcasting network if they can.

I would like to point out that when our committee reported out the bill that ultimately became the Public Broadcasting Act of 1967, the committee stated that localism was the fundamental concept of the public broadcasting system which was created by that legislation. The committee report specifically pointed out that "localism" means that—

> Local stations shall retain both the opportunity and responsibility for broadcasting programs they feel best serve their communities.

The Senate committee's report similarly pointed out that—

> We wish to state in the strongest terms possible that it is our intention that local stations be absolutely free to determine for themselves what they should or should not broadcast.

Against this background of clear congressional intent, the Members should be aware of the fact that the membership agreement between the Public Broadcasting Service—which is the public television network—and the local educational television stations prohibits the stations from deleting material in programs provided by Public Broadcasting Service without prior permission of the network. The Members should also be aware of the fact that PBS itself has the right to delete material in programs submitted to it by the program production centers. Thus, the Public Broadcasting Service exercises a right which it would deny to the local stations—a right the Congress clearly wanted the local stations to have.

Finally, let me say the third and last reason to support this reduced period of authorization and reduce the amount for next year is because I just think it is too much money. The authorization of $65 million for fiscal year 1973 and $90 million for fiscal year 1974, a 2-year authorization of $155 million, would represent almost a 100-percent increase over fiscal year 1972 for next year, and almost a 200-percent increase for fiscal year 1974. We think that you will agree that these are rather staggering increases for what must be considered a luxury item.

If you do not believe me, I would refer you to the Washington Post of the day before yesterday, May 30, 1972, when this story appeared. The headlines say that Congress reported spending $1 billion more than the budget.

If you still do not believe the bill is too much, I have here a list of activities which this administration has curtailed because of a lack of money.

There are 35 different activities in the Department of Agriculture, the Department of Defense, HEW, and the Department of Commerce, Housing, and others. They have had to curtail them because they feel they do not have the amount of money to go ahead.

In the light of that, I ask you, Do you want to give an almost 100-percent increase to the public broadcasting service next year?

Do you want to give almost a 200-percent increase the year after that?

This does not make the least bit of sense to me.

I hope that for these reasons all Members will see fit to support the amendment which again I say simply reduces it to 1 year and would still give them $10 million more than they had last year.

SUBSTITUTE AMENDMENT OFFERED BY MR. ADAMS FOR THE AMENDMENT OFFERED BY MR. HARVEY

Mr. ADAMS. Mr. Chairman, I offer an amendment in the nature of a substitute for the amendment offered by the gentleman from Michigan (Mr. HARVEY).

The Clerk read as follows:

> Amendment offered by Mr. ADAMS in the nature of a Subsititue for the Amendment offered by Mr. HARVEY: Page 4, line 20, strike out "and"; page 5, line 2, strike out the period and the quotation marks and insert in lieu thereof "; and"; and after line 2 on page 5 insert the following:
>
> "(C) for the fiscal year ending June 30, 1975, the lesser of—
>
> "(i) $120,000,000, or
>
> "(ii) $50,000,000 plus an amount which equals one-half of the non-Federal support for educational radio and television received during the fiscal year ending June 30, 1973."

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. ADAMS. Mr. Chairman, the purpose of this amendment is the exact contrary of the amendment that was offered by Mr. HARVEY and is a substitute for it. I was deeply disappointed when an amendment which would cut the program back to 1 year was offered by Mr. HARVEY.

The committee originally started deliberations on this subject considering a 5-year bill, and there was a very good reason for it. It was to create a fund that was known and definite for this Corporation so that no matter who was in the administration or who controlled the Congress, the Corporation would be free from any possible political control, political vengeance, or political statements about how it ought to run its particular business.

I was on the committee in 1967 when we created this Corporation, and when the whole purpose of creating a separate fund at that time was to do this. We had the Johnson administration say they were going to do it. We have had the Nixon administration say they were going to do it. Nobody has done it. So the result is that if we are left with a 1-year authorization we will go through a fight of personalities every year as to whether or not someone happens to like or dislike Mr. Buckley, whether or not someone happens to like or dislike Mr. Vanocur and that should not be the issue in a public broadcasting debate.

What we are trying to do is create a system whereby it can do two things. The first is to help educate our children. This has been done extremely well through programs such as Sesame Street. And do you know how long it took to produce that program? Over 2 years. With a 1-year authorization, you simply cannot develop production schedules that will allow you to produce quality programs.

The same was true of the Civilization series which took 3 years to produce.

It is also necessary to examine the status of the individual stations. No noncommercial station has to accept any program. What Mr. HARVEY said about cutting parts of programs—cutting programs does not go to the point of local control at all. Each individual station, when something is produced by this Corporation, can say, "I do not want it," and a great part of the time they do not take it.

It should be understood that the Corporation does not operate like a network. It does not have a single production facility. What it does is that it goes out to the various stations throughout the country and says, "Let's see your program." It has a corps of balanced people who look at the programs as they come in. They then prepare a package and solicit all of the various stations around the country, saying, "Do you want it or don't you?" Then those stations decide.

This thing has been insulated to the greatest degree possible to keep it from being any kind of a propaganda operation.

It is first to educate.

The second point, there are certain programs we cannot put on commercially. Any Members who have been in commercial television or who have watched a great deal of it know what happens. Certain things become popular, such as detective stories, or westerns, or some kind of psychological thriller, and then everybody goes on with that. In order to have new ideas brought out, in order to produce programs that commercially are not always feasible, but which people should have a chance to begin to register whether they like them or not, the Public Broadcasting Corp. puts out something people can begin to look at and see. Hopefully then a commercial station will pick some of that up.

There are others that obviously a commercial station can never produce. We cannot put on a "Masterpiece Theater" that runs for 8 hours, that is 1 hour a week for 8 weeks, and have a station do it when it will run up against Columbo or one of the other programs.

So this has been a great thing that has occurred. Since 1967 we have had quality productions. Some of them I may not agree with, and some of them other Members may not agree with. That is a good thing that we do not agree with them all.

But let us not go to 1 year on this. I think the committee made a great attempt, and I will support the committee if it gets down to a 2-year bill. I happen to prefer a 3-year bill. We ordinarily in this committee authorize various agencies and groups within the jurisdiction of the committee on a 3-year basis, so they can come in at the end of that period, and we can look them over. An exception is being made in this case, and we know there will not be a program up for financing before mid-1973. Dr. Whitehead said he expects to be reporting on the corporation by mid-1973 for the year 1972. If we have a 1-year appropriation now, we will have to go to another 1-year appropriation a year from now, with a 1-year authorization, and then we will have to get into the idea again of do I like this program the station has put on, or do I not?

Mr. MICHEL. Mr. Chairman, I rise in support of the Harvey amendment.

Mr. Chairman, while I have been a supporter of public broadcasting in the past, and particularly our local channel 47 on the Bradley University campus in Peoria which is excellently run and managed, I must say that I do have some reservations over the prospects of educational or public broadcasting television getting into this sticky realm of politics.

I would like to bring to the attention of my colleagues a portion of the transcript of a news interview conducted by WNEW–TV, channel 5, in New York City, on May 11, 1972, with Patrick Watson, a gentleman who moderated a 5-hour discussion program on Vietnam presented by WNET, channel 13, the public television station in New York City. The transcript reads as follows in its relevant portions:

> Bill Jorgensen. Last night Channel 13 Television here in New York City, the Public Broadcasting System, aired a five-hour program on the Vietnam situation.
>
> There were 30 to 40 guests invited to make statements and express their feelings in various ways, and almost all were anti-war. And today Steve Bauman asked Channel 13's anchorman, Patrick Watson, if it wasn't true that there was virtually no representation of the Nixon administration's point of view.
>
> Patrick Watson. Oh, yeah, absolutely true. The one man who could be considered a representative of the administration's point of view was Senator Dole, who was interviewed in Washington. I think I could argue, without being frivolous about it, that the program would have been better if there had been no representatives of the Washington point of view on, because it was perfectly clear that what this program was about was reflecting and articulating that body of opinion in the country that's concerned and frightened over what's going on in Vietnam.
>
> I think the country knows, and it's had ample exposure to what the administration's position is.
>
> Steve Bauman. Well, haven't there been ample expressions of the anti-administration point of view, and in terms of a balanced program, don't you feel you are obligated to attempt to get administration's spokesmen or supporters?
>
> Watson. Not within the body of one program. I think that's an old-fashioned concept that went out of broadcasting—where I live, anyway—a long time ago. You do the best program you can to deal with what you're dealing with at that moment. You don't balance out the astronauts with the Flat Earth Society. You don't look for opposite points of view . . .
>
> Bauman. But isn't it true that the overall programming philosophy of Channel 13 winds up being anti-administration whenever there is a discussion of Vietnam?
>
> Watson. Yeah, I think it is true. I think that our people are much less concerned to hide and mask their bias about that issue than many newsmen are. Our people, like all the serious and independent-minded newsmen that I know, hate the war and don't admire the administration's policy about it. I think what we feel philosophically is that while we have an obligation to seek out the administration's position and to challenge it—and it's very difficult, because administration guys don't like to go on camera . . .
>
> Bauman. You say you've had trouble having supporters of the administration point of view speak in favor of it. Are you saying you tried last night and were unable to get anyone?
>
> Watson. No, we were. We got one guy. We tried for three or four.
>
> Bauman. Out of 30 or 40.
>
> Watson. Yeah. I'll repeat it if you like. I think the program would have been a damn good program with none. . . .

As I am sure my colleagues know, section 396(g)(1)(A) of the Public Broadcasting Act of 1967 requires that there be strict adherence to objectivity and balance in the programs presented by public broadcasting. Moreover, section 399 of the act prohibits public broadcasting stations such as WNET in New York from engaging in editorializing. I submit to you that Mr. Watson's remarks in this interview demonstrate that his station is not complying with the law. And, for the information of my colleagues, this is the very same station that is a major programer for the Corporation for Public Broadcasting, in that the station produced over a quarter of the prime time programing made available by the public television network to the local stations.

Whether one is for or against the war is beside the point. The point is that sooner or later some Members are going to be in the position, when it gets to politics being discussed on public broadcasting, that their oxen are going to be gored.

We have to sit on this Public Broadcasting Corporation, particularly with respect to this business of engaging in partisan politics. The best way to do it is to raise some warning signs here and to limit the scope of their activity by way of perhaps a shorter period of authorization, as the gentleman from Michigan (Mr. Harvey) suggests, and by clamping down on the money available.

I believe that with a little more congressional oversight here we can get this whole program under control.

Mr. TIERNAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am in the well as an advocate for the subcommittee's position. This authorization, as the Members of the House know, is a 2-year authorization.

My support of this 2-year authorization is inconsistent with my position in the past. The gentleman from Michigan (Mr. Harvey) has served on the subcommittee and knows I was one of those who insisted 2 years ago that the House pass a 1-year authorization, which we did. The Senate then passed a 2-year authorization, and prevailed in the conference between the two bodies.

My feelings then were the same as expressed by the distinguished gentleman from Michigan, that we should keep the feet of the corporate directors of this corporation and of the administration of the Corporation for Public Broadcasting to the fire, to see that we do get permanent long-term financing of the corporation.

However, in the hearings and in the deliberation on this bill, which originally called for a 5-year authorization, we had the benefit of the testimony of Mr. Clay Whitehead, who spoke on behalf of the Nixon administration with regard to the plans to present to the Congress the proposals with regard to long-term financing. Mr. Whitehead at that time told the committee that they are working on the plans and will present the plans to the Congress before June of 1973.

This, then, would require, as Members know and as our experience has shown us, that the matter take considerable time for hearings both by the Senate and the House. Our subcommittee would have to have hearings, to make sure that we had the views and the benefit of the advice of the many people involved with the Corporation for Public Broadcasting.

So in fairness to all concerned the subcommittee adopted a 2-year authorization.

I would point out to the members of the committee that in order for the directors of the corporation to carry out the mandate that you and I have directed them to carry out we do have to give them an opportunity to prepare programs of quality.

It is entirely impossible for them to prepare a program such as Sesame Street, because it takes 2 or 3 years in the creation and in the preparation of these series to put them on television. So we have struck what we felt was a compromise between those who wanted to continue to keep the Corporation's feet to the fire to go in with their plan for long-term financing and the other extreme of the 3- or 4- or 5-year authorization.

Therefore, I think we should certainly vote the subcommittee's amendment and the bill as reported out of the subcommittee and the full committee for a 2-year authorization.

Mr. REID. Mr. Chairman, will the gentleman yield?

Mr. TIERNAN. I yield to the gentleman from New York.

Mr. REID. I thank the gentleman for yielding.

Is it not true that the Public Broadcasting Act of 1967 specifically lists as one of the criteria in the legislation: "the full development of educational programs of high quality?" Is it not further true that a 12-month authorization would in effect kill the programs that frequently take 8 to 24 months to prepare as well as, quite obviously, not reassure the stations that we want to assure and, therefore, a 1-year authorization is inconsistent both with the program quality, the morale, and the best program operation?

Mr. TIERNAN. I would say the gentleman from New York is absolutely correct. I am sure he knows the experience in productions of this type. It is extremely difficult to prepare a creative, innovative program. We have tried to present cultural and educational programs to all of the people in this country. It is particularly mandated by us in the act and has been put in terms of what all Members of Congress believe; namely, to see that there are quality programs which are not the general run of the mill and something in contrast to what we have in commercial broadcasting. We also want to break through to our young children and also to present other programs that will lend to the improvement and the betterment of all of the people in America.

Therefore, I think it is important that we stay with the committee's authorization, and therefore, I request the defeat of both the Harvey amendment and also the amendment offered by my colleague from Washington (Mr. Adams).

Mr. BLACKBURN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Michigan. Many reasons have been set forth in the course of the debate yesterday and today which document the need for the amendment. I believe it may be of further value to recount briefly some of the legislative history of the Public Broadcasting Act. This legislative history demonstrates that the congressional intent was to create a system built on a strong foundation of independent local noncommercial educational broadcast stations. The national leadership entity—CPB—was intended to serve the interests of the autonomous local stations by disbursing funds to support their operating expenses; by arranging for interconnection of the stations in such a way as to maximize their freedom of choice in carrying CPB-funded programs; by obtaining high quality programs from diverse production sources; and by making available to the stations a balanced mixture of programing to serve the educational, cultural, artistic, and informational needs of the public. I would like to quote some excerpts from the Carnegie report and the House and Senate reports to show what the intent was in each of these areas; and the extent to which the congressional intent underlying the act has been implemented:

> I. *Station autonomy and CPB financial support for the local stations.* The local stations must be the bedrock upon which public television is erected, and the instruments to which all its activities are referred.—Carnegie report.
>
> It should be remembered that local stations are the bedrock of this system and as such must be responsive to the needs and desires of the public which they serve. It is not intended, therefore, that these stations be mere conduits for the production of other stations or other outside sources.
>
> We wish to state in the strongest terms possible that it is our intention that local stations be absolutely free to determine for themselves what they should or should not broadcast.—Senate report.
>
> Local stations shall retain both the opportunity and responsibility for broadcasting programs they feel best serve their communities. Similarly, the local station alone will make the decision whether or not to participate in any interconnection arrangements, be it state, regional or national. . . .
>
> In the same manner that the bill strives to insulate the corporation [Corporation for Public Broadcasting] from governmental control, the bill provides and the committee intends to see to it that the local educational broadcasting stations conduct their operations without corporation interference or control.—House report.
>
> When the Corporation is organized, one of its principal responsibilities will be to provide funds to local stations.—House report.

Since 1967, CPB has devoted most of its attention to building up its own structure, its networks—the Public Broadcasting Service—PBS—for television and National Public Radio—NPR—for radio—and its national program production entities.

On the station financial support side, during the entire period from fiscal year 1969 to fiscal year 1972, CPB devoted $11.7 million of its $91.7 million total funds to station operating support grants—less than 13 percent. Furthermore, the record of support for local program production shows that, in fiscal year 1972, for example, the most generous year for this category of expenditure, only $350,000 went for local program production—or about one-ninth what CPB spent on advertising and promotion for its nationally produced programing:

> II. *Interconnection network.*—Ordinary networking of taped or filmed programs, inseparably linked with the concept of the single signal, appears to the commission to be incompatible in general with the purposes of public television. It presupposes a single audience where public television seeks to serve differentiated audiences. It minimizes the role of the local station where public television, as we see it, is to be as decentralized as the nature of television permits. . . .
>
> The commission consequently proposes that public television look to interconnection primarily as a device for the distribution of programs. . . . There would be no expectation that the programs would be immediately rebroadcast by the local station (although of course there would be nothing to prevent such use). Instead, the local station manager would be expected to record those programs he might later use, ignoring the rest.
>
> We wish to make it clear that what we recommend here is an attitude toward interconnection and not a rigid set of procedures. Beyond any doubt, public television must be fully prepared to use live networking when the occasion warrants. . . . What we recommend is simply that the ordinary use of the system be for distribution rather than networking.—Carnegie report.
>
> Although the fundamental concept of the noncommercial educational broadcasting system envisions strong local stations and hence de-emphasizes networking as we know it in commercial broadcasting, interconnection will play a crucial role. We, therefore, expect that the corporation will develop a policy on interconnection which will reflect its primary purpose of program distribution while also recognizing that occasions will arise where live or simultaneous broadcasting will be warranted.
>
> The corporation would use the interconnection facilities to distribute and transmit programs at all hours but each station would be required to make its own decision as to what program it accepts and broadcasts and at what time. . . .
>
> Fears were expressed (in the hearings) that if the corporation was given this authority it would tend to develop a fixed schedule, network-type operation and thus the local station would be placed in a difficult position to control effectively its broadcast schedule.—Senate report.
>
> Even with respect to live simultaneous broadcasts, local stations will have the absolute discretion to decide if such programs will be carried at the time the corporation has arranged for their transmission, at some other time, or not at all.—House report.
>
> The Corporation needs [the] flexibility [to arrange for interconnection facilities], not to establish a fixed-schedule network operation, but in order to take advantage of special or unusual opportunities. . . .—Conference report.
>
> Section 396(g)(3) precludes the Corporation from owning or operating "any . . . network" . . . It is assumed that, in compliance with this prohibition, the Corporation will not have . . . a system of fixed schedule broadcasting.—House report.

As noted, these excerpts are taken from the 1967 legislative materials, yet 5 years later, in the public television field at least, there is a system of fixed-schedule, network broadcasting during "prime time" evening hours: a system which operates—like the commercial networks—as a programer, rather than a conduit for programing. Network hours scheduled in prime time alone are now 18.5 hours per week—not "to take advantage of special or unusual opportunities," but for Friday night movies, drama, musical performances, French cookery, and the like:

> III. *Diversity of program production sources.* The greatest practical diversity of program production sources is essential to the health of the system.—Carnegie report.
>
> [An] element necessary to localism is to make an abundance of programing available to the local stations from major national production centers, independent producers and stations located in major metropolitan areas.—Carnegie Commission testimony on Public Broadcasting Act.

During prime time over 90 percent of the national programing for public broadcasting came from six "national production centers," and one center—WNET in New York City—produced over a quarter of this. Moreover, there is also apparent a growing tendency toward centralization of program decisionmaking by CPB, so that even the five or six stations doing national programing do not represent an effective diversity of production initiatives:

> IV. *Balanced mix of programing.* Television should serve more fully both the mass audience and the many separate audiences that constitute in their aggregate our American society. There are those who are concerned with matters of local interest. There are those who would wish to look to television for special subject matter, such as new plays, new science, sports not now televised commercially, music, the making of a public servant, and so on almost without limit. There are hundreds of activities people are interested in enjoying, or learning about, or teaching other people.—Carnegie report.

Despite this goal for public broadcasting, in both fiscal year 1971 and fiscal year 1972, more than one-third of all nationally networked hours were devoted to a single subject: news and public affairs. Approximately another third of all nationally networked time is devoted to "Sesame Street" and "The Electric Co.," there remains less than a third of the national schedule to do adult education, drama, science, art, literature, music, and everything else public broadcasting is supposed to do besides public affairs and children's programing.

All of the issues, which must be resolved before long-range financing for public broadcasting can be made a reality, relate ultimately to the center of gravity of the system and the direction in which control of the system is to flow. The center of gravity should, as intended by the Congress, rest in the stations. In such a system, CPB would facilitate the growth of the community-based stations, enabling them to produce and exchange local programs, as well as programs of more than local interest. CPB would also fund the production of some national programs of a diverse nature for nonfixed schedule distribution over the interconnection facilities. In short, the control would flow upward from the strong local station to the national entities.

It is for these reasons, as well as many already expressed by others of my colleagues, that I support the amendment.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I rise reluctantly to oppose the amendment in the nature of a substitute offered by the gentleman from Washington (Mr. Adams) because, as a matter of fact, as members of the subcommittee know, this was my position before the subcommittee and full committee, although the amount of money was never in compromise to such a degree as was the period of time. I felt strongly that certainly in order to give the entire program a chance to keep its velocity going and to pick up even better programs than it has that they needed more leadtime.

As the members of the subcommittee know, I fought for the 3-year period right up to the very last vote, which came out of our subcommittee. I mention this not to talk about my participation in the committee's actions but to point out to you that this entire bill, the entire bill, is a series of compromises.

The bill as it was originally introduced went for a 5-year period and the amounts of money were much higher and there were many differences. However, the subcommittee got together and adopted amendments from both sides of the aisle. That compromise is before you today now as the bill that represents the feeling of the Committee on Interstate and Foreign Commerce, who has dealt with this program since 1967.

Mr. Chairman, I would hope that in considering an intricate piece of legislation we would not try to legislate here on the floor, because there is no doubt as to the intricacy of some of the problems that confront those who are trying to get an enterprise such as this on the road and rolling.

I would like to point out in rebuttal to a former member of the subcommittee who did a fine job when on the subcommittee and now is a very respected member of our full committee—that all Members on this side of the aisle on the subcommittee, except one, voted for it, and it comes out of the subcommittee cosponsored by eight members of the committee's complement of nine.

I would further point out that I believe in the deliberations of the subcommittee there were more so-called Republican amendments adopted than there were so-called Democratic amendments, because this is not a Republican or a Democratic bill. This is a bill for the listeners of the United States who have been subjected to not listening at all to TV or to be subjected to reruns and the usual daytime pap, the type of programing that the commercial networks say they have to put on on the theory of the lowest common denominator. As a matter of fact the networks recognize the value of the public broadcasting system to such an extent that they have contributed millions of dollars to keep public broadcasting going.

Mr. Chairman, insofar as localism is concerned, there was a great deal of argument before our subcommittee. As a matter of fact, we made it mandatory—we made it mandatory—in the bill that is before you that no less than 30 percent of the money allocated to the Corporation must be given to local stations to be used in any way that the local stations see fit.

Inasmuch as we discovered a little undercurrent of who was the real boss of this program, we put together what seem to be, and is, and does seem to all people concerned directly in the running of this organization the best possible proposal.

We have set forth a provision for a new board, five members of which are to be from local station management or managers themselves. These are to be appointed by the President. They will have an equal right and be given full faith and credit and vote before proposals are arrived at and they will meet with the other members of the board—15-man board—and be heard before something has occurred and help shape policy.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. Macdonald of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. MACDONALD of Massachusetts. In closing, I would like to answer the gentleman from Michigan (Mr. Harvey) and say that nothing has changed since he left the subcommittee dealing with long-range financing.

As the gentleman well knows, he and I had been irritated by the fact that since 1968 we had been promised by administrations—not just this administration but by the various administrations concerned—that they would send to us a form of long-range planning in order to take this annual hassle off the floor of the House.

I thought the minority leader this morning pointed out one of the greatest problems that the corporation has when he pointed out—arguing against the substitute offered by the gentleman from Massachusetts (Mr. Keith)—that the contracts only went from year to year and he pointed out the fact that these would expire June 30.

Now, it is obviously terribly difficult to get men of substance, men of knowledge and experience and hire them only on a year-to-year basis. It is somewhat impossible to get good production going in a year with a sort of sword of Damocles hanging over the head of these talented people being let go.

I agree with Mr. Thompson that we should use more American people in developing the arts and production and the fine programs that are now available to the people who are funding this program and to those who want the funds.

If you look at page 19346 of yesterday's Congressional Record you will see that I inserted in the Record the number of organizations who support the program that is now before us, and they range from the National Association of Manufacturers to the AFL-CIO.

Mr. STAGGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and the amendment in the nature of a substitute and all amendments thereto conclude in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. Devine).

Mr. DEVINE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Michigan (Mr. Harvey), and in opposition to the substitute amendment offered by the gentleman from Washington (Mr. Adams).

(By unanimous consent, Mr. Rousselot and Mr. Goodling yielded their time to Mr. Devine.)

Mr. DEVINE. Mr. Chairman, one of the principal reasons for passage of the Public Broadcasting Act of 1967 and creation of the Corporation for Public Broadcasting—CPB—was to break the hold that NET in New York City had over national programing on educational television. Supported by heavy funding by the Ford Foundation, NET had assumed a dominant position as the primary supplier of programs to local educational TV stations and was well on its way to becoming a fourth national network.[1] CPB was supposed to dilute NET's control and make the programing for public broadcasting more diverse and pluralistic. The intent was to create a public broadcasting system in which the programs would not bear the stamp of the particular cultural and political outlook of programers in New York City.

However, over the past 4 years NET, and later the merged operation of the NET program production center and the New York City public TV station—now WNET/13, have received the lion's share of program production funds supplied by CPB. In 1971 and 1972, CPB has given NET an average of 31 percent of the total funds it granted for program production. The plan for fiscal year 1973 is to give NET between 31 percent and 32 percent of these funds. This has enabled NET to dominate the prime time evening schedule of the public TV national networks, PBS, with NET consistently supplying between one-quarter and one-third of the national, prime time schedule over the past 4 years.

Moreover, the Ford Foundation has continued its massive support of the New York City program production center. In fiscal year 1971, Ford gave $6.5 million to NET, in addition to CPB's grant of almost $3.5 mllion. In fiscal year 1972 Ford's grant was $6 million and CPB's was $4.2 million. Of the 7-station program production centers supported by Ford and CPB, NET had over half the funds in fiscal year 1971, half the funds in fiscal year 1972, and will have slightly under half the funds in fiscal year 1973.

Funding at this level has permitted NET to continue to influence substantially public TV programing, although the type of programing produced by NET has shifted over the past few years from the public affairs program category to the cultural program category. For example, the programing plan for fiscal year 1973 shows that NET will produce 86 hours—or over 70 percent—of the total program hours funded by CPB in the cultural category.

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[1] The role of the Ford Foundation and the blueprint for NET's "fourth network" are documented extensively on a study, entitled "The Fourth Network," prepared by The Network Project, a group of Columbia University students who have sued CPB for violating The Public Broadcasting Act of 1967.

While NET will be responsible for producing only 23.5 hours of the total 221.5 hours of public affairs programs in fiscal year 1973, the National Public Affairs Center for Television—NPACT—which is associated with WETA-TV, the Washington, D.C. public TV station, is responsible for 93 hours. NPACT is headed by the former chief of NET's Washington news bureau and is staffed with other key producers and directors from the NET national public affairs unit. NET and NPACT combined will produce almost half of public TV's news/public affairs programs in fiscal year 1973.

One would not be concerned with so great a proportion of cultural and public affairs programs being produced by NET and NET-derivative organizations, if the production entity had a reputation for balanced and objective programing. But this is not the case. Key officers and employees of NET have had a record of biased, leftist and left-leaning programing and have openly acknowledged their biases. Thus, the American public will continue to be subject to views of culture and current events filtered through the particular points of view represented by the New York City program producers. CPB has not diminished NET's dominance, but actually has aided and abetted NET's control over what viewers will see and hear on public television.

I think these are sufficient reasons to support the amendment offered by the gentleman from Michigan (Mr. HARVEY) to back this down to 1 year and to back the authorization down from $65 million to $45 million in order that the program of the administration can be adopted.

The CHAIRMAN. The gentleman from California (Mr. VAN DEERLIN) is recognized.

Mr. VAN DEERLIN. Mr. Chairman, considering the degree of near unanimity that prevailed in our committee when this bill was reported out, I must say I felt somewhat surprised when the gentleman from Michigan, my good friend (Mr. HARVEY) offered what I consider to be a crippling amendment as he did a moment ago.

I would have been no more surprised upon learning that Hallmark cards were going to sponsor a roller derby.

There is a good reason for a 2-year extension of this authorization. The reason has been referred to by our subcommittee chairman, the gentleman from Massachusetts (Mr. MACDONALD). It is that, time and again over the last 5 years, we have been promised proposals from the Administration—this and the previous Administration—for permanent funding. Is there reason to believe we shall have such a bill before us in time for deliberation and enactment by next June 30?

Permanent funding was first recommended in the report of the Carnegie Commission on Educational Television in 1967.

In 1968, in his education message to the Congress, Lyndon B. Johnson called for a "long-range financing plan."

Richard Nixon in his budget mesage on January 29, 1971, promised such legislation.

Clay T. Whitehead speaking for the administration on May 13 of last year indicated that we would have legislation by the end of this year. He said:

> The bill is now in its final stages of preparation.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, at the request of Mr. ROONEY of Pennsylvania, his time was allotted to Mr. VAN DEERLIN.)

Mr. ROONEY of Pennsylvania. Mr. Chairman, will the gentleman yield for one question?

Mr. VAN DEERLIN. I yield to the gentleman.

Mr. ROONEY of Pennsylvania. Mr. Chairman, the gentleman from Michigan (Mr. HARVEY) commented earlier that 13 percent of Federal money was now going into the local stations.

This bill will provide 30 percent.

He also stated that decreasing from $65 million to $45 million, but he failed to realize the States and private industry contributions are diminishing to public broadcasting today—and that is why this legislation is much needed legislation.

Mr. VAN DEERLIN. So 50 percent of every dollar we authorize in this leigslation, if you elect to follow the committee's formula, will go directly through to local stations. This is localism at its best.

We have had our fun. We have taken our shots at Vanocur and McNeil. We have vented our resentment against several local stations whose programing annoyed us. All of these cases, if brought before the proper authorities, can be treated individually.

Let us now show the greatness that is in America. Let us show that this is, after all, a nation that can support diversity of opinion, and—yes, support it with public funding, for a sufficient time span to assure its independence and continuity.

Let us fund this agency for 2 full years. Let us follow the committee's considered judgment by rejecting both pending amendments.

(By unanimous consent, at the request of Mr. FREY, his time was granted to Mr. KEITH.)

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, I would merely like to point out that the permanent funding which is talked of, that the administration has assured us in years past would be forthcoming, originally was in the amount of $100 million, as recommended by the Carnegie Foundation. This is substantially under that which would have been therein authorized. So, by those standards and by the inflation that has ensued since, it is a much more modest amount than originally contemplated.

With reference to the comments which have been made about the New York program, this, it seems to me, is a very serious charge and one that the Congress and the country should be alerted to. Funding of public affairs programs strikes at the very heart of the democratic system. There is, however, a process which we can observe and which should be observed in getting at that cancer, and that is the FCC. They have jurisdiction over that kind of programing, as they do over the private networks. I think that is the channel that should be used, and I would encourage the Public Broadcasting Service stations themselves to be among those who bring these charges, because what injures one station injures the validity of all.

So, Mr. Chairman, I would reject and vote against either amendment that is before us here today. Two-year funding is better than 3 because it keeps the feet to the fire. The 2-year funding is better than one because it gives the programing a chance and enables the system to continue to produce the caliber of programs that we have had in the least 2 years since this most recent act was enacted.

I recommend to my colleagues that we reject all amendments to the committee bill in this respect and support it in its present form.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. REID).

Mr. REID. Mr. Chairman, I rise in opposition to the Harvey amendment, which would cut the authorizations for the Corporation for Public Broadcasting from $65 to $45 million and would limit it to 1 year rather than 2 years, as opposed to the committee bill. I believe what is absolutely clear is that these public stations produce many of the most creative programs on television and on radio. As such, they need and deserve assured continuation with sufficient funds, not a critical hand-to-hand, mouth-to-mouth existence where they have to come begging to Congress every year. Let us finally learn to reward excellence with the respect it so clearly deserves. Mr. Chairman, the record of public television and public radio stations since their formation is indeed impressive. Not only the number of stations has been greatly increased, but clearly the demand for their broadcasts has soared, so that no less than 48 States in the Union are served with an estimated weekly watching audience of 50 million people. Popular programs on these stations vary from "Sesame Street," an educational program for young children which has been widely acclaimed by educators from coast to coast, to "The Advocates," also in a sense an educational program directed to adults, raising vital questions of public policy on a weekly basis in which both sides of these issues are fairly and broadly defined.

Now there are those in the Congress who would cut the Federal contribution to these stations and extend it for only 1 year, in many cases threatening their operations, if not their existence. I would point out that a simple 12-month authorization would kill any long-range programing or development of new programs, which take from 18 to 24 months to develop and evaluate. In addition, a 1-year authorization would lower morale of the employees of the stations so that in all likelihood a large number of the most qualified broadcasters, reporters, and technicians would leave public broadcasting and return to the "safe" jobs at the major networks. This would virtually destroy these innovative and excellent programs which have been developed with care and precision in recent years.

Furthermore, let me state that the Public Broadcasting Act of 1967 is very clear on the principal criteria. Certainly one of the principal criteria is, namely, "programs of high quality." High quality does not always lend itself to pluralism, localism, or whatever, but I believe that these stations are rendering a national service. The people working on them are dedicated. Programs like Sesame Street have lifted the education of our children. I hope the Congress will stand back of adequate authorizations and not cripple the authorizations or the fundamental programs that take 18 to 24 months to prepare.

Mr. Chairman, I urge defeat of the Harvey amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. Harvey).

Mr. HARVEY. Mr. Chairman, while I have been listening to the remarks of Members on the amendment, I have been sitting here looking at yellowed pages from the September 21, 1967, edition of the Congressional Record. I find that then we were also discussing the fact that this committee wanted some sort of permanent financing. I will merely quote a short paragraph from my remarks then. I said——

> Mr. Chairman, I want to reiterate what I said earlier about the method of financing. Both the majority and the minority views show that the Carnegie Commission objected and strongly disapproved of the appropriation method of financing because of the political influence connected with it. The Ford Foundation people, Mr. Bundy and Mr. Friendly, well known personalities, objected to the appropriation process method of financing. We ought to consider those views.

Mr. Chairman, we are still objecting to this particular method. I submit that this is the first administration that has come before this committee and pledged that they will have a permanent system of financing submitted within the next year.

My plea is, give them a chance to submit it. We have been working for this system since 1967. We do not have it. Let us give them a chance to do it. This bill does not do that. This bill sets up a 2-year authorization that is going to give a perfect excuse to anybody not to go out and set up a permanent system of financing. Two years from now we will be back in this Chamber arguing at that time how much are we going to give them in this authorization and appropriation process.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. Staggers).

Mr. STAGGERS. Mr. Chairman, I would like to remind the gentleman from Michigan the previous administration came before our committee twice and said they would like to have this permanent legislation. This administration has done it only once.

Mr. Chairman, I would like to commend the gentleman from Massachusetts, Mr. Hastings Keith, who is retiring at the end of this Congress. He is really one of the most hardworking, fairminded men of the Congress. A man of integrity, who always follows the dictates of his conscience and puts that above political expediency. He has always been an asset as a member of our committee. I am proud of the position the gentleman has taken today and I want to compliment him.

Mr. Chairman, in following up briefly, the committee came to this House with a bill. We voted this bill to the House almost unanimously.

I intend to stand by what the committee brought to the floor.

I will stand by the 2 years. The subcommittee in their wisdom worked that out, and in the full committee we decided this was right. So I say I will stand by the 2 years. I would have been for 3 years otherwise, because I think that is the course we should take. The administration has said they will come up next year with a plan of long-range financing, but then we would also have to come in next year for another authorization. This carries us until we can get something from the White House or the administration, and it will take 2 years to do that.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Washington (Mr. Adams) in the nature of a substitute for the amendment offered by the gentleman from Michigan (Mr. Harvey).

The amendment in the nature of a substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Harvey).

TELLER VOTE WITH CLERKS

Mr. STAGGERS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. STAGGERS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. Harvey, Staggers, Van Deerlin, and Keith.

The Committee divided, and the tellers reported that there were—ayes 166, noes 183, not voting 84, as follows:

[Roll No. 178]

[Recorded Teller Vote]

AYES—166

Abbitt
Anderson, Ill.
Andrews, Ala.
Archer
Arends
Baker
Belcher
Betts
Biester
Blackburn
Bow
Bray
Brinkley
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Cabell
Carlson
Carter
Chamberlain
Chappell
Clancy
Cleveland
Collier
Collins, Tex.
Conable
Conover
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Fish
Ford, Gerald R.
Forsythe
Fountain
Gonzalez
Goodling
Green, Oreg.
Gross
Grover
Gubser
Haley
Hall
Hammerschmidt
Harsha
Harvey
Heinz
Henderson
Hillis
Hogan
Hosmer
Hull
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jones, N.C.
King
Kyl
Landgrebe
Latta
Lennon
Lent
Lloyd
McClory
McClure
McCollister
McCulloch
McDade
McEwen
McKevitt
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Miller, Ohio
Minshall
Mizell
Mosher
Nelsen
Pelly
Pettis
Pirnie
Poage
Poff
Powell
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Shoup
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Vander Jagt
Waggonner
Wampler
Ware
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Zion
Zwach

NOES—183

Abourezk
Abzug
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Blatnik
Boland
Bolling
Brademas
Brasco
Brooks
Brown, Ohio
Burke, Mass.
Byrne, Pa.
Byron
Carney
Casey, Tex.
Clark
Collins, Ill.
Conte
Cotter
Culver
Curlin
Danielson
Davis, S.C.
de la Garza
Dellums
Denholm
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Eckhardt
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Foley
Ford, William D.
Frelinghuysen
Frenzel
Frey
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Grasso
Gray
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
Kluczynski
Koch
Kuykendall
Link
Long, Md.
McCormack
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mailliard
Matsunaga
Mazzoli
Meeds
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer, N.C.
Price, Ill.
Rangel
Rees
Reid
Reuss
Riegle
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Ryan
Sarbanes
Scheuer
Seiberling
Shipley
Shriver
Stanton, James V.
Steed
Steele
Stratton
Stuckey
Sullivan
Symington
Teague, Tex.
Thompson, N.J.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waldie
Whalen
White
Wolff
Wright
Yates
Yatron
Young, Tex.
Zablocki

NOT VOTING—84

Abernethy
Anderson, Tenn.
Ashbrook
Baring
Bell
Bingham
Blanton
Boggs
Broomfield
Burton
Caffery
Camp
Carey, N.Y.
Cederberg
Celler
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Colmer
Conyers
Corman
Daniels, N.J.
Dowdy
Dwyer
Edmondson
Edwards, Calif.
Esch
Eshleman
Findley
Fisher
Flynt
Fraser
Fulton
Galifianakis
Gallagher
Gibbons
Goldwater
Griffin
Hagan
Hanna
Hawkins
Hébert
Holifield
Jarman
Jonas
Jones, Tenn.
Kee
Kyros
Landrum
Leggett
Long, La.
Lujan
McCloskey
McDonald, Mich.
McMillan
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Ark.
Mills, Md.
Montgomery
Passman
Patman
Pryor, Ark.
Pucinski
Rodino
Rooney, N.Y.
Roybal
St Germain
Schmitz
Sebelius
Sisk
Slack
Smith, Iowa
Springer
Staggers
Stephens
Stokes
Stubblefield
Veysey
Wilson, Charles H.

So the amendment was rejected.

(Mr. PICKLE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PICKLE. Mr. Chairman, I want to rise in support of the committee version of the Public Broadcasting Act of 1972.

Mr. Chairman, the Corporation for Public Broadcasting is a Federal program success story, although at times a controversial story.

In 1962 when the Corporation was created, there were 76 public television stations serving slightly more than 50 percent of the population. Today there are 220 stations serving 75 percent of the population. These stations are in 48 of the 50 States. I might add that we have a very effective station in my hometown of Austin that is managed under the capable leadership of Bob Schenkkan.

In addition to the television stations there are 500 public broadcasting radio stations. In the 3 years of 1969, 1970, and 1971 there has been an increase in weekly viewers of public television that has grown from 30 million to 38 million to 50 million in 1971—an increase of almost 30 percent per year.

The effectiveness of the program is shown by the fact that for every dollar granted by the Federal Government for noncommercial educational broadcasting facilities, $11 in State, local, and private funds have been expended. The education TV station in my district KRLN, last week raised over $250,000 by a public auction.

We are all famliar with some of the worthwhile programs that have been developed through educational television; "Sesame Street" is an example. Although this has been billed as a children's educational program, I have heard many adults quoting from this program—including two or three of my colleagues.

It is also interesting to note that the public broadcasting stations have been used for instructional purposes in the public schools. Three out of four of the 81,000 public schools in the United States have television receivers. Telecasts from public television stations are used by 33 percent of all schools and more than 70 percent of the schools that have television sets.

Mr. Chairman, there have been efforts, and may be efforts on the floor, to cut back the committee authorization to 1 year at $45 million. The committee bill contains 2-year funding at the rate of $60 million for operations the first year plus $25 million for acquisition and installation of noneducational broadcasting facilities. The committee bill provides $90 million for the activities of CPB for fiscal year 1974.

Mr. Chairman, it is necessary for the effective operation of CPB that at least a 2-year authorization be granted, since 18 to 24 months leadtime is needed to successfully develop and produce an original program series.

Another important provision of the committee bill requires that five of the 15 Board of Directors of the Corporation for Public Broadcasting be chief executive staff officers of noncommercial educational television or radio stations. The other 10 members represent the public.

Mr. Chairman, I urge the House to adopt this bill today. Public broadcasting has proved itself an effective medium. It has received the financial support of the local and State governments and of private groups. Most important of all it has received the support of the viewers. Let's continue the effectiveness of this program.

The image many of us have of public television is based on our familiarity with our own public television. In central Texas, KRLN-TV is and has been a well-run, well-programed station serving the axis cities of Austin and San Antonio. The campus of the University of Texas is the headquarters of Austin public TV, and our university gives this program full support. Some of our grams—like Carrascolindas—have promise of becoming a regional or national program. Other interesting innovations are underway.

We should keep these TV stations going forward. The committee bill does that, and should be supported.

AMENDMENT OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHAPPELL: Page 8, after line 5, add the following:

SEC. 6. Section 396(f) of the Communications Act of 1934 is amended by adding after paragraph (3) the following new paragraph:

"(4) The Corporation shall not conduct or finance any voter polls or public opinion surveys pertaining to projected balloting in Federal, State, or local governmental elections; nor shall any entity which conducts or finances such a poll or survey be eligible for receipt of funds from the Corporation during the fiscal year in which such conducting or financing occurs."

Mr. STAGGERS. Mr. Chairman, would the gentleman yield to me?

Mr. CHAPPELL. I yield to the gentleman from West Virginia.

Mr. STAGGERS. I have asked the gentleman from Florida to yield to me in order to ascertain if we could set a limit of debate on this amendment.

Having heard the amendment read, it is a very simple amendment, and it can be read again if needed.

Therefore, Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. STAGGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GROSS. Mr. Chairman, is this coming out of the gentleman's time?

The CHAIRMAN. The Chair will state that that is correct.

Is there objection to the request of the gentleman from West Virginia?

Mr. CHAPPELL. Mr. Chairman, I have no objection if we would make it 20 minutes, and I will be as brief as I can. Otherwise I would object.

Mr. STAGGERS. I have asked unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

Mr. HALL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Florida yield to the gentleman from West Virginia?

Mr. CHAPPELL. I will yield very briefly to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Chairman, I will put that as a motion if the gentleman will yield for that purpose.

Mr. CHAPPELL. I yield briefly to the gentleman from West Virginia.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close in 20 minutes.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Chairman, is this going to be 20 minutes after the time of the gentleman in the well?

The CHAIRMAN. The Chair will state that it will be a total of 20 minutes.

The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

Mr. CHAPPELL. Mr. Chairman, when the Congress adopted the Public Broadcasting Act of 1967 it was fully intended that the Corporation for Public Broadcasting would be a nonpolitical entity. Indeed, I believe the legislation specifically enjoined the Corporation from engaging in political activity either in programing or in its general operations and activities.

Now the Corporation was not precluded from covering controversial political issues in the programs it funds and distributes, but it was required that there be strict adherence to objectivity and balance in all such programs or program series.

Unfortunately, experience has shown that there has been some difficulty in implementing the statutory prohibition against political activity, and the explicit requirement of balance and objectivity in all controversial programs.

The Corporation and the entities it funds, should in my opinion be precluded from conducting or financing voted polls or public opinion surveys pertaining to public voting in Federal, State, or local elections.

That is the purpose of this amendment.

At least one program production entity funded by CPB—the National Public Affairs Center for Television—has conducted voter preference polls and public opinion surveys during the State primary campaigns. Since these surveys seem to affect public opinion, as well as measure it, CPB and its program production centers should be prohibited from this activity in order to preserve the nonpolitical nature of the Corporation and close any possible loophole in the proposed restrictions against controversial political issue programing.

I want to reemphasize the wording of this amendment—it is a very simple amendment and reads as follows:

> The Corporation shall not conduct or finance any voter polls or public opinion surveys pertaining to projected balloting in federal, state, or local governmental elections; nor shall any entity which conducts or finances such a poll or surveys be eligible for receipt of funds from the Corporation during the fiscal year in which such conducting or financing occurs.

Mr. Chairman, we ought to prohibit this kind of activity on the part of those who seek to use public funds in this kind of business. I urge the adoption of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Chairman, I would like to speak in favor of this excellent amendment offered by the gentleman from Florida.

What the gentleman has brought out here seems sound from every angle of fairness that it seems it would satisfy the logic and meet the approval of Members on both sides of the aisle.

All of us in politics know the impact of polling. We know how unreliable it is. We also know how voters' moods change so quickly. In other words, a poll taken 3 days ago may not reflect the true voter interest at this time.

With all of the criticism and all of the discussion that constantly comes up on public broadcasting stations as to whether they are fair or equitable, it seems advisable to stay out of controversial public polling.

We would be a lot better off if we would remove this type of program information from the broadcasting field. Let us leave this to the professional pollers and take it completely out of the public broadcasting industry.

Mr. Chairman, I think this is a very sound amendment and I very strongly advocate its adoption.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, in the interest of saving time—and that seems to be the objective of the distinguished gentleman from West Virginia (Mr. STAGGERS)—I would be pleased to yield to him at this time to arise and accept this very worthwhile amendment.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Of course, I yield to the gentleman.

Mr. STAGGERS. I am afraid that is too much generosity and I just cannot take it.

Mr. GROSS. I did not know it was so easy to overwhelm the gentleman with generosity.

This amendment ought to be adopted. I do not know whether these polls are financed by Rockefeller Foundation money, Ford Foundation money, or the taxpayers' money. In any event I do not think the Public Broadcasting Corp. should be in the business of conducting political polls.

(By unanimous consent, Mr. MACDONALD of Massachusetts yielded his time to Mr. VAN DEERLIN.)

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. VAN DEERLIN).

Mr. VAN DEERLIN. Mr. Chairman, I think some of our colleagues have planes to catch, so, as usual, I shall be a model of brevity. However, it does surprise me, when things get to the crunch, how often our conservative friends turn their backs on the principle of localism, and espouse instead the heavy hand, the mailed fist of centralized government.

What we have set forth in the public broadcasting law—and what we require over and above what we require of the commercial broadcasters—is that there shall be not merely adherence to the fairness doctrine, under which commercial broadcasters must seek out opposing points of view, but there must be "strict adherence to objectivity and balance" in all material that goes onto the air.

The proposer of this amendment has not suggested that he found polls conducted by public broadcasting stations any more onerous, any more mischief making than polls conducted by newspapers or by commercial broadcasting, and I would be happy to yield to Mr. CHAPPELL if he could cite any such examples. I do not hold any brief for polling in general, but let us not put any dampers on the right of our public broadcasters that we do not put on the right of our commercial broadcasters.

Mr. CHAPPELL. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from Florida.

Mr. CHAPPELL. Let me say, first of all, there is such an example on record, and let me make it perfectly clear that I am not opposed to polls in general, but I am opposed to any kind of poll which might be used or could be used to influence elections. I cite an example in Wisconsin during the present primary campaigns where one of the stations there made a poll and gave the results of that poll before the Florida primary and after the Florida primary.

This was information which could have been used to influence voters, and I think the public dollars of this Nation should not be used in any wise to conduct polls which might influence elections.

Mr. VAN DEERLIN. But the gentleman does not make a case that polls conducted by public television or financed by public television do any more mischief in that regard than polls that appear on commercial television, does he?

Mr. CHAPPELL. That is not the issue.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. TIERNAN yielded his time to Mr. VAN DEERLIN.)

Mr. WYDLER. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I will yield after making a point. That is the very issue that has been raised. This amendment asks us to put on the public sector of broadcasting a legislative restriction that we do not place on the commercial sector.

I yield to the gentleman from New York.

Mr. WYDLER. I thank the gentleman for yielding. I merely want to say at this time that I am delighted with the statement the gentleman just made about the requirements for objectivity on the part of our public broadcasting systems, because when I get my own time I am going to ask the chairman of the committee about a particular poll that was taken on channel 13 in New York when I consider a disgrace to any broadcasting system, and particularly to a public broadcasting system. I am going to read it in full, but I shall not take the gentleman's time to do it now. But I want him to remember his words.

Mr. VAN DEERLIN. He has a long memory.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from Indiana.

Mr. DENNIS. I thank the gentleman very much for yielding. I merely want to observe that I cannot understand the gentleman's argument that we should not put a restriction on public broadcasting that we do not put on anybody else. Obviously we cannot put restrictions on other people that we put on public broadcastnig. The point the gentleman from Florida is making, of course, is quite correct. It is not proper to spend public money to influence elections. What private people do is their own business.

Mr. VAN DEERLIN. When it comes to the matter of fairness and objectivity in respect to equal time, we have put restrictions on both public and commercial broadcasters. Let us not put restrictions on the public sector that we do not place on the private sector.

Mr. CHAPPELL. Mr. Chairman, will the gentleman yield?

Mr. VAN DEERLIN. I yield to the gentleman from Florida.

Mr. CHAPPELL. Let me say, first of all, I do not think we are making a logical comparison here. Newspapers are privately owned and privately financed. The Public Broadcasting Corporation is publicly financed. They are completely different. All of us know what the newspapers do and can do. We know what other private interests can do. But we concern ourselves here with public tax money. What the amendment provides is that tax money cannot be used to conduct any kind of poll which could be used to influence an election. I cannot see how anyone can be opposed to an amendment prohibiting the use of public money for that purpose.

Mr. VAN DEERLIN. Public polls reflect opinion, and might be an important part of public affairs which we have commissioned public broadcasting to provide.

Mr. CHAPPELL. The point I would make further is that we are here talking again about taxpayers' moneys being used to influence elections through the impact of polls and surveys however taken. We have no way of specifying what kinds of polls these institutions might take or their authenticity. All of us know there are all kinds of polls, and we can get all kinds of opinions with polls.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS) to close the debate.

Mr. STAGGERS. Mr. Chairman, I do not have too serious a fight with this amendment, but I think the bill ought to be kept as it is. All of these stations have local men to direct their activities. If we start placing restrictions upon the stations, then we will just keep on doing it right along.

We have had no complaint on this in the committee. No single Member of Congress I know of has come to me on this. No one has come to us in the hearings to say this should be done. I do not think now is the time to legislate on this, until after we have had full testimony and hearings. Often we get only one side here on the floor. We ought to let the other side have their say.

Mr. VAN DEERLIN. Mr. Chairman, if the gentleman will yield, when Dean Burch appeared before our committee 4 months ago, he testified as of the morning he appeared there had been not one complaint directed to the FCC under the fairness doctrine on public television.

Mr. STAGGERS. I thank the gentleman from California.

Mr. Chairman, this is the wrong place and the wrong time to legislate on this. I would be happy to have the committee hold hearings on this and hear both sides, which is fair, and then try to bring in a bill if necessary.

Mr. CHAPPELL. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Florida.

Mr. CHAPPELL. Mr. Chairman, is it not true if there have been no complaints and no problems with this sort of thing, it will not hurt to pass this amendment and be sure it does not happen in the future?

Mr. STAGGERS. That is a sort of negative way to get at the problem. I think the best thing would be to have hearings and have both sides come in so we can hear both sides.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. CHAPPELL).

TELLER VOTE WITH CLERKS

Mr. CHAPPELL. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. CHAPPELL. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. CHAPPELL, STAGGERS, VAN DEERLIN, and Mr. COLLINS of Texas.

The Committee divided, and the tellers reported that there were—ayes 203, noes 135, not voting 94, as follows:

[Roll No. 179]

[Recorded Teller Vote]

AYES—203

Abbitt
Alexander
Andrews, Ala.
Archer
Arends
Aspinall
Baker
Belcher
Bennett
Betts
Biaggi
Biester
Blackburn
Bow
Bray
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Carlson
Carter
Casey, Tex.
Chamberlain
Chappell
Clancy
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Conte
Crane
Curlin
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Denholm
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
Edwards, Ala.
Erlenborn
Evins, Tenn.
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frey
Fuqua
Gaydos
Giaimo
Gonzalez
Goodling
Green, Oreg.
Green, Pa.
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hansen, Wash.
Harsha
Harvey
Hays
Hechler, W. Va.
Henderson
Hillis
Hogan
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jones, N.C.
Kazen
Keating
Keith
Kemp
King
Kuykendall
Kyl
Latta
Lennon
Lent
Lloyd
McClory
McCollister
McDade
McEwen
McKevitt
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
O'Konski
Pelly
Pepper
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Price, Tex.
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Roe
Roush
Runnels
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Shoup
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stuckey
Sullivan
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Waggonner
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zion
Zwach

NOES—135

Abourezk
Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Begich
Bergland
Bevill
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Byrne, Pa.
Carey, N.Y.
Carney
Clark
Collins, Ill.
Cotter
Coughlin
Culver
Dellenback
Dellums
Dent
Dingell
Donohue
Dow
Drinan
Dulski
du Pont
Eckhardt
Eilberg
Evans, Colo.
Fascell
Fish
Foley
Ford, William D.
Fraser
Frenzel
Garmatz
Gettys
Grasso
Gray
Griffiths
Hanley
Hansen, Idaho
Harrington
Hastings
Hathaway
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Karth
Kastenmeier
Koch
Leggett
Link
Long, Md.
McCormack
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mallary
Matsunaga
Mayne
Mazzoli
Meeds
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Mosher
Nedzi
Nix
Obey
O'Hara
O'Neill
Patten
Perkins
Podell
Preyer, N.C.
Price, Ill.
Purcell
Rangel
Rees
Reid
Reuss
Riegle
Robison, N.Y.
Rogers
Roncalio
Rosenthal
Rostenkowski
Roy
Ruppe
Ryan
Sarbanes
Scheuer
Shipley
Staggers
Steele
Stratton
Symington
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Whalen
Wolff
Yates
Yatron
Zablocki

NOT VOTING—94

Abernethy
Abzug
Anderson, Tenn.
Ashbrook
Baring
Bell
Bingham
Blanton
Broomfield
Burton
Caffery
Camp
Cederberg
Celler
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Conyers
Corman
Daniels, N.J.
Danielson
Diggs
Dowdy
Dwyer
Edmondson
Edwards, Calif.
Esch
Eshleman
Findley
Fisher
Flood
Flynt
Fulton
Galifianakis
Gallagher
Gibbons
Goldwater
Griffin
Hagan
Hanna
Hawkins
Hébert
Holifield
Jarman
Jonas
Jones, Tenn.
Kee
Kluczynski
Kyros
Landgrebe
Landrum
Long, La.
Lujan
McCloskey
McClure
McCulloch
McDonald, Mich.
McMillan
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Ark.
Moss
Murphy, N.Y.
Passman
Patman
Pryor, Ark.
Pucinski
Rodino
Rooney, N.Y.
Rooney, Pa.
Rousselot
Roybal
St Germain
Schmitz
Sebelius
Seiberling
Sisk
Slack
Smith, Iowa
Spence
Springer
Stephens
Stokes
Stubblefield
Ullman
Veysey
Waldie
Wampler
Williams
Wilson, Charles H.

Mr. PELLY changed his vote from "no" to "aye."

So the amendment was agreed to.

(Mr. FLOWERS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. FLOWERS. Mr. Chairman, this legislation before us, H.R. 13918, is of immense importance to the continued growth of viable noncommercial radio and television stations throughout our Nation. If, as I sincerely believe we should, approve this legislation, each Member of this House will have voted to enrich the lives of the citizens of his district.

I speak with an especial knowledge of, and pride in, the distinguished record of public broadcasting in my own State of Alabama. It was 15 years ago, when public television was solely educational television, that a group of visionary citizens of the State of Alabama set to work fashioning what was to become the Alabama Public Television Commission.

These men and women sensed the importance that noncommercial broadcasting could have in bringing into their schools a vital tool of educational technology and in bringing into their homes programs that are distinguished by their quality and depth.

And the Legislature of the State of Alabama, wise to the potential of this communications tool for the betterment of its citizens, provided in the beginning and has continued to provide the essential local bedrock support for the Alabama State Public Television Network.

The State network came into being with three stations; now there are eight. Each school day, the children of Alabama and their teachers may call upon a vast range of programs to markedly assist in the learning process. The great bulk of these instructional programs are produced by the skilled public television experts of local public school systems and the great universities of Alabama who are partners in this noble venture.

Children's programing—and who has not heard of "Sesame Street" and "The Electric Co.," and "Mister Rogers' Neighborhood"—are telecast in those hours when the youngsters first arrive back home.

In the evening, the Alabama public television stations skillfully mix the diverse fare available from national production centers with more local programs or programs available from the growing tape libraries of public television.

Indeed, for the citizens of Alabama, there truly is something for everyone on public television. The people in the rural areas may select for viewing a given program while the people living in the urban areas may choose another offering. We older viewers can enjoy quality drama and our children have their own programing.

And, Mr. Chairman, I believe that it is critical to continue to assist the Alabama State Public Television Network and all of those components of public broadcasting which exist to serve those local stations. I believe that the bill before us is essential if the growing service by public broadcasting is to continue, not only to the citizens of Alabama, but all citizens.

Specifically, if this bill becomes law, the State system in Alabama would receive roughly twice the current amount in the direct community service grant program from the Corporation for Public Broadcasting. Not only is this CPB grant program important, but that portion of H.R. 13918 which provides $25 million for the HEW facilities program is of crucial importance to help our local public television stations to operate with quality. And, Mr. Speaker, I cannot mention the HEW facilities program without recalling that the father of that program in this House was the most distinguished Congressman Kenneth Roberts, part of whose House district, Dallas County, it will be my privilege to represent in the 93d Congress.

Looking at the state of public broadcasting in the Nation, it is overwhelmingly agreed by the local stations CPB is serving that the Corporation is writing a laudable record as it understakes to develop public broadcasting into the vital natural resource it can and must become. We must not pull the rug out from under CPB, either by cutting back on the funds or retreating from the important gain of a 2-year authorization as contained in H.R. 13918.

Up to now, CPB has been deeply involved in the mere establishment of a minimum of interconnection and a minimum of programs to offer local stations on that interconnection.

Mr. Chairman, this is the time to move beyond the establishment of the skeleton of a great nationwide system of strong local public broadcasting. This is the time to vote our confidence in the capacity of noncommercial broadcasting to realize the dreams which we hold for it—and which we will, I predict, see coming increasingly true if public broadcasting is given our support.

Mr. WYDLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to follow up my statement to the gentleman from California regarding his statement that there were in the law provisions that will protect the public from unfair public television practices to make sure that it adheres to objectivity in the presentation that it makes to the public. Also, the statement of the chairman of the committee that he understands that to date his committee has never received a complaint about the objectivity of public television.

We are going to change that today because I am going to make this complaint on the floor of the House and I would like to hear from the chairman or the gentleman from California as to what can be done to see that public television does stay objective as they say it should stay and how a Member can protect the public from unfair and unobjective activities on the part of television stations?

What I am going to do is to read to the House a column that was written by a local editor of one of the papers in the New York area. The editor is Bob Logan who wrote in the Long Island Globe of Hempstead, N.Y. I do this because I personally did not see this program, but Mr. Logan reports on what the program presented, and if he is right certainly it calls for correction on the part of this Congress.

Here is the editorial:

> Like many other viewers I was lured to tune in Channel 13 this past week because of huge publicity and newspaper listings for a program of the great days of radio in the thirties and forties. The program was supposed to feature Burns and Allen, Bob Hope, Bing Crosby, Jack Benny and Edgar Bergen and Charlie McCarthy.
>
> The show was changed at the last minute to "a war watch" and what I saw and heard convinced me that the liberals have a secure hold on public television. Channel 13 invited its viewers to phone that station and vote "for" or "against" the President's recent action in Vietnam. This is fine, but before the voting started, the host, a Mr. Patrick, presented an anti-military folk singer who rambled on for a few minutes in a song that seemed to compare our military in Vietnam to the Nazi's invasion of the low lands and France in World War II.
>
> The shrewd moderator gave the phone number of local congressmen and senators for the listeners to call, but first their anti-war ratings by a committee called "SANE" . . . Senator Buckley was rated zero . . . Congressman John Wydler was given a 10 per cent rating, etc. . . . However, the moderator forgot to tell the viewers that "SANE" is against anyone who shows any support for appropriations for the United States Armed Forces.
>
> The voting started to come in and the station reported the vote was going 5 to 1 against Nixon's recent policy in Vietnam.
>
> A college professor appeared on the scene and promptly related his story about his visit to North Vietnam and how the United States Air Force bombed hospitals and innocent children. I don't know if this is true or not, but this reporter was on the Anzio Beachhead when the Luftwaffe came over and one of their bombs hit right in the middle of our hospital. This is war, and I'm sure the pilot never knew what he hit. However, the professor was sure the United States was intentionally bombing civilians and hospitals.
>
> A rock group was next on the show and they promptly started off with some very obscene lyrics comparing the police to the war in Vietnam . . . Oh, yes, W. Averell Harriman showed up and presented his solution to everything he has ever participated in—a coalition government with the communists that usually results in a complete communist take over of the country.
>
> The learned moderator reminded the viewers that we never had to fight a war on our soil . . . guess he forgot about the bloodiest war of all times, our own civil war. Final results came in and they were still five to one against Nixon's recent action.
>
> The next morning I took a leisurely stroll through Hempstead and questioned as many people as I could about the latest action in Vietnam. I found out that the majority of the people I spoke to were in favor of the President's recent policy.
>
> I can't figure out how the intellectuals on educational television get a count of 5 to 1 against the United States recent action and an editor of a small newspaper takes a poll on the street and comes to the conclusion that the majority are in favor of the recent moves in Vietnam . . . I must be doing something wrong.

Now, to make it worse, Mr. Chairman, although I did not see this program I did see another one a week later on this same channel 13, in which they gave an hour of prime time to Jane Fonda, who presented her views on the U.S. military activities in Vietnam, and I would like to know if that is the kind of objectivity we are being told is being produced on public television in this country. Where is the balance and fairness? If that is a representation of it, then I ask how can we protect our people, because I intend to protect my people from this kind of activity by the public broadcasting television service.

AMENDMENT OFFERED BY MR. HEINZ

Mr. HEINZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HEINZ: insert on page 4 after line 11 the following: "No additional funds shall be authorized after Fiscal Year 1973 until an audit of operations and expenditures of the Corporation for Public Broadcasting at least through fiscal 1972 is conducted and completed by the General Accounting Office and its report is evaluated by the Congress."
>
> And strike out starting with page 4 line 21 all through page 5 line 2.

Mr. HEINZ. Mr. Chairman, the purpose of my amendment is really quite simple. It is to insure the proper and wisest possible management of the millions of dollars of public money that we will ultimately, in one way or another, authorize here today for the Corporation for Public Broadcasting.

The amendment I have offered will require the General Accounting Office to conduct an audit of operations and expenditures of the Corporation for Public Broadcasting through the fiscal year 1972 as a necessary precondition to the authorization of funds after the fiscal year 1973.

I am making this proposal because I strongly believe that the public has a right and that we, in the Congress, have an obligation to know how funds have been used in the past by the Corporation before the Congress authorizes a very substantial increase in funds that are proposed for future use.

The bill we have before us would nearly triple the amount of Federal financing for the fiscal year 1972 budget to a total of $90 million in the fiscal year 1974 as authorized.

Yet, since 1969, no audit of expenditures of the Corporation for Public Broadcasting has yet been conducted.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. HEINZ. I yield to the gentleman.

Mr. TIERNAN. As I previously indicated to the gentleman in the well, the amendment basically is the same as the amendment with regard to funding the corporation for an additional year, but also provides for an audit to be conducted by the General Accounting Office.

I would point out to the gentleman, in the Act setting up the Public Broadcasting Corporation in 1967, it provides for an audit by the GAO—and that is up to the General Accounting Office to audit the books.

But I think further that to require this kind of audit to begin now just before the fiscal year ends is certainly an impossibility.

Mr. HEINZ. I thank the gentleman, but of course I am not proposing an audit to be conducted before the end of the fiscal year 1972. I am proposing it by the end of the fiscal year 1973 which is one year away and certainly any good accounting firm or the General Accounting Office might be expected to do that.

Mr. TIERNAN. I beg to disagree with the gentleman because your amendment says that no additional funds shall be authorized for the fiscal year 1973 until an audit of operations and expenditures of the Corporation for Public Broadcasting at least through fiscal year 1972.

So that would have to be done before July 1 of this year.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. HEINZ. I yield to the gentleman. I would point out I know the gentleman's intention is right, but I think he got the the wrong information.

Here is the audit of the Corporation for Public Broadcasting for the year 1971 in the corporation's annual report.

The law says they must have an annual audit and not only an annual audit. The General Accounting Office can go in at any time during the year and audit if they chose to.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HEINZ. I yield to the gentleman.

Mr. GROSS. This audit that the gentleman from West Virginia is referring to is apparently on the order of the fox auditing the chicken coop.

Mr. TIERNAN. That is the same fox that the gentleman in the well wants to audit the corporation.

Mr. HEINZ. I think it might be well to point out that what the distinguished chairman of the committee is referring to is a report published by the Public Broadcasting Corp.

Mr. STAGGERS. This is a private auditing company, one of the most respected in America. Price Waterhouse and Co. did the auditing. They certainly are known throughout the United States and the world. They are one of our most respected accounting organizations.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. Tiernan, and by unanimous consent, Mr. Heinz was allowed to proceed for 2 additional minutes.)

Mr. FREY. Mr. Chairman, will the gentleman yield?

Mr. HEINZ. I yield to the gentleman from Florida.

Mr. FREY. I would like to direct a question to the chairman of the committee. While many of us are in agreement with the amendment offered by the gentleman from Pennsylvania—and I think it is a good amendment—the effect of it would be to go to everything we have done. I am wondering if possibly the chairman of the committee could give assurances to the Members on the floor that he would try to get the General Accounting Office to look into this. That is possibly a solution.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. HEINZ. I yield to the chairman of the committee.

Mr. STAGGERS. We have nailed it into law. It is in the basic law that we have passed. There must be an annual audit of the corporation. The one I hold in my hands is for the year 1971. It was made by Price Waterhouse & Co. If Members wish to request a copy of the report, I am sure we could get it for them.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HEINZ. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan, I thank the gentleman for yielding. I am fascinated by the remarks of the chairman of the committee. It seems he is totally satisfied with the independent, private audit of this corporation, when he has, on occasion, if my memory serves me correctly, insisted upon a General Accounting Office audit of other financial institutions and agencies on other matters.

Mr. HARVEY. Mr. Chairman, will the gentleman yield?

Mr. HEINZ. I yield to the gentleman from Michigan.

Mr. HARVEY. I wish to commend the gentleman. I think he has a very fine amendment, which I heartily support. I think a General Accounting Office audit would serve a useful purpose, and I think, even more importantly a 1-year authorization would be very helpful.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

(By unanimous consent, Mr. Heinz was allowed to proceed for 1 additional minute.)

Mr. HEINZ. Mr. Chairman, I merely wish to make clear to the chairman and the Members, as was correctly pointed out by the gentleman from Michigan (Mr. Harvey) that I have proposed in the amendment a restriction of the authorization to the fiscal year 1973 only, at the level originally proposed in the committee bill. I repeat, and would like to emphasize, that this amendment would leave untouched the full amount proposed in the committee bill, but for fiscal year 1973 only.

I would add, in closing, and specifically, that I have no quarrel with the Corporation for Public Broadcasting or with the quality of its programing. I believe it is doing a good job and deserves our support although I recognize that some of the Members may differ with me. What I do propose is that we take the time, the 1 year of substantial funding that would be the result of my amendment to reexamine during the coming year the role of this corporation, and I would urge my like-minded colleagues to support this amendment.

Mr. TIERNAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Rhode Island is recognized.

Mr. TIERNAN. I would like to ask the gentleman whether or not it would be agreeable to him that we ask the chairman of the committee to request that an audit be undertaken by the General Accounting Office and presented to the committee and to the full House in the Congressional Record, or in whatever manner would be most feasible, for the purpose of getting the audit that is presently provided for in the law. I suggest to the gentleman in the well that the amendment not only requires that the audit of the operations and expenditures for the corporation through fiscal year 1972 be conducted and completed by the General Accounting Office, but that the report be evaluated by Congress. I do not know what the gentleman has in mind by "evaluation by Congress."

Mr. HEINZ. I am certain the report would be sent to the distinguished gentleman's subcommittee for study, and the amount of care given to it would be up to you.

Mr. TIERNAN. The point is that the amendment would not allow the expenditure of moneys until that report and evaluation is made, and that would be required to be at the end of this month.

Mr. HEINZ. I would point out to the gentleman that we are talking about a threefold increase in the amount of Federal support for fiscal 1974, and I am making a simple, direct argument for studying the situation carefully, having the facts available that we need before we decide to triple the budget.

I thank the gentleman.

Mr. TIERNAN. On my own time I do not mind the gentleman pointing that out.

Mr. STAGGERS. I would like to ask the gentleman from Pennsylvania this question. Our committee can ask for an audit, and it will, for the forthcoming year. Would the gentleman withdraw his amendment then, knowing that there is an annual audit? We will ask the General Accounting Office to make a report to us and to the Congress.

Mr. HEINZ. I thank the gentleman for his suggestion. I would ask that the amendment, nonetheless, be considered.

Mr. TIERNAN. Mr. Chairman, I continue my very strong opposition to the amendment, because, frankly, I point out to the Members of the House that it is not feasible nor practicable. The General Accounting Office presently has authority at the request of any Member of this body to have an accounting of the Public Broadcasting Corp. No request has been made by any Member of the House nor the gentleman now proposing this amendment, and he would now require a complete auditing of the expenses and expenditures and finances of this corporation to be made by the end of this month, in 30 days. It is almost impossible and totally impracticable now to require such an amendment to this bill. I therefore, oppose the amendment, and I hope it will be voted down.

Mr. SMITH of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to point out to the gentleman from Rhode Island the amendment says "no additional funds shall be authorized after fiscal 1973," which would mean fiscal year 1974, until such a GAO audit has been accomplished covering fiscal year 1972.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. HEINZ).

TELLER VOTE WITH CLERKS

Mr. GERALD R. FORD. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. GERALD R. FORD. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. HEINZ, TIERNAN, VAN DEERLIN, and HARVEY.

The Committee divided, and the tellers reported that there were—ayes 169, noes 165, not voting 99, as follows:

[Roll No. 180]

[Recorded Teller Vote]

AYES—169

Abbitt
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Baker
Belcher
Betts
Biester
Blackburn
Bow
Bray
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Cabell
Carlson
Chamberlain
Chappell
Clancy
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dorn
Duncan
du Pont
Edwards, Ala.
Erlenborn
Fish
Ford, Gerald R.
Forsythe
Fountain
Frenzel
Gaydos
Goodling
Gross
Grover
Gubser
Haley
Hall
Halpern
Hammerschmidt
Harsha
Harvey
Hays
Heinz
Henderson
Hillis
Hogan
Hosmer
Hull
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jones, N.C.
Keating
King
Kuykendall
Kyl
Latta
Lennon
Lent
Lloyd
McClory
McCollister
McCulloch
McDade
McEwen
McKevitt
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Miller, Ohio
Mills, Md.
Minshall
Mizell
Mosher
Myers
Natcher
O'Konski
Patman
Pelly
Pirnie
Poage
Poff
Powell
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Shoup
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Vanik
Waggonner
Ware
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Winn
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Zion
Zwach

NOES—165

Abourezk
Adams
Addabbo
Albert
Anderson, Calif.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Blatnik
Boland
Bolling
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Byrne, Pa.
Carey, N.Y.
Carney
Carter
Casey, Tex.
Collins, Ill.
Conte
Cotter
Culver
Curlin
de la Garza
Delaney
Diggs
Dingell
Donohue
Dow
Downing
Drinan
Dulski
Eckhardt
Evans, Colo.
Evins, Tenn.
Fascell
Flowers
Foley
Ford, William D.
Fraser
Frelinghuysen
Frey
Fuqua
Garmatz
Gettys
Giaimo
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Kastenmeier
Kazen
Keith
Kemp
Kluczynski
Koch
Leggett
Link
Long, Md.
McCormack
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mahon
Matsunaga
Mazzoli
Meeds
Minish
Mink
Mitchell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer, N.C.
Price, Ill.
Rangel
Rees
Reid
Reuss
Riegle
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Runnels
Sarbanes
Scheuer
Shipley
Shriver
Sikes
Skubitz
Staggers
Stanton, James V.
Steed
Steele
Stratton
Stuckey
Sullivan
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vigorito
Whalen
White
Wolff
Wright
Yates
Young, Tex.
Zablocki

NOT VOTING—99

Abernethy
Abzug
Alexander
Anderson, Tenn.
Ashbrook
Baring
Bell
Bingham
Blanton
Boggs
Brademas
Broomfield
Burton
Caffery
Camp
Cederberg
Celler
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Conyers
Corman
Daniels, N.J.
Danielson
Dellums
Dowdy
Dwyer
Edmondson
Edwards, Calif.
Eilberg
Esch
Eshleman
Findley
Fisher
Flood
Flynt
Fulton
Galifianakis
Gallagher
Gibbons
Goldwater
Griffin
Hagan
Hanna
Hawkins
Hébert
Holifield
Jarman
Jonas
Jones, Tenn.
Karth
Kee
Kyros
Landgrebe
Landrum
Long, La.
Lujan
McCloskey
McClure
McDonald, Mich.
McMillan
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Ark.
Moss
Passman
Pettis
Pryor, Ark.
Pucinski
Rodino
Rooney, N.Y.
Rousselot
Roybal
Ryan
St Germain
Schmitz
Sebelius
Seiberling
Sisk
Slack
Smith, Iowa
Springer
Stephens
Stokes
Stubblefield
Symington
Teague, Tex.
Ullman
Veysey
Waldie
Wampler
Wilson, Bob
Wilson, Charles H.
Wyatt

So the amendment was agreed to.

Mr. ALEXANDER. Mr. Chairman, I am pleased to speak in favor of the Public Broadcasting Act of 1972. I believe this bill can do much to improve the educational opportunities for both young people and adults in my State and around the country.

I do not mind telling you that I have not been pleased with all of the programs or the personalities chosen to appear regularly on national public broadcasting, but I agree with my colleagues on both sides of the aisle who have said that we must look at the total record of public broadcasting to date in making our decision on this legislation. On this basis, I am firmly convinced that H.R. 13918 deserves the support of the House.

I have been in touch with the individuals who operate public television and radio stations in my State in recent weeks, and I have come away convinced that this bill is an important step forward for public broadcasting in many ways. In particular, I am pleased that half of the money included in the first year's authorization would go directly to the stations to be used at their discretion. In Arkansas, for example, our Educational Television Commission is currently providing both classroom instructional programing and programing for the home viewer. However, the coverage provided by the present signal reaches less than one-half of the people of our State, and a limited operating budget limits the local programing effort as well. This is the kind of situation which this bill seeks to remedy. More money will be provided these local broadcasting stations so they can improve and expand their own programing.

With the help of the Corporation for Public Broadcasting the public radio station in my district—KASU-FM at Arkansas State University in Jonesboro—already has increased the service it is providing. With the aid of a special development grant in 1970, KASU expanded from 39 to a full 52 weeks a year of programing, providing a strong combination of cultural, educational, and public affairs programing. Last year the station staff used its annual community service grant from the corporation to extend the number of hours from 12 to 15 a day and the number of days from 6 to 7 a week.

The bill before us today would more than triple the amount of dollars going annually to local public television stations in community service grants. This would be especially helpful at a time when many of the people of my district and elsewhere in Arkansas are very interested in having educational television. At the same time, the total amount of Federal dollars spent would remain a relatively small percentage of the total expenditure from public and private sources for public broadcasting.

As we struggle with the problem of how to get more from limited dollars we have for education at all levels, I believe we can make a strong case for investing more in public television and radio. We have seen in the past 3 years how these programs can make education both exciting and enriching. I believe we should provide both the dollars and 2-year authorization proposed in this bill so that this important work can continue and expand.

Mr. ROSTENKOWSKI. Mr. Chairman, I would like to congratulate the gentleman from West Virginia for the fine work that he and his committee have done on this legislation to extend the life of the Corporation for Public Broadcasting. I believe that from its performance during its brief, but highly productive existence, the corporation has earned our wholehearted support. CPB, a product of the Public Broadcasting Act of 1967, has received especially warm praise for its efforts on behalf of noncommercial educational broadcasting stations.

In the past few years, the Public Broadcasting Act has greatly aided WTTW, channel 11, in my own city of Chicago. Funds from this act have helped this station develop a full range of public and educational television services for the Metropolitan Chicago community.

Since the inception of this legislation, I have received letters from many parents of young children, parents who are concerned about what their children are being exposed to by today's television programing. The vast majority of these letters have cited the "positive contribution of CPB" to what many of them feel is an otherwise often meaningless display of commercial marketing.

Mr. Chairman, a 2-year extension of the life of the Corporation for Public Broadcasting as is provided for in the committee bill, is, in my opinion, well deserved. I only wish that other Government-sponsored programs could prove to be as successful as has CPB.

Mr. HANLEY. Mr. Chairman, the corporation has recognized from the beginning the importance of giving financial aid to stations, and a system of direct station aid has been a feature of CPB's program from its first year, 1969, when each television station received $10,000. In the current year, all TV stations receive a grant that ranges from $20,000 to $47,775, and all qualifying radio stations receive a grant of from $8,000 to $15,000. The exact size depends on the operating budget of the station.

Through the end of this fiscal year, CPB has devoted $12 million of the $78 million it has received during the last 4 years from the Congress for this purpose.

These community service grants, as they are called, have thus accounted for 15 percent of CPB's Federal funds so far in its short history.

In talking about these expenditures, it is important to note that these are only the funds that have gone to stations directly for their general support. All but 6 percent of all CPB funds have gone to support various aspects of public broadcasting, and the chief beneficiary of these other grants have been the local station. Numerous stations, for example, have received grants to do special programs for local audiences and to do programing distributed nationally. And on the radio side, many stations have received grants enabling them to improve their operations and qualify for regular CPB support.

The major roadblock preventing CPB from increasing station support dramatically has been its own limited funding. There has simply not been enough money to meet all of the Public Broadcasting Act's mandates at once. Now that the mandate for establishing interconnection—which serves all stations—has been fulfilled, the corporation has made clear its intention to increase direct station aid, and the stations are in accord with its plans.

H.R. 13918 would insure that this goal is met in three ways: First, it would provide adequate overall funding for the corporation; second, it stipulates that not less than 30 percent of CPB's Federal funds would be used for community service grants. At a level of funding of $65 million, this would enable CPB to give community service grants in fiscal year 1974 more than three times their current level, and third, the bill would increase the amount of funding given on a matching basis from $15 million to $25 million for the physical facilities to activate new stations and improve existing stations. These are funds administered by the educational broadcasting facilities program of HEW.

Mr. Chairman, I strongly urge my colleagues to join me in voting for H.R. 13918. I know from personal experience how valuable the educational radio and television networks and stations are. In my home community we have been served well by WCNY-TV. I want to see that service continued and I think this bill will go a long way toward that end.

Mr. SYMINGTON. Mr. Chairman, one thing we should be aware of is that the legislation before us does not mean just a better public broadcasting system in this country but better commercial broadcasting as well. As public television has developed nationally over the past 4 years—helped by the Corporation for Public Broadcasting—it has had an increasingly obvious and positive influence on commercial television programing.

This point has been made by a number of television industry experts. One of these is Les Brown, author of the book "Television" and columnist for Variety magazine.

In a column in Variety on February 9, Mr. Brown made the point that the competitive situation among the commercial networks has prevented them from "gambling" on innovative programing. He maintains that public television, which is free of these competitive pressures, has succeeded in developing new forms and program techniques that have had a salutory effect on all of broadcasting.

The best example, according to Mr. Brown, is "Sesame Street," which is largely funded by the Office of Education and CPB. It touched off a revolution in children's programing. Its success at both entertaining and educating has encouraged and induced the commercial networks to improve their own children's programs. And "Sesame Street"—as well as the rest of the children's programs on PBS—could never have been developed by commercial television because of the competitive situation that dictates that all programs aim for the largest possible audience.

Mr. Brown believes the same holds true of public affairs and cultural programing. "Chronolog" and "60 Minutes" were imitations of the "Public Television Laboratory," he says. There are now attempts to serialize American novels since PBS scored such a success with the BBC import, "Forsythe Saga." Moreover the commercial networks which had no place for the excellent series like "Civilisation" are now buying "Six Wives of Henry VIII" and "The Search for the Nile."

Mr. Brown concludes:

> All of television—and the country as well—stand to benefit from a lively non-commercial network aspiring to superior programing.

And this legislation, H.R. 13918, will continue to make this possible.

Mr. PETTIS. Mr. Chairman, in my district in California, a local college has been providing educational radio service to the community for almost 20 years and television service for the past 10 years. San Bernardino Community College District made an initial investment in the equipment, staff, and facilities as a bold experiment to see that broadcasting could do to improve instruction in the classroom and education in the community. This local commitment to education and service is being repeated in many communities in all but three States in the Union—clearly demonstrating the importance and value of public broadcasting. Programs offering complete courses in basic educational subjects, which can be taken for credit at home, represent only one use of PBS facilities that are helping to meet some of the grave difficulties facing education today.

To again use my home area as an example, these instructional activities combined with the broadcast of important local school board meetings, live appearances by elected public officials where their constituents have the opportunity to telephone questions to them in direct dialog, and other programs where local issues and problems can be analyzed and discussed, have made KVCR-TV and FM radio among the most important public information resources available.

Another very important practical factor that receives much too little emphasis is that the many colleges and universities who have PBS stations are giving their students the all important advantage of on-job training in TV and radio broadcast technology. I think we are all aware that college is important in finding a good job. And, when you can combine schooling with actual work experience, employment opportunities increase even more. The importance of this training spinoff from public broadcasting programs around the Nation cannot be overlooked.

The money to be authorized under H.R. 13918, including funding for the Corporation for Public Broadcasting and the 2-year authorization which will make possible the meaningful planning so necessary in broadcasting, will provide stations throughout the country with the opportunity to develop and improve instruction and education in the classroom and the community. Fifty cents out of each dollar authorized by this legislation will be channeled to the local stations to support local efforts.

Continued support of these stations through the passage of H.R. 13918 is important not only in California, but to the people served by everyone in this Chamber. The need for classroom instruction and community education services has been clearly demonstrated. And, public broadcasting has shown it can do the job.

It is our responsibility and duty to provide the means to carry on with this important work. I urge my colleagues to give unanimous approval to the public broadcasting bill.

Mr. DONOHUE. Mr. Chairman, I most earnestly hope that the House will promptly approve, without any crippling amendments, this bill before us, H.R. 13918, providing for improved financing for the Public Broadcasting Corporation.

This bill, which is presented to us by the House Interstate and Foreign Commerce Committee, with the approval of 41 of the 43 members, basically projects a 2-year authorization of funds to continue the operation of the Corporation with the requirement that at least 30 percent of the funds that are appropriated in each fiscal year must be distributed to local noncommercial, educational broadcasting stations for use in strengthening their community educational and informational programs.

Mr. Chairman, the fund authorization proposed in this bill is entirely reasonable by any standard and it provides a forward step toward the realization of our most desirable objective of establishing a long range financing plan to insure that public broadcasting remains efficient, effective, vigorous and independent in its great responsibility.

The record shows that the Corporation's activities, since its beginning in 1967, have been fully endorsed and commended by an impressively great number of professional organizations, community groups and individuals.

From the recommendations of the distinguished committee that favorably reported the bill and from all the testimony that has been presented to us, it is objectively clear that the Public Broadcasting Corporation has completely fulfilled the mandate of the Congress to provide our citizens of all ages with a broad range of educational cultural and public affairs programs. Unquestionably, the wholesome activities of the Corporation represent a significant contribution, in the public interest, to the improved quality of program broadcasting in this country and I urge the House to resoundingly approve, by the adoption of this bill, the continuation of this contribution.

Mr. BOLAND. Mr. Chairman, I rise in support of the committee bill.

Since its inception, the Corporation for Public Broadcasting has provided for a widening range of quality programing in the United States. The record of accomplishment of CPB justifies continued funding.

Public Broadcasting picks up where the commercial networks leave off. Its award-winning children's shows, drama, indepth information programs have provided the public with choice in its viewing. It also increases the options and program choices for the local stations, enabling these stations to serve local and regional needs and interests.

Mr. Chairman, just last year, channel 57 began broadcasting in Springfield, Mass. Until that time, western Massachusetts was the largest population area in the country not being served by its own public station. Efforts to provide this service to the residents of the area might still be unsuccessful were it not for the assistance provided under the Public Broadcasting Act of 1967.

Public Broadcasting can offer the public more innovative educational programing and more diversified quality programs for older audiences. Its system of interconnection offers better program distribution. The public interest is well served.

Mr. Chairman, the funds authorized this bill will help public broadcasting to live up to its expectations. I believe that this bill will help the system to overcome some of the difficulties that it is still experiencing. I urge my colleagues to support this bill.

Mr. PRICE of Texas. Mr. Chairman, once again a proposal has been made to further involve the U.S. Government in the activities that have traditionally been the promise of free enterprise in this Nation. How far down the road are we going to travel in allowing the Government to become involved in the activities that influence the thought processes of the citizenry?

The activities of the Corporation for Public Broadcasting have strayed a long way from the original intent of the act. Legislation to establish the CPB was conceived as a means to assist local broadcasting, concentrating on local issues. Instead, the CPB has increased its national level public affairs programing, and has become, in reality, a fourth network. Most incredible of all, the CPB has on many occasions taken a decisively anti-Government stand on the issues, in spite of the fact that it receives a great proportion of its moneys from the public treasury. That a Government should sponsor programing which is hostile to its own interests is just plain ludicrous.

I believe that the policies of Government ought to be subject to scrutiny and that the news media ought to raise questions and expect answers. However, it is unrealistic to expect that the Government should underwrite the cost of programing that defeats its own purposes and intentions.

Freedom of speech, and freedom of inquiry have made this country great. However, Government participation in broadcasting activities can only threaten the loss of independence presently enjoyed by news gathering and disseminating organizations—I believe we must restrict the activities of public broadcasting so that we can preserve the independence and integrity of our news media.

The three major television networks are none too kind toward the policies of the U.S. Government. While we might charge that bias is in existence; nevertheless, the interests of Government and the citizenry are represented in a give-and-take dialog.

One other point needs to be raised; and that is the large budget deficit facing the Federal Government for fiscal 1973. In this time of pressing needs and demands upon our resources, we must make an effort as a nation to live within our means. If we continue to spend without regard to national income, we can only invite further inflation and the complete bankruptcy of our country.

It is for these many reasons that I oppose the bill H.R. 13918, and support the amendment to curb the expenditure of public funds and the projection of the Federal Government into activities which are the domain of the free and private radio and TV broadcasters of our Nation.

The CHAIRMAN. Are there further amendments to be proposed? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GIAIMO, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 13918) to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes, pursuant to House Resolution 956, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. STAGGERS. Mr. Speaker, I demand a separate vote on the so-called Heinz amendment.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Insert on page 4 after line 11 the following: "No additional funds shall be authorized after fiscal year 1973 until an audit of operations and expenditures of the Corporation for Public Broadcasting at least through fiscal 1972 is conducted and completed by the General Accounting Office and its report is evaluated by the Congress."

And strike out starting with page 4, line 21 all through page 5, line 2.

PARLIAMENTARY INQUIRY

Mr. TIERNAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. TIERNAN. Mr. Speaker, since this amendment in addition to requiring an audit by the General Accounting Office also cuts off the authorization for funding for the appropriation of public broadcasting for a 1-year authorization——

Mr. GROSS. Mr. Speaker, I ask for the regular order.

The SPEAKER. The Chair is unable to determine whether a parliamentary inquiry has been made.

What is the parliamentary inquiry of the gentleman from Rhode Island?

Mr. TIERNAN. The parliamentary inquiry, Mr. Speaker, is whether or not a point of order could have been registered against this amendment on the theory that we had considered the matter earlier in the——

Mr. GROSS. Mr. Speaker, regular order.

The SPEAKER. The point of order cannot be made at this time. The point of order would come too late, if it had been in order.

The question is on the amendment on which a separate vote has been demanded.

Mr. TIERNAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 166, nays 170, not voting 96, as follows:

[Roll No. 181]

YEAS—166

Abbitt
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Baker
Belcher
Betts
Biester
Blackburn
Bow
Bray
Brinkley
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cabell
Carlson
Chamberlain
Chappell
Clancy
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Coughlin
Crane
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dorn
Duncan
du Pont
Edwards, Ala.
Erlenborn
Fish
Ford, Gerald R.
Forsythe
Fountain
Frenzel
Gaydos
Goodling
Gross
Grover
Gubser
Haley
Hall
Hammerschmidt
Harsha
Harvey
Heinz
Henderson
Hillis
Hogan
Hosmer
Hull
Hunt
Hutchinson
Ichord
Johnson, Pa.
Keating
King
Kuykendall
Kyl
Landrum
Latta
Lennon
Lent
Link
Lloyd
McClory
McCollister
McCulloch
McDade
McEwen
McKevitt
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Miller, Ohio
Mills, Md.
Minshall
Mizell
Mosher
Myers
Natcher
O'Konski
Patman
Pelly
Pirnie
Poage
Poff
Powell
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rousselot
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Shoup
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steed
Steiger, Ariz.
Steiger, Wis.
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Waggonner
Ware
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Winn
Wydler
Wylie
Wyman
Young, Fla.
Zion

NAYS—170

Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Byrne, Pa.
Byron
Carey, N.Y.
Carney
Carter
Casey, Tex.
Clark
Collins, Ill.
Conte
Cotter
Culver
Curlin
Davis, S.C.
Delaney
Diggs
Dingell
Donohue
Dow
Downing
Drinan
Dulski
Eckhardt
Evans, Colo.
Evins, Tenn.
Fascell
Flowers
Foley
Ford, William D.
Fraser
Frelinghuysen
Frey
Fuqua
Garmatz
Gettys
Giaimo
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gude
Halpern
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks, Mass.
Hicks, Wash.
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Kastenmeier
Kazen
Kee
Keith
Kemp
Kluczynski
Koch
Leggett
Long, Md.
McCormack
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mahon
Matsunaga
Mazzoli
Meeds
Minish
Mink
Mitchell
Mollohan
Monagan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer, N.C.
Price, Ill.
Rees
Reid
Reuss
Riegle
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Ryan
Sarbanes
Scheuer
Shipley
Shriver
Sikes
Skubitz
Staggers
Stanton, James V.
Steele
Stratton
Stuckey
Sullivan
Teague, Tex.
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Whalen
White
Wolff
Wright
Yates
Yatron
Young, Tex.
Zablocki

NOT VOTING—96

Abernethy
Abzug
Anderson, Tenn.
Ashbrook
Baring
Bell
Bingham
Blanton
Broomfield
Burton
Caffery
Camp
Cederberg
Celler
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Conyers
Corman
Daniels, N.J.
Danielson
Dellums
Dowdy
Dwyer
Edmondson
Edwards, Calif.
Eilberg
Esch
Eshleman
Findley
Fisher
Flood
Flynt
Fulton
Galifianakis
Gallagher
Gibbons
Goldwater
Griffin
Griffiths
Hagan
Hanna
Hawkins
Hébert
Holifield
Jarman
Jonas
Jones, N.C.
Jones, Tenn.
Karth
Kyros
Landgrebe
Long, La.
Lujan
McCloskey
McClure
McDonald, Mich.
McMillan
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Ark.
Moorhead
Moss
Passman
Pettis
Pryor, Ark.
Pucinski
Rangel
Rodino
Rooney, N.Y.
Roybal
St Germain
Schmitz
Sebelius
Seiberling
Sisk
Slack
Smith, Iowa
Springer
Stephens
Stokes
Stubblefield
Symington
Ullman
Vander Jagt
Veysey
Waldie
Wampler
Wilson, Bob
Wilson, Charles H.
Wyatt
Zwach

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Veysey for, with Mr. Moss against.

Mr. Landgrebe for, with Mr. Rooney of New York against.

Mr. McClure for, with Mr. Celler against.

Mr. Schmitz for, with Mr. Waldie against.

Mr. Ashbrook for, with Mr. Charles H. Wilson against.

Mr. Camp for, with Mr. St Germain against.

Mr. Abernethy for, with Mr. Flood against.

Mr. Baring for, with Mr. Eilberg against.

Mr. Griffin for, with Mr. Kyros against.

Mr. Passman for, with Mr. Karth against.

Mr. Stephens for, with Mr. Stokes against.

Mr. Hagan for, with Mr. Sisk against.

Until further notice:

Mr. Hébert with Mr. Goldwater.

Mr. Holifield with Mr. Bell.

Mr. Melcher with Mr. Sebelius.

Mr. Bingham with Mr. Broomfield.

Mr. Anderson of Tennessee with Mr. Springer.

Mr. Edmondson with Mr. Michel.

Mr. Gibbons with Mr. Lujan.

Mrs. Griffiths with Mr. Cederberg.

Mr. Rodino with Mrs. Dwyer.

Mr. Rangel with Mr. Symington.

Mr. Moorhead with Mr. Eshleman.

Mr. Mills of Arkansas with Mr. Wampler.

Mr. Conyers with Mrs. Abzug.

Mr. McMillan with Mr. Long of Louisiana.

Mr. Dellums with Mr. Seiberling.

Mr. Galifianakis with Mr. Jonas.

Mr. Metcalfe with Mr. Burton.

Mr. Blanton with Mr. Esch.

Mr. Caffery with Mr. Finley.

Mr. Roybal with Mr. Bob Wilson.

Mr. Pryor of Arkansas with Mr. Don H. Clausen.

Mr. Miller of California with Mr. Del Clawson.

Mrs. Chisholm with Mr. Pucinski.

Mr. Gallagher with Mr. Clay.

Mr. Edwards of California with Mr. Wyatt.

Mr. Fisher with Mr. Vander Jagt.

Mr. Flynt with Mr. Corman.

Mr. Jarman with Mr. Fulton.

Mr. Mikva with Mr. Hawkins.

Mr. Daniels of New Jersey with Mr. Hanna.

Mr. Danielson with Mr. Ullman.

Mr. Slack with Mr. Jones of Tennessee.

Mr. Smith of Iowa with Mr. Stubblefield.

Mr. Dowdy with Mr. Zwach.

Mr. Jones of North Carolina with Mr. McCloskey.

Mr. McDonald of Michigan with Mr. Pettis.

Mr. TERRY changed his vote from "nay" to "yea."

Messrs. BARRETT, SHIPLEY, ALEXANDER, and DAVIS of South Carolina changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 256, nays 69, not voting 107, as follows:

[Roll No. 182]

YEAS—256

Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Boggs
Boland
Bolling
Brademas
Brasco
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron

Carey, N.Y.
Carney
Carter
Casey, Tex.
Chamberlain
Chappell
Clark
Cleveland
Collins, Ill.
Conable
Conover
Conte
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Davis, Ga.
Davis, S.C.
de la Garza
Dellenback
Denholm
Dent
Dickinson
Diggs
Donohue
Dorn
Dow
Downing
Drinan
Dulski
du Pont
Eckhardt
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Horton
Howard
Hungate
Ichord
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Kastenmeier
Kazen
Keating
Keith
Kemp
Koch
Kuykendall
Landrum
Latta
Leggett
Lent
Link
Lloyd
McClory
McCormack
McCulloch
McDade
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mollohan
Monagan
Montgomery
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer, N.C.
Price, Ill.
Purcell
Quie
Railsback
Randall
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Runnels
Ruppe
Ryan
Sarbanes
Scheuer
Schneebeli
Schwengel
Shipley
Shoup
Shriver
Sikes
Skubitz
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stratton
Stuckey
Sullivan
Taylor
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waggonner
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion

NAYS—69

Abbitt
Andrews, Ala.
Archer
Arends
Belcher
Betts
Blackburn
Bow
Bray
Brown, Mich.
Burke, Fla.
Burleson, Tex.
Cabell
Carlson
Clancy
Collier
Collins, Tex.
Colmer
Crane
Davis, Wis.
Dennis
Derwinski
Devine
Duncan
Edwards, Ala.
Erlenborn
Ford, Gerald R.
Goodling
Gross
Grover
Gubser
Hall
Harsha
Harvey
Hogan
Hosmer
Hull
Hunt
Hutchinson
Kyl
McCollister
Martin
Mizell
Pelly
Pirnie
Poage
Poff
Powell
Price, Tex.
Quillen
Rarick
Robinson, Va.
Rousselot
Ruth
Sandman
Satterfield
Saylor
Scherle
Scott
Smith, Calif.
Snyder
Spence
Talcott
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Whalley
Wiggins
Young, Fla.

NOT VOTING—107

Abernethy
Abzug
Anderson, Tenn.
Ashbrook
Baring
Bell
Bingham
Blanton
Blatnik
Broomfield
Burton
Caffery
Camp
Cederberg
Celler
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Conyers
Corman
Daniels, N.J.
Danielson
Delaney
Dellums
Dingell
Dowdy
Dwyer
Edmondson
Edwards, Calif.
Eilberg
Esch
Eshleman
Findley
Fisher
Flood
Flowers
Flynt
Fulton
Galifianakis
Gallagher
Gibbons
Goldwater
Griffin
Griffiths
Hagan
Hanna
Hawkins
Hébert
Holifield
Jarman
Jonas
Jones, Tenn.
Karth
Kee
King
Kluczynski
Kyros
Landgrebe
Lennon
Long, La.
Long, Md.
Lujan
McCloskey
McClure
McDonald, Mich.
McEwen
McMillan
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Ark.
Moorhead
Moss
Passman
Pettis
Pryor, Ark.
Pucinski
Rangel
Rodino
Rooney, N.Y.
Roybal
St Germain
Schmitz
Sebelius
Seiberling
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Springer
Stephens
Stokes
Stubblefield
Symington
Terry
Ullman
Vander Jagt
Veysey
Waldie
Wampler
Wilson, Bob
Wilson, Charles H.
Wyatt
Zwach

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Zwach for, with Mr. Veysey against.

Mr. Pettis for, with Mr. McEwen against.

Mr. Smith of New York for, with Mr. Landgrebe against.

Mr. McDonald of Michigan for, with Mr. Schmitz against.

Mr. McCloskey for, with Mr. McClure against.

Until further notice:

Mr. Hébert with Mr. Goldwater.

Mr. Holifield with Mr. Bell.

Mr. Melcher with Mr. Sebelius.

Mr. Bingham with Mr. Broomfield.

Mr. Anderson of Tennessee with Mr. Springer.

Mr. Edmondson with Mr. Michel.

Mr. Gibbons with Mr. Lujan.

Mrs. Griffiths with Mr. Cederberg.

Mr. Rodino with Mrs. Dwyer.

Mr. Rangel with Mr. Symington.

Mr. Moorhead with Mr. Eshleman.

Mr. Mills of Arkansas with Mr. Wampler.

Mr. Conyers with Mrs. Abzug.

Mr. McMillan with Mr. Long of Louisiana.

Mr. Dellums with Mr. Seiberling.

Mr. Galifianakis with Mr. Jonas.

Mr. Metcalfe with Mr. Burton.

Mr. Blanton with Mr. Esch.

Mr. Caffery with Mr. Finley.

Mr. Roybal with Mr. Bob Wilson.

Mr. Pryor of Arkansas with Mr. Don H. Clausen.

Mr. Miller of California with Mr. Del Clawson.

Mrs. Chisholm with Mr. Pucinski.

Mr. Gallagher with Mr. Clay.

Mr. Edwards of California with Mr. Wyatt.

Mr. Fisher with Mr. Vander Jagt.

Mr. Flynt with Mr. Corman.

Mr. Jarman with Mr. Fulton.

Mr. Mikva with Mr. Hawkins.

Mr. Daniels of New Jersey with Mr. Hanna.

Mr. Danielson with Mr. Ullman.

Mr. Slack with Mr. Jones of Tennessee.

Mr. Smith of Iowa with Mr. Stubblefield.

Mr. Dowdy with Mr. Terry.

Mr. Moss with Mr. King.

Mr. Dingell with Mr. Ashbrook.

Mr. Abernethy with Mr. Flowers.

Mr. Baring with Mr. Camp.

Mr. Passman with Mr. Kee.

Mr. Blatnik with Mr. Kyros.

Mr. Kluczynski with Mr. Celler.

Mr. Delaney with Mr. Flowers.

Mr. Rooney of New York with Mr. Lennon.

Mr. Waldie with Mr. Stokes.

Mr. Karth with Mr. Sisk.

Mr. Long of Maryland with Mr. Eilberg.

Mr. St Germain with Mr. Hagan.

Mr. Stephens with Mr. Griffin.

Mr. Charles H. Wilson with Mr. Flood.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 14734. An act to authorize appropriations for the Department of State and for the U.S. Information Agency.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14734) entitled "An act to authorize appropriations for the Department of State and for the U.S. Information Agency," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. SPONG, Mr. CHURCH, Mr. AIKEN, Mr. CASE, and Mr. COOPER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 9580) entitled "An act to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EAGLETON, Mr. INOUYE, and Mr. MATHIAS to be the conferees on the part of the Senate.

PERSONAL ANNOUNCEMENT

Mr. FLOWERS. Mr. Speaker, on the last vote I was in the Chamber, and desire to be recorded.

The SPEAKER. Did the gentleman answer when his name was called?

Mr. FLOWERS. No, Mr. Speaker, I did not. I did not realize the rollcall had been completed.

The SPEAKER. The gentleman cannot qualify after the result of the vote has been announced unless he can state he answered.

Mr. FLOWERS. Mr. Speaker, had I qualified I would have voted "yea."

LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I take this time to advise the Members of the House that it is the intention of the Speaker to recess the House after consideration of the two travel resolutions which are listed on the whip's notice; and it is further the intention to reconvene the House at approximately 9:10 p.m. for the joint session to hear the President of the United States at 9:30 p.m.

TRAVEL AUTHORIZATION FOR COMMITTEE ON PUBLIC WORKS

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 985 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 985

Resolved, That notwithstanding the provisions of H. Res. 142, Ninety-second Congress, the Committee on Public Works is authorized to send not more than three members of such committee as congressional adviser and alternates to the United States delegation to the United Nations Conference on the Human Environment (such adviser having been designated by the Speaker of the House and appointed by the Secretary of State), and not more than two staff assistants, to attend the conference to be held in Stockholm, Sweden, during June 5 through June 16, inclusive; and in returning to the United States, also to inspect various projects and programs of significant national and international importance relating to public works, resource management and development, and anti-pollution in the Netherlands, Germany, Scandinavia, and the United Kingdom.

Notwithstanding the provisions of H. Res. 142 of the Ninety-second Congress, first session, local currencies owned by the United States shall be made available to the members of the Committee on Public Works of the House of Representatives and employees engaged in carrying out their official duties for the purpose of carrying out the authority as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(5) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.

Mr. MATSUNAGA (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

COMMITTEE AMENDMENTS

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: On page 1, line 8, after the word "staff" strike out "assistants," and insert in lieu thereof "assistants, to leave on June 3".

On page 2, line 4, strike out "Kingdom." and insert in lieu thereof "Kingdom, arriving back in the United States on June 23."

The SPEAKER. Without objection, the committee amendments are agreed to.

Mr. HALL. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman from Hawaii is recognized.

Mr. MATSUNAGA. Mr. Speaker, I yield to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. HALL. Mr. Speaker, would the gentleman yield for a parliamentary inquiry?

Mr. MATSUNAGA. I will be happy to.

Mr. HALL. I would like to know what disposition was made of the committee amendments as read by the Clerk.

The SPEAKER. No disposition has been made at this time.

Mr. HALL. I beg the Chair's pardon?

The SPEAKER. The Chair recognizes the gentleman from Hawaii to debate the resolution and the committee amendments. The Chair did not do it first and started to put the question on the amendments, but when the gentleman sought recognition the Chair recognized him.

The Chair recognizes the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Speaker, House Resolution 985 is a simple travel resolution which authorizes travel by certain members and staff assistants of the Committee on Public Works to the United Nations Conference on the Human Environment to be held in Stockholm, Sweden, from June 5 to June 16, 1972.

The Committee on Rules recommends that the resolution be adopted.

The amendment which the Committee on Rules made to the original resolution simply clarifies the dates of actual travel as being from June 3 to June 23, inclusive.

House Resolution 985 provides that the Committee on Public Works may send not more than three of its members as congressional adviser and alternates to the U.S. delegation to the United Nations Conference on the Human Environment in Stockholm. The resolution also authorizes the committee to send not more than two staff assistants to attend the conference. The party would depart from Washington, D.C., on June 3.

In returning to the United States, arriving on June 23, the party is authorized to make stops in Scandinavia, the Netherlands, Germany, and Great Britain to inspect projects and programs relating to public works, resource management and development, and antipollution.

The resolution also authorizes the use of counterpart funds and contains the so-called Hall amendment.

Mr. Speaker, I urge the adoption of the resolution.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I will be very happy to yield to the gentleman from Iowa.

Mr. GROSS. How is the environment in Stockholm in June? Is it a nice environment?

Mr. MATSUNAGA. I have not been to Stockholm, I will advise the gentleman from Iowa. I do not know what the environment is like there. I know what the environment in Hawaii is if he cares to know that, but this resolution authorizes a delegation from the Committee on Public Works to go and study what programs and techniques they do have in certain European countries to clear up the environment.

Mr. GROSS. Will the gentleman yield further?

Mr. MATSUNAGA. I am happy to yield.

Mr. GROSS. Does the gentleman from Hawaii or the author of the resolution, the gentleman from Louisiana (Mr. BOGGS), think that three members and staffers will be sufficient to take care of the environment business that will be carried out in 13 days, from June 3 to June 16?

Mr. MATSUNAGA. The answer is a simple "Yes."

Mr. GROSS. You believe what number will be sufficient?

Mr. MATSUNAGA. So the Committee on Public Works recommends, and I have no reason to doubt their wisdom.

Mr. GROSS. Will two staffers be enough to take care of the three members, does the gentleman think?

Mr. MATSUNAGA. The same answer.

Mr. GROSS. The ecology, the environment and everything is perfect in Stockholm in June?

Mr. MATSUNAGA. That, I cannot say. As I stated earlier, I have not been to Stockholm. The committee members will go there to study it.

However, it is more the method and technique which may be utilized in this country which they will study.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I would be happy to yield to the gentleman from Missouri whose name is connected with the amendment to which I referred.

Mr. HALL. I appreciate the gentleman's remark and I certainly appreciate him yielding.

I rise only to supply missing information.

I have been fortunate enough to have been in Stockholm and at the ancient capital named after/or for salt-baths 30 miles south, by electric tramway; and spending some time there in the springtime. It is very nice. The girls come out and sun on the rocks and one can sail by on the bays and waters. Also, the environment is enhanced by the long winter. For those who would seek the sun, I say it is a very desirable place to be for those who are adequately staffed and cared for, so that they do not have to devote too much of their sun-time and beach-days to duty.

I realize the urgency also for this resolution since the date of departure is only 48 hours hence.

May I inquire of the distinguished gentleman of the Committee on Rules why we are exempting the provisions of House Resolution 142 for this self-same conference?

Mr. MATSUNAGA. One hundred and forty-two? I do not get the gentleman's question.

Mr. HALL. I would presume that since we have already passed House Resolution 142 it precludes the labors of any of the members of the Public Works Committee outside the continental United States or at least they are confined to the Western Hemisphere and it is necessary to exempt those resolutions since they are to use counterpart funds to travel either going or coming, not only to study the environment in Sweden but also Norway, Germany, probably England and Ireland, if they dare go there.

Mr. MATSUNAGA. The resolution, as the gentleman recalls, limits this to a period of 2 years and the Public Works Committee still needs to come back to the Rules Committee for foreign travel. It is for this reason that we have this resolution.

Mr. HALL. I appreciate the gentleman's explanation.

I am a bit concerned about the method of travel and whether they can make it in time or not.

I am also concerned about whether these countries to be visited know more about the environment than we do. They have lived longer, perhaps, than we have over there, but I doubt if they have fouled their nest quite as much and, maybe, this committee ought to stay home to investigate and prescribe.

Can the gentleman tell me who might be selected to make this particular junket outside the Western Hemisphere, for fear that an Irishman could get trapped in Belfast?

Mr. MATSUNAGA. I have no idea who will be selected. That is in the prerogative of the Speaker.

Mr. HALL. I understand that.

Mr. MATSUNAGA. I have no idea.

Mr. HALL I just hope that he will find some good Scandinavian like Blatnik or somebody like Dingell or someone else who will do well in this particular area on this junket, adequately assisted by these two staffers for the three Members.

Mr. MATSUNAGA. The gentleman from California has the answer, I am told. I would be happy to yield to the gentleman.

Mr. JOHNSON of California. The chairman of the Public Works Committee (Mr. Blatnik) will be the Member who will go, and there will be one staff member from the Committee on Public Works.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in answer to the gentleman from California (Mr. Johnson), I did not hear the statement the gentleman just made as to how many were going. What was the gentleman's statement, please?

Mr. JOHNSON of California. It is my understanding that the only Member going from the Committee on Public Works will be the chairman of the Committee on Public Works, the gentleman from Minnesota (Mr. Blatnik).

Mr. SMITH of California. I thank the gentleman.

Mr. JOHNSON of California. And also one staff member from the Committee on Public Works.

Mr. SMITH of California. I thank the gentleman, because the resolution, I think, Mr. Speaker, is just a little bit misleading.

My understanding is that we are going to send three over there, which the distinguished Speaker of the House will appoint, and I believe they are the gentleman from Minnesota (Mr. Blatnik), the gentleman from Michigan (Mr. Dingell), and the gentleman from Illinois (Mr. McClory). I believe that the gentleman from Illinois (Mr. McClory) actually travels under the authority of the Committee on the Judiciary from the money standpoint, because they can travel outside of the United States, and probably the gentleman from Michigan (Mr. Dingell) will travel on the authority of some other committee other than the Committee on Public Works. So even if those three Members are named by the Speaker it is my understanding that only the gentleman from Minnesota (Mr. Blatnik) will be from the Committee on Public Works, and that he intends to take off one staff member. That is my understanding. Of course, this is the first time we have had an environmental conference such as this any place, I guess, in the world—I am not sure about that, but it is the first one we are going to.

It is a nice country there, and I am sure that it will be a delightful trip.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, does the gentleman have any information as to whether or not this is like the Commission on Education and Labor travel resolution that we pass annually—or that we defeated last May—appointing delegates to go to the International Labor Organization, in that we always appoint more than we need so that they can sort of shuttle back and forth or work in shifts? Maybe that is the plan here, and they are going to be relaxing on the rocks in Sweden, in relays.

Mr. SMITH of California. I think that there may be a little bit of difficulty in getting credentials for more than three Members of our body to this particular meeting. I think only three are going, and in that connection that will be the next one that we will go to bat on.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. Since when did junketeers need credentials?

Mr. SMITH of California. I guess you have to have credentials in order to get into the meetings.

Mr. GROSS. All you have to have is a passport, is that not correct?

Mr. SMITH of California. From that standpoint, yes, but when you go to the meetings you have to have some credentials. They will have to be there as alternates, or delegates; they are there as observers, we do not have a vote on it.

Mr. Speaker, I urge the adoption of the resolution.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TRAVEL RESOLUTION FOR COMMITTEE ON EDUCATION AND LABOR

Mr. MATSUNAGA. Mr. Speaker, at the request of the gentleman from Missouri (Mr. Bolling) and by direction of the Committee on Rules, I call up House Resolution 965 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 965

Resolved, That the Speaker of the House of Representatives is hereby authorized to appoint a member from the majority and a member from the minority of the Committee on Education and Labor to attend the International Labor Organization Conference in Geneva, Switzerland, between June 7, 1972, and June 27, 1972.

He is further authorized to appoint as alternates a member from the majority and a member from the minority of the said committee.

Notwithstanding the provisions of H. Res. 213 of the Ninety-second Congress, first session, local currencies owned by the United States shall be made available to the members of the Committee on Education and Labor of the House of Representatives and employees engaged in carrying out their official duties for the purpose of carrying out the authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the

United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(5) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period in any other country, irrespective of differences in time zones.

Mr. MATSUNAGA (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, this is a simple annual travel resolution authorizing the Speaker to appoint one majority member and one minority member of the Committee on Education and Labor to attend the International Labor Organization Conference in Geneva, between June 7 and June 27.

The Speaker would also be authorized to appoint one majority member and one minority member of the committee as alternates.

The resolution authorizes the use of counterpart funds and contains the so-called Hall amendment.

Mr. Speaker, I urge the adoption of the resolution.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman.

Mr. HALL. I appreciate the gentleman yielding, Mr. Speaker.

I certainly am thankful that the gentleman calls attention to the Hall resolution which is on page 3, paragraph (5).

This is simply a device to prevent the "junketeers" from collecting a per diem in counterpart funds in more than one country in spite of time zones—even though they may be in two in any given 24 hours.

I am thankful that the Committee on Rules has adopted this, and I think it serves a very useful purpose.

Outside of that, is this not another resolution that requires exemption from previous House action, in the form of House Resolution 213? Are those exemptions for the same purpose as the last resolution?

Mr. MATSUNAGA. That is correct.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I think any travel resolution is a terrible mistake in this instance, because it is useless in the first place and besides this resolution is similar to the one that was defeated on a rollcall vote in this Chamber on May 6, 1971. Here, just a year and three weeks later, we have the same resolution before us again. I presume the same "warm bodies" that like to travel and like to go to this useless meeting which we have recently refused to support by appropriations, have brought up the like resolution?

Indeed, it has been brought out in prior debate leading to the defeat of this resolution that the Members are not even "advisers" as in the case of the last resolution and that they are there simply by sufferance of the Department of State, to the end that very little is done. If we approve this, we not only authorize it again after having defeated it last year—although perhaps some did attend as a result of the suffrage of one of the departments or bureaus downtown or through some other device—but I would certainly hope that this resolution might be voted down, and Members stay home from this particular meeting on June 7 through June 27—which have in the past worked in relays with the alternates, so we can have warm bodies for warm debate and the House can work its will here at home.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Iowa.

Mr. GROSS. Now that the gentleman has warmed up from the previous junketing resolution, I am sure he is in good fettle to handle this one.

Has the distinguished gentleman from Hawaii ever been in Switzerland in the early summer?

Mr. MATSUNAGA. No, I have never yet been to Switzerland. I might say that my daughter is there now and she loves it. I wish I could join her, but I am not a member of the Committee on Education and Labor unfortunately, and I doubt I will be able to join her.

Mr. GROSS. I am sure if the gentleman's daughter is enjoying Switzerland at this time of the year, it must be enjoyable for the junketeers from Congress.

Mr. MATSUNAGA. I would not call them junketeers, I will say to the gentleman from Iowa.

Mr. GROSS. What would you call them?

Mr. MATSUNAGA. It is said that education comes by travel to all men. If the gentleman from Iowa would believe in traveling himself, I think he would be the most highly educated Member of this body, as highly educated as he is right now.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, I thank the gentleman from Hawaii for yielding.

I would like to say that I can attest to having been a delegate to the ILO on four occasions, not including the last 2 years. In the normal course of events, the weather in Geneva at this time of the year is excellent—it is really beautiful. On some days one finds a little cloudiness and it is difficult to see Mount Blanc from Geneva—nevertheless it is beautiful.

On other days the wind is blowing a little too hard as it does here, and they have to shut down that beautiful fountain. But it is nice and it is a very pleasant atmosphere and also a very constructive and useful conference, I might say.

I remember distinctly thinking of my friend from Iowa and my friend from Missouri when I was there 2 years ago and sending each of them a little present which I bought with the left-over portion of my money. I can understand why neither of you gentlemen acknowledged in writing my gift, but nevertheless you accepted it in good spirits, and I wish you would give me the opportunity to go again this year.

Mr. GROSS. Since that was an end-of-the-line deal, I cannot think of a better reason for voting down this repeat performance.

Mr. THOMPSON of New Jersey. No; I did not send you the other half of the package, you see, and this, unhappily, being your personal physician's valedictory session, I would like to send him the other half of the package that I am sending to you.

Mr. GROSS. I have never tried to speak the language, Swiss or French, but the gentleman referred to Mount Blanc. Is that a label or a mountain?

Mr. THOMPSON of New Jersey. No; it is the tallest of the mountains in the Alps. It is a beautiful place to go to contemplate one's labors of the day and to look forward to the arduous work of the next day.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I am happy to yield to the gentleman from Missouri.

Mr. HALL. I would like to direct a question to the master of widgetry and junketing, who is a "warm body" and has responded from afar on many occasions.

Mr. MATSUNAGA. Is the gentleman directing his question to the gentleman from Iowa?

Mr. HALL. No; I can usually take care of him in my own barnyard.

A sentence in the report of the committee states that "appropriate measures in the House resolution exist for covering expenses." Does that refer simply to the question of using counterpart funds that we may have stashed away abroad, or does it also involve for this committee, which must be exempted under old House Resolution 213 of this same Congress from traveling outside the United States or using cash from the United States for their daily expenses and dollars from back home?

Mr. MATSUNAGA. Counterpart funds are what is involved.

Mr. HALL. That is all that is involved in the exemption of House Resolution 213?

Mr. MATSUNAGA. That is correct.

Mr. HALL. I thank the gentleman, and I hope the master of gadgetry goes with dollars and blessings, if we must vote this resolution.

Mr. THOMPSON of New Jersey. I thank the gentleman.

Mr. MATSUNAGA. Mr. Speaker, I yield to the gentleman from California.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I concur in the remarks made by the gentleman from Hawaii that the resolution calls for two Members and two additional Members as alternates, so there will be four. The record, as I remember it, last year was quite a bit different than this resolution. I think the first resolution we had before the Rules Committee was House Resolution 412, which called for 15 Members, as I recall, that I personally objected to it in the Rules Committee and said that it provided too many. They cut it down to 11. I still thought there were too many.

We brought it to the floor of the House, I believe, on May 6, 1971, and it was defeated.

Following that time we had a further resolution, House Resolution 434. That resolution called for a total of nine individuals, and that resolution passed the House of Representatives, I think, on June 18. I am not certain but what some of the Members were over there or en route at that particular time. I do know that very few went last year. Some were going to go, but their plans just did not work out. So four is the maximum, and I think it is the least number we have ever authorized for this trip. Maybe next year when I am gone they will not have even four but they will just provide for two Members.

Mr. Speaker, I am going to support the resolution providing for the four Members, and I urge its adoption.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 192, nays 81, not voting 159, as follows:

[Roll No. 183]

YEAS—192

Abourezk
Adams
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Badillo
Barrett
Begich
Belcher
Bergland
Biaggi
Blatnik
Boggs
Boland
Brademas
Bray
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Cabell
Carey, N.Y.
Carlson
Carney
Casey, Tex.
Clark
Collier
Colmer
Conable
Cotter
Coughlin
Culver
Curlin
Davis, S.C.
de la Garza
Dellenback
Denholm
Dennis
Dent
Diggs
Dingell
Dow
Downing
Drinan
Dulski
Eckhardt
Erlenborn
Fascell
Fish
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Gaydos
Gettys
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Gubser
Gude
Halpern
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Howard
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Kastenmeier
Kazen
Koch
Kuykendall
Kyl
Leggett
Link
Long, Md.
McClory
McCormack
McCulloch
McDade
McEwen
McKay
Madden
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Matsunaga
Mayne
Meeds
Minish
Mink
Mitchell
Mollohan
Monagan
Morgan
Murphy, N.Y.
Natcher
Nelsen
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Perkins
Peyser
Pickle
Pirnie
Poage
Preyer, N.C.
Price, Ill.
Quie
Reuss
Rhodes
Riegle
Roberts
Robison, N.Y.
Roe
Roncalio
Rooney, Pa.
Rosenthal
Roush
Ruppe
Ryan
Sandman
Sarbanes
Saylor
Schwengel
Shipley
Shoup
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Wis.
Stratton
Sullivan
Talcott
Taylor
Thompson, N.J.
Thomson, Wis.
Udall
Vanik
Vigorito
Waggonner
Ware
Whalen
Whalley
White
Whitten
Wiggins
Williams
Wolff
Wright
Wyman
Yatron
Young, Tex.
Zablocki

NAYS—81

Abbitt
Andrews, Ala.
Archer
Bennett
Bevill
Brinkley
Broyhill, N.C.
Buchanan
Burke, Fla.
Byrnes, Wis.
Byron
Carter
Chappell
Clancy
Cleveland
Collins, Tex.
Conover
Conte
Crane
Daniel, Va.
Davis, Wis.
Devine
Duncan
Edwards, Ala.
Fountain
Fuqua
Goodling
Gross
Grover
Haley
Hall
Hammerschmidt
Hosmer
Hull
Hunt
Hutchinson
Johnson, Pa.
Jones, N.C.
Keating
Kemp
Latta
Lent
Lloyd
McCollister
McKevitt
McKinney
Martin
Mathis, Ga.
Mazzoli
Miller, Ohio
Mills, Md.
Mizell
Montgomery
Myers
Nichols
Pelly
Pike
Powell
Price, Tex.
Quillen
Randall
Rarick
Robinson, Va.
Rousselot
Runnels
Ruth
Satterfield
Schneebeli
Snyder
Spence
Steiger, Ariz.
Stuckey
Teague, Calif.
Thompson, Ga.
Thone
Whitehurst
Winn
Wydler
Wylie
Young, Fla.
Zion

NOT VOTING—159

Abernethy
Abzug
Addabbo
Alexander
Anderson, Tenn.
Arends
Ashbrook
Aspinall
Baker
Baring
Bell
Betts
Biester
Bingham
Blackburn
Blanton
Bolling
Bow
Brasco
Brooks
Broomfield
Burton
Caffery
Camp
Cederberg
Celler
Chamberlain
Chisholm
Clausen, Don H.
Clawson, Del
Clay
Collins, Ill.
Conyers
Corman
Daniels, N.J.
Danielson
Davis, Ga.
Delaney
Dellums
Derwinski
Dickinson
Donohue
Dorn
Dowdy
du Pont
Dwyer
Edmondson
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fisher
Flood
Flynt
Frey
Fulton
Galifianakis
Gallagher
Garmatz
Giaimo
Gibbons
Goldwater
Grasso
Griffin
Griffiths
Hagan
Hanna
Hathaway
Hawkins
Hébert
Henderson
Holifield
Hungate
Jarman
Jonas
Jones, Tenn.
Karth
Kee
Keith
King
Kluczynski
Kyros
Landgrebe
Landrum
Lennon
Long, La.
Lujan
McCloskey
McClure
McDonald, Mich.
McFall
McMillan
Macdonald, Mass.
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Ark.
Minshall
Moorhead
Mosher
Moss
Murphy, Ill.
Nedzi
Nix
Passman
Pepper
Pettis
Podell
Poff
Pryor, Ark.
Pucinski
Purcell
Railsback
Rangel
Rees
Reid
Rodino
Rogers
Rooney, N.Y.
Rostenkowski
Roy
Roybal
St Germain
Scherle
Scheuer
Schmitz
Scott
Sebelius
Seiberling
Sikes
Sisk
Slack
Smith, Iowa
Springer
Steele
Stephens
Stokes
Stubblefield
Symington
Teague, Tex.
Terry
Tiernan
Ullman
Van Deerlin
Vander Jagt
Veysey
Waldie
Wampler
Widnall
Wilson, Bob
Wilson, Charles H.
Wyatt
Yates
Zwach

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.
Mr. Rooney of New York with Mr. Terry.
Mr. Macdonald of Massachusetts with Mr. Derwinski.
Mr. Brasco with Mr. McCloskey.
Mr. Teague of Texas with Mr. Broomfield.
Mr. Sisk with Mr. Bob Wilson.
Mr. Rodino with Mrs. Dwyer.
Mr. Giaimo with Mr. Steele.
Mr. Daniels of New Jersey with Mr. Widnall.
Mr. Celler with Mr. King.
Mr. Addabbo with Mr. Finley.
Mr. Metcalfe with Mrs. Abzug.
Mr. Yates with Mr. Dellums.
Mr. Hawkins with Mr. Scheuer.
Mrs. Chisholm with Mr. Seiberling.
Mr. Mills of Arkansas with Mr. Bow.
Mr. Miller of California with Mr. Goldwater.
Mr. Podell with Mr. Bell.
Mr. St Germain with Mr. Keith.
Mr. Clark with Mr. Eshleman.
Mr. Brooks with Mr. Springer.
Mr. Bingham with Mr. Poff.
Mr. Holifield with Mr. Del Clawson.
Mr. Henderson with Mr. Jonas.
Mr. Waldie with Mr. Stokes.
Mr. Stephens with Mr. Dickinson.
Mr. McFall with Mr. Schmitz.
Mr. Lennon with Mr. Landgrebe.
Mr. Moorhead with Mr. du Pont.
Mr. Moss with Mr. Pettis.
Mr. Nix with Mr. Hanna.
Mr. Pepper with Mr. Frey.
Mrs. Grasso with Mr. Chamberlain.
Mrs. Griffiths with Mr. Cederberg.
Mr. Purcell with Mr. Lujan.
Mr. Aspinall with Mr. Ashbrook.
Mr. Nedzi with Mr. McDonald of Michigan.
Mr. Kee with Mr. Scherle.
Mr. Hathaway with Mr. Vander Jagt.
Mr. Stubblefield with Mr. Zwach.
Mr. Anderson of Tennessee with Mr. Baker.
Mr. Flynt with Mr. Blackburn.
Mr. Edmondson with Mr. Camp.
Mr. Evins of Tennessee with Mr. Esch.
Mr. Passman with Mr. Wampler.
Mr. Jarman with Mr. Wyatt.
Mr. Roy with Mr. Sebelius.
Mr. Tiernan with Mr. Mosher.
Mr. Ullman with Mr. Railsback.
Mr. Van Deerlin with Mr. Don H. Clausen.
Mr. Sikes with Mr. Michel.
Mr. Donohue with Mr. Minshall.
Mr. Eilberg with Mr. Biester.
Mr. Fisher with Mr. Betts.
Mr. Hagan with Mr. Scott.
Mr. Melcher with Mr. McClure.
Mr. Rangel with Mr. Symington.
Mr. Abernethy with Mr. Hungate.
Mr. Collins of Illinois with Mr. Charles H. Wilson.
Mr. Conyers with Mr. Edwards of California.
Mr. Burton with Mr. Kyros.
Mr. Kluczynski with Mr. Rees.
Mr. Reid with Mr. Murphy of Illinois.
Mr. Mikva with Mr. Corman.
Mr. Caffery with Mr. Alexander.
Mr. Baring with Mr. Davis of Georgia.
Mr. Danielson with Mr. Evans of Colorado.
Mr. Flood with Mr. Garmatz.
Mr. Rogers with Mr. Griffin.
Mr. Rostenkowski with Mr. Slack.
Mr. Smith of Iowa with Mr. Jones of Tennessee.

Mr. Dorn with Mr. Pryor of Arkansas.
Mr. Roybal with Mr. Gibbons.
Mr. Fulton with Mr. Galifianakis.
Mr. Gallagher with Mr. Pucinski.
Mr. McMillan with Mr. Landrum.
Mr. Karth with Mr. Blanton.
Mr. Long of Louisiana with Mr. Dowdy.

Mr. CARTER changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader the program for the rest of the week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. In reply to the request of the gentleman, the distinguished majority leader, we have concluded the legislative program for this week.

As the gentleman knows, at 9:30 p.m. we will be here in joint session to hear the President of the United States upon his return.

There is no further business for this week.

On Monday, the Consent Calendar will be called. That will be followed by five suspensions:

H.R. 12674, National Cemeteries Act;

H.R. 9501, North Pacific Fisheries Act;

H.R. 10310, Seal Beach National Wildlife Refuge;

H.R. 14731, shooting at birds, fish from aircraft; and

H.R. 14106, Water Resources Planning Act.

On Tuesday, the Private Calendar will be called.

Also, H.R. 15259, District of Columbia appropriations, fiscal year 1973, for general debate only.

On Wednesday, the District of Columbia appropriations will be considered to its conclusion.

H.R. 14990, Atomic Energy Authorization under an open rule with 1 hour of debate.

On Thursday and the balance of the week:

S. 659, higher education conference report; and

H.R. 14149, Peace Corps authorization which is subject to a rule being granted.

Conference reports may be brought up at any time and any further program will be announced later.

ADJOURNMENT OVER TO MONDAY, JUNE 5, 1972

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS IN ORDER ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business in order for next Wednesday be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ASHLEY FOARD

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, on June 9, a remarkable civil servant will retire from the Department of Housing and Urban Development after 37 years of truly distinguished public service. The career of Ashley Foard in that Department and in its predecessor agencies spans the entire history of major Federal housing programs.

Ashley Foard joined the Federal Government in 1935 as a young lawyer. He was soon charged with the important responsibility of developing and drafting State public housing legislation for the many States wishing to participate in the Federal low-rent housing program. Later he assumed legal responsibilities with respect to all Federal housing, community facilities, urban renewal, and other urban development legislation. This body of law, both State and Federal, stands today as the foundation on which this Nation's entire housing and urban development structure is based.

In 1967 his responsibilities were further enlarged with his appointment as Deputy General Counsel of HUD. His interests ranged over the entire spectrum of legal matters of concern to that Department: legislation, litigation, and administrative law.

We in the Congress, and particularly members of the Committee on Banking and Currency and its Housing Subcommittee, are deeply indebted to him for the advice and guidance he has given us over the years. Every request of this committee for assistance, no matter how difficult and how short the notice, was received courteously and acted on with consummate skill. His effectiveness in working with us on behalf of his Department derived from his vast knowledge, high imagination, careful attention to detail, and complete disregard of his own convenience when heavy claims were made on his time.

Ashley Foard's work and influence have extended beyond our national borders. He has assisted Peru, the Dominican Republic, and San Salvador in the development of their housing legislation. He has also conferred, as a member of high-level exchange team, with West German officials concerning their urban planning responsibilities.

His services and accomplishments as a national and international expert in his field have won for him many expressions of esteem from the Congress, governmental departments and his colleagues. He has received the highest honor of the Department of Housing and Urban Development, the Distinguished Service Award, and several years ago was the recipient of the nationally prestigious Rockefeller Public Service Award. It gives me a deep and personal pleasure now to add my own expression of appreciation and esteem to the many tributes already paid to this outstanding civil servant.

Mr. WIDNALL. Mr. Speaker, I rise in support of the tribute made by the distinguished gentleman from Pennsylvania who is chairman of the Housing Subcommittee, to Ashley Foard, the Deputy Counsel of Legal Affairs for the Department of Housing and Urban Development. What Mr. Barrett has said is nothing but the simple truth. I would like to add my endorsement to it.

As one of the original members of the Housing Subcommittee and one who has enjoyed the fruits of Mr. Foard's labors for close to two decades in this field, I can also appreciate his worth.

Three years ago, I was privileged to second his successful nomination for a Rockefeller Foundation award which goes annual to the top careerists of the Federal Government. At that time, I said of Mr. Foard that—

> He is the one person whose continuous labors and broad skills contributed the most to tying the entire legislative accomplishment together. He did this without partisanship, but with knowledge; without bias, but with intense interest; and always with completely selfless dedication. He has, on all occasions, quietly devoted himself to the common good in the fields of housing and urban development. Importantly, there was never a time, regardless of whose administration, when we could not get an honest and informed answer from Mr. Foard.
>
> He has been able to clarify the way for honest decision. He can sift through a tangled maze to tell you what was intended. If information, technical or practical, is desired, he will supply it. If no one else remembers the legislative history, Foard does and will recall it for you in detail. And everything is done with promptness, and absolute honesty.

Mr. Foard has been the chief legislative counsel, Deputy General Counsel, and the Acting General Counsel of the Department of Housing and Urban Development and its predecessor, the Housing and Home Finance Agency. In these and other legal capacities, he has served the agency as perhaps no other man has.

He is living testimony of the fact that nice guys do not finish last. We, who have long experienced his aid in the field of housing, have only regrets for his departure, and send best wishes to him "for whatever the future holds," and our heartfelt thanks for all that he has done.

TRIBUTE TO LEONARD VICTOR

(Mr. ADDABBO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, several

days ago a distinguished reporter-photographer passed away at the age of 55. He was Leonard Victor of the Long Island Press, a man who won acclaim for his 37 years of outstanding service for the Newhouse newspapers.

Leonard Victor was also a personal friend and I was privileged to know this fine professional. Ironically, Leonard wrote his own obituary for the Long Island Press and as always his words are most expressive of the personality of this gentleman.

I insert in the RECORD at this point the article from the Long Island Press, of May 17, 1972, on the death of Leonard Victor, including his own obituary.

LEONARD VICTOR, PRESS WRITER-PHOTOG, DIES

Long Island Press reporter-photographer Leonard Victor, whose crusading writing and eloquent photographs received national acclaim, died in his sleep yesterday at the age of 55.

In accordance with his wishes there will be no services.

Mr. Victor will be cremated and his ashes will be scattered in the Atlantic Ocean off Tobay Beach.

In the 37 years he worked for Newhouse newspapers in the metropolitan area, Mr. Victor's work received the acclaim of top public officials, journalists, local civil groups and the general public.

His spotlight series on youthful drug addiction on Long Island and the despoiling of Long Island's environment earned him two Page One awards for crusading journalism and three national conservation honors: The Thomas L. Stokes Award twice and the Scripps-Howard Meehan Award.

Mr. Victor was found dead in bed yesterday morning at home at 11 Laurel Drive in Selden. He formerly lived in Syosset.

He was born in Manhattan on Aug. 14, 1916, attended primary and secondary schools in Jamaica and received his higher education at New York University and Columbia University.

Except for the war years, when he was a photo officer in the armed forces, he spent all his working life with the Newhouse newspapers, starting as a photographer in September, 1935.

Mr. Victor was rated one of the outstanding photographers on the East Coast and was often called upon by photography clubs as a lecturer, panelist and judge.

He was a founder and active member of photography clubs on Long Island and his column on photography appeared regularly for many years in The Press.

His news and feature photographs won many awards, including the grand prize trophy of the Photographic Society of America for the best photo of the year in 1961.

As eight-part series on the need for Long Island Parks earned Mr. Victor his first conservation-writing honors. For the series, which he wrote and photographed, Mr. Victor received third prize in the 1960 Thomas L. Stokes Award for outstanding writing on the development and conservation of natural resources.

"You Can Survive," was the title of his 1961 Spotlight series on fallout shelters in which he designed an economy model that received "official and enthusiastic approval" of city and state civil defense officials. For the work, the Queens Veterans of Foreign Wars awarded Mr. Victor for "outstanding community service." The Society of Silurians, an organization of veterans newsmen, awarded him Honorable Mention in the public service category.

In 1963 Mr. Victor received the "Meritorious Public Service Award" from the director of the Internal Revenue Services for Queens, Nassau and Suffolk.

His series on cancer detection earned him a plaque from the Nassau Cancer Division in July, 1963. That same year Mr. Victor received a plaque from the National Audubon Society for his conservation writing. A spokesman called him "the leading journalist on Long Island conservation."

In 1964 his series on jet noise won the first two prizes in the 26th annual national Trans World Airlines aviation writing contest in the categories of aviation development and best news story.

"It's An Emergency," his Spotlight series on problems stemming from increased use of hospital emergency rooms, earned the Press a special public service award sponsored by the State Medical Society and the State Health Department.

His most acclaimed work was his 1966 Spotlight series, "Long Island's Young Addicts." Reprinted and distributed among schools and youth organizations, it earned him 28 local and national awards, including the coveted Page One Award of the New York Newspaper Guild.

The series also earned Mr. Victor the national Sigma Delta Chi award for distinguished public service in journalism. A spokesman for the professional journalism society praised the series at that time "for its stark unveiling of the drug addiction menace to youth, with specific examples of the suffering and heartbreak and for extending the hand of hope to the afflicted.

Also in 1966 the Queens Jewish War Veterans gave Mr. Victor their Community Service Award for his series on drug addiction, water pollution and jet noise.

His Spotlight series, "Ugly Long Island," earned first prize in the 3rd annual Edward J. Meehan Conservation Award and top prize from the Scripps Howard Foundation for the nation's best writing on conservation. It also prompted the State Federated Garden Clubs to give him their first award to a newsman.

Mr. Victor's second Page One award came in 1968 after his series "Dredging Windfall" exposed the misuse of Suffolk County dredging equipment.

He was named "New York State Newspaper Conservation Man of the Year," in 1969 by the New York State Conservation Council. The award, presented by Gov. Rockefeller, said: "In recognition of outstanding efforts by the newspaperman whose exceptional articles, written after months of effort, revealed the extensive exploitation and abuse of Long Island wetlands."

The Spotlight series "Our Environment," earned him a Merit Award from the Queens County Sportsman's Federation in January, 1970.

Mr. Victor is survived by his mother, Ada of Elmhurst; his first wife, Mrs. Trudy Grossman of Glen Cove, and their daughter, Mrs. Amby Lyman of Westbury; his second wife, the former Doris Harris of Syosset, and their son Gorden of Manhattan, and a grandchild, Hal John Lyman.

In lieu of flowers, Mr. Victor wished that memorial contributions be sent to Samaritan Halfway House in Richmond Hill or the Queens Children's Shelter in Jamaica.

A REPORTER'S NOTES FOR HIS OWN OBITUARY

(By Leonard Victor)

"I'm hoping this piece of copy will be very old and brittle before it is used. But, someday, someone's going to have to go looking for the "makings" of an obit on me.

To spare him—and my family—the following:

Born Aug. 14, 1916 in Manhattan. Attended Jamaica Normal School (which wasn't normal because it was a teacher's training school), Jamaica High School, New York University and Columbia (with little success!)

Except for the World War II year's, I've spent my life (and had a helluva lot of fun) working for Newhouse (Editor's Note: S. I. Newhouse, president and publisher of The Long Island Press and other Newhouse newspapers.) Started as a stringer (a part time employe) for the paper, covering Saturday night "rackets" as a photographer in September, 1935.

By Christmas, I'd made the payroll, by making a new job on the paper—midnight to morning police photographer, covering dented tin (vehicular accidents) fires and arrests. (I may still hold the record for the number of scrambled milk bottles delivery wagon wrecks covered. Those were the days when the horse ambled along and 4 a.m. drivers clobbered the wagons with amazing regularity.)

Later, when S. I. bought the old Star and North Shore Journal (later The Star-Journal), I became its sole and hence chief photographer.

During World War II, I was first chief news, publicity and floor-sweeping chief photographer for the Sperry Co., and later a photo officer with Transport Service. I set up the photo department for the Sheepshead Bay training base for seamen.

Later, I went to sea covering much territory—friendly and hostile—I'd gladly have missed.

Only war injury: Damaged shoulder resulting from fall off a 15-foot ladder while shooting movies in Brooklyn of sailors parading.

After the war, returned to The Press and in recent years have been writing feature material as well as shooting pictures.

(How can you put into words the fun of making a stinker in Suffolk unfreeze pipes for a bunch of helpless, nice "Little people?" How do you explain the thrill of being able to ride a destroyer-escort to 'Gitmo (Guantanamo Bay in Cuba) to tell the story of the men pulled back to duty by an international crisis? Even if I could put it into words, there wouldn't be room for it.)

Let's just say that I covered the range of big and little stories every newsman gets—and except for the grim ones like train and plane wrecks—loved every minute of it.

Family: Father, Joseph, a retired fur manufacturer, died in 1951. Mother Ada, wife, Doris, daughter Amby 31, (now Mrs. Sanford Lyman of Glen Cove) son, Gordon, now 18 (and grandson, Hal John Lyman.)

Hobbies: Amateur radio, flying. Licensed "ham" since age 11. Set up emergency net for New York City's Queens fire headquarters that later became one of the country's first Civil Defense Radio nets.

Flown since mid-30's. In the five years from 1946–51 covered for The Press and the Associated Press every major catastrophe in the metropolitan area. Was member of now-defunct Metropolitan Aviation Association (MAA) which fought for more airports for private fliers. With two others, Nat Cutler—now dead—and Speed Hanzlik, very much alive (Ed: Anthony "Speed" Hanzlik is the operator of Flushing Airport) first proposed what is now Kennedy Airport.

I took air views of the whole marsh area and closeups of a sand pumping operation along Rockaway Boulevard. We brought these to LaGuardia (Ed: then Mayor Fiorello H. La Guardia) and pointed out the possibility of a giant field on the waste land.

The Little Flower took it from there actually using my original photographs at first hearings (at one of which I spoke for the MAA).

Ironically, when I co-piloted the first paid landing at $5 (Roy Carleton and I fighting for the controls!) at Idlewild, the day before the official opening, our dream of a commercial field at one end, private flying at the other, had been long since swept away by the growth of commercial aviation.

Awards: Gloss it over with "won national and local awards for writing and photography."

LICENSE RENEWAL

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I am introducing a bill today to establish more orderly procedures for the consideration of applications for renewal of broadcast licenses. My bill will extend the maximum broadcast license period from 3 to 5 years and will provide for granting an application for renewal of license where an applicant is legally, financially, and technically qualified and has not exhibited a callous disregard for the law or regulations of the Federal Communications Commission. An applicant who is not fully qualified or one who has demonstrated a callous disregard for the law or FCC regulations will have those deficiencies weighed against him in a renewal proceeding.

The provision in my bill to extend the license period to 5 years is long overdue. The 3 year license period was instituted during the early years of broadcasting when the industry was still in its infant stages. My bill recognizes the maturity of broadcasting by providing for more realistic license terms. The overwhelming majority of licenses have consistently been able to obtain renewals of their licenses. That these broadcasters are certainly aware of their obligations to the public interest is evidenced by the public trust which the FCC has placed in the hands of the same broadcasters for so many years. A 5-year license term should in no way detract from the FCC's ability to perform its regulatory function.

A 5-year license term would greatly reduce many unnecessary costs which now burden both the broadcasters and the FCC. The time, money and manpower which both the licensee and the FCC must expend every 3 years during the license renewal process do not facilitate the accomplishment of any regulatory objectives which could not be achieved just as effectively at 5-year intervals. By limiting renewal consideration to every 5 years the Federal Communications Commission could in fact reallocate its scarce resources to more pressing problems and thereby increase its regulatory efficiency.

The second part of my bill would insure that a broadcaster who had compiled a record of broadcast service over the years in the interest of his community would be awarded a renewal license to continue that service to the community. Only in the event that he was found to be technically, legally or financially unqualified or that he had demonstrated a callous disregard for the law or broadcast regulations would he be subject to a challenge by competing applicants in a comparative hearing. At this stage his deficiencies would be weighed against him.

For almost 20 years, from 1951 to 1969, a policy by the FCC prevailed which gave preference to the meritorious service of renewal applicants over the paper proposals of new, competing applicants. This policy was apparently overturned in January 1969 by the infamous WHDH decision of the FCC. From that point on, there has been no stable renewal policy which broadcasters or potential entrants into the broadcasting industry could take their bearings by when making future plans. The WHDH decision was quickly reinterpreted by the FCC to be a case sui generis which was not to apply in general to renewal applicants. After serious consideration by a Senate subcommittee of new legislation, the FCC released a new policy statement in February 1970 which basically restored the commission policy existing from 1951 to 1969. The policy statement was in turn thrown out in June 1971 by the U.S. Circuit Court of Appeals for the District of Columbia. Legislative guidance is clearly called for to end the period of uncertainty which has faced broadcasters during the last 3 years. I am offering my bill as a vehicle to provide that guidance. It is a sound bill and is based upon our regulatory traditions and the recognition that we are dealing with an industry which is no longer young and untested but mature and responsible.

Finally, there are a couple of points which probably ought to be made concerning the FCC failure in the WHDH decision which started us on this merry-go-round. First, in one of the last FCC decisions to deal with WHDH as it was leaving the air, Chairman Dean Burch had this to say in concluding some criticism of the original decision:

> The matters I have raised are not "nit-picking." They are crucial to the decision. They are not nuances of judgment. They represent irrational decision-making. Nor are they buried. They stand out, stark and obvious. That being so, I am puzzled how they passed muster, first with the Commission and later upon review before the Court. Process so rent with glaring error does not commend itself. (33 FCC 2d 436)

Finally, one of the major criteria which was used to withdraw the license from WHDH and award it to one of the competing applicants was that it would promote diversification of the media since the Boston Herald Traveler newspaper owned WHDH. WHDH argued in vain that profits from their television operations contributed to the viability of the Herald Traveler and therefore enabled more media voices to exist in the Boston area than would be the case if it was deprived of its license. We recently noticed that the Herald Traveler has been sold to one of the competing newspapers in the Boston area and will discontinue operations. The final irony in this debacle is that the FCC action to promote a diversification of the media has stilled one major media voice in the Boston area.

The stability provided by the rule of law which my bill will promote has several advantages over rule by discretion, not least among which are greater justice to those subject Government action and the creation of a climate conducive to social and economic progress.

H.R. 15266

A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307(d) shall be amended by striking the first two sentences and inserting the following: "No license granted for the operation of any class of station shall be for a longer term than five years and any license granted may be revoked as hereinafter provided. Upon the expiration of any license, upon application therefor, a renewal of such license may be granted from time to time for a term of not to exceed five years if the Commission finds that public interest, convenience, and necessity would be served thereby: *Provided, however,* That in any hearing for the renewal of a broadcast license an applicant for renewal who is legally, financially, and technically qualified shall be awarded the grant if such applicant shows that its broadcast service during the preceding license period has reflected a good-faith effort to serve the needs and interests of its area as represented in its immediately preceding and pending license renewal applications and if it has not demonstrated a callous disregard for law or the Commission's regulations: *Provided further,* That if the renewal applicant fails to make such a showing or has demonstrated a callous disregard for law or the Commission's regulations, such failure or demonstration shall be weighed against the renewal applicant."

A TURNING POINT IN UNITED STATES-SOVIET RELATIONS

(Mr. HEINZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HEINZ. Mr. Speaker, I rise to note that today we will welcome the President back from his unprecedented diplomatic mission to the Soviet Union. It is my belief that these summit talks will be considered a turning point in United States-Soviet relations. For the first time in recent history, summit talks have provided the American people with a greater hope for the future. In the past, all we could frequently hope for was the avoidance of brinkmanship, the continuation of a detente and a hopeful reduction in the threat of a nuclear confrontation. In my opinion, these talks have culminated in a reversal of the Soviet-American philosophy originally instilled by the "cold war." We have turned away from a philosophy whose only aim was to avoid disaster to one whose aim is to improve the quality of life for the people of both countries and a better chance for world peace. The cooperative agreements on the environment, space, health, and scientific endeavors will prove what benefits can be gained by two great powers working together. I have today written the White House to commend and congratulate the President accordingly.

At the same time, I think we should also recognize that if the policy of our country is to assist other nations in providing a better life for their people, as in the Soviet Union, then we cannot overlook those people in those nations who are the victims of serious discrimination and repression. In the Soviet Union the 3 million Soviet Jews now look to our country with renewed hope that the promise of a fairer, better life extended to the Soviet and American peoples will also apply to them as well.

It is my hope that the President will use the channels of communication which he has strived for 3 years to open, to express the concern of the American people over the treatment of the Soviet Jews. Although the next formal session of summit talks is not scheduled until next November, I urge the President to lay the groundwork for the consideration of this problem. It is my hope that the advances made during the last week will lead to the attainment of the goal which the President has set for us—a better life for all people be they Americans or Russians, Jews or gentiles.

MASSACRE AT TEL AVIV

(Mr. **RYAN** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **RYAN**. Mr. Speaker, no individual with any amount of human decency can fail to be shocked and outraged by the wanton murder of 25 air travelers at Israel's international airport on May 30. This ghastly act, perpetrated on behalf of the fanatic Popular Front for the Liberation of Palestine by hired killers, is a sickening reminder of the tragic continuation of the conflict in the Middle East and the failure of the United States to do all within its power to bring that conflict to a negotiated settlement.

It is imperative that this Nation make clear—absolutely clear—its total revulsion to such cowardly, bloody tactics and take every necessary step to assure that this horrid incident is never repeated. We can start by heeding the call of Israeli leaders who have demanded an international boycott of Beirut, which in the words of Israeli Prime Minister Golda Meir "is openly enabling the centers of the terrorist organizations to reside in its midst. There they plot, from there instructors set out to various countries and from there come the broadcasts of their great successes. Can it be possible that governments . . . should acquiesce in this?"

My answer to this is clear: No. This Nation cannot allow its voice to be silent nor its condemnation unfelt in this matter. We must demonstrate in clear, unequivocal terms our total revulsion to this deed and bring it home to bear on those whose vitriolic rhetoric has fueled the fires of violence in the Middle East and who have given asylum and support to the despicable instigators of this massacre.

I have today sent an urgent telegram to the President urging him in "the strongest possible terms to bar American air flights to Beirut."

But we must recognize that only true peace will bring an end to the conflict and violence. In the words of the New York Times editorial of June 1:

> The ultimate responsibility . . . lies with all nations, including the United States and the Soviet Union, to redouble diplomatic efforts to stop the new wave of insanity that threatens to engulf the Middle East . . . There will be no security for Israel or for the Arab states until the Palestinian problem is solved as part of a negotiated peace.

If there is to be a memorial to those 25 innocent victims of the shooting at Tel Aviv airport, let it be an end to the terrorist killing and violence, a lasting peace in the Middle East.

LEGAL SERVICES PROGRAM

Mr. **DEVINE**. Mr. Speaker, it cannot be stated too often that the intent of the Congress in establishing a legal services program within the Office of Economic Opportunity was to make available to the poor in America the legal counsel and representation that they may require but are unable to afford. At no time was it intended that the legal services program should become a vehicle for radical reform of our society without benefit of popular approval or legislative action.

Ostensibly to promote effective legal services to the poor, and to facilitate the exchange of information and expertise among legal services programs, the program has expanded to include more than a dozen "backup centers," central research and assistance facilities that serve either all of the legal services programs in a given geographic area, or provide specialized support in specific areas of poverty law to programs across the Nation. Normally, Mr. Speaker, the backup centers operate under the auspices of university law schools. Those that specialize in specific areas of the law deal with fields such as housing and economic development, employment, health, consumer affairs, education and welfare.

At first glance, it would appear that these backup centers fill a vital need within the legal services program. And in truth, they are indeed necessary to the effective conduct of the OEO legal services program. But there is more here than meets the eye. The fact is that to an alarming degree the backup centers have become supportive services for radical activity, rather than for the provision of legal services to the poor.

Let us consider the self-appraisal of one backup center Mr. Speaker, the National Housing and Economic Development Law Project of Berkeley, Calif. Kenneth Phillips, director of the project, described its work in the April 1972 issue of the Cleaninghouse Review, in an article entitled, "What Backup Centers Can Do." The Clearinghouse Review, it should be noted, is published by the National Clearinghouse for Legal Services, an OEO grantee at Northwestern University, Evanston, Ill., and is circulated among Legal Services projects, attorneys and backup centers across the Nation.

Phillips stated in his article that:

> A major function of the Project is an overriding obligation to affect the body of law that directly imposes or perpetuates substandard housing conditions on millions of people.

He continued:

> The Project has developed impact strategies . . . to expose, document and dramatize the reality of housing breakdown and the evasion or malfunction of protective legal requirements. . . . A second and related major purpose of impact strategies is to foster the development of organizations of low-income and minority residents, such as tenant unions, urban renewal project area committees, workable program citizen coalitions and model city citizen component groups as instruments of pressure for social change.

Phillips added:

> The Project is the principal legal advisor to such organizations as the National Tenants Organizations . . . and spends much of its time and resources in the development of legislative proposals.

The Clearinghouse Review is full of examples of activity by Legal Services back-up centers that have far less to do with the needs of the poor than with the determination of some radical individuals and organizations to impose their concept of society upon us all, whether we like it or not. Permit me, Mr. Speaker, to mention just a few of the topics of concern to these backup centers:

Legislative advocacy: instruction in lobbying, pressure tactics, how to pass legislation; Organization of grass roots campaigns in behalf of desired legislative goals, et cetera.

Community organization: principles of effective group action; how to obtain a favorable press; formation of community coalitions, et cetera.

The Clearinghouse Review also focuses attention on the efforts of individual legal services programs in cases whose relevance to poverty is questionable: codes in schools and other institutions regulating hair length; parent-child conflict—not involving brutality; reapportionment of the Texas State House of Representatives; the determination of requirements for nomination to political office; and attacks on the Federal rent stabilization policy.

I do not believe, Mr. Speaker, that the backup centers of OEO's legal services program are fulfilling their purpose when they devote such substantial portions of their time and resources to activities that have relatively little to do with the immediate legal needs of the poor. If there are to be back-up centers—and I believe they do fill an important need when properly administered—their activities should be limited to the purposes for which they were intended. OEO's legal services program is not intended to be a vehicle for social revolution; nor are its backup centers supposed to function as command posts in such a revolution. Both should concentrate on the job at hand: the provision of legal advice, counsel, representation and education to the poor of America.

ACTION AGAINST ARAB TERRORISM

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BADILLO) is recognized for 15 minutes.

Mr. **BADILLO**. Mr. Speaker, I know our colleagues share my shock and anger over the massacre yesterday at the Tel Aviv airport in Israel. This was just the latest in a long series of shameful acts of violence organized and carried out by Arab guerrilla organizations and it never should have been allowed to occur.

Yesterday's slaughter was a crime against all humanity and it must be treated as such. It raises issues that must be confronted by all nations and without delay, for the Arab terrorists are already indicating that additional attacks are being planned.

I met this morning with Israel's Consul-General in New York, both to express my sorrow and sympathy for the families of the victims and also to explore with representatives of the Government of Israel possible steps to avoid any repetition. In my judgment, the United States must exercise immediate initiative and leadership and it should be directed in three major areas:

First, there should be an immediate review by our own Federal Aviation Administration of the techniques and devices now in use to detect weapons and explosives in airports and onboard aircraft. We must have assurance that the best possible measures are being employed at U.S. airports, for they are certainly as vulnerable to attack as are airports in foreign countries.

Second, I am urging President Nixon to immediately seek an international conference—either through the United Nations, the International Civil Aviation Organization or other world body—with the purpose of establishing minimum international standards to protect airline passengers from acts of terrorism.

Third, I believe the United States must make clear to every nation of the world that we will cut off all forms of assistance to any nation failing to take, or failing to require its air carriers to take adequate measures to protect passengers from terrorist attacks and we can begin by cutting off aid right now to any nation which encourages, harbors, protects or otherwise fails to crack down on terrorist groups.

Mr. Speaker, there are no words really adequate to express my horror over the killings at Lod Airport yesterday. I was particularly touched because a number of the victims were Puerto Ricans on a religious pilgrimage.

With the Arab terrorists bent on further acts of violence, the need for immediate and decisive action on our part is urgent. I hope and pray that President Nixon shares the sense of urgency that we feel.

Mr. Speaker, I include at this point a statement I made on May 31, 1972, and articles that appeared in the New York Times today:

STATEMENT OF CONGRESSMAN HERMAN BADILLO

MAY 31, 1972.

Men of good will throughout the world cannot but view with shock and horror the senseless slaughter of over two dozen men, women and children and the wounding of countless others at Tel Aviv's Lod International Airport. The demented and irresponsible perpetrators of this horrendous act deserve the full condemnation of the family of free nations.

Last night's shootings represent another bloody chapter in the two and half decades of warfare between Israel and her Arab neighbors. This is just not warfare, however. It is nothing more than out-right murder conducted by a band of international gangsters.

Although we are preoccupied by our involvement in Southeast Asia, this latest incident in Israel serves to point up the fact that the Middle East represents the greatest single threat to the maintenance of international peace and stability. Israel, the hub of our Judeo-Christian heritage and culture, attracts millions of citizens from throughout the globe. The report that 11 of those who were killed were Puerto Ricans on a religious pilgrimage simply highlights the fact that we cannot ignore the constant harassment, intimidation and assaults against Israel's territorial integrity and basic security by her Arab neighbors. Unless positive initiatives are taken by the United Nations to reach some type of meaningful and lasting settlement to this dispute we will continue to witness an increasing arms imbalance in the Middle East and further terrorist activities by groups such as the Popular Front for the Liberation of Palestine and similar misdirected radical organizations. How many more defenseless persons—both Israeli citizens and foreign tourists—must be killed before affirmative action is taken to prevent such terrorist outbreaks in the future?

In the wake of this tragic event the United States must reaffirm its support of Israel and move to insure that her people will not continue to be victimized by Soviet-armed, Cairo-inspired Arab terrorist attacks.

FATED PILGRIMAGE PUERTO RICAN'S FIFTH

(By Robert Hanley)

For the 13 Puerto Ricans who were killed and the 27 who were wounded at the Tel Aviv airport terminal Tuesday night, the trip had started joyously as a combined pilgrimage to and tour of the Holy Land and parts of Europe.

The 40 victims and the 28 others in the group, nearly all of them members of the United Evangelical Church on the island, left San Juan Monday on the church's fifth annual pilgrimage.

In earlier years, the church had limited the pilgrimages to churches and other holy sites in Spain, Mexico or the Holy Land. This spring the itinerary listed 10 days of touring and praying in Tel Aviv and Jerusalem, then another eight days of sightseeing and relaxation in Italy and Switzerland.

The extended 18-day journey this spring attracted a small group of teachers. For them, and the Protestants who gathered at San Juan International Airport on Monday, the cost of the round trip was $1,100. They came from moderate-sized towns and small cities all over the island—Fajardo, Manati, Hatillo, Arecibo, Gebabaja and Rio Piedras. Most of the members of the tour ranged in age from the mid-fifties to the late seventies.

The first leg of their journey took them to Kennedy International Airport in New York, where they boarded a chartered Air France flight for Paris. The 68 Puerto Ricans and 54 other passengers then flew to Rome, the last stop before Tel Aviv.

After debarking at Tel Aviv airport, the Puerto Ricans and 47 others who had flown in from Rome apparently rode to the terminal in buses.

Moments after they had entered the building, three Japanese pulled guns and hand grenades and started firing.

Yesterday the Associated Press bureau in San Juan received a call from a group calling itself the "anti-Communist Action Movement" that warned that "three Arabs or Japanese would be killed for every islander killed in Tel Aviv."

ISRAELIS SUGGEST BOYCOTT OF BEIRUT BY ALL AIRLINES

(By Peter Grose)

JERUSALEM, May 31.—Israeli leaders called today for a boycott of Beirut by international airlines, charging that terrorist attacks on air travelers such as the shooting at the Tel Aviv airport last night are planned by Arab guerrillas on Lebanese soil.

In a strongly worded address before Parliament, Premier Golda Meir condemned Arabs for "rejoicing" over the airport attack, in which 25 persons were killed and 76 wounded by three Japanese gunmen reportedly acting on behalf of Arab guerrillas. The dead included 12 Puerto Ricans on a Christian pilgrimage to the Holy Land.

Mrs. Meir denounced the guerrillas for recruiting the gunmen, who arrived at the airport on an Air France flight they had boarded at Rome, and she accused the airline and foreign governments of having failed to put into effect security precautions that had long been advocated.

"I am confident," Mrs. Meir told Parliament, "that Israel will find a remedy and a way to make sure that this shall not recur."

[In Beirut, President Suleiman Franjieh called an emergency meeting of the nation's civilian and military leaders to consider precautionary measures in the case of possible Israeli retaliation against Lebanon. At the United Nations, Israel, in a letter to the Security Council, charged the Arab states and, in particular, Lebanon, with the responsibility for the airport shootings.]

SCIENTIST AMONG DEAD

The members of Israel's Parliament stood in solemn respect for the victims of the attack. Of the 25 dead, five remained unidentified. The Government listed eight Israelis among the dead, including Dr. Aharon Katzir-Katchalsky, a leading scientist.

The number of dead did not include the two Japanese gunmen who died in the attack—one apparently a suicide, the other shot by a companion. The third was taken prisoner.

In her address, Mrs. Meir specifically absolved the Japanese Government and people of any guilt in the shootings, which came just three weeks after Palestinian guerrillas hijacked a Belgian Sabena jetliner to the Tel Aviv airport. [In Beirut, a Marxist guerrilla group, the Popular Front for the Liberation of Palestine, claimed full responsibility for the shootings, said they were carried out to avenge the deaths of two Arab hijackers killed by Israeli troops May 9 in Tel Aviv and warned against reprisals.]

"It is no secret," Mrs. Meir declared, "that Beirut is openly enabling the centers of the terrorist organizations to reside in its midst. There they plot, from there instructors set out to various countries and from there come the broadcasts of their great successes. Can it be possible that governments, that aviation companies, should acquiesce in this?"

"Is it at all conceivable," she asked, "that a state which harbors and abets the plotting of such crimes, where the terrorists are free to plot, to set out, to hit and return safely with impunity, that on the soil of such a country foreign planes will continue to land?"

After an emergency cabinet meeting this morning, Foreign Minister Abba Eban said of the proposal for an active boycott of Beirut:

"What would Beirut be without its air traffic? The international community has specific pressure to bear within the specific aviation context—so why are not those pressures brought to bear?"

Meanwhile, an Egyptian commentator, speaking over the Cairo radio, said: "The heroes proved they can penetrate the conquered territories to avenge the blood of others. Now Israel has no alternative but to close down Lydda Airport and to prevent tourist visits if she wishes to protect her borders."

To this kind of statement Mrs. Meir replied: "As soon as the news broke joy broke out in Cairo and in Beirut as well over the great victory. Those who were unable to stand up against us on the battlefield are great heroes at hiding explosives in planes, at assaults on planes and passengers."

"This indeed takes great courage," she said with sarcasm. "And if the courage is lacking, the terrorists recruit foreigners for the purpose."

NO CANCELLATIONS REPORTED

An official of the Israeli Ministry of Tourism said that quick checks among travel agents in Europe and the United States revealed no rush of tourists to cancel travel plans to Israel.

The Minister of Transport, Shimon Peres, who had spent most of the night at the airport, returned this morning to plan additional security measures, including possibly further inspections of baggage as it is unloaded from the aircraft on arrival.

But few Israelis accepted the suggestion that it was Israeli security, rather than the measures taken before the planes took off abroad, that should be tightened.

"I cannot understand why the foreign airlines are so indifferent to the problem," said Deputy Premier Yigal Allon. "Today there are electronic methods that could easily have detected the arms hidden in the luggage."

Mr. Peres reported that the assailants' two suitcases, now in Israeli custody, had no secret compartments or false bottoms.

Mrs. Meir drew a sharp contrast between the precautions taken by Israel's national carrier, El Al, and the foreign airlines.

"We in Israel shall do all we possibly can to safeguard our planes—and, indeed, they are secure," she said. "We have taken all the necessary steps to make sure that everybody coming to Israel or leaving Israel in our planes can fly in safety.

"But I have not the slightest doubt that unless other governments and airlines will cooperate and consider this as their concern—and not merely for our sake—the scourge will remain to plague all."

"Only a short while ago, we had the Sabena affair, in which security checks somewhere failed to be carried out," she added. "Yesterday, the same thing happened. What occurred yesterday could have easily been avoided if the airline concerned had paid proper attention and carried out a check. I am aware that for El Al passengers, this is a nuisance and a loss of time, but against this. they are secure."

EXEMPTING STATE LOTTERY WINNINGS FROM FEDERAL INCOME TAX

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. McKinney) is recognized for 5 minutes.

Mr. McKINNEY. Mr. Speaker, yesterday afternoon, I introduced legislation which would exempt lottery winnings from an individual's taxable income.

The primary purpose of this legislation is to encourage the expansion of State revenues. With many of our States' coffers hard pressed to meet their financial obligations, it would seem appropriate that the Federal Government explore possible avenues which would generate increased State revenues. This becomes particularly pertinent with the advent of revenue sharing which predicates a State's share of Federal moneys on the size and scope of its tax effort.

The lotteries of those six States which offer them have generated substantial amounts of additional revenue which have been channeled into the States' educational and social service programs. For example, in a large State like New York, the lottery has produced $318.8 million since its inception in 1967, while the comparatively small State of New Hampshire has grossed over $30 million in its 9 years of operation.

However, even a cursory examination of the working of State lotteries reveals that Federal restrictions and regulations far from encouraging such revenue efforts hinder and, in some cases, retard their growth. Each of the six commissioners in those States which currently operate lotteries have indicated that the prime source of public dissatisfaction with lotteries is the exhorbitant size of the Federal tax bite. To illustrate the size of the Federal tax bite, I refer you to the attached correspondence from Connecticut's Commission on Special Revenue. With a prize of $75,000, the average family in Connecticut would return $39,780.00 to the Government—approximately half of the prize. This situation becomes an even greater source of irritation to the ticket buyer when he learns that in foreign countries, lottery prizes are exempt from taxation or subject only to a very minimal tax. As Mr. Ernest Bird, director of New York State's lottery, states:

> The impact of this bill on our lottery would be considerable. Since we began operating the lottery in June of 1967, complaints against state and federal taxes on the prizes have been among the most numerous that we have received from the public.
>
> Thus, I think it can be said that the exemption of lottery prizes from taxation would provide a boon to ticket sales because of its very strong public appeal and promotional value.

In keeping with their efforts to make State lotteries more appealing to the public, lottery commissioners are considering the establishment of daily lotteries, to offset the illegal numbers racket which grosses a staggering profit for organized crime. However, such promotional improvements will go for naught, until the overriding appeal of the tax free prize offered by the numbers racketeer is counteracted.

As you can see, the Federal Government has placed itself in the curious position of making the illegal numbers racket more appealing than State-sponsored lotteries. With more than 30 States actively considering instituting lotteries, now is the time to change this archaic, counterproductive Federal policy.

The material follows:

Sweepstakes Commission,
Concord, N.H., May 24, 1972.

Hon. Stewart McKinney,
Longworth House Office Building,
Washington, D.C.

Dear Congressman McKinney: Your idea of exempting State lottery winnings from Federal income taxes is not only exciting but will receive widespread public support. Our present sweepstakes law exempts prize money from any tax imposed by the State of New Hampshire, as set forth on Page 9 of the enclosed pamphlet. Of course, this is academic at this time since N. H. does not have a general income tax.

We are now in our 9th year and have grossed over $30 million. We will gross close to $9 million during this sweepstakes year. We have paid out in excess of $12 million in prizes. We presently pay 50% of the gross in prizes. The breakdown for this year will be approximately: prizes—50%, operating costs—13%, net to education—37%.

The net education will probably be more than this inasmuch as we anticipate 8–10% in unclaimed prizes. We started our weekly 50¢ program on July 14, 1971 and it has been highly successful thus far. We also sell a $3 ticket with four sweepstakes races this year. We are considering a daily lottery with 25¢ tickets, but it is doubtful that it will be initiated this year.

This concept of raising revenue will not be fairly tested in the market place until the archaic Federal restrictions involving the use of the mails, radio and television have been eliminated. Sovereign States with legalized lottery programs are at least entitled to the same privileges afforded pari-mutuel racing. In a free society the role of Government, both Federal and State, should be to ensure that the people are receiving what they pay for and not to restrict or impede their participation.

Department of
Taxation and Finance,
Albany, N.Y., May 24, 1972.

Hon. Stewart B. McKinney,
Longworth House Office Building,
Washington, D.C.

Dear Mr. McKinney: Thank you for your letter of May 18, 1972, indicating you are considering introducing legislation in Congress aimed at exempting state lottery winnings from Federal income taxes.

The New York State Lottery Law stipulates that not less than 45 percent of gross sales shall be allocated to the General Fund to be earmarked for primary, secondary, and higher education, and for providing scholarships. The Law further states that no more than 40 percent of gross sales may be allocated for lottery prizes. The balance of 15 percent then is utilized for all administrative costs, including commissions to sales agents and fees for bank services. Banks are our principal distributors of lottery tickets to retail sales agents.

As to the impact of such a bill on our lottery, I feel it would be considerable. Since we began operating the lottery in June 1967 complaints against State and Federal taxes on the prizes have been among the most numerous that we have received from the public, and as you can readily appreciate more particularly from the winners of large sums. Such correspondents are not assuaged when we explain that the biggest part of the total tax bite is caused by the Federal income tax. Many reason that the purchase of a lottery ticket is a sort of voluntary tax, and to some extent this is true, noting that of each dollar spent on lottery purchases in New York only 40 percent (in the other five lottery states—45 percent) is returned in prize money to the players. Thus New York State retains 60 cents on each dollar; 45 cents for education and 15 cents for administration. Because of this, the argument is made that it is unreasonable that taxes be levied on the prize amounts.

Thus I think it can be said the exemption of lottery prizes from taxation would provide a boon to ticket sales because of its very strong public appeal and promotional value. Taxation of these prizes is at present repeatedly held up by the press and news media as a source of disappointment to the winner, with implications of deception. Much is made in such stories, for example, about a situation in which a winner of $100,000 may have a net gain of perhaps only $60,000 or so after taxes, depending upon his ordinary income, exemptions, deductions, etc. This sort of publicity, of course, is not helpful in promoting lottery ticket sales.

It is common knowledge among many ticket buyers that in foreign countries lottery prizes are either totally exempted from taxation or subject to only a very minimal tax. They therefore question why the situation should be different in the United States.

Lottery prizes are subject to the New York State income tax. The New York Personal Income Tax Law generally conforms with the Federal Income Tax Law. If the proposed bill were drawn in such a manner as to delete prizes offered by state lotteries from the Federal income tax base, such prizes would automatically be deleted in reporting New York State tax income. On the other hand, if the Federal law were to delete a lottery prize as a credit, special New York State legislation would be required to achieve conformity with the Federal law.

Possibly it might be argued New York would thus be deprived of some personal income tax, but it is not unreasonable to expect this might well be balanced off by the additional revenue resulting from increased lottery ticket sales.

Whenever this matter of tax exemption for lottery prizes has come under discussion, the question is also raised as to whether this same exemption should not then be expected on pari-mutuel and other gambling profits. In this regard, however, there appears to be a distinction inasmuch as the lottery is operated by an agency of the State of New York for the purpose of raising additional revenue for the State. On the other hand, this is not true to the same extent of pari-mutuel horse racing from which the State receives a much smaller percentage of the gross take. Admittedly, in New York State at least, the State's income from pari-mutuel taxes is considerably greater than its income derived from the lottery.

As an example, in the past fiscal year, April 1, 1971–March 31, 1972, the State's income from pari-mutuel taxes was $164,332,113 as opposed to $34,304,047 received from the sale of lottery tickets.

Since 1967 New York lottery sales have amounted to $318.8 million, resulting in $110.6 million being paid in prizes to 329,701 winners. The State's share of the gross sales has been $157.6 million for State educational purposes. For fiscal 1972–73 the State's projected revenue from lottery sales is approximately $55 million.

I am enclosing for your information a pamphlet indicating our present prize structure. In addition to this regular 50 cent weekly lottery we plan an occasional "Special" lottery such as the one to be offered this summer in which the tickets will be priced at $3, offering two chances for a set of ten thousand prizes ranging from the single first prize of $50,000 a year for life, with a minimum of $1 million guaranteed, plus 9 second prizes of $100,000, 90 third prizes of $10,000, 900 fourth prizes of $1,000, and 9,000 fifth prizes of $200. It is our present intention to offer some type of "Special" lottery at least once, and possibly twice, each year.

I am most encouraged to learn of your interest in the proposed legislation, and am at your disposal to provide any additional information which might be of interest to you.

Sincerely,

ERNEST T. BIRD,
Director.

COMMISSION ON SPECIAL REVENUE,
Wethersfield, Conn., May 30, 1972.

Hon. STEWART B. MCKINNEY,
U.S. Representative, Cannon House Office Building, Washington, D.C.

DEAR STU: In answer to your letter of May 17, I am pleased to enclose some statistical data prepared by our Research Unit, which may be of assistance to you in your efforts to exempt State Lottery winnings from Federal Income Taxes. It is a laudable effort, and we certainly hope it can be successful.

You realize, of course, that very few states now have lotteries, so you might not have total acceptance initially. However, we believe lotteries will spread and many of your fellow congressmen will be looking toward the future.

If there is anything further we can do to assist, please call upon me.

My best regards,

JOSEPH B. BURNS,
Executive Secretary.

Prize winnings	Income	Total income	Federal[1] tax
$75, 000	0	$75, 000	$28, 640
$20, 000	0	20, 000	3, 540
$10, 000	0	10, 000	1, 190
$5, 000	0	5, 000	290
$75, 000	[2] $13, 000	88, 000	39, 780
$20, 000	13, 000	33, 000	7, 880
$10, 000	13, 000	23, 000	4, 380
$5, 000	13, 000	18, 000	3, 010

[1] Based on head of house plus 3 dependents. Source: U.S. Internal Revenue Service, 550 Main St., Hartford, Conn.

[2] Average family income in Connecticut is $13,000. Source: The Colonial Bank & Trust Co.

Source: U.S. Internal Revenue Service, 550 Main St., Hartford, Conn.

PROJECTIONS FOR CALENDAR YEAR OF FEBRUARY 1972 TO FEBRUARY 1973

Amount of prize	Annual winners	Annual prizes
$75,000	45	$3, 375, 000
$20,000	45	900, 000
$10,000	25	250, 000
$5,000	780	4, 400, 000
$400	8, 320	3, 328, 000
$40	83, 200	3, 328, 000

Note: Quarterly prizes: 4 quarterly prizes for year equals $4,685,000. Total amount of prizes to be awarded during calendar year, $20,000,000. Total amount for distribution to State treasury equals $21,798,000. All computations based on sales of 88,400,000 tickets. Liability for prizes equals 34.4 percent. Liability for agent and bank commissions equals 5.5 percent. Liability for operating expenses equals 10.6 percent.

MAY 22, 1972.

Hon. STEWART B. MCKINNEY,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MCKINNEY: This will acknowledge receipt of your letter of May 18, 1972.

At the present time lottery winnings in the Commonwealth of Pennsylvania are subject to our 2.3% Income Tax. Legislation has been introduced that would exempt lottery winnings from State Income Tax; however, it is difficult to speculate on the fate of this Bill. Should lottery winnings be excluded from Federal Income Tax, this would certainly add a great deal of impetus to favorable consideration of our own legislation.

Since the inception of the lottery, our ticket sales have averaged about 7,000,000 tickets per week; it is anticipated that for the next fiscal year net revenues of the lottery will be at least $60,000,000.

Our prize structure is such that 45% of our ticket sales are reserved for prizes; sales agents' commissions and other commissions add about 6%. We hope to keep our operating costs to a 5% limit—with the balance reverting to the State as net proceeds.

There has been a great deal of conjecture as to the effect of various state lotteries on the numbers game, and I do believe that all states having lotteries are at least looking into the possibility of having a daily lottery to offset the illegal schemes presently being operated.

In view of the fact that the numbers game is more or less a clandestine operation, one of its strong points is the easy evasion of paying of income taxes on winnings. It would appear that to have a sizable impact on the illegal numbers traffic, that the exclusion of such winnings from tickets bought through legal (State) sources would be a most important ingredient.

From what one gathers, law enforcement has not been able to effectively deal with the illegal numbers game, and from various estimates, the revenue so produced is much greater than that of the present state lotteries.

A daily state lottery, commercially competitive with the numbers racket now in existence, could probably be more effective in diminishing this illicit traffic than any steps yet taken.

This may very well be considered an admission of failure in enforcement of existing law, and an attempt at correction by redirecting the funds through what would then be legal channels. Although this would be a realistic appraisal, it is one which ignores the moral questions that are and will continue to be raised.

If you require any additional data, please let us know.

Sincerely yours,

HENRY H. KAPLAN,
Executive Director.

H.R. 15248

A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts won in State lotteries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part III of subchapter B of chapter I of the Internal Revenue Code of 1954 (relating to items specifically excluded from gross income) is amended by redesignating section 124 as section 125 and by inserting after section 123 the following new section:

"SEC. 124. STATE LOTTERY WINNINGS.

"(a) General Rule.—Gross income does not include any gain resulting from a wager placed in a sweepstakes, wagering pool, or lottery conducted by an agency of a State acting under authority of State law if the wager is placed with the State agency conducting such sweepstakes, wagering pool, or lottery, or with its authorized employees or agents.

"(b) Definitions.—For purposes of this section, the terms 'lottery' and 'wager' have the same meaning as provided by section 4421."

(b) The table of sections for such part III is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 124. State lottery winnings.

"Sec. 125. Cross references to other Acts."

(c) Section 74(a) of such Code (relating to inclusion in gross income of prizes and awards) is amended by striking out "section 117 (relating to scholarships and fellowship grants)" and inserting in lieu thereof "sections 117 (relating to scholarships and fellowship grants) and 124 (relating to State lottery winnings)".

(d) Section 165(d) of such Code (relating to wagering losses) is amended by adding at the end thereof the following: "Nothing in this subsection shall apply to any transaction gain from which is excluded from gross income under section 124 (relating to State lottery winnings), and no amount of any loss from such a transaction shall be allowed as a deduction."

SEC. 2. The amendments made by the first section of this Act shall apply with respect to amounts received or accrued in taxable years ending after the date of the enactment of this Act.

WORLDWIDE POLLUTION CONTROLS AND H.R. 13116

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, a recent computer study by the Massachusetts Institute of Technology predicts that in only 33 years the earth's population will double from its present 3.5 billion to 7 billion, and 30 years beyond that will see yet another doubling—to 14 billion. All this will take place within the lifetime of children who are today in the kindergarten-elementary school age group. It will happen unless disaster—starvation, plague or war—or massive birth control intervenes. None of these is likely.

It is equally unlikely that mankind—now that the dimensions of environmental threat are coming to be known—will allow himself to be destroyed. This seems evident from the speed with which society has rallied to organize itself to confront the crisis. The U.N. Conference on the Human Environment, which will convene in Stockholm in June is the first step in what promises to be a worldwide effort to reverse the trend toward destruction. In all probability, the next few years will see many "first steps" and false starts at the international level. But it seems clear there are no real alternatives to a concerted and cooperative effort to correct and reverse the destructive effects of man's activities on the world's commons—the oceans and the atmosphere.

The effort promises to be even more actively pursued at national levels. The vigorous environmental program inaugurated in the United States in the past few years seems likely to be duplicated in most of the world's developed countries in the near future. It may seem ironic, but in these vigorous national environmental efforts lie the seeds of yet another serious problem for the world—the impact of environmental measures on world trade and investment.

Although the goal of environmental quality is being rapidly adopted by societies, man is still impelled to the pursuit of economic goals to satisfy his life's needs. His highly organized institutions are geared to economic growth, as they have been for several hundred years, and there is little evidence that this will change very much. In fact, for most of the new populations of the world in the coming century, economic goals will be even more actively pursued than they are now.

The nature of environmental problems dictates that their solutions must be based on scientifically-determined standards. Goals for acceptable levels of air or water quality must be so expressed as to satisfy both equity and the requirement of policy in terms of health, welfare and esthetics. It goes without saying that the attainment of such policy goals will require that a substantial portion of production enterprises will be forced to radical changes in their processes, or to install anti-pollution technologies, both of which will increase the cost of finished products.

One of the first results of national environmental policies will be an increase in costs for a number of enterprises. And to the extent to which the products of these enterprises are traded in world markets, increased production costs may cause a diminishing of exports, and, sooner or later, of imports. The ultimate effect, especially for those countries enforcing the highest standards of environmental quality, will be a reduction in their balance of payments.

This whole train of events would be mitigated to the degree that trading nations harmonize their environmental policies. But, given the differences in priorities among even the world's most advanced nations, such harmony will not be easily achieved. What is more likely to happen is that, when the balance of payments of the more environmentally ambitious nation is adversely affected, that country will find it necessary to offset its deteriorating trade position through the enforcement of import restrictions or some other form of trade inhibition. In extremely serious cases, it is conceivable that the affected nation might deflate its economy, or devalue its currency.

Those who take the long view may consider the consequences of national environmental policies on trade as temporary dislocations that would eventually be resolved through the reallocation of resources or the reordering of national priorities. But political processes are required to be responsive to the more immediate problems, and governments, faced with severe economic consequences of stringent environmental policies, might well choose to waive environmental goals in favor of economic stability.

Another economic problem is posed by national policies to achieve a high quality environment. A presidential commission last summer pointed out that "different national standards, regulations, and effluent charges may lead to changes in patterns of international investment." Countries whose environmental policies permitted production enterprises to operate under less environmental restraint could become "pollution havens," in much the same manner that lower taxes have attracted investment. Although some relocation of industry might be desirable, this could be disadvantageous in other cases. During environmental seminars of the United Nations regional economic commissions last summer, representatives of some of the underdeveloped countries expressed concern that enforcement of high environmental quality standards in the developed nations might force polluting industries to relocate in developing regions. Most of them understand that the solution of many of their environmental problems is to be found in the process of development itself. But they are also concerned about the quality of their environments, and do not want to become "pollution havens."

While I have said that it would be difficult to harmonize national environmental policies to reduce the adverse effects of economic dislocation, there appears to be no real alternative to seeking just such harmonization. The Stockholm Conference provides an appropriate focus for tackling this difficult task. Already, the Environment Committee of the Organization for Economic Cooperation and Development—OECD—has begun important work in this area. It recently identified and drafted a set of guiding principles concerning the economic aspects of environmental policies, and recommends that OECD member countries observe them as they formulate national environmental programs. Briefly, the OECD recommends the adoption of the principle that environmental costs be charged to the polluter, and that governments will seek common standards for polluting products and agree on the timing of enforcement of such standards.

Such a procedure would undoubtedly succeed in reducing much of the impact of environmental management on world trade. But it also calls for close attention by each country to the progress of environmental policy among its trading partners. Such attention is the main thrust of a bill which I have introduced in the Congress. That bill proposes the creation of a Commission on International Trade and the Environment, which would be charged with determining answers to several questions as a guide for formulating our own national environmental policies. Specifically, it would be asked to determine:

First, what antipollution measures and recommendations relating to industrial pollution are being proposed by the United Nations, its related organizations, and any other international agencies;

Second, the effect which compliance by major U.S. industries with antipollution statutes and ordinances has had or will have, with respect to increased costs which must be charged for the goods produced by such industries;

Third, if any competitive advantage is, or will be, given to foreign producers by reason of the enforcement of, or compliance with, such antipollution measures;

Fourth, what antipollution measures are applied, or are being considered for application, in the industrialized countries of the world and what effect, if any, such measures will have on the cost of goods from those countries in the international market;

Fifth, ways and means by which the U.S. Government, in the course of providing domestic safeguards against environmental pollution, can prevent a situation whereby U.S. industry is priced out of world markets;

Sixth, what equitable standards of environmental protection should be proposed by the United States, in United Nations forums, to the industrialized countries of the world; and

Seventh, what methods of enforcing these standards in such a way as to assure adequate oceanic and atmospheric protection, without placing any one nation at an unjust trade disadvantage, might be proposed by the United States in United Nations forums.

The findings of this Commission would serve to guide the forum of our environmental policies. They would also be an indispensable source of information in the negotiations that the United States and other nations must pursue to achieve the necessary degree of harmonization of national environmental policies, if we are to avoid chaos in world trade conditions.

LOSS OF PHILADELPHIA 1976 INTERNATIONAL EXPOSITION IS A TRAGIC FAILURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 20 minutes.

Mr. WILLIAMS. Mr. Speaker, on May 16, 1972, the American Revolution Bicentennial Commission voted against having an International Exposition in Philadelphia in 1976, the year in which we are celebrating the 200th birthday of this great United States.

In addition to the American Revolution Bicentennial Commission—ARBC—the Commerce Department and the Office of Management and Budget—OMB—were supposed to submit reports to the President. After reviewing the reports from these three agencies, the President was then supposed to make a decision on whether or not the International Exposition would be held in Philadelphia, which was the city that had been designated as the International Exposition City during the bicentennial year.

As one of four members of the ARBC representing this House, I was shocked when, on Monday, May 22, 1972, the Congress of the United States received a message from the President, who had departed for his trip to Moscow on May 20, 1972, stating that he had asked the Secretary of State to take action at the impending meeting of the Bureau of International Expositions to withdraw the registration of the International Exposition in Philadelphia. This indicates that the important subject of an International Exposition received only 3 days of consideration.

This action simply means that, in all probability, that while we are celebrating our 200th anniversary, an International Exposition will be held in some other country. It was this International Exposition that would have attracted extensive international participation in our bicentennial year celebration, would have increased our gross national product by $6 to $8 billion, and would have given us almost a billion dollars in favorable balance of payments.

It was in 1968 that the Bureau of International Expositions—BIE—designated the United States as the country to have the International Exposition in 1976. At that time, Russia also had applied for the International Exposition in 1976 and had made a strong effort to secure the International Exposition for 1976. It could be that Russia will now have the International Exposition in 1976.

The rejection of the International Exposition for Philadelphia in 1976 was no accident. The ARBC asked each State to set up their own State bicentennial commission. Most of the States have complied with this request, and those States that have not set up their own bicentennial commissions have designated one of their existing departments to handle their States bicentennial plans.

Under the plans of the ARBC, each State will receive a total of $90,000 for planning their bicentennial celebration, and the States are planning their celebration around the basic history of that State. As one example, Virginia is planning their major bicentennial celebration for Yorktown.

Of course, some Federal funding will be necessary to assist each State in actually staging their own bicentennial celebration. It is in this manner that our 200th birthday will be celebrated in an appropriate way in every State of the Union. The International Exposition would have attracted many visitors to this country who could have visited the bicentennial celebration of the various States.

In order to understand the operation of the ARBC, I must explain that, prior to my appointment to the ARBC, the ARBC had set up an executive committee consisting of only 10 members. The full commission membership is 52 when it is at its full strength. This executive committee meets monthly while the full commission, the ARBC, meets quarterly.

The ARBC "Recognition Process," formulated by the executive committee, states that the only action which will be taken by the ARBC—the full commission—are those items that the executive committee feels, for one of various reasons, fall within the scope of the full commission. No attempt is made to define the various reasons which could cause the executive committee to refer something to the full commission for action.

The first indication that the chairman and the executive committee were opposed to an International Exposition occurred on February 21, 1972, at a meeting of the full commission. At this meeting, a model was shown to the commission members of a park which was described as a bicentennial park. These bicentennial parks were to be built in each State on 100 to 500 acres of surplus Federal land located near urban centers. After looking at the model, receiving an explanation of the model, and after a brief discussion, all of which took less than 1 hour, the commission was asked to pass a resolution which would make the bicentennial parks an official ARBC project with an estimated cost of $1.25 billion.

Since questions could not be answered on any details, such as the availability of surplus Federal land, the commission voted that the commission staff of approximately 65 members, working with the various executive agencies of the Government, conduct a feasibility on the bicentennial park concept and report back to the commission as soon as possible. This study was just started on Tuesday, May 30, 1972, and is being conducted by an executive department group.

After an executive committee meeting on May 1, 1972, called for the express purpose of finalizing the ARBC procedures manual, the executive committee, through the chairman, issued a statement to the effect that if the incomplete facts which they had before them on the International Exposition proved to be accurate, the executive committee could not recommend that an International Exposition be held in Philadelphia. This announcement came after Philadelphia and Pennsylvania had spent more than $3 million developing plans for the International Exposition, and the representatives of the Philadelphia 1976 Bicentennial Corporation were scheduled to make their presentation to the full commission on May 16, 1972, in Boston.

During the week of May 8, 1972, I and other commission members received a packet of material from the ARBC staff which included a sheet which placed the cost of the International Exposition between $1.51 and $1.76 billion. The $772 million was marked as "app'd, but unfunded." I assumed that the "app'd, but unfunded" meant, approved, but unfunded. However, when I called the Director of the ARBC to clear up this point, he informed me that the "app'd but unfunded" meant appropriated, but unfunded, and he had no explanation as to how the money for any project could be appropriated but at the same time, be unfunded. Actually, it turned out that the $772 million was for projects, such as highways, for which the money had been appropriated and construction had started, and these projects had nothing to do with the international exposition.

On this cost sheet was $250 million for the State of New Jersey. At a meeting in the Commerce Department on May 11, 1972, I asked a representative of the Office of Management and Budget, if he had reviewed New Jersey's request for $250 million. His reply was that OMB had simply taken the New Jersey report on its request at its face value and this is obviously an unusual action on the part of OMB. Later, the $250 million was reduced to $40 million to cover the cost of only those projects which had a direct relationship to the international exposition.

After it was determined which members of the commission would not be in attendance at the meeting in Boston on March 16, 1972, some of the members of the commission who were not going to be in attendance at the meeting, received telegrams from the ARBC asking them to send a telegram of opposition to the international exposition if they did not favor such an exposition. The telegram made no mention of anyone who did favor the exposition sending a telegram to that effect.

It is my understanding that on May 15, 1972, the first day of the 2-day ARBC meeting, a luncheon was given for some members of the ARBC, and the major subject discussed at the luncheon was opposition to the International Exposition, and support for the bicentennial parks.

At the Commission meeting on March 16, 1972, Mr. William Rafsky and Mr. John Gallery made a fine presentation on the International Exposition in behalf of the Philadelphia 1976 Bicentennial Corporation. Mr. Rafsky stated that the Federal cost of the International Exposition would be $600 million. When I asked Mr. Rafsky where the additional money would come from, if his figures were incorrect, and we allowed a 2-percent overrun on the $600 million figure, which would make the Federal share $612 million, Mr. Rafsky replied that the additional money would come from the city of Philadelphia and the Commonwealth of Pennsylvania.

In spite of the excellent presentation made in behalf of the International Exposition and in spite of the fact that the Federal cost was much less than one-half of the cost which had been projected in the ARBC memo, the Commission voted 23 to 4 against the International Exposition.

Neither the chairman nor any members of the Executive Committee who were present at the meeting voted in favor of the International Exposition. In fact, the Chairman even had proxies from some Commission members to vote against the International Exposition in spite of the fact that the ARBC procedures make no provision for proxy voting, and the members whose proxies the Chairman held did not hear the presentation from the Philadelphia representatives.

We have less than 4 years in which to finish our preparations for our Bicentennial Commemoration. At the rate of progress we are presently making, our Bicentennial Commemoration will be nothing but a dismal failure. I can only hope that the full Commission will take a more active interest in the decisions of the ARBC and the ARBC must develop better and closer liaison with the individual States.

While it would seem to me that the International Exposition for 1976 is lost for this country, I do believe that this administration should carefully reconsider the 1976 International Exposition and make every effort to see that it is held in Philadelphia.

COMMENDS NEW YORK PRESSMEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 5 minutes.

Mr. KEMP. Mr. Speaker, tonight the President is to deliver a report to this Congress on what appears to have been a highly successful trip on behalf of a lasting peace. I might add, a President who is determined, I believe, that this country will never be without the strength to preserve that peace. It is indeed ironic that at this moment in history when the chances to negotiate more peaceful resolutions of the world's problems, when our relations with Peking and Moscow have reached the most promising stage in history, when we have achieved the first measure of success in negotiating a halt to the arms race, some Members of this body feel compelled to impeach our President. They want to impeach the man who has sole responsibility for negotiating toward those objectives, as well as our goal of a ceasefire in Indochina and the return of our POW's–MIA's.

In their compulsion to impeach the President, these Members took out an advertisement in the New York Times, two full pages, calling for support for such action. Courageously and patriotically, the New York Printing Pressmen's Union, No. 2, delayed the start of the first edition of the May 31, 1972, issue to protest the contents of that advertisement. The chairman of the union, Richard Siemers, said the pressmen felt the advertisement was traitorous and detrimental to the boys in Vietnam and the prisoners of war. The Times refused even to allow the pressmen to have printed a statement of their viewpoint. To set the record straight, I include the Times article in the Record. Certainly it is not my wish to contend Mr. Sulzberger's freedom to print what he wishes, but merely to point to the courage of the pressmen to exercise their freedom to express their moral and political outrage.

I intend to introduce a joint resolution next week commending the New York Printing Pressmen's Union No. 2.

Mr. Speaker, there is plently of time for criticism. But with sensitive negotiations taking place at this time in all areas of international diplomacy, it is highly unfortunate that critics have chosen this moment of national hope to ask for the impeachment of the world leader who has helped to bring us that hope.

The resolution follows:

Resolution Commending New York Printing Pressmen's Union No. 2

Whereas, the President of the United States has just concluded an historic peace-making mission to Moscow, and

Whereas, the President of the United States is making every effort to effect a more stable and peaceful world for ourselves and our children, and

Whereas, the President of the United States is making every effort to bring an honorable end to the war in Southeast Asia, and

Whereas, the New York Times showed great misjudgement on Wednesday, May 31, 1972, in agreeing to publish a two-page advertisement calling for the impeachment of the President, and

Whereas, The New York Printing Pressmen's Union, No. 2, showed a remarkable degree of courage and patriotism in protesting the Times' publication of the advertisement to impeach the President, and

Whereas, ths type of criticism makes it exceedingly difficult to negotiate with an intransigent enemy, and is detrimental to American men in Vietnam and our POW's-MIA's, and

Whereas, The Pressmen's Union indicated a willingness to publically defend the President of the United States despite obvious risk to their own jobs at the Times,

Be it therefore resolved that the Congress of the United States does hereby commend and congratulate the New York Printing Pressmen's Union, No. 2 for defending the President, and standing up for an honorable end to the war in Southeast Asia.

Pressmen Delay Edition of Times

Pressmen at The New York Times delayed the start of the first-edition press run of yesterday's issue for nearly 15 minutes to protest the contents of a paid advertisement seeking the impeachment of President Nixon.

The two-page advertisement of the National Committee for Impeachment sought support for a campaign to impeach Mr. Nixon for allegedly violating the Constitution and ignoring bipartisan legislation by continuing the war in Vietnam and by increasing air operations there.

Initially, officials of The Times said, the pressmen said they would not operate the presses unless the advertisement was removed. The Times management refused to do this.

The pressmen then asked that a statement of their viewpoint be printed with the advertisement, but production officials again refused, saying that it was a matter for the news department to look into.

Arthur Ochs Sulzberger, the publisher of The Times, said in a statement yesterday that it was "inconceivable" that The Times would yield to economic pressure from its pressmen for elimination of the advertisement with which they disagreed.

Richard Siemers, chairman of the New York Printing Pressmen's Union No. 2 at The Times, said the pressmen felt the advertisement was "traitorous" and "detrimental to the boys in Vietnam and prisoners of war." He issued the following statement for the pressmen:

"We the members of the New York Times press room want it known that we do not agree with the action or intent of the paid advertisement on pages 22 and 23 of the Wednesday issue, dated May 31, 1972, and are working under protest in printing it."

Mr. Sulzberger said in his statement that "fortunately" the pressmen allowed themselves to be persuaded to permit work to go forward before any real damage was done and that the advertisement ran as scheduled. He continued:

"In the service of freedom of expression our columns must remain open to a wide variety of views, with many of which obviously both we and others will disagree.

"The work stoppage, which involved the use of economic force in an effort to censor the contents of the newspaper, was a challenge to the concept of freedom of expression on which a free press is founded. It would have been inconceivable for this newspaper to have yielded to such pressure.

"We doubt that those involved had fully thought out the implications of their action. The gravity of the situation will be explained to them, and we trust that there will not be any repetition of the incident."

TERRORISM AT TEL AVIV AIRPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. Abzug) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, we were all horrified and shocked by the Tuesday night incident at Tel Aviv Airport in which three terrorists gunned down over 100 people, killing 25 of them. Among the dead were 12 Puerto Ricans on a pilgrimage to the Holy Land and Dr. Aharon Katzir-Katchalsky, the noted scientist.

Although the perpetrators of this outrage were apparently not of Arab nationality, the Popular Front for the Liberation of Palestine has claimed responsibility for the incident. It is well known that even though this group and other Arab terrorist groups may not be officially connected with the governments of Arab nations, they receive the protection and covert support of these governments in planning and carrying out their activities. In this particular case, the terrorist group is based in Beirut, Lebanon.

I am today introducing a resolution expressing the horror of the Congress at this unprovoked attack. The resolution also calls upon the President and the State Department to express in the strongest terms their disapproval of the harboring and aiding of these terrorist groups by Arab governments, particularly the Government of Lebanon. Finally, the resolution asks international airlines to boycott Beirut Airport as a protest against the international outlawry countenanced by the Lebanese Government.

I include the text of the resolution at the conclusion of my remarks and express my hope that it will receive the support of my colleagues:

Concurrent Resolution

Whereas, 25 innocent civilians were killed and over 75 innocent civilians wounded in an unprovoked armed attack at the Tel Aviv Airport on May 31, 1972, and

Whereas, a terrorist group known as the Popular Front for the Liberation of Palestine has claimed responsibility for this incident, and

Whereas, a number of Governments in the Middle East, including the Government of Lebanon, are known or believed to be harboring, aiding, and encouraging the said Popular Front for the Liberation of Palestine and similar terrorist groups: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the sense of the Congress concerning the incident at the Tel Aviv Airport on May 31, 1972, is one of horror, shock, and dismay, and further

Resolved, that the Congress calls upon the President and the Secretary of State to express to the Government of Lebanon and any other Governments harboring, aiding, or encouraging the terrorist Popular Front for the Liberation of Palestine or any other similar terrorist groups the strong disapproval of the United States at such harboring, aiding, or encouragement, and further

Resolved, that the Congress calls upon all international airlines to boycott Beirut, the headquarters of the said Popular Front for the Liberation of Palestine, until such time as the Government of Lebanon takes strong and effective measures to terminate the existence of such group, and any other similar terrorist groups, on its territory.

PENTAGON WASTE IN CONTRACT TERMINATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, I am publicly releasing today a recent report by the General Accounting Office which indicates that the Pentagon throws away millions of dollars trying to terminate contracts with faulty contractors.

The Government paid an extra $6 million in contracts valued at $15 million because of pervasive mismanagement in our defense industries. The extra charges of $6 million were the result of the Pentagon paying for sub-standard items, ignoring contractors delays in delivering items, and writing contracts with giant loopholes that allow the contractors to collect large sums if a contract is terminated.

The most blatant example of this waste is the payment of $4.9 million to Westinghouse of Baltimore, Md. for not producing 12 decoy devices for jet fighters. The decoy devices were designed to aid the F–105 Star Fighter Jet. The original value of the contract was $5.6 million for producing four prototype decoy devices and 12 production units. Instead, the Government paid Westinghouse $4.9 million and Westinghouse did not deliver one single item.

Other firms were paid for producing faulty computer parts, radios, parachutes and electronic tubes. Some companies were paid despite the fact that there were considerable delays in the performance of their contracts.

One firm, Mason Electronics, was paid over $300,000 for a gun bolt assembly for the M–61 rifle that it did not produce for the Air Force. Instead, Mason turned to another firm which produces an identical gun bolt for the Army and let a subcontract.

Mr. Speaker, I am calling upon Defense Secretary Laird to explain to the American people why the Pentagon pays contractors who provide inadequate equipment or produce nothing at all. This kind of waste and mismanagement only reinforces the belief of many Americans that the Pentagon is an inefficient bureaucracy incapable of efficiently and effectively procuring new weapons.

HISTORY OF THE POLISH AMERICAN CLUB OF NEWINGTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. Cotter) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, on Sunday, June 4, the Polish Americans Club of Newington is celebrating its 50th anniversary. I have long admired the work of this proud civic organization, and I know my colleagues will wish to join me in recognizing the achievements of this dedicated group.

I especially want to point out to the Members of Congress the work of the president of this club, John Bedus, and the chairman of the club building committee, Stanley May.

For the benefit of my colleagues and the readers of this Record, I am enclosing a brief history of this fine organization.

The history follows:

HISTORY OF THE POLISH AMERICAN CLUB OF NEWINGTON

The Polish American Club was organized in 1922. The originators: John Cames, Joseph Wenis and Adam Czarnecki labored to organize this club which was dedicated to civic responsibility and to benefits for the members. The originators started the club with 22 charter members. Many of the sons of the original members are still active in the club.

After the charter became effective, these members decided to purchase some land to build a clubhouse. This was on the south side of Wilson Avenue.

First, a dancing pavilion was built and the money derived from the dances enabled John Bedus and Jacob Hollis to build a clubhouse. Some of the most exciting dances and picnics of Newington were held at this club. Revenue from the dances and picnics, together with team work from all members, soon had the officers thinking of constructing a bigger and better club.

The title of the land purchased was in the name of the Newington Independent Club and its officers at that time were Joseph Stempien, President, and John Bedus, Secretary.

This area, known as "Home Gardens" Tract, also knicknamed "Settlement", was settled mainly by Polish Immigrants.

In 1927, Joseph Stempien and John Bedus decided to change the name of the club to Polish American Republican Club.

As the community grew, so the Polish American Club grew. By the year 1948, the club had growing pains and a larger meeting hall was needed. John Bedus, its president, saw the future of the club and sold the members the idea of purchasing additional land. Mr. Bedus had enough foresight to get the young people interested in the club. In 1938, the Club purchased additional land on the north side of Wilson Avenue.

Stanley May was named chairman of the building committee and with the help and with great teamwork from all its members, the new Polish American club was built. The dedication of the new club was in 1949 and a prouder building was not seen anywhere in Newington.

John Bedus, the club's president, who held the Presidency even longer than the late President Roosevelt, 28 years in all, had the named changed to the Polish American Club of Newington.

Just recently, this proud organization completed paying off its mortgage and on Sunday it will celebrate its 50th Anniversary.

FRANK WYKOFF: OLYMPIAN, EDUCATOR, GREAT AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Danielson) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, it is a pleasure today to pay tribute to Frank Clifford Wykoff, famed athlete and three-time Olympic Games gold medal winner. Our colleague from Illinois, Ralph Metcalfe, was on the winning team with Frank Wykoff when they brought back to the United States the 400-meter relay gold medal from Berlin in 1936.

Frank Wykoff first represented the United States as a member of the Olympic team in 1928 while he was a student at Glendale High School in Glendale, Calif. He received the gold medal for the 400-meter relay held that year in Amsterdam. In 1932, this time as a student at the University of Southern California, Frank again won the gold medal in the 400-meter relay in the Olympic events in Los Angeles. His third gold medal came from the Olympics held in Berlin in 1936. For many years Frank Wykoff held the title of the "World's Fastest Human."

In addition to this own athletic achievements, Frank Wykoff has devoted his life to education and to youth services. Tonight he is being honored by a retirement testimonial dinner at the International Hotel in Los Angeles, marking retirement as director of the Los Angeles County Special Schools after 22 years of service in that capacity. He came to that job in 1950 and during the intervening years the special schools department has grown from a few teachers into a large department.

Frank Wykoff has provided leadership in the field of education as a teacher, as principal, and as superintendent of elementary schools in Carpinteria, Calif., giving 17 years of service in the latter position before joining the Los Angeles County school system. He has helped to research new educational methods and has been concerned with reeducating youth and children in trouble. His contributions in the educational arena have been as outstanding, if not as well known, as his athletic successes.

Frank Wykoff was born in Des Moines, Iowa, on October 29, 1910. He has lived in southern California most of his life, in Glendale, in Carpinteria, and presently in Alhambra in the 29th Congressional District which I am pleased to represent. I am proud to have Frank Wykoff as a constituent and to take this occasion to pay tribute to his many contributions to southern California and to the United States.

THE ISSUE AT HAND—IMMEDIATE FISCAL RELIEF FOR LOCAL GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. Burke) is recognized for 30 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, some of my colleagues at times can only appear to their colleagues in this House who know them best as so many jugglers, so many issues do they appear to be managing, circulating, and balancing in their hands at any one time. However, I do not think until the State and Local Fiscal Assistance Act of 1972, H.R. 14370, was reported out of the Ways and Means Committee, was the extent of their true talents shown for all to see. In the days that have followed the committee's favorable reporting of that bill, the House has been treated to an incredible display of balancing act virtuosity by some of our colleagues. So expertly have some managed to keep a number of unrelated issues in the air that the debate over emergency Federal assistance to government at the local level has grown beyond recognition into the great national debate, centering on such controversial issues as the need for tax reform, the need for congressional reform, the historical jurisdiction of the Appropriations Committee and, almost lost sight of in the ensuing debate over these controversial issues which have been in the air for years, the issue at hand, the revenue-sharing proposal of the administration as revised and modified in the traditional legislative process of hearings and committee action. Make no mistake about it, revenue sharing is the issue at hand in all of this and I contend the issue we are in danger of losing sight of. Suddenly, like some lightning rod this bill seems to have attracted to itself all the fierce, raging undercurrents of controversy in the air over tax reform, seniority reform, procedural reform, and seems to be coming close to crystalizing an opposition which can only be described as formidable in its very diversity.

It is as if the very concept of revenue sharing were not controversial enough in and of itself. The concept of revenue sharing in and of itself has raised from its very introduction into political discussion a whole host of directly related issues—each of them controversial in turn in and of itself.

The committee in considering the concept of revenue sharing was ineluctably forced to involve itself in such controversial matters as: deficit spending, the sorry state of the national economy, the always emotional specter of an ever-increasing national debt, the quality of government service at the local level and the undeniable need for reform of existing local government institutions, the critical state of local government finances, the stifling burden of skyrocketing local property taxes, the desirability of one kind of tax over another—with the underlying awareness that all taxes are evil, however necessary—the quality of life in the cities and the trend to the suburbs and drift from the farms, the old federalism versus the new federalism, States' rights versus a strong, central government, traditional interstate rivalry and intrastate prejudices, the whole patchwork of differing taxes from State to State with all that implies for the fierce competition for industry, the infinite variety of State constitutions and the difficult road for constitutional amendments to achieve more equitable State tax structures—just to rattle off a few of the controversial areas that the committee had to traipse through in arriving at any bill at all on the subject of revenue sharing. No committee, even one possessing the wisdom of Solomon or the ingenuity of WILBUR MILLS—let alone a committee made up of 25 members, each claiming to possess the wisdom of Solomon—could possibly be expected to satisfactorily and definitively answer any one of these open-ended questions in one year's session. In a sense, the chairman in accepting the administration's challenge on revenue sharing was accepting a commission to choreograph a ballet suitable for staging with safety in a veritable minefield. No matter which way the committee turned, it found itself smack up against the most devisive of issues. If our legislative process was ever put through a more taxing ordeal than it was on this bill in the committee stage, I must confess the episode escapes me now. If ever there was a committee report and bill which was the result of painstaking compromise and a resolve to do the best possible for our local communities and the local taxpayer in their hour of desperate financial need, it is the State and Local Fiscal Assistance Act of 1972. If there is truth to the observation that no legislation has ever passed both Houses and been signed into law that pleased every interested group in every detail, it is an understatement to say that proof positive can be found in this bill. No one has pretended for 1 minute that this bill will meet all of the demands that are being made on this Congress for immediate relief. No one has or will argue that this bill has succeeded in avoiding all the pitfalls along the way. What can be said and should be said before this bill is buried in the welter of controversy surrounding it is that it does represent the best hope possible here and now for providing immediate relief to our local governments. This is the point that must be made. This is the point which cannot be lost sight of. This is the point which every organization representing local communities of every variety are making to you, their representatives in Congress.

To be sure these groups have not arrived at their position willingly or enthusiastically. They are there, no doubt, with a degree of reluctance. Every community around this Nation interested in this legislation has had to make adjustments along the way. That positions have changed in the course of the development of this legislation is unquestionable. Yet equally unquestionable is the fact that today nearly a year later, the mayors and Governors around this country are united as never before in agreement that the bill coming before you in a matter of days embodies not only their best hope for desperately needed assistance but their only hope.

For months now, it has been fashionable in the press to lambast the Committee on Ways and Means for taking its time in reporting out a revenue-sharing measure. Clearly these reporters chose to ignore what they had to know to be the case and, that is, given all the fantastic complexities involved in a discussion on revenue sharing and the need to come up with an equitable formula that met the needs of our major cities without ignoring the needs of our counties and towns of our State governments, the committee could hardly rush through its assignment. The time was but one indication of the difficulties involved.

Take my own case, for instance. I entered the deliberations of the committee equipped with a full set of reservations, both philosophical and economical, about the wisdom of the administration's revenue-sharing plan. I think the same can be said of every member of the committee and indeed every Member of Congress. That is what hearings are for. It was only in the process of weeks of hearings and months of deliberations in executive session that I became convinced that it was possible to come up with a formula of distributing revenue that addressed itself to the serious problems at hand without squandering the Federal taxpayers' money and which avoided some of the dangerous philosophical implications of the original revenue-sharing concept. Above all, as the hearings wore on, I think it is safe to say that the overwhelming majority of members were in agreement on one point and that is, many of our cities and towns were in desperate financial situations and help had to be forthcoming immediately if Congress was to escape the charge that Washington fiddled while Main Street burned. This conviction, if anything, has been reinforced with each passing month and in rising today, I simply want to cut through the rising crescendo of criticism these past few weeks centering on this revenue-sharing bill because I think the last thing this bill, the result of painstaking compromise, needs is to get involved in added controversy. I think it can only be a source of great concern to every local government around this Nation and every local property taxpayer that there are those in this House who for reasons of their own have chosen to make the debate over revenue sharing a debate on other matters such as wholesale Federal tax reform and congressional reform.

This does not mean that I am not concerned about and am not committed to tax reform. It is long overdue. The chairman has unquestionably gone further than any other chairman of the Ways and Means Committee since the Federal income tax was added to the constitution of this country in filing the legislation he filed yesterday. Far reaching Federal tax reform, for the first time, is a distinct possibility with the filing of this legislation. I certainly will do all in my power and lend whatever prestige I have to translating this commitment into a reality. But no one knows more than the advocates of far reaching tax reform the difficulties of getting a genuine tax reform bill through Congress. They know it is not like instant coffee and something which can be done overnight. In attaching far reaching Federal tax reform to a bill such as the one which is before us in the form of an amendment on the floor, they are jeopardizing the very bill before us. In effect, they know they are asking the impossible. Much of it is pure grandstanding for public consumption. If these men were serious, they would, in fact, be conserving their energy and joining the Chairman in a constructive effort to undertake hearings forthwith on genuine and complete tax reform, instead of trying to freight this bill down with an amendment that can only diminish the chances of any bill passing this House and the other.

Similarly, with those forces advocating congressional reform and who can always be counted upon to oppose the concept of a closed rule for Ways and Means Committee legislation. Again, these people are making this bill a hostage for instant congressional reform here and now. Again, I have no quarrel for the demand for congressional reform. Congressional reform is long overdue. But why this bill? In their insistence in bringing up this issue at this time they are wittingly or unwittingly contributing to the likely defeat of a much needed measure of fiscal relief to our local cities and towns. Again, the issue at hand is revenue sharing, not congressional reform.

As if we did not have enough to contend with, the newest ripple of discontent surrounding this bill is coming from my good friends on the Appropriations Committee. Apparently, a decision has been made to add to the woes of revenue sharing by raising the issue of committee jurisdiction. This is an appropriations measure they say, not a revenue measure. Perhaps there is something to what they say, but in view of all the time invested by one committee of this House which had unquestioned jurisdiction over the revenue-sharing concept as originally proposed, they surely must be aware that the net effect of raising their jurisdictional question at this time is to further diminish the chances of passing any measure this session on revenue sharing. To be sure, revenue sharing has been changed somewhat in the process by the committee. All legislation experiences similar changes. But it is well to remember that the division of responsibility on revenue matters between a revenue raising committee and a revenue distributing committee is sometimes hazy. If pushed far enough these people may find themselves in the unexpected position of making one of the best arguments of combining revenue distributing and revenue raising functions in one committee as was originally the case in this body and is still the case in many of our State legislatures. What I am saying is if the argument is made too often and too loud that revenue should be distributed only after proper consideration has been given to the availability of such revenue then one can argue that the House is acting irresponsibly each day it operates with separate committees on appropriations and ways and means.

Be that as it may, my main point today is that neither one of these groups has enough votes to defeat this proposal and be successful in having their point of view adopted by this House. Acting in concert, however, the net result of their efforts could well be the defeat of revenue sharing this session. Make no mistake about it, the price we will pay for this is the real issue at hand. If Members want to use the opportunity of consideration of a revenue-sharing measure to reform the Federal tax structure, reform the procedures of the House of Representatives, and decide the areas of jurisdiction between the Ways and Means Committee and the Appropriations Committee, all in one afternoon, then let them know that to do so is at the risk of kissing goodbye to revenue sharing this Congress. Let them know that the years and months of efforts by local officials and homeowners around this Nation have been but in vain. There is little enough time as it is to get this measure through the House and through the Senate and signed by the President this Congress. The last thing this bill needs is further hurdles to cross in the limited time available.

In view of all the foregoing, anyone who is genuinely interested in seeing revenue sharing succeed this Congress can only conclude that anyone who votes against the closed rule ultimately is no friend of revenue sharing. Ultimately, that is the common denominator for the strange bedfellows that have joined forces against the closed rule. The great bed of ware itself would not be capable of accommodating the strange bedfellows this rule fight has thrown together. Make no mistake about it, revenue sharing is in serious jeopardy as a consequence of this strange alliance. Every mayor, Governor, and local property taxpayer around the country has their work cut out for them in the few days remaining to lobby support for this bill. Failing that, the best we can hope for is to begin anew with the next Congress, having in the process accomplished nothing either for revenue sharing, tax reform or genuine congressional reform in this Congress.

I am including at this point letters and reports indicative of the serious concern shared by officials throughout the Nation over the fate of the revenue sharing bill.

[TELEGRAM]

MAY 26, 1972.

Congressman JAMES A. BURKE,
Washington, D.C.

DEAR CONGRESSMAN: H.R. 14370—revenue sharing—is now scheduled to be brought before the House the week of June 5th. As I stated in the Massachusetts delegation luncheon two weeks ago, I cannot overemphasize the importance of the revenue sharing legislation to the Commonwealth, as the passage of the bill will provide an additional 179 million dollars to help ease Massachusetts' serious economic situation.

The survival of revenue sharing depends on every individual Congressman's vote to support the closed rule on H.R. 14370. Therefore, I strongly urge you to vote yes on the previous question, and to assure final passage of this measure.

FRANCIS W. SARGENT,
Governor,
Commonwealth of Massachusetts.

U.S. CONFERENCE OF MAYORS,
Washington, D.C., May 15, 1972.

Hon. JAMES A. BURKE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN BURKE: The State and Local Fiscal Assistance Act of 1972 (H.R. 14370) was recently approved by the House Committee on Ways and Means. The bill provides $5.3 billion to state and local governments to assist them in providing desperately needed public services. The bill will also help alleviate the fiscal crisis facing many of our nation's cities. The National League of Cities and the United States Conference of Mayors urge that you vote for the bill.

The bill is pending before the Rules Committee and we hope that the Committee will report the bill out under a closed rule and waiving points of order. We are supporting this motion.

When the bill is on the House floor, a few Congressmen have indicated that they will oppose the rule. We believe a closed rule is necessary. The bill amends the Internal Revenue Code and such amendments have traditionally been considered by the House only under a closed rule. Furthermore, a closed rule is needed because the bill includes a complex formula for allocating funds to local governments. The Ways and Means Committee labored for weeks designing the formula on the basis of need. To open the formula for discussion would probably result in endless debate about it on the floor. At this point in time, the nation's cities need help, not debate over the technicalities of a formula.

Since the bill itself is a five year appropriation, points of order must be waived. If a point of order were allowed on the floor, this provision might be deleted. The five year appropriation is key to the program. Your local government officials need a long-term appropriation to properly budget and manage local programs—hire staff, purchase equipment, make long-term commitments on facilities. The Ways and Means Committee, in considering this provision, determined that cities must have assurance that the federal funds would be regularly available, but that the program should be limited to five years. This will automatically provide the Congress with an opportunity to review the program. *For these reasons, we urge you to vote against any move on the floor to defeat the closed rule or allow points of order.*

For your information, enclosed is an analysis of the major objections raised about the bill.

Sincerely,

JOHN J. GUNTHER,
Executive Director, U.S. Conference of Mayors.

PATRICK HEALY,
Executive Vice President, National League of Cities.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, D.C., May 26, 1972.

DEAR CONGRESSMAN: As you know, the House Rules Committee last week by a vote of 8–7 approved for floor consideration with a closed rule, H.R. 14370, the "State and Local Fiscal Assistance Act of 1972". On behalf of the tens of thousands of elected, appointed and officials in the 3,067 counties throughout the United States, we urge you to vote "Yes" on the previous questions to support the closed rule and to vote "Yes" for final passage of H.R. 14370.

This proposal for General Revenue Sharing was reported by the Ways and Means Committee on April 17, 1972. The measure was the result of many, many months of hard work by the Committee and its staff. It represents a consensus of the majority of the Committee as being the best possible way to provide fiscal assistance to state, county, and city governments throughout the United States over the next five years. The associations representing states, counties, and cities, along with their membership, support this measure. The assistance provided under H.R. 14370 is desperately needed if many of our local governments are to survive fiscally and continue to provide essential, valuable services to their citizens.

This legislation will be before your body for action in the very near future. We again strongly urge you to vote *yes* on the previous question and on the final passage of H.R. 14370, so that badly needed funds will begin to flow to state and local governments unincumbered by the red tape and delay generated under existing, specific grant-in-aid programs.

Your positive consideration of our requests will be greatly appreciated.

Sincerely yours,
WILLIAM J. CONNER,
President.
BERNARD F. HILLENBRAND,
Executive Director.

[From the NAC News & Views, May 26, 1972]

EXECUTIVES RALLY FOR REVENUE BILL

Our elected county executives, 16 strong, spent two days in Washington last week meeting with Sen. Russell Long (D-La.), their own Senators, and key leaders in the House of Representatives to dramatize the urgent need for general revenue sharing this session. However, we are in a desperate battle against the clock to secure passage of both general revenue sharing and welfare reform.

Sen. Long is very strongly supportive of general revenue sharing legislation and has given us every assurance that he will do his best to get it passed througth the Senate. He indicated that he would hold hearings on the legislation as soon as it passes the House and as soon as he disposes of welfare reform legislation.

The problem we face now it that we must get passed the House Rules Committee before going to the floor of the House of Representatives. The rallying cry before the Rules Committee is that Congress should not approve a $5.3 billion spending program without providing a new revenue raising plan to pay for it. This indeed would be a brand new precept to be followed in the Congress, and we can imagine the consequences if the same reasoning should be applied to foreign aid appropriations, Defense Department expenditures, or any one of hundreds of other items of federal expenditures.

The Rules Committee completed three days of hearings last week, receiving pro and con testimony from members of the Ways and Means Committee and other Congressional Leaders. The Committee will decide next Tuesday the form of rule under which the revenue sharing bill (H.R. 14370) will go to the floor. NACo is supporting a "closed" rule, waiving points of order, which would not allow amendments to the revenue sharing proposal in the form of an altered formula or major tax reform legislation.

Even though we have been having problems with the Rules Committee, we are encouraged by the fact that the leadership of the House of Representatives has scheduled the opening of the general revenue sharing debate for Wednesday, May 31.

AMENDMENT TO INTERNAL REVENUE CODE OF 1954

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, yesterday I introduced an amendment to the Internal Revenue Code of 1954 providing for an additional itemized deduction for taxicab fares paid by disabled individuals.

As you may know, the handicapped are a very significant segment of American society. As a result of crippling disease, birth defects, traffic accidents, and war-inflicted wounds, more than 22 million people have a disabling condition severe enough to interfere with their major daily activity. Although the disabled constitute a sizable portion of our total citizenry, their problems and needs have long been bypassed and neglected.

One of the most inexcusable oversights with regard to the handicapped is the present discrimination in the field of transportation. As members of the taxpaying public, disabled individuals help subsidize public transportation systems. However, due to architectural barriers or their physical impairments, public transportation is rendered unavailable to many of the disabled. Thus, while contributing to the maintenance of public transportation which does not serve them, the handicapped are forced to use taxicabs or other nonregulated private carriers which prove costly, particularly considering the high medical expenses of many handicapped and their discriminately lower salaries. Consequently, I am introducing a bill to eliminate one of the most unjust obstacles that the disabled have previously had to confront.

The handicapped do not want special privileges, only the chance to become self-sustaining contributors to society rather than dependent burdens. Providing for the transportation costs of the disabled who are restricted to taxicabs is only the first step on the long path to relieving the inequities our handicapped citizens must deal with every day.

I would like to request the support of all Members of the House on this important legislation and urge them to join with me in continuing the quest for equal rights for the handicapped.

For the information of my colleagues, I am inserting the full text of my bill:

H.R. 14255

A bill to amend the Internal Revenue Code of 1954 to provide an additional itemized deduction for taxicab fares paid by disabled individuals

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 219 as 220 and by inserting after section 218 the following new section:

"SEC. 219. TAXICAB FARES PAID BY DISABLED INDIVIDUALS.

"(a) ALLOWANCE OF DEDUCTION.—In the case of a disabled individual, there shall be allowed as a deduction any taxicab fares paid by him during the taxable year for his transportation.

"(b) DEFINITION OF DISABLED INDIVIDUAL.—For purposes of subsection (a), the term 'disabled individual' means an individual who—

"(1) is blind (as defined in section 151 (d)(3)) for the entire taxable year, or

"(2) has a medically determinable physical impairment so severe that he is unable during the entire taxable year to use, without hardship or danger, a bus, subway, train, or similar form of public transportation (not including taxicab) as a means of traveling.

No individual shall be considered to be disabled unless he furnishes such proof of the existence of his blindness or other impairment in such form and manner as the Secretary or his delegate may require."

(b) The table of sections for such part VII is amended by striking out the last item and inserting in lieu thereof the following:

"SEC. 219. Taxicab fares paid by disabled individuals.

"SEC. 220. Cross reference."

SEC. 2. The amendments made by the first section of this Act shall apply only with respect to taxable years beginning after the date of the enactment of this Act.

ENERGY CRISIS

(Mr. ADDABBO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ADDABBO. Mr. Speaker, on the opposite-editorial page of the New York Times for May 11, 1972, an institutional advertisement by Mobil Oil Corp. discussed in considerable detail the energy crisis faced by this Nation.

The Select Small Business Subcommittee on which I serve has been holding hearings on the energy crisis and the high cost of oil and gas in the United States. This is a most complicated subject which involved oftentimes conflicting interests of conservationists, industry, and consumers burdened with both rising costs and decreasing supplies of energy.

The Congress has a very great responsibility in this area and we must find a reasonable procedure for balancing the twin goals of protecting the environment and meeting national requirements for various energy sources.

The Mobil advertisement highlights many of the important issues involved in this subject and offers several recommendations. Without endorsing the latter, I do believe the presentation is an important public service, bringing these issues to the attention of the public. For that reason I am pleased to include the text in the RECORD:

THE GAP

By 1985, Americans will be consuming twice as much energy as they do today, according to government forecasts.

Why? More people plus rising living standards.

The problem is, no one can be sure how the U.S. will be able to get the additional energy needed.

Mobil is convinced the nation must start planning now to find rational solutions to this problem. As petroleum suppliers, we're unavoidably involved, since oil and gas are expected to account for two-thirds of U.S. energy used in 1985.

Most Americans probably don't know about the gap between forecast energy supply and demand. Even if they did, it's easy to take it for granted the gap will somehow be closed. Unfortunately, the suggested solutions we at Mobil see most frequently are plagued with worrisome if's and but's, such as:

Solution #1: We can increase U.S. reserves by finding more oil and gas through stepped-up drilling onshore in the lower 48 states.

But the most promising areas onshore have already been drilled up, which lessens the likelihood of our making the massive discoveries we need.

Solution #2: We can intensify oil drilling offshore, where the odds are much better.

But environmentalists have succeeded in placing some marine areas at least temporarily out of bounds. Last December's federal sale of offshore Louisiana leases had to be called off. Some California undersea drilling has been held up. East Coast drilling, although it is some years away and probably would occur at least 30 miles at sea, is already under attack.

Solution #3: We can bring in oil and gas from Alaska's North Slope.

But environmentalists have stalled construction of a pipeline to move this petroleum. Even with the pipeline built, the North Slope in 1985 would supply less than a tenth of U.S. crude oil consumption—a much-needed tenth, to be sure.

Solution #4: We can rely even more heavily on imported oil and gas to make up the difference between what we can produce here at home and what we consume.

But how much of our petroleum supply can come from abroad before we become dangerously dependent on sources that can be shut off as the result of foreign political or economic pressures? We import a quarter of our oil needs today; by 1985, that will rise to over half. And since natural gas is already rationed in some American cities, the U.S. has begun to import costly gas from overseas.

The U.S. can reduce the risks of imports by building security stockpiles of oil and gas. But while stockpiles are indeed possible, they would be costly. Even so, coupled with stringent rationing, they could provide a lot of insurance.

Solution #5: We can extract synthetic oil and gas from our virtually unlimited domestic coal and oil-shale deposits.

But at what cost? Nobody yet knows how to make synthetic fuels at costs approaching those of conventional fuels. We don't know to what extent environmental restrictions will stymie development of synthetic fuels. We *do* know we'll have to have some synthetic fuel capacity to meet the 1985 energy demand—or rely even more heavily on imported oil and gas.

Solution #6: We can close the gap with more nuclear power.

But nuclear plant construction has lagged far behind expectations, mainly because of soaring costs, design problems, and environmental fears. To supply 40 percent of U.S. electrical energy by 1985, as forecast, means building 250 one-million-kilowatt nuclear plants between now and then.

In varying measure, all these solutions will be needed; no single solution can do the job.

An alternative suggested by some is that America simply level off or perhaps cut back its use of energy. But that's no solution. The 240 million Americans of 1985 will consume far more energy than today's 208 million. It will take additional energy just to improve the environment.

We can and should stretch our reserves by using energy more wisely. But it would take stringent rationing and a mandatory reduction of living standards, together with zero population growth, to make a dent in our rising energy consumption.

Mobil believes adoption of comprehensive national energy policies could deal with the energy problem by (1) recognizing the need for continued economic growth, (2) placing the national interest in energy matters above any regional or other special interests, and (3) recognizing the natural priorities among various energy sources. Only in this way can we strike a balance between unacceptable environmental risks and unacceptable economic risks.

The *most unacceptable risk* is that somehow we fail to close the energy gap at all.

CHAPTER II: NEW YORK STATE NARCOTIC PAROLE OFFICERS ASSOCIATION—CASE STUDIES

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on May 31 I advised the House of the activities of a dedicated group of civil servants in New York City who are narcotic parole officers. My statement described the scope of their activities and the need for their program. Today I am setting forth the details of a case in which these fine young men and women have been involved so as to make more meaningful the nature of their work.

The details follow:

CASE CONFERENCE RE JOHN X—PRESENT: 17 STAFF MEMBERS, DECEMBER 16, 1971

PROCEEDINGS

A clinical conference was held Tuesday to reassess the case of John X for the purpose of attempting to determine what part this Aftercare Center played in the case and how we might correct our own shortcomings in order to provide better service for our clients in the future.

The meeting was opened by the staff psychologist, who read the only data from outside this agency that was in Mr. X's folder. These data were in the form of a screening report from the Brooklyn House of Detention written 6 days after Mr. X's 2nd certification to the NACC in August, 1970.

John was described as a 26 year old male, separated from his wife for 5 years, who also had custody of their two young children. He had begun mainlining heroin from the beginning of his drug usage in 1959 and continued for some 8–10 years. He had gone thru numerous detoxification programs: Manhattan General 4 times for a total of 14 weeks, Lexington 4 mos., Teen Challenge 12 mos. and NACC-Day Top 17 mos. Treatment prior to Day Top was described as unsuccessful. The Day Top experience was seen as a positive one, even though John split and left the center because of internal strife. He was described as having been previously certified to the NACC in 10/67 (civil) and released from the NACC Intramural Facility (IMF) to Day Top, no mention is made of his certification status and whether or not he was previously decertified. His new certification, he claimed was a "cop-out" to avoid further jail and the fact that it was a "bum rap". The counselor's comments reflected John's own feelings that he needed structured supervision.

Following the reading of this report, we built up a more or less chronological picture of what John was like, what he did and what this Aftercare Center did during the ensuing months. This picture was based on observations from the various teachers, therapists, counselors, etc., present at the meeting.

It was unanimously felt by the 4 therapists who were the first to come in contact with John here at this center that John resented his position as a "beginner" and was not able or willing to begin looking into himself at the time the instant aftercare program was disbanded. Thus, after only one month of structured therapy as a resident rehabilitant, during which time he did not begin to deal with himself, the structure was taken away.

From the time the instant aftercare program was disbanded up to the present, John was virtually on the "other side of the fence" so to speak. Intelligent, articulate, creative, he endeared himself to staff, who, to a man, capitalized on John's strengths and almost totally neglected his weaknesses. John's talent for painting was recognized, praised both inside this Aftercare Center and in the NACC exhibit, and he was allowed to make substantial financial profit during the second month of his second certification.

At the same time, because of his facility with words and his previous experience in group work acquired in other treatment experiences, he was allowed and encouraged to be an active leader. A number of participants at the conference noted that while John was getting all this acclaim with its attendant responsibility, no one confronted John or required that he begin to deal with his own problems. Our "treatment" for John, therefore, consisted of treating him "as if" he were a man fully capable of handling the responsibility of his own life as well as showing others how to be responsible for themselves. The exact opposite, of course, could have been assumed from his previous record and even from his own statements that he needed "the constant reinforcement of a therapeutic community, or the supervision/counseling that an aftercare situation would provide". (John X., 8/70, Brooklyn House of Detention).

By December, 1970, between 3 and 4 months after his recertification to the NACC, Mr. X was working as a "therapist" at one NACC facility as well as outside the facility at an independent narcotics program. He was being paid by both places and meanwhile was also living in this Aftercare Center.

Again, it was clear from statements made by various participants in the conference that doubts as to the wisdom of what was happening with John and also its resultant effect on our other rehabilitants, were growing stronger and stronger. While many of these doubts were expressed verbally among the staff, *no written records of his progress* appear in his folder until 2/71, at which time a psychological evaluation was requested for purposes of decertification! The lack of written communications, while irresponsible at any time, appear especially deterimental in this case. The conference took note of the fact that during these first few months of Mr. X's stay with us, not only was the instant aftercare program discontinued (who provided his supervision), but the halfway house supervisor was changed three times (where he lived), and the head of community care (where he studied his course work) changed five times! It seems rather obvious now, that with such discontinuity of personnel, that written case continuity could have been of the utmost importance in helping point up the lack of therapeutic planning with respect to Mr. X. Another fact which emerged during the discussion was that no one present felt they had more than a superficial knowledge of, or relationship with, this client.

In the psychological evaluation of 2/71 the psychologist took note of John's tendency to externalize responsibility and the fact that his ability to convince others was the source both of his strength and his greatest weakness. The strong suggestion was made that John move out of the halfway house and demonstrate his ability to live independently in a non-sheltered situation, *before* he was decertified. Despite this suggestion, John continued to live at this Aftercare Center's halfway house until at least April 15 (the exact date of his leaving is not on record), only 1½ months before he was given an administrative discharge. In the meantime, Mr. X got his High School Equivalency diploma, passed the Narcotic Correction Officer trainee exam and was hired by the NACC as a Narcotic Correction Officer trainee to work here at this center. In addition, John went to Washington to testify before the President's Commission on Drug Abuse.

A number of those present at the conference, pointed out that by this time it was quite apparent to both staff and clients alike that John was getting favored treatment and that we seemed to be pinning the badge of "success" on him, to fill our needs for success. The total effect was seen as detrimental to all concerned. John, himself, was pictured as playing out the success role which we had defined for him.

The other clients were reported as looking upon the situation as a great game. Some tried to follow the same pattern that John was following and many became angry and resentful both at John and at the NACC, but in general the clients' attitude toward the NACC program was thought to become increasingly more cynical and mistrustful.

The final chapter in the case of Mr. X, his return to drug usage, his being allowed to enter an upstate college with the full knowledge of several staff members (and naturally many of the clients in the same program at this college), and the subsequent leaving of college and fleeing from Synanon was perhaps the most shocking indictment of our treatment of this case to emerge from the conference. The conference came to the conclusion that our need for a spectacular success was so great that it was possible for some staff to overlook or blind themselves to the most glaring and obvious fact of all that John was *not a success and had begun to reuse drugs long before he went off to college!*

The meeting lasted somewhat over two hours. Partly because of the late arrivals of a number of participants and also the early departure of others, no formal summary was made at that time. The data, however, were very clear as to the progressive trend of John's behavior back to the use of drugs. There were warning signs, some obvious, some not so obvious, that were present from the very beginning of his stay with us. These signs grew in intensity and number, yet, either went unheeded or were misinterpreted or were repressed. There were no written records kept on this man pertaining to therapeutic planning or progress reports. Most of the data that emerged today was unrecorded previously and if transmitted from one worker to another it was done only verbally. In view of the many workers involved and the constant supervisory shifts, Mr. X did not therefore get any structured supervision. Taking advantage of the NACC disorganization, he capitalized on it by becoming a leader and spokesman in his own case, leading ultimately to his own downfall.

SEVERAL REVISIONS TO CURRENT POLICY SUGGESTED BY THIS ABOVE CONFERENCE

1. Better Intake and Orientation Procedures, which include testing and evaluation of current functioning with respect to past behavior.
2. Evolution of a therapeutic plan during the intake procedures.
3. Keeping a running history of client's contacts and progress, which is available and used by everyone who deals with client.
4. Any large shifts in client's life plan should be looked upon as changes in the therapeutic plan and should be reviewed by a clinical committee. (These are changes such as living-in or leaving the halfway house, leaving parents home for own apartment, getting a job, shifting from abstinence to Methadone or vice-versa, discharge, etc.).

Submitted by Associate Psychologist 12/16/71.

MORTON SPEAKS ON ENVIRONMENT

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, earlier this month our very able Secretary of Interior and former colleague, Rogers C. B. Morton, addressed the Ohio Conference on Environmental Improvement in Columbus, Ohio.

Pointing to progress made since 1969, Secretary Morton made reference to the Council on Environmental Quality and the Environmental Protection Agency as two new organizations created to help accomplish the job.

Secretary Morton's remarks are as follows:

REMARKS OF ROGERS C. B. MORTON, SECRETARY OF THE INTERIOR

(Before the Ohio Conference on Environmental Improvement, Ohio State Fairgrounds, Columbus, Ohio, Noon, Friday, May 19, 1972)

I'm very pleased you asked me to appear at your conference on environmental improvement. The sponsoring organizations deserve to be congratulated for their initiative in arranging this conference. Meetings such as these are very encouraging to me for they demonstrate the awareness of environmental problems that is now coming to the fore in our Nation. They demonstrate the development of an environmental ethic which must influence our society if man is to preserve his environment.

I haven't come here to point with alarm at our many environmental problems. Your participation here today indicates your recognition and your concern for the problems we face. Instead, I come before you to report on the positive aspects of our environmental situation, namely, the status of your Government's efforts to improve the environment and the legislation we are proposing to achieve some of our most critical national environmental goals.

In the perspective of ten—or even five—years ago this Administration and the Congress can be justly proud of what has been accomplished in the environmental field. In looking at the problems yet to be solved, it is all too easy to forget just how far we have already progressed. I think it is crucial that we all maintain our perspective and that we recognize what has already been achieved . . . otherwise, many will become discouraged and in their discouragement, turn away from the pursuit of goals we must attain.

Here then is the status of our efforts to improve the environment.

We have two new organizations to help do the job—the Council on Environmental Quality to advise the President and the Environmental Protection Agency to monitor and safeguard the quality of our environment.

We have standards for air and water quality and enforcement controls to assure that they are met. In the Federal sector, we are requiring environmental impact statements to assess the effect of major Federal actions.

On the technical front, we have undertaken research programs to facilitate the recycling of solid wastes and to develop efficient sources of clean energy. We are at the early design stages in producing clean gas from coal and clean electric power from the fast breeder nuclear reactor.

We have taken steps to conserve some of the most precious natural scenery and wildlife in this country. Wilderness areas and wild and scenic rivers are being set aside for preservation in their pristine state; once designated, no further development is allowed in these areas.

To protect the environment on the public lands, we have banned the use of poisons. Also, we are instituting controls on the use of off-road vehicles which often damage the fragile environment of these lands.

In the great State of Alaska, we have set aside 125 million acres of some of the finest natural areas in the world . . . from which we will select areas for new national parks and national forests, new wildlife refuges and additions to the wilderness and wild and scenic river systems. This is a once in a lifetime opportunity to preserve precious environmental natural resources on America's last frontier, and we are taking advantage of it.

For some time, the Department of the Interior has been analyzing some pressing and complex environmental problems involving the management of our natural resources. Now we have moved into the action stage. We have developed what we think are the bases for practical, workable solutions to many of these problems and we have submitted a forward-looking legislative package to the Congress.

Very candidly, I seek your understanding and your support for these legislative proposals.

The cornerstone of our legislative thrust goes right to the heart of the problem—the manner in which the Executive Branch is organized. Today, the responsibility for resource management which has a lasting impact on the environment is fragmented through a great many Federal agencies . . . three develop water resources . . . four manage public lands . . . six administer Federal recreation areas . . . and more than you can count are involved in energy. Conservation is not well served by this proliferation which inevitably discourages communication.

The President is asking Congress for authority to consolidate all of these efforts in a single Department of Natural Resources. It's the only way we can permeate government activity with an environmental ethic that will give us the best balance in conservation, development and preservation of our natural resources.

Now let us look at specific problem areas and our legislative response to them.

If there ever was a natural resource that cries for better management, it's minerals. Look at the laws that control mining on our public lands. The Mining Law of 1872 is a century old and the Mineral Leasing Act has been on the books for more than 50 years. In this time, the technology of mining has changed enormously and mining's capacity to damage the environment has become staggering.

We have asked the Congress to revise these laws to accomplish the following:

One, give Interior the authority to prevent mining in certain areas on public lands where the environment is very fragile.

Two, provide a more realistic return to the public for mineral resources taken.

Mining is not the only problem we have on the public lands. Many of the laws and policies which still govern the public domain are older than the Mining Law of 1872. The attitude that prevailed in the days of Manifest Destiny, the open range and "Fifty Four Forty or Fight"—namely that the public lands should be freely available to any and all who desire to use them—has never been officially put to rest. And my management authority in many ways does not protect the public interest. The Bureau of Land Management has a trusteeship for one-fifth of the Nation's entire land area, yet this Bureau does not have the authority to prohibit most forms of damage to the resources or to arrest the offenders. The National Resource Land Management Act . . . which is also known as the BLM Organic Act . . . would provide the management tools we so badly need.

To return to the subject of mining again and to a problem that is serious right here in Ohio . . . strip mining. You have met the problem head on by enacting strict regulatory measures, but should you be placed at a competitive disadvantage with states which do not enact such measures or which fail to enforce regulations already on the statute books? We think not. That is why we are asking Congress for the Mined Area Protection Act.

This legislation will encourage the states to regulate mining to avoid adverse environmental consequences. But if a particular state doesn't act, the bill gives the Department of the Interior authority to step in and do the job, and believe me, *we will do it*. There is no doubt that environmental damage from mining operations *can* be effectively controlled. In the future, the price of coal and other minerals taken must include the cost of damage control and mined land reclamation. We can no longer allow the environment to bear this cost.

A long range problem we must address ourselves to is power plant siting. We must have an adequate supply of power and we must have an orderly procedure for locating plants and transmission lines on the most environmentally acceptable sites.

To achieve these objectives, we must recognize that both energy needs and environmental quality are legitimate concerns in planning power facilities. Both must be considered from the earliest stages of the planning process.

Under the proposed power plant siting bill, electric utilities would be required to obtain federal approval of their plans to build bulk power facilities. This approval would be granted only if the facility would not, and I quote from the Act, "unduly impair important environmental values and (would) be necessary to meet electric power needs." With these procedures, the impact of a proposed facility would be investigated, considered in public hearings and resolved in advance of the need for the power. Hopefully, we would avoid power shortages from delays caused by environmental controversies—a situation that actually threatens the power supply of many parts of the country this summer.

President Nixon set a new national goal when he asked the Congress for a National Land Use Policy Act. One need only fly over the whole country as I have—from Portland, Maine to Seattle, Washington—to realize that the country needs a sound land use policy.

The bill we propose will encourage the states to establish land use planning agencies and to develop comprehensive land use programs. It will encourage them to assert control over problems that are of more than purely local significance. Local control is unable to deal with land use problems which involve environmental values of state-wide concern, like the preservation of greenbelts in urban areas and the protection of wetlands.

We must realize the ominous, and immediate, portent of continued helter skelter growth. Our land space is a precious and limited natural resource, but we have not treated it so. We have taken the lazy approach. We have grown too much like topsy. To begin a new sense of order on the land that will encourage the preservation of irreplaceable values, recognize man's dependency on open space and improve the quality of life in America, we must adhere to the discipline of good land use policy at all levels of government. Enactment of the National Land Use Policy Act will be a big step in this direction.

I think it is self evident that considerable environmental progress hinges on the fate of the legislative program I have just described. I think it is also evident that we have drastically redefined the natural resources role and responsibility of the Federal Government in many instances. It is clear to me that in many areas we must take the lead—that some problems are too widespread, too large in scale, too complex for other public or private entities to cope with them.

The future is going to require new institutional arrangements and more flexible Federal-State-local methods of planning, cost-sharing and regulation, all under the eyes of a public made more watchful and understanding in their concerns because of conferences like this one today.

The magnitude of our environmental task makes for either total, self-defeating depression, or one of the greatest challenges of all time. I have accepted the challenge and now I seek your help. I seek your support for our efforts to meet this challenge—the legislation I have outlined.

Together, let us fulfill the prophesy of the President in his Environmental Message, and I quote: "The pursuit of environmental quality will require courage and patience. Problems that have been building over many years will not yield to facile solutions. But I have no doubt that Americans have the wit and will to win—to fulfill our brightest vision of what the future can be."

A better environment will not be achieved by rhetoric or moral dedication alone . . . and most important not by government alone. It will not be cheap or easy or quick. We must realize that environmental progress can be achieved . . . only if we are willing to be practical . . . only if we are willing to pay the price . . . and only if we are willing to be patient.

I think this nation is ready and willing to follow the path of reason and determination to improve the environment. It is a path we must follow. The survival of our civilization depends upon our ability to achieve a new harmony between nature and man.

REFORM ELECTION REFORM

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the Federal Election Campaign Act of 1971, which became effective on April 7 of this year, is the first major legislation on campaign financing since the passage of the Federal Corrupt Practices Act in 1925. Like all new legislation, it is subject to drafting defects which only become apparent after enforcement begins. A major drafting mistake which has recently been discerned is the inadvertent extension of the scope of section 611 of title 18, United States Code, to include corporations and labor unions.

It is now alleged that this clearly unintentional but very significant change in the scope of section 611 renders impotent the Hansen amendment to section 610 which "codifies" existing case law permitting corporations and unions to establish segregated voluntary political funds. If this argument is correct, the same serious first amendment problems now exist in regard to section 611 that the Hansen amendment was drafted to avoid in regard to section 610. To understand how this problem arose, it is necessary to review the legislative history of sections 610 and 611.

The Congress originally enacted section 610 in 1925 to prohibit corporations from making any contributions or expenditures in connection with an election for Federal office in order to influence that election. In 1947 this section was amended to extend the same prohibition to unions. Through a series of important court decisions, these general prohibitions were interpreted to be fully consistent with the constitutional demands of the first amendment free speech guarantees and therefore to permit corporations and unions to communicate freely with their membership and to allow the establishment of segregated voluntary political funds.

During the debate on the Federal Election Campaign Act, these court decisions were extensively considered and finally explicitly incorporated into section 610 by the Hansen amendment in what appeared to be a constitutional necessity. The lengthy debate on this subject clearly indicates that the Congress by enacting the Hansen amendment never intended to make any change in existing law restricting the rights of corporations and unions in this regard.

Section 611 was enacted in 1940 on the theory that individuals and organizations engaged in a contractual relationship with the Federal Government should be subject to the same restrictions imposed upon corporations by section 610. During the legislative debate, it was proposed that section 611 be made specifically applicable to corporations. However, since corporations were already subject to the prohibitions of section 610, this proposal was rejected in the version which was finally enacted. Until the recent passage of the Federal Election Campaign Act, section 611 has never, therefore, been interpreted to apply to corporations.

In the amendment of section 611 under the Federal Election Campaign Act, certain technical changes were made to strengthen the prohibitions of the section. Virtually no legislative discussion of any of these changes indicates a desire to effect the major substantive change that is alleged to have occurred in section 611.

The cause of this problem of interpretation is the amendment by the Federal Election Campaign Act of section 591, the definitional section for the Criminal Code sections on elections, to apply its coverage also to section 611. This extension of coverage was intended solely to conform the definition of terms used in section 611 with those used in other related sections of the Criminal Code.

However, section 611 applies to "whoever" enters into a contract with the United States. In section 591(g) the definition of the term "whoever" includes a corporation. Therefore, a corporation and, by inference, a union which has a Government contract is now arguably prohibited by section 611 from the same type of limited political activity permitted by the Hansen amendment to section 610. This novel interpretation is based on the fact that section 611 does not explicitly permit such limited activity as the establishment of voluntary segregated political funds whereas section 610 clearly does allow it.

The serious question of legal interpretation now in existence has caused a great uncertainty to arise among corporations which wish to be in full compliance with the law. Common Cause, arguing that section 611 prohibits corporations holding Government contracts from establishing the voluntary political funds permitted corporations by section 610, has even filed a lawsuit against TRW Corp. to test the validity of that interpretation and to enjoin TRW's maintenance of a voluntary political fund.

From the time Congress spent debating the Hansen amendment to section 610 and the total absence of any indication of legislative intent to amend section 611 in so drastic a manner, it is clear to me that Congress never intended the law to be interpreted as alleged by Common Cause. Virtually every large corporation is engaged in some sort of contractual relationship with the Government. If Common Cause is correct, the Hansen amendment is rendered totally useless. Moreover, the very serious first amendment problems which the Hansen amendment recognized and avoided emerge in full force and would most likely cause section 611 to be declared unconstitutional.

Therefore, in order to cure this defect, in order to make perfectly clear the true intent of the Congress, and in order to avoid a possible interpretation that might cause section 611 to be declared unconstitutional, I introduced today a bill designed as an amendment to section 591(g) which eliminates the applicability of section 611 to corporations or labor organizations. I trust an early consideration of the bill with be forthcoming.

THE RETIREMENT FUND

(Mr. GROSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GROSS. Mr. Speaker, a letter, dated May 25, 1972, from Mr. Robert E. Hampton, Chairman of the U.S. Civil Service Commission, provides an updated report on the current status of the civil service retirement system both with respect to financing and the effect of recent legislation.

As Members of Congress know, the retirement system has long been plagued with a huge and growing unfunded liability, reaching a high of more than $64.6 billion at the end of the 1970 fiscal year.

Mr. Hampton's report is cautiously optimistic and at the same time carries a warning that further annual increases in the numbers of Federal employees, pay increases, and benefit liberalizations will undo the progress that has been made toward reducing the annual actuarial deficits.

For the benefit of all Members I am inserting at this point in the CONGRESSIONAL RECORD Mr. Hampton's updated report as follows:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., May 25, 1972.

Hon. H. R. GROSS,
House of Representatives.

DEAR MR. GROSS: A year ago I reported the current status of the Civil Service Retirement System with respect to its financing and with particular emphasis on the effect of Public Law 91–93 enacted October 20, 1969. As indicated then, the improved retirement system financing established by Public Law 91–93 continues to work well and the system is in a sound financial position. I believe it is important now that we maintain this condition. Events of the past year have had their effect on the system, and I want to give you an updated report on the retirement program and some insights on what the future holds in store.

The 1969 law fixed employee deductions and agency contributions at 7% each. This income, totaling 14% of payroll, approximated the then estimated normal cost of the retirement system. The Board of Actuaries has since completed a valuation of the system as of June 30, 1970 which resulted in an updated calculation of normal cost. In its recent report to us, copies of which were forwarded to the Congress on May 3, 1972 the Board calculated normal cost at 12.95%. The reduction in normal cost of slightly more than 1% results primarily from an anticipated higher rate of return from retirement system investments in Government securities. The assumed interest rate is now 5%, in contrast to the formerly assumed 3.5% rate.

Under this latest valuation at a 5% interest rate, the unfunded liability was approximately $53 billion as of June 30, 1970. Under the previous 3½ percent rate of interest, the unfunded liability had been $64.6 billion at the end of Fiscal Year 1970. This liability is subject to periodic increase, however, because Public Law 91–93 requires amortization only of new liability resulting from subsequent legislation. Continued increase in unfunded liability will come because of commitments auhorized by earlier laws. Examples of this are the wage increases resulting from wage survey, a process authorized by an earlier law. Another example is periodic cost-of-living increases for annuitants, each 1% of which adds $350 million to the unfunded liability, which also stems from an earlier law.

One major purpose of Public Law 91–93 was to spread out the impact of a more adequate financing basis for the retirement program to avoid the necessity of sudden heavy payments to the retirement fund. Consequently the law provided that beginning in Fiscal Year 1971, 10% of the annual interest payment on unfunded liability would be made, with progressively larger payments of an additional 10% increment per year to be made until we reach 100% of the annual interest payments needed each year beginning in 1980. The following statistics may be helpful in understanding the effect of this provision.

$277 million was transferred from the Treasury to the Fund in 1971 as first payment (10% of a full annual payment).

$3.65 billion would be transferred to the Fund in 1980 and subsequent years, if one assumes no change in unfunded liability beyond 1971 (representing 100% of the annual interest payment achieved by adding 10% increments each year after 1971).

$4.90 billion would be transferred in 1980 if one assumes continuation of the same rate of increase in cost-of-living and wages as occurred in calendar year 1971, and the payments would continue to rise in each year beyond 1980.

Interest payments would stabilize in 1980 only if the static assumption of the second illustration above proves correct; otherwise payments will increase each year though the impact will be particularly heavy in the period up to 1980 at which point each payment will represent a full payment of annual interest on unfunded liability.

Government payments to the fund will also increase to the extent that additional legislation grants benefits which add to the liabilities of the retirement system. Added liabilities are created by benefit liberalization, by extending coverage to additional persons, or by pay increases. For example, every $1 of pay increase creates an additional $1.95 liability to the retirement fund. Public Law 91–93 requires that any new liabilities be amortized by equal annual payments over a 30 year period. Since our report to you last year, a postal salary increase has been negotiated, and a general schedule salary increase was provided by Public Law 91–210 effective January 1, 1972. These, together with earlier liberalizing laws referred to in our previous report will result in substantial Government payments to the retirement fund over the next 30 years.

Existing liabilities will require a total payment of $610 million in Fiscal Year 1972.

A $665 million yearly payment will be required by Fiscal Year 1973.

Payments at this level will be required through Fiscal Year 1999.

Further salary increases or enactment of program changes which create new liabilities would add to the size of these annual payments. For example, if one assumes the same degree of salary and benefit increases each year as occurred in calendar year 1971, then the required yearly payment would increase to about $1.04 billion by fiscal year 1973, and about $3.72 billion by fiscal year 1980.

The rate of increase in required payments is of concern because of the rapid build-up which has occurred just in the few years since passage of Public Law 91–93.

$215 million payment required in Fiscal Year 1970.

$437 million payment required in Fiscal Year 1971.

$610 million payment required in Fiscal Year 1972.

A third source of Government payments to the retirement fund is the 7% of payroll contributions made by each employing agency. These also involve substantial sums, as the following statistics show.

Agency contributions totaled $1.72 billion in Fiscal Year 1970, and $1.89 billion in Fiscal Year 1971.

By way of illustration, assuming static conditions, (no further increase in work force or cost of living, and no salary increases beyond those already enacted or agreed to) agency contributions would peak at $1.93 billion in Fiscal Year 1973 and remain constant thereafter.

If one assumes a continuation each year of the conditions which prevailed in calendar year 1971 with respect to increases in work force, salary levels, and cost-of-living, then agency contributions will increase each year to:

$2.62 billion by Fiscal Year 1975.
$3.70 billion by Fiscal Year 1980.
$3.96 billion by Fiscal Year 1981.

Perhaps a better appreciation of the Government's commitment to the retirement fund can be obtained if all three of these types of Government contributions are added together.

If one assumes no further increases in cost-of-living, salary levels, or work force, and no additional benefit liberalizations beyond 1971, the total Government contributions to the retirement fund would be as follows.

$1.95 billion in Fiscal Year 1970.
$4.30 billion in Fiscal Year 1975.
$6.25 billion in Fiscal Year 1980.

By way of contrast, assuming a continuation each year of the same degree of increase in work force salary levels, and cost of living, and the same extent of benefit liberalization as occurred in calendar year 1971, total Government contributions to the retirement fund would be about as follows:

$1.95 billion in Fiscal Year 1970
$6.71 billion in Fiscal Year 1975
$12.32 billion in Fiscal Year 1980.

Employees have an interest in the system because of the substantial total of their contributions, as well as the extent of benefits they will receive. Employees contributed $1.74 billion in Fiscal Year 1970 and $1.92 billion in Fiscal Year 1971. These contributions will rise to the same degree as agency contributions, the amount of increase depending upon the extent to which we experience further increases in salaries, work force, or cost-of-living.

Annuity payments, which constitute outgo from the retirement fund, will continue to increase for over 40 years as more and more employees are added to the annuitant rolls. An increase will occur even though no increases are made in work force level, as present employees become eligible for retirement benefits. Growth in the total of annuity payments under the retirement system is illustrated by these statistics.

Payments in Fiscal Year 1960 totaled $893 million.

Payments in Fiscal Year 1970 totaled $2.74 billion.

Assuming static conditions beyond 1971 (no further growth in work force, salary levels, or cost-of-living, and no further retirement program liberalizations) payments in Fiscal Year 1980 would total about $6.1 billion.

If one assumes a continuation each year of the conditions which prevailed in calendar year 1971 with respect to increases in work force, salary levels, cost of living, and the same degree of program liberalizations, then by Fiscal Year 1980 annuity payments would total about $9.5 billion.

In summary, in each category of funds associated with the retirement system—Government contributions, employee contributions, and benefit payments, we are dealing with large sums of money. A more comprehensive picture of retirement system financing may be gained by reference to the table in Attachment A. The size of these sums will grow substantially even under static employment conditions because of commitments provided by existing laws. We are concerned, as I am sure you and your fellow Committee members are, that any further proposals for retirement program changes be considered in the light of policy in all other areas of compensation for Federal employees, and with full recognition of the burden being placed on the budget and the taxpayer.

In short, we believe that total compensation should be considered before making a decision to change any part of it, including the retirement program. In comparing the components offered by different employers, it is apparent that the individual parts of the compensation package will vary from one employer to another. This is illustrated in the recent comparison of supplementary compensation (see Attachment B) published by the Bureau of Labor Statistics. In this comparison, for example, considerable variation in retirement, health, and leave benefits exists between practices in Government and those of private industry. We believe such variations should be expected as a natural outgrowth of the process of gearing benefits to the needs of a particular work force.

More significant, in our judgment, is the degree to which the total compensation package compares with the total package of other employers. In this respect the Government has achieved approximate comparability with industry. By carefully considering such overall comparisons, we can better assure that the cost of a proposed change is worthy of public support.

Sincerely yours,

ROBERT E. HAMPTON,
Chairman.

ATTACHMENT A

RETIREMENT FINANCING

[In millions of dollars]

	Actual, fiscal year 1971	Projected (assuming no changes beyond fiscal year 1971 in work force, pay, benefits, and cost of living)		Projected (assuming changes each year in work force, pay, benefits, and cost of living at the same rate experienced in calendar year 1971)	
		Fiscal year 1975	Fiscal year 1980	Fiscal year 1975	Fiscal year 1980
1. Treasury transfers for interest on unfunded liability and for military service credits	277	1,706	3,654	1,880	4,903
2. 30-year amortization payments	437	665	665	2,210	3,718
3. Agency contributions	1,890	1,930	1,930	2,624	3,697
4. Total Government cost	2,604	4,301	6,249	6,714	12,318
5. Employee contributions	1,920	1,960	1,960	2,654	3,727
6. Annuity payments	3,024	4,445	6,100	9,300	9,500
7. Retirement fund (June 30)	25,018	37,430	57,690	42,500	121,500
8. Unfunded liability (June 30)	58,616	65,550	67,601	76,100	97,800

ATTACHMENT B

BASIC WAGES AND SALARIES, COMPARISON FRAME OF PRIVATE NONFARM ECONOMY AND FEDERAL GOVERNMENT, 1970

Compensation practice	Expenditures as a percent of basic wages and salaries	
	Comparison frame,[1] January–December 1970	Federal Government,[2] July 1970–June 1971
Total, all supplements except pay for overtime, weekend, and holiday work, and premium pay for shift work	26.6	27.8
Pay for leave time (except sick leave)	8.8	1.6
Vacations and Holidays	8.5	11.0
Payments to funds	(3)	(4)
Payments to workers	8.5	11.0
Vacations	5.3	8.1
Holidays	3.2	2.9
Civic and personal leave	.3	.6
Health and insurance programs[5]	6.3	5.6
Workmen's compensation	.8	.5
Sick leave	1.1	3.3
Life, accident, and health insurance	4.4	1.8
Retiremen programs	9.1	10.0
Social security and railroad retirement	4.3	.2
Private pension and retirement plans	4.9	9.8
Unemployment programs	1.1	.5
Legally required programs	.8	.4
Payments to employees	.1	.1
Payments to funds	.1	(4)
Nonproduction bonuses (including awards)	.9	.1
Savings and thrift plans	.4	(4)

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[1] Data relate to establishments in the United States, except Alaska and Hawaii, having the indicated minimum employment size in the following industries: Manufacturing (250); retail trade (250); transportation, communication, electric, gas, and sanitary services (100); commercial research and development laboratories (100); finance, insurance, and real estate (50).

[2] Data provided by the Civil Service Commission and Office of Management and Budget.

[3] Less than 0.05 percent.

[4] No such program in the Federal Government.

[5] Includes items in addition to those shown separately.

Note: Because of rounding sums of individual items may not equal totals.

Source: Published by Bureau of Labor Statistics.

NATIONAL ACTION CONFERENCE ON INTERGOVERNMENTAL SCIENCE AND TECHNOLOGY POLICY

(Mr. MORGAN asked and was given permisison to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MORGAN. Mr. Speaker, I am very pleased to announce that the Commonwealth of Pennsylvania will be the host to the National Conference on Intergovernmental Science and Technology Policy.

This important conference will be held in Harrisburg, our Commonwealth capital, from June 21 to June 23.

The purpose of the 3-day meeting is to strengthen active cooperation between Federal, State, and local governments in applying financial resources, as well as inputs of science and technology, to the solution of local problems.

In addition, the conference will endeavor to bring private industry and our universities into a more effective partnership with the different levels of government so that, working together, they may all make the maximum contribution to the development of our economy and the quality of life in our country.

As the Representative in Congress of the 26th District of Pennsylvania, and as a medical doctor, I am deeply interested in what science and technology can do to improve employment opportunities for our people, to establish a more healthful environment, and to raise the standard of living.

The forthcoming conference, by focusing on these objectives, can render a great service to our entire Nation.

I am delighted that my good friend and colleague, the Honorable GEORGE P. MILLER, chairman of the House Committee on Science and Astronautics, will serve as the honary chairman of the conference.

The tasks of the general chairman will be handled by the Honorable Jack M. Campbell, president of the Federation of Rocky Mountain States and former Governor of New Mexico.

The Commonwealth of Pennsylvania, working through the Governor's Science Advisory Committee and the Pennsylvania Science and Engineering Foundation, has been providing leadership in the effort to bring science and technology to bear on the problems of today—and the opportunities of tomorrow. I know that Gov. Milton J. Shapp personally, and the staffs of these agencies, will play key roles in the conference.

Joining our Commonwealth in sponsoring the meeting are the Committee on Science and Technology of the National Governors Conference; the Committee on Science and Astronautics of the U.S. House of Representatives; the Committee on Science and Technology of the National Legislators Conference; the National Governors Council on Science and Technology; the Council of State Planning Agencies; Public Technology, Inc.; the International City Management Association; the National Science Foundation; and the Pennsylvania Science and Engineering Foundation.

Mr. Speaker, because all of us are interested in achieving more effective cooperation between Federal, State, and local governments and the private sector in making science and technology serve the best interests of the American people, I believe that my colleagues would like to know the program of the National Action Conference on Intergovernmental Science and Technology Policy. It follows:

PROGRAM

WEDNESDAY, JUNE 21, 1972

Registration: Opens at 2:00 p.m., and continues throughout the conference. Location—Sheraton-Harrisburg Inn Lobby.

Workshop assignment: When registering for the conference, please check at the Workshop Assignment Desk for the workshop to which you have been assigned.

Reception: 6:00 p.m.-7:00 p.m. Location—Courtyard.

Banquet session: 7:00 p.m.-9:30 p.m. Location—Pennsylvania Room.

Official opening of the conference: Congressman George P. Miller, California, Honorary Chairman.

Presiding—Walter G. Arader, Secretary of Commerce, Pennsylvania.

Welcoming Statement—Honorable Milton J. Shapp, Governor, Commonwealth of Pennsylvania.

Introduction of Speaker—Congressman Miller.

Keynote Address—Dr. Edward E. David, Jr. Director, Executive Office of Science and Technology.

Pennsylvania film: 9:30 p.m. Following the Banquet Session, the film on Pennsylvania Science and Technology programs will be shown in the Pennsylvania Room.

THURSDAY, JUNE 22, 1972

Morning session: 9:30–11:30 a.m.

Location—York Room.

Chairman—Honorable Jack M. Campbell, President of Federation of Rocky Mountain States.

"Intergovernmental Science and Technology Policy: Experiences and Needs"—Honorable Jack M. Campbell.

"What Is Essential and What Is Possible"—Mr. William D. Carey, Vice President, Arthur D. Little, Inc.

"As The Federal Council of Science and Technology Sees It"—Dr. M. Frank Hersman, Head, Office of Intergovernmental Science Programs, National Science Foundation.

"Response to the Challenge": Dr. Thomas G. Fox, Governor's Science Advisor, Pennsylvania.

General Discussion.

Luncheon session: Noon—2 p.m.

Location—Cumberland Room.

Presiding—Dr. Paul Ylvisaker.

Professor of Public Affairs, Princeton University.

Intergovernmental Science and Technology Policy—Who Does What To Whom—The Government—Industry—University Relationship.

Dr. H. Guyford Stever, Director, National Science Foundation.

Dr. James H. Wakelin, Assistant Secretary, Science and Technology, U.S. Department of Commerce.

Afternoon session: 2:30–5:30 p.m.

Location—York Room.

Chairman—Congressman James W. Symington, Missouri.

Statement by Congressman Symington followed by six concurrent workshops. The workshops provide an opportunity for the conference to move to fully consider indicated subjects and those attending to make their views known, providing an in-put to the resolutions to be formulated and the actions to be taken.

Workshop theme and location

(1) Technological Solutions and Public Problems—Cumberland Room.

(2) Technology Assessment—Billiard Room.

(3) Technology Initiatives—York Room.

(4) Technology Transfer and Utilization—Sovereign Room "A."

(5) "Partnership": intergovernmental policies and programs—Sovereign Room "B."

(6) "Partnership": universities—industry—government relationships—Dauphin Room.

FRIDAY, JUNE 23, 1972

Morning session: 9:00 a.m.–11:30 a.m.

Location—York Room.

Impact of Science and Technology: "What's Happening—Or Should Be."

Governor Russell Peterson, Delaware; Representative Thomas J. Anderson, Michigan; Porter Homer, President, Public Technology, Inc.; Dr. Detlev Bronk, President Emeritus, The Rockefeller University; Dr. Paul M. Pitts, Jr., Vice President, ARCO Chemical Company.

General Discussion.

Afternoon activities: 2:00 p.m.–5:00 p.m.

Location—Cumberland Room.

Presiding—Dr. John E. Mock.

Georgia Science and Technology Commission.

"An Effective Action Program"—Congressman John W. Davis, Georgia.

Summary of the Conference—Congressman George P. Miller, California.

Afternoon activities: 2:00 p.m.–5:00 p.m.

Resolutions Committee—opening meeting—2:00 p.m.

Official conclusion of the Conference—3:00 p.m.

Continued deliberations, Resolutions Committee as necessary.

RED CROSS TRAINING PAYS OFF—ONCE AGAIN

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SAYLOR. Mr. Speaker, at this time I wish to call the attention of my distinguished colleagues to an act of mercy by one of my constituents, Mr. Clair D. Henry of Johnstown, Pa. This gentleman has been named to receive the Red Cross Certificate of Merit, the highest honor bestowed by the Red Cross.

On January 27, 1972, Mr. Henry and a fellow workman, both trained in Red Cross first aid, came upon an automobile accident in which the driver had received severe head injuries and suffered amputation of the left leg below the knee. The two rescuers called for an ambulance, applied a tourniquet to the victim's leg and gave immediate first aid for other injuries. The attending physician stated that their knowledge and skills had undoubtedly saved the victim's life.

I am certain that my fellow Congressmen join me in my praise for this gentleman. Furthermore, we should all be aware of and extend our deepest appreciation to the never-ending efforts of the American Red Cross to preserve human life.

ARE WE LOVING OUR NATIONAL PARKS TO DEATH?

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, it has been almost 20 years, but I vividly remember the day when the former Director of the National Park Service, Mr. Conrad L. Wirth, sat in my office and derided—gently, to be sure—my dire predictions about future crowding in our national parks. I did not have any "hard facts" to go on, but the mobility of our population started during the Second World War, the "baby boom," and even the—then—tentative projections of increased leisure time, were in my mind when I said that the day would come when permits would have to be issued for the citizenry to visit our national parks.

I wish I had some documentation to be able to say "I told you so," but it is really not necessary. The parks are currently bursting at the seams with year-round visitors and every official of the Service, from the Director to the ranger, will tell you that the situation will get worse before it gets better.

I recalled my conversation with Director Wirth after a recent talk with Michael Frome, the outstanding writer on all subjects related to America's natural areas. Mr. Frome brought me one of his recent articles wherein he tells us that the critical point has already been reached, and surpassed, concerning the ability of the park system to handle the flood of visitors.

In an article appearing in the spring issue of the Sohioan Mr. Frome asks:

> Are we loving our national parks to death?

His thesis is much the same as I put forward some time ago, to wit: "Something must be done to protect our national parks." That "something" can only be done by the Congress of the United States inasmuch as it is our reponsibility to preserve and protect and expand the park system for the total population of the country, present, and future.

I do not want to lay out a detailed plan for entry restriction into our parks; I do, nevertheless, wish to urge our colleagues to seriously consider the alternatives if we do not do something to regulate the degradation of our beautiful park system, brought on simply by those who wish to visit them.

Population has increased, mobility has increased, leisure time has increased, travel vehicles are bigger and more elaborate, yet the national park system is trying to cope with these facts on a piecemeal, case-by-case, park-by-park basis. The time has come for Congress to examine the situation in-depth.

Congressional responsibility for the future of the national park system is clear: We owe it to future generations to provide for orderly maintenance and proper use of the system we created. We must not, we cannot, leave it to the "boys downtown" to solve the problem of overcrowding in the national parks.

To emphasize the critical nature of the problem, I strongly recommend Mr. Frome's article to each Member's attention.

The article follows:

[From "The Sohioan," spring 1972]

ARE WE LOVING OUR NATIONAL PARKS TO DEATH?

(By Michael Frome)

(No man loves our national parks more than Michael Frome, conservation editor of Field & Stream magazine and author of Rand McNally's National Park Guide, as well as the prize-winning Strangers in High Places, a portrait of the Great Smoky Mountains National Park. His affectionate writings have inspired many to visit the parks and to share the natural wonders they offer. Now in this centennial year of the national parks system, he ponders the price of their popularity. He is not alone. The National Park Service is actively seeking public advice in its efforts to solve the dilemma posed by people versus preservation. Do you have a helpful idea? The park service invites you to send suggestions to park headquarters in Washington, D.C.)

In the western wilds of Wyoming in the fall of 1870 a group of explorers, accompanied by a small military escort, spent a month amid the high mountains, majestic waterfalls, plunging canyons, and amazing geysers of the Yellowstone country. They gave names to many of the features, including Old Faithful. Then came the question of what to do with the area. Around a campfire one night they pondered claiming it for themselves, as they had a legal right to do but the longer they talked the more they realized they must share these treasures for the benefit of all people.

Out of that expedition came the establishment of Yellowstone National Park, through action by Congress, and signature of President Ulysses S. Grant on March 1, 1872. There had never been a national park before.

not in the United States, nor in any other nation. It was a new idea that has since flowered the world over.

Yellowstone is still a magic word. I think of it as the symbolic representation of all places kept free as God made them, unfettered by machines and marketplaces, where young and old can exercise their minds and bodies, and by so doing appreciate the integrity of the land.

This to me is the focal issue in the national parks centennial—a time for celebration and serious thought as to what the Yellowstones and Yosemites and Grand Canyons mean in the context of our time and of times still to come.

Certainly as we look at them today, these national parks represent an endowment of riches that makes the United States the envy of the world. The national park system has grown to embrace more than 280 units in all parts of the country, from Alaska and Hawaii to the Virgin Islands. With their hundreds of museums, trailside exhibits, and guided walks, the parks constitute the single most important influence in cultivating the art of intelligent travel.

But times are changing rapidly, and all is not well. Popularity is not enough to assure survival of the parks for the next 50 years, let alone another century. When the National Park Service was organized in 1916, the handful of regions it administered was scattered across remote areas of the West. Few Americans could afford to visit the parks, and then only by long train trips. Now, the tempo of transportation has quickened. Population has soared. Millions of people have an abundance of leisure and seek relief from urban blight and noise.

Consider these statistics. In 1946 the number of visitors throughout the national park system totaled 92,160,000. In 1972 it is expected to be 163,900,000—probably a greater volume of visitors in this single year than in the entire history of the parks up to and including World War II. Little wonder that Superintendent Jack Anderson of Yellowstone, who I know to be hospitable by nature, is forced to plead, "We don't want more people to come for the centennial year. We can't handle the ones we get in an ordinary year of trying to save the wilderness."

The parks are overvisited and critically understaffed. There have been heavy expenditures for roads to make it easier for millions to enter, but not corresponding increases in expenditures for park personnel to supervise the crowds or to protect the natural values. As a result, both the resources and the public have suffered.

"Crime is running rampant," a feature article in the Billings (Montana) Gazette, reported, using Yellowstone as a prime example. "The drug problem is as serious as in any city. And there are simply too many people using the park. Campers are quickly destroying the land, and automobiles are gravely polluting the air.

"Also, there are a number of people entering the park who think this wilderness is another Disneyland. They have provoked bears into violent attacks. They are destroying the natural wonders in various ways, such as by sliding on algae found around geysers. They are tossing coins and assorted junk into thermal pools, especially the once-beautiful Morning Glory pool. They have no idea about how to perform in a wilderness."

So it goes in virtually all the national parks. Air pollution, water pollution—people pollution—are prevalent. Only degree and form vary, ranging from overuse and overcrowding to litter, defacement, vandalism, crime, traffic jams, lack of sanitation, pollution of streams, erosion of soil. In one park alone, Shenandoah, in Virginia, over 700,000 pounds of garbage—including styrene plastic cups, paper plates, throwaway beverage cans, and sewage from the storage tanks of camping vehicles—are disposed of at five landfill dumps inharmoniously placed in wilderness. As for crime, the old helpful park ranger has been changed into a tough policeman coping with a rising tide of murder, manslaughter, rape, assault, drunkenness, disorderly conduct, drug law violations. The most widespread crime is "car-clouting"—stripping automobiles of valuable parts and contents.

Why does it happen and what can we do about it?

Adventures in the outdoors are essential to appreciation of the mechanism of the land. There is no higher or more exciting sport than that of ecological observation. But when people come into the national parks they find scant emphasis on self-reliance or on the need to respect the environment of nature.

In one sense, Congress is responsible by granting appropriations virtually in direct ratio to the rising volume of visitors, and so spurring the park service into devising crowd-pleasing and crowd-attracting devices.

Certainly the time is at hand to stop regarding national parks as common playgrounds with space unlimited. There are too many people in the parks at a given time.

There is too much space given over to trailers and large luxury vehicles, and to profit-making concession operations, consuming valuable real estate which should be protected for more appropriation purposes.

The National Wildlife Federation and the National Parks and Conservation Association have proposed that any new tourist facilities be placed outside the national parks, where they would bring revenue to local communities and preserve the wilderness atmosphere of the parks.

We can no longer allow parks to be used as outdoor amusement centers. The primary role should be to preserve choice and representative specimens of land forms in America. Through such preservation, the parks can serve as laboratories for learning and as reservoirs of animal and plant life which may be threatened elsewhere; they can be used to interpret how these systems operate to the benefit of man as a part of nature.

"Yellowstone should be closed to all vehicular traffic for at least five years. Only persons willing and able to walk into the park should be allowed entry during this time," urges Kimbert Larsen, of the Billings *Gazette*. "It is sorrowful that such a suggestion has to be made, but Yellowstone has to be closed for several years."

He may well be right; his comment recalls the position taken by John Muir many years ago in the debate over opening Yosemite to auto traffic. "Good walkers," he said, "can go anywhere in these hospitable mountains without artificial ways."

This approach does not mean the exclusion of people, but rather insures the protection of trail and campfire country—the true park wilderness experience—for optimum use and enjoyment by people over a longer period of time. It also means the planned enlargement of regional vacation areas, with more surrounding state parks, private campgrounds, and private resorts absorbing and serving the rising tide of recreational travelers. It should also lead to a new emphasis on "close-in parks" and clean streams, run by cities and counties, filling the needs of people as part of the wholesome environment of life, and freeing the national areas for other uses.

"As a country of sightseers, it is without parallel. As a field for scientific research it promises great results," reported Lt. Gustavus Doane, military leader of the 1870 Yellowstone expedition. "In the branches of geology, mineralogy, botany, zoology, and ornithology it is probably the greatest laboratory that nature furnishes on the surface of the globe."

Here may be the most significant role of the national parks in America's tomorrow: as classrooms for scientific and environmental education. When the parks were new, there were fewer Americans and lots more elbowroom. National parks are ideally suited for use as ecological centers for the urban young, who have no exposure to the natural systems.

That many youngsters are shut off from healthful outdoor experiences undoubtedly contributes to the risking tide of crime, violence, frustration, and discontent. Fortunately, the national parks already have a network of "environmental study areas" for the continuing use of school groups. And in 1971 Congress established a Youth Conservation Corps, on a limited pilot-program basis, as a means of providing summer work and outdoor education. Youth Corps work is not a goal in itself but, rather, a means of generating understanding of the individual's role in the greater world around him.

Exactly what form the National Park Service of tomorrow will take one cannot foresee. Sometimes I feel there should be a new agency, a United States Wilderness Service, to insure saving the few remaining fragments of primeval places as our legacy to the future. In any event, our forebears included men of rare insight, who could look forward to our needs. This generation has a duty to sustain them by looking still further ahead.

When Congress set Yellowstone aside, it asserted that while utilization of the earth's resources may be necessary, there must also be sanctuaries where kinship with all nature can be constantly renewed. Such is the everlasting value to recognize and perpetuate in celebration of the National Parks Centennial.

CONSTANT VIGILANCE—THE PRICE OF SAVING OLYMPIC NATIONAL PARK

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, when we enact a law creating a new national park, there is always the temptation to congratulate ourselves of having "saved" the area once and for all. Actually, nothing could be more inaccurate, because every national park that we have established by act of the Congress has continued to be under assault by pressures for development. In one park, the miners are out to destroy the land. In another, the roadbuilders want to ribbon the mountains with concrete.

Looking back on my experience in the House Interior and Insular Affairs Committee, I believe the prize for the most persistent assaults on the national parks system has to be awarded to the loggers. They never give up.

As long as there are big trees in a national park, we shall never hear the end of the loggers' demands that they be allowed to cut them down. But not for profit. Never for the quick buck. That is what they would have us believe. No—the loggers always have the highest, altruistic aims in mind when they talk about logging in the national parks. During World War II they wanted to log the big spruces in Olympic National Park and they said it had to be done to build airplanes. More recently, it is the shortage of public housing that provokes their pious concern.

As long as we keep these proposals for dismemberment of the parks in perspective, I am confident the Congress of the

United States will not allow such violations to occur in the national park system.

The history of the continued assaults on Olympic National Park, in the State of Washington, was outlined in the May issue of "Not Man Apart," published by Friends of the Earth. An article by Philip H. Zalesky, entitled "The Continuing Battle for Olympic National Park," documents the series of battles to save the Olympic forests since 1909. I heartily recommend this timely analysis to the attention of my colleagues.

The article follows:

The Continuing Battle for Olympic National Park

(By Philip H. Zalesky)

Olympic Park Associates takes the position that Olympic National Park is first and always a wilderness national park. That concept must come first in any master plan promulgated. In fact, although other national parks have considerable wilderness within their boundaries, we feel that Olympic National Park is still unique within the system. We do not accept the founding principles of the National Park Service as being an adequate expression of this wilderness concept.

We do not take this statement of concept lightly. Olympic Park Associates considers this position to be one not of opinion, but of historical fact. The founders of Olympic Park Associates were among the leaders in this movement to establish a park. The position they emphasized was that they were interested in protecting this as the "last wilderness." They were not sold on the management of this area by the National Park Service because they feared it would be developed as Mount Rainier had been developed—extensive roads and concessionaire developments. Only when they were convinced the Park Service intended to make it a wilderness national park did they give their full support to the project.

Testimony to this fact is given by a briefing of the Director, Arno Cammerer, by the Regional Director, Frank Kittredge of a Federation of Western Outdoor Clubs meeting taking place September 1937. The letter is dated September 8, 1937, and Regional Director Kittredge states in part as follows:

". . . I was glad to note that the predominant feeling was in favor of Mount Olympic National Park . . . However, there was very considerable showing of opposition, to my surprise. One man went out of his way to express fears for the area if it came under the National Park Service, and his confidence that, if it was left in the Forest Service, it would be kept wilderness . . . He stated that his experience with the National Parks indicated that the area would immediately upon receiving National Park status be 'developed' and 'improved.'

"There is considerable sentiment for inclusion in the bill of authority to locate lodges, or low cost development of cabins and camps, at present road heads just within the boundaries of the Monument, with provisions in the law that roads cannot be carried beyond these stipulated points. This, they say, will permit hikers and horsebacks riders to radiate from these camps out into the primitive wilderness that will never permit their devastation by roads. .

"There is a feeling with respect to the proposed Mount Olympus National Park that there must be guarantee of protection, and a statement of principles and policies by the Park Service before these people as a whole would endorse the present Wallgren Act.

"The disconcerting feature of these hearings was the fact that even our friends and those that have stood behind the National Park Service in years past are doubting our thoroughness and sincerity as conservationists, and with the increased activities of the Forest Service along these lines are wondering which Bureau to support."

Much of the distrust engendered toward the National Park Service came as a result of its excluding a clause that was in the original bill that "Mount Olympus National Park shall be permanently reserved as wilderness. . . ."

The National Park Service argued this clause was unnecessary because the law establishing the Park Service and their policies precluded the need for such a clause. An example was a letter from Director Arno Cammerer to Paul Thiess, president of F.W.O.C. dated July 7, 1938: "The provision you suggest for a wilderness park is in line with purposes already covered in the law creating the National Park Service." The archives show that several score of letters went out to people who questioned the sincerity of the Service. Those letters went out for nearly two years. The wilderness intent was absolutely clear in both the original bill and the Park Service's answers to inquiries.

These letters from the Director, linked with the statements of his boss, Secretary of Interior Harold Ickes, leave a clear statement of wilderness intent.

Two quotations from Secretary Ickes emphasize this intent:

"Visitors will come to it (Olympic National Park) from all over the world. In view of this it is timely to reflect that fame has its drawbacks as well as compensations. A national park, praised by everybody, thronged to by the great traveling public, needs the same protection from its too enthusiastic admirers that a man needs when fame descends upon him. Society offers little, if any, protection to the man seeking to escape from those who adulate today only to forget tomorrow. It is simpler and easier to protect a national park, provided that the right kind of start is made. *In the case of a wilderness area like Olympic National Park, the solution can be stated in three words. Keep it wilderness.*"

(Ickes speech at Olympic Park Victory Banquet, Olympic Hotel, Seattle, Washington, August 26, 1938, as recorded from the National Archives.)

"Since 1938 the Olympic National Park has been established and most of the lands have been acquired for the authorized Isle Royal National Park. Both will be maintained as wilderness areas. The problem of administration arising in connection therewith . . . point to the need for a greater stability of policy than can be insured by administrative orders. Areas dedicated as wilderness national parks should be protected forever by provisions of law designed for the purpose; this in addition to the protection all National Parks receive by law against commercial activities."

"Ickes Urges Park Wilderness Policy," *American Forests Magazine*, Vol. 45, No. 2, February 1939.

Furthermore, testifying at the hearing on H.R. 7086 in April 1936, National Park Service Director Cammerer, quoting his own letter to Robert Sterling Yard of the Wilderness Society, said, "I favor keeping the area a wilderness park."

Senator Mon Wallgren, author of the bill, speaking of this wilderness intent at the same hearing said the assignment to National Preservation—use for all time—of this resource as against destructive, immediate, local use is the conclusion of every consideration of common sense and humanity.

Superintendent O. A. Tomlinson of Mount Rainier National Park played a large role in the local promotion. In a letter September 8, 1936 Tomlinson wrote to Miss Harlean James: "You have caught the right impression that the Monument should be enlarged and made a national park and its main objective is its wilderness aspect." Again in November 24, 1936, Tomlinson stated that ". . . it has been the thought of the Service that the Wilderness aspect of the area should be emphasized in any plan of development."

An even more forceful statement of the "Keep it wilderness" theme came from Superintendent Tomlinson to the Port Townsend Chamber of Commerce, March 21, 1935: "The movement to restore part of the original monument and to establish a national park is the outgrowth of the universal desire to permanently preserve the primeval conditions of the Olympic mountains, and to withhold from commercial development and exploitation part of the beautiful and rugged and forested territory for the pleasure and enjoyment of all the people of the present generation, also to assure that future Americans may have the same privilege which is their rightful heritage."

HISTORICAL PERSPECTIVE

For the first time in man's history on earth, open predictions of impending biological calamity are now being accepted as reality by nearly everyone—because everyone can see daily what is happening to our environment. The universal fouling of the air with poisons and noises of industry and urbanization, the biological destruction of rivers and forests, lands and oceans with the poisons we dump have made the preservation of those tiny corners of uncontaminated America of such importance we can do no less than fight with everything we have for their continued preservation.

Olympic National Park, as one of those last biologically uncontaminated sections of the country, offers a unique opportunity to continue in perpetuity a section of primeval America. But it also offers an opportunity to look at the past, how it came to be preserved and why. The scientific community which is now leading the fight for the survival of mankind also led the fight for the protection of Olympic Wilderness and even for the creation of the National Park Service itself.

THE CREATION OF THE PARK SERVICE

When Gifford Pinchot finally assumed administrative control over the federal forest reserves and began the process of stopping the wanton and corrupt destruction which had marked their prior history, he completely misread a surging undercurrent in pre-World War I American society. While he relegated every use of the new National Forests, other than full economic exploitation, to a minor role, he openly began an attack on the national parks, demanding the granting of a permit to flood Hetch Hetchy Valley in Yosemite and even demanding a policy of logging the existing national parks.

By 1911 when these attacks again showed up the lack of a federally defined policy towards the parks, a second National Parks Conference was called to discuss what policy should be and if an agency should be created to administer the parks. By then Henry Graves had succeeded to the Forest Service throne, but Pinchot remained the life force of its policies. Continuing with the Pinchot attack, Graves sent a forester to the conference to define what the economic utilization of the parks should be—Forest Service style—along with a specific plan for the logging of the Lake McDonald area of Glacier Park.

Here was the Forest Service's challenge: "The mature, dead standing and windblown timber in the national parks should be sold and utilized wherever possible . . ." And even as late as the following year in hearings on the Park Service bill and before public opinion had had a chance to solidify, Secretary of the Interior Fisher testified that "it is desirable to have that timber harvested and have it harvested in such a way as will interfere as little as possible with the beauty of the park." In 1913 the successful campaign of San Francisco to gain access to Hetch

Hetchy insured the passage of the Park Service bill and, also, silenced once and for all the public debate about the manner in which the parks would be preserved. The public and the scientific community now had an agency around which it could rally its support for preservation. The report on HR 5522 to establish the Park Service in 1916 settled the matter: "The segregation of National Park areas necessarily involves the preservation of nature as it exists." So completely and overwhelmingly had been this public response in favor of maintaining the parks as wilderness that nearly two years after the passage of the Park Service bill, Secretary of the Interior Lane wrote a public memorandum to Park Service Director Mather to placate residual fears:

"For the information of the public, an outline of the administrative policy to which the new Service will adhere may now be announced. The policy is based on three broad principles: First, that the National Parks must be maintained in absolutely unimpaired form for the use of future generations as well as those of our own time. Second, that they are set apart for the use, observation, health and pleasure of the people; and third that the national interest must dictate all decisions affecting public or private enterprise in the parks.

In 1915 the exact boundaries devised by the three Seattle businessmen were presented to President Wilson in a Forest Service-prepared proclamation and accepted by him. No doubt the elimination occured to ensure Forest Service jurisdiction over lands that were loggable.

In spite of the original Monument proclamation which proclaimed that "the National Monument hereby established shall be the dominant reservation (in relation to Olympic National Forest) and any use of the land which interferes with its preservation or protection as a National Monument is hereby forbidden," the Forest Service proceeded as if it did not exist. By 1929 it had rationalized its economic utilization policies to the point that it could and did authorize a permit for mining within the Monument, routinely allowed sheep grazing which destroyed the forage for countless thousands of native fauna including the elk for which the Monument was created, secured the elimination of another part of the Monument which was blocking the development of a power dam on the Elwha River.

Contrary to all prior interpretations of what Monuments were for, it also began preparations for timber cutting in the Monument and had roads designed for bisecting the Monument over Anderson Pass and over Low Divide. As officially stated by the Forest Service the policy read: "It is evident from President Roosevelt's original proclamation creating the Mount Olympus National Monument that he believed and intended that the preservation of the Roosevelt elk could and should be accomplished, allowing at the same time the use and development of the timber, water, and recreational resources of the monument."

"Every activity of the Service is subordinate to the duties imposed upon it to faithfully preserve the parks for posterity in essentially their natural state. The commercial use of these reservations, except as specially authorized by law, or such as may be incidental to the accommodation and entertainment of visitors, will not be permitted under any circumstances."

Somehow the distrust remained and Director Mather in his report for 1920 reviewed the Lane charge to him. Speaking to the doubters, he made this statement: "It was particularly made clear that every activity of the Service is subordinate to the duties imposed on it to faithfully preserve the parks for posterity in essentially their natural state. Could our national park policy be more clearly enunciated? In other words, it is basic that these wonderful scenic areas are to be left forever in their natural state for the enjoyment of present and future generations. . . ." The doubters, strong in Congress and elsewhere remembering past testimony and vacillation, were beginning to believe that what they had created might work.

The creation of the Park Service and the definition of its basic policies helped create groups centered in the civic association and scientific communities who provided a forum around which public opinion could be expressed. When the organic act creating the Service itself seemed lacking, the Service responded by defining policy and intent far beyond the basic law of its existence.

MOUNT OLYMPUS NATIONAL MONUMENT

The first successful attempt to preserve a part of the Olympic Forests was the creation of the Mount Olympus National Monument by President Theodore Roosevelt in 1909. This area of 610,560 acres was strongly urged by The Mountaineers, The National Association of Audubon Societies, the Biological Survey, the Forest Service, and Congressman William Humphrey. Immediately, the commercial and mining interests began the process of attempting to undo the "locking up" of the resources which under the Antiquities Act of 1906 had closed the monument to further settlement, mining, and lumbering. Under the proclamation itself warning was given "not to appropriate, injure, remove, or destroy any feature of this National Monument." By 1912 a committee of three men from the Seattle Chamber of Commerce had drawn up a new boundary which eliminated from the Monument all the forests which were considered accessible by contemporary logging technology.

It was evident to many that with this policy there would be little flora or fauna left to be preserved if the policy then in practice prevailed.

WILDERNESS PRESERVATION IN THE OLYMPICS

With the Olympic scene becoming known, the New York Zoological Society, the American Museum of Natural History, the Boone and Crockett Club, and other eastern groups began to respond to rumors about what was occurring. By 1928 the Park Service began to receive a long series of letters from scientists, board members of scientific institutions, citizen and civic groups. The Park Service was then so out of touch with the situation and the public concern that it rejected out of hand all inquiries. National park status had been recommended for the Olympics as early as 1890 and since 1904 Congress rarely had been free of bills attempting to protect parts of it, but the National Park Service was indifferent to the public's reaction to the Forest Service's administration. A sampling of the handling of the letters will give a feeling about this attitude of the Park Service.

Albright to Sawyer 1929: (because of) "the fact that the mountain and surrounding area to a large extent would duplicate Mt. Rainier in the same state, we have consistently recommended against its establishment as a national park."

Mather to Madison Grant 1928: "At the present time this area consists of perhaps one of the greatest untouched mountain and forest areas in the United States, is entirely isolated from roads, and I believe it is the intention of the Forest Service to continue to maintain it in its original natural condition.

Cammerer to Mrs. F. R. Hill 1932: "The matter of establishing a national park has been brought to the attention of the National Park Service many times. It is a very beautiful region, but thus far it has not been demonstrated that it comes up to the standards set for national parks. However, the Forest Service, as you know, now administers the Mount Olympus National Monument there, which is a real wilderness area. This area is given full protection by the Forest Service."

When agitation for protection of the elk and forests would not be placated by the Park Service's insistence that the Forest Service was offering full protection to the area, Madison Grant sent Dr. Willard Van Name of the American Museum of Natural History to do a field study of conditions in the Olympics. Van Name had ties with nearly every major scientific organization and was a permanent member of the Museum's scientific staff. In early 1933 the Museum Board, which was interlocked with nearly every conservation organization in the country, was presented with an official recommendation that "A National Park for the Olympic Peninsula seems to be the only solution, as only in National Parks does the law exclude commercial exploitation and require natural conditions to be preserved."

Six months later the National Park Service found itself in an embarrassing position when President Franklin Roosevelt's executive reorganization handed it the management of Mt. Olympus National Monument. Thus it ended up with a staff and an administration on the Olympic Peninsula through no effort of its own and after proclaiming to all its unworthiness.

Since that time a chronolgy of the events of Park Service administration will provide an insight into the nature of its tenure there:

1933: Willard Van Name writes, prints, and distributes at his own expense a pamphlet, *The Proposed Olympic National Park* which causes a sensation by calling for the protection of the climax forests west of the existing Monument.

1934: Park Service responds with an official park boundary recommendation to Secretary Ickes which barely enlarges the existing Monument and included not one acre of what was later defined scientifically as rain forest. They charged that Van Name's boundary "includes much valuable timber on areas that are not National Park caliber." Park Service recommendation rejected by Ickes as not worthy of legislative support from the department.

1935: HR 7086 for large forest park with boundaries nearly identical with today's park passes House unanimously without debate after lengthy hearings on the Park Service policies, the Forest Service, and the timber industry. This bill contains a specific wilderness clause.

1936: Park Service responds by preparing new boundary recommendations eliminating 140,000 acres of the most valuable forest included in the House-passed bill. They claim the following objectives: avoidance of unnecessary interference with the well-ordered management plans of the National Forest Service; avoidance of unnecessary interference with economic interests such as lumbering and mining.

1937: Park Service induces Congressman Wallgren to introduce HR 4724 embodying reduced boundary recommendations of its internal Horning Report.

1937: Reaction to Park Service's HR 4724 and to Forest Service primitive area proposal is so hostile that HR 4724 is amended to include all of area in previous bill HR 7086 plus area of Forest Service Primitive Area not included in bill and plus corridors to the sea and an ocean strip.

1937: President Roosevelt visited Olympic Peninsula on personal inspection and evidence suggests that he encouraged Wallgren to push for larger park against the wishes of his own National Park Service.

1938: H.R. 10024 re-introduced on opening of Congress with passage assured.

1938: Park bill passes providing for 648,000 acres and presidential authority to enlarge the park to 892,292 acres and with the additions being with the consent of the state governor.

1938: Ickes reassures that park will be administered as wilderness park in victory banquet to assure those who fought for and won on the basis of wilderness.

1939: Park Service's Olympic staff places Bogachiel-Calawha rain forests 18th among 18 priorities for addition to park. Washington, D.C. staff concurs knowing that Ickes will reverse their recommendation. Knowing this, they permit it to remain under threat of veto of their whole plan.

1940: President brings park to approximate boundary of first park bill on the advice of his personal emissary, noted author Irving Brant, and after receiving testimony personally from all sides and Forest Service economic impact studies.

1940: Park Service prepares secret logging plan in cooperation with timber industry representatives for area added in 1940 proclamation.

1941: Regional Park Service committee secretly recommends boundary revision plan to eliminate Bogachiel-Calawha and Quinault area.

1943: Park Service committee again recommends elimination of Bogachiel-Calawha and Quinault rain forest areas.

1943: For first time in history of any national park, Olympic Park superintendent signs logging contract for economic utilization of resources in park.

1946: Park Service writes bill to eliminate forest areas pursuant to its 1943 internal recommendation.

1947: Public outcry forces Park Service to reverse itself on elimination at public hearing of Congressman Jackson's committee.

1952: Park Service begins full-blown logging program in Olympic Park on a high-grading and salvage basis. The volume is so great that the state of Washington officially adds National Park Service logging volume to its annual statistical report.

1953: Timber industry representatives on Governor Langlie's Review Committee publicly congratulate Park Service on its logging program.

1956: Conservationists force stopping of logging program in the park.

1966: Through its Bureau of Outdoor Recreation, Department of Interior recommends deleting 69,000 acres from Park, parts of Bogachiel-Calawha, Quinault, Hoh, and Queets. Testimony and letters to Senator Jackson's committee are 20 to 1 opposed to plan. Plan put on shelf.

1972: Master plan prepared for Olympic National Park.

Concerned conservationists have developed "knee jerk" toward Olympic National Park over the years. Can it be any wonder they are again apprehensive as the Service goes through its proceedings to prepare a wilderness plan and a master plan for the public's prime treasure? We truly desire to believe in the Park Service's sincerity. However, every twisting of the principles enunciated in the Park Service organic act we have documented from the National Archives or from the files of the persons involved. It is time for the Park Service to begin to live up to and accept and implement Secretary Lane's memorandum on the administration of the National Park System. Either implement it regarding Olympic National Park or reject it publicly so the rejection can be dealt with. It is time for the Park Service to live up to the Interior Department's and its own prior statements about wilderness administration for Olympic. And it is time for all of us to work together and plan together to protect for posterity this tiny segment of primeval America which can never be replaced once damaged. Olympic Park Associates has requested before and now requests again that a place be made on the planning team for a noted conservationist and a distinguished member of the scientific community.

Let's do as Harold Ickes said: "Keep it wilderness."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. JONES of Tennessee (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. BLATNIK (at the request of Mrs. HANSEN of Washington), from June 3 through June 23, on account of official business.

Mr. CORMAN, for Thursday, June 1, 1972, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. BADILLO, for 15 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. MILLER of Ohio), to revise and extend their remarks, and to include extraneous matter:)

Mr. MCKINNEY, today, for 5 minutes.

Mr. HALPERN, today, for 5 minutes.

Mr. WILLIAMS, today, for 20 minutes.

Mr. KEMP, today, for 5 minutes.

Mrs. HECKLER of Massachusetts, today, for 5 minutes.

(The following Members (at the request of Mr. LINK), to revise and extend their remarks, and to include extraneous matter:)

Mr. GONZALEZ, today, for 10 minutes.

Mr. MURPHY of New York, today, for 10 minutes.

Mrs. ABZUG, today, for 10 minutes.

Mr. ASPIN, today, for 5 minutes.

Mr. COTTER, today, for 5 minutes.

Mr. DANIELSON, today, for 5 minutes.

Mr. BURKE of Massachusetts, today, for 30 minutes.

Mr. PODELL, today, for 10 minutes.

Mr. WOLFF, today, for 5 minutes.

Mr. ROONEY of Pennsylvania, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DEVINE, to extend his remarks following the special order of Mr. QUIE today.

Mr. WIDNALL (at the request of Mr. BARRETT) to extend his remarks following those of Mr. BARRETT, today.

(The following Members (at the request of Mr. MILLER of Ohio), and to include extraneous matter:)

Mr. STEELE, in two instances.

Mr. BURKE of Florida.

Mrs. DWYER in three instances.

Mrs. HECKLER of Massachusetts.

Mr. SCHMITZ.

Mr. DU PONT.

Mr. KEATING in two instances.

Mr. QUIE.

Mr. DERWINSKI in three instances.

Mr. HALPERN in three instances.

Mr. WYMAN in two instances.

Mr. HOSMER in two instances.

Mr. BROWN of Michigan.

Mr. KEITH.

Mr. YOUNG of Florida in five instances.

Mr. ROUSSELOT.

Mr. RAILSBACK.

Mr. FISH.

Mr. CONTE.

Mr. POFF.

Mr. BROYHILL of Virginia in two instances.

Mr. PRICE of Texas.

Mr. DENNIS.

Mr. NELSEN.

Mr. HOGAN in 10 instances.

Mr. CLANCY in two instances.

Mr. THONE.

Mr. PELLY.

Mr. DELLENBACK.

Mr. ANDERSON of Illinois.

Mr. SHOUP in two instances.

Mr. MCKEVITT.

Mr. DUNCAN.

Mr. STEIGER of Wisconsin.

(The following Members (at the request of Mr. LINK) and to include extraneous matter:)

Mr. BADILLO.

Mr. BYRON in 10 instances.

Mrs. GRIFFITHS.

Mr. CONYERS in 10 instances.

Mr. HAMILTON.

Mr. ANNUNZIO in two instances.

Mr. LONG of Maryland.

Mr. RODINO.

Mr. BOGGS.

Mrs. GRASSO in 10 instances.

Mr. ASPIN.

Mr. JOHNSON of California.

Mr. NICHOLS.

Mr. HUNGATE in two instances.

Mr. RANGEL.

Mr. BRASCO.

Mr. HARRINGTON.

Mr. HANLEY.

Mr. SYMINGTON.

Mr. WALDIE in six instances.

Mr. BOLAND.

Mr. RONCALIO in two instances.

Mr. CHAPPELL in two instances.

Mr. BRINKLEY.

Mr. ROONEY of Pennsylvania in three instances.

Mr. ECKHARDT in two instances.

Mr. VANIK in three instances.

Mr. LEGGETT in five instances.

Mr. TAYLOR.

Mr. RYAN in three instances.

Mr. ROGERS in five instances.

Mr. RARICK in three instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1478. An act to regulate interstate commerce by requiring premarket testing of new chemical substances and to provide for screening of the results of such testing prior to commercial production, to require testing of certain existing chemical substances, to authorize the regulation of the use and distribution of chemical substances, and for other purposes; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 13150. An act to provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. **HAYS**, from the Committee on House Administration, reported that that committee did on May 31, 1972, present to the President, for his approval, bills of the House of the following titles:

H.R. 1915. An act to provide for the conveyance of certain real property of the United States;

H.R. 5199. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E, and F, and dockets numbered 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in docket numbered 251–A, and for other purposes;

H.R. 8116. An act to consent to the Kansas-Nebraska Big Blue River compact; and

H.R. 13361. An act to amend section 316 (c) of the Agricultural Adjustment Act of 1938, as amended.

RECESS

The **SPEAKER**. The Chair is now going to declare a recess until the two Houses meet in joint session to hear an address by the President of the United States. The House will stand in recess until approximately 9:10 p.m.

Accordingly (at 7 o'clock and 15 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 9 o'clock and 18 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 625 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The **SPEAKER** of the House presided.

The Doorkeeper (Hon. William M. Miller) announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The **SPEAKER**. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber the gentleman from Louisiana, Mr. BOGGS; the gentleman from Massachusetts, Mr. O'NEILL; the gentleman from Texas, Mr. TEAGUE; the gentleman from Michigan, Mr. GERALD R. FORD; and the gentleman from Illinois, Mr. ARENDS.

The **VICE PRESIDENT**. Pursuant to the order of the Senate, the following Senators are appointed to escort the President to the House Chamber: The Senator from Louisiana, Mr. ELLENDER; the Senator from Montana, Mr. MANSFIELD; the Senator from West Virginia, Mr. ROBERT C. BYRD; the Senator from Utah, Mr. Moss; the Senator from Arkansas, Mr. FULBRIGHT; the Senator from Florida, Mr. CHILES; the Senator from Pennsylvania, Mr. SCOTT; the Senator from Michigan, Mr. GRIFFIN; the Senator from Maine, Mrs. SMITH; the Senator from New Hampshire, Mr. COTTON; and the Senator from Vermont, Mr. AIKEN.

The Doorkeeper announced the Ambassadors, Ministers, and Charges d'Affaires of foreign governments.

The Ambassadors, Ministers, and Charges d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 39 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The **SPEAKER**. My colleagues of the Congress, I have the distinct privilege and the high personal honor of presenting to you the President of the United States.

[Applause, the Members rising.]

SPECIAL REPORT TO THE CONGRESS—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. No. 92–305)

The **PRESIDENT**. Mr. Speaker, Mr. President, Members of the Congress, our distinguished guests, my fellow Americans, your welcome in this great Chamber tonight has a very special meaning to Mrs. Nixon and me. We feel very fortunate to have traveled abroad so often representing the United States of America, but we both agree after each journey that the best part of any trip abroad is coming home to America again.

During the past 13 days we have flown more than 16,000 miles and we visited four countries, and everywhere we went, to Austria, the Soviet Union, Iran, Poland, we could feel the quickening pace of change in old international relationship and the people's genuine desire for friendship for the American people, everywhere new hopes are rising for a world no longer shadowed by fear and want and war. And as Americans we can be proud that we now have an historic opportunity to play a great role in helping to achieve man's oldest dream, a world in which all nations can enjoy the blessings of peace.

On this journey we saw many memorable sights, but one picture which will always remain indelible in our memory—the flag of the United States of America flying high in the spring breeze above Moscow's ancient Kremlin fortress. To millions of Americans for the past quarter century the Kremlin has stood for implacable hostility toward all that we cherish, and to millions of Russians the American flag has long been held up as a symbol of evil. No one would have believed, even a short time ago, that these two apparently irreconcilable symbols would be seen together as we saw them for those few days.

Now, this does not mean that we bring back from Moscow the promise of instant peace, but we do bring the beginning of a process that can lead to a lasting peace.

That is why I have taken the extraordinary action of requesting this special joint session of the Congress, because we have before us an extraordinary opportunity. I have not come here seeking to make new announcements in a dramatic setting. This summit has already made its news. It has barely begun, however, to make its mark on our world. And I ask you to join me tonight while events are fresh, while the iron is hot, and start to consider how we can help to make that mark what we want it to be. The foundation has been laid for a new relationship between the two most powerful nations in the world, and now it is up to us—to all of us here in this Chamber, to all of us across America—to join with other nations in building a new house upon that foundation, one that can be a home for the hopes of mankind and a shelter against the storms of conflict.

As a preliminary, therefore, to requesting your concurrence in some of the agreements we reached, and your approval of the funds to carry out others, and also as the keynote to the unity in which this Government and this Nation must go forward from here, I am rendering this immediate report to the Congress on the results of the Moscow summit.

The pattern of United States-Soviet summit diplomacy in the cold war era is well known to all those in this Chamber. One meeting after another produced a brief, euphoric mood—the spirit of Geneva, the spirit of Camp David, the spirit of Vienna, the spirit of Glassboro—but without producing significant progress on the really difficult issues. And so early in this administration I stated that the prospect of concrete results, not atmospheric, would be our criterion for meetings at the highest level. And I also announced our intention to pursue negotiations with the Soviet Union across a broad front of related issues, with the purpose of creating the momentum of achievement in which progress in one area could contribute to progress in others. This is the basis on which we prepared for and conducted last week's talks. This was a work summit.

We sought to establish not a superficial spirit of Moscow, but a solid record of progress on solving the difficulties which so long have divided our two nations, and also have divided the world. Reviewing the number and the scope of agreements that emerged, I think we have accomplished that goal.

Recognizing the responsibility of the advanced, industrial nations to set an example in combating mankind's common enemies, the United States and the Soviet Union have agreed to cooperate in efforts to reduce pollution and enhance environmental quality. We have agreed to work together in the field of medical science and public health, particularly in the conquest of cancer and heart disease. Recognizing that the quest for useful knowledge transcends the differences between ideologies and social systems, we have agreed to expand United States and Soviet cooperation in many areas of science and technology. We have joined in plans for an exciting new adventure—a new adventure in the cooperative exploration of space which will begin, subject to congressional approval of funds, with the joint orbital mission of an Apollo vehicle and a Soviet spacecraft in 1975. By forming habits of cooperation and strengthening institutional ties in areas of peaceful enterprise, these four agreements to which I have referred will create on both sides a steadily growing vested interest in the maintenance of the good relations between our two countries. Expanded United States-Soviet trade will also yield advantages to both of our nations. When the two largest economies in the world start trading with each other on a much larger scale, living standards in both nations will rise, and the stake which both have in peace will increase.

Progress in this area is proceeding on schedule. At the summit we established a Joint Commercial Commission which will complete the negotiations for a comprehensive trade agreement between the United States and the U.S.S.R., and we expect the final terms of this agreement to be settled later this year.

Two further accords which were reached last week have a much more direct bearing on the search for peace and security in the world. One of these is the agreement between the American and Soviet navies, aimed at significantly reducing the chances of dangerous incidents between our ships and aircraft at sea; and, second and most important, there is the treaty and the related executive agreement which will limit for the first time both offensive and defensive strategic nuclear weapons in the arsenals of the United States and the Soviet Union.

Three-fifths of all the people alive in the world today have spent their whole lifetimes under the shadow of a nuclear war which could be touched off by the arms race among the great powers. Last Friday in Moscow we witnessed the beginning of the end of that era which began in 1945. We took the first step toward a new era of mutually agreed restraint and arms limitation between the two principal nuclear powers. With this step we have enhanced the security of both nations. We have begun to check the wasteful and dangerous spiral of nuclear arms which has dominated relations between our two countries for a generation. We have begun to reduce the level of fear by reducing the causes of fear for our two peoples and for all peoples of the world. The ABM treaty will be submitted promptly for the Senate's advice and consent for ratification and the interim agreement limiting certain offensive weapons will be submitted to both Houses for concurrence, because we can undertake agreements as important as these only on a basis of full partnership between the executive and legislative branches of our Government.

I ask from this Congress and I ask from the Nation the fullest scrutiny of these accords. I am confident such examination will underscore the truth of what I told the Soviet people on television just a few nights ago, that this is an agreement in the interest of both nations. From the standpoint of the United States, when we consider what the strategic balance would have looked like later in the 1970's if there had been no arms limitation, it is clear that the agreements forestall a major spiraling of the arms race, one which would have worked to our disadvantage since we have no current building programs for the categories of weapons which have been frozen, and since no new building program could have produced any new weapons in those categories during the period of the freeze.

My colleagues in the Congress, I have studied the strategic balance in great detail with my senior advisers for more than 3 years; and I can assure you, the Members of the Congress and the American people tonight, that the present and planned strategic forces of the United States are without question sufficient for the maintenance of our security and the protection of our vital interests.

No power on earth is stronger than the United States of America today, and none will be stronger than the United States of America in the future.

This is the only national defense posture that can ever be acceptable to the United States, and this is the posture I ask the Senate and the Congress to protect by approving the arms limitation agreements to which I have referred. This is the posture which, with the responsible cooperation of the Congress, I will take all the necessary steps to maintain in our future defense programs.

In addition to the talks which led to the specific agreements which I have listed, I also had both very frank and extensive discussions with General Secretary Brezhnev and his colleagues about several parts of the world where American and Soviet interests have come in conflict. With regard to the reduction of tensions in Europe, we recorded our intentions of proceeding later this year with multilateral consultations looking toward a conference on security and cooperation in all of Europe.

We have also jointly agreed to move forward with negotiations on mutual and balanced force reductions in central Europe.

The problem of ending the Vietnam war which engages the hopes of all Americans was one of the most extensively discussed subjects on our agenda. It would only jeopardize the search of peace if I were to review here all that was said on that subject. I will simply say this: Each side obviously has its own point of view and its own approach to this very difficult issue. But at the same time both the United States and the Soviet Union share an overriding desire to achieve a more stable peace in the world.

I emphasize to you once again, this administration has no higher goal—a goal that I know all of you share—than bringing the Vietnam war to an early and honorable end. We are ending the war in Vietnam, but we shall end it in a way which will not betray our friends, risk the lives of the courageous Americans still serving in Vietnam, break faith with those held prisoners by the enemy, or stain the honor of the United States of America.

Another area where we had very full, frank, and extensive discussions was the Middle East. I reiterated the American people's commitment to the survival of the State of Israel, and to a settlement just to all the countries in the area. Both sides stated in the communique their intention to support the Iran peace mission and other appropriate efforts to achieve this objective. The final achievement of the Moscow conference was the signing of a landmark declaration entitled "Basic Principles of Mutual Relations Between the United States and the U.S.S.R."

As these 12 basic principles are put into practice, they can provide a solid framework for the future development of better American-Soviet relations. They begin with the recognition that two nuclear nations, each of which has the power to destroy humanity, have no alternative but to coexist peacefully, because in a nuclear war, there would be no winners, only losers.

The basic principles commit both sides to avoid direct military confrontation and to exercise constructive leadership and restraint with respect to smaller conflicts in other parts of the world which could drag the major powers into war. They disavow any intention to create spheres of influence or to conspire against the interest of any other nation, a point I would underscore by saying once again tonight that America values its ties with all nations, from our oldest allies in Europe and Asia, as I emphasized by my visit to Iran, to our good friends in the third world and to our new relationship with the People's Republic of China.

The improvement of relations depends not only, of course, on words, but far more on actions. The principles to which we agreed in Moscow are like a road map. Now that the map has been laid out, it is up to each country to follow it.

The United States intends to adhere to these principles. The leaders of the Soviet Union have indicated a similar intention. However, we must remember that Soviet ideology still proclaims hostility to some of America's most basic values. The Soviet leaders remain committed to that ideology. Like the nation they lead, they are and they will continue to be totally dedicated competitors of the United States of America.

As we shape our policies for the period ahead, therefore, we must maintain our defenses at an adequate level until there is mutual agreement to limit forces.

The time-tested policies of vigilance and firmness which have brought us to this summit are the only ones that can safely carry us forward to further progress in reaching agreements to reduce the danger of war.

Our successes in the strategic arms talks and in the Berlin negotiations which opened the road to Moscow came about, because over the past 3 years we have consistently refused proposals for unilaterally abandoning the ABM, unilaterally pulling back our forces from Europe, and drastically cutting the defense budget. And the Congress deserves the appreciation of the American people for having the courage to vote such proposals down and to maintain the strength America needs to protect its interests.

As we continue the strategic arms talks, seeking a permanent offensive weapons treaty, we must bear the lessons of the earlier talks well in mind. By the same token, we must stand steadfastly with our NATO partners if negotiations leading to a new detente and a mutual reduction of forces in Europe are to be productive. Maintaining the strength, integrity, and steadfastness of our free world alliances is the foundation on which all of our other initiatives for peace and security in the world must rest.

As we seek better relations with those who have been our adversaries we will not let down our friends and allies around the world.

And in this period we must keep our economy vigorous and competitive if the opening for greater East-West trade is to mean anything at all, and if we do not wish to be shouldered aside in world markets by the growing potential of the economies of Japan, Western Europe, the Soviet Union, and the People's Republic of China. For America to continue its role of helping to build a more peaceful world we must keep America No. 1 economically in the world.

And we must maintain our own momentum of domestic innovation and growth and reform if the opportunities for joint action with the Soviets are to fulfill their promise. As we seek agreements to build peace abroad we must keep America moving forward at home.

Most importantly, if the new age we seek is ever to become a reality, we must keep America strong in spirit, a nation proud of its greatness as a free society, confident of its mission in the world. Let us be committed to our way of life as wholeheartedly as the Communist leaders with whom we seek a new relationship are committed to their system.

Let us always be proud to show in our words and actions what we know in our hearts, that we believe in America.

These are just some of the challenges of peace. They are in some ways even more difficult than the challenges of war. But we are equal to them, and as we meet them we will be able to go forward and explore the sweeping possibilities for peace which this season of summits has now opened up for the world.

For decades America has been locked in hostile confrontation with the two great Communist powers, the Soviet Union and the People's Republic of China. We were engaged with the one at many points and almost totally isolated from the other. But our relationships with both had reached a deadly impasse. All three countries were victims of the kind of bondage about which George Washington long ago warned in these words:

> The nation which indulges toward another an habitual hatred is a slave to its own animosity.

But now in the brief space of 4 months these journeys to Peking and to Moscow have begun to free us from perpetual confrontation. We have moved toward better understanding, mutual respect, point-by-point settlement of differences with both of the major Communist powers.

Now, this one series of meetings has not rendered an imperfect world suddenly perfect. There still are deep philosophical differences. There still are parts of the world in which age-old hatreds persist. The threat of war has not been eliminated. It has been reduced. We are making progress toward a world in which leaders of nations will settle their differences by negotiation, not by force, and in which they learn to live with their differences so that their sons will not have to die for those differences.

It was particularly fitting that this trip, aimed at building such a world, should have concluded in Poland. No country in the world has suffered more from war than Poland, and no country has more to gain from peace. The faces of the people, who gave us such a heart-warming welcome in Warsaw yesterday and then again this morning and this afternoon, told an eloquent story of suffering from war in the past and of hope for peace in the future. One could see it in their faces. It made me more determined than ever that America must do all in its power to help that hope for peace come true for all people in the world.

As we continue that effort, our unity of purpose and action will be all-important. For the summits of 1972 have not belonged just to one person or to one party or to one branch of our Government alone. Rather, they are part of a great national journey for peace. Every American can claim a share in the credit for the success of that journey so far, and every American has a major stake in the success of the future. An unparalleled opportunity has been placed in America's hands. Never has there been a time when hope was more justified or when complacency was more dangerous.

We have made a good beginning. And because we have begun, history now lays upon us a special obligation to see it through. We can seize this moment or we can lose it. We can make good this opportunity to build a new structure of peace in the world, or we can let it slip away.

Together, therefore, let us seize the moment so that our children and the world's children can live free of the fears and free of the hatreds that have been the lot of mankind through the centuries. And then the historians of some future age will write of the year 1972, not that this was the year America went up to the summit and then down to the depths of the valley again, but that this was the year when America helped to lead the world up out of the lowlands of constant war and on to the high plateau of lasting peace.

[Applause, the Members rising.]

At 10 o'clock and 9 minutes p.m., the President, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

JOINT SESSION DISSOLVED

The **SPEAKER**. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 10 o'clock and 15 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

REFERENCE OF MESSAGE OF PRESIDENT TO COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. **BOGGS**. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The motion was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT

Mr. **BOGGS**. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 16 minutes p.m.) under its previous order, the House adjourned until Monday, June 5, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2046. A letter from the Deputy Secretary of Defense, transmitting the annual report and audit of the American National Red Cross for the year ended June 30, 1971, pursuant to 33 Stat. 599, as amended; to the Committee on Foreign Affairs.

2047. A letter from the certified public accountant for the American Symphony Orchestra League, Inc., transmitting the audit report of the league for the fiscal year ended March 31, 1972, pursuant to Public Law 87-817; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 14455. A bill to amend the Public Health Service Act to extend and revise the program of assistance under that act for the control and prevention of communicable diseases; with an amendment (Rept. No. 92–1107). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 15081. A bill to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against heart, blood vessel, lung, and blood diseases, and for other purposes; with amendments (Rept. No. 92–1108). Referred to the Committee of the Whole House on the State of the Union.

Mr. GARMATZ: Committee on Merchant Marine and Fisheries. H.R. 14731. A bill to amend the Fish and Wildlife Act of 1956 in order to provide for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish, and other animals from aircraft; with amendments (Rept. No. 92–1109). Referred to the Committee of the Whole House on the State of Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 14106. A bill to amend the Water Resources Planning Act to authorize increased appropriations; with an amendment (Rept. No. 92–1110). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 15260. A bill to provide for transmittal of the Department of Defense 5-year defense program and for congressional deliberation of major mission and support functions of the 5-year defense program; to the Committee on Armed Services.

H.R. 15261. A bill to prohibit Federal assistance to rental housing projects where tenants are not allowed to have dogs, or to local governments which do not permit dogs in rental housing; to the Committee on Banking and Currency.

H.R. 15262. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment; to the Committee on Ways and Means.

H.R. 15263. A bill to amend the Internal Revenue Code of 1954 to allow a deduction in computing gross income for theft losses sustained by individuals, for certain amounts paid to protect against theft, for medical expenses caused by criminal conduct, and for funeral expenses of victims of crime; to the Committee on Ways and Means.

By Mr. ADDABBO:

H.R. 15264. A bill to establish a system of ratings for network television programs in order to warn viewers of physical violence or obscenity contained in such programs; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Illinois:

H.R. 15265. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide benefits to survivors of police officers, firemen, and correction officers killed in the line of duty, and to police officers, firemen, and correction officers who are disabled in the line of duty; to the Committee on the Judiciary.

By Mr. ANNUNZIO:

H.R. 15266. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. BADILLO:

H.R. 15267. A bill to promote homeownership by low- and moderate-income families by assisting them in acquiring, rehabilitating, and improving the structures in which they are tenants, and for other purposes; to the Committee on Banking and Currency.

By Mr. BENNETT:

H.R. 15268. A bill establishing a commission to develop a realistic plan leading to the conquest of multiple sclerosis at the earliest possible date; to the Committee on Interstate and Foreign Commerce.

By Mr. BERGLAND:

H.R. 15269. A bill to establish and implement a national transportation policy for the next 50 years, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BIAGGI:

H.R. 15270. A bill to provide for the comprehensive development of correctional manpower training and employment, and for other purposes; to the Committee on Education and Labor.

H.R. 15271. A bill authorizing the President to proclaim the third week of May as "Lone Defenders Week"; to the Committee on the Judiciary.

By Mr. BRASCO:

H.R. 15272. A bill to provide for computation of pay of members of the armed services retired for permanent disability sustained in line of duty, or for years of service; to the Committee on Armed Service.

By Mr. CAREY of New York:

H.R. 15273. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. COTTER:

H.R. 15274. A bill to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices; to the Committee on the Judiciary.

By Mr. DENT (by request):

H.R. 15275. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of health care for the 1970's by strengthening the organization and delivery of health care nationwide and by making comprehensive health care insurance available to all Americans and for other purposes; to the Committee on Ways and Means.

By Mr. DEVINE:

H.R. 15276. A bill to amend section 591 (g) of title 18, United States Code, in order to exclude corporations and labor organizations from the scope of the prohibitions against government contractors in section 611 of title 18; to the Committee on House Administration.

By Mr. DINGELL (for himself, Mr. Moss, Mr. Corman, Mr. Fraser, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Keith, and Mr. Mikva):

H.R. 15277. A bill to provide for public ownership of the bus company in the District of Columbia, to approve amendments to the Washington Metropolitan Area Transit Authority compact, and for other purposes; to the Committee on the District of Columbia.

By Mr. du Pont:

H.R. 15278. A bill to provide for the establishment of the Thaddeus Kosciusko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FREY (for himself, Mr. Coughlin, and Mr. Railsback):

H.R. 15279. A bill to clarify the intent of Congress to exclude prisoners in work release programs from the provisions of Federal law forbidding the use of convict labor; to the Committee on the Judiciary.

By Mr. GARMATZ (for himself and Mr. Mosher):

H.R. 15280. A bill to increase the annual appropriation authorization of the National Advisory Committee on Oceans and Atmosphere; to the Committee on Merchant Marine and Fisheries.

By Mr. GUDE (for himself, Mr. Fauntroy, Mr. Broyhill of Virginia, and Mr. Hogan):

H.R. 15281. A bill to provide emergency loans to the District of Columbia to carry out the expansion and renovation of the Blue Plains Sewage Treatment Facility; to the Committee on the District of Columbia.

By Mr. HAMILTON:

H.R. 15282. A bill to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against heart, blood vessel, lung, and blood diseases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 15283. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. HANLEY:

H.R. 15284. A bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials and elected town and township officials; to the Committee on Government Operations.

By Mrs. HICKS of Massachusetts:

H.R. 15285. A bill to amend the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

H.R. 15286. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 15287. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. JOHNSON of Pennsylvania:

H.R. 15288. A bill to amend section 103 of title 23 of the United States Code relating to additional mileage for the Interstate System; to the Committee on Public Works.

By Mr. KEATING (for himself, Mr. Derwinski, Mr. Ware, Mr. Hansen of Idaho, Mr. Thone, Mr. Forsythe, Mr. Podell, Mr. Wyatt, Mr. Collins of Texas, Mr. Robinson of Virginia, Mr. Mazzoli, and Mr. Kemp):

H.R. 15289. A bill to guarantee the right of criminal defendants to a speedy trial and to reduce crime and injustice by improving the supervision of persons released on bail and probation, and for other purposes; to the Committee on the Judiciary.

By Mr. KEMP:

H.R. 15290. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 15291. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 15292. A bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation; to the Committee on the Judiciary.

By Mr. LINK:

H.R. 15293. A bill authorizing the construction of certain bank stabilization works on the Missouri River below Garrison Dam; to the Committee on Public Works.

By Mr. MOSS (for himself, Mr. Eckhardt, and Mr. Carney):

H.R. 15294. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966, to provide for the recall of certain defective motor vehicles without charge to the owners thereof, to authorize appropriations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN (by request):

H.R. 15295. A bill to amend the law relating to the conduct of public hearings before the Zoning Commission of the District of Columbia; to the Committee on District of Columbia.

By Mr. NIX:

H.R. 15296. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. PODELL:

H.R. 15297. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

H.R. 15298. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 15299. A bill to further the achievement of equal educational opportunities; to the Committee on Education and Labor.

By Mr. RANDALL:

H.R. 15300. A bill to amend the Judiciary and Judicial Procedure Act of 1948; to the Committee on the Judiciary.

By Mr. RUPPE:

H.R. 15301. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. RYAN:

H.R. 15302. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 15303. A bill to amend the Securities Exchange Act of 1934, as amended, to facilitate closer Securities and Exchange Commission scrutiny of the self-regulatory processes and to make the powers of the Commission over the self-regulatory organizations consistent by conferring upon the Commission additional responsibility and authority with regard to the adoption, amendment, alteration, or rescission of rules of self-regulatory organizations, the enforcement of rules of self-regulatory organizations, and the review of disciplinary action taken by self-regulatory organizations against their members; to the Committee on Interstate and Foreign Commerce.

H.R. 15304. A bill to amend the Investment Company Act of 1940 with respect to the assignment of investment advisory contracts; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMPSON of Georgia:

H.R. 15305. A bill to amend title 10 of the United States Code to provide that personal delivery of notification of death of servicemen to the next of kin may only be made by officers; to the Committee on Armed Services.

By Mr. VEYSEY (for himself and Mr. Pettis):

H.R. 15306. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE:

H.R. 15307. A bill to permit former members of the Women's Airforce Service Pilots to acquire, for a limited time, insurance upon the same terms and conditions, with certain exceptions as apply with respect to national service life insurance; to the Committee on Veterans' Affairs.

By Mr. WHALLEY:

H.R. 15308. A bill to amend section 103 of title 23 of the United States Code relating to additional mileage for the Interstate System; to the Committee on Public Works.

By Mr. WHITE:

H.R. 15309. A bill to amend the Immigration and Nationality Act to provide for the issuance of nonimmigrant visas to certain aliens entering the United States to perform services or labor of a seasonal nature under contracts of employment, and for other purposes; to the Committee on the Judiciary.

H.R. 15310. A bill to amend title 5, United States Code, with respect to certain employees engaged in hazardous occupations, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. WYMAN (for himself and Mr. Cleveland):

H.R. 15311. A bill to protect collectors of antique glassware against the manufacture in the United States or the importation of imitations of such glassware; to the Committee on Intertate and Foreign Commerce.

By Mr. OBEY:

H.R. 15312. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification reform, and relief for small business; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 15313. A bill to provide that, in the administration of the School Lunch and Child Nutrition Act, the Secretary of Agriculture shall, within the limits which he will prescribe, permit the operation of certain food vending machines in participating schools where the proceeds of such operations go to organizations sponsored or approved by the school; to the Committee on Education and Labor.

H.R. 15314. A bill to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for ohter purposes related to expanding and strengthening the child nutrition programs; to the Committee on Education and Labor.

By Mr. ROGERS (for himself, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 15315. A bill to strengthen the Food and Drug Administration, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALIO:

H.R. 15316. A bill to construct an Indian Art and Cultural Center in Riverton, Wyo., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr.WYLIE:

H.R. 15317. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mrs. ABZUG:

H. Con. Res. 626. Concurrent resolution expressing the horror, shock, and dismay of Congress at the incident at Tel Aviv Airport on May 31, 1972, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HANLEY:

H.J. Res. 1214. Joint resolution to suspend temporarily the authority of the Interstate Commerce Commission to permit the abandonment of a line of railroad or the operation thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. RANGEL:

H.J. Res. 1215. Joint resolution designating the second Sunday in June of each year as "Children's Day"; to the Committee on the Judiciary.

By Mr. WYATT:

H. Res. 1008. Resolution expressing the sense of the House of Representatives that the full amount appropriated for the rural electrification program for fiscal 1972 should be made available by the administration to carry out that program; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SHOUP:

H.R. 15318. A bill for the relief of Kenneth J. Wolff; to the Committee on the Judiciary.

By Mr. WINN:

H.R. 15319. A bill for the relief of Raymond Monroe; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE USE OF "MS."

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. HUNGATE. Mr. Speaker, since so much attention has been given the use of "Ms." by the women's liberation movement, I think there are many who would appreciate hearing the other side of the story. I, therefore, bring the following letter I received to my colleagues' attention:

Congressman William Hungate,
House of Representatives,
Washington, D.C.

Dear Mr. Hungate: I recently received a letter from your office and one from you. Thanks so much for responding. Now (with tongue in cheek) I have a bone to pick with you.

You are one up on me on the Women's Lib movement, addressing my letter as Ms. Now I am sure this is a convenience in all the many letters you send out, and is probably a bouquet to your many women constituents.

I really don't care what you call anyone else, in fact it doesn't matter what I am addressed by especially by a letter.

But I wear that Mrs. proudly and feel I have accomplished a heck of a lot with that tacked in front of my name. I feel completely liberated, make no apologies for being feminine nor for acting on occasion "just like a woman".

I think I have the most exciting job that is available in Monroe City. I try to do the best job that I possibly can, am constantly learning, recognize there is some of the heavy work I cannot do nor do I care to do, and give the strong arms and backs around me credit for what I don't. I feel like there is nothing around here I cannot accomplish if I really want to and being a woman will not hold me back.

In the meantime, I have raised 10 wonderful children, sent five of them to college, with the sixth getting ready to go. Two of them have come back in the teaching field, the others are filling a productive place in the community, with their music, art, church and volunteer work. We have seen four of them leave for their education, then come back to Monroe City to carry on their life's work.

Like their mother and father, they find a small town and farm a wonderful place to be in this 20th century. Like their mother and father, they tend to be a little old-fashioned, somewhat conservative and very family oriented. And I find this not bad at all.

So, (while seriously recognizing many problems for women not in my position) I look around me and see the multiple blessings, advantages, the chances for education and self-help for women, I have to say, "When you call me Ms., smile".

For, to pharaphrase a bit the somewhat appalling commercial, "I can't believe I've got the whole thing".

Sincerely,

JUANITA YATES.

AMERICAN ENTERPRISE FOR SAFETY

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. THONE. Mr. Speaker, many elements of American free enterprise are working together to reduce deaths, injuries, and destruction of property from motor vehicle accidents.

An excellent example is provided by the Alfred P. Sloan awards. These awards are funded through a grant from the Automotive Safety Foundation and administered by the Highway Users Foundation. They are named in memory of a former president and chairman of the General Motors Corp. Mr. Sloan was a pioneer in the organized highway safety movement and an innovator of programs to improve highway transportation.

On June 28, 1972, the 24th annual Alfred P. Sloan awards will be presented at a luncheon in the Rayburn Building. Presentations will be made to magazines in several categories, to daily and weekly newspapers and to television and radio stations.

It is with pride that I report that the award for the best campaign to promote traffic safety by a radio station in a city of less than 100,000 population will be given to WJAG, Norfolk, Nebr. Norfolk is a city with a 1970 population of 16,607.

The award to WJAG this year is just recognition for the superb job that this pioneer radio station has been doing through the years. The efforts to promote street and highway safety by WJAG include weekly broadcasts by the Nebraska Highway Safety Patrol, school safety announcements by children, announcements on traffic safety from many sources and broadcasting of road and weather alerts whenever motorists are to be faced with unusual driving situations.

I am proud to have in the district I represent a radio station such as WJAG which serves in the public interest to educate and alert its listeners so effectively on countless matters of the general welfare.

VETERINARIANS AND LAW ENFORCEMENT OFFICIALS CALL FOR ENACTMENT OF RANGEL BILL TO REGULATE HYPODERMIC NEEDLES AND SYRINGES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. RANGEL. Mr. Speaker, with drug use continuing to rise in this country, it is critical that Congress attacks all aspects of the heroin crisis. It is now estimated that 300,000 addicts live in New York City alone and that 22,000 of them are enrolled in the high schools of New York.

The control of heroin paraphernalia has been largely unsuccessful so far in the United States. Different States with different laws mean that the pusher or addict can travel a few miles to obtain the chemicals to cut the heroin, the materials to package it, and the hypodermic needles and syringes to inject it.

Medical professionals committed to fighting the drug epidemic with all possible weapons and law enforcement officials who witness first-hand the skyrocketing rate of narcotics-related crime have called for the strict Federal regulation of hypodermic needles and syringes. They recognize that any step forward we take in this most critical battle can be measured in the terms of human lives saved.

The Westchester-Rockland Veterinary Medical Association in my own State of New York, the Indiana Veterinary Medical Association and the Police Department of Davenport, Iowa, have expressed their strong support for the Hypodermic Needle and Syringe Control Act of 1972 (H.R. 12935). I am pleased to share their comments with my colleagues in the House of Representatives.

The comments follow:

CITY OF DAVENPORT,
Davenport, Iowa, May 11, 1972.

The Honorable CHARLES B. RANGEL,
House of Representatives,
House Office Building,
Washington, D.C.

DEAR MR. RANGEL: I wish to compliment you on your efforts to tighten controls on the paraphernalia and instruments of drug abuse that can be purchased through the mails.

There is no doubt in any of our minds that drug abuse is one of the major problems confronting communities throughout the United States at this time. That drug abuse has certainly caused the high rate of increase in crime so that the drug abusers can meet their personal addiction needs is also recognized.

Please be assured of our full cooperation in all matters of mutual interest.

Very truly yours,

CHARLES WRIGHT,
Chief of Police.
CHRIS SWANSON,
Capt., Organized Crime Unit.
ROBERT G. SWANSON,
Sgt., Organized Crime Unit (Narcotics).

INDIANA VETERINARY
MEDICAL ASSOCIATION,
Elkhart, Ind., May 17, 1972.

Hon. CHARLES B. RANGEL,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RANGEL: The Board of Directors of the Indiana Veterinary Medical Association voted to write you in support of your bill to regulate interstate shipment of hypodermic needles and syringes. The members of the board feel there is a tremendous need for control on the sale and distribution of hypodermic needles and syringes. The permissive sale of these materials as practiced today puts them in the hands of people that have no knowledge whatsoever on their proper useage.

Strict control on the sale and distribution of these materials would limit the availability to drug addicts and persons who would cause harm to themselves and other persons.

The members of the IVMA board go on record in support of your bill (H.R. 12935) and wish you success in getting it enacted by the congress.

Sincerely,

K. M. WEINLAND,
IVMA Acting Secretary.

WESTCHESTER-ROCKLAND
VETERINARY MEDICAL ASSOCIATION,
Nanuet, N.Y., May 10, 1972.

The Honorable CHARLES B. RANGEL,
House Office Building,
Washington, D.C.

DEAR SIR: I am writing to you in behalf of the Westchester-Rockland Veterinary Medical Association. It is our belief that the passage of the Hypodermic Needle and Syringe Control Act of 1972, H.R. 12935, will be in the best interest of not only our profession but the population of New York State as well. For that reason we respectfully urge you to continue to use your good offices for the enactment of this legislation.

Sincerely yours,

HENRY M. KAPLAN, D.V.M.,
Secretary.

AUBURN UNIVERSITY RETIRES SULLIVAN, BEASLEY JERSEY NUMBERS

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. NICHOLS. Mr. Speaker, as a former wearer of the blue and orange of Auburn University, I have been extremely proud of the football record the school has compiled over the years. Last year, Auburn had two All-Americans—quarterback Pat Sullivan who also won the Heisman Trophy—and his favorite pass receiver, Terry Beasley. These two young men have served as examples for thousands of youngsters—not only in their ability to play football but in their entire life-style.

Last week, Auburn University paid these two young men an extremely high compliment—their jersey numbers were retired forever.

Mr. Speaker, although their playing days at Auburn are over, I am confident these two athletes will continue to excell in professional football—Pat Sullivan with the Atlanta Falcons and Terry Beasley with the San Francisco 49'ers.

George Smith, sports editor of the Anniston, Ala., Star, was at the jersey-retiring ceremonies last week. He wrote an excellent account of the proceedings and I would like to submit this article for my colleagues' study:

LOVE ISN'T DEAD . . .

(By George Smith)

AUBURN—May 20, 1972, the day a love affair ended here in the Loveliest Village.

Oh, the love isn't dead.

That's going to be an enduring thing, lasting long after the death of just about anybody.

What happened was Auburn and Pat Sullivan and Terry Beasley parted company and never again will Auburn people see Number 7 or Number 88 in Auburn blue.

A fellow by the title of Dr. Harry Philpott, president here, made that official during half-time ceremonies of A-Day when he retired jersey Number 7 as in Pat Sullivan and jersey Number 88 as in Terry Beasley.

And that, again, makes this a place that can kind of get next to you, make you just a little misty, just a little choked up, a little sentimental that might make other people in other places laugh.

That was the way it was here for one watching Saturday on a slightly cool, slightly overcast day that had a fellow remembering even before the retirement of other Saturdays in three autumns when Sullivan to Beasley was working on an Auburn, nay, make that collegiate football legend.

A "GOLDEN ERA"

Philpott referred to those times as a "golden era." He said "we do honor today two of the greatest athletes in Auburn history."

Right on both.

And when 17,000 stood in standing ovation as first Sullivan, then Beasley walked to the mike you knew 17,000 agreed.

The records set by Sullivan would make an afternoon of reading to say the least, including the winning of the Heisman Trophy. "If I read them all," said Philpott, "we wouldn't have the opportunity to see the second half."

As quarterback, Sullivan did win more honors and set more records than his favorite receiver, but the chunky little redhead from Montgomery is just as proud, just as grateful.

And perhaps Philpott was putting it best when he said "if there were a second place award for the Heisman Ed Marinaro wouldn't get it. Terry Beasley would."

The beginning of the remembering came early when crowds, men, women, little kids, crowded into the athletic offices at Memorial Coliseum to stare in wonder at the Heisman Trophy, a lifesize oil painting of Sullivan, and two showcases containing the retired jerseys.

WHAT IT WAS ALL ABOUT

One oldtimer, Auburn from his highly-polished black shoes right through the top of his Sunday gray felt looked for a long, long time and turned to a bystander and said "I've seen a lot of 'em come and go here over the years, but I've never seen any like those two. I don't think I ever will again."

You got the feeling he was talking to himself.

Another led three small boys by the jerseys and said "you can't get any closer. You'll just have to look at them from here."

That was what it was for three beautiful years, looking at Number 7 and Number 88 pitch and catch a football as few have before. But Auburn people, when the game was played, did get closer, did know Pat Sullivan and Terry Beasley as people as well as players.

And that, too, is a part of a thing called Auburn.

Those 17,000 saw it again after the retirement Saturday as Pat and Terry spent the last two quarters signing autographs for kids wearing Numbers 7 and 88.

No. The love is still there.

And Beasley said as much when he said "I want to thank my teammates. I love them everyone and I always will. And I'd like to thank God who gave me the ability . . . and God bless everyone of our . . . and thank you . . ."

From one who watched those three years thank you Pat and Terry.

A FANTASIZED CONDITION

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. DENNIS. Mr. Speaker, I commend to the attention of my colleagues and of the public, the following timely and sensible editorial from the Wall Street Journal of Thursday, June 1, 1972:

A FANTASIZED CONDITION

The television debates between Sen. Humphrey and Sen. McGovern remind us of an observation made earlier this year by Daniel Patrick Moynihan. "We are beginning to encounter middle-of-the-road politicians," he wrote, "who will seemingly say anything. We approach a fantasized condition."

We have Mr. McGovern telling us that his proposed $32 billion cut in the defense budget is based on the assumption "that the world will be as we know it. If we are attacked tomorrow, all bets are off. . . . We'll have to prepare for it." And we have Mr. Humphrey, who a few years ago was glorifying the "wonderful" American "adventure" in Vietnam, insisting that he and Mr. McGovern ("Right From the Start") have "parallel" track records on the war issue.

The fantasized condition reaches dizzying heights, though, when the two take to bidding at auction on various income-redistribution schemes.

Mr. McGovern has a plan to give every U.S. citizen (or is it simply every resident?) $1,000—paying the bill by raising taxes for everyone who earns more than $12,000. He says he doesn't know what the cost would be. Mr. Humphrey, who ridicules the plan, says it would cost at least $60 billion and perhaps $115 billion. The Happy Warrior would instead raise Social Security benefits by 25%, provide everybody with jobs instead of welfare checks, and cut a mere $12.5 billion from defense outlays. The latter idea, he says, is the modest proposal of the Brookings Institution, which in fact only presents it as the harshest of several options. Mr. Humphrey has not mentioned Brookings' estimate that a $12 billion defense cut would eliminate 900,000 jobs.

The vertigo intensifies as the two presidential aspirants hurl numbers at each other in the loophole-closing contest. Mr. McGovern would close $28 billion worth of loopholes now enjoyed by "the rich and the powerful." Mr. Humphrey points out that a goodly chunk of the McGovern $28 billion would accrue by ending a homeowner's present ability to deduct mortgage interest and property taxes from his federal taxable income. The Minnesotan wouldn't think of doing this to Middle America. He would only close $16 billion worth of loopholes. Yet after assiduous slashing, the Brookings team could find but $13 billion. And this included ending the property-tax writeoff and state and local gasoline tax deductions—hardly the shelters for the rich and the powerful.

Indeed, release of the Brookings study is the most sobering event of the season. The team, largely Democratic economists who helped design the Great Society, acknowledges that much of the money pumped out to solve social problems in recent years has been wasted. The government is now faced with a fiscal mortgage instead of a fiscal dividend. Even if no new domestic initiatives are undertaken in the next two years, and even if the economy expands to full employment, spending will rise faster than revenues by $17 billion. Either programs have to be cut or new sources of revenue sought.

But as the McGovern-Humphrey television debates reveal, a style of dreamy political thinking persists which, refusing to be sobered or confused by the facts, promises simultaneously to cut taxes and increase spending. It is small consolation to speculate, as their friends are now suggesting, that if either Senator made it to the White House he would quickly sense that these fantasies have no relationship to the real world.

SAVE MY WIFE AND DAUGHTER!

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. KEATING. Mr. Speaker, to commemorate International Children's Day, Thursday, June 1, I have sent a book on Jewish history and culture, to Julia Epelman, age 10, in the Soviet Union.

Julia has been separated from her father because of his desire to emigrate to Israel. She has not been allowed to receive information on her Jewish heritage due to restrictions imposed by the Soviet Government. Her family has fought desperately to be reunited only to have all efforts blocked by Soviet authorities.

The father of one child, Dr. Michael Epelman, is beginning a hunger strike today in front of UNICEF headquarters in Geneva, Switzerland, to dramatize the tragic dilemma facing his family. Since Dr. Epelman's escape 15 months ago, his wife and child have applied six times to join him. Each time Soviet officials have refused their request and stated that they would never be together as a family again.

The sending of the book was taken in cooperation with the Union of Councils for Soviet Jews, a group of 18 organizations from across the Nation based in Cleveland, Ohio.

I would like to bring to my colleagues' attention the following story of Dr. Epelman, as written in his own words:

SAVE MY WIFE AND DAUGHTER!

My name is Michael S. Epelman. I am a resident of Berrsheba, a citizen of Israel. I plead on behalf of my wife, Polina A. Epelman and our 10 year-old daughter Julia, both residents of Leningrad, in Russia. This plea is at the request of and with the authority of my wife, who wishes me to act in her name to secure for her and my daughter their fundamental rights. These human rights include their right to leave the USSR and to be reunited with their husband and father in Israel, a country of which they are citizens.

I left the Soviet Union in February 1971 in order to escape living in a society where it was not possible for me to live my life as a Jew. I felt that the Soviet policy toward Israel and the Middle East conflict was totally unacceptable to me since as a Jew I could not live and work in a country whose government blindly supported regimes seeking to destroy my people. I found it intolerable to continue to render allegiance to a country which supplied bullets whose purpose was to kill my brothers—the citizens of Israel. My wife knew how strongly I felt about my identification as a Jew, but I was unwilling to inform her about my decision to escape because I did not wish to make her an accomplice to my act of leaving.

After I advised her of my arrival in Israel, she indicated her desire to be reunited with me in our native land. I sent her a *vyzov* (the formal invitation to settle in Israel) and she immediately began to prepare the necessary documents to apply to the OVIR (Department of Visas of the Soviet Ministry of the Interior) for an exit visa for herself and our daughter.

One of the necessary documents is a *characteristika,* a reference from the place of employment, which in my wife's case is to be given by the general meeting of the hospital staff where she works as head of the Pharmacy Department. At this meeting she was accused of being a traitor to the USSR because she sought to leave. Her colleagues demanded that she divorce her husband, whom they claimed was a traitor to the Motherland. Her harrassment by her coworkers was severe and she was illegally taken for questioning by the KGB. On one occasion, the KGB came to the apartment where she and our daughter live, late at night, and on another occasion they took her from the apartment of my father, who was recuperating from a stroke. They told her that I was insane and made other serious charges against me in an effort to break her desire to be reunited with me.

Early in June 1971, my wife made a formal application for an exit visa. Within two months her application was rejected by the chief of the OVIR in Leningrad without the statement of any legal grounds for this decision. Attempts to secure a statement of reasons were to no avail and her appeals for reconsideration were rejected on numerous occasions by various officials, including the Minister of Interior Schelokov. Her letter of appeal to Soviet President Podgorny and Prime Minister Kosygin never reached their destinations, and these officials were prevented from any consideration of the violation of her rights. The bureaucratic procedures involved diverted these letters to the Leningrad branch of the OVIR where, contrary to her legal rights, the refusals were automatically confirmed. Indeed, the OVIR never even gave her a written statement for their refusal. All rejections were oral and without any explanation, except that I had left the country without authorization. This is a wholly illegal basis for refusal, unless holding a spouse for ransom can be regarded as acceptable.

Having exhausted all internal channels and remedies, my wife appealed to the Secretary-General of the United Nations and to the International Red Cross in the hope they would intervene in support of her human rights and in the interest of humanitarian treatment. No answer has been received from either of these agencies, and presumably they have taken no action to date.

As a consequence of the enforced separation of our family, our daughter has become very nervous and anxious and my wife has become increasingly concerned about her emotional condition. The events of the past year could not help but have a damaging effect on a 10-year-old child, and they have been unreasonably cruel for my wife as well. It would be hoped that those humanitarian considerations would find concern among organizations ostensibly committed to the protection of human rights and dignity.

Early in September 1971, my wife wrote to President Zalman Shazar of Israel requesting Israeli citizenship, making it clear by this action that her decision to be repatriated to Israel was final. On September 24, 1971, a formal application for Israeli citizenship for my wife and daughter was filed with the Israeli Minister of Interior, under the provision of the 1952 Nationality Law (Amendment No. 3), and on October 28, 1971 a certificate of citizenship was granted by the Minister of Interior under reference No. A-5427. Thus, both my wife and daughter are citizens of Israel, although forcibly detained in the Soviet Union.

The situation of my wife and daughter, apart from its inherent cruel and inhumane treatment and the violations of the Soviet law involved in the processing of her requests for exit visas, also involve fundamental deprivations of human rights. It is well known that the U.N. Universal Declaration of Human Rights, to which the Soviet Union allegedly adheres and which it on occasion invokes, proclaims:

> "Everyone has the right to leave any country, including his own." (Article 13/2)
>
> "No one shall be . . . denied the right to change his nationality." (Article 15/2)

Both of these fundamental rights have been violated by the Soviet Union in their treatment of my wife and daughter. Furthermore, the Soviet Union has frequently asserted in various official statements and international forums that they adhered to the principle of reunification of families, a humanitarian goal, clearly violated in this case.

The Convention on the Nationality of Married Women was signed by the Soviet Union and ratified by that country on the 17th of September, 1958. (It has also been signed and ratified by Israel.) The Convention provides that the Contracting States recognize the conflicts in nationality laws arise as a consequence of the change of nationality by the husband during marriage; recognize the provision of Article 15 of the U.N. Universal Declaration of Human Rights; and desire to cooperate in promoting universal respect for the human rights of married women. The clear purpose of the Convention as articulated by the United Nations is "to give effect to the principle laid down in Article 15 of the U.N. Universal Declaration of Human Rights by safeguarding the free will of the wife." (See U.N. Document E/CN 6/389, p. 35)

To implement these purposes and give meaning and effect to the Convention, the Contracting States agree in Article 10 that—

> "Any dispute which may arise between any two or more Contracting States concerning the interpretation or application of the present Convention, which is not settled by negotiation, shall, at the request of any one of the parties to the dispute, be referred to the International Court of Justice for decision."

The Soviet Union, in ratifying and acceding to this Convention, made no reservations to Article 10, as did some ratifying states, thus clearly accepting the compulsory jurisdiction of the International Court of Justice.

It is clear that as a matter of international law, my wife and daughter, as citizens of Israel, are entitled to the protection of the Government of Israel. This protection includes Israel's right to intercede on behalf of their citizens to secure adherence by the U.S.S.R. to the Soviet Union's obligations not to violate human rights, and explicitly the duty of Israel to bring any dispute before the International Court for settlement.

In the interest of the enforcement and fulfillment of internationally recognized human rights, my wife and daughter have appealed to the Government of Israel to intervene in their behalf to secure for them what is their due under the U.N. Universal Declaration of Human Rights. Their health, their morale, indeed—their very lives—dictate prompt and expeditious action on the part of civilized world opinion and on the part of whatever common humanity the Soviet Government shares with the rest of the world community.

Dr. Michael S. Epelman, c/o University of the Negev, Department of Mathematics, P.O. Box 2053, Beersheva, Israel.

Mrs. Polina A. Epelman, Prospekt Nauki 41, apt. 24, Leningrad 194256, RSFSR, U.S.S.R., tel: 442109 (after 6 p.m.) (phone is at home of Mrs. Zena Katz who speaks English; Mrs. Epelman speaks Russian).

TRANSPO 1974

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. LEGGETT. Mr. Speaker, this week I had the pleasure of attending Transpo 1972, the first U.S. International Transportation Exposition. This exposition has assembled one of the finest and most complete displays of transportation technology. Exhibits ran the gamut from World War I planes to the most sophisticated people movers and elements of mass transit.

Mr. Speaker, this exposition displays a new threshold of American technology. It indicates that this country has the technical know-how now to launch the 21st century 25 years early.

Transpo 1972 is the largest total transportation exposition ever held in the United States. Authorized by Congress, Transpo 1972 has been very competently produced by Secretary John Volpe's Department of Transportation.

Transpo 1972 struck me, however, not as just another display of futuristic technology, but as a marketplace of today's goods deliverable here and now. Americans today clamor for an immediate transition to a peacetime economy. Many voices say we cannot do this. Transpo 1972 is the single best answer to those voices. While the American public certainly does not view transportation as the greatest single priority, it recognizes the urgency for balanced and planned modernizing of its transportation system.

Transpo 1972 announces that we are prepared for that transition now. Mr. Speaker, Congress is long remembered by the American public for its boondoggles that it has allowed, especially Vietnam—Congress now has an equal chance to be remembered for its foresight. Let us make Transpo a regular part of America's transition to a peacetime economy by doing it here in Washington every 2 years.

Representatives from all over the world have seen the products at Transpo 1972; I am certain this will lead to new orders; let us not drop the baton when we have the technology to stay in the race of international economic competition.

In further amplification, I include a copy of Transpo 1972 news for Friday, May 26:

TRANSPO 1972 NEWS

The implementation of man's everlasting fascination with mobility is today's state of the art in transportation. "Man in Motion"—

past, present and future—is the subject of the Thermatic Area at Transpo 72, the first U.S. International Transportation Exposition, to be held at Dulles International Airport near Washington, D.C. from May 27 to June 4.

Although designed primarily as a market place and showcase for new concepts and advanced forms of transportation equipment, Transpo 72 also will serve as an educational forum to further the understanding of the importance of transportation to man's economic and social progress.

Located adjacent to the main entrance to Transpo 72, the Man in Motion exhibit area will depict development of transportation through man's most primitive inventions to his most advanced concepts for future travel by all modes.

The exhibits will be of two kinds—either two-dimensional pictures, graphics and typography mounted on panels or three-dimensional artifacts, mockups or scale models representing important highlights in the history of transportation.

Transportation's rapidly advancing and changing technology produces artifacts or antiques at an accelerated rate. The Ford Tri-Motor was among the earliest air passenger transports and was first built in 1925, seating 11 to 14 passengers and traveling at a maximum speed of 132 mph.

One of these planes has been flown to Transpo 72 by American Airlines. It will be displayed in the Air Transportation area of the Man in Motion exhibit and will be turned over to the Smithsonian Institution at ceremonies to be held during the exposition.

Earlier planes will also be displayed in the Man in Motion exhibit. Two produced by the aviation pioneer Glenn Curtiss are the Curtiss Pusher, vintage 1910, and the Curtiss JN-1 Standard, used as a trainer for World War 1 Pilots.

A display more representative of more modern aviation and of the earlier post World War II, larger passenger transports is the cockpit and forward cabin section of a DC-7.

The History of Land Transportation area of the Man in Motion exhibit offers a variety of transportation relics for visitors to Transpo 72. Among the oldest is a horse-drawn mail phaeton built in England around 1825. Other vintage transportation antiques are a fire engine pumper built in 1875 and the Conestoga wagon, America's chief transporter of freight prior to the development of the railroads.

The range of artifacts for automobile buffs runs the gamut from 1912 Model T Fords—a roadster and a stationwagon—to the 15 millionth Beetle produced by Volkswagen.

For Transpo visitors whose automotive interest is directed toward speed there are the Blue Flame, holder of the world's speed record—622.407 miles per hour—and General Motors experimental Astro 111.

The History of Marine Transportation Area of the Man in Motion exhibit displays one of the most primitive means of water transportation—a dugout canoe hollowed from a single log in 1810—as well as the most advanced—the Hovercraft, which skims at high speed over the water on a cushion of air.

Man's travel in space—present and future—will be portrayed by a number of scale models including the Skylab, the Space Shuttle, the Lunar Module and the Lunar Rover. The actual Apollo 12 spacecraft also will be on display.

The most modern equipment—both operational and experimental—will be displayed in the Development of Mass Transit Systems Area of the Man in Motion exhibit.

Among the displays will be the TurboTrain, now in commercial operation between New York and Boston. It is the only non-electrified intercity passenger train built on this continent in the last 15 years. The TurboTrain has achieved a speed of 170 miles per hour and in daily operation travels at up to 100 mph.

Probably the most sophisticated ground vehicle ever constructed in the United States will be displayed in the Man in Motion exhibit. It is the Tracked Air Cushion Research Vehicle (TACRV) produced for the Department of Transportation by the Grumman Aerospace Corporation. It is designed for intercity travel at speeds of up to 300 mph.

Other mass transit display include an automated subway car from the Bay Area (San Francisco-Oakland) Rapid Transit and the Aerotrain, a Tracked Air Cushion Vehicle designed for 150 mph travel.

Transpo 72 is the largest total transportation exposition ever held in the U.S. Authorized by Congress, Transpo 72 is being produced by the Department of Transportation. The nine-day event will feature over 500 exhibits from U.S. industrial firms, state, local, and the federal government, and foreign companies and governments. Thirteen spectacular air shows will join dozens of surface demonstrations, including four fully operational personal rapid transit systems.

A JOINT MEMORIAL TO THE CONGRESS ON HOUSE JOINT RESOLUTION 56

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. McKEVITT. Mr. Speaker, it was on January 22, 1971, that House Joint Resolution 56 was introduced by the distinguished chairman of the House Committee on Rules. House Joint Resolution 56, which was referred to the Committee on the Judiciary, proposes a constitutional amendment which would provide that States having bicameral legislatures be permitted to apportion the membership of one house on factors other than population.

The senate and house of representatives of the second regular session of the 48th General Assembly of the State of Colorado recently adopted a joint memorial to the Congress bearing on this subject:

Memorializing the Congress of the United States to Enact Legislation Proposing an Amendment to the Constitution of the United States Which Would Allow One House of Bicameral State Legislatures to be Apportioned Other Than on a Population Basis and to Submit the Same for Ratification by the States

Whereas, The United States Supreme Court has ruled that membership in both houses of a bicameral state legislature must be apportioned only according to population; and

Whereas, The practical application of said ruling has resulted in much confusion and delay as indicated by the fact that out of twenty-nine states which had completed reapportionment by December, 1971, one plan was vetoed, one plan was subject to review by a federal panel, and sixteen, six of which have been invalidated, were challenged in the courts; and

Whereas, The delegates to the original constitutional convention in Philadelphia in 1787 proposed the federal plan of one house of Congress being apportioned on population and one house on representation of a state at large, and such plan was ratified by the states; and

Whereas, The federal plan of legislative representation has been previously endorsed by its use in forty-nine state legislatures; and

Whereas, In 1962, the citizens of Colorado voted overwhelmingly in favor of the federal plan concept for apportioning their General Assembly with such proposal receiving the approval of a majority of voters in every county of the state; and

Whereas, For nearly two hundred years the people of the various states have had the freedom to apportion their state legislatures in the manner they felt best reflected the interests of the people, recognizing that a system of apportionment that might be appropriate for one state would not necessarily meet the needs of another state, but that each state should be free to make its own selection; now, therefore,

Be It Resolved by the Senate of the Forty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein:

That the Congress of the United States is hereby memorialized to enact legislation proposing an amendment to the Constitution of the United States which would allow one house of bicameral state legislatures to be apportioned other than on a population basis and to submit the same for ratification by the states.

Be It Further Resolved, That copies of this Memorial be transmitted to the President of the United States, the President of the Senate of the Congress of the United States, the Speaker of the House of Representatives of the Congress of the United States, and the members of Congress from the State of Colorado.

THE NEED FOR INCREASED VETERANS' BENEFITS

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. STEELE. Mr. Speaker, the following article from VFW, the magazine of the Veterans of Foreign Wars, contains the results of a questionnaire given to 2,300 student veterans at Southern Illinois University. These figures clearly show the necessity for passage of legislation to benefit veterans.

There are numerous bills now pending in the House and the Senate which would provide increased educational benefits, vocational rehabilitation, training and employment for veterans, and treatment for those men who have become addicted to drugs while in the service. These services are desperately needed, especially today with our troops returning from Vietnam daily.

The veterans of this Nation have risked their lives in service of their country. It is time that we stood behind them and effected the benefits which they aptly deserve.

The article "Probing the Vietnam Veteran" from the June 1972 issue of VFW follows.

What is the Vietnam veteran thinking?

To find out, a team of researchers—many of them Vietnam veterans themselves—at Southern Illinois University's campus at Edwardsville, a town 30 miles east of St. Louis, sent out questionnaires to some 2,300 student veterans there and got back nearly 650 replies. The student body numbers about 12,000.

Called the "Veterans World Project," the study, conducted over a period of several months, was financed with a $24,000 grant from the U.S. Office of Education.

What type of veterans answered the queries?

Of the 642 who replied, 88.16% had been enlisted men. Less than 5% had been officers or in the Navy. Whites made up 82.06% of the respondents; blacks 16.38%, "other" 1.58%. Draftees composed 65.89% and volunteers 32.24%.

Combat and non-combat veterans were almost even, 49.77% to 49.61%. Nearly 84% went into the service between 1967 and 1969 and 62.71% got out in 1970 and 1971.

Pre-service occupation listed most often was student, 28.14%. Two largest military specialties were infantry-armor, 18.34%, and administration, 13.79%.

Since discharge more than three-fourths have worked for one or two employers, 8.78% for none. Only 10.75% said they were using their military training in their present work and 88.87% replied they were not.

Length of time on their current job saw 20.32% with six months to a year and just over 50% reporting employment of a year or more. Slightly more than half, 51.18% did not return to their old work, while 48.82% did.

Only 1.29% found jobs through the VA, 7.4% through public employment services, 6.11% from private sources; 11.90% answered an ad, and 50.8% applied at the scene.

Only 24.56% found work more suitable than their pre-service jobs and 12.63% said their current employment was "worse." For 62.81% it was the same.

Only 12.74% participated in Project Transition, the services' program to fit men to civilian employment; 51.67% had never heard of it. Four said Project Transition had helped them find work; 45 said it had not.

To the statement that "the VA is doing a satifactory job of helping the returning veterans:" 235 agreed, 210 disagreed and 185 had no opinion.

As a help in getting a job, however, the VA was rated "good" by 41 out of the 149 who answered. Forty-seven said it was "fair," 60 "poor." Of the 273 who assessed state employment offices, 42 said they were "good," 93 "fair" and 136 "poor."

Of the 327 who answered a question about training, only 22.46% said they received credit for service or military education and 77.54% replied they did not.

Waiting periods for the first GI Bill checks ranged from less than a month, 2.61%, to more than eight, 1.3%. However, 80.43% replied it took from two to four months for the payments to begin.

A total of 247 agreed that "the hatred of the U.S.A. by some foreign countries is justly deserved," but 241 disagreed and 147 were "neutral."

A majority, 58.91%, or, 377, disagreed with the statement that "society is honestly doing what it can to help the veteran readjust," but 129 agreed and 134 were "neutral." Ninety-two said most who served with them would agree with that view, while 137 were "neutral" and 400 replied that most would disagree.

Family relationships "are different after returning from Vietnam," replied 363, but 135 were "neutral" and 132 disagreed.

Another 213 said Vietnam veterans suffer from nightmares, 229 were "neutral" and 188 disagreed.

On drugs 334 disagreed that veterans use more than others in the same age group, while 135 were "neutral" and 172 agreed. Even if most of the veterans themselves, 52.11%, did not think so, 76.96% said they believe a high percentage of the general population has that opinion.

More than half, 52.62%, agreed that "most veterans who use drugs first started using them in Vietnam," while 25.91% disagreed and 21.46% were "neutral." A total of 209, a third, agreed that smoking marijuana is harmful, but 36.81% disagreed and 30.17% had no opinion.

Only a small percentage, 15.30% agreed that Vietnam veterans "are more likely than other civilians to be alcoholics." Disagreeing were 66.25% while 18.45% were "neutral."

On the Vietnam War itself 277 disagreed that it is "necessary to halt the spread of Communism," but 208 agreed and 150 were "neutral."

In replying to a question whether the South Vietnamese would be able to "handle things if the U.S. pulled out," 120 said "yes," 160 were "neutral" and 355 said "no."

Out of 624 who answered, 299 disagreed that "American soldiers have committed more atrocities in the Vietnam War than in any other war," but 221 were "neutral" and 104 agreed. The breakdown on whether they thought other veterans shared their opinion followed the same general pattern.

Only 120, or 18.99%, agreed that the U.S. government "is responding pretty well to the needs of the people." A total of 340 disagreed and 172 had no opinion.

On veterans organizations such as the V.F.W. and American Legion, 278, or 44.20%, disagreed that they "pretty well represent the interests of Vietnam veterans." Expressing no opinion were 197, or 31.32%, while 154, or 24.48% agreed.

To the statement that "returning Vietnam veterans have trouble renewing old friendships because the non-vets don't understand the vet's experience," 265 disagreed, 264 agreed and 106 gave no opinion.

Disagreement with "many veterans unjustly get less than honorable discharges" was voiced by 54.55%, while 23.67% agreed and 21.79% were neutral.

DECLARATION OF INCOME

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. TAYLOR. Mr. Speaker, in the past I have filed in the CONGRESSIONAL RECORD a statement showing the income that I received over and above my salary as a Member of Congress for the various years that I have been in Congress up to and including the calendar year 1970. I now desire to make public the sources and amounts of all outside income that I have received for the calendar year 1971.

The total income received by my wife and me, in addition to my salary as a Member of Congress, for the calendar year 1971, was as follows:

From a family-owned dairy farm in Leicester Township of Buncombe County, N.C.	$1, 878. 29
From dividends from a variety of stocks and bonds (most belong to me; some are owned by my wife)	3, 290. 20
From capital gains on installment sales of Black Mountain, N.C., real estate; sale of farm cows; and sale of shares of stock	1, 773. 00
From interest on purchase money real estate notes; savings deposits; and Swannanoa, N.C. Baptist Church bonds, etc.	886. 34
Total	7, 827. 83

The stocks and bonds were purchased in western North Carolina at market value and most of them represent investments in North Carolina industries. All of the income mentioned above comes from property investments, and not from the use of my time, all of which is devoted to congressional responsibilities.

NO-FAULT INSURANCE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. HUNGATE. Mr. Speaker, on April 11 I inserted in the CONGRESSIONAL RECORD an article from the New York Times on no-fault insurance. I have since been contacted by Mr. Seymour L. Colin, president of the New York State Trial Lawyers Association, Inc. Since I am certain my colleagues are interested in developing as many points of view as possible on this subject, I herewith insert Mr. Colin's comments on this issue:

NEW YORK STATE TRIAL
LAWYERS ASSOCIATION, INC.,
New York, N.Y., April 26, 1972.

Representative WILLIAM L. HUNGATE,
House Office Building,
Washington, D.C.

DEAR MR. HUNGATE: It has been brought to my attention that you dignified the article published in the New York Times by Messrs. Dukakis and Kinzer on April 9, 1972 by incorporating it in the Congressional Record.

I submit that it was unworthy of this honor. The authors ignored or glossed over blatant deficiencies in the Massachusetts "no-fault" law and others of its ilk and exaggerated their virtues; before dealing, individually, with the points the authors make in their article, I must emphasize that the overall impression that Mr. Dukakis seeks to create is that the major effect of the self-described "no-fault" plans is to lower premiums and to assure that more persons are more equitably paid by the means of eliminating litigation.

Nothing could be further from the truth. The major thrust of this type of misnomered "no-fault" plan is an unconscionable wholesale destruction of the common-law civil rights of auto accident victims.

Under existing law, auto accident victims, like victims of every other type of wrong resulting in injury to the person, are entitled to fair compensation for genuine injury resulting in impairment of the quality of their lives or the unwarranted interference in normal activities arising from the physical, mental and emotional pain, suffering and disability caused by injury. Consequently, under existing law, persons injured through the negligence of operators of motor vehicles—like those injured in buildings through the negligence of landlords, or on sidewalks through the negligence of municipalities or adjoining landowners, or in planes and trains or other conveyances, or in hospitals or elsewhere through the negligence of those rendering medical or hospital service, or at public places through the carelessness of those in control of the premises or who are the victims of libel, slander or assault—are entitled to these general damages over and above their economic loss.

The major effect of the so-called "no-fault" plans is to change existing law so that auto accident victims, unlike any other victims of wrong, will, either entirely or to a major extent, lose their rights to recover these general damages from the wrongdoer and limit their compensation for their hurts to economic loss.

For most auto accident victims, this will mean that doctors and hospitals will be paid but they will remain uncompensated for their own pain and suffering.

Have made clear the major impact of this type of legislation, permit me to comment with respect to the specific points made by the authors:

1. The claimed savings on basic compulsory coverage in Massachusetts are outrageously exaggerated by Mr. Dukakis. The alleged 27% reduction was, for many Massachusetts motorists, illusory. Massachusetts, like many other States, is divided into lower and higher rating territories. Simultaneously with the announcement of this much publicized reduction, 276 of the 351 Massachusetts cities and towns were moved from lower into higher costs rating territories so that the much heralded reduction was immediately diluted.

It is important to note that this reduction applied only to the basic compulsory coverage for bodily injury which, for the average motorist, comprises only on-third of the total premium, two-thirds of which is applicable to physical damage to or loss of a motor vehicle. At a later point in the article, the authors quickly pass over the fact that rates for physical damage or loss went up in Massachusetts, simultaneously with the announcement of the diluted reduction in basic coverage, so that, for most motorists in Massachusetts, the total premium went up. For example, one study has shown that the premiums paid in Boston on a new Chevrolet Impala went up from $496.00 in 1970 to $555.00 in 1972.

2. Equally ignored by the authors was the fact that it is quite clear that there was, and is, room for substantial reduction in premiums quite unrelated to these destructive "no-fault" laws but which the proponents of such measures are quick to give credit to this legislation.

The cumulative impact of safety education and safety features have reduced the frequency and severity of accidents throughout the country and, as has been noted by various financial journals, during the past year, insurance carriers have dramatically increased their profits in automobile liability insurance. As a consequence, as has been noted by Mr. Robert J. Cole in the New York Times on April 6, 1972, one major rate making organization has recommended that bodily injury rates in New York City be cut 23.8%.

3. The authors contend that accident statistics in Massachusetts run contrary to the claims of the deterrent involved in the fault system. Their conclusion is, of course, once again buttressed by incomplete statistics. They neglected to note that vehicular accidents in Massachusetts rose by 1.3% while the national trend was in the other direction. The fact that there were fewer allegations of personal injury can be attributed to the fact that the victims recognized that they had been deprived of their right to compensation for such injury and that they were without remedy.

4. Mr. Dukakis and his collaborator parrot the contention that finding fault is difficult. That such is not the case is best illustrated by the survey taken by the Liberty Mutual Insurance Company. The men handling claims responded that a clear determination of fault could be made in 75% of the cases they were handling on the basis of original reports and that such determination could be made in 90% upon completion of the initial investigation.

Contrary to the implication in the article that accidents are beyond the control of the operator in most cases, an engineering appraisal by a recognized authority indicated that the great majority of accidents would not have occurred if legally mandated rules of the road had been followed.

5. The authors find a problem in determining the value of a particular injury. Such a difficulty is totally imaginary. Lawyers representing accident victims and insurance companies have agreed upon value and settle more than 90% of accident claims each year, being guided by the opinion of the community expressed in jury verdicts in the small percentage of cases that actually go to trial.

6. The authors complain that only 45 cents (the correct figure is 44 cents) of the bodily injury premium dollar gets into the hands of the accident victim. Well, under Massachusetts "no-fault" only 12 cents of the bodily injury premium dollar has gone to accident victims so that they have been shortchanged almost 75%. Who has benefited? It is, of course, the very insurance industry that is so desperately seeking enactment of a "no-fault" law in New York State and whose profits were so excessive that the Governor of Massachusetts, who misled the public, is now desperately attempting to recapture some of those profits, a move strenuously resisted by the insurance industry.

7. The authors complain that victims with low out-of-pocket expenses are overcompensated; that victims with substantial out-of-pocket expenses are not adequately compensated; and that many seriously injured victims receive little or nothing.

Quite apart from the fact that out-of-pocket expenses do not necessarily parallel the severity of injury, it must be realized that implicit in the authors' criticism is repudiation of the existing law that the recovery of accident victims is not limited to economic loss but that justice requires that they be fairly compensated for the interference in their normal activities and the other effects of the pain and disability following injury. Inherent in the common law is that this element in the damage suffered by an accident victim is much more serious than economic loss. Men do not live by bread alone and they work so that they may live in dignity and do not live merely to work although some of our Boston brahmins may believe that this is the proper destiny of the common man.

The remedy for the undercompensated accident victim has been urged for years; viz, an increase in the mandatory limits of liability coverage.

As for the uncompensated, in their condemnation of the present system for failing to pay certain auto accident victims, the authors have carefully avoided specific mention of the uncompensated group. For the most part, these are the motorists who are responsible for accidents—the speeders who lose control of their cars and cross dividers to crash head-on with oncoming vehicles or run into trees or abutments, the irresponsibles without regard for traffic controls or who get behind the wheel of a car when they should get to bed.

If the authors and others of their bent feel that these motorists should be compensated, that is their privilege but they can make no case for assuring compensation to these reckless drivers at the expense of the victims of their negligence.

The authors think nothing of imposing the cost of optional insurance upon innocent victims. Why have they not suggested a system whereby motorists responsible for accidents could purchase insurance at their own expense, for damages which they sustain as a result of their negligence?

8. The authors belabor the common knowledge that insurance premiums, like so many other items in the cost of living, have gone up. What they neglect to point out is that the premiums for physical damage to or loss of a motor vehicle (which, as we have pointed out, comprises two-thirds of the total premium for the average motorist) have gone up at a rate 4¼ times faster than the premiums for bodily injury liability.

To put it in another way, to abrogate the right to fair compensation for bodily injury is to affect only roughly one-third of the total premium and only that part of the premium whose rise in cost has been substantially lower than for the other part of the total premium cost. At a later point in the article, Mr. Dukakis quickly passes over the fact that rates for property damage or loss have gone up in Massachusetts and contrary to the statement made by the authors, for most motorists in Massachusetts, their total premium has gone up. For example, one study has shown that by comparing the premiums paid by a Class 10 Boston driver who insured a new Chevrolet Impala in 1970 under the fault system with the premiums to be paid for a new Chevrolet Impala in 1972 "no-fault", the overall costs were increased by 12%. The premium in 1970 was $496.00 whereas in 1972, it is $555.00.

9. The authors seek to discredit the findings of one of the prestigious survey groups in the country. Opinion Research of Princeton, New Jersey, because its services were sought by the American Trial Lawyers. The plain fact is that its findings confirm other surveys. For example, according to a published report in the Hartford Courant of August 19, 1971, an Associated Press survey established, and I quote: "The Massachusetts public is overwhelmingly critical of the State's first-in-the-nation 'no-fault' auto insurance system, in effect since January 1st". The report further revealed that with the exception of one person in the State contacted in a random survey, and again I quote,: "Everyone else was unhappy. To them the system simply does not work". In fact, one sad Massachusetts citizen is quoted as having concluded that "Insurance companies are making out like bandits". The Quincy (Mass.) Patriot Ledger of March 6, 1972 reported that a survey conducted by the Chairman of the Massachusetts Senate Ways and Means Committee revealed that "Massachusetts automobile owners are disenchanted with 'no-fault' personal injury insurance."

10. The authors interpret the fact that there was a drop in the average payment of personal injury claims as proof of the beneficial effect of the Massachusetts statute. Of course, if one is looking to the beneficial effect from the standpoint of the insurance industry, the conclusion is correct. Viewed from the public standpoint, the statistic is absolute proof of the evil of the legislation. The reduction in costs has been accomplished by the abrogation of the civil rights of most auto accident victims to be paid fairly for their injuries. Obviously, where the right to fair compensation is removed, there will be reduction in payment.

11. The authors' claim to faster settlement under the Massachusetts law is without basis because they are comparing apples to oranges when they compare claims under a "no-fault" system which restricts common-law rights with a fault system which permits fair compensation. It is no comfort to a person injured in an auto accident that his claim for economic loss may be settled with dispatch, if he has lost his right to recover fair compensation for general damages.

It is here that the entire absurdity of any law patterned after the Massachusetts statute is revealed. Benefits more generous than the vaunted Massachusetts "no-fault" benefits have been offered to motorists in this State by a leading insurance carrier for an additional $5.00 premium.

If, as has been suggested, our present compulsory insurance incorporated "no-fault" benefits similar to those in Massachusetts, the auto accident victim—motorist, passenger and pedestrian alike—would receive all the benefits payable under the Massachusetts law without loss of common-law rights and such "no-fault" benefits could, of course, be disposed of as quickly as claims for economic loss under the Massachusetts law.

In summary, "no-fault" plans that are destructive of the common-law civil rights of auto accident victims are regressive, benefiting only the reckless driver and the insurance industry.

Yours very truly,
Seymour L. Colin, *President*.

PROTECTION FOR DIPLOMATIC GUESTS

HON. RICHARD H. POFF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. POFF. Mr. Speaker, on August 6, 1971, at the request of the Department of Justice and the Department of State, I introduced, for myself and several other members of the Committee on the Judiciary, H.R. 10502, a bill providing for enhanced protection of public and foreign officials.

While the bill's various titles are designed to ameliorate several law enforcement problems of nationwide scope, in none is the Federal interest more obvious or the need for Federal legislation to augment local efforts more urgent than in the area of protecting foreign diplomats and other official visitors to the United States from wilful abuse or injury to their persons or property while in this country.

A subcommittee of the Committee on the Judiciary recently held hearings and the bill is now pending in the full committee. In an article written before these encouraging developments and appearing in the Richmond Times-Dispatch on April 17, 1972, syndicated columnist C. L. Sulzberger set forth most persuasively the reasons why Congress should promptly enact such legislation. Although I happen to disagree with Mr. Sulzberger's suggestion that the personal security of foreign officials attached to the United Nations organization should be treated in a separate, though similar, statute from that pertaining to other diplomatic personnel, I find the article otherwise to be a cogent and informative exposition of the problem.

Under unanimous consent, I quote the full text of Mr. Sulzberger's article, together with an equally timely and perceptive editorial comment on it by the Richmond Times-Dispatch:

HELP THE POOR DIPLOMATS

(By C. L. Sulzberger)

NEW YORK.—Congress has taken far too long about passing an "Act for the Protection of Public and Foreign Officials" proposed to end the spate of harrassment and threats against diplomats assigned by other nations to the United Nations. The bill was introduced on Aug. 6, 1971. Now, eight months later, it is still caught up in the committee complex of the House of Representatives.

The only criticism I have of the draft itself is that it isn't strong enough and doesn't limit itself solely to those envoys accredited to the United Nations or other international organizations here, foreign employes of such organizations, and their families. The United States has a special responsibility to these people. We strongly urged that the United Nations be established in New York and many well known Americans including Adlai Stevenson lobbied persuasively for this.

Yet not only has the largest American metropolis become insecure for anyone, diplomat or nondiplomat, at least in certain sections, as U.N. Secretary General Kurt Waldheim acknowledges in private conversation, but a special feeling of insecurity has arisen among even the most prudently behaved representatives of nations whose policies are opposed by one or another pressure group.

Within the last year, delegations from Iraq, South Africa, the Soviet Union, Zaire, Syria, the United Kingdom and Morocco have been either attacked or threatened by activists disagreeing with their governments. And there is worry that other delegations may be similarly menaced.

Ambassador George Bush, chief of the United States Mission to United Nations, testified before a subcommittee of the House Judiciary Committee "That the United States, as the host country to the United Nations, is responsible for its physical security and for that of the foreign representatives to it." This is belaboring the obvious but it is necessary to do so.

The draft recognizes that "harassment, intimidation, obstruction, coercion and acts of violence committed against foreign officials or their family members in the United States adversely affect the foreign relations of the United States." This is certainly not debatable and the proposal has broad bipartisan backing in Congress—which is, alas, not quite the same as saying the law will be swiftly enacted.

Diplomatic establishments in Washington are given a statutory protection not yet accorded their colleagues in New York or the consular offices maintained by various countries in other American cities. Thus, for example, it is forbidden to picket within 300 feet of any embassy in the capital but no statute prevents manifestations right at the front door of the Ruritanian mission to the United Nations or the Slobbovian consulate in Keokuk.

Outside Washington there is no specified legal ban on harassment of envoys or their wives and children or the damaging of their personal property. There is only the normal crime prevention apparatus which supposedly protects all American citizens or visitors.

Washington diplomats are safeguarded by the normal District of Columbia police plus the Executive Protection Service (E.P.S.), a federal guard agency on the Treasury Department's payroll but administered by the White House.

The bill before Congress would extend the antipicketing ban to diplomatic establishments in New York and other cities, although reducing it to a 100-foot radius because of denser population concentrations. It would allow E.P.S. to help local police when desirable.

It would open the door to federal support of these forces either with governmentally-hired private detectives or use of the F.B.I. This is especially helpful in the case of the United Nations which is able to watch over its own offices with an international guard hired by its own General Services section but which must depend on Mayor John V. Lindsay's hard-worked police for everything else.

Finally, inclusion under the suggested law of all diplomatic establishments and personnel anywhere gives them judicial advantages. Offenders would be tried by federal prosecutors in federal courts, perhaps more likely to apply maximum penalties.

This kind of law should have been enacted when the United Nations first moved into its handsome glass menagerie. It is ridiculous that, after all these years, it takes so long to pass.

The only mistake, I feel, is that there is not a separate bill governing the United Nations and its subsidiaries, thus formally acknowledging our special obligations as host. Consulates outside Washington could, after all, be granted similiar protection in a concurrent act.

PROTECTING DIPLOMATS

No matter what the political or social philosophy of a particular foreign nation may be, when that country's official representatives are in the United States on missions recognized by our government, they deserve all possible reasonable protection from physical abuse or harassment.

Violence which has been committed against Russian representatives at the United Nations, or against their property, has been inexcusable and a discredit to the groups responsible. Overt acts of harassment, or threats of such acts, also have been sources of concern to U.N. representatives from several other nations.

C. L. Sulzberger, in his column on this page today, points out that Congress has been dragging its feet in dealing with a proposed law to provide additional protection for foreign diplomats and their families. The pending bill would restrict, but not prohibit, picketing of foreign diplomatic establishments; authorize federal law enforcement agencies to supplement local police in protecting diplomats, and make offenses committed against such persons a federal crime to be handled in the federal courts.

The pending legislation may need changes, but Sulzberger is right in being critical of Congress' delay in coming to grips with the problem. Not only do we have a moral obligation to protect official visitors, but it is to our very practical best interest to promote the safety of governmental representatives everywhere, including our own in foreign countries.

TRIBUTE TO GERALDO RIVERA—WABC-TV NEWS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. BIAGGI. Mr. Speaker, I would like to take this opportunity to pay a special tribute to Geraldo Rivera, a WABC-TV eyewitness news reporter in New York City, for his revealing television news coverage of the horrifying conditions at Staten Island's Willowbrook State School for the mentally retarded and other New York State mental institutions.

In January 1972, Geraldo Rivera, along with his ABC film crew which consisted of Bob Alis, newsreel cameraman, David Weingold, sound man, and Ronnie Paul, lighting man, made the first of several unannounced visits to Willowbrook and the other State facilities.

I accompanied Mr. Rivera on several of these visits. The deplorable conditions at these schools and hospitals were beyond belief. There was overcrowding, filth, negligence, and disease. Children and adults, most of them naked, are treated more like caged animals than human beings.

Indeed, Mr. Rivera was doing more than simply following a news story—he was following his conscience. The true human qualities in a man come to the fore when he ceases to be simply a news reporter and becomes the champion of a worthy cause. He sought protection for those who could not defend themselves.

The 28-year-old reporter was given complete freedom by ABC-TV to their everlasting credit to expose and report the middle-age conditions in these institutions. In so doing, the public became shockingly aware of the problem virtually overnight.

Mr. Rivera then flew to California to visit the institutions there for a look at alternative systems. The result of these events was an award-winning TV documentary on the conditions in these schools. The Dick Cavett Show devoted an entire 90 minutes to Willowbrook which featured Mr. Rivera and his film. The response from the public was overwhelming.

Mr. Speaker, this is just one example of how TV can work to improve our society. The reporting of Mr. Rivera and his ABC-TV news team shocked the conscience of the Nation and resulted in some positive action to correct the conditions at these facilities.

Thanks to men like Geraldo Rivera we will continue to correct injustices within our society. By exposing the situations found at institutions such as Willowbrook to the public eye, change is possible.

Mr. Rivera, moreover, kept up the pressure for change through continuous newscasts and a most enlightening book on the problem entitled, "Willowbrook—How It Is And Why It Doesn't Have To Be That Way."

Mr. Speaker, with men like Geraldo Rivera who report the news as it is and stations like ABC-TV that encourage such reporting, adverse and unacceptable conditions in our society can be remedied.

While much more is yet to be done, I am pleased that the initial exposé on Willowbrook brought forth more funds from the State. In addition, at my request, a full investigation by the Department of Health, Education, and Welfare was conducted and positive steps are being taken to alleviate the problems.

When the news media and legislators team up to fight an injustice, there is no stopping them.

I salute Geraldo Rivera as a man of conscience, who exposed an evil and took the necessary actions to correct it.

The entire Nation, and in particular the retarded children and their parents, are grateful to this outstanding reporter and outstanding human being—Geraldo Rivera.

PUBLIC HEARINGS BEFORE THE ZONING COMMISSION OF THE DISTRICT OF COLUMBIA

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. NELSEN. Mr. Speaker, effective this date I have introduced a bill that would amend the law relating to the conduct of public hearings before the Zoning Commission of the District of Columbia. It permits the Zoning Commission, in its discretion, to appoint a hearing officer or officers to conduct such a public hearing. I have introduced this bill by request. It is my intention that when this bill is considered in the House District Committee to offer certain perfecting amendments which I believe will make improvements in the bill.

JUNE 2—ITALIAN NATIONAL DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. ANNUNZIO. Mr. Speaker, tomorrow is the 26th anniversary of the founding of the Republic of Italy. On June 2, 1946, the Italian people, in a plebiscite, established a republic and elected a constituent assembly. It was this vote that signified the end of the monarchy and of discredited fascism and the beginning of a new experiment in a republican form of government.

Over the past quarter century, this governmental experiment has proven itself a success in Italy. Only last month, in national elections, the Italian people affirmed anew their overwhelming dedication to democracy.

In a 93.1-percent voter turnout, the Italians made unmistakably clear their faith in a government of moderation, rather than one of extremism of the right or left. Despite the perennial threat of the Communists from the left and the more recent, but less significant threat of the neo-Fascists from the right, the Christian-Democratic centrist coalition received a strong new mandate from the Italian people to continue its programs of reform without resort to extreme and authoritarian politics.

It was in this election that Italy reaffirmed the desire to continue to fulfill her responsibilities as a dynamic member of the Western family of nations. Italy is a staunch member of the North Atlantic Treaty Organization, and is vitally important as a contributor to the financing of world trade, aid to developing countries, and to the preservation of the international monetary equilibrium.

Italy has always been a world leader in the fields of art, music, science, and literature, but it was not until the advent of the Republic that Italy also achieved economic well-being for the majority of its people. The culture of the Western World is infinitely richer and will always be indebted to great men of genius such as Toscanini, Verdi, and Rossini in music; Raphael, Titian, and Michelangelo in art; Dante, Petrarch, and Boccaccio in literature; and Galileo, Marconi, and Fermi in science.

It is not surprising, then, that Italy should also be a major industrial power of the world. The Italian people, on this 26th anniversary of the founding of the Republic, have never been more prosperous as individuals or as a nation than they are today. In only 25 years, and from the ruins of war, Italy's economic growth rate has been second only to Japan among the world's industrial powers. The Italian gross national product has roughly tripled in the past two decades, and production per capital is now equal to that of Great Britain. The way is now open for the new and stronger government in Rome to bring about its planned reforms such as better schools, hospitals, and old-age care, more low-cost housing, and more help in the less-developed areas of southern Italy.

Mr. Speaker, along with all Americans of Italian descent who are joining in this 26th anniversary celebration, I wish to extend warmest greetings to the people of Italy on their national day. I also wish to salute the Ambassador of Italy to the United States, His Excellency Egidio Ortona, for his substantial role in the perpetuation of friendship between our two nations. The American and the Italian people share a common bond in their dedication to the ideals of freedom. May the Republic of Italy continue to flourish and energically contribute to the peace and enlightenment of all mankind.

Mr. Speaker, I insert in the RECORD an article from the May 14 issue of New York Times and an editorial from the May 11 issue of Christian Science Monitor on the recent elections in Italy. These articles follow:

[From the New York Times, May 14, 1972]

ITALY: THE CENTER IS STILL HOLDING

(By Paul Hoffman)

ROME.—It took a full 24 hours after last Tuesday's election to get a clear picture of how Italy had voted in one of its most decisive electoral tests since the fall of Fascism. The computerized polling tally had proved far from successful.

But if the computer had failed its test, democracy had not. The nation, long denounced as ungovernable, had shown that it wanted strong—but not authoritarian—leadership. And in doing so it gave a new strength to the Christian Democratic Government of Premier Giulio Andreotti.

One telling sign was the 93.1 per cent voter turnout. In Ravenna, the city of Byzantine mosaics, Dante's tomb, Byronian memories and huge oil refineries, a record 98 per cent of the electorate went to the polls. What's more, there was no graver electoral incident up and down the country than a young woman in an Adriatic resort who wanted to cast her ballot clad only in a bikini and was barred by a straitlaced carabiniere.

Aside from sticking by the rules, Italy has also reconfirmed the substance of democracy. More than 61 per cent of all votes went to parties that reject totalitarian models. About 29 per cent of all voters backed the Communist party—still the strongest in the West—and its far-left fellow travelers or rivals, and 8.7 per cent rallied behind resurgent neo-Fascism, which had allied itself with the remnants of the monarchist movement.

Had elections been held two months earlier, the outcome might have been more ominous. A plot psychosis, urban guerrillas, violence by wildcat strikers and chaos in the schools, all on top of a crime wave, were then frightening the nation. While the Communist apparatus was on the defensive, anxious to hold positions threatened by ultra-leftist groups, Italy seemed headed for a sharp swing to the right. The neo-Fascists were all set to profit from the anger of the Italian "silent majority."

However, the Christian Democratic Government of Premier Andreotti, uninspiring though it looked, stressed its concern for law and order. The police in nationwide sweeps rounded up gangsters and thieves, and investigating magistrates tore into the conspiratorial political underground. At the same time, the many Christian Democratic factions, usually feuding among themselves, buried the hatchet and campaigned hard on two fronts—against Communism and neo-Fascism.

Thus the much-maligned Christian Democratic party became the real star of the elections. After 27 years in government it was still going strong, lending substance to Mr. Andreotti's old quip: "Power wears out only those who don't have it."

The neo-Fascists, with 24 seats in the old 630-seat Chamber of Deputies, had hoped that the new image of respectability built by their soft-spoken leader, Giorgio Almirante, would increase their strength to 80 or 100 seats. They won 56. The Christian Democratic party says it can live with them but will never accept the rightists as allies. The Christian Democrats also reiterated their anathema against Communism during their campaign and this won back many anti-Communist voters who had been flirting witn the rightists.

Inspired by the Roman Catholic church, the Christian Democratic party professes its determination to bring about long overdue reforms—better schools, hospitals and old-age care, more low-cost housing, improved commuter transportation, a more equitable tax structure and a better deal for stagnant southern Italy.

The divorce statute, enacted after a long fight 17 months ago, clearly isn't a desirable reform for the Christian Democrats and may now be thoroughly amended, if not repealed.

The chances are better than in a long time that strong party leadership may assert control at the forthcoming Christian Democratic national convention in the fall. If this happens, the Christian Democrats could successfully exercise one of their two options—to rebuild the center-left coalition with the Socialists that has governed Italy for most of the last 10 years, or to build a new center coalition with the moderately conservative, Liberal party. In either case, a united and strengthened Christian Democratic party could negotiate terms with its allies and—at last—launch the needed reforms. Until then, Italy will be run by what is rather affectionately known as a "beach government," a Cabinet pays the civil servants, operates the railroads, collects taxes, guards motorways and leaves Italians to their own devices during the hot months.

BEFORE AND AFTER THE VOTE

	Post-election	Pre-election
CHAMBER OF DEPUTIES (TOTAL: 630 MEMBERS)		
Right:		
Italian Social Movement (neo-Fascist)	51	24
Monarchist Party	5	6
Center:		
Liberal Party	21	31
Christian Democratic Party	267	266
South Tyrol People's Party	3	3
Republican Party	14	9
Social Democrats	29	29
Left:		
Socialist Party	61	62
Proletarian Socialist Party	0	23
Communist Party	179	177
SENATE (TOTAL: 322 MEMBERS)		
Right:		
Italian Social Movement (neo-Fascist)	22	11
Monarchist Party	4	2
Center:		
Liberal Party	8	16
Christian Democratic Party	138	138
South Tyrol People's Party	2	2
Republican Party	5	2
Social Democrats	12	12
Left:		
Socialist Party	34	36
Proletarian Socialist Party	11	12
Communist Party	83	89

[From the Christian Science Monitor, May 11, 1972]

A SHIFT AWAY FROM EXTREMES

There is a fundamental common sense among the Italian people which proves its strength when it comes to the test. That common sense was reaffirmed in last Sunday's general elections, whose results on the whole are reassuring both to Italy itself and to Western Europe of which Italy is such an important part.

It had been feared that the elections would result in a big swing to the far right. In fact, the neofascist Italian Social Movement, in alliance with the small Monarchist Party, did make considerable gains, upping its representation in the Senate from 13 to 26 seats and in the chamber from 30 to 56. But in the overall context the neofascists did not score the big victory they had hoped for.

Far more significant was the strength manifested at the center of the political spectrum by the Christian Democratic Party, which has been the dominant party in Italian politics for the past 26 years. The Christian Democrats conducted a clearcut campaign, reasserting the principles laid down by their distinguished postwar Prime Minister, Alcide de Gasperi, and telling the Italian voters unequivocably that they would eschew any cooperation with the extreme right or extreme left.

The result was that they recouped the 5 percent loss suffered in last year's regional elections, retaining all of their 135 seats in the Senate and increasing their representation in the chamber by one seat—from 266 to 267.

While on paper the Communist Party, second biggest party in Italy, improved its showing in both houses, its ally, the Proletarian Socialist Party (PSIUP), lost all 23 of the seats it held in the lower house and the 13 seats it held in the Senate. The independent leftists also are no longer represented in either house. On the whole, therefore, the extreme left lost ground, while there was little change in the position of Socialists and Social Democrats.

Where does this leave Italy? The Christian Democrats have emerged from the elections with their reputation enhanced, but still not strong enough to govern on their own, unless they take the risk of ruling as a minority government, as in fact they have been doing since the collapse of the last Center-Left cabinet in January.

There are two coalition possibilities: a revival of the Center-Left formula or a coalition of the Center parties. Whether or not a new Center-Left government can be formed will depend to a great extent on the Nenni Socialists and their off-and-on flirtation with the Communists. Presumably the Christian Democrats will now insist that they end this flirtation if they come into the government.

The task of cabinetmaking is not going to be easy. Possibly a caretaker administration will be formed to tide the country over until after the party conventions of the Christian Democrats and the Socialists in the fall.

This would mean fresh delay in initiating the reforms to which the Center-Left parties are committed. It could open the door to more militancy on the political fringes. But the bulk of Italian voters have clearly drawn away from the extremes of right and left, and, on the whole, there is reasonable cause to be heartened by the election results.

ITALIAN NATIONAL DAY CELEBRATION

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. RODINO. Mr. Speaker, because of my affection and my esteen for Italy, I am again honored to acknowledge the celebration of Italian National Day.

On this occasion, a tribute is owed to the Italian nation and her people and I express my warm congratulations to the good people of Italy through a trusted friend of the United States, Ambassador of Italy, His Excellency Egidio Ortona.

Italy has enriched America immeasurably. A country is no more than its people, and the United States has been endowed with many families who trace their ancestry back to Italy giving vitality to our American character.

The genius of its people have contributed greatly to the western civilization through their art, literature, music, science, and architecture.

Because of our love for Italy, we rejoice in Italy's unprecedented prosperity and the well being that it has brought to its people giving them hope for a better life.

Ties between the people of Italy and the people of the United States have never been stronger than they are today and it is for this reason that I express my warmest wishes to the Italian people on Italian National Day.

ALL POINTS SOUTHWEST

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. DERWINSKI. Mr. Speaker, on Monday, the Nation properly paused to commemorate Memorial Day. Two outstanding publications in my district, the Life Newspapers and the Southwest Messenger Press, had fine Memorial Day editorials in their May 25 issues which I thought were especially appropriate. I am pleased to insert them into the RECORD.

The editorials follow:

ALL POINTS SOUTHWEST

(By Elmer Lysen)

Another Memorial Day is here and the nation pauses to pay tribute to the dead of all wars. There are a few states, we understand, that still observe other memorial days for the nation's costliest war, the Civil War.

The observation started when women in the South (in Columbus, Mississippi, and Winchester, Virginia, and in other cities) laid flowers on the graves of dead soldiers during the Civil War.

It dates, so say the experts, from 1868 as a national observance, when General John Logan of the Grand Army established it in a general order.

There is no good reason for any of us to equate Memorial Day with antimilitary feeling or anti-war sentiment. Memorial Day is simply intended to honor the memory of Americans who gave their lives for their country, and brave men who did their duty as they saw it, and paid the supreme sacrifice, since the nation was founded.

It is unfortunately true that wars kill the cream of the crop; the brave, the idealistic, the unselfish are always included in the first wave of men who are called upon to defend their country.

The folly of war brings out the fact that nations, as well as individuals, are pushed into situations where ideals are pushed aside and brute force is called into play.

As we said, we hope the peace marchers and leaders in the spreading anti-war and anti-Military movements allow those who wish to do so to honor the dead in a sacred way.

We hope, too, the military minded men don't use the day to extoll war and its heros, but instead use their sacrifice in a somber way to remind us of the blessing of peace.

In any case, on this Memorial Day, 1972, men are dying in a strange land thousands of miles away, in a battle that is stranger than fiction.

We were told that the real intent of the war was to stop the rise of Communism. Then our president visited Red China and now Russia.

The impact of this visit will do more good to both countries than five of our crack divisions.

It has been said it is good for leaders to talk, because then soldiers won't die.

But here we have leaders talking and soldiers dying.

It is not too much to ask us to pause this Memorial Day and honor the soldiers dead. The challenge is that they should not have died in vain.

PEACE: WILL IT EVER COME

Next Monday will bring the 104th observance of Memorial Day in this country, a time when we pay tribute to the millions of men and women who have fallen in all U.S. wars. Last year at this time we were hopeful that 1971 would bring an end to the Vietnam War and the accompanying turmoil and unrest which have plagued this land for more than 10 years.

Certainly President Nixon has demonstrated this country's willingness to end its participation in the conflict. Unfortunately North Vietnam, the Viet Cong and their Communist allies have continued the aggression and insist on peace on their terms.

President Nixon, as he promised, has brought more than a half million American fighting men home from Vietnam. But he doesn't propose to have the remaining 60,000 left for slaughter by the North Vietnamese. Nor does he intend to leave our prisoners in the hands of the Communists.

He is seeking a peace with honor, but apparently North Vietnam dictators do not know the meaning of the latter word. Rather than abandon 16 million South Vietnamese to reprisal from a ruthless foe, he is trying to terminate the military commitments of previous Presidents in a way that will not further tarnish the reputation of our country in the eyes of nations that have looked to it as a defender of the rights of man.

In an effort to stop a Communist escalation of the war, President Nixon earlier this month ordered a blockade of North Vietnam ports until American prisoners are freed and an internationally supported cease-fire halts hostilities. Polls indicate that the vast majority of the American public support the President's action, although having no more desire for continued war than he does.

We should support the action with all our vigor and with full cooperation of all citizens.

As we honor our fallen dead this weekend, let us also add special prayers for the thousands of men and women who are still fighting and dying for the cause of liberty and freedom. They have the right to expect the full backing of their government and their people.

We again pray and look hopefully toward Memorial Day 1973 when this nation and the world shall be at peace.

GEN. THADDEUS KOSCUISZKO

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. DU PONT. Mr. Speaker, I have today introduced legislation to make the home of Gen. Thaddeus Koscuiszko in Philadelphia a national historic site.

A Polish national hero and an American Revolutionary War hero, Koscuiszko arrived in America in 1776, whereupon Congress appointed him Colonel of Engineers. In the Revolutionary War, he developed scientific principles of military engineering; and one of his most important tasks was building the fortifications on the heights of West Point. On completion, he was appointed Chief Engineer of the Army of the South, under Gen. Horatio Gates. After the war, Congress commissioned him a brigadier general and praised him for his long, faithful, and meritorious service.

On returning to Poland in the fall of 1794, Koscuiszko entered into the fight for Polish independence. Though the Koscuiszko insurrection at Maciejowicz in 1793 was defeated by the Russians, his victory at Raclawice some months earlier inspired hope for independence throughout the country.

Koscuiszko was a stanch advocate of liberty and a hero. He made it possible for generations of Americans of Polish origin to understand their contribution to freedom in America. For these reasons, I feel this well-deserved action is important for our citizens of Polish descent, and indeed, for all Americans.

A CLEAN ROAD TO YELLOWSTONE

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. RONCALIO. Mr. Speaker, to show that ecology is on the march in Wyoming, citizens voluntarily cleaned up Highway 26, the route to Yellowstone Park, to celebrate that great park's 100th anniversary.

Bordering communities posted workers the entire length of the 960-mile roadway to collect the litter that might detract from the majestic scenery.

I commend these citizens of the State of Wyoming, Mr. Speaker, and I congratulate each and every man, woman, and child that participated on a job well done.

The Highway 26 project description follows:

ROUTE OF THE PIONEERS ASSOCIATION,
Casper, Wyo.

Congressman TENO RONCALIO,
Washington, D.C.

DEAR TENO: The Wyoming Highway 26 Assoc. on May 13, 1972 in commemoration of the 100th Anniversary of Yellowstone Park, will clean both sides of Highway 26 from the Torrington State Line to Jackson, Wyo.

Each community is responsible for so many miles, depending on the manpower of each community. As you can see, this is really a monumental task; however, the Directors of Highway 26 Assoc. have been most anxious to complete this project. We have figured that both sides of the highway will total approximately 960 miles.

We plan to separate the litter in the following manner: one bag for aluminum cans, one bag for multi-metal cans, one bag for glass, and one bag for paper waste.

Each community disposes of its own accumulated litter, and each person or organization keeps the monies from resale of the aluminum cans and bottles.

The Directors of Hiway 26 involved in the clean up are as follows: Del Nash, Torrington—Bill Kroenlein, Ft. Laramie—Bill White of Glendo—Carl Nautá, Douglas—Marlyn Corbett and Chuck Smith, Casper—Dean Clark, Shoshoni and Stan Blakeman of Dubois. Chairman of the program is Al Foreman of Casper.

The Wyoming Highway Department, through the co-operation and assistance of Bill Lucas, has been a determining factor in removing this litter from the Highway, with the use of their people and equipment.

It is the goal of Wyoming Hiway 26 Assoc. to have not only the best route to and from Yellowstone National Park, but also the cleanest.

Sincerely,

JOHN GARIETY,
Manager, Hiway 26 Association.

CONGRESSMAN SHOUP'S DISTRICT MEETING ON PUBLIC LANDS MANAGEMENT, APRIL 3, 1972

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. SHOUP. Mr. Speaker, I invited interested citizens for a meeting at Flint Creek Bank, Philipsburg, Mont., to search for ways to protect the forest environment and the local economy. The meeting was held April 3, 1972. The following describes the results of the meeting:

PUBLIC LANDS MANAGEMENT

Congressman Dick Shoup opened the meeting by stating that his mail was indicating growing concern for economic considerations in management of the National Forests. He noted trees have qualities similar to humans in terms of life cycles since they are constantly regenerating and ultimately dying by one means or another whether it be old age, disease, flood, fire, wind, or the saw.

He stated his purpose in holding timber meetings was to look for solutions in the current disputes between environmentalists and industrialists which would retain a clean environment while preserving employment.

He said the Forest Service had become a scapegoat to both groups, sometimes with cause and sometimes without justification. He added that he had recently attended a portion of the Intermountain Logging Conference in Missoula, and felt progress was being made toward greater responsibility toward the environment on the part of industry.

Continuing, Congressman Shoup then addressed himself to Mr. George Smith, USFS, asking him to report on past, present, and future timber cuts in the area.

Mr. Smith stated that 45 million board feet had been projected as the allowable cut for fiscal year 1972. Due to environmental considerations, however, the projection had been reduced to 25 mbf. He said 8 mbf had been tied up in an appeal in the Rock Creek area. Because of threats of appeals, he was trying to avoid any sales in Rock Creek. He said that although being reasonably certain of the 25 mbf figure, he felt there was a possibility that the figure might go as high as 37 mbf. He added that currently there was about 78 mbf under contract.

Congressman Shoup asked Mr. Smith how the 45 mbf figure compared with the sustained allowable cut. Mr. Smith responded that the sustained figure had not yet been accurately computed, although he was certain that the former figure of 62 mbf was too high. He said there is much material 5 inches in diameter and larger which could be harvested if there were a market for it, such as for pulp mills. Another factor bearing on the sustained yield figure, he said, was the question of whether roads will be built into areas where timber is available. He noted some roads are built from the proceeds of timber sales while others are Congressional line items. He added that pressures are great nationwide for forest highways.

Mr. Ed House asked if hard money was going into recreational spending. George Smith replied in the negative, saying all money was being spent for timber.

Mr. Marvin McMichael asked Smith if he had tried to impress the Region I office with the need for hard money roads. Mr. Smith responded by saying that he felt silvicultural needs were of higher priority now.

Mr. House asked Mr. Smith if he needed additional personnel, adding that in his visits to USFS offices he found very few people working on sales.

Mr. Smith said he had no need for additional employees for sales, but felt more people could be used for planning. Congressman Shoup said he feared blanket increases to the USFS would create additional super grades in Washington with little reaching down to the working level. He said he would like to see appropriations earmarked for specific items, although he conceded such a situation was highly unlikely.

An unidentified lady stated that agreements had been reached with Trout Unlimited and the Sierra Club whereby information would be coordinated and traded regarding timber sales in the Rock Creek area, but that when this appeared to be to the disadvantage of the environmental groups, they ceased the interchange, and there followed a subsequent appeal by the environmental groups in protest against the sale.

Congressman Shoup urged her to continue efforts to cooperate with other groups to solve differences.

Mr. House, in response to a question relating to the future of his firms operation, said that timber sales were down, whereas they had previously worked as far as four years ahead, they were now reduced to a one-year forecast of available timber. Between the mills he operates in Deer Lodge and Phillipsburg, he said, they had cut 12 mbf last year from USFS lands while this year they were projecting 7 mbf on USFS lands with an additional 8 mbf from private lands. He felt that in his area of operation there was a low priority placed on hard dollar forest roads.

Mr. George Smith stated that the forest was not capable of meeting the demands of the area mills on a sustained yield basis. He placed the current had rig capacity at about 45 mbf. There followed a discussion about the definition of the term "head rig capacity." General conversation disclosed that the capacity was dependent on a number of flexible factors, chief of which was the number and length of shifts worked in each mill. This, in turn, was often dictated by market demand and prices being paid for timber at any given time.

Mr. McMichael said that an average mill might be built to handle two shifts per day on a six day per week basis but that it could easily be raised to three shifts and seven days or cut to one shift and five days.

Mr. Venable said that he had made his head rig calculations on a conservative one shift five day basis.

Mr. House stated that another factor to consider was the difference in sizes of logs now being cut as compared to former times. He said a 4½ inch log in an area where there were no roads could alter the economics and mill capacity to a high degree. He added that such a log's chief value was as chips for paper mills but distance, freight rates, and other economic factors could preclude its use.

Mr. Smith agreed, saying that what is currently being left in the forest could provide a new industry in a total wood utilization situation. He said that a significant variance from the present allowable cut on a sustained yield would not be possible because of obligations to the land for the future.

Mr. House said a USFS guaranteed figure would be of great help to the industry. Small logs, he said, could probably furnish up to 15 mbf, although they were currently only marketable as chips. He was critical of the governmental role in the area of research.

Congressman Shoup said that he felt more could and should be done in research but that industry had been negligent in research and development too. He stated that transportation was a great part of the problem. Shoup spoke of the thick stands of lodgepole pine which should be used for chips, but which defy economic use because of transportation problems.

He said that subsidies are involved in air and water transportation but not in a rail. He cited the high Montana rates as an indirect subsidy by industry for west coast industries. He noted that studies are being done at Montana State University to test whether chips can be transported by pipe lines. If successful, he said, it may ultimately provide for greater utilization.

Mr. Smith said that the USFS was prepared to be innovative in their search for solutions. He felt that commercial thinning contracts could be let. He said that the USFS was inviting critics aid in finding solutions in an effort to preclude litigation. There is competition with other forests in the region for hard money and some of those leave needs which must be evaluated by Region I Chief Steve Yurich.

Mr. Blasing asked if USFS personnel were being taken from work on sales and used in planning. Mr. Smith replied that the opposite was true. Timber money was not being diverted for planning use, however, he said that personnel are also used to supervise grazing, to prevent soil damage from machinery, to maintain reforestation and other important tasks.

Congressman Shoup mentioned a reforestation bill sponsored by Congressman Kyl of Iowa which he said he supports. Should the bill pass, Shoup said the current $80,000 Mr. Smith has available for reforestation could possibly be used elsewhere. Provisions of the bill call for taking duties now being paid on wood products imported into the U.S. The duties are now spent in other areas and do not go to foster the industry they were intended to protect.

Mr. Blasing voiced agreement with the concepts within the Kyl bill.

Mr. McMichael echoed his agreement, noting that had replanting and thinning been carried out in years past, the allowable cut would be larger today.

Mr. House asked Mr. Smith if all of the planned sales for the previous year had been actually sold, could Smith have still offered 45 mbf this year.

Mr. Smith said yes, that his largest problem was litigation or the threat of it. He noted that in the previous year he had promised 8.6 mbf in the Rock Creek drainage and had delivered. Presently, however, threats of litigation have caused him to withdraw planned sales in Rock Creek to avoid litigation and for fear that goals could not be met.

He said they were committed to sales of 45 mbf for next year plus the carryover of any sales not consummated this year.

Mr. Blasing asked if it would help timber sales if planning money was available to which Mr. Smith said yes. Mr. Smith said their studies of roadless areas had produced decisions that they would recommmend to Region I headquarters that none be considered as wilderness.

Congressman Shoup in response to a question gave a synopsis of the Occupational Safety and Health Act, reaction to it and current legislation intended to change it.

There were no further questions or comments and the meeting was adjourned.

TECHNOLOGY TRANSFER: A TOOL FOR SMALL BUSINESS SURVIVAL IN THE 1970'S

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. ECKHARDT. Mr. Speaker, on May 2 of this year the National Industrial Marketing Conference was held and the main subject of discussion was "Industrial Survival in the Seventies." One of the most interesting and important papers delivered was that by Eugene M. Lang, president of REFAC Technology Development Corp. Mr. Lang addresses himself not to the question of whether industry will survive but rather who and what will survive. Recognizing the importance of technology and economic growth—subjects of utmost importance to the Congress—Mr. Lang discusses the outlook for small business in his paper entitled "Technology Transfer: A Tool for Small Business Survival in the 1970's." I urge my fellow Members to read his timely remarks which follow:

TECHNOLOGY TRANSFER: A TOOL FOR SMALL BUSINESS SURVIVAL IN THE 1970's

(By Eugene M. Lang)

The title of this American Marketing Association conference, "Industrial Survival in the Seventies," challenges the optimist. I don't question that industry will survive—of course it will! But I am concerned about who and what will survive. I am concerned:

That the big will not survive at the expense of the small.

That protectionism will not be invoked at the expense of the consumer and our total economy.

That survival will reinforce the dynamics of entrepreneurial activity.

The the "garage enterprise" can grow into the dignity of a factory and further mature into a major company.

These survival values are intimately related to the role of technology in industry—technology in terms of invention, in terms of innovation, of manufacturing, of management, marketing and distribution techniques.

The pace of technological change has accelerated in industrial processes generally. Waves of improvement obsolesce predecessor developments in less time than it takes for patents to issue. Technological change has played havoc with straight line depreciation.

Feeding this acceleration have been the growing capabilities of foreign industry with manufactured products competing effectively in our domestic market, not only in price but also in quality and innovative design, More jarring to our industrial ego, American R. & D. is now outmatched by the composite applied ingenuity of foreign industry.

With products and processes ranging from the ballpoint pen, to the Wankel engine, from the oxygen process for making steel, to the Pilkington float process for making plate glass, foreign technology has commanded a preemptive position in important industries. In fact, a U.S. Department of Commerce economist estimated to me that ¾ of the designs and technology now used by our automobile industry originated in Europe and Japan.

We have traditionally had favorable balance in "technology intensive" products. However, in 1971, an estimated $6 billion margin of "technology intensive" exports over imports fell more than $2 billion short of balancing our total trade in manufactured goods—our first such deficit since 1888. More ominously, over the past 5 years, our imports of "technology intensive" products have been growing 2½ times faster than our exports.

Now, associate this trend with another fact: of 300,000 American manufacturers of all sizes, less than 4% have any export business. In 1970, according to the U.S. Department of Commerce, fewer than 11,000 American manufacturers had exports in excess of $25,000. More than that, fewer than 100 domestic companies produced more than 80% of total manufactured exports.

Is it any wonder that we have a balance of payments crisis? An $11 billion deficit in 1971? Is it any wonder that more and more of our industrial life, and more and more of our total commerce, is being concentrated in fewer and fewer hands?

The question of industrial survival in the '70s is not the survival of industry. The real question is: can the dynamics of international economic growth—and the imperatives of our nation's international objectives—be harnessed to preserve the smaller American manufacturer?

Here's a simplistic statistic: if 10% of the 250,000 plus American manufacturers, who are not involved in foreign trade—that is, 25,000 companies—obtained an average of $100,000 a year in foreign revenues, $2.5 billion would be added to the bottom line of our balance of payments. We could wipe out our foreign trade deficit in manufactured products.

But how can be expect small companies, with work forces counted in scores rather than in hundreds or thousands, to become involved? They won't over night acquire the desire or ability to speculate on chasing foreign sales. Nor will export agents, who pick and choose their product lines, readily undertake a marginal battle to sell products that have no immediately identifiable foreign customers.

This is where technology, at an individual level, can often provide an answer: the special ability of a company to do something uniquely well—special product design, special application facilities, special manufacturing techniques that enables it to share the domestic market—to sell to General Motors, DuPont, Sears. These special abilities may be covered by patents, they may be associated with trademarks, or they may, as confidential knowhow, constitute a valuable property right.

Patents, trademarks and knowhow, individually or in combination, can be vehicles for entering foreign markets. The concept of such entry is identified as technology transfer. The media are overseas manufacturing licensees and joint ventures.

Since World War II, technology transfer has become spotlighted as a tool of trade. Multi-national corporations have lead the way in exploiting their knowhow abroad, mostly through manufacturing subsidiaries. They have also licensed and cross-licensed technology with foreign corporate counterparts.

From these activities, the large corporations have achieved eminent success. They have captured many foreign markets. They have imported more and more of their overseas output to supplement domestic product lines. They have generated and brought back valuable technology for use in domestic plants. Altogether, from foreign operations, they have gained a large and growing proportion of their gross revenues and profits.

However, technology transfer has only begun to be taken seriously by small manufacturers as a mechanism for entering foreign markets.

Each country or regional grouping, with its own economic and political environment, its conditions of doing business, provides at least a theoretical opportunity, in some form, to put industrial knowhow to work. Technology transfer can be the tool for making the theoretical, profitably feasible. Exploitation of knowhow leapfrogs ocean barriers, tariff walls and quotas, labor cost differentials—factors that have often made export, in a classical sense, unattainable. Technology has mobility. It has adaptability. And, in the hands of the right overseas license or joint venture associates, it enables permanent penetration of foreign markets, without diverting capital, or management and engineering talent.

American small business knowhow can be exploited through overseas partners—partners who have the experience, capital and motivation to use this knowhow to start a new enterprise or to upgrade or diversify an existing one. Like any other business "product" knowhow must be packaged to suit the intended market. This key to successful licensing requires resourceful and creative thinking, market knowledge, and entrepreneurial insight. The ultimate payoff comes in engineering fees, royalties and possibly dividends from joint ventures. These are not sporadic sale-to-sale profits. Instead, the payoff can be a steady and rising flow of income from ongoing businesses.

To say something about a problem that frequently comes up when licensing is discussed: Even if export sales are not in the cards, why give away knowhow? Won't we be giving away jobs? Won't our technology used by lower-cost foreign labor, come back to haunt us here with cut-price products?

The answer is, probably not—for several sets of reasons. First, there are contractual reasons. Knowhow can be contractually dealt with—licensed, as a property right. Fair trade and unfair competition laws in most countries provide legal ground rules by which the use of proprietary knowledge can be protected. By coupling the use of knowhow with trademarks, an additional level of control can be estabilshed. These and other elements of licensing technique can reduce the risk in disclosing knowhow to a prudent business level.

The second set of reasons could be captioned "Who's kidding who?" There is no ultimate secrecy of knowhow. Whatever pride a manufacturer may rightly have about his special skills, they can almost surely be acquired or developed by any competitor willing to spend enough time, talent and money. In any case, knowhow is a wasting asset unless there is continuous input. In the context of foreign markets, this probably means adapting domestic designs, methods, and standards to many local market characteristics. Most American companies are not able or willing to undertake this job—but technology transfer relationships can do so.

Third, there are "dollars and cents" reasons. Any overseas license or joint venture almost surely creates export possibilities. There is a myth that overseas licensing surrenders all chance for export. Quite the contrary. Remember, we mostly start with companies who do not export now—who do not expect to export and probably won't even try. More important, foreign licensees almost invariably become customers—for special materials, sub-assemblies, manufacturing equipment—or for certain product models, designs or sizes that are easier to import than to produce. In the hundreds of license relationships with which my company REFAC has worked, I can't think of one that did not bring export sales. This agrees with a Department of Commerce report that 25% of total U.S. exports now go to foreign affiliates of American companies.

Let me try to give this a dimension—a dimension that is meaningful to the survival of the average small manufacturer as well as to the national economic interest.

Companies I would encourage to enter foreign markets through technology transfer can reasonably project that manufacturing licenses and joint ventures should develop composite annual sales of at least $1,000,000. A 5% royalty—which is average—would yield $50,000—clean solid dollars—each year. Add to this an export component: foreign businesses doing $1,000,000 can be expected, directly or indirectly, to generate U.S. exports of at least $50,000 each year. This adds up to a dollar earning potential of $100,000.

Manufacturing licenses and joint ventures that my company has established over the past 20 years currently produce a composite annual sales volume of more than $100 million—the input of fewer than 25 American manufacturers. And, in the process, we have brought back more than $100,000,000 to the United States.

This figure relates back to my earlier comment: what the entry of 25,000 American manufacturers—less than 10% of those who are not now involved in foreign trade—can mean to our national economic position. But it also relates to the average manufacturer. Think what $100,000 can mean to him—and his capacity to survive.

Beyond this, however, there is perhaps the most important dividend of technology transfer: feedback of R&D—the product, production and application engineering of overseas partners adapting U.S. technology to meet the demand and the opportunities of their markets. This feedback puts no burden on the American licensor. Think what it means to the small manufacturer to gain the abilities of even one good overseas engineer whose salary and support overhead he does not have to pay.

Let me give a few abbreviated illustrations of what all of this can mean.

Heli-Coil industrial fasteners of the MITE Corporation, Danbury, Connecticut, have achieved overseas sales, starting from zero in 1950, of $15 million through an international family of 10 licensees. Eighty percent of these royalty-paying sales involves product applications developed abroad, which account for less than 10% of U.S. sales. On top of royalties, an annual six-figures Heli-Coil export volume has grown up because foreign licensees find it more economical to import certain U.S. made items.

Add some typical technical feedback dividends: The Japanese licensee conducted expensive photoelastic stress studies that provided a technical rationale for applying Heli-Coil fastenings in iron and steel—in the U.S., the market had been almost entirely restricted to aluminum fabricators. This rationale has become a persuasive part of the Heli-Coil sales engineering kit, the world over. The English licensee developed power tools for automatically installing the fasteners. The French licensee adapted designs for applications in wood, and developed production gages now used in the United States and by licensees in other countries. The German licensee devised compound fasteners—a new product line for themselves and for all members of the international Heli-Coil family. The Indian licensee designed equipment that could be efficiently employed for short-run production, making it economically feasible to set up operations in other developing countries.

There is Plastic and Rubber Products Co. of Ontario, California, whose Parcomatic process and O-ring knowhow are being used under license by foreign companies to turn out more than $30 million of royalty-paying sales of industrial rubber products each year. Eight years ago, PARCO not only was doing no foreign business—its management felt that it would be unwise to exploit its technology through foreigners. Today, income and R & D from abroad is enabling that company to maintain, in its specialized product areas, an edge over its multi-national competitors.

Similarly, there is Pyrotector Inc. of Hingham, Mass. who pioneered the use of non-thermal smoke and flame detection systems in the U.S. Through overseas licensees and joint ventures, this company gained official approvals and standards for Pyrotector systems in just about every major industrial country. Today, after six years, foreign Pyrotector operations have achieved an annual seven-figure dollar-earning significance.

There are many other such stories. In each case, there were good reasons why it would have been impractical for the company to go abroad. Yet, in each case, the knowhow of a small company creatively packaged, ultimately provided important revenues and technical feedback.

With these experiences in mind, it seems incredible that less than 4% of American manufacturers are taking advantage of foreign potential. Why?

However inspiring success stories may be, successes are not easy to come by. The opportunities are real. But practical obstacles create a fulfillment gap between desire and ability. Difficulties range from basic communication—English just doesn't go everywhere—to questions of patent law, business practices, market knowledge, seeking the right partners and knowing them when you have found them, working out suitable agreements, and so on.

The fact is that the exploitation of foreign market potential through technology transfer is an emerging professional science—perhaps a new industry, created by the needs of a changing world economy—and one that most manufacturers cannot bring within their normal operations.

Thus, in recognizing technology transfer as an important tool of small business survival, we must endeavor to create facilities that can serve the many thousands of American enterprises that need help. Government can't do it. For more than 10 years, government has been trying with all sorts of services and programs.

Any effective answer must be provided by private businessmen who see the need and are ready and able to offer the necessary facilities. Experience tells us that this will not happen unless appropriate incentives are established.

One approach to a solution is the concept of a Small Business Export Trade Corporation, that I proposed to the Department of Commerce and that was the subject of S3947, the Small Business Export Trade Corporation Act, introduced by Senator Hartke in 1968. SBETCs would be private companies whose prime purpose would be to establish small manufacturers in foreign markets. At its own risk and expense, each SBETC would serve at least five American manufacturers.

SBETCs would receive incentives, while available to all, designed to be meaningful primarily to small business. These combine some existing advantages of SBICs with additional operational and tax incentives specifically adapted to the kind of problems that small business faces in trade development—problems related to the tax status of royalties, acquisition of equities for knowhow, blocked currencies, export credits, and others. While the original SBETC bill died in committee, it is currently being revised for reintroduction.

Whether through an SBETC program, or any other idea—and there is room for many ideas—we must harness the forces of technology to the survival needs of the total of our industry. We must make it possible for all members of our productive economy to take part in the dynamic world of the 70s.

RED CHINA: SOURCE OF KILLER DRUGS—III

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. SCHMITZ. Mr. Speaker, a statement of Red Chinese Premier Chou En-lai in 1965, as reported by Mohammed Heikal, respected Egyptian publisher and longtime confidant of the late President Nasser of Egypt, said:

> The more troops the U.S. sends to Vietnam, the happier we shall be, for we feel we shall have them in our power, we can have their blood . . . Some of the American soldiers are trying opium, and we are helping them. We are planting the best kinds of opium especially for Americans.

The most disturbing aspect of Communist China's—Chicom—drug offensive is the official denial, however cleverly worded, that any such drug traffic exists. In a letter to me dated April 20, 1972, the State Department maintains this denial, saying:

> There is no reliable evidence that the People's Republic of China has either engaged in or sanctioned the *illicit* export of opium or its derivatives. In an accompanying "official assessment" the Bureau of Narcotics and Dangerous Drugs now states that: "The PRC [Peking] government has for years forbidden the *private* production, consumption and distribution of opium or its derivatives inside mainland China. (Emphasis added.)

The key words in both statements, which I emphasize, are an example of verbal sleight-of-hand. Since the central economic doctrine of communism is the abolition of all private property, it is hardly surprising that a Communist government in China has forbidden "private production" of opium. As for "illicit export" of drugs, when the Chicom slavemasters are running the traffic as an official policy for the purpose of financing subversion, corrupting and weakening the people of the free world, and destroying the morale of U.S. servicemen—see the preceding newsletters in this series—then of course it is not "illicit."

The fact is that a great deal of "hard" and "reliable" evidence proving Red China's participation in the narcotics traffic is available, and more is coming in almost daily. I shall be inserting it regularly into the CONGRESSIONAL RECORD. For example, Stefan T. Possony, of the Hoover Institute on War, Revolution, and Peace, reported in November 1971 these findings from an exhaustive study:

> Between two-thirds and four-fifths of the high grade heroin sold on the international market is and can only be supplied by mainland China. . . . The heroin offensive appears to have been accelerated in 1965.

This would coincide with Chou's statement in Egypt quoted above—also in 1965.

Education and exposure are the best answers to those who would hoodwink the American public, on this and many other issues. It is significant that the curtain of silence fell on the whole subject of Chicom drug traffic in 1959 and 1960. We think we have found out why. Honest historians are well aware of the essential role played by the Institute of Pacific Relations—IPR—in the campaign to gain sympathy and support and, ultimately, recognition for Red China up until 1950. The IPR insisted that Mao's murderous regime was made up of simple agrarian reformers. A substantial amount of the money which financed the IPR came from the Carnegie and Rockefeller Foundations. When Senator Pat McCarran, of Nevada, chairman of the Senate Internal Security Subcommittee, exposed the IPR in 1950, this money was stopped and it collapsed.

From 1950 to 1959, the reputations of men such as Senators McCarran and Joseph McCarthy, who tried to warn their fellow Americans through education and exposure of pro-Communist elements, were destroyed in the eyes of most of our people. So by 1959 the Ford Foundation was able to begin financing a new program to persuade America to do business with Red China. The president of the Ford Foundation is McGeorge Bundy, and one of his students was Henry Kissinger, who by general admission now almost totally dominates American foreign policy. Both men are members of the Council on Foreign Relations. From 1959 to 1969 the Ford Foundation spent a tax-free $30 million to bring about the policy changes that put Red China in our good graces and the loyal free Chinese in disfavor. Taxpayers will be interested in knowing that $15 million of their money was also spent for this purpose under the National Defense Education Act. This total of $45 million was funneled through an organization called the Joint Committee on Contemporary China, headed by John K. Fairbank, whom the late Louis Budenz said he knew to be a Communist, from official Communist Party reports. In a special report, the "Asian Studies Professional Review"—which is sympathetic to these activities—admitted that the reason the Ford Foundation had to continue where the IPR left off was "to see to it that their previous investments would not be allowed to go to waste."

With a $30 million investment at stake and Bundy's protege Kissinger running our foreign policy, we can readily understand why there is an Iron Curtain preventing the exposure of Red China's drug offensive.

There is urgent need for a congressional investigation to bring to light the full story of this uniquely vicious enemy assault on our people.

MISUSE OF IMPEACHMENT CAMPAIGN

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mrs. ABZUG. Mr. Speaker, as an author and sponsor of House Resolution 976, a resolution to impeach President Nixon for violating the Constitution in his conduct of the war in Indochina, I wish to dissociate myself from the advertisement placed in the New York Times of May 31 by a "National Committee for Impeachment." I have no connection with this group and was not informed of the ad in advance. No permission to use my name in the ad was ever sought or obtained.

The advertisement is inaccurate and misleading in that it seeks to link the impeachment drive with a campaign to organize a third party. It also states that money raised by the ad will be used in part to finance election campaigns of those supporting impeachment, apparently in the order in which they made this known.

Such a procedure seems to me to be not only absurd, but highly improper. I will certainly not accept any funds for my reelection campaign that are raised in response to an ad about impeachment. I would expect that WILLIAM F. RYAN, my opponent in the 20th Congressional District primary, would also disclaim any connection with this venture and reject any funds raised under such misleading circumstances.

If money is contributed to the sponsors of the ad, it should be used solely to educate the American people on the dangers to their constitutional liberties implicit in the President's unrestraincd actions in Indochina.

CHANGING TIMES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. DERWINSKI. Mr. Speaker, I was especially pleased to note the WIND radio editorial commenting on the retiring of John Dreiske, political editor of the Chicago Sun-Times, and George Tagge, political editor of the Chicago Tribune.

It is my privilege to know both of these gentlemen well, having first met them in the days when I served in Springfield as a member of the Illinois General Assembly. They are both outstanding journalists with a great grasp of the Illinois political scene.

It is especially appropriate that WIND radio, a competing media, recognizes the outstanding contributions of these two great journalists to the State of Illinois and the city of Chicago.

All the members of the Illinois delegation who know John Dreiske and George Tagge, I am sure, share the sentiments expressed in this editorial.

The editorial follows:

CHANGING TIMES

Next Friday, John Dreiske retires as Political Editor of the Chicago Sun-Times and, in a few months, so will his counterpart at the Chicago Tribune, George Tagge.

These two men represent the era of personalized journalism—the by-lined story, the signed column. Tagge represented the power politics of Colonel McCormick, one of the greatest movers and shakers Chicago ever had. Dreiske wrote for the old Chicago Times, the current Sun-Times which, much of the time, was in total disagreement with the Tribune.

It was the classic match-up of newspapers and of reporters, of political philosophy and competitive journalism. Their admirers termed it aggressive reporting; their detractors thought it slanted opinion.

There were few, if any, neutrals. Both were must reading from Governors and Mayors down to Assistant Precinct Captains, whether out of fear, curiosity or loyalty, and that may have been their only trait in common . . . save one.

They were, through a lifetime, true competitors and that, in a real sense, was both their contribution and their legacy to Chicago. They guaranteed competition for ideas, for public approval, for civic betterment, for good politics.

As long as such competition continues, it is the public that reaps the benefit.

SPEEDY TRIAL

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. KEATING. Mr. Speaker, today I am reintroducing a bill designed to give meaning to the sixth amendment right to a speedy trial. This bill attempts to deal in a realistic and effective manner with the tremendous delays in the processing of criminal cases all across the country.

Although many Federal and State courts throughout the Nation have taken steps to expedite the disposition of criminal cases, in an appalling number of instances criminal dockets are plagued with an ever increasing backlog.

This situation aids neither society nor the defendant. This situation only perpetuates the cycle of crime, increases disrespect for the law, and erodes the confidence of citizens in the ability of the criminal justice system to operate fairly and affectively.

Accordingly, at the very heart of any effective speedy trial legislation lies the premise that prompt disposition of criminal cases is in the best interests of everyone. Defendants regain an important civil liberty guaranteed them under the Constitution while avoiding lengthy periods of pretrial incarceration. Prosecuting attorneys may bring defendants to trial while memories remain fresh, witnesses remain available, and before cases become stale. And society benefits from the added deterrence to crime which results when the connection between crime and punishment is maintained, rather than severed as it often is under the present system.

Mr. Speaker, this bill will require the trial of Federal criminal defendants within 60 days of arrest, unless exceptional circumstances are present. It will also provide for more effective supervision of persons released on bail prior to trial.

If properly implemented, I am fully confident that this bill will help to restore a measure of confidence in the criminal justice system which has been slowly eroding over the past few years. It is the purpose of this bill to give substance to the phrase often quoted in the Magna Carta:

> To no one will we deny justice, and to no one will we delay it.

HOMEOWNERSHIP—A CURE FOR HOUSING ABANDONMENT

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. BADILLO. Mr. Speaker, owners by the thousands are walking away from housing units in Washington, Philadelphia, Detroit, Cleveland, Baltimore, Boston, and Birmingham. New York City is losing between 15,000 and 20,000 units a year. The Department of Housing and Urban Development estimates that annually 200,000 to 300,000 units are lost to the Nation through abandonment—at a replacement cost of $30,000 per unit. These figures are even more shocking when we consider the fact that our national housing goal presently is the production of 600,000 subsidized units a year. Moreover, a large number of these houses are not dilapidated and uninhabitable. In New York City an estimated 80 percent of the unrecorded losses in 1968 were in buildings classified only 3 years earlier as either sound or deteriorating, but not dilapidated. Consequently, abandonment in those cases represented a decision "to get out and leave" on the part of the owners.

In both New York City and Baltimore losses through abandonment are estimated to nearly equal or exceed additions through construction of units for low- and moderate-income families. Thus, it is abundantly clear that unless we are prepared to do something about the abandonment crisis it will be impossible, through traditional housing programs, to keep abreast of our housing needs.

Experts are unable to pinpoint the exact cause of abandonment. However, the national survey of housing abandonment conducted by the center for community Change of the National Urban League has been able to establish a relationship, or at least a co-existence of certain characteristics and criteria in areas experiencing abandonment. Among these criteria are:

Absentee ownership;

Lack of investment capital for purchase, transfer or extensive rehabilitation by owners;

Dislocation of entire neighborhood by development;

Speculative practices;

Self-defeating use of city tax code enforcement policies; and

Disinvestment on part of owners and consequent deterioration of entire neighborhoods.

The areas in which these criteria appear are transitional neighborhoods. The chain reaction that leads to abandonment can start with blockbusting, buying out and resultant leaving of whites and middleclass, inmigration of blacks and other poor minority group members. Most often the new residents cannot afford to pay the rents required to maintain the housing. The absentee owner then allows or assists in overoccupancy of units. Such practices overload facilities and lead to deterioration. Faced with this situation, and cognizant of the fact that money for rehabilitation is difficult or impossible to obtain, and aware also that the rents he can collect will not cover ongoing expenses and the cost of the necessary rehabilitation, the owner most often decides to disinvest.

A deteriorating building which is abandoned becomes a danger for the entire community. It becomes a haven for addicts and other criminals who can terrorize the entire neighborhood. This leads to increased disinvestment and accelerated outmigration of all who can afford it. Whole areas then move toward the status of the "crisis ghetto" characterized by decreasing median family income, increasing unemployment rates, declining total population, increasing public assistance dependency, increasing rates of crime and vandalism.

Continued owneroccupancy, on the other hand, acts as a stabilizer for the neighborhood. When people occupying a building have a proprietary interest they can and do take an active part in the affairs of the community. In New York City tenants occupying buildings abandoned by the landlords have banded together to maintain, as best as they can, a roof over their heads. They arrange for most immediately needed repairs, they keep the buildings habitable and often set up common funds for common expenses. Their interest and presence help in reducing rates of vandalism, crime, and other social ills which often result in the eventual death of a neighborhood.

I am today introducing a bill to promote low- and moderate-income ownership and thereby reverse the trend of abandonment by assisting tenant groups to acquire, rehabilitate, and improve the structures in which they live. The measure authorizes the Secretary of Housing and Urban Development to make grants directly to tenant cooperatives for the above purposes. It establishes in the Department of Housing and Urban Development a Tenant Cooperative Technical Assistance Service, which will be based in local field offices of the Department and which will work in cooperation with local housing, human relations, and antipoverty agencies. The Service will make available to tenant groups technical assistance ranging from advice on incorporation to training in housing management practices. Nonprofit organizations that specialize in rendering assistance to cooperatives can collaborate in this venture under contract or other suitable arrangement with the Secretary.

Monthly payments by tenants will be set at a level sufficient to cover membership fees, taxes, upkeep, improvements, and contingencies.

No unit in structures receiving the benefits of this program will be rented to persons who are not members of the cooperatives so that there will be no chance for people to commercially exploit this program.

To assist in the development of economic viability of the area, the Secretary is also directed to indemnify any surety company with respect to any bond issued by it covering a contract of a small business concern which is located in the same neighborhood as the structures to be rehabilitated and will be engaged in the rehabilitation process of the dwellings as contractor or subcontractor.

For the information of my colleagues, I am inserting here in the RECORD a section by section analysis of my measure:

SECTION-BY-SECTION ANALYSIS

Sec. 1 and 2—Title and Findings.

Sec. 3—Authorization.

The Secretary may make grants directly to tenant cooperatives (in multi-family housing) to finance acquisition and rehabilitation of such housing.

(*b*)—*conditions for making grants.*

(1) Priority will be given to tenants occupying building; to families occupying housing undergoing rehabilitation; to individuals and families displaced by federally assisted programs.

(2) Sets income level. Equivalent to 221 (d)(3) requirements now.

(3) Enables the Secretary to set the limit of the percentage of total income that must not be exceeded by the coop members in paying for: membership fees, taxes, insurance, upkeep, improvements, contingencies.

(4) the units, after rehabilitation, must provide safe, decent, sanitary housing.

(5) None of the units can be rented or made available on a commercial basis. (Exemptions granted for temporary occupancy arranged by coop member).

(*c*)—*further conditions.*

(1) No grant will be made to a cooperative unless it can show that it cannot secure funds from other sources upon terms and conditions that would preclude the payment of more than 25 percent of the members' income for the acquisition rehabilitation, and upkeep of the structure involved.

(2) No grant will be made unless it can be shown that the rehabilitation will be undertaken in an economical and businesslike manner.

(*d*)—*makes provisions for the Secretary to arrange for insurance for the structures.*

Sec. 4—Interim Loans to Municipal Agencies Pending Formation of Cooperatives.

If the secretary determines that there are substantial administrative difficulties preventing the formation of a qualified tenant cooperative in time to apply for and receive a grant under the program, he may make a grant to the local municipal government for the acquisition and rehabilitation of the housing upon receiving assurances that:

(1) A tenant cooperative satisfying the requirements will be organized;

(2) All rights, title, interest in such housing, etc., will be transferred to the cooperative at the earliest possible date following completion of rehabilitation.

Sec. 5—Grants to Local Municipal Governments for Certain Legal Proceedings.

In order to enable municipal governments to enact and enforce laws providing for acquisition by condemnation, etc., the Secretary may make grants to such governments in amounts of up to 50 percent of the administrative costs incurred by such governments in acquiring title to any such property, holding and servicing the property, and conveying it to the tenant cooperative.

Sec. 6—Technical Assistance.

The Secretary shall establish in HUD a Tenant Cooperative Technical Assistance Service, which shall be based in local field offices and shall work in cooperation with local housing, human relations, anti-poverty agencies, etc. The Secretary shall make certain that tenant groups receive all types of assistance necessary for the formation and operation of the cooperative, assistance in the acquisition of the buildings, contracting of rehab work, the arrangements of grants, instruction in corporation management, and actual management of the tenant cooperative. The Secretary may delegate certain of these functions to nonprofit organizations.

(b) The Secretary shall undertake to indemnify any surety company with respect to any bond issued by it covering the contract of a small business concern which is located in the same neighborhood as the structure to be acquired and would be engaged in rehab work on the structure.

Sec. 7—Additional Powers Given the Secretary By This Law.

Sec. 8—Labor Standards—Employment of Local Residents and Contractors.

Usual provisions for union wages.

(b) The Secretary shall prescribe regulations to assure that to the maximum extent feasible, laborers, mechanics, etc. engaged on rehab work on the structures shall be residents of the neighborhood in which the structure is located.

In this category, the Secretary shall give preference to individuals who are members of the tenant cooperative.

(2) The Secretary shall provide work training for eligible persons to assure that they can perform the work.

(c) Preference in letting contracts is to be given to contractors and subcontractors located in the neighborhood.

Mr. Speaker, I believe this is a timely and needed measure. It is my hope that my colleagues will find this approach worthy of support.

SPORT MERGERS

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. MIZELL. Mr. Speaker, on May 15, I presented testimony to the Senate Judiciary Subcommittee on Anti-Trust and Monopoly on legislation dealing with the proposed merger of the National Basketball Association and the American Basketball Association.

My testimony was directed primarily to the issue of broadcasting professional games in competition with high school and collegiate sporting events.

I said at that time that any legislation authorizing the merger of these two basketball leagues must include a protection clause similar to the section of Public Law 87-331 which protects high school and college football programs against this kind of competition from professional football.

This is an issue with which we in this House will eventually have to deal, and for this reason I am inserting into the RECORD at this time the text of my testimony before the Senate subcommittee. I invite my colleagues' attention to these remarks:

TESTIMONY OF HON. WILMER MIZELL OF NORTH CAROLINA BEFORE THE SENATE JUDICIARY SUBCOMMITTEE ON ANTITRUST AND MONOPOLY, MAY 15, 1972

Mr. Chairman, I appreciate this opportunity to appear before you and the other members of this distinguished committee to discuss a matter of importance to a great many students, parents and athletic directors and coaches throughout the Nation.

For some time, this Committee has been holding hearings on various aspects of the proposed merger of the National Basketball Association and the American Basketball Association.

There are many technical and legal arguments to be made in an investigation of this kind but today I would simply like to add a word of support for testimony given by others in opposition to the broadcasting of professional games in competition with high school and collegiate sporting events.

I believe one of the major faults of the merger as now proposed is the absence of restrictions on this totally unfair and potentially destructive kind of competition.

I believe it is imperative that any legislation authorizing the merger of these two leagues must include a protection clause similar to the section of Public Law 87–331 which protects high school and college football programs against this same kind of competition from professional football.

At present, there are some 20,300 high schools, 630 junior colleges and 1,014 four-year colleges conducting basketball programs from the first of November to the end of March.

These programs involve 700,000 high school students engaged in 15,000 games a week; and 6,500 junior college and 25,000 four-year college students playing 12,500 games a season.

In sharp contrast, the proposed merger involves 28 professional teams and 324 players.

There is an obvious and natural disparity between the quality of play in high school basketball and that of professional basketball. The much higher caliber of play as practiced by professional teams would be a strong incentive for many basketball fans to stay at home and watch the "pros" than to support his local school's basketball program.

To allow this to happen would be tragic and quite short-sighted. Basketball players do not become professionals without years of training, practice and playing experience. Natural athletic talent, of course, counts for something, but natural talent must be developed over long years of work if it is to reach its full potential.

Scholastic athletic programs have for many years provided just such training for a great many of the greatest stars in professional sports, including not only basketball, but football, baseball and other sports as well.

Earl "The Pearl" Monroe attained considerable prominence as a member of the Winston-Salem (N. C.) State University basketball team before making an even greater name for himself with the Baltimore Bullets and the New York Knicks.

Kareem Abdul-Jabbar, the outstanding center for the Milwaukee Bucks, did not win the National Basketball League's Most Valuable Player award in his first year of basketball, but only after years of experience at New York's Power High School and the University of California at Los Angeles.

And the list could go on and on, for with only very rare exceptions, all of today's professional stars came up through the ranks of scholastic basketball programs.

Unlike baseball, which has extensive "farm" operations in its minor leagues to develop major league talent, both basketball and football rely almost exclusively on high schools and colleges to develop similar talent.

If we allow professional competition to bankrupt these scholastic athletic programs, already under financial strain, then we will have deliberately robbed ourselves of the prime training ground for future professionals.

College and high school football already have a measure of legal protection from professional competition, and the Congress must continue to guard school football programs from this kind of competition.

But the issue before the Committee today is basketball, and the seemingly minor point of reserving two or three nights a week solely for high school and college basketball, free of competition from professionals, is in reality almost a matter of life and death for the sport of basketball.

A protection clause, to be in effect from November 1 to April 1, on Tuesday nights, and from noon Friday to midnight Saturday, would insure that professional competition does not threaten high school and college programs, since these dates are those most often scheduled for school games.

I urge the adoption of such a clause in any legislation that may be forthcoming from these hearings, and I thank the Committee again for this opportunity to testify.

CONFIDENCE IN GOVERNMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the text of my recent Washington report on the crisis of confidence in Government:

CRISIS OF CONFIDENCE IN GOVERNMENT

Americans are losing confidence in the ability of their government to govern and their leaders to lead. They know that government is not working as well as it should.

This loss of confidence in government may be the most serious problem facing government today. There is a rising frustration with government as usual, and millions of people just do not believe government is dealing with the problems that concern them most, like crime, drugs, war, inflation, taxes, unemployment.

There are many signs that public confidence in government is lacking:

A 1972 national poll reported that only about one-third of those questioned indicated satisfaction with the way the nation is being governed.

A national poll taken in early 1971 reported urgent concern about national unrest and lack of leadership. Many of those polled felt that government leaders were not trying hard enough to solve the problems facing the country.

A Washington newspaper poll, taken last fall, reported that the political system faces a crisis in confidence, with voters complaining that public officials are unresponsive, unpredictable and untrustworthy.

A recent national poll indicated that 65 percent of the American public believed that only a few men in politics are dedicated public servants. Eighty-one percent believed that most elected officials promise one thing, but do something different once in office.

The gravity of this deterioration in public trust is that our democratic government depends upon people who believe in it. Without an attitude of trust, it will not work. Our system is based on the consent of the governed. If the American people lose confidence in the government, they will soon withdraw their consent to be governed. Clearly, public distrust and cynicism erodes the foundations of free government.

It is imperative that the Congress, and all public officials, take a hard look at the reasons for the public's growing loss of confidence in government. Among the major reasons are:

1. Few people really feel they are a part of the political system. They feel the system has passed them by, and they no longer have an impact on decisions which affect them. They no longer see a clear relationship between what they think, support, and work for, and what actually happens. They doubt the responsiveness of the system.

This is reflected in the high number of non-voters in the United States. While we are the leader of the free world, and the world's greatest democracy, we lag far behind many other free countries in voter participation.

2. People believe government officials do not tell them the whole truth, especially after exposure to politicians who, anxious to espouse popular rather than effective solutions, are strong on rhetoric, weak on candor and skillful at half-truths.

Credibility is a favorite word in politics today because of the long list of experiences which have taught the American people to doubt the statements of political leaders.

3. Government has become too big for understanding. Its vastness defies comprehension. It baffles and confuses people, and not understanding it, they don't have confidence in it. While no one expects it to run as smoothly as the neighborhood grocery, the public still sees too much bureaucratic confusion, delay and general mismanagement.

4. The government operates too secretly. While the public recognizes the necessity for secrecy in matters of diplomatic negotiations, military plans and secret weapons, there is an awareness of a growing practice of making secrecy an accepted way of doing business in Washington. The people simply don't like secrecy or a government that practices it.

5. People expect government to solve most problems, and when action does not come, or is ineffective, they become critical because their expectations are not met. As a gap between the public's expectation and the government's performance widens, distrust of government escalates.

Americans are no longer sure that government today can act with the force and imagination necessary to meet current problems. Most are aware that the nation has a long and difficult agenda of problems, and that the democratic process is in for some rugged testing in the years ahead. That process cannot succeed, however, if people lack confidence in it.

Like most things these days, the remedy for the people's distrust of government is complex, but there are several steps which would help to restore public confidence, among them:

INCREASED VOTER PARTICIPATION

The distasteful fact is that millions of Americans don't vote. In the 1968 Presidential election, 47 million (40 percent of the electorate) did not go to the polls. That number is up from 39 million non-voters in 1960 and 43 million non-voters in 1964. Dissolving this voter apathy will not be easy, but at the very least, the barriers between the citizen and the voting booth must be removed. Registration procedures must be simplified, election day inconveniences removed, and residential requirements reduced. These obstacles to voting kept about 15 million people from the polls in 1968.

CAMPAIGN FINANCING

The democratic process requires that campaigns be open and honest. The present system is neither. Campaign costs now threaten the lifeblood of the democratic system and they must be brought under control. The new campaign finance reform law, providing spending limitations, disclosure of contributions and expenditures, and reports from candidates, is a major step forward and hopefully will begin to restore integrity to the financing of political campaigns.

INCREASED CANDOR

When elected officials hesitate to deal with the difficult issues of the day with candor and honesty, the opportunity for the dialog upon which a democracy depends is denied. Under such circumstances, the people do not get reliable information and cannot perform their role in a democratic society. Among other things, candor means to acknowledge that we don't have all the answers to all the problems that beset us, that we acknowledge the costs of solutions, that we admit errors, that we use experimentation and pilot programs more extensively, and that we restrain our political rhetoric.

INCREASED ACCESSIBILITY AND ACCOUNTABILITY

Government is responsible only if the decision-makers are accessible to the people and accountable for their decisions. Many top policymakers and Congressional leaders simply are not accessible or accountable to the people in any direct way. If we are to have open decisions, openly arrived at, men with decision-making power should be made available to the public, and the opportunities for free exchange of opinions between the people and the leaders should be maximized.

LESS SECRECY

A government which prefers to do its business in secret will not have the public's confidence. Few things should be immune from public scrutiny and criticism, because only by examination and criticism can mistakes be corrected. To achieve this objective, the classification system must be altered to make disclosure the rule, not the exception. More open Congressional committee hearings and votes are called for, as well as a more reasonable use of the "secret" stamp on government documents.

FAIRNESS IN GOVERNMENT

Our laws are full of provisions which result in special treatment for special interests—tax subsidies, cash, credit, and benefit-in-kind subsidies. A recent report showed that direct and indirect subsidies cost the American taxpayers at least $63 billion a year—more than half of which is tax subsidies, indicating the extent to which special privileges dominate our tax laws.

STRENGTHENING THE SYSTEM

All levels of government in the Federal system must be modernized and reformed to insure that they are more responsive, efficient and effective.

These several suggestions by no means exhaust the steps government should take to restore the confidence of the people. It is not necessary that all these steps be taken at once, but it is necessary that people know the government is aware of their lack of confidence and is willing to take some of the necessary steps to restore confidence.

ASSISTANCE FOR WOMEN'S AIRFORCE SERVICE PILOTS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. WALDIE. Mr. Speaker, I should like to bring to the attention of my colleagues the provisions of a bill I am introducing today which permits former members of the Women's Airforce Service Pilots to acquire, for a limited time, insurance upon the same terms and conditions, with certain exemptions, as apply with respect to national service life insurance for servicemen.

The women pilots who served in World War II between 1942 and 1944 were given the same training and duties as the men ferrying Army aircraft, and did an outstanding job in the service of their country. The women were selected from those who were between the ages of 18 and 35 and had commercial pilot ratings. However, they were never actually members of the Armed Forces during the time that their talents were utilized and, therefore, they did not receive the same benefits as the servicemen who had the same duties, particularly insofar as national service life insurance was concerned. This has created a great hardship on those women over the years, and I hope that my bill in some way will compensate them for the sacrifices they have made so that they might be recognized as a vital force along with their male comrades during World War II.

YELLOWSTONE DIARY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. JOHNSON of California. Mr. Speaker, it was March 1, 1872, that President U.S. Grant signed into law a bill setting aside 2 million acres of Wyoming and Montana territories "as a public park or pleasuring ground for the benefit and enjoyment of the people."

Yellowstone was the first national park established anywhere in the world. The idea, however, was one that was soon to grow into an international concept, the scope of which can best be shown by the fact that when the International Union for the Conservation of Nature and Natural Resources convenes next September at Yellowstone, more than 90 different nations will be represented.

In California, naturalist John Muir who was among the first to explore much of the Sierra Nevada was successful in his efforts to establish the first national park in the Golden State, Yosemite, one of the scenic wonders of the world. Soon after in the same year, 1890, Sequoia and General Grant National Parks were created to the south.

From those beginnings 100 years ago at Yellowstone and 81 years ago in Yosemite, there has developed a scenic recreation and park network which attracts more than 200 million visitors each year. For those intrigued with cost-benefit factors, the cost of maintenance, operation, and development of our national park system throughout the Nation runs just about $1 per visit, a solid investment in some of nature's most spectacular and historic points of interest.

Myriad words will be printed this year about the beauties and natural wonders of Yellowstone, our first national park. It seems fitting that a portion at least of this homage to the great park and the park idea should be devoted to the impressions and experiences of earlier visitors.

Marian Elizabeth Throop, now living in Gridley, Calif., under her married name, Mrs. Elfie Hanson, lived in her youth near Marshall, Minn. Her parents, worried about Marian's frail health, had sent her to visit her eldest sister Margaret, who lived with her husband Lige Loomis and their sons near Powell, Wyo. Other relatives mentioned in the following diary were Loomises who also had migrated from Minnesota to Wyoming in the early 1900's. During their trip by wagon through Yellowstone National Park in 1914, Marian, just turned 20, kept a diary for her mother back home in Minnesota.

Mr. Speaker, this diary was reproduced recently in the February 1972 issue of the National Parks and Conservation magazine, and I request unanimous consent to share with my colleagues this fascinating account of an early-day trip by wagon to Yellowstone National Park.

The diary follows:

YELLOWSTONE DIARY

WEDNESDAY EVENING, AUGUST 18, 1914, POWELL, WYOMING

Our long-talked-of and joyfully anticipated Park trip is at hand! Glory be! I was about to despair until today we discovered that it was no longer a vague anticipation but a realization. I helped Lige all afternoon up at Grandpa's to get our two wagons in repair. We both worked hard, and with Grandpa's and Vera's able assistance we left them complete, even unto details. We will have to get up early tomorrow so as to pack our truck in, and then we will go on our way rejoicing.

There will be in our party: Margaret, Lige, the boys, Aunt Orra, Alta, and myself. Aunt Orra is going to drive our wagon, and Alta and I will ride with her. Alta and I are planning great plans regarding the soldiers. The previous parties all have sent such wonderful tales of the delightful soldier boys, and—just wait!

It's only 8 o'clock, but I'm going to bed, for I didn't get home from the party last night 'til midnight, and I must be up early tomorrow morning.

THURSDAY NIGHT, AUGUST 19, CODY, WYOMING

After a long day we have arrived at our first destination. Had a bully good supper, and we all ate like grubbers. Think it is going to be pretty hard work, but believe the trip will be worth it. Now I've got to quit, for the gnats are eating me furiously.

How the old Shoshone does roar! A charmingly soothing lullaby indeed. Red Butte is only dim tonight but will be wonderful, no doubt, in the morning.

FRIDAY A.M., AUGUST 20

Well, Alta, Lige, and I have just got back from Cody. We went up town after some junk and went through the Irma Hotel, where we saw those wonderful pictures. One cost $20,000 and is magnificent! We went through the bar room and saw the buffalo and calf mounted.

Now must help get the teams ready and once more resume our journey through parts unknown.

NOON

So far I have not described our camp wagons at all. We have two regular "Gypsy" wagons, top and all. On the back of one we have our grub box. It is as high as the top of the bows and the cover lets down for a table. It has a hinged leg that holds the unattached end. The table is large enough so that all seven of us sit around it very comfortably. There are at least five wide shelves in the cupboard. We carry the stove on the back of the other wagon. It is sheet iron and new, and altogether splendid.

We started at 8:00 a.m. from Cody Bridge, where we had camped, and drove up through the Canyon. I rode Topsey on ahead—played scout—for the roads are so narrow and wind in and out so that you can see but a little way ahead. I stopped two automobiles and three wagons for our rig, and once one auto came so close to Topsey that she reared and almost dumped me down to the river hundreds of feet below. A man jumped out and led her past their car, for she was so frightened I couldn't do a thing with the hard-bitten little mutt.

The scenery was stupendous! Words cannot express the grandeur of it all. Mountains reach almost to the clouds on either side of us, and the rushing, roaring Shoshone so many feet below—and we following that rough, ugly little trail out there on the ragged edge of despair! It was all thrilling to say the least, and while my heart did miss a couple of beats once in a while, I surely did enjoy it even unto the uttermost.

For me who never before saw a hill more than 6 feet high, it was entirely a new experience. We stopped down by the big dam for 30 minutes, then drove on 4 miles farther, where we camped for dinner. Now we are ready to go on. Alta and I take turns riding Topsey. I rode 6 miles yesterday and 8 today. I forgot to say that we went through six tunnels in the forenoon.

FRIDAY NIGHT

Well, here we are in camp for the night. The most beautiful spot imaginable, too. Just beside the Shoshone, on the right, and Thousand Foot Cliff on the left. Alta and I are down on the rocks by the river writing while Margaret and Aunt Orra get supper. We divided up the work among us so no one has too much to do. Alta and I take care of one team, fix our own bed, and wash all the dishes.

Such magnificent sights as we have seen this p.m. The rocks are immense and are thrown about in such odd shapes and sizes. Nearly every one resembles something else—an animal or a building—and is named for it. We passed The Camel, Punch and Judy, The Saddle, and The Old Man of the Mountains. The latter is a queer sight. A great rock a thousand feet high has almost a perfect face. It reminds me of the Sphinx, only more wonderful because of its being natural. Then right across the river from us is The Sentinel. He stands up there so far above us, leaning against his castle. His arms are folded before him and he wears an old army cap. He is indeed well named.

Already we have traveled roads that make the Canyon road look tame. I rode Topsey 14 miles today and am feeling a trifle weary and so, so hungry. I'm beginning to feel so insignificant! Sort of like: "Great, wide, beautiful, wonderful world—with your wondrous waters around you curled." Exit!

SATURDAY NIGHT, AUGUST 21, UP IN THE SYLVAN PASS

Such a wonderful day! We came about 30 miles today and now are really in the Park. Such sights today we've seen as I had never dreamed of. Tonight here in Sylvan Pass we are right in the heart of the old Rockies. We passed Chimney Rock today. It looks just like an old-fashioned log house with a stone chimney built up on the outside—only coming toward it we could see light between the chimney and the house. We passed right beneath it and couldn't help but hold our breath at the thought of its coming thundering down onto us, and it seemed as though it would take so little—even a breath—to tip it. We got to Pahaska Lodge (Buffalo Bill's swell summer resort) at 3:30 p.m., and guess that is some aristocratic place. It is just at the entrance of the Park, and people are brought there in the white steamers from Cody and take the coaches from there around the Park. It is right in the middle of a wonderful pine forest and is charming.

We developed great appetites coming up through the spruce and pine woods. I'm rather short of breath, though, up here. The altitude is increasing. We saw our first bear tonight. That is, some of the bunch did. He took a hike, but we expect him back tonight.

The mountain streams are so beautiful! Some start from springs and some from the snow caps. They come trickling down sometimes as meek and lowly as can be, then again they will come dashing out across the road at travelers with a rush and roar that is almost appalling. One had worn a path clear the whole length of a fallen tree, and the water came out so clear and sweet. Alta and I took a drink of it and filled our water bag for future reference.

It's pretty chilly tonight. It is only 6 o'clock, but the sun has left us. We must be on our way early in the morning, and burrr! How I dread the thought of crawling out of those charming blankets.

MONDAY, AUGUST 23

Didn't write a scratch yesterday for the day was so tremendously taken up. We hadn't meant to travel a bit on Sunday, but we had lost considerable time and were so anxious to make the Lake Hotel for Sunday. We drove hard from 7:30 a.m. until 7:30 p.m. and made 21 miles. I rode horseback all the way, too. It was up hill all the way, and some of us were about all in but our shoe strings! The morning was grand and it was all wonderful. We crossed the bridge that we have to go under to get over. They say that no rattle snake can go farther than Sylvan Pass for it would break his back getting through it.

We camped near some men who had crossed the Big Horn Mountains and were going through the Park. They had three grown burros and one colt 45 days old, and they had come over 300 miles and all on foot! Alta had Ray's camera and got some pictures of them.

My, how hungry we were when we got into camp. I say that every time, but it does seem so important. After dinner we took basins and all picked strawberries for supper. Got a great plenty for supper and for dinner Monday. Then we put on our best "bib and tucker" and went 2 miles to the Hotel. We saw nine bears. Two were cubs and such fat slobs they were. Then we went through the Hotel. That sure was scrumptious. On we went then to Wylie Camp, where they had a short religious program. A choir sang several hyms, and a young lady gave us a beautiful solo. Then Governor Frye of Utah spoke, and also a minister from Chicago. Everybody got a sack of hot buttered pop-corn, too. The program took place out in front of the 53 tens—around a big campfire that lit up everything for some distance. They had seats all around for the convenience of the guests. There are three different companies who take tourists through the Park. There is the Tex Holm, or the Hotel Route; and the Wylie way; and the Frost & Rickards. O, yes, and the Shaw & Powell way too. The Wylie's give impromptu programs every night, and we intend to take some of them in.

TUESDAY NOON, AUGUST 24, GRAND CANYON

We pulled up here at 5:30 last night. We really began to see things last night that make you sit up and take notice. We left Lake Junction at 1:00. That is, the bunch did, but I rode up to the Hotel on Topsey to get the mail and some post cards. A nice looking soldier boy rode back with me, about 6 miles in fact, before we overtook my relatives. Quite interesting, to say the least. We came to Mud Volcano about 2:30 and of all the horrible sights imaginable, that is the worst. They are not describable, at least I'm not equal to it, but I shall make a feeble attempt to impart a trifle of the horror of it to these pages. There is a great crater-like hole in the side of the mountain from which continually rises clouds of greyish-white steam that can be seen for miles. Of course there is a railing, so we could only go so close to it, but we got the view all right. The roaring is terrible. We had to scream at one another to be heard at all. It boils and gurgles and splashes incessantly, and about every fourth gush is louder and more terrible than the rest. It doesn't come straight up, but apparently from a cave in the side of the crater. As to color: it is a grayish green and in the boiling process just bubbles all the time, and the waters toward the outer edge are just like wrinkles. The larger crater is probably 20 feet across and so hideous! We stayed only a few minutes, for it seemed to get on the nerves of all of us. They told us that a man fell in there last summer and was swallowed in one gulp. I don't know how true the report is, but the thought of such a fate is enough to chill one to the marrow.

Well, we came on to Hayden's Valley. That's where they usually see the elk and deer, but we didn't get a single glimpse of one. The road on from there along the Yellowstone River is beautiful. We enjoyed it so much. We camped at 5:30 just at the head of Upper Falls. It is a fall of 109 feet and very pretty. On the way back to camp we saw three deer, and Alta tried to get a picture of them but they got away. After supper we took a tramp across to Wylie Camp and enjoyed their program and campfire. Got home and slept soundly as usual. This a.m. took the trip down to Lower Falls. That is a fall of 308 feet and prettier than the other one, but the climb up is terrific. A stair is built down from the road to the bottom of the Falls, and there are about 500 steps in all. Then we walked on to Point Lookout and then to Grand View. I had to stop there while the rest went on, for I was so nearly "all in." I got a ride back to camp, and Alta and I are getting dinner for the rest, who went on to Inspiration Point. I expect I missed a wonderful sight, but I could go no farther, for the altitude is getting pretty steep for me. My throat bleeds all the time, and I can't help swallowing it, which makes me a little squeamish. Lots of people have trouble with their ears bleeding too. We are up about 7,765 feet.

WEDNESDAY, 4:30, AUGUST 25, LOWER FALLS

Alta and I are out in the middle of Lower Creek on some whoppin' big rocks. Am tired and sleepy tonight and intend to retire early.

Must resume my tale from where I left it yesterday at noon. I believe I was bemoaning the fact that I had missed Inspiration Point and Artist's Point. Well, I need not have despaired, for I did, much to my great joy, get to see them and a whole lot beside. We were in camp for over 24 hours there at Grand Canyon, and right across from our camp was another. A couple of young men. Alta and I had talked to them several times, for they appeared interesting. Well, they came and asked us girls to go out for the p.m. with them. We didn't think that we'd dare to go without a chaperon, but finally Aunt Orra said we could go without one. They were some swell, too! Both were Stanford University Grads and evidently wealthy, for they both wore diamonds. They were cousins too. Well, we went and had a splendid time. Inspiration Point was beautiful, Point Lookout is pretty, but give me Artist's Point! The Canyon stretches out for 20 miles in the most beautiful colors imaginable. Either side looms up hundreds of feet from the river bottom, and 3 miles from the Falls the banks are colored in all the shades of the rainbow from the sulphur deposits. We got to Camp Wylie about 5:30; and Mr. Swanstrum, the one I was with, got five boxes of marshmallows, and after supper they came over and we toasted the marshmallows. Great sport!

We left early this a.m. and climbed Mt. Washburn. Altitude 10,388 feet. It is the next-to-the-highest peak in the Park, and very few people attempt it. We had dinner there, and on our way up here we saw a couple of antelopes. They are surely pretty.

Now Alta wants my pencil to write in her book, so will have to quit for tonight. The boys are fishing, and we anticipate a fry for supper.

FRIDAY NIGHT, AUGUST 27

Have neglected my book considerably the last couple of days and now must get busy to make up for lost time. We camped all forenoon and until 2:30 p.m. at Lower Falls, Thursday. While there the boys fished and got a mess of salmon trout for dinner. We girls did a big washing down on the river bank, and our clothes really looked pretty respectable.

We resumed our journey, and the first things we came to were the petrified trees. They were very interesting. Just two of them, about 2 feet through, and the trunks were standing about 15 feet. It had been dug out around them so we could see the roots and know them to be the real thing. Next we saw a beaver dam and several beavers at work. They had cut down trees 6 and 8 inches through.

We passed under Over Hanging Cliff over a road hundreds of feet from the river bottom just below us and only wide enough for one team to travel. We passed Needle Rock, a rock described perfectly in our guide book as: "A long slender spire that starts at the river's edge, and mounts up 300 feet." We went through Lost Creek Canyon and down within 5 miles of Mammoth Hot Springs. On the past 3 miles of our drive down the Deertail Divide, the smoke from the forest fires was awfully thick. We camped with two other parties on the banks of Lava Creek. We pulled out early this morning, and after an hour's drive came to Mammoth Hot Springs. They certainly were grand. The Springs are formed in terraces and each one is named. There are Cleopatra, Highland Terrace, and Pulpit Terrace; and the grandest of all was Minerva Terrace. We were not allowed where we pleased but kept in the narrowest of paths. Even they sounded hollow so that we were almost afraid to step ahead. We saw Liberty Cap, the Devil's Kitchen, and more hot springs down in a cave. Just across from the terraces is Yellowstone Military Quarters. Alta and I "picked up" a few trinkets in a curio store there. We had dinner out a mile and a half from Mammoth. We started out at 1:30 and made 17 miles. We passed Silver Gate, a beautiful natural gate-way of gray rocks. Then came the Hoodoos. They were the strangest formations of all. The guide book says that the Hoodoos were at one time all one mountain and had been thrown out at some immense upheaval. There were scores of those great boulders—looked almost like a city of them! Then came Golden Gate, similar to Silver Gate except in color, which was bright yellow. Next came Swan Lake. There we saw an elk. We passed Obsidian Cliff shortly. That is one of the Park's wonders. It's a great old crag of black glass. It is the only one in the world and so hard that when they tried to blast it as they were putting the road along there, they found it impossible to do so. So they heated it to a white heat and ran ice-cold water over the surface they wanted to use. That served, and we found a good hard road.

A mile or so farther on was Roaring Mountain. Its description is quite complete. It is believed to be of volcanic formation—something quite new! It has almost entirely developed in the last 10 years and is growing rapidly.

Now we are in camp down near Norris Geyser Basin. We picked a pan of blue-berries for a pie. I forgot to say that on our way to Mammoth this morning we saw two monstrous buffaloes. They almost gave me nervous prostration, and we beat it down the road!

SATURDAY NOON, AUGUST 28, NORRIS BASIN

Have ridden horse back all a.m. (11 and 1/7 miles). Am tired, but had such a good time. I rode down to the Soldiers' Station to register for our bunch, which has to be done at each station. I guess I almost shocked them to death too, for I insisted on them bringing the book out to me to register, instead of dismounting and going in. The soldiers all looked so wild. First they said "no," I would have to come in, but after a deal of persuasion they condescended to "bring the mountains to Mohammed." Quite funny. There were five of them and all nifty and interesting to me!

We came on the Norris Basin and saw several geysers, some in action. The Black Growler is there and was terrible. It can be heard for 3 miles around. It roars so desperately. It was not in action but kept up that continual rumble and roar with steam pouring out in clouds just as some giant engine will pound and thump and roar with the steam escaping. We had to go through clouds of steam so dense that we could scarcely see the board walk ahead of us, and to step off meant—well, perhaps the end of a perfect day! We came on then, and I rode 5 or 6 miles with a young medical student from Montana. He sure was some classy, and so was the horse he rode; but for ugliness, nothing can beat my little "yaller hoss." The doctor is going to leave a preparation at Fountain Hotel for my nose, which is all peeling! We stopped a couple of miles from camp and picked enough raspberries for dinner.

SUNDAY, AUGUST 29

Am way behind again in this "account" book o' mine, and I must make haste to relate a "few." I rode in the wagon Saturday afternoon and had a stupid time. The roads were not sprinkled for several miles, and the dust was something fierce. We came to Lower Geyser Basin about 4:30 and the Fountain Hotel. We saw the Great Fountain geyser and several other interesting ones, but none of note. Just one played during our stop there, and I can't recall its name. We came on 3 miles then and camped for the night. Alta and I washed all our clothes again. Our camp was not more than 6 rods from Fire Hole River, where the waters are hot all the time. The steam from the geysers poured over us all night, so that this a.m. our clothes were all damp. Alta and I put on our bath robes and went into one of the pools near one of the geysers and bathed. My! The water was so hot! And just as we got out, here came a party of fifty or sixty tourists and two soldiers. Bathing in any one of the geysers or pools is strictly forbidden, so Alta and I beat it at high speed.

We resumed our traveling, even though it was Sunday, and made Old Faithful at 11:30. Had dinner and saw River Side geyser play. It spouts 30 minutes every 5 or 6 hours. It goes some 200 feet high; and tonight at 5:30 when it played, the sun struck it just right, so we saw the most beautiful rainbow imaginable. We are going to Old Faithful Inn after supper to see its name sake's geyser. The search light is turned on it every night and it spouts every 73 minutes. Must not neglect mentioning two of the sights we saw this morning: Prismatic Lake and Turquoise Springs. They were so pretty in the sunshine. We also saw the Grotto geyser this a.m. in action.

MONDAY A.M., AUGUST 30

We started out and had the good luck to see The Castle in action. We stopped at the curio store and looked at all the beautiful things stored there. Then on to Lone Star geyser, a side trip of a mile and a half, and got there just before dinner. I really believe that was the most beautiful geyser of all. The formation around its crater was about 10 feet high and 6 feet in diameter. We got there just as it began to play, and the sight was one of the finest. It plays every 40 minutes and throws its boiling water 60 feet high.

We made a long drive over the Continental Divide that p.m. up 8,345 feet high. When we got back to camp, cold and tired, here came another wagon, and much to our surprise out piled friends of ours who had come in on the opposite end of the "Loop" so as to be sure to meet us, and so we met "sure nuff" on the banks of the great Yellowstone Lake. Alta and I had already gotten acquainted with some of the soldiers at the station, and so they asked us and Myrtle to go up to the Hotel after supper. We went and had a foxie time, and I ate so much candy I got sick and had to feed the fishes all night. We all sat around a monstrous camp fire after we got back from the Hotel, and the soldier boys entertained us right royally. One of them asked me to go out on patrol at 8:00 a.m. the next day, and Lige said I could go; but I couldn't after all, for my little soldier boy had a scrap with his Corporal and couldn't go on patrol himself. The funny part of it was that they scrapped because the little soldier boy "butted in" while the Corporal was trying to make a date with me—and I liked his looks so awfully well, don't you know.

Then the next a.m. three of the soldiers—the same ones—took us three girls out for a ride on Yellowstone Lake. We went about 16 miles. Came back, and I asked the Corporal to shine my shoes, which he did, and which I considered very sweet of him. He also rode most of the way to the Lake Hotel with me that p.m. Alta and I rode 15 miles that afternoon on some horses that our guide at Old Faithful brought us. I was awfully tired when we got to Lake Hotel, and shortly after getting into camp, what was my surprise and delight to find my little soldier boy come to see me. He came across the lake and found out at the soldier's station where our camp was. He spent the evening, and part of the night, and I was so sleepy and everybody had deserted. Well, when he left, he left his U.S. pin for me to wear! I wear it constantly, of course. Quite romantic—not?

WEDNESDAY EVENING, SEPTEMBER 1

It's a good thing we are nearly back to Powell, for I am getting so negligent about my diary. I think soon I'll be quitting altogether.

Was just about to go up to Old Faithful Sunday evening when I left off scribbling, so will resume from there. We did go up to the Inn, Alta and I on horseback. We borrowed a saddle and Alta rode "Ted." We met a young man there that we had gotten acquainted with on the trip, and he took us all through the Inn. It has the reputation of being the most unique thing of its kind in the world. It is an old-fashioned-appearing building, constructed entirely of logs, even inside. We went up on top, from where they operate the search lights and watched them illuminate Old Faithful geyser.

We came down the Sylvan Pass today. The road was not very interesting as we had been over it before. I saw a funny little sight at Lake Hotel the other night. The bears were out in full force, and a lady tourist was so desperately in love with them. She fed them crackers and junk for awhile and finally took a cracker between her teeth and let a great lumbering black fellow reach up and take it in his mouth. Of course one of her friends had a camera and snapped them at the desired time. But the funny part of it was that she couldn't shake him. She went for a walk with her sweetheart; and whichever way they turned, there was the bear, and finally they beat it for the Hotel, for she said it got on her nerves to be stalked by a bear.

THURSDAY EVENING, SEPTEMBER 2

We are 22 miles west of Cody tonight with a prospect of a 2-day drive before we reach Powell. We passed Pahaska this a.m. and saw Mrs. William Cody (Mrs. Buffalo Bill). She is 73 years old and very pleasant.

FRIDAY EVENING, SEPTEMBER 3

Here we are at Folsom's. We got in at 4:00 p.m. and are going to have supper and stay all night here. Seems kind of good to be partly civilized again. Had such a weary day and am glad our trip is drawing to a close.

SATURDAY A.M., SEPTEMBER 4

Ready to start now on our home stretch, and am greatly rejoiced.

(The repeated references to "soldier boys" refer to cavalry troopers of the U.S. Army, first called into the young park during August 1886 to halt the destruction of its animals and the looting of its natural wonders. The troopers would remain in the park for yet two years beyond the time of the park visit recorded here, finally to be replaced by personnel of a newly created National Park Service.)

HARD TOMATOES, HARD TIMES

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. ECKHARDT. Mr. Speaker, the Agribusiness Accountability Project, a public interest research group funded by a grant from the Field Foundation, released a report yesterday entitled "Hard Tomatoes, Hard Times: The Failure of the Land Grant College Complex." Based on a 6-month study of colleges established throughout the United States following passage of the Morrill Acts of 1862 and 1890, the report raises significant questions regarding the role of the "land-grant college complex" in our society. According to its author, Jim Hightower, the message of the report is that:

> The tax-paid land grant complex (consisting of Colleges of Agriculture, State Agricultural Experiment Stations, and Extension Services) has come to serve an elite of private, corporate interest in rural America, while ignoring those who have the most urgent needs and the most legitimate claims for assistance.

Mr. Hightower, assisted by Mrs. Susan DeMarco and a task force of researchers document this message with a comprehensive examination of research policies and activities at selected universities, specifically the relationship of large agribusiness corporations with the universities. The study also includes an examination of the extension services, experiment stations, the U.S. Department of Agriculture, and briefly, the U.S. Congress.

Each Member of Congress should give careful attention to this study. The report cites numerous examples to illustrate the claim that:

> Corporate agriculture's preoccupation with scientific and business efficiency has produced a radical restructuring of rural America that has been carried into urban America. There has been more than a "green revolution" out there—in the last thirty years there literally has been a social and economic upheaval in the American countryside. . . .
>
> The land grant college complex has been the scientific and intellectual father of that revolution. This public complex has put its tax dollars . . . into efforts that have worked to the advantage and profit of large corporations involved in agriculture.

In 1969, at least $475 million of taxpayers' money was appropriated to the land-grant college system—$184 million of which was Federal tax money. We owe it to the taxpayers we represent to examine our land-grant colleges to insure that the money is properly spent.

The issues raised by the report extend beyond the accountability for expenditure of public moneys. There is the broader question of the implementation of a rural policy. While on the one hand we appropriate millions of dollars for agricultural programs designed to improve the income of the American farmer, we counteract the effectiveness of those programs:

> . . . Rural people, including the vast majority of farmers, farm workers, small town businessmen and residents and the rural poor, either are ignored or directly abused by the land grant effort. Each year about a million of these people pour out of rural America into the cities. They are the waste products of an agricultural revolution designed within the land grant complex.

As the Representative of a district which encompasses a portion of Houston, Tex., the sixth largest city in the country, I am concerned about the influx of rural Americans into the cities. While Houston is a progressive city, it nevertheless is a victim of the urban blight which erodes urban centers throughout the country. The annual influx of some 20,000 Mexican Americans from rural areas into the city to look for jobs further compounds the problems. Many of these individuals come from the lower Rio Grande Valley of Texas, a fertile agricultural region which is beginning to feel the impact of the agricultural revolution. These new arrivals have no skills, and no employment experience except for farm labor. They are forced to settle in the worst areas of the city.

According to a study by Dr. Sam Schulman, at the University of Houston, the Mexican-American ghettos in Houston have three times as many substandard housing units as the rest of the city. In these areas, the income is half of the average Houston citizen, and the unemployment rate is twice as high. The city's economy and the city's services are hard pressed to adequately meet the newly generated demands. I am convinced that the strain on our cities could be considerably reduced if the land-grant college system would reorient itself to serve the needs of the people who now live in rural America rather than increasing the migration to the cities by creating, as the AAP describes it, "a social and economic upheaval in rural America."

My colleagues who are interested in consumer affairs will find "Hard Tomatoes, Hard Times" particularly educational. For example, I have received quite a volume of correspondence from my constituents urging me to take action to ban the use of DES, a drug additive mixed with feed to increase the efficiency and rate at which cattle convert feed into pounds of beef. I wonder what their reaction will be when they learn that DES, which has carcinogenic characteristics and is fed to approximately three-fourths of the 40 million cattle slaughtered annually, is a product of land-grant college research. The Iowa Experiment Station discovered how to use this hormone in cattle feeds after years of research on growth regulators conducted at Iowa State University and funded by tax dollars.

Upon discovery of the chemical's use, a patent was obtained on DES by the Iowa State Research Foundation and awarded, with no competitive bidding, to the Eli Lilly Drug Co. to manufacture and market. Under the terms of the agreement, ISU receives a 5-percent royalty on net sales. Since 1956, DES has produced a royalty of $2.9 million for ISU, which means "that the taxpayer has helped Eli Lilly Drug Co. to sales of $58 million." This is but one example of many research projects conducted on our land-grant colleges which may provide the consumer with a steady supply of relatively cheap food, but only with a "good dose of chemicals"—and all at the taxpayers own expense.

"Hard Tomatoes, Hard Times" is an ambitious study and it provides us with meaty food for thought. Mr. Hightower and his researchers are to be congratulated. I endorse the findings of the report, and urge each of you to read it, and to join in the public debate which the task force study is certain to inspire.

CONGRESSMAN SHOUP'S DISTRICT MEETINGS ON PUBLIC LANDS MANAGEMENT

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. SHOUP. Mr. Speaker, I invited interested citizens for a meeting at Moose Lodge, Libby, Mont., to search for ways to protect the forest environment and the local economy. The meeting was held April 6, 1972. The following describes the results of the meeting:

CONGRESSMAN SHOUP'S DISTRICT MEETING ON PUBLIC LANDS MANAGEMENT

Mr. Stan Smart, President of the Libby Chamber of Commerce, introduced Congressman Dick Shoup. Congressman Shoup said he was hoping that ways could be found to end the confrontations which frequently take place between groups claiming to represent environment on one hand and the forest industry on the other. Heavy pressures on the forest industry had been caused by a record 2,081,000 housing starts last year and 2,500,000 starts are projected for this year. He said he had attended meetings between the two groups and was pleasantly surprised at the broad areas of general agreement between the two.

The multiple use concept was not fully understood with some believing each area of public land is meant to be used for every possible use. New criteria are now used to make timber sales under which more attention is paid to environmental matters. The result has been that timber sales have dropped off, with economic hardships surfacing in western Montana.

Mr. Mahrt of the U.S. Forest was asked to report on timber sales past, present and future. He said sales in fiscal year 1971 were scheduled for 217 million board feet while fiscal year 1972 was planned for 240 mbf with 140 mbf of that expected to be sold. The other 100 mbf has been dropped as a result of new environmental standards. Projected sales for fiscal year 1973 would amount to 186 mbf.

Mr. Mark Shoechnect, manager of the St. Regis mill in Libby stated their needs were in the area of 180–190 mbf with about 60 percent of that coming from federal sales and the balance from their own lands. He expected that pressure would be felt in the Libby area by bidding from Idaho firms as well as others from the Flathead area. The St. Regis firm is committed to a long-range operating plan. A reduction in sales would first be felt in the road building program. Roads into an area to be logged are built with enough lead time to allow the road to settle for a year prior to its use.

Greater effort toward full recovery is being made, with use of finger jointing being one example. Mr. Mahrt explained USFS efforts to comply with the provisions of the multiple use act by use of an interdisciplinary approach to environmental problems. He said there are 230 million acres of unroaded areas to be studied while there is one sale under appeal. If the 230,000,000 acres remain unroaded, he said the goal of 250 mbf could not be met.

It is hoped that the plan can be shown to the public with recommendations and if no opposition comes forth, the timber base will be enlarged.

He noted that in some cases, six years of work is involved in some timber sales. Care must be exercised in selecting areas for sales so as not to infringe on candidate areas because of the possibility of those areas later coming under primitive status with the resulting work on sales being wasted.

Mr. Swenson objected to current logging methods which desecrate those areas and he noted that many are concerned about the mess left after a contract is finished. He also complained about gypo loggers who are going out of business and whose insurance he has lost as a result. He said the gypos buy locally and are a boon to the economy. He suggested programs be considered for gypos which might include direct subsidies, salvage, pulp wood, and poles, and that research should be done on the subject.

Congressman Shoup spoke of the FALCON project of aerial harvesting and has asked that it be tried by the USFS in western Montana. He plans to testify before Congress in favor of the project.

Shoup said the gypo might find a role with the USFS to clean up forests and to thin them. An unfortunate circumstance is that the USFS is required to earn money by sales to handle management.

An unidentified man said that in the St. Regis area 34 gypos are contracted for 5,000 bf daily and if they can't meet those specifications, they will have to step aside for others who can.

A man, identifying himself as a former St. Regis employee, stated that gypos are given the worst roads and the worst areas making recovery of the timber a difficult job. He said the timber is not being fully utilized, 25 gypo employees have recently been put out of work and that most of them would find it repugnant to take a "lunch pail job." He added he was against clear cuttings, favored selective harvesting, and that 40 percent of the harvested tree was left in the woods.

Mr. Don Swenson said that the gypo is logging for the same price he received 15 years ago.

Congressman Shoup spoke of the bill introduced by Congressman Kyl which would provide for reforestation and would be funded from current import duties on wood products. He said he favored the bill and it has come from the House Agricultural Committee with a do-pass recommendation. He said it would provide $65,000,000 to reforest 4,000,000 acres.

Mr. Russ Hudson said that stumpage money could be used for forest cleanup but that it would mean less money for the counties.

Mrs. Winton Wedemeyer said that the money spent for management is money lost to school boards. She protested the ruling that allows the county share to come from the net of a timber sale, suggesting instead that it should be calculated from the gross.

Congressman Shoup said that the Justice Department had upheld the Department of Agriculture on the ruling. A partial solution may be in providing appropriated money for roads instead of requiring they come directly from the proceeds of the timber sale. Congress must also be convinced that intensive timber management pays.

An unidentified man read portions of a book by J. Niels who, he said, learned the hard way about proper timber management. He said he wasn't against clear cuts per se but felt they should be weighed against esthetic considerations.

Mr. Mahrt said that the great fire of 1910 had created many of the heavy lodgepole pine stands in the area and that clear-cutting was still the best harvesting method in those stands.

Many stands are infected with mistletoe and burning is the only effective method for destroying the parasite. Selective cutting does not eliminate the disease nor is it practical with lodgepole because of the instances of blow down in selective cut lodgepole stands. In a selective cut stand in which there is mistletoe, the taller trees, carrying the disease drop it on the smaller trees below and the cycle is perpetuated.

He said he hoped that utilization research would find uses for the material left on the ground. Clear cut areas are coming back in larch which is a more desirable species from an economic standpoint.

Congressman Shoup said that the greater the degree of refinement performed in the State, the greater the benefit to the Montana economy.

Mr. Welch complained of freight rates and their injury to the Montana economy. He suggested that portable chippers would be a move toward full forest utilization with the chips later used in particle board products.

Congressman Shoup agreed and stated that only mill residues are now used in particle board while nothing comes from the forest directly.

An unidentified man stated that while we are all looking for answers and some feel they have the answers, the correct answers will not be had until we have complete knowledge. He said the cedar tree, while nice in appearance, had little economic value. Trees are meant to be harvested; they will not live forever. Thinning has proved to be a good investment while self-pruning seems better than man can do.

Congressman Shoup, responding to a question for an explanation of the Occupational Safety and Health Act, said that its intent was noble but its execution left much to be desired. In the regulation of non-dangerous items, such as the requirement that a coat hanger be available in every rest room, potentially dangerous situations might be overlooked. There are now about 50 bills in Congress seeking to amend the law.

An unidentified man suggested that those on welfare be utilized to clean up the forest. He said $20,000,000,000 was being spent on welfare and that the recipients should be put into the woods which are so thick that should lightening strike, they will go into flame like gas.

Congressman Shoup said there is a bill now in the Senate which would require those on welfare who are able to work to do so. There are training programs which are intended to provide skills for the chronically unemployed.

Mr. Russ asked Congressman Shoup for his opinion of the Metcalf Forest Management Bill. Congressman Shoup said he agreed with aims of the bill but thoroughly disagreed with the methods it would employ to achieve those ends. He cited forced management of private land with heavy jail terms and fines; portions of which would be tendered to informers. He is also against provisions which would allow searchers without warrants. He felt that providing incentives would be a better approach.

Mr. Henry Monroe said that it had been demonstrated in Libby that private enterprise had done a better job of forest management on their lands than the USFS had done on public lands. Why he asked, can't the private sector be contracted with to manage the public lands?

Congressman Shoup felt that if the USFS had been provided with the money by the Congress that they too could better perform their management duties.

Mr. Monroe said that the St. Regis Paper Company had an advantage in that they could fire employees who did not perform but the USFS provided lifetime jobs not based on performance.

An unidentified man said that USFS are public servants and should be voted on from time to time. Their civil service status insulates them from the people and they are not responsive. Their wages constantly rise above those doing comparable work in the private sector.

An unidentified man disagreed stating that the USFS does a good job in the main but faulted them for over-reacting to critics. He said clear cuts are a proper management tool and terracing produces wood fiber quickly. The USFS should have informed the public that these methods are management tools.

Congressman Shoup explained that the Civil Service system was meant to take jobs out of the arena of political patronage and thereby create competent professional staffs.

There being no further questions or comments, the meeting was adjourned.

AMERICA—THE VIOLENT LAND

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. BRASCO. Mr. Speaker, millions of rather decent Americans have been recently shaking their heads in wonder at the events of the immediate past, seeking some answer to the seemingly omnipresent plague of political violence that confronts us. Fresh evidence of the problem was once again produced by the shooting of Governor Wallace, and 2 weeks later, the shootout in the North Carolina shopping center where Senator Everett Jordan was campaigning.

Once again, the pundits shake their fingers under our collective noses, warning of still further repetition. For once, let us not only bewail the tragedy and warn of new violence. For once let us look around and seek to isolate and identify some of the causes.

On every side we are able to ascertain plain evidence of why we find ourselves in the present plight. Here are some factors that I have been able to isolate to my own satisfaction.

First, we live in an age of ultimate escalation in terms of rhetoric. "Everything is kill." Whatever has happened to reasoned debate and dissertation between people who disagree? Reasoned argument has been thrown to the winds and been replaced by insult, accusation, and the most vehement condemnation. People who disagree with others politically paint them as a cross between Judas Iscariot and Adolph Hitler. To find a smidgin of merit in a foe's argument is a mortal sin.

The worst offenders in this area are those who claim to have the formulas for reform of our society, both on the right and left. When we boil down the fundamentalist-oriented claims of far right wingers, they emerge as old fashioned fascism in new clothes. It is reform by field artillery and use of force by the Government.

Even worse, however, in my eyes, are the radicals of the far left. When I gaze at the radical left. I discern a group of young and not-so-young people, who seek to throw their Molotov cocktails in the name of democracy. They have romanticized revolution in terms of the French Revolution, the Russian upheaval of 1917, and a variety of other insurrections. Not having experienced hardship, they flagellate themselves, damning and condemning society in order to prove their devotion to destruction of the establishment for its own sake, even when the establishment is seeking conscientiously to reform itself. In the process, they discredit legitimate liberalism, incense the moderate majority of our people, and cause irreparable damage to earnest reform movements on all levels.

Nor is it difficult to spot such extremists. These are the people who pick out one or another national figure they disagree with, and damn him or her in such violent terms that in the eyes of a few psychopathic personalities, they are pictured as worthy only of destruction. Or, by utilizing such rhetoric about their political foes, they engender in the minds of some inadequate people a feeling that by doing violence to them, they render a public service to the Nation and assure themselves of virtual instant immortality.

In effect, the old atmosphere of calmness, reason, and willingness to compromise has been replaced by a rhetoric of extremes. In such a climate of verbal violence, can anyone wonder why a Bremer would think of shooting Governor Wallace or perhaps seek to harm the President, as has been hinted at in several publications? I for one am not surprised at all.

Some of our frustrated youth are in turn led or egged on by what I term "adult juveniles." These are people who have attained their majority long ago, but who obtain some vicarious thrill by being able to motivate students to destruction in one form or another.

More than one professor, who runs little risk of losing his or her tenure, feeds a steady stream of hatred for the entire American system into the minds of highly motivated, idealistic young people, sets them off to perform heaven knows what violence, and calmly observes the proceedings from his academic perch.

No one has been more vehemently against the Vietnam war than myself in this Congress, yet I shudder at the rhetoric and actions of some who do it in the name of peace.

Some elements of the new Left, complete with their anti-Semitism, hatred of America, contempt for ethnic Americans and their heritage turn me off more than words can describe.

Yet there are still other ingredients in the unholy stew, and the time has come to name them for what they are.

Let us commence with the atrocities coming out of Hollywood these days in the name of art. Several films that have been hymned to the skies by reviewers and critics are colossal orgies of the ugliest forms of violence and murder ever conceived by the mind of man. "Straw Dogs," "The Godfather," and "A Clockwork Orange," are recent classic examples. Orgies of bloodshed set to music in color are all they really are, yet all are excusable in the name of art. The latter film even utilizes the ninth symphony of Beethoven as its musical background, which is about as sacrilegious an abuse of truly great art as can be conceived. And as millions of Americans pile into movie houses to pay fortunes to view these atrocities, we can see how yet another portion of the national tone is being set.

In "Straw Dogs," we are treated to a variety of murders in one compressed sequence which make Bluebeard seem like a veritable minor leaguer. In fact, it makes the old mob bumpoffs of years ago seem like a pushcart operation. And what we miss on the movie screens we are treated to on the television screens. The average "show" in prime time on the commercial networks is a flight into an idiot's fantasy, replete with implausible detectives doing implausible things with incredible people. The one message that does get through clearly is that murder, death, and violence are natural solutions to any given human situation.

Another ingredient is required to make the picture complete: The easy availability of weapons, specifically guns, in the United States. In Washington there is a lobby called the National Rifle Association. That organization's sole reason for being these days is to assure that every American retains the right to purchase and possess a deadly weapon. In other words, every one of us has the inalienable right to blow one another's head off if we are angered by another person.

They would have us believe that if we are ever attacked by Martians or Russians, or perhaps even by the redcoats, we must be able to grab the trusty old flintlock from the mantle and dash off to snipe at them from behind the garden wall.

Using the power to mobilize massive letter writing campaigns, this organization has effectively prevented passage of meaningful gun control legislation by the Congress. Even the pitifully few measures which have been sneaked through have been effectively watered down or are under constant attack by this organization and its defenders. So there is the vital equation and its main elements.

Even the Saturday morning children's cartoons are catering to all that is potentially receptive to violence. From start to finish, the youngsters in our society are exposed to violence in some approved or promoted form.

Put them together with radicals whose stock in trade is extremism and incitement to violence, and we are exposed to the most volatile mix imaginable.

One other group should be singled out; the susceptible marginal individuals among us. These are the people who live on the fringes of society. They are easy prey for those preaching simple solutions.

Throw a bomb, say the voices. Get a gun, say the voices. Use it, say the voices. Show them you are somebody, say the voices. Make sure they remember you, say the voices.

And the next step is to focus the hostility on a public figure. On a very liberal Senator. Or on a very outspoken Vice President. On a much criticized President. Or a campaigning Governor.

I hold no brief for the administration, third parties, the war or the easily identifiable evils and personages afflicting America today. But I must decry the forces among us, often licensed by the public or tolerated and patronized by the people, which go so far to make such horrors as we have seen in recent days realities.

Mr. Speaker, unless all Americans make firm stand against violence, I am fearful that it will consume us.

AN AMERICAN SERVICEMAN COMMENTS ON VIETNAM POLICY

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. CLANCY. Mr. Speaker, today I received a most interesting letter from one of my constituents, Mrs. Carl F. Miller. Mrs. Miller has forwarded a copy of a letter from one of this Nation's servicemen, who is now serving on board the U.S.S. *Sterett*—DLG-31. This patriotic young man has written a letter to the editor of the Cincinnati Post and Times Star which I feel should be of interest to all of us as Members of the House of Representatives. I urge each of you to read this letter and to remember that these are the words of one of the men defending this country:

VIETNAM POLICY

(By Richard J. Wira)

I am presently serving on board the *U.S.S. Sterett* (DLG-31). It seems that every time I read a newspaper that either Muskie, Humphrey, Kennedy, McGovern or Fulbright are attacking President Nixon and his Vietnam policy.

This has two effects on the American serviceman over here: one, it degrades us and what we are trying to achieve and two, it saddens/angers to think that a few Democrats are willing to let the Communists overrun the South. They seem to forget or not really care that the North Vietnamese invaded the South.

These five Democrats have done more for the Communist effort in Southeast Asia than Russia will ever do in supplying arms and supplies. Never in the history of the United States have so few men in highest public offices done so much for the Communists. It's not Mr. Nixon who is holding back our POW's but the attitude of the American people.

In the past and at present we are divided over Vietnam. Let us, just this once put aside our personal views and support President Nixon as a whole nation and not a divided one.

We must place our faith and confidence in our President, especially now when he's trying to get us out of Vietnam. The Communists want this war to drag on, and want us to be divided over it. So far this is exactly what's been happening.

The Democrats in their negative thinking have given the American people a defeatist attitude and a negative approach to everything. We must now start thinking positive again. We can either make or break this country, so let's all strive to work in harmony with each other. Let's back our President and his administration to the fullest, let the people of the world know we do care what happens to our country.

I happen to love this country of mine and am proud to be an American. This may sound corny and flag waving, but this is exactly what this country needs. For too long all we could do was criticize. Let's stop this negativeness and start thinking positive. Please support the President in this, if not for the way you feel then for some serviceman you may know.

Stop and think for a moment and wonder what he's thinking, about you and how you are selling him and the principles for what he's serving for, to the Communists. It's your conscience, but at least I know mine is clear.

ANTIDUMPING

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. CONTE. Mr. Speaker, I have in the past addressed this body on the danger to domestic industry and jobs posed by violations of our antidumping laws by foreign producers.

At one time, I decried the lack of enforcement of the antidumping statute. Recently I have been pleased to commend Assistant Secretary of the Treasury Eugene T. Rossides and his staff for the excellent progress they have made in enforcing the antidumping laws and in expediting the processing of complaints.

On May 18 Assistant Secretary Rossides demonstrated his continued concern for fair trade practices by issuing a countervailing duty proceeding notice on certain electronics products from Japan.

The Treasury Department's action marks the start of an investigation to determine whether the Japanese Government has been subsidizing its industries which annually export nearly $1 billion worth of TV sets, tape recorders, radio receivers, and other stereo equipment.

Under our countervailing duty law, products manufactured abroad under subsidy arrangements with the country of origin are, when imported into this country, subject to an additional or countervailing duty equivalent to the net amount of the subsidy.

These laws are not well known and seldom enforced. It is apparent, however, that foreign countries which violate them can bolster their own production level and employment rates at the expense of American production and the workers dependent thereon.

Mr. Speaker, a good deal of pressure has been placed on Congress in recent years to enact protective trade legislation to offset the damage done by the ever increasing imports of products which compete with ours. Unfortunately, too little emphasis has been placed on the laws already on the books which are designed to protect American trade. In the past fair enforcement of these laws has been ignored.

I believe it appropriate to draw the attention of my colleagues to work being done by Assistant Secretary Rossides and his staff in this area. They have evidenced not only an awareness of these laws, but a concern for the aims and a need for their enforcement.

This Nation was once the leader in the development and production of electronic equipment. In recent years we have seen this leadership lost to foreign competition, especially that from Japan.

It is important to realize that this loss was not due to free and fair competition. In March of 1971 the U.S. Tariff Commission determined that American industry was being seriously damaged by reason of the importation of television receiving sets, monochrome and color, from Japan sold at less than fair value within the meaning of the Antidumping Act. This determination followed an earlier decision by the Treasury Department that dumping of Japanese-made television sets had, indeed, taken place.

Unfortunately, these dumping decisions, welcome as they were, came too late to erase all of the damage that had been done to domestic industry.

To exemplify the threat of the competition from Japan in the electronics areas, I would like to cite some statistics for the Sprague Electric Co., which is based in my district in North Adams, Mass.

In 1968, Sprague Electric was a healthy business providing employment to about 4,400 workers in the North Adams area. At the beginning of 1970, the work force at the company in North Adams had dropped to 3,300. During 1970, the work force there dropped to 2,000. It has now been reduced to about 1,600. This reduction, largely due to competition from Japan, has contributed directly to a deplorable unemployment rate of over 14 percent for the North Adams labor market area.

I would like to stress, Mr. Speaker, that my complaint is not directed against foreign competition itself. It is directed against foreign trade practices that violate our laws—laws that were enacted in conformity with international trade policies and agreements.

For these reasons, I was pleased to see Assistant Secretary Rossides entrusted with the enforcement of these laws. I was convinced that he had the competence and desire to enforce these laws. His actions to date have confirmed that confidence.

In moving against unfair and illegal trade practices, he has demonstrated a commendable concern for the American economy and the American worker. I know that my colleagues will wish to join me in commending him for his efforts and wishing him continued success.

MRS. ROSE FRIEDLER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. LONG of Maryland. Mr. Speaker, it is my privilege to pay tribute to Mrs. Rose Friedler, one of the outstanding citizens of my Second Congressional District of Maryland.

Mrs. Friedler, who owns and operates two nursing homes, has always been concerned about the needs and problems of the elderly in our Nation, and takes a personal interest in each individual at a time in his life when he is most likely to be lonely.

Mrs. Friedler is married to Mr. Ellis Friedler, and has three sons—Paul, who operates a hotel, former State senator, Carl, and Stanley, chief orthopedic surgeon at Barksdale Air Force Base in Shreveport, La. Mrs. Friedler is a member of several organizations and a former president of the Ladies Auxiliary of North Charles General Hospital in Baltimore.

Mrs. Friedler has rightly been called the Florence Nightingale of nursing homes. She has dedicated many years of her life to helping others, and she deserves the highest praise for her outstanding record of service.

IN CASE I DIE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. TEAGUE of Texas. Mr. Speaker, the May 28 edition of the Dallas Morning News carried the sad story of the Thomas King family of Arlington, Tex., who lost their only son Bruce in Vietnam in 1969. But out of this sad story came the letter which their son had written to them with the request that it be delivered should he not survive. He was killed on April 9, 1969, in the A Shau Valley.

The letter which he wrote follows, and I wish that everyone in this country could read it. Thank God for young men like Bruce King who love their country and understand what true patriotism means:

IN CASE I DIE

(Shortly after he arrived for a tour of duty in Vietnam, Army 1st Lt. Bruce King wrote a note to his parents to be delivered to them in the event he was killed. The note, written in a booklet, was given to one of his close friends in his infantry unit, who promised that he would bring it to King's parents should the lieutenant die. The note, printed below, was brought to Mr. and Mrs. J. Thomas King of Dallas, a few weeks after their son's death on April 9, 1969:)

If I should die during my tour in Vietnam I want my parents to read and understand the following:

1. I came here by choice, I joined the Army by choice, I chose to become an infantry officer. It was my destiny to become a professional soldier. It (fighting for my country—right or wrong) is a job that must be done. It is a job that I feel I am best at.

2. The American people too often forget what the Flag stands for—I am a Patriot, I believe in our country and I believe in our system of government—I feel that my country is worth fighting for and if need be—dying for. The country we have today was not built by the weak and the disbelievers—It was built with the blood of men who felt they had something worth dying for. I think it is the duty, the right and privilege of every American to fight for his country. It

> has to be this way, and Thank God there are still men left who believe. The people in the streets who protest our country and its policies have that right to protest only because men believed enough in the system to give their lives for it. There are still men with dreams and ideals that they feel are worth fighting for. This is what I also believe in.
>
> If I die it was for a reason, my life bought something, it was not wasted, I believe this otherwise I would not be here.
>
> I am a believer, a dreamer, a patriot and most of all a professional soldier in the United States Army from the bottoms of my boots to the top of my steel pot. I feel proud and honored to serve for my country and with men who believe.
>
> My Life Was Not Wasted.
>
> Your Loving Son,
>
> Bruce.
>
> Thank You For Everything.

THE PRACTICAL THING IS A CEASE-FIRE

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. **ROBISON** of New York. Mr. Speaker, it is becoming ever more apparent that the key issue in forthcoming legislative attempts at ending the war will be whether or not the same should be conditioned not only upon the release of American prisoners of war, but also upon an internationally supervised cease-fire between the combatants in Indochina.

I am certain that everyone interested in an end to the killing and destruction in Indochina would hope that this issue might be decided, by outside events, before we have to attempt to determine it—for whatever our action might prove to be worth.

Some hope along those lines can be gleaned from the following Christian Science Monitor editorial of May 24, which argues—as many of us have been in our own ways—that:

> The practical thing for all concerned would be to have a cease-fire right now.

The article follows:

> Of War and Peace
>
> It is merely one of those facts which the statesmen must fit into their calculations, that the armed forces of Hanoi made no substantial military gains in South Vietnam during the 20 days preceding President Nixon's arrival in Moscow.
>
> They captured the provincial capital of Quang Tri on May 2. Mr. Nixon arrived in Moscow on May 22. In between, the Hanoi offensive continued to lap around the defensive lines which the Saigon forces have improvised around their several threatened cities. But in all the fighting during those 20 days nothing more of substance was captured. What little change there was seemed on balance to be slightly to the advantage of Saigon.
>
> No one in Saigon or Washington can be sure that this means that the Hanoi offensive reached its high-water mark on May 2 and is unable to progress any farther. The continued southward movement of tanks and guns would argue that General Giap in Hanoi is still hoping to be able to resume his interrupted advance.
>
> But May 2 was one of those moments in military history where the ability to continue advancing could easily have been decisive. The rout of the ARVN Third Division at Quang Tri could have been the beginning of the end. And, it was not. The Hanoi offensive was not able to keep up its momentum. Hanoi forces apparently had to stop to regroup. Regaining the offensive is never as easy as keeping it up. It is merely a fact that in 20 days the momentum was not regained.
>
> Which in turns means that when Mr. Nixon sat down with Mr. Brezhnev in the Kremlin on May 22 the military situation in Vietnam was one of at least temporary stalemate. General Giap's great offensive had not rolled through to a decisive victory. But it had not been rolled back to its starting lines either.
>
> Could this be the basis for the ceasefire which President Nixon has offered to Hanoi? A settlement on the existing battle lines would not be a victory for anyone. But any compromise settlement of any war has to be short of victory. In this case a cease-fire on the present lines would mean Hanoi forces in possession of about a fifth of the total territory of South Vietnam, but in control of only about 3 percent of the population.
>
> And just how important is the underpopulated hinterland versus the bulk of the population? Hanoi will not control South Vietnam unless or until it gains control of the bulk of the people.
>
> Probably the most interesting single thing that has emerged in Vietnam since the big offensive started is the failure of the bulk of the population to defect to Hanoi.
>
> The opportunity has been presented. The people of South Vietnam have been invited to come over. A massive defection of the civil population would have been the end of the Saigon regime, and of the American commitment to Vietnam. That has not happened. Wherever possible the people have fled to the shelter of the Saigon lines, not to the soldiers coming down from the north.
>
> General Giap has proved that he is one of the best soldiers of these days. He ranks in ability as strategist and tactician alongside of General Dayan of Israel. His deployment of a highly trained modern Army deep into South Vietnam territory was brilliant. His use of it has been equally brilliant. He has had Saigon and Washington off balance and outguessed at almost every step. They have consistently made the mistake of underestimating him and his men.
>
> But no general, no matter how brilliant can do everything. General Giap could only provide, at most, an opportunity for the people of South Vietnam to express a personal choice. They have expressed it by running away from his soldiers, which is perhaps the main reason why his offensive has been stalled since May 2.
>
> The practical thing for all concerned would be to have a cease-fire right now. Saigon could afford the loss of territory now that it enjoys the visible support of the bulk of the people.

ROCKFORD POLICEMAN SLAIN

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. **ANDERSON** of Illinois. Mr. Speaker, last night a 28-year-old Rockford, Ill., policeman, Charles J. Williams, was shot and killed while attempting to question a robbery suspect. Patrolman Williams was a Vietnam veteran and had been on the Rockford police force since November of 1969. He is survived by his wife and two children. He is the first Rockford policeman to be killed in the line of duty.

Mr. Speaker, I wish to extend my deepest sympathies and condolences to the Williams family in their hour of grief. While every death brings a sense of deep personal loss to those closest to the deceased, the death of Patrolman Williams is especially shocking and tragic because of its violent nature and the youth of the victim.

The slaying of Patrolman Williams is part of a tragic and growing trend. Since 1961, 759 law enforcement officers have been killed in the line of duty. In 1969, 86 officers were slain; in 1970, the figure was 100; and last year, 126 officers were murdered—a 46-percent increase over the last 3 years.

Despite these grim statistics, the vast majority of States still provide no death benefits to the victims' survivors. Moreover, many small cities and towns throughout this country provide no such benefits or only minimal compensation compared to large municipalities. And the coverage of workmen's compensation in this area is spotty as well. Many local law enforcement officers are not covered by workmen's compensation for one reason or another, and where they are, the payments to their families are only minimal.

As Deputy Attorney General Richard G. Kleindienst testified last year:

> What is needed is a minimum payment that assures substantial benefits to the families of all law officers.

There is already precedent for this in Federal law. The Congress has authorized the payment of $50,000 to the survivors of police and other public safety officers killed in the line of duty here in the District of Columbia. And in Public Law 90–291 we amended the Federal Employees Compensation Act to provide Federal benefits to survivors of local police officers killed while enforcing a Federal law or guarding a Federal prisoner.

Early last year, I joined with the gentleman from Indiana (Mr. Jacobs) in introducing H.R. 7976 which would extend Federal employees compensation benefits to the survivors of all law enforcement officers and firemen killed or totally disabled in the line of duty. Today, I am introducing legislation to provide a flat $50,000 payment to the survivors of all police officers, firemen, and corrections officers killed in the line of duty. It is my understanding that this concept was endorsed last week by LEAA Administrator Jerris Leonard in testimony before House Judiciary Subcommittee No. 1, and it is my hope that this legislation will receive favorable consideration in the committee and in the Congress this year.

As Deputy Attorney General Kleindienst testified last year:

> Law enforcement careers must be made more acceptable and attractive to our qualified citizens. We cannot ask decent, hard-working men to go out into the night and face the constant risk of murder and mayhem time after time and then ignore their rightful request that their families be protected from financial calamity.

Mr. Speaker, we owe this at the very least to the family of Patrolman Williams and the scores of other police families who lose husbands and fathers each year in this country.

COLLEGE GROUPS SUPPORT HIGHER EDUCATION AMENDMENTS CONFERENCE REPORT

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. QUIE. Mr. Speaker, I am delighted to have received a copy of a letter from the American Council on Education written to the chairman of the Education and Labor Committee urging adoption of the conference report on S. 659, the Education Amendments of 1972. I include this letter in the RECORD as part of the evidence of support from the college community. I am very pleased to see this unanimity of opinion in favor of the conference report.

AMERICAN COUNCIL ON EDUCATION,
Washington, D.C., May 30, 1972.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We want you to know that as associations whose memberships encompass virtually all accredited institutions of higher education in the United States, we support the conference report and urge its adoption by the Congress.

We take this opportunity to commend you and all of your colleagues on the Conference Committee on S. 659 for the time, effort, and thought you have devoted to resolving the many difficult issues that were before you. Rarely, in our experience, have so many dilemmas faced a group of conferees who, without exception, are devoted to the cause of education. You have our deepest thanks.

Sincerely yours,

Roger W. Heyns, American Council on Education; Richard E. Wilson, American Association of Junior Colleges; Allen W. Ostar, American Association of State Colleges and Universities; Frederic W. Ness, Association of American Colleges; Charles V. Kidd, Association of American Universities; Ralph K. Huitt, National Association of State Universities and Land Grant Colleges; Howard E. Holcomb, National Council of Independent Colleges and Universities; and Arland F. Christ-Janer, College Entrance Examination Board.

Also for the RECORD, I am enclosing two newspaper editorials. The first is from the Chicago Tribune entitled, "Sensible Compromise on Busing;" and the second is from the Philadelphia Evening Bulletin entitled, "College aid and busing."

The articles follow:

[From the Chicago Tribune, May 18, 1972]

SENSIBLE COMPROMISE ON BUSING

A joint conference committee of the Senate and House has arrived at a sensible compromise of differences in the language about busing in the pending higher education bill as passed by the two houses. The compromise would suspend, until Jan. 1, 1974, application of court busing orders until appeals were exhausted.

It adopts the Senate position permitting funds for busing to overcome segregation if such spending is requested by local schools or if ordered as required by the Constitution. House amendments would have flatly prohibited use of federal money for busing to mitigate segregation.

It is clear that the Supreme Court of the United States will have more to say about busing and segregation than it has yet said. Arguments on a case originating in Denver are already scheduled, with a decision confidently expected well before Jan. 1, 1974. The Supreme Court can be more effective, as well as more orderly and rational, in forming a national position on the subject than can a series of local and state campaigns for elective offices not charged with interpreting the federal Constitution. Until the Supreme Court clarifies the subject, the legal status of busing for desegregation can hardly become clear.

After the Supreme Court has spoken, the opinion of the court can provide guidance for subsequent action as nothing else can. Suspending the application of court orders, past and future, until the Supreme Court rules would defuse the issue until well after the 1972 elections; and this is a further recommendation for the congressional compromise.

Leaving the way open to use federal money for carrying out locally initiated action or to implement a Constitutional mandate from the Supreme Court is surely better than trying to screw down the lid even if one of those two conditions is met. In the busing furor as in every other major legal controversy, the structure of government is involved as well as the particular matter at issue. Especially when emotions run high, Congress should be careful not to tear the fabric of government, or to establish bad precedents which may be applicable to later and altogether different issues.

Thanks to both prejudicial and thoroly respectable considerations, busing is a big issue. Even so, it is possible to exaggerate its importance. Busing hardly provides an adequate basis on which to choose a Presidential nominee. Nor does it serve law and order to resist unwelcome court directives on busing to the point of limiting judicial jurisdiction.

The House and Senate conferees have managed to agree on a compromise, tho we may be sure that individual senators and representatives still differ on the subject. The House and Senate as wholes should accept this compromise, and thus suspend a conversation that can hardly be advantageously pursued further before the Supreme Court speaks.

[From the Philadelphia Evening Bulletin, May 23, 1972]

COLLEGE AID AND BUSING

"America's colleges and universities are in the midst of a financial crisis unmatched in its impact in any previous period of history."

In response to this warning from the Carnegie Commission on Higher Education, and in view of soaring tuitions, Congress is proposing perhaps the most sweeping and generous federal support for higher education in this century.

The Higher Education Act of 1971, reported by a House-Senate conference committee last week, authorize $18.5–billion over three years to pay outright grants to needy students of up to $1,400 per year, and to make operating subsidies available for the first time to those colleges and universities that enroll needy students. It would also extend current loan and aid programs.

The whole package is being threatened, however, by the emotional impact throughout the country to public school busing.

What has busing to do with college education?

Nothing, except that both the House and Senate last year attached antibusing riders to the measure. Now, the conference committee has come up with a compromise that makes both busing foes and antisegregationists unhappy.

It is a rather mild amendment, less restrictive in fact than what President Nixon requested of Congress. What it would do is temporarily forbid court-ordered transfer or transportation of public school pupils for racial balance. This would hold until appeals have been exhausted or until Jan. 1, 1974 if the school district contested the court order.

One could argue that busing should not be included in a higher education bill, but it is. And it could result in defeat of the legislation higher education badly needs.

College enrollment doubled, to seven million students, in the Sixties, and total expenditures for higher education nearly tripled, to $20 billion from 1960 to 1968. These trends are continuing; the squeeze is tightening on both individuals and institutions to meet the costs.

Some small colleges are closing their doors because of financial pressure; larger ones are eliminating departments, cutting back staff and raising tuitions.

In response to this problem, Mr. Nixon took the position last year that "no qualified student who wants to go to college should be barred by lack of money." Both he and Congress agree that the Federal Government is obligated to help share the burden.

Now, although he considers the anti-busing part of the bill to be "feeble," Mr. Nixon says he will not veto the measure. It cannot be amended on the floor.

It is expected that representatives and senators will also recognize the over-riding importance of aiding higher education no matter what is their position on busing.

I read an article in the May 30 Evening Star which read, in part:

> As many as 200 independent colleges in the United States may be closing out their final year because of money problems, according to Chairman Paul C. Reiner of the Association of American Colleges.

Reiner, who also is president of St. Louis University, says hundreds more will have spent their unrestricted endowments within the next 5 years, all that they have left to live on.

These colleges are depending upon the Federal Government to offer some measure of fiscal relief this year—not in some dim and distant future when many have closed for lack of funds and/or students who cannot pay the increasingly higher tuitions.

This bill offers relief to students and to the colleges, so I strongly urge a favorable vote on the higher education conference report when it is called up.

SIX STATES ATTEND HIGHWAY MEETING

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. BRINKLEY. Mr. Speaker, on May 10 I had the privilege of participating in a meeting which overflowed the President's room here in the Capitol and which was hosted by the South Georgia Limited Access Highway Association, of Columbus, Ga. This meeting was attended by a substantial number of our colleagues and their representatives as well as highway delegations from six States—Alabama, Mississippi, Tennessee, Arkansas, Missouri, and Georgia.

The meeting was concerned with securing legislative authority for the evaluation of a proposed limited access highway from Brunswick, Ga., Columbus, Ga., Birmingham, Ala., Memphis, Tenn., Springfield, Mo., and Kansas City, Mo. This was the second in a series of meetings whose goal is to acquire support for this much needed and long overdue project which has been on the drawing board for many years. All of us who are interested and involved with this project know that the going will be tough. But as the late J. Edgar Hoover once said, "when the going gets tough, the tough get going."

Mr. Speaker, in view of the widespread interest and importance of this project I would like to bring to the attention of our colleagues the remarks of Col. Kermit B. Blaney, retired, executive director of the South Georgia Limited Access Association, who served as a very capable spokesman for the six State highway delegations.

Col. Blaney's remarks read as follows:

Joint Six-State Request Presented to Members of Congress

(By Kermit B. Blaney)

Indeed it is an honor that we have assembled here to discuss and consider a noble and worthy project which for various political reasons has been overlooked until now.

The subject, as we all know, is the highway corridor connecting the Atlantic Ocean on the southeast coast of Georgia to the mid-continent of the United States. This route is completely void of what we recognize as essential surface lines of communication because there is no navigable commercial waterway serving this route, there is no practical railroad service, and out-moded roads cause auto and truck traffic to detour hundreds of miles. According to highway statistics for 1969, highway deaths on the existing roads along the corridor occur at a rate of 7.3/100,000,000 vehicle miles, compared with the estimate of 2.9 for travel on Interstate Standard Highways. The same statistics indicated that the Interstate Systems would save the average driver $150.00, with a total savings of some $2.5 billion that year and to increase annually. This means the existing highways serving the regional corridor cause excessive travel costs in dollars and death.

We are advised that this corridor was included by the Bureau of Roads in the initial highway plan in the late nineteen thirties, developed for the Interstate Highway System. The plan was delayed by World War II. This basic corridor remained in the Interstate Highway Planning of 45,000 miles considered after the War, but again delayed by the Korean Conflict. In the mid-nineteen fifties, when final action was being taken on the Interstate System, and it was necessary to reduce the total highway mileage from 45,000 miles to some 41,000 miles, this corridor was deleted due to local and state apathy.

A cursory review of the corridor bears out a few noticeable factors. In present highway needs planning, it is difficult for any one of the six states to show the section of the corridor in their state as a top priority. The corridor does not serve any state capital yet it does connect several major urban areas economically, but traverses basically remote and rural areas. Therefore, this area south of the Appalachians must be evaluated on a regional basis. It should also be recognized that with the absence of river, rail, or highway service, the deep water ports of Jacksonville, Brunswick and Savannah are sparsely utilized. Some highway officials predict that a high-standard highway serving this region would become one of the most functional highways in our nation, possibly second only to Interstate 80 extending east from Iowa, through Illinois, Ohio, Pennsylvania, to the port of New York City. Several modern urban geographers and engineers have pointed to this region as the immediate essential growth area to alleviate the overcongestion existing in the northeastern United States.

We are not assembled here for selfish reasons! The six-state organizations represented here are working and cooperating with the respective State Highway Departments which are also in attendance. This highway corridor is considered to be a vital land-line of communication for the future of our national economy, and we cannot stand by without having it recognized and evaluated.

Therefore, we wish to solicit the support of our representatives here in Congress to have the corridor evaluated. We are asking for a paragraph to be inserted into the Federal Highway Act this year that will cause the Secretary of Transportation to have a corridor analysis survey made on the route and the evaluation results reported to Congress and to the six-state group.

CURBING INFLATION

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. CHAPPELL. Mr. Speaker, some 34 organizations in the Fourth District of Florida are deeply concerned about the inflationary problems of the Nation. These organizations, comprising the Halifax Area Central Veterans' Council, Daytona Beach, and the American Association of Retired Persons Chapter 64, De Bary, have joined forces to form the Committee for Governmental Studies.

These people are particularly concerned about noncompliance with Public Law 82-436 and urge that the following statement be published in the Congressional Record as a presentation of those views.

The statement follows:

How Noncompliance With Public Law 82-436 Increases Inflation

A massive non-partisan, non-political movement has been initiated to unite the veterans, senior citizens and members of civic, patriotic and social clubs behind the President and Congress in their fight against inflation. Such a combination would form a decisive bloc of between thirty and forty million voters in the coming elections and would provide the President with the political muscle needed to break the iron grip of the Military-Industrial Complex on the Department of Defense. This control has paralyzed our national defense supply system and is the major cause of spiraling inflation.

Six Presidents, starting with President Hoover, have been defeated in their efforts to combat the "undue influence" of dishonest contractors on the Department of Defense which President Eisenhower warned the nation about in his farewell address.

The Hoover Commission describes how, for fifty-seven years, military supply personnel have fought to break up "the numbers racket" used by unscrupulous manufacturers to milk the nation of fantastic sums and to prevent the application of modern, efficient and economical procedures in the armed services supply system.

Congress has joined with the military supply personnel in their fight by enacting laws directing the use of supply procedures tested in two world wars and found so successful that the result was the most efficient military supply system in the nation's history. Since 1929, four laws have been enacted by Congress. All have been ignored. The record shows that the President, the Congress, and the people of the nation have been deliberately misled by false information—in some cases by admitted lies.

The result is that the cost of government today is the greatest in the nation's history. The proposed new budget figures for one year are three and a half times the cost of operating the Federal Government for the first 150 years—from 1789 to 1939. Since 1930, the cost of the Federal Government has increased by some seventy-five times; from 3.3 billion dollars to 246.3 billion dollars. The public debt in the same period has been multiplied by over 26 times: from 16.2 billion dollars to 429 billion dollars.

The Hoover Commission estimated that failure to carry out the program of the military supply personnel as directed in the law has resulted in waste *annually* of about ten per cent of the cost of the Federal Government. This has been the major cause of inflation and military supply confusion.

Senator Bricker of Ohio, in a report to the Congress, described how dishonest contractors operate "the numbers racket", which is the major cause of waste. When a contractor received an order for a machine from a military procurement office, he was asked to provide a list of parts necessary to maintain the machine anywhere in the world. The military supply personnel would then check their inventories and if the parts were not in stock it was necessary to purchase a supply. This procedure was taken advantage of by "dishonest manufacturers", Bricker reported, "who would change the numbers on parts lists previously furnished, although the parts themselves are identical." Thus it was necessary to purchase large quantities of parts when the identical parts may have been in stock under multiple numbers. Congressional investigators uncovered stocks listed under multiple numbers which—when combined under one number—would supply the demand for 104 years, 193 years and 249 years. One item in one warehouse was found to have been assigned 1,181 different numbers. The Military Spare Parts Control Office called it "the numbers' racket."

President Hoover in 1929, on the urging of military supply personnel asked the Congress to enact legislation to put an end to this illicit practice by directing that a single catalog be published that would contain all items used by the Federal Government and be listed under one name and one number. Congress did enact the necessary legislation in March 1929 and the single catalog was promised for publication by June 1930. In 1932, President Hoover was told that the program had been completed.

In 1949, when Mr. Hoover was appointed Chairman of the Hoover Commission, his first concern was to determine the cause of the military supply paralysis of the early months of World War II. He found that not only had the program of the 1929 law not been completed, but that a completely different and useless system had been substtiuted, so that "the numbers racket" had been continued just as though the law had never been passed. There was no single catalog and no single name and number for each item. The Hoover Commission specifically blamed this illegal substitution for the World War II supply problems and a waste estimated at forty billion dollars during the war.

President Hoover had been lied to deliberately in 1932. This has been the technique used *to this day* by the Military-Industrial

Complex to mislead the President, the Congress, and the American people. Even after these lies have been repeatedly exposed, they are still being issued. Hitler invented the Big Lie. He said, "If a lie is big enough and repeated often enough it will be believed."

The Hoover Commission strongly recommended that Congress enact mandatory legislation that was so clear and so authoritative that it could not be misinterpreted or ignored. Supported by all the veterans organizations and by the U.S. Chamber of Commerce, eager to deny responsibility for "the numbers racket" and its dishonest operators, the Congress unanimously enacted Public Law 82–436 that directed only one name and one number would identify each item used by the Federal Government.

Passage of the law was a monument to bipartisan cooperation. In the House, the Bill, H.R. 7405, was introduced by Jack Z. Anderson, Republican Congressman from California. Hearings on the bill were conducted by two leading Democrats, Carl Vinson, Chairman of the House Armed Services Committee, and by F. Edward Hébert, now the Chairman of the Armed Services Committee. The entire Armed Services Committee unanimously approved the bill and reported to the Congress that *"it was one of the most important bills ever reported by the Committee on the Armed Services from the standpoint of bringing about efficiency and economy in the armed services"* and that *"it would have widespread effect."* (Italics added.)

In the Senate, fourteen leaders from both parties co-sponsored a companion bill, S–3023. They were Bricker of Ohio, Bridges of New Hampshire, Butler of Maryland, Carlson and Schoepfel of Kansas, Dirksen and Douglas of Illinois, Ferguson of Michigan, Hill of Alabama, Humphrey of Minnesota, Magnuson of Washington, Morse of Oregon, Stennis of Mississippi (now Chairman of the Senate Armed Services Committee), and Williams of Delaware. Ten other Senators promised their support: Long of Louisiana, Byrd of Virginia, Goldwater of Arizona, Fulbright of Arkansas, Jackson of Washington, Johnson of Texas, Proxmire of Wisconsin, Symington of Missouri, Young of Ohio and Thurmond of South Carolina.

The Senate hearings were conducted by Stennis and Morse and the full Committee unanimously approved the bill. Congress approved the bill without a dissenting vote and on July 1, 1952, President Truman signed it into law.

In the entire legislative history of this nation there has rarely been such unanimity on the importance of a law affecting the security and welfare of the nation. The program of the law was promised for completion by July 1, 1954, when the first single catalog containing all items used by the Federal Government was scheduled for publication. Every technique necessary to accomplish this had been successfully used by military supply personnel in two world wars.

Yet today, almost twenty years after enactment of the law, not a single provision of the law has been complied with, and "the numbers racket" continues to paralyze our military supply system and to waste one-tenth of the national budget. The same lies that have successfully sabotaged the three previous acts of Congress are sabotaging Public Law 82–436 today.

But now the temper of the nation is changing. No longer can a program of doubtful value pass unchallenged by merely designating it "Defense". In 1969 three conferences on the "War in Viet Nam", "The Military Budget", and "National Priorities" were held in Washington and attended by leaders of both parties. After the conferences a statement was issued that said in part,

"We have become entrapped in a gigantic military-industry complex that is bleeding us to death financially.

"So in a handful of years we will manage the military-industrial complex. . . . The fact is we will bring the military-industrial complex under control or we will get a President and Congress who will."

On February 1, 1972, the Associated Press reported in large headlines that "Goldwater Demands End To 'Awful' Defense Waste." In hearings conducted by the Senate Armed Services Committee to consider the nomination of Kenneth Rush to be Deputy Secretary of Defense, Republican Senator Goldwater and Democratic Senator Stuart Symington forced Mr. Rush to agree "to oversee a major overhaul of defense procurement to halt the 'awful' waste in money, manpower and time."

This is the year and Florida is the place to start the movement to put an end to the Military-Industrial Complex and "the numbers racket." There are more veterans and senior citizens in Florida than in any other state. To unite their efforts, the Halifax Area Central Veterans' Council of Daytona Beach, Florida, representing twenty-six national veterans' organizations and the American Association of Retired Persons, Chapter No. 64 at De Bary, Florida, with a thousand members have established a Committee for Governmental Studies. The purpose of the Committee is to provide information to all organizations interested in having the laws of the land complied with. All such organizations are requested to approve resolutions calling upon the Congress and the President to take immediate steps to comply with Public Law 82–436.

A number of chapters of AARP and a number of veteran's organizations, including the American Legion, Department of Florida, have already approved such a resolution. Many civic, social and patriotic organizations are in process of doing so and of appointing representatives to the Committee.

The Committee for Governmental Studies has sent letters to all of the announced candidates for the Presidency attaching information on Public Law 82–436 and how it has been sabotaged. The letters ask two questions:

1. In your present position what action can and will you take now on the program outlined in Public Law 82–436? and

2. What action will you promise to take to effect compliance with the law when and if you are elected President of the United States?

When the replies are received, they will be sent to the leading newspapers of Florida and of the nation.

Undoubtedly, the Pentagon Propaganda Machine, as Congressman Hébert labeled it, will go into high gear to again issue a flood of misleading and incorrect information. But no longer can the "Big Lie" be issued that "the Department of Defense is complying with the law." Congressman Hébert has stopped this. His intimate knowledge of the subject displayed during his brilliant and courageous chairmanship of the committee which conducted the hearings assured passage of the law. Now he is determined to have the law complied with. Periodically he reviews the false claims of progress continually being issued from the Department and reports to the Secretary of Defense. To Secretary McNamara he wrote:

"It is apparent today, as your letter frankly states, that the Department of Defense has no intention of complying with the wishes of Congress.

"We further resent the low opinion of Congressional intelligence imputed in the statement that 'your understanding that there is a single Federal Supply Catalog in place of the multitude of duplicating catalogs in use prior to the passing of Public Law 82–436 is correct' ".

Then more recently and after an exhaustive investigation he wrote a letter to the present Secretary of Defense, Melvin Laird, which outlined in detail his analysis of the Pentagon Reports. His letter closed with these two paragraphs:

"Mr. Secretary, I hope that you personally will read this letter and review this situation. It is perfectly obvious that you are not carrying out your responsibilities outlined in the Act. Public Law 82–436 is not *permissive* legislation; it is *mandatory* legislation. Inflation is causing widespread hardship throughout the nation and President Nixon has asked for the advice and assistance of everyone in his determined fight against it. This letter is being written in response to his appeal. I would have written before had I not been away from my office because of illness.

"If I can be of further assistance to you and the President please do not hesitate to call upon me. Bi-partisan cooperation made possible passage of Public Law 82–436 and it could make possible compliance with the law. *It is too important a program to be used as a political football."* (Italics added.)

This friendly letter from the powerful Chairman of the House Armed Services Committee expresses the sentiment and has the support of all those who love our nation and want our men and women in uniform to have the best supply system in the world instead of the worst and most costly.

Chairman Hébert's letter brings hope to military supply personnel, that after fifty-seven years of frustration, the long fight to install a modern supply system can be successful.

Millions attempting to survive on retirement incomes being eroded away by inflation pray that the President will take the advice of Chairman Hébert and comply with Public Law 82–436.

HOW TO DEAL WITH ENEMIES

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. CLANCY. Mr. Speaker, a letter was published recently in the Cincinnati Enquirer which speaks great commonsense about American reaction to policies in Indochina. It was written by a Cincinnatian who served many years as an American ambassador abroad and had an intimate view of international relations. I urge my colleagues on both sides of the aisle to read this brief commentary by Charles Sawyer:

HOW TO DEAL WITH ENEMIES

(By Charles Sawyer)

A Cincinnati attorney, Mr. Sawyer served as ambassador to Belgium under President Franklin D. Roosevelt and as secretary of commerce under President Truman.

Perhaps it would be in order, and even desirable, for a Democrat of many years standing to express his concern and dismay at the statements of prominent Democratic candidates for President—one of whom could conceivably become the President of the United States.

Mr. Nixon's decision to bomb North Vietnam has evoked some frightening statements from some of our Democratic candidates for President. These statements disclose an incredible naivete about the world and the enemies or potential enemies with whom we deal. I am being kind in describing their attitude as naive. In so important a matter, I would hope that politics was not the motive which brought about their reaction.

Our enemies mean business. We are sick of the war (which, of course, never made sense from the beginning), but we should hope that the man who will become President of the United States in 1973 will be able, by his good judgment and his courage, to cope with the completely realistic and ruthless enemies with whom we must deal.

The voter should be interested in ascertaining, so far as possible, what a candidate for President would do if he became President. The President of the United States is not dealing with a Sunday-school class. He is dealing with men in high position in other countries whose only interest is selfish. Considerations of good manners or good faith form no part of their program. They are realists and they are ruthless.

The only thing wrong with Mr. Nixon's decision to bomb Haiphong is that it should have been done years ago. If we had then had the courage and the good sense to bomb Haiphong, thousands of American soldiers killed by weapons which came through that harbor would be alive today. And the war would probably have been over.

Presumably this action was avoided because it might bring the Russians or the Chinese into a world war. This is a childlike and stupid analysis of the enemy's thinking. They are not governed by emotion or an effort to win a popularity contest. The Chinese are in no position, and have been in no position, to begin a world war. The Russians will certainly not risk the catastrophe of a world war merely to maintain a position of sympathy and support for the North Vietnamese.

We read that in Haiphong and Hanoi there have been no preparations for this bombing. This indicates that they have been so sure of our childlike attitude toward the war as to conclude that no matter what the provocation we would not have the guts to bring the war home to the Communists.

The problem confronting a Democrat is how loyal should he be to a candidate who, if he were President of the United States and faced with a decision of this nature, would put his tail between his legs and run instead of doing the only thing which our enemies appreciate and respect—fight back not timidly but heavily. Of course there is risk involved. Every decision made by a President involves some risk, but it principally involves an appraisal of all elements, the ability to think clearly, and courage and good sense.

THE LAST POOR MAN: ED HURLEY AUTHORS A REMARKABLE BOOK ON NEW YORK CITY POLITICS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. HALPERN. Mr. Speaker, one of the most provocative and powerful books on the political scene today is Ed Hurley's "The Last Poor Man." This book brilliantly describes the political realities facing those who seek elective office on the precinct level or who harbor dreams for State and national office. Mr. Hurley is a highly respected writer for the New York Daily News and for years his political observations have enlightened countless readers.

On July 7, 1972 his book, which is a fascinating documentary of Frank O'Connor's bid for Governor of New York in 1960, will be published in paperback.

This publication is of particular importance to those of us in Queens, N.Y. because we are all familiar with Frank O'Connor's great abilities and exemplary character as a public servant. I had the distinct privilege of serving with Mr. O'Connor in the State Senate and all New Yorkers know of his fine record, as district attorney, as president of the New York City Council, and now as a State Supreme Court Judge.

Because of the timeliness of this book and in view of the expertise of its author, I enthusiastically commend this book to those who are seeking elective office. Mr. Hurley's insights as well as his first-hand analysis of issues and political events, make this book must reading.

CASE WESTERN RESERVE UNIVERSITY TO STUDY CONTROL OF PHOSPHORUS POLLUTION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. VANIK. Mr. Speaker, the Rockefeller Foundation of New York has just granted $500,000 to Case Western Reserve University of Cleveland, Ohio, for a 2-year project which will utilize the resources of seven academic disciplines to develop a regional approach to phosphorus pollution control. The first region to be studied will be the Lake Erie Basin.

The project will take advantage of existing University resources in the areas of systems analysis. The study will present and analyze the phosphorus problem and test alternative solutions through basic scientific research concerning phosphorus pollution and phosphorus substitutes such as NTA and others often associated with low phosphate detergents. Recent findings show that these substitutes may be more harmful to the environment and human health than the original problems created by the use of phosphates.

The objectives of the project include:

Development of efficient strategies for the control and management of phosphorus pollution on a regional basis, taking into account economic, societal and political factors as well as those of public health, science and technology.

Development of models needed for these strategies, based on regional inventories and budgets of the distribution of phosphorus, using data from at least two regions which are markedly different with respect to critical ecological, economic, population and other factors.

Evaluation of alternative strategies for regional control, using methods of systems analysis.

To assure that the work of the project team will have an appropriate effect on policymaking processes in the region, the proposal also provides for:

Regular visits to the CWRU campus by a group of representative officials for workshops to discuss project findings and elicit suggestions for the dissemination of results.

Brief progress reports, explaining the significance of the results in nontechnical terms, to be sent on a regular basis to a wider group of officials and other interested persons.

A series of conferences during the last 3 months of the project to disseminate project results. Some of these conferences will be held at Case Western Reserve and others in various locations in the Lake Erie Basin.

The findings of this research may help to provide solutions to this problem which includes regions of two nations—the United States and Canada—five States—Michigan, Ohio, Indiana, Pennsylvania, and New York—one province—Ontario—and eight metropolitan areas with populations of more than 250,000.

I am proud that Case Western Reserve University has been selected to engage in this vital research which will help restore the quality of Lake Erie waters.

TAX POLICY REVIEW ACT OF 1972

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. CAREY of New York. Mr. Speaker, I have today joined our distinguished colleague, Chairman WILBUR MILLS, of Arkansas in introducing the Tax Policy Review Act of 1972.

As a member of the Committee on Ways and Means I concur with those who have correctly called this action of Chairman MILLS an act of "economic statesmanship."

The principle under which we operate the funding of our Government is through the progressive income tax.

Many are saying that our system is not sufficiently progressive for these times.

In fact a variety of expert economists and, of course, politicians on all sides are criticizing our present tax system.

I see nothing new or phenomenal about that. Taxes are never a blessing and always a burden.

At this time, however, a review is certainly in order for many valid reasons.

First, there is no question that our record national debt and excessive deficits for the past 3 years are unacceptable.

The combination of debt and deficit are already a matter of concern as to our fiscal stability.

Second, the tax burden is falling with increasing hardship on the working family pocketbook.

Faced with inflation and increased costs in food, housing, mortgages, interest, tuition, transportation, and health the family income is under stress beyond sufferance.

Many families now comprise a father with a full-time job plus a moonlight job, with the mother working at a similar pace to make ends meet.

As to this type household the tax burden is unbearable. It is more than a blue-collar or white-collar problem—it is the tavpayer's shirttail on the line, shrunk from local, State, and Federal taxes.

Something must be done to recognize their plight. This bill hangs it out—all out—in public.

Further, the so-called loopholes, refuges, subsidies and deferrals of income all deserve to be examined in terms of justice equity and the national interest.

I am convinced that Chairman MILLS and the able members of the Ways and Means Committee are well qualified to review and redress this system in an orderly way.

We all know that the power to tax is the power to destroy. With that power let us move not to the destruction of the world's greatest economy and the world's best system of employment and enterprise but to a more modern, and fiscally sound sharing of the burden of building this Nation toward our common ideals.

The ideals of independence, fairness, equality, and compassion should be deeply rooted in our system of revenue and expenditure and it is time we began to go to the roots in order to assure orderly and effective growth.

ANNUAL QUESTIONNAIRE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. FISH. Mr. Speaker, on April 1 of this year, I issued my annual questionnaire to the people of the congressional district which I have the honor of representing. Within 30 days I have received a total of 12,742 replies, which contained opinions by 34,403 men, women, and young people between the ages of 15 and 20.

Without further comment by me, I would like to share the results of this opinion poll with my colleagues in the House.

The results follow:

RESULTS OF OPINION POLL

	Male	Female	Youth
1. Under the President's New Economic Policy, do you think prices are:			
(a) Still rising at an unacceptable level?	88.8	91.5	85.7
(b) At aobut the right level?	8.2	6.3	6.0
(c) No response	2.9	2.3	8.2
2. Should Congress place private pens on plans under Federal regulation to guarantee that retirees get the full benefits they have earned?			
(a) Yes	69.5	68.2	66.9
(b) No	24.8	24.0	61.2
(c) No response	5.7	7.8	16.9
3. Do you favor a program of national health insurance which would:			
(a) Provide coverage for all health care?	37.8	44.3	38.4
(b) Cover only major illnesses or long term hospital treatment?	46.4	41.6	40.6
(c) No response	15.8	14.1	21.0
4. Do you favor the administration's current policy toward Red China and Nationalist China?			
(a) Yes	67.5	62.4	59.7
(b) No	24.6	26.2	24.4
(c) No response	7.9	11.4	15.9
5. Are you satisfied with President Nixon's efforts to end American involvement in Vietnam?			
(a) Yes	57.5	47.8	37.2
(b) No	39.8	49.1	53.6
(c) No response	2.7	3.1	9.2
6. After our POW's have been released, should the President grant amnesty to approximately 70,000 draft evaders?			
(a) Yes	21.5	26.5	39.9
(b) No	74.4	68.1	47.8
(c) No response	4.2	5.4	12.3
7. Do you favor the use of Federal funds for busing of school children to meet requirements of the U.S. Supreme Court?			
(a) Yes	16.2	17.4	20.0
(b) No	80.1	78.2	68.8
(c) No response	3.7	4.4	11.1
8. Courts in several States have recently ruled that local property taxes are an unfair system of financing public education. To correct this problem should			
(a) Congress increase Federal funds for schools?	30.4	30.4	28.0
(b) States pay for public education with a new system of financing?	60.5	60.6	51.9
(c) No response	9.1	9.1	20.0
9. To stop the spread of drug abuse problems, do you think the major portion of Federal funds should be directed towards:			
(a) Rehabilitation of the user?	17.7	19.5	26.1
(b) Apprehension of the pusher and tougher penalties for selling dangerous drugs?	77.3	76.4	60.6
(c) No response	4.9	4.1	13.3
10. Would you favor develop ment of Stewart Airport into the metropolitan area's 4th jetport?			
(a) Yes	40.4	30.8	27.5
(b) No	52.6	60.3	59.4
(c) No response	6.9	8.9	13.0
11. Would you be willing to pay higher taxes to end air and water pollution?			
(a) Yes	49.6	48.0	58.2
(b) No	44.6	45.7	29.0
(c) No response	5.8	6.3	12.8
12. Do you think present consumer protection laws are adequate for: (If no, check box.)			
(a) Food	66.0	70.3	60.6
(b) Credit	6.4	4.6	3.6
(c) Guarantees	7.2	4.9	6.8
(d) Prescription drugs	3.3	3.3	3.1
(e) No response	17.1	16.9	25.8
13. How do you grade the Nixon administration so far?			
(a) Excellent	9.2	7.4	8.5
(b) Good job in most respects	47.5	44.1	32.4
(c) Only fair	23.6	28.4	24.9
(d) Poor	17.0	16.7	21.3
(e) No response	2.7	3.5	13.0

THE INDIAN ART AND CULTURAL CENTER

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. RONCALIO. Mr. Speaker, today I am introducing legislation to construct an Indian Art and Cultural Center on the Wind River Indian Reservation in my State of Wyoming.

Since the inception of Central Wyoming College, located within the Wind River Indian Reservation, a need and a desire to serve the Indian population has been felt. This desire led to concrete reality in 1968 when the first conference on Indian education was conducted at Lander, Wyo. Over 600 educators from around the United States congregated to discuss the education of American Indians.

In 1969, a second conference was held, with American Indian consultants discussing the needs of Indian America and problems of Indian education.

These conferences proved to be eye-opening experiences for Fremont County, and served as the impetus for formulation of a proposal to develop a facility and preserve Indian art and culture in Wyoming.

In August of 1969 Central Wyoming College was approved for a grant under the Higher Education Facilities Act to develop and plan a facility soon, to be called an Indian Art Education and Cultural Center. This center came from a desire on the part of the college to provide a place for the perpetuation and furtherance of the Indian's art and culture.

A survey was made of the Arapahoe and Shoshone people living on the reservation and having a degree of blood of more than one-half. The tribal roles were obtained, and a random selection of Indian people living on the reservation was made. A questionnaire was developed in collaboration with the Indian people, and Indian students at Central Wyoming College were employed to talk with the sample of approximately 500 Indians and Indian families living on the Wind River Reservation.

The response by the Shoshone and Arapahoe Tribes in favor of such a Center was overwhelming, and as a result Central Wyoming College turned over the duties of final approval of a plan on the design and purposes of the Indian Art and Cultural Center to a group of Shoshone and Arapahoe leaders.

Now the plans are finished, Mr. Speaker, and the bill I introduce today would transfer the hopes of what has become a community project from paper to substance.

The proposal and estimated cost follows:

INDIAN EDUCATION, ART AND CULTURE CENTER

A cultural arts program and structure for American Indians and interested non-Indians will, by virtue of the name cultural arts, be founded upon the rich artistic past as well as the diverse and innovative present of not one group of Indians alone, but on the total artistic legacy of all of Indian America. The heritage and culture of the American Indian people is deeply endowed with tradition that is far richer than many in varied forms of activities. These activities were basic to provide a way of life for the Indian people and directed their mode of living. The Indian people are uniquely aware of their relationship to their natural environment. An Indian Cultural Center will be architecturally designed to show clearly that it springs from the land and will provide a visible symbol of Indian identity that will be an enduring source of pride to the Indian people and an object lesson to the non-Indian people of this unique Indian value. It is thus proposed that this venture into an American Indian cultural arts program be in the vein of seeking understanding, wisdom, and enhancement from the achievements of a segment of humanity which has something worthwhile and legitimate to offer the rest of humanity. The venture will be typified by open-mindedness of Indians toward Indians, non-Indians toward Indians, and Indians toward non-Indians in an honest effort to enhace one another. The underlying philosophy will be not so much an aggrandizement of a structure as the making of a richer life for those who enter into the human activities taking place there. In preparation of this proposal, therefore, it has been the Indian people who have exercised their self-determination to provide the input. For this reason this is not just another project thought up by the non-Indian people for the Indian. The true function of the non-Indian portion of this proposal is that of writing down and relaying the desires of the Indian people.

The Cultural Arts Center proposed will provide for many functions. Those deemed a necessary part of the program (with no regard to priority within this outline) might fall into the following categories:

1. A Source of Unification to the Indian Peoples.
2. An Enduring Sign of Non-Indian Appreciation of Indian Culture.
3. A Facility for the Gathering, Storage, and Filing of Indian Documents.
4. Promotion by Exhibition, the Past and Present Artistic Accomplishments of the American Indian.
5. An Educational Program in the Visual Arts for Which the Indian Traditionally has been Renowned.
6. An Opportunity for the Continuing Appreciation and Instruction in the Performing Arts Among the American Indian.
7. Provide a Satisfying Atmosphere and Meeting Place for Social Functions for the Appreciation of the Old and the Young Indian.
8. An Opportunity for the Indian to Create and Trade Items Peculiar to His Culture and Experience the Resultant Pride in His Work and Heritage.
9. A Center From Which Trial and Inter-Tribal Communications are Edited, Disseminated and Kept Available to the General Populace.
10. An Indian Studies Program.

1. A SOURCE OF UNIFICATION TO THE INDIAN PEOPLES

An Indian Culture Center at Central Wyoming College will benefit not only the Arapaho and Shoshone people but all of the Indian peoples of the United States. One of the outstanding phenomena of the past twenty-five years has been the rapid growth of a pan-Indian movement that is uniting the Indian people. One of the main uniting forces has been the growing awareness among the Indian people of their similarities in values and goals. An Indian Cultural Center such as the proposed will attract Indian peoples of other tribes and will provide a focus and research center for the further researching and discovering of similarities. Such activities will, in turn, bring about greater solidarity and unity among the Indian peoples.

Here will be provided for the native artist who has deep roots in a type of cultural thinking, a unique source, a wellspring, for imbuing his works with a particular flavor that directly or indirectly spells American Indian. Such an approach presents and extends to his own as well as the rest of the modern world, subtleties about the American Indian today. Technology has made all of us brothers in the milieu of solving and coping with the problems presented by a world that is seeking an identity and comfort in knowing that identity. Here will be the opportunity for an appreciation and understanding of cultural heritage among the Indian people.

2. AN ENDURING SIGN OF NON-INDIAN APPRECIATION OF INDIAN CULTURE

For too long, perhaps, much government money has been spent in non-Indian oriented Indian affairs, especially in Indian education. The majority of Indian peoples perceive these expenditures and these solely educational programs as not too subtle attempts to make the Indian into a non-Indian; to force the Indian into the mainstream and the great "melting pot" with the resulting abandonment of their Indian culture. When the Indian people see government money being spent, not in an attempt to make the Indian into a non-Indian, but in a unique effort to preserve Indian culture, they will be presented with visible proof that someone does care; that the government, representing the non-Indian peoples, does have an appreciation of Indian culture and offering this cultural center will be tangible proof of concern.

Central Wyoming College, located as it is on the Wind River Indian Reservation, will offer to the Indian a feeling that he is not a "foreigner" in his own land. It will be open acceptance of the Indian by society where history of the Indian tribes can be taught to Indians and non-Indians by the Indian and thus offer the opportunity for enhancement of self-image and self-respect. The non-Indian will have the opportunity to view the Indian from a long-gone era to his position and life in modern society.

During the last several years considerable social unrest has arisen accompanied by much questioning of traditional American values. Not only has a severe generation gap caused many young people to reject many of the values of the older generation, but the older generation is, in many instances, learning from and being led by the younger generation.

As traditional American values are being seriously questioned, thoughtful people, especially the younger people, are searching for new, more humanitarian values to give fuller meaning to their lives. The Indian people are convinced that they have much to teach the non-Indian world, and that if the non-Indian world will not listen to the Indian world, it is headed for great unhappiness. An Indian Culture Center will provide the locus from which the Indian world can teach the non-Indian world. From this Center, valuable cultural information from the Indian world can be disseminated throughout the non-Indian world both in the United States and abroad.

3. A FACILITY FOR THE GATHERING, STORAGE, AND FILING OF INDIAN DOCUMENTS, BOOKS, AND ORAL HISTORY

Most libraries have their reserved stacks and locked room facilities for rare and important documents. Many out-of-print books, documents and manuscripts of early western life abound in private homes of Indians and non-Indians alike. Possessors of such documents would be glad to loan them to a special center if they knew such a place existed that would care for them and make them available to interested scholars and researchers. The Indian Culture Center will supply this facility and provide for this need.

Another area of involvement for the Indian would be practical researching whereby the individual attempts to re-create some of the objects, using old or traditional techniques and materials. This is the area in which cultural preservation of traditional arts becomes more a type of museum-scientific activity or for self-edification for those people greatly interested in doing traditional work. This would probably prove to be the area where the greatest number of Indian laymen may wish to concentrate and contribute considerably to their own cultural preservation of revival.

Among the equipment for such a gathering, storing, and filing facility would be high quality tape recorders for gathering oral history, legends, myths, and cultural items from older Indian people still living today. A wealth of valuable material exists in the minds of these older people and their contribution could be gathered now and recorded for Indian and non-Indian posterity alike. These older people would be encouraged, in turn, to communicate their knowledge if they knew that a facility existed for taking care of it and disseminating and teaching it.

4. PROMOTION BY EXHIBITION, THE PAST AND PRESENT ARTISTIC CREATIONS OF THE AMERICAN INDIAN

The exercise of all of the Indian artistic skills calls for the almost infinite patience for which the Indian people are famous. One of the prime expectations, then, of visitors to an Indian Education, Art, and Culture Center is that of seeing exhibits of these types of artistic work, and providing facilities for exhibiting these works is a requisite in the building.

There is a great amount of talent in painting among the Indian peoples. Teachers who have taught Indian children often comment on the large incidence of artistic talent among young Indian students. Such talented young Indian people need a catalyst to release and guide their budding talent. An Indian Educational, Art, and Culture Center should provide a place where older Indian artists can guide and encourage young Indian artists in reaching their potential.

Indian teachers in all areas seem to be able to reach young Indian students better than non-Indian teachers. Provision will be made for permanent exhibits as well as periodic art shows. This would provide an opportunity for young Indian artists to show their work and thus gain recognition.

In line with the pan-Indian unity movement, exhibits for cultural items of other Indian tribes will be provided. Such exhibits will help the Indian peoples to become more aware of their similarities and promote further unity and solidarity. Non-Indian people likewise will be helped by becoming more aware of the similarities among the great diversities of the Indian peoples.

Realistic portrayals of the natural environmental conditions under which the Indian people lived would provide vivid compelling insights into the old Indian way of life. Such dioramas are helpful not only to non-Indian people but also the Indian people who will be provided with powerful visual aids for reconstructing their pasts and effecting continuity with their cultural heritage. Even more important than the physical conditions under which a people lived is an understanding of their most basic beliefs. Such basic beliefs are usually beyond the visible physical aspects of their lives. Dioramas depicting the basic beliefs of the hidden yet basic realities of life provide valuable insight into the deepest dimensions of Indian culture.

Included in this exhibition would be native arts both religious and secular such as beading, leather and metal work, sewing, costuming, painting, basketmaking, writing, and weaving to mention only a few.

5. AN EDUCATIONAL PROGRAM IN THE VISUAL ARTS FOR WHICH THE INDIAN TRADITIONALLY HAS BEEN RENOWNED

The idea of visual arts activities taking place within a Cultural Arts Center warrants a definition of those activities and the types of considerations necessary for their implementation. Attached (4a, 4b etc.) is detailed suggested outlines of two and three dimensional arts as they apply to the past and the on-going performance of the American Indian. It is hoped that facilities adequate to carry out such a program will be made available at the Center at Central Wyoming College. Each of these art forms is imbued with a personal and social history which can have meaning if we can rediscover and come to understand the message it holds whether it be contemporary or traditional. The arts of the American Indian, when they are beheld as a totality, will enable all to learn about a people who succeeded in creating an identity amenable and satisfying enough to the human condition for it to have endured in its basic forms to this very day despite the pressures of drastic social change. The story reflected in the objects will be a story of a people who recognized their limitations for sanity sake and exploited their virtues for the sake of physical and spiritual well being. The artistic virtues will be recognized for their beauty and ethnic character and the opportunity for the younger generations to carry forward the traditions will be made possible. Many people, Indian and non-Indian alike, have expressed the fear that the ancient skills are dying out. These particular artistic skills are exercised mostly by the older Indian people living today and some people have gone so far as to say that when this older generation of Indian people goes, these artistic skills will also go. The exercise of these artistic skills requires use of equipment (racks, tools, etc.) that is not easily portable. By providing this equipment in one place, the Indian Culture Center will provide the means and the place for bringing the older people and the younger people together for the transmission of this valuable cultural expression; the older Indian artists can guide and encourage young artists in reaching their potential.

6. AN OPPORTUNITY FOR THE CONTINUING APPRECIATION AND INSTRUCTION OF THE PERFORMING ARTS AMONG THE AMERICAN INDIAN

One area that can provide a growing awareness of who or what a particular culture is lies in the area of the performing arts. In these records of human expressions the Indian has revealed himself in myriad forms; sometimes simply and other times so abstractly as to be mystified by what he has learned. Among most peoples, ceremonials are of two kinds, social and religious. Among the Indian people, however, most ceremonials have no such division. Since religion permeated everything they thought or did, most of their ceremonials were basically or primarily religious and only secondarily social. The Indian people do not separate the two functions in their minds. Ceremonials, including the social aspect, are a single thing—a religious expression. Pre-eminent among the Indian ceremonials was dancing. By dancing the Indian expressed himself in the best possible way. The American Indian, it can be said, has tenaciously held on to his art, not in the sense of objects alone, but rather as the very fabric that binds and holds together the many dimensions of his existence. The performing arts to him are an integrating force that ties together and unifies all aspects of life. They are the ceremony of living as reflected in the morning songs to the new day; the highly expressive oratorical prayers to the forces that sustain him physically and materially, and the living essences realized in the colors and symbols he applies to his body or objects in ceremonial communion with his God. Dancers from tribes all over the United States would be given the opportunity and facilities to preserve, re-educate, and exhibit their traditional dances. These traditional dancers must have an Indian costume for ceremonial occasions. These could be made and the art could be preserved by providing Indian teachers and the materials necessary for fulfilling this need. By having a definite place and time, older people can teach a number of young people at the same time, instead of using the present one teacher-one student system. More people therefore will learn and these cultural activities of costume designing, sewing, and dancing will be more widely diffused.

One of the greatest pleasures of the Indian people is to convene for Indian dancing and singing. The success of an Indian dance depends to a large degree on the quality of the singer-drummers. Not just anyone can drum and sing, and good quality singer-drummers are hard to find and are in demand. These singer-drummers are highly pleased when asked, to pass down and teach others their art. The main blocks for these two groups of people in getting together are the lack of occasions and place. Young people eager to learn this art will know where and when to go. The singer-drummers, in turn, will oblige because they are pleased to pass down their artistic skills. In this manner, a vital part of the Indian culture will be transmitted and this transmission of Indian culture is one of the prime functions of an Indian Education, Art and Culture Center.

Also, of major importance, a facility would be available for the teaching of the Indian language. The interviews conducted among the Arapaho and Shoshone people in preparation of this proposal indicated that among the many reasons they hoped the building would become a reality was for the preservation and teaching of their language to their children.

For obvious reasons it has been said that language is the "soul" of a people. Young Indian people want to learn their language in the best way possible.

Not only would the Center serve the purpose of teaching the language but it would also fill the unanswered need to produce Indian language materials for those schools attempting to offer the language to its students. Non-Indian scholars and researchers would have a source for studying the Indian languages as necessary means for their studies in Indian cultures. This Indian language facility would utilize not only written materials, compiling dictionaries, grammar and word studies, but would also utilize the latest electronic devices such as tape recorders for preserving and disseminating the living language.

7. PROVIDE A SATISFYING ATMOSPHERE AND MEETING PLACE FOR SOCIAL FUNCTIONS FOR THE APPRECIATION OF THE OLD AND THE YOUNG INDIAN

Most of the Indian people live in the country separated from one another. One of the pleasures of coming to town is that of seeing and visiting with other Indian people. Again and again, it was pointed out by the Indian people that it would be good if they had a place where they would know other Indian people would be who were also in town. A very informal lounge especially designed for this purpose would be available. Like most people everywhere, much of their coming together is socially oriented. Besides Indian dancing, young Indian people like western music and modern rock and roll music and dancing. Many young Indian people feel out of place in non-Indian places of entertainment. The Indian Education, Art and Culture Center, by providing young Indian people a place that they can call their own, will give them the opportunity of gathering in proper and uplifting circumstances, and will fulfill a distinct need of these young people, many of whom might through this exposure, continue their education at the college. With this inviting atmosphere there can be no doubt that familiarity with the College can either directly or by word of mouth, encourage Indian participation either full-time, through the program of Extended Day, or just select courses that will satisfy some sense of need.

Besides the social function of such a lounge, the facility would serve as a meeting place, and whether for full-scale community meetings or small-group committee meetings; the meeting place would quickly become the heart of the community. Here they could identify and share common problems, trials, and joys. A meeting place that has been tastefully and beautifully constructed will be a source of pride to the people and will provide an extra inducement for getting together as frequently as possible. Best of all, an Indian Center provides a meeting place that the Indian people can refer to as distinctively *theirs*, where they know they can convene without disturbance or interference from outside. The Indian Club at Central Wyoming College could serve as a real influence for constructive activities within such an atmosphere.

8. AN OPPORTUNITY FOR THE INDIAN TO CREATE AND TRADE ITEMS PECULIAR TO HIS CULTURE AND THUS EXPERIENCE THE RESULTANT PRIDE IN HIS WORK AND HERITAGE

As mentioned in section five, the visual arts must be encouraged and must involve implementation of contemporary media. The American Indian today is an active participant in a very modern world and lives amidst circumstances that do not allow him economically or practically to adhere strictly to traditional materials in his art. In fact, he has been adapting, changing, and borrowing ideas and materials for most of his history on this continent and is indeed a master at incorporating strange or new items into his lifestyle when the item suits his practical and aesthetic needs.

Today, more than ever, the native artist has at his disposal a wide variety of materials to consider for their aesthetic qualities; he should be allowed and encouraged to extend his cultural thinking through these materials as a matter of natural evolution in his art that has already passed through numerous other stages on its way to the present. The availability of natural materials and resources here on the reservation makes it feasible to pursue these new craft items. To date, through perseverence, there is a burgeoning business whereby a number of families among other tribes are becoming well-known for their work and are able to make a decent living from their products. The Cultural Center, in providing a facility for direct development and marketing of Indian art and artifacts will benefit both the Indian people and the various buyers. By eliminating the middle man, the Indian people will have a greater share in the profits from their work. Buyers, on the other hand, will be good-will advertising agents for other prospective buyers who will be directed by satisfied customers. There is currently a great market for such artifacts and the need for genuine Indian sources is pressing and universal. A shipping facility would provide an income for Indian people not only during the tourist seasons but throughout the year.

9. A CENTER FROM WHICH TRIBAL AND INTERTRIBAL COMMUNICATIONS ARE EDITED, DISSEMINATED, AND MADE AVAILABLE TO THE GENERAL POPULACE

Activities of the Indian Culture Center will be many and varied. There is a need for a means of communicating the various activities that occur among the tribes and a need for communicating the various activities that will be taking place at the Center. Items of local interest will apprise local people of local activities and items of national interest such as art shows and exhibits to those interested in that type of activity. Such a publishing facility will also provide the logical office for answering mail bearing inquiries about the various offerings and activities of the Center. An Indian Culture Center without a publishing facility would be inert and not as active as it should be in communicating its existence and activities to all interested persons.

10. AN INDIAN STUDIES PROGRAM

At this time, Central Wyoming College is studying means of implementing an Indian Studies program. At Central Wyoming College certain classes are available as a foundation for an Indian Studies program. These classes are anthropology, sociology, history, etc. The college will study in great detail courses such as the history and philosophy of the High Plains Indian, the psychology of the High Plains Indian, and the economics of reservation life. It is planned to implement courses during the fall semester of the 1971–72 school year in history of the Arapaho and Shoshone tribes. This will provide the springboard for an Indian Studies program. Indian direction will be had by employing Indian staff to instruct in this program.

ESTIMATED BUILDING, SITE IMPROVEMENT, EQUIPMENT COSTS FOR PROPOSED INDIAN ART AND CULTURE CENTER

	Square Feet
Classroom pods—4,400 sq ft each ×2=	17,600
Main hall—150 ft diameter	17,600
Total	26,400
	Cost
$30.00 per sq ft x 26,400	$792,000
Two acres parking, landscaping, sidewalks, utility extension	95,000
Equipment cost—estimated $5.00 sq ft	132,000
Total	1,019,000

ESTIMATED MAINTENANCE COST FOR 1 YEAR FOR PROPOSED INDIAN ART AND CULTURE CENTER

1. Salaries and benefits for 2 Custodians	$14,493.36
2. Electricity	3,600.00
3. Water and sanitation	275.00
4. Supplies—maintenance, etc	1,056.00
5. Insurance	3,950.00
6. Telephone—3 phones and long distance	4,500.00
7. Air Conditioning	4,500.00
8. Heating	1,500.00
9. Repair and replacement	2,300.00
Total	33,524.36

NOTE: These costs do not include Center Director and/or office staff.

OMNIBUS EDUCATION BILL SHOULD BE PASSED

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, we are nearing the date when the House will be called upon to cast a decisive vote on whether we meet our responsibility to the students and colleges of this country.

The members of the House Education and Labor Committee have worked diligently for over 2 years to put together an omnibus education bill which will benefit every schoolchild and college student in this country. We will ignore their needs at our peril as well as the needs of the financially hard-pressed institutions of higher education.

For the RECORD, I am inserting a breakdown of the highlights of this education bill, which was contained in the May 30 issue of the Chronicle of Higher Education, so that Members may see for themselves what will be imperiled if we fail to pass the bill:

SUMMARY OF HIGHER EDUCATION BILL; SENATE PASSES IT, 63 TO 15

(Following is a detailed summary of Bill S. 659, "the Education Amendments of 1972," the college-aid bill passed last week by the Senate and due to come before the House of Representatives next week.)

INSTITUTIONAL AID

Authorizes a new program of aid to institutions that, if fully funded, could cost up to $1-billion a year through fiscal 1975. Aid would be distributed to colleges according to three formulas.

First, 45 per cent of the funds appropriated for institutional aid would be distributed according to the total amount of educational opportunity grants, work-study, and National Defense loans paid to students at each college.

Under this section, a college enrolling fewer than 1,000 students would receive 50 per cent of the total student aid its students received from the three programs. A college enrolling between 1,000 and 3,000 would get 46 per cent; one enrolling between 3,000 and 10,000, would get 42 percent; and one enrolling over 10,000 students would get 38 per cent.

The second section of the formula would distribute another 45 per cent of the institutional aid according to the number of students at each institution receiving aid under a new program of basic educational opportunity grants.

Under this section, a college enrolling fewer than 1,000 students would get $500 for each basic grant recipient. A college enrolling between 1,000 and 2,500 students would get $500 for each of its first 100 recipients; and $400 for each one after that. A college with between 2,500 and 5,000 students would get $500 for each of its first 100 recipients, $400 for each of its next 150 recipients; and $300 for each of the rest. A college with between 5,000 and 10,000 students would get the same amounts as those above, but it would receive only $200 for each recipient of a basic grant over 500; a college with more than 10,000 students would get similar amounts, but only $100 for each recipient over 1,000.

The third section of the institutional aid formula specifies that 10 per cent of the aid funds would be based on the number of graduate students enrolled at each institution—allowing a payment of $200 per student.

The portion of institutional aid to be based on a college's basic grant recipients would not be paid unless Congress financed the basic grant program at a level that would allow at least 50 per cent of the need for basic grants to be met. If only 50 per cent of the full amount needed for basic grants is appropriated, then 50 per cent of the institutional aid tied to basic grants may be paid; if 60 per cent of the need for basic grants is met, 60 per cent of the institutional aid portion may be paid, etc. If not enough money is appropriated to meet all demands for institutional aid, the amount paid to each college will be prorated.

Payments for veterans

Authorizes payments of $300 to an institution for each veteran attending the college, plus $150 for each veteran enrolled in a special or remedial program at the college. To get the payments, the college must increase its enrollment of veterans 10 per cent over the previous academic year and must use 50 per cent of the payments for recruitment and education programs for veterans.

Emergency distress grants

Authorizes $40-million to be distributed by the Office of Education to institutions it has determined to be in grave financial distress.

STUDENT AID

Basic opportunity grants

Establishes a new program of basic educational opportunity grants that would entitle a college student to receive up to $1,400, minus whatever his family could reasonably contribute, or up to 60 per cent of the student's "need" for aid, whichever amount is less.

If the basic grant program, which estimates indicate could cost as much as $850-million a year if fully funded, were funded at less than 50 per cent of the amount needed, then the 60 per cent figure in the formula would drop to 50 per cent.

In addition, before the basic grant program could go into effect at all, existing student-aid programs would have to receive certain minimum appropriations—$130-million for the current educational-opportunity-grant program, $237.4-million for college work-study, and $286-million for National Defense student loans.

The bill extends benefits of new and existing student-aid programs to part-time students as well as to those at accredited vocational and proprietary schools. Students must sign affidavits promising to spend student-aid funds only for college expenses.

Supplemental opportunity grants

Continues the current educational-opportunity-grant program through fiscal 1975 as a supplement to the new basic-grant program. The maximum yearly grant allowed would increase from $1,000 to $1,500, but no student could get more than $4,000 over four years. Authorizes appropriations of $200-million annually through fiscal 1975 for initial-year grants under the program, and "such sums as may be necessary" to finance renewals.

State scholarship incentives

Authorizes federal matching grants of up to 50 per cent for states that increase their appropriations for college student-grant programs based on need. Authorizes $50-million each fiscal year through 1975 for initial-year grants and "such sums as may be necessary" for continuation grants.

College work-study

Extends the current program through fiscal 1975, authorizing appropriations of $360-million for fiscal 1973, $390-million for fiscal 1974, and $420-million for fiscal 1975. Adds a new section to encourage part-time community-service work for needy students, and gives preference to veterans. Authorizes $50-million in annual appropriations for this section from fiscal 1973 through fiscal 1975.

National Defense Student Loans

Authorizes annual appropriations of $400-million through fiscal 1975 and limits to $2,500 the total a student may receive during his first two years in college. Allows an undergraduate to receive a total of $5,000 in such loans and a graduate student, $10,000, including his undergraduate loans.

Guaranteed student loans

Extends the current program, increasing the amount a student may borrow each year from $1,500 to $2,500. Places a limit of $7,500 on the total amount undergraduates can borrow and a total of $10,000 on the amount graduate students can borrow, including their undergraduate loans.

Secondary market

Establishes a Student Loan Marketing Association to help insure adequate funds for guaranteed student loans. The association would sell stock and buy up student-loan notes from private lenders.

SERVICES FOR DISADVANTAGED

Would provide for a single appropriation for the Talent Search, Upward Bound, and Special Services programs; however, the programs would retain their separate identities. Authorizes appropriations of $100-million annually from fiscal 1973 through fiscal 1975.

GRADUATE PROGRAMS

Establishes a new section consolidating graduate aid. Authorizes a program for improvement of graduate faculties and programs with authorizations of $30-million for fiscal 1973, $40-million for fiscal 1974, and $50-million for fiscal 1975. Authorizes a program of graduate fellowships, similar to the current National Defense graduate fellowships, for persons teaching in institutions of higher education. Authorizes a program of public-service fellowships, extends the current program of language and area studies, and extends the International Education Act's authority to establish graduate centers for research and training in international education.

COMMUNITY COLLEGE GRANTS

Authorize $275-million through fiscal 1975 for a program of matching grants to assist in planning, establishing, and expanding community colleges.

OCCUPATIONAL EDUCATION

Authorizes $100-million for fiscal 1973, $250-million for fiscal 1974, and $500-million for fiscal 1975 for a program to assist states in establishing and conducting high-quality programs of post-secondary vocational education.

SEX DISCRIMINATION

Bans sex bias in all graduate admissions and in undergraduate admissions to coeducational public colleges. Exempts from the discrimination ban the undergraduate admissions of private colleges. Also exempts institutions controlled by a religious organization, if the ban would not be consistent with religious beliefs. Institutions in the process of adopting coeducation would be given a transition period to comply with the anti-discrimination ban.

BUSING AGREEMENT

Postpones court decisions ordering busing to achieve racial balance until all judicial appeals are exhausted or until Jan. 1, 1974. Prohibits use of federal funds for busing except on the written, voluntary consent of local school officials. Orders that no federal official try to force local education agencies to use state or local funds for purposes for which federal funds cannot be used.

DEVELOPING INSTITUTIONS

Authorizes $120-million a year through 1975 to strengthen developing institutions. For institutions on or near an Indian reservation, the Commissioner of Education may waive the requirement that an institution must have existed for five years before it can receive aid.

COOPERATIVE EDUCATION

Authorizes $10.8-million a year through 1975 and adds a section authorizing support for projects exploring innovative methods of cooperative education.

FINANCING STUDY

Authorizes a National Commission on the Financing of Post-secondary Education, to study the impact of federal aid and the reasons and possible solutions for the current financial distress of colleges.

COMMUNITY SERVICE

Authorizes a total of $120-million through 1975 for community service and continuing education programs. Adds a section authorizing programs designed to seek solutions to problems relating to technological and social change and environmental pollution.

COLLEGE LIBRARIES

Authorizes a total of $260-million through 1975 for college library programs, 70 per cent to go for library resources and 30 per cent for training and research programs. Not less than 50 per cent of the money for training and research shall support fellowships and traineeships.

EDUCATION PROFESSIONS

Authorizes $200-million for fiscal 1973, $300-million for 1974, and $450-million for 1975 for activities including the Teacher Corps, improving teacher training, retraining teachers for areas experiencing a teacher shortage, and establishing programs using high school and college students as tutors for educationally disadvantaged children.

INSTRUCTIONAL EQUIPMENT

Authorizes $130-million a year through 1975 for matching grants to state agencies to buy instructional equipment.

ACADEMIC FACILITIES

Authorizes a total of $800-million through 1975 for construction grants for undergraduate facilities. Twenty-four per cent of the undergraduate facilities grants are earmarked for junior colleges. Extends program of direct facility loans, authorizing $450-million through 1975, and extends the program of interest-subsidy grants for construction loans obtained in the private market. Adds a program of federal mortgage insurance for construction loans.

NETWORKS FOR KNOWLEDGE

Authorizes a total of $40-million through 1975 to aid institutions in sharing technical and administrative resources. Extends eligibility to law and graduate schools.

CLINICAL EXPERIENCE IN LAW

Authorizes a total of $20-million through 1975 for grants and contracts to law schools for clinical training programs for their students.

STATE PLANNING GRANTS

Authorizes "such sums as may be necessary" for grants to aid state planning commissions in making comprehensive studies and plans for post-secondary educational resources.

INSTITUTE OF EDUCATION

Establishes an institute in the Department of Health, Education, and Welfare to centralize federal research activity in education and to collect and disseminate research findings. Authorizes a total of $550 million through 1975.

EDUCATION DIVISION

Establishes an education division in the Department of Health, Education, and Welfare to include the Office of Education and the new National Institute of Education. The division would be directed by a new Assistant Secretary for Education.

INNOVATION AUTHORITY

Gives the Secretary of Health, Education, and Welfare authority to make grants and contracts with educational institutions and agencies to encourage reform, innovation, and improvement of post-secondary education.

ETHNIC HERITAGE STUDIES

Authorizes $15 million for fiscal 1973 for grants and contracts to assist educational institutions in developing and disseminating curricula for ethnic heritage studies.

CONSUMERS' EDUCATION

Authorizes a total of $80 million through 1975 to develop curricula for consumers' education and provides training for teachers and public service personnel.

LAND-GRANT STATUS

Agrees to treat the College of the Virgin Islands and the University of Guam as land-grant colleges for the purpose of annual appropriations.

BUSING AND THE HIGHER EDUCATION CONFERENCE REPORT

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. DELLENBACK. Mr. Speaker, within the near future the House will be voting on the conference report on S. 659, the Education Amendments of 1972. It is indeed unfortunate that so much of what has been written about this legislation has focused almost entirely on the busing provisions tacked on to the bill. As a result, the fact that the legislation will be a landmark in the history of higher education has been too frequently obscured.

I think the following two editorials from the San Francisco Chronicle and the Philadelphia Inquirer help to put the busing provisions in a reasonable perspective, so I am inserting them for the attention of my colleagues:

[From the San Francisco Chronicle,
May 18, 1972]

BUSING THREATENS EDUCATION BILL

The highly contentious and divisive issue of school busing, which has embroiled educators, involved the courts and acquired top billing in the ongoing Presidential primaries, now threatens to derail an aid-to-higher-education bill hailed as the most significant legislation of its kind since Congress created the lang-grant colleges in 1862.

The sticky issue was engrafted on the bill after nine weeks of hearing and an all-night session wherein a joint Senate-House committee strove for a compromise that would satisfy both sides of the busing controversy and achieved what seems to have satisfied neither. It was immediately attacked by civil rights leaders as "a sellout" and by busing opponents as weak-kneed.

What is of importance to the measure's future is (a) the House conferees went into the meeting with repeated injunctions against any compromise whatever on earlier approved limitations on busing, and (b) the compromise falls far short of the administration's anti-busing proposals—circumstances clearly inimical to approval.

In effect, the compromise would impose a 19-month moratorium on most forced busing that has already been imposed by the courts, but would have no application to future court orders. Its disclosure brought prompt predictions and some evidence that a liberal-conservative coalition would reject it on two directly opposing grounds.

Such a rejection would of necessity involve the widely acclaimed bill that would provide direct Federal aid to almost every college and university in the land and provide aid to thousands of students in the form of scholarships and loans. Its massive, over-all allocation of $18.5 billion would include $850 million a year for three years to aid colleges and universities, and $900 million a year in student aid. Among other objectives, it would authorize $1 billion a year for two years to assist schools to desegregate, would establish a national institution of education, set up an Indian study program, and expand vocational education facilities.

These are purposes against which few if any valid objections could be raised and it is regretable that they have been confused and endangered by an issue of separate if equal moment. If the busing dispute does indeed thwart this urgent, far-reaching move toward subsidizing and enhancing higher education, the untoward effects would fall upon champions and opponents of forced busing alike.

[From the Philadelphia Inquirer, May 23,
1972]

COMPROMISE . . . OR NO SCHOOL BILL

A Senate-House conference committee, after prolonged and even agonizing deliberations, has reported out a comprehensive higher education bill which could be the greatest thing to happen to higher education in America since President Lincoln signed the Morrill Act establishing land-grant colleges and universities.

The Nixon Administration favors the purposes of the bill. So does the vast majority of members of the House and Senate, in both parties. So does the higher education community, and so, we believe, do all American citizens who are aware of the financial plight of our colleges and universities and concerned that no one should be barred from higher education because his or her family is too poor to afford it.

Yet the bill may be blocked in this session by an issue which is quite extraneous to its purposes—public school busing.

We think it crucial that members of both chambers, whatever their views on the busing question, concentrate on the purposes of the bill itself.

Those purposes, for which the bill would authorize $18.5 billion in the coming fiscal year, include the establishment of Federal scholarships of up to $1,400 according to need, and operating subsidies to colleges and universities based primarily upon their enrollment of Federal grant recipients.

In addition, the bill would maintain and expand other Federal progams of student grants and loans; provide funds for educational research through a new National Institute of Education; provide aid to community colleges and encourage vocational education; and forbid discrimination against women in undergraduate and graduate schools.

But the bill would also authorize $2 billion over the next two years for President Nixon's program to aid desegregating school districts, and Congress has spent more time and oratory over sundry amendments to limit or forbid school busing than on the entire measure itself.

The conferees' compromise, delaying court busing decrees for up to 19 months, barring Federal officials from requiring it but permitting it where "constitutionally required," seems to displease everyone, including those who devised it. A Presidential spokesman says it does not go far enough; civil rights spokesmen say it would "turn back the clock in integrating the public schools."

We do not know whether a more satisfactory compromise on the busing question, which provokes so much passion on all sides, can be worked out. If so, let the attempt be made separately. Meanwhile, however, let the House and Senate pass the education bill, as is, for the worst compromise of all would be if this far-reaching legislation were to be run over by a school bus.

FISCAL MYTHS

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. ROUSSELOT. Mr. Speaker, a recent article by David T. Wendell, originally published in David L. Babson & Co., Inc., Weekly Staff Letter and reproduced in condensed form in the May 1972 issue of Reader's Digest, presents a clear warning to the House of Representatives and the Congress as a whole. The article by Mr. Wendell, entitled "We Must Halt Our Runaway Budget!" amonishes Congress to quit complaining about inflation and overexpenditure and do something about it right here and now.

I have introduced specific legislation, H.R. 12195, which, if passed by Congress, would provide definitive steps for dealing with several of the problems outlined in this article. Further, I am supporting our colleague, PAUL FINDLEY'S—Illinois—effort to change the rules of the House to accomplish the following:

At the beginning of each session of Congress, after the Committees on Appropriations and Ways and Means have jointly met, the entire Congress would, within 60 days, report out a resolution containing a House authorized Federal budget for the ensuing fiscal year.

The budget would include: First, an overall estimate of Federal receipts; and second, an estimate of Federal expenditures.

Maximum aggregate figures over which no obligations for expenses would be authorized, and a breakdown of all appropriation bills.

Former Chief Justice John Marshall said, "The power to tax involves the power to destroy." The U.S. Congress was originally established as the elected third branch of government to control the purse strings and, equally important, curb the taxing power as well as expenditures of Federal Government.

In my opinion, in recent times, Congress has failed to live up to this responsibility, and it can blame it on no one else. I commend this article by Mr. Wendell to my colleagues for consideration right now:

WE MUST HALT OUR RUNAWAY BUDGET!

(By David T. Wendell)

The new federal budget ought to dispel, once and for all, four fiscal myths that have been widely promulgated in recent years.

The first myth is that *the government's share of the economy can keep rising indefinitely*. Public spending has been going up steadily for so long now that everyone takes the rise for granted. But few have kept tract of how much these outlays have mounted over the last three, five or ten years, and few have any inkling of where such a trend will lead.

For example, total government outlays since World War II have been expanding at an average rate of 9 percent, compounded annually. If this growth rate continues, it will result in a doubling of public spending in eight years, a quadrupling in 16 years and eight-fold gain within 25 years. If this sounds academic, consider the actual record.

Federal expenditures alone have been rising at an average annual rate of 8 percent—that is, doubling every nine years. So the total has ballooned from $37 billion in fiscal 1948 to an estimated $246 billion in the year to start on July 1.

During the same period, state and local spending has moved upward an average of 10 percent a year. Outlays were $18 billion in 1948. They doubled by 1956, doubled again by 1965, doubled a third time by 1971, and will approach $180 billion in 1973.

If this trend persists (is there reason for believing otherwise?), the economy's public sector will grow from $362 billion in the current fiscal year to $725 billion in 1980 to nearly $1.5 trillion in 1988 and to more than $4 trillion by the turn of the century. Translated into everyday terms, government spending will increase from its present level of $1750 annually for every man, woman and child in the U.S. to $15,000 per person in the year 2000 (or $60,000 for a family of four).

How big a piece of the pie should the government get? The real cause for alarm about public spending is not so much that it has been going up, but that year after year it has been going up about 50 percent *faster* than the private, tax-producing part of the economy. As a result, the ratio of public to private spending has climbed from 22 percent in 1947 to 48 percent last year. At this rate, government outlays will overtake private spending by the late 1980s. Yet, it's a fact of life that the much faster growth of the public sector has two principal ill effects: it is inflationary; it destroys incentives.

The one sure way to keep the wage-price spiral moving is to allow government spending to continue rising more rapidly than the rest of the economy. As taxes are inevitably raised and costs mount higher, new price and wage increases won't be far behind.

Also, the more burdensome that tax rates become, the less willing are businessmen and workers to put in a normal effort. So the whole economy can lose momentum. In looking at some of today's trends—high absenteeism, slipshod quality control, and the frequent difficulty in finding willing workers—one wonders whether we have already passed the point of weakened initiatives and diminishing returns.

The second myth is that *the end of the Vietnam war will provide a huge "peace dividend" which can be used to beef up "scrimped on" domestic programs*. Actually, the extra costs arising from this war have already been cut from $22 billion in fiscal 1969 to an estimated $7–8 billion at present. So, most of the "savings" have already been realized. Yet we have a current budget deficit of $39 billion.

There has been a widespread misconception that the war was the main culprit behind the upsurge in federal spending. To the contrary, what has really gone out of control is the huge and unprecedented expansion of non-military outlays. Instead of being "scrimped on" because of the war, total budgeted non-defense expenditures have skyrocketed 143 percent since 1965, or 2½ times as much as military costs. And this raises a basic question: If the $99-billion boost in civilian outlays—the great bulk of which has gone into social welfare programs—hasn't alleviated our domestic problems, why should we assume that another $50 or $100 billion will do the trick?

The third fiscal myth is that *massive deficit financing helps to cure unemployment*. Treasury Secretary Connally has said that businessmen "ought to be applauding" the current budget deficit, which will "lead the fight against unemployment." But if this were really an effective job stimulant, then the cumulative deficit of $57 billion over the past five years (1967–1971) should have had some apparent impact by now.

Rather than being a cure for unemployment, deficit financing is just the reverse. In the long run, the rising national debt can only lead to more inflation, which hurts profits—the basic creator of jobs. The current unemployment problem is due to socio-political as well as economic factors, and a $39-billion deficit simply does not give corporate executives any new motive for hiring additional workers.

The final myth is that *the federal government is in a position to bail out "tax-poor" state and local governments*. During the past five years, per-capita taxes have jumped 67 percent at the state level and 50 percent at the local level. Meanwhile, the amount that Washington has given to these governments as "grants-in-aid" has soared from $13 billion in fiscal 1966 to $30 billion in 1971 and to $43 billion scheduled for 1973, plus an additional $5 billion proposed for "general revenue sharing." Despite this massive infusion, cities and states are still running out of money. So their mayors and governors are urging the deficit-riddent federal government to assume an even greater share of the load!

Five years ago, Maurice Stans, a former budget director, warned, "If we should have a recession when our expenditures are as high as they are now, and when we are already operating at a deficit, the government could end up with an overall deficit of 30 or 40 billion dollars." Since then, we have had three huge defiits—$23 billion, $25 billion and

$39 billion—and a fourth blockbuster of $25 billion is budgeted for 1973. We've also reached the point where seven-tenths of federal spending—or $175 billion next year—is "uncontrollable" (locked into the budget by previous Congressional decisions) and growing by leaps and bounds. It's obvious that the seemingly irreversible rise of public outlays cannot continue without seriously impairing the economy's soundness and capacity for growth—thus making our social problems worse. It is time every political leader gave this some serious thought.

"EIGHTEEN TEXTS" OUT OF GREECE AIRS PROTEST IN VERSE AND PROSE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. BRADEMAS. Mr. Speaker, I take this opportunity to call to the attention of my colleagues the recent publication, by the Harvard University Press, of an English translation of "Eighteen Texts: Writings by Contemporary Greek Writers."

The publication of this volume is in large part the result of the efforts of Mr. Christopher G. Janus.

Mr. Speaker, at this point in the RECORD, I insert an article by Henry Raymont in the New York Times concerning the publication of this volume.

The article follows:

"EIGHTEEN TEXTS" OUT OF GREECE AIRS PROTEST IN VERSE AND PROSE

(By Henry Raymont)

When Christopher G. Janus the former publisher of "Greek Heritage," met with a group of writers in Athens late in 1969, none of them thought their "Eighteen Texts," a book of poems and short stories protesting Greece's military dictatorship, would ever get into print.

"We were worried about footsteps, tapped telephones, and every knock on the door," Mr. Janus recalled yesterday. "I promised I would get their works out of the country and translated in order to show the world that the spirit of Greek literature and art had not succumbed to oppression."

Mr. Janus, a Chicago investment broker identified with Greek democratic causes, spoke just before a reception marking the publication of an English translation of "Eighteen Texts: Writings by Contemporary Greek Authors," by the Harvard University Press. To everybody's surprise the 18 manuscripts not only did not have to be smuggled out but also were printed in Greece to become a best seller when the military regime lifted preventive censorship a few months after Mr. Janus's meeting with the writers.

"TEXTS ARE A WARNING"

Since the book's appearance in Greece, however, two of the authors, Spiros Plaskovitis, a 55-year-old novelist, and D. N. Maronitis, 43, a professor of classical literature, have been jailed without charges, Mr. Janus said. Although prepublication censorship was abolished, he explained, the publishers and writers of any book that the regime interprets as an attack on it are liable to minimum one-year prison terms and fines.

Cedric Whitman, professor of classics at Harvard University, wrote in the foreword to the English edition: "These texts are a warning, not because any of the authors poses a conspiratorial threat, but because all are committed to a Greece that is free."

Mr. Janus, a graduate in classics and philosophy of Harvard and Oxford, recalled that the book represented the first publication by writers and critics who had refused to publish any work in Greece since the 1967 military coup.

"It was an important gesture in defiance of military repression," he said. "After a token liberalization of the censorship laws the authors felt that to silence themselves any further would, in effect, be doing the work for the colonels."

With the financial assistance of one of his corporations, Classic Book Associates, Mr. Janus subsidized the English edition by paying for the translations and engaging as the book's editor Willis Barnstone, professor of comparative literature at Indiana University, whose own book of translations, "Greek Lyric Poetry," has just been reissued by Schocken Books.

CRITICISM IN PARABLES

The collection in "Eighteen Texts," include "The Cats of St. Nicolas," an allegoric poem by George Seferis, the Nobel laureate who died last year, and works by Kay Cicellis, Takis Koufopoulos, Alexandros Kotzias, Takis Sinopopulos, Nora Angnostakis, Rodis Roufos, Nikos Kasdaglis, Thanasis Valtinos and Lina Kasdaglis.

Several of the short stories cloak their criticism of the regime by parables or the use of mythical Latin-American discussion of the morality of peaceful protest against the use of terrorism to upset tyranny.

For a moment yesterday Mr. Janus seemed to be caught up in the same dilemma when asked if he would publicize a telegram from Andreas G. Papendreu, a professor of economics at York University in Toronto and leader of the Panbellani Liberation Movement. Although he had expected the message to celebrate the publication of the book, it turned out to be a violent attack against the Pentagon for its support of the Greek regime.

"I really don't know if this properly addresses itself to the problem of intellectual freedom that the book is all about," Mr. Janus said with a trace of anguish in his voice.

WHAT THE PRESIDENT'S MOSCOW REPORT WILL NOT COVER

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. RARICK. Mr. Speaker, it is altogether fitting that we should pause today amidst the tumult and the shouting of President Nixon's safe return to America's shores to consider those things which the President did not see when he visited the Communist leaders in Moscow.

So that our colleagues do not forget—in this moment of great hope—I ask that a related news article comparing actual life under Communist domination with our life in America be included in the RECORD at this point.

The article follows:

[From the State-Times, Baton Rouge (La.), May 26, 1972]

WHAT NIXON WON'T SEE IN RUSSIA TELLS THE REAL STORY

(By Henry J. Taylor)

On TV we see in our lving rooms President Nixon exposed to the advances of the Soviet Union. Careful, folks, the tube can fool you.

In simple truth, the Soviet economy is geared for two main objectives, scientfic progress and military power, just as the political engine is geared for a single objective, the continuance of the Communist regime.

For two long periods after 1885 Russia's growth rate in industrial outputactually outdistanced that in the United States, Great Britain, France and Germany. But Princeton Prof. Cyril E. Black's book, "Prospects for Soviet Society," for one, documents the indisputable fact that in economic development the U.S.S.R. has not overtaken any Western European country since 1917.

The U.S.S.R. is trying to destroy our world position, but on the economic side it has some distance to go. In that destruction, here are a few specifics that occur to me:

(1) Destroy 90 per cent of our three-million-mile paved highways on which Americans will travel 1.2 trillion miles this year and we'd be at the Soviet level.

(2) Destroy 19 out of 20 U.S. cars and trucks. This will nicely solve our traffic problem, as it has in the U.S.S.R. You will not see President or Mrs. Nixon shown in Moscow at an automobile outlet. There is only one—with a waiting list of 60,000 dreamers.

(3) Destroy two-thirds of our railway mileage and roll it back to 1917, although Russia was then building railroads faster than any nation had and at the same time had more oil production that we had. In both categories pre-Soviet Russia led the world.

(4) Destroy our commercial airlines, except 20 per cent. Aeroflot, the government (and only) airline, doesn't even issue a domestic service timetable.

(5) Destroy 60 per cent of our houses and then tuck in 241 million people. You will not be shown President and Mrs. Nixon visiting a Soviet apartment. Moscow has about 90,000 apartment buildings. More than half the apartments are shared with other families, many with three and four families. Soviet officials agree 1.6 million more apartments would be needed in Moscow alone to provide unshared apartments.

(6) Destroy half our 120,000 schools and colleges.

(7) Padlock most of our 320,000 churches.

(8) Destroy nine out of every 10 U.S. telephones. Comatose Moscow doesn't even need a publicly issued telephone book.

(9) Destroy 70 million of our 94 million television sets.

(10) Destroy two-thirds of our petroleum use and 10 per cent of our natural gas use.

(11) Destroy half our coal mines and two-thirds of our coal production.

(12) Move 70 million farmers back to our farms. Pre-Soviet Russia was an immense food exporter. Today Soviet agriculture cannot feed even its own people, while the American farmer is literally the most productive man on earth. He feeds himself and 17 other people.

(13) Block our travel. One-quarter of the U.S.S.R. is not only prohibited to foreigners but to traveling Soviet citizens. And an additional one-quarter—totaling half of the entire Soviet paradise—might as well be closed because Intourist, the government travel-control agency, won't take you there.

(14) Destroy the free enterprise system that gives us Americans the highest wages and the shortest working hours in the world and lets America, with 6 per cent of the world's population, account for 33 per cent of the total world production. Free enterprise makes for enterprising freemen. The vast Soviet gross national product is less than half of ours.

(15) Enact the Soviet work week: 51 hours, with six hours on Saturday.

(16) Outlaw our right to strike.

(17) Build our federal bureaucracy to 14 million.

(18) Put two million more men and women into the U.S. armed forces. And change

their pay. A lieutenant in the Red Army is paid 100 times more than a private.

(19) Duplicate the Soviet KGB's 250,000 secret police, seal our country with 200,000 border guards and carry the death penalty down to children at the age of 14.

(20) Make everything that is not prohibited compulsory.

(21) Stop the free press.

(22) Stop our right to governor ourselves.

Secretary Brezhnev, we're impressed.

POST-HOOVER FBI

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. HOGAN. Mr. Speaker, since the death of FBI Director J. Edgar Hoover, the Federal Bureau of Investigation has been a frequent topic of discussion and speculation.

In the minds of many, the FBI and Mr. Hoover were one and the same, and they feared that with his passing would come decay of the Bureau, or at least substantial deterioration. Many considered Mr. Hoover irreplaceable and to a great extent that is true—there has never been such a dedicated public servant. But precisely, because he was such an extraordinary public servant, he created an organization which will continue to be the model for law enforcement agencies around the world.

David Lawrence and Richard Wilson recently wrote about Mr. Hoover and the FBI in the Evening Star, and both men pointed out among other things that the post-Hoover FBI will run in the same nonhysterical, organized way as the FBI under Mr. Hoover did. Mr. Speaker, I now insert the two articles into the RECORD:

FBI ISN'T A ONE-MAN ORGANIZATION

(By David Lawrence)

Although J. Edgar Hoover rightfully deserves all the praise and tributes that have been given him since he died last week, there are some members of Congress who have the mistaken impression that the Federal Bureau of Investigation he headed somehow is a one-man organization.

The story of how the FBI operates is not generally known because its activities are necessarily secret. But its functions can be described. There are 8,600 agents throughout the United States, with 500 sub-offices which are under the direction of 59 field divisions. It often happens that as many as 15 sub-offices work on one case, controlled from one field divsion. In fact, the whole FBI is a big organization, which may work under close supervision and tight security. Inspection is frequent and a staff is maintained to do this through every field office.

The bureau is a model in government and has proved so effective that other departments have studied it so that various phases of its organization may be incorporated in their own operations.

The truth is, the FBI is self-sustaining, and Hoover made it so. While a new director who has a knowledge of the system and a familiarity with the work that is being done will be needed, the FBI itself can keep functioning through its offices because it has administrative officials below the rank of director who can oversee what is being done.

The chief objective of the FBI is to detect the perpetrators of crime or to conduct investigations to prevent the commission of crimes wherever possible. Many a police and law-enforcement body in this country knows a good deal about the efficiency of the FBI and the assistance it provides through its records and laboratories.

In Congress, however, there are some who feel that the files of the FBI should be examined to see that documents are not retained which are injurious to anybody. The FBI could not carry on its work if the information gathered by its agents were furnished to congressional committees for publication.

J. Edgar Hoover came into office as director of the Bureau of Investigation in 1924, and this writer recalls the emphasis that was placed upon his appointment because in the preceding years there had been irregularities and much criticism of the bureau. It did not take long for Hoover to become known to the public as a tough and incorruptible fighter against crime. Again and again he demonstrated that the FBI could be an effective instrument in the war against criminals and subversives.

The general feeling among the executives in the FBI is that the present organization will go on under a new leadership and that no substantial change will be necessary in the existing setup. Cooperation with local and state police will be continued, particularly in connection with crimes committed by those who cross state lines, as this is a federal offense.

The FBI under Hoover has never been a partisan of any administration and served every president faithfully. It has not taken any part, directly or indirectly, in political campaigns or the contests of candidates. The FBI sticks strictly to handling problems that are arising in greater numbers than ever today. It not only furnishes information to federal, state and local governments but works also with the Central Intelligence Agency in matters that relate to foreign governments and possible conspiracies of an international nature.

An acting director of the FBI—L. Patrick Gray III—has been appointed, and in time there will be a permanent director. Meanwhile, officials of the bureau are working just as hard as ever under the existing system. They feel that they can prove that the organization can carry out its objectives, though there is prevalent a sense of sadness that the leader of the last 48 years has passed away.

People in the FBI are much impressed by the fact that Hoover was honored by having his body lie in state in the Rotunda of the Capitol and that the President of the United States attended the funeral, along with many prominent persons from all branches of the government and from the nation.

COMING DISPUTE ON FBI PUT IN PERSPECTIVE

(By Richard Wilson)

The role of the FBI in the general scheme of things in the nation has always been exaggerated. It is not a national police force. Its jurisdiction is circumscribed.

By far the greater responsibility for law and order resides in state, local and other federal agencies. The latter includes the United States Secret Service as well as numerous federal enforcement agencies operating in conjunction with the Justice Department's Criminal Division.

Of the $2.3 billion budgeted for 1972–73 federal anti-crime programs, $330 million, or less than one-sixth, is directly for the FBI.

These facts are recited in an effort to put into perspective a kind of hysteria which will soon evidence itself on how the post-Hoover FBI shall be run, who shall head it, and what its philosophy shall be.

The hysteria rises from one major source, those who imagine that the FBI is or will soon become a secret police used for political repression. This bugaboo is regularly paraded in Congress and the liberal community, which must now be astounded by the statement of Interim Director L. Patrick Gray that he has as yet discovered no secret files or dossiers, a la the European secret police, on political figures and prominent Americans.

If Gray finds no such incriminating files in the future, he will have destroyed the cherished convictions of thousands of liberals and radicals that they are under constant surveillance. Their megalomania and status will have undergone a shattering deflation with the disclosure that the FBI did not even think it worthwhile to tap their telephones.

In fact, the FBI is very exclusive, having in operation about 50 telephone taps in national security cases at any particular time on the scores of millions of phones in the country. In view of the politically inspired violence and threats of violence in the era of dissent and the many bombings and depredations, a figure of 50 wiretaps (actually 36 in 1970) does not seem out of proportion.

Gray has undertaken, as one of his first responsibilities, dispelling such distrust of the FBI as was based on hatred of Hoover. He tried to appear in the role of a reasonable and accessible official who will effect changes in style if not in substance, contrasting with Hoover's adamancy and remoteness.

This may be useful in the beginning but in the end Gray will have to undertake, because he is required by law to do so, the type of inquiries which made Hoover so unpopular in radical intellectual circles. These inquiries extend to college campuses where dissent crosses the perilous boundary into overt action against the government, and to the ghettos where the creed of armed violence challenges established authority.

If Gray receives reports of plots to blow up the Capitol, or destroy its heating system, or to kidnap prominent federal officials, he will have to look into them, regardless of how juries have reacted to such charges in the past.

And if such inquiries result in renewed charges that the FBI is an agency of political repression, Gray will have to live with it, as did Hoover—having at the same time the general support of the vast majority.

If Gray is looking for an example of how to extract a leading government agency from the field of controversy, he might examine the tactics of the U.S. director of intelligence, Richard P. Helms.

CIA Director Helms, before he ascended to a higher role, managed to extricate the CIA from a position of prominence which did not become it.

CIA is managing to keep out of the news, except in those cases where it might be expedient to let it be known that it was not entirely in agreement with the Defense Department.

Otherwise, very little is heard anymore of the CIA's shadier side, although it stretches credulity to believe that this agency has abandoned an active role in shaping the world's affairs.

A mild manner and lowered profile has aided Helms, and something like this may be valuable in the case of the FBI now that it is no longer necessary to support the Hoover personality cult.

If Gray succeeds he may become the permanent director of the FBI, although that would depend to a great extent on Nixon's re-election.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

LIMITED EXCLUSIVE LICENSES AND THE PUBLIC INTEREST

HON. GARRY BROWN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. BROWN of Michigan. Mr. Speaker, my colleague, Representative Koch of New York, has been prompted to circularize the membership of the House with a letter and appeal relative to the proposed granting of a limited exclusive license to the Upjohn Co. of Kalamazoo and another firm for use of a patent held by an employee of the Department of Agriculture, and he has further inserted in the Record a copy of the appeal in this regard.

Since the Upjohn Co. is a constituent firm, I felt it incumbent upon me to ascertain the facts and to apprise the Membership of that which I had been able to determine. Since my response to Representative Koch's appeal may not have come to the attention of all Members, I wish to include it in these remarks and it follows:

House of Representatives,
Washington, D.C., May 17, 1972.

Dear Colleague: Recently, you received a "Dear Colleague" letter from Representative Koch of New York relative to the granting of exclusive licenses to use patents to Welch Foods, Inc. and The Upjohn Company by the Department of Agriculture. In his letter, Representative Koch criticized the granting of such exclusive licenses as being unconstitutional or unlawful and not in the public interest. He invited you to join in an appeal to the Secretary of Agriculture against the granting of these exclusive licenses which has been prepared by Ralph Nader's Corporate Accountability Research Group as well as any ensuing litigation to be brought, presumably by the same Group.

Inasmuch as Representative Koch's letter suggested some improper action in which a constituent firm of mine, The Upjohn Company, might be involved, I immediately sought clarification of the whole matter. I have found that Mr. Koch is either inadequately informed or has had the matter misrepresented to him by the advocates of opposition to the granting of these licenses.

Although it is uncertain at this time as to whether such license agreement will be finalized, let me review with you his letter and the allegations and conclusions reached therein:

(1) Is the granting of exclusive licenses contrary to the Constitution or law? Obviously not. . . . As early as 1924, Attorney General, subsequently Supreme Court Justice, Harlan Fisk Stone interpreted the law as permitting the granting of such licenses since these licenses are not permanently "disposed" of as Congressman Koch has suggested, but rather they are granted for a specific period, in this case five years, with all rights and title being retained by the licensor, in this case the Federal Government.

(2) Was this patent "acquired by research paid for by the taxpayer" as Congressman Koch states? Since the answer to this question is of significance in determining the merits of his argument, I inquired of The Upjohn Company relative to the pertinent facts which relate to its application for its exclusive license. It has informed me that the patent in which it is interested, held by the Department, is premised upon an assignment made by one of its employees, Dr. Cooper, who had made application therefor at the behest of The Upjohn Company. This Company has made significant investment of personnel time, laboratory facilities and monies in developing and proving the feasibility of the invention as a condition to bringing it to the requisite and meaningful point of practical application.

(3) Is Congressman Koch correct in saying that these licenses should be granted on a non-exclusive, royalty-free basis? Again, the answer is no. It is my understanding that many valuable inventions, the patents for which are held by the Department of Agriculture, have never been developed to their full potential for the benefit of the public. This would appear to have been caused by the previous policy adhered to by the Department in not granting exclusive licenses. Perhaps recognition that potentially valuable patents were lying fallow in the files of the Department motivated the Department to revise such policy and permit the granting of exclusive licenses. It is the reality today that government approval for the safety and efficacy of chemical products is conditioned upon the expenditure of vast sums of money in order to determine possible long-term effects of such products and their persistency in the environment. Thus, the element of risk is quite substantial.

It is my understanding that not only has The Upjohn Company expended considerable sums to develop the invention which is the subject of the exclusive license application, but, as a result, it is the only agriculturally oriented company in this nation which possesses the requisite background expertise for prompt development of this invention. However, considerable refinement must still take place, requiring substantial further investment, in order to bring this invention to the point of practical application.

In addition, the Department of Agriculture attempted to effectuate the development of this patent through the so-called "non-exclusive, royalty-free basis" suggested by Representative Koch without success; no company apparently being willing to make the kind of investment which would be necessary to develop the patent to the extent necessary for effective utilization. Not only did the Department do this informally, but it also formally filed in the *Federal Register*, Vol. 36, No. 150, August 4, 1971, its notice of intent to grant these exclusive licenses for a five-year period to Welch Foods, Inc. and The Upjohn Company and, in such filing, invited interested parties to: (1) file a protest with the Administrator of the Agricultural Research Service against the granting of such exclusive licenses; (2) file an application for non-exclusive license on the invention; or, (3) file a protest setting forth reasons why it would not be in the public interest to grant the proposed exclusive license. Yet no firm was willing to take on the development costs and risks on a non-exclusive license basis. Therefore, absent the offering of an exclusive license, no development of the invention would occur and the public would be denied its cost-saving benefits.

In summary, it is obvious that the Department of Agriculture has carefully evaluated the desirability of granting this exclusive license for a period of five years to The Upjohn Company and has found that it would be in the public interest to do so. The Department has found that the invention would be of substantial benefit to the public if it is developed to the point of practical application and it has determined that no responsible party is willing to do so on less than an exclusive license basis. And, The Upjohn Company, having invested great sums of its own funds in the research necessary to bring this invention to the point of practical application and having been the firm which has been singularly responsible for its development to this stage, is the logical exclusive licensee of the patent for the limited period.

I do not presume to dictate your course of action on this matter, but I did want you to be better acquainted with the facts before you made your decision than would be the case upon the reading only of the letter from Representative Koch.

With best regards,
Sincerely,
Garry Brown.

THE PATIENCE OF LAW-ABIDING AMERICANS IS WEARING THIN

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. CHAPPELL. Mr. Speaker, our Nation's Capital has again been under the seige of irresponsible mobs demonstrating against the war in Vietnam.

They disrupted traffic, pelted police with bottles and rocks, broke automobile windows, set fire to valuable shrubbery, and tried to "invade" the Pentagon.

Law enforcement officers restored order after arresting several hundred of the participants.

It was a shabby show the demonstrators made—regardless of whether one concurs with their purpose. They assaulted the police trying to guarantee their right to peacefully demonstrate. They shouted down those who spoke contrary to their position while crying out for "freedom" of speech.

Tolerance they insisted for their right to speak out but by their actions denied those of opposing view the same tolerance.

Frankly, I am fed up with the attitude that it is permissible to destroy property and disrupt lawful and productive pursuits simply because someone does not agree with a law or with a course of action this Nation is pursuing. Defiance of law and order has no place in American society.

I listened to one of those demonstrators on the radio. He was talking about a "personal commitment to be thrown in jail, if necessary, in order to protest."

It is incredible to me that this small segment of our people feel they are exercising their "freedom of expression" by throwing bottles and blocking traffic, and fail to realize they are interfering with the rights of others. They want the right to be heard and yet they do not want to afford the other fellow the opportunity to express himself.

The Constitution guarantees to every American the right to lawfully dissent, to speak his piece, but not to do as he pleases.

Our forefathers gave us the most powerful method of dissent that any country has ever known—the ballot box, a free press, the right to lawfully assemble. The most important of these—the right to vote—has now been extended to all above the age of 18.

Those who prefer disruptive demonstrations to constructive debate and the enlightened vote are ignoring the greatest opportunity afforded them to bring about lawful change.

It is time for all of us to take a really hard look at America. We have never cradled a more permissive society than we do today. Parental, educational, and religious guidance and governmental enforcement have all permitted and encouraged the individual to do his own thing, even to the extent of participating in civil disorders, invasion of others' rights, and of selecting laws which he will or will not obey.

Our society leans over backward in an apparent effort not to influence and discipline our young people toward our ideals and hopes, lest we spoil their personalities. How alienated and unloved many of them must feel.

Law and order is everybody's business and should be everybody's active concern. The liberal press and some of the commentators ridicule those who speak of law and order as "ultra-conservative" and "far right."

Hogwash.

The history of mankind proves that when law and order no longer prevail, a nation drops to its knees with impotence, unable to govern itself any longer.

It is not enough to believe in law and order. Each of us must make the effort to speak out in a positive manner. By our silence we grant approval to the misguided few.

Let us remember the tremendous job our police officers are doing in handling unlawful and destructive demonstrators. I applaud the fact that the police are again being allowed more latitude to do their job and to meet force with reasonable force where necessary to preserve order.

Most Americans, I believe, are ready to stand up and demand that law and order be preserved. Their patience is wearing thin. It would behoove those who would participate in unlawful demonstrations to engage in some rethinking—and turn their attention toward voter registration and the ballot as a means of bringing about progressive change.

SENATE—*Friday, June 2, 1972*

The Senate met in executive session at 12 noon and was called to order by Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, who has taught us in Thy Word to lift up our eyes to the hills, and that our help comes from the Lord who made heaven and earth, we lift our wistful spirits to Thee.

We give Thee thanks for every new vision of a better world and nations forever at peace with one another. In this season of summits, keep ever before us the summit of Sinai and the commandments of divine law, and the summit of Calvary and the law of love and the everlasting truths of the Sermon on the Mount. May we fix our eyes upon Thy goodness and mercy and justice. Make and keep us a nation under God. With this holy vision enable us to work this day and every day.

We pray in His name, who is Prince of Peace. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 2, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

Mr. HARRY F. BYRD, JR. thereupon took the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. Under the order of yesterday, the following business will be transacted as in legislative session.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 1, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 1, Public Law 86-42, the Speaker had appointed Mr. BROOMFIELD as a member of the Canada-United States Interparliamentary Group, to fill an existing vacancy thereon.

The message announced that the House had passed a bill (H.R. 13918) to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 13918) to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) is now recognized for a period of not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged against my order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on Monday next, immediately following the recognition of the two leaders under the standing order, as in legislative session, the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time remaining under the order recognizing the junior Senator from West Virginia, now speaking, be vacated.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The **ACTING PRESIDENT** pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **HARRY F. BYRD, JR.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

CONTINUED HARASSMENT OF VIRGINIA CITIZENS BY HEW

Mr. **HARRY F. BYRD, JR.** Mr. President, a group of Virginia citizens is rebelling against the continued harassment of the Department of Health, Education, and Welfare.

On May 19, a class action suit was filed in the Federal district court in Norfolk against HEW. This suit seeks to enjoin the Department from further attempts to obtain the confidential personal records of a group of schoolchildren.

These children are students in the special education programs of the city of Portsmouth, Va. Portsmouth operates five such special schools: One for the emotionally disturbed, three for children who are classified as slow learners, and one for the physically handicapped.

The Department of Health, Education, and Welfare has alleged that these programs are racially discriminatory in that they contain too high a percentage of black children. This allegation was made by the head of HEW's Region III Office of Civil Rights, Dr. Eloise Severinson.

I have commented several times in the past on Dr. Severinson's deliberate campaign of harassment against Virginia's secondary school systems.

The city of Portsmouth offered HEW data on the racial composition of the schools and the testing procedures utilized, as long as the names of the children were not included. The city also offered to furnish a sample cross section of the records of children whose parents consented to the release of this sensitive information.

HEW refused each of these offers and remained adamant in its demand for the full files.

I corresponded with Secretary Richardson on this subject and received an unsatisfactory reply. He stated to me that HEW did not desire to utilize the confidential material in the records, but that his Department still required the submission of the material.

The citizens' suit against HEW is to test a citizen's right to privacy from the prying eyes of the Federal bureaucracy.

Within recent months public officials in the counties of Accomack, Albemarle, Nansemond, Charlotte, Campbell, Isle of Wight, and Amherst and in the cities of Norfolk, Chesapeake, Portsmouth, and Franklin have issued complaints of harassment by HEW.

Now the citizens themselves are becoming aroused—and are going to court against HEW.

Secretary Richardson would be well advised to get his Department under control, to knock heads together, and to demand that these harassments end.

THE REPORT OF THE PRESIDENT TO CONGRESS AND THE NATION

Mr. **HRUSKA.** Mr. President, last evening the joint session of Congress witnessed a report and a part of one of America's shining and finest hours—bringing a vista of an era long sought in our modern times.

It brings to attainable reach that centuries-old prayer of mankind that there be "peace on earth, good will toward all men."

It is a goal and an event in which all of us can share and from which all can vastly benefit.

In areas of immediate interest and of some concern, the President brought out and emphasized some points which were especially impressive and reassuring.

The first has to do with the 3-year preparation for the outcome of "concrete results," which flowed from the talks and agreements. These were not the result of caprice nor of premature desire to arrive at some agreement which would glitter on the surface but which would not have a solid foundation. The President truly stated that since early in his administration it was his objective that the prospect of concrete results, not atmospherics, would be his criterion for meeting at the highest level. The result was a "working summit" and a fruitful one.

A second feature was the President's assurance that present and planned U.S. strategic forces are without question sufficient for the maintenance of our vital interests. Already there has been talk of numbers of missiles, and of different types of weaponry. Already there have been those far too ready to express misgivings and doubt and suspicion without having had the benefit of a full explanation and a complete disclosure of all the reasoning that went behind the type of agreement with regard to strategic forces. The President declared that he has studied the strategic balance in great detail with his senior advisers for more than 3 years. This Senator is willing to extend every fair intendment to his competence, to his judgment, and to his determination that the only national defense posture which can ever be acceptable to the United States is one in which no nation will be stronger than the United States of America.

And a third feature which was particularly impressive and should be accorded great credit is his willingness and desire that Congress—the elected representatives of the people—share in this effort to bring about a world in which all nations can enjoy peace. And so he declared his intention to submit for the concurrence of both House and Senate the agreement limiting offensive weapons and other subjects raised by the agreements; and, of course, by force of the Constitution, the Senate will be called to advise and consent to ratification of the ABM treaty.

It is noteworthy that the President does not report these events of the past 2 weeks as bringing instant peace, but only for what it truly is: The beginning of a process that can lead to a lasting peace.

Nor does the President lose his sense of reality, gained from years of experience and study. Witness his words:

> We must remember that Soviet ideology still proclaims hostility to some of America's most basic values. The Soviet leaders remain committed to that ideology.

Hence, his urging that the United States maintain our defenses and our economic strength as well at adequate levels. Likewise, the comfort of his declaration:

> No power on earth is stronger than the United States of America today, and none will be stronger than the United States of America in the future. This is the only national defense posture which can ever be acceptable to the United States, and this is the posture I ask the Senate to protect by approving the Arms Limitation Treaty to which I have referred. And with the responsible cooperation of the Congress, I will take all necessary steps to maintain in our future defense programs.

Mr. President, it would be well that we ponder on why it was possible to have reached this high and promising point in our world history.

Certainly, there must be foundations previously built to attain this result. And there were.

The preparation of the past 3 years to which the Chief Executive referred in his remarks is a large factor, without doubt. But the President truly and appreciatively credits Congress with another indispensable and extensive element. He does so with these words:

> Our successes in the strategic arms talks, and in the Berlin negotiations, which opened the road to Moscow, came about because over the past three years we have consistently refused proposals for unilaterally abandoning the ABM, unilaterally pulling back our forces from Europe, and drastically cutting the defense budget. The Congress deserves the appreciation of the American people for having the courage to vote such proposals down and to maintain the strength America needs to protect its interests.

Mr. President, there may soon be additional occasions for Congress to act on some of these propositions. It is indicated that votes may be called for at an early date on unilaterally pulling back our forces from Europe; drastically cutting our defense budget; and perhaps unilateral abandonment of the ABM.

It is my earnest hope that any who contemplate offering such proposals will carefully read and study the President's address of last night. It is my hope that they thoughtfully and studiously consider the large and historic sweep of the world events of the past 2 weeks. It is my further earnest hope that the judgment and the firm hand of past congressional positions once again prevail in these regards.

This is one of the ways in which Members of this body can share in the event. It is one of the ways we can show in our "actions what we know in our hearts—that we believe in America."

And that we recognize and follow a national leadership that stands preeminent in the annals of our Nation.

THE PRESIDENT'S REPORT TO CONGRESS AND THE NATION ON THE MOSCOW SUMMIT

Mr. STEVENSON. Mr. President, last night the President reported to the Congress and the Nation that the Moscow summit culminated in agreements which usher in a new era of restraint and stability.

I believe that the ABM treaty and the offensive missile agreement do indeed put us at the threshold of a new era, and for that the President deserves our gratitude. Whether we cross that threshold, however, depends on choices yet to be made by the President and by the Congress.

For over two decades the Soviet Union and the United States have in the name of national security engaged in a frenzied contest to produce nuclear weapons. Hundreds of billions of dollars have been spent; some of the best minds in the world have been diverted from more constructive pursuits; yet the United States and the U.S.S.R. entered the seventies no more secure than when the nuclear arms race began.

The SALT agreements offer a clear choice: Will we take serious measures to reverse the deadly nuclear spiral, or will we redirect the arms race into new, more costly, and perhaps more dangerous, channels?

If we are to cross the threshold to which the arms limitation agreements have brought us, there is no first step more crucial than a full reexamination of the Pentagon's 1973 budget request for strategic weapons. That budget request was prepared long before there was any certainty that the SALT talks would culminate in an agreement. Six months ago Secretary Laird said:

> We are hopeful for success in the Strategic Arms Limitation Talks now underway in Vienna, but no Secretary of Defense can base his plans and recommendations for adequate national security programs simply on the hopes for success in negotiations.

In February of this year Dr. John Foster, Director of Defense and Engineering, Department of Defense, was even more explicit when he told the Senate Armed Services Committee that the fiscal year 1973 strategic programs were designed in part to "hedge against the unfortunate event that no—SALT—agreement is reached."

But a SALT agreement has been reached—an agreement which demolishes a number of the central arguments underlying the Pentagon's strategic programs.

We were told that a sevenfold increase in the ULMS program was needed, because the Soviets were expanding their missile submarine fleet. Under the new executive agreement, that fleet will be frozen.

We were told that we had to continue the deployment of MIRV's because the Soviets were expanding their force of giant SS–9 missiles. Under the new executive agreement, that force will be frozen.

Long before the SALT agreements were arrived at, the administration requested $8.8 billion for strategic programs in the coming year—a 15-percent increase over this year's level. If we are in a new era, Mr. Nixon says, if the SALT agreements are to curb the arms race, the administration's request cannot stand. If we are embarked on a venture aimed at "reducing the causes of fear," we cannot increase spending on the very weapons which create that fear.

The President lost no time in appearing before the Congress to review the agreements reached at the summit. I hope he will lose no time to present the Congress with revised and scaled down budget requests for strategic programs.

DR. JEROME H. HOLLAND CHOSEN TO BE FIRST BLACK DIRECTOR OF NEW YORK STOCK EXCHANGE

Mr. HARRY F. BYRD, JR. Mr. President, Dr. Jerome H. Holland, U.S. Ambassador to Sweden, and former president of the Hampton Institute in Virginia, has been chosen to become the first black director of the New York Stock Exchange in its 180-year history.

The New York Times reports that Dr. Holland accepted the nomination, which is subject to approval of the exchange membership, and will shortly announce his decision to leave his current diplomatic position.

He will become a representative on the Board of Directors that is being completely restructured to reflect a greater public orientation. The current 33-man governing board will be replaced by a 21-man Board of Directors with 10 public representatives in midsummer.

Dr. Holland is widely and favorably known in Virginia. He became the president of Hampton Institute, a black college, in 1960, and served until his appointment as Ambassador to Sweden. Prior to coming to Virginia he was from 1953 to 1960 president of Delaware College, Dover, Del.

I congratulate Dr. Holland and I congratulate the New York Stock Exchange. Dr. Holland is a man of many talents, of great ability, and he has shown he can handle himself well in many difficult positions.

Again, I commend Dr. Holland and the New York Stock Exchange on this appointment.

LEAVE OF ABSENCE

Mr. MANSFIELD. Mr. President, in accordance with rule V, clause I, of the Standing Rules of the Senate, I ask unanimous consent that the distinguished Senator from Rhode Island (Mr. PELL) be excused from attendance in the Senate while attending on official business the United Nations Conference on the Human Environment pursuant to his appointment by the Vice President as an adviser to the U.S. delegation to the conference.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD ON MONDAY, JUNE 5, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, following the recognition of the two leaders, as in legislative session, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes prior to the recognition, for 15 minutes, of the distinguished senior Senator from Wisconsin (Mr. PROXMIRE).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE PRESIDENT'S REPORT TO THE AMERICAN PEOPLE ON THE MOSCOW SUMMIT

Mr. ROBERT C. BYRD. Mr. President, the President's report to the American people last night indicates that there is justifiable cause to be optimistic about our future relations with the Soviet Union and the prospects for peace throughtut the world.

None of the agreements that were entered into during the summit was entered into blindly and, in my judgment, none will endanger the military or economic security of the United States.

No country in the world today is stronger than the United States, and I would not knowingly support any agreement of any nature whatsoever that would adversely change or endanger the position of our country in regard to the balance of power.

I expect to support the ABM Treaty which President Nixon will soon present to the Senate for ratification. I also expect to support the agreement with respect to offensive missiles which will be presented to Congress.

In my opinion the treaty and the agreement offer both of these superpowers a chance to put the lid on an arms race and to avoid possible crises involving the kind of brinkmanship that has marked some of our relations in the past.

The trip to Moscow—coming as it did following the trip to the People's Republic of China—will not produce instant peace throughout the world; it will not produce instant and perpetual relaxation of tensions; it does not bring about an immediate solution to any or all of the complex problems that confront this great Nation of ours in its dealings with the Soviet Union and the People's Republic of China; nor does the summit entitle us to let down our guard. But it is a step in the right direction, in my opinion. It is a recognition of the necessities that brought us together.

It is not an indication that the Soviets have compromised the ideology which they have so strongly held during the past several decades, nor is it an indication that we have compromised our support for the principles which we often refer to as constituting the American system or the American way. But it does indicate that both countries were willing to sit down and reason together and, without any surrender of principles on the part of either nation, try to hammer out some modus operandi whereby there will not be the dangerous confrontations, hopefully, in the future that could bring these two superpowers to the brink of nuclear war.

So I compliment the President for trying to deal with the problems of change that have ushered in this new era in which we live. I will have more to say, of course, on the treaty and the agreement at a later time, but suffice it to say now that I am encouraged to believe that future steps can and ought to be taken. This is the opening step, this is the opening of the door, and I feel that if both of these superpowers, together with the potentially great superpower, the People's Republic of China, will conscientiously and earnestly work toward a solution of the problems that mutually confront these great nations, and if they are willing to try to keep their word and work diligently in this direction, their efforts in the long run will benefit not only the peoples of these respective nations, but also all mankind.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield if I have time.

The ACTING PRESIDENT pro tempore. The Senator from Arizona may proceed.

Mr. FANNIN. I wish to commend the distinguished Senator from West Virginia for his logical outline of what has transpired. We all realize that this is a step forward—I feel a great step forward—in bringing peace to the world. It will not come overnight. I agree with the distinguished Senator that we must not assume that all problems have been solved, but it is important for us to recognize that there is a desire now that has been expressed by both of the great powers of the world for mutuality and understanding.

Several agreements were negotiated during the summit conference that I think are very important to this country and to all the world, but I agree that we must not let down our guard. I think that is the understanding that was expressed by the President and the understanding of the Soviet Union. The people of that country, I think, hope for peace, just as the people of this Nation have great hope for peace.

I am very proud to commend the Senator for his remarks on this subject.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. President, if I may be recognized again for 3 minutes in my own right——

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I was one of those Senators who some years ago voted in the minority against the nuclear test ban treaty, and possibly, if we were still living in that era, I would oppose the treaty which will shortly be proposed by the President; but we do live in a different era. I do think we have to look at this treaty and the agreement from the standpoint of what would be the alternative, if the arms race were to continue to accelerate, as the President has indicated. There must be a stop to the spiraling arms race, a race which neither side can win and which both sides would lose.

I think that we do have to choose between the alternatives of continuing to spend and spend and spend in an arms race, with no present plans by our own country for any new generation of missiles on the drawing boards, while the Russians are geared up now to proceed with an arms race. The Russians could, for example, build perhaps eight or nine submarines in a year, while we have nothing new presently coming along, and we would perhaps build only one. To engage further in an arms race at this point with the Russians concerning missiles and submarines, I think we would have to have a crash program. We have to consider what such a crash program would do to our economic problems. Of course, the Russians would also be stimulated to put forth even greater effort.

So it seems to me that we stand to gain a great deal from these agreements and that we ought to attempt to open the door further. I think there are adequate protections that are built into the agreements. As I said before, the agreements do not entitle us to let down our guard, but I do think they entitle us to be hopeful as we realistically and pragmatically assess the future.

I again compliment the President. I think he is due much credit for his efforts, and I trust that the Congress will, of course, study very carefully these agreements and will go into them at length and conduct appropriate hearings thereon, but that, in the final analysis, the Congress will contribute its part by approving the treaty and the agreement.

The ACTING PRESIDENT pro tempore. All time for morning business has expired.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. Harry F. Byrd, Jr.) today, June 2, 1972, signed the following enrolled bill which had previously been signed by the Speaker of the Hounse of Representatives:

H.R. 13150. An Act to provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Harry F. Byrd, Jr.) laid before the Senate the following letters, which were referred as indicated:

Audit Report for the American Symphony Orchestra League, Inc.

A letter from George H. Jones, Jr., Certified Public Accountant, McLean, Va., transmitting, pursuant to law, an audit report for the American Symphony Orchestra League, Inc., for the fiscal year ended March 31, 1972 (with an accompanying report); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARRY F. BYRD, JR., from the Committee on Armed Services, with amendments:

H.R. 2. An act to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes (Rept. No. 92–827).

By Mr. MONDALE, from the Committee on Labor and Public Welfare, with an amendment:

S.J. Res. 206. A joint resolution relating to sudden infant death syndrome (Rept. No. 92–830).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

H.R. 1074. An act to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a thirteen-period accounting year (Rept. No. 92–828);

H.R. 5065. An act to amend the Natural Gas Pipeline Safety Act of 1968 (Rept. No. 92–829).

H.R. 5066. An act to authorize appropriations for fiscal year 1973 to carry out the Flammable Fabrics Act (Rept. No. 92–831); and

H.R. 13034. An act to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the Act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards (Rept. No. 92–832).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MOSS (for himself, Mr. Allen, Mr. Bellmon, Mr. Cook, Mr. Humphrey, Mr. Mondale, Mr. Pastore, Mr. Stevenson, Mr. Taft, and Mr. Williams):

S. 3664. A bill to amend the Public Health Service Act to enlarge the authority of the National Institute for Neurological Diseases and Stroke in order to advance a national attack on multiple sclerosis, epilepsy, muscular distrophy, and other diseases. Referred to the Committee on Labor and Public Welfare.

By Mr. MAGNUSON (by request):

S. 3665. A bill to amend section 1106(a) of the Federal Aviation Act of 1958, as amended, to authorize the investment of the war risk insurance fund in securities of, or guaranteed by, the United States. Referred to the Committee on Commerce.

By Mr. MONDALE:

S. 3666. A bill for the relief of Mrs. Sin Wai Maing. Referred to the Committee on the Judiciary.

By Mr. TOWER:

S.J. Res. 238. A joint resolution to authorize and request the President of the United

States to issue a proclamation designating July 20, 1972, as "National Moon Walk Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOSS (for himself, Mr. Allen, Mr. Bellmon, Mr. Cook, Mr. Humphrey, Mr. Mondale, Mr. Pastore, Mr. Stevenson, Mr. Taft, and Mr. Williams):

S. 3664. A bill to amend the Public Health Service Act to enlarge the authority of the National Institute for Neurological Diseases and Stroke in order to advance a national attack on multiple sclerosis, epilepsy, muscular dystrophy, and other diseases. Referred to the Committee on Labor and Public Welfare.

NATIONAL MULTIPLE SCLEROSIS AND EPILEPSY ACT OF 1972

Mr. MOSS. Mr. President, I am today introducing, for myself and Mr. Allen, Mr. Bellmon, Mr. Cook, Mr. Humphrey, Mr. Mondale, Mr. Pastore, Mr. Stevenson, Mr. Taft, and Mr. Williams, a bill to amend the Public Health Service Act to enlarge the authority of the National Institute for Neurological Diseases and Stroke so we may advance a nationwide attack on multiple sclerosis, epilepsy, muscular dystrophy, and other neurological diseases. The short title of this bill: The National Multiple Sclerosis and Epilepsy Act of 1972.

It is estimated that more than 20 million American suffer from chronic neurological or disabling sensory disorders. Impairments range from speech defects and hearing problems to disorders of the nervous system causing crippling and death.

These conditions include multiple sclerosis, cerebral palsey, epilepsy, stroke, muscular dystrophy, Parkinson's disease, spinal injury, mental retardation, hearing impairment, hearing disorders, and many others.

As chairman of the Subcommittee on Long-term Care of the Senate Special Committee on Aging I have found that it is not uncommon for individuals affected by these conditions to have multiple handicaps. What is more, I am told that people affected by these chronic, long-term care conditions are confined more to bed, chair, and house, and need more assistance in daily living than victims of most all other diseases combined.

Unfortunately, there are no known cures for the vast majority of these problems. This means that millions of individuals continue to suffer grave disabilities, that millions of families must struggle to provide them with the assistance they need. Since there is a distinct absence of Government programs to help families support these individuals in their own homes, great numbers turn to nursing homes for assistance. Most families cannot afford the cost of nursing homes.

These disabilities take their toll not only from the individual and his family but deplete the wealth of the Nation as well. They produce long-term disability often lasting from childhood throughout life. The estimated cost of care for these neurological and sensory disorders is about $10.5 billion yearly. Multiple sclerosis alone accounts for $2 billion economic loss.

It is clear, therefore, that it is very much in the interest of the people of the United States to conduct an all-out attack against these disorders. This is the purpose of my bill.

In terms of measuring our present effort, I acknowledge the great strides made by the National Multiple Sclerosis Society which has since 1947 awarded more than $16 million in grants for research and postdoctoral fellowships to develop cures for these conditions.

We are still a long way, however, from finding a cure for multiple sclerosis, or MS, which is a disease characterized by the progressive deterioration of the central nervous system, although our knowledge is increasing by leaps and bounds. Most investigators presently believe that MS is probably the result of an infection contracted at an early age, which does not usually appear as an overt disease until sometime between the ages of 20 and 40. MS is known as the great crippler of young adults striking them down in their prime; there are almost no cases of the onset of MS after age 50.

Fortunately, there is an excellent program of research underway at the National Institutes of Health specifically within the National Institute of Neurological Diseases and Stroke—NINDS. However, NINDS is just one of the 10 institutes at the National Institutes of Health and has received the least favored treatment in terms of publicity or appropriations. This is particularly true now that the Congress has authorized major attacks on cancer and heart disease. Last year NINDS received only $116 million as compared, for example, with $612 million appropriated for the National Institute of Mental Health.

My bill would provide a $100 million increase in the authorizations for the next fiscal year for NINDS followed by a $125 million increase and a $150 million increase for the second and third year respectively. The bill would also authorized six new centers for clinical research into, training in and demonstration of, advanced diagnostic and treatment methods for multiple sclerosis and 14 new clinical research and treatment centers for other neurological and sensory disorders which I have mentioned previously.

With the introduction of this bill today, I hope to give some visibility to the NINDS and to focus public attention on the needs to overcome this series of chronic and crippling diseases. I do not intend to suggest, however, that other diseases or disorders are unimportant nor do I suggest that the other institutes at the National Institutes of Health should be neglected. On the contrary, I believe that they too should receive special attention from the Congress and increased funding. Particularly is this true for the National Institute for Arthritis and Metabolic Diseases which is almost as underfunded as the National Institute of Neurological Disease and Stroke.

As I noted earlier, arthritis and neurolobical disorders are quite commonly found in nursing homes and perhaps this accounts for my interest in this bill.

I add in closing that I have introduced legislation earlier this session that would expand the scope of medicare to provide supportive services for disabled individuals in their own homes. This would be greatly beneficial to families who struggle to help take care of their loved ones who fall victims to these diseases.

The bill I introduce today would help us find the techniques to care for victims of multiple sclerosis, epilepsy, muscular dystrophy, and other neurological diseases, wherever they are.

By Mr. MAGNUSON (by request):

S. 3665. A bill to amend section 1306(a) of the Federal Aviation Act of 1958, as amended, to authorize the investment of war risk insurance fund in securities of, or guaranteed by, the United States. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, by request I introduce a bill to amend the Federal Aviation Act of 1958, and I ask unanimous consent that a communication from the Secretary of Transportation in connection with this bill be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The Secretary of Transportation,
Washington, D.C., May 16, 1972.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed for introduction and referral to the appropriate Committee is a draft bill "To amend section 1306(a) of the Federal Aviation Act of 1958, as amended, to authorize the investment of the war risk insurance fund in securities of, or guaranteed by, the United States."

The purpose of this proposed legislation is to amend the War Risk Insurance Provisions of the Federal Aviation Act of 1958 to permit, at the request of the Secretary of Transportation, portions of the aviation war risk revolving fund to be invested by the Secretary of the Treasury in securities of the United States or in securities that are guaranteed as to principal and interest by the United States. The bill additionally provides that the interest and benefits accruing from these securities shall be deposited to the credit of that fund.

The present aviation war risk insurance program, as provided for in title XIII of the Federal Aviation Act (49 U.S.C. § 1531–1542), provides for war risk insurance policies to be issued by the Secretary under certain conditions (49 U.S.C. § 1532) and for the premiums received in consideration for such policies to be deposited in a revolving fund in the Treasury (49 U.S.C. § 1536(a)). There is no express authority under the existing title to invest the premiums for the benefit of the fund. The Department of the Treasury has advised us that the investment of treasury revolving funds is a common practice but that express statutory authority is a prerequisite to such investment.

Examples of such authority are found in 38 U.S.C. § 5228 which confers authority to invest and reinvest money in the General Post Fund of the Veterans Administration; 10 U.S.C. § 2601(d) which confers investment authority in relation to the National Credit Union Share Insurance Fund of the National Credit Union Administration; and 46 U.S.C. § 1288(a) which confers investment authority in relation to the maritime war risk insurance program. That section pertaining to maritime war risk insurance provides as follows:

> "§ 1288. Insurance fund; investments; appropriations.
>
> (a) The Secretary shall create an insurance fund in the Treasury to enable him to carry out the provisions of this title and all moneys received from premiums, salvage, or other recoveries and all receipts in connection with this title shall be deposited in the Treasury to the credit of such fund. Payments of return premiums, losses, settlements, judgments, and all liabilities incurred by the United States under this title shall be made from such fund through the Division of Disbursement, Treasury Department. Upon the request of the Secretary of Commerce, the Secretary of the Treasury may invest or reinvest all or any part of the fund in securities of the United States or in securities guaranteed as to principal and interest by the United States. The interest and benefits accruing from such securities shall be deposited to the credit of the fund."

The language in our proposed bill closely follows that of the maritime war risk program, as the Treasury Department has indicated to us that this language is acceptable, and since the aviation war risk insurance program has closely followed the maritime war risk insurance provisions. As the Senate Committee on Interstate and Foreign Commerce explained in reporting on the aviation bill in 1951:

> "This bill follows very closely the marine war risk insurance legislation enacted on September 7, 1950. It varies first only in the extent necessary to make it applicable to aircraft and secondly, it is more restrictive than the marine legislation in that it limits the insurance to war-risk insurance. Furthermore, the bill authorizes suits under it in the district courts rather than in the admiralty courts." (S. Rept. No. 128, 82d Cong., 1st Sess. (1951), p. 4)

In 1962, the maritime war risk insurance program was amended by Public Law 87-743, (76 Stat. 740), and codified at 46 U.S.C. § 1288(a), for the purpose of expressly authorizing investment of the funds reposing in the maritime war risk insurance fund. In reporting out that bill, the House Committee on Merchant Marine and Fisheries concluded that the 1962 maritime war risk insurance legislation was essentially identical to the then-existing aviation program except for the 1962 bill's grant of investment authority. (H. Rept. No. 2220, 87th Cong., 2nd Sess., (1962), reprinted at 1962 U.S. Code Cong. & Ad. News, 2782).

Today, in view of the rather sizable sum of money that is currently available in the aviation war risk revolving fund and the possible continued growth of the fund, we recommend enactment of this proposed legislation, which is similar to the 1962 amendment to the maritime act, to authorize the Secretary of the Treasury to invest and reinvest all or any part of the aviation war risk insurance revolving fund upon the request of the Secretary of Transportation.

As of December 31, 1971, the fund balance reflected total earned premiums of $8,158,837.54 and premium deposits of $1,629,468.58. The amount representing premium deposits fluctuates only slightly while the earned premium account continues to grow (presently at the rate of $400,000.00 per month). Included in the earned premium totals is an accounts receivable item of $4,881,854.77 representing a loan made by the Department to Pan American World Airways in connection with the hijacking and subsequent destruction of their Boeing 747 aircraft on September 6, 1970 in Cairo, Egypt. The cash balance remaining is approximately $5,000,000.00.

In summary, this Department feels that authority should be granted to invest these insurance premiums for the benefit of the aviation war risk insurance program. The Federal Maritime Administration has advised us that since 1962, they have earned in excess of $1.5 million in interest on the maritime war risk revolving fund which is considerably smaller than the Title XIII aviation fund. At the present premium level a conservative estimate of the annual investment income resulting from the enactment and implementation of this proposal would be approximately $200,000.00.

The Department has additionally considered the environmental and civil rights implications of this proposed action and believes that implementation of this proposal would have no significant impact in these areas.

The Office of Management and Budget advises that it has no objection to the submission of this proposed legislation to the Congress.

Sincerely,

JOHN A. VOLPE.

By Mr. TOWER:

S.J. Res. 238. A joint resolution to authorize and request the President of the United States to issue a proclamation designating July 20, 1972, as "National Moon Walk Day." Referred to the Committee on the Judiciary.

Mr. TOWER. Mr. President, I am pleased today to introduce a joint resolution requesting the President to designate July 20, 1972, as "National Moon Walk Day," in recognition of the many achievements of the national space program and in commemoration of the anniversary of the first moon walk on July 20, 1969.

In October of 1957, the United States was catapulted into the space program when the Soviet Union announced the launch of Sputnik I. This was the beginning of the space age, the dramatic and challenging quest by man to explore the universe beyond the planet Earth.

The principle of rocket flight, however, was not new. Rocket technology that would make space travel a reality, was directly derived from the accelerated military missile programs growing out of the cold war atmosphere of the early 1950's.

Until the launch of Sputnik I the highest priority and support in rocket flight was for operational intercontinental ballistic missiles with nuclear warheads. After Sputnik I, however, it was clear that the United States had to institute a sound, long-range space program on a reasonable and purposeful basis. It was obvious that space exploration had vital technical and scientific value with far-reaching significance for the future.

Our space program, as we know it, was created as a result of the National Aeronautics and Space Act of 1958. This act created a civilian agency called the National Aeronautics and Space Administration, NASA for short, charged with the responsibility for directing the efforts of the United States in space. NASA began functioning on October 1, 1958, 1 year after Sputnik I.

The Space Act also enumerated the basic objectives of this country in the conquest of space. The space program was to be conducted so that it would contribute to one or more of the following national goals:

First, expansion of human knowledge of phenomena in the atmosphere and space;

Second, improvement of aeronautical and space vehicles;

Third, development and operation of vehicles to carry equipment into space;

Fourth, establishment of long-range studies of benefits to be gained from the utilization of aeronautical and space activities for peaceful and scientific purposes;

Fifth, preservation of the role of the United States as a leader in aeronautical and space science and technology;

Sixth, transmission of information concerning defense to those agencies concerned with defense work and transmission of information on aeronautics and space sciences from those agencies concerned with defense to NASA;

Seventh, cooperation with other nations in fields related to peaceful uses of space; and

Eighth, close cooperation between all interested agencies to avoid unnecessary duplication of effort.

In its first 28 months of operation, NASA grew from 8,000 to 16,000 persons with the largest growth to come after 1960. In 1960 it was decided that the operations of NASA should be reviewed. It was at this point NASA was trying to move into manned flight. Project Mercury was well under way but little post-Mercury funding was present in the FY 1962 budget as presented to Congress by President Eisenhower in January of 1961. The reason for this was that the President felt that it would be necessary to establish valid scientific reasons for continuing manned spaceflight beyond Mercury.

In January 1961, John F. Kennedy took office as President of the United States. The new President appointed James E. Webb Administrator of NASA and in February he asked Webb and Secretary of Defense Robert McNamara to review the overall U.S. space program. In April Yuri Gagarin became the first man in space, and NASA spokesmen, testifying before the House Committee on Science and Astronautics after this event, were pressed to admit that NASA could accomplish a manned lunar landing before 1970 if funding was increased. Vice President Lyndon Johnson, as Chairman of the National Aeronautics and Space Council, was asked to investigate this possibility. This report, as well as the suborbital flight of Alan B. Shepard on May 5, 1961, brought to a climax the NASA recommendation for undertaking a lunar landing mission in that decade.

On May 25, 1961, President Kennedy, in an address before a joint session of Congress, announced a lunar landing mission before the end of the decade as the prime national space goal. The historic decision to push ahead with Project Apollo was subsequently endorsed by congressional action and public opinion. NASA began immediately to work toward that goal.

The success of the Apollo program and the commitment of the Nation to land men on the moon before the end of the decade can be measured by the fact that Americans walked on the moon for the first time on July 20, 1969.

Apollo 11 was the first of the Apollo flights to land men on the moon. Apollo 8 and Apollo 10 had orbited the moon earlier but no landing was involved. Crewmen aboard Apollo 11 were Neil A. Armstrong, spacecraft commander, Col. Edwin E. Aldrin, Jr., lunar module pilot, and Col. Michael Collins, command module pilot. It is interesting to note here that the United States has always emphasized that its space program was primarily a civilian effort, and that the man chosen to take the first step on the surface of another body in the universe was a civilian astronaut.

During their brief stay on the surface of the moon, Armstrong and Aldrin set up several experiments including a solar wind experiment, a seismometer, and a laser reflector. In addition they collected over 50 pounds of loose surface material and selected rocks.

Apollo 12 was launched on November 14, 1969; and, on November 19, 1969, the lunar module, Intrepid landed on the lunar surface. Capt. Charles Conrad, Jr., spacecraft commander, Capt. Richard F. Gordan, Jr., command module pilot, and Capt. Alan L. Bean, lunar module pilot were the crewmen.

Captain Conrad and Captain Bean were on the surface of the moon longer than the crew of Apollo 11, and deployed several experiments designed to increase our knowledge of the universe. Among these were a seismometer, surface magnetometer, and an ionosphere detector.

The rock samples brought back by Apollo 12 weighed approximately 75 pounds, and varied from fine-grained to coarse-grained. These rocks varied substantially from those brought back by Apollo 11, providing dramatic proof that the moon is a nonhomogenous body with a complex history.

Apollo 13 was launched on April 11, 1970, with crew members Capt. James A. Lovell, Jr., spacecraft commander, Fred W. Haise, Jr., lunar module pilot, and John L. Swigert, Jr., command module pilot aboard.

Trouble seemed to plague this particular flight from the beginning. Among other things, there was a last minute crew change when it was learned that Thomas K. Mattingly, the command module pilot, had been exposed to German measles. Backup command module pilot, John Swigert was called to active participation.

Apollo 13 had not even reached the moon when the No. 2 liquid oxygen tank in the service module exploded. This tank provided the oxygen needed by two fuel cells to generate electric power which operated the systems in the command and service modules. In the harrowing hours that followed, all of the resources at NASA's command worked overtime to bring those three men home safely. Although the aborted mission must be classed officially as a failure, in a much larger sense, because of the brilliant demonstration of the human capability under almost unbearable stress, it must also be classified as the most successful failure in the history of spaceflight.

Apollo 14, Apollo 15, and Apollo 16 have all followed the near perfect examples set by Apollo 11 and Apollo 12. All have landed on the moon, set up experiments, taken valuable pictures, and returned to earth with priceless lunar soil and rock samples.

Apollo 11 launched yet another era in technological achievement and challenge. Man is no longer tied to one planet in the solar system, and with this new age of discovery, comes the challenge of a New World before us. This New World is for all mankind with benefits for all the people of the earth.

I think it is fitting that we salute the future of man in space by declaring July 20, 1972, "National Moon Walk Day."

The achievements of the space program have not only stretched our horizons, they have contributed to a better life for all of us here on earth. Continued space research may hold the key to the provision of energy to meet our future needs as well as the answers to other important technological and environmental problems.

The placing of man's foot on the moon is symbolic of these more important and more tangible achievements. It was an act which captured the imagination and it deserves commemoration.

Mr. President, I ask unanimous consent that the text of my resolution be printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 238

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the many achievements of the national space program and in commemoration of the anniversary of the first moon walk on July 20, 1969, the President is authorized and requested to issue a proclamation designating July 20, 1972, as "National Moon Walk Day", and calling upon the people of the United States and interested groups and organizations to observe that day with appropriate ceremonies and activities.

ADDITIONAL COSPONSOR OF BILL

S. 3581

At the request of Mr. Boggs, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 3581, a bill to amend the Federal-Aid Highway Act, and for other purposes.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 999

At the request of Mr. Church, the Senator from Georgia (Mr. Gambrell) was added as a cosponsor of amendment No. 999, intended to be proposed to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

ADDITIONAL STATEMENTS

THE WAR, GOLD, AND THE DOLLAR

Mr. SYMINGTON. Mr. President, again there is much comment about the recent heavy escalation by this administration of the war in Vietnam from the standpoint of the political and military implications; but little comment about what said escalation is doing and will do to our economy.

On May 9, gold sold on the London market at $54 an ounce.

On May 24, the price went above $58 an ounce.

Yesterday, the price of gold hit $60 an ounce, and closed at $59.45.

The press stated:

> European bankers pointed out that the more gold prices exceed the official price of $38 an ounce, the weaker the dollar seems to look psychologically. That compounds the task of restoring confidence.

As we continue to face the serious and mounting demands for additional Federal funds for our pressing domestic needs, it would be interesting to obtain a reasonably accurate estimate of just how many tens of billions of dollars the United States has expended recently abroad, and what reward has come from those billions.

PRESIDENT NIXON'S REPORT ON THE MOSCOW SUMMIT

Mr. WEICKER. Mr. President, in the past 12 days President Nixon has created a new era of American foreign policy. Three years of quiet, intelligent bargaining under the President's personal leadership, have produced agreements on arms control, space exploration, environmental protection, and health and scientific exchanges which, coupled with past and future pacts on Berlin, European security, and expanded trade, mark the start of the end to the cold war.

The United States and Soviet Russia are the two most powerful nations on earth. Now, for the first time, they have agreed to unite this power for peace, for the future of the world's children rather than choosing to continue the tactic of fear which has surrounded every minor international dispute since World War II.

We will continue to have disagreements in the future. The need for a strong American defense has not evaporated in a cloud of euphoria. But reasonable men have met at the summit and found they can agree to scrap petty rivalries and begin to establish the apparatus for peaceful cooperation and the pursuit of world justice. This will be Richard Nixon's page in history. He has earned it.

PROBLEMS CONCERNING IMPLEMENTATION OF OCCUPATIONAL SAFETY AND HEALTH ACT

Mr. HANSEN. Mr. President, on numerous occasions in the past I have addressed the Senate on the subject of the Occupational Safety and Health Act.

There are numerous problems concerning the implementation of this act which have caused confusion, despair, and disgust among those to whom the law is applicable.

While there is still a tremendous lack of information, many associations have picked up the ball and are disseminating detailed information concerning the applicability of the Occupational Safety and Health Act to specific industries.

One fine example of the effort being made by the private sector of the economy is a booklet entitled, "Occupational Safety and Health Law, a Retailers Guide," published by the American Retail Federation.

This 38-page book provides information in a clear and easily understood form concerning the Occupational Safety and Health Act and its standards applicable to the retailing industry.

I congratulate the American Retail Federation for its effort to assist retailers throughout the Nation in understanding and complying with the Occupational Safety and Health Act.

Mr. President, I ask unanimous consent that the letter from Mr. Gene A. Keeney, president of the American Retail Federation, concerning the actions of the federation with regard to OSHA, be printed in the Record together with the introduction from the guide itself, which states the purpose and the subject matter contained in "The Occupational Safety and Health Law, a Retailer's Guide."

There being no objection, the items were ordered to be printed in the Record, as follows:

American Retail Federation,
Washington, D.C., May 19, 1972.

Hon. Clifford P. Hansen,
New Senate Office Building,
Washington, D.C.

Dear Senator Hansen: I would like to first thank you for your interest in the problems caused by the burdensome regulations promulgated under the Williams-Steiger Occupational Safety and Health Act.

There are indeed many problems caused by this Act. Retailing, although not one of the so-called "target industries" has already received its share of citations and/or penalties, which, in the great majority of cases were for very minor "offenses".

Retailing is trying to comply with these regulations, but many are very difficult, if not impossible to understand, and others are to say the least irrelevant.

To illustrate our good faith in trying to comply with this difficult law and the regulations, I am sending you a copy of a booklet, published by the American Retail Federation which attempts to help our members to understand this law. Further, the Federation is preparing a questionnaire for its members, asking them to tell us what problems they are having complying with the regulations.

To reiterate, thank you for your interest in this problem. Please contact us if there is any help that we can give you on this issue, especially as it pertains to retailing.

Cordially,

Gene.

Introduction

The purpose of this booklet is to review the Occupational Safety and Health Act (OSHA) of 1970 and its application to the retail industry.

This booklet will consist of three parts: a discussion of the Act and enforcement procedures; a review of the national consensus standards promulgated by the Department of Labor under the Act, insofar as they apply to the retail industry; and a review of the recordkeeping and reporting requirements under the Act.

Generally, the Occupational Safety and Health Act covers virtually all employers engaged in commerce, including the retail industry. The Act simply provides that it is the obligation of employers to furnish a safe place to work, free from recognized hazards causing or likely to cause death or serious physical harm and to follow specific health and safety standards adopted by the Department of Labor.

The Act was passed by Congress and signed by President Nixon in 1970; however the Act did not take effect until April 28, 1971. Since the Act went into effect, there have been numerous regulations promulgated by the Department of Labor. It will be the major purpose of this booklet to outline, not only the Act itself, but also to explain (in one handy reference guide) those regulations which affect retailing—especially as they apply to recordkeeping and reporting of occupational injuries and illnesses.

ADVANCES IN THE AMERICAN CARPET INDUSTRY

Mr. TALMADGE. Mr. President, I was recently privileged to attend an exposition featuring the advances which have been made in the American carpet industry. Because of these advances, the American consumer today gets a safer, longer lasting, better styled, and made carpet than in 1950 for the same or even less money than in 1950. In addition, the carpet industry has become one of the major economic factors in our economy, employing more than 1 percent of the American work force and accounting for more than $4.7 billion in sales annually.

This is a remarkable tribute to the carpet industry, its management, and its employees. Because of its particular significance, I ask unanimous consent to have printed in the Record, for the benefit of each Member of the Senate and the House, a speech by Mr. Walter Guinan entitled "American Profits From Carpet Industry," which summarizes the progress being made by this great industry.

There being no objection, the speech was ordered to be printed in the Record, as follows:

America Profits From Carpet Industry

(Speech by Mr. Walter Guinan)

The Carpet & Rug Institute, made up of 115 manufacturers located in 18 States and 330 suppliers located throughout the United States, represents over 90% of the carpet industry. We want to take this opportunity to welcome all Senators, Congressmen and distinguished guests to the industry's presentation "America Profits From the Carpet Industry." We thank you for attending and hope that you enjoy our presentation.

Carpet is beautiful and its colors, textures and designs beautify our surroundings. It enhances real estate and makes our living and working environments quieter. It provides a better way of life.

In 1950 our industry produced 72 million square yards of carpet. This year our industry is producing carpet at an annual rate of *850* million square yards—an increase in production of *ten* times the 1950 production rate.

In the past 20 years, carpet prices have defied the inflationary pressures of our economy. On the projected slide, we show a comparison starting in 1950 of the wholesale price index—the increase in the price of new automobiles—and the average price of carpet. In 1960, the average price of carpet declined while the wholesale price index increased 12 points and the average price of new domestic cars increased 35 points. These increases in wholesale prices and the price of new cars continued from 1960 to 1970. During this same period, the average price of carpets continued to decline so that in 1970, the *average price* of carpet and rugs was *below* that which existed in 1950. We know of no other industry that can match this record.

The carpet industry has made other substantial contributions to the economy. In 1950, the carpet industry was importing almost 100% of the face fiber materials used in its products and, today, virtually 100% of the face fibers used by the industry are purchased from United States producers.

In addition to eliminating the importation of face fibers the industry has increased the export sales of carpet and created a worldwide demand for American made machinery, fiber, snythetic backing and technology.

Carpet is one of the fastest growing consumer products in America—steadily increasing from 1950 retail sales of 1.3 billion to retail sales in excess of 4.7 billion in 1971.

The carpet industry and its related organizations currently employ over 2,000,000 people. The industry's phenomenal growth has been responsible for creating many new industries, such as syn. fiber—syn. backings—and expanding other industries such as trucking—distribution and retail. In addition, there are today thousands of small businessmen throughout the United States who are carpet retailers who were not in business in 1950. Much of this growth can be attributed to the tremendous research and development activities by our industry and its suppliers.

The industry has been responsible for some dramatic improvements in the function and service characteristics of its products during the past 20 years. Without increasing the price of its products, the carpet industry is today making a far superior product to that which we produced 20 years ago.

In this slide we have tested, on a wear tester approved by the National Bureau of Standards, two comparable samples—one made in 1950, the other made in 1972. The 1950 carpet would have provided the consumer with the equivalent of 3 to 5 years of home wear. The carpet made in 1972 will provide the consumer with 6 to 10 years of home wear. Both carpets retailed at $5.00 per square yard. In a similar test on carpet that retails for $11.00 per square yard, the 1950 carpet would have lasted the equivalent of 6 to 9 years of home wear while the 1972 carpet will provide the consumer with 10 to 15 years of home wear.

But increased wearability is only part of the carpet story. In 1950, the average consumer had to work 4 to 5 hours to earn enough to buy 1 square yard of carpet. With today's higher wages, and the decrease in carpet costs, a worker only has to work 1½ to 2 hours to earn the amount needed to buy today's longer wearing carpet.

One of the major breakthroughs in the carpet industry has been the development of new and better synthetic fibers. Carpet is both easier and less expensive to maintain. In this slide, we show a comparison of the service and maintenance characteristics of a 1972 carpet as compared to a similar carpet manufactured in 1950. This is just another example of how our products give the consumer more value for his dollar.

Carpet has made a substantial contribution in noise abatement which is a major intrusion upon our lives. Noise distracts, creates tension, impairs concentration and reduces productivity.

Because of its superior sound absorption qualities, carpet is being used in many areas of construction to reduce floor-borne noise. Airborne noise is cut in half. Carpet reduces floor-above to floor-below sounds. It absorbs as much noise as an acoustical ceiling and reduces building costs.

The use of carpet for its sound absorption qualities has contributed to faster patient recovery in hospitals, improved student concentration in schools and greater efficiency and better environments in offices, homes, stores, churches and theaters.

Today's carpets provide a healthier environment by reducing allergies and the presence of beatles and silver fish.

Carpet is safe to live with and to walk on. According to National Safety Council, the majority of home accidents are caused by falls. Carpet reduces the incidence of slips and slides in what might otherwise be high accident areas. It protects people in a hurry. And when falls do occur, carpet cushions the impact to reduce the risk of serious injury.

The U.S. Department of Housing and Urban Development took the safety feature of carpet into consideration in permitting its use in homes for the elderly.

Carpet has become so widely used that all of us take it for granted. We have come to expect that carpet will be used in public buildings, schools, colleges, offices, churches, stores, theaters, hotels, motels, hospitals and other public facilities.

I think you will see from this presentation that carpet provides a more pleasant and safer environment for all of us wherever we may be. The fantastic growth of the carpet industry from 70 million square yards in 1950 to over 750 Square yards in 1971 is one of the finest examples of what can be done in America under the free enterprise system.

WHAT IS THE CARPET INDUSTRY ASKING OF ITS GOVERNMENT

To provide an atmosphere to continue contributing to the growth and prosperity of all America.

Examine for a moment our free enterprise system that has helped to make our country great.

I have here a newspaper from New York—London—Paris—yes, power to create demand—merchandising keeps our Nation employed—and we are an important part of merchandising—take for example—*color*—in 1950, the consumer had a very narrow selection of color as compared with today's selection of an extensive expanse of color selection to meet the most discriminating choice of consumers.

Our industry is able to produce multicolored, patterned carpets at production rates that are 50 times greater than those which existed in 1950. In 1950 our industry was producing carpet at the rate of 17 square yards per minute. Today we have the capability of producing carpet at the rate of 25 square yards per minute.

By the nature of our product, our industry will resist having our carpets become a commodity item and hindering our potential growth. These are some of the basic foundations that sets the U.S. apart from the rest of the world.

We appreciate your interest in our industry and hope that the brief survey of what we have accomplished in the last 20 years will continue to be a valid example of what can be accomplished under the free enterprise system. America profits from the carpet industry.

Distribution of retail carpet sales by States, 1971

State	
Alabama	$45,648,000
Alaska	5,569,000
Arizona	42,126,000
Arkansas	17,469,000
California	438,348,000
Colorado	61,499,000
Connecticut	79,492,000
Delaware	15,708,000
Florida	$176,215,000
Georgia	124,712,000
Hawaii	24,752,000
Idaho	15,280,000
Illinois	372,345,000
Indiana	125,474,000
Iowa	83,157,000
Kansas	44,411,000
Kentucky	44,839,000
Louisiana	30,559,000
Maine	9,996,000
Maryland	97,342,000
Massachusetts	139,992,000
Michigan	235,572,000
Minnesota	127,330,000
Mississippi	18,850,000
Missouri	122,856,000
Montana	12,138,000
Nebraska	46,362,000
Nevada	9,282,000
New Hampshire	11,186,000
New Jersey	192,018,000
New Mexico	16,374,000
New York	492,898,000
North Carolina	93,820,000
North Dakota	14,328,000
Ohio	266,750,000
Oklahoma	35,369,000
Oregon	48,457,000
Pennsylvania	316,588,000
Rhode Island	16,850,000
South Carolina	43,887,000
South Dakota	13,042,000
Tennessee	75,779,000
Texas	191,352,000
Utah	44,173,000
Vermont	8,044,000
Virginia	70,734,000
Washington	84,585,000
West Virginia	37,223,000
Wisconsin	121,951,000
Wyoming	6,283,000
District of Columbia	35,986,000
Grand total	4,760,000,000

AMERICA PROFITS FROM U.S. CARPET INDUSTRY

State	Retail value of carpets and rugs produced	Manufacturing employment
Alabama	$57,200,000	600
Arkansas	109,400,000	1,200
California	347,400,000	3,500
Georgia	2,713,200,000	25,100
Kentucky	42,800,000	500
Massachusetts	42,800,000	800
Mississippi	66,600,000	740
Montana	24,000,000	275
New Jersey	33,400,000	400
North Carolina	261,800,000	2,900
Oklahoma	142,800,000	1,870
Pennsylvania	295,000,000	5,900
South Carolina	319,000,000	5,000
Tennessee	133,000,000	1,400
Texas	19,000,000	200
Virginia	133,000,000	1,400
Total United States	4,760,000,000	55,000

Source: The Carpet & Rug Institute, Inc., the Department of Commerce.

EXTENSION URGED FOR EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1972

Mr. CASE. Mr. President, the Emergency Unemployment Compensation Act of 1972 is due to expire at the end of this month.

Thousands of jobless workers in 18 States and Puerto Rico face the bleak prospect of having no benefits available to them beyond the normal 26 weeks on unemployment compensation routinely available during the least difficult of times.

In view of the seriousness of this situation, I have sent a letter to the Secretary of Labor urging his support for the extension of this act. Joining me in signing this letter was every Republican Senator from the 18 States now in jeopardy of losing this entitlement: LOWELL P. WEICKER, JR. of Connecticut; JACOB K. JAVITS of New York; EDWARD W. BROOKE of Massachusetts; LEN B. JORDAN of Idaho; MARK O. HATFIELD of Oregon; ROBERT T. STAFFORD of Vermont; MARGARET CHASE SMITH of Maine; ROBERT W. PACKWOOD of Oregon; GEORGE D. AIKEN of Vermont; ROBERT P. GRIFFIN of Michigan; TED STEVENS of Alaska; MILTON R. YOUNG of North Dakota.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

Hon. JAMES D. HODGSON,
Secretary of Labor, Department of Labor, Washington, D.C.

DEAR MR. SECRETARY: Within the next few days you will be submitting to the Congress your recommendations as to the extension of the Emergency Unemployment Compensation Act of 1972.

Unless this act is extended—and your recommendations will be of critical importance to its prospects in the Congress—thousands of unemployed workers in 18 states and Puerto Rico will face an early exhaustion of their benefits and have no other recourses but to seek relief from already hard-pressed state and local governments. As of May, these included: Alaska, California, Connecticut, Idaho, Michigan, Maine, Massachusetts, Minnesota, Montana, Nevada, New Jersey, New York, North Dakota, Oregon, Puerto Rico, Rhode Island, Vermont, Washington, and West Virginia.

In the less than three month period ending April 15, according to your department's statistics, 637,000 workers received average benefits of $54.69 per week which they would not have received had this emergency 13 week extension not been in effect.

While we expect that the national employment picture will continue to improve over the course of the next year, many states with higher-than-average rates of unemployment will take longer to catch up with the average improvement taking place nation-wide.

The unevenness of the unemployment picture underlines a fundamental fact we believe you should consider in arriving at your recommendations as to the extension of the Emergency Unemployment Compensation Act of 1972—that is, to the extent that the economic plight in these especially hard-hit states is not eased, overall national recovery will be hindered and slowed.

As you know, 18 states and Puerto Rico have over 6.5 percent unemployment which entitles them to benefits under the soon-to-expire 1972 act. Another six states (Alabama, Hawaii, Illinois, Maryland, Oklahoma and Pennsylvania) qualify for a 13 week extension under the terms of 1970 legislation.

If employment continues at a plateau, even though at relatively high levels, 1970 act entitlements could in addition be sharply reduced. Alaska, West Virginia, Oregon, Washington, Michigan, California and Rhode Island did in fact lose such entitlements since late last year.

The bleak outlook is that expiration of the Emergency Unemployment Compensation Act of 1972, combined with a leveling off of unemployment at relatively high rates, could leave thousands of workers in half of the states in the union with no benefits beyond the normal 26 weeks of unemployment compensation routinely available during the least difficult of times.

We urge you to give full weight to these special circumstances and solicit your support for the extension of the Emergency Unemployment Compensation Act of 1972.

THE QUALITY OF LIFE

Mr. FULBRIGHT. Mr. President, the Wall Street Journal on May 18 published an article entitled "Measuring the Quality of Life." This is a subject about which I have frequently spoken in the Senate, particularly in regard to the inadequacy of the gross national product as a true measure of the well-being of our society and the quality of life.

The Journal article, written by Richard D. James, reports on several efforts to develop an index which would give a better indication of the quality of life than does the GNP. The Journal quotes Sicco Mansholt, president of the European Common Market's executive commission:

> I don't pay much attention to gross national product. In all our states this has been something sacred, but it's the devil. We must think instead in terms of the happiness of our people.

One approach mentioned in the Journal has been devised by William D. Nordhaus, a Yale University economist. He has developed an index he calls a measure of economic welfare or MEW. It excludes such things as defense spending, police and sanitation services, and road maintenance. These items, which are reflected in the GNP, do not really produce net improvement in the quality of life. He also includes some things that are not in the GNP, such as the value of time devoted to leisure, and makes allowance for various disamenities such as the costs of pollution, urbanization, congestion and crime. The result is that MEW rises considerably slower than GNP.

Of course this approach still relies heavily on measuring the economic or material aspects of life. Other suggestions have been made about measuring noneconomic factors, although the difficulties of doing this are obvious. The article refers to proposals by Margaret Mead and others for considering the noneconomic aspects.

Mr. President, as I have previously stated I feel that we must discontinue this heavy reliance on the GNP and give serious consideration to other means of measuring the national welfare. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEASURING THE QUALITY OF LIFE

(By Richard D. James)

A topic of continuing debate these days is whether the quality of life is improving or deteriorating. A vast range of issues now confronting us bears on the matter, from ecology to crime, from the youth culture to the Vietnam war.

The issue reaches business in the form of whether "more is better." Sicco Mansholt, president of the Common Market's executive commission, touched on it recently when he remarked: "I don't pay much attention to gross national product. In all our states this has been something sacred, but it's the devil. We must think instead in terms of the happiness of our people."

As with many complex issues, there's no yardstick to tell who's right. Are we better off? Certainly people are better educated. They have more leisure and better health. But we also have rising rates of crime and divorce and more people using drugs.

One wishes for some easy way to settle the matter, a clock, perhaps, that would count out human happiness, much as the clock at the Department of Commerce counts out our gross national product. Little wonder then that one finds more and more attempts to devise some measure, a gross national happiness index, an index of the quality of life.

THE ECONOMIST MAGAZINE'S INDEX

The Economist magazine of London took a stab at it not long ago. It compiled an index for 14 countries according to what it considered 15 important social indicators, including such things as car ownership, divorce, economic growth and the ratio of television sets and telephones to people.

If a high rate of divorce was considered to contribute to a better life, then the U.S. ranked first with an index of 457. Sweden ranked second with 336 and Canada third with 264. If divorce was counted as a negative factor, the U.S. dropped to fifth place with an index of 55. Canada was first at 338 and Sweden second at 226. A country's score in each category was its percentage above or below the average for all 14 countries. A country's overall index was compiled by totaling the percentage points in each category.

Business is attempting to develop an index. First National Bank of Minneapolis in its 1971 annual report outlined how it hoped to measure 10 components that taken together should give an indication of the measure quality of life in the Twin Cities. Among the categories are job opportunities, environment, nousing, health and income.

The National Wildlife Federation, a conservation group, has an index, though it's aimed more at environmental quality. It includes such items as soil, air, water and living space. In 1971 the index declined to 55.5 from 57 in 1970.

Still another approach has been devised by William D. Nordhaus, a Yale University economist. He has modified the gross national product so as to come out with an index of household consumption, which he believes says more about the quality of life than GNP, which is a measure of total output of goods and services.

He calls his index a measure of economic welfare or MEW. It excludes such things as defense spending, police and sanitation services and road maintenance. These items, which are reflected in GNP, are simply overhead costs of running a complex industrial state, Mr. Nordhaus reasons, and they don't really produce any net improvement in the quality of life.

He also includes some things that aren't in the gross national product, such as the value of time devoted to leisure. Finally, he makes allowance for various disamenities such as the costs of pollution, urbanization, congestion and crime. The result is a MEW that rises considerably slower than GNP—54.8% between 1947 and 1965 (the latest year for which Mr. Nordhaus made calculations) as compared with a 99.4% increase in GNP in the same period.

All of these approaches rely heavily on measuring the economic or material aspects of life—consumption, cars, television sets, number of doctors. It can be argued that this is as far as one can or should go in devising a quality of life index, that it becomes impossibly difficult to go beyond material or quantitative measures. To do so would load the index with such a high degree of error as to destroy any usefulness.

Indeed, there are problems enough just with this limited approach. Take the seemingly simple exercise of how to value leisure time. One way is according to the market place. If a person earning $10 an hour has an hour of leisure, it is worth $10. But that leads to the odd conclusion that leisure time for the poor is less value than for the wealthy. Observation suggests that just the reverse might be true. Because the poor must work longer to earn a living wage, their leisure actually might be more valuable since they have less of it.

That raises another possibility. Perhaps one should take into account how people themselves value leisure. What is it worth to a person to get an additional hour of leisure? Studies of what commuters are willing to pay for transportation to get home from work faster show that they are willing to pay only 20% to 25% of their salary to save an hour. In other words, a person earning $10 an hour won't spend $10 for an additional hour of free time, but he would pay $2. Is an hour of leisure worth $2 or $10?

Mechanical problems such as this probably can be solved (in the case of leisure, perhaps just by arbitrarily assigning one value or the other), but there are more bothersome shortcomings with consumption as a quality of life indicator. In a society such as ours, which places great emphasis on material goods, no doubt consumption does have a strong correlation to quality of life. Some contend, however, that somewhere along the line consumption leading to greater craving, restlessness and unhappiness.

Others, like economist Kenneth E. Boulding, argue that consumption is a poor measure because it is essentially decay—television sets burning out, clothing wearing out. There also is the problem of distribution of goods and services within our society. Consumption is an absolute aggregate measure, but quality of life probably is relative—the Joneses keeping up with the Smiths. Thus, a rapid growth in overall consumption coupled with a relative lack of progress on the part of low-income families doesn't necessarily mean an overall improvement in quality of life.

SOME NONECONOMIC FACTORS

Finally, aren't there many noneconomic factors important to the quality of life? Uriel G. Foa, psychologist at Temple University, suggests that every human being has six basic needs: love, status, information, money, goods and services. Some are economic and some aren't. Measuring the ups and downs in the quality of life with an index limited to the economic factors assumes that the noneconomic factors remain unchanged. In fact, the two categories act back and forth on each other in some rather interesting ways.

For instance, a person's religious beliefs can directly affect his personal consumption. They will determine how much of his personal wealth he gives to others and how much he keeps for himself. At the same time, personal consumption will have a great deal to do with his religious beliefs. Whether a man is starving or not is likely to influence how religious he is.

Prof. Foa maintains that by ignoring the significance of noneconomic needs we tend to see improvement in the quality of life exclusively in terms of a better distribution of economic resources. If what the blacks in this country need is status or love, lavishing more goods and services on them isn't the whole answer to improving their quality of life, and this is where indexes limited largely to the economic side of things fall down.

Of course, there are obvious problems when it comes to measuring the noneconomic aspects. If someone gives $10 to another person, he is $10 poorer. If he gives love, he himself likely has more love. With the noneconomic factors two and two don't make four; they make five, six, or sometimes seven.

Perhaps a part solution is to think about quality of life in terms of patterns rather than in absolutes—a suggestion made by anthropologist Margaret Mead. One might look at a pattern of life—what is available with a given level of technology, a given level of education, a given set of resources—and examine whether that pattern supplies people with a degree of dignity as human beings that is comparable to the degree of dignity of other people.

In this way one can compare a way of life that has, say, more material things and less leisure with one that has less material things and more leisure or with one where people have great opportunities to develop religious or esthetic values and much less material wealth.

Prof. Mead reports that in a New Guinea village where she once lived the people felt they had attained a quality of life comparable to the American style that they had seen in Life magazine because they believed that what was needed was a house that was divided into rooms and that had a separate kitchen. Having that put them on a par with Americans.

Thus, technological levels and levels of consumption become relatively less important. If one has the kind of house that keeps out the rain and gives dignity in regard to one's neighbors, one has the kind of house that is needed and that kind of house, which might be a thatched hut costing $500, can be compared with one in our society that costs $40,000.

THE PLUMBING PATTERN

Patterns are useful, too, in gauging how our own quality of life has changed over the years. For instance, anyone living today in a house without indoor plumbing would be considered deprived, but 50 years ago, not necessarily so.

It doesn't automatically follow that our quality of life has improved just because more American homes have indoor plumbing today than 50 years ago, or because more people have college educations. Beyond the very basic irreducible human needs, things that contribute to living first class are very much relative to time and place—including the notion of human happiness itself. In some societies people aren't necessarily supposed to be happy.

All of this suggests that quality of life is related, at least partly, to what people believe they ought to have and believe it's possible to have. One study of British factory workers showed that they were just as unhappy if they were paid more than if they were paid less than they thought they ought to be. If this is true, then any index should probably reflect people's expectations.

For the moment, devising a quality of life index that would include economic and noneconomic factors, encompass the essential patterns of life and reflect expectations of people is probably beyond social scientists' capabilities. An index tied largely to consumption is a useful beginning. Hopefully, however, before too much longer, social scientists will provide the tools for a more sophisticated measure.

IN SUPPORT OF A 20-PERCENT INCREASE IN SOCIAL SECURITY

Mr. TOWER. Mr. President, after careful study I have decided to become a cosponsor of the amendment to H.R. 1 that would provide an across the board 20-percent increase in social security benefits. As a longtime supporter of a strong and viable social security system, I believe that this benefit increase is the best way to provide immediate assistance to elderly Americans.

For many elderly Americans, social security benefits represent their sole source of income. These Americans living on a fixed income suffer from continued economic instability. While I am convinced that the economy is now in an upturn, I also feel that this social security increase is necessary to help improve the economic conditions of our elderly citizens who contributed little or nothing to the inflation that we have experienced in the last decade.

It is a much wiser policy to provide this assistance through a strong social security trust fund than by increasing appropriations for existing programs or starting new programs that may have only a limited effect on the well-being of the elderly. Immediate assistance is what is called for and this increase will furthermore have a positive effect on our economy.

Mr. President, I would not support this increase if I felt that it could only be financed at the expense of large increases by the Nation's wage earners who are now contributing to the social security trust fund. This increase can be financed by a modest increase in the payroll tax. By expanding the wage base, the Congress will be bringing stability to the payroll tax or contribution rate over the next 40 years. In fact, a large portion of the American work force will be contributing a smaller portion of their wages toward the social security system under the proposed financing scheme that I am now supporting than they would under the current financing system or the system in the House-passed welfare-social security bill.

I am hopeful that Congress will approve this benefit increase along with other needed additional reforms in our social security system. For instance, Congress should enact a bill that increases the earnings' ceiling that a social security beneficiary may earn before any reductions are made in his or her social security benefits. A ceiling of $3,000, which I introduced as S. 639, represents an equitable amount so that our elderly citizens will not be deterred from continuing to be part of our work force. Additionally, improvements in widow's and widower's benefits and the elimination of support requirements for divorced women which have acted detrimentally to many women who truly deserve benefits represent just an example of the variety of reforms that should be made this year in the social security program.

THE WELFARE MESS

Mr. HANSEN. Mr. President, in spite of what the Washington Post may think of welfare reform—Finance Committee style—as expressed in one of their editorials, there are others who believe the proposed guaranteed job opportunity program makes a lot more sense than a guaranteed welfare income.

Another change made by the committee could in the words of the chairman "do more than any other action to ease the welfare mess by discouraging child abandonment. In far too many instances," he said, "fathers today simply ignore their responsibilities to their own children, leaving the burden of caring for them to the taxpayers through the welfare system."

Mr. President, one of those who approves of the action the committee has taken in making it more difficult and uncomfortable for a father to avoid his responsibility to his own children is the Deputy District Attorney of the Nonsupport Division of the State of Colorado.

Ann Allott, who holds that position and, incidentally, is a daughter-in-law of the distinguished senior Senator from Colorado (Mr. ALLOTT), has written me expressing her approval of making Internal Revenue Service records available for a woman who is trying to locate a runaway father.

Mr. President, as one who is confronted with the welfare problems of the State of Colorado, Ann Allott is certainly in a position to speak from experience. I ask unanimous consent that her recent letter to me and newspaper clipping she enclosed with her letter be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STATE OF COLORADO,
OFFICE OF THE DISTRICT ATTORNEY,
Denver, Colo., May 22, 1972.

Hon. CLIFFORD HANSEN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HANSEN: Enclosed is a copy of the newspaper article I have clipped from the Rocky Mountain News indicating that the Senate Finance Committee is asking the Senate's approval to make Internal Revenue Service records available for a woman who is trying to locate a "runaway" father. Secondly, you are asking permission to attach federal salaries in order to collect support money.

Please be assured that such aids would greatly help us in pursuing "runaway" fathers. Every nonsupporting father that we catch and get on a paying basis, either potentially or actually, reduces the amount of welfare money spent in this city. By making Internal Revenue Service records available to us, a "runaway pappy" should be a relic of the past.

Sincerely,

ANN ALLOTT,
Deputy District Attorney, Nonsupport Division

Enclosure.

"RUNAWAY" HUSBANDS TARGET OF SENATE GROUP

WASHINGTON.—The Senate Finance Committee Thursday voted to allow wives to use the government's tax collection machinery in their effort to track down "runaway" fathers who duck out on child support payments.

The committee also voted to waive existing restrictions that prevent such mothers from attaching the salaries of husbands employed by the federal government. An attachment is a court order making an automatic claim on a salary.

The two provisions were added to the welfare reform bill being fashioned by the committee, but they would apply to all mothers, not only those on welfare.

To locate fathers who disappear and refuse to make court-ordered child support payments, the committee decided to allow mothers to seek Internal Revenue Service (IRA) help in locating the vanished father.

Whenever taxes were withheld from his salary, the IRS would be obliged to tell the mother where he can be found.

NAVY AIRCRAFT CARRIERS

Mr. MOSS. Mr. President, the Navy is seeking almost $1 billion this year for a second nuclear aircraft carrier, the CVAN-70. With the budget deficit for fiscal year 1973 estimated at between $40 and $50 billion it is crucial that we examine all the alternatives to this purchase.

One obvious alternative is to upgrade our older existing carriers instead of scrapping them and building a much more expensive ship from scratch.

There is precedent for such a step. The carrier *Midway* was refurbished less than 2 years ago at a cost of $202 million. The complete overhaul extended the 25-year-old ship's life span to well into the 1990's.

Despite a 240-percent cost overrun—the original estimate was $84.3 million—we now have a completely modern aircraft carrier capable of handling the most sophisticated aircraft including the F–14—at about 20 percent of the proposed cost of the CVAN–70.

The overhaul was quite extensive: the deck area was increased from 2.9 acres to 4.02 acres, three new steam catapults were added along with the latest in electronic equipment. The new deck is now in the "angled deck" configuration which allows simultaneous launching and receiving of aircraft.

There were several reasons for the exorbitant cost overrun. One was a labor union strike on west coast shipyards. Another was the fire on board the *Oriskany* which delayed the use of a Navy shipyard by the *Midway*.

But there were other more controllable reasons. The Navy used aluminum instead of steel in the three new elevators. The whole ship was air conditioned. And as the ship was being reworked, the Navy added the very best and latest electronic systems such as the computerized naval tactical data system and the ships internal navigation system.

This leads me to the conclusion that even taking inflation into account, I believe the Navy can convert the *Midway's* sister ships, the *Coral Sea* and the *Franklin D. Roosevelt,* into modern carriers for about $500 million.

If we spent this sum to convert the two ships, we would then have one new carrier every 3 years to 1979 at half the cost of one nuclear carrier.

I offer a fine article on the Navy conversion of the *Midway*, written by Stephan Schwartz, an associate editor of the magazine, that appeared in Navy magazine in December 1970. The title is "At 25 *Midway* Begins a Second Career as Critics Decry Expense."

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONTROVERSIAL LADY: AT 25 "MIDWAY" BEGINS A SECOND CAREER AS CRITICS DECRY EXPENSE—CVA UNDERGOES 5-YEAR $202 MILLION-PLUS REBUILDING; NAVY SAYS SHE'S GOOD FOR 25 MORE—PROJECTED DETRACTORS DOUBTFUL

(By Stephan A. Schwartz)

With the words, "The United States Ship Midway is in commission, I have assumed command and report for duty in Carrier Division Seven," Capt. Eugene J. Carroll, Jr., on January 31, 1970, began his tour as captain of what for both him and the Navy, is a very special carrier.

Twenty years ago Captain Carroll made his first carrier landing—the ship was Midway. It must have been a pleasure to take command years later of the ship where much of his career began. For the Navy returning Midway to the active Fleet is the culmination of the longest and most expensive rebuilding any U.S. ship has undergone. It means, after nearly five years, putting to the test a project which has undergone heavy criticism, for the time and money spent, as well as for the whole idea of bringing a 25-year old ship into the 70's, 80's, and according to the Navy, even the 90's.

When she completes her shakedown cruise this month, she will go on duty, after a four year, $200 million plus yard period, with her original 2.9 acres of armor-plated flight deck increased to 4.02 acres and extended 50-feet longer, to 996 feet, giving pilots a 310-foot landing distance. She also has three new steam catapults, and has been fitted out with the latest electronic gear as well as increased habitability.

This ends the second chapter of a well argued controversy; a saga which began with the decision to modernize Midway, first of a three ship post-World War II class—the others are Coral Sea and Franklin D. Roosevelt. The original plan was to spend two years on the job at an estimated cost, in 1963, of $84.3 million. In that time, and for that price, the country would have gotten if not a bargain at least a very good deal.

In June, 1964, the Navy Ships Characteristics Board approved a revised program of modernization for the Midway, giving her the capabilities of a newly constructed ship. They reasoned that the hull and machinery could last many more years and with budget strictures it would be logical to modernize the ship to handle high-performance aircraft, rather than building an entirely new ship.

Critics rebut this by pointing out Midway had already undergone one modernization in 1957 costing $65.5 million, and that it would have been wiser to let her run out her active duty in the Fleet without further major work.

They were not, and are not, entirely silenced by the reality that Midway had reached a point where even with her 1957 conversion she was not able to function as a first line CVA since she could not operate the all-weather attack plane, the A–6, or the RA–5C reconnaissance plane—she could, however, work the F–4 fighter and after modernization will be able to handle the most modern operational planes as well as the next generation F–14s. At that time the official position was to maintain 15 CVAs, and that even with a cutback to 12 CVAs, either a Midway class carrier had to be brought up to the latest standards or a completely new ship built.

The post war U.S. CVAs include eight Forrestal and improved Forrestal class carriers, one Enterprise class and the three Midway class ships—a total of 12 modern carriers. Depending on what decision is made about the number needed in the future, two courses of action are possible. Either all the Midway class ships will stay on—although the FDR and Coral Sea really should be extensively modernized at some point to be effective ships—for a total of 14; or FDR and Coral Sea will be replaced, one at a time, by Nimitz in 1972, and Dwight D. Eisenhower in 1974.

This would again leave 12 CVAs. All, however, would have almost all of the most current capabilities.

Ships of the older Essex class can not be included in this first line CVA group since they cannot operate these basic aircraft and instead will have to rely on the A–7 attack plane, the R–F8 reconnaissance and F–8 fighters. The other Midway class carriers, modernized during the later 1950s can fly the newer planes because Coral Sea was modernized after Midway and FDR completed an extensive yard period in 1969. Both, however would have to be modernized, yet again, to handle the F–14 and other next generation aircraft.

PLANS ABANDONED

Probably because of cost over-runs on the Midway, plans to modernize the other two carriers in her class have been abandoned. The Navy is understandably sensitive about this whole thing, but feels that for what it paid it still got its money's worth—and that if it didn't, many of the reasons were beyond its control. Indeed a good case can be made for the latter point. Only Midway's actual performance record will ever settle the controversy on whether it was worthwhile to do the job—if, indeed, even that will.

Almost as soon as Midway arrived at the Hunter's Point Naval shipyard at San Francisco for modernization in 1966, her troubles began. The carrier Oriskany had just suffered a tragic fire. And although originally it had been planned to place Oriskany with a private ship builder for repairs, a West Coast strike had shut down all private yards and the Navy had no choice but to use its own facilities. The decision was made that getting Oriskany back on the Vietnam line took precedence to such a major job as Midway. On top of this an increasingly tight financial picture faced the Navy with another tough choice. There simply wasn't enough money immediately available to handle both Midway and Oriskany. The major renovation would have to wait; money, men and materials were funneled to the fire wrecked Essex class carrier.

REEVALUATION MADE

It was at that juncture, critics claim, that the whole Midway project should have been revaluated. They assert that work on the smaller Oriskany should not have taken precedence over a much larger ship, especially since the Navy claimed the final result of the latter would be a carrier as modern as any afloat. If it was deemed necessary to do Oriskany first then, they feel, the Midway project should have been reconsidered, in the light of rising costs. The Navy responds to these attacks by pointing out that the idea was to get a CVA back on the combat line as soon as possible, and the Oriskany was the best bet.

With the Southeast Asian conflict heating up, perhaps, in retrospect, this really was the only choice the Navy could have made.

Unquestionably some of the cost overruns were unavoidable—assuming the project was going to be completed. It was discovered, for instance, that the 200,000 plus horsepower geared turbines had undergone much greater wear over the years than had been anticipated. Since putting in a new propulsion system is almost equivalent to starting from scratch, there was no choice but to rebuild the worn components. The cost was greater than had been planned.

Since she seemed destined to work in Pacific waters (with Viet Nam ever more actively perking along at the time) it was necessary to fully air condition the ship: a $10 million item. Also, because of increasing concern on the part of top Naval officers with ski slope manpower retention figures, it was decided to make a real effort to bring the ship up to the current standards of crew space habitability. A forward center-line elevator was removed to add extra living space. After the conversion the ship had space for 4,427 officers and men—139 ship's officers, 2,474 enlisted crewmen; 223 air wing officers, and 1,591 air wing enlisted men. On the old Midway crewmen often had to sleep on desks or in workspaces, living out of seabags for the entire cruise. Eating facilities were improved and provision was made to split the necessary 14,000-plus daily meals between forward and aft mess sections. Quarters are still tight, however, in comparison to later carriers which operate with about the same crew but with considerably more space.

WHAT KIND OF SHIP?

The real test of the conversion is what kind of carrier is the Midway today. In size her 51,000 tons standard or 64,000 tons full load and complement, make her the largest, immediate post-World War II ship and still of formidable size. She is not however, up to the later post war carriers. The first of these, the Forrestal, is 60,000 tons standard and 78,000 full; Enterprise, first of the nuclear carriers is 75,700 tons standard and 83,750 full; John F. Kennedy is 61,000 tons standard and 83,000 full.

Interestingly enough the conversion included efforts to actually lower her weight, using aluminum at many points such as the three large, now deckedge, four-point suspension elevators capable of lifting 100,000 pound loads—the weight of a fully loaded aircraft.

Although it is hardly justification for taking almost five years to do the job the time element actually worked in Midway's favor, as far as making her a better, longer lived, CVA. As a result of the Enterprise fire and, experience gained in the Viet Nam war, improved fire fighting equipment was developed and incorporated. Another factor designed to hold damage control to a minimum: Midway is so compartmentalized after this remodeling that she is regarded as practically unsinkable, a fact the Navy is so proud of that it is willing to say it publicly despite memories going all the way back to Titanic. In general then, although her hull and engines are the same, little else is.

FACTORS CRITICS OVERLOOK

Many advances came in electronics while the reworking was going on, and Midway got the best available. Her combat information center and command complex have been updated, with inclusion of the computerized Naval Tactical Data System (NTDS) and the Ships Inertial Navigation System (SINS). These will enable her to operate the highly sophisticated guidance systems used on current planes as well as those proposed for the future.

In addition she got expanded and more sophisticated shops to service the electronics gear and the plane themselves. Her avionics spaces can handle any plane that can land on the carrier now or in the future. They are so sophisticated that in theory they would be adequate even after the time she is scheduled to complete her projected lifespan.

These are factors often overlooked in an evaluation of a ship—especially by critics—but the ability to operate an aircraft is far different from merely getting it into the air and providing a place for it to return.

Midway was never a small ship but with this last conversion she has increased in size. Her overall length is now 996 feet (more than three football fields), with a flight deck breadth, at its widest point, of 258 feet. This increase includes lengthening her angled flight deck, a part of the 1957 conversion, by more than 25 feet. Her height, from keel to mast top, is equal to a 20-story building.

She also always was a fast ship, and with her turbine rebuilding can now make 30 plus knots (about 35 miles per hour). With this speed she is well able to perform as the core of a modern carrier task group. This is not as much of a problem as it might seem since the DD–963 destroyers, which will be operational in mid-decade, will not be as fast as some earlier classes. Although Midway does not have the almost unlimited range of a nuclear-powered ship, she does have a great range and, with underway replenishment, which even the nuke carriers must undergo if only for stores and ordnance at much less frequent intervals, she should be equal to all modern operational demands. It does seem that Midway has begun yet another career.

Launched March 20, 1945, in Newport News Shipbuilding and Drydock company, and commissioned Sept. 10, 1945 she was the first carrier to have an armored flight deck. Along with her sister ships she was the first ship outfitted for storage and assembly of nuclear weapons and equipped to launch the twin engine, land based, P2V–3C Neptune. because of hydraulic, instead of the current steam, catapults, JATO bottles were required to get these planes off the deck. This would have only been practical for a big nuclear strike.

Then as now controversy swirled around Midway for she was the ship used by Navy to prove a nuclear capability, in the face of a concerted Air Force drive to preempt this part of the Nation's defense. In September 1949, then Captain (now Vice Admiral, retired) John T. Hayward took off from the Midway's deck in a Neptune with a group including then Secretary of Defense Louis Johnson, Secretary of the Air Force Stuart Symington, and the Chairman of the Joint Chiefs, General of the Army Omar Bradley, USA. As Captain Hayward was taking them out to enter the plane he turned to Johnson, a most controversial Secretary of Defense, who had just ordered the Navy to stop building a flush deck carrier (the island structure was to telescope) named United States, and said, "If anything happens on this take-off, we will have a flush-deck carrier with your approval or not!"

A VERY FEW FEET

As Hayward took off with Johnson in the copilot's seat, his port wing tip missed the island by a very few feet.

The age of missiles also got a boost aboard the Midway, for it was from her decks that one of the first ship based missiles was launched when a V–2 was fired in September 1947.

Another first came when fully automatic carrier landings were made on the Midway on June 13, 1963 by an F–4 Phantom jet and an F–8 Crusader, whose pilots did not touch the controls.

In March of 1965 when the bombing of North and South Viet Nam was increasing in intensity, the Midway operated in the Tonkin Gulf with Task Force 77. During an eight and one-half month deployment, her air wing flew more than 11,900 combat sorties against military targets. And, in two almost classic "dogfights" her aircraft were credited with downing the first three North Vietnamese Migs.

A proud ship then, and one no stranger to controversy or innovation. As for her future: reality, as is true in most cases, probably lies somewhere in the middle. Midway may not last another 25 years, as some state—the rush of technology may move beyond even her renovated capabilities—and, privately, even the most enthusiastic officers are not altogether sanguine about a half century old propulsion system (she still is fossil fueled) and hull, no matter how up to date the electronics, habitability, and aircraft support capabilities. She should, however, last a very active 10 to 15 years. In an era that seems destined to see a smaller and more thinly spread U.S. Navy fleet she will be a needed and gratefully welcomed addition.

CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, according to current Census Bureau approximations, the total population of the United States as of June 1 is 209,157,982. This represents an increase of 101,471 people since May 1, roughly the equivalent of the population of Scranton, Pa. It also represents an addition of 1,761,841 people since June 1 of last year, an increase which is about the equivalent of the population of Philadelphia, Pa.

THE 50TH ANNIVERSARY OF THE ORDER OF THE RAINBOW FOR GIRLS

Mr. FANNIN. Mr. President, one of the finest organizations in our Nation is the Order of the Rainbow for Girls. This year marks the 50th anniversary of the founding of the organization.

This event will be celebrated by the Arizona Grand Assembly in Phoenix June 21–24.

A news release in connection with this event describes the founding and objectives of the Rainbows.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RAINBOW FOR GIRLS

The Order of The Rainbow For Girls is an International fraternal organization composed of teen age girls, sponsored by Masonic Lodges and Eastern Star Chapters. It has an active membership of more than 275,000 girls with over 850,000 majority members, or those who have attained the age of twenty. Over a million teen age girls have been initiated into the order since its founding on April 6, 1922, by W. Mark Sexson, a Mason and minister.

The organization started in the City of McAlester, Oklahoma. It spread rapidly throughout Oklahoma, surrounding states, the nation and into foreign countries. A girl does not have to be of a Masonic family to join, but recommended by a Mason or Eastern Star member.

Rainbow teaches ten outstanding things: a belief in the existence of a Supreme Being, the great truths in the Holy Bible, to seek dignity of character, a conception of the higher things in life, effective leadership, church membership, patriotism, cooperation with others, love of home, and above all Service to humanity.

There are 52 Assemblies in the State of Arizona, with a membership of 2,500 girls. Over 1000 of these girls will be in attendance at Arizona 39th Grand Assembly Session, at which time they will celebrate the founding of their Order. Installation of the newly appointed Grand Officers will be on Saturday night, June 24, 1972. The guest speaker for the evening will be the Honorable John J. Rhodes, congressman from Arizona.

A great single honor has come to Arizona in the fact that the Grand Worthy Advisor, Miss Niki Kyle of Phoenix, will serve as the Acting Supreme Worthy Advisor at the Biennial Supreme Assembly Session to be held in Oklahoma City, Oklahoma, in July of this year. Rainbow Girls from all over the World, and their Adult Advisors, will be in attendance to celebrate the 50th Anniversary of the founding of the International Order of the Rainbow For Girls.

Mrs. Gladys C. Skidmore of Tucson, who is the Supreme Inspector in Arizona and Supreme Hope, will also attend, as will two bus loads of 38 each of Rainbow Girls from throughout the State of Arizona, plus many who are going by car.

The girls going by bus will also have an extended trip on the way to Supreme Assembly, going to Carlsbad Caverns, San Antonio, Houston, to see NASA Space Center, the Astrodome, then on to Dallas before arriving at McAlester, Oklahoma to visit The Rainbow Temple, and the founding place of Rainbow, and finally to Oklahoma City for their meetings.

STATEMENT OF NATIONAL COUNCIL FOR A RESPONSIBLE FIREARMS POLICY, INC.

Mr. BAYH. Mr. President, organized opposition to the passage of effective gun control legislation is a familiar fact of life that has been with us as long as Congress has faced the issue of limiting criminal use of firearms. That this strident voice is not the voice of the people is also a familiar fact of life. Those who doubt this should consult the recent reviews of the history of public opinion polls on the subject which have appeared in the press. Lacking the financial support of any group comparable to the firearms industry and lacking governmental inducements equivalent to the civilian marksmanship program, the voice of the people has been quiet and generally less effective than that of the organized few.

At the time of the assassinations of the 1960's, a group of prominent citizens took upon themselves the obligation to redress the balance and voice the concerns of the people. Calling themselves the National Council for a Responsible Firearms Policy, this group, led by its president, James V. Bennett, former Director of the Federal Bureau of Prisons, has been a source of quiet sanity on the firearms question ever since. The statement issued by the council in reaction to the tragic shooting of Governor Wallace is an excellent example of the wisdom the council has brought to the debates over gun control. I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A STATEMENT ON THE SHOOTING OF GOVERNOR WALLACE

Once again, in yet another national political campaign, the shooting of a public figure has shocked and shamed the nation. We hope and pray for the quick and complete recovery of Governor Wallace and those with him who were also shot.

In their deep and justified anguish over this violent attack on the life of a man and on the politics of a democracy, the American people and their leaders should not lose sight of the fact that the May 15 tragedy exemplifies the violence with guns that strikes increasing numbers of Americans every day.

Reports of the criminal use of guns in America have become as much a part of our daily fare as the ball scores and the stock market quotations. Lives are lost, bodies are broken, families are fragmented, and the fabric of law, order and justice is torn and tarnished, with growing frequency. We pay a shocking price for the extraordinary permissiveness of Federal, state and local laws affecting the possession of guns and ammunition. But the price has apparently not gone high enough to trigger the national awakening and reform that are long overdue.

These escalating statistics of national negligence are punctuated now and then by the shooting of a nationally known figure. But even such attacks have not been enough to rouse America's resolve to stop the carnage that in this century alone has already taken more American lives than all the wars in American history.

In our own time, the assassination of a President was not enough to move this nation to remedial action. The assassinations that rocked this nation in the awful spring of 1968 moved the political system only part of the way, and even then with great difficulty, toward keeping guns out of the hands of people who lack the most basic credentials for responsible gun ownership.

Nowhere in the United States has government provided adequate protection against the possession of guns by those who are patently irresponsible by any reasonable standard, or who are incapable of assuming the level of responsibility which the legal possession of guns should demand. The nation needs a national policy establishing nationwide, minimum standards for the licensing of firearms ownership, and for strict personal accountability for the proper keeping, use and disposition of every legally owned firearm.

Such a national policy is the basic responsibility of the Federal government. But the Federal government is not ready to act. The Administration is waiting. The Congress is waiting. America is waiting. What statistic are they waiting for?

The National Council for a Responsible Firearms Policy will continue the struggle for sanity and responsibility in the nation's policies affecting possession and acquisition of the most destructive instruments of violence. Without such reform, the cry for "law and order" is at best a naive hope, as empty a slogan as ever entered our national dialogue.

We invite all Americans, including responsible gun owners and our political leaders at every level of government, to join our campaign for a safer and stronger America.

AMERICANISM ESSAY CONTEST AWARDS TO WICHITA FALLS, TEX., HIGH SCHOOL GRADUATES

Mr. TOWER. Mr. President, each year, the Rotary Club in my hometown of Wichita Falls, Tex., conducts an Americanism essay contest. Participants represent the graduating classes of each of Wichita Falls' four high schools.

On May 18, 1972, awards were presented to four young women whose essays were determined most outstanding from each school. Their cogent remarks on the subject "What America Means to Me" provide an insight into the strength of conviction we may expect from our leaders of tomorrow.

I am proud today to share with the Senate their thoughts of liberty, equality, and responsibility under the law.

Mr. President, I ask unanimous consent that the text of each essay be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

WHAT AMERICA MEANS TO ME

(By Carol Reed of Hirschi High School)

To me, America means a great and powerful country, a safe and secure place to live. I know that I possess freedom. I have the opportunity to go wherever I please and achieve whatever goals I desire in life.

We have equality in this country and the right to speak out against anything we do not agree with. The opportunity is always there if we want to voice our opinions and try to make changes.

We are free to travel this country to visit our fine museums, National Parks, libraries and the seat of our Government or the White House.

I can worship in the Church of my own choice, live in any of our fifty great states, attend the college I want and have the right to decide my future vocation.

In order for a person to be happy and prosperous in this world, I believe one should enjoy whatever it is they do. I am proud of my American heritage and ancestry.

We have privileges some other countries would not dare allow people to possess. We are liberated from slavery, imprisonment or other restraint.

Freedom of the press enables us to keep up with current events and world news, right as it happens.

The people of this country have a voice in the government. We are able to vote for qualified representatives who will run this country to their fullest potential.

We live in an affluent society well supplied with material and spiritual possessions.

What America means to me, is that when I look at the American flag and pledge my allegiance, I feel honored—proud and wish that others less fortunate may someday feel the kind of security besowed on us.

WHAT AMERICA MEANS TO ME

(By Kathleen Tichnor of Notre Dame High School)

To me, America is more an attitude, a mode of living, than a distinct topographical area. I have traveled and known many parts of this country and of various foreign countries abroad. Consequently, all my associations with home and a people I can identify and align myself with have settled with the American way of looking at the world and of tackling problems rather than with a specific location.

In Europe, an iron-clad traditional past prevails over every attempt at real free thinking. Each flower of change must struggle upwards through the clutter of the thousands of years gone before it. More obvious than any other basic difference in attitude between the Old World and the New is the lack of comfortable familiarity with the government which is enjoyed so much within our own boundaries. I have witnessed the adages that American parents are wont to tell their offspring of the violence and oppression by police states. I have been subjected to the irritating inconvenience of constant checking of identification papers and travel permits by harsh young men armed with virtual arsenals of weapons. I have stood while meticulous officials shifted through my clothing and possessions in search of some tiny proof of the aggressive nature of my country. And I have seen children and parents, wives and husbands, leaning out of second story windows to wave comfort and encouragement to their loved ones on the opposite side of a formidable wall—a wall cleaving apart their city and their families. In America, if I keep within the laws, which are only a working agreement of my citizenship, I need never face a fear of simply living day to day.

In contrast to the uneasy, almost fatigued spirit of the Europeans, I have found Americans to be a vibrant, precedent-setting people. Unsophisticated in the sense of unaffected, as a whole we are energetically sincere and determined in our lives as witnessed by the colorful and explosive expansion of our frontiers in land, government and technology. We have fruitfully cultivated the abundant earth between two oceans; established a government which spearheads world-wide activity; and set our collective foot on the moon, the stepping stone between this globe and the universe. The products of our own artists influence all other civilized cultures and the strictly American art forms can be obtained and enjoyed anywhere: jazz is sold and played constantly in the tiniest music shops in Paris, pop art museums are frequented by enthusiastic patrons in Frankfurt, and blue jeans are the most stylish type of dress for young people from London to Rome. We are loved by some and hated by some, but there is no denying that the American touch is unique and universal.

When I originally pledged to uphold my citizenship while living abroad I was not aware of the various and contrary viewpoints toward my country held by non-Americans: the stereotype of a coarse but wealthy figure, the concept of a powerful and overbearing government. After seeing for the first time through the other fellow's eyes, I was forced to evaluate my nation objectively. At worst there are times when our government tends to be over-involved and under-experienced, meddling in other nations' affairs like a tireless neighborhood gossip dashing eagerly from kitchen to kitchen. At best we think, write, and legislate toward what we believe to promote the finest ideals in our Constitution, regardless of social or world opinion. My personality is such that my loyalties have been formed through appreciation of all the traits of America, as a nation and a people.

WHAT AMERICA MEANS TO ME

(By Delberta Coppage of Rider High School)

When you ask what a nation means, the answer must take in the many aspects of that nation, for many people see much about a country that makes it special to them. To me, America means the land, the people, and the past. Vast stretches of gently rolling hills covered with thickly-matted prairie grasses, rugged mountains deeply carved by time, forests crowded with trees that reach a sky so blue that even the seas are jealous, lush tropical swampland, and deserts burned to a dry, dusty white; these make America special to me for they fill the land with variation. And my America is always changing, always new.

The cities, too, show variety in even tiny villages where everyone knows everyone else, the quiet complacency of suburban living, and the hurry and excitement of the giant cities where discovery lies around every corner. Even the seasons show change at every turn with the dry, hot winds of the southern summer and the bare warmth of the north, the burst of freshness that comes in the spring, and the deep, colorful autumns that grow in beauty and crispness as they creep into winters either mild or harsh. My America means majesty and beauty.

After a land has been created, a people must come to live in that land. Many countries were founded by nomadic tribes who happened to find good grazing land or by warriors who had the strength to subdue the original inhabitants, but America was founded by people from all over the world, people who had a dream of freedom and a desire for a beautiful land in which to make that dream come true. The land was there, ready for those who would claim it, and the people came: English, German, Irish and Scottish, Italian, Russian, Norwegian, and Chinese, all in search of a reality to fit their dreams and each adding his own to that one dream of freedom. Each new American changed the picture of this nation just a little, and each new interpretation of freedom added a new dimension, a variation to America. And my America is made of the strength of dreams.

It has been through time that the dream of freedom has become a reality. Since this nation began, the wars it has fought have been to free people, and throughout the past Americans have constantly strived to unfetter the minds of their children. The people have always been hardy and strong—strong of body and of mind—hard-working and filled with adventure and daring. Formality has never repressed this free and easy people as it has other nations. The history of America is filled with the heroic deeds, the chivalry, and the courage of thousands of stout-hearted men and women who loved their country more than life. This is the people, bred in this great land, who created a glorious history for this great nation. This is my America, always changing, majestic, and forever built of great dreams.

WHAT AMERICA MEANS TO ME

(By Jan Spalding of Wichita Falls High School)

America is Red, White, and Blue. I guess this about sums up my ideas on America; that is, sacrifice, freedom, and courage.

History has taught me that our forefathers had to show much courage and suffer through great sacrifices to win the freedoms and privileges that we enjoy and take for granted today. Even today these same qualities continue to keep our country the best place on earth to live. People complain constantly about taxes, crime, poverty, discrimination, and apparently senseless wars, but in every case the problem is greater in other countries than it is here in America. We still have plenty of inequities and injustices in our great country, but we have come a long way from the time our ancestors fled from the anarchist society of Europe.

Sometimes people get carried away with their freedoms. For instance, some say there are too many poor people and the rich keep getting richer, but they forget that our system of free enterprise is responsible for making our nation the strongest, wealthiest, most self-sufficient country in the world. Our achievements in science, medicine, and other fields of technology could have been achieved only under our system of material rewards for initiative and recognition for imagination. Perhaps our greatest achievement lies in the field of human dignity. Of course, we still have problems of hunger, poverty, and discrimination, but nothing like these same problems that exist in countries that have tried other types of government and rewards for achievement.

What about wars? There is no way that two hundred million people can come to a decision about how to defend our rights and freedoms. We must depend on the wisdom of our elected officials. One thing we know for sure. Since the time our ancestors won that first war for freedom back in 1776, we have not had to actually protect our homes and families, nor have we had to defend our shores from an attacking enemy. Thank goodness for the wisdom and foresight of leaders who have kept the battle away from our doorsteps.

America may not be perfect, but it is definitely way ahead of second choice. The happiest part is that we are still making progress in our struggle to deserve the Red, White, and Blue.

ANCIL HORACE PAYNE

Mr. PACKWOOD. Mr. President, Ancil Payne is one of the outstanding citizens in the Pacific Northwest. For several years it was my pleasure to know Mr. Payne as one of Oregon's first-rate broadcasters. He has now moved from Oregon to Washington State, where he continues to distinguish himself as a leading citizen and top notch broadcaster.

I ask unanimous consent that an article about Ancil Payne, published in the April 24, 1972, issue of "Broadcasting" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW MAN IN CHARGE OF KING STATIONS' NORTHWEST PASSAGE

The news last December that Ancil Payne had been elected president and chief operating officer of King Broadcasting in Seattle was surprising. After all, since this company was first formed and went into the broadcasting business in 1947 it always had been led by a member of the Bullitt family. First there was Dorothy Stimson Bullitt, known as a remarkable woman of grace and ability. Of her it had been said that when her husband, A. Scott Bullitt, died in 1932 and left her sole heir of his real-estate and timber interests, "Dorothy went down to the office to see what it was all about and found she had a flair for commerce."

Mrs. Bullitt ran King Broadcasting for 18 years, relinquishing day-to-day control to her only son, Stimson Bullitt, an attorney, in 1965. Mr. Bullitt, culturally minded, with a deep interest in politics (he ran unsuccessfully for Congress), is an idea man, apparently enjoys the philosophic side of business, likes to think in terms of what's going to be 25 years from now, but dislikes the details of everyday management. Last year, in the throes of a bad earnings period Mr. Bullitt decided that responsibility for management of King Broadcasting should be carried by the young business man he invited into the company in 1959, Ancil Payne.

Such a change in corporate direction is important news in the Pacific Northwest. Observers of Pacific Coast business point out that when the *Los Angeles Times* sneezes, Southern California says "gesundheit," and when King Broadcasting itches, Seattle, Portland and Spokane scratch.

An overstatement? Consider the lineage and influence. A. Scott Bullitt was a prosecuting attorney in Kentucky (where a county is named after his family) whose career reached a dead end when he decided to close the race tracks. He went to Seattle to practice law, and become a mover in Democratic party politics, ran for governor (unsuccessfully), was among the original group of people to support Franklin D. Roosevelt for President, was said to have given now-Senator Warren Magnuson (D-Wash.) his first job, was rumored to be in line for a cabinet position when he died of cancer.

The woman Mr. Bullitt married came from that exclusive group of people that in the social community in Seattle—as in most pioneering areas—sort of ran the whole thing: The straits, the lakes, the rivers, most everything, are named after this coterie of families.

Some 15 years after her entry into the business world, via the Stimson Realty Co., which her father had started, Mrs. Bullitt, in 1947, moved into broadcasting by buying the interest of what was then KEVR(AM) Seattle. Now King Broadcasting is a powerful duchy, probably the most important radio-TV group serving the Pacific Northwest.

Ancil Payne came into the King organization knowing next to nothing about broadcasting. What really impressed him about television in the early days was when an appearance by Democratic congressional candidate Helen Gahagan Douglas caused an arch conservative of Mr. Payne's acquaintance to switch his vote. By God, thought Mr. Payne, if a liberal like Helen Gahagan Douglas can reach a terribly conservative mind, it must be a tremendously effective medium.

Now he's no longer surprised. "The only problem with television," he says, "is its own success. It's so powerful and so instrumental in our lives that it's blamed for everything." Characteristically, though, Mr. Payne—a realistic, progressive thinker—won't settle for merely pat explanations. "We do have a lot of responsibilities we haven't met, obviously."

The corporate area of broadcasting with which he must deal responsibly now includes nine broadcast properties—an AM, FM, TV each in Seattle, Portland and Spokane. The Spokane TV is an ABC-TV affiliate, while Seattle and Portland are in the NBC–TV lineup. King Video Cable Co. owns 13 cable TV systems on the West Coast, serving some 27,000 subscribers, and is looking to expand. Northwest Mobile Television System consists of two color-equipped television trucks that are offered for contract or lease. King Screen Productions, which produces educational films for schools, once won an Academy Award for the documentary film "The Redwoods." Northwest Sound Service provides sound-mixing facilities. The real estate division owns two downtown Seattle office buildings and other properties in Washington and Canada.

Among other interests absorbed when King Broadcasting took over the Bullitt Co. (the successor to Stimson Realty), are timber holdings on Samar in the Philippines and Hollymark, a shipping company that deals in log-trading to Southeast Asia out of Hong Kong.

There have been some failures. King Broadcasting was too heavily diversified in too many areas the company knew too little about. *Seattle* magazine, for example, though a monthly publication to take pride in, had to cease publication, a victim of rising costs and slumping local economy.

One of the serious problems with diversification, it was decided, was that King couldn't provide the proper management from its thin ranks. For a number of years, with Ancil Payne as spearhead, King has been doing extensive college recruiting, bringing in new blood from the Ivy League and California to meld with the clean-scrubbed Swedes of the Pacific Northwest.

Ancil Payne, himself, was recruited by Stimson Bullitt. The two got to know each other when Mr. Payne's candidate for Congress, Hugh B. Mitchell, ran against and handily defeated Mr. Bullitt, in a Democratic primary election.

Mr. Payne, a son of the Pacific Northwest, has had political overtones through his life. Besides serving as assistant to Congressman Mitchell, his wife, Valerie, is the sister of a former congressman from upstate New York, John Davies. They met when she went to work in Mr. Mitchell's congressional office.

As leader of King, he thinks about the future a lot. Cable is great, he says. "It has a commanding and a viable and a fascinating future ahead. But it's ahead. It's not in the immediate future."

If Ancil Payne has anything to do about it, King will be involved in both cable and broadcasting. "We [broadcasters] keep thinking in terms of either/or," he says. "And it's not either/or. The two are complementary."

Ancil Payne lives in a harem of a wife and three daughters. "We finally got to the point where we got a male dog," he says in his charming manner, "and the ——— ran off. He couldn't stand it either."

THE NEW YORK TIMES AND THE IMPEACHMENT OF THE PRESIDENT ADVERTISEMENT

Mr. TOWER. Mr. President, on Wednesday, May 31, the New York Times carried a two-page ad that called for the impeachment of the President. This ad might have been pitifully humorous if it were not for its timing and the blatant political purposes behind it. The ad came at a time when the President was on a journey for peace. The purposeful intent to embarrass the President was obvious, yet the New York Times did not even require the usual political disclaimer. It appeared almost as if the Times endorsed the ad.

Mr. President, the pressmen at the Times saw this for what it was and initially refused to print it without a disclaimer of some sort. However, Mr. Sulzberger refused to order the disclaimer and ordered the men to print it anyway. The ad was printed and did appear and the only thing that happened was damage to the prestige of the New York Times.

Mr. President, the President of the United States will not be hurt by such ads. In fact, most probably he will be aided, for the American people recognize politically inspired attacks when they see them, even if they are not properly labeled. The only ones who will suffer will be the small men who are behind the ad, the candidates they support, and the paper that refused to mark the ad political. These men spent over $17,000 from who knows what source and in the end embarrassed only themselves. Their ineptitude would be humorous if it were not dealing with such a serious subject.

NOMINATION OF RICHARD G. KLEINDIENST

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate in executive session will now resume the debate on the nomination of Mr. Richard G. Kleindienst for the office of Attorney General of the United States. The question is on the confirmation of the nomination of Mr. Kleindienst to be Attorney General of the United States.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAYH. Mr. President, it is not without some significant degree of reluctance that I rise to address the Senate on the matter of the nomination of Richard Kleindienst to be Attorney General of the United States. Those of us who have been involved before with the question of Presidential nominees do not eagerly or lightly seek to engage once again in confrontation with the President over his choice for high official position. There are some prophets who appear to have the ability to look into the minds of those of us who serve in Congress and attribute motives to all of our deeds. Those who suggest that I feel this kind of confrontation is a thing to be relished have not had a chance to get a very good focus on the mind of the Senator from Indiana. Indeed, in the case of a Cabinet appointee, our reluctance to rise in opposition carries almost to the level of acquiescence to the President's wishes—for Cabinet officers are creatures of the President's will, and serve at his pleasure in order to effectuate his policies and his goals. It is not our business to oppose a President's nominee for a Cabinet position, because we disagree with his views on the issues, or because his philosophy is offensive to us. Indeed, we have all said as much, in our original reports on this nomination.

There may be times when the individual nominee's philosophical beliefs go so far as to be irresponsible. At that point I think a Member of the Senate, in exercising his or her advice and consent responsibility, has the responsibility to speak out. But just differences of degree with respect to philosophy, and differences of opinion on some of these specific issues that might be hotly debated are not, in the judgment of the Senator from Indiana, sufficient to cause a Member of the Senate to interpose an objection with respect to a Presidential Cabinet nominee. I spoke at some length relative to my feeling about this in connection with the nomination of Secretary of Agriculture Earl Butz.

I joined with Senators TUNNEY and HART in separate views on Mr. Kleindienst's nomination. Though we approved of his nomination, we felt it incumbent upon us to list the areas in which we felt strong disagreement with the nominee. We approved of his nomination—though not of his policies—because—

> Members of the Cabinet, unlike Justices of the Supreme Court, serve at the pleasure of the President as his assistants. The policies they pursue will, almost inevitably, follow the President's position. He must work wtih them. Therefore, absent personal impropriety, incompetence or disqualifying conflict of interest in the nominee, the President is entitled to the man or woman of his choice. The Senate's role to advise and consent on cabinet appointments should be exercised within this limited framework.
>
> The Senate's role is very different in the case of appointments to the Supreme Court. Its members serve for life and are responsible to the Constitution alone, not to the President who appoints them. When reviewing judicial nominees, the Senate must exercise a more substantial function.

We were prepared to let the matter rest there. My enthusiasm for Mr. Kleindienst's views has not increased; my disagreement with the policies of the Justice Deartment has not waned. Yet I did not then, and do not now, feel that it would be appropriate for the Senate to attempt to dictate to the President who he can or cannot have as members of his Cabinet, merely because we happen to harbor disagreements—however strong—with the particular views and policies espoused by the President's nominees.

That is not to say that I treat lightly the disagreements which I have with Mr. Kleindienst's views and the policies which he has stated he will carry out. I have had the opportunity, in my capacity as a member of several of the subcommittees of the Committee on the Judiciary, to debate these differences at some length with the nominee. I cannot understand why, for example, the Department of Justice, and Mr. Kleindienst, are so reluctant to recognize the alarming implications of juvenile crime in this country, and why they are so unwilling to commit the resources necessary to deal with this most serious of social ills.

We do a great deal of talking about crime. After Attica, the Attorney General of the United States made a very compelling speech about recidivism. Yet, recidivism starts with how we treat first offenders, how we treat juveniles; and we are committing far more of our resources to hardware in connection with law enforcement than we are to dealing with social problems, the unique problems of individual first offenders. Words alone are not going to limit the numbers of those who would rob and rape and pillage our society. It takes an investment in resources to try to deal with the problems of human beings.

The majority of those buy Saturday night specials. Nor can I fathom why, with hundreds of policemen killed by handguns in the last few years, and 8,000 citizens last year slain by handguns, 5,000 of these by Saturday night specials, and the assassinations and attempted assassinations of political leaders that have been going on in this country—the majority involving Saturday night special handgunds, Mr. Kleindienst refuses to support the most reasonable efforts to rid the Nation's streets of these killer weapons.

The Justice Department has testified before my committee on several occasions—and as long ago as 1970—that there was a tremendous loophole in the 1968 gun law which permitted approximately a million of these cheap weapons a year to come into this country by import—import by parts and then assembly in this country—which, in effect, has circumvented our prohibition of importing this kind of weapon. Yet, despite their recognition of this problem, they have been unwilling to take the political lead necessary to plug up this loophole and stop the proliferation of these weapons across the countryside.

I have already said that I find Mr. Kleindienst's attitude toward basic civil liberties unacceptable. Mr. Kleindienst would have us rely upon the self-restraint of political officials for the protection of our civil liberties. But we rely upon the constitutional authority of life-tenured judges—not the easily swayed self-restraint of political appointees for the protection of our liberties.

I happen to be a political official; and as much as I would like to feel that I would have the sensitivity and the wisdom and the good judgment to know where we are to draw the line, I do not want to have on my shoulders—nor do I think any of the rest of us who serve in an elective capacity would want to have—the responsibility to determine where the line of restraint should be drawn.

Mr. Kleindienst would have us put the sole authority to conduct electronic surveillance of our citizens in the hands of bureaucrats and political appointees where the Constitution requires the authority of the impartial magistrate. I must suggest, Mr. President, that I do not care what administration is at the White House and is controlling the Justice Department. I want to have removed from the political arena the magistrate making the determination as to who is tapped and who is bugged.

Mr. Kleindienst seemingly also is unconcerned about the gross invasions of privacy that have too often resulted from abuses of Government intelligence gathering. This is alarming to me—not just because of what is happening today and where we are today, but because of what this portends for the future direction of our country. I do not want our Nation to become a "Big Brother" nation, where we have fear to converse in the privacy of our homes or offices, or to glance over our shoulders, for fear that someone may be watching, someone may be listening.

Despite all the tough rhetoric about law and order and crime control, it seems apparent that crime in America is still a growing problem and that the administration's efforts to deal with it have often been inefficient and misdirected. In the administration's frantic haste to present the American public with the appearance of crime control, the administration has breached the Constitution and created an unparalleled wave of concern and distrust. But these disagreements are not enough, of themselves, for the scope of the Senate's inquiry is not so wide. This is a matter of decision for the electorate when they have the opportunity to choose in November.

Because of the narrow scope of the Senate's advise and consent function with respect to Cabinet nominees, we are reluctant. And we are reluctant for other reasons as well. When the nominee is put forth by a President of an opposite party, inevitably the cry is raised of "partisan politics" if there is any opposition.

But it was not partisan politics that led almost half of the members of the President's own party to oppose one or both of his most disputed nominees for the Supreme Court. Nor is partisan politics involved in this nomination, despite allegations to the contrary by some of our colleagues.

I can only look upon the raising of such charges as an attempt to avoid discussion of the real issues.

Now I have read the comments of my distinguished colleagues from Nebraska and Arizona, where they suggest that this whole exercise has been nothing but political headhunting. I can only repeat that it is rather dismaying to hear this argument, for nothing could be further from the truth. It was not politics that led us to oppose the confirmation earlier of judicial nominees—not unless we suggest that 20 members of their own party would play politics with this issue—it was a sense of devotion to the Constitution. And it is no more politics that has led us to oppose the confirmation of Richard Kleindienst. Rather, it is our doubts as to his qualifications and our concern over the erosion of trust that has been occuring in this country now over a period of years.

It must be recalled that Mr. Kleindienst had previously been unanimously approved by the Judiciary Committee—by those who liked what he had to say, as well as those of us who didn't care so much for his views. I voted for him. We all voted for him. And despite our differences, we found him to be personable and fair minded in our hearing. No one can doubt that Dick Kleindienst is a personable and likable individual.

Yet the issue which underlies this whole controversy, in a sense has nothing to do with that earlier vote. This has become a basic issue of credibility—the credibility of the nominee, indeed the credibility of the government itself.

This is no partisan issue. The credibility gap has nothing to do with any particular party or administration. We read from reports of over 100 years that seldom has there been an administration that has not been criticized for having a credibility gap—from a narrow gap to a large gap. This may be a new phrase, but it is not a new issue.

The frustrations of the war; the alienation of the young people; the hostility of minority groups; the disaffection of millions of ordinary citizens with the precesses of government—a lack of candor and credibility lie at the bottom of all these ailments. The obligation of government is to govern, not merely to reign—and government in our Nation rests upon the informed consent of the people. If the people are not told the truth—if the people cannot feel that they have confidence in their government—if they are suspicious of the motives of those in positions of power—then can we truly say that the people have given their informed consent to be governed? For is not the essence of being informed being told the truth? As Thomas Jefferson wrote some 150 years ago:

> Enlighten the people generally, and tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of day.

And I daresay that many of the ills that beset this country today could also be dealt with by liberal doses of plain truth. I do not mean doses of liberal truth, I mean liberal doses of the plain truth.

Mr. President, I ask unanimous consent to have printed in the Record an editorial from Life magazine, by Hugh Sidey, the veteran White House correspondent, dealing with the precise question of which I have spoken—the responsibility of Government for the continued deterioration of public confidence.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Life magazine, Mar. 31, 1972]

The Presidency—What Makes the Mare Go

(By Hugh Sidey)

Not long ago, on an airplane between New York and Washington, a man studied a front-page newspaper story on the ITT case and then spoke to his companion. "Nixon's Achilles' heel may not be the economy or Vietnam or any of those things. It may be this," he said, thumping his paper. "There's more of this than most people realize. I know. I've had to get a few things done myself."

The man was not so much accusing as stating a fact about a traditional ritual of power that seemed to have gone wrong. In the political game now being played, appearances are just as important as reality, and appearances are terrible.

The spectacle of memos being found, forgotten, shredded, leaked and denied, of memories being refreshed and dates being changed, has cast suspicion over the entire administration. The White House is nervous. Nixon sees the rosy picture of his China triumph being smudged. The White House contact man with business, Peter Flanigan, is more shaken than ever before in his controversial three-year public career. What should he do? he asks visitors in all sincerity. White House operatives Robert Finch and Herbert Klein rushed to dampen fires in California touched off by Life's disclosures of influence and justice-tampering last week. Vice-President Agnew stood at planeside and in a remarkable statement said he would like to see Life (whose charges are at this writing still unchallenged by the White House) go broke like *Look*. In St. Louis, top business executives refused comment when the *Post-Dispatch* phoned to ask about a meeting in which former Secretary of Commerce Maurice Stans, now Nixon's chief campaign-fund raiser, urged them to get their contributions in before a new disclosure law takes effect on April 7. Columnist Jack Anderson published more alleged secret ITT memos showing ITT dealing with the CIA like some independent nation. Investigative reporters were raising questions about the old Nixon law firm of Mudge, Rose, Guthrie and Alexander, whose fortunes soared after Nixon and John Mitchell, former senior partners, moved on to Washington. Even more fascinating was the story of Herbert Kalmbach, an obscure California attorney who happens to be Nixon's private lawyer. According to one Washington authority, he now "has the goddamndest bunch of clients lined up outside his door that you've ever seen."

In all the din, a larger problem was obscured. Just what should be business's correct relationship with people in positions of public authority? Certainly business needs to make its wishes known, as much as does labor (which has not been overly reticent in the last decades) or Ralph Nader, the consumer evangelist who has used every lever of influence he knows. Gleeful Democrats pressing the current investigations would no doubt prefer not to think about those shadowy figures from their own party's past, who helped set up big government in Washington in its present form, then left it and waxed fat showing clients and corporations how to discover tax loopholes and circumvent laws they had themselves help to write.

'Business," snorted Lyndon Johnson once when he was battling the big interests, "is what makes the mare go." He knew the country ran on the profit motive. John Kennedy knew it too. Even during his fight with big steel, he never quite shook off the capitalist pragmatism of his father Joe, the fellow who amassed the Kennedy fortune. "They're our partners," he once said to a reporter. "We're in this together, I want business to do well. If they don't we don't."

Influence is a bipartisan phenomenon, but the Republicans have addeed a new dimension. Maybe it's naïveté—what they do they seem to do so clumsily. Or maybe it betrays a kind of insensitivity, a lack of understanding of the role of modern public figures. In any case there is an evident conflict between the things everyone can see the Republicans doing and Nixon's own call for new spirtiual values. The administration's Puritan ethic evidently applies to everything but the pocketbook.

One thing would help. True candor. If ITT is so big that its machinations now affect the balance of payments (as the firm argued in pleading against an antitrust suit), then its business is very much the public's business. If ITT is so formidable that it is dealing with the CIA and intriguing in foreign countries, then more than ever it should receive public scrutiny. It is possible that even if the ITT case had been conducted entirely in the open, the firm might have received the same settlement. It would certainly be more acceptable if it had been arrived at without the squalid epic of backroom influence from Kentucky to Washington.

Up on the Hill at the ITT hearing room a few days ago a young man with fire in his eyes waited for a seat. What for? "Because I want to hear them lie," he spat. He may have it all wrong. But this new bitterness between the administration and a goodly number of American people didn't begin in the street around the Pentagon. It began in the secluded chambers of power with which this administration still seems to think are its private preserves, where matters too lofty and complex for common comprehension are dealt with. It is, once again, a policy of noncommunication, and it is an added insult to the American intelligence.

Mr. BAYH. Mr. President, Mr. Sidey's article points out all too clearly the impact of the past few months hearings into the Kleindienst confirmation and the ITT affair upon the public confidence. And I believe most disturbing of all is his report of the young man waiting outside the hearing room for a seat, who—when asked why he wanted to see the hearings—answered, "Because I want to hear them lie."

Mr. President, if this is to be the legacy of this matter, then the Senate had better examine carefully all the relevant facts and circumstances, and not be so quick to throw around charges of politically motivated delay and dilly-dallying, which I have heard alleged by some of my colleagues. This is an extremely serious matter, and we would do better to discuss the issues than to discuss each other's motivations—or alleged motivations.

It is to the great credit of Richard Kleindienst that he himself recognized these basic issues. For it was Mr. Kleindienst—to his credit—who asked for renewed hearings into his nomination when the serious allegations of the Beard memorandum were raised. He realized how important it is that high public officials not operate under the cloud of suspicion, and he asked that the new charges raised by Jack Anderson's column be fully aired, so that the cloud of suspicion arising out of the Anderson articles could be cleared away. Mr. Kleindienst's testimony before the renewed Judiciary Committee hearings began as follows:

> The reason why I asked for this hearing, Mr. Chairman, and members of the committee, is because charges have been made that I influenced the statement of Government anti-trust litigation for partisan reasons. These are serious charges, and by virtue of the fact that the confirmation of my nomination as the Attorney General of the United States is before the U.S. Senate I would not want that confirmation to take place with a cloud over my head, so to speak, nor would I want the U.S. Senate to act upon my nomination if there was any substantial doubt in the minds of any of the Members of the U.S. Senate to the effect that while I performed my official duties on behalf of the U.S. Government in the past 3 years as the Deputy Attorney General, that I engaged in any improper conduct or in any conduct that would go to or be relevant to the consideration of my confirmation by the U.S. Senate.

Thus, Mr. Kleindienst set a standard by which he wanted to be measured—and that standard, in his own words, was whether there was "any substantial doubt in the minds of any of the Members of the U.S. Senate" that while he had performed his official duties as Deputy Attorney General, he had engaged in any improper conduct, or in "and conduct that would go to, or be relevant to" the consideration of his confirmation by the Senate.

The question then would appear to be—are we sure that Mr. Kleindienst can meet his own test? I would add that it is a test to which Mr. Kleindienst subscribed even at the last day of the hearings. I asked him if he still felt that he would not want to take the Office of Attorney General with this cloud of suspicion hanging over his nomination, and he replied, "I still feel that way."

Now I do not think that any of us can be sure today just what all the answers are to the questions raised at the hearings. That is why I frame the central question here as whether we can be sure that Mr. Kleindienst meets his own test; for we have to admit that we simply do not know whether he meets it or not. In other words that the cloud of suspicion has not yet been cleared away; that there remain substantial doubts; and that the doubts ought to be resolved before this nomination is finally acted upon.

For if that is not done, if the Senate does not make every effort to get to the bottom of the issues raised at these hearings—the longest confirmation hearings in the history of the Senate—then the Senate will become party to a whitewash, and the public confidence, so severely torn over the past several years will be further eroded. If we vote to confirm Mr. Kleindienst without further review of the events and circumstances that have led to these hearings in the first place, if we vote to confirm Mr. Kleindienst and place our seal of approval on an affair that we all know reeks with suspicion, if we do not make a better effort to find some of the positive answers yea or nay, then we will have done precisely what Mr. Kleindienst did in the case of Harry Steward, the U.S. attorney from San Diego—where despite a finding by the Justice Department investigation of "highly improper" conduct, Mr. Kleindienst issued a statement saying that there was no wrongdoing on Mr. Steward's part. I ask unanimous consent to insert at this point an editorial from the Washington Post dealing with this matter.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, June 2, 1972]

The Kleindienst Nomination—II

One of the more advantageous aspects of the nomination of a sitting presidential appointee to the cabinet is that a bit of the guesswork is removed from the Senate's process of determining the nominee's fitness for office. This is particularly true when the nominee's prior service is in the department he is nominated to head. The man has a track record which can be examined and from which assumptions about the way he will conduct himself in the office for which he has been nominated can fairly be drawn. The Senate has such a fortuitous situation in the nomination of Richard G. Kleindienst to be Attorney General and it has an interesting case study in Mr. Kleindienst's handling, as Deputy Attorney General, of the matter of Harry Steward, United States Attorney for the Southern District of California.

In late 1969, federal agents investigating gambling in San Diego County became suspicious that a $2,068 payment made by the Yellow Cab Company in San Diego to an advertising agency had been, in fact, a concealed and improper contribution to the presidential election campaign of Richard M. Nixon in 1968. This suspicion and other facts developed in the investigation led to the impaneling of a grand jury in October, 1969. The grand jury issued a subpoena for Frank Thornton, executive vice president of the advertising agency. Following an unsuccessful attempt to serve the subpoena, the agents in charge of providing information to the grand jury were summoned to Mr. Steward's office.

Mr. Steward asked the agents about the Thornton subpoena and told them that he did not want it reissued. According to an affidavit sworn by David Stutz, one of the agents present at the meeting, Mr. Steward listed his close friendship with Mr. Thornton, and the fact that Mr. Thornton had gotten Mr. Steward his job as U.S. Attorney and was to try to get him a federal judgeship, as the reasons for quashing the subpoena. Mr. Steward said that he would talk to Mr. Thornton personally. Subsequently he did and reported to the agents that Mr. Thornton had explained the $2,068 item to his satisfaction. He also told the agents to stay away from the advertising agency.

Subsequently, while Agent Stutz was pursuing an unrelated investigation—this one outside the U.S. Attorney's jurisdiction—Mr. Steward again thrust himself between the advertising agency and the federal agent, stating, "I am the U.S. Attorney and I'll tell you what to do. I have told Barnes-Champ (the ad agency) they don't have to give you any records. You are not to contact them again."

Subsequently, and after Mr. Steward had been summoned to Washington for a private conversation with Mr. Kleindienst, an administrative inquiry, including an FBI investigation, was instituted by the Department of Justice into Mr. Steward's conduct in these matters.

After the inquiry had been concluded, the Deputy Attorney General issued a press release which read, in part, as follows: "These charges were exhaustively investigated by the bureau and a report was made to the department. I have evaluated the matter and determined there has been no wrong-doing." Subsequently, however, Mr. Kleindienst was to admit in his confirmation hearings that he had never actually read the FBI report on the matter.

During the course of the Kleindienst hearings, Henry Peterson, the Assistant Attorney General for the Criminal Division, testified that he had been involved in and aware of both the criminal investigation that led to the quashed Thornton subpoena and the administrative inquiry which followed it. He characterized Mr. Steward's conduct in this matter as "highly improper," but defended the department's public exoneration of Mr. Steward as necessary to sustain a positive image of the government's chief prosecutor in Southern California as he approached the prosecution of a major tax case.

Although the Judiciary Committee puzzlingly refused to pursue a number of obvious leads, such as calling the investigators whose work was thwarted, the record in this case is still fairly clear. Whatever Mr. Kleindienst's intentions were, the fact is that from February, 1971, when the Department of Justice issued its press statement publicly exonerating Mr. Steward, until March, 1972, when *Life* published the story, the matter had been covered up and apparently buried. The Department's action, it seems to us, was indefensible in itself, but the reason given for taking it was astonishing. The actions of a principal federal prosecutor in impeding two investigations by federal investigators were swept under the rug, according to testimony before the Judiciary Committee, in order to maintain public confidence in law enforcement. And Mr. Kleindienst was involved in and in charge of the process throughout.

So we would add the Steward case to that part of the record of Mr. Kleindienst's career as Deputy Attorney General to which we hope the Senate would give the most serious consideration as it weighs this nomination for it seems to shed significant light on how the nominee might choose to maintain confidence in law enforcement if another high office in the field is entrusted to his hands. Yesterday, we discussed Mr. Kleindienst's inability or unwillingness to recognize a proposition made in his own office in the Department of Justice which federal prosecutors and a jury later decided was an offer of a bribe. Subsequently, we will discuss yet another event in the nominee's career, the ITT antitrust settlement, which we also believe the Senate should take heavily into account as it ponders how the cause of justice would be served by Mr. Kleindienst's stewardship as Attorney General of the United States.

Mr. BAYH. Mr. President, now how do the people of the Nation feel when they read that the Justice Department made findings of impropriety and wrongdoing, yet the Deputy Attorney General issued a press release saying that there had been no wrongdoing? And how will the people of the United States feel if the Senate approves this nomination without making the fullest efforts to determine exactly what happened, and exactly what responsibility should be laid at whose doorstep?

We have an extremely grave responsibility here, and we should not forget it. The Constitution places in our hands the obligation to advise and consent to the nominations of the President to executive positions. This advise and consent function is one of the key elements of our system of checks and balances, and within the limitations which I outlined earlier, it is our responsibility to make the fullest inquiry into the qualification and fitness of nominees for Cabinet positions. If this full inquiry is not made, then we shall have shirked our responsibilities, and rather than reveal the truth to the American people, we will only have aided its concealment.

We must remember why it is that it is so important for the Senate to continue to investigate this nomination until we have laid some of the questions to rest. As I said earlier, ordinarily the burden is not on a Cabinet nominee to establish any more than that he possesses integrity and minimum competence. But here, where the burden has been shifted—not merely because charges have been leveled by a newspaper columnist, but because the nominee and the President himself have stated that there was cloud over the nomination that ought to be cleared away—where the burden has been assumed by the nominee and the President, there ought to be a greater opportunity to meet that burden than the Senate now has before it. Mr. President, I state flatly today that the burden has not been met. I could not say with equal honesty in my heart that I know it has been met. I do not know. As I read this record, it is almost impossible to tell what happened. It is very easy to see that someone who came before that committee lied. Someone committed perjury. Yet I do not think that anyone who reads the record can say who it was who lied, or who it was who committed perjury—or that the burden has been met. Nor can anyone say that there are not great inconsistencies running at several points through the record.

Rather than clear away the cloud from over Mr. Kleindienst's nomination, the longest confirmation hearings in the history of the Senate have done nothing but darken and deepen that cloud of suspicion. Where we sought answers, we found only more questions. Where we sought truth we found only evasion, deception, and an impenetrable screen of poor memories, and a refusal to provide information. Very frankly, at least in my mind, from some of those witnesses we got thinly veiled lies. The inconsistencies, contradictions, unanswered questions, and incredible assertions run on in an almost never ending stream throughout the 7 weeks of testimony. The preposterousness of some of the testimony has to be read to be believed, and even then, one would have had to be present to observe the demeanor of some witnesses in order fully to appreciate the cavalier treatment of the truth at these hearings. There were instances at the hearings where no reasonable man could have drawn the conclusion other than that the witnesses were simply not telling the truth.

Despite the shocking lack of candor which too often characterized the hearings; and despite the unjustified refusal on the part of the nominee and the Department of Justice and on the part of ITT as well, to provide absolutely crucial information; and despite the refusal of the committee to hear witnesses whose testimony could have shed significant light on the whole matter; despite all this, the Senate of the United States is being asked to approve the whole proceeding, as if there was nothing whatever wrong with it all, as if nothing had ever happened at all. Let there be no mistake about it—for the Senate to approve the Kleindienst nomination without making the fullest efforts to get to the bottom of the questions raised at the hearings would be to do more than put the imprimatur of the Senate on Mr. Kleindienst as Attorney General. Such a course of action would also put the Senate's imprimatur on the whole mass of unresolved, inconclusive, and unanswered questions which these hearings so laboriously brought to the public attention. We would be on record as approving all of the evasion, all the deception, all the withholding of information—and as surely as ITT shredded its files to hamper our investigation, so would our approval of this nomination constitute a further shredding of the public confidence.

I for one cannot be a party to such an exercise.

Mr. President, just what are all these unanswered questions which I have been alluding to? What are all the inconsistencies and contradictions that were brought out during the hearings and need to be cleared up before the Senate confirms Mr. Kleindienst?

I would state at the outset that we have produced a statement of minority views which may be unprecedented—I cannot remember ever seeing such a document before in my 10 years in the Senate. As we can note, it is 128 pages of text, plus an additional 156 pages of appended material, bearing upon the matters raised at the hearings, and a fold-out chronology more than 4½ feet long. This document was not produced to exhibit our long-windedness, but rather to set out as completely as we could the issues which arose during the hearings, and to try to lay them out so that the 1,700 pages of testimony might make some sense to Senators who did not sit in the hearing room day after day. This document by itself suggests the complexity of the issues, and is evidence as well of the great lengths we had to go to in order to present all of the contradictions and unanswered questions in coherent form.

This report is available to all of the Senators, and I hope that they will read it, despite its length—or at least read the summary version, which is only 23 pages long. But I would like to note for the record some 29 questions which to my mind have been left up in the air despite the hearings—29 questions which to my mind bear directly upon the nomination of Mr. Kleindienst, relating to the issues raised by the ITT affair and relating to Mr. Kleindienst's legal responsibility in that matter. It is a lengthy recitation but I believe it is worth putting before the Senate, so that it cannot be said that this record is free from doubts or suspicions. Any reasonable man who reads this record could come to no conclusion other than this: that there was something that was not right about the ITT antitrust settlement. Now, perhaps we may all be wrong—frankly I hope that we are, and I would be the first to admit it if it could be proven—but on the present state of the record, it would require a good deal more investigation before we could be sure that we were wrong in our conclusion. And that is all that we are asking, that the Senate not rush to judgment on this matter until these questions have been laid to rest.

The members of the Judiciary Committee as has been stated earlier, had a lengthy opportunity to cross-examine and examine some of the witnesses. However, they were denied access to some of the others. Some questions that were asked were not answered. However, at least we were there. The other 80-odd Members of the Senate did not have this opportunity. It is for that reason that I go into a degree of particularity in order to spread on the whole record the concerns evidenced by one member of the Judiciary Committee.

These concerns resulted from a careful review of the entire record, and although each Member of the Senate must determine for himself the wisdom of the concerns raised by the Senator from Indiana I hope that my colleagues will go through the necessary effort to make this determination for themselves.

Now, let me lay out what I think of the unanswered questions regarding the ITT affair.

The first unanswered question is whether the ITT settlement was "handled and negotiated exclusively" by the antitrust division. Handled and negotiated exclusively are the words Mr. Kleindienst used in a letter on the subject he wrote on December 13, 1971. He said in that letter,

> The settlement between the Department of Justice and ITT was handled and negotiated exclusively by Assistant Attorney General Richard W. McLaren.

But the record repeatedly belies that allegation. In the finest place, Mr. Kleindienst met with John Ryan, deputy director of ITT's Washington office, at a social gathering, and agreed to hear personally an argument by ITT's officers that economic hardships would result from divesting Hartford.

In the second place, an attorney representing ITT, Lawrence Walsh, phoned and wrote Mr. Kleindienst asking at the 11th hour for a delay in filing of the Government appeal in the Grinell case, explaining that:

> Ordinarily I would have first seen Dick McLaren, but I understand that you, as Acting Attorney General have already been consulted with respect to the ITT problem.

In the hearing Mr. Kleindienst, when asked the basis for Mr. Walsh's statement that he, Mr. Kleindienst already had been informed about the matter said he did not understand what Mr. Walsh was talking about. Anybody who knows Lawrence Walsh, a distinguished member of the bar knows that he usually knows what he is talking about. So this, too, is an unanswered question.

After this exchange—and three phone conversations between Mr. Kleindienst and Mr. Walsh—the Department did in fact delay its appeal.

Moreover, on April 20, 1971, Mr. Kleindienst met alone with Felix Rohatyn, the ITT director and investment banker who had masterminded ITT's acquisition policy. At this meeting—of which Mr. McLaren was unaware—Mr. Kleindienst was quite impressed with Mr. Rohatyn's statement of the economics dangers of the Hartford divestiture. Following this meeting, Mr. Rohatyn testified that—

> Mr. Kleindienst directed that a full presentation be made to Mr. McLaren at a larger meeting on April 29.

Mr. Rohatyn met with Kleindienst three more times before the final settlement was announced—always with no others present. And at the crucial juncture in the negotiations, when the Department decided to propose a settlement to ITT on June 17, 1971, Mr. Kleindienst and Judge McLaren together called Rohatyn from Mr. Kleindienst's office to inform him of the terms.

Finally, Mr. Rohatyn himself initially told Jack Anderson that he had "handled some of the negotiations" with Mr. Kleindienst and Judge McLaren. Mr. Kleindienst himself agreed that his personal role—and I quote from the response to the question I asked him—

> Resulted in the Government . . . moving from a position of prosecution to one of negotiation.

And he volunteered that he—

> Set in motion a series of events by which Judge McLaren became persuaded that . . . he ought to come off his position with respect to a divestiture of Hartford by ITT.

In view of all this evidence, is the Senate prepared to believe that Mr. Kleindienst is accurate when he maintains, as he does to this day, that Judge McLaren "handled and negotiated" the settlement "exclusively?"

The second unanswered question is whether the Justice Department was justified in settling the ITT case because of the "financial hardship" to ITT shareholders. Remember, Mr. Kleindienst legally bears the full responsibility for the decision to settle the case. Yet his explanation for the decision he made is hardly convincing—certainly not convincing enough to remove the cloud of doubt that hangs over his head.

The Justice Department, we were told, altered its position on the necessity of divesting Hartford Fire primarily because of the devastating financial loss which would come to the ITT shareholders from such a divestiture.

Judge McLaren testified that the "real reason for the decision was the devastating financial consequences" to the ITT shareholders and its possible consequence on the stock market. The official Department memorandum—by which Mr. Kleindienst authorized the Antitrust Division to proceed with a settlement which did not include the divestiture of Hartford—gave as its primary reason for altering established departmental policy in these cases "the projected adverse effects on ITT and its stockholders. Indeed, as Richard Ramsden told the committee this was the only substantial finding of his report, which the Justice Department relied on so heavily.

However, neither Mr. Kleindienst nor anyone else, was ever able to explain why the adverse effects on the shareholders suddenly justified a change in strategy. As Judge McLaren told the committee, the financial effect on the shareholders could not have been any surprise to him. He stated:

> Well, at the time we filed the Hartford case . . . we could foresee that if we were successful, this was going to have a massive financial effect. And yet, I did not feel that we had any right to back away from pursuing the case.

Thus it is hard to believe that Judge McLaren really relied on the financial effect—the financial loss—to the shareholders as the basis for his about-face He told the committee he had known about that since filing the suits in the first place. And, equally important, loss to shareholders was a legally irrelevant factor under well settled antitrust precedents. *United States* v. *DuPont & Co.*, 366 U.S. 316 (1961). Again I quote Judge McLaren:

> And, in fact, there is a Supreme Court decision right on the point in General Motors-DuPont, where the Supreme Court says that if the parties put themselves in this kind of a position that it is not a legal reason to forgive the violation of Section 7.

If financial loss to shareholders is not a legal reason for refusing divestiture, what reason did Mr. Kleindienst have for settling the case as he did?

This leads to a third unanswered question: Was the Justice Department justified in settling the ITT case because of some impact on the stock market or a "ripple effect" on the economy? Mr. Kleindienst cited the effect of divestiture of Hartford on the stock market and the economy when he formally approved the final decision to go ahead with a settlement of the ITT cases which did not involve Hartford Fire. But nowhere in the record is there any substantial, independent analysis of these supposedly critical issues.

There was a great deal of reliance in the hearings on the Ramsden report, that the Ramsden report was the foundation for the belief there would be a tremendous effect on the economy, a ripple effect on our economy, a loss in our balance of payments.

Mr. Richard Ramsden—the financial analyst whose report was relied upon heavily by the Justice Department in explaining its decision—told the committee that his report simply was not intended to—and did not—deal with any ripple effect the divestiture might have on the economy. In fact, when he was asked at the hearings to make such an analysis, Mr. Ramsden told the committee:

> I would question very severely whether there would be any significant ripple effect.

Prof. Irwin Friend, Richard K. Mellon professor of finance at the Wharton School of Finance and Commerce, University of Pennsylvania, made another independent analysis and concluded that there were no "plausible reasons" to expect serious repercussions on the stock market or economy because of the divestiture.

Just why there was such concern over the drop in market value of ITT stock after a divestiture of Hartford was not clear. Mr. Ramsden told the committee that the stock market is so large today that the value—to give but one example, of IBM stock alone could fluctuate $1 billion in the course of a normal business day. Estimates of the loss to ITT shareholders were approximately the same; there was no reason to expect any extraordinary results on the market from such a change in share value. In addition, the market had survived the impact of the DuPont divestiture of General Motors—an impact twice as large on a stock market half the size at the particular time in question.

And Judge McLaren specifically testified that no other information from an independent source was obtained by the Department that would have justified these fears that there would be a devastating effect on the economy if Hartford Fire were divested. Judge McLaren said that other than ITT documents and the Ramsden report:

> I do not think there was anything further in writing.

Indeed, the Department's official memorandum outlining and approving the decision indicates that there was never much more than guessing to support these assertions. After outlining the consequences for ITT shareholders of a forced divestiture of Hartford Fire, the memo went on:

> Such being the case, I gather that we must also anticipate that the impact on ITT would have a ripple effect—in the stock market and in the economy.

Now what kind of basis is this for the settlement? None, I submit. And that leads me to the fourth unanswered question: Was the Justice Department justified in settling the ITT cases without requiring divestiture of Hartford Fire because of balance of payments problems?

One of the main arguments advanced by the Justice Department for not requiring the divestiture of Hartford Fire was the potential effect on the international balance of payments problem. The extent of this danger to the national economy could at best be described as debatable. The Ramsden report stated:

> Hartford is obviously not a major direct factor in ITT's overall favorable balance of payments posture. Hartford's impact is indirect in terms of the balance sheet strength it adds to ITT.

Prof. Irwin Friend of the Wharton School, who did a separate analysis, as I mentioned a moment ago, of this issue during the hearings, concluded that the argument:

> That divestiture of Hartford would adversely affect the United States balance of payments . . . is tenuous and in any case not of any moment because of the magnitude involved.

It is interesting to note that although Mr. Kleindienst relied heavily on the balance-of-payments arguments, as the hearings wore on less emphasis was placed on this aspect. For example, on the first day of the hearings Mr. McLaren assured the committee that his outside "experts reported that there was substantial support" for ITT's arguments. Later, on the fifth day of the hearings, Mr. McLaren was asked to be more specific about the balance-of-payments argument. When prodded by Senator Hart, Mr. McLaren admitted there had been no real analysis of the basic issue:

> No, I would not say we had any such analysis by way of proof in that manner, nor any real qualification of how expensively it would be true.

Despite this lack of proof Mr. McLaren said he and his associates felt the argument "would be true to some degree," even though he did not know "exactly" the source of his own "feeling that there would be danger."

Finally, I am compelled to ask: Was the settlement justified by the possible immediate impact on the stock market of divestiture of Hartford by ITT? This question is the fifth unanswered question.

A key argument made by ITT to the Justice Department in support of its position that a divestiture of Hartford should not be required was that such a divestiture, and the resulting loss of market value in ITT stock, could have a serious and negative impact upon the Nation's securities markets at a time of great weakness and lack of investor confidence. This argument was presented by Felix Rohatyn to Richard Kliendienst on April 20, 1971, and had special weight, for, in Mr. Rohatyn's works, "as chairman of the New York Stock Exchange Surveillance Committee during that period of financial crisis, I was concerned that so massive a divestiture might unsettle our securities markets, and with possible impact on some financial organization." Mr. Kleindienst, who testified that he was "quite impressed by the assertions made by Mr. Rohatyn" stated that Rohatyn had "terminated his remarks by saying also if they accrued—these consequences to ITT—taking into account the condition of the economy at that time, that it might have additional repercussions so far as the general stock market was concerned."

This argument was being made at a particularly sensitive period for the stock market, with a sharply declining market, and numerous brokerage houses going out of business, with possible serious losses to investors. When Mr. Kleindienst was asked if he was aware of the "rather extraordinary" efforts that were being made by the administration in that period to stabilize market conditions, he replied that he was generally aware of the problems in the market, and the administration's efforts.

But it was wholly unreasonable and unwarranted to fear that a divestiture of Hartford would result in such a massive loss in ITT stock values as to create a panic on Wall Street at a very vulnerable moment. Richard Ramsden, the financial expert called in by Judge McLaren to analyze the financial implications of the divestiture, testified that in his opinion, there would be no such impact on the securities markets. As he stated:

> The stock markets of the United States have roughly $1 trillion in security values in any given day, there can be—total value of IBM alone can fluctuate as much a $1 billion—so in my judgment it would be unlikely that the kind of diminution in value that I outline in my report would have a significant ripple effect in the security market.

Moreover, the stock market investors had known of the Government's suit against ITT for almost 2 years, and its stock's price already reflected the possibility that Hartford would have to be divested.

Finally, it was equally unreasonable for Mr. Kleindienst to base a decision to settle the ITT case on the assumption that the impact on the stock market, even if large, would have occurred during the current period of crisis. For the market would react to divestiture only when it was finally ordered. And since both the Government and ITT had sworn to fight the matter through the courts, a final divestiture order was at least 3 years away. Surely no one expected the temporary crisis in the security markets could last that long.

Thus all the reasons given by Mr. Kleindienst for the settlement are, upon analysis, unconvincing at best and *ex post facto* rationalizations at worst. If Mr. Kleindienst really did base his decision on the reasons I have just discussed, one must question his judgment. If, on the other hand, there were other reasons for the settlement, the Senate is entitled to know them so that the cloud over Mr. Kleindienst can be cleared away.

Let me now move to another area where there are unanswered questions about Mr. Kleindienst's role in the ITT case. This is the sixth unanswered question now, Mr. President. Did Mr. Kleindienst fulfill his responsibilities as Attorney General in the ITT case?

As Acting Attorney General in the ITT cases, it was Richard Kleindienst's personal responsibility to make the major decisions of prosecution and settlement. Mr. Kleindienst testified that he was not an antitrust lawyer and there relied fully and exclusively on Mr. McLaren's advice in deciding whether or not to accept the proposed settlement of the ITT cases. His final decision to support the settlement decision proposed by Mr. McLaren was made on the basis of a memorandum from Mr. McLaren to Mr. Kleindienst dated June 17, 1971. But as Mr. Kleindienst told the committee:

> I do not have any present recollection of having read it.

It was clear, however, that it was not the contents of the memo but the recommendation from Judge McLaren which made the difference—

> That is the only reason why I went along with (the decision). He recommended it.

Furthermore—

> I have never tried to substantiate a recommendation or opinion of Judge McLaren from any other source.

He never even read the Ramsden report:

> I have never seen it, never read it, never had it in my hand, have no interest in it, and since these hearings I have not bothered to read it.

In short, therefore, Mr. Kleindienst told the committee that he all but delegated the decisions in the ITT cases to Judge McLaren.

If this is so, Mr. President, then perhaps Mr. Kleindienst is not morally responsible for the settlement—but if it is so, did he perform his legal duties fully?

Mr. Kleindienst's testimony in this connection leaves a seventh question unanswered: Why did he play a significantly different role in the ITT case than in the Warner-Lambert case? In Warner-Lambert, Mr. Kleindienst overruled Mr. McLaren, who had suggested that he block the upcoming merger of Parke Davis and Warner-Lambert. Mr. Kleindienst insisted strongly that the relationship between the President and Elmer Bobst, the honorary chairman of the Warner-Lambert Board of Directors, had nothing to do with his decision in the case, even though Bobst had told reporters that he spoke to people in the White House about the proposed Government suit. Mr. Kleindienst said politics was not involved in the decision not to allow the Antitrust Division to go ahead and try to block the merger. Instead he reversed Judge McLaren because the Antitrust Division had allowed only 6 days for a decision to be made on a case which did not come exactly within the Department's published guidelines; and because he had relied upon a misstatement of fact which he received from Parke-Davis officials whom he consulted with about the case. Mr. Kleindienst also said that in his view—

> There wouldn't have been a significant impact on competition had the merger come about.

He insisted that these grounds—including the highly technical assessment of the impact on competition—were adequate for him—an admitted novice in antitrust law—to overrule Mr. McLaren, the consumate expert in antitrust law on whom he relied entirely during the ITT case. Why, then, the pro forma approval in the ITT case?

Mr. President, I have pointed out before that Mr. Kleindienst is legally responsible for the decision to settle the ITT case without requiring divestiture of Hartford. There are a whole series of questions left unanswered concerning the way the settlement was handled within the Department. One of these—and this is the eighth unanswered question, Mr. President—is why the Justice Department felt it necessary to go outside the Government to a private broker to obtain a financial analysis of the proposed divestiture?

Neither Mr. Kleindienst nor anyone else answered this question satisfactorily. Judge McLaren said that he had to go outside because the analysis could not have been handled in the Antitrust Division:

> We do not have in the Antitrust Division an expert financial man, and we used this fellow that wrote the report that you have.

He said that the Division generally relied on outside analysts and the Treasury Department to do the necessary work of this kind.

In this case the Justice Department did ask for help from Treasury, but they did not get anything that even remotely resembled a careful analysis. Their "report" was a telephone call from Mr. Bruce MacLaury to Judge McLaren indicating that, because he was switching jobs and leaving Washington, he had not made a close study, but he generally found "nothing wrong with the ITT presentation." The Treasury Department has since issued a statement emphasizing that this had been an oral, informal report, made on "the basis of information provided by ITT." In short there was never even an attempt to verify the data assembled by ITT.

It seems strange that the Justice Department would choose to turn to an outside analyst under these circumstances. It was pointed out that the Antitrust Division turned to Mr. Ramsden because they had used his services previously on the LTV case. However, this ignores the fact that when he performed the first analysis Ramsden was in the employ of the Government, and that when he was asked to do the ITT analysis he had returned to private life and was a partner in Brokaw, Schenen, Clancy & Co., which manages investment portfolios of individuals and institutions.

Was there no one in Government who could do as competent a job? Neither Mr. Kleindienst nor anyone else ever gave an adequate explanation of why the Justice Department did not ask the Treasury Department, with its vast resources, to do a more thorough analysis. At least Treasury could have been asked to make the study on the basis of their own data—instead of relying on ITT presentations like the one given to Richard Ramsden.

Another related unanswered question, the ninth, is why did not the Justice Department under Mr. Kleindienst get the independent financial analysis, if needed, by itself, instead of going through the White House?

Judge McLaren originally testified that he got the independent financial analysis in the ITT case from Richard Ramsden, the same man who provided him with similar analysis in the LTV case when he was a White House fellow. "I asked him to do this job." On March 7, the fourth day of hearings, Judge McLaren testified that while he had had no independent recollection, it then appeared to him that he had not dealt with Ramsden himself, but that he had requested Mr. Peter Flanigan at the White House to do so.

Although Judge McLaren described Mr. Flanigan as a mere conduit, it is interesting to note how much Judge McLaren divorced himself from the obtaining of the Ramsden report, and left all the details up to Mr. Flanigan. Mr. Ramsden testified that in the ITT case be had no contact with Judge McLaren. All his instructions came from Mr. Flanigan this time. In the LTV case he had been involved directly with Judge McLaren and received information, materials, and instruction from Judge McLaren.

In the ITT case he received no materials or instructions from McLaren. He did receive an ITT economic memorandum—described by Ramsden as "basically unsubstantiated opinions so far as I was concerned"—which Mr. Flanigan passed on to him. Mr. Flanigan testified that he acted merely as a conduit for Mr. Ramsden's report and that he had dealt with Mr. Ramsden only because Judge McLaren did not know how to contact Mr. Ramsden. His only reason for getting into the case was his desire to help out "another overworked public servant."

Continuing on this same theme, Mr. President, I am forced to ask another unanswered question, the 10th. Might the conclusions of the independent financial analysis have been improperly influenced?

In order to assist Mr. Ramsden in his analysis of the probable effects of a Hartford divestiture, Mr. Flanigan gave him only one document—an ITT document entitled "The Economic Consequences of Divestiture of Hartford by ITT." Mr. Ramsden described this document as an advocate's brief which laid out ITT's argument as to the disastrous economic effects of a divestiture:

> It was in no way based on any facts; it was in no way based on any analysis of the data.

Mr. Ramsden testified that this document was to assist him in focusing upon the object of the analysis he was to perform. Although Mr. Flanigan did give the ITT brief, Mr. Ramsden was not provided with any arguments or documents supporting divestiture.

Another factor has to be taken into account. At the time he made his analysis, Mr. Ramsden's investment banking firm was managing two portfolios holding approximately $200,000 of ITT stock. No one who knew this thought this was important. Mr. Ramsden considered this insignificant but informed Mr. Flanigan, who agreed that there was no conflict. Mr. Flanigan does not seem to have informed Judge McLaren of the holdings but Mr. McLaren testified that it would have made no difference to him even if he had known. Judge McLaren refused to say whether the ITT stock managed by Mr. Ramsden's firm would have been worth less if Mr. Ramsden's report had been in favor of diverstiture. But ITT's whole presentation was based on this assumption.

Mr. Flanigan, it should be remembered, testified that when he was Vice President of Dillon-Read had acted as investment bankers for a company—Canteen—when it merged with ITT.

In view of all this, can we say that the decision Mr. Kleindienst made to settle the lawsuit was in the public interest? I do not think we can be sure of that on the record before the Senate.

Moreover, it is not clear whether ITT was attempting to influence the outcome of the antitrust case through Peter Flanigan of the White House staff. This, Mr. President, is the 11th unanswered question.

When Peter Flanigan testified before the Judiciary Committee he refused to answer any questions dealing with his contacts with ITT officials. However, in response to written interrogatories from the committee, Mr. Flanigan acknowledged that he had met with Felix Rohatyn, ITT director, on June 29, 1971, the same day that Mr. Rohatyn was meeting with Richard Kleindienst. Mr. Flanigan stated in his answer that this meeting was "one of a series of meetings" with Mr. Rohatyn "in his capacity as chairman of the Surveillance Committee of the New York Stock Exchange." However, Mr. Rohatyn had already resigned as chairman of the Surveillance Committee more than 3 weeks before meeting with Mr. Flanigan, and his resignation had been the subject of a large news story in the New York Times on June 21. In fact, he was not even a member of the Surveillance Committee—let alone the chairman of the committee—when he met with Mr. Flanigan on June 29. At this meeting with Mr. Flanigan, Mr. Rohatyn brought up the settlement terms of the ITT antitrust suits and complained to Mr. Flanigan that the terms were "unacceptable to the company." Mr. Flanigan states in his letter to the committee that he told Mr. Rohatyn to take it up with Judge McLaren. He also stated that he spoke to Mr. Kleindienst and informed him of Mr. Rohatyn's visit and his complaint.

This, Mr. President, brings us to another unanswered question, the 12th, and one of the most important of all. This whole inquiry has been made to determine if any illegitimate influences were brought to bear when Mr. Kleindienst agreed to settle the ITT antitrust suit on terms agreeable to the company—namely, no divestiture of Hartford. It is therefore appropriate to ask, Mr. President, whether Mr. Kleindienst ever talked to anyone at the White House about the ITT case? Unfortunately, this simple question is also not answered by the record.

Mr. Kleindienst testified:

> You asked me did I discuss the ITT matter with the White House. I do not recollect doing so.

Much later, after Peter Flanigan's role in the case had been fully revealed, he admitted that he knew that Mr. McLaren had used White House aide Peter Flanigan to get the Ramsden Report. However, later that same day he said that he only knew about Mr. Flanigan's involvement from the testimony Mr. McLaren had given to the committee earlier. About his possible dealings he was quick to add:

> I had no conversation with Mr. Flanigan, though.

Peter Flanigan's recollection is somewhat different. He told the committee that he telephoned Mr. Kleindienst to tell him the Ramsden Report was ready and that Kleindienst told him to hold the report until Judge McLaren's return. He also indicated that Mr. Kleindienst was with Judge McLaren when Mr. Flanigan personally delivered the report. On both counts Mr. Kleindienst's recollection is hazy. As to the telephone call:

> I can't ever recall that it occurred, but it is extremely—well, I guess it did occur because Mr. Flanigan remembers that it occurred.

As to the meeting:

> It is the kind of thing I wouldn't recollect. I can't recollect the dozen people I saw three days ago.

So we do not know the extent of the conversations between Mr. Flanigan, the President's ambassador to big business, and Mr. Kleindienst, who reached an agreement with ITT. Nor do we know, Mr. President, whether the White House exerted pressure on John Mitchell to settle the ITT case. This is the 13th unanswered question.

Mr. Mitchell, then Attorney General and now running the campaign to reelect the President, had, we were told, disqualified himself from the ITT case. But Brit Hume testified that Mrs. Beard told him she had pressed the ITT case upon the Attorney General, and that Mr. Mitchell began "to berate her angrily" for ITT's lobbying so vigorously against the lawsuit over the past year and that "the White House, even the President had called him," urging him to "make a reasonable settlement." While Mr. Mitchell denied having said this, the allegation appears to be corroborated indirectly by the evidence showing massive and persistent lobbying of the executive branch by ITT. Moreover, it seems to be directly corroborated by Governor Nunn's testimony that the Attorney General was "right vehement" in telling Mrs. Beard that he "did not like the pressures that had been brought."

This leads, Mr. President, to the 14th unanswered question: Did ITT order Mrs. Beard to discuss its antitrust problem with the Attorney General?

When Mrs. Beard found she was likely to run into the Attorney General at a party following the Kentucky Derby, she informed her bosses, Mr. Merriam and Mr. Gerrity of ITT. In an interview with Mike Wallace on April 2, 1972, she said that they told her to ask about the ITT-Hartford case "if the occasion arose, if there is a possibility." However, Mr. Merriam testified that he had "never given her any instructions * * * to discuss anything about the antitrust matter with Mr. Mitchell anywhere." And Mr. Gerrity testified that he had actually "told her just not to talk to the Attorney General about our antitrust matters." As is all too common in this inquiry, we do not know what really happened.

Another unanswered question, the 15th is: Did Dita Beard and John Mitchell discuss settlement terms for the ITT case when they met in Lexington, Ky., on May 1, 1971?

It is well-established that Mrs. Beard and Attorney General Mitchell met and discussed the ITT case during a buffet following the Kentucky Derby on May 1, 1971, at Governor Nunn's mansion. Britt Hume testified that Mrs. Beard told him she had pressed the ITT case upon the Attorney General, and that Mr. Mitchell began "to berate her angrily" for lobbying vigorously against the lawsuit over the past year. Hume testified that Mrs. Beard said that after the Attorney General's "angry lecture" to her, they proceeded to discuss the details of an antitrust settlement, finally reaching a "kind of politician's agreement" that ITT could acquire Hartford if it would divest itself of Canteen and part of Grinnel. When she testified in Denver, however, she denied discussing "terms" with the Attorney General, but confirmed her effort to press the subject with him on three or four occasions during the dinner. She said that the Attorney General "got mad and said plenty, which I deserved"—a statement directly contrary to her later interview with Mike Wallace, in which she said "Mr. Mitchell was most charming." This testimony conflicted with the Attorney General's original account of having no more than a "hello and goodbye" conversation with Mrs. Beard. But when the Attorney General testified in person, after Mr. Hume, he confirmed two or three separate encounters with Mrs. Beard during the dinner, although he insisted that he reproached her for approaching him and refused to discuss settlement terms.

Sixteenth, Mr. President, we do not know the answer to this question: If John Mitchell really disqualified himself in the ITT case because of a conflict of interest, why did he meet with ITT President Harold Geneen on August 4, 1970?

Attorney General John Mitchell testified that he disqualified himself from participation in all ITT cases because his former law firm had done legal work for ITT. However, on August 4, 1970, he met alone in his office with ITT President Harold Geneen for 35 minutes "to discuss the overall antitrust policy of the department with respect to conglomerates". Geneen also alleged that their conversation was confined to "general antitrust policy." But at the time of this meeting on general antitrust questions with respect to conglomerates, the Justice Department had only four lawsuits pending against conglomerate mergers—and three of the four involved ITT acquisitions. And Mr. Gerrity, ITT's senior vice president and director of public relations, testified that the purpose of Geneen's meeting with Mitchell was to see if we could move the Justice Department toward some sort of a reasonable attitude toward our positions—on a settlement, I guess—involving our antitrust suits.

The allegations concerning Mr. Mitchell's involvement in the settlement of the ITT affair stem, as indeed did the impetus for investigating the case, from a memorandum written by Mrs. Dita Beard, Washington lobbyist for ITT, and released to the public by Mr. Jack Anderson. Mrs. Beard now claims that she did not write the memorandum Mr. Anderson published. This, Mr. President leads to the 17th unanswered question: Can we believe Dita Beard's denials that she wrote the memorandum Jack Anderson presented to the committee?

Only very late in the investigation of the ITT affair did Mrs. Beard begin to deny in public that she wrote the memorandum. For a month before March 17, Mrs. Beard consistently admitted she wrote it, except, it is claimed, in a single conversation with Congressman BOB WILSON. Let me run through a chronology of the relevent events.

On February 23, 1972, Mr. Britt Hume showed the memorandum to Mrs. Beard and he later testified that "she did acknowledge this was authentic." Then on February 24, 1972, Mr. Tagliareni, ITT security man, told Mr. Merriam, ITT Washington office that he had spoken to Mrs. Beard and that she told him that she had prepared the memorandum and delivered it to Mr. Merriam. Later that same evening, Britt Hume again met with Mrs. Beard. Hume later testified that she said:

> I wrote this memo. You know I wrote this memo. There is no use trying to pretend otherwise.

On February 29, 1972, Mrs. Beard spoke to Dr. Liczka, her physician, and did not deny the memo. It was the doctor's impression that she accepted it that was her memo. Between February 29 and March 1, 1972, Mrs. Beard, having been ordered to New York by Mr. Gerrity, an ITT vice president, spent a day and a half with him and other ITT officials. During this time, according to Mr. Gerrity's testimony, she did not deny having written the memorandum.

February 29, 1972, of course, was the day that Jack Anderson's column appeared. The column stated:

> Mrs. Beard acknowledged its (the memo's) authenticity.

On March 1, or March 2, 1972, according to later testimony by Congressman BOB WILSON, Mrs. Beard called him after her meeting with ITT officials in New York and said she did not write the memorandum. But on March 3, 1972, Congressman WILSON was interviewed by Robert Cox about the memorandum. He did not tell Cox that Mrs. Beard had denied that she wrote it. Mr. WILSON did tell Cox that:

> She (Dita Beard) just went rambling on in the memorandum.

And that Mr. Merriam had instructed Mrs. Beard to write a memorandum on the ITT-San Diego Convention financing arrangements. There has been no satisfactory explanation why Congressman WILSON did not tell Cox what he claims Mrs. Beard told him.

Then, on March 17, 1972, Dita Beard from her hospital room in Denver, called the memorandum a "forgery" and a "hoax". In response to this, on March 23, 1972, Brit Hume took a polygraph test. He was asked whether Mrs. Beard had explicitly confirmed that she had written the memo. He answered "yes". The examiner concluded that Hume answered the questions "truthfully." Finally, on March 26, 1972, Dita Beard testified before a special subcommittee in the Denver hospital. She said:

> I did not write, compose or dictate the entirety of the memorandum which Mr. Hume presented to me in the Washington office of ITT last month. I do recall similar language in the first part of that memorandum which I wrote at sometime last June or early July of 1971, at the request of Mr. Merriam.

She also said:

> I now state categorically to this committee that I did not write the Anderson memorandum.

Mr. President, whom can we believe? What are the facts? I do not pretend to have the answers; I just have unanswered questions.

Let me continue on the general topic of the Beard memorandum. When, Mr. President, was the Beard memorandum written? This is the 18th unanswered question.

The FBI examined the Anderson memorandum and concluded that there was no evidence that it was prepared at any other time than around June 25, 1971, and that there was evidence to suggest that it may have been prepared around June 25, 1971. The ITT document experts, Pearl Tytell and Walter McCrone, both concluded that the Anderson memorandum probably was not typed at the time it was dated, June 25, 1971, but rather at some date in 1972. Subsequent to the ITT document analysis the FBI performed additional tests and concluded that the results of the further FBI test were "consistent with and—do not change in any manner" the earlier FBI results. ITT's document experts were paid approximately $15,000 for their services by ITT.

On this record, is anyone prepared to answer the question I posed? I doubt it. Nor, I submit, is the answer to this question, the 19th, to be found in the record: Did ITT order Dita Beard to deny that she wrote the memorandum?

Mrs. Beard testified that Gerrity ordered her to meet with Brit Hume and explain the memorandum, though she did not want to do so. According to Hume, when they did meet, Mrs. Beard said that:

> They wanted me to tell you that I made this up.

But according to Hume, Mrs. Beard said she would do no such thing. Indeed, Mrs. Beard said, according to Hume:

> I wrote this memo. You know I wrote this memo. There is no use trying to pretend otherwise.

Gerrity testified that he did not order Mrs. Beard to speak to Hume, but that she had requested permission to do so. Gerrity also said he did not tell Mrs. Beard to deny that she wrote the memo.

ITT stands accused of bringing improper pressure on the decisionmakers in the administration. They and Mr. Kleindienst both claim there was no undue influence. One must wonder, then, Mr. President, why ITT shredded documents in its Washington office after it learned of the Anderson column. This is the 20th unanswered question.

ITT's Washington office, the day after Hume produced the memorandum, began to destroy documents. A preliminary report by a team of lawyers hired by ITT to investigate the shredding indicated that "many sacks of papers," a "substantial" volume, were destroyed. However, John Ryan, deputy director of ITT's Washington office, testified that in his opinion "the shredding thing has been grossly exaggerated." Mr. Merriam issued the order to destroy any corporate records which might "embarrass the company." Asked why, he replied that:

> There might have been a lot of others in there like the one which Jack Anderson published on February 29.

As Mr. Merriam put it in his testimony "you would be surprised" at the number of memos he sees every week which refer to matters like that in the Beard memorandum Jack Anderson released.

Apparently, ITT was willing to accept the Beard memorandum at face value—with its allegations of corruption—and decided to be certain that other "embarrassing" documents were not uncovered.

But I am not now concerned with other arrangements. I question only the reasons for settling the ITT antitrust cases. Thus, I have another unanswered question, the 21st: Did ITT shred documents concerning the antitrust settlement or the San Diego convention?

ITT has consistently claimed that "there was nothing that related to either" the antitrust settlement or the San Diego convention in the documents that were shredded. If this is true, where is the memorandum which Mrs. Beard claims to have written—a memorandum which, by her own statement, discusses ITT's $400,000 commitment to the convention, and Mitchell's knowledge of it. No one has ever produced this memorandum, which is the most important document Mrs. Beard admits writing. If it was not shredded, where is it? If it was shredded, why?

This leads to another, crucial unanswered question, Mr. President; the 22d: Did Dita Beard write another—still missing—memorandum concerning ITT and the financing of the Republican convention in San Diego?

Mrs. Beard now denies writing the memorandum which Mr. Anderson presented to the committee as prepared by her. She claims that she wrote another memorandum—one that contains the substance of the first three paragraphs of the memorandum Mr. Anderson presented. No one has ever found this memorandum. The only relevant document which ITT has produced is a memorandum dated June 25, 1971, from Mrs. Beard to Mr. Merriam concerning the way she was spending her time. Mrs. Beard confirmed this "job description" memorandum as her own.

The unfound memorandum which Mrs. Beard claims to have written at Mr. Merriam's request—if it really was written—would confirm that the ITT commitment was $400,000 for the San Diego convention, that the participation of ITT was to be kept secret, and that high-ranking administration officials—John Mitchell, Bob Haldeman, and Mr. Nixon are named in the memorandum, it is said—knew about the ITT contribution.

The unfound memorandum was, Mrs. Beard says, written at Mr. Merriam's request. Susan Lichtman, Mrs. Beard's secretary at the time, stated that: "She did not recall typing a memorandum dealing with the San Diego convention which contained parts of the first three paragraphs of the memorandum Mr. Anderson presented. But Mr. Merriam testified that he did not ask Mrs. Beard to put anything in writing about ITT-Republican Convention financing, and testified that he never received anything from Mrs. Beard on this topic. Yet Congressman BOB WILSON testified that:

> Mr. Merriam told me he had seen such a memo (like the one Mr. Anderson presented) and thought he gave it back to Dita.

ITT claims that it did not shred any documents "related to either" the antitrust settlement or the San Diego convention. If that is so, where is the memorandum Mrs. Beard claims to have written?

And where, Mr. President, is the truth? Where is the answer to this question Mr. President, the 23d unanswered question: Can we rely on the testimony of Mrs. Beard's physicians when one of them—and the wife of the other—are currently under investigation for medicare fraud?

Dr. Liczka had been under investigation for medicare fraud, and the U.S. attorney involved had decided not to prosecute him less than 2 weeks before he testified. But an investigation of Dr. Liczka's wife for medicare fraud was continuing at the time he testified. Indeed, a Federal grand jury was scheduled "to consider the evidence against Dr. Liczka's wife to determine whether an indictment is warranted" during the week of March 13, 1972. At the time of Mrs. Beard's testimony, Dr. Radetsky, Mrs. Beard's osteopathic physician in Denver, was also under investigation for medicare fraud.

Even more important is this question, the 24th, because it directly calls into question the judgment of Mr. Kleindienst and those who will work with him if he is confirmed: Why did not the Justice Department inform the Judiciary Committee of the legal problems of Mrs. Beard's two physicians before the Judiciary Committee relied on their views?

Dr. Liczka spoke in person with representatives of the Justice Department twice before he testified—once 3 days before the committee hearing at which he stated that Mrs. Beard was "disturbed and irrational" and once again the night before that hearing. Mr. Kleindienst originally stated to the press that he was aware of Dr. Liczka's legal problem before Dr. Liczka testified. However, when asked, Kleindienst testified that he did not know about Dr. Liczka's legal problems until after Dr. Liczka testified.

Dr. Radetsky—whose medical opinion it was that kept the committee from questioning Mrs. Beard after her collapse in Denver—had been under investigation for medicare fraud by the U.S. attorney's office. Henry Peterson, Assistant Attorney General in charge of criminal division, testified that no one in the Justice Department had been aware of the investigation until after Mrs. Beard had been interviewed by the special subcommittee. Senator KENNEDY has produced statements indicating that Patrick Gray, Deputy Attorney General, was informed by the U.S. attorney in Denver of the investigation of Dr. Radetsky.

As I said before, the impetus for the abbreviated investigation the Judiciary Committee held was Mrs. Beard's memorandum. The issues since then have gone far beyond the memorandum itself, and the case no longer stands or falls on the memorandum's complete accuracy. But Mrs. Beard is still a major figure. The Judiciary Committee only interviewed her for 2 hours, because of her health. This leads me to the 25th unanswered question: What is Dita Beard's real physical and mental condition?

It has been reported to the committee throughout these proceedings that Mrs. Beard has a serious heart condition. Dr. Liczka testified that Mrs. Beard suffered from "severe coronary heart disease." Mrs. Beard herself collapsed in her hospital bed while being interrogated by Senator GURNEY about her relationship with Mr. Kleindienst. And after that Dr. Radetsky expressed the opinion that she could not safely testify again for 6 months.

But it has since been found that Dr. Liczka and Dr. Radetsky have both recently been under investigation for medicare fraud. And two independent and leading cardiologists in Denver examined Mrs. Beard at the request of the committee and reported that a conclusion of "possible coronary artery disease" could be based only on "subjective information" such as her history of chest pain. These doctors further stated that "there was no positive objective finding from the physical examination, electrocardiogram or chest X-ray" to confirm a diagnosis of coronary disease. Then, soon after the special subcommittee hearing in the Denver hospital at which she collapsed, Mrs. Beard gave a lengthy public interview on national television.

Mrs. Beard's mental condition was called into question by Dr. Liczka, who testified that she was "irrational and disturbed." He stated that her deficient mental condition could have been the result of her heart condition, her drinking, and the pills she took. None of the persons who worked with Mrs. Beard—Mr. Geneen, Mr. Gerrity, Mr. Merriam, Mr. Ryan—or Congressman WILSON, who also knew her well, would confirm this opinion. Indeed, Mr. Geneen, president of ITT, said that in the 10 years Mrs. Beard worked for ITT:

> I know she did her job well.

He testified:

> I have no reason to believe she was not a good employee.

The focal point for the investigation was the allegation that the settlement of the ITT case was influenced by ITT's financial assistance to the San Diego Republican Convention—since moved to Miami. There is so much contradiction and confusion about this issue that we do not even know the answer to this question, Mr. President, the 26th: Just how much money did ITT agree to contribute to the Republican convention?

The original Beard memorandum of June 25, 1971, refers to a "call from the White House" and mentions a "400,000 commitment," and—subsequently—"the 300,000/400,000 commitment." This figure seems to be corroborated by Congressman WILSON's testimony that:

> Mr. Geneen suggested that if I would take the lead he thought Sheraton would underwrite up to $300,000 and—then told me he would see that they backed me personally for half the total amount needed, which would be $400,000.

However, Mr. Geneen insists that the pledge was for only $100,000 in cash and an additional $100,000 to match other private commitments. Mrs. Beard, on the other hand, testified in Denver that Mr. Merriam of ITT told her of a White House phone call and asked "is this $600,000 going to Nixon's campaign?"

One person who, on the record, should have known the arrangements between ITT and the San Diego Republican Convention was John Mitchell. He was the President's top political adviser, his 1968 and his 1972 campaign manager. Yet when he testified, Mr. Mitchell pleaded ignorance. This is the 27th unanswered question: Can it really be, as John Mitchell testified, that as late as March 14, 1972, he did not as of this date know what arrangements, if any, exist between ITT or the Sheraton Hotel Corp. and the Republican National Committee, or between ITT or any of its subsidiaries and the city of San Diego or any agency thereof?

Although there is dispute whether the briefing took place in April, May, or September 1971, the Lieutenant Governor of California, Ed Reinecke, testified that he and his aide, Edgar Gillenwaters, had briefed John Mitchell with respect to the "progress" that was being made regarding the arrangements for the Republican National Convention in San Diego. Mr. Reinecke and Gillenwaters gave Mitchell a "complete report on the efforts to have San Diego selected as host city for the convention," according to Reinecke's testimony. Included in that "complete report" to Mitchell was a report of the financial arrangements, including ITT's financial commitments. Mr. Reinecke and Mr. Gillenwaters both testified that, in addition, they briefed John Mitchell about security arrangements being made to protect the convention.

Lieutenant Governor Reinecke also told Senator TUNNEY, in a telephone call on March 14, that unless he was "subject to a failing memory" that he had "brought up the $400,000 to be given to the city of San Diego to bring the convention to San Diego" in his conversation with Mr. Mitchell.

Mr. Reinecke and Mr. Gillenwaters told reporters from the San Diego Union, the Sacramento Bee, the Washington Star, and the Washington Post, as well as the wire services, that they had met with Mitchell and briefed him with respect to the convention arrangements, including the ITT contribution.

Brit Hume testified that Mr. Gillenwaters told him that he and Lieutenant Governor Reinecke had briefed Mr. Mitchell with respect to the convention arrangements, including ITT's contribution. Mr. Hume testified that Mr. Gillenwaters told him that Mr. Mitchell encouraged the efforts to bring the convention to San Diego.

When Senator TUNNEY pointed out to Mr. Reinecke that Mr. Mitchell would probably contradict his testimony, Mr. Reinecke replied:

> Well, all a person has is his integrity.

How, then, could Mr. Mitchell not have known about the arrangements, Mr. President—how?

Closely connected to this question is the following one, No. 28. Can we believe that Reinecke and Gillenwaters briefed John Mitchell about the "progress" of their "efforts to have San Diego selected as host city" for the Republican Convention 2 months after San Diego had already been selected as host city for the convention?

Lieutenant Governor Reinecke of California testified that he gave John Mitchell a "report" on the "progress" of the "efforts to have San Diego selected as host city for the convention," including a discussion of ITT's financial commitments, but not until September 1971. This statement conflicts with repeated earlier statements by Reinecke and his aide Edgar Gillenwaters that they had met with Mr. Mitchell in mid-May of 1971—before the antitrust settlement decision in June—to discuss their efforts to bring the convention to San Diego and the arrangements for the convention, including ITT's financial contributions. First, Lieutenant Governor Reinecke told Senator Tunney in a telephone conversation on March 14 that he and Mr. Gillenwaters had briefed Mr. Mitchell in May about their efforts to "bring the convention to San Diego." Second, Mr. Reinecke and Mr. Gillenwaters told reporters for the San Diego Union, the Sacramento Bee, the Washington Star, the Washington Post, and wire service reporters, that their meeting with Mr. Mitchell to discuss the convention had taken place in May. Third, Brit Hume testified that Mr. Gillenwaters told him that he and Mr. Reinecke had met with Mr. Mitchell in May to report their efforts to bring the convention to San Diego, and that Mitchell had encouraged them in their efforts at that meeting.

Within 24 hours of John Mitchell's testimony before the committee on March 14, Lieutenant Governor Reinecke's office received a telephone call, the origin of which is allegedly unknown, as Mr. Reinecke testified that the secretary who took the call did not bother to ask who was calling. The caller suggested that Mr. Reinecke's office "check your records" because John Mitchell's testimony was in conflict with Mr. Reinecke's earlier statement about the May meeting with Mr. Mitchell. Mr. Reinecke immediately issued a statement saying that he had been in error, and that the meeting with Mitchell at which the efforts to bring the convention to San Diego and the convention arrangements, including ITT's contribution, were discussed, had really been in September and not in May.

It defies logic, however, that this meeting with Mr. Mitchell—who maintained before the committee that he knew nothing at all, even today, with respect to the arrangements for the convention—should have taken place in September—treating as it did, the "progress" of efforts to "bring the convention to San Diego"—2 months after the site committee of the Republican National Convention Committee had already on July 23, selected San Diego as the site for the Republican National Convention in 1972.

The truth seems an elusive concept in this case, Mr. President.

The answer to the 29th question is equally hidden from our view: Was the amount of the ITT contribution a "normal promotional expense" as Mr. Geneen testified?

Mr. Geneen testified that ITT's San Diego contribution was a "normal promotional expense" and a "solid business expenditure." But this statement seems open to substantial challenge, regardless of whether the ITT commitment was for $600,000, $400,000—as the bulk of the evidence suggests—or $200,000, as Mr. Geneen maintains. Indeed, the largest hotel operator in the San Diego area—ITT Sheraton, even when its new hotel opens, will be only second largest—committed only 12 percent of the amount admitted by Mr. Geneen. And he told the Los Angeles Times that:

> The convention is the greatest thing that ever happened to San Diego, but that 24,000 bucks is enough.

Mr. President, there is another issue wholly apart from any of the questions raised with regard to the ITT affair—which itself raises the most serious questions with respect to Mr. Kleindienst's fitness to be Attorney General of the United States. This is the case of Robert Carson, which has not been mentioned once by my colleagues who are supporting Mr. Kleindienst. They did not raise it in their report approving his nomination, nor have any of them mentioned it in their statements here on the Senate floor. I consider the matter too important to be ignored.

Mr. President, I ask unanimous consent at this time that an editorial from the Washington Post dated the first of June, 1972, be placed in the Record, dealing with the precise question which I wish to discuss briefly here.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Kleindienst Nomination—I

The nomination of Richard G. Kleindienst to be Attorney General of the United States finally went to the Senate floor yesterday after the longest committee hearings ever held on such an issue. The questions of fact, judgment and omission raised by the hearings are both numerous and complex. We will comment here today on only one aspect of the proceedings—an incident which the Judiciary Committee barely touched on in its examination of Mr. Kleindienst's qualifications to be Attorney General, and which involved Mr. Robert T. Carson, former administrative assistant to Sen. Hiram Fong (R-Hawaii), who was tried last year in a federal district court in New York for perjury and conspiracy to commit bribery. During Mr. Carson's trial on these charges, Mr. Kleindienst, then Deputy Attorney General, was a principal witness for the prosecution. Under the prosecutor's direct examination, he testified about a meeting between Mr. Carson and himself which had taken place in the Department of Justice.

Q. Now, would you tell the court and jury what Mr. Carson said to you and what you said to him on November 24, 1970?

A. Well, after we had exchanged pleasantries, Mr. Carson sat down in a chair in front of my desk and said that he had a friend in New York who was in trouble, and that if I could help him with respect to his trouble, his friend was a man of substantial means and would be willing to make a substantial contribution of between 50 and 100 thousand dollars to the re-election of President Nixon.

I asked him what kind of trouble this man had. Mr. Carson said he was under indictment for federal offenses, and I said that under no circumstances could I do anything about this matter, even look into it as a result of the fact that a grand jury had returned an indictment. That was about all the conversation that existed.

Mr. Kleindienst later testified as follows, under cross examination, on his report to the Attorney General about this meeting on December 1, 1970, a full week after it had occurred.

Q. And it (the report) was made, was it not, after you were informed that on that very day there was going to be an electronic surveillance in the New Senate Office Building?

A. No. It was after I had been shown a memorandum dated November 30 addressed to the Attorney General from the Director of the FBI which had reference to Mr. Carson. . . .

Q. Well, didn't you say that you had been informed or advised that there was scheduled to occur that morning an electronic surveillance?

A. I received that information.

Q. Yes.

A. That's what it was about.

Q. And it was after you received it that you wrote this memorandum?

A. Yes, sir.

Later, still under cross examination, the then Deputy Attorney General testified that he had given no thought to the $100,000 offer in the week that elapsed before he saw the FBI memorandum and made his report to the Attorney General. He also testified that during the week, he did not consider the conversation with Mr. Carson to have contained a bribe offer. Subsequently Mr. Carson was convicted of perjury and conspiracy to commit bribery.

At his confirmation hearing, Mr. Kleindienst refused to discuss the Carson case, the trial portion of which had already been concluded by the sentencing of the defendant.

It has often been said in this city that the President should be given great latitude in choosing the men who will work in the cabinet and in the great departments of government helping him to bear the enormous burdens of governing the country. There is much in this, but it cannot and should not be the Senate's sole guide for determining whether to confirm a nominee. The American people have a large stake and some very real expectations, if not rights, in the matter too. The people, it seems to us, have a right to expect that the men upon whom the President relies for advice and judgment in a wide variety of matters and to whom he delegates a substantial amount of his authority should know their business and be able to exercise good judgment in both times of tranquility and great stress.

Although government prosecutors and a jury regarded Mr. Carson's offer as an attempt at bribery, Mr. Kleindienst not only testified that he did not so regard it when he heard it, but also that he had entirely dismissed the $50,000 to $100,000 offer from his mind for a whole week. A careful reading of his testimony seems to indicate that only after he saw the FBI memo on the Carson case indicating that Mr. Carson and Senator Fong's office were to be placed under electronic surveillance, did he both reconsider his view of the offer and decide that the matter was of sufficient import to report it to the Attorney General, which he then did, post haste.

Both because this whole matter, at the very least, raises real questions about Mr. Kleindienst's judgment and his legal perspicacity, and because of the Judiciary Committee's inordinate delicacy in deferring its brief consideration of this issue to the very last day of a 24-day hearing, it seems to us that the Senate has a responsibility to the citizens of this country to examine this particular incident—among others—with the greatest care. We will have more to say later about two other incidents—one the celebrated ITT affair, and the other having to do with a District Attorney in San Diego—which we think bear directly upon Mr. Kleindienst's fitness to become the chief law enforcement officer of the land.

Mr. BAYH. And I would also ask unanimous consent to insert today's editorial from the New York Times, which also mentions the Carson case in discussing the Kleindienst nomination.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Kleindienst Case

Ideally, an Attorney General should be a lawyer, highly regarded for his professional attainments and wise, discriminating judgment. Although aware of political necessities, he ought not be a partisan in a narrow or combative sense. To the President, he should be a sagacious counselor able to take a long view in the rush of immediate events. To the public, he should be—along with the members of the Supreme Court—one of the ultimate guardians of justice.

It is sad but not historically unprecedented that Richard G. Kleindienst, whose confirmation is now under Senate debate, falls short of these high standards. At least half of the men who have headed the Justice Department in its long history have failed to meet them. Mr. Kleindienst is a lawyer of no particular distinction and a routine politician. But those facts do not preclude his confirmation inasmuch as American tradition gives a President wide latitude in choosing his Cabinet advisers.

Furthermore, it is only to be expected that Mr. Kleindienst holds regressive opinions on civil liberties and civil rights. In view of President Nixon's own law-and-order attitudes, the choice of a more liberal lawyer as successor to John N. Mitchell could not be expected.

The issue then for the Senate and the nation is whether Mr. Kleindienst falls so far below an acceptable standard of competence, political involvement and leadership quality as to override the prevailing presumption in favor of any Presidential nominee. Reluctantly, we conclude that Mr. Kleindienst does fall below this minimum standard.

His personal integrity in a financial sense is not in dispute. What is seriously doubted is the integrity of his judgment when public interest and party interest collide. There is a high risk, perhaps a probability, that if Mr. Kleindienst is confirmed and serves for any considerable time as Attorney General, he will reduce the morale and efficiency of the Justice Department to the demoralized condition which it reached twenty years ago at the end of the Truman era.

The experience of the Truman Administration is relevant and disturbing. President Truman appointed three successive Attorneys General, none of them personally corrupt but none of them professionally eminent or invulnerable to political influence. Each in turn was a shade more mediocre and, in varying ways, more political-minded than his predecessor. The result by 1953 was a flight of the competent employes and a rotting away of the spirit of those who remained.

Former Attorney General Mitchell, except in the field of municipal finance, is not professionally distinguished. He is an able man but his guidance of the Justice Department was unduly influenced by short-run political calculations. Mr. Kleindienst's professional accomplishments are less visible than those of his predecessor and his political manipulations and preoccupations even more obvious. In short, his tenure would almost certainly lead to a quickening of the downward spiral within the department. When young and middle-level career employes lose confidence in the professional capacity and freedom from political subservience of the department's leadership, the destructive attitudes of cynicism and resentment rapidly gather force.

The six weeks of Senate Judiciary Committee hearings on Mr. Kleindienst's nomination were inconclusive on many issues of fact. But they wrote a compelling indictment of the nominee as evasive, disingenuous and crass. He consistently tried to conceal the extent and nature of his involvement in the politically motivated I.T.T. settlement which undercut an important legal position that the Antitrust Division had been asserting for two and one-half years.

In the bribery case involving Robert T. Carson, administrative assistant to Senator Fong of Hawaii, the most that can be said for Mr. Kleindienst's peculiar actions is that he must be remarkably obtuse. Mr. Carson allegedly offered Mr. Kleindienst a large political contribution in exchange for quashing a criminal case, but Mr. Kleindienst did not report the matter for a week and only after learning that the F.B.I. was "bugging" Mr. Carson's office. In the Stewart case involving the flagrant obstruction of justice in a San Diego investigation of illegal political contributions Mr. Kleindienst joined in hushing up the affair.

Men can grow as Attorney General as other men grow as President. When Robert Kennedy was appointed in 1961, he seemed a person of narrow views and inadequate experience, but in almost every respect he rose to the challenge of his high office. It is possible to believe that Mr. Kleindienst would respond similarly. Yet there is little in his record to encourage that hope and much to suggest that it would be unwise to take the chance. A vote to confirm would be a vote in favor of that gamble. A vote to reject would be a vote to protect a great department of government from probable decline and demoralization. On balance, the Senate should prefer to be safe than sorry. It should tell Mr. Nixon that he can do better, that the nation deserves better than Richard Kleindienst as Attorney General.

Mr. BAYH. Mr. President, I mentioned several times during my recitation of the unanswered questions regarding the ITT settlement, that Mr. Kleindienst's judgement was called into question by certain of the decisions which he made himself, and approved on the part of others. To my mind, the Carson case, and Mr. Kleindienst's part in it, raise equally, if not more so, serious questions about his judgement.

I do not make such a statement lightly, for I recognize—as I stated earlier, the inevitable difficulties that are involved when one is considering not so much an issue but an individual. But we cannot—I will not—shirk our responsibilities.

The facts of the Carson case are laid out quite thoroughly on page 1713–1716 of the hearing record, and on page 122–128 of the minority views. Mr. Kleindienst was asked to fix a criminal case in exchange for a $100,000 political contribution to the President. He did not regard this request as a bribe offer until he discovered 1 week later—apparently quite by chance—that the man who made the offer was under FBI investigation, and was about to be placed under electronic surveillance. He did not report the offer to the Attorney General until 1 full week after it was made, again not until he became aware of the FBI investigation, nor did he give the matter even a second thought until that time.

These are the facts; they are uncontroverted, because they are drawn from the sworn testimony of Richard Kleindienst before a Federal court in New York at the trial of the man who offered him the bribe. The man was convicted, on the basis of his offer to Kleindienst, of perjury and conspiracy to commit bribery.

Now what are the questions that are raised by these facts? The first is, why did not Mr. Kleindienst think that it was a bribe offer when a man he knew came to him and offered to procure a $100,000 contribution to the President's reelection campaign if Mr. Kleindienst would fix a criminal case?

After all, Mr. Kleindienst did turn the offer down. He did tell the man that he could not do anything, because the matter had already gone past the indictment stage. So why was it that he did not recognize what seems clearly to have been a bribe for what it was? Unfortunately, Mr. Kleindienst refused to help us clarify this issue.

Another question is why he did not report the offer until he found out that Carson was under FBI investigation, including an imminent electronic surveillance. What conclusions can one draw from the facts here? That Mr. Kleindienst thought that if the FBI was investigating Mr. Carson there must have been something wrong with what Mr. Carson had done in offering Mr. Kleindienst the political contribution? Mr. Kleindienst testified that he reported to Mr. Mitchell something that he did not think was a bribe. But again, we cannot know any more—we can only speculate—because Mr. Kleindienst has refused to answer any questions about the case.

I was reluctant to get involved in pursuing this matter, because the man who was convicted of perjury and offering of the bribes had previously been the employee of one of our colleagues. I do not think anyone can for a moment suggest that this colleague, who shall remain unnamed here, knew anything about his actions or was implicated in any way, shape, or form. But because of this past relationship, the Senator from Indiana has been reluctant throughout the hearings to get involved in the matter.

I thought about it, and was persuaded not to pursue it. None of the other members of the committee pursued it at all, and the last day of the hearings, having read and reread that record and having had brought to my attention from this reading the serious questions as to the judgment of the nominee that had been raised earlier—the Steward matter that I referred to earlier was clearly a question of bad judgment—it seemed to me that the judgment of the prospective Attorney General, his ability to know whether he is being solicited or offered a bribe or not, and subsequently his willingness or lack of willingness to report it to the highest authority, had to be a subject to be brought up before the committee and the witness questioned about it.

He had asked of the court in the New York trial on two occasions the opportunity to explain. The defense counsel had prohibited him from explaining further, and I merely asked Mr. Kleindienst if he would explain his actions. He refused to do so. I asked him again and again, and he refused to do so. So we can only speculate as to what was going on at the time.

Mr. President, why did Mr. Kleindienst think it was a bribe after he learned of the FBI investigation? It was the same offer, made by the same man. What was it about the fact that the FBI was probing into Mr. Carson's affairs that suddenly turned something that was not a bribe into something that was a bribe? No one could possibly even guess at the answer to the question except Mr. Kleindienst. And he will not talk about it.

It is a sad day, when we have a question raised, if it is going to disappear because the only person who can answer the question will not talk about it. What is the Senate to do? Be deterred from pursuing the truth because the only man who has the truth will not talk?

Anyone has the right not to talk, of course. I feel that the right of the fifth amendment is a strong and important right. But I question whether a man who, in essense, relies on that right when testifying before the Senate Judiciary Committee should then be promoted to be the No. 1 law enforcement official in the land.

I asked myself why it was that he will not talk about the case. I think in fairness to him, since he is not here participating in the debate, I should state that he said he did have a reason. He said that he did not want to jeopardize the rights of the defendant, or of the United States, the prosecuting authority.

But that just will not wash. First of all, I am sure that Mr. Kleindienst, upon reconsideration, would not say that he would not answer questions about the case because he would possibly prejudice the U.S. case against Robert Carson. For that is tantamount to saying that he might have evidence favorable to Mr. Carson and he did not want it to get out.

I am sure that Mr. Kleindienst would not want us to believe that he is concealing evidence, for he told us that he was also concerned that the defendant's rights might be prejudiced on appeal, or on retrial. But he cannot really mean that the appeals court judges, who have already heard the case, might go beyond the four corners of the trial record, and improperly consider what he had to say before the committee; so I am sure that Mr. Kleindienst, who is about to be promoted, who is about to be promoted to the Nation's No. 1 legal officer, would reconsider that objection as well, for such a thing has never happened in this country, at least I would hope not.

That leaves one other objection—that the defendant's rights might be prejudiced on a possible retrial. But we have to realize that that would involve such a remote and extended chain of events and circumstances as to render the possible prejudice practically nonexistent. There would have to be a reversal in such a way as to permit retrial, and then a decision to retry. Then there would have to be a statement by Mr. Kleindienst that would be inconsistent with what he had testified to before, and at the same time more harmful to Mr. Carson than what he had previously testified. Then, the trial court would have to rule that that statement was admissible, or the statement by Mr. Kleindienst would have to be so notoriously and openly publicized that they could not find 12 jurors in the Southern District of New York who had not been unfairly influenced by the statement. Is that likely to occur? I think not. And I find it hard to imagine that Mr. Kleindienst himself could really put that forth as his reason for not answering questions.

But again, he would not answer the questions, and we do not seem to be able to come up with any answers of our own that are at all reassuring. So we are faced with another series of unanswered questions, dealing directly with the nominee's fitness and qualifications, and no way to get answers. And yet we are expected to approve the nomination nonetheless.

Mr. ROBERT C. BYRD assumed the Chair as Presiding Officer at this point.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield to the Senator from Louisiana.

Mr. LONG. Mr. President, what the Senator from Indiana has said troubles this Senator as well as several others. It brings to my mind an experience that happened during my early years as a Member of this body, which I would just like to present to the Senator for whatever it might be worth, because I think it may be enlightening to the Senator.

There was a situation where a U.S. attorney was regarded as having been guilty of impropriety in office, and his resignation was demanded by the Attorney General. Friends of the gentleman asked me to discuss that problem with the Attorney General, because this attorney contended that he had been made an improper offer, but that he had not intended to accept it; rather, he had intended to make the case against the person, and it was in seeking to make the case, to catch the man redhanded in a bribe offer, that he was accused of having participated in this corruption himself.

This Senator, discussing it with the then Attorney General, Mr. McGrath, who I believe was a very fine prosecuting attorney for the Government as well as a very able Attorney General, was told on that occasion that while he had been a prosecuting attorney, people many times made suggestions to him that they would like, in effect, to fix a case, could he not do something about this or that—in effect suggesting an improper arrangement to him. His reaction always had been to brush it aside: "No. Sorry. That's not possible." He would simply say no more about it.

The experience that I had on that occasion with the Attorney General of the United States led me to believe that that was about how a good Attorney General would look upon something of that sort: If someone makes an improper proposition, he would only brush it aside and simply go no further with the matter.

If that were the case, would not Mr. Kleindienst have been pretty much in line with what Mr. McGrath thought should be done about that kind of situation? If a person makes an improper proposition, just treat it as though it might not have been so bad at all, and say, "Sorry. It's out of the question," or, "We don't do things like that."

Mr. BAYH. I appreciate the Senator from Louisiana bringing some of his vast experience into our debate. Of course, I am not at all familiar with the case he has mentioned which he discussed with former Attorney General McGrath. No place, I should point out, does there appear to be a consistency between what that prosecuting attorney was trying to do—namely, prosecute—and what Mr. Kleindienst was trying to do. We have nothing in the record—in fact, quite to the contrary—that Mr. Kleindienst was turning this down so that he could prosecute, to get the goods on them.

Mr. LONG. The occasion I had in mind was one in which the Attorney General, the late Howard McGrath, who I believe was a man of very high ethical principles, took the view that if one made an improper proposition to a prosecuting attorney, the proper thing for the prosecuting attorney to do was just to brush it aside, even to the extent of taking the attitude that perhaps the person did not understand that what he was doing was wrong. He should just make it clear that, "No; I'm sorry. That's out of the question. We don't do things of that sort," or, "That can't be done"—that type of thing—rather than to proceed with it and say, "You made me an improper proposition, and I'm going to recommend that you be prosecuted."

In other words, the Senator can see, can he not, that many prosecuting attorneys may look at it the same way Howard McGrath did, that one should take the view that perhaps this fellow does not understand that what he is doing would be a violation of the law.

Mr. BAYH. I think the question raised by the Senator is a good point.

The Senator from Indiana is concerned about two other aspects that would be on the other side of the proposition presented by the Senator from Louisiana.

First of all, was it a bribe or was it not? If you feel that the fellow does not know what he is doing and sweep it aside, that is one thing. But Mr. Kleindienst said that a week later, after he found out that the FBI was putting a bug on the man, he knew it was a bribe. After he had time to think about it and found the FBI was putting a bug on, he felt he had better report it.

The second thing that concerns me is that either it is a violation of the Federal law, a crime, to offer a bribe to public officials or it is not. If it is not, then perhaps we ought to repeal section 201 of title 18 of the United States Code. It clearly says that to offer a bribe to public officials is a felony. I do not think the Senator from Louisiana has suggested that we should repeal that statute, and I do not want to intimate that. If we do have a criminal statute and we are talking about the Attorney General of the United States—or the man who probably soon will be Attorney General of the United States—he ought to be wise enough to tell whether or not somebody is trying to bribe him. A hundred thousand dollars is not pocket money, not the kind of ordinary proposition one would receive, I would imagine.

Mr. LONG. Mr. President, if I might trespass upon the Senator's time, surely the Senator realizes, from his statement, that we are not talking about a situation in which a man offered Mr. Kleindienst a hundred thousand dollars. He is discussing a situation in which a man may have suggested that if this case could be fixed or if they would not prosecute the case, or some such thing, his people would like to make a contribution to the campaign of the President of the United States. Is that not what we are talking about?

Mr. BAYH. Yes. And that is covered exactly under the statute to which I have referred. I will not bother to read it. I trust that the Senator will take my word. It does not have to be a bribe to the Attorney General, but to any other person or entity. The President's reelection campaign is such an entity that is clearly within the confines of the statute—indeed Mr. Carson was convicted of the offer—a felony.

Mr. LONG. The Senator is aware that someone could come to a person and say, "We want to help the President in his campaign. We're good supporters and friends of the President. We're trying to raise $100,000 for his campaign. That has nothing to do with what we are going to talk about, we would like to talk about these cases." There sometimes are instances in which one is talking about a gray area rather than one that is black and white.

Mr. BAYH. I suppose that all of us in public life try to be honest. We are the product of our past experiences. I suppose it is very difficult to try to separate past friendships and past contributions. Although we all try, we are still aware of that somewhere in the back of our minds.

Let me read Mr. Kleindienst's testimony at the New York court, to show the Senator that this was not the situation of a man who was a friend of the President, who had been advised that the man had made contributions in the past. This was no gray area. These are Mr. Kleindienst's words:

> Mr. Carson sat down in a chair in front of my desk and said that he had a friend in New York who was in trouble, and that if I could help him with respect to his trouble, his friend was a man of substantial means and would be willing to make a substantial contribution of between 50 and 100 thousand dollars to the reelection of President Nixon.

That is rather specific.

Mr. LONG. That is clearly an improper proposition. I agree with that. But I ask this of the Senator, as I suggested to begin with: Can he tell me what is generally the practice of prosecuting attorneys with respect to an improper proposition that is made to them—to seek to prosecute the person who makes it or to brush it aside?

Mr. BAYH. I really do not know.

Mr. LONG. It seems to me that that is important; because if the prevailing practice among honorable prosecuting attorneys or those who have responsibility in connection with it would be to brush that type of thing aside, that is one thing. If the prevailing practice is to say immediately, when someone makes an improper proposition, "You have tried to bribe me and I'm going to recommend that you be prosecuted," that is a different matter.

Does not this also become pertinent? Suppose an improper proposition is made to someone—it could be the Senator from Indiana or any of us. The improper proposition very well could be the subject of criminal prosecution. Suppose, for the sake of argument, that one does not have the proof—that it is just one man's word against another's. Does the Senator relish the prospect of trying to prosecute someone if he does not have any evidence to support it, or does he prefer to turn the proposition down, refuse to have anything to do with it, and abide by his own conscience?

Mr. BAYH. The Senator from Louisiana is a very persistent and articulate Member of this body and a member of the bar. I have not had the opportunity to discuss with very many prosecuting attorneys what they do when a bribe is offered to them. The only positive reference I can vouch to is the one that the Senator from Louisiana mentioned which I am sure he reported accurately. The second is how the prosecuting attorney in the State of New York responded; that is, he brought this man before a court and a jury convicted him. The very man Mr. Kleindienst treated cavalierly, by his testimony—did not even feel he was being offered a bribe—that very man now has been convicted of a felony. So we can see how one of the prosecuting attorneys deals with this situation.

Mr. LONG. Might it not be a case where one man says, "If you can help me, this person would like to contribute to your personal campaign"? Was that the case in New York where the man offered to contribute to the campaign of someone, or was it to enrich the prosecuting attorney in New York directly?

Mr. BAYH. What I was trying to say is that the very offer to Mr. Kleindienst was the act—part of the act of involvement with Carson that resulted in his being prosecuted and convicted by a jury, that that act was sufficiently obvious to a jury and was serious enough so that Carson was convicted. Mr. Kleindienst, according to his testimony, which I could read but I will just paraphrase it, was that he did not feel it was a bribe and in the context of this exchange that both the Senator from Louisiana and I feel was a bribe, he did not feel that it was a bribe. He said under cross-examination that if he had thought it was a bribe, he would have reported it. He did not report it until he learned later the FBI would be bugging Carson. So I wonder why. I do not suggest that Mr. Kleindienst was being bought. Obviously, he could not be bought because he turned it down. But I bring this up and I think it should have been brought up in the hearings but it has been skirted around and skated over. It goes to the man's judgment. If we can have someone sit down and put his feet up on the desk and say, "If you can take care of my friend's problem, he will make a contribution," I wonder whether he would be able to recognize some other thing which may have a significant impact as well.

Mr. LONG. Might I suggest it is not entirely clear, whoever this fellow was—I only know what I have read about it and what the Senator is explaining to me about it now—that this happened to be a case of a man determined to break into the penitentiary no matter what.

Mr. BAYH. And he was successful. They let him in.

Mr. LONG. Because obviously it appears that this man was trying to bribe so many people and he did it enough times so that he finally found himself in a penitentiary. But is it not fair to suggest that a prosecuting attorney or a Government lawyer, when confronted with that problem, would have to think somewhat in terms of whether he can make his case. In other words, if someone approached him and he did not have any witnesses or any tape which he could produce as evidence or any other means, it would be one man's word against another. So it would not seem likely that a man would try to prosecute in that case, whereas if someone had some evidence, he would feel it is his duty to prosecute such a man—especially if he could prove it.

Mr. BAYH. In such a situation, it could be one man's word against another, because one man may soon be Attorney General of the United States and the question concerning me is that he is a man in that capacity—Mr. Kleindienst was just one step away from it at the time—so, does he not have responsibility to put on the record something like that, when an offer is made of that kind? Does he not have an obligation to disclose it? Should he be so naive?

There are one of two things here: First, he either did not recognize when the fellow came into his office and said, "If you take care of this friend of mine he will give $100,000 as a campaign contribution"—he did not recognize that as a bribe. That is one possibility. Or, second, he did recognize it as a bribe but did not say anything about it until he found out a week later that the FBI was putting a bug on and then, realizing that the information probably would be learned from another source, he realized he had better quickly disclose what had happened earlier.

It has to be one of those two things. I am willing to accept the first probability.

Mr. LONG. Would it not be entirely logical to assume that if Mr. Kleindienst, having regarded that as being an improper proposition, felt, when this man was subsequently accused of trying to bribe a prosecuting attorney, that what he knew about the thing might be relevant? Might Mr. Kleindienst not have then felt that prosecution of that man would be doing his duty, and that he should make available what might not have been known by anyone but the two of them? It would seem logical that the only place the evidence would have to come from would be from the Attorney General. Does the Senator think a man being prosecuted for bribery would volunteer to say that he had previously tried to bribe the Deputy Attorney General?

Mr. BAYH. Of course not. I do not see how pertinent that is.

Mr. LONG. Where else could the information have come from if Mr. Kleindienst had not volunteered the information that this man had tried improperly to influence him?

Mr. BAYH. First of all, the possibility that other information could have persuaded Mr. Kleindienst to add his little bit of information—Kleindienst never said that. The only additional information we have that came to his attention is the fact that the FBI was going to conduct surveillance. He found that out almost by accident. Immediately thereafter—within an hour or so—he revealed to the Attorney General the previous offer. I can only go to what Mr. Kleindienst himself said under oath in a New York Federal court, that he did not think at the time it was made that it was a bribe. It was not that he did not have any other evidence, or that it was one man's word against another's, or any of these things—that is the way the Deputy Attorney General dealt with this thing. He said:

> I did not think at the time that it was a bribe.

Mr. LONG. Well, if I might say, if I had been sitting there as Assistant Attorney General and someone tried to make me that kind of proposition and it was just his word against mine, I do not see why I should get into that kind of mess, because under our system of justice, we have to prove a man is guilty beyond a reasonable doubt. If we only have one man's word against another's and there is nothing else to go by, most juries would say, well, perhaps we have a prima facie case here but we do not have enough of a case to convict a man beyond a reasonable doubt, and that would be the end of it.

If there is evidence that someone is trying to bribe another, and the man keeps on trying to bribe as many as he can, we could put all those witnesses together, building a strong case, and we might send him to the penitentiary. That is a probability.

Mr. BAYH. One wonders if every law enforcement official who had the responsibility in this case—had taken the same position Mr. Kleindienst had taken; namely, waiting until they found someone had the "goods" before they got involved, they never would have made a sufficient case on the guy now on his way to the penitentiary. I think he is not yet there, but he has been convicted, and his appeal has already been argued.

Mr. President, I ask unanimous consent to have printed in the RECORD two articles describing this matter in some detail as published in the New York Times.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AIDE TO SENATOR FONG CONVICTED OF BRIBERY SCHEME AND PERJURY

(By Arnold H. Lubasch)

Robert T. Carson was convicted yesterday of participating in a bribery scheme to quash stock-fraud indictments while working for Senator Hiram L. Fong as an administrative assistant in Washington.

Carson who was suspended last January by Senator Fong, a Republican from Hawaii, displayed no emotion as the jury returned the verdict at 3:10 P.M. in Federal Court here after 18 hours of deliberation.

The tall, thin defendant, who formerly headed the Republican party and the stock exchange in Honolulu, faces up to five years in prison on each of two counts when Judge Marvin E. Frankel sentences him on Jan. 4, two weeks after the defendant's 65th birthday.

The jury of 10 men and two women found Carson guilty of conspiracy and perjury, but acquitted him on two counts of using interstate travel to promote bribery.

During the week-long trial and deliberations spread over three days, the jury heard crucial tape-recordings of discussions last December between Carson and others in the bribery conspiracy.

Richard G. Kleindienst, the deputy attorney general of the United States, testified during the trial that Carson had brought him an offer last Nov. 24 to pay up to $100,000 as a political contribution for President Nixon if help could be obtained for an indicted friend in New York.

Mr. Kleindienst said he had rejected the offer immediately but had not regarded it as a bribe at the time and had not realized it was a bribe offer until he found out one week later that Carson was being investigated for bribery.

Robert G. Morvillo, the prosecutor, contended to the jury that Carson had tried to bribe the deputy attorney general to stop indictments and investigations that concerned a major stock-fraud case.

Joseph E. Brill, the defense lawyer, told the jury that Carson had not engaged in a bribery scheme and the defendant testified that he had merely mentioned the proposed political contribution to Mr. Kleindienst without any intent to bribe him.

The bribery scheme began as an attempt to fix an indictment involving several defendants, including John (Johnny Dio) Dioguardi, and others identified by Federal authorities as members of organized crime, who were charged with stock manipulation and strong-arm tactics to gain control of a Miami investment company.

This stock-fraud case is currently on trial here in the same courthouse on Foley Square. Some of the defendants have pleaded guilty, and Dioguardi will be tried later because he is seriously ill in prison.

In the Carson trial, no mention was made of Dioguardi or organized crime, and the jurors remained sequestered under the supervision of marshals throughout the trial to avoid their exposure to publicity in the case.

The two co-defendants in the Carson case, Joseph Bald and Edward Adams, pleaded guilty before the start of the trial of Senator Fong's aide and will be sentenced on Dec. 28.

Bald, a Queens interior decorator, testified as the prosecution's first witness that the bribery conspiracy began last fall after he learned he was under investigation for fraudulent deals with Michael Hellerman, a stock operator allegedly associated with members of organized crime.

According to Bald, he asked his brother-in-law, Harold Blond, to seek the help of Adams, an elderly Manhattan fund-raiser who was said to have considerable political influence in Washington.

Mr. Blond, a Queens fund-raising consultant, named as a co-conspirator but not a defendant, testified that Adams promised to seek the intervention of Carson for a large amount of money.

He said that Adams had indicated that $100,000 would have to go to Carson for members of the Justice Department and Senator Fong, who was not charged with any crime in the case.

UP TO $1 MILLION OFFERED

Adams arranged for Bald and Hellerman to meet Carson last November in Senator Fong's offices in the Senate Office Building, Carson up to $1-million if he could quash the indictments and investigations in the stock fraud case.

According to the prosecution, Carson agreed to look into the matter, but decided the original indictment was "too hot" to quash, then said later it might be possible to obtain leniency for Hellerman by blocking any new indictments against him and Bald in exchange for $100,000.

Hellerman, who later pleaded guilty in the stock case, secretly informed Federal authorities of the bribery plans and enabled an agent of the Federal Bureau of Investigation to infiltrate the conspiracy.

The undercover F.B.I. agent, Paul J. Brana, used a concealed tape recorder to transcribe the conversation at a meeting last Dec. 29 when Carson accepted $2,500 as an advance payment on $100,000 to help Bald and Hellerman.

One week later, replying to questions before a Federal grand jury here on Jan. 6, Carson denied that he knew Adams, Bald, Hellerman or Paul Brana, which was the name used by the undercover F.B.I. agent.

BRIBE CONVICTION IS APPEALED HERE—TESTIMONY BY KLEINDIENST IS CITED BY SENATOR'S AIDE

(By Arnold H. Lubasch)

Trial testimony by acting Attorney General Richard G. Kleindienst was emphasized last week in an appeal from the conviction of a Senate aide who had been found guilty of bribery and perjury.

The appeal sought to reverse the conviction in Federal court here last November of Robert T. Carson, the suspended administrative assistant of Senator Hiram L. Fong, Republican of Hawaii.

Mr. Kleindienst testified at the trial that Carson had offered him a $100,000 political contribution for President Nixon if he could help an indicted friend. Mr. Kleindienst said that he had not realized that this was a bribe offer until a week later, when he learned that Carson was being investigated for bribery.

Carson's attorney, Henry J. Boitel, argued here Thursday before the United States Court of Appeals for the Second Circuit that Mr. Kleindienst's testimony was "extremely prejudicial" and required reversal of the conviction.

BRIEF IS QUOTED

"On the morning of Dec. 1, 1970," the lawyer argued in his brief, "the pinnacle of the Department of Justice of the United States of America was rocked by the discovery of the nature of an investigation which was being directed by an Assistant United States Attorney in Manhattan.

"On that morning Richard G. Kleindienst, Deputy Attorney General of the United States, was shown a memorandum addressed to the Attorney General from the Federal Bureau of Investigation.

"If the prosecution's allegations were correct, Mr. Kleindienst had, a week earlier, been the subject of a bribe offer and had not realized it.

"The weight of the Government's case at trial turned heavily upon whether Carson, an employe of the United States Senate, sought to convey such an offer to Mr. Kleindienst with criminal intent."

The defense attorney said that Mr. Kleindienst had testified at the trial that he had promptly rejected the Carson offer of the political contribution but had not considered it a bribe attempt at the time.

The appeal cited Mr. Kleindienst's testimony that he had not reported the alleged bribe offer for seven days, then reported it "within minutes" after he had been shown an FBI report that Carson was under investigation.

"BLATANT HEARSAY"

According to the appeal argument, it was "blatant hearsay" for Mr. Kleindienst to testify that he considered the Carson offer a bribe only after he had seen an F.B.I. report that was not in evidence at the trial.

"His opinion, based on hearsay, that the defendant was guilty of the crime charged was extremely prejudicial," Mr. Boitel argued, adding that Mr. Kleindienst's testimony was especially damaging because it came from a top official of the Justice Department.

The detailed attack on the trial testimony of Mr. Kleindienst, who was described by the defense attorney as Carson's friend and political ally, represented one of the key arguments in the appeal for the 65-year-old Carson, who sat listening at the rear of the courtroom.

Robert G. Morvillo, the Assistant United States Attorney who directed the investigation and prosecuted the case, argued briefly in opposition to the appeal that he believed Carson had been convicted with "overwhelming evidence" in a fair trial.

The three-judge panel of the Court of Appeals reserved its decision on the case after hearing the arguments.

Carson was sentenced to 18 months in prison on his conviction of participating in a bribery conspiracy allegedly seeking to quash stock-fraud indictments that involved reputed members of organized crime, but he remains free on bail pending the outcome of his appeal.

In Hawaii, he has been president of the stock exchange and chairman of the Republican party in Honolulu.

Mr. LONG. Might I ask the Senator a further question. It would appear appropriate to me that Mr. Kleindienst might well have deemed it his duty, at the point this proposition was made to him, to dictate memorandum and put it in the file at that point. That may very well be Justice Department procedure. Can the Senator tell me whether he did or did not prepare a memorandum at that time to indicate that that man was in his office and that that man suggested something that to him seemed improper?

Mr. BAYH. No. He did not do anything until a week later. In fact, the record reads:

> Q. Did you make any report or initiate any investigation with respect to that portion of the conversation?
>
> A. No, sir.
>
> Q. Isn't it true that the first time you ever said or wrote anything about that subject was on Dec. 1, 1970?
>
> A. Yes, sir.

That was a week later.

Mr. LONG. It would seem to me that it would have been appropriate for Mr. Kleindienst to have made a record of what it was that took place. However, on the other hand it would also seem to me that, while Mr. Kleindienst did perhaps deserve a low mark for having said this, he should have a high mark for the fact that when it came to his attention that the man was being investigated for bribery, he made available everything that he knew on the matter and made himself available to testify against the man. One would think that a man would be entitled to credit for that.

Mr. BAYH. Yes. He could have waited until he heard the FBI say that they had been informed that Mr. Carson said so-and-so. He could have done that.

Mr. LONG. That would suggest to me that the guilty party was the man going around trying to bribe the Attorney General.

Mr. BAYH. It so happens that there was an informer in the case a day or two later who taped the conversation and may have brought it to light.

Mr. LONG. That is a very important matter. Can the Senator tell us that this informer had brought evidence out to the effect that this was actually known to Mr. Kleindienst before Mr. Kleindienst said what he knew about it?

Mr. BAYH. No. This matter came out in the trial, after the fact.

Mr. LONG. It would seem to me that would be irrelevant then.

Mr. BAYH. The Senator brought out a matter that actually did exist and was not a hypothetical set of facts.

Mr. LONG. The Senator would seek to take commendable conduct on the part of a Government attorney and turn it into dishonorable conduct on the theory that a man who did represent his office honorably and properly was probably guilty of improper conduct on the theory that the Government informer might have informed on him if he did not do what was right. Yet the Senator tells us that the Government informally had such information as that.

If the Senator from Indiana were to be confirmed as Attorney General, would it seem fair to him that a U.S. Senator would accuse him of improper conduct when the circumstances demonstrated that he had conducted himself properly and had done his duty, and yet, someone would say that he did his duty for fear he would have been found out when nothing suggested that circumstance.

Mr. BAYH. That is not what I said. I said either one or two things happened, either the proposition posed by the Senator from Louisiana or the proposition presented by Mr. Kleindienst himself. He said he did not think it was a bribe.

The Senator from Louisiana said in an earlier comment here that it was obvious to him that it was an obviously seamy arrangement. If it was obvious to the Senator from Louisiana that it was a bribe, why was it not obvious to Mr. Kleindienst?

One cannot have his cake and eat it, too. He either recognized that it was a bribe and did not report it or he did not recognize it was a bribe when any man with commonsense should have recognized it was a bribe. It has to be either way.

I am willing to let the Senator judge which way it was.

Mr. LONG. That is all right with me. However, the point I make is that a man who did his duty as a supervising prosecuting attorney, a man who had been prosecuting attorney and also Attorney General, told me personally that he thought it was proper conduct for a Government attorney when someone made an improper proposition to him, to brush it aside and have no more to do with it. If that man was speaking for the democratic process and was speaking of that as the appropriate way to handle himself, to brush it aside when someone tried to make him an improper proposition, then how could one suggest that Mr. Kleindienst should not be confirmed when all he did was what Mr. McGrath said was the proper conduct to pursue in such situations. And when he found that the matter was being investigated, he said that the man had tried to make an improper proposition to him. I suggest that if the Senator finds anything wrong in that, he can also find something right in it.

Mr. BAYH. Perhaps we ought to get together and submit a measure to repeal section 281 of title 18 so that a person can with impunity bribe public officials. If one does not have a responsibility to report it, that might solve it. I guess that everyone makes his own judgment on where to draw the line.

It seems to me that the point that concerns most of all is that the Deputy Attorney General, now Acting Attorney General, judging from listening to the Senator from Louisiana, should have said that this was SOP—when someone tries to bribe him, to dismiss the matter and move on to something else.

The Senator can say that is all right, but that is what I think is wrong. Mr. Kleindienst did not say this was the way that everyone has been operating since the 1940's or 1950's. That is not what he said. He said that he did not think that was a bribe. He was asked:

> Q. So that between Nov. 24 and Dec. 1, you gave no further thought to that portion of the construction which lasted a minute or two, if that much, in which you said Mr. Carson told you he had a friend who would contribute $100,000 to the Nixon campaign?

He said that is correct and that he did not give it any thought.

I would say that if someone were to offer to give me a $100,000 contribution and I would not think about it a second time, I would have to be a little naive.

Mr. LONG. Mr. President, it seems to me that if the Senator gives him low marks for not reporting this at the time, he should give him high marks for reporting him and prosecuting him. The Senator should give him credit for the fact that he did not take the offer.

Mr. BAYH. That recommends the Attorney General highly if he does not take a bribe that is offered, if that is the only qualification.

Mr. LONG. I can recall an illustration that was given in the British Parliament when a man said: "I know I am not for sale for a quarter of a million dollars, because someone offered me that much and I turned it down." So, we have to give the man credit because when someone made him an improper proposition, he did not do business with him. And when subsequently it came to his attention that the man was being investigated, he volunteered to testify what he knew about it and did testify and put the man in jail.

If the Senator wants to give him low points for not having mentioned it in the first instance, he ought to give him high marks for testifying in the second instance.

People have made all sorts of improper propositions to officials. If one spends all his time running around prosecuting someone every time a person makes an improper suggestion, he will find that he is hurting himself as much as the people that he tries to prosecute.

Mr. BAYH. I would be glad to pursue this subject as far as the Senator from Louisiana wants. I always enjoy the challenge of participating with him in a little give-and-take like this.

The thing that concerns me is not this one case where we have an offer that the Senator from Louisiana and I recognize was improper and that was turned aside or not recognized, whatever happened to it, but we had an instance of a U.S. attorney in California, Mr. Steward, who was involved in a similar impropriety, acts that were obviously acts of impropriety. And the same man who turned his head the first time turned his head the second time and sent out a press release saying that there had been absolutely no improper conduct at all.

What really concerns me is that the Senator and I sit here and we realize how things happen. People are tempted and some yield and some do not yield. We try to wrestle with these problems, but the average citizen on the outside, who looks to us with some feeling about what this Government stands for, sees these things and the allegation that there was $400,000 with ITT to fix an antitrust case. All this presents a kind of pattern which may or may not be true; but it does not restore confidence in the average citizen who is viewing the man sitting on top of the heap who is making decisions that he is going to have to abide by.

Mr. LONG. I thank the Senator for being so generous in yielding to me. I will follow with interest the remainder of his argument. I thank the Senator.

Mr. BAYH. Mr. President, I would like to conclude my remarks by referring to something that Senator HART said on the very first morning of the hearings into Mr. Kleindienst's involvement in the ITT settlement. Senator HART had asked a question, and got back an answer that there had been nothing improper about any of Mr. Kleindienst's actions in meeting with an ITT director to discuss the settlement. And Senator HART shook his head when he heard that answer, and I remember those words very clearly today, 3 months later. He said:

> The tragedy of this is that 90 percent of the people that read the papers and listen to this story, no matter what we do, are just not going to believe it. That is the ——— of it. Just to give the setting, we are just one more chapter in this loaded story of why people lack faith in the system.

Mr. President, I cannot improve on Senator HART's words. I can only say this—the choice is the Senate's. We can do something about this lack of faith by insisting that this nomination be recommitted and restudied until we get answers to the questions that trouble any reasonable man who sees this record. Or we can ignore the tragic implications of this whole sorry affair in the public trust and just pass the nomination through. That is the choice facing us.

Mr. President, a democracy such as ours is in dire jeopardy when the governed lack faith in the basic integrity and justice of those who govern. The evidence is persuasive that the faith of increasing numbers of Americans is daily being eroded. The Senate of the United States should not accelerate this process of erosion by acting in haste to confirm this nomination without making a maximum good faith effort to find the truth that at this moment lies hidden beneath a cloud of obfuscation and confusion. Let it not be said that this body contributed to reinforcing the suspicion of an increasingly skeptical public that there exists in this land two standards of justice, one for large corporations and another for the average citizen. We have an obligation to recommit this nomination for further study and an obligation to refrain from consenting to confirmation until the doubt of reasonable men is dispelled and truth determined.

Mr. President, I have been involved in more than one disagreement with the President of the United States on the qualifications of nominees. As I said earlier in my statement I do not feel that the definition of an acceptable nominee is one who conforms to my idea of what is right or wrong on the issues, philosophically or otherwise. Having had the opportunity a year or so ago to travel throughout this country and to be in about 43 States in a year's time, and to have had a chance to visit with, talk to and work with, and to question and be questioned by large numbers of citizens all over the country, I am deeply concerned about this whole matter of trust in the governmental process.

The number of students who have asked me, "Senator, do you really believe the system will work?" the number of unemployed steelworkers who have said, "Senator, there is something wrong with the system," the farmer who has difficulty paying off his mortgage—all these people are typical of our society and look at the decisions we make—of times cavalierly—on a day-to-day basis to determine what direction this country is going and determine what standard of conduct we are going to say typifies the United States.

Yet, when we have before us not just any nominee, but a man who will become the No. 1 law enforcement official in the country, the one person determining what kind of justice that average American gets, then I think it is incumbent upon us to be certain that that man takes that office without any damaging cloud of suspicion hanging over his head. Whether it is the Carson case, the Steward case, Dita Beard, Ramsden, or Rohatyn, names that have become passwords in America today, these names are insignificant in themselves, but they add to the pattern of concern and doubt that the average citizen has over whether he is going to get a fair shake before the bar of justice.

When a small businessman wonders if he is going to be treated the same down at the White House or by the Government anywhere, as one of the large multibillion-dollar corporations, or when the average wage earner wonders if his problems are going to receive the same kind of attention that a multibillion-dollar conglomerate will receive—when our actions add to that kind of doubt and suspicion—to approve a nomination that would add to those doubts would distort our responsibility to advise and consent, and in the final analysis it weakens the fabric of our entire governmental process.

Mr. CRANSTON. Mr. President, I believe that the publicity surrounding the investigation of Richard Kleindienst's role in the Justice Department's settlements of antitrust suits with ITT has obscured a far more fundamental question which this nomination raises.

It is the question of Mr. Kleindienst's fitness to be Attorney General of the United States.

The Attorney General of the United States wields great power which, if misused, could endanger the basic rights and liberties of Americans, either as individuals or as members of groups. Mr. Kleindienst's record leads me to doubt that he should be entrusted with this power affecting the rights and liberties of all Americans.

Because of that power, the man who holds the position should, in my judgment, be especially sensitive to and protective of our constitutional rights. His dedication to law and justice should be no less compelling than his enthusiasm for law and order.

During his 3 years as Deputy Attorney General, Mr. Kleindienst has proven that he does not meet these standards. He has shown himself to be "soft" toward certain repressive practices which, if given further license, could be the precursors of an authoritarian society—practices we should be particularly wary of in this age of electronic snooping devices and computerized data banks.

Mr. Kleindienst has evidenced a high tolerance for wiretapping, mass arrests, and preventive detention. His thinking is fuzzy when it comes to distinguishing between people who threaten our Nation's security and people who merely disagree with him politically. And he manifests a disturbing desire to have us all rely entirely on the good will of members of the executive bureaucracy as the ultimate safeguard of our freedoms.

There are those who believe that, unlike Supreme Court nominations, the President has a right to pick the members of his own Cabinet without senatorial challenge, provided only that his nominees are not dishonest nor incompetent nor guilty of an economic conflict of interest.

I do not entirely disagree. I recognize that the Senate should permit a President considerable latitude in selecting members of his Cabinet, but I doubt whether a courtesy the Senate customarily grants a President deserves elevation to an unchallengeable presidential right.

Moreover, I hold that the special nature of the post of Attorney General makes it not altogether unlike that of a Supreme Court Justice in its potential impact on our constitutional way of life. I believe further that the criteria the Senate uses in evaluating a nominee for Attorney General should be far more like those it applies to a nominee to the Court than, for example, to a nominee for Secretary of Commerce or of Transportation. Or even for Secretary of State or Defense.

I believe that partisanship must stop at the doorways of the Justice Department in Washington and the offices of the 93 U.S. attorneys throughout the United States.

A reappraisal of the criteria the Senate applies to Attorney General nominations would under any circumstances be pertinent at this moment in our history. But the need for reappraisal has become even more cogent with the resurrection of a short-lived practice—discontinued before the Civil War, revived in our time by a Democratic administration, and subsequently pursued by Republican and Democratic administrations alike—of appointing highly partisan political activists to head our Justice Department.

According to research conducted for me by the Library of Congress, not a single partisan political activist was named to the office of Attorney General during all of the first 52 years of the life of the Republic.

That covered the administrations of eight Presidents, including some of our greatest: Washington, Jefferson, Madison, and Jackson.

The first political linkage with the Attorney General's position came in 1841 with the administration of William Henry Harrison and continued for a brief period—less than 20 years—through subsequent administrations. But even then it was only in rather mild form. Attorneys General even during this period were not drawn from the ranks of national campaign managers or from the leadership of the national parties.

John J. Crittenden, Attorney General under William Henry Harrison and, later again Attorney General under Fillmore; Hugh S. Legare, Attorney General under John Tyler; Caleb Cushing, Attorney General under Pierce, and Jeremiah Black, Attorney General under Buchanan are recognized by historians as having played crucial roles in winning the nomination and/or the election for the men who appointed them.

Abraham Lincoln stopped the policy of appointing partisan political figures as Attorneys General. It was not revived until the 20th century, and even then in somewhat diluted form.

Thomas W. Gregory and A. Mitchell Palmer, both of whom were Attorneys General under Woodrow Wilson, were key figures in Wilson's nomination and election. Gregory is given credit for swinging the crucial Texas delegation behind Wilson, as well as more general contributions. Palmer was Wilson's floor manager at the 1912 Democratic convention.

The modern version of the practice actually started with Franklin Roosevelt who, for the first time in our history, nominated a former national chairman as Attorney General: Homer S. Cummings. It should be noted. however, that Cummings had held that political post in 1919–20, a full 13 years before his appointment in 1933.

Harry Truman escalated this unfortunate practice by appointing as his Attorney General in 1949 the man who was Democratic National Chairman from 1947–49: J. Howard McGrath. The practice has stuck since.

President Eisenhower appointed as his Attorney General Herbert Brownell, former campaign manager for Republican candidate Thomas E. Dewey in both 1944 and 1948, and chairman of the Republican National Committee, 1944–46.

President Kennedy appointed Robert Kennedy, who was his national campaign manager in 1960.

Lyndon Johnson retained Robert Kennedy as his Attorney General for more than a year after President Johnson assumed office.

President Nixon appointed his campaign manager, John Mitchell, as his first Attorney General. Mr. Mitchell once again is the President's campaign manager. And now President Nixon proposes to succeed Mr. Mitchell with Mr. Kleindienst—presidential campaign director for candidate Barry Goldwater in his 1964 presidential campaign, and national director of field operations for candidate Richard Nixon in the campaign of 1968.

I would like to see the practice stopped. Now.

It is ironic, and more than a bit frightening that the Office of Attorney General has become more and more politicized during the very time when more and more power over the lives and the liberties of our people has become concentrated in a Federal bureaucracy in Washington.

For the sake of democracy and of freedom, we should have been heading in the very opposite direction over the past 40 years.

If political power was to become more and more centralized, then it was all the more vital that the men named to the one Cabinet post charged with upholding the law and the Constitution against the oppressive power of government be men far removed from the pressures and the temptations of partisanship. Yet instead of more protections of our liberties and our privacy, the past four decades have seen a steady intrusion of government into all facets of our lives and a steady erosion of individual rights and liberties.

I am not in any way suggesting that any of the men who have held this office in the past several years have used their power for this purpose. But history and logic and common sense tell us—and the fragility of the democratic process warns us—that we must not tempt fate forever. We Americans are not a species apart from the rest of mankind; we are not immune to the political evils of repression and totalitarianism that have befallen other peoples in other lands.

It can happen here. Eternal vigilance is more than the price of liberty; it is the only safeguard of freedom.

I think that continuing the dubious practice of appointing a political partisan to the sensitive office of Attorney General is a mistake.

At the very least, such a nominee's political opinions and his political activities become legitimate subjects of scrutiny—and legitimate grounds for objection—when he is considered for confirmation.

When a highly partisan political figure is nominated to the post of Attorney General, the Senate—in my opinion—has a responsibility to give such a nomination extra careful study.

Such a nominee should be confirmed only after he has satisfactorily removed every reasonable doubt from the minds of those who fear that he might use his awesome powers of the law to silence or suppress or discourage political opinions or political actions with which he disagrees.

Mr. Kleindienst's record both before and since joining the Justice Department has by no means removed all such doubts from my mind. On the contrary.

The past 3 years of a Justice Department of Mitchell, Kleindienst, and Rehnquist have been years of no-knock, of preventive detention, of unwarranted wiretapping, of citizen surveillance, of mass arrests, of illegal arrests, of harrassment of the press, of efforts to discourage the free exercise of first amendment rights of speech and assembly.

By nominating Mr. Kleindienst to move up in the Justice Department to the No. 1 spot from the No. 2 spot, where he had exercised day-to-day operational responsibility and played a major role in policy formulation, President Nixon has signaled that he wants this policy of repression to continue. It is his policy; he has a right to seek its continuance.

But it is not my policy. I do not want to see it coninued. And I have an equal right to seek to bring it to an end.

I shall not vote, I cannot vote, to perpetuate a policy which I believe can, if unchecked, undermine the basic liberties of the American people.

Testimony at Senate Judiciary Committee hearings since the ITT disclosures has intensified my concerns about Mr. Kleindienst's candor and about his ability to divorce his political interests from his juridical responsibilities. Testimony prior to the disclosures intensified my fears about his disregard of the importance of constitutional government and his low esteem for the vital safeguard of due process of law in a democratic society.

I intend to vote against confirmation of Mr. Kleindienst as Attorney General.

Were I to vote to confirm Mr. Kleindienst I feel I would, in effect, be voting for the things that he has come to symbolize and voting against the things I believe America stands for.

I cannot in good conscience cast such a vote.

Mr. President, I want to talk now about May Day—May 1, 1971—when 12,000 people, guilty and innocent alike—and very few indeed turned out to be guilty of anything—when, as I say, 12,000 people were rounded up on the streets of Washington, illegally arrested and illegally detained—from 30 to 36 hours—under near-concentration camp conditions which, at least one judge, described as constituting "cruel and unusual punishment" and effecting "irreparable injury."

The man who was in charge of this operation, the man primarily responsible for what was done on that May Day was Richard Kleindienst, who describes himself as having been Mr. Mitchell's "chief of staff" and "coordinator" of law enforcement operations in Washington that day.

Because the events of that day so forcefully illustrate my fears and concerns about Mr. Kleindienst as Attorney General of the United States, I want to read at some length an excerpt from an outstandingly perceptive article written by Richard Harris, which was published by the New Yorker Magazine on March

25, 1972. The article, entitled "The New Justice," gives the following description of the events of May Day 1971:

THE NEW JUSTICE

In an appearance before Senator Ervin's subcommittee last year, Assistant Attorney General Rehnquist assured its members that no one had to fear government surveillance, because in an important matter involving the rights of citizens the Administration could be relied on to conduct itself with "self-discipline." To date, the most notable examples of this doctrine in practice have been the government's self-discipline in not making vigorous efforts to prosecute the National Guardsmen who killed four students and wounded eight others at Kent State University in 1970 or the Mississippi state troopers who murdered two students at Jackson State the same year. Perhaps the best measure of the Administration's promise to behave with restraint was its response to the Mayday demonstration in Washington last spring. After the riots that crippled Washington following the assassination of Dr. King in 1968, an advisory panel recommended that in future large-scale disturbances police use "field-arrest forms." Under this system, which the panel devised, a policeman who has arrested someone is to take him to the nearest police van, where a Polaroid photograph is taken of the two together as evidence that a particular officer arrested a particular person; the officer is then to fill out a brief form describing the circumstances of the arrest, attach the photograph to the form, and give the document to the custodian of the van.

Washington police adopted this system, and during the comparatively small protests that took place in Washington in the days immediately preceding May 3, 1971—the day that a group of militant anti-war protesters known as the Mayday Tribe had promised to halt traffic and slow down government operations throughout the city—the new procedure was used successfully in several hundred arrests. But at a little before seven o'clock on the morning of Monday, May 3rd, Chief of Police Jerry V. Wilson suddenly ordered use of the field-arrest forms suspended and the streets cleared. Within a few hours, more than seven thousand people had been arrested. Almost all of them were charged with disorderly conduct, which is a misdemeanor. Assistant Attorney General Rehnquist justified the government's action, which, he said, had been taken under a legal principle akin to "qualified martial law."

There is no such legal principle. Nor was martial law, or anything resembling it, invoked by the Administration. The principle that should have applied to the arrests was a very basic and very simple one: due process of law. Under federal law and most state laws, a police officer cannot arrest someone for a misdemeanor unless he sees the person commit the crime and can identify him and describe what he did before a magistrate. Wilson's order openly violated this elementary rule of due process, for, as everyone knew at the time, few policemen would later be able to connect suspects with acts committed during the melee.

In sum, any policeman who made an arrest without recording on the spot the identity of the suspect and the details of the crime made prosecution impossible. That, under the law, made the arrest illegal. Some of those who were arrested that day were taken into custody while they were actually breaking the law, but since they were arrested in a manner that precluded prosecution, they were arrested illegally. Others who had broken the law earlier and intended to break it again later were arrested while they were not doing anything wrong, so their arrests, too, were illegal from the moment they were taken into custody. And still others who were illegally arrested were innocent bystanders: passersby, attorney observers, government employees and business people on the way to work, journalists, and even a group of Canadian schoolchildren who had been brought to Washington by their teacher to observe democracy in action. Since a person who is unlawfully arrested or against whom there is no evidence of having committed a crime cannot be lawfully detained, the imprisonment of almost all the people locked up that day—and then held for anywhere from ten to sixty hours—was illegal. And every official involved—from the greenest rookie cop to the police chief, from the staff of the District's corporation counsel to the mayor, and from junior lawyers in the Justice Department to the Attorney General and the President—could not help but know that the most basic Constitutional right of due process of law, which lies at the heart of our system of criminal justice, was willfully disregarded from the moment that the first arrest was made until the last prisoner was released.

Chief Wilson, who is widely regarded as one of the most skillful and decent police chiefs in the country, took entire responsibility for suspending the field-arrest forms and ordering the mass arrest. It would be difficult to find anyone experienced in the ways of government who believes that these moves were made without prior approval by the Attorney General, with whom Wilson spent the better part of the Saturday before the arrests, and by the President, who had vowed that the protesters would not be permitted to close down the city for even an hour. "After all, the federal government is immediately and finally responsible for what goes on here," a judge who sat on many of the Mayday cases said afterward in private. "It is utterly inconceivable that a policeman would be allowed to make unprecedented decisions of that magnitude. However, it is not inconceivable that he would be allowed to take the blame." Time after time that day, Wilson was observed watching his men behave illegally and doing nothing about it; for example, they repeatedly ordered people, demonstrators and passersby alike, to move on, and then arrested them when they did.

"Wilson was therefore guilty of openly flouting the Constitution," the judge went on. "Since he did that in full public view, he must have known that he had his superiors' full support. That proved to my satisfaction that a high-level decision had been made to arrest as many people as possible."

On May 4th, thirty-eight hundred more people were arrested, over half of them for sitting down on the street in front of the Justice Department. Another judge, who happened to be on hand, later described what he had witnessed. "The demonstrators were orderly and peaceful," he said. "They came there by prearrangement with Chief Wilson, who had led them in an orderly fashion down the street. When they were all jammed in before the Justice Department, he waved them to a stop, and they sat down. Then, suddenly, the police came out of hiding in buildings at either end of the Department and slid across the street like two doors, boxing in the crowd. They put up barricades and ordered everyone to disperse. When some of the demonstrators tried to obey, they were arrested for crossing police lines. Then some of the cops who had taken off their nameplates waded in and started clubbing the kids on the perimeter, who sat there, unresisting, and took it. When no one fought back, the cops stopped beating them, and then everyone was arrested. This was a legal gathering—an expression of every citizen's right to petition the government for a redress of grievances and to speak and assemble freely. But by some sudden flick of an official switch it was all made illegal, without a shred of justification under the law. Every policeman who arrested anyone there ignored the law. So did Jerry Wilson, who gave the order. And so did the Attorney General, who was watching from a balcony at the Justice Department and didn't lift an eyebrow at this public rape of the people's rights." On the following day, fifteen hundred more people were arrested, twelve hundred of them on the steps of the Capitol, where they had gathered, peaceably and without any threat of violence, to listen to anti-war speeches by three members of Congress. Without warning, this crowd—or audience—was also rounded up and taken off to jail.

Of course, the Mayday Tribe's attempt to stop the government from operating was itself illegal. It was also foolish, and it produced some extremely ugly and senseless acts of violence. In a speech before the Rotary Club of Cleveland a month later, Deputy Attorney General Richard Kleindienst described a long list of these to demonstrate his contention that the government had been forced to respond as it did. Undoubtedly, each act that he mentioned had actually taken place. But his speech, entitled "Mayday Fable and Mayday Fact," contributed more fable than fact to the popular legend about the event by implying that his catalogue was typical of "this vicious and wanton mob attack."

Such behavior was no more typical of the protest than the occasional outburst of brutality committed by some officers was typical of the Washington Police Department. (Most of the violence that Kleindienst described occurred in Georgetown, and it was largely due to a lack of forethought on the part of the police there. They failed to have enough men on hand at the spot where the greatest concentration of young people was bound to be—the vicinity of Georgetown University—and although the police were outnumbered, they provoked a confrontation unnecessarily, and at the same time neglected to cordon off the small area involved, some ten blocks in all, or to reroute traffic entering it by way of the only through street in that part of town.) In any event, word had gone out from the Mayday organizers to campuses around the country that anyone who had violence in mind should stay away from the demonstrations, and while some of those who turned up assuredly were bent on violence, the consensus was that their number was probably one or two per cent of the total—some two hundred to four hundred hard-core radicals in all. As for the claim that the government's dragnet arrests had been necessary, most experienced observers were convinced that if the actual lawbreakers had been handled calmly under the field-arrest-form system, government workers would have been delayed in getting to work by, at most, an hour—the kind of delay that is ordinarily caused by a heavy rain or a light snow. "But the President had vowed that there would be no stoppage of the government, even for an hour, and he kept his word," one observer said a few days later. "God knows what he might do if there were a real emergency."

The police and the Administration were fully apprised of most of the demonstrators' plans, because several weeks earlier the Mayday organization had widely and openly distributed a twenty-four-page booklet called "The Mayday Tactical Manual," which described in detail the methods to be used during the protest. Early Sunday morning, the day before the mass arrests, the police gave the protestors four hours to break up their encampment in West Potomac Park. Almost all of the people there obeyed, and on their way out of the park their leaders posted hand-lettered and mimeographed signs on trees notifying everyone, including a legion of undercover agents, that such-and-such a state group would meet at such-and-such a place elsewhere in the city at such-and-such a time. When these meetings took place again with undercover agents present, they were devoted to discussions of the specific targets for the next morning. Everything was talked over openly and each plan was voted on, communal fashion, in each group. Most of the plans involved little more than elaborate practical jokes; for instance, an especially popular one was for several demonstrators to pretend to look for a missing contact lens in the middle of a key intersection during rush hour. A more serious proposal was that trash containers on street corners and loose materials at construction sites be used to block traffic. Despite these forewarnings, neither city nor federal authorities took any steps to remove the containers or guard the sites.

One lawyer who served as a congressional observer rose at 5 a.m. on May 3rd and proceeded to drive around Washington to see what was happening. "Between six and seven o'clock, I made a complete circuit of all the city bridges, where the main trouble was expected, and found practically no trouble," he reported later. "At one small exit, about sixty kids were sitting down on the ramp. I was the first motorist who was stopped. After a couple of minutes, they got up and left in a group. If they had had any kind of a plan at all, they would have detailed twenty people or so to stay and cut off that exit, while the rest went on to do something else. But apparently they only wanted to stay together. They were just kids, with no plan, no coordination, and certainly, in this particular case, with no vicious, wanton aims in mind. If they had planned to sabotage cars, they would have disabled mine, but they made no attempt to. When they left, they got teargassed—at that point, for doing nothing illegal. Then I drove around the grounds of the Washington Monument half a dozen times. Periodically, a few demonstrators would go out and sit down in the street, and the police would tear-gas them—again unnecessarily, because it would have been a simple matter to arrest them, without gas or violence or even much delay. As for the trash cans that got so much publicity, I found that most drivers simply stopped, got out of their cars, removed the cans, and drove on. There was almost no delay anywhere. In fact, because the presence of so many policemen discouraged double parking and illegal turns and such, most people got to work more quickly than usual."

Afterward, the police contended that if the field-arrest forms had not been dispensed with officers would have had to spend more time processing than arresting people. "That claim was based on the assumption that *all* of the demonstrators were going to break the law sooner or later, so they *all* had to be arrested," the same lawyer commented afterward. "But that was a wild assumption, because a lot of the kids were just out for a lark and would have fled at the first sign of a real bust—at least in the areas I observed. If the arrests had been confined to those who actually broke the law—a fairly simple matter—that would have scared off many of the others and reduced the problem to a manageable size." He went on to point out that while the number of demonstrators was limited to around twenty thousand at the outside, and the number of key intersections and bridges they could hope to tie up was limited to perhaps twenty, the number of troops available to Chief Wilson was, in practical terms, unlimited. "Wilson could have had all the troops he could possibly have used deployed wherever he wanted to keep the traffic moving," the lawyer added. "But it seems that he was unwilling to admit that his men couldn't handle things alone, so he ordered the mass arrests. At that point, he had to make a choice between violating the President's orders or the Constitution."

Apparently, it was also a case of official reliance on unreliable intelligence agents, who reportedly fed their superiors' worst fears by submitting as facts the kind of hysterical rumors that are most commonly the work of *agents provocateurs*. The only intelligence network that was worse than the Police Department's was the Justice Department's. "No one high up in the Department seems to know that you can pay small prices for big gains," a former employee in the Department said shortly after leaving there a year ago. "They have no imagination, no experience, no skill. And although they're supposed to be tough, cool guys, they jump out of their skins at the slightest shadow. Their fears are always political fears, and they are so committed to their impressions that they can't escape from them, whatever the evidence to the contrary. For example, Kleindienst later charged that there had been an international threat involved in the Mayday affair, because a few members of the crowd there had gone to Hanoi earlier to talk to North Vietnamese students, and one had also gone to Paris to talk to the North Vietnamese peace negotiators. It's difficult to believe that a grown man could get up and say that sort of nonsense—until you remember that he was one of Goldwater's campaign managers in 1964, and is a real Red-menace type. Of course, most of the intelligence material he relies on comes from F.B.I. agents, and they don't understand the simplest things. Shortly after Mayday, several hundred lawyers came down from Wall Street to protest the invasion of Cambodia. They were all dressed in three-piece Brooks Brothers suits and were carrying briefcases, and the F.B.I. men tried to infiltrate them while still wearing the beards, purple shirts, and bell-bottom trousers left over from Mayday."

Having ignored due process of law in arresting and imprisoning the Mayday people and anyone else who happened to be in the area being swept, the Administration proceeded to ignore the Constitutional and human rights they were entitled to as federal prisoners. The detention centers were human stockyards, or worse. They were dangerously overcrowded, some to the point where mass hysteria or violence was a constant threat; there were few beds or blankets, sanitary facilities were inadequate, and the filth, stench, and danger of influenza and hepatitis went unchecked. The government claimed that it was doing its best—to make certain, one critic remarked, that the prisoners would not be in a hurry to protest again. One judge took a look at the worst place of all—a cellblock under the Superior Court Building, where six hundred people were crammed into cells built to hold a quarter as many—and ordered that they be transferred at once to proper quarters, and officially stated that they had suffered "cruel and unusual punishment and irreparable injury." During the five days that demonstrators were detained, lawyers were denied access to most of the detention centers for protracted periods.

Where conditions were the worst of all—in the cellblock—the police refused to allow lawyers from the District of Columbia Public Defender Service, the American Civil Liberties Union, and other legal-aid organizations in to confer with prisoners for nearly a day, on the ground, as a representative of the Police Department later testified under oath, that they gave the prisoners undesirable advice and were unwilling to cooperate with the police. Kerby Howlett, a Public Defender Service attorney who regularly worked in the cellblock during ordinary times, finally got admitted there, along with one other lawyer, on a court order. "Nobody has ever had so many Constitutional rights violated in this town before," he said afterward. "On the day of the mass arrests, I saw many, many examples of police brutality. Cops clubbed demonstrators who hadn't done anything. If the cops couldn't catch somebody who had just broken the law, they'd club the nearest person, sometimes a demonstrator, sometimes just a passerby. But the cellblock was the worst thing I'd ever seen. The police there were full of hatred. Some of them whom I'd known for years and considered friends asked me why I wanted to help these rotton Commies—why did I want to stay in this filth? They suggested that I leave, and let them do the job that had to be done. I had expected to find a bunch of hell-raising kids spouting obscenities—the kind that the papers and TV had concentrated on—but most of them were decent, straightforward kids. They were militant, but they weren't at all radical or even sophisticated in terms of politics or political protests. But the police had a hatred for them unlike anything I'd ever seen before—far worse than their reaction to blacks during the 1968 black riots or even to black cop-killers. I had nightmares afterward—here it was, unbridled police power encouraged by the highest authority in the country."

To process the seven thousand people arrested on May 3rd, the Justice Department that night sent over some of its lawyers, who were generally young and inexperienced in such procedures but willing to help out after they were told that their assistance would enable the young people to obtain their release and be sent off to find hot food and warm beds. It wasn't until these lawyers had been processing prisoners for several hours that one of them realized what he was actually doing on instructions from his superiors in the Justice Department—falsifying arrest records. When he told his colleagues of his discovery, several of them immediately switched over to the legal-aid side and began advising the prisoners not to accept the Justice Department offer. One of these lawyers later testified under oath about what he had been told to do by the Department. First, he said, they were instructed to fill out an ordinary arrest form by writing down all pertinent personal data about the prisoner at hand.

Then under "Location of the Arrest" they were to write "D.C.," under "Type of Premises" they were to write "Public street," under "Specification" they were to write "Arrested during demonstrations in D.C. on May 3, 1971," and under "Arresting Officer" they were to write the name and badge number of one police officer, taken in rotation from a list of seven. Of course, the absence of specific details rendered the forms legally worthless (that is, once a judge saw them), and the arbitrary choice of arresting officers made them as unlawful as the arrests themselves. If any doubt remained about the Justice Department's determination to keep the protesters under its control as long as possible, law or no law, the betrayal of its own young employees, who by concocting official records may have committed far more serious crimes than any that the demonstrators were accused of, finally settled it.

While the police and the Justice Department's highest-ranking members were violating the letter of the law, the courts were violating its spirit. The District of Columbia Superior Court, which was set up by the court-reform part of the D.C. Crime Bill, was the court that was immediately in charge of the Mayday cases during the early stages. Its chief judge, Harold H. Greene, who had formerly served in the Civil Rights Division of the Justice Department in the Kennedy Administration, was known among his fellow lawyers as both capable and decent. As soon as the District of Columbia Public Defender Service learned of the mass arrests on Monday, May 3rd, it hurriedly drew up a petition for a writ of mass habeas corpus and submited it to Judge Greene. He heard arguments by both sides, the other side being the D.C. corporation counsel, under direction of the Justice Department in this case, and then, at eleven o'clock on Monday evening, granted the request—to take effect twenty-one hours later. That got the government through the next two crucial periods of rush-hour traffic—Tuesday morning and Tuesday evening. "Considering that the arrests were clearly illegal and that the defendants were being illegally held in horrible conditions, his decision was obviously based on political rather than judicial concerns," one defense attorney said later. "Judge Greene violated the whole purpose of habeas corpus, because he put himself in the role of an executor of public policy rather than in the role he was supposed to fill—the judge of that policy on objective legal grounds. To my mind, it's far worse for a judge to act as he did than it is for a cop to club an innocent person. At another point, defense attorneys pleaded with Judge Greene to order that they be allowed in to give the prisoners counsel, and, after a long delay, he ordered that two lawyers be allowed into the cellblock to consult with six hundred people for one hour. Ordinarily, anyone accused of disorderly conduct in Washington—the charge that nearly all the demonstrators were held under—is released upon posting a ten-dollar bond. Aware of this, the protesters had come to town with at least ten dollars apiece. Suddenly, after a meeting in the chief judge's chambers, judges of the Superior Court began setting bail in uniform amounts—usually two hundred and fifty dollars—and bail bondsmen uniformly refused to deal with demonstrators.

To get the young people out of detention, the Public Defender Service finally informed Judge Greene that it would try to persuade them to be processed if he would order that the processing not constitute an arrest record and that no records be sent on to the F.B.I., since it routinely distributes these on request to local police departments and to credit bureaus and banks; defense lawyers hoped to forestall this in the expectation that the cases would ultimately be thrown out for lack of evidence. Greene issued the order requested, but then the corporation counsel appealed the decision to the District of Columbia Court of Appeals, and this court overruled Greene. In the meantime, many of the demonstrators who had heard about Greene's order had agreed to undergo processing, and now had police records. "There was absolutely no basis in law for the Court of Appeals' order," Barbara Bowman, director of the Public Defender Service, said afterward. One widely accepted explanation was that the court knew the Justice Department wanted the fingerprints and photographs of all the demonstrators, and wasn't going to stand in the way; in the course of the litigation during that week, it seemed clear that, next to keeping demonstrators off the streets, establishing arrest records for them was the main aim of the government. "It was terrible to stand up there in court," Mrs. Bowman said, "knowing that you were absolutely right in appealing to the judges to understand that not far away thousands of people's basic rights were being abused and to suddenly realize that nothing was going to be done, because no one cared." Although there is no indisputable evidence that the Administration compelled, or persuaded, judges to delay matters, when one of them was privately asked if reports of such pressure were true he answered, "I can give personal assurance that they are."

On May 6th, a spokesman for the Administration announced that President Nixon was "totally satisfied" with the way the Mayday demonstrations had been handled, and added that no evidence had been produced to show that any unlawful arrests had been made. Two days later, the President met with Chief Wilson and commended him for acting "with firmness but yet with restraint." Two days after that, Attorney General Mitchell, in a speech before the California Peace Officers' Association, called the demonstrators "rights robbers," compared them to the Brown Shirts in Germany in the nineteen-twenties, praised "the valiant Washington policemen," and urged his listeners to adopt the same practices in the event of mass civil disobedience and disorder in their cities. During a Presidential press conference three weeks later, Mr. Nixon responded to a question about the affair by saying that the government has always protected the right to lawful dissent. Then he added, "But when people come in slice tires, when they block traffic, when they make a trash bin out of Georgetown and other areas of the city, and when they terrorize innocent bystanders, they are not demonstrators, they are vandals and hoodlums and lawbreakers, and they should be treated as lawbreakers." To be sure, those who acted in such ways should have been treated as lawbreakers. But the point was that they weren't. By treating the guilty and the innocent alike—illegally—the government made it impossible to prosecute those who should have been prosecuted. It also probably turned many ordinary dissenters into confirmed radicals. When Ralph J. Temple, legal director of the A.C.L.U. in Washington, talked to a group of prisoners who were held in the Washington Coliseum, they kept asking him what had happened, why couldn't they use or telephone or get legal help. "Yes, you have those rights and they're being violated because the court system has broken down," he answered. One of the prisoners nodded, and said, "You see? The Establishment has won, as we've been telling people like you all along. You tell us to work within the system, and when we try to, *they* ignore the system. Oh, they may throw us a sop now and then, but when it comes to the crunch they smash us with naked power."

Apparently, President Nixon had not learned much from his hasty prejudgments of Charles Manson and Lieutenant William Calley in earlier press conferences, for when he charged that the Mayday protesters who had been arrested were lawbreakers more than four thousand cases were still pending before the courts. Of the first two thousand defendants, one was found guilty. In the cases of nearly twenty-five hundred other defendants, which were dropped for lack of "adequate evidence," the A.C.L.U. volunteered to take on the task of notifying them that they did not have to appear for trial if the prosecution would provide a list. It did—one that was partially illegible and lacked a large number of addresses. When the A.C.L.U. finally got a proper list, it learned from some of the people on it that their inquiries to the Superior Court clerk's office about the state of their cases, after the order to drop all charges had been issued, had brought the uniform response that they had to appear for trial. The A.C.L.U. complained to the court, which explained that this had been an error and promised that it wouldn't happen again. Afterward, several A.C.L.U. employees telephoned the court, said that they were defendants on the list, and asked about their cases; they were all told that they had to appear for trial. Whenever defendants whoses cases had not been dropped failed to appear for trial, corporation-counsel attorneys invariably asked the court to forfeit their posted bonds and to file criminal records; this resulted in about two thousand technical convictions. Another six hundred people pleaded either guilty or no contest—according to the A.C.L.U., under coercion. Of the other thousands of people arrested and detained, sixty-one were finally convicted—all on minor charges. In the end, the United States Circuit Court of Appeals threw out all the cases remaining that had not been settled one way or another, and directed that criminal records not be sent to the F.B.I. or, if they had already been sent, that they be returned.

Shortly before the Presidential campaign of 1968, Mr. Nixon remarked that any American President's overriding concern must be foreign affairs and that he can leave domestic matters largely to his Cabinet. As misguided as that outlook may be—no leader can deal successfully with other nations unless he has dealt successfully enough with his own to have its people behind him—it suggests that President Nixon may not have been fully aware of what his subordinates in the Department of Justice were actually doing when they devised the new anti-crime laws or when they put down the Mayday threat.

Indeed, it is even possible that neither he nor the deputy to whom he gave the greatest trust and responsibiltiy in domestic affairs, former Attorney General Mitchell, realized what such policies could lead to. As largely political men, they have often seemed to view the power the people have given them to do what is fitting as power to do as they see fit. To such men, who have demonstrated an inclination to consider the immensely complex forces of the nation solely in terms of short-run political gains or losses, the Constitution must at times seem an obstacle to their ends rather than a bulwark of the people's freedom. And it is conceivable that the President and his Attorney General never fully acknowledged to themselves one price they paid for the support of the right wing in 1968—the appointment of Goldwater, Thurmond, and Reagan men to key places in the Administration.

Yet these men, too, undoubtedly believe in their cause—to preserve America as they understand it. For instance, Richard Kleindienst, Attorney General designate, who was in daily charge of the Department of Justice and *had* to know what his subordinates were doing, is, apparently convinced that a few thousand radicals on the opposite side, with no power and no support from the public at large, threaten to bring down the nation. None of these officials has acted or spoken in any way that would demonstrate an understanding of how fragile a system our democracy is. If they do in fact understand that, then their official actions—in pressing for laws that can now be used to crush civil liberties, in prosecuting leaders of the antiwar movement to still dissent, in harassing the press to end criticism, in invading the privacy of tens of thousands of citizens to catch a handful of crooks, in illegally suppressing protest to show firmness—must be taken as signs that they see the system's weakness as an opportunity, not a peril. The system has survived this long largely because no President before now has used, or allowed to be used in his name, the people's deepest fears to divide them and to turn the majority's tyrannical instincts against his political enemies. No one can say that the President has willfully set out to undermine the Constitution that he swore to uphold. But how would the results be different if he had?

Mr. President, I yield the floor.

The **PRESIDING OFFICER**. What is the will of the Senate?

Mr. **FANNIN**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **ROBERT C. BYRD**. Mr. President, I make the following requests as in legislative session:

VACATION OF ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON MONDAY NEXT

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that the order for the recognition of the distinguished senior Senator from Wisconsin (Mr. Proxmire) on Monday next be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PUBLIC HEALTH SERVICE ACT—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 3442, a bill to amend the Public Health Service Act, is called up, there be a time limitation thereon of not to exceed 20 minutes, the time to be equally divided between the Senator from Massachusetts (Mr. Kennedy) and the Senator from New York (Mr. Javits); that time on any amendment thereto be limited to 10 minutes, to be equally divided between the mover of such amendment and Mr. Kennedy; and that the time on any debatable motion or appeal in connection therewith be limited to 10 minutes, the time to be equally divided between the mover of such and Mr. Kennedy.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday next, at the beginning of the period for the transaction of routine morning business, the Senate proceed to the consideration of Calendar No. 791, S. 3442.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, there will be a rollcall vote on S. 3442 on Wednesday next, and I ask unanimous consent that it be in order to order the yeas and nays on S. 3442 at any time.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask that staff people not walk in front of Senators when Senators are addressing the Chair.

The PRESIDING OFFICER. The Senator's request is well taken.

AUTHORIZATION FOR THE COMMITTEE ON COMMERCE TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce be authorized to file reports until midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF RICHARD G. KLEINDIENST

Mr. HRUSKA. Mr. President, earlier in the discussion this afternoon in connection with the confirmation of the nomination of Mr. Kleindienst, some colloquy was engaged in between the Senator from Louisiana (Mr. Long) and the Senator from Indiana (Mr. Bayh) in regard to the so-called Carson case.

During the hearings, the Senator from Indiana was considerate enough to call attention to the fact, while Mr. Kleindienst was a witness before the Judiciary Committee, that a couple of articles had appeared, one in the Boston Globe and one in the Washington Star, on the subject of the Carson case indicating that Mr. Kleindienst should be given an opportunity to go into this matter in greater detail than he had in the trial of this case in New York.

The Senator from Indiana did ask the nominee about the case and he declined to amplify his New York testimony. As to why Mr. Kleindienst took this position, we find his statement thereon on page 1710 of the hearings. Mr. President, I ask unanimous consent to have printed at this point in the Record an excerpt from his testimony appearing on that page.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

> Mr. Kleindienst. . . . I was a witness in that case. I testified in open court in the Federal District Court for the Southern District of New York. My testimony in that matter is a matter of open record. That case is on appeal and I believe that either as a lawyer or as an officer of the Department of Justice that it would be improper for me to comment in any way upon any aspect of that case because by doing so I might risk prejudicing the rights of the defendant in that case, either on appeal or in a retrial of the matter, if one comes about, or to prejudice the rights of the U.S. Government which was the plaintiff in that case.
>
> I am, therefore, indicating to you in advance, Senator Bayh, that I will not make any comment or respond to any questions with respect to that matter; and if unfortunately, that leaves questions open with respect to my conduct as a Deputy Attorney General of the Department of Justice, then I will just have to run that risk because I think the rights of litigants in serious matters, such as this, that deal with their lives in criminal proceedings under our law, are more important than any interest in my favor which you might have to get a further extension of any comments from me about it. (p. 1710.)

Mr. HRUSKA. He did refuse to make any comment or to respond to any questions with respect to that matter; and he did it because he might be risking, as he says in his statement:

> Prejudicing the rights of the defendant in that case, either on appeal or in a retrial of the matter, if one comes about, or to prejudice the rights of the U.S. Government, which was a plaintiff in that case.

Canons 1 and 7 of the Code of Professional Responsibility of the American Bar Association do forbid such comment, and disciplinary rule 1–102(A)(5) reads as follows:

> A lawyer shall not engage in conduct that is prejudicial to the administration of justice.

I ask unanimous consent that disciplinary rule 7–107 be printed at this point in the Record.

There being no objection, the rule was ordered to be printed in the Record, as follows:

DISCIPLINARY RULE 7–107

> "(B) A lawyer or law firm associated with the prosecution or defense of a criminal matter shall not, from the time of the filing of a complaint, information, or indictment, the issuance of an arrest warrant, or arrest until the commencement of the trial or disposition without trial, make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that relates to:
>
> (1) the character, reputation, or prior criminal record of the accused.
>
> * * * * *
>
> (6) Any opinion as to the guilt or innocence of the accused, the evidence, or the merits of the case.
>
> "(D) During the selection of a jury or the trial of a criminal matter, a lawyer or law firm associated with the prosecution or defense of a criminal matter shall not make or participate in making any extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that relates to the trial, parties, or issues in the trial or other matters that are reasonably likely to interfere with a fair trial, except that he may quote from or refer without comment to public records of the court in the case.
>
> "(E) After the completion of a trial or disposition without trial of a criminal matter and prior to the imposition of sentence, a lawyer or law firm associated with the prosecution or defense shall not make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by public communication and that is reasonably likely to affect the imposition of sentence.
>
> "(I) The foregoing provisions of DR 7–107 do not preclude a lawyer from replying to charges of misconduct publicly made against him or from participating in the proceedings of legislative, administrative, or other investigative bodies."

Mr. HRUSKA. It is true that under subsection (I) of DR 7–107, the "no comment" rule is not binding in those situations in which an attorney is participating in the proceedings of legislative, administrative, or other investigative bodies. However, the reason for this exception is to accommodate the limited needs of these types of proceedings, not to permit an erosion of the main part of the rule by the device of communicating all the information to a legislative committee.

The foregoing disciplinary rules are applicable to attorneys of the Department of Justice. That is set forth in the American Bar Association opinions on professional ethics No. 199 (1940).

Recently, the Department promulgated regulations which substantially incorporate the principles embodied in DR 7–107, 28 C.F.R. 50.2 and following. Also Department of Justice Order 116–56 prohibits comment by Department attorneys on pending litigation in the Department.

Mr. HRUSKA. Furthermore, Mr. President, the Supreme Court repeatedly has decried any extra judicial comment that might prejudice a criminal trial.

There are several citations which I ask unanimous consent to have printed in the Record as well.

There being no objection, the citations were ordered to be printed in the Record, as follows:

> *Marshall* v. *United States*, 360 U.S. 310 (1959); *Irwin* v. *Dowd*, 366 U.S. 717 (1961); *Rideau* v. *Louisiana*, 373 U.S. 723 (1963);

Estes v. *Texas*, 381 U.S. 532 (1965); *Sheppard* v. *Maxwell*, 384 U.S. 333 (1966).

Mr. HRUSKA. Mr. President, the reason I do this is that it would ill become the state of the record for any adverse conclusion or impression to be gathered by readers of the Congressional Record, or by any Member of this body, by reason of the fact that Mr. Kleindienst did not comment on that case and that he stated he was unwilling to answer any questions on it. The case, after all, is still pending. It is on appeal. There is a possibility of a retrial. The propriety or the impropriety of what Mr. Kleindienst did is a matter of public record. It was referred to at some length in the record during the trial and will stand close scrutiny.

There is much to what the Senator from Louisiana had to say in situations of that kind. There is much merit in the position he did describe, which is one which was taken by an earlier holder of the office of Deputy Attorney General.

It is for those reasons that I think this material is of benefit and would be enlightening to those who read the Record.

Mr. BAYH. Mr. President, will the Senator from Nebraska yield?

Mr. HRUSKA. I yield.

Mr. BAYH. Would the Senator define what part of the statement of the Senator from Louisiana he wishes to suggest has great merit? The suggestion that Mr. Kleindienst did not take a bribe? Is that the kind of thing we should place a great deal of emphasis on, that this should be the behavior above and beyond that normally expected of a public official?

Mr. HRUSKA. The Senator knows better than that. I am sure, upon review in his own mind, he would know better than that.

As I understand it, the position related by the Senator from Louisiana in a discussion with a former Attorney General, the former Attorney General said that if there was such a man-to-man colloquy or conversation, and one would say, "Yes, a bribe had been tendered," and the other would say, "No, a bribe had not been tendered," then so far as he was concerned, he would forget the whole thing, because it would not serve any useful purpose to get into a yes-or-no proposition.

I am not debating the merits of this kind of position. It is certainly an interesting point that was brought up by the Senator from Louisiana. But, at any rate, in view of that position, and in view of the discussions of the matter by the Senator from Indiana, it seems to me the type of material inserted in the Record by this Senator, is well worth considering for general enlightenment.

Mr. BAYH. I appreciate the fact that the Senator from Nebraska has put into the Record this information. I only rose to ask a question. I am not sure whether the Senator was here during the entire colloquy between the Senator from Louisiana and me.

Mr. HRUSKA. No, I was not. Frankly, no.

Mr. BAYH. The matter I did raise had been raised by the Senator from Louisiana and I did not want the Senator from Nebraska to endorse that particular part of the colloquy, unless he intended to. That is why I raised the question.

Mr. HRUSKA. I did not understand that part of the colloquy related by the Senator from Louisiana as trying to minimize any offer of a bribe being made to any officeholder. I did not understand his explanation of that situation to be that. The Senator from Indiana brought it up. I would not want to describe that kind of situation as being condonable or acceptable.

Mr. BAYH. The Senator from Louisiana said that he thought, if we are going to give Mr. Kliendienst bad marks for not recognizing a bribe, we should give him good marks for not taking a bribe.

Mr. HRUSKA. Good marks for one who describes that kind of effort in court as Mr. Kliendienst did. I think Mr. Kleindienst should have a lot of good marks. It is not easy to accuse and to follow through on an accusation of an attempt to bribe. It is not an easy task. It is not a pleasant task, particularly when the one accused is occupying an important position, as Carson did in the Senate. It is not an easy task to do. Mr. Kliendienst should get, and in my estimation he does get, a lot of good marks for doing what he did.

Mr. BAYH. In other words, this is beyond what we normally would expect of an Attorney General in terms of conduct and behavior? He should get an A-plus for his conduct here? That is, we should not expect the same from any other official? I believe that that should be the least we should expect from anyone in public office, to turn in someone who tries to bribe him—even if it is a week late—and to testify in court about it.

Mr. HRUSKA. I cannot say that that is a judgment that would stand scrutiny: that because a man does not take a bribe he should not get credit for it. How foolhardy to make a statement of that kind. Do I understand correctly the Senator from Indiana to say that?

Mr. BAYH. The Senator from Indiana is suggesting that we should not put someone at the head of the class because he could not be bought for $100,000. That should be the minimum we should expect from any of us. The Senator does not say that a man is qualified to be in high office simply because he will not take a bribe?

Mr. HRUSKA. Is it any ground for denying confirmation to high office of anyone when he does not take a bribe, when he comes forth and testifies as to that particular situation? That is the position of the Senator from Indiana. I cannot see the sense——

Mr. BAYH. No, no, no. That is not what I am saying at all. The Senator from Nebraska was not here during the entire colloquy. The matter that concerns me is that this conversation did take place. The Senator from Nebraska is aware of it, in which this gentleman sat down in Mr. Kleindienst's office and said that he had a friend in trouble and if he could fix a case that friend would make a contribution of $50,000 to $100,000 to the presidential campaign of President Nixon.

The Senator from Louisiana said he thought that was easily recognizable as a bribe. Does the Senator from Nebraska agree with that part of the statement of the Senator from Louisiana?

Mr. HRUSKA. I do not know what the first statement was. I will let the public record of Mr. Kleindienst's testimony on that speak for itself. The same should be true for the remarks of the Senator from Louisiana. I am not familiar with the record well enough to know whether the paraphrasing or the quotations of the Senator from Louisiana are whole, in context, or accurate.

Mr. BAYH. Will my friend from Nebraska let me read it to him? I shall be happy to do so.

Mr. HRUSKA. I shall be happy to have the Senator put that in the Record.

Mr. BAYH. I do not want my friend from Nebraska to be associated with any well-intentioned remarks that the Senator from Louisiana may have made while the Senator from Nebraska was off the floor. The conversation we had—let me read what happened, as follows:

> Mr. Carson sat down in a chair in front of my desk and said that he had a friend in New York who was in trouble, and that if I could help him with respect to his trouble, his friend was a man of substantial means and would be willing to make a substantial contribution of between 50 and 100 thousand dollars to the reelection of President Nixon.

The Senator from Louisiana said that was easily recognizable as a bribe. Inasmuch as the Senator from Nebraska said there was a great deal to recommend the position of the Senator from Indiana, I wondered if he concurred in that assessment of Mr. Carson's offer in Mr. Kleindienst's office.

Mr. HRUSKA. The testimony of Mr. Kleindienst and his conclusion as to what it was is pretty convincing. I would like to let it rest at that.

Mr. BAYH. Then the Senator from Nebraska does not agree with the assessment of the Senator from Louisiana that this is recognizable as a bribe?

Mr. HRUSKA. I did not indicate any personal conclusion. The witness testified in that case and it was his judgment that it was bribery and from all appearances in the testimony just read it would be. But I was not present; I have no firsthand knowledge of the facts. I am not in a position to judge. And I do not know that my conclusion would have any great weight one way or the other. It was the considered judgment, however, not only of Mr. Kleindienst but also of the jury and of the judge, that it was bribery. I think that is sufficient and I would find no reason to quarrel with that conclusion.

Mr. BAYH. Therein lies a little concern that apparently I have that the Senator from Nebraska does not have, because the record will show, and I can dig it out and read it to the Senator so that there is no misinterpretation of it, that the man now designated as the Deputy Attorney General, when presented with this proposition, and for a week thereafter, did not think it was a bribe. The Senator from Louisiana said he could recognize it as a bribe. It sounds like a bribe to me.

I do not know whether the Senator

from Nebraska would know that it was rather obvious that this was an attempt to bribe a public official. But the Attorney General designee—when he was first presented with this and, later when he testified in court—said that he did not think it was a bribe for a full week.

Mr. HRUSKA. He did testify on it and he presented it in his testimony in open court. I do not know why the Senator wants to hold it against a man who engages in that conversation and then comes out and says in court, "Yes, this is what happened."

He testified in court in a case involving a bribery charge which was asserted and proved. What is wrong with that? I see nothing but plus points in a situation of that kind.

Mr. BAYH. I think we are talking about placing a man in a very high office with very great responsibility, where his judgment as to when to prosecute a case and when to ask a U.S. attorney or a lower official in the Justice Department to convene a grand jury or seek an indictment for a crime are most important. All of these matters involve a great deal of discrimination involving the Department of Justice as to when a case is pursued and when it is not.

It seems to me that to give the background of the case and just to embellish on it a bit, I point out that he was asked this question:

> It is true then, is it not, that on November 24, 1970 . . .

That is the date that I related in the conversation in the office. The question was:

> On November 24, 1970, you did not regard that, in the conversation you had with Mr. Carson, that he had offered you a bribe?
>
> Mr. KLEINDIENST. No, I did not.
>
> QUESTION. If you did regard that conversation as containing a bribe offer, you would have immediately reported it, would you not?
>
> ANSWER. Yes, sir. I would have.

The fact is that it went on for a whole week and Mr. Kleindienst did not consider it as a bribe and did not report it to the Attorney General until a week later when he did learn inadvertently that the FBI was going to put a bug on Mr. Carson.

I am very concerned about that. I am not alleging that Mr. Kleindienst knew anything different than what he said by his own words. He did not recognize that as a bribe.

I must say that if someone were to come into my office or into the office of the Senator from Nebraska with such a proposition, we would recognize it as a bribe pretty quickly.

Mr. HRUSKA. I am sure that is correct. However, the record is there in full. The record will show that the conversation was a very brief one. And as soon as Mr. Kleindienst learned that it was a man who was already indicted that was involved, he said. "That is the end of the conversation."

The whole record is there.

On the other hand, the Senator from Indiana is welcome to engage and indulge in any inferences he wants. However, any reasonable-minded man could read the entire record and the events which transpired later and would find nothing on which to hang his hat as a basis for criticism of Mr. Kleindienst.

Mr. BAYH. Well, he didn't say, "that was the end of the conversation." They went on to talk about individual appointments and other matters. I hope that everyone in the Senate will read the material which the Senator from Nebraska had placed in the RECORD in an attempt to explain the refusal of Mr. Kleindienst to answer the questions asked of him by the Senator from Indiana.

There is no precedent whatever for his refusal. There is nothing in the record to satisfactorily explain away the refusal or to explain the fact that the Acting Attorney General in responding to that question did distort the issue and say it would prejudice the Government's case.

It is rather ridiculous. How in the world could the Acting Attorney General prejudice the court case? One has only to look at the record. There has never been any explanation of how it would prejudice a jury if one had been called at a future time. This was a crutch used later by the Acting Attorney General to explain away a very embarrassing situation for which, in my judgment, there is no explanation.

Mr. HRUSKA. Mr. President, all I would like to say with respect to Mr. Kleindienst's position is that we have canons of judicial conduct and we have the canons of the American Bar Association which are set forth in the material I have put in the RECORD. We have Department regulations by which it is provided that no comment should be made on pending litigation. It would appear that the nominee was acting properly by this refusal.

The Senator from Nebraska says that prejudice could flow from it. This Senator says that he would be breaking the canons of the American Bar Association and the canons of judicial conduct and the Department regulations if he had done it. He would be subject to criticism by any Member of the Senate who could say, "Why did you break your own regulations? You have commented on litigation that is pending. The regulations say you should not do it."

What is a man to do under those circumstances in the almost cavalier suggestion of prejudice that could follow his testimony on the subject? What is a man to do?

Mr. BAYH. Would the Senator from Nebraska care to advise the Senator from Indiana why it is that the now Attorney General designee was so scrupulous in adhering to the Department doctrine and the ABA counsel on this particular case, when the man is before the Senate committee and is on television before the Nation, when he had in the case of the May Day arrests violated the very canons he is now seeking to hide behind.

Mr. HRUSKA. On the May Day arrests?

Mr. BAYH. Of Course. He did not hesitate to tell everyone what his opinion was on that. He was the No. 2 prosecutor in the Nation, and yet he was revealing the facts on this affair in violation of the same doctrine he is now trying to hide behind.

Mr. HRUSKA. This is a new area and I do not have all of the facts at my fingertips. However, I see a few distinguishing factors. The U.S. Government was not a party. It was the District of Columbia that was a party, according to my recollection. At the time of the statements, immediately following the riot, there were no cases pending, there was no appeal pending. Additionally, the nominee was not directly involved in these cases and could in no way know he would later be called as a witness. That situation of the May Day cases did not fall within the purview of the rules.

Mr. BAYH. The District of Columbia is a direct adjunct of the U.S. Government. It is not like the State of Indiana. He was a witness in the May Day case as well.

Could the Senator from Nebraska give me chapter and verse from the Department of Justice edict or anything else that discriminates between the two cases? They seem to be similar. In one of them he violated the edict. Yet, in the other case he is very clear in describing what he thought would be a violation of that edict.

Mr. HRUSKA. I suggest the posture of the two cases and Mr. Kleindienst's participation in them are quite different.

The question was raised by the Senator from Indiana on page 1710 of the hearings whether it would not be a little bit inconsistent to treat one case in one way and another in another way.

And the nominee said:

> And with respect to the May Day cases, I don't believe that there are any appeals that are in existence with respect to any verdict of guilty that came about as a result of the conduct of any of the alleged defendants in that case.

He discussed it on that basis. It is a good and valid distinction.

Mr. BAYH. If the Senator from Nebraska would care to have me present the matter on Monday—I do not have it here today—I could present the case of James Buckley, who was one of the men involved in the May Day protest and was picked up off the street and was brought into court. Mr. Kleindienst was a witness. He was a witness in the case of Buckley against U.S.—unreported—Criminal No. 2216471 A–B; U.S. attorneys Louie Moore and Charles Work, prosecuting.

He might have said—on page 1710 of the record of the hearings—that he was not a witness, but again, the facts contradict his assertion. The case was on July 9, 1971.

Mr. HRUSKA. Maybe so. This is what he testified:

> That was a little different situation, Senator Bayh. You are dealing with misdemeanors on the one hand, in the other circumstances you are dealing with very serious charges—conviction of a felony, an appeal, the possibility of another trial; and if I am in error on this, Senator Bayh, then I will have to accept the responsibility for that error. I am not going to respond to questions with respect to that matter even if by refusing to it results in a detriment to myself.

He was acting in a thoroughly dignified, professional fashion in what he did and in a fashion commensurate with the high office of Attorney General.

Mr. BAYH. In other words, referring to action commensurate with the high office of Attorney General, first, it is all right for the Deputy Attorney General to violate an American Bar Association canon and to violate a departmental doctrine if we are only dealing with misdemeanors, but the same is not true with respect to felonies. In other words, a man can set a double standard for himself.

Mr. HRUSKA. I would respectfully suggest that to put this matter in the language the Senator suggests begs the question. He did not break the rule, and there is a distinction between these cases.

Mr. BAYH. Quite to the contrary, if there is such a rule, he broke it. I am not, however, persuaded that the rule relied upon by my friend from Nebraska, although I am sure he is sincere in presenting his case, is entirely applicable to the case in point.

How does one explain the refusal of Mr. Kleindienst to answer the question of the Senator from Indiana on the Carson case, which is strikingly similar to the circumstance, relative to the gentleman I referred to in the May Day case. One involves a misdemeanor and the other involves a felony.

Mr. HRUSKA. I repeat that the Senator from Indiana is free to indulge in any interpretation he wishes to on this matter. For the purpose of this record and the debate, however, all the material is there and each of the 100 Members of this body can have access to that material and apply his own conclusions.

Mr. BAYH. Mr. President, I know every Member of this body is going to make his own determination after giving the matter a great deal of the kind of consideration that is required. It is not beyond reason to suggest that my friend from Nebraska could look at the same facts as the Senator from Indiana and reach a different conclusion, but I think it is important for us to realize what these facts are.

It seems to me the facts of the case are indisputable.

Mr. President, the facts are similar enough for us to consider whether he is setting a double standard of justice or not. There is no question that the American Bar Association has a canon denying attorneys from saying or doing something that would prohibit justice from being meted out. There is no question about the need for officials in high places to keep from making statements that might prejudice cases—particularly cases in which they have been involved.

Mr. President, I ask unanimous consent to have printed in the RECORD cases which might be of help to the Senators in pursuing what prejudice really means under the law.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPENDIX B—SUMMARY OF THE MAJOR DECISIONS OF THE U.S. SUPREME COURT

Marshall v. *United States,* 360 U.S. 310, 3 L. Ed. 2d 1250, 79 S. Ct. 1711 (1959).

Defendant was convicted of unlawfully dispensing dextro amphetamine sulfate tablets without a prescription from a licensed physician. The government proposed to prove that defendant had previously practiced medicine without a license. Such evidence was ruled inadmissible but during trial two newspapers published accounts which recited that Marshall had practiced medicine without a license and had been convicted of forgery. The seven jurors who had seen all or portions of the news articles swore that they would not be influenced by them, that they could decide the case only upon the evidence of record, and that they felt no prejudice against petitioner as a result of the articles. Despite the testimony of the jurors, which under earlier rulings would have been sufficient to show impartiality, the case was reversed and sent back for new trial because the jurors were exposed to the inadmissible evidence through the news articles.

Janko v. United States, 366 U.S. 716, 6 L. Ed. 2d 846, 81 S. Ct. 1662.

The Supreme Court reversed in a per curiam memorandum decision without opinion. The case below is reported at 281 F. 2d 156 (CA 8 1960). Janko was found guilty of willfully attempting to evade income tax for three years by improperly claiming two of his own minor children as dependents. The tax amounts involved were 134.00 for 1954 and $264.00 for each of the years 1955 and 1956. Although divorced, Janko contributed certain sums to the support of his children; but he was charged with willful evasion on the theory that he had not contributed more than one-half of each child's support. The first trial ended in conviction but a new trial was granted when four members of the jury admitted that they had read or had been apprised of prejudicial newspaper articles. During the second trial a local newspaper published an article with reference to the defendant as a former employee of East Side rackets boss Frank (Buster) Wortman and as a former convict who was found guilty in January in the same case but was granted a new trial when four jurors acknowledged that they had read newspaper accounts of the charges against him. After the verdict the jurors were asked en masse whether they were persuaded or influenced by anything other than testimony in the Courtroom during the trial and none responded.

The case was similar to *Marshall* in that inadmissible evidence was published during the trial. Presumably the Supreme Court thought the case was covered by the decision in *Marshall* and no opinion was published.

Irvin v. Dowd. 366 U.S. 717, 6 L. Ed. 2d 751, 81 S. Ct. 1639 (1961).

Six murders were committed in the vicinity of Evansville, Indiana, between December, 1954, and March, 1955. Defendant was arrested April 8, 1955, and shortly thereafter police officers issued press releases which were intensively publicized stating that defendant had confessed to the six murders. Defendant sought a change of venue which was granted but only to the adjoining county. Defendant then sought a further change of venue because of widespread and inflammatory publicity which he claimed had prejudiced the inhabitants of that county. The second change of venue was denied. After the conviction was affirmed by the Indiana Supreme Court, defendant brought this habeas corpus proceeding. Although the court recited the ancient rule that,

> "It is sufficient if the juror can lay aside his impression or opinion and render a verdict based on the evidence presented in court. . . ." (At p. 723)

It went on to say that such a rule does not close inquiry as to whether in a given case the application of the rule deprives a defendant of due process of law. As a result of the barrage of publicity eight jurors thought defendant guilty. The court found prejudice established despite the jurors' statements that they would be fair and impartial.

> "With such an opinion permeating their minds it would be difficult to say that each could exclude this preconception of guilt from his deliberations. . . . Where so many, so many times, admitted prejudice, such a statement of impartiality can be given little weight. . . ." (At p. 727)

The court already abandoned any belief that a juror exposed to prejudicial publicity is proven impartial by his declaration that he will not allow such evidence to influence him.

> "The influence that lurks in an opinion once formed is so persistent that it unconsciously fights detachment from the mental process of the average man. . . ." (At p. 727)

Rideau v. *Louisiana,* 373 U.S. 723, 10 L.Ed. 2d 663, 83 S. Ct. 1417 (1963).

The day following his arrest the defendant was interviewed by the Sheriff concerning a robbery and murder. Defendant was not represented by counsel nor advised of his rights. The interview which was televised on three consecutive days was characterized by the Supreme Court as a kangaroo trial presided over by a Sheriff with no attorney to advise Rideau of his right to remain mute. The court said it was not necessary to examine the transcript of the examination of the jury to hold that due process required a trial before a jury drawn from a community of people who had not seen and heard Rideau's televised interview. Denial of change of venue was held error. Justices Clark and Harlan dissented on the grounds that it was not shown that adverse publicity had fatally infected the trial two months after the televised interview. This was the first case in which it was clearly held that denial of due process may result from prejudicial publicity even in the absence of any showing of actual prejudice by particular jurors as a result of such publicity.

Estes v. *Texas,* 381 U.S. 532, 14 L.Ed. 2d 543 85 S. Ct. 1628 (1965).

Conviction for swindling was reversed as a result of televising of the two day preliminary hearing and part of the trial. "No isolatable prejudice" was shown but the court held that in some cases actual prejudice is not a prerequisite to reversal.

Sheppard v. *Maxwell,* 384 U.S. 333, 16 L. Ed. 2d 600, 86 S. Ct. 1507 (1966).

Defendant's wife was bludgeoned to death July 4, 1954, in the upstairs bedroom of the home. Defendant claimed that he was dozing on the couch in the living room when he heard his wife cry, rushed upstairs, grappled with a "form" and was rendered unconscious. The court recites in detail the massive buildup of publicity culminating in front page editorials demanding the arrest of the defendant which occurred promptly thereafter on July 30. The publicity then grew in intensity until indictment August 17. Clippings from three Cleveland newspapers covering the period from the murder until conviction in December, 1954, filled five volumes. At the trial representatives of television, newspapers and radio stations completely filled the Courtroom except for a few seats in the last row. Defendant, the attorneys, witnesses and the jurors were constantly exposed to the news media. As a result of publication of names and addresses of jurors, anonymous letters, and telephone calls were received by all prospective jurors.

The Supreme Court indicated that the burden of showing essential unfairness as a demonstrative reality need not be undertaken in cases with such massive and pervasive publicity. The trial court had refused a request to interrogate the jurors as to whether they had read or heard specific prejudicial comment about the case, but the Supreme Court said that ". . . In these circumstances, we can assume that some of this material reached members of the jury. . . ." (At p. 358).

The *Sheppard* case is another landmark decision because the Supreme Court there enunciated specific suggestions as to what should be done to avoid the effects of prejudicial publicity. The Supreme Court said that the trial court should have limited the number of members of the news media in the Courtroom; should have insulated the witnesses (who though barred from the courtroom during trial had available to them from the news media the full verbatim testimony of other witnesses); should have made efforts to control the release of information by police officers, witnesses and counsel for both sides; should have warned the newspapers to check the accuracy of their accounts; should have proscribed extra judicial statements by any lawyer, party, witness or court official concerning refusal to submit to lie detector tests, any statement by the defendant, the identity and credibility of prospective witnesses, belief in guilt or innocence or like statements concerning the merits of the case; should have requested City and County officials to promulgate regulations with respect to dissemination of information about the case by their employees; and reporters should have been warned as to the impropriety of publishing material not introduced in the proceeding.

Finally, trial judges were instructed that where there is a reasonable likelihood that prejudicial news will prevent a fair trial, the judge should continue the case or transfer it to another County, consider sequestration of the jury, and grant a new trial if publicity during the proceedings threatens the fairness of the trial. Collaboration between counsel and press as to information affecting the fairness of a criminal trial was said to be not only subject to regulation but highly censorable and worthy of disciplinary measures.

Mr. BAYH. Mr. President, this prejudice is prejudice that involves making statements that might inflame or impassion the people of the community that are then asked to sit on a jury. Quite naturally, if they read headlines attributed to officials, prosecuting officials, law enforcement officials, U.S. Senators, whatever it might be, it might be difficult to get a jury to do justice on a case. But I must say no case has even been brought to my attention where a mere explanation, a mere response in a Senate hearing, such as that I sought to elicit from the Attorney General designate has ever been described to fall in this category of prejudice.

That is not the kind of thing we are talking about. Here is a man who testified of his own volition in open court. He had already stated what happened. The only thing I wanted to find out was not a further embellishment of what happened vis-a-vis the Acting Attorney General and the defendant; I wanted to know why it was that such an obvious effort to bribe one of the highest officials in this land was not recognized for the bribe it was. The Senator from Louisiana said what he thought it was—a bribe. I do not want to put words in the mouth of the Senator from Nebraska, but he would let the words of the Attorney General stand for themselves. I just want to know why. Is the Attorney General-designate just to go stone cold and look down that gun barrel, as if we have offended some holy rule by asking a question like that, and refusing to tell us why for a whole week, why an obvious bribe was not recognized as a bribe. This goes to the man's judgment and that is why I asked the question in the hearings.

I think that this is just like the Steward case that has been referred to frequently, which was an effort of the Attorney General to say that nothing was wrong when his own department said there was wrongdoing. This is something that goes to the man's character and some might say, to his honesty. Someone could make that judgment. If a man goes to his office and offers $100,000 for fixing a case and he does not recognize it as a bribe, I would not want that man sitting in judgment of whether a grand jury was going to be impaneled or whether a case was going to be appealed or whether an antitrust case is going to be pursued or not, or whether an alleged crime is to be prosecuted.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. HRUSKA. I would suggest this. After all, if these questions occur so readily to the Senator from Indiana, is it not reasonable to assume these questions occurred to defense counsel in the Carson case? I believe so. I believe they did occur to the counsel for the defense and Mr. Kleindienst was asked pointed questions and followup questions on that point. He answered the questions and explained the very circumstances which the Senator from Indiana is now inquiring about. It is a matter of public record. It would be so simple to get that court transcript and place it in the Record.

Mr. BAYH. I will be glad to. I ask unanimous consent to insert that portion of the transcript containing Mr. Kleindienst's testimony into the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Carson Transcript

Richard G. Kleindienst, called on behalf of the Government, having first been duly sworn, testified as follows:

Mr. Morvillo. May I inquire, your Honor?

The Court. Yes.

DIRECT EXAMINATION

By Mr. Morvillo:

Q. Mr. Kleindienst, by whom are you employed?

A. I am employed by the United States of America in the Department of Justice.

Q. In what capacity are you so employed?

A. I am the Deputy Attorney General of the United States.

Q. And how long have you been so employed?

A. Since January 29, 1969 I believe is the date.

Q. Will you tell the court and jury what your functions are, generally, as the Deputy Attorney General of the United States?

A. The Deputy Attorney General is the so-called number two man in the Department of Justice. I answer directly to the Attorney General of the United States.

Generally speaking, my job is to see to it that the policies and programs of the president and the attorney general are effectuated by the personnel of the Department of Justice.

Q. Do you know an individual by the name of Robert Carson?

A. Yes, I do.

Q. And how long have you known Mr. Carson?

A. Well, I have known him quite a while, since the spring of 1968. I might have met him casually prior to that time, but at least as of the spring of 1968, quite well.

Q. Now, calling your attention to the spring of 1968, in what context did you meet Mr. Carson?

A. I met Mr. Carson in Senator Fong's office, in the early spring of 1968 in connection with the discharge of my responsibilities as the National Director of Field Operations of the Nixon for President Committee.

I had visited Senator Fong for the purpose of discussing with him his participation——

Mr. Brill. I object to that, if your Honor please.

The Court. Sustained. We will exclude it.

A. (Continuing) As a result of that visit that I had with Senator Fong, I met Mr. Carson and talked to him in his office, in Senator Fong's office.

Q. Now, after you became Deputy Attorney General of the United States, did you have any contact with Mr. Carson?

A. Several times I did.

Q. Will you tell the court and jury what types of contacts you had with Mr. Carson after you became Deputy Attorney General of the United States?

A. The Department of Justice had a continuing association with Senator Fong, as it did with other senators, in connection with the appointment of federal judges, either in the Ninth Circuit, or the State of Hawaii; the appointment of a United States Attorney for the State of Hawaii and the appointment of a United States Marshal for the State of Hawaii.

And then I also had contacts with Mr. Carson and Senator Fong's office in connection with just other matters, and then I had contacts with Mr. Carson as a result of the fact that he was President of the Administrative Assistants' Association for the United States Senate; and then I would occasionally run into Mr. Carson and his wife with my wife at a variety of social functions in the District of Columbia.

Q. Now, excluding the social functions that you have just talked about, where on the occasions that you had contact with Mr. Carson, what types of contact would they be? Would they be in person or by telephone?

A. They would be both, either in person or by telephone. If I was in Senator Fong's office, I usually would stop by in Mr. Carson's office when I visited Senator Fong; they could be in person when I met him socially, they could be in person when I attended functions of the Administrative Assistants' Association of the United States Senate, and then quite frequently by telephone.

Q. Prior to November 24, 1970, had Mr. Carson ever visited you in your office?

A. Not to my recollection.

Q. Prior to November 23, 1970, had he ever requested a personal appointment with you in your office?

A. Not that I recollect.

Q. On the few occasions, or on the occasions when you had met Mr. Carson prior to November 23 and November 24, 1970, who usually initiated those contacts, you or Mr. Carson?

A. Well, I would think that both of us could have. And as to who initiated the most, I couldn't say.

Q. Now, calling your attention to November 23, 1970, did you talk with Mr. Carson on that day?

A. I did.

Q. Now, by the way, what communication facility did you employ?

A. Mr. Carson called me in my office by telephone.

Q. Will you state to the court and jury what Mr. Carson said to you and what you said to Mr. Carson on November 23, 1970.

A. My recollection of the substance is that

Mr. Carson wanted to talk to me, and because I had talked to him several times on the phone before, I asked him whether or not we could not talk about the subject matter over the telephone, and I recollect that he said no, he would prefer to come to my office. And I looked at my appointment calendar and told him that I could see him at ten o'clock the next day, if that was convenient for him, and I believe that he said that it was convenient for him.

Q. Calling your attention to November 24, 1970, around ten o'clock in the morning, did you see Mr. Carson?

A. Yes, I did.

Q. Where were you?

A. I was in my office, and he came into my office, the Department of Justice.

Q. Now, would you tell the court and jury what Mr. Carson said to you and what you said to him on November 24, 1970?

A. Well, after we had exchanged pleasantries, Mr. Carson sat down in a chair in front of my desk and said that he had a friend in New York who was in trouble, and that if I could help him with respect to his trouble, his friend was a man of substantial means and would be willing to make a substantial contribution of between fifty and one hundred thousand dollars to the reelection of President Nixon.

I asked him what kind of trouble this man had. Mr. Carson said that he was under indictment for federal offenses, and I said that under no circumstances could I do anything about the matter, even look into it, as a result of the fact that a grand jury had returned an indictment.

That was just about all the conversation that existed.

We immediately thereafter—we turned the subject matter to other matters, exactly what I don't recall, but very possibly matters involving the State of Hawaii and appointments pertaining to the Department of Justice.

Mr. Carson very soon thereafter got up to leave, and just as he left he handed me a xerox copy of an announcement indicating that he had been reelected President of the Administrative Assistants' Association, and left.

Q. Now, Mr. Kleindienst, did there come a time when you reported the substance of this conversation to the Attorney General of the United States?

A. Yes, I did.

Q. When was that?

A. That was approximately nine o'clock in the morning, one week later, on Tuesday, December 1st.

Q. And what occasioned the report to the Attorney General?

A. I had not seen the Attorney General——

Mr. Brill. I object to that.

The Court. Pardon?

Mr. Brill. I object to that.

The Court. Why should I receive it, Mr. Morvillo?

Mr. Morvillo. I will withdraw it and ask another question.

The Court. All right.

By Mr. Morvillo:

Q. Between November 24th and December 1st, did you see the Attorney General?

A. I did not.

Q. And was December 1st the first time that you saw the Attorney General after you had spoken to Mr. Carson?

A. Yes, it was.

Mr. Morvillo. I have no further questions, your Honor.

CROSS EXAMINATION

By Mr. Brill:

Q. Mr. Kleindienst, my name is Brill; I represent Mr. Carson.

A. Yes, sir?

Q. We have never met or talked before, have we?

A. Is the question, have you and I met before?

Q. Yes.

A. No, sir.

Q. And we have never talked to each other?

A. No, sir.

Q. Would it be fair to say that you are a political appointee?

A. I am a political appointee.

Q. Were you one of the pre-Convention Nixon workers?

A. Yes.

Q. Pre-1968?

A. Yes, I was the National Director of Field Operations for his election campaign committee, and my responsibility was to work in putting together a national organization calculated to get the delegates for President Nixon's nomination by the Republican Party.

Q. And in connection with that activity you worked very closely with Mr. Carson, did you not?

A. Yes, I did.

Q. You saw him frequently?

A. Yes, sir.

Q. Practically on a daily basis?

A. No, I wouldn't say that.

Q. Well, throughout the pre-Convention campaign, seeking Nixon delegates, you had many and frequent contacts with Mr. Carson, did you not?

A. I had many contacts with him, Mr. Brill, but the frequency of which I just could not recall, but—

Q. Well, I wouldn't expect you to remember the exact number; that would be a humanly impossible thing.

A. There were fifty states and Hawaii was one of them. Senator Fong was a Regional Director for the Nixon for President Committee, so I would have seen both Senator Fong and Mr. Carson more frequently than I would just a representative of a particular state.

Q. In the course of your own activities, you have been a political fund raiser, haven't you?

A. No, sir; I have not been.

Q. Were you not at one time a candidate for public office yourself?

A. Well, I was the Republican nominee for Governor of the State of Arizona in 1964.

Q. And in that same year were you not also a field director for the Goldwater for President campaign?

A. I had essentially the same responsibility for Goldwater's campaign up to the Convention as I did for President Nixon.

Q. You were working to get delegates?

A. Yes. I had the same job and the same title.

Q. By the way, during the course of the Convention, did you and your wife have occasion to take a picture, or have a picture taken of yourselves with Mr. Carson, to your recollection?

A. I could have, but I have no personal recollection of that, Mr. Brill.

Mr. Brill. Will you mark this for identification, please.

(Marked Defendant's Exhibit I for identification.)

Q. I show you, Mr. Kleindienst, Defendant's Exhibit I for identification, and ask you if it refreshes your recollection as to whether you and your wife, together with Mr. Carson, had your picture taken?

A. It certainly does.

Q. And was that during the Republican Convention of 1968?

A. Well, I am not certain. The interior of the room looks as if it could have been a room in the hotel where I was staying at Miami Beach.

Q. Was it the Nixon headquarters suite?

A. That is what I think it is, because of the decor, the modern decor of the hotel room.

Mr. Brill. Thank you.

I offer it in evidence.

Mr. Morvillo. No objection, your Honor.

(Defendant's Exhibit I for identification received in evidence.)

Mr. Brill. May I pass it to the jury?

The Court. Yes.

(Defendant's Exhibit I handed to jury.)

By Mr. Brill:

Q. Just skipping in point of time for a moment, Mr. Kleindienst, is it true that on the occasion of one of your wedding anniversaries, you invited Mr. Carson and his wife to your home?

A. I don't believe so, Mr. Brill. My wedding anniversary is September 3rd and I don't believe I have had a wedding anniversary party at my home since I have been married.

Q. Was it a birthday party?

A. It could have been a birthday party for my wife. We had one such party like that since we have been in Washington, and that was a year ago, around March 3rd, and that was a surprise party given by my wife—for my wife, at the home of Judge Revercomb, and Mr. and Mrs. Carson could have been invited, but I do not recollect that they were.

Q. And it was you who extended the invitation?

A. I could have, Mr. Brill, but I don't recollect it.

Q. Wasn't it an occasion on which you went to the airport to meet your wife and then bring her to the party?

Mr. Morvillo. I object, your Honor. It is irrelevant.

The Court. No, I will allow it.

A. I have no recollection of that, Mr. Brill, but, like I say, it could have occurred.

Q. Was there an anniversary or some other kind of party in honor of yourself and Mrs. Kleindienst given at Senator Goldwater's apartment to which Mr. and Mrs. Carson were invited?

A. No such party for me. I have attended functions at Senator Goldwater's apartment but I don't recall Senator Goldwater ever having a party for me.

Q. I am not suggesting that it was Senator Goldwater who gave the party; I am suggesting that there was a party at Senator Goldwater's apartment.

A. That could have occurred in 1968. I was living in Washington, D.C., a portion of the time, away from my family, and my wife did come back and visit me on two occasions, and I now recollect that there was a party that we had at Senator Goldwater's apartment where I was living, at which my wife was present.

I am trying to recollect whether Mr. Carson was there or not, but he very well could have been, and I very well could have invited him to be there.

Q. You knew Mr. Carson to be a political fund raiser, did you not?

A. Yes—I did not think of him primarily as a political fund raiser, but I do believe I knew that he had been engaged in raising money for political campaigns.

Q. Right?

A. Yes.

Q. For President Nixon as well as for Senator Fong?

A. I believe so. I know for President Nixon, and I presume for Senator Fong.

Q. And I think you told us that you knew he was President of the Administrative Assistants' Association?

A. Yes.

Q. And that he furnished you with a copy of the release which was issued at or about the time of his election to that office?

A. I believe it was his reelection to that office.

Q. Reelection to that office?

A. Yes, sir; that is when he was in my office on the 24th of November.

Mr. Brill. Would there be any objection to my separating one of the sheets of 3529 for identification?

Mr. MORVILLO. No, I don't think so.

Mr. BRILL. Would your Honor indulge me, please?

The COURT. Yes.

Mr. BRILL. Will you mark this for identification, please.

(Marked Defendant's Exhibit J for identification)

Q. Mr. Kleindienst, I show you Exhibit J for identification, which I have just withdrawn from Exhibit 3529 for identification, which was furnished by the government in accordance with its obligations, and ask you if that is the release to which you refer?

A. No, it is not. What I recall—it might be—

The COURT. That is an answer, Mr. Kleindienst.

Q. Have you seen that release?

A. I don't know. I don't believe this is what he showed me. What he showed me I thought had a picture on it, but this could be; I am not sure.

Q. Have you seen that release?

A. I can't recollect, Mr. Brill.

Q. Well, did you at some subsequent time furnish either to agents of the FBI or to anyone else in the Department of Justice this document which is now known as Defendant's Exhibit J for identification?

A. I don't recollect whether it was this document, Mr. Brill. I did furnish to a representative of the FBI a document that indicated that Mr. Carson had been reelected President of this Association. It might have been this document.

Q. There is some doubt in your mind as to whether or not it was?

A. I don't recollect reading that particular document and giving that particular document to the FBI. I did give them a document, however.

Q. Did you give it to Mr. Peterson, Henry Peterson?

A. I believe I did.

Q. And is this the document you gave to Mr. Peterson?

A. I cannot recollect. That is the same document you had handed me, isn't it?

Q. Yes, it is still Exhibit J for identification.

A. It could have been, Mr. Brill, but I don't recollect whether that is the exact document.

Q. Now I invite your attention to the last paragraph of Exhibit 3529 and ask you if looking at it refreshes your recollection that Exhibit J is the document that you gave to Mr. Peterson?

A. Well, I recollect, Mr. Brill, the fact that Mr. Carson gave me a document. He stated what it was. I didn't read it, and whether this is the document or not, I do not recall. It could very well be, Mr. Brill.

Q. Does looking at the last paragraph of the exhibit for identification which I have just handed you refresh your recollection in that regard?

A. It doesn't refresh my recollection that this is the exact document. It does that he did give me a document.

Q. Now will you be good enough to look at the document and tell us whether reading it refreshes your recollection that it is the document that he gave you?

A. It doesn't help me, Mr. Brill, because I don't recall having read it at the time.

Q. Now in the description that you gave to the chief prosecutor with respect to your duties at the Department of Justice, you made no reference to your responsibilities for recommending candidates for appointment to the office of Federal Judge—District Judge, United States Circuit Judge, Associate Justice of the Supreme Court of the United States, United States Attorneys or United States Marshals, did you?

A. No, I did not.

Q. But that does come within the scope of your responsibility?

A. That specifically except the function with respect to Associate Justices of the United States Supreme Court.

Q. Exclusive of Justices of the High Court, then, you are responsible for making recommendations to the president through the attorney general for appointments to the federal judiciary, both the District Court and the Circuit Court, United States Attorneys and United States Marshals, is that correct?

A. Yes, that is a function of the office of Deputy Attorney General.

Q. And you are the functionary in that office?

A. Yes, I am.

Q. Now, the subject matter of appointments to any of those positions concerning which you have responsibility for recommendation is a matter of discretion between yourself and all of the 100 senators who represent the fifty states of this country, is it not?

A. Not necessarily all, Mr. Brill. It is at least with respect to all of the Republican senators. In most cases where you have a President of one party and a Congress of another, by custom the senators of the other party very seldom inject themselves directly into Federal judgeship matters; but certainly, all of the senators of your own party do.

I have had conferences with many Democratic senators, but not all of them. I have talked to all Republican senators about these appointments.

Q. That is, in the normal course of the activity of the operations of Government?

A. Yes, sir, and particularly the first year of a new administration because you have so many new appointments.

Q. And in connection with that activity, is it not customary also to deal with the administrative assistant to the particular senator concerned when the senator himself may not be available?

A. It certainly is.

Q. And in that regard, you had occasion to talk with Mr. Carson concerning such appointments in which the State of Hawaii was interested?

Q. By the way, Mr. Kleindienst, since you took office in January of 1965, have you maintained a daily log or diary in connection with your functions as deputy—1969; I beg your pardon—Deputy Attorney General?

A. I maintain a daily log that sets forth my appointments each day.

Q. Does that log reflect the nature of the conversation or discussion had?

A. No, sir.

Q. In October, November and December of 1970, did you maintain such a log?

A. Yes, sir, I did.

Q. In addition to such a log as you have described, did you during that period record telephone conversations?

A. No, sir.

Q. Did anyone in your offices order or monitor any of your telephone conversations?

A. No, sir, not to my knowledge.

Q. And certainly not with your permission?

A. No, sir.

Q. Have you seen any transcript of any telephone conversation to which you were a party in October and November or December of 1970?

A. No, sir.

Q. Have you seen or heard, rather, any recording of any kind with respect to any telephone conversation that you had in October, November and December of 1970?

A. No, sir.

Q. Was a log of incoming and outgoing, or outgoing, telephone calls made by anyone in your office?

A. By a log—

Q. During that same period.

A. By a log do you mean a notation with respect to who called me or calls that I made out?

Q. Yes.

A. October, November and December of 1970, not to my knowledge.

Q. And you have not seen any up to this time?

A. No, sir.

Q. Now, what record, if there is any at all, is kept of any incoming conversation or telephone call to you?

A. I don't believe that there is any record kept, Mr. Brill. I have three secretaries, I do not believe that any of them make a notation as to a person who calls me and the time that they call me. I do not believe that they do it. If they do it it is not because I have instructed them to do it.

Q. And you have not seen any record of any call within such category during that period?

A. October, November and December, no.

Q. Have you made any inquiry as to whether there was any such record?

A. I have no reason to, sir.

Q. Because you were aware that none would be made?

A. Well, I just don't do it as a matter of practice or direction in my office, Mr. Brill.

Q. Now—

A. There was an exception to that in January of '71, but pursuant to my own instructions, but not in the period of time you are talking about.

Q. You said on direct examination that you did not recall Mr. Carson coming to your offices prior to November 24, 1970?

A. I don't recall it, but he could have, Mr. Brill. I see so many people that—

Q. And would your answer be the same with respect to telephone conversations requesting to come to your office?

A. You mean Mr. Carson calling me prior to that time to come to my office?

Q. Yes.

A. I don't recall such a conference.

Q. You have no recollection?

A. No, because if he had asked to I would have worked it out so he could have, I would have invited him to be in my office.

Q. You are not saying he didn't call?

A. No, sir.

Q. You just don't recall?

A. No, sir, I get 50 or 60 telephone calls a day, and I just don't recall it, Mr. Brill.

Q. It would be impossible to do it?

A. Yes, sir.

Q. Now, at the time when Mr. Carson did come to your office on November 24, 1970, there was a matter in which the State of Hawaii was interested, wasn't there?

A. There very possibly could have been. There could have been a judicial appointment in which Senator Fong was interested.

Q. Well, are you saying now that you have no recollection of it?

A. Meaning that there was a matter that—

Q. Yes.

A. —that involved the State of Hawaii?

Q. Yes.

A. Well, I am just trying to recollect when a vacancy in the Ninth Circuit had been filed, to recall whether specifically that would have been an item in which Senator Fong would have been interested on that time. I don't. I'd have to have my memory refreshed.

Q. Well, perhaps I can help you.

Does the fact that there were several vacancies for judicial appointments to the Circuit Court for the Ninth Circuit, to the United States Court of Appeals for the Ninth Circuit, created some time prior to November 1, 1970?

A. Yes, there were vacancies on the court.

Q. And isn't it also true that there was a vacancy created by the resignation of Judge Barnes on October 31, 1970?

A. I believe that's correct, but I am not sure of the exact date.

Q. And do you recall that in connection with those vacancies there was recommended to you by Senator Fong or his office the name of Herbert Y. C. Choy, who had been attorney general of the State of Hawaii, for appointment to that court?

A. He was recommended and he is now a judge on the Ninth Circuit. The date is——

Q. That recommendation was adopted by you, was it not?

A. Yes, it was.

Q. And you in turn recommended it to the President?

A. Yes, I did.

Q. And the President nominated Judge Choy?

A. Yes, he did.

Q. Now, that was the subject of conversation and correspondence between yourself and Mr. Carson and Senator Fong in about this period that we are talking about, wasn't there?

A. It was a subject matter of conversation. I don't recall whether there was correspondence on it, Mr. Brill.

Mr. BRILL. Could we have this marked for identification, please.

(Defendant's Exhibit K marked for identification.)

Q. Are you familiar with the signature of the attorney general?

A. Yes, sir, I am.

Q. Would you say, Mr. Kleindienst, that that is a photostat of a copy signed by the attorney general, that is, the attorney general of the United States?

A. This is a photostat of a document that has the signature of the attorney general.

Q. And you recognize it as the signature of Attorney General Mitchell?

A. Yes, sir, I do.

Q. And it is a document that relates to the appointment or the recommendation of Judge Choy for appointment?

A. Yes, sir.

Mr. BRILL. I offer it in evidence.

Mr. MORVILLO. No objection.

Mr. BRILL. Thank you.

(Defendant's Exhibit K was received in evidence.)

Mr. BRILL. May I read it, your Honor?

The COURT. Yes.

Mr. BRILL. On the stationery of Office of the Attorney General, Washington, D.C., the seal of the attorney general in the upper left-hand corner, dated November 19th, addressed Hon. Hiram L. Fong, United States Senate, Washington, D.C.

(Mr. Brill read from Defendant's Exhibit K in evidence.)

Mr. BRILL. I don't think I need pass this since I read it, do you, your Honor?

The COURT. No, I don't think so.

By Mr. Brill:

Q. Now, then, coming back to the meeting that you had at your office with Mr. Carson on November 24th, would you say that the subject of Mr. Choy's recommendation was discussed between you and Mr. Carson on that date?

A. I don't specifically recollect, Mr. Brill, but it very possibly could have been. It would not have been much of a discussion because—

Q. Pardon?

A. It would not have been much of a discussion because the decision had been made that Hawaii would be allocated that seat on the Ninth Circuit, and the only thing left to be done at that point was the processing of it. But the subject matter could have been raised, Mr. Brill.

Q. Well, how long would you say in point of time was consumed during a conversation between you and Mr. Carson on November 24th?

A. Well, the whole meeting, from the time he walked in my office until the time he left, was just a matter of minutes, several minutes.

Q. How many minutes, would you say?

A. No more than 15 and possibly less.

Q. Well, did you ever say that it was about 15 minutes?

A. I believe I did when I talked to Mr. Peterson the first time.

Q. And did you say to Mr. Peterson that you directed the subject of conversation of a judiciary appointment of mutual interest to Senator Fong and the administration?

Mr. MORVILLO. I will object. What's the relevance of what he said to Mr. Peterson unless it is somehow inconsistent with the testimony here? I think he should be cross examined on what happened on November 24th, not what happened with Mr. Peterson.

The COURT. What about that, Mr. Brill?

Mr. BRILL. I think, your Honor, I have a right to ask about statements he made to others with respect to what happened on November 24th.

The COURT. Only if you find some inconsistency.

Mr. BRILL. Well, I think there is one now.

The COURT. I don't think so.

Objection sustained.

By Mr. Brill:

Q. Well, do you recall whether you specifically talked with Mr. Carson on November 24th with respect to the subject of a judiciary appointment of mutual interest to Senator Fong and the administration?

A. Mr. Brill, today I do not specifically recollect that. I very possibly did and, indeed, very probably did.

Q. Well, perhaps we can help your recollection. I show you Exhibit 3528 for identification. Excuse me.

I show you Exhibit 3529 for identification, page 2, and invite your attention to the first full paragraph and ask you to tell us whether that refreshes your recollection as to whether you talked—

A. It does.

Q. It does?

A. Yes, sir.

Q. And did you talk about a judiciary appointment?

A. I am certain that that's what we were talking about because of what had transpired prior to that time.

Q. And that was the subject of conversation on the 24th of November, isn't that correct?

A. Yes, sir

Q. And that related to the recommendation of Judge Choy, did it not?

A. Yes, sir, it would have involved that subject matter.

Q. Now, how long would you say was consumed with respect to, in point of time—in the conversation with respect to what you testified to on direct examination about Mr. Carson's purported statement about a friend in New York in trouble who had contributed $100,000 to the reelection of President Nixon?

A. A minute, maybe two minutes.

Q. Maximum?

A. Maximum.

Q. Maybe even less?

A. Maybe even less.

Q. Did you make any record of that portion of the conversation?

A. No, sir.

Q. Did you make any memorandum of any kind with respect to it?

A. No, sir.

Q. Did you make any recording of any kind with respect to it?

A. No, sir.

Q. Did you make any report or initiate any investigation with respect to that portion of the conversation?

A. No, sir.

Q. Isn't it true that the first time you ever said or wrote anything about that subject was on December 1, 1970?

A. Yes, sir.

Q. And that's the first date on which you made any memorandum whatsoever?

A. Yes, sir.

Q. And you made it on the basis of what was in your head?

A. You mean the reason why I made the memorandum?

Q. No, no, what you based it on. Was it your recollection?

A. You mean the memorandum that I wrote a week later, was that based upon my recollection?

Q. Yes.

A. Solely upon my recollection.

Q. Solely upon your recollection.

And it was made, was it not, after you were informed that on that very day there was going to be an electronic surveillance in the new Senate Office Building?

A. No. It was after I had been shown a memorandum dated November 30th addressed to the attorney general from the director of the FBI which had reference to Mr. Carson.

Q. Did it say that there would be an electronic surveillance scheduled for that very morning, December 1, 1970?

A. I don't recollect, Mr. Brill. I'd have to see the memorandum.

Q. Well, perhaps I can help you.

A. All right.

Q. Will you look at Exhibit 3529, please, sir, and specifically the second paragraph which I have just underscored in pencil and tell us whether it refreshes your recollection that you wrote the memorandum after you were informed that there was to be an electronic surveillance scheduled for that morning?

A. Yes, it does.

Q. And is that the fact that you write it after you were so advised?

A. I wrote——

Q. Would you answer my question, please, sir?

A. I don't understand your question then, sir. Would you restate it?

Q. Did you write that memorandum after you had been advised that there was scheduled to be conducted that morning an electronic surveillance?

A. Well, the information I got I got at 9 o'clock on this day. I wrote this at 10. So I got this information between 9 and 10 in the office of the attorney general.

Q. Well, didn't you say that you had been informed or advised that there were scheduled to occur that morning an electronic surveillance?

A. I received that information.

Q. Yes.

A. That's what it was about.

Q. And it was after you received it that you wrote this memorandum?

A. Yes, sir.

Q. Now, you knew when you received it that that electronic surveillance would be conducted in the new Senate Office Building, did you not?

A. I don't know whether I knew that specifically, whether it made any difference to me to know that specifically, Mr. Brill.

Q. Are you saying now you just don't recall?

A. Yes.

Q. Okay.

A. Whether that was a significant—I don't recall it now.

Q. All right.

So that between November 24th and December 1st, you gave no further thought to that portion of the conversation which lasted a minute or two, if that much, in which you said Mr. Carson told you that he had a friend who would contribute $100,000 to the Nixon campaign?

A. That's correct.

Q. Now, since December 1, 1970, have you had any further telephonic conversation with Mr. Carson?

A. No, sir.

Q. Do you remember that there came a time, specifically on December 12, 1970, when you were placed under oath by a special agent of the FBI and you made a statement under oath?

A. Yes, sir.

Q. That was rather an unusual procedure, wasn't it?

A. No, I don't think so, sir.

Q. Had it ever happened to you before?

A. No, sir.

Q. With respect to you it was unusual, wasn't it?

A. This was the first time anything like this had ever happened to me.

Q. Do you remember that among other things in connection with that statement under oath you said that since December 1, 1970, you had had one telephonic contact with Mr. Carson in connection with a judiciary appointment?

A. I remember that. I talked to Mr. Carson once and the sole subject matter of that was with respect to this judicial appointment and no other subject matter was mentioned. I do now recall that.

Mr. Brill. Thank you. Excuse me. I had a signal from my learned friend here.

(Discussion off the record at counsel table.)

Mr. Brill. Mr. Morvillo points out that my reference to that episode of his being examined under oath was on December 16th rather than December 12th, which inadvertently or apparently I had said as the date. I am sorry.

To that extent may the record be corrected, your honor?

The Court. Yes.

Mr. Brill. Thank you.

By Mr Brill:

Q. Actually, other than November 24th and December 1, then, there was no communication between Mr. Carson and yourself by telephone or in person with respect to anything?

A. That is correct.

Q. After December 1, 1970, the only communication that you had by telephone related to the appointment of Judge Choy?

A. Yes, sir, he called my office after that, but the only time I talked to him was once and it was that event.

Q. Did you see him again after that?

A. I don't recollect that I did.

Q. You are not saying that you did not?

A. No, I am not.

Q. To your knowledge, Mr. Kleindienst, did Mr. Carson talk with anyone else in the Department of Justice with respect to the subject matter that you testified to here on direct examination?

A. Not to my knowledge. As a matter of fact, didn't you so swear and state under oath?

Q. Well, will you look—do you recall now whether you said it under oath?

A. No.

Mr. Morvillo. He just said to his knowledge he didn't.

The Court. Sustained.

Q. Is it true, then, is it not, that on November 24, 1970, you did not regard that in the conversation you had with Mr. Carson that he offered you a bribe?

A. No, I did not.

Q. If you had regarded that conversation as containing a bribe offer, you would have immediately reported it, would you not?

A. Yes, sir, I would have.

Q. And you would have initiated the appropriate action to deal with it, isn't that true?

A. Well, I would have reported it and taken that action that the circumstances warranted.

Q. And the fact of the matter is that you did absolutely nothing about it until you were informed on December 1 that there was scheduled to take place an electronic surveillance some time that day?

A. Well, that is not quite accurate, Mr. Brill.

Q. Isn't it?

A. Until I saw the memorandum dated November 30th, which the attorney general handed to me, which was directed to him from the director of the Federal Bureau of Investigation.

Q. When did you see that?

A. I saw it at approximately 9 o'clock in the morning on Tuesday, December 1, in the office of the attorney general.

Q. And it was not until after that that you did or said or wrote anything with respect to the conversation of November 24th?

A. Within minutes after I saw that, and at 10 o'clock I prepared the memorandum with Mr. Peters on that day, that is correct.

Q. It was with respect to a matter which on November 24th you did not regard as a bribe, isn't that true?

A. That is correct.

Mr. Brill. Thank you, sir, I have no further questions.

REDIRECT EXAMINATION

By Mr. Morvillo:

Q. Mr. Kleindienst, prior to November 24, 1970, had you received any communications from anybody, either within or without the Department of Justice, about the fact that there was an investigation going on with regard to Robert Carson?

A. I have no recollection of it. I get many, many documents from the FBI, some of which I see and some of which I do not. It was not until the morning of December 1, at 9 o'clock, in the office of the attorney general, that I became aware that there was any kind of an investigation concerning Mr. Carson.

Q. Prior to November 24th you did not know specifically whether or not Mr. Carson had met with any other individuals in conjunction with the subject matter of your conversation with him on November 24th, did you?

A. No, sir.

Mr. Brill. That is objected to, if your Honor please, improper redirect.

The Court. Sustained.

Q. Now, on December 1st, you told Mr. Brill that for the first time you really learned something about the facts of the investigation which was going on involving Mr. Carson, is that correct?

Mr. Brill. I object to that, if your Honor please, as an improper statement of what was said.

The Court. Let's not summarize what he said on cross; let's ask some other questions.

Q. Specificially, what did you learn on December 1, 1970 with regard to an investigation involving Mr. Carson?

Mr. Brill. I am going to object to that, if your Honor please. He would not be competent to testify to it.

The Court. He would be competent to testify to what he learned.

Mr. Brill. To what he did.

The Court. He was asked what he heard.

Mr. Morvillo. What he learned.

Mr. Brill. That is what I am objecting to.

The Court. I will sustain that.

Mr. Morvillo. Your Honor, Mr. Brill has explored this in some detail on cross examination, and I think the government should be entitled to find out specifically what motivated Mr. Kleindienst to do what he did on December 1st.

The Court. Well, I think there is enough of that, but I think that the possibility of getting in hearsay that goes to the merits of the case outweighs the need to express that and I sustain the objection.

By Mr. Morvillo:

Q. After learning what you learned on December 1, 1970 with regard to the fact that there was an investigation involving Mr. Carson, did you then consider what had happened on November 24th to have been a bribe offer?

A. Yes.

Mr. Morvillo. No further questions.

RECROSS EXAMINATION

By Mr. Brill:

Q. Mr. Kleindienst, are you really serious about that last answer?

A. Well, I am serious about it, but I have to explain that, Mr. Brill.

Q. No, no, just answer my question first, please.

A. Yes, I am, but I would like to explain that answer, if I may.

Q. Let me ask you this—you will get a chance to explain, don't worry—on November 24th, in the minute or less than two minutes in which the statement was made, you have already told us you did not regard that you were being offered a bribe or that the conversation consisted of the making of an offer of a bribe, isn't that right?

A. Right.

Q. Isn't that true?

A. Yes, sir.

Q. Now, that is the only conversation that you had with Mr. Carson with respect to that subject matter, isn't it?

A. Yes, sir.

Q. And it is the only conversation in which there was any statement made to you by Mr. Carson?

A. That is correct.

Q. And at no time after that date did he ever again speak to you with respect to the subject matter?

A. That is correct.

Q. And at no time between the date that he first spoke to you and subsequently did you ever regard from him that he was offering you a bribe, isn't that so?

A. That is correct.

Mr. Brill. Thank you. I have no further questions.

Mr. Morvillo. I have no further questions.

The Court. All right, Mr. Kleindienst, thank you.

The Witness. Thank you, Judge.

May I be excused, Judge?

The Court. Yes.

(Witness excused.)

Mr. HRUSKA. Here is what Mr. Kleindienst was worried about. He said:

> I was a witness in that case. I testified in open court in the Federal District Court for the Southern District of New York. My testimony in that matter is a matter of open record. That case is on appeal and I believe that either as a lawyer or as an officer of the Department of Justice that it would be improper for me to comment in any way upon any aspect of that case because by doing so I might risk prejudicing the rights of the defendant in that case, either on appeal or in a retrial of the matter, if one comes about, or to prejudice the rights of the U.S. Government which was the plaintiff in that case.

Mr. President, I suggest there was a full disclosure with all the information that could be explored in that situation. But for some reason a pound of flesh, no less, no more, is trying to be exacted.

"Why didn't you tell it to me in this fishing expedition, regardless of what would happen to the rights of the Government or the rights of the defendant, regardless of what would happen by way of regulations of the Department and all these other canon provisions and disciplinary rules?"

Besides that, the testimony was in a case in court. a criminal proceeding, which was governed by strict rules of evidence, not by fishing rules, not by hearsay, not by any of the other nonrules by which the committee governed the admission of evidence.

It seems to me, considering all those questions, it is a matter of form that is being insisted upon. There is no disposition not to disclose. That disclosure has been made. Everything has been laid out for the public to see, including the Members of the Senate and including both Members of the Senate who are engaging in this colloquy.

Mr. BAYH. Let me suggest that, to the contrary, this has not been laid out. There are two times in the transcript that prove that. If the Senator wants us to embellish the record by putting the whole transcript in, we have done that. We put it all in. My staff has read it all. There is no answer to this last question.

On two occasions in the transcript, when the Attorney General-designate was being examined, he was asked to explain. The attorney said, "You will be given a chance to explain," but he never came back to that again and never has the question been asked and answered: how it is possible for a man to see an obvious bribe attempt and not recognize it as a bribe? Second, why, suddenly, a week later, upon learning that the FBI was going to conduct surveillance, did it become obvious that it was a bribe attempt?

The Senator from Nebraska and I have worked together and have been friendly combatants on other issues. He is talking about a fishing expedition. I listened to his statement the other day with great interest. I have heard this statement referred to by others. I am not sure who is the original author, and I do not want to suggest the Senator from Nebraska is, unless he cares to assume credit for it, but does my friend from Nebraska really believe that it is not a relevant question to ask an Acting Attorney General why, when someone comes into an office and says he is in trouble and if he will take care of that trouble he will make a $50,000 or $100,000 contribution to the presidential campaign why he didn't think that was a bribe? Is it a pertinent question to ask, "Mr. Attorney General designate, why didn't you recognize that as a bribe?"

Mr. HRUSKA. Mr. President, against my better judgment, I rise to my feet once more. Were I on the witness stand and that question were propounded to me, I would take refuge in the proposition that that question has already been asked and has already been answered.

Mr. BAYH. Can the Senator refer to one place where it has been answered?

Mr. HRUSKA. Mr. President, that question has already been asked and answered, and it is in the colloquy that occurred between the Senator from Indiana and myself. To be subjected to the same type of repetitious questions in areas that have been asked and answered, that we suffered through 2 months in the Judiciary Committee, it seems to me, is straining one's patience a little too much.

I suggest that the Senator from Indiana review the transcript and he will find the question has been asked and answered at least three times. I do not think it serves any purpose to answer a fourth or fifth or sixth or seventh time.

Mr. BAYH. I will not ask it another time if the Senator from Nebraska will answer it once. Perhaps I am not asking the question accurately. Am I referring to the proper record? I am sure the Senator from Nebraska does not feel compelled to avoid answering it. The question I propounded, in answer to this fishing expedition charge that keeps coming back, is: Is it unreasonable to ask a man who may one day be Attorney General of the United States why, when he was asked to fix a case in exchange for a $50,000 to $100,000 campaign contribution, it was not immediately recognized as a bribe? Is that an unfair question to ask a man who is going to be Attorney General of the United States?

Mr. HRUSKA. Mr. President, same answer.

Mr. BAYH. Is the Senator suggesting he has already answered that particular question whatever? I do not want to force the Senator to answer the question if he has answered it before. I will just stop.

Mr. HRUSKA. Same answer. The answer is there and it has been given several times.

Mr. BAYH. If the Senator does not want me to repeat the question, could he just give me the page? He says it has been answered three or four times. If he could give me one page or one sentence or one paragraph in any record, anywhere, then I will agree with him. The record will show—and I have read the record and transcript, and I was there at least as often as any member of the committee—that that question was never asked, and was never answered. I wanted to ask it, but Mr. Kleindienst refused to answer.

Mr. HRUSKA. Just to clear up an apparent misunderstanding of the Senator from Indiana, it was not to the record of the hearings I was referring; it was to the colloquy occurring on the floor of the Senate that the recent questions, several in number, all of them similar, were propounded, and they were answered. It is in the colloquy between the two Senators.

Mr. BAYH. I respectfully submit I have never asked that question before just now. That is why I was suggesting the Senator was answering a question that was not asked. I do not see too much to be gained by this, but the fact is that if anybody reads the record of what we said, or what was testified at the hearings, or read the transcript of the case in New York, he is never going to find an answer to the question I wanted to put to Mr. Kleindienst: did he recognize the $50,000 or $100,000 contribution in exchange for fixing the case as a bribe?

That is a reasonable question to ask.

The Senator from Nebraska is a very good lawyer and makes the best possible case out of the facts involved. That even he cannot answer this question does not go to his credibility or his expertise, but it goes to the fact that the case does not have any legs to stand on. We cannot take Justice Department doctrine or ABA canons to substantiate a future Attorney General's refusal to answer a question that is a pretty important question.

Mr. HRUSKA. Mr. President, again I rise against my better judgment. The Senator from Nebraska answered that question several times, but the best answer is to be found in Mr. Kleindienst's own language. This area was explored to the extent permitted by the court by Mr. Carson's defense counsel. He answered under oath, in open court. That transcript is in printed form, and I see no reasonable necessity for requiring him to go into the matter again before the committee when his solid judgment was that it would have constituted a violation of the rules of Department of Justice and probably be a basis for prejudicing either the defendant's or Government's case or both.

Mr. BAYH. Mr. President, so that this can be in continuity here, let me take the excerpts from the transcript. Anybody who wants to read the entire court transcript can do so, but the pertinent excerpts are as follows:

> Question. After learning what you learned on December 1, 1970, with regard to the fact that there was an investigation involving Mr. Carson, did you then consider what had happened on November 24 to have been a bribe?
>
> Answer. Yes.
>
> Question. Mr. Kleindienst, are you really serious about that last answer?
>
> Answer. Well, I am serious about it, but I have to explain it, Mr. Brill.
>
> Question. No, no. Just answer the question, please.
>
> Answer. Yes, I am, but I would like to explain that answer if I may.
>
> Question. Let me ask you. You will have a chance to explain.

He never got a chance to explain. That is as close as he got. At that particular time, for some reason, he wanted to say why it was possible to go for a week and not recognize it as a bribe, and why it was only after he had learned that the FBI was putting a bug on Carson that he thought it was a bribe. Yet he was denied the opportunity by defense counsel. However, he was not denied by defense counsel before the Senate Judiciary Committee; he just plain refused to answer himself.

Mr. President, I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

MINING AND MINERALS RESOURCES RESEARCH ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 635.

The PRESIDING OFFICER (Mr. BEALL) laid before the Senate the amendments of the House of Representatives to the bill (S. 635) to amend the Mining and Minerals Policy Act of 1970 which were to strike out all after the enacting clause, and insert:

> That (a) this Act may be cited as the "Mining and Minerals Resources Research Act of 1972".
>
> (b) In recognition of the fact that the prosperity and future welfare of the Nation is dependent in a large measure on the sound exploration, extraction, processing, and development of its unrenewable mineral resources, and in order to supplement the Act of December 31, 1970, Public Law 91–631, commonly referred to as the Mining and Minerals Policy Act of 1970, the Congress declares that it is the purpose of this Act to stimulate, sponsor, provide for and/or supplement present programs for the conduct of research, investigations, experiments, demonstrations, exploration, extraction, processing, development, production, and the training of mineral engineers and scientists in the fields of mining, mineral resources, and technology.

TITLE I—STATE MINING AND MINERAL RESOURCES RESEARCH INSTITUTES

> SEC. 100. (a) There are authorized to be appropriated to the Secretary of the Interior

for the fiscal year 1973, and for each succeeding fiscal year thereafter the sum of $500,000, for each participating State, to assist it in establishing and carrying on the work of a competent and qualified mining and mineral resources research institute, center, or equivalent agency (hereinafter referred to as "institute") at one college or university in that State, which college or university shall be the tax-supported school of mines or a tax-supported college or university having an administrative unit such as a school or department wherein education and research are being carried out in the minerals engineering fields: *Provided*, That (1) such moneys when appropriated shall be made available to match, on a dollar for dollar basis, non-Federal funds which shall be at least equal to the Federal share to support the institute; (2) if there is more than one such college or university in a State, funds under this Act shall, in the absence of a designation to the contrary by act of the legislature of the State, be paid to the one such college or university designated by the Governor of the State to receive the same subject to the Secretary's determination that such college or university has, or may reasonably be expected to have, the capability of doing effective work under this Act; (3) two or more States may cooperate in the designation of a single interstate or regional institute, in which event the sums assignable to all of the cooperating States shall be paid to such institute; and (4) a designated college or university may, as authorized by appropriate State authority, arrange with other colleges and universities within the State to participate in the work of the institute.

(b) It shall be the duty of each such institute to plan and conduct and/or arrange for a component or components of the college or university with which it is affiliated to conduct competent research, investigations, demonstrations, and experiments on mineral resource problems having industry-wide application, of either a basic or practical nature, or both, in relation to mining and mineral resources and to provide for the training of mineral engineers and scientists through such research, investigations, demonstrations, and experiments. Such research, investigations, demonstrations, experiments, and training may include, without being limited to, exploration; extraction; processing; development; production of mineral resources; mining and mineral technology; supply and demand for minerals; conservation and best use of available supplies of minerals; the economic, legal, social engineering, recreational, biological, geographic, ecological, and other aspects of mining, mineral resources, and mineral reclamation, having due regard to the interrelation on the natural environment, the varying conditions and needs of the respective States, to mining and mineral resource research projects being conducted by agencies of the Federal and State governments, and others, and to avoid any undue displacement of mineral engineers and scientists elsewhere engaged in mining and mineral resources research.

SEC. 101. (a) There is further authorized to be appropriated to the Secretary of the Interior for fiscal year 1973, and the four succeeding fiscal years thereafter the sum of $5,000,000 annually, which shall remain available until expended. Such moneys when appropriated shall be made available to institutes to meet the necessary expenses of specific mineral research and demonstration projects of industrywide application, which could not otherwise be undertaken, including the expenses of planning and coordinating regional mining and mineral resources research projects by two or more institutes.

(b) Each application for a grant pursuant to subsection (a) of this section shall, among other things, state the nature of the project to be undertaken, the period during which it will be pursued, the qualifications of the personnel who will direct and conduct it, the estimated cost, the importance of the project to the Nation, region, or State concerned, and its relation to other known research projects theretofore pursued or being pursued, and the extent to which it will provide opportunity for the training of mining and mineral engineers and scientists, and the extent of participation by nongovernmental sources in the project. No grant shall be made under said subsection (a) except for a project approved by the Secretary of the Interior, and all grants shall be made upon the basis of merit of the project, the need for the knowledge which it is expected to produce when completed, and the opportunity it provides for the training of individuals as mineral engineers and scientists.

SEC. 102. Sums available to institutes under the terms of sections 100 and 101 of this Act shall be paid at such times and in such amounts during each fiscal year as determined by the Secretary, and upon vouchers approved by him. The Secretary may designate a certain proportion of the funds authorized by section 100 of this Act for scholarships, graduate fellowships, and postdoctoral fellowships. Each institute shall set forth its plan to provide for the training of individuals as mineral engineers and scientists under a curriculum appropriate to the field of mineral resources and mineral engineering and related fields; set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes of this title, and in no case supplant such funds; have an officer appointed by its governing authority who shall receive and account for all funds paid under the provisions of this Act and shall make an annual report to the Secretary on or before the 1st day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this Act during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary. If any of the moneys received by the authorized receiving officer of any institute under the provisions of this Act shall by any action or contingency be found by the Secretary to have been improperly diminished, lost, or misapplied, it shall be replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to any institute of such State.

SEC. 103. Moneys appropriated pursuant to this Act, in addition to being available for expenses for research, investigations, experiments, and training conducted under authority of this Act, shall also be available for printing and publishing the results thereof and for administrative planning and direction. The institutes are hereby authorized and encouraged to plan and conduct programs under this Act in cooperation with each other and with such other agencies and individuals as may contribute to the solution of the mining and mineral resources problems involved, and moneys appropriated pursuant to this Act shall be available for paying the necessary expenses of planning, coordinating, and conducting such cooperative research.

SEC. 104. The Secretary of the Interior is hereby charged with the responsibility for the proper administration of this Act and, after full consultation with other interested Federal agencies, shall prescribe such rules and regulations as may be necessary to carry out its provisions. The Secretary shall require a showing that institutes designated to receive funds have, or may reasonably be expected to have, the capability of doing effective work. The Secretary shall furnish such advice and assistance as will best promote the purposes of this Act, participate in coordinating research initiated under this Act by the institutes, indicate to them such lines of inquiry as to him seem most important, and encourage and assist in the establishment and maintenance of cooperation, by and between the institutes and between them and other research organizations, the United States Department of the Interior, and other Federal establishments.

On or before the 1st day of July in each year after the passage of this Act, the Secretary shall ascertain whether the requirements of section 102 have been met as to each State.

The Secretary shall make an annual report to the Congress of the receipts, expenditures, and work of the institutes in all States under the provisions of this Act. The Secretary's report shall indicate whether any portion of an appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

SEC. 105. Nothing in this Act shall be construed to impair or modify the legal relationship existing between any of the colleges or universities under whose direction an institute is established and the government of the State in which it is located, and nothing in this Act shall in any way be construed to authorize Federal control or direction of education at any college or university.

TITLE II—ADDITIONAL MINING AND MINERAL RESOURCES RESEARCH PROGRAMS

SEC. 200. There is authorized to be appropriated to the Secretary of the Interior $10,000,000 in fiscal year 1973, increasing $2,000,000 annually for five years, and continuing at $20,000,000 annually thereafter from which the Secretary may make grants, contracts, matching, or other arrangements with educational institutions; private foundations or other institutions; with private firms and individuals; and with local, State, and Federal Government agencies, to undertake research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior, which may be deemed desirable and are not otherwise being studied. The Secretary shall, insofar as it is practicable, utilize the facilities of institutes designated in section 100 of this Act to perform such special research, authorized by this section, and shall select the institutes for the performance of such special research on the basis of the qualifications of the personnel who will conduct and direct it, the nature of the facilities available in relation to the particular needs of the research project, special geographic, geologic, or climatic conditions within the immediate vicinity of the institute in relation to any special requirements of the research project, and the extent to which it will provide opportunity for training individuals as mineral engineers and scientists.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 300. The Secretary of the Interior shall obtain the continuing advice and cooperation of all agencies of the Federal Government concerned with mining and mineral resources of State and local governments, and of private institutions and individuals, to assure that the programs authorized in this Act will supplement and not duplicate established mining and minerals research programs, to stimulate research in otherwise neglected areas, and to contribute to a comprehensive, nationwide program of mining and minerals research. The Secretary shall make generally available information and reports on projects completed, in progress, or planned under the provisions of this Act, in addition to any direct publication of information by the institutes themselves.

SEC. 301. Nothing in this Act is intended to give or shall be construed as giving the Secretary of the Interior any authority or surveillance over mining and mineral resources research conducted by any other agency of the Federal Government or as repealing, superseding, or diminishing existing authorities, or responsibilities of any agency of the Federal Government to plan and conduct, contract for, or assist in research in its area of responsibility and concern with mining and mineral resources.

SEC. 302. Contracts or other arrangements for mining and mineral resources research work authorized under this Act with an institute, educational institution, or nonprofit organization may be undertaken without regard to the provisions of section 3684 of the Revised Statutes (31 U.S.C. 529) when, in the judgment of the Secretary of the Interior advance payments of initial expense are necessary to facilitate such work.

SEC. 303. No part of any appropriated funds may be expended pursuant to authorization given by this Act for any scientific or technological research or development activity unless such expenditure is conditioned upon provisions determined by the Secretary of the Interior, with the approval of the Attorney General, to be effective to insure that all information, uses, products, processes, patents, and other developments resulting from that activity will (with such exception and limitation as the Secretary may determine, after consultation with the Secretary of Defense, to be necessary in the interest of the national defense) be made freely and fully available to the general public. Nothing contained in this section shall deprive the owner of any background patent relating to any such activity of any rights which that owner may have under that patent.

SEC. 304. There shall be established, in such agency and location as the President determines to be desirable, a center for cataloging current and projected scientific research in all fields of mining and mineral resources. Each Federal agency doing mining and mineral resources research shall cooperate by providing the cataloging center with information on work underway or scheduled by it. The cataloging center shall classify and maintain for general use a catalog of mining and mineral resources research and investigation projects in progress or scheduled by all Federal agencies and by such non-Federal agencies of government, colleges, universities, private institutions, firms, and individuals as voluntarily may make such information available.

SEC. 305. The President shall, by such means as he deems appropriate, clarify agency responsibility for Federal mining and mineral resources research and provide for interagency coordination of such research, including the research authorized by this Act. Such coordination shall include (a) continuing review of the adequacy of the Government-wide program in mining and mineral resources research, (b) identification and elimination of duplication and overlap between two or more agency programs, (c) identification of technical needs in various mining and mineral resources research categories, (d) recommendations with respect to allocation of technical effort among the Federal agencies, (e) review of technical manpower needs and findings concerning management policies to improve the quality of the Government-wide research effort, and (f) actions to facilitate interagency communications at management levels.

SEC. 306. (a) The Secretary of the Interior shall appoint an Advisory Committee on Mining and Minerals Resources Research composed of—

(1) the Director, Bureau of Mines, or his delegate, with his consent;

(2) the Administrator of the National Oceanic and Atmospheric Administration, or his delegate, with his consent;

(3) the Director of the National Science Foundation, or his delegate, with his consent;

(4) the President, National Academy of Sciences, or his delegate, with his consent;

(5) the President, National Academy of Engineering, or his delegate, with his consent; and

(6) such other persons as the Secretary may appoint who are knowledgeable in the field of mining and mineral resources research.

(b) The Secretary shall designate the Chairman of the Advisory Committee. The Advisory Committee shall consult with, and make recommendations to, the Secretary of the Interior on all matters involving or relating to mining and mineral resources research. The Secretary of the Interior shall consult with, and consider recommendations of, such Committee in the conduct of mining and mineral resources research and the making of any grant under this Act.

(c) Advisory Committee members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performin gCommittee business, entitled to receive compensation at a rate fixed by the appropriate Secretary but not in excess of the maximum rate of pay for grade GS-18 as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

SEC. 307. As used in this Act, the term "State" includes the Commonwealth of Puerto Rico.

And amend the title so as to read: "An act to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes."

Mr. ROBERT C. BYRD. Mr. President, at the request of the Senator from Washington (Mr. JACKSON), I move that the Senate disagree to the amendment of the House of Representatives and request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JACKSON, Mr. BIBLE, Mr. MOSS, Mr. ALLOTT, and Mr. JORDAN of Idaho conferees on the part of the Senate.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday next is as follows:

The Senate will convene at 12 o'clock noon. After the two leaders have been recognized under the standing order, the junior Senator from West Virginia (Mr. ROBERT C. BYRD), now speaking, will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes—all of which will be as in legislative session.

At the conclusion of routine morning business, the Senate in executive session will resume its consideration of the nomination of Mr. Richard G. Kleindienst for the Office of Attorney General of the United States.

No rollcall votes are anticipated for Monday. This is not to say, however, that unforeseen developments could not arise which would necessitate rollcall votes; but the leadership does not expect any at this time.

ADJOURNMENT UNTIL MONDAY

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3:40 p.m.) the Senate adjourned in executive session until Monday, June 5, 1972, at 12 noon.

EXTENSIONS OF REMARKS

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How long?

DEDICATION CEREMONIES—THE GEORGE W. ANDREWS LOCK AND DAM

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. MAHON. Mr. Speaker, the Congress, in Public Law 92-229, approved by the President February 15 of this year, designated an important waterway project in Alabama as the "George W. Andrews Lock and Dam" in honor of our late distinguished and beloved colleague, George Andrews, of Union Springs, Ala. The dedication ceremonies took place on Friday, May 26.

George's wonderful and gracious wife, ELIZABETH—now also honored as our colleague here in the House—spoke at the ceremonies. Her words were moving and eloquent, coming as they did from a grateful heart.

Another distinguished Alabamian, Adm. Tom Moorer, Chairman of the Joint Chiefs of Staff, delivered the principal remarks at the memorial luncheon in Dothan, Ala. He and George were very special friends.

Mr. Speaker, I am certain that George's countless friends here in the legislative branch—including members of the Committee on Appropriations which I head and upon which George served with such distinction for so many years—will want the opportunity to share in these thoughts and sentiments, and under leave granted I am including them at this point:

Remarks of Hon. Elizabeth (Mrs. George) Andrews

My gratitude is as deep and wide as the Chattahoochee today, because I know how much this project meant to George. It meant so much that, in order to obtain the initial funds, he bucked his committee chairman and became a crusader among the committee members and only managed to get the project approved by one vote!

He came home that night chuckling as he announced, "We got our nose under the tent!"

He preached the benefits up and down the banks of the Chattahoochee because he realized the future of the economy of our section must have a drastic boost.

I know how thrilled and pleased George was when it was first proposed that the lock and dam be named for him. However, he understood why it could not be done at that time. I know he hoped it would be done some day.

The only regret I think he ever had over his years in Congress was that he realized he had missed a lot of the "growing up" time with his children. I believe he thought the George W. Andrews Lock and Dam would be a legacy that would be meaningful to his children and prove that his many absences were worthwhile.

But what he wanted most of all was to see his dream for the great Chattahoochee come true. This dream has come a long way toward realization, but we must not falter until it is completely realized, with all the economic growth and recreational benefits that it will bring to the section that George loved so much.

And so my heart is filled with appreciation today. I am grateful to the people of the district because without their love and support this ceremony could not have occurred. I am grateful to Congress for passing the resolution that the lock and dam be named for George Andrews.

The Corps of Engineers and the Tri-Rivers Waterway Development Authority have worked untiringly with the details for this day. To them, I say, "Thank you."

Recently I attended a special briefing for Members of Congress on the War in Vietnam. I did not know until I arrived at the briefing that my own very distinguished constituent would be in charge.

I knew what a great man he was; I knew how capable he was; but my heart thrilled at the wonderful remarks made to me afterward about our great Chairman of the Joint Chiefs of Staff by Members of the House.

He instilled confidence because it was evident that he was completely informed of the situation and more than equal to the tasks ahead.

I am deeply touched that, as busy as he is, and as burdened with the defense of our nation as he is, Tom Moorer came here today to honor George.

I am grateful to the Members of Congress, to Dr. Staples, and all my friends from home up and down the Chattahoochee Valley and our neighboring States for their presence here today.

But most of all, I am grateful to George for the mantle of respect and honor that he has thrown to me and our children.

As I sat in the House Chamber Monday of this week, listening to the debate with one ear and trying to think what I would say today, I looked toward the ceiling of that awesome and historical room. My eyes fell on a plaque over the gallery door in back of the Speaker's rostrum, and there, carved in marble, were the words of Daniel Webster:

"Let us develop the resources of our land, call forth its power, build its institutions, promote all its great interests and see whether we also in our day and generation may not perform something worthy to be remembered."

By your action today, you have judged George worthy to be remembered. For our children, and for George and me, "Thank you.

Address by Adm. T. H. Moorer

I have a very special reason for wanting to make this speech today. George Andrews was a very special friend.

We gather at this memorial luncheon in Dothan to honor this distinguished gentleman who for twenty-eight years served with endless devotion the people of his district, his State, and his country as a United States Congressman. Later today we will gather for special ceremonies at the lock and dam at Columbia which now bear the name George W. Andrews Lock and Dam. In a House resolution sponsored by Bill Dickinson and his colleagues, and signed into law by President Nixon on February 15th of this year, this public recognition of and tribute to this outstanding Alabamian became official. It is a just and fitting tribute. His honorable name is now permanently united with this Public Works project to which he so greatly contributed. Certainly, he more than any other made possible the dam at Columbia, Alabama.

As we look forward to today's special ceremonies for the George W. Andrews Lock and Dam, I think it proper that we reflect for a few moments on the parallelism between George Andrews' career in the House of Representatives and the development of the Chattahoochee-Flint-Apalachicola Waterways System.

Soon after George was elected to the House in 1944, the River and Harbor Act of 1945 and 1946 was approved, a comprehensive plan for development of the entire Tri-River Basin, and authorized an initial development to provide, among other things, a barge channel from the Gulf Intercoastal Waterway at Apalachicola, Florida to Phenix City and Columbus on the Chattahoochee. With Alabama's Third District bordering the west bank of the Chattahoochee, it was instinctive that George's interest in this project was to be a lasting and energetic one. Even before the basin development was intiated in 1947 he could foresee the future benefits to the people of Alabama—the potential for industrial development, regulated water supply, flood control, hydroelectric power, and recreational development. George Andrews was determined to use his influence as a member of the House Appropriations Committee to nourish and support this basin development for the benefit of the people of Alabama and he did just that. Over the years, the project was not without its problems—problems of great moment and problems tinged with some levity. In these problems George Andrews was, by choice, fully involved.

The initial development plan included the construction of four dams; the Jim Woodruff Dam and Lock on the Apalachicola River near Chattahoochee; the dam and lock at Columbia which originally bore the name of that city; the Walter F. George Dam and Lock near Fort Gaines, and the Buford Dam on the Upper Chattahoochee. The four dams and the necessary locks formed a complete navigation and waterway system, with operation of the complete system dependent upon the development of each link in the chain. By 1958, the Jim Woodruff Lock and Dam and the Buford Dam had been completed, work at the Fort Gaines Lock and Dam was underway, but construction of the lock and dam at Columbia had not been initiated. Furthermore, there were no funds in the President's FY 1959 budget request to commence the project. During the FY 1959 budget hearings George appeared before the Public Works Appropriations Subcommittee to explain the necessity for commencing the project. He pointed out the need to begin work in 1959 in order that construction of the Columbia Dam and Lock be completed concurrently with the Fort Gaines Dam and Lock and thus make the full system operable. He pointed out that the omission of the Columbia Lock and Dam from the system would so reduce the navigation benefits as to make the waterway lack economic justification. And he pointed out in his inimitable fashion that "it had been said that without the dam at Columbia the whole project was not worth a damn." Accordingly construction of the project was begun in 1959 and substantially completed in 1963 concurrently with completion of the Walter F. George project. The hand of George W. Andrews had made its indelible impression.

So the record speaks for itself. With increasing success George Andrews worked hard and long in support of this great tri-State river system. His vision of tremendous economic growth for the area served by this system is becoming a reality. We can all be thankful for his efforts. And we can all be thankful that his gracious and lovely wife, Elizabeth, whom Mrs. Moorer and I count among our dearest friends, is carrying on George's work in the true Andrews' spirit. As recently as the 17th of this month Mrs. Andrews appeared before the Public Works Appropriations Subcommittee to urge continued support for this vital project.

Let me not for one minute imply that George Andrews' interest in this great basin development overshadowed his interest in other river programs. His distinguished colleagues and friends most appropriately gave George the title "Mr. River Development," noting that he worked in behalf of the other river development and flood control programs in this State with the same devotion and effectiveness as for the Chattahoochee. Every area of the State benefited from his service. And as reported by the Dothan Eagle in 1962, all colleagues working for projects of this type in their own districts found him helpful, imaginative, and productive, and particularly effective on the House Appropriations Committee. So his service, his influence and his reputation went far beyond the bounds of his own congressional district. He was loved, respected and cherished by people throughout the State for the service that he rendered not just to his own district but to his State and his country as well.

George Andrews was certainly a man of many virtues. You will understand my great respect and my deep appreciation for his support to the cause of national defense. George was, of course, a conservative man, strongly opposed to and dedicated to eliminating waste in the Federal Government, including the Department of Defense. But in his view wasteful spending was one thing, but necessary spending to keep our Nation militarily strong and superior to the Soviet Union was quite another. He was a strong advocate that this country always have the capability to rapidly put our troops in the field when necessary and, above all, to support them once we put them there. He was an ardent defender of our vital defense programs against the arguments of those who sought to compromise the military posture of the country in the name of economy. Many times I have heard him say, "Don't fight unless you intend to win."

George was, I am certain, the first veteran of World War II to serve in the Congress, released from active duty in 1944, as a lieutenant (j.g.) in the Navy, to fill the seat in Congress to which he had been elected. The Navy's loss was the people's gain. He was their great champion—he would have been a great admiral.

Ladies and gentlemen, George Andrews was many things to me—a friend, a benefactor, and my representative. We have all heard the saying: "They do not make them like that any more." I am not sure about that—fortunately there is a George, Jr.—but I am sure that they do not make enough of them like George Andrews.

So all of us owe a great debt to George Andrews. To his wife Elizabeth, to their son George, to their daughter Jane, and to all other members of their families, let us at this memorial luncheon rededicate ourselves to the convictions of George Andrews, that this great State and this great country continue to flourish and grow. He would be forever proud and happy that we do so. Thank you.

PRESIDENT DEFENDED FOR HIS EFFORTS TO END VIETNAM WAR

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. DUNCAN. Mr. Speaker, there is an old adage, "he who hesitates is lost." Our experience in Vietnam clearly bears out the wisdom of this remark. Now that President Nixon has taken a bold new step to chart a decisive course of action in Vietnam, his critics want a return to the hesitation policies of the past. A constituent of mine has a most eloquent answer to these critics. The following letter to the editor of the Knoxville News Sentinel provides a refreshing answer to the critics who have put their heads in the sand thinking it will make the war go away:

President Defended for His Efforts To End Vietnam War

Editor, *The News Sentinel:*

First let me say we know the horror, agony, the grief and heartbreak of war. My husband served overseas in Wilson's World War I. Our only son was killed in action in Roosevelt's World War II. Survivors of his regiment said "our ammunition was rationed."

We had Truman's Korean War. He refused to allow bombing north of Yalu River. When Gen. MacArthur wanted to win, and could have, he was relieved of his command and ordered home. Truman's no-win policy in that part of the world created conditions that gave aid and advantage to the Communists and greatly strengthened their position.

In 1960 Kennedy campaigned on the slogan "we lost prestige under Eisenhower," but during those light years we were involved in no war, the Korean treaty was signed and not one single American serviceman lost his life in combat.

A short while after Kennedy's inauguration, he involved us actively in Vietnam. Our first casualty was less than a year after his administration began—almost 11 years ago.

In 1964 Johnson called his opponent a "warmonger." Goldwater thought we should and could win the war in Vietnam. But soon after Johnson's inauguration he forgot all that, and escalated our forces to over 500,000. Did we win? No, still the same old no-win policy. On and on the fighting, the casualties, killed and wounded, mounting, mounting.

The U.S. was involved in all four of these wars, years and years of fighting under Democratic presidents—Wilson, Roosevelt, Truman, Kennedy, Johnson. This is history. The record is there to read.

In 1969 Richard Nixon became President. Immediately he was damned, criticized, blamed for all the stupid mistakes and bad judgment of the almost eight years of the Vietnam War. Nixon returned hundreds of thousands of our servicemen. Sanctuaries built up under Kennedy and Johnson were destroyed and our casualties greatly reduced.

Each time Nixon was greeted with criticism demonstrations. Why? Is it wrong to try and win a war? Is it wrong to try to protect our forces committed to combat?

When military targets have been bombed in North Vietnam, the hue and cry has been awful. But when civilians are ruthlessly slaughtered in the South, hospitals, theaters, hotels, etc., hit—no outcry. The April 27 News-Sentinel reported "shrapnel rained on refugees in siege of Quang Tri City"—the bleeding hearts did not object.

The President's talk as he outlined his blockade and mining plan was magnificent. But he was greeted with violent criticism in the House and Senate—with destructive threatening mobs and demonstrations. Sixty thousand American forces are still in Vietnam, there are thousands of our men held prisoner. Don't Americans of all parties want our men safely home? It's hard to understand, but in trying to end a war he did not start, Nixon is criticized, damned, even threatened with impeachment.

What side are these people on?

E. A. Craig.

WHERE ALL THE TAX DOLLARS GO—RARICK CONTINUES HIS REPORT TO HIS PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on some of the radical and extreme uses of the American taxpayers' dollars and the credit of our country. I insert the report at this point:

Rarick Continues His Report to His People on Where All the Tax Dollars Go

President Nixon, while encouraging continued one-third U.S. funding of the U.N. budget as a necessary expenditure to provide a public forum for leaders of the world to meet and talk over peaceful solutions to our problems, repudiated any effective role of the U.N. by personally holding private meetings with the Communist party leaders in Peking and Moscow. The expense of air transportation, security, and other arrangements, as well as the absence of the President from his job in Washington, all represent a great expense to our government. While much of the expense can not be itemized, some of it has been made available—even though it has received little publicity. For example, on the trip to Red China, the Chinese reportedly demanded an advance deposit of 6.6 million dollars in U.S. gold before they would agree to the meeting and allow the conference to be televised live to the U.S. Then, in the exchange of the gifts, the cost of transportation for the musk ox to China and bringing the pandas to the U.S. was $98,000, while facilities to house the pandas in Washington will cost the taxpayers over $500,000—just to be able to exhibit the gift from the Chinese Communist party. What the American people have received in turn other than loss of face and loss of friendship around the world still has not been evaluated in dollars and cents.

In Russia, where our President offered a toast in Russian to "eternal glory to heroic Leningrad", he presented to the Soviet Party Chieftan a 1972 Cadillac donated by American capitalists, and to seal the new arms limitation treaty gave to the Soviet President and Premier rifles with special telescopic scopes and appropriate ammunition.

Traditionally peace-signing ceremonies are accompanied by the release of white doves, but apparently the President's advisers had done their homework and were aware that the Communists Podgorney and Kosygin were old time revolutionaries whose pet hobby is firearms. The symbolic offering of guns to an opponent sounded more like a surrender ceremony than agreement for arms limitations.

The most publicized aspect of the President's Russian trip has been the announcement that he has entered into a signed agreement with the Communist Party leaders which will slow down the arms race and lead to world peace and understanding. Little is told to our people to remind them of the past experience with Communist leaders who never sign an agreement unless it is overwhelming in their favor; and should it end up to their dissatisfaction, tear up the agreement declaring it simply a piece of paper. What did the American people really get out of the extra expense of having the President go to Moscow because the U.N. is inept? At most, we have given our people a sense of false security, and we have given the Russian leaders the added advantage of time.

So we may see first hand who made the concessions and who got the advantage at the Moscow summit. The following statement from the protocol accompanying the agreement is indicative:

The U.S. may have no more than 710 ballistic missile launchers on submarines (SLBMs) and no more than 44 modern ballistic missile submarines. The Soviet Union may have no more than 950 ballistic missile launchers on submarines and no more than 62 modern ballistic missile submarines.

In other words, the treaty limits the U.S. to 44 ballistic missile submarines while the Russians get 62, and our country can have no more than 710 ballistic missile launchers while the Russians agree to limit theirs to 950.

In traditional American do-gooderism, we are to give the Russians the advantage of 18 more ballistic missile submarines and 240 more missiles—that is being ballyhooed as a great step toward maintaining arms balance—parity. I leave it to you to decide whether you have received your dollar's worth as well as whether you think this was a fair settlement or a prelude to suicide. Surely no one can deny that implementation of this agreement will reduce our country to a second-rate military power.

Another program receiving national attention these days is revenue sharing, or more appropriately, under the bill now pending in Congress, the State and Local Assistance Act of 1972. The pending bill supposedly would return some of the taxpayer's money to the states, cities and local communities with populations of 2500 "for high-priority expenditures, to encourage the states to supplement their revenue sources, and to authorize Federal collection of State individual income taxes." The bill, H.R. 14370, would redistribute $5.3 billion to states, of which $3.5 billion would go to the local governments in 1972, increasing to a level of $6.5 billion by the fourth succeeding year.

Revenue sharing, that is return of federal funds to state and local agencies, is nothing new, since federal funds have been shared for many years in fields of education, highway construction, airports, welfare. By now, revenue sharing has reached every facet of our endeavor accompanied by its ever-increasing federal control and regulation. For example, in fiscal 1971 our State of Louisiana received $163,990,062 in federal assistance or revenue sharing.

The latest revenue sharing program has been tailored mainly to ease the financial crisis in our bigger cities, which has been caused to a large degree by federal controls, regulations, and orders, thus causing the flight of many of the people from socioeconomic experiments, ever-increasing taxes, and refusal of the local people to increase their taxes to pay for politically motivated federal programs. As a result of the mass migration from our cities and the desire of the local leaders to participate in expensive federal programs and prestige projects, most cities and municipalities can not keep pace with revenues meeting expenditures—the money's not coming in as fast as it's going out.

Certainly the plight that the mayors and local officials find themselves in makes it more difficult not to grasp at the latest federal carrot which would only cost the taxpayers $5.3 billion. Especially is this so when we consider that in devaluing the dollar last month, the taxpayers were forced to give the international banking institutions $1.6 billion—roughly ⅓ as much as the cost of revenue sharing—for the right to cut the buying power of the dollar. Nor does it make sense to continue pouring out foreign aid to every country around the world at a rate of $13,500,000,000 in 1972—almost 2½ times as much as the cost of the revenue sharing—to participate in every international share-the-wealth program when our own people can use it for improving our own community and helping our own people—who, after all, are the ones who create the wealth.

But the revenue sharing bill, H.R. 14370, is again another political ploy designed for people-control and political party-domination.

Here is a table showing the proposed annual revenue sharing to the parishes in our District:

Ascension	$367,924
East Baton Rouge	5,701,615
East Feliciana	284,155
Livingston	401,287
St. Helena	178,571
St. Tammany	561,129
Tangipahoa	479,756
Washington	202,225
West Feliciana	187,664

On a per capita basis we in Louisiana would receive $22.58 while New York State would receive $35.20 per person.

This is not fair, nor is it corrected by the persuasion that if the people in Louisiana raise their State income taxes, then in return they can receive a bigger share of the federal pie.

While the states' portion of the revenue sharing is being promoted as having no strings attached, the bill restricts the use of the local share to public transportation, public safety and environmental protection—areas in which federal monies have already been appropriated.

Our people also realize that with federal funds come federal controls. Perhaps no more obvious a reminder of this is that the formula under the Revenue Sharing Act is based upon state income taxes, and the bill's title says "to encourage the states to supplement their revenue sources"—in other words, the higher the people tax themselves, the more money they would receive under the federal formula. So it is not surprising that Title II of the bill itself reads, "Federal collection of state individual income taxes. . ." The bill provides that the state can agree that the federal government preempt or take over all of the state income tax collections and give all civil and criminal powers to the U.S. Attorney and Federal Judges in lieu of state officials. In fact, Title II even provides a model state income tax law so that all states might have a unified tax system.

As written, the law would authorize Internal Revenue people full access to all state income taxes for the purpose of verifying reports and collections. The big question posed by this section is what will happen when the federal government has collected the states' income taxes and the federal bureaucracy decides that the state is not in compliance with some guidelines or federal policy cuts off the state's funds and leaves the state without any money to finance its own operations adequately?

Perhaps the more interesting and enlightening fact is that the Ways and Means Committee of Congress, which passed out the Revenue Sharing Bill, will be holding hearings on increasing the national debt at or near the same time that the Congress will be debating the Revenue Sharing Bill.

The national debt—the amount that the President can borrow against the full faith and credit of the U.S. taxpayers—now has a maximum ceiling of $450 billion, which means that the interest alone on the outstanding debt will exceed $25 billion this year. Think of it—$25 billion which won't create any jobs or fund any Federal programs—almost five times as much as the cost of the Revenue Sharing Program, yet few people express any concern about this fiscal irresponsibility. The new debt ceiling request will probably be for $30 billion more, or a total national debt authorization of $480 billion. The budget contained a programed deficit of $44.7 billion for this year. Already there is talk about the new increase in Federal income taxes following the Presidential election this fall.

Certainly our country and our people have the wealth and productivity to provide for everything that the people themselves want and are willing to pay for; but we cannot continue to support every international boondoggle nor supply our fighting men to combat every brush fire, and still expect to fulfill the needs and desires of our people at home. Fiscal responsibility must receive high priority.

There needs to be an accountability and only time will tell whether it will come from the people or the bureaucrats.

JOE YOUNG AND PHIL SHANDLER HONORED FOR LABOR WRITING

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. DULSKI. Mr. Speaker, the Washington-Baltimore Newspaper Guild, at its annual award ceremony, recently honored Joseph Young and Philip Shandler of the Washington Star for outstanding labor reporting.

As one who follows closely matters of concern to Federal and postal workers, I feel the recognition is richly merited. They were the first winners of the Frank C. Porter Memorial Award in the newly-established category of labor reporting.

Through the medium of the Star's syndicated Federal Spotlight column, as well as through individual stories, Joe Young and Phil Shandler work as a top-notch team in covering the wide-ranging developments as they apply to this large group of workers located throughout the Nation, the greatest concentration being here in the Washington area.

The Federal complex is ever-changing in its makeup, As a result, there is intense interest in the progress or lack of progress on these changes and their impact on the employees and their families, as well as on individual communities.

In keeping close tabs on this broad front, Joe and Phil leave no stone unturned and it is gratifying to me to learn that they have been given due recognition by their peers.

PUTTING POLITICS FIRST, AMERICA SECOND

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. YOUNG of Florida. Mr. Speaker, Americans once prided themselves in putting America first and partisan politics second; we said that partisanship stopped at the edge of our shores. Unfortunately, this is no longer the case today. Almost daily we see examples of ambitious politicans seeking to divide America in an effort to create a climate favorable to their political ends.

Some of the so-called leaders who were responsible for getting us so deeply involved in the tragic Vietnam conflict are now screaming to end our involvement regardless of consequences while ignoring the success of President Nixon in dramatically reducing our participation in combat there. Having erred in the past, they would seek to erase their culpability by erring as grandly in the opposite direction.

The Congress was treated to such a display recently with the testimony of Clark Clifford, former Secretary of Defense, before the House Foreign Affairs Committee. Mr. Clifford's astonishing testimony was placed in proper perspective by Crosby S. Noyes in a column in the May 28 edition of the Washington Star.

Here, for the consideration of the Congress, is what Mr. Noyes had to say:

[From the Washington Star, May 28, 1972]

CLARK CLIFFORD AND THE LOGIC OF PARTISANSHIP

(By Crosby S. Noyes)

One can only sympathize with Secretary of State William P. Rogers. The gratuitous advice we are getting on how to get out of the war in Vietnam from the people who were chiefly responsible for getting us into the war in the first place is both astonishing and a bit sickening.

Rogers' comments on the subject were provoked recently by the testimony of Clark Clifford to the House Foreign Affairs Committee. Clifford, a sometime hawk in the Kennedy and Johnson administrations and briefly secretary of defense, has had several profound changes of heart since his days as a prominent adviser of presidents.

Today he is generously willing to share the blame with everyone for the mistakes of the past. In his current view, there never have been any stakes of any real consequence to the United States in Southeast Asia and the whole affair was the result of an unfortunate misunderstanding. His present concern is that President Nixon should face up to the consequences and forthrightly admit a total defeat in Vietnam, Laos and Cambodia.

Clifford is more than ready to concede that Nixon's policy of Vietnamization—including the withdrawal of a half-million American troops from Vietnam—has been a dismal failure. Far from a prescription for ending American involvement in the war, he argues, it is a formula for insuring its indefinite continuation. As he sees it—perhaps accurately—it has not strengthened the Saigon government to the extent that it can withstand future assaults from the North, nor weakened it sufficiently to force a settlement on Hanoi's terms.

The former secretary of defense is quite definite about the way President Nixon should deal with the situation. He should not support the Saigon regime against an all-out attack from the north—particularly if this support threatens our relations with China and the Soviet Union. Resistance to the Communist offensive—including the mining of the harbors of North Vietnam—is, in his view, a dangerous exercise in futility.

The alternative which Clifford suggests is wonderfully simple.

The United States should set a "date certain" for the final withdrawal of all American military personnel from Indochina and at the same time should end all ground, naval and air support for the Saigon regime. In return for this, the North Vietnamese would (it is hoped) return all American war prisoners and agree to refrain from attacks on departing American troops.

Such an arrangement, in Clifford's view, would bring about a prompt end of the war. It is his "firm conviction that if this plan were agreed to, political forces would surface in South Vietnam that would institute negotiations between the Vietnamese leading to an overall settlement." And that settlement, needless to say, would be on terms dictated by Hanoi.

Clifford, of course, is not by any means alone in recommending a sellout of South Vietnam. Most of the Democratic candidates are calling for much the same thing, including Sens. Hubert Humphrey and George McGovern. The change that President Nixon is prolonging the war indefinitely by refusing to arrange for the defeat of the South Vietnamese army is fairly standard Democratic logic at this stage of the game.

One also can understand the politics of the argument well enough. If Richard Nixon were to take the advice of his Democratic critics and lose the war between now and November, he almost certainly would be defeated for re-election. And since he is not at all likely to do any such thing, his Democratic critics have nothing much to lose in making dire predictions about the course of the war and the American involvement in it.

Partisanship, after all, has a special logic of its own. It is not exactly a rare thing in politics that our elder statesmen, who can perform brilliantly when their own party is in power, are perfectly capable of repudiating all of the principles they have stood for when they find themselevs in opposition. Whether a given policy is good or bad, it seems, is largely a question of whether one wants it to succeed or hopes that it will fail.

Clifford, apparently, has his heart set on failure. So far as he is concerned, it is unthinkable that South Vietnam should survive as an independent country, that the North Vietnamese should fail in their current offensive or that Nixon should succeed in extricating the United States from the war without losing it.

In order to assure failure, he is ready to repudiate everything that this country has tried to do over the last seven years at an enormous cost of blood and treasure and deliberately sabotage policies which he himself helped to create. It is not exactly surprising that Secretary Rogers finds this advice both bewildering and somewhat distasteful.

THE PRESIDENT'S ADDRESS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. HOSMER. Mr. Speaker, in his address this evening, the President seemed genuinely proud to have helped manuever East and West to positions where genuine peace for many years is possible.

He warned Congress and the Nation against blowing it.

For example, he hinted that his programs for improved strategic systems such as the *Trident* submarine and B–1 bomber must be supported, otherwise time will erode away the mutual self-interest now present in the SALT arrangements.

SECOND THOUGHTS—THE U.S. SUPERSONIC SUPERGOOF

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. PELLY. Mr. Speaker, Congress voted a little over a year ago to kill the supersonic transport program which was already well underway at the time—an action that set this Nation on the road backward in international aviation.

The real consequences of this ill-timed action are now being felt—and I am sure that many of my colleagues who voted against the SST must now be having second thoughts. I insert into the CONGRESSIONAL RECORD an article from the May 28 edition of the New York Sunday News on this very point.

The article follows:

SECOND THOUGHTS—THE U.S. SUPERSONIC SUPERGOOF

(NOTE.—A former Air Force officer and a nationally recognized aviation writer and editor, Ansel E. Talbert was one of the first U.S. newsmen to make a flight in the British French Concorde SST at Mach 2—1,350 miles an hour.)

(By Ansel E. Talbert)

A little over a year ago Congress killed the supersonic transport, and by this time at least some of those who voted its demise must be having second thoughts.

Into the United States SST prototype development program had gone eight years of intensive research and actual work on its hardware by some of the nation's top scientists and engineers.

Winding up all contract and other details of the eight-year-old project is costing something over $100 million more than completing it would have, according to Department of Commerce testimony.

The immediate consequences of Congress' action to the U.S. economy, the U.S. aerospace industry's competitive position in overseas markets, and the industry's morale were extremely bad—and in certain cases appalling. These results still are unfolding.

The long-range economic implications of what has taken place are freightening. Beyond question, they have blocked the creation of tremendously important sources of revenue which during the next two decades could have been applied to social needs.

Particular victims of the SST cancellation are the U.S. taxpayers, approximately $1.2 billion of whose money was blown with nothing to show for it, and that group of aircraft industry workers having the highest skills and education. The latter includes many thousands who have earned through years of effort a real stake in their respective communities; who never before have been out of work for a lengthy period, and who would be invaluable assets to future high-priority projects.

Today, a large part of that group has exhausted unemployment insurance and actually is on the verge of bankruptcy and hunger.

The program that Congress killed was initiated in 1963 by President John F. Kennedy, who called an American SST "a national objective . . . essential to a strong and forward-looking nation."

A special team studying future goals for U.S. civil aviation, which President Kennedy had appointed immediately after taking office in January, 1961, strongly recommended "intensified efforts" to produce such an aircraft. Informal SST studies had been going on since 1958.

The SST development program which the 92d Congress killed by cutting off the funds for continuing it, would have given the U.S. two prototypes of what had been designed to be the world's largest, fastest and most advanced and economical SST and paid for 100 hours of flight testing of them.

Tests would have started with a maiden flight by one of the prototypes late this year. This testing would have provided many specific answers to important questions relating to SST noise, economics and influence on the environment, for which the U.S. now will have to depend on foreign sources.

Three foreign nations—Britain, France and the Soviet Union—have benefitted immeasurably from cancellation of the U.S. SST prototype program. It gives them a 10-year lead over the U.S. in this crucial field of future development.

Although a bevy of anti-SST critics from the U.S., headed by Professor John Kenneth Galbraith of Harvard, have gone abroad to appear on European TV and to hold press conferences attacking the French-British Concorde SST—possibly to cover their bets against the U.S. SST project—testing of the Concorde has moved along swiftly and without hitch.

(The Concorde, built mostly of aluminum alloys, is designed to carry 128 passengers approximately 4,000 miles at a speed of 1,350 miles an hour, while the U.S. SST, constructed largely from titanium, would have carried 298 passengers over a similar range at 1,800 miles an hour.)

The two Concorde prototypes, now joined in the skies by the first preproduction model, already have amassed over 250 hours at Mach 1 (faster than sound). A total of 16 Concordes are now being built, with key assemblies ordered built for six more.

Nearly half of this current Concorde time has been at Mach 2 (roughly 1,300 miles an hour) or on the Mach 2 borderline.

On Thursday, Michael Heseltine, Britain's Minister of Aerospace, announced in the House of Commons that British Overseas Airways Corp. had just ordered five Concordes, and taken options for eight more—and planned to put the supersonic aircraft into regular passenger service in time for the summer vacation travel season of 1975.

French sources close to France's Transport Minister Jean Chamant disclosed that a similar order from Air France soon would be forthcoming.

Keith Granville, chairman of BOAC, revealed that initial supersonic flight schedules of his airline called for two round trips a day between New York and London, plus service between London and Sydney, Australia, and London and Johannesburg, South Africa, and between London and Tokyo.

BRANIFF IS EVALUATING CONCORDE

In the U.S., Harding Lawrence, chief executive officer of Braniff International, revealed that his airline was stepping up final evaluation of the Concorde "from an engineering and economic standpoint." A Braniff pilots' team has flown the French-British SST and pronounced it "an outstanding aircraft, aerodynamically and technologically."

If the latest evaluation proves to be as positive as that of the pilots, Braniff will make a decision "whether to buy one, two or three Concordes," Lawrence said. Braniff already has three Concorde delivery positions.

Lawrence is known to believe that the Concorde is a natural for Braniff's long intercontinental overwater routes connecting New York, Miami and Los Angeles with Lima, Peru, and ought to be a real money-maker on them. It would cut the New York-Lima flying time from seven to three and one-half hours and chop other times about in half.

There have been allegations from anti-SST groups that neither the Concorde nor any other SST will be allowed to operate into and out of U.S. airports.

But Jack Shaffer, head of the Federal Aviation Administration, says there is no national law or regulation which would bar such flights, and a local attempt by the Massachusetts Legislature to ban the SST was declared unconstitutional by the Massachusetts Supreme Court.

Not too much is known about the Soviet Union's Tupolev Tu-144 SST—almost exactly similar in design to the Concorde, but slightly smaller. It is certain, however, that its test program, although far behind the French-British one in Mach 1 and Mach 2 hours flown, is going ahead steadily.

The Russians are believed to have started out with two prototypes and cracked one up (although they deny the latter). In any event they will have three flying before this year's end. Already they are carrying out intensive sales efforts, including public advertising, in both Communist-aligned and non-Communist nations.

The fact that France and Russia *already had* supersonic transports and undoubtedly would move into the international market with them got scant attention in the almost hysterical anti-SST campaign in this country.

Probably the most amazing aspect of the fight that killed the SST was the wide publicity consistently given by several influential publications to scare stories based on highly iffy assumptions, which had little or no solid scientific backing. These often came from "scientists" having fairly impressive academic credentials and connections, but who usually were not in the field about which they were testifying.

A meteorologist having no formal medical training who had urged an earlier congressional committee to look into the possibility that visitors from outer space had deliberately caused the famous New York power blackout, was one who gave extensive and detailed SST testimony.

It was he who suggested that a fleet of SST's operating at 70,000 feet or so, might bring about atmospheric changes which would cause widespread skin cancer.

Economics professors turned on at length about such matters as technical design aspects of the SST, political scientists went on about environmental considerations, and so on.

It would require several volumes to carry on a discussion or do a detailed rebuttal of allegations such as those that SST's would start a new Ice Age; would melt the polar ice caps and cause oceans to rise; would generate sonic booms which would smash buildings, scare animals and marine life and create "ecological wastelands" by actually destroying fauna and flora.

The testimony of some recognized scientific authorities of the highest integrity and repute are worth considering as a means of putting the various anti-SST statements in their proper perspective.

On environmental matters, Dr. Will Kellog, chairman of the work group on climatic effects at the Massachusetts Institute of Technology, and associate director of the National Center for Atmospheric Research said:

"I am very much disturbed over . . . gross exaggerations and scientific misstatements regarding the SST's potentially harmful effects upon the atmosphere and man's environment.

"There is no environmental reason . . . to delay construction of two prototype U.S. SST's."

ACOUSTICS EXPERT DEFENDS SST

On noise, Dr. Leo L. Beranek, a former Harvard University physicist who has devoted most of his life to acoustics and noise prevention, testified that "there does not appear to be any technical reason why a commercial supersonic transport cannot be built which will be acceptable with regard to noise."

The "sonic boom problem" has become somewhat academic. This is because airlines, manufacturers and national government and state officials all have been in agreement for several years that SST's should not operate supersonically over land at any time.

On the charge that SST operations would congest existing airports, pollute the air above and between them and cause "community noise," the Airport Operators Council International wrote the President of the United States:

"We see the SST program as a unique opportunity to reduce these, while improving air transportation service through an orderly, well-planned program involving international coordination among airport and airline operators, manufacturers and government."

Most scientific evidence indicates that the "community noise" of the U.S. SST—as well as that of the European models—will be about half that of existing jet transports.

Sen. Charles Percy (R-Ill.) was the chief exponent of an argument that the airlines really didn't want an SST. His views would appear to be in conflict with the fact that 26 of them put $81 million, which they could well have used elsewhere, into the SST program. (They got it back after cancellation.)

And Stuart Tipton, head of the Air Transport Association, to which nearly all of the major U.S. airlines belong, said in reply:

"The airlines are deeply interested in an SST. I have discussed this in detail with the presidents. . . . They want the airplane. They particularly want the American SST."

The senators and representatives who voted to kill the SST might ponder on the fact that best estimates are that one SST carrying 300 passengers at 1,780 miles an hour (Mach 2 plus) would give off about the same amount of pollutants per mile as three automobiles traveling at 60 miles an hour.

In France, there was no real opposition to the Concorde. Among its staunchest defenders was L'Humanite, official organ of the French Communist party. The powerful CGT trade union group in France, which the International Association of Machinists and other U.S. labor groups describe as "Communist dominated" also backed the Concorde to the hilt.

A CGT pronouncement relative to the Concorde said solemnly, with a "nobody-here-but-us-patriots" air, "Maintaining our aerospace industry in the first rank at the international level is important to [France's] national independence."

In the U.S., cancellation of the SST simply sent the taxpayers' money down the drain and produced next to nothing in return. The major salvage items have been some research projects and investigative studies.

William Magruder, the brilliant test-pilot-engineer-designer who headed up the SST program when it was killed and now is serving in the White House as a special science advisor to President Nixon, believes that it would require between $1.5 billion and $2 billion to reconstitute the two-prototype project.

There would be no credit carry-over for a future U.S. SST from the $1.2 billion already thrown away. Skilled scientific teams whose members had been working together for years have been broken up; advanced technology hardware melted down or sold for junk, and participating company programs wrecked.

CANCELLATION CANCELLED JOBS

Within a month after the cancellation became effective on March 31, 1971, between 13,000 and 15,000 aircraft workers, scientists and engineers were thrown out of work. This caused and still is causing great personal distress.

The three largest groups of SST unemployed are in Seattle, headquarters of the Boeing Co., prime contractors for the SST airframe; Evandale, Ohio (near Cincinnati), where the General Electric plant responsible for the American SST engine design is located, and in New York's Suffolk County, Long Island.

Suffolk County is the location of the Republic Division of Fairchild Corp., largest single subcontractor on the SST project.

But there were subcontractors and suppliers in at least 40 states, and all have felt cancellation effects ranging in degree from mild to extreme.

Floyd E. (Red) Smith, international president of the International Association of Machinists and Aerospace Workers, the world's largest organization of aerospace workers, puts it this way:

"The SST layoffs have set off a chain reaction of unemployment in supporting industries. In the sub-contracting companies, tool and die makers, machinists, lathe operators, electricians, engineers and many others have lost their jobs. And this goes far beyond the companies involved in the SST program directly. It is hurting car salesmen, home builders, clothing stores and a great many others."

Smith estimates that the prototype program, although involving around 14,000 workers and scientists directly, actually would have generated at least 42,000 jobs. Had there been a decision to go ahead with production after a thorough testing of the two U.S. SST prototypes, some 50,000 workers would have been employed when the production really got going. A "ripple effect" would have created 100,000 more jobs in supporting industries, Smith said.

During the past year, however, the unemployment situation has become increasingly grave. Testimony a few days ago of Rep. Brock Adams (D., Wash.) whose congressional district includes the hard-hit Seattle-Kings County area, agrees with many other surveys that the situation is getting worse instead of better.

Backing his views are the findings of the U.S. Senate's "Select Committee on Nutrition and Human Needs" headed by Democratic George McGovern of South Dakota—now a front-runner for the Democratic presidential nomination.

McGovern's committee (the senator, ironically voted consistently against the SST program) gave its findings in a detailed printed record issued last November. This stated that "it is not unfair to call Seattle an area of 'economic disaster'."

The report added that "the present situation is murky and the future looks dark", and that "there are no immediate prospects for a rapid improvement in the areas' economy."

It should be pointed out that by no means all the distress in Seattle can be attributed to the SST cancellation. There had been previous cuts in the Boeing work force due to a fall-off of military orders and the tapering off of the Boeing 747 jumbo jet production program.

George Meany, the crusty and outspoken head of the AFL-CIO, estimates that the ultimate long-range impact of the U.S. *not* competing in the SST field will cost American industry at least 500,000 jobs. He accuses Congress of "exporting jobs abroad" and fears that this may well turn out to be the biggest U.S. export connected with the SST.

What has been the effect of the SST cancellation on the East Coast? At the Fairchild Corp. factories at Farmingdale, L.I., and at Hagerstown, Md., a total of nearly 1,000 have been laid off—most of them at the New York plant. The company, which had obtained about $35 million worth of SST subcontracts, also didn't hire the additional help necessary to put a programed 1,600 to work on SST subassemblies this year.

As at Boeing, the cancellation hit Fairchild at a time when it was feeling a decline in both civil and military aircraft business. Its management was hopeful of getting involved in a long-range project which would keep its work force together, and start things moving upward again for the company.

NO ROOM FOR OPTIMISM

The current work force at both places today is 3,200 (2,700 of them at Farmingdale), and it may drop before long if nothing turns up.

It is worth mentioning that since the SST cancellation, Boeing has worked out an agreement with Aeritalia of Italy for a joint program to design and build a large short-takeoff-and-landing (STOL) civil air transport aircraft. This will help to keep its top design team intact and busy. If things work out during testing, there will be a production line both in Seattle and in Milan.

Other firms which worked on the SST have done likewise or are presently exploring the possibilities.

Despite these immediate advantages, such moves might serve to reduce the 85% hold which the U.S. aircraft manufacturing industry now has on the world civil aircraft market, and depress it down to 50% or eventually 35%.

It is discouraging to those in the U.S. industry that U.S. civil aircraft exports will decline this year for the first time since 1964. The exports will amount to about $2.7 billion, down 39% from 1968 and 10% below 1971.

Thus, while the mock-up of the U.S. SST gathers dust in its hangar, while the U.S. falls behind in vital future development and thousands of scientists, engineers and technicians look for other work, France and Russia are gearing up production of the Concorde and the TU-144 in a drive to dominate a field in which this country once was supreme. The question remains: was killing the SST worth the cost?

THE BURUNDI MASSACRE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. RARICK. Mr. Speaker, the usual antagonists of so-called minority rule in Africa have been conspicious by their silence as to the mass slaughter of an estimated 50,000 people in the African tribal State of Burundi.

Perhaps the reason for the silence is that Burundi is a minority-controlled government which favored by the usually vocal opponents of minority-controlled governments in Africa.

I include related newsclippings which follow:

[From the Washington Post, May 31, 1972]

Burundi Says 50,000 Killed in Civil Strife

(By Stanley Meisler)

Nairobi, May 30.—The government of Burundi has acknowledged that at least fifty thousand people have been killed in a month of fighting in the little land-locked Central African country ruled by the Tutsi.

In a broadcast monitored in Kampala, Uganda, Monday night, the Burundi government radio said the victims were killed by about 5,000 foreign-trained rebel invaders and some 3,000 internal criminals who had "a maliciously prepared plan to exterminate the Tutsi." The radio said the victims were "slaughtered" and said some were also "ignominiously mutilated."

The Tutsis, who are also known as Watutsis, make up less than 15 percent of the 3.5 million Burundi people. Despite their numbers, they have ruled the country and its predominantly Hutu people in a feudal way for centuries.

The government denied foreign newspaper and radio stories that there had been a spontaneous uprising by the Hutu peasants at the end of April and that, as a result, the Tutsi-run government was avenging itself with indiscriminate reprisals against the Hutu.

Independent reports reaching here from diplomatic and private sources, however, insist that the Tutsis, incensed over Hutu participation in the uprising, have been systematically trying to wipe out what they consider the "intellectual" class of the Hutus. All teachers, civil servants, clerks, businessmen, students—all those, in fact, with some education—have been the targets of Tutsi vengeance, according to the reports. Non-government sources say almost all the thousands dead have been Hutu.

The broadcast Monday was the first acknowledgment by the government that so many Burundis—whether Tutsi or Hutu—had been killed.

According to the broadcast, 5,000 rebels, trained and armed outside, tried to overthrow President Micombero Michel April 29 in both an attempted coup and extermination of the Tutsi minority. The broadcast said the rebels included both Burundis and followers—evidently Congolese—of the late Congolese rebel, Pierre Mulele. The broadcast did not say where the rebels were trained.

The broadcast said these rebels then linked up with criminal elements within Burundi in their massacres of the Tutsi. According to the radio, they mutilated children, committed unspeakable atrocities against girls, and massacred adults. "All the horrors were only against the Tutsi," the radio said.

[At the United Nations, Burundi Ambassador Nsanze Terence today said "more than 50,000 innocent victims" were killed, Tutsi and non-Tutsi alike, by the rebels who "under the Hutu label launched the genocidal attack."

[Terence said he had been informed by his government that most of the 50,000 deaths occurred April 29, 30 and May 1, before Burundi army forces began their counterattack. He said the rebels initially aimed their attack at "those Burundis whom they believed to be Tutsis."

[But he said when "the authors of this genocide were rejected by the masses, the rebels started slaughtering indiscriminately the people within reach."

[Ambassador Terence said hundreds of rebels were killed in the fighting that followed, and hundreds more arrested. Some of the rebel leaders have already been put on trial, sentenced to death, and executed, he said. The Burundi ambassador said the fighting has now ended and "the situation is totally under control."]

The independent reports reaching here differ on whether the killing has now diminished. Some sources say it was simply because there are few educated Hutus left to kill. Other sources say they see no sign of a moderation of the Tutsi frenzy.

Some sources report a feeling among a few members of the Tutsi elite that the vengeance has gone too far. These Tutsis fear that the Hutus, if pushed too far, may finally turn on their feudal lords and produce a fearsome vengeance of their own.

It is evident that the government of President Micombero is also showing some concern about the adverse foreign reaction to the slaughter. Pope Paul VI added his voice to the mounting foreign concern Sunday when he announced he was sending an envoy to Burundi "to give advice and comfort with the hope that as soon as possible, human and christian sense would prevail over barbarous destruction."

Perhaps to meet the foreign criticism, President Micombero has appointed "councils of wise men" to travel throughout the country and urge Tutsi soldiers and youth organizations to calm their anger against the Hutus. The councils each include an army officer and a prominent private Tutsi.

[From the Washington Post, May 18, 1972]

Hundreds Die, Thousands Flee—Burundi: Tribal Strife, Terror

(By Stanley Meisler)

Nairobi.—Burundi, the last fiefdom of the tall Watutsi tribesmen, is in terror again. For almost two weeks, hundreds, perhaps thousands, of Africans have been slain, and thousands more have fled for refuge. The reason for the new trouble is obscure.

The latest reports reaching here indicate a decline in bloodshed in much of the countryside, but warn of new trouble ahead. The Watutsi minority, who have dominated life in Burundi for centuries, are arresting hundreds of the subservient Hutu masses, blaming them for taking part in an uprising against the Watutsi government. Many Hutus fear a vengeful massacre, and some foreign observers in Burundi believe that the fear is justified. It has happened before.

In fact, the Watutsi have probably started to exact their revenge. There are reports in Bujuanbura, the capital, of gangs of soldiers and other Watutsis searching for Hutus in the poorer quarters of town and killing some on the spot, of Hutu bodies lying in prison, of bulldozers digging mass graves by the airport.

The extent of the arrests of Hutus is shown by what happened at one secondary school last Friday and Saturday. Police came one day and arrested half the Hutu students. In 24 hours, the police showed up again, arresting the others.

In a radio broadcast to the country Monday night, President Michel Micombero said that the situation was "back to normal" in "almost every area of our republic."

Other reports reaching Nairobi Tuesday talked of rebels still fighting in the south, between Bujumbura and the town of Rumonge. Elsewhere, the south had quieted, but the situation hardly seemed normal. According to one report, a French helicopter brought Micombero to the port of Nyanza Lac on Lake Tanganyika on Saturday. He found it deserted. The townspeople still alive had fled to Tanzania.

But the reports reaching here left the important questions unanswered. There clearly has been an uprising against the government in this little land of 3½ million people locked between Zaire (formerly Congo-Kinshasa) and Tanzania in the center of Africa.

But who started it? Who took part? With the government imposing censorship and refusing to allow foreign correspondents in, the questions were difficult to answer. But some facts are known.

In late March, Ntare V., the 25-year-old former king of Burundi, returned home in a Ugandan helicopter. He had been deposed in 1966 in a coup led by Micombero, then prime minister and commander of the small Burundi army. Both the king and Micombero are Watutsi.

SAFETY PROMISED

President Idi Amin of Uganda had ordered a helicopter to fly Ntare to Burundi only after receiving a letter from Micombero guaranteeing the former king's safety if he came home as an ordinary citizen. But when Ntare arrived, the government reneged on its assurances. Burundi officials arrested him and accused him of trying to invade the country with mercenaries.

On April 29, there evidently was an attempt in Bujumbura either to overthrow the government of Micombero or to free Ntare, or both. The Burundi radio described it as a coup attempt and said hundreds had been killed in the fighting, including Ntare.

On the surface, the trouble in Bujumbura seemed like a clash between Watutsi over who should rule the rulers. But fighting soon erupted elsewhere in the country, which meant that the subservient Hutus, who make up more than 80 per cent of the population, were taking part in the uprising.

In fact, refugees in Tanzania have told newsmen that the killings in the south were mostly by bands of Hutus, armed with pangas (African machetes), looking for Watutsi.

HUTU UPRISING

A general uprising by the Hutus could be a fearsome thing. In neighboring Ruanda, where the Hutus also were ruled by a Watutsi minority, 20,000 or more Watutsi were killed in a successful Hutu revolution and its aftermath a decade ago.

But a general uprising did not take place in Burundi last week. In fact, there are reports of Hutu soldiers joining their Watutsi officers in fighting rebels. Despite this, the Watutsi are arresting and killing Hutus as if a general Hutu uprising had been attempted.

To try to get to the bottom of the recent Burundi events, three elements must be considered: the relationship between the Hutus and their Watutsi lords, the squabbling among the Watutsi, and the influence of outsiders.

For centuries, the Watutsi have ruled in a feudalistic way, taking loyalty, services, and goods from the Hutu peasant masses in exchange for the use of Watutsi land and cattle. As in European feudal days, the Watutsi lords also were obliged to protect their Hutu serfs.

RACIAL DIVISION

The division between the two peoples has also been racial, for the Watutsi are tall, Hamitic people from the north of Africa while the Hutus are short, stocky people of Bantu descent.

In many ways, the line dividing these two castes has not been as rigid in Burundi as in neighboring Ruanda. There has been some intermarriage. Micombero, for example, is believed to have some Hutu ancestry.

In addition, Hutus have been drawn into the ruling hierarchy. Some are landowners who rule other Hutus in a feudal way just like the Watutsi lords.

This may be one reason Burundi has not experienced a revolution like that of Ruanda so far.

Nevertheless, there have been at least two attempts by Hutus to overthrow the Watutsi-dominated government since Burundi gained independence from Belgium in 1962.

WATUTSI KILLED

In October 1965, a group of Hutu army and police officers tried unsuccessfully to overthrow the Watutsi king and establish a Hutu republic like that of Ruanda. Several hundred Watutsi were killed in the countryside.

The Watutsi revenge after the failure was brutal. It is believed that between 2,500 and 5,000 Hutus were killed, some by civilian Watutsi vigilantes. Military tribunals handed down 86 death sentences.

The dead included the leading Hutus in the government, and the army was purged of its Hutu officers.

In October 1969, the government accused another group of Hutu leaders of plotting to overthrow Micombero and massacre the Watutsi.

Sixty-seven plotters—all Hutus—were tried, and 26 of them were executed by firing squad in December.

The government's reaction to the recent troubles has been similar to its reaction after the earlier attempted Hutu coups.

On Sunday, the government radio announced that "war councils" had met on Saturday to try a number of people for "massacres, looting and arson." Without giving a number, the radio said there had been "many condemnations to death" and that "the judgments have been carried out."

Diplomatic sources assume that all of those executed were Hutus.

WATUTSI REBEL

The second element underlying the current troubles may be the squabbling among the Watutsi. Micombero, after all, is a rebel among the Watutsi.

The president, who is only 32 years old, is not a member of those Watutsi clans that usually supplied the kings and rulers of Burundi society in the past. As a soldier, he represented the modern, educated elite opposed to the traditional ways of the monarchy.

The troubles could have been ignited by royal followers intent on returning their king to power. The government radio, in fact, has accused reactionary Watutsi of a hand in the rebellion.

But to complicate matters further, Micombero, despite his ouster of the king, has been regarded as too conservative in recent years by a kind of left-wing Watutsi group—youth leaders, junior army officers, students and the educated elite.

The final element may be foreign. Besides talking about reactionary Watutsi the Burundi radio has accused mercenaries and "elements from abroad" of attacking the government.

CHINESE ACCUSED

It has been reported that Micombero, in private talks with diplomats, accused the Chinese and Belgians of taking part in the rebellion.

There also have been reports that Congolese followers of Pierre Mulele, one of the leaders of the uprising in the Congo in 1964, were involved. Bands of armed Mulelists took refuge in Burundi after their rebellion was put down in the Congo.

The possible participation of Mulelists was one reason President Mobutu of Zaire sent a company of troops to Bujumbura to help Micombero. The troops marched down the main street of the capital Saturday, but there have been no reports of them fighting rebels so far.

Piecing toegther all these elements, it is possible to come up with a tentative hypothesis to explain the cause of the new bloodshed: Some Watutsi, perhaps with outside help attempted to oust Micombero and perhaps restore the king, setting off—by design or accident—a Hutu uprising in some parts of the countryside. But this is only an hypothesis.

Whatever the causes, the latest bloodshed has worsened a growing problem in Africa—the uprooting of people because of tribal conflict.

Tanzanian officials report that more than 4,500 refugees from Burundi are being cared for in Tanzanian refugee camps. Other sources say that another 6,000 have crossed the border north of Lake Tanganyika and will show up in Tanzanian camps soon. A few thousand others have crossed Lake Tanganyika to Zaire.

CRIMINALS, JUSTICE, AND PUBLIC SAFETY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. CRANE. Mr. Speaker, few problems are of greater concern to the American people than that of crime and violence in our society. More and more, honest and law-abiding citizens are made afraid to leave their homes. The incidence of murder, rape, and other crimes of violence is on the increase. Also on the increase is a discussion of prison reform, with some observers advocating that prisons be done away with entirely.

While honest citizens suffer from fear, criminals often proceed with their violations of the law with virtual impunity, believing with good reason that the possibility of escaping successful prosecution is a gamble worth taking.

The concept of a free society is eliminated if citizens are not free to proceed in their daily tasks without the fear that their rights and their physical safety are in imminent danger. Unfortunately, our society has been moving in this direction for some time.

Discussing this problem, Senator JAMES L. BUCKLEY recently pointed out that—

> When it comes to matters of law and order, I am afraid that I am very much an ordinary man. I like to go about my business free from the fear that I may be assaulted or robbed. I like to know that my family and friends are safe on the streets and in our homes . . . But should my life or property be endangered by a criminal, I want to have a reasonable basis for believing that he will be apprehended, tried and punished. I want nothing so much, in short, as to enjoy the blessings of liberty unmolested.

But the fact is that a reasonable basis for believing that the guilty will be apprehended, prosecuted, and convicted is more and more losing its foundation. Senator BUCKLEY noted that—

> I worry because far too few are sent to prison.

He challenged the idea that crime is a result of environmental shortcomings and that the problem cannot be solved until all social difficulties have ceased and stated that—

> It may be theoretically satisfying to some to explain criminal behavior in terms of inadequate education or economic opportunity, but that is a small comfort to a mother whose 15 year old daughter is gang-raped on her way to school, as happened recently in Los Angeles. As Abe Fortas remarked, we cannot wait until we have rebuilt society according to some utopian reformist prescription before dealing with the all too commonplace, everyday savagery of crime.

In his speech, delivered before the Americans for Effective Law Enforcement in Chicago on May 4, 1972, Senator BUCKLEY calls for firm legal action against lawbreakers, is critical of recent Supreme Court rulings, and urges a system of jurisprudence which brings those accused of crime to trial as rapidly as possible.

He quotes Sir Reginald Sholl, the former chief justice of the Supreme Court of Victoria, Australia, who stated:

> Many years of experience in the criminal jurisdiction have convinced me of two things—that the deliberate wrongdoer . . . will go on planning and committing crimes so long as he thinks the law is weak and yielding enough to give him a chance to evade it, and that he will have no respect for a legal system which is marked by feebleness in the application of its sanctions.

I wish to share Senator BUCKLEY's important address with my colleagues, and insert it into the RECORD at this time:

ADDRESS BY SENATOR JAMES L. BUCKLEY

I want to talk to you today about the problem of crime. This involves, I must confess, a certain presumption on my part, because I do not pretend to any special expertise in the field of criminal law. When it comes to matters of law and order, I am afraid that I am very much an ordinary man. I like to go about my business free from the fear that I may be assaulted or robbed. I like to know that my family and friends are safe on the streets and in our homes. I like to go to bed at night secure in the feeling that my life or property is not in danger.

But should my life or property be endangered by a criminal, I want to have a reasonable basis for believing that he will be apprehended, tried, and punished. I want nothing so much, in short, as to enjoy the blessings of liberty unmolested by those of evil heart and malevolent design. And, as is natural to those of us who have been born into this great nation, I look to the law as the ultimate foundation of my freedom. But if for some reason the law is unable to protect me, I begin to get worried.

And I must say to you that I am beginning to worry.

I worry because far too few criminals are arrested, far too few convicted, far too few sent to prison.

I worry because, when prison sentences are imposed, prison life becomes a breeding ground for yet further crime.

I worry because criminal trials are unnecessarily protracted, because appeals are far too open-minded, and because the entire process has been converted from a determination of guilt or innocence into a determination of the propriety of police behavior.

I worry because, by such examples, the lawless in spirit are encouraged to become lawless in practice, and because the American people, in growing numbers, have begun to lose faith in their system of criminal justice.

Crime has become as significant a characteristic of modern-day America as any other you are likely to name. Its recent rate of increase is startling, and its impact is pervasive. Between 1960 and 1970, when population increased by only 13%, serious crime rose by 176% and violent crime by 156%. Although in 1971 serious crime increased over the previous year by the smallest amount in nearly six years, the rate of increase in suburban and rural areas was nearly double the national average. This suggests that crime is by no means unique to our major cities and that its growth has a good deal less to do with economic or social disadvantage than is often assumed. Crime has in recent years acquired what Professor Leon Radzinowicz has called "a new physiognomy": the most telling rate of increase is among the middle classes, and it tends increasingly toward crime committed for its own sake, for the sheer pleasure of it. To that must be added yet another relatively new phenomenon: the direct relationship between crime and narcotic addiction.

Figures from New York City indicate that something like 50% of all robberies and burglaries are narcotics-related, and comparable figures could probably be adduced for most of our other large urban areas.

The reasons for the growth of crime are as complex and as varied as the culture of the modern world, and we are yet a long way from discovering how and why we have come to our present impasse. Good and decent men can and will disagree, as they have always disagreed, about the ultimate causes and cures of crime. It would appear that we know a good deal less about the causes of crime than we once thought we knew and, judging from recent statistics, we know a good deal less than we ought.

After all is said and done, after the last sociologist's report is in, and perhaps even after the computers have had their day, I wonder if it is not the better part of wisdom simply to say that criminals commit crime for a bewildering variety of reasons, and that we are yet a long way from understanding why charity and honesty do not win out over thievery and malevolence. In the meantime, the criminal law, whose primary function, after all, is to protect us from the criminal, must get on with its tasks, and it cannot forever, or even for very long, be held in suspension pending the final report on the state of the criminal mentality.

There are those, I know, who say that we cannot hope to remedy the problem of crime without a thorough overhauling of the nation's social and economic system—the assumption being that poverty, ignorance, and racial prejudice are the ultimate causes of crime. Those who so earnestly advance this argument never adequately explain why so much crime is committed by people who are neither poor nor unintelligent or who have never known a day of racial discrimination in their lives. Even if the assumption were correct, and I do not believe that it is, the ostensible "solutions" that follow in its wake are bound to be viewed by the law-abiding public as at best irrelevant to the immediate realities of crime with which they have to cope. It may be theoretically satisfying to some to explain criminal behavior in terms of inadequate education or economic opportunity, but that is a small comfort to a mother whose 15-year-old daughter is gang-raped on her way to school, as happened recently in Los Angeles. As Abe Fortas has remarked, we cannot wait until we have rebuilt society according to some utopian reformist prescription before dealing with the all too commonplace, everyday savagery of crime.

It was contended during the 1968 Presidential campaign, you may recall, that the slogan "law and order" was a "code-word" for racism. This prompted one observer to remark, "Well, if that's the case, I want to know what the code word for 'law and order' is, because that is what we desperately need." The charge of racism, however, disintegrates before the onslaught of fact. And the undisputable fact is that the most common victim of crime is both black and poor. Professor Herbert Packer has estimated that a black ghetto resident is at least 100 times more likely to be victimized by crime than a relatively affluent, white resident of the suburbs. The Associated Press, in an in-depth study, concluded that something like 70–80% of major big city crime takes place within totally black or predominantly black precincts. And to give you one devastating example from the nation's capital, in 1970 in a six-by-six block, all-black area, there were 4,062 major crimes reported, including 17 homicides, 16 rapes, 320 aggravated assaults, 568 robberies, 794 burglaries, 1,035 acts of larceny, and 11 cases of arson. Those are, let me repeat, the figures for a single year and they apply to a six-by-six block area. And bear in mind that these are the figures for *reported* crimes; as to how many others were unreported, God only knows. And I suspect that similar figures could be adduced for comparable areas within most of our major cities.

No wonder, then, that the New York City chapter of the NAACP in 1968 called for "the use of whatever force is necessary to stop crime and apprehend a criminal." No wonder that they proposed a *minimum* 5-year penalty for armed robbery—and without parole, I might add. No wonder that they proposed a minimum 10-year sentence for the sale of narcotics. Far from being "racist", a "get-tough" approach to crime might well be the single greatest contribution that enlightened public policy could make to the lot of black men and women in urban America.

Confronted by the horrible spectre of rising crime, the law-abiding public, both black and white, is understandably alarmed. A Gallup poll only last week revealed that better than two-fifths of the American people are afraid to walk in their own neighborhoods at night. I have no doubt that part of the remedy lies in more and better-trained policemen. The police, however, cannot be everywhere at once, and since the criminal is extraordinarily adept at discovering where the police *aren't*, the solution must lie elsewhere. The hard truth of the matter, however, is that we have too much crime for the police to handle—unless, the courts become more realistic in their handling of criminal cases. Contrary to the old adage, crime in America does indeed pay—and, for those who are prepared to undergo certain manageable risks, it can pay rather handsomely. Professor Gordon Tullock recently troubled himself to make some extrapolations on the rationality of crime as a profession and calculated, on the basis of 1965 figures, that if you commit a crime, your chances of being arrested are only one in seven, and if you are convicted, only one in sixty that you will be sent to prison.

This fact undermines one of the most treasured assumptions of latter-day criminology. The tendency in recent years has been to regard the criminal as a patient and crime as a disease, from which it follows that a "soft" rather than a "hard" approach to crime is the order of the day. For example, Mr. Ramsey Clark, who really ought to know better, recently delivered himself of the opinion that "most people who commit serious crime have mental health problems." Where Mr. Clark obtained this special insight, I cannot say, but if the typical perpetrator of serious crime has "a mental health problem," it is not nearly so severe as that which afflicts those who underestimate the essential rationality of the criminal's freely chosen career.

I cannot help recalling in this regard the story of Willie Sutton, the dapper and ingenious bank-robber whose exploits during the 'Forties and 'Fifties put him on many a front page. Following what proved to be his final arrest and conviction, the sociologists, criminologists, psychologists, and psychiatrists descended upon him in hordes. They pinched and poked and prodded each and every aspect of his life, from toilet-training on, applying each and every available hypothesis they could contrive to explain his life of crime. Almost without exception, these hypotheses began with the assumption that Willie was somehow "abnormal", that his genetic endowment or environmental experience, or some combination of both, virtually compelled him to pursue a criminal career. After months of exasperating study and conflicting conclusions, it suddenly occurred to an enterprising young interviewer to ask a really intelligent question. "Willie," he inquired, "why do you rob banks?"—and clear as a bell, without so much as a moment's hesitation, Willie shot back: "Because that's where the money is."

That simple and honest explanation is worth a world of learned treatises on the cause of crime. Most of those who commit crime do so because they *choose* to do so; and they choose to do so because the potential rewards, relative to the risk of being captured and punished, are highly attractive. Their choice, on balance, is really quite a reasonable one. As Sir Reginald Sholl, the former Chief Justice of the Supreme Court of Victoria, Australia has pointed out:

"It is a fine thing for humanity that men are now beginning to understand more of the human mind and its functions, as in the past 300 years they have come to understand so much of the human body. But in this country, as in mine, enthusiasm in this field outruns judgment, and there is a great tendency to forget that most crime is the product of rational thought by persons whose physical and chemical processes are within what modern medicine accepts as normal limits."

The tendency, so prevalent in our time, to regard crime as a form of mental illness, is I believe, essentially a humanitarian disguise for the belief that individuals ought not be held accountable for their own acts. There is a peculiar softness to contemporary thought, the defining characteristics of which are the desire to avoid responsibility for the natural consequences of one's own behavior, and the refusal to recognize as legitimate any external constraint on the impulse of one's passions. The strength of this opinion is so great that we behold a widespread avoidance of those things which demand self-sacrifice or discipline, and a seeming unwillingness to impose restraints on others because one is unwilling to impose restraints on himself. This sentiment has had a devastating impact upon the criminal law, not only by eliminating whole classes of acts previously classified as criminal, but, in more subtle but no less potent ways, by robbing society of the conviction that it has the right to demand certain standards of behavoir and that it is entirely justified in imposing sanctions upon those who engage in anti-social conduct. This softness, this hesitation to impose rightful sanctions, bespeaks a fundamental lack of conviction in the ultimate foundations of the criminal law—a lack of conviction that the criminals are quick to detect and exploit. If the law is in any way tolerant or indulgent, criminals will be the first to discover the fact. And should they nevertheless run afoul of the law, they cannot help but form a cynical opinion about a legal system in which punishment, precisely because it is employed halfheartedly or irregularly, is thought of as being employed inequitably.

Once again, I believe the remarks of Sir Reginald Sholl are directly to the point:

"Many years of experience in the criminal jurisdiction have convinced me of two things—that the deliberate wrongdoer . . . will go on planning and committing crimes so long as he thinks the law is weak and yielding enough to give him a chance to evade it, and that he will have no respect for a legal system which is marked by feebleness in the application of its sanctions. . . ."

Sir Reginald reveals precisely the kind of level-headed common-sense that is required in dealing with the criminal element in our midst. That common sense was summed up with characteristic wit and economy by columnist and professor John Roche, who recently remarked: "The beginning of wisdom is to know who is going to shoot you if he gets the chance. From there you can go on to Plato and the classics." This is, I believe, essentially the spirit which animates public sentiment on the subject of crime. It is not a very sophisticated view, perhaps; but it is solid. Hard-headed, perhaps; but not necessarily harsh. And what's more, it is fully compatible with the protection of constitutional liberty—that of society as well as that of the accused. Whatever else our system of criminal justice might be thought of as accomplishing, the one thing it can do, the one thing it ought to do, the one thing that the public has a right to expect it to do—is to find out who the criminals are, see to it that they are prosecuted, and discourage them by whatever means necessary from committing crime again. If it is argued that this central function cannot be performed consistently with the requirements of the Constitution, then it will not be long before the public begins to call for a new Constitution.

How the idea got itself accepted that the effective application of the criminal law is somehow incompatible with due process for the criminally accused is, I must confess, something of a mystery to me. By the same token, I cannot see why the prosecution of criminals cannot be carried out efficiently, and with justice, without endangering the civil liberties of the innocent, for current statistics make it clear that a law-abiding citizen runs a far greater risk of being victimized by a criminal who has been arrested and later released than he does of being unjustly convicted of a crime. This is not to deny that there are hard cases, or that the line between tolerable and intolerable police behavior is sometimes difficult to draw. We deal so often in the criminal law with what are ultimately questions of prudence, and they do not always lend themselves to mechanical resolution. I take it that we are all in favor of due process for the accused, and that we are all in favor of ordered liberty for society as a whole. Unfortunately, there is no piece of constitutional litmus-paper that we can dip into the circumstantial vat to produce the desired constitutional result. Yet, somehow in recent years, the commands of the courts, and in particular of the High Court, have taken on an increasingly rarefied and mechanical character—a fact which has not escaped public attention. Never, I believe, certainly not within my own lifetime, has public esteem for the judicial process been lower; and few factors are so important in this loss of esteem as the widely held opinion that the courts are, as the saying goes, "soft" on criminals. A 1969 Gallup poll indicated that fully 75% of the American people felt that the courts did not deal harshly enough with criminals; and in a second poll two years later, in 1971, that sizeable percentage held firm.

Not altogether without cause, this discontent has been laid largely at the door of the Supreme Court of the United States. Here, it becomes necessary to remark on the revolution in criminal procedure brought about by the Warren Court during the 'Sixties. I use the word "Revolution" with some care. The statistics tell the tale. Between 1960 and 1969, the Supreme Court reversed 63 of 112 federal criminal convictions and, more tellingly, 113 of 114 state criminal convictions. Moreover, as my distinguished colleague, Senator McClellan recently pointed out, the Warren Court evidenced a singular disregard for its own precedent. In 1960 and subsequent years, the Warren Court specifically overruled or explicitly rejected the reasoning of no fewer than twenty-nine of its own precedents in the criminal field, often by 5 to 4 majorities. Eleven of these were overturned in a single year, 1967. Twenty-one of the twenty-nine decisions overturned during this period involved a change in constitutional precedent without benefit of constitutional amendment. And of the remaining eight, seven represented a new reading of old satutory language effected without benefit of legislative enactment. Perhaps most telling of all, as far as the public is concerned, twenty-six of the twenty-nine reversals were handed down in favor of criminal defendants.

Such is the record of the Warren Court in the criminal field. If you draw the inference that the Court during this period seemed somewhat unsure of itself, you are not alone. The lower federal judges are confused; you and I are confused. Even learned professors are confused. Everyone, it seems, is confused—except for the criminal. He knows. He knows that his chances of being arrested are fairly low; he knows that his chances of being convicted are yet lower; and he knows that, even if arrested and convicted, his chances of being imprisoned are lower still. He knows the restrictions which prevent the police from introducing relevant evidence at trial, and he knows that the present state of the law positively encourages the raising of constitutional objections against police behavior. He knows that these objections can be raised before, during or after trial; and, best of all, he knows that such objections are the surest way to obscure the fundamental question of his own guilt or innocence.

The criminal may have a better grasp of the ultimate meaning of the Warren Court's revolution in criminal procedure than all our professors and judges combined. Indeed, the greatest book ever written on the subject of present-day criminal law is the one which would reveal what criminals actually think of such cases as *Mapp* and *Miranda*, and the way in which their behavior is determined by them. The right to counsel and the privilege against self-incrimination are noble rights indeed, but only a man of remarkable ideological fervor would insist that they can be protected only by rendering inadmissible virtually all voluntary statements not made in the presence of counsel. Similarly, only an ideological zealot would insist that the only way to prevent unlawful searches and seizures is to exclude from judicial consideration all evidence, however relevant, obtained by unlawful means.

In a sense the *Mapp* and *Miranda* rulings, along with, perhaps, the unnecessary and excessive expansion of post-conviction remedies, tell the whole tale of public dissatisfaction with the Warren Court. There are already indications, as those of you who watch the Court closely will know, that the Court may now be disposed to back off from some of *Miranda's* excesses—and in no small part because Congress, in response to public opinion, declared in the Omnibus Crime Control Act of 1968 that voluntary confessions should be admitted as evidence whether a *Miranda* warning had been given or not. But the exclusionary rule, unfortunately, is with us still, in undiminished vigor, although it is increasingly apparent that the Court's once great enthusiasm for it is on the wane. As Mr. Justice Brennan remarked in a recent case: "Whatever educational effect the exclusionary rule conceivably might have in theory is greatly diminished in fact by the realities of law enforcement work. Policemen do not have the time, inclination, or training to read and grasp the nuances of the appellate opinions that ultimately define the standards of conduct they are to follow. The issues which these decisions resolve often admit of neither easy nor obvious answers, as sharply divided courts on what is or is not 'reasonable' amply demonstrate. Nor can judges, in all candor, forget that opinions sometimes lack helpful clarity."

"It is apparent," said Mr. Justice Harlan in the same case, "that the law of search and seizure is due for an overhauling. State and local law enforcement authorities must find quite intolerable the present state of uncertainty. . . ." He then called for an overruling of the *Mapp* case, which made the exclusionary rule applicable to the states, and of *Ker*, which, as Harlan put it, required the states to follow "all the ins and outs" of the Court's 4th Amendment opinion. I concur with Justice Harlan, and venture the suggestion that the tangent on which the Supreme Court has taken us is predicated, of course, on the assumption that the exclusion of unlawfully acquired evidence will deter the unlawful practice—and it presupposes that the net reward of the object lesson more than justifies the release of the guilty. Because the excluded evidence is only at issue when it tends to establish the fact of guilt. But, as Professor Dallin Oaks has pointed out, the assumed deterrent value of the exclusionary rule has never been adequately demonstrated or disproved—nor, so long as *Mapp* and *Ker* impose a rigid uniformity on the entire country, will it ever be.

Yet, this undemonstrated assumption—that police will be deterred from abuse—has exercised, and in many places still exercises, a talismanic charm over judges and lawyers. Why this should be the case is not easy to say. The exclusionary rule, as most of you know, is unique to American law; and its application to the states—which means its application to all criminal cases that are brought—is of fairly recent vintage. I find it hard to believe that, prior to *Mapp*, the state of civil liberties in this land was for 170 years so precarious. In this matter, as in a number of others as well, we would do well to learn by English example. The status of civil liberty in England is in no wise poorer than in our own country; and in some respects, it may even be a good deal better. Yet, English criminal law has gotten along quite well without the exclusionary rule, and without a good many other procedural devices that our system in recent years has considered vital to the just resolution of the criminal process. The differences between English and American criminal practice suggest, at the very least, that there is more than one way of dealing fairly and efficiently with those accused of crime. And these differences are worth examining in detail.

I would propose, therefore, that we undertake at the earliest practicable date a systematic comparative study of British and American criminal jurisprudence. The United States and Great Britain share a common legal heritage. We hold in common fundamental concepts as to what is required to guarantee a fair trial and to safeguard the rights of the accused. And we share a bias in favor of the defendant in a criminal trial. For years after independence our procedures remained virtually indistinguishable. But in time they began to diverge; and in recent years in most significant ways.

Today the British are able to find a defendant innocent or guilty within a few months after his arrest; and a certain finality normally attaches upon conviction. In our country, years can elapse between arrest and the conclusion of a trial; and conviction merely marks the beginning of a procedural ballet which can continue virtually indefinitely. In England today, the incidence of crime is small in comparison with ours, and respect for the law and for the legal apparatus remains undiminished.

A comprehensive study of the kind I recommend may suggest any number of improvements which we can make in our own procedures without sacrificing the substantial rights of the accused, and it may also be instructive in telling us what purely *local* developments in American life may have contributed to our current criminality. This study should cover not only such matters as the exclusionary rule, the right to counsel and the application of the privilege against self-incrimination, but also: (1) An examination of the ways in which criminal trials in the United States might be expedited. In some of our larger cities, delays of five to six months between arrest and trial are normal, and delays of up to two years are not at all uncommon. When trials do get underway, they are needlessly protracted. (As Chief Justice Burger noted last year, the actual trial of a criminal case now takes two to three times as long as it did a decade ago.) A comparative examination should certainly deal with the growing abuse in the United States of the jury selection process, which, as Edward Bennett Williams has pointed out, is fast becoming "the judicial counterpart to the legislative filibuster. . . ." But it should also consider the impact of pre-trial procedures which recent Supreme Court decisions have declared to be constitutionally mandated. As Chief Justice Stanley Fuld of the New York Court of Appeals recently remarked, "These new procedures have added tremendously to the caseload of the trial courts and have substantially lengthened the time which elapses between arrest and trial." (2) Excessive delays at the trial level are compounded, for many of the same reasons, by comparable delays on the appellate level. The problem is not only with direct attack on appeal, but with collateral attack by means of post-conviction remedies, such as the greatly expanded use of *Habeus Corpus*. (As New York District Attorney Frank Hogan has pointed out, "There is virtually no such thing as finality in a judgment of conviction.") I would propose, therefore, that we examine the reasons why want of finality has become such a burdensome problem only in the United States. Here, once again, it will be necessary to examine the role of the Supreme Court. The impact of rulings by the High Court is such that an appeal to the highest court of a state is now little more than a steppingstone to the federal court system. The scope of the problem can be measured by comparing the number of *Habeus Corpus* petitions entertained by the federal courts in the past with the caseload today. Twenty years ago the number of petitions filed was less than five hundred—a number that, incidentally, Mr. Justice Jackson then thought abusive. By 1960, the number had risen to nearly a thousand, and by the end of fiscal year 1971 the total was a staggering 12,145. (And the overwhelming majority of these petitions, needless to say, was made possible by the *Mapp* and *Miranda* rulings.) In 1970, there were as many *evidentiary hearings* on petitions for federal *Habeus Corpus* as there were total *applications* in 1953.

The latent assumption of this dramatic expansion of post-conviction remedies, of course, is that it is necessary to correct unjust or unconstitutional convictions. But a recent study by the National Association of Attorneys General revealed that at most, only 3% of such petitions were successful, which suggests that state courts are performing creditably and fairly and that most claims are both frivolous and dilatory in intention. As Mr. Justice Harlan wrote in Mackey v. United States, "No one, not criminal defendants, not the judicial system, not society as a whole, is benefited by a judgement providing that a man shall tentatively go to jail today, but tomorrow and everyday thereafter shall be subject to fresh litigation already resolved."

This last is no small point. The lack of finality not only imposes extraordinary administrative burdens upon the courts both state and federal; it not only robs judges and prosecutors of precious time that might be more usefully devoted to genuine problems of injustice; but it undermines the sense of legitimacy of the criminal law in the eyes of both and public and to accused. As Professor Paul Bator of Harvard has written: "A procedural system which permits an endless repetition of inquiry into facts and law in a vain search for ultimate certitude implies a lack of confidence about the possibilities of justice that cannot but war with the effectiveness of the underlying substantive commands. Furthermore, we should at least tentatively inquire whether an endless reopening of convictions, with its continuing underlying implication that perhaps the defendant can escape from corrective sanctions after all, can be consistent with the aim of rehabilitating offenders." The first step in rehabilitation, he adds, is a "realization by the convict that he is justly subject to sanction, that he stands in need of rehabilitation. . . ."

(3) I would propose also that we undertake comparative studies in the area of penal reform. The subject, of course, has been lately much in the news, and, as everyone from the Chief Justice to James Hoffa has pointed out, there is much that needs to be done. Here, as in dealing with the ultimate causes of crime, it must be confessed that many of the assumptions which have governed penology during the past century are now open to question. It is much easier to say what will *not* work rather than what will. And, based on recent experience, we can say that the laudable goals of deterrence and rehabilitation will not be advanced by making convictions more difficult to obtain, or by lessening the chances that a criminal, once convicted, will be effectively punished. As a recent report of the Americans Friends Service Committee pointed out—a report, incidentally, that was based in substantial part on the opinions of prisoners themselves—"After more than a century of persistent failure, the reformist prescription is bankrupt." Where we ought to go from here, it is difficult to say; but I suspect that we have a good deal to learn from foreign example.

(4) Last, but by no means least, I think it would be instructive to study the role of attorneys in criminal trials and to compare the way in which the adversary system affects the conduct and outcome of trials here and in Great Britain. A number of thoughtful observers in our country have expressed their deep concern that the adversary system is becoming an end in itself, that the ultimate goal of justice is being subordinated to political and theatrical gamesmanship. The courtroom in all too many cases has been turned into a kind of theatre of the absurd. Judges are insulted, decorum is scoffed at, and the judicial process held up to ridicule. That such behavior should take place at all is scandalous; but that it should be directed or condoned by members of the Bar is, to me absolutely intolerable. And I do not see that society is in any way obligated to confer a license to practice upon those whose behavior reveals a thoroughgoing contempt for everything that the law holds dear. Nor do I believe that it would be unjust for the courts or the Bar to remove the licenses of those who make a mockery of the very law whose protection they seek. We could, I believe, profit greatly by British example in this regard, and I commend such a project to the consideration of thoughtful men.

Well, you have been a remarkably patient audience, and I thank you for your indulgence. If I have taken overlong, as I fear I have, it is only because there is so much to say and so many things that need doing. Crime in this nation cannot continue to rise as it has in the recent past; public esteem for the legal process cannot continue to fall. Unless we come to terms with the problem of crime, I fear that almost everything else we attempt to do will come to nought. A free civil society cannot exist where there is widespread fear of criminal assault; it cannot exist where justice is so long delayed that it is, in effect denied; it cannot exist when the public believes that its legal system cannot protect the lives and liberties and property of the law-abiding. The danger in our time is less that the innocent will be punished than that the guilty will go free. And that, to my mind, is a far more serious injustice than any our system is likely to inflict upon one who may be wrongfully accused. The truth is that an innocent man has very little to fear from our criminal law; the difficulty and danger, if anything, is that the same might be said regarding the guilty man. And I believe that the public will not long tolerate a continuation of our present condition.

Which brings me to my final thought. In this day when disrespect for authority of all kinds—religious, parental, legal—is so pervasive; when allegiance to anything other than one's own passions is condemned as illegitimate; when "civil disobedience" is used as a defensive cloak for criminal behavior, let us not forget that, for all its failings, our nation and its rule of law are still robust and strong. But let us also bear in mind that, for all its strengths, the rule of law can only abide so many attacks and that the delicate webbing of civilization can, like the veil of the temple, be rent, and with it, the world's last best hope for freedom. Let us resolve, then, to seek justice; justice for the accused, but justice also for society. Let us resolve to be fair; but also firm. Let us resolve to stand by the fairest system of law that the world has ever known. And in our resolve, let us call to mind the words of Abraham Lincoln, who said: "Let every American, every lover of liberty, every well-wisher to his posterity, swear by the blood of the revolution, never to violate in the least particular the laws of the country; and never to tolerate their violation by others. As the patriots of Seventy-Six did to the support of the Declaration of Independence, so to the support of the Constitution and laws, let every American pledge his life, his property, and his sacred honor; let every man remember that to violate the law is to trample on the blood of his father, and to tear the charter of his own and his children's liberty; let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap—let it be taught in the schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in the legislative halls, and enforced in courts of justice. And, in short, let it become the *political religion* of the nation; and let the old and the young, the grave and the gay, of all sexes and tongues, and colors and conditions, sacrifice unceasingly upon its altars."

TREASURY MEMORANDUM SUPPORTS SWEEPING TAX REVISION

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. ABOUREZK. Mr. Speaker, a document authored by the Assistant Secretary of the Treasury for Tax Policy, Mr. Edwin Cohen, recently attracted public attention in the debate over tax reform.

Today, I am inserting Mr. Cohen's memorandum, in full, into the RECORD. The administration will be asking for an increase in the Federal debt ceiling next week. At that same time, we will be provided an excellent opportunity to look at tax laws. Therefore, I feel that the impact of Mr. Cohen's memorandum is especially timely.

Mr. Cohen proposes a sweeping revision of the Federal tax code by eliminating the distinction between capital gains and ordinary income, and by ending all personal deductions that are unrelated to the making of taxable income.

He then proposes cutting the tax rates—a few percent for those on the lower end of the income scale, and a massive cut for those on the upper end.

I do not agree with all of Mr. Cohen's conclusions, but I am delighted to see that there is debate within the administration in favor of sweeping revision and simplification of the tax laws.

I think it is timely for all Members to read Mr. Cohen's remarks as this body moves toward consideration of tax legislation later this month.

Following Mr. Cohen's memorandum, I am inserting the comments of the tax reform group on the proposal:

POSSIBLE MAJOR CHANGES IN THE FEDERAL TAX LAWS—SIMPLIFICATION OF THE INCOME TAX ON INDIVIDUALS

There are constant complaints that the Federal income tax law is far too complicated. Each year during the filing season before April 15 there is a rising crescendo of denunciation of the tax forms, and of the increasing need for professional assistance in understanding and completing them. The Internal Revenue Service devotes much time and effort to the improvement of the forms and instructions. While some helpful changes might yet be made in the forms, the basic difficulty is that the governing statute is itself so complex that no revision of the form without a simplification of the statute will satisfy the complaints. Yet the political problems of simplifying an old law, now almost sixty years in existence, can scarcely be exaggerated.

Of course, numerous minor changes could be made in specific provisions of the Federal income tax law to achieve modest amounts of simplification for the more than seventy-five million indivduals now filing returns.

If, however, a major assault is to be mounted upon the existing complexities for individuals, I believe it must try to eliminate (1) the distinction between capital gain and ordinary income, and (2) the various personal deductions that are unrelated to the receipt of taxable income. The desirability of attempting a major degree of simplification may well be judged in relation to those two categories.

Capital Gains. Undoubtedly the single most important source of complexity in the law is found in the effort to impose a lower tax on capital gains, and to draw rules for determining the types of income that qualify as capital gains.[1] Not only is the distinction difficult in the statute, but it produces major efforts to plan business and investment transactions to qualify for the capital gains treatment. Substantial simplification could be achieved if the distinction between capital gains and ordinary income could be abolished.

The present capital gains tax system, which involves primarily treating one-half of long-term capital gains as ordinary income, in one sense represents a compromise between those who steadfastly maintain that capital gains should not be regarded as income and those who assert with equal tenacity that such gains should be treated the same as other income. But as a practical matter a chief aspect of the present system is that it limits the capital gains tax to 35% (25% on the first $50,000 of capital gains), whereas the rates on ordinary income go up to 70%. Thus abolition of the distinction between capital gains and ordinary income would require reduction of the maximum level of 35%; otherwise there would be a further increase in the tax on capital gains, producing a significant deterrent to investment and increasing the present tendencies to hold appreciated property until death, when its income tax cost changes to its then value.

Personal Deductions. A net income tax, especially one with graduated rates, requires allowance of deductions against gross income for expenses incurred in the production of income. But deductions for items unrelated to the receipt of income, such as charitable contributions, casualty losses, medical expenses, etc., are not necessary to the operation of the tax. Rather, they have been introduced into the law primarily as reflections of desires (a) to stimulate such expenditures, (b) improve the equity of the tax structure and (c) reduce the impact of high, steeply progressive rates. These personal deductions contribute in large measure to the complexity of the tax law and the forms, to the time needed to maintain individual records and to prepare and audit the returns, and to tax planning by individuals.

When the standard deduction was introduced in the law in 1944, about 82% of all taxpayers used it in lieu of itemizing their personal deductions. By 1968, however, only 58% were using the standard deduction. One of the major changes in the 1969 Tax Reform Act was to increase the standard deduction gradually over the period 1970–1973 from 10% of adjusted gross income with a ceiling of $1,000 to 15% with a ceiling of $2,000. This change is expected to result in close to 70% of individual returns using the standard deduction; but the remaining 30%, representing more than twenty-three million tax returns, can be expected to continue to itemize.[2] If the standard deduction were increased further, there would be a significant loss in revenue without solving the underlying problem of complexity.

Possible major simplification program. To eliminate the capital gain-ordinary income distinction and the personal deduction complexities, a program along the following lines might be considered:

1. *Rate reduction.* In lieu of the present structure that ranges from 14% to 70%, substitute rates running from 12% to 35%, as follows:

TAXABLE INCOME

($000 and Rate Percentage)

0–3	12
3–12	19
12–48	25
48 up	35

(The rates could readily be graduated in smaller steps.)

2. *Personal exemption increase.* In lieu of the present personal exemptions ($650 per person, rising to $700 in 1972 and $750 in 1973), the personal exemptions would be raised substantially to $1,600 for a single person, $3,200 for a married couple and $800 for each dependent. The blind and those over sixty-five would be allowed an additional $800 in lieu of the present double exemption.[3]

Under this proposal, for example, the normal family of four could earn at least $4,800 of income without paying tax, as contrasted with the $4,000 that will be permitted in 1973 under existing law.

3. *Capital gains.* Treated the same as ordinary income.

4. *Personal deductions.* Not allowed, except that interest deductions would be permitted to the extent of investment income received (since to that extent the interest should be regarded as an expense of deriving income).

Effect on revenue yield and distribution of income tax burden. If the 1973 level of personal exemptions and standard deductions were applied to 1971 estimates of individual income, the federal income tax revenue from individuals under existing law would be about $83.7 billion.

The proposed new income tax structure applied to 1971 individual income projections would produce an estimated revenue of $82.4 billion, a reduction of $1.3 billion, or about 1½%. We have not attempted as yet to refine the schedule of rates or personal exemptions, but it seems feasible to adjust them slightly to produce the same revenue as under the present structure.

It is important to consider the effect such a new system would have upon the distribution of the tax burden among the various income classes. The present distribution (under the 1973 law) and the change under the proposed system are set forth below:

Adjusted gross income	Present tax[1] (billions)	Tax change
Below 3	$1.4	(2)
3 to 5	2.3	−0.2
5 to 7	4.4	−.5
7 to 10	10.2	−.8
10 to 15	19.2	+.1
15 to 20	13.9	+.2
20 to 50	18.4	+.7
50 to 100	7.2	−.6
Over 100	7.7	−.1
Total	83.7	−1.3

[1] Assumes 1971 GNP of $1,065,000,000.

[2] Less than 0.1.

Footnotes at end of article.

Some refinements in the proposal would be needed to reduce the approximately 4% increase that would occur in the $20–50,000 income range and the approximately 9% decrease in the $50–100,000 range. A further refinement might be needed to adjust for the fact that the proposed system would reduce the income tax on families and increase the tax on single persons.

Objections. While the proposed new structure would achieve major simplification, and would open possibilities for elimination of other complex provisions mentioned later, a number of points would be strenuously urged in opposition to it. Among the major objections would be the following:

1. It would be argued that after the new structure was enacted, Congress or a subsequent Administration would move to increase revenue by increasing the rates, or at least would move to increase the top rate above 35%. The 35% top individual rate would be lower than that prevailing in most of the major nations of the world. A constitutional amendment limiting the maximum rate to 35% would be difficult to obtain, particularly because of possible needs to permit temporary increases in time of war or other unforeseen contingencies that would be difficult to define.

2. Although the distribution of the tax burden among the various income classes would remain substantially the same (or with minor adjustments could be made so), within each income class some individuals would find their tax increased and others would benefit from decreases. For example, those now having substantial deductions stemming from charitable deductions, home mortgage interest and real estate taxes, medical expenses,[4] casualty losses, etc., would have their tax increased in comparison with those in the same income class who do not make large expenditures of these types.

3. There would be substantial objections from among other sources—

a. Churches, colleges, hospitals, museums, community funds and other organizations that are major beneficiaries of deductible contributions.

b. The housing industry, because the elimination of mortgage interest and real estate tax deductions on personal residences would end the present income tax advantage of home ownership as contrasted with renting. The present preference for home ownership has often been attacked because real estate taxes and mortgage interest paid by landlords are passed on in the rent structure and are borne largely by tenants. Politically, suburbia may wish to keep the present system, with its preference for home ownership.

c. State governments, particularly New York and California, which have state income tax rates rising to 15% and 10%, respectively. The high progressive state rates in the upper brackets would be more burdensome of those taxpayers than under the proposed system. Yet taxpayers in states with average income taxes and sales taxes would have no real cause to object, since the federal income tax revenue and the aggregate personal income remaining after federal tax payments would remain the same.

Indeed, the reduction in rates might lead to objections from any groups that receive payments from persons who have tax incentives for making the payments, since the lower rates would reduce the tax advantages flowing from the expenditures.

4. Treating long-term capital gains as ordinary income may also produce objections from those now entitled to special capital gains treatment, such as owners of timber tracts, coal deposits and real estate, who would lose the preferences their industries now enjoy. Moreover, unless the new rates were designed to be exactly half of the present rates in all brackets (and the simplified schedule outlined above is not), there might be objection that the capital gains tax was being increased for some persons below the present topmost bracket.

5. Unless the top corporate rate of 48%[5] is also reduced, a top individual rate of 35% would cause complications that require thorough study, although they do not seem insurmountable. The change might cause a swing to sole proprietorship or partnership form of operation, as well as an increase in the number of "Subchapter S" corporations (which in essence are treated as partnerships). The Administration has already recommended to Congress that the permissible number of Subchapter S stockholders be increased from ten to thirty, and we have developed a program for simplifying the rules of the Internal Revenue Code governing those corporations.

6. It would be urged that while complexity would be substantially reduced under the simplified system, it would not be eliminated. If the income tax revenues were to be maintained at present levels, the tax would still be sufficiently high to warrant tax minimization planning. As an illustration, if charitable contributions were no longer deductible, persons rendering services might ask that all or part of their usual compensation be paid to their favorite charities—a type of tax avoidance that would be administratively difficult to combat. Yet while tax planning and tax avoidance would doubtless continue, they would be reduced in scope and importance under the proposed system.

7. It will be argued that members of Congress will disagree over the simplified rules to be installed in a new tax system and that inevitable compromises in the new legislation will themselves produce complexity. There is probably much truth in the contention, but if the goal of simplification is sufficiently appealing politically, simple compromises might be reached.

In broad summary, there are pitfalls and difficulties, but a simplified personal income tax would have great advantages that many would applaud. But it could be achieved only if (a) rates can be sufficiently reduced and (b) we are willing to reduce our use of the the income tax law to encourage or subsidize certain types of personal expenditures or misfortunes. Obviously there will be political opposition to the abandonment of those encouragements,[6] as well as to the lower rate structure, especially for the higher income brackets.

If the major changes regarding capital gains and personal deductions could be achieved in conjunction with rate reduction, there would be a great stimulus for proceeding with a series of other less significant moves that in the aggregate would substantially reduce the complexity of the law and the tax forms. Among these would be the elimination or restructuring of the provisions relating to sick pay, the retirement income credit, treatment of pension and annuities, the $100 dividend exclusion, child care expenses, exclusion of certain military pay and pensions, income averaging, etc. While the latter changes might be attempted individually, the chances of success would be much greater if simultaneously rates were being reduced and basic changes in the entire structure were being made.

Perhaps the chances of adoption of a simplified system might be enhanced if its effective date were deferred for several years to permit time for adjustment before it went into operation. Or perhaps some of the changes might be brought into effect gradually over a period of years.

It is possible to construct an alternative system in which taxpayers could be given the option to file on a simplified form or to use the present more complex form. Several years ago Senator Long introduced bills that would have provided such an alternative system. However, it would require duplicate provisions in the Code and duplicate forms; many taxpayers would have to calculate their taxes both ways to determine which method is the more favorable; and because of the taxpayer's option there would be a revenue loss for the government, necessitating some increase in rates to compensate for the loss.

FOOTNOTES

[1] In general, the Tax Reform Act of 1969 removed the 25% ceiling rate on capital gains except for the first $50,000 of such gains in any years. By 1972 the ceiling rate on capital gains beyond $50,000 will be 35% (*i.e.*, the maximum 70% regular rate applied to one-half of the capital gains), except that the new "minimum tax" on tax preferences in some cases can increase the effective rate on capital gains to 36½%.

[2] Under the 1969 Act the standard deduction in the years 1971–1973 will be as follows:

	Percentage	Ceiling
1971	13	$1,500
1972	14	2,000
1973	15	2,000

In addition, there will be a minimum standard deduction of $1,000 starting in 1972. If the 1973 standard deduction and personal exemption were applicable in calendar year 1971, the federal individual income tax base on an assumed GNP of $1,065 billion can be estimated as follows (in billions):

Adjusted gross income	$660
Personal deductions:	
Standard	47
Itemized	75
Total	122
Personal exemptions	134
Total	256
Taxable income	404
Tax	83.7

[3] If because the personal exemptions for taxpayer and spouse would be more than doubled, the present increased exemptions for the blind and the elderly could be eliminated, a further simplification could be achieved.

[4] In essence, under the simplified system, the present income tax stemming from deduction of uninsured medical expense above 3% of income would be reflected in lower tax rates for all. If health insurance against extraordinary medical expense were available for all, under whatever form of national health insurance might emerge, the present justification for an income tax deduction would be eliminated. But if some people will be unable to secure such insurance, they will want to continue the present partial "insurance" that stems from income tax deductions.

[5] The present corporate rate is 22% on the first $25,000 of income and 48% on the balance.

[6] It might be noted that the Ways and Means Committee and Finance Committee, which would have to approve the simplification, would lose jurisdiction over a number of important matters now dealt with in the tax laws.

TAX REFORM RESEARCH GROUP EDITORIAL: SIMPLIFICATION IS NOT ENOUGH

The release of the Cohen Plan is a major event in the national debate over our unfair and outmoded tax system. But an important negative feature weighs against the improvements Mr. Cohen proposes. While closing many loopholes—now used mainly by the rich—he would cut nominal tax rates in a way that would heavily favor high-income taxpayers. Tax rates on the rich would be cut in half, while rates in the lowest brackets would go down only a few percent. By combining this discriminatory rate-cut with the closing of loopholes, Mr. Cohen would continue the present distribution of the tax burden widely regarded as unfair. Clearly, tax reformers will not be satisfied with this result.

We were surprised to learn that Mr. Cohen authored the tax simplification plan. While his experience and expertise are unquestioned, his public statements have not shown great concern for the unfairness of our tax system. Last year, for example, he was prominent in the Treasury attempt to exceed its authority and enact "ADR" depreciation regulations giving business a new multi-billion dollar tax cut. And he also staunchly opposed giving the public a meaningful chance to take part in the debate over these regulations. Mr. Cohen's recent letter to editors, and statements, in defense of the tax status quo have not altered this impression.

The year-long delay in White House action on the Cohen Plan is also cause for concern. The hints about tax simplification now beginning to surface have come only in response to mounting public pressure for tax reform. Indeed, the White House could easily use the Cohen simplification plan as a smokescreen, much in the way it may try to palm off a "Value-Added Tax" as "property tax relief." We sincerely hope that instead responsible legislators will use the plan as a first step towards fairer taxes.

RARICK REPORTS TO HIS PEOPLE ON WHERE THEIR MONEY GOES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 1, 1972

Mr. RARICK. Mr. Speaker, I recently reported to my people on where their money goes. I insert the report in the RECORD at this point:

RARICK REPORTS TO HIS PEOPLE ON WHERE THEIR MONEY GOES

The tremendous cost to the U.S. government for devaluing the U.S. dollar 8.57% will be borne by the taxpayers. In addition to reducing the value of every dollar that is owned and henceforth will be put into circulation by 8½ cents, Congress has authorized the Secretary of the Treasury to borrow $1.6 billion to give to the international banking institutions to compensate for the loss of our collateral in their accounts when the dollar was devalued.

Certainly any responsible, thinking American would believe that the Congress would have learned by this tragic lesson and be more cautious in foreign aid and giving out money and credit to the international crowd. But, events following the devaluation fiasco would indicate that Congress has not gotten the message. Possibly the belief is that U.S. dollars are going out of style so we should hurry and spend them before they become obsolete.

I thought today I would report to you on a few aspects of how your tax dollars are continuing to be spent in such a manner that the effect will not only necessitate additional tax increases and a larger national debt, but will eventually cause further devaluation in the buying power of the U.S. dollar.

The first bill considered was the Authorization for Fiscal Year 1973 for the Department of State and USIA. This bill authorized $648 million for the Department of State which includes $289 million under the heading "Administration of Foreign Affairs" to provide U.S. representation in foreign countries through 126 embassies, 72 consulates general and 2 embassy branch offices employing 3,792 Americans overseas and 5,120 foreigners.

The bill also authorized $188 million to meet our assessment of 31.52% of the United Nations budget and the U.S. share of the other international organizations.

Also included in the bill was a special sum of $85 million to permit the U.S. Secretary of State to furnish financial assistance for the resettlement of Soviet Jewish refugees in Israel. The funds authorized were to be used for housing, clothes, food, medical care, education and training for the resettlement in Israel of Jewish refugees from the Soviet Union.

The following day the House considered H.R. 14989 which was the appropriations bill to make available the money authorized the previous day as well as additional appropriations for the Departments of Justice and Commerce, the Judiciary and related agencies and for other purposes. The "other purposes" identifies the bill as being a genuine Christmas tree package—a little money gift for every agency and with a few choice bones left over to encourage all doubters that this was such a good bill that no one would dare oppose it.

The total amount of dollars authorized was not even given in the bill or in the report which accompanied the bill, perhaps because the printing equipment was not capable of totaling such astronomical figures. The debate before the final vote suggested that the appropriation of only $151 million as against the $188 million requested represented a severe cut in the U.N. contribution from 31% to 25%. The budget cut was opposed by the Administration and many of the Democratic one-worlders who not only feel we should not cut our lopsided gift to the U.N., but should even give it more money.

Proposed amendments to restore the full U.S. funding were narrowly defeated. The informed American simply does not buy the U.N. ploy. Especially is this so when he is paying the salary of almost 9,000 State Department people in foreign countries and when the President of the United States acknowledges that the U.N. is such an inept organization he is forced to personally apply his diplomacy in summit meetings in Peking and now Moscow. The informed American understands that the United States, with approximately 5½% of the world's population and with only one vote in the 131 member U.N. organization, is not being treated fairly in being required to supply one fourth of the cost of the operations of the U.N., whose only successful activity has been the erosion and eventual destruction of every American institution as well as our constitutional form of government.

Nor will the informed American swallow the argument that our share should be greater because we are wealthier people. Too many wealthy people and accumulations of wealth have found ways to dodge their fair share of the cost of running our own country through tax loopholes. Why should he be asked to apply one rule to our people and a separate standard to international organizations?

The size of member nations in number of people varies from 110,000 in population for the Maldive Islands to 750 million for Red China. Yet each has one vote and pays different dues—in fact, some pay none. The U.N. is a classic example of illegal apportionment. It could never stand the "one-man-one-vote" test of any of our Federal judges.

The gift list for International Organizations and Movements from the report accompanying the bill is worth noting in its entirety.

UNITED NATIONS AND SPECIALIZED AGENCIES	
United Nations	$46,881,014
United Nations Education, Scientific and Cultural Organization	10,067,101
International Civil Aviation Organization	4,163,000
World Health Organization	20,857,370
Food and Agriculture Organization	9,098,820
International Labor Organization	4,000,000
International Telecommunication Union	966,797
World Meteorological Organization	943,489
Intergovernmental Maritime Consultative Organization	$151,538
International Atomic Energy Agency	3,849,190
Subtotal	100,978,319
INTER-AMERICAN ORGANIZATIONS	
Subtotal	35,505,592
REGIONAL ORGANIZATIONS	
Subtotal	13,606,767
OTHER INTERNATIONAL ORGANIZATIONS	
Subtotal	996,572
Total	151,087,250

Interestingly enough, under the United Nations, $4 million was given to the International Labor Organization, the ILO. For several years Congress had refused to pay the so-called U.S. assessment to this organization because George Meany, the President of the AFL–CIO, had reportedly called it a Red propaganda agency. This year the Congress not only paid the $4 million current assessment, but in the second supplementary assessment, coughed up another $7,692,000,000 to pay all of the back dues, although there had never been any U.S. representation during the delinquent years. The change of heart was urged as necessary to permit U.S. attendance to prohibit the Russians from dominating the world labor movement.

Additionally, $4,942,000 was appropriated for the expenses of sending U.S. representatives or missions to the U.N. and its international organizations and another $5 million to pay the expenses of U.S. Congressional groups attending the U.N. functions as delegates.

In other earlier legislation a direct appropriation was made to UNICEF, the U.N. International Childrens Education Fund. Apparently, the feeling was that crime has now become so rampant that the U.N. crowd didn't want their children out on Halloween night begging for donations so it was decided to make the American taxpayers give to this cause whether they wanted to or not.

The American people will be repeatedly told of the great work of the U.N. and service to humanity, but no one ever goes to the trouble of telling them just what it is that the U.N. has actually accomplished.

$155 million of your money is being given to this international communist debating society. What is $155 million? The 1970 Census report on social and economic characteristics in Louisiana reports that in the parishes which make up the present Sixth District, there are 10,859 families who receive public assistance or public welfare income. The total mean annual income of these families, including public assistance or welfare and other income, varies from $3200 a year in East Baton Rouge Parish to $2400 a year in Livingston Parish. The $155 million being given to the United Nations for 1973, if equally divided among the poor families of the Sixth District would be sufficient to give each family $14,352. To put it otherwise, it is estimated that there are approximately 87,000 families in our State of Louisiana who are receiving welfare assistance. The money the taxpayers have been forced to give to the U.N. in the coming year would be $1,616 for every needy family in Louisiana. Consider that according to the 1970 census there are 41,900 in our state with incomes of less than $1,000.

The giveaways to the international organizations last week which will end up being takeaways from your income taxes next year are almost routine. If these figures weren't bad enough, as I am preparing this report, this week Congress has already authorized $19.7 billion for Housing and Urban Development, Space, Science and Veterans and $8.3 billion for the Department of Transportation.

This is where your money goes. Far too often it is money that the government doesn't have. This over-spending can only end up in additional taxes, an increase in the national debt, or more likely both.

HOUSE OF REPRESENTATIVES—*Monday, June 5, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I am the light of the world; he that followeth me shall not walk in darkness, but shall have the light of life.—John 8: 12.

"O thou who dost the vision send
And giveth each his task,
And with the task sufficient strength:
Show us Thy will, we ask;

Give us a conscience bold and good;
Give us a purpose true,
That it may be our highest joy,
Our Father's work to do."

This day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 13188. An act to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 635) entitled "An act to amend the Mining and Minerals Policy Act of 1970," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BIBLE, Mr. MOSS, Mr. ALLOTT, and Mr. JORDAN of Idaho to be the conferees on the part of the Senate.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar Day. The Clerk will call the first bill on the Consent Calendar.

CONVEYANCE OF CERTAIN VETERANS' ADMINISTRATION PROPERTY IN CANANDAIGUA, N.Y., TO SONNENBERG GARDENS, A NONPROFIT, EDUCATIONAL CORPORATION

The Clerk called the bill (H.R. 13780) to authorize the Administrator of Veterans' Affairs to convey certain property in Canandaigua, N.Y., to Sonnenberg Gardens, a nonprofit, educational corporation.

There being no objection, the Clerk read the bill as follows:

H.R. 13780

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of Veterans' Affairs is authorized to convey by quitclaim deed, without monetary consideration, to Sonnenberg Gardens, a charitable, nonprofit, educational corporation, chartered under the education law of the State of New York, for the purpose of restoring and maintaining the Sonnenberg Estate in accordance with the terms of the corporate charter, all the right, title, and interest of the United States in and to that tract of land constituting a portion of the grounds of the Veterans' Administration Hospital in Canandaigua, New York, including the improvements thereon, containing forty-five acres, more or less. The exact legal description of the real property to be conveyed pursuant to this Act shall be determined by the Administrator of Veterans' Affairs, and if a survey is required in order to make such determination, Sonnenberg Gardens shall bear the expense thereof.

SEC. 2. Any deed of conveyance made pursuant to this Act shall—

(a) provide that the land conveyed shall be used solely for the stated purpose by Sonnenberg Gardens, and in a manner that will not, in the judgment of the Administrator of Veterans' Affairs, or his designate, interfere with the care and treatment of patients in the Veterans' Administration Hospital, Canandaigua, New York;

(b) contain such additional terms, conditions, reservations, easements, and restrictions as may be determined by the Administrator of Veterans' Affairs to be necessary to protect the interest of the United States;

(c) provide that if Sonnenberg Gardens, or its successors in interest, violate any provision of the deed of conveyance or alienate or attempt to alienate all or any part of the parcel so conveyed, title thereto shall revert to the United States; and that a determination by the Administrator of Veterans' Affairs of any such violation or alienation or attempted alienation shall be final and conclusive; and

(d) provide that in the event of such reversion, improvements shall vest in the United States without payment or compensation therefor.

Mr. TERRY. Mr. Speaker, I wish to thank and extend to all of my colleagues today my sincere appreciation for their cooperation in passing H.R. 13780, a bill which conveys certain Veterans' Administration property in Canandaigua, N.Y., to Sonnenberg Gardens, Inc., a nonprofit, educational corporation.

The property contains the gardens and mansion of Sonnenberg. The land was originally owned by Mrs. Frederick Ferris Thompson, who commissioned Ernest W. Bowdich to design and supervise construction of the Sonnenberg Gardens. From 1865 to 1923, when Mrs. Thompson died, many distinguished people visited Sonnenberg. Each commemorated his visit by the planting of a rare tree. Many of these, now grown to maturity, remain today.

The Thompson heirs sold the estate to the U.S. Government in 1930, and a Veterans' Administration hospital was erected on the site. The present total acreage at the VA hospital facility is now 208.

In 1966, the worth of the remaining estate was recognized. The difficulty and expense to the hospital and its staff to continue adequate maintenance of the gardens and mansion of Sonnenberg, coupled with the harsh upstate New York winters and vandalism, have resulted in the physical depreciation of Sonnenberg. This led to the proposal of turning over the mansion, gardens, and grounds surrounding them to an interested civic organization for restoration and public use.

The Canandaigua Lively Arts Council, Inc., accepted this commission following initial investigation by the chamber of commerce. Thereafter, responsibility was given to Sonnenberg Gardens, Inc., a nonprofit, tax-exempt, educational corporation, chartered by the New York State Board of Regents for the following purposes:

First. To receive, hold, restore, and improve the gardens, grounds, and the mansion of the estate known as Sonnenberg.

Second. To display and exhibit for both study and enjoyment numerous types and styles of gardens, landscape architecture, and structural architecture.

Third. To provide a place for the display of paintings, sculpture, and artworks in general.

Fourth. To provide a place for the performance of musical concerts, operas, and dance ballet recitals, art exhibits, and other performing and fine arts in general.

Sonnenberg Gardens, Inc., is charged with the responsibility of developing a plan for restoration of the mansion and gardens and the institution of a program of cultural pursuit which will enrich all who visit them. An infinite variety of cultural programs could be conducted within the mansion, gardens, and the estate. Cost estimates for the project of restoration and maintenance range in the area of half a million dollars for the restoration, and annual expenditures of approximately $200,000 for operational expenses.

Again, Mr. Speaker, I extend my gratitude and that of the people of Canandaigua to my colleagues for passing this measure today.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING THE SALE OF CERTAIN LANDS OF THE SOUTHERN UTE INDIAN TRIBE

The Clerk called the bill (H.R. 5332) to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 1140, be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There being no objection, the Clerk read the Senate bill, as follows:

S. 1140

An act to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of the Southern Ute Indian tribal constitution and the ordinances and resolutions adopted thereunder, any lands that are held by the United States in trust for the Southern Ute Indian Tribe or that are subject to a restriction against alienation or taxation imposed by the United States, and that are not needed for Indian use, may be sold by the Southern Ute Indian Tribe, with the approval of the Secretary of the Interior, and such sale shall terminate the Federal trust or restrictions against alienation or taxation of the lands, except that the trust or restricted status of said lands may be retained, upon approval of the Secretary of the Interior, in any sale to a member of the tribe.

SEC. 2. All funds derived from the sale of lands pursuant to this Act shall be used only for the purchase of real property within the boundaries of the Southern Ute Indian Reservation. Title to any lands purchased with such funds and title to any lands reacquired by the tribe by foreclosure of a mortgage or deed of trust shall be taken in the name of the United States in trust for the Southern Ute Indian Tribe.

SEC. 3. Any tribal lands that may be sold pursuant to section 1 of this Act may, with the approval of the Secretary of the Interior, be encumbered by a mortgage or deed of trust, and shall be subject to foreclosure or sale pursuant to the terms of such mortgage or deed of trust in accordance with the laws of the State in which the land is located. The United States shall be an indispensable party to any such proceeding with the right of removal of the proceeding to the United States district court for the district in which the land is located, following the procedure in section 1446, title 28 of the United States Code, and the United States shall have the right to appeal from any order of remand in the proceeding.

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ASPINALL. Mr. Speaker, S. 1140 authorizes the Southern Ute Tribe to sell any land that is held by the United States in trust for the tribe or land that is subject to a restriction against alienation or taxation imposed by the United States, and that is not needed for Indian use. Funds derived from the sale of tribal land must be used for the purchase of other land within the reservation. The tribe will also have the authority, with the approval of the Secretary of the Interior, to encumber by mortgage or deed of trust any land that may be sold pursuant to section 1 of the bill, in order to raise money with which to purchase other land needed by the tribe.

This authority is needed by the Southern Ute Tribe of Indians in order to consolidate trust or restricted lands on their reservation into more usable and profitable units. The tribe has adequate authority to acquire land and to exchange tribal land, but it lacks authority to sell tribal lands. The Southern Ute Tribe owns approximately 302,000 acres of land in trust, approximately 38,000 of which are isolated tracts that are not bordered on at least two sides by other tribally owned or Indian allotted land. The location of these tracts throughout the reservation area presents problems in use, access, development, and management. They are for the most part unfenced, lack a sufficient water supply, contain no commercial timber, have inadequate forage, and are of insufficient size to constitute an economic unit. Location, terrain, accessibility, soils, and moisture supply make the cost of optimum development too high when compared with the return the owners may expect to receive after development.

The tribe has heretofore designated three primary areas for concentrated development efforts. In the past, the tribe has been hampered in its attempts to acquire key tracts of land because of its limited financial resources. The enactment of this legislation will provide an opportunity to improve the land base of the Indians and be of considerable economic benefit to the tribe. It may be able to dispose of undesirable isolated parcels and thus obtain funds to purchase land that has an immediate foreseeable value to the tribe.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 5332) was laid on the table.

PERTAINING TO THE INHERITANCE OF ENROLLED MEMBERS OF THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

The Clerk called the bill (H.R. 5721) pertaining to the inheritance of enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon.

There being no objection, the Clerk read the bill as follows:

H.R. 5721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) A person who is not an enrolled member of the Confederated Tribes of the Warm Springs Reservation of Oregon with one-fourth degree or more blood of such tribes shall not be entitled to receive by devise or inheritance any interest in trust or restricted lands within the Warm Springs Reservation or within the area ceded by the treaty of June 25, 1855 (12 Stat. Treaties, 37), if, while the decedent's estate is pending before the Examiner of Inheritance, the Confederated Tribes of the Warm Springs Reservation of Oregon pay to the Secretary of the Interior, on behalf of such person, the fair market value of such interest as determined by the Secretary of the Interior after appraisal. The interest for which payment is made shall be held by the Secretary in trust for the Confederated Tribes of the Warm Springs Reservation of Oregon.

(b) On request of the Confederated Tribes of the Warm Springs Reservation of Oregon the Examiner of Inheritance shall keep an estate pending for not less than two years from the date of decedent's death.

(c) When a person who is prohibited by subsection (a) from acquiring any interest by devise or inheritance is a surviving spouse of the decedent, a life estate in one-half of the interest acquired by the Confederated Tribes of the Warm Springs Reservation of Oregon shall, on the request of such spouse, be reserved for that spouse and the value of such life estate so reserved shall be reflected in the Secretary's appraisal under subsection (a).

SEC. 2. The provisions of section 1 of this Act shall apply to all estates pending before the Examiner of Inheritance on the date of this Act, and to all future estates, but shall not apply to any estate heretofore closed.

With the following committee amendment:

On page 1, lines 5 and 6, strike out "with one-fourth degree or more blood of such tribes".

The committee amendment was agreed to.

(Mr. HALEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALEY. Mr. Speaker, H.R. 5721 limits the right to receive by devise or inheritance any interest in trust or restricted property on the Warm Springs Reservation to persons who are enrolled members of the Confederated Tribes with one-fourth degree or more blood of such tribes. The limitation will not apply, however, unless the person who is precluded from inheriting is paid by the tribes the fair market value of the interest in the lands.

This bill is an exact parallel of the statute enacted by the 91st Congress for the Yakima Reservation—act of December 31, 1970; 84 Stat. 1874. The purpose in both cases is to keep as much of the reservation as possible in the ownership of tribal members, and to preclude the transfer of reservation lands by devise or descent to nonmembers of the tribe. As a matter of fairness, however, if an heir or devisee is precluded from taking an interest in reservation land he must be paid for its fair market value. If he is not paid he may inherit. In other words, the nonmember is entitled either to the land or its value in money, and the choice rests with the tribe.

The enactment of the bill is also needed to correct an inequity created by the Yakima statute. Many members of the Yakima and Warm Springs Tribes are intermarried and have property on both reservations. A Yakima member may inherit land on the Warm Springs Reservation, but a Warm Springs members may not inherit land on the Yakima Reservation. The bill will make the same rule of law apply to both groups.

COMMITTEE ON INTERIOR AND
INSULAR AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., June 1, 1972.

Hon. AL ULLMAN,
Rayburn House Office Building,
Washington, D.C.

DEAR COLLEAGUE: Attached is a copy of your bill, H.R. 5721, together with the report of the Committee on Interior and Insular Affairs. This bill is scheduled for consideration on the Consent Calendar on Monday, June 5, 1972.

The Committee would like for you to be on the Floor when the Calendar is called so that you can help answer any detailed inquiries that might arise concerning this bill.

It is advised that you contact the Members of the Objectors Committee before the session when the bill will be considered.

Sincerely yours,
WAYNE N. ASPINALL, *Chairman.*

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING THE ACT ENTITLED "AN ACT TO PROVIDE FOR THE DISPOSITION OF JUDGMENT FUNDS NOW ON DEPOSIT TO THE CREDIT OF THE CHEYENNE-ARAPAHO TRIBES OF OKLAHOMA," APPROVED OCTOBER 31, 1967 (81 STAT. 337)

The Clerk called the bill (H.R. 6575) to amend the act entitled "An act to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma," approved October 31, 1967 (81 Stat. 337).

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HALL. Mr. Speaker, reserving the right to object, and I do not intend to object.

This is a bill to provide for the disposition of judgment funds. But might I ask if we may expect all of these type bills for the disposition of judgments to be amended now by separate legislation lowering the age for such adjudged distributions to age 18, as this one does?

Mr. HALEY. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to my friend, the gentleman from Florida.

Mr. HALEY. Of course, I might say to my distinguished friend, the gentleman from Missouri, it depends what the tribe itself wants in many instances.

Mr. HALL. I see, this varies, depending on the decision of the council from tribe to tribe and there will not be a blanket bill, which I would prefer, rather than handling them all on an individual basis and bringing in a mass of repetitive legislation, even under the Consent Calendar.

Mr. HALEY. Of course, I would be glad to try to bring as many of these bills here and more or less put them all together. But then they do vary from tribe to tribe on the distribution of funds and so forth so it is impossible to put in an omnibus bill to take care of all of them.

Mr. HALL. I understand, Mr. Speaker. I thank the gentleman for his reply. I respect his wisdom and will incidentally say the work that has been done on settling these claims and finally bringing to a close the cessation of all of these findings by the courts for the various tribes, will always be a feather in the headdress of the gentleman from Florida, and members of the committee, and we appreciate it.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill as follows:

H.R. 6575

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (a), (b) (and (c) of section 3 of the Act entitled "An Act to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma", approved October 31, 1967 (81 Stat. 337), are amended to read as follows:

"(a) A share payable to an enrollee not less than eighteen years of age shall be paid directly in one payment to such enrollee, except as provided in subsections (b) and (c) of this section;

"(b) A share payable to an enrollee dying after the date of this Act shall be distributed to his heirs or legatees upon the filing of proof of death and inheritance satisfactory to the Secretary of the Interior, or his authorized representative, whose findings and determinations upon such proof shall be final and conclusive: *Provided,* That if a share of such deceased enrollee, or a portion thereof, is payable to an heir or legatee under eighteen years of age or to an heir or legatee under legal disability other than because of age, the same shall be paid and held in trust pursuant to subsection (c) of this section;

"(c) A share or proportional share payable to an enrollee or person under eighteen years of age or to an enrollee or person under legal disability other than because of age shall be paid and held in trust for such enrollee or person pursuant to a trust agreement to be made and entered into by and between the Cheyenne-Arapaho Tribes of Oklahoma, as grantor, and a national banking association located in the State of Oklahoma, as Trustee, which trust agreement shall be authorized and approved by the tribal governing body and approved by the Secretary of the Interior.

With the following committee amendment:

Page 2, line 23, between the period and the quotation marks insert:

"The Secretary of the Interior is authorized to approve amendments to trust agreements entered into pursuant to the Act of October 31, 1967 (81 Stat. 337), to permit the distribution of assets to, and the termination of trusts for, minor beneficiaries, not under other legal disability, who have attained or who shall hereafter attain the age of eighteen years."

The committee amendment was agreed to.

(Mr. HALEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALEY. Mr. Speaker, H.R. 6575 amends a 1967 statute which authorized the distribution and use of a judgment against the United States that was recovered in the Indian Claims Commission by the Cheyenne-Arapahoe Tribes of Oklahoma. The amendment changes the age of majority for the purpose of distributing the judgment from 21 to 18.

The 1967 statute provided that the share of a tribal member who is 21 years of age or older will be paid directly to him, and that a share payable to a member who is under 21 will be held in a private trust until the member reaches 21. The proposed reduction in the age limitation from 21 to 18 is in accord with the national trend with respect to voting responsibility.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPOSITION OF JUDGMENT FUNDS OF YAVAPAI APACHE TRIBE

The Clerk called the bill (H.R. 8694) to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission docket Nos. 22–E and 22–F, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 8694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of July 22, 1969 (83 Stat. 49, 62), to pay a judgment to the Yavapai Indians in Indian Claims Commission dockets numbered 22–E and 22–F, together with any interest thereon, after payment of attorney fees and litigation expenses and costs of carrying out the provisions of this Act, shall be distributed as provided herein.

SEC. 2. The Secretary of the Interior prepare a roll of all persons who were born on or prior to and living on the date of this Act and are (a) enrolled or entitled to be enrolled as members of the Yavapai Apache Indian Community of the Camp Verde Reservation, or the Fort McDowell Mohave Apache Community, or the Yavapai Prescott Community; or (b) are residing on the date of this Act with the Payson Indian Band at Payson, Arizona, and can establish Yavapai lineal descent to the satisfaction of the Secretary. Applications for enrollment must be filed with the Area Director, Bureau of Indian Affairs, Phoenix, Arizona, in the manner and within the time limits prescribed by the Secretary for that purpose. The Secretary's determination on all applications for enrollment shall be final.

SEC. 3. Subsequent to the establishment of the roll as provided in section 2 of this Act, the funds shall be apportioned among the cited groups on the basis of the number of enrollees in each group bearing to the total number enrolled. The funds so apportioned shall be redeposited in the Treasury of the United States to the credit of the respective groups and may be advanced, expended, invested, or reinvested in any manner authorized by the governing bodies and approved by the Secretary. All funds so accruing to the Payson Band shall be utilized pursuant to a plan agreed upon between the governing body thereof or by the members thereof at a meeting called in accordance with rules prescribed by the Secretary of the Interior. Title to land purchased with funds apportioned to the Payson Band may be taken in the name of the United States in trust for the Payson Band.

SEC. 4. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes; and only those persons enrolled under the provisions of section 2 of this Act shall be permitted to share in any per capita distribution of the funds apportioned to the cited groups. Sums payable to enrollees or heirs or legatees who are less than twenty one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interests of such persons.

SEC. 5. The Secretary is authorized to prescribe rules and regulations to carry out the provisions of this Act, including the establishment of deadlines.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the funds appropriated by the Act of July 22, 1969 (83 Stat. 49, 62), to pay a judgment to the Yavapai Indians in Indian Claims Commission dockets numbered 22–E and 22–F, together with any interest thereon, after payment of attorney fees and litigation expenses and the costs of carrying out the provisions of this Act, shall be distributed as provided herein.

"SEC. 2. The Secretary of the Interior shall set aside for the benefit of the Payson Indian Band, at Payson, Arizona, 3.5 per centum of the net judgment funds described in section 1 of this Act, which shall be disposed of pursuant to section 4 hereof.

"SEC. 3. For the purposes of apportioning the funds, the Yavapai Apache Indian community of the Camp Verde Reservation, the Fort McDowell Mohave-Apache community, and the Yavapai-Prescott community shall prepare rolls of all persons who were born on or prior to and living on the date of this Act, and who are enrolled or entitled to be enrolled in accordance with the respective tribal constitutions or articles of association, as the case may be, in effect on April 1, 1972. The Secretary of the Interior shall verify and approve the rolls.

"Sec. 4. Upon completion and approval of the rolls as provided in section 3 of this Act, the balance of the funds not set aside pursuant to section 2 hereof shall be apportioned among the cited groups in section 3 on the basis of the number of enrollees in each group. The funds so apportioned shall be redeposited in the Treasury of the United States to the credit of the respective groups and may be advanced, expended, invested, or reinvested in any manner authorized by the governing bodies and approved by the Secretary. All funds so accruing to the Payson Band pursuant to section 2 hereof shall be utilized pursuant to a plan agreed upon between the governing body elected by the Payson Indian community or by the members thereof at a meeting called in accordance with rules prescribed by the Secretary of the Interior.

"Sec. 5. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes. Sums payable to enrollees or heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interests of such persons.

"Sec. 6. The Secretary is authorized to prescribe rules and regulations to carry out the provisions of this Act."

The committee amendment was agreed to.

(Mr. HALEY asked and was given permission to extend his remarks at this point in the Record.)

Mr. HALEY. Mr. Speaker, H.R. 8694 authorizes the distribution and use of a claims judgment recovered by the Yavapai Apache Tribe. The money has been appropriated, but it may not be used without further authorization from Congress.

The net amount available as of September 1, 1971, was $5,090,885. The money is currently invested in interest bearing accounts.

The Yavapai Indians are divided into four separate groups. Legislation is needed to divide the claims judgment between the four groups, and to authorize the use of the money.

The four groups have agreed that the Payson Indian Community, which has no formal organization and which is not recognized by the United States as a separate reservation, will receive 3.5 percent of the net judgment, and that the remainder will be divided among the Fort McDowell Reservation, the Camp Verde Reservation, and the Yavapai-Prescott Reservation, according to the relative numbers of members enrolled or entitled to be enrolled at each place.

After the money is divided, the bill permits it to be used for any purpose requested by the respective groups and approved by the Secretary of the Interior. Plans for the use of the money are as follows:

Camp Verde: 23 percent for a per capita and family plan program; 35.2 percent for economic and resources development; 35.2 percent for a tribal trust and investment program; and 6.6 percent for community development.

Fort McDowell: 30 percent for a per capita and family plan program; 15 percent for a tribal resources development program; 20 percent for a community development program; and 35 percent in a tribal trust and investment program.

Yavapai-Prescott: 50 percent in a 10-year irrevocable trust for investment; 15.625 percent in a resources development fund; 18.125 percent in a community development fund; and 16.250 percent for family and individual planning.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPOSITION OF JUDGMENT FUNDS OF THE HAVASUPAI TRIBE OF INDIANS

The Clerk called the bill (H.R. 9032) to provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket numbered 91, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 9032

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of December 26, 1969 (83 Stat. 447), to pay a judgment to the Havasupai Tribe in Indian Claims Commission docket numbered 91, together with interest thereon, after payment of attorney fees and litigation expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

Sec. 2. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

Sec. 3. Sums payable to adult living enrollees or to adult heirs or legatees of deceased enrollees shall be paid directly to such persons. Sums payable to enrollees or their heirs or legatees who are less than eighteen years of age or who are under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines appropriate to protect the best interests of such persons.

Sec. 4. The Secretary of the Interior is authorized to prescribe rules and regulations to effect the provisions of this Act.

(Mr. HALEY asked and was given permission to extend his remarks at this point in the Record.)

Mr. HALEY. Mr. Speaker, H.R. 9032 authorizes the distribution and use of a claims judgment recovered by the Havasupai Tribe. The money has been appropriated, but it may not be used without further authorization from Congress.

The net amount available as of August 4, 1971, was $1,228,705. The money is currently invested in interest bearing accounts.

The Havasupai Tribe has adopted a plan for the use of the money which in summary is as follows:

Twenty-five percent for a standard of living betterment program for individuals in the form of per capita payments of about $700.

Thirty-nine percent for economic development programs, including improvement and expansion of the tourism and recreation enterprise, development of a tribal livestock loan program, and development and ownership of a public water system for the reservation.

Thirty-six percent is to be reserved for utilization in an irrevocable tribal trust and investment fund program, the interest from which would be used for education and financing tribal government services.

The bill permits the judgment to be used in accordance with this plan, and any modification that may be approved by the Secretary of the Interior.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DIVISION AND DISPOSITION OF JUDGMENT FUNDS OF THE ASSINIBOINE TRIBES OF THE FORT PECK AND FORT BELKNAP RESERVATIONS, MONT.

The Clerk called the bill (H.R. 10394) to provide for the division and for the disposition of the funds appropriated to pay a judgment in favor of the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Mont.

There being no objection, the Clerk read the bill as follows:

H.R. 10394

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of January 8, 1971 (Public Law 91 665), to pay a judgment to the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Montana, in Indian Claims Commission docket numbered 279-A, together with interest thereon, after payment of attorney fees and litigation expenses, shall be divided by the Secretary of the Interior on the basis of 50 per centum to the Assiniboine Tribe of the Fort Peck Reservation and 50 per centum to the Assiniboine Tribe of the Fort Belknap Reservation.

Sec. 2. One hundred per centum of the share of the Assiniboine Tribe of the Fort Peck Reservation, after deduction of costs of roll preparation and estimated costs of distribution, shall be distributed per capita to each person born on or prior to, and living on, the date of this Act who is a citizen of the United States and duly enrolled as a member of the Assiniboine Tribe of the Fort Peck Reservation, on rolls prepared according to the membership ordinance of the Tribe, subject to approval of the Secretary of the Interior.

Sec. 3. Sums payable to enrollees or their heirs or legatees who are less than eighteen years of age or who are under legal disability shall be paid in accordance with such provisions, including the establishment of trusts, as the Secretary determines appropriate to protect the best interests of such persons.

Sec. 4. The funds distributed under the provisions of this Act shall not be subject to Federal or State income taxes, or to any loan from the tribe, and shall not be considered in determining eligibility for public assistance.

Sec. 5. The Secretary of the Interior is authorized to prescribe such rules and regulations as may be necessary to carry out the provisions of this Act.

With the following committee amendment:

Page 1, beginning on line 3, strike out all after the enacting clause and insert in lieu thereof the following:

"That the funds appropriated by the Act of January 8, 1971 (84 Stat. 1981), to pay a judgment to the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Montana, in Indian Claims Commission docket numbered 279–A, together with interest thereon, after payment of attorney fees and litigation expenses, shall be divided by the Secretary of the Interior on the basis of 50 per centum to the Assiniboine Tribe of the Fort Peck Reservation and 50 per centum to the Assiniboine Tribe of the Fort Belknap Reservation.

"SEC. 2. The share of the Assiniboine Tribe of the Fort Peck Reservation, after deducting $50,000 to be used as provided in section 3 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, and is of Assiniboine lineal descent: *Provided,* That persons in the following categories shall not be eligible to receive a per capita payment: (a) persons who possess a greater degree of Fort Peck Sioux blood than Fort Peck Assiniboine blood, (b) persons who possess equal degrees of Fort Peck Assiniboine and Fort Peck Sioux blood and who elect to be enrolled as Sioux, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313), for the disposition of the judgment of the Sioux Tribe of the Fort Peck Reservation in docket numbered 279–A.

"SEC. 3. Upon agreement by the Fort Peck Assiniboine Tribe and the Fort Peck Sioux Tribe on the amount each agrees to contribute from the award to each tribe in Indian Claims Commission Docket No. 279–A, the agreed contribution of the Fort Peck Assiniboine Tribe shall be withdrawn from the $50,000, and interest thereon, withheld from per capita distribution pursuant to section 2 of this Act, and shall be credited to the joint account for expenditure pursuant to the Act of June 29, 1954 (68 Stat. 329): *Provided,* That upon request of the Fort Peck Assiniboine Tribe the Secretary of the Interior in his discretion may distribute all or part of the aforesaid $50,000 and interest thereon per capita to each person eligible under section 2 of this Act.

"SEC. 4. The share of the Assiniboine Tribe of the Fort Belknap Reservation, after deducting $100,000 to be used as provided in section 5, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the organized Fort Belknap Community, and is of Assiniboine lineal descent: *Provided,* That persons in the following categories shall not be eligible to receive a per capita payment: (a) persons who possess a greater degree of Gros Ventre blood than Assiniboine blood, (b) persons who possess equal degree of Fort Belknap Assiniboine and Fort Peck Gros Ventre blood and who elect to be enrolled as Gros Ventre, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the Act of March 18, 1972 (P.L. 92–254), for the disposition of the judgment of the Blackfeet Tribe and the Gros Ventre Tribe in Indian Claims Commission docket numbered 279–A.

"SEC. 5. The $100,000 withheld from distribution under section 4, and interest thereon, may be used for any purpose authorized by the Assiniboine Treaty Committee of the Fort Belknap Tribe and approved by the Secretary of the Interior, including contributions to Reservation community projects and further per capita distribution.

"SEC. 6. The per capita shares shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the Tribe from whose share the per capita would have been paid, to be expended for any purpose designated by such tribe and approved by the Secretary.

"SEC. 7. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes. Sums payable to persons under eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will protect the best interests of such persons.

"SEC. 8. The Secretary is authorized to prescribe rules and regulations to effect the provisions of this Act, including the establishment of deadlines."

The committee amendment was agreed to.

(Mr. HALEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALEY. Mr. Speaker, H.R. 10394 authorizes the distribution and use of a claims judgment recovered by the Assiniboine Tribes of the Fort Peck and the Fort Belknap Reservations. The money has been appropriated, but it may not be used without further authorization from Congress.

The net amount available as of January 4, 1972, was $2,880,317. The money is currently invested in interest-bearing accounts.

The Assiniboine Indians are located on two reservations. They share the Fort Peck Reservation with the Sioux, and they share the Fort Belknap Reservation with the Gros Ventre. Legislation is needed to divide the judgment between the two groups, and to authorize the use of the money.

The two groups have agreed that the judgment should be divided between them equally.

After the money is divided, the Assiniboine Tribe at Fort Peck will reserve $50,000 to be available to match a similar sum reserved from an earlier judgment in favor of the Sioux Tribe, to be used for reservation purposes. The Assiniboine Tribe at Fort Belknap will reserve $100,000 which may be used separately for tribal purposes or for reservation programs in conjunction with a sum reserved from an earlier judgment in favor of the Gros Ventre Indians. The remainder will be distributed per capita to all members of the respective Fort Peck and Fort Belknap communities who are of Assiniboine descent, excluding persons who have more Sioux or Gros Ventre blood than Assiniboine blood, and excluding persons who share or are entitled to share in the prior Sioux and Gros Ventre judgments.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and motion to reconsider was laid on the table.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent for the immediate consideration of a similar Senate bill (S. 3230), to provide for the disposition of funds appropriated to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission docket No. 279–A, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3230

An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission docket numbered 279–A, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds appropriated by the Act of January 8, 1971 (84 Stat. 1981), to pay a judgment to the Assiniboine Tribes in Indian Claims Commission docket numbered 279–A, and the interest thereon, after payment of attorney fees and litigation expenses shall be divided equally between the Assiniboine Tribe of the Fort Peck Reservation, Montana, and the Assiniboine Tribe of the Fort Belknap Reservation, Montana.

SEC. 2. The share of the Assiniboine Tribe of the Fort Peck Reservation, after deducting $50,000 to be used for programs as provided in section 5 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before and living on the date of this Act who is a citizen of the United States and duly enrolled on the approved roll of the Assiniboine and Sioux Tribes of the Fort Peck Reservation, and duly enrolled as a member of the Assiniboine Tribe of the Fort Peck Reservation on a roll prepared and approved by the Secretary of the Interior. Persons in the following categories shall not be enrolled as members of the Assiniboine Tribe of the Fort Peck Reservation: (a) persons who possess a greater degree of Fort Peck Sioux blood than Fort Peck Assiniboine blood, provided that a person, otherwise eligible, who posseses equal degrees of Fort Peck Assiniboine and Fort Peck Sioux blood, may, at his option, within a reasonable time after notice, elect to be enrolled as an Assiniboine; and (b) persons who participated, or were eligible to participate, in the distribution of funds under the provisions of the Act of June 19, 1970 (84 Stat. 313), for the disposition of the judgment of the Sioux Tribe of the Fort Peck Reservation in docket numbered 279–A.

SEC. 3. The share of the Assiniboine Tribe of the Fort Belknap Reservation, after deducting $100,000 to be used for programs as provided in section 5 of this Act, and after deducting the estimated costs of distribution and all other appropriate expenses, shall be distributed per capita to each person born on or before, and living on, the date of this Act who is a citizen of the United States, is duly enrolled on the approved roll of the organized Fort Belknap Community, and is of Assiniboine lineal descent: *Provided,* That persons in the following categories shall not be eligible to receive a per capita payments: (a) persons who possess a greater degree of of Gros Ventre blood than Assiniboine blood, (b) persons who possess equal degrees of Fort Belknap Assiniboine and Fort Belknap Gros Ventre blood and who elect to be enrolled as Gros Ventre, and (c) persons who participated, or were eligible to participate, in the distribution of funds under the Act of March 18, 1972 (Public Law 92–254), for the disposition of the judgment of the Blackfeet Tribe and the Gros Ventre Tribe in Indian Claims Commission docket numbered 279–A.

SEC. 4. The per capita shares authorized in sections 2 and 3 of this Act shall be determined on the basis of the number of persons eligible for per capitas and the number of persons rejected for per capitas who have taken a timely appeal. The shares of those persons whose appeals are denied shall revert to the tribe from whose share the per capita would have been paid, to be expended for any purpose designated by such tribe and approved by the Secretary.

SEC. 5. The funds set aside for program purposes for the Assiniboine Tribes in sections 2 and 3 of this Act may be utilized for any purposes authorized by the respective Assiniboine treaty committees and approved by the Secretary of the Interior and by Congress through enactment of appropriate legislation.

SEC. 6. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes, and shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act, and programs of the Department of Agriculture and Bureau of Indian Affairs. The provision of this section regarding eligibility for assistance under the Social Security Act is enacted in recognition of the unique circumstances applicable to the tribes involved, and shall not be regarded as a precedent or as a general policy for application to other tribes.

SEC. 7. Sums payable to persons under eighteen years of age or under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will protect the best interests of such persons.

SEC. 8. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

AMENDMENT OFFERED BY MR. ASPINALL

Mr. ASPINALL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPINALL: Strike out all after the enacting clause of S. 3230 and insert in lieu thereof the provisions of H.R. 10394, as passed.

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To provide for the division and for the disposition of the funds appropriated to pay a judgment in favor of the Assiniboine Tribes of the Fort Peck and Fort Belknap Reservations, Montana."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 10394) was laid on the table.

INHERITANCE OF INTERESTS IN RESTRICTED OR TRUST LAND WITHIN THE NEZ PERCE INDIAN RESERVATION

The Clerk called the bill (H.R. 10436) to provide with respect to the inheritance of interests in restricted or trust land within the Nez Perce Indian Reservation, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 10436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a person who is not an enrolled member of the Nez Perce Tribe of Idaho with one-fourth degree or more blood of such Tribe shall not be entitled to receive by devise or inheritance any interest in trust or restricted land within the Nez Perce Indian Reservation or within the area ceded by the Treaty of June 11, 1855 (12 Stat. 957), if, while the decedent's estate is pending before the Examiner of Inheritance, the Nez Perce Tribe of Idaho pays to the Secretary of the Interior, on behalf of such person, the fair market value of such interest as determined by the Secretary of the Interior after appraisal. The interest for which such payment is made shall be held by the Secretary in trust for the Nez Perce Tribe of Idaho.

SEC. 2. On request of the Nez Perce Tribe of Idaho the Examiner of Inheritance shall keep an estate pending for not less than two years from the date of decedent's death.

SEC. 3. When a person who is prohibited by section 1 from acquiring any interest by devise or inheritance is a surviving spouse of the decedent, a life estate in one-half of the interest acquired by the Nez Perce Tribe of Idaho shall, on the request of such spouse, be reserved for that spouse and the value of such life estate so reserved shall be reflected in the Secretary's appraisal under section 1.

SEC. 4. The provisions of this Act shall apply to all estates pending before the Examiner of Inheritance on the date of this Act and to all future estates, but shall not apply to any estate heretofore closed.

(Mr. HALEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALEY. Mr. Speaker, H.R. 10436 limits the right to receive by devise or inheritance any interest in trust or restricted property on the Nez Perce Reservation to persons who are enrolled members of the tribe with one-fourth degree or more blood of the tribe. The limitation will not apply, however, unless the person who is precluded from inheriting is paid by the tribe the fair market value of the interest in the land.

This bill is an exact parallel of the statute enacted by the 91st Congress for the Yakima Reservation—act of December 31, 1970; 84 Stat. 1874. The purpose in both cases is to keep as much of the reservation as possible in the ownership of tribal members, and to preclude the transfer of reservation lands by devise or descent to nonmembers of the tribe. As a matter of fairness, however, if an heir or devisee is precluded from taking an interest in reservation land he must be paid for its fair market value. If he is not paid he may inherit. In other words, the nonmember is entitled either to the land or its value in money, and the choice rests with the tribe.

The enactment of the bill is also needed to correct an inequity created by the Yakima statute. Many members of the Yakima and Nez Perce Tribes are inter-married and have property on both reservations. A Yakima member may inherit land on the Nez Perce Reservation, but a Nez Perce member may not inherit land on the Yakima Reservation. The bill will make the same rule of law apply to both groups.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPOSITION OF JUDGMENT FUNDS OF THE PUEBLO DE ACOMA

The Clerk called the bill (H.R. 10858) to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes.

There being no objection, the Clerk read the bill as follows:

H.R. 10858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Pueblo de Acoma that were appropriated by the Act of January 8, 1971 (84 Stat. 1981), to pay a judgment by the Indian Claims Commission in docket numbered 266, and interest thereon, after payment of attorney fees and litigation expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

SEC. 3. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

(Mr. HALEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALEY. Mr. Speaker, H.R. 10858 authorizes the distribution and use of a claims judgment recovered by the Acoma Pueblo. The money has been appropriated, but it may not be used without further authorization from Congress.

The net amount available as of May 4, 1972, was $5,954,682. The money is currently invested in interest bearing accounts.

The tribe has adopted a plan for the use of the money, which contemplates that the entire amount will be invested, and only the interest will be used for, first, aid to education, second, tribal administration, third, tribal law enforcement, fourth, youth services, fifth, land acquisition, sixth, economic development, seventh, matching funds for various Federal grant programs, eighth, preservation of historic shrines, ninth, emergency aid to the elderly, and tenth, long-range planning.

The bill permits the judgment to be used in accordance with this plan, and any modification that may be approved by the Secretary of the Interior.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISPOSITION OF JUDGMENT FUNDS OF THE DELAWARE TRIBE OF INDIANS AND THE ABSENTEE DELAWARE TRIBE OF WESTERN OKLAHOMA, AND OTHERS

The Clerk called the bill (H.R. 14267) to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission docket numbered 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in Indian Claims Commission docket numbered 72, and for other purposes.

There being no objection, the Clerk read the bills as follows:

H.R. 14267

Be it enacted by the Senate and House of Representatives of the United States of Amer-

ica in Congress assembled, That the funds appropriated by the Act of December 26, 1969 (83 Stat. 447, 453), to pay a judgment in favor of the petitioners, the Delaware Tribe of Indians in docket 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in docket 72, together with any interest thereon, after payment of attorney fees, litigation expenses, and such expenses as may be necessary in effecting the provision of this Act, shall be distributed as provided herein.

SEC. 2. The Secretary of the Interior shall prepare a roll of all persons who meet the following requirements:

(a) they were born on or prior to and were living on the date of this Act; and

(b) they are citizens of the United States; and

(c) (1) their name or the name of a lineal ancestor appears on the Delaware Indian per capita payroll approved by the Secretary on April 20, 1906, or

(2) their name or the name of a lineal ancestor is on or is eligible to be on the constructed base census roll as of 1940 of the Absentee Delaware Tribe of Western Oklahoma, approved by the Secretary.

SEC. 3. All applications for enrollment must be filed either with the Area Director of the Bureau of Indian Affairs, Muskogee, Oklahoma, or with the Area Director of the Bureau of Indian Affairs, Anadarko, Oklahoma, on or before the last day of the fourth full month following the date of this Act, and no application shall be accepted thereafter. The Secretary of the Interior shall give a rejection notice within sixty days after receipt of an application if the applicant is ineligible for enrollment. An appeal from a rejected application must be filed with the Area Director not later than thirty days from receipt of the notice of rejection. The Secretary shall make a final determination on each appeal not later than sixty days from the date it is filed. Each application and each appeal filed with the Area Director shall be reviewed by a committee composed of representatives of the two Oklahoma Delaware groups prior to submission of the application or appeal to the Secretary, and the committee shall advise the Area Director in writing of its judgment regarding the eligibility of the applicant.

SEC. 4.(a) The Secretary of the Interior shall apportion to the Absentee Delaware Tribe of Western Oklahoma, as presently constituted, so much of the judgment fund and accrued interest as the ratio of the persons enrolled pursuant to subsection 2(c) (2) bears to the total number of persons enrolled pursuant to section 2. The funds so apportioned to the Absentee Delaware Tribe of Western Oklahoma shall be placed to the credit of the tribe in the United States Treasury and shall be used in the following manner: 99 per centum of such funds shall be distributed in equal shares to each person enrolled pursuant to subsection 2(c) (2). and 1 per centum shall remain to the credit of the tribe in the United States Treasury, and may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

(b) The funds not apportioned to the Absentee Delaware Tribe of Western Oklahoma shall be placed to the credit of the Delaware Tribe of Indians in the United States Treasury and shall be used in the following manner: 90 per centum of such funds shall be distributed in equal shares to each person enrolled pursuant to subsection 2(c) (1), and 10 per centum shall remain to the credit of the tribe in the United States Treasury and may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body: *Provided,* That the Secretary of the Interior shall not approve the use of the funds remaining to the credit of the tribe until the tribe has organized a legal entity which in the judgment of the Secretary adequately protects the interests of its members.

SEC. 5. Sums payable to living enrollees are eighteen or older or to heirs or legatees of deceased enrollees age eighteen or older shall be paid directly to such persons. Sums payable to enrollees or their heirs or legatees who are under age eighteen or who are under legal disability other than minority shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

SEC. 6. None of the funds distributed per capita under the provisions of this Act shall be subject to Federal or State income taxes.

SEC. 7. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

(Mr. HALEY asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HALEY. Mr. Speaker, H.R. 14267 authorizes the distribution and use of a claims judgment recovered by the Delaware Tribe. The money has been appropriated, but it may not be used without further authorization from Congress.

The net amount available as of June 24, 1971, was $8,633,379. The money is currently invested in interest bearing accounts.

The Delaware Indians are divided into two groups: the Delaware Tribe, and the Absentee Delaware Tribe of western Oklahoma. Legislation is needed to divide the judgment between the two groups, and to authorize the use of the money.

The two groups have agreed that the judgment should be divided between them on the basis of their relative numbers as shown on, first, a 1906 per capita payment roll for the Delaware Indians, and second, a constructed base census roll as of 1940 for the Absentee Delaware Tribe, after both rolls have been brought up to date by adding the names of lineal descendants and by deleting the names of deceased persons.

After the money is divided, the bill provides that the Absentee Delaware Tribe will retain 1 percent for tribal purposes, and that the Delaware Tribe will retain 10 percent for tribal purposes, and that the balance will be distributed per capita to persons on the updated rolls.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INTERSTATE OIL COMPACT EXTENSION

The Clerk called the Senate Joint Resolution (S.J. Res. 72) consenting to an extension and renewal of the interstate compact to conserve oil and gas.

There being no objection, the Clerk read the Senate Joint Resolution as follows:

S.J. RES 72

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to an extension and renewal for a period of three years from September 1, 1971, to September 1, 1974, of the interstate compact to conserve oil and gas, as amended, which was signed in its initial form in the city of Dallas, Texas, the 16th day of February 1935, by the representatives of Oklahoma, Texas, California, and New Mexico, and at the same time and place was signed by the representatives, as a recommendation for approval to the Governors and legislatures of the States of Arkansas, Colorado, Illinois, Kansas, and Michigan, and which, prior to August 27, 1935, was presented to and approved by the legislatures and Governors of the States of New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, and which so approved by the six States last above named was deposited in the Department of State of the United States, and thereafter was consented to by the Congress in Public Resolution Numbered 64, Seventy-fourth Congress, approved August 27, 1935, for a period of two years, and thereafter was extended by the representatives of the compacting States and consented to by the Congress for successive periods, without interruption, the last extension being for the period from September 1, 1969, to September 1, 1971, consented to by Congress by Public Law Numbered 91–158, Ninety-first Congress, approved December 24, 1969. The agreement to amend, extend, and renew said compact effective September 1, 1971, duly executed by representatives of the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, and Wyoming has been deposited in the Department of State of the United States and reads as follows:

"AN AGREEMENT TO AMEND, EXTEND, AND RENEW THE INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"WHEREAS, on the 16th day of February 1935, in the City of Dallas, Texas, there was executed 'An Interstate Compact to Conserve Oil and Gas' which was thereafter formally ratified and approved by the States of Oklahoma, Texas, New Mexico, Illinois, Colorado and Kansas, the original of which is now on deposit with the Department of State of the United States;

"WHEREAS, effective as of September 1, 1971, the several compacting states deem it advisable to amend said compact so as to provide that upon the giving of Congressional consent thereto in its amended form, said Compact will remain in effect until Congress withdraws such consent;

"WHEREAS, the original of said Compact as so amended will, upon execution thereof, be deposited promptly with the Department of State of the United States, a true copy of which follows:

" 'AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS

" 'ARTICLE I

" 'This agreement may become effective within any compacting state at any time as prescribed by that state, and shall become effective within those states ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas and New Mexico have ratified and Congress has given its consent. Any oil-producing state may become a party hereto as hereinafter provided.

" 'ARTICLE II

" 'The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

" 'ARTICLE III

" 'Each state bound hereby agrees that within a reasonable time it will enact laws, or if the laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

" '(a) The operation of any oil well with an inefficient gas-oil ratio.

" '(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities.

" '(c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.

“ ‘(d) The creation of unnecessary fire hazards.

“ ‘(e) The drilling, equipping, locating, or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

“ ‘(f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

“ ‘The enumeration of the foregoing subjects shall not limit the scope of the authority of any state.

“ ‘Article IV

“ ‘Each state bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

“ ‘Article V

“ ‘It is not the purpose of this compact to authorize the states joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

“ ‘Article VI

“ ‘Each state joining herein shall appoint one representative to a commission hereby constituted and designated as THE INTERSTATE OIL COMPACT COMMISSION, the duty of which said Commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said Commission deems beneficial it shall report its findings and recommendations to the several states for adoption or rejection.

“ ‘The Commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said states, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

“ ‘No action shall be taken by the Commission except: (1) By the affirmative votes of the majority of the whole number of the compacting states represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting states at said meeting, such interest to be determined as follows: Such vote of each state shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting states during said period.

“ ‘Article VII

“ ‘No state by joining herein shall become financially obligated to any other state, nor shall the breach of the terms hereof by any state subject such state to financial responsibility to the other states joining therein.

“ ‘Article VIII

“ ‘This compact shall continue in effect until Congress withdraws its consent. But any state joining herein may, upon sixty (60) days' notice, withdraw herefrom.

“ ‘The representatives of the signatory states have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the governor of each of the signatory states.

“ ‘This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing state may become a party thereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.

“ ‘Done in the City of Dallas, Texas, this sixteenth day of February, 1935.’

“WHEREAS, the said ‘Interstate Compact to Conserve Oil and Gas’ in its initial form has heretofore been duly renewed and extended with the consent of the Congress to September 1, 1971; and

“WHEREAS, it is desired to amend said ‘Interstate Compact to Conserve Oil and Gas’ effective September 1, 1971, and to renew and extend said compact as so amended:

“NOW, THEREFORE, THIS WRITING WITNESSETH:

“It is hereby agreed that effective September 1, 1971, the Compact entitled ‘An Interstate Compact to Conserve Oil and Gas’ executed within the City of Dallas, Texas, on the 16th day of February, 1935, and now on deposit with the Department of State of the United States, be and the same is hereby amended by amending the first paragraph of Article VIII thereof to read as follows:

“ ‘This compact shall continue in effect until Congress withdraws its consent. But any state joining herein may, upon sixty (60) days' notice, withdraw herefrom.’ and that said compact as so amended be, and the same is hereby renewed and extended. This agreement shall become effective when executed, ratified, and approved as provided in Article I of said compact as so amended.

“The signatory States have executed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States and a duly certified copy thereof shall be forwarded to the Governor of each of the signatory States. Any oil-producing State may become a party hereto by executing a counterpart of this agreement to be similarly deposited, certified, and ratified.

“Executed by the several undersigned States, at their several State capitols, through their proper officials on the dates as shown, as duly authorized by statutes and resolutions, subject to the limitations and qualifications of the acts of the respective State Legislatures.

“THE STATE OF ALABAMA
By ------------------------------, Governor
Dated: ------------------------------
Attest: ------------------------------
Secretary of State (SEAL)

“THE STATE OF ALASKA
By ------------------------------, Governor
Dated: ------------------------------
Attest: ------------------------------
Secretary of State (SEAL)

“THE STATE OF ARIZONA
By ------------------------------, Governor
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Secretary of State (SEAL)

“THE STATE OF ARKANSAS
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“THE STATE OF COLORADO
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“THE STATE OF FLORIDA
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“THE STATE OF OKLAHOMA
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Secretary of State (SEAL)

“THE COMMONWEALTH OF PENNSYLVANIA
By ------------------------------, Governor
Dated: ------------------------------
Attest: ------------------------------
Secretary of State (SEAL)

"THE STATE OF SOUTH DAKOTA

By ----------------------------, Governor

Dated: --

Attest: --

Secretary of State (SEAL)

"THE STATE OF TENNESSEE

By ----------------------------, Governor

Dated: --

Attest: --

Secretary of State (SEAL)

"THE STATE OF TEXAS

By ----------------------------, Governor

Dated: --

Attest: --

Secretary of State (SEAL)

"THE STATE OF UTAH

By ----------------------------, Governor

Dated: --

Attest: --

Secretary of State (SEAL)

"THE STATE OF WEST VIRGINIA

By ----------------------------, Governor

Dated: --

Attest: --

Secretary of State (SEAL)

"THE STATE OF WYOMING

By ----------------------------, Governor

Dated: --

Attest: --

Secretary of State (SEAL)

SEC. 2. (a) The Attorney General of the United States shall make a report to Congress not later than two years after the date of enactment of this Act as to whether the activities of the States under the provisions of such compact have been consistent with the purposes as set out in Article V of such compact.

(b) Section 2 of Public Law 185, Eighty-fourth Congress (69 Stat. 391) is hereby repealed.

SEC. 3. The right to alter, amend, or repeal the provisions of the first section of this joint resolution is hereby expressly reserved.

With the following committee amendments:

Page 11, line 4, insert before "States" the following: "Interstate Oil Compact Commission and the"

Page 11, line 6, insert before the period following: ", and have been limited to activities related directly to the immediate purpose of such compact as set out in Article II of such compact".

The committee amendments were agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The **SPEAKER**. This concludes the call of the Consent Calendar.

CIVIL RIGHTS OF THE PEOPLE VIOLATED IN CALIFORNIA BY ANGELA DAVIS VERDICT

(Mr. **RARICK** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **RARICK**. Mr. Speaker, the revolution to destroy the people's confidence in our institutions has scored another victory.

A mockery has been made of justice in our country. Judge Harold J. Hailey, an assistant district attorney, and several jurors were taken prisoner in their own courtroom, the judge murdered, and the prosecutor paralyzed from gunshot wounds—yet justice has not been satisfied.

Symbolically, the civil rights of all the people of California were violated. Acquittal by the jury on State charges does not preclude trial on Federal charges under the civil rights statutes.

Precedent exists in prosecutions of earlier civil rights cases. I urge the Attorney General of the United States to act in the interest of preserving justice under law rather than surrender to so-called justice at the end of a gun barrel.

AUTHORIZING SPEAKER TO DECLARE A RECESS ON THURSDAY, JUNE 15

Mr. **BOGGS**. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, June 15, 1972, for the Speaker to declare a recess for the purpose of receiving in joint meeting the President of the United Mexican States.

The **SPEAKER**. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

JUSTICE IN AMERICA?

(Mr. **WAGGONNER** asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. **WAGGONNER**. Mr. Speaker, yesterday was a sad day for America and a banner day for international communism. Angela Davis, the black, self-avowed Communist, was acquitted of charges of murder, kidnaping, and criminal conspiracy, and set free to continue her personal war on this country. Once again the leftwing version of justice has been served in the courts of our land.

This same type of justice has been witnessed before in the United States; where those bent on the destruction of our form of government and our free society have been rewarded for a job well done. In this instance, Angela Davis' "good job" resulted in the death of a California judge and three other persons, and the crippling for life of another.

According to the local newspaper's account of yesterday's acquittal, the jurors, after returning the acquittal verdict, attended a celebration party for Miss Davis. Are we to presume that the jury acted in a fair and impartial manner and that justice was meted out fair and impartially? For my own part, I tend to think not.

Meanwhile, a member of our Armed Forces, who has dutifully served his country and who has fought the Communist enemies of the free world, Lt. William J. Calley, continues to be confined to quarters at Fort Benning, having already been found guilty on a rather dubious charge of killing Vietnamese civilians while on a combat mission. He is awaiting the outcome of his appeal.

There are those in our society who for varying reasons continue to praise any and all who viciously attack America, and Angela Davis falls into that category, while they heap only scorn and derision on anyone who attempts to defend and protect our country from our enemies.

America cannot continue to remain free with this kind of distorted one-sided justice.

TRANSPO 72 A SUCCESS

(Mr. **GRAY** asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **GRAY**. Mr. Speaker, Transpo 72 at Dulles International Airport is now history. As a fixed wing and helicopter pilot and former airport operator, I consider the 9-day affair to be a tremendous success and well worth what it cost the taxpayers, the exhibitors, and the more than 1,250,000 persons who visited this international airshow.

It is indeed unfortunate that the airshow portion of Transpo suffered three fatalities. I am sure I speak for every Member of the House when I say our sympathies go out to the members of the families of these brave men. However, these were highly professional flyers who were performing almost daily somewhere in this country, and their unfortunate accidents could have occurred anywhere and cannot be blamed on Transpo. Two of the deaths can be attributed to equipment failure.

Secretary Volpe, General Manager Bird, Jim Evans, the publicity manager and all the staff at Transpo 72 are to be highly commended.

I hope we can start planning now for an even bigger and better Transpo in 1974, to follow the Paris Air Show in 1973.

TRIBUTE TO LATE TED PEARSON, TOP POLITICAL WRITER FOR BIRMINGHAM NEWS

(Mr. **EDWARDS** of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. **EDWARDS** of Alabama. Mr. Speaker, during these days when frequent criticism is being leveled at the press, there was a newsman in Alabama who stood out like a giant among his contemporaries. The mere byline, Ted Pearson, carried great credibility.

It is with great sadness that I report Pearson's death June 2.

For almost all his life Ted Pearson served the people of the State by keeping them informed through the medium of print journalism. He began as a copy boy for the Mobile Press Register and later became the top political writer for the Birmingham News.

I can say without reservation that Ted Pearson both personally and professionally was among the finest people I have known. His honesty and integrity were above reproach and his constant pursuit of truth and objectivity in his writing was a comfort to his readers and an inspiration to his fellow writers.

Ted Pearson was a leader in his field. He will be sadly missed by all people of Alabama.

MAJ. JOE HOWARD'S LIFE AN INSPIRATION TO ALL

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. COUGHLIN. Mr. Speaker, the death of Air Force Thunderbird, Maj. Joe Howard, at Transpo 72 is a tremendous tragedy.

Joe Howard symbolized the gallantry of the men and women in our Armed Forces. He was the best of our young men—a dashing leader.

A veteran of 2,500 hours of jet flying, Joe Howard had flown 322 missions in Southeast Asia, 69 of them over North Vietnam. He wore the Silver Star, the Distinguished Flying Cross, the Air Medal with 18 Oak Leaf clusters, the Purple Heart, an Air Force commendation medal, the Vietnamese Service Medal, four Bronze Stars and the Vietnamese Campaign Medal.

All of us join in mourning this fine young American and extend our condolences to his widow, his family, and friends.

Yet, Joe Howard's death cannot delay the things for which he lived and flew.

He flew for the strength of the United States.

He flew because he believed in Transpo 72 and the American industry.

He flew because he knew our Nation could compete and we can sell our technology.

When Joe Howard, flying in formation, crashed, his companions in their F-4 Phantoms flashed over the site as if to signify that things will keep on going.

The show went on. This Nation, of course, goes on.

All goes on because of gallant people who serve their country.

May we all think for a minute of Joe Howard, of North Carolina.

May his life inspire us for the United States of America.

CONFERENCE REPORT ON S. 1736, PUBLIC BUILDINGS AMENDMENTS OF 1972

Mr. GRAY. Mr. Speaker, I call up the conference report on the the (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. GROSS. Mr. Speaker, reserving the right to object, does the gentleman propose to take adequate time to explain the conference report?

Mr. GRAY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. GRAY. Yes; I shall be delighted to explain the conference report.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. The Clerk will read the statement of the managers.

The Clerk read the statement.

Mr. GRAY (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read. I shall be glad to explain it.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

(For conference report and statement, see proceedings of the House of May 30, 1972.)

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 184]

Abbitt
Abernethy
Abourezk
Abzug
Andrews, N. Dak.
Ashbrook
Badillo
Baring
Barrett
Belcher
Bell
Bingham
Blanton
Blatnik
Boland
Burton
Caffery
Camp
Cederberg
Celler
Chappell
Chisholm
Clancy
Clark
Clawson, Del
Clay
Collins, Ill.
Conte
Conyers
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Dellums
Dennis
Dent
Diggs
Dow
Dowdy
Dulski
Dwyer
Edmondson
Esch
Eshleman
Fraser
Frelinghuysen
Galifianakis
Gallagher
Gibbons
Green, Oreg.
Griffin
Grover
Gubser
Gude
Hagan
Halpern
Hanna
Hawkins
Hébert
Helstoski
Holifield
Jones, Tenn.
Kee
Kyros
Landgrebe
Leggett
Lloyd
Long, La.
Lujan
McClory
McCloskey
McDonald, Mich.
McKinney
McMillan
Macdonald, Mass.
Madden
Mayne
Miller, Calif.
Mink
Moorhead
Moss
Murphy, N.Y.
Nix
O'Konski
O'Neill
Passman
Pepper
Pettis
Podell
Pryor, Ark.
Railsback
Rangel
Reid
Rhodes
Robinson, Va.
Rodino
Rooney, N.Y.
Rousselot
Roybal
Runnels
St Germain
Scheuer
Schmitz
Shipley
Shoup
Smith, N.Y.
Springer
Staggers
Steele
Stokes
Stratton
Stubblefield
Stuckey
Tiernan
Van Deerlin
Vander Jagt
Veysey
Waldie
Whalley
Whitten
Widnall
Wilson, Bob
Wilson, Charles H.

The SPEAKER. On this rollcall 307 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AMENDMENT OF TITLE OF S. 3230

The SPEAKER. Without objection, the title of S. 3230, which was considered, amended, read a third time and passed earlier this afternoon, following the passage of H.R. 10394 on the Consent Calendar, will be amended to conform to that of the House bill.

There was no objection.

CONFERENCE REPORT ON S. 1736, PUBLIC BUILDINGS AMENDMENTS OF 1972

The SPEAKER. The gentleman from Illinois (Mr. GRAY) is recognized.

Mr. GRAY. Mr. Speaker, the conference report before us today is almost identical with the House-passed bill known as the Public Buildings Amendments of 1972.

The House-passed bill was approved by a vote of 331 to 40, and in conference with the other body almost all of the House language was agreed to.

Briefly, Mr. Speaker, the conference report authorizes private financing for a 3-year period only for the construction of an 8-year backlog of 63 much-needed Federal buildings in the United States, Puerto Rico, and the Virgin Islands. The legislation also authorizes the establishment of a revolving fund in which will be deposited rents collected from all Federal agencies using space in Government-owned buildings. These rents will be used to pay the payments on the purchase contracts for the new buildings to be constructed.

We believe this will save the taxpayers millions of dollars each year.

The conference report also contains the House language concerning the Kennedy Center and the Congressional Hotel.

I might say to my distinguished friend, the gentleman from Iowa, it includes his amendment he offered and which was adopted on the floor concerning fair market value prices.

Mr. Speaker, the House bill was a good bill. The conference report is the same. I urge its adoption.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. GRAY. I yield to my friend, the gentleman from Ohio.

Mr. BOW. Mr. Speaker, I find one very definite change in the conference report from the House bill, that is the jurisdiction of the Appropriations Committee to review and approve proposed purchase contracts for public buildings. Would the gentleman explain why the language was changed, which took away the jurisdiction of the Appropriations Committee in this respect?

Mr. GRAY. Yes; I will be delighted to explain.

First of all, let me state to my distinguished friend, the ranking minority member on the House Committee on Appropriations, that the Appropriations Committee will have to approve all the funds collected in rents that will go into this revolving fund to pay the purchase contracts, so the Appropriations Committee will still have control. What was deleted in conference was the proviso stating that before a contract could be entered into, that line item or individual contract should have been submitted back to the Appropriations Committee.

We had adopted this provision in the House and then we received a letter from the Acting Attorney General, Hon. Richard Kleindienst, pointing out it was his opinion that the President would veto the legislation with that precise language, because he said it usurps the prerogative of the administration by making them come back to Congress before they award a contract. As I said, it was our position in the House that we wanted the Committee on Appropriations to have full and complete control, not on one occasion, but in this instance on two occasions. However, we were faced with the letter from the Acting Attorney General citing precedents from President Roosevelt up to and including the present incumbent in the White House, President Nixon, and stating after the Committee on Appropriations has approved the funds on this revolving fund, they felt the administration should have the authority to award the contract.

So we had no alternative but to agree to substitute language, which merely says that before they can enter into a contract down at the General Services Administration they must submit to the Appropriations Committee a list of the intended contracts, and then the committee has 30 days before GSA can go out and award such a contract.

I realize it is not as much control as the gentleman from Ohio would want.

Mr. BOW. Mr. Speaker, will the gentleman yield further?

Mr. GRAY. I am glad to yield further.

Mr. BOW. Section (h) on page 6 of the conference report is the one the gentleman is now referring to?

Mr. GRAY. The gentleman is correct.

Mr. BOW. I must say they might as well have left that out, because it says:

> No space shall be provided pursuant to this section until after the expiration of 30 days from the date upon which the Administrator of General Services notifies the Committees on Appropriations of the Senate and House of Representatives of his determination that the best interests of the Federal Government will be served by providing such space by entering into a purchase contract therefor.

Assuming that they do send up a 30-day notice to the Appropriations Committee, and the Appropriations Committee would like to say "no", there is nothing in this language that gives the Appropriations Committee any authority except to read a 30-day notice and then forget about it.

This is the point I raise. I believe there is just nothing to it. It is meaningless so far as any control is concerned.

Under the other provision, which refers to the appropriations in the revolving fund, how are funds brought into the revolving fund?

Mr. GRAY. Under existing law the Appropriations Committee has been appropriating approximately $100 million to $115 million a year for all public buildings construction throughout the country. Any residue left over from existing appropriations now will go automatically, when this legislation is signed into law, into the revolving fund. That residue from previous appropriations plus the amount of rents collected from all Federal agencies will make up the total revolving fund, and the House Committee on Appropriations will have complete control on an annual basis over the revolving fund.

Does that answer the gentleman's question?

Mr. BOW. It answers the question, but I still believe, so far as the other provision is concerned, it has stripped the Appropriations Committee of some of its authority.

The gentleman referred to a letter from the Justice Department. I have read that letter carefully. There is nothing in the letter that says the President would veto the bill.

I believe the gentleman will agree his statement that the letter said the President would veto is not completely correct; it might be implied, but it certainly is not in the language of the letter.

Mr. GRAY. I believe what the letter said was the fact that Presidents from Mr. Roosevelt up to and including Mr. Nixon have vetoed legislation precisely for the same reasons and the same language that was embodied in the House bill. Then we were told on the telephone that with all these precedents facing us they felt sure the President would veto the bill. That was the reason the Attorney General wrote the letter.

I would say to my distinguished friend from Ohio, I, too, subscribe to the House language. In fact, the gentleman will recall that we offered it and accepted it on the House floor.

After receiving the letter from the Attorney General pointing out all these precedents, we had no alternative but to agree to the substitute langauge in conference if we wanted a bill.

Mr. BOW. May I say to the gentleman, I hope that under this bill he is bringing in now the backlog of Federal buildings will be cut down. I believe there are some 60 now ready to go. I would hope that even the Appropriations Committee will continue to finance some of these buildings for direct Federal construction for the many Members who have been waiting for a long time to get Federal buildings built. I would hope the gentleman would join with some of the rest of us in insisting on that.

Under the present system, as I see it, under this language in paragraph (h), we have no assurance, certainly, that these buildings will be built.

They are on both sides of the aisle, and this is not partisan in any way. It seems to me that the Members here have been waiting for a long time for these Federal buildings to be constructed, and they should be in a position to have some control over the funds so that the buildings will be built that are most urgently needed by the people of the United States.

Mr. GRAY. I agree with my friend implicitly. Let me again reiterate what I said just a few moments ago; namely, that this legislation is only for a short, 3-year period, as it takes up the backlog. The fact is that the gentleman's committee after that short period of 3 years will continue to fund with direct Federal appropriations all future public building construction.

Mr. BOW. I thank the gentleman. I only wish I would be here to overlook the situation. As the gentleman knows, this is my last session, and I will not be here next session, but I hope that the gentleman will see to it that these buildings are actually constructed. It is a great satisfaction to be a Member of this House.

Mr. GRAY. I sincerely want to say the gentleman's service will be missed around here very much, because he is always very active and helpful in managing the taxpayers' business.

I now yield to my distinguished friend, the ranking member of the full Committee on Public Works, Mr. HARSHA, of Ohio.

Mr. HARSHA. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, I support the report and the statement made by the gentleman from Illinois. I think that this conference report does represent about 95 percent of the House version of this bill. Insofar as the colloquy that took place concerning what we had in the House version relating to the Appropriations Committee amendment and what came out of the conference, practically speaking, I think there is quite an adequate safeguard in what the Committee on Appropriations can do in controlling the implementation of this measure. All of the money that goes into the revolving fund must be appropriated before it is expended. Therefore, the Committee on Appropriations will have control from that standpoint. It seems to me beyond question that if the General Services Administration sends up a prospectus and gives the Committee on Appropriations 30 days' notice, if an objection is lodged by the Committee on Appropriations to the funding or construction of that building, then the General Services Administration would be very short-sighted if it went ahead in the face of that objection or opposition to the building, to construct it, knowing full well that the Committee on Appropriations had the ultimate control of its annual appropriation. So I think, as a practical matter, while there may be some question about the legality of such control, there is adequate control vested in the committee.

Mr. Speaker, insofar as the bill as a whole is concerned, I urge my colleagues to support the recommendations of the conference committee. This was a complicated measure. The Public Buildings Act Amendments of 1972 will effect a wholesale revamping of the Government construction and improvement program. To eliminate the backlog of 63 badly needed but unfunded buildings, a purchase contract procedure of 3 years' duration was authorized. To finance the Government building program thereafter on a fiscally sound and efficient basis, a revolving fund would be established. Government agencies occupying space in public buildings would pay rent equivalents at commercial rates for the space they occupy.

As you know, the other body acted first on this measure. Thereafter, your Committee on Public Works considered and reported it to the House with several key changes. These were incorporated in the House approved measure.

As has already been stated, the essential features of the House approach were retained in conference. Indeed, I think it fair to say that the bill follows the House approach most of the time.

Two constructive changes were made however, by the conference which I believe merit your consideration and support. The first relates to the language of an amendment to the House bill which sought to liberalize the construction of any buildings utilizing the purchase contract device beyond the 63 backlog structures. In conference, the House receded from this amendment. As the matter stands, any additional buildings to be constructed must go through the regular prospectus process. This means that to initiate such buildings, GSA must submit a prospectus describing their essential features to the Committee on Public Works of both Houses for their approval.

The second key accommodation that emerged from the conference relates to the appropriations amendment which has already been discussed.

A final comment relative to this bill is in order. Section 10 of the House bill provides for a transfer of the non-performing arts functions of the JFK Center of the performing arts to the National Park Service. These include all maintenance, security, information, interpretation, janitorial and other similar services. This section was retained in the conference.

The joint explanatory statement of the committee of conference, with regard to section 10 of the bill, states that the interpretation of the National Park Service and the Kennedy Center appear to differ as to what is meant by "information" and "interpretation," that the section does not confer exclusive responsibility on the National Park Service for providing information and interpretation services at the Center, and that in no way gives authority to the National Park Service over the Friends of the Kennedy Center or places the friends under the direction of the Park Service.

To clarify that statement it should be pointed out that the Kennedy Center trustees and the Park Service have already come to agreement on the role of the Park Service in interpretive and informational functions at the Center, and on the role of the Friends of the Kennedy Center.

As to the words "information" and "interpretation," the vice chairman of the board of trustees, in a May 23, 1972, letter to Senators RANDOLPH and COOPER, stated:

> Principally, the words refer to the work of guiding and informing the thousands of visitors who come through the Center each day. The National Park Service has long performed such a role in other national memorials and in the park and monument system, and it is appropriate that the Service have overall responsibility for it in the Center.

The Acting Director of the National Park Service, in a letter of the same date (May 23, 1972), stated:

> The National Park Service considers its authority and responsibilities under section 10 to provide the public with an interpretive program of high standards similar in quality and integrity to the informational and interpretive programs for other memorials in the Washington area such as the Washington Monument, Lincoln Memorial and Jefferson Memorial. It will provide under its control guides and other visitor services.

In other words, the trustees and the Park Service agree that the information and interpretation function will be exercised by the Park Service in the same way that agency now operates the other memorials in the Washington area.

As to the role of the Friends of the Kennedy Center, the vice chairman of the board of trustees stated in his earlier mentioned letter:

> This kind of volunteer work is now being performed by the Friends, to the great benefit of the Center and the public. My understanding is that the Park Service is actively encouraging such voluntary efforts throughout its system, and believes it should be done at the Center.

Thus, concerning information and interpretation the trustees are of the opinion that "it is appropriate that the Service have overall responsibility for it in the Center," but that the work of the Friends of the Kennedy Center should continue. The Park Service agrees. It states in its letter that—

> We would not envision the present interpretive and informational services now conducted by the Friends of the Kennedy Center to continue as an independent activity should the Service assume responsibility for this function. It would be the hope of the National Park Service, however, that the Friends of the Kennedy Center could work with the National Park Service in continuing to furnish information and in interpreting the functional or memorial aspects of the Kennedy Center, provided that high standards are maintained.

It is apparent from the foregoing that the two agencies are in agreement that, first, the National Park Service will have overall responsibility for informational and interpretive functions at the Center, exclusive of the performing arts functions, of course, and second, the Friends of the Kennedy Center will be encouraged to continue to provide their services, subject to the high standards set by the Park Service in the exercise of its management responsibility for the nonperforming arts functions at the Center.

Accordingly, the statement of the conferees, that section 10 in no way gives the National Park Service authority over the Friends of the Kennedy Center, must be interpreted as applicable only to the performing arts functions, since the authority of the National Park Service over the nonperforming arts functions is clear.

So, Mr. Speaker, I urge the House to adopt the conference report.

Mr. BOW. Will the gentleman yield for a question?

Mr. HARSHA. Yes, I yield to the distinguished gentleman from Ohio.

Mr. BOW. I should like to ask the gentleman from Ohio and the gentleman from Illinois whether there is anything in this bill that would prevent direct financing of public buildings by the General Services Administration.

Mr. HARSHA. No, sir. As far as I am concerned the answer would be "no".

Mr. GRAY. I concur with the statement made by the gentleman from Ohio.

Mr. BOW. If funds were provided for direct financing the gentleman feels it could be done in that manner under the provisions of this bill?

Mr. GRAY. The gentleman is correct.

Mr. BOW. I thank both of the gentlemen.

Mr. GROSS. Mr. Speaker, will the gentleman yield 3 minutes to me?

Mr. HARSHA. I yield 3 minutes to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman from Ohio for yielding to me to propound a few questions to the gentleman from Illinois (Mr. GRAY).

Before doing so, may I observe that this conference report may well be substantially the House bill, but that does not make it any more palatable to some of us who are opposed to the financing provisions for the so-called Kennedy Cultural Center.

When was it, if the gentleman will revive my memory, that he told the House that we were through making appropriations of tax dollars to the Cultural Center.

Mr. GRAY. Mr. Speaker, will be gentleman yield?

Mr. GROSS. Yes, I yield to the gentleman from Illinois.

Mr. GRAY. I made that statement on the floor when we authorized the Kennedy Center. There is not one dime in this bill for the performing arts functions of the Center. What is contained in this bill, as the gentleman well knows, is $1.5 million to pay for the costs already incurred for maintenance and security, which is an obligation to keep up this monument in similar fashion as we maintain the Washington Monument, the Jefferson Memorial, the Lincoln Memorial, and many other places of national interest.

And, also, in the bill, as the gentleman knows, we have tried to attack this maintenance and security problem as a permanent basis by giving to the National Park Service the responsibility for security and maintenance so we will not have to come back year after year for this item.

Mr. GROSS. What is the difference between nonperforming and performing arts? There must be a building for performing arts unless the performances are in a tent or something of that kind.

Mr. GRAY. Essentially, the performing arts functions start at 8 p.m. and the nonperforming art functions are carried on in the daylight hours when about 12,000 to 15,000 people a day, many of which are schoolchildren, are given the opportunity to go through and see the John F. Kennedy Center.

The air conditioning, the guards, the guides, and the other services and other functions of the nonperforming arts costs money not related to the performing arts. So we delineate the two functions down there. The performing arts are going on at 8 o'clock and the daylight hours will be for the nonperforming arts for the general public who just want to come to see the monument and not a play or other performance that is taking place.

Mr. GROSS. And, so, the park service, under this open-ended appropriation—and I would be interested to know why it is open ended for the purpose of the legislation——

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. GRAY. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. GROSS. So, the park service will vacate the premises at 8 p.m. each and every day, is that correct?

Mr. GRAY. No; the park service will have the full authority for policing, security, and maintenance. The cost for special services after the performing arts functions start at 8 p.m. will be charged to the performing arts. It is estimated that it will cost about $586,000 to secure and maintain the building in the evening and approximately $2 million a year for the rest of the cost of the nonperforming arts functions. This promise is contained in the letter addressed to us by Mr. Hartzog, Director of the National Park Service.

Mr. GROSS. What does the gentleman estimate the total will be to the taxpayers in financing the park service from now on in perpetuity?

Mr. GRAY. The total cost will be about $2 million per year. However, about $5,000 per week is being collected by the so-called Friends of the Kennedy Center through the sale of various items with reference to the center. The money from that will go to help pay for guides and other costs and will be subtracted from the total.

Mr. GROSS. What is the meaning of "interpretation" as used here? Apparently it is to be an obligation or responsibility of the park service?

Mr. GRAY. If the gentleman will yield further, on the last page of the report we state that an agreement will be signed by the National Park Service and the so-called Friends of the Kennedy Center for these services.

Mr. GROSS. Well, what is "interpretation?" What is the meaning of interpretation in this context?

Mr. GRAY. Interpretation would be an umbrella over the guide service to explain the building and tell a little bit of the history about the building, similarly to our guide service operations here at the Capitol.

Mr. GROSS. Does "interpretation" mean providing funds for day and night nursery care for children of those who go to see the performing and nonperforming arts?

Mr. GRAY. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield.

Mr. GRAY. Only for the purpose of disseminating information of interest to school groups and the public visiting the Center will be included, nothing else, no private services whatsoever.

Mr. GROSS. So that the taxpayers, once having been assured that this cultural center would not cost them a dime, are now going to be called upon for $2 or $3 million a year, and that is probably minimal, for the upkeep of the cultural center from now on into perpetuity. This after having seen $57 million of their money dumped into the thing. Is that correct?

The SPEAKER. The time of the gentleman from Iowa has again expired.

Mr. GRAY, I yield 1 additional minute to the gentleman from Iowa.

Mr. Speaker, will the gentleman yield?

Mr. GROSS. Of course I yield to the gentleman.

Mr. GRAY. I would say to my friend, the gentleman from Iowa, that there is not one red cent in this bill for further construction at the Kennedy Center. We are treating this national monument to a former deceased President in identically the same fashion as we treat all other national monuments to all of our other former Presidents, and this includes, of course, President Lincoln, President Washington, President Jefferson, and the other national monuments in the Capital City for which we have an annual, recurring appropriation to maintain those national monuments. And I am sure that the gentleman from Iowa would not want to see anybody do anything to prevent the security and upkeep of a monument to any of our former Presidents.

Mr. GROSS. Then this will be the only monument so treated?

Mr. GRAY. Absolutely not, all of the other monuments, in fact——

Mr. GROSS. I am talking about this particular former President—this will be the only national monument that will be so treated, the only edifice bearing his name that will be so treated. As for the rest of them, it will be up to their friends, or whatever they are, to take care of them; is that correct?

Mr. GRAY. Mr. Speaker, will the gentleman yield further?

Mr. GROSS. I yield further to the gentleman from Illinois.

Mr. GRAY. The gentleman is correct, this is the only authorized national monument to former President Kennedy constructed in the Nation where we have any obligation for its upkeep.

The SPEAKER. The time of the gentleman from Iowa has again expired.

Mr. SEIBERLING. Mr. Speaker, final approval by the House of S. 1736 will mark a landmark in the efforts to put the construction of Federal public buildings on a businesslike basis. Since the lease-purchase program is a pioneer program as far as the Federal Government is concerned, the bill wisely contains a 3-year limitation. This will enable future legislation to profit from experience under this legislation.

However, it seems to me that there are two major achievements of the bill, one with an immediate effect, the other having a long-range effect. The immediate effect is that the bill will allow the General Services Administration to move ahead without delay on the many Federal building projects which have been held up under the old system in which the financing from the start required congressional appropriations. Because of fiscal constraints, this meant that only a few such buildings could be completed each year. Many cities have had to wait many years before obtaining the necessary office space to accommodate adequately the Federal employees engaged in work in the locality.

The city of Akron, Ohio, has been waiting for over 8 years for a Federal office building. The site has been cleared, the title to the land is in the General Services Administration, the architect's designs for the building have been completed and paid for, yet the construction of the building has been held up for several years, even though both GSA and the Public Works Committee have both given it high priority.

Moreover, the completion of the downtown urban renewal program, so important to the preservation to the central city as a viable economic resource, has been stalled because prospective developers were uncertain as to the future construction of the Federal office building. This has meant that millions of Federal and local dollars invested in the downtown urban renewal program have not been achieving their maximum effect and that the city of Akron has been losing millions of dollars of potential tax revenue.

I have been advised that, once this bill becomes law, the GSA is prepared to move rapidly ahead on the Akron Federal building, and I am sure, on many similar projects in other parts of the country. This is a most welcome break for the many thousands of citizens who are dependent upon services of the Federal Government and it is a most welcome break for the taxpayers in the city of Akron.

The long-range achievement of the bill is to require the occupying agencies and other Federal offices to pay a rental for the space. This should facilitate proper accounting within the Federal Government itself and curb any tendencies toward excessive office space on the part of any particular agency. It also builds up a revolving fund for construction of future Federal office buildings.

The Public Works Committee and its Subcommittee on Public Buildings and Grounds are to be commended for their excellent work in putting together this legislation.

Mrs. ABZUG. Mr. Speaker, I rise in favor of the conference report on S. 1736, Public Buildings Amendments of 1972. One provision contained in the report ends a long battle by the people of my district to have the opportunity to construct housing on the Morgan Annex site at 29th Street and Ninth Avenue in Manhattan.

The Morgan Annex property was acquired by the Post Office in December 1963, for $5.4 million. Some 300 families and businesses were displaced so that the annex could be built adjacent to the Morgan Station postal facility. In 1966, Congress authorized a proposed expansion plan for the site, but a 1967 fire in Morgan Station halted those plans. The post office then decided it wanted a massive rail handling facility in Secaucus, N.J.

In an executive session of the Building and Grounds Subcommittee of the Public Works Committee, held June 11, 1970, Assistant Postmaster General Henry Lehne declared that if the Secaucus facility were authorized, Morgan Annex would be declared excess to Post Office needs and conveyed to the City of New York for housing. The transcript reads as follows:

> Mr. Lehne. What I wanted to say is that it seems like part of the property is going to be surplus to the Post Office Department needs. We plan to discuss that with General Services (Administration) as soon as possible. The entire disposition of the property will be up to them.
>
> We have reached the point that we do want to modify Morgan Station as preferential mail handling only. This will relieve greatly the need, because that whole property was involved in foreign mail, which is now going to Jersey and bulk mail, so some of the property will be made available to General Services. How much, we will have to discuss with them.

Mr. Lehne's assistant, Jerry Reynolds, made the same promise again on June 22, 1970, in a letter to Rep. Kenneth. J. Gray, chairman of the Buildings and Grounds Subcommittee. The relevant paragraph is as follows:

> As soon as the New Jersey facility is operational, this truck traffic will decrease by about one-half in the Morgan Station area, and the Post Office Department will no longer need the block in question for parking and maneuvering purposes, except, of course, the 16,000 square feet which would be involved in a 20-foot widening of 29th Street. Thus, of the approximately 160,000 square feet in the block, 144,000—90 per cent—would become available.

These promises were in part responsible for eventual approval by Congress of the Secaucus facility, which, it may be noted, has already experienced a cost overrun of about 109 percent with no end in sight.

In a Nov. 3, 1970, letter to Commissioner Albert A. Walsh of the New York Housing and Development Administration, Mr. Lehne again said:

> As soon as the New Jersey facility is operational, this truck traffic will decrease and the block in question will no longer be needed, except for the widening at 29th Street.

The Public Works Subcommittee on Buildings and Grounds, of which I am a member, met in New York City on May 14, 1971, to ascertain public feeling on the future of the annex land. Sentiment was overwhelmingly in favor of housing—and housing only—on the property. Post Office officials appearing at that hearing, however, were vague as to their plans for Morgan Annex, so the question of Post Office plans was again raised before the Investigations and Oversight Committee of the Public Works Committee in Washington on July 13, 1971.

On that date, Mr. Lehne again said at least three times that the Post Office would not need the Morgan Annex once the Secaucus facility became operational:

> It is still the intent of the Postal Service that in June of 1973, provided the schedules are continuing to be met as we now plan them, that that land will be available.
>
> * * * * *
>
> The letter that we signed is Post Office policy. The land will no longer be available to it for our use, no longer needed for our use.
>
> * * * * *
>
> I think we have stated, Mrs. Abzug, that the property is not required in our plans when the Morgan Station refurbishing is complete, and when the New Jersey facilities are operational in 1973.

There is no question that this commitment was made, repeatedly and firmly, to the people of New York City by responsible Post Office officials.

In order to insure that the Postal Service would fulfill their commitment, I offered an amendment when this bill was marked up in the Subcommittee on Buildings and Grounds. This amendment, which was accepted without change by the subcommittee, provided that the Morgan Annex site be conveyed to New York City without charge, for use solely for housing purposes.

Shortly after the original submission of my amendment, the Post Office—now reconstituted as the U.S. Postal Service—cast aside all it had promised earlier and announced that it needed the Morgan Annex land.

In another letter from Mr. Reynolds to members of the Buildings and Grounds Subcommittee, the Postal Service proposd to build its Vehicle Maintenance Facility—VMF—for 1,300 trucks on the site. This letter, dated Nov. 8, 1971, read as follows:

> Mr. Lehne testified that the Postal Service did not anticipate having a need for this property once the Secaucus bulk installation becomes operational in approximately two years.
>
> Since that date, it has become apparent that the Postal Service will have a critical need for this property, even after Secaucus becomes operational.

The Postal Service thereupon proposed a four-story VMF, two floors above ground and two below, with walls and foundations sufficiently reinforced to allow construction of 20 stories of housing above the garage. For the reinforcement, the Postal Services would require $4 million from the city of New York.

The Chelsea-Clinton community, while anxious to get housing, expressed a preference to do so without mixed use of the Morgan site. Among other objections raised to the Postal Service's decision to build on the site was the fact that an eminently satisfactory alternative location for the vehicle facility was available nearby. It is a full block, half owned by the city and half by the Sharp Development Corp. at 30th Street and 12th Avenue. It possesses all the advantages the Postal Service cites for Morgan Annex: a lower Manhattan location, available space, and reasonable financing. In addition, the site would not interfere with existing traffic patterns, would not disrupt a residential area and would aid in revitalizing the 12th Avenue area for commerce.

However, the Post Office initially gave the Sharp site only cursory attention and dismissed it as financially unworkable on grounds a VMF there would cost $73.5 million while the same facility at the Morgan site would cost only $5.1 million—a $68 million difference. The Sharp site was not even included in the feasibility study the Postal Service commissioned from the Army Corps of Engineers and which has not yet been completed.

However, a General Accounting Office report which I commissioned revealed that the Postal Service's cost analysis had been prepared from preliminary data in 1 day. It further showed that according to standard GAO accounting methods, the cost differential between the two sites was not $68 million but only $2.1 million.

The Sharp Development Corp., working with the New York Economic Development Administration, subsequently made another offer to the Postal Service that would provide the full block and would be even less costly, thus tipping the economic balance in favor of the Sharp site.

Unfortunately, the Postal Service persisted in its objections, and the provision was amended on the House floor to provide that although the city would receive the air rights to the site without charge, the Postal Service would be afforded 2 years to begin building its facility there. The provision was not altered by the conference committee.

Subsequent to House consideration of the bill, Postal Service and New York City officials met to begin planning the construction for the site. Among other things, the Postal Service agreed to advance to the city funds for the preliminary design study of the high rise residential tower, to defer payment of the city's share of the foundation cost of $1.9 million—which had originally been expected to be around $3 million—and to aid the city in seeking financial assistance from the Department of Housing and Urban Development.

In summary, then, we began with a situation in which the Postal Service had decided to foreclose the building of any housing on or above the Morgan Annex site. The hearings before the Subcommittee on Buildings and Grounds, followed by its adoption of my original amendment, compelled the Postal Service to enter into bargaining on the question, and the final result is somewhat better than the best offer which the Postal Service had advanced prior to floor consideration of the buildings legislation.

A site which was unavailable for housing will now become available to the people of my district who so desperately need adequate shelter. Thanks for this victory are due to many members who helped bring it about—Chairman John Blatnik, Acting Chairman Bob Jones, and Subcommittee Chairman Ken Gray—as well as to the fine staff of the Public Works Committee and the Buildings and Grounds Subcommittee.

Mr. GRAY. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 278, nays 40, not voting 114, as follows:

[Roll No. 185]

YEAS—278

Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Bennett
Bergland
Betts
Bevill
Biaggi
Blackburn
Boggs
Bolling
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Chamberlain
Clausen, Don H.
Clay
Cleveland
Colmer
Conable
Conover
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dent
Derwinski
Devine
Dingell
Donohue
Dorn
Downing
Drinan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gettys
Giaimo
Goldwater
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Landrum
Latta
Lennon
Lent
Link
Long, Md.
McClure
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
Mahon
Mailliard
Mallary
Mann
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Ohio
Mills, Ark.
Minish
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Morgan
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
Patman
Patten
Perkins
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Randall
Rees
Reid
Reuss
Riegle
Roberts
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Ryan
Sandman
Sarbanes
Satterfield
Saylor
Schneebeli
Schwengel
Scott
Seiberling
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Stephens
Stratton
Sullivan
Talcott
Taylor
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Ware
Whalen
White
Whitehurst
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—40

Archer
Biester
Bow
Bray
Brinkley
Collier
Collins, Tex.
Crane
Dennis
Dickinson
Duncan
Evins, Tenn.
Gaydos
Goodling
Gross
Hall
Hutchinson
Jacobs
Jonas
Kyl
Martin
Mathis, Ga.
Michel
Mills, Md.
Pelly
Price, Tex.
Quillen
Rarick
Robison, N.Y.
Ruth
Scherle
Sebelius
Smith, Calif.
Snyder
Spence
Steed
Steiger, Ariz.
Steiger, Wis.
Teague, Calif.
Young, Fla.

NOT VOTING—114

Abbitt
Abernethy
Abourezk
Abzug
Anderson, Tenn.
Andrews, N. Dak.
Ashbrook
Baring
Belcher
Bell
Bingham
Blanton
Blatnik
Boland
Burton
Caffery
Camp
Cederberg
Celler
Chappell
Chisholm
Clancy
Clark
Clawson, Del
Collins, Ill.
Conte
Conyers
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Dellums
Diggs
Dow
Dowdy
Dulski
Edmondson
Eshleman
Frelinghuysen
Galifianakis
Gallagher
Gibbons
Green, Oreg.
Griffin
Grover
Gubser
Gude
Hagan
Halpern
Hanna
Hawkins
Helstoski
Holifield
Jones, Tenn.
Kyros
Landgrebe
Leggett
Lloyd
Long, La.
Lujan
McClory
McCloskey
McDonald, Mich.
McKinney
McMillan
Macdonald, Mass.
Madden
Melcher
Miller, Calif.
Mink
Moorhead
Moss
Murphy, N.Y.
Nix
O'Konski
O'Neill
Passman
Pepper
Pettis
Pryor, Ark.
Purcell
Railsback
Rangel
Rhodes
Robinson, Va.
Rodino
Rooney, N.Y.
Rousselot
Roybal
Runnels
Ruppe
St Germain
Scheuer
Schmitz
Shipley
Shoup
Smith, N.Y.
Springer
Steele
Stokes
Stubblefield
Stuckey
Symington
Tiernan
Ullman
Van Deerlin
Veysey
Waldie
Whalley
Whitten
Widnall
Wilson, Bob
Wilson, Charles H.

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Widnall for, with Mr. Rousselot against.

Mr. Rhodes for, with Mr. Landgrebe against.

Mr. Gude for, with Mr. Schmitz against.

Mr. Del Clawson for, with Mr. Ashbrook against.

Mr. Bob Wilson for, with Mr. Camp against.

Mr. Frelinghuysen for, with Mr. McClory against.

Until further notice:

Mr. Shipley with Mr. Cederberg.

Mr. Tiernan with Mr. Andrews of North Dakota.

Mr. Boland with Mr. Conte.

Mr. Rooney of New York with Mr. McDonald of Michigan.

Mr. Daniels of New Jersey with Mr. Railsback.

Mr. Hanna with Mr. Ruppe.

Mr. Miller of California with Mr. Bell.

Mr. Celler with Mr. Halpern.

Mr. Murphy of New York with Mr. Grover.

Mr. Pepper with Mr. Clancy.

Mr. Gibbons with Mr. McKinney.

Mr. Rangel with Mr. Waldie.

Mrs. Abzug with Mr. Diggs.

Mr. Jones of Tennessee with Mr. Lloyd.

Mr. Holifield with Mr. Pettis.

Mr. Conyers with Mr. Helstoski.

Mrs. Green of Oregon with Mr. Lujan.

Mr. St Germain with Mr. Davis of Wisconsin.

Mr. O'Neill with Mr. McCloskey.

Mr. Dent with Mr. Eshleman.

Mr. Dellums with Mr. Scheuer.

Mr. Dow with Mr. Stokes.

Mr. Dulski with Mr. Dowdy.

Mr. Galafianakis with Mr. Collins of Illinois.

Mrs. Chisholm with Mr. Rodino.

Mr. Gallagher with Mr. O'Konski.

Mr. Burton with Mr. Nix.

Mr. Clark with Mr. Whalley.

Mr. Edmondson with Mr. Belcher.

Mr. Moss with Mr. Shoup.

Mr. Moorhead with Mr. Smith of New York.

Mr. Macdonald of Massachusetts with Mr. Springer.

Mr. Kyros with Mr. Steele.

Mr. Leggett with Mr. Gubser.

Mr. Blatnik with Mr. Runnels.

Mr. Hagan with Mr. Robinson of Virginia.

Mr. Abbitt with Mr. Whitten.

Mr. Curlin with Mr. Baring.

Mr. Davis of Georgia with Mr. Pryor of Arkansas.

Mr. McMillan with Mr. Stubblefield.

Mr. Symington with Mr. Hawkins.

Mr. Abourezk with Mr. Purcell.

Mr. Roybal with Mr. Ullman.

Mr. Van Deerlin with Mr. Madden.

Mr. Caffery with Mr. Anderson of Tennessee.

Mr. Abernethy with Mr. Long of Louisiana.

Mr. Bingham with Mr. Blanton.

Mr. Chappell with Mr. Danielson.

Mr. Griffin with Mr. Stuckey.

Mrs. Mink with Mr. Charles H. Wilson.

Mr. Melcher with Mr. Passman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GRAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

NATIONAL CEMETERIES ACT OF 1972

Mr. TEAGUE of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12674) to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Cemeteries Act of 1972".

SEC. 2. (a) Part II of title 38, United States Code, is amended by adding at the end thereof the following new chapters 24 and 25:

"Chapter 24.—NATIONAL CEMETERIES AND MEMORIALS

"Sec.
"1000. Establishment of National Cemetery System; composition of such system; appointment of director.
"1001. Persons eligible for interment in national cemeteries.
"1002. Memorial areas.
"1003. Administration.
"1004. Disposition of inactive cemeteries.
"1005. Acquisition of lands.
"1006. Authority to accept and maintain suitable memorials.

"§ 1000. Establishment of National Cemetery System; composition of such system; appointment of director "(a) There shall be within the Veterans' Administration a National Cemetery System for the interment of deceased servicemen and veterans. To assist him in carrying out his responsibilities in administering the cemeteries within the System, the Administrator may appoint a Director, National Cemetery System, who shall perform such functions as may be assigned by the Administrator.

"(b) The National Cemetery System shall consist of—

"(1) national cemeteries transferred from the Department of the Army to the Veterans' Administration by the National Cemeteries Act of 1972;

"(2) cemeteries under the jurisdiction of the Veterans' Administration on the date of enactment of this chapter; and

"(3) any other cemetery, memorial, or monument (which is designated by the Administrator as a national cemetery) transferred to the Veterans' Administration by the National Cemeteries Act of 1972, or later acquired or developed.

"§ 1001. Persons eligible for interment in national cemeteries

"(a) Under such regulations as the Administrator may prescribe and subject to the provisions of section 3505 of this title, the remains of the following persons may be buried in any open national cemetery:

"(1) Any veteran (which for the purposes of this chapter includes a person who died in the active military, naval, or air service).

"(2) Any member of a Reserve component of the Armed Forces, and any member of the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while he is hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

"(3) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while he is—

"(A) attending an authorized training camp or on authorized practice cruise;

"(B) performing authorized travel to or from that camp or cruise; or

"(C) hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while he is—

"(i) attending that camp or on that cruise;

"(ii) performing that travel; or

"(iii) undergoing that hospitalization or treatment at the expense of the United States.

"(4) Any citizen of the United States who, during any war in which the United States is or has been engaged, served in the armed forces of any government allied with the United States during that war, and whose last such service terminated honorably.

"(5) The wife, husband, surviving spouse, minor child, and, in the discretion of the Administrator, unmarried adult child of any of the persons listed in paragraphs (1) through (4).

"(6) Such other persons or classes of persons as may be designated by the Administrator.

"(b) Eligibility criteria for interment in national cemeteries shall be applied uniformly with respect to all such cemeteries in the National Cemetery System.

"§ 1002. Memorial areas

"(a) The Administrator shall set aside, when available, suitable areas in national cemeteries to honor the memory of members of the Armed Forces missing in action, or who died or were killed while serving in such forces and whose remains have not been identified, have been buried at sea, or have been determined to be nonrecoverable.

"(b) Under regulations prescribed by the Administrator, appropriate memorials or markers may be erected to honor the memory of those individuals, or groups of individuals, referred to in subsection (a) of this section.

"§ 1003. Administration

"(a) The Administrator is authorized to make all rules and regulations which are necessary or appropriate to carry out the provisions of this chapter, and may designate those cemeteries which are considered to be national cemeteries.

"(b) In conjunction with the development and administration of cemeteries for which he is responsible, the Administrator may provide all necessary facilities including, as necessary, superintendents' lodges, chapels, crypts, mausoleums, and columbariums.

"(c) Each grave in a national cemetery shall be marked with an appropriate marker. Such marker shall bear the name of the person buried, the number of the grave, and such other information as the Administrator may by regulation prescribe.

"(d) There shall be kept in each national cemetery, and at the main office of the Veterans' Administration, a register of burials in each cemetery setting forth the name of each person buried in the cemetery, the number of the grave in which he is buried and such other information as the Administrator by regulation may prescribe.

"(e) In carrying out his responsibilities under this chapter, the Administrator may contract with responsible persons, firms, or corporations for the care and maintenance of such cemeteries under his jurisdiction as he shall choose, under such terms and conditions as he may prescribe and without regard to the laws concerning advertising for competitive bids.

"(f) The Administrator is authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title, and interest of the United States in and to any Government-owned or controlled approach road to such cemetery if, prior to the delivery of any instrument of conveyance, the State or political subdivision to which such conveyance is to be made notifies the Administrator in writing of its willingness to accept and maintain the road included in such conveyance. Upon the execution and delivery of such a conveyance, the jurisdiction of the United States over the road conveyed shall cease and thereafter vest in the State or political subdivision concerned.

"(g) Notwithstanding any other provision of law, the Administrator may at such time as he deems desirable, relinquish to the State in which any cemetery, monument, or memorial under his jurisdiction is located, all, or such portion as he may deem desirable, of the jurisdiction acquired by the United States over the lands involved, reserving to the United States such concurrent or partial jurisdiction as he may deem necessary. Relinquishment of jurisdiction under the authority of this subsection may be made by filing with the Governor of the State involved a notice of such relinquishment and shall take effect upon acceptance thereof by the State in such manner as its laws may prescribe.

"(h) The Administrator shall provide for the care, maintenance, and operation of any cemetery or burial plot transferred to the Veterans' Administration by the National Cemeteries Act of 1972 but which is not a part of the National Cemetery System, and may prescribe conditions for interment therein.

"§ 1004. Disposition of inactive cemeteries

"(a) The Administrator may transfer, with the consent of the agency concerned, any inactive cemetery, burial plot, memorial, or monument within his control to the Department of the Interior for maintenance as a national monument or park, or to any other agency of the Government.

"(b) The Administrator may also transfer any inactive cemetery or burial plot, or portion thereof, to a State, or political subdivision thereof, which agrees to maintain such cemetery in an appropriate manner, with the understanding that control thereof shall be returned to the Veterans' Administration if the Administrator deems such action to be appropriate.

"(c) If a cemetery not within the National Cemetery System has been or is to be discontinued, the Administrator may provide for the removal of remains from that cemetery to any cemetery within such System. He may also provide for the removal of the remains of any veteran from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery.

"§ 1005. Acquisition of lands.

"As additional lands are needed for national cemeteries, they may be acquired by the Administrator by purchase, gift (including donations from States or political subdivisions thereof), condemnation, transfer from other Federal agencies, or otherwise, as he determines to be in the best interest of the United States.

"§ 1006. Authority to accept and maintain suitable memorials

"Subject to such restrictions as he may prescribe, the Administrator may accept gifts, devises, or bequests from legitimate societies and organizations or reputable individuals, made in any manner, which are made for the purpose of beautifying national cemeteries, or are determined to be beneficial to such cemetery. He may make land available for this purpose, and may furnish such care and maintenance as he deems necessary.

"Chapter 25.—AMERICAN BATTLE MONUMENTS COMMISSION

"Sec.
"1100. The American Battle Monuments Commission; purpose; appointment; terms of office; vacancies; expenses; designation of secretary.
"1101. Functions of Commission.
"1102. Armed Forces officers assigned; other personnel.
"1103. Military cemeteries in foreign countries; determination as permanent cemeteries; selection of new sites; design and construction; maintenance; construction by Armed Forces; burials and reburials; reentry.
"1104. Powers and duties as to memorials.
"1105. Approval of designs for memorials.
"1106. Cooperation with States, citizens, municipalities, or associations, in erection of memorials.
"1107. Arrangements with foreign countries.
"1108. Funds received from States, municipalities, or private sources.
"1109. Transfer of administrative functions, supplies, materials, and equipment to Commission; maintenance of cemeteries located in foreign countries.
"1110. Acquisition and disposition of land in foreign countries; operation of vehicles; establishment of offices; printing authority; contract power; claims against Commission.
"1111. Regulations; delegations.

"§ 1100. The American Battle Monuments Commission; purpose; appointment; term of office; vacancies; expenses; designation of secretary.

"(a) The American Battle Monuments Commission (hereinafter in this chapter referred to as the 'Commission') established pursuant to the Act entitled 'An Act for creation of the American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes', approved March 4, 1923 (42 Stat. 1509), as amended by the Acts of June 26, 1946 (60 Stat. 317), and July 25, 1956 (70 Stat. 640), is continued as an instrumentality of the

United States within the Veterans' Administration to administer and maintain, under the Administrator, the permanent military cemeteries, monuments, and memorials on foreign soil and perform such other functions as are set forth in section 1101 of this chapter.

"(b) (1) The Commission shall consist of not more than eleven members who shall be appointed by the President, who shall designate one such member as Chairman. The members shall serve at the pleasure of the President who shall fill any vacancies that from time to time occur.

"(2) Notwithstanding any other provision of law, commissioned officers of the Armed Forces of the United States may be appointed members of the Commission.

"(3) The members of the Commission shall serve as such without compensation, except that (A) their actual expenses in connection with the work of the Commission, (B) when in a travel status outside the continental United States, a per diem of $40 in lieu of subsistence, and (C) when in a travel status within the continental United States a per diem at the same rate authorized to be paid under section 5703 (c) (1) of title 5, may be paid to them from any funds appropriated for the purposes of this chapter, or acquired by other means authorized by this chapter.

(c) There shall be a secretary to the Commission who may be a commissioned officer of the United States Armed Forces on active duty.

"§ 1101. Functions of Commission

"The functions of the Commission shall be those necessary to—

"(1) administer and maintain World War I American national cemeteries, memorials, and monuments in Europe;

"(2) erect and maintain works of architecture and art in such American cemeteries located outside the United States, its territories, and possessions, as the Secretary of the Army shall declare to be permanent cemeteries, and to administer and maintain such cemeteries after they have been transferred to the Commission;

"(3) prepare plans and estimates for the erection of suitable memorials to mark and commemorate the services of the American Armed Forces;

"(4) erect and maintain memorials in the United States or outside the United States where the American Forces have served or shall hereafter serve as the Commission and the Administrator shall determine; and

"(5) carry out any other function designated by the President or the Administrator.

"§ 1102. Armed Forces officers assigned; other personnel

"(a) Upon the request of the Administrator, the Secretary of the Army, Navy, or Air Force is authorized to designate such personnel, and to make available to the Commission such facilities, as may be necessary to assist in carrying out the purposes of this chapter, and may expend for such purposes any funds appropriated to such department, and services, with reimbursement from the Veterans' Administration for the pay and allowances of the personnel so designated. The Administrator is authorized to employ such further personnel as may be necessary to carry out the purposes of this chapter.

"(b) Where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations.

"(c) When traveling on business of the Commission, officers of the Armed Forces serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission.

"§ 1103. Military cemeteries in foreign countries; determination as permanent cemeteries; selection of new sites; design and construction; maintenance; construction by Armed Forces; burials and reburials; reentry

"When, as a result of combat operations, the Armed Forces shall establish military cemeteries in zones of operations outside the United States and its territories and possessions, the Commission and the Secretary of the Army immediately upon the cessation of hostilities, shall determine which of the cemeteries so established, if any, shall become permanent cemeteries or, as they may deem desirable, select new sites at any other location for such cemeteries. The Commission shall be solely responsible for the design and construction of such permanent cemeteries, and of all buildings, plantings, headstones, and other permanent improvements incidental thereto except that (1) the Armed Forces shall be responsible for the maintenance of such permanent cemeteries until such time as the Commission shall express its readiness to assume the functions of administration hereinafter authorized, (2) all construction undertaken by the Armed Forces in establishing and maintaining the cemetery prior to its transfer to the Commission shall be nonpermanent in nature, (3) burials and reburials therein by the Armed Forces shall be carried out in accordance with plans prepared by the Commission, (4) the Armed Forces shall have the right to reenter any cemeteries transferred to the Commission for the purpose of making exhumations or reinterments should they deem any such action to be necessary.

"§ 1104. Powers and duties as to memorials

"(a) The Commission shall prepare plans and estimates for the erection of suitable memorials to commemorate the services of the American Armed Forces, and shall erect and maintain memorials at such places outside the United States where the American Armed Forces have served since April 6, 1917, or shall hereafter serve, as the Commission shall determine. The Commission shall also erect and maintain works of architecture and art in such American cemeteries located outside of the United States, its territories, and possessions, as have been or may hereafter be declared to be permanent cemeteries.

"(b) The Commission shall control as to materials and design and provide regulations for, and supervise the erection of, all memorial monuments and buildings in American cemeteries located outside the United States, its territories, and possessions.

"(c) The Commission shall control as to design and provide regulations for the erection of all memorial monuments and buildings commemorating the services of the American Armed Forces erected in any foreign country or political division thereof which may authorize the Commission to perform such functions.

"(d) (1) The Commission is authorized, in its discretion, to assume responsibility for the control, administration, and maintenance of any war memorial erected before, on, or after the effective date of this subsection outside the United States by an American citizen, a State, a political subdivision of a State, any other non-Federal governmental agency, foreign agency, or private association to commemorate the services of any of the American Armed Forces in hostilities occurring since April 6, 1917, if (A) the memorial is not erected on the territory of the former enemy concerned, and (B) the sponsors of the memorial consent to the Commission's assuming such responsibilities and transfer to the Commission all their right, title, and interest in the memorial. If reasonable effort fails to locate the sponsors of a memorial, the Commission may assume responsibility therefor under this subsection by agreement with the appropriate foreign authorities. A decision of the Commission to assume responsibility for any war memorial under this subsection is final.

"(2) Any funds accumulated by the sponsors for the maintenance and repair of a war memorial for which the Commission assumes responsibility under this subsection may be transferred to the Commission for use in carrying out the purposes of this subsection. Any such funds so transferred shall be deposited by the Commission in the manner provided for in section 1108 of this chapter.

"(e) The Commission is authorized to take necessary measures to demolish any war memorial erected on foreign soil by an American citizen, a State, a political subdivision of a State, any other non-Federal governmental agency, foreign agency or private association and to dispose of the site of such memorial in such manner as it deems proper, if—

"(1) the appropriate foreign authorities agree to such demolition; and

"(2) the sponsors of the memorial consent to such demolition; or

"(3) the memorial has fallen into disrepair and a reasonable effort on the part of the Commission has failed—

"(A) to persuade the sponsors to maintain the memorial at a standard acceptable to the Commission, or

"(B) to locate the sponsors.

"(f) As used in this section, the term 'sponsors' includes the legal successors to the sponsor.

"§ 1105. Approval of designs for memorials

"Before any designs for any memorial is accepted by the Commission, it shall be approved by the National Commission of Fine Arts.

"§ 1106. Cooperation with States, citizens, municipalities, or associations, in erection of memorials

"The Commission is authorized to cooperate with American citizens, States, municipalities, or associations desiring to erect war memorials outside the continental limits of the United States in such manner as may be determined by the Commission: *Provided*, That no assistance in erecting any such memorial shall be given by any administrative agency of the United States unless the plan has been approved in accordance with the provisions of this chapter.

"§ 1107. Arrangements with foreign countries

"The President is requested to make the necessary arrangements with the proper authorities of the countries concerned to enable the Commission to carry out the purposes of this chapter.

"§ 1108. Funds received from States, municipalities, or private sources

"The Commission is authorized to receive funds from any State, municipal, or private source for the purposes of this chapter, and such funds shall be deposited by the Commission with the Treasurer of the United States and shall be kept by him in separate accounts and shall be disbursed upon vouchers approved by the Commission.

"§ 1109. Transfer of administrative functions, supplies, materials and equipment to Commission; maintenance of cemeteries located in foreign countries

"The President may by Executive order transfer to the Commission, with respect to any permanent military cemeteries located outside of the United States, its territories, and possessions, the same functions of administration which were transferred to the Commission by Executive Order 6614, dated February 26, 1934, and Executive Order 10057, dated May 14, 1949, as amended by Executive Order 10087, dated December 3, 1949, together with any supplies, materials, and equipment located therein or in military depots overseas which are excess to the needs of the Department of Defense and are requested by the Commission for the performance of such functions. Thereafter the Commission shall be responsible for the maintenance of such cemetery and of all improvements therein.

"§ 1110. Acquisition and disposition of land in foreign countries; operation of vehicles; establishment of offices; printing authority; contract power; delegation of authority; claims against Commission

"(a) Within the limits of any appropriation or appropriations made for the purposes of this chapter, the Commission is authorized (1) to acquire land or interest in land in foreign countries for carrying out the purposes of this chapter or of any Executive order conferring functions upon the Commission without submission to the Attorney General of the United States under the provisions of section 255 of title 40; (2) to establish offices outside of the United States; (3) to rent office and garage space in foreign countries which may be paid for in advance; (4) to procure printing, binding, engraving, lithographing, photographing, and typewriting, including the publication of information concerning the American activities, battlefields, memorials, and cemeteries with respect to which it may exercise any functions.

"(b) Notwithstanding the requirements of existing laws or regulations, under such terms and conditions as the Commission may in its discretion deem necessary and proper, the Commission may contract for work, supplies, materials, and equipment outside, or for use outside, of the United States and engage, by contract or otherwise, the services of architects, firms of architects, and other technical and professional personnel.

"(c) The Commission may under such terms and conditions and in such manner as it may deem proper dispose of any land or interest in land in foreign countries which has been or may after June 26, 1946, be acquired by the Commission in connection with its work.

"(d) Claims of the type described in section 224d of title 31, on account of damage to or loss or destruction of property both real and personal, or personal injury or death of any person, arising on or after July 25, 1956, and caused by the negligent or wrongful act or omission of any member of the Commission the secretary of the Commission, any member of the Armed Forces assigned to the Commission, civilian employee of the Veterans' Administration detailed or assigned to the Commission, while acting within the scope of his office or employment, may be considered, ascertained, adjusted, determined, and paid in the manner provided in sections 224d–224i of title 31 for the settlement of Army claims, except that in such cases one or more officers of the Armed Forces or employees of the Veterans' Administration who are detailed to or working with the Commission upon the recommendation of the Commission may be appointed by the Secretary of the Army to a claims commission or commissions or as officers to approve settlements of claims made by such commission or commissions, and all payments in settlement of such claims shall be made out of appropriations made for the purposes of this chapter.

"§ 1111. Regulations; delegations

"(a) The Commission, with the approval of the Administrator, has authority to make all rules and regulations which are necessary or appropriate to carry out the functions provided in this chapter.

"(b) The Commission may delegate to its Chairman, secretary, or officials in charge of any of its offices, under such terms and conditions as it may prescribe, such of its authority as it may deem necessary and proper."

(b) The table of chapters of part II, and the table of parts and chapters of title 38, United States Code, are each amended by inserting immediately below

"23. Burial benefits................ 901"

the following:

"24. National cemeteries and memorials .... 1000"
"25. American Battle Monuments Commission .... 1100."

(c) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(132) Director, National Cemetery System, Veterans' Administration."

SEC. 3. (a) The Administrator shall conduct a comprehensive study and submit his recommendations to the Ninety-third Congress, within thirty days after the convening of such Congress, concerning—

(1) the criteria which should govern the development and operation of the National Cemetery System, including the concept of regional cemeteries;

(2) the relationship of the National Cemetery System to other burial benefits provided by the Federal Government to servicemen and veterans; and

(3) the steps to be taken to conform the existing System to the recommended criteria.

(b) Notwithstanding any other provision of law, the Administrator of Veterans' Affairs shall not transfer (by sale, lease, or otherwise) any real property under the jurisdiction of the Veterans' Administration, to any public or private agency or person, except pursuant to a public law.

SEC. 4. (a) Chapter 23 of title 38, United States Code, is amended by—

(1) amending section 903 to read as follows:

"§ 903. Death in Veterans' Administration facility; plot allowance

"(a) Where death occurs in a Veterans' Administration facility to which the deceased was properly admitted for hospital or domiciliary care under section 610 or 611 of this title, the Administrator—

"(1) shall pay the actual cost (not to exceed $250) of the burial and funeral or, within such limits, may make contracts for such services without regard to the laws requiring advertisement for proposals for supplies and services for the Veterans' Administration; and

"(2) shall, when such a death occurs in a State, transport the body to the place of burial in the same or any other State.

"(b) In addition to the foregoing, if such a veteran, or a veteran eligible for a burial allowance under section 902 of this title, is not buried in a national cemetery or other cemetery under the jurisdiction of the United States, the Administrator, in his discretion, having due regard to the circumstances in each case, may pay a sum not exceeding $150, as a plot or interment allowance to such person as he prescribes. In any case where any part of the plot or interment expenses have been paid or assumed by a State, any agency or political subdivision of a State, or the employer of the deceased veteran, no claim for such allowance shall be allowed for more than the difference between the entire amount of the expenses incurred and the amount paid or assumed by any or all of the foregoing entities."; and

(2) adding at the end of such chapter the following new section:

"§ 906. Headstones and markers

"(a) The Administrator shall furnish, when requested, appropriate Government headstones or markers at the expense of the United States for the unmarked graves of the following:

"(1) Any individual buried in a national cemetery or in a post cemetery.

"(2) Any individual eligible for burial in a national cemetery (but not buried there), except for those persons or classes of persons enumerated in section 1001(a) (4), (5), and (6) of this title.

"(3) Soldiers of the Union and Confederate Armies of the Civil War.

"(b) The Administrator shall furnish, when requested, an appropriate memorial headstone or marker to commemorate any veteran dying in the service, and whose remains have not been recovered or identified or were buried at sea, for placement by the applicant in a national cemetery area reserved for such purposes under the provisions of section 1002 of this title, or in any private or local cemetery."

(b) The table of sections at the beginning of chapter 23 of title 38, United States Code, is amended—

(1) by striking out

"903. Death in Veterans' Administration facility."

and inserting in lieu thereof

"903. Death in Veterans' Administration facility; plot allowance.";

and

(2) inserting immediately after

"905. Persons eligible under prior law."

the following:

"906. Headstones and markers.".

SEC. 5. (a) (1) There are hereby transferred from the Secretary of the Army to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, (A) all national cemeteries (except the cemetery at the United States Soldiers' Home), and (B) any other cemetery (including burial plots), memorial, or monument under the jurisdiction of the Secretary of the Army immediately preceding the effective date of this section (except the cemetery located at the United States Military Academy at West Point).

(2) There are hereby transferred from the Secretary of the Navy and the Secretary of the Air Force to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, any cemetery (including burial plots), memorial, or monument under the jurisdiction of either Secretary immediately preceding the effective date of this section (except those cemeteries located at the United States Naval Academy at Annapolis, the United States Naval Home Cemetery located at Philadelphia, and the United States Air Force Academy at Colorado Springs).

(b) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available to, or under the jurisdiction of, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, in connection with functions transferred by this Act, as determined by the Director of the Office of Management and Budget, are transferred to the Administrator of Veterans' Affairs.

(c) There are hereby transferred from the American Battle Monuments Commission to the Administrator of Veterans' Affairs all jurisdiction over, and responsibility for, any cemetery, memorial, and monument under the jurisdiction of the American Battle monuments Commission immediately preceding the effective date of this section.

(d) The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available to the American Battle Monuments Commission are hereby transferred to the Administrator of Veterans' Affairs.

(e) All offenses committed and all penalties and forfeitures incurred under any of the provisions of law amended or repealed by this Act may be prosecuted and punished in the same manner and with the same effect as if such amendments or repeals had not been made.

(f) All rules, regulations, orders, permits, and other privileges issued or granted by the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, or the American Battle Monuments Commission with respect to the cemeteries, memorials, and monuments transferred to the Veterans' Administration by this Act, unless contrary to the provisions of such Act, shall remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator of Veterans' Affairs, by any court of competent jurisdiction, or by operation of law.

(g) No suit, action, or other proceeding commenced by or against any officer in his official capacity as an official of the Department of the Army, the Department of the Navy, the Department of the Air Force, or the American Battle Monuments Commission with respect to functions transferred under subsection (a) or (c) of this section shall abate by reason of the enactment of this section. No cause of action by or against any such Department or Commission with respect to functions transferred under such subsection (a) or (c), or by or against any officer thereof in his official capacity, shall abate by reason of the enactment of this section. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such officer of the Veterans' Administration as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, upon its own motion or that of any party, enter an order which will give effect to the provisions of this subsection. If before the date this section takes effect, any such Department or Commission, or officer thereof in his official capacity, is a party to a suit with respect to any function so transferred, such suit shall be continued by the Administrator of Veterans' Affairs.

SEC. 6. (a) The following provisions of law are repealed, except with respect to rights and duties that matured, penalties, liabilities, and forefitures that were incurred, and proceedings that were begun, before the effective date of this section:

(1) Sections 4870, 4871, 4872, 4873, 4875, 4877, 4881, and 4882 of the Revised Statutes (24 U.S.C. 271, 272, 273, 274, 276, 279, 286, 287).

(2) The Act entitled "An Act to provide for a national cemetery in every State", approved June 29, 1938 (24 U.S.C. 271a).

(3) The Act entitled "An Act to provide for selection of superintendents of national cemeteries from meritorious and trustworthy members of the Armed Forces who have been disabled in line of duty for active field service", approved March 24, 1948, as amended (24 U.S.C. 275).

(4) The proviso to the second paragraph preceding the center heading "MEDICAL DEPARTMENT" in the Act entitled "An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-seven, and for other purposes", approved July 24, 1876, as amended (24 U.S.C. 278).

(5) The Act entitled "An Act to provide for the procurement and supply of Government headstones or markers for unmarked graves of members of the Armed Forces dying in the service on or after honorable discharge therefrom, and other persons, and for other purposes", approved July 1, 1948, as amended (24 U.S.C. 279a–279c).

(6) The Act entitled "An Act to establish eligibility for burial in national cemeteries, and for other purposes", approved May 14, 1948, as amended (24 U.S.C. 281).

(7) The Act entitled "An act to provide for the erection of appropriate markers in national cemeteries to honor the memory of members of the Armed Forces missing in action", approved August 27, 1954, as amended (24 U.S.C. 279d).

(8) The Act entitled "An Act to provide for the utilization of surplus War Department owned military real property as national cemeteries, when feasible", approved August 4, 1947 (24 U.S.C. 281a–281c).

(9) The Act entitled "An Act to preserve historic graveyards in abandoned military posts", approved July 1, 1947 (24 U.S.C. 296).

(10) The Act entitled "An Act to provide for the utilization as a national cemetery of surplus Army Department owned military real property at Fort Logan, Colorado", approved March 10, 1950 (24 U.S.C. 281d–f).

(11) The Act entitled "An Act to provide for the expansion and disposition of certain national cemeteries", approved August 10, 1950 (24 U.S.C. 281g).

(12) The ninth paragraph following the side heading "National Cemeteries" in the Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and thirteen, and for other purposes", approved August 24, 1912 (24 U.S.C. 282).

(13) The fourth paragraph after the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1926, and for other purposes", approved February 12, 1925 (24 U.S.C. 288).

(14) The second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (24 U.S.C. 289).

(15)(A) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1927, and for other purposes", approved April 15, 1926 (44 Stat. 287).

(B) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1928, and for other purposes", approved February 23, 1927 (44 Stat. 1138).

(C) The first proviso to the fourth paragraph and all of the fifth paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1929, and for other purposes", approved March 23, 1928 (45 Stat. 354).

(D) The first proviso to the second paragraph and all of the third paragraph following the center heading "NATIONAL CEMETERIES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes", approved February 28, 1929 (45 Stat. 1375).

(E) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1931, and for other purposes", approved May 28, 1930 (46 Stat. 458).

(F) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1932, and for other purposes", approved February 23, 1931 (46 Stat. 1302).

(G) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1933, and for other purposes", approved July 14, 1932 (47 Stat. 689).

(H) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1934, and for other purposes", approved March 4, 1933 (47 Stat. 1595).

(I) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1935, and for other purposes", approved April 26, 1934 (48 Stat. 639).

(J) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1936, and for other purposes", approved April 9, 1935 (49 Stat. 145).

(K) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in title II of the Act entitled "An Act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes", approved May 15, 1936 (49 Stat. 1305).

(L) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1938, for civil functions administered by the War Department, and for other purposes", approved July 19, 1937 (50 Stat. 515).

(M) The first proviso to the first paragraph and all of the second paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1939, for civil functions administered by the War Department and for other purposes", approved June 11, 1938 (52 Stat. 668) .

(N) The first proviso to the first paragraph and all of the second pargraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1940, for civil functions administered by the War Department, and for other purposes", approved June 28, 1939 (53 Stat. 857).

(O) The first proviso to the first paragraph and all of the second paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1941, for civil functions administered by the War Department, and for other purposes", approved June 24, 1940 (54 Stat. 505).

(P) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1944, for civil functions administered by the War Department, and for other purposes", approved May 23, 1941 (55 Stat. 191).

(Q) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1943, for civil functions administered by the War Department, and for other purposes", approved April 28, 1942 (56 Stat. 220).

(R) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1944, for civil functions administered by the War Department, and for other purposes", approved June 2, 1943 (57 Stat. 94).

(S) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1945, for civil functions administered by the War Department, and for other purposes", approved June 26, 1944 (58 Stat. 327–328).

(T) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1946, for civil functions administered by the War Department, and for other purposes", approved March 31, 1945 (59 Stat. 39).

(U) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the fiscal year ending June 30, 1947, for civil functions, administered by the War Department, and for other purposes", approved May 2, 1946 (60 Stat. 161).

(V) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the War Department for the fiscal year ending June 30, 1948, and for other purposes", approved July 31, 1947 (61 Stat. 687).

(W) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1949, and for other purposes", approved June 25, 1948 (62 Stat. 1019).

(X) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1950, and for other purposes", approved October 13, 1949 (63 Stat. 846).

(Y) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in chapter IX of the Act entitled "An Act making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes", approved September 6, 1950 (64 Stat. 725).

(Z) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1952, and for other purposes", approved October 24, 1951 (65 Stat. 617).

(AA) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1953, and for other purposes", approved July 11, 1952 (66 Stat. 579).

(BB) The first proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1954, and for other purposes", approved July 27, 1953 (67 Stat. 197).

(CC) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1955, and for other purposes", approved June 30, 1954 (68 Stat. 331).

(DD) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the Atomic Energy Commission, the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1956, and for other purposes", approved July 15, 1955 (69 Stat. 360).

(EE) The first and second provisos to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for the Tennessee Valley Authority, certain agencies of the Department of the Interior, and civil functions administered by the Department of the Army, for the fiscal year ending June 30, 1957, and for other purposes", approved July 2, 1956 (70 Stat. 474).

16(A) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army and certain agencies of the Department of the Interior, for the fiscal year ending June 30, 1958, and for other purposes", approved August 26, 1957 (71 Stat. 416).

(B) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1959, and for other purposes", approved September 2, 1958 (72 Stat. 1572).

(C) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority, for the fiscal year ending June 30, 1960, and for other purposes", approved September 10, 1959 (73 Stat. 492).

(D) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority and certain study commissions, for the fiscal year ending June 30, 1961, and for other purposes", approved September 2, 1969 (74 Stat. 743).

(E) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority and certain study commissions, for the fiscal year ending June 30, 1962, and for other purposes", approved September 30, 1961 (75 Stat. 722).

(F) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1963, and for other purposes", approved October 24, 1962 (76 Stat. 1216).

(G) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1964, and for other purposes", approved December 31, 1963 (77 Stat. 844).

(H) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, for the fiscal year ending June 30, 1965, and for other purposes", approved August 30, 1964 (78 Stat. 682).

(I) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and the Delaware River Basin Commission, and the Interoceanic Canal Commission, for the fiscal year ending June 30, 1966, and for other purposes", approved October 28, 1965 (79 Stat. 1096).

(J) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1967, and for other purposes", approved October 15, 1966 (80 Stat. 1002).

(K) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of Interior, the Atomic Energy Commission, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, and the Water Resources Council, for the fiscal year ending June 30, 1968, and for other purposes", approved November 20, 1967 (81 Stat. 471).

(L) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for certain civil functions administered by the Department of Defense, the Panama Canal, certain agencies of the Department of Interior, the Atlantic-Pacific Interoceanic Canal Study Commission, the Delaware River Basin Commission, Interstate Commission on the Potomac River Basin, the Tennessee Valley Authority, and the Water Resources Council, and the Atomic Energy Commission, for the fiscal year ending June 30, 1969, and for other purposes", approved August 12, 1968 (82 Stat. 705).

(M) The third proviso to the paragraph immediately following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal

Water Pollution Control Administration, the Bureau of Reclamation power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1970, and for other purposes", approved December 11, 1969 (83 Stat. 327).

(N) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes", approved October 7, 1970 (84 Stat. 893).

(O) The first proviso to the paragraph following the center heading "CEMETERIAL EXPENSES" in the Act entitled "An Act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian Regional Commission, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1972, and for other purposes", approved October 5, 1971 (85 Stat. 368).

(17) The Act entitled "An Act to revise eligibility requirements for burial in national cemeteries, and for other purposes", approved September 14, 1959 (73 Stat. 547).

(18) The Act entitled "An Act to amend the Act of March 24, 1948, which establishes special requirements governing the selection of superintendents of national cemeteries", approved August 30, 1961 (75 Stat. 411).

(b) The following provisions of law are repealed, except with respect to rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun, before the effective date of this section:

(1) The Act entitled "An Act for creation of the American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes", approved March 4, 1923 (42 Stat. 1509), as amended by the Acts of June 26, 1946 (60 Stat. 317), and July 25, 1956 (70 State. 640).

(2) The second and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1924, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1924, and for other purposes", approved April 2, 1924 (43 Stat. 35).

(3) The first and second provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1925, and for other purposes", approved June 7, 1924 (43 Stat. 522).

(4) The second, third, fourth, and fifth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1927, and for other purposes", approved April 22, 1926 (44 Stat. 306).

(5) The first, second, third, fourth, fifth, and sixth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" "in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1928, and for other purposes", approved February 11, 1927 (44 Stat. 1071).

(6) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1929, and for other purposes", approved May 16, 1928 (45 Stat. 575).

(7) The first, second, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1930, and for other purposes", approved February 20, 1929 (45 Stat. 1231).

(8) The first, second, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1931, and for other purposes", approved April 19, 1930 (46 Stat. 230).

(9) The first, second, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1932, and for other purposes", approved February 23, 1931 (46 Stat. 1356).

(10) The first, second, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1933, and for other purposes", approved June 30, 1932 (47 Stat. 454).

(11) The first and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1934, and for other purposes", approved June 16, 1933 (48 Stat. 285).

(12) The first, third, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1936, and for other purposes", approved February 2, 1935 (49 Stat. 7).

(13) The first, third, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act titled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1937, and for other purposes", approved March 19, 1936 (49 Stat. 1169).

(14) The first, third, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1938, and for other purposes", approved June 28, 1937 (50 Stat. 331).

(15) The first, third, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1939, and for other purposes", approved May 23, 1938 (52 Stat. 412).

(16) The first, third, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1940, and for other purposes", approved March 16, 1939 (53 Stat. 525).

(17) The first, third, and fourth provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1941, and for other purposes", approved April 18, 1940 (54 Stat. 113).

(18) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1942, and for other purposes", approved April 5, 1941 (55 Stat. 95).

(19) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1943, and for other purposes", approved June 27, 1942 (56 Stat. 395).

(20) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1944, and for other purposes", approved June 26, 2943 (57 Stat. 171).

(21) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1945, and for other purposes", approved June 27, 1944 (58 Stat. 363).

(22) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1946, and for other purposes", approved May 3, 1945 (59 Stat. 107).

(23) The first and second provisos to the

paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1947, and for other purposes", approved March 28, 1946 (60 Stat. 62).

(24) The first proviso to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENT COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1948, and for other purposes", approved July 30, 1947 (61 Stat. 588).

(25) The first and second provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards commissions, and offices, for the fiscal year ending June 30, 1949, and for other purposes" approved April 20, 1948 (62 Stat. 179).

(26) The first and second provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1950, and for other purposes", approved August 24, 1949 (63 Stat. 633).

(27) The first and second provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in chapter VIII of title I of the Act entitled "An Act making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes", approved September 6, 1950 (64 Stat. 699).

(28) The first and second provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies and offices, for the fiscal year ending June 30, 1952, and for other purposes", approved August 31, 1951 (65 Stat. 269).

(29) The first and second provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1953, and for other purposes", approved July 5, 1952 (66 Stat. 395).

(30) The first and second provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1954, and for other purposes", approved July 31, 1953 (67 Stat. 299).

(31) The first, second, and third provisos to the first paragraph and the first and second provisos to the second paragraph following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1955, and for other purposes", approved June 24, 1954 (68 Stat. 275).

(32) The first, second, and third provisos to the first paragraph and the first proviso to the second paragraph following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1956, and for other purposes", approved June 29, 1955 (69 Stat. 194).

(33) The first, second, and third provisos to the first paragraph and the first proviso to the second paragraph following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1957, and for other purposes", approved June 13, 1956 (70 Stat. 279).

(34) The first, second, and third provisos to the first paragraph and the first proviso to the second paragraph following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1958, and for other purposes", approved June 5, 1957 (71 Stat. 52).

(35) The Act entitled "An Act vesting in the American Battle Monuments Commission the care and maintenance of the Surrender Tree site in Santiago, Cuba", approved August 13, 1957 (71 Stat. 344).

(36) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1959, and for other purposes", approved June 25, 1958 (72 Stat. 223).

(37) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1960, and for other purposes", approved July 8, 1959 (73 Stat. 164).

(38) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title I of the Act entitled "An Act making appropriations for the Executive Office of the President and sundry general Government agencies for the fiscal year ending June 30, 1961, and for other purposes", approved July 12, 1960 (74 Stat. 476).

(39) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title IV of the Act entitled "An Act making appropriations for the Executive Office of the President, the Department of Commerce, and sundry agencies for the fiscal year ending June 30, 1962, and for other purposes", approved August 3, 1961 (75 Stat. 279).

(40) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1963, and for other purposes", approved October 18, 1962 (76 Stat. 1100).

(41) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1964, and for other purposes", approved December 30, 1963 (77 Stat. 796).

(42) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1965, and for other purposes", approved August 31, 1964 (78 Stat. 731).

(43) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary and related agencies for the fiscal year ending June 30, 1966, and for other purposes", approved September 2, 1965 (79 Stat. 639).

(44) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1967, and for other purposes", approved November 8, 1966 (80 Stat. 1501).

(45) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Department of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1968, and for other purposes", approved November 8, 1967 (81 Stat. 429).

(46) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1969, and for other purposes", approved August 9, 1968 (82 Stat. 686).

(47) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1970, and for other purposes", approved December 24, 1969 (83 Stat. 421).

(48) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes", approved October 21, 1970 (84 Stat. 1058).

(49) The first, second, and third provisos to the paragraph immediately following the center heading "AMERICAN BATTLE MONUMENTS COMMISSION" in title V of the Act entitled "An Act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1972, and for other purposes", approved August 10, 1971 (85 Stat. 264).

(c) Nothing in this section shall be deemed to affect in any manner the functions, powers, and duties of—

(1) the Secretary of the Interior with respect to those cemeteries, memorials, or monuments under his jurisdiction on the effective date of this section, or

(2) the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to those cemeteries, memorials, or monuments under his jurisdiction to which the transfer provisions of section 5(a) of this Act do not apply.

Sec. 7. Section 3505 (a) of title 38, United States Code, is amended by inserting immediately after the words "gratuitous benefits" where first appearing therein, the following: "(including the right to burial in a national cemetery)".

Sec. 8. Subchapter II of chapter 3 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries and other Veterans' Administration reservations

"(a) For the purpose of maintaining law and order and of protecting persons and property on lands (including cemeteries) and in buildings under the jurisdiction of the Veterans' Administration (and not under the control of the Administrator of General Services) the Administrator or officers and employees of the Veterans' Administration duly authorized by him may—

"(1) make all needful rules and regulations for the government of the property under their charge and control, and annex to such rules and regulations such reasonable penalties within the limits prescribed in subsection (b) of this section, as will insure their enforcement. Such rules and regulations shall be posted in a conspicuous place on such property;

"(2) designate persons who shall have authority to make arrests for violation of the rules and regulations made and published under subsection (a)(1) of this section or for any crime or offense against the United States committed on such Veterans' Administration installations. The jurisdiction and policing powers of such designated persons shall not extend to the service of civil process, and arrests by such persons for violations of Veterans' Administration rules and regulations shall be made only on property over which the United States has acquired exclusive or concurrent jurisdiction. Any person so arrested shall be taken forthwith before the nearest United States magistrate within whose jurisdiction the property is located; and

"(3) empower officers or employees of the Veterans' Administration who have been duly authorized to perform investigative functions to act as special investigators and to carry firearms, whether on Federal property or in travel status. Such special investigators shall have, while on real property under the charge and control of the Veterans' Administration, the power to enforce Federal laws for the protection of persons and property and the power to enforce rules and regulations made and published under subsection (a)(1) of this section. Any such special investigator may make arrests without warrant for any offense committed upon such property if he has reasonable ground to believe (1) the offense constitutes a felony under the laws of the United States, and (2) that the person to be arrested is guilty of that offense.

"(b) Whoever shall violate any rule or regulation promulgated pursuant to subsection (a)(1) of this section shall be fined not more than $50 or imprisoned not more than thirty days, or both."

(b) Section 625 of title 38, United States Code, is hereby repealed.

(c) The table of sections at beginning of chapter 3 of title 38, United States Code, is amended by inserting immediately after—

"217. Studies of rehabilitation of disabled persons."

the following

"218. Standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries, and other Veterans' Administration reservations.",

and the table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by striking out—

"625. Arrests for crimes in hospitals and domiciliary reservations.".

Sec. 9. (a) The Administrator, in cooperation with the Secretary of Defense, is authorized and directed to cause to be brought to the United States a body of an American, who was a member of the Armed Forces, who served in Southeast Asia and who lost his life during the Vietnam era and whose identity has not been established, for burial in the Memorial Amphitheater of the National Cemetery at Arlington, Virginia.

(b) The implementation of this section shall take place after the United States has concluded its participation in hostilities in Southeast Asia, as established by the President or the Congress of the United States.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Sec. 10. (a) The first section and sections 2 and 7 of this Act shall take effect on the date of enactment of this Act.

(b) Sections 4, 5, and 6 of this Act shall take effect July 1, 1973, or on such earlier date as the President may prescribe and publish in the Federal Register; except that clauses (1) and (2) of section 4(a) shall take effect on the first day of the second calendar month following the date of enactment of this Act.

The SPEAKER. Is a second demanded?

Mr. TEAGUE of California. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Mr. TEAGUE of Texas asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. TEAGUE of Texas. Mr. Speaker, H.R. 12674, entitled the "National Cemeteries Act of 1972," has several objectives which I will briefly outline, but is primarily designed to establish a national cemetery system within the Veterans' Administration.

In my extension of remarks I will include for the Record a detailed section-by-section analysis of the bill, accompanied by a brief review of the background of this legislation and a résumé of the reasoning behind the various policy decisions made by the committee and reflected in the reported bill. In its present form the bill would—

Establish within the Veterans' Administration a national cemetery system which would consist of national cemeteries transferred to the Veterans' Administration from the Department of the Army, cemeteries presently under the jurisdiction of the VA, and all military post cemeteries, as well as other cemeteries, memorials, or monuments which may be later acquired or developed. The only cemeteries not so transferred are those located in national parks operated by the Department of the Interior, cemeteries at the three military academies located at Colorado Springs, Colo., Annapolis, Md., and West Point, N.Y., the U.S. Soldiers' Home at Washington, D.C., and the U.S. Naval Home located in Philadelphia, Pa.

Continue the American Battle Monuments Commission as an instrumentality of the United States within the Veterans' Administration, to administer and maintain, under the Administrator of Veterans' Affairs, the military cemeteries, monuments, and memorials on foreign soil. The Commission is to operate substantially as now authorized by law, but all statutory provisions are incorporated in title 38, United States Code. The responsibility of the Battle Monuments Commission, under the VA, would be extended by authorizing it to assume responsibility for maintenance of certain memorials on foreign soil over which they do not now have jurisdiction.

Direct the Administrator of Veterans' Affairs to conduct a comprehensive study and submit his recommendations to the 93d Congress within 30 days after the convening of such Congress, concerning: (a) the criteria which should govern the development and operation of the National Cemetery System, including the concept of regional cemeteries; (b) the relationship of the national cemetery system to other burial benefits provided by the Federal Government to servicemen and veterans; and (c) the steps to be taken to conform the existing system to the recommended criteria.

Provide that notwithstanding any other provision of law, the Administrator of Veterans' Affairs shall not transfer—by sale, lease, or otherwise—any real property under the jurisdiction of the Veterans Administration, to any public or private agency or person, except pursuant to a Public Law.

Authorize a special plot allowance of $150 (in addition to the present allowance for burial and funeral expenses of $250) payable in any case in which the veteran is not buried in a national or other Federal cemetery.

Provide authority in VA, now exercised by the Department of the Army, for furnishing a headstone or marker, upon request, for the unmarked graves of any individuals buried in a national cemetery or in a post cemetery, as well as most individuals eligible for burial in those locations but not buried there, and soldiers of the Union and Confederate Armies of the Civil War.

Provide broader authority in the Administrator of Veterans' Affairs to establish standards of conduct and arrests for crimes at hospitals, domiciliaries, cemeteries and other VA reservations. This authority would supersede the more limited authority now vested in the Administrator under 38 U.S.C. 625 and, accordingly, the latter provision would be repealed.

Include provision for the burial of an unknown soldier of the war in Vietnam and Southeast Asia in Arlington National Cemetery at an appropriate time to be selected at a later date.

Throughout the hearings on this proposal it was practically the unanimous view of all interested parties that the various Federal Cemetery Systems in the United States are unduly and inefficiently fragmented. On this point, it would be well to quote the following excerpt from the Veterans Administration's report on H.R. 12674, which report was, of course, cleared by the Office of Management and Budget:

> There is merit in consolidating the national cemeteries now under the jurisdiction of the Department of the Army with those cemeteries currently operated by the Veterans' Administration, in order to achieve administrative simplicity and maximum utilization. While experience over many years has shown that

the Department of the Army can administer a National Cemetery System in an efficient manner, the figures which have been made available to us reveal that more than 90 percent of interments in national cemeteries are of veterans and their dependents, with servicemen dying in active service comprising less than 10 percent. Thus, as it now exists, burial in a national cemetery is more closely related to veterans' benefits than to the functions of a service department. Consequently, we believe that it would be logical for the national and Veterans' Adminstration cemeteries to be consolidated into one system to be administered by the Veterans' Administration. We would also agree that the responsibility for providing grave markers and headstones should likewise be transferred to the Veterans' Administration as a correlative function.

Our Committee believes it is entirely appropriate, in view of the objective of uniform consolidation, to include Arlington National Cemetery in the overall transfer. At the same time, we recognize that this particular installation adjacent to the Nation's Capitol has certain unique aspects. It is expected that the Administrator will avail himself to the fullest extent that he deems it desirable and feasible to utilize with the Department of the Army the broad "cross-servicing" authority which is available to him under 31 U.S.C. 686, as well as appropriate mutual agreements that may be entered into. The Army representative stated in testimony before the Committee on March 28, 1972, that many of the ceremonies of state that are conducted at Arlington are coordinated with the Military District of Washington. The Committee feels that the Veterans Administration can coordinate these functions with the Military District of Washington under the cited authority, as well as can the Department of the Army. Similarly, such cross-servicing may be appropriate in connection with the operation of certain post cemeteries where unusual circumstances are present.

We will await with interest receipt of the Administrator's in-depth report and recommendations at the beginning of the 93rd Congress. At the hearings the VA spokesman indicated that there has been an in-house study conducted by the VA on this subject for some time and that certain meaningful data has already been compiled.

While the Committee is realistic enough not to assume that the newly authorized plot allowance will serve as a total solution to the national cemetery problem, it will necessarily have a major effect in reducing the current demands for burials in existing national cemeteries. In this connection, experience has shown that the families of deceased veterans, in the vast majority of cases, have preferred and sought burial of the veterans within 50 miles of the family home. Although the plot allowance is relatively modest, its availability should serve to encourage more burials in local and surrounding cemeteries.

The provision for the burial of a Vietnam unknown soldier in Arlington National Cemetery follows the text of a separate bill (H.J. Res. 609) introduced by the Honorable Hamilton Fish, Jr. of New York.

Our Committee has learned and is pleased to invite attention to the historical fact that in 1920 a similar resolution resulting in the creation of the Tomb of the Unknown Soldier of World War I was sponsored by the father of Congressman Fish, the Honorable Hamilton Fish, Sr. The Defense Department advises that to date all deceased servicemen have been accounted for; however, this authorizing legislation is desirable since it will permit immediate implementation at such time as the hostilities have been finally terminated.

In recent years, the Committee on Veterans' Affairs has been disturbed at the increasing activity of certain segments in the executive branch which have, as a result of extensive surveys, attempted to effect the disposition of thousands of acres of Federal land. It would be presumptuous for me to allege a lack of justification across the board for any such disposition. On the other hand, our Committee has a deep interest and abiding concern that substantial blocks of acreage surrounding our veterans' hospitals throughout the land must not be indiscriminately whittled away without its oversight knowledge and congressional approval in advance. In the event of enactment of the provision of the bill prohibiting the transfer of any VA lands except by Public Law, the committee assures the executive branch that any proposals to transfer real property under the jurisdiction of the Veterans' Administration will receive an objective hearing and serious consideration of the justification submitted.

I think it appropriate to particularly point out that, contrary to certain proposals in the past, this legislation does not propose to abolish the American Battle Monuments Commission. Since, with minor exceptions, the bill places overall responsibility for the administration of all Federal cemetery activity in the Veterans' Administration, it would appear logical to place the Commission within the organizational framework of the VA. As will be noticed more particularly in the sectional analysis, the various responsibilities and duties of the Commission will continue substantially as now authorized by law, but the existing statutory provisions are more appropriately incorporated in title 38, United States Code. At the specific request of the Battle Monuments Commission, the committee has included in the bill a provision which extends greater authority in that body with respect to certain memorials, monuments, and so forth, on foreign soil, over which they do not now have jurisdiction.

A new section 8 has been added to H.R. 12674 which would give the Administrator authority to maintain the peace, dignity and decorum in the national cemeteries under his jurisdiction. This authority is substantially comparable to that provided under existing law for the General Services Administration under 40 U.S.C. 318–318d, and for the National Park Service of the Department of Interior under 16 U.S.C. 10–10a. For many years, the law (now 38 U.S.C. 625) has authorized the Administrator for the purpose of maintaining law and order and protecting persons and property at Veterans' Administration hospitals and domiciliaries, to designated persons at such hospitals and domiciliaries who shall have authority to make arrests for any crime or offense against the United States committed on the reservation of hospitals or domiciliaries.

The provisions added by Section 8 would authorize the Administrator to prescribe rules and regulations necessary to maintain law and order and protect persons and property in cemeteries and would establish reasonable penalties necessary to ensure their enforcement; and to designate persons having authority to investigate and make arrests for violations of such rules and regulations and for crimes against the United States. Since the Committee believes it is desirable for this authority to apply equally to other lands, buildings and facilities over which the Administrator has jurisdiction, the new section added by the bill would have that effect and, therefore, would repeal the current provisions of 38 U.S.C. 625.

COST

With respect to cost, the VA has advised as follows:

> Except for certain costs incidental to the transfer of records and personnel, it is not anticipated that the first-year costs of the administration of the proposed national cemetery system within the Veterans' Administration would exceed that being incurred by the separate organization entities. However, we estimate that the enactment of section 4(a) of the bill would result in a first-year cost of $39.6 million, and a total first 5-year cost of $217.5 million. A detailed cost table covering each of the first 5 years is enclosed.
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> Based on a recent VA study, approximately 15 percent of the veterans dying were buried in a national cemetery. Assuming this proportion still prevails, and that each purchaser receives the maximum payment, estimated costs of H.R. 12674, if enacted would be as follows:

	Burial awards affected	Additional annual cost
Fiscal year:		
1973	264,000	$39,600,000
1974	281,000	42,150,000
1975	293,000	43,950,000
1976	302,000	45,300,000
1977	310,000	46,500,000

Note: The amended bill provides that if any part of the plot or interment expense has been paid by a State or its subdivision, or by an employer of the deceased veteran, a claim could only be allowed for the difference between the entire amount of the expenses and the amount paid. To this extent, which cannot be estimated, the costs set out above would be reduced.

Mr. Speaker, our committee has given extended and thoughtful consideration to the problem of national cemeteries and related matters. I believe H.R. 12674 represents a reasonable and forward looking approach to what we hope will be an ultimate satisfactory solution and I strongly recommend its approval by the House.

At this point, I include in my remarks a detailed section-by-section analysis of H.R. 12674, as amended, together with pertinent tables setting forth the locations, interments, and other relevant statistical data with regard to all of the existing national cemeteries, cemeteries under the Department of the Interior, and cemeteries under the jurisdiction of the Veterans' Administration:

SECTION-BY-SECTION ANALYSIS OF H.R. 12674, 92D CONGRESS, AS AMENDED

A bill to amend title 38 of the United States Code, in order to establish a National Cemetery System within the Veteran's Administration, and for other purposes.

SECTION 1

This section provides that this Act may be cited as the "National Cemeteries Act of 1972".

SECTION 2

Subsection (a) amends part II of title 38, United States Code, to add new chapters 24 and 25. The contents of the new chapter 24 are largely patterned after chapter 7 of title 24, United States Code, and chapter 8 of title 36, United States Code. The language of the new chapter 24 has been modernized and simplified to have it conform with the present language of title 38. A more detailed analysis of the new chapter 24 follows:

CHAPTER 24.—NATIONAL CEMETERIES AND MEMORIALS

Sec.

1000. Establishment of National Cemetery System; composition of such system; appointment of director.
1001. Persons eligible for interment in national cemeteries.
1002. Memorial areas.
1003. Administration.
1004. Disposition of inactive cemeteries.
1005. Acquisition of lands
1006 Authority to accept and maintain suitable memorials

Section 1000. Establishment of National Cemetery System; composition of such system; appointment of director

A National Cemetery System would be established within the Veterans Administration for interment of deceased servicemen and veterans. The new System would be headed by a Director who would be responsible to the Administrator for operation of those cemeteries encompassed within the new System as well as any other placed under the jurisdiction of the Veterans Administration. The new System would consist of national cemeteries transferred from the Department of the Army to the Veterans Administration; cemeteries under the jurisdiction of the Veterans Administration at the time this bill is enacted; and any other cemetery, memorial, or monument transferred by this bill or later acquired or developed.

Section 1001. Persons eligible for interment in national cemeteries

This section designates those persons who, subject to regulations the Administrator shall prescribe and the forfeiture provisions of section 3505 of title 38, shall be eligible for interment in national cemeteries. These include certain servicemen, veterans, reservists, National Guardsmen, Reserve Officers Training Corps members, United States citizens who served honorably with armed forces allied with the United States in wars engaged in by this country, certain dependents of eligible persons in the aforegoing categories, and other persons or classes of persons as may be designated by the Administrator. The eligibility criteria for interment in national cemeteries would be required to be applied uniformly with respect to all cemeteries in the new System.

Section 1002. Memorial areas

The Administrator would be directed to set aside, when available, suitable areas in national cemeteries to honor the memory of those servicemen missing in action, or whose remains have not been identified, those buried at sea and those whose remains have been determined to be nonrecoverable. He would be authorized to prescribe regulations governing the erection of appropriate memorials or markers to honor such individuals or such groups of individuals.

Section 1003. Administration

The Administrator would be authorized to make all rules and regulations necessary to carry out the provisions of chapter 24 of title 38; to designate those cemeteries considered to be National Cemeteries; and to provide all necessary facilities for cemeteries including superintendents' lodges, chapels, crypts, mausoleums and columbariums. Graves in national cemeteries would be required to be marked by appropriate markers and with certain specified information placed thereon. Registers of burials would be kept in each cemetery and also at the main office of the Veterans Administration.

In carrying out his responsibilities under this new chapter of title 38, the Administrator would be authorized to contract, without regard to the laws concerning advertising for competitive bids, for the care and maintenance of these cemeteries.

The Administrator would be authorized to convey to any State, or political subdivision thereof, in which any national cemetery is located, all right, title and interest of the United States to any Government-owned or Government-controlled approach road providing the State or political subdivision states in writing, prior to such conveyance, its willingness to accept and maintain such road. Upon conveyance, the jurisdiction of the United States over such road would cease and would vest in the State or political subdivision.

When the Administrator deemed it to be desirable, he could relinquish to a State in which any cemetery, monument or memorial under his jurisdiction is located, all or part of the jurisdiction the United States has over such lands, reserving such concurrent or partial jurisdiction as he deemed necessary. The relinquishment would be accomplished by filing with the Governor of the State involved a notice of such relinquishment of jurisdiction and would take effect upon acceptance by the State.

The Administrator would be directed to care for, maintain and operate any cemetery or burial plot transferred by the bill which would not be a part of the National Cemetery System and would be authorized to prescribe the conditions for interment therein.

Section 1004. Disposition of inactive cemeteries

The Administrator would be authorized to transfer, with the consent of the agency concerned, any inactive cemetery, burial plot, memorial or monument within his control to the Department of the Interior for maintenance as a national monument or park, or to any other agency of the Government. He also would be permitted to transfer any inactive cemetery or burial plot to a State or political subdivision thereof provided the State or subdivision agreed to maintain such cemetery in an appropriate manner. The transfer would be subject to an understanding that the Administrator might reacquire the property if he deemed such action to be appropriate.

Where a cemetery not within the National System has been or is to be discontinued, the Administrator could provide for the removal of remains from that cemetery to any cemetery within the System and for the removal of any veteran's remains from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery.

Section 1005. Acquisition of lands

The Administrator would be authorized to acquire additional lands for national cemeteries as needed. This could be accomplished by purchase, gift (including donations from States or political subdivisions), condemnation, transfer from other Federal agencies, or otherwise, as he deemed in the best interest of the United States.

Section 1006. Authority to accept and maintain suitable memorials

The Administrator, subject to such restrictions as he may prescribe, would be authorized to accept gifts, devises, or bequests from legitimate societies and organizations or from reputable individuals, for the purpose of beautifying or benefiting national cemeteries. He also would be authorized to make land available for this purpose and to furnish such care and maintenance as he deemed necessary.

The contents of the new chapter 25 are largely patterned after chapter 8 of title 36, United States Code. The language of the new chapter 25 has been simplified and reformed to conform to the present language of title 38. In general it confines the authority of the American Battle Monuments Commission to the administration and care of cemeteries, monuments, and memorials located outside the United States, with one exception. That exception is a preservation of its authority to design and erect the General John J. Pershing memorial in Washington, D.C. (Public Law 89–786). A more detailed analysis of the new chapter 25 follows:

CHAPTER 25.—AMERICAN BATTLE MONUMENTS COMMISSION

Sec.

1100. The American Battle Monuments Commission; purpose; appointment; terms of office; vacancies; expenses; designation of secretary.
1101. Functions of Commission.
1102. Armed Forces officers assigned; other personnel.
1103. Military cemeteries in foreign countries; determination as permanent cemeteries; selection of new sites; design and construction; maintenance; construction by Armed Forces; burials and reburials; reentry.
1104. Powers and duties as to memorials.
1105. Approval of designs for memorials.
1106. Cooperation with States, citizens, municipalities, or associations, in erection of memorials.
1107. Arrangements with foreign countries.
1108. Funds received from States, municipalities, or private sources.
1109. Transfer of administrative functions, supplies, materials, and equipment to Commission; maintenance of cemeteries located in foreign countries.
1110. Acquisition and disposition of land in foreign countries; operation of vehicles; establishment of offices; printing authority; contract power; claims against Commission.
1111. Regulations; delegations.

Section 1100. The American Battle Monuments Commission; purpose; appointment; term of office; vacancies; expenses, designation of secretary

Subsection (a) provides that the American Battle Monuments Commission, is continued as an instrumentality of the United States within the Veterans Administration to administer and maintain, under the Administrator, the permanent military cemeteries, monuments, and memorials on foreign soil and perform such other functions as are set forth in section 1101 of this chapter.

Subsection (b) provides that (1) the Commission shall consist of not more than eleven members appointed by and serving at the pleasure of the President, with one such member designated by him as Chairman; the President is authorized to fill vacancies; (2) officers of the Armed Forces of the United States may be appointed as members of the Commission; and (3) members of the Commission shall serve without compensation, except they can receive actual expenses and travel expenses.

Subsection (c) provides that there shall be a secretary to the Commission who may be a commissioned officer of the United States Armed Forces on active duty.

Section 1101. Functions of Commission

This section provides that the functions of the Commission shall be those necessary to—

(1) administer and maintain World War I American national cemeteries, memorials, and monuments in Europe.

(2) erect and maintain works of architecture at such American cemeteries located outside the United States as the Secretary of the Army declares to be permanent, and to administer and maintain such cemeteries after they have been transferred to the Commission;

(3) prepare plans and estimates for the erection of memorials to mark and commemorate the services of the American Armed Forces;

(4) erect and maintain memorials in the United States or outside where American Forces have served or shall hereafter serve as the Commission and the Administrator shall determine; and

(5) carry out any other function designated by the President or the Administrator.

Section 1102. Armed Forces officers assigned; other personnel

Subsection (a) provides that the Secretary of the Army, Navy, or Air Force, upon request of the Administrator, is authorized to make personnel and facilities available to the Commission on a reimbursable basis, as may be necessary to assist in carrying out the purposes of this chapter. The Administrator is authorized to employ such further personnel as may be necessary.

Subsection (b) provides that where station allowance has been authorized for Army officers at certain foreign stations, the same allowance is authorized for Armed Forces officers serving with the Commission at the same foreign stations.

Subsection (c) provides that Armed Forces officers serving as members or as secretary of the Commission would receive reimbursement for travel expenses as provided for civilian members of the Commission.

Section 1103. Military cemeteries in foreign countries; determination as permanent cemeteries; selection of new sites; design and construction; maintenance; construction by Armed Forces; burial and reburials; reentry

This section provides that when as a result of combat operations, the Armed Forces establishes military cemeteries in zones of operations outside the United States and its territories and possessions, the Commission and the Secretary of the Army immediately upon the cessation of hostilities, shall determine which of these cemeteries, if any, shall become permanent cemeteries or, if they deem desirable, select new sites at any other location for such cemeteries. The Commission shall be solely responsible for the design, construction, buildings, plantings, headstones and other permanent improvements of the permanent cemeteries and the permanent improvements incidental thereto with exception that—

(1) the Armed Forces shall be responsible for maintenance of the permanent cemeteries until the Commission expresses its readiness to assume the functions of administration authorized in this legislation;

(2) the construction undertaken by the Armed Forces in establishing and maintainin accordance with plans prepared by the Commission shall be of a nonpermanent nature;

(3) any burials or reburials by the Armed Forces in the cemetery shall be carried out in accordance wtih plans prepared by the Commission;

(4) the Armed Forces has the right to reenter any cemeteries transferred to the Commission for the purpose of making exhumations or reinterments should they deem any such action to be necessary.

Section 1104. Powers and duties as to memorials.

Subsection (a) provides that the Commission shall prepare plans and estimates for the erection of suitable memorials to commemorate the service of the American Armed Forces, and shall erect and maintain memorials at such places outside the United States where the American Armed Forces have served since April 6, 1917, or shall hereafter serve, as the Commission shall determine. This subsection also provides that the Commission shall erect and maintain works of architecture and art in American cemeteries located outside of the United States, its territories, and possessions, as have been or may be declared to be permanent cemeteries.

Subsection (b) provides that the Commission shall control the materials and design and provide regulations for and supervise the erection of all memorial monuments and buildings in the American cemeteries located outside the United States, its territories, and possessions, as have been or will be declared to be permanent cemeteries.

Subsection (c) provides that the Commission shall control the design and provide regulations for the erection of every memorial, monuments and buildings commemorating the services of the American Armed Forces erected in any foreign country or political division thereof which may authorize the Commission to perform such functions.

Subsection (d) contains the following provisions:

(1) The Commission is authorized, in its discretion, to assume responsibility for the control, administration, and maintenance of any war memorial erected before, on, or after the effective date of this subsection (d) outside the United States by an American citizen, a State, a political subdivision of a State, any other non-Federal governmental agency, foreign agency, or private association to commemorate the service of any of the American Armed Forces in hostilities occurring since April 6, 1917, if (A) the memorial is not erected on the territory of the former enemy concerned, and (B) the sponsors of the memorial consent to the Commission's assuming such responsibilities and transfer to the Commission all their right, title, and interest in the memorial. The Commission may assume responsibility for a memorial where a reasonable effort fails to locate its sponsors and such agreement is made with the appropriate foreign authorities. The decision of the Commission to assume responsibility for any war memorial under subsection (b) is final.

(2) Under this subsection, funds accumulated by the sponsors for the maintenance and repair of a war memorial for which the Commission assumes responsibility under this subsection may be transferred to the Commission for use in carrying out the purposes of this subsection and shall be deposited in the manner provided for in section 1108 of this chapter.

Subsection (e) authorizes the Commission to take necessary measures to demolish any war memorial erected on foreign soil by an American citizen, a State, a political subdivision of a State, any other non-Federal Governmental agency, foreign agency or private association and to dispose of the site of such memorial in such manner as it deems proper, if—

(1) the appropriate foreign authorities agree to such demolition; and

(2) the sponsors of the memorial consent to such demolition; or

(3) the memorial has fallen into disrepair and a reasonable effort on the part of the Commission has failed—

(A) to persuade the sponsors to maintain the memorial at a standard acceptable to the Commission, or

(B) to locate the sponsors.

Subsection (f) provides that the term "sponsors" includes the legal successors to the sponsor.

Section 1105. Approval of designs for memorials

This section provides that before any design for any memorial is accepted by the Commission, it shall be approved by the National Commission of Fine Arts.

Section 1106. Cooperation with States, citizens, municipalities, or associations, in erection of memorials

This section authorizes the Commission to cooperate with American citizens, States, municipalities, or associations desiring to erect war memorials outside the continental limits of the United States in such manner as may be determined by the Commission. The section contains a proviso that no assistance in erecting any such memorial shall be given by any administrative agency of the United States unless approval of the plan has been made in accordance with the provisions of this chapter.

Section 1107. Arrangements with foreign countries

This section requests the President to make arrangements with the proper authorities of the countries concerned to enable the Commission to carry out the purposes of Chapter 25.

Section 1108. Funds received from States, municipalities, or private sources

This section authorizes the Commission to receive funds from any State, municipal, or private source for the purposes of this chapter. The funds shall be deposited by the Commission with the Treasurer of the United States, be kept by him in separate accounts, and disbursed upon vouchers approved by the Commission.

Section 1109. Transfer of administrative functions, supplies, materials and equipment to Commission; maintenance of cemeteries located in foreign countries

This section provides that the President may by Executive order transfer to the Commission, with respect to any permanent military cemeteries located outside of the United States, its territories, and possessions, the same functions of administration which were transferred to the Commission by Executive Order 6614, dated February 26, 1934, and Executive Order 10057, dated May 14, 1949, as amended by Executive Order 10087, dated December 3, 1949, together with any supplies, materials, and equipment located therein or in military depots overseas which are excess to the needs of the Department of Defense and are requested by the Commission for the performance of such functions. This section further provides that the Commission shall be responsible for the maintenance of such cemeteries and for all improvement therein.

Section 1110. Acquisition and disposition of land in foreign countries; operation of vehicles; establishment of offices; printing authority; contract power; delegation of authority; claims against Commission

Subsection (a) authorizes the Commission within the limits of any appropriation or appropriations made pursuant to chapter 25—

(1) to acquire land or interest in land in foreign countries for carrying out the purposes of this chapter or of any Executive order conferring functions upon the Commission without submission to the Attorney General of the United States under the provisions of section 255 of title 40;

(2) to establish offices outside of the United States;

(3) to rent office and garage space in foreign countries which may be paid for in advance;

(4) to procure printing, binding, engraving, lithographing, photographing, and typewriting, including the publication of information concerning the American activi-

ties, battlefields, memorials, and cemeteries with respect to which it may exercise any functions.

Subsection (b) provides that not withstanding any requirements of existing laws and regulations, the Commission may contract for work, supplies, materials, and equipment outside, or for use outside, of the United States and engage, by contract or otherwise, the services of architects, firms of architects, and other technical and professional personnel under such terms and conditions as the Commission in its discretion deems necessary and proper.

Subsection (c) allows the Congress to dispose of any land or interest in land or foreign countries which has been or may after June 26, 1946, be acquired by the Commission in connection with its work in such manner as it may deem proper.

Subsection (d) provides that claims of the type described in section 224d of title 31, on account of damage to or loss or destruction of property both real and personal, or personal injury or death of any person, arising on or after July 25, 1956, and caused by the negligent or wrongful act or omission of any member of the Commission, the secretary of the Commission, civilian employee of the Veterans Administration detailed or assigned to the Commission, while acting within the scope of his office or employment, may be considered, ascertained, adjusted, determined, and paid in the manner provided in sections 224d–224i of title 31 for the settlement of Army claims, except that in such cases one or more officers of the Armed Forces or employees of the Veterans Administration who are detailed to or working with the Commission upon the recommendation of the Commission may be appointed by the Secretary of the Army to a claims commission or commissions or as officers to approve settlements of claims made by such commission or commissions. This subsection further provides that all payments and settlement of such claims shall be made out of appropriations made for the purposes of this chapter.

Section 1111. Regulations; delegations

Subsection (a) provides that the Commission has the authority to make all rules and regulations which are necessary or appropriate to carry out the functions of new chapter 25 once the approval of the Administrator has been obtained.

Subsection (b) allows the Commission to delegate to its Chairman, secretary, or officials in charge of any of its offices, under such terms and conditions that may be prescribed under the necessary and proper authority.

SECTION 3

This section directs the Administrator to conduct a comprehensive study and submission of his recommendations to the 93d Congress within 30 days after such Congress convenes, concerning the criteria which should govern the development and operation of the National Cemetery System, including the concept of regional cemeteries; the relationship between that system to other Federal burial benefits provided servicemen and veterans; and the steps to be taken to conform the existing System to the recommended criteria. It would also prohibit the Administrator from transferring any real property under his jurisdiction to any public or private agency or person except pursuant to a Public Law.

SECTION 4

Subsection (a) would (1) amend section 903 of title 38 to provide that in addition to the amounts payable for the burial or funeral expenses of an eligible veteran under sections 902 or 903, if the veteran is not buried in a national cemetery or other cemetery under the jurisdiction of the United States, the Administrator, in his discretion, having due regard to the circumstances in each case, may pay a sum not exceeding $150 as a plot or interment allowance to such person as he prescribes. If any part of the plot or interment expense has been paid or assumed by a State or its subdivision, or the employer of the deceased veteran, a claim for only the difference between the entire amount of the expenses and the amount paid could be allowed; (2) amend chapter 23 of title 38 to add a new section 906 on headstones and markers. This transfers the existing authority of the Secretary of the Army under chapter 7 of title 24, United States Code, to provide headstones and markers to the Administrator of Veterans Affairs. The language has been modernized and simplified to make it conform with the present language of title 38. The new section directs the Administrator to furnish appropriate headstones or markers at Government expense where requested, for the unmarked grave of (1) any individual buried in a national cemetery or post cemetery; (2) any individual eligible for burial in a national cemetery, but not buried there (except for graves of the United States citizens who served honorably with the armed forces of foreign countries allied with the United States, dependents of certain servicemen and veterans, and those other persons or classes of persons designated by the Administrator as eligible for burial in such cemeteries); and (3) soldiers of the Union and Confederate Armies of the Civil War.

Subsection (b) of this new section authorizes the Administrator to furnish, when requested, an appropriate memorial headstone or marker to commemorate any veteran dying in the service and whose remains have not been recovered or identified or were buried at sea, for placement in a national cemetery area reserved for such purposes or in a private or local cemetery.

Subsection (b) of section 4 of the bill amends the table of sections at the beginning of chapter 23 of title 38 to include a reference to the new section 906.

SECTION 5

Section 5(a) provides for the transfer from the Secretary of the Army to the Administrator of Veterans Affairs jurisdiction over and responsibility for all national cemeteries. Excepted from this transfer is the cemetery at the United States Soldiers' Home. This subsection also provides for the transfer from the Secretaries of the Army, Navy and Air Force to the Administrator of Veterans Affairs, jurisdiction over and responsibility for any cemetery, memorial or monument coming within their respective jurisdiction.

Excepted from this transfer are the cemeteries located at the United States Military Academy at West Point, the United States Naval Academy at Annapolis, the United States Naval Home at Philadelphia, and the United States Air Force Academy at Colorado Springs.

Subsection (b) directs the transfer of so much of the personnel, property, records, and unexpended balances of appropriations, allocations and other funds available to the Secretaries of the Army, Navy and Air Force, in connection with functions transferred by this bill, as determined by the Director of the Office of Management and Budget, to the Administrator of Veterans Affairs.

Subsection (c) directs the transfer from the American Battle Monuments Commission to the VA of all cemeteries, memorials, and monuments under its jurisdiction.

Subsection (d) would transfer all personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available to the American Battle Monuments Commission to VA.

Subsection (e) is a savings clause whereby all offenses committed and all penalties and forfeitures incurred under any law amended or repealed by this measure may be prosecuted and punished in the same manner as if these amendments or repeals had not been made.

Subsection (f) provides that all rules, regulations, orders, permits, and other privileges issued or granted by the Secretaries of the Army, Navy, Air Force, or the American Battle Monuments Commission will remain in full force and effect until modified, suspended, overruled, or otherwise changed by the Administrator, by any court of competent jurisdiction, or by operation of law.

Subsection (g) is a further savings clause under which (1) no suit, action, or other proceeding commenced by or against any officer in his official capacity as an official of the Departments of the Army, Navy, Air Force, or the American Battle Monuments Commission with respect to functions transferred by this bill shall abate because of the enactment of this bill; (2) no cause of action by or against any Department or Commission concerning the functions transferred or by or against any officer thereof in his official capacity shall abate because of the enactment of this bill; (3) causes of actions, suits, or other proceedings may be asserted by or against the United States or appropriate officer of the Veterans Administration in any litigation pending at the time this Act takes effect with the court, on its own motion or the motion of any party, being authorized to enter an order giving such effect; and (4) suits commenced prior to the date of the enactment of this bill with respect to any function transferred shall be continued by the Administrator.

SECTION 6

Section 6(a) provides for the repeal of statutes giving the Secretary of the Army jurisdiction over and responsibility for national cemeteries. At the same time, all rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun the effective date of the transfer of these cemeteries to the new National Cemetery System are preserved under the language of this subsection.

Subsection (b) provides for the repeal of statutes giving the American Battle Monuments Commission jurisdiction over and responsibility for national cemeteries, memorials, or monuments located outside the United States. At the same time, all rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun, before the effective date of the transfer of such cemeteries, memorials, or monuments are preserved under the language of this subsection.

Subsection (c) provides that nothing in the repeal section shall be deemed to affect in any manner the functions, powers, and duties of the Secretary of the Interior with respect to those cemetries, memorials, or monuments coming within his jurisdiction on the date the new National Cemetery System is created or those of the Secretaries of the Army, Navy, or Air Force with respect to those cemeteries, memorials, or monuments under their respective jurisdiction to which the transfer provisions of this bill do not apply.

SECTION 7

Section 7 amends section 3505(a) of title 38, United States Code, to provide that where an individual is convicted of certain crimes which are subversive in nature, he shall forfeit his right to burial in a national cemetery.

SECTION 8

This section would amend subchapter II of chapter 3 of title 38, by adding a new section 218. The new section would authorize the Administrator to prescribe rules and regulations necessary to maintain law and order and protect persons and property in cemeteries and on other VA lands and in buildings, and establish reasonable penalties necessary to insure their enforcement; and to designate persons having authority to make investigations and arrests for violations of such rules and regulations and for crimes against the United States committed in such cemeteries or on other VA installations. Since this provision would apply not only for offenses committed in the cemeteries of the national cemetery system, but also in VA hospitals, domiciliaries, or nursing homes and other VA facilities, subsection (b) of the bill would repeal current section 625 of title 38.

Subsection (c) would make technical changes in the table of sections at the beginning of chapter 3, by inserting the catchline for the new section 218.

SECTION 9

Subsection (a) of this section would authorize and direct the Administrator, in cooperation with the Secretary of Defense, to cause to be brought to the United States a body of an unidentified American who was a member of the Armed Forces who served in Southeast Asia and who lost his life during the Vietnam era, for burial in Arlington National Cemetery Memorial Amphitheater.

Subsection (b) provides that implementation of this section shall take place after the United States has concluded its participation in hostilities in Southeast Asia.

Subsection (c) authorizes to be appropriated such sums as may be necessary to carry out the provisions of this chapter.

SECTION 10

Section 10(a) provides that section 1, relating to the title of the Act; section 2, creating the new Cemetery System and providing for its administration; and section 7, relating to forfeiture of right to burial, are to take effect on the date of the bill's enactment.

Subsection (b) provides that section 4, concerning headstones and markers; section 5, transferring the various cemeteries to the new System; and section 6, repealing present authority of the Secretary of the Army over the transferred areas, are to take effect on July 1, 1973 or on such earlier date as the President may prescribe and publish in the Federal Register; except that clauses (1) and (2) of section (4)(a) shall take effect on the first day of the second calendar month following the date of enactment of the Act.

CLASSIFICATION OF INTERMENTS IN NATIONAL CEMETERIES—FISCAL YEAR 1971

	Number interred	Percent of total interred
World War I veterans	7,072	19.0
World War II veterans	12,227	32.8
Korea veterans	1,180	3.2
Peacetime veterans	1,259	3.4
Spanish American War veterans	64	.2
Vietnam veterans	433	1.1
Retired servicemen	2,823	7.6
Total veterans	25,058	67.3
Active duty servicemen	1,217	3.2
Total veterans and servicemen	26,275	70.5
Dependents	10,995	29.5
Grand total	37,270	100.0

CLASSIFICATION OF INTERMENTS IN ARLINGTON NATIONAL CEMETERY—FISCAL YEAR 1971

	Number interred	Percent of total interred
World War I veterans	96	3.6
World War II veterans	86	3.3
Korea veterans	22	.8
Peacetime veterans	6	.2
Spanish American War veterans	1	
Retired servicemen	1,004	38.0
Total veterans	1,215	45.9
Active duty servicemen	315	11.9
Total veterans and servicemen	1,530	57.8
Dependents	1,117	42.2
Grand total	2,647	100.0

CLASSIFICATION OF INTERMENTS IN SOLDIERS' HOME NATIONAL CEMETERY—FISCAL YEAR 1971

	Number interred	Percent of total interred
World War I veterans	23	19.8
World War II veterans	10	8.6
Korea veterans	3	2.6
Peacetime	8	7.0
Spanish American War veterans	2	1.7
Retired servicemen	63	54.3
Total veterans	109	94.0
Active duty servicemen	0	
Total veterans and servicemen	109	94.0
Dependents	7	6.0
Grand total	116	100.0

DEPARTMENT OF THE ARMY, OFFICE OF THE CHIEF OF SUPPORT SERVICES, WASHINGTON, D.C

National cemeteries	Date established	Area in acres		Interments		
		Total	Developed	Known	Unknown	Total
Alexandria, Pineville, La	1867	8.230	8.230	4,602	2,380	6,982
Alexandria, Va	1862	5.500	5.500	3,935	125	4,060
Alton, Ill	1948	.480	.480	479	2	481
Annapolis, Md	1862	4.125	4.125	2,676	206	2,882
Arlington, Fort Myer, Va	1864	517.830	430.300	151,997	4,724	156,721
Balls Bluff, Leesburg, Va	1865	.057	.057	1	53	54
Road Right-of-way		4.573	4.573			
Baltimore, Md	1936	72.227	72.227	32,968	0	32,968
Barrancas, Pensacola, Fla	1868	29.910	16.690	7,037	971	8,008
Baton Rouge, La	1867	7.690	7.690	4,607	540	5,147
Beaufort, S.C	1863	28.920	28.920	6,631	4,018	10,649
Beverly, N.J	1864	64.550	64.550	35,875	14	35,889
Back Hills, Sturgis, S. Dak	1948	105.900	12.000	3,933	0	3,933
Camp Butler, Springfield, Ill	1862	39.250	16.450	6,285	166	6,451
Camp Nelson, Nicholasville, Ky	1866	9.750	9.750	4,046	1,245	5,291
Cave Hill, Louisville, Ky	1863	4.108	4.108	5,085	595	5,680
Chattanooga, Tenn	1867	120.800	77.000	16,341	5,059	21,400
City Point, Hopewell, Va	1866	6.660	6.660	5,080	1,422	6,502
Cold Harbor, Mechanicsville, Va	1866	1.430	1.430	742	1,313	2,055
Corinth, Miss	1866	20.000	20.000	2,107	3,996	6,103
Crown Hill, Indianapolis, Ind	1866	1.370	1.370	758	37	795
Culpeper, Va	1867	6.470	6.470	2,218	912	3,130
Cypress Hills, Brooklyn, N.Y	1862	18.197	18.197	19,894	444	20,338
Danville, Ky	1862	.310	.310	380	13	393
Danville, Va	1866	3.500	3.500	2,020	156	2,176
Fayetteville, Ark	1867	6.110	6.110	2,079	793	2,872
Finn's Point, Salem, N.J	1876	4.590	4.590	2,673	31	2,704
Florence, S.C	1865	5.870	5.870	1,135	2,802	3,937
Fort Bliss, Tex	1939	59.850	42.850	9,999	24	10,023
Fort Gibson, Okla	1868	32.210	13.510	3,807	2,208	6,015
Fort Harrison, near Richmond, Va	1866	1.550	1.550	748	583	1,331
Fort Leavenworth, Kans	1862	36.100	36.100	12,141	1,589	13,730
Fort Logan, Denver, Colo	1950	137.166	40.800	13,559	1	13,560
Fort McPherson, Maxwell, Nebr	1873	20.000	14.000	2,627	584	3,211
Fort Rosecrans, San Diego, Calif	1934	71.340	71.340	45,192	22	45,214
Fort Sam Houston, San Antonio, Tex	1937	60.110	60.110	26,473	89	26,562
Fort Scott, Kans	1862	10.510	10.510	2,484	126	2,610
Fort Smith, Ark	1867	14.590	14.950	3,406	1,464	4,870
Fort Snelling, St. Paul, Minn	1939	476.570	127.570	47,795	283	48,078
Glendale, near Richmond, Va	1866	2.080	2.080	910	960	1,870
Golden Gate, San Bruno, Calif	1939	161.500	161.500	97,930	39	97,969
Grafton, W. Va	1867	3.210	3.210	1,428	664	2,092
Hampton, Va	1866	26.530	26.530	20,564	638	21,202
Jefferson Barracks, St. Louis, Mo	1863	306.980	105.330	48,781	3,255	52,036
Jefferson City, Mo	1867	2.010	2.010	1,111	448	1,559
Keokuk, Iowa	1862	21.100	5.100	2,287	48	2,335
Knoxville, Tenn	1863	9.830	9.830	6,044	166	7,210
Lebanon, Ky	1867	2.830	2.830	1,325	277	1,602
Lexington, Ky	1863	.750	.750	1,278	106	1,384
Little Rock, Ark	1868	24.950	24.950	10,166	3,045	13,211
Long Island, Farmingdale, Long Island, N.Y	1936	364.000	364.000	186,984	105	187,089
Loudon Park, Baltimore, Md	1862	5.600	5.600	6,617	368	6,985
Marietta, Ga	1866	23.256	23.256	13,109	3,095	16,204
Memphis, Tenn	1867	44.150	44.150	15,698	8,866	24,564
Mill Springs, Nancy, Ky	1862	3.500	3.500	1,023	408	1,431
Mobile, Ala	1865	5.240	5.240	3,406	1,423	4,829
Mound City, Ill	1864	10.500	10.500	3,785	2,759	6,544
Nashville, Madison, Tenn	1866	65.000	65.000	18,133	4,140	22,273
Natchez, Miss	1866	10.720	10.720	1,897	2,786	4,683
National Memorial Cemetery of Pacific, Hawaii	1948	111.540	111.540	19,641	2,920	22,561
New Albany, Ind	1862	6.310	6.310	4,352	684	5,036
New Bern, N.C	1867	7.680	7.680	3,492	1,113	4,605
Perryville, Ky	1931	4.390	4.390			
Philadelphia, Pa	1862	13.320	13.320	11,656	40	11,696
Port Hudson, La	1866	8.040	8.040	2,038	3,240	5,278
Puerto Rico, Bayamon, P.R	1948	108.240	29.300	7,960	6	7,966
Quincy, Ill	1899	.450	.450	390	57	447
Raleigh, N.C	1865	6,950	6.950	2,115	548	2,663
Richmond, Va	1866	9.740	9.740	3,125	5,705	8,830
Rock Island, Ill	1863	31.500	19.700	8.250	47	8,297
St. Augustine, Fla	1881	1.360	1.360	1,070	1,554	2,624
Salisbury, N.C	1865	5.970	5.970	1,548	12,036	13,584
San Antonio, Tex	1867	3.660	3.660	2,817	319	3,136
San Francisco, Calif	1884	28.340	28.340	24,322	517	24,839
Santa Fe, N. Mex	1875	34.590	14.460	7,144	495	7,639
Seven Pines, Va	1866	1.900	1.900	446	1,237	1,683
Sitka, Alaska	1924	1.390	1.390	466	19	485
Soldier's Home, District of Columbia	1862	15.800	15.880	12,671	292	12,963
Springfield, Mo	1867	13.820	13.820	4,779	1,995	6,774
Staunton, Va	1866	1.150	1.150	411	529	940
Willamette, Oreg	1950	201.450	76.450	30,757	0	30,757
Wilmington, N.C	1867	5.065	5.065	2.225	1,613	3,838
Winchester, Va	1866	4.890	4.890	2,828	2,395	5,223
Woodlawn, Elmira, N.Y	1874	7.624	7.624	6,247	19	6,266
Zachary Taylor, Louisville, Ky	1928	16.430	16.430	8,866	1	8,867
Total cemeteries under the Department of the Army		3,763.738	2,561.902	1,105,907	110,967	1,216,874

CEMETERIES UNDER THE DEPARTMENT OF THE INTERIOR

National cemeteries	Area in acres		Interments		
	Total	Developed	Known	Unknown	Total
Andersonville, Ga	117.060	27.150	14,045	1,041	15,086
Prison Park	84.200	60.000			
Andrew Johnson, Tenn	14.250	14.250	569		569
Antietam, Md	11.500	11.500	3,196	1,836	5,032
Battleground, District of Columbia	1.033	1.033	45		45
Chalmette, La	17.330	17.330	8,506	6,773	15,279
Custer Battlefield, Mont	8.080	8.080	3,642	277	3,919
Fort Donelson, Tenn	15.000	5.000	540	512	1,052
Fredericksburg, Va	12.005	12.005	2,587	12,746	15,333
Gettysburg, Pa	20.550	20.550	4,787	1,665	6,452
Poplar Grove, Va	8.650	8.650	2,206	4,110	6,316
Shiloh, Tenn	10.250	10.250	1,379	2,370	3,749
Stones River, Tenn	20.000	20.000	4,291	2,562	6,853
Vicksburg, Miss	117.850	117.850	5,254	12,954	18,208
Yorktown, Va	3.000	3.000	758	1,446	2,204
Total cemeteries under the Department of the Interior	460.758	336.643	51,805	48,292	100,097
Total of all cemeteries	4,224.496	2,898.545	1,157,712	159,259	1,316,971

Note: List of national cemeteries authorized by act of Congress of July 17, 1862, and subsequent acts, showing the area of and number of interments in each as of Dec. 31, 1971.

NATIONAL CEMETERIES OPERATED BY THE DEPARTMENT OF THE ARMY AS OF DEC. 31, 1971

No.—Cemetery and location (city and State)	Acreage		Gravesites		Fiscal year		Grade of superintendent	Other personnel	
	Developed	Undeveloped	Developed	Undeveloped	Date closed	Expected closeout		Graded	Wage board
1. Alexandria: Pineville, La	8.230	0	6,444	0		1981	GS-7	None	2
2. Alexandria: Alexandria, Va	5.500	0	4,060	0	1967		None	do	1
3. Alton: Alton, Ill	.480	0	533	0	1961		do	do	(1)
4. Annapolis: Annapolis, Md	4.125	0	2,912	0	1961		GS-7	do	1
5. Arlington: Arlington, Va	430.300	87.530	168,598	14,727		[2] 1976	GS-15	1 GS-14, 2 GS-12's, 1 GS-10, 1 GS-9, 1 GS-8, 4 GS-7's, 2 GS-6's, 6 GS-5's, 21 GS-4's, and 12 GS-3's.	129
6. Balls Bluff: Leesburg, Va	4.630	0	25	0	1865		None	None	(1)
7. Baltimore: Baltimore, Md	72.227	0	36,395	0	1971		GS-10	1 GS-5	14
8. Barrancas: Pensacola, Fla	16.690	13.220	8,819	7,424		1987	GS-9	1 GS-5	7
9. Baton Rouge: Baton Rouge, La	7.690	0	5,068	0	1960		GS-8	None	1
10. Beaufort: Beaufort, S.C	28.920	0	17,028	0		2000+	GS-8	do	4
11. Beverly: Beverly, N.J	64.550	0	39,968	0	1966		GS-10	1 GS-4	13
12. Black Hills: Sturgis, S. Dak	12.000	93.900	5,878	56,340		2000+	GS-9	None	4
13. Camp Butler: Springfield, Ill	16.450	22.800	8,194	14,093		2000+	GS-9	1 GS-3	7
14. Camp Nelson: Nicholasville, Ky	9.750	0	5,371	0	1967		GS-7	None	2
15. Cave Hill: Louisville, Ky	4.108	0	5,625	0	1939		None	do	(1)
16. Chattanooga: Chattanooga, Tenn	77.000	43.800	24,343	26,000		2000+	GS-10	2 GS-5	10
17. City Point: Hopewell, Va	6.660	0	5,512	0	1972		GS-7	None	2
18. Cold Harbor: Mechanicsville, Va	1.430	0	948	0	1970		None	do	1
19. Corinth: Corinth, Miss	20.000	0	13,473	0		2000+	GS-7	do	1
20. Crown Hill: Indianapolis, Ind	1.370	0	795	0	1867		None	do	(1)
21. Culpeper: Culpeper, Va	6.470	0	3,683	0		1973	GS-8	1 GS-5, 1 GS-2	4
22. Cypress Hills: Brooklyn, N.Y	18.197	0	18,687	0	1954		GS-8	None	4
23. Danville: Danville, Ky	.310	0	396	0	1955		None	do	(1)
24. Danville: Danville, Va	3.500	0	2,177	0	1971		GS-7	do	1
25. Fayetteville: Fayetteville, Ark	6.110	0	3,577	0		1978	GS-7	do	2
26. Finn's Point: Salem, N.J	4.590	0	2,705	0	1947		GS-7	do	1
27. Florence: Florence, S.C	5.870	0	4,625	0		1981	GS-7	do	1
28. Fort Bliss: Fort Bliss, Tex	42.850	17.000	25,263	10,200		2000+	GS-10	1 GS-6	11
29. Fort Gibson: Fort Gibson, Okla	13.510	18.700	8,578	11,220		2000+	GS-8	None	3
30. Fort Harrison: Richmond, Va	1.550	0	1,048	0	1967		None	do	1
31. Fort Leavenworth: Fort Leavenworth, Kans	36.100	0	19,520	0		1981	GS-10	1 GS-3	9
32. Fort Logan: Denver, Colo	40.800	96.336	25,204	49,840		2000+	GS-11	1 GS-6, 1 GS.5, 1 GS-4.	16
33. Fort McPherson: Maxwell, Nebr	14.000	6.000	5,648	3,956		2000+	GS-8	None	3
34. Fort Rosecrans: San Diego, Calif	71.340	0	44,340	0	1967		GS-10	1 GS-5, GS-4	16
35. Fort Sam Houston: San Antonio, Tex	60.110	0	37,677	0		1977	GS-11	2 GS-5	26
36. Fort Scott: Fort Scott, Kans	10.510	0	5,959	0		2000+	GS-7	None	2
37. Fort Smith: Fort Smith, Ark	14.590	0	8,832	0		1996	GS-8	1 GS-7	3
38. Fort Snelling: St Paul, Minn	127.570	349.000	66,774	208,699		2000+	GS-13	1 GS-11, 1 GS-7. 1 GS-5, 1 GS-4, and 1 GS-3.	32
39. Glendale: Richmond, Va	2.080	0	1,289	0	1970		GS-7	None	1
40. Golden Gate: San Bruno, Calif	161.500	0	101,368	0	1967		GS-12	2 GS-6's, 1 GS-3	35
41. Grafton: Grafton, W. Va	3.210	0	2,130	0	1961		GS-7	None	1
42. Hampton: Hampton, Va	26.530	0	21,450	0	1970		GS-9	do	6
43. Jefferson Barracks: St. Louis, Mo	105.330	201.650	67,506	118,976		2000+	GS-12	1 GS-10, 1 GS-7, 1 GS-5, and 1 GS-3.	28
44. Jefferson City: Jefferson City, Mo	2.010	0	1,633	0	1969		GS-7	None	1
45. Keokuk: Keokuk, Iowa	5.100	[3] 16.000	2,537	0		1979	GS-7	do	2
46. Knoxville: Knoxville, Tenn	9.830	0	7,500	0		1972	GS-8	do	2
47. Lebanon: Lebanon, Ky	2.830	0	1,996	0		1976	GS-7	do	3
48. Lexington: Lexington, Ky	.750	0	1,384	0	1939		None		(1)
49. Little Rock: Little Rock, Ark	24.950	0	17,895	0		1985	GS-9	1 GS-5	5
50. Long Island: Farmingdale, N.Y	364.000	0	255,693	0		1978	GS-14	1 GS-13, 1 GS-7, 7 GS-5's, 3 GS-4's, 5 GS-3's, and 1 GS-2.	100
51. Loudon Park: Baltimore, Md	5.600	0	6,486	0	1971		None	None	1
52. Marietta: Marietta, Ga	23.256	0	16,538	0	1970		GS-9	do	3
53. Memphis: Memphis, Tenn	44.150	0	27,454	0		1976	GS-10	1 GS-6, 1 GS-5	11
54. Mill Springs: Nancy, Ky	3.500	0	2,168	0		1983	GS-7	None	3
55. Mobile, Mobile, Ala	5.240	0	3,872	0	1963		GS-7	do	1
56. Mound City: Mound City, Ill	10.500	0	7,893	0		1991	GS-7	do	3
57. Nashville: Madison, Tenn	65.000	0	31,112	0		1995	GS-10	1 GS-5	11
58. Natchez: Natchez, Miss	10.720	0	4,961	0		1982	GS-7	None	3
59. New Albany: New Albany, Ind	6.310	0	5,082	0	1960		GS-7	do	1
60. New Bern: New Bern, N.C	7.680	0	5,607	0		1993	GS-7	do	1
61. Perryville: Perryville, Ky	4.390	0	0	0		(4)	None		(1)
62. Philadelphia: Philadelphia, Pa	13.320	0	10,327	.	1947		GS-8	None	2
63. Port Hudson: Zachary, La	8.040	0	6,082	0		1977	None	do	2
64. Quincy: Quincy, Ill	.450	0	581	0		1995	do		(1)
65. Raleigh: Raleigh, N.C	6.950	0	4,998	0		1998	GS-7	None	1
66. Richmond: Richmond, Va	9.470	0	7,456	0	1963		None	1 GS-5	2
67. Rock Island: Rock Island, Ill	19.700	11.800	12,538	8,478		1986	GS-9	1 GS-4	6
68. St. Augustine: St. Augustine, Fla	1.360	0	1,143	0	1949		GS-7	None	1
69. Salisbury: Salisbury, N.C	5.970	0	14,300	0		1983	GS-7	do	1
70. San Antonio: San Antonio, Tex	3.660	0	3,042	0	1961		GS-7	do	1
71. San Francisco: Presidio of San Francisco, Calif.	28.340	0	22,825	0	1962		GS-9	do	6

Footnotes at end of table.

NATIONAL CEMETERIES OPERATED BY THE DEPARTMENT OF THE ARMY AS OF DEC. 31, 1971—Continued

No.—Cemetery and location (city and State)	Acreage		Gravesites		Fiscal year		Grade of superintendent	Other personnel	
	Developed	Undeveloped	Developed	Undeveloped	Date closed	Expected closeout		Graded	Wage board
72. Santa Fe: Santa Fe, N. Mex	14.460	20.130	9,563	12,000		1996	GS-9	1 GS-3	6
73. Seven Pines: Sandston, Va	1.900	0	1.126	0	1965		GS-8	None	1
74. Soldiers' Home: Washington, D.C	15.800	0	13,678	0		1977	GS-7	do	4
75. Springfield: Springfield, Mo	13.820	0	8,133	0		1979	GS-8	do	3
76. Staunton: Staunton, Va	1.150	0	844	0	1970		GS-7	do	1
77. Willamette: Portland, Oreg	76.450	125.000	47,623	75,000		2000+	GS-12	1 GS-11, 1 GS-7, 2 GS-5's, 2 GS-4's.	31
78. Wilmington: Wilmington, N.C	5.065	0	4,393	0		1976	GS-7	None	1
79. Winchester: Winchester, Va	4.890	0	5,051	0	1970		GS-7	do	1
80. Woodlawn: Elmira, N.Y	7.624	0	6,433	0	1969		GS-7	do	2
81. Zachary Taylor: Louisville, Ky	16.430	0	9,415	0	1959		GS-8	do	4

OVERSEAS NATIONAL CEMETERIES

No.—Cemetery and location (city and State)	Acreage developed	Acreage undeveloped	Gravesites developed	Gravesites undeveloped	Date closed	Expected closeout	Grade of superintendent	Graded	Wage board
1. National Memorial Cemetery of the Pacific: Honolulu, Hawaii.	111.540	0	27,328	0		1980	GS-12	1 GS-10, 1 GS-5, 1 GS-4, GS-3.	28
2. Puerto Rico: Bayamon, Puerto Rico	29.300	78.940	11,676	30,179		2000, +	GS-11	1 GS-7	10
3. Sitka: Sitka, Alaska	1.390	0	669	0		1993	None	None	(1)

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[1] Contract.

[2] This is the closeout date for the present developed area currently available for burial. The entire acreage to be used for Arlington National Cemetery will extend the life to beyond the year 1986.

[3] Not suitable for gravesites.

[4] No burials.

ANNUAL REPORT, VETERANS' ADMINISTRATION CEMETERIES—AS OF JUNE 30, 1971

Station	(1) Original cemetery data	(2) Date of operation	(3) Acreage	(4)	(5) Graves	(6)	(7) Developed graves	(8)	(9) Graves used—fiscal year			(10) Burials—fiscal year			Estimated closing date
			Developed	Undeveloped	Developed	Undeveloped	Used	Available	1971	1970	1969	1971	1970	1969	
VAC, Bath, N.Y	1879	1929	19.00	0	8,109	0	7,599	510	107	103	119	107	103	121	1976
VAC, Biloxi, Miss	1934	1934	25.00	0	11,336	0	1,296	10,040	50	47	45	50	50	45	2000
VAH, Danville, Ill	1898	1930	30.00	0	6,552	0	5,615	937	58	57	42	58	57	42	2000
VAC, Dayton, Ohio	1867	1930	55.00	0	22,507	0	22,016	671	185	210	226	186	211	226	1973
VAH, Fort Lyon, Colo	1914	1922	8.00	0	956	0	730	226	11	6	18	11	6	18	1985
VAH, Houston, Tex	1965	1965	45.00	374.0	20,250	187,000	3,198	17,052	704	710	592	725	722	601	2000
VAECH, Los Angeles, Calif	1889	1930	111.00	3.5	60,960	3,200	54,040	6,920	1,398	1,338	1,432	1,670	1,406	1,519	1973
VAH, Marion, Ind	1890	1930	14.00	0	4,613	0	4,084	529	31	30	28	31	30	28	1980
VAC, Mountain Home, Tenn	1903	1930	30.00	0	10,000	0	4,856	5,144	94	112	113	95	112	113	2000
VAC, Prescott, Ariz	1888	1921	6.00	0	2,556	0	2,401	155	127	121	115	135	125	116	1972
VAH, Roseburg, Oreg	1894	1932	3.00	0	2,130	0	1,422	708	44	49	43	46	49	43	1983
VAC, Leavenworth, Kans	1886	1930	30.00	0	14,550	0	12,435	2,115	57	90	92	61	95	95	1980
VAD, White City, Oreg	1951	1951	8.00	0	1,200	0	505	695	33	33	21	33	33	21	2000
VAC, Wood, Wis	1871	1930	27.00	0	22,800	0	15,663	7,137	260	281	294	265	286	297	1995
VAC, Bay Pines, Fla.[2]	1933	1933	9.00	0	4,199	0	4,199	0	0	0	0	1	4	5	1964
Ft. Bavard, N. Mex.[2]	1866	1922	16.00	0	2,600	0	1,560	1,040	10	1	6	11	2	7	1965
VAH, Fort Meade, S. Dak.[2]	1878	1944	2.00	0	133	0	188	0	0	0	0	0	0	0	1948
VAC, Hampton, Va.[2]	1898	1930	.03	0	22	0	22	0	0	0	0	0	0	0	1912
VAC, Hot Springs, S. Dak.[2]	1903	1930	12.00	0	1,482	0	1,481	1	0	0	0	0	0	0	1964
VAH, Kerrville, Tex.[3]	1923	1943	2.00	0	460	0	460	0	0	0	0	0	0	0	1957
VAC, Togus, Maine[3]	1867	1930	29.00	0	5,371	0	5,371	0	0	0	0	0	0	0	1961
Total			481.03	337.5	202,841	190,200	149,161	53,680	3,169	3,188	3,186	3,485	3,291	3,297	

Station	(1) Original cemetery data	(2) Date of operation	(11) Operating cost—fiscal year			(12) ——cost—fiscal year			(13) KNG. employees	(14) Expansion[1]	(15)	(16) Estimated closing date
			1971	1970	1969	1971	1970	1969		Acres	Graves	
VAC, Bath, N.Y	1897	1929	$13,874	$11,449	$15,467	$227	$28	(3)	1.5	(3)	(3)	1976
VAC, Biloxi, Miss	1934	1934	5,408	7,330	6,304	(3)	(3)	(3)	1.5	4	1,976	2000
VAH, Danville, Ill	1898	1930	9,588	10,003	9,698	(3)	(3)	(3)	1.3	10	5,216	2000
VAC, Dayton, Ohio	1867	1930	60,564	63,582	77,878	530	997	$446	5.0	(3)	(3)	1973
VAH, Fort Lyon, Colo	1914	1922	724	409	775	105	135	138	.1	180	23,040	1985
VAH, Houston, Tex	1965	1965	98,790	77,340	70,168	2,299	2,173	4,116	.2	(3)	(3)	2000
VAZCH, Los Angeles, Calif	1889	1930	256,118	261,866	223,371	34,821	32,561	37,371	26.0	(3)	(3)	1975
VAH, Marion, Ind	1890	1930	6,646	7,648	6,515	1,759	1,417	1,287	1.0	5	1,600	1980
VAC, Mountain Home, Tenn	1903	1930	20,646	19,396	15,845	(3)	(3)	101	2.0	30	10,000	2000
VAC, Prescott, Ariz	1888	1921	8,777	10,424	8,919	(3)	(3)	61	1.0	(3)	(3)	1972
VAH, Roseburg, Oreg	1894	1932	7,748	5,556	6,389	(3)	60	296	1.0	(3)	(3)	1982
VAC, Leavenworth, Kans	1896	1930	30,907	26,380	22,657	12,050	10,567	2,321	3.0	75	36,605	1980
VAD, White City, Oreg	1951	1951	9,592	9,745	8,154	1,543	2,288	1,434	1.0	14	4,000	2000
VAC, Wood, Wis	1871	1930	34,183	34,088	23,554	5,826	1,611	9,703	7.3	(3)	(3)	1995
VAC, Bay Pines, Fla.[2]	1933	1933	7,109	9,532	8,750	1,072	339	589	1.0	16	4,200	1964
Fort Bayard, N. Mex.[2]	1866	1922	5,992	7,175	5,700	(3)	(3)	(3)	(3)	(3)	(3)	1965
VAH, Fort Meade, S. Dak.[2]	1878	1944	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	(3)	1948
VAC, Hampton, Va.[2]	1898	1930	272	109	221	(3)	62	(3)	(3)	(3)	(3)	1912
VAC, Hot Springs, S. Dak	1903	1930	1,600	915	1,008	158	60	184	.2	(3)	(3)	1966
VAH, Kerrville, Tex.[3]	1923	1943	943	739	725	(3)	69	19	.14	(3)	(3)	1957
VAC, Togus, Maine[2]	1867	1930	1,846	4,720	3,905	268	166	675	.5	10	2,100	1961
Total			581,327	568,462	516,000	60,750	53,133	58,741	62.94	344	88,737	

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[1] Not included in estimated closing date.

[2] Closed, grave sites not available.

[3] None.

Mr. Speaker, at the time of the hearings on this subject the Veterans' Administration representative referred to a VA task force that had developed some background material on the historical, factual, and statistical information relative to Federal burial and cemetery benefits for servicemen and veterans. At his request, there was inserted in the RECORD this material as exhibit B. For the information of the Members and for ready reference, the committee report incorporated this same material which is found on pages 46 through 60 of the report. Unfortunately, it is not clearly shown to be attributable to the Veterans' Administration, rather than to the committee. The executive director of the National Funeral Directors Association has recently informed me that it is their belief that some of the statistical data included in the VA exhibit may be misleading. Accordingly, I insert at this point a letter to me dated June 2, 1972, from Howard C. Raether, executive director, National Funeral Directors Association.

NATIONAL FUNERAL DIRECTORS ASSOCIATION OF THE UNITED STATES, INC.,
June 2, 1972.

Hon. OLIN E. TEAGUE,
Chairman, Committee on Veterans' Affairs, Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN TEAGUE: In the Report No. 92–1069 of the Committee on Veterans' Affairs which deals with H.R. 12674 there is the following paragraph on page 60:

"These figures indicate that the veterans' funeral expenses were substantially in line with those incurred on behalf of other deceased citizens. The rise in the average costs incurred on behalf of deceased veterans is somewhat higher than that experienced nationwide. According to the Monthly Labor Review of May 1971, the 1970 index of adult funeral services was 112.9 (based on 1967=100). This had increased to 115.9 in March 1971. Our survey reports indicates an increase of 34 percent in the same period."

The officers of our association feel that the average reader of this paragraph may be misled by it because it is our belief that an erroneous deduction is made in it. Furthermore, the paragraph is unclear as to what the period of your "recent surveys" is.

Let me take up the matter of the question first. Some who have read the above quoted paragraph and the one before it believe that your survey reports are comparing 1967 with March, 1971 statistics and that a 34% increase in the cost of funerals is reflected-therein. Others who have read these paragraphs feel that what you are saying is that the 34% increase is between 1970 and March of 1971. We feel sure that this is not what is intended. On the other hand, this is what has been read into the statistic which could be quoted and provide inaccurate information in the process.

Beyond the error of interpretation which there could be based on the manner in which the dates are given, it must be pointed out that a meaningful comparison or contrast cannot be made between the U.S. Department of Labor Index statistic and the average cost of funerals selected.

The U.S. Department of Labor Index is a continuing comparison of the same or similar funeral with the same or similar merchandise and services. The data is based on specifications spelled out in the gathering of information for the Index as to adult services. It may be of interest to you to know that using the 1967 base as 100%, the U.S. Bureau of Labor Statistics shows that as of January, 1972 the index for the cost of living as 123.2; the index for the cost of services less rent, 134.1; and, the index for adult funeral services, 119.5.

On the other hand, apparently your figures are of the expenses of a variety of funerals as selected by veterans' families. The increase in them between 1967 and 1971, if these are the dates compared in the report, was an average of 34%. This is due to the fact that the families selected and got better services and merchandise. But, during the same period, had they continued to purchase the same quality of service and merchandise they did in 1967, the increase would undoubtedly have been in the area of 16%. Only if the service and merchandise selected by veterans' families in 1967 was the same or similar to that selected in March, 1971 could an accurate comparison be made between the Bureau of Labor percentage and that which is based on the "recent surveys" referred to in the report.

Inasmuch as this measure will soon be considered by the House, and perhaps later by the Senate, we thought you and Senator Vance Hartke and a member of each of your staffs should have the explanation contained herein.

Respectfully submitted,
HOWARD C. RAETHER,
Executive Director.

Mr. TEAGUE of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this bill. However, I will not take the time of the House to repeat the reason why, which were so ably explained by the chairman of the committee.

Mr. Speaker, this measure will consolidate the administration of the various Federal cemetery systems and require the Veterans' Administration to make a comprehensive study and report to Congress on the criteria which should govern the future of the national cemetery system. Under the terms of the bill, the Veterans' Administration report is due within 30 days of the convening of the next session of Congress.

The need for national guidelines to determine the location of cemeteries to be constructed is readily apparent. No new national cemeteries have been constructed since 1950. Those already in existence are gradually being closed to further interment because they have reached their capacity. In my own State of California all of the existing national cemeteries are closed to future burials. Accordingly, I have introduced a measure calling for the establishment of a national cemetery on the grounds of Vandenberg Air Force Base. This site is centrally located and easily accessible by any conventional form of transportation from the populous areas of the State. I am hopeful that the Veterans' Administration study will result in a recommendation for a cemetery at Vandenberg Air Force Base.

Additionally, Mr. Speaker, the bill authorizes an allowance of $150 for the purchase of a burial plot in a private cemetery on behalf of any veteran not buried in a national cemetery. Since it would be highly impractical to create national cemeteries in every city in the Nation, the plot allowance offers an equitable solution for those who must necessarily be buried in private cemeteries.

I support the bill and urge that it be passed.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. BROWN).

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I wish to commend the chairman of the Veterans' Affairs Committee for developing and reporting this legislation and I again indicate my enthusiastic support of this bill to establish a national cemetery system within the Veterans' Administration. I have in recent years been privileged to work for such legislation and have testified before the Veterans' Affairs Committee, which has reported this bill.

I could cite numerous facts and figures regarding our national cemetery policy, but no amount of statistical or rhetorical analysis of the system can detract from or add to the underlying attitude of the veterans, and the public generally, toward the privilege of burial in a national cemetery.

Every veteran should have the right to burial in a national cemetery reasonably close to his home, and the conditions under which the national cemetery policy is to be established are squarely up to Congress.

Opposition in the past to any expansion of the cemetery system has basically been on two points: first that in many areas it is not feasible or financially possible to acquire the necessary land, and second that it is discriminatory to place national cemeteries where large sections of the country do not have access to them.

Both points are well taken; however, my support of the legislation being considered today has been based in part on the firm belief that we have not done enough to explore all the possible means for expanding our national cemetery system. In my testimony before the Veterans' Affairs Committee, I have advocated one possible approach, heretofore unexplored, which could, I believe, provide an opportunity to expand our national cemetery program without lavish spending proposals.

I have recommended that a survey of available Federal land be undertaken to determine what land may be available for use as national cemeteries at little or no cost to the American taxpayer. In my own Third District of Michigan, the Department of Defense has declared as excess to its needs a portion of land within the present boundaries of the Fort Custer Military Reservation and adjacent to the existing post cemetery. Development of a national cemetery there would not affect planning for further Federal, State, or private use of other portions of the military reservation.

I would also point out that the area is ideally situated midway between Detroit and Chicago and is serviced by air as well as two four-lane approaches, and numerous smaller roads connecting it with Interstate Highway I–94. Such a cemetery site would serve the thousands of eligible veterans living in the upper Midwest.

I am sure that many such sites exist across our Nation which can serve as hallowed ground and the final resting place of those who have given so much to our Nation.

The legislation being considered today will do much to provide a systematic consideration of this and other possibilities to guarantee to our veterans their right and privilege to burial in a national cemetery.

Finally, Mr. Speaker, I would be remiss if I were not at this time to bring to the attention of my colleagues in the House the untiring efforts and enthusiastic support of Mr. Ira Dodrill of Battle Creek, Mich., who is the national chairman of the Disabled American Veterans efforts to expand our national cemetery system and who has for the last five and a half years worked unceasingly to see a national cemetery become a reality at Fort Custer. Mr. Dodrill has made a special trip to Washington today to be present for, and observe, the passage of this vital legislation.

While I would say to Mr. Dodrill that passage of this bill does not insure the establishment of a national cemetery at Fort Custer, it is an essential first step, and I join with him and veterans all across our Nation in rejoicing at this most important and constructive step toward the establishment of a national cemetery system within the Veterans' Administration.

Mr. TEAGUE of California. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. ANDERSON.)

Mr. ANDERSON of Illinois. Mr. Speaker, I want to express my concern about the transfer of the American Battle Monuments Commission to the jurisdiction of the Veterans' Administration, as provided in H.R. 12674.

I certainly favor those portions of the bill that would assist the Veterans' Administration in providing benefits for veterans and their dependents and survivors by transferring to it the national cemeteries that are open for burials. However, I do feel obligated to call to the attention of the House my extreme disappointment that when this bill was being marked up in executive session that apparently an amendment was added at that time that would put the American Battle Monuments Commission under the Veterans' Administration.

When H.R. 12674 was introduced and scheduled for hearings before the House Veterans' Affairs Committee, the transfer of the American Battle Monuments Commission from its current independent status to the jurisdiction of the Veterans' Administration was not included in the bill. Nevertheless, the committee did contact the Commission, asking if the Commission wished to testify on the matter. Because the Commission was not included in the provisions of the bill at that time, members of the Commission decided that their testimony was not necessary. Subsequently the committee decided in executive session that the Commission should be included in the formation of a new National Cemeteries System. In reading the hearing record, I have discovered that the matter of transferring the Commission was mentioned only twice, and one of these was when a representative of the Veterans' Administration reiterated the administration's opposition to the transfer.

Let me quote several pertinent excerpts from the testimony of Mr. Rufus H. Wilson, Associate Deputy Administrator of Veterans' Affairs:

> Let me briefly describe the current Federal cemetery function. Four cemetery systems are managed by Federal agencies: The Department of the Army operated the National Cemetery System; the American Battle Monuments Commission operates the overseas cemeteries; the Department of the Interior, through the National Park Service, operates cemeteries in conjunction with Military and Battlefield Parks; and the Veterans Administration. We operate 24 cemeteries and burial plots of which 14 are currently open for further burials. Eligibility for burial in these VA cemeteries is generally limited to veterans who die while receiving hospital, domiciliary, or nursing home care in a Veterans Administration facility or while receiving such care at Veterans Administration expense in a non-Veterans Administration facility, or where an eligible veteran dies in the immediate vicinity of a Veterans Administration field station having a cemetery, whose body is unclaimed and whose relatives cannot be located.
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> * * * * *
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> Consolidation of national cemeteries . . . with Veterans Administration cemeteries into a single system administered by the Veterans Administration would appear logical, and we would favor such transfer of jurisdiction . . . As noted above, there are two other Federal cemetery systems. The cemeteries operated by the Department of Interior are generally closed to future burials and are in the nature of military or battlefield parks such as Gettysburg. The Congress has recognized this distinction in maintaining jurisdiction over these cemeteries in the Committee on Interior and Insular Affairs in both the House and Senate, and we agree that they should be excluded from any new National Cemetery System.
>
> The remaining system is comprised of those cemeteries, memorials and monuments under the jurisdiction of the Amrican Battle Monuments Commission. These are in the nature of historical parks or shrines and, with limited excepton, are not open for burials. They are, therefore, comparable to those cemeteries operated by the Department of Interior. Hence, the arguments which favor consolidating the administration of Federal cemeteries in which veterans and servicemen may be buried do not have equal force when applied to the overseas cemeteries operated by the American Battle Monuments Commission.

The Administrator of Veterans' Affairs, Mr. Johnson, has not changed his assessment of the proposed transfer in this bill since the conclusion of the hearings. He still maintains, as he stated in a letter to the chairman of the Committee on Veterans' Affairs, Mr. TEAGUE of Texas, that—

> These cemeteries (i.e., those of the Department of Interior and the American Battle Monuments Commission) are generally closed to future burials and are in the nature of historical parks or shrines. We agree that they shoud not be included in the new proposed consolidated system.

I understand from this bill that even though the committee decided to transfer those cemeteries under the current care of the American Battle Monuments Commission to the jurisdiction of the Veterans' Administration, it did not decide to transfer those under the Department of the Interior. Not only are these cemeteries analogous as pointed out in the testimony previously cited, but there is the added fact that inclusion of the American Battle Monuments Commission's cemeteries and memorials in a new Federal system will absolutely not address the critical problem of a shortage of available plots in these cemeteries.

The Commission's cemeteries are located on foreign soil. The only people now being buried there are those who are still being found on the battlefields of past wars. These cemeteries exist through the good graces of the governments of the countries in which they are located. Even if it were conceivable that these memorials have adequate space to accommodate veterans and their dependents to be buried in the future, it is not conceivable that any agreement to this end could be reached with the concerned foreign governments.

Additionally, I fail to see how any plan such as this will help to alleviate the problem of interring veterans at great distances from their families and friends. As has been stated, many veterans in California must now be buried in Washington State or even further away. A closed cemetery in Holland or France would certainly not solve this dilemma.

I certainly agree that action to combat this growing problem is needed in the Congress, but the act of transferring the American Battle Monuments Commission to the jurisdiction of the Veterans' Administration will have no such effect. It will most likely only decrease the efficiency and increase the operating costs of the Commission by placing it in the hierarchy of an ever-growing bureaucracy which already has numerous and critical problems to face. I am not implying that the Veterans' Administration is not doing a good job for caring for the veterans in our Nation. Its record has been and continues to be admirable, but it does not need this added burden, which it has explicitly stated it does not want.

What I am asserting is that the record of the American Battle Monuments Commission, operating on approximately $3.2 million per year, has been commendable in every respect. I had the occasion recently to look at some of the colored pictures that have been taken of all these monuments and memorials, and we can indeed be proud as Americans of the job that this Commission is doing. At this point, I would like to read from several letters which have been written to the Commission by persons who have loved ones buried in the Commission's cemeteries:

> On a recent visit to Europe and the gravesite of our son who is buried at Henri Chapelle Military Cemetery, we had the pleasure of meeting the Superintendent of this Cemetery, Bert Dewey. He met us at the train and drove us to the Cemetery. The rain and wind being rather bad, he furnished Mrs. Gettinger and I with heavy raincoats and hats for the trip . . . Mr. Dewey was unusually kind and concerned and so solicitous in regard to Mrs. Gettinger . . . Certainly, any one who visits with Mr. Dewey would have a tremendous respect not only for the man, but for the country he represents." (George D. Gettinger, Terre Haute, Ind.)
>
> I have just returned from my fifth consecutive tour of the American Military Cemeteries in France, Luxembourg and the Netherlands . . . As each year in the past, I found each of these hallowed resting places to be a thing of beauty and in magnificent

> condition . . . I wish to compliment the Battle Monuments Commission and the Superintendents . . . they may justly feel proud of their efforts." (Harold F. Mohn, Myerstown, Pa.)
>
> I had occasion . . . to visit my brother's gravesite at Margraten Cemetery in the Netherlands . . . how pleased and happy I was to see this lovely memorial. It was kept so beautiful and it shows that no one has forgotten these cemeteries. The men we talked to were very helpful and kind and seem to care very deeply about the cemetery. They took a lovely picture of my brother's cross and presented it to us. I wish I could tell all relatives of the men buried at Margraten what I saw and felt while I visited there. (Mrs. Daniel Parielis)

The testimony of these letters and hundreds like them bespeak the effectiveness and tactfulness which the American Battle Monuments Commission has brought to its sensitive tasks far better than I can in these brief moments.

To summarize, I must take objection to transferring the American Battle Monuments Commission to the VA and including it in a new Federal Cemetery System which is so critically needed for the following reasons:

First. The cemeteries operated by the Commission are closed for all practical purposes. They would not in any way alleviate the prevalent shortage of cemetery space.

Second. The cemeteries operated by the National Park Service under the Department of the Interior are essentially the same as those operated by the Commission. It would be logical to follow the course recommended by the Administrator of Veterans' Affairs and transfer neither group of cemeteries to the new system.

Third. The proposed transfer of the Commission was not adequately discussed by the Committee in hearings on this legislation, and the evidence that was presented tends to support the opposite course.

Fourth. The proposed transfer, besides doing nothing to combat the central problem of shortage, would likely reduce the efficiency and increase the costs of operating the Commission. While I recognize and agree with the public and congressional sentiment in favor of establishing a National Cemeteries System, I discern no sentiment among the majority of my colleagues or the public to move the American Battle Monuments Commission to the jurisdiction of the VA.

Mr. Speaker, I have stated earlier that I favor those sections of this bill which relate to benefits for veterans and their dependents. I again commend the committee for its work in this area, and because of the urgency of the problem, I will vote in favor of this legislation today. I do hope that before the Congress takes final action on this matter that the transfer of the American Battle Monuments Commission will be reconsidered and that the Congress will decide to let this small, dedicated group of men and women continue with their excellent, efficient, and economic work.

Mr. TEAGUE of California. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. Hammerschmidt).

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of H.R. 12674. This is a bill designed to create a national cemetery system. It would be administered by the Veterans' Administration. With very few exceptions all cemeteries created for members of the Armed Forces, veterans and their dependents would come under the system as would any that may be acquired or developed in the future. Currently, most military cemeteries are maintained and administered by the Department of the Army. Experience has shown, however, that 90 percent of the burials are of veterans and their dependents. It is more practical, therefore, to place the program under the Veterans' Administration.

For many years there has been almost no planning for future burials despite the basic entitlement to it of all honorably discharged veterans and their dependents. This bill directs the Veterans' Administration to conduct a study and submit recommendations to the next Congress. This is absolutely necessary because available burial sites are fast disappearing and a program will have to be worked out to meet the needs of the immediate future.

A plot allowance of $150 also is provided for those veterans who are buried in private cemeteries. This is an approach which should reduce the demand for burial sites in military cemeteries. Headstones or markers will continue to be available for gravesites with the responsibility of supplying them transferred to the Veterans' Administration. At present they may be obtained from the Department of the Army.

The American Battle Monuments Commission would come under the organizational framework of the Veterans' Administration. It would continue to function substantially as it has since it was created with the additional authority of maintaining certain memorials and monuments on foreign soil not now under its jurisdiction.

I consider this bill to be well conceived and very necessary if we are to fulfill our obligation to our veterans and their dependents.

Mr. TEAGUE of California. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. Scott).

Mr. SCOTT. Mr. Speaker, as a cosponsor I rise in support of H.R. 12674. This bill would establish a National Cemetery System within the Veterans' Administration. Much of the present system is administered by the Department of the Army. Of course, this came about because initially only soldiers who fell in battle or died of disease in the field and in hospitals were eligible for burial in a military cemetery. Over the years the eligibility was enlarged to include wartime veterans and their dependents with the result that at the present time fewer than 10 percent of the burials are active-duty decedents. The remaining more than 90 percent are veterans and their dependents. In view of this it is not only more appropriate, but also more expeditious to place the program under the Veterans' Administration and in so doing coordinate other smaller cemetery programs, including the one operated by the Veterans' Administration under one system.

The bill also provides for a plot allowance of $150 for those veterans who are buried in private cemeteries and the furnishing of a headstone or marker for the gravesites of all eligible veterans.

The American Battle Monument Commission would continue to administer and maintain military cemeteries, monuments, and memorials on foreign soil with the added responsibility for the maintenance of certain memorials on foreign soil not now under their jurisdiction. The Commission would operate, however, within the Veterans' Administration and under the Administrator of Veterans' Affairs.

The Veterans' Administration is directed also to conduct a study and submit recommendations to the next Congress regarding the overall program of veterans burial benefits.

I would hope this recommendation would include a provision for relief of the crowded condition at Arlington National Cemetery. One solution would be an auxiliary such as the measures I have sponsored for a cemetery at the Manassas National Battlefield Park or adjacent thereto. Our committee has had hearings on one of these bills but has taken no further action. This acute problem must be resolved.

I believe this bill represents a sound approach to a problem which is increasingly urgent and I intend to vote for it.

Mr. TEAGUE of California. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. Fish).

Mr. TEAGUE of Texas. Mr. Speaker, will the gentleman yield?

Mr. FISH. I am glad to yield to the distinguished chairman of the committee.

Mr. TEAGUE of Texas. Mr. Speaker, I would like to tell the House that the father of the gentleman from New York introduced the first bill for the unknown soldier's interment in Arlington Cemetery, and the gentleman from New York (Mr. Fish) has introduced this bill this year for a spot for the unknown soldier.

Our report says that there is no unknown soldier at this time. But what we should have said was that they really will not know until the war is over and all the missing in action are counted.

We certainly think by that time that there will be an unknown soldier.

Mr. Speaker, I congratulate the gentleman from New York for recognizing the situation and doing something about it.

Mr. FISH. I thank you very much, Mr. Chairman.

Mr. Speaker, I rise in support of the National Cemeteries Act of 1972—H.R. 12674. This legislation would revise and streamline the administration of our national cemeteries by consolidating them under the jurisdiction of the Veterans' Administration. The bill also authorizes a comprehensive study by the VA on the future development and operation of the National Cemeteries System and provides for an additional plot allowances of $150 in cases where the veteran is not buried in a national or other Federal cemetery.

I am particularly proud that the Veterans Affairs Committee has incorporated into their omnibus measure, legislation which I originally introduced as House Joint Resolution 609. My bill, now section 9 of H.R. 12674, would authorize the interment of an unknown soldier from the Vietnam war in the Arlington National Cemetery.

Over 51 years ago, on December 21, 1920, my father, Hamilton Fish, Sr., introduced a similar measure in the House of Representatives. The adoption of my father's resolutions resulted in the creation of the Tomb of the Unknown Soldier, a revered national shrine. Since that time, unknown casualties of both World War II and Korea have joined their comrade of World War I, and are similarly enshrined near the tomb of Arlington. I introduced my resolution at the urging and with the support of my father, who at the age of 83 continues to be very active on behalf of our Nation's 28 million veterans.

Mr. Speaker, I strongly believe that this is a most appropriate way to commemorate the sacrifices made by American servicemen in Vietnam. We all know that the Vietnam war is uniquely different from those which preceded it. It has, perhaps, mustered a lower level of public support than any other war in our country's history. But we cannot permit these political facts to obscure the equally real sacrifices made by the 2.5 million young men who have served in Southeast Asia.

This tragic war has resulted in over 50,000 dead and well over a quarter of a million wounded. Through the adoption of this legislation, Congress can demonstrate that, despite diverging opinions on the wisdom of this conflict, that the personal sacrifices of these boys and their families will not be forgotten.

Section 9 provides that the implementation of this provision will take place after the United States has concluded its participation in hostilities in Southeast Asia. The proposal has the expressed public support of the Department of Defense, specifically the Department of the Army, and the Office of Management and Budget. Numerous veterans organizations have also expressed their strong support, including: the American Legion, the Veterans of Foreign Wars, the Catholic War Veterans, the Blinded Veterans Association, the Military Order of the World Wars, the Military Order of the Purple Heart, the Fleet Reserve Association, the Marine Corps League, the Reserve Officers Association of the United States and the Congressional Medal of Honor Society.

In conclusion, I want to express my deep appreciation to chairman Olin E. Teague of the Veterans' Affairs Committee, for his courtesy and assistance regarding the Vietnam Unknown Soldier legislation. I also want to congratulate the chairman and the entire membership of the Veterans' Affairs Committee for their excellent work on the national cemeteries bill. It deserves the overwhelming support of the House of Representatives and I urge all my colleagues to vote accordingly.

Mr. TEAGUE of California. Mr. Speaker, I yield the balance of the time remaining to the gentleman from Pennsylvania (Mr. Saylor).

Mr. SAYLOR. Mr. Speaker, for too many years, this Nation has had little if any policy on the future of national cemeteries and burial benefits for the Nation's veterans. If any policy has emerged, it has been a dictum of sorts laid down years ago by the agency that preceded OMB, the Bureau of the Budget—"We are opposed to any expansion of the national cemetery system."

Under this mandate, and despite the fact that all of the Nation's 28 million veterans are entitled by law to burial in a national cemetery, the national cemetery system is rapidly phasing out. Of the 84 national cemeteries operated by the Department of the Army, 39 are closed to further burials. Only 13 of the remaining 42 active cemeteries will be open for interments in the year 2000. Many areas of the Nation have no national cemetery. In California, for example, all of the national cemeteries are closed and deceased veterans who had expressed a desire to be buried in a national cemetery must be interred in Willamette at Portland Oreg., or even further from the home of his survivors.

Mr. Speaker, the bill before this body today, H.R. 12674, represents the first step in creating a national policy on cemeteries and burial benefits for veterans. It will vest the Veterans' Administration with administrative responsibility for the operation of most of the cemeteries maintained by the Federal Government. The bill requires the Veterans' Administration to make an indepth study and report to Congress on the criteria which should govern the future of the national cemetery system. Finally, Mr. Speaker, the bill will provide a burial plot allowance of $150, to be paid on behalf of any veteran not interred in a national cemetery.

There are several agencies presently administering a Federal cemetery program. The Department of the Army administers the national cemetery system. The military services also administer the many military post cemeteries throughout the Nation. The Veterans' Administration operates several burial grounds adjacent to Veterans' Administration hospitals. The American Battle Monuments Commission maintains the overseas cemeteries on foreign soil, all of which are closed. The Interior Department operates a group of cemeteries located in national parks. All of these systems, under the terms of the bill, with the exception of cemeteries operated by the Interior Department, would be transferred to the Veterans' Administration. Since approximately 90 percent of the interments in national cemeteries are those of veterans, it seems logical that the Veterans' Administration should operate the new system. Because cemeteries of the Interior Department are located within the boundaries of national parks, it appears equally logical that national park personnel should continue to be responsible for maintaining these grounds.

Mr. Speaker, with approximately 1 million grave sites available for 28 million eligible veterans, it would be virtually impossible to provide sufficient national cemetery grave sites equitably dispersed geographically to care for this need. It is also true that all veterans do not wish to be interred in national cemeteries. The $150 burial plot allowance, which would be payable in additional to the existing statutory burial plot allowance, would permit the next of kin of those veterans not buried in national cemeteries to purchase burial space in private cemeteries near their homes.

Mr. Speaker, this is necessary legislation and I urge that it be passed.

Mr. HILLIS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Speaker, I thank the gentleman for yielding and commend him on the fine statement he has made on this important bill.

Mr. Speaker, today I rise to support H.R. 12674, the National Cemeteries Act of 1972.

I had the honor of being a cosponsor of this measure and would certainly like to take this time to commend the chairman of our Veterans' Affairs Committee, the Honorable Olin Teague of Texas, for his handling of this matter.

This measure will put the National Cemetery System under the jurisdiction of the Veterans' Administration.

At the present time such cemeteries as Arlington National, are under the jurisdiction of the Department of the Army.

This measure will also give the VA the needed funds to operate and maintain this cemetery system.

The VA will provide grade markers and headstones for the graves.

This legislation also provides for the burial of a Vietnam unknown soldier in Arlington National Cemetery. Mr. Speaker, I have spoken of this many times in my congressional district, and find that there is great support among my constituents for this type of project.

During the past few years we have had many inquiries and proposals regarding the development of the National Cemetery system. This bill will direct the VA Administrator to conduct a comprehensive study and submit his recommendations to the 93d Congress concerning the criteria which should govern the development and operation of the National Cemetery System including the concept of regional cemeteries.

Mr. Speaker, I urge that this bill be passed by this 92d Congress.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to my colleague, the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Speaker, I was remiss in commending only the gentleman from Texas, the chairman of the Veterans' Affairs Committee, for his fine work in developing this veterans' legislation. I should also in my earlier remarks have commended the gentleman in the well, the ranking minority member, the gentleman from Pennsylvania, for his work also. I know the gentleman was always present in the development of this legislation, and certainly my commendation and congratulations go to the gentleman from Pennsylvania also.

Mr. SAYLOR. I thank the gentleman from Michigan. I might say this work was begun when the gentleman from Texas, Mr. Rutherford was on the committee. We have attempted to continue his work.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, is there anything in this proposed legislation that would limit the amount of space that any one individual may be allocated in Arlington Cemetery?

Mr. SAYLOR. No, there is nothing in this bill that would limit the amount of space, but in any case, Arlington is filling so rapidly those eligible now under the statute will be lucky to get one burial plot.

Mr. GROSS. In other words, the spouse and other dependent members of the ordinary family will, in the future, have to be buried in tiers rather than in separate spaces. Is that correct?

Mr. SAYLOR. That is correct.

Mr. GROSS. But there is still nothing to limit certain individuals from getting all the space in Arlington Cemetery that their families might desire. Is that correct?

Mr. SAYLOR. There is nothing at the present time. I am hoping when the Veterans' Administration gives their survey to the Congress that this matter will be covered.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I take this opportunity to commend the gentleman from Pennsylvania for his stand on this matter. As the gentleman knows, we are vitally interested in southern New Jersey in obtaining some additional land for the Beverly National Cemetery. For a number of years the Beverly Cemetery has been closed out except for the families now occupying some of the spaces. The Congressman from New Jersey (Mr. Roe) and I have a bill in that would have somebody find some additional land in the vicinity of Beverly for the purpose of enlarging our cemetery.

Mr. Speaker, I thank the gentleman for his assistance in that matter.

Mr. GROSS. Mr. Speaker, would the gentleman yield for one further question?

Mr. TEAGUE of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, is there any plan to claim any portion of the burial space in Arlington Cemetery that was wrongfully allocated because it is far beyond any conscionable need and will deprive veterans of final resting places there?

Mr. TEAGUE of Texas. So far as I know, there is none.

Mr. GROSS. I thank the gentleman.

Mr. MILLER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Speaker, I support H.R. 12674, the National Cemeteries Act of 1972, and urge its passage.

It is widely recognized that the various Federal cemetery systems are fragmented in site locations, administratively complex, inadequate to handle eligible interments, and inequitable in the treatment of the Nation's veterans. The fact that since 1967 Arlington National Cemetery has been closed for veteran burials, except for certain "VIP" classifications, has brought the whole problem to national attention.

Additionally, it has been obvious that the present meager $250 allowance for burial and funeral expenses, which has not been increased since 1958, is totally inadequate in reducing current demands for burials in national cemeteries and encouraging more local burials. I believe the committee has done a commendable job in setting forth a basic restructuring of the national cemeteries system and creating a more rational and equitable policy with respect to the rights of servicemen and veterans who have fought for and served this Nation.

H.R. 12674 provides for a consolidation of cemeteries into one system under the jurisdiction of the Veterans' Administration. In that 90 percent of the interments in national cemeteries are veterans and their dependents, the VA is the most logical and appropriate administering agency.

The bill also increases the burial allowance to $400 for veterans not buried in a national cemetery, and perhaps most important to a permanent resolution to the overall problem directs the VA to conduct a comprehensive survey and make recommendations early next year for the development and operation of a national cemetery system including the concept of regional cemeteries.

H.R. 12674 is landmark legislation and requires prompt consideration and approval by the Congress.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from Texas (Mr. Gonzalez).

Mr. GONZALEZ. Mr. Speaker, I thank the distinguished gentleman, my colleague from Texas.

Mr. Speaker, I would like to ask the distinguished gentleman a question. As the gentleman knows, I represent an area that contains, not even with the exception of Arlington, no more historical or no more hallowed ground for veterans and soldiers than Fort Sam Houston National Burial Park in San Antonio. We have had a problem I have discussed with the gentleman. The question I have is, There is nothing in this proposed legislation that would preclude Fort Sam Houston National Cemetery from continuing as such?

Mr. TEAGUE of Texas. There is not.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman from Texas.

Mr. Speaker, I am concerned about the Fort Sam Houston National Cemetery because it represents a unique case. Expansion of this cemetery has been barred because of the existing freeze policy. Yet Government-owned land exists for this expansion, and in fact use of this land—some 15 or more acres—has long been intended for cemetery purposes. Ironically, it would cost the Government nothing to acquire land enough to keep this cemetery in operation for many more years, beyond the projected closing date of 1977. Therefore, I am heartened by the gentleman's assurance that this bill is designed to permit the continued operation of this cemetery.

I believe that the Fort Sam Houston National Cemetery should be expanded. Its expansion would provide burial space for veterans at a cost less than would be possible through any other means, since the planned expansion would involve the use of land already owned by the Government and designated for cemetery use. It is only an accident that the freeze policy, which was intended to remedy a problem wholly unrelated to the case at Fort Sam Houston, happened to affect it.

Mr. ANDERSON of California. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Speaker, the American Battle Monuments Commission presently administers and maintains the American military cemeteries, monuments, and memorials on foreign soil.

The bill before us continues the American Battle Monuments Commission. However, the commission is transferred to the jurisdiction of the Veterans' Administration.

Some citizens, knowing the excellent work of the Commission, have expressed a very real concern that the proposed transfer will result in a deterioration of the American cemeteries on foreign soil.

For example, Mr. Speaker, let me read you a letter from a constituent of mine whose son is buried in Margraten, Holland. She writes:

> I have learned that the House Veterans Affairs Committee has placed a provision in the National Cemetery Bill (H.R. 12674) that would reassign the American Battle Monuments Commission to the control of the Veterans Administration in lieu of its present position of reporting directly to the President of the United States.
>
> I am unalterably opposed to the inclusion of the American Battle Monuments Commission in this bill and believe it is not in the best interests of our country. I ask that you vote against this provision.
>
> I have visited the American Military Cemetery in Margraten, Holland, where my son is buried. It is comforting to know what our government is doing in giving perpetual care, and the good job the American Battle Monument Commission is doing. To change anything that would place this program in jeopardy would be a grievous mistake. I therefore ask your support in maintaining the American Battle Monuments Commission under its present direction.
>
> Sincerely,
>
> J. Helene Murphy.

I certainly agree with Mrs. Murphy that we should not take any action which would jeopardize the American Battle Monuments Commission.

Can the gentleman give her any assurance that the excellent work of the Commission will be continued?

Mr. TEAGUE of Texas. This bill expands the authority of the Battle Monuments Commission. It takes nothing from it. The members will be appointed by the President, as they have been in the past.

This merely brings the whole cemetery system a little closer together. I cannot feature the Battle Monuments Commission being harmed in any way, shape, or form.

Mr. ANDERSON of California. So, in effect, there would be no change to the detriment of the system so ably administered by the Battle Monuments Commission?

Mr. TEAGUE of Texas. In my opinion there would be no change in that way.

Mr. ANDERSON of California. I thank the gentleman.

Mr. MIZELL. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of Texas. I yield to the gentleman from North Carolina.

Mr. MIZELL. I thank the gentleman for yielding.

Mr. Speaker, I rise at this time to offer a word of support for the National Cemeteries Act of 1972.

As I have said on many occasions, in this Chamber and elsewhere, there is no group of citizens more worthy of our consideration and assistance than the veterans of our armed services, and I am happy to see that several excellent provisions have been included in this legislation which we are considering today.

One of the provisions I am particularly gratified to see is that section authorizing a special plot allowance of $150, in addition to the present allowance for burial and funeral expenses of $250, payable in cases in which veterans are not buried in a national or other Federal cemetery.

As all of my colleagues know, many of our national cemeteries are approaching capacity, and the families of veterans are having to turn increasingly to private facilities, causing substantial additional expense. This additional payment will greatly help these families.

The other provisions, which have been discussed in detail here today, are also generous measures designed to insure that the honor the American veteran earned in life is maintained after his passing.

More than a century has passed since President Lincoln first issued the great national commitment "to care for him who shall have borne the battle, and for his widow and his orphan." I am gratified to see that this Congress is still dedicated to that commitment, still trying to enlarge and strengthen it, as this legislation surely does.

Mr. ANDERSON of California. Mr. Speaker, I rise in support of H.R. 12674, the National Cemeteries Act of 1972.

Across the country, veterans are being denied their right to burial in national cemeteries of their choosing.

In California, the problem is especially acute. There are over 3.1 million veterans in California and approximately 2 million in southern California.

But, what facilities do we have for those who wish to be buried in a national cemetery?

In the San Diego area, there is Fort Rosecrans, a national cemetery operated by the Department of the Army. This facility was closed to further development in 1967.

In northern California, there is the Golden Gate National Cemetery located in San Bruno, and the national cemetery at the Presidio of San Francisco. According to the Veterans' Administration, the cemetery at San Bruno was closed in 1967, and the cemetery at the Presidio was closed in 1962.

The only remaining cemetery is located in Los Angeles at the Wadsworth Veterans Center. This facility is expected to close for further development in 1975. But, presently, it does not meet the needs of the area. In fact, Mr. Rufus Wilson, Associate Deputy Administrator of Veterans Affairs, testified that "with some few exceptions, the only people buried in Sawtelle—Wadsworth—are those who died in the VA hospital there."

Mr. Speaker, this does not meet the needs of those veterans in the Los Angeles area who served honorably, and would like to be buried in a national cemetery within a reasonable distance of their families.

I am shocked by reports that California veterans, who wish to be interred in a national cemetery, are being buried as far away as Portland, Oreg., or Santa Fe, N. Mex.

In order to provide for the establishment of a national cemetery in Los Angeles County, I introduced H.R. 11465. After the tragic earthquake of February 1971, which demolished the Olive View Veterans Hospital in the San Fernando Valley, I had hoped that the VA would establish a cemetery at that 94-acre site. However, the land was transferred to the county of Los Angeles for the purpose of building a park.

The bill before us today, H.R. 12674, would undertake a revision in the cemetery program by consolidating all Department of the Army, military post, and Veterans' Administration cemeteries under a national cemetery system within the Veterans' Administration. This adjustment is necessary to eliminate the confusing and uncertain conditions presently associated with the national cemetery program.

In addition, this proposal directs the Administrator of Veterans' Affairs to conduct a comprehensive study and submit his recommendations to the 93d Congress within 30 days after convening. This study will focus upon, first, the criteria which should govern the development and operation of the national cemetery system. Second, it would study the relationship of the national cemetery system to other burial benefits provided by the Federal Government to servicemen and veterans. Third, this study will spell out the steps to be taken to carry out the recommendations.

An important provision of the bill would prevent the VA from transferring any real property to any other agency without the approval of the Congress.

In order to help the widow and the family of a veteran meet the expenses of a funeral and burial, a special plot allowance of $150—in addition to the present allowance of $250—is payable in any case in which the veteran is not buried in a national cemetery.

Mr. Speaker, I commend the chairman of the Veterans' Affairs Committee, Mr. TEAGUE, for his sincere concern for the problems in this area, and for his willingness to come to grips with the many deficiencies inherent in the system as it is presently constituted.

I feel that the proposal, H.R. 12674, is a major step toward shaping the framework of a Federal cemetery policy that will be in the best interests of the Nation's veterans and their families.

Finally, Mr. Speaker, I will continue to keep in close contact with the VA in order to develop a program which will alleviate the problems in the southern California area by establishing a national cemetery in Los Angeles County.

I urge my colleagues to join me in supporting the passage of H.R. 12674, the National Cemeteries Act of 1972.

Mr. BURKE of Florida. Mr. Speaker, I rise in support of H.R. 12674, the National Cemeteries Act. I do so in spite of the fact that the Veterans' Administration recommended against favorable consideration of my two bills, H.R. 9984, which would establish a national cemetery in Broward or Dade County, Fla., and H.R. 10027, which would establish a national cemetery elsewhere in the State of Florida.

The Veterans' Administration objected to my bills on the basis that until the policy with respect to the future of the National Cemetery System has been resolved, it is premature to consider any measure proposing the expansion of that system.

In fairness, our national cemetery program was not originally planned. Federal agencies and officials did not originally grant the right of burial in a national cemetery to all who served honorably in the Armed Forces. There was no assessment of the total impact of isolated policy decisions to embrace the many categories of decedents among those now eligible for burial. In fact, no action was ever taken at the final decision level to provide, on a continuing basis, the resources needed even to implement the law.

At last some action is being taken to place the various Federal cemeteries such as post cemeteries of garrisons, Veterans' Administration cemeteries, and Army National Cemeteries, under the jurisdiction of one Federal agency; namely, the Veterans' Administration.

Originally the purpose of Federal cemeteries was simple. Post cemeteries were used to bury the dead at isolated military posts. Veterans cemeteries served the National Homes for Disabled Volunteer Soldiers that cared for the veterans disabled by the war, and national cemeteries were intended for soldiers of the United States who died in battle or of disease in the field of combat.

Many changes have occurred, however, since the 1800's when these cemeteries first were established. A study in the 87th Congress showed that fewer than 10 percent of the persons buried in national cemeteries were active-duty soldiers and their families. Instead more than 90 percent of the burials were veterans and their dependents. Further, about 83 percent of those interred lived within 50 miles of the cemeteries of their burial, indicating a close relationship between proximity and the use made of national cemeteries. Again, about 83 percent of all burials regularly occur in 11 national cemeteries near large cities.

This inequitable distribution of existing cemeteries, the wide variation in the size of installations, the heavy concentrations of workload in a comparatively small number of cemeteries, and the disparity between the number of persons now eligible for burial, and the availability of gravesites is a grave injustice to most veterans and their families.

Florida, as you know, is an attractive place for our citizens to retire. Many retired military, as well as veterans of either World War I or World War II, have found their way to Florida to live out the remainder of their lives. The mild climate and the casual style of living eases the weight of time. For many, the most important thing they want to be remembered for is their service to their country in the military. The part of those that served in the military in securing liberty and a democratic way of life for themselves, and all other citizens of our country, is the memory they cherish most. I feel it is only fitting that national cemeteries be made available to them in recognition of the valor of their deeds. Further, I feel it is important that these cemeteries be located as close as possible to the residents of the family to honor them in death for their service to our country.

At the present time the only national cemetery in Florida is Barrancas National Cemetery in Warrington, Fla. This cemetery has only 777 available gravesites, while the projected deaths of veterans in Florida in fiscal year 1972 is 11,000. Further, the projected cumulative number of veteran deaths in Florida by the fiscal year 2000, according to the Veterans' Administration, is 743,000. Certainly, a meager 777 gravesites is woefully inadequate to meet present demands, and only a token for the future.

In addition, the present national cemetery is located in the Florida panhandle which is approximately 650 miles northwest of the area I represent. This puts it too far away for many of my constituents who would like to be interred in a national cemetery. Broward County, Fla., which I represent is one of the three fastest growing counties in the United States, according to the 1970 U.S. census. Much of the increase, as I indicated above, is due to the influx of retired persons, many of whom are veterans. There are more than 204,400 veterans in Dade County, and more than 84,800 in Broward County.

The legislation before us today, H.R. 12674, the National Cemeteries Act of 1972, will direct that the Administrator of the Veterans' Administration conduct a comprehensive study and submit his recommendations to the 93d Congress concerning the criteria which should govern the development and operation of the national cemetery system. Included in this study will be the concept of regional cemeteries, the relationship between that system and other burial benefits provided servicemen and veterans, and the steps to be taken to conform the existing system to the recommended criteria.

If all veterans are to have equal access to national cemeteries as they should have, then it is time we took cognizance of the fact that although initial legislation provided for the burial in national cemeteries of only those soldiers who died on active duty, eligibility has been extended since then to approximately 28 million veterans and some of their dependents. For this reason, these cemeteries should be consolidated under the Veterans' Administration since it is estimated that 90 percent of the total interments in national cemeteries are veterans and their dependents. The additional costs created by H.R. 12674, above the customary expenses of administering and maintaining the cemeteries, are those incidental to the transfer of records and personnel, and costs incurred by providing for burial plot allowances which would result in a first-year cost of $39.6 million, and a total first 5-year cost of $217.5 million.

I strongly favor this legislation because I feel that it moves us toward implementation of the Federal Government's obligations to provide national cemeteries for our veterans who wish to be buried in them.

Mr. DONOHUE. Mr. Speaker, I most earnestly hope that this House will promptly and overwhelmingly approve this measure now before us, H.R. 12674, the National Cemeteries Act of 1972.

In substance this measure provides for the transfer, to the Veterans' Administration, of the responsibility for adminstration of practically all Federal cemetery activity; authorizes a plot allowance of $150, in addition to the present allowance for burial and funeral expenses in any case in which a veteran is not buried in a national or other Federal cemetery; and extends authority to the Veterans' Administration to provide, upon request, a headstone or marker for unmarked veterans' graves. The bill further directs the Veterans' Administration to conduct a study and submit recommendations to the Congress, very shortly after the opening of the 93d Congress, concerning methods to improve the operation of the national cemetery system, including the concept of regional cemeteries, the relationship of the new cemetery system to other veterans' and servicemen's burial benefits, and the steps necessary to expedite the conformity of the present system to the new system.

Mr. Speaker, the recommendations contained in this bill for increased assistance to families in the overall burial expenses of a veteran and the projection of the establishment of regional cemeteries, particularly in our New England area where we have long advocated such establishment, are timely and unquestionably in the national interest. In substance and in projection the wholesome improvements, affecting our veterans and servicemen, contained in this measure are long overdue and I believe they merit the resounding approval of the House.

Mr. CONTE. Mr. Speaker, having introduced similar legislation in both the 91st and 92d Congresses, I want to express my wholehearted support of H.R. 12674, which would establish a National Cemetery System under the administrative control of the Veterans' Administration.

As I pointed out in early 1969 when I first introduced legislation on this subject, since 1966, uncommitted gravesites at seven national cemeteries have been exhausted. I am sure that this situation has grown worse in the intervening 3 years. Moreover, the Department of the Army at one time estimated that an additional 21 national cemeteries will become inactive by 1975.

This increasing scarcity of gravesites amply demonstrates the need for the comprehensive program of administration and expansion that this bill would provide. Important in this regard is a provision of the bill directing the Administrator of Veterans' Affairs to submit recommendations to the 93d Congress regarding the development and further expansion of the cemetery system.

I also applaud the authorization of a special plot allowance of $150 for the burial of a veteran in a place not designated as a national or other Federal cemetery. Hopefully the enactment of this provision will help ease the currently unmanageable demand for burials in existing national cemeteries.

I have been attempting since 1965 to have a national cemetery established in New England. Passage of this legislation is a necessary first step for the reassessment of the need for additional cemeteries not only in New England but throughout the Nation as well. I urge its enactment.

Thank you, Mr. Speaker.

Mr. CLEVELAND. Mr. Speaker, today we are considering a bill which will, if passed, benefit thousands of young men and women who have sacrificed some of the best years of their lives, and some their lives, for their country. H.R. 12674, the National Cemeteries Act of 1972, not only brings the national cemetery system under the Veterans' Administation, but it requires the Director of Veterans' Affairs to conduct a comprehensive study of the system and submit a report to the 93d Congress.

This study will include the criteria which should govern the development and operation of the national cemetery system, including the concept of regional cemeteries; the relationship of the National Cemetery System to other burial benefits provided by the Federal Government to veterans; and the steps to be taken to conform the existing system to the recommended criteria.

The study is important at this time because it is a possible first step in the revision and expansion of the system. We are all aware that our national cemetery system is woefully inadequate. Many of the cemeteries are filled to capacity, while many more are rapidly approaching that state. In addition, many areas of the country have no facilities at all convenient for veterans.

Mr. Speaker, this is especially true of New England. For many years I have sponsored legislation to establish a national cemetery in this area of our country. Arlington, Va. is still the closest place where there is any space available for those who has served their country from New England. Even there, however, the space is severely limited with the remaining gravesites reserved for long-term veterans or those who have died in Vietnam.

But even if there were more space available in Arlington, it would be a hardship on the friends and relatives of a deceased veteran to require them to travel hundreds of miles to visit the gravesite and to pay their proper respects. This in effect is denying our veterans a right which has been granted them and leaves unfulfilled a promise that our Nation has made to those who have fought for her.

It is my hope that the study provided for in this bill today will recommend the establishment of more national cemeteries. Something should be done to provide our veterans with the burial so many desire and all deserve; in a place of honor, a national cemetery.

Another important part of this bill is the provision for a special $150 plot allowance for veterans who either cannot or do not wish to be buried in national cemeteries. The rising cost of burial expenses makes this addition to the $250 reimbursement allowance for burial and funeral expenses a necessary and humane step. This is especially true in light of the crisis in the national cemetery system.

It is for these reasons that I support the National Cemetery Act of 1972 and urge my colleagues to vote for it.

Mr. LONG of Maryland. Mr. Speaker, I rise in support of H.R. 12674, the National Cemeteries Act.

In Maryland, there is no space available in national cemeteries. California and New England face the same problem. Within 10 years, there will be no more space available in 17 out of the 50 veterans' cemeteries now open in the United States. Veterans in these areas will have to be transported to other States in order to be buried in a national cemetery.

The Veterans' Administration pays $250 toward burial of a veteran in a private cemetery, but this amount rarely covers the cost of a private burial. Our veterans deserve a fairer deal.

This legislation will show America's appreciation to those deserving men who served in our Armed Forces. I urge my colleagues to support the bill.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in strong support of H.R. 12674, the National Cemeteries Act of 1972. This bill is long overdue and I am confident it will receive our overwhelming endorsement.

I believe the Veterans' Affairs Committee has been able to develop a realistic, effective bill that permits us to rapidly resolve the problems facing our national cemetery system.

Many people are not aware that for each available burial plot in a national cemetery, there are more than 100 eligible veterans. This does not even include eligible dependents.

The value of the legislation we have before us is in its dual approach to this growing problem. First, it requires an in-depth, comprehensive analysis to be made of the cemetery system which will permit a complete evaluation of the criteria which should govern the development and operation of the national cemetery system.

In addition, the bill provides for a needed increase in the burial allowance. This $150 plot allowance—in addition to the present allowance for burial and funeral expenses of $250—is payable in any case in which the veteran is not buried in a Federal cemetery. This amount more fully reflects modern burial costs.

I am convinced that any study of the existing cemeteries will clearly show the need to expand the system. No additions have been made in over 20 years and over two-thirds of the existing facilities are products of the Civil War.

During the study authorized by the bill we are considering, I will, or get the VA to look into the feasibility of creating a new national cemetery in the Redwood empire of California. It would be particularly appropriate, in my judgment, that a sacred resting grounds for our veterans be located in or near the cathedral-like Redwood groves of the Redwood National Park.

I have discussed the question of a new national cemetery in northern California as well as the issue of modernization of the national cemetery system with many, many members of veterans groups in my congressional district. They have been unanimous in support of the concepts embodied in H.R. 12674.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter on the bill H.R. 12674.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE of Texas. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. TEAGUE) that the House suspend the rules and pass the bill H.R. 12674, as amended.

The question was taken.

Mr. SAYLOR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 312, nays 4, not voting 116, as follows:

[Roll No. 186]

YEAS—312

Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blatnik
Boggs
Bolling
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Chamberlain
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Corman
Cotter
Coughlin
Culver
Daniel, Va.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Griffiths
Gross
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Landrum
Latta
Lennon
Lent
Link
Long, Md.
McClure
McCollister
McCormack
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Morgan
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
Patten
Pelly
Perkins
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Rees
Reid
Reuss
Riegle
Roberts
Robison, N.Y.
Roe
Rogers
Roncallio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Ruth
Ryan
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Ware
Whalen
White
Whitehurst
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—4

Bray
Crane
Evins, Tenn.
Wiggins

NOT VOTING—116

Abbitt
Abernethy
Abourezk
Abzug
Alexander
Anderson, Tenn.
Andrews, N. Dak.
Ashbrook
Baring
Belcher
Bell
Bingham
Blanton
Boland
Bow
Burton
Caffery
Camp
Cederberg
Celler
Chappell
Chisholm
Clancy
Clark
Clawson, Del
Clay
Collins, Ill.
Conte
Conyers
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Dellums
Diggs
Dow
Dowdy
Dulski
Edmondson
Eshleman
Flowers
Frelinghuysen
Galifianakis
Gallagher
Gibbons
Green, Oreg.
Griffin
Grover
Gubser
Gude
Hagan
Halpern
Hanna
Hawkins
Helstoski
Holifield
Jonas
Kyros
Landgrebe
Leggett
Lloyd
Long, La.
Lujan
McClory
McCloskey
McCulloch

McKinney
McMillan
Macdonald, Mass.
Madden
Miller, Calif.
Mink
Minshall
Moorhead
Moss
Murphy, N.Y.
Nix
O'Konski
O'Neill
Passman
Patman
Pepper
Pettis
Podell
Pryor, Ark.
Railsback
Rangel
Rhodes
Robinson, Va.
Rodino
Rooney, N.Y.
Rousselot
Roybal
Runnels
Ruppe
St Germain
Sarbanes
Scheuer
Schmitz
Shipley
Shoup
Smith, N.Y.
Springer
Stokes
Stubblefield
Stuckey
Tiernan
Van Deerlin
Veysey
Waldie
Whalley
Whitten
Widnall
Wilson, Bob
Wilson, Charles H.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Shipley with Mr. Cederberg.

Mr. Tiernan with Mr. Andrews of North Dakota.

Mr. Boland with Mr. Conte.

Mr. Rooney of New York with Mr. Bow.

Mr. Daniels of New Jersey with Mr. Railsback.

Mr. Hanna with Mr. Ruppe.

Mr. Miller of California with Mr. Bell.

Mr. Celler with Mr. Halpern.

Mr. Murphy of New York with Mr. Grover.

Mr. Pepper with Mr. Clancy.

Mr. Gibbons with Mr. McKinney.

Mr. Rangel with Mr. Waldie.

Mrs. Abzug with Mr. Diggs.

Mr. Alexander with Mr. Lloyd.

Mr. Holifield with Mr. Pettis.

Mr. Conyers with Mr. Helstoski.

Mrs. Green of Oregon with Mr. Lujan.

Mr. St Germain with Mr. Davis of Wisconsin.

Mr. O'Neill with Mr. McCloskey.

Mr. Podell with Mr. Eshleman.

Mr. Dellums with Mr. Scheuer.

Mr. Dow with Mr. Stokes.

Mr. Dulski with Mr. Gerald R. Ford.

Mr. Galifianakis with Mr. Collins of Illinois.

Mrs. Chisholm with Mr. Rodino.

Mr. Gallagher with Mr. O'Konski.

Mr. Burton with Mr. Nix.

Mr. Clark with Mr. Whalley.

Mr. Edmondson with Mr. Belcher.

Mr. Moss with Mr. Shoup.

Mr. Moorhead with Mr. Smith of New York.

Mr. Macdonald of Massachusetts with Mr. Springer.

Mr. Kyros with Mr. Ashbrook.

Mr. Leggett with Mr. Gubser.

Mr. Minshall with Mr. Runnels.

Mr. Hagan with Mr. Robinson of Virginia.

Mr. Abbitt with Mr. Whitten.

Mr. Curlin with Mr. Baring.

Mr. Davis of Georgia with Mr. Pryor of Arkansas.

Mr. McMillan with Mr. Stubblefield.

Mr. Sarbanes with Mr. Hawkins.

Mr. Abourezk with Mr. Camp.

Mr. Roybal with Mr. Clay.

Mr. Van Deerlin with Mr. Madden.

Mr. Caffery with Mr. Anderson of Tennessee.

Mr. Abernethy with Mr. Long of Louisiana.

Mr. Bingham with Mr. Blanton.

Mr. Chappell with Mr. Danielson.

Mr. Griffin with Mr. Stuckey.

Mrs. Mink with Mr. Charles H. Wilson.

Mr. Rousselot with Mr. Passman.

Mr. Flowers with Mr. Del Clawson.

Mr. Patman with Mr. McCulloch.

Mr. Frelinghuysen with Mr. Schmitz.

Mr. Rhodes with Mr. Landgrebe.

Mr. Gude with Mr. Jonas.

Mr. Widnall with Mr. McClory.

Mr. Coughlin with Mr. Bob Wilson.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 7117, TO AMEND THE FISHERMEN'S PROTECTIVE ACT OF 1967

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7117) to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? The Chair hears none, and appoints the following conferees: Messrs. Garmatz, Dingell, and Pelly.

NORTH PACIFIC FISHERIES ACT

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 9501) to amend the North Pacific Fisheries Act of 1954, and for other purposes, as amended.

The Clerk read as follows:

H.R. 9501

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—AMENDMENT OF THE NORTH PACIFIC FISHERIES ACT OF 1954

Sec. 101. The North Pacific Fisheries Act of 1954 (hereinafter in this title referred to as the "Act") is amended by redesignating section 7 as section 8 and by inserting immediately after section 6 the following new section:

"Sec. 7. The Secretary of Commerce is authorized and directed to administer and enforce all the provisions of the Convention, this Act, and regulations issued pursuant thereto, except to the extent otherwise provided for in this Act. In carrying out such functions he is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this Act, and, with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the government of any party to the Convention. He shall adopt such regulations on consultation with the United States Section and they shall apply only to stocks of fish in the Convention area north of the parallel of north latitude of 48 degrees and 30 minutes. No such regulations shall apply in the Convention area south of the 49th parallel of north latitude with respect to sockeye salmon (Oncorhynchus nerka) or pink salmon (Oncorhynchus gorbuscha).".

Sec. 102. Section 8 of the Act as amended—

(1) by redesignating such section as section 9;

(2) by redesignating subsections (a), (b), (c), and (d), as subsections (b), (c), (d), and (e), respectively;

(3) by striking out "subsection (a)" each place it appears in subsections (c), (d), and (e), as so redesignated by paragraph (1) of this section, and inserting in lieu thereof at each such place "subsection (b)"; and

(4) by inserting immediately after "Sec. 9.", as so redesignated by paragraph (1) of this section, the following new subsection:

"(a) Enforcement activities under the provisions of this Act relating to vessels engaged in fishing and subject to the jurisdiction of the United States shall be primarily the responsibility of the Secretary of the Department in which the Coast Guard is operating, in cooperation with the Secretary of Commerce. The Secretary of the Department in which the Coast Guard is operating, with the concurrence of the Secretary of Commerce and the Secretary of State, is authorized to adopt such regulations as may be necessary to provide for procedures and methods of enforcement pursuant to articles 9 and 10 of the Convention.".

Sec. 103. Section 9 of the Act is redesignated as subsection (f) of section 9, as so redesignated by paragraph (1) of section 102 of this title.

Sec. 104. Section 10 of the Act is amended—

(1) by redesignating subsections (a), (b), (c), (d), and (e) as subsections (b), (c), (d), (e), and (f), respectively;

(2) by striking out "subsection (a)" each place it appears in subsection (c), as so redesignated by paragraph (1) of this section, and inserting in lieu thereof at each place "subsection (b)";

(3) by inserting immediately after "Sec. 10." the following new subsection:

"(a) It shall be unlawful for any person subject to the jurisdiction of the United States to engage in fishing in violation of any regulation adopted pursuant to this Act or of any order of a court issued pursuant to section 11 of this Act; to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish taken or retained in violation of any such regulation or order; to fail to make, keep, submit, or furnish any record or report required of him by such regulation, or to refuse to permit any officer authorized to enforce such regulations to inspect such record or report at any reasonable time."; and

(4) by adding at the end thereof the following new subsection:

"(g) It shall be unlawful for any person or vessel subject to the jurisdiction of the United States to do any act prohibited or fail to do any act required by any regulation adopted pursuant to this Act.".

Sec. 105. Section 11 of the Act is amended—

(1) by striking out "subsection (a), (b), or (c)" in subsection (a) of such section and inserting in lieu thereof "subsection (b), (c), or (d)";

(2) by striking out "subsection (d)" in subsection (b) of such section and inserting in lieu thereof "subsection (e)";

(3) by striking out "subsection (e)" in subsection (c) of such section and inserting in lieu thereof "subsection (f)"; and

(4) by amending subsection (d) of such section to read as follows:

"(d) Any person violating any other provision of this Act or any regulation adopted pursuant to this Act, upon conviction, shall be fined for a first offense not more than $500 and for a subsequent offense committed within five years not more than $1,000 and for such subsequent offense the court may order forfeited, in whole or in part, the fish taken by such person, or the fishing gear involved in such fishing, or both, or the monetary value thereof. Such forfeited fish or fishing gear shall be disposed of in accordance with the direction of the court.".

Sec. 106. Section 12 of the Act is amended to read as follows:

"Sec. 12. (a) Any duly authorized enforcement officer or employee of the Department of Commerce; any Coast Guard officer; any United States marshal or deputy United States marshal; any customs officer; and any other person authorized to enforce the provisions of the Convention, this Act, and the regulations issued pursuant thereto, shall have power without warrant or other process to arrest any person subject to the jurisdiction of the United States committing in his presence or view a violation of the Convention or of this Act, or of the regulations issues pursuant thereto, and to take such person immediately for examination before a justice or judge or any other official designated in section 3041 of title 18 of the United States Code; and shall have power, without warrant or other process, to search any vessel subject to the jurisdiction of the United States when he has reasonable cause to believe that such vessel is engaging in fishing in violation of the provisions of the Convention or this Act, or the regulations issued pursuant thereto. Any person authorized to enforce the provisions of the Convention, this Act, or the regulations issued pursuant thereto, shall have power to execute any warrant or process issued by an officer or court of competent jurisdiction for the enforcement of this Act, and shall have power with a search warrant to search any vessel, vehicle, person, or place at any time. The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue warrants in all such cases. Any person authorized to enforce the provisions of the Convention, this Act, or the regulations issued pursuant thereto may, except in the case of a first offense, seize, whenever and wherever lawfully found, all fish taken or retained, and all fishing gear involved in fishing, contrary to the provisions of the Convention or this Act or to regulations issued pursuant thereto. Any property so seized shall not be disposed of except pursuant to the order of a court of competent jurisdiction or the provisions of subsection (b) of this section, or, if perishable, in the manner prescribed by regulations of the Secretary of Commerce.

"(b) Notwithstanding the provisions of section 2464 of title 28, United States Code, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any property seized if the process has been levied, on receiving from the claimant of the property a bond or stipulation for double the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the property seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any break of the conditions thereof as determined by the court.".

Sec. 107. (a) In subsection (b) of section 9 of the Act, as so redesignated by section 102 of this title, strike out "Coast Guard in cooperation with the Fish and Wildlife Service and the Bureau of Customs" and insert in lieu thereof "Secretary of the Department in which the Coast Guard is operating, in cooperation with the Secretary of Commerce and the Secretary of the Treasury".

(b) In subsections (c) and (e) of section 9 of the Act, as so redesignated by section 102 of this title, strike out "Fish and Wildlife Service" and insert in lieu thereof "Department of Commerce".

(c) In subsection (f) of section 9 of the Act, as so redesignated by section 103 of this title, and in subsection (b) of section 13 of such Act, strike out "Secretary of the Interior" and insert in lieu thereof "Secretary of Commerce".

Sec. 108. (a) Section 3 of the Act is amended to read as follows:

"Sec. 3. (a) The United States shall be represented on the Commission by not more than four United States Commissioners to be appointed by the President and to serve at his pleasure; except that after January 1, 1973, (1) each United States Commissioner shall be appointed for a term of office of not to exceed four years, but is eligible for reappointment; and (2) any United States Commissioner may be appointed for a lesser term if necessary to insure that the term of office of not more than one Commissioner will expire in any one year. Of such Commissioners, who shall receive no compensation for their services as Commissioners, one shall be an official of the United States Government, and each of the others shall be a person residing in a State, the residents of which maintain a substantial fishery in the Convention area.

"(b) The Secretary of State, in consultation with the Secretary of Commerce, may designate from time to time Alternate United States Commissioners to the Commission. An Alternate United States Commissioner may exercise, at any meeting of the Commission or of the United States Section or of the Advisory Committee established pursuant to section 4, all powers and duties of a United States Commissioner in the absence of a duly designated Commissioner for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of authorized United States Commissioners that will not be present.".

(b) The second sentence of section 4(d) of the Act is amended by striking out "may" and inserting in lieu thereof "shall".

(c) Section 5 of the Act is repealed.

(d) Section 13(a)(1) of the Act is amended by inserting immediately after "Commissioners" the following: "or Alternate Commissioners".

TITLE II—ALTERNATE COMMISSIONERS

Sec. 201. In order to insure appropriate representation at meetings of international fisheries commissioners, the Secretary of State, in consultation with the Secretary of Commerce or of the Interior as appropriate may designate from time to time Alternate United States Commissioners to the North Pacific Fur Seal Commission, the Inter-American Tropical Tuna Commission, the International Pacific Halibut Commission, the International Whaling Commission, the Commission for the Conservation of Shrimp in the Eastern Gulf of Mexico, the International Commission for the Conservation of Atlantic Tunas, and any similar commission (other than the International Commission for the Northwest Atlantic Fisheries and the International North Pacific Fisheries Commission) established pursuant to a convention between the United States and other governments. Alternate United States Commissioners may exercise, at any meeting of the respective Commission or of the United States Section thereof, all powers and duties of a United States Commissioner in the absence of a duly designated Commissioner for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of authorized United States Commissioners that will not be present. In the event that there are Deputy United States Commissioners pursuant to the convention or statute, such Deputy United States Commissioners shall have precedence over any Alternate Commissioners so designated pursuant to this title.

Sec. 202. Alternate United States Commissioners shall receive no compensation for their services. They may be paid travel expenses and per diem in lieu of subsistence at the rates authorized by section 5703 of title 5, United States Code, when engaged in the performance of their duties.

Sec. 203. (a) Section 5 of the Great Lakes Fisheries Act of 1956 (16 U.S.C. 934) is repealed.

(b) Section 5 of the Tuna Conventions Act of 1950 (16 U.S.C. 954) is repealed.

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, the International Convention for the High Seas Fisheries of the North Pacific Ocean was signed in Tokyo on May 9, 1952, by the countries of the United States, Canada, and Japan.

The Convention has as its purpose to promote and coordinate the scientific studies necessary to ascertain the conservation measures required to insure the maximum sustained productivity of the North Pacific Ocean fisheries resources of joint interest to the signatory nations.

The Convention established the International Commission for the North Pacific Fisheries. The Commission is composed of three national sections, each of which consists of not more than four members appointed by the governments of the respective signatory nations.

In order to implement the U.S. role in the Convention, the Congress passed and the President signed the North Pacific Fisheries Act of 1954. In brief, the original act did four things: It provided for U.S. representation on the Commission—by not more than four; it established the U.S. Advisory Committee—to be composed of not less than five nor more than 20—and set forth its rights and functions; it vested in the Coast Guard, in cooperation with the Fish and Wildlife Service and the Bureau of the Customs, general enforcement authority; and it described offenses and set forth penalties for them.

Mr. Speaker, the North Pacific Fisheries Act now contains a provision—section 12 of the act—which incorporates by reference sections 7 (a) and (b), 9, 10, and 11 of the Northwest Atlantic Fisheries Act. These provisions provide the authority necessary to carry out the enforcement of the act.

The need for this legislation is occasioned in part by enactment of legislation handled by the Foreign Affairs Committee late last year which amended, among other sections, those sections of the Northwest Atlantic Fisheries Act which are incorporated in the North Pacific Fisheries Act by reference. These changes have the inadvertent effect of modifying the provisions of the North Pacific Fisheries Act.

Mr. Speaker, the Department of State deemed it desirable not to amend the Northwest Atlantic Fisheries Act with exceptions for the North Pacific Fisheries Act incorporated therein by reference, but to insert the pertinent provisions in the North Pacific Fisheries Act itself, including those provisions of the Northwest Atlantic Fisheries Act applicable to it which are now being amended in order that the North Pacific Fisheries Act in the future will stand alone.

Mr. Speaker, the Department of State forwarded to you Executive Communication No. 634 which in turn was forwarded to the Merchant Marine and Fisheries Committee for consideration. The distinguished chairman of the Committee on Merchant Marine and Fisheries, Mr. Garmatz introduced legislation to carry out the purposes of the Executive Communication in the form of H.R. 9501.

Mr. Speaker, briefly explained, sections 101 through 107 of the bill would accomplish the purpose of including in the North Pacific Fisheries Act those provisions of the Northwest Atlantic Fisheries Act that have previously been incorporated in the act by reference. These sections do not in any way amend the substance of those provisions; they are all technical in nature.

Section 108 would make substantive changes in the act. Subsection (a) of this section would change the way in which U.S. Commissioners to the Commission have been appointed in the past. Heretofore, such appointments have been made by the President and the Commissioners serve at the pleasure of the President. Subsection (a) would provide, that after January 1, 1973, such appointments will be made on a staggering term basis and no Commissioner will be appointed for a period of more than 4 years. However they would be able to succeed themselves.

Also subsection (a) of this section would make a substantive change in the act in that it would authorize the Secretary of State, in consultation with the Secretary of Commerce, to designate Alternate Commissioners to the Commission so that in the event of the absence of a regularly appointed Commissioner, the United States would be assured of full representation at meetings of the Commission. These appointments would be made on a case by case basis and would be limited to the number of authorized U.S. Commissioners that would not be present at any scheduled meeting.

Subsection (b) of this section would make it mandatory that the Department of State pay the travel expenses and per diem of those members of the Advisory Committee—not to exceed three—that are designated by the committee to be in attendance at meetings of the Commission.

Subsection (d) of this service would have the effect of providing this same courtesy to Alternate Commissioners appointed to attend a meeting of the Commission.

Subsection (c) of this section would repeal section 5 of the act—at the recommendation of the Department of Justice—which would have the effect of making Commissioners and members of the Advisory Committee who are appointed "from private life," in general, exempt from the conflict of interest laws, as provided in 18 U.S.C. 202–209, which provides the extent to which the conflict of laws apply to any "special Government employee."

Title II of the bill would do the following things: Provide for the appointment of Alternate U.S. Commissioners to approximately 12 other Commissioners enumerated in the bill; the payment of travel expenses and per diem for their services; and it would repeal section 5 of the Great Lakes Fisheries Act of 1956 and section 5 of the Tuna Convention Acts of 1950, which would have the effect of making the conflict of interest laws provisions of 18 U.S.C. 202–209 applicable to Commissioners and Advisory Committee members appointed "from private life."

Mr. Speaker, H.R. 9501 received favorable departmental reports and was unanimously reported by the Committee on Merchant Marine and Fisheries and I urge its prompt passage.

Mr. PELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 9501, a bill to amend the North Pacific Fisheries Act of 1954. The purpose of this act is to carry out the obligations of the United States pursuant to the International Convention for the High Seas Fisheries for the North Pacific Ocean. That convention entered into force on June 12, 1953. The convention between the United States, Canada, and Japan was prompted by the continuing need to insure the maximum sustained productivity of the fishery resources of the North Pacific Ocean. The convention provided for the establishment of an International Commission composed of four representatives of each of the contracting parties. The central theme of the Commission is that the contracting parties will recognize the established conservation measures of the respective nations and abstain from taking those stocks of fish which are of particular significance to the respective parties in the designated areas of the North Pacific Ocean. The convention primarily covers halibut, herring, and, most importantly, salmon.

The International Commission was established to perform scientific studies of the stocks of fish in the North Pacific Ocean to determine which specifically qualify under the abstention principle. Based upon its studies, the Commission recommends to the contracting parties the conservation measures which should be taken to carry out the spirit of the convention.

Each of the contracting parties is required by the terms of the convention to enact domestic legislation providing for the enforcement of the convention with respect to its nationals. The North Pacific Fisheries Act of 1954 sets forth the necessary mechanisms for the appointment of the U.S. Commissioners, the Advisory Committee to the U.S. section, and contains necessary enforcement provisions to insure that American fishermen abide by the terms of the convention.

Since the North Pacific Fisheries Act and its implementing legislation followed by several years the adoption of the International Northwest Atlantic Fisheries Convention, it was considered expedient to incorporate by reference into the North Pacific Fisheries Act, much of the housekeeping and procedural language of the earlier Northwest Atlantic Fisheries Act.

This has, however, proved cumbersome, particularly in view of the fact that the two conventions are substantially different with respect to enforcement mechanisms. The principal purpose of H.R. 9501, therefore, is to incorporate into the North Pacific Fisheries Act appropriate housekeeping and enforcement provisions so that it will no longer be necessary to refer to the Northwest Atlantic Fisheries Act.

Mr. Speaker, your committee has amended this bill in several important respects which will insure that the U.S. section of the International Commission functions more smoothly and receives a periodic infusion of new ideas and viewpoints. To accomplish this, your committee has provided that the expenses of Advisors and Alternate Commissioners who are authorized to attend the meetings of the Commission shall be paid by the Federal Government. The permissive language of the existing law has acted as a restraint upon the Advisors who on many occasions have been reluctant to travel great distances, for example Japan, to attend meetings, when the issue of their travel expenses has been unresolved. If the U.S. section of the Commission is to have the benefit of the knowledge of these Advisors, they obviously must be present at the meetings of the Commission. They are selected for their expertise, without regard to their ability to finance such trips.

The Commission meets annually in a city of one of the three contracting parties. Only when the Commission meets in Japan will this involve anything more than nominal expenses. To insure a fresh viewpoint, your committee has amended the bill to provide for a 4-year term on the U.S. section. Heretofore, the members of the U.S. section have served at the pleasure of the President for indefinite periods of time. The committee amendment provides that a new Commissioner will be appointed each year.

Title II of H.R. 9501 provides for the appointment of alternate U.S. Commissioners to a variety of international fish commissions which do not now provide for the designation of alternates in the case of the absence of one or more of the regular Commissioners.

The enforcement provisions set forth in H.R. 9501 are similar to those already enacted for many fishery commissions. The Coast Guard and the Department of Commerce have the primary enforcement authority under this legislation.

Mr. Speaker, the International North Pacific Fisheries Commission is one of the most important multilateral efforts to conserve fishery resources that we have been engaged in. H.R. 9501 will insure that U.S. participation in the convention will continue at its traditionally high level and will enjoy an even greater degree of expertise so that the U.S. position on the important conservation issues before the International Convention will have even greater weight. I, therefore, urge all of my colleagues to support the passage of this bill.

Mr. Speaker, I have no requests for time.

Mr. DINGELL. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on Merchant Marine and Fisheries (Mr. GARMATZ).

Mr. GARMATZ. Mr. Speaker, I rise in strong support of H.R. 9501. This legislation, which was unanimously reported by the Committee on Merchant Marine and Fisheries, also has received favorable reports from the concerned Federal agencies.

The legislation is rather complex, and a full explanation of its many details was presented today by the Honorable

John D. Dingell, the distinguished chairman of our Subcommittee on Fisheries and Wildlife Conservation.

Rather than confuse the issue by going into additional detail on this legislation, I prefer to make a general observation that the bill will help to clarify and to make more effective the role of the United States in international fishery agreements entered into by the United States with other fishing nations of the world.

I introduced this legislation in order to carry out the purposes and goals outlined in Executive Communication No. 634, which was submitted by the State Department. I hope my colleagues in the House will support and rapidly pass this bill.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. Dingell) that the House suspend the rules and pass the bill H.R. 9501, as amended.

The question was taken; and—two-thirds having voted in favor thereof—the rules were suspended and the bill, as amended, was passed.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SEAL BEACH NATIONAL WILDLIFE REFUGE

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 10310) to establish the Seal Beach National Wildlife Refuge, as amended.

The Clerk read as follows:

H.R. 10310

To establish the Seal Beach National Wildlife Refuge

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to establish the Seal Beach National Wildlife Refuge (hereafter referred to in this Act as the "refuge") as part of the national wildlife refuge system.

Sec. 2. (a) The refuge shall consist of certain lands, to be determined by the Secretary of the Interior with the advice and consent of the Secretary of the Navy, within the United States Naval Weapons Station, Seal Beach, California.

(b) Upon determination of the boundaries of the refuge by the Secretary of the Interior and the Secretary of the Navy the Secretary of the Interior shall immediately designate the area agreed upon as the refuge by publication of a description of such area in the Federal Register.

(c) That portion of the United States Naval Weapons Station, Seal Beach, California designated pursuant to this Act as a national wildlife refuge shall be transferred, without consideration, to the administrative jurisdiction of the Secretary of the Interior at such times as such portion is determined by the Department of Defense to be excess to its needs.

Sec. 3. The Secretary of the Interior shall administer the refuge in accordance with the National Wildlife Refuge System Administration Act of 1966, as amended (80 Stat. 927; 16 U.S.C. 668dd–668ee), and pursuant to plans which are mutually acceptable to the Secretary of the Interior and the Secretary of the Navy.

Sec. 4. There is authorized to be appropriated until the close of June 30, 1977, not to exceed $525,000 to carry out the purposes of this Act.

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Michigan is recognized.

Mr. DINGELL. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, the purpose of H.R. 10310 is to protect and preserve a valuable salt water marsh and estuarine habitat for migratory waterfowl and other wildlife within the U.S. Naval Weapons Station at Seal Beach, Calif.

Mr. Speaker, the Seal Beach Naval Weapons Station is located just south of the city of Los Angeles. The station consists of approximately 5,400 acres, of which approximately 700 acres consists of tidal slough. This tidal slough is the last pristine salt water marsh on the southern California coast.

It is the natural spawning and nursing area for such game fish as the California halibut and diamond turbot. It is the feeding and resting area for migratory waterfowl and for such endangered species as the light-footed clapper rail, California least tern, and the brown pelican.

Mr. Speaker, because of the possible threat of the construction of a highway through this salt marsh area, my good friend and colleague from the State of California, Craig Hosmer, along with 16 other Members of the House from the State of California, all of whom I would like to highly commend at this time, took the initiative in introducing this legislation that is designed to give this area the protection to which it is entitled.

Briefly explained H.R. 10310 would authorize the Secretary of the Interior—with the advice and consent of the Secretary of the Navy—to designate certain lands within the Seal Beach Naval Weapons Station as a national wildlife refuge. The designated lands would be transferred, since they are already in Federal ownership, without consideration to the Secretary of the Interior and such lands would be administered by the Secretary as a part of the National Wildlife Refuge System. There would be authorized to be appropriated not to exceed $525,000 over a 5-year period to carry out the purposes of the act.

Mr. Speaker, the bill received favorable departmental reports and all witnesses testifying at the hearings were strongly in favor of the legislation. The Committee on Merchant Marine and Fisheries unanimously ordered the bill reported to the House and I urge its prompt passage.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to my good friend, the gentleman from Iowa, for a question.

Mr. GROSS. I thank the gentleman from Michigan for yielding. What happens at the end of the 5-year period?

Mr. DINGELL. The rules of the House require that in reporting legislation to the House, we give the total cost anticipated for the 5-year period. The committee suggested that cost. Frankly, it is my judgment that the succeeding costs will be rather less than the $525,000 in that most of that sum is for construction work and work necessary to preserve and protect the marsh and it will not be repetitive probably.

Mr. GROSS. I am not so much referring to the total cost, but what happens at the end of the 5 years?

Mr. DINGELL. It will be a unit of the National Wildlife Refuge system and will continue to be administered by the Department of the Interior.

Mr. GROSS. Why is it not admitted at this time to that system?

Mr. DINGELL. The legislation does so provide that it will be admitted to the refuge system, but I simply gave you the estimated cost of $525,000.

Mr. GROSS. Then that represents an additional cost to the National Wildlife Refuge system for the administration.

Mr. DINGELL. That is the total cost of administering this particular area.

Mr. GROSS. This particular area over a 5-year period?

Mr. DINGELL. That is correct.

Mr. GROSS. And then it will be absorbed into the system?

Mr. DINGELL. That is correct. It is the total cost of services, administration, protection, development, and all of the things that are necessary to have it as a viable unit of the refuge system.

Mr. GROSS. I will say to the gentleman, I think it is much more worth while than the bill we had earlier this afternoon dealing with the so-called cultural center.

Mr. Speaker, I thank the gentleman again for yielding.

Mr. DINGELL. I thank my good friend from Iowa. He has always looked with kindness and sympathy at the conservation bills reported by our committee and I appreciate his kindness.

Mr. PELLY. Mr. Speaker, I yield such time as he may consume to the distinguished sponsor of this legislation, the gentleman from California (Mr. Hosmer).

Mr. HOSMER. Mr. Speaker, I would like to thank the distinguished chairman of the Merchant Marine and Fisheries Committee for his prompt action on H.R. 10310, which will establish a national wildlife refuge within the naval weapons station at Seal Beach, Calif. I also want to thank my colleague from Michigan (Mr. Dingell) for his considerate and interested attention to this legislation. Without his help and that of the gentleman from Washington (Mr. Pelly) who has been equally kind and helpful, we could not have progressed so swiftly.

This legislation directs the Secretaries of the Interior and the Navy to develop boundaries for a Seal Beach National Wildlife Refuge within the Federal property of the naval weapons station. Since this area is already owned by the Federal Government, no additional expenditure for land acquisition will be required, and there will be no interference with the Navy's use of the property as an ammunition storage depot.

Since 1940, this area has been a wildlife refuge in practice, if not in law, due to Federal ownership and the Navy's conscientious program for preserving the natural environment and protecting the fish and wildlife resources.

While the Navy is to be commended for its diligent efforts to preserve this resource, the legislation before the House today would place the area under the care and protection of the Department of the Interior, assuring its character as a refuge for all time.

Mr. Speaker, through enactment of H.R. 10310, the Congress is afforded an opportunity for multiple use of land already in Federal ownership.

Mr. PELLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 10310, a bill to establish the Seal Beach National Wildlife Refuge. This refuge will consist of approximately 700 acres of salt marsh, water, and uplands located within the boundaries of the Seal Beach Naval Weapons Station. This land situated just south of the city of Los Angeles is the largest single undisturbed tract of salt marsh between San Francisco and the Mexican border. The land is a nesting ground for the endangered California least tern and the light-footed clapper rail. Other threatened species such as brown pelican also frequent this area.

The Navy is to be commended for its farsighted preservation of this land. The personnel of the Naval Weapons Station have taken pride in this preservation effort. The Department of the Interior and the Navy contemplate that limited public access to the refuge will be provided at sites near the Pacific coast highway where an elevated wildlife trail will be constructed. The refuge, of course, is within easy reach of the Los Angeles metropolitan area and offers an excellent opportunity for the residents of this area to appreciate the diverse wildlife values found here. Since this already is Federal land, no acquisition costs are involved. However, it is contemplated that the development of limited public access to the area and management expenses will be in the neighborhood of $500,000 over the 5-year period authorized by the bill.

The Secretary of the Interior will administer the refuge in accordance with the National Wildlife System Administration Act of 1966 pursuant to plans which are mutually acceptable to the Secretary of the Interior and Secretary of Navy. The bill is strongly supported by the Interior Department and the Navy, and I think is an excellent example of our efforts to preserve areas of significant wildlife value in the vicinity of major metropolitan centers. Wetland areas such as Seal Beach are now as rare as many of the birds which inhabit them. This relationship between the land and the wildlife is such that it is pointless to declare any animal or bird an endangered specie unless we are prepared to take the necessary steps to preserve its habitat.

I commend the sponsors of this legislation (Mr. HOSMER and Mr. MAILLIARD) and other Members of the California delegation who joined with them in introducing this bill, and I urge all of my colleagues to support its passage.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the Committee on Merchant Marine and Fisheries, the gentleman from Maryland (Mr. GARMATZ).

Mr. GARMATZ. Mr. Speaker, the demands of our modern society are causing many problems, but one of the most serious is the constant and ever-growing absorption and destruction of irreplaceable natural resources—such as wetlands, wooded areas and wildlife refuge areas.

One of the primary responsibilities of the Congress is to assure the protection and conservation of some of these invaluable natural resources, so they may be enjoyed by future generations of Americans.

H.R. 10310 is a bill designed with that purpose in mind. Its purpose is to protect and preserve for posterity a salt water marsh and estuarine area located south of Los Angeles.

The area in question, which is located on the Seal Beach Naval Weapons Station, is a valuable habitat for migratory waterfowl and other wildlife, and a valuable spawning and nursing area for important California game fish—such as the halibut and diamond turbot.

Recently, there has been talk about the possible construction of a highway through this valuable marsh area. This kind of senseless destruction must be blocked, and that is precisely what H.R. 10310 would do, Mr. Speaker. Basically, this legislation would specifically set aside certain lands within the Seal Beach Naval Weapons Station—and they would be preserved as a wildlife refuge.

Mr. Speaker, the gentleman from California (Mr. HOSMER) and the gentleman from California (Mr. MAILLIARD) as cosponsors of this legislation have shown great interest in it. Of course, the gentleman from California (Mr. MAILLIARD) is a valued member of the Committee on Merchant Marine and Fisheries.

Mr. Speaker, I vigorously support this legislation, and I urge its rapid approval by the House.

Mr. JOHNSON of California. Mr. Speaker, I rise today to urge favorable consideration of H.R. 10310, a bill to establish the Seal Beach National Wildlife Refuge.

I am one of the 16 Californians who have joined Congressman CRAIG HOSMER in coauthoring this legislation. I am familiar with the circumstances and the very great need for preservation of this area as part of the National Wildlife Refuge System.

California, fortunately is a way-station for migrating waterfowl and other migratory birds following the Pacific Flyway. The "gateway to California" on this flyway from the north is the Tulelake National Wildlife Refuge and the Modoc National Wildlife Refuge, both situated just south of the Oregon border and in the Second Congressional District, which I represent. Literally millions of waterfowl stop at these refuges during their twice a year migrations.

On down through the State in the Sacramento and San Joaquin Valleys, the Federal Government and the State government have established the system of waterfowl refuges which are critical to preservation of this flyway. Additional refuges are needed in the southern portions of the State. Since this land is already in Federal ownership and already is used by more than 100 species of migratory water, shore and marsh birds, including such endangered species as the least tern, the lightfooted clapper rail and the threatened brown pelican, we have an opportunity here today to establish a new national refuge without removing from the private tax rolls any more land and without a major acquisition cost.

The only expenses would be those involved in a minimal development program and an annual expenditure for operation and maintenance of approximately $40,000. For this small annual cost we will provide not only a resting and feeding place for the migrating birds but we anticipate that citizens of the metropolitan Los Angeles area will visit the refuge in order to see the wildlife at a rate of possibly 100,000 visits per year.

Mr. Speaker, we are getting a very fine program for our money and I hope that the Congress will support this legislation.

Thank you.

Mr. ANDERSON of California. Mr. Speaker, I rise in strong support of H.R. 10310, a bill which would establish the Seal Beach National Wildlife Refuge in my home State of California.

As a resident of Los Angeles County, and as a coauthor of this bill, I am well aware of the great need to protect and preserve the valuable salt water marshes and estuarine habitats along our coast.

In southern California, 75 percent of the wet lands which existed in 1900 have been paved-over, filled-in, dredged-out, or otherwise destroyed. The remnant of our tidal marshes are today threatened by the lemming-like rush to populate and develop our shoreline.

The salt marshes and mudflats of Anaheim Bay, located within the U.S. Naval Weapons Station at Seal Beach, are particularly valuable in that they provide the vegetation and the environment needed to sustain birds and fishes. Three endangered species of birds are found here. It is a nesting area for the endangered southern California clapper rail. The California least tern depends upon Anaheim Bay for nesting and for food.

The outer portions of the bay provide sanctuary for the California brown pelican. In total, some 107 bird species are documented as using the marsh, and additional species are still being sighted.

This valuable refuge also provides a spawning, nursing, and feeding area for over 50 different species of fish. It is the key nursery between Point Fermin and Oceanside for halibut and turbot, staples of local sport and commercial fishing.

The bill before us today would protect this pristine area by authorizing the Secretary of the Interior—with the advice and consent of the Secretary of the Navy—to designate certain lands within the U.S. Naval Weapons Station at Seal Beach as a national wildlife refuge.

The Department of the Interior, which will administer the lands, anticipates that if the refuge is established, as proposed, there would be approximately 100,000 visits annually at selected sites. An elevated wildlife trail, an information and interpretive contact center, and a parking area are planned to be built in the refuge.

For these reasons, I urge my colleagues to join me in voting for the adoption of H.R. 10310.

Mr. **CONTE**. Mr. Speaker, as a member of the Migratory Bird Conservation Commission which oversees many of the Government's wildlife refuge programs, I want to congratulate the Merchant Marine and Fisheries Committee for reporting out this bill. H.R. 10310 would protect a salt water marsh and estuarine habitat valuable for migrating waterfowl and other wildlife in Seal Beach, Calif.

It is most important that the House take prompt action to preserve this natural resource, which is a valuable spawning and nursery area for game fish, as well as a feeding and resting place for migratory shore and water birds on the Pacific flyway. Unless this bill is passed, there is grave danger that heavy construction and other onslaughts of modern civilization will seriously impair this sanctuary for public fishing and nature study.

I heartily endorse its approval by this Chamber.

Thank you, Mr. Speaker.

Mr. **DON H. CLAUSEN**. Mr. Speaker, as one of the coauthors of H.R. 10310, the bill to establish a national wildlife refuge at Seal Beach in southern California, I would obviously ask the House to approve it overwhelmingly.

The members of the committee have explained the purposes of, and more than adequately expressed the need for, this legislation.

Mr. HOSMER, the lead author, is deserving of our highest commendation for his diligent and competent leadership in advancing this legislation.

In addition, I believe the RECORD should indicate the key role our ranking Californian on the Merchant Marine and Fisheries Committee, BILL MAILLIARD, actually played in getting the committee to move the bill to a position of higher priority for consideration and passage.

During two discussions I had with Chairman GARMATZ, regarding the progress of the legislation, he conveyed, very emphatically, to me, the impression and in words, that Mr. MAILLIARD's extremely cooperative and constructive attitude on the committee would guarantee favorable consideration and passage by the committee.

Once again Congressman MAILLIARD has proven his ability and effectiveness in moving conservation legislation through the committee and through the House that has such broad support in California.

I commend him and thank the committee for their responsiveness. I hope the Senate will act just as expeditiously.

The **SPEAKER**. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 10310, as amended.

The question was taken.

Mr. **MIZELL**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 314, nays 0, not voting 118, as follows:

[Roll No. 187]

YEAS—314

Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blatnik
Boggs
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byron
Cabell
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Chamberlain
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Griffiths
Gross
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Landrum
Latta
Lennon
Lent
Link
Long, Md.
McClure
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
Macdonald, Mass.
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Morgan
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
Patten
Pelly
Perkins
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Rees
Reid
Reuss
Riegle
Roberts
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Ware
Whalen
White
Whitehurst
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—118

Abbitt
Abernethy
Abourezk
Abzug
Alexander
Anderson, Tenn.
Andrews, N. Dak.
Ashbrook
Baring
Belcher
Bell
Bingham
Blanton
Boland
Bow
Burton
Byrnes, Wis.
Caffery
Camp
Cederberg
Celler
Chappell
Chisholm
Clancy
Clark
Clawson, Del
Collins, Ill.
Conte
Conyers
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Dellums
Diggs
Dow
Dowdy
Dulski
Edmondson
Eshleman
Evins, Tenn.
Flynt
Frelinghuysen
Galifianakis
Gallagher
Gibbons
Green, Oreg.
Griffin
Grover
Gubser
Gude
Hagan
Halpern
Hanna
Hawkins
Hébert
Helstoski
Holifield
Kee
Kyros
Landgrebe
Leggett
Lloyd
Long, La.
Lujan
McClory
McCloskey
McDonald, Mich.
McKinney
McMillan
Madden
Mahon
Miller, Calif.
Mink
Moorhead
Moss
Murphy, N.Y.
Nix
O'Konski
O'Neill
Passman
Patman
Pepper
Pettis
Pryor, Ark.
Railsback
Rangel
Rhodes
Robinson, Va.
Rodino
Rooney, N.Y.
Rousselot
Roybal
Runnels
Ruppe
St Germain
Scheuer
Schmitz
Shipley
Shoup
Sikes
Smith, Calif.
Smith, N.Y.
Springer
Stokes
Stubblefield
Stuckey
Tiernan
Ullman
Van Deerlin
Veysey
Waldie
Whalley
Whitten
Widnall
Wilson, Bob
Wilson, Charles H.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Shipley with Mr. Landgrebe.
Mr. Tiernan with Mr. Ruppe.
Mr. O'Neill with Mr. Conte.
Mr. Celler with Mr. Halpern.
Mr. Rooney of New York with Mr. Cederberg.
Mr. Mahon with Mr. Bow.
Mr. Leggett with Mr. Bell.
Mr. Holifield with Mr. Del Clawson.
Mr. Charles H. Wilson with Mr. Bob Wilson.
Mr. Curlin with Mr. O'Konski.
Mr. Miller of California with Mr. Smith of California.
Mrs. Chisholm with Mr. Roybal.
Mr. Rodino with Mr. Rangel.
Mr. Moss with Mr. McCloskey.
Mr. McMillan with Mr. Davis of Wisconsin.
Mr. Scheuer with Mr. Dellums.
Mr. Bingham with Mr. Conyers.
Mr. Moorhead with Mr. Eshleman.
Mr. Flynt with Mr. Whalley.
Mr. Evins of Tennessee with Mr. Springer.
Mr. Galifianakis with Mr. Hawkins.
Mr. Davis of Georgia with Mr. Lloyd.
Mrs. Mink with Mr. Diggs.

Mr. Chappell with Mr. Belcher.

Mr. Boland with Mr. Railsback.

Mr. Hébert with Mr. Rhodes.

Mr. Helstoski with Mrs. Abzug.

Mr. Abbitt with Mr. Ashbrook.

Mr. Burton with Mr. Collins of Illinois.

Mr. Nix with Mr. Dow.

Mr. Stokes with Mr. Waldie.

Mr. Daniels of New Jersey with Mr. Frelinghuysen.

Mr. Clark with Mr. Smith of New York.

Mr. Anderson of California with Mr. Gubser.

Mr. Hanna with Mr. Rousselot.

Mr. Ullman with Mr. Shoup.

Mr. Patman with Mr. Widnall.

Mr. Abourezk with Mr. Andrews of North Dakota.

Mr. Edmondson with Mr. Camp.

Mr. Dulski with Mr. Grover.

Mr. St Germain with Mr. Gude

Mr. Runnels with Mr. Lujan.

Mr. Van Deerlin with Mr. Pettis.

Mr. Danielson with Mr. Schmitz.

Mr. Madden with Mr. McDonald of Michigan.

Mr. Kyros with Mr. McKinney.

Mr. Blanton with Mr. McClory.

Mr. Stuckey with Mr. Robinson of Virginia.

Mr. Whitten with Mr. Byrnes of Wisconsin.

Mr. Sikes with Mr. Clancy.

Mr. Alexander with Mr. Long of Louisiana.

Mr. Baring with Mr. Stubblefield.

Mr. Caffery with Mr. Pepper.

Mr. Passman with Mr. Gibbons.

Mrs. Green of Oregon with Mr. Pryor of Arkansas.

Mr. Hagan with Mr. Griffin.

Mr. Abernethy with Mr. Murphy of New York.

Mr. Gallagher with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERSONAL STATEMENT

Mr. SARBANES. Mr. Speaker, on rollcall No. 186, the passage of the National Cemeteries Act, I was necessarily absent tending to a constituency matter. Had I been present, I would have voted "yea."

SHOOTING ANIMALS FROM AIRCRAFT

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14731) to amend the Fish and Wildlife Act of 1956 in order to provide for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish, and other animals from aircraft, as amended.

The Clerk read as follows:

H.R. 14731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Fish and Wildlife Act of 1956 (85 Stat. 480–48; Public Law 92–159) is amended by adding at the end thereof the following new subsections:

"(d) The Secretary of the Interior shall enforce the provisions of this section and shall promulgate such regulations as he deems necessary and appropriate to carry out such enforcement. Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this section may, without warrant, arrest any person committing in his presence or view a violation of this section or of any regulation issued hereunder and take such person immediately for examination or trial before an officer or court of competent jurisdiction; may execute any warrant or other process issued by an officer or court of competent jurisdiction for the enforcement of the provisions of this section; and may, with or without a warrant, as authorized by law, search any place. The Secretary of the Interior is authorized to enter into cooperative agreements with State fish and wildlife agencies or other appropriate State authorities to facilitate enforcement of this section, and by such agreements to delegate such enforcement authority to State law enforcement personnel as he deems appropriate for effective enforcement of this section. Any judge of any court established under the laws of the United States, and any United States magistrate may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

"(e) All birds, fish, or other animals shot or captured contrary to the provisions of this section, or of any regulation issued hereunder, and all guns, aircraft, and other equipment used to aid in the shooting, attempting to shoot, capturing, or harassing of any bird, fish, or other animal in violation of this section or of any regulation issued hereunder shall be subject to forfeiture to the United States.

"(f) All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with the provisions of this section; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Treasury Department shall, for the purposes of this section, be exercised or performed by the Secretary of the Interior or by such persons as he may designate."

The SPEAKER. Is a second demanded?

Mr. PELLY. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. DINGELL. Mr. Speaker, as I am sure many of the Members of this distinguished body will recall, in November of 1969, the NBC television network showed a documentary film entitled, "The Wolf Men." Several of the scenes from the film depicted the hunting of wolves from aircraft and presented an interesting account of the status of the North American wolf, which now totals approximately 5,400 in number.

Subsequent to the showing of this film, my good friend and colleague from the State of Pennsylvania, JOHN SAYLOR, along with 21 other Members of the House introduced H.R. 5060. This legislation passed the House early last year and was enacted into law on November 18, 1971. It became Public Law 92–159.

Briefly explained, this law makes it unlawful for anyone while airborne to shoot or attempt to shoot for the purpose of capturing or killing any bird, fish, or other animals, or to harass any bird, fish, or other animal, or to knowingly participate in using an aircraft for any of these purposes. Violators of the act are subject to a $5,000 penalty or 1-year imprisonment, or both.

Mr. Speaker, the need for the legislation under consideration today arises from the fact that Public Law 92–159 amended the Fish and Wildlife Act of 1956. This act is simply a declaration of national fish and wildlife policy and contains no provision which would authorize enforcement responsibility. Where no agency is given specific enforcement authority in an act, then enforcement of that act falls upon the FBI to carry out.

Mr. Speaker, the Committee on Merchant Marine and Fisheries unanimously felt that the enforcement of this act should be delegated specifically to the Department of the Interior since it is already responsible for the enforcement of other Federal laws protecting fish and wildlife. Also, they already have a trained professional staff of U.S. Game Management agents to carry out those responsibilities.

Mr. Speaker, H.R. 14731 would provide the Secretary of the Interior with the necessary enforcement authority needed to effectively enforce the provisions of this act.

Briefly explained, H.R. 14731 would authorize the Secretary of the Interior to promulgate such regulations as may be necessary to enforce the act. Any employee of the Department of the Interior designated by the Secretary could, without a warrant, arrest any person comitting in his presence or view a violation of the act and, with or without a warrant, as authorized by law, search any place.

All birds, fish, or other animals captured and all articles used contrary to the provisions of this act would be subject to forfeiture.

All provisions of laws relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws would, in general, be applicable to seizures and forfeitures incurred under this act.

Mr. Speaker, this legislation received favorable departmental reports and was unanimously reported by the Committee on Merchant Marine and Fisheries, and I urge its prompt passage.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming (Mr. RONCALIO).

Mr. RONCALIO. Mr. Speaker, I want to thank the eminent chairman of the subcommittee for yielding this time to me.

Mr. Speaker, I intend to oppose this legislation, and I would like to call the attention of my colleagues to the fact that this makes a bad law.

First, we are in the process now of passing a bill specifically delegating to the administrative appointees downtown the right to promulgate such rules and regulations as they may desire. If we do this, I think we are giving away and delegating congressional authority, and by doing so, we make the Congress something smaller.

Still, Mr. Speaker, we sit back and acquiesce, as administrators do as they please. The occupational safety and health mess is the result of our having delegated to someone downtown the right to promulgate rules and regulations with reference to the enforcement of that act.

Second, this bill provides that the Secretary of the Department of the Interior may not make rules and regulations which will affect the livestock man's right to get a State permit to kill predators. I am worried that this may be a detriment to the livestock operators.

There is no one, Mr. Speaker, speaking for the cattlemen in the Western States. As you know, just about every State in that area has coyotes, and this legislation makes ever more difficult for the cattlemen to control the predator. We have had pointed out what damage can be done to the livestock industry through the lack of control of predators, nor do I think this legislation will help to protect the endangered species.

Under the provisions of this bill, Federal inspectors would have the right to go onto the premises of the cattlemen and ranchers and invade their rights. It's just that basic.

I am opposed to this legislation for these reasons. In my opinion we are overdoing it in the case of predators and, secondly, we are delegating to someone downtown the right to make these rules and regulations, someone who is not elected by the people and who has no responsibility to the people.

I think you will find that it will not have a beneficial effect.

Mr. PELLY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of H.R. 14731, amending the Fish and Wildlife Act of 1956 in order to enforce the provisions of that act prohibiting the shooting of wildlife from aircraft.

Earlier in this Congress, Public Law 92-159 was enacted. That statute, of course, makes it unlawful for anyone, while airborne, to shoot or attempt to shoot for the purpose of capturing or killing any bird, fish or other animal. Harassment of wildlife also is prohibited. A penalty of up to $5,000 and 1-year imprisonment is provided for. Public Law 92-159 was enacted as an amendment to the Fish and Wildlife Act of 1956, which is a declaration of national wildlife policy and contains no enforcement provisions. Where no department or agency is given specific authority to enforce an act, this authority rests with the Federal Bureau of Investigation.

It does appear more appropriate that enforcement authority of the shooting from aircraft statute be vested in the Department of the Interior, which has broad authorities with respect to the enforcement of many other Federal wildlife statutes. The bill, therefore, authorizes the Secretary of the Interior to enforce the provisions of Public Law 92-159, and sets forth the normal authorities which are incident to the enforcement of a Federal criminal statute.

I am sure that all my colleagues will agree that the indiscriminate shooting of wildlife from aircraft should be prohibited. Certainly this cannot be considered a sport in any sense. Public Law 92-159 contains appropriate language exempting bona fide State wildlife management programs. However, there are undoubtedly those who will be tempted to engage in unauthorized shooting from aircraft. This bill will give the Secretary of the Interior the needed authority to arrest such persons and provides for the disposition of illegally taken wildlife and guns, aircraft or other equipment used in such taking. I, therefore, urge my colleagues to support the passage of this bill.

Mr. DINGELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. GARMATZ), the distinguished chairman of the Committee on Merchant Marine and Fisheries.

Mr. GARMATZ. Mr. Speaker, a law to prohibit the shooting of birds, fish, and other wildlife from aircraft was enacted on November 18, 1971. That legislation, which is now Public Law 92-159, was the subject of intensive hearings by our committee, and it was approved by the committee and the Congress because it was widely recognized as being essential to the cause of conservation.

But in order to make Public Law 92-159 truly effective, my committee today is asking the House to approve another piece of legislation—H.R. 14731.

Mr. Speaker, the purpose of H.R. 14731 is to give the Secretary of the Interior the authority to enforce Public Law 92-159. As that law is now written, it does not give enforcement authority to any specific agency, and in such situations the FBI is required to perform the enforcement function.

The Interior Department is the logical agency to have this authority, because it has the expertise in the area of wildlife conservation and management, and because it already has the responsibility for enforcing other Federal laws which protect fish and wildlife.

Mr. Speaker, I urge my colleagues to approve this needed legislation.

Mr. OBEY. Mr. Speaker, I rise in support of H.R. 14731, a bill I coauthored, which would provide for effective enforcement of a law passed earlier in this Congress to prohibit the shooting of birds, fish and other animals from aircraft.

Last year, this Congress wisely decided to halt the unsportsmanlike and unnecessary practice of shooting wildlife from aircraft. It was the Congress' intent at that time to stop essentially all aerial hunting, and to give only State or Federal game control agents the right to shoot from aircraft, and then only for purposes of protection and administration of wildlife, livestock, and other resources. It was certainly not the intention of the Congress to allow the States to grant permits indiscriminately for the aerial hunting of wolves, coyotes, or other wildlife.

Unfortunately, a great deal of controversy surrounds the intent of Congress. I have received numerous letters asking for interpretations of that law. The Interior Department has been contacted several times by States and national conservation organizations to look into alleged violations of the law, but they have been powerless to act under the provisions of the law which we passed last year.

As one of the coauthors of the original bill, I am very aware of the airborne hunting situation as it exists in some States. I have been receiving about one letter a week from concerned individuals from all over the country, pointing out the violations of the law and asking what can be done to protect the animals who are victimized by these violations. This bill will answer those people, providing for enforcement by the Department of the Interior.

I strongly urge my colleagues to support this bill. Our Nation now realizes the value of its natural resources, and we cannot afford the indiscriminate slaughter of our wildlife from aircraft, whether the animal is predator or prey. I applaud this committee's fast action on this bill, and hope that with its passage we will see the purpose of the original prohibition against aerial shooting finally realized.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days during which to extend their remarks on the bill H.R. 14731.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill H.R. 14731 as amended.

The question was taken.

Mr. PELLY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 312, nays 5, not voting 115, as follows:

[Roll No. 188]

YEAS—312

Adams
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blatnik
Boggs
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byron
Cabell
Carlson
Carey, N.Y.
Carney
Carter
Casey, Tex.
Chamberlain
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Duncan
du Pont

Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Griffiths
Gross
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee

Keith
Kemp
King
Kluczynski
Koch
Kyl
Landrum
Latta
Lennon
Lent
Link
Long, Md.
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
Macdonald, Mass.
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Morgan
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
Patten
Pelly
Perkins
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Rees
Reid
Reuss
Riegle

Roberts
Robison, N.Y.
Roe
Rogers
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Ware
Whalen
White
Whitehurst
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—5

Denholm
McClure

Price, Tex.
Roncalio

Steiger, Ariz.

NOT VOTING—115

Abbitt
Abernethy
Abourezk
Abzug
Addabbo
Alexander
Anderson, Tenn.
Andrews, N. Dak.
Ashbrook
Baring
Belcher
Bell
Bingham
Blanton
Boland
Bow
Burton

Byrnes, Wis.
Caffery
Camp
Cederberg
Celler
Chappell
Chisholm
Clancy
Clark
Clawson, Del
Collins, Ill.
Conte
Conyers
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Dellums

Diggs
Dow
Dowdy
Dulski
Edmondson
Eshleman
Flynt
Frelinghuysen
Galifianakis
Gallagher
Gibbons
Green, Oreg.
Griffin
Grover
Gubser
Gude
Hagan
Halpern
Hanna

Hawkins
Hébert
Helstoski
Holifield
Jonas
Kuykendall
Kyros
Landgrebe
Leggett
Lloyd
Long, La.
Lujan
McClory
McCloskey
McDonald, Mich.
McKinney
McMillan
Madden
Miller, Calif.
Mink

Moorhead
Moss
Murphy, N.Y.
Nix
O'Konski
O'Neill
Passman
Patman
Pepper
Pettis
Pryor, Ark.
Railsback
Rangel
Rhodes
Robinson, Va.
Rodino
Rooney, N.Y.
Rousselot
Roybal
Runnels
Ruppe

St Germain
Scheuer
Schmitz
Shipley
Shoup
Smith, N.Y.
Springer
Stokes
Stubblefield
Stuckey
Tiernan
Van Deerlin
Veysey
Waldie
Whalley
Whitten
Widnall
Wilson, Bob
Wilson, Charles H.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Shipley with Mr. Landgrebe.
Mr. Tiernan with Mr. Ruppe.
Mr. O'Neill with Mr. Conte.
Mr. Celler with Mr. Halpern.
Mr. Rooney of New York with Mr. Cederberg.
Mr. Leggett with Mr. Bell.
Mr. Holifield with Mr. Del Clawson.
Mr. Charles H. Wilson with Mr. Bob Wilson.
Mr. Curlin with Mr. O'Konski.
Mrs. Chisholm with Mr. Roybal.
Mr. Rodino with Mr. Rangel.
Mr. Moss with Mr. McCloskey.
Mr. McMillan with Mr. Davis of Wisconsin.
Mr. Scheuer with Mr. Dellums.
Mr. Bingham with Mr. Conyers.
Mr. Moorhead with Mr. Eshleman.
Mr. Flynt with Mr. Whalley.
Mr. Addabbo with Mr. Springer.
Mr. Galifianakis with Mr. Hawkins.
Mr. Davis of Georgia with Mr. Lloyd.
Mrs. Mink with Mr. Diggs.
Mr. Chappell with Mr. Belcher.
Mr. Boland with Mr. Railsback.
Mr. Hébert with Mr. Rhodes.
Mr. Helstoski with Mrs. Abzug.
Mr. Abbitt with Mr. Ashbrook.
Mr. Burton with Mr. Collins of Illinois.
Mr. Nix with Mr. Dow.
Mr. Stokes with Mr. Waldie.
Mr. Daniels of New Jersey with Mr. Frelinghuysen.
Mr. Clark with Mr. Smith of New York.
Mr. Anderson of Tennessee with Mr. Gubser.
Mr. Hanna with Mr. Rousselot.
Mr. Kuykendall with Mr. Shoup.
Mr. Patman with Mr. Widnall.
Mr. Abourezk with Mr. Andrews of North Dakota.
Mr. Edmondson with Mr. Camp.
Mr. Dulski with Mr. Grover.
Mr. St Germain with Mr. Gude.
Mr. Runnels with Mr. Lujan.
Mr. Van Deerlin with Mr. Pettis.
Mr. Danielson with Mr. Schmitz.
Mr. Madden with Mr. McDonald of Michigan.
Mr. Kyros with Mr. McKinney.
Mr. Blanton with Mr. McClory.
Mr. Stuckey with Mr. Robinson of Virginia.
Mr. Whitten with Mr. Byrnes of Wisconsin.
Mr. Jonas with Mr. Clancy.
Mr. Alexander with Mr. Long of Louisiana.
Mr. Baring with Mr. Stubblefield.
Mr. Caffery with Mr. Pepper.
Mr. Passman with Mr. Gibbons.
Mrs. Green of Oregon with Mr. Pryor of Arkansas.
Mr. Hagan with Mr. Griffin.
Mr. Abernethy with Mr. Murphy of New York.
Mr. Gallagher with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDING THE WATER RESOURCES PLANNING ACT

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14106) to amend the Water Resources Planning Act to authorize increased appropriations, as amended.

The Clerk read as follows:

H.R. 14106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 401 of the Water Resources Planning Act (79 Stat. 244), as amended (42 U.S.C. 1962(d)), is amended by striking out subsection (b) and inserting a new subsection (b) as follows:

"(b) not to exceed $2,500,000 annually for the expenses of the Water Resources Council in administering this Act, excluding the preparation of assessments, and not to exceed $2,500,000 annually for the expenses of the Water Resources Council in the preparation of assessments: Provided, That the Council may transfer to river basin commissions and to Federal and State agencies, upon such terms and conditions as it may prescribe, such portion of the sums appropriated as it deems desirable, and such commissions and Federal agencies are hereby authorized to receive and expend such funds for the purpose for which they were appropriated."

The SPEAKER. Is a second demanded?

Mr. HOSMER. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. ASPINALL), chairman of the full committee.

Mr. ASPINALL. Mr. Speaker, 7 years ago the Water Resources Planning Act was enacted to encourage and make possible the prudent development of the Nation's water and related land resources through sound comprehensive and coordinated planning.

To accomplish this purpose that act established a Cabinet Level Water Resources Council in the executive branch. It also authorized the establishment of River Basin Planning Commissions and provided for financial assistance to the States for water resources planning.

The legislation we have under consideration today involves only the Water Resources Council and the funding needed to carry out its duties and responsibilities. Among other things, the Council was given responsibility for assessing national and regional water supplies and needs and coordinating river basin plans. H.R. 14106 authorizes additional appropriations to meet these two responsibilities of the Council.

In line with our longstanding policy, the Water Resources Planning Act includes a ceiling on the amounts authorized to be appropriated for the Council's operations. At the present time only $1.5 million annually is authorized to be appropriated for the expenses of the Water Resources Council in administering the act. The Council has found from experience over the last several years that this amount is not sufficient to adequately meet its responsibilities, particularly its responsibilities for assessing the Nation's water supplies and needs for coordinating river basin plans.

During the last several years the Council has had to call upon the various Federal agencies in the water resources planning field for funds to assist it in carrying out the directions given it by the Congress. These funding arrangements have not proved satisfactory, and both the Council and the agencies have agreed that funding through the Council's budget will improve the objectivity of the assessment and coordinating work and should result in a reduction in the overall cost. It seems clear to me that if the Council has the responsibility for directing the assessment work and coordinating the river basin plans, then it should control the purse strings.

H.R. 14106 provides an increase of $3.5 million in the amount authorized to be appropriated to the Water Resources Council to carry out the program to assess water resources and needs and to direct and coordinate river basin plans. For the most part, this increase will be offset by a reduction in the amounts that would otherwise have to be appropriated to the various Federal agencies in the water field.

Mr. Speaker, I urge the approval of this legislation.

Mr. HOSMER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SAYLOR).

Mr. SAYLOR. Mr. Speaker, I rise in support of H.R. 14106 as reported unanimously by the Committee on Interior and Insular Affairs.

This bill amends the Water Resources Planning Act to authorize increased appropriations to the Water Resources Council in order that it may more effectively perform its assessment activities and exercise leadership and coordination of planning as set forth in Public Law 89-90.

Briefly, that act sets forth four requirements of the Council. Categorization and augmentation of funding for the implementation of two of those requirements is a principal purpose of this bill. The two requirements are, and I quote from Public Law 89-90—

> (a) maintain a continuing study and prepare an assessment biennially, or at such less frequent intervals as the Council may determine, of the adequacy of supplies of water necessary to meet the water requirements in each water resource region in the United States and the national interest therein; and
>
> (b) maintain a continuing study of the relation of regional or river basin plans and programs to the requirements of larger regions of the Nation and of the adequacy of administrative and statutory means for the coordination of the water and related land resources policies and programs of the several Federal agencies; it shall appraise the adequacy of existing and proposed policies and programs to meet such requirements; and it shall make recommendations to the President with respect to Federal policies and programs.

The increase is $3,500,000. Of that amount, $2,500,000 are categorized for the program to assess water resources and needs. One national assessment has been made and the Council intends that the second assessment shall be made during fiscal years 1974 and 1975. The Council estimates that about two-thirds of these funds will be transferred to cooperating agencies for this assessment work.

The other $1,000,000 are to be used by the Council to direct and coordinate river basin plans. It will be utilized for new study starts by agencies. During the past 2 years, Congress has been appropriating funds for such work to single agencies with the directive that the study be performed with Council guidance. Under the provisions of this bill, the appropriation will be made to the Council which will fund the studies through its own budget.

Although this may seem like a large increase in funding for the Council, in reality it is not. As is pointed out in the committee report accompanying this bill, the net cost will be much less because the appropriation to the Council will be offset by a decrease in the amount that would otherwise be appropriated to the various participating Federal agencies.

This funding authority should provide the Council with an efficient coordinating and control tool and should produce assessments and plans that take into consideration the demands of our increasingly urbanized society and our growing concern for environmental quality.

I want to point out that the fiscal year 1973 budget request includes amounts of $100,000 to initiate preliminary national assessment work and $531,000 for the Council's direction and coordination of river basin plans. This bill is necessary to support those requests.

I urge your favorable vote on this legislation.

Mr. JOHNSON of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished chairman of the full committee has explained the background of this legislation.

H.R. 14106, which is recommended by the administration, amends the Water Resources Planning Act by increasing the authorization for the appropriation of funds to administer the act from $1.5 million per year to $5 million per year. This increase is necessary to permit the Water Resources Council to adequately carry out its responsibilities under the act.

Congress made the Council responsible for coordinating river basin plans and maintaining a continuing study of water supply requirements and management—and it is in this area that the Council finds that it cannot adequately meet its responsibilities under the fund ceiling presently in the act. The Council's job has become more difficult in the last few years because of the growing urbanization of our society, the problems of pollution, the increased concern for the environment, and the desire for sound regional development. The Council has the responsibility for developing a planning system to cope with these concerns of our society.

If the Council is to direct the studies and coordinate river basin plans, the funds needed for accomplishing this should properly be appropriated to the Council.

H.R. 14106 authorizes a $2.5 million annual appropriation to assess this Nation's water resources and our future water needs. These funds are earmarked for assessment work only and cannot be expended for any other purpose. The Council has made one national assessment and proposes to make a second during fiscal years 1974 and 1975.

The remaining $1 million increase in the annual appropriation authorization will permit the Council to adequately carry out congressionally assigned functions of directing and coordinating river basin plans.

Early enactment of this legislation is needed because the fiscal year 1973 budget includes a request for funds in excess of the amounts presently authorized to be appropriated. The budget includes $100,000 for preliminary work in connection with the national assessments and $531,000 for study direction and coordination of four comprehensive regional and river basin planning studies.

Although the bill involves an apparent cost of $3,500,000 annually, the net cost will be much less because the appropriation to the Council will be offset by a decrease in the amounts that would otherwise be appropriated to the various Federal agencies. The national assessment of water supplies and needs will be undertaken in cooperation with the participating Federal agencies, and approximately two-thirds of the funds for making the assessment will be transferred to the cooperating agencies. If the Council were not given the funding authority, it would be necessary to increase the budgets of the cooperating agencies by a corresponding amount. The same thing is true with respect to directing and coordinating the regional or river basin plans. If the Council were not given the funding authority, it would be necessary to designate one or more of the Federal agencies as the lead agency and increase its budget by a corresponding amount. By authorizing the appropriation of the funds to the Council, better controls over the programs can be exercised.

This legislation was reported unanimously after a full and complete hearing before my subcommittee. So far as I am aware, there is no opposition.

I urge the legislation be approved.

Mr. HOSMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 14106, a bill amending the Water Resources Planning Act to authorize increased appropriations.

The purpose of H.R. 14106 as reported by the Committee on Interior and Insular Affairs is to increase the appropriation authorization for the administrative expenses of the U.S. Water Resources Council.

This legislation was introduced as a result of an executive communication from the Chairman of the Water Resources Council which is printed in the report accompanying the bill.

The Water Resources Council has been

working along for quite a while. It has 4 more budgetary years to go. One of the things that the Council does is coordinate all river basin plans, and it has been allowed the sum of $1.5 million for this year for that purpose.

It has become apparent that to maintain this activity, it is going to take more money. In this legislation, we have provided for $1 million more for that purpose.

Less than $600,000 of that amount is planned to be spent this year, but before the program ends, it all will be consumed.

The other part of water resources planning involves assessment of national and regional water supplies and needs. In the past, we have been doing that on an interdepartmental and interagency basis. We have had to put together a deal to assess some particular region or river system, and then get some agency like the Corps of Engineers or the Department of the Interior to request the money for the project through its own budget. That has turned out to be very inefficient. Experience with the studies has resulted in the Council's recommendation to us that it be the conduit for future funding and direction of studies remaining to be done.

In this bill $2.5 million is provided for that purpose.

This is not really a new and additional governmental expenditure, or a new way of budgeting. It is merely implementation of good budgeting principles. But make no doubt about it, the money always comes out of the taxpayer's pocket and that is not going to change in any way. Here, we are merely authorizing the Council to do the same job, but in a better way.

By authorizing appropriation of these funds directly to the Council, in accordance with its request, it is hoped that better coordination and control can be exercised.

The Committee on Interior and Insular Affairs carefully reviewed this legislation and believes its enactment will improve the operations of the Water Resources Council.

Mr. Speaker, I urge passage of this amendment.

Mr. **JOHNSON** of California. Mr. Speaker, I yield such time as he may require to the gentleman from West Virginia (Mr. Kee).

Mr. **KEE**. Mr. Speaker, I highly commend our distinguished colleague, the gentleman from California (Mr. Johnson) and I highly commend our illustrious chairman, the gentleman from Colorado (Mr. Aspinall) and highly commend the gentleman from Pennsylvania (Mr. Saylor) for the tremendous amount of work that has gone into this well thought-out bill.

Mr. Speaker, I would respectfully call the attention of the Members of the House to the language of the committee report on page 2 which reads as follows under "Committee Recommendation":

> The Committee on Interior and Insular Affairs believes that this legislation is needed and, by a unanimous voice vote, recommends that the bill, as amended, be enacted.

Mr. Speaker, it is my hope that this bill will pass unanimously without one single solitary vote against it.

Mr. **HOSMER**. Mr. Speaker, I have no further requests for time.

Mr. **JOHNSON** of California. Mr. Speaker, I have no further requests for time.

The **SPEAKER** pro tempore (Mr. Boggs). The question is on the motion offered by the gentleman from California (Mr. Johnson) that the House suspend the rules and pass the bill H.R. 14106, as amended.

The question was taken.

Mr. **MIZELL**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER** pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 318, nays 0, not voting 114, as follows:

[Roll No. 189]

YEAS—318

Adams
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baker
Barrett
Begich
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Blackburn
Blatnik
Boggs
Bolling
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Carey, N.Y.
Carlson
Carney
Carter
Casey, Tex.
Chamberlain
Clausen, Don H.
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Corman
Cotter
Coughlin
Crane
Culver
Daniel, Va.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Griffiths
Gross
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Landrum
Latta
Lennon
Lent
Link
Long, Md.
McClure
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
Macdonald, Mass.
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Morgan
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
Patten
Pelly
Perkins
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Rees
Reid
Reuss
Riegle
Roberts
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Ware
Whalen
White
Whitehurst
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—114

Abbitt
Abernethy
Abourezk
Abzug
Alexander
Anderson, Tenn.
Andrews, N. Dak.
Ashbrook
Baring
Belcher
Bell
Bingham
Blanton
Boland
Bow
Burton
Caffery
Camp
Cederberg
Celler
Chappell
Chisholm
Clancy
Clark
Clawson, Del
Clay
Collins, Ill.
Conte
Conyers
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
Davis, Wis.
Dellums
Diggs
Dow
Dowdy
Dulski
Edmondson
Eshleman
Frelinghuysen
Galifianakis
Gallagher
Gibbons
Green, Oreg.
Griffin
Grover
Gubser
Gude
Hagan
Halpern
Hanna
Hawkins
Hébert
Helstoski
Holifield
Kyros
Landgrebe
Leggett
Lloyd
Long, La.
Lujan
McClory
McCloskey
McDonald, Mich.
McKinney
McMillan
Madden
Melcher
Miller, Calif.
Mink
Moorhead
Moss
Murphy, N.Y.
Nix
O'Konski
O'Neill
Passman
Patman
Pepper
Pettis
Pryor, Ark.
Railsback
Rangel
Rhodes
Robinson, Va.
Rodino
Rooney, N.Y.
Rousselot
Roybal
Runnels
Ruppe
St Germain
Scheuer
Schmitz
Shipley
Shoup
Sisk
Smith, N.Y.
Spence
Springer
Stokes
Stubblefield
Stuckey
Tiernan
Van Deerlin
Veysey
Waldie
Whalley
Whitten
Widnall
Wilson, Bob
Wilson, Charles H.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Shipley with Mr. Landgrebe.
Mr. Tiernan with Mr. Ruppe.
Mr. O'Neill with Mr. Conte.
Mr. Celler with Mr. Halpern.
Mr. Rooney of New York with Mr. Cederberg.
Mr. Burke of Massachusetts with Mr. Bow.
Mr. Leggett with Mr. Bell.
Mr. Holifield with Mr. Del Clawson.
Mr. Charles H. Wilson with Mr. Bob Wilson.
Mr. Curlin with Mr. O'Konski.
Mr. Miller of California with Mr. Clay.
Mrs. Chisholm with Mr. Roybal.
Mr. Rodino with Mr. Rangel.

Mr. Moss with Mr. McCloskey.
Mr. McMillan with Mr. Davis of Wisconsin.
Mr. Scheuer with Mr. Dellums.
Mr. Bingham with Mr. Conyers.
Mr. Moorhead with Mr. Eshleman.
Mr. Spence with Mr. Whalley.
Mr. Melcher with Mr. Springer.
Mr. Galifianakis with Mr. Hawkins.
Mr. Davis of Georgia with Mr. Lloyd.
Mrs. Mink with Mr. Diggs.
Mr. Chappell with Mr. Belcher.
Mr. Boland with Mr. Railsback.
Mr. Hébert with Mr. Rhodes.
Mr. Helstoski with Mrs. Abzug.
Mr. Abbitt with Mr. Ashbrook.
Mr. Burton with Mr. Collins of Illinois.
Mr. Nix with Mr. Dow.
Mr. Stokes with Mr. Waldie.
Mr. Daniels of New Jersey with Mr. Frelinghuysen.
Mr. Clark with Mr. Smith of New York.
Mr. Anderson of Tennessee with Mr. Gubser.
Mr. Hanna with Mr. Rousselot.
Mr. Sisk with Mr. Shoup.
Mr. Patman with Mr. Widnall.
Mr. Abourezk with Mr. Andrews of North Dakota.
Mr. Edmondson with Mr. Camp.
Mr. Dulski with Mr. Grover.
Mr. St Germain with Mr. Gude.
Mr. Runnels with Mr. Lujan.
Mr. Van Deerlin with Mr. Pettis.
Mr. Danielson with Mr. Schmitz.
Mr. Madden with Mr. McDonald of Michigan.
Mr. Kyros with Mr. McKinney.
Mr. Blanton with Mr. McClory.
Mr. Stuckey with Mr. Robinson of Virginia.
Mr. Whitten with Mr. Clancy.
Mr. Alexander with Mr. Long of Lousiania.
Mr. Baring with Mr. Stubblefield.
Mr. Caffery with Mr. Pepper.
Mr. Passman with Mr. Gibbons.
Mrs. Green of Oregon with Mr. Pryor of Arkansas.
Mr. Hagan with Mr. Griffin.
Mr. Abernethy with Mr. Murphy of New York.
Mr. Gallagher with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ENCLOSE IN OPAQUE INNER AND OUTER COVERS BEFORE TRANSMITTING

(Mr. OBEY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. OBEY. Mr. Speaker, Government documents needlessly stamped secret or confidential will keep piling up by the millions as long as the security classification system operates under executive order instead of statutory law.

Hearings by the Foreign Operations and Government Information Subcommittee have disclosed that under the present system, some documents are kept secret for 75 years, the big four classifying agencies spend twice as much to withhold information from the public as they do to make it available, and whole volumes can be classified though they contain nothing but unclassified information.

I am pleased, therefore, to join the subcommittee chairman, Mr. MOORHEAD, in sponsoring the Freedom of Information Act Amendments of 1972 (H.R. 15172) to put the system under statutory control and help resolve disputes between Congress and the executive branch over access to information.

On March 8, when he issued an executive order providing for the classification and declassification of national security information and material, President Nixon acknowledged that the present system "has failed to meet the standards of an open and democratic society, allowing too many papers to be classified for too long a time." However, I accept Mr. MOORHEAD's judgment that the new Executive order "does not correct the major security classification problems about which we are all gravely concerned. Indeed, it is a document written by classifiers for classifiers."

Perhaps what is wrong with the present system can be summed up in a word borrowed from the National Security Council directive implementing the President's new Executive order. The directive, signed by Henry A. Kissinger and published May 19, instructs that "classified information and material shall be enclosed in opaque inner and outer covers before transmitting." That is fair enough, but I think our problem is that the purposes of the security classification system have become opaque to those who operate it.

The independent Classification Review Commission that would be created by the Freedom of Information Act amendments is a promising approach provided that it truly builds an access bridge between Congress and the executive branch, not a new barrier.

THE SHATTERING TRADE DEFICIT

(Mr. GAYDOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GAYDOS. Mr. Speaker, last year's shattering trade deficit of $2.05 billion—the first in nearly 100 years—already has been eclipsed in 1972. In just 4 months the high water mark of red ink has reached $2.2 billion.

Unquestionably, this situation is critical and experts on all sides are offering solutions to turn the tide. Some of these experts base their hopes on the new understanding between management and labor with relation to increased productivity and a halt to unrealistic pay boosts.

Mr. O. R. Strackbein, president of the Nation-Wide Committee on Import-Export Policy, discussed this proposed solution to the trade dilemma in a report to the Joint Economic Committee. I am inserting a copy of the report into the RECORD, and I am certain my colleagues will find Mr. Strackbein's analysis both interesting and informative.

PRODUCTIVITY AND FULL EMPLOYMENT

(By O. R. Strackbein)

Increasing the productivity of labor is seemingly one of the present-day imperatives if we are to douse the fires of inflation and meet foreign competition. Greater output per man-hour at a given level of wages will, of course, reduce the cost of production. The forces of competition, to the extent that they operate, will then also reduce the cost to the consumer. If wages rise less than productivity the consumer will enjoy lower prices. If the wage level rises in equal proportion to productivity prices will stand still, other things being equal. Of course, if wages rise faster than productivity prices would be expected under normal conditions of supply, to rise. At least, so goes the catechism of economies.

The imperative of increasing productivity has been raised almost to the majesty of the absolute.

It is desirable therefore to examine some of the credentials of this towering imperative. While its very simplicity makes it attractive, the side effects it may produce may detract from any inclination to extend blank endorsement to the mandate.

CREDENTIALS OF HIGHER PRODUCTIVITY

In the first place, productivity can be increased in any meaningful sense only by displacement of labor. This follows from the fact that some 80% of the corporate production costs consists of employee compensation. It was not the faster shoveling of coal by the coal miners that so greatly increased the output per man-hour in the coal industry. It was the introduction of mammoth machines and strip-mining that accomplished the decimation of the miners' ranks. The result was a great gain in competitive standing, not only in opening foreign markets but in avoiding eviction of coal from our domestic market by petroleum and natural gas.

The output of coal per man-year increased from 1,239 tons in 1950 to 4,261 tons in 1968. The number of coal miners on the other hand, as might be expected, declined from 415,000 in 1950 to 127,000 in 1968. (Statistical Abstract of the United States, 1971, Table 1049, p. 642). In other words as productivity rose 3.4-fold between 1950 and 1968, the number of miners declined in almost equal proportion, or by 70%, or to a level of 30% of the 415,000 employed in 1950.

One of the results was, of course, the great distress of the coal-mining region, usually referred to euphemistically as "Appalachia", which has cost the Treasury hundreds of millions of dollars without curing the blight. Meantime our exports rose to 50 million tons, or 10% of our domestic output. Obviously our amazing productivity achievement that brought us gratifying exports and competitive prowess did little to help the displaced mine workers—some 300,000 of them or 70% of the work force! Since the number of bituminous coal miners (responsible for over 98% of our coal production) had fallen to 127,000 by 1968, the 10% exports saved the jobs of some 12,000 miners. Such a meager result should give pause to those who would raise increasing productivity to the level of a virtual categorical imperative, to be loved, honored and obeyed.

In the field of economics hard facts armed with a warhead of real meaning are not often encountered. When we do encounter them we should be grateful and learn something from their significance, rather than dismissing them because they raise disconcerting questions.

For example, higher productivity in other fields need not be looked to much more hopefully as a source of higher employment than coal *under the present status of world trade and our position in it.*

The further notion that we can pull ourselves out of our present unenviable economic position either at home or abroad by increasing our exports, an endeavor that is seen to rest on rising productivity, is almost totally false. This is especially true of increasing exports of agricultural products made possible by rising output per man-hour. In the 1930's nearly half of our total exports were agricultural products. After the permanent displacement of some two-thirds of agricultural workers by greater productivity our exports of farm products were only some 16% of total exports.

It goes without saying that for the coal mining industry the productivity leap was unquestionably an imperative, indeed the only means of survival; but its cost in employment prevents its conversion into a justification for a similar course to be adopted by other industries.

THE HISTORIC ROLE OF INCREASING PRODUCTIVITY

It is true, on the other hand, that rising productivity has been both the source of greater employment and higher wages in this country. In fact what was our unique economic system until a few years ago owed its genesis in great measure to the rising productivity that flows from invention and proliferating technology.

The fruits of technology, to be sure, were not enough of themselves to build our system, but they represented one of the cornerstones. Without them we would not have cut our anchorage that held us to the more pedestrian European system some seventy years ago. Technology by itself was not enough because the mass-production of which it was the efficient cause did not and cannot stand on its own feet. It needs the complement of mass-consumption; and this fact, a strictly American perception, though in no sense abstruse, long evaded comprehension by our European forebears. Their skepticism, as reflected by the British was no doubt sustained many years by the negative attitude of their leading economists, such as Ricardo, toward wages and their economic function. The British economists were in a sense apologists for the factory system that revulsed Dickens and Burke before him, and others, who were appalled at the employment of children and the inhuman working conditions imposed on factory workers and miners in general.

ORIGIN OF FREE TRADE

English leadership in the world rested on her commerce, protected by her navy. Since she was short on natural resources she depended on imports of raw products to feed her factories. These in turn not only supplied the home market but also produced surplus output for export. The latter brought her the exchange necessary to sustain her necessary imports.

The English situation indeed gave rise to the elaboration of the blessings and benefits of free trade—a system that was well suited to England's interest in holding her colonies as sources of raw materials (i.e., as agrarian and raw material economies) and as markets for her factory output. Our own academic economists drank deeply of the Adam Smith vintage of free trade and, failing to note the great difference between our economic situation and that of the British, undertook to apply to us what was good for England but not necessarily for us. They took the words of the British economic apologists as the gospel and using our chairs of university economics preached the gospel of free trade to generation after generation of students. The result was an intellectual and emotional conditioning of our economists that has not yet achieved the ability to break through to reality. What was good for colonial England in the 18th and 19th centuries was fastened on us as if it were also a superb prescription for our economic health. Actually we flouted the theory in great part in practice and erected a protective tariff, beginning in 1816. This action made possible our economic independence of England, as we had earlier gained our political independence.

However, it was not until after the Civil War that we began to lay the basis for a new system (still capitalistic, to be sure) that greatly modified our economic heritage. The point of departure was not immediately visible but in time produced a divergence of great proportions.

Once the post-Civil War heavy concentrations of capital built trusts and virtual monopolies we began to see the need for anti-trust legislation if the lowered costs of production that were made possible by our mechanical developments were to be passed on to the public, i.e., the consumers. 1890 marked the passage of the Sherman Anti-Trust Act. This was followed in some 25 years later by the Clayton Act, the Federal Trade Commission and Federal Reserve Acts. After another 20 years we put the Robinson-Patman Act on our statute books: another anti-monopoly measure.

After the turn of the century we turned more and more to the mass production made possible by our inventiveness and industrial talent. Then came the redeeming recognition of the link between mass-production and mass-consumption. By itself mass production would only accumulate indigestible surpluses of goods. It was necessary to place higher purchasing power into the hands of the consumers.

Very well, who were the principal consumers? Potentially they were those who in the aggregate have the most money to spend, rather than the few who receive the highest incomes.

In 1969 the number of males employed in this country was 48.8 million while the number of employed females was 29.0 million. The average pay of the males was $7,659 and of females $3,958. Here then was a potential consumer market of $370 billion among the employed males and $114 billion among the employed females, for a total potential market of $488 billion. Had the per capita income been only $1000 per year instead of the higher figure, the potential market, assuming the same price level, would have been very much smaller, or about $79 billion instead of $488 billion. Yet such a low level of income would still have exceeded by far the average per capita income of the Chinese (mainland) population of some 750 million and that of the Indian population of some 550 million, not to mention the great majority of the 265 million (plus) of Latin American population.

U.S. DEVELOPMENT

This country was not noted as being in the forefront of wage levels until the twentieth century; nor was it noted as an industrial nation, except perhaps as being on the threshold of new departures.

Given our mechanical, technological and managerial talent it nevertheless did not follow that we would know what to do with it. We had no greater endowment in those fields than the Europeans from whom we sprang. We did have greater distances staring us in the face; and it may be guessed that, much as the automobile is being castigated today as the mother of many of our ills, the need for farther and more agile locomotion, to tame our distances, may have motivated and sparked the mass-production outbreak to which we gave ourselves in the early years of this century when we tinkered with the automobile. In any event there can be little question that the connection between mass-production and mass-consumption was grasped by the great entrepreneur of that industry who put it into actual effect before it was recognized and implemented elsewhere.

It needed vision, obvious as the equation is today, to perceive the great market possibilities that would open if the cost of a highly useful and enjoyable product could be brought to a level low enough to come within the pocketbook reach of the mass of the people. It needed not quite so much sharpness perhaps to see further that achievement of the objective could be helped if the income of these masses could rise and thus meet the lowering cost half way.

Monopoly power would perhaps have led the automobile makers to concentrate on the upper levels of income. If we would gain an idea of the difference between the two approaches, i.e., a limited high-income market and a mass market, we must move to recent dates because of the state of availability of statistical data.

In *1962* the number of "Top Wealthholders" in this country, i.e. those with gross assets of $60,000 or more, was 4.13 million of a population of over 180 million. Of these 4.13 million over half had gross assets under $100,000. Those with gross assets of $200,000 or more numbered 670,000 and those with assets of $1 million or more numbered 59 thousand. This was one person out of 3,000 of the 1962 population. (Ibid., 1971, Table 523, p. 327).

If we turn to actual income as distinguished from gross assets we come to a different but nonetheless very useful measure so far as market potentials go.

In *1969* the median income of males aged 14 and over was $6,429. For females the median was $2,132. Of the men 92.5% had an income; and 65.8% of the females.

The males with an income of $10,000 and over were 24.1% of the total; females 2.4%. Males with an income of $7–9,999 were 21.6% of the total; females 5.9%. The next lower bracket of $6–6,999 showed 7.6% of the males and 4.8% of the females. From $5–5,999, the percentages were 7.0% for males and 6.9% for females. (Ibid., Table 509, p. 320.)

A yacht manufacturer might aim at the market represented by the 670,000 who had gross assets of $200,000 or more.

The earlier automobile manufacturers no doubt also aimed at the higher but sparsely populated high income levels, because of the high units cost of their product. Monopoly power might have elected to stay at that level, preferring a small volume with a high profit per unit.

That was not, however, what happened. Henry Ford is usually credited with the breakthrough. He had no Census Bureau statistics to show him the various layers of income of the people, but he could guess that he would have a much larger market if he could bring down his costs to a level that would tap the mass market. This he did, thanks to his vision, his courage and productive genius. He also recognized the market-boosting effect of adequate wages.

He did have some conditions weighted in his favor, such as a toil-willing population, free enterprise, a national patent system, free trade among the States, low tax levels, no import competition distorting his timing options, and skilled labor. There was adequate competition, but, in view of his glimpse of the potentials of a mass market it is doubtful that he would have traded his vision for a more limited but high-price market.

The advent of the automobile, of course, boded ill for the wagon and carriage industry, not to mention horse breeding and growing of feed grain.

There was a fruitful lesson still to be learned. This lurked in the meaning of an *elastic* demand. Not all products enjoy the species of growing demand that greeted the cost reductions accomplished by the automobile industry. Had Henry Ford been a wheat or corn farmer he would have faced a wholly different market prospect. The reason is simple and obvious. Every person has only one stomach. Therefore biology sets a limit to consumption. This is true also of domesticated animals that may consume grains.

Had Mr. Ford come into possession of millions of acres of crop land so that he could have devoted his mechanical talents to mass production and sharp reduction in the price of wheat or corn per bushel, he would not have been greeted by a happily expansive market. The demand for food products is quite *inelastic*. While everyone has a stomach not everyone had an automobile. While everyone needed a stomach in order to live he did not need an automobile but could perhaps use one if he could afford the cost and expense of having one. He could even own more than one machine, if it came to that. A second or even an auxiliary stomach is perhaps not yet even on the drawing boards, much as gourmets might like an extra one.

Mr. Ford might have succeeded in reducing the number of manhours to produce wheat but this achievement would not have increased the number of stomachs that might be fed. The planters and harvesters whom he would have displaced would not have been rehired because of a ballooning of demand such as greeted his automobile. In the latter instance the increased demand led to the hiring of more and more workers. The distressed carriage and wagon makers and horse and feed grain producers would become absorbed in the work force, albeit not directly or overnight. If there were other products to follow the example of the automobile, the labor market would take up the slack instead of settling into stagnation.

Mr. Ford's wheat would have accumulated huge surpluses in search of storage space. Presumably he might have sought export markets and might indeed have found some. Even so he would not have encountered an indefinitely expansible demand beyond the head-count of the population here or abroad.

The national experience with agricultural labor in this country under the farm program completely supports these observations. The six or seven millions of farm workers who have been displaced by modern agriculture in this country and the phenomenal increase in productivity of our farming operations, have not found resettlement and reemployment on the land. Inelasticity of demand for food products, which account for more than three quarters of our farm acreage, is the bar absolute against achievement of the employment expansion characteristic of new or radically modified nonessential products produced by industry.

Rising productivity in the production of *essential* goods, be they agricultural or mineral, represents a countervailing force working against full employment. When we released agricultural workers from the land because of rising productivity they could no longer remain on the land. They poured into the cities. The higher productivity of farmers did not lead to significantly higher consumption of farm products. Therefore the displaced workers remained displaced. They could hope to find reemployment only in the industries or services that catered to an *elastic* demand. While the number of products for which the demand is elastic is very large absorption of displaced workers is a slow process. Witness Appalachia. With respect to nonessential goods the only limit to demand is income, assuming wage increases in keeping with the higher productivity. (Today, to be sure, other limitations are raising rather ugly heads in the form of resource exhaustion, pollution, etc.)

We have obviously not lacked rising employee compensation in recent years. We have, however, encountered a different obstacle to absorption of the work force. Time was, until recently, when we could depend on new products or revolutionized methods of producing established products, to lead to additional sales as costs were brought down, as witness radio, television (for a time), household appliances of a great variety, synthetic textiles, etc. This meant new job openings sufficient to absorb the net additions to our work force which are now well in excess of a million per year.

Now, however, even though costs can still be reduced by mechanical and other innovations, the incentive is no longer what it was. We can no longer rely on our domestic market to supply the customers for made-in-U.S.A. products as we could in the past.

Our high productivity has been exported, so to speak. Foreign costs are below ours because foreign wages, while rising quite rapidly, did not bridge the gap. Foreign productivity came much closer on our heels than foreign wages, partly because our companies established manufacturing facilities abroad and used our own patents in these facilities, and partly because we licensed foreign producers to use our patents.

A budding young Henry Ford today, looking about himself, would see a vastly changed world-setting from the one of Henry Ford two generations ago. The latter had all the time he needed to develop and improve his product. Every substantial improvement in production meant more sales as he cut his costs. If anyone contested his market, his competitor, whoever he might be, operated under the same wage levels as himself, or not so far below that Mr. Ford could not cope with the difference within the amount of time he had available.

He (the elder Ford) was not likely to awaken one day as does his young successor in some other industry, to be confronted by a chilling challenge from abroad where some entrepreneur, either American or foreign, offers for the American market an acceptable competitive product, as good as his own, or better, at a cost so much lower than he could match that he must look beyond this country for additional sales territory. Unlike his young successor the elder Ford had no import competition, and needed none to stir him into a maximum effort.

His young counterpart would now be in much the same straits with his marketing as the elder Ford would have been with his wheat surplus had he gone into vast wheat acreage as previously pictured. While the young Ford's sales of nonfood products would not be limited by the one-stomach per person as it would be with wheat, it would be limited nevertheless by the import intrusion that would despoil his market, upset his planning and his timing no less than darken his prospects for serving an expanding market. The imports would do what the inelastic demand does for wheat.

He would now look abroad for an increasing part of his expansion. The higher employment that would have happened here under the old condition would now be shared with his foreign plants and with other foreign producers.

The cry for greater efficiency is now an ironic mockery as it reverberates through the manufacturing community, be it automobile, steel or textiles, electronics, office machines or a hundred varieties of other consumer goods. Others can now manufacture the same thing the American industrial leader does, and do it cheaper, be it in Japan, West Germany, Italy, or wherever our technology has taken root. Moreover, they need foreign markets because their low wages do not provide a sufficient home market.

The competitive margin needed for holding our home market or expanding it for our own products, has been greatly narrowed and in a number of instances has disappeared. The market for the nonessential product, which is the mainstay of our employment, has been converted increasingly into the relatively static characteristic of the essential product so far as job-generation is concerned—for the reason already given.

When rising imports strike the market for an essential product like wheat, meat or other food product, they may take away a certain share of the market and thus deprive the growers of that much acreage output. They must then curtail their acrease or run the risk of creating a price-depressing surplus.

Yet the effect is not as serious as the invasion of our market for nonessentials of the kind that enjoy an expanding market as the costs are reduced, the product improved, made more useful, pleasurable and more attractive. *When the imports cut off the potential expansion or cut the expansion down to merely supplying the increase in population, our coefficient or ratio of expansion is destroyed or severely crippled and the nonessential product is converted into the same pedestrian pace as the nonessential one in point of job creation.*

Capital will not come forth readily or eagerly to be poured into research and development, consumer research, market cultivation, plant expansion and similar activities. Rather a cautious atmosphere will prevail. Venture capital aimed at production of nonessentials is notoriously timid for the simple reason that the consumer can for a variety of reasons curtail his spending, postpone his buying or reduce his consumption. If possible the venture capital will hedge by going overseas to participate in the low labor-cost advantage that confers the competitive margin on foreign producers by dint of which they have penetrated our market.

Established industries will undertake foreign manufacture to supply foreign markets from within. They will in many cases equip their foreign plants with American machinery and equipment and thus boost exports of these products. In 1971 our exports of machinery continued to run a strong surplus while nearly all other manufactured goods sustained heavy trade deficits. The indication is that foreign productivity will continue to rise as our export of machinery continues at a high level.

However, this may be a short road, since our imports of machinery have grown much more rapidly in the past ten years than our exports. The recipient countries of our exports are fast learning how to build their own machinery and to gain world markets for their exports.

If we insist on confronting our problem with a hypnotic chant citing our superior "know-how", hand in hand with a worshipful attitude toward increasing productivity, and a nostalgic attachment to free trade while refusing to accept the meaning of cumulative evidence of the sterility of this posture, we will surrender the motivation that brought us world industrial leadership in the first instance.

It needs no heavy protectionist onslaught to preserve what this country built in pioneering fashion. No turning back of the clock is needed nor injury to our trading partners in the world: only adaptation to radically changed conditions.

OPPOSED TO INTERSTATE OIL COMPACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 10 minutes.

Mr. CONTE. Mr. Speaker, as one who has testified in opposition to Senate Joint Resolution 72, to renew the Interstate Oil Compact, which was passed earlier today on the Consent Calendar, I want to explain why I do not object to the bill in its present form, and to commend the committee for its recognition of the impropriety of past practices of the Compact Commission and for moving to correct these abuses.

The sole purpose of the compact is set out in article II as follows:

> To conserve oil and gas by the prevention of physical waste thereof from any cause.

As I testified, however, and as the committee report states, under the guise of its concern for conservation, the Compact Commission has engaged over the years in a series of "extracurricular activities" which "appear to fall outside, or at best, have a very tenuous connection with, the limited purposes of the compact."

These extracurricular activities have,

in my view, been nothing more than federally sanctioned lobbying activities in favor of preserving every aspect of the whole range of special privileges extended to the oil industry at the consumer's expense. Among other things the Compact Commission has opposed any cut in the depletion allowance, fought to preserve oil import quotas which cost U.S. consumers over $5 billion annually, and opposed any change in the State production control, or prorationing, system under which the oil producing States of Texas and Louisiana have been able to artificially hold down production, and thereby maintain demand and higher prices.

I want to commend particularly my distinguished Massachusetts colleagues, TORBERT MACDONALD, chairman of the Subcommittee on Communications and Power, and HASTINGS KEITH, its ranking minority member, and their subcommittee colleague, the gentleman from Rhode Island (Mr. TIERNAN), for taking forthright action to end these abuses. As the report explains, the resolution has been amended to require the Attorney General to report specifically on whether the operations of the Compact Commission "have been limited to activities related directly to the immediate purpose of such compact." No less important is the stern warning in the report that such extracurricular lobbying activities "under the aegis of the compact" must be stopped.

I should mention at this point, Mr. Speaker, that I continue to have doubts about the need for this compact legislation, but I am pleased that the Commission will no longer be able to serve as a mouthpiece for the oil lobby. All of us know that lobby's voice is already heard loud and clear in too many circles in this Government.

In closing, Mr. Speaker, I would urge that the Subcommittee on Communications and Power which has performed this service today, now move to build on this initial effort by considering my bill, H.R. 3548—and identical companion bills H.R. 4930, 4931, 4932, 5187 and 6750—to repeal the so-called Connally "Hot Oil" Act which permits the prorationing I spoke of earlier. Ninety of my House colleagues, including Chairman MACDONALD, Mr. KEITH, and Mr. TIERNAN, are cosponsors of this bill. I am convinced that hearings on this legislation would demonstrate that this more substantive consumer abuse simply must be ended.

STRONG CANADIAN PROTEST OVER THE ALASKA PIPELINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN), is recognized for 20 minutes.

Mr. ASPIN. Mr. Speaker, I would like to include in the RECORD today a letter from the Canadian Minister for Energy, Mines, and Resources, Donald S. MacDonald, to Interior Secretary Rogers C. B. Morton. Mr. MacDonald's letter charges that the Interior Department failed to adequately consider Canada's views on the proposed trans-Alaska pipeline and hints that U.S. approval of the controversial pipeline could affect future United States-Canada relations.

I believe Mr. MacDonald's letter is strong evidence that the Interior Department failed to make a good faith effort to objectively compare the relative merits of a Canadian oil pipeline as an alternative to the Alaska pipeline. The letter tends to confirm my previous assertion that the administration's approval of the Alaska route was not based on environmental and economic criteria. Mr. MacDonald's letter is unusually frank and reveals how the Interior Department has apparently gone out of its way to avoid getting the latest data on the Canadian pipeline.

The letter from Mr. MacDonald to Secretary Morton follows:

MAY 4, 1972.

Hon. ROGERS C. MORTON,
Secretary, Department of the Interior,
Washington, D.C.

DEAR SECRETARY MORTON: I found most useful my meeting with you in your office in Washington March 30 last, and appreciate greatly your courtesy in discussing with me certain aspects of the interesting decision you have under consideration in connection with an application for a permit to construct an oil pipeline in Alaska.

At the time of our conversation, you suggested that you would like to have more insights and information into the Canadian interest in having such an oil pipeline constructed through Canada from Prudhoe Bay. I undertook to write this letter to you to expand on our current position regarding a possible Canadian project and, in particular, to comment on matters related to the environment, financing and timing.

There would be many advantages arising from the use of a Canadian pipeline route. We believe it would enhance the energy security of your country by providing an overland route for your Alaska oil production, thereby servicing the oil deficit areas of the mid-continent and also the Pacific North West. Although cost comparisons of the Trans-Canada and Trans-Alaska routes are interesting, they will, of course, not in the strictest sense be subject to direct comparison since the Canadian costs provide for placing Alaska North Slope oil directly into the mid-continent and Puget Sound markets. Canada has an interest in the energy security of your country, and this land route for Alaska crude oil would enhance that security of supply to deficit areas in the United States. Furthermore, this security of supply could be further enhanced during the interim period of Northern pipeline construction by extra Canadian crude, as I indicated in my remarks in the House of Commons April 19.

The MacKenzie route would, of course, be advantageous to Canada in that it would give access to our potential oil resources in the Northern Yukon and MacKenzie River areas. Within Canada, also, there would be benefits to the economy of these Northern regions from this new activity and opportunities for the employment and training of our native peoples.

In reciting some of the advantages to the United States and Canada of a cooperative relationship between us in the construction of an oil pipeline across Canada, I am mindful, too, that such a measure would avoid the considerable increase in tanker movements of oil on the Pacific Coast and particularly in the inland waters of Alaska, British Columbia and Washington State, and the resultant significant risk of serious environmental and economic damage. This is an area which, if not solved with reason and wisdom by us today, could produce difficult influence in Canada-United States relations.

In considering the environmental impact of oil pipelining in Northern Canada, it should not be overlooked that there are current proposals being studied by gas transmission and distribution companies for a gas pipepline from Alaska through Canada to the continental United States. If these proposals are successful, there will be environmental disturbance in any events.

The major environmental impact study which was released by your department to the public March 20 has been under review here since its receipt. The report is an historic document in evaluation of the impact of pipelining on the social and biological environment. Your department deserves congratulations for the breadth of the study.

As you are well aware, the comments made in the report on the so-called Canadian alternative are based on data in the public sector, some of which have become out of date and very little of which was produced in the last two years. Your officials did not ask for any technical assistance from departments of the Government of Canada in connection with the environmental aspects of this study. I brought to your attention during our meeting, and by way of a letter March 28, the substantial program of work in the environmental field which my government has been undertaking with the commencement of the 1970 field season. In addition, we have recently made public and have provided to your State Department a list of the thirty environmental and social studies under way at this time and scheduled for completion later this year. Of course, our general work program was known to officials of your department and has been a matter of considerable public information in Canada.

We are of the view that your consideration of the Canadian alternative could benefit substantially from a knowledge of the work which has been done by both industry and government and which is to be completed this year. A result of detailed consideration would lead, in our view, to an improved appreciation of the advantages in an environmental sense of the Canadian alternative. We would be prepared to hold meetings between officials of our two governments at your early convenience.

The Prime Minister of Canada, in a statement on April 28, indicated the decision of the government to begin construction of an all-weather highway to link the communities of Fort Simpson and Inuvik in the Northwest Territories. When completed, this will provide a road from the Northern boundary of the Province of Alberta to the Arctic Ocean on a route selected to be of use for oil or gas pipelines built along the MacKenzie Valley. Such a road will, in our judgment, substantially ease the construction of a pipeline. This decision is, I think, a significant new factor which affects the balance of advantage between alternative routes. I am sure it will be taken into account by any private entities that may be interested in building an oil or a gas pipeline, and I think it ought to be a factor in governmental assessment as well.

As to the timing for construction and completion of an oil pipeline, this is dependent on the assembly by the applicants of the technical information required, on the financial arrangements which are made and on other normal criteria for pipeline construction in Canada: These matters are subject to regulatory supervision under laws in Canada with which your officials have had a familiarity in connection with pipeline systems which now carry the bulk of Canada-United States oil and gas trade. I would confirm to you my comments in Washington on March 30 last that, in the opinion of our technical advisers, there should be no reason why regulatory and governmental consideration could not be given in an expeditious manner commencing with an application filed by the end of this year.

I would be grateful for your reaction to the suggestions put forward in this letter.

Yours sincerely,

DONALD S. MACDONALD.

END THE NATIONAL STATE OF EMERGENCY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. Abzug) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, I am today submitting a resolution which would establish a House Special Committee on the Termination of the National Emergency. Similar to Senate Resolution 304, introduced by Senator Mathias and 14 other Members of the other body, it would direct the special committee to study the effects of terminating the state of national emergency declared by President Harry Truman in 1950 and still in effect today.

It may surprise some to learn that we are still in a state of national emergency proclaimed in the depth of the Korean war. And that while the Korean war has passed into history, the emergency proclaimed to deal with that war remains in force.

Based on authority granted by the Emergency Banking Act of 1933, a President can, by the simple expedient of declaring a national emergency, assume a vast web of powers rendering the Congress expendable. This is not simply an interesting anachronism without practical force. The powers available to the President under this state of emergency are not trivial—fully some 200 special powers accrue to the President from it. In January 1968, for example, President Johnson used it to control American investments abroad in an effort to ease that year's balance-of-payments crisis. In February 1971, President Nixon invoked the same authority to suspend the provisions of the Davis-Bacon Act.

In this past year, we have witnessed a striking application of Presidential emergency powers. With a single speech on August 15, President Nixon did more than months of Senate hearings to dramatize the enormous arsenal of powers within the grasp of the Executive. Wielding authority granted him by law, the President drastically changed the economic course of the Nation and the world. By the time Congress returned 3 weeks later, it was required to legislate in a radically altered political and economic context.

The powers the President was able to invoke with regard to economic stabilization emphasize once again the incredibly broad scope of authority which Congress has relinquished—or permitted to be arrogated—to the President and his White House subordinates. In thus adding power over the dollar to his command of American military forces and his influence over mass media, the President has lent support to the conclusion of Prof. Duane Lockard, chairman of the department of politics at Princeton, that—

> In essence the Presidency has become an elective kingship with decisive power in a broad range of matters . . . He can start a war or end one; he can breathe life into a domestic project or smother it.

This situation is not without legislative precedent. Alas, Congress has frequently been accomplice in its own decline, conceding initiatives to the executive and tolerating procedural abuses when their ends were agreeable. One need only name the Formosa resolution of 1955, the Middle East resolution of 1957, the Cuba resolution of 1962, and the Gulf of Tonkin resolution of 1964 to illustrate how readily Congress delivered up to the President large elements of its constitutional jurisdiction.

The resolution I am introducing today seeks to restore the constitutional balance between the President and the Congress. It establishes a bipartisan House committee to study the problems which may arise as the result of terminating our protracted state of national emergency and to consider the necessary or desirable legislative actions toward this end. It is expected that the committee's recommendations would, among other things, have the effect of restoring to Congress its full constitutional authority to regulate commerce, and would clearly define a national emergency. Together with the war powers bill which was passed by the Senate in April, this would serve to assure that emergency powers would only be applied for the duration of genuine emergencies.

In the effort to restore the constitutional balance between the executive and legislative branches of our Government, the war powers bill and now the emergency powers resolution, represent a good start. We must press forward to see them passed this year. And we must repel any effort to bring them into the arena of partisan politics in this election year. Restoring to Congress its constitutional responsibility is an effort which must be joined by Republicans and Democrats, liberals and conservatives.

Mr. Speaker, I include in the Record at the conclusion of my remarks the text of the resolution and the text of a speech made by Senator Mathias when he introduced Senate Concurrent Resolution 27, the predecessor of Senate Resolution 304 and my resolution:

H. Res. 109

Resolution establishing the Special Committee on the Termination of the National Emergency and authorizing expenditures thereby

Whereas the existence of the state of national emergency proclaimed by the President on December 16, 1950, is directly related to the conduct of United States foreign policy and our national security: Now, therefore, be it

Resolved, That (a) there is hereby established a special committee of the House of Representatives to be known as the Special Committee on the Termination of the National Emergency (hereinafter referred to as the "special committee").

(b) The special committee shall be composed of eighteen Members of the House equally divided between the majority and minority parties to be appointed by the Speaker, no more than 8 of whom shall be members of the Committee on Foreign Affairs.

(c) The special committee shall select a chairman and vice chairman from among its members. A majority of the members of the special committee shall constitute a quorum thereof for the transaction of business, except that the special committee may fix a lesser number as a quorum for the purpose of taking testimony. Vacancies in the membership of the special committee shall not affect the authority of the remaining members to execute the functions of the special committee.

Sec. 2. (a) It shall be the function of the special committee to conduct a study and investigation with respect to the matter of terminating the national emergency proclaimed by the President of the United States on December 16, 1950, and announced in Presidential Proclamation Numbered 2914, dated the same date. In carrying out such study and investigation the special committee shall:

(1) consult and confer with the President and his advisers;

(2) consider the problems which may arise as the result of terminating such national emergency; and

(3) consider what administrative or legislative actions might be necessary or desirable as the result of terminating such national emergency, including consideration of the desirability and consequences of terminating special legislative powers that were conferred on the President and other officers, boards, and commissions as the result of the President proclaiming a national emergency.

Sec. 3. For the purposes of this resolution the special committee is authorized from date of agreement to this resolution through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the House, (2) to employ personnel, (3) to hold such hearings, (4) to sit and act at such times and places during the sessions, recesses, and adjourned periods of the House, (5) to require, by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, (6) to take such testimony, (7) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(i) of the Legislative Reorganization Act of 1946, as amended, and (8) with the prior consent of the Government department or agency concerned and the Committee on House Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 4. The expenses of the special committee under this resolution shall not exceed $100,000, of which amount not to exceed $15,000 shall be available for the procurement of the services of individual consultants, or organizations thereof as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended.

Sec. 5. The special committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the House at the earliest practicable date, but not later than February 28, 1973.

Sec. 6. Expenses of the special committee under this resolution shall be paid from the contingent fund of the House upon vouchers approved by the chairman of the special committee.

Remarks of Mr. Mathias

Mr. Mathias. Mr. President, last year, Congress revoked the Gulf of Tonkin Resolution of 1964. It was a first step in the long-overdue effort to restore to Congress its responsibilities under the Constitution for questions of war and peace.

In February of this year, Senator Javits introduced S. 731, A Bill to Regulate Undeclared War. Also in February, Senator Church introduced Senate Joint Resolution 48 to repeal the Formosa Resolution of 1955. I was pleased to co-sponsor both. In the next weeks I shall introduce legislation to repeal the Middle East Resolution of 1957 and the Cuba resolution of 1962.

Today, I rise to present a Senate Concurrent Resolution aimed at terminating the state of national emergency proclaimed by President Truman in December, 1950 in the depths of the Korean War. It is a sad paradox that this country has remained officially in a state of emergency since that time. Indeed, it may be useful at this point briefly to review how Congress—with barely a whimper—relinquished important parts of its constitutional authority to the office of the President.

On May 9, 1933, at a moment of dire Depression emergency, Franklin D. Roosevelt convened the Congress and demanded, in effect, that it revamp the Constitution before midnight. The purpose of the reform was to make Congress—and the Constitution—optional at the discretion of the President, as the national interest required.

The demand came as part of the Emergency Banking Act, an omnibus bill reorganizing the nation's then collapsing banking system and retroactively legitimizing the President's Bank Holiday proclamation of three days before. Referred to the Banking and Currency Committee—with instructions that it be reported out in an hour the bill was not printed and was not available for Senators to read. Senator Long complained that he did not know what was in it until it was read by the clerk. Most Senators indicated that they had grave reservations about what they understood to be the bill's provisions and Senator Long protested the extraordinary powers it granted to the President. But in the extremity of the crisis at hand, Congress felt it had to act immediately as the President demanded. The bill was passed by both houses before midnight and the American constitutional Republic has been in its Damoclean shadow ever since.

The key provision, not much remarked by the Congress at the time, came in an amendment to Section 5b of the Trading with the Enemy Act of 1917. As enacted in 1917, Section 5b shifted from Congress to the President the power to regulate trade and financial transactions between Americans and foreigners *in wartime*. The 1933 amendment to 5b authorized the President—by the simple expedient of declaring a national emergency— to assume in peacetime these extensive wartime emergency powers.

By declaring in the 1933 amendment that the President could assume emergency powers by declaration in peace time, Congress established a principle with reverberations going far beyond the legislation at hand. For the courts have interpreted the principle as creating a virtually unlimited executive prerogative that now applies to some 200 laws granting special powers to the President during national emergencies. But neither Congress nor the courts have set criteria to define the kind of crisis which would justify innovation of these multivarious powers. Since 1933 they have been available essentially as the President wishes.

In accord with President Roosevelt's approach, the President is left to determine by himself when a national emergency exists and when it ends—when the executive should have access to the near dictatorial authority conveyed in emergency legislation. The President decides when he should share power with Congress as the Constitution prescribes, and when Congress can be made optional by proclamation.

This assignment of emergency powers has worked very smoothly over the years. Since that dire extremity of 1933, there have been six Presidents—four Democrats and two Republicans. They have disagreed on many issues. But they have been unanimous on the question of when the country is in a state of national emergency and when the Congress, on a wide range of issues, is optional. Their answer, quite simply put—in a word—is: always. In the last 37 years, the country has passed through many vicissitudes of war and peace. But Presidential powers have been continuously "at war." Not once during that period has a President allowed his special powers to lapse. The result, described by Jeffrey G. Miller and John R. Garson in an excellent article in the February 1970 issue of the Boston College Industrial and Commercial Law Review, is that "some 60 percent of the nation's population have lived their entire lives under a continuous unbroken chain of national emergencies."

A court did judicially acknowledge—in 1962—that the Depression had ended. But no authority has yet recognized the end of the Korean emergency, proclaimed by President Truman on December 16, 1950 and still in effect today. Since the President declared with reference to Korea that "world conquest by communist imperialism is the goal of the forces of aggression," the State Department has interpreted the emergency as meaning the Cold War.

This interpretation, however, has not limited the emergency powers to military matters affecting the protracted conflict with the Communists. The Korean authority, in fact, was most recently invoked in 1968 in relation to our economic competition with our European allies. President Johnson felt he would have difficulty securing from Congress the broad powers he needed to deal with the deficit which had been emerging for several years in the nation's balance of payments. Yet the Constitution clearly reserves to the Legislative branch all powers for regulating Foreign Commerce. So the President invoked the emergency powers granted in 1950 in relation to the Korean war and signed Executive Order 11387, "Governing Certain Transfers Abroad." The Department of Commerce immediately issued the Foreign Direct Investment Regulations (FDIR). The Executive Order and the FDIR restrict the amounts of capital that American investors may transfer to or accumulate in foreign affiliates and compel repatriation of short term liquid balances such as foreign bank deposits.

Without citation of the Korean war powers, these measures clearly represent an unconstitutional encroachment on legislative authority. The courts have upheld them. however, and they remain the law of the land. It is currently the law of the land, therefore; that the state of national emergency proclaimed by President Truman in 1050 in relation to the Korean conflict can be invoked in relation to a balance of payments deficit 18 years later. Similarly, regulations against gold hoarding, activated by the Depression emergency, are continued under the 1950 proclamation. Other measures invoked under 5b pursuant to the Korean proclamation include the Foreign Assets Control Regulations, the Egyptian Assets Control Regulations, and the Cuban Assets Control Regulations. The Cuban trade embargo of 1962 was also based in part on the 1950 emergency.

Among the nearly 200 other Emergency laws are measures permitting the President to sell stocks of strategic materials, revoke leases on real and personal property, suspend rules and regulations applicable to broadcasting stations, detain enlisted troops beyond the term of their enlistments, detail military men to the governments of other countries, and exercise control over consumer credit. Among hundreds of local properties available to the Executive, the President may take over parts of Howard University, and in my own state of Maryland, he may close Fort McHenry—the birthplace of the "Star Spangled Banner"—and "use it for such period thereafter as the public needs may require."

These powers infringe on so many crucial constitutional rights and principles that collectively they may be seen as placing our system of democratic government in jeopardy. Certainly the deprivation of rights and property is authorized without due process. But perhaps most important, these measures threaten the Constitutional balance of powers between the executive and legislative branches. Because a state of official emergency has obtained continuously since 1933—and has been upheld by the courts to validate actions unrelated to the original crisis—the national emergency powers have accumulated and become institutionalized in the executive. The Presidency, already enhanced by modern trends, has been further aggrandized by the paradox of the continuous emergency.

Unless we accept the principle of an optional Constitution and an optional Congress, we must reject the concept of national emergencies declarable by the President at his discretion in peace time without termination dates. Since this concept has been upheld in essence by the Courts, it is up to the Congress to recover by legislation the constitutional role that it has allowed the executive to usurp. We must reassert the principle that emergency powers are available only for brief periods when Congress is unable to act and for purposes directly related to the emergency at hand.

This is easier said than done. We discover that the continuous and cumulative and institutionalized emergency is also almost irrevocable. So many executive agencies and procedures are rooted in emergency powers that it is extremely difficult to rescind them without major administrative disruptions. With this in mind, the distingushed Majority Leader, Mr. Mansfield, joined with me during the last session in S.J. Res. 166, a resolution which, among other things, proposed the creation of a special committee to explore with the executive the consequences of terminating the Korean Emergency. In the aftermath of the Cambodia incursion, however, our proposals were not acted upon. And so I am now re-introducing the resolution as a Senate Concurrent Resolution. It calls for the establishment of a commission to study and make recommendations terminating the state of national emergency.

It is to be expected that the commission's recommendations would among other things, have the effect of restoring to Congress its full constitutional authority to regulate commerce, and would clearly define a national emergency. Together with S–731, An Act to Regulate Undeclared War, which was introduced in February by the distinguished Senator from New York, Mr. Javits, this would serve to assure that emergency powers would only be applied for the duration of genuine emergencies. The Constitution did not envision a state of national emergency to be the normal state of affairs.

Under the best of circumstances, the Congress will not find it easy to maintain its historic constitutional role in the modern age. Modern communications, national interpendence, and international involvement coverage to enhance the Presidency; real emergencies continually arise requiring the kind of decisive response the executive is best equipped to give. But if the Congress allows these national executive advantages to be expanded by special emergency powers responding to unspecified emergencies without determination or limit, the balance of powers between the branches of our government may be irreparably broken.

I believe that we do face today a national emergency—even a paradoxically continuous one. It emerged during the depression and has been with us for several decades. It is a crisis that throws our whole system of Constitutional government into jeopardy. This is the atrophy of Congress. It is not an emergency which calls for the decisive exercise of executive powers. It calls for the decisive recovery of legislative powers.

Only Congress can redeem itself; but in serving itself, it can also save the Constitution. And I believe that to save the Constitution is to save the most precious heritage of our country.

CHILDREN'S ALLOWANCE PROPOSAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, since 1967 I have proposed and advocated the enactment of a Children's Allowance Act. According to the Library of Congress Research Service, I was the first to introduce such legislation. I still believe that this approach is far better than the present welfare system, and even the administration's proposed family allowance plan. The Canadian program is a living example of the success which is possible.

I bring to your attention, for your deliberations on this matter, an excellent article written by Leif Haanes-Olsen in the Social Security Bulletin, May 1972, entitled "Children's Allowances: Their Size and Structure in Five Countries."

In subsequent discussions I will present the remaining parts of this excellent study.

The article follows:

CHILDREN'S ALLOWANCES: THEIR SIZE AND STRUCTURE IN FIVE COUNTRIES

(By Leif Haanes-Olsen*)

Children's allowances—primarily cash benefits to families with children—are found in about half the countries of the world, including all the industrial nations except Japan and the United States.[1] All of the programs in the Western World are, in effect, universal in coverage for families with specified numbers of children. In some countries, however, a degree of selectivity appears to arise from the fact that employers (and the self-employed) are the only contributors to children's allowances. Thus, in theory, the right to an allowance is tied to the occupational activity of the family breadwinner. But even in these countries, when the covered person stops working because of disability, unemployment, or death, payments under the children's allowances program continue.

Unlike the old-age, invalidity, and survivor insurance programs, children's allowances programs generally lack any mechanism for regular adjustment of benefits to cost-of-living or wage increases. The allowances are usually modest in amount since there are often long delays in making ad hoc adjustments—delay sometimes attributed to the political climate. Nevertheless, concern with the need to update allowance rates more frequently seems to be growing in some countries, perhaps because of renewed interest in the problems of poverty.

This article discusses children's allowances programs in five countries—Canada, France, Sweden, the United Kingdom, and the Federal Republic of Germany. The countries selected represent different approaches to such programs in the following areas: (1) Reasons for introducing the programs, (2) benefit patterns, (3) actual and relative size of payments, (4) financing, and (5) solution of problems encountered in striving toward original program goals.

BACKGROUND

Early developments

Historically, the rationale for children's allowances has gone full circle, in a sense returning to its point of origin after almost a century—the idea of helping the poor. Assistance based on family burden began first in France on a small scale about 1870 and next in Germany at the end of World War I, when employers decided to assist workers with children in meeting their family responsibilities. Within individual countries, however, evolution has sometimes taken a different path. France's initial humanitarian approach, for example, has since been replaced by one stressing population policy, and Sweden's early population approach (1920's–1930's) has evolved into a humanitarian or social rights program.

Developments after World War I

Conditions arising from World War I had a strong effect on children's allowances in both France and Germany. Allowances in France received a boost from such war-related conditions as severe manpower losses and rapid increases in the cost of living. Because inflation and labor shortages exerted pressure for ever-higher wages, more and more employers turned to children's allowances—a fringe benefit for workers with families—as an alternative to more expensive wage increases for all. Until the end of the war, employers themselves had paid allowances directly to their employees. In a move to streamline the administration of these fringe benefits and distribute the cost burden, the first local "equalization funds" were esablished and financed by employer groups in 1918, disbursing allowances to eligible employees.

In Germany, on the other hand, economic conditions immediately following World War I steadily deteriorated, and virtually all benefit funds were wiped out during the inflationary period of the 1920's. There, too, the tendency at first was to regard children's allowances as an alternative to higher wages though not for the same reason as in France. The program called for depositing the contributions from employers and the self-employed in funds established within each occupational group. It attempted to minimize the economic advantages enjoyed by single persons or married persons without children in disposing of their income.[2]

The birth rate problem.—During the 1920's and 1930's, French lawmakers, concerned about lagging birthrates, believed that a system of children's allowances would serve as a convenient vehicle to reverse this situation. It has been argued in France that the children's allowances system for wage earners in industry, made compulsory by 1932 legislation, was based on a need to achieve equality among wage earners.[3] Even then, however, the French Government remained disturbed about both the wartime losses and the continually declining birth rate. This situation led to the general application of children's allowances as a demographic tool through the Family Code in 1939.

In the United Kingdom and Sweden, similar concern over lagging or falling birth rates has been reflected in debates extending back to the mid-1920's and the 1930's. Among the British, proposals for a children's allowances program to remedy their population problem were well supported, but the economic and political climate preceding World War II prevented specific action. In Sweden, prolonged debates extending into the period of World War II likewise prevented early acceptance.

The change toward a population policy approach was also briefly evident in Germany where the National Socialist regime launched a children's allowances program in 1935 with the specific goal of increasing the birth rate.

The humanitarian approach.—During the late 1930's and early war years, demographic considerations in the United Kingdom and Sweden were noticeably pushed aside in favor of a greater concern for the welfare of children and their families. In Sweden this concern, due in no small part to the participation of such social scientists as the Myrdals in public debates, was to produce after the war an allowances program that looked primarily to the welfare of families.

In the United Kingdom, a similar trend was revealed in three important documents that appeared during World War II: A 1942 memorandum by the Chancellor of the Exchequer summarizing the main points brought out by the supporters of children's allowances; the Beveridge Report, published in November 1942; and a white paper issued in September 1944.

One point in the memorandum dealt with child malnutrition and what a children's allowances program might do to lessen this risk. Another point focused on compensation to large families to combat increases in living costs. A variation of the negative income tax was also advanced. To help poor families, it was suggested that parents with incomes too low to be taxable should receive benefits similar to the tax allowances extended to the well-to-do. Two obstacles blocked the way for this proposal: (1) The government did not favor a means test and (2) a program based on income tax assessment was considered too difficult to administer. Finally, the argument was made that children's allowances might also encourage parenthood and counteract the declining birth rate.

Children's allowances, preferably financed through general revenues, were regarded by Sir William Beveridge as a necessary part of a comprehensive social security system. He felt that without these benefits no adequate protection could be provided to large families when earnings were interrupted. He believed, on the other hand, that in general wages were sufficient to provide for a one-child family and thus recommended against children's allowances for the first child. He wanted to abolish the means test for economic as well as humanitarian reasons: In a means-tested program, administrative costs would be large enough to make overall savings negligible, and eliminating income as a basis for eligibility would remove the stigma of a means test.

The White Paper of September 1944 explicitly stated that the children's allowances program was intended to contribute to the needs of families with children, not to provide full maintenance for each child. Thus, the recommended level of allowances was considerably lower than that estimated by Beveridge as necessary for meeting subsistence needs. As in the Beveridge proposals, the first child in a family was to be exempt, but the allowances were to be supplemented by free meals and milk for all school children.

The Family Allowances Act, adopted in June 1945, incorporated proposals from all three sources—including ineligibility of the first child, universality, and general revenue financing. The program of free school meals never became operative.

Developments After World War II

Canada.—The publication of the Beveridge Report in 1942 evoked much interest in Canada and resulted in the appearance of a Canadian version (the Marsh Report) the following year. A family allowance law became effective July 1, 1945. The original broad objective of the Canadian program was to help correct the imbalance between family income and family need and to make an investment in the nation's children. The program aimed at a redistribution of income in favor of low-income families and regions.

Yet views on what children's allowances might accomplish differed widely. The Canadian National Labor Board, for example, was impressed with the program as an alternative to raising the general level of wages (reminiscent of the early French and German programs) and gave its support on that basis. To counter the severe economic conditions foreseen for the postwar years, children's allowances were expected to make two related contributions: to increase aggregate demand and help in maintaining high employment and income levels. Under this interpretation, the program would channel significant amounts into the spending stream by increasing the purchasing power of the needy. It would, in addition, tend to stabilize purchasing power since payments would be continuous and nonseasonal. And children's allowances paid during periods of unemployment and illness would help to ensure a steady income for social insurance and assistance recipients with large families. Finally, the allowances would aid employment by contributing to a higher level of aggregate demand.

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*Office of Research and Statistics, International Staff.

[1] Sixty-two nations now have children's allowances programs: All European countries except Malta; 20 African countries (South Africa and the 19 French-Speaking countries); five countries in Oceania and Southeast Asia (Australia, New Zealand, Nauru, Cambodia, and South Vietnam); Lebanon, Iran and Israel in the Middle East; six countries in South America; and Canada in North America.

[2] *Ubersicht uber die soziale Sicherung in der Bundesrepublik Deutschland,* der Bundesminister fur Arbeit und Sozialordnung, January 1967, pages 113–114.

[3] Nicole Questiaux, "Family Allowances in France," *Children's Allowances and the Economic Welfare of Children,* Citizen's Committee for Children of New York, Inc., 1968.

Meanwhile, social objectives of the program were discussed in terms similar to the Swedish concept of social rights: The burden of raising the next generation ought to be shared by the population in general instead of being borne by a small segment of the working population.[4]

France.—Children's allowances were included in a comprehensive social security plan in 1946. Interest in these allowances as a demographic tool has been maintained, however, throughout the post-World War II era, and efforts of the French Government to influence the birth rate through children's allowances have continued to the present. According to the Minister of Social Affairs, for example, the express aim of the 1969 increases in children's allowances was to halt the declining birth rate. That increase was regarded as a first step in a program to encourage population growth, as the birth rate had dropped from 18.1 per 1,000 in 1964 to 16.8 per 1,000 in 1967 and was expected to range around 16.6–16.8 per 1,000 in 1968.

Germany, Federal Republic.—In its method of financing and its humanitarian approach, the children's allowances program introduced in the Federal Republic (West Germany) in 1954 resembled the original German program set up after World War I. It was to be funded by private means and—since it was aimed at the largest (and presumably the most needy) families of those who worked in private industry—it was basically humanitarian in concept. The benefits, together with tax exemptions, were intended to cover only part of the cost of child support. According to this reasoning, German tax exemptions would go far in covering the cost of rearing the first two children in the family and benefits would be provided only from the third child on.[5] Children's allowances were thus looked upon as earnings supplements for families with heavy financial burdens. The extension of benefits in 1961 to the second child in low-income families with three or more children was consistent with this policy. Ten years after its introduction, however, the program had evolved toward a view similar to the British and Swedish, emphasizing social rights, when the Federal Government in 1964 took over the burden of financing the entire program.

United Kingdom.—Unlike Sweden, Britain still has a dual system of children's allowances and tax deductions for children. Tax deductions become more significant as income rises, and for many families in the middle and upper income brackets the deductions are much more substantial than children's allowances.

Less attention seems to have been paid to these allowances in the United Kindom than in the other four countries studied. In the past, benefit rates were constant over long periods of time, and it is only rather recently that they have risen to a substantial degree, mainly perhaps in response to agitation by civic organizations such as the Child Poverty Action Group.

Sweden.—A system of tax deductions for children was abolished with the introduction of noncontributory children's allowances on January 1, 1948. When the program became effective, the improvement in the standard of living for families with children was stressed. There was thus a national acknowledgement that the economic burden of raising children belonged to some extent to society in general, not wholly to the individual household. No basic change has been made in the program since its introduction. The benefit rates have been adjusted upward, however, and are now at a considerably higher level in terms of purchasing power than they were when the program began.

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[4] During the debate in the House of Commons preceding the adoption of the children's allowances program, it was pointed out that 84 percent of all Canadian children under age 16 were dependent on only 19 percent of the gainfully employed. See Joseph Willard, "Family Allowances in Canada," in *Children's Allowances and the Economic Welfare of Children*, Citizen's Committee for Children of New York, Inc., 1968.

[5] Klaus Steinwender, "Das Kindergeld," in the series, *Sozialpolitik in Deutschland* (No. 30), 1963.

HOWELL LANCASTER—A GREAT MAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA), is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker. The work of Howell E. Lancaster lives on, although he is absent from our midst.

As long as men admire courage, integrity, ability and dedication in their elected officials, Howell Lancaster will never die.

My friend passed away earlier this year. At the time he was ranked third in seniority in the Florida House, having been elected to serve 11 terms.

Howell was without question the most respected voice in our State in agricultural matters. His was a powerful voice.

But, it was not because he served a long time or because he was so knowledgeable in agriculture that he earned the place in history we give to him.

I served with him in the Florida House of Representatives and I know.

Howell never backed off from a fight. He was a reasonable man and he would listen to any view. But once he made up his mind, he was in the thick of the fight. It was a measure of the man that those who disagreed with him, liked and respected Howell.

I remember when I was a freshman legislator that he took the time to help new members such as myself. If he liked you, he was your friend for life—as long as you kept your word and had the sincerity of your convictions. He could disagree without being disagreeable.

In April, the State of Florida did something that I think Howell would have appreciated more than anything else. The Florida Youth Development Center, which he fought so hard to establish, was renamed the Howell E. Lancaster Youth Development Center.

Howell was an active man and he would have appreciated having his name attached to something that would serve others—particularly young people who needed a helping hand. He was that kind of man.

Gov. Reubin Askew, in dedicating the center, said that—

> Howell will live on in the hearts and lives of people who could not shake his hand.

The center would not have been established without the work of Howell. The institution has now functioned for a little over a year and already is amassing a record of successful rehabilitation of young people.

Mrs. Virginia Lancaster, widow of my friend who passed away January 9, 1972, and other members of the Lancaster family joined State and local officials for the dedication ceremonies in April.

A plaque was presented to Mrs. Lancaster and to Superintendent James Hart of the institution, along with a portrait of Howell from Emmett Roberts, Director of the Department of Health and Rehabilitative Services.

State Representative Eugene Shaw of Starke presented Mrs. Lancaster with a framed copy of the resolution adopted by the Florida House of Representatives commemorating his work.

State Senator Louis de la Parte of Tampa presented her with a framed copy of the bill which renamed the center.

I counted it a real personal privilege to participate and just to be called a friend.

The Howell E. Lancaster Youth Development Center housed 95 boys and 75 girls at that time. It does not have fences, guard dogs or other security measures. It is a bold new concept for such institutions, teaching young people responsibility through trust and rehabilitation.

Born July 31, 1911, at Eugene, Fla., Howell was a man who was to succeed in everything he attempted. He was a successful businessman, farmer and cattleman.

He attended the University of Florida and one of the great unfinished works of his life was the realization of the College of Veterinary Medicine at his alma mater. He was dedicated to such an institution, as am I, which will provide health resources to animals and man through teaching and research.

Without his work, we would not be this far along the road to seeing such a facility become a reality in our great State. The day that it opens, it too will be a lasting memorial to one of Florida's finest statesmen.

Besides his gracious and charming wife, he leaves a daughter, Linda Ann, and a son, Howell, Jr. They have reason to be proud of their father.

Howell loved hunting and fishing. When he suffered his fatal attack, he was on a hunting trip with our close friend, Cecil Rowell, another fine gentleman from Trenton who was as close to Howell as if he had been a brother.

Few services that I have ever attended brought together more of the leaders of our State in simple and honest tribute.

Florida has lost one of its finest sons and I have lost a dear friend.

The one thing that I am certain of is that Howell would not want us to pause too long. He was an active man who would want us to get about the business of completing those things he set out to do.

He was that kind of man.

RESPONSIBLE CRITICISM

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, there has been substantial criticism hurled at society since the recent assassination attempt of a public figure.

I do not condemn the right of dissent. It is a cornerstone of our free society. I am not criticizing all those who attack the social problems of the United States; I only beckon them to assess the good as well as the bad in the country.

Those who blindly cast stones at the country must realize and accept their responsibility to help change the country. Furthermore, they must remember and respect the accomplishments made by their fellow countrymen.

Mr. Speaker, a writer with the Blairsville Dispatch of Blairsville, Pa., captured the essence of "responsible criticism" when he said:

> In their desire to provide the greatest possible range of opportunities for disagreement, Americans may have let their innate sense of tolerance gain the edge over their reason.

The full text of the editorial follows:

AMERICANS BASICALLY GOOD—VIOLENCE IS EXCEPTION, NOT RULE

American citizens, heartened by the news that presidential candidate George Wallace is out of danger from the bullet wounds inflicted by an assassin, are praying for his full recovery.

Concurrent with their prayers it is apparent that Americans also are doing a great deal of soul-searching in an effort to discover the root causes of the social illness that leads to such attacks upon public figures.

As study goes forward, comments are heard that the United States of America is a sick society, that it is sliding backward into a primeval barbarism, and that a bent for violence that has been endemic for years has become the rule rather than the exception.

This is nonsense. If Americans will but look about them they will see the strength and resilience of their society. Our moral standards, despite aberrations, are high, our laws are just, our institutions are outstanding, our Constitution still is an example to the world and most of the 200 million American citizens are respectable, hardworking, loyal and responsible.

Indeed if the majority of Americans have erred in respect to the increase in violence it is because of the healthy aspects of their society, not its sickness. It appears that Americans simply have not yet settled on the permissible boundaries of right and wrong, nor have they defined adequately the permissible boundaries of dissent.

All responsible citizens will agree that the vitality and progress of the United States depends upon the freedom of its people to challenge the decisions of their government and institutions through legitimate channels. They also agree that such dissent should be given great latitude.

However, in their desire to provide the greatest possible range of opportunities for disagreement, Americans may have let their innate sense of tolerance gain the edge over their reason.

Through permissive court decisions, benign law enforcement and overly liberal laws, Americans have given tools to many persons who are far more than responsible dissenters. In doing so they also have shifted the focus of national interest from the accomplishments of the good citizens to the actions of the violent few.

While persons committed to violence and assassination may have many motives for their behavior, or even none at all, it also is true that they live in a larger society and are encouraged by its attitudes.

Thus, as we look at the events that led to the shooting of a presidential candidate, we must by all means look to our national weaknesses and correct those that can be corrected. Equally important, it will benefit all Americans to review the sources of national strength and rededicate themselevs to nourishing the qualities that made the United States the envy of the world for almost two centuries.

HIGHER EDUCATION CONFERENCE REPORT

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, on May 31, 1972, the chairman of the Committee on Education and Labor, the Honorable CARL D. PERKINS of Kentucky; the ranking minority member of the committee, the Honorable ALBERT H. QUIE of Minnesota; the Honorable JOHN DELLENBACK of Oregon, and I wrote a joint letter to the presidents of all colleges and universities in the United States, explaining the provisions of the conference report on the Education Amendments of 1972, the omnibus education bill, on which the House is scheduled to vote on Thursday of this week.

Included in our letter was a listing of the major higher education associations that had indicated their support of the bill. One of the groups listed was the Association of Jesuit Colleges and Universities, which was listed, because of an earlier assurance of support by the Washington representative of this association.

Subsequent to the mailing of our letter, we were informed by the association's Washington representative that the Association of Jesuit Colleges and Universities had "reluctantly decided" that it would not endorse the conference report.

In light of this development, the four signatories of our May 31 letter sent a letter, on June 2, 1972, to each of the presidents of the institutions that make up the Association of Jesuit Colleges and Universities explaining the origin of our listing the association's support in our letter.

In our letter of June 2, we also commented on several points in the association's letter which we feel to be in error in the association's analysis of the bill.

Mr. Speaker, in order to dispel any misunderstanding about the position of the Association of Jesuit Colleges and Universities that our letter may have created, and in order to make clear the reason for our having listed the association, I ask unanimous consent that our letter of May 31, 1972, to college and university presidents in the United States; our letter of June 2, 1972, to college and university presidents of the institutions that make up the Association of Jesuit Colleges and Universities; and the letter of May 31, 1972, from the Association of Jesuit Colleges and Universities be included at this point in the RECORD.

Mr. Speaker, I hope that Members of the House, as they consider this crucial legislation, will also note the comments made on June 2, 1972, by Messrs. PERKINS, QUIE, DELLENBACK, and me in response to several of the points contained in the letter by the Association of Jesuit Colleges and Universities.

In particular, I would like to note these two comments on our part:

First. The institutional aid provision in the conference report provides 4.7 percent more of the total institutional aid funds for small and middle-sized private colleges than would the so-called capitation approach.

Second. The new basic grant program is not limited to students from low-income families but is—and was specifically designed to be—open to students from both low- and middle-income families.

Mr. Speaker, I appreciate the opportunity to explain further the provisions of this most important legislation.

The letters follow:

CONGRESS OF THE UNITED STATES,
Washington D.C., May 31, 1972.

DEAR FRIEND: As Chairman and Ranking Minority Member, respectively, of the House Committee on Education and Labor, and members of the House-Senate Conference Committee on the omnibus education bill, we are writing to you concerning the conference report on which the House of Representatives is scheduled to vote next week.

As you know, the Senate passed this bill on May 24, 1972 by an overwhelming bipartisan vote of 63 to 15.

We hope that the conference report will also be approved by the House, for we believe it contains the most significant advance in Federal support for higher education since passage of the Land Grant College Act over a century ago.

The bill authorizes $18.5 billion for a variety of higher education programs, including an estimated $1 billion annually in institutional aid to colleges and universities, both public and private. Also included is a new program of Basic Educational Opportunity Grants for all students, from *both* low and middle income families.

The above mentioned items are just two of several important new programs included in a bill that also extends all existing Federal programs of student assistance and categorical aid to higher education institutions.

The measure is, of course, the product of compromise; none of the conferees was able to have his or her way in every regard. But the bipartisan compromise eventually reached is, we believe very strongly, an excellent one for higher education. Indeed, the bill has already won the support of the major higher education associations, including:

American Council on Education.

National Association of State Universities and Land Grant Colleges.

American Association of Junior Colleges.

American Association of State Colleges and Universities.

Association of American Universities.

Association of Jesuit Colleges and Universities.

College Entrance Examination Board.

Association of American Colleges.

Our Committee, and the Labor and Public Welfare Committee of the Senate, have labored for two years to bring forth the measure that the House must now consider on an up or down vote. You should know that under the rules, no amendments to the bill are possible.

It is our considered opinion that if the House does not pass this bill, the prospects of major new higher education programs being approved by Congress within the next few years will be very slight.

We have enclosed a brief fact sheet outlining the major education provisions of the conference report.

Please be assured that we intend to do everything we can to see that the bill is approved and its many benefits made available *now* to the colleges and universities of our country and the students who attend them. We hope we shall have your support.

Sincerely,

CARL D. PERKINS,
Chairman.
JOHN BRADEMAS,
Conferee.
ALBERT H. QUIE,
Ranking Minority Member.
JOHN DELLENBACK,
Conferee.

ASSOCIATION OF JESUIT COLLEGES
AND UNIVERSITIES,
Washington, D.C., May 31, 1972.

DEAR COLLEAGUE: The Association of Jesuit Colleges and Universities has reluctantly decided that it cannot endorse the Conference Report on the proposed higher education bill. S. 659. The members of this Association feel strongly that the anti-busing provisions added to the original bill have no place in legislation affecting the future of our colleges and universities.

In addition, the Association is grieved that many needs and wishes of our institutions and associations were ignored and deleted in the Conference, particularly in the matter of direct institutional aid. The small and middle-sized private college receives small comfort from this particular program as offered in the Conference Report. It hopes that such actions do not augur a trend for future legislation.

Further, the Association remains convinced that there is little promise of equity in the future for students from middle-income America. It is also clear that there is no guarantee in S. 659 that the "national entitlement" promised to students from low-income families will soon be sufficiently funded to provide all eligible students with support.

Finally, there has been no planning for or evaluation of the effect that the amounts of discretionary funds provided the Office of Education and HEW would have upon the present structure of higher education.

Rev. JOHN A. FITTERER, S.J.,
Mr. JOSEPH KANE.

CONGRESS OF THE UNITED STATES,
Washington, D.C., June 2, 1972.

DEAR PRESIDENT: We are writing to follow-up our earlier letter to you of May 31, 1972 concerning the education conference report on which the House of Representatives will vote next Thursday, June 8.

As you know, our letter listed the Association of Jesuit Colleges and Universities as among the several associations supporting the bill. We have, however, subsequently been advised that the Association has "reluctantly decided" that it cannot endorse the bill.

We naturally regret this decision and we want you to know we are taking steps to dispel any misunderstanding about the position of the Association of Jesuit Colleges and Universities that our letter may have created.

We feel compelled, however, to advise you that, at the time our letter was mailed, we listed the Association in support of the bill because of a prior assurance to that effect by the Association's Washington representative.

But beyond this matter, we write to express our concern that a letter of May 31, 1972, signed by officers of the Association of Jesuit Colleges and Universities, is in serious error on several points which appear to be the basis of the Association's decision to oppose the bill.

(1) It is not accurate to describe the institutional aid provision as providing "small comfort" to "the small and middle-sized private college".

The fact is the conference report not only provides substantial institutional aid to small and middle-sized private colleges, but actually provides 4.7% *more* of the total institutional aid funds for such institutions than would the so-called "capitation" approach.

Since there is essentially no difference in the total sum of money (approximately $1 billion) necessary to fund either formula, it is clearly not accurate to suggest that small and middle-sized private institutions will lose something as a result of the conference report. Indeed, they will *gain!*

(2) The Association's May 31, 1972 statement with respect to the student aid provision in S. 659 is also, unfortunately, not accurate.

The new basic grant program or "national entitlement" is *not* limited to students from low income families but is—and was specifically designed to be—open to students from both low and middle income families.

The conference report, moreover, preserves participation by middle income students in this program, regardless of the level at which it is funded

The conference report does, indeed, provide that basic grants may not be paid until other student aid programs are funded at given levels. This provision was, however, included at the strong urging of associations of private institutions, including the Association of Jesuit Colleges and Universities.

With respect to the inclusion in this bill of anti-busing provisions, we commend to your attention the enclosed editorials from the *New York Times* and *Washington Post*.

As we said in our letter of May 31, we believe the conference report marks "the most significant advance in Federal support for higher education since passage of the Land Grant College Act over a century ago." We reiterate further our view, notwithstanding reports to the contrary, that if the House does not pass this bill, the prospects of major new higher education programs being approved by Congress within the next few years will be very slight.

We therefore, intend to do everything we can to secure its passage *now* in order that its benefits might be made available *now*. We sincerely hope that the Association of Jesuit Colleges and Universities will reconsider its position and join us in this effort.

Sincerely,

CARL PERKINS,
Chairman.
ALBERT H. QUIE,
Ranking Minority Member.
JOHN BRADEMAS,
Conferee.
JOHN DELLENBACK,
Conferee.

THE FEDERAL GOVERNMENT SHOULD NOT TAX MUSEUMS AND LIBRARIES OPEN TO THE PUBLIC

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, today I am introducing a bill, H.R. 15337, to exempt privately endowed museums and libraries open to the public from the 4 percent Federal tax placed on foundations by the Tax Reform Act of 1969.

There are a number of very fine museums and libraries serving the public in our country that are supported by private endowments. Presently, many of these institutions are being classified for tax purposes by the Internal Revenue Service as "public organizations" because of the services they provide the public; therefore they are not subject to the 4 percent tax on foundations. In April 1971, however, the IRS issued regulations that proposed to establish a minimum floor of 10 percent of public financial support—as a percentage of total income—for a private institution to qualify as a public organization. Effectively this would subject some of our finest museums and libraries to the 4-percent tax.

An example of such privately endowed institutions is found in New York City—the Frick Collection which is renowned for its collection of paintings, sculpture, and decorative arts and is open to the general public. Admission is free to the gallery as well as its weekly lectures and numerous chamber music concerts. This museum is a great cultural resource to New York City—indeed to the country—and is providing a service to the public at no cost to the city or the Federal Government.

A tax on the Frick or any other museum or library serving the public is not in the public interest. The revenue of the 4 percent tax is negligible to the Federal Government—the tax was enacted not for revenue but auditing purposes—and yet the cost of the tax to the community is incalculable. The tax will only mean a cutback in services, an admission charge, a solicitation of funds to pay the tax, or a city or Federal grant for its support—or a combination of all four.

Mr. Speaker, this country needs museums like the Frick Collection, the Gardner Museum in Boston, the Winterthur Museum in Delaware, and the Kimball Art Foundation in Texas, to name but a few. In a time of mounting operating costs, these museums, like all museums, are hard pressed to meet their current expenses. We should not jeopardize their ability to serve the public by imposing a tax on them.

In placing a 4 percent tax on foundations in 1969 the Congress did not limit the Internal Revenue Service's authority to continue to classify institutions like the Frick as public organizations free from taxation. Therefore, today I am writing to IRS Commissioner Johnnie Walters urging that the Service abandon the proposed 10 percent public financial support test and instead retain its current flexibility in considering other factors, such as public service and other forms of public support, in classifying a privately endowed museum or library. In the event that IRS imposes a minimum 10 percent public support requirement for public organization eligibility, enactment of my bill would simply exempt all privately endowed museums and libraries providing services directly to the public from the 4 percent tax.

Mr. Speaker, at this time, I should like to insert in the CONGRESSIONAL RECORD my letter to Commissioner Walters.

WASHINGTON, D.C., *June 5, 1972.*

Hon. JOHNNIE WALTERS,
Commissioner, Internal Revenue Service, Washington, D.C.

DEAR COMMISSIONER: I am writing to you with regard to the proposed regulations, first issued in April 1971 but yet to be finalized, to set a 10% floor of public financial support in addition to the so-called "facts and circumstances" test for qualification as a public organization under section 170(b) (1) (A) (vi). My own view is that the implementation of such a mechanical test in effectively determining what organizations will have to pay the 4% tax on foundations will not serve the public good. This will be particularly so in those cases in which the 10% test excludes privately endowed museums and libraries open to the public from the public organization classification. While the income of these organizations comes from private endowments, their services are directed to the public and enjoyed by the community.

It is my understanding that the Service currently applies a "facts and circumstances" test for qualification as a "publicly supported" organization. Such flexibility has enabled some of our finest privately endowed museums as the Frick Collection in New York City, the Gardner Museum in Boston, the Winterthur Museum in Delaware, and the Kimball Art Foundation in Texas, to name but a few, to qualify as "public organizations" for tax purposes. The same is true for many privately endowed libraries. No matter how good their services and how wide their support in the community, however, it is not likely that these institutions, because of their relatively small demands for public *financial* support, will be able to meet the 10% test. Thus, they would be subject to a 4% federal tax on their income.

These museums and libraries are using their resources in providing services to the public. To tax their income will only serve to diminish the benefits they are able to offer the public. One such museum, the Frick Collection, is located in my congressional district. This museum, renowned throughout the world for its collection of paintings, sculpture, and the decorative arts, is open to the general public. The museum has never charged an admission fee to the galleries of the collection nor has it charged a fee for the lectures and concerts it presents. The Frick, like all museums, is hard pressed to meet its current expenses.

A 4% tax on the investment income of such organizations will ultimately be borne by the public—in a cutback in services, an admission charge, a solicitation of funds to pay the tax, or a city or federal grant for its support, or a combination of all four. Thus, a tax on museums and libraries serving the public is not in the public interest.

I would urge that the Service abandon the proposed 10% public financial support test and instead retain the current flexibility it now has in considering other factors, such as public services and other forms of public support, in classifying a privately endowed museum or library.

Sincerely,

EDWARD I. KOCH.

PRESIDENT NIXON'S TRIP TO MOSCOW

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the verdict on President Nixon's trip to Moscow must be a mixed one. Its greatest achievement was the demonstration that the superpowers could sit down together and talk about controlling nuclear weapons. At the same time, the manner in which the Moscow agreements in many particulars permit preponderance to the Russians must give one pause. The results from bargaining on Southeast Asia and the Middle East have apparently been minuscule and with the reservation of the right to expand their fleets and heavy weapons, the Soviets indicate no abatement in their push for a worldwide presence. At the same time, their moderate response to the mining of Haiphong Harbor has shown that the desire to settle matters favorably in Europe and gain prestige at the bargaining table with the United States has thus far outweighed immediate claims of socialist fraternalism. No change is forecast in the character of the controlling Russian regime nor the operation of its economy. Here the claims of political conformity outweigh the opportunities in economic liberation.

It may be hoped that wide-ranging press conferences and considerations of future trade and increased contacts will have a liberalizing influence, but it must not be forgotten that such liberalization might carry the seeds of the dissolution of the present regime and its manner of control, and the ruling caste could not permit any such steps beyond the point of danger to itself.

The President should be complimented for efforts to encourage the moderates in the Kremlin. One must hope that the concessions to Soviet military expansion will be outweighed by the willingness of the Kremlin in the future to move further toward weapons control and reduction of its aggressive armament and expansion. There should be no euphoria about the modest gains achieved.

BANKS GEAR UP FOR POLITICAL CAMPAIGN

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, this is the political season and the commercial banks are gearing up for another massive effort to influence the elections.

The Banking Profession Political Action Committee—BankPAC—has moved its offices into the Washington area as part of this stepped-up campaign. BankPAC is currently collecting funds from banks all over the Nation with an announced goal of a half a million dollars. In addition to the efforts of BankPAC, it is well known that a number of individual banks are also raising slush funds for the election.

In fact, this is admitted by the director of BankPAC, who is quoted in last Friday's edition of the American Banker as stating:

> . . . Some of the larger banking institutions have been operating their own volunteer political fund-raising campaigns over the years and are inclined to continue them.

Mr. Speaker, BankPAC's blatant activities in the 1970 campaign raised a lot of eyebrows around Washington and created headlines in some of the Nation's major newspapers. This did not bring any reform of the bankers' efforts to influence elections but it apparently has brought about a new scheme to make this year's contributions supersecret.

Again, referring to Friday's edition of the American Banker, let me quote:

> It seems reasonable . . . to expect that in view of the unfavorable publicity two years ago, many of the BankPAC beneficiaries will request the checks be routed anonymously to them. . . .

Mr. Speaker, I place in the RECORD a copy of the article with the headline "BankPAC Readies Election Drive, Hopes To Avoid 1970 Mistakes."

The article follows:

BANKPAC READIES ELECTION DRIVE; HOPES TO AVOID 1970 MISTAKES

(By Joseph D. Hutnyan)

WASHINGTON.—BANKPAC is preparing for its second general election campaign this year with high hopes of raising more money and avoiding the mistakes that embarrassed the banking industry two years ago.

BANKPAC is short for the Banking Profession Political Action Committee. It is the political fund-raising apparatus for the banking industry, patterned after similar efforts sponsored by labor, thrift, medical and other special-interest gorups.

BANKPAC opened for business in the spring of 1970—and almost closed the same year. Its contributions came under fire not only from the usual banking industry critics, but also from some of its friends.

A few candidates for Congress in 1970 actually returned BANKPAC checks after deciding that bankers' campaign contributions would hinder rather than help their chances of getting elected.

But BANKPAC has a new, professional look now. Earlier this year, BANKPAC opened a permanent office in nearby Arlington, with a full-time executive director, William A. Glassford, former lobbyist for United Air Lines.

Mr. Glassford has spent the last five months addressing banker meetings throughout the nation, trying to sell the BANKPAC concept. He plans to continue on the circuit during the summer.

BANKPAC has targeted a goal of $500,000 to be raised to contribute to House and Senate campaigns this year. It aimed for the same amount in 1970, but raised only half.

As of April 30, BANKPAC had a mere $42,500 in its kitty—some of this left over from the previous campaigns. But Mr. Glassford is not concerned as yet.

He said the experience of other political fund-raising projects is that the checks do not begin rolling in until mid- or late summer.

"Nobody gets too interested until after the primaries," he said in an interview.

Mr. Glassford also pointed out that under the BANKPAC structure, the voluntary contributions are collected locally before being funneled to Washington.

"There may be a lot of money sitting out there waiting to be shipped," he added. "The inclination of people is not to send it in piecemeal but to keep it until they get their quotas.

Mr. Glassford emphasized that this year, BANKPAC will follow a strict set of rules in channeling funds to favored candidates.

First, BANKPAC's executive committee will decide which candidates it would like to help. Second, each candidate will be approached and asked whether he would like a BANKPAC contribution, and how he would like the payments made.

Consulting the candidate before mailing the check is intended to prevent a mistake which resulted in unfavorable BANKPAC headlines two years ago.

Some candidates for Congress in 1970 did not know they were receiving campaign contributions from the banking industry until they read their names in newspaper stories based on BANKPAC reports which the law requires to be filed with Congress.

Several were members of the House and Senate banking commission which at that time were considering the heavily lobbied bill to tighten government regulation of holding companies with one bank.

These candidates were not happy with newspaper headlines reporting they were getting money from the banking industry at such a sensitive time. One or two angrily returned their BANKPAC checks.

Mr. Glassford also said that BANKPAC was more likely this year to route checks through Republican and Democratic party campaign committees rather than sending them directly to the candidates.

This is a device used by many lobbies to disguise the source of campaign contributions—a procedure that is still legal under the new law which this year tightened somewhat reporting of financial gifts to political candidates.

It works this way:

A fund-raising organization decides that it wants to contribute $2,000 to each of 10 Democratic candidates. Instead of sending checks separately to the candidates, the organization sends a single $20,000 check to the Democratic Congressional Campaign Committee. Along with the check, the fund-raising organization includes a list of the party's 10 candidates who are to be given the $2,000 disbursements. The Democratic Congressional Campaign Committee then sends the checks to the designated candidates.

When the fund-raising organization files its report with Congress, it shows only a $20,000 payment to the Democratic Congressional Campaign Committee.

Mr. Glassford stressed that the manner in which the payment is made will be decided by the candidate. It seems reasonable, however, to expect that, in view of the unfavorable publicity two years ago, many of the BANKPAC beneficiaries will request the checks be routed anonymously to them through the national party organization.

The criticism of BANKPAC fund-raising efforts two years ago caused some bankers to conclude that the banking industry was so politically vulnerable that it could not employ the same political fund-raising methods available to other special-interest groups.

Mr. Glassford was asked whether this feeling may be hindering BANKPAC fund-raising among bankers this year.

"This is hard to measure," he said. "There has been some hesitation, particularly from those getting into it for the first time. But, at the same time, the experience of two years ago has had an opposite effect. It has stiffened a few backs—people who say, 'We have as much right to get into this as anybody else.'"

A more difficult assignment, Mr. Glassford said, is convincing some bankers that they should be contributing to Congressional candidates located outside of their own areas.

He said in some cases, BANKPAC solicitors must deliver an orientation lecture on how Congress operates, with emphasis on the fact that a Congressman from a state thousands of miles away has much more influence over banking legislation than does the hometown Congressman.

"We have to convince bankers that the local Congressman may not be the person who can help them or hurt them." Mr. Glassford said.

"We try to explain how the Congressional committees system operates, emphasizing that the system is made up of specialists and that only a few fight for or against a given bill. Most depend on the people in committees to make these decisions on the technical issues. These are the guys that the bankers have to watch."

Mr. Glassford said the fund-raising campaign this year had several new objectives. One of them is to increase the number of contributions, not necessarily the size of the average check.

The $250,000 raised by BANKPAC during the 1970 Congressional elections came from slightly more than 8,000 contributions which averaged out to about $28 each.

He said the primary goal was to reach many more than the 8,000 who responded two years ago. The BANKPAC director said the fund-raising effort was aimed at 250,000 officers in the nation's commercial banks.

Mr. Glassford pointed out that if each gave only $2, BANKPAC would achieve its $500,000 quota for the current campaign.

He said based on the expenditures of other lobbies—both liberal and conservative—he did not feel it was a good idea for BANKPAC to spend more than $500,000 in the 1972 campaign.

Mr. Glassford said that an expenditure over that amount could backfire on the industry which might be charged with injecting excessive amounts of money into the political races.

The BANKPAC director stressed in the interview, as he has in his speeches before bankers, that the contributions are not intended to buy votes for favorable banking legislation.

He said that some of the candidates who receive BANKPAC checks have not always voted in the past the way the industry would like.

For instance, he noted that BANKPAC contributed $2,000 to the recent successful primary campaign of Sen. Edward W. Brooke, R., Mass., a member of the Senate Committee on Banking, Housing and Urban Affairs. Mr. Brooke voted with Sen William Proxmire, D., Wis., in a losing effort to pass a Fair Credit Reporting bill which the banking industry vehemently opposed.

"We're not trying to buy anybody," Mr. Glassford said. "All we ask is that he be honest, tough and willing to listen to the bankers' point of view. That's all you can ask."

The BANKPAC director said that the pattern of contributions so far suggests that the industry fund-raising effort is getting more support among the smaller banks.

"Most of those involved so far have been in the smaller banks," he added. "I don't think BANKPAC has yet established itself with the super-banks."

He said one reason for this could be that some of the larger banking institutions have been operating their own volunteer political fund raising campaigns over the years, and are inclined to continue them.

OUTSTANDING JURIST SPEAKS OUT AGAINST LEGALIZED GAMBLING

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the spreading crisis of gambling is a menace for the entire Nation.

Often, those of us who speak out against this menace are criticized and I have been pictured as spreading "East Texas hillbilly morality" by daring to oppose schemes to raise public funds by tricking people into legalized gambling. But I am convinced that a substantial majority of the American people are against running our Government by lottery and a number of outstanding citizens are beginning to voice strong opinions against these ill-conceived concepts.

I was particularly pleased to receive a letter from Federal Judge Joe J. Fisher, chief judge for the U.S. District Court, Eastern District of Texas. Mr. Speaker, I place in the RECORD a copy of Judge Fisher's letter expressing his opposition to the efforts to legalize gambling across the Nation.

The letter follows:

U.S. DISTRICT COURT,
EASTERN DISTRICT OF TEXAS,
Beaumont, Tex., May 18, 1972.

Hon. WRIGHT PATMAN,
Member of Congress,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: I thoroughly concur with your opinion expressed in your Weekly Letter of May 18th concerning the effect of gambling in our society, and I commend you for speaking out in opposition to legalizing this activity.

It has always been a great irritation to me, because of the moral principle involved as well as being inconsistent, for the Federal Government to collect taxes for gambling permits and equipment in states in which gambling is prohibited. On this subject I might also mention that it is also definitely reprehensible and a reflection on our Government, from the standpoint of weakening the confidence of the people, to permit legalized gambling in only one state in the union.

Congressman Patman, we need more Statesmen like yourself, and I am proud to be serving as one of the judges in your district.

With best wishes and warmest personal regards, I am,

Sincerely yours,

JOE J. FISHER.

TECHNOLOGY TRANSFER

(Mr. CASEY of Texas asked and was given permission to extend his remarks at this point in the RECORD and to include an article.)

Mr. CASEY of Texas. Mr. Speaker, the term "technology transfer" is often used to describe what happens when a new development in one area is put to work solving problems in another. It is a natural and necessary thing as our scientists and engineers continue to work on the problems around us.

As useful as it is, technology transfer does not come automatically nor easily in many instances. People working in one discipline often do not understand the needs or even the vocabulary of others who desperately want their inputs. This is particularly true when the scientists and engineers venture into areas of social planning or health care.

Thus, I am pleased to call to the attention of the House an instance of where some of the people involved have taken a commendable initiative in trying to make a useful connection between scientific and engineering developments for space exploration and the urgent needs of medical scientists. I refer to a conference last February at Albuquerque, N. Mex. sponsored by the American College of Radiology with the cooperation and support of the Technology Utilization Office of the National Aeronautics and Space Administration.

Radiologists, of all physicians, are particularly dependent upon the physical sciences to undergird their efforts to produce better diagnostic and therapeutic approaches to their tasks. Many of them were aware in general of some of the breakthroughs achieved by NASA and its contractors in instrumentation, image enhancement, and computer uses. But most radiologists lacked a handle for getting at the people and data they need to try the NASA developments in clinical situations. This conference was a bridge-building effort. An exhaustive transcript of the sessions will be produced for the use of the experts. However, I offer below an article and an editorial from the May 17 issue of the Medical Tribune, by Wallace K. Waterfall, which describes the conference and its main concerns.

"Space Spinoff" May Be a Help to Radiologists

Albuquerque, N. Mex.—The nation's aerospace research program undoubtedly has produced equipment and ideas that can be "spun off" to the radiologist, an exploratory conference here agreed.

But, in many instances, the spinning is going to require more money for further development, some conferees reported. And in certain aspects of radiology the physicians do not believe the space effort can make a contribution.

These and other summary observations emerged from a pioneering effort by the American College of Radiology and the National Aeronautics and Space Administration to assay the broad possibilities of "technology transfer" from the laboratories of the space agency to the research and practice of the radiologist.

Over a long holiday weekend about 35 investigators from each side of the technologic fence met in workshop, plenary, hallway, poolside, and three-meals-a-day sessions that ranged from highly structured report giving to the informal badinage of men with their foot on a brass rail. Unlike many scientific gatherings, the sessions here were composed of scientists who did not necessarily know almost exactly what another was going to say before he said it.

The potential admixture of space technology and radiology was explored in four areas—instrumentation, imaging, computers, and therapy—on the basis of some developments that NASA already has used in automated and manned space exploration, and others that its scientists have been pursuing in the more direct hope of finding earthbound application.

PARTICLE BEAMS DISCUSSED

The therapy workshop centered all of its discussions on particle beams (neutrons, protons, alpha particles, pi mesons, and heavier ions), most forms of which are not yet available for cancer management. Within a few years, however, they will be available from such spectacular machines as the Los Alamos Meson Physics Facility near here. In the meantime, the therapists agreed that they have a full schedule of research to do in beam localization and radiobiology before clinical trials can begin. And when therapeutic work does get under way, they said, it must be done in a limited number of programs "to get away from anecdotal experience." Top investigators, in nearly constant communication about their results, will first "have to establish the realities of the initial advance" before a proliferation of particle-beam facilities is justified, the summary report cautioned.

LITTLE KNOWN ABOUT ULTRASOUND

New techniques with ultrasound were interesting to both the instrument and imaging participants, who at the same time made the observation that very little is known about the biophysics of ultrasound. However, it appears to be relatively nondestructive and could "free us from radiation" as a physiologic probe, a summary report said. Biggest interest centered on work at the Jet Propulsion Laboratory, which is using a low-power continuous tone to make a shadowgraph of energy that passes through an object at any precise moment.

The image workshoppers, who found a feasibility in satellite transmission, also thought it would be worth while to develop holography for three-dimensional x-ray displays. And they urged radiologists to help evaluate developments in solid-state electroluminescent storage panels that could replace film in some applications. Also asked were developments in microfocus x-ray tubes and monochromatic x-ray sources, both of which are being worked on by NASA.

The computer group discovered that a considerable amount of technology exists in NASA that radiologists could take advantage of if they only knew about it. To correct that omission the group recommended the establishment of a "visiting radiologist" program like the one that now gives other scientists three months or more at NASA installations to watch and help the space agency at work. Also recommended were cooperative projects between NASA and the American College of Radiology to do a feasibility study on image storage and retrieval and to design a "total radiologic information system" such as a large hospital might want to handle its data and planning in both diagnosis and therapy.

Some of the observations that emerged in the give-and-take of workshops were surprising to clinicians and technologists whose research has necessarily been limited to small areas of big problems. For example, when it comes to remote transmission of radiographs, such as would be desirable in the expansion of medical services to rural areas, it may be more accurate and cheaper to send the data by way of satellite than try to use telephone lines. The reasons are that satellites offer wider bands for electromagnetic communication and, as one speaker pointed out, are "getting to be more dependable than the phone service in the boondocks."

COMPUTERS TRICKY WITH IMAGES

But computer technology, which already has found considerable application in radiology (Medical Tribune, January 26), is just as tricky for NASA to use when it comes to storing and retrieving images as it is for anyone else. A space agency contract scientist acknowledged that NASA has had its problems with computer handling of images and is now in the throes of a big improvement effort demanded by the glut of multispectral photographs expected from the first Earth Resources Technology Satellite (ERTS), which is supposed to help survey mundane matters ranging from corn blight to water pollution.

By the time the workshops were over, however, a sizable list of recommendations had been assembled for presentation to the plenary body and its cochairmen, Dr. Robert D. Moseley, Jr., of the University of New Mexico School of Medicine, and Dr. Louis B. Arnoldi, director of NASA's Occupational Medicine and Environmental Health Division, Washington, D.C.

In instrumentation, the conferees found no particular role for NASA now in either patient-handling equipment or devices to inject contrast media. But they did see considerable potential in the various NASA research projects that have to do with catheters—heparin coatings for anti-thrombogenesis, miniaturized transducers that could be incorporated in a tip to measure blood flow, pressure, and acoustic signals all at once, and an endoscopic device for visualization of vessel walls.

NASA and Medicine

So far as we know, when blood pressure readings are taken in a space capsule on its way to the moon, a sphygmomanometer is inflated on the arm of an astronaut by a comrade and the Korotkoff sounds are auscultated. Use of this relatively primitive technique within the confines of the most sophisticated electronic and mechanical marvel produced by man illustrates the disparity between the achievements of the National Aeronautic and Space Administration in bursting the bonds of earth's gravity and the promised spinoffs in other fields, particularly in the area of the medical sciences.

It is true that medicine has aways been a borrower and has never exceeded the developments in the basic sciences, such as physics and chemistry, but has depended on prior discoveries within these disciplines. The medicine of any era is no better than the state of the sciences of that age and usually lags behind. How long the lag lasts depends on the interests of biophysicists and biochemists and cross-fertilization, which more commonly is unidirectional, from the nonbiologic to biologic spheres.

The pioneering effort by the American College of Radiology and NASA as reported in this issue of Medical Tribune (see page 1) to look into the potentials of "technologic transfer" from the "laboratories and minds of the space agency to the research and practice of the radiologist" is of enormous interest. What the radiologists and the space agency are seeking, in effect, is to eliminate or reduce the lag in time of medical application of NASA scientific discoveries and advances.

According to the report, four areas were explored by 35 radiologists and 35 NASA investigators: instrumentation, imaging, computers, and therapy. It is significant that those looking into computer developments "discovered that a considerable amount of technology exists in NASA that radiologists could take advantage of if they only knew about it." The recommendation that a "visiting radiologist" program be instituted at NASA is obviously a useful concept.

So far as the field of medicine is concerned, there should be more than a "visiting radiologist" program going on at NASA. Without information in depth it is difficult to visualize just which subdivisions of medical science should be represented at NASA, but surely more than benefits to radiology are possible.

It seems to us that this is precisely the sort of problem that the newly constituted national Institute of Medicine, a subdivision of the National Academy of Sciences-National Research Council, ought to address itself to. Which of the medical disciplines ought to be in close communication with NASA? What advances can be utilized in the various fields of medicine? What medical problems, as such, should be directed to the attention of NASA scientists?

Cross-fertilization should be bidirectional, not undirectional. Who knows, perhaps a device can be constructed that, applied over the brachial artery, can supply systolic and diastolic pressure readings without the intervention of a stethoscope.

THE HIGHER EDUCATION BILL

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, during the last few weeks, the Committee on Education and Labor has received hundreds of letters and telegrams with regard to the conference report on S. 659. Many of the letters we have received are in response to a letter I mailed to all higher education institutions containing a fact sheet on the higher education bill, and asking for the comments of college presidents and other administrators.

Many of the subsequent responses to my letter have been most detailed in their analysis. I should like to share with my colleagues today an analysis we have of the more than 300 letters and telegrams we have received. I can report to you that 88 percent of the responses have been favorable. Let me begin by sharing with my colleagues the letter I received from the Association of American Universities. William C. Friday, president of the University of North Carolina, on behalf of the Association wrote:

> On behalf of the 46 universities which are members of the Association of American Universities, I want to thank you for your efforts toward producing a higher education bill which would provide substantial programs of much-needed aid to higher education.
>
> On the basis of the fact that a majority of this association's individual members have expressed support for the bill, the Association of American Universities endorses passage of the Education Amendments of 1972 as reported out by your conference committee. While many members have serious reservations about the stringent anti-busing provisions included in the bill, most are actively and publicly supporting the compromise education proposals. The attached letters and telegrams provide a fair sample of their views. In the judgment of these presidents the proposed programs of student aid and the initial steps toward general federal institutional support represent significant advances. They also support the wide range of other higher education provisions embodied in the bill, while recognizing that the scope and complexity of the measure will necessitate amendments as experience is accumulated.

The attached letters and telegrams to which President Friday refers are from institutions in Illinois, Indiana, Ohio, Michigan, California, New Jersey, and Louisiana.

John E. Corbally, Jr., president of the University of Illinois, commented on the landmark implications of the legislation and advised—

> The approaching vote on the omnibus higher education bill is of crucial importance to the University of Illinois and to all similar institutions in the United States, public and private.

The presidents of Vincennes, Purdue, Ball State, Indiana State, and Indiana University signed a telegram advising that the present conference committee report will provide "essential support of the higher education needs of Indiana and the Nation."

Novice G. Fawcett, president of Ohio State University, wrote:

> The hopes of many Ohio young people will be riding on the House vote on S. 659. The hopes of all Ohio higher education institutions for significant financial assistance are also at stake. And for some of our smaller private colleges in Ohio, the passage of S. 659 may well mean survival.

Dr. John R. Hubbard, president of the University of Southern California, states that—

> With all the necessities for compromise, we think this is an excellent bill that merits the support of us all.

And President Longenecker of Tulane University, commented:

> The Conference Committee ironed out the questions at issue to a considerable degree and, in our judgment, this legislation now authorizes both the continuation of proven programs and the establishment of promising new approaches to the support of both individuals and institutions.
>
> The legislation has been referred to as one of the most important pieces of legislation relating the Federal Government to the institutions of higher education. I believe that it will be proven in the future to be just that.

Turning now to the responses to my letter asking college presidents to give me their reactions, Kingman Brewster, president of Yale, wrote:

> I am very enthusiastic about the higher education provisions of the bill. The busing rider bothers me, but I am not qualified to judge how it appears in the light of alternatives. However I did want you to know my view that the provisions relating to student and institutional support would go a long way toward helping all universities without imposing a heavy hand of uniformity on higher education. Best of all, the bill will mean real help to the students—and their parents—who need it most, while still allowing them to choose the institutions they most want to attend.

Edwin L. Skiles, president of Hardin-Simmons University in Texas commented:

> In my opinion, if the amendments stated in your report become law and are fully funded, a bright new day will come in higher education. It will allow no student to be turned away for lack of financial resources. It will give the institutions which handle the task of higher education a broad financial base and will sustain a dual system of education within our country. It will also give the financial support needed to raise the academic standards required by a maturing nation which must advance or decay. This is a bill which recognizes the needs of higher education and applies the greatest amount of funds to the area of the greatest need.
>
> The alternative to such a bill is very bleak indeed. Private schools are closing while state supported schools take up the slack in some measure at a much higher ratio of cost to the taxpayer. The broad base of academic flexibility afforded by private institutions is the very foundation of our democracy. Our way of life would be in jeopardy if we were to continue the present erosion of private education because of lack of adequate financing.
>
> I believe that your conference committee has taken the best of the House and Senate bills and reduced them to a very workable bill which can be justifiably funded.

Henry King Stanford, president of the University of Miami, wired:

> The University of Miami, an institution private and independent in character and international in scope, endorses with reservations the final conference committee version of the Higher Education Bill of 1972. We are both troubled and disappointed that the irrelevant issue of busing is attended in this bill, for we are convinced that singular attention to the needs of both college students and institutions of higher education is mandated in this time of financial crisis. But we underscore our support for the continuance and expansion of Federal commitments to needy students toward the end of equal access through higher education for all those who can benefit from it. Further, we endorse the establishment of the principle of direct Federal aid to institutions as a dimension critical to the fiscal salvation of many. We regret that full funding of all programs is not now assured, for the attainment of no less a goal than this is required if higher education is to continue to realize its full potential for leadership in meeting the needs of society. We offer both our gratitude and our compliments to the members of the conference committee for their devoted efforts in behalf of the needs of higher education.

One of president Stanford's colleagues from Florida, Thomas W. Fryer, Jr., president of the Florida Association of Community Colleges, endorses the conference report with the following comments:

> This extremely important legislation will be of immense benefit to all higher education in this country, including Florida's 28 community colleges.

Let me share with you three brief comments I have received from institutions in Massachusetts:

> We support S659 the Higher Education Act.
>
> Wilbert E. Locklin,
> *President, Springfield College,*
> *Springfield, Mass.*

> Assumption College,
> *Worcester, Mass.*
>
> We urge your support in the passing of the Higher Education Act bill, S659. We also hope that you will lend your influence and support to the adequate funding of this bill.
>
> Thank you for your continued interest in higher education.
>
> Sincerely,
> Very Rev. Wilfred J. DuFault A.A.,
> *Acting President.*

> Mount Ida Junior College,
> *Newton, Mass.*
>
> Form of Higher Education Bill is excellent. However, the need is excessive. Bill will have to be funded almost in total to avert a national disaster for students and institutions.
>
> F. Roy Carlson,
> *President.*

Many of the letters I have received are from student financial aid officers. Clare Davies, director of financial aid at Newark State College in New Jersey, stated:

> We are pleased that the Conference Committee has supported the principles of basic grants to students and institutional aid as well as continuation of the three major student aid programs. We urge continued Congressional effort to pass this bill, and to support the appropriations that must be approved to make it effective. The combination of rising college costs and inadequate aid funds, especially in the initial EOG program, will make next year and subsequent years very difficult without increased funding. The bill has raised the hopes of students that increased aid will become available to them. Please continue to do all you can to see that these hopes are realized.

C. Dean Dalton, director of student financial aid at Georgia State University, had similar comments as follows:

> As an experienced financial aid officer, my reaction to the amendments is that these should make the final bill, even with the inevitable compromises, a landmark in the history of Federal Support for Higher Education and our students.
>
> I particularly want to commend the Committee for the amendment requiring the educational institutions to recommend the amount of a subsidized loan to the lender. The creation of a Student Loan Marketing Association should also have a beneficial impact on the availability of such loans.
>
> May I take this opportunity to thank the Committee members; not only as a student financial aid administrator, but also as a citizen and taxpayer; for their labors in this field. It appears that the final bill should be a long step down the road to our mutual goal of removing economic barriers to the opportunity for post secondary education so that every qualified young person will have the education he wants and can absorb.

Mr. Speaker, as we continue to analyze and tabulate the many letters we are receiving, I will keep my colleagues advised.

PERSONAL ANNOUNCEMENT

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the Record.)

Mr. MIKVA. Mr. Speaker, I regret that my absence on Thursday caused me to miss seven rollcall votes. Had I been present, I would have voted as follows:

"Aye" on rollcall No. 182, final passage of the Public Broadcasting Act, H.R. 13918;

"No" on rollcall No. 177, amending H.R. 13918 to limit salaries paid by public broadcasting stations;

"No" on rollcall 178, amending H.R. 13918 to reduce amount of fiscal year 1973 authorization and to authorize funds for only 1 year;

"No" on roll call No. 179, amending H.R. 13918 to prohibit public broadcasting stations from conducting opinion polls;

"No" on rollcalls Nos. 180 and 181, amending H.R. 13918 to condition fiscal year 1973 authorization on GAO audit; and

"Aye" on rollcall No. 183, final passage of House Resolution 965, travel funds for Education and Labor Committee.

AN APPRAISAL OF THE C–5 FROM ONE WHO OPERATES IT

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, the commander of the Air Force's Military Airlift Command, Gen. Jack J. Catton, recently spoke to a group of aviation writers in New York concerning the accomplishments of Lockheed's C–5 Galaxy. General Catton said that with a weapon system so complex, so costly, so controversial and so vitally a part of this Nation's strategy that it might be a good idea to hear from the man who operates them for the people of the United States. I agree with his logic completely. No one is in a better position to comment on the operation of this machine than he is. What he said about the airplane, what it has done what it does in Southeast Asia impressed me and I know it will impress you, therefore, I would like to read it into the Congressional Record.

Remarks by General Jack J. Catton

About 30 years ago, when the American public, bombarded on all sides by conflicting advertising claims, was considering buying an expensive automobile, they were encouraged to "ask the man who owns one." The inference was that no one knew better than the operator—the man who used the machine, day-in and day-out—if it did the job. We have a similar circumstance today. The American people have purchased this C–5 machine and have been told a great deal about it. There is a lot of confusion—many different opinions, pro and con—and it's hard for the public to separate fact from fiction concerning the C–5. So perhaps that is a good time to ask the man who owns them—or at least operates them for the Air Force and the Department of Defense—for the American public.

Before I give you that opportunity to "ask the operator," I want you to all realize the C–5 was developed to do a particular job in support of this nations' military strategy. I mention this simply because that statement of fact gives us some key ideas to consider—ideas such as the C–5 itself—its procurement—the job it does—the strategy it supports.

First, the airplane. The C–5 is unique. I'm sure you're all impressed with its size. I suppose you've already heard the obvious comparisons—sit it on a football field with its tail on the goal line and its nose is inside the other twenty—its wings are way beyond both benches. Or, its tail is six stories high.

However, you might not know that we're operating the airplane daily at over 712,000 pounds gross weight—with a payload of 175,000 pounds. When we have to—and the past few weeks we've had to—we go to 728,000, with just under 200,000 pounds of payload. The airplane gives us great capability—unique to the military needs we have.

For example, you've heard a lot about our gear problems—we have a complicated gear system—but it allows us to decouple our fleet from the JFK-type, sophisticated air terminals which might not be available when and where we need them—permits very rapid on- and off-loading.

We cruise at .767 MACH—which is moving out—but still somewhat slower than our civilian counterparts. But we traded off those few knots of speed for the shorter on-load/off-load times. To get the drive-on/drive-off capability which helps make this a combat airplane, we had to go to the high lift rather than the high speed position on the wing—but shortened ground times are important to us in a combat situation.

Two weeks ago, the C–5s recorded ground times of 32, 30 and 27 minutes at DaNang. You know what they were carrying? Three M–41 tanks—and those times I gave you were from touchdown to takeoff. There—on the ground—when we are vulnerable and the cargo is vulnerable—is where and when we need the speed most—a design factor peculiar to our basic role of combat airlift.

The fact that we're carrying vehicles on those misions sets this airplane apart from our commercial counterparts whose aircraft are stressed for palletized loads. We have the ability to airdrop from this aircraft. Although we've never used that particular strategy in combat—we have tested it with some very plausible scenarios—like Freedom Vault where we flew troops and equipment from stateside bases to Korea and airdropped them. With the current pressure toward more stateside basing of our forces, the ability to rapidly move the troops from home to battlefield becomes increasingly important—whether they be airdropped or air landed in the assault.

I could go on and on with the unique features of the aircraft, but I hope you understand—the primary need this airplane was designed to meet is the outsized cargo requirements—and we can meet them. We can move every piece of equipment in an Army infantry division in this airplane—right up to the M–60, main battle tank—and we can maintain combat integrity by taking the personnel associated right along with the equipment. This airplane is one of a kind—nothing in the air can match it—and, teamed with the C–141, we can deliver balanced integral air and ground fighting forces anywhere in the world they are needed.

Not too long ago, when I spoke to one of our professional military schools, I was asked whether in hindsight I'd rather have had the 747 freighter, I had to answer "no," just because of the features I just mentioned.

The 747 doesn't have the drive-on/drive-off capability. It needs sophisticated runways and special handling equipment, while the C–5 is truck-bed high to begin with and can kneel. The 747 can't airdrop—it can't lift anything the C–141 can't. What it all boils down to is—the C–5 is different from every other kind of aircraft—because it was designed to do a particular military job. It required—and has—characteristics that no civil carrier would find a market for. And that brings me back to my framework statement—"The C–5 was developed for a special job in support of this nation's military strategy."

Having talked about the airplane itself, let me address its acquisition just briefly. We're all aware of the many procurement problems which have been aired relative to the C–5. But it's been more than seven years since the Department of Defense chose the "total package procurement" method of doing business for this aircraft. Still we hear about cost overruns—the financial position of the prime contractor—mismanagement of contracts—the Lockheed loan guarantee. How or why these problems exist has a multitude of answers—many of which depend upon one's point of view—much of it is Monday-morning quarterbacking.

Let me emphasize, however, that today I'm talking as an operator—and none of these problems associated with the C–5 can overshadow the true accomplishments of performance and flexibility offered by this weapons system.

Too often, the negative aspects of the aircraft's performance are stressed. I think this is because one of the least understood facts of the C–5 is that it was purchased under a concurrent testing and production concept. Many of the alleged deficiencies of the C–5 are a result of operational aircraft being delivered while development testing was still in progress. Two years ago, when we received our first operational aircraft, testing was barely 50 percent complete. Today, testing is roughly 95 percent complete. The contractor has completed all development tests and is continuing the fatigue test which will determine aircraft service life.

We're finding some problems such as structural difficulties. You're all familiar with the pylon problem—well, that's fixed. We'd had some problems with kneeling—and we're fixing them. We may well expect to have other problems too—for, after all, the C–5 is a substantial jump in the state of the art. And, when we have them, we'll fix them.

About one year of Air Force tests remain for the avionics systems and, as these systems become qualified, we—the operators—will perform small scale suitability tests.

In spite of the problems, I hope you understand we have—and will continue—to perform the mission, right along with our testing. It simply means that sometimes the crews must operate certain systems manually rather than being able to rely on automatic features.

But one thing all this testing has proven—the C–5 *will* fulfill the strategic airlift mission for which it was designed—that is, the rapid deployment of outsized Army equipment and the troops necessary to operate that equipment.

So, the ultimate yardstick is not in the first part of our basic statement—"the C–5 was developed"—but, rather, in the second part—"for a particular job in support of this nation's military strategy." And, the airplane is doing the job all over the world.

Last March, one of the airplanes lifted three large helicopters to Vietnam and returned with three other battle-damaged ones in a 72-hour round trip. Because the C–5 makes disassembly unnecessary, the choppers were flying missions in Vietnam within 10 hours of arrival. It used to take three C–133s, eight days and an extensive assembly time to get them in the air. In a single mission, one C–5 delivered 22 of the Army's light observation helicopters.

Elsewhere, the Republic of China had an urgent need for a turbine generator located in England. Surface transportation wasn't responsive enough. This was the only airplane in the world that could do the job—and the C–5 did it at the request of the State Department in 30 hours—London to Taiwan.

We used three C–5s to transport an airborne helicopter mine-sweeping unit from Norfolk to the Sixth Fleet. That entailed moving four CH–53 choppers, mine-sweeping devices and the people to use them.

One of our aircraft picked up a complete RAPCON, mobile radar approach control unit, in California and delivered it to Tempelhof Airport, West Berlin. Before the C–5, we would have needed two airplanes and considerable disassembly.

Frequently, we fly cargo too large for other aircraft. We have even flown cargo too large for other modes of transportation. We hauled a Navy sonar dome from Akron, Ohio, to California, because it was too large for truck or rail transport and the boat trip down the Ohio and Mississippi Rivers could have taken two months, as well as posing road closing problems.

So, it's been doing a great job for the Department of Defense in carrying the outsized cargo—but its primary mission is combat airlift. You can believe it's been tested hard on that point in the last month—and has performed in a superior manner. When the Communist offensive began early last month, the C–5 was called on to do the job it was designed to do—provide direct support to the military forces. In less than six weeks, we have flown over one hundred C–5 missions into the war zone—and we're doing what we were expected to do. For the most part, we're delivering outsized, heavy equipment that only the C–5 can carry.

For example, C–5s have moved two M–48 battle tanks into South Vietnam—that's 96 tons of tanks, plus associated gear, in each airplane. I mentioned the super off-load times of the birds carrying the slightly smaller M–41 medium tanks.

Add to those several hundred tons of mixed loads of trucks, artillery pieces, vans and the ever present choppers—and you have some idea of the magnitude of the job we're doing with this airplane.

But let me superimpose another task on the already sizeable operation I just described. Our plans call for us to be able to deploy our land and air forces rapidly throughout the world. In the past, we have exercised and worked hard to achieve a high level of proficiency getting ready to respond. We had a chance to show our stuff when the decision was made to move the 49th Tactical Fighter Wing from Holloman AFB, New Mexico, to Takhli, Thailand—four fighter squadrons plus a SAC tanker squadron. We put together the team—the C–5 and the C–141—and the commercial carriers who handle most of our passenger requirements—and in nine days we had moved over 4,000 tons—an entire wing of people and equipment from the States to Southeast Asia.

In contrast—remember Korea in 1951—when it took *56 days* to get the first ground forces from the United States into the conflict. Even today, a shipload of tanks has a steaming time from our West Coast to Vietnam in excess of 25 days—and that is port to port, not Army camp to battlefield.

While the magnitude of this entire Southeast Asia operation is starting to sink in, let me tell you we kept our commitments to our other forces around the world. The C–5 has a role in that, too—albeit a minor one.

So, the airplane has been doing the kind of job it was procured to do—it's doing it today, not some time in the future. To understand fully just what this means to our nation, not only in Southeast Asia, but all over the world, is to understand what the airplane means for strategic mobility—and what strategic mobility means for national policy and national security.

President Nixon provides us with a starting point. You may recall his words before Congress last September when he spoke to the challenges of peace which need to be addressed as the challenges of war are diminishing. No question as to how important our airlift force is to the successful meeting of the challenges of war, that's what I've been telling you about.

The President indicates the chips are also down in a different way—the challenge of peace. We, in the military, have the same responsibility—stay geared for the possible contingency. That's our responsibility. But our national leadership also has a responsibility—to take a deep look at our nation's priorities—where the nation is heading—the best way to get there.

We understand the reordering of priorities—the distribution of our national resources—more to the solution of domestic problems—less to defense. Our challenge is great. We must enhance the quality, responsiveness and the power of the military forces we retain. The evolving military strategy places great dependence upon mobility—the right kind of mobility—rapid, reliable, responsive.

At this point, let me remind you that we—American citizens—have invested in military aircraft required to do only the airlift tasks our commercial carriers cannot practicably perform. They—who comprise the unmatched American civil air industry—are our partners in peace and war through the Civil Reserve Air Fleet—CRAF. Our relationship makes efficient and effective use of a national resource.

Our flexible response strategy would not be practical if it were necessary to station large garrisons of American fighting forces all over the world. Strategic airlift can give us the means to find the best *mix* of overseas garrisons—prepositioning—and mobility, enabling us to reduce our overseas forces to a level we can better support—and still meet our commitments. Whereas, in the past, airlift forces were geared to support policy and strategy already in effect, our partnership now provides an airlift capability that gives our planners and strategists new options—options that can have a growing influence on the development of policy and strategy.

So, you can see—and, even more important, a potential adversary can see—how we are able to exploit the speed and reliability of airlift to reduce the national investment in defense—and still strike faster—hit harder—and keep the peace through balanced deterrence. We couldn't do this without the C–5. That makes it quite a machine. If you don't believe it, ask the man who owns one!

LEAVE OF ABSENCE

(The following Members (at the request of Mr. Gerald R. Ford):)

Mr. Eshleman, for today and the balance of the week, on account of continued recuperation.

Mr. Robinson of Virginia, for an indefinite period, on account of illness.

Mr. Camp, from June 1 for an indefinite period, on account of official business.

Mr. McClory, for today through June 15, on account of official business.

Mr. Gude, for the week of June 5, on account of official business.

Mr. Halpern, for today through June 17, on account of official business.

Mr. Price of Texas, for June 7 and 8, on account of official business.

(The following Members (at the request of Mr. Boggs):)

Mr. Shipley, for today, on account of official business.

Mr. McMillan, for today, on account of official business.

Mr. Pepper, for today, on account of official business.

Mr. Helstoski, for today, on account of official business.

Mr. Roybal (at the request of Mr. Teague of Texas), for June 5, 6, and 7, on account of official business.

Mr. Hagan (at the request of Mr. Steed), for today, on account of official business.

Mr. Burton (at the request of Mr. McFall), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Frenzel) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Conte, for 10 minutes, today.

(The following Members (at the request of Mr. Denholm) to revise and extend their remarks and include extraneous material:)

Mr. Aspin, for 20 minutes, today.

Mrs. Abzug, for 10 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Fuqua, for 10 minutes, today.

Mr. Matsunaga, for 60 minutes, June 29.

Mr. Miller of California, for 60 minutes, June 29.

Mr. Holifield, for 60 minutes, June 29.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Gaydos during his 1-minute speech, notwithstanding it exceeds two pages of the printed Record and estimated by the Public Printer to cost $350.

(The following Members (at the request of Mr. Frenzel) and to include extraneous matter:)

Mr. Horton in two instances.

Mr. Anderson of Illinois.

Mr. Scherle in 11 instances.

Mr. Derwinski in three instances.

Mr. Hosmer in three instances.

Mr. Hall in two instances.

Mr. Wyman in two instances.

Mr. Bray in three instances.

Mr. Crane in five instances.

Mr. Broyhill of Virginia.

Mr. Young of Florida.

Mr. Quillen.

Mr. Pelly.

Mr. Collins of Texas in two instances.

(The following Members (at the request of Mr. Denholm) and to include extraneous material:)

Mr. Matsunaga in 10 instances.

Mr. Begich in three instances.

Mr. Mazzoli.

Mr. Evins of Tennessee in four instances.

Mr. Gonzalez in three instances.

Mr. Rogers in five instances.

Mr. Rarick in 10 instances.

Mr. Pucinski in six instances.

Mr. Van Deerlin.

Mr. Preyer of North Carolina.

Mr. Rangel.

Mr. Stokes in three instances.

Mr. Hamilton.

Mr. Cabell.

Mr. Hungate in two instances.

Mr. Monagan in two instances.

Mr. Ryan in two instances.
Mr. Nix in two instances.
Mr. Abourezk in two instances.
Mr. Bolling in two instances.
Mr. Bergland.
Mr. Annunzio in two instances.
Mr. Teague of Texas in six instances.
Mr. Rees.
Mrs. Griffiths.
Mr. Rodino in two instances.
Mr. Dingell in three instances.
Mr. Morgan in two instances.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on June 2, 1972, present to the President, for his approval, a bill of the House of the following title:

H.R. 13150. An act to provide that the Federal Government shall assume the risks of its fidelity losses, and for other purposes.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 37 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 6, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2048. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a supplemental summary of the budget for fiscal year 1973, reflecting changes since the 1973 budget was submitted to Congress and estimates of future outlays required under existing law, pursuant to section 221(b) of Public Law 91–510 (H. Doc. No. 92–306); to the Committee on Appropriations and ordered to be printed.

2049. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report of various transfers of amounts appropriated to the Department of Defense, pursuant to section 736 of the Department of Defense Appropriation Act of 1972; to the Committee on Appropriations.

2050. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting the sixth annual report of the Commission, covering fiscal year 1971, pursuant to section 705(e) of the Civil Rights Act of 1964, as amended (H. Doc. No. 92–288); to the Committee on Education and Labor and ordered to be printed with illustrations.

2051. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Commission as of April 30, 1972, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

2052. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2053. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2054. A letter from the Secretary of Transportation, transmitting a set of tables showing the apportionment of funds recommended by the Department of Transportation under the Federal Aid Highway and Mass Transportation Act of 1972 proposed by the administration, to accompany the 1972 National Highway Needs Report (H. Doc. No. 92–266—Part 4); to the Committee on Public Works and ordered to be printed.

2055. A letter from the Acting Administrator of General Services, transmitting a prospectus proposing the construction of a Federal office building in Oklahoma City, Okla. under the purchase contract provisions of the proposed Public Buildings Amendments of 1972 at such time as those amendments are enacted into law; to the Committee on Public Works.

Received From the Comptroller General

2056. A letter from the Comptroller General of the United States, transmitting a report on the cost-benefit analysis used in support of the space shuttle program of the National Aeronautics and Space Administration; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ABZUG:

H.R. 15320. A bill to promote homeownership by low- and moderate-income families by assisting them in acquiring, rehabilitating, and improving the structures in which they are tenants, and for other purposes; to the Committee on Banking and Currency.

H.R. 15321. A bill to insure congressional review of tax preferences and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.R. 15322. A bill to establish within the Department of the Interior the Indian business development program to stimulate Indian entrepreneurship and employment, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

H.R. 15323. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. BURLESON of Texas:

H.R. 15324. A bill to decrease the duty imposed on artificial flowers and foliage wholly or almost wholly of plastics, and for other purposes; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 15325. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. CULVER:

H.R 15326. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. DOWNING:

H.R. 15327. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 15328. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. ESCH:

H.R. 15329. A bill to provide for paper money of the United States to carry a designation in braille indicating the denomination; to the Committee on Banking and Currency.

H.R. 15330. A bill to amend title 5 of the United States Code with respect to the observance of Veterans Day; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 15331. A bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance, and for other purposes; to the Committee on Ways and Means.

By Mr. FULTON:

H.R. 15332. A bill to amend the Internal Revenue Code of 1954 to provide that the requirement of filing certain returns and the tax on unrelated business income shall not apply to certain nonprofit social clubs, domestic fraternal societies, and veterans' organizations; to the Committee on Ways and Means.

H.R. 15333. A bill to protect the orderly marketing of cattle hides, and for other purposes; to the Committee on Ways and Means.

By Mr. GOLDWATER:

H.R. 15334. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of X applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mrs. HECKLER of Massachusetts:

H.R. 15335. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. HORTON:

H.R. 15336. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH:

H.R. 15337. A bill to amend the Internal Revenue Code of 1954 to provide that the 4 percent excise tax on the net investment income of a private foundation shall not apply to a private foundation organized and operated exclusively as a library or museum; to the Committee on Ways and Means.

By Mr. McCORMACK (for himself and Mr. Seiberling):

H.R. 15338. A bill to amend the Federal Power Act to prohibit the transmission of electric energy into any State which enacts a law or regulation prohibiting the production of electric energy or atomic energy in such State, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN:

H.R. 15339. A bill to amend the Defense Production Act of 1950, and for other purposes; to the Committee on Banking and Currency.

By Mr. REID:

H.R. 15340. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 15341. A bill to insure congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. ANDERSON of California:

H.J. Res. 1216. Joint resolution to authorize and request the President to proclaim the week beginning October 15, 1972, as "National Drug Abuse Prevention Week"; to the Committee on the Judiciary.

By Mr. PATMAN:

H. Con. Res. 627. Concurrent resolution to provide for the printing of the book "Our American Government and How It works"; to the Committee on House Administration.

By Mrs. ABZUG:

H. Res. 1009. Resolution establishing the Special Committee on the Termination of the National Emergency and authorizing expenditures thereby; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

396. By the SPEAKER: Memorial of the Legislature of the State of California, relative to family planning research and services; to the Committee on Interstate and Foreign Commerce.

397. Also, memorial of the Legislature of the State of Louisiana, relative to Federal-State revenue sharing; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOGGS:

H.R. 15342. A bill for the relief of Airlift International, Inc., and Slick Corp.; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 15343. A bill for the relief of Alfredo Angulo-Rocha; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 15344. A bill for the relief of Robert J. Coar; to the Committee on the Judiciary.

By Mr. STEIGER of Arizona:

H.R. 15345. A bill for the relief of Armen Sahakian; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

246. The SPEAKER presented a petition of Dick Watkins, Kountze, Tex., et al., relative to the proposed Big Thicket National Park, which was referred to the Committee on Interior and Insular Affairs.

SENATE—*Monday, June 5, 1972*

The Senate met in executive session at 12 noon and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, whose Word declares that "the earth is the Lord's and the fullness thereof; the world and they that dwell therein," help us, the tenants of this good earth, to be faithful stewards of Thy gracious gift. Give us wisdom and grace to make this earth a better place for Thy children. Lift our vision from the flatlands of life as it is to the shining splendor of life that is yet to be, when Thou dost live in all men's hearts and direct their destiny. Guide the President, all Members of the Congress, and all others in positions of trust in their daily tasks, that they may uphold what is right and seek what is true. Send Thy light and Thy truth upon this land and its people.

We pray in the name of the Great Redeemer. Amen.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senate adjourned in executive session last Friday, June 2, 1972; hence, it is convening in executive session today. However, under the unanimous-consent agreement, the following business will be transacted as in legislative session.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Andrew E. Gibson, of New Jersey, to be an Assistant Secretary of Commerce, which was referred to the Committee on Commerce.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 2, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar Nos. 790 and 792.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TINICUM NATIONAL ENVIRONMENTAL CENTER, PA.

The Senate proceeded to consider the bill (H.R. 7088) to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes, which had been reported from the Committee on Commerce with amendments on page 4, after line 5, insert a new section, as follows:

> SEC. 6. (a) Each party with whom a cooperative agreement is entered into under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition of any funds received under the cooperative agreement, the total cost of any project or undertaking in connection with the cooperative agreement entered into, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.
>
> (b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the party to the cooperative agreement that are pertinent to the cooperative agreements entered into under this Act.

And, at the beginning of line 21, change the section number from "6" to "7".

Mr. SCOTT. Mr. President, I am delighted to indicate my strong support for H.R. 7088, a bill establishing the Tinicum Environmental Center in Delaware County, near Philadelphia and Chester, Pa. This legislation is nearly identical to S. 1841 which Senator SCHWEIKER and I introduced over 1 year ago.

The purpose of this measure is to preserve the last true tidal marshland in Pennsylvania. To this end, the Secretary of Interior would acquire the necessary lands in Tinicum Marsh to establish the environmental center. After these land acquisitions take place, the marsh area could encompass approximately 1,000 acres.

I think that this is a great day for those of us who feel strongly about preserving what is left of our natural environmental resources, especially in the great urban areas like the Delaware Valley. Not only will thousands of people be able to view nature's wonders at close range, but they will also be able to learn how marshlands go through their own "recycling" process. For example, the marsh improves the quality of water as it alternately is flooded and then exposed by the tides. One study indicated that the marsh added 20 tons of oxygen to the water each day and removed nearly 10 tons of waste materials.

Mr. President, I urge the Senate to consider favorably this important legislation so that it may reach the President's desk for his early approval.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–824), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE LEGISLATION

The purpose of the legislation is to preserve the last true tidal marshland in the Commonwealth of Pennsylvania.

In achieving this purpose, the Secretary of the Interior would be authorized and directed to acquire such lands in Tinicum Marsh as may be necessary, not to exceed 1,200 acres, for the purpose of establishing the Tinicum National Environmental Center. There would be authorized to be appropriated $2,250,000 to carry out the provisions of this Act.

LEGISLATIVE BACKGROUND

H.R. 7088 passed the House on February 7, 1972, and was referred to the Senate Committee on Commerce the following day. There is a companion Senate proposal, S. 1841, which was introduced on May 12, 1971, by Senators Scott and Schweiker.

In their reports on S. 1841, the Environmental Protection Agency, the Department of the Army (on behalf of the Department of Defense), and the Justice Department deferred to the views of the Department of the Interior, the agency having primary interest in the legislation. The Comptroller General made no recommendation with respect to enactment but did suggest an amendment allowing the Comptroller General access to records if the General Accounting Office should ever have to examine the cooperative agreements which are authorized by this legislation. The Department of the Interior recommended passage of H.R. 7088 as passed by the House.

THE AMENDMENTS

The Committee amendments are in response to the Comptroller General's suggestion. The first merely renumbers sections 6 and 7. The second requires the keeping of such records as the Secretary of the Interior may specify concerning cooperative agreements and gives the Secretary and the Comptroller General access to them.

BACKGROUND AND NEED FOR THE LEGISLATION

Tinicum Marsh is located in the megalopolitan region of the Eastern United States. More specifically, it lies immediately west of the International Airport at the southwest edge of the city of Philadelphia. Most of the region is situated in Delaware County. However, a portion of it is located in Philadelphia County.

Tinicum Marsh originally was a part of the Tennakon-Minques Island Marshes that occupies 5,700 acres at the time of the first settlement in 1643. The early settlers diked and drained parts of the marsh for grazing land. Similar modification of the wetlands occurred piecemeal during the next two and a half centuries. Then, more rapid and drastic changes began to take place during the late 19th century.

Since World War I, more than 5,000 acres of tidal wetlands have been deeply covered with fill to construct railroads, highways, boatyards, the International Airport, disposal sites, and residential and industrial sites. By 1968, the last tidal wetland in the Commonwealth of Pennsylvania had been reduced to 523 acres.

In early 1968, the Conservation Foundation (Washington, D.C.), under a grant from the Ford Foundation, selected Tinicum Marsh as a classic example of prime urban open space threatened by numerous development pressures. The foundation requested Dr. Jack McCormick and Dr. Ruth Patrick to carry out a study of the area. Dr. McCormick, who testified at the House Merchant Marine and Fisheries Committee hearings on this bill, summarized the results of the study as follows:

"My study revealed that slightly more than a fourth of the tidal marsh was covered by wild rice. This grass, which reaches 11 feet in height, produces seeds that are of outstanding value as waterfowl food. Other major vegetation types of the marsh included spatterdock, cattail, giant ragweed, and a mixture of several species. Common reedgrass covered more than 200 acres of filled lands. Marshmallow, purple loosestrife, and spatterdock were the most common plants in diked marshlands.

"We found that thousands of migratory waterfowl and shore birds—sometimes tens of thousands—pause on the Tinicum Marshes to rest and feed. In all, at least 119 kinds of waterfowl and shore birds and 177 species of land birds are known to occur at Tinicum.

"The native mammals, fish, reptiles, amphibians, and insects also were surveyed. No unusual, rare, or endangered species were noted. It was found, however, that carp have usurped the water and Norway rats now rule the land.

"The dominance of these introduced, undesirable species is a reflection of intolerable pollution of the water and of the existence of rich supplies of garbage in the nearby "sanitary landfill." As a result of decisive State and interstate action, the water quality will improve substantially during the next decade as sewage treatment plants that discharge into the marsh are phased out. Rat populations should decline rapidly as a result of the termination of the landfill by order of the U.S. Army, Corps of Engineers, and the Commonwealth of Pennsylvania.

"Dr. Patrick's study indicated that the marsh improves the quality of the water as it alternately is flooded and then exposed by the tides. The marsh added 20 tons of oxygen to the water each day, and removed 4.9 tons of phosphate phosphorus and 4.3 tons of nitrate nitrogen."

As of today, more than half of the remaining 1968 tidal marsh acreage (consisting of 523 acres) has been destroyed. The construction of a 2.5 mile long section of Interstate Highway I–95 occupies 60 acres of the 1968 marsh; at least another 80 acres of the marsh have been dredged; an additional 130 acres have been filled with removal spoil; and about 20 acres ahve been covered with refuse. Consequently, there is now remaining about 200 acres of the original pristine tidal marsh.

Testimony before the House Committee indicated that some of the marsh can be restored. In addition to the 200 acres which remain of the original marsh, 80 acres of marsh where a contractor left deep holes can be restored, as can 50 acres of land shallowly covered with spoils by the Corps of Engineers. Therefore, the Tinicum National Environmental Center that would be established under this legislation could encompass about 330 acres of marsh and about 600 to 800 acres of contiguous upland that is currently free from development.

In early 1970, another study was set up to study the problem of preserving the last remaining acreage of Tinicum Marsh. This study was set up by the Department of the Interior and was carried out by a group called the Tinicum Marsh Task Force. Included in the group were representatives from all of the surrounding local communities. The conclusion that was reached by the task force was that Tinicum Marsh should be acquired and preserved.

In addition to the recommendations of these two studies, there were numerous resolutions from organizations in the Tinicum area in support of preserving the marsh. Testimony at the House hearing indicated that the city of Philadelphia, Delaware and Philadelphia Counties, the Commonwealth of Pennsylvania, and all Federal and State agencies concerned were fully cooperating in an effort to preserve and maintain this remaining tidal marsh.

Of the area described in the bill for inclusion within the Tinicum National Environmental Center, approximately 292 acres—35 percent of the total acreage—are currently owned by the city of Philadelphia or the Federal Government. The remainder of the acreage—approximately 65 percent—is owned by private sources. Congressman Williams testified before the House committee that he had met with all the private owners of the desired land and that their full cooperation in the establishment of the Center could be expected. The committee hopes that the land surrounding the Tinicum National Environmental Center and the waters running into it will be used in a manner which is compatible with the wildlife refuge.

AMENDMENT OF THE WATER RESOURCES PLANNING ACT

The Senate proceeded to consider the bill (S. 3384) to amend the Water Resources Planning Act to authorize increased appropriations which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 8, after "$3,500,000", strike out "annually" and insert "in fiscal year 1973 and such annual amounts as may be authorized by subsequent Acts"; and, in line 15, after "$2,500,000", strike out "annually"; so as to make the bill read:

S. 3384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Water Resources Planning Act (79 Stat. 244, 42 U.S.C. 1962 et seq.) is amended by striking out the present section 401 and inserting in lieu thereof the following:

"SEC. 401. There are authorized to be appropriated to the Water Resources Council:

"(a) not to exceed $6,000,000 annually for the Federal share of the expenses of administration and operation of river basin commissions, including salaries and expenses of the chairmen, but not including funds authorized by subsection (c) below: *Provided,* That not more than $750,000 annually shall be available under this subsection for any single river basin commission;

"(b) not to exceed $1,500,000 annually for the expenses of the Water Resources Council in administering this Act, not including funds authorized by subsection (c) below;

"(c) not to exceed $3,500,000 in fiscal year 1973 and such annual amounts as may be authorized by subsequent Acts for preparation of assessments, and for directing and coordinating the preparation of such regional or river basin plans as the Council determines are necessary and desirable in carrying out the policy of this Act: *Provided*, That not more than $2,500,000 shall be available under this subsection for the preparation of assessments: *Provided further*, That the Council may transfer funds authorized by this subsection to river basin commissions and to Federal and State agencies upon such terms and conditions as it determines are necessary and desirable to carry out the above functions in an economical, efficient, and timely manner, and that such commissions and agencies are hereby authorized to receive and expend such funds pursuant to this subsection."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–826), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE MEASURE

The purpose of S. 3384, which was recommended by the Water Resources Council, is to increase the amounts of the appropriations authorized for the Council to carry out certain functions assigned to it under the provisions of the Water Resources Planning Act of 1965 (79 Stat. 244, as amended). The additional amounts recommended would total $3,500,000 annually.

BACKGROUND

The Water Resources Planning Act of 1965 has the following general provisions:

Title I established the Water Resources Council. The Council is composed of the Secretaries of the Interior, Agriculture, the Army, HEW, Transportation, and the Chairman of the Federal Power Commission. It is supported by an executive director and staff which constitute a separate agency. The Council has important administrative duties to maintain an assessment of the Nation's water resources, review and establish standards and procedures for Federal water resources development, and review comprehensive river basin plans.

Title II authorizes the establishment of joint Federal-State river basin commissions to perform comprehensive water resource planning for various regions and to coordinate water resource development activities in the regions. Each such commission shall have a chairman appointed by the President as Federal representative, and a representative from each State and each Federal agency represented and from each interstate agency created by compact. (River basin commissions have been established in five basins thus far. In the other basins ad hoc committees are performing the function.)

Title III provides for a program of grants to the States amounting to $5 million annually to finance not more than 50 percent of each State's comprehensive water resource planning program.

Title IV of the act includes miscellaneous provision including the authorization of appropriations. The existing limitations are—

$1,500,000 annually to carry out the Council's general administrative duties under titles I and II; and

$6,000,000 annually to carry out title II, further limited to not more than $750,000 for any single river basin commission. These limitations would not be changed by S. 3384.

PROPOSED LEGISLATION

S. 3384 would amend the authorization of appropriations for the operation of the Water Resources Council to provide funds for two functions which the Water Resources Planning Act of 1965 directs the Council to perform but which are presently funded through the appropriations of the member agencies of the Council.

As proposed to be amended by S. 3384, subsections 401(a) and 401(b) of the Water Resources Planning Act would restate the limitations on appropriations in the amounts established by existing law.

The new subsection 401(c) as proposed in S. 3384 would authorize additional appropriations to the Council totaling $3,500,000 annually. Of this amount, not more than $2,500,000 would be available to fund work on the assessment of national water resources supplies and demands required by section 101(c) of the Planning Act. The first of such assessments was completed in 1968. Work on this assessment was supported by the member agencies of the Council through contributions of personnel and services funded by their appropriations.

No subsequent assessments have since been made. The 1968 report remains the principal source document for water resources planning at all levels of government. A second assessment is badly needed to profit from the experience gained in performing the first, largely experimental effort; to reflect the extensive public attitude and policy changes, particularly in environmental demands on water resources management, which have evolved since 1968; and to incorporate new data which has become available in the intervening years.

The remaining $1 million provided would enable the Council or the existing River Basin Commissions to provide direction and coordination in regional comprehensive water resource planning. This role is now taken by one or the other of the member agencies which obtains funds through its own appropriations process. The assumption of direction and coordination in comprehensive planning by the Commissions and the Council is expected to improve the multiobjective approach to such planning and enhance the influence of the State participants.

The fiscal year 1973 budget now pending before the Congress includes $531,000 for comprehensive planning not authorized by existing law. A fiscal year 1973 supplemental appropriation request for $1 million to initiate the assessment is also expected to be submitted later.

COST

The funds provided under this authorization are necessary to carry out existing duties assigned to the Water Resources Council by law. Funding of the costs of these duties through appropriations to the Council will be balanced by reductions in the expenditures of the various member agencies which have formerly supported the work.

COMMITTEE AMENDMENT

The committee has amended S. 3384 to limit the authority for the additional amounts to fiscal year 1973. The committee recognizes that these amounts also will be required in subsequent years. The committee has notified the chairman of the Council, however, that it intends to review the Council's recently proposed "Principles and Standards for Planning Water and Related Land Resources." This review will provide an opportunity for in depth legislative oversight consideration of the Council's full range of activities and their interrelationships.

The authority granted by S. 3384 is necessary to permit the fiscal year 1973 budget process to be completed, and there is insufficient time for a general review which would not delay consideration of the Council's budget request. Future fiscal year authorizations for the national assessment and for the Council's role in comprehensive planning, however, can be considered with the benefit of the pending general review.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs by unanimous vote in executive session on June 1, 1972, recommends that S. 3384, as amended, be enacted.

ECONOMIC IMPACT OF ABM TREATY ON MONTANA

Mr. MANSFIELD. Mr. President, I have just read an interesting article by David P. Johnson in the National Observer for the week ending June 10, written from Conrad, Mont., entitled, "ABM 'Carpetbaggers' Begin Leaving Montana."

Conrad is a town of less than 3,000 permanent residents located only 10 miles from the ABM site which was canceled last week.

The people of Conrad and the surrounding towns did not ask for the Safeguard system. It was planned there in the national interest by the Federal Government.

As Steve Henderson is quoted:

> This community has been nothing more than a poker chip on the table of international negotiation. This is a magnificent treaty with the Russians and a great step toward peace, but how can the U.S. Government expect a very few people in Conrad, Mont., to pay the high price of this agreement?

I am hopeful, Mr. President, that the Department of Defense and all Federal departments and agencies will do everything possible to ease the adverse economic impact being felt by these small towns in my State. One beneficial step could be for the administration to release funds for badly needed public works projects and highway construction in that area.

I ask unanimous consent that the article by Mr. Johnson be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Visions of Federal Cash Vanish: ABM "Carpetbaggers" Begin Leaving Montana

(By David P. Johnson)

The Target is a night club that stands alone by a country road 10 miles from here in the rolling wheatland of north central Montana. Plush on the inside and sporting a price tag of about $125,000, it was to be for all those workers due here to build and run a billion-dollar Safeguard antiballistic-missile (ABM) installation. Now a town wag ventures that the fancy night spot "will make a heluva hay barn."

The arms-limitation pact between the United States and the Soviet Union spelled bad news for Conrad: cancellation of construction on the ABM site, and the end of the boom that was to come with it.

TOO MANY TEACHERS

Chester and Bonnie Ferris, who moved here to start a motel and rental-housing business and make a fortune for their retirement, expect to go broke. Developers who paid $1,500 an acre for homesite land may be lucky to sell it for $250 an acre as farmland.

In Conrad last week some persons were plunged into a businessman's nightmare: canceled orders, overstocked inventories, and costly expansion for a population increase that won't be occurring after all.

School Supt. Robert W. Singleton, planning on a doubled enrollment this fall, now has 13 teachers too many under contract. "Some of them will find other jobs," he says, "but we may have a teacher-pupil ratio that is out of this world next year."

The arms agreement limits each country to two ABM sites. America's ABMs are to protect Minuteman missiles. It was decided that one ABM complex should be near the nation's capital. One in North Dakota is about 80 percent finished. So because the installation in the Conrad area was only 10 per cent completed, it was scrapped.

"I quit a good job to come out here," said a construction worker last week. "I leased my house for a year so I can't go back. Montana is already a depressed area so I don't know where I'll go for work. But the people who have investments here are really stuck."

Among the hardest hit are the Ferrises, who estimate they invested some $330,000, about half of it borrowed, in a 25-unit motel, 11 pieces of residential property on which they have placed rental mobile homes, and three blocks of land at the outskirts of town earmarked for 27 more rental units. Ferris also sells mobile homes, and when the missile project was canceled he had just received three mobile office units, valued at $6,000 each for delivery to a contractor. Contractors quickly canceled all purchases not delivered.

Ferris, a native of Canada, says: "My biggest mistake was not financing more of this deal. But Conrad is a farming center and the bankers here were not prepared to loan large sums of money for land development or business expansion based on anticipated future growth. They'll make loans on anything that has four hoofs, grows horns, and goes 'moo,' but a business speculation is something else."

UNDEVELOPED PROPERTY

There are several new businesses in town and some of the old companies expanded and have new store fronts. A new shipping center is under construction and $2,000,000 in Federal-impact funds has been spent or allocated for expansion of utilities and schools in anticipation of a peak influx of 3,000 workers later this year. The present population is estimated to be about double the 1970 census figure of 2,770. The town was anticipating a growth to 7,000 by 1980.

Persons facing the greatest financial crisis are those who bought and developed property for housing. Real-estate officials here say undeveloped property doubled in price in the past two years after the Safeguard project was announced. Most of the housing boom came after publication of impact studies prepared for the Army Corps of Engineers, which forecast a critical housing shortage.

WITH ONLY HIS SHIRT

Bob Kalbfleisch, 49, a native Montanan who owns farming land, grain elevators, and other property in nearby Shelby, also in the boom zone, put in a 16-space trailer court in Shelby and 40 rental mobile-home units in Conrad. It cost him about $250,000. He also purchased 135 acres for residential development near the golf course at the greatly inflated price of $1,500 per acre.

"Now the whole thing is worth only what it will bring as farmland—about $250 an acre," says the former Navy carrier pilot. "I'll get out with my shirt but nothing else."

Ferris and Kalbfleisch feel they should get some form of Government help because they were encouraged to developed housing to help meet a burgeoning need.

Ferris notes that the Defense Department's contracts contain discontinuance clauses providing for cancellation on notice, with certain forfeitures and indemnities to the contractors. Next door to the Ferris property, Peter Kiewit Sons, Inc., which holds the prime contract on the Montana construction in a joint venture with the Morrison-Knudson Co., was developing an eight-block housing tract for 189 mobile homes. About half the homes had been placed on the property when the shut-down order came. Ferris thinks the Government will pay Kiewit for its losses on the housing project. He believes, he too, should be helped.

IMPLIED ENCOURAGEMENT?

"Safeguard personnel have encouraged people to make investments in housing to take care of the demands," says Kalbfleisch. "Federal impact funds were spent for installation of sewers and water lines to private land so property could be developed. Except for two mobile-home sites, where the Government guaranteed development costs, the private sector was told it would have responsibility for furnishing the housing."

The Corps of Engineers, which came on the scene two years ago and serves as the Defense Department supervisor here, contends that no private individuals or businesses were requested or encouraged to make investments in housing. However, Safeguard people met with leaders of communities in the area on many occasions and presented hefty volumes of impact reports that forecast the anticipated needs, which some interpret as implied encouragement.

The businessman who was probably hurt worst in downtown Conrad is Harold Holtz, 56, who bought the old Conrad Hotel three years ago. After paying for the hotel he laid out some $250,000 expanding and improving the property, including a posh two-level supper club completed last year "for the new trade."

Holtz says 80 per cent of his business in the new cocktail lounge and restaurant is from missile-connected people. Home folks go to his old bar next door, where drinks are a dime cheaper. He is certain the new supper club won't make it now. Says Holtz: "This will be one of the biggest ghost areas in the U.S.A.

A PERIOD OF ADJUSTMENT

Most merchants and businessmen in Conrad do not agree. They say the strong agriculture economy, cattle ranching and grain farming, will sustain a prosperous community. But they say the period of adjustment will be painful.

Some residents, mostly retired persons and farmers will be glad to see the boom end. Some farmers are disgruntled at prices they received for missile-site land and with Government red tape. The boom has inflated prices, cut the labor supply, and pinched the tight housing market.

Robert G. Arnot, a spry man of 63, has been mayor of Conrad for 20 years and he says the municipality has always been in good financial condition. He has seen economic ups and downs in a lifetime spent here, and as owner of a furniture-and-appliance store since 1940.

In 1966 Conrad experienced the boom of Minuteman-missile construction. But the 50 or more underground silos where located over a wide area of northern Montana, and the economic impact was spread among a number of communities. It was viewed as a temporary boom because after construction the antiballistic missiles were to be controlled from Malmstrom Air Force Base, near Great Falls.

"We went into the Minuteman boom with the attitude that we'd take whatever we could get out of it," Mayor Arnot recalls. "We didn't build our future around it, like many have done on the Safeguard system, and nobody got hurt.

"Sure, a lot of people didn't like the ABM impact here. But we got 35 miles of the best farm-to-market road in the country out of it, all financed with Federal funds. We've got more than $1,000,000 in impact funds for utilities, and the schools have been allocated about $800,000 for new construction. The Government built a six-inch water line from the Tiber Dam to the closest missile site, and I hope that will be turned to a co-operative to supply water to farmers. I'd like to see it extended another 10 miles into town."

ARE SOME EXPENDABLE?

"We're stunned and it will be a while before the real damage can be assessed," says bank President Steve Henderson, 44. "This community has been nothing more than a poker chip on the table of international negotiation. This is a magnificent treaty with the Russians and a great step toward peace, but how can the U.S. Government expect a very few people in Conrad, Montana, to pay the high price of this agreement? The only answer is that the Government considers some people expendable.

"Our bank went into this thing with eyes wide open. So we're going to survive, but a lot of individuals will not. Some workers who have invested money in residential property here won't have enough money to get out of town."

Montana's Senators Mike Mansfield and Lee Metcalf had opposed the ABM system and have said they are pleased with the treaty limiting ABM systems. Both have pledged efforts to provide Governmental relief to overcome the serious economic jolt.

"I hope there will be some help for those who have been hurt, but I know of nothing at this time," Col. Thomas A. Duke, site-activation commander, told members of the Chamber of Commerce here last week. "I'm sure the Defense Department wants to leave here with a good a feeling as possible."

Says Chester Ferris, facing business ruin:

"If they want to leave with a good feeling, maybe they can help people like me."

A RANDOM THOUGHT ON THE WEATHER

Mr. **SCOTT**. Mr. President, this is the day that the Lord hath made, and I hope that we will all, therefore, make the best use of it.

I have a random thought that it is fortunate for the people of this country the weather is the product of natural forces or sublime direction, rather than the work of a committee or of Congress, because I am sure that if the weather were up to Congress, this body would be engaged in arguments over whether we should have clear or partly cloudy weather. The other body would then opt for showers—especially the Committee on Agriculture and Forestry, or the committee interested in irrigation, livestock, and so forth. And then, from time to time, over here we would have one of those familiar reversals where someone would filibuster in order to get rain on this side of the Capitol as well. Then there would be a spate of press releases to the public claiming credit for the rain which had fallen on the just and unjust alike.

Then the populace would be claiming that while the rain falls alike upon the just and the unjust fellow, it falls more often on the just because the unjust have the just's umbrella.

ORDER OF BUSINESS

The **PRESIDENT** pro tempore. Under the previous order, the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) is now recognized for not to exceed 15 minutes.

Mr. **ROBERT C. BYRD**. I yield 10 minutes of my time to the distinguished majority leader.

The **PRESIDENT** pro tempore. The Senator from Montana (Mr. MANSFIELD) is recognized for 10 minutes.

CRIME CONTROL

Mr. **MANSFIELD**. Mr. President, sometime ago, I requested the Department of Justice to report on the experience obtained thus far under the so-called mandatory sentencing provisions that became part of Public Law 91–644, the 1970 amendments to the Omnibus Crime Control and Safe Streets Act, and the District of Columbia Crime Control law also enacted in 1970. Both provisions, I might say, were based upon S. 849, a mandatory sentencing bill that I introduced at the outset of the 91st Congress.

It was my intention then, as it is now, to make the use or mere possession of a weapon itself in the commission of a crime a separate and distinct crime for which would be imposed a separate and distinct penalty.

It was my intention then, as it is now, to make the criminal pay doubly for his choice of resorting to a weapon of violence. For such an invidious act he would not only suffer prison confinement for the underlying crime, he would suffer a second and separate term for the mere act of resorting to a gun.

That is what I proposed in 1970 and it has been 2 years since this law became a part of the criminal code. It was to review the use and effect of the law that I wrote the Acting Attorney General on March 3, 1972, for a report. It was out of a congressional responsibility to review all laws that I sought to determine how the tool provided by this proposal was working in the fight against crime and violence.

In response, I have just received a letter from Assistant Attorney General Petersen, Chief of the Criminal Division of the Department of Justice.

In his letter, Mr. Petersen advises me that the Justice Department is unable to furnish any information concerning the use and effect of the so-called mandatory sentencing law; or to use his words:

> The statistical data you requested could not be retrieved from records of the Department of Justice or the Administrative Office of the U.S. Courts.

That is most unfortunate, Mr. President. It seems to me to be fundamental that effective and efficient law enforcement requires that individual crimes, penalties imposed therefor, effect on the criminal involved, and all such information be readily available. How else, I ask, is this Nation going to deal effectively with the problem of crime? In this era of sophisticated computer systems, it is inconceivable that crime, criminal penalties, criminal justice, and all such related matters cannot be adequately monitored. The crime rate continues to soar. But the U.S. Senate is unable to be informed adequately about fundamental information concerning the enforcement of 2-year-old laws—designed expressly to curtail that rate of crime.

I do not blame Mr. Petersen. As the Criminal Division Chief, he undoubtedly is beset with enomous responsibilities that transcend a mere recordkeeping function.

Indeed, I am somewhat encouraged by the fact that—as Mr. Petersen points out in his letter—the Department of Justice information system is under alternation and to use his words—

> That information such as you requested will be available when the planned modifications have been completed.

I certainly am pleased that something is being done.

I am pleased, as well, that the so-called mandatory sentencing provision is in fact being employed. In this regard it should be noted that Governor Wallace's alleged assailant was indicted in part on his violation of section 924(C) of title 18 of the Criminal Code. That section is the one that was based largely on the original Mansfield bill in the 91st Congress. I hope it serves as a warning to other would-be gun criminals, that in addition to the penalty imposed for his crime, he will be made to suffer a second, separate penalty for resorting to firearms.

I intend to study further Mr. Petersen's report to me with a view to updating and improving the law that is now on the books. In the meantime, I wish to make public his full response and ask unanimous consent that his letter be printed in the RECORD along with my original request.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARCH 3, 1972.

Hon. RICHARD G. KLEINDIENST,
Acting Attorney General of the United States, U.S. Department of Justice, Washington D.C.

DEAR MR. ATTORNEY GENERAL: On January 2, 1971, the President signed into law PL 91–644, an act to amend the Omnibus Crime Control and Safe Streets Act and for other purposes. Prior thereto, on July 29, 1970, the President signed PL 91–358, dealing with crime and the court system within the District of Columbia.

Title II of the former law (PL 91–644) contains a provision that imposes stricter sentences against felons carrying firearms during the commission of crimes for which prosecution lies in any court of the United States. Specifically it imposes a separate and additional penalty for the act of carrying a firearm—separate from and in addition to the underlying crime itself. It imposes as well a mandatory sentence. In the case of second offenders, the sentence for using or carrying the firearm runs up to 25 years and cannot be suspended by the court; nor can probation be granted nor can the sentence run concurrently with the sentence for the underlying crime. Similarly Section 205 of PL 91–358, establishes for the District of Columbia certain additional and mandatory sentencing procedures for crimes committed with or while carrying firearms.

Since both laws have been in effect in excess of a year, it would be most helpful to undertake a review of the experiences under them. I would thus appreciate your full report concerning the courts' compliance with these sentencing procedures, including the number of first and subsequent offenders sentenced thereunder, terms of sentences, courts involved, nature and type of underlying crime in which the firearm was carried or used and any other pertinent data the Department may have at its disposal on this question.

Your cooperation is greatly appreciated. I look forward to your report in this matter at your earliest convenience.

Yours very truly,

——, ——.

MAY 26, 1972.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This is in further response to your letter of March 3, 1972, requesting certain information regarding the extent to which P.L. 91–358 (18 U.S.C. 924(c)) and P.L. 91–644 (22 D.C. Code 3202) have been used.

We advised you in our interim response of March 21, 1972, that preliminary contacts with our statistical sources indicated that we might be unable to provide all of the information you requested. We have now exhausted all of our sources and find that, as we suspected, that statistical data you requested could not be retrieved from records of the Department of Justice or the Administrative Office of the United States Courts. We are informed, however, that the Department of Justice information system is under alteration and that information such as you requested will be available when the planned modifications have been completed.

While available statistical data does not permit us to respond fully to your inquiry there have been some recent developments regarding interpretation of 18 U.S.C. 924(c) which may be of interest to you. The Tenth Circuit Court of Appeals recently considered combined appeals in the case of *United States* v. *Suddath*, and *United States* v. *Vigil*. In the *Suddath* case the trial court had dismissed a count of the indictment charging violation of 18 U.S.C. 924(c) holding that this statute is merely a penalty provision and does not create a separate crime. The Appeals Court reversed and held that the statute does create a separate offense rather than merely an enhancement of the penalty of the underlying offense. However, dictum in the Tenth Circuit opinion suggested that the sentence for a first offense under 924(c) may be concurrent with instead of consecutive to the sentence for the underlying felony. Essentially the same thing happened in the *Vigil* case. In that case the trial court dismissed the 924(c) count and the government appealed. The Tenth Circuit Court of Appeals reversed and remanded for further proceedings under the rationale of *Suddath*.

The effect of the decisions in *Suddath* and *Vigil* is that the government has sustained its position that section 924(c) creates a separate crime and does not merely enhance the penalty for an underlying crime. However, as noted above, some of the court's language foretells possible future trouble with regard to whether a concurrent sentence is permissible or consecutive sentence is required for a first conviction under 924 (c) and whether the unlawful carrying of a firearm relates to a state or local violation.

Two pending bills, H.R. 13788 and S. 3238 which would seek to strengthen and clarify 18 U.S.C. 924(c) have been referred to the Department of Justice for comment. We are presently developing responses and expect to propose some amendments to the statute.

Please be assured that the statutes under discussion receive full attention by United States Attorneys and federal investigative agencies. An analysis of 18 U.S.C. 924(c) was published in the United States Attorneys' Bulletin very soon after the statute was enacted. Further, during instruction which Criminal Division attorneys provide for agents of Alcohol, Tobacco and Firearms Division of the Treasury Department the provisions of these statutes are discussed so that in the preparation of reports investigative agents may identify violations of these statutes and assure their consideration by the United States Attorneys who receive and review their reports. Thus, the offenses proscribed by the statute are fully known to the federal prosecutors and investigators and are being prosecuted in appropriate cases.

It may be of further interest to you to know that Governor George Wallace's accused assailant was indicted for violation of 18 U.S.C. 924(c), among other federal violations.

I trust that the information provided will be of assistance. I regret that we are unable to provide the precise information which you requested. Your continuing interest and concern in these matters is appreciated.

Sincerely,

HENRY E. PETERSEN,
Assistant Attorney General.

EXPENDITURE OF BILLIONS OF DOLLARS FOR EXCESSIVE TROOP DEPLOYMENT IN EUROPE

Mr. MANSFIELD. I am going to read into the RECORD, without reference to the names of the writers, a letter which I received recently from a group of servicemen in Germany. Its tone has the clear ring of an honest and well-founded anger at the operations of an indifferent bureaucracy. These men have suffered a personal wrong but, in writing of it, they have also cast additional light on what is a national wrong—what amounts to an unconscionable milking of the Treasury of the United States of billions of dollars for excessive troop deployment in Europe.

The letter comes from a headquarters of the 4th Army Infantry in Germany. It is signed by 14 servicemen and noncommissioned officers. It reads as follows:

DEAR SENATOR MANSFIELD: We, the undersigned are currently serving with the United States Army in Germany. Earlier this week we were all under the impression that we would soon be home with our families. However, without any prior notice, we were told that our military obligation had been extended. The reason? Permit us to quote the Stars and Stripes: "This action is being taken because the strength reductions imposed by Congress have been accomplished and the retention of these members is necessary to meet the current manpower requirements and to assure combat readiness." The irony of the situation is that we were given reductions in our service obligations *because* of this Congressional action. Now, because the Pentagon did not accurately estimate the reaction to its own program ("early-out"), we are being made to stay an additional 90 days—minimum. What do we tell our wives, fiancees, girlfriends, employers, and families? They expected us home in May—not August.

Wearisome, bureaucratic bungling is something we are used to in the Army. Sometimes it seems to be the rule rather than the exception. We are resigned to seeing memos, DF's, letters, etc. which repeat and rehash old subjects. But why do our families now have to suffer because of this mistake. We have many questions on our minds. Why were RA (Regular Army Enlisted) personnel permitted to leave the service ahead of draftees? What will we do about the wives we sent home in April, thinking that we would be joining them shortly? What about the baggage we shipped back to the United States (at government expense)? What about the plans we have made for school, jobs, etc.? Many of us would have gotten early-outs through school "drops" or seasonal job "drops", but we did not apply for them because the Army was letting us return to civilian life without the need for such paperwork. We would not have to do anything. We were so "short" that most of us already had orders cut to return home on a guaranteed flight.

We are writing this letter to protest the arbitrary action of the Pentagon. We hope that something can be done to help us. We would like you to know that there are 30,000 servicemen in the same situation who are probably as disgruntled as we are. If the Pentagon seriously thinks that extending 30,000 "short-timers" is going to "assure combat readiness" then we think that the Pentagon's reasoning is archaic and misguided. This extension will increase, not decrease, tension in the military. It is a shortsighted remedy which leaves us wondering about the competency of our leaders.

We are currently at a major training area in Europe. Infantry units come to such areas to fire their organic weapons and do infantry-type training. Because we were so "short" we did not have to fire our weapons or actively participate in Army Company Proficiency Tests. We were "detail" personnel. We pulled KP, guard duty, latrine cleanup, and various other minor jobs. And now the Pentagon tells us that our extension makes the United States Army combat ready. Perhaps if we had to clean Europe we would be ready. It is such thinking that leads to "credibility gaps" and disenchantment with all aspects of government. All we ask is that the Pentagon be made to keep its word.

Sincerely yours,

——— ———.

I make this letter public in the hope that it will spur the Department of Defense to look into this snafu, as this sort of thing used to be labeled. I do so, too, because it underscores a reality which has become increasingly evident over the past 2 or 3 years. The reality is that if there are going to be reductions in the wasteful, largely irrelevant deployment of hundreds of thousands of servicemen and dependents in Europe a quarter-of-a-century after World War II they are going to have to be brought about by action and pressure of the Congress. The White House has been unwilling to order reductions. The Department of Defense has fought them. The Department of State has deplored them. What hope there is for action lies in the Congress.

For a decade or more, some of us have tried to induce the executive branch to approach the question of force reductions in Europe in a rational fashion. All of these efforts have been rebuffed by a strident resistence which has invented reason after reason, dug up cause after cause, rescusitated voice after voice from the past in order to reject each effort as inopportune.

Notwithstanding, some small reductions have recently been made. However, these reductions have been brought about not as the result of rational forethought and planning in the executive branch, but because of actions of Congress in restricting overall appropriations. The cuts have been too few and too slow, but they have been better than nothing. Since this is the only way action apparently can be obtained, then I trust that the Armed Services Committee and the Appropriations Committee will cut deeper this year. The time for tokenism in the reduction in the U.S. troop deployment in Europe is long since past.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senator from West Virginia is recognized under the previous order.

Mr. ROBERT C. BYRD. Mr. President, I yield to my colleague, the senior Senator from West Virginia.

SUBSTITUTION OF CONFEREE ON S. 2770

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the Senator from California (Mr. TUNNEY) be substituted for the Senator from Indiana (Mr. BAYH) as a Senate conferee on S. 2770, the Federal Water Pollution Control Act.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VACATION OF ORDER RECOGNIZING SENATOR ROBERT C. BYRD

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the remaining time under the order recognizing me be vacated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order the Senate will now proceed to the transaction of routine morning business for not to exceed 30 minutes, with each Senator being limited to 3 minutes.

Is there morning business?

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, after the two leaders have been recognized under the standing order, the distinguished senior Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RELATIONSHIP OF CRIME AND DRUGS

Mr. PERCY. Mr. President, I was not in the Chamber for all the comments by the distinguished majority leader, but I shall read with interest the report by Mr. Petersen of the Justice Department, which has been printed in the RECORD. I would like to comment on some factors effecting the field of crime that have come to my attention recently.

First, it has been proven without any doubt at all that a majority of the street crime in most of our urban areas is caused by drug abuse, people who are drug offenders, who have a habit that is costing them $75 to $100 a day, and the only way they can get that kind of money is to commit a crime.

Until recently it was felt that there were a quarter of a million hard drug users in the United States. Recently I discovered the number is double that, or an estimated 560,000 people who are drug abusers, people who have gone to the use of drugs such as heroin.

The second factor is that crime is increasing very rapidly in suburban areas, and this goes along with an increase in drug usage in the suburbs.

The third factor is that in urban areas the Government has in many respects brought about the high centers of crime by the benevolence of public housing, where high-rise buildings have been constructed, concentrating a greater number of low-income people into heavily congested areas. Statistics I have recently received show that the chances for a person being murdered, raped, or robbed are 40 times greater in the area of the Robert Taylor public housing project of Chicago than in the rest of America.

In a recent exhaustive survey I have had taken in Illinois asking people, in the matter of national priorities, where they would like to see the Government spend more money or less money, the No. 1 item for which people were willing to see an increase in Federal expenditures was the area of drug abuse.

I am delighted that the distinguished chairman of our Committee on Appropritaions is presiding today. The Senate passed unanimously the drug abuse bill that I introduced at the request of the administration, and it was steered through the Committee on Government Operations and through conferences with the House, and unanimously adopted by the Senate and the House in record time. In this bill we have authorized about $800 million over 3 years in this area, and certainly every evidence indicates this is a matter of urgent national priority. I hope the Appropriations Committee will fund 100 percent of the authorization.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

Mr. PACKWOOD addressed the Chair.

The **PRESIDENT** pro tempore. The Senator is recognized for 3 minutes.

Mr. PACKWOOD. I yield my time to the Senator from Illinois.

The **PRESIDENT** pro tempore. The Senator from Illinois is recognized.

THE POPULATION INCREASE

Mr. PERCY. Mr. President, I thank my distinguished colleague for yielding his time to me. I just noticed in the RECORD of last Friday that the distinguished Senator inserted material in the RECORD to show that an increase in population in the Nation had occurred since May 1, equivalent to the population of the entire city of Scranton, Pa., as I recall.

I certainly commend for everyone's reading the summary of reasons that was printed recently in the New York Times in a special Sunday supplement, as a result of the study of the Presidential Committee on Population Control and America's Future on which the distinguished Senator from the State of Oregon served. The Senator from Oregon has served with great distinction in that capacity, and I do believe the work of that Commission and its recommendations are among the most fundamental studies ever made in this area.

PRESIDENT NIXON HAS REMADE THE WORLD—AN EDITORIAL

Mr. PERCY. Mr. President, I wish to comment very briefly on an editorial that was published in the Christian Science Monitor of June 3, 1972 entitled "Mr. Nixon Has Remade the World" and a companion article by Roscoe Drummond entitled "Summits and the Election." I ask unanimous consent that both the editorial and the article may be printed in the RECORD with conclusion of my comments.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. Mr. President, the President in his comments before the joint session of Congress was very modest in the claims he made for his very historic and distinguished trip. But certainly all of us know that some 3½ years of intensive work went into the summit meetings and probably it aptly could be said that a lifetime of work and experience by the President and his advisers went into making this visit so successful. Certainly, the continual newspaper reports that come from Pravda and other papers in the USSR indicate that optimism for the future as a result of these remarkable agreements is shared by both nations. Those of us who have watched carefully the making of these agreements recognize that no agreement can be expected to be adhered to unless there is a mutual advantage to each country. In my judgment a proper balance has been established, and all of us join in commending President Nixon for the remarkable, incisive way he went about creating these agreements in a number of important fields. I commend also Secretary Rogers, Henry Kissinger, Ambassador Gerard Smith and Ambassador Dobrynin for their invaluable contributions to the success of the summit.

We do not underestimate the differences in ideology, purpose, and direction we may have, but it is important that we continue the search for areas where a mutual interest in cooperating will bring us closer together.

(EXHIBIT 1)

[From the Christian Science Monitor, June 3, 1972]

MR. NIXON HAS REMADE THE WORLD

President Nixon came home to a well-earned triumph in the halls of the American Congress. It was the denouement of a most remarkable chapter in the affairs of the nations of this world. Back in 1826 British Foreign Minister George Canning said: "I called the New World into existence to redress the balance of the old." President Nixon would have been entitled to repeat that phrase on his return and apply it to the work he has done over the past 10 months.

It was on July 1 of last year that the capitals of the world gasped at the news that Richard Nixon would go to Peking. That was the "impossible" beginning of all the "impossible" things which Richard Nixon has in fact done from that beginning.

The net of it all is that he has converted a two-power world in which Russia had the decided advantage (due to the American embogment in Vietnam) into a three-power world in which, for the moment at least, the United States has the advantage of more flexibility and room for maneuver.

The best measure of what he has done is that the United States is today on equally easy and "correct" terms with both Russia and China whereas Russia is on such terms only with the United States. In addition, the United States is repairing its once damaged relation with the emerging West European coalition and retains something of its old closeness to Japan. Under Lyndon Johnson the United States was rapidly becoming the pariah of the world. Under Richard Nixon it is now the least isolated of the Big Three.

We will discuss in detail the military, economic, and other aspects of the work done by the American President on his trip at other times. Today we wish to stress here the very real importance of the whole work and our approval of it. We cannot know that what comes after will in all respects be desirable. Mr. Nixon quite properly compared his work to date only to the laying of foundations. The house remains to be built. It may or may not be worthy of the foundations.

The important thing is that these are the foundations for a world entirely different from the one we have all been living in since Harry Truman picked up the Russian challenge over Greece and Turkey in 1946. That was the beginning of the "cold war." Mr. Nixon's Thursday evening report to Congress was the formal end of it. In 1946 President Truman summoned his country to a struggle against communism. In 1972 President Nixon has summoned his country "to lead the world up out of the lowlands of constant war onto the high plateau of lasting peace."

There is still a rival and hostile ideology alive in the Communist countries. Mr. Nixon recognizes that. And the ideology of communism might still sweep the world, if the non-Communist countries went to sleep. Mr. Nixon recognized that. But the stress in the whole body of his new foreign policy is on the acceptance of Russia and China as power states with whom the United States can do practical and peacemaking business.

By calling China back into the world, he has redressed the balance just as much as Canning did in 1826. It is a safer, better balanced world.

SUMMITS AND THE ELECTION

(By Roscoe Drummond)

WASHINGTON.—It does not demean the achievements of the Moscow and Peking summits to appraise them partly in terms of domestic politics.

Every first-term president wants to be reelected and nearly everything he does bears upon whether he will be.

It would be naive to assume that Mr. Nixon gave no thought to the domestic political value of his trips to China and Russia when he began to plan them three years ago. He certainly did not aim to delay them until after November, 1972.

NO POLITICAL GIMMICK

There's nothing wrong in that. The only thing that would be wrong would be for the President to do anything that would harm the nation in order to get some short-term results which might temporarily please voters.

Mr. Nixon did nothing like that in either Peking or Moscow.

The Washington Post, which has found little to approve in most of the President's actions, firmly dismisses the suggestion of cynics that Nixon might have "concocted" the Soviet summit "as an election-year extravaganza." It says the critics of the administration "will be confounded" if they seek to belittle as a political gimmick what Nixon has accomplished in Moscow.

I would go further. I would say that the President would himself be confounded if he played politics with the peace and security of the nation.

The American people would detect it quickly if he did; they're bright.

FIRST STRIDE

The two summits will yield a significant, perhaps a decisive, political dividend to Nixon for these reasons:

1. The President has brought off what four American presidents sought but failed to get, that is, to limit the nuclear arms race. Truman, Eisenhower, Kennedy, Johnson all tried and never succeeded. Nixon tried—and succeeded.

The capstone of the Moscow summit is the U.S.-Soviet agreement to limit the number of defensive and offensive nuclear weapons. It isn't everything but it is a great deal. It does not end the arms race, but it is the first measurable step toward controlling it. It casts its glow ahead. Further strides are needed, but they would not be possible if the first stride had not been taken.

2. The two superpowers whose post-World War II relations have been marked mostly by hostility and conflict, are undertaking a series of cooperative, interlocked enterprises which seemed totally unattainable a few years ago—joint exploration in space, joint research in health and science, joint efforts to decrease pollution, joint nuclear arms control, and a joint commission to expand mutual trade. This doesn't mean that every aspect of the cold war is over, or that of future conflict is banished. But such working together could be wonderfully habit-forming.

3. The cold war is significantly muted. It is not removed from all U.S.-Soviet relations, but Nixon and Brezhnev did far more than just damp down some tensions; they resolved some basic causes of the cold war and that, too, casts its light ahead.

4. Every president since Truman wanted to establish better contact with mainland China. For different reasons no one was able to do it. Nixon did and both the U.S. and China are beneficiaries.

PEACE POLICY

It is true that foreign policy has rarely been a determining factor in U.S. elections. Some of the experts contend that foreign policy is too dull and technical to impress voters.

Nixon's initiatives in China and Russia go beyond the confines of traditional foreign policy; they comprise a peace policy; they reach toward the goal of "a generation of peace in our time," and his initiatives are beginning to lay the building blocks of a more secure peace.

They don't guarantee the President's reelection, but they are a large plus.

QUORUM CALL

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON). Without objection, it is so ordered.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the remarks of the distinguished senior Senator from New York (Mr. JAVITS) and the recognition of any other Senators under such 15-minute orders as may be entered in the meantime, all of which will be as in legislative session, there be a period for the transaction of routine morning business, as in legislative session, of not to exceed 30 minutes, with statements therein limited to 3 minutes, following which the Senate resume consideration, in executive session, of the nomination of Richard G. Kleindienst for the office of Attorney General of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, following the recognition of the two leaders under the standing order and any orders for recognition of Senators for not to exceed 15 minutes, if such there be, there be a period for the transaction of routine morning business, and that such period be of sufficient length to accommodate the disposition of Calender Order No. 791, S. 3442—in accordance with the order previously entered—and that in addition thereto there be a period of not to exceed 30 minutes, with statements therein limited to 3 minutes, all of which will be as in legislative session, at the conclusion of which the Senate resume its consideration in executive session of the nomination of Mr. Richard G. Kleindienst for the office of Attorney General of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, how much time remains for the transaction of morning business?

The PRESIDING OFFICER. Five minutes remains of the period designated for the transaction of routine morning business.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON LOANS FOR FINANCING OF A GENERATING UNIT

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of loans for the financing in part of a 600-megawatt unit, 333 miles of 345-kilovolt transmission line, and related facilities (with accompanying papers); to the Committee on Appropriations.

REPORT OF TRANSFERS OF CERTAIN AMOUNTS APPROPRIATED TO THE DEPARTMENT OF DEFENSE

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on the transfer of certain amounts appropriated to the Department of Defense; to the Committee on Appropriations.

SAMPLING PLAN FOR FLAMMABILITY STANDARDS OF CARPETS AND RUGS

A letter from the Assistant Secretary of Commerce, transmitting, for the information of the Senate, a notice relating to sampling plan for flammability standards of certain carpets and rugs (with accompanying papers); to the Committee on Commerce.

SUPPLEMENTARY SUMMARY OF FISCAL YEAR 1973 BUDGET

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a supplemental summary of the fiscal year 1973 budget (with accompanying papers); to the Committee on Government Operations.

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending deportation of certain aliens (with accompanying papers); to the Committee on the Judiciary.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATION FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT OF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

A letter from the Chairman, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report of that Commission, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

PROSPECTUS RELATING TO CONSTRUCTION OF A FEDERAL OFFICE BUILDING IN OKLAHOMA CITY, OKLA.

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which proposed the construction of a Federal office building in Oklahoma City, Okla. (with accompanying papers): to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Louisiana; to the Committee on Interior and Insular Affairs:

"SENATE CONCURRENT RESOLUTION NO. 38

"A Concurrent Resolution to formally recognize the Coushatta Indian Tribe and to urge the government of the United States of America, particularly the Bureau of Indian Affairs, to give assistance to said Tribe and to acknowledge their rights

"Whereas, the Coushatta Indians are a small tribe of Indians which has lived in Louisiana since migrating from Alabama in

1850, which tribe was known in Alabama as the Koasati (white reed brake) Tribe; and

"Whereas, the said Coushatta Indians not known ever to have signed a peace treaty with the United States of America and are not known ever to have received any formal recognition from any state in the Union, although they have endured from time immemorial as a definite and recognizable ethnic group, with an informal internal organization of chief and Tribal Council and have been so acknowledged by their neighbors; and

"Whereas, it is fitting and proper that formal recognition of the Coushatta Indian Tribe be extended by this state and that assistance be given by the national government.

"Therefore, be it resolved by the Senate of the Legislature of Louisiana, the House of Representatives thereof concurring, that the State of Louisiana hereby formally recognizes the Coushatta Indian Tribe.

"Be it further resolved that the Government of the United States of America, and particularly the Bureau of Indian Affairs, is hereby memorialized, requested and urged to take such steps as are necessary to effect in the near future services to the Coushatta Indian Tribe, to acknowledge that the rights of the Coushatta are no less, if not indeed greater, than that of other Indian Tribes in the United States, and thereupon to take appropriate executive and/or congressional action.

"Be it further resolved that copies of this Resolution shall be transmitted to the President of the United States, the presiding officers of the Senate and the House of the Representatives of the Congress of the United States and the Director of the Bureau of Indian Affairs, United States Department of the Interior."

A resolution adopted by the Yukon Native Brotherhood, Whitehorse, Yukon, praying for the enactment of legislation to exempt Alaska natives from the prohibitions incorporated in the Sea Mammal legislation; to the Committee on Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs, with amendments:

S. 1198. A bill to authorize the Secretary of Agriculture to review as to its suitability for preservation as wilderness the area commonly known as the Indian Peaks Area in the State of Colorado (Rept. No. 92–833).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with amendments:

S. 3419. A bill to protect consumers against unreasonable risk of injury from hazardous products, and for other purposes (Rept. No. 92–835), together with supplemental views.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports on treaties were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without reservation:

Executive D, 84th Congress, second session, International Plant Protection Convention (Exec. Rept. No. 92–22);

Executive D, 92d Congress, first session, the Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That are of International Significance, signed at Washington on February 2, 1971 (Exec. Rept. No. 92–23); and

Executive H, 92d Congress, second session, the Treaty on the Swan Islands Between the Government of the United States of America and the Government of Honduras, signed at San Pedro Sula on November 22, 1971 (Exec. Rept. No. 92–24).

AMENDMENTS TO THE RAIL PASSENGER SERVICE ACT OF 1970—CONFERENCE REPORT—REPORT OF A COMMITTEE (S. REPT. NO. 92–834)

Mr. MAGNUSON, from the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes, submitted a report thereon, which was ordered to be printed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BIBLE (for himself and Mr. CANNON):

S. 3667. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Northern Paiute Nation by the Indian Claims Commission in docket No. 87, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HOLLINGS (for himself and Mr. MAGNUSON):

S. 3668. A bill to increase the annual appropriation authorization of the National Advisory Committee on Oceans and Atmosphere. Referred to the Committee on Commerce.

By Mr. JACKSON:

S. 3669. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require the prompt trial of defendants in criminal cases and provide grants to State and local governments for improving the administration of criminal justice, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BEALL (for himself and Mr. MATHIAS):

S. 3670. A bill to amend the Washington Area Transit Authority Compact to require the inclusion of rail commuter service in the mass transit plan, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. HRUSKA, Mr. COOK, Mr. HART, Mr. MATHIAS, and Mr. RIBICOFF):

S. 3671. A bill to amend the Administrative Conference Act. Referred to the Committee on the Judiciary.

By Mr. HANSEN:

S. 3672. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from the Federal estate tax for certain debt obligations of domestic corporations in cases where the interest on such obligations would be treated as income from foreign sources for purposes of the interest equalization tax. Referred to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BIBLE (for himself and Mr. CANNON):

S. 3667. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Northern Paiute Nation by the Indian Claims Commission in docket No. 87, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. BIBLE. Mr. President, on behalf of myself and my distinguished colleague, Senator CANNON, I introduce, for proper reference, a bill to provide for the disposition of funds appropriated to pay judgments in favor of the Northern Paiute Nation by the Indian Claims Commission in docket No. 87, and for other purposes.

The satisfaction of the $21 million plus interest judgment awarded our Indian constituents in Nevada has been delayed for a long time—over 9 years to be exact—pending a determination by the tribes involved as to how best the judgment funds should be distributed.

I am well aware that there are still those who are not satisfied with the proposal submitted by a large majority of those who will be affected by the payment of this long delayed obligation of the United States to its Indian citizens. However, I am firmly of the belief that the only way this matter can be settled is through a proper presentation before the Congress, and it is my belief that this can best be accomplished by thorough consideration of our proposed bill.

I ask unanimous consent that the letter dated May 11, 1972, and signed by our good friend, Melvin D. Thom, chairman of the Walker River Paiute Tribe of Nevada, be included as a part of my remarks at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WALKER RIVER PAIUTE TRIBE,
WALKER RIVER INDIAN RESERVATION,
Schurz, Nev., May 11, 1972.

Senator ALAN BIBLE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR BIBLE: Enclosed is a proposed legislation authorizing the Secretary of the Interior to make final distribution to the beneficiaries of the judgment awards made in favor of the Northern Paiute Nation by the Indian Claims Commission in Docket 87 of Areas I, II, and III.

The subject legislation expresses the desire of a majority of the fifteen (15) organized Northern Paiute tribal groups. At the claims meeting on May 6, 1972, at the Nevada Indian Agency, Stewart, Nevada, at which twelve (12) tribes were represented, they authorized the Walker River Paiute Tribe to submit the legislation to the Nevada congressional delegation for appropriate action. We, therefore, respectfully request that you introduce this legislation in Congress on behalf of the Northern Paiute Nation.

The tribes further requested that they be notified in ample time before the congressional subcommittee hearings on the bill in order that they may have an opportunity to testify at such hearings.

Respectfully yours,
MELVIN D. THOM,
Chairman, Walker River Paiute Tribe.

By Mr. JACKSON:

S. 3669. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to require the prompt trial of defendants in criminal cases and provide grants to State and local governments for improving the administration of criminal justice, and for other purposes. Referred to the Committee on the Judiciary.

CRIMINAL JUSTICE REFORM ACT OF 1972

Mr. JACKSON. Mr. President, I am introducing today the Criminal Justice Reform Act of 1972.

This bill amends the Omnibus Crime Control and Safe Streets Act of 1968 to include the reform of our criminal justice system as an essential element in the campaign against crime. It would restore the constitutional right to a speedy trial, using the requirement of prompt trial as a means to speed reform of the whole criminal court system.

This bill would require States and local governments to prepare plans for the prompt trial of criminal offenses in accordance with criteria established by the Law Enforcent Assistance Administration. These criteria would be designed to assure that defendants are tried within 60 days of the date of arrest or from the date they are charged, whichever occurs first.

States and local governments would not be eligible for LEAA grants unless they had a prompt trial plan approved by the LEAA. Continuing eligibility would depend on progress toward the prompt trial objective.

The bill authorizes a total of $750 million over the next 3 years for grants for criminal justice reform. I am convinced that we must commit new Federal resources if we are to make real progress toward rehabilitating our criminal courts.

Mr. President, my bill departs from the block grant approach of the Safe Streets Act. Instead, it would give the LEAA authority to make grants for criminal justice reform as it sees fit.

This change is dictated both by experience with the block grant approach and the urgent need to set priorities and make prompt progress in rehabilitating our criminal justice system. The fact is that almost nothing has been done by the States and local governments in this area with funds appropriated under the Safe Streets Act. We cannot hope to do the job unless we give one agency the mandate and the resources and the responsibility to get it done.

Four years ago, in the Safe Streets Act, Congress declared a national policy of Federal assistance to strengthen and improve law enforcement at every level of government. The primary emphasis of the Safe Streets Act was on the detection and apprehension of criminals. Whatever the merits of that approach, it seems clear that Congress should also have focused on the role of the criminal courts as an integral part of the crime control effort.

Mr. President, the condition of our criminal courts has been well summarized in a recent report by the American Bar Association's special committee on crime prevention and control. This distinguished group, chaired by Edward Bennett Williams, simply concluded that:

> The growing backlogs in the Nation's courts have brought our judicial system close to paralysis and threaten to make a sham of our society's commitment to the fair and efficient administration of justice.
>
> Endless delays in the judicial process deny justice to the criminal defendant, innocent or guilty, and deprive society of a necessary deterrent to urban crime. If we are to avoid a total breakdown in the judicial process, immediate and comprehensive reform is essential.

Reviewing the war on crime in the 5 years since the report of the President's Commission on Law Enforcement and the Administration on Justice, of which he was executive director, Prof. James Vorenberg concludes that our criminal court system appears to have deteriorated during this period. In an article in the May Atlantic, he writes that:

> Many lower courts look more like factories than halls of justice. More than half of the people in jail in this country are there because they are awaiting trial, not because they have been convicted. Whatever deterrence of crime the threat of penal sanctions might exercise is undermined as thousands of defendants go free, not because they have been acquitted but because courts and prosecutors are too overwhelmed by their workload to consider their cases.

Mr. President, I ask unanimous consent that the full text of Professor Vorenberg's frank summary of our progress in crime control be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent that the important recommendations of the Williams' committee relating to criminal court reform be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. JACKSON. Mr. President, it is hard to avoid concluding that the breakdown of the criminal justice system has a direct impact on the deterrent effect of our criminal laws. In a recent report, the Criminal Justice Coordinating Council of New York City pointed out that because the courts decide the fate of those arrested by the police, the operations of the courts determine the extent to which the criminal justice system is able to deter crime. If the courts are "overwhelmed and fail to function with optimum efficiency, no amount of police on the street can make deterrence a meaningful reality."

The other side of this coin is that a criminal justice system that functions effectively can have a real impact on crime rates. There is evidence, for example, that the recent decline in crime here in the District of Columbia may be attributed in part to a major court reorganization which produced a dramatic speedup in the judicial process. Because of this reorganization, and the resulting availability of more judges, the District of Columbia Superior Court is now able to try cases much faster than before. We are told that the chances of being tried for and punished for a felony charge have doubled since the reorganization took place.

The significance of prompt trials was recognized by the ABA Special Committee on Crime Prevention and Control. The committee recommended that:

> Strict limitations must be placed upon the length of interval between the time a defendant is arrested or charged and the time his trial commences. Tolling exceptions for good cause may be a necessary adjunct of such provisions. However, exceptions should be few, clearly articulated, sparingly invoked and, once invoked, narrowly construed by the court.

And the committee also recognized that trial deadlines would, in many cases, be unworkable unless additional resources were made available. My bill would authorize the commitment of resources by the Federal Government for this purpose.

Let me emphasize, Mr. President, that criminal justice reform is not just a question of more prosecutors, more defense counsel, or more judges. It is a matter of instituting new management techniques to control criminal dockets. It is a matter of changing archaic courtroom and appeals procedures that shackle our criminal courts. It is facing up to the need for removing certain categories of crimes like alcoholism from our criminal justice system. My bill would encourage the States and local governments to explore and experiment with these and other alternatives to our present system.

I am convinced that Congress must take the initiative in establishing criminal justice reform as a major national goal. The responsibility for making our courts work belongs not just to judges or bar associations, it belongs to our elected political leadership as well.

Quite frankly, Mr. President, people in America have grave doubts about our criminal law. In the administration of criminal justice—from traffic court to death row—the effectiveness of the law and the fairness of the law, are open to serious question. We cannot expect people to respect a system that does not work. And the only way we can restore faith in our system of criminal justice is to build a better, more effective system. That is the purpose of the legislation I am introducing today.

EXHIBIT 1

THE WAR ON CRIME: THE FIRST 5 YEARS

(By James Vorenberg)

Nixon and Mitchell vowed to turn the tide. "Operation Intercept" and three years later, it's their turn to face a fact of life: crime is rising, and law enforcement alone won't stop it.

Five years ago the President's Commission on Law Enforcement and the Administration of Justice—generally known as the Crime Commission—reported the results of its two-year examination of crime and made more than 200 specific recommendations to overhaul our system of criminal justice.

The Commission, for which I served as executive director, had been appointed by President Johnson in 1965, partly in response to Senator Barry Goldwater's introduction of "crime in the streets" as an issue in the 1964 presidential election. But as we met in the White House to accept the President's thanks for our report, politics seemed remote. The Commission, chaired by Attorney General Nicholas Katzenbach, included among its members Democrats and Republicans, prosecutors and academics, the executive director of the Urban League and the vice president of the International Association of Chiefs of Police. It had, nonetheless, been able to reach agreement on what the President described as "the most comprehensive and detailed program for meeting the challenge of crime ever proposed in this country."

The President promptly submitted to Congress proposed legislation that would provide funds to states and cities to carry out the Commission's recommendations for change. Even those of us who had two years earlier been a bit cynical about the reasons for the Commission's creation and doubtful about what it would accomplish were optimistic.

Yet five years later crime is unquestionably a far worse problem for the country than it was then, and our system of criminal justice—the police, courts, and corrections agencies—seems less capable of coping with it. The Department of Justice consoles us with the assurance that although crime is still increasing, the rate of increase is slower. For former General John Mitchell, who made heavy use of crime statistics in the 1968 presidential campaign, the 30 percent increase in the reported crime rate during the first three years of the Nixon Administration must present a strategic puzzle as he plans the 1972 campaign.

In 1967 the Crime Commission could review the FBI reports of the seven "index" crimes—homicide, rape, aggravated assault, robbery, burglary, larceny (over $50), and auto theft—for 1960–1965 and report increases for the five-year period of 36 percent in crimes against property and 25 percent in violent crime. This was troubling to be sure, but hardly the uncontrolled rampage about which Senator Goldwater had warned in the 1964 campaign. The Commission noted that because of the post-World War II "baby boom," an unusually large part of the population was between fifteen and twenty-five years of age. Since this group commits most of the serious crimes, about half of the 1960–1965 increase could be attributed to this temporary disproportion. The Commission also suggested that some of the increase in crime might be the result of better reporting by or to the police. Generally, it counseled against overreaction.

But the figures for the last five years of the sixties have convinced all but the most skeptical that something more ominous than population changes or reporting errors is involved. By 1970 the rate of crimes against property had increased 147 percent for the decade and the rate of crimes of violence had increased 126 percent. And the latest FBI figures show that during the first nine months of 1971, there were further increases of 10 percent for violent crimes and 6 percent for property crimes compared with the same period in 1970. In the past five years self-protection has become the dominant concern of those in our cities and suburbs, evidenced by the rapid growth of a multi-billion-dollar-a-year private security industry and the emergence of the German shepherd as the second most popular breed of dog.

No one can say for sure what accounts for the enormous increase in the danger which Americans face from each other. We do know that those agencies on which we are accustomed to rely for crime control—police, courts, and corrections—seem less capable of that task today than they did five years ago, and many police chiefs, judges, and prison officials openly acknowledge that there is nothing they can do to help. We also know that each year there are thousands of new drug addicts, most of whom are driven by their addiction and the nation's drug policy to prey on their fellow citizens in order to get money to buy heroin. And we have compelling evidence that during the past five years the frustration of poor people and minorities with continued denial of opportunities to improve their lives by lawful means has made reliance on crime an increasingly acceptable alternative. The fifth anniversary of the Crime Commission's report, coinciding as it does with the beginning of a presidential election contest in which crime is once again certain to be a central issue, is an appropriate time to explore why we have done so poorly and what the prospects are for the years ahead.

The Crime Commission sought to show how police, courts, and correctional agencies could both reduce crime and treat people more decently. A review of where these criminal justice agencies stand today indicates virtually no progress on the first of these goals and only spotty progress on the second.

The Police. The principal gains by the police in the past five years have been in lowering the level of hostility between the police and young people, particularly blacks. This progress has taken place despite the fact that President Nixon came into office after a campaign that invited the police and the public generally to blame crime on Supreme Court decisions designed to curb police abuses. Improvement has been especially marked in cities such as Oakland and New York, where the chiefs have made it clear that decent treatment of citizens is a top priority and will be given weight in promotion and assignments of officers. Many police departments now have their own legal offices and are getting advice from the inside on how to respect due process. The Brandeis University Center for the Study of Violence cites better training in community relations as one reason for the decline in disorders in the past five years. Increases in the number of minority-group police officers have also helped, although here the record is mixed. The nation's five largest cities in total have shown a 23 percent increase in black officers in the past five years. Yet some departments, such as Cleveland's and Philadelphia's, have lost ground. Alabama and Mississippi still bar blacks from their state police, and Massachusetts has only two on its 870-man force.

Changes which seem to have improved relations between citizens and the police in many cities have not been matched by new crime-reduction methods. Much of the federal aid to police has gone for such flashy items ar helicopters, computerized communications systems, and new weaponry. Yet these have not produced a significant impact on crime. Little progress has been made on Commission proposals that police presence on the streets be increased by hiring civilians for clerical and administrative tasks. (New York City, with 32,000 policemen, has a maximum number of 3500 on the street at one time.) One discouraging indication of how little change has been made in five years is the striking similarity between the chapter on the police in the Crime Commission's 1967 report and the police section of "Planning Guidelines and Programs to Reduce Crime," just released by the Justice Department for use in its eight "high-impact" cities, where a special effort will be made to reduce crime.

The most promising "new" crime-control idea for the police is New York Commissioner Patrick Murphy's neighborhood team system, a blend of the Crime Commission's teams of policemen with the traditional "cop on the beat." Simply stated, Murphy wants to decentralize responsibility so that each neighborhood has its own team of officers who would come to know its crime patterns, its residents, and its potential offenders. The team would then be held responsible for reducing crime in the neighborhood. Murphy's crime prevention and anticorruption strategies overlap, since the team's commanding officer would also be fully accountable (Murphy's favorite word) for any corruption among his men.

Murphy instituted his system in Detroit but left to become commissioner in New York before its results could be tested. He is adopting the same approach in New York; and Chief Jerry Wilson in Washington, D.C., Murphys protégé, believes his own form of this plan is responsible for some reductions in street crime in the nation's capital.

The neighborhood team has probably improved police-community relations in the cities where it is being used. It remains to be seen whether it will also result in significant reductions in crime or whether it will simply provide pressure for incomplete reporting of crimes to central headquarters, a time-honored practice in earlier days when a precinct captain's job depended on keeping a "clean beat."

Corrections. The same two goals it set for the police—crime reduction and humane treatment—also ran through the Commission's 1967 report on corrections, where, as with the police, it believed that the goals were not inconsistent and could, in fact, reinforce each other. To achieve these goals, the Commission urged a shift from the use of prisons to community treatment of offenders. Its reasoning can be simply summarized: if we take a person whose criminal conduct shows he cannot manage his life, lock him up with others like himself, increase his frustrations and anger, and take away from him any responsibility for planning his life, he is almost certain to be more dangerous when he gets out than when he went in. On this basis, the Commission urged that only the very dangerous should be held in prison. It called for development of halfway houses, programs to send offenders home under intensive supervision, special school and employment programs, and other forms of nonprison treatment.

In a few places there has been progress in carrying out these recommendations. California has developed an extensive work-furlough program for prisoners and also offers a subsidy to counties, which helps keep the state prison population low by putting more offenders on probation. The number of state prisoners has declined from 28,000 to 21,000 in the past three years. Plans for new prisons have been scrapped and some of the existing ones are being closed.

The boldest approach is that of Jerome Miller, Massachusetts Commissioner of Youth Services. Mr. Miller concluded that his institutions were doing juvenile offenders more harm than good at a per capita cost to the state of $10,000 a year, enough, in his words, "to send a child to Harvard with a $100-a-week allowance, a summer vacation in Europe and once-a-week psychotherapy." Within the next few months he plans to close all his institutions for committed offenders and move the inmates to community-based work and education programs. He estimates that only 30 of the 800 juveniles now incarcerated are dangerous enough to be locked up, and he eventually hopes to get these into private psychiatric facilities.

A few other states are moving cautiously in the same direction.

But as a whole the country has continued to place heavy emphasis on prisons. A recent survey by the Center for Criminal Justice at Harvard Law School showed that there are residential facilities outside the walls of traditional prisons for less than 2 percent of adult offenders—and that most of these facilities were set up in the first two years after the Crime Commission's report.

Ironically, the best hope for a move away from incarceration may lie in the system's reaction to the slaughter at Attica. In much the same way that the fear of city riots prodded police chiefs to develop community relations programs in the late sixties, the fear of prison uprisings has forced officials to confront such questions as how many of the 1200 inmates at Attica really had to be in prison.

It is sad but probably true that the fear of riots and the fiscal squeeze on the states are more likely to close down prisons than either a sense of humanity or a desire to prevent crime.

The Courts. While there has been some overall improvement in the police in the past five years, and perhaps corrections has held its own, the quality of the adjudication process—the responsibility of the courts—seems clearly to have deteriorated over the same period. Many lower criminal courts look more like factories than halls of justice. More than half of the people in jail in this country are there because they are awaiting trial, not because they have been convicted. Whatever deterrence of crime the threat of penal sanctions might exercise is undermined as thousands of defendants go free, not because they have been acquitted but because courts and prosecutors are too overwhelmed by their work load to consider their cases.

The total number of arrests, the source of the court's business, increases about 5 percent a year. More defendants are represented by lawyers who are asserting their rights in court, including rights relating to confessions and police searches spelled out by the U.S. Supreme Court during the 1960's.

The result is that a cumbersome process, which had managed to keep moving by herding large numbers of defendants through the courts on guilty pleas without consideration of possible defenses, has been further slowed. And delay begets delay. The only way prosecutors and judges can keep the glacier-like process moving at all is to drop cases or offer concessions to defendants who will agree not to assert their rights. Often the best way for defense counsel to get these concessions is to make repeated motions, seek adjournments, and generally try to drag out the process as long as possible. Even lawyers who do not deliberately seek delay achieve the same result owing to their own overloaded schedules and the courts' inefficiency. The rewards to defendants from this delay are enormous. Ninety-four thousands felony arrests in New York City last year resulted in only 550 trials. The other cases were dismissed or reduced to misdemeanors in return for a guilty plea.

To blame the Supreme Court or defense lawyers who seek their clients' best interests is rather like blaming highway congestion on those who set speed limits and on drivers themselves. If we want the criminal system to be able to handle the present volume of traffic, we must double and triple the number of courtrooms, judges, prosecutors, and defense counsel—and be ready to keep on increasing the number in the future. And even with such increases the system will depend heavily on bargaining for pleas of guilty.

Five years ago the Crime Commission called for resources to enable courts to handle increased traffic, but it also outlined two possible approaches to reducing the traffic. First, most cases involving drunks, first offenders, persons in need of psychiatric or medical treatment, and nondangerous offenders should be handled outside the criminal system. Prosecutors and defense counsel were encouraged to agree on alternative forms of treatment before such cases get to court, thus avoiding court congestion and the destructive effects of pretrial stays in jail. In fact, most of these cases now are disposed of without a formal court decision, but usually only after they have added to the jam in the courts.

Second, for those cases that remain, the Commission urged the courts to adopt modern administrative and business management methods that would avoid repeated appearances and continuances. This recommendation has been ignored, although adopting it would help not only the courts but also the police, since prosecuting witnesses, including policemen, often are required to come to court on five or more separate occasions for a single case. Our society surely has the technology to schedule its judicial business to eliminate repeated appearances, continuances, and delay. The only way to keep delay from being manipulated as part of the bargaining process is to have a system that gives the parties their "day in court"—but not a day every week.

For the past five years crime has been a major national issue. More than $1.5 billion in new federal money has been appropriated for the nation's criminal justice system. One may fairly ask why there has been so little progress.

Much of the answer lies in the inevitable hostility to change in any large bureaucracy. Proposals to substitute halfway houses for high-security prisons and computers for court docket clerks, or to establish new educational requirements for police officers, threaten job security and challenge the propriety and worth of what is being done. When Commissioner Miller in Massachusetts abolished punishment cells for juvenile offenders and allowed them to have long hair, some staff members permitted a series of escapes designed to discredit his administration. Two comments by employees suggest their frustration with the changes: "Years ago you could flatten the kids out and that would be the end of it." "You wonder who's in jail, us or the kids."

City dwellers have learned recently about the "blue flu" that often afflicts police officers who are suspicious of proposed changes. Commissioner Russell Oswald's apparent sense he had to cater to the views of the guards at Attica—even at the risk of scores of deaths—suggests how powerfully existing values now hold those working in the system. Strong and militant police and correctional officers' unions in the past few years have provided an organization which can mobilize this opposition to change.

Not all of the opposition to reform comes from within the bureaucracy. Many state and city legislative bodies tend to be wary of changes, particularly those that may seem "soft" on criminals or that cost money. And some changes—such as attempts to establish halfway houses or drug-treatment centers in residential neighborhoods—have evoked enormous hostility from private citizens.

Notwithstanding these inherent pressures against change, there was a strong sense of optimism in the mid-sixties that something could be done about crime. For the first time the federal government had acknowledged a responsibility to help the cities and states. Local police chiefs, prosecutors, and correctional administrators worked with the Crime Commission from 1965 to 1967, and with the prospect of federal financial aid, began the arduous task of overhauling their agencies.

The year 1968 was a bad one for criminal justice. During the 1968 presidential campaign, Mr. Nixon repeatedly cited decisions of the United States Supreme Court as being the major cause of crime. The result was to provide police officials, prosecutors, legislators, and the general public with an easy explanation for the enormous increases in crime in the late sixties. This relieved some of the pressure for change, a process which criminal justice officials were finding more painful and difficult than expected.

It was also in 1968 that the Congress, after a delay of more than a year, finally passed the Safe Streets and Crime Control Act to provide aid to cities and states. As originally proposed, the Act would have given the Justice Department the power to dispense funds directly to criminal justice agencies which carried out the changes such as those recommended by the Crime Commission. But Attorney General Ramsey Clark became embroiled with Congress over Senator John McClellan's insistence that the Act provide authorization for wiretapping and bugging. Clark and President Johnson were strongly opposed to electronic surveillance.* However, Johnson's relations with Congress had deteriorated over the Vietnam War, and Clark had emerged as the Republicans' whipping boy in preparation for the 1968 presidential campaign. When the smoke had cleared, the Administration had settled for legislation which not only authorized electronic surveillance but which also substituted "block grants" of federal funds to the states for the broad grantmaking authority in the Justice Department.

The seriousness of this legislative defeat soon became clear. The principal justification for federal aid was that it would provide an incentive for cities and states to make changes in criminal justice agencies. But with block grants the federal government cannot directly push for reform. It simply gives a lump sum to each state to be distributed in accordance with the state's own written plan. These plans are the products of large new state bureaucracies, many of which are controlled by old-line representatives of the state and local police departments, courts, prosecutors, and correctional agencies that need to be changed. Since the state plans are rather general and require only superficial changes in the agencies, much of the money has been spent to preserve the status quo.

Thus, except for a few states where the planning agencies have insisted on substantial change as a condition of funding, there is little to show for the almost one billion dollars that has been spent. Some of the early funds were wasted on military equipment for riot control. In one state a congressional committee found federal funds had been used to send families of law-enforcement officials to college. At a hearing last fall, the Conference of Mayors charged that "there is a wide-spread failure to comply with the spirit of the law as it relates to distributing funds to cities to fight crime." And the former administrator of the Act, Charles Rogovin, has made the drastic suggestion that the Law Enforcement Assistance Administration's funds "be frozen until its house is in shape."

Unquestionably some of the problems are those attendant on any new federal grant program. Some result from the highly political nature of the crime issue. It has been suggested that the eight "high-impact" cities, each of which will receive $25 million in the next two and one half years, were picked with at least one eye on the 1972 election. Perhaps the most fundamental defect in terms of crime control is the lack of research. Largely because Congressman John Rooney of Brooklyn, the chairman of the key subcommittee of the House Appropriations Committee, is suspicious of research, there has been a five-year drought in funds for the research authorized by the original Act. Thus, not much more is known about specific techniques of crime prevention today than was known five years ago, and the prospect for new answers in the next few years is bleak.

Even if every change the Commission called for in police, courts, and correctional agencies had been made, resulting reduction in crime would probably have been more than offset by increases resulting from the enormous spread of drug addiction. The best present estimate is that there are 250,000 addicts in the United States, of whom between one third and one half live in New York City. Research has shown that the same young people at the bottom of the social and economic ladder who commit the bulk of predatory crime are most likely to become addicts. (Five out of every six addicts in New York City are black; about half are under twenty-two years of age.) Their addiction adds to the already great likelihood of their committing crimes the need to raise $25 to $100 each day to buy heroin. The results have been explosive. Some cities are reporting that almost half of those in jail are addicts. One judge in Washington found that 75 percent of the defendants

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*Johnson felt so strongly on this subject that when he heard a mistaken rumor that the Commission had voted an endorsement of electronic surveillance, he told his staff he did not want the Commission's report delivered to the White House. Before I had to resort to the alternative, suggested by Elizabeth Drew in her May, 1968 article in *The Atlantic* ("On Giving Oneself a Hotfoot, Government by Commission"), of "tossing the report over the White House fence," the President's staff agreed to receive the Report.

brought into court on felony charges were addicts.

Five years ago, the Crime Commission recognized addiction as a major source of crime, but as four dissenting members of the Commission noted, the majority was unwilling even to explore alternatives to the present drug enforcement policy, which, by requiring addicts to get their heroin illicitly, puts enormous pressure on them to rob, steal, prostitute themselves, or sell drugs to raise money. Recently, as an extension of this policy, we have negotiated with Turkey, France, and Mexico and other drug-producing countries in an attempt to cut off the supply at the source. This has been combined with attempts to stop drugs at the borders of the United States. The most dramatic example was "Operation Intercept," aimed at persons bringing marijuana across the Mexican border, and some experts think that the only result was a temporary increase in the price of marijuana in the United States and a switch by thousands of marijuana users to heroin. In any event, it is perfectly clear that heroin and other drugs are still plentiful and that federal law enforcement has served primarily to keep the price at a high level, with the resultant pressure on addicts to commit crimes to support their habits.

The most significant change in drug policy in the past five years is that at the same time that several agencies of the federal government are devoting enormous resources to the apparently futile effort to stop heroin traffic, the country has moved quietly to a policy of dispensing another addictive drug—methadone—on a maintenance basis. Labeled as "experimental," methadone projects now exist in cities and towns all over the country. Many such projects are funded by the Department of Health, Education, and Welfare and all require a federal permit.

It was originally thought that methadone in some mysterious way provided a "blockade" to the effects of heroin, but it is now clear that many addicts take heroin and methadone (and other drugs) interchangeably. Both drugs are addictive; both can give a "high" if taken in large doses; and both can probably be given at sustaining dosages that would permit most addicts to lead more or less normal lives. Many doctors prefer methadone as a sustaining drug because they believe it is easier to stabilize doses; some would prefer heroin because they think it has a better effect on the patient's emotional state. The biggest difference between heroin and methadone is probably political rather than pharmacological—methadone does not have the history and the connotations that make it so difficult for heroin to be considered as a form of medical treatment.

Partly for the same reason, among addicts heroin is still clearly the "drug of choice." As long as it is available it is unlikely that even a massive methadone maintenance program open to all addicts would dramatically reduce the number of heroin users.

Concern about crime by heroin addicts has resulted in support for experimental heroin-maintenance programs from unexpected sources. In recent weeks a special committee of the staid American Bar Association has called for such experiments. So have United States Attorney Whitney North Seymour, Jr., and Police Commissioner Patrick Murphy in New York City and Sheriff John Buckley in Middlesex County, Massachusetts. Mayor Lindsay would almost certainly have set up such a program already but for the strong opposition of Congressman Rangel and several other black leaders. They see this approach as "writing off" their people and fear that whatever deterrent effect the possibility of addiction might have on marginal drug users might be undermined if the worst they faced by becoming addicted was a daily trip to a government dispensary.

Another factor that has discouraged such programs is a prevailing misconception in this country that the British system of making heroin available to addicts at government-regulated clinics has resulted in a large increase in addiction. While this was true when individual doctors were permitted to prescribe heroin freely, two years ago the British began controlling distribution by individual doctors and now make drugs available through government-sponsored clinics. The result is that the number of addicts in England has stabilized at less than 3000. (A recent study counted six times that number in one forty-block area in New York City.) There appears to be little crime committed in England today by addicts seeking money for drugs, because addicts pay either nothing or 2 cents per dose for their heroin.

It would be a mistake to expect that most addicts will give up crime altogether once they can get free heroin from clinics. A prostitute in the Addiction Research and Treatment Corporation Center in Bedford-Stuyvesant explained it clearly: "Now that I'm on methadone, I feel like a human being for the first time. I want some nice clothes and the only thing I'm good enough at is boosting [shoplifting] and turning tricks. But I don't have to do as much as long as I can get my drugs here."

Just as methadone is turning out to be no "magic bullet," so we would have to anticipate that many heroin addicts maintained at clinics would commit crimes. But controlling crime is not finding one total answer; it is chipping away with a number of partial answers. By relieving the enormous economic pressure of addiction, it may be possible to offset partially the enormous increase in criminality accounted for by addiction.

Unless researchers find a nonaddictive substitute for heroin, we will probably soon see a few government-sponsored heroin maintenance experiments in the United States. And if the experience with methadone is any guide, it seems a fair, if somewhat gloomy, guess that five years from now public pressure to reduce crime will have forced acceptance of heroin maintenance as a generally available form of treatment.

Neither improving the criminal justice system nor relieving addicts of the additional economic pressure to commit crimes that their addiction imposes on them is likely to make much difference in crime rates if millions of people believe crime is their best route to a decent life. We rely for self-protection more than we usually recognize on moral restraints based on a sense that each member of society has a stake in obeying the law. The sense of belonging to a community that underlies much of this moral restraint is undermined if the conduct of the rich and the powerful is characterized by selfishness, and if the government appears to have little concern for the plight of those for whom life is difficult.

Continuing denial of opportunity, combined with the anonymity of city life, is destroying the social pressure to abstain from crime. The riots of the mid-sixties showed one possible outlet for the deep frustration and hatred felt by young blacks in the cities—the same group that is already responsible for a large proportion of serious crime. In New York City predatory "rat packs" of juveniles roam the city. They justify what they do as "getting even," and the thought that their victims are human beings with lives and feelings of their own seems foreign to them.

It would be a tragic mistake to assume that we can look to the law-enforcement system to control crime if other restraints disappear. To understand this we need only look at the situation from the point of view of the potential criminal. The odds against the police catching the average burglar—either at the scene or later—are probably no better than 50 to 1. And if he is arrested, he has a good chance of having his case dropped or of being put on probation. A middle-class citizen with a reasonably comfortable life may be deterred by these odds; he has too much to lose. But 25 million people in the United States live below the officially defined poverty line. In a society where television commercials are constantly reminding us that every self-respecting American should be driving a new car and flying off for a Caribbean vacation, crime may seem like the only good bet for those whose lives are little more than a struggle to survive.

Even if we double or quadruple the effectiveness of law enforcement (and there is no reason to think we can) and reduce the odds proportionately, it may still be a good bet. Crime will be a worse gamble only when people have decent enough lives on the outside so they are unwilling to risk arrest and conviction.

The view that the level of crime is determined less by law enforcement than by the extent to which we make life worthwhile for those at the bottom of the economic and social ladder is not a partisan one. Five years ago the Crime Commission, which included such staunch conservatives as William Rogers, currently Secretary of State, and Lewis Powell, one of President Nixon's most recent appointees to the Supreme Court, unanimously reported that the Commission:

". . . has no doubt whatever that the most significant action that can be taken against crime is action designed to eliminate slums and ghettos, to improve education, to provide jobs, to make sure that every American is given the opportunities and freedoms that will enable him to assume his responsibilities."

The country seems to be proceeding on the contrary assumption. In a two-year period when federal appropriations for the Law Enforcement Assistance Administration program increased from $270 million to $700 million, funds for the federal juvenile-delinquency programs were cut from $15 to $10 million. Against the background of the tremendous increase in crime committed by blacks, whatever notions of fiscal soundness or social justice are thought to underlie the Administration's apparent acceptance of Daniel B. Moynihan's proposal for "benign neglect" of blacks, that policy seems almost certain to have disastrous effects on crime.

The Crime Commission's final conclusion was that "controlling crime in America is an endeavor that will be slow and hard and costly. But America can control crime if it will." At that time I thought there was hope for changes that would both strengthen the agencies of criminal administration and reduce the injustices that underlie much crime. I still do not belive that we have to settle for a society where we live in fear of each other. But today, I find it hard to point to anything that is being done that is likely to reduce crime even to the level of five years ago.

EXHIBIT 2

EXCERPTS FROM RECOMMENDATIONS OF THE AMERICAN BAR ASSOCIATION SPECIAL COMMITTEE ON CRIME PREVENTION AND CONTROL

THE COURTS

1. Regulation of various types of conduct which harm no one other than those involved (e.g., public drunkenness, narcotics addiction, vagrancy, and deviant sexual behavior) should be taken out of the courts. The handling of these matters should be transferred to non-judicial entities, such as detoxification centers, narcotics treatment centers and social service agencies. The handling of other non-serious offenses, such as housing code and traffic violations, should be transferred to specialized administrative bodies.

2. Through the careful use of prosecutorial discretion and dispositions such as probation without conviction, many cases should be screened out before they reach the court or at least before they occupy any appreciable court time.

3. The use of money bail as a means of obtaining pretrial release should be deemphasized. Bail agencies or probation offices should be funded at a level to enable thorough pretrial screening so that more defendants can be released on recognizance, often with appropriate conditions attached. Programs should be developed to make these conditions beneficial to the released defendant and to society where possible.

4. Probation offices must be given the funds necessary to increase their staffing to the extent needed to permit careful screening of defendants to determine those meriting pretrial release, to provide close supervision for those who are released, and to assure the early preparation of presentence reports.

5. To pinpoint responsibility for each case, the assignment of cases should be made on an individual calendaring basis. For this system to work, however, the court must work closely with the prosecutor's office and the defense bar to obtain their cooperation and their commitment to supply adequate manpower.

6. Computers should be utilized to assist the court in scheduling, doing routine paperwork, avoiding conflicts, equalizing work loads, analyzing backlogs, and providing various types of judicial statistics needed for effective court operation and planning.

7. Strict limitations must be placed upon the length of interval between the time a defendant is arrested or charged and the time his trial commences. Tolling exceptions for good cause may be a necessary adjunct of such provisions. However, exceptions should be few, clearly articulated, sparingly invoked and, once invoked, narrowly construed by the court. In many jurisdictions it will be necessary for the legislature to authorize appropriations for additional resources if such deadlines are to be workable.

8. Criminal discovery should be expanded within constitutional bounds to eliminate competition in criminal proceedings and to increase the likelihood of pretrial disposition.

9. An omnibus hearing procedure should be used to consolidate pretrial motions and written motions outside this procedure should be severely curtailed if not eliminated.

10. The mandatory use of the grand jury should be abolished. Instead, defendants generally should be charged by means of an information. Some jurisdictions may choose to preserve the grand jury, making its use optional at the request of the prosecutor or defendant.

11. In many jurisdictions throughout the United States, the time consumed in jury selection in cases involving the kinds of crime with which this report is concerned is wholly inordinate. Individual interrogation of jurors is rarely necessary and generally voir dire examination of the panel should be conducted en banc.

12. In almost every case the examination of the prospective jurors can be most expeditiously conducted by the judge with supplementary examination by counsel in the discretion of the judge.

13. Jury selection in all cases should consume but a minimal percentage of overall trial time.

14. Written briefs should be eliminated unless specifically requested by the court. Instead, designations of error should be used to apprise the appellate court of the nature of the appeal.

15. Technological alternatives to manual preparation of transcripts (e.g., computer-aided production, sound recording and videotaping) should be explored thoroughly and, where feasible, should be introduced on a widespread basis.

16. Unless a novel point of law is involved, appellate courts should use unsigned memorandum opinions, rather than writing full-length signed opinions.

17. Appellate courts should establish a central hearing staff to analyze cases coming before the court, verify allegations made, recommend appropriate dispositions, and draft a possible memorandum opinion in suitable cases.

18. Trained court administrators should be employed to bring specialized management skills to the courts and to allow judges to concentrate on hearing and deciding cases.

19. Law schools and bar associations must enlarge their efforts to prepare lawyers for trial work and thus enable them to handle a case at both the trial and appeal level.

20. Intensive statistical research must be carried out to discover precisely where and why cases are being backed up in the judicial process. The current lack of such elementary data makes close analysis of court problems extremely difficult.

By Mr. BEALL (for himself and Mr. MATHIAS):

S. 3670. A bill to amend the Washington Area Transit Authority Compact to require the inclusion of rail commuter service in the mass transit plan, and for other purposes. Referred to the Committee on the Judiciary.

Mr. BEALL. Mr. President, on behalf of Senator MATHIAS and myself I send to the desk a bill designed to expedite the implementation of an efficient rail commuter service for the Washington-Baltimore metropolitan areas. The legislation amends the Washington Metropolitan Area Transit Authority Compact, by requiring the inclusion of rail commuter service in the mass transit plans. Specifically, the bill directs that within 180 days after enactment, the board of directors of the authority "shall adopt a program for the development of rail commuter service" as part of its mass transit plan. "Upon adoption of such a program, the board shall immediately take appropriate steps to secure the implementation thereof including the securing of funds therefor as appropriated under the provisions of the Urban Mass Transit Act of 1964, as amended." The Urban Mass Transit Act provides for capital grants for transportation facilities and equipment.

The compact is an agreement between Virginia, Maryland, and the District of Columbia for which Congress gave consent in Public Law 89–774. Congress, of course, cannot unilaterally amend this compact, but Congress as the "legislature" of the District of Columbia can adopt an amendment on behalf of the District of Columbia which subsequently must be concurred in by both the Legislatures of the States of Maryland and Virginia.

The Washington Metropolitan Transit Authority has the authority to acquire or develop rail commuter service within the transit zone, but they have shown little interest or inclination to do so thus far. Paragraph 13 of the compact directs the Washington Metropolitan Transit Authority to develop a mass transit plan which shall designate the transit facility to be provided by the authority,

My bill would amend this paragraph to specifically direct the inclusion of rail commuter facilities in the transit plan and to require the authority board to carry out this aspect of the plan.

Mr. President, the Englund Report of May 1971 concluded that potential for rail commuter operations exists in the Washington metropolitan area. It concluded that an estimated 12,000 to 14,200 trips per weekday could be achieved in the first year of rail commuter operations and that the future growth potential was good. It found that improved rail service would help "materially in reducing pressures on highways access routes from farther out points, particularly at the most critical rush hour times," would "materially ease the rate of increase of automobile parking requirements within the central business district," and would be an "important element toward the creation of a balanced transit-transportation complex within the region."

There has been a considerable interest in realizing the potential of rail commuter service but as of this date, the necessary parts of a program to bring about improved rail commuter service have not been assembled.

No railroad possesses the capability of arranging the interline operation essential to an efficient rail commuter operations and to the development of the latent commuter potential. Furthermore, railroads, which are having difficulty in generating capital for equipment and facilities for profitable operations are both unlikely and unable to channel resources to improve commuter operations. For example, Englund report found B. & O.'s net deficit for commuter service operations was $813,959 or a loss of approximately $2 for each dollar of revenue received. Thus, a major obstacle has been the establishment of an appropriate authority charged with the management of all rail commuter services. This bill would remove that impediment to improved rail commuter service.

Mr. President, the important value of mass transportation and the commuter train is becoming increasingly evident. Pollution, congested highways, not to mention the wear and tear on individuals as they crawl through traffic to their employment, all combine and cogently make the case for steps and for action now to help alleviate the present situation. The pollution problem is particularly serious in the Washington area. Recent articles have pointed out the alarmingly high level of carbon monoxide in the Washington area. Washington is one of the seven cities that the Environmental Protection Agency has concluded will be unable to meet the carbon monoxide standards by 1975 as required by the Clean Air Act. Utilizing rail service for commuters, while not solving the pollution problem, will nevertheless contribute to a reduction of the pollution level.

Mr. President, I urge early and favorable action by the Congress on this proposal. The State of Maryland has shown considerable interest in the problem, and is weighing various alternatives. The June 2 edition of the Evening Star contained a story which described quite well the work that has been going on in Maryland, and I ask unanimous consent that this article be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BEALL. Mr. President, I also would like to call attention to the significance of a recent development involving the long-awaited visitor center at Union Station. The National Association of Railroad Passengers pointed out the additional benefits of this facility in a June 2 press release entitled, "Commuter Train Prospects Surge as Visitors Center Progresses." The statement includes the following passages:

> Area commuters should rejoice because a new passenger terminal will be constructed directly above the tracks beneath the parking garage. This program will reduce by approximately 25 per cent the staggering cost of operating commuter trains in the Washington area.
>
> This breakthrough makes 1972 the ideal time for local authorities to implement an area-wide commuter rail system from distant Maryland and Virginia points.

Mr. President, I ask unanimous consent that the full text of this statement be printed at the conclusion of my reremarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. BEALL. Mr. President, whatever approach is decided upon for solving Washington's commuter problems, an authority to oversee the operations, which will involve a number of jurisdictions, will be needed. An authority is, thus, essential and passage of this act will provide that authority. If we do not act, we may see, as the Englund report warned, a complete disappearance of the rail commuter operations from this area. At a time when it is important that all alternatives to the automobile be utilized to enable the District of Columbia to meet air pollution standards, and to ease the plight of the commuter, this would be a tragedy. I am also convinced that a healthy commuter rail service will subsequently contribute to the establishment of a balanced transit-transportation complex with the region.

Metro is on its way and I certainly welcome it, but the urgency of the problem demands that we take those steps that we can to ease the situation as quickly as we can, particularly when those actions will complement the Metro System when it becomes operational. The Washington Metropolitan Transit Authority should have been doing this in the first place. This bill would require that they do it. I urge enactment of this measure.

EXHIBIT 1

MARYLAND WEIGHING RAIL COMMUTER PLAN

(By Stephen M. Aug)

The Maryland Department of Transportation is considering two staff proposals seeking state aid to upgrade and expand railroad commuter service to Washington's Maryland suburbs.

One proposal—that said to be favored by the staff—would have the state contract with the Penn Central Transportation Co. and the Baltimore & Ohio Railroad to operate trains on behalf of the state.

The other, somewhat more modest, would have the state purchase and renovate additional equipment and rent it at nominal fees to the two railroads. The hope is that with additional equipment, the railroads could attract more passengers and possibly run their commuter service at a profit.

The more modest plan would also provide for increased service on the Penn Central commuter lines between Washington and Baltimore—to three trains daily from the present two.

At present Penn Central carries about 375 commuters to Washington in the morning and back in the afternoon. The B&O carries about 1,100 each way.

Harry R. Hughes, Maryland's new secretary of transportation, briefed the Maryland congressional delegation yesterday afternoon on transportation problems, but a source present at the meeting said the staff proposals did not come up. He indicated Hughes did not seem optimistic about improving Washington's rail commuter system.

According to at least one source, the staff's present timetable—admittedly optimistic—calls for Maryland to make contract proposals to the railroads by July 1. Operations under the contracts would begin Sept. 1.

The lines that would be improved include the Penn Central Washington-Baltimore line; B&O between Washington and Brunswick, and B&O between Washington and Laurel. The B&O line north of Laurel would not be included.

It is understood that during the first six months of operation, under either plan, the state would acquire and renovate additional equipment, principally for the B&O. The Penn Central would continue to use existing equipment.

Then, for five years or more, the renovated equipment would be operated while the department undertakes evaluations of long-term needs and feasibility of such programs involving purchases of new equipment, building new stations and running additional routes.

A spokesman for Hughes declined to comment on any of the proposals, saying only, "The secretary has not made a final decision on what plan he will implement." He said that what is under study is primarily "preliminary staff work."

Asked about the program's financing, the spokesman said that beginning July 1, it will be legally possible for the department to make grants to private carriers. He added that revenues for the state's transportation trust fund—presumably the principal source of money to be spent on the program—will total about $340 million during 1973.

The spokesman explained the department will have authority next year to issue up to $950 million in bonds.

The operating subsidy alternative under study would be similar to programs operating elsewhere. The two railroads involved would sign contracts with the state to operate commuter rail service. The state would then collect the revenues, paying the railroads the actual costs of running the trains, plus a small management fee.

A plan to improve the Washington-area commuter service was disclosed about a year ago by an engineering consultant under contract with the U.S. Department of Transportation. It recommended upgrading the Penn Central Washington-Baltimore line and B&O Washington-Brunswick line and the Richmond, Fredericksburg & Potomac Railroad line in Virginia currently providing no commuter service.

Since then, a modified version of the plan—including the B&O Washington-to-Laurel line—has been pushed by the National Association of Railroad Passengers, a nonprofit District-based organization.

One problem facing the Maryland staff proposals is the high cost of operating trains through Washington's Union Station. The terminal company—owned jointly by B&O and Penn Central—charges about $40 for each car handled in and out of the terminal to defray the expenses of operating the huge building and track system.

The construction of a visitors' center, however, is expected to reduce these costs by about 25 percent, according to the railroad passenger association. The DOT consultant—Carl R. Englund—called the station, with operating costs of $14 million a year, "probably the most costly operation of its type in the nation."

A story in yesterday's Star pointed out that the B&O has recently reached agreement with two New York City banks to obtain the $16 million necessary to convert the station into a visitors' center for lease by the Department of the Interior.

EXHIBIT 2

COMMUTER TRAIN PROSPECTS SURGE AS VISITORS CENTER PROGRESSES

(The following statement was released today by Joseph Vranich, executive director of the National Association of Railroad Passengers:)

According to the June 1 edition of the Washington *Evennig Star*, "An agreement to provide financing for the long-delayed Union Station visitor center project has reportedly been reached between the Baltimore & Ohio Railroad and two New York banks."

Under the agreement, the Federal government will provide $16 million for the repair and renovation of the terminal and construction of a massive parking garage.

Area commuters should rejoice because a new passenger terminal will be constructed directly above the tracks beneath the parking garage. This program will reduce by approximately 25% the staggering cost of operating commuter trains in the Washington area.

The station—with operating costs approximately $14 million annually—has been described as "probably the most costly operation of its type in the nation" by Carl R. Englund, a consultant to the U.S. Department of Transportation.

This breakthrough makes 1972 the ideal time for local authorities to implement an area-wide commuter rail system from distant Maryland and Virginia points. No longer can excessive costs be used as a crutch by those interests opposed to commuter rail service.

A commuter rail system could also meaningfully reduce vehicular traffic in the Nation's Capital, thereby enhancing it's image among all visiting Americans.

Representative Kenneth J. Gray (D-Ill.) is to be commended for his persistance—without his dedication there would be no National Visitors Center.

By Mr. KENNEDY (for himself, Mr. Hruska, Mr. Cook, Mr. Hart, Mr. Mathias, and Mr. Ribicoff):

S. 3671. A bill to amend the Administrative Conference Act. Referred to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, today I am introducing with the cosponsorship of Senators Hruska, Ribicoff, Cook, Hart, and Mathias a bill to provide greater support for the Administrative Conference of the United States. This relatively new permanent agency of the Federal Government is making significant contributions towards improving the procedures by which programs affecting millions of Americans are administered. This bill would give the Administrative Conference the opportunity for even greater service in the future.

The various agencies of the Federal Government are today under attack, because they have failed to develop policies and procedures that are fully responsive to public needs and public interests. Many agencies have become bogged down in time-consuming and expensive proceedings which plague private citizens with delay and expense. Other agencies exercise powers of enormous significance to private citizens without providing even the minimal safeguards of notice, opportunity for hearing, and public statement of reasons in support of a decision.

Our Nation is deeply and rightly concerned about the chaotic problems which plague the administration of justice in our courts. Yet few people are aware that Federal administrative agencies issue more decisions affecting more people, more directly, than do decisions of the Federal courts.

The administrative process is growing at an explosive rate—much faster than the growth in the population or the economy. The need for new regulatory activities and for the extension of social rights and benefits leads to the creation of new agencies every year and the expansion of old ones. This proliferation of agencies and programs has sorely taxed our ability to process fairly and expeditiously the ever-increasing number of grievances and complaints that modern government produces. The Administrative Conference is the only Federal agency that is equipped to study and recommend needed changes in the administrative machinery that will maintain and improve the quality of administrative justice meted out by Federal agencies.

The Administrative Conference, with limited staff and resources, has already demonstrated that it is a vital force in improving the machinery of government. Since its establishment in 1968, it has adopted formal recommendations, many of which have already been fully or partially implemented. These involve such matters as compliance with the Freedom of Information Act, adequate representation of the poor in agency proceedings, minimum procedural safeguards for grant-in-aid programs, broadened public participation in agency proceedings, the elimination of duplicative and unnecessary procedures, and strengthening the role of hearing examiners.

The Conference has concerned itself with the informal discretionary procedures of such agencies as the Immigration and Naturalization Service and the U.S. Parole Board, as well as with the more formal procedures of the Food and Drug Administration and the Social Security Administration.

It is currently studying such vital matters as the procedures used in the licensing of nuclear powerplants by Atomic Energy Commission; those of the Civil Service Commission in adverse actions against Federal employees; the procedural rights of Indian tribes; the coverage of the Federal Tort Claims Act; and the procedures for the resolution of property disputes between the United States and private persons.

There is a great need for dispassionate, scholarly, and detailed studies of other programs and procedures which are beyond the present means of the Administrative Conference. The Administrative Procedures Act, for example, has been in effect for more than a quarter century. It has been a most effective law, but its provisions should be examined to determine whether it could be better adapted to current conditions and problems.

Improvement of administrative procedures and increased understanding of official behavior will lead to greater citizen confidence in the integrity and legitimacy of Government action. Exploration of the administrative process by the Administrative Conference on a larger and deeper scale should contribute substantially to those ends. Its demonstrated capabilities to conduct impartial, professional studies, and to propose sound remedial measures have convinced me and those who have followed its work that the Conference should now be given the opportunity to expand its activities.

The bill I introduce today will authorize the Conference to seek a level of funding to expand its activities. It would also permit it to enter into supporting research arrangements and to receive grants from private nonprofit institutions. I urge the Members of the Senate to familiarize themselves with the work of the Administrative Conference and to join me in supporting this worthwhile program.

Mr. HRUSKA. Mr. President, I am pleased to join with my colleagues on the Judiciary Committee to introduce S. 3671 to amend the Administrative Conference Act.

The Administrative Conference of the United States was created in 1964 to insure that Federal agencies "may cooperatively study mutual problems, exchange information, and develop recommendations for action by proper authorities to the end that private rights may be fully protected and regulatory activities and other Federal responsibilities may be carried out expeditiously in the public interest."

Since the conference was activated in 1968 it has studied in detail a number of matters relating to the functioning of the Federal Government. Six plenary sessions have been held during the past 4 years which have resulted in the adoption of 31 formal recommendations. These have included:

Compliance with the Freedom of Information Act.

Improving Government publications and public information about Government activities.

Streamlining judicial review of agency decisions.

Elimination of duplicative and unnecessary procedures.

Minimum procedural safeguards for Federal grant-in-aid programs and enforcement of conditions included in such grants.

Strengthening the role of hearing examiners.

Broadened public participation in rulemaking and other administrative proceedings, including greater representation of the poor.

Requiring agencies to articulate their policies in general rules.

Expediting trial-type proceedings through such devices as the use of summary procedures, broadened discovery and reduction of interlocutory appeals.

In addition to these general topics, a number of important reports and recommendations are devoted to the handling by particular agencies of one or more functions. Recent examples are:

Exercise of discretion in change-of-status cases by the Immigration and Naturalization Service.

Procedures of the Food and Drug Administration for the formulation of food and drug standards.

Availability to the public of "no-action" letters issued by the Securities and Exchange Commission.

Practices and procedures of the Renegotiation Board. Committees of the Conference are engaged in a wide variety of studies on additional subjects at the present time.

In a letter from the Acting Attorney General to the chairman of the House Judiciary Committee indicating the support of the Justice Department for H.R. 13644, which is identical to the bill we introduce today, Mr. Kleindienst said:

> The work of the Conference in improving administrative procedures of Federal agencies is of great importance in assisting agencies to more effectively perform their functions and in assuring fairness to the affected public. The Department of Justice has observed that the scholarship of the Conference has invariably been excellent, its research well-considered, and its workproduct most useful. A number of the Conference's studies and recommendatons have been of special value to the Department. For example, a Conference study of the Department's procedures for the remission and mitigation of forfeitures led to our adoption of new regulations with respect to such procedures 28 C.F.R. Part 9. As a result of the Conference's recent recommendations respecting procedures of the Immigration and Naturalization Service in change-of-status cases, the Service has already adopted some of the suggested changes and is giving careful consideration to others. The recommendatons of the Conference establishing guidelines for implementation of the Freedom of Information Act are of particular interest to the Department in view of our responsibility to defend the United States in suits brought under the Act.

This bill would make several changes, mostly of a technical nature, in the statutory authorization for the Conference. These technical changes include such items as authority to, first, contract for services with outside bodies and persons; second, increase the per diem for experts and consultants; and third, accept gifts and bequests. The principal purpose of the bill, however, is to eliminate the present appropriation ceiling of up to $450,000 annually. The fiscal year 1972 budget for the Conference is $408,000 and the fiscal year 1973 request is for the full $450,000. It is certain that within a short time, therefore, the present ceiling if not altered will require the Conference to curtail some of its activities. For a permanent body such as this an appropriation ceiling is not only unusual but unnecessary; it makes advance planning difficult and cumbersome.

Because of the obvious excellence and value of the work of the Administrative Conference, this Senator is pleased to be a cosponsor of S. 3671. It is my hope that the bill can be quickly and favorably considered by the Senate so that the work of the Conference can go forward as effectively as possible.

By Mr. HANSEN:

S. 3672. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from the Federal estate tax for certain debt obligations of domestic corporations in cases where the interest on such obligations would be treated as income from foreign sources for purposes of the interest equalization tax. Referred to the Committee on Finance.

Mr. HANSEN. Mr. President, as a part of the Interest Equalization Tax Extension Act of 1971, provision was made for the direct issuance of debt obligations by domestic corporations to foreign lenders without the need to withhold U.S. income tax from interest paid to the foreign lenders so long as acquisition of those debt obligations were made subject to the interest equalization tax. This provision was placed in the law to facilitate foreign borrowings by domestic corporations in assistance to the balance-of-payments program under the Foreign Direct Investment Regulations. So far the intent of this legislation has been frustrated by the fact that a foreign lender would be subject to U.S. estate taxes if he were to die while holding securities of a domestic corporation. As a result, potential foreign lenders will not loan money to domestic corporations attempting to avail themselves of the new rules. To eliminate the frustration of the intent of Congress and to facilitate these foreign borrowings, revision should be made to the estate tax so that such securities would be exempt.

H.R. 9040, which was introduced by Congressmen CONABLE and CAREY of New York, and which was reported out of the House Ways and Means Committee this year accomplishes the intended result.

In its committee report on H.R. 9040—House Report No. 92–793—the Ways and Means Committee stated:

> Committee estimates that this bill will have no effect, or at most a negligible effect, on the revenues. The Treasury Department agrees with this statement.

The committee report also states the Treasury Department has recommended enactment of this bill.

I concur in the objective sought to be achieved by this House bill and for this reason I am today introducing a companion bill in the Senate. It is my hope that this legislation can be acted on at an early time to eliminate what is generally agreed to be an unintended result preventing the 1971 amendment from having the effect Congress intended.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3070

At his own request, Mr. ROBERT C. BYRD was added as a cosponsor of S. 3070, a bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes.

S. 3639

At the request of Mr. CRANSTON, the Senator from Minnesota (Mr. HUMPHREY) was aded as a cosponsor of S. 3639, a bill to amend the Food Stamp Act of 1964 to authorize the use of food stamps by elderly persons to purchase meals prepared and served by certain institutions.

SENATE RESOLUTION 313—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF THE REPORT ENTITLED "THE ECONOMICS OF CLEAN WATER, SUMMARY OF ANALYSIS"

(Referred to the Committee on Rules and Administration.)

Mr. RANDOLPH submitted the following resolution:

S. RES. 313

Resolved, That the annual report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with section 26(a) of the Federal Water Pollution Control Act as amended) entitled "The Economics of Clean Water, Summary of Analysis," be printed with illustrations as a Senate Document.

SEC. 2. There shall be printed one thousand five hundred additional copies of such document for the use of the Committee on Public Works.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1211

(Ordered to be printed and referred to the Committee on Finance.)

Mr. RANDOLPH, for himself and Mr. ROBERT C. BYRD, submitted an amendment intended to be proposed by them jointly to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 1204

At the request of Mr. DOMINICK, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of amendment No. 1204, intended to be proposed to the bill (S. 1861) the Fair Labor Standards Amendments of 1972.

NOTICE OF HEARINGS ON BARBITURATE ABUSE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Indiana (Mr. BAYH).

The PRESIDING OFFICER. Without objection, it is so ordered:

STATEMENT BY SENATOR BAYH

Mr. President, I wish to announce that the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary, as part of its continuing investigation of the problem of barbiturate abuse, has scheduled hearings on two legislative measures, S. 3538 and S. 3539, on June 12 and 13, 1972.

S. 3538 would require all manufacturers of solid oral form barbiturates to place identifying marks or symbols on their products. S. 3539 would provide for the rescheduling of four shorter-acting barbiturates from Schedule III to Schedule II of the Controlled Substances Act.

During these hearings we will hear testimony from several manufacturers and distributors of barbiturates. They will focus on the diversion of barbiturates from legal channels to illegal channels, the extent of diversion, what is currently being done to prevent it, and what can be done to inhibit this illicit traffic.

The hearings will begin at 10:00 a.m., June 12 and 13, in Room 2228 New Senate Office Building. Any person who wishes to submit a statement for the record should notify Mathea Falco, Staff Director and Chief Counsel of the Subcommittee at 225–2951.

ADDITIONAL STATEMENTS

THE STATE OF SMALL BUSINESS IN 1972

Mr. BIBLE. Mr. President, during the period May 14 to May 20, Small Business Week has been observed in the Capital and throughout the Nation. The event was so declared in a proclamation issued from the White House by President Nixon, who was following the practice of his predecessor since 1965. I ask unanimous consent that the proclamation be reprinted in the RECORD at the conclusion of my remarks.

Many fine meetings have been held to advance the aims of Small Business Week, and it has been my privilege to attend a number of these in Washington. For example, on May 16 the fifth annual SBA subcontracting conference was convened at the Kennedy Cultural Center, drawing the participation of 350 major contractors and subcontractors, the largest turnout yet. On that occasion, awards were presented to H. J. Riblet, president of Microwave Development Laboratories, Inc., of Needham Heights, Mass., as Subcontractor of the Year and Henry Marcheschi, of American Telecommunications Corp., El Monte, Calif., as Small Businessman of the Year.

On May 17, three regional small business groups, led by the Smaller Business Association of New England under its able president, Roland L. Sutton, and executive vice president, Lewis A. Shattuck, made a combined legislative presentation in the U.S. Capitol. On Friday, Mr. Herman Williams, president of one of these groups, the Independent Business Association of Wisconsin, was interviewed on the nationally televised program Today in New York City. This week, National Small Business Association president, Harry E. Brinkman, and the chairman of the National Committee on Small Business Tax Reform, Edward Larson, presented certificates of appreciation to 154 Congressmen and 34 Senators for their support of tax simplification and reform and other small business legislation. The National Federation of Independent Business gave similar citations. Also during this time, several other small business organizations were holding directors and trustees meetings here in Washington.

These are gratifying developments, and they underscore the fact that although institutions for fostering smaller enterprises have grown slowly in this country, they may at last be coming into their own.

Many of the national and regional small business organizations had their origins about 30 to 35 years ago, although some go back even further than that. The National Federation of Independent Business was founded in 1943, the National Small Business Association was created in 1937, and the National Business League dates from all the way back to 1900. The National Association of Small Business Investment Companies came about at the time of the enactment of SBIC legislation in 1958. On the regional level, the Smaller Business Association of New England acquired its charter in 1938, and the Smaller Manufacturers' Council of Pittsburgh was founded in 1945. These groups have been making their voices heard in the Capital, constructively and consistently, in behalf of the small business community and the free enterprise system.

Over the years, and especially this year, it has been gratifying to see other small business groups such as the Independent Business Association of Wisconsin and the Independent Broker-Dealers Trade Association joining the ranks of the small business advocates. Still more associations have shown heightened small business consciousness over the past few years.

Actions in the public sector followed and were undoubtedly influenced by these initiatives. The Small Business Committee of the Senate became a standing committee just over two decades ago, in 1950, but it was only in 1971 that this status was achieved by the House Select Small Business Committee.

The Small Business Administration was established permanently in 1953 as successor to the temporary activities of the Small Defense Plants Administration and the Smaller War Plants Corporation of the 1950's and 1940's. It was 14 years ago, in 1958, that the Small Business Investment Act laid down the foundation for small business investment company venture capital financing.

However, I want to emphasize that, in my opinion, it is these private independent business organizations and their day-to-day work that are not only a convenience to small business but an absolute necessity if individual small firms and small business values are to survive in this country.

The pressures on new, local and independent business are tremendous and increasing every year. Not only are costs, competition, and business problems mounting inexorably, but the Government itself is piling burdens on smaller firms. For instance, we have a complex tax system that is slanted in favor of larger firms. Federal and State governments are requiring mandatory compliance with proliferating health, safety, sanitary, and environmental standards. There is also a tendency in government to relegate smaller business interests to the bottom of any list of priorities when government policy is formulated.

Therefore, in my judgment, small firms must fight for everything they hope to gain or hope to save in 1972 and in every future year. Experience suggests that the Federal Government will do nothing for them simply because it is good for employment, or for their communities, or for the national economy. There are other larger claimants for the benefits of public policy.

Thus, effective national and regional small business organizations seem to me to be the best hope of convincing people in Washington that what is sensible economically is also sustainable politically.

It is, therefore, my wish that the small business organizations of this country will prosper so that they will be stronger in Small Business Week 1973 than they are now. I hope that many more groups will be added to this distinguished list in the years to come. Their constituency is potentially mighty: All of America's entrepreneurs—5¼ million small business firms, 3 million farmer-businessmen, and about 1¾ million professional and self-employed persons, for a total of about 10 million. These units account for more than 95 percent of the number of businesses nationwide and about three-quarters of all the employment in the country.

Effective organization will determine whether this latent political muscle will be felt as it properly should be in the Halls of Congress, in the executive and regulatory agencies, in the State houses, and in local governments throughout the country.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS WEEK, 1972

A PROCLAMATION

It is no curious accident that from earliest times, the expansion of America's frontiers was closely paralleled by the robust growth of our Nation's free enterprise system. In the footprints of Boone and Carson came a different but no less courageous breed of pioneer; the tradesman and peddler, miller and merchant. As their cabins and trading posts have become towns and cities, their wilderness commerce has become the foundation for the most extraordinary economic force in the history of mankind.

It is a force that leaves no idea unexplored, no promise unpursued, no citizen of this land unenriched. Today, we call it small business.

There are now more than 8 million small businesses in this country. An unprecedented 287,000 new companies were incorporated just last year. Nineteen out of every twenty firms are considered small business, and they provide more than 35 million jobs, and contribute more than $370 billion to the gross national product.

Small business is the corridor of progress and change for Americans of every nationality and color. It is an arena where the sheer power of individual initiative and self-determination can exact the rewards of participation, achievement and success. Small, free, independent enterprise is the heritage of our past and the lifeblood of our future, providing each of our citizens with life's most prized gift: opportunity.

Now, Therefore, I Richard Nixon, President of the United States of America, do hereby designate the week beginning May 14, 1972, as Small Business Week. I ask all Americans to share with me during this week a great feeling of pride in the accomplishments of these small businessmen and women, and in their continued commitment to success.

In Witness whereof, I have hereunto set my hand this fourth day of May, in the year of our Lord nineteen hundred seventy-two, and of the Independence of the United States of America the one hundred ninety-sixth.

RICHARD NIXON.

A CHUCK WAGON IN CHEYENNE

Mr. HANSEN. Mr. President, there are not many cities where visitors can get a free breakfast, but you can in Cheyenne, Wyo., any morning during the annual Frontier Days celebration the last week of July.

Frontier Days, as most know, is the world's biggest rodeo and is known by cowboys and fans alike as "The Daddy of 'Em All."

The Kiwanis magazine of June contains an excellent article by Wayne Aune, entitled "A Chuck Wagon in Cheyenne." It relates how the breakfasts are sponsored and served by the Frontier Days Committee and the Cheyenne Kiwanis, of which I am proud to have honorary membership.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A CHUCK WAGON IN CHEYENNE

(By Wayne Aune)

On a cold, clear morning in July 1970 my wife, two daughters, and I were driving down the deserted main street of Cheyenne, Wyoming. The time flashed 4:22 over a storefront. Neon "no vacancy" signs had greeted us all the way from Rawlins and so, except for a three-hour rest stop along the Medicine Bow River, we had driven through the night to Cheyenne and its famous Frontier Days, the daddy of all western rodeos.

We stopped for the light at 16th and Warren, and there out of the night loomed the familiar Kiwanis emblem on what appeared to be a chuck wagon. Men were scurrying about in the dark, so I pulled over and asked, "What's going on at 4:30 in the morning?"

"Making breakfast," came the reply. Well, I guess I had that answer coming, but I tried again.

"I'm from Kiwanis International. I saw the emblem, and I was wondering. . . ."

Before I could finish another man walked over and asked, "You here to cover our chuck wagon breakfast?"

"No, but. . . ."

"Well, let me tell you a little about it," said Earl Crittenden, then general chairman of the breakfast. He did, and as a result we returned last year to see it for ourselves on the 75th anniversary of Frontier Days, the oldest and biggest rodeo in the United States, which now boasts the biggest chuck wagon breakfast too.

Last year's breakfast was prepared and served on Monday, Wednesday, and Friday morning by more than a hundred members of the Kiwanis Club of Cheyenne and some fifty Boy Scouts whose service earned them their community service merit badges. On Monday 3600 cowboys and cowgirls, townspeople and visitors enjoyed the free feed, and by Friday well over 15,000 persons had consumed some 45,000 pancakes and 1500 pounds of ham. Not surprisingly, the Kiwanians regard their Frontier Days breakfasts as civil defense exercises in mass feeding.

It all started five years ago when the Frontier Days Committee approached the Kiwanis club with the idea of giving visitors something extra with the celebration, specifically an old-fashioned chuck wagon breakfast. Fortunately, the Kiwanis club had the equipment (previously used for their annual club clambake) suitable for such an ambitious project. The Kiwanians at first envisioned the breakfast as a fund raising project, but later decided that the Frontier Days Committee would provide the food, the Kiwanians would supply the equipment, manpower, and service, and they would give everyone a free breakfast. It started small—by Frontier Days Standards—and the first year a mere 300 persons were served, but by the second year 7000 hungry patrons were holding out their plates and by the third year, 9000.

As the crowds grew the club added equipment, until today, under the direction of Richard M. "Hutch" Hutchinson, club quartermaster and past lieutenant governor of the Rocky Mountain District, the Kiwanians operate twenty-one gas-fueled grills for pancakes and ten field ranges, six for ham, three for the 340 gallons of coffee that's kept steaming each morning, and one in reserve. A home-made batter mixing machine measures out the precise amounts of pancake mix needed and does everything but crack the eggs that are added to the mix. I asked Hutch how many cups of coffee 340 gallons would make. With a wide grin he brushed his cowboy hat back on the top of his solid six-foot-four frame and replied, "Enough to keep the cobwebs out of your head for a long, long time."

Last year, along with the pancakes, ham, coffee, 120 gallons of milk, and 1512 24-oz. bottles of syrup the Kiwanians also provided 496 bales of hay where smiling Frontier Days guests with heaping plates could take a seat while digging into their man-sized breakfasts. A truck arrived from a nearby ranch with the hay at 5 AM, and with the help of the more muscular Kiwanians it was unloaded. "How many bales are on this truck?" I asked.

"Four hundred and ninety-six," came the answer from a young man silhouetted against the brightening sky.

"Five hundred bales, huh?" I replied.

"No," he said as he plunged his hook into another 70-pound bale, "four hundred and ninety-six." Then everyone broke up laughing and some one explained: "He ought to know; he loaded every single one of them!'

It isn't easy to smile that early in the morning, but it's remarkable how the folks in Cheyenne pitch in during Frontier Days. They've got a saying there to the effect that "there's winter and there's Frontier Days," and this was Frontier Days, the biggest time of the year in Cheyenne, winter notwithstanding. Frontier Days is the richest rodeo in the history of the Rodeo Cowboys Association, with $98,700 in prize money and four days of parades, some lasting as long as an hour and a half and including over a thousand horses. The Kiwanians' breakfast guests are treated to some of this entertainment and pageantry while they eat, with a live show including musical groups, clowns, and Ogala Sioux, the tribe whose famous fathers include Crazy Horse and Sitting Bull.

The chuck wagon breakfast plays a very important part in the success of Frontier Days," says E. O. Davis, last year's Frontier Days Committee chairman and a Kiwanian himself (as are most Frontier Days chairmen). And, as one of the committeemen commented. "This breakfast is worth more than a $35,000 ad in one of those eastern big-city newspapers." Chuck Anderson, now president of the Cheyenne club, told me: "We've received hundreds of letters from all over the United States thanking us for such fine western hospitality and a great breakfast. We had a Kiwanian from a California club ask if he could be of help after he finished his breakfast. We said 'sure.' That was on Monday morning, and would you believe it, he was still here when we had our inter-club with over 250 Kiwanians in attendance the following Thursday afternoon. He was really helping us and enjoying himself too."

Considering the thousands of people who are served each morning it's fantastic how the Kiwanians manage to serve a person starting at the back of a block-and-a-half line in just eight minutes. "That's real coordination on the part of our Kiwanians and Boy Scouts," says Jimmy Visca, last year's club president. "But we don't want any of the hungry men, women, and especially kids to wait more than fifteen minutes for their first big meal of the day." With their equipment and know-how the Kiwanis Club of Cheyenne could feed 5500 people in just two hours under emergency conditions, such as a person lost in the wilderness or a natural calamity. "We're always ready to move out with the Civil Defense unit and set up in case of a disaster," Jimmy says.

So if, come the last week of July, you have a hankering for a real western rodeo and an appetite for a mansized breakfast under the perfect blue skies of Wyoming, then Cheyenne is the place to be. And who knows, you may find yourself staying the whole week to help out like that Kiwanian from California. In any event, each year the breakfasts served by the Kiwanis Club of Cheyenne are telling people face-to-face what a great service organization Kiwanis is—and that is better than any $35,000 newspaper ad.

POPULATION PRESSURE DIMINISHES CHINESE THREAT

Mr. PROXMIRE. Mr. President, on releasing a new study on the Chinese economy, "People's Republic of China: An Economic Assessment," the Joint Economic Committee noted that the economic basis of the military threat of China was not such as to cause us undue concern. Subsequent reactions to the study in a New York Times editorial of May 26 and an article in the Washington Post by Stanley Karnow on May 21 indicate their general agreement with this assessment—highlighting in each case China's population problems. I ask unanimous consent that these reports be printed in the Record.

There being no objection, the editorial and article were ordered to be printed in the Record, as follows:

[From the New York Times, May 26, 1972]

One Billion Chinese

The specter of "a billion Chinese on the mainland," raised by former Secretary of State Dean Rusk five years ago in connection with the Vietnam war, has emerged again—but in a strikingly different context.

A study prepared for the Congressional Joint Economic Committee predicts there will be 1.3 billion mainland Chinese by 1990. But, instead of being a threat to the United States in these staggering numbers, the study concludes that because of its population problem Peking is not likely to pose a "serious military danger" within the foreseeable future.

That is because in China, as in other developing countries, rapid population growth will exert heavy pressure on scarce economic resources, inhibiting the industrial growth that is the foundation of modern military power.

Although orthodox Marxists have generally frowned on family planning, there is evidence that China's Communist leaders recognize the gravity of their population problem and are trying to do something about it. The late Edgar Snow reported from Peking last year that "family planning has been legalized and advocated by political, social and medical authorities in China with varying degrees of emphasis for about fifteen years. . . . Developments within the past two or three years have been fairly dramatic."

Nevertheless, as others have learned, it is not easy to check population growth in in a large and predominantly rural society like China's. Furthermore, in China as elsewhere the same extended health programs that facilitate family planning also tend to prolong life, thus giving an offsetting spurt to population growth.

China's efforts to control the world's largest population problem undoubtedly hold useful lessons for others, just as others have much to teach it. The United Nations, where intensive efforts to defuse a worldwide population explosion are just gathering momentum, offers a forum for two-way exchange of data on birth control. All nations have a stake in helping to make information available to Peking for, even if one billion Chinese pose no foreseeable military threat, the social and political upheavals that could result from unchecked population growth on the Chinese mainland would be profundly destabilizing throughout Asia and beyond.

[From the Washington Post, May 21, 1972]

China's Population Woes Seen Curbing Armed Threat to United States

(By Stanley Karnow)

Official U.S. experts estimate that the People's Republic of China faces a gigantic population explosion in the next two decades that will exert heavy pressure on its scarce economic resources.

As a consequence, these experts predict, the likelihood that the Peking regime will have the strength to pose a "serious military danger" to the United States is improbable within the foreseeable future.

This evaluation is contained in an extensive study of the Chinese economy released yesterday by Sen. William Proxmire (D-Wis.), chairman of the congressional Joint Economic Committee.

The 382-page study, which brings up to date a similar survey issued by the committee in 1967, was prepared by China specialists in the Central Intelligence Agency, the Library of Congress, and the State and Commerce departments.

Basing his calculations on four different satistical models, John S. Aird forecasts that the Chinese population will be no less than 1,301,260,000 by 1990 and may go as high as 1,333,128,000 making projections from the only official Chinese census, made in 1953, Aird puts the present population of China at more than 875 million.

Aird, a Commerce Department expert, describes in detail the considerable attempts by the Communist Chinese government to curb China's population through various family planning efforts.

But he suggests that these efforts will not lead to any substantial change in China's demographic prospects because the programs designed to cut down births also tend to reduce deaths.

"Circumstances favorable to a general acceptance of family limitation . . . also result in improvement of general health and a lowering of mortality," Aird says, since Chinese family planning campaigns are usually combined with drives for "better medical care and sanitation throughout the countryside."

In Aird's view, only "catastrophe or spectacular changes in contraceptive techology and in the means of political coercion" can relieve Chinese population pressure. Under present conditions, he estimates, this pressure will confront China with severe longterm problems.

Another contributor to the study, Arthur G. Ashbrook Jr., points out that the Chinese government itself has no exact figures on China's population. Ashbrook quotes Chinese Vice Premier Li Hsien-nien as telling an Egyptian reporter last November that present population estimates very from 750 million to 830 million, depending on the requirements of different government departments.

"The Ministry of Commerce insists on the bigger number in order to be able to provide goods in large quantities," Li said. "The planning men reduce the figure in order to strike a balance in the plans of the various state departments."

Despite China's potential population problem, the contributors to the study agree, the Chinese economy has shown remarkable resilience and current policies are guiding the country toward a strong, short-range economic position.

"The image of China as a desperately poor nation with most of its people living in misery and degradation is an image of the past," asserts Ashbrook, noting that the Peking regime has fed and clothed an immense Chinese population, detonated 13 nuclear devices, constructed a sizable military machine and is, among other things, running a foreign aid program.

China has made these achievements with its own resources, Ashbrook adds, and has therefore "skillfully avoided the primrose path of large-scale foreign borrowing which has left India, Pakistan, Indonesia and Egypt with a crushing burden of external debt."

Moreover, Ashbrook says, these attainments have been made even though China has undergone serious political and economic disruptions in such episodes as the 1958 Great Leap Forward and Chinese Communist Party Chairman Mao Tse-tung's Cultural Revolution, which began in late 1965.

Ashbrook estimates the Chinese industrial production dropped by 15 per cent to 20 per cent from 1966 to 1967 and remained depressed in 1968 as a result of the turmoil of the Cultural Revolution. But the episode, which mostly hit China's cities, barely affected agricultural output.

Industrial construction also continued "at a high rate" during the Cultural Revolution, Ashbrook says, since new projects "were normally located far away from the most severe of the urban disturbances."

In 1970, however, Chinese industrial production rose 17 per cent. Agricultural output, being increased annually with growing use of fertilizer and equipment, is expected to be adequate for the next three years.

The Chinese also sustained a serious blow when the Soviet Union, irritated by its dispute with Peking, discontinued its aid and withdrew its technicians from China. But the Chinese turned to Western nations and Japan for imports of technology.

According to Philip D. Reichers, another contributor to the study, the Chinese imported more than $200 million in advanced electronic production equipment from non-Communist countries in the decade prior to 1970.

This selective import program, Reichers says, enabled China to "forego the lengthy and expensive process of prototype development" and thereby expand the number of its major electronic plants from 60 in 1960 to 200 in 1971.

Thus the Chinese recovered quickly from their loss of Soviet help. In addition, they were apparently unaffected by the total U.S. embargo on trade with their country that was only recently revised by President Nixon.

Although the study sees progress in Chinese military modernization, the study anticipates that the Peking leaders "may face a much tighter squeeze on resources needed for growth" as the cost of manufacturing and large-scale deployment of sophisticated weapons rises sharply in the decade ahead.

Returning to China's basic problem the study adds that "this squeeze would be compounded by the insistent pressure from the population to raise the level of consumption."

For all its economic success, the study says, China's Gross National Product remains far behind that of the United States and other major nations, and is likely to remain at a relatively low level.

The estimates that China's 1970 Gross National Product was $120 billion, compared to $974 billion for the United States and about $245 billion for Japan. More strikingly, Chinese per capita income was only 3 per cent of that of the United States, and 6 per cent of Japan's.

The relative poverty of the Chinese, says the study, means that "they are much too weak economically to pose any serious military danger to the United States. And this situation inevitably will continue for some time."

INTERNATIONAL TRANSFER OF CONVENTIONAL WEAPONS

Mr. ROTH. Mr. President, on May 31, the Senate adopted amendment No. 1202 to the Foreign Relations Authorization Act. The amendment requires the Arms Control and Disarmament Agency in cooperation with other interested departments to prepare a comprehensive report on the international transfer of conventional weapons. The report should cover a number of important and germane topics including the nature of the traffic in conventional arms, the major participants in this traffic, the policies of the supplier countries toward transfer, the economic impact of transfer, the impact of transfer on international order, the history of any international negotiations seeking to limit transfer, negotiating obstacles, and recommendations for future U.S. policy.

I have received letters from the Secretary of Defense, Hon. Melvin R. Laird, and the Acting Director of the Arms Control and Disarmament Agency, Mr. Philip J. Farley, in reply to my requests for their comments on the amendment. Although these letters were not available at the time of the vote, I consider them important expressions of the desire of the executive departments to cooperate fully with Congress in preparing a good report, and I should like now to make them available for the public record.

Both Secretary Laird and Mr. Farley indicated that their departments would give their best efforts toward preparing a comprehensive report on conventional arms transfer. Mr. Farley noted that ACDA has devoted considerable effort to this subject in the past and believes it can do much "to bring together available relevant facts and set forth possible courses of action."

I particularly wish to commend the Secretary of Defense for his endorsement of the amendment. In his forthright letter, Secretary Laird also elaborated upon his Department's policies and the difficulties of international negotiations. The Secretary appealed for congressional understanding and support for our desire to limit the supply of arms to smaller countries as well as for prudent military assistance programs where necessary to help these countries defend themselves. I also hope that the report required by the amendment will facilitate better understanding and cooperation between the Congress and the executive departments on these delicate issues.

Mr. Farley, in a separate earlier communication, and Secretary Laird have alluded to the difficulties of obtaining and releasing information that touches upon the sensitive security policies of other governments. I find their concern understandable, but I do not believe that this should be an insurmountable problem in preparing a useful report. The report does not necessarily require exact and detailed information on the security problems of specific governments although it should make use of such information where it is germane and publicly available. The report could also note where this information is not available and make use of independent estimates of the arms traffic such as those provided by the Stockholm International Peace Research Institute. What we in the Congress are most interested in, of course, are the general policy outlines that inhibit or otherwise effect the possibilities of agreement.

Most of all, I hope the report will facilitate the adoption by this country of a coherent set of policy guidelines toward the supplying of arms to other countries and concrete proposals for mutual and balanced restraint. I believe that we should present such proposals even if other countries might initially refuse to accept them. At the very least, such proposals will help to force other countries to respond and hence make clear their own positions on these issues. They would also demonstrate that this country is serious about conventional arms restraints.

Mr. President, I ask unanimous consent that the letters of Secretary of Defense Laird and Acting Director Farley be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., May 31, 1972.

HON. WILLIAM V. ROTH, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ROTH: I am pleased to give you my views, as you requested in your letter of May 17, on your proposed amendment to the Foreign Relations Authorization Act requiring an annual report on International conventional arms transfers.

I heartily endorse your proposal. This Administration, with the full support of the Department of Defense, has long advocated that the major arms producing nations exercise restraint in supplying arms to others.

In my *Annual Defense Department Report* to the Congress this year I said, with reference to the President's call for an end to East-West confrontation and a beginning of cooperation:

"One element of that change could be the exercise of mutual restraint in military assistance programs. No nation can, in the long run, be served by adding to instability or increasing the risks of violence which could escalate into great power confrontations. Military assistance programs should strengthen rather than weaken regional balances and national development; they should respect the needs and national pride of the recipients, rather than make of them pawns in a greater international contest; they should, above all, reflect a genuine intent among major arms suppliers to bring conventional as well as nuclear weapons under control."

The Nixon Doctrine and our Strategy of Realistic Deterrence are the principal guides to our decisions on grants and sales of arms to friends and allies. We seek to enhance the security and stability of friendly and allied nations—and to reduce the danger of great power confrontation—by an approach to deterrence that emphasizes increased national self-reliance in defense. We provide arms to our friends and allies under the Total Force concept not for conquest or intimidation, but so that they may defend themselves against attempts at conquest or intimidation by others.

At the same time, in our own national interest and the interest of peace and regional stability, we continue to support efforts to achieve practical agreements to limit the transfer of arms. Regrettably, the principal obstacle to achievement of such mutual restraint has been the willlingness of Communist states to supply arms for offensive purposes or to upset delicate regional military balances, as in Southeast Asia and the Middle East. Nonetheless, it is my conviction that we must persevere in our efforts to gain international recognition of the dangers of such a course.

If these efforts are to succeed, we will need the understanding and support of the Congress—not only for a policy of restraint, but also for such prudent assistance programs as may be required to make it possible for others to defend themselves. The Report your amendment calls for could facilitate this understanding and support.

Since the information on arms transfers and evaluation of sensitive security policy objectives of other governments would constitute an important elėment of the report, the task set by your amendment would be a difficult one to fulfill. However, if the amendment is enacted, this Department will do all it can to assure a positive, comprehensive report.

Sincerely,

MELVIN R. LAIRD.

U.S. ARMS CONTROL AND
DISARMAMENT AGENCY,
Washington, D.C., May 31, 1972.

Hon. WILLIAM V. ROTH, JR.,
U.S. Senate.

DEAR SENATOR ROTH: I have followed with keen interest the progress of your amendment to our authorization requiring a report to Congress on conventional arms transfers. I was pleased to learn today that the amendment was adopted by the Senate.

This is indeed an important and complex subject deserving of the widest possible understanding. This Agency has over the past years devoted considerable effort to studying the underlying factors involved in developing controls over international transfers of arms and to seeking to devise workable approaches to negotiation and application of such controls. I believe that there is much that we can do to bring together available relevant facts and set forth possible courses of action. Upon enactment, this Agency, in cooperation with other interested agencies, will give its best efforts to the preparation of the report called for.

Thank you again for your constructive interest in arms control.

Sincerely yours,

PHILIP J. FARLEY,
Acting Director

THE ISOLATION OF CUBA

Mr. KENNEDY. Mr. President, I invite the attention of Senators to the decision taken this week by the Organization of American States to reexamine the 10-year-old policy of isolating Cuba.

The decision in favor of review represents an acknowledgment that conditions in the hemisphere have changed since action was taken to exclude the Government of Cuba 10 years ago.

Recently, I joined with several other Senators to conduct a seminar into current United States-Cuba relations. I believe there was a consensus expressed that a review of that policy is fully in order.

I would have hoped that the United States, instead of abstaining, would have taken a leading role in urging a reexamination of the policy toward Cuba. The trip to China and the trip to Moscow represent compelling evidence that the climate of international relations has changed considerably in the past decade so that a review of our own policy toward Cuba is in order.

Clearly, the most overwhelming consequence of the policy to isolate Cuba has been to impel that nation into a heavy and undesirable dependence, economically, politically, and militarily on the Soviet Union.

Surely, it is not in our interest to continue a policy whose major impact has been to stimulate the military presence of the Soviet Union in the Caribbean.

Therefore, I believe it is noteworthy that the OAS by a 14 to 1 vote, with eight absentations, agreed to officially reexamine policies toward Cuba. I would urge now that the United States do the same.

Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Marilyn Berger and published in the Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OAS DECIDES TO REVIEW ITS POLICY ON CUBA

(By Marilyn Berger)

For the first time since Cuba was excluded from the Organization of American States 10 years ago, a majority of the members voted yesterday to reexamine the diplomatic and economic ostracism of the Castro regime.

The decision was made in a meeting of the OAS permanent council by a vote of 14 to 1 with 8 abstentions. The United States, which continues to take the position that sanctions against Cuba should be maintained, abstained. A State Department official said later that the U.S. government did not want to prevent discussion of the matter.

There was little indication, however, that the OAS would vote to drop sanctions against Cuba despite the decision to reexamine the issue. Any change would require a two-thirds vote. A meeting was scheduled for Friday. It will be closed to the public.

Peru sent a special emissary to yesterday's council meeting to introduce a resolution that would allow "any member state that deems it advisable to normalize its relations with the Republic of Cuba" at whatever level considered appropriate.

The Vice Foreign Minister for Foreign Relations, Carlos Garcia Bedoya, told the 23-member council of "the profound changes . . . in the world's power relations." Referring to the recent Moscow and Peking summits, Garcia said: "Dialogue overcomes distrust and leads even old adversaries to communicate with each other even at the highest level. . . ." He said the expulsion of Cuba in 1962 and the sanctions imposed in 1964 should be reviewed in the light of the new situation in the world. Such a review, he said, would revitalize the OAS.

Joseph John Jova, the U.S. delegate to the OAS, said that it takes two sides to have a summit and that Castro had ridiculed the idea of such a meeting with the United States. He said that because Cuba continues to support revolution in other states of the hemisphere, "even if on a different scale than in the past," sanctions should continue.

"The whole concept of collective security requires solidarity with those countries suffering intervention through Castro subversion," Jova said. It would be "politically unwise and juridically unsound to lift the sanctions at this time, he added.

Only Bolivia voted against the proposal to discuss the Cuban issue. It was in Bolivia that Che Guevara, the revolutionary Latin leader, was captured and killed in 1967.

Since the expulsion of Cuba and the imposition of sanctions on the Castro regime, only Mexico and Chile have maintained full diplomatic relations with that country. Jamaica maintains consular relations.

The OAS voted on July 26, 1964, to impose punitive sanctions on Cuba by a 15 to 4 majority. At that time Bolivia, Chile, Mexico and Uruguay opposed the resolution, which also branded Cuba an aggressor against Venezuela. The sanctions barred OAS members from maintaining diplomatic relations with Cuba and required suspension of all trade except food and medicine needed for humanitarian purposes.

The 1962 resolution excluded Cuba from the OAS because as "a Marxist-Leninist government" it was said to be "incompatible with the principles and objectives of the inter-American system."

IS THERE A GAS SHORTAGE?

Mr. HANSEN. Mr. President, it is now common knowledge that U.S. companies have signed agreements with foreign nations such as Algeria, Libya, and Venezuela for buying liquefied natural gas and importing it into the United States at delivered prices much higher than the price of domestically produced natural gas.

Also, it is no secret that U.S. companies have the blessing of the U.S. Government in negotiating with the Soviet Union for not only the purchases of huge amounts of liquefied natural gas but also for the financing and construction of the facilities to transport the gas to a Russian port, liquefaction plants, and the ships necessary to bring the gas to this country.

These same companies and others are also planning to build multimillion-dollar plants to produce synthetic gas from naphtha and crude oil and also coal gasification plants that will require huge capital outlays. The cost of this gas will be four or five times the present cost of natural gas.

All of these plans are intended to supplement a dwindling supply of the cleanest and most convenient—and underpriced—of all fuels, natural gas.

For the past several years, the Nation's use of natural gas has far outrun additions to reserves through new discoveries and we are now faced with the grim prospects of actual shortages and shutdowns in some of the most populous areas of the country, including Washington, D.C.

The Federal Power Commission, in long overdue action to establish more realistic wellhead pricing policies for natural gas, has been questioned as to whether there is actually a gas shortage by Members of both bodies of Congress and, in fact, another Agency, the Federal Trade Commission last year began its own investigation of the gas shortage at the insistence of a congressional committee.

In the meantime, the gas shortage and the impending energy crisis are, as one writer put it, being "studied to death."

Even the Ford Foundation is now in the act with a $2 million grant for an energy policy project.

Last year a group representing the American Association of Petroleum Geologist's 15,000 members came to Washington in an effort to alert Congress and Federal officials to the seriousness of the oil and gas shortage. In that group was Dr. Sherman A. Wengerd, professor of geology at the University of New Mexico and now president of AAPG.

They came to Washington because they were concerned with what they termed the looming specter of dropping from an energy "have" to a "have less" Nation

They told me during their visit:

> It seemed to be almost beyond the comprehension of the people we conferred with that the U.S. could soon experience a real energy crisis.

Dr. Wengerd only a few days ago issued another statement that was published by the Oil Daily which was highly critical of some who have questioned the FPC's findings of a gas shortage.

I would not subscribe to Dr. Wengerd's charges of demogoguery to those who questioned the FPC but I do believe his remarks, in view of the seriousness of the gas situation, are worthy of attention by all Senators.

Men like Dr. Wengerd and other members of AAPG know the facts of the oil and gas supply situation and understandably are distressed by the actions or inactions at the Federal level that delay any real solutions to our worsening energy problems.

Wengerd said:

> The nations most competent experts on gas exploration and production, including many members of AAPG, have cooperated with FPC and with industry groups.
>
> They are in agreement that known gas reserves are insufficient to meet the growing market demands for gas.

I agree with Dr. Wengerd. If we do not get on with some policy changes that will substantially increase the incentives for exploration and development of domestic oil and gas, we could and probably will very soon be facing serious shortages of both and, consequently be paying much higher prices for imported or synthetic oil and gas.

The utter folly of our growing dependence on imported oil—or gas—is well illustrated by the recent Iraqi seizure of the Western-owned Iraq Petroleum Co. and the embargo of oil shipments to non-Arab countries.

Mr. President, I ask unanimous consent that the articles from the Oil Daily be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATORS CRITICIZING FPC CHARGED WITH DEMAGOGUERY

TULSA.—A group of U.S. senators was charged with "shameful demagoguery and ignorance of regulatory procedures" by Sherman A. Wengerd, president of the American Association of Petroleum Geologists.

Wengerd's statement came in response to a letter the senators sent to the Federal Power Commission criticizing FPC for saying there is a shortage of natural gas without having made its own investigation of reserves.

"For many months," said Wengerd, "FPC, in the course of its routine regulatory duties, has been struggling with the problem. It has been denying utilities the right to connect new gas customers and has been granting interstate pipelines various forms of permission to obtain additional supplies of gas. Certainly it ought to know whether or not there is a gas shortage.

"FPC is the body created by Congress to regulate the activities of the natural gas industry, and it is staffed with geologists, engineers, and economists whose major duty is to supervise the activities of gas companies and the nation's gas supply. It is highly presumptuous of these senators to claim that they know more about gas supplies than a federal agency assigned to that duty," Wengerd declared.

The letter from the senators was prompted by an FPC announcement that it is considering the issuance of a rule under which interstate pipelines could pay gas producers more than the area ceiling price if bidding against intrastate consumers offering higher prices.

Wengerd explained that AAPG is an internationally oriented association of professional geologists which keeps close watch on oil and gas reserves, drilling statistics, and similar data.

"The nation's most competent experts on gas exploration and production, including many members of AAPG, have cooperated with FPC and with industry study groups," Wengerd continued. "They are in agreement that known gas reserves are insufficient to meet the growing market demands for gas.

"In every gas-producing state, intrastate customers are buying virtually all the new gas reserves that are being discovered by bidding higher than the prices interstate lines are allowed to pay.

"At the same time, these interstate pipelines are making plans to import liquefied natural gas from overseas and to manufacture synthetic gas from oil or coal at prices five to eight times higher than the prices FPC permits them to pay producers for domestic supplies.

"This is a ridiculous situation which FPC is attempting to remedy in part with its proposed rule. The senators who criticize this ought to look at the economic facts before making demagogic attacks on the agency Congress created to deal with this situation," Wengerd concluded.

THE ENQUIRER INQUIRES

Mr. PROXMIRE. Mr. President, the Enquirer of Cincinnati in an editorial of May 23 both agrees with me and takes me to task. I do not argue with the paper's right to state its opinions. I am gratified, of course, with its agreement; I would wish to briefly explain my side on the editorial's disagreement with me.

In pointing out waste by the Pentagon my intention is to inform the Congress so that it might take appropriate action. I do not advocate national weakness, but rather believe that this country's defenses must be as great as is its heritage of freedom. But we cannot be No. 1 in military power by buying excessively costly weapons that do not live up to their specifications.

Mr. President, if others choose to turn this vital information on waste into an argument for national weakness I cannot be responsible for their actions. It was not unknown in times past—and perhaps even today—for messengers bearing unfavorable news to suffer the wrath of their superiors. But the bad news must be carried as well as the good. When I have had such news to bring to the Congress—whether it be in the Pentagon or in other agencies—I have not hesitated to deliver it; I hope I shall not hesitate in the future.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATOR PROXMIRE AND THE PENTAGON

Stung by allegations that his campaign against waste in the Defense Department is evidence of a desire to sap the nation's defensive posture, Sen. William Proxmire (D-Wis.) has responded with a statement that "this senator thinks we should have the strongest military force in the world."

In a Senate floor speech in response to a letter from hypercombative New Hampshire Publisher William Loeb, Senator Proxmire added: "The illusion is that those of us who have been raising hell about military waste are a bunch of unilateral disarmers, that we want to starve and enfeeble our military force, that we have tossed in the sponge on the nuclear age and would tremble and run in the face of Communist aggression.

"Those of us who criticize and, yes, harass the military do so from a variety of views, but some of us—and this senator in particular—carry on this way, because we believe that it is about time that someone stand up to the weakness that is developing in this great military force of ours and tell some blunt and painful truths.

"This senator is not criticizing our military primarily because of the cost and waste of our money in military hardware. I am criticizing it because after spending billions and billions, the weapons do not work."

It is indeed comforting that Senator Proxmire's concern is for a strong military force, and we are in total agreement with the Senator's contention that wasteful spending—particularly on weapons that fail to function—does our national military posture no good but plenty of harm.

A look at Senator Proxmire's own record in the Senate indicates that he is an independent-minded man who has been severely critical of wasteful spending by the federal bureaucracy under the administrations of both parties. Moreover, his concern for more efficiency in government spending—especially in procurement practices—has not been limited to the military.

Indeed, his only rival as a watchdog of the federal coffers has been the now-retired John Williams (R-Del.), whose reputation as a fiscal curmudgeon was legendary on Capitol Hill.

Senator Proxmire's indignation at a memorandum by Adm. Elmo Zumwalt, chief of naval operations, calling on his subordinates to spend their funds quickly in order to maintain the credibility of the Navy's budget requests was very much in character and not an indication of any antimilitary vendetta on the part of Senator Proxmire.

One major effect of Senator Proxmire's revelations has been quite salutary. There is a growing concern in Congress now for tighter, more efficient defense spending. Even such champions of the military as Sens. John C. Stennis (D-Miss.) and Barry M. Goldwater (R-Ariz.) are taking long, hard looks at the Pentagon budget. The Senate will, we hope, also be looking for a better system for the Defense Department's procurement-contracting procedures.

All this having been said, however, it is undeniable that Senator Proxmire's actions, despite the purity of his intentions, have also had a detrimental effect on the military. His revelations have served as grist for the mills of those who really do want to sap the defense posture of this country. In the rhetoric of other men, Senator Proxmire's rightful criticisms of inept and sometimes unethical dealings between Pentagon bureaucrats and defense contractors become evidence of a dark conspiracy by the "military-industrial complex." There is no need for a strong defense, they argue; the expansionist ambitions of world communism are but a myth conjured by this conspiracy for its own nefarious ends. With the evidence provided by Senator Proxmire's committee, the apostles of national weakness are having a field day.

The problem is that Senator Proxmire has far too seldom balanced his attacks with expressions of concern about the need for a strong U.S. military force. (Or at least, the news media have seldom reported such expressions; in fairness, the fault may possibly lie in poor reporting by the Washington press corps rather than in Mr. Proxmire's own words and actions.)

Moreover, in recent years, Senator Proxmire has been concentrating his fire almost exclusively on the Defense Department. As the agency that buys the most hardware, the Pentagon may be the biggest offender, but it is by no means the only one. All government agencies have great layers of fat that could stand trimming. The impression left by Senator Proxmire is that waste can only be found in the Defense Department.

Wasteful Pentagon spending is a major problem that does indeed weaken our defensive posture. But so is the decline of public confidence in our armed forces; so is a decline in military morale. In fact, these may be even more destructive.

Senator Proxmire would be well advised, we believe, to give a greater balance to his statements about the military and about federal spending. Otherwise, he may find that his surgical knife, intended only to trim the fat, has cut too deeply and killed the patient.

WMAR–TV CONDUCTS COMMUNITY OPINION SURVEY

Mr. MATHIAS. Mr. President, earlier this year WMAR–TV asked 600 Maryland leaders to evaluate the issues which they encounter as they discharge their duties. The purpose of WMAR's questionnaire was to gain independent opinion of the challenges facing the community.

While the Senate schedule does not permit too much television time, I have had the opportunity to see a number of WMAR–TV documentaries. I particularly recall a public affairs program on corrections which WMAR produced, aired, and made available to community groups. This show was replayed at a League of Women Voters seminar on corrections in Montgomery County earlier this year. The program was an excellent discussion of the problems that face the jailers and the jailed. It was timely and balanced and reflected the WMAR survey which indicated that crime was the top concern of those polled.

It is a tribute to the insight of the station and its public affairs director, Dave Stickle, that WMAR cameras were sent behind the bars of our prisons and jails to talk with convicted prisoners as well as those awaiting trial. The cameras showed the overcrowded, understaffed institutions which lack adequate rehabilitation programs, and have virtually no means of placing an inmate in a job when his term has been served.

Mr. President, I commend WMAR-TV for taking the time, the energy and funds to survey community leaders in Maryland in an effort to determine what the station ought to present on the air. This is a progressive practice and one which I hope will be continued in the future. I ask unanimous consent that the survey results and a comparison of them with the results of WMAR's 1970 survey be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BALTIMORE, MD., *May 1, 1972.*

Hon. CHARLES MCC. MATHIAS, JR.,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR MR. MATHIAS: Some little time ago we sent to you and other community leaders across the State a questionnaire asking for your evaluation of issues which confront us in a period of social trauma.

It is from a consensus of such opinions, and other measurements we conduct, we are guided, in large measure, in the framing of public service programs.

Implicit in our letter to you was a promise to let you know the results from this questionnaire which went to 594 community leaders. The results are attached.

We conducted a similar survey two years ago and the comparison of the results of the two surveys also is reported in the attached chart.

This is meant to say thank you for participating. We seek to reflect your opinions in programing on WMAR–TV and we will.

Sincerely yours,

D. P. CAMPBELL,
Vice President and General Manager.

TABULATION OF SURVEY OF OPINION LEADERS, RANKING BY NUMBER OF GROSS MENTIONS (1–5)

Category	Number of gross mentions	Percent of gross mentions	Percent of replies mentioning this category 1,2,3,4,5,	Change in rank from 1970 survey
Crime	160	13.43	74.41	0
Drugs	139	11.67	64.65	+4
Economy	120	10.07	55.81	+1
Government	108	9.06	50.23	+5
Education	102	8.56	47.44	−2
Jobs	92	7.72	42.29	+1
Poverty	88	7.38	40.93	−5
Health	71	5.96	33.02	0
Race	52	4.36	24.18	(1)
Population control	52	4.36	24.18	(1)
War	52	4.36	24.18	−4
Pollution	50	4.19	23.25	0
Religion/morality	43	3.61	20.00	+1
Communication	35	2.93	16.27	−1
Transportation	27	2.26	12.55	0

[1] New category.

COST OF CIVIL SERVICE RETIREMENT AND DISABILITY FUND

Mr. McGEE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter which I have received from the Chairman of the U.S. Civil Service Commission relating to the civil service retirement and disability fund and the cost of the system which provides retirement, disability, and survivor protection for about 2.5 million Federal employees and their families, and some 1 million retired employees and their survivors.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., May 25, 1972.

Hon. GALE MCGEE,
Chairman, Committee on Post Office and Civil Service, U.S. Senate.

DEAR MR. CHAIRMAN: A year ago I reported to you the current status of the Civil Service Retirement System with respect to its financing and with particular emphasis on the effect of Public Law 91–93 enacted October 20, 1969. As indicated then, the improved retirement system financing established by Public Law 91–93 continues to work well and the system is in a sound financial position. I believe it is important now that we maintain this condition. Events of the past year have had their effect on the system, and I want to give you an updated report on the retirement program and some insights on what the future holds in store.

The 1969 law fixed employee deductions and agency contributions at 7% each. This income, totaling 14% of payroll, approximated the then estimated normal cost of the retirement system. The Board of Actuaries has since completed a valuation of the system as of June 30, 1970 which resulted in an updated calculation of normal cost. In its recent report to us, copies of which were forwarded to the Congress on May 3, 1972 the Board calculated normal cost at 12.95%. The reduction in normal cost of slightly more than 1% results primarily from an anticipated higher rate of return from retirement system investments in Government securities. The assumed interest rate is now 5%, in contrast to the formerly assumed 3.5% rate.

Under this latest valuation at a 5% interest rate, the unfunded liability was approximately $53 billion as of June 30, 1970. Under the previous 3½ percent rate of interest, the unfunded liability had been $64.6 billion at the end of Fiscal Year 1970. This liability is subject to periodic increase, however, because Public Law 91–93 requires amortization only of new liability resulting from subsequent legislation. Continued increase in unfunded liability will come because of commitments authorized by earlier laws. Examples of this are the wage increases resulting from wage surveys, a process authorized by an earlier law. Another example is periodic cost-of-living increases for annuitants, each 1% of which adds $350 million to the unfunded liability, which also stems from an earlier law.

One major purpose of Public Law 91–93 was to spread out the impact of a more adequate financing basis for the retirement program to avoid the necessity of sudden heavy payments to the retirement fund. Consequently the law provided that beginning in fiscal year 1971, 10% of the annual interest payment on unfunded liability would be made, with progressively larger payments of an additional 10% increment per year to be made until we reach 100% of the annual interest payments needed each year beginning in 1980. The following statistics may be helpful in understanding the effect of this provision:

$277 million was transferred from the Treasury to the Fund in 1971 as first payment (10% of a full annual payment.)

$3.65 billion would be transferred to the Fund in 1980 and subsequent years, if one assumes no changes in unfunded liability beyond 1971 (representing 100% of the annual interest payment achieved by adding 10% increments each year after 1971).

$4.90 billion would be transferred in 1980 if one assumes continuation of the same rate of increase in cost-of-living and wages as occurred in calendar year 1971, and the payments would continue to rise in each year beyond 1980.

Interest payments would stabilize in 1980 only if the static assumption of the second illustration above proves correct; otherwise payments will increase each year though the impact will be particularly heavy in the period up to 1980 at which point each payment will represent a full payment of annual interest on unfunded liability.

Government payments to the fund will also increase to the extent that additional legislation grants benefits which add to the liabilities of the retirement system. Added liabilities are created by benefit liberalization, by extending coverage to additional persons, or by pay increases. For example, every $1 of pay increase creates an additional $1.95 liability to the retirement fund. Public Law 91–93 requires that any new liabilities be amortized by equal annual payments over a 30 year period. Since our report to you last year, a postal salary increase has been negotiated, and a general schedule salary increase was provided by Public Law 91–210 effective January 1, 1972. These, together with the earlier liberalizing laws referred to in our previous report will result in substantial Government payments to the retirement fund over the next 30 years:

Existing liabilties will require a total payment of $610 million in Fiscal Year 1972.

A $665 million yearly payment will be required by fiscal year 1973.

Payments at this level will be required through fiscal year 1999.

Further salary increases or enactment of program changes which create new liabilities would add to the size of these annual payments. For example, if one assumes the same degree of salary and benefit increases each year as occurred in calendar year 1971, then the required yearly payment would increase to about $1.04 billion by fiscal year 1973, and about $3.72 billion by fiscal year 1980.

The rate of increase in required payments is of concern because of the rapid build-up which has occurred just in the few years since passage of Public Law 91–93:

$215 million payment required in fiscal year 1970.

$437 million payment required in fiscal year 1971.

$610 million payment required in fiscal year 1972.

A third source of Government payments to the retirement fund is the 7% of payroll contributions made by each employing agency. These also involve substantial sums, as the following statistics show:

Agency contributions totaled $1.72 billion in fiscal year 1970, and $1.89 billion in fiscal year 1971.

By way of illustration, assuming static conditions, (no further increase in work force or cost of living, and no salary increases beyond those already enacted or agreed to) agency contributions would peak at $1.93 billion in fiscal year 1973 and remain constant thereafter.

If one assumes a continuation each year of the conditions which prevailed in calendar year 1971 with respect to increases in work force, salary levels, and cost-of-living, then agency contributions will increase each year to:

$2.62 billion by fiscal year 1975.

$3.70 billion by fiscal year 1980.

$3.96 billion by fiscal year 1981.

Perhaps a better appreciation of the Government's commitment to the retirement fund can be obtained if all three of these types of Government contributions are added together.

If one assumes no further increases in cost-of-living, salary levels, or work force, and no additional benefit liberalizations beyond 1971, the total Government contributions to the retirement fund would be as follows:

$1.95 billion in Fiscal Year 1970.

$4.30 billion in Fiscal Year 1975.

$6.25 billion in Fiscal Year 1980.

By way of contrast, assuming a continuation each year of the same degree of increase in work force, salary levels, and cost of living, and the same extent of benefit liberalization as occurred in calendar year 1971, total Government contributions to the retirement fund would be about as follows:

$1.95 billion in Fiscal Year 1970.

$6.71 billion in Fiscal Year 1975.

$12.32 billion in Fiscal Year 1980.

Employees have an interest in the system because of the substantial total of their contributions, as well as the extent of benefits they will receive. Employees contributed $1.74 billion in Fiscal Year 1970 and $1.92 billion in Fiscal Year 1971. These contributions will rise to the same degree as agency contributions, the amount of increase depending upon the extent to which we experience further increases in salaries, work force, or cost-of-living.

Annuity payments, which constitute outgo from the retirement fund, will continue to increase for over 40 years as more and more employees are added to the annuitant rolls. An increase will occur even though no increases are made in work force level, as present employees become eligible for retirement benefits. Growth in the total of annuity payments under the retirement system is illustrated by these statistics:

Payments in Fiscal Year 1960 totaled $893 million.

Payments in Fiscal Year 1970 totaled $2.74 billion.

Assuming static conditions beyond 1971 (no further growth in work force, salary levels, or cost-of-living, and no further retirement program liberalization) payments in Fiscal Year 1980 would total about $6.1 billion.

If one assumes a continuation each year of the conditions which prevailed in calendar 1971 with respect to increases in work force, salary levels, cost of living, and the same degree of program liberalizations, then by Fiscal Year 1980 annuity payments would total about $9.5 billion.

In summary, in each category of funds associated with the retirement system—Government contributions, employee contributions, and benefit payments, we are dealing with large sums of money. A more comprehensive picture of retirement system financing may be gained by reference to the table in Attachment A. The size of these sums will grow substantially even under static employment conditions because of commitments provided by existing laws. We are concerned, as I am sure you and your fellow Committee members are, that any further proposals for retirement program changes be considered in the light of policy in all other areas of compensation for Federal employees, and with full recognition of the burden being placed on the budget and the taxpayer.

In short, we believe that total compensation should be considered before making a decision to change any part of it, including the retirement program. In comparing the components offered by different employers, it is apparent that the individual parts of the compensation package will vary from one employer to another. This is illustrated in the recent comparison of supplementary compensation (see Attachment B) published by the Bureau of Labor Statistics. In this comparison, for example, considerable variation in retirement, health, and leave benefits exists between practices in Government and those of private industry. We believe such variations should be expected as a natural outgrowth of the process of gearing benefits to the needs of a particular work force.

More significant, in our judgment, is the degree to which the total compensation package compares with the total package of other employers. In this respect the Government has achieved approximate comparability with industry. By carefully considering such overall comparisons, we can better assure that the cost of a proposed change is worthy of public support.

Sincerely yours,

Robert E. Hampton,
Chairman.

RETIREMENT FINANCING

[In millions of dollars]

	Actual fiscal year 1971	Projected[1]		Projected[2]	
		Fiscal year 1975	Fiscal year 1980	Fiscal year 1975	Fiscal year 1980
Treasury transfers for interest on unfunded liability and for military service credits	277	1,706	3,654	1,880	4,903
30-year amortization payments	437	665	665	2,210	3,718
Agency contributions	1,890	1,930	1,930	2,624	3,697
Total Government cost	2,604	4,301	6,249	6,714	12,318
Employee contributions	1,920	1,960	1,960	2,654	3,727
Annuity payments	3,024	4,485	6,100	9,300	9,500
Retirement fund, June 30	25,018	37,430	57,690	42,500	121,500
Unfunded liability, June 30	58,616	65,550	67,601	76,100	97,800

[1] Assuming no changes beyond fiscal year 1971 in work force, pay, benefits, and cost of living.

[2] Assuming changes each year in work force, pay, benefits, and cost of living at the same rate experienced in calendar year 1970.

BASIC WAGES AND SALARIES, COMPARISON FRAME OF PRIVATE NONFARM ECONOMY AND FEDERAL GOVERNMENT, 1970

Compensation practice	Expenditures as a percent of basic wages and salaries	
	Comparison frame[1] January to December 1970	Federal Government[2] July 1970 to June 1971
Total, all supplements except pay for overtime, weekend, and holiday work, and premium pay for shift work	26.6	27.8
Pay for leave time (except sick leave)	8.8	11.6
Vacations and holidays	8.5	11.0
Payments to funds	(3)	(4)
Payments to workers	8.5	11.0
Vacations	5.3	8.1
Holidays	3.2	2.9
Civic and personal leave	.3	.6
Health and insurance programs[5]	6.3	5.6
Workmen's compensation	.8	.5
Sick leave	1.1	3.3
Life, accident, and health insurance	4.4	1.8
Retirement programs	9.1	10.0
Social security and railroad retirement	4.3	.2
Private pension and retirement plans	4.9	9.8
Unemployment programs	1.1	.5
Legally required programs	.8	.4
Payments to employees	.1	.1
Payments to funds	.1	(4)
Nonproduction bonuses (including awards)	.9	.1
Savings and thrift plans	.4	(4)

[1] Data relate to establishments in the United States, except Alaska and Hawaii, having the indicated minimum employment size in the following industries: manufacturing (250); retail trade (250); transportation, communication, electric, gas, and sanitary services (100); commercial research and development laboratories (100); finance, insurance, and real estate (50).

[2] Data provided by the Civil Service Commission and Office of Management and Budget.

[3] Less than 0.05 percent.

[4] No such program in the Federal Government.

[5] Includes items in addition to those shown separately.

Note: Because of rounding sums of individual items may not equal totals. Published by Bureau of Labor Statistics.

Mr. McGEE. Mr. President, the essence of Mr. Hampton's letter is that an enormous amount of money is involved in this system, and that Congress, which is responsible for the liquidity of the fund as well as for the maintenance of a sound and beneficial retirement program for Federal employees, must weigh carefully the long-range implications of legislation affecting the status of the fund. I noticed in our committee calendar yesterday that 33 bills relating to retirement are pending before the committee, almost all of which would increase past, present, or future benefits, and all of which would cost many, many millions of dollars. As a politician, I favor them all; as a Senator, I recognize that we must act with care and foresight.

PROPOSED OFFICE OF CONSUMER COUNSEL

Mr. BROCK. Mr. President, I invite the attention of my Senators to an interesting proposal by chairman of the House Committee on Banking and Currency.

He would create an Office of Consumer Counsel at the Pay Board and the Price Committee. Its job would be to represent consumers in those Pay Board and Price Commission activities which could be construed as being anticonsumer.

I agree with the spirit of this proposal. There is no more anticonsumer activity than excessive wage demands and settlements which exceed gains in productivity by manifold and obviously result in higher prices.

However, I do see this proposal as yet another example of a special interest seeking special powers to challenge what has previously been determined to be the public interest.

There seems to be in this proposal a great deal of similarity to S. 1177 pending before the Government Operations Committee, on which I serve, to create an independent Federal Consumer Protection Agency—CPA. This bill (S. 1177) would empower a Federal Consumer Protection Agency to do essentially what Congressman PATMAN's proposal would do.

If this Consumer Protection Agency were in existence today, it would be able to intervene or otherwise participate in the formal and informal activities of the Pay Board, the NLRB, the Federal Mediation and Conciliation Service, and a host of other Federal agencies which relate to wage settlements. In addition, the CPA would be able to appeal to the courts agency decisions which it considered inimical to the interests of consumers, such as excessive wage settlements.

Mr. President, as one who has for a long time, advocated a new labor policy for this Nation, I suggest that while both Representative PATMAN's proposal and S. 1177 do intend to meet legitimate ends, both employ excessive means in order to do so.

I hope that Senators will profit from our experience of giving a narrow environmental viewpoint the power to impose its will on the overall public interest. In Tennessee, for example, we have found that the Tennessee Valley Authority, a prime source of low cost electrical power, would virtually have to double its rates in order to comply with the maximum environmental requirements—some of which have no relevance or even benefits.

It would be a tragic mistake if the Congress did not learn from such experience. To continue to grant important special interests—including those interests which would limit wage settlements—the power to impose their will upon the overall public interest is dangerous. If such a trend continues, I can foresee the day in the very near future when special interests will bring to a halt the activities of the Federal Government which today carefully weigh all interests before acting in a manner beneficial to the majority interest of the public at large.

WILL THE SALT AGREEMENT RAISE MILITARY COSTS?

Mr. PROXMIRE. Mr. President, if the movers and shakers of the military industrial complex have their way, the military savings from the strategic arms limitation agreement—SALT—will be as fleeting as the peace dividend.

The Pentagon and their allies are already insisting that the SALT Pact will raise rather than lower U.S. strategic costs. They are pressing for a crash program for ULMS, pushing the antiquated B–1 bomber, pressing for hard-site Minutemen, and a step-up in our massive strategic deterrent.

The opponents of SALT are already falsely claiming that it provides for U.S. inferiority to the Soviets. This is a myth and entirely untrue. But it is based on the simplistic view that because the pact freezes our land-based missiles at 1,054 and the Soviets at 1,618, and allows us 710 sub missiles compared with the Soviets 950, the United States will soon fall behind. Using those facts the big military spenders will insist that we step up U.S. strategic spending instead of working to reduce it as our superiority justifies.

While the figures for missiles, or launchers, are correct, they are nonetheless highly misleading in depicting the balance of United States and Soviet nuclear weaponry. They overlook a host of factors, all of which are highly favorable to the United States. Among them are these:

As of June 30, 1972, the United States will have 5,700 force loadings—which is a targeted nuclear weapon—while the Soviets have only 2,500. In the last year we have 1,000 while the Soviets have added only 400.

Our missiles are MIRVed. The Soviets have not even tested a MIRV'd missile. Thus some 550 of our 1,054 land based missiles carry three independently targeted nuclear weapons, each of which is 10 times more powerful than the Hiroshima bomb. Under the agreement we could MIRV the remaining 450.

Soon 31 of our Poseidon subs will carry 16 launchers each with 10 independently targeted weapons. This will give us 4,960 such weapons on our Poseidon submarines alone in the near future. At least another 10 boats could also be converted.

We have 531 heavy bombers—not counted in the equation—to the Soviets 130. Our bombers can carry an average of three warheads each and can carry up to a 20-megaton weapon.

In addition we have 3,000 to 4,000 nuclear weapons which can be delivered on the Soviet Union by tactical aircraft. The Russians have no comparable capability.

Like our land-based missiles, our sub missiles are far more accurate than the Soviets. In addition our subs have longer on-station time, are quieter, more sophisticated, have longer range missiles, have better trained crews, have fewer geographical operating restrictions, and unlike the Soviet subs, have never been tracked by the enemy.

The Russians do not have and will not have in the foreseeable future a "first strike capability." Our deterrent is secure. Only by failing to acknowledge our invulnerable submarine deterrent can the denigrators of American strength even suggest that our deterrent is vulnerable.

For all these reasons, the SALT agreement is in our vital interests and should make is possible for the United States to make considerable savings in our strategic arsenal.

But those intent on downgrading the strength and power of the United States are already at work crying "wolf" and insisting that we rush ahead to spend tens of billions of dollars based on omissions of fact and misleading interpretations of our power

PROPOSED NATIONAL DAY OF MOURNING BY AMERICANS OF LITHUANIAN BACKGROUND

Mr. ALLOTT. Mr. President, lest we forget the nature of the regime we have been dealing with at the summit, I invite the attention of the Senate to a call issued last week by Vytautas Voltertas, president of the National Executive Committee of the Lithuanian-American Community of the U.S.A.

Mr. Voltertas has proposed a national day of mourning and prayer for Americans of Lithuanian background as a show of support for those who have been risking their lives in the Lithuanian city of Kaunas. There rioting has been taking place to protest the continuing Soviet suppression of religious and political freedom.

Mr. President, 2 million Lithuanian-Americans are expected to recognize June 15 as a day of mourning and prayer for those who cannot escape the brutal reality of life in the Soviet Union.

THE GENOCIDE TREATY AND AMERICAN POW'S

Mr. PROXMIRE. Mr. President, the United States continues to stand apart from the 75 nations who have adopted the International Convention on the Prevention and Punishment of Genocide. Many of those who oppose this treaty do so not from fear that the United States will violate it, but from fear that we will be wrongly accused of violation. It has been suggested, for example, that American prisoners of war would be charged by the North Vietnamese with acts of genocide, and put to trial. Such charges would, of course, be grossly and transparently false. Genocide is carefully defined in the treaty and includes only specified acts "committed with intent to destroy, in whole or in part, a national, ethical, racial, or religious group, as such." America's involvement in Vietnam, however regrettable, is clearly not subject to the Genocide Convention.

Even so, what worries some opponents of this treaty is the possibility that it would be falsely construed and applied unjustly to American prisoners of war. But, as the Senate Foreign Relations Committee report last year concluded:

> Ratification of the Genocide Convention would not alter the situation of American military forces in peace or war in any way or create any new hazard for them. It is reality that American prisoners of war in North Vietnam could be charged by the Hanoi government for war crimes or genocidal acts or whatever other trumped-up charges Hanoi wishes to make. Their peril will not be increased by approval of this convention while peril may be avoided for tens of millions by ratification of the convention.

The United States has nothing to fear from the provisions of this treaty. The possibility that the treaty would be wrongly invoked adds no danger to the ever-present possibility that existing treaties and laws will be wrongly invoked. With this treaty or without it, there is no airtight guarantee that all nations will show a perfect regard for justice in their dealings with other nations. But our adoption of the Genovide Convention would contribute much to a world order based on a universally accepted and legally recognized respect for human rights.

I urge the Senate to take up the question of the Genocide Convention and ratify the treaty without further delay.

NATIONAL CHAMBER SUPPORTS NEW DEPARTMENT OF COMMUNITY DEVELOPMENT

Mr. PERCY. Mr. President, I am pleased to invite to the attention of Senators the strong support being given the proposed Department of Community Development by the National Chamber of Commerce in its May 4 Congressional Action Bulletin. The national chamber's support comes at a key moment. The House Committee on Government Operations has reported an excellent Department of Community Development bill, and under the strong leadershp of its chairman, Representative CHET HOLIFIELD, the committee plans for floor action on the bill during June. I look forward to companion action by the Senate this year as well; and the chamber's support, along with the support of many other organizations, will be vital.

I ask unanimous consent that the material to which I have referred be printed in the RECORD.

There being no objection, the bulletin was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF COMMUNITY DEVELOPMENT

What's at issue: The immediate issue is whether to create a new Department of Community Development. The basic issue is whether to increase the effectiveness of Executive Branch management of Federal programs by improving the organizational structure of departments and agencies . . . or to continue present obsolescent organization of some departments with accumulated overlap, duplication, and frictions of competing programs.

Why important: Sometimes as many as 10 Cabinet-level departments and 15 or more agencies have programs devoted essentially to the same general area of activity, but there is no coordination and over-all management of related activities. Result: failure to solve priority problems even though aggregate of Federal spending in some areas is enormous . . . slow action resulting from attempts at coordination among departments and agencies . . . confusion among State and local governments as to the relative merits of available Federal programs . . . waste of scarce tax dollars.

Major proposal:

H.R. 6962 is one of four major proposals to create new departments organized along functional lines, and is the first one, apparently, that will come to the House floor for a vote. It would consolidate in one Cabinet-level department logical groupings of existing urban and rural development programs. Programs providing assistance to State and local governments and private institutions would constitute one group. Federal grants for planning and management. . . . programs to assist community development . . . aids to the poor and minority groups . . . Model Cities . . . and disaster assistance would be included in this category.

A second group would consist of assistance for community physical development . . . including programs for urban renewal . . . water and waste disposal, open space . . . regional economic development . . . and rural electric and telephone facilities. Community transportation programs, including mass transportation and highway development, would be linked to focus on providing balanced community and areawide ground transportation . . . Housing loans, housing grants, mortgage insurance, and subsidy contracting would be more closely related to the mangement and disposition of existing Federal housing facilities.

The Department would be organized to provide national-level leadership, coordination through administrators who head groupings of related functions . . . to provide local-level program leadership, coordination through decentralization of operations to regional directors.

Chamber position:

Supports H.R. 6962, to create a Department of Community Development. A need exists for thoroughgoing reorganization of the Executive Branch of the Federal Government in the interest of economy and efficiency, and to improve service in the transaction of Federal business. Eliminating duplication and overlapping of services and activities, and the consolidation of functions contribute to improved management and efficient conduct of the Federal Government.

Congressional status:

H.R. 6962 could be reported to the House floor in mid-May. Comprehensive hearings by the Subcommittee on Legislation and Military Operations of the House Government Operations Committee were conducted during March and April. Senate hearings are being held on a companion bill, S. 1430.

SUPPORT BY SECRETARY ROMNEY—HOUSING AND URBAN DEVELOPMENT

Population growth, and social and economic change have combined to place heavy strain on existing public institutions. The response of the Federal government to these developments has been haphazard. Departments and agencies have been organized around service to special interests and narrow constituencies. Program administration has been fragmented, and few effective coordinating mechanisms below the President and outside the White House have been created. New Federal responsibilities have been tacked on to the old Federal structure, and new special purpose agencies created to fill in the cracks or even to compete with existing agencies.

For example: There are four major Federal programs of assistance for water and sewer facilities and eight smaller programs, divided among seven different agencies. Communities are frequently eligible for two or more of these water and sewer programs. Project-by-project joint funding arrangements and multiple applications for single projects are common.

The present structure of the Federal government makes it difficult, if not impossible, for the President and the Congress to address the major problems of the nation.

The problem, I believe, is not caused by the size of existing Federal departments. As former HEW Secretary John Gardner pointed out, "We are stuck with bigness. . . . The crucial question is how we manage bigness, how we devolve authority to lower levels, how we force our big institutions to remain responsive, how we prevent them from smothering individuality and creativity."

This consolidation would draw together, under one roof and under one Secretary, similar programs, so that related programs could function jointly in planning and execution. Such a restructuring would simplify program coordination and make it possible to establish clear points of authority and accountability—below the President, himself—in program management.

The new Department of Community Development would have the tools to respond—in a coordinated manner—to comprehensive community improvement programs, based on local needs and priorities. A single Federal department would administer the major Federal programs of assistance for the physical and institutional development of States and local communities. A single Federal department would administer assistance for strengthening State and local governmental processes.

SUPPORT BY SECRETARY VOLPE—TRANSPORTATION

Many of the officials and employees of the Department of Transportation have participated in the studies and the preparation of the materials submitted to the Congress on the President's proposals. We believe that the Program presents a unique opportunity to make a substantial improvement in the operation of the domestic side of the Executive Branch of the Federal Government, and we support it wholeheartedly.

The disposition of Federal transportation functions under the President's Departmental Reorganization Program can best be understood by keeping in mind the overall purposes of the reorganization; to overcome the increasing fragmentation of related Federal programs among the various departments and agencies, and to organize these programs around their essential objectives and goals.

We are confident that the proposed transfers . . . place transportation programs where they can most effectively contribute to the resolution of the serious problems facing our communities—both urban and rural—today. To those who ask why, when only a short time ago we were urging the consolidation of transportation resources into a single department, we now urge their division, I would make three points:

(1) The establishment of the Department of Transportation was a wise and necessary move, taking into account the dispersion of transportation programs and the departmental structure which prevailed in 1966. Even though the Department did not, and still does not, include all of the transportation agencies it should, it has made substantial gains in developing an intelligent and consistent Federal policy regarding all modes of transportation.

(2) In recommending the division of the functions of the present Department, I am not advocating a return to the situation that existed before the Department was established, when the functions were distributed among agencies and departments without any consistency or overall purpose. I am supporting a division of transportation functions essentially between two departments based on their primarily national versus predominantly local orientations. . . .

(3) When the Department of Transportation was established the President's Departmental Reorganization Program, was not available. If it had been, I believe the consolidation and disposition of transportation functions would be essentially as we now recommend.

SUPPORT BY SECRETARY BUTZ—AGRICULTURE

I fully support the President's Reorganization Plan, particularly the realignment of the Department of Agricultural programs which have only indirect bearing on the needs of the farmer.

The new Department of Agriculture as proposed by the President will be a viable organization, able to concentrate its total resources on improving the income of our farmers and assuring a continuing abundance of food for the American people.

Establishing a department of Community Development will permit the development of rural communities and bringing social and economic opportunities to Rural Americans at a faster pace than has been possible under the present Federal departmental structure.

The present alignment of Departments and agencies in the Federal organizational structure is antiquated. It encourages wasteful duplication of services, and competition among bureaucracies. It results in confusion among those individuals and communities seeking assistance from the Federal government.

The clearest example of this state of affairs is perhaps my job, as Secretary of Agriculture. When I was sworn in by the President my principal charge was to serve the needs of American agriculture, specifically . . . to insure that farm income improves and . . . that food production is adequate to serve the needs of the American people.

Yet under the present administration structure, the Secretary of Agriculture has responsibility for a variety of programs that have nearly parallel counterparts in other departments of government. The Secretary is, among other things, responsible for:

managing programs directed at developing rural communities, including those of the Rural Electrification Administration and the Farmers Home Administration, programs which have their counterparts among those in the Department of Housing and Urban Development, Transportation, and others—more effective in a Department of Community Development.

managing the national resource utilization and conservation programs of the Forest Service and Soil Conservation Service—organizations that parallel those in the Department of Interior, the Corps of Engineers, and the AEC—more appropriate for a Department of National Resources.

managing the varied and very extensive food assistance programs—activities which are intended to help persons in need, as are the programs of HEW, OEO, and other social welfare agencies—more in keeping with a Department of Human Resources.

SUPPORT BY SECRETARY CONNALLY—TREASURY

It was my privilege to serve as a member of the President's Advisory Council on Executive Organization, which intensively studied the organization of the domestic departments and made the recommendations on which much of the current reorganization plan is based. We found, in our review, as has other commissions and task forces which had preceded us, that our departments were simply not organized or equipped to deal effectively with the problems before us. Nowhere was this clearer than in the vital area of assisting communities—urban, suburban and rural—in their development as wholesome, viable places in which to work and live. The existing picture is one of a number of departments providing piecemeal, overlapping, poorly coordinated support to physical and institutional development within our communities. The origins of this situation go back to the way our departments have evolved over the past century, with their concern over clientele, over means instead of ends, and over jurisdiction in the face of competing agencies. We have learned the hard way, and the case for reorganization can no longer be ignored.

We cannot charge one department with housing and community planning and another with highway programs. We cannot organize around arbitrary distinctions between large and small towns. And we cannot expect three or four agencies to be effective in providing virtually the same assistance for sewage treatment and other community facilities.

As a former Governor, I can assure you that we have done poorly in helping State and local governments improve their capability for planning and management because of the Federal disarray. Agencies at the State and local level now have to work with too many Federal agencies, and it is often close to impossible for them to secure prompt . . . action in meeting their needs.

Virtually every significant event involving highways in the past year has served to make clear the jeopardy in which our highway programs have been placed as a result of the rising concern with their impact on communities and their environment. I am surprised that their are still those who contend that we can build highways and then let communities emerge willy-nilly around them. This is thinking out of the past. If we are to continue to provide needed highways, future progress must take place within the department best able to assure that Federal highway programs contribute to balanced, attractive and coordinated community development.

THE UNITED STATES-SOVIET SPACE AGREEMENT

Mr. COOK. Mr. President, with the enactment of Public Law 85–568, the National Aeronautics and Space Administration was created in 1958. In a short span of 14 years this agency has effected great changes in the field of science and technology and has advanced this Nation to a position of superiority in that area. Besides the well-known fact that the United States has sent men to the moon, there have been numerous other accomplishments made by NASA in fields unrelated, or only slightly related, to the space industry.

Let me just highlight a few.

In the field of medicine alone, a prime beneficiary, NASA has been able to lend to that science information from its data bank of great significance and help to new born infants; quadriplegics; stroke victims; the deaf and blind; those who are paralyzed; have ulcers, those with kidney and bladder difficulties; burn victims, and more. These people have been aided by highly scientific devices which can monitor and detect brain waves, temperature, fluid levels, air flow, movement, pulse, and light. With this type of information a doctor or attendant can know when breathing ceases in a patient in another room, or the blind can turn off lights with the help of an acoustic signal which alerts that person to the light. Heart transplant patients can be monitored by an instrument which relays heart reaction to a normal day's activities, and the paralyzed can summon a nurse with the assistance of an electro-optical system which determines fluid levels in the eye. New lightweight materials have been developed to replace steel used in leg braces, and brain waves can be monitored to determine hearing disabilities in small children. In addition to the obvious medical benefits of these NASA contributions, the economic advantages have been great.

But, there is more.

With technology acquired through the space program thousands of lives have been saved thanks to the early detection of hurricanes. We also have equipment which can recognize and predict earthquakes, volcanic activity, mineral deposits, and weather changes up to 48 hours in advance.

The business and industrial community has also benefited by making use of NASA's data bank which is made available to them by NASA through informal and formal procedures.

For the agricultural community NASA has developed the earth resources satellite program which, by continuous surveillance, can inform a farmer about the condition of his crop and, therefore, assess its probable yield. The satellite can also detect plant disease which is of considerable destruction to the farmer. This program is expected to produce similar results for the U.S. forest service.

In the area of communications NASA has supplied us with the satellite which allows us to view live broadcasts from foreign countries. This is how we were able to follow the up-to-the-minute activities of President and Mrs. Nixon in both China and on their recent trip to the Soviet Union and Eastern Europe.

New fabrics for the consumer have been made available which include lightweight blankets, sleeping bags, sportsmen's apparel, and other applications are being made for the development of such products as bedcovers, draperies, tents, and awnings. With knowledge acquired from the principles of heat transfer, NASA has originated a cooking pin which permits the highly efficient cooking of roasts and other meats by heating from the inside out. Nutritional research has been expanded so that quick energy foods and highly nutritional foodstuffs have been devised.

In the area of environmental control, besides the aforementioned weather predicting expansion, NASA projects have made achievements in the control of airplane engine emissions and aircraft noise. Underwater cameras have been invented which are capable of clicking off one frame an hour for more than 10 days unattended to take pictures of algae. This, of course, is a program which has been and can be expanded to bring about other beneficial results. Means for detecting the size of oil slicks via sensing tools is another accomplishment of the NASA research program.

In the future the NASA data bank will no doubt provide additional worthwhile information for the American people and the world.

Last week the President announced the formation of a joint agreement between the Soviet Union and the United States whereby our two countries will cooperate to achieve improvements in the existing exchange of weather satellite data; cooperation to advance weather research from space; the development of a global meteorological sounding rocket network with the collaboration of other countries; efforts to advance the techniques of surveying the natural environment from space; exchanges on data and future scientific objectives for near-earth, lunar and planetary exploration; and exchanges on space biology and medicine. In addition, plans have been made to launch a two-stage Apollo Saturn rocket from Cape Kennedy in 1975. The essential purpose of this mission will be to develop rescue capability in the future.

At this point the United States is far ahead of other nations in its space efforts and this superiority is only tentative. We must look to the future when our dependence upon and cooperation with nations will be necessary and more productive. At present we are working with more than 70 other countries in our space program and it is only natural that the United States and the Soviet Union, leaders in the field, should unite in order to coordinate knowledge, resources, and talent. The cost of the mission described earlier could run as high as $300 million for one country, but with a combined effort costs will be significantly reduced. This is the only hope for the future of the space program.

I congratulate NASA and the President on the decision for a new partnership in space exploration with the Soviet Union and am hopeful that our two nations can begin to develop greater understanding and a more cooperative disposition. Nations everywhere must begin to recognize that it is only through mutual interdependence that this world can exist peacefully for many tomorrows to come. Our goals must be to work for the benefit of man on earth.

As Jawaharlal Nehru said:

> The law of life should not be the competition of acquisitiveness, but the cooperation, the good of each contributing to the good of all.

PRESERVATION OF LOWER ST. CROIX RIVER

Mr. NELSON. Mr. President, a few weeks ago, the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs held a hearing on S. 1928, the bill the Senator from Minnesota (Mr. MONDALE) and I introduced to preserve the Lower St. Croix River as a national scenic and recreational riverway.

Minnesota and Wisconsin witnesses who appeared at the hearing unanimously urged Congress to pass S. 1928, and thereby protect the Lower St. Croix from the impending danger of uncontrolled commercial development. Testimony was offered in support of the bill by representatives of both State Governors, local government officials, property owners, and conservation groups.

In speaking before the subcommittee, Senator MONDALE presented an excellent summary of the many reasons why Federal protection is essential for the Lower St. Croix River to retain its unspoiled natural character. The Minnesota Senator also explained the strong Federal interest in saving this nationally important scenic and recreational asset.

I believe it is absolutely clear that the Senate should move swiftly to approve S. 1928. Upon reading Senator MONDALE's testimony, I believe that Senators will reach the same conclusion.

Mr. President, I ask unanimous consent that Senator MONDALE's statement be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR WALTER F. MONDALE

Thank you Mr. Chairman.

I would like to express the deep gratitude felt by people from Stillwater, Marine and every Minnesota community for your concern to preserve the Lower St. Croix River. I am delighted that the Committee had an opportunity to visit the river valley last fall and to gain assurance that your efforts to save it are fully deserved.

The qualifications of the Lower St. Croix for addition to the Wild and Scenic Rivers system are undisputed. At the hearing last October you heard local residents, government officials and conservation groups repeatly call for Federal action to protect the river.

Perhaps an incident, recently described to me by a longtime valley resident, would help the Committee understand the immediate danger posed by commercial exploitation to the natural integrity of the Lower St. Croix.

It is an account of what happened to a Minnesotan who owns a 300 acre farm along the river's edge. The land he farms was first cleared by his father, who built, with his father, who built, with his own hands, the home in which his son and family still live. Not long ago, the farmer was visited by a speculator, eager to purchase choice riverfront acreage. Naturally, the farmer did not want to sell his home or the land where his children can swim and fish without fear of pollutants, restrictions and other hazards of congested urban life.

When the speculator inquired about the price of the property, the farmer replied he would never sell at any price. Pushing for an opening, the speculator insisted there must be some figure the farmer would accept.

"How about a *million* dollars?" the farmer answered jokingly.

"The speculator paused for a minute, then said, "I'll talk with my acountant tomorrow."

Mr. Chairman, we have seen uncontrolled development destroy every other scenic river near metropolitan areas in this country. After the first quick profits, the attraction of unspoiled natural beauty fades with each new high-rise development. Ultimately, both the original natural values and the inflated speculative prices bottom out. Almost overnight a breathtaking scenic attraction is transformed into a polluted, over-crowded, and painful reminder of our misplaced values and our lack of foresight.

Incredibly, the farmer in the story I just described to you did not sell for a million dollar profit. I think his determination is a concrete indication of just how priceless the Lower St. Croix is to the people who have known and loved it.

The Senate recognized the remarkable character of the Lower St. Croix eight years ago, when we passed a bill to create the St. Croix National Scenic Riverway. Again in 1967, protection for the Lower St. Croix was provided under the Senate-passed version of the National Wild and Scenic Rivers Act. Unfortunately, the House had not had an opportunity to become fully acquainted with the Lower St. Croix, but in conference committee on the Wild and Scenic Rivers bill, the House and Senate agreed to provide for a detailed study of the suitability of the Lower St. Croix for addition to the system.

The study required by the 1968 law was completed last October. Its major findings were that the Lower St. Croix meets every criteria for designation as a National Scenic and Recreational Riverway, and that it should be protected for future generations by the National Park Service in the Department of Interior.

Abundant evidence has been supplied to the Committee of how perfectly the Lower St. Croix meets the criteria for recognition spelled out in the 1968 Act. There are outstanding geologic formations like the Dalles and nearby unique rock configurations. Spectacular, richly varied scenery extends from Taylor's Falls downstream to Prescott. Ancient Indian cultures . . . legendary voyageurs . . . sawmills . . . paddle-wheelers . . . the birth of Minnesota as a State, all are intimately bound in the history of this magnificent river.

Today, the Lower St. Croix is best known as the last remaining unspoiled recreational river near a major metropolitan area. Its popularity among vacationers has grown steadily and continues to climb past the peak 1.7 million visitor days recorded in 1970. Boating enthusiasts are drawn by the pleasant, natural setting. Sportsmen are drawn by the abundance of fish and game. Hikers, campers . . . millions are drawn by the unsurpassed beauty of the valley. They come from Michigan, Indiana, Ohio and Iowa. Many come from more distant parts of the United States.

Remarkably, this river has maintained its natural character despite its proximity to the more than two million residents of the Twin Cities and surrounding region. But with visitor use increasing each year, and with mounting pressure for commercial development, local residents and public officials are convinced of the immediate need to protect the river—before it is too late.

The alternative is all too familiar—water fouled by sewage, air blackened by industrial fumes, a countryside violated with concrete, asphalt and neon.

Plans for commercial development of the Lower St. Croix are now on the drawing boards. In some cases, only swift Congressional action will prevent plan implementation by late spring or early summer.

Multi-million dollar housing complexes . . . thousands of cliff-dwelling units along the river's edge . . . these are not pipe dreams. Architectural designs already exist, and developers await only a sign that Washington doesn't care. Let's take a closer look at some of these developments . . .

One, called Sunnyside-on-the-St. Croix, costing roughly $3.5 million, would be comprised of 160 townhouses and apartments right on the riverfront. This proposal is now pending before the Oak Park Heights village council. Another, a $50 million housing complex promoted by Calder Corporation, would construct bluff top terraced apartments and twelve story high-rises at Hudson, Wisconsin. If plans are approved, developers contemplate a population of 3,000 people.

Yet another proposal has just come to the attention of public officials in the valley. This project involves 200 acres of land just north of Stillwater lining a spectacular gorge carved by the river. Developers are plotting the area into a subdivision of houses which would be built right on top or into the side of the bluff.

But the project with the greatest potential impact on the river is sponsored by the Cottonwood Land Company. A recent newspaper account of this project drives home the acute dilemma facing the Lower St. Croix:

"David H. Preuss's 1,300 acres along the Lower St. Croix River include choice wooded bluff land just south of Osceola, Wisconsin."

"Tumbling down to the broad, beautiful stream, the expanse might be ideal for a golfcourse, ski resort and marina—near the Twin Cities, yet with a naturalness rare in any metropolitan area."

"But, 'we are in a kind of limbo now', said Preuss, a Minneapolis lawyer."

"While his Cottonwood Land Co., would make more money with such a development, he'd rather see the river preserved as a federal scenic and recreational waterway."

"Bills to do just that have been pending in one form or another for eight years."

"The question then becomes how long—with rising taxes and burgeoning demand for housing and recreation—can potential developers wait for Federal action?"

Against this formidible pressure, individuals and communities cannot hold out much longer. That is why the hearing today is so critical, and why we can risk no delay in Federal action.

The purpose of the bill Senator Nelson and I introduced is not to turn back the clock and return the river to its pristine condition. Rather, it is an effort to maintain the status quo—to assure that future development along the Lower St. Croix will be planned, orderly, and consistent with the public's right to use and enjoy the river.

Fortunately, in the National Wild and Scenic Rivers System, we have a mechanism specifically designed to preserve rivers like the Lower St. Croix. In fact, for a number of reasons, National Park Service management pursuant to the 1968 Act is essential to any plan for protecting the river. Permit me to explain those reasons.

First, the Lower St. Croix is an *interstate* waterway. There is a uniquely Federal interest in this river. Other than the Federal government, no other structure exists with the authority or the ability to regulate development along the river's interstate boundaries.

Second, in the two states currently there are some 37 separate local government jurisdictions—each of which retains zoning and other powers relating to use of land in the riverbed vicinity. For these 37 jurisdictions to arrive at a unanimous agreement on land use and planning would be a virtual impossibility—yet without such a plan the mistake of any one could jeopardize the success of all the rest.

We have witnessed the practice of economic blackmail over environmental decisions by state and local governments. Faced with the threat of losing a major revenue producing project to rival jurisdictions, communities have frequently been pressured into relaxing standards for the protection of treasured natural resources.

No community in the St. Croix valley wants this to happen. But without Federal muscle to back them up, it would be inevitable.

Fourth, even assuming that the two States and 37 separate local governments could agree to adopt and enforce identical ordinances to preserve the river, they have neither the expertise nor the resources to develop and administer such a plan.

The National Park Service has this expertise. It has the resources. The Interior Department has been in the business of protecting rivers like the Lower St. Croix for five years and could easily prefect and carry out a plan to safeguard the river while permitting development which is consistent with the plan.

There is broad agreement among local residents, representatives, and state officials that Park Service administration is the *only* logical, sensible way to achieve the goal of preserving the Lower St. Croix.

In the joint Federal-State-Local task force report we have the preliminary recommendations for the type of management the Park Service might provide.

I would like to stress my view—shared by Senator Nelson and local residents of the valley—that wherever possible protection ought to be accomplished through zoning and easements rather than fee simple acquisition. As I pointed out earlier, local property owners have done an outstanding job of preserving the river—even when this has meant substantial personal economic losses. I feel strongly that they should be able to continue to own and maintain their property so long as their stewardship remains consistent with the long-standing tradition of wise and thoughtful uses of this important national asset.

I also think concerned residents and groups are entitled to a public hearing on the "master plan" for the Lower St. Croix prior to implementation by the Park Service. This hearing would ensure maximum citizen participation in the program for protection. Senator Nelson and I, with the help of this Committee, have tried to build extensive local participation into the legislative process. I think this approach should be continued by the National Park Service, once Congressional action is complete.

The bill before the Committee today presents a rare opportunity for concerned action to preserve America's last remaining unspoiled river near a great metropolitan center. It is consistent with the President's publicly announced intention to protect exactly this type of area. According to a Presidential message on this subject:

"The demand for urban open space, recreation, wilderness and other natural areas continues to accelerate. In the face of rapid urban development, the acquisition and development of open space, recreation lands, and natural areas accessible to urban centers is often thwarted by escalating land values and development pressures."

And in President Nixon's 1972 Environmental Program we find the following declaration of policy, "The need to provide breathing space and recreational opportunities in our major urban centers is a major concern of this Administration."

I know assuring this vital space is a major concern of this Committee, of myself, and Senator Nelson, and of the countless individuals and local groups in Minnesota who have urged prompt enactment of S. 1928.

Last fall, the Committee had an opportunity to hear from local residents directly in St. Croix Falls, Wisconsin. You heard warm endorsements of S. 1928, from the St. Croix River Association, the St. Croix River Intergovernmental Planning Conference and the Minnesota-Wisconsin Boundary Area Commission. We also have favorable resolutions passed by the Washington County Board of Commissioners, the Minnesota Resources Commission representing State legislators, and the City of Stillwater. I don't believe I need to list the scores of mayors, environmental groups and local residents, who have also spoken out in support of the bill. Later today, you will be hearing from representatives of the two governors.

I am profoundly grateful for the tremendous help and encouragement these people have provided to me in working toward Senate approval of this legislation. Never before in my public career have I seen such widespread agreement and deep personal commitment on the part of private citizens and groups as I have witnessed with this piece of legislation.

At a time when public disillusion with government tops every opinion poll in the country, two states, dozens of communities, and how many individuals are looking to Washington—for a commitment to save natural values, and to stop short-sighted, wasteful exploitation.

In the Lower St. Croix, we have a chance to break the chain of destruction that has claimed other urban rivers. We should make our commitment, . . . protect the river . . ., and . . . for once, take heart in the saying

. . . how we care for our natural treasures will someday determine our worth as a nation.

GRAND JURY INVESTIGATIONS INTO HOUSING FRAUDS IN CHICAGO

Mr. PERCY. Mr. President, I have spoken out recently about the well documented abuses in certain housing programs administered by the Federal Housing Administration.

Grand jury investigations into charges of fraud and corruption in the operation of such mortgage insurance programs as 203, 221(d)(2), and 235 are proceeding in several cities, including Chicago.

Every effort must be made to root out the unscrupulous operators and fast-buck artists who are defrauding the low-income family and robbing the public Treasury. Those guilty of wrongdoing, be they public officials or private businessmen, must be identified and, where appropriate, brought to trial.

I recently wrote to both the acting Attorney General and the Secretary of Housing and Urban Development urging that they attach the highest priority possible to the ongoing investigation in Illinois. I have received assurances from both that all the resources of the Departments of Justice, and Housing and Urban Development are at the disposal of the U.S. attorney in Chicago, Mr. James P. Thompson.

I trust that this coordinated effort to rid these valuable housing programs of all vestiges of fraud and corruption will soon reach a successful conclusion.

I ask unanimous consent that my exchange of correspondence with the Departments of Justice, and Housing and Urban Development be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

APRIL 23, 1972.

Hon. GEORGE ROMNEY,
Secretary of Housing and Urban Development, Washington, D.C.

DEAR GEORGE: I know you share my deep concern about the problems plaguing the operation of the Section 235 home ownership program and the Section 236 rental and cooperative housing program. Your words and actions over the last few months indicate you are dedicated to ridding these programs of their obvious faults so that the Congress's original and still worthwhile goals may be achieved.

You are no doubt aware of the investigation of these programs now being conducted by the U.S. Attorney's Office in Chicago. I know that you, George Vavoulis, John Waner and all the employees of the Department of Housing and Urban Development are cooperating in every possible way in this investigation. We must identify and prosecute any public official or private citizen, be he builder, developer, real estate broker, or mortgage banker, who may have been involved in a conspiracy to defraud the poor and to misuse Federal funds.

I can assure you of my own cooperation in every effort to end the infiltration of these valuable programs by those interested only in quick profits at the expense of the poor.

Sincerely,

CHARLES H. PERCY,
U.S. Senator.

THE SECRETARY OF
HOUSING AND URBAN DEVELOPMENT,
Washington, D.C., May 16, 1972.

Hon. CHARLES H. PERCY,
U.S. Senator,
Washington, D.C.

DEAR CHUCK: In reference to your letter of April 27, 1972 regarding the pending investigation by the U.S. Attorney in Chicago into the operation of HUD programs, let me assure you of my desire to cooperate fully. As you may know, we are presently working very closely with the Justice Department and grand juries in five cities. Our cooperation, without question, has contributed to the indictment of numerous individuals, including several FHA employees in these cities.

To indicate the seriousness with which I view this matter I recently wrote Acting Attorney General Richard G. Kleindienst and indicated that I thought criminal matters referred to the Justice Department by HUD should receive top priority. When it is justified I intend to immediately suspend employees, lenders and contractors who cannot be relied upon to observe the law and whose future misdeeds may cause injury to individual citizens as well as the Government and the public in general.

Thank you for your interest and support.

Sincerely,

GEORGE ROMNEY.

APRIL 27, 1972.

Hon. RICHARD KLEINDIENST,
Acting Attorney General,
U.S. Department of Justice,
Washington, D.C.

DEAR MR. KLEINDIENST: The U.S. Attorney in Chicago, James R. Thompson, is moving ahead rapidly with his investigation of irregularities in various Federal housing programs, most notably the 235 and 236 programs. I know you have been as shocked as I have been by the revelations of widespread corruption in these programs, designed to provide low-income families with adequate housing. I know you feel as I do that those public employees and private citizens—the speculators, the brokers, the builders, the mortgage bankers, whomever they may be—who have conspired to defraud the poor as well as to misuse Federal funds must be rapidly identified and prosecuted.

I trust that the investigation in Chicago will be given the highest priority by the Department of Justice. I hope you will commit whatever resources are necessary to rid Illinois of the unscrupulous operators and "fast buck" artists as they have been called by George Romney, who are reaping illegitimate profits at the expense of the poor. We cannot tolerate this scandalous situation involving our housing programs to persist any longer, no matter who may be judged responsible.

I am sure you share my deep concern about this investigation. I hope that you will personally convey a sense of urgency to all those who are involved in the Chicago investigation and indicate your personal support of Mr. Thompson's investigation and urge him to conduct the resources available to him for a complete and thorough investigation.

Sincerely,

CHARLES H. PERCY,
U.S. Senator.

DEPARTMENT OF JUSTICE,
Washington, D.C., May 12, 1972.

Hon. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This is in response to your letter dated April 27, 1972, addressed to the Acting Attorney General concerning the investigations of Federal housing programs in Chicago, which was referred to the Criminal Division for consideration.

This investigation in Chicago was inaugurated through the personal efforts of Mr. Kleindienst. Chicago was one of the first cities in which a task force consisting of Federal Bureau of Investigation, Department of Housing and Urban Development and Internal Revenue Service personnel was constituted to assist the United States Attorney in investigating these matters. It is contemplated that similar actions will be instituted in other troubled areas in the country and these investigations will continue to receive the highest priority.

On May 2, 1972, I appeared before the Legal and Monetary Affairs Subcommittee of the House Government Operations Committee which was considering inner city housing problems. A copy of my testimony at that hearing is enclosed for your information.

Sincerely,

HENRY E. PETERSEN,
Assistant Attorney General.

ADDRESS BY GEN. HAIM LASKOV AT ISRAEL DINNER OF STATE

Mr. PERCY. Mr. President, on April 30, I attended the Israel dinner of state in honor of Mr. and Mrs. Joseph M. Mazer and Mr. and Mrs. Maxwell M. Rabb in New York. At that time Gen. Haim Laskov, former Director General of Israel's Port Authority and former Chief of the Israeli Army, delivered a thoughtful analysis of Israel's problems and opportunities.

I ask unanimous consent that his address be printed in the RECORD at the conclusion of my remarks. The general's speech eloquently describes the fragile nature of the present cease fire and discusses many of the obstacles which continue to thwart our efforts for peace. In light of last week's vicious attack on innocent civilians in the Tel Aviv airport, I believe that General Laskov's thoughts are particularly helpful.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY GEN. HAIM LASKOV

Ladies and Gentlemen, it is indeed an honor to address the members of the Israeli Bond Community on the 24th independence year of the State of Israel. It is a pleasure yet a demanding duty. As a son of a small nation, pregnant with history, I learned that there is always a lower or a higher place awaiting you from the one on which you actually stand on now, and where as a nation we shall eventually land depends on what as a nation we choose to do now.

The spheres of activity include our security, our industrialization, our husbandry of human material resources, our social development, the creation of meaningful jobs for the new comers—quite a tall order for any nation.

The last time that I addressed a bonds gathering was May 1967 when we had the enemy camp fires bent on the final solution. Now I can speak of a different experience. We are bent on achieving peace, a secure peace.

Our aspirations for peace cannot be severed from the particular memories still with us, memories that no other people can fully share, memories of horror so vast and too bloody for words. It is those who refuse to negotiate, those who use peace against itself that bar the opening of the road to peace so that jointly we can overcome the hurdles to achieve the Peace prophesised by Isaiah.

Talking about borders, did the Soviets go back to their 3rd September 1939 borders before they jointly, with the Nazis, stabbed Poland in the back? These were the Soviets who spoke first in terms of "secure borders"—such that it will never pay anybody again to attack her! Why is this to be denied to Israel, just because we are Jews or small?

What peace do the Arabs want? Those who care say! "Peace, any peace, is a danger to the Arabs, to Palestine, to the future of the Arab people. We must refuse peace. We must gather forces to conduct a war that is inevitable."

When it concerns us they speak of the sanctity of cease-fire and armistice agreements, doctrines, guarantees and U.N. observer forces. We bear evidence, by the lives of our kith and kin—how and who violated the mixed armistice and cease-fire agreements; who rendered doctrines, guarantees and U.N. observer forces void.

Is it sheer obstinacy to insist on an adequate supply of arms, or on secure frontiers 24 years after signing the armistice agreement? We ask that question 5 years after agreeing to a cease fire that has been constantly violated by our neighbors mounting economic blockades, denial of international waterways, launching marauders from all neighboring countries? Having turned the war of attrition on them—since August 1971, the cease fire is maintained.

Inter-Arab relations, the great powers' involvement in the Middle East, the effort to survive—create conditions of uncertainty in which we must live and ride all waves. This means to stand firm. This means steadfastness of purpose. Whatever we may face it may be the beginning of the second promise in Psalm 29, last verse:

"The Lord will give strength unto his people. The Lord bless his people with peace."

It was Ben-Gurion, this great captain of Israel—this year 85—who for the word "strength" substituted zahal. May be through this strength we shall eventually start this much hoped-for process that will through strength lead us to peace. The second promise. In war we operated in conditions of risk. Now, as you know, since the 6-Day war we face new conditions of uncertainty. We are in the midst a new experience where we must stand firm against the whittling down of our basic security and maintain steadfastness of purpose.

We face a new experience of uncertainty and its demands in order to succeed. If under these conditions of uncertainty you double, nay—treble your target for Bonds purchases, you will be vaguely right. But if you don't—you will be precisely wrong! These are your guidelines.

So choose for yourselves!

Standing here in front of you, viewing the activity of the Bond community and with all humility—looking back at our history, for centuries we were a people to whom things happened. Some of us watched the things that happened to us, others did not even know that things were happening to them. Now, however, we have a new experience. We make things happen.

From certain quarters, one hears that the unrest in the Middle East is all due to little Israel who in the Six-Day war overcame a threat the likes of which it had not faced before. Is it true? Let us examine inter-Arab relations. (a) North Africa, the Middle East—since 1948—37 political assassination attempts of which 13 failed, 51 coup d'etats, 19 police actions against opposition, 9 border wars, and what with public incitement to rebel—poisonous gas in Egypt-Yemen War. (b) Fatah Saboteurs fled King Hussein's marauding soldiers to Israel while Syria and Iraq sealed their frontiers to them and Sadat scotched a coup d'etat in Egypt on taking over power.

It was King Hussein who declared that the marauders reached the end of their road. Those who fled to us said: "The Jordanian army slaughtered us." It is early to write them off as a source of trouble but inter-Arab enmity has many lessons to teach, and for us to learn. The new emerging regimes in the countries that border Israel started with the slogan of Union, later reverted to unity, recently unity of action against Israel and now as it burned out against each other.

The true picture of the Middle East reemerges—a region with multiple communities that differ from each other and wish to maintain their differences. These relations to us are a timely warning . . . Even an Arab asks: "These explosions, explosives and blood-baths that failed or succeeded, where are they leading us?" This is their problem, but to us this means that vigilance is vital. As if local turmoil that may develop into a threat is not enough, Soviet weaponry, presence and intrigue are ever active.

I cannot understand why the Soviet Union, in spite of her great power and wealth, is still obsessed by a sense of insecurity! The old bogey of encirclement is still there! But can sanity indicate to her a threat from little independent Israel or if the Russian Jew will come to Israel?

I wonder if her sense of being encircle has now become an overt act of encircling of others.

"The policy of the Russian Government has always been to push forward its encroachments as fast and as far as the apathy or want of firmness of other governments would allow it to go, but always stop and retire when it was met with decided resistance and then wait for the next favorable opportunity to make another spring on the intended victim"—quite accurate!

This was written in 1863. Things have not changed much these 120 years. The blind are to be found in every camp—even in our own.

Soviet sophisticated weaponry and intrigue are completely exposed even to the blind. The situation is clear and sinister. Egypt, Iraq, Jordan, Syria, the marauders must be freely armed with sophisticated weapons. Israel should be deprived of weapons, put its trust in these neighbors, and world power guarantees instead.

The childhood fable is appropriate: "The wolves offer the sheep peace if they do away with fences and send away their watch dogs." Poor Sheep!

No wonder that in addition to the no-recognition, no-negotiation, no-peace of Khartoum 1967 reaffirmed recently in Damascus, there is no common denominator. We talk of peace; Egypt of unilateral withdrawal. We talk of secured borders; Egypt—of 4th of June 67 and the Palestine problem. However, given time and patience we may still find a distant common ground. The opening of unconditional Suez Canal negotiations may serve as an indicator.

To those who cannot see through the Soviet-Egyptian game, Haykal explains: Israel to go back to the 4th June 67 lines—so Egypt with Russia can again increase a threat and then free the so-called Arab soil in Palestine:

Phase I—back to 4th June 67 lines.

Phase II—do away with the State of Israel.

Sub phase A—back to 1947—(to this border the Russians are a party.)

Sub phase B—back to Pre-Balfour Declarations, 1917—this is the Arab final solution.

The fact that the Soviets could do what they did in Hungary or in Czechoslovakia is enough for us to do everything possible, that they should not do it from any Arab country to Israel. No wonder that we Israelis tend to view everything in terms of what helps or hinders our security and survival, the very freedom that every Jew has in establishing his home in Israel . . .

I do not know if the Soviets will always win the chess games but one thing—chess characteristics become to them second nature—they do not mind how long the game lasts. Well, we have lasted longer and will last longer!

Others, those that attained independence before we did, and others that achieved it after, strike a negative balance of democracy. For all intents and purposes, we are the sole champions of democracy in the Middle East.

Yet, when the Western democracies are weighing the situation while the Soviet Union is penetrating all land, sea and air areas vacated by Britain and France—there is always this smug attitude fortified by "conventional wisdom" saying, "Let us not do anything that may court the Soviets' displeasure or the Egyptian dictators' blackmailing whip".

For freedom to be secure, it must be established and defended—just like other free nations do, and we do not have the benefit of collective security arrangements to meet the threat against us. We realize that only in the establishment of a just and secure peace can the deepest aspirations of a free people be realized. Would the harnessing of the moral, intellectual and material strength of the Jewish people to create conditions of such a peace amount to an act of war or expansion?

The issue before you is not to measure the material and moral resources of the Jewish people. The issue is how purposefully to employ it instead of frittering it away on trivial demands, by being afraid to sustain a great cause, or enable Jews to start the type of life you enjoy here and they want in Israel! And Now!

We have another experience and an additional demand on the Bonds Community—to purchase more bonds. We see the beginning of the exodus from the Soviet Union. Decades of pent-up craving to be a free Jew in a sovereign Jewish state is breaking through the highest walls that a totalitarian regime has ever built. What we see is but a trickle that will become a rivulet and that in the end will become a torrential river of human life.

The six-day war let burst open the pent-up will to live in the hearts of Soviet Jewry, depressed and threatened these last fifty years. The results of the six-day war are too early to sum up. This was an act for survival for Israel, but for Soviet Jewry the fire sparked off by it is still glowing in Russian Jewish hearts. The Jewish people in Russia face a threat of anti-semitism—the country where programs are not unknown, and Israel faces a Soviet threat in the Middle East. Quite a threat for any nation, never mind a small one like ours. But on the Soviet front our brethren have no commanders, no formal organization. Yet this spiritual movement is powerful despite fifty years of Russian nationalist education system, and powerful and ugly antisemitism.

Of two acts the Soviets are afraid—publicity of how roughly they handle this Jewish exodus; the other—lest we successfully receive and absorb each man, woman and child in Israel.

You all know of our effort to achieve our goals and an economic policy for full employment through exports. To those that say this is impossible we say: impossible is not a Hebrew word. And why do you think we got our name Israel? "For as a prince hast thou power with God and with men and hast prevailed." So let us be true to this.

It will be only fair to tell you about our effort at home. In 1969 Israeli citizens paid, by direct and indirect taxes, 4000 million pounds. In 1971 the figure was doubled. In 1972 even higher. These figures speak for themselves. But that is not all—3-year national service, 50 days a year reserve service. Our aims are clear—defense of Israel, absorption of newcomers, industrialization of the country to make our economy more viable, improved standard of living for lower income groups—this is no light burden by any standard, and the task of absorption—the end product of the melting pot is not as simple as it sounds.

Our success in industrialization of, and urbanization of, the Negev and other undeveloped areas depend in large measure on a national water scheme, the harnessing of solar energy, water desalination, water research and conservation, and the education of our heterogeneous population. Lacking raw material we must rely on brains only.

What we are doing in Israel is building our third temple. What we are actually doing to second-class citizens, or worse, to Jews who were deprived of elementary freedom, is the creation of a pioneer, nation builder and after thousands of years a defender of Jewish sovereignty, dignity and life: Is there a mystique about it? No! Just what free men can do. For us faith is a promise, a sense of identity and individuality coupled with humility and respect for the integrity of man. These are real things, not just verbosity.

Wherever we establish a settlement—a township (we are short of these)—and they strike roots; with every additional newcomer who settles, with every industry or service and export that enables us to say "We want trade not aid", we are building our third temple.

We realize that as long as our neighbors have their policy in the future of arms and promise us sooner or later with a "final solution," our national defense must be second to none.

Our history taught us a lesson never to be weak, because weakness may invite the aggressor and the end of our third temple. We know that our strength does not depend solely on men under arms and our weaponry. It depends on our social development, economic growth and, above all, the character of our people. We should never lose our educational priorities.

Ladies and Gentlemen! When we talk about our duty to Israel, it does not mean only duty to the past or only duty to the present. It means also duty to the future, as this duty is all-embracing and indivisible.

What you must ask yourselves is how are you in relation to this duty. Remember that it is by lagging behind, by giving in to the daily trivial demands, to inertia or by being bored or afraid to act in a great cause that we fail.

Ladies and Gentlemen! Act now, for us success is vital and we must succeed.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for the transaction of routine morning business has expired.

NOMINATION OF RICHARD G. KLEINDIENST

The PRESIDING OFFICER (Mr. NELSON). Under the previous order, the Senate, in executive session, will now resume the debate on the nomination of Richard G. Kleindienst for the office of Attorney General of the United States. The question is on the confirmation of the nomination.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, months ago—on February 15, to be exact—the Senate began the process of confirming Richard Kleindienst as Attorney General. The confirmation hearings lasted longer, I am told, than any in the Senate's history—24 days. As a member of the Judiciary Committee, I watched those hearings turn away from their proper course during the first several days. Entire days of hearings were conducted without mention of Mr. Kleindienst's name.

The committee spent weeks investigating the settlement of three Government suits against ITT. Several days were spent on an examination of the Harry Steward matter. In spite of what Mr. Kleindienst's opponents have suggested, these two matters were thoroughly reviewed, and the committee voted overwhelmingly to endorse the nominee for the position of Attorney General.

There is absolutely no proof of any link between the ITT antitrust settlement and ITT's contribution to the city of San Diego for the Republican National Convention, now is there any reason to believe that any linkage existed. The committee could have conducted hearings indefinitely and still would have unearthed nothing because no deal was there to be found. The committee had come to know Richard McLaren well since he came to Washington in 1969. We all knew Judge McLaren to be a man of honesty and integrity. He was the head of the Antitrust Division; he testified that he was solely responsible for the settlement. I think that every Member of Congress who ever had any dealings with the Antitrust Division under Judge McLaren knew him to be a very strict and a very conscientious administrator; and if any criticism was heard on the Hill, it was that he was unnecessarily strict and unnecessarily rigid in the enforcement of the Antitrust Division's cases.

The committee could and should have concluded the hearings after hearing the following from Judge McLaren in regard to a question concerning the memorandum allegedly written by an ITT lobbyist:

> I am completely at a loss to account for it, Senator. I know none of the people involved and as I testified before, I had absolutely no discussions with the Attorney General on this whole matter. As far as I am concerned, I was the one that negotiated this thing, it had absolutely 100 percent nothing to do with Republican Party politics or San Diego or any other lobbyist. I am completely at a loss to account for that ridiculous memorandum.

Henry Petersen, the head of the Criminal Division at the Justice Department, spent an entire day testifying on the Harry Steward matter. He told the committee:

> I am convinced there is absolutely nothing in this record that would reflect adversely on Dick Kleindienst, absolutely nothing.

Repeatedly, he said it would have been "grossly unfair" to dismiss Steward. He also agreed with the decision to issue the press release after the Justice Department had concluded its investigation of Steward. I find the following colloquy between Senator HART and Mr. Petersen illuminating on this point:

> Senator HART. But, in that situation again, and I think I am suggesting this may be basic, if you handle it the only other way, dismissal, presumably without explanation, you lend credibility to all of the charges that have surfaced?
>
> Mr. PETERSEN. That is the reason I say it would have been grossly unfair, Senator.
>
> Senator HART. And you ruin a man who used bad judgment?
>
> Mr. PETERSEN. That's right.

In regard to the ITT settlement, the supplemental report of the committee contains the following sentence:

> The committee concludes that Mr. Kleindienst acted properly in the conduct of his office in the matter of the settlement of these cases.

Likewise, the committee found no impropriety in Mr. Kleindienst's handling of the Harry Steward matter.

Where does this leave Mr. Kleindienst's opponents? It leaves them in the cold. Unable to point to impropriety in the record of 24 days of hearings, Mr. Kleindienst's opponents now argue that the Senate needs to know much more. Let me emphasize that again: Those who oppose this nomination cannot point to anything in the hearing record that would disqualify Richard Kleindienst, but seek to forestall a vote by insisting that the committee should receive more evidence. That is the posture of the debate now. The opponents have lost on the ITT issue; they have lost on the Steward issue. Recognizing that they cannot win on this record, they are casting about for new issues or for new tactics to delay a vote.

During the last hour of the last day of 24 days of hearings on this nomination, one member of the Judiciary Committee introduced an entirely new issue which had been utterly ignored by him and the other opponents since the President nominated Mr. Kleindienst on February 15. The new issue involved the Carson case, which is now on appeal and at the trial of which Mr. Kleindienst appeared as a witness.

Mr. Kleindienst's opponents insist that the nominee is not fit to be Attorney General on the basis of facts in the Carson case they were all aware of long before the nomination was submitted to the Senate. Incredible as it may seem, the same Senators voted on February 24 to report Mr. Kleindienst's nomination favorably, even though they knew then everything they knew on the last day of hearings when the issue first came up. I say this is incredible. The same Senators who refused to bring up the issue during the hearings before the first committee vote on February 24 and who voted to report the nominee, now rise on this floor in apparent outrage and indignation. We hear expressions such as "obviously improper," "clearly recognizable," and "easily recognizable." If it is so obvious, why did we wait so long to hear about it? If it is disqualifying now, why was it not disqualifying on February 24? I suggest that the attempt to provide answers to those questions by the Senator who first raised the Carson issue are entirely unsatisfactory.

Mr. President, the longest confirmation hearings in the Senate's history have produced no evidence that would disqualify Mr. Kleindienst. In fact, I think the nominee's patience throughout and his ability to direct the Department while being involved in these hearings indicate that he is a man of great character and ability. He did not shrink from the battle and conducted himself with distinction over the past few months.

The Senate can go on with this extended discussion, listening to the same statements again and again, or it can vote on the nomination. There is no excuse for not voting promptly. The fishing expedition is over. Everyone seems to know it but the fishermen.

Mr. KENNEDY. Mr. President, I would like to speak today on the subject of the now famous Beard memorandum.

It was Jack Anderson's publication last February of the contents of this fascinating confidential ITT document which was the first step in the chain of events leading to the reopening of the Kleindienst confirmation hearings.

Of course, the publication of the Beard memorandum was not the first time suspicions were raised about whether there might be some connection between ITT's substantial Republican convention pledge, and the administration's complete turnaround on its tough antitrust conglomerate policy.

Dick Dudman of the St. Louis Post Dispatch had raised questions about the settlement itself the day it was announced at the end of July of last year;

Ralph Nader's people had specifically asked the nominee about a possible connection last September;

Bob Walters of the Washington Star had written an extensive piece on the same subject last November; and

The national chairman of the Democratic Party had raised the possibility last December.

But all of these people—well-intentioned and incisive as they were—lacked the one essential ingredient that would make the puzzle complete. And that was inside information from someone at ITT who really knew the facts.

That ingredient was supplied to the public by Jack Anderson on February 29, when he published the contents of the Beard memorandum which revealed that in the opinion of ITT's only registered lobbyist—who had worked on both the convention arrangements and the antitrust settlement—the convention pledge was, in fact, having a positive effect on the outcome of the cases, and that then Attorney General Mitchell, as well as President Nixon, was helping to arrange the settlement.

The Beard memorandum was dated June 25, 1971—

Just about one week after the Justice Department—in fact Mr. Kleindienst himself—had told ITT that a settlement could be arranged;

Just 1 day after Bob Wilson, the Republican Party's principal convention fundraiser, discussed convention financing with ITT's president Harold Geneen; and

Just 1 day before Wilson assured the mayor of San Diego that he had a commitment of $400,000 to finance the convention, which, of course, included the previously-tendered ITT pledge;

The memorandum was on ITT stationery;

It was labelled "personal and confidential";

It was addressed to William Merriam, the head of ITT's Washington Office;

It was from Dita Beard;

Its subject line was entitled "San Diego Convention";

And here is what it said:

> I just had a long talk with EJG. I'm so sorry that we got that call from the White House. I thought you and I had agreed very thoroughly that under no circumstances would anyone in this office discuss with anyone our participation in the convention, including me. Other than permitting John Mitchell, Ed Reinecke, Bob Haldeman and Nixon (besides Wilson, of course) no one has known from whom that 400 thousand commitment had come. You can't imagine how many queries I've had from "friends" about this situation and I have in each and every case denied knowledge of any kind. It would be wise for all of us here to continue to do that, regardless of from whom any questions come; White House or whoever. John Mitchell has certainly kept it on the higher level only, we should be able to do the same.
>
> I was afraid the discussion about the three hundred/four hundred thousand commitment would come up soon. If you remember, I suggested that we all stay out of that, other than the fact that I told you I had heard Hal up the original amount.
>
> Now I understand from Ned that both he and you are upset about the decision to make it four hundred in services. Believe me, this is not what Hal said. Just after I talked with Ned, Wilson called me, to report on his meeting with Hal. Hal at no time told Wilson that our donation would be in services only. In fact, quite the contrary. There would be very little cash involved, but certainly some. I am convinced, because of several conversations with Louie re Mitchell, that our noble commitment has gone a long way toward our negotiations on the mergers eventually coming out as Hal wants them. Certainly the President has told Mitchell to see that things are worked out fairly. It is still only McClaren's Mickey Mouse we are suffering.
>
> We all know Hal and his big mouth! But this is one time he cannot tell you and Ned one thing and Wilson (and me) another!
>
> I hope, dear Bill, that all of this can be reconciled—between Hal and Wilson—if all of us in this office remain totally ignorant of any commitment ITT has made to anyone. If it gets too much publicity, you can believe our negotiations with Justice will wind up shot down. Mitchell is definitely helping us, but cannot let it be known. Please destroy this, huh?

Of course after Jack Anderson's people had obtained a copy of the memoranum they learned a good deal more about why Mrs. Beard had written it, and how she happened to be in a position to know the things she claimed.

I think it is worthwhile to focus our attention on the investigation conducted by Anderson's staff. Challenges have been made to the integrity of Anderson's ITT columns, and efforts were made by some of the committee members to discredit those columns.

But this was not a situation where an irresponsible newsman ran into print with a cold unauthenticated piece of paper within minutes after receiving it.

Quite to the contrary, we have learned of the painstaking work of an experienced investigative reporter named Brit Hume who left no stone unturned in his effort to insure that what Jack Anderson would ultimately publish would be in the highest traditions of his profession.

Let us look at exactly what Hume did do, and what he discovered—

The first thing Hume did was to try to contact Mrs. Beard directly. He told her secretary that he wanted to talk to her about a piece of paper which seemed to involve her and which appeared to have come from ITT's files.

ITT obviously realized they were faced with a potentially very explosive problem. When Hume arrived at Mrs. Beard's office, he was not allowed to meet with Mrs. Beard alone, but had to have this initial personal contact in the presence of not just one, but two ITT "PR" men—Mr. Bernie Goodrich and Mr. Jack Horner.

When Hume pulled out the memorandum and showed it to Mrs. Beard, she was nervous and very, very flustered. She acknowledged that it was her memorandum—even more specifically, she noticed that the memorandum had her written first initial "D" on it, and she confirmed that the initial was hers—"my own little 'D' ", as she put it.

Mrs. Beard then went to her files, saying that she wanted to look for "surrounding correspondence that might bear on" the memorandum. When she came back, she said she could not find anything and she asked Hume what he wanted to know about it.

Realizing that the presence of ITT's two "PR" men was creating anything but a favorable atmosphere for a friendly and candid chat with Mrs. Beard, Hume withheld his more detailed questioning for a more opportune occasion.

And how right he was. For as Mrs. Beard later told Hume privately, everytime she had tried to tell him something at this first meeting, Goodrich and Horner would start to cough loudly or kick her under the table to stop her from talking.

The day after this initial meeting, Mrs. Beard called Hume's office. She was quite upset and left word that she wanted to talk to Hume to tell him the truth about the whole matter.

When Hume arrived at Mrs. Beard's home that evening, there was an atmosphere of crisis. It was, Hume said, as if there had been a death in the family. Mrs. Beard was extremely distraught and looked as if she had been crying. She said that Hume's possession of the memorandum was one of the worst things that had ever happened to her, that it had dire implications for ITT and for the Republican Party.

For the first hour or so, Mrs. Beard gave Hume a biography of her life and talked about her children.

When they finally got around to discussing the memorandum, Mrs. Beard again admitted that she had written it. She said that ITT's officials had tried to persuade her to claim she had made it up, but that she had decided she could not do that. She said:

> I wrote this memo. You know I wrote the memo. There is no use trying to pretend otherwise.

She again promised to tell Hume the truth.

Mrs. Beard then told Hume that she first thought of having the GOP convention in San Diego during a conversation she had with California Lt. Governor Ed Reinecke—a close friend of hers—sometime in January of last year. She said that thereafter she and Reinecke were in frequent contact and they cooperated in an effort "to swing the GOP convention to San Diego."

Mrs. Beard told Hume that following her initial conversation with Reinecke she went to San Diego to see if the city's hotel facilities could house a convention. She also checked to see if ITT's new Sheraton Hotel in San Diego would be ready in time for the convention.

She said that "the first real step" toward getting the convention to San Diego came in May of 1971 at a dinner following ITT's annual spring meeting in San Diego. Present at the dinner, in addition to Mrs. Beard were:

Harold Geneen, the president of ITT;

Bud James, the head of ITT-Sheraton's new San Diego hotel; and

San Diego Congressman Bob Wilson, who was head of the Republican congressional campaign committee and a close friend of Mrs. Beard.

Mrs. Beard told Hume that at this dinner she brought up the subject of bringing the convention to San Diego, and Geneen told Wilson that ITT would underwrite it by putting up the "seed money."

She then explained that there were two reasons why she had written the memorandum.

First, to clear up some confusion which had developed over whether Geneen's commitment had involved cash or services; and

Second, because her boss Mr. Merriam— to whom the Beard memorandum was addressed—had committed an indiscretion by letting the facts about this secret commitment leak out to some lower-level staff member in the White House. Mrs. Beard said she wrote the memorandum to impress Merriam with the need to exercise greater discretion in the future.

Finally, Hume began to press Mrs. Beard about the references in the Memorandum to Attorney General Mitchell.

Here is Hume's precise recollection of what happened then:

> I kept pressing her. She said things like, 'If I tell you the truth will you use it to destroy me?' She was becoming increasingly emotional. I tried, gently, to continue to press. I asked her if there was a way she could tell me the facts and we could keep her name out of it. She shook her head. She was really upset at this point. I recited my surmise about what had occurred. Namely, that the fix, if there was one, took place before the settlement proposal was drafted and before the negotiations began. I said I thought the influence must have come while the matter was still in danger of going to trial.
>
> I finally began to press her to tell me if there had been an agreement of this kind. She was weeping now. She nodded yes. I asked her if it was negotiated by her. Again, a yes nod. With Mitchell? Again, yes, nodding. She was broken down now, her head in her hands and she darted into the bathroom just behind the stool where I sat. I paced the kitchen while she was in there. It was just about 11 o'clock.
>
> When she came out, she again asked if we were going to ruin her. I said I didn't know, that I wouldn't know what we would do until we had the facts. She then told me this story. She was invited, as she had been in the past every year, to go to the Kentucky Derby. This year, her friend Gov. Nunn mentioned that John Mitchell would also be one of his guests at the Governor's mansion after the race. She said she mentioned this to E. J. Garrity, the New York Public Relations chief of ITT in a memo. She said before she left, they talked by telephone and Garrity told her what the company wanted most if she and Mitchell should get onto the subject of the merger cases then in court. She said that after the Derby, she went to the mansion for a buffet dinner and mentioned that Martha Mitchell was putting it on and she said some unkind things about Mrs. Mitchell. She said this was her first meeting with John Mitchell. She said that as they were going in to get in the buffet line, Mitchell took her arm and took her aside. It was just the three of them then, she said, Mitchell, herself and Gov. Nunn.
>
> She said that Mitchell proceeded to give her a scathing, hour-long scolding in the bluntest language for putting the pressure on the Justice Department on the mergers via Capitol Hill and other means instead of coming to see him. She said Mitchell said he had been told she was the "politician" in the company, and he had heard much about her long before coming to Washington. She said he knew about all the speeches she had written and gotten delivered by friendly members of Congress. She said Mitchell knew all about her, even asked about son Bull's grades. She said she had gotten speeches delivered in both houses of Congress. She estimated about a dozen. She said Mitchell told her he had gotten a call from Nixon saying "lay-off ITT." Later, she changed this to something, like Nixon saying "make a reasonable settlement." She said Mitchell told her he was sympathetic but that his great problem was McLaren, whom she described as a [and she used profanity here]. She said she did what she could to fight back, but she was overwhelmed by Mitchell's diatribe. She blessed Louie Nunn for staying at her side during the whole thing. Finally, she said she asked him, "Well, do you want to work something out," or words to that effect. She said he replied in the affirmative. She said he said, "What do you want," meaning what companies did ITT wish to retain in the merger case settlement. She said she told him they had to have the Hartford Insurance Company "because of the economy." And she added that they also wanted "part of Grinnell." She said she couldn't remember what else she asked for, but it was exactly what the company got in the settlement.
>
> She said the agreement was reached, actually, as they went through the buffet line and then sat down to eat.

All of that is what Mrs. Beard told Hume when he interviewed her at her home on February 24, plus more—

Mrs. Beard also told Hume that Attorney General Mitchell knew about ITT's $400,000 commitment to back the convention in San Diego. She said that Mitchell knew about it because Lieutenant Governor Reinecke had told him.

And she also told Hume that between their first and second conversations, ITT's security men from New York had come down and had destroyed her files by putting them through a document shredder. She said they feared her files might be subpoenaed.

Even with all of these startling and alarming admissions by Mrs. Beard, Hume and Anderson still did not rush into print. They did substantially more—

Hume contacted Congressman Wilson who confirmed that Geneen had made a $400,000 commitment at the San Diego dinner on May 12, and that Merriam had been confused about the nature of the commitment.

He contacted an ITT consultant who confirmed that at Merriam's request he had been in contact with a White House aide about the ITT commitment—and that Mrs. Beard had been furious when she learned that the White House aide had been contacted.

Hume also contacted an aide to Lieutenant Governor Reinecke, who confirmed that Reinecke, in his presence, had told Attorney General Mitchell about the ITT convention commitment last May.

An Hume contacted or tried to contact virtually every other principal figure involved before the original column was printed, although none of these persons made the kind of damaging admissions he had obtained from Mrs. Beard.

So a substantial portion of the memorandum was corroborated even before the Committee's hearings were reopened.

But at the hearings of course we were able to learn much more about it.

First of all, Mr. Hume had an opportunity to detail his extensive investigative work under oath.

As for the memorandum—

We learned that the memorandum was an authentic ITT document—typed, in fact, on the same typewriter as at least one other document which was admittedly authored by Mrs. Beard. The FBI director told us that after an exhaustive laboratory analysis by the Bureau's experts.

Mr. Hoover's report showed that laboratory tests conducted by the FBI reflected that the typewriting ink and the margin and paragraph indentations on the Beard memorandum were substantially or closely similar to the ink and indentations contained on another docu- by Mrs. Beard and typed for her in her ITT office at about the same time—June 25, 1971. The FBI further found nothing from their examinations "to suggest preparation at a time other than around June 25, 1971," the date contained on the Beard memorandum.

We learned of several other admissions by Mrs. Beard that she was the author of the memorandum. Representative Wilson said that she had admitted it to him.

On February 24, Mrs. Beard had contacted Congressman Wilson. Wilson recalled that Mrs. Beard called him first on the telephone and that she was very excited. She told Wilson:

> Something terrible had happened and I must talk to you immediately.

When she arrived at Wilson's office she had with her one of the copies of the memorandum which had been Xeroxed from Hume's original on the preceding day. Wilson subsequently told a newsman that Mrs. Beard admitted authoring the memorandum. "So there it is," added Wilson in a tape-recorded interview, "Jack Anderson had the original, not just a copy, but the original memo."

Mrs. Beard's personal physician, Dr. Victor Liszka, also said that Mrs. Beard had admitted to him that she was the author of the memorandum. Dr. Liszka told the committee that he had seen Mrs. Beard on February 29, 1972—the day the first Anderson column was published—and that it was his impression that Mrs. Beard accepted the fact that "that was her memo." He claimed that Mrs. Beard had told him "I was mad and disturbed when I wrote it," and "I was angry, I was mad when I wrote the memo."

So we have Mr. Hume's sworn statement that Mrs. Beard told him that she had written it.

We have Dr. Liszka, her physician and long-time friend, who testified before the committee that she had told him she had written it.

And we have Representative Wilson indicating in an interview that she had told him she had written it.

All of these facts were established in the course of our hearings.

We also learned that as of the date of the memorandum, the negotiations on the merger were coming out the way "Hal" Geneen had wanted them to, just as the memorandum said.

Mr. McLaren, who had been pushing for 2 years to get a Supreme Court ruling on conglomerates, suddenly sent a memorandum to Mr. Kleindienst which included the following paragraph:

> We have had a study made by financial experts and they substantially confirm ITT's claims as to the effects of a divestiture order. Such being the case, I gather that we must also anticipate that the impact upon ITT would have a ripple effect—in the stock market and in the economy.
>
> Under the circumstances, I think we are compelled to weigh the need for divestiture in this case—including its deterrent effect as well as the elimination of anticompetitive effects to be expected from divestiture—against the damage which divestiture would occasion. Or, to refine the issue a little more: Is a decree against ITT containing injunctive relief and a divestiture order worth enough more than a decree containing only injunctive relief to justify the projected adverse effects on ITT and its stockholders, and the risk of adverse effects on the stock market and the economy?
>
> I come to the reluctant conclusion that the answer is "no." I say reluctant because ITT's management consummated the Hartford acquisition knowing it violated our antitrust policy; knowing we intended to sue; and in effect representing to the court that he need not issue a preliminary injunction because ITT would hold Hartford separate and thus minimize any divestiture problem if violation were found.

About a week earlier, ITT had been told by Justice that the cases could be settled without a divestiture of Hartford, that is, the way "Hal" Geneen had wanted them to. That is part of the record. Here is Mr. Kleindienst's recollection at the hearings:

> I believe that at that meeting Mr. McLaren was in there at his regularly scheduled 8:15 meeting in the morning, so it would have been in the early part of the morning on June 17 that we called Mr. Rohatyn. Mr. McLaren then read to Mr. Rohatyn, over the telephone, his proposed settlement structure. And Mr. Rohatyn—and we used the telephone in a conference phone so that both Mr. McLaren and I could listen to Mr. Rohatyn, and he was also able to hear both of us speak—and Mr. Rohatyn was making notes with respect to the matters given over the telephone, and he asked some questions about it, which Mr. McLaren answered. I believe Mr. McLaren said that if your company is willing to approach this matter on this basis, that you can instruct your attorney to contact me in my office and we will commence settlement negotiations.

We learned that Mrs. Beard did have conversations with Governor Nunn or "Louie" about Mitchell, just as the memorandum stated. Mr. Nunn himself admitted knowing about the ITT antitrust cases and admitted talking to Mrs. Beard about Mitchell and the cases. Here are the exchanges on that point:

> Senator Hart. Did you ever have any conversations with her concerning the I.T. & T. cases?
>
> Mr. Nunn. Nothing more than the next day. Mrs. Beard came back to the mansion after the Attorney General had left and she was very disturbed for fear that her conduct and her behavior there might cost her her job. She seemed very obsessed about losing her job and she realized, evidently, that she had conducted herself in a manner that she shouldn't.
>
> Senator Hart. She realized that or she told you that?
>
> Mr. Nunn. Well, in any event, she told me that she was very concerned. I don't recall ever having any conversations with Mrs. Beard specifically about that case; no, sir. She may have mentioned it at some time. As a matter of fact, I guess she did at some of the Governor's conferences where I may have seen her. But I don't remember discussing any specific aspects of it.
>
> Senator Hart. Do you remember discussing the cases with her on occasions other than the one at the Derby and the following day?
>
> Mr. Nunn. I did not discuss it with her at the time at the Derby, the cases. She was trying to talk about it, but there was no discussion.
>
> Senator Hart. Your testimony is that the first time you discussed I.T. & T. with her was the following day?
>
> Mr. Nunn. No; I didn't discuss it with her then. I said she might have made some mention of it at that time about what she was wanting or what she wasn't wanting, but I don't recall the specifics of it.
>
> Senator Hart. To the best of your recollections, what did she say the next day at the mansion and what did she say, if anything, to you on other occasions about I.T. & T.?
>
> Mr. Nunn. Well, the next day I don't remember anything specific she said other than the fact that she would not want to discuss, would not want to prejudice any cases by her conduct, or she wouldn't want to lose her job by anything she might have done there.
>
> Now, I don't know that I ever recall any specific instances. However, there may have been times when I saw Mrs. Beard at the Governor's conferences or there may have been some occasion when I saw her in Washington when she might have mentioned the ITT occasion.
>
> * * * * *
>
> Senator Hart. What discussions, if any, have you had with anybody at ITT?
>
> Mr. Nunn. I don't recall any discussions that I have had with anyone at ITT about the convention at all. On one occasion when I was coming to Washington at the Dulles Airport, there was someone—and I do not recall his name—that Mrs. Beard introduced me to as a representative of ITT. At that time, Mrs. Beard was again talking about being in Kentucky and did I think that—I didn't think that Mitchell was upset with ITT because of what she had done. She did bring up what had happened there in Kentucky, because, obviously, she was concerned about her job throughout this whole thing.
>
> Senator Hart. I am not clear on that answer. Did you say that you told her you thought Mr. Mitchell was not upset by her discussions of ITT?
>
> Mr. Nunn. I think that Mr. Mitchell was upset by her conduct, and the fact that she raised the issue, but I don't think that he would—I think he understood her condition and the circumstances under which it arose.
>
> * * * * *
>
> Senator Hart. Well, in your conversation with her at Dulles, what exactly did you tell her on this particular point?
>
> Mr. Nunn. Well, I don't remember the exact words, but she introduced me to this man, said he was a representative or associated with ITT, and did I think that Mitchell was upset or that he would be prejudiced in any way or would take any action against ITT or her because of her behavior there on that night.
>
> Senator Hart. Did you express that as your opinion?
>
> Mr. Nunn. My opinion that he would not, because I think that he——
>
> Senator Hart. Based on what?
>
> The Chairman. Let him answer.
>
> Mr. Nunn. Based on the fact that he would understand her condition at the time she was saying what she was saying and what she was doing in Kentucky on that given night.
>
> Now, I never—Mr. Mitchell didn't tell me that he was upset or was not upset. Mine was purely from observation, which was quite obvious.

So this is some confirmation of that portion of the memorandum where Mrs. Beard indicated she had spoken to Governor Nunn about Mr. Mitchell and the antitrust cases. It is confirmed by a fair and reasonable reading of Governor Nunn's responses to questions by Senator Hart.

We have also learned that Mr. Geneen did raise the commitment, as the memorandum said. Representative Wilson has admitted that that is what happened at his San Diego meeting with Geneen on May 12. Congressman Wilson told the committee:

> We kicked around the idea of my going to leading businessmen and getting commitments from them and putting together a bid package. He then suggested if I would take the lead he thought Sheraton would underwrite up to $300,000 and would, of course, be willing to actually commit for their fair share of the total amount of money needed. I told him I thought it would not be difficult to put a bid together quickly. He then told me he would see that they backed me personally for half the total amount needed, which would be $400,000.

According to the Beard memorandum, Mrs. Beard had indicated that the figures were "upped" from $300,000 to $400,000, and there we had Congressman Wilson confirming that in his testimony.

We learned that ITT did get a call from the White House. That call from the White House was referred to in the early part of the Beard memorandum. Mrs. Beard herself not only told us about the call, but remembered that it involved the question of whether $600,000 was going directly into President Nixon's campaign. That was in our meeting with Mrs. Beard in Denver. Here is what Mrs. Beard said in response to one of our questions:

> I remember that Mr. Merriam told me one day, that he had gotten a call from somebody at the White House, wanting to know—on this commitment, underwriting commitment, which is all in the world it was, there in San Diego, and I never did know the exact amount because I didn't stay that long, had suddenly jumped. "Is this $600,000 going to Nixon's campaign," . . .

The significance of this, Mr. President, is that not only does this confirm the statement in the memorandum about the call from the White House but shows how, even when Mrs. Beard was later claiming that she had not written the entire memorandum, she still recalled that there had been this call from the White House raising the spectre of a $600,000 sum going into the Nixon campaign.

So we have confirmation of that part of the memoranda which talks about a call from the White House. We have confirmation that the commitment was upped from $300,000 to $400,000. We have confirmation that she talked to Gov. Louie Nunn about Mr. Mitchell and the antitrust cases.

We also learned that Mrs. Beard did understand that only Nixon, Mitchell, Haldemann, Reinecke, and Wilson would be the only ones who would know about ITT's participation in the convention. Mrs. Beard testified that it was Reinecke who had told her that.

Here is what she said:

> Senator Kennedy. All right. Could I get back to the first paragraph, Mrs. Beard, the mention in the third line there, "Other than permitting John Mitchell, Ed Reinecke, Bob Haldeman and Nixon (besides Wilson, of course) no one has known from whom that $400,000 commitment had come."
>
> Mrs. Beard. Now, that is a misleading sentence, which I shouldn't have written the way it is, because I did not know from the first time I talked to Ed Reinecke—I did not know to whom he had spoken, when, how or if. He had simply told me that these are the people, the only people who would be aware of our attempt to take the thing to San Diego until after the site selection committee met in Denver.
>
> Senator Kennedy. When did he tell you that?
>
> Mrs. Beard. On the first meeting.
>
> Senator Kennedy. When was that?
>
> Mrs. Beard. January or February. I don't remember. He came in to Washington and said, "I need your help on something of the utmost confidence."
>
> Senator Kennedy. Did he say he was going to or that they had talked, that they were aware of these negotiations which you were involved in?
>
> Mrs. Beard. He told me only, "This is very confidential. Nobody is discussing it. We know we can have faith in you. Do not talk to anybody about it. At some point eventually these will be the people who will be involved with it." But he did not say clearly or distinctly that he had spoken to any one of these people. In fact, I rather imagine he had not, but when he tells me it is in complete confidence, I don't ask questions I don't need to know answers to.

So there is another part of the Beard memorandum which was confirmed—the part containing those names. When we finally had a limited opportunity to talk to Mrs. Beard, she herself told us that she had learned that from a conversation she had with Lieutenant Governor Reinecke.

We also learned that there was a great deal of I.T. & T. confusion over the nature of the commitment, just as the memorandums said. Both Merriam and Wilson told us all about that when they appeared before the committee. Wilson confirmed the following statement he had made to a newsman about Merriam:

> Wilson. Yeah. He's a busybody little guy and he resents Dita very much because she could get to Geneen and he couldn't see? And he said, "Now, I want to talk to you." He said, "I'm up here for a birthday party for one of our retiring executives" or something and he said, "I've been talking with various people" and he said, "that 400,000 dollars is not going to be in cash, it's going to be in services like hotel rooms and that." I said, "Bill, look, you don't even know what you are talking about. In the first place it isn't 400,000 bucks. It's a lot less than that and it's going to be in cash. That was the agreement. We have to—San Diego has to come up with 800,000 bucks cash. We got all kinds of services that they'll pay for, or that they'll take in kind, but they need 800,000 bucks cash to put the convention on. That's what we agreed, and that's what your boss said that he would pledge a guarantee of 400,000."

That is Congressman Wilson talking about his conversation with Merriam, which confirms the confusion mentioned in the memorandum. It shows that Merriam was confused about the figures, whether they were for services or to be in cash. That confusion was pointed out very clearly in the Beard memorandum and we find it substantiated by Congressman Wilson.

And so it goes line by line.

Gerrity told us he did have a talk with Mrs. Beard about the convention just like the memorandum indicated. And Mrs. Beard said she did have inquiries from friends about the commitment, just as the memorandum said.

This is from her testimony:

> I was getting questions all over Washington, from the national committee, the various people, "Well, is this money going to National Committee, or just going to Nixon's campaign?"

So that substantiates the part of the memorandum where she indicated she was getting all kinds of questions about it. Here she is, before the committee, repeating once again, almost using the words that were typed in the memorandum, that she had been getting all kinds of inquiries.

I might say at this point, while we are talking about the meetings which took place with Representative Wilson and Mr. Geneen at which the commitment figure was first settled on, that one of the witnesses we wanted to call, who had been on our list as "clearly necessary," was Mr. Bud James, the person who actually carried through ITT's pledge negotiations after that initial May 12 meeting. We could see how important he was, from our conversations with Dita Beard. She had told us that she was not involved in the detailed money negotiations after May 12, but that Bud James was the one who carried through the negotiations and actually sent the check to the Visitors' Bureau in San Diego. It certainly would have been valuable for the committee to have Mr. James appear and give whatever testimony he has as to the circumstances surrounding those negotiations.

The information we have had from both Mrs. Beard and Representative Wilson quite clearly indicates that the $400,000 figure quoted in the memorandum was actually the figure talked about on May 12 in San Diego, although the figure was disputed by Mr. Geneen. We certainly could clear up that matter quite quickly, if we have testimony from Mr. James, who was the person responsible for sending the check to San Diego. We were unable to get Mr. James. He is certainly one of the witnesses we want who could clear up that kind of question, as well as the question of what promises the White House had made to use the Sheraton as headquarters.

And so we could go on, with virtually every line in the memorandum, showing an abundance of proof to establish almost every fact which Mrs. Beard asserted in that famous confidential note.

But most important of all, any of us, knowing the facts we know now—about the manner in which the decision was reached to settle the antitrust cases; and about the simultaneous San Diego convention arrangements which were being made—could ourselves have written the famous Beard line that—

> Our noble commitment has gone a long way toward our negotiations on the mergers eventually coming out as Hal wants them.

I am sure that some of my colleagues will detail the meaning and interrelationship of those simultaneous happenings in the days ahead. Surely they will leave good and sufficient reason to believe that the contents of the memorandum are accurate.

At the very least, we will all have a basis for agreement with the committee's ranking minority member that we "would like to have an opportunity to question Mrs. Beard in greater detail concerning her knowledge of the memorandum and her participation if any in both the antitrust settlement and the underwriting offer to San Diego."

We questioned Mrs. Beard for just over 2 out of the scheduled 9 hours, and asked her only about a fourth of the questions which we were prepared to ask her.

I might mention at this point, Mr. President, the first consideration of the subcommittee that went out to Denver was the health, well-being, and welfare of Mrs. Beard. The members of the Judiciary Committee asked to have her health assessed by two independent medical doctors so that we could have additional information as to her condition, because there had been some questions raised after her personal physician came down and testified when we found out later that he had been and his wife was still under investigation by the Justice Department. On the basis of these examinations it was determined that Mrs. Beard could respond to questions, but her testimony would have to be of limited duration. I might add that we were told testifying might actually improve her prospects by ending the constant anticipation of having to appear.

Then the subcommittee, following the procedures established on the advice of the doctors, went out there and proceeded to question Mrs. Beard. Before we really had a chance to get very far into the questions, that meeting was ininterrupted. The subcommittee then felt they rather than run any risk to the well-being or the health of Mrs. Beard, it should terminate its hearings. We were informed that she had suffered chest pains, and obviously we were not interested in causing any additional burden or stress to Mrs. Beard. I shall return to that in a moment, because there were some very peculiar circumstances that surrounded the interruption and the subsequent events. But the effect of such interruption was to preclude the Senate subcommittee from questioning Mrs. Beard further. Obviously the information we gained was of value to the committee, but the questioning was just getting well under way when we had to stop. So we were unable to gain the desired information, and it was the feeling of several members that if we could have questioned Mrs. Beard additionally, we would have been able to clear up a good many important questions. But again, her Denver doctor refused to indicate that she would be available; as I said, I shall come back to that.

There is no present inability to question her further, as one of my colleagues has described it. There was only an unwillingness to schedule a resumption of her appearance. When the full committee's hearings were abruptly terminated, weeks ago, Mrs. Beard was out of the hospital and had been the recent subject of extensive questioning on national television.

It is interesting to know that Mrs. Beard was prepared to go on national television and respond to the questions of an interviewer and it was not thought that that caused undue duress or stress to her, but that she was unable to appear further before the Senate Judiciary Committee. Surely there is no reason to rush forward on this matter until we are able to get her comments and her elaboration on her memorandum, and have that settled once and for all. The distinguished Senator from North Dakota (Mr. BURDICK) felt extremely strongly about this matter, and I think with justification. She was the apparent author of that memorandum, and certainly we, in fairness to Mr. Kleindienst and in fulfilling our responsibilities, ought to be able to talk with her at greater length about her memorandum and the implications of its contents. We have a responsibility to get into those matters and explore them fully once and for all. Mrs. Beard is perhaps the one person who can help us most in completing these tasks. Let us not be sorry later we have not availed ourselves of this chance.

As I understand, Senator BURDICK is going to go into this matter in some detail on Wednesday.

I have discussed, Mr. President, the Beard memorandum itself, and I have reviewed that memorandum line by line. When that is done, and the memorandum is compared with the other information available, it stands up very favorably. As a matter of fact, even though Mrs. Beard herself indicated she was not the author of the full Beard memorandum, she said she did author a memorandum which included the large majority of all the lines, and many of the crucial ones, on the "Anderson Beard Memorandum." In the Denver questioning she claimed she did not write some of the most compromising lines in the memo, but she did admit that she wrote a memorandum and that many points in the "Anderson-Beard" memorandum were accurate. Even those points, I think, raise some extremely damaging and incriminating questions.

So despite the premature closing of the hearings, we have been able to corroborate much of the Beard memorandum. And a number of my colleagues on the Judiciary Committee agree that if we had had an opportunity to hear from the other witnesses who were agreed on as "clearly necessary," we would have been able to hear out the overwhelming majority of the information and evidence that was included in the Beard memorandum.

I have mentioned the need for further questioning of Mrs. Beard and the absence of Mr. James. Now I want to expand on some of the other gaps in our record.

Mr. President, it has been accurately observed by the minority leader that the hearings on the nomination of Mr. Kleindienst to be Attorney General were the longest in history. Some Members of this body have tried to convey the impression that there was an attempt on the part of some committee members to extend and prolong the hearings for political purposes. This, of course, is without justification and could not be further from the truth.

It is true that the hearings on the nomination of Mr. Kleindienst were long—too long. The supplemental hearings continued over a period of 2 months, with 22 days of formal testimony. Some members of the Judiciary Committee journeyed halfway across the country to take testimony from one witness in a hospital room. Many of our hearing days began early in the morning and lasted until early evening. Testimony and documentary material cover two large volumes, which each Senator has on his desk.

Why, then, do many of us feel that the hearings are incomplete? Why do we find it difficult to reach hard conclusions, even with the voluminous record, and why should the Senate defer determination of Mr. Kleindienst's nomination?

One of the answers to these questions is contained in the first finding contained in the separate views of Senator BAYH, Senator TUNNEY, and myself: The Judiciary Committee still has not heard from all the relevant witnesses and obtained all relevant evidence.

Among the witnesses from whom no testimony, or only incomplete testimony, has been taken are White House aides Mr. William Timmons and Mr. Peter Flanigan. I think the Senate is fully aware of all the gymnastics that were required by the Judiciary Committee to finally obtain the testimony of Mr. Flanigan. His name was raised prominently in the course of the hearings as one who played a very key and important role in the ultimate settlement of this case. So it should not have been any real surprise that the Judiciary Committee would want to hear from Mr. Flanigan.

There were substantial questions whether, if we did call Mr. Flanigan, we could be infringing upon the traditional privileges that the executive has to withhold certain information that relates and pertains solely to the executive branch. Clearly, it was not the intention of any member of the Judiciary Committee to infringe upon the legitimate executive privilege of White House officials. But, equally clearly, the responsibilities of Mr. Flanigan in the selection and procurement of the outside financial consultant, Mr. Ramsden—who did the official report upon which Mr. McLaren relied to turn around the 2½-year antitrust anticonglomerate policy—should have been only a ministerial function and action which did not relate to his responsibilities to the President or to his executive power.

So it should be plain that the doctrine of executive privilege did not apply. It certainly seemed to those of us who were members of the committee that his statements, his comments, and his testimony would be invaluable. But we had to jockey around day after day until, finally, Mr. Flanigan agreed to come up, and even then he conditioned his appearance before the Judiciary Committee in an extremely limited way.

As the only member of the Judiciary Committee who voted in the negative upon the constraints that were placed upon the committee with regard to Mr. Flanigan's testimony, I feel reassured that I was completely justified in doing so. That justification was demonstrated the following day, when Mr. Flanigan refused to respond to very basic and fundamental questions that dealt with his relationship with the nominee. One would have thought that if Mr. Flanigan was going to come before the Judiciary Committee, he would have been prepared to talk about his relationship with the nominee and about the relationship he had with the Justice Department. Those were the two important questions we had in trying to find out whether there was any relationship between the antitrust settlement and the convention contribution made to the Republican Party through the San Diego Visitors' Bureau. Still, on those two matters Mr. Flanigan refused to comment.

Later, a procedure was worked out—from which I again dissented—to write out for Mr. Flanigan very carefully prepared questions and thereby, by receiving a written response, to refuse to permit any cross-examination. The response from Mr. Flanigan indicated clearly that he had had contact with Mr. Kleindienst on three separate occasions relating to the ITT settlement. Yet, we were unable to delve into that, to examine those contracts, any more than to read between the lines of the statement that Mr. Flanigan provided for the Judiciary Committee. Nonetheless, it was important that we at least have that information.

Now we also know that Mr. Timmons also had been involved; he was working on convention arrangements. His name was referred to on a number of occasions with respect to his involvement in getting the 1972 Republican convention to San Diego. He played a major role in behalf of the White House. We wanted to hear from him, directly. Still, those who support the nominee refused to provide us with the opportunity to talk with Mr. Timmons.

Mr. Flanigan's statements and comments and the material he provided for the Judiciary Committee had added an an entirely new dimension with respect to the relationship between the White House and Mr. Kleindienst and the Justice Department. Who among us can give assurance to the Senate that if we had had an opportunity to talk with Mr. Timmons, we would not find out some entirely new relevant information which we now do not have?

We hear from those who support Mr. Kleindienst that this is a fishing expedition. Was it fishing when we asked for Mr. Flanigan to appear? Was it fishing to ask Mr. Flanigan about his relationships with Mr. Kleindienst and the Justice Department? I would say, Mr. President, that if it was, we could see, as a result of those questions, that it was successful. We obtained additional information, and we saw the tie between Mr. Flanigan and Mr. Kleindienst, even though Mr. Kleindienst to the end demonstrated little, if any, recollection of any of these contacts.

Now we want to have Mr. Timmons as well. Is it unreasonable? Are we providing undue delay by asking for Mr. Timmons? I do not believe so. In many respects his presence is as important as Mr. Flanigan's. If he were able to come up and respond to the committee's questions I am sure we could satisfy our responsibilities.

We are not able to hear from Mr. James, who negotiated the contribution. Mrs. Beard, who has made a miraculous recovery, was able to testify and present her views on nationwide television but was unable to present her views to the Senate committee.

I think these are the kinds of additional witnesses we are interested in having before the committee, and not witnesses that are either unnecessary or uninformed about matters. So I mention that at this point.

Then of course, there is Howard Aibel, the general counsel of ITT. We had the opportunity to listen to Mr. Gerrity, to Mr. Merriam, to Mr. John Ryan, and to Mr. Geneen. But, who was the quarterback? Howard Aibel, the chief counsel of the ITT. Although we put his name down as one we preferred to hear, so that we could have him testify and tie this matter together, in order to tell us where the responsibility was on ITT's approach to the Federal Government, we were denied the opportunity to hear him.

We could hear about Mr. Geneen's going down and talking to a number of Cabinet officials. We could hear about Mr. Merriam's and Mr. Gerrity's contacts when they went over to the White House and met with Mr. Dent and talked to Mr. Flanigan. But did we hear directly from the man who knew what Mr. Geneen was doing, who knew what Mr. Gerrity and Mr. Merriam were doing during that period? Did we hear Howard Aibel? Were we able to have him testify? No. We were unable to get his testimony because it was thought to be dilatory. It was thought to be unnecessary. It was thought to be consuming time.

There it is. We begin to get some kind of idea of the importance of these witnesses. Mr. Howard Aibel, the quarterback for ITT, who knew what was going on, who knew what the approach of ITT was, who knew what memoranda were up in the ITT offices in New York, and what information would have been invaluable to the committee, and what ITT was up to in this case. He knew what was in the ITT file, not the ones shredded in Washington—though perhaps he knew that, too—but he knew as well what was in the ITT offices in New York.

We asked the ITT representatives if they would give us copies of the memoranda that applied to antitrust policy that they had on file in New York. They indicated they had memoranda up there. In many instances, perhaps, they were duplicates of information that they had in Washington which was destroyed in the shredding. We asked for that. They indicated that they would provide it, that they would make it available for the Judiciary Committee. That would have been invaluable information.

One would have thought that ITT would have said to the committee, "Here it is. We have nothing to hide on this. We are out there doing business, trying to assure that we will have a prosperous business, and that we will be able to meet our responsibilities to our stockholders." Anyone would have understood and appreciated that. Every Member of the Senate would have respected it and every American would have appreciated it. But instead of making the information available to us, which we asked for and they indicated they would provide—any information they had on ITT antitrust policy up there, which would relate to this case in the Justice Department—they never did so after the hearings ended.

We asked for the Aibel testimony. We have not gotten it. Mrs. Beard is out of the hospital. But we cannot hear from her. We have not heard from Mr. Timmons. We heard from Mr. Flanigan—and there, only what Mr. Flanigan wanted to tell us according to his rules.

What member of the Judiciary Committee, or of any other committee in the Senate, is used to having a witness come on up and establish the criteria by which he will appear and testify before a Senate committee?

Mr. President, I have been here for only 10 years, but this is the first time I have heard of anyone telling us what he will testify to and what he will not testify to.

When this matter of the essential witnesses came up before the committee there was an even split as to whether we should call the additional witnesses or should not continue the course of the hearings. The committee which would have been listening to that testimony was evenly divided on the subject of continuing the hearings. We were prepared to set a time, barring any unforeseen kind of information on additional material, for the conclusion of the hearings. But, oh no, this opportunity was denied to us.

Now I might mention that one of the interesting points about Mrs. Beard's medical problems came to light when we asked two independent medical doctors to advise the members of the Judiciary Committee about how sick she was. They said they could not find any objective signs of problems. We put their telegram in the RECORD. Yet we were denied the opportunity to take further testimony from her.

While I am on the questions about the information we need to make a fully informed judgment on the nominee, I would point out that the Committee asked for some additional kinds of information from the Justice Department which we never received. One of the things we would like to know is, did the White House receive information from the Justice Department about antitrust policy during or before the settlement period that might have been relevant to the ITT cases? That would have been helpful to us, but we were unable to get that information. We were unable to get any information about studies supposedly being taken by the interagency committees on antitrust policy that would have been relevant in answering some of the unresolved questions before us, especially relating to the delay of The Grinnell appeal.

We might find through materials on this interagency, intergovernmental committee study, that there were many departments of Government—Commerce, Treasury, Justice—even the White House—had already studied the economic implications of an anti-conglomerate policy.

But when we asked for that information and wanted to know if they could make that available to the committee, we were turned down.

Further, we asked if we could get some rather selective information from the SEC, who was doing its own investigation of ITT concerning the inside trading of stock. There were a number of stories that appeared in the Wall Street Journal and other publications that insider selling was taking place by ITT officials. I do not think that anyone here is prepared to say how legitimate those trades were. However, we cannot get away from the fact that there could have been a close relationship between the trading and the settlement negotiations with the Justice Department.

We were not asking the SEC for everything they had. It was a rather precise and selective number of areas. We asked if they could make available to us documents provided to them by ITT relating to antitrust. We asked to have that information made available to us because the ITT documents in their Washington office was shredded. This was a proper request, yet we were unable to get that kind of information. As a matter of fact, the Justice Department initially refused to provide us a GSA logbook. We had quite a time getting it. However, after the hearings were over we did finally get it.

These are some of the kinds of records we asked that ITT produce, which they denied:

We asked for the memorandums or vouchers relating to Mrs. Beard's visits to the Kentucky Derby, including the memorandum stating that she would see Mitchell at the Derby. When Mrs. Beard indicated that she was going to the Kentucky Derby, it was quite possible that there was a memorandum that said, "When you go down there, talk to Mitchell about this." Or, there could be a memorandum saying, "When you go down there, don't talk to Mitchell about this." It could be either way. When she came back and indicated that she had talked to Mitchell there, there might be a memorandum about that. That would be helpful to the committee.

They could have said, "We don't have anything on that subject." However, they said they might have documents but then they refused to provide them.

We wanted to know about Mrs. Beard's conversations in 1971 with Mr. Mitchell or Governor Nunn or correspondence between them. ITT counsel Gilbert said that at least in the Washington office "We have none." We have not heard back whether anything was found in the New York office.

We wanted to know about Mr. Merriam's contacts with Jack Gleason regarding the ITT support for the Republican convention.

We wanted to know about Mr. Geneen's contacts with 22 officials listed in the ITT press release of March 13, 1972, and those listed in Mr. Geneen's submission to the committee.

ITT put out different press releases indicating that they had talked to numerous administration officials. Perhaps they had memorandums in their files written after these meetings about the subjects covered and what they requested of high Government officials and what those officials said to them. This would be directly relevant to our inquiry. We asked if they would provide any information along those lines. ITT representatives indicated that they would, but never did.

Is that not a proper request for the Judiciary Committee in meeting its responsibilities?

Mr. Gilbert, who was ITT's counsel at the hearings, said under oath that when he got back to New York, he would see if he could find any of the materials requested there. That on page 1136 of the hearings. We never heard again from Mr. Gilbert.

We also asked for documents relating to Mrs. Beard's visits to San Diego in 1971, including memorandums reflecting the purpose and frequency of her visits. Mr. Gilbert said:

> We have none, but we are checking for vouchers which probably do exist.

The vouchers were not provided to the committee.

We wanted information regarding contacts between ITT officials and officials of the White House regarding the location of the 1972 Republican Convention or ITT support for the convention or the San Diego Tourist Bureau. Was that not a reasonable, relevant request? Yet it has gone unheeded.

We asked the ITT officials in New York City if they had any information relating to the location of the 1972 Republican Convention or the ITT support for the convention in San Diego.

We asked for any other materials relating to the convention. Mr. Gilbert testified:

> We have none in the District of Columbia, but we think there may be some and we will try to get the material if it exists in New York.

That is on page 1136. However, none were provided.

We asked for material relating to the ITT anticonglomerate task force or similarly named group. Mr. Gilbert said:

> We are checking for that and we may have some and we may have it today.

That was on April 14. The committee has not received it yet.

We asked for the original ITT job description memorandums and Mrs. Beard's second memorandum which should be examined. These documents have never been forthcoming. They would be important for us to have.

These are the areas of the ITT document requests that I have mentioned. Going back to some of the needed witnesses, let me review the list: Howard Aibel; Howard James; William Timmons; Harold Geneen, since got cut off from Mr. Geneen in midstream; Richard Herman, who made the convention arrangements for San Diego; Reuben Robertson, the associate of Mr. Nader who was involved intimately with the ITT antitrust matter; Denny Walsh, the author of Life pieces on the Stewart matter and who probably knows as much about that case as anyone else; and lastly, Mr. Flanigan, from whom we need more complete testimony. And last, of course, Mrs. Beard.

That is not a long list. We have not got an unlimited list.

Those were the things we wanted so that we could fulfill our responsibility. The ITT documents and the requests which we made are, I think, extremely important in filling in some of the pieces here. Then there are the SEC document request, the Department of Justice document request, the Antitrust Division interrogatories.

These are some of the things that I think, would provide us with the kind of information so that we could fill the gaps, resolve the contradictions, and move expeditiously toward reaching a responsible conclusion.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. McINTYRE. Mr. President, I commend the distinguished Senator from Massachusetts for his fine leadership and for the reasonableness of his remarks and for his feeling that further testimony is needed on the Kleindienst nomination.

Mr. President, it is with deep regret that I must rise today in opposition to Senate confirmation of the nomination of Richard Kleindienst to be Attorney General of the United States. I want it known at the outset that I do not oppose the nomination per se; but I strongly oppose confirmation now with so many issues of fact still in doubt.

I hope that the Senate will see clear to recommit this nomination to the committee with the clear understanding that hearings will be resumed until all relevant witnesses, all relevant and available documents, and all relevant questions are brought before the committee and analyzed. Such action would be clearly in the public interest and, hopefully, with some frank testimony and refreshed recollections, it may be possible to avoid denying the President his choice for Attorney General.

I point out to my colleagues that such action would be consistent with the wishes of the nominee himself and with those expressed by the President at the outset of the resumed hearings on the nomination. Let me quote from the nominee's statement to this effect when he requested that the committee "clear things up" in March:

> The reason why I asked for this hearing, Mr. Chairman, and Members of the Committee, is because charges have been made that I influenced the settlement of Government antitrust litigation for partisan political reasons. These are serious charges, and by virtue of the fact that the confirmation of my nomination as the Attorney General of the United States is before the U.S. Senate, I would not want that confirmation to take place with a cloud over my head, so to speak, nor would I want the U.S. Senate to act upon my nomination if there was any substantial doubt in the minds of any Member of the U.S. Senate to the effect that while I performed my official duties on behalf of the U.S. Government in the past three years as the Deputy Attorney General, that I engaged in any improper conduct that would go to or be relevant to the consideration of my confirmation by the U.S. Senate.

So spoke Richard Kleindienst at the outset of the resumed hearings on his confirmation. Should we take him at his word? My own feeling is that we would do him an injustice if we did not. The cloud remains, and it will never be dispelled unless and until all the facts are brought before the Senate. As Mr. Kleindienst himself has said:

> Nor would I want the U.S. Senate to act upon my nomination if there was any substantial doubt in the minds of any Member of the U.S. Senate . . . that I engaged . . . in any improper conduct that would go to or be relevant to the consideration of my confirmation by the U.S. Senate.

I know that I have such doubts and I know that many other Members of this body have them, too. Should we not dispel them once and for all?

Now I am sure that we all want to accommodate the President in the confirmation of his nominees. But we also all feel that our required, and sometimes painful, duty under the Constitution is to "advise and consent" to these nominations. In the case at hand, the President has given some guidance as to how he regards our duty to "advise and consent," and I take him at his word.

The President, in supporting his nominee in the request for additional hearings, made his feelings perfectly clear. On March 24, he said:

> I would want to point out that Mr. Kleindienst asked for these hearings. We want the whole record brought out because as far as he is concerned, he wants to go in as Attorney General with no cloud over him.

Now it seems perfectly clear to me that the President himself agreed with the nominee's contention that the Senate should not be asked to confirm him until the cloud is dispelled—and it is not dispelled at this point. I also feel that the President, who is a man careful with his words, did not want anyone to doubt that he wanted the whole record brought out.

I do not pretend to believe that either the President or the nominee is very pleased with the way the hearings have gone so far. I do not think that they anticipated that the Senate would have access to so much information on the ITT transactions or that the witnesses would have such poor memories or be so often in conflict on material facts. The cloud remains.

I repeat my request that the Senate recommit this nomination for more hearings until this cloud is dispelled. I do not want to deny the President his nominee; but I do not want to shirk a clear duty on a matter of such vital importance.

And what is the importance of all this? It is precisely that a transaction, intimately involving the nominee in his official capacity, has been uncovered that directly relates to his suitability to be the Attorney General of the United States.

We do not have all the facts on this transaction; but we do have enough to know that there is a real possibility that something highly improper took place. And we also have enough to know that the nominee and his supporting witnesses have not done what was necessary to relieve the impression of high impropriety. Indeed, they have distinctly heightened that impression.

Now I ask myself, what is so important about all this that we should recommit the nomination and tie up the committee in what would be highly controversial and gruelling hearings? We all want to get on with other Senate business—the war in Vietnam, appropriations bills that cannot be delayed any longer, extremely complex military authorizations.

Well, what is so important here is that the public again is the victim of their Government. They do not know what happened any more than we do; but they want to know. And they have a right to know.

It is they, in the end, who have the most at stake. And it is to them that we owe an overriding duty to get at the facts and remove the cloud.

I think it important that we remember that this is no ordinary nomination. Mr. Kleindienst is nominated to be the next Attorney General of the United States. He is asked to be our chief law enforcement officer. And it is his enforcement of our laws that is at issue here.

The public has a lot more at stake than information, however, and this is what bothers me most. The transaction in question was no mere compromised suit. It was an antitrust action worth at least $6 billion—that is $6 billion—And it was an antitrust action that could intimately affect one of the public's most common and essential interests—the price they pay and the conditions under which they buy life insurance.

I do not pretend to know that the Hartford-ITT merger would have had the effect of significantly reducing competition in the life insurance industry; or whether it would have affected the long term interests of Hartford policyholders; or that, together with the Grinnell and Canteen acquisitions, there would have been such a significant anticompetitive factor as to involve an overriding national interest.

I simply do not know whether any of these conditions existed at the time the Justice Department sought a preliminary injunction against these mergers. But I do know that someone with the expertise and responsibility to oversee this merger did think that one or more of these conditions existed. And I do know that he felt that the issue involved was of sufficient importance as to warrant Federal action in the national interest.

Yes, the public did have a great stake here. And it does have an interest of vital importance in seeing that the Government develops the means to contend with the massive conglomerate movement of the 1960's. I cannot see how we could deny this interest in view of the massive conglomerate failures of the late 1960's; failures that have cost small investors millions of hard-earned dollars.

I want to bring this up to add perspective to this debate. This is not merely an election year squabble, nor is it merely a debate over what we may think of Richard Kleindienst and a substantial campaign contribution. This is a debate affecting a vital public interest; and the people deserve to hear all the facts and all the witnesses. And they deserve to know what reason, other than high impropriety, could cause several Government agencies to withhold documentary evidence on this case; or what reason, other than high impropriety, could cause ITT to shred documents relating to the case. They deserve to know why it is that so many men in high positions can fail to remember material facts on a $6 billion case; or why they can blatantly contradict each other and themselves in sworn testimony before a congressional committee. And the public deserves to know why it is that ITT and its giant relatives in the brotherhood of major corporations can simply pick up the phone to the White House when a matter affecting their interests comes up, while the average taxpayer must spend months and a good deal of money in trying to resolve a simple tax dispute with the IRS.

Yes, the people deserve to know the answers to these questions. They can make their own judgment as to what it means to them. Just as we must make our own judgment here as to whether Richard Kleindienst should become the next Attorney General.

At this point, Mr. President, I would like to list the questions relating to the ITT merger-convention contribution that were compiled for the Record by Senator Bayh, a member of the Committee on the Judiciary. I ask unanimous consent that these questions appear in the Record at this point in my statement.

There being no objection, the list was ordered to be printed in the Record, as follows:

Questions Unanswered at Senate Judiciary Committee Hearings on the Kleindienst Nomination

1. Was the ITT settlement "handled and negotiated exclusively" by the Antitrust Division, as Mr. Kleindienst originally stated?

2. Was the Justice Department justified in settling the ITT case because of "financial hardship" to ITT shareholders?

3. Was the Justice Department justified in settling the ITT cases because of some impact on the stock market or "ripple effect" on the economy?

4. Was the Justice Department justified in settling the ITT cases without requiring divestiture of Hartford Fire because of balance of payments problems?

5. Did Mr. Kleindienst fulfill his responsibilities as Acting Attorney General in the ITT case?

6. Why did Kleindienst play a significantly different role in the ITT case than in the Warner-Lambert case?

7. Why did the Justice Department feel it necessary to go outside the government to a private broker to obtain a financial analysis of the proposed divestiture?

8. If the Justice Department needed independent financial analysis in this case, why didn't they get it themselves rather than through the White House?

9. Might the conclusions of the independent financial analysis have been improperly influenced?

10. Was ITT attempting to influence the outcome of its anti-trust cases through Peter Flanigan of the White House staff?

11. Did Kleindienst ever talk to anyone at the White House about the ITT case?

12. Was the White House pressuring John Mitchell to settle the ITT case?

13. Did ITT order Mrs. Beard to discuss its Anti-Trust problem with the Attorney General?

14. Did Dita Beard and John Mitchell discuss settlement terms for the ITT case when they met in Lexington, Kentucky on May 1, 1971?

15. If John Mitchell really disqualified himself in the ITT case because of a conflict of interest, why did he meet with ITT President Harold Geneen on August 4, 1970?

16. Can we believe Dita Beard's denials that she wrote the memorandum Jack Anderson presented to the Committee?

17. When was the Beard memorandum really written?

18. Did ITT order Dita Beard to deny that she wrote the memorandum?

19. Why did ITT shred documents in its Washington office?

20. Did ITT shred documents concerning the antitrust settlement or the San Diego convention?

21. Did Dita Beard write another—still missing—memorandum concerning ITT and the financing of the Republican convention in San Diego?

22. Can we rely on the testimony of Mrs. Beard's physicians when one of them—and the wife of the other—are currently under investigation for medicare fraud?

23. Why didn't the Justice Department inform the Judiciary Committee of the legal problems of Mrs. Beard's two physicians before the Judiciary Committee relied on their views?

24. What is Dita Beard's real physical and mental condition?

25. Can it really be, as John Mitchell testified, that as late as March 14, 1972, he did "not as of this date know what arrangements, if any, exist between ITT or the Sheraton Hotel Corp. and the Republican National Committee, or between ITT or any of its subsidiaries and the city of San Diego or any agency thereof?"

26. Just how much money did ITT agree to contribute to the Republican Convention?

27. Can we believe that Reinecke and Gillenwaters briefed John Mitchell about the "progress" of their "efforts to have San Diego selected as host city" for the Republican Convention two months *after* San Diego *had already been selected* as host city for the Convention?

28. Was the amount of the ITT contribution a "normal promotional expense" as Mr. Geneen testified?

Mr. McINTYRE. Mr. President, now each of these questions is of prime relevance to the qualifications of Mr. Kleindienst to be the Attorney General of the United States. And his own words, and those of the President, indicate that they agree.

But these questions have not been answered. In fact they arise solely from the testimony of the nominee, ITT officers, and administration personnel. I ask that Senators remember that only 2 months after the merger case was settled and the convention agreed upon, the Deputy Attorney General stated publicly that he was not involved in the merger case at all—never mind the convention contribution. So after many months of serious negotiation, White House involvement, and intense pressure, the Deputy Attorney General could state that he had nothing to do with a $6 billion merger.

But after hours and hours of testimony, the Deputy Attorney General was sufficiently refreshed to concede that he had, indeed, played a part in the merger case—a very large part. And it is this refreshed memory that can give us many of the answers to the remaining questions listed above.

As to these questions, I have no doubt that if the answer to many of them is adverse to the administration, then there can be no conclusion but that high impropriety took place. And the nomination must, then, be denied.

But, if the answers to some of these questions are not adverse, as the administration contends, why do they not come forward and "remove the cloud" as the President and the nominee originally wanted to do.

It is interesting to note what the source of that cloud is. First and foremost, the cloud comes from the nominee's and the administration's own statements. They have been contradictory, or vague, or evasive countless times. And these contradictions and vagaries have occurred on precisely the questions listed.

A second cloud is the fact that relevant documents relating to the case have been refused the committee. The Justice Department files on the case, the only real source for rebuttal now that the ITT files have been shredded, have been denied the committee and the Senate.

Beyond these gaps, however, gaps that, if filled, could help the nominee's case, there are more gaps. After weeks of negotiation, the White House finally agreed to let Peter Flanigan testify before the committee, but under extremely limiting terms—terms that in fact have precluded the committee from getting at the truly relevant aspects of his involvement in the transactions at issue.

Now why should this be so? It was not the Senate that asked to have these hearings reconvened. The committee had already unanimously approved the nominee. The administration asked for these hearings. But every time new facts came out which contradicted the statements of the nominee or his supporters, the administration has tightened up and denied the Senate those very documents or testimony that might rebut the very strong presumption that an impropriety existed. Now they expect the Senate to sit by and leave these questions hanging. And now they expect the public to simply sit by and feel good about the fact that they cannot know about how ITT got its way in a $6 billion deal affecting the public interest.

Well, I think we can rightfully expect more than this. We can expect frank testimony, the production of necessary documents, and a sincere attempt by the administration to clear up the clouds.

Again, it can only be reiterated that these doubts have not come from the Senate; they have come from the administration.

There is no way we can serve the public interest we are elected to serve unless we recommit this nomination and get the answers to these serious questions. There is no way that we serve the public interest if we simply bury our heads in the sand and ignore issues that can so seriously affect the economy as the future of Federal regulation of the conglomerate movement, competition in the life insurance and service industries, and the public's confidence in their government. There is simply no way that we can serve the public by confessing impotence when a nominee for the post of Attorney General of the United States can be confirmed with so much that is essential to his performance in office remaining in doubt.

In concluding, I would like to reiterate my feeling that I do not want to oppose this nominee; nor do I want to deny the President the choice of an Attorney General.

Indeed, I am sure that no Member of this body wants to frustrate the President's wishes just to be spitefully obstructionist.

The record clearly shows that the Senate has confirmed the overwhelming majority of Mr. Nixon's nominees.

In 1971, we approved 48,855 nominations. One hundred fifty-eight of those could be considered major appointments. All of the major nominees were confirmed.

I opposed only one, Earl Butz for Secretary of Agriculture, because I believed Mr. Butz' ties to giant agribusiness conflicted with my judgment that preservation of the small family farm was crucial to the redevelopment and revitalization of rural America.

In 1970, this body approved 61,162 Nixon appointees, 139 of whom could be considered important. In the latter category, only one—Supreme Court nominee G. Harrold Carswell—was not confirmed.

Judge Carswell's record—which included a high rate of reversal on settled areas of law and the abuse of civil rights lawyers from the bench—was not convincing evidence that he should be confirmed, despite the dubious claim that "mediocrity needs representation on the bench."

In 1969, this body confirmed 72,635 Nixon appointees, 298 of whom were considered important, and denied confirmation to only one in the latter group—Supreme Court nominee Clement Haynsworth, because of evidence of conflict of interests while on the bench.

I voted against Judge Haynsworth, and I did it in good conscience.

I also voted against confirmation of Walter Hickel as Secretary of the Interior, because of the potential conflict of interest posed by his holding so much oil stock and his opposition to a free trade zone at Machiasport, Maine, a matter of importance to the oil consumers of my part of the country.

I came to regret that vote, because Mr. Hickel not only turned out to be a dedicated Secretary of the Interior, but, as events were to prove, a very sensitive and perceptive American.

In sum, however, the Senate confirmed a total of 182,652 nominees in the first 3 years of Mr. Nixon's Presidency, 595 of whom were considered major appointments, and rejected only two of those major nominations.

Is this a record of spiteful obstructionism—or is it a record of responsible cooperation?

And it is precisely because of this record of responsible cooperation with the President that the doubts surrounding the Kleindienst case are so significant.

Much as I want to cooperate with the President—much as I want him to have his choice of appointees—I simply cannot ignore all that has transpired since the hearings on this nomination were reconvened, nor all the doubts the hearings have inspired.

I do not believe for a minute that any possible impropriety can be charged to the President.

If he knew about this case, I can visualize the briefing he received as dealing only with the benefits or dangers to the economy that the merger presented—a legitimate concern for any President.

And I can understand why he might tell his underlings to see to it that everything possible was done to insure full consideration of any potential dangers to the economy.

The questions I raise today relate not to the President but to the performance and the integrity of his underlings. And those questions are of such crucial importance that they ought to be answered—and answered truthfully.

I ask that the Senate move to assure that those answers are forthcoming before we go further.

Mr. KENNEDY. Mr. President, I thank the Senator from New Hampshire for his comments here this afternoon. I think he has made a very eloquent statement on the matter, and I agree wholeheartedly with his conclusion.

I want to indicate to my good friend from New Hampshire that the interest of those of us in the Judiciary Committee in additional hearings is not just to have an open-ended, ad infinitum session, but to limit it to those witnesses whom I have mentioned here. The Senator from California, I believe, has two or three other witnesses he would like to have relating to the Harry Steward case. And, of course, we would like to obtain the other additional kinds of documentary materials we have already requested.

I want to indicate to the Senator that if we are successful here on the floor, we are certainly not going to be involved in a prolongation of hearings, but we do feel, as the Senator mentioned in his comments and in his statement, that we have a responsibility to fulfill, and the only way we can do so is by obtaining the additional information which I think I, the Senator from New Hampshire, and the other Members of the Senate need in fulfilling our responsibilities.

So I want to give assurances to the Senator from New Hampshire that in sending this nomination back to the committee, it is not just to put it in the position to have it killed there. We are not trying to do that. As one member of the committee, I can certainly give the Senator assurance that that would not be the case.

I wanted to mention that and to commend the Senator for his statement. I think he is correct in his observations and courageous in the position which he has taken.

Mr. McINTYRE. I thank the distinguished Senator from Massachusetts for his kind remarks. I feel that those four or five Senators, of which the distinguished Senator from Massachusetts is one, on the Judiciary Committee trying to get additional hearings, because they are trying to get some of these answers and some of these doubts dispelled, is the proper thing to do.

As I indicated in my speech, I am very reluctant to try to deny the President the legal officer he wants. I cannot think of any more important position to have in his Cabinet than that of his chief legal officer, and that he be one of his choice.

I want to thank the Senator, along with his colleagues on the Judiciary Committee, and hope we are successful in recommitting the nomination so that these answers can be found.

Mr. KENNEDY. The Senator is quite right about our responsibility in assuring that the President may have the team he desires to carry forward his mandate. I for one voted for Mr. Kleindienst prior to the time this whole question was raised about the ITT case. All of the Members whose names are listed under "Separate Views" indicated without exception that they were prepared to support Mr. Kleindienst, even though his views on civil liberties and civil rights, and apparently on antitrust, would not be the views that we would find most compatible. As a matter of fact, in an earlier report I had stated "The President must be able, within some broad limits, to choose the lawyer he wants at his side for the next 11 months," and I know my colleagues shared that opinion. But since Mr. Kleindienst asked the Committee on the Judiciary to involve itself in this situation, and since even the President of the United States indicated that he wanted the Judiciary Committee to examine this in some detail, we feel we have a responsibilty to the nominee, to the President, to the committee, to the Senate, and to the American people to get to the bottom of things. We are certainly not interested in undue delay, but we are trying to fulfill that responsibility.

I thank the Senator again for his comments.

Mr. McINTYRE. Mr. President, I thank the Senator for yielding to me, and wish him well in his efforts.

Mr. KENNEDY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts desire to be recognized?

Mr. KENNEDY. I think I yield to the Senator from New Hampshire without relinquishing my right to the floor.

The PRESIDING OFFICER. The Chair would observe that the Senator from Massachusetts did leave the floor. If the Senator wishes to be recognized, he will be recognized.

Mr. KENNEDY. I thank the Chair.

I had indicated earlier, Mr. President, the need for both the additional witnesses and the additional materials which we thought would be necessary. It seemed that every time the committee got close to obtaining the facts, some incident intervened to dampen the inquiry. Let me give a couple of examples.

Six members of the Judiciary Committee, constituting a special subcommittee, traveled over 1,700 miles to Denver to take testimony from a key figure in the hearings—Mrs. Dita Beard. Despite the question about the nature of Mrs. Beard's infirmity, according to doctors appointed by the committee, the committee—at considerable inconvenience and expense—directed this journey to attempt to get Mrs. Beard's views in evidence and scheduled 9 hours of hearings in Denver.

We were all quite concerned with not jeopardizing Mrs. Beard's health, but in fact Mrs. Beard had indicated that she wanted to get things "straightened out." Telegrams and telephone conversations were exchanged between the committee and her doctors, and arrangements proceeded consistent with Mrs. Beard's own wishes. The doctors even said that from a medical standpoint the hearing "would be of benefit" to her. Senator Hart, chairing the special subcommittee, noted at the beginning that we were all conscious more of insuring "That our action would not disadvantage Mrs. Beard's physical" than of obtaining a record of her testimony; but he also acknowledged that "Mrs. Beard wanted this over with."

I wish to add, Mr. President, that I was in attendance when the chairman of the subcommittee, Mr. Hart, carried on a number of conversations with the doctors in the presence of both the majority and minority members of the committee, to try to establish a procedure which could be followed. That small subcommittee considered a variety of different alternatives.

We thought that perhaps we could meet our responsibilities by sending maybe one or two staff members out to talk to Mrs. Beard, that they could get the information without subjecting her to the publicity and all the attendant activity which might cause her some distress. That was one thing considered by the members of the committee. But we were assured by the doctors in attendance on Mrs. Beard that she wanted to get these things off her chest and to have an opportunity to explain her views to the subcommittee, and as a matter of fact the doctors out there felt that she would recover her health more quickly if she had an opportunity to do so. So it was at their urging that the procedure was worked out with our chairman, Mr. Hart, and a number of the members of the committee traveled out there over the course of a weekend, so that we would not interfere with Senate business, to talk with Mrs. Beard.

While I am sure all of the members of the special subcommittee were disappointed, we were forced to cut our inquiry short after only 2½ hours of hearing when Mrs. Beard showed signs of pain during the hearing. Many questions that all of us had went unanswered. To point up most cogently the incomplete nature of Mrs. Beard's testimony, I would like to direct attention to the matter being discussed when the hearing was terminated.

Mrs. Beard had been asked whether she knew Mr. Kleindienst, and she answered that she had met him once at a Governors' conference when he was with a friend of hers. She said that she doubted whether Kleindienst would even remember her; in fact, he had not, as he told the committee earlier that he had never met her. Let me read the final lines of testimony from the transcript of the Denver hearings; Senator Gurney was questioning the witness:

> Question. Mrs. Beard, did you ever discuss anything at any time with Mr. Kleindienst?
>
> Mrs. Beard. No, sir.
>
> Question. Do you know Mr. Kleindienst?
>
> Mrs. Beard. I met Mr. Kleindienst once at a Governor's Conference in Tulsa, Oklahoma, and that was when he happened to be with a friend of mine, and I doubt seriously that he would even remember me.
>
> Question. And that was just a social gathering, no discussion of any sort?
>
> Dr. Radetsky (Mrs. Beard's attending physician). Let's recess for about 5 minutes, please.

The question was certainly an important and relevant one, and it was not answered. To this date the committee does not know when Mrs. Beard met Mr. Kleindienst, who was with them, or what they discussed. These questions were not asked Mrs. Beard when she appeared on national television for an extensive interview shortly after we left Denver.

Although committee-appointed doctors later informed the committee that they could find no objective indications of any physical infirmity of Mrs. Beard, she did not reappear to provide further testimony for our deliberations. There is a lot we did not find out from Mrs. Beard that we should know before the nominee is confirmed.

The same type of scene was repeated during the testimony of Peter Flanigan—

whom the administration had originally tried to keep from appearing before the Judiciary Committee at all. Although the White House ultimately decided that Flanigan's physical appearance before the committee was the only way they might be able to salvage their nominee, we were confronted with a new kind of barrier when Mr. Flanigan finally appeared. Instead of medical problems, we were faced with Flanigan's narrowly construed agreement with the committee, conditioning his appearance on a strict limitation on the matters on which he would testify. To illustrate this let me repeat what I think we can all agree to be a central question in our determining Mr. Kleindienst's full role in the ITT matter: Flanigan was asked, "Could you tell us if you have ever talked to the Attorney General designate, Mr. Kleindienst, about the ITT matter?" Incredible as it may seem, this question went unanswered because of objections raised by minority members of the committee. The question is still not fully answered, for while Mr. Flanigan later wrote the committee that he had two telephone conversations and a meeting with Kleindienst relating to the ITT settlement, Mr. Kleindienst could not recall any details of any of these contacts. He did not bother to try to refresh his memory, and Mr. Flanigan never returned to be examined or cross-examined concerning those key contacts.

These are but a couple of examples where external situations—Mrs. Beard's heart condition and limitation on the scope of Mr. Flanigan's testimony—interfered with the Judiciary Committee's efforts to obtain a full picture of Kleindienst's involvement in the ITT matter.

As great an obstacle to our ascertaining all relevant facts, as these intervening external factors, have been the conflicts, contradictions, and inconsistencies in testimony of the witnesses who appeared before us, thus preventing the Senate and the public's discovering the full measure and nature of the nominee's involvement in the ITT settlement. Finding No. 7 of our "separate views" addresses itself to this issue:

> The incompleteness of the hearings and of the memory of the nominee make difficult a determination of the precise nature and timing of his knowledge of the convention gift. What is clear is that the nominee played a determinative role in the events leading to the settlement of the ITT cases, and that, beginning last December, for reasons yet unknown, he attempted to withhold from the public and the committee the full facts about his extensive participation.

In summary, the hearings might have been substantially shortened had the nominee and other witnesses come forward from the first with a full and accurate account of their activities and involvements and discussions relating to the ITT-Justice Department antitrust litigation.

Mr. President, I would like to turn for a moment to the central issue of our hearings, the settling of ITT's antitrust cases. During the course of our hearings we reviewed the antitrust policy of this administration since January of 1969. Unquestionably Assistant Attorney General McLaren had a distinguished reputation for scholarly achievement and integrity, and in his appearance before the committee he indicated that when he had accepted the job, he would be his own man. We saw from his statements, from his speeches, from his comments that he was fully committed to vigorous antitrust enforcement. As a matter of fact, in the memorandums which were provided for the Solicitor General, which were made available to the Members of the Senate, but Senators only, one thread that appears—and I certainly do not think I breach any confidence when I repeat it—is the very strong desire, commitment, and belief by Mr. McLaren that there ought to be full and complete prosecution of these cases in the Supreme Court of the United States; that if the keystone of the administration's antitrust policy were really going to be realized, it should be upheld by the Supreme Court; and that McLaren was prepared to see that the Supreme Court would have an opportunity to rule on these cases.

That is one of the great mysteries in this situation—what took place to change that whole approach of vigorous antitrust enforcement against conglomerates by this administration. That is one of the very important factors we were trying to understand. What were the reasons for the turnaround? What were the reasons for the change? There are those who say that the reason for the turnaround is that ITT made a good settlement, according to Mr. Griswold and to other experts for the Government. But we cannot get away from the fact that it was the specific policy of this administration on the conglomerate cases not to make the settlement but to carry a test case through to the Supreme Court of the United States. The Supreme Court of the United States could rule on the administration's interpretation of the law, which would have implications upon the conglomerates for a long period of time and would be the key factor and force of this administration's policy.

There are those on the other side who would say that the settlement itself has all the force of law quite effectively. But, quite clearly, that is not the case. If there is a settlement, it is just a settlement. The law remains open, ITT gets what it wanted, and conglomerates would know for some time in the future that this was an administration or antitrust division that was not ready to go to the wall on antitrust policy.

No matter how you analyze it, the settlement ITT got was the settlement they most wanted. The acquisition about which they felt most strongly, Hartford Fire, they were able to retain. Is it completely coincidental that this was the arrangement that Dita Beard spoke to Mr. Mitchell about in Kentucky at an earlier time? A Washington Post editorial perceptively discusses the Government's turnaround, and I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHAT TURNED MR. MCLAREN AROUND?

When Solicitor General Erwin N. Griswold says that the settlement of the ITT antitrust case was a "very substantial victory for the government," he may be right, if what he means is that there was a reasonable compromise which resulted in a sizable divestiture on the part of ITT; if you assume, as Mr. Griswold does, that the Justice Department was likely to lose the case in the end, leaving the ITT conglomerate intact, the settlement looks even more favorable to the government. And if that is so, then one may well ask why there would even be talk of a possible payoff by ITT in the form of a major contribution to the cost of this year's Republican Convention in San Diego. Having lost, why would ITT pay off? Without attempting to judge at this point whether, in fact, there is a connection between the convention financing and the out-of-court settlement of the antitrust suit the explanation for why some people might suspect that there is one lies in the fact that the settlement was also favorable to ITT.

This, in short, is the crux of this affair: if the settlement can be said to have been in the larger interests of the government, it was also, as is so often the case in these matters, in the interests of ITT; the real loser, it becomes increasingly clear, was Mr. Richard McLaren, then head of the Justice Department's antitrust division, and an understanding of the way in which he lost is crucial to the central issue of the ITT affair, which is what, or who, caused Mr. McLaren to abandon his main purpose in bringing action against ITT and to settle out of court. As the Wall Street Journal explained his main purpose, in an excellent account of the background of the ITT case the other day, the three suits against ITT and an earlier suit against Ling-Temco-Vought, Inc. (also settled out of court, in 1970) "were to have been Mr. McLaren's vehicles for gaining from the Supreme Court a highly significant expansion of the Clayton Antitrust Act." The Journal analysis continues:

"When Mr. McLaren was named to head the antitrust division in 1969, his first priority was to halt the acquisition by huge conglomerates of leading companies in the steel industry and other industries. The campaign drew wide attention not only because of the magnitude of the ITT and LTV suits, but also because Democratic heads of the Antitrust Division had insisted the Clayton Act didn't apply to such conglomerate mergers, prompting much talk about whether Congress should pass a new antitrust law. Mr. McLaren urged Congress not to do so, and it didn't, pending the determination of his lawsuits. The suit against ITT's acquisition of Grinnell (one of the three suits involving ITT) already was at the Supreme Court when the package settlement concluding all three suits against ITT was signed."

So there was this Republican trust-buster, trying to get the Supreme Court to write new law against conglomerate mergers and what makes the history of his efforts with respect to ITT and LTV all the more intriguing is that, by his own account, both met almost precisely the same fate: in both cases, White House aide Peter Flanigan stepped in and produced a financial expert to argue against the divestitures which Mr. McLaren was trying to bring about by court action; in both cases the expert in question was Richard J. Ramsden, who recently spent a year as a White House fellow and now works for a New York investment firm. That is to say that in both cases, Mr. McLaren somehow was persuaded to go beyond his own antitrust division, and outside the rest of the United States government, to seek the advice of a private expert, furnished by the White House—and then to abandon the main objective which had caused him to bring suit in the first place.

> This is the heart of the ITT affair, rather than the question of who won the case. Surely, the U.S. government gained something, if you believe, with Mr. Griswold, that the Supreme Court would have ruled against the government. But Mr. McLaren did not believe the case would have been lost; although he hedged on this point before the Judiciary Committee this week, last December he told this newspaper in a taped interview: "I think without question we'd have won them." Clearly ITT special counsel Lawrence Walsh also thought the government was going to win; he said as much in an April 16, 1971 letter to Richard Kleindienst, which urged that the Justice Department reconsider, with other government agencies, the economic consequences of a Supreme Court ruling against ITT. It was this view of Mr. Walsh's, presumably, that encouraged ITT to seek an out-of-court settlement; in particular, ITT wanted to negotiate an agreement which would exclude the Hartford Fire Insurance Co., the target of one of the three ITT suits, from divestiture. Or so it seemed to Mr. McLaren last December. In the same taped interview with this newspaper, he said "I think the defendants think we would have won them, too. Otherwise they wouldn't have agreed to the program of divestiture that they did agree to."
>
> So the question isn't whether the ultimate program of divestiture was favorable to the government; it could have been, while at the same time being favorable to ITT. In any case, there is no doubt that ITT wanted an out-of-court settlement. And there can be no doubt that Mr. McLaren wanted a Supreme Court test.

Mr. KENNEDY. The editorial concludes:

> So it comes down to the crucial question of what, or who, turned Mr. McLaren around? And how? That is what the Senate is going to have to determine before it can confirm the nomination of Mr. Kleindienst. For it was Mr. Kleindienst, after all, who told us categorically that the ITT settlement was "handled and negotiated exclusively" by Mr. McLaren and the evidence is already persuasive that it was not.

Nonetheless, we see that this was going to be the key question and the key case, and it was turned around. So we are trying to find out the reasons for the turnaround.

During the hearings, some members of the committee were accused of repetitive questioning. However, it appeared throughout to be necessary to bring to the surface the full and complete answers to the questions. Even this approach with some witnesses failed to bring resolution of the inconsistencies and contradictions.

Let us turn back for a moment, Mr. President, to shortly before the supplemental hearings on the nomination of Mr. Kleindienst to be Attorney General began. A first set of confirmation hearings had been held and the nomination had been ordered reported to the full Senate. Even those members of the Judiciary Committee who disagreed with the nominee's views and philosophies in various areas had indicated that the President had sufficient latitude to choose such a man for his top legal advisor and the Government's top law enforcement officer. Mr. Kleindienst's confirmation appeared certain.

Then, on February 29, nationally syndicated columnist Jack Anderson dropped a bombshell. He revealed in his column a confidential ITT internal memorandum linking the company's antitrust settlement with its contribution to the Republican national convention. The next day Anderson implicated the nominee by alleging that Kleindienst had lied when he denied 3 months earlier having had anything to do with the ITT antitrust settlement negotiations.

Mr. Kleindienst then, according to his opening statement before the Judiciary Committee on March 2, not surprisingly asked for the supplemental hearing to remove the cloud over his head cast by the Anderson columns and public reaction to them. The Judiciary Committee expected Mr. Kleindienst and the other witnesses to come forward fully and candidly with the details of their activities. The nominee specifically undertook to dispel the cloud of impropriety surrounding his actions on the ITT settlement. Mr. Kleindienst told the committee in his opening statement:

> I would not want that confirmation to take place with a cloud over my head, so to speak, nor would I want the U.S. Senate to act upon my nomination if there was any substantial doubt in the minds of any of the Members of the U.S. Senate to the effect that while I performed my official duties on behalf of the U.S. Government in the past three years as the Deputy Attorney General, that I engaged in any improper conduct.

Thus assuming the burden of bringing forward to the committee the testimonial and documentary evidence by which his conduct could be judged, Kleindienst proceeded to deliver an opening statement to the committee. This opening statement set the stage for the ensuing hearings—a stage occupied by reluctant actors who tried continuously to keep the curtain drawn. By reviewing more closely—and in light of subsequent revelations—some of the testimony of Mr. Kleindienst during the hearings, the Senate should be able to get a better feel for why at least six members of the Judiciary Committee felt the hearings should continue.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that I may do so without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House has passed, without amendment, the bill (S. 1140) to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1736) to amend the Public Buildings Act of 1959, as amended, to provide for financing the acquisition, construction, alteration, maintenance, operation, and protection of public buildings, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7117) to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of United States vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GARMATZ, Mr. DINGELL, and Mr. PELLY were appointed managers on the part of the House at the conference.

NOMINATION OF RICHARD G. KLEINDIENST

The Senate continued with the consideration of the nomination of Richard G. Kleindienst to be Attorney General.

Mr. KENNEDY. Mr. President, earlier this afternoon we took the time to review the Beard memorandum and the various corroborative evidence for the Beard memorandum brought out in the course of our hearings before the Judiciary Committee. I detailed why I thought it was essential to call other witnesses that could help resolve even some of the questions that were initially put forward in the Beard memorandum.

Then I reviewed for the Senate the range of the witnesses that I thought were clearly necessary to meet our responsibility, and the additional kinds of materials that were essential in order that we meet our responsibility.

I believe that if we had that information and that additional group of witnesses we would be able to report very clearly to the Senate on the results of these examinations.

Mr. Kleindienst had written back in December of 1971 that he was not involved in the ITT settlement, that the settlement was handled and negotiated exclusively by Mr. McLaren, who bore the entire responsibility for the settlement and the negotiations.

We found out in the course of our hearings, both in our examination of Mr. Kleindienst and from other witnesses, that a great many other contacts had been made by officials of ITT through a series of meetings, communications, and negotiations, if you will, with Mr. Kleindienst.

I think it is appropriate for us in this context, in trying to assess the relationship between the settlement of the ITT case and the role of the White House, to examine what, exactly, ITT was up to during this period. Was it, as was suggested even by Mr. Kleindienst, only the ITT lawyers and the Department of Justice attempting, at arm's length, to reach some kind of equitable settlement? Or were there other contacts, involving Kleindienst, the White House, Cabinet officers, and other Federal officials that played the key role in the settlement of the ITT cases? We do not know the answers to that. As of now we do not know whether, from the results of the whole range of contacts, what the ITT was involved in, or what Mr. Geneen was involved in, or what Mr. Gerrity or Mr. Merriam were involved in, or what role they played in the eventual settlement of the case. Certainly those are legitimate questions for us to resolve.

So it is appropriate for us to wonder about the range of these contacts and what ITT was doing.

ITT, for example, in its news release on February 28, said that there was no kind of deal, and that neither Mrs. Beard nor anyone else except counsel for the company was authorized to carry out negotiations. And yet about 2 weeks later, ITT put out another news release listing all the Government officials who were seen, not by counsel, but by Harold Geneen. At page 41 of our report, we list all the contacts we know of which were made by ITT representatives other than counsel.

Mr. President, during the course of our hearings we heard Mr. Geneen say time and time again, we heard Mr. Rohatyn say time and time again, and other officials of ITT say time and time again that the only purpose of their contacts with any administration official was not in connection with the settlement of any ITT case, but only in connection with the general anticonglomerate or antitrust policy of this administration.

With respect to Mr. Geneen and his visit to Mr. Mitchell, he said he did not go to see him about ITT, but only about antitrust policy. He said:

> I know it might have incidentally affected ITT.

It affected ITT more than incidentally because there were only four cases involving anticonglomerates and three of them had to do with ITT, so it involved ITT very directly. When the president of ITT talks to these officials about only anticonglomerate policy, while three of the four pending administration cases involve ITT, Mr. President, you know that he is in effect talking about ITT.

It is interesting that when we asked if Mr. Geneen, or any of the range of other ITT officials—Dita Beard, Mr. Rohatyn, Mr. Gleason, Mr. Gerrity, Mr. Casey, or Judge Walsh—who were seeing the Attorney General, William Timmons, Peter Flanigan, Secretary of the Treasury David Kennedy, Chairman Paul McCracken of the Council of Economic Advisors, John Erlichman, Arthur Burns, Secretary of Commerce Maurice Stans, Harry Dent—even went back and talked to any of those men after the ITT cases had been settled. They said no, they did not.

So, once the settlement occurred, we did not see Mr. Geneen going back to the Justice Department and discussing with Mr. Mitchell his concern about antitrust policy. We did not see Mr. Gerrity going back to discuss antitrust policy.

After the settlement of ITT, there was not one contact made. And so I think it certainly seems reasonable for us to assume that all those contacts were not made just to discuss general policy, but to influence the strategy and the movement of the administration with respect to the ITT cases.

I think in fairness to Mr. Geneen and Mr. Rohatyn that when they were in Washington also talking to Members of Congress about antitrust policy, that they were hopeful there would be some kind of change. I do not think any of us are trying to fault the fact that they were trying to press their position. We do not blame ITT's people for trying to get across their views. They are in business, representing their stockholders. The question is: Did they at some point bolster their presentation with a different kind of action, such as a large pledge for the Republican Convention? That is the key question and that is the question that still remains.

And what effect did all these contacts have? When they talked with high administration officials, what did they ask these Cabinet heads to do? Did they just brief them and ask them nothing? Did they simply wish to see some innocent change in policy? Were the White House officials who were going to San Diego aware of the ITT problems? If they were, did they do anything about them? If they did not, should not we know about it?

These questions take us back to the need for additional hearings. We have seen the range of different contacts that were made. One of the things denied to us as members of the Committee on the Judiciary was what came out of the other end. We know that they saw all of these high Government officials, but we do not know what effect they had. The only way we could know would be to get complete information from ITT or the various officials.

One significant fact is that the doors of the White House were always open to these officials from ITT. Mr. Gerrity and Mr. Merriam were able to see Harry Dent, Peter Flanigan, Charles Colson, and Herb Klein, about their problems.

I am sure there are many hundreds of millions of Americans who have problems and who would like to be able to get in to see Mr. Flanigan or Mr. Erlichman or Mr. Klein or Mr. Dent to ask them to work on their problems.

I am sure there are businessmen in my State of Massachusetts who have problems with the Government, who would like to be able to see these officials or to be able to come down and knock on the White House doors and have them open.

I am sure there are many senior citizens in this country who have problems with social security, small businessmen who have trouble getting loans, and returning veterans who have been held up on benefits who would like to have their problems resolved.

We see all these high ITT officials being able to come down and have someone listen to their problems. That must concern many Americans.

I do not blame ITT for trying to get across their views, but I do blame those who are willing to give them the extensive attention they apparently received—almost 3 dozen contacts between ITT and the highest officials of this administration.

If we knew that instead of these Cabinet officers and presidential aides that only the attorneys with the Justice Department had been involved, how much easier our task would have been. If, instead of having a list of 3 dozen contacts, we had only visits to three or four attorneys in the Justice Department's Antitrust Division, and that the negotiations were carried on, not by lobbyists—not by Dita Beard or Ned Gerrity or John Ryan—but by ITT's counsel, how much easier it would be for us to resolve this problem. But that is not the case, and we cannot ignore the contacts that were made. The real question is whether the ITT officials were effective in translating the contracts into administration action?

We do know that at least one White House aide was in direct contact with the nominee, although the nominee does not remember. What else happened that we do not know about?

It certainly seems appropriate at this point, now that we know of the range of contacts that were made by ITT, to examine the contacts that were made with the nominee himself, and see what we learned about his contacts with ITT. We certainly need to review those, because we know that, in response to the letter from Mr. O'Brien, he said that the matter had been "handled and negotiated exclusively" by Mr. McLaren. So, in view of that language, it is important for us to ask whether Mr. Kleindienst knew anything, and whether he was involved, and what contacts were made with him, and whether his actions did or did not consist of either handling or negotiating these settlements.

We asked Mr. Kleindienst about these various contacts. The first contact we were able to find out about was a contact with Mr. John Ryan. Mr. Ryan is the deputy head of ITT's Washington office, and is also a neighbor of Mr. Kleindienst. Mr. Kleindienst first indicated that he had seen Mr. Ryan on a number of different occasions, but that the matter of ITT's cases had not really been raised. Later on in the hearings, Mr. Ryan testified and he told us that he had talked about the cases with Mr. Kleindienst.

Then Mr. Kleindienst testified again and indicated that he and Ryan might have talked about it. So Mr. Ryan was one contact. He saw Mr. Kleindienst at a number of social gatherings in their neighborhood, and it was Mr. Ryan who set up the appointment for Mr. Rohatyn to see Mr. Kleindienst.

We had wondered, in the course of our hearings, how Mr. Rohatyn could have been able merely to call Mr. Kleindienst on the phone and get an appointment with him. We asked Mr. Kleindienst this question, the first time we asked him about Mr. Rohatyn:

> Mr. Kleindienst, were you acquainted with anyone from ITT before Mr. Rohatyn called in April?

That could be labeled as a fishing question. We have heard our friends from the other side of the aisle say that fishing was taking place. That could fall under the designation of a fishing expedition. Let us see what happened with that fishing:

> Mr. KLEINDIENST. Was I acquainted with anybody?
>
> Senator KENNEDY. Yes.
>
> Mr. KLEINDIENST. There is only one person in ITT who I have ever been acquainted with, and that is a Mr. Ryan who is employed by that company in Washington, D.C., and he lives in my neighborhood in McLean.
>
> Senator KENNEDY. Could you describe that relationship? Is it purely social, or is it a relationship——
>
> Mr. KLEINDIENST. It is a very casual social relationship. Once or twice a year the neighborhood has a Christmas party or neighborhood party, and then I see Mr. Ryan.
>
> Senator KENNEDY. But there has never been a professional relationship between you?
>
> Mr. KLEINDIENST. None at all, sir.
>
> Senator KENNEDY. Had you ever heard of Mr. Rohatyn before his call?
>
> Mr. KLEINDIENST. No, sir.
>
> Senator KENNEDY. He was not introduced to you by anyone?
>
> Mr. KLEINDIENST. No, sir.
>
> Senator KENNEDY. Did he refer to anyone in calling you?
>
> Mr. KLEINDIENST. No, sir.
>
> Senator KENNEDY. He just called you out of the blue, and you took his call?
>
> Mr. KLEINDIENST. Well, he identified himself as a representative of the company. I think he knew who I was, my responsibilities in the Department.
>
> Senator KENNEDY. And you took his call, without knowing what he was calling about, just because he was a director of ITT?
>
> Mr. KLEINDIENST. Yes, sir, I did.
>
> Senator KENNEDY. Even though you did not know him or had been unaware of him?
>
> Mr. KLEINDIENST. Yes, sir, based upon the identification given, I did.

Later we returned to the subject. This time Mr. Kleindienst had something new:

> Mr. KLEINDIENST. Senator Kennedy, you might have noticed that I have been talking to Mr. Rohatyn and I have had my recollection refreshed as to why he called me in the first place. I believe that Mr. Ryan, who lives out in my neighborhood, might have said at one of these parties that there would be an economic problem to ITT, and would I be willing to talk to somebody from the company, and I think I said yes, I would.
>
> And then that precipitated Mr. Rohatyn to call. No one discussed with me who that would be, and that was several weeks later.
>
> Senator KENNEDY. Was it Mr. Ryan? Could you give us his full name and where he lives?
>
> Mr. KLEINDIENST. John Ryan, and I do not know what his title or position is in the company. He lives on or near Portland Place in McLean.
>
> Senator KENNEDY. Is he—he works—or what is his work at ITT?
>
> Mr. KLEINDIENST. I do not know what his job is.
>
> Senator KENNEDY. But he was associated with ITT?
>
> Mr. KLEINDIENST. I believe he is.
>
> Senator KENNEDY. Mr. Rohatyn, could you tell me?
>
> Mr. ROHATYN. Sir, all I know is that he is an employee of the company.
>
> Senator KENNEDY. You do not know in what respect?
>
> Mr. ROHATYN. No. sir.
>
> Senator KENNEDY. You do not know if he knows Mrs. Beard, or does not?
>
> Mr. ROHATYN. I have no idea.
>
> Senator KENNEDY. But anyway, Mr. Kleindienst, now you do remember having some conversation with Mr. Ryan?
>
> Mr. KLEINDIENST. Yes. I recall now that I have talked to Mr. Rohatyn that Mr. Ryan had, at one of these functions where there would have been 20 or 30 people——
>
> Senator KENNEDY. This is the Christmas party?
>
> Mr. KLEINDIENST. This was in the spring. It must have been a spring party. He raised the question whether I would be available to an officer of the company to discuss the economic aspects of it, and I must have said yes to him because I think that that is how Mr. Rohatyn was encouraged to call me. I never heard of Mr. Rohatyn until he called me, however.

So this is the kind of fishing we are talking about. We were trying to find out about Ryan and his role in trying to bring Kleindienst and Rohatyn together, and it was brought out by fishing and by repeated questioning. From that we were able to find out that he had talked to Mr. Ryan a number of times and that he talked to Mr. Ryan about the economic effects of the ITT case. Mr. Ryan turned out to be the fellow who set up Kleindienst's first meeting with Mr. Rohatyn. This is where it ended up, when Mr. Kleindienst testified:

> Yes, I guess I set in motion a series of events by which Mr. McLaren became persuaded that, for the reasons heretofore discussed, he ought to come off his position with respect to a divestiture of Hartford by ITT. That's a fair statement.

Now the O'Brien matter. The quotation in Mr. Kleindienst's letter of December 13, 1971 to Lawrence O'Brien read:

> The settlement between the Department of Justice and ITT was handled and negotiated exclusively by Assistant Attorney General Richard W. McLaren. * * *

But then the nominee conceded at the hearings,

> Yes, I guess I set in motion a series of events by which Mr. McLaren became persuaded that, for the reasons heretofore discussed, he ought to come off his position with respect to a divestitures of Hartford by ITT. That is a fair statement.

But the nominee stubbornly stuck to his position that his "handled and negotiated exclusively" statement was accurate. The other party to Kleindienst's negotiations with ITT was more realistic when Felix Rohatyn testified, he spoke of how he "handled some of the negotiations and presentations to Kleindienst and McLaren." The kindest thing that can be said of Kleindienst's position on this point is that he has a bizarre sense of the meaning of words. Perhaps more accurately, he had to realize that, however technically defensible his statement to O'Brien might be, it would inevitably be totally misleading.

So I do feel that we certainly were able to bring out some extremely important and relevant facts which were unknown at the start of these hearings.

To get back to the ITT contacts with Kleindienst, then, first we have Ryan, who is Kleindienst's neighbor who works in the ITT Washington office; he is its deputy director. We were able to find out that he was what was called the "listening post" for ITT antitrust matters. We tried to get some definition of what was meant by "listening post." We could only surmise that he was the agent who gathered all the material and passed it on up to his superior and to New York. We asked the New York ITT office if they could provide for us memorandums or other papers about the ITT matter, and of course we never received them. A very large fraction of all the material that ITT agreed to supply was subsequently denied. In fact even though ITT agreed to supply us with material which was in their New York headquarters, nearly every single item we received from ITT's files was from their Washington office. ITT broke almost every agreement its officers and counsel made under oath to provide material from its New York files.

Then we had the establishment of contract with Mr. Rohatyn, or the series of meetings with Rohatyn, of which eventually there were six plus at least two phone calls.

One of the interesting factors is that even though there were five private meetings, four of them were kept secret from Mr. McLaren. He knew of only one of those five meetings even though the matter was supposedly being handled and negotiated exclusively by Mr. McLaren. Mr. Kleindienst did not even take the opportunity of informing the one who had the prime responsibility. I do not know why he would not have done so. It certainly seems that he would have, just to keep him informed. It is understandable, perhaps, that under certain circumstances you would have these direct contacts between an ITT official and someone in the Justice Department, but it would appear that you would also invite the head of the Antitrust Division to such meetings, or if not that, certainly you would keep him informed.

So we had the contacts with Rohatyn. What was the next contact, still with the point in mind that Mr. Kleindienst indicated in his letter to Mr. O'Brien that this matter was handled and negotiated exclusively by Mr. McLaren?

We find Mr. Walsh appearing at this point. I can remember we asked Mr. Kleindienst why there was an extension of time for the filing of the Government's jurisdictional statement in the ITT-Grinnell litigation in the Supreme Court. We were unable to gain any real kind of information about it, until we started with the Supreme Court records to try to track it down. Eventually we found out that the delay was a result of a request from ITT in the form of a letter from Mr. Lawrence Walsh. Walsh is a close friend of Mr. Kleindienst. He had a distinguished career in public service in the Justice Department on another occasion when he was Deputy Attorney General. He is chairman of the American Bar Association Standing Committee on the Federal Judiciary and is a very distinguished individual. He had been requested by ITT to contact Mr.

Kleindienst about their antitrust litigation.

Getting back to the reason for the delay, here was the exchange.

Senator Kennedy. Now, as I understand, on April 19, the Justice Department requested a last-minute delay for its filing of an appeal in *Grinnell*. This is the *ITT* case in the Supreme Court, is that right, Mr. Kleindienst?

Mr. Kleindienst. I beg your pardon, Senator Kennedy?

Senator Kennedy. That on April 19, this is the day after Mr. Rohatyn's phone call to you, the Justice Department requests a last minute delay for its filing of appeal in *Grinnell*, is that correct? I believe that——

Mr. Kleindienst. We requested a delay, but I do not remember the date, Senator Kennedy.

Senator Kennedy. Mr. McLaren, do you remember? I believe that is the date.

Mr. McLaren. I could not place the date, Senator.

Well, in getting back and doing some more fishing, we found out that the delay was a result of contacts that were made in behalf of ITT by Mr. Walsh, specifically a communication to Mr. Kleindienst in a long letter that was, I believe, hand delivered and three telephone calls with Mr. Kleindienst, one the day the letter was delivered and two the day the decision was made by the Justice Department to seek the delay. Mr. Walsh, in his letter asking for this delay, indicated to Mr. Kleindienst that he believed that, on the evidence that he had seen so far, the Justice Department had a good chance of prevailing in the ITT litigation. He was hopeful that there could be some kind of interdepartmental review before the Justice Department would move forward with the appeal in the case.

So here we had this additional contact that was made, and further conversations with Mr. Walsh, who was acting in behalf of ITT. I ask unanimous consent that the letter be printed in the Record—that he was acting in behalf of ITT, trying to get a delay in this case.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Davis Polk & Wardwell,
New York, N.Y., April 16, 1971.

Hon. Richard G. Kleindienst,
Deputy Attorney General, U.S. Department of Justice, Washington, D.C.

Dear Dick: As I told you over the telephone, our firm has represented ITT, as outside counsel, ever since its incorporation over fifty years ago. A few weeks ago, Mr. Harold S. Geneen, Chairman and President of ITT, asked me to prepare a presentation to you as Acting Attorney General and, through you, to the National Administration on the question of whether diversification mergers should be barred and, more specifically, urging that the Department of Justice not advocate any position before the Supreme Court which would be tantamount to barring such mergers without a full study of the economic consequences of such a step.

To us this is not a question of the conduct of litigation in the narrow sense. Looking back at the results of government antitrust cases in the Supreme Court, one must realize that if the government urges an expanded interpretation of the vague language of the Clayton Act, there is a high probability that it will succeed. Indeed, the court has at times adopted a position more extreme than that urged by the Department. We therefore believe that the Department should not take such a step without all of the usual precautions that precede a recommendation for new legislation. If the antitrust laws were to be expanded by legislation, rather than by litigation, the Department's views would, in the first instance, be collected by the Deputy Attorney General and then cleared with the Bureau of the Budget which would give all of the other interested federal departments an opportunity to comment. We believe that any major expansion of the antitrust laws should be accompanied by these steps whether the expansion is by litigation or by legislation. It is our understanding that the Secretary of the Treasury, the Secretary of Commerce, and the Chairman of the President's Council of Economic Advisors all have some views with respect to the question under consideration.

Ordinarily I would have first seen Dick McLaren, but I understand that you, as Acting Attorney General, have already been consulted with respect to the ITT problem and that the Solicitor General also has under consideration the perfection of an appeal from the District Court decision in the *ITT-Grinnell* case.

It is our hope that after reading the enclosed memorandum, which is merely a preliminary presentation, you and Dick McLaren and the Solicitor General would be willing to delay the submission of the jurisdictional statement in the Grinnell case long enough to permit us to make a more adequate presentation on this question. ITT of course will join in any application for an extension of time. It is obvious that this case cannot be heard at this term of court and it would therefore seem that a delay of a relatively short period would not be harmful to the public interest.

With kindest regards,
Sincerely yours,
Ed
Lawrence E. Walsh.

April 16, 1971.

Memorandum for the Department of Justice in Support of a Comprehensive Review of Administration Policy Toward Diversification by Merger

This memorandum is submitted to demonstrate that the Department of Justice should initiate a comprehensive, Government-wide review of the national interest implications of diversification by merger before making any argument to the United States Supreme Court which, if accepted by the Court, would have the effect of banning all significant mergers and diversification. We submit that such a sweeping ban should not be adopted as the policy of the Administration and the Nation without the most careful review. Such a review would be undertaken as a matter of course before the Administration proposed legislation to Congress which would have the same effect. We submit that such a review would show that a ban on significant diversification mergers would sacrifice vital national goals—economic growth and full employment, American competitiveness in world markets, and the balance of payments—to the unrealized fear of dangers to competition. The review should avail itself of the insights of all interested Government agencies, as well as of economists, businessmen, lawyers, and other experts outside government.[1]

A BAN ON SIGNIFICANT MERGERS AND DIVERSIFICATION WOULD INJURE VITAL NATIONAL INTERESTS

The most important economic problem facing the United States today is the challenge to increase its economic efficiency in order to remain competitive in increasingly rigorous world markets. This challenge must be met if the United States economy is to continue its long-term growth at reasonably full employment. The challenge of remaining competitive in world markets is not something which Government policy can meet unaided, and it is not something which can be met by a simple, one-shot effort. Staying competitive will require a sustained national effort, and increasingly it will require that every economic resource the Nation possesses be utilized to the best advantage.

Diversification by merger is the most important guarantee that every economic resource of the Nation will in fact be used to the best advantage. A nondynamic industry must not be protected from constructive new forces. Through diversification, scarce management skills, additional resources of capital and know-how, and, most important, the will and ability to plan for growth, can be brought to bear in new industries. These inputs are essential if an industry is to remain competitive. If an industry has ceased to generate these inputs itself—as many industries, especially concentrated industries, have—they must be introduced from outside. There are only two ways of introducing these essential inputs from outside: wholly new entry through internal development and diversification by merger. As a practical matter, completely new entry into an established industry is feasible only for (a) firms in closely related industries which have great similarities in production and marketing techniques, so that the vital business "know-how" is readily available and transferable to the new field, or (b) employees of established firms in the industry who use their know-how to set themselves up in business as competitors of their former employers. For any other types of persons or firms interested in entering a completely new industry, the lack of detailed industry know-how, combined with the high start-up costs of totally new products and marketing channels, is almost always prohibitive.

Thus diversification by merger is often the only effective means of stimulating new competitiveness in established industries. The record shows that diversification mergers have served this purpose. ITT itself is a case in point. ITT stimulates the profit growth of each of its profit centers by helping them develop short-range and long-range plans for growth and by assisting them through a central management staff of over 1,000 industrial and operations specialists. Since 1960, ITT's earnings have grown at a steady compound rate of 11% a year. The improved competitiveness of the companies ITT has acquired is illustrated by the growth and development of subsidiaries like Avis and Sheraton. ITT, in other words, has been able to apply modern management skills in such a way as to increase very substantially the efficiency and competitiveness of the companies it acquired. Many other companies which have diversified substantially by merger, such as Textron, Litton, TRW, Transamerica, Beatrice, and American Home Products, have also been successful in substantially increasing the competitiveness of the companies they acquired.

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[1] The Department's appeal from the decision of the District Court in *ITT-Grinnell* raises a substantial danger that the Supreme Court will issue a decision broadly condemning diversification mergers, in view of the District Court's finding that the anticompetitive effects alleged by the Department were not supported by the facts. This is particularly true of the Department's contention that the mere possibility of reciprocal dealing (purchasing from customers) is enough to condemn a merger under Section 7 of the Clayton Act. This contention, if accepted by the Supreme Court, would bar almost any significant acquisition by a company with many suppliers.

We urge the Department, in order to make possible a review of Administration policy before national policy is irrevocably fixed by the Supreme Court on antitrust grounds alone, not to perfect its appeal in *ITT-Grinnell* by filing the Jurisdictional Statement which is due on April 20, 1971. If, after this review, the present policy of the Department of Justice regarding mergers and diversification were reaffirmed, there would be numerous other opportunities to present it to the Supreme Court, of which the *ITT-Canteen* and *ITT-Hartford* cases are only two. Moreover, if actual anticompetitive effects should ever develop from an ITT acquisition, the acquisition could be attacked when these effects developed, under the *du Pont-GM* decision of the Supreme Court.

Increased economic efficiency is not the only benefit realized from mergers.

For example, individual enterprise and ability are utilized and rewarded much more effectively by companies built around modern management techniques than in many long-established companies.

The entrepreneurial enterprise which leads to the founding of new companies is stimulated far more effectively if an active market exists for the equity interests which the entrepreneur has built up in a successful company. The 3,751 acquisitions which occurred in 1970, the great bulk of which were diversification mergers, indicate the importance of this "capital market" for businesses.

Diversification is also essential to permit a company to hedge or insure against the risks inherent in business operations. Without diversification, a decline in business in one industry can have devastating results, as the downturn in the aerospace business has had in Southern California and the State of Washington.

ITT also illustrates the vital importance of such diversification of the Nation's balance of payments. Prior to World War II, ITT was a United States-owned telephone operating and manufacturing company with substantially all of its operations abroad. Most of its properties were expropriated or destroyed during the war. ITT has now rebuilt a substantial position abroad, particularly in Europe and Latin America. It employs over 200,000 persons abroad, and is the third largest corporate contributor to a positive United States balance of payments, remitting over $300 million a year to the United States economy.

However, the fundamental risks involved in significant foreign operations cannot be ignored. For example, ITT's $150 million investment in the Chile Telephone Company (only two-thirds of which is covered by government insurance purchased by ITT) is facing possible nationalization by the new Marxist government of Chile. Experience has shown that any compensation is likely to be small, paid only in local currency, and late. ITT has not yet received any compensation for its Cuban subsidiary, which was expropriated in 1960.

These risks of foreign operation must be balanced by a stable economic base in the United States. All of ITT's major international competitors, such as Siemens of Germany, Ericsson of Sweden, Mitsubishi, Hitachi, and Nippon Electric of Japan, and Northern Electric of Canada, have solid domestic bases in their home countries as well as active governmental support for their extensive export sales. This need for a stable domestic base is the basic reason for ITT's diversification program. If this diversification into the United States economy is prohibited, the ability of ITT and other United States companies to assume the substantial risks of doing business abroad in a competitive world market will be substantially impaired.

These national interest questions, while of course they affect ITT vitally, do not affect ITT alone. On the contrary, a ruling banning all significant mergers and diversification would have broad repercussions throughout the economy.

We recognize that the points we have made about the national interest implications of mergers and diversification are not uncontroversial. We earnestly submit, however, that they should not be dismissed as special pleading. The report of President Nixon's Task Force on Productivity and Competition (the "Stigler Report"), after reviewing the issues of conglomerate mergers flatly concluded: "Vigorous action on the basis of our present knowledge is not defensible." Like views have been expressed by men who have long been identified with vigorous enforcement of the antitrust laws. So far as we are aware, this conclusion is shared by most scholars in the field of antitrust law.

We respectfully suggest that it is timely for the Department and the Administration as a whole to review their policy toward mergers and diversification.

II

THERE SHOULD BE A COMPREHENSIVE REVIEW OF ADMINISTRATION POLICY TOWARD MERGERS AND DIVERSIFICATION

The Stigler Report strongly recommended a comprehensive review of national policy toward mergers and diversification:

"We strongly recommend that the Department decline to undertake a program of action against conglomerate mergers and conglomerate enterprises, pending a conference to gather information and opinion on the economic effects of the conglomerate phenomenon."

The need for such a review is even more pressing today than it was when the Stigler Report recommended it, because of the danger that the *ITT-Grinnell* appeal to the Supreme Court will result in judicial legislation of a blanket condemnation of all significant mergers and diversification. Because the factual assumptions underlying the Department's anti-merger policy were not established in that case, it would seem appropriate to await another case in which the facts show a real probability of substantial adverse effects on competition, rather than move to a more radical position on the law to compensate for a failure of proof.

This comprehensive review of Administration policy should involve the Departments of Commerce, Labor, and the Treasury, speaking for the business economy, the interests of employees, and the balance of payments, and the Council of Economic Advisors, representing the national commitment to economic growth and full employment, as well as the lawyers in the Department of Justice who have specialized in this field. Such a full and balanced review of merger policy can only be carried out within the Executive Branch, because the Supreme Court has made clear that in merger cases it will look to the antitrust laws alone, and will disregard any economic or other public benefits resulting from the merger.

Such a balanced, Government-wide review is needed to insure that the policy which results is truly in the national interest. Such a Government-wide review would be undertaken as a matter of course before the Administration sought a comprehensive statute from Congress which would ban all significant mergers and acquisitions. Such a review is equally necessary before the Department of Justice seeks to obtain such a prohibition through a Supreme Court decision which would have exactly the same immediate impact as a statute and would be even more difficult to modify as experience showed its unwisdom.

CONCLUSION

For the reasons given above, a comprehensive, Government-wide review of Administration policy toward mergers and diversification should be undertaken.

Respectfully submitted.

Lawrence E. Walsh,
Frederick A. O. Schwarz,
Guy M. Struve,
Attorneys for International Telephone & Telegraph Corp.

Mr. KENNEDY. And in the letter, Mr. Walsh also said he understood that Kleindienst had "already been consulted with respect to the ITT problem." What this reference was about has never been definitely established.

Now we are beginning to see unfold the series of different contacts that have been made between ITT and Mr. Kleindienst. But this is just the beginning.

By now the Government was really up to the eleventh hour for filing in the ITT case, but that time was delayed. And when we inquired of Mr. Walsh and Mr. Kleindienst about how that was arranged, we heard about the circumstances which surrounded it, and about how the Solicitor General came down and met with Mr. Kleindienst and Mr. McLaren.

We asked the Solicitor General, and I think it is fair to say that he did not think that it affected the merits of the case whether it was delayed or not. I think it is a fair characterization of his testimony to say that he did not care whether or not the filing was delayed. Mr. McLaren did not believe that it should be delayed, and his testimony indicates that. Yet we found that it was delayed. We wondered why. It was through Mr. Kleindienst that that case was postponed, quite clearly, as the Solicitor General, Mr. Griswold, indicated on page 380:

> Senator Kennedy. . . . could you repeat for us what you believe to be the reasons for seeking the delay in the filing of the jurisdictional statement?
>
> Mr. Griswold. The basic reason was that the Deputy Attorney General wanted it.

Just before that, there was a question to Mr. McLaren:

> Senator Kennedy. As I understand it, the new kind of issue or at least the consideration in your outlook was the part of the letter that suggested that these other agencies of Government were now taking a look at this. Do I understand you correctly? And, therefore, you thought that their input ought to be at least considered, since the merits of the case would not be affected by a delay.
>
> Is that a fair statement?
>
> Mr. McLaren. Senator, I have answered that three or four times.
>
> Senator Kennedy. Could I just get back? Is that a fair representation?
>
> Mr. McLaren. No, I do not think it is, because I answered you before.
>
> Senator Kennedy. Well, then, could you tell us what additional information you thought you were going to get, coming from the agencies which had not really——
>
> Mr. McLaren. I answered that before, too. I told you that I do not think there was going to be any information coming, and since I did not think so, I did not particularly care whether there was an extension of time.

Here is the fellow who is in charge of the Antitrust Division, exasperated saying in effect:

> I have answered that question. I did not believe there would any new information coming. We studied this thing to death.

It did not matter to Griswold, who was charged with the decision whether to take the appeal. McLaren had the main responsibility for the case. And McLaren, as Kleindienst later testified, was basically negative about the extension of time. Yet the delay was obtained.

I read further from the hearing:

> QUESTION. Could I have an answer to that? Who did care whether there was an extension, if you did not, and Mr. Kleindienst had not read the letter?
>
> Mr. McLAREN. I guess Judge Walsh cared.
>
> QUESTION. And ITT cared?
>
> Mr. McLAREN. I think that there was not any reason that we should not have listened to whatever came in.

So here we have additional contacts from ITT. We see at least some action being taken by Mr. Kleindienst on this. Mr. Kleindienst had implied that there had not been any contacts, yet we find Ryan, the contacts with Walsh, the meeting with McLaren and Griswold about seeking the extension of time, and the series of meetings he had with Rohatyn, and there were still other contacts.

I think it is important to get to understand and to get some kind of feeling about why this case was so important to ITT. Mr. Walsh is a very distinguished attorney, who had worked in a high position in the Justice Department. Here are some key phrases from his letter, which is printed in its entirety on page 265.

> Looking back at the results of government antitrust cases in the Supereme Court, one must realize that if the government urges an expanded interpretation of the vague language of the Clayton Act, there is a high probability that it will succeed. Indeed, the court has at times adopted a position more extreme than that urged by the Department.

Here is an attorney requested by ITT saying, "Indeed, the Court has at times adopted a position more extreme than that urged by the Department."

So you get some kind of feeling as to why it was so important that ITT was dramatically concerned with the outcome of this case. Here is an outstanding attorney who said that if the Justice Department carries forward, they are going to win the case.

> It is our understanding that the Secretary of the Treasury, the Secretary of Commerce, and the Chairman of the President's Council of Economic Advisers all have some views with respect to the question under consideration.

I wonder how Mr. Walsh knew that? I wonder what he was told about those contacts by other ITT officials? I wonder what they told him, what kind of response they had?

> Ordinarily I would have first seen Dick McLaren, but I understand that you as Acting Attorney General, have already been consulted with respect to the ITT problem.

Mr. Walsh had been told that Kleindienst had already been contacted, so instead of going to see Mr. McLaren he took his plea to the nominee. And his plea turned out to be successful.

In any event, we can see that Mr. Kleindienst was very much involved in the settlement during the course of this matter, despite protestations to the contrary.

Mr. Kleindienst was to continue his secret meetings with Rohatyn and was also to have at least three conversations with Mr. Flanigan about ITT's antitrust settlement. I will elaborate on these at a later occasion.

In light of what I have said today, I believe that it is plain that the Senate should not act prematurely on the nomination of Mr. Kleindienst. The cloud over his nomination has not been removed, and the nominee's supporters saying time and again that there is no cloud, simply has not made it magically disappear. We must continue to keep in mind the conclusion of the "Separate views" of Senators BAYH, TUNNEY, and myself on the nomination:

The Senate must decide whether or not it is going to be a party to a whitewash. There is much that is wrong in the evidence received so far. There is much evidence not yet received. There is no justification for the Senate's failing to obtain it.

The Senate is being asked to provide advice and consent on the nomination of Richard Kleindienst. He is the one who was ultimately responsible for the case around which the pending charges revolve, so that, to the extent that case remains under a cloud, so does he. Moreover, we now know that beyond ultimate responsibility for the case, he had intimate connections with it, so the need for a complete inquiry and clearance is increased.

Mr. COOK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. COOK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

Mr. COOK. Mr. President, in February, following 2 days of hearings, the Committee on the Judiciary favorably reported by a vote of 13 to 0 the nomination of Richard G. Kleindienst to be Attorney General of the United States. Because of certain allegations contained in the February 29 and March 1 columns of Mr. Jack Anderson, Richard G. Kleindienst requested of the committee an opportunity to rebut these charges. Repeatedly during these hearings the nominee showed an uncommon willingness and candor in presenting his case to the committee.

Following this initial request, the committee held 22 days of hearings, filing over 1,700 pages of testimony and related documents in two volumes. It was, in my memory, an alltime record for any confirmation hearing.

Unfortunately, it was also an all-time record for irrelevancy. Most of the testimony and submitted documents had no relationship to the central issue—the fitness of Richard G. Kleindienst to be Attorney General of the United States. The committee report stated:

> The Committee is aware that issues unrelated to the fitness of Mr. Kleindienst to be Attorney General held the public attention during much of the hearings. Sensational charges involving the highest government officials, foreign governments, and multi-billion dollar, multi-national corporations frequently blurred the basic issue before the Committee—the qualification of Richard G. Kleindienst. (Page 4, Committee Report)

I could not agree more. It was the best of times; it was the worst of times—and it was often silly times. For example, I cite the following:

> I might also say, Mr. Chairman, that I want the record to show that while the Senator from Massachusetts was asking Mr. Kleindienst what Judge McLaren thought, that the Judge was sitting to the immediate right of the witness. Apparently the best evidence rule is also meaningless. (Page 336)

At best it was a study of a new phenomenon in the law and in the Senate—hearsay evidence in the fourth degree.

Even so, a number of very serious questions were raised as to the issue of the nominee's fitness.

First. Was the nominee a party to the alleged arrangement to settle the pending ITT antitrust cases in return for a contribution to the city of San Diego's convention and tourist bureau?

Absolutely nowhere in the 1,700 pages of testimony is there any indication that Richard G. Kleindienst attempted to influence the settlement of these cases in return for any financial contribution to anyone, including the San Diego convention and tourist bureau.

Senator HART, who is often characterized as one of the most objective and fair persons in the Congress, said after sitting through these 22 days—

> But on the basis of this record, I find no basis on which to conclude that the nominee was involved in, or aware of, any effort to link the convention and the settlement. (Page 25, Committee Report)

The testimony presented was unequivocal, Richard G. Kleindienst made no deal. The record is clear on this point—Richard Kleindienst was not a party to any alleged arrangement.

Was the nominee ever aware of the ITT commitment to the San Diego Convention and Tourist Bureau before the settlement of the ITT antitrust cases?

The nominee was questioned extensively on his knowledge of the contribution of the Sheraton Corp.—an ITT subsidiary—to the San Diego community organization:

> Senator BAYH. When did you first find out about this offer?
>
> Mr. KLEINDIENST. About the San Diego convention?
>
> Senator BAYH. Yes.
>
> Mr. KLEINDIENST. It was some time in December of 1971; my recollection serves me that it was when I was coincidentally in San Diego at a regional meeting of U.S. attorneys that the first public reference to this alleged tie-in was ever revealed. But it was not until December.
>
> Senator BAYH. Nobody brought this matter to your attention in the latter part of November when it appeared in the Washington Star?
>
> Mr. KLEINDEINST. Well, whenever that first became public, Senator Bayh. But my recol-

> lection is that it was around December 3 when I was in San Diego. But whenever it appeared in the public press, that is the first time I ever heard about it.
>
> Senator BAYH. And nobody brought this matter to your attention when Congressman Wilson from San Diego in August released the first press report out there?
>
> Mr. KLEINDIENST. No sir; I was out of the city in the month of August with my family on a vacation.
>
> Senator BAYH. You really have no knowledge of such a thing?
>
> Mr. KLEINDIENST. Absolutely no knowledge of any kind whatsoever from any person at anytime.
>
> Senator BAYH. Thank you. Until, I think you said, early in December.
>
> Mr. KLEINDIENST. Well, I am just trying to use a recollection, Senator.
>
> Senator BAYH. Well, first of December, last of November. Thank you, Mr. Kleindienst. (Page 157–8)

Under oath in response to Senator EASTLAND, he said:

> Now, Mr. Chairman, based upon the statements that have been made I would like to conclude my remarks by saying categorically and specifically that at no time, until some time in December 1971, did I have any knowledge of any kind, direct or indirect, that the ITT Corp. was being asked to make any kind of contribution to the city of San Diego or to the Republican Party with respect to the prospective national convention of the Republican Party in San Diego. I never talked to a person on the face of this earth about any aspect of the San Diego Republican National Convention or the I.T. & T. Corp. I never talked to Mr. Mitchell about any aspect of this case. He never mentioned any aspect of this case, and there is not a person in this world who, if they testify truthfully, can come forward and say either that I had knowledge of anything going on with respect to the San Diego convention and the I.T. & T. Corp. or that in any way, under any circumstances, I had anything whatsoever to do with anything that the Department of Justice, the Government of the United States, myself, or Judge McLaren, in connection with these matters. (Page 100)

Answering Senator HRUSKA on the same question, he said:

> Senator Hruska, subject to the penalty of perjury, I never heard of the San Diego ITT Republican Convention matter until the latter part of November or some time in the first part of December. I heard about that in the press. (Page 176)

A second time, Senator HART said.

> And, on the record before us, I do not believe there is any substantial evidence upon which to conclude that Mr. Kleindienst was aware of, let alone involved in, any effort to link the settlement to ITT convention commitment. (Page, 19, Committee Report)

At this point it should be noted that a final agreement on the settlement of the cases was reached on July 31, 1971. The settlements were formally presented to the district courts of Connecticut and the Northern District Court of Illinois on August 31, 1971. The final consent decrees were entered on the ITT Canteen, Grinell, and Hartford Fire Insurance cases on September 24, 1971. I think it is important to remember those dates.

Second. Did the nominee act improperly in his limited participation in the settlement of the ITT antitrust cases?

Although there were numerous charges questioning his conduct and hinting at clandestine deals, the record shows no evidence of any misconduct on the part of the nominee. To the contrary, there is unshakeable testimony by the nominee unequivocally denying any impropriety in the ITT cases. Under oath he stated:

> The nature of the allegations was so preposterous, so unrelated to any experience that I had ever had in the Department of Justice, and yet if they connived they could only have done it through me because I was the Acting Attorney General in that case.
>
> To my knowledge, and I think I said on the first day that there would not be a living human being on the face of this earth that would come forward before this committee and testify truthfully under oath that either I knew anything about those negotiations for that convention, that anybody ever mentioned them to me or that they ever had anything to do with this case. To me that was the issue with which this committee and I, my Department, this administration, were confronted.
>
> I think that to the extent that a person under those circumstances can truthfully and honestly set forth what he did and why he did it, to ask a U.S. district judge to come on 1 day's notice and be with him without any prearrangement or working out your testimony together, to ask an officer of this corporation to likewise be here and never talk to him about his testimony, and have the three of them try to tell you a story of what happened, in my opinion, at least was an honest, sincere, conscious effort to indicate to the U.S. Senate that whatever was contained by inference, innuendo, or otherwise in that memorandum was false. I believe that we have done that. (Page 1724)

Did the nominee lie when he said that the ITT merger negotiations were "negotiated exclusively" by Assistant Attorney General for the Antitrust Division?

On December 13, 1971, in response to a letter by Lawrence F. O'Brien, chairman of the Democratic National Committee, the nominee said that—

> The settlement between the Department of Justice and ITT was handled and negotiated exclusively by Assistant Attorney General R. W. McLaren. . . .

In regard to his working relationship with the now Federal District Judge McLaren on the ITT case, he replied that—

> The settlement between the Department of Justice and ITT was handled and negotiated exclusively by Assistant Attorney General Richard W. McLaren, who is in Europe at the present time and is not expected to return until the evening of December 20, 1971 . . . Mr. McLaren kept me generally advised as to the course of negotiations with ITT and with his reasons for endeavoring to work out a settlement with it. Prior to the final conclusion of these settlement negotiations and the effectuation of a settlement agreement between the Department of Justice and ITT, Mr. McLaren made his final recommendation in the matter to me, with which I concurred. Again, I will leave it to Mr. McLaren to more specifically discuss the details of and reasons for that settlement on behalf of the Department of Justice. (Page 120)

Subsequently allegations were made that Deputy Attorney General Kleindienst did in fact negotiate the settlement. To buttress these claims, a series of contacts with various representatives of ITT, such as Felix Rohatyn, an ITT director, were brought up.

> Mr. KLEINDIENST. I think in the context of the rather insinuating and inflammatory rhetoric of Chairman O'Brien in his letter, and based upon the limited involvement I had with Mr. Rohatyn, that is to say, to set up a meeting by which his company could present to the antitrust staff and other people in the Government, the financial-economic crisis argument is, in my opinion, completely removed from any suggestion that I negotiated or handled the settlement in the ITT Hartford matter and the Canteen-Grinnell matters.
>
> I think, as the testimony of Mr. McLaren pointed out, my testimony and that of Mr. Rohatyn I did not inject myself in those settlement negotiations at all. And even twice, when Mr. Rohatyn came to my office after they commenced to complain about the hard-headed, rigid posture of Mr. McLaren, I told him that I wouldn't inject myself in those negotiations and that his company's lawyers and Mr. McLaren and his staff were to work those negotiations out. (Page 155)

All of the testimony characterizes the nominee's position as "passive," with Assistant Attorney General McLaren and other Justice Department antitrust lawyers participating on behalf of the Department. During the ITT presentation in Judge McLaren's office on April 29, 1971, Judge McLaren ran the meeting. In this and all other contacts with Mr. Rohatyn, the nominee made no recommendations or proposals. During later attempted contacts by Rohatyn, Acting Attorney General Kleindienst said that Judge McLaren was handling the negotiations and that he would not interefere.

In his testimony, Judge McLaren emphasized that he and his staff negotiated the settlement. I read from his testimony:

> Judge MCLAREN. In conclusion, I want to emphasize that the decision to enter into settlement negotiations with ITT was my own personal decision; I was not pressured to reach this decision. Furthermore, the plan of settlement was devised, and the final terms were negotiated by me with the advice of other members of the Antitrust Division, and by no one else. (Page 113)
>
> The CHAIRMAN. Did I understand you to say that you were, you and your staff were solely responsible for this settlement?
>
> Mr. MCLAREN. That is my testimony, yes, sir. (Page 116)

The facts are:

First, the Rohatyn presentation was attended by career lawyers of the Antitrust Division, Messrs. Mahaffie, Hummel, and Carlson.

Second, Mr. Carlson and Mr. Widmar, appointed as Judge McLaren's delegates to negotiate, consulted with Mr. Poole concerning Canteen and with I. Curtis Jernigan regarding antiacquisition provisions.

Third, career antitrust lawyers, Messrs. Hummel, Carlson, and Widmar, put together the divestiture package which was phoned to Mr. Rohatyn.

Mr. President, I might say that the tenure of these lawyers go way back to the 1940's and represents some 100 years of expertise in the Antitrust Division of the Department of Justice.

Fourth. Many Stagg negotiations and meetings were held and many more phone calls were conducted between antitrust staffers and ITT representatives, with Mr. Widmar and Mr. Carlson keeping Messrs. Poole, Hummel, Mahaffie, and McClaren posted as to progress.

Fifth. ITT counsel produced facts and statistics almost daily during negotiations, as requested by Mr. Carlson and

Mr. Widmar, much of it by telephone or hand-carried messenger.

Furthermore, the judge testified that no one, including Deputy Attorney General Kleindienst, attempted to influence his actions or decisions. It is extremely pertinent at this point to recount the conditions under which Judge McClaren assumed his position as chief architect of the administration's antitrust policies. I read from the testimony:

> The CHAIRMAN. Now did Mr. Kleindienst, Mr. Mitchell or anyone else attempt to influence your decision in the settlement?
>
> Mr. McLAREN. The direct answer to your question is "No, they did not." I would like to add this: when I was first interviewed by Mr. Mitchell and Mr. Kleindienst in the Pierre Hotel in December of 1968 with regard to coming down here, I had an understanding with them when they offered me a job. I made three conditions: that we would have a vigorous antitrust program; that we would follow my beliefs with regard to what the Supreme Court cases said on conglomerate mergers, and the restructuring of the industry that I thought was coming about in an almost idiotic way; and third, that we would decide all matters on the merits, there would be no political decision.
>
> The CHAIRMAN. Now is that correct in this case?
>
> Mr. McLAREN. That is correct in this case, absolutely. I might add that the Attorney General and Mr. Kleindienst lived up to their commitment. (Pages 116–17)

Second. Was it improper for the nominee to meet with a director of ITT while the antitrust cases were still pending?

This question is, of course, closely linked with the previous one. However, because of the nature of some allegations that the nominee held "secret meetings" with an ITT director, it should be more fully explored. It is a serious matter when an Acting Attorney General responsible under law for the ultimate decision in antitrust matters cannot meet with members of the public—whoever they are—in order that their case may be heard. Although the impression was given to the public that here was something sinister, improper, or even illegal about these meetings, this is a falsehood that must be exposed. Even the Senator from Indiana (Mr. BAYH), who holds no brief for Richard Kleindienst, I am sure, said:

> You have a responsibility to listen, to be sure, and I hope whoever is Attorney General, and when you are Attorney General, you will continue to act that way.

The Senator from Indiana later stated:

> I can't get uptight over an Attorney General of the United States, whether he is Republican or Democrat, talking to a man who is an investment counselor, who happens to be on the board of directors of a corporation in the process of a suit with the government. (Page 431)

The Senator from North Carolina (Mr. ERVIN) the Senate's distinguished constitutional scholar, forcefully stated that a Government official has a constiutional duty to see people with problems because of their right of redress of grievances. Remembering his own legal career, he said:

> And when I practiced law, and I thought that the Internal Revenue Service, or the Department of Justice, was about to do an injustice to one of my clients, and I felt like that I had some facts that would show that it was an injustice, it was my duty to my clients to go and lay those facts before the subject officials.

Furthermore, these meetings were not secret. They were duly scheduled on the nominee's appointment book like other meetings. These records were available to the committee. As previously noted, career attorneys from the Department's antitrust division were present.

Third. Did the nominee mislead the committee in regard to contracts with the White House?

Apparently the issue as it was pursued in the hearings involves the ability of an individual to totally recall conversations of a year or more ago. Mr. Kleindienst testified that during an ordinary day he had 50 to 60 telephone calls from Congressmen, government officials, and others who have some interest in the actions cf the Department of Justice.

Early in the hearings the nominee was asked if he had talked to anyone at the White House about the ITT cases. He replied:

> You asked me did I discuss the ITT matter with the White House. I do not recollect doing so. But I am on the telephone almost constantly, throughout a day or week, with somebody on the White House staff or another with respect to some aspect of the operation of the Department of Justice.

Mr. President, I emphasize the following:

> *For me to say that no one in the White House with whom I might have talked would not have raised ITT question, I would not be prepared to say that.* (Emphasis added)

Then, he proceeded to say:

> So far as discussing with anybody on the staff of the White House what I was doing, what do you think I ought to do, what do you feel about it, what are your recommendations—no.

He repeatedly qualified his answers on this point. In spite of this, there are those who would deny him confirmation on the basis of White House aide Peter Flanigan's acknowledgment to the committee that he had three casual contacts with the nominee pending the final resolution of the ITT cases. Acting Attorney General Kleindienst admitted that he was not up to the herculean task of recalling conversations that were not of a substantive nature, but were, in fact, casual or "ministerial."

Peter Flanigan made three contacts with the nominee in regard to ITT and none of them could be classified as substantive or of the nature that the nominee would specifically recall them. In his first contact, he passed on to the nominee a comment by Felix Rohatyn while discussing a totally unrelated matter. The second conversation was a call to inform the deputy attorney general that a financial report on the ITT cases, requested by Judge McLaren, was ready for delivery. The nominee replied that it should be held for McLaren's return from Europe. The third contact as recounted by Mr. Flanigan went as follows:

> My further recollection is that when, again because of the report's market sensitivity, I personally delivered it to Mr. McLaren a few days after his return on June 7, 1971, Mr. Kleindienst was with him. Mr. McLaren received both the report and the copy of the ITT analysis which Mr. McLaren had given to me and which Mr. Ramsden had returned to me. As I recall, there was no discussion concerning the report other than perfunctory remarks regarding its delivery by me and expressions of appreciation for rendering the assistance requested by Mr. McLaren. I initiated the meeting in order to deliver the report and no other persons participated in the meeting or heard the comments.

Looking at both the nature of these passing "contacts" and the nominee's repeated qualification that he "might have" talked to the White House, it is clear that Mr. Kleindienst did not mislead the committee on this point. He honestly did not remember these very brief conversations. We must look at his actions, and recollections thereof, in the context of a total day, week, month, and year in the life of an extremely busy deputy attorney general. Remember, the nominee testified that the ITT matters consumed a total of 5 hours of his time. Are we attempting to hold him to a standard that none of us could pass?

Fourth. Was the approval of the settlement of the ITT cases by the nominee in his capacity as Acting Attorney General grounds for denying his confirmation?

While few have said that on this issue alone Richard G. Kleindienst's nomination must be rejected, it is central to the entire proceedings.

The answer to this question has to be an unequivocal no. While lawyers may disagree as to the fine points, uncontradicted testimony clearly shows that the Department of Justice under Acting Attorney General Kleindienst was responsible for requiring the largest antitrust divestiture—one billion dollars—in the history of the Republic. Unfortunately, the following facts have been lost on the public at large. But, for my colleagues who must judge the nominee's fitness, it can and should become a measure of his fitness.

Under the three consent judgments, the International Telephone & Telegraph Corp. is required within 2 years to divest Canteen Corp. and the Fire Protection Division of Grinnell Corp. and within 3 years to divest either Hartford or Avis Rent-A-Car, ITT, Levitt & Sons, Inc., ITT Hamilton Life Insurance Co. and ITT Life Insurance Co. of New York.

In addition, ITT is prohibited from acquiring any domestic firm with assets of over $100 million and from acquiring leading firms in concentrated U.S. markets, without the approval of the Department or the court. Under the agreement, a leading firm is defined as one with total annual sales of over $25 million and holding 15 percent of any market in which total annual sales exceed $100 million. A concentrated market is defined as one in which the top four companies account for over 50 percent of total sales.

It is barred from acquiring any substantial interest in any domestic automatic sprinkler company or any domestic insurance company with insurance assets exceeding $10 million.

The agreement also prohibits the practice of reciprocity—using purchasing power to promote sales—by ITT and all of its subsidiary companies.

Senator HART, chairman of the Antitrust and Monopoly Subcommittee, said as to the deterrent effect of the consent decrees:

> The prospect of a serious suit and substantial relief will not be dismissed lightly by many prospective acquisitors.

Contrary to popular impressions, the Department in settling this historic antitrust conglomerate merger did not abandon its prosecution. In his testimony before the committee, the Solicitor General of the United States—whose responsibility it is to appeal Government cases to the Supreme Court—Erwin N. Griswold said:

> We didn't abandon prosecution of three anti-trust suits. By the settlement, we won two of the anti-trust suits.

I might suggest that the Solicitor General of the United States is an appointee of long standing. He did not secure his appointment under this administration, but rather under the administration of President Johnson.

Mr. Griswold, a former dean of the Harvard Law School, and one of the most respected legal scholars in the country, further stated that the settlement won what was already lost in the Federal district courts. I wish to repeat that. He stated: The settlement won what was already lost in the Federal district courts.

> This morning's New York Times says, "Before the Justice Department agreed to drop prosecution of the three suits. "Well, that is like saying that you agree to drop prosecution of a criminal case because the defendant pleaded guilty. There were three suits, and we substantially won two of them. And having won the two of them, we didn't have any ground whatever for winning the third one. And this was in fact a very substantial victory for the government, and the first one in the whole conglomerate field, probably setting a great precedent in the area, and it seems to me most misleading to keep telling the public that the government dropped three suits in the antitrust field. It didn't. (Page 386)

While nonlawyers may not fully appreciate his active defense of the settlement, he judged that the Department would lose on all three cases if ultimately appealed to the Supreme Court.

> We felt that it would be very difficult to win it, not only because the law with respect to conglomerate mergers is far from clear, but also because in this particular case there had been sharp conflict in the evidence before the district judge, the district judge had found all the facts against us and all experience shows that it is extremely difficult to win an antitrust case or another type of case in the Supreme Court when you have to attack the findings of fact. (Page 372)

My distinguished colleague from Massachusetts (Mr. KENNEDY), who has criticized the ITT settlement, said of Dean Griswold in 1967 during his nomination hearings, when he introduced him to the committee:

> Dean Griswold has, in the world of law, and learning, become a legend in his own time. He has earned a position of respect and renown, for his ability as an attorney, scholar, teacher and educational leader as well as a public spirited citizen and a family man . . . His qualifications are obvious and outstanding. He not only served for five years as a member of the very office he will soon head, but has also explored and illuminated the far reaches of the most difficult legal subjects from taxes to conflict of laws, and from trusts to the Bill of Rights.

I can only say to that, how true.

Fifth. Did the nominee act improperly in the handling of the investigation of U.S. Attorney Harry Steward?

Harry Steward, a U.S. attorney for the southern district of California, was charged by members of a special strike force from the Justice Department operating in San Diego of misconduct. Pursuant to the normal departmental processes, the general crimes section recommended an FBI administrative investigation of Mr. Steward. However, the then Assistant Attorney General of the Criminal Division recommended summoning the U.S. attorney to Washington. On November 17, 1970, the nominee met with U.S. Attorney Steward and subsequently ordered the FBI inquiry which was completed in a routine manner. The case was later reviewed by career attorneys in the Criminal Division. It was concluded that although Mr. Steward's conduct in regard to his handling of an investigation of a close friend, a Mr. Frank Thornton, was highly improper, he should not be dismissed.

Henry Peterson, now Assistant Attorney General of the Criminal Division and a career justice and FBI man since 1947, told the committee that it "was my conclusion that a dismissal of a U.S. attorney under these circumstances would not only have been unwarranted but also grossly unfair, and I so advised Deputy Attorney General Kleindienst."

In his testimony before the committee Assistant Attorney General Peterson told of his basis for the foregoing conclusion:

> A review of the record shows that Harry Steward throughout the entire administrative inquiry, was open and candid with both the FBI and other departmental officials. More importantly, he entered into frank contemporaneous discussions with the individuals immediately involved in the investigation taking place. In short, there was no subterfuge which was observable by us on the part of Steward throughout these entire events.
>
> Furthermore, Steward's actions, contrary to some assertions, did not thwart the investigation of any criminal violations. Admittedly, Steward did talk to Frank Thornton, in lieu of subpoening him before the special grand jury, but only after the subpoena had been issued without Steward's knowledge and at a time when he was out of his office. (Page 973).

Subsequently, the nominee held a meeting with Mr. Steward, Mr. Weglian—another career attorney in the criminal division—and Henry Peterson. Based on the report of these career staff attorneys—which also included a highly favorable recommendation by Johnnie Walters, assistant attorney general in the tax division—the nominee also concluded that dismissal was not called for, and issued a press release expressing full confidence in Mr. Steward.

The charge has been made now that the nominee should not have issued such a statement if in fact Steward's conduct was improper. Yet this must be weighed against his continuing effectiveness as a U.S. attorney if a statement of nonsupport was issued.

Mr. Steward was severely reprimanded by the nominee. I should like to quote from a couple of statements Mr. Steward made in answer to questions asked by the distinguished Senator from California (Mr. TUNNEY):

> Mr. STEWARD. No, I don't think that was it. He is a very forceful man, and I don't remember exactly how he said it but——
>
> Senator TUNNEY. Could you just as best you can recall——
>
> Mr. STEWARD. "Steward, for Christ sakes if a friend is involved get the hell out of it; stay out of it," words to that general effect. When Dick Kleindienst says something he only says it once and you pay attention. (Page 1447)

But if the decision to retain him was made this "in-house" reproach could not have been publicized without the possibility of destroying his future effectiveness. Because the pending and important Allesio[1] trial in which Steward was a major participant, it was even more important that this not be disclosed.

So I can say that after sitting through the hearing and reviewing the record, I believe that all of the issues that were raised directly bearing on the fitness of the nominee have been resolved in his favor.

Accordingly, I urge the Senate to confirm the nomination of Richard G. Kleindienst to be Attorney General of the United States.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, it is a pleasure to support the nomination of

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[1] On November 5, 1969 a Special Federal Grand Jury was convened in the Southern District of California for the purpose of looking into organized crime in San Diego. The Special Grand Jury, on April 7, 1970, returned a 31 count indictment charging John and Angelo Allesio and four others with various criminal tax violations, including violations of 18 USC 371, 26 U.S.C. 7201 and 26 USC 7206 (2). In November of 1970 visiting Judge Bruce Thompson of the District of Nevada set March 1, 1971 as the trial date (this was eleven months after the indictment). The United States Attorney for the Southern District of California, Harry Steward was the principal government prosecutor and was assisted by two attorneys from the Tax Division, Criminal Section of the Department of Justice. The Allesio Case, which was considered to be one of the largest and most important criminal cases in the history of the Southern District, commenced on March 1, 1971 where Steward presented the government's opening statement. On March 10, after the introduction of over 4,000 exhibits on behalf of the government, John and Angelo Allesio withdrew their pleas of not guilty and entered pleas of guilty. Judge Thompson commended U.S. Attorney Steward and his assistants on the thoroughness of the government's preparation.

Richard G. Kleindienst for the office of Attorney General. That nomination is a most logical promotion for Richard Kleindienst because of his experience and proven abilities.

He has vast experience with law. In 20 years of general practice, he has engaged in trial, administrative practices, and appellate work, and has been admitted to practice before seven courts ranging from the district courts of Arizona to the Supreme Court of the United States. He is a member of the American Bar Association and president-elect of the Federal Bar Association.

In addition to experience with law, Richard Kleindienst is experienced in government and administration. He was a member of the Arizona Legislature and has been involved in government since 1953. He has been an officer or director of many organizations.

But the most important experience that Richard Kleindienst has involves the duties of the very office for which he is nominated. Since his nomination was approved by this body in 1969, as Deputy Attorney General, he has assisted in directing the Department of Justice. In addition to his specialized knowledge, the Judiciary Committee thought Richard Kleindienst evidenced "an appreciation of the responsibilities which every Attorney General must bear." The committee was satisfied that the nominee possessed the qualifications for that office.

Although he has all the necessary experience to do a fine job, Richard Kleindienst has one even more important qualification—that of his own personal character. He is a man well-liked and respected by those who have known him closely. He has been a man involved—not only just in his work—but also in many diversified interests and many good causes such as Goodwill Industries and the American Heart Association. He is deeply religious and well educated. I am pleased to say that he is a personal friend of mine.

Recently, hearings were resumed on Richard Kleindienst's nomination, at his request, to prove that he has not been guilty of any misconduct while serving as Deputy Attorney General; and these hearings have proven exactly that.

Richard Kleindienst has shown that he is a man with nothing to hide. After the further investigation, the Senate Judiciary Committee concluded that he acted properly in his conduct in the settlement of the ITT cases. In all of the hearings, no proof has appeared of any indiscretion on the part of the Deputy Attorney General.

Richard Kleindienst, I am pleased to observe, is conservative, a man well able to carry forward the President's policies.

He knows the office, he appreciates the responsibilities, and he has the ability and character to meet those responsibilities.

Therefore, Mr. President, my conclusion is that this is a logical promotion for Richard Kleindienst, and he is the logical choice to be the next U.S. Attorney General.

I intend to vote for the nomination of Richard G. Kleindienst, and I strongly urge all Senators to vote to confirm his nomination.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM CLOSE OF BUSINESS TOMORROW UNTIL 11 A.M. ON WEDNESDAY

Mr. ROBERT C. BYRD. I ask unanimous consent that when the Senate completes its business tomorrow it stand in adjournment until 11 a.m. on Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 12 o'clock noon tomorrow. After the two leaders have been recognized under the standing order, the distinguished senior Senator from New York (Mr. JAVITS) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, all of which will be as in legislative session.

At the conclusion of the transaction of routine morning business, the Senate will resume its consideration in executive session, of the nomination of Mr. Richard G. Kleindient for the office of Attorney General of the United States.

No rollcall votes are anticipated on tomorrow. It is hoped, however, that an agreement can be reached shortly—hopefully, tomorrow—which will provide for a final disposition of the nomination of Mr. Kleindienst—again, hopefully—by Thursday or certainly no later than Friday of this week. The leadership is working on this matter and is attempting to come to some understanding, and perhaps by tomorrow we can do this.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. HRUSKA. The debate so far on the nomination and confirmation of Mr. Kleindienst has been lackadaisical, to say the least. The debate was short on Thursday. We adjourned at 3:40 p.m. on Friday. It is now not quite 5 o'clock. I do hope that serious considerations and discussions are being held with reference to reaching an agreement for voting on this nomination. Obviously, there is not much interest in pursuing the debate, or there is perhaps an idea that in due time the debate can be extended with greater ease and with less effort if a little time is gained by short days such as this.

It is possible, it is conceivable, that if a delay could be reached beyond Thursday of this week, Friday would be no time to take a vote, Monday would be no time to take a vote, and that would mean virtually 2 weeks of debate, which would be nominal in character and quite superficial and rather scanty.

Would the acting majority leader have any ideas on that subject, considering the importance of some action soon on this important matter?

Mr. ROBERT C. BYRD. I would hope that there would be no intention—and I do not believe there is—to drag out the debate or to carry it into next week.

As I indicated earlier, it is hoped that an agreement could be reached by tomorrow which would provide for the final disposition of this nomination on Thursday or Friday of this week. I have some reason to feel that this will be possible.

I share the sentiment of the able Senator in that regard. Certainly, the leadership on this side of the aisle does not want to see a prolonged debate which would go into next week. I feel that the nominee is entitled to a verdict by the Senate. I think that after a reasonable length of time, during which all sides may present their viewpoints, the Senate ought to reach its verdict. I hope, again, that this can occur before this week end.

Mr. HRUSKA. I do not want to sound premature nor unduly impatient, but it certainly would be in order, unless some evidence to the contrary were presented, that the leadership would think in terms of a little longer debate day, starting, say, at 9 o'clock or 9:30 and continuing to a respectable hour in the evening, so that this very important matter—considered important by some of our colleagues—could really get the threshing that they say it should have.

So far, they do not show much disposition to engage in that type of operation. But I agree with the acting majority leader that perhaps it is a little early to foreclose the possibility of a civilized and courteous and fairly speedy agreement for a vote.

Mr. ROBERT C. BYRD. Mr. President, may I say that the distinguished majority leader and I have discussed with the Senators who are supporting this nomination and with those in particular who are opposing the nomination, the possibility of reaching an agreement. As I say, the majority leader and I are hopeful that we can reach an agreement tomorrow, which will provide for the disposition of this nomination this week.

Mr. HRUSKA. I thank the Senator.

Mr. ROBERT C. BYRD. I thank the Senator.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 noon tomorrow.

The motion was agreed to; and at 4:55 p.m., the Senate adjourned in executive session until tomorrow, Tuesday, June 6, 1972, at 12 noon.

NOMINATIONS

Executive nomination received by the Senate June 5, 1972:

DEPARTMENT OF COMMERCE

Andrew E. Gibson, of New Jersey, to be an Assistant Secretary of Commerce, vice Harold B. Scott.

EXTENSIONS OF REMARKS

MRS. STEVE TULLER, HERNDON, VA., MILITARY WIFE OF THE YEAR

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 5, 1972

Mr. HARRY F. BYRD, JR. Mr. President, I am pleased to report to Congress and the American public on the selection of the Military Wife of the Year, Mrs. Steve Tuller of Herndon, Va.

We are all aware of the many thousands of military wives who devote untold energies to civic and humanitarian programs while at the same time maintaining their homes and keeping the letters flowing to their husbands. They contribute much to maintaining the excellent morale of our Armed Forces, and all Americans owe them a great debt.

The annual award to the Military Wife of the Year was conceived by Art Linkletter and Wilson Harrell, president of Harrell International, Inc., and sponsored by Alfred J. Stokely, president of Stokely-Van Camp, Inc. The program, originally designed to bring entertainment to the wives and dependents of active-duty military personnel, was expanded to focus attention on the remarkable work military wives are doing to better community relations between the military and civilian population.

All women's clubs whose memberships are wives of active-duty Armed Forces personnel throughout the world are invited to submit nominations. Through a selection process, the field is then narrowed to five—one representative of each of the five major military branches of the service.

The final judging is done by a panel of distinguished women at a formal dinner in Washington, D.C.

On the evening of May 16, 1972, the panel of judges selected Mrs. Tuller as the Military Wife of the Year 1972.

The Washington Star of May 17 contains an interesting account of the award ceremony, including a report of Mrs. Tuller's many activities and accomplishments.

I ask unanimous consent that the report be printed in the Extensions of Remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

AREA WOMAN NAMED MILITARY WIFE OF THE YEAR

(By Ruth Dean)

An area Coast Guard wife who takes retarded children and teen-agers fighting drug problems into her home was named Military Wife of the Year last night.

Mrs. Dorothy Ann Tuller, wife of Chief Warrant Officer Steve Tuller, was so overwhelmed when Deputy Secretary of Defense Kenneth Rush announced her name, she had to fight back tears.

And the standing ovation and cheers she got from a Shoreham Hotel banquet audience of Pentagon brass and members of Congress revealed that she was their choice long before the judges' decision concurred.

The pretty brown-haired Coast Guard Wife of the Year held a spray of red roses as head-table guests gave her congratulatory hugs. And in the excitement, the weight of the huge trophy almost threw its giver, Alfred J. Stokely, president of Stokely-Van Camp, to the floor at the podium.

TROPHY RESCUED

But Stokely and the trophy were rescued by Mrs. Tuller's husband, a husky 6-footer who is stationed at the Naval School of Health Care Administration at Bethesda, and shares in his wife's dedicated efforts to help troubled teen-agers.

In the final competition interview with emcee Art Linkletter, it was obvious that the veteran showman was touched by Mrs. Tuller's accomplishments, as he himself has been in the forefront of fighting the drug problem as the result of personal family tragedy.

Though childless, the Tullers have befriended many children whose fathers were serving in Vietnam or who were abandoned by parents who couldn't cope with the drug problem.

"The drug abuse problem and learning disability, are often related," Mrs. Tuller told Linkletter. "But for this type commitment you have to be available. That's why we live right in the center of a school district."

In introducing Mrs. Tuller, Linkletter also revealed she is a licensed pilot and Powder-puff Derby contestant as well as Civil Air Patrol volunteer, bathing suit designer, photographer and ham radio operator.

In congratulating her, he said, "I'm glad you have 16 airplanes to fly because you'll be going off in all directions" to visit military installations all over the United States in the new role.

FIVE FINALISTS

Mrs. Tuller succeeds Mrs. Jeannette M. Squires, wife of Navy Personnelman 1/C James M. Squires, who won the title last year.

Mrs. Tuller was one of five finalists from the five military services, each of whom was given a "Mili" award.

They were chosen from thousands of entrants in the contest annually sponsored as a public service by Stokely-Van Camp in cooperation with the Defense Department, and produced by Harrell International, a worldwide military marketing company.

Guests included Secretary of Labor James D. Hodgson, whose wife was one of the judges selected by the General Federation of Woman's Clubs. Other judges were Mrs. William D. Ruckelshaus, Mrs. Elizabeth Carpenter, Mrs. Edward L. R. Elson and Mrs. Gwendolyn Cafritz.

FOR PROGRESS IN SPACE—AMERICA INDEBTED TO DR. VON BRAUN

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the Nashville Banner in a recent editorial praised and applauded the great work of Dr. Wernher von Braun as a leader in space exploration by the United States on the occasion of Dr. von Braun's retirement from the National Aeronautics and Space Administration to enter private industry.

Certainly I wholeheartedly concur in the sentiments expressed in the Banner editorial—Dr. von Braun is an outstanding scientist and a great American. He was captain of the successful space team that put 10 men on the moon—our American space pioneers.

Dr. von Braun appeared before my Subcommittee on Appropriations many times as an official of NASA and I recall that at the inception of the space program I asked him if he were confident that a man could be placed on the moon and returned safely to earth. He replied with confidence that he was certain that this could be done, precisely and safely.

Again, 5 years later, just prior to the first landing on the moon, I again propounded this question to Dr. von Braun. He again replied that he was still confident of the success of the mission—"well, yes," he said, "if the money holds out."

Funds to finance the moon missions were appropriated and—as we all know—the program has been successful. America was behind in space when Dr. von Braun entered the space program at NASA—under his scientific guidance America moved ahead in the space program and excelled Russia during the first decade of space exploration.

The first phase is ending and we are now embarking on the second phase. As Dr. von Braun leaves NASA he deserves the plaudits, congratulations and appreciation of the American people for a job well done. His cherished boyhood dream of a voyage to the moon came true—and he made it come true. America owes him a debt of gratitude.

I commend him and wish him well as he enters private industry—Dr. von Braun is one of the great space pioneers of this century and of history.

The editorial follows:

FOR PROGRESS IN SPACE—AMERICA INDEBTED TO DR. VON BRAUN

Because there was—and is—a Dr. Wernher von Braun among those in the United States, who dreamed and worked and built in the pattern of space science, fellow-American associates on the NASA team has walked on the moon. It is a commonly acknowledged fact; for in the several capacities he has served, as in the decade of his directorship of the Marshall Space Flight Center at Huntsville, his vision and energy, his knowledge in that area of science, were notable factors in the over-all accomplishment.

In the Huntsville assignment he headed the team that developed the world's most powerful rocket, the Saturn V, which propelled Apollo's lunar missions.

Now Dr. Von Braun has retired from NASA to enter private industry, but with the comforting knowledge that the agency's future is reasonably assured. It is particularly gratifying that his new connection is related to the aerospace field.

America was fortunate that this German-born rocket expert elected to come to this country after the war—that by his very nature he preferred a nation and climate of freedom, and that his capabilities have been used not only to advance the science of rocketry for space exploration—inter-planetary travel—but for peace and security.

Not always, but sometimes, there is greater appreciation of and for America on the part of some newly-privileged to be a part of it than felt by some who have known the privilege for a lifetime.

Almost a score of years ago, Dr. Von Braun received his citizenship. In connection with the naturalization ceremony he spoke words that warrant engraving on the nation's heart:

"I am proud to be a citizen of the United States of America. I must say that we all became Americans in our hearts long ago. I have never regretted the decision to come to this country. As time goes by, I can see even more clearly that it was a moral decision we made that day at Peenemunde. Somehow we sensed that the secret of rocketry should get only into the hands of people who read the Bible." His words were like apples of gold in pictures of silver.

The United States of America reciprocates the affection and faith he expressed. In or out of NASA, he still is on the working end of science in the national interest and humanity's.

NUCLEAR SAFETY IS QUESTIONED IN READER'S DIGEST

HON. MIKE GRAVEL

OF ALASKA

IN THE SENATE OF THE UNITED STATES

Monday, June 5, 1972

Mr. GRAVEL. Mr. President, thanks to the June 1972 issue of the Reader's Digest, a very large group of voters may have learned that they are guinea pigs in a morally grotesque nuclear-power experiment which is permitted by Congress.

An article entitled "Just How Safe Is a Nuclear Power Plant?" explains one important reason why Congress will have to consider a moratorium on the operation of nuclear powerplants. There are several additional reasons which are necessarily omitted from such a brief article.

The author, who is one of the Digest's own roving editors, urges the public to insist on nuclear safety before more nuclear powerplants are built and licensed. He refers to the nuclear power moratorium bill, S. 3223, which I introduced on February 23, 1972.

ANOTHER SENATOR MOVES FOR A MORATORIUM

I am pleased to learn from friends in Pennsylvania that I am no longer the only Member of the Senate who favors a moratorium. On April 12, 1972, Senator SCHWEIKER wrote to a concerned group in Tunkhannock, Pa., as follows:

> I have recently called for a moratorium on the operation of nuclear power plants until the underlying questions concerning possible radiation effects and environmental pollution are satisfactorily answered.

As I noted in my Senate remarks on May 24—page 18815—I expect many other Senators to move into the moratorium position soon.

No one has to choose between nuclear electricity or blackouts.

Energy experts agree that our abundant coal can be converted into a clean and desirable fuel with a minimum of time, effort, and expense. Even General Electric and Westinghouse, who are the two biggest manufacturers of nuclear power systems, have joined the business of gasifying coal. Congress will have to require, however, satisfactory restoration of strip mined land.

THE EDSEL OF THE ENERGY INDUSTRY

Clean coal technology is not our only alternative to nuclear fission.

We can produce electricity from geothermal hot water, from windmills pulling their energy out of the sky and converting it to hydrogen, from methane produced on algae-farms, from sea-thermal gradients, and from direct sunlight.

Every available alternative is intrinsically more attractive than nuclear fission.

Fission may just be the Edsel of the energy industry.

ARTICLE PLACED IN THE RECORD

Mr. President, I ask unanimous consent that the article entitled "Just How Safe Is a Nuclear Power Plant?" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

[From the Readers' Digest, June 1972]

JUST HOW SAFE IS A NUCLEAR POWER PLANT?

(By James Nathan Miller)

(The nation is at the point of committing itself to the atom. But some people—scientists included—are having deep second thoughts.)

In recent months, a debate most of us had considered settled has been revived: How safe are nuclear power plants?

For the last decade, concerned-citizen groups have been loudly bemoaning the building of such plants, arguing that we are setting ourselves up for some kind of holocaust. But much of this protest has come from people who tend to swoon at the mere mention of the word "atomic," and the bulk of scientific testimony has held that the plants are safe. As a result, 23 "nukes" are now in operation, with another hundred scheduled for the next decade. By the end of the century, about 1000 huge atomic plants will be scattered around the country, generating half our electricity.

In other words, we are on the verge of an all-but-irrevocable commitment to nuclear power. Yet now a group of respected scientists claims to have discovered a basic flaw in the plants' safety design—a flaw that "might well expose tens or hundreds of thousands of people to lethal doses of radioactivity." Their claims focus largely on the possibility of a weird occurrence known as the China Syndrome, a sequence of events that reads like a science-fiction nightmare.

Four basic questions are involved:

What are the chances of any one nuclear plant having a serious accident?

Extremely remote—if any safety rules are observed. To see how remote, I recently visited the Consolidated Edison Company's 965-million-watt Indian Point No. 3 plant, under construction 24 miles north of New York City. The key spot is the 250-foot-high, astrodome-like "containment structure"—a steel-jacketed security blanket of concrete, 4½ feet thick and entered only by double steel doors—that shields the outside world from the four-story-high steel "egg" that sits in the astrodome's center.

The egg is the reactor vessel, the plant's furnace. When loaded with radioactive fuel it will be deadly, but now you can climb down a ladder into its 14-foot-wide interior where eventually the uranium will heat the water that spins the turbines. As you descend, you are confronted by eight great tunnel mouths in the stainless-steel, circular wall surrounding you.

These tunnels—each big enough for a man to crawl into—are the pipes of the fuel coolant system. When the uranium is loaded into the egg—140 tons of little pellets, packed into 12-foot-long metal tubes which are bundled together like thousands of pencils—the system's 100,000 gallons of water will constantly be rushing out of these tunnels at 30 m.p.h., bubbling up through the pencil bundles to keep them at the proper operating temperature of 600° F. Without this water the uranium would quickly heat up to more than 5000°—enough to trigger the China Syndrome.

Could the plant ever lose its crucial cooling water? It's hard to imagine. The pipes are stainless steel 2½ inches thick. During construction, the Atomic Energy Commission (AEC) demands that every square inch of this steel be X-rayed or ultrasonically tested for flaws. Once the system starts up, about 100 pressure, temperature and radiation sensors will continuously monitor it—ready, at the first hint of a leak, to "scram" the reactor by snapping control rods into the fuel core and immediately stopping the fission.

What if a pump conks out? A backup emergency pump would automatically trip on; if this one failed, a second one would go on. What if the whole plant lost its power supply? Again, there's a first-backup and then a second-backup diesel generator. And if both of these failed, the reactor would automatically "scram" itself.

Could an external disaster knock out the water supply? Not likely. The steel girders supporting the system are designed to take five times the force of the worst earthquake envisioned for this region, and the big dome of the container is designed to withstand a tornado.

What if, despite all this, a pipe burst? Then a completely independent emergency-cooling system—including four tanks filled with 25,000 gallons of water, pressurized by gas—would snap into operation.

Two basic engineering principles are involved here: self-duplicating "redundancy" backed by super-cautious "conservative design." "In no other engineering activity has overall safety been considered in such detail," says Norman C. Rasmussen, professor of nuclear engineering at Massachusetts Institute of Technology.

But couldn't human error cause a failure of the safety systems? Here each side looks at the same set of facts and draws the opposite conclusions. The AEC and the atomic industry cite their past safety record: only seven fatal reactor accidents in three decades. All were *inside* reactor buildings; *outside,* not an injury has been recorded.

The other side says that no one knows whether long-term harm has been caused by radiation leakage to the outside; and that even the inside-the-plant figures mask the truth. If you look behind the conservative design requirements and impressive safety statistics, they say, you'll find lax enforcement by the AEC, sloppy operating practices by the industry—and some very close calls. For example:

Two years ago a worker in a nuclear plant being built near Norfolk, Va., complained to his bosses that joints in critical pipes were being improperly welded. The man was fired, but he kept writing to Congress and the AEC. The resulting investigations uncovered 94 defective welds, plus the violation of a long list of AEC quality-control rules: crucial radiographic inspections were being performed by plant workers instead of trained inspectors; the steel reinforcement of the containment dome was being improperly installed; cable wires from "redundant" systems were not kept separate but were bunched together—so a fire in one could knock them all out.

Critics say the fact that the AEC did not catch such serious violations until an employee complained reveals dangerously lax inspection procedures.* Often it has taken an actual accident to reveal problems.

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*As this article goes to press, the AEC has begun investigating a similar complaint—this time by the president of a construction firm—of defective reactor installation on Con Ed's Indian Point site.

On June 5, 1970, a defective voltage meter in Commonwealth Edison's Dresden No. 2 plant near Chicago sent out an incorrect signal. This led to a two-hour sequence of human and mechanical errors that, says M.I.T. nuclear physicist Henry Kendall, revealed "irresponsibility, incompetence, poor design, inadequate maintenance and defective operating procedures." Safety valves remained open when they should have closed; instrument cables buckled because of crowding in their ducts; a water-level recorder stuck and gave a false reading until someone hit it; faulty instructions in the operating manual were compounded by "incorrect operator action"; and so on.

As the operators fought to keep control of their reactor, they twice violated their own operating rules; at one point they put ten times as much pressure on a crucial venting system as it had been designed for.

"For a period of minutes they actually lost control of the reactor's cooling water," says Professor Kendall, a member of the Union of Concerned Scientists (UCS).

Before they regained control, some of this water—and with it a dose of radioactivity—escaped into the containment structure. Though three months were required to repair the damage, Commonwealth Edison says: "We did not even consider the shutdown to be an accident." Instead the company calls it an "incident" and points out that the plant's system of multiple safeguards did, in fact, work: no radiation escaped the confines of the plant.

What are the chances of an "incident" escalating to an "accident"? The pro-nuclears say the industry's past safety record proves the effectiveness of the "defense in depth" concept. The antis say that the industry is still in its infancy; soon, with hundreds of big plants all over the country, our luck will inevitably run out somewhere. In the words of nuclear physicist Ralph Lapp, former assistant director of the Argonne National Laboratory, "It appears a certainty we will have a serious nuclear accident before the year 2000."

If all the safeguards did go wrong, what's the worst that could happen? There could never be an atomic explosion; the reactor's uranium pellets are not rich enough, nor are there enough of them, to go bang. But the heat and poisonous radiation they give off are enormous. And here we come to the China Syndrome, the so-called "maximum credible accident."

First, assume there is a defective weld in a cooling-system pipe, and that a series of operating errors subjects it to abnormal pressure. The pipe splits open. Instantaneously, from a dozen different sensors, the order flashes out: Scram. The reactor shuts itself off.

But while the *fission* thus comes to an immediate stop, the *heat* in the rods cannot be quickly cut off. As the coolant water loses pressure, it turns to steam which—in about ten seconds of incredible noise and violence—spews out the pipe break into the containment structure. Now the emergency water supply is supposed to flood in and quench the reactor's heat. But suppose (as we shall see, a not untenable assumption) the water can't get inside the egg. Then, with nothing to cool it, the uranium starts heating up at the amazing rate of about 40 degrees a second. In a matter of minutes it hits 5000°, melts the great metal egg—and 200 tons of molten steel and uranium drip to the floor of the containment structure.

So massive and hot is this molten glob that no existing structure can contain it. Thus it melts through the container floor and proceeds straight into the earth—hence, the China Syndrome. It will never get anywhere near China (it will probably stop in a month or so a few hundred feet down). But once the simmering mass has escaped from the concrete structure its poisonous fumes cannot be contained underground. Some percentage will be carried off in the groundwater supply, and some will rise through fissures to the surface, there to be spread by the wind.

What happens then depends on unpredictables. If the fuel is new it's relatively harmless; if it has been burning for a year it has built up the radioactive equivalent of one Hiroshima-size bomb for each million watts of electricity it has produced. Thus, if the accident happened just after a plant had been refueled with new pellets, and if the weather conditions were right, even the reactor's next-door neighbors might escape unscathed. And the other extreme?

The UCS, basing its estimates on AEC figures, says that if 20 percent of the radioactive gas from a 650-million-watt plant were to escape and be wafted away by a 6.5-m.p.h. wind, it could form a cloud that would have lethal effects over an area two miles wide and 75 miles long. How many people might die? Conceivably hundreds of thousands if the disaster hit one of the many reactors being built near big cities.

Proponents of nuclear power say it is the easiest thing in the world to predict such a disaster, and the hardest to prove that it won't happen. They also point out the two very big "ifs" that stand between the public and disaster: *if* the primary coolant is lost despite all the elaborate safeguards; and *if* the emergency water supply then fails too.

How sure are we, then, that a reactor's emergency cooling systems will work? This depends on how much faith one puts in computer predictions. No emergency system has ever been tested in actual operation. But the AEC and the industry say they have run so many tests on the individual parts working separately that they can put it all together in computer codes—and the computers tell them the systems will work.

The other side says it's extremely irresponsible to base decisions affecting so many lives on untested computer codes. They cite recently revealed documents showing that even top AEC scientists have grave doubts about the codes' accuracy. They also point out that, in one of the most important tests to date, the AEC's computer was proved wrong:

Last year, researchers purposely broke a pipe in an experimental model of a reactor, causing the egg to lose its cooling water. According to the computer, the emergency water was then supposed to flood into the egg. Instead, this water too was blown out the break, leaving the fuel rods with nothing to cool them. If the same thing had happened in a real reactor, it would have triggered the China Syndrome.

That, then, is the nuclear safety controversy. Certainly it should be resolved before we rush into a national commitment to nuclear electricity that may haunt us for generations. Sen. Mike Gravel (D., Alaska) has submitted a bill that would stop the licensing of more nukes until Congress can hold hearings to consider such questions as these:

Are there practical alternatives to fossil fuels and nuclear fission as power sources? Anti-atom people list several that are now merely farout ideas—fusion power, solar energy, chemically fueled power cells, etc. But some leading scientists say that a major national effort could make at least one of them practical by the 1980s. The AEC and the industry agree that fusion power (virtually radiation-free) will probably be harnessed—in 40 to 50 years. Meanwhile, they say, they have to keep splitting atoms.

Should the AEC control the nuclear power industry? When established in 1947, the AEC was given two basic assignments: to *promote* atomic development, and to *regulate* the industry this would help create. Critics insist that the two assignments are mutually contradictory, and they see this as the fundamental cause of what they consider the AEC's over-optimism on safety. They suggest taking the regulatory function away from the AEC and giving it to people whose professional reputations do not depend on proving the validity of past assurances.

Where to store the poisons? Used nuclear fuel remains radioactive for hundreds of thousands of years, and present plans call for storing it all in a Kansas salt mine. Critics say this represents the worst long-range threat of all: first, the growing danger of rail and highway accidents as more and more thousands of poisonous canisters converge on Kansas each year; second, the danger of a leak from the cave as thousands of tons of the stuff accumulate.

What do we do right now? Should we go ahead with the present nukes . . . or require them to be built underground . . . or ban them near big cities . . . or ban them altogether?

The utilities claim that even a temporary delay could be disastrous. They would have to give up years of planning and switch to entirely new programs at a time when we are already short of electricity. Also, atomic fuel is clean, whereas oil and coal foul the air and promote the devastation by strip-mining of hundreds of square miles annually. The environmentalists fighting hardest to stop air pollution and strip mining, says the industry, are the very ones fighting hardest to ban the atom. Is there *any* source of power that will satisfy these people?

Until recently, this crucial nuclear debate has been carried on by a relatively small number of specialists. Now it's high time to let the country as a whole get in on the action. For the country as a whole will have to live for years with the profoundly important results.

IS IT "HARD TO IMAGINE"?

Mr. GRAVEL. Mr. Miller's article raises several technical questions which deserve further elaboration:

First, is it so "hard to imagine" how a loss-of-coolant accident could actually happen?

Second, is the present emergency core cooling system adequate to cope with all of the possible cooling emergencies? With just some of them? Or with none of them?

Third, is it really possible for catastrophic quantities of radioactivity to escape from the building?

These are matters on which I intend to make additional statements.

The real controversy lies not in technical matters, however, but in ethics. What kinds of gambles are proper, and what kinds are morally rotten?

CORRECTING FALLACIES OF MISLEADING MEDICAL CARE STATISTICS

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. HALL. Mr. Speaker, statistics are often used as a vehicle for misleading the populace of this country in order to establish a persuasive argument for a certain cause and position. In an effort to clarify the present state of our "medical care" system in this Nation, in the mass of confusing statistics, Dr. Jack Schreiber, M.D., of Canfield, Ohio, has written an article appearing in a recent issue of the periodical "Private Practice"—separating fact from fiction. It is my hope that I will bring Dr. Schreiber's effort to the attention of many by inserting his article in the RECORD. Dr. Schreiber's article is as follows:

THE "CRISIS": SEPARATING FACT FROM FICTION

(By Jack Schreiber, M.D.)

I. THE FALLACY OF SELECTED STATISTICS

The present medical care system in the United States is being challenged by numerous individuals and groups who often use misleading statistics to make their case.

Let's take a close look at their allegations:

A. Infant mortality

1. Invariably, infant mortality figures are quoted showing United States ranking 13th in the world, behind "progressive" countries such as Sweden, England, The Netherlands, West Germany, France, Finland, etc. The source of this information is the United Nations Demographic Yearbook—but the introductory chapter of the section on infant mortality states clearly that infant mortality statistics of different countries should not be used for comparison. The Yearbook points out that there are different standards of measurement. In the United States, for example, a baby is listed as a live birth if there is any sign of life, such as a heart beat in the umbilical cord. Some countries do not record a live birth unless the child takes a breath. Other countries do not list a live birth until the birth has been registered, sometimes weeks after birth.

In the United States, the responsibility of reporting births and deaths is clearly assigned to the physician. In many countries of the world this is a responsibility of the parents or the clergy. With no uniform method of measurement or reporting, comparing infant mortality figures is like comparing apples to potatoes.

United States figures are often compared to Sweden, with the "lowest" infant mortality rate in the world, but (1) the United States has over 200 million people and Sweden has about 8 million; (2) the United States covers over 3.6 million square miles, Sweden covers 170,000 square miles—slightly more than the state of California; (3) the United States has an extremely heterogeneous population, while Sweden has a relatively homogeneous population. The fact is, the United States has a much more complex problem to deal with. To suggest that the U.S. adopt Sweden's health system is like suggesting that New York City adopt the same type of public transportation system as Billings, Montana, because traffic congestion in Billings is much less than in New York City.

2. Even if there were uniform methods to measure these figures, infant mortality statistics are not a good index of the health care delivery system. Infant mortality is a social problem. Such factors as poor housing, poverty, malnutrition, ignorance, and racial ethnic differences are more closely related to infant mortality than such factors as the number of physicians and hospitals, or how medicine is practiced.

3. There are better yardsticks than infant mortality for measuring the status of health in a given nation. In the United States, for example, 70 percent of all deaths in 1969 were related to heart disease, strokes, and cancer. Only 2.2 percent of all deaths were classified as infant mortality.

B. Where the U.S. ranks high

According to the United Nations Yearbook, the United States has a lower mortality rate from tuberculosis, still the world's leading killer among infectious diseases—than any nation except Denmark, the Netherlands, and Australia.

We have better results in preventing death from pneumonia that half the countries that supposedly outrank us in infant mortality. (Our death rates from pneumonia in 1967 were 28 per 1000, compared to 51 per 1000 in Sweden and 66 per 1000 in England). The United States shows the lowest mortality figure in the world from bronchitis. Our ulcer mortality figures were just one half that of the Socialist countries of the western world. Only Japan and Australia have consistently had better results in cancer mortality figures over the years.

C. Good health—The real standard

The Department of Health, Education and Welfare recently released figures showing American children, ages 6 through 11, are taller and heavier on the average than any other national population in the world. American children, according to this report, have increased in height by one-half inch each decade for the past 90 years and increased in weight by 15–30 percent. An average 8-year-old American boy today, is almost 4.5 inches taller and 8–19 pounds heavier than his counterpart of 90 years ago. American adults, too, are taller and heavier than they were 90 years ago. If health care here is the worst in the western world, as critics claim, why are Americans fast becoming the largest people on earth?

If one insists on infant mortality comparisons, international comparisons are not particularly useful; the relevant information is whether the United States infant mortality record is improving or deteriorating. In 1940 the infant mortality rate in the U.S. was 47 per 1000 live births; in 1950, it was 29.2; in 1960 it was 26; in 1969 it was 20.7. In less than 30 years, the rate was cut in half.

II. THE FALLACY THAT MEDICAL CARE IS TOO EXPENSIVE

A. Comparative costs

Those who would restructure the practice of medicine complain that medical care is too expensive.

Medical care too expensive? Not when compared to the cost of transportation. Each year the average American spends almost twice as much on his automobile as he does on his body. In 1968 the average American spent almost 19 cents of every dollar for food, while spending only 7 cents for medical care. Housing and household operation took 28.5 cents out of every spendable dollar.

Last year, the American people spent almost $10 billion on tobacco and $15.5 billion on alcoholic beverages. Add to this the $33.5 billion spent for recreation, and the question of whether medical care is too expensive becomes, rather, a question of priorities.

The companion charge, heard all too often, is: "You doctors make too much money." Too much, compared to whom? Certainly not compared to some members of the construction industry, who, according to columnist Victor Riesel, will soon be earning $50,000 a year. Many people in construction and manufacturing, being paid time and a half for overtime and double time for nights and Sundays, putting in a 70- or 80-hour week, as many physicians do, could take home more money, after taxes, than many physicians do. And this is to say nothing about education, fringe benefits, retirement plans, etc., which are not available to the private fee-for-service practitioner. Do doctors make too much compared to entertainers or professional athletes? We pay someone three or four times as much to play baseball as we pay a family doctor.

In 1970 the Consumer Price Index indicated that physicians' fees rose 7.5 percent over the previous year, while all services rose 8.1 percent. This would indicate that doctors are not out of line when properly compared with persons in other service professions.

B. Not all health costs are medical

Physicians' fees should be separated from the rest of the medical care package. Hospital costs, for example, have risen rapidly in the last decade, chiefly because of the adjustment of wages of underpaid employees. Figures for 1968–69 show that hospital care accounts for 56 percent of the total health bills under public programs, compared to only 13 percent for physicians' fees.

In all of the talk and anguish over rising costs, very few point out that the item most likely to bankrupt a family is not doctor bills, or even hospital bills, but taxes. In 1970, the tax burden for every man, woman, and child in this country was $1,175 ($4,700 per year for a family of four). This is a far cry from the $540 per family of four (on the average) for all medical care; including the cost of hospitalization insurance for the same time period, according to the Bureau of Labor Statistics.

Many persons angered by the high income of doctors in the United States, hold the simplistic view that health care costs could be held down by reducing physicians' incomes. This would have only a minor effect. If the income of the nation's physicians was cut by more than half, the national expenditure for health care would be cut by a paltry eight-tenths of one percent.

C. Spreading out the cost

Like a payment for the family car, the payment for illness can be spread out. The average American visits his doctor four times per year, and probably goes to a hospital four or five times in his lifetime. These are fairly predictable costs and can be prepaid through the mechanism of health insurance. Almost 90 percent of all Americans have some form of health insurance, testifying to the fact that the majority of us can afford to be protected, just as we protect our homes against fire and our automobiles against damage. In the time period from 1956 to 1963, physicians' fees rose 3.7 percent. During that same time period, general wages rose 4.2 percent. Just as most of us can afford entertainment, travel and luxuries, we can afford good medical care, particularly if it is budgeted.

D. Perspective

Of course, medical care costs more today but a patient is in the hospital fewer days because of the increased knowledge and skill of the medical profession. The average laboring man today works fewer hours to pay for a higher grade of medical care than he did 10 years ago.

The average drug prescription today is $3.62—and 80 percent of the drugs purchased today weren't even invented 10 years ago. Several dollars worth of antibiotic capsules today will cure lobar pneumonia, a disease which killed nearly half of all those who contracted it 25 years ago. The cost of tuberculosis treatment 20 years ago was staggering; today, patients can be treated at home with drugs which cost a fraction of what extended hospital care cost in 1950.

E. Foolish spending

Everyone has a stake in the cost of overall health care; the patient has just as much, or perhaps even more responsibility in this matter, than does the physician. Last year, it was estimated that the American people spent at least $2 billion for quackery. This is more than all the money spent on health education. In this modern day, people still have a penchant for the worthless and sometimes harmful, and the often expensive gadget, ranging from the copper bracelet to the rainbow pills for dieting. Untold millions are spent on unnecessary frills which cost the American public far more than all the prescription drugs put together.

Since every accident is potentially avoidable, think of the enormous saving in the total cost of health care in this country if somehow we could do away with the injuries suffered in 1969. In that year, 49 million people were injured—20 million at home, 9 million at work, 3.5 million on the highways, and 15 million in nonmoving motor vehicle accidents (while repairing, cleaning or performing work on motor vehicles). Of the 49 million injuries, 11 million were bed disabling. The total cost of accidents in 1969 was $25 billion. Of this nearly $3 billion was in medical fees and hospital expenses. Every cent of this was preventable.

What about the effects of alcohol? There are 60 million users of alcohol in this country, including an estimated 10 million alcoholics. This is part of the cost of medical care which has been called too expensive. And this too, is preventable. What about the effects of drug abuse? Last year, more young people died in this country from drug abuse than all the soldiers killed in Vietnam. This cost, plus the cost to hundreds of thousands of youngsters who are experimenting with drugs, and who need rehabilitation and medical care, is almost incalculable.

And finally, what about the average adult who overeats, doesn't get enough exercise, smokes too much and doesn't get enough rest. How much does self-abuse add to the cost of medical care in terms of hypertension, diabetes, lung cancer, strokes and hardening of the arteries? It might be safe to say that perhaps half of the total health care bill in this country is preventable.

III. THE AVAILABILITY OF MEDICAL CARE

A. The doctor shortage

Many, in and out of the medical profession, state that there is a doctor shortage in this country. While there may never be enough doctors in some areas in the United States, this country has more doctors per population than any major European nation—one for every 640 citizens. By comparison, France has one physician for every 750 people and Great Britain has one for every 1150 citizens. It is true, however, that many physicians have been drawn away from patient care by government inducements to research and administrative work. A total of 28,105 doctors are in government service (enough to supply three cities the size of Los Angeles).

The charge is frequently made that doctors don't make house calls anymore. According to a recent Medical Economics survey, most physicians still make house calls, but on a limited basis, due chiefly to the obvious limitations of time, and the opportunity to provide higher quality of care in one's "workshop," rather than at the bedside. Many laymen who still measure a good doctor by the number of house calls continue to live in the nostalgia of a day long past when the physician had fewer patients to treat and could perform the same service at the bedside as he did in an office with meager equipment.

B. Health facilities

But the doctor is only part of the total medical care system. What about hospitals? How do we compare with other nations which have the kind of system the politicians plan for this country? In 1969 the United States had 7,144 hospitals, up four percent since 1960. In Great Britain, no new hospitals were built from 1948 (the conception of the National Health Service) until 1962. Since then only 10 have been built. Since World War II, 515 new hospitals have been built in just 17 states in the southeastern part of our country, an area comparable in size to the United Kingdom. In most of post-war Europe, hospital construction has been at a standstill because of the lack of funds, in spite of the fact that in Sweden, for example, 20 percent of the Swedish citizens' taxes are for "free health care.

Not only do most Europeans have fewer hospitals than Americans, but the availability of hospital beds in Europe is less because of the longer length of stay. In 1969, in the United States, the average length of stay in a non-federal, short-term, general hospital was 8.3 days. In England and Sweden the length of stay was 50 percent longer; in Germany it was 300 percent longer. (One might also compare non-federal, general hospitals with government hospitals in this country: In 1969 the 8.3 day average for private hospitals compared to 38.8 days for VA hospitals).

Because people stay longer in hospital beds in Europe, and because there are fewer hospitals per population, waiting lists also are a factor in the availability of hospital care. Most Americans are able to get into a hospital of their choice for elective surgery in two to four weeks. In England the waiting period may stretch to a year. Professor Russell Kirk reports that Britons have to wait up to seven years for treatment of hernias or varicose veins.

C. Free choice

Critics of our present health care delivery system usually fail to point out that if given a choice, citizens prefer to be cared for by their own personal physicians. In Sweden, private doctors are forbidden to treat their own patients in hospitals. Consequently, of the 8,500 doctors in that country, only 1,200 are in private practice (one-fifth of them over 70 years old). Only 30 percent of Swedish citizens are now treated by their own private physicians. A recent survey in England revealed that fewer than 50 percent of NHS patients get to see the specialist of their choice—and 42 percent are never even told the name of the specialist they do see.

D. Prepayment plans

Many politicians advocate government support for prepaid, closed panel group practices. One of the selling points to the medical profession is the potential 40-hour work week. Currently the average physician in private practice works a 65-hour week (according to *Medical Economics*). The question therefore is: Would the grouping of physicians in prepaid plans prototype make medical care more available, or would it create just the opposite result? Dr. Roger Egeberg, in a speech before the Ohio State Medical Association in 1970, stated that if all those physicians now working a 60- to 70-hour week were suddenly to limit their practices to 40-hour weeks, the result would be an immediate reduction equivalent to the loss of 50,000 physicians.

IV. SUMMARY

In summary, politicians and social planners have attempted to justify their demands for national health insurance by claiming: (1) Medical care is inferior, (2) Medical care is too expensive, and (3) Quality medical care is not available. Ironically, government health programs abroad, and even within our shores, have historically increased costs, lowered quality, and produced a relative shortage of personnel and facilities. No government can deliver high-quality, reasonably-priced medical care. Only physicians, practicing in a stimulating, pluralistic, competitive, free enterprise environment can do that.

FLUCTUATIONS IN WELFARE COSTS IN NEW YORK CITY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, June 5, 1972

Mr. HARRY F. BYRD, JR. Mr. President, Newsweek magazine for June 5 contains an interesting analysis of the fluctuations in welfare costs in New York City. The article notes that the number of new welfare recipients in recent years has tended to rise sharply in periods following mayoral elections and to drop dramatically during election campaigns.

The article notes that—

> Every political-science major knows that city welfare budgets are notoriously sensitive to politics—perhaps nowhere more so than in the city of New York, where welfare costs last year reached an astonishing $1.2 billion, up fourfold since incumbent Mayor John V. Lindsay first took office six years ago.

I am very much afraid that this is an accurate analysis. It is additional evidence that our present welfare system is subject to great abuse, and additional reason why genuine reform—not expansion, but true reform—is sorely needed.

I ask unanimous consent that the analysis be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WELFARE AND POLITICS

Every political-science major knows that city welfare budgets are notoriously sensitive to politics—perhaps nowhere more so than in the city of New York, where welfare costs last year reached an astonishing $1.2 billion, up fourfold since incumbent Mayor John V. Lindsay first took office six years ago. Last week, in the course of disagreeing with Lindsay's proposed 1972–73 budget and some of its welfare proposals, a New York Times editorial presented some fascinating figures on the way the city's welfare rolls rise and fall. In the first months after Lindsay's inauguration in 1966, the editorial noted, new welfare recipients were coming on the rolls at the rate of 2,700. But during the last six months of 1966 this figure rose to 11,500 a month and, by the beginning of 1968, to an incredible 17,700. Then when election time rolled around again in 1969, the welfare rolls began to shrink almost magically. By just before election day, the peak rate had been reduced by two-thirds, and only 6,300 were coming on the rolls monthly. This enabled Lindsay to claim in his campaign for reelection that he had begun sharp reductions in the staggering cost of welfare. How long did this state of affairs continue? Not very long. Six months after Lindsay had taken the oath of office a second time, welfare recipients were once again coming on the rolls at the lively clip of 15,800 a month.

Last week, faced with City Council demands for stringent cuts in New York's new budget, Lindsay announced he could effect savings of at least $120 million annually, mainly by keeping down the number of new welfare recipients and cracking down on those who get welfare payments illegally.

CORRECTION OF ROLLCALLS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. ASPIN. Mr. Speaker, on May 11, I was mistakenly recorded as having voted "yea" on the motion—rollcall No. 144—to instruct the conferees to insist on the House version of the antibusing provisions. I actually voted "nay" on this vote, which was consistent with my previous vote—rollcall No. 66—on March 8. I believe that we should not have instructed the conferees on a matter as complicated and involved as antibusing legislation.

ORGANIZED LABOR'S UMBRELLA KEEPS ITS CRITICS DRY AND COMFORTABLE

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. BOLLING. Mr. Speaker, for those who may have forgotten, Mrs. Midge Dector recalls the meaningful contributions of organized labor over the years. Mrs. Decter, who is managing editor of World magazine, and former managing editor of Harpers magazine, delivered her recollections on the occasion of a Tribute to George Meany, sponsored by the League for Industrial Democracy. Her remarks follow:

ORGANIZED LABOR'S UMBRELLA KEEPS ITS CRITICS DRY AND COMFORTABLE

It it perhaps a breach of proper manners for me to begin my remarks on an occasion of a celebration such as this with a reference to the unhappy—I will not say unredeemed—decade through which this nation has just passed.

These past five years have not been happy years for the labor movement; they cannot have been altogether happy years for you either, Mr. Meany. I presume to make such a judgment, though I am of course a stranger to the daily work and circumstance which must in the end be the true life of the labor movement—indeed, I claim a kind of primary right to make such a judgment—because as an intellectual and a working journalist I have been living for these same years disquietingly close (one might say in the very heartlands) of the source of that unhappiness. I mean, of course, the question of the place of the labor movement in fashionable political opinion—and most particularly, and particularly unhappily, in fashionable advanced liberal opinion. Those who had once been labor's most natural allies, namely the reformist intellectuals and the seemingly most vocal of my colleagues in the liberal press, had abandoned the labor movement for a rapid succession of self-styled and, alas, infinitely more romantic proletariats: glamorous swashbucklers among the heralds of racial revolution; students; women.

I need not go through the whole sodden history here. What is important to note is that beneath the particular details of the ever-lengthening indictment of labor being brought by its erstwhile and now so-fickle allies among the intellectuals and liberal journalists ran a single unbroken and unspoken thread of attitude. The labor movement was being charged with having had the bad taste and graceless temerity to achieve a wholesome number of its purposes. The success of the labor movement—that very success it would have been so much more appropriate for me simply to celebrate this afternoon—in having established its now-inalienable right to live and grow and pursue the ordinary daily interests of its constituency is what, I am afraid, has brought about the alienation of our noisy intelligentsia from this movement.

There are, no doubt, several reasons for this. One might point to the spiritual quirk among so many intellectuals by which they are enslaved to the love of those who cannot live and grow and recognize the simple outlines of their own best interest but rather must continue to suffer in futile and grandiose hopelessness. One might suggest of such intellectuals and leftist journalists that they tend to a romantically brutal disdain for the terms and limitations of everyday existence—including, I might add, even their own.

In essence, though, I think the most important account of this recent alienation is the simplest: that is, that in the success of the labor movement lies the indispensable guarantee of the success of the American social order itself. A weak labor movement, embodying and symbolizing the inability of American institutions and social processes to accommodate the basic needs of the majority of its citizenry—such a weak labor movement could have remained the object of deepest piety. The labor movement we actually have, however—which, despite the long road it has yet to travel in the establishment of economic justice, has yet become the single most powerful vindication of the American social order—was bound on that very account to have become instead the object of hostility. America's most richly rewarded intellectuals do not wish to see the American social order succeed. They wish to see it fail. Its failure, of course, would sap the roots of the existence of these intellectuals as much as it would those of any other Americans.

But it is the luxury of the stability that you and your movement, Mr. Meany, have brought to the American social order—and will continue to maintain on its, and on all our, behalf—which makes it possible for the free-thinking, free-speaking, comfortable and secure enemies of that order to continue in the plying of their reckless trade. As the nations of Western Europe, secure under the American nuclear umbrella, liberated from the palling economic necessities of their own defense, were freed thereby to become heedless critics of American foreign policy, so have my colleagues, under the umbrella of the success of American pluralist society in general, and of the labor movement in particular, been freed to deplore, as recklessly and self-servingly as they wish, the fruits of both our political liberty and our economic achievement.

Some of us beneath that umbrella, however, do remember that it is here and stop from time to time—as we do here this afternoon—to bless our fate.

PROUD OF FARM TIES

HON. BOB BERGLAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. BERGLAND. Mr. Speaker, Washington Columnist Jack Anderson has provided great services to this country. He has revealed many shortcomings in all branches of Government and industry. I am hopeful, that because of his efforts, we will be able to correct our mistakes.

Yesterday, June 4, he discussed what he considers to be conflicts of interest among Members of the U.S. House of Representatives. Banking, the law, real estate, oil, lumber, broadcasting, even undertaking came within Mr. Anderson's scrutiny. It is not unusual to see in print the misconception that Congressmen are overpaid and do not need any outside income, especially from a business related to our work in the committees and on the floor of the House. I was rather surprised however, that because I am a family farmer serving on the Agriculture Committee, to find my name included with what Mr. Anderson calls "a long string of conflicts."

Mr. Speaker, I find it difficult to follow that reasoning. If I, as someone who knows the problems of the family farmer through my own experience, am ineligible to serve on the Agriculture Committee, no Member of Congress who pays taxes could be eligible to serve on the Committee on Ways and Means. I am afraid, Mr. Speaker, that distinguished committee would have to be dissolved.

I am proud of my ties with the family farmer and I know that farmers would agree that they have needed a voice on the Agriculture Committee.

As a farmer for 20 years I have known both feast and famine on the land. Unfortunately, there has been more famine than feast and it is my goal to correct the grave injustices heaped up on the family farmer. I know what it means to have a crop washed out. I know what it means to have the bottom drop out of the farmer's market. I know what it is like to have notes and taxes due with not enough money to go around. I have watched our smaller communities dry up and have seen the deterioration of health care, housing and public services as the farmer leaves the countryside.

Mr. Speaker, I freely admit that farming is not a hobby with me. It is my livelihood, my way of life. As long as I am allowed to serve in this body I will continue to do everything possible for the family farmer and rural America which is dependent on him for its very existence. I will do it not only because I will one day return to the farm, but because the preservation of the family farm is essential for every man, woman, and child in this Nation and millions of hungry people throughout the world.

THE ARMY CHANGED ITS PLANS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. HUNGATE. Mr. Speaker, for those who are curious as to how we are able to maintain our Vietnam troops reduction at a time of renewed pressure on the enemy, without increasing draft calls and when many of us would suspect our casualties have increased substantially, the following should provide an explanation of where 30,000 of these men were found:

THE ARMY CHANGED HIS PLANS

As many of your readers undoubtedly know, the U.S. Army recently cancelled an early out program and extended some 30,000 men past their expected ETS (time of separation). Personally, I was told ten days before I was scheduled to get out that I would be required to serve another three months. I am only glad that I had made no firm plans, unlike one man I know, who had already paid his tuition for summer school. This extension is not only an excellent example of the callousness with which the Army plans, or rather attempts to plan, the lives of the people unfortunate enough to be trapped in the Army, but is also an equally valid example of the general inefficiency and high level of incompetency prevalent in all levels of the Army, but especially in the higher command levels. This even tops the time that I was told by my company commander that I, being low ranking and single, must move back into the barracks from an off-post apartment so that the Army can build more housing for married couples on post. Really.

Why 30,000 men and women should suffer drastic changes in their personal plans for the future because of a few mistakes made by some hare-brained Pentagon planners is beyond me. I suppose the basic reason why I have been extended is that not enough people re-enlisted or enlisted during the past few months. I wonder why.

SP4 JOHN W. PENDLETON, Jr.

TRIBUTE TO MRS. MARGARET MAYER

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. CABELL. Mr. Speaker, a longtime associate and personal friend of mine, Mrs. Margaret Mayer, has just recently traveled with the President to Russia as a member of the press pool. Mrs. Mayer, the Washington correspondent for the Dallas Times Herald, is one of the most respected newspaperwomen around. In the Dallas Times Herald an editorial was written about Mrs. Mayer by Felix McKnight, an editor of the paper and one of her colleagues. He says all the things so well that we who have admired Margaret have known all along.

The editorial follows:

ROSES FOR A LADY

(By Felix R. McKnight)

Margaret Mayer sat off to the side of the ornate banquet table in Moscow last Monday night and watched as President Nixon traded vodka toasts with the Soviet hierarchy.

Richard M. Nixon is not much of a drinking man and Margaret Mayer is not much of a drinking woman; never on the job. But in Russia you don't dodge the uplifted vodka and the accompanying rhetoric that serves as the chaser.

Words that come from the Russian toasts sometimes shape a future. Margaret Mayer was ear-cupping to hear each syllable.

She was there as one of the most skilled newspaperwomen in the trade; a member of the news media "pool" of three or four who report to the hundreds of other newsfolk outside about what went on inside. The "pool" is a pro group; not for novices.

The words of Richard Nixon did, indeed, make world news and Margaret Mayer, Dallas Times Herald Washington correspondent, passed them on to tense millions from the historic summit session.

Since 1951—first in the Times Herald Austin Bureau, since 1966 in the Washington Bureau—Margaret Mayer has been reporting the political and national scene "where intrigue is supreme." It is as much of her as the marrow in her bones.

Margaret is attractive by all gal standards. Medium height, flashing eyes, well groomed. Articulate because she does her homework; tenacious when in quest of news and eminently fair in her final judgments.

Personalities are never tarnished by her reporting—unless they damn well need tarnishing. She will not brook double-dealing. She protects values and respects the individual's rights. She scorns the tawdry and plows the straight furrow of fact.

She can walk into any office in Washington, except the President's, because she has been there before and left with respect. Sometimes, grudging respect if the facts as she found them hurt a bit.

She is a confidante of presidents and cabinet members because they trust her. She could write a devastating best-seller if she chose to sell the confidence of big men—but she won't. Muckraking isn't her dish.

The Margaret Mayer stories come in bundles but perhaps one is the most illustrative of her clout.

In 1960, Lyndon B. Johnson, aspiring to the Democratic presidential nomination, scheduled a press conference in a model home exhibit at the Los Angeles Coliseum grounds. It was surrounded by a cyclone fence and well policed.

Margaret swung up to the gate, press badge plainly visible, and started through the entrance. A six-foot, six Los Angeles policeman seized her elbow, opened his mouth for something that was never said.

"Take your hands off me, you big so-and-so!" steamed Margaret.

The man mountain in blue withdrew his hand and she marched in. I was next in line and the officer turned to me and asked:

"Is she really a newspaperman?"

I assured him Maggie Mayer was very much of a "newspaperman."

"Gee," the officer sputtered, "I'll bet she's a helluva good one!"

And she is. She can outwork and outfox any newsman in sight, and does. In these past 12 days she covered the shooting of Gov. George Wallace and kept hospital vigil until 3 a.m.; next morning showed up at The White House on a tip and covered the resignation of Secy. John Connally; took care of her other Washington chores for four days and then flew off to Russia with the Presidential party.

To those who have savored her beautiful word story of the memorable week in Russia you get the feel of the day-and-night firsthand reporting that makes her different from the rest of the crowd.

The Germanic stamina comes from staunch parents. The meticulous touch? Her father was a watchmaker-jeweler.

RED MASSACRES IN CHURCH, AN LOC HOSPITAL REPORTED

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. YOUNG of Florida. Mr. Speaker, those who, in the name of peace, fly the Vietcong flag and shout slogans of victory for the Communists should pay close attention to the following UPI story which appeared in Sundays Washington Star.

If this is the kind of immoral activities they support then so be it. But if they have had enough and can no longer stomach these atrocities against innocent men, women, and children, let them speak. In either event, Americans everywhere are anxiously waiting.

The article follows:

RED MASSACRES IN CHURCH, AN LOC HOSPITAL REPORTED

SAIGON.—A U.S. adviser back from An Loc says he witnessed a Communist tank massacre 100 women and children inside a church in the besieged city.

Later the same day, he said, North Vietnamese artillery opened up on a hospital and killed all its occupants.

Army Capt. Harold Moffett of Nashville, Tenn., told UPI correspondent Barney Seibert today that on a day in mid-April, "I personally saw a Russian-built tank go into a church where services were being held and kill 100 people—women and children."

That night, Moffett said, wounded soldiers and civilians were moved into a "clearly marked hospital. The North Vietnamese blew it away with mortar and artillery fire and killed every last one of the people inside."

Moffett spent 53 days in An Loc, 60 miles north of Saigon and under Communist seige for the last 49 days. He said there still are hundreds of civilians there—some in government-occupied areas and others in Communist-held pockets of the city.

FREE SPEECH AND THE PRESIDENT

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. SCHERLE. Mr. Speaker, at a time when election-year rhetoric is escalating, voices of reason and moderation rise above the din so rarely that we should pay them special heed. Following is an editorial which appeared in the Washington, D.C., Catholic Standard last month, in which the students of Catholic University are reproved for their opposition to a rumored visit by President Nixon to the campus.

The editor takes no exception to the students' political opinions, but objects to their virulent protests against the expression of a different point of view. He reminds us that the privilege of free speech must be extended to all if it is to be respected by any. The President of the United States is entitled to the same constitutional rights as any private citizen and deserves, moreover, an added measure of consideration because of the dignity of his office.

That such an editorial needs to be written at all is an unfortunate barometer of the extremism which polarizes the political process at times in this country. But necessary it is, and thoughtful men should give it due attention.

The editorial follows:

CITIZENS BEWARE?

A small group of Catholic University students, presumably aided and abetted by some faculty members, recently passed out leaflets accusing President Nixon of extortion and criminal genocide. The leaflet, headed "Citizens Beware—Nixon Is Coming," said in part: "Our message is simple and clear: Nixon cannot appear on the Catholic University of America campus. We will work to insure that he not appear on any university in our country until he ceases this criminal genocide of the peoples of Vietnam."

The reason for this tirade was a rumor that the President would appear at CU's commencement on Saturday. University officials said they had no knowledge that the President planned to visit the campus.

Whether or not Mr. Nixon shows up is beside the point. The point is that wherever the President of the United States appears he should be treated with the respect due his office. It should be possible to disagree with the President on any issue without branding him as the most despicable war criminal since Attila the Hun.

Those responsible for the leaflet apparently believe that 1) their views on the Vietnam war are irrefutably correct, 2) anyone who disagrees is not only mistaken but also a vicious criminal, 3) their view—and only their view—is the only one that can be heard on campus and 4) they have a right to disrupt a graduation ceremony to prevent any remarks on any subject by a President who doesn't share their views.

This storm trooper attitude is contemptible. Those in academic circles generally hold great store by free speech and the mutual exchange of ideas in an atmosphere of reasonable discussion. But not this group. Free speech presumably applies only to them. Anyone else has to be shouted down or prevented from coming on campus.

Fortunately only a tiny minority of CU students hold this yahoo viewpoint. It's too bad that their antics besmirch the university.

LET US STOP 'EM IN THEIR TRACKS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. MIKVA. Mr. Speaker, little more than a week ago, I inserted in the RECORD the text of an article which dealt with a Chicago newspaperman's plan to legalize the machinegun. That proposal, by Mike Royko, apparently was a response to those people, including myself and some of my colleagues, who want strict handgun control—especially a ban on the sale and manufacture of handguns. In that article, he suggested the legalization of machineguns, because not everyone is an accurate shot with a pistol, and the machinegun offers many more advantages as a weapon of self-defense. Mr. Royko made some telling points in that article, and in the interests of fair play, I thought it would be appropriate to insert in the RECORD a subsequent article on the subject by Mr. Royko:

LET US STOP 'EM IN THEIR TRACKS

(By Mike Royko)

A few nights ago I was awakened by sounds outside the window. They sounded like footsteps in the gangway.

My first thought was that it had to be either a dangerous criminal or a Communist. And there I was without a machinegun.

(As some you you know, I am the founder of the National Machinegun Assn., which will lobby to legalize the machinegun for the benefit of those of us who are bad shots with pistols. We, too, have a right to protect hearth and home.)

As things turned out, though, a machinegun would have been of little use that night.

When I tried to raise the screen to look out the window, it stuck and made a squeaking noise. By the time I opened it, the footsteps were fading into the distance. There would have been no opportunity to get off even one burst of fire.

The result would have been the same had I opened the front door. It was a noisy lock. And the screen door sticks.

In the morning I learned that the footsteps had been those of someone who entered my neighbor's car and removed two radio speakers.

The police said he was a "sneak thief." But one can't be sure. He might have been a Communist who was equipping a secret radio room.

In any case, this experience taught me that a gun—even a machinegun—doesn't always protect an honest citizen against criminals, Commies, and creatures of the night.

There are times when something else is needed.

The answer is the land mine.

Land mines, like machineguns, are illegal. Yet, it should be obvious that for many people the land mine is the ideal—indeed, the only—weapon with which they can defend themselves.

These people would include the elderly, the extremely deep sleeper, the weak-eyed, the hard of hearing, and those who cannot stand the sight of a gun.

For them, a gun is useless—even the machinegun. A fiend could be at their throats before they even finished a prayer.

These people are being penalized and endangered by the laws which restrict a citizen's weaponry to rifles, shotguns and pistols.

But if they could place a few land mines in and around their homes—under a throw rug, in the lawn, the back steps, the back yards, and under the welcome mat—an evil doer would be stopped in his tracks. All that would remain of him would be his tracks, which would be his just deserts.

Yet, these people are being penalized and left defenseless because our laws restrict a citizen's weaponry to rifles, shotguns and pistols.

It doesn't make any sense that anyone can buy a pistol for $8, while an honest citizen, who wants nothing more than to enforce his "keep out" sign, should not be able to buy a land mine.

Before I continue, let me anticipate some of the objections that will be raised by the anti-gun, anti-land mine peaceniks.

"You can't use something that can kill you just because you step on it."

That is ridiculous. You can be injured, even killed, by stepping on a roller skate, a banana peel, a mud puddle, or a sleeping dog.

But is that any reason to outlaw roller skates, bananas, rain, or sleeping dogs?

Then there will be the familiar cry: "Land mines kill."

Nonsense. Land mines don't kill. People who step on land mines kill. If you don't step on it, it is as safe as a turnip.

And the only people who would be endangered would be those who are walking where they don't belong.

Oh, I admit that there is always the possibility of regrettable accidents. Nothing is fool proof. A few children, pets, inebriated neighbors and deliverymen might be lost.

But probably no more than are killed each year by handguns. And no clear thinking, decent American would deprive his fellows of their rights because a few children, policemen, store keepers and others are shot each day by legalized, $8 pistols.

Remember, no President, or even a candidate for President, has ever been assassinated with a land mine.

So I urge all of you who are concerned about the safety of the elderly, the deep sleepers, the near sighted, and hard of hearing, to write to your congressman, senator, coroner, postmaster, alderman, precinct captain, the President, vice president, ambassador to the Court of St. James's, your religious leaders, union leaders, newspapers, the National Rifle Assn., and Howard Miller.

Urge them to support much-needed legislation that would make the ownership of land mines legal.

Then we will see if anybody messes with my neighbor's car radio.

LESSON OF CHINA

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. OBEY. Mr. Speaker, last week an editorial appeared in the Green Bay Press-Gazette dealing with Barbara Tuchmann's excellent book "Stilwell and the American Experience in China," and the lessons our China experience may provide with regard to Vietnam. The editorial follows:

LESSON OF CHINA

In her magnificent book, "Stilwell and the American Experience in China," Barbara Tuchmann probably cannot help but read into the discouraging history the similarity to the American role in Vietnam. The really uncomfortable fact is not that the United States should make such a serious mistake once but that it should almost copy it in Vietnam.

Whatever the Chinese desperation at the ruthless Japanese invasion, the Nationalist government was never able to organize a defense much less mount an offensive. Mrs. Tuchmann blames the Chiang Kai-shek hierarchy. But whatever the merits or drawbacks of Gen. Joseph Stilwell's policies and those of the flamboyant Gen. Clare Chennault in how the war in China should be fought, it became obvious that eventually Chiang became assured that the Americans would eventually defeat the Japanese so that his primary concern was his own retention of power particularly against the forces of Mao Tse-tung. Chiang's great concern as the war neared an end was to keep complete control of the Chinese army while at the same time not losing massive American foreign aid.

Stilwell was recalled at Chiang's insistence. The men never did get along, and part of the trouble may have been a personality clash as the United States explained at the time of the recall. But in the light of future events it seems obvious that the Nationalists had long ago lost the support of the population and the Communists indeed were "better men physically, better fed, better clothed . . . with better morale than the Nationalist troops" as Gen. Frank Dorn, a one-time aide to Stilwell, later testified.

But for domestic political reasons, as well as because of concern of the effect in other parts of the world, the United States could not publicly concede the truth. The Chinese Nationalists had been portrayed to the American public much as the South Vietnamese have been—inherently of a democratic nature, fighting courageously for their dignity and freedom against great odds. Obviously, the Chinese Nationalists could no more be abandoned to the truth in 1944 than the South Vietnamese could be in 1972. "We must not indefinitely underwrite a politically bankrupt regime" warned John Stewart Service, later to be condemned for his realism toward Asian affairs.

Mrs. Tuchmann writes, "the option to end support of China was almost taken . . . but the United States could not afford to do it." President Roosevelt believed in sovereignty for allied governments but it could not really be achieved any more than it has in South Vietnam. "The United States too was concerned with face saving," she writes. So Stilwell came home. "The recall was the inevitable outcome of the assumption, growing out of China's dependence and passivity, that an American solution could be imposed on China," Mrs. Tuchmann writes.

Mrs. Tuchmann concludes that "the American effort to sustain the status quo could not supply an outworn government with strength and stability or popular support. It could not hold up a husk nor long delay the cyclical passing of the mandate of heaven. In the end, China went her own way as if the Americans had never come."

It won't be quite that way in Vietnam. There are millions of the dead and the refugees in that torn country who will not be exactly the same again. But the end political result still could be the same.

ANGELA DAVIS AND AMERICAN HISTORY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. STOKES. Mr. Speaker, on June 4, 1972, Angela Davis was acquitted by an all-white jury in San Jose, Calif. Following the announcement of the jury's verdict, Miss Davis stressed that she held no greater confidence in this country's judicial system than before, but that—

> The people who sat as jurors [were] not part of the judicial system, but of the people.

The breach between our Government and the people it purports to govern has become increasingly evident in recent political trials. From the Chicago 7 through the Catonsville 9 to Angela Davis, a pattern has developed. On the flimsiest charges, the Government has brought people to trial who happen to disagree with the official interpretation of events. In each case, the victims of these witch hunts have been vindicated by the American people, represented by those in the jury box. In each case, the defendants have been acquitted because of insufficient evidence, a fact which, alone, should cause us to wonder.

Angela Davis was a perfect target for official castigation. A Communist, a black American, a woman—she failed to fit into any of the slots which society had carved out for her. She has always been an intelligent and fiercely independent young woman who carries with her the historical baggage that all black Americans carry—a memory of slavery, repression, and rejection. Most white Americans have refused to take the trouble to understand what it is like to have this particular memory. The San Jose jury took that trouble, and they are to be heartily commended for the results of their painstaking efforts.

On May 24, 1972, a column by Roger Wilkins appeared in the Washington Post. His article was called "Children of Slavery: Parents and Black Liberation." Roger Wilkins articulated, for readers of the Post, the meaning of Angela Davis' personal struggle in terms of her symbolic battle in behalf of all black Americans. On the same page, the Post carried one of Miss Davis' letters to George Jackson. This letter is a beautiful and succinct pronouncement upon what life is like for a black woman in this country.

I urge my colleagues to take this opportunity to try to understand, as the San Jose jury did, what people like Angela Davis are all about. I, therefore, include Roger Wilkins' column and Miss Davis' poetic letter below:

CHILDREN OF SLAVERY: PARENTS AND BLACK LIBERATION

(By Roger Wilkins)

The first "love letter" from Angela Davis to George Jackson introduced by the prosecution at Miss Davis' trial in California for murder offers an extraordinary glimpse into the mind of a young black woman as she struggles with one of the still live and anguishing legacies of slavery. During the late sixties, when young angry black rhetoricians lashed America because of three hundred years of oppression and recited the whole litany of slavery, the standard white response was, "What has this generation—white or black—to do with that period of our distant history?" But in writing to the man she loved, as a black woman caught up in the struggle for black liberation, Angela Davis had still to be deeply involved in the slow black psychic climb up out of the slime and ooze of slavery. In this letter, excerpts from which appear elsewhere on this page, her issue is whether the survival techniques and the perceptions of black needs developed prior to 1865 and persisting even now are suited to the needs and demands of black society.

The problem Miss Davis confronts runs in an unbroken line from the defense mechanisms blacks developed for survival during the brutal and violent days when they were chattel straight into the gust and spirits of today's black parents struggling with the excruciating problems of raising their children in a still racist America—an America that seems to think it has done enough about the racial problem and is both weary of the issue and hostile even toward such minor innovations as busing and scatter site housing. She knows the parents will be tempted to be "overly protective" by dissuading their children from accepting the "burden of fighting this war which has been declared on us," on the one hand while seeing the need to hand the sons of the race a "flaming sword" on the other.

During slavery, both black men and black women performed as beasts of burden from dawn to dusk, but in a very substantial measure, that was the man's sole function. In order to turn men into beasts, it was imperative for the society to keep them docile. Male slaves could be murdered, punished brutally, sold down the river away from family and friends and have their faces pressed into the mud in hundreds of other more subtle ways until manhood was little more than a scream of anguish that died in the throat before it was heard.

Women seemed less threatening and were thus often given positions of trust at the mouths of white babies, and in the kitchens of the great houses or of sexual servitude, to master, master's son, overseer or visiting fireman. The women did what they had to do for their own survival and to protect children, husbands and friends. They saw clearly the perils in store for the black man-child and, over generations and centuries, they devised ways to raise their boys to survive in the world they knew: "Keep your nose clean, hang back, work hard, succeed, escape, become 'non-nigger'."

After slavery, little changed in those patterns. The black male was still systematically degraded. Women could get jobs because people needed domestics and the American fantasy grew enough to include a black woman teacher, nurse or social worker, but could not encompass a black male supervisor or executive. Meanwhile, up through the black revolution of the sixties, black mothers kept teaching the same old survival course to their children. They did so, partially because their own paths to progress were blocked and so they poured all of their hopes and all of their ambitions into their children, and partially because they wanted to save the children from both named and unknown perils.

Then came the revolution of blackness during the late 60s and the rise of black male consciousness. Cultists and others, raging at an abundance of injustices—many real, some imagined—began firing at any moving target. Black women loomed large in many sights; they were told "you have crushed our manhood and bled us of our blackness. We are men now and are prepared to take care of business while your role is to keep quiet, succor and love, while I fight and define my blackness."

This is where Miss Davis parts company with much of the new black thought. She clearly understands the parental instinct to protect the cub, but she knows that the old survival patterns no longer work, for even when they do "work", they often produce individualistic, white-like people, alienated from the black experience, people who stand alone, above and aside, identifying with little of the pain and soaring with none of the joy of engagement and occasional victory. The struggle, as she says, must now be collective. Renewed white resistance coupled with the still abysmal circumstances of the lives of at least half of black America requires a strategy of more ingenious and diversified black initiatives springing from both the talents and needs of a more unified black community than has ever previously existed.

Whether Miss Davis was speaking metaphorically when she talked about squeezing rather than jerking the trigger and rejoicing over the running blood of a policeman is something a jury in San Jose will soon begin to ponder. But no one who walks the streets of the poorest black communities in this country can doubt that desperate struggles, the contours of which are yet unknown, lie ahead. Eyes in black spirits see what white blindness and indifference fail to perceive: alleys where children play amidsts rubble and wine-soaked bodies, tenaments where families sleep eight to a room, grammar schools where heroin pushers peddle their wares to ten year olds and empty shells lurching along streets where men should walk. Nor is there any doubt about the rage such sights engender in the core of every black with a living spirit, whether or not that age is articulated as openly as Miss Davis does in her letter.

Nor can he believe that there is an asset anywhere more precious to the future of black America than her children. Each mother will struggle with the knowledge of the pain that lies ahead for her child. Her instinctive desire to erect an iron protective mechanism around his spirit will do fierce battle with her knowledge that the black community needs him to live his life at full throttle and great risk while pouring his main force into the struggle for black liberation. If the parents choice is the latter, Miss Davis is right. That race of giants won't be developed by strong men and crippled mothers. Rather, it will arise from families headed by two whole human beings who set examples by being fully engaged in the most serious business of America, and who have the full courage to grow and to launch the child in the hope that none of them—whether parent or child—will flinch in the face of the awesome challenges that are sure to come.

LETTER TO GEORGE JACKSON—ANGELA DAVIS: STRUGGLE, SURVIVAL

It is already impossible to begin at the beginning. If I start by dropping the mask and say in all naturalness: I have come to love you very deeply, I count on you to believe me, George. I have used these words very seldom in my 26 years—because I could not have meant them very often. Believe me, it happened so abruptly, so spontaneously. I was not seeking to love when I walked into a Salinas courtroom on Friday, May 8, 1970. And so it is difficult to articulate it further. But one thing remains to be said—my feelings dictate neither illusionary hopes nor intolerable despair. My love—your love, reinforces my fighting instincts, it tells me to go to war . . .

Concerning black women: I am convinced that the solution is not to persuade the black woman to relax her reins on the black male, (but to translate) the "be a good boy" syndrome into a "take the sword in hand" attitude . . . to take our first step towards freedom, we, too, must pick up the sword.

Only a fighting woman can guide her son in the warrior direction. Only when our lives—our total lives—become inseparable from struggle can we, black women, do what we have to do for our sons and daughters . . .

My mother was overly protective of her sons and daughters. I could never forgive her for forcing my bothers (us, too) to take dancing lessons. George, we must dig into all the muck and get at the roots of our problems . . . When we are overly protective, we attempt to dissuade our loved ones from accepting the burden of fighting this war which has been declared on us, we cannot be dismissed as counter revolutionary. You'd be surprised how many brothers would say this. Nor can it be said that we ought to blot our natural instincts for survival. Why, why, is our condition so wrought with contradictions? We, who have been coerced into performing the most degrading kinds of labor—a sex machine for the white slave master. Rather than helplessly watch her children die a slow death of starvation, my grandmother submitted to the white master, my father's accursed father . . .

To choose between various paths of survival means the objective availability of alternatives. I hope you don't take this as an apologetic stance. I'm only trying to understand the forces that have led us, black women, to where we are now. Why did your mother offer you reprimands instead of the flaming sword? Which is equivalent to posing the same question about every other black woman—and not only with respect to the sons, but the daughters too (this is really crucial. In Cuba last summer, I saw some very beautiful Vietnamese warriors . . . all female . . . I saw women patroling the streets with rifles on their backs—defending the revolution. But also, young companeras educating their husbands, and lovers—demythologizing machismo. After all, if women can fight, manage factories, then men ought to be able to help with the house, children.

But returning to the question—we have learned from our revolutionary ancestors that no individual act or response can seize the scepter of the enemy. The slave lashes out against his immediate master, subdues him, escapes, but he has done nothing more than take the first step in the long spiral upwards towards liberation. And often that individual escape is an evasion of the real problem. It is only when all the slaves are aroused from their slumber, articulate their goals, choose their leaders, make an unwavering commitment to destroy every single obstacle which might prevent them from transcribing their visions of a new world, a new man onto the soil of the earth, into the flesh and blood of men.

Even dreams are often prohibited or are allowed to surface only in the most disguised and sublimated form—the desire to be white, the monstrous perverted aspirations of a so-called black bourgeoisie, created to pacify the masses. And then there is the unnatural system-oriented desires of a black woman who is relating to the survival of her children. . . .

The point is—given the vacuum created by the absence of collective struggle, the objective survival alternatives are sparse: ambitious of bourgeois gluttony or—like you said—unconscious crime. One path goes in thru the front door, the other sneaks in thru the back and is far more dangerous and seemingly far less likely to reach its destination . . .

A mother cannot help but cry out for the survival of her own flesh and blood. We have been forbidden to reach out for the truth about survival—that is a collective enterprise and must be offensive, rather than defensive . . .

Frustrations, aggressions cannot be repressed indefinitely . . . For the black female, the solution is not to become less aggressive, not to lay down the gun, but to learn how to set the sights correctly, aim accurately, squeeze rather than jerk, and not be overcome by the damage. We have to learn how to rejoice when pig's blood is spilled. But all this presupposes that the black male will have purged himself of the myth that his mother, his woman, must be subdued before—he—can wage war on the enemy. Liberation is a dialectical movement—the black woman can liberate herself from all the muck—and it works the other way around and this is—only—the beginning . . . Women's liberation in the revolution is inseparable from the liberation of the male . . .

Jon and I have made a truce. As long as I try to combat my tendencies to remind him of his youth, he will try to combat his male chauvinism. Don't come down on me before you understand—I never said Jon was too young for anything, I just mentioned how incredible it is that in spite of a Catholic school, Georgia, etc., he refuses to allow society to entrap him in adolescence. But still, he doesn't dig any mention of age.

The night after I saw you in court, for the first (time) in months, I dreamt (or at least the dream was significant enough to work its way into my consciousness). We were together, fighting pigs, winning. We were learning to know each other.

I love you . . .

EDUCATION PROGRAMS FOR DISADVANTAGED VETERANS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. TEAGUE of Texas. Mr. Speaker, there are a good many who are expressing concern about the programs of the Veterans' Administration relating to disadvantaged veterans. I think these persons will be interested in the report of the Veterans' Administration which indicated that large numbers of so-called high school dropouts are taking advantage of the veterans' programs to continue their education. In this connection, I would like to insert a recent report by the Veterans' Administration on this subject.

The report follows:

EDUCATION PROGRAMS FOR DISADVANTAGED VETERANS

Where are the high school drop-outs who are now Vietnam Era veterans?

During April, about 21,000 were completing high school under the GI Bill, and swelling the ranks of those who have taken advantage of a five year old Veterans Administration program that pays them monthly allowances while attending schools below the college level.

For those veterans this means enrollment in remedial or refresher courses to enable them to earn elementary or high school diplomas or otherwise qualify for higher education. This "catch-up" training is not charged against eligibility. Thus these veterans are able to save their full entitlement for higher education later on.

Veterans who are having trouble with their studies may receive special tutorial help which VA will pay for.

So far, about 66,000 educationally disadvantated veterans have taken advantage of "catch-up" schooling or training since it became available in 1967.

However, VA pointed out that this figure does not include all assistance provided. For example, many educationally disadvantaged veterans elect to enter on-job training programs or attend vocational and trade schools.

UNITED STATES-SOVIET ARMS LIMITATION AGREEMENT MARKS A BEGINNING IN DISARMAMENT

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. EVINS of Tennessee. Mr. Speaker, certainly we are all hopeful that the recent summit meeting in Moscow will mark the beginning of disarmament and pave the way for a lasting peace.

In this connection, I insert in the RECORD my recent newsletter Capitol Comments, because of the interest of my colleagues and the American people in this most important subject:

UNITED STATES-SOVIET ARMS LIMITATION AGREEMENT MARKS A BEGINNING IN DISARMAMENT

Now that President Nixon has returned from the Summit Conference in Moscow and delivered his report to the Congress in joint session, it is appropriate and timely to reflect on the significance of the highly publicized events in Moscow.

In the first place—as the President emphasized in his address before Congress—the accords signed with respect to nuclear disarmament are only a beginning. Further Strategic Arms Limitations Talks (SALT) are expected, aimed, among other things, at scaling down the numerical limitations placed on various nuclear weapons by the initial agreement. Certainly we are all hopeful that further negotiations can proceed and that there can be further progress in reduction in costs and military weapons production.

The treaty between the United States of America and the Union of Soviet Socialist Republics on the limitations of antiballistic missiles includes the following provisions:

Intercontinental ballistic missiles are limited to those under construction or deployed. The effect of this agreement is to limit ICBMs which Russia can have to 1618 in number, compared to 1054 for the United States. Officials explained that Russia was provided with an edge in missiles in the agreement because the United States has multiple warhead missiles—a single missile with a number of warheads that can be directed at different targets—while Russia has not applied multiple warheads to its missiles. In terms of warheads the United States has an estimated 5,700, while Russia has 2,500.

The United States and Russia under the agreement are permitted 200 each of antiballistic interceptor missiles—defensive missiles to knock out incoming ICBM's.

Construction of submarine-launched ballistic missiles will be frozen at current levels.

The President emphasized that "the present and planned strategic forces of the United States are without question sufficient for the maintenance of our security and the protection of our vital interests."

Other agreements signed by officials of the two nations provided for joint space exploration, for joint health and disease research, arrangements for committees to discuss environmental problems, scientific and technical cooperation, and trade; and a signal system to avoid military confrontations on the high seas.

The overall significance of the agreements is considered by some to be that the United States and Russia both appear to be working together for some stability and security in the world.

In the Congress there are reports that strong efforts will be made to reduce military expenditures because of the cutbacks and the freeze on the nuclear arsenal.

There are indications that the military weapons appropriations bill will be delayed pending an analysis of the impact of the agreement on military requirements. There exists some sentiment in the Congress that substantial cuts and reductions in the military budget can and should now be made.

Certainly we must keep our guard up and our defenses strong. There have been other agreements with Russia that amounted to little more than scraps of paper. But we are all hopeful that the President's efforts will be successful in reducing world tensions and increasing the chances for lasting world peace. Eternal vigilance must be our watchword.

HORTON PRAISES CAL STEWART AND FAIRPORT'S STEWART FIRE STATION

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. HORTON. Mr. Speaker, in these times when our Nation is troubled by problems which could affect our future deeply, it is essential that we recognize and pay tribute to the good that is in America. On Sunday, May 21, 1972, I saw some of the good that is America, and I gained an even greater confidence in and respect for the future of our Nation.

On that day, I attended the dedication of the new Stewart Fire Station in the village of Fairport, N.Y. Operated and maintained by the Fairport Volunteer Fire Department, this new facility was named in honor of one of the volunteer fireman, Clair "Cal" Stewart.

No simple phrase such as "one of the volunteer firemen" is an adequate way to describe Cal Stewart, a volunteer fireman since 1926 and chief of the Fairport Fire Department for 24 years. He has been a member of nearly every firefighting organization in the area, and has served as an officer of many of them.

The dedication of the fire station was an opportunity for the leaders and citizens of the community to pay a well-deserved tribute to Cal Stewart. His community and his fellow firemen have paid him their highest tribute in naming their new fire station after him.

Cal, presently serving as the Monroe County fire coordinator, shared the speaker's platform with many of the community's leaders. John J. Kenney, a fireman and long-time friend of the guest of honor was master of ceremonies and introduced the following speakers: Peter J. McDonough, Fairport's mayor; Lake B. Edwards, supervisor of the town of Perinton; Thomas Laverne, New York State Senator; and myself.

Also on the platform to pay honor to Cal Stewart were: Ivan Masclee, chief of the Fairport Fire Department; W. Robert Brown, first assistant chief; Gerald Doser, second assistant chief, Mrs. W. Robert Brown "Aileen," president of the ladies auxiliary, who presented a portrait of Cal to be displayed on the walls of the new station; Carlton E. DeWolff and Peter P. Romeo of Dewolff Associates, architects of the new station; and the Reverend Robert J. Winterkorn, chaplain of the Monroe County Volunteer Fireman's Association.

The cochairmen of the ceremony were Ronald Jensen and Donald Fox. The building committee was staffed by Burton A. Ross, chairman; Ronald Jensen, and Gary Lewis.

During the ceremony, an American flag was given to the fire department by Mrs. Robert "Bonnie" Wiedrich, whose first husband Jeffrey D. Schumacher, Sr., lost his life in action in Vietnam in the spring of 1971. The flag was one of the two given to Bonnie, daughter of Burton Ross, by the Department of the Army at the time of the funeral. The other flag is being saved for Jeffrey D. Schumacher, Jr., to be presented to him when he is older.

The flag was accepted by Wallace D. Kennelly, president of the Fairport Fire Department while the visiting Pittsford Fire Department Band, directed by August D'Aurizio, played the National Anthem.

Stewart Station was named in honor of Cal Stewart, a man who typifies the best of what we look for in an American. He has contributed his time, energy, and talent to the community for almost 50 years in various responsibilities in the fire department. He is an individual who does not hesitate to get involved for the betterment of his community and man to be emulated by all of us.

Having been honored to be a part of the dedication ceremonies of the Stewart Fire Station, I am convinced that the spirit of community action and self-reliance—all attributes that helped to mold our great Nation—are alive and well in the village of Fairport, N.Y., and indeed in many communities like it across the country.

I commend all who made this new fire station possible, and especially Cal Stewart. On behalf of the community which he has served so diligently, I thank him.

THE BANDSTAND OF LIFE: RANNY WEEKS RETIRES

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mrs. HECKLER of Massachusetts. Mr. Speaker, an unusual man is closing out an unusual career next month and some of his many friends are planning to pay him formal tribute.

The man is Ranny Weeks.

The career has ranged from leading a popular dance band through two wars in the Navy to the post of executive director of the Boston University Law School Alumni Association. He acquired an army of friends along the way and now they are going to repay his friendship.

Emanuel Goldberg has written a fine column about Ranny Weeks and his testimonial in the Jewish Times of Boston which I herewith submit.

THE BANDSTAND OF LIFE: RANNY WEEKS RETIRES

(By Emanuel Goldberg)

The human equation is an enigmatic as any of the crazy concerns that engulf mankind and it is rare these days to find a constant, fathomable person who does not defy accurate description: one of complete integrity, complete devotion to country, and complete confidence in the future.

Such a guy is Ranny Weeks, who in June will step down from an academic bandstand—having already done so in musical circles many years ago—and retire with his wife, Stubby, to Cape Cod.

Only his friends won't let him bow out quietly. They want him to mount the podium again, at least for the evening of Monday, June 26 when hundreds of Ranny's admirers will gather for a testimonial dinner in his honor at Sidney Hill Country Club. His friends include the noted, like co-chairmen Rudy Vallee, Arthur Fiedler, David McCord and Dr. Shields Warren, and the multitude of so-called "little people" who adore Ranny and for whom he has always had a warm greeting and genuine concern.

This writer has personally known Ranny Weeks and his family for many years, been close to him, and gratefully enriched. The difficult thing for me to swallow is that Ranny is "retiring," for the tall, handsome, ramrod-straight executive director of the Boston University Law School Alumni Association defies the ordinary mortal's erosion. His career and friendships teem with human interest, been diversified and never devious.

There were, of course, the 'celebrity years' when Ranny led a famous orchestra, a role which reaped him as much income in a single week as most men then made in a year—income long gone but never, even at the titillating time, capable of turning his head. The baton, appearance and personality took him to Hollywood for a few movies (some of which he occasionally must stomach when they return via TV on the late-late shows). Ranny once confided that gossip columnists, prodded by Hollywood publicists, even tried to link him romantically with Dorothy Lamour—a family joke since Ranny's marriage to Stubby has been long and happy, and a major anchor amidst incredible pressures.

There's also the Navy side of Ranny Weeks, a very important part. He twice served as a naval officer on active duty, in World War II and during the Korean War, and for years, was a prime mover in the affairs of the active Naval Reserve information section in Boston. There are few things he's prouder of than his Navy Captaincy, epitomizing a career that hangs on a special memory rack. Yet nobody should get the notion that Ranny is a hell-bent-for-leather militarist. It should be observed that he is a member of the Swedenborgian Society and a practising Christian, whose mystical religion keeps his steadfast gaze on the horizon and beyond.

The two wars took him out of music and back to his alma mater, Boston University, where he served for twelve years as director of Alumni Affairs. The Law School post, another labour of love for Ranny, was assumed in recent years.

Just to be sure that June 26th is not a one-night-stand, Ranny's friends, spearheaded by Newton businessman Herb Abramson, are also planning a Ranny Weeks Scholarship Fund at the B.U. Law School, which will assist needy and deserving students. Nothing could be more appropriate since Ranny's own law school study and possible legal career were abruptly terminated by a lack of funds.

A local philanthropist once described Ranny in these terms: "Ranny always stood out above the crowd." Coupled with this connotation of height in human dignity is Ranny's depth ("inner space" as he himself often referred to things). He could always write extremely well and his "Letters to the Editor" in metropolitan media still command respect. I suspect they'll revitalize at Cape Cod. Ranny comprehends instantly, and suffers long before he condemns the frailties of others. He'd rather blame himself.

STATEMENT OF FINANCIAL WORTH OF CONGRESSMAN ROMANO L. MAZZOLI

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. MAZZOLI. Mr. Speaker, today I am placing into the RECORD a complete statement of my financial worth as of December 31, 1971. This statement includes a listing of all assets which are held in my name individually or which are held jointly with my wife, as well as all assets which are held by my wife in her individual name.

I have also included a statement of our income, from all sources, for calendar year 1971, as developed from our income tax return for that year.

I intend to place a full financial disclosure into the RECORD for each year that it is my honor to serve in the Congress of the United States.

The statement of finances is as follows:

STATEMENT OF FINANCIAL CONDITION

Romano L. and Helen D. Mazzoli, December 31, 1971

Cash on deposit:	
Lincoln Federal Savings and Loan Association, account No. 37339	$3,196.33
Liberty National Bank & Trust Co., account No. 09-013390	6,067.30
Liberty National Bank & Trust Co., account No. 08-33-816-7	453.62
Liberty National Bank & Trust Co., account No. 08-33-817-5	100.00
American United Life Insurance Co., policy No. 1116312	65.26
American United Life Insurance Co., policy No. 1011729	459.14
Securities, Stock, and Bonds:	
U.S. Government bonds, series E	722.77
Real Property:	
Residential:	
House (Louisville): Assessed value	18,860.00
Less: Mortgage, Portland Federal Savings and Loan	12,295.03
Equity	6,564.97
Commercial or investment	----------
Household goods and miscellaneous personalty (estimated)	4,500.00
Cash surrender value of life insurance policies:	
American United Life Insurance Company, policy No. 1011729	2,100.00
American United Life Insurance Company, policy No. 1116312	170.00
Federal employees retirement system:	
Contribution to Fund	3,097.77
Automobile:	
1965 Rambler	625.00
Law office furniture, equipment, and library	772.00
Total assets	28,894.16

INCOME FOR CALENDAR YEAR 1971

Income	
Interest:	
Lincoln Federal Savings and Loan Association	$121.59
Liberty National Bank & Trust Co.	184.82
American United Life Insurance Co	19.32
Kentucky State Retirement System	4.69
	330.42
Law practice:	
Income	2,265.00
Expenses	2,926.61
	(661.61)
U.S. House of Representatives:	
Salary	38,722.00
Gross income	38,390.89
Expenses	
U.S. House of Representatives:	
Congressional Expenses Allowable as Deductions	8,732.73
Miscellaneous Deductions and Exemptions	5,452.99
	14,185.72
Total taxable income	24,205.17

GREENEVILLE, TENN., HIGH SCHOOL BAND TO TOUR EUROPE

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. QUILLEN. Mr. Speaker, this week the Greeneville High School Band and the Band Boosters Club of Greeneville, Tenn., in my district, will embark on a 2-week tour of Europe where they will visit six countries. Concerts by the band have been scheduled in Germany, Austria, and Switzerland.

I consider these fine young people and their sponsors "touring goodwill ambassadors," and I know they will do an outstanding job wherever they go.

Greeneville has a population of 15,000 and is located in beautiful east Tennessee. In the many years of growth and development of this thriving and progressive city, one of the most illustrious citizens to come out of Greeneville was Andrew Johnson, 17th President of the United States. Last month's issue of Reader's Digest recognized Andrew Johnson and cited Greeneville as being a unique, historical storehouse of the wonders of our heritage.

The article states:

> Andrew Johnson's association with Greeneville is today memorialized in the Andrew Johnson National Historic Site, a tourist complex which includes a museum, a tailor shop which he operated during his early manhood, the homestead which includes the house in which he lived from 1851 until 1875, and the cemetery on Monument Hill where he was buried.

The people of Greeneville and east Tennessee take great pride in the significance of the past; however, this same citizenry glow with a feeling of delight at the present. They are especially proud of the Greeneville High School Band and the Band Boosters Club who have worked so hard to make a dream come true.

The school is fortunate to have as band director, Mr. Gene Proffitt, a native of Elizabethton in Carter County, Tenn. He has served as director in Greeneville since 1960. Mr. Proffitt received his degrees at East Tennessee State University in Johnson City and at the University of Tennessee at Knoxville.

Many honors have come to the band during Mr. Proffitt's directorship. The band has appeared locally at Armed Forces Day, Law Day, Shrine functions, political rallies, dedication exercises, and has marched in numerous parades and festivals.

The group has already traveled extensively both nationally and internationally. It represented the State of Tennessee and the Tennessee Lions Club in the 1964 Lions International Convention in Toronto, Canada; it appeared on national television at the Sugar Bowl in New Orleans; it participated in the Memphis Cotton Carnival in 1967 and again in 1969, and it has been runner-up twice in the University of Tennessee Marching Band Festival.

Much credit should also go to Danny Treadway, assistant band director, and Ralph Lister, who is currently serving as president of the Band Boosters Club. These two young men have greatly assisted Mr. Proffitt in coordinating arrangements for this trip.

Needless to say, I am extremely proud of the Greenville High School Band and the Band Boosters Club. All 181 members of these two organizations are to be commended and I want to take this opportunity to wish each and every one of them well on this memorable journey.

The complete itinerary is as follows:

June 5, Knoxville, Tenn., to Amsterdam.

June 6, Amsterdam.

June 7, Amsterdam.

June 8, Amsterdam to Duisburg (concert).

June 9, Duisburg to Bonn.

June 10, Bonn to Seigburg (concert).

June 11, Bonn/Rhine Cruise/Rudesheim.

June 12, Rudesheim (concert—Bingen).

June 13, Rudesheim to Heidelberg.

June 14, Heidelberg to Rothenberg.

June 15, Rothenberg to Innsbruck (concert).

June 16, Innsbruck to Lucerne.

June 17, Lucerne (concert—Surcee).

June 18, Lucerne to Paris.

June 19, Paris.

June 20, Paris to Brussels to Knoxville.

CONCENTRATED EMPLOYMENT PROGRAM FOR EX-OFFENDERS

HON. RICHARDSON PREYER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. PREYER of North Carolina. Mr. Speaker, I would like to share with my colleagues information about a program which has been initiated by the North Carolina Department of Correction for the North Piedmont Area of the State which is designed to assist prisoners who are about to be released in finding suitable and worthwhile employment. This program is called a "Concentrated Employment Program for Ex-Offenders" which provides for prerelease training of inmates, job development and placement of releasees, and followup counseling services. The businessmen in this area of North Carolina are backing this program and feel that it is working extremely well. The program, which was initiated through a grant from the Law Enforcement Assistance Administration, gives these men a chance to rehabilitate themselves and become productive members of society.

Following is a statement by Mr. Gene M. Carver, project manager which explains the project in detail, and I want to congratulate and commend Mr. Carver and all of those involved in this project for the excellent work they have done in promoting this fine program:

A STATEMENT FROM MR. GENE M. CARVER, PROJECT MANAGER

In November, 1971 the North Carolina Department of Correction initiated an innovative correctional effort which was designed to facilitate the reintegration of ex-offenders who were returning to communities in the North Piedmont Area. The effort, a Concentrated Employment Program for the Ex-Offender, is unique, both in its focus and in its aims; furthermore, it represents a significant departure from the traditional method of returning an ex-offender to the community in which he lived prior to his incarceration.

Traditionally, an offender who was discharged from the Department of Correction received "fifteen bucks and a new suit of clothes"—that is, if he had served a sentence of two years or more. Those serving sentences of less than two years receive nothing upon release. Provided with little or no assistance upon release, the ex-offender, who has been conditioned to a state of dependency while incarcerated, is ill equipped to deal with the pressures which confront him on the "outside". Needless to say, the success rate for these releases is extremely low; 65 percent return to prison, often for commiting another crime. The Concentrated Employment Program for the Ex-Offender focuses primarily on this particular group of releasees. In recognition of the importance of work as a crucial factor in the ex-offender's successful reintegration into society, the thrust of services provided by the Program is directed toward placing him on a job.

According to the President's Commission on Law Enforcement and Administration of Justice in order to become a "fully functional adult male, one prerequisite is essential: a job". "In our society a person's occupation determines more than anything else what life he will lead and how others will regard him." The Commission's findings were supported in the report which was submitted by the President's Task Force on Prisoner Rehabilitation in April, 1970. The Task Force said that "satisfying work experience for institutionalized offenders and the assurance of decent jobs for released offenders should be at the heart of the correctional process".

Although employment is necessary for the successful rehabilitation of released offenders, a study by George A. Pownall for the U.S. Department of Labor in 1969 found that ex-offenders have more difficulty than other persons in obtaining employment. This is reflected in an unemployment rate for former offenders that is four to five times higher than that of the public generally. In Philadelphia, for example, Pownall noted that the unemployment rate in 1969 of released prisoners was 15 percent, compared to a three percent rate for males generally in the area. For young offenders—those under 20—the unemployment figures for ex-offenders may well be even greater today than they were in 1969.

The study also revealed that even for ex-offenders who are employed, their income was less than that of the public generally, and the majority of employed releasees work in low paid unskilled or semi-skilled jobs. The national median monthly income, for example, in 1964 was $465.58. but for employed released prisoners it was $256.00. Even when ex-offenders work in skilled or semi-skilled jobs they receive less pay than others who work in related jobs. The national median for service workers in 1964, for example, was $338.75, but for ex-offenders it was $267.67; for white collar workers, the national median was $642.21, but for ex-offenders it was $379.57.

The Concentrated Employment Program for the Ex-Offender seeks to correct these employment inequities by providing services to offenders and ex-offenders in three crucial areas: we prepare the offender for the world of work while he is still incarcerated; we help him find employment commensurate with his ability upon his release; and, we lend the necessary assistance after he is released to ensure that he retains his job.

The pre-release assistance is essentially an orientation to the world of work which is designed to motivate the offender. The thrust of staff efforts at our Motivation Center are two-fold: we want to develop a positive attitude towards work; and, we want to expose the offender to job finding and job keeping skills which will result in easier placement for him and longer retention on the job. First, the offender is tested to measure his individual potential and identify areas of vocational interest and aptitude. After a thorough assessment of the individual has been made, the motivation cycle itself begins. Included in the four-week motivation cycle are the development of skills which include resume preparation and employment interview techniques. In addition, the offender is taught good grooming and good work habits; and, how to take advantage of training opportunities. Finally, through both individual and group counseling, the staff begins the process of resocializing the offender—a process which continues after his release.

Job development for the offender occurs while he is at the Motivation Center in order to ensure that the transition from the completion of pre-release preparation to release into the community as a full-time employee is smooth. The entire effort is closely coordinated between the Motivation Center staff and job development counselors from High Point, Winston-Salem, and Greensboro, who meet with the offender at the Motivation Center after preliminary tests have been scored and interpreted. With test results available the job developers are able to discuss more realistically and intelligently the various prospects for employment for the offender.

Given an accurate assessment of an offender's interest and potential, job developers can proceed to contact those employers who need workers with skills and aptitudes which match those of their clients. Individual attention to the employment needs of offenders eliminates the placement of carpenters in dishwashing jobs or cooks in construction work. By completing this preliminary work while the offender is still in training the job development counselor is able to provide the inmate with several job prospects when he is released.

The placement of an offender on a job marks the beginning of follow-up services. Research shows that the transition from institution to community generally is accompanied by temporary insecurity, trial and error behaviors, and especially intense feelings of hope, discouragement, frustration, and accomplishment. There are also practical, mundane problems which present themselves as well: how to get back and forth to work; and, how to survive until the first paycheck is earned for example. The same job development counselor who assisted the inmate in securing a job continues to provide support in these and related areas for as long as the two men mutually feel that the assistance is needed. The primary objectives during this time are to support the ex-offender during the initial period following release and ensure that he retains his job.

Our goal through these means—preparation for work; job development and placement; and, follow-up services—is the reduction of the high rate of recidivism of released offenders which currently is reported to be in excess of 65 percent. The achievement of our goal will contribute significantly to a reduction in crime for the area, and, in addition, will save taxpayers the expense of maintaining an offender in the State Correction System—an expense which now totals $7.15 per day exclusive of the tax dollars for welfare support to the offender's family and the loss of productive income while he is incarcerated.

We feel that the human and practical aspects of the Concentrated Employment Program for the Ex-Offender—making productive citizens of released offenders, while helping reduce the incidence of crime and correctional costs—make it the most innovative challenge to recidivism that has been attempted anywhere in North Carolina.

THE COMMUNITY NEWSLETTER

The creation of the Concentrated Employment Program for the Ex-Offender is a manifestation of the important role the social and business communities play in corrections. In keeping with this realization, the Concentrated Employment Program for the Ex-Offender envisioned a strong need for a monthly publication to better integrate our correctional function into the communities of the North Piedmont.

This is the first edition of the Community Newsletter. Hereafter it will be published each month and will focus on the Concentrated Employment Program for the Ex-Offender and its interaction in the communities.

As Ramsey Clark stated in Crime in America:

"We know that corrections can rehabilitate. We know that the younger the offender the better his and society's chance. We know that when we fail it is all of us who suffer. America is a nation with the skills and resources to provide the necessary elements of rehabilitation: physical and mental health, all the education a youngster can absorb, vocational skills for the highest trade he can master, a calm and orderly environment away from anxiety and violence, living among people who care, who love—with these a boy can begin again. With these we can restore a reverence for life, a sense of security and a self-assurance amid all the pressures of modern community life. These attitudes will not be developed in a laboratory. They must be developed in the community itself: first, sometimes, in the prison community but finally in the open society in which the individual must make his way by himself."

We hope that you will contact us if you have any questions or comments about the Concentrated Employment Program for the Ex-Offender.

TERROR AT LOD—ITS INTERNATIONAL MESSAGE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. RANGEL. Mr. Speaker, political terrorism in the sky or on the ground against innocent civilian passengers is the most repugnant and inhumane behavior I know of. It is the kind of act that must be stopped regardless of cost, political sensitivities, inconvenience to passengers, or other obstacles.

I am speaking of the repulsive actions of three gunmen armed with automatic rifles and hand grenades, who on May 30, 1972, attacked a crowd of 300 people at Lod International Airport outside Tel Aviv, spraying them with bullets and flinging live grenades in their midst.

The floors of the airport's customs hall were splattered with the limbs of dismembered bodies and pools of blood, shattered glass, and broken doors. The walls were pockmarked with bullet holes. Some 25 people, 14 of whom were pilgrims from the United States, died in the bloodbath and 76 more were wounded. A 3-year-old girl was among the dead.

The three gunmen were leftwing Japanese terrorists trained at a Palestinian guerrilla center in Lebanon. After firing indiscriminately into the crowd, one of the gunmen shot up two parked planes, then accidently blew himself up with a hand grenade. A second was killed by bullets fired by his comrades and the third was captured alive after unsuccessfully trying to blow up a plane.

The Marxist Popular Front for the Liberation of Palestine, the group which claimed credit for the massacre, said it was in retaliation for the killing of two Arab guerrillas in a hijacking earlier in May. Regardless of motive, these senseless acts of violence can serve no purpose.

All governments with airlines entering Israel must immediately take steps to insure the safety of people. This means not only searching baggage, screening people, and policing aircraft while in Israel, but also taking these steps at all points along the way. If the terrorists' baggage had been checked in Rome where the gunmen boarded an Air France airline, over 100 innocent people would not be dead or wounded today.

The Embassy of Israel has issued a policy backgrounder interpreting the international meaning of these horrendous acts. The embassy rightly states that governments and airlines must immediately take the long overdue steps necessary to guarantee the safety of airline passengers. It is not sufficient for the Rome airport officials to blame the French airline officials and the French airline officials to deny negligence. Additionally, the Arab world carries the responsibility. Cairo has allowed the terrorist organizations to freely thrive. Beirut has furnished the arms, materials, and passports.

What is left to be done is to get all governments to make the necessary security arrangements and to bring to bear on such incidents the heavy weight of world opinion. I commend to my colleagues the following background report prepared by the Embassy of Israel here in Washington:

TERROR AT LOD—ITS INTERNATIONAL MESSAGE

1. The international community has long recognized that there are categories of hostile behavior that cannot be tolerated and that, in the name of humanity and the universal interest must be outlawed. Political warfare through terror in the air against civilian carriers and passengers is clearly of this category. The carnage perpetrated at Lod International Airport by three terrorists on May 30, 1972, was an act of premeditated murder. It was an indiscriminate killing for killing's sake. Its victims were innocent civilians, men, women and children, most of them Christian pilgrims. It is not a parochial Israeli concern. It is reflective of a new and foul behavior by political extremists who take the lives of international travelers, employing as their weapon the vulnerability of mass air travel.

SECURITY NEGLIGENCE

2. Violence and murder in the air have proven to be so contagious as to constitute now a world problem. Unless checked, it threatens the very fibre of communications between states and the orderly transport of peoples and goods. Governments and airlines have it in their power to take the long overdue steps necessary to guarantee the safety of the international traveling community, on the ground and in the air. It cannot be done piecemeal as the most recent Lod tragedy so horrifically demonstrated. It is not sufficient for the Israel national airline or the Lod airport authorities to take maximum security precautions if airline and airport authorities elsewhere permit passengers to board aircraft concealing automatic rifles and grenades to murder scores of innocent people on landing in Israel. To do so is negligance bordering on the criminal. Air France, the particular airline involved in the recent Lod tragedy, is not alone, however. Similar conditions of negligence prevail at most international airports and on most carriers as the universal spread of violence in the air proves.

3. If sanity is to be restored to traffic in the air it requires the urgent and forceful action of both air carriers and governments working in concert. It requires stringent standards of security even if this inconvenIences passengers. This is the minimal price for saving lives. No less important than the thorough searching of baggage and of persons, the screening of suspect individuals and the policing of aircraft in the air are steps called for on the part of the international community on the political level.

FOREIGN AGENTS

4. In the case of the murderous attack at Lod Airport on May 30, 1972, the perpetrators were three Japanese terrorists. They did not act on their own behalf. Their horrendous mission was in the service of the Beirut-based terrorist group calling itself "The Popular Front for the Liberation of Palestine". Members of this group claim responsibility for previous terror acts in the air, but now they are reduced, evidently, to "liberation by proxy", employing foreign agents for their killings. Within the hour, the Popular Front issued its communique in Beirut claiming credit for the organization of the murder. Radio Cairo and the two major Cairo dailies, "Al Ahram" and "Al-Goumhuria" characterized the action as "a brilliant surprise feat" and as "the beginnings of the fedayeen uprising marking June 5". The Fatah radio station in Syria lauded the killings in similar vein. Commented Prime Minister Golda Meir in the Knesset on May 31, 1972:

"As soon as the news of what happened broke, joy broke out in Cairo and in Beirut over the 'great victory'. Dozens of people were killed and scores of others wounded—and there is no end to the rejoicing. Those who were unable to stand up against us on the battlefields are great heroes at hiding explosives in planes, at assaults on planes and passengers, and in their readiness to blow up a plane with a hundred people aboard—as they did two years ago in the Swissair disaster. This, indeed, takes great 'courage'. And if the little 'courage' needed for that is lacking, foreigners are recruited for the purpose".

CONNIVANCE OF GOVERNMENTS

5. Arab governments carry a grave responsibility for the foul record of murder and maiming of men, women and children alluded to by Mrs. Meir in her address. Two governments share a particular blame—the Egyptian and the Lebanese. For years Cairo has given its blessing to the indiscriminate killings by the terrorist groups as an instrument of its own policies against Israel. Cairo is the location of most of the conferences of the terror organizations which are invariably greeted by President Sadat. It is a prime source of their instruction and it is the Egyptian regime that grants the major moral and political backing for their exploits.

It is from the Lebanese capital that the air terror and sabotage acts abroad mainly emanate. In Beirut are located the headquarters of the main terrorist organizations, including the Popular Front. Here the travel documents and other necessary papers are prepared, and the arms, sabotage materials and operational commands issued. Training for terrorist operations abroad are also carried out on Lebanese soil.

6. The international community has the means, were it but willing to use them, to convince such governments of the inadmissability of their behavior. Certainly, it requires far more concrete steps than half-measures and declarations by official, international and private agencies. Tangible actions are needed including measures extending, if necessary, to abstention from the use of certain airports and airlines.

It is in the Arab capitals that the murderous plots are hatched. They have to be made to understand that their connivance in air terror warfare constitutes a crime against the world community.

TWO NECESSARY STEPS

7. Arab terror against Israel is not new. It was a phenomenon of the pre-State era, it served as the overture to the invasion of the Arab armies in 1948, and it was tried by Egypt in the 1950's and again by Syria in the early sixties. Militarily, it is of no significance, as the attempted terror campaign following the '67 war has proven. That campaign dwindled to impotence in the past two years due, not a little, to the refusal of the Arab inhabitants of the areas administered by Israel to become party to it. What is left, is the sporadic criminal acts of Arab extremists bent on killing innocent civilians for its own sake, and in hijacking aircraft to win the release of other terrorists to swell their ranks. They are international outlaws. Two major international efforts are required to eliminate them. National governments must take the drastic and cooperative steps necessary to reduce to the minimum the threat to international air passenger traffic. And Arab governments must be brought to the realization that their collaboration with air terrorism carries a too heavy international price tag.

U.S. ASSESSMENTS TO U.N.

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. FRASER. Mr. Speaker, the House Appropriations Committee reported out the State Department appropriation bill with a unilateral reduction of our legally assessed contribution to the United Nations and its affiliated agencies. It started in motion a dangerous process which can place this country at the top of the list of nations which disregard international treaty obligations by defaulting in their payment of dues to international organizations.

On May 18, the House voted down an amendment offered by the gentleman from Illinois (Mr. DERWINSKI), which would have restored the cuts made by the Appropriations Committee. Last week the Senate Appropriations Committee reported a State Department appropriations bill that would limit the U.S. contribution to 25 percent of the U.N. budget after January 1, 1973. All of these actions ignore the procedure for U.N. assessments that this country accepted when it became a member of the U.N. These actions also undermine the President's policy of obtaining a 25-percent limitation through negotiations with the U.N., a goal which might be reached by January 1, 1974.

Two recent items from the Washington Post point out the perils of these illegal unilateral actions. Both articles were written after the House vote on May 18, and both call upon the Senate to respect our international obligation to pay. Mr. Stephen M. Schwebel, in "Congress vs. International Law" expresses the hope that:

> . . . the President of the United States will exert his full and sustained influence in favor of the United States meeting its international commitments.

We have reached the point at which the Senate vote may make the difference between honoring our obligation to pay our dues or driving the U.N. into total financial collapse this year. Full White House support for our legal obligations to the U.N. is, indeed, required.

I include Mr. Schwebel's article and the Washington Post editorial "A Meat Axe in International Affairs," both dated May 25, in the RECORD:

[From the Washington Post, May 24, 1972]

A MEAT AXE IN INTERNATIONAL AFFAIRS

Elsewhere on this page today, Stephen M. Schwebel discusses the legal implications of last week's House vote to cut back unilaterally on U.S. financial obligations to the U.N.—an action inspired and led by Congressman Rooney of New York. The net effect of this vote—if it is upheld by the Senate—would be simple. It would reduce the United States payment from $60.1 million to $46.9 million. According to knowledgeable analysts, the U.N., with a full contribution from the United States, would end up on December 31 with only $1.9 million in the bank and nothing in reserve. Operating with the diminished U.S. contribution it would run out of money sometime in the third week of October—just in the early stages of the General Assembly meetings—with all the world watching the results of Mr. Rooney's handiwork.

And an ugly handiwork it is. The U.N. would not have money to pay salaries or expenses and would have to borrow in order to operate. But without any hope of a full contribution from the United States, there would be little likelihood that there would ever be any money to pay the loan . . . a position that even the kindliest neighborhood finance company would find it hard to smile upon.

Thus, Mr. Rooney has treated the United Nations, our international obligations and our international credit with the same disdain he usually reserves for Directors of the United States Information Agency, Assistant Secretaries of State and Assistant Attorneys General.

When the Rooney mace is wielded in family squabbles between the legislative and the executive branches of the government, however, all that suffer are the dignity of the governmental process in this country, some important programs and the egos of some of the men the President has asked to help him do a job. But when the Rooney treatment is turned to violating our treaty obligations and will serve to humiliate the country in the eyes of the rest of the world, it becomes a bit hard to determine how this President, or any other, is going to be successful in bringing off a "generation of peace." Such a dream must encompass a notion of world order and adult behavior by all nations, particularly the one that prides itself on being the most powerful nation in the world.

Moreover, it would ill serve the cause of peace or the international standing of the United States to argue that since France and the Soviet Union began to renege first, we are justified, after the vote admitting China and the Tanzanian dance in the aisle, to behave like a pitiful helpless child, picking up our marbles and running for home. The rest of the world expects more from us and we have a right to expect more of ourselves.

Both the White House and the Department of State have protested the move. The President has stated that he believes that ultimately our aim should be to reduce our contribution to 25 per cent through orderly multilateral negotiations and the processes of the United Nations—according to our treaty commitments. That makes a great deal more sense than the Rooney meat axe.

It is to be hoped that when the bill gets to the Senate, our international obligations, the views of the President and those of the Secretary of State will be treated with the intelligence that they and our national honor deserve.

[From the Washington Post, May 25, 1972]

CONGRESS VERSUS INTERNATIONAL LAW

(By Stephen M. Schwebel)

(The writer is professor of international law at the School of Advanced International Studies of the Johns Hopkins University.)

To the apparent surprise of the State Department and the unconcealed anguish of the United Nations, Congressman John J. Rooney has extended the reach of his financial squeeze upon the International Labor Organization to embrace the whole U.N. system. A bill he has steered through the House of Representatives, if accepted by the Senate, will appropriate about $151,000,000 to meet the American financial "obligations of membership" in the international organizations to which we belong—"Provided, that no payment shall be made . . . to the United Nations or any affiliated agency in excess of 25 percentum of the total annual assessment of such organization . . ."

The bill, in other words, recognizes that the U.S. government is bound to meet certain obligations "pursuant to treaties," but it then proceeds to set an arbitrary limit on the extent to which such obligations shall be met. As a result of this prospective 25 per cent limitation on U.S. contributions, the House has reduced the authorized sum to be appropriated this year for the U.N. and most of its specialized agencies (the World Health Organization, the Food and Agriculture Organization, etc.) by some $25,000,000.

"Much has been said and written by officials of the Executive and Legislative branches of the Government," Mr. Rooney's report declares, "relative to the necessity for reductions in our contributions to these international organizations but to date little has been accomplished. This recommended reduction serves notice that the Congress means what it has been saying in this regard." The reference in Mr. Rooney's report to what has been said and written about "the necessity" of reductions in U.S. contributions to the U.N. system is suggestive. Therein lies a story, the essentials of which are these.

A year ago, the President's Commission for the Observance of the Twenty-Fifth Anniversary of the United Nations (the "Lodge Commission") recommended that the U.S. affirm its intention to maintain and increase its total contributions to the U.N., but that it seek "over a period of years to reduce its current contribution of 31.52 percent to the assessed regular budget of the Organization so that eventually its share will not exceed 25 percent." As U.S. obligatory assessments decline, U.S. voluntary contributions would rise. The apparent rationale of this recommendation was to reduce somewhat the disparity between U.N. voting power and U.N. assessments—assessments based essentially on the relative capacity of members to pay.

This recommendation was one of the few of the Presidential Commission which the President took up—at least in part. In his "State of the World" message, Mr. Nixon declared that the Administration's policy would be "to negotiate with other U.N. member states" a reduction in assessments on the U.S. to the level of 25 percent. But the President cautioned: "In view of the U.N.'s current financial difficulties, and of the requirements of international law, we must proceed in an orderly way in reaching this goal. It is unrealistic to expect that it can be done immediately." The President accordingly recognized that a U.N. reduction in U.S. assessments would, in view of the "requirements of international law," have to be negotiated multilaterally, not imposed unilaterally. And he implied that the negotiation would take time—which was putting it mildly indeed.

Those familiar with the U.N. scene were aware that, in terms of political realities, U.S. assessments could only be reduced by the payment of dues of new members; that the prospective new members rich enough to pay something significant are the two Germanies, whose admission—with the ratification of the *Ostpolitik* treaties—is foreseen in 1973; and that about three quarters of their contributions would have to be earmarked for the reduction of assessments upon the United States if the percentage paid by it were to sink to 25 percent.

However, there is little reason to suppose that all other members of the U.N., or even all the developed non-Communist countries, would forego the great bulk of all the reductions to which they would be entitled by reason of the admission of the Germanies in order to please the United States. This is especially true in the face of the fact that the U.S. continues to earn more than 30 percent of the national income of the total U.N. membership. While in the next few years, the U.S. should, by reason of its normal share of the contributions which the addition of German membership should bring, benefit by a reduction in assessments to 28 to 29 percent, it is doubtful that the deftest of diplomacy could succeed in extracting 25 percent. And, if it did, the U.S. would doubtless pay more *quid* in the process than that trivial, additional U.N. *quo* of about $6,500,000 a year would be worth.

Mr. Rooney, perhaps perceiving all this, has in any event proceeded not in what the President describes as an "orderly way", but in his own disorderly way, in contempt both of international law and the international credit of the United States. The House sustained him, as it has since 1970 in his financial assaults on the I.L.O. The I.L.O. experience, incidentally, demonstrates that the U.N. systems' vulnerability to U.S. financial irresponsibility will not be much moderated by a reduction of U.S. assessments to 25 per cent. For unlike all other U.N. agencies, the I.L.O. has traditionally assessed and today assesses the United States at 25 per cent.

The international law of the matter is beyond dispute. The U.N. Charter, and comparable clauses of the constitutions of the specialized agencies, provide that the expenses of the Organization "shall"—not "may" but "shall"—be borne by the members "as apportioned by the General Assembly" (not as apportioned by the Congress of the United States). When the extent of this obligation was argued before the International Court of Justice in its advisory proceedings on *Certain Expenses of the United Nations* the U.S. maintained that: ". . . the General Assembly's adoption and apportionment of the Organization's expenses create a binding international legal obligation on the part of States Members to pay their assessed shares." The Court agreed.

To be sure, the Soviet bloc, urged on by de Gaulle, stuck with France in spurning the Court's advice and the General Assembly's acceptance of it. The Assembly turned out to lack the guts to apply the Charter's mandatory provision for suspension of voting rights of financial delinquents—a decision, or lack of decision, whose vultures are now coming home to roost.

But it is not certain that, this time, the U.S. Senate will defer to Congressman Rooney's leadership of the House. Hopefully, the Senate, which has talked much of late of respect for international law, will not swallow wholesale violations of treaties to which it has given its advice and consent. And hopefully, this time, the President of the United States will exert his full and sustained influence in favor of the United States meeting its international commitments.

"THE LAST POOR MAN": ED HURLEY AUTHORS A REMARKABLE BOOK ON NEW YORK CITY POLITICS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. HALPERN. Mr. Speaker, one of the most provocative and powerful books on the political scene today is Ed Hurley's "The Last Poor Man." This book brilliantly describes the political realities facing those who seek elective office on the precinct level or who harbor dreams for State and national office. Mr. Hurley is a highly respected writer for the New York Daily News and for years his political observations have enlightened countless readers.

This publication is of particular importance to those of us in Queens, N.Y., because we are all familiar with Frank O'Connor's great abilities and exemplary character as a public servant. I had the distinct privilege of serving with Mr. O'Connor in the State senate and all New Yorkers know of this fine record, as district attorney, as president of the New York City Council, and now as a State supreme court judge.

Because of the timeliness of this book and in view of the expertise of its author. I enthusiastically commend this book to those who are seeking elective office. Mr. Hurley's insights as well as his firsthand analysis of issues and political events, make this book must reading.

Mr. Speaker, I insert into the RECORD, at this time, a brief publishers sketch of "The Last Poor Man" and its author Ed Hurley:

"THE LAST POOR MAN"

"The Last Poor Man" tunes in on television as the most powerful weapon in a modern political candidate's arsenal. The medium's enormous expense, the biggest drain on the campaign treasury, is making public office the millionaires' play toy.

Frank O'Connor, titular leader of New York State's Democratic Party, has felt this sting several times. Simply speaking, O'Connor has experienced the frustration of not being able to compete financially—commercial for commercial—with the Empire State's wealthy families in the quest for public office.

"The Last Poor Man" examines bossism, the shabby Democratic Party version and the high-tone Republican Party style. The book explores, from firsthand knowledge, the brawls of precinct politics and the lofty—and not so lofty—campaigns for high office.

The limitation of these positions of "honor and trust" to the select few millionaire dynasties can become the tragedy of our democracy. Laws regulating campaign expenditures and contributions have become shams, ignored and freely violated.

"The Last Poor Man" concludes with a breezy peek into the future and a compelling question directed at you. A question—indeed a challenge—that cannot for long be ignored.

THE AUTHOR

Ed Hurley's special view of New York politics and its colorful characters comes from opposite angles. He has witnessed major political events from the vantage point of the press section.

Hurley has also sat in council in the famous smoke-filled rooms of the Regular and Reform Democrats. He has visited their Republican counterparts in posh, air-conditioned splendor. A privilege not granted to many, especially newspapermen.

Hurley's political columns and special features for the New York *Daily News* have been saluted throughout the Empire State.

The author has campaigned in the election districts of New York City's five boroughs and toured the country in Air Force One with President John F. Kennedy. Hurley campaigned for JFK in 1952 "before it became fashionable." He has also worked in the political ventures of Bob Kennedy, Adlai Stevenson, Bob Wagner and a score of congressional figures.

GUN CONTROL

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, we all agree something should be done to solve the great problem of preventing deranged people and criminals in the commission of crimes from getting hold of guns.

The attempt to assassinate Gov. George C. Wallace of Alabama has revived talk of enacting additional Federal firearms controls. While new means of handling this problem must be explored, more than ever we must approach each recommended solution with careful study and restraint to prevent the enactment of confiscatory legislation which, if enacted in haste and under the pressure of hysteria, could well cause more harm than good to the general public we would be trying to protect.

Governor Wallace was shot and wounded by a supposedly demented man who trailed him through a half dozen States by automobile before firing a shot from a pistol. There has been no talk about setting up better mental health facilities or detection techniques to identify the mentally disturbed. There has been no talk of enacting more stringent laws against the use of firearms in the commission of a felony or even the use of motor vehicles to perpetrate a crime, nor have the courts vigorously applied laws enacted in 1970 by the Congress which require certain mandatory sentences of persons convicted of a felony where a firearm was involved. All of these factors, it would appear upon cool consideration, are fully as important as any rush to legislate against handguns and perhaps even more so.

The present administration has consistently taken the position that gun control is essentially a matter of State regulation. This is logical under the longstanding theory of law that the police power is reserved to the individual States, because a law which is good for one State may not be good for another. Insofar as gun laws are concerned, the Federal Government should at most back up the States, where possible in such a way as to enable them to enforce their own laws which are best fitted to their own conditions. This is a traditional realistic American way of thinking.

It should be of interest to Virginians and to the rest of the Nation that the suspect in the Wallace shooting committed the crime exactly 7 weeks to the day after a new, restrictive Maryland handgun control law took effect. That law would have been sufficient to stop him in advance if anyone had sought to invoke it. Unfortunately, no one did, although the suspect had been under surveillance by law enforcement officers repeatedly during the weeks preceding the Wallace shooting. Under the "stop and frisk" provision of the Maryland law, officers could have searched the suspect at any time if his conduct or appearance caused them to believe that he was carrying a firearm with unlawful intent.

The new Maryland law is in fact one of the strongest in the Nation. It is as strong, if not stronger, than any Federal firearms law which has a possibility of enactment and application under such circumstances. How can there be any law much stronger than one which permits citizens to be searched on mere police suspicion? There was indeed opposition to the Maryland law on grounds that it was too strong in this respect and tended to violate civil liberties.

Some say the answer to this problem

is to confiscate all guns. However, I have serious problems with this proposition for several reasons. One will suffice: Law-abiding American citizens are not in any mood to surrender their firearms meekly in these troubled times, to anyone on any pretext.

All probable information indicates that a majority of the families in the United States own one or more firearms, sometimes as many as a dozen or more. It is estimated that there are approximately 50 million privately owned handguns, alone, in the United States. The vast majority of these are owned by good, law-abiding citizens. It might well be unconstitutional to deprive them of their property without due process. It might well impinge on their constitutional rights to protect themselves, their dear ones and their property against criminal hoodlumism which has been so rampant in recent years, not to mention the entirely proper "pursuit of happiness" which takes more than 20 million hunters afield every year for the sake of sport.

It is no mere catch-phrase to say that any law attempting to confiscate private firearms in the United States is likely to leave the inevitable residue of guns mostly in the hands of criminals and others who make a habit of failing to comply with laws. Homicide and other crime would still exist, under those circumstances, and conceivably could increase.

The problem of attacks on public figures is a very real and acute one, and Governor Wallace has the deep and sincere sympathy of all good Americans. Yet, if there is a solution to such attacks, it must be far more comprehensive than merely outlawing certain types of guns or even prohibiting all private firearms ownership.

Whether there is any way to assist the mentally disturbed and alleviate the threat that comes from a few of them is a huge question in itself. Certainly some answers can be found. Whether there is any way to curb the use of firearms in crime, when even children have manufactured the "zip-gun" from pieces of ordinary pipe, is a problem awaiting solution. I personally feel that one of the best solutions is vigorous enforcement of the Federal law requiring mandatory sentencing of those using a gun in the commission of a crime. Unfortunately the courts have so far been reluctant to forcefully apply this law. Nonetheless, to approach only one phase of the immediate situation by hastily passed gun control legislation is no real approach at all. It is political sophistry and should be recognized and opposed as such.

Finally, it should be said that no one legislative stroke is going to cause this problem to dry up and blow away. It is a problem, however, that needs solving and one which I intend to fully pursue.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. SCHERLE Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1600 American prisoners of war and their families.

How long?

CARROLL M. CRAFT RETIRES—ALASKA STATE OFFICIAL

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. BEGICH. Mr. Speaker, on July 15, 1972, Mr. Carroll M. "Murph" Craft will retire as the Alaska State Director of Vocational Rehabilitation after 11 years of dedicated service to Alaska and 14½ years in the rehabilitation field.

Four years ago, Mr. Craft went before the Council of State Administrators of Vocational Rehabilitation with the suggestion that they establish a minimum allotment of $1 million in funds to the States for the basic support program for vocational rehabilitation services. At that time, the Council of State Administrators made this proposal part of their program and took it before the National Rehabilitation Association. This association also accepted the proposal and this minimum allotment of $1 million was made a part of the Vocational Rehabilitation Act.

About 2 years ago, Mr. Craft evaluated the program and found that the $1 million minimum was inadequate for the less populous States which have a higher per capita income, such as Alaska. He, again, went to the Council of State Administrators and to the National Rehabilitation Association for approval of his proposal that a $2 million minimum be set.

Recent legislation (H.R. 8395) was passed by the House of Representatives which recognizes Mr. Craft's foresight. The committee, in title I, section 103, has gone even further and added a provision that—

> The minimum available to each State will be $2 million or ¼ of 1 percent of the amount appropriated, whichever is greater.

This action was taken in recognition of the fact that—

> A certain minimum level of funding is necessary to conduct an adequate program in any State, but once that minimum is achieved, the minimum should be allowed to expand in relation to the total amount of funds available for matching.

Mr. Craft has been a loyal, dedicated worker in the field of rehabilitation for many years and has felt a professional obligation to help to make the rehabilitation system the best possible program available. He has been active and concerned about the services provided for physically and mentally handicapped persons, and it was with this in mind that he sought to have the basic level of funding raised for less populous States. Because of his outstanding efforts, the handicapped people of Alaska, Delaware, Nevada, and Wyoming will be able to receive basic services to help to prepare them for employment and a productive, useful life. The House report to accompany H.R. 8395 defines these basic services as:

> (1) comprehensive evaluation, including medical study and diagnosis;
>
> (2) medical, surgical, and hospital care, and related therapy to remove or reduce disability;
>
> (3) prosthetic and orthopedic devices;
>
> (4) counseling or reduce disability;
>
> (5) training services;
>
> (6) services in comprehensive or specialized rehabilitation facilities, including adjustment centers;
>
> (7) maintenance and transportation as appropriate during rehabilitation;
>
> (8) tools, equipment, and licenses for work on a job or in establishing a small business;
>
> (9) initial stock and supplies, and management services and supervision, for small businesses including the acquisition of vending stands by the State agency;
>
> (10) reader services for the blind and interpreter services for the deaf;
>
> (11) recruitment and training services to provide new careers for handicapped people in the field of rehabilitation and other public service areas;
>
> (12) the construction or establishment of rehabilitation facilities;
>
> (13) the provision of facilities and services which promise to contribute to a group of handicapped people, but which do not relate directly to the rehabilitation plan of any one individual;
>
> (14) services to families of handicapped people when such services will contribute substantially to the rehabilitation of the handicapped client;
>
> (15) placement services, including follow-up services, to assist handicapped individuals to secure and maintain their employment; and
>
> (16) other goods and services necessary to render a handicapped person employable.
>
> The purpose of the vocational rehabilitation program is to combine all resources in a coordinated way, to bring the disabled or handicapped person to the best functioning level.

The field of rehabilitation will miss "Murph" Craft when he retires on July 15, but the progress he has brought about through his innovative ideas and his genuine concern for the physically and mentally handicapped people of this Nation will be a rich reward for his years of outstanding service. On behalf of all Americans, I want to express our gratitude for Mr. Craft's exceptional achievements in the field of vocational rehabilitation.

HUNGER STRIKE COMMENCED BY NORTHWESTERN UNIVERSITY STUDENTS TO PROTEST WAR

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. MIKVA. Mr. Speaker, more and more people around the country are feeling the frustration of watching the President, who was elected on his pledge to end the war in Southeast Asia, continually escalate the level of American involvement through increased air attacks and most recently by mining Haiphong Harbor.

The American people want to get out of Vietnam. The Vietnamese people want us out. And yet we stay, seeking a military victory while proclaiming a desire for peace.

Inevitably, Americans come to wonder what difference they can make, when their President acts like an absolute monarch and Congress sits on its hands.

In an effort to express their frustration, to express their opposition to the policies being pursued by the President, 203 students at Northwestern University in Evanston, Ill., committed themselves to a hunger strike They have asked other Americans who share their strong feelings to join them in this expression of opposition and of personal commitment.

Mr. Speaker, I hope and pray that such hunger strikes need not last too much longer. The conscience of the Nation cannot starve for much longer and still remain alive.

NATIONAL BLOOD BANK ACT OF 1972

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. HORTON. Mr. Speaker, today I have sponsored legislation to deal forcefully with the purity and safety of the Nation's blood supply. The National Blood Bank Act of 1972, authored by our colleague from California (Mr. VEYSEY) would establish a Federal program to encourage voluntary blood donation and require that all blood banks be licensed and inspected by the Federal Government.

These steps would drastically reduce the incidence of serum hepatitis by getting at the primary source of this insidious disease: the paid blood donor. There is ample evidence that the risk of contracting hepatitis from the blood of paid donors is far greater than the risk from blood donated voluntarily. I understand the risk estimates range from at least 11 times greater to as high as 70 times greater. According to the Department of Health, Education, and Welfare's Center for Disease Control—CDC—52,583 cases of serum hepatitis were reported in 1970 alone. Given these statistics, it is alarming to think that only seven States license blood banks and only five inspect them. The Federal Government has been equally negligent.

The dangers of bad blood have come all too close to home for me. Recently, one of my closest friends suffered a serious coronary attack and had to undergo a major heart operation. Little did he know that the routine transfusions he required would prove as risky as this most delicate surgery. He contracted serum hepatitis from contaminated blood.

My friend survived, but one out of every 150 transfusion patients over age 40 does not. Dr. J. Garrott Allen, probably the Nation's most eminent expert on the blood problem, has estimated 3,500 deaths and 50,000 illnesses a year from serum hepatitis. Because so many serum hepatitis cases go unreported by physicians, the CDC says the rate could be 2 to 10 times Dr. Allen's estimate.

The National Blood Bank Act of 1972 should not be interpreted as a condemnation of all blood bank operations. On the contrary, it seeks, in a responsible manner, to require disreputable operators to adhere to the same standards followed by conscientious blood banks in this country.

Mr. Speaker, I believe we are indebted to our colleague, Mr. VEYSEY, for introducing legislation that hopefully will lead to congressional scrutiiny of blook banking. I urge our committee to move on this legislation before we run out of time in this Congress.

DAYLIN, INC. HONORS THE FUND FOR HIGHER EDUCATION—IN ISRAEL

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. REES. Mr. Speaker, an American company which has concerned itself with matters of social responsibility for most of its corporate life has undertaken a unique project which I wish to call to the attention of the House.

The company, Daylin, Inc., with headquarters in my district in Beverly Hills, Calif., has operations in the retail business throughout the United States. This forward-looking company has lent its name and prestige to the Fund for Higher Education—in Israel—to support a tri-university dinner which will be held on June 25, 1972, at the Beverly Hilton Hotel in Beverly Hills.

The uniqueness of this undertaking is that it will raise funds for projects at the University of Southern California in Los Angeles, Brandeis University in Waltham, Mass., and Tel Aviv University in Tel Aviv, Israel. To the best of my recollection this is the first time in the history of academic fundraising that an effort has been made simulaneously on behalf of more than one university at a single function.

But then, the Fund for Higher Education—in Israel—stands out as different in other important ways. Although it has that parenthetical phrase "in Israel" as part of its very name, the fund aims its philanthropy not only at America's stanch ally in the Middle East, the State of Israel, but also at American institutions as well.

For lending their efforts to the fundraising activities for this educationally enriching purpose, a distinguished group of Daylin executives are being honored, one of them posthumously.

The Fund for Higher Education—in Israel—will establish the Peter Lum Lounge to serve students and faculty at the new pharmaceutical science center at the University of Southern California. Peter Lum was the first pharmacist hired by Daylin. The son of Chinese immigrants, he had grown with the company to become the first man to hold the position of vice president of Daylin. He died in a tragic airplane crash in 1965, but his orphaned daughter, Helene Louise Lum, will attend the Los Angeles dinner to accept for him the Maimonides Laurel of the Fund for Higher Education—in Israel.

Also to be honored with him, and to receive the Maimonides Laurel, will be four senior executives, all pharmacists who worked with Peter Lum. They are Gary E. Parks, corporate vice president; Sol Goldsmith, president of Hospital Pharmacies, Inc.; Harold Heldfond, president of Daylin Medical & Surgical, Inc.; and Francois D. "Bo" Studer, president of Studer Wholesale Drugs.

In addition, a memorial plaque at the Peter Lum Lounge when completed will carry the names of the Daylin founders who planned the memorial, Amnon Barness, chairman of the board; Max Candiotty, president; and Dave Finkle, chairman of the executive committee. The plaque will list a total of some 75 friends and associates of Peter Lum still active with Daylin.

Brandeis University will be the recipient of funds to establish the Yearbook Room in the Student Union Building at the university. The room will be named for Alvin M. Levin, Secretary of Daylin, Inc. who will also receive the Maimonides Award.

Establishment of the George and Dorothe Swerdlow Mathematics Building in the Center for Theoretical Studies at Tel Aviv University will be the third result of the June 25 dinner. George Swerdlow is president of Western Big Wheel, a Daylin company, engaged in sale of automotive supplies through discount stores. Mr. Swerdlow and his wife, Dorothe, have been very active and their philanthropic gifts have helped many enterprises. Mr. Swerdlow will receive the Flame of Truth Award.

The Fund for Higher Education—in Israel—which was first launched some 18 months ago, now has under construction five buildings in Israel has commitments for the three others to which I have referred, as well as a fourth project soon to get underway, the Georges A. Hanzi Experimental Surgery Institute at Tel Hashomer Hospital, affiliated with Tel Aviv University.

The fund received its impetus from the founders of Daylin and has attracted a prestigious board of advisers which includes Dr. Albert B. Sabin, discoverer of the Sabin oral polio vaccine and head of the Weizmann Institute of Science; Alexander Goldberg, president of Technion; Prof. William Haber, adviser to the executive officers of the University of Michigan; Dr. Joseph J. Schwartz, renowned American Jewish communal leader and scholar; Dr. George S. Wise, chancellor of Tel Aviv University; and the Honorable Aviad Yafeh, member of the Knesset, Israel's parliament.

Daylin, Inc., its founders—Messrs. Barness, Candiotty, and Finkle—and the Fund for Higher Education—in Israel—are to be commended for their foresight, their philanthropic efforts and goals. They are a credit to American ingenuity and enterprise.

CONGRESSIONAL BLACK CAUCUS PRESENTS THE BLACK DECLARATION OF INDEPENDENCE AND THE BLACK BILL OF RIGHTS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. STOKES. Mr. Speaker, on June 1, 1972, the Congressional Black Caucus announced its preparation of the black declaration of independence and the black bill of rights. It was an historic moment and one which, we hope, will have positive repercussions throughout the American political system.

The preamble to the black declaration of independence states:

> The Congressional Black Caucus calls on the National Democratic Party, as the Party whose victories have always depended upon black votes, to take immediate steps to rectify the harsh conditions under which black citizens are forced to live.

We feel that the Democratic Party would take long strides toward this goal by adopting our minimum demands, as set forth in the 12 articles of the black bill of rights.

The black bill of rights' articles concern jobs and income; foreign policy; education; housing and urban problems; health; minority enterprise; drugs; penal reform; Democratic administration appointments; justice and civil rights; self-determination for the District of Columbia; and the military.

This document was prepared and will be presented to the National Democratic Party, at the request of the millions of poor, disadvantaged, and minority Americans who look to the Congressional Black Caucus for leadership. It was compiled after a year of intense hearings, meetings and conferences with hundreds of thousands of our nationwide constituency.

I urge my colleagues in this Chamber to review this document which we hope will have the strong support of every Democratic Member of this body and that you will join with us in this endeavor to enrich the quality of life for all Americans.

The preamble, declaration, and bill of rights follow:

PREAMBLE TO THE BLACK DECLARATION OF INDEPENDENCE AND THE BLACK BILL OF RIGHTS

Millions of black Americans look to the 13 black Members of the United States House of Representatives as their legitimate spokesmen on national issues. Members of the Congressional Black Caucus are petitioned daily by citizens, living hundreds of miles from our Congressional Districts, who view us as Congressmen-at-large for Black America. This imposes an awesome burden on our shoulders. Large numbers of Black Americans have been subjected to intense hardships, have been denied their basic rights, and have suffered irreparable harm because the two major political parties have failed to firmly and honestly commit their powers and resources to equality and justice for all.

It has become patently obvious to the Members of the Congressional Black Caucus that black Americans will no longer tolerate insensitivity and lack of concern on the part of those who benefit from black involvement in the political process. Therefore, the Congressional Black Caucus calls on the National Democratic Party, as the Party whose victories have always depended upon black votes, to take immediate steps to rectify the harsh conditions under which black citizens are forced to live.

The new political mood permeating Black America makes it impressive that the Democratic Party address itself to the hopes, aspirations, concerns and rights of black Americans—if that Party expects to continue to receive the support of black voters. Benevolence and paternalism are unacceptable and will not be tolerated. The torch has passed to a new generation of blacks who no longer accommodate but confront; who no longer plead but demand; who no longer submit but fight.

THE BLACK DECLARATION OF INDEPENDENCE

"We have no permanent friends, no permanent enemies—just permanent interests."—Rep. William "Bill" Clay.

We, the Members of the Congressional Black Caucus, being the highest elected black officials in the United States, responding to a mandate from millions of black Americans, and in conjunction with thousands of representatives from our national constituency, do hereby demand that the following Black Bill of Rights be implemented immediately, to create a society which is truly founded upon the principles of freedom, justice, and full equality.

We insist that the Democratic Party, in its official pronouncements and policies, and at its national political convention, dedicate itself to the doctrine that no American shall be denied the fundamental right to be equal.

Black Americans are no longer petitioning for equal treatment, but are demanding from the Democratic Party and its Presidential nominee a full, honest and unequivocal commitment to equality—in words, deeds, and most importantly, results.

If Black Americans are to achieve equality in this country, the Democratic Party must create the machinery to realize and to implement the Black Bill of Rights.

THE BLACK BILL OF RIGHTS

"It's not the man it's the plan;
It's not the rap it's the map"—Ossie Davis.

I. JOBS AND INCOME

If the right to live is to be assured for blacks and other citizens, the new Democratic Administration must establish a full employment program and replace the present welfare system with a guaranteed annual income system.

A. Full Employment

The number one priority, in our view, is the creation of jobs to alter the present imbalance in the national unemployment rate. While the national unemployment average is about 6%, Black unemployment is an intolerable 10.6%. Joblessness among Black youth has soared to 44%. Furthermore, in some cities Black unemployment reaches the shocking level of 45%. These stark statistics represent millions of struggling Americans who seek employment and do not find it, who want to earn a living and are denied the opportunity. Confronting what is truly a national crisis, the Congressional Black Caucus calls for:

(1) The establishment of a national monetary and fiscal policy designed to achieve continuous full employment and full production.

(2) A direct attack on the high unemployment among minority groups and in minority communities, through public service job programs, training programs, quality education and a computerized comprehensive national employment service.

(3) A systematic approach to solving the apparent tendency of full employment to cause inflation. This would include more effective enforcement of the anti-trust laws, a comprehensive program of consumer education, and Federal product testing and quality rating.

B. Guaranteed annual income

By now it is almost commonplace, if not cliche, to state that the present welfare system is inadequate and inequitable. We urge that:

(1) The present system be replaced by a guaranteed annual income system.

(2) The Democratic Party oppose any welfare "reform" program which fails to establish a one-year timetable for reaching a guaranteed adequate income system of a minimum of $6,500 a year for a family of four.

(3) The Democratic Party oppose any punitive "workfare" requirement legislation.

II. FOREIGN POLICY

Black Americans, like all Americans, have a right to peace. If our right to peace and the right of black people on the continent of Africa to freedom and oppression are to be realized, the New Democratic Administration must bring an immediate and definite end to the war in Indochina and withdraw all support of colonialist or neo-colonialist forces on the continent of Africa.

A. End the war

The New Democratic Administration must terminate all military activities in Southeast Asia immediately, concomitant with an immediate withdrawal of all American land, sea and air forces.

B. Support African liberation

Implementation of a New Democratic Administration Foreign Policy of support for the liberation of black people of Africa should be reflected in:

(1) An increase in American aid to black African nations from 8.5 of our foreign aid to 20% for a period of five years.

(2) An immediate halt to the purchase of chromium ore from Southern Rhodesia.

(3) The immediate transfer of our sugar quota arrangement from the Republic of South Africa to a majority-ruled state in South Africa.

(4) The withdrawal of all support from Portugal in terms of loans and grants and as a member of NATO.

(5) The withdrawal of all economic or political support from Africa countries that practice suppression and perpetuate inequality and apartheid.

(6) The discouragement of private American investment in South Africa and the closing of all U.S. government financed or contracted facilities, including the U.S. Embassy in the Republic of South Africa.

III. EDUCATION

The right to a quality education is as fundamental as any in the Bill of Rights. America can afford every child a quality education. To finance quality education for all, we urge the inclusion of specific tax reform recommendations in the Democratic Party Platform so that the cost of education will not continually be borne by the poor. The Party's commitment to quality education for blacks and other disadvantaged minorities should reflect itself in platform planks calling for:

A. Increased appropriations under Title I of the Elementary and Secondary Education Act.

B. Increased funds for research and development in the areas of education for minorities.

C. Increased federal funds for black institutions of higher education.

D. Increased funds for aid to students and for community colleges.

E. The development of mechanisms for black control of schools where black children are educated, moving beyond the sterile issue of "busing" to the basic issue of the

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redistribution of educational wealth and control.

F. Federal, state and local authorities to comply fully with the Supreme Court's recent school desegregation decision that busing will be employed as a suitable means to ensure quality education for all American children.

IV. HOUSING AND URBAN PROBLEMS

The right of every American to live in human decency must not be abridged by federal passiveness. Citizens of the inner-city, especially blacks, are confronted with increasingly deteriorating housing conditions. To remedy the current *situations,* we urge that your platform include a plank calling for:

A. A new Homestead Act, to make use of the billions of dollars worth of land now owned by federal, state, and local governments. This property must not move into the hands of private, for-profit developers when there is such drastic need for human housing and land use where black people live.

B. The rebuilding of the inner cities—not the removal of the poor.

C. Tax legislation which would provide priority treatment for investments in new and rehabilitated housing in the inner-city.

D. Free access by minority groups to housing in any community or building in the land.

V. HEALTH

A major plank of any national platform must be guaranteed health delivery systems. The current inaccessibility of adequate health delivery to all Americans; lack of adequate or comprehensive health coverage, and seemingly uncontrollable rises in health cost combine to relegate countless Americans to a state of insufficient medical care. To remedy this, we urge:

A. The establishment of a National Health Insurance for all citizens from birth until death, with free medical care for all the poor and near-poor.

B. A federal program to recruit and train minority medical and para-medical personnel.

C. The establishment of a national health delivery system which encompases those existing programs similar to the Neighborhood Health Centers (NHC) which are functioning well in a limited role with a delivery mechanism that provides physician's in-patient and out-patient hospital emergency services, out-of-area emergency service preventive health care, home health services, laboratory and radiological services and laboratory services included, and physical therapy. The concept of comprehensive health services should include the following areas: psychological, sociological, and environmental, as well as physiological.

D. That there be outreach services which attack the problems of health, education and health awareness in the community.

E. Health centers should be provided in a coordinated, continuous and comprehensive manner so that the services are available and accessible to the communities being served.

F. The establishment of state and national peer review programs for the medical profession.

G. That the schools of the health sciences at both Meharry and Howard University be expanded immediately to their maximum capacity and that, further, priority funding be given to any new schools of the health sciences which focus on increasing the number of minority members in the health field.

H. The establishment of a limit on profits which can be made on the sale of drugs.

VI. MINORITY ENTERPRISE

Business ownership and receipts reveal a wide economic disparity between blacks and whites in this country. For example, in a total of 7.3 million businesses, approximately 170,000, or slightly over 2%, are black owned. Blacks constitute over 12% of the population. These black businesses had sales of only 4.5 billion dollars; white businesses had gross sales of 1.5 trillion dollars. Black-owned banks and insurance companies owned less than one billion dollars in assets.

To correct the present inequities and to fulfill the right of black Americans to the free enterprise system, we urge that your platform include:

A. A call for an increase in the number of black-owned businesses with supporting grants and loans from the federal government and major corporations.

B. The establishment of a federal policy to set aside 15% of all government contracts exclusively for black-owned businesses.

C. Provisions whereby all government funds earmarked to be expended in black areas be deposited in and disbursed by black banks.

VII. DRUGS

Black Americans have a right to drug-free lives and drug-free communities.

The goal of the Democratic Party must be to eliminate the illegal sale and use of drugs and to treat those who are unfortunately hooked on drugs not as criminals but as people with serious health problems. To accomplish this we urge the inclusion in your platform of a plank that:

A. Declares drug abuse and addiction a major national crisis.

B. Require the use of all existing resources to stop the illegal entry of drugs into the United States, including suspension of economic and military assistance to any country which fails to take appropriate steps to prevent narcotic drugs produced or processed in that country from entering the United States unlawfully.

C. Make funds available to every major city for the establishment of ambulatory detoxification and rehabilitation centers.

D. Provides federal financial support through a locally controlled board to reinforce the local initiatives.

E. Provides for efforts to develop non-addictive, safe and effective substances to prevent, treat, and cure addiction. Methadone is a highly addictive, dangerous and frequently abused drug. Methadone is no cure-all for the problems of drugs. Methadone maintenance programs, and recently proposed heroin maintenance programs, should only be used with a full recognition of their limitations and with a commitment to develop alternative therapies.

VIII. PENAL REFORM

The tragedy at Attica has catapulted into national prominence the brutal fact that most of our penal institutions are out-dated, inhumane, dehumanizing and extremely cruel. The new Democratic Administration must act swiftly and decisively to implement enlightened methods of dealing with people who run afoul of the law—methods that view the time spent in prison not merely as punishment, but as an alternative factor in the re-socialization of a human being.

The Democratic Party's commitment to thorough-going penal reform should reflect itself in a plank that includes:

A. The establishment of reliable vehicles for the enunciation and redress of prisoner grievances.

B. The establishment of meaningful training programs, both educational and vocational, which are complimented by work release and educational release programs, remuneration for all work performed and job placement assistance upon release.

C. The systematic inclusion of such aids to rehabilitation as halfway houses for men, home furloughs for married men and women, privacy, as relates both to correspondence and family visitations and to the full restoration of civil rights including the right to vote upon completion of a sentence.

D. An end to the practice of incarcerating individuals for their political beliefs and intolerance of religious beliefs, particularly as they relate to dietary laws.

E. The revamping of first offender programs, methods of bail release, and parole and probation systems so as to encourage and assist the prison resident in readapting to society.

F. The construction of small, modern facilities by the federal government in proximity to the large urban areas and the recruitment of minority personnel for prison employment.

IX. DEMOCRATIC ADMINISTRATION APPOINTMENTS

Though black Americans make up 20% of the Democratic Party electorate, the blackman's right to their share of the power in a Democratic Administration has been woefully neglected by the party in the past. This must stop. The Democratic National Platform must call for black Americans receiving a proportionate amount of all appointed positions, up to and including the Cabinet of the President of the United States. Furthermore, federal judgeships shall reflect the percentage of minority residents in any given state or local jurisdiction. In this policy's enactment, particular attention shall be paid to correct the racial imbalance which exists in the Southern federal judiciary.

X. JUSTICE AND CIVIL RIGHTS

Earlier this year the Congressional Black Caucus responded to the Administration's report on "Progress in Civil Rights". Our paper, entitled "From the Administration Which Gave Us Benign Neglect", scored the Administration's insincerity and hypocrisy on the subject of civil liberties and equal rights.

One critical area which we discussed at the time remains critical today—voting rights. The Democratic National Platform and the new Administration should move to:

A. Establish political guarantees that regional and metropolitan government arrangements do not disenfranchise or deny majority black cities and blacks in other jurisdictions the right of self-government, self-determination and control of their communities and of federal and state resources provided within metropolitan areas.

B. Effect the strict application of the Voting Rights Act of 1965 so that those currently disenfranchised will be able to participate in the upcoming election.

C. Increase the number of black federal judges and other legal officials, including U.S. Attorneys, U.S. Marshalls, federal correctional officers and other Justice Department employees in every region of the country.

XI. SELF-DETERMINATION FOR THE DISTRICT OF COLUMBIA

No Black Bill of Rights would be complete that did not call for the granting of self government to the nearly 800,000 residents of our Nation's Capitol, 72% of whom are black.

The National Democratic Platform should contain a firm commitment to the "Washington agenda" brought to Miami Beach by the duly elected District of Columbia Delegation to the Democratic Convention, which agenda is also an integral part of the National Black Political Agenda.

The agenda calls for full congressional representation, an elected mayor and city council with an automatic federal payment formula and a host of interim and immediate steps that the President and the Congress must take to deal with the social, economic and political problems confronting the people of this, the Last Colony.

XII. THE MILITARY

It is the RIGHT of every Serviceman and Servicewoman to be FREE from discrimination within the military system. Certainly this nation cannot be secure as long as its forces are more concerned with protecting themselves against their fellow servicemen than they are with fighting the external enemy. Although blacks make up to 10.8% of the military personnel, they are not permitted equal representation as officers; they receive a higher percentage of other than honorable discharges; and they are assigned to more menial occupational jobs.

The New Democratic Administration must deal with this reality and turn from lip service which condemns discrimination in our society to proposing concrete programs of reform.

We urge the creation of a Assistant Secretary of Defense for Civil Rights who would have direct access to the Secretary of Defense as well as to the Secretary of each branch of service.

We urge a complete revision of the Uniform Code of Military Justice that would remove the judicial system from the military and transfer it to the civilian federal courts.

We urge the establishment of an independent non-judicial appeal procedure outside of the military chain of command.

We urge the elimination of all punitive discharges and the establishment of a certificate of service that would in effect remove the distinction of "honorable, dishonorable, undesirable", etc.

GENERAL CLARKE SPEAKS OUT FOR SOLDIERS IN RIOT SITUATIONS

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. HALL. Mr. Speaker, a soldier of distinction, Gen. Bruce C. Clarke, USA, retired, is well aware of the problems facing our college campuses and our cities in recent years of protests and riots. General Clarke, however, is also concerned with the soldier's role in a riot situation. This outstanding soldier has expertise and experience that, I am sure, would be of great benefit and interest to this body. In the interest of explaining a soldier's duty, and a soldier's predicament in the riots for which they must defend people and property, I insert these remarks by General Clarke in the RECORD:

THE CASE FOR THE SOLDIER CALLED OUT TO QUELL A DOMESTIC DISTURBANCE

(By Gen. Bruce C. Clarke, USA, Retired)

(EDITOR'S NOTE: General Clarke was an enlisted man in the National Guard in 1920–21. He was on the staff of Army Ground Forces in 1945–48, and was Commanding General of CONARC in 1958–60. Thus he has given much thought to the problems of employing troops to quell civil disturbances.)

In the early days of our existence as a nation we found that the Articles of Confederation were ineffective in providing the kind of Federal Government we needed. A Constitutional Convention was called. Its first order of business was to set down what services the people wanted the Federal Government to provide the citizens of our nation.

This became the Preamble to the Constitution of the United States of America. Substantially, it set forth the following in one sentence:

"We the People of the United States in order to: Form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity do ordain and establish this Constitution for the United States of America."

All six of these requirements for an adequate Federal Government were to be the products of a Government of laws functioning in an environment of law and order. The framers of our constitution considered that the orderly processes of a Government of laws could only exist in a climate of domestic tranquility. Thus they used the phrase: "Insure domestic tranquility," not "restore domestic tranquility."

Is there anyone in the field of higher education who hasn't had reasons to be concerned with this subject in the past few years of campus demonstrations and disorders? Might it not be well for them to learn more, not only about the nature of riots and rioters, but about the young men, pursuant to orders, who may be confronted with the unpleasant duty of insuring or restoring "domestic tranquility"?

When we think of what is the cause of a breakdown of domestic tranquility in a community, a riot comes to mind. What is a riot? Riot is a legal term defined as follows:

"A tumultuous disturbance of the peace by 3 persons or more assembling together of their own authority with the intent mutually to assist each other against any who shall oppose them in the execution of some enterprise of a private nature and actually executing the same in a violent and turbulent manner to the terror of the people whether the act intended were of itself lawful or unlawful."—Black's Law Dictionary, 3rd Edition.

Sometimes our Commander in Chief or our Governors of the several states call out a military force to insure domestic tranquility when a riot threatens but, often, they do not do so until the situation is out of hand and a riot has started and then the job of the troops is to restore domestic tranquility. The latter case confronts the young trooper with the more difficult mental, physical and disciplinary situation.

Let us now consider the young soldier, his leaders, his training, his opponents, his weapons, their weapons, their mental and emotional state, how to perform his task with the least injury to people and property and to himself. All of these factors must be considered in the framework of the morale, training and disciplinary veneer of the troops who are engaged under legal orders in a confrontation with their own people on a task they do not like and from which they will receive little credit and probably much mental and possibly physical abuse.

Here are a few thoughts on the problem of handling riots by soldiers:

1. People who engage in a riot are disorganized and emotional, and basically cowardly as a group. The crowd lacks unity and courage.

2. If we are going to handle them without bloodshed we must use enough force (or show enough force) to cause them to believe the riot has no chance of success.

3. A policy of "limited" or "graduated" response by police or troops can only encourage the rioters and lead to bloodshed.

4. The ones who egg on the rioters are almost never in front. They operate from a safe position in the rear.

5. The best trained soldiers have a "breaking point" when on such duty. Even though soldiers likely to be employed in riot duty are periodically given training the turnover of personnel is such that their training is seldom at full effectiveness when used on short notice.

6. Young soldiers can take only so much abuse, rocks, insults and casualties before their veneer of discipline and commander-control wears thin—then they break under actual or feared threats.

7. When they break, people in the rioters' ranks—even bystanders—often get hurt or killed.

8. Those who caused armed soldiers to "break" are more to blame than the soldiers. Students who cause this to happen are deficient in ordinary good judgment.

9. Unfortunately, it generally follows that incidents which result in casualties break the tension and cause those who are prone to riot to take a hard look at such tactics and stop using them. This has resulted from recent incidents.

10. Thus such incidents cause people to look at their problems rationally instead of emotionally. It is unfortunate they do not do it before people are hurt or killed.

11. The "inciters" to riot are really to blame, not the unfortunate young soldiers who have been called out by our elected officials to do a very distasteful and necessary job under very trying conditions.

"There is no grievance that is a fit object for redress by mob law."—A. Lincoln.

ALASKAN NATIVE CONCERNS IGNORED IN ENVIRONMENTAL IMPACT STATEMENT ON PROPOSED TRANS-ALASKA PIPELINE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. ASPIN. Mr. Speaker, the Interior Department's final environmental impact statement on the trans-Alaska pipeline largely ignores the very legitimate concerns of the Alaskan Natives.

I would like to include in the RECORD today an excellent comment submitted to the Interior Department by Patrick Macrory of the law firm of Arnold and Porter on behalf of several Alaskan Native villages. This comment quite accurately details both the likely consequences of the construction and operation of the trans-Alaska oil pipeline on these Native villages and the failings of the impact statement to adequately consider and mitigate these expected consequences.

I urge my colleagues to read this important document, which follows:

COMMENTS ON ENVIRONMENTAL IMPACT STATEMENT ISSUED BY U.S. DEPARTMENT OF THE INTERIOR CONCERNING THE TRANS-ALASKA PIPELINE

(Submitted on Behalf of The Native Villages of Allakaket, Bettles, Minto, Rampart and Stevens Village)

These comments are submitted by five Indian Villages situated close to the proposed Trans-Alaska Pipeline. Two witnesses, Chief Richard Frank and David Wolf, Esq., testified on behalf of these villages at the hearings held by the Department of the Interior in 1971.

Although the Impact Statement represents some improvement over the draft Impact Statement released by the Department in January 1971, it remains inadequate in many important areas vital to the needs of Alaska's native population.[1] Moreover, the stipulations which the Department would require Alyeska to enter into as a condition of granting the pipeline permits it seeks are weak and insubstantial. They afford neither our villages nor any of the native villages situated near the pipeline any significant protection from the impact of the pipeline project.

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[1] These inadequacies cannot be analyzed in full here because of the pressures of time. Only 45 days have been allowed for comment on a nine-volume report, more than 2500 pages in length. We find it difficult to avoid the conclusion that the Department regards the expression of views by members of the public as a *pro forma* exercise.

Three deficiencies may be briefly noted:

(a) the failure to discuss the need for a further Impact Statement when final, as op-

The remarkable fact is that, despite the enormous quantities of additional evidence obtained by and submitted to the Department as to the adverse impact of the pipeline on Alaska's natives, the stipulations affecting the native population are virtually unchanged from the original stipulations contained in the first draft of the Impact Statement. The Department has simply ignored the extensive evidence gathered by and the views of the persons most affected by the pipeline, the natives of Alaska. The Department evidently considers it sufficient compliance with the National Environmental Policy Act merely to obtain the views of other government departments and the public, without permitting those views to have any bearing on a decision apparently already reached. The Secretary of the Interior is the trustee for the native people of Alaska; they are his wards and are entitled by law to his protection. The present stipulations are an abdication of trust by the Department of the Interior.

A. THE IMPACT OF THE PIPELINE AND HAUL ROAD

1. Oil Leaks of Unpredictable Magnitude and Serious Siltation of Rivers are Virtually Certain to Occur

A few excerpts from the Impact Statement make graphically plain the enormous risks to the environment, and to Alaska's natives, that the Trans-Alaska Pipeline would entail:

". . . the performance record of pipelines in general and the abundance of environmental factors in Alaska that could contribute to pipeline rupture are such that perfect no-spill performance would be unlikely during the lifetime of the pipeline. *It therefore is likely that some spills would occur*, but their size, location and frequency are indeterminate." (Vol. 1, p. 27, emphasis supplied here and throughout.)

"Any point along the southern two-thirds of the proposed pipeline route could be subjected to an earthquake of magnitude greater than 7.0 on the Richter Scale, and *it is almost a certainty that one or more large magnitude earthquakes will occur in the vicinity of this portion of the proposed route during the lifetime of the pipeline.* Strong ground motion and large ground displacement accompanying such an earthquake could damage—even rupture—the proposed pipeline." (*Id.*, p. 97.)

"The excavation of construction materials in areas of ice-rich permafrost would cause the permafrost to thaw. The materials could become unstable and flow or slide, especially on slopes. Locally, excavation in flood plains might cause diversion of stream channels, and where such excavation occurred, pools would form and siltation would follow." (*Id.*, p. 95.)

"Thawing of permafrost by heat from the pipeline and by redirected surface and ground water could result in slope failure and differential settlement in areas underlain by ice-rich sediments. *Either effect could cause serious damage to the pipeline.*" (*Id.*, pp. 96–97.)

The Statement admits that in the pipeline segment between mile 345.6 and mile 521.9 (*i.e.*, the area of the five villages whose views are here expressed), "a major impact effect of the pipeline would be associated with the generally ice-rich silts, permafrost temperatures near 0° C, moderate to steep slopes and the likelihood of seismic events." (*Id.*, p. 99.)

Further:

"It is predicted that some damage would occur to the aquatic resources as a result of the project. . . ." (Vol. 4, p. 126.)

"Pipeline and road construction activities would result in erosion and stream siltation." (Vol. 4, p. 128.)

2. The Impact of the Project on the Animal Resources of the Region

As we have shown, the Impact Statement predicts that oil leaks of some magnitude are almost inevitable, and that there is a strong possibility of a break in the pipeline. If a break occurs, "14,000 barrels of oil could leak out during the time required for pump station shutdown and valve closure", and "up to an additional 50,000 barrels of oil could drain from the pipeline at some localities" thereafter. (Vol. 1, p. 124.) The effect of an oil spill of this magnitude would be catastrophic to our villages and to others in its wake. It could wipe out the fish population of an entire river system such as the Yukon. A vital part of the subsistence economy of the native population of Alaska could thus be eliminated in large regions crossed by the pipeline.

The Statement concedes that the effect of the pipeline on large mammals—another important element in the native subsistence economy—could be equally serious.

"Disturbances associated with construction activities and road and pipeline maintenance and operation would have adverse effects on large mammals inhabiting the proposed right-of-way and areas adjacent to the pipeline routine. . . . Direct disturbances as well as physical disruption of their habitat would undoubtedly result in displacement of large mammals from the pipeline route and areas immediately adjacent to it." (Vol. 1, pp. 126–27.)

"The effect of the above-ground portions of the pipeline on large mammal movement cannot be conclusively predicted. . . . However, it does appear . . . that above-ground elevated portions of the pipeline with frequent provision of animal crossing facilities of the best available design would still act as partial barriers to the movement of hoofed animals" (*Id.*, p. 128.)

"The combined barrier effects of the highway and pipeline might reduce the number of animals using the winter range east of the highway." (*Id.*, p. 129.)

The Statement admits that the effect of the above-ground portions of the pipeline[2] "would probably alter the distribution of caribou in the future and account for the abandonment of portions of their range." (Vol. 1, p. 200.) It also admits that:

"Several situations conducive to large mammal mortality would result from pipeline and haul road construction and their maintenance." (*Id.*, p. 130.)

"The increased human population would be reflected in a general increase in hunting pressures on large mammals." (*Id.*, pp. 130–31.)

3. The Impact on the Native Population

The specific impact of the pipeline on our villages is also described in some detail in the Statement:

"A significant adverse impact on land use for Native subsistence purposes could be incurred in the event that, during the construction or operational stages of either road or pipeline, streams or other areas essential to subsistence harvests were severely contaminated by oil or other toxic materials. In addition to the direct and indirect impacts, this could cause major shifts in local land use patterns. Both the direct damage and the shifts could be costly to resource bases, local communities, the State, and the oil industry. If such adverse impacts did occur, they would very likely affect subsistence-dependent villages such as Anaktuvuk, *Allakaket*, Alatna, *Stevens Village, Rampart*, and *Minto*."[3] (Vol. 1, p. 146.)

"The threat of adverse impacts on the Native subsistence resources would come primarily during the operational stage of the proposed project. These could stem from (1) damage to subsistence resources resulting from losses of oil, (2) increased recreational activities and other competition on lands close to the transport corridor, or (3) possible shifts in migratory patterns of caribou.

"The greatest threat would be that of potential oil spillage, especially in a major river. Local water supplies, fish and wildlife harvests, and transport corridors could be adversely affected. Such impacts on the resource base, depending on the extent of damage and on the extent of Native dependence upon the subsistence base in the affected area, could be detrimental to the livelihood of the local population. *An accidental spill could be much more significant in the relatively well populated Yukon River watershed* than in the Copper and Lowe River systems, where the reliance on a subsistence economy is less, both in terms of numbers of villages and numbers of Natives." (*Id.*, p. 159.)

B. THE FAILURE OF THE STIPULATIONS TO PROTECT THE INTERESTS OF THE NATIVE POPULATION OF ALASKA

As we have shown in Section A above, the Impact Statement itself demonstrates that the construction and operation of the pipeline will inevitably have a serious impact on the subsistence economy relied upon by the vast majority of the inhabitants of the five villages whose views are here presented. Yet the stipulations do nothing whatever to compensate these people for the loss of their livelihood—despite the fact that the Secretary of the Interior is their legal guardian.

Clearly, if our nation's asserted need for more oil is deemed to justify the proposed pipeline, at the cost of the Natives' ability to support themselves from the land, they must be compensated in some way. As we suggested at the hearing, there are two means by which this could be done: First, the Natives could be given the right to compensation for damage to their lands or subsistence caused by pipeline construction and operation, in order to protect them from the immediate impact of the pipeline. Second, they could be guaranteed a certain proportion of the jobs connected with the construction and operation of the pipeline, as protection against the effects of the long-term trend away from a subsistence economy which the Statement predicts the pipeline will cause.

The stipulations do neither of these things. Although the suggestion has been made on many occasions that the Department should impose absolute liability on Alyeska for damage caused to private persons—as it proposes to do for damage caused *to the federal government*—the Department dismisses the suggestion with the following comment:

". . . the February 1972 stipulations impose liability on the permittee. The Department believes that to impose further liability would exceed the Department's authority." (Vol. 6, p. 52).

The first of these statements is simply in-

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posed to preliminary, design plans for the pipeline are submitted to the Department;

(b) the inadequate discussion of the possibility of running the natural gas pipeline that will be needed to bring natural gas from the North Slope along the same route as the oil pipeline; and

(c) the failure of the Statement to consider the possibility that the demand for oil will be greatly diminished as a result of widespread use in automobiles of the Wankel rotary engine, which is much more efficient than the internal combustion engine.

[2] An extremely high proportion of the pipeline will be above ground in the area closest to the five villages in question.

[3] The villages whose names are *are* four of the five villages whose views are here presented.

correct. All that the February 1972 stipulations do is to recite that the permittee will be liable to third parties "in accordance with applicable laws." (Stip. 1.7.1.) Clearly, of course, this would be the case even without the stipulation. The stipulation "imposes" no liability on the permittee beyond what the law would impose in any event. It gives private persons affected by the pipeline absolutely no additional guarantee of compensation against loss.

The second statement is almost certainly erroneous. The Department has extremely broad power to impose conditions on pipeline permittees (see Mineral Leasing Act of 1920, Section 28, 30 U.S.C. § 185; 43 C.F.R. § 2801.1–6(h)), and further was specifically directed by Congress in the Conference Report on the Alaska Native Claims Act to "take any action necessary to protect the subsistence needs of the Natives." At the very least, if the Department is unsure of its authority, it should take immediate steps to clarify the legal position. We strongly endorse the suggestion of the Alaska Federation of Natives that an opinion of the Attorney-General be sought on this issue.

The double standard incorporated in the present stipulations—which impose absolute liability on the permittee for damage to the federal government, which does not need the protection, but no liability for damage to the government's impoverished native wards who desperately do need it—is a gross violation of the Department's trusteeship obligations and of the standards by which a government department should conduct itself.

The second deficiency is in the area of jobs and training. The Statement concludes that without "quantitative goals for Native employment" and "specific means for attaining them," Native participation in the pipeline project will be adversely affected. (Vol. 4, p. 409.) The Statement points out that "Alyeska's employment estimates do not include a commitment to a numerical goal for Native hiring." (*Id.*, p. 410.) However, the stipulations impose no obligation whatever upon Alyeska to establish numerical goals for Native employment. They merely require Alyeska to "do everything within its power" (a notorious euphamism for total inaction) to secure the employment of Natives who successfully complete its training program. (Stip. 1.14.3.)

The stipulations are equally deficient in the area of Native training. The Statement asserts that with only a minimal amount of training a very large number of Natives could meet the job skill requirements (see Vol. 4, pp. 411–12) but warns that:

"To date there are no training programs planned, and unless this planning is accomplished well in advance of the start of pipeline construction, it is unlikely that training programs would be effectively phased into the requirements of the construction activities." (Vol. 4, p. 414.)

Once again, however, the stipulations themselves simply ignore the Statement. Stipulation 1.14.1 provides only that Alyeska "shall enter into an agreement with the Secretary regarding . . . training . . . of Alaska Natives." There is no indication that any such agreement has been reached, what the proposed terms would be, or what planning for timely training has been undertaken, if any.

ANTIBUSING AMENDMENT NOW IS IMPERATIVE

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the Nashville Banner in a recent editorial emphasized the importance of passing a constitutional amendment banning the busing of students to achieve a numerical racial balance.

I endorse the sentiments expressed in the Banner editorial concerning the need and necessity for such an amendment.

While the editorial refers to Senators BAKER and BROCK from Tennessee, I would add that many Members of Congress—Democrats and Republicans—on a bipartisan basis—are cosponsors of similar legislation in the House and indeed many Representatives have signed a discharge petition to bring to the floor a constitutional amendment to prohibit busing.

In addition, the House has passed three amendments to curb busing, with substantial support, as follows:

The Ashbrook amendment which would bar the expenditure of Federal funds for crosstown busing.

The Green amendment which would prohibit the Federal Government from requiring school districts to spend State or local money to finance busing.

The Broomfield amendment which would permit school districts to delay compliance with busing orders issued by lower courts until all appeals have been exhausted.

I support all three of these amendments.

The House has taken definite and definitive action to curb and halt unnecessary and undesirable racial balance busing.

Because of the interest of my colleagues and the American people in this most important matter, I place the editorial from the Nashville Banner in the RECORD herewith.

The editorial follows:

[From the Nashville Banner, May 31, 1972]

ANTIBUSING AMENDMENT NOW IS IMPERATIVE

To the surprise of few, if any, the U.S. Sixth Circuit Court of Appeals has affirmed Judge L. C. Morton's order of massive crosstown school busing for compulsory racial balance; but the fact that such a decision was expected for the reasons asserted in the language of the court does not modify the urgency of remedial action—for redress of the system-wide injury inflicted—by the corrective method clearly demanded.

That would be, of course, by constitutional amendment—the provision of that organic instrument, itself, for the exercise of final authority where it belongs, in the hands of the people.

It not only is obligatory that the amending power be employed—putting the principle and concept of school authority in such a particular beyond eccentric manipulation either legislative, executive, or judicial—but it is imperative.

It needs to be done now, before the damage so disruptive and nearly destructive of the local public school system, here or anywhere, is compounded by another school year of magnifying costs and mounting chaos. Never in the history of this city have its approximately 100,000-member student body, and its school plant community-wide, divested of the neighborhood school prerogatives, suffered a comparable blow.

The corrective device sought is in this instance for Congress to initiate—as it has started a number of times to do, only to be side-tracked by a totally unsatisfactory substitute.

Sen. Bill Brock, with co-sponsorship by a number of colleagues similarly aware of the crisis confronted up a usurpation of school authority—has pushed for an amendment forbidding that trespass. Tennessee's Senior Senator, Howard Baker, has pushed for its adoption. The sense of it has been stated in another proposed amendment, by Michigan Sen. Robert Griffin, declaring that:

"No court of the United States shall have jurisdiction to make any decision, enter into any judgment or issue any order the effect of which would be to require that pupils be transported to or from school on the basis of their race, color, religion, or national origin."

State by state, in the South and elsewhere, school patrons, taxpayers and voters—one and the same—have gone clearly on record for an end to massive school busing for achievement of racial balance. They have done that, as in Tennessee, in direct referendum on the question itself—overwhelmingly for the amendment. They have done it in party primary balloting, as in the George Wallace vote itself, or its margin, in which such clearly was the principal message.

Congress has condemned the massive busing operation as an instrument of arbitrary, bureaucracy-ordered racial balance. It has done that in legislation enacted, as in the 1964 Civil Rights Act.

President Nixon has called for correction of the outrage jointly inflicted by HEW fiat and court intrusion—and for return to the historic format of the neighborhood school system, with regulations thereof vested in the hands of local authority.

Now is the time to get on with that, via the only route by which it can be achieved—the method clearly preferred by the majority of the American people, irrespective of race. It is their school system. It also is their Constitution. It is time to employ the one, with vigor, honor and courage, in behalf of justice for the other.

Congress clearly has the duty to submit this amendment to the people of these United States, for their decision. If that preliminary, enabling action is taken in time, the school year beginning in September conceivably could be spared the chaos that otherwise impends for it.

SALT ANALYSIS

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. HOSMER. Mr. Speaker, the following has been prepared by me and is being delivered to all Members of the Congress on June 6:

JUNE 6, 1972.

From: Representative Craig Hosmer, Chairman, GOP Task Force on Nuclear Affairs.

To: Members of Congress

Subject: *SALT—ABM Treaty & Offensive Weapons Interim Agreement*

It is generally conceded that America and Russia cannot risk attacking each other because their nuclear arsenals are sufficient to withstand surprise attack and still have enough undamaged retaliatory hardware left over to pulverize the aggressor.

President Nixon and Premier Brezhnev believe it is in the self-interest of their respective countries to perpetuate this condition of *mutual deterrence* based on *nuclear sufficiency*. The proposed SALT Treaty limiting defensive anti-ballistic missile systems and its accompanying interim agreement limiting certain offensive weapons was designed for this purpose.

The rationale of the ABM limitation is obvious. Each new ABM built by one side can be nullified by the other's new offensive installation. It is in nobody's security interest to spend money for that kind of an arms race only to end up poorer, but no safer than before.

The logic of allowing the Soviets a lopsided number of offensive missiles and submarines is obscure if quantity alone is considered. It emerges clearly, however, when other factors, relevant to assessing the kill power of these two nation's strategic nuclear arsenals are taken into account. These include the following:

The actual number of nuclear warheads in the U.S. deterrent package considerably exceeds those of the Soviets because of our many multiple independently guided re-entry vehicles (MIRVS).

The greater accuracy of the U.S. warheads gives them a proportionately large kill capability, ample for nuclear sufficiency.

U.S. allies and near allies possess substantial strategic deterrent forces which augment the Free World's overall deterrent posture.

The arrangements impose no limitations at all on certain U.S. systems contributing to our deterrent strength, such as SAC bombers and U.S. aircraft based overseas on land and on aircraft carriers.

"Sufficiently to deter" is something in the mind of the beholder and when one side fields a mix of bombers, ICBMs and SLBMs with which it is satisfied, the other side would need to assume very large and unknown risks of miscalculation in order to assess it as "insufficient."

What are inside the strategic systems, how good they are now and how they may be qualitatively improved are not covered by the arrangements, leaving the parties in exactly the same circumstances, whatever they are, as before.

Provision for verification by each party's own intelligence apparatus involves minimal risk, since the arrangements are cast in terms of items which reasonably can be monitored by satellite photography and similar means.

The foregoing and many additional calculations undoubtedly influenced President Nixon's determination that the agreements are worthwhile and that their terms involve neither undue risks to United States security nor disproportionate advantage to the Soviet Union.

In making his decision the President also must have totalled the quite large costs of the superpowers taking no steps at all toward arms control against those involved in the limited agreements he made in Moscow. No person better knows these costs than he and his judgment deserves great respect.

To assure that the arrangements do not grow lopsided by the passage of time, Congress must support the President's R&D requests for the TRIDENT submarine program, the B-1 bomber and other improved strategic systems.

AGRICULTURE HONORS FOUR FROM MARYLAND'S FIFTH DISTRICT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. HOGAN. Mr. Speaker, I was recently privileged to be present at the annual Honor Awards ceremony of the U.S. Department of Agriculture where four men from Maryland's Fifth District were among those honored for their superior service as employees of the Department.

Mr. Speaker, these are the kind of men who make our Government truly responsive to the needs of our citizens, and I think we all owe them a special vote of thanks. They are Mr. William Gladden, Seat Pleasant; Mr. James H. Lauth, Bowie; Dr. Louis P. Reitz, Hyattsville; and Mr. Robert A. Fast, Beltsville.

NIXON'S DIPLOMACY

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. MICHEL. Mr. Speaker, an editorial appearing in the June 1, 1972, edition of the newspaper, Chicago Today, discusses President Nixon's recent initiatives in the field of foreign policy in a most perceptive and knowledgeable manner and I commend its text to my colleagues. I insert it in the RECORD at this point.

The editorial follows:

NIXON'S DIPLOMACY

President Nixon has taken giant strides toward world peace. He returns to the United States as one of the most successful diplomats in history, tho time alone can measure the true results of his diplomacy. This diplomacy has ended the power stalemate and given the world leaders an opportunity to move toward world peace. The skepticism of those who remember the broken treaties of history is understandable. But this time there is a new factor, introduced by Mr. Nixon and Henry A. Kissinger: By its rapproachment with China, the United States has taken control of the balance of forces.

A few months ago, the U. S. S. R. could move in the power struggle with China in relative confidence that the United States would not choose sides. But no more. When President Nixon went to China, the possibility opened up that the United States might agree to provide the Chinese with the sophisticated weapons needed to defend their 1,500-mile border with the U. S. S. R. Russia cannot suffer that. The new posture of the Russians, the reluctant wooing of the U. S., began when Kissinger made the first breakthru to Peking.

More than a century ago, Karl Marx, the ideological source for both Russia and China, pointed out on the basis of his long study of their history that Russia and China are the world's most natural, enduring and implacable foes. The Russians forgot this temporarily after World War II, when they helped to arm and industrialize the Chinese. But they were forced to remember as the ancient enmity erupted. The main Russian and Chinese armies are now spread along that 1,500-mile border.

For a time, after China developed the nuclear bomb, the U.S.S.R. even considered a preemptive strike. So, we are told, did President John Kennedy. President Nixon had a better idea, an offer of friendship. So long as the U.S. and China were virtual enemies, the U.S.S.R. had many options, including those in Europe and the Middle East. Once Mr. Nixon took the unthinkable step, a detente with China, Russia had no choice but to ease tension in Europe, to think twice about increasing pressure in the Middle East, and to seek United States friendship once more. And the United States price for friendship is a guarantee toward enduring world peace.

Thus the "Spirit of Moscow" may be more durable than the "Spirit of Camp David" and other previous attempts of the U.S. and the U.S.S.R. to come to terms. This time the United States controls the balance of power. President Nixon proved that when he ordered the bombing attacks as North Vietnam again invaded the south.

The world shuddered, the Democratic Presidential candidates shouted their jeremiads, but the President and his adviser Kissinger knew what they were doing. Both China and Russia had to accept this new element in Vietnam because the United States once again controls the balance of power.

But only the events unfolding in the next months and years can prove the real worth of the Nixon peace policy. If the war in Vietnam ends, if there is no eruption in the Middle East, if the relaxation of the tension in Europe continues, then the new policy will prove to be the greatest diplomatic success in history.

At present, the bombing goes on because North Viet Nam refuses to check its invasion of the south. But the aid formerly received from Russia and China is no longer being received. And neither China nor Russia has formally protested to the United States, nor will they. The war must come to an end, for North Viet Nam cannot long continue this new kind of war without suppliers. Then the United States can totally withdraw, and an era of universal peace may be at hand.

Neither Machiavelli or Prince Metternich would ever have believed that diplomacy could come to this. President Wilson, seeking world accord, thought persuasion alone could do it. But President Nixon has seen that the best way to get world peace is the proper application of power. That is the kind of persuasion Communists understand. His diplomacy should bring an end to war in Viet Nam, and it should prevent other "brush fire" wars, as President Kennedy called them.

This, in turn, will enable the great powers to keep the peace. As the President returns home from the second of his brilliantly successful diplomatic journeys, it appears that the prospect for enduring world peace was never more promising.

SMALL CLAIMS COURT AS A CONSUMER REMEDY

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mrs. HECKLER of Massachusetts. Mr. Speaker, the seventies have become the decade of consumerism. Today more and more attention is being given to the very legitimate claims and complaints which consumers have against harmful credit reporting techniques, faulty workmanship, and poor performance.

The consumer is often hampered in remedying these situations by lack of information. Confronted by a myriad of agencies, officers, and bureaus, a disgruntled customer often gives up his attempts to seek relief.

For his reason, the Students Organized for Consumer Action—SOCA—at Boston College, under the direction of Rev. Robert J. McEwen, S.J., have prepared a series of reports designed to inform the public of gaps in necessary consumer information or protection related to products and services. SOCA bulletin No. 1 addresses itself to the subject of the small claims court as a viable instrument in consumer complaints.

I commend these students for their efforts to insure greater protection for the Massachuetts consumer, and include the text of their first bulletin for your information:

SOCA BULLETIN NO. 1

SMALL CLAIMS COURT AS A CONSUMER REMEDY

The Small Claims Court should be one of the crucial tools of effective consumer action. It is a man's chance to defend himself in a court of law at little cost. However, our study of 1000 cases in four different district courts (West Roxbury, Quincy, Hingham, and Dorchester) shows consumer use of this legal remedy to be minimal. While sixty-six percent of all cases involved a company suing an individual, only five percent were individuals suing a company. There are several reasons for this.

Lack of knowledge of small claims court procedures on the part of consumers is a major problem. Few people know how to use the court. Few people even know that it exists. As a solution, we urge pamphlets be published by either the courts, the Attorney General's office, or the State Department of Education or the Consumers Council to explain the purpose and procedure of the court.

Another problem is time. Court hours are scheduled during the regular working day, a most inopportune time for the average working man who might lose money if he had to be in court. We urge that evening and Saturday court sessions be scheduled.

Thirdly, the court personnel should be made aware of their duty to the public. What is routine for them may be something entirely new for a consumer. Their willingness and ability to help is most important.

The small claims procedure was intended to provide a simple, prompt and informal means at small expense for the adjudication of small claims. For the most part the system fulfills these prerequisites. When a person believes that another party owes him money for damage to personal property, nonfulfillment of contract, etc. (in the amount of $300 or less) he may bring suit against this party in Small Claims Court. The plaintiff goes to the Clerk of the Court. The Clerk transposses a simplified version of the plaintiff's story to a court docket and then notifies the defendant by registered mail that a complaint has been lodged against him, informing him of the nature of the complaint and the date of the trial. This whole procedure costs the plaintiff only three dollars and fifty-five cents.

If the defendant does not settle with the plaintiff out of court, then the case comes to trial in a few weeks. At that time the plaintiff brings any evidence he has to court (a torn coat from a laundry, for example), and waits for his case to be called. Either party is allowed to be represented by a lawyer, but this is not recommended by the court. The judge will listen to both sides of the story, asking questions as he sees fit. Both parties will be informed of the judge's decision by mail a week or so later. If the plaintiff wins his case, the judge will usually make the defendant reimburse him for the court costs and sometimes even for the time the plaintiff missed from work. Either party may appeal the decision to a regular court trial.

MR. FRANK SCHMIDT—A VENERABLE GENTLEMAN

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. CORMAN. Mr. Speaker, I want to take a few moments today to tell my colleagues about a man who came to our country as an immigrant 67 years ago, and whose life in his adopted country exemplifies what America is all about.

Mr. Frank Schmidt will celebrate his 89th birthday on June 16 in the company of friends and family living in my congressional district.

Mr. Schmidt arrived in America in 1905, unable to speak a word of English though he was—and still is—fluent in five other languages. Three days after his arrival he began to work as a laborer. He studied English at night, and by World War I had advanced to roundhouse foreman for the Baltimore and Ohio Railroad. During World War I, he served the U.S. Navy as a civilian on detached duty, expediting transportation of troops and water materiel. He was selected for this role because of his railroad experience and also because he was one of the few men who could communicate in the various languagés of the immigrant railroad workers. He continued with the Navy, teaching crash courses in machine skills to classes of immigrants to further the war effort. In the years after World War I he earned his teaching credentials at night school and taught in Brooklyn. With the onset of World War II, Mr. Schmidt volunteered for and taught extra after-hour courses in machine operating procedures to help meet the burgeoning manpower needs of war production.

In 1965, at the age of 82, Mr. Schmidt volunteered for VISTA, and at the organization's request moved from California to Philadelphia where he taught full-time courses in tool and diemaking to minority students at Temple University. In 1967 he was honored by the city of Philadelphia for his services and as the oldest VISTA worker in America. Just this year, upon specific invitation, he has rejoined VISTA on a part-time volunteer basis. Throughout these years he raised and educated a family and launched them on careers as productive citizens.

Mr. Schmidt's other contributions to this country notwithstanding, it is remarkable that in his 88th year, at an age when most men think only of rocking chairs and warm slippers, he serves in VISTA.

A very wise man said long ago:

> Misfortune is no disgrace but doing nothing about it is—and so it is with age. We may fold our hands in the face of the infirmities that age may bring, and let the world pass us by, or we may simply forget to look for it, and find life active and good long after we have passed the promised biblical limit of days.

One can only believe that this wise man knew there would be Frank Schmidts in the world when he wrote these words.

For whatever reasons he left his native land, a man with Mr. Schmidt's character would certainly have lived the same kind of life in any country he adopted. How fortunate for all of our countrymen whose path he crossed, for they learned much from him: patriotism in the truest sense of the word; fortitude, perseverance; love of country; and the grace that service to his community and to his fellowman offers. For 67 years he gave of himself to America. This is a better country because he chose to make it his home. The lives of all of us have in some part been enriched.

I am sure, Mr. Speaker, that my colleagues join me in wishing Mr. Schmidt a very happy birthday on June 16.

AEROSPACE INDUSTRY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Karl G. Harr, Jr., president of Aerospace Industries Association of America, Inc., recently addressed the Aero Club of Washington, D.C.

In his discussion he talked about our total national economic situation and the effect of development of high technology products as a cornerstone of our competitive world market position. I am including the significant comments of Mr. Harr in the RECORD and commend them to the reading of my colleagues and the general public.

The comments follow:

REMARKS BY KARL G. HARR, JR.

I have a gut feeling that this is neither the time, the place nor the audience for either a technical or a statistical exposition of any of the problems that confront the aerospace industry. Besides I've already spewed forth all the statistics I know on the subject and even a few I'm not quite sure about.

Rather, I think, this is a good time, place and audience for the consideration of the fundamentals of the world in which we currently live, and the analysis that must be made if we are to deal with these fundamentals.

I am not talking about a "white paper" or state-of-the-industry type survey. I am talking rather about facing up to some simple truths, on the part of ourselves, the Government and the American people as a whole, insofar as the fate and fortunes of the aerospace industry are, indeed, a matter of national concern.

Let me begin by saying there is no real question about the survival of the aerospace industry over the long run as a sound and increasingly dynamic element of the total national economic picture. Even if not just some but all of the companies that comprise the industry today were to disappear tomorrow, they would have to be immediately replaced by others in adequate numbers to fulfill national requirements of the same dimension. For air transportation has become a necessity as a means of mass transportation, not just nationally but globally; the aerospace component of national security will inevitably grow rather than diminish; the space effort will be pursued, in the long run I am convinced, on some roughly equivalent order of magnitude; and, perhaps most significantly of all, the capability to produce high technology products will become increasingly essential to our national well-being, not merely in terms of our national economic competitiveness, but also in terms of our capacity to address a multitude of new and demanding domestic problems.

However there is a real question whether we as a nation will be able to realize, in the national interest, upon the benefits of this asset called the aerospace industry in ways adequate to the challenges immediately ahead of us. Many current signs tend to indicate that we will not, and that we will as a nation pay a fearful price for this failure.

There is no simple single explanation for this failure. Nor does any person or group have a monopoly on the wisdom needed to remedy it.

Perhaps the way to begin looking for this wisdom is to examine some of the sources of today's situation. The aerospace industry, as we know it today, really came into being in the post-Korean War period. It started its surge toward that peak position, where it ranked as the nation's foremost industry on many if not most counts, sometime in the late 1950s.

Three principal factors were involved:

1. Soviet demonstration of both nuclear weapons and intercontinental delivery capability produced a reaction that led to an almost frantic U.S. effort to develop and install ICBSs; to deploy an effective retaliatory bomber deterrent, and to develop a strategic undersea deterrent.

2. The arrival of the Space Age, about the same time and with demonstrated Soviet capability therein, produced a reaction here that led to a decade of commitment to high-geared space exploration, both manned and unmanned.

3. The arrival of the Jet Age in terms of commercial air travel led to the usurpation by aviation of an enormous chunk of the travel market that had previously belonged to surface modes.

All of these factors started to gain momentum in the late 1950s and surged forward into the mid-1960s, culminating in a peak for this new industry, in terms of sales and employment, in 1968.

Where did this leave us in the late 60s? Well it meant that America had in its midst a brand new, big, heterogeneous industry with spectacular capabilities for both advanced technological and managerial accomplishments. Foreign competitor nations, mostly still struggling out of the destruction of World War II, and possessing neither the economic base nor the technological injection of comparable national efforts in space and defense began to lag behind us in overall technological advances to the point at which there was desperate concern as to whether they ever would be able to compete. The famous brain drain became very real as the U.S. became regarded as the place where the action was in all advanced technological pursuits. One thing came after another. Computers, for example, were greatly spurred by the space effort. Our transport aircraft dominance seemed permanently assured. One after another, new industrial processes seemed to be promising to widen the gap between ourselves and other nations.

In short, there was every reason to believe, and most people both here and abroad were firmly convinced, that the only problem was to keep the U.S. from hopelessly out-distancing the rest of the world in the production of high technology products.

This pace of advance, of course, obscured parallel maturing of some problems arising within the procurement process itself in this country, and it also obscured some signs of a coming alteration in the trade factors that had prevailed since World War II. In effect we were moving so fast, were doing so well that there was a general complacency about some of these small black clouds. Many assumed we could ignore them.

However, in 1967 or 1968 there began a rapid and radical turnabout. Competition for priority on the part of shrieking domestic concerns reached a crescendo simultaneously with a general abatement of fear about overall national defense, the subsiding of concern about space competition and general and widespread disenchantment with the Vietnam War.

There was a very rapid and almost complete flip-flop in public attitudes crystallizing into a reaction against technology generally. The frenzy of a mere decade earlier to "catch up" in engineering students turned into a virtual discrediting of the profession. For a time at least there was an almost universal return, particularly among youth, to the Walden's Pond syndrome—a rejection not only of the so-called military industrial complex, but of all technological advance.

This tide culminated in, if you will permit me, the emotional and irrational rejection of the supersonic transport at what was certainly the most uneconomical time and for the most absurd reasons. The SST was, in my view, a hapless victim of unfortunate timing.

Okay, so that was a year ago—and now we have had time to look at the effects of this overreaction and have started to pick up the pieces.

In these calmer times we all can take a somewhat longer view—and what we see down the road, and not very far down the road at that, is pretty frightening.

In our violent transition from a period of accelerated technological advance—a virtual technological revolution—to a period of intense and almost exclusive preoccupation with domestic social problems, we have come perilously close to throwing the baby out with the bath water.

For during this transition period, say 1967 or 1968 to the present, not only have our principal competitor nations been moving feverishly in the opposite direction, but we seem to have completely lost sight of some of the fundamentals upon which both our economic and national security survival have always been based.

So now we are awakening to some rude surprises. A trade deficit for the first time in 80 years. A productivity growth rate for the past five years lower than that of any major industrial nation. An inability for the first time in modern history to accumulate the financial resources necessary to proceed with the next generation's research and development. A reverse brain drain. Hordes of skilled scientists and engineers—so desperately needed and recruited a few short years ago—serving as short order cooks. The very real prospect of seeing the world's air transport fleets, now nearly 80% equipped with American aircraft, become predominantly foreign built. An American superiority in weapons systems drastically undercut both qualitatively and quantitatively. A drying up of the undergraduate and graduate school pools from which our future scientists and engineers must come. Hundreds of thousands of skilled and semi-skilled workers newly unemployed and largely unemployable at their skills.

In general terms, a lopping off at the knees of that giant which has stood us in such good stead both in terms of our national economic well-being and our national security since World War II—the capability of producing high-technology products, for whatever purpose, far better than any other nation in the world.

Where does that leave us now?

Well, I suggest, it at least gives us considerable food for thought. There's a very human tendency to believe when you first realize something that you discovered it, and a lot of people are busy "discovering" today that we're in a hell of a fix. Publications ranging from the scholarly to the most current mass media are full of it. Those faced with all or a piece of the problem are and have been for some time busily grappling with it. Now, I recognize that few if any of us can individually comprehend all of the factors that must be taken into consideration. I certainly do not pretend to be able to do so. The most, and perhaps the best, one can do is to candidly and objectively as possible put forth from his own perspective the facts as he sees them.

So here goes.

First, this nation is due for a rude jolt not very far down the road in terms of its international trade position. Gradually over the past decade the advantages we have had in this regard have slipped away and now we are in jeopardy of losing those last few key elements which have kept our heads above water. This focuses very much on the aerospace industry because of its central identification with our national capacity to produce superior high technology products. To date we have been able to overcome labor costs advantages on the part of our competitors. We have been able to overcome myriad forms of government support to our competitors. We have been able to afford sometimes superb neglect of support of exports by our own government. Today we no longer are in a position to do this. Some of all of the competitive advantages of our revived, resuscitated and hungry competitors must be countered if we are to retain our world leadership in high technology products. Whatever steps we take, whatever practical combination of measures we adopt to survive this challenge, they must stem from and be consistent with the acceptance of one fundamental strategy. The Government, fully supported by industry, labor and the public at large, must adopt as a national goal the maintenance of a positive trade balance. In every way consistent with our other national policies this goal must be supported by positive export policies. Particularly, given the current situation, these policies must be designed to emphasize promotion of internationally competitive high-technology products, because it is such products that represent our strongest card in the international market place.

Second, even if the foregoing principle is fully adopted, the nation will still be in for that rude jolt if it doesn't have the capacity to produce such superior products for export, and today that capacity is in jeopardy. Obviously this deficiency transcends the question of international trade and involves as well both our domestic economic growth and serious questions of national security.

In a number of ways and for a variety of reasons we are now neglecting research and development. We are neglecting it in terms of direct Government funding, and we are neglecting it in terms of the policies confronting private funding. We also are suffering from the fact that under our system the rising costs of research and development put us at a disadvantage compared with our principal competitors in terms of assembling, from private sources as we must do, the financial resources necessary to the task.

Here again, we need to accept, as a nation, a long-range national technological strategy. Such a strategy must of course be responsive to the nation's needs in the fullest sense, but it also must be supported by a mechanism that can establish and pursue research and development goals, objectives, priorities and programs, and also provide adequate funding.

Third, we are paying an unnecessary price for our failure to find ways effectively to apply some of our superb technological and managerial skills to a whole range of domestic problem areas in which there is an obvious potential contribution for such skills.

Many of us could write brilliant and sophisticated essays on the problems and obstacles associated with effectively making such transfers. This subject has been the great intellectual plaything of the last five to 10 years. Many of us in the industry, in Government at all levels and branches, and in the intellectual community have been debating our respective breasts about it for some time. Although I don't for a moment suggest that the many problems uncovered through experience or study are unreal or will be solved easily, I don't think it's beyond our national genius to analyze the fundamental first steps that must be taken toward their solution. Some of these, I am pleased to say, already are underway in the Executive Branch. Programs to identify major domestic problems having a potential for technological solution and to fund their R&D have been initiated. But this must not be a one-shot effort. It must be a continuing program and it must be accompanied by funded demonstration programs backed by a concentrated Government effort to find solutions to such problem areas. Only in that way will the puzzle that has so fascinated us be solved.

Fourth, all of the foregoing relates in greater or lesser degree to questions affecting our national security. I would merely point out one simple fact in this regard. Since World War II the United States has deterred war with a posture based on a limited force-in-being equipped with superior weaponry. Such superiority has been made possible by viable industry, active technological competition, adequate research and development funding and sufficient procurement of advanced systems.

As in the case of our international competitive position we in the industry now are concerned with our ability to meet our share of future defense requirements if present trends continue. You all know the overall employment story, but of even greater importance in this particular connection is the national reduction in numbers of scientists and engineers. Many vital technological and managerial teams have been broken up with a resultant erosion of the future technological capability on which our national security must be based.

The simple conclusion and remedy here seem to me to be logically inescapable. If we as a nation are to continue to base our national security on modern forces-in-being, relying on qualitatively superior weaponry, then we must fund both research and development, and procurement, adequately.

Fifth, again inescapably intertwined with the foregoing but having its own special place in the future of this country, is the treatment we as a nation accord the greatest national adventure we have ever undertaken, the exploration of space. Perhaps more than any other element of our concern; perhaps even more, in a sense, than questions affecting national security, our national willingness or unwillingness to proceed with this effort so rich in demonstrated benefits of all kinds, will foretell our spiritual strength to face the future. As a nation we now have a fine plant, superb teams of skilled people and programs intelligently designed to reap maximum benefits for the nation. There are many untapped practical applications for space research utilizing the space shuttle. Earth orbiting satellites, weather control, communications advances and the management of our natural resources, despite many accomplishments already made, have only scratched the surface in improving our own environment.

Common sense, it seems to me, once again dictates the policy course that is in the best national interest. We must utilize efficiently the existing research and development capability and capacity that are made available to us through the Space Program. We should, of course, emphasize projects having the greatest potential for solution of man's problems on Earth, but above all we should take optimum advantage of the opportunity afforded us by the efforts and public investments of the last dozen years.

What indeed have I been talking all around in this recital of fundamental problems? They all relate to one central proposition.

We cannot as a nation afford the loss of technological momentum that we have undergone and are undergoing today. We cannot afford it in terms of our competitive position in an increasingly dyanmic world economy. We cannot afford it in terms of our national security. And we cannot afford it in terms of the options available to us to address a host of critical domestic problems.

Who can't afford it?

Well, obviously indsutry, and particularly an industry such as ours, can't afford it because technological superiority is that which keeps us competitive. Labor can't afford it because the productivity based on technological superiority is what keeps our labor force competitive. The American consumer can't afford it because the price of his consumer products is directly tied to the competitiveness of American industry and labor. But above all, the nation as a whole can't afford it because its prosperity, freedom and progress are, and have been for a quarter of a century, tied directly to it.

I give you these thoughts with some humility. I fully realize that they are neither new nor startling. Yet they are clearly central to our national dilemma. We cannot spend too much time or effort working toward their resolution. Perhaps nothing else we can concern ourselves with at this moment in history is of greater importance.

EULOGY TO JAMES PORTER SEIDENSTICKER

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. HAMILTON. Mr. Speaker, my good friend and colleague, Andy Jacobs, recently delivered a eulogy to James Porter Seidensticker, a well-known and well-respected Indianapolis resident. "Port" Seidensticker served his city, his party, and his country well during his long lifetime, service that is well documented in the eulogy that follows:

EULOGY TO JAMES PORTER SEIDENSTICKER, MAY 26, 1972

We gather together for continuing tribute to a remarkable life. Port Seidensticker was a person of deep, strong and idealistic principles, and just a little cantankerous.

In 1916 James Porter Seidensticker was first elected to office—President of his senior class at Shortridge High School in Indianapolis. He was then and continued throughout most of his life to be an outstanding athlete.

His studies at Indiana University were interrupted by World War I and his conspicuously intelligent choice among the various branches of American military service. He, of course, became a Marine. When Americans came back from "over there," Port continued his studies at Carnegie Tech and later became secretary to the National Commander of the American Legion. And a while later he was the executive secretary of the Indianapolis Junior Chamber of Commerce.

In 1920 when Governor Cox and Franklin Roosevelt sought the Presidency and Vice Presidency on the Democratic ticket and Harding was awarded the Presidency on the Republican ticket, Porter Seidensticker was elected to his first public office on the Democratic ticket. Port became Democratic precinct committeeman in 1920 and thus began a political career that was to continue for fifty years as party precinct committeeman, ward chairman and delegate to Democratic Conventions. There he goes—with straw hat and ribbons proclaiming without equivocation who his candidate is; likely as not standing on the Convention floor before the rostrum demanding regular order and that the rules be followed. "Those were the days, my friend."

"All that you do, do with your might, for things done by half are never done right." Those words could have been written about Port Seidensticker.

In the 1920's Port helped organize the Indiana and Marion County Young Democrats. And he, together with his famous father, the former Postmaster of Indianapolis, stood up when the standing up was rough against the Ku Klux Klan in Indiana. "Be strong and of good courage, be not afraid. Neither be dismayed." Can you imagine Port Seidensticker not strong? Can you conceive of his lacking courage? And did anybody ever see Port Seidensticker dismayed?

During the 1930's Port continued his active participation in the affairs of the American Legion and organized alert opposition to the growing Nazi cancer in Europe.

When World War II happened, Port Seidensticker was there, forty-two years of age, volunteering and because of his remarkably good physical condition, being accepted once again in the United States Marine Corps.

It is 1945. Can't you see him, standing there in that elevator, ramrod straight, tears streaming down his cheeks in a way that made crying strong and expressive, upon his hearing those four catastrophic words, "Franklin Roosevelt is dead."

In 1947 James Porter Seidensticker was elected from the First District to become City Councilman of Indianapolis and continued to serve during the administration of Mayor Al Feeney.

In 1971 they finally gave him the Adlai E. Stevenson award for excellence in political service and civic performance.

Though he rose to the highest councils of our city, his basic MOS never ceased being the precinct, just as a Marine's basic MOS is always infantry.

Port Seidensticker was rightly known as the Committeeman's Committeeman.

Jud Haggerty has suggested that some of us see life in black and white while others see it in technicolor. Not only did Port Seidensticker see life in technicolor, but somehow he arranged such reception for all the rest of us who have been privileged to come in contact with him. Look at the magnificent humanity some of us might have missed had there been no Port Seidensticker. Can't you hear him? "I'm going to call Chet Schonecker and Bessie Gasaway and Jimmy Slinger and some more of my friends and see what they think."

And in the precincts of politics he remained the tough D.I., the Marine Corps drill instructor afraid of nobody when he was satisfied he was on the right side. And if you knew Port you know he was always so satisfied. If Port was for you, you didn't need to question it. And if he was against you, he had a way of making you believe that, too.

Port Seidensticker never stopped believing what he learned in his high school civics class. He believed in the most idealistic concept of democracy and the nobility of its participants.

Political Science Professor Stoner of Indiana University had once said jokingly that sometimes it seemed "Government is that means by which the strong will take what they would have taken anyway and the weak may retire gracefully." Can you in your wildest imaginings see Port Seidensticker retiring gracefully at the hands of the so-called politically strong?

In 1958 a high British official visited the United States, not having done so for a decade. He was asked what change in our country impressed him most. And he replied that in 1948 the average citizen seemed to question and require proof from his government but that by 1958 Americans seemed to be going along and saying, "Well I guess that must be right."

That might have been true of many Americans but it wasn't true of Port. Listen, "Are we going to take orders from the politicians downtown? No—o—o! We're the little people. We're in the precincts. They work for us. We don't work for them." What a delight. What refreshment. What a privilege that Port passed our way.

Even into advanced years there he was climbing the long flights of stairs in the apartment buildings of the fourth preinct, fourth ward in Indianapolis, knocking on the doors, tipping his hat, urging the people to participate in the people's business of politics.

On primary day his base of operation was not at precinct headquarters. It was a comprehensive war room replete with company runners at the ready, mechanized forces manning their automobiles at the curb and his own situation map, a huge hunk of cardboard listing every voter, the time of day each preferred to vote, who needed reminding, who needed a ride, who needed cajoling, and who needed a sidewalk repaired. And throughout it all, there was his Sally smiling broadly as if somehow to counterbalance the cantankerous when it burst forth to admonish us "Young fellows are going to have to learn."

All the King's horses and all the King's men never got Port into line. Because being "out of line" was exactly in line with James Porter Seidensticker's concept of what American democracy and a precinct committeeman were all about.

Elmer Davis said this country was not created by cowards, and it will not be maintained by them either. James Porter Seidensticker, Sr. was no coward. He was and his memory is all that any American, Jefferson, Jackson and all the others might have hoped for.

PEERS COMMISSION REPORT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. ASPIN. Mr. Speaker, yesterday the New York Times published portions of the My Lai massacre report known as the Peers Commission report. I believe that Army Secretary Robert Froehlke should release the entire 260-page document.

It is foolish for the Government to withhold a document, part of which has already been published. Rather than rely on excerpts published in one newspaper, Members of Congress and the public should have an opportunity to study the entire document.

As many of my colleagues may know, on April 4 I filed a Freedom of Information Act suit seeking release of the massacre documents.

Originally, the Government was scheduled to respond to my suit on Monday, before Federal District Judge John H. Pratt. However, on Friday the Government filed a motion requesting an additional 2-week delay. Obviously the Government is stalling in order to cover up the unpublished portions of the report. Surely the Government knows its position by now and these delaying tactics only reveal the Government's total disregard for the public's right to know the contents of the report.

I will continue to press for a full hearing of this case as soon as possible.

Those portions of the report published by the New York Times raised serious questions about the effectiveness of our system of military justice. General Koster and General Young have been accused of 43 specific charges of misconduct. It is clear that they should answer those charges before a military tribunal.

I am also calling upon Secretary Froehlke to report to the American people what the Army has done to improve the training of infantry soldiers to prevent another My Lai tragedy. The Peers Commission report recommends that the training be improved in the rules of war for our soldiers and the procedures for the reporting of war crimes be simplified.

However, the specific recomendations of the Peers Commission report and what actions the Army has taken remain a mystery.

SOVIET RECORD IN 25 SUMMIT AGREEMENTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. CRANE. Mr. Speaker, Americans are being asked at this time to gamble with the national security of their country and to curtail arms production and development on the basis of a treaty signed by our own leaders and those of the Soviet Union.

If the Soviet record with regard to keeping its treaty obligations was an honorable one, that gamble might well be worth taking. All of us want peace, and none would seek to fuel a race in armaments unless it was necessary for our continued security.

The Soviet record, however, could hardly be worse. In seven summit meetings between a U.S. President and a Soviet leader, 25 agreements have been reached. The Soviets have violated 24 of those 25 agreements according to a staff study for the Senate Judiciary Committee.

In its issue of May 29, 1972, U.S. News & World Report presents this Soviet record. Consider some examples:

At Potsdam, where President Harry Truman represented the United States in a summit meeting after Germany's surrender, the Soviet Union made 14 major agreements. All were broken.

In 1955 at Geneva in a Big Four meeting, including France, Russia agreed that Germany's reunification problem should be settled by free elections. Moscow later refused to permit such elections.

In World War II, the Soviets promised Western allies they were seeking no territorial aggrandizement. But Russia by 1948 controlled 11 countries—plus East Germany—and 750 million people.

Some have argued that times have changed, that the Soviet Union in 1972 is more trustworthy than it has been in the past, that we are now entitled, if not obligated, to place faith in its word.

Yet, recent examples of Soviet violation of agreements are as numerous as those dating to the period of World War II.

In 1969, for example, the Soviet Union promised to end the nuclear arms race and work toward disarmament. Instead, it accelerated its missile construction and overtook our own country. Now it is challenging us in almost every category of nuclear weaponry.

Even more recently, in 1970, the Soviet Union approved of a U.S. cease-fire plan in the Middle East, then helped Egypt violate it by moving SA-2 and SA-3 antiaircraft missiles up to the Suez Canal.

Can the good faith of a country with a record such as this be taken seriously? Can we, in fact, stake our own national security upon it?

The record indicates that the burden of proof is clearly with those who say that we can. No one should make that decision until carefully reviewing the record.

Following is a brief summation of that record as it appeared in U.S. News & World Report:

SOVIET RECORD IN 25 SUMMIT AGREEMENTS—ONE HONORED, 24 BROKEN

In seven summit meetings between a U.S. President and a Soviet leader, 25 agreements have been reached. The Soviets have violated 24 of those 25 agreements, according to a staff study for the Senate Judiciary Committee. Here is their record:

1943. At Teheran, in a meeting with British Prime Minister Winston Churchill and U.S. President Franklin D. Roosevelt, Joseph Stalin made four major agreements. Russia broke all of them.

1945. At Yalta, in another wartime Big Three meeting, Russia entered into six major agreements, of which five were violated. The only pledge kept was to enter the war against Japan—and that was done only after the outcome was decided.

1945. At Potsdam, where President Harry Truman represented U.S. in a summit meeting after Germany's surrender, Stalin made 14 major agreements. All were broken.

1955. At Geneva, in a Big Four meeting including France, Russia agreed that Germany's reunification problem should be settled by free elections. Moscow later refused to permit such elections.

No hard agreements were reached at the last three summit meetings—in 1959 when President Dwight Eisenhower met with Nikita Khrushchev in Camp David, Md.; in 1961 when President John F. Kennedy met with Khrushchev in Vienna, and in 1967, when Premier Alexei Kosygin conferred with President Lyndon B. Johnson in Glassboro, N.J.

The Russians similarly have failed to keep many other international agreements with the U.S. Examples:

In World War II, the Soviets promised Western allies they were seeking no territorial aggrandizement. But Russia by 1948 controlled 11 countries—plus East Germany—and 750 million people.

Russia repeatedly promised the U.S. between 1942 and 1946 that it would guarantee freedom and free elections in Hungary, Bulgaria, Poland, Czechoslovakia and Rumania. All those countries wound up with Communist dictatorships.

The Kremlin pledged to repatriate World War II prisoners, but instead sent millions of them to slave-labor camps.

Russia gave the U.S. a promise that Korea would be free and independent—then set up a Communist government in the northern half of the country and masterminded an attempt to invade and conquer the rest of Korea. That broken promise cost the lives of 33,629 Americans.

The Soviet Foreign Minister traveled to New York in 1946 and repeated a previous Kremlin promise that the Danube River would be opened to free navigation and trade. Today, the lower Danube, behind the Iron Curtain, is still a controlled Communist waterway.

The Soviet Union promised the U.S. that it would treaty Germany as one country after World War II—then sealed off its occupation zone, turned it into a separate country and is now seeking to make Germany's division permanent.

Russia's promise of free travel between Berlin and the West has been broken repeatedly. Outstanding examples of this were the Berlin blockade of 1948–1949 and the 1961 construction of the Berlin Wall.

Russia repeatedly assured the U.S. in 1962 that the arms build-up in Communist Cuba was purely defensive in character—then secretly put in offensive missiles aimed at the U.S. When this action was met by a firm U.S. challenge and naval blockade, Russia promised to remove the missiles.

Faced with Russia's long history of breaking agreements, the U.S. attempted a tacit rather than a formal agreement to halt nuclear testing in 1958. In 1961 the Soviets broke this understanding and resumed testing.

In signing a nonproliferation treaty in 1969, Russia promised to end the nuclear arms race and work toward disarmament. Instead, Russia accelerated its missile construction, overtook the U.S. and is now challenging in almost every category of nuclear weaponry.

In 1970 Russia approved of a U.S. cease-fire plan in the Middle East, then helped Egypt violate it by moving SA–2 and SA–3 antiaircraft missiles up to the Suez Canal.

Other countries, as well as the U.S., have learned by experience that they could not rely on agreements with the Kremlin. Examples:

In joining the League of Nations in 1934, Russia pledged not to resort to war. In 1939, Russia was expelled from the League for acts of aggression, including the invasion of Poland and Finland—both countries with which Moscow had signed treaties of nonaggression.

In violation of nonaggression pacts, Russia invaded Estonia, Latvia and Lithuania in 1940 and incorporated them into the Soviet Union.

AGRIBUSINESS BIAS SEEN IN UNIVERSITIES

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. OBEY. Mr. Speaker, just a few days ago, the agribusiness accountability project released a report entitled "Hard Tomatoes, Hard Times."

The report delves deeply into the expenditure of tax funds at America's land-grant colleges, and concludes that—

> The tax paid, land grant complex has come to serve an elite of private, corporate interests in rural America, while ignoring those who have the most urgent needs and the most legitimate claims for assistance.

Most disturbing in their report is the degree to which "people-oriented" needs—such as rural poverty, rural income improvement and rural housing—are ignored in terms of total research by these colleges.

In 1969, for example, 6,000 man-years of research was conducted by our land-grant colleges, yet only 4.8 percent deal with people-oriented programs. Eighteen scientific man-years were spent on improving rural income, and seven on rural housing. A grand total of 17 scientific man-years was spent on the causes and remedies of poverty among rural people, while enormous amounts of time and money were spent on the technical and managerial needs of agribusiness corporations and large-scale operators.

Mr. Speaker, these are not the only disturbing facts brought out by "Hard Tomatoes, Hard Times." Certainly they are sufficient to make this must reading for all those concerned about the future of our rural areas, because if we speak of agricultural or rural development without zeroing in on the problems facing rural people, then we are blindfolding ourselves against the true problems of rural America.

The following article from the Washington Post regarding this report indicates some of its other conclusions and recommendations:

AGRIBUSINESS BIAS SEEN IN UNIVERSITIES

(By Nick Kotz)

The nation's tax-supported land grant universities have served corporate agribusiness while neglecting the needs of consumers, family farmers, farm workers, and rural America, a report charged yesterday.

The land grant college complex—composed of colleges of agriculture, agriculture experiment stations and state extension services—are charged with spending annually almost $1 billion in tax dollars "almost solely for efforts that have worked to the advantage and profit of large corporations involved in agriculture."

The 308-page critical study was made by the Agribusiness Accountability Project, a nonprofit, research organization, financed principally by the Field Foundation, and interested in the problems of the rural poor.

Jim Hightower, the project director, said at a press conference that his group soon will file lawsuits against various land grant universities, to require them to stop serving special corporate interests at the expense of the public interest.

The report, entitled "Hard Tomatoes, Hard Times, The Failure of the Land Grant College Complex" variously asserts that:

The land grant college complex has stimulated an agricultural scientific revolution which changed the face of rural America without devoting any attention to the needs of farmers, farm workers, consumers, and rural communities that have been adversely affected by that change. Even though the revolution in agriculture has enormously increased production, the gains in "strict economic efficiency" have been often offset by harm to "people."

Of 6,000 scientific man-years of research conducted at government-financed agricultural research stations in 1969, only 289 hours were devoted to the needs of rural people and their communities.

University research in cooperation with food corporations often has produced less desirable food for consumers such as "hard tomatoes," which were developed to withstand machine picking, or has produced harmful foods, such as cattle fattened with possible disease-producing chemicals.

Corporate agribusiness has developed machinery with taxpayers' help, "but the workers who are replaced are not even entitled to unemployment compensation."

The important advisory committees appointed by the Agriculture Department to supervise research have seldom had representation from "the rural nonfarmer, the small farmer, the leaders of rural communities, and the consumer."

Land grant colleges and their officials are guilty of numerous conflicts of interest in their relationships with agribusiness corporation. "It is difficult to find the public interest," the report states, in relationships in which it is impossible to tell "where the corporation ends and the land grant college begins."

The Agriculture Department's extension service has helped market agribusiness products while failing to implement a 1955 law relating to special needs of rural people and communities.

Black land grant colleges, created by an 1890 law in 16 southern and border states, are discriminated against in receiving less than one per cent of USDA funds allocated to land grants and agricultural research in those states.

Land grant colleges are not required to make adequate public accounting of their activities, particularly those conducted in partnership with agribusiness corporations.

"Had the land grant community chosen to put its time, its money, its expertise, and its technology into the family farm rather than into corporate pockets," the report states, "then rural America today would be a place where millions could live and work in dignity. The colleges have mistaken corporate need for national need. This is proving to be a fatal mistake for the people of America. It is time to reorient the colleges to act in the public interest."

The study recommends:

A General Accounting Office audit of the land grant complex.

Reopening of congressional hearings on the 1972–73 agricultural research budget.

Legislation prohibiting land grant personnel from receiving remuneration from agribusiness corporations in specified "conflicts of interest;" prohibiting corporations from earmarking research contributions for work in their own behalf; ensuring that land-grant patenting practices do not allow private gain from public expenditure.

"The land grant colleges must get out of the corporate board rooms," the report concluded. "They must get the corporate interests out of their labs. They must draw back and reassess their preoccupation with mechanical, genetical and chemical gadgetry. The complex must again become the people's university. It must be redirected to focus the preponderance of its resources on the full development of the rural potential."

The activities of Agriculture Secretary Earl Butz and his predecessor Clifford Hardin were cited in the report as an example of the close ties between agribusiness and the land grant colleges.

Butz and Hardin, to a certain extent, exchanged places as Hardin took the position being vacated by Butz on the board of directors of the Ralston Purina Co.

The report noted that Butz served as an officer of the Purdue Research Foundation and Purdue University, and as a $10,000-a-year director of the International Minerals and Chemical Corporation at the same time that the corporation gave the university research funds, developed a product through university research, and received a patent on the product from the university research foundation.

At the same time Butz and his university had interrelated ties with IMC and other companies, the report says Butz was publicly advocating industry viewpoints with such statements as: "Caution must be exercised that we don't go overboard in our hysteria to clean up the environment and make everything absolutely safe."

In contending that many land grant research facilities "begin to look like laboratories for the chemical industry," the report cites a University of California professor who said that at his school, a recipient of $600,000 in funds from chemical companies in three years, "individuals are more loyal to the insecticide companies than to the university or the growers."

Among questionable development of chemicals by universities to serve commercial food interests, the report cited:

The use of ethrel at Louisiana State University to effect ripening of hot pepper; the use of ferric ammonia citrate and erythorbic acid at Texas A&M to loosen fruit before machine harvesting; the development by the University of Florida of "Thick-skinned" tomatoes which are then ripened in storage by application of ethylene gas.

In addition to developing products of questionable safety and edibility, the report contends that universities have helped agribusiness develop products to deceive consumers.

For example, the report cited Iowa State University studies which indicate bacon stays bright-colored longer when it is vacuum sealed on carbon dioxide and University of South Carolina studies using a fluorescent light treatment to increase the red color in green-picked tomatoes.

IN THE WAKE OF SUMMIT, HOPES MUST BE CAUTIOUS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. EVINS of Tennessee. Mr. Speaker, the Nashville Tennessean in a recent editorial pointed out that although a beginning toward disarmament has been achieved at the recent summit conference in Moscow:

> It will take much more labor to erect a firm foundation for a stable world . . . cautious optimism is in order.

Because of the interest of my colleagues and the American people in the President's efforts to achieve disarmament, I place the editorial in the RECORD herewith.

The editorial follows:

[From the Nashville Tennessean, May 31, 1972]

IN THE WAKE OF SUMMIT, HOPES MUST BE CAUTIOUS

The Moscow summit is over, climaxed by the joint signing of a declaration of principles in which the United States and the Soviet Union pledged to seek peaceful solutions to their disputes. After two and a half decades, a watershed has been reached.

The meeting between the leaders of the two countries culminated in accords on limiting offensive and defensive weapons, on cooperation in space, on preventing Navy collisions at sea, on joining to fight pollution and cooperating in fields of health.

All of these are significant and even historic, but the millenial epoch is not yet at hand and the Russian bear has not changed into docility. Nobody knows at this point whether the arms limitation accords are going to be in good faith, or if a joint operation in space will work out.

What may be fully as important as any of these and, in fact, the determinant factor, are the personal contacts between the leaders of the two nations and their joint pledge to continue negotiating on a wide range of issues, including mutual and balanced force reductions in Central Europe.

But even with the agreements both sides reached, and the spirit of harmony that seemed to prevail between Mr. Nixon and the Kremlin leaders, there still remain deep divisions over Vietnam and the Middle East.

And Communist doctrine has not changed. Marxism-Leninism is a combative ideology. It progresses through struggle, although there are frequent pauses to re-group. But even so, the prospect of nuclear war and mass destruction introduces another factor in Communist dogma.

The Kremlin has a vested interest in avoiding holacaust, although the struggle may take other forms. The key to the Moscow summit very well may have been President Nixon's trip to Communist China and the emergence of communication between Washington and Peking.

The Sino-Soviet conflict is very real and what the Kremlin least wants is a closer rapprochement between Washington and Peking. If it had withdrawn its bid for Mr. Nixon's visit, that possibility would have loomed large.

There are intractable problems among the big powers; the fears of the Chinese that Russia may one day turn on them, and somewhat similar fears among Russians that the Chinese leadership may strike out in anger.

The struggles for primacy and influence in the world will continue, but President Nixon has sought, both in Peking and Moscow, to create a climate in which the voices of moderation are given freer rein than the voices of militancy; that restraint holds in the face of temptation.

Some building blocks have been erected, but the balance is yet fragile and uncertain. It will take much more labor to erect a firm foundation for a stable world. At this point, cautious optimism is in order—with the emphasis on caution.

A RESPONSIVE CONGRESS

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. HUNGATE. Mr. Speaker, there is a great movement in our country to make the Congress more "responsive" to the people. This is a great cause and one which most, and perhaps all, Members of Congress staunchly support. The large number of questionnaires, newsletters, radio and television reports, correspondence, and public appearances, both in nonelection and election years, represent a great effort on behalf of the Members to inform their constituents and to be informed on the views of those whom they represent.

Those who have stood for elective office would testify that there is no greater training in the science of being "responsive" than to place your name on a ballot where people can vote for or against you. Teaching responsiveness without standing for elective office is like teaching swimming without using water.

As the lobbyists study Congress, I am certain they would recognize the fairness in a congressional examination of lobbyists.

The biggest spending lobby in the last quarter of 1971 was Common Cause, spending a reported $123,000 in 3 months. For purposes of comparison, the Disabled American Veterans lobby listed $32,759 during the last quarter of 1971. Common Cause's total spending for the year was $1.1 million. Their 1972 operating budget is $2,294,300.

The Associated Press lists Common Cause as a "self-styled people's lobby." How is a "people's lobby" organized? How is it made truly "responsive?" Well, in the first place, it is not done by selecting its governing board through democratic processes. The present governing board for Common Cause—from whom you are receiving advices on how to be more "responsive" on Vietnam, water pollution, welfare reform, et cetera, presently consists of 42 members. Of these, 22—a majority—are appointed, not elected. Of these 42, 15 come from the area of Washington, D.C., with 11 listing the District of Columbia as their address and the other four from the Washington metropolitan area. Seven are from New York State, and all those seven are from the New York City metropolitan area. Three members are from Chicago, two from Los Angeles, two from Phoenix, Ariz., and one each from San Francisco, San Diego, and Stanford, Calif., St. Paul, Minn.; Philadelphia, Pa.; Lincoln, Mass.; Detroit, Mich.; Muscatine, Iowa; Cincinnati, Ohio; Durham, N.C.; New Haven, Conn.; Ann Arbor, Mich.; and Bennington, Vt.

Therefore, "representatives" faces a considerable hurdle at the outset, since 37 of the 50 States of our Nation have no representatives on the Common Cause Board. Among the unrepresented are 4½ million of my fellow Missourians.

I expect every Member of the House of Representatives would agree that the House is not as responsive to the people as it should be. However, it would appear nonetheless that some people's lobbies are probably less responsive, and certainly less representative than the U.S. Congress.

By 1974, Common Cause proposes a Board of 80 members—60 of whom would be directly elected by the membership and 20 of whom would be elected by the board itself. What would the public reaction be if we proposed a Congress of 400 Members—300 elected directly by the people and the other 100 selected by Congressmen themselves, "to insure that all segments of the population and all geographic areas are represented?"

Being a Congressman from the "Show Me" State can be exhilarating, exciting, frustrating, fractious, or just plain puzzling. However, it is never boring and carries the constant comfort that no matter how strongly your constituents may agree or disagree with you, they insist on thinking for themselves. The praise or vituperation you read does not represent the canned thoughts of a Washington-New York-Log Angeles or New Haven lobbyist, no matter how well paid those opinion molders may be.

I would urge voters, concerned about the problems and policies facing our country, to buy an 8-cent stamp and write your own letter to your Congressman. It is cheaper than joining Common Cause—and more effective.

SENATE—*Tuesday, June 6, 1972*

The Senate met in executive session at 12 noon and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

The Reverend William M. Sharp, pastor, Trinity Temple, Las Vegas, Nev., offered the following prayer:

Holy God of the eternal now, who from Your throne beholds this Senate today, grant to these leaders strength and wisdom to direct the affairs of this Senate and these United States.

Help us in the image of Your Son, Jesus of Nazareth, to cast down the dividing prejudices of the nations, and bring into focus universal love, without distinctions of race, merit, or rank. May the goals that we have achieved in science that have made the nations of the world a neighborhood, be linked with Your spirit, and make us true neighbors.

Grant to this Senate the courage of its convictions that will enable us to fear God rather than man, and to be ruled by God rather than to be enslaved by tyrants. Give our Senators aims and ambitions that will never grow vile and which cannot disappoint our hope. Make us aware that our Nation shall inevitably reflect the image of the God we worship.

Our prayer is that of the Psalmist, David, "that the Lord will bless His people with peace."

We humbly pray in Jesus' name. Amen.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senate adjourned in executive session last night, and hence it is convening in executive session today; but under the unanimous-consent agreement the following business will be transacted, as in legislative session.

First, the Senate will receive a message from the President of the United States.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 5, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time limit for debate already obtained on S. 3442 apply also to Senate Joint Resolution 206, the infant death syndrome proposal, but not concurrently; that the time be divided between the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New York (Mr. JAVITS); and further, that the consideration of Senate Joint Resolution 206 occur immediately upon the disposition of S. 3442.

Mr. JAVITS. Mr. President, I will not object, but may I know something about this? How much time is involved?

Mr. MANSFIELD. Twenty minutes, to be equally divided, on each bill.

Mr. JAVITS. I have no amendments, but are amendments permitted?

Mr. MANSFIELD. Ten minutes on amendments. I thought we had cleared this with the Senator.

Mr. JAVITS. That is fine, but I am deeply interested in an aspect of one of the bills which relates to venereal disease, but I do not wish to disturb the arrangement, although the time is really much too short. I will ride with it. I thank the Senator.

Mr. MANSFIELD. I thank the Senator.

The PRESIDENT pro tempore. Is there objection to the unanimous-consent request of the Senator from Montana. The Chair hears none, and it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 793, 794, 795, and 798.

The PRESIDENT pro tempore. Without objection, it is so ordered.

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

The Senate proceeded to consider the bill (H.R. 2) to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Uniformed Services Health Professions Revitalization Act of 1972".

SEC. 2. (a) Title 10 of the United States Code is amended by adding after chapter 103 a new chapter as follows:

"Chapter 104—ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

"Sec.
"2120. Definitions.
"2121. Establishment.
"2122. Eligibility for participation.
"2123. Members of the program: active duty obligation; failure to complete training; release from program.
"2124. Members of the program; numbers appointed.
"2125. Members of the program; exclusion from authorized strengths.
"2126. Members of the program; service credit.
"2127. Contracts for scholarships: payments.

"§ 2120. Definitions.

"In this chapter—

"(1) 'Program' means the Armed Forces Health Professions Scholarship program;

"(2) 'Member of the program' means a person appointed a commissioned officer in a reserve component of the armed forces who is enrolled in the Armed Forces Health Professions Scholarship program; and

"(3) 'Course of study' means education received at an accredited college, university, or institution in medicine, dentistry, or other health profession, leading, respectively, to a degree related to the health professions as determined under regulations prescribed by the Secretary of Defense.

"§ 2121. Establishment

"(a) For the purpose of obtaining adequate numbers of commissioned officers on active duty who are qualified in the various health professions, the Secretary of each military department, under regulations prescribed by the Secretary of Defense, may establish and maintain a health professions scholarship program for his department.

"(b) The program shall consist of courses of study in designated health professions, with obligatory periods of military training.

"(c) Persons participating in the program shall be commissioned officers in reserve components of the armed forces. Members of the program shall serve on active duty in pay grade O-1 with full pay and allowances of that grade for a period of 45 days during each year of participation in the program. They shall be detailed as students at accredited civilian institutions, located in the United States or Puerto Rico, for the purpose of acquiring knowledge or training in a designated health profession. In addition, members of the program shall, under regulations prescribed by the Secretary of Defense, receive military and professional training and instruction.

"(d) Except when serving on active duty pursuant to subsection (c), a member of the program shall be entitled to a stipend at the rate of $400 per month.

"§ 2122. Eligibility for participation

"To be eligible for participation as a member of the program, a person must be a citizen of the United States and must—

"(1) be accepted for admission to, or enrolled in, an institution in a course of study, as that term is defined in section 2120(3) of this title;

"(2) sign an agreement that unless sooner separated he will—

"(A) complete the educational phase of the program;

"(B) accept an appropriate reappointment or designation within his military service, if tendered, based upon his health profession, following satisfactory completion of the program;

"(C) participate in the interim program of his service if selected for such participation;

"(D) participate in the residency program of his service, if selected, or be released from active duty for the period required to undergo civilian residency if selected for such training; and

"(E) because of his sincere motivation and dedication to a career in the uniformed services, participate in military training while he is in the program, under regulations prescribed by the Secretary of Defense; and

"(3) meet the requirements for appointment as a commissioned officer.

"§ 2123. Members of the program: active duty obligation; failure to complete training; release from program

"(a) A member of the program incurs an active duty obligation. The amount of his obligation shall be determined under regulations prescribed by the Secretary of Defense, but those regulations may not provide for a period of obligation of less than one year for each year of participation in the program.

"(b) A period of time spent in military intern or residency training shall not be creditable in satisfying an active duty obligation imposed by this section.

"(c) A member of the program who, under regulations prescribed by the Secretary of Defense, is dropped from the program for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed by this section.

"(d) The Secretary of a military department, under regulations prescribed by the Secretary of Defense, may relieve a member of the program who is dropped from the program from any active duty obligation imposed by this section, but such relief shall not relieve him from any military obligation imposed by any other law.

"(e) Any member of the program relieved of his active duty obligation under this chapter before the completion of such obligation may, under regulations prescribed by the Secretary of Defense, be assigned to an area of health manpower shortage designated by the Secretary of Health, Education, and Welfare for a period equal to the period of obligation from which he was relieved.

"§ 2124. Members of the program: numbers appointed

"The number of persons who may be designated as members of the program for training in each health profession shall be as prescribed by the Secretary of Defense, except that the total number of persons so designated in all of the programs authorized by this chapter shall not, at any time, exceed 5,000.

"§ 2125. Members of the program: exclusion from authorized strengths

"Notwithstanding any other provision of law, members of the program shall not be counted against any prescribed military strengths.

"§ 2126. Members of the program: service credit

"Service performed while a member of the program shall not be counted—

"(1) in determining eligibility for retirement other than by reason of a physical disability incurred while on active duty as a member of the program; or

"(2) in computing years of service creditable under section 205, other than subsection (a) (7) and (8), of title 37.

"§ 2127. Contracts for scholarships: payments

"(a) The Secretary of Defense may provide for the payment of all educational expenses incurred by a member of the program, including tuition, fees, books, and laboratory expenses. Such payments, however, shall be limited to those educational expenses normally incurred by students at the institution and in the health profession concerned who are not members of the program.

"(b) The Secretary of Defense may contract with an accredited civilian educational institution for the payment of tuition and other educational expenses of members of the program authorized by this chapter. Payment to such institutions may be made without regard to section 3648 of the Revised Statutes (31 U.S.C. 529).

"(c) Payments made under subsection (b) shall not cover any expenses other than those covered by subsection (a).

"(d) When the Secretary of Defense determines, under regulations prescribed by the Secretary of Health, Education, and Welfare, that an accredited civilian educational institution has increased its total enrollment for the sole purpose of accepting members of the program covered by this chapter, he may provide under a contract with such an institution for additional payments to cover the portion of the increased costs of the additional enrollment which are not covered by the institution's normal tuition and fees."

(b) The table of chapters at the beginning of subtitle A and at the beginning of part III of such subtitle of title 10, United States Code, are amended by adding

"104. Armed Forces Health Professions Scholarship Program___ 2120"

immediately below

"103. Senior Reserve Officers' Training Corps _____________________ 2101"

SEC. 3. The Secretary of Defense shall, as soon as practicable after the date of enactment of this Act, conduct a comprehensive study to determine the feasibility and desirability of establishing within the vicinity of Washington, District of Columbia, a university to be known as the Uniformed Services University of the Health Sciences at which qualified persons who agree to perform a specified period of active duty in the uniformed services would receive education and training in those health professions needed by the uniformed services. In carrying out such study the Secretary shall—

(1) seek the views of associations of educational institutions devoted to the health sciences that such a university would likely include in its program;

(2) seek the views of associations of persons who are trained in the health professions that such a university would likely include in its program;

(3) define the mission and purpose of such a university;

(4) consider alternative means of obtaining and retaining health science personnel needed by the uniformed services;

(5) consider the relative cost effectiveness of achieving the purpose defined pursuant to clause (3) through the establishment of such a university as compared with the cost of each of the alternative means considered pursuant to clause (4);

(6) consider and, on the basis of the best information available, predict whether a national shortage will likely exist during the period 1980–1990 in those health professions that such a university would probably include in its program of training; and

(7) consider such other pertinent matters as the Secretary deems appropriate.

(b) In carrying out the study provided for in subsection (a), the Secretary of Defense shall seek the views, advice, and counsel of the Secretary of Health, Education, and Welfare, the Secretary of Transportation, and the Administrator of the National Oceanic and Atmospheric Administration.

(c) The Secretary of Defense shall report his findings, conclusions, and recommendations with respect to the study provided for in subsection (a) to the President and the Congress not later than one year after the date of enactment of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–827), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

COMMITTEE OBSERVATION ON NEED FOR SOME ADDITIONAL PROMOTION OPPORTUNITY TO GENERAL OFFICER AND FLAG RANK FOR MEDICAL OFFICERS

As already noted, the committee deleted the language of the House bill which would have removed present numerical statutory limitations on the promotion of medical corps officers to general or flag officer rank.

The committee would like to emphasize, however, that it does feel that promotions for medical officers to general and flag rank should be treated separately from the normal treatment extended to the overall issue of general officer numbers and promotions. Normally, those outstanding medical officers promoted to general and flag rank are those who would occupy the various medical management and supervisory positions within the medical corps. It was the view of the committee that there should be increased flag and general officer promotion opportunity for other outstanding medical officers who prefer to continue their careers in clinical or medical specialties while holding flag or general officer rank.

The committee, as a part of this report, is therefore requesting that the Department of Defense make a study of this problem and report its conclusions to the committee by not later than January 1, 1973. As a part of this study, the Department should also extend consideration to providing additional promotion opportunity for medical officers within the present total statutory numbers now allocable to the Department of Defense rather than considering only additional numbers for this purpose.

PURPOSE OF THE COMMITTEE SUBSTITUTE

The purpose of the bill is to establish an Armed Forces Health Professions Scholarship Program and institute a feasibility study of the Uniformed Services University of the Health Sciences. The committee's rationale for requiring a feasibility study of the Uniformed Services University of the Health Sciences has been discussed in the *Explanation of Committee Substitute* under change 2. The background and rationale for the committee's action concerning the scholarship program follows.

THE PROBLEM OF ATTRACTING AND RETAINING MEDICAL PERSONNEL IN UNIFORMED SERVICES

The uniformed services are presently facing a short term and long range problem in the attraction and retention of medical personnel that is approaching crisis proportions. Under law (Section 1074 of Title 10, U.S. Code) each member of the uniformed services has the right to medical and dental care. Under the provisions of the Draft Act the Congress has stipulated in Section 4(a) of that act that:

"No person shall be inducted for such training and service until adequate provisions shall have been made for * * * medical care, and hospital accommodations * * *."

Under Section 1073 of Title 10 the Congress has designated the Secretary of Defense as the one who is responsible for providing adequate medical care and facilities for members of the uniformed services. The Secretary of Defense has urgently requested that the scholarship provision of H.R. 2 be enacted into law so that he can carry out his important responsibilities under the law. The committee feels that the Congress must now take positive and prompt action to ensure that this moral and statutory obligation to provide proper medical care for our uniformed services is carried out.

The problem of attracting and retaining medical personnel in the uniformed services is further highlighted by the number of persons eligible for care in uniformed services medical facilities as of 30 June 1972:

Active duty	2,452,000
Retirees	934,345
Dependents (active duty)	3,481,840
Dependents (retired)	2,148,994
Survivors (active duty and retired)	698,500
U.S. civilian employees (overseas)	32,000
Dependents of civilian employees (overseas)	19,400
Total	[1]9,767,079

[1] The Department of Defense estimates that approximately 65 percent of the eligible population does obtain its care in department facilities and 35 percent obtains its care in civilian facilities under the CHAMPUS program (Civilian Health and Medical Program for the Uniformed Services).

BACKGROUND PROBLEM

Critical shortage of physicians in United States today

There is a critical shortage of physicians in the United States today. This shortage is an indisputable fact. The President's National Advisory Commission on Health Manpower in November, 1967 strongly recommended increased expansion of present medical schools and continued development of new schools. The Carnegie Commission on Higher Education in its October, 1970 report estimated a current shortage of 50,000 physicians and stated that there was no doubt that an "acute shortage exists." The problem is further compounded by the fact that there is only one opening for every two qualified applicants to medical school. Thus, there is not only a shortage of physicians but a severe shortage of medical school places to accommodate qualified applicants who want to pursue a medical education. This problem is dramatized by the fact that of the 310,000 physicians in the United States today fully 53,000 are graduates of foreign medical schools.

Critical shortage of physicians affects uniformed services

The shortage of physicians in the United States seriously impacts on the uniformed services. During the last 4 years fully 60 percent of the male physicians graduating from medical schools have entered military service; yet, the retention rate for physicians with two years of service is only about 1 percent. This severe retention problem is illustrated by the following 2 tables:

TABLE 1.—TOTAL DEPARTMENT OF DEFENSE PHYSICIAN GAINS AND LOSSES

	End fiscal year strength	Gains	Losses
Fiscal year:			
1967	14,735	4,490	3,150
1968	15,044	5,174	4,865
1969	15,754	5,629	4,919
1970	15,581	5,161	5,334
1971	14,066	4,060	5,575

TABLE 2.—DEPARTMENT OF DEFENSE REGULAR MEDICAL OFFICER STRENGTHS, GAINS, AND LOSSES

	End fiscal year strength	Gains	Total losses	Resignations[1]	Voluntary retirement
Fiscal year:					
1967	4,846	538	625	430	124
1968	4,712	421	555	386	118
1969	4,706	491	497	364	92
1970	4,446	328	588	389	139
1971	4,067	252	631	456	94

[1] Resignations and voluntary retirements do not add up to total losses because total losses also include such things as nvoluntary retirements, administrative discharges, deaths and the like.

These tables highlight two distinct problems that the Armed Forces have in retaining medical officers. Table 1 points up the overall problem of retention of medical officers in the Armed Forces. As of 31 December 1970 of the 14,899 medical officers in the Armed Forces 10,549, or almost 71 percent, were non-careerists (defined as those with under 4 years of service).

Table 2 clearly shows the serious loss of career Armed Forces medical officers. The total loss of careerists has gone up dramatically since 1969 and shows no sign of abatement. If the present trend were to continue the Armed Forces would lose over 40 percent of their presently depleted career medical officers within 5 years.

Doctor Draft Law Expires

Section 5(a) of the Military Selective Service Act provides the authority to induct medical, dental, and allied specialist personnel into the uniformed forces. In addition, the President has had the authority to draft these medical personnel until age 35 because of the provision in the Military Selective Service Act which provides that an individual registrant is liable for the draft up until age 35 if he receives a deferment prior to reaching age 26. As a practical matter, it was only the medical personnel who came under this provision, as other registrants were not inducted once they had reached age 26.

Now that the President has cancelled all future undergraduate student deferments, medical students will be eligible for the draft on a one-time basis, just as other students are. This will result in virtual elimination of the doctor draft law within 6 years with a resultant shutting off of the supply of doctors to the military unless timely action is taken. The following table shows the estimated Department of Defense Medical Corps strength from fiscal year 1971 through fiscal year 1980 assuming that the "doctor draft" expires 1 July 1973 and that the expanded scholarship program proposed under H.R. 2 is not enacted:

ESTIMATED DOD MEDICAL CORPS STRENGTH

Fiscal year	Beginning strength	Gains	Losses	End strength
1971	15,587	4,094	5,606	14,075
1972	14,075	5,169	4,735	14,509
1973	14,509	3,642	4,100	14,051
1974	14,051	2,619	5,200	11,470
1975	11,470	2,429	3,600	10,299
1976	10,299	1,887	2,600	9,586
1977	9,586	1,500	2,400	8,686
1978	8,686	1,000	2,000	7,686
1979	7,686	850	1,800	6,736
1980	6,736	850	1,200	6,386

It should be noted that there will be an estimated drop of 7,689 medical personnel, under the assumptions in the above table, between the fiscal years 1971 and 1980. This would result in a reduction of almost 55 percent in Department of Defense medical personnel in just 10 years. The very serious impact that this would have on medical care in the Armed Forces is obvious.

Legislation will attack problem

The legislation recommended by the Committee on Armed Services will attack the problem of attracting medical personnel to the uniformed services by establishing a very comprehensive scholarship program for the training of professionals in the health fields for careers in the Armed Forces.

Limited scholarship programs presently available for Armed Forces

Each of the services presently has a limited scholarship program for medical students. These programs, however, have no specific statutory basis and lack uniformity. In addition, the limited scholarship programs in the services are relatively new and provide relatively few scholarships. For example, the Army and Air Force started their limited scholarship programs in fiscal year 1967, with these services receiving 40 and 68 graduates respectively in fiscal year 1971. The Navy program began in fiscal year 1971 and has not as yet had a graduating group. The scholarship program in H.R. 2 provides specific statutory authority for the scholarship program, increases the number of scholarships, and creates uniformity in scholarship programs among the various services.

Scholarship Program Under Committee Proposal

A student, selected for this program, who is attending or has been accepted for attendance at a civilian medical professional school, will be on inactive duty as a reserve officer in grade O–1 (2nd lieutenant or ensign). While in this inactive Reserve status the student will of course not receive the pay and allowances of pay grade O–1 but will instead receive a monthly stipend of $400. The student will receive the full pay and allowances of pay grade O–1 and other benefits when he is on active duty for the 45 days each year that he is in the program as stipulated in the language of the committee bill. In addition, the committee program would provide full payment of all medical school expenses and fees. The minimum amount that a student could receive for a full year of training (excluding tuition and fees) would be $5,200.

The Secretary of Defense would prescribe the amount of obligated service required except that he could not prescribe less than 1 year for each year of subsidy. This would provide flexibility in adjusting the payback period, depending on the experience with the program. Depending on the need and availability of funds there is statutory authority to provide for a maximum of 5,000 scholarships at any one time. The first year (fiscal year 1973) breakout by services and costs of the scholarship program are as follows:

	Scholarships	Cost (millions)
Army	1,400	15.0
Navy	1,125	12.0
Air Force	1,225	13.0
Total	3,750	40.0

Anticipated large numbers of scholarship students at certain institutions

Because the number of scholarship students will be quite large (a maximum of 5,000 at any one time) it may be desirable for the Department of Defense to attempt to reach agreements with certain institutions in which these institutions would take Department of Defense scholarship participants *as additions* to their student bodies. These additions would pose a financial problem for the institutions in question in that medical school tuition and fees do not cover the total expense of educating medical students; in fact, most medical institutions operate at a substantial financial deficit. Accordingly, the Department of Defense would provide educational services payments to these institutions to defray the costs of adding Department of Defense scholarship students to their student bodies.

It is important to point out that the House passed bill intended and the committee bill language makes explicit that the above educational services payments would only be made when there are actual Department of Defense scholarship student additions to already existing student bodies. These payments would not be made for scholarship students who were already accepted for or matriculating in a particular institution.

The committee also intends that these payments be made *only* to cover the cost that the institution incurs for adding the students to its normal medical school enrollment and not for such things as new construction, remodeling of facilities and the like.

COST AND BUDGET DATA

The planned breakout by profession for the first year (fiscal year 1973) of program operation is as follows:

	Number of scholarships
Professions:	
Medicine	2,700
Dentistry	950
Allied Sciences[1]	100
Total	3,750

The projected breakout by the fifth program year is as follows:

	Number of scholarships
Professions:	
Medicine	3,200
Dentistry	1,000
Allied Sciences[1]	500
Total	4,700

[1] See following list of the professions and disciplines covered by this term.

ARMED FORCES HEALTH PROFESSION SCHOLARSHIP PROGRAM

Professions and disciplines to be represented

Medicine, Osteopathy, Dentistry, Veterinary Medicine, Bioenvironmental Engineering, Entomology, Bacteriology, Biochemistry, Virology, Aviation Physiology.

Health Physics, Clinical Psychology, Psychiatric Social Work, Pharmacy, Optometry, Podiatry, Speech Therapy, Audiology, Laboratory Science, Sanitary Engineering.

The Department of Defense estimates that implementation of this scholarship program will result in first-year costs (fiscal year 1973) of approximately $40,000,000, followed by annual costs thereafter of approximately $50,000,000. Set out below is an estimated allocation of these costs (in millions) over the 5-year period together with the amount attributable to each of the respective Armed Forces:

	Fiscal year—				
	1973	1974	1975	1976	1977
Army	$15.0	$18.8	$18.8	$18.8	$18.8
Navy and Marine Corps	12.0	15.0	15.0	15.0	15.0
Air Force	13.0	16.2	16.2	16.2	16.2
Total	40.0	50.0	50.0	50.0	50.0

DEPARTMENT OF DEFENSE ESTIMATES FOR THE SCHOLARSHIP PROGRAM FROM FISCAL YEAR 1973 TO FISCAL YEAR 1977

Fiscal year	Number of medical	Number of dental	Number of allied sciences	Total[1] scholarships	Cost per scholarship	Total cost (millions)
1973	2,700	950	100	3,750	10,600	$40
1974	3,200	1,000	500	4,700	10,600	50
1975	3,200	1,000	500	4,700	10,600	50
1976	3,200	1,000	500	4,700	10,600	50
1977	3,200	1,000	000	4,700	10,600	50

[1] Dependent upon funds made available and final scholarship costs for each student.

MOTOR CARRIER REPORTS TO THE INTERSTATE COMMERCE COMMISSION

The Senate proceeded to consider the bill (H.R. 1074) to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a 13-period accounting year, which had been reported from the Committee on Commerce with amendments, on page 1, line 10, after the word "year", strike out "subject to such rules and regulations as the Commission may prescribe,"; and, on page 2, line 2, after the word "year", insert a comma and "subject to such rules and regulations as the Commission may prescribe".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–828), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The legislation would permit motor carriers and others required to file annual reports with the Interstate Commerce Commission (ICC) under section 220(b) of the Interstate Commerce Act (the Act) to file such reports on the basis of a 13-period accounting year, rather than on a calendar year basis, if their bookkeeping is done on a 13-period basis.

A number of motor carriers use accounting systems based on a 13-period accounting year. Under such systems, the calendar year is broken into 13 periods of 28 days, each of which is in turn broken into four 7-day periods. The benefits of such accounting systems are that they make unnecessary certain accruals and deferrals, such as those for wages, withholding taxes, and related payroll expenses. Further, since each period consists of 4 weeks, comparison between several periods is improved.

The Interstate Commerce Commission currently permits motor carriers to keep their books of account on the 13-period basis and also permits quarterly reports to be filed on that basis. Other agencies of the Federal Government, such as the Internal Revenue Service and the Securities and Exchange Commission, permit reports to be made on that basis.

However, pursuant to section 220(b) of the Act, the ICC requires annual reports to be filed on a calendar year basis. This entails time-consuming bookkeeping operations to convert data from the 13-period basis used in everyday operations to a calendar year basis which is used only for an annual report to the ICC. The legislation reported by your Committee (H.R. 1074, to which S. 2020 was the companion Senate bill) will relieve carriers from this needless expense.

It should be emphasized that this legislation simply creates an option between calendar year and 13-period accounting year bases for annual reports to the ICC. It does not make the 13-period method mandatory.

COMMITTEE AMENDMENTS

The Committee amendments were proposed by the ICC and would insure that rules and regulations promulgated by the Commission apply to both reporting and filing requirements. The Committee believes that these amendments are consistent with the intention of the House of Representatives which, as noted in the report of its Committee on Interstate and Foreign Commerce, "amended the legislation to make it clear that the filing of annual reports with the ICC under section 220(b) of the Act on the basis of a 13-period accounting year would be subject to rules and regulations prescribed by the ICC."

The amendments are shown below—material to be deleted from the House-passed measure is in black brackets; material to be added is shown in italics:

[An act to amend section 220(b) of the Interstate Commerce Act to permit motor carriers to file annual reports on the basis of a thirteen-period accounting year.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 220(b) of the Interstate Commerce Act (49 U.S.C. 320(b)) is amended by inserting "either (1)" after "information", and by striking out "different date, and" and inserting in lieu thereof the following: "different date; or (2) for a thirteen-period accounting year ending at the close of one of the last seven days of each calendar year, if the person making the report keeps his books on the basis of such an accounting year, [subject to such rules and regulations as the Commission may prescribe] and elects to make such report on the basis of such accounting year, *subject to such rules and regulations as the Commission may prescribe.* Any annual report".

COST

Pursuant to section 252 of the Legislative Reorganization Act of 1970, the committee estimates that enactment of this legislation will result in no additional costs to, or expenditures by, the Federal Government.

PIPELINE SAFETY ACT AMENDMENTS

The Senate proceeded to consider the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968 which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That the first sentence of section 5(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674(a)) is amended by striking out "two years" and inserting in lieu thereof "five years".

SEC. 2. The first sentence of section 5(c) (1) of such Act (49 U.S.C. 1674(c)(1)) is amended to read as follows: "If an application is submitted not later than September 30 in any calendar year, the Secretary is authorized to pay out of funds appropriated or otherwise made available up to 50 per centum of the cost of the personnel, equipment, and activities of a State agency reasonably required, during the following calendar year to carry out a safety program under a certification under subsection (a) or an agreement under subsection (b) of this section; or to act as agent of the Secretary in enforcing Federal safety standards for pipeline facilities or the transportation of gas subject to the jurisdiction of the Federal Power Commission under the Natural Gas Act.".

SEC. 3. Section 13 of such Act (49 U.S.C. 1682) is amended by adding the following new subsection at the end thereof:

"(d) The Secretary is authorized to consult with, and make recommendations to, other Federal departments and agencies, State and local governments, and other public and private agencies or persons, for the purpose of developing and encouraging activities, including the enactment of legislation, to assist in the implementation of this Act and to improve State and local pipeline safety programs."

SEC. 4. Section 15 of such Act (49 U.S.C. 1684) is amended to read as follows:

"APPROPRIATIONS AUTHORIZED

"SEC. 15. For the purpose of carrying out the provisions of this Act over a period of three fiscal years, beginning with the fiscal year ending June 30, 1972, there is authorized to be appropriated not to exceed $3,000,000 for the fiscal year ending June 30, 1972; not to exceed $3,800,000 for the fiscal year ending June 30, 1973; and not to exceed $5,000,000 for the fiscal year ending June 30, 1974."

SEC. 5. The Secretary of Transportation shall prepare and submit to the President for transmittal to the Congress on March 17, 1973, a report which shall contain—

(a) a description of the pipeline safety program being conducted in each State;

(b) annual projections of each State agency's needs for personnel, equipment, and activities reasonably required to carry out such State's program during each calendar year from 1973 through 1978 and estimates of the annual costs thereof;

(c) the source or sources of State funds to finance such programs;

(d) the amount of Federal assistance needed annually;

(e) an evaluation of alternative methods of alloting Federal funds among the States that desire Federal assistance, including recommendations, if needed for a statutory formula for apportioning Federal funds; and

(f) a discussion of other problems affecting cooperation among the States that relate to effective participation of State agencies in the national pipeline safety program. The report shall be prepared by the Secretary after consultation with the cooperating State agencies and the national organization of State commissions.

SEC. 6. Section 6(f)(3)(A) of the Department of Transportation Act (49 U.S.C. 1655 (f)(3)(A)) is amended by deleting the words "and pipeline".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended, so as to read: "An Act to amend the Natural Gas Pipeline Safety Act of 1968, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–829), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BACKGROUND AND NEED

With enactment of the Natural Gas Pipeline Safety Act of 1968 the last remaining major transportation area theretofore exempted was brought under Federal safety regulation. The need for such legislation was brought to light by a series of major accidents in which a number of persons were killed. Nevertheless, the legislation was premised more upon the need to close evident gaps in the existing safety regulatory pattern than upon a poor industry safety record. The Natural Gas Pipeline Safety Act promised to set Federal minimum standards as a national floor that would insure an adequate level of safety throughout the country. Just as important, it promised a system for uniform, consistent and vigorous enforcement of those standards.

At the time of enactment there were about 823,000 miles of gas pipeline in the United States. Today there are more than a million miles of pipeline. The age of the pipelines range from those recently installed to others which have been in the ground for over 150 years. Pressures in pipeline systems range from low-pressure distribution systems which are operated at one-fourth pound per square inch pressure to high-pressure distribution lines which are operated at 1,300 pounds per square inch. Failure of a pipe can cause large amounts of gas to be released in a short time. The escaping gas goes either into the atmosphere or follows along natural tunnels in the earth next to pipelines or other utilities into homes and buildings. When it mixes with air, it becomes highly explosive. A recent tragedy near Washington, D.C. in which a mother and two infants were killed in an early morning explosion was apparently caused by gas flowing underground along the outside of utilities from a main broken during construction activities.

Most transmission lines are not located in urban areas so that failures do not often result in injury or death. Yet, as cities and towns expand with our ever-increasing population, the danger of pipeline accident increases. As the Chairman of the National Transportation Safety Board pointed out in hearings, ". . . the possibility of catastrophe is a continuing concern. If several recent accidents had occurred only a few miles one way or the other on the route of the pipeline, major catastrophes would have been the result."

During 1971 there were 45 deaths, 391 injuries, and an estimated $2,632,170 in property damage resulting from the 1,287 individual gas pipeline failures reported to the Department of Transportation. The Department has identified damage by outside forces and corrosion as two main causes of leaks. The National Transportation Safety Board also found "the major cause of gas pipeline accidents is damage inflicted on underground facilities by excavation or earthmoving equipment." These conclusions are based on data derived from the Department's newly implemented leak reporting regulations. The leak reporting system begun with these regulations is an important step toward illuminating the condition and safety of the pipelines buried throughout the country. It is, however, only a first step and must be quickly followed by others. The leak reporting system itself must be carefully analyzed and refined to insure the validity and usefulness of its data.

Most of the efforts of the Office of Pipeline Safety (OPS) from its inception have been devoted to the development of regulations. After issuance of its initial regulations on August 11, 1970, the Department found that corrosion control was not adequately covered and therefore, after extensive effort, issued new corrosion control regulations effective August 1, 1971.

The Department's enforcement program was only initiated in 1971. It was admitted during hearings that "obviously, with the limited staff that we have, very little monitoring goes on." The other tasks of the Department under the Act such as developing effective safety programs on the part of the several States and safety research and training have also been slow in development.

Operations of the Office of Pipeline Safety have been hindered by an inadequate number of personnel. At the time of the hearings, the Office of Pipeline Safety was authorized to fill 29 positions, but had actually filled only 23. Only two full-time positions were devoted to enforcing compliance with Federal standards. It has also suffered in funding. The following table sets forth the personnel and funding history for the Office of Pipeline Safety.

HISTORY OF FUNDING AND PERSONNEL FOR OPS

Fiscal year	Positions		Grants in aid		R. & D.	
	Budget request	Assigned[1]	Budget request	Assigned[1]	Budget request	Assigned
1969	45	20			$225,000	
1970	25	25			225,000	$155,000
1971	49	[2] 30	$1,000,000	$500,000	660,000	100,000
1972	32	[2] 30	1,000,000	750,000	100,000	100,000

[1] This column reflects positions assigned, or funds allocated, to OPS after final congressional action on appropriations requests. OPS is not funded as an individual item in the budget; it is assigned positions and allocated funds from the amounts appropriated to the Office of the Secretary of Transportation.

[2] 3 of these positions have been assigned to the Assistant Secretary for Safety and Consumer Affairs to support OPS functions and programs.

On April 2, 1972, a Director for the Office of Pipeline Safety was appointed for the first time since creation of the Office. Lack of a Director has doubtless hindered development of strong administration of the Act. It is hoped that appointment of a Director will provide firmer direction for the Office and more rapid execution of its responsibilities.

It seems that, although the Department has established Federal minimum safety standards, many of the same concerns that led to the Act in 1968—uncertainty about the condition of the vast pipeline system, inadequate monitoring of compliance with standards, gaps in the regulatory pattern, expanding urban areas with attendant increasing risk of disaster, need for additional research into the techniques of pipeline safety—still remain. Only a beginning has been made into the safety activities contemplated in the Act. It is expected that performance of the several tasks of the Office of Pipeline Safety will be accelerated and strengthened during the ensuing three fiscal years for which this legislation authorizes appropriations. It is also anticipated for the size of the staff will be increased materially during the period for which appropriations are authorized. Amendments recommended by the Committee are designed to facilitate administration of the Act and also to lead the Department to develop a more complete and comprehensive safety program. The Committee is aware that the enforcement of the Natural Gas Pipeline Safety Act will have to be watched carefully by this Committee for the purpose of determining whether additional amendments to the Act are required in order to assure an effective program for natural gas pipeline safety.

HEARINGS

The Committee's Subcommittee on Surface Transportation conducted hearings on November 9, 1971, on H.R. 5065 and on the companion bill, S. 980, and also on S. 1910, a bill introduced at the request of the National Association of Regulatory Utility Commissioners (NARUC) to amend the Natural Gas Pipeline Safety Act. It received testimony from the Department of Transportation, the National Transportation Safety Board, NARUC, and private citizens.

The Department of Transportation reviewed the activities of the Office of Pipeline Safety in administering the Act and specifically discussed subsequent responses by the Office to questions raised during the Committee's oversight hearing on the Act in July, 1969. The Department recommended (1) extension of the deadline for States to empower their pipeline safety agencies to impose monetary and injunctive sanctions to five years and (2) amendment of the Department of Transportation Act to permit transfer of authority over liquid pipeline safety matters from the Federal Railroad Administrator to the Office of Pipeline Safety. The Department supported (1) an amendment that would permit grants-in-aid to be made up to 50% of expenses incurred by States that act as agents of the Department to enforce compliance by interstate pipelines and (2) the amounts authorized by the House of Representatives. Among other proposals, the Department opposed making payment of grants-in-aid mandatory.

The National Transportation Safety Board (NTSB) reviewed its investigation of pipeline accidents and recommendations for alleviating safety problems. NTSB also recommended development of DOT leadership in meeting the problem of damage to pipelines caused by excavation or earth moving equipment.

NARUC criticized alleged shortcomings in the Federal safety standards, interference by the Office of Pipeline Safety in State efforts to fund safety inspections of interstate pipelines through assessment of those lines, and administrative actions and interpretations that tended to exclude the States from an effective role in pipeline safety. The Office of Pipeline Safety has subsequently changed its position on the assessment issue, now interpreting the Act not to address State power to assess interstate pipelines (*see*, February 17, 1972 letter from Office of Pipeline Safety, Senate Commerce Committee hearings. Serial No. 92-51, pp. 78-9.) NARUC recommended that (1) grants-in-aid be authorized to cover up to 50% of the expenses of States that act as agent of the Department to enforce compliance by interstate pipelines, (2) payment of grants be mandatory, (3) a study be made of State programs and funding resources, (4) Federal preemption of authority to set interstate safety standards be limited so that States could set more rigorous safety standards and (5) States be authorized to assess interstate pipelines to defray the expenses of their safety programs.

COMMITTEE AMENDMENTS

The Committee amendments were in the nature of a substitute text and an amended title to the Act. The following is a section-by-section discussion of the substitute text:

Section 1. Extension of deadline

The Committee recommends extension of the deadline by which a State must have in force legislation authorizing the State enforcement agency to impose monetary and injunctive sanctions from August 12, 1970 to August 12, 1973. After that date, States lacking such legislation will not be able to certify compliance with the Act and thereby qualify to enforce Federal safety standards. The Department recommended this extension (one year longer than that passed by the House of Representatives) in order to give those States whose legislatures meet biennially an opportunity to act. At this time 41 States plus the District of Columbia and Puerto Rico have provisions substantially the same as the Act. For two of the remaining States, New York and Pennsylvania, the Department is awaiting legal opinions from the appropriate State counsels that their State enforcement agency has the requisite powers. In four other States, Hawaii, Minnesota, Rhode Island, and Nebraska, there is no chance of legislative action until 1973. The extension recommended by the Committee should provide ample time for these States to act. It should not disrupt the legislative pattern of the Act, since the number of States affected by the extension involved is small.

Section 2. Grants-in-aid for States that act as agent of DOT

The Committee recommends that the Secretary of Transportation be authorized to make grants-in-aid up to 50% of the cost of personnel, equipment, and activities of States that act as agent of the Secretary in enforcing Federal safety standards for interstate pipelines. The Department supports this amendment. It originated the practice of entering into agency agreements with States for enforcement purposes because it did not have adequate manpower to enforce compliance itself. It regards the practice as a temporary arrangement until such time as the Department is adequately staffed to undertake full responsibility for enforcing compliance by interstate pipelines. Meanwhile, the States that cooperate with the Department to maintain interstate safety programs should not be required to bear the entire financial burden alone.

Based upon information informally received from the States that are presently serving as agents, this activity is estimated by the Department to cost about $75,000 during 1971.

Mandatory payment of grants-in-aid.—The House of Representatives passed an amendment to make mandatory payment by the Secretary of grants-in-aid. The Committee does not recommend adoption of this amendment. The Department of Transportation opposed this amendment because it believed that it would inhibit administrative discretion and might lead to indiscriminate payment of Federal funds. The discretion presently vested in the Secretary permits him to withhold grants-in-aid from States that do not adequately administer their safety programs. It gives him a sanction short of decertification to insure compliance by the States with the Act.

Section 3. Cooperation with State and Federal agencies to improve safety programs

The Committee recommends specific authority for the Department to consult with, and make recommendations to other Federal departments and agencies, State and local governments, and other public and private agencies or persons, for the purpose of developing and encouraging activities, including the enactment of legislation, to assist in the implementation of this Act and to improve State and local pipeline safety programs. The Act currently directs the Department's attention primarily to establishment and enforcement of safety standards. However, it appears that there are safety problems that may not be corrected by safety standards for pipeline construction, maintenance and operation. An example is damage to pipelines arising from construction, excavation or earthmoving activities on other than pipelines projects. The National Transportation Safety Board noted the need for leadership to meet and solve this problem. The Department already has taken an initial step in this direction by preparing and disseminating model legislation for the protection of underground utilities. The recent tragic explosion in Annandale, Va., might have been prevented had the legislation proposed by the Department been in effect there. The creation of specific authority to take such steps will give the Department a stronger voice in promoting improved safety programs at the State and local level. It would authorize the Department to provide leadership to remedy problems not reachable by safety standards and the Committee expects that the Department will exercise such leadership.

Section 4. Authorization

The Committee recommends the authorization limits passed by the House of Representatives which are not to exceed $3 million for fiscal year 1972, $3.8 million for fiscal year 1973, and $5 million for fiscal year 1974.

Section 5. Study of State programs and resources

The Committee recommends that the Department be directed to prepare and submit to the President for transmittal to Congress a study of the pipeline safety programs being conducted in each State and the amount of funds required and available to implement such programs. The study would also contain an estimate of the amount of Federal assistance required, an evaluation of alternative methods of allotting such assistance to the States, and a discussion of other problems relating to effective State participation in the national pipeline safety program. The Act sought to establish a viable Federal-State partnership to carry out a national program to strengthen gas pipeline safety. The States were given a very important role to play in the program. It would be useful at this stage in the history of the Act to have an evaluation of State programs and the effect of the Act upon them in order to provide a basis for determining whether changes or adjustments in the Federal-State relationship are needed. Further, a careful analysis of State financial needs and resources will prove helpful in ascertaining the future financial requirements of the Act.

Section 6. Jurisdiction over liquid pipelines

The Committee recommends transfer of decision-making authority for liquid pipeline safety matters from the Federal Railroad Administrator to the Secretary. The Department of Transportation Act of 1966 transferred the liquid pipeline safety function from the Interstate Commerce Commission to the Federal Railroad Administrator. In administering these programs, the Department has learned that the technical aspects of liquid pipeline safety are substantially the same as the technical aspects of gas pipeline safety. In practice, the Office of Pipeline Safety acts as the entire technical staff for the Federal Railroad Administrator on liquid pipeline safety matters. Consolidation of the gas and liquid pipeline safety functions in the Secretary would increase efficiency and promote economy in the Department's performance of its responsibility in these areas.

Following enactment of the Natural Gas Pipeline Safety Act of 1968 and the creation of the Office of Pipeline Safety to administer that Act, the Department initially considered the feasibility of consolidating the gas and liquid pipeline safety functions in the Office of the Secretary. This interest was supported by the House of Representative's Committee on Appropriations in reporting the Department of Transportation and related agencies appropriation bill, 1970 (91st Congress, First Session, H. Rep. No. 91-642, November 13, 1969). Although the 1970 budget for the Federal Railroad Administration requested $150,000 and five positions for oil pipeline safety, the House Committee on Appropriations denied that request. That Committee's report, on page 26, contains the following statement:

"The Act establishing the Department of Transportation assigned to the Federal Railroad Administration the responsibility for carrying out the functions, powers, and duties of the Secretary pertaining to oil products pipeline safety. The budget for this Bureau requests $150,000 and 5 positions for oil pipeline safety. No funds are provided for this program under the Bureau of Railroad Safety in contemplation of its being merged with the Office of Pipeline Safety in the Office of the Secretary. That office is responsible for the administration of the Natural Gas Pipeline Safety Act of 1968. Because of the similarities existing in these two programs, it is apparent that their consolidation should provide for more efficient administration. The Committee is providing 5 additional positions for the Office of the Secretary with the intention that the Office of Pipeline Safety administer both the oil products and the natural gas pipeline safety functions. The Department has been considering the proper organizational placement of these functions. A firm decision on this matter should be made promptly."

Subsequent to that report, the Department of Transportation created a special task force to review the desirability of the consolidation urged by the House Appropriations Committee. The task force provided representatives of the oil pipeline industry with an opportunity to present their views concerning the proposal, and the Association of Oil Pipe Lines made its opposition to the consolidation known to the task force. Nevertheless, the task force recommended that the liquid pipeline safety function be consolidated with the gas pipeline safety function in OPS.

During the past several years, Congress has enacted statutes—such as the Federal Railroad Safety Act, the Rail Passenger Service Act, and the Emergency Rail Services Act—which have imposed on the Federal Railroad Administration substantially increased responsibilities with respect to the railroad industry. Under these circumstances, the liquid pipeline safety function, including safety regulation of the Alaskan pipeline, could be more effectively administered by an organization whose only responsibility is pipeline safety.

OTHER ISSUES

Amendments proposed by the National Association of Regulatory Utility Commissioners to permit States to set safety standards more stringent than Federal minimum standards (but not incompatible with any Federal law or standard) when necessary to eliminate or reduce a local safety hazard and to permit States to assess pipelines to fund their safety programs (if funding from other sources is inadequate) were put before the Committee. Since these amendments would make major changes in the Act and would require a period of time for consideration that would delay enactment of the authorizations needed by the Department, the Committee did not adopt them. These proposed amendments are worthy of consideration and it is the intent of the Committee to undertake consideration of them at a later date in its continuing effort to insure an effective pipeline safety program.

COST ESTIMATE

Pursuant to section 252 of the Legislative Reorganization Act of 1970, the Committee estimates that the cost of this Act for fiscal years 1972, 1973, and 1974 for which appropriations are authorized will be $11,800,000. The Committee knows of no cost estimates by any Federal agency which are at variance with its estimate.

AUTHORIZATIONS FOR PROGRAMS OF THE NATIONAL BUREAU OF STANDARDS

The Senate proceeded to consider the bill (H.R. 13034) to authorize appropriations to carry out the Fire Research and Safety Act of 1968 and the Standard Reference Data Act, and to amend the act of March 3, 1901 (31 Stat. 1449), to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards, which had been reported from the Committee on Commerce with amendments on page 1, line at the beginning of line 3, strike out "That there are authorized to be appropriated to the Department of Commerce such sums as may be necessary for fiscal year 1973 and succeeding fiscal years" and insert "That there is authorized to be appropriated to the Department of Commerce not to exceed $5,000,000 for fiscal year 1973, not to exceed $9,000,000 for fiscal year 1974, and not to exceed $10,500,000 for fiscal year 1975"; and, on page 2, line 4, after "Sec. 2.", strike out "There are hereby authorized to be appropriated to the Department of Commerce such sums as may be necessary for fiscal year 1973 and succeeding fiscal years." and insert "There is authorized to be appropriated to the Department of Commerce not to exceed $3,000,000 for fiscal year 1973, not to exceed $4,500,000 for fiscal year 1974, and not to exceed $5,500,000 for fiscal year 1975."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–832), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

H.R. 13034 would authorize appropriations to the Department of Commerce fiscal years 1973, 1974 and 1975, to carry out the Fire Research and Safety Act of 1968 (Public Law 90–259 dated March 1, 1968; 82 Stat. 34) and the Standard Reference Data Act (Public Law 90–396, dated July 11, 1968; 82 Stat. 339). This bill would also amend the Act entitled "An Act to establish the National Bureau of Standards," (31 Stat. 1449) approved March 3, 1901, as amended, to make improvements in fiscal and administrative practices for more effective conduct of certain functions of the National Bureau of Standards.

BACKGROUND AND NEED

A. THE FIRE RESEARCH AND SAFETY ACT OF 1968

In enacting title 1 of the Fire Research and Safety Act of 1968, the Congress declared that a comprehensive fire research and safety program is needed in this country to provide more effective measures of protection against the hazards of death, injury, and damage to property and authorized the Secretary of Commerce, through the National Bureau of Standards, to undertake and carry out such a program. The annual toll in this nation from fire is estimated at 12,000 deaths, several hundred thousand injuries and property losses in excess of $2 billion.

The funds obtained through the authorization provided by this bill will enable the Department of Commerce to continue and expand its conduct of needed fire research in those areas authorized by the Fire Research and Safety Act—areas which are not now adequately being carried out by any private or government agency. A central purpose of the cited 1968 Act was to establish a focal point upon which research efforts at fire control and prevention could be centered.

Section 102 of the cited 1968 Act authorizes the Secretary of Commerce to conduct directly or through contracts or grants, the following activities:

(1) Investigations of fires as to their causes; frequency of occurrence, and severity of losses;

(2) Research into causes and nature of fires, and the development of improved methods and techniques for fire prevention and control;

(3) Public education on fire hazards;

(4) Fire information reference services;

(5) Education and training programs for professional firefighters; and

(6) Demonstration projects.

The funding that has been available to date for these activities has permitted only limited implementation of the Act. However, by integrating the management of scientific activities in support of the Flammable Fabrics Act and Fire Research and Safety Act under a new Office of Fire Programs, the National Bureau of Standards (NBS) has assembled a staff with exceptional technical competence in the field of fire research and technology.

For fiscal year 1973, NBS plans an expanded program under the Fire Research and Safety Act that will be conducted in close collaboration with the firefighting community and the building design community. Insofar as possible, demonstration programs and investigations will be carried out in local fire departments. The program will have three primary thrusts; fire prevention, improved fire detection and control, and improved firefighting techniques and equipment.

In the area of fire loss prevention, some experimental public education programs will be introduced in selected communities in fiscal year 1973. The effectiveness of improved building inspection and code enforcement techniques will be explored. The problems of protecting and removing people during a fire will be approached in a systems context, with particular attention to the problems of high-rise buildings, hotels, and hospitals.

Currently available smoke and fire detectors will be evaluated to develop performance criteria for detector selection and improved detector design and location practice. Automatic fire suppression systems, such as sprinklers, will be studied to determine the feasibility of developing systems for residential as well as commercial use.

Other programs in support of the fire services will include demonstration projects to test protectice gear, and performance standards for new equipment aimed at lowering acquisition and maintenance costs. Demonstration projects for regional fire dispatch centers will be organized so that areas containing numerous small fire service jurisdictions can be better protected. A program to stimulate interchange of techniques and ideas in the fire service through interdepartmental exchange of personnel also is proposed.

In addition, strengthened research, data collection, and information dissemination programs will support these new activities. This major expansion of the Fire Research and safety Program, Commencing in fiscal year 1973, is viewed by this Committee as a major step toward the development of a program of sufficient size to make a significant impact on the national fire problem.

Title II of the Fire Research and Safety Act established a National Commission on Fire Prevention and Control. This Commission, recently appointed by the President, will undertake a thorough study and investigation with the view of formulating recommendations whereby the Nation can reduce the destruction of life and property caused by fires in its cities, suburbs, communities, and elsewhere. However, none of the funds authorized by this bill are to be used by the Commission.

B. THE STANDARD REFERENCE DATA ACT

The Standard Reference Data Act declared the policy of the Congress to make critically evaluated reference data readily available to scientists, engineers, and the general public. It directed the Secretary of Commerce to carry out this policy by providing for the collection, compilation, critical evaluation, publication and dissemination of standard reference data.

The National Standard Reference Data System, established within the Department of Commerce under this Act, is administered by the National Bureau of Standards. Reference data are the results of quantitative measurements of the physical and chemical properties of substances. These numbers represent the properties of materials such as their melting points, strength, density, electrical resistance, and the like, which are needed by engineers and scientists in their daily work.

The National Standard Reference Data System is a nation-wide program to give the technical community of the United States optimum access to the quantitative data of physical science, critically evaluated and compiled for convenience. The principal focus of the program is on reliable quantitative information about the physical and chemical properties of well-defined substances. It seeks to upgrade the quality of experimental work throughout science and technology in the United States by publishing evaluations and criteria for carrying out and reporting laboratory measurements. It attempts to increase the productivity of American science and technology by insuring the ready availability of reliable data.

The funds obtained through the authorization provided under this bill will permit the continued support of ongoing efforts of the standard reference data system. It will allow also the orderly expansion of existing data collection and evaluation projects together with the initiation of new projects to fill gaps in important areas. A principal goal of the Standard Reference Data Program is that of providing authoritative reference data in fields of current concern to the scientists and engineers of the nation. As an illustration of the type of work on which this Program has focused, attention has recently been directed to repackaging of data for certain user groups who are concerned with major national technological problems. One such collection is expected to play an important part in a program aimed at design of more efficient, safer, and pollution-free incinerators. Another current project involves the preparation of data sheets on chemical substances which play a significant role in air pollution. Many different kinds of data will be collected in these sheets. Through this type of repackaging the most reliable physical property data will be made available to the growing number of scientists who are involved in air pollution research.

In addition, the National Bureau of Standards is making a study of the data requirements associated with the development of practical methods for production of heating gas from coal. This study involves experts from industry, government, and universities who will advise NBS on contributions which the Standards Reference Data Program can make to this important national effort. Another study is in progress on ways to provide critically-needed data on the properties of gases which are used in large quantities in the petrochemical industry.

C. AMENDMENTS TO ORGANIC ACT OF NATIONAL BUREAU OF STANDARDS

The Act entitled "The Act to establish the National Bureau of Standards" (31 Stat. 1449) approved March 3, 1901, as amended, is the Organic Act of the National Bureau of Standards which sets out the Bureau's authority and describes its functions. The overall goal of the National Bureau of Standards, a primary operating unit within the Department of Commerce, is to strengthen and advance the Nation's science and technology and facilitate their effective application for public benefit. To this end, the Bureau conducts research and provides: (1) a basis for the Nation's physical measurement system, (2) scientific and technological services for industry and government, (3) a technical basis for equity in trade, and (4) technical services to promote public safety.

This bill would permit improvements in the fiscal and administrative practices of NBS for more effective conduct of the Bureau's research and development activities by making the following amendments:

(1) Appropriation of funds to remain available beyond one fiscal year;

(2) Clarification of authority to engage in teaching and training activities in areas of special NBS competence;

(3) Clarification of authority to perform services for international organizations and governments of friendly countries and their institutions;

(4) Increase monetary limitation relating to construction and improvement of NBS buildings and facilities from $40,000 to $75,000; and

(5) Clarification of authority to provide care, maintenance and protection of the buildings and property of NBS.

The bill adds a section 18 to the NBS Organic Act, revises portions of sections 2, 3, 14 and 15 of that Act, and would repeal that portion of a 1926 statute which would become superfluous upon the enactment of the proposed revision of section 15 of the Organic Act. A brief description of each of the amendments made by section 3 is set out below:

Section 18

The proposed section 18 would provide statutory authorizations for appropriations for NBS to be on a multiple year basis or to be without fiscal year limitation. The final determination whether to limit the availability of an appropriation is made when the Congress acts on the appropriation bill, but an appropriation bill providing for a departure from single-year availability would be subject to a point of order if an authorizing statute had not previously been enacted. The proposed legislation is, therefore, a first step that must be taken before the question of extended appropriation availability can be raised with the Appropriations Committees.

Most research and development appropriations for other agencies are provided as "no-year" funds, available until expended. Their justification is found in the uncertainties inherent in research programs, the high incidence of unpredictable factors that compel readjustment of program activity and the need for flexibility to permit prompt response to changed circumstances.

Amendment to section 2

The proposed amendment to paragraph (19) of section 2 of the Organic Act would clarify the authority of NBS to engage in teaching and training activities in areas of special NBS competence. It would clarify the status of NBS scientific and technical personnel by allowing them, under certain circumstances to teach at educational institutions of higher learning as part of their official duties. The amendment would provide a clarification of the authority to publish and distribute scientific and technical data presently permitted. Such clarification would serve as a further means of diffusing the technology of NBS. It would serve also to facilitate, when needed, the establishment of cooperative arrangements with educational institutions. Thus, arrangements similar to that involving the highly successful Joint Institute for Laboratory Astrophysics (JILA), which NBS established in cooperation with the University of Colorado some years ago, could be consummated with greater ease because of a more appropriate legal framework in which to operate.

The activities authorized by paragraph (19), section 2, of the Organic Act are among the most important services offered by NBS. This authorization provides the basis for the extensive program of publications, exhibits, and demonstrations through which the science and technology evolved at NBS are transferred to the scientific and industrial community. It permits NBS to compile and diffuse general scientific and technical information of importance to science and industry, and not elsewhere available, in addition to reporting the results of NBS studies.

Amendment to section 3

The proposed revision of section 3 of the Organic Act would clarify the authority of NBS to perform its services for international organizations of which the United States is a member and for friendly countries and their institutions. At present, NBS has specific authority to exercise its functions only for the Federal Government, State and local governments, and for institutions and firms within the United States.

The increasing complexity of modern measurement techniques combined with the increasing cost of facilities required to calibrate and standardize measurement instruments which are a vital part of international commercial, technological, scientific, and defense activities has created a growing need for NBS under direction from the Department of Commerce to provide calibration, measurement, and other specialized services to certain international organizations and to friendly foreign countries. Moreover, the position of the United States as a leader in the international community in science and technology requires it to take an active part in encouraging international standardization.

For many years NBS has cooperated with the national standards laboratories of other nations, both directly in cooperation with the Department of State, and indirectly through the International Bureau of Weights and Measures. NBS also has cooperated with various other foreign scientific institutions which are engaged in studies of direct interest to NBS or other agencies of the U.S. Government. These exchanges of scientific information and special measurement services have been encouraged as an essential part of the responsibilities of the NBS and the Department for the correlation of our national measurement system with those of other nations, and for the precise determination of important physical constants.

In recent years, however, there have been increasing requests for NBS assistance from a variety of sources in other countries including commercial laboratories, as well as government and academic institutions. For example, friendly foreign purchasers of the highly sophisticated scientific and technological measurement instruments produced in the United States should be able to obtain calibration services from NBS when suitable services are not available in their own country. However, in view of the limitations implied in its Organic Act, NBS generally has restricted such assistance to requests from other national standards laboratories, and to requests endorsed by other Federal agencies, such as the Department of State. Such an endorsement provides a clear legal basis for NBS to provide the service under its responsibility for assisting other Federal agencies.

In view of the increasing importance to the United States of international trade, and the very significant role of measurements and standards in facilitating such trade, it is now essential that NBS have greater flexibility in responding to the growing number of requests for its assistance from foreign and international sources. In particular, the extension of calibrating and related measurement services to underdeveloped countries can be an important factor in encouraging the use of U.S. produced instruments and equipment in their laboratories and emerging industries. Moreover through their adoption of measurement devices and techniques compatible with U.S. practice, the way is cleared for a continuing fruitful exchange of goods and services with the United States.

The proposed clarification of the authority of NBS would enable it to respond more rapidly and effectively in those situations where its services can make an important contribution to U.S. objectives in international trade and international scientific programs. These services would be provided selectively when they are not available elsewhere, and are essential to U.S. objectives.

The services of NBS normally are provided on a reimbursable basis. The proposed legislation would not alter the procedure. The technical assistance provided to the commercial laboratories of other nations under the proposed authority will be at no additional cost to the United States. The authority would be subject to existing rules and regulations and to such others as the Secretary of Commerce may publish.

Amendment to section 14

The proposed legislation would increase the monetary limitation on construction and improvements of buildings and facilities of NBS to $75,000. At present, the limit on such construction or improvements is $40,000 unless specific provision is made for construction or improvements in the appropriation concerned.

The monetary limitation was originally established in 1950 at $25,000 and increased to $40,000 in 1958. The present limitation has, over the past 14 years, become obsolete as a result of the increasing cost of construction work and material and in meeting the expanding needs of NBS in fulfilling its mission. While specific appropriation authority is sought for extensive construction and improvement of the buildings and facilities of NBS, it frequently is not possible to anticipate relatively minor construction and improvement needs so as to include such items in the specific appropriation request.

Accordingly, unless an increase in such monetary limitation is obtained, undue delay is encountered until the specific appropriation authorization is obtained even though the construction work in question is comparatively small. To avoid this situation, it is desirable to raise the mentioned $40,000 limitation to $75,000. The proviso presently in the statute requiring specific provision in the appropriation concerned to construct buildings or make improvements in an amount in excess of the monetary limitation would remain unchanged under the proposed amendment to this section of the Organic Act.

Amendment to section 15

The proposed legislation would amend section 15(b) of the Organic Act with respect to protection of the property of NBS. A portion of the Act of April 29, 1926 (44 Stat. 356; 40 U.S.C. 14a) gave to the Secretary of Commerce the responsibility for "the care, maintenance, and protection of the buildings occupied by the Bureau of Standards of the Department of Commerce in the District of Columbia . . .".

NBS has now virtually completed the move of its offices and staff from its site in the District of Columbia to its new facilities at Gaithersburg, Maryland. NBS has also maintained for some years a large installation at Boulder, Colorado. The withdrawal therefore of the activities of NBS in the District of Columbia and the establishment of its major operations at Gaithersburg takes on added importance with regard to providing for the care and protection of the buildings and property of NBS.

The proposed legislation would amend section 15(b) of the Organic Act by confirming the authority of the Secretary of Commerce to provide care, maintenance and protection of the buildings and property of NBS without limiting such authority to those buildings located in the District of Columbia. As the authority granted by the proposed amendment would supersede the 1926 statute, this legislation would repeal a portion of the Act of April 29, 1926. Repeal of a Portion of 44 Stat. 356, 40 U.S.C. 14a.

This is a conforming action to reflect the amendments to Section 15(b) of the NBS Organic Act as stated above.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, may I be recognized now?

The PRESIDENT pro tempore. The Senator from Montana is recognized for 3 minutes.

REDUCTION OF AMERICAN FORCES IN EUROPE

Mr. MANSFIELD. Mr. President, in 1970 there was a hearing before the House Subcommittee on Europe entitled "U.S. Relations With Europe in the Decade of the 1970's."

There was a very interesting exchange in that hearing between the Representative from Indiana, LEE H. HAMILTON, and Assistant Secretary of State for European Affairs, Martin J. Hillenbrand, now serving as our Ambassador to West Germany.

I should like to quote from the testimony:

> Mr. HAMILTON. Mr. Secretary, you made it clear that you don't think we ought to unilaterally reduce our forces, and you have also indicated that it is not likely that there will be any mutual reduction.
>
> Under what circumstances is it possible that we would have a situation where we could reduce troops in Europe?
>
> What events would trigger, in your mind, the likelihood of a reduction of American forces?
>
> Really, from your comments, I don't see that you would ever consider a reduction in the near future at all. What kind of things would have to happen, before you think we ought to bring American troops home or reduce American troops?
>
> Mr. HILLENBRAND. Well, I think looking at the situation overall, some of the areas of major contention between the East and the West which still exist would have to be at least nearer solution than they are at the present time.
>
> If all things went right, during the next couple of years, . . .

I would urge my colleagues to listen to this—

> . . . if the SALT negotiations, for example, turned out to be a great success, and there were agreement reached in major areas under discussion, if the German eastern policy succeeds, and all of the various agreements which the German Government is trying to achieve with the Soviet Union, with Poland, and with East Germany, are achieved; if the trade between East and West expands; if there is greater exchange, culturally, economically, scientifically, and so on; and if it becomes quite obvious that the entire atmosphere between East and West is changed; then in effect, the postwar situation has completely come to an end, the transitional period is over, and we are in a new era.
>
> Mr. HAMILTON. Are you saying to me all those things have to happen before you are willing to consider any reduction of troops?
>
> Mr. HILLENBRAND. No, I am saying this is the ideal situation, and if that happened, then you wouldn't probably need many troops at all.

Mr. President, that is very interesting commentary. Most of the factors there outlined by Mr. Hillenbrand have been achieved. I would hope that what this distinguished Ambassador to West Germany at the present time said, and the ideas which were held by him as the Assistant Secretary of State for European Affairs, would be given consideration by this administration with a view to seeking a reduction in the 525,000 U.S. troops and dependents stationed in Western Europe more than a quarter of a century after the end of the Second World War.

Mr. SCOTT. Mr. President, as I have said on other occasions, I favor a rigid and balanced reduction of forces in Europe. I favor a European security conference in which all concerned nations, including the United States and Canada, are represented. I welcome evidence that the cold war period is ending and that a thaw has obviously set in, as evidenced by the Moscow summit, the President's reception at Warsaw, and the treaty negotiations going on between West Germany and East Germany and West Germany and Russia.

What we do not have yet is a clear indication as to whether the original Brezhnev doctrine has been superseded. That doctrine says, in effect, that the duty of the Soviet Union is to exercise a sort of paternalism over what we used to call the satellite countries, the other Communist countries of Eastern Central Europe.

Mr. President, until we are sure that there will be no more Czechoslovakian or Hungarian interferences coming from outside, we obviously have to retain some forces in Europe. I hope that the general declaration of principles enunciated at Moscow will lead to a clarification and make it clear that the old Brezhnev doctrine does not apply and that the Soviet Union does not feel it necessary to maintain its concept of communism by force in its neighboring countries.

If that is the case, then we will truly see a reduction of forces in Europe and a reduction in the cold war.

Mr. MANSFIELD. Mr. President, it appears to me that all of the conditions laid out by the Assistant Secretary of State in Charge of European Affairs have, in effect, been met. If we are going to wait until Russia does this, that, and the other thing, I am afraid that we can look forward to an indeterminate, if not a permanent, stationing of U.S. personnel and dependents in Europe over all too many decades, not years, to come.

Mr. SCOTT. Mr. President, the whole thrust of my remarks is to indicate that the Moscow statement of principles could be read to indicate a modification of the original Brezhnev doctrine. And I hope that is the case. However, we want to assure that the Soviet Union does not engage in other cases of adventurism, as in the case of Hungary and Czechoslovakia, and that they enter into a genuine brotherhood with the other countries of Europe so that the chances of peace will be enhanced.

BIG SHIFTS AHEAD FOR U.S. NUCLEAR ARSENAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article which appeared in the U.S. News & World Report under date of June 12, 1972. The article is entitled "Big Shifts Ahead for U.S. Nuclear Arsenal." The article goes into some detail as to what the effect of the SALT agreements, the Nixon-Brezhnev agreement will be.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DESPITE THE ARMS FREEZE: BIG SHIFTS AHEAD FOR U.S. NUCLEAR ARSENAL

Thousands more warheads, new bombers and submarines . . . they're all in White House blueprints for staying on a par with Russia in days to come.

President Nixon's arms-control agreements with the Russians are headed straight into a cross fire of controversy in Congress.

Critics on one side already are charging that the United States was "taken to the cleaners" by the Soviet Union, endangering national security for years to come.

On the opposite side, demands are rising for immediate, billion-dollar slashes in defense spending in view of the limits on numbers of nuclear weapons imposed by the accords.

The White House, in the days following the May 26 signing in Moscow, has been trying to answer critics on both sides. What emerges from official sources is the following picture:

Big changes and improvements are ahead for the U.S. strategic arsenal, despite the freeze. The arms-limitation agreement is not so encompassing that it can keep the U.S. from strengthening its technological lead over the Soviet Union, or from increasing the number of warheads by almost 100 per cent in the next 10 years. The point is driven home that the security of the U.S. is not endangered.

Because of the extensive changes ahead, there will be no savings in defense spending during the coming year. The budget for strategic nuclear forces, in fact, calls for a rise from 7.6 billions to 8.8 billions in the year starting July 1.

KEY PROVISIONS

The Moscow agreements provide in part for the following:

The U.S. is limited to 1,710 offensive missiles—the number now in the arsenal—and 200 defensive missiles. Within certain limits, the U.S. can substitute outmoded land-based missiles with more submarine missiles. There is no ceiling on the number of warheads a single rocket can carry.

There is no restriction on long-range bombers and none on technological developments—that is, the creation of wholly new weapons systems.

As to numbers alone, Mr. Nixon handed the Russians a potential lead in offensive missiles—2,500 to 1,710—a fact that has given rise to much of the criticism.

The U.S., however, has more than twice as many warheads as the Russians—5,700. If present plans are carried through, the number will come close to doubling in 10 years. That is one change being contemplated to make sure the U.S. does not fall behind.

How will that—and other changes—be carried out? The chart on this page gives an outline. In more detail:

LAND-BASED MISSILES

The U.S. has 1,000 Minuteman missiles and 54 older, liquid-fueled Titan missiles. There are actually three generations of the Minuteman missiles. In military shorthand, they are designated MM-I, MM-II and MM-III. The MM-III is designed to carry "MIRV" warheads—"multiple, independently targeted re-entry vehicles"—as many as three nuclear warheads in a single nose cone instead of one.

At present, there are 150 MM-III's in silos ready to fire. Ultimately, the Air Force plans to have 550 of the Minuteman III's and 450 of the MM-II's, which carry a more-powerful single warhead. All the first-generation Minuteman missiles are to be phased out.

The nation's investment in the first two generations of Minuteman is 11.4 billion dollars. The Air Force estimates that by the time it has all the MM-III's in place, an additional 6 billion will have been spent.

SEA-BASED MISSILES

The U.S. has 41 missile-launching submarines—10 converted to carry a missile with multiple warheads, known as Poseidon. The others carry single-warhead Polaris missiles. Each submarine has 16 launching tubes.

In time, the Navy plans to reverse the Polaris-Poseidon ratio, eventually acquiring 31 Poseidon submarines.

So far, the Navy has invested 14 billion dollars in the Polaris-Poseidon systems. When the program is completed, the total cost will be close to 20 billion dollars.

Under the Moscow agreement, the Navy could increase its missile-carrying submarines to 44, but only if the 54 obsolescent Titans are scrapped.

Beyond the Polaris-Poseidon system, the Navy is developing another, named Trident, which will carry intercontinental-range missiles—6,000 miles. Present maximum range of submarine-launched missiles is 3,000 miles.

This force, however, cannot be deployed during the five-year life of the Moscow missile agreement. Each of the initial 10-submarine Trident fleet would cost more than a billion dollars, according to some estimates.

The Navy is asking Congress for 942 million dollars in 1973 to continue developing the Trident system, compared with 140 million in 1972. The Tridents would not become operational before 1978.

ANTI-BALLISTIC-MISSILE MISSILES

The Moscow treaty limits each nation to 200 ABM's. Originally, the Army planned to deploy ABM's at 12 sites to protect the Minute-man missile launchers, beginning at Grand Forks, N.D., and Malmstrom, Mont. The ultimate cost was put at between 12 billion and 15 billion dollars.

Under terms of the treaty, 100 ABM's will be deployed at Grank Forks, the other hundred around Washington, D.C.

The abrupt change has thrown cost analysts in the Pentagon into admitted confusion. The Army already has spent more than 400 million dollars preparing the two Western sites. While Grand Forks is nearing completion, the Malmstrom site is only 8 per cent complete.

What it will cost to close down the Malmstrom construction and install 100 ABM's around Washington is under study. In the past two years alone, the Army has spent 2.5 billion dollars developing missiles and radars to occupy the two Western sites. It has asked Congress for an added 1.5 billion in funds for 1973.

BOMBERS

The Air Force's long-range-bomber fleet has 440 aging B–52s and 76 swing-wing FB–111s. The first B–52 was delivered in 1955, the last in 1962.

To preserve the strike capability of the B–52s, the Air Force is planning the introduction of two new weapons.

The first is an air-to-ground nuclear missile known as "SRAM"—short-range attack missile. The B–52s—and a bomber yet to be developed—will carry up to 20 of these supersonic, 85-mile-range weapons.

The second, also nuclear-armed, is called "SCAD"—subsonic cruise, armed decoy. These are basically pilotless aircraft with a range in excess of 200 miles. They are to be lifted by bombers into the attack area to confuse and destroy defenses.

Air Force plans call for replacement of the B–52s with 227 new B–1 bombers, at a projected cost of up to 10 billion dollars. The first of these supersonic aircraft is scheduled to make its initial flight in April, 1974. After that it will undergo a full year of tests. The B–1 will not reach the Air Force in significant numbers until the 1980s.

For the next five years, heavy emphasis is to be placed on research and development of entirely new weapons.

The U.S., for example, is interested in light rays, called lasers, to guide missiles with pinpoint accuracy in the final stages of flight and to search out submarines at unimaginable depths—at least by today's standards.

Intensive work on lasers capable of shooting down planes also is reportedly under way. Lasers to explode thermonuclear warheads are being investigated.

Some military experts insist the next step in reducing the "balance of terror" is to find a way to curb the technological race. Others think such a curb would be impossible to achieve, or police.

"MEGATONNAGE GAP"

Part of the criticism of Mr. Nixon's arms agreements stems from what critics call the "megatonnage gap." Russian warheads range in size from 1 to 25 megatons; some authorities say 50. U.S. warheads are much smaller. They range from 17 kilotons to nearly 10 megatons. Most are thought to be in the 200-kiloton to 1.2-megaton range. A kiloton is equal to the explosion of 1,000 tons of TNT; a megaton, a million tons.

White House spokesmen, however, point out that a 20-megaton warhead is not twice as effective as a 10-megaton bomb. For example, the Atomic Energy Commission reports a 10-megaton bomb will cause severe damage to reinforced concrete structures in a 5-mile radius around "ground zero." A 20-megaton burst would extend this range 1 mile.

A U.S. official described an "effective" warhead in these terms: "If a weapon is designed to take out New York City and can, and then you make it bigger than necessary, you haven't accomplished anything."

The U.S. long ago concluded that size alone was no measure of over-all effectiveness and concentrated on superior accuracy instead.

For a potential enemy, the U. S. nuclear arsenal—freeze or not—poses a formidable problem. It is this:

An attacking power must destroy nearly all U. S. offensive weapons at a single blow to escape devastating retaliation. American experts say that is now impossible.

The enemy would have to locate and sink all 41 missile submarines, catch 516 bombers on the ground at widely scattered bases and knock out most of the 1,054 land-based missiles, all simultaneously. Otherwise, an attack on one element would automatically alert the others.

Against that background, the White House is convinced that the nation retains a wholly adequate deterrence to nuclear war, now and for years to come.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from New York is recognized for not to exceed 15 minutes.

THE MASSACRE OF AMERICAN AIR TRAVELERS

Mr. JAVITS. Mr. President, I wish to note that this very morning a U.S. Air Force plane is bringing back to Puerto Rico the bodies of 16 murdered Puerto Rican Christians who were engaged in a religious pilgrimage to Israel. This is not really an incident of the Arab-Israel war. This is the outright murder of American citizens and innocent travelers.

The citizens of Puerto Rico are American citizens. They serve in the Armed Forces of the United States, and they are part of our country as much as are the citizens of any State.

There is involved here a very serious question for our country. It is well known as to what my own views are as well as the views of many Senators in terms of the foreign policy of our Nation respecting Israel and the Arab-Israel struggle. We have debated the subject many times in the Congress. The policy of the President has great support in the Senate, in the House, and throughout the United States.

However, Mr. President, we are now dealing with the wanton murder of 26 people, 16 of whom were Americans, and the wounding of 75 others in the Tel Aviv International Air Terminal—those 16 Americans were ostensibly protected by our flag.

The responsibility which we have to Americans who travel abroad may very well be proven to be devoid of real substance unless our Government does something to dramatize to other governments that we will not countenance airborne terrorism and that we will not countenance any explicit support for such terrorism by any country which has friendly relations with the United States.

Mr. President, when American travelers are killed in such a brutal and deliberate massacre of international air passengers, then it is a question of protecting the lives of American citizens in the tradition of our country going back to the time when we were first recognized as a nation.

I think that the world is appropriately appalled that any people, let alone any nation, would claim credit for such a dreadful and brutal mass murder as took place in the Tel Aviv Airport. But credit is being claimed by people who live in Lebanon, or who are at least harbored there, and who seem to be training and arming for such international forays.

There was even some satisfaction expressed in Lebanon that this act had been done. We have not seen anyone arrested by Lebanese authorities as a collaborator for this crime, although Arab terrorist organizational spokesmen have come forward and claimed credit publicly for this deed in an office operated openly in downtown Beirut. We heard of a press announcement by an Arab organization spokesman in Beirut who said, "Our purpose was to kill as many people as possible."

That is not only their purpose for the present, but also for the future.

In addition to this, we have the second highest official in Egypt, the Premier of that nation, comment upon this murder of innocent people in Tel Aviv, including the 16 American citizens, that the deed proved that "we are able to achieve victory over Israel."

Actually, the incident proved nothing except that fanatics could be seduced into performing mass murder against innocent travelers.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the New York Times of June 4, 1972, relating to this incident.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AFTERMATH OF LYDDA

> To the horror of the massacre of innocents at Tel Aviv Airport must now be added the disgraceful—almost lunatic—comment of the Premier of Egypt, who said that the assault proved only "that we are able to achieve victory over Israel."
>
> What everyone in the world except Premier Aziz Sidky knows, of course, is that the tragic incident proves absolutely nothing except that there are fanatical extremists in almost any country who can be seduced into performing insane acts of violence in imagined furtherance of revolutionary chaos. The Premier's savage remark was not only callous, it was extremely foolish, and it surely cannot represent the thinking of the serious and intelligent leaders of Egypt, the most sophisticated country of the Arab world.
>
> The Japanese terrorists who performed the outrage at Lydda were evidently not devotees of the Palestinian cause as such, but typically extreme left-wing revolutionaries who believe that world chaos must precede world revolution. Whatever else may be said about the kind of action stemming from this view, it cannot conceivably advance the interests of either Palestinian nationalism or Egyptian or Arab stability. In gloating over this "victory," the poor Egyptian Premier is in fact encouraging activities aimed fundamentally at the destruction of his own as well as of all other governments.
>
> What is much worse and of more immediate import, the reaction of Egypt's second highest ranking official can only strengthen the conviction of many Israelis that the Egyptian Government lacks sincerity in its protestations that it is now genuinely desirous of reaching a peaceful settlement with Israel. Since President Sadat's accession to power, this theme has been repeatedly stressed by responsible Egyptians, and there are a good many people in this country, and some even in Israel, who have begun to take them seriously. But the kind of comment Premier Sidky has just made about the Lydda incident undermines at one stroke whatever confidence may have been growing in this direction. It will only strengthen a still widely held conviction—in Israel and abroad—that Egypt is aiming less for peace than for Israel's destruction.
>
> As for the Palestinians, their encouragement of such madness as occurred at Lydda is suicidal. The West Bank Palestinians are developing a sense of nationalism that will doubtless intensify even under the not very onerous Israeli occupation, but obviously terrorism is only going to bring on a hardening of Israel's position toward Arabs in general and Palestinians in particular. Retaliation is not the answer either, but if retaliation is to be avoided, the Lebanese Government will have to take far stronger measures against the terrorists and guerrillas operating from within and across its borders than it has yet had the will—or the power—to undertake. The Egyptians would do well to help Lebanon in the effort to curb terrorism instead of egging it on.

Mr. JAVITS. Mr. President, in the editorial the New York Times said that—

> In gloating over this "victory," the poor Egyptian Premier is in fact encouraging activities aimed fundamentally at the destruction of his own as well as of all other governments.

The question for us is: What shall we do about it?

What should be the role of the U.S. Government in connection with the killing of 16 Americans which took place in this calculated and deliberate massacre?

In my judgment, the United States should require from the Government of Lebanon a full accounting of what takes place on its soil culminating in murder of Americans. We must demand an investigation to prove or disprove the complicity of those harbored on Lebanese territory with this terrible crime.

We should ask the Lebanese Government to satisfy us as to what is happening on its territory in this respect.

As to the Government of Egypt, we have the right to ask the President of Egypt, who is the responsible national executive in Egypt, and constantly proclaims that fact, whether he shares the view of his Prime Minister, thereby encouraging such incidents which resulted in the death of 16 Americans.

What I am seeking to emphasize today is the fact that we are dealing with the killing of American air travelers and not with Arab-Israel relations. We are dealing with the claim that this terrorism and murder originated from Lebanon with which we are friendly, and the statement by the No. 2 man of Egypt that he derives great satisfaction from it. I do not believe the United States can tolerate this wanton barbarism which has resulted in the killing of 16 Americans. There are steps we can take.

We maintain friendly relations with Lebanon and Egypt. American commercial airplanes travel to each of these countries, as do the airlines of the world. It is not my desire here to assess blame or the lack of it in respect of any other country concerned. But an Air France plane was involved and it went via Italy. The Government of Israel will have to deal with those considerations.

I think our Government has a duty and a responsibility to get to the bottom of the matter of involvement of Lebanon and Egypt, and, if necessary, to cancel or cause our airlines to cancel international flights to both Lebanon and Egypt. In addition, both of these countries solicit American tourism and there is a question whether American tourists should be encouraged to travel to these areas in light of the recent events.

I very much hope that the appropriate agencies of the U.S. Government will immediately look into this matter. Our Government has to account to its people for the killing of 16 Americans in so horrendous a manner. I urge strongly that our Government look into the situation from that point of view.

Additionally, I understand that the wounded and other Puerto Rican survivors are people of very modest means and many have even lost their personal belongings in the holocaust. Our Government should make arrangements for transportation home of all Puerto Rican Americans involved and provide extended medical care for the wounded.

Mr. President, I ask unanimous consent that various editorials and news stories bearing upon this tragic situation may be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, June 6, 1972]

STOPPING AIR PIRACY

It is now four months since the Federal Aviation Administration ordered airlines to screen all passengers in the hunt for potential skyjackers. No reader of the nation's front pages needs convincing that the effort has failed, nor can any frequent passenger on the airlines be unaware that in many places not even the most rudimentary screening effort is discernible. Apparently one doesn't even need weapons or a bomb to take over an airplane these days. The hijacker flown to Algeria last weekend turned out to have two books and a shaving kit in a briefcase he said contained explosives.

At the core of the problem are at least two factors. First, a tight screening program with the requisite equipment and personnel at every airfield gate in the country would be expensive. Second, a genuine security program would interfere drastically with the goal of high-speed, convenient transportation, the commodity the airlines sell. On an average day almost a half million persons board planes in the United States; thorough inspection of all passengers and their luggage could not be done quickly, especially at the peak periods of departure each morning and late afternoon.

Nevertheless, the proliferation of skyjacking makes it plain that the airlines have no alternative—despite the cost and inconvenience—to tightening up their screening procedure far beyond anything that now exists. Continuation of the present trend is certain to exact a cost in lives and planes far beyond anything experienced to date. Worse still, the massacre at Lydda last week is bound to plant dangerous ideas in the minds of political fanatics and mentally unbalanced individuals. The future of air passenger traffic as we know it is tied up with the quest for ways and means to end this modern and most perilous form of piracy.

[From Newsweek magazine, June 12, 1972]

THE LYDDA MASSACRE: MURDER BY PROXY

For some time, Israeli intelligence agents had warned that the Palestinian guerrillas were about to unleash some spectacular stroke. Two weeks ago, in light of those warnings, Asher Ben Nathan, Israel's ambassador to France, was instructed to call on Hervé Alphand, Secretary-General of the French Foreign Ministry, to make a plea for increased security precautions on Air France flights to Israel. Specifically, Ben Nathan told Alphand that his government suspected the guerrillas would try to smuggle arms into Israel by placing them in the hold luggage aboard an incoming flight. Coolly, Alphand replied that the Israelis had no cause for concern. Although he did not say so, Alphand knew that as a token of appreciation for France's friendly policy toward the Arabs, the terrorists had assured Paris that they would never involve Air France in their struggle against Israel.

Tragically, those assurances proved worthless. Just as Ben Nathan had predicted, the Palestinians loosed a horrifying terror attack on Israel last week—and it was an attack with a bizarre twist. As the passengers from Air France Flight 132 milled around luggage conveyor belt No. 3 at Tel Aviv's Lydda Airport, three young Japanese travelers spotted their bags and lifted them off the moving belt. They removed their jackets, and crouched to open their suitcases. When they stood up again, they held Czech-made VZT–58 automatic rifles. Calmly, they opened their brief, brutal attack. First they mowed down the passengers nearby, then they raised their sights to spray the farther reaches of the crowded hall with bullets.

As the cavernous building echoed with gunfire and screams, one gunman rushed toward the tarmac to fire at two parked planes; a wild burst of fire from one of his companions nearly decapitated him. A second guerrilla leaped onto the conveyor belt—now slick with blood—and, as he poised to hurl a grenade, he slipped and was himself killed by the grenade. The lone surviving killer—a 24-year-old college dropout named Kozo Okamoto—plunged across the hall, continuing his barrage of fire. As he stopped briefly to reload his weapon, an El Al traffic controller, Hanan Zaiton, hurled himself at Okamoto and clubbed him to the ground. While a raging crowd shouted "Kill the bastard, kill him!" the assassin was shoved into a nearby office. The slaughter was over.

RESPONSIBILITY

The massacre lasted only four minutes but its toll was enormous. The gunmen killed 26 person, including Dr. Aharon Katchalsky, one of Israel's leading scientists, and injured more than 75 others. And once again, the Arab-Israeli conflict engulfed the rest of the world in its indiscriminate terrorism. Among those who lost their lives in the carnage were fourteen Puerto Ricans on a pilgrimage to the Holy Land. "How does it happen," asked one dazed survivor, "that Japanese kill Puerto Ricans because Arabs hate Israelis?" While there was no rational answer to that question, there was also no doubt as to who was responsible for the murders. One hour after the slayings, the Popular Front for the Liberation of Palestine (PFLP) proudly announced that it had recruited the three Japanese fanatics—all members of a radical terrorist group called the United Red Army. "Our purpose," one PFLP spokesman declared, "was to kill as many people as possible."

As the news of the murders spread, Israel reacted with shock and fury. Surgeons worked through the night to save the lives of the wounded, and Prime Minister Golda Meir broke off a vacation to rush to Lydda Airport. The next day, after the Israeli Parliament stood in silent prayer for "the innocent dead," Mrs. Meir bitterly charged that because the Arabs themselves lacked "courage," they had to recruit foreigners. She also demanded an international air-travel boycott of Lebanon, where the PFLP is based. In a voice trembling with anger, she called Lebanon "a state which harbors and abets the plotting of such crimes, where the terrorists are free to plot, to hit and return . . . with impunity."

It was highly improbable that the international airlines would, in fact, boycott Lebanon. Indeed, the only international pressure applied on Lebanon last week came from the U.S., which urged the Beirut government to take all steps necessary to prevent future guerrilla attacks on airlines. Still, the tragedy at Tel Aviv did prompt eight international airlines to strengthen security measures on flights bound for Israel. While Air France was among those carriers, the airline steadfastly denied charges that it had been lax. But in a statement last week, the French Union of Airline Pilots in effect supported Ambassador Ben Nathan's charge that Air France had, in fact, failed to take adequate precautions. Said the pilots' union: "Since March 21, security measures have been softened and in certain cases canceled . . . on planes serving the Middle East."

But however stringent any new airline security measures may be, they will by no means erase Israel's anger at last week's senseless slayings—or its bitterness toward Lebanon. In the past, the Israelis have always struck back with a vengeance in the aftermath of terrorist attacks, and there was widespread speculation last week that another Israeli retaliatory strike against Lebanon was in the offing. Late in the week, three Israeli jets streaked across the Lebanese border in a show of strength. There was no attack, and Israeli leaders made no direct threats. But to many, there was an ominous quality to Golda Meir's steel-edged words the day after the killings: "I am confident that Israel will find a remedy and a way to make sure that this shall not recur."

[From Newsweek Magazine, June 12, 1972]

JAPAN'S "UNITED RED ARMY"

A little more than two years ago, nine sword-wielding Japanese radicals hijacked an airliner to North Korea and, in the ensuing publicity, became overnight folk heroes to millions of their countrymen. In the months that followed, however, the romanticized "samurai" image of the group, the Rengo Sekigun (United Red Army), began to tarnish as its Japan-based members carried out a series of brutal fire-bombings and assassinations of police officials. That was bad enough. But what no one suspected was that the original band of hijackers had been plotting the United Red Army's biggest coup of all. In the North Korean capital of Pyongyang, the young terrorists made contact with fanatical members of the Popular Front for the Liberation of Palestine and began to plan last week's massacre at Lydda Airport.

Although details of the association between the Japanese and Arab terrorists are still fragmentary, police officials in Japan and the Middle East have pieced together an outline of their relationship. Shortly after the Japanese arrived in Pyongyang, they met George Habash, the peripatetic leader of the Popular Front. Several of the Japanese, including one young woman who uses the *nom de guerre* "Miss June," traveled to Jordan for guerrilla training. Meanwhile, Kozo Okamoto, a brother of one of the Pyongyang hijackers, volunteered as a Popular Front partisan and flew halfway around the world to link up with two of his colleagues who were training in Lebanon for their forthcoming suicidal attack—in which Okamoto was the only gunman who survived.

The obvious question was why should Japanese ultra-leftists throw in their lot with Arab terrorists? One answer seemed to be frustration at home. In the wake of the United Red Army's wave of terrorism, Japanese police emasculated the group by arresting hundreds of its members. Setback followed setback for the radicals. In February, five of the group's leaders were captured after a nine-day police siege of their mountain hide-out. Thereafter, with the disclosure that fourteen young people had been tortured to death for deviating from the Red Army's revolutionary line, virtually all support for the extremists vanished in Japan.

ALIENATED

Adding to the confidence that the United Red Army had been effectively stamped out was a feeling that most Japanese no longer had much sympathy for extremist movements. In contrast to the early 1960s when radical groups enjoyed considerable public backing, today's fringe groups in Japan are small and alienated. Their country's enveloping material prosperity has absorbed most Japanese in the pursuit of *mai ho-mu* and *mai ka-a* (my home and my car). Thus, shoved off center stage in Japan, the United Red Army turned to the Palestinian cause as a way of regaining the limelight. As a Japanese police office said: "Revolutionary romanticism prompted them to join the Arab guerrillas." But the slaughter at Lydda Airport lacked any redeeming quality of romance and served no revolutionary purpose. All it proved was that terrorism is exportable.

REDUCTION IN U.S. CONTRIBUTION TO WORLD HEALTH ORGANIZATION

Mr. JAVITS. Mr. President, I would like to express my deep concern about some recent legislative developments affecting international health, to wit, the proposed cutback in the U.S. contribution to the World Health Organization. On May 18, the House of Representatives, during consideration of the State Department appropriations bill for fiscal year 1973, voted to reduce from 30.8 percent to 25 percent the U.S. contribution to the United Nations and the various U.N. agencies.

One of these affected agencies is the World Health Organization, whose contribution to the peace and well-being of the world is virtually unquestioned. The effect of the House action on WHO would be extremely serious. The U.S. assessment for calendar year 1972 is $26.3 million. The proposed cutback to 25 percent of the WHO regular budget would reduce the amount of money available to WHO by some $5.5 million. Moreover, under the House bill, the reduction would be effective immediately, since the U.S. funds for WHO's 1972 operations are paid out of the State Department's fiscal year 1973 budget. In short, the money is due now—$26.3 million—to help finance WHO's current operations. It is expected that such a step as proposed by the House would seriously impede many on-going, successful, and very valuable programs.

A related issue is the question of the legitimate treaty obligations of the United States. Every 3 years, the assessments for each member nation of the U.N. are negotiated during the U.N. General Assembly meetings. The assessment for 1972 has been determined by previous negotiations, and as a signatory to the U.N. Charter, the United States is obliged to pay its assessment. We have often pointed an accusing finger—and rightly so—at those nations who in the past have refused to pay their legitimate U.N. assessments. I submit that we cannot now afford, in good conscience to join those defaulting nations. This is exactly what would happen, however, if the language of the House-passed appropriations bill is allowed to stand.

I am in agreement that the U.S. share of the U.N. budget should be reduced. However, this should not be done unilaterally; because this very fall, during the U.N.'s General Assembly meetings, the national asessments are to be renegotiated. That is the proper, legal forum in which to reduce the U.S. contribution. Many leading members of the international community are equally convinced of the need to reduce the U.S. contribution, and the administration is on record as being strongly in favor of such a reduction and to negotiate the U.S. assessment down to 25 percent. Even the Director General of the World Health Organization is on record as being in favor of a reduced U.S. contribution as a means of more equitably distributing the influence of the various member nations. In light of this, I think we can feel assured that the negotiations this fall will solve the problem of the high U.S. assessment.

On May 31, the Senate Appropriations Committee approved, as part of its version of the fiscal year 1973 State Department appropriations bill, a reduction of the U.S. contribution to 25 percent, it provided that it would not be effective before January 1, 1973. This would solve the problem of the U.N.'s and the WHO's immediate fiscal crises; but I continue to favor allowing the negotiators to work out this problem in accordance with the existing U.N. charter provisions.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order the Senate will now proceed to the transaction of routine morning business for 30 minutes, with statements therein limited to 3 minutes.

WASHINGTON ABM A WASTE OF MONEY

Mr. PROXMIRE. Mr. President, I urge that the ABM site planned for Washington, D.C., not be constructed. It is ridiculous for the country to put up a billion dollars to protect the politicians while the rest of the country is utterly destroyed.

It seems to me the height of selfishness for the bureaucrats and politicians in the Federal Government to be laying plans for an ABM to defend the city in which they reside at tremendous cost while the rest of the Nation foots the bill.

Certainly it is important that in the unthinkable event of a nuclear holocaust, that all that's left would be bureaucrats and politicians.

But arrangements for the survivability of national leadership can be made without going into the enormous expense of a billion-dollar ABM complex for Washington, D.C. There is already a Presidential hideaway to save the top leadership of the country.

A command post is supposed to be in the works. How many protections do we need for the President?

It might even encourage more sober, cautious, and responsible behavior on the part of our decisionmakers if they know that the places in which they reside and work are exposed to the same dangers of nuclear attack as the rest of the people. The assurance, even if it is based on an illusion, of safety from the dangers of nuclear contact could contribute to hasty and irresponsible decisions.

It would definitely be an illusion for anyone to think that an ABM system, as presently conceived, could make an urban center invulnerable to the dangers of nuclear war. Virtually all experts conclude that cities cannot now be defended from missile attacks.

Having an ABM around Washington, D.C., could actually prove to be a liability rather than an asset by attracting a heavier attack against the Capital in the event of a nuclear confrontation.

The ABM planned for Washington, D.C., has no military significance whatsoever.

The SALT agreement authorizes the United States and the Soviet Union to build up to two ABM sites each, one around an offensive missile complex, and one to defend a national capital.

But the agreement does not require either nation to build both sites.

The reason defense of a national capital was included in the agreement may be because the Soviet Union has already built an ABM around Moscow.

In my judgment, the Soviet Union made a colossal mistake by spending so much to attempt to defend the indefensible.

The Russians cannot defend Moscow from our missiles any more than we can defend Washington, D.C., from their missiles.

It would be senseless and grossly wasteful for us to repeat the Soviet Union's error in judgment.

An ABM system can easily be saturated and overwhelmed by offensive missiles. This is especially true when, as under the present plan, the ABM system is limited to 100 defensive missiles.

I am opposed to spending the approximately $1 billion that would be required for the Washington, D.C., ABM.

We ought to save these funds, or whatever can be salvaged from the misguided ABM program, for the overburdened American taxpayer.

SALT AND U.S. STRATEGIC NUCLEAR WEAPONS

Mr. STENNIS. Mr. President, on the eve of the Senate's consideration of the historic agreements on arms limitation signed by President Nixon in Moscow, and the fiscal year 1973 defense authorization, I want to make a few preliminary remarks. I will have more to say about these matters later, of course, but I believe it is appropriate to give a background of facts before we begin these deliberations, to show our starting position.

First of all, I think we can all agree that we now have the awesome capability to destroy any nation that would attack the United States. It is our firmest and most important national policy to maintain this capability—the power to deter nuclear war. Our strength in this area is the very bedrock of our national existence, for it is this strength that protects us every day here at home. I believe that I will be able to demonstrate that we now have this overwhelming capability without any doubt; and I believe it is absolutely important, under any strategic arms limitation agreement, that we should be certain that we are allowed to maintain this overwhelming capability. It is also vital that we have the strength of will necessary to pursue those programs which are needed to maintain such a capability.

How do we stand today? The United States has 1,054 intercontinental ballistic missiles, 656 nuclear missiles which can be launched from submarines, and 457 heavy strategic bombers. These forces carry 5,700 bombs and warheads, and I would point out that this does not include the many thousands of tactical nuclear weapons available to our military forces. It has been well known for some time, Mr. President, that a single one of our many strategic missiles can carry a destructive power of a million tons of TNT—more than 50 times more power than the 20-kiloton bomb that destroyed Hiroshima.

So we get a very exact, definite comparison there with one of our strategic missiles carrying 50 times more destructive power than the bomb dropped over Hiroshima.

Now, in plain and simple terms, what can these weapons do? The destructive power of even very small nuclear weapons is an awesome thing. Any potential enemy of the United States would have to ponder figures such as these if he planned any attack.

The missiles from one Poseidon submarine—this is from the whole submarine, now detonating on target, could destroy about one-quarter of the industry of the Soviet Union. The missiles from ten such submarines could destroy nearly three-quarters of the Soviet Union's industry.

These are not figures picked out of the thin air; this is not just a guess.

Ten B-52 bombers—about 2 percent of our bomber force—could destroy about 40 percent of Soviet industry.

Fifty Minuteman missiles could destroy nearly half of Soviet industry.

The loss of human life that would go with this is simply appalling. A numbers estimate of the human life loss is available. It is fairly accurate. But I will not go into that at this point.

I do not state these figures to frighten anyone or to rattle any sword. I only want to indicate the awesome destructive power of nuclear weapons. The ability of the Soviet Union to destroy the United States is no less awesome. Within the next few years other countries, including Communist China, will develop more effective intercontinental strategic nuclear weapons. Our own allies, England and France, already have smaller, but impressive, capabilities.

But megatonnage, destructive power, and numbers are not really the controlling questions. The real issue which we must all weigh is best summarized as follows: How can we best be assured that our overwhelming capability to defend ourselves and to prevent nuclear war will be preserved?

Whatever the specific number of missiles permitted under the agreement, we must maintain some perspective on the facts hereinabove stated. The Congress has approved all steps which have been requested by the President and which are necessary to maintain the quality, the reliability, and the accuracy of our nuclear weapons. The United States is capable of astounding technical feats in this area. Citizens who have watched our Apollo missions to the moon can have some appreciation for the quality and the reliability which can be developed in even these very complex weapons systems. In many ways the most important thing about strategic weapons is the absolute certainty that if they must be used they will be available to the President and would do the exact job for which they are designed. It is this absolute certainty in the mind of any potential enemy which is of crucial importance in preventing nuclear war.

Nothing in the arms limitation agreements announced by the President restrains our ability to maintain this quality, this reliability and this control in the hands of the President.

So there are three major points about the agreement.

The **PRESIDING OFFICER** (Mr. McIntyre). The time of the Senator has expired.

Mr. **ROBERT C. BYRD**. Mr. President, if the Chair will recognize me, I will yield my 3 minutes to the Senator from Mississippi.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **STENNIS**. I thank the Senator.

It is also highly important that under any agreement we take the steps which are necessary in order for us to be absolutely certain that enough of our nuclear weapons would survive an attack for us to be able to retaliate successfully. This requirement of absolute certainty means that in many cases in this important field we will have to maintain weapons which some might call redundant.

For example, we now have the so-called triad of intercontinental missiles, submarine-launched missiles, and bombers. We take steps to insure that any conceivable move made by the enemy which could degrade the effectiveness or the reliability of our weapons will be countered. Under an arms control agreement we must continue to take many of these same steps. This means that the immediate savings from the arms control agreements, if they are approved by the Congress, will not be all that some might hope. It is simply too important for our national security for us to take any chances. It will be necessary, for example, to take steps to modernize our strategic forces, and it will be necessary, in any event, for us to continue to be ready to make further deployments if the Soviets should violate or renounce the agreements or if they should take any other steps which endanger our security.

Having said this, I want to assure the Senate that our Armed Services Committee will, in the near future, look very carefully at the implications of the arms limitation agreements for our military preparedness and our national security.

We will look at the programs which are needed in the strategic nuclear field.

We will look at the methods by which the agreements would be verified and how each side will be able to observe whether the agreements are being fulfilled.

We will consider what programs it will be necessary to maintain in research and development in order to make it possible for us to move ahead quickly if that should become necessary.

I believe the constitutional responsibility of the Senate and the Congress is very great in this field. Our committee, the Armed Services Committee, will begin this afternoon to hear testimony from Secretary Laird concerning the impact of the arms limitation agreements on the fiscal year 1973 Department of Defense budget. It is my hope that we can consider these implications prior to our completion of the markup of the fiscal year 1973 authorization bill. I would hope that we would then be able to proceed to completing markup on this bill in the very near future. As soon as the bill has been reported, I hope that the committee can move on to a thorough consideration of the full military implications of the strategic arms limitation agreements. On both of these matters I reserve judgment, particularly until we hear testimony from the most competent witnesses available in this field, including the Joint Chiefs of Staff. But I hope, and believe at this time, that the testimony will indicate that the arms limitation agreements are a step forward for us and that they are a step that can safely be taken now, if we have the will as a Nation to maintain those programs which are vital for our national defense.

I thank the Chair for his indulgence and the Senator from West Virginia for yielding his time to me.

The **PRESIDING OFFICER**. Is there further morning business?

Mr. **STENNIS**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **ROBERT C. BYRD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The **PRESIDENT** pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED TRANSFER OF SUBMARINE U.S.S. "RONCADOR"

A letter from the Assistant Secretary of the Navy notifying the Senate, pursuant to law, that the Department of the Navy proposes to transfer the submarine U.S.S. *Roncador* to the American Society of Military History, Canoga Park, California; to the Committee on Armed Services.

Proposed Legislation Increasing Appropriations for Support of South Vietnamese and Other Free World Forces

A letter from the General Counsel of the Department of Defense submitting proposed legislation to provide for an increase in the amounts authorized to be made available in fiscal year 1972 for support of South Vietnamese and other Free World Forces (with accompanying papers); to the Committee on Armed Services.

Report on the Federal Hospital Insurance Trust Fund

A letter from the Board of Trustees of the Federal Hospital Insurance Trust Fund submitting, pursuant to law, their 1972 annual report (with accompanying report); to the Committee on Finance.

Report on the Federal Old-Age, Survivors Insurance and Disability Insurance Trust Funds

A letter from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds submitting, pursuant to law, their 1972 annual report (with accompanying report); to the Committee on Finance.

Report on the Federal Supplementary Medical Insurance Trust Fund

A letter from the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund submitting, pursuant to law, their 1972 annual report (with accompanying report); to the Committee on Finance.

Welfare Programs Under the Social Security Act

A letter from the Secretary of Health, Education, and Welfare submitting, pursuant to law, a report relating to the welfare programs under the Social Security Act (with accompanying report); to the Committee on Finance.

Report of the Comptroller General

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Cost-Benefit Analysis Used in Support of the Space Shuttle Program" (with accompanying report); to the Committee on Government Operations.

Orders of the Immigration and Naturalization Service

Three letters from the Commissioner of Immigration and Naturalization submitting, pursuant to law, orders entered in the cases of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Extension of Time Necessary for Report on National Health Care Plans

A letter from the Secretary of Health, Education, and Welfare notifying the Senate that the report of systems analysis of national health care plans required by Public Law 91–515 should be available by August 15, 1972; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TOWER, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 2987. A bill to authorize the Secretary of the Treasury to make grants to Eisenhower College, Seneca Falls, New York, out of the proceeds of the sale of minted proof dollar coins bearing the likeness of the late President of the United States, Dwight D. Eisenhower (Rept. No. 92–837).

By Mr. PROXMIRE, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 3215. A bill to expand the market for municipal securities and for other purposes (Rept. No. 92–836). Referred by unanimous consent to the Committee on Finance.

TAXABLE MUNICIPAL BONDS APPROVED IN PRINCIPLE

Mr. PROXMIRE. Mr. President, I report from the Committee on Banking, Housing and Urban Affairs, the bill, S. 3215, to expand the market for municipal securities and other purposes, and ask unanimous consent that it be referred to the Committee on Finance.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, in referring the legislation to the Committee on Finance, the Senate Banking Committee has given it a generally favorable recommendation, although we do not necessarily endorse all of the details of the bill or its specific language. Nonetheless, it appears to us that the bill has much promise and support. It provides a simple, effective and inexpensive way to aid State and local borrowing without increasing Federal control.

The bill would provide a 3-percent interest rate subsidy to State and local borrowers in return for issuing taxable bonds instead of tax-exempt bonds. The cost of the subsidy would be largely, if not more than offset by the increased tax revenues Treasury would get by replacing tax-exempt with taxable securities. At the same time, State and local governments would save money since a subsidized taxable bond will often result in lower net interest payments.

I want to stress that the issuance of taxable bonds would be strictly optional. There is nothing in the legislation or in the intent of its sponsors which would in any way infringe upon the right of State and local governments to continue issuing tax-exempt bonds. In fact, the legislation specifically acknowledges that right.

The approach taken by the bill is broadly supported by municipal groups and financial groups active in the municipal bond market. While the Treasury believes that further study is required, I believe that in time, Treasury will support the bill as well. Given this emerging consensus behind the idea of a taxable municipal bond alternative, I am hopeful that the Finance Committee can take some action on the bill this year.

The committee agreed to refer the legislation to the Committee on Finance following a letter from its chairman claiming jurisdiction because of the issue of tax-exemption. While the Committee on Finance undoubtedly has jurisdiction over the Internal Revenue Code, the Senate Committee on Banking, Housing and Urban Affairs has broad jurisdiction over the whole field of urban affairs including the problem of State and local finance. We are concerned that our hard pressed State and local governments will not be able to borrow the funds they need at reasonable rates of interest to satisfy the needs of the American people over the coming decade. Many of the problems of the municipal bond market stem from the tax-exempt nature of municipal bonds as indicated in the report of our committee. Because of its concern with the plight of municipalities, the Senate Committee on Banking, Housing and Urban Affairs believes the tax-writing committees of Congress should take a close look at the present tax-exempt system and whether an exclusive reliance upon that system is really in the best interest of State and local government.

This is a year when tax reform has become a major political issue. One of the biggest tax loopholes on the books is tax-exemption for municipal bonds. I say that it is a loophole because not all of the benefits of tax-exemption are passed on to municipalities in the form of lower interest rates. For example, an economist with the Urban Institute estimated that Treasury lost $3.3 billion in 1970 on tax-exempt municipal bonds but that only $2.5 billion, or 75 percent, was returned to State and local governments in the way of lower interest costs. The difference of $800 million represents a windfall profit to wealthy investors who are least in need of Government handouts.

Mr. President, the bill reported by the Senate Banking Committee would not close the tax-exempt loophole; but it would provide municipalities with a better alternative, one which would be far more efficient than the present tax-exempt system. While the evidence is not conclusive, I believe that the Treasury will end up with a net revenue increase under the legislation and that municipalities will experience significant reductions in borrowing costs. Of course, these gains would be at the expense of wealthy investors who have thus far been receiving a windfall at the expense of the American taxpayer.

If the Finance Committee wants to do something about the issue of tax reform, here is one place to begin. The bill enjoys broad support from municipal and financial groups. While the Treasury wants more study, I believe their doubts can be satisfied. Here is a bill we can enact this year which would save the hard-pressed American taxpayer millions of dollars a year. Here is a bill which would partially close the tax-exempt loophole and restore more equity to our tax system. I hope the Finance Committee will be able to act on the measure this year.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports on treaties were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without reservation:

Executive A, 92d Congress, second session, Convention on the Taking of Evidence Abroad in Civil or Commercial Matters Adopted at the Eleventh Session of the Hague Conference on Private International Law on October 26, 1968, and signed on behalf of the United States of America at the Hague on July 27, 1970 (Exec. Rept. No. 92–25);

Executive F, 92d Congress, second session, Treaty on Extradition Between the United States of America and the Republic of Argentina, signed at Washington on January 21, 1972 (Exec. Rept. No. 92-26); and

Executive E, 92d Congress, second session, A Partial Revision of the Radio Regulations (1959) Relating to Space Telecommunications, with a Final Protocol, dated at Geneva, July 17, 1971 (Exec. Rept. No. 92-27).

BILL PLACED ON CALENDAR

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished senior Senator from Alabama (Mr. SPARKMAN), I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be discharged of any further responsibility for the consideration of S. 1015 to establish an Environmental Financing Authority, and that the bill be placed on the Senate calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. In addition, Mr. President, I ask unanimous consent, on behalf of Mr. SPARKMAN, that a copy of Mr. SPARKMAN's letter to the chairman of the Committee on Public Works, the Senator from West Virginia (Mr. RANDOLPH), concerning S. 1015 be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 6, 1972.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This has reference to Bill S. 1015, to establish an Environmental Financing Authority, which was ordered reported by your Committee on November 3, 1971, and referred to this Committee for consideration.

We are aware that the provisions of S. 1015 are contained in the House version of the proposed Water Quality Act Amendments which is now the subject of conference between your Committee and its House of Representatives counterpart.

After consideration of S. 1015 in hearings and in an executive session on June 1, this Committee found no objection to the bill as reported by your Committee, subject to the understanding noted herein.

The Committee carefully considered the provision of the bill relating to the credit qualification of a given waste-treatment works bond issue for assistance from EFA; namely, the qualification that the Environmental Protection Agency certify that "the public body is unable to obtain on reasonable terms sufficient credit to finance its actual needs." The Committee agreed that the key phrase "unable to obtain on reasonable terms" will satisfactorily define the limitations needed in this regard, if the intent of this provision is that the phrase should be narrowly interpreted. Our Committee feels that EFA assistance should be available only as a last resort for governmental borrowers, who have truly uneconomic access to the capital market. EFA should not become the primary source of financing for the local share of waste-treament projects, but should be used only to assure that true financial hardship does not deter construction of vital waste-treatment facilities. A market test or other similarly objective criterion should probably be utilized to assure that assistance from EFA is not directed to financially capable issuers. The Committee is concerned that the continued and unrestricted growth of Federal credit assistance programs may act to impair the strength of our private capital market mechanisms, upon which our economic growth has been and will continue to be so dependent. Hence the Committee believes that the scope of EFA's authority should be restrictively interpreted.

I have asked unanimous consent that the Banking, Housing and Urban Affairs Committee be discharged of any further responsibilities for the consideration of S. 1015 and that it be placed on the Senate Calendar.

With best wishes, I am
Sincerely,

JOHN SPARKMAN,
Chairman.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PERCY:

S. 3673. A bill relating to the parole of certain District of Columbia offenders. Referred to the Committee on the District of Columbia; and

S. 3674. A bill relating to the parole of certain Federal offenders. Referred to the Committee on the Judiciary.

By Mr. BROOKE:

S. 3675. A bill for the relief of Style Leather Co., Inc. Referred to the Committee on the Judiciary.

By Mr. BUCKLEY:

S. 3676. A bill to amend the Military Selective Service Act in order to provide for the deferment thereunder of students appointed to maritime academies and colleges; and

S. 3677. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipment in the United States Navy, and for other purposes. Referred to the Committee on Armed Services.

By Mr. MANSFIELD:

S.J. Res. 239. A joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday in September of each year as "National Next Door Neighbor Day." Referred to the Committee on the Judiciary.

By Mr. TOWER:

S.J. Res. 240. A joint resolution to authorize and request the President of the United States to issue a proclamation designating the week of June 12–17, 1972, as "National Week of Religious Observance." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY:

S. 3673. A bill relating to the parole of certain District of Columbia offenders. Referred to the Committee on the District of Columbia; and

S. 3674. A bill relating to the parole of certain Federal offenders. Referred to the Committee on the Judiciary.

CHANGES IN PAROLE LAW

Mr. PERCY. Mr. President, the problems of our correctional process are currently receiving a great deal of public and congressional attention. This is a very welcome development in a field that has had too little attention paid to it in the past. There is, however, a tendency to confine this attention only to the problems behind the walls of our prisons. Though that is a valid area of concern, we should also be cognizant of the problems that exist outside of the prisons, but are just as much a problem as our decaying prisons.

Parole is a method of rehabilitation that statistically produces better results than incarceration alone. Although an offender on parole is in the community, he is under limited supervision, and he is still serving his sentence. In effect, the walls of the prison have been extended for the parolee. The necessity of parole has long been recognized, and it has been a part of our laws for many years. Certainly, no informed and responsible citizen would argue that parole is not a necessary ingredient of any correctional process.

However, at present, both in the District of Columbia and in the Federal system generally, a situation exists which thwarts the basic purpose of parole. In these two jurisdictions, a parolee is sometimes given credit for the time he spends on parole toward the running of his sentence. For example, if a man were sentenced to 15 years in prison, he would be eligible for parole after 5 years. If paroled at that time, he would be under parole supervision for the remaining 10 years of his sentence. Once 15 years has passed from the time of the imposition of his sentence, he would be released from the jurisdiction of the court, and would be deemed to have served his sentence. In other words, though he was on parole for the final 10 years, the man would still be serving his sentence.

However, let us assume that after 9 years on parole, the man violated his parole. The violation could be either a minor technical violation, or it could be a violation resulting from the commission of a crime. In either case, at the present time in the District of Columbia and in the Federal system, not only would that man be sent back to prison for the 1 remaining year, but he would also have to serve the 9 years that he had been on parole as well as any sentence imposed for the new crime. As a result, he is given no credit for the time that he was on parole before his violation. In effect, he would be required to serve his sentence twice. Not only is this unfair and contrary to the philosophy behind corrections, but it is also illogical. If the man commits a new offense, he would be duly punished by the court for that new offense. If the violation were merely technical in nature, and no sentence is imposed, then does he deserve to be punished by years in jail for something that the law does not deem serious enough to punish? Clearly, the answer is "No."

Aware of this deficiency, the National Commission on Reform of Federal Laws—the so-called Brown Commission—established by Public Law 89-801, has recommended that the law be changed. In section 3403(3)(a) of the report, the Commission recommends that credit be given for the time spent on parole up to the date of the new violation. Illinois has followed this suggestion and has such a provision in the Illinois Unified Code of Corrections, section 315-9(3)(i).

This change was also suggested in 1956 by the American Law Institute in the Model Penal Code, section 305.17(1). As the drafters of that section indicated, the preponderant rule in the United States is to allow a parolee credit for the time he has served on parole without violations.

At the present time, only 13 States and the District of Columbia have statutes expressly prohibiting the crediting of such "clean time." They are Colorado, the District of Columbia, Florida, Idaho, Kenutcky, Louisiana, Maine, Nevada, North Carolina, Oklahoma, Oregon, Rhode Island, Texas, and West Virginia.

The vast majority of States have taken the initiative and given credit for time served on parole. Responsible and respected organizations have worked for such laws. The Congress now has a chance to become a part of this movement and give such credit in the two jurisdictions for which it has responsibility.

Under the provisions of two bills I am introducing today, a parolee would be given credit toward the running of his sentence for the time he spends on parole up to the time of a new violation. If the violation is serious enough to warrant his return to prison, he will have to serve any new sentence as well as the remainder of his original sentence, but he will not be forced to serve again that part of his former sentence which he has already served on parole.

Mr. President, the logic which impels these two bills should be obvious. As we study the various problems which exist in the criminal justice system, we should be ready to correct existing discrepancies in order that a cohesive and comprehensive philosophy of corrections will emerge. By enacting these two bills that I am now introducing, we will have corrected a discrepancy in existing law and moved toward a more uniform correctional system in this country.

Mr. President, I ask unanimous consent that the full text of these two bills be printed in the Record at this point.

There being no objection, the bills were ordered to be printed in the Record, as follows:

S. 3673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourth sentence of section 6 of the Act of July 15, 1932 (D.C. Code, sec. 24–206), is amended by inserting immediately before the period at the end thereof, a comma and the following:

"and less any period of time during which he was on parole, commencing with his release by reason of his parole, and ending with the date of the commission of the violation for which parole was revoked."

Sec. 2. The sixth sentence of section 6 of the Act of July 15, 1932 (D.C. Code, sec. 24–206), is repealed.

S. 3674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 4205 of title 18, United States Code, is amended to read as follows: "The unexpired term of imprisonment of any such prisoner shall begin to run from the date he is returned to the custody of the Attorney General under such warrant, but the amount of time which such prisoner shall be required to serve as a result of his retaking shall be reduced by a period of time equal to that period commencing with his release by reason of his parole and ending with the date of the commission of the violation for which parole was revoked."

(b) The third paragraph of section 4207 of title 18, United States Code, is amended by inserting a comma immediately after "prisoner" and the following: "subject to the provisions of section 4205 of this title,".

Sec. 2. The provisions of this Act shall be applicable in the case of any person who, on or after the date of its enactment, is on parole or is paroled pursuant to the provisions of chapter 311 of title 18, United States Code.

By Mr. BUCKLEY:

S. 3676. A bill to amend the Military Selective Service Act in order to provide for the deferment thereunder of students appointed to maritime academies and colleges; and

S. 3677. A bill to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and for other purposes. Referred to the Committee on Armed Services.

MARITIME ACADEMY CADETS

Mr. BUCKLEY. Mr. President, at a time in our Nation's history when both national security and the need for increased trade are paramount, the necessity for a strong, professional corps of merchant marine officers is undeniable. The need for such a corps is met, in part, by the maritime academies in various States of the Nation. These schools provide the kind of training necessary to meet the requirements of our maritime fleet for highly professional young officers.

It appears, however, that this valuable part of our overall maritime strength is in danger of being weakened by the refusal of the Selective Service System to grant draft exemptions to students of these maritime academies. This refusal is, in fact, an inequity since such deferments are granted to students in the U.S. Merchant Marine Academy, a Federal academy. Yet much more is at stake than an inequity in the draft laws, as important as that may be. What is primarily at stake is the careers of some of the best trained maritime academy students in the United States.

Assistant Secretary of the Navy James E. Johnson wrote Selective Service Director Curtis Tarr last November, saying that:

> The cadets appear from the viewpoint of the Navy, to be entitled to deferments in much the same manner as midshipmen at the U.S. Merchant Marine Academy.

Likewise, Acting Assistant Secretary of Commerce Robert J. Blackwell wrote Mr. Tarr:

> It is in the interest of the country that these young men be permitted to continue along the present path to Navy reserve commissioning.

It should be emphasized that these State maritime academy students are enrolled in a military training program, are instructed by active duty Navy personnel assigned to the school, and are commissioned in the Naval reserve with all its commitments upon graduation. In virtually every respect, these cadets are the same as midshipmen at the U.S. Merchant Marine Academy.

Drafting these cadets makes no sense either in terms of manpower needs or in terms of our long-range national defense needs. Therefore, I am introducing two bills to accomplish the objective of gaining equity for these cadets and of strengthening our national defense by assuring a professional, well-trained maritime officer corps.

The first bill would amend the Merchant Marine Act to give the State maritime cadets the same status as Kings Point cadets, that is, midshipmen, U.S. Naval Reserves, and thus entitle them to 1–D classification. The second, as an alternative would amend the Selective Service Act to provide for 1–D classification outright.

We cannot underestimate the importance of maintaining our maritime capability, and every action we take that will help to insure a qualified and highly motivated maritime officer corps should be vigorously supported. It is my belief that the bills I am introducing will go far to achieve this end.

Mr. President, I send the bills to the desk and ask that they be appropriately referred.

By Mr. MANSFIELD:

Senate Joint Resolution 239. A joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday in September of each year as "National Next Door Neighbor Day." Referred to the Committee on the Judiciary.

NATIONAL NEXT DOOR NEIGHBOR DAY

Mr. MANSFIELD. Mr. President, occasionally the constituent mail contains some rather interesting suggestions and recommendations. Just recently it was suggested to me by a constituent, Mrs. Becky Mattson of Lakeside, Mont., that the Congress take time to pay recognition to the person we all too often take for granted "our next door neighbor." I think this is an excellent suggestion, in view of the tremendous shift from rural areas of the Nation to our large urban communities. Mrs. Mattson has suggested that the fourth Sunday of each September be designated as "National Next Door Neighbor Day."

The original resolution suggested by Mrs. Mattson suggests that we and our neighbors participate in a spirit of cooperation and good will. Mr. President, I ask that Mrs. Mattson's suggested resolution be printed at the conclusion of my remarks, along with the brief text of the joint resolution I have introduced.

There being no objection, the material was ordered to be printed in the Record, as follows:

National Next Door Neighbor Day

Whereas this nation is enduring a cultural revolution together with a steady exodus from the inner cities to the suburban rings and creating thereby, necessary needs for cooperation in the building of new communities and a happier quality of life for all;

Whereas in order to avoid a domestic conflict of cultures, the responsibility for the peaceful acceptance, appreciation and understanding of our many differences must be directed to the individual and his neighbor;

Whereas our dedicated young people have clearly challenged this nation to exercise brotherly love and to produce a lasting peace and a better world;

Whereas love transcends every religion, race, politic and creed;

Whereas to be forgotten is the deep sorrow of the aged, the scourge of the depressed and the fear of the sick, and

Whereas a day of love and appreciation may sustain the will to live, the courage to understand and the ability to forgive; Now, therefore, be it

Resolved, that the Senate designate the fourth Sunday of September of each year as "National Next Door Neighbor Day" and that it be added to the official calendar as an Eternal Reminder that we are indeed—One Nation—Under Love Indivisible—For God Is love.

S.J. Res. 239

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue annually a proclamation designating the fourth Sunday of September of each year as "National Next Door Neighbor Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

By Mr. TOWER:

Senate Joint Resolution 240. A joint resolution to authorize and request the President of the United States to issue a proclamation designating the week of June 12–17, 1972, as "National Week of Religious Observance." Referred to the Committee on the Judiciary.

Mr. TOWER. Mr. President, I am pleased today to introduce a resolution requesting the President of the United States to issue a proclamation designating the week of June 12–17, 1972, as "National Week of Religious Observance."

I request the designation of this special week specifically to salute the International Student Congress on Evangelism during their Christian training conference, Explo '72, to be held that week in Dallas, Tex.

Honorary chairman of Explo '72, and principal speaker for the conference will be the great American evangelist, Billy Graham.

Each of us cherishes our fundamental liberties guaranteed by the Constitution of the United States. We enjoy an American heritage of religious freedom unknown in many parts of the world. I hope that my colleagues will join me in renewing our commitment to this most jealously guarded personal freedom by expressing their unanimous support for my resolution.

Mr. President, I ask unanimous consent that the text of this resolution be printed at this point in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 240

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the Christian training conference, known as Explo '72, being held in Dallas, Texas, during the week of June 12–17, 1972, the President is authorized and requested to issue a proclamation designating the week of June 12–17, 1972, as "National Week of Religious Observance", and calling upon the people of the United States and interested groups and organizations to observe that week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1507

At the request of Mr. Pearson, the Senator from Tennessee (Mr. Baker) was added as a cosponsor of S. 1507, establishing a National Rural Development Center.

S. 2473

At the request of Mr. Burdick, the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 2473, a bill to amend the Land and Water Conservation Fund Act of 1965 so as to authorize the development of indoor recreation facilities in certain areas.

S. 3070

At the request of Mr. Thurmond, the Senator from Florida (Mr. Chiles) and the Senator from Vermont (Mr. Stafford) were added as cosponsors of S. 3070, a bill to amend chapter 15, of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes.

S. 3629

At the request of Mr. Mathias, the Senator from Maryland (Mr. Beall) was added as a cosponsor of S. 3629, to amend the Internal Revenue Code of 1954 to end the tax on marriage.

S. 3644

At the request of Mr. Hughes, the Senator from Minnesota (Mr. Mondale) was added as a cosponsor of S. 3644, a bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, and other related acts, to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism.

SENATE JOINT RESOLUTION 228

At his own request, Mr. Tower was added as a cosponsor of Senate Joint Resolution 228 to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

SENATE RESOLUTION 314—SUBMISSION OF A RESOLUTION TO PRINT THE ANNUAL REPORT OF THE NATIONAL FOREST RESERVATION COMMISSION

(Referred to the Committee on Rules and Administration.)

Mr. TALMADGE submitted the following resolutions:

S. Res. 314

Resolved, That the Annual Report of the National Forest Reservation Commission for the fiscal year ended June 30, 1971, be printed with an illustration as a Senate document.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENTS

AMENDMENTS NOS. 1212 AND 1213

(Ordered to be printed and to lie on the table.)

Mr. TOWER submitted two amendments intended to be proposed by him to the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

NOTICE OF HEARING ON NOMINATION OF JOHN A. BUGGS TO BE STAFF DIRECTOR OF THE COMMISSION ON CIVIL RIGHTS

Mr. ERVIN. Mr. President, as chairman of a special subcommittee of the Committee on the Judiciary, I wish to announce that a hearing will be held by the subcommittee on the nomination of John A. Buggs to be staff director of the U.S. Commission on Civil Rights.

The hearings are scheduled for June 15, 1972, at 10:30 a.m. in room 2228 of the New Senate Office Building. Any person who wishes to testify or submit statements pertaining to this nomination should send the request or prepared statement to the subcommittee, room 102–B Old Senate Office Building, telephone 225–8191.

NOTICE OF HEARINGS ON BILLS EXTENDING THE COMMISSION ON CIVIL RIGHTS

Mr. ERVIN. Mr. President, I wish to announce that the Subcommittee on Constitutional Rights of the Committee on the Judiciary will hold hearings on two bills: S. 3121, to extend the Commission on Civil Rights for 5 years, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes; and H.R. 12652, to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes.

The hearings will commence at the conclusion of the hearing on the nomination of John A. Buggs as staff director which begins at 10:30 on the morning of June 15, 1972. The hearings will be held in room 2228 of the New Senate Office Building.

Any person who wishes to testify or submit statements pertaining to these bills should send the request or prepared statement to the subcommittee, room 102–B Old Senate Office Building, telephone 225–8191.

NOTICE OF HEARINGS ON REHABILITATION PROGRAMS

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, I wish to announce oversight hearings on the subject of the nature and effectiveness of rehabilitation programs of the U.S. Bureau of Prisons beginning at 10 a.m. on June 13 and 14, 1972, in room 318 of the Old Senate Office Building. These hearings are being held at the request of the Senator from Kentucky (Mr. Cook).

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on National Penitentiaries, room 6306, New Senate Office Building.

NOTICE OF HEARINGS ON LOG EXPORTS

Mr. PACKWOOD. Mr. President, I wish to announce that the Subcommittee on International Finance of the Committee on Banking, Housing and Urban Affairs will hold hearings on the subject of log exports.

These hearings will be held on Monday, June 12, 1972. There will be a morning and afternoon session which will begin at 10 a.m. and 2:30 p.m. respectively in room 5302 New Senate Office Building.

ADDITIONAL STATEMENTS

FEDERAL SPOTLIGHT

Mr. MOSS. Mr. President, I congratulate Joseph Young and Philip Shandler of the Washington Star on winning this year's Washington-Baltimore Newspaper Guild Award for outstanding labor reporting in the field of Federal and postal employee news.

Their reporting is in the best tradition of objective and investigative journalism and is vitally needed in the field of Government activities.

It is important that the 3 million Federal and postal employees be fully informed at all times in an objective and fair way on the actions in Congress and the executive branch that affect their benefits and job rights. It is equally important to the cause of good government that actions to weaken the merit system through political patronage, coercion or discrimination be brought to public attention and thus have a chance of being corrected.

As a member of the Committee on Post Office and Civil Service who is vitally interested in the problems of our Federal and postal employees and in making sure that they are not treated like second-class citizens, and also as one who wants to improve the civil service system, I appreciate the contributions that Joe Young and Philip Shandler have made through the Federal Spotlight column in the Washington Star. Their award is richly deserved.

SUPPORT THE NATIONAL ENVIRONMENTAL POLICY ACT

Mr. PROXMIRE. Mr. President, 2½ years ago, the National Environmental Policy Act was signed into law. That act established the Council on Environmental Quality within the Executive Office of the President.

The act's most important provision is section 102(C), which requires the filing of an environmental impact statement by Federal agencies for any action that may have an effect on the environment. The act requires agencies to consider alternatives to proposed action, and to guarantee that steps be taken to minimize environmental impact. The act also requires that other Federal agencies, and interested public groups, be given an opportunity to comment on the proposed Federal action.

An excellent article on the opinion page of the Milwaukee Journal for May 29, 1972, describes how valuable this act has been. As the author of the article, Douglas LaFollette, says: "NEPA has been living up to its promise." Mr. LaFollette points out that under the provisions of NEPA—which provides for citizen participation—environmental groups succeeded in halting the Cross-Florida Barge Canal. On a number of other occasions, the construction of canals, dams, and highways has been delayed pending satisfaction of environmental safeguards.

The act was an extremely valuable tool in connection with our fight to halt Federal funding of the SST project. The Department of Transportation was required to file a statement under section 102(C), listing the numerous environmental problems associated with the SST. It was this statement that indicated that a number of these concerns were legitimate, and needed further study before proceeding with the SST.

Mr. President, the National Environmental Policy Act represents a giant stride forward in safeguarding our environment. It should not be weakened or emasculated. Members of Congress who are concerned about the environment should do all we can to see that the act is enforced to the letter of the law.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Citizens Must Act Now To Help Save an Important Environmental Tool

(By Douglas La Follette)

On New Year's Day, 1970, President Nixon signed into law the National Environmental Policy Act (NEPA) and declared that the decade of the '70s "must be the years when America pays its debt to the past by reclaiming the purity of its air, its water and our living environment."

This Environmental Policy Act is a powerful tool for environmentalists. It requires all agencies of the federal government to fully consider all the environmental and social costs of their activities. It requires the agencies to explore all feasible alternatives to guarantee that they minimize their impact on the environment. And perhaps most importantly, it guarantees citizens the opportunity to actively participate in making the decisions that will profoundly affect their lives and the environment.

NEPA has been living up to its promise. In only two years it has had a major impact on federal agency decision making processes and on the quality of the environment. A citizen lawsuit under the provisions of NEPA stopped the ridiculous Cross Florida Barge Canal and another citizen legal acton has so far prevented the construction of the Trans-Alaska Pipeline.

In dozens of other cases all across the country the destruction of land and water by canals, dams, highways, pollution discharges and nuclear power plants has been stopped or delayed by citizens using NEPA.

CONGRESS SCENE OF QUIET ATTACK

The environmental movement stands at a crossroad. With the passage of the National Environmental Policy Act in 1970 the public won a real step forward, but this important law is under quiet attack in Congress. The act is responsible for most environmental victories in the courts and most of the reforms in federal agencies. Precisely because NEPA was working as intended, special interest groups have charged the public with interference and mounted a campaign to weaken and destroy NEPA in Congress. This attack takes the form of amendments and new legislation that will seriously undermine the law and its effectiveness.

There seems to be no legitimate reason for any amendment to NEPA. No federal agency or industry should have any legitimate objection to the National Environmental Policy Act which requires that federal agencies act only after considering the impact of their action on society and the environment, and insures citizen participation in the decision making process. The real motive for the attack on NEPA is that industry and certain government agencies resent citizen participation in the federal decision making process.

Aware that the public would not tolerate an open effort to kill NEPA outright, a team of vested interests, federal bureaucrats and congressmen devised a program to kill it, a little at a time, behind closed doors. Their first attack took the form of an amendment to the new water pollution bill that recently passed the House of Representatives.

STATE'S SHOWING WAS NOT SO GOOD

In this first battle to save NEPA from being badly weakened, Wisconsin congressmen made less than a great showing. The environment and the public lost on a vote of 125 to 267. Byrnes, Davis, Steiger, Thomson and Zablocki all voted in favor of weakening the public's rights in environmental cases. Only Aspin, Kastenmeier, Obey and Reuss stood up in favor of the National Environmental Policy Act.

There are a large number of other amendments and new bills all aimed at cutting down the power of NEPA.

They would allow the government to issue water pollution permits without fulfilling the requirements of the law. They would allow licensing of nuclear power plants without filing the environmental statement. And they would relieve the Department of Transportation of the responsibility for environmental impact from highway projects.

As always, only informed and vocal pressure from citizens can hope to save NEPA. If the young environmental movement does not show strength, if we lose on the issue of the National Environmental Policy Act, the credibility of the entire movement will be jeopardized.

BILL BROWNRIGG

Mr. BROOKE. Mr. President, It was with surprise and regret that I learned of the retirement of Bill Brownrigg as assistant secretary to the Senate minority.

For as long as I have served in the Senate, Bill has been a good friend and a valuable and reliable assistant to us on this side of the aisle. Through the long hours and the complications which accompany Senate debate, Bill has always been courteous, helpful, and efficient in the performance of his duties. I was privileged to know Bill as a neighbor as well as a friend, and we shared many pleasant moments over the years.

After 25 years of service to the U.S. Senate, Bill Brownrigg has well earned the restful years of retirement which await him. I join with Senators and with his many other friends, in wishing him well.

WHAT THE GENOCIDE TREATY MEANS BY GENOCIDE

Mr. PROXMIRE. Mr. President, some opponents of the International Convention and Punishment of the Crime of Genocide have suggested that the treaty's definition of genocide is too broad. They have charged that under the treaty an individual act of homicide could be considered genocide. Thus, they conclude, the crime of murder, traditionally under the jurisdiction of the States, would become internationally illegal, undermining and complicating our legal system. A careful reading of the treaty, as well as its history and the understanding the Senate committee proposed to append to the treaty, show clearly that such fears are unfounded.

The convention defines genocide to be one of several specifically enumerated acts which are "committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such."

The phrase "in whole or in part" has led some to think that the treaty definition of genocide would include any action included to destroy a single member of any of the groups mentioned. To avoid this interpretation and retain the true meaning of the word "genocide," the Senate Foreign Relations Committee proposed that an understanding be added which specifies that—

> The U.S. Government understands and and construes the words "intent to destroy in whole or in part, a national, ethnical, racial, or religious group, as such" appearing in article II to mean the intent to destroy a national, ethnical, racial, or religious group . . . in such a manner as to affect a substantial part of the group concerned.

In hearings on the convention in 1950, Deputy Under Secretary of State Rusk testified that this was indeed the interpretation of the negotiators of the treaty, who did not intend to include homicide in the definition of genocide; rather—in Mr. Rusk's words—they "felt that it should not be necessary that an entire human group be destroyed to constitute the crime of genocide, but rather that genocide meant the partial destruction of such a group with the intent to destroy the entire group concerned."

The clarification offered in the Foreign Relations Committee's proposed understanding, and the legislative history of the treaty, should clear up doubts about its meaning. But the matter is placed beyond doubt by the wording of the treaty itself. The convention speaks of the destruction, in whole or in part, of a group "as such." The words "as such" are defined in the dictionary to mean—"as being the—thing—previously mentioned."

There is only one thing previously mentioned in the sentence in question, and that thing is the "group." Thus the intention must be to destroy the group as a group. Clearly, the group is destroyed as a group if every member of the group is destroyed. Equally clearly, the group is destroyed as a group if a substantial number of its members is destroyed. A group is not destroyed as a group by the isolated destruction of one of its members. The treaty does not, therefore, make criminal matters which are traditionally and properly the province of the States, into issues of international law. The treaty does not cover a great number of crimes which, while of great concern, are still of essentially domestic concern. The Genocide Convention only covers what is really genocide—intentional and systematic extermination on such a scale that it surely is as a matter of right, and should be as a matter of law, a crime of international concern.

I urge the Senate to take up the question of the Genocide Convention and ratify the treaty without further delay.

ADDRESS BY SENATOR ROTH BEFORE AMERICAN SOCIETY FOR PUBLIC ADMINISTRATION

Mr. BOGGS. Mr. President, my distinguished colleague from Delaware (Mr. Roth) recently delivered a most scholarly address before the American Society for Public Administration.

His subject was one in which he has more expertise than most people in Government—"Federal Domestic Assistance: A Test of Intergovernmental Administrative Cooperation."

I feel certain that Senators will recall that Senator Roth, while still a Member of the other body, began an extensive study of our grant-in-aid system. His study resulted in the compilation of the Catalog of Federal Domestic Assistance programs, easily the most comprehensive such catalog available today.

Mr. President, my colleague is expert in this field, and I thought Senators might enjoy reading his remarks. I ask unanimous consent that they be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Federal Domestic Assistance: A Test of Intergovernmental Administrative Cooperation

Ever since the early days of our nation, the central government has financed public services administered by the state and local governments. Included among these early forms of Federal grants-in-aid were land grants for the support of education and the distribution to the states of the profits resulting from the sale of Federal lands. This system of aid continued to grow slowly until the Great Depression of the 1930's when the Federal contribution to state and local activities increased more than six times.[1]

By 1959 the central government was providing domestic assistance to non-Federal bodies to the tune of about $6.6 billion, which amounted to 7.2% of Federal outlays and about 12.3% of combined state and local revenues.[2] The decade of the 1960's saw these figures rise to $29.8 billion, 14.1% and 17.9% respectively in 1971. Much of the expansion took place in education, manpower, health, and income security programs, while aid to commerce and transportation declined.[3] It was these years of the Great Society which made clear to us the disadvantages of attempting to maintain state and local vitality through large numbers of functional aids with strings attached.

Despite these disadvantages, which I will expand upon shortly, the domestic grant system has been an attempt to continue to administer certain public functions at the state and local level, even when it is judged that Federal funds must be used to pay for them. Almost all domestic aids have conditions attached to them which must be met by recipients. In 1970 approximately half of the grants were in the form of project grants—given to applicants at the discretion of the granting agency for specific program needs.[4] Assistance distributed automatically by formula to categories of recipients accounts for most of the remaining grants. Differing degrees of state matching are required by the various project and formula programs.

If one knows anything about American Congressional politics, it is easy to understand how by 1972 we have a grant system consisting of over 1000 somewhat narrowly defined categorical grants-in-aid. Equity, the provision of national standards of service, and adjustment of benefit or cost spillouts or spillins among jurisdictions, have all been arguments used to justify the erection of new grant programs. Every constituency has sought to guarantee that money will be available for its very specific purposes. Further, national legislators have sought to provide protection against misuse of Federal funds through extensive regulation. It has also been the opinion of many that narrow functional grants are the best device for zeroing national resources in on problems of national concern.

While a member of the House of Representatives, I conducted a study of the grants system, which culminated in the printing of the first comprehensive catalog of Federal domestic assistance programs. As a result of this study and experience since, I have concluded that our Federal grant system suffers from the following weaknesses:

1. It presents a maze of programs administered by so many agencies as to pose a major informational problem to grant applicants. A realistic picture of the true dimensions of the difficulties faced by applicants for Federal grants arises from a realization of the number of programs operating in any functional area. This picture is further complicated when the multiple uses to which programs can be put are taken into account. For example, there are housing, research, and manpower training programs which can be of benefit to educators and educational institutions. Sorting out the multiple uses of programs is an activity requiring the most sophisticated grantsmanship. When multiple uses are accounted for, a study conducted by my staff found that there are something like 172 grants in the housing area, handled by 16 agencies and 32 subagencies, bureaus or offices within larger units. In the education area there are approximately 440 programs under the direction of 31 major agencies and 53 bureaus.

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[1] Inderjit Badhwar, *Federal Times*, March 15, 1972, p. 4.

[2] U.S. Budget, *Special Analyses*, 1973, p. 245.

[3] *Ibid.*, p. 240.

[4] *Ibid.*, p. 249.

2. Application procedures are complicated and lengthy, which is wasteful of Federal, state and local funds and manpower.

3. There are too many narrowly-defined programs which duplicate and overlap each other, leading to poor coordination.

4. Wealthy states, communities, or colleges can more easily afford the professional staffs needed to search out programs than can smaller, poorer grant applicants.

5. There is limited coordination, oversight, and evaluation of a grant system administered by many agencies. We need to pay more attention to whether our programs are reaching their intended goals.

6. Federal aid may have an excessive impact on the state-local allocation of financial resources.

7. Administration of grants can become so inflexible and complicated that programs become more of a hindrance than a help to recipients.

8. Political influence, unequal access to program information, and the first-come-first-served allocation of project grants leads to overall distributions of domestic aid which may not best meet our program goals.

I am happy to say that President Nixon and his administration have sought to deal with the deficiencies of our system of domestic categorical grants-in-aid. I support the broad intentions of the administration's four executive reorganization bills, its special revenue sharing proposals, and the efforts of the OMB's Federal Assistance Review and those of agency task forces. Constructive directions in which the OMB has been moving include: the decentralization of grant administration; the establishment of common regional boundaries for agencies offering grants; the development of Regional Councils for the coordination of application procedures; improvement of program information; pilot projects in joint funding; and the pending Integrated Grant Administration Program.

While I heartily approve of the reforms noted above as steps in the right direction, I do not believe they will treat all the ills of the domestic assistance system. Even if successfully carried out, state and local officials and Federal administrators would still face a most complex array of categorical grants. I have personally introduced legislation which would require the Office of Management and Budget to provide a regularly updated catalog of program information for grant users. I have further thought it worthwhile to co-sponsor bills which would give the Executive more authority to consolidate or jointly fund narrow grants-in-aid or to make use of the broad block grant procedures implied by special revenue sharing.

My honest feeling is that we are really never going to eliminate much red tape and bureaucracy until the state and local governments regain the capacity to finance their own responsibilities. As long as Federal money is being spent by non-Federal bodies, we in Congress will seek to place conditions on its use. Revenue-sharing may be a temporary answer to fiscal crisis in the states, counties, and cities, but it will not return fiscal balance to our intergovernmental system. Further, when abuses in the expenditure of revenue-sharing funds are discovered, Congress will begin to encumber this assistance also.

Federal tax credits for state and local income taxes, improved intergovernmental coordination of revenue gathering, a more rational structure of Federal planning requirements and grants, and improved self-evaluation of program effectiveness are ways in which state and local governments can achieve the sort of financial and management capability to allow the elimination of a significant number of grants-in-aid.

I would like to spend the remainder of my talk describing a project which my staff and I have been engaged in during the past year. Our interest in the program evaluation practices of the Federal agencies grew out of my desire to make the system of domestic assistance a more positive contributor to our Federal system. I am currently making available a report which seeks to present at least a sketchy picture of program evaluation and analysis in 39 Federal agencies. This report presents summaries of response to a questionnaire which we directed to 41 Executive agencies.

My entire approach to program evaluation and analysis is a common sense one. I intend the term "evaluation" to refer primarily to a process which measures the success of ongoing activities. Obviously there is an analytical aspect to this. The expression "analysis" has a broader meaning to me—including the consideration of hypothetical situations in planning for the future. Decision-making based on analyses is what I am really advocating—be it in Congress or the Executive Branch. To my common sense way of looking at it, this would be decision-making following upon a breakdown of problems into their constituent parts; an assembling of all pertinent, available facts; and the tying together of causes and effects.

My interest in making sure that the Executive Branch and the Congress have adequate evaluation and analysis to back up their decision-making is derived from a desire to find a practical path to true fiscal responsibility. Evaluation and analysis contribute to this end by allowing us to better determine whether programs are accomplishing their intended goals; how these programs could be improved; and what new programs should be undertaken in the future.

Adequate analysis and evaluation would also permit us to compare the relative costs and achievements of various programs managed by one or a number of agencies. Any rational allocation of scarce public resources requires that some sort of cost-effectiveness or cost-benefit analysis be performed.

The use of analytical techniques is subject to a number of dangerous distortions. These include over-objectification, over-systematization, and use for advocacy by program managers and political executives. We must keep in mind that it is especially difficult to guage whether social programs are successful. These programs necessarily have multiple goals which in their ultimate form are very hard to measure. Further, I think we need to guard against the erection of complicated formal structures of analysis which have no impact on decision-makers.

I would now like to summarize the findings of our survey. We have, of course, been limited by the accuracy and completeness of the agency responses. To as great a degree as possible we have simply summarized what the agencies have told us.

It seems to me most essential that agencies make serious efforts to define the short- and long-term goals of their programs. It is obvious that this is difficult given the vagueness of legislative authorizations and the multiple, imprecise, and illusive ultimate goals set for social programs. According to our survey, the definition of objectiveness and goals is not a highly developed art among the executive departments and independent agencies. Immediate outputs seem to be more frequently defined, and the large executive departments have gone somewhat further in this direction than the usually smaller independent agencies.

Once goals and objectives are outlined, techniques must be selected to determine whether agency efforts are meeting these standards.

Again the major executive departments measured program outputs more extensively than the independent agencies. In either case, ultimate program goals were less frequently assessed than immediate measures of activity.

Program outputs must be related to program costs to effectively use program evaluation and analysis to determine priorities and allocate scarce resources. The replies to our questionnaire indicated that cost effectiveness or benefit study was not applied to many agency activities. As regards the use of some sort of formal Program-Planning-Budgeting System by agencies, such use was almost nonexistent among independent agencies, while four executive departments claimed to do so.

In constructing our questionnaire to the agencies, we sought to obtain an impression of the distribution of evaluative resources between program operators and agency-wide management. This distribution should make use of their superior knowledge of program operations possessed by program people, while making it possible for top decisionmakers to reflect independently on issues.

Sheer numbers of analysts at the disposal of a central evaluation unit do not necessarily make for this sort of balanced evaluation. Yet it is interesting to note that few executive departments or independent agencies, in response to our letter, described their evaluation apparatus as centralized. Decentralization seems to be the order of the day. Most departments and almost half the agencies do note the existence of a central unit with major evaluatory-analytical responsibilities.

Each agency, with the guidance of the Executive Office of the President, must determine the sort of formal structure of evaluation and analysis it needs. HEW told us that its central evaluation unit disposed of the services of six persons compared to 116 at the agency level; Agriculture's Office of Planning and Evaluation was reported to employ fifteen professionals while the ten larger agencies within the department employed a total of 28; and Commerce's Office of Budget and Program Analysis was described as containing 20 out of a total of 147 evaluation personnel.

As I mentioned earlier, I am hopeful that the Federal Government will in the future take more interest in encouraging state and local governments' capacity to manage intergovernmental aid minus extensive Federal requirements. Both executive departments and independent agencies made it clear that almost no programs to support improvements in state-local evaluation and analysis exist. Similarly, almost no functional programs permit the use of money for such purposes.

It has always seemed to me that the improvement of evaluative and analytical practices could best be achieved through the budget process. If the Office of Management and Budget, and for that matter the Congress, were to demand more analytical support for agency budgetary requests, I think we would see at least an increase in the amount of analysis and evaluation in the agencies.

Our questionnaire sought to gauge the amount of guidance in developing adequate program evaluation which agencies were receiving from OMB and Congress' arm, the General Accounting Office. It must be realized that both of these agencies are assigned numerous other responsibilities, which are generally performed adequately. Also, it is significant that GAO has considerably expanded its involvement in the evaluation of program accomplishments in recent years. However, the responses to my survey lead me to hope that the Comptroller General, and the Office of Management and Budget, will take even more interest in the practices used by agencies to assess the impacts of their programs.

The responses to our questionnaire indicated that a majority of Federal agencies throughout the Federal establishment depended primarily on in-house evaluation and analysis, rather than outside contracts. To my mind, this is as it should be. The agencies also made it clear that there are few instances, such as HUD's Model Cities supplemental grants, where program money is available for evaluation.

Equally uncommon is the situation where Congress or the Executive has earmarked funds for this function, set explicit legislative requirements for evaluation, or specifically instructed the Comptroller General to assess the accomplishments of particular programs.

In summary, our system of Federal domestic assistance offers a formidable challenge to creative public administration. Its more effective use as a part of our decentralized Federal system of government will depend upon innovations in intergovernmental relations, as well as in management practices within the Federal agencies. Better use of cost and effectiveness data by these agencies, as well as by grant recipients themselves, would be an important step in this direction.

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM, AND DIGESTIVE DISEASES

Mr. TOWER. Mr. President, I applaud the recent action by Congress which resulted in the passage of H.R. 13591, designating a National Institute of Arthritis, Metabolism, and Digestive Diseases. Prior to this legislation, the Federal Government had not focused upon research of the digestive diseases, which are a very serious health problem in the United States.

While we frequently seem to be most concerned about the diseases which come to our attention, because of their high fatality rates, such as cancer and stroke, we should nevertheless be aware of the enormous toll taken by the diseases of the digestive tract.

First, digestive disease is highly prevalent in our population, accounting for about one out of every six illnesses. In a sample of 1 million Americans, a health survey revealed that 44 percent of the men and 55 percent of the women had complaints referable to the digestive tract. In the same study, 22 percent of the men and 17 percent of the women had incurred specific digestive diseases, such as peptic ulcer, colitis, or gall stones. From a careful study of a cross section of the U.S. population, the National Center for Health Statistics estimates that chronic digestive disease affects 12.8 million Americans. It is a major cause or contributing cause of hospitalization in 5.1 million persons each year—more than are affected by any other disease category.

Second, digestive disease is an important cause of disability due to illness, ranking second among all disease categories, in the U.S. population. According to the National Center for Health Studies, over 2 million persons in the United States are wholly or partially disabled by digestive diseases. Each year, Americans spend nearly 300 million man days away from work—and 116 million in bed—because of acute and chronic digestive disease.

Third, digestive disease, including gastrointestinal cancer, is the third most important cause of death from cancer in the United States, and quite possibly these mortality rates are underestimated According to the National Center for Health Statistics, 163,000 deaths in the United States each year are attributable to digestive disease as the primary cause of death, and an additional 98,000 as a contributing cause. Such estimates, however, fail to indicate the full significance because of the greater stress placed—during the conclusion of a terminal illness—on the circulatory and other systems.

Fourth, the economic and social cost of digestive disease is significant: The loss due to disability, and the income loss due to premature death, is calculated at $8.1 billion annually. Of all disease categories, digestive diseases ranks third in causing economic loss, exceeded only by cardiovascular disease and accidents. The economic loss to the United States due to peptic ulcer alone is calculated at just under $1 billion a year.

Fifth, the greatest impact of digestive diseases is on the health of men in the middle years of life. This means illness of the head of the family, the breadwinner, the taxpayer, on whose shoulders the increasing burdens of the needs of children and the aged are being placed. Such illness has wider implications for the well-being of the family and of the community than can be measured by the indices used above.

These are but some of the reasons that Congress has acted to focus the attention and the resources of our Nation on digestive diseases. I am pleased that the National Institute of Arthritis, Metabolism, and Digestive Diseases became a reality when President Nixon signed it into law on May 19, 1972.

CORPORATE SOCIAL RESPONSIBILITY

Mr. PERCY. Mr. President, Blaine Yarrington, president of American Oil Co., recently made a speech in Chicago on corporate social responsibility.

Mr. Yarrington makes the point that corporate social responsibility is not only necessary in and of itself, but that it is not even incompatible with profitability.

One of the more interesting points he raises is the need to accord social goals status along with traditional goals in a company's statistical reports. If top management is serious about its social objectives, it must accord them the same status as other corporate objectives.

Mr. President, I ask unanimous consent that Mr. Yarrington's most interesting speech on corporate social responsibility be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

CORPORATE SOCIAL RESPONSIBILITY: RITUAL OR REALITY?

(By B. J. Yarrington)[*]

I appreciate the opportunity to meet with you during your annual assembly. In my business career I have had many opportunities to observe Better Business Bureaus in action—not, thank Heaven, as a target, but because of your efforts to curb unscrupulous competitors whose actions threatened to tarnish the reputation of an entire industry. Many of us have often been pleased with your effective work.

Despite increasing federal surveillance of business practices, your role may be more important today than ever before. The very fact that some of our fundamental business concepts are being challenged may act as a protective smokescreen for firms that are deliberately dishonest or deceptive. I hope that while these questions of traditional business practices are being resolved, you will continue to penetrate that smokescreen to ferret out the genuine malefactors.

But I was asked today to respond to a somewhat broader question: What can be done to make the American corporation more socially responsive? It is a subject on which there has already been such a flood of executive rhetoric that it seems possible somewhere, someday, an audience will finally drown in the torrent of words. Let's hope that this is not the day when I become Noah and you the victims of the deluge!

In an effort to keep us on dry land, I plan to waste no time in a long justification of the *need* for business to assume a social role. Instead, I want to concentrate on proposing some ways in which business can perform that role more effectively.

It seems strange to me that with all that has been said by senior corporate management about social responsibility, so little attention has been given to strategies for getting the corporate organization to practice what management preaches.

There are, of course, external constraints on corporate social action. Witness the dilemma of the automobile industry: Under tremendous pressure by federal law to meet stringent exhaust emission standards, yet prevented—also by federal law—from engaging in any effective intra-industry research on the problem.

Competition itself can also be a restricting force, as was pointed out recently by R. D. Watts, counsel to the U.S. Senate Select Committee on Small Business. He said: "I think it is unrealistic and unfair to expect one manufacturer to install . . . equipment in his factory or . . . improvements in his product, when they will add nothing to the market price his product will fetch, unless all of his competitors do the same thing at about the same time."

Yet, although government regulation and competitive pressures are valid constraints, corporate hand-wringing over them becomes increasingly irrelevant. In fact, it tends to obscure the internal corporate hangups that interfere more significantly with social action.

Let me enumerate what I believe these internal hangups are; what, in fact, my own experience has shown them to be.

First, most executives have regarded their social objectives as philanthropic rather than economic—moral rather than practical—and peripheral rather than integral to the operations of the company.

Second, most executives have regarded social actions as optional, rather than as essential to the future of their companies and our economic system as a whole.

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[*] President, American Oil Company. Remarks to International Assembly of Better Business Bureaus; Chicago, Illinois; May 23, 1972.

Third, most executives have thought in terms of how they might intelligently spend their shareholders' money on social action, rather than how they might make money for their shareholders through profitably responsible social behavior.

Finally, and perhaps most important, most executives—when dealing with social action—appear to forget all they have ever learned about how to convert policy into practice.

There is one fatal difficulty with a corporate approach that perceives social action as peripheral, philanthropic, and optional: It leads to the conclusion that social responsibility and profit are inevitably incompatible.

Viewed in the short term, this may indeed be the case—but no chief executive can afford to be that short-sighted. If he is—if he fails to perceive the need to respond to the changing demands of society—he ignores one of his basic obligations to his shareholders, which is to insure the continuity of the corporation.

More to the point is the fact that if management views social needs as opportunities, rather than problems, and applies the same creativity to determining how it might profitably satisfy those needs, it will find an eager, unsatisfied, and profitable market for social responsibility.

General Electric, Xerox, and others have proved this by making a profit from the improvement of public-school education—Rohr Corporation from providing modern mass transit—and American Oil from producing lead-free fuels to help curb auto emissions.

Safeway Stores yielded—somewhat reluctantly at first—to consumer demand for unit pricing, only to discover that their computer-printed price tags actually contribute to corporate profit. These corporations are converts to the philosophy that social needs are business opportunities, not unwelcome chores.

But the main point I would like to leave with you today relates to the internal structure of the company itself. Why have chief executives—however sincerely concerned—failed to enlist the support of their organizations to achieve social goals?

Five years ago this summer, my predecessor as president of American Oil—Bill Moore—identified the bottleneck that has long inhibited the translation of good intentions into action by a business organization. He said:

"Those levels of company management that hold the responsibility for actually managing the work have not really become involved in the search for solutions to social ills. What we need is a climate in which more people in middle management consider it a part of their normal responsibilities to study the ways in which their particular skills and talents can be used to attack the many elements of the problem. . . ."

Bill Moore had his finger on the need—but we had to apply social band-aids for a few years while we developed a more realistic perception of our proper social role, and an understanding of what must be done to carry it out.

We are pragmatic—even hard-nose—about our objectives and about the methods of achieving them. I do not think any company's proper social role is to try to become a sort of corporate HUD or HEW, any more than Ford Motor Company should try to become a second Ford Foundation. I don't think we should undertake a unilateral exercise to try to rejuvenate an urban ghetto; municipal administration just isn't our bag. I don't even think we should try to determine what standards of air and water quality should be established in this country; this is a matter of social policy in which the cost-benefit ratio should be established by government—representing the people at large—and not by us.

I *do* see our social role as including these things:

Hiring minorities on equal terms with whites and building them into the organization at all levels.

Purchasing from all types of suppliers, including minorities, and assisting in the development of new minority suppliers to enhance the economic stability of minority communities.

Designing and building facilities and products that contribute to the environment, rather than detract from it.

Advertising our products honestly, in ways that are calculated to enlighten rather than mislead.

Providing the services we promise the customer, even if it means temporarily reducing our margins in order to back up our claims.

Expanding the data base for the corporate decision-making process to include measurement of the impact of those decisions on the physical and sociological environment.

And accepting our responsibility as individual corporate executives to exercise leadership to stimulate needed changes in public policy—not, mind you, to *determine* public policy, but to insist that those responsible for forming public policy do their jobs.

This, to my mind is a realistic view of corporate social action. To make it effective, we must have an equally realistic approach to the process of carrying it out—based on three fundamental assumptions:

First is recognition that management communicates more by deeds than words. Many policies are stated, but they achieve credibility in the organization only when they are enforced. Thus, if social policy is to be believed and implemented, it must be enforced—as are traditional objectives—with specific goals, timetables, accountability, performance measurement, penalties, or rewards.

Second, social goals must be accorded status along with traditional goals in the statistical reports that are the bible of every corporation—the periodic reports that tell managers how well the company is doing and how they are doing vis-a-vis each other. Social goals, therefore, must be quantified to the maximum extent possible, because, as someone has said, corporate people don't speak English—they speak arithmetic—and that is the language of most significant corporate reports.

Third, ways must be found to bridge the gap between the long-term profit perspective of senior management and the short-range view of those in the line organization. Let me clarify that.

The senior executive justifies social policies on the basis of the need to preserve an environment in which profit continues to be possible. Prudent management demands that he be willing to sacrifice some short-term earnings in order to strengthen the profit position of his company a few years down the road.

Meanwhile, however, the middle manager is geared to short-term objectives. By tradition and practice he is oriented to annual budgets and goals of sales volume and profit.

To put it another way the president of the company may live by the 10-year plan, but the district manager lives by sales quotas and his annual budget. If he fails to meet the quotas, or exceeds the budget, he is in trouble—and he knows it.

This difference in perspective creates a crucial conflict where the implementation of social policies is concerned. These policies are rarely reflected in the sales and production goals or the budget limits assigned to the line organization. Instead, they are encapsulated in formal written documents—devoid of reassuring arithmetic—that make the rounds of in-and-out baskets and are finally buried in a musty file drawer.

Any reasonably astute observer of the corporate scene can watch this process in action: Management says it will train the hard-core unemployed, for instance, or buy more goods from minority suppliers. It may even express a willingness to accept some reasonable cost penalties in order to do so.

But what happens if a middle manager takes the chief at his word, implements the policy, and then misses his production quota or exceeds his budget? Is he commended for implementing the social policy? Not likely. He is more apt to be chewed out for missing the quota.

It doesn't take two rides on that merry-go-round for most men to get the message.

Clearly, if top management is serious about its social objectives, and not merely giving them lip-service, it must accord them the same status as other corporate objectives. This can only be done by the process of setting firm goals and timetables against which performance can be measured, budgeting the attendant costs if any are anticipated, and then demanding accountability for meeting the objectives, measuring performance, and delivering appropriate penalties and rewards.

To sum up in a few words: The business organization—the system itself—need not be an obstacle to attaining socially-oriented goals. It can be the means by which they are accomplished.

One final observation on the costs of social action. Earlier I suggested that senior management's inclination has been to treat such costs as philanthropic expense. I submit now that we should begin to regard them as social investments.

I believe a strong case can be made that a prudent management, in this post-industrial age, must be as willing to make social investments in behalf of our shareholders as we are to make capital investments—in both cases with the objective of insuring future growth, profit, and perhaps even the potential for survival.

To cite an example, paper manufacturers routinely invest current earnings in reforestation projects—a socially responsible act. As a consequence, the earnings distributed to shareholders are reduced. But the action is an economic necessity as well as a social responsibility, because it guarantees that a supply of raw materials will be available to the company so that it can continue to operate many years down the road.

It need be no different with other kinds of social investments.

Our company, as another example, derives much of its profit from the sale of gasoline to customers who live in declining central cities all across America. Just as the paper industry stood idly by for many years while the nation's forest resources were depleted, other industries—including my own—have stood by and watched the depletion of human resources in these central cities.

Prudent management demands that we help restore these human resources, for we need solvent customers in the inner city as desperately as a paper mill needs trees.

I think I can almost hear some under-the-breath muttering out there: "All this talk of social investment is fine. But I'll bet he's not going back to American Oil and depress his short-term earnings by one dime for any such ethereal, long-term goals."

You're absolutely right.

But I am going back to invest that dime—and a lot of other dimes—in a way that carries out my social responsibility to the company's shareholders.

Furthermore, I'm going to get that dime back. An innovative management, under pressure to achieve, will see to that—and the result will be a combination of greater social action and greater productivity. With that will come profit—more profit than I would have had if I abdicated all responsibility to society and hid my head in the sand.

Somewhere down the road, corporations that ignore this need for the parallel development of social and traditional investments will feel the wrath of society—expressed, I'm sure, through the agencies of government.

I don't want to be among them, hat-in-hand in Washington, pleading "You can't do this to me."

And I know I need not be. American Oil—and American business as a whole—can respond to legitimate public expectations if we take a pragmatic approach to getting it done. The task isn't nearly as awesome as some would make it appear to be.

I am reminded of the old story about the traveling salesman who was solicited to buy a correspondence course on the art of selling.

"No, thanks," he replied. "I don't need it. I ain't even doing all the things I know how to do *now!*"

That's where business is today, in terms of social responsibility. We ain't even doing the things we know how to do now.

ADDRESS BY SENATOR TUNNEY BEFORE UNITED JEWISH APPEAL, SEATTLE, WASH.

Mr. TUNNEY. Mr. President, last Friday night, I had the privilege of addressing the campaign opening dinner for the United Jewish Appeal in Seattle, Wash.

That opportunity enabled me to set forth my views on the successful summit meetings that the President had just concluded in Moscow.

Mr. President, I ask unanimous consent that the complete text of my remarks, commending the President on the accomplishments of the summit, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR JOHN V. TUNNEY

I am flattered that you have asked me to speak with you this evening and am delighted to have this opportunity to be a participant in the United Jewish Appeal.

I considered talking about any one of a variety of subjects: the legislative attempts to force an end to the tragedy in Indochina; the increasing credibility gap which plagues our government even more directly since the nomination of Mr. Kleindienst has been considered; my recent trip to the Middle East, during which I had an opportunity to explore the attitudes of leaders both in Egypt and in Israel; or the efforts that have been made and that must be renewed to solve the urgent problems of our urban communities, in housing, education, transportation, and in the general quality of life.

But I decided that it would be most appropriate this evening to speak with you about the events of the past week which I believe are most likely to be remembered as historic; events which might signal a breakthrough in the relations between the United States and the Soviet Union.

I have disagreed strongly with President Nixon on a number of the policies he has pursued during his term of office. I am in sharp disagreement with him in the most important policy of his administration: his so-called "plan" to end the war in Vietnam. I have criticized the bombing. I have condemned the escalation and the continued slaughter. I have sought to end the war more quickly and more convincingly.

But I must applaud the President upon the accomplishments of the summit. He brought home agreements in a wide variety of important areas. He demonstrated that America's national interests require international accommodation and that national security is better served if it is premised upon some conception of world order. He concluded agreements which proved that American interests need not be compromised in the course of obtaining agreement with the Soviet Union—that, regardless of ideological disputes and national competition, peace and economic development serve the interests of both powers.

It should be evident that it was in the interests of the leaders of both sides to underscore the importance of the agreements reached in Moscow and to orchestrate the announcement of the agreements in such a way that their features would be highlighted and their content would be given the maximum of attention.

Therefore, it is important to scrutinize the substance of the agreements themselves—to evaluate carefully the content of the declarations. Some of the results are more impressive than others; some are disappointing. It is important to recognize that these agreements are the product of long and painstaking negotiation; that none of the key points was arrived at easily or spontaneously at the summit.

My conclusion is that, regardless of the fanfare surrounding the agreements and their formal acceptance, an analysis of the substance of the agreements reveals an impressive record of accomplishments.

The accomplishments of the summit can be divided roughly into five major areas:

First, trade.

Second, defense and arms control.

Third, multilateral relations, or agreements which require the cooperation of nations other than the United States and the Soviet Union.

Fourth, Soviet-American cooperation in other areas of mutual concern.

Fifth, the so-called "Declaration of Principles" set forth as areas of agreement between the two superpowers.

Let me evaluate briefly the agreements in each of these areas: First, in trade. The Washington *Post* summed it up well: "In light of the expectations which surrounded the trade discussions, the result here must be termed a disappointing one. On the issue of trade, the United States and the Soviet Union seem to have done nothing more than establish a commission, as the Russians put it, 'to promote the development of mutually advantageous relations in trade.' None of the known troublesome issues was resolved: not the Soviet lend-lease debt, not American credits, not terms of American investment in Soviet projects, not the matter of giving Soviet goods fair access to the American market, not procedures for doing business, not the settlement of trade disputes. No big new trading deals were announced or even targeted. Nor does the proposed new commission appear to envisage, on the American side, the kind of official agency which many specialists believe to be necessary to let American traders and investors deal more effectively with the Soviet state trading system. Overall, one must gain the impression that a major part of that 'structure of peace' which Mr. Nixon hoped to build at the summit—the economic part—was not in fact put in place."

Moving from the first issue, trade, to the second issue, defense and arms control, we move from the most disappointing of the results to the most encouraging.

The arms control agreements which were negotiated painstakingly and tediously during three years of strategic arms limitations talks, are historic, unprecedented, and might prove to be vitally important to the security of both the Soviet Union and the United States.

The arms control agreements limit the numbers of Anti-Ballistic Missiles (or ABMs); Inter-Continental Ballistic Missiles (known as ICBMs) and submarines. The agreement is divided into two parts: a treaty, which will require ratification by the United States Senate, and which limits each side to two ABM sites, one site to protect the capital city and the other to protect an ICBM field. Significantly, in each of these ABM locations, no side can deploy more than one hundred interceptors. The essence of that treaty is that it recognizes the mutual vulnerability of either side and commits both parties to maintain that vulnerability. For if either side can fire one hundred and one missiles at a site which is protected with an ABM system which contains one hundred interceptors, and even assuming perfect accuracy, the target, especially if it is a city, will remain vulnerable.

And, to underscore the ease with which either side can accomplish that offensive capacity—and the futility of attempting to defend against it—it suffices simply to mention that each Poseidon submarine contains sixteen missiles and that each missile fields ten different warheads, all targeted independently. So, on a single Poseidon submarine, we have one hundred and sixty independently targeted missiles, enough to destroy many times over any Soviet city, whether the city is Moscow, ringed with a protective ABM coating, or any other city, which will have no ABM interceptor missiles available for its defense. The continued development and procurement of ABM systems would have necessitated the continued development of offensive weapons in order to maintain the mutual vulnerability of the two powers.

And, it should be remembered, it is that mutual vulnerability which is theoretical underpinning of the policy of nuclear deterrence. For, so long as each side can deliver unacceptable punishment to the other, it will be blatantly contrary to the interests of either power to provoke or initiate a nuclear exchange.

So much for the ABM part of the agreement. The other agreements are also vitally important. They are in the form of so-called "executive agreements" and, technically, do not need to be ratified by the Senate. Their duration is five years and, accordingly, will have to be renegotiated in 1977 if they are to be renewed.

They relate to ICBMs and to submarines. The ICBM agreement freezes the number of ICBMs available to each power at the currently existing numbers. It permits the Soviet Union to maintain 1618 ICBMs and the United States to maintain 1054. Although the numbers ostensibly favor the Soviet Union, two points must be remembered: First, the relevant standard is not number of missiles. That type of numbers game is unproductive and irrelevant. What counts is our ability to penetrate Soviet defenses and, thereby, to deliver unacceptable destruction to the Soviet Union. Only in that way will a deterrent posture be credible. Using that criterion, it is important to recognize that each side currently has much more destructive capacity than is necessary to sustain either a credible deterrent posture or to deliver a destructive nuclear exchange. Either side could easily scuttle a number of its missiles and still retain that ability. Second, even if one does want to engage in the game of counting weapons, the proper measure of a nation's destructive capacity is not the number of missiles, but the number of independently targeted warheads. And the

United States has considerably more independently targeted warheads than does the Soviet Union, due to our ability to produce what is called MIRVs, or multiple individually guided re-entry vehicles. The Soviet Union has no such technical capacity at this time. Although the Soviets can put several warheads on the same missile, they cannot target those warheads independently.

Accordingly, it would not jeopardize the security of either country to cutback on the enormous number of missiles and warheads that each have developed and deployed. But, when neither side is committed to a policy of cutbacks, each side sees an incentive to continue to build. A policy of freeze might enable both parties to understand that further production and deployment is unnecessary.

The second part of the so-called "executive agreement" pertains to submarines. This is considerably more technical, and, in an effort to keep you awake, I will not go into it in great detail. It operates on a similar philosophy as the ICBM agreement, but it allows the Soviets to build some eighteen more submarines than the United States. Without the agreement, the Soviet Union would probably continue to build the eight new submarines that it has been building annually while the United States has no plans to develop a new submarine, even if the requested ULMS submarine is approved, for at least five years.

Freezing the quantity of ABMs, ICBMs and submarines does not provide insurance against war between the superpowers. But it does recognize explicitly the strategic folly of such a venture and it does insure the maintenance of a credible deterrent posture. It is premised upon a policy of parity in strategic nuclear arms, upon the view that through parity the peace will be preserved. It does not signal an actual cutback in nuclear arms, but it is an important first step in limiting the spiralling and unproductive arms race between the United States and the Soviet Union.

Moving from the successful arms control agreement to the area of multilateral relations involving third parties, we move back to an area which was less productive. The summit demonstrated clearly that the two sides have an easier time agreeing on bilateral matters than on international concerns which directly involve third parties. It appears that in the two most important and delicate areas, the Middle East and Indochina, the United States and the Soviet Union agreed to disagree. Both sides stressed their support of Security Council Resolution 242 as the basis for the peaceful resolution of the Mid-East disputes and the two sides set forth, in polite but clear language, dramatically divergent views of the continued crisis in Indochina. The two countries agreed that a multilateral conference should be convened on matters involving European security. That was the most significant result in the multilateral area. It could initiate an important new element in the process of defense in Europe.

None of those results come as much of a surprise. Although there was talk of some progress in these areas, there was no real expectation that either power could exert sufficient leverage on the smaller powers—who once were labelled "clients" but who have developed an ever-increasing degree of independence—to force an accommodation.

I was particularly concerned with the position of Israel at the summit, and with the suggestion that the superpowers might attempt to impose an unacceptable security agreement upon her. I believe that such an effort would have been unwise and I am pleased to see that the President did not attempt it.

So, we have a disappointing international result, but, in light of the low level of expectations in this area, the ledger on this subject can reflect a neutral result.

Let us, then, move to the fourth general area: that of Soviet-American cooperation in other areas of concern. Here, a variety of accords were reached and several noteworthy agreements were signed. I shall note them briefly: First, the two sides agreed to continue to negotiate toward reaching an agreement on maritime and related matters; they agreed on ways to prevent incidents at sea and in the air between vessels and aircraft of the United States and the Soviet Union. Second, they agreed to cooperate in science and technology and to create a joint commission toward such cooperation. Third, they agreed to cooperate in space and have planned, as a dramatic indication of that cooperation, a joint manned spaceflight which is scheduled to occur in 1975. Fourth, the two countries agreed to share their knowledge in fighting disease, improving health, and resisting the specific enemies of cancer, heart disease, and environmental health hazards. Fifth, the United States and the Soviet Union agreed to initiate a program of cooperation in the protection and enhancement of man's environment and to engage in consultations in the near future on specific cooperative projects in this area. Sixth, and finally, the two countries agreed to continue already existing exchanges in the fields of science, technology, education and culture.

When you consider the distance from which these two powers began to deal with each other, the combined impact of these six broad areas is enormous. It is true that some of these agreements appear cursory and others appear easy to accomplish—at least among neighbors, friends, or countries which respect and trust each other. But in light of recent Soviet-American history, the combination of these six agreements at once is in itself historic.

Finally, let me mention the fifth area, the Declaration of Principles, set forth as areas of agreement of the superpowers.

This "Declaration" consists of twelve very broad guidelines, which the New York *Times* has labelled "Rules for Coexistence." They are not specific. They are not detailed. They are not comprehensive.

But they are broad parameters which, for the first time in history, enable competitors, even potential military competitors, to set forth several general and helpful rules of the game. It is almost as if two teams were delineating ground rules before a strenuous athletic event. Here are two combatants agreeing upon general principles, including things as important as the avoidance of nuclear conflict. That Declaration of Principle, the first of the twelve, states that the United States and the Soviet Union "will proceed from the common determination that in the nuclear age there is no alternative to conducting their mutual relations on the basis of peaceful coexistence."

That first "principle" is certainly the most important, but the others also affirm an abiding mutual conviction that it is better, healthier, and smarter to play by certain rules, to work toward common objectives, to support and preserve the peace, than it is to continue to deal with each other with unbridled hostility and intemperate cynicism. That is not to say that the two sides suddenly trust each other and accept the other's terms and conditions of government. It is to say that they are willing to reduce tensions and to minimize conflict where possible and to recognize that the preservation of the peace is an essential, shared ingredient.

So, if we evaluate the ledgers of these five areas, we find a mixed result. We find a "minus" on trade; a significant "plus" on arms control; a "neutral" on the multilateral issues; a "plus" on the more general areas of bilateral cooperation; and another "plus" in the evaluation of the "Declaration of Principles."

The sum total of these agreements constitutes a major accomplishment. It improves the atmosphere between the two countries. It makes their relations easier and more cordial. It broadens areas of agreement and to some degree at least narrows the areas of divergence.

Perhaps most important, it serves notice to the world—and each power to the other—that the United States and the Soviet Union respect each other. They don't love each other. They might not even trust each other. But they respect each other. They each recognize that the other is a great power, one to be respected. Neither is an international pariah.

The motives of each side are much less important than their actions. Perhaps the Soviets are acting in part to tell the Chinese that they are not a great power. Perhaps the President is ultimately concerned with his re-election. Perhaps each is playing a delicate game of balance of power. Regardless of the motives, the results of the agreements make peace more possible and make war less likely.

I do have some concerns with the process and I believe it is important to set them forth, if only briefly. While I believe that the President and Dr. Kissinger have played a masterful game of balance of power, I fear that they are more aware of the broad strokes of nation-states than they are of the implications of their moves on real human beings. They might be able to find a balance whereby the United States, the Soviet Union, and the People's Republic of China can each survive against the others and where no aggregate of them will overpower a third. They might be able to achieve a regional balance in South Asia, or in the Middle East, or even, though less likely, in Southeast Asia.

But in achieving that balance, human beings are the ultimate factor in the policy. That often seems to be forgotten. Frequently the suffering, the economic and human costs, are ignored. Take the Soviet Jews for example. Despite repeated requests by the Congress—I myself sent three letters to the President on the subject and introduced two resolutions—it does not appear that the President even raised the issue of the treatment of Jews by the Soviet government. If he did raise it, he has kept it a well guarded secret.

Bismarck and Metternich may not be appropriate models in a world of over one hundred nation-states, a world which contains nuclear weapons, and which has a desperate need for an improved international order. While nations might be pawns on an international chessboard, their citizens are real, breathing, living people. It must never be forgotten that people are the lifeblood of nations. In the twentieth century, especially in a democratic society, their support and consent is an essential ingredient of policy.

Thus, the summit has left me with some reservations, some real concerns, but a generally positive reaction. I am reserved about its results in trade and in multilateral agreements. I am concerned about the President's apparent failure to raise the issue of the Soviet Jews—and the duplications of that failure on decision-making; the implications that the Congress is not included in the process and that the human beings affected are often submerged in a Grand Design.

But, evaluating the results as a whole, we must applaud the accomplishments of the summit. We must applaud the accomplishments in arms control and in general Soviet-American relations.

The ultimate ingredients in a successful summit are an improvement in international relations without jeopardizing national security—the increased promise of peace and the firmer foundation of world order. Those ingredients mark the Moscow Summit—and make it an historic event.

ENTRY OF MAY 31, 1972, ENTITLED "DELETION OF AN ENTRY ENTITLED 'RETENTION OF REPUBLIC OF CHINA IN THE U.N.' IN CONGRESSIONAL RECORD OF SEPTEMBER 29, 1971"

Mr. **THURMOND**. Mr. President, on May 31, 1972, I asked that a petition which I had inserted in the Congressional Record September 29, 1971, be deleted from the permanent Record before it is bound and published. However, I find now that publication is too near complete to accomplish this deletion.

The petition was entitled "Retention of Republic of China in the United Nations." It was submitted to me by the Honorable Hamilton Fish, former New York Representative, asking that I insert the petition in the Record with approximately 150 signatures.

Mr. Fish's letter of September 22, 1971, is as follows:

> I am enclosing a copy of the letter that we are sending out today to all Ambassadors of the free nations in the United Nations. I hope you will take the trouble to read the letter and I believe you will agree with it. Those who have seen it think it is constructive and that it will be helpful among the Ambassadors who are on the fence.
>
> I would appreciate it if you think well of it, to insert it in the Congressional Record with approximately 150 names and if you do not want to do so for any reason, you might ask Barry Goldwater or Sen. Carl Curtis, or anyone you think would be interested. I have asked very few memoers of the Senate in writing, to serve.

I find now that some of the people whose names were provided as signatories to the petition claim they were included erroneously and that there may also be others.

Mr. President, I therefore ask unanimous consent that my request of May 31, 1972, be removed from the permanent Record since its purpose is not technically possible. I also ask unanimous consent that the petition submitted September 29, 1971, be disregarded in view of the erroneous listing of signatures.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

NATIONAL DRUG ABUSE PREVENTION WEEK

Mr. **TOWER**. Mr. President, I am pleased to cosponsor Senate Joint Resolution 236, a resolution authorizing the President to proclaim the week beginning October 15, 1972 as National Drug Abuse Prevention Week. This event has been celebrated in the two preceding years by virtue of a Presidential proclamation. It is appropriate that Congress join with the President in calling attention to the problem of drug abuse, which has been designated Public Enemy No. 1.

I commend President Nixon for his fine initiatives in this vitally important field. He established the Cabinet Committee on International Narcotics Control in September, 1971, to supervise the Government's war on international drug trafficking, especially heroin. Building on earlier United States-Turkey agreements and in response to U.S. initiatives, Turkey has announced a total ban on the growing of opium poppy as of July, 1972. The United States and France have agreed to regularize cooperative arrangements in narcotics suppression efforts. Narcotics control coordinators have been appointed in over 60 American Embassies to work intensively at drug control with foreign governments, and action plans have been formulated for significant producing and transit countries. The budget for international narcotics control has increased from $30 million in fiscal year 1972 to $50 million in fiscal year 1973. All of these measures have brought us closer to our goal of cutting off the supply of heroin and other hard narcotics which are being smuggled into this country.

President Nixon's second major objective has been to inhibit the distribution of dangerous drugs. Federal expenditures for narcotics law enforcement were increased from $20.2 million in fiscal year 1969 to $164.4 million in fiscal year 1972, and $229 million has been requested for fiscal year 1973. Since 1969, the Bureau of Narcotics and Dangerous Drugs has trained 170,000 State and local personnel in narcotics and law enforcement schools, seminars, and training sessions. The results have been rewarding. Heroin seizures made by or with the assistance of U.S. officials increased 160 percent in 1971, and narcotics arrests increased 70 percent in 2 years. The Office of Drug Abuse Law Enforcement was established by President Nixon on January 28, 1972. Through the Justice Department it is directing an intensive effort in 33 target cities through nine regional offices against street and middle level heroin pushers.

President Nixon's third major objective has been to educate the public and to rehabilitate the drug addict. Federal expenditures for drug abuse prevention and treatment were increased from $46 million in fiscal year 1969 to $310 million in fiscal year 1972. The Drug Education and Training program, as of October 1971, had trained over 440,000 teachers, students, and community leaders in drug abuse prevention. The National Clearinghouse for Drug Abuse Information has assisted in the distribution of over 35 million pieces of drug education information to date.

Finally, the Special Action Office of Drug Abuse Prevention was established on an interim basis by President Nixon in June 1971, and signed into law on March 21, 1972. This agency will work to coordinate and give policy direction to programs now spread through Federal agencies and develop a national strategy for drug abuse education, treatment, rehabilitation, research, and prevention.

Under the capable leadership of President Nixon, the Nation has made good progress in its effort to win the war on drug abuse. I feel that we are on the threshold of turning the tide. To be able to return over 500,000 heroin addicts and millions of amphetamine, barbituate, and alcohol abusers to a useful, productive, and satisfying role in our society would be one of our Nation's most significant victories.

WOODLAWN REHABILITATION PROJECT

Mr. **PERCY**. Mr. President, ever since a brilliant series of articles by the Chicago Daily News on decay and destruction in the Woodlawn area, the eyes of the rest of the city of Chicago, and urban specialists of the whole Nation, have been focused on the public and private efforts to rebuild and revitalize this major urban area.

I joined with Representative Abner Mikva and Federal officials to tour the area last fall and subsequently joined with them to form the Woodlawn Task Force. This was an effort on our part to bring all the vast resources of the Federal Government to bear on the disastrous conditions prevailing in the area.

I am pleased to state that the Department of Housing and Urban Development has acted to earmark funds to rehabilitate some 1,100 apartments in the Woodlawn community. I believe HUD and the director of its Chicago area office, Mr. John Waner, are to be commended for their investment in the rejuvenation of this core neighborhood. I share Mr. Waner's view that much of the credit should be given to the Chicago Daily News for, in Mr. Waner's words, "giving all of us an incentive for doing something about it."

I ask unanimous consent that an article from the Chicago Daily News reporting the commitment by HUD to rehabilitate these units be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

HUD Acts To Fix 1,100 Homes in Wodlawn

(By Dennis Byrne)

Federal housing officials are moving to rehabilitate more than 1,100 apartments in the decaying South Side Woodlawn community, it was announced Thursday.

John Waner, Chicago-area director of the U.S. Department of Housing and Urban Development, said the project is part of a $56 million rehabilitation program earmarked for the Chicago area.

The Woodlawn action follows a Daily News series last year which detailed the devastation caused in the area by an epidemic of suspicious fires. More than 30,000 persons fled the community leaving vast expanses of abandoned and demolished buildings.

Waner, in remarks prepared for delivery to a conference on HUD's "Project Rehab" here, said officials already have determined that the rehabilitation of 824 Woodlawn units is economically feasible.

Applications for another 335 are in the works, he added.

"That's 1,159 units more than the zero units that were being rehabilitated before The Daily News series," Waner said.

"I thank The Daily News for bringing out the choatic conditions in Woodlawn and giving all of us an incentive for doing something about it," he said.

In Lawndale 126 units are being rehabili-

United States has considerably more independently targeted warheads than does the Soviet Union, due to our ability to produce what is called MIRVs, or multiple individually guided re-entry vehicles. The Soviet Union has no such technical capacity at this time. Although the Soviets can put several warheads on the same missile, they cannot target those warheads independently.

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The second part of the so-called "executive agreement" pertains to submarines. This is considerably more technical, and, in an effort to keep you awake, I will not go into it in great detail. It operates on a similar philosophy as the ICBM agreement, but it allows the Soviets to build some eighteen more submarines than the United States. Without the agreement, the Soviet Union would probably continue to build the eight new submarines that it has been building annually while the United States has no plans to develop a new submarine, even if the requested ULMS submarine is approved, for at least five years.

Freezing the quantity of ABMs, ICBMs and submarines does not provide insurance against war between the superpowers. But it does recognize explicitly the strategic folly of such a venture and it does insure the maintenance of a credible deterrent posture. It is premised upon a policy of parity in strategic nuclear arms, upon the view that through parity the peace will be preserved. It does not signal an actual cutback in nuclear arms, but it is an important first step in limiting the spiralling and unproductive arms race between the United States and the Soviet Union.

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The motives of each side are much less important than their actions. Perhaps the Soviets are acting in part to tell the Chinese that they are not a great power. Perhaps the President is ultimately concerned with his re-election. Perhaps each is playing a delicate game of balance of power. Regardless of the motives, the results of the agreements make peace more possible and make war less likely.

I do have some concerns with the process and I believe it is important to set them forth, if only briefly. While I believe that the President and Dr. Kissinger have played a masterful game of balance of power, I fear that they are more aware of the broad strokes of nation-states than they are of the implications of their moves on real human beings. They might be able to find a balance whereby the United States, the Soviet Union, and the People's Republic of China can each survive against the others and where no aggregate of them will overpower a third. They might be able to achieve a regional balance in South Asia, or in the Middle East, or even, though less likely, in Southeast Asia.

But in achieving that balance, human beings are the ultimate factor in the policy. That often seems to be forgotten. Frequently the suffering, the economic and human costs, are ignored. Take the Soviet Jews for example. Despite repeated requests by the Congress—I myself sent three letters to the President on the subject and introduced two resolutions—it does not appear that the President even raised the issue of the treatment of Jews by the Soviet government. If he did raise it, he has kept it a well guarded secret.

Bismarck and Metternich may not be appropriate models in a world of over one hundred nation-states, a world which contains nuclear weapons, and which has a desperate need for an improved international order. While nations might be pawns on an international chessboard, their citizens are real, breathing, living people. It must never be forgotten that people are the lifeblood of nations. In the twentieth century, especially in a democratic society, their support and consent is an essential ingredient of policy.

Thus, the summit has left me with some reservations, some real concerns, but a generally positive reaction. I am reserved about its results in trade and in multilateral agreements. I am concerned about the President's apparent failure to raise the issue of the Soviet Jews—and the duplications of that failure on decision-making; the implications that the Congress is not included in the process and that the human beings affected are often submerged in a Grand Design.

But, evaluating the results as a whole, we must applaud the accomplishments of the summit. We must applaud the accomplishments in arms control and in general Soviet-American relations.

The ultimate ingredients in a successful summit are an improvement in international relations without jeopardizing national security—the increased promise of peace and the firmer foundation of world order. Those ingredients mark the Moscow Summit—and make it an historic event.

ENTRY OF MAY 31, 1972, ENTITLED "DELETION OF AN ENTRY ENTITLED 'RETENTION OF REPUBLIC OF CHINA IN THE U.N.' IN CONGRESSIONAL RECORD OF SEPTEMBER 29, 1971"

Mr. **THURMOND**. Mr. President, on May 31, 1972, I asked that a petition which I had inserted in the Congressional Record September 29, 1971, be deleted from the permanent Record before it is bound and published. However, I find now that publication is too near complete to accomplish this deletion.

The petition was entitled "Retention of Republic of China in the United Nations." It was submitted to me by the Honorable Hamilton Fish, former New York Representative, asking that I insert the petition in the Record with approximately 150 signatures.

Mr. Fish's letter of September 22, 1971, is as follows:

> I am enclosing a copy of the letter that we are sending out today to all Ambassadors of the free nations in the United Nations. I hope you will take the trouble to read the letter and I believe you will agree with it. Those who have seen it think it is constructive and that it will be helpful among the Ambassadors who are on the fence.
>
> I would appreciate it if you think well of it, to insert it in the Congressional Record with approximately 150 names and if you do not want to do so for any reason, you might ask Barry Goldwater or Sen. Carl Curtis, or anyone you think would be interested. I have asked very few memoers of the Senate in writing, to serve.

I find now that some of the people whose names were provided as signatories to the petition claim they were included erroneously and that there may also be others.

Mr. President, I therefore ask unanimous consent that my request of May 31, 1972, be removed from the permanent Record since its purpose is not technically possible. I also ask unanimous consent that the petition submitted September 29, 1971, be disregarded in view of the erroneous listing of signatures.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

NATIONAL DRUG ABUSE PREVENTION WEEK

Mr. **TOWER**. Mr. President, I am pleased to cosponsor Senate Joint Resolution 236, a resolution authorizing the President to proclaim the week beginning October 15, 1972 as National Drug Abuse Prevention Week. This event has been celebrated in the two preceding years by virtue of a Presidential proclamation. It is appropriate that Congress join with the President in calling attention to the problem of drug abuse, which has been designated Public Enemy No. 1.

I commend President Nixon for his fine initiatives in this vitally important field. He established the Cabinet Committee on International Narcotics Control in September, 1971, to supervise the Government's war on international drug trafficking, especially heroin. Building on earlier United States-Turkey agreements and in response to U.S. initiatives, Turkey has announced a total ban on the growing of opium poppy as of July, 1972. The United States and France have agreed to regularize cooperative arrangements in narcotics suppression efforts. Narcotics control coordinators have been appointed in over 60 American Embassies to work intensively at drug control with foreign governments, and action plans have been formulated for significant producing and transit countries. The budget for international narcotics control has increased from $30 million in fiscal year 1972 to $50 million in fiscal year 1973. All of these measures have brought us closer to our goal of cutting off the supply of heroin and other hard narcotics which are being smuggled into this country.

President Nixon's second major objective has been to inhibit the distribution of dangerous drugs. Federal expenditures for narcotics law enforcement were increased from $20.2 million in fiscal year 1969 to $164.4 million in fiscal year 1972, and $229 million has been requested for fiscal year 1973. Since 1969, the Bureau of Narcotics and Dangerous Drugs has trained 170,000 State and local personnel in narcotics and law enforcement schools, seminars, and training sessions. The results have been rewarding. Heroin seizures made by or with the assistance of U.S. officials increased 160 percent in 1971, and narcotics arrests increased 70 percent in 2 years. The Office of Drug Abuse Law Enforcement was established by President Nixon on January 28, 1972. Through the Justice Department it is directing an intensive effort in 33 target cities through nine regional offices against street and middle level heroin pushers.

President Nixon's third major objective has been to educate the public and to rehabilitate the drug addict. Federal expenditures for drug abuse prevention and treatment were increased from $46 million in fiscal year 1969 to $310 million in fiscal year 1972. The Drug Education and Training program, as of October 1971, had trained over 440,000 teachers, students, and community leaders in drug abuse prevention. The National Clearinghouse for Drug Abuse Information has assisted in the distribution of over 35 million pieces of drug education information to date.

Finally, the Special Action Office of Drug Abuse Prevention was established on an interim basis by President Nixon in June 1971, and signed into law on March 21, 1972. This agency will work to coordinate and give policy direction to programs now spread through Federal agencies and develop a national strategy for drug abuse education, treatment, rehabilitation, research, and prevention.

Under the capable leadership of President Nixon, the Nation has made good progress in its effort to win the war on drug abuse. I feel that we are on the threshold of turning the tide. To be able to return over 500,000 heroin addicts and millions of amphetamine, barbituate, and alcohol abusers to a useful, productive, and satisfying role in our society would be one of our Nation's most significant victories.

WOODLAWN REHABILITATION PROJECT

Mr. **PERCY**. Mr. President, ever since a brilliant series of articles by the Chicago Daily News on decay and destruction in the Woodlawn area, the eyes of the rest of the city of Chicago, and urban specialists of the whole Nation, have been focused on the public and private efforts to rebuild and revitalize this major urban area.

I joined with Representative Abner Mikva and Federal officials to tour the area last fall and subsequently joined with them to form the Woodlawn Task Force. This was an effort on our part to bring all the vast resources of the Federal Government to bear on the disastrous conditions prevailing in the area.

I am pleased to state that the Department of Housing and Urban Development has acted to earmark funds to rehabilitate some 1,100 apartments in the Woodlawn community. I believe HUD and the director of its Chicago area office, Mr. John Waner, are to be commended for their investment in the rejuvenation of this core neighborhood. I share Mr. Waner's view that much of the credit should be given to the Chicago Daily News for, in Mr. Waner's words, "giving all of us an incentive for doing something about it."

I ask unanimous consent that an article from the Chicago Daily News reporting the commitment by HUD to rehabilitate these units be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

HUD Acts To Fix 1,100 Homes in Wodlawn

(By Dennis Byrne)

Federal housing officials are moving to rehabilitate more than 1,100 apartments in the decaying South Side Woodlawn community, it was announced Thursday.

John Waner, Chicago-area director of the U.S. Department of Housing and Urban Development, said the project is part of a $56 million rehabilitation program earmarked for the Chicago area.

The Woodlawn action follows a Daily News series last year which detailed the devastation caused in the area by an epidemic of suspicious fires. More than 30,000 persons fled the community leaving vast expanses of abandoned and demolished buildings.

Waner, in remarks prepared for delivery to a conference on HUD's "Project Rehab" here, said officials already have determined that the rehabilitation of 824 Woodlawn units is economically feasible.

Applications for another 335 are in the works, he added.

"That's 1,159 units more than the zero units that were being rehabilitated before The Daily News series," Waner said.

"I thank The Daily News for bringing out the choatic conditions in Woodlawn and giving all of us an incentive for doing something about it," he said.

In Lawndale 126 units are being rehabilitated under the program, and plans are being made to include 226 more.

In other areas throughout the city, 1,122 units are in production and 1,000 more are being processed, he said.

Under the program, federal money, in the form of FHA mortgage guarantees, allows nonprofit organizations to buy and rehabilitate the buildings.

The program is aimed at freeing funds that often are difficult to obtain from private lenders unless there is federal backing.

Most of the Woodlawn buildings earmarked for rehabilitation have been abandoned and extensively damaged by vandals, according to Waner.

"New activity is starting in Woodlawn," Waner said, pointing to the program. "All agencies have sat down with us and given every assurance that they will help improve the Woodlawn situation."

"We now believe that the time is right (for rehabilitation projects throughout the Chicago area)," he said, "as all the resources are available and the inventory of housing for rehabilitation is certainly available."

LAW DAY, MAY 1, 1973

Mr. TOWER. Mr. President, I am pleased today to join the distinguished Senator from South Carolina (Mr. HOLLINGS) in cosponsoring his Senate Joint Resolution 228, to pay tribute to law enforcement officers of this country on Law Day, May 1, 1973.

Certainly, Law Day is an appropriate time to selectively commend the courageous men and women who, each day of their lives, risk their personal safety to protect and defend our freedom and our security.

America is a nation built on law. Americans are a people governed by law. More important, however, Americans are a people protected by laws they have chosen themselves to insure the perpetuation of their collective liberty.

Today we are witnessing a peculiar spectacle in our society. Americans have always taken pride in their system of laws and the security it afforded them; but, today there are growing numbers of people who question these laws and flagrantly abuse them in an audacious attempt to test their strength. Law enforcement officers today, more than ever before, must bear the brunt of this violent, reckless element of our society. They, too, more than ever before, deserve the credit for defending and perpetuating our system.

Let us not pass this off lightly. Let us not take this courage and this patriotism for granted, for the fight against crime and violence in this Nation is the responsibility of us all.

Our system of government is flexible. It can adapt to changing times, changing values and social attitudes. It can accommodate a variety of philosophies. Indeed, this is the wisdom and the strength of the system. It is built around a concept of changing values and the means of orderly change are built in with it. It provides for continuity through change which provides the flexibility necessary for its survival.

Let us pause and renew our commitment to our government of laws, and plant our feet squarely behind our law enforcement officers.

DIMINISHING INVOLVEMENT OF THE UNITED STATES IN VIETNAM

Mr. BROCK. Mr. President, President Nixon has and is keeping his commitment to the American people to extricate us from the Vietnam conflict. He has totally transformed the United States role in Southeast Asia. Instead of sending half a million men to war, he has returned half a million home. Soon we will have no men at all involved.

Yet, despite this credible and consistent record to bring our involvement in Vietnam to a conclusion, there are those who would seek to demean his integrity. Among them is one Clark Clifford, former Secretary of Defense under President Johnson and chief warlord of the years of our peak involvement in Vietnam. Now, when a record of consistent demilitarization by the United States in Southeast Asia and the world has been established, this self-annointed and newly-found dove decrees that the United States cannot disengage in any way short of "turn tail and run." In his colossal conceit, Mr. Clifford now seeks to make his new-found insight a self-fulfilling prophesy.

Mr. President, when the question of credibility in Government arises, one can only point to the records of men such as Clark Clifford, the Rostows, Harriman, and the Bundy brothers. The group of them, who failed so utterly in every way in interposing this Nation in Vietnam, who sought to impose their arrogant philosophies of intervention and war on the people of South Vietnam and America alike, now suggest we should subscribe to their "insightful" banterings which in essence say "the heck with principle or POW's, let us cut and run."

The most recent affront to the public intelligence is the appearance of Mr. Clifford before the House Committee on Foreign Affairs. This performance would have to be classed unique in its duplicity and self-righteousness.

Mr. President, I ask unanimous consent that the recent column entitled "Clifford and the Flight of the Dove," written by Mr. James J. Kilpatrick, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CLIFFORD AND THE FLIGHT OF THE DOVE

(By James Kilpatrick)

WASHINGTON.—Clark Clifford, the eminent dove, last week flew a classic course through the House Foreign Affairs Committee. It was a dazzling performance, much applauded by the evening TV news and by the Sunday papers, but it invites a few dissenting observations nonetheless.

I happen to live quite literally in dove country, up in the Blue Ridge Mountains, and would tell you something of this marvelously talented bird. Unlike the quail, which is constantly heard but not so often seen, the dove is highly visible. Unlike the bashful woodcock, which hides in shady places, the audacious dove delights in public attention.

Yet the dove is notoriously the most difficult prize of the upland hunter. The dove owes his survival not so much to sheer speed, though he is deceptively swift; the genius of the dove lies in his skill in shifting direction—left, right, backwards; now skimming, now soaring. The dove always lights, as if by magic, just 10 yards out of range. He can vanish in a second.

Observe the flight of Clark Clifford: "The national security of the United States is not threatened in Vietnam, regardless of the outcome of the fighting." Here he is skimming the truth. He maintains his speed: "The small, underdeveloped nonindustrial nation of North Vietnam constitutes no threat to us . . ." True enough; true enough. Now he soars: "And it is equally clear that Russia and China are not on the march in Southeast Asia." But how did that get to be equally clear? It is communism that is on the march, communism in whatever mask it wears.

Clifford veers: "The American people have two major interests: To get our forces—all our forces—safely out of Indochina, and to get our prisoners back." There, if you please, is the dove in perfect flight, simple, swift, misleading. The sentence flashes by and disappears before the possibility of other major interests might be injected. One such interest, at least arguably, is the preservation of small islands of freedom against engulfing waves of Communist aggression.

Clifford has another idea. No matter what Mr. Nixon's stated goals may be, the true commitment is "to provide indefinite support for the Thieu regime." The purpose of the President's recent countermoves is not to deny the enemy the weapons of war—that dangerous prospect has the witness fluttering in dismay. No, Mr. Nixon has mined the harbors and stepped up bombardment and destroyed rail lines, and "he has done all this to preserve his insistent goal of a secure regime in Saigon."

To which one might respond, if one had a shot, that Nguyen Van Thieu is not immortal; that is serving a four-year term; that he has offered to resign as part of a peace settlement; and that, meanwhile, a secure regime in Saigon is better than an insecure regime in Saigon—better, that is, if one is interested in preventing Communist conquest.

During his days as secretary of defense, Clifford set no records for infallibility. It is thus unclear why he should be regarded as a fount of perfect truth and wisdom when he insists that Nixon's measures "will have no immediate effect on the outcome of the fighting in the South, and probably no effect for many months."

On the contrary, when account is given to the totally different kind of war now being waged, there is reason to believe that Nixon's relatively bloodless measures of "denial" may seriously inhibit a flow of fuel and heavy weapons to the enemy. To some observers, whose record at least matches Clifford's, it seems worth a try.

Clifford's own solution, as he testified, is "short and simple." He flies circles around its essence, but essentially his plan is for the United States to admit defeat and to surrender the whole of Southeast Asia to the Communists. This he describes as an "overall settlement" not incompatible with the interests of Hanoi. It is a solution, one is bound to concede, perfectly in keeping with the swerving flight of the fleeing dove. Now you see him; now you don't.

DELAWARE LEGISLATURE ACTS TO PREVENT OCEAN DUMPING

Mr. BOGGS. Mr. President, last week, I had the opportunity to describe for the benefit of the Senate the background of a potential ocean pollution danger to the beaches of Delaware.

Fortunately, that danger was averted after prompt action by Gov. Russell

Peterson of Delaware to halt the dumping.

The people of Delaware and the Delaware Legislature strongly support the Governor in his action. To give Senators a better understanding of Delaware's views on this situation, I ask unanimous consent that a copy of Delaware House Concurrent Resolution No. 58, be printed at the conclusion of my remarks.

This resolution, which passed both Houses of the Delaware Legislature, was sponsored by Representative Harry Derrickson and Senator Thomas Hickman, following news that the dumping incident might occur.

Both legislators are to be congratulated for their efforts to protect our Delaware beaches.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES 126TH GENERAL SECOND SESSION—1972—HOUSE CONCURRENT RESOLUTION NO. 58

Expressing vehement opposition to the proposed dumping of sewage sludge off the coast of Delaware by the Hampton Roads, Virginia Sanitation District, and directing the attorney general of the State of Delaware to promptly seek injunctive relief through the Federal District Court, and by memorializing and urging Delaware's congressional delegation to use the influence of their offices to stop such activity

Whereas, the members of the 126th General Assembly of the State of Delaware recently learned, with alarm, that the sewage treatment facility of the Hampton Roads, Virginia Sanitation District located at Newport News, Virginia, is malfunctioning, the result of which is the proposed dumping of 700,000 gallons of partially treated sewage off the coast of Delaware; and

Whereas, such activity, if permitted, would be severely detrimental not only to the environmental efforts so diligently pursued by all Delawareans, but a flagrant violation of the moral commitment to which thousands of Delawareans are dedicated; and

Whereas, there are other disposal alternatives available to the Virginia Sanitation District in lieu of dumping off the coast of Delaware; and

Whereas, the dumping of sewage off the coast of Delaware portends a bad precedent for neighboring states and municipalities to dump off the coast of Delaware whenever their sewage treatment facilities become inoperable.

Now, therefore, be it resolved by the House of Representatives of the 126th General Assembly of the State of Delaware, the Senate concurring therein, that the Attorney General of the State of Delaware is hereby directed to promptly seek injunctive relief through the Federal District Court to preclude the Hampton Road, Virginia Sanitation District from dumping partially treated sewage or any sewage off the coast of Delaware.

Be it further resolved that Delaware's Congressional Delegation use every available influence of their offices with their colleagues and appropriate executive agencies to stop the Hampton Roads, Virginia Sanitation District from dumping sewage off the coast of Delaware.

Be it further resolved that Delaware's Congressional Delegation seek the necessary help from their Congressional colleagues and the appropriate federal agencies in resolving permanently the use of the Delaware Coast as a dumping ground for sewage waste.

Be it further resolved that this resolution be made a part of the House and Senate Journals and that copies be forwarded to the Attorney General of the State of Delaware and Delaware's Congressional Delegation promptly upon enactment.

THE GOOD LIFE IN WEST VIRGINIA

Mr. ROBERT C. BYRD. Mr. President, too often in the past, some newspapermen have been guilty of presenting an untrue, stereotyped picture of West Virginia. Stories have ignored modern school buildings in favor of the one-room school house; they have bypassed the busy factories and thriving communities in order to concentrate on an area devastated by poverty or a natural disaster.

That is why it was such a pleasure for me to read an article titled "Ex-New York Execs in the Hills" that appeared in the May 27 edition of Editor & Publisher. The article shows that the good life not only exists in West Virginia—it abounds.

The "Ex-New York Execs" referred to are Robert Arnold and Stanley Meseroll. Mr. Arnold was a senior vice president of the world's largest bank, and Mr. Meseroll was managing editor of Sports Afield magazine.

Last September 1, they decided that, at least for them, the good life could not be found in the urban sprawl of the New York City area. Thus, they purchased the Glenville Democrat, one of the many fine weekly newspapers in West Virginia, and they moved to an environment that could satisfy their love for hunting and fishing.

Mr. Arnold is a native of Glenville, in Gilmer County, and I take this opportunity to welcome him home. I also welcome Mr. Meseroll, who has become a new citizen of West Virginia.

The fact that the article appeared in Editor & Publisher, considered the "bible" of the working newsman, is significant. It may not convince hundreds of reporters to move to West Virginia; but it might convince them to disregard inaccurate stereotypes, to look for the good and not only the bad, the next time they are assigned to do a story there.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EX-NEW YORK EXECS IN THE HILLS

(By Craig Tomkinson)

Robert Arnold, a former senior vice president of the world's largest bank, and now a weekly newspaper publisher in the West Virginia hills, has this advice for anyone aspiring to a similar change in life styles: "Be prepared to work your tail off."

Arnold said he's used to working long hours but since he and his partner, Stanley Meseroll, bought the *Glenville Democrat* last September 1, "we've really been at it."

In fact, so much time has been devoted to the paper that the pair have had little time to pursue hunting and fishing, their favorite pastimes.

It was hunting and fishing, in fact, that brought them together in the first place. Arnold was vice president in charge of personnel at the National City Bank of New York and Meseroll was managing editor of the one-and-a-half million circulation *Sports Afield* magazine. Both lived with their families in suburban Highland Park, New Jersey, where they became friends through their common interest in hunting and fishing.

Their love for the outdoors contributed heavily to their disillusionment with working the long hours (sometimes up to 14) each day as well as putting up with the daily inconveniences the city affords commuters. They decided to chuck it all for rural journalism.

NATIVE OF GLENVILLE

Selection of Glenville was no shot in the dark. Arnold is a native of the 1,800 population town in the center of West Virginia. Both his and his wife's parents still live there, as well as a number of other relatives.

Meseroll's first view of Glenville came last year when he and Arnold passed through on the way back from a turkey hunt. He spent much of that first visit fishing for musky with Arnold and his father. Clearly it was the kind of town for someone fed up with the rigors of urban employment.

As luck would have it, the then editor and owner of the Democrat was retiring and the paper was up for grabs. Arnold and Meseroll took it over and the paper hasn't been the same since.

Business, according to Arnold, is up 50 percent over last September, due to several factors. Not the least of these was that the new owners automated the billing process for ads and subscriptions. Previously billing had been done by hand. Arnold said it gave the paper a better cash flow.

Circulation, which was under 2,000 at the time the pair bought the Democrat, is now up to 3,400 a week, paid, county wide. Glenville is the Gilmer county seat.

The newspaper's backshop, as Arnold described it, is now beginning to look more like someone's living room than a production department. Carpet on the floor, walls removed, acoustical ceiling tile—the works.

When Meseroll, who handles the editorial side, and Arnold, who handles business, took over, the paper still had its old flatbed press and a number of elderly linecasting machines. This despite the fact the paper had been cold-type and offset for eight years.

The press is gone now but the linecasters have been retained for commercial work. Arnold is proud of a new Compuwriter and said it's a dream. Offset printing of the paper is done at Spencer Newspapers Inc.

NOT ENCOURAGE PRINTING

Arnold said the Democrat doesn't promote job printing but that that part of the business has increased also.

The overall increase in circulation and business has meant an increase in the number of employes. It's up to five and a half now, including the two owners. Arnold said they're still looking for one additional writer.

In the editorial area the coverage has been beefed up and Arnold said this undoubtedly accounts for much of the increase in advertising and circulation.

He said the paper now maintains high standards with regard to editorial copy. Time is taken to rewrite all news releases and all other copy is in-house written.

"We're not being passive about things going on in the county," Arnold said, "we point out things."

He rated a major piece written about the condition of the county school system as the single most important article since September.

Other articles run the gamut from sewage to politics. Arnold credited his partner with having "done some excellent material on history. We try to stress history by finding old photos of town and getting the same shot as the spot looks today."

Despite the fact that Glenville lies in West Virginia's Appalachian mountains it is far from the poverty pocket image held by other parts of the same range.

In fact, Arnold pointed out, the local unemployment rate is lower than the national average.

One reason for the better welfare of the

Glenville area is that it does not have coal mining. The area is primary agricultural with some gas and oil production.

But the major employer in town is Glenville State College from which Arnold graduated in 1950 (he and Meseroll are both in their mid-forties). The college has some 1,600 students.

WORK FOR COLLEGE

Arnold, who said the college "adds a little sparkle to the town," will himself be working for it shortly. He has accepted the part time position of director of alumni affairs.

As if the paper, hunting, fishing, and working for the college isn't enough, Arnold is also trying to rehabilitate two farms he owns on the outskirts of Glenville.

Then on top of that both he and Meseroll are in the negotiating stages of expansion through acquisition of two newspapers in other counties. But Arnold doesn't feel he's creating another kind of rat-race for himself.

He and Meseroll have become deeply involved with county affairs, although Arnold indicated he sometimes wished it wasn't necessary to get quite so involved.

"But involvement," he said, "is one of the responsibilities that come with the opportunity that working on a small paper presents. You can't be an ostrich."

He said he and Meseroll have received many queries from people who are looking to make the shift from an urban to a rural existence and he advises them to be prepared to work a lot. But then he adds a postscript: "It gives a lot of satisfaction."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bill and joint resolution, each with amendments, in which it requests the concurrence of the Senate:

S. 3230. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission docket numbered 279–A, and for other purposes; and

S.J. Res. 72. A joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas.

The message also announced that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 5721. An act pertaining to the inheritance of enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon;

H.R. 6575. An act to amend the Act entitled "An Act to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma," approved October 31, 1967 (81 Stat. 337);

H.R. 8694. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets numbered 22–E and 22–F, and for other purposes;

H.R. 9032. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket numbered 91, and for other purposes;

H.R. 9501. An act to amend the North Pacific Fisheries Act of 1954, and for other purposes;

H.R. 10310. An act to establish the Seal Beach National Wildlife Refuge;

H.R. 10436. An act to provide with respect to the inheritance of interests in restricted or trust land within the Nez Perce Indian Reservation, and for other purposes;

H.R. 10858. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket numbered 266, and for other purposes;

H.R. 13780. An act to authorize the Administrator of Veterans' Affairs to convey certain property in Canandaigua, New York, to Sonnenberg Gardens, a nonprofit, educational corporation;

H.R. 14106. An act to amend the Water Resources Planning Act to authorize increased appropriations;

H.R. 14267. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission Docket numbered 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in Indian Claims Commission Docket Numbered 72, and for other purposes; and

H.R. 14731. An act to amend the Fish and Wildlife Act of 1956 in order to provide for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish, and other animals from aircraft.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (S. 1140) to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 5721. An act pertaining to the inheritance of enrolled members of the Confederated Tribes of the Warm Springs Reservation of Oregon;

H.R. 6575. An act to amend the Act entitled "An Act to provide for the disposition of judgment funds now on deposit to the credit of the Cheyenne-Arapaho Tribes of Oklahoma," approved October 31, 1967 (81 Stat. 337);

H.R. 8694. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets numbered 22–E and 22–F, and for other purposes;

H.R. 9032. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket numbered 91, and for other purposes;

H.R. 10436. An act to provide with respect to the inheritance of interests in restricted or trust land within the Nez Perce Indian Reservation, and for other purposes;

H.R. 10858. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket numbered 266, and for other purposes; and

H.R. 14267. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission Docket Numbered 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in Indian Claims Commission Docket Numbered 72, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 9501. An act to amend the North Pacific Fisheries Act of 1954, and for other purposes;

H.R. 10310. An act to establish the Seal Beach National Wildlife Refuge;

H.R. 14731. An act to amend the Fish and Wildlife Act of 1956 in order to provide for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish, and other animals from aircraft; to the Committee on Commerce.

H.R. 13780. An act to authorize the Administrator of Veterans' Affairs to convey certain property in Canandaigua, New York, to Sonnenberg Gardens, a nonprofit, educational corporation; to the Committee on Veterans' Affairs.

BILL HELD AT DESK

Mr. MANSFIELD. Mr. President, as in legislative session, I ask unanimous consent that H.R. 14106, an act to amend the Water Resources Planning Act to authorize appropriations, which was sent over from the House, be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that it be in order to order the yeas and nays at any time on the passage of Senate Joint Resolution 206; and, on the executive calendar, of Calendar No. 20, Executive D—84th Congress, second session—the International Plant Protection Convention, and Calendar No. 21, Executive D—92d Congress, first session—the Convention To Prevent and Punish Acts of Terrorism.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none and it is so ordered.

NOMINATION OF RICHARD G. KLEINDIENST

The PRESIDING OFFICER. Under the previous order, the Senate, in executive session, will now continue with the consideration of the nomination of Richard G. Kleindienst to be Attorney General.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. McIntyre). Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, last Thursday, I indicated that the number of directly contradictory statements made by people under oath would alone demand that the nomination of Mr. Richard G. Kleindienst be returned to the committee to resolve those conflicts once and for all.

Frankly, I believe that there has been every conceivable kind of evasion known to man exemplified in the hearings that extended over a period of nine weeks by the Judiciary Committee.

It explains why our job was so difficult, because at every turn we found that what one witness had told us before was no longer credible in the light of subsequent testimony.

Time and again, refreshed recollections or volunteered information cast substantial doubt on earlier testimony.

For that reason, I would like to pursue some of those contradictions and inconsistencies in the record.

MITCHELL'S KNOWLEDGE OF THE CONVENTION OFFER

In response to the allegations contained in the Anderson column, Attorney General Mitchell issued the following press release.

> Attorney General John N. Mitchell issued the following statement:
>
> I was not involved in any way with the Republican National Committee convention negotiations and had no knowledge of anyone from the Committee or elsewhere dealing with International Telephone and Telegraph. In fact, I do not know as of this date what arrangements, if any, exist between the RNC and ITT.

He followed that with a so-called farewell press conference in which he repeated that statement. I read his answer to a question:

> The other two points that were made in the Anderson column, as I recall, was the fact that I was supposed to have knowledge of the activities of the Republican Party holding a convention out in San Diego with respect to contributions by ITT, or one of its subsidiaries. I did not know as of that time, I still don't know today what ITT or its subsidiaries may have had with the city of San Diego or the Republican Party or anybody else.

And then, in his appearance before the committee, Mr. Mitchell said:

> The third point, Mr. Chairman, related to the selection of San Diego as the site of the Republican 1972 Convention. I was not involved in any way in any negotiations which led to the selection of San Diego as the site of the convention by the Republican National Committee.
>
> I have never talked to any representative of ITT about the San Diego site or any matter relating thereto.
>
> I have never talked to the Deputy Attorney General or the Assistant Attorney General in charge of the Antitrust Division about the San Diego convention site or anything relating to any discussions or negotiations with ITT or any of its subsidiaries.
>
> I do not recall when or how I first learned of the Sheraton Hotel Corp.'s participation and support for the holding of the convention in San Diego, but I believe that I first read about it in the newspapers.
>
> I do not as of this date know what arrangements, if any, exist between ITT or the Sheraton Hotel Corp. and the Republican National Committee, or between ITT or any of its subsidiaries and the city of San Diego or any agency thereof.

The sum of all those statements could not be much clearer—John Mitchell categorically denied that he knew anything about the convention arrangements until the day of his appearance before the committee. He said that he knew nothing at all about the convention arrangements.

Yet, those statements and their clear implications were flatly contradicted by the testimony of other witnesses.

There was a considerable amount of embarrassed, fancy footwork on the part of Lt. Gov. Ed Reinecke and his aide Edgar Gillenwaters over whether they told Mr. Mitchell about the convention in April or May of 1971, but there was certainly no doubt in their minds that they did so in September 1971, a full 6 months prior to the time Mitchell claims he learned of the convention. This was brought out during the course of hearings when Mr. Reinecke was on the witness stand. The Senator from Indiana (Mr. Bayh) questioned him as follows:

> Senator Bayh. I do not think there is a whole lot of need of going over this again and again, but as I recall on two or three occasions, a couple of times at least before lunch, and once now, you verified the accuracy of the direct quotation related to you by Mr. Walters on March 3 in the Washington Evening Star which says:
>
> "In talking with Mitchell 'to report on our progress,' Reinecke says he gave the attorney general a complete report on the efforts to have San Diego selected as host city for the convention."
>
> That is correct, is it not?
>
> Mr. Reinecke. It is an accurate quotation by the press but I am sure you understand that I was in error in saying that that took place in May. It was actually in September which was just developed.
>
> Senator Bayh. Yes, it took place; you gave the Attorney General a complete report on the effort to have San Diego selected as host city for the convention—in September instead of May?
>
> Mr. Reincke. That is correct.
>
> Senator Bayh. In other words, the decision was made to have the convention in San Diego on the 23d of July, and still on some date in September you felt it was necessary to inform the Attorney General of the efforts being made to have the convention located in San Diego?
>
> Mr. Reinecke. Yes, sir.

So on the record there is a flat contradiction between the former Attorney General and the Lieutenant Governor of California about whether Mitchell knew anything about the ITT-Sheraton offer or the convention.

And then, there is the matter of the dramatic change of stories which Lieutenant Governor Reinecke and his aide Edgar Gillenwaters suddenly produced on March 3, 1972, after the hearings had begun and the reason for that change.

Mr. Mitchell told us he had nothing to do with Reinecke's change in his story. I read again from the testimony of the hearings:

> Now I am curious to know, did you on March 3 of this year discuss with Mr. Reinecke on the telephone his meetings with you?
>
> Mr. Mitchell. No, sir; I certainly did not.
>
> Senator Tunney. Did anyone from the Republican National Committee or from your office discuss it with Mr. Reinecke?
>
> Mr. Mitchell. Certainly nobody from my office. I have no idea what goes on at the Republican National Committee.

In other words, Mitchell claimed neither he nor his office had anything to do with the switch in Reinecke and Gillenwater's stories.

When asked the same questions, Reinecke gamely tried to avoid another flat contradiction with Mitchell by claiming that although he got a phone call from someone saying his records did not agree with Mitchell's, he did not know who the call came from. I read from the testimony of Mr. Reinecke before the committee:

> Mr. Reinecke. (continuing). That the meeting I was actually referring to was September instead of May.
>
> Senator Kennedy. During this period of time did you talk with anyone in the Justice Department?
>
> Mr. Reinecke. No, sir.
>
> Senator Kennedy. You did not have any conversation with anyone?
>
> Mr. Reinecke. Excuse me, what period of time are we talking about?
>
> Senator Kennedy. I am talking between the time that you had the first conversations with Mr. Walters, and the time that you issued your second statement.
>
> Mr. Reinecke. That all happened in about 24 hours. No. I did not.
>
> Senator Kennedy. That is right.
>
> Mr. Reinecke. I know, I did not talk to him.
>
> Senator Kennedy. Did anyone in your office talk with anyone in the Justice Department?
>
> Mr. Reinecke. There was a call that came in that asked that we check our records.
>
> Senator Kennedy. Who did that call come from?
>
> Mr. Reinecke. I have no idea.
>
> Senator Kennedy. Who was it to?
>
> Mr. Reinecke. I was not in the office, so I presume it was addressed to me.
>
> Senator Kennedy. Well, then, how do you know about it?
>
> Mr. Reinecke. Well, because my secretary told me about it.
>
> Senator Kennedy. What did she tell you?
>
> Mr. Reinecke. She told me that somebody called and said that the testimony of Attorney General Mitchell indicated that I did not see him in May and that I should check my records.
>
> Senator Kennedy. And she just said someone from the Justice Department?
>
> Mr. Reinecke. I am sorry; it is true. I do not know.
>
> Senator Kennedy. What about it, Mr. Gillenwaters?
>
> Mr. Reinecke. Excuse me, I am not sure she said the Justice Department. We got a call. I do not know; it could have been someone in Sacramento. It could have been anyone.
>
> Senator Kennedy. I am sorry, what did your secretary tell you? "We got just a call and someone said we ought to check our records"?
>
> Mr. Reinecke. I am sure she said, "I will deliver the message."
>
> Senator Kennedy. I am sorry?
>
> Mr. Reinecke. I am sure she said, "I will deliver the message," which is what she did.
>
> Senator Kennedy. Was it a crank call or what?
>
> Mr. Reinecke. I did not take the call so I cannot really say that but obviously, there was some merit to it.
>
> Senator Kennedy. Well, did your secretary believe there was merit to it?
>
> Mr. Reinecke. Well, she delivered the message.
>
> Senator Kennedy. What did she tell you about it?
>
> Mr. Reinecke. She said, "I got a call from somebody that said the Attorney General's timetable or calendar does not agree with the timetable that you have indicated in your statement and they recommended that we check it." We were checking it, in process that morning, and when one of the phone calls, I believe, was made to one of the Washington reporters, following that, we found that I was in error, and we corrected the statements and we made a public statement and we issued the full text of these schedules to prove it.
>
> Senator Kennedy. Did you——
>
> Mr. Reinecke. This might be considered an honest mistake, I guess. [Laughter.]
>
> Senator Kennedy. Do you have anything, Mr. Gillenwaters? Did you know about this phone call?

Mr. Gillenwaters. No; I did not. My office is more than a block away from the the Capitol, a separate building.

Senator Kennedy. When was the first time you heard about the telephone call? Was it the Justice Department, have we got that on the record?

Mr. Gillenwaters. The first time I heard about the correction was after the Lieutenant Governer notified the press.

Senator Kennedy. We have not got on the record where the telephone call came from?

Mr. Reinecke. I do not honestly know, sir.

Senator Kennedy. Does your secretary? Did you ask your secretary?

Mr. Reinecke. I did not when I left the office the other day; no.

Senator Kennedy. She did not tell you, "We got a call from the Justice Department"?

Mr. Reinecke. She just said we got a call. I was out of the office. I came back in and this was the message.

Senator Kennedy. If she just said you got a call, why would you leave it at this, "We got a call"? I am sure that representing close to 20 million people you get scores of calls every day, and I am just wondering what it was about this call that said just "check your records," that would have suggested to you that you ought to check them. You can help us on that point if you can.

Mr. Reinecke. Right; I wish you could.

Mr. Gillenwaters. I may be able to shed some light on it. The Lieutenant Governor's secretary, Senator, requested that I call Brit Hume originally because he was out of State and, therefore, I am sure she was very much aware of the statement that had gone out and was in print. When the call came back "check your records," naturally she referred to it.

It would not make any difference to her where the call came from. She knew what the subject was, and when someone calls a secretary and says, "check your records," she is going to run check the records. You know it hardly is going to make any difference to a secretary where the call came from. She is not in the habit of questioning—she would not be in the habit of questioning such a call.

Senator Kennedy. You mean your secretary is not in the habit of checking who is calling?

Mr. Gillenwaters. Senator, we do not have a staff the size of the Senate staff. [Laughter.] We have a very limited number of people on incoming calls.

Mr. Kennedy. And your secretary does not ask who is calling?

Mr. Gillenwaters. Yes, she does, if there is a message to call back. If there is a message to be delivered, and if a bill is up on the floor——

Senator Kennedy. This is not a bill up on the floor.

Mr. Gillenwaters. No; I am giving you an example.

Senator Kennedy. How big a staff do you need to get a secretary to ask who is calling? [Laughter.] * * *

Senator Kennedy. Could you, Mr. Reinecke, tell us the time of the call?

Mr. Reinecke. The time that I called?

Senator Kennedy. No; that you got the call from Washington.

Mr. Reinecke. I did not receive the call, I was out of the office. I returned, it was in the morning, I recall that because when we finally pulled the records out and researched them I believe it was about 12:30 when I made the announcement that there had been an error and that it was the September meeting rather than the May meeting, and as a matter of fact, I was in the process of going through the records at the time that Senator Tunney placed his call to me. And I believe he has documented that to the press as being 10:40 or 10:20 or some such.

Senator Kennedy. Well, the Los Angeles Times said that it was learned that Reinecke changed his statement after a telephone conversation with Mitchell's campaign office in Washington. Could you give me any reaction to that?

Mr. Reinecke. It is news to me because I honestly do not know where the call came from.

Senator Kennedy. Could it have come from Mitchell's campaign office in Washington?

Mr. Reinecke. It could have come from anywhere the telephone is connected.

Senator Kennedy. Could it have come from that office?

Mr. Reinecke. That is presumptuous and I would rather not answer it in the affirmative because I think it might be misconstrued.

Senator Kennedy. Is it not logical? He had put out one time frame, and was it not logical he would be the one, or someone in his office would be the one, who was calling to check on it?

Mr. Reinecke. It could have been an employee in our own building who read the paper that morning and saw that the Attorney General's calendar did not agree with mine and could have phoned in and said check this out.

Senator Kennedy. You mean someone in your office?

Mr. Reinecke. I say it could have been, Senator. You are trying to put words in my mouth to say it was the Office of the Attorney General or the campaign office or whatever office you are looking for.

Senator Kennedy. These are the——

Mr. Reinecke. I have no way of knowing where it came from.

Mr. President, I have read this exchange into the record because it clearly exemplifies the extraordinary tales we heard during the 24 days of hearings.

The Lieutenant Governor of California would have us believe that the secretary in his office—when she received a telephone call saying that Mr. Reinecke's story that he had met Mr. Mitchell in May conflicted with what Mr. Mitchell said in Washington—she did not bother to check who was calling when this call came in. She never bothered to ask this mysterious caller's name.

There is a conflict between the Lieutenant Governor's story and the Attorney General's story. Yet based on that phone call, that mysterious phone call, the Lieutenant Governor decided to check his records, and based upon the check of those records he decided that it was not May after all that he saw the Attorney General; it was September that he saw him.

For those not familiar with the case, the question of whether or not Mr. Reinecke saw Mr. Mitchell in April or May, as opposed to September is this. Mr. Reinecke was trying to get the Republican Convention located in San Diego. According to his original story, when he went to see the Attorney General in May he was attempting to get the Attorney General to use his influence to take the Republican Convention to San Diego. On July 23 the Republican National Committee decided that the convention would go to San Diego. So if Mr. Reinecke had seen the Attorney General in September it would have been approximately 2 months after the convention had gone to San Diego and would mean that the Attorney General was not aware of ITT's commitment of either $200,000 or $400,000, depending on whose story one is to believe about the commitment to bring the convention to San Diego at a time when the antitrust matter was being determined in the Antitrust Division of the Department of Justice.

Mr. Mitchell kept saying he had no knowledge of what was happening with the ITT antitrust matter because he turned that over to Mr. Kleindienst; that he had disqualified himself and that Mr. Kleindienst was in charge at the time the Justice Department was determining whether or not to go ahead with the ITT case or settle it.

But it turns out that if we believe Mr. Reinecke's first story, that during that period when the Justice Department was making the decision of what to do with the ITT's case, Mr. Mitchell had been informed that the convention might be going to San Diego, and that if it would go there, ITT was willing to make a very substantial pledge in dollars to get the convention there.

So we have this extraordinary and elaborate tapestry of stories told by Mr. Mitchell and told by Mr. Reinecke to somehow make it appear that the Attorney General had no knowledge whatsoever of ITT's offer, has no knowledge whatsoever of the convention going to San Diego, prior to the time that the Justice Department allowed ITT to settle its antitrust case.

But irrespective of the inconsistencies in Mr. Reinecke's statement, we do have a central point—that Mr. Reinecke said he did in September—when he changed his story the second time—give all the information to the Attorney General. Yet the Attorney General said he had never been given any information up until the time of the hearing.

Well, Mr. President, you cannot have it both ways. Someone is not telling the truth.

The Attorney General, in saying that he knew nothing about the convention until the time of the hearings, is in direct conflict with the statement of Mr. Reinecke and Mr. Gillenwaters that Mr. Mitchell was told, on one of Reinecke's trips to Washington, about the convention and about ITT's pledge.

So we have the situation where either Mr. Gillenwaters and Mr. Reinecke were not telling the truth about the convention and the ITT case, or Mr. Mitchell was not telling the truth when he said that neither Mr. Reinecke nor anyone else had discussed the matter with him. But the central point is that there was, and still is, an extraordinary inconsistency on the face of it.

I might say that both men appeared before the committee under oath, and when one appears before a Senate committee under oath and he tells a story which is not true, he is guilty of perjury. I do not know who perjured himself, but somebody did.

And finally there is the matter of Mr. Reinecke and Mr. Gillenwaters' stories. For approximately 3 hours, these two witnesses attempted to explain how they had been in error when they had confirmed to a half dozen witnesses that they had told John Mitchell of the convention deal before the convention was selected and before settlement of the ITT case. Let us look at the facts:

Brit Hume testified about his conversation with Mrs. Beard. Quoting from Mr. Hume's testimony:

> She said she first thought of having the GOP Convention in San Diego during a conversation that she had with Ed Reinecke, the California Lieutenant Governor in about January of last year. She said that he considered it a possibility and mentioned it to her.
>
> Now I want to add here that she indicated that she and Mr. Reinecke were friends, and that they had had several meetings, and Mr. Reinecke made visits to Washington on several occasions and there were several conversations, and whether they were in person or on the phone, I do know, but she was in frequent contact with him on this, and they cooperated in an effort to swing the GOP Convention to San Diego and, in fact, it was during this conversation I had with her that evening that she told me that Mr. Reinecke had visited Attorney General Mitchell sometime during the work that she was doing on San Diego, and asked him what he thought about it, and that is how I knew to call Mr. Gillenwaters, or, that is, I called Mr. Reinecke and I ended up talking to Gillenwaters to find out when that meeting had been.
>
> Now, she gave me an account. Now, this is getting into her account of what someone said that someone said, but I will read it for what it is worth. She said that after Reinecke had met with the Attorney General on this subject, she said that the Attorney General had been told that there was a $400,000 commitment from the Sheraton ITT Co.
>
> Senator GURNEY. Did she mention when the date was?
>
> Mr. HUME. No, Senator Gurney, she did not, and I sought to establish later when it was. And she said that she could not be sure, but that she thought it might have been in July. She was quite eager to persuade me, it seemed, that the meeting had occurred, I think, after the settlement negotiations were well along their way.
>
> Senator GURNEY. Excuse me, Senator.
>
> Mr. HUME. In any case, she said that Mitchell had been told by Mr. Reinecke that there was a $400,000 commitment from the ITT Sheraton people to back the convention in San Diego. She said Reinecke reported to Mitchell that the commitment was made by Dita Beard. She quoted Reinecke as quoting the Attorney General as replying "hummph" or some words to that effect, indicating some negative feeling about her, or wonderment about how she could come up with such a commitment.

He went on to recount his conversation with Mr. Gillenwaters:

> Mr. Reinecke is mentioned in the memorandum of Mrs. Beard's and also his being mentioned in my conversation with him at her home led me to try to reach him over the weekend of the 26th and 27th, I believe. I couldn't get any response out there except from the State police and I was not able to get a call returned from Mr. Reinecke until late Monday when Mr. Gillenwaters called me back. Then it was too late for me to talk to him. I was busy with other things.
>
> I finally spoke to him on Tuesday morning when he again called. It was about a quarter to 12, I think. I was working on the column, material that we were using in the column that was going to be published on Friday. I was trying to place the date of the meeting that Mr. Reinecke had with Mr. Mitchell that Mrs. Beard had mentioned to me.
>
> It seemed to me to be significant to find out whether or not the Attorney General had been informed of the $400,000 offer commitment before the settlement of the cases. So I was quite eager to get Mr. Reinecke's version of events and somewhat disappointed that I was not able to reach him personally.
>
> However, as it turned out, Mr. Gillenwaters had been at the meeting in question. When I spoke to Mr. Gillenwaters he had no problem with his memory at all. Mr. Reinecke in the statement that he issued, as I saw it, and I may have gotten a garbled copy of it, I understand that he claimed the difference between what Mr. Gillenwaters and he, himself, had said on the fact he was trying to remember something when he was out of town and away from his files.
>
> Mr. Gillenwaters was in Sacramento when he spoke to me and had a very clear recollection of it. The first thing he tried to make clear to me was that no antitrust matters had been discussed, that the ITT case hadn't come up at all, but it was a conversation about the convention.
>
> I quizzed him about what the Attorney General's attitude toward having a convention in San Diego was, and he indicated that the Attorney General was somewhat skeptical of the prospect because members of the San Diego City Council had apparently expressed some dismay at the idea.
>
> One of the things Mr. Gillenwaters said was quoting the Attorney General as saying, "If you can get it out there, more power to you." He said the Attorney General liked the idea of San Diego and he didn't need any persuading to come around to the view that having it in San Diego was a good idea.
>
> I said, "Well, then, did you tell him about the ITT commitment?" And he made a distinction between ITT and Sheraton and said they discussed it more in terms of ITT-Sheraton than ITT, but, nevertheless, he said, "You bet," when I asked him if indeed the Attorney General had been informed of this willingness, as Mr. Gillenwaters described it, of ITT-Sheraton "to stand in for the $400,000, if necessary."
>
> "You bet," he said. It was clear to me from that conversation, or it seemed clear to me, anyway, that this must have been a conversation that occurred before the August meeting in Denver, in which the convention site was selected.
>
> Mr. Reinecke, as you know, has come out and said the only time he discussed the convention with the Attorney General was in September. If that is true, it seems very unlikely that the conversation that Mr. Gillenwaters described to me could ever have occurred because it would have been totally illogical for Mr. Gillenwaters or Mr. Reinecke to be sitting around in Mr. Mitchell's office in September speculating about whether or not the convention was going to be in San Diego when in fact it being in San Diego was already sewed up.

A few days later, reporters began questioning Mr. Reinecke.

Now, this is after Mr. Gillenwaters had talked to Mr. Hume and had indicated to Mr. Hume that in fact they had met with Mr. Mitchell prior to the time that the convention had been located in San Diego.

A reporter for the Sacramento Bee, a daily newspaper in the State capital gave this account of Mr. Reinecke's statement:

> I discussed it with the Attorney General," Reinecke replied. "Whether I was the first one or not I didn't ask him.
>
> But we did discuss it and he was very pleased to see the progress we'd made, not just with Sheraton but with getting the City and the county to come around (with more money), because the President had indicated apparently to him—never to me—that he would like to see it come to California, and so this . . . in other words, we were doing what they wanted to see done, and so they were delighted to hear it.

At about the same time, within a day or two, Ben Shore of the Copley News Service, reporting for the San Diego Union, called Mr. Reinecke and was told an identical version, that Mitchell had been informed in May of the ITT offer of $400,000 if the convention was brought to San Diego. He reported the conversation as follows:

> California Lieutenant Governor Edward Reinecke told Copley News Service in a telephone interview last night that he had informed Mitchell of the ITT pledge during a visit to Washington in May.
>
> Reinecke began working in April to see if the convention could be attracted to California. He said he called the Republican National Committee and was told that the Committee would be interested in a bid from California.
>
> Reinecke, who said he had known Mrs. Beard since he was a Congressman in Washington, contacted Mrs. Beard about ITT financial support to the bid. He said he assumes Mrs. Beard played a major role in assuring Sheraton's officials—

And so forth. He goes on to say:

> but he did say he informed Mitchell when they met on other matters around May 17.

In other words, Mr. Reinecke very clearly stated that he met with Mr. Mitchell in May and told him all about ITT's pledge, approximately 2 months before the Justice Department decided to give ITT the great break that they wanted, which was the settlement of their antitrust cases allowing them to keep Hartford Fire Insurance Company, which is the money machine that they wanted to begin with.

And Robert Walters of the Washington Star reported his conversation with Reinecke—now, this is the third conversation with Reinecke—as follows:

> But Reinecke, in a telephone interview from his office in Sacramento, says that when he was in Washington last May 17–19 to promote San Diego as the convention site, he visited Mitchell at the then-attorney general's office in the Justice Department.
>
> "He (Mitchell) is my input to the political arm of the administration, so I touched base with him," says Reinecke. "On one of those three days—don't recall which I did meet with him because I was working hard to get the convention in San Diego."

"Working hard to get the convention in San Diego," Mr. Reinecke is quoted as saying:

> In talking with Mitchell "to report on our progress," Reinecke says he gave the attorney general a complete report on the efforts to have San Diego selected as host city for the convention. Included in that briefing was a discussion of financial arrangements, according to Reinecke.
>
> Asked if that included a discussion of ITT's financial commitment, Reinecke said: "Yes, we discussed it. That was part of the package we were offering to the party."
>
> Reinecke also recalled that he had the impression during the meeting that Mitchell might have been informed about the ITT financial pledge even earlier by Rep. Bob Wilson, R.-Calif., whose congressional district includes San Diego.

It is absolutely remarkable how Mr. Gillenwaters and Mr. Reinecke independently shared a common recollection of the meeting that was had with Mr. Mitchell, the key factors being that they were trying to get the convention to San Diego, that they discussed the $400,000 commitment of ITT to the city to get the convention to San Diego, and that this all took place during a period of time that the Justice Department was trying to decide what to do with ITT, whether they were going to press ahead with litigation on the three antitrust suits, or whether they were going to make a comfortable little deal, settle the case out of court, and give ITT what it wanted most of all: Hartford Fire Insurance.

We all know what happened. We all know they settled out of court, and ITT got Hartford.

And finally, Mr. Reinecke repeated the same story to me personally.

But then there was the phone call from someone—someone who was close enough to John Mitchell to know who he met with at any time of the day or night and what was discussed, saying "check your records," and the whole thing came unglued.

If any Member of this body needs an example of why this nomination should go back to the committee, I submit that record.

I talked with Mr. Reinecke on May 3 at about 1:40 Washington time, which made it about 10:40 California time, and I asked him if he remembered having a conversation with Mr. Mitchell.

He said, "Yes."

I asked him if he remembered when it was.

He said, "Yes, it was in May."

I asked him what transpired in the meeting, and he said, well, that he was acting as a supersalesman for the State of California, a member of the chamber of commerce, that he was trying to get the convention to San Diego, and that is why he saw Mr. Mitchell.

Within an hour and a half of the time that Mr. Reinecke told me he was acting as a supersalesman, trying to get the convention for San Diego, and had met with Mr. Mitchell in May, and had discussed the ITT offer of $400,000, he calls a press conference in Sacramento and changes his story. What intervened? One thing that intervened, clearly, was the mysterious telephone call. No one knows from whom it was. Mr. Reinecke's secretary did not ask who the call was from.

I do not know how gullible people feel a Senate committee is. But you have to be naive in the extreme to believe that the secretary of a Lieutenant Governor would not ask who the caller was, when a call comes in shortly after several newspaper reporters have questioned the Lieutenant Governor about a meeting with the Attorney General in May and the caller says, "Check your records, because your records don't conform with the Attorney General's records." How dumb do they think we are?

It seems clear that for the Senate to confirm the nomination of Mr. Kleindienst on the basis of this record would be preposterous, particularly when Mr. Kleindienst has indicated very clearly to the Senate—to our committee—that under no circumstances did he want his nomination confirmed unless all the clouds had been removed.

REINECKE AND MRS. BEARD

There are additional conflicts in testimoney under oath. There is the direct conflict in sworn testimony between Mr. Reinecke and Mrs. Beard about the origin of the convention plan.

Mrs. Beard, told the committee under oath that they began working in January or February of 1971. I read from the transcript of the record:

> Chairman Hart. Well, who was it that made the suggestion to you?
>
> Mrs. Beard. Some people in California, Ed Reinecke and his aide, and not—I have known them. They are very, very close friends. Heck, I have known Ed Reinecke since he was in candidate's school, and I don't know whether it was his idea or whether—I really didn't ask any questions. He said, "This is in utter confidence. We don't know whether there is a chance in the world. You know San Diego. Can you look it over and find out if your own hotel will be built in time, because rooms are going to be difficult?" So I did. My own company didn't even know what the heck I was doing. I was out in San Diego counting rooms, meeting with Ma and Pa operations, and we had at the time at the Sheraton one of the finest managers I had ever known at any hotel, Gary Seland, who happened to be the assistant manager of the Blackstone in Chicago in 1960, and a tremendous help, having been through a convention, and the dangers thereof and so forth, and he and I just quietly went around counting rooms and realized that, you know, transportation, everything, and realized that extra 700 rooms that we were going to have in our hotel would make the difference.
>
> Chairman Hart. Well, about when was the suggestion made to you by Mr. Reinecke?
>
> Mrs. Beard. Either January or February of last year, sir.
>
> Chairman Hart. And was the aide whom you have not named Mr. Gillenwater?
>
> Mrs. Beard. Yes, I'm sorry.
>
> Chairman Hart. And where, if you recall, was the suggestion made to you?
>
> Mrs. Beard. We had lunch at the Carlton Hotel, sir.
>
> Chairman Hart. In Washington?
>
> Mrs. Beard. In Washington.

And again, under oath, she repeated the explanation:

> Chairman Hart. Senator Cook.
>
> Senator Cook. Thank you, Mr. Chairman. Mrs. Beard, this morning you indicated that the suggestion relative to San Diego was brought up by Ed Reinecke to you and it was in the nature of a confidence and he indicated to you that it was as such and that apparently you should keep it to yourself while you are working on it, is that what you——
>
> Mrs. Beard. Yes, sir.
>
> Senator Cook. Well, at that time and throughout your discussions with Mr. Reinecke and up to the time of the memo, to the best of your recollection, how many people do you know of your own knowledge that were aware of the work that you were doing in regard to San Diego and the work that you were doing with regard to I.T. & T.'s contribution to San Diego?
>
> Mrs. Beard. As far as I know and through me, no one.
>
> Senator Cook. Other than whom, now?
>
> Mrs. Beard. Reinecke and Ed Gillenwater.
>
> Senator Cook. And no one else?
>
> Mrs. Beard. Absolutely. I was out of California a lot anyway and I never mentioned to anybody—the hotel didn't look like it was going to get built in time to go through the Pearly Gates. Up to that point, there was no reason to mention it and I was told not to and I did not. At the time when Reinecke first mentioned it, as I said, I was into it only because of the hotel and the fact that we were old friends.

Twice more she repeated the same story under oath. First:

> Mrs. Beard. Now, that is a misleading sentence, which I shouldn't have written the way it is, because I did not know from the first time I talked to Ed Reinecke—I did not know to whom he had spoken, when, how or if. He had simply told me that these are the people, the only people who would be aware of our attempt to take the thing to San Diego until after the site selection committee met in Denver.
>
> Senator Kennedy. When did he tell you that?
>
> Mrs. Beard. On the first meeting.
>
> Senator Kennedy. When was that?
>
> Mrs. Beard. January or February. I don't remember. He came in to Washington and said, "I need your help on something of the utmost confidence."
>
> Senator Kennedy. Did he say he was going to or that they had talked, that they were aware of these negotiations which you were involved in?
>
> Mrs. Beard. He told me only. "This is very confidential. Nobody is discussing it. We know we can have faith in you. Do not talk to anybody about it. At some point eventually these will be the people who will be involved with it." But he did not say clearly or distinctly that he had spoken to any one of these people. In fact, I rather imagine he had not, but when he tells me it is in complete confidence, I don't ask questions I don't need to know answers to.

And second:

> Senator Kennedy. So, besides the manager of the hotel, you were in touch with Mr. Reinecke? Was he the contact with the Republicans or——
>
> Mrs. Beard. I did not see much of Ed after that. We had our first talk about it. I hate Miami. You will never get me back there, even to bury me, so another reason to take this thing to any place—you know, Houston and Texas in August and Miami in August, uh-huh, so the actual—Gary Seland, the then manager of the Sheraton Inn, very, very clever boy, he had been through two or three conventions. He got the motel and hotel association people together and, as a newcomer to San Diego, more or less, he was having these various meetings. "Well, how many rooms do you have?" It was handled very cleverly, I think, I went with him on many occasions. We had lunch with various managers of various motels and hotels. I looked over the arena, because I still don't see how they are going to have a convention in the arena, but—and there was a question of the acceptance speech, the stadium. The lighting would be so poor. There are a lot of things that haven't been resolved, but through Gary Seland—and he was the only person in San Diego, the only person in ITT who knew what we were up to, and I saw Ed Reinecke very, very rarely.
>
> Senator Kennedy. Well, with the exception of Gary and your one conversation with Mr. Reinecke in January——
>
> Mrs. Beard. Yes.
>
> Senator Kennedy. Everything else, so to speak, you were on your own? You didn't have any other conversations with either Mr. Reinecke, with any other spokesman for the Republican Party, or for anybody else from ITT? You just went out with Gary?
>
> Mrs. Beard. I was ordered there for other business, anyway, so I was—and Ed didn't know I was working for the convention. He didn't know that until the 12th of May.

And so on and so on. There is no question about Mr. Reinecke's relationship with Mrs. Beard.

Similarly, Mr. Hume, in reporting his conversation with Mrs. Beard, corroborated this version at a time before it had been placed in question, in fact even before Mrs. Beard testified. Hume said:

> I wanted to mention also, and I don't

know if I made it clear earlier, that she indicated she had begun to deal with Mr. Reinecke on this convention as far back as January. It was an idea that they both had or he had and approached her and got her interested or vice versa.

Yet Mr. Reinecke's testimony was that he had never talked to Mrs. Beard in January or February, that he never met with her at that time and that the convention idea sprang up in an entirely different way:

Senator Tunney. In January, did you meet with her?

Mr. Reinecke. No, sir, I have a policy, having lived here for 4 years, not to come to Washington in January or February.

Senator Tunney. Did you meet her on two other occasions in 1971?

Mr. Reinecke. I recall having lunch with her.

Senator Tunney. Do you recall that month?

Mr. Reinecke. That was the May trip because my wife was along; and that was May of 1971 it showed on our——

The Chairman. Identify yourself for the record, both of you.

Mr. Reinecke. Ed Reinecke, Lieutenant Governor of the State of California. I apologize.

Mr. Gillenwaters?

Mr. Gillenwaters. Yes; I am Edgar Gillenwaters, director of Commerce for the State of California.

Mr. Reinecke. Yes. It would have been one of the open lunches on the May meeting which would have meant the 17th or possibly the 18th. I don't have that specific detail; one of those dates right in there. And our third meeting was when the site selection committee and the entire executive committee met in Denver in the third week of July 22 or 23, I believe it was.

Senator Tunney. When was the first discussion that you had about the possibility of bringing the Republican Convention to San Diego?

Mr. Reinecke. In April.

Senator Tunney. April. With whom, do you recall?

Mr. Reinecke. Yes. I was back here for reasons of economic development and while we were here there was a social reception that was attended by a large group of people from San Diego who happened to be in town on their own, for their own reasons; but at the same time I think they were chamber of commerce people and we discussed the possibility at that point. That was where the idea really hatched.

Senator Tunney. Was that, you say, in a hotel here in Washington?

Mr. Reinecke. No; I believe that was at the National Republican Committee Headquarters on Capitol Hill.

Senator Tunney. Was Dita Beard present?

Mr. Reinecke. No; I don't believe so.

He reported the denial of any contact in January or February two more times during the course of the hearings, denying any contact between himself and Dita Beard at that point in time.

First:

Mr. Reinecke, I am wondering if you could tell us about a meeting that you had at the Sheraton-Carlton Hotel with Dita Beard?

Mr. Reinecke. It was a lunch.

Senator Tunney. Was that in April or was that earlier?

Mr. Reinecke. That was May; that is when my wife was there so that was in May.

Senator Tunney. Mrs. Beard stated in Denver when the subcommittee went out to question her, in answer to a question by Senator Hart:

"Chairman Hart. Well, about when was the suggestion made to you by Mr. Reinecke?

"Mrs. Beard. Either January or February of last year, sir.

"Chairman Hart. And was the aide whom you have not named Mr. Gillenwaters?

"Mrs. Beard. Yes, I'm sorry.

"Chairman Hart. And where, if you recall, was the suggestion made to you?

"Mrs. Beard. We had lunch at the Carlton Hotel, sir."

But you are saying that Mrs. Beard's recollection of that was inaccurate? It was not in January or February?

Mr. Reinecke. I know I was not in Washington in January or February.

Senator Tunney. What did you discuss with Mrs. Beard about the convention? Can you give us the details of that discussion?

Mr. Reinecke. I really don't recall the specific discussions at that point, Senator. We always ran the gamut of what's new on the Washington scene, what's new in the social circles.

Second:

Senator Hruska. When did you first conceive of the idea of attracting the Republican convention to San Diego?

Mr. Reinecke. In April at the reception held at the National Committee Building, April 27.

Senator Hruska. With whom did you discuss it at that time?

Mr. Reinecke. It was a general cocktail function, Senator. There was no speech; there was no organized meeting; no one spoke out in behalf of it. We discussed it as a seed of an idea and it gathered enthusiasm and I accepted the responsibility to carry it forward from them.

Senator Hruska. Do you recall the first occasion you discussed it with Mrs. Beard?

Let me back up. Did you discuss it with Mrs. Beard?

Mr. Reinecke. Yes.

Senator Hruska. When was that?

Mr. Reinecke. It would have been the next time I saw her, which was when I returned to Washington again in May at that luncheon.

Senator Hruska. You have already recounted that, haven't you?

Mr. Reinecke. Yes, sir.

So, on the record, there is a flat and direct contradiction between Mrs. Beard's version and Mr. Reinecke's.

Mr. President, the point simply is that Dita Beard was very clear she had discussions with Mr. Reinecke in January or February, or at least at the point prior to the time there was the settlement of the antitrust cases and that, as part of the discussion, Mr. Reinecke was most interested that they keep the thing quiet. They wanted to get the convention in San Diego but did not want a lot of publicity about it.

It seems that if we tie in the dates Mrs. Beard gave under oath, in meetings or at least in conversations having taken place in January or February, with Mr. Reinecke's and Mr. Gillenwaters' first statements to the press, to me, and to others, that they met with the Attorney General in May and that they discussed the $400,000 at the time ITT was going to make it available to the Republican Convention in San Diego, 2 months prior to the time the ITT case was settled, we begin to get the scenario of what in fact took place: The fact that, in all probability, what ITT really wanted was the message to go out to the Justice Department that they were good friends of the President and that they were making a substantial offer to bring the convention to San Diego in order to curry some favor.

That is the only way I think one can look at it. I think the record of the hearings demonstrates there is substantial evidence to back up that supposition.

Mr. President, I have indicated some of the inconsistencies which were laid out in the Record during the course of our hearings.

I must say that in the 6 years I served in the House of Representatives and in the 2 years I have been in the Senate, I have never seen so much in the way of inconsistent testimony before a committee. I think it could be really said to almost be a question of making a mockery of the Senate investigative process. That is why I feel, by the way, so strongly that the Department of Justice ought to have the entire hearing record referred to it with the request that it report back to the Senate in 30 days with an indication of what action should be taken against those people who, under oath, made statements which conflicted with other sworn testimony.

If we are not going to have the Senate Judiciary Committee held up to public ridicule as a result of all of those inconsistent statements under oath, it seems to me to be clear that the Senate should demand that the Justice Department investigate the record and take appropriate action against those witnesses who did not tell the truth.

III. GENEEN AND THE $400,000

Harold Geneen told the committee that ITT's commitment was never for $400,000—that it never exceeded $200,000:

Three. The ITT commitment to the San Diego Convention and Tourist Bureau in response to their solicitation was for $100,000 in cash plus a contingent additional $100,000 in cash if other businesses in San Diego committed a further $200,000. This was the final commitment made in a telegram to the San Diego Convention and Tourist Bureau—prior to the decision on the site selection, and it was made clear at that time that this was our total commitment. ITT has no other commitment.

Senator Kennedy. Mr. Geneen, you, in response——

The Chairman (presiding). Wait just a minute, please. The Chair is going to appoint another member of the subcommittee to interview Mrs. Beard. It will be Senator Burdick.

Senator Kennedy. You indicated the amount of the ITT commitment was $100,000 with a possibility for an additional $100,000; is that correct?

Mr. Geneen. It was $100,000 conditioned that it be Presidential headquarters, Senator, plus an additional $100,000 to match what they would be putting up—$200,000 at least.

Senator Kennedy. So do I understand you that the most the commitment would be $200,000?

Mr. Geneen. At the most if those conditions were met.

Senator Kennedy. Where do you think everyone, like Congressman Wilson, who is very much involved in the negotiations, as I understand, got the idea of $400,000?

Mr. Geneen. Well, I think I covered that, Senator, in the statement yesterday. I said this thing was brought up to my first knowledge—we were out during our annual meeting at a party we gave, and dinner party, for about 70 people, and we were enthusiastic about it, but I didn't figure any kind of a figure was a commitment. He was talking in terms of the use of the hotel rooms, which may not be otherwise used; and we talked in general terms. I don't remember a figure of $400,000 by any means. But in any event, before the site selection made its bid for the convention, we sent a telegram to the San Diego Tourist and Convention Bureau, care of Congressman Wilson, which spelled out clearly what our total commitment was, and it was in writing and that is the only commitment that we have.

Later Mr. Geneen went on to give another confirmation that the only figure was $200,000. I read the testimony:

Senator **KENNEDY**. Last week's Washington Star cites an August 5, 1971 joint announcement of Leon Parma and Bob Wilson, using the $400,000 figure. Then there was a press conference statement by Republican National Chairman, Senator Dole, just 2 days ago, Friday, in which he used a $400,000 figure, and Mr. Wilson also reiterated the $400,000 figure in the San Diego Tribune the first week of March. So, he certainly has been involved in the whole deal, and they are off by approximately a hundred percent. Is there any way you can help us on why that is so?

Mr. **GENEEN**. Let me say, Senator, I am equally confused and I think the action we took, which was the fortunate one to be taken in view of all this, was to put our offer in writing at the time we did and specified exactly what it was and it was purposely to stop all this nonsense but strangely enough, even having done that it keeps going on. I can assure you there is no basis beyond that amount.

Senator **KENNEDY**. Could the reason it keeps going on be because this $400,000 figure was discussed or talked about, or $600,000?

Mr. **GENEEN**. I do not even remember a figure of $600,000 and I do not remember a figure of $400,000. Back in May when we were talking, they were talking, this was a casual conversation at Denver as I described it, and there was some talk about trade and use of rooms and, as I said, somewhere, in one of the inquiries that were raised, a hotel figure buying advertising on due bills, for example, 30 percent of the face value was its cost, but none of these represented in our mind commitments and none of them represented pledges. These are the words which have been used and in my mind if we were committed we certainly would not have been able to write the telegram in the way we did and the amounts we did, so we have absolutely no question in submitting that report, I mean, that telegram, as exactly what we did because it represented what Sheraton felt they could afford to do.

I think I mentioned this morning that it was and is a good business investment for them on that basis.

But virtually every other witness we had spoke of $400,000, including Congressman **BOB WILSON**, the person who apparently held the whole deal together. **WILSON** said:

We kicked around the idea of my going to leading businessmen and getting commitments from them and putting together a bid package. He then suggested if I would take the lead he thought Sheraton would underwrite up to $300,000 and would, of course, be willing to actually commit for their fair share of the total amount of money needed. I told him I thought it would not be difficult to put a bid together quickly. He then told me he would see that they backed me personally for half the total amount needed, which would be $400,000. There was no written agreement, not even a handshake, but my personal knowledge of Mr. Geneen satisfied me as to the integrity of his guarantee. I assured him we could soon work the underwriting down to a reasonable figure as far as Sheraton's obligation was concerned. Within the next few weeks I worked with a number of local citizens, plus Lieutenant Governor Reinecke, persuading the Hotel Association, the Convention and Visitors Bureau, and the city and county that the convention was a double thing if we all worked together quickly and positively.

And in a taped interview which **WILSON** gave to a San Diego reporter, and which he confirmed was accurately transcribed, which statement was confirmed by an earlier statement made in May, and which was inserted in the **RECORD**, **WILSON** said:

They had then bought another hotel—The Ramada Inn—so they were going to end up with three hotels, and I said, "I talked to Bob Finch this morning and he told me if we could raise 800,000 dollars locally, we had a chance to at least bid and get the convention here, and if we could get the convention here, this would be a great—the best publicity for San Diego coming of age as far as the major conventions." And he said, "Well, why don't you do it?" and I said, "Well, I you know, in the first place we've got to get the bid in within a matter of days." He said, "Look, if you'll check and get some local support, I'll guarantee you up to 400,000 dollars of that 800,000 commitment"—he said 300 first, but he and Bud James talked about it and they said, "We will guarantee you half of it if you'll get others to come in so that, you know, reduce the amount that we put up." So I went out and I talked to another hotel owner and others and I was assured that there would be some substantial local support. So I stuck my neck out and said, "I'm assured of at least half of that 800-thousand dollars." So the Convention and Visitors Bureau got into it and said, you know, that they thought the city could put up some money, the county could put up some money and we went before the City Council and got a civic committee going with Leon Parama as chairman and got the bid.

The point, of course, is clearly that Mr. Geneen stated under oath that he had never made a commitment of more than $200,000, and Mr. Wilson under oath indicated that it was $400,000. Although there was a considerable amount of fudging, it seems clear that Mr. Geneen was very embarrassed by the fact that there had been wide-scale publicity given to the incredible offer that ITT-Sheraton had made to San Diego to have the convention in San Diego at the very time they were having an antitrust matter settled by the Justice Department.

I would like to explore that for a moment. I do not know what is considered to be normal business practice in this country, but it would seem to me to be highly questionable if it were the normal business practice for a corporation to make a substantial pledge to a city to bring a political convention to that city if the party that was holding the convention also happened to be the party in power in the White House, the party in control of the Justice Department, and the party that was deciding whether or not antitrust litigation should be pursued, or whether it should be settled.

I think that any such practice is unethical, and I cannot believe that it is general practice. In the specific case of ITT it seems to me to be an outrage. If we have learned anything during the past several years it is that the American people are sending a signal to their political leaders that they are sick and tired of the big boys always getting their own way; they are sick and tired of dishonesty at the highest levels of government, and they want people to be honest and they want a complete ventilation of the political processes. One of the things they do not want is a situation to exist where a corporation is having antitrust matters determined and adjudicated by the Justice Department while at the same time that corporation is pouring tens of thousands of dollars into a political slush fund to get a political convention to a city which happens to be the choice of the highest officials of Government.

I personally am deeply disturbed by the relationship of ITT to the Republican National Convention at a time that the Justice Department was making a major decision as to the future of ITT and its mergers with Grinnel Canteen Corp. and Hartford Fire Insurance Corp. It just is the worst possible business to bring to the American people and say, "This is the way things get done in Washington. If you are big enough, if you are rich enough, if you are powerful enough you get to see anyone you want to see and to get things taken care of. But if you are an average American citizen you have to live in a situation knowing of the miles and miles of redtape and the layers and layers of bureaucracy that will keep you from getting a decision in your case." In essence, this is what the ITT case is all about: That there is one rule of law for the privileged and another for the underprivileged in this country.

Mr. President, I yield now to the distinguished junior Senator from Illinois (Mr. **STEVENSON**).

Mr. STEVENSON. Mr. President, I thank the Senator from California for yielding.

Mr. President, there cannot be any question that the President of the United States is entitled to a wide degree of latitude in the selection of his Cabinet. But if the Senate's constitutional duty to "advise and consent" is to have any meaning, a line must be drawn, that latitude delineated.

I am troubled that Mr. Kleindienst does not bring to the office of Attorney General of the United States professional attainments equal to the demands and stature of that high office. It disturbs me that the President has not sought out a wise and sagacious counselor to occupy an office which in history has been close to his own. I find nothing in the **RECORD** to suggest that Kleindienst will ever acquire a vision and a stature which transcend the rush of events and the expediencies of partisan politics. His record in the law and in politics is not distinguished. But I do not oppose him for those reasons, nor because his philosophy, if he has one, is alien to my own. I oppose him because his conduct has raised doubts about his character and his integrity. That is where I draw the line.

Only one foundation sustains our free self-governing system. It is a foundation of trust and confidence in the legitimacy of our public institutions. The appearance of misconduct within those institutions erodes that foundation as effectively as misconduct itself. It cannot be tolerated.

Mr. Nixon seemed once to say that the

suspicions about the integrity of Mr. Kleindienst would not be tolerated. He pointed out that Kleindienst sought the renewed Judiciary Committee hearings and, he said:

> We want this whole record brought out, because as far as he is concerned, he wants to go in as Attorney General with no cloud over him.

Mr. President, that cloud has not been dispelled. It hangs heavy and dark over Mr. Kleindienst. It broods over the Justice Department and this administration.

Efforts were made to dispel the cloud. Hearings were held. Several additional witnesses were heard by the Judiciary Committee—Dita Beard, Peter Flanigan, Harry Steward.

But the cloud of doubt about the professional ability and character of Mr. Kleindienst is darker than before.

On April 6 the Judiciary Committee agreed that it was "clearly necessary" to call 19 more witnesses, but by the close of the hearings on April 27 only 12 of those 19 had been heard—and it was only after inordinate obstruction by the White House and the threat of the nominee's defeat that Mr. Flanigan testified. Even then, when Mr. Flanigan did appear, his testimony was so circumscribed as to render it meaningless.

Other White House figures did not testify. A central figure in the entire investigation, Dita Beard, testified for only 2 of a scheduled 9 hours, and that limited testimony served only to raise new questions and new doubts. The White House and the Justice Department, under the blanket of "executive privilege," refused answers to interrogatories and denied the committee access to pertinent documents.

The cloud has not been dispelled. One newspaper has preferred a different metaphor than the President's "cloud." It has called this affair "the dismal swamp of American politics."

Neither analogy is a happy one, and neither suggests an auspicious beginning for a man as the Nation's chief steward of justice. And so, given the President's refusal to withdraw the nomination, and the inability of the Judiciary Committee to give us the truth, I must urge the Senate to recommit the nomination to the Judiciary Committee with an understanding that the committee will get the facts, that it will dispel the cloud or get to the bottom of the swamp. Then let the committee come back to us again and tell us its judgment. In the meantime, if the President wishes, he can still withdraw the nomination.

Should the Senate recommit the nomination, the Judiciary Committee would have another opportunity to reflect on Mr. Kleindienst's fitness to be Attorney General and the standards of fitness for the Nation's chief law enforcement officer. I do not believe a man is qualified for any public office, let alone Attorney General of the United States, simply because he is not guilty, or has not been indicted or convicted. More ought to be demanded of us. More is demanded of us by a people already doubting the impartiality and competence of its Government.

The Attorney General is the chief law enforcement officer of the United States. In the pledge of allegiance schoolchildren, and all of us, reaffirm our dedication to justice in this Nation. And in large measure the responsibility for justice reposes in the Attorney General.

It is not much to ask of a President that he find in this vast country an Attorney General whom the people can trust. It really should not be too difficult for the President to find someone to serve as the Nation's chief law enforcement officer whose reputation is above reproach, whose character is beyond sususpicion.

Given that standard of conduct and the deservedly high expectations of the people, how does Mr. Kleindienst measure up on the present state of the evidence?

The appearance of misconduct is substantial. He is not the victim of an isolated or insubstantial accusation.

There is Kleindienst's conduct in the case of Robert Carson, who has been convicted and sentenced in a Federal court for perjury and conspiracy to commit bribery. Kleindienst had known Mr. Carson as a prominent Republican fundraiser when on November 24, 1970, Carson came to Kleindienst's Justice Department office and told him that, "he had a friend in New York who was in trouble, his friend was a man of substantial means and would be willing to make a substantial contribution of between 50 to 100 thousand dollars to the reelection of President Nixon."

That was after Mr. Nixon's election and, to say the least, a premature contribution for 1972.

Mr. Kleindienst did not accept the bribe, and testified he told Carson he could not help his friend. Kleindienst did not, however, report the bribe attempt until over a week later, on December 1, 1970, after he had seen a memorandum from the FBI to the Attorney General to the effect that Carson was under investigation for bribery and that electronic surveillance was to begin in Carson's office that morning.

Mr. Kleindienst has testified that at the time of the attempt he did not perceive it for what it was—a bribe. The most favorable interpretation of these facts is that a man who cannot tell a bribe when offered has been proposed for chief law-enforcement officer of the United States.

At the Judiciary Committee hearings, Kleindienst refused to explain his conduct further on the ground that his response might prejudice the Carson case. One can question Kleindienst's reasoning, given the facts that the jury verdict had been reached, the jury dismissed, the defendant sentenced, and the case already argued on appeal. But even if one accepts Kleindienst's quite questionable reasoning, one can only conclude that, given the state of the evidence in the Carson matter, Kleindienst's conduct was most improper.

Then there was the role Mr. Kleindienst played in the case of Harry Steward, the U.S. attorney in San Diego. An inquiry within the Department of Justice found that Mr. Steward had engaged in "highly improper" conduct by directly intervening to cancel a subpena to a potential defendant in a criminal investigation. The defendant was a personal friend and political benefactor of Mr. Steward, and the investigation was of an illegal fund-raising scheme during the 1968 Republican presidential campaign.

Despite this departmental finding, Mr. Kleindient issued a public finding of "no wrongdoing" and expressed the full confidence of the Attorney General in Mr. Steward. This statement misled the very public the Justice Department is supposed to serve, and the entire incident and Mr. Kleindienst's role in it smacks of impropriety.

A similar case, never examined by the Judiciary Committee, involves an advertising agency in Illinois with close ties to prominent Republican officials. The ad agency described its scheme in a letter dated February 10, 1964, as follows:

> If you have any contributors who would prefer to be billed by our firm in order to write it off as a business expense, please let me know and we will take care of the matter. We will send a duplicate of the invoice to you, and credit the—blank—campaign with that amount when it is paid.

In 1968 the Internal Revenue Service launched a tax fraud investigation of the advertising agency.

The case was referred to the Justice Department for prosecution in June 1969. It was still sitting in the Justice Department in March 1970, when the Internal Revenue Service asked the Department for a grand jury investigation.

There was no reply until June 1970, shortly after the resignation of Thomas A. Foran, a Democrat, who was U.S. attorney in Chicago at that time. The reply directed the IRS to drop the case.

Details of this case were reported in an article in the Chicago Sun-Times on November 3, 1970. I entered this article in the Congressional Record on March 24 of this year.

The Judiciary Committee has not investigated this case, but I urge it to do so. The role that Kleindienst played is uncertain, but the evidence suggests more impropriety within the Justice Department. Kleindienst was Deputy Attorney General. He cannot escape responsibility for the actions of the Justice Department on grounds that he was only second in command.

I am inevitably led to the morass known as the ITT affair, though I despair of synthesizing or describing any part of this sordid affair. But it is relevant to any inquiry into Kleindienst's conduct as Deputy Attorney General.

Before coming to Kleindienst's role, I must deplore the more general ethical situation posed by the case. One newspaper put it this way:

> There is the larger question . . . of how one of the world's greatest corporations could think it proper or publicly acceptable, while its fate was in the hands of a republican administration's antitrust department, for it to be secretly arranging to underwrite a large part of the Republican party convention. There is the other side of that qeustion, which is how a responsible government, or political party, could find no impropriety . . .

Senators Bayh, Kennedy, and Tunney may have the honor of the understatement of the year when they relate as their second finding in their individual views:

> (2) There was a predictable and preventable appearance of impropriety in the acceptance of a gift of extraordinary size from ITT for the Republican National Convention at a time when ITT was seeking to settle a major antitrust suit under the nominee's control. Anyone who knew of both efforts in advance must bear full responsibility.

Kleindienst has maintained that he knew nothing of the ITT gift until about the time it became public knowledge; that is, in early December 1971. Some of the evidence on the record, however, suggests otherwise. In December 1971 Kleindienst maintained that the Justice-ITT settlement was being handled and negotiated exclusively by then Assistant Attorney General McLaren. After the hearings bared several meetings between Kleindienst and ITT Director Rohatyn, discussions on the ITT case between Kleindienst and McLaren, ITT attorney, Lawrence Walsh and Solicitor General Griswold, and a conversation with a neighbor-ITT official—Kleindienst displayed a phenomenal semantic agility. He maintained and still maintains that the settlement was handled and negotiated exclusively by Judge McLaren. He had only, he said, set in motion a series of events that led to the settlement.

This episode was not the first involving ITT. Three years ago Judge McLaren, the then Chief of the Antitrust Division, sought to block ITT's acquisition of the Canteen Corp. Attorney General Mitchell disqualified himself because his and Mr. Nixon's former law firm had represented an ITT subsidiary. Kleindienst took over. McLaren recommended that the Justice Department seek to enjoin the merger, but Kleindienst delayed action on McLaren's recommendation until it was too late to seek the injunction.

Other large companies with connections in the administration have fared equally well—or better. Elmer Bobst is a confidante and contributor of Mr. Nixon. He is also honorary chairman of Warner-Lambert which, like the ITT subsidiary, retains the former law firm of Mr. Nixon and Mr. Mitchell. As in the ITT-Canteen case, McLaren sought again to enjoin a merger before the fact—this time a merger between Warner-Lambert and Parke-Davis. Again Mitchell disqualified himself. Again Kleindienst took over. He talked to attorneys and representatives of Parke-Davis and Warner-Lambert. He said a Parke-Davis representative told him "that if this merger did not come about, Parke-Davis was going to get out of the research business." Parke-Davis denies it told him any such thing. Bobst admits that he lobbied the White House. As in the ITT-Canteen case, McLaren's original recommendation was rejected. No injunction was sought, and the merger went through.

It seems at this point that corporations with known financial connections to Mr. Nixon and Mr. Mitchell manage to resolve their antitrust difficulties out of court and in the shadows.

Mr. McLaren is a man of undoubted integrity and ability. He undoubtedly did his best to enforce the antitrust law—and that may explain his hasty departure from the Justice Department.

His nomination to the Federal district court was received unexpectedly in the Senate on December 2. On that same day, Mr. McLaren having come from Illinois, I gave my consent as junior Senator from Illinois to the nomination. The Senate Judiciary Committee gave the nomination favorable consideration and the Senate confirmed—all within 24 hours. The approval of the ABA committee on the judiciary was apparently obtained from Mr. Walsh of ITT on a few hours' notice during that 24-hour span.

Reasons given for this unprecedented action are that the district court in Chicago faced a backlog of cases, and that Judge Hoffman—whom Mr. McLaren was to replace on the bench of the Northern District of Illinois—was requesting immediate senior—or part-time—status. Also, since Congress was soon to recess for Christmas, immediate action on the nomination was supposedly necessary. I have found since that there was no appreciable backlog of cases. Two additional judges had been added to the district not long before and Judge Hoffman, before whom I used to practice and whom I have known well, is a notoriously efficient judge. He was ready to go on senior status when his replacement was inducted but did not expect his replacement to be inducted for several months. The quick action apparently caught Judge Hoffman unaware. He was ready to handle his caseload for several months more.

I still do not know the real reasons for Mr. McLaren's hasty departure from the Justice Department. Another doubt is undispelled.

Justice has been symbolized as a blind dispassion, but that has not been the public's understanding of the Justice Department in recent years. Even before the election of 1968, Mr. Nixon had made the department a partisan political issue. After his election he installed his chief political operatives as the chief officials of the department. We have had Mr. Mitchell as an Attorney General between tours of duty as a campaign manager, and unable to forget either his past or future political responsibilities. Recently another Assistant Attorney General, Mr. Robert Mardian, resigned to take part in Mr. Nixon's reelection effort. We have had the image of a Justice Department functioning as an arm of a political Presidency.

I do not claim that the Democrats in the past have been free of all guilt. But I do believe the past is no excuse for the present. And I cannot remember such a politicized Justice Department. These men do not deny their political roles. They speak at partisan gatherings. They advise the President on partisan matters. Their statements on the nonpartisan issue of crime and violence are partisan. Even the FBI crime statistics are interpreted for partisan purposes. Mr. Kleindienst has been an enthusiastic participant in this concept of "justice."

The matter goes much deeper than the suspicion of money changing in the temple of justice. If the Department of Justice is deeply tainted with the stain of partisan politics, then the faith of the people in the processes of justice will be deeply shaken. And when the people do not believe in the legitimacy of their institutions, they will not accept the authority of those institutions. What is at issue is not a matter of partisan advantage in one administration or another. The issue is whether, ultimately, our leaders will be able to lead, and our Government able to govern; whether the people believe those whom they elect.

How can the people trust an Attorney General who as a Deputy Attorney General publicly absolved a U.S. Attorney of any wrongdoing, while he privately acknowledged that the man's conduct had been highly improper? How can the people trust an Attorney General who is unable, or unwilling to perceive a bribe and report it? How can the people trust an Attorney General who plays semantic games instead of admitting that his words were easily capable of being misconstrued—words that in fact misled many?

At a neighborhood party, an official of ITT finds it easy to arrange a meeting between Kleindienst and a spokesman for the giant corporation.

What about the others in our society—the people who literally and figuratively are not invited to the party?

The executives and lobbyists of ITT encountered no obstacles when they sought access in the corridors of power. Peter Flanigan, one of the President's Assistants, has become known as an ambassador to big business. But who speaks for the people? If such a man exists, he is not yet so famous, perhaps because his achievements are less apparent.

The Justice Department should be free of partnership and speak for all the people. Many fear that it is becoming a fund-raising branch of Republican campaign headquarters.

These are difficult days for men of conscience. These are days of fat political contributions and careless ethics. But before we accept the easy ethics of Mr. Kleindienst, we should remember Thomas Jefferson's statement:

> When a man assumes a public trust, he should consider himself a public property.

It is with these words of Jefferson in mind that I approach the nomination of Mr. Kleindienst. During my brief tenure in the Senate, some of my hardest decisions have required a balancing of the President's right to choose men for high office and the Senate's responsibility to advise and consent. I have recognized the Presidential prerogative to choose those of his own persuasion if they be persons of undoubted intelect and integrity. I consented to the nomination of Mr. Rehnquist to the Supreme Court because I had no doubt about his character, intellect, integrity, and professional ability.

But I have such doubts about Mr. Kleindienst.

With the records of the Washington office of ITT shredded and activities at the Justice Department and the White House shrouded in secrecy, it will be difficult to ascertain the whole truth about Mr. Kleindienst. But suspicion will persist, and the erosion of public confidence in our public institutions will continue, unless the doubts that now exist are dispelled.

The "cloud" remains. To dispel it, either the President must withdraw the nomination or the nomination must be recommited to the Judiciary Committee so that it again can attempt to get to the bottom of these many questions.

No citizen who cares deeply about his country and the integrity of its institutions can really hope that these charges are true. But we do not know the truth. The charges and suspicions cannot be swept under the rug by the administration or by the Senate without substantiating the public fears that the concept of equal justice has been corrupted by the Justice Department's willingness to recognize that some men and some corporations are more equal than others.

The Senate cannot perform its constitutional duty to grant or withhold its "consent" to the nomination of Mr. Kleindienst until it knows the truth. I, for one, will not vote to confirm the nomination of Mr. Kleindienst until the doubts about his character and fitness are dispelled.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **TUNNEY.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. BROCK). Without objection, it is so ordered.

Mr. **TUNNEY.** Mr. President, I was very much interested in the remarks the junior Senator from Illinois (Mr. STEVENSON) just made. I thought his statement was a powerful one and all-encompassing.

I was particularly interested in one point that he made, about the possibility of the withdrawal of Mr. Kleindienst's name. It would seem to me that, as one of the ways, perhaps, we could best serve the interests of everyone, the President, as well as the American people, it would be appropriate for Mr. Kleindienst's name to be withdrawn.

Mr. Kleindienst indicated that he did not want to be confirmed as Attorney General if there was a cloud over his head.

It is clear, to my persuasion, that the 9 weeks of hearings we had did not dispel the clouds but, instead, have made them greater and, if anything, somewhat darker.

I would therefore like to ask the distinguished Senator from Illinois whether he does not think that it might be appropriate for Mr. Kleindienst to withdraw his own name.

Mr. **STEVENSON.** Mr. Kleindienst acknowledged, as the junior Senator from California pointed out, that he did not want to come into the office of Attorney General of the United States with a cloud over his head. The President quoted him before the country at one point and suggested that the maintenance of respect in the country for the law required that the Attroney General of the United States be beyond any suspicion or doubt about his character and qualifications for that office.

It suggests what seems to me ought to be the standard applied in this case. It is not enough to be innocent. It is not enough to be unindicted or unconvicted. I think that for any public office a man ought to be above suspicion, the very suspicion, the very doubt, the very appearance of misconduct. And the appearance of misconduct of Mr. Kleindienst was substantial enough to erode public confidence.

One way of dispelling all of the doubt and suspicion and to close this unhappy chapter would be, as the Senator suggests, for either the President to withdraw his nomination or for Mr. Kleindienst, if he feels as he said he did about the cloud over his head, to withdraw his own nomination.

The only alternative that I can see to a voluntary withdrawal of the nomination on the part of either the President or Mr. Kleindienst is for the Judiciary Committee to do this investigating and to get to the heart of the matter. Far more questions have been raised so far than have been answered. The cloud that the Senator mentioned is far darker today than it was in the beginning of the hearings.

The committee could continue to investigate the facts. And the facts might justify upon further investigation the dispelling of any cloud, and the Senate could then confirm Mr. Kleindienst.

The Senate would then be in a position for the first time to exercise its constitutional duty of advice and consent. I do not believe that we can exercise that right today upon the state of the record simply because we do not know what the truth is.

I would agree, in my final response to the Senator from California, that were the President or Mr. Kleindienst to withdraw the nomination, it certainly should not be difficult in this vast country, with the wealth of human resources and the legions of highly qualified men in the legal profession, for the President of the United States to find a man qualified to be our chief law enforcement officer. By that I mean a man whom all the people of this country can respect and trust, a man about whose impartiality and judgment and integrity there could not be the shadow of a doubt.

Mr. **TUNNEY.** Mr. President, I could not agree with the Senator more. I do not know what the able Senator's mail has been with respect to this matter. However, I can say to the Senate that I have received thousands of letters as a result of my participation in the hearings. These letters run approximately 6 to 1 against confirmation. This would indicate that there are many thousands of Californians—and I have received letters from other parts of the country as well, but mainly from California—do not have confidence in Mr. Kleindienst as a person who should be the chief law enforcement official of the country.

Like Caesar's wife, it seems to me that the Attorney General of the United States ought to be a man that is above suspicion. Perhaps, Mr. Kleindienst did not have any role in the matters of ITT for which a person could condemn him. I think from what we know now that proposition is highly unlikely, but we will never know unless we finish the job we started.

It may be felt by a majority of the Senate that we should not go ahead any further with the hearings and should not get at the bottom of what really happened and the whole truth of the matter. But I think the only proper reconciliation would be for Mr. Kleindienst to withdraw his name, because we have, it seems, a situation where an unstoppable object is coming into direct contact with an immovable object. The best way of avoiding a most difficult situation for the President of the United States and for the Senate would be for Mr. Kleindienst to withdraw his name and say that somebody else, of the thousands of people in the country who are highly qualified to be Attorney General, considering all of the circumstances, should be named by the President.

The Attorney General of the United States should not come into office with a massive cloud over his head. The nomination of a man to be Attorney General of the United States should not be the cause for thousands of letters to come from all over the country in opposition to his candidacy for the Attorney Generalship. I suggest that what he should properly do at this time is very simple—say, "I withdraw."

Mr. **STEVENSON.** The Senator mentioned the Steward case, the so-called San Diego case. There is evidence to indicate that a very similar case took place in my State of Illinois where it appears that an advertising agency in Chicago made arrangements with contributors to the Republican campaign that sums of money be treated as tax deductions. The advertising agency, according to this evidence, sent statements to the contributors stating that when the people prepared their tax returns they should claim deductions for political contributions.

The Internal Revenue Service sought an investigation. As a matter of fact, it sought a grand jury investigation. The Department of Justice, in the person of the former U.S. attorney for the northern district of Illinois, Mr. Foran, investigated. It is my understanding that he was prepared to move ahead to prosecute.

However, nothing happened from the beginning of this investigation in 1969 until after Mr. Foran's resignation in the spring of 1970. Nothing happened. As soon as Mr. Foran, who was a Democrat, resigned, the Department of Justice instructed the U.S. Attorney in Chicago to drop the case. This is a matter which bears great similarity to the facts which the Senator referred to in California. This case has not been investigated at all. The Committee on the Judiciary has not begun investigation of these circumstances. There are many other situations which bear examination, all of which raise doubts about the fitness of Mr. Kleindienst to be Attorney General of the United States.

My mail from constituents in Illinois is, like the Senator's, running 4 or 5 to 1 against the confirmation of Mr. Kleindienst. Throughout it all there can be detected a prevalent cynicism toward Government; people are ready to believe the accusations. They tend to confirm the partiality of public institutions for the rich and powerful, the big corporations.

It seems to me that to fail to recommit the nomination of Mr. Kleindienst would be a great blow to attempts to restore some of that lost confidence in our public institutions. The people of this country do not expect the book to be closed nor the evidence brushed under the drug.

To refuse to consent to the nomination I think, would give people everywhere, in California, Illinois, and in every State of the Union, more confidence in Government and ultimately in the Department of Justice, and it would restore confidence in the Senate.

Mr. TUNNEY. I could not agree more with the distinguished Senator from Illinois. Anyone who has had the opportunity to read the hearing transcript on that segment of the hearings dealing with Mr. Steward in San Diego would have to agree that Mr. Kleindienst was personally involved. It was not someone else involved. Mr. Kleindienst was personally involved as Deputy Attorney General in conducting an investigation of Mr. Steward. Based upon the file that was prepared by the Criminal Division of the Department of Justice he made a decision to clear Mr. Steward of any wrongdoing despite the fact that we did not see the FBI file—the only person who read it was the chairman of the full committee—we had evidence that in the FBI file there were three statements that Mr. Steward stated before three investigators in San Diego at the time that he was preventing a subpena to be issued to bring a substantial campaign fund raiser, Mr. Thornton, before a grand jury. Mr. Steward said:

> Mr. Thornton got me my job as U.S. Attorney and he may get me a Federal judgeship. Therefore, I do not want him subpoenaed.

On its face, that is enough to have him dismissed from office if not criminally prosecuted. There were three sworn affidavits in the FBI file. We have one of those sworn statements in the hearing record from one investigator to that effect. We never were allowed to have their testimony, however. Instead, we had a refutation of the charges without hearing from the very witnesses who could have told us the truth. Any Attorney General who gives a clean bill of health to a man who has said what three affidavits reported Mr. Steward said should not be elevated to the post of chief law enforcement officer of this Nation.

Mr. STEVENSON. Mr. President, will the Senator yield for a question?

Mr. TUNNEY. I yield.

Mr. STEVENSON. Does the Senator suggest that where the evidence does not prove a personal involvement by Mr. Kleindienst in the case that he is not responsible for all activities of the Justice Department simply because he is only second in command?

Mr. TUNNEY. I am suggesting Mr. Kliendienst, as Deputy Attorney General, had a primary responsibility to monitor activities of U.S. attorneys, and when there are allegations of wrongdoing on the part of anyone it is the duty of the Deputy Attorney General to investigate those charges and make a decision on what is going to happen, either a clean bill of health or in the alternative the decision made to reprimand or dismiss from office, and perhaps, in some instances to prosecute.

I know that in the past there have been resignations on the part of U.S. attorneys who were charged with wrongdoing, and rather than to be dismissed they resigned. I believe even Mr. Kleindienst indicated during his tenure as Deputy Attorney General there was one such resignation.

But in the case of Mr. Steward I think these three affidavits we have in the FBI file charge him with very serious wrongdoing, but Mr. Kleindienst issued a press release completely clearing him of any wrongdoing whatever. What is revealing is that this was not simply a question of general responsibility for the Department of Justice; this was a question of his main responsibility. I think quite frankly he bungled it badly and having bungled it badly he should not be rewarded by being made Attorney General.

Mr. THURMOND. Mr. President, as a member of the Senate Judiciary Committee I had the opportunity to participate in the extended hearings conducted by that committee on the nomination of Mr. Richard G. Kleindienst to be Attorney General of the United States. When the Committee on the Judiciary first considered Mr. Kleindienst's nomination, following 2 days of hearings on February 24–25, 1972, the committee voted 13 to 0 to report the nomination favorably to the Senate floor. However, before the full Senate had an opportunity to vote on the nomination, Mr. Kleindienst requested additional hearings following certain allegations made in an article written by columnist Jack Anderson.

Mr. Kleindienst's good faith attempt to bring out the facts concerning Mr. Anderson's allegations resulted in the biggest political boondoggle in recent history. Twenty-three days of additional hearings were held by the Committee on the Judiciary concerning Richard Kleindienst's nomination to be Attorney General of the United States.

Finally, after an extended barrage of witnesses, both for and against Mr. Kleindienst, the Judiciary Committee again reported the nomination favorably to the full Senate by a vote of 11 to 4. The Committee on the Jundiciary concluded that there was no reason to alter their earlier recommendation that the nomination be confirmed.

Mr. President, I am of the opinion that Richard G. Kleindienst is eminently suited and qualified to serve as Attorney General of the United States. His intellectual accomplishments are rarely equalled. He was graduated from Harvard College in 1947, Phi Beta Kappa, and magna cum laude. He received his LL.B. from Harvard Law School, worked as a law clerk, and practiced law for 18 years.

Mr. Kleindienst is deeply religious and a man of highest integrity who is not afraid to express his views, even on the most controversial issues. He has, on occasion, spoken out on such issues as preventive detention of criminals and his opposition to legalization of marijuana.

Mr. Kleindienst is a brilliant and eloquent speaker, and has proven himself an eminently capable administrator. Throughout his distinguished legal career he has continually exhibited his ability to grasp legal issues and to analyze legal problems. His outstanding academic achievements show that he is intellectually capable of fulfilling all responsibilities of the position of Attorney General.

Since Mr. Kleindienst was confirmed by the U.S. Senate to serve as Deputy Attorney General, he has worked diligently and ably. His efforts have been most effective in the fight against both street crime and organized crime. Even though crime has not been eliminated, the past 3 years have shown substantial progress in slowing the rising crime rate in this country. As spokesman for the Department of Justice, Mr. Kleindienst has often stated that this fight will be carried on with determination and dedication.

In his position as Deputy Attorney General and Acting Attorney General, Mr. Kleindienst has become intimately aware of the multitude of problems which face any Attorney General. He has handled himself in an exceptional manner in these positions and I am confident he will continue to do so in the future.

Mr. President, after a record number of days hearing Mr. Kleindienst's nomination, the Committee on the Judiciary found no evidence of any wrongdoing on the part of Mr. Kleindienst. Many sinister allegations were made against him concerning the ITT affairs, but none were proven.

Mr. President, since I believe Mr. Kleindienst is a man of highest integrity and ability, I heartily endorse, and intend to vote in favor of, the nomination of Richard G. Kleindienst to serve as Attorney General of the United States.

Mr. BROOKE. Mr. President, again the Senate has been asked to advise and consent to the nomination of a man to an important and sensitive post. Again the record and qualifications of this nominee have been the subject of intense scrutiny.

This is as it should be. For it is the responsibility of the Congress, under our Constitution, to act as a coequal branch of Government in the appointment of men and women to important Government posts.

In this instance, the nominee has been designated to fill the position of Attorney General in the President's Cabinet. The nominee, Richard G. Kleindienst, has served as Deputy Attorney General since the Senate confirmed him for that position on January 29, 1969. In this capacity, Mr. Kleindienst has had considerable responsibility for the formulation of policy and the supervision of the day-to-day operations of the Department of Justice. It is therefore fitting and proper that current congressional inquiry into his qualifications should focus on his conduct while he served as Deputy Attorney General.

The initial hearings before the Judiciary Committee on the nomination of Richard Kleindienst were concluded in 2 days. The committee unanimously reported in favor of his confirmation. Subsequently the hearings were reopened at Mr. Kleindienst's request, when a columnist's allegations raised questions about his credibility and fitness for higher office.

I have reviewed the hearings and the committee report with great care. I have searched the record carefully to determine whether, in fact, Mr. Kleindienst conducted himself while serving as Deputy Attorney General in a manner which would disqualify him for higher office. I find no evidence that would result in his disqualification.

In considering the appointment of individuals to position in the executive branch of Government, competence and integrity alone must be the standards by which they are judged. And only evidence of incompetence and impropriety should disqualify a nominee to an executive position from confirmation.

Such evidence is not available in the case of Richard Kleindienst. I will therefore support his confirmation.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I am about to propound a unanimous-consent request. I think I have touched bases with those most immediately concerned. The request I am about to make has the approval of the Republican leadership.

UNANIMOUS-CONSENT AGREEMENT

Mr. President, I ask unanimous consent that on Thursday next, at the hour of 4 o'clock, a vote occur on the motion to recommit the nomination of Mr. Kleindienst to be Attorney General of the United States.

The PRESIDING OFFICER. Is there objection?

Mr. TUNNEY. Mr. President, reserv-the right to object—and I shall not object—I would like to say, as one of those who plans to vote for the recommittal, and, if that vote should fail, plans to vote against the confirmation of Mr. Kleindienst, that I think it is appropriate that the Senate have the opportunity to express its will on the Kleindienst confirmation.

I have always felt that the purposes of this debate were to make clear to the Senate what Mr. Kleindienst's record was and what we developed and did not develop during the course of the hearings. I think we have been able to make that record clear, although there were very few Senators on the floor to listen to what we were saying and what we were attempting to bring about during the course of the debate. But I want to thank the leadership for their cooperation and their help in making it possible for us to have this agreement which, as I understand it, would be for a vote on recommittal at 4 o'clock on Thursday next, to be followed immediately thereafter, if it should happen that the recommittal motion should fail, by a vote up or down on the confirmation.

Mr. MANSFIELD. Yes. Mr. President, I add that to my request, so that the two will be considered together.

Mr. TUNNEY. I want to thank the majority leader, and I withdraw my objection.

Mr. TOWER. Mr. President, reserving the right to object, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. TOWER. Will the vote on confirmation immediately follow the vote on recommittal, if the vote on recommittal fails?

Mr. MANSFIELD. Yes.

Mr. TOWER. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order to order to yeas and nays on both the motion to recommit and on confirmation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on both votes.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, before the next motion is made, I think the Senator from California (Mr. Tunney) had made a request that had to do with the arrival of certain information that Senators were interested in getting in the last couple of days. Is that correct?

Mr. TUNNEY. Mr. President, I want to thank the majority leader for bringing this point up. At the time of our hearings a request was made of ITT, to Mr. Gilbert, the corporation's attorney to make certain records available to the committee. Mr. Gilbert indicated publicly during his testimony that he would make such documents available. Those documents have not been made available. When the staff of various Senators on the committee called Mr. Gilbert and Mr. Gilbert's representatives to get the documents to us in the time that we would have available for the purposes of this debate, so that we could inform the Senate what was contained in those documents before we voted on the nomination of Mr. Kleindienst up and down, he did not indicate when those documents would be made available. He delayed.

It now appears that the purpose behind his machinations is to frustrate the Senate in its responsibility here by refusing to make those documents available at all to the committee or to the Senate before the confirmation vote.

As one Senator sitting on that committee, I believe the Senate has a responsibility to make sure that Mr. Gilbert makes those documents available to us, as he indicated in open hearings he would. I think if the Senate lets ITT slip this one by on us, we are going to give a signal to every person in this country that if you are big enough, if you are rich enough, you can thumb your nose with impunity at the Government of the United States. So I make this request publicly on the floor of the Senate. It would be my hope that the majority leader would agree and look with approbation upon this request, so that Mr. Gilbert knows that when he does not return phone calls, such as he apparently is not returning one this afternoon, he is not going to be able to get away with it. That there are many Senators who are very deeply concerned about the matter and are hopeful he is going to be forthcoming and ITT is going to be forthcoming with the very documents they said in open public hearings would be made available to our committee and to the Senate.

Mr. MANSFIELD. Mr. President, I agree with what the distinguished Senator from California has just said. If such a commitment was made with the committee, I believe their commitment should be kept, because a man's word is worth something in the business world as well as in this body. I would express the hope that the request of the distinguished Senator from California (Mr. Tunney) is complied with and that the promise will be kept and that the documents will be forthcoming, so that the story will be placed on the record. I would say this if it applied to those on the other side as well as to those who have made the request, because I think a commitment, once made, should be honored.

Mr. TUNNEY. I thank the Senator for his statement.

Mr. President, I ask unanimous consent that at this point in the Record I may include a list of the documents that have been requested of Mr. Gilbert and ITT. Mr. Gilbert knows which documents they are. It is very clear. It is in the hearing record. In fact, Mr. Gilbert knows better than we do what those documents are because many of them we have not seen. We asked for the ITT documents in New York which were out of range of the ITT shredder in Washington. I think it also ought to be included in the Record of the Senate proceedings.

There being no objection, the list was ordered to be printed in the Record, as follows:

1. Memoranda or vouchers relating to Mrs. Beard's visit to the Kentucky Derby. These would include the alleged memorandum from Mrs. Beard to Gerrity indicating that she would see Mitchell at the Derby, and any memorandum reflecting activities or instructions she got thereafter. ITT counsel Gilbert told the Committee under oath that "we have found nothing but we believe we can find some vouchers which we do not yet have" (p. 1135). None have been supplied to the Committee subsequently.

2. Memoranda, correspondence, reports or other documents relating to Geneen's contacts with the 22 federal officials listed in the March 13, 1972 press release. These would reflect not only the subject of the conversations Geneen had on these occasions, but also possibly what Geneen expected from the officials he visited and what they later reported back to him. As to these, Gilbert promised under oath "when I get back to New York, at that time we will see if we can find anything there" (p. 1136).

3. Documents relating to Mrs. Beard's vis-

its to San Diego in 1971. These would show the frequency and purposes of her visits and would bring the relationship between her activities and those of other government officials into clearer focus. "We have none," said ITT's Gilbert "but we are checking for vouchers which probably do exist" (p. 1136). Vouchers were not, however, ever provided to the Committee.

4. Materials relating to contacts between ITT officials and White House officials regarding the location of the 1972 Republican convention or ITT support for the convention at San Diego. The relevance of these needs no elaboration. On these, Gilbert testified, "we have none in the District of Columbia, but we think there may be some and we will try to get the material if it exists in New York" (p. 1136). None have been provided to the Committee as of this date.

5. Material relating to the ITT Anticonglomerate Task Force, which would have been working towards effecting governmental policy towards conglomerates as well as on the ITT settlement. "We may have some," said Gilbert, "and we may have it today." That was on April 14. The Committee has not received it yet.

6. The original ITT job description memoranda of June 23–July 1, 1971, of which Mrs. Beard's second June 25 memorandum was one. Staff examination of copies furnished the Committee has raised serious question whether a second page of Mrs. Beard's memorandum existed but was omitted from what was submitted. These original documents have not been forthcoming.

7. The documents provided to the FBI by ITT for comparison with the Beard Memorandum.

Mr. TUNNEY. Mr. President, subsequent to the close of the hearings, members of our staff contacted Mr. Gilbert and he informed them that, although he had found some of the documents referred to above, he would not make them available to us.

Mr. MANSFIELD. Mr. President, before I yield to the deputy majority leader, I think I should say that if the recommittal motion fails and if the nomination of Mr. Kleindienst is confirmed immediately thereafter, it will be the intention of the leadership to call up the nomination of Mr. Shultz to be Secretary of the Treasury, and the others who would work with him.

ORDERS FOR THE YEAS AND NAYS ON SEVERAL MEASURES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, as in legislative session, it be in order to order, with one show of seconds, the yeas and nays on S. 3442 and Senate Joint Resolution 206, both of which votes will occur tomorrow morning during morning business, and on Executive D, 84th Congress, second session, and Executive D, 91st Congress, second session, both of which votes will occur at a later time.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. What is that Senate joint resolution?

Mr. ROBERT C. BYRD. Senate joint Resolution 206.

Mr. JAVITS. What is that?

Mr. ROBERT C. BYRD. The infant death syndrome.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Then, Mr. President, I ask for the yeas and nays on all those measures.

The yeas and nays were ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, June 6, 1972, he presented to the President of the United States the enrolled bill (S. 1140) to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes.

THE GERMAN MARSHALL MEMORIAL FUND

Mr. FULBRIGHT. Mr. President, June 5 was the 25th anniversary of the announcement of the European recovery program made by Secretary of State George Marshall. In a fitting memorial to this American initiative, Federal Chancellor Willy Brandt of Germany delivered a speech at the Marshall Memorial Convocation at Harvard University.

As an expression of special gratitude of the German Federal Republic, that Government has established a "German-Marshall Fund of the United States" as a memorial to the Marshall plan. The Federal Government will provide the Fund with 15 million deutsch marks to be paid over the next 15 years in installments of 10 million deutsch marks each year. The Fund will be administered without any influence by the German authorities and will be used to promote American-European study and research projects.

I personally was especially pleased to note the significance which the Chancellor attached to educational exchanges and the support which the Federal Republic has given the German-American Fulbright program. It is especially gratifying to note that the German Government has decided to increase its matching contribution to the Fulbright program from its present 2 million deutsch marks per year to 3½ million deutsch marks per year.

I ask unanimous consent that the full text of Chancellor Brandt's message be printed in the RECORD at this point.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THANKING AMERICA: 25 YEARS AFTER THE ANNOUNCEMENT OF THE MARSHALL PLAN

History does not too often give us occasion to speak of fortunate events. But here in this place a quarter of a century ago an event took place which could rightly be termed one of the strokes of providence of this century, a century which has not so very often been illuminated by the light of reason.

We are gathered here at this ceremony to commemorate the speech with which George Marshall announced 25 years ago that plan which was to become one of the most formidable and at the same time successful achievements of the United States of America. I have no authority to speak for any country other than my own, but I know, and I want the American people to know: our gratitude, the gratitude of Europeans, has remained alive. What we give in return is our growing ability to be a partner of the United States and in addition, apart from regulating our own affairs, to assume our share of responsibility in the world at large.

To go back to the beginning: If happiness is a concept in which mankind perceives an objective, then in our epoch it has for long stretches remained in the shadow. The era of my generation was a concentration of more darkness, more bitterness and more suffering than nations have ever before brought upon themselves. Against this background the act we are commemorating here today shines brilliantly.

Two world wars, which were first and foremost civil wars in Europe, plunged our civilization into the abyss of self-destruction. Ten million times in the first, more than fifty million times in the second catastrophe, one individual and irreplaceable human life was destroyed—on the battlefield, in air-raid shelters, in camps, by firing squads, in the gas chambers, or by sheer starvation.

And the most depressing part of it is that this century is laden with the stigma of names that have become the ciphers of ruin, names denoting the nameless ravaging of souls, and that tell us that hell on earth was a reality. We have known since then that man is capable of revolting collectively against any moral commandment and of surrendering that quality with which he was born: his ability to be human.

We cannot and do not want to shake off this experience. Nor our awareness of the threat that accompanies us day by day in the form of the multiplication of the means of destruction capable of snuffing out our whole civilization if they slip from our control, if we are no longer the master of that difficult peace we have today, that peace which we regard as our day-to-day task but also as the *ultima ratio* of our existence. For this we have learnt (and I said this six months ago in Oslo): War has become the *ultima irratio* of this century.

There are many who had forethoughts of this. One of them was George Catlett Marshall. He was a soldier. In other words he served a profession which presupposes constant readiness for war with all its consequences. I put it that plainly because it brings into even greater relief the exemplary achievement of this man. That achievement was underlined by the award of the Nobel Prize for Peace.

He was a soldier out of passion. But this word had a double meaning. In this case it is the passion and energy with which Marshall discharged the duties of his profession. It also includes his readiness to suffer and to share the suffering of others. A quality indispensable in a good soldier and man of character.

As a young staff officer charged with complicated strategic and logistical duties, he witnessed the first mass loss of life at St. Mihiel and in the Argonne forest in France in 1917 and 1918. We know that this experience marked his life. It did not cause him to falter in the steadiness of purpose which characterized the stages in his career during the interval of that precarious peace between the cease-fire of Compiegne and the 1st of September 1939—that 1st of September when the German attack was launched against Poland and when George Marshall became chief of staff of the United States Army. Acting upon the instructions of his President, he took steps to ensure that the United States was heavily armed in its neutrality. Yet it was clear to him that America would for a second time be challenged to decide Europe's destiny. He was known as the organizer of victory. His circumspection and his exact yet imaginative strategy were the mathematics of the campaigns and battles upon which the Third Reich and the crazed policies of its leaders crumbled.

The end was bitter, and not only for the vanquished. Victories, too, can be bitter, especially if they carry the seed of future conflicts. As in 1918, when the war was won, and peace was lost for want of reason on the part of the winners and the losers: through stubborn mistrust on the one side; through resentment of the humiliated on the other. Against the wish of its President, the United States left Europe to itself, left it prone to the animosities and jealousies born of national pride which did not cease to exist when the nations laid down their arms.

That time America's political and military leaders, faithful to the traditions of their fathers, felt that their duty was to withdraw and abstain from further international involvement. But in fact that was no longer possible and apparently no longer permissible.

It was different in 1945: George Marshall and others agreed that victory did not relieve his country of its responsibility. The United States did not for one moment claim that responsibility for itself. It shared it with its allies, in particular with Britain which in 1940, putting up a long resistance, refused to surrender its freedom. And with France, who, despite being sorely wounded, picked herself up again. But not least with the Soviet Union, which had fought tenaciously, and suffered particularly heavy losses, and which now found the door to central Europe thrown open as a result of Hitler's war.

The understanding between the big powers called for their joint exercise of responsibility. But even before the war was over the victorious powers quarrelled over who should exercise influence over the liberated countries. Defeated Germany then became both the cause and the object of the Cold War. For a second time it seemed that hardly had the fighting stopped, that peace was lost in the clash of power interests and ideological conflict.

In that desperate situation President Harry Truman recalled General Marshall from retirement and appointed him Secretary of State; that was on 21 January 1947. Not as Chief of Staff for the Cold War, as many might have feared, but as the man who, having organized the war, was now looked upon to organize peace.

The world hoped for an expected constructive answer from the United States to the challenge of despair, helplessness and distress, but also the will to live, that had not become extinct in the hearts of the nations of Europe. Creative spirits on both sides of the Atlantic, who realized that not more time should be lost, had long been at work in providing that answer. The Plan which bears the name of George Marshall was forged from many ideas and suggestions. Sober analysis of the absurd situation in Europe after the Moscow Conference of April 1947 converged with the determination to act before that terrible "too late" could be uttered.

The European recovery program which the Secretary of State outlined here 25 years ago contained a sincere offer to restore collective East-West responsibilities for Europe. The East rejected that offer, and that meant the widening and cementing of division. As you know, in those days I was in Berlin and I say quite openly here that Ernst Reuter and I by no means found it easy to recognize this painful reality. We deplored the division of the continent, of our country, of our own city. We could not cede our will for unity to the advocates of nationalistic protest. But on no account did we want to give up the chance afforded by our regained freedom. We had to pit our will to assert ourselves against the danger of paralysis.

Berlin became the cradle of German-American friendship. The refusal to resign itself to the situation became the basis for future partnership. At the same time, the help we received to help ourselves could only benefit the countries of Western Europe, and that became a turning point in international relations.

In speaking of this assistance I do not overlook the help given in various ways by private charitable organizations, who commenced their activities even before the hostilities were over. I cannot emphasize too highly the moral support which came from their assistance then and in future years.

The Marshall Plan mobilized American reserves to provide Western Europe with the capital and raw materials it needed to regain its vitality. That program explicitly included defeated Germany. It was not only that magnanimity that is part of America's nature, and not only the willingness to help which is characteristic of the people of this country, that inspired the leaders of the most powerful nation in the world to come to the aid of the defeated. It was, of course, also a political calculation which looked beyond the current status of affairs to the horizons of coming decades. By this I mean more than that America understandably thought about its position in relation to the Soviet Union: I mean above all that the Marshall Plan challenged the European Partners to enter into close economic co-operation. Inherent in the plan was also an appeal for a common political course.

That was the basic element of the program which without hesitation I would say bears the marks of genius. It traced, though tentatively, the aim of European, or at least West European unity. It was more than the release of economic dynamism, more than the rekindling of industrial vitality which produced miracles, not only in the Federal Republic of Germany after the currency reform. Every nation of Western Europe showed in its own way that it possessed the unbroken will to work and pull itself up again, a will that had only wanted to be sparked off.

With his plan George Marshall roused Europe's stifled self-confidence. He gave many citizens of the old continent a concrete stimulus to bring down from the stars the vision of a Europe united in lasting peace. The first step towards that aim was the OEEC, the Organization for European Economic Co-Operation. The progressive thinkers in France, Italy, The Netherlands, Britain and Germany were prepared for this change. The most outstanding among them was Jean Monnet. He was in fact Marshall's partner in Europe. That great Frenchman and European saw more clearly than others the need for a modern economic planning on a wide scale, an asset that was partly attributable to his precise knowledge of the American reality. He knew that national frontiers had to be removed or at least made bridgeable if the continent was to be revitalized The Schuman Plan, which by merging the coal and steel industries in the Western part of our continent was a significant first step to the joint organization of its economic energies, was inspired by this great man. His progressive determination coincided with the realistic instinct of three conservative statesmen whose European consciousness was embedded in the folds of history that lay deeper than the ideal of the nation state: Robert Schuman, Konrad Adenauer and Alcide de Gasperi.

Marshall Plan, OEEC and the Coal and Steel Community—and together with them the cessation of a negative occupation policy as manifest in the dismantling of industry—were the first stageposts of that European Renaissance, a term I prefer to the "German Miracle", which was really a European one.

This leads us to ponder a little more the ties that link America inseparably with the destiny of the old continent. It was James Monroe who said that the New World would restore the equilibrium of the old. He has been proved right—in spite of the latent isolationist tendencies in America that are sometimes traced back to his Doctrine. When he spoke of this equilibrium he in fact anticipated the reality we now aspire to through our transatlantic partnership.

In one of his early political writings, Thomas Mann described the Atlantic as the "New Mediterranean" and ascribed to the nation on this side of the Ocean the legacy of ancient Rome. Ingenious comparisons of this kind fire our imagination; yet we are conscious of their dubiousness. Nowhere has the United States been prescribed an imperial destiny along classical lines, and past decades have proved that Europe, contrary to all the pessimistic oracles, was by no means doomed for decline as ancient Greece.

On the contrary: The Marshall Plan was productive proof that America needs a self-confident Europe capable of forming a common political will. The United States is waiting for us Europeans to create the institutions capable of acting in our joint name. It waits for Europe to grow into an equal partner with whom it can share the burden of responsibility for world affairs. This we are patiently trying to do by seeking to enlarge and develop the community which, now with the inclusion of Britain, but also Ireland, Denmark and Norway, is in the process of creating an economic and monetary union and of establishing closer political co-operation.

I may add that America's impatience over the slow progress being made in this direction is to some extent understandable. But that impatience was based on the wrong premise; it was erroneous to believe that Europe could reproduce what had become a reality in the United States.

In Europe the idea was not to level off national entities; Rather to preserve their identities while at the same time combining their energies to form a new whole. The idea was, and still is, to organize Europe in such a way that it will remain European.

Yet however tightly Europe may grow together, America will not be able to sever its European links. It will not be able to forget that the Western part of the Old World will remain an area of vital interest to it, a relevant conclusion reached by Walter Lippmann from his fifty years' experience as a critical observer of world affairs.

The nations of East and Southeast Europe, in spite of their less favorable starting position and conditions, have also given an impressive performance of reconstruction and modernization. Thus we should not underestimate the possibilities for co-operation across the whole of Europe that may arise in the years ahead. Are we, after all, not now progressing beyond our bilateral experiences towards a conference on security and co-operation in Europe with the participation of the United States and Canada? And though Euphoria would be quite out of place in this connection it would be unwise not to take any opportunity that holds out the prospect of success, however slight.

It is general knowledge that the Federal Republic of Germany is endeavouring to contribute in its own specific way to the improvement of relations and to the consolidation of peace in Europe. But our policy of conciliation and understanding with Eastern Europe could not for one moment mean that Europe and the United States would move apart. On the contrary: The will for détente is a point program of the Atlantic Alliance.

With the treaties of Moscow and Warsaw, to which several other agreements will be added, the Federal Republic of Germany has not only honored its pledge to seek reconciliation, in which we see a moral duty, it has in fact returned after a period of unclarity to the main stream of the will of the world, which commands East and West to relax the cramped position and ease the permanent strain of the cold war. In pursuing this aim we have never lost sight of the dictates of security, including military security.

The Atlantic Community has truly acquired a new dynamism. It has developed into the entity prescribed for it by its founders: An alliance for peace, an alliance both militarily prepared and capable of negotiating without cherishing illusions. The alliance remains the basis of our plans and of our actions. Its reliability has encouraged our French and British friends, and ourselves, to remind our neighbors in the East that behind the barriers of power interest and spheres of influence, behind the ineffaceable delimitations of ideological differences, behind the irreconcilability of social concepts, there waits the new reality of a larger Europe which should be capable of harmonizing its interests under the banner of peace.

Our parliamentary debate over the treaties of Moscow and Warsaw was hard. It has shown that the process of détente can only be enhanced by a steadfast and sober policy. Our courage to accept realities should express itself in this sobriety: A sense of reality which other nations have too often found lacking in the Germans. We need this sense of reality more urgently than ever before, for to liquidate the cold war really means to close the accounts of the second world war.

In this phase of change America's presence in Europe is more necessary than ever. I trust that those who carry responsibility in this country will not refuse to appreciate this. American-European partnership is indispensable if America does not want to neglect its own interests and if our Europe is to forge itself into a productive system instead of again becoming a volcanic terrain of crisis, anxiety and confusion. The forms of the American commitment may change, but an actual disengagement would cancel out a basic law of our peace. It would be tantamount to abdication. We want our American friends to know, however, that we have viewed with anything but indifference the heavy external and internal burdens which they have had to carry during this period. The fact that America does not repress its critical problems but faces up to them unsparingly is in our eyes proof of its unbroken strength. And the fact that it does not take them lightly does not weaken but rather increases our sympathy and the reliability of our partnership.

Year 1947 marked the beginning of the cold war, not because but in spite of the Marshall Plan. The situation resulting from the cold war is one of the bitter realities with which America, like Europe, still has to contend today. The results of the Marshall Plan have among other things enabled us, 25 years after its proclamation, to embark on a policy which has made 1972 a year which may one day perhaps likewise be regarded as a turning-point in world politics.

President Nixon has signed agreements with leaders of the Soviet Union intended to reduce the confrontation and to mark out clearly the areas of co-operation. Europe in particular can but benefit from the introduction of stabilizing factors in the relations between the two superpowers, which lead to greater security.

President Nixon has rightly attributed worldwide significance to the quadripartite agreement on Berlin which entered into force two days ago. It is the result of a great common achievement that West Berlin has been able to survive all the crises of a quarter of century and that now, its link with the Federal Republic being no longer in question, it can look to a secure future.

This also means—and this is a fact not yet appreciated everywhere—that the presence of the United States in the center of Europe, unlimited in point of time, has been confirmed with the consent of the Soviet Union.

Moreover, one of our greatest tasks in the years ahead will be not to increase but to limit, and where possible reduce, the mightiest destructive potential that ever was on the soil of Europe, and to do so on both sides, in East and West. If we can together limit our armaments—mutually and balanced—instead of building up our arsenals in a race against each other there may be opened up the perspectives that will lead to co-operation between East and West Europe.

If we can now carefully prepare a conference on security and co-operation in Europe it is an expression of the reality that the United States will participate as a power without which there can be no security in Europe. To have recognized this reality is an important contribution by the Soviet leaders.

By dint of hard work and with American support Western Europe is now back on its own feet. With the aid of the United States it has again found its own personality. Thus we in Europe, and especially we in the Federal Republic are deeply indebted to this country.

But in this hour let us now only look backward. Let the memory of the past become our mission of the future, let us accept the new challenge and perceive the new opportunity: Peace through co-operation.

Let me stress once again that to build this structure we need the United States, its commitment, its guarantee and its cooperation.

It is precisely now that we need increasing understanding for our partners on both sides of the Atlantic. The Federal Republic of Germany wishes to help bring this about. It is the expression of our special gratitude for the decision 25 years ago not to keep us out. It is an expression of our conviction that we can achieve peace only jointly and by co-operation.

On the occasion of the 25th anniversary of the announcement of the European recovery program by Secretary of State George Marshall, we, my colleagues representing all parties of our parliament, and I, wish to inform you of several measures taken by the Federal Republic of Germany with a view to closer understanding between partners on both sides of the Atlantic in the seventies and eighties.

1. The German Federal Government has established the financial basis for the setting up of a German Marshall Plan Memorial in the United States. A fund has meanwhile been incorporated and constituted in the District of Columbia as an independent American Foundation: "The German Marshall Fund of the United States—A Memorial to the Marshall Plan". Its Bylaws have been adopted, its board members and officers elected.

The Federal Government undertakes to provide the fund with 150 million deutschmarks to be paid over the next fifteen years in installments of 10 million deutschmarks due on the 5th of June of each year. All parties represented in the German Bundestag approved the Government's appropriation bill for these funds.

Under the arrangements made between the German Government and the Fund's Board of the directors, the German Marshall Fund will administer its proceeds without any influence by German authorities, and will use them to promote American-European study and research projects.

There will be three main areas on which the fund will concentrate its interest:

(a) The comparative study of problems confronting advanced industrial societies in Europe, North America and other parts of the world;

(b) The study of problems of international relations that pertain to the common interests of Europe and the United States;

(c) Support for the field of European studies.

2. Upon the suggestion of the Federal Government, the program of West European studies of Harvard University will receive this year a non-recurring grant of three Million Deutschmarks from the German Marshall fund to establish a "German Marshall Memorial Endowment" for the promotion of European Study Projects.

3. The German Government has always attached special significance to exchanges with the United States in the field of science. This is also reflected in the consistent support it has given to the German-American Fulbright Program. So as to make it more effective the German Government has decided to increase its financial contribution substantially above the amount expected of it as a matching contribution—from the present two million to three and a half million deutschmarks per year.

4. In order to improve co-operation in specialized fields between American and German research institutes, the German Government has adopted a sponsorship program for the exchange of highly-qualified American and German scientists. The German Ministry of Education and Science will earmark five million deutschmarks per year for this exchange program.

5. The Donors' Association for German Science, an institution established by German industrial and commercial firms, has undertaken to replenish by two and a half million deutschmarks a year the amount made available by the Federal Government for the sponsorship program. These additional funds will be used for exchanges of scholars in the field of the humanities.

Ladies and Gentlemen, we in the Federal Republic of Germany hope that these measures will have a beneficial effect on our partnership. And thus we follow up on the will for common effort that characterized the Marshall Plan Program.

Above all, we want to arouse in the younger generation that mutual trust which in those days exhorted the Europeans to make peace among themselves. They must not forget that the interdependence of states on both sides of the Atlantic proclaimed by John F. Kennedy must remain a moral, a cultural, an economic and a political reality. It must not be renounced, nor must it be weakened. It is part of the as yet unwritten constitution of the future Europe which we continue to strive for: With gratitude and respect for the man whose work we commemorate here today, the soldier who saw his life's fulfilment in an act for peace. Twenty-five years ago he recruited us in the service of peace. In the spirit of his aims we shall endeavour to do our duty.

Mr. President, Ladies and Gentlemen, I am pleased that we have with us here today the Chairman of the Board of the German Marshall Fund of the United States, Dean Harvey Brooks, as well as the Chairman of the Board of Overseers of Harvard University and Chairman of the Fund's Honorary Committee, Mr. C. Douglas Dillon.

It is my honour and privilege to ask them to accept the deeds by which the German Government sets up the German Marshall Fund of the United States and the German Marshall Memorial Endowment of Harvard's Program for West European Studies, together with the checks for the first of the fifteen annual installments.

NOMINATION OF RICHARD G. KLEINDIENST

The Senate in executive session continued with the consideration of the nomination of Richard G. Kleindienst to be Attorney General.

Mr. FULBRIGHT. Mr. President, I have stated on previous occasions that as a general principle, I accept the prerogative of the President to name members of the Cabinet without objection from the Senate except in situations where there is a clear showing that a nomination is inimical to the interests of the country. However, it is my conviction that the current nomination of Richard Kleindienst for the position of Attorney

General is an exception to this general principle.

The office of Attorney General is one of the most important in our Government. The Attorney General administers the Department of Justice and that Department's actions and policies are central to the protection of our basic freedoms. It is hardly a position which should be filled by any President's key political operatives—a role formerly assigned to the Postmaster General. Although there were instances of such a trend under previous administrations, such a trend is coming more pronounced. The earlier appointment to this important office of Mr. Mitchell and now the nomination of Mr. Kleindienst indicates this. Mr. Mitchell was the President's campaign manager in 1968 and is in that same position again this year. I personally like John Mitchell and no question was raised about his confirmation by any one. Mr. Kleindienst is best known for having served asa campaign director for the 1964 Goldwater campaign and the 1968 Nixon campaign, and now serious questions have been raised, many of them unanswered.

The spoils system will, I suppose, always be with us, but the office of Attorney General is not the proper place for political rewards, and the Senate should be alert to this danger.

The Attorney General and the Department of Justice should enjoy the confidence of the people and represent the public interest. Mr. Kleindienst's record gives little indication that he would concern himself primarily with the individual and collective rights of the American people. There is every indication that political considerations would take precedence over private citizens' interests or the public.

The integrity of the Justice Department has been questioned. Judging from the record thus far, there is strong reason to question whether the Department, under the leadership of Richard Kleindienst, would not subvert the public interest in favor of economic power and partisan politics, further weakening public confidence in our institutions.

Mr. President, as one of my home State newspapers, the Arkansas Democrat, has stated, Mr. Kleindienst "clearly is too cavalier about conflicts of interest." However, as another Arkansas paper, the Gazette, has editorialized:

> There are and were plenty of other reasons for not confirming Kleindienst aside from the ITT business.

In the Gazette's words, approving Mr. Kleindienst as Attorney General would be to provide him an "all seasons hunting license against the Bill of Rights—in effect to promote him for his past depredations against the ancient charter of our personal liberties."

This, I believe, is a point which should be emphasized. For, in addition to the well-publicized bill of particulars relating to the matters I have previously mentioned, Mr. Kleindienst's attitude toward civil liberties should clearly disqualify him from holding the office of protector of liberty and justice.

For example, Mr. Kleindienst is an advocate of wiretapping and bugging without the use of court warrants in so-called domestic security cases. He is also an advocate of preventive detention and of no-knock statutes enabling police to enter private premises without identifying themselves.

Mr. Kleindienst and some of his colleagues in the Nixon administration have shown something less than complete devotion to the first amendment protection of freedom of the press.

Under Mitchell and Kleindienst, the Justice Department has seemed much more concerned with political surveillance and a distorted concept of national security than with civil liberties. I cannot condone granting Mr. Kleindienst what the Arkansas Gazette called an all seasons hunting license against the Bill of Rights.

Finally, I would mention another specific matter upon which Mr. Kliendienst has acted during his tenure as Acting Attorney General. I refer to his ruling, contained in a letter to me on March 31, 1972, that the domestic showing of a U.S. Information Agency film on a number of television stations in New York was not a violation of the law. I do not intend to review this entire matter here. However, I am convinced that this ruling is a distortion of the legislative intent concerning the domestic distribution of USIA materials. The Smith-Mundt Act of 1948, the basic authority for USIA, speaks only in terms of dissemination of information overseas, with the proviso that materials sent overseas be available for examination by the private media services and "on request, shall be made available to Members of Congress."

Authority for the public showing in this country of a USIA film on the late President Kennedy required a special act of Congress. In order to placate the genuine concerns expressed at the time that the showing of the film would pave the way for wholesale distribution of USIA materials and propagandizing the American public, Congress stated the following in that act:

> It is further the sense of Congress that the expression of Congressional intent embodied on this joint resolution is to be limited solely to the film referred to herein and that nothing contained in this joint resolution should be construed to establish a precedent for making other materials prepared by the United States Information Agency available for general distribution in the United States.

It is difficult to understand how Congress could have stated its intentions more clearly. Yet the Acting Attorney General ruled otherwise, showing in my opinion little respect for the law or for the Congress.

The Baltimore Sun called Mr. Kleindienst's interpretation "astonishing" and said the "law and the intent of Congress—seem clear" and that Mr. Kleindienst "has read a new meaning" into the law.

A New York Times editorial said Mr. Kleindienst was reading the law "in precisely the opposite sense" than was intended by Congress. The Washington Post also took issue with the Kleindienst interpretation and called it "wrong."

Mr. President, I ask unanimous consent that the three editorials I have referred to be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. I should like to read the last paragraph of the Sun editorial of Wednesday, April 5:

> Congress may have been wrong in writing the domestic prohibition into the law. It may have been overly fearful of the influence or operations of a government information agency. Nonetheless, the law and the intent of Congress still seem clear. Mr. Kleindienst's purported interpretation is astonishing.

In summary, I would simply state that I believe, for all the reasons I have outlined, and because of the record made by the Judiciary Committee, the details of which have been discussed at length in the press and here today, that the nomination of Mr. Kleindienst should not be confirmed. I believe the case against him is a strong one, and I hope the Senate will refuse to confirm the nomination of Richard Kleindienst.

EXHIBIT 1

[From the Baltimore Sun, Apr. 5, 1972]

CONGRESS AND THE USIA

The acting Attorney General of the United States, Mr. Kleindienst, has read a new meaning into a law passed by Congress some 24 years ago for the ostensible purpose of safeguarding the American public against the operations of a government propaganda agency. In the law establishing the United States Information Agency—and it should be remembered that a peace-time propaganda agency was at that time a new venture for this country—Congress specified that the material compiled by the USIA and disseminated abroad was not to be disseminated in the United States. The intent of Congress seemed clear at the time. It was to bar the United States government from operating its own information apparatus within this country after the model of the propaganda ministries of Nazi Germany or the Soviet Union, fresh in the congressional mind at that time.

Thus broadcasts or film showings of USIA material within the United States were banned, with a proviso that the material would be available for examination by representatives of the American press and broadcast stations and, on request by members of Congress. The intent to permit a check-up on the output of the agency seemed clear at the time, as did the purpose of the rule against domestic dissemination. In keeping with this intent Congress felt it necessary in 1965 to pass a special law authorizing the dissemination in the United States of the USIA film made after President Kennedy's murder, "Years of Lightning, Day of Drums."

But last week Mr. Kleindienst found that the apparent purpose of Congress was to make USIA material "available to the American public, through the press and members of Congress," even though the agency itself was barred from such action. Accordingly, Mr. Kleindienst found no statutory objection to the showing on a New York television network of a film on Czechoslovakia made three years ago by the USIA. Senator Buckley of New York included the film in an interview with Bruce Herschensohn, a USIA film director, who pointedly criticized Senator Fulbright during the interview. (Frank Shakespeare, the USIA director, sent a note of apology to Mr. Fulbright and took exception to the release of the USIA film to a political figure for use on a domestic program. Thereafter Mr. Herschensohn resigned.)

Congress may have been wrong in writing the domestic prohibition into the law. It may have been overly fearful of the influence or operations of a government information agency. None the less, the law and the intent of Congress still seem clear. Mr. Kleindienst's purported interpretation is astonishing.

[From the New York Times, Apr. 4, 1972]

Home Front Propaganda

When Congress launched the United States Information Service at the very start of the cold war, it clearly intended that the material produced for foreign consumption should not in any way be used for political purposes at home. There has never been a change in that policy; yet Acting Attorney General Kleindienst now affects to read the law in precisely the opposite sense. Mr. Kleindienst has given Senator Buckley of New York full legal support in the showing of a U.S.I.A. film about Czechoslovakia on the Senator's monthly television program. Mr. Kleindienst stretches a statute that expressly requires all such material to be available "for examination" by representatives of the American media and members of Congress into approval for its distribution to the public by television.

When the U.S.I.A. some years ago contracted with a film company to show its movie "Jacqueline Kennedy's Asian Journey," Republicans in Congress complained to the Controller General about that "scheme to propagandize the American people." He agreed and warned that no such contracts would be approved in the future without express statutory authority, which the House had declined to provide.

Frank Shakespeare, director of the Information Agency, in retrospect now questions the propriety of having allowed Senator Buckley, who is certainly a "political figure," to make domestic use of the film on Czechoslovakia, whatever its merits. He has likewise apologized to Senator Fulbright for the insulting remarks made about him by a U.S.I.A. official on the television show that incorporated the film. And that aide has quite properly turned in his resignation. The fact remains that Senator Buckley and Mr. Kleindienst have both displayed singularly poor judgment.

[From the Washington Post, Apr. 3, 1972]

Mr. Kleindienst, Meet Mr. Shakespeare

The current flap over whether it is appropriate for a USIA film to be shown on Senator Buckley's TV show, designed for constituent consumption, contains a lot of legal analysis, high drama and low comedy. Lurking in the background is a continuing conflict between Senator Fulbright and the USIA over the value and the merit of some of that agency's efforts, most notably, Voice of America, Radio Free Europe and Radio Liberty. And somewhere in the foreground is a statement by a USIA official on the taped Buckley show to the effect that the foreign policy views of the Chairman of the Senate Foreign Relations Committee are "naive and stupid." And right in the middle is a large question of law and policy about whether it is either lawful or wise for the U.S. information agency to make its output, originally designed for use abroad, available here at home through a political figure, or through anyone else for that matter.

When the press reported that the taped Buckley show existed, Senator Fulbright, ignoring the reference to him, asked the Department of Justice to restrain its release on the ground that the USIA was not authorized by law to distribute its material domestically. At about the same time, USIA Director Shakespeare issued a statement acknowledging past difficulties with the senator, but stating the hope that "future discussions . . . will be conducted, as they have been heretofore in a courteous and respectful manner."

Then, Mr. Shakespeare sent the senator a formal apology repeating the tone of his earlier statement and commenting on the issue at hand: "There is also a question in my mind as to the propriety of the national archives release of a USIA film to a political figure for use on a domestic TV program . . . I can well see that the use of the film by a political figure, even on an educational program, is of questionable validity." He informed the senator that he had asked his general counsel to instruct the archives that such use of film does not conform to the agency's judgment of the proprieties involved and thus that such material was not to be used in that manner in the future.

At this point it seemed that those who fear the development of a governmental domestic propaganda capacity could all relax. But it was not to be. On Friday, Acting Attorney General Kleindienst sent over his answer to the senator's request to stay USIA's hand. Astonishingly, he found that words in the act establishing the USIA were intended to permit USIA materials to be made available to the American public through the press and through members of Congress.

This analysis is remarkable in view of the language of the Smith-Mundt Act of 1948 creating the USIA. As we read it, this language speaks only of the promotion of understanding of the United States and her people "in other countries" and to that end of the "establishment of an information service to disseminate *abroad*" information about the United States. When, in 1965, there was strong public interest in a USIA film on President Kennedy, the Congress passed a special joint resolution to permit the agency to release the film to the American public. During the debate on the issue, Senator Mundt, one of the authors of the original USIA bill, said, in an executive session of the Foreign Relations Committee, that during the original debate, one of the most hotly contested issues was whether the Congress was creating a "domestic propaganda agency." He added: "We put in a section specifically to prevent it."

The Foreign Relations Committee Report on the Kennedy film resolution contained the following language: "It is the further sense of Congress that the expression of congressional intent embodied in this Joint Resolution is to be limited solely to the film referred to herein and that nothing contained in this Joint Resolution should be construed to establish a precedent for making other material prepared by USIA available for general distribution in the United States." Now that seems pretty clear. Yet the acting attorney general found otherwise.

The dangers to a free people of a creeping practice of governmentally developed propaganda material being broadly disseminated to the American public are too obvious for extended analysis, particularly when the first instance of such dissemination is through a political figure of the same general political persuasion as the administration in power. We think that Mr. Shakespeare's instincts and judgments were correct and that Mr. Kleindienst was wrong on both the law and the policy. Fortunately, sources within USIA express an intention to adhere to the limitation in Mr. Shakespeare's letter. But we think that that limitation should be broadened. It should not simply apply to dissemination through public figures, but to all dissemination to the American public.

Finally, it is only fair to say that Mr. Fulbright, far from being either stupid or naive on this matter, was eminently wise.

CLASSIFICATION PROCEDURES OF THE DEPARTMENTS OF STATE AND DEFENSE

Mr FULBRIGHT. Mr. President, earlier this year, the Committee on Foreign Relations propounded a series of questions to the Departments of State and Defense requesting information on the classification procedures employed by those Departments. The answers to those questions were received by the committee. Believing the material to be of vital interest to the Senate in dealing with the subject matter that the Congress is currently considering in both Houses, I asked unanimous consent that the material be printed in the Congressional Record. Unanimous consent of the Senate was given and the material referred to was forwarded by the Official Reporter of Debates to the Government Printing Office for inclusion in last Friday's Record. Upon searching the Record of Friday, June 2, I found the material had not been printed. Subsequent inquiry revealed that the Public Printer declined to print the material in the Record, and the material was returned to my office with a form letter from the Public Printer, which I ask be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Government Printing Office,
Washington, D.C., June 5, 1972.

Hon. J. W. Fulbright,
U.S. Senate,
Washington, D.C.

Dear Senator Fulbright: We return herewith your manuscript entitled Re: Questionnaire On Classification Procedures, submitted to this Office for insertion in the Congressional Record, and respectfully invite your attention to the following regulation of the Joint Committee on Printing:

(1) No extraneous matter in excess of two printed Record pages, whether printed in its entirety in one daily issue or in two or more parts in one or more issues, shall be printed in the Congressional Record unless the Member announces, coincident with the request for leave to print or extend, the estimate in writing from the Public Printer of the probable cost of publishing the same.

(2) No extraneous matter shall be printed in the House proceedings or the Senate proceedings, with the following exceptions:

(a) Excerpts from letters, telegrams, or articles presented in connection with a speech delivered in the course of debate.

(b) Communications from State Legislatures.

(c) Addresses or articles by the President and the Members of his Cabinet, the Vice President, or a Member of Congress.

(3) The official reporters of the House or Senate or the Public Printer shall return to the Member of the respective House any matter submitted for the Congressional Record which is in contravention of these provisions.

This manuscript is estimated to make approximately 8¼ pages of the Congressional Record at a cost of $1,155.00. If you still desire to have this matter published in the Record, permission must again be requested of the Senate for its inclusion and the probable cost should then be announced and this estimate attached to the manuscript sent to the Official Reporters.

Sincerely yours,

H. J. Humphrey,
Acting Public Printer.

Mr. FULBRIGHT. The letter from the Public Printer indicated that the material was being returned to my office and my attention was invited to a regulation of the Joint Committee on Printing which states, among other things:

> (1) No extraneous matter in excess of two printed Record pages, whether printed in its entirety in one daily issue or in two or more parts in one or more issues, shall be printed in the Congressional Record unless the Member announces, coincident with the request for leave to print or extend, the estimate in writing from the Public Printer of the probable cost of publishing the same.

I am curious, Mr. President, as to the determination made by the Public Printer in this instance. The material I asked be inserted in the RECORD, as I have explained, can in no way be called extraneous matter. Extraneous means, according to Webster's Seventh New Collegiate Dictionary:

> 1. Existing or coming from the outside 2a: Not forming an essential or vital part: accidental b: Having no relevance SYN See Extrinsic.

How could any reasonable official make the determination that the subject matter of my proposed insertion is not essential or vital to continuing discussions in Congress about classification procedures in the Government? I can think of nothing more relevant than the questions propounded to the Departments of State and Defense and the answers thereto bearing on the Government's classification procedures.

It is generally agreed, I believe, by many Members of this body and the public that the classification procedures of the executive departments have been grossly abused and that they are a serious obstacle to the efficient conduct of the public's business.

The Public Printer has informed me that this material will consist of approximately 8¼ pages in the RECORD, at a cost of $1,155. When I consider the amounts spent by this Government, particularly by the Department of Defense, in printing publications for propaganda purposes alone, it puzzles me that the Congress of the United States tolerates the kind of limitations it does upon its activities in having material printed in the CONGRESSIONAL RECORD for the information of the membership.

For example, the Department of Defense spent considerably more than $25 million last year for external public relations and public information activities that have a very dubious relationship to its own function, in my opinion. It publishes some 1,400 internal publications, at a cost of some $12 million, for its own personnel.

Therefore, Mr. President, I again ask unanimous consent that the material, which I attempted to enter in the RECORD last Friday, be printed in today's RECORD.

The **PRESIDING OFFICER.** Is there objection to the unanimous consent request?

There being no objection, the questionnaire was ordered to be printed in the RECORD, as follows:

QUESTIONNAIRE

Question 1: What are the statutes, executive orders and administrative regulations upon which classification procedures of the Department of Defense are based?

Answer: There is no statute which explicity authorizes the Department of Defense to classify information. Executive Order 10501, November 15, 1953, as amended, provides the basis for DoD classification, downgrading and declassification procedures. The principal DoD regulations which provide for these procedures are DoD Instruction 5210.47, DoD Directive 5200.9, and DoD Instruction 5200.10. The provisions of these regulations are implemented for the defense industry through the promulgation of the DoD Industrial Security Regulation, DoD 5220.22–R, and the DoD Industrial Security Manual for Safeguarding Classified Information, DoD 5220.22–M. (Copies of these documents are attached.)

In addition to the foregoing, the DoD has a Classification Management Program which was established in 1963. The regulations for this program are DoD Directive 5120.33 and DoD Instruction 5120.34. (Copies are attached.)

Under the Classification Management Program, the DoD issues classification policy guidance for application throughout the DoD. Examples of such guidance are DoD Instruction 5210.51, DoD Instruction 5210.57, and DoD Instruction 5210.59. (Copies are attached.)

Question 2: What are the various categories of security classification used within the Department of Defense, what is the definition of each, and what are the criteria which are applied in determining classification of specific items of information? Upon what statutes, executive orders, or regulations are these criteria based?

Answer: Executive Order 10501, as amended, and DoD Instruction 5210.47 provide for three categories of security classification, Top Secret, Secret and Confidential. Definitions of these categories are contained in E.O. 10501, Section 1 (a), (b), and (c), and in DoD Instruction 5210.47, Section IV.B., C., and D.

The policies and criteria which are used in the Department of Defense to determine whether information should be classified at any level are shown in DoD Instruction 5210.47, Section III and Section VI., particularly VI. F.

Examples of specific kinds of information which ordinarily would warrant a specific level of classification are shown in DoD Instruction 5210.47, Appendix A.

The foregoing policies and criteria are not based on any specific statute. They are based on E.O. 10501 as implemented by DoD Instruction 5210.47.

Question 3: What categories of personnel in the Department of Defense are authorized to assign security classification to information or documents?

Answer: It is important to point out the difference between original and derivative classification. Original classification is involved when officials designated to have original clasification authority exercise independent judgment to classify information based on the consideration of whether its unauthorized disclosure could or would inflict prejudicial or a greater degree of damage to the national defense interest. The decision to classify is made after evaluation of a number of factors prescribed by policy from which is derived a conclusion that the information involved requires the safeguard afforded by security classification. Judgments in this complex area can and do differ.

Derivative classification is involved when a person authorized to receive and disseminate classified information treats that information in the same way as the originator with respect to classification of content and markings. The derivative classifier applies the classification decision already made by the original classifier. For example, a security classification guidance furnished to a contractor by the Department of Defense specifies precisely what information involved in his contract is classified.

In the DoD, the granting and exercise of original classification authority is controlled by the policies stated in DoD Instruction 5210.47, Section V.A. as amplified in Appendix C. Authority is vested in persons by virtue of the official positions they occupy. At the Top Secret and Secret levels, these positions are identified in or pursuant to DoD Instruction 5210.47, Appendix C., Part I (Top Secret) and Part II (Secret). Authorized officials at the Top Secret and Secret levels designate subordinates at the Confidential level pursuant to the policy stated in DoD Instruction 5210.47, Section V.A., 3.c. (page 11).

Derivative classification authority is described in DoD Instruction 5210.47, Section V.B. The policy for the vesting and exercise of this kind of authority is stated in that Instruction, Section V.B., 2. and 3. (pages 12–13).

Question: How many such individuals are there in each of the categories of security classification cited?

Answer: As of October 9, 1971, the number of these individuals authorized to exercise original classifying authority are as follows:

Top secret, 789.
Secret, 7,742.
Confidential, 30,947.

Question: By what process do individuals in the Department of Defense become authorized to assign classifications?

Answer: The positions the incumbents of which are authorized to exercise original classifying authority are initially identified and published in DoD Instruction 5210.47, as above described. Where the provisions of that Instruction vest authority for further designations of positions, those designations are made and published in regulations of the Military Departments and other elements of the Department of Defense.

Question: What procedures are in effect for reviewing the appropriateness of levels of classification assigned in given cases?

Answer: Within the Department of Defense, classification is the function of command or supervisory responsibility. Commanders and supervisors at all echelons are required to establish and supervise on a regular basis such review and corrective procedures as may be necessary to assure that the classification determinations within their own and subordinate echelons are being made by proper authority and provide the correct degree of protection necessary to serve current national defense requirements. Particular provisions identifying the foregoing review requirements are shown in DoD Instruction 5210.47, Section V.B.2., Section VII. B. and F., and Section IX.E.

Question 4: How many individuals, including both full and part time employes and contractual and consultant personnel, associated with the Department of Defense are currently authorized to receive Top Secret, Secret, Confidential, and other classified information?

Answer: A DoD employee, or a person serving as a defense contractor employee or consultant, is authorized to receive access to classified information at any level only if he has the necessary security clearance at that level and if, in addition, the performance of his official duties requires that he have such access. The question is understood to concern the number of individuals who have security clearance authorized by the DoD at the various levels.

As of September 24, 1971, there were 458,682 government and defense industry personnel cleared by the Department of Defense for access to Top Secret information (reduced in 1971 by 32.5% from a total of 679,750). Of the foregoing 458,682 Top Secret clearances, 13.6% or 62,571 were in industry, 86.1% or 394,987 were to Department of Defense military and civilian personnel, and the remaining 0.3% or 1,124 were to GAO and Congressional staff personnel.

As of November 1, 1971, the number of individuals in defense industry with security clearances authorized by the DoD at the Secret level were 859,922 and, at the Confidential level 337,905. There are no available figures showing corresponding numbers of DoD personnel cleared at these levels.

Question 5: How many documents in each category of security classification were originated in the Department of Defense last year?

Answer: No validated estimates can be made of the number of classified documents in each category originated in the Department of Defense last year.

Question 6: How many different messages in the categories of Top Secret, Secret and Confidential were processed by the Department of Defense last year (either calendar or fiscal)?

Answer. It is assumed that the question is intended to refer to electrically transmitted messages. The data which are available pertain to the so-called Automated Digital Network (AUTODIN), a world-wide network of high speed processing stations for transmitting and receiving messages by electrical means. Enclosure No. 1 to this response is a copy of a report prepared in November 1971 which represents a statistically valid sampling produced monthly of the Switch Network Automatic Profile System (SNAPS) Network Profile which summarizes all AUTODIN traffic for one radio day (RADAY). The term HIGH HEELS used in Enclosure No. 1 refers to a world-wide operation that generated an unusually high proportion of classified messages. The term "SPECAT" used in that enclosure refers to special categories of limited distribution.

Question: What was the average distribution of messages in each category?

Answer: There are no data available on the number of addressees by category of classification. Enclosure No. 2 to this response is a copy of a SNAPS Network Profile prepared in November 1971 showing the number of addressees of messages processed on one day each of twelve successive months. The term "COLLECTIVE" used in that enclosure refers to standard distributions established for certain categories of messages.

NUMBER OF MESSAGES [1]

	Raday	Spec cat	TS	Sec	Conf	EFTO	Unclas	Originated total msgs
July 1970	190	64	143	3,025	8,642	23,850	108,882	144,606
August 1970	218	20	134	3,212	9,221	24,979	136,087	173,653
September 1970	246	29	333	4,423	9,281	23,898	138,368	176,332
October 1970	281	36	118	3,571	8,949	22,718	138,176	173,568
November 1970	308	47	133	3,265	9,496	24,227	145,205	182,372
December 1970	337	23	166	3,383	9,004	23,625	144,989	181,190
January 1971	007	98	103	2,894	8,748	20,437	136,435	168,715
February 1971	035	99	445	10,274	15,005	16,621	128,220	[2] 170,664
March 1971	062	126	120	4,327	10,765	24,513	153,424	193,275
April 1971	098	66	128	3,828	9,727	21,135	149,838	184,722
May 1971	126	89	159	3,484	11,126	22,414	160,995	198,267
June 1971	154	76	92	3,562	9,810	21,046	150,613	185,199
Average		64	173	4,104	9,981	22,455	140,936	177,714
Without February (high heels)		61	148	3,543	9,524	22,986	142,092	

[1] Figures represent number of messages processed by the DCS Autodin on a busy day.

[2] High heels 1971.

NUMBER OF ADDRESSEES

	Average	1	2	3	4	5	6	7	8	9	Over	Collective
July 1970	[1] 2	105,198	18,156	7,549	3,695	[2] 2,382	1,521	1,054	775	555	3,341	110
August 1970	2	130,428	19,775	8,254	4,325	2,485	1,778	1,201	867	639	3,854	56
September 1970	2	132,639	20,014	8,552	4,283	2,492	1,775	1,100	877	647	3,862	114
October 1970	2	131,502	19,330	7,935	4,245	2,294	1,599	1,098	909	663	3,922	74
November 1970	2	137,289	20,552	8,620	4,596	2,606	1,796	1,234	962	644	4,014	64
December 1970	2	136,865	20,683	8,657	4,547	2,490	1,650	1,070	826	596	3,765	43
January 1971	2	128,635	18,711	7,715	4,015	2,141	1,464	982	716	545	3,677	116
February 1971	2	127,998	17,527	8,275	4,473	2,538	1,872	1,229	1,027	765	4,864	96
March 1971	2	144,746	23,226	9,124	4,836	2,587	1,732	1,144	874	697	4,242	68
April 1971	2	137,677	22,620	8,620	4,603	2,476	1,752	1,175	836	650	4,269	49
May 1971	2	149,462	23,924	9,067	4,535	2,460	1,725	1,205	855	629	4,326	79
June 1971	2	139,036	22,848	8,314	4,261	2,403	1,663	1,161	821	555	4,097	41
Average	2	133,456	20,614	8,390	4,390	2,446	1,694	1,138	862	632	4,019	76

[1] Shows average addressee for all messages by month.

[2] Example—Shows 2,382 messages with 5 addressees were recorded on the July 1970 reporting day.

Question 7: In addition to security classifications, what categories of "handling" or special distribution indicators are assigned to documents originated by the Department of Defense as a means of controlling access to such documents or to denote special requirements regarding their use? Who has the authority to assign such indicators? What are the statutes and/or regulations governing their use? How many different documents originated by the Department of Defense last year (either calendar or fiscal) bore such indicators?

Answer: In addition to security classification markings, some of the more commonly used dissemination and control markings and the statutes, agreements or DoD regulations governing their use are shown in the attached tabulation. In the Department of Defense, assignment of these indicators in any given case usually is accomplished by the officials who have security cognizance of the subject matter involved. There are no data available covering the number of documents bearing such markings originated by the Department of Defense during the past calendar or fiscal year.

Marking	*Applicable statute, agreement, or DoD Regulation*	*Meaning*
ATOMAL.	North Atlantic Treaty for Cooperation Regarding Atomic Information, June 18, 1964. Confidential DoD regulation.	This NATO marking ATOMAL, when applied to a document, signifies that the document contains United States atomic information (Restricted Data, or Formely Restricted Data) made available pursuant to the NATO Agreement Between the Parties of the North Atlantic Treaty For Co-operation Regarding Atomic Information, signed June 18, 1964, and will be safeguarded accordingly. United States documents will not be marked ATOMAL until they are introduced into the North Atlantic Treaty Organization.

ATOMAL/COSMIC.	(Same as ATOMAL)	This marking is a combination of two caveats defined separately which identifies North Atlantic Treaty Organization TOP SECRET documents requiring special security protection which contain United States atomic information.
Tactical Nuclear Weapon Design Information.	Dod Directive 5210.2 (copy attached).	This marking shall be employed for that Top Secret or Secret Restricted Data revealing the theory of operation or design of the components of a thermonuclear or implosion-type fission bomb, warhead, demolition munition, or test device.
Cryptographic.	Secret DoD regulation E.O. 10501, Sec. 13 (b).	A designation or marking of certain U.S. classified CRYPTO material and CRYPTO information indicating that it requires special consideration with respect to access, storage and handling.
Distribution Restricted. See DoD map or Chart. Catalog for Guidance or release Outside the U.S. Government.	Secret DoD regulation	This marking is a specific distribution statement printed on certain mapping, charting, and geodesy products and related records that require special distribution instructions.
For Official Use Only.	Freedom of Information Act of 1966. DoD Directive 5400.7 (copy attached)	This marking shall be employed on unclassified records and documents which are to be withheld from general public disclosure under appropriate regulatory provisions, and that, for significant reasons, should not be given general circulation.
Distribution Limited to United States Government Agencies Only.	DoD Directive 5200.20 (copy attached)	A statement used in marking technical documents to denote specific conditions of availability for distribution, release or disclosure at the initiation of the Department of Defense.
Formerly Restricted Data.	Atomic Energy Act of 1954 as amended. DoD Directive 5210.2 (copy attached)	This marking shall be applied to data removed from the Restricted Data category upon determination jointly by the Atomic Energy Commission and the Department of Defense that such data relates *primarily to the military utilization of atomic weapons* and that such data can be adequately safeguarded as classified defense information. Dissemination of Formerly Restricted Data to any nation or regional defense organization or a representative thereof is prohibited except in accordance with agreements for cooperation entered into pursuant to Section 123 of the Atomic Energy Act of 1954, as amended.
Proprietary.	Section IX, Part 2, Armed Services Procurement Regulation (Copy attached)	A marking for proprietary information which reflects the right of a civilian contractor or consultant to restrict the use of technical reports which contain information proprietary with him as determined by the terms of the contract under which the reports were prepared. All reports containing statements to this effect, and the proprietary information in the report, will be specifically identified.
Restricted Data.	Atomic Energy Act of 1954 as amended. DoD Directive 5210.2 (copy attached)	This marking shall be employed in addition to the security classification marking, to all data concerning (a) design, manufacture or utilization of atomic weapons; (b) the production of special nuclear material; or (c) the use of special nuclear material in production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to Section 142 of the Atomic Energy Act of 1954, as amended. Dissemination of Restricted Data to any nation or regional defense organization or a representative thereof is prohibited except in accordance with agreements for cooperation entered into pursuant of Section 123 of the Atomic Energy Act of 1954, as amended.
SIOP.	Secret DoD regulation.	The marking SIOP for Single Integrated Operational Plan documents, signifies recorded information, regardless of its physical form or characteristic, which is part of the Joint Chiefs of Staff Single Integrated Operational Plan, or is derived therefrom.
SIOP-ESI.	Secret DoD regulation. Also DoD Directive 5220.28 (copy attached)	SIOP information at Top Secret level of such sensitive nature as to require special access and safeguarding procedures.

Marking	*Applicable statutes, agreement, or DoD Regulation*	*Meaning*
SIOP/Special Handling Required Not Releasable to Foreign Nationals.	Secret DoD regulation.	This marking is a combination of two caveats defined separately which shall be employed in the protection of official information, originated or received by any element of the Department of Defense except for intelligence information, sources of methods, whenever the holder of classified documents or other material determines that the anticipated distribution, transmission, or handling would make it liable to inadvertent disclosure to foreign governments or foreign nationals and when information is part of the Joint Chiefs of Staff Single Integrated Operational Plan, or is derived therefrom.
SPECAT	Confidential DoD regulation	A marking to identify information of such a degree of sensitivity as to require special access and safeguarding procedures.
Special Handling Required Not Releasable to Foreign Nationals	DoD Directive 5200.1 (copy attached)	This marking shall be employed in the protection of classified defense information, originated or received by any element of the Department of Defense whenever the holder of classified documents or other material determines that the anticipated distribution, transmission, or handling would make it liable to inadvertent disclosure to foreign governments or foreign nationals. When the use of the complete special marking is impractical, such as in electrical transmissions or the marking of individual paragraphs, the abbreviation NOFORN may be used.

Question 8: **What are the various categories of clearances, other than security clearances, held by personnel of the Department of Defense? How many individuals currently hold each of these various categories of clearances? What department or agency controls each kind of clearance?**

Answer: The only "clearances," as such, held by personnel of the Department of Defense are security clearances at Top Secret, Secret and Confidential levels, There are other kinds of security controls and associated markings used to achieve various security objectives, each important in itself. Examples of such controls and associated markings are shown in the tabulation furnished in the response to question 7.

A security clearance level identifies the level of security classification to which, in general, an individual who has been determined trustworthy is eligible to be given access to classified information on a need-to-know basis (the need-to-know principle is described in response to question 9). The controls other than security clearance are used essentially to control the number of eligible persons who may be authorized to have access, and to provide and achieve application of special security safeguards to be observed by those who are authorized access. Individual access authority determinations are made in connection with certain of the control markings, for example, ATOMAL, and Critical Nuclear Weapon Design Information.

Question 9: How is the principle of "need to know" applied? Who is authorized to determine "need to know"?

Answer: The need-to-know principle, which stems from Section 7, Executive Order 10501, is covered in DoD Directive 5200.1, Section VII. D., Enclosure 1. In general, access is permitted only to eligible persons whose official duties require such access in the interest of promoting national defense. As more fully explained in DoD Directive 5200.1, the authority and responsibility for determining need-to-know rests on the person who has authorized possession of the classified information involved, not on the person seeking to have access.

Question 10: In connection with the assignment of security classifications within the Department of Defense, is there a requirement for the provision of downgrading instructions? If so, provide a copy of the relevant regulations.

Answer: DoD regulations require that concurrently with the assignment of a security classification to information originated by or under the jurisdiction of the Department of Defense, downgrading and declassification instructions shall be formulated and included on or within the body of the classified information involved. This requirement is stated in DoD Instruction 5210.47, Section VII. D., 3., Section VIII. C., and in Dod Directive 5200.10, particularly Section III. A., and Enclosure 1, thereto, paragraphs 9.a, and c.

Question 11: **Describe the procedures currently in effect within the Department of Defense for the systematic review of classified documents for the purposes of downgrading, including declassification. Is the Department of Defense current on such reviews?**

Answer: Periodic and systematic review requirements are provided in DoD Instruction 5210. 47 Section III C., Section VII. D., 4, and Section IX. E. and in DoD Directive 5200.10, Section III. B., and Enclosure 1, paragraph 3.c.(1).

There is a DoD system and procedure for automatic, time-phased, downgrading and declassification (DoD Instruction 5200.10). However, the DoD continues to stress systematic and periodic review for downgrading and declassification purposes. Such reviews require document by document consideration by responsible officials who are in a position to exercise judgment as to whether the information for which they exercise responsibility may be downgraded or declassified. These are people whose full time normally is required for accomplishing the primary missions of their respective offices and activities.

In practice, document by document review for downgrading or declassification purposes is believed to be accomplished as time permits and as the result of a particular event, completion of a phase of activites, individual requests for downgrading or declassification, revision of classified guidance, or directed action by higher authority. For full force and effect, such reviews would require additional extensive resources in manpower and funds.

Several specific downgrading and declassification actions accomplished within available resources may be cited. During a six months period from the latter part of 1969 extending into 1970 there was a program, ordered at Secretarial level, for the mandatory review of all security classification guidances of the DoD for purposes of downgrading and declassifying elements of information contained in those guidances. The program particularly applied to security classification guidances furnished to defense contractors. Over 13,500 security classification guidances were reviewed on a nationwide basis. In 7% of the guidances reviewed, there were significant downgrading and declassification actions. One military department reported 12 contracts downgraded or declassified for an estimated cost avoidance of $232,000, 97 technical orders regraded or cancelled for an estimated cost avoidance of $210,000 and 62 items of classified equipment declassified.

Special action programs are directed when, through the Department of Defense classification management system, it is found that more classified information is held in files than is considered reasonable. As one example, in April 1970 a defense contractor activity in Pennsylvania was asked to reduce its classified holdings when it was learned that that activity had on hand over 400 security containers with only two classified contracts. The contractor, guided by Defense Contract Administration Services personnel and personnel of the military department having cognizance of the contracts involved, eliminated the requirement for 55 security containers. Aproximately three tons of classified material were eliminated. The Defense Contract Administration Services organization was later directed to examine and bring about the purging of similar defense contractor holdings nation-wide. It was reported that of a total of 241 contractors and their associated consultants, 104 reduced their classified document holdings an average of 38%.

On May 1, 1971, Secretary Packard directed the heads of military departments and agencies to institute an intensive records cleanout campaign, to be completed by the end of Fiscal Year 1972. He placed special emphasis on the elimination of classified material by downgrading, declassification, retirement or destruction. In his directive he noted that this program should create a surplus of filing equipment which could be used for a period of years to avoid purchasing new equipment. Accordingly, he placed a moratorium on the purchase of power filing equipment and security containers to continue until December 31, 1973.

Within the Department of Defense, the level of currency in the continuing, systematic, periodic review process varies among the DoD elements. For the DoD as a whole, there is much classified information which has not been reached in the review process and which could be reached only as additional resources are made available for that purpose.

Question: How many documents were declassified by the Department of Defense last year?

Answer: No such data are available.

Question 12: Are present and former employees of the Department of Defense required to submit books, manuscripts, articles, etc., which they write based on their official experiences, for official review prior to publication? Describe the procedures involved.

Answer: The attached copy of DoD Directive 5230.9 establishes the basic DoD policy and procedures applicable to official review prior to publication by present employees of their writings based on their official experience. In accordance with security obligations specifically assumed and reiterated at the time of separation from official duty (Attached is a sample copy of Security Termination Statement, SD Form 416, to be signed by an employee of the Office of the Secretary of Defense during his debriefing at the time of his separation from official duty. Statements similar in substance and purpose are used throughout DoD), a former employee of the DoD is responsible for submitting his personal writings based on official experience to DoD for review for release when such writings include information which he believes may still be classified.

Department of Defense, Security Termination Statement

In view of the pending termination of my employment or completion of assignment with ——— Department of Defense, I hereby state that:

1. I do not now have in my possession or custody or control any document or other things containing or incorporating information affecting the national defense, or other security information material classified Top Secret, Secret or Confidential to which I obtained access during my employment or assignment.

2. I am not retaining or taking away with me from my place of employment or assignment any document or thing containing or incorporating security information affecting the national defense or other security information matter classified Top Secret, Secret, or Confidential to which I obtained access during my employment or assignment in any manner whatsoever.

3. I shall not hereafter in any manner reveal or divulge to any unauthorized person, office or organization any security information affecting the national defense, classified Top Secret, Secret or Confidential, of which I have gained knowledge during my employment or assignment except as may be hereafter authorized by officials of the Government empowered to grant such authority.

(If any of the above statements cannot truthfully be made, the word "not" shall be struck out of the appropriate sentence and a full statement attached hereto indicating in detail the circumstances which prevent the making of the statement in its original form, including the names of the persons authorizing the particular handling of classified matter.)

4. I shall report without delay to the appropriate military security agency, or the Federal Bureau of Investigation, or the Director of Security Services, Office of the Secretary of Defense, any incident wherein any attempt is made by any unauthorized person to solicit classified defense information.

5. I, ———, have read and am familiar with the penal provisions of the Espionage Laws, Title 18, USC, Section 793 and 794. I understand that one who unlawfully divulges information affecting the national defense is subject to severe criminal penalties and that the making of a false statement herein may be punished as a felony under Title 18, USC, Section 1001. With this understanding, I state that the information I have given is, to the best of my knowledge and belief, correct and complete, and it will be used by the Government in carrying out its duty to protect the security of information which affects national defense of the United States.

6. I (have) (have not) been orally debriefed in regard to my continuing responsibility not to disclose classified defense information.

In witness whereof I have set my hand this — day of —, 19 —.

Witness ———.

Written Signature.

Printed Name.

f. Protect from unauthorized disclosure properly classified information and intelligence bearing upon important aspects of national defense and foreign policy; and

g. Provide guidance concerning corrective or disciplinary action in unusually important cases involving unauthorized disclosure.

3. ORGANIZATION

In addition to the Chairman, the Council will be composed of the Director of the Bureau of Intelligence and Research, the Director of the Planning and Coordination Staff, the Assistant Secretary for Public Affairs, the Assistant Secretary for Congressional Relations, the Executive Secretary of the Department, and the Deputy Assistant Secretary for Security.

4. MANUAL CODIFICATION

This circular will be canceled in 6 months or upon codification in volume 1 of the Foreign Affairs Manual.

(M/MS)

(NOTE: Number of last circular issued: FAMC-580.)

Excerpt From Espionage Act (Title 18, United States Code)

SECTION 793 GATHERING, TRANSMITTING, OR LOSING DEFENSE INFORMATION

(a) Whoever, for the purpose of obtaining information respecting the national defense with intent or reason to believe that the information is to be used to the injury of the United States, or to the advantage of any foreign nation, goes upon, enters, flies over, or otherwise obtains information concerning any vessel, aircraft, work of defense, navy yard, naval station, submarine base, fueling station, fort, battery, torpedo station, dockyard, canal, railroad arsenal, camp, factory, mine, telegraph, telephone, wireless, or signal station, building, office, research laboratory, or station or other place connected with the national defense owned or constructed, or in progress of construction by the United States or under the control of the United States, or of any of its officers, departments, or agencies, or within the exclusive jurisdiction of the United States, or any place in which any vessel, aircraft, arms, munitions, or other materials or instruments for use in time of war are being made, prepared, repaired, stored, or are the subject of research or development, under any contract or agreement with the United States, or any department or agency thereof, or with any person on behalf of the United States, or otherwise on behalf of the United States, or any prohibited place so designated by the President by proclamation in the time of war or in case of national emergency in which anything for the use of the Army, Navy, or Air Force is being prepared or constructed or stored, information as to which prohibited place the President has determined would be prejudicial to the national defense; or

(b) Whoever, for the purpose aforesaid, and with like intent or reason to believe, copies, takes, makes, or obtains, or attempts to copy, take, make, or obtain, any sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, document, writing, or note of anything connected with the national defense; or

(c) Whoever, for the purpose aforesaid, receives or obtains or agrees or attempts to receive or obtain from any person, or from any source whatever, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note, of anything connected with the national defense, knowing or having reason to believe at the time he receives or obtains, or agrees or attempts to receive or obtain it, that it has been or will be obtained, taken, made or disposed of by any person contrary to the provisions of this chapter; or

(d) Whoever, lawfully having possession of, access to, control over, or being entrusted with any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it on demand to the officer or employee of the United States entitled to receive it; or

(e) Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it; or

(f) Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, note, or information, relating to the national defense, (1) through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, or (2) having knowledge that the same has been illegally removed from its proper place of custody or delivered to anyone in violation of his trust, or lost, or stolen, abstracted, or destroyed, and fails to make prompt report of such loss, theft, abstraction, or destruction to his superior officer.

Shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

(g) If two or more persons conspire to violate any of the foregoing provisions of this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy.

SECTION 794. GATHERING OR DELIVERING DEFENSE INFORMATION TO AID GOVERNMENT

(a) Whoever, with intent or reason to believe that it is to be used to the injury of the United States or to the advantage of a foreign nation, communicates, delivers, or transmits, or attempts to communicate, deliver, or transmit, to any foreign government, or to any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States, or to any representative, officer, agent, employee, subject, or citizen thereof, either directly or indirectly, any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model note, instrument, appliance, or information relating to the national defense, shall be punished by death or by imprisonment for any term of years or for life.

(b) Whoever, in time of war, with intent that the same shall be communicated to the enemy, collects, records, publishes, or communicates, or attempts to elicit any information with respect to the movement, numbers, description, condition, or disposition of any of the armed forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations, or with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy, shall be punished by death or by imprisonment for any term of years or for life.

(c) If two or more persons conspire to violate this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy.

SECTION 1001. STATEMENTS OR ENTRIES GENERALLY

Whoever, in any matter within the jurisdiction of any department or agency, of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device, a material fact or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

Question 13: With regard to the distribution of classified documents and information to foreign governments, what are the regulations governing this distribution?

Answer: Disclosures of classified information by DoD to foreign governments or international organizations are controlled basically by the National Disclosure Policy, other national policies announced from time to time, the Atomic Energy Act of 1954, as amended, and the Mutual Security Act of 1954, as amended, and the implementing DoD regulations. The basic DoD regulations are DoD Directives 5030.14, 5030.28 and 5230.11. (Copies of the Directive are attached.)

Question: What specific kinds of documents are exchanged?

Answer: Subject always to compliance with statute, announced national policy, National Disclosure Policy, and applicable DoD regulations, the subject matter of disclosures may be and is varied. This may include, for example, information on the organization, training and employment of military forces; technical documents on military materiel and munitions, including their production and development, and military intelligence.

Question: What volume of documents is exchanged?

Answer: Reliable volume estimates are not available.

Question 14: What is the cost of administering the classification program in the Department of Defense including the cost of background investigations, storage facilities, construction facilities, encoding and decoding and special distribution procedures?

Answer: The Department of Defense does not separately identify costs for many of its security functions to the extent of this inquiry.

On August 13, 1971, the General Accounting Office, based on a Congressional inquiry, requested FY 70 cost data on certain security functions carried out by the Department. In response to this GAO inquiry, the following cost estimates, based on a partial survey of DoD components, were developed:

Function:	*Estimated fiscal year 1970 cost*
Classification and security policy	$4,700,000
Classifying, regarding, and declassifying operations	1,993,000
Transmission of classified documents	[1] 15,781,000
Safeguarding of classified documents	[2] 6,845,000
Personnel security investigations for DoD and Defense contractor personnel	58,155,000
Classification and security training and indoctrination	1,253,000
Total	88,727,000

[1] Includes estimated cost of distribution procedures but not those associated with encoding and decoding.

[2] Includes estimated cost of storage but does not include estimated cost of construction facilities.

RESPONSES REGARDING SECURITY CLASSIFICATION PROCEDURES

Question 1: What are the statutes, executive orders and administrative regulations upon which the security classification procedures of the Department of State are based? (Please furnish copies of each.)

Answer: Executive Order 10501 of November 5, 1953, as amended, provides for the safeguarding of official information which requires protection in the interest of national defense. A copy of the Executive Order is attached as Tab B–1. The Department of State's implementation of this Executive Order is contained in the Foreign Affairs Manual, Volume 5, Section 900—Security Regulations (Tab B–2). The Department is also guided by applicable sections of Titles 18 and 14 of the U.S. Code. Additionally, the Department ensures that its security regulations are in conformity with the Freedom of Information Act (5 USC 552).

Question 2: What are the various categories of security classification used within the Department of State, what is the definition of each and what are the criteria which are applied in determining the classification of specific items of information? Upon what statutes, executive orders, or regulations are these criteria based?

Answer: The categories of security classifications, as enumerated in Executive Order 10501, currently in use within the Department of State are:

Top Secret
Secret
Confidential

Top secret: Except as may be expressly provided by statute, the use of the classification Top Secret shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The Top Secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense.

Secret: Except as may be expressly provided by statute, the use of the classification Secret shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as by jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to the national defense, or information revealing important intelligence operations.

Confidential: Except as may be expressly provided by statute, the use of the classification Confidential shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could be prejudicial to the defense interests of the nation.

In addition to the foregoing security classifications, the Department also utilizes the administrative control designation, Limited Official Use. This term is used to identify non-classified information which requires physical protection comparable to that given Confidential material in order to safeguard it from unauthorized access. Matters typically handled in this manner include information received through privileged sources, certain personnel, medical, investigative, commercial and financial records and specific reference to the contents of diplomatic pouches.

Question 3: What categories of personnel in the Department of State are authorized to assign security classifications to information or documents? How many such individuals are there in each of the categories of security classification cited? By what process do individuals in the Department of State become authorized to assign classifications? What procedures are in effect for reviewing the appropriateness of levels of classification assigned in given instances?

Answer: (a) Section 913 of 5 FAM 900 enumerates the categories of personnel authorized to "assign" security classifications to documents. Briefly, any employee of the Department of State originating classified material has the initial responsibility for assigning the classification. The document, its content and its classification, becomes final, however, only when approved and signed by a certifying officer.

(b) The authority to certify the classification Top Secret is limited to the principal officer or his designee at each overseas post and to office directors or higher officials within the United States. Of 13,341 employees serving in the United States and abroad, approximately 800 or 6% are authorized to certify the classification Top Secret. Officials authorized to certify the classification Secret include the principal officer or his designee at each overseas post and division chiefs or higher officials within the United States. Approximately 1,750 or 13% of all employees may certify the classification Secret. Officials authorized to certify the classification Confidential and Limited Official Use are those designated by the principal officer overseas and branch chiefs or higher officers within the United States. Approximately 5,435 or 41% of all employees are authorized to certify the classifications Confidential and Limited Official Use.

(c) The authority to approve or certify classifications, generally, is a power inherent in the position and goes hand in hand with the authority to approve the total content of the document. As noted above, higher levels of responsibility are required for approval of the higher levels of security classification.

(d) As a normal supervisory function and in accord with Section 913.1 of the Department's Security Regulations, any intermediate or final approving officer, in approving the content of the document, must also thereby attest to the appropriateness of the classification and, of course, may change it.

Question 4: How many individuals, including both full and part time employees and contractual and consultant personnel, associated with the Department of State are currently authorized to receive Top Secret, Secret, Confidential, and other classified information?

Answer: As of September 30, 1971, the Department had 12,692 full time employees cleared for access to Top Secret information on a need-to-know basis. There were 206 part-time employees and 81 people on contract, all similarly cleared. In addition, there were 233 temporary employees, not cleared for access to classified information, who were assigned to non-sensitive positions in the Regional Passport Offices and in the several dispatch Agencies. As of June 30, 1971, there were 237 consultants cleared for access to Top Secret information, again on a need-to-know basis.

Question 5: How many documents in each category of security classification were originated in the Department of State last year?

Answer: There seems to be no practical way to acquire accurate figures on the number of documents originated in the Department of State, much less to break them down by security classification. The volume of documents handled (see below) and the variety of both forms and routing of documents are not conducive to a centralized accountability system.

Using a sampling technique involving counting the traffic processed on a recent "typical day," the Department's Communication Center calculates that it is processing classified telegrams at a current annual rate of just over 218,000 messages. This includes incoming as well as outgoing and the vast majority are of Departmental or Foreign Service origin. Copies, of course, will depend on the nature of the message but distribution has been averaging 79 copies of each telegram for a total annual paper flow of just over 17,000,000 copies.

During Fiscal Year 1971 the Department and Foreign Service originated 65,725 airgrams, the principal non-telegraphic medium of communication between Washington and the field. Again, using a sampling technique, we calculate that approximately twenty-five percent of these were classified or administratively controlled, with one-half of one percent of the total in the Top Secret category, five percent in the Secret and twenty percent Confidential and Limited Official Use. We believe that these proportions are also fairly representative of the telegraphic traffic and the other, less formal means of communications—memoranda, letters, etc.

During Fiscal Year 1971 the Department's Bureau of Intelligence and Research published about 1,000 documents, approximately eighty-five percent of which were classified or administratively controlled.

Question 6: How many different messages in the categories of Top Secret, Secret and Confidential were processed by the Department of State last year (either calendar or fiscal)? What was the average distribution of messages in each category?

Answer: In addition to the data given in the answer to question 5, the Department of State also receives and distributes documents from other agencies. During Fiscal Year 1971, the Department handled approximately 670,000 separate documents from these agencies. The number of copies of each document varied from only one or two copies each to a hundred or more of certain classified publications. Including copies, nearly four and one-half million such items were processed during FY-71. While figures are kept to reflect the agencies originating these documents, as well as the general types of material, there is no data on the levels of classification involved.

The total amount of classified documents, both State and other agency, processed by the Department in FY-71 totaled over 900,000 separate publications. Based on the average number of copies for each type of document, the Department distributed approximately 24,000,000 items during this period, most of them classified.

Question 7: In addition to security classifications, what categories of "handling" or special distribution indicators are assigned to documents originated by the Department of State as a means of controlling access to such documents or to denote special requirements regarding their use? Who has the authority to assign such indicators? What are the statutes and/or regulations governing their use? How many different documents originated by the Department of State last year (either calendar or fiscal) bore such indicators?

Answer: In addition to security classifications, the Department of State utilizes three special indicators to control distribution of particularly sensitive documentation. These indicators, in ascending order of importance (i.e., indicating increasing sensitivity) are LIMDIS, EXDIS and NODIS. The authority for use of these indicators is in the regulations of the Department of State (Foreign Affairs Manual, Vol. 5, Section 212.2). In Washington the office of the Executive Secretary in the Department is responsible for approving use of EXDIS and NODIS and with determining the distribution of such documentation. LIMDIS may be assigned in the Department of State by any officer otherwise authorized to approve official communications. At Foreign Service posts abroad the assignment of all three special indicators is done by authority of the Chief of Mission. However, the Office of Executive Secretary in the Department, as prescribed by regulation, also retains authority to assign these special indicators or remove them from messages emanating from abroad if the use is judged to be required or unwarranted. In FY-71 the Department of State originated approximately the following number of documents in each of the limited categories:

LIMDIS, 10,700.
EXDIS, 11,700.
NODIS, 4,800.

Also, other than the above indicators, documents originated by the Department of State containing intelligence information may carry markings which control the dissemination and use of such information as regulated by the United States Intelligence Board.

Question 8: What are the various categories of clearances, other than security clearances, held by personnel of the Department of State? How many individuals currently hold each of these various categories of clearances? What department or agency controls each kind of clearance?

Answer: There are certain clearances which represent not so much recognition of the individual's integrity and discretion as a formal acknowledgement of his general need-to-know with respect to certain types of highly sensitive information. The process of granting such clearances usually includes verification of the basic security clearance and special briefings. The special clearance, while recognizing the employee's assignment to duties which might require knowledge of the pertinent information, does not grant unrestricted access to it. The need-to-know concept is still applied strictly and the special clearance lapses when the employee's assignment changes. Among these special clearances are those authorizing access to NATO, CENTO and SEATO Top Secret information and to cryptographic materials. There is also the "Q" clearance relating to Atomic Energy Commission matters. At present 480 Departmental or Foreign Service employees hold NATO Cosmic clearances, 207 CENTO clearances and 128, SEATO. There are 2,128 current cryptographic or communications security clearances and 1,095 "Q" clearances. All of these clearances are granted under special procedures by the Department itself, with the exception of the "Q" clearances which are controlled by the AEC.

In addition, there are various categories of clearances for sensitive compartmented intelligence all of which are controlled by the Director of Central Intelligence or the Department of Defense. The number of Department of State personnel holding one or more of these intelligence clearances varies considerably because of application of the need-to-know principle. There are presently some 1,700 Department personnel including administrative and intelligence personnel in Washington and abroad holding compartmented intelligence clearances.

Question 9: How is the principle of "need to know" applied? Who is authorized to determine "need to know?"

Answer: Section 940 of the Department Security Regulations stipulates that classified or administratively controlled information may be given only to those persons who are properly authorized and who also require the information to perform their official duties. A person is not entitled to receive classified or administratively controlled information solely by virtue of his official position or by virtue of having been granted a security clearance. As a practical matter, determination of the "need to know" is a supervisory responsibility exercised to a large extent on a document-by-document basis.

All new employees are provided security briefings in which the principles of classification and the "need to know" doctrine are fully explained. Educational material and periodic re-briefings are also provided employees to clarify policies on classification and the "need to know" doctrine.

Question 10: In connection with the assignment of security classifications within the Department of State, is there a requirement for the provision of downgrading instructions? If so, provide a copy of the relevant regulations.

Answer: Section 966 of the Department's Security Regulations implements the various provisions of Executive Order 10964, which provides for an automatic declassification and downgrading system. A copy of the Executive Order is attached as Tab B-3. The

Department's internal security inspection procedures include checks on the compliance with these requirements.

Question 11: Describe the procedures currently in effect within the Department of State for the systematic review of classified documents for purposes of downgrading, including declassification. Is the Department of State current on such reviews? How many documents were declassified by the Department of State last year?

Answer: The record of United States foreign policy and diplomacy has been published annually since 1861 in the series Foreign Relations of the United States. This series includes all major subjects and the most important documents. The declassification of documents for publication in Foreign Relations goes on constantly within the Department of State. The two Foreign Relations volumes published in the Fiscal Year 1971 contain about 1,000 declassified documents. The seven volumes published so far for the year 1946 contain about 3,000 declassified documents, including many from the White House and the military departments. With the exception of certain specially privileged categories of records (personnel, cryptographic, intelligence methods, etc.), we open all files to the public after thirty years, and are presently planning to advance that through World War II—i.e., to open all our records (with the same exceptions) through 1945, as of January 1, next year, with the assistance and cooperation of the National Archives.

With the institution of the automatic downgrading procedure several years ago, a practice which requires the originator of a classified document to indicate, if possible, and in terms of pre-established time frames, when the document can be downgraded or declassified, downgrading and declassification in the future, to a substantial degree, will be an automatic process not requiring any individual or specific effort. The procedure is currently under review to determine whether declassification might be expedited further, for example, by shortening the pre-set time frames or by reducing the types of documents currently exempted from the process.

At present time, the most significant efforts to downgrade classified material, other than those mentioned above, are made in conjunction with the annual inventory of Top Secret materials. Documents are reviewed at that time by responsible officials and, where appropriate, are downgraded or, less often, declassified.

Question 12: Are present and former employees of the Department of State required to submit books, manuscripts, articles, etc., which they may write based on their official experiences, for official review prior to publication? Describe the procedures involved?

Answer: Present employees of the Department of State, including the Foreign Service, are required to submit for review the manuscripts of all proposed publications and speeches on subjects of interest to the Department, i.e., within the purview of the Department's responsibility. This review is conducted by the Bureau of Public Affairs (Office of Policy and Plans), in conjunction with other Bureaus as appropriate to the subject matter of the submitted manscript.

Former employees of the Department of State are under no general obligation to submit any manuscripts to the Department for review, though they are requested to do so when they are in doubt as to whether classified information may be involved. Former employees who occupied senior positions in the Department may be permitted, upon request, to refresh their memories by reviewing the documents that related to their activities in the Department. In such cases the Department gives either the notes or the manuscript a security review prior to publication.

Question 13: With regard to the distribution of classified documents, and information to foreign governments, what are the regulations governing this distribution, what specific kinds of documents are exchanged and what volume of documents is exchanged?

Answer: The regulation governing the release of classified information to foreign governments is set forth in Volume 11, Section 500 of our Foreign Affairs Manual. The specific regulations are based upon a Directive from the President dated September 23, 1958. Both the Directive and the implementing regulations are classified. Documents which might be provided to foreign governments under this policy would include classified factual information, factual studies, and views and conclusions of the United States on various current issues of common concern to this government and other governments involved in the exchange and are provided in order to secure a net advantage to the interests of the United States. There is no current procedure for providing us with an estimate of the volume of documents involved.

Question 14: What is the cost of administering the classification program in the Department of State including the cost of background investigations, storage facilities, construction facilities, encoding and decoding and special distribution procedures?

Answer: The Department has recently conducted an audit of the costs involved in the protection of sensitive information. This study was made for the General Accounting Office, which, in turn, had been asked for the data by Congressman Moorehead. The study is not yet complete and, further, will be subject to GAO review, but the figures presently available indicate that the total annual cost of administering the classification program is approximately $18,000,000 per annum. This total includes costs for some services, mainly in the communications area, which the Department would bear even if there were no classified materials to be handled and, thus, represents a maximum estimate subject to downward revision.

Attachments:

B-1—Executive Order 10501.

B-2—5 FAM 900 (Security Regulations).

B-3—Executive Order 10964.

NOVEMBER 17, 1971.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: For some time some of us have felt that policies regarding the classification and handling of information relating to the national security were in need of review.

As was pointed out in the Final Report of the Subcommittee on United States Security Agreements and Commitments Abroad, dated December 21, 1970, the manner in which security classification procedures are implemented has a direct bearing on the ability of the public and the Congress to judge the activities of our Government and to participate responsibility in that Government.

Because we are concerned over what appear to be increasingly restrictive information practices within the Executive Branch, we would like to establish certain basic facts relating to security classification procedures; and to that end are attached various questions and requests designed to elicit such facts.

We would appreciate receiving your answers to them as soon as convenient.

Sincerely,

STUART SYMINGTON,
Chairman, Subcommittee on United States Security Agreements and Commitments Abroad.

QUESTIONS REGARDING SECURITY CLASSIFICATION PROCEDURES

1. What are the statutes, executive orders and administrative regulations upon which the security classification procedures of the Department of State are based? (Please furnish copies of each).

2. What are the various categories of security classification used within the Department of State, what is the definition of each, and what are the criteria which are applied in determining the classification of specific items of information? Upon what statutes, executive orders, or regulations are these criteria based?

3. What categories of personnel in the Department of State are authorized to assign security classifications to information or documents? How many such individuals are there in each of the categories of security classification cited? By what process do individuals in the Department or State become authorized to assign classifications? What procedures are in effect for reviewing the appropriateness of levels of classification assigned in given instances?

4. How many individuals, including both full and part time employees and contractual and consultant personnel, associated with the Department of State are currently authorized to receive Top Secret, Secret, Confidential, and other classified information?

5. How many documents in each category of security classification were originated in the Department of State last year?

6. How many different messages in the categories of Top Secret, Secret and Confidential were processed by the Department of State last year (either calendar or fiscal)? What was the average distribution of messages in each category?

7. In addition to security classifications, what categories of "handling" or special distribution indicators are assigned to documents originated by the Department of State as a means of controlling access to such documents or to denote special requirements regarding their use? Who has the authority to assign such indicators? What are the statutes and/or regulations governing their use? How many different documents originated by the Department of State last year (either calendar or fiscal) bore such indicators?

8. What are the various categories of clearances, other than security clearances, held by personnel of the Department of State? How many individuals currently hold each of these various categories of clearances? What department or agency controls each kind of clearance?

9. How is the principle of "need to know" applied? Who is authorized to determine "need to know?"

10. In connection with the assignment of security classifications within the Department of State, is there a requirement for the provision of downgrading instructions? If so, provide a copy of the relevant regulations.

11. Describe the procedures currently in effect within the Department of State for the systematic review of classified documents for purposes of downgrading, including declassification. Is the Department of State current on such reviews? How many documents were declassified by the Department of State last year?

12. Are present and former employees of the Department of State required to submit books, manuscripts, articles, etc., which they may write based on their official experiences, for official review prior to publication? Describe the procedures involved?

13. With regard to the distribution of classified documents, and information to foreign governments, what are the regulations governing this distribution, what specific kinds of documents are exchanged and what volume of documents is exchanged?

14. What is the cost of administering the classification program in the Department of State including the cost of background investigations, storage facilities, construction facilities, encoding and decoding and special distribution procedures?

FOREIGN AFFAIRS MANUAL CIRCULAR

Subject: Establishment of the Council on Classification Policy.

No. 581.

July 26, 1971.

1. PURPOSE

By direction of the Secretary, there is established a Council on Classification Policy. The Deputy Under Secretary for Management will serve as Chairman of the Council.

2. RESPONSIBILITIES

The Council is responsible for the promulgation and enforcement of policies and procedures covering the classification, downgrading, declassification, and release of documents and information.

Specifically, the Council will:

a. Establish and monitor policies and procedures within the Department to prevent overclassification, to ensure the orderly and effective downgrading and declassification of State Department documents, and to facilitate the release of information;

b. Serve as a forum for systematic review of proposed classified disclosures of an exceptional nature bearing upon issues of concern to the Congress and the public;

c. Establish policies and procedures to assess the risks to intelligence sources and methods whenever any classified intelligence is proposed for declassification or for use in public forums, or other activities in the course of which there is danger that intelligence sources and methods might be revealed;

d. Determine, as required, the net advantage to the United States of a disclosure of classified information related to U.S. foreign policy objectives as against attendant risks;

e. Consider and decide such other questions concerning classification and declassification as may from time to time be referred to the Council;

JOSIP BROZ: REBEL IN THE REVOLUTION

Mr. FULBRIGHT. Mr. President, on May 25, the President of Yugoslavia celebrated his 80th birthday. Mr. C. L. Sulzberger wrote a very short but significant description of the role that Mr. Josip Broz—commonly known as Mr. Tito—has played in the history of his country, entitled "Josip Broz: Rebel in the Revolution."

The experience of Marshal Tito as a great nationalist leader of his country goes back, of course, many years, and many of us are quite familiar with it.

I ask unanimous consent that this short article by Mr. C. L. Sulzberger be printed in the RECORD, as a tribute to the accomplishments of a very remarkable leader of Yugoslavia.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOSIP BROZ: REBEL IN THE REVOLUTION

(By C. L. Sulzberger)

BRIONNE, FRANCE.—Few people have had the opportunity to participate in destroying three empires, an opportunity handed by fate to Marshal Tito of Yugoslavia who became eighty years old today (Thursday, May 25).

Now a heavy, slow-moving man of surprising vigor, with the acquired Churchillian habit of Scotch highballs and cigars, it is hard to remember in this grandfatherly figure the lean conspirator and guerrilla genius of the past.

As Josip Broz (Tito is his Communist *nom de guerre*) he was a poor peasant from a Catholic family in Croatia, then a province of the Austro-Hungarian Empire. His most audacious youthful experience was a brief term as test driver for the old Daimler-Benz automobile concern. He was drafted into Vienna's Army during World War I, wounded on the Russian front, taken prisoner and converted to Communism. In that capacity he played a minor role in ousting the old regime.

In the late 1930's he was dispatched by Moscow to organize the Yugoslav underground party and, at its helm, he led the most famous guerrilla movement against Hitler. His partisans smashed the Nazi empire's southeastern corner and, largely unaided by the great power allies, created a dynamic new state.

At that time Tito was regarded as Stalin's most loyal ally in East Europe. However, in 1948, when the Soviet dictator tried to put his nose in Yugoslav affairs, the stubborn Marshal led his countrymen into furious opposition. He stared down the Russians and their satellites and, without ever abandoning his Communist creed, insisted on its independent interpretation.

This action, in every sense as important as the battle against Hitler, changed the entire Soviet system. It wrecked the dream of a Kremlin-managed monolith. The seed of what came to be called "Titoism" sprouted in every Marxist-governed land. Indeed, Moscow's troubles in East Germany, Poland, Hungary, Czechoslovakia and Rumania can all be traced in one or another way to the original Titoist infection.

His has been an exceptional opportunity and he has made the most of it. Certainly his feats as a partisan during World War II became as famous as those of the contemporary General Giap in Indochina, yet Tito received little material support from abroad. And the military wound he inflicted on Hitler was even less profoundly dangerous than the political wound he inflicted on Stalin.

It has been my good fortune to know Tito more than twenty-seven years and talk with him many times at length. During this period he has, as would be expected, varied his views on a great many matters, both external and internal, which then seemed important but which have since faded into time.

He shifted from a position of strict fidelity to the Soviet-sponsored Warsaw alliance to one of non-alignment in which he has taken a lead together with Cairo and New Delhi. He shifted from stern advocacy of rigid and enforced collectivization of farms to a tolerance which sees most agriculture privately managed. And he shifted from a system of political and industrial centralization to flexible local direction of both administration and production.

But on two quintessential points he has never changed. From the time of his conversion in a Russian prisoner-of-war camp until the present, through personal and national vicissitudes, he has remained a devout Communist, hewing to his own concepts of what Marxism-Leninism means and seeks.

And he has remained a Yugoslav nationalist seeking to weld into one state the south Slavic peoples so often pitted against each other in the past.

He told me in 1968: "We still use Marxism as our main inspiration. Marxism remains a dogma but we apply it to our own special needs. . . . Marxism must be applied according to the conditions prevailing in any country; and these differ everywhere. . . .

"I call this democratization, not Titoism. People in other countries are trying to democratize and liberalize situations that had previously been stagnant. . . . It does not mean that they will follow the same path as we have pursued in Yugoslavia.

"But practice in the past has shown that changes are necessary. We are dialecticians and we know that what is good today or necessary today becomes neither as good nor necessary tomorrow."

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROCK). Without objection, it is so ordered.

FOURTH ANNIVERSARY OF THE DEATH OF ROBERT F. KENNEDY

Mr. MANSFIELD. Mr. President, it is never easy to note past losses suffered by this Nation. Today does mark, however, the anniversary of one such loss—and few have been suffered more grievously and felt more deeply by a Nation.

In Arlington National Cemetery, on a grassy knoll a few yards from where his fallen brother lies buried a white cross, small and plain, marks the gravesite of Robert Francis Kennedy, late a Senator of the United States.

His passing 4 years ago today left a void in this Nation's life that has gone unfulfilled in all the years since. What we have missed has included the idealism of the man, coupled with his deep sense of humility.

Robert Kennedy's life was cut short by an assassin's bullet as was his brother's before him. But his legacy to us will remain as a monument. He brought to public life a youthful vigor and fresh perspective that has left an indelible mark. His violent death 4 years ago was an enormous loss.

It remains so today.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I am authorized by the distinguished majority leader to propose the following unanimous consent requests. They have been cleared with the principal Senators involved in each case and with the other side of the aisle.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such times as the following measures are called up before the Senate, the following time agreements govern.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIMITATION OF TIME ON H.R. 9092—PAY SYSTEM FOR GOVERNMENT PREVAILING RATE EMPLOYEES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to H.R. 9092, an act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the government, and for other purposes, there be a time limitation of 2 hours, the time to be equally divided between and controlled by the Senator from Wyoming (Mr. McGEE) and the Senator from Hawaii (Mr. FONG).

The PRESIDING OFFICER. Without objection, it is so ordered.

RECISION OF ORDER FIXING TIME LIMITATION ON H.R. 9092, PAY SYSTEM FOR GOVERNMENT PREVAILING RATE EMPLOYEES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unanimous-consent request just entered into be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME LIMITATION ON APPROPRIATIONS FOR HUD APPROPRIATION BILL, H.R. 15093

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 15093, the HUD appropriation bill, is called up and made the pending business, there be a time limitation thereon of 2 hours, the time to be equally divided between the able senior Senator from Rhode Island (Mr. PASTORE) and the able senior Senator from North Dakota (Mr. YOUNG); that the time on any amendment thereto in the first degree be limited to 1 hour, and that the time on any amendment to an amendment, debatable motion, or appeal related thereto be limited to one-half hour, the time to be equally divided between the mover of such and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME LIMITATION ON APPROPRIATION BILL FOR DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES, H.R. 14989

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 14989—an act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies—is called up and made the pending business before the Senate, there be a limitation of time thereon of 4 hours, the time to be equally divided between the able junior Senator from South Carolina (Mr. HOLLINGS) and the able senior Senator from Maine (Mrs. SMITH); that the time on any amendment in the first degree be limited to 1 hour, and that the time on any amendment to an amendment, debatable motion, or appeal related thereto be limited to one-half hour, the time to be equally divided between the mover of such and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME LIMITATION ON STOCKBRIDGE-MUNSEE COMMUNITY BILL, S. 722

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 722—a bill to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community—is called up before the Senate and made the pending business, there be a time limitation thereon of 1 hour, the time to be equally divided between the able junior Senator from Washington (Mr. JACKSON) and the distinguished senior Senator from Colorado (Mr. ALLOTT); and that the time on any amendment, debatable motion, or appeal related thereto be limited to 30 minutes, the time to be equally divided between the mover of such and the manager of the bill, the Senator from Washington (Mr. JACKSON).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR LIMITATION OF TIME ON FLAMMABLE FABRICS ACT AUTHORIZATIONS, H.R. 5066

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 5066, an act to authorize appropriations for fiscal year 1972 to carry out the Flammable Fabrics Act, is called up before the Senate and made the pending business, there be a time limitation of 2 hours thereon, the time to be equally divided between the able senior Senator from Washington (Mr. MAGNUSON) and the able senior Senator from New Hampshire (Mr. COTTON); that the time on any amendment in the first degree be limited to 1 hour, and that the time on any amendment to an amendment, debatable motion, or appeal in relation thereto be limited to 30 minutes, the time to be equally divided between and controlled by the mover of such and the manager of the bill, the Senator from Washington (Mr. MAGNUSON).

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, with respect to all of the measures that have just been mentioned, that the time in opposition to an amendment, debatable motion, or appeal, in the event such is supported by the manager of the bill, be under the control of the distinguished Republican leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to all of the measures that have just been mentioned, the Senators in control of the time on the respective bills may yield therefrom to any Senator on any amendment, debatable motion, or appeal.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to those measures, other than appropriations measures, nongermane amendments not be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished minority leader and all Senators.

THE SENATE MOVES AGAIN

Mr. SCOTT. Mr. President, I congratulate the distinguished assistant majority leader for his usual diligence and careful attention to his responsibilities which have led to this series of unanimous-consent agreements. After we vote on the Kleindienst confirmation and on the Shultz confirmation on Thursday, the Senate will be back on the track again after having had to endure what I consider to be quite an unnecessary delay in an attempt to build up a case against a very able, effective, and honorable man. The Acting Attorney General has been unable to assume full control of the Department, with all of the necessary adjustments that involve the assumption of responsibility, because his nomination has been held in limbo for reasons, many of which are political, some of which are logical, others of which are irrational, and some of which are puerile.

As a matter of fact, I would like to clear up one point right now, and that is with respect to the argument which is made that the confirmation should be recommitted to the Senate Judiciary Committee, which has twice assumed jurisdiction over it. Like the legendary turtle, which having once seized upon another animal is reported to never let go until it thunders, those who have been holding up this nomination would again keep it for an indefinite period of time and would again imagine the necessity for their calling on unnecessary, remote, and irrelevant witnesses and would not let it go until the Judiciary

Committee and the Senate thundered at them.

That is what this is, a tactic to get it back for a third time. These hearings were pursued ad infinitum, ad nauseam, and I sometimes wonder if some of the arguments that were used were not ad baculum. They were certainly ad hominem and, if ad hominem, without logic or relevance.

The thing to do is for the Senate to act so that it can get on with the Senate's business.

We have held up all sorts of measures that Senators have urged as being of the utmost importance to the people of this country. Yet, by their Fabian tactics, they have avoided confronting the needs of the people time and time again. Instead of posturing themselves and positioning themselves on the Kleindienst nomination, since they are getting no publicity, they could just as well have moved their oration down to the Kennedy Center where they could have gotten a greater audience through the press and the public.

The reason there is so little is that there is so little to this case. It should be perfectly clear that the Senate has long since made up its mind. The Senate is well aware of what is going on here. The Senate knows that this is an election year and that those who cannot get a voice in the press of California will find an opportunity to meet a Washington dateline.

I think it is unfortunate that the Senate has been delayed so long. It did not need to be. Obviously if the nomination were referred back to the Committee on the Judiciary we would have alleged exposes and alleged exposures; we would have a tremendous amount of excitement over nothing, during which period great discoveries would have been alleged to have been made. Junior archeologists on the environment would dig up dusty old bones and brush them off and assert that they had indeed found something of enormous interest to the people of this country, well knowing such discoveries probably are of as little interest to this hearing as the furor some years ago with the discovery of the skull of the Peking man. It turned out that he was not from Peking and he was not a man. That did not stop them then and it does not stop the junior archeologists now.

Let us get on with the business of the Senate. There is no need to send it back. There is no need for them to have their fingers to do the walking through the yellow pages while they run down everybody they think could possibly know somebody in some Department of Government whose name might catch a headline by virtue of some stray remarks he made in 1923.

Let the foolishness stop. Let us get on with the business of the Senate. That is what we can do Thursday.

I have not said much about this because I have not wanted to dignify the proceeding; and I have not said much about it because the outcome is well known. But before this nonsense begins again let us pray Senators will consider that the session is wearing on and wearing down the patience of the public.

I remember the opening line in Cicero where he said —

> How far, Catiline, will you abuse our patience?

I do not think the patience of the people of this country should be abused by these side scurryings into empty caverns in search of nonexistent bones. I hope we will move on to the consideration of such things as housing, education, health, welfare, revenue sharing, agriculture, and all the things we so generously promised the people of this country at the beginning of this session.

The hour is late. The ides of July and August are approaching. The time of the healthy promise is near but the time of performance is long since past. So I think we ought to get back to business.

I yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 o'clock a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TOMORROW TO THURSDAY, JUNE 8, 1972, AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow it stand in adjournment until 10 a.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM THURSDAY TO FRIDAY, JUNE 9, 1972 AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Thursday it stand in adjournment until 10 a.m. Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, the latter two orders, of course, are subject to change with respect to the time for convening.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. After the two leaders have been recognized under the standing order the Senate will then proceed to the consideration of S. 3442, a bill to extend the authorization for grants for communicable disease control and vaccination assistance—on which there is a time limitation of 20 minutes. There will be a rollcall vote on S. 3442.

Upon the disposition of S. 3442 the Senate will proceed to the consideration of Senate Joint Resolution 206, relating to sudden infant death syndrome, on which there is a time limitation of 20 minutes. There will be a rollcall vote on Senate Joint Resolution 206.

Upon the disposition of these two measures the Senate will continue with the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

All of the aforesaid will be as in legislative session.

At the conclusion of the transaction of routine morning business, the Senate will resume, in executive session, the consideration of the nomination of Mr. Richard G. Kleindienst for the office of Attorney General of the United States. In view of the fact that a time limitation agreement has been entered into with respect to the nomination, it is possible that during the afternoon tomorrow, if it is agreeable on all sides, other measures concerning which time agreements have been entered into may be called up, thus necessitating rollcall votes.

The nomination of Mr. Kleindienst will be acted upon on Thursday, the day after tomorrow.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 4:29 p.m., the Senate adjourned in executive session until tomorrow, Wednesday, June 7, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 6, 1972:

DIPLOMATIC AND FOREIGN SERVICE

Terence A. Todman, of the Virgin Islands, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Edwin M. Cronk, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

HOUSE OF REPRESENTATIVES—*Tuesday, June 6, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

The Lord stood with me and strengthened me.—II Timothy 4: 17.

Eternal God, our Father, conscious of Thy presence and ready to do Thy will may we face the responsibilities of this day confidently, courageously, and with a complete trust in Thy loving care.

By the fairness of our decisions, by the justice of our acts and by our reliance upon democratic processes may we affirm our faith in the greatness of our Nation.

May no anxiety drain our strength, no fear deplete our energy, and no trouble dim our faith as we face the experiences of these hours.

We pray again that stress and strain and strife may cease among our people, that divisions may disappear and that all may unite in seeking the ways of peace and prosperity for all.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one if its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7088. An act to provide for the establishment of the Tinicum National Environmental Center in the Commonwealth of Pennsylvania, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3384. An act to amend the Water Resources Planning Act to authorize increased appropriations.

The message also announced that Mr. TUNNEY is appointed as a conferee on the bill (S. 2770) entitled "An Act to amend the Federal Water Pollution Control Act" in lieu of Mr. BAYH, excused.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar Day. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. HALL. Mr. Speaker, by request, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342) for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANTONIO BENAVIDES

The Clerk called the bill (H.R. 2394) for the relief of Antonio Benavides.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CONCEPCION GARCIA BALAURO

The Clerk called the bill (H.R. 2703) for the relief of Mrs. Concepcion Garcia Balauro.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ALBINA LUCIO Z. MANLUCU

The Clerk called the bill (S. 559) for the relief of Albina Lucio Z. Manlucu.

Mr. **BROWN** of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MARGARIDA ALDORA CORREIA DOS REIS

The Clerk called the bill (H.R. 6504) for the relief of Margarida Aldora Correia dos Reis.

Mr. **BROWN** of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EMILIA RUFFOLO

The Clerk called the bill (H.R. 10142) for the relief of Emilia Ruffolo.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

JERRY L. CHANCELLOR

The Clerk called the bill (H.R. 7946) for the relief of Jerry L. Chancellor.

Mr. **BROWN** of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DONALD P. LARIVIERE

The Clerk called the bill (H.R. 8952) for the relief of Donald P. Lariviere.

Mr. **BROWN** of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11045) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 341) for the relief of Arline Loader and Maurice Loader.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MARIA BADALAMENTI

The Clerk called the bill (S. 513) for the relief of Maria Badalamenti.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FREDI ROBERT DREILICH

The Clerk called the bill (H.R. 2725) for the relief of Fredi Robert Dreilich.

Mr. **BROWN** of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DENNIS YIANTOS

The Clerk called the bill (S. 65) for the relief of Dennis Yiantos.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARIA ROSA MARTINS

The Clerk called the bill (H.R. 5158) for the relief of Maria Rosa Martins.

There being no objection, the Clerk read the bill as follows:

H.R. 5158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Maria Rosa Martins shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota control officer to deduct one number from the appropriate quota for the first year that such quota is available.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, notwithstanding the provision of section 212(a)(25) of the Immigration and Nationality Act, Maria Rosa Martins may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provision of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Deparmtent of Justice had knowledge prior to the enactment of this Act: Provided further, That a suitable and proper bond or undertaking, approved by the Attorney General be deposited as prescribed by section 213 of the said Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The **SPEAKER**. This concludes the call of the Private Calendar.

PERMISSION FOR THE COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. **COLMER**. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The **SPEAKER**. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

RESIGNATION OF POSTMASTER

The **SPEAKER** laid before the House the following communication from the Postmaster of the House of Representatives:

WASHINGTON, D.C.,
May 16, 1972.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: On June 30th, I am retiring after forty and one half years on Capitol Hill, and therefore tender my resignation as an Officer of the United States House of Representatives effective June 30th.

It has been a distinct pleasure to have served under your leadership as Speaker and please accept my sincere gratitude for your many courtesies and best wishes for your continuing success. This body will always have a very special place in my memories and it has been a distinct honor and privilege to have served as an Officer of the House for almost eighteen years.

Warmest personal regards and highest esteem,

Sincerely,

H. H. MORRIS.

WILLIAM H. NICKERSON

(Mr. **PEPPER** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **PEPPER**. Mr. Speaker, I deeply regret that the distinguished gentleman from Missouri (Mr. HALL) has seen fit to object to Private Calendar No. 106, the bill H.R. 4064, for the relief of William H. Nickerson. The official objectors on the minority side, in deference to the Judiciary Committee, had indicated that they were not disposed to make an objection because they had considered the facts in this case of a man in World War II who committed a relatively minor offense of borrowing money which he did not pay back to some of the men in his company, a man who had had a brilliant military record, who was then court-martialed and drummed out of the Army with a dishonorable discharge.

He suffered cruel economic and social hardships as a result of this dishonorable discharge, and was denied for 16 years all Federal and State veteran's benefits because of the dishonorable discharge.

Later on the Army Board for the Correction of Military Records heard his plea to change the record that Nickerson's service was honorable, and gave this man an honorable discharge. All this bill, reported out of the Judiciary Committee after careful consideration and long hearings would do, is give this man $5,000. He is dying of cancer in a few months and it would seem we could indulge in a little consideration to this man who gallantly served his country.

I do hope my distinguished friend from Missouri will consult with some of his colleagues, including members of the Court of Military Appeals and others knowledgeable in this matter, and will allow the payment to this man who bravely served his country, for all the loss and anguish he has unjustly experienced, the amount he could have recovered in the Court of Claims.

THE MASSACRE AT LYDDA INTERNATIONAL AIRPORT IN TEL AVIV

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, like many of my fellow Americans, I am outraged over the massacre of innocent civilians last week in Tel Aviv.

In the carnage, more than 70 persons were injured and 25 people were killed—including a 3-year-old girl, a leading Israeli scientist, and 12 Christian pilgrims from Puerto Rico on their way to Jerusalem.

Travelers, relatives, bystanders, and employees at the busy Israeli International Airport were hit in the fusillade of gunfire and explosions loosed by the three gunmen who disembarked from a Paris-Rome-Tel Aviv flight and started firing into the crowd.

Such a cowardly deed, directed against innocent victims by hired killers, is one that has hurt the entire world community, and as such, deserves universal condemnation. These acts of fanaticism do not resolve the basic issues, nor do they create a climate conducive to resolving the basic issues.

It is ultimately the responsibility of all nations, including the United States and the Soviet Union, to redouble diplomatic efforts to resolve the Middle East crisis. It is apparent from this most recent terrorist attack that resolution of the Palestinian problem must be an integral part of any negotiated peace settlement—otherwise there will be no permanent security for either Israel or the Arab States.

I urge, therefore, not only that all governments and airlines tighten security over passengers and baggage, with particular emphasis to flights scheduled for arrival in turbulent parts of the world, but that every available forum be utilized to bring to fruition Israeli and Jordanian efforts to settle down conditions in the West Bank and Gaza and to resolve the Palestinian problem. The creation of a mutually tolerable situation in this respect will go a long way toward laying the foundation for a lasting peace in the Middle East.

ARE COMMUNISTS ABOVE THE LAW?

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revse and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, apparently there is no way to convict a Communist in the United States whether the charge be murder, conspiracy, or whatever, even when a superior court judge is the victim. The farce which accompanies jury trials for Communists is nothing less than disgusting. Long drawn out trials in which the defense resorts to every known subterfuge and technicality can be counted on to confuse the jury and with the help of planted fellow travelers to secure a hung jury or a verdict of not guilty. Apparently it is now the vogue for jurors to join in the victory celebration after one of these ridiculous miscarriages. It is notable that the world Communist press and their U.S. friends duly record the proceedings as "proper justice." No wonder the American people have lost confidence in the process of justice in the courts of the United States.

THE HIGHER EDUCATION GIFT ACT

(Mr. DENNIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENNIS. Mr. Speaker, within a few days we are to consider once again a highly controversial and very expensive measure on higher education. Yet more modest proposals which do not involve large cash payments by the Government, but rather would assist the individual citizen to pay his own way, languish in committee without action, so far as I am presently advised.

I refer to H.R. 6115, the Higher Education Gift Act, offered by the gentleman from Illinois (Mr. ANDERSON), of which I am a cosponsor, and H.R. 3610, introduced by the gentleman from Pennsylvania (Mr. COUGHLIN), which I likewise cosponsor.

The one bill would give a tax credit against Federal income tax for charitable contributions made by the taxpayer to institutions of higher education; the other would give a tax credit for college tuition payments made by the taxpayer.

These are bills with a beneficial purpose and, in my judgment, a basically sound approach, and I urge their early consideration by the Committee on Ways and Means.

CALL OF THE HOUSE

Mr. BOW. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 190]

Abbitt
Abernethy
Abourezk
Abzug
Andrews, N. Dak.
Ashley
Badillo
Baring
Bell
Biaggi
Bingham
Blackburn
Blanton
Blatnik
Boland
Brasco
Broomfield
Brown, Ohio
Burton
Byrne, Pa.
Caffery
Chappell
Chisholm
Clancy
Clark
Clawson, Del
Clay
Collins, Ill.
Conyers
Daniels, N.J.
Danielson
Davis, Wis.
Dellums
Denholm
Dent
Diggs
Dowdy
Dulski
du Pont
Edwards, Calif.
Esch
Eshleman
Frelinghuysen
Galifianakis
Gallagher
Gibbons
Goldwater
Gray
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Halpern
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hébert
Helstoski
Holifield
Howard
Karth
Keating
Kemp
Kyros
Leggett
Lloyd
Long, La.
Lujan
McClory
McCloskey
McDonald, Mich.
McKinney
McMillan
Macdonald, Mass.
Metcalfe
Miller, Calif.
Minish
Mizell
Nix
O'Hara
O'Konski
Passman
Pelly
Pettis
Podell
Pryor, Ark.
Pucinski
Railsback
Rangel
Robinson, Va.
Rodino
Rogers
Rooney, N.Y.
Rousselot
Roybal
Runnels
Ryan
Sandman
Sarbanes
Scheuer
Schmitz
Shoup
Springer
Stanton, James V.
Stubblefield
Stuckey
Talcott
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Van Deerlin
Vanik
Veysey
Waldie
Whitten
Wilson, Bob
Wilson, Charles H.
Wright
Wydler
Zion

The SPEAKER. On this rollcall, 307 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFERENCE REPORT ON H.R. 11417, AMENDMENTS TO THE RAIL PASSENGER SERVICE ACT OF 1970

Mr. STAGGERS submitted the following conference report and statement on the bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–1111)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the House bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That (a) section 303(d) of the Rail Passenger Act of 1970 (45 U.S.C. 543(d)) is amended by inserting immediately after the second sentence thereof the following new sentence: "No officer of the Corporation shall receive compensation at a rate in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code.".

(b) No individual serving as an officer of the National Railroad Passenger Corporation on the date of enactment of this Act shall have his rate of compensation as such officer reduced solely by reason of the enactment of the amendment made by subsection (a) of this section: *Provided, however*, That compensation to any officer of the Corporation in excess of level I of the Executive Schedule, shall be paid only from net profits of the Corporation.

Sec. 2. Section 305 of the Rail Passenger Service Act of 1970 (45 U.S.C. 545) is amended—

(1) by inserting "(a)" immediately before the first sentence thereof;

(2) by inserting immediately after the second sentence thereof the following: "Insofar as practicable, the Corporation shall directly operate and control all aspects of its rail passenger service."; and

(3) by adding at the end thereof the following new subsection:

"(b) The Corporation shall take such actions as may be necessary to increase its revenues from the carriage of mail and express. The Corporation is authorized and directed to acquire the equipment or modify existing equipment for the efficient carriage of mail and express. Upon request by the Corporation, Federal departments and agencies shall, consistent with the provisions of existing law, provide such assistance as may be necessary in carrying out the purposes of this subsection.".

Sec. 3. (a) Section 306(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 546(a)) is amended by striking out "all provisions of the Interstate Commerce Act" and inserting in lieu thereof "all provisions, including the provisions of section 22(1), of the Interstate Commerce Act".

(b) Section 306 of the Rail Passenger Service Act of 1970 (45 U.S.C. 546) is amended by adding at the end thereof the following new subsections:

"(f) All departments, agencies, and instrumentalities of the Federal Government shall, in authorizing travel in the continental United States for their employees or for members of the Armed Forces or commissioned services, treat travel by train (whether or not extra fare trains) on the same basis as travel by other authorized modes.

"(g) The Corporation shall be subject to the provisions of section 552 of title 5, United States Code.".

Sec. 4. Section 308 of the Rail Passenger Service Act of 1970 (45 U.S.C. 548) is amended to read as follows:

"Sec. 308. Reports to the Congress.

"(a)(1) Not later than the eightieth day following the end of each calendar month, the Corporation shall transmit to the Congress and release to the public the following information applicable to its operations for such calendar month:

"(A) Total itemized revenues and expenses.

"(B) Revenues and expenses of each train operated.

"(C) Revenues and total expenses attributable to each railroad over which service is provided.

"(2) Not later than the fiftieth day following the end of each calendar month, the Corporation shall transmit to the Congress and release to the public the following information applicable to its operations for such calendar month:

"(A) The average number of passengers per day on board each train operated.

"(B) The on-time performance at the final destination of each train operated, by route and by railroad.

"(b) The Corporation shall transmit to the President and to the Congress by January 15 of each year (beginning with 1973), and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act, including a statement of receipts and expenditures for the preceding year. At the time of its annual report, the Corporation shall submit such legislative recommendations as it deems desirable, including the amount of financial assistance needed for operations and for capital improvements, the manner and form in which the amount of such assistance should be computed, and the sources from which such assistance should be derived.

"(c) The Secretary and the Commission shall transmit to the President and to the Congress by March 15 of each year (beginning with 1974) reports (or, in their discretion, a joint report) on the effectiveness of this Act in meeting the requirements for a balanced national transportation system, together with any legislative recomendations.".

Sec. 5. Section 402 of the Rail Passenger Service Act of 1970 (45 U.S.C. 562) is amended—

(1) by inserting "within ninety days after application by the Corporation," immediately after "Interstate Commerce Commission shall," in the second sentence of subsection (a); and

(2) by adding at the end thereof the following new subsection:

"(c) To facilitate such operations by the Corporation as may be deemed by it to be necessary in an emergency, the Commission shall, upon application by the Corporation, require a railroad to make immediately available tracks and other facilities for the duration of such emergency. The Commission shall thereafter promptly proceed to fix such terms and conditions as are just and reasonable including indemnification of the railroad by the Corporation against any casualty risk to which it may be exposed.".

Sec. 6. Section 403(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 563(a)) is amended to read as follows:

"(a) The Corporation may provide intercity rail passenger service in excess of that prescribed for the basic system, either within or outside the basic system, where the Corporation, based on its own or available marketing studies or other similar reports or information, determines that experimental or expanded service would be justified, if consistent with prudent management. In determining the establishment of the additional routes, the Corporation shall take into account the current and the estimated future population and economic conditions of the points to be served, the adequacy of alternative modes of transportation available to those points, and the cost of adding the service. The Corporation shall cooperate with State, regional, and local agencies to encourage the use of trains established under this subsection and shall make reasonable efforts to assure high quality of customer services. Any intercity rail passenger service provided under this subsection for a continuous period of two years shall be designated by the Secretary as a part of the basic system.".

Sec. 7. (a) Section 405(a) of the Rail Passenger Service Act of 1970 (45 U.S.C. 565(a)) is amended to read as follows:

"(a) A railroad shall provide fair and equitable arrangements to protect the interests of employees, including employees of terminal companies, affected by a discontinuance of intercity rail passenger service whether occurring before, on, or after January 1, 1975. A 'discontinuance of intercity rail passenger service' shall include any discontinuance of service performed by railroad under any facility or service agreement under sections 305 and 402 of this Act pursuant to any modification or termination thereof or an assumption of operations by the Corporation.".

(b) Section 405(b) of the Rail Passenger Service Act of 1970 (45 U.S.C. 565(b)) is amended by inserting the following words after the words "affected employees" in the last sentence thereof: ", including affected terminal employees,".

(c) Section 405(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 565(c)) is amended to read as follows:

"(c) Upon commencement of operations in the basic system, the substantive requirements of subsections (a) and (b) of this section shall apply to the Corporation and its employees in order to insure the maintenance of the protective arrangements specified in such subsections, except that nothing in this subsection shall be construed to impose upon the Corporation any obligation of a railroad with respect to any right, privilege, or benefit earned by any employee as a result of prior service performed for such railroad. The Secretary of Labor shall certify that affected employees of the Corporation have been provided fair and equitable protection as required by this section within one hundred and eighty days after assumption of operations by the Corporation.".

Sec. 8. Section 405 of the Rail Passenger Service Act of 1970 (45 U.S.C. 565) is further amended by adding at the end thereof the following new subsection:

"(f) The Corporation shall take such action as may be necessary to assure that, to the maximum extent practical, any reduced-rate employee eligible to receive free or reduced-rate transportation by railroad on April 30, 1971, under the terms of any policy or agreement in effect on such date will be eligible to receive, provided space is available, free or reduced-rate transportation on any intercity rail passenger service provided by the Corporation under this Act, on terms similar to those available on such date to such railroad employee under such policy or agreement. However, the Corporation may apply to all railroad employees eligible to receive free or reduced-rate transportation under such policies or agreements, a single systemwide schedule of terms determined by the Corporation to reflect terms applicable to the majority of such employees under those policies or agreements in effect on April 30, 1971. The Corporation shall be reimbursed by the railroads by way of payment or offset for such costs as may be incurred in providing transportation services to railroad employees under any policy or agreement referred to in the first sentence of this subsection, including the costs of implementing and administering this section. Within ninety days after the enactment of this sentence, each railroad shall enter into an agreement with the Corporation for the payment of such expenses. If the Corporation and a railroad are unable to agree as to the amount of any payment owed by the railroad under this subsection, the matter shall be referred to the Commission for decision. The Commission, upon investigation, shall decide the issue within ninety days following the date of referral, and its decision shall be binding on both parties. If any railroad company which operates intercity passenger service not under contract with the Corporation notifies the Corporation and railroads which have entered into the agreement specified above that it will accept the terms of the systemwide schedule of terms and the compensation specified in the agreements, such railroad company shall be reimbursed for services to railroad employees in accordance with the agreements. As used in this subsection, the term 'railroad employee' means (1) an active full-time employee, including any such employee during a period of furlough or while on leave of absence, of a railroad or terminal company, (2) a retired employee of a railroad or terminal company, and (3) the dependents of any employee referred to in clause (1) or (2) of this sentence.".

Sec. 9. Section 601 of the Rail Passenger Service Act of 1970 (45 U.S.C. 601) is amended to read as follows:

"Sec. 601. Federal Grants.

"(a) There is authorized to be appropriated to the Secretary in fiscal year 1971, $40,000,000, and in subsequent fiscal years a total of $225,000,000, these amounts to remain available until expended, for payment, pursuant to terms and conditions prescribed by the Secretary, to the Corporation for the purpose of assisting in—

"(1) the initial organization and operation of the Corporation;

"(2) the establishment of improved reservations systems and advertising;

"(3) servicing, maintenance, repair, and rehabilitation of railroad passenger equipment;

"(4) the conduct of research and development and demonstration programs respecting new rail passenger services;

"(5) the development and demonstration of improved rolling stock;

"(6) essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system over which no through passenger trains are being operated at the time of enactment of this Act, including necessary track connections between lines of the same or different railroads;

"(7) the purchase or lease by the Corporation of railroad rolling stock; and

"(8) other corporate purposes.

"(b) There is authorized to be appropriated to the Secretary $2,000,000 annually, for payment, pursuant to terms and conditions prescribed by the Secretary, to the Corporation for the purpose of assisting in the development and operation of international rail passenger services between the United States and Canada and between the United States and Mexico. Such international rail passenger services shall include intercity rail passenger service between points within the United States and—

"(1) Montreal, Canada;

"(2) Vancouver, Canada; and

"(3) Nuevo Laredo, Mexico.

For the purposes of section 404(b) of this Act, international rail passenger services provided under this subsection shall be deemed to be included within the basic system.".

SEC. 10. (a) Section 602 of the Rail Passenger Service Act of 1970 (45 U.S.C. 602) is amended to read as follows:

"SEC. 602. GUARANTEE OF LOANS.

"(a) The Secretary is authorized, on such terms and conditions as he may prescribe, to guarantee any lender against loss of principal and interest on securities, obligations, or loans (including refinancings thereof) issued to finance the upgrading of roadbeds and the purchase by the Corporation or any agency of new rolling stock, rehabilitation of existing rolling stock, reservation systems, switch and signal systems, and other capital equipment and facilities necessary for the improvement of rail passenger service. The maturity date of such securities, obligations, or loans, including all extensions and renewals thereof, shall not be later than twenty years from their date of issuance.

"(b) All guarantees entered into by the Secretary under this section shall constitute general obligations of the United States of America backed by the full faith and credit of the Government of the United States of America.

"(c) Any guarantee made by the Secretary under this section shall not be terminated, canceled or otherwise revoked; shall be conclusive evidence that such guarantee complies fully with the provisions of this Act and of the approval and legality of the principal amount, interest rate, and all other terms of the securities, obligations, or loans and of the guarantee; and shall be valid and incontestable in the hands of a holder of a guaranteed security, obligation, or loan, except for fraud or material misrepresentation on the part of such holder.

"(d) The aggregate unpaid principal amount of securities, obligations, or loans outstanding at any one time which are guaranteed by the Secretary under this section—

"(1) may not exceed $150,000,000 before July 1, 1973, and

"(2) may not exceed $200,000,000 after June 30, 1973.

The Secretary shall prescribe and collect a reasonable annual guaranty fee.

"(e) There are authorized to be appropriated to the Secretary such amounts, to remain available until expended, as are necessary to discharge all his responsibilities under this section.

"(f) If at any time the moneys available to the Secretary are insufficient to enable him to discharge his responsibilities under guarantees issued by him under subsection (a) of this section, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or obligations shall be made by the Secretary from appropriations available under subsection (e) of this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations as acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.".

(b) Section 602 (b), (c), (d), (e), and (f) of the Rail Passenger Service Act of 1970, as amended by subsection (a) of this section shall also apply to guarantees made by the Secretary prior to the enactment of this Act. The amendment of section 602(a) shall not affect the legality of guarantees made by the Secretary prior to the enactment of this Act, but such guarantees shall continue in effect until discharged by payment of the loan guaranteed, together with interest, after such date.

SEC. 11. Section 805 of the Rail Passenger Service Act of 1970 (45 U.S.C. 644) is amended—

(1) by inserting "AND CERTAIN RAILROADS" immediately before the period at the end of the section heading; and

(2) by redesignating paragraph (B) of subsection (2) as paragraph (C) and inserting immediately after paragraph (A) the following new paragraph:

"(B) To the extent the Comptroller General deems necessary in connection with audits as he may make of the financial transactions of the Corporation pursuant to paragraph (A) of this subsection, his representatives shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by any railroad with which the Corporation has entered into a contract for the performance of intercity rail passenger service, pertaining to such railroad's financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of such railroad shall remain in the possession and custody of the railroad.".

SEC. 12. Title VIII of the Rail Passenger Service Act of 1970 (45 U.S.C. 641–644) is amended by adding at the end thereof the following new section:

"SEC. 806. REPORT BY SECRETARY OF TRANSPORTATION

"(a) The Secretary shall, on or before March 15, 1973, transmit to the Congress a comprehensive report on the effectiveness of this Act in achieving and promoting intercity rail passenger service and on the effectiveness of the Corporation in implementing the purposes of this Act. Such report shall include an evaluation by the Secretary of the intercity rail passenger service operations assumed by the Corporation including, but not limited to, adequacy and effectiveness of services, on-time performance, reservations and ticketing, scheduling, equipment fare structures, routes, and immediate and long-term financial needs.

"(b) In addition to the general evaluation and assessment required under subsection (a) of this section, the report by the Secretary shall include—

"(1) recommendations for the orderly assumption by the Corporation of the operation and control of all aspects of its intercity rail passenger service, including the performance by the Corporation of all full-time functions solely related to the intercity rail passenger service provided by it under this Act;

"(2) an assessment of whether the board of director of the Corporation adequately and fairly represents the public who utilize intercity rail passenger services and, if necessary, recommendations for appropriate changes in the composition of such board of directors;

"(3) estimates of potential revenues for the Corporation from the transportation of mail and express on intercity passenger trains;

"(4) a detailed analysis of the on-time performance of intercity rail passenger service operations assumed by the Corporation, together with such recommendations as the Secretary may deem advisable to eliminate delays in such intercity rail passenger service operations caused by freight train operations;

"(5) recommendations with respect to the establishment of the optimum intercity rail passenger service system as soon as possible after July 1, 1973, taking into account economic feasibility, requirements as to public convenience and necessity, and the ability of the Corporation to provide adequate service over the total system, which optimum system shall include recommended routes and discontinuances; and

"(6) recommendations with respect to the improvement of tracks and roadbeds on routes over which the Corporation operates intercity passenger trains.

"(c) Such report shall contain such additional recommendations as the Secretary may deem advisable to assist the Corporation in carrying out the purposes of this Act, including recommendations for legislative enactments or administrative actions which would enable the Corporation, after July 1, 1973, to discontinue more rapidly and efficiently those routes which do not meet the criteria recommended by the Secretary for the establishment of the optimum intercity rail passenger service system.

"(d) In carrying out the provisions of this section, the Secretary may use available services and facilities of other departments, agencies, and instrumentalities of the Federal Government with their consent and on a reimbursable basis.

"(e) Departments, agencies, and instrumentalities of the Federal Government shall exercise their powers, duties, and functions in such manner as will assist in carrying out the provisions of this section.".

SEC. 13. The amendments made by this Act shall be effective upon enactment.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to title of the House bill and agree to the same.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
WILLIAM L. SPRINGER,
SAMUEL DEVINE,
Managers on the Part of the House.
WARREN G. MAGNUSON,
VANCE HARTKE,
ERNEST F. HOLLINGS,
J. GLENN BEALL,
LOWELL P. WEICKER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11417) to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation for the purpose of purchasing railroad equipment, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendments struck out all of the House bill after the enacting clause and inserted a substitute text and provided a new title for the House bill, and the House disagreed to the Senate amendments.

The committee of conference recommends that the House recede from its disagreement to the amendment of the Senate to the text of the House bill, with an amendment which is a substitute for both the text of the House bill and the Senate amendment to the text of the House bill. The committee of conference also recommends that the House recede from its disagreement to the amendment of the Senate to the title of the House bill.

The differences between the text of the House bill, the Senate amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

SALARY LIMITATION

House bill

Subsection (a) of the first section of the House bill amended section 303(d) of existing law (the Rail Passenger Service Act of 1970) to provide that no officer of the National Railroad Passenger Corporation (Amtrak) could receive compensation at a rate in excess of that prescribed for level I of the Executive Schedule under section 5312 of title 5, United States Code (currently $60,000 per annum).

Subsection (b) of the first section of the House bill stated that the salary limitation imposed by subsection (a) would not operate to reduce the compensation of individuals serving as officers of Amtrak on the date of enactment of this legislation, provided that compensation to any Amtrak officer in excess of level I of the Executive Schedule must be paid only from net profits of Amtrak.

Senate amendment

The first section of the Senate amendment imposed the same salary limitation on Amtrak officers as that contained in the House bill. The Senate amendment neither specifically exempted individuals serving as officers of Amtrak on the date of enactment of this legislation from the application of such salary limitation nor permitted payment of compensation in excess of $60,000 from net profits of Amtrak.

Conference substitute

The conference substitute is the same as the House bill. The conferees agreed that the provision relating to excess salary payments from net profits of Amtrak is not intended to serve as an incentive to discontinue any part of the nationwide system of intercity passenger service for the purpose of creating such net profits for Amtrak.

AMTRAK OPERATIONS

House bill

No provision.

Senate amendment

Section 2 of the Senate amendment amended section 305 of existing law to require that Amtrak directly operate and control all aspects of its rail passenger service, insofar as practicable.

Conference substitute

The conference substitute is the same as the Senate amendment.

MAIL AND EXPRESS

House bill

Section 2 of the House bill amended section 305 of existing law to require Amtrak to take such steps as may be necessary to increase its revenues from the carriage of mail and express. Amtrack was authorized and directed to acquire or modify existing equipment for such purpose. Federal departments and agencies, upon request by Amtrak and consistent with provisions of existing law, were required to provide assistance as necessary to carry out the purposes of this amendment.

Senate amendment

Section 5 of the Senate amendment amended section 308 of existing law to require Amtrak to prepare and submit, on or before November 1, 1972, a comprehensive report on the potential for transportation of mail and express on intercity passenger trains.

Conference substitute

The conference substitute is the same as the House bill.

FREE OR REDUCED-RATE TRANSPORTATION FOR ATTENDANTS FOR THE BLIND

House bill

Section 3(a) of the House bill amended section 306(a) of existing law to include a specific reference to section 22(1) of the Interstate Commerce Act as one of the provisions of that Act under which Amtrak is deemed to be a common carrier by railroad. Such section 22(1) authorizes common carriers by railroad to provide free or reduced-rate transportation to certain classes, including seeing-eye dogs or other attendants for the blind.

Senate amendment

No provision.

Conference substitute

The conference substitute is the same as the House bill. The conferees agreed that the provision permitting Amtrak to continue the policy followed by common carriers by railroad of providing free or reduced-rate transportation to certain classes, including seeing-eye dogs and other attendants for the blind, does not alter in any way the provisions of section 306(a) of existing law such as that specifically exempting Amtrak from the provisions of the Interstate Commerce Act pertaining to regulation of rates, fares, and charges.

GOVERNMENT TRAVEL

House bill

Section 3(b) of the House bill amended section 306 of existing law to add a new subsection requiring all Federal departments and agencies, including the Armed Services, to treat travel by train on the same basis as other authorized modes of travel when authorizing travel in the continental United States for their employees or for members of the Armed Forces.

Senate amendment

No provision.

Conference substitute

The conference substitute is the same as the House bill.

FREEDOM OF INFORMATION

House bill

No provision.

Senate amendment

Section 3 of the Senate amendment amended section 306 of existing law to add a new subsection providing that Amtrak be subject to the provisions of section 552 of title 5, United States Code, the so-called "Freedom of Information Act", which requires that certain information relating to descriptions of organization, policy statements, and other matters be made available to the public.

Conference substitute

The conference substitute is the same as the Senate amendment.

REPORTS

House bill

Section 4 of the House bill amended section 308 of existing law to require Amtrak to make detailed monthly reports to the Congress and to the public with respect to revenues and expenses, patronage, and on-time performance of Amtrak trains and operations. In addition, this section provided that, beginning in 1973, Amtrak must make its annual report on January 15 of each year and, beginning in 1974, the Secretary of Transportation and the Interstate Commerce Commission must make their annual reports by March 15 of each year. Existing law provides that these annual reports must be made on the anniversary of the enactment of existing law, which was October 30, 1970. This section also provided that the Secretary and the Commission could, in their discretion, file a joint report.

Senate amendment

Section 4 of the Senate amendment also amended section 308 of existing law to require Amtrak to make detailed monthly reports to the Congress and to the public with respect to revenues and expenses, patronage, and on-time performance of Amtrak trains and operations. The Senate amendment neither altered the annual reporting dates for Amtrak, the Secretary of Transportation, and the Interstate Commerce Commission, nor permitted the Secretary and the Commission to file a joint report.

Conference substitute

The conference substitute is the same as the House bill.

AMTRAK USE OF TRACKS AND FACILITIES

House bill

No provision.

Senate amendment

Section 6 of the Senate amendment amended section 402(a) of existing law to require the Interstate Commerce Commission to act within 90 days on application by Amtrak to fix reasonable terms and conditions for the use of tracks and other facilities of railroads to carry out the purposes of existing law.

Conference substitute

The conference substitute is the same as the Senate amendment.

EMERGENCY OPERATIONS

House bill

Section 5 of the House bill amended section 402(b) of existing law to provide that the Interstate Commerce Commission require a railroad to make its tracks and other facilities immediately available for Amtrak operations when Amtrak deems such action to be necessary in an emergency and makes application to the Commission. The Commission would be required to act promptly to fix just and reasonable terms and conditions, including indemnification of the railroad by Amtrak against any casualty risk to which the railroad may be exposed.

Senate amendment

No provision.

Conference substitute

The conference substitute contains provisions identical with those contained in the House bill except that the conference substitute adds a new subsection (c) to section 402 of existing law to deal expressly with emergency operations and leaves the existing section 402(b) unchanged. The existing section 402(b) contains similar provisions relating to the availability of tracks and facilities of railroads "to facilitate the initiation of operations by the Corporation within the basic system". The conferees agreed to leave the existing section 402(b) unchanged to cover the situation where Amtrak may initiate operations within the basic system.

EXPERIMENTAL SERVICE

House bill

No provision.

Senate amendment

Section 7 of the Senate amendment amended section 403(a) of existing law, relating to the authority of Amtrak to provide service beyond the basic system, to authorize experimental or expanded service where justified on the basis of marketing studies or similar information. In the establishment of additional routes, Amtrak would be required to take into account current and estimated future population and economic conditions of points to be served, adequacy of alternative modes of transportation available to such points, and cost of adding the service. Amtrak would also be required to make reasonable efforts to assure high quality of customer service and to cooperate with State and local agencies to encourage use of the service.

Conference substitute

The conference substitute is the same as the Senate amendment.

LABOR PROTECTION

House bill

No provision.

Senate amendment

Section 8 of the Senate amendment amended section 405 of existing law, relating to labor protective arrangements for employees affected by a discontinuance. Under the Senate amendment, employees of terminal companies are specifically included among employees to be accorded labor protective arrangements under existing law. The Senate amendment also defines a "discontinuance of intercity rail passenger service" to include any discontinuance of service performed by a railroad under any agreement with Amtrak or pursuant to any modification or termination thereof or an assumption of operations by Amtrak.

The Senate amendment also amends section 405(c) of existing law to provide that Amtrak is required to provide fair and equitable arrangements to protect its employees affected by a discontinuance. The amendment to section 405(c) of existing law contains an exception which provides that nothing in such section 405(c) shall be construed to impose upon Amtrak any obligation of a railroad with respect to any right, privilege, or benefit earned by any employee as a result of prior service performed for such railroad.

The amendment to section 405(c) of existing law further provides that the Secretary of Labor is required to certify, within 180 days after any assumption of operations by Amtrak, that employees of Amtrak affected by a discontinuance have been provided the required labor protective arrangements.

Conference substitute

The conference substitute is the same as the Senate amendment.

PASS PRIVILEGES

House bill

Section 6 of the House bill added a new subsection (f) to section 405 of existing law requiring Amtrak to take such action as may be necessary to assure, to the maximum extent practicable and on a space-available basis, that railroad employees, as defined in the new subsection, will be eligible to receive free or reduced-rate transportation on terms not less favorable than those available for such employees under the terms of any policy or agreement in effect on April 30, 1971, when Amtrak began operating intercity passenger service. Amtrak was required to be reimbursed by the railroads for furnishing such service. The term "railroad employee" was defined to include existing and retired employees of railroads and terminal companies and their dependents.

Senate amendment

Section 9 of the Senate amendment also added a new subsection (f) to section 405 of existing law requiring Amtrak to grant free or reduced-rate transportation, on a space-available basis, to active or retired railroad employees and their dependents who were eligible for such privileges on April 30, 1971.

The Senate amendment differed from the House bill in the following respects:

First, Amtrak was required to furnish transportation on terms "similar to" those in effect on April 30, 1971, rather than on terms "not less favorable than" those in effect on such date as under the House bill.

Second, Amtrak was permitted to apply a single systemwide schedule of terms to the furnishing of such transportation, which terms would be determined by Amtrak to reflect the terms applicable to a majority of railroad employees on April 30, 1971.

Third, the Senate amendment specifically provided that the railroads would reimburse Amtrak for "such costs as may be incurred" in providing such transportation. The House bill provided that the railroads reimburse Amtrak "for providing transportation services" to employees.

Fourth, the Senate amendment required each railroad to enter into an agreement with Amtrak within 90 days after enactment of this legislation providing for payments to Amtrak by the railroad and, if Amtrak and the railroad could not agree on the amount of any payment owed by the railroad, the matter would be referred to the Interstate Commerce Commission, which would be required to render a decision within 90 days after such referral and such decision would be binding on both Amtrak and the railroad.

Fifth, the Senate amendment provided that, if any railroad operating passenger service (not under contract with Amtrak) notified Amtrak and the railroads with which Amtrak has entered into agreements described in the preceding paragraph that such railroad would accept the systemwide schedule specified in such agreements, then such railroad would be reimbursed for providing free or reduced-rate transportation services to railroad employees in accordance with such agreements.

Sixth, the Senate amendment contained a definition of "railroad employee" similar to that contained in the House bill, except that it specifically provided that an active full-time employee included any such employee while on furlough or leave of absence.

Conference substitute

The conference substitute is the same as the Senate amendment.

FEDERAL GRANTS

House bill

Section 7 of the House bill amended section 601 of existing law, relating to direct Federal grants to Amtrak, to authorize the appropriation of $170 million (in addition to the $40 million previously authorized for fiscal year 1971) for the purpose of making grants to Amtrak to assist it in (1) the initial organization and operation of Amtrak; (2) the establishment of improved reservations systems and advertising; (3) servicing, maintenance, repair, and rehabilitation of railroad passenger equipment; (4) the conduct of research and development and demonstration programs respecting new rail passenger services; (5) the development and demonstration of improved rolling stock; (6) essential fixed facilities for the operation of passenger trains on lines and routes included in the basic system over which no through passenger trains were being operated at the time of enactment of existing law, including necessary track connections between lines of the same or different railroads; (7) the purchase or lease by Amtrak of railroad rolling stock; and (8) other corporate purposes. Under the House bill, of the total funds from all sources available to Amtrak prior to July 1, 1973, $147.5 million could be expended only for the capital expenditures enumerated in clauses (3) through (7) above.

The House bill also authorized the appropriation of $2 million annually for grants to Amtrak for the purpose of assisting in the establishment of three international routes between points within the United States and Montreal and Vancouver, Canada, and Nuevo Laredo, Mexico.

Senate amendment

Section 10 of the Senate amendment also amended section 601 of existing law, relating to direct Federal grants to Amtrak. It authorized the appropriation of $270 million (in addition to the $40 million previously authorized for fiscal year 1971) for the purpose of making grants to Amtrak to assist it in carrying out the same activities enumerated under the discussion of the House bill above. It also authorized the appropriation of $2 million annually to assist in the establishment of the same three international routes described above under the discussion of the House bill.

The Senate amendment did not contain the limitation contained in the House bill providing that of the total funds from all sources available to Amtrak prior to July 1, 1973, $147.5 million could be expended only for certain enumerated capital expenditures. Section 11 of the Senate amendment, discussed below in connection with the loan guarantee authority, limited the expenditure of the proceeds of loans guaranteed in the future to certain enumerated capital expenditures.

This provision of the Senate amendment also authorized the appropriation of $15 million, to remain available until expended, for grants to Amtrak to assist in the development of experimental service in accordance with the amended section 403(a) of existing law.

Conference substitute

The conference substitute is the same as the Senate amendment except that—

(1) the authorization for grants to Amtrak under the revised section 601(a) is reduced from $270 million to $225 million; and

(2) the authorization of $15 million in grants to assist Amtrak in the development of experimental service is omitted.

GUARANTEE OF LOANS

House bill

Section 8 of the House bill amended section 602 of existing law, relating to the guarantee of loans made to Amtrak, to provide that the Secretary of Transportation

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could guarantee any lender against loss of principal or interest on loans (including refinancing thereof) for the upgrading of roadbeds, the purchase of new rolling stock, rehabilitation of existing rolling stock, and "for other corporate or related purposes." All such guarantees would constitute general obligations of the United States backed by the full faith and credit of the Government. No such guarantee could be terminated or otherwise revoked, except for fraud or material misrepresentation on the part of a holder. The aggregate unpaid principal amount of loans outstanding at any one time could not exceed $100 million. Appropriations were authorized of "such amounts as are necessary" to enable the Secretary to discharge his responsibilities under the loan guarantee section. The Secretary of Transportation was authorized to borrow from the Treasury to honor his obligations in the event of default and notes issued to the Treasury for such purpose would bear interest at a rate determined by the Secretary of the Treasury, which rate was required to be "not less than" the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes.

The House bill also provided that the amendment to existing law described above would apply to guarantees issued under existing law before its enactment.

Senate amendment

Section 11 of the Senate amendment also amended section 602 of existing law, relating to the guarantee of loans made to Amtrak, to provide that the Secretary of Transportation could guarantee any lender against loss of principal or interest on certain loans (including refinancings thereof). Unlike the House bill which permitted the guarantee of loans made for certain specified purposes and "for other corporate or related purposes", the Senate amendment limited the guarantee authority to loans made for the purposes similar to those specified in the House bill plus loans for the purchase of "reservation systems, switch and signal systems, and other capital equipment and facilities necessary for the improvement of rail passenger service". All such guarantees would constitute general obligations of the United States backed by the full faith and credit of the Government. No such guarantee could be terminated or otherwise revoked; would be conclusive evidence that it complied fully with the provisions of existing law and of the approval and legality of the principal amount, interest rate, and all other terms of the guarantee; and would be incontestable in the hands of a holder except for fraud or material misrepresentation on the part of such holder. The aggregate unpaid principal amount of loans outstanding at any one time could not exceed $250 million. Like the House bill, the Senate amendment authorized appropriations of "such amounts as are necessary" to enable the Secretary to discharge his responsibilities under the loan guarantee section. The Senate amendment also authorized the Secretary of Transportation to borrow from the Treasury to honor his obligation in the event of default, but notes issued to the Treasury for such purpose would bear interest at a rate determined by the Secretary of the Treasury "after taking into consideration" the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of such notes.

The Senate amendment provided that, except for the amendment to the loan guarantee section of existing law limiting the guarantee authority to loans made to finance certain enumerated capital expenditures, the amendments to the loan guarantee section of existing law would apply to guarantees issued before enactment of the Senate amendment. It further provided that the portion of the Senate amendment which limited the type of loans which could be guaranteed in the future did not affect the legality of guarantees issued before the enactment of the Senate amendment. Such guarantees would continue in effect until discharged.

Conference substitute

The conference substitute is the same as the Senate amendment except that the aggregate amount of loans which may be outstanding at any one time is reduced from $250 million to $150 million through June 30, 1973, and thereafter may not exceed $200 million.

GENERAL ACCOUNTING OFFICE AUDIT

House bill

Section 9 of the House bill amended section 805 of existing law to authorize the Comptroller General to audit the financial transactions of any railroad with which Amtrak has a contract to perform intercity rail passenger service. Such audit could be made for any fiscal year during which Federal funds were available to finance any portion of Amtrak operations. The Comptroller General would also be required to report to the Congress any financial transaction of the railroad which, in his opinion, adversely affects the financial condition of the railroad or lessens its ability to perform services under its agreement with Amtrak. Copies of each report were required to be furnished to Amtrak and to the Secretary of Transportation.

Senate amendment

Section 12 of the Senate amendment also amended section 805 of existing law to authorize the Comptroller General to audit the financial transactions of any railroad with which Amtrak has a contract to perform intercity rail passenger service, but such authority was limited to an audit of the financial transactions of such railroad deemed necessary by the Comptroller General to facilitate an audit of the financial transactions of Amtrak for any fiscal year during which Federal funds were available to finance any portion of its operations.

Conference substitute

The conference substitute is the same as the Senate amendment.

REPORT BY SECRETARY OF TRANSPORTATION

House bill

Section 10 of the House bill added a new section 806 to existing law requiring the Secretary of Transportation to transmit to the Congress, on or before March 15, 1973, a comprehensive report on the effectiveness of the Rail Passenger Service Act of 1970, the effectiveness of Amtrak in implementing that Act, and an evaluation of the adequacy and effectiveness of services, on-time performance, reservations and ticketing, scheduling, equipment, fare structures, routes, and immediate and long-term financial needs. The Secretary was also required to report on recommendations concerning (1) the orderly assumption by Amtrak of the operation and control of all aspects of intercity rail passenger service; (2) specific changes in work rules deemed advisable for efficient and economical operations by Amtrak, including excessive manning requirements, daily compensation rates, and the development of appropriate protective measures for rail employees adversely affected by any such changes in work rules; (3) an assessment of whether the board of directors of Amtrak adequately and fairly represents the members of the public; (4) estimates of potential revenues from the transportation of mail and express; (5) a detailed analysis of on-time performances together with recommendations to eliminate those delays caused by freight train operation; (6) recommendations with respect to the establishment of the optimum intercity rail passenger service system as soon as possible after July 1, 1973, taking into account economic feasibility, requirements as to public convenience and necessity, the ability of Amtrak to provide adequate service over the total system, which optimum system was required to include recommended routes and discontinuances; and (7) recommendations as to improvements of tracks and roadbeds.

The report was required to contain legislative and other recommendations which would enable Amtrak to discontinue more rapidly and efficiently those routes not meeting the criteria recommended by the Secretary for the establishment of the optimum intercity rail passenger system.

In carrying out this provision, the Secretary was authorized to use services and facilities of other Federal agencies with their consent and on a reimbursable basis. Other Federal agencies were required to assist in carrying out this provision.

Senate amendment

No provision.

Conference substitute

The conference substitute is the same as the House bill except that the requirement that the Secretary of Transportation report on recommendations concerning changes in work rules is omitted.

URBAN CORRIDOR IMPROVEMENTS

House bill

No provision.

Senate amendment

Section 14 of the Senate amendment added two new sections (sections 603 and 604) to title VI of existing law, relating to Federal financial assistance to Amtrak.

The new section 603 authorized the appropriation of not to exceed $50 million, to remain available until expended, for the purpose of enabling the Secretary of Transportation to make loans to Amtrak for the development, improvement, and construction of rights-of-way, terminals, and vehicles to be used for intercity transportation along fixed guideways within urban corridors. Such loans were required to be made in conformance with comprehensive regional transportation plans made in consultation with the Secretary of Transportation, Amtrak, and the Governors and to the extent practical, elected representatives from standard metropolitan statistical areas within the region. In allocating loans to Amtrak, the Secretary would be required to consider the potential revenue to be generated by the planned improvements and the numbers of passengers to be served.

The new section 604 authorized the Secretary of Transportation to guarantee any lender against loss of principal or interest on loans to finance urban corridor improvements described above in the discussion of the new section 603. Guarantees were required to be made in conformance with regional transportation plans and the Secretary was required to consider potential revenue and the numbers of passengers served, in the same manner as in the case of direct loans made by the Secretary under the new section 603. The maturity date of guaranteed loans could not be more than 25 years from their date of issuance; the amount of guaranteed loans outstanding at any one time could not exceed $50 million; and the cumulative amount of such loans could not exceed $100 million. Appropriations were authorized in such amounts as may be necessary to carry out the loan guarantee section.

Section 13 of the Senate amendment amended section 102 of existing law to define the term "urban corridor" to mean a densely populated area containing a series of two or more standard metropolitan statistical areas not more than 500 miles apart.

Conference substitute

The provisions of the Senate amendment relating to urban corridor improvements are omitted from the conference substitute.

EFFECTIVE DATE

House bill

No provision.

Senate amendment

Section 15 of the Senate amendment provided that the amendments to existing law made by the Senate amendment would be effective upon enactment.

Conference substitute

The conference substitute is the same as the Senate amendment.

HARLEY O. STAGGERS,
JOHN JARMAN,
JOHN D. DINGELL,
WILLIAM L. SPRINGER,
SAMUEL DEVINE,
Managers on the Part of the House.
WARREN G. MAGNUSON,
VANCE HARTKE,
ERNEST F. HOLLINGS,
J. GLENN BEALL,
LOWELL P. WEICKER,
Managers on the Part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1973

Mr. NATCHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from Wisconsin (Mr. DAVIS) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15259, with Mr. FASCELL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Kentucky (Mr. NATCHER) will be recognized for 1 hour, and the gentleman from Wisconsin (Mr. DAVIS) will be recognized for 1 hour.

The Chair recognizes the gentleman from Kentucky.

Mr. NATCHER. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, at this time we submit for your approval the annual District of Columbia appropriation bill for fiscal year 1973.

As chairman of the Subcommittee on the District of Columbia Budget, it is a distinct honor for me to serve with Mr. DAVIS of Wisconsin; Mr. GIAIMO of Connecticut; Mr. SCHERLE, of Iowa; Mr. PRYOR of Arkansas; Mr. MCEWEN of New York; Mr. OBEY of Wisconsin; Mr. MYERS, of Indiana; Mr. STOKES of Ohio; and Mr. MCKAY of Utah. We are fortunate to have Earl C. Silsby and Americo S. Miconi as our staff assistants.

For the ninth consecutive year the Congress has been presented a budget for the District of Columbia that is out of balance. We submit to the House of Representatives a balanced budget.

For fiscal year 1973 we recommend a budget of $875,662,000 for the District of Columbia; $716,124,000 of this amount is for operating expenses, $28,144,000 for debt service, and $131,394,000 for capital outlay.

It is estimated that a total of $1,179,369,200 will be available to the District government during the fiscal year 1973. This amount includes the appropriation of $875,662,000 in District of Columbia funds which we recommend today, and Federal grants totaling $291,924,800 and $11,782,400 from reimbursements from Federal or other sources and from private donations. The census for 1970 showed that we had 756,510 people in the city of Washington and by estimate today the total population for our Nation's Capital is 741,000. This shows a loss of 15,510 since the census was completed in 1970. A city with 741,000 certainly should be operated in an excellent manner with the sum of $1,179,369,200 available.

The amount requested for fiscal year 1973 was $900,888,000. The recommendation that we submit today reduces the amount requested $25,226,000; $18,536,000 of this amount is in capital outlay and $6,690,000 is in operating expenses. For fiscal year 1972 the total amount appropriated was $1,014,230,700. Our committee has reduced Federal fund requests $11,000,000. In order to present a balanced budget a number of adjustments and necessary actions had to take place to bring the budget into balance. A revenue gap of $12,300,000 in the budget submitted by the Commissioner to the City Council required action by the Council to raise the property tax rate as well as water and sewer charges. The Council by resolution on May 16, 1972, committed itself to increase the real property tax rate by 12 cents for each $100 of assessed valuation which will raise $4.8 million for the general fund as well as increasing the water and sewer charges to produce another $5.1 million. The committee has included these estimated additional revenues in arriving at the amounts recommended. The increase in real estate taxes will then increase the tax from $3.20 per hundred to $3.32 per hundred. The total, of course, is still not high when you compare the amounts from the 50 States.

The budget as submitted which appeared to be in balance and was so testified to by the city officials assumed that Congress would appropriate $4 million in the second supplemental appropriation for fiscal year 1972 which would not be expended during the fiscal year 1972 but would be carried over into the 1973 budget which to that extent would place the budget in balance. Another action to balance the proposed budget transferred the financing of a number of items currently within the general fund to the highway fund. Our committee questioned the legality of these transfers which totaled $9,515,800 and requested the Commissioner to secure a ruling from the Corporation Counsel as to the propriety of the transfers in funding. It was found that the bulk of the transfers $8,231,000 are proper, and that $1,284,800 are not, and our committee relied upon the finding of the Corporation Counsel and has transferred the questionable items totaling $1,284,800 back to the general fund which created a deficit of $310,000 in the proposed budget for that account. Before the hearings were concluded, the city officials agreed that the budget as submitted was out of balance and made every effort to work with the committee to see that the budget was placed in balance.

Our committee recommends the appropriation of $185,000,000 to the general fund as the 1973 payment by the United States toward defraying expenses of the government of the District of Columbia. A total of $190,000,000 was authorized for 1973 in the District of Columbia Revenue Act of 1971 (Public Law 92–196) and the amount requested in the budget totaled $190,000,000. In addition, the committee also recommends $4,074,000 as requested as payment for water and sewer services rendered the Federal establishment. The additional Federal payment to the general fund of $11,346,000 over the 1972 amount has been approved to partially finance a net increase of $53,750,000 over 1972 appropriations for operating expenses and debt service. Over 90 percent of this increase is for mandatory items and staffing of facilities. The remainder of this increase will be financed from additional general and special fund revenue accruing to the District, including the additional amounts that will be derived from the committed increases in the real property tax rate and water and sewer user fees.

In 1963 the Federal payment totaled $30,000,000. Now we recommend to the House a Federal payment totaling $185,000,000. The $185,000,000 figure represents 23.24 percent of the general fund appropriations recommended in this bill. When you add the estimated $291,924,800 to be received by the District in Federal grant assistance, and the $11,782,400 in Federal reimbursements and private donations, the percentage, of course, increases.

In its report last year, our committee expressed its increasing concern that Federal assistance money is not being used properly. The committee continues to have this concern and reiterates its statement of last year. There have been instances where Federal grants have been used to carry out programs specifically denied by the Congress. Federal moneys have been used in some cases to duplicate existing services rather than to supplement existing programs or to close gaps in services now available which results in waste of the city's limited resources. In response to the city government's shortcomings in the use of grant funds, the District of Columbia Revenue Act of 1971 contains a requirement for full reporting by District officials within the annual budget transmission of Federal grants-in-aid. Our committee concurs in the desirability of the Congress receiving complete information in this area. The information referred to was furnished the Congress. However, to be more useful to the committee it should be incorporated into the detailed justifications in comparative form effective with the presentation of the fiscal year 1974 budget.

Our committee is also concerned with the apparent lack of controls over Federal grant funds by both the Federal and District governments. Two examples in particular have come to the committee's attention. Apparently, no effort was made to insure that the terms of the Narcotics Treatment Administration contract with the Blackman's Development Center were complied with. Another example is the longtime practice of the District of Columbia Teachers College in depositing Federal grant moneys in a commercial checking account rather than in the Federal Treasury as required by law. Safeguards must be built into the system to maintain a closer surveillance over the use of these Federal grant funds.

The committee has been advised of plans to enter into lease-purchase agreements for the construction of two municipal office buildings on sites adjacent to Judiciary Square. The following statement was presented to the committee by the Director of the Department of General Services:

> The District has had plans to centralize its administrative offices in the vicinity of Judiciary Square, the area designated for the seat of the municipal government, but has been unable to obtain the capital funds needed for this purpose, though the principle for this consolidation has been accepted by Congress. We now propose to accomplish this purpose through the authority granted by Congress to enter into lease purchase agreements for the construction of two office buildings on sites now available adjacent to Judiciary Square. The device to accomplish this purpose involves the creation of a non-profit corporation, which would have the authority to raise money by the sale of nontaxable bonds. This nonprofit corporation would then construct the buildings and lease them to the District of Columbia government for 20 years, at the end of which the District would have possession of the buildings. If these plans are successful, construction on these buildings could start by the end of this calendar year with delivery of the buildings in 2 years. This means that the major portion of the District's administrative offices would be clustered in an efficient municipal complex by the end of calendar year 1974. This action could be accomplished using the rental funds currently in the District of Columbia budget.

The committee does not concur in this proposal. Requests for the construction of public buildings should be presented in the usual way and none of the rental funds in the accompanying bill are to be used for any lease-purchase agreements.

This committee is greatly concerned about the manner in which the District of Columbia government is carrying out its capital improvements program. This concern is twofold: First, the magnitude of the capital program and projected impact on the District's dollar resources; and, second, weakness in procedures for determining scope of work, initial cost estimates, and the apparent lack of control over cost escalation.

The capital outlay appropriation for fiscal year 1972, including supplemental requests, will exceed $300 million. As a result the committee recommended a $150 million level for the District's request for fiscal 1973. However, the problem of payment for these construction projects remains. The committee has continually supported essential public physical facilities for the city. But it is of utmost importance that the District government clearly provide and justify the benefits of such facilities to this committee. This has not always been done.

The deferral of projects to the $150 million level is desirable not only in terms of ability to pay the overall cost but also to wait until there are some assurances that there is true competitive bidding and construction costs are not out of line.

Each year the District government appears before this committee and speaks of its financial difficulties and describes measures taken to fit the operating budget request within resources available or being sought from the Congress or other sources. Concurrently, the city is describing possible cutbacks in operating programs with the probable reduction to effective delivery of services. At the same time the city proposes an ambitious and extensive capital program that will in the future require a substantial portion of the city's financial needs. This year the District has presented projections of debt service costs for present and planned capital improvements.

The District government's request for repayment of loans and interest associated with its public works projects is $28 million for fiscal year 1973. An estimated $75 million from operating expenses will be required annually for this repayment, after borrowing for funds now authorized.

The District government's fiscal years 1973–77 multiyear program and financial plan estimates that debt service will exceed $130 million for completion of current projects and several new projects planned to be included during this program period. All future capital budget requests submitted to this committee must include the projected cost to the operating budget including the debt service.

Within the framework of the city's total capital improvements program, there are continuing problems of cost escalation on individual projects. The committee is also disturbed by this aspect of the capital program. Total costs often grow at an alarming rate between the time the committee first approves funding for a particular project and the time the project is completed.

We have been told the forces of inflation are largely responsible for increasing costs. Certainly, this is a valid factor. But the committee is not of the opinion that escalation in construction costs have reached the point indicated by some of the project costs considered. A number of the construction requests have been reduced accordingly. The city must develop a better process for building these inflationary pressures into cost estimates and it should shorten the time it now takes to complete a project so that inflationary pressures can be minimized.

During the course of the hearings, we have also been told that the cost increases are due to changes in the scope of the work performed. In effect, the committee is being asked to continue funding for a project that may differ substantially from the project the committee first approved. The Receiving Home for Children, Dunbar Senior High School, Morgue Building, District Courthouse, Glenn Dale Hospital, and the Campsite at Scotland, Md., are examples that show the extent of the problem of cost escalation. Four of these projects are included in the bill, but at lesser amounts than requested. In the instance of the Morgue, $150,000 has been included for planning purposes, but not for a building costing $3,016,000. The committee recognizes the need for the facility but not at that cost. The original proposal in 1969 was $1,850,000.

The committee is concerned with the scope and magnitude of some of the new projects planned. An example is a $25 million junior-senior high school in the Fort Lincoln New Town. This project was estimated to cost $50 a square foot and envisioned a nine-story building. The project, which was requested in a supplemental, was subsequently withdrawn pending further study. It appears that all new or modernization and renovation projects for elementary schools include prekindergarten facilities though the Board of Education does not at this time plan a prekindergarten program in all elementary schools. Other features are included in many projects which while desirable could be eliminated in the effort to provide some financial restraint.

The District government must develop the capability to provide cost estimates that are more reliable than the ones now presented to the committee. The city must also improve the process for determining the features to be included in the new structures so that the trend of project scope changes is brought to a halt. Improvements must be made so that the committee will be able to base its decisions on reliable cost and project scope data.

The committee believes that a prerequisite to overcoming the problems in the capital improvements program is the increased centralization of executive level control of the program. This committee looks to the Commissioner to establish better control over the capital improvements program and to insure that the problems pointed out by the committee are corrected.

As has been noted above, construction

funds have been reduced in a number of instances. Construction services requests have also been reduced accordingly. A further reduction has been made to reflect the continuance of the limitation of 10 percent on construction costs for all projects for construction services instead of the increases requested in the general provisions section of the bill.

In the past, funds for construction projects have been requested as supplementals, which in most instances do not meet the criteria of being in either an urgent or emergency category. Future capital improvement requests should be limited to the regular budget and the current limitation of $150,000,000 on the capital outlay program should be continued into fiscal year 1974.

A number of changes were requested in the budget which are not approved. The committee's recommendations are outlined in the paragraphs that follow.

Section 7: The budget proposed deletion of the prohibition on the use of funds for studies by the Public Service Commission regarding meters in taxicabs. The committee recommends that the prohibition be retained. The following appeared in the joint statement accompanying the conference report on the 1972 bill:

> In considering the subject of meters in taxicabs the managers on the part of the House and Senate feel that a study of the matter is in order and that such should be conducted by the Legislative Committees on the District of Columbia.

Sections 9 and 16: These sections relate to chauffeurs and the use of official automobiles. The budget proposed restoring automobiles and chauffeurs, including overtime pay, to the Deputy Commissioner and the Chairman of the City Council. The committee recommends that these requests be denied and that only the Commissioner of the District of Columbia be authorized a chauffeur-driven automobile, and that the limitation on the payment of overtime be retained.

Section 13: The budget proposed an increase in the construction services limitation from 10 percent of the construction cost of all projects to 15 percent for projects costing $1 million or less and 20 percent for permanent improvement type construction projects, and that on projects exceeding $1,000,000 it would continue at 10 percent. The committee does not recommend approval of the changes proposed.

Section 17: The budget proposed deletion of the limitation of 5 percent of the total of all funds appropriated for personnel compensation for costs of overtime or temporary positions. The committee recommends the limitation be retained.

Section 18: The budget proposed a reduction in the travel and per diem limitation from $300,000 to $200,000. The committee concurs.

Section 19: The committee has included a new section in the bill which has the effect of continuing in fiscal year 1973 the personnel ceiling set for 1972 in the District of Columbia Revenue Act of 1971. This is a restriction on the maximum number of appropriated positions that may be filled by the District government. The recommended provision, which relates to both permanent authorized positions and temporary or part-time employees is as follows:

> SEC. 19. Appropriations in this act shall not be available, during the fiscal year ending June 30, 1973, for the compensation of any person appointed—
>
> (1) as a full-time employee to a permanent, authorized position in the government of the District of Columbia during any month when the number of such employees is greater than 39,619; or
>
> (2) as a temporary or part-time employee in the government of the District of Columbia during any month in which the number of such employees exceeds the number of such employees for the same month of the preceding fiscal year.

Mr. Chairman, we must have freeways, express buses, and a rapid transit system. In order to meet the tremendous day-by-day growth of traffic, the freeway system must be carried out along with the present rapid rail transit system that is now under construction. The Highway Acts of 1968 and 1970 must be complied with. Both systems must proceed together.

President Nixon has emphatically stated time after time that we must have a balanced system of transportation for our Nation's Capital and that the Highway Acts of 1968 and 1970 will be enforced. On August 12, 1969, President Nixon directed the following letter to me:

> DEAR BILL: Your diligent efforts through the years to insure that the District of Columbia will enjoy a balanced transportation system are very much appreciated by all of us who are concerned with the welfare of our Capital City. As you know, I have previously expressed my desire that a fair and effective settlement of the issues involved in the transportation controversy be reached to serve the interests of all those concerned—central city dwellers, suburbanites, shoppers, employees and visitors. It is my conviction that those steps necessary for a fair and effective settlement have been taken.
>
> The City Council of the District of Columbia has now voted in favor of a resolution to complete the requirements of a Federal Aid Highway Act of 1968. Immediately thereafter, the Commissioner of the District of Columbia directed the Department of Highways to implement immediately the requirements of the Act. The Secretary of Transportation has directed the Federal Highway Administrator to rescind the letter of his predecessor dated January 17, 1969, thus placing these projects back into the Interstate System. Furthermore, the Federal Highway Administrator has been directed to work closely with the Highway Department of the District of Columbia in order to continue work until completion of all projects and the study called for in the Federal Aid Highway Act of 1968. I trust that these actions will fulfill the criteria which you set forth in your statement of August 11, 1969.
>
> The District of Columbia Government is firmly committed to completion of these projects as the Federal Aid Highway Act of 1968 provides. I join the District of Columbia Government in that commitment, and I have directed the Attorney General and the Secretary of Transportation to provide assistance to the Corporation Counsel of the District of Columbia to vigorously defend any lawsuits which may be filed to thwart the continuation of the projects called for by the Act.
>
> A balanced transportation system is essential for the proper growth and development of the District of Columbia. I hope that this evidence of tangible progress would permit us to assure the citizens of the District of Columbia that your Subcommittee will be in a position to approve the $18,737,000 deleted from the Supplemental Appropriation bill together with the $21,586,000 in the Regular Appropriation bill for the District of Columbia for Fiscal Year 1970.
>
> With cordial regards,
>
> Sincerely,
>
> RICHARD NIXON.

Still maintaining that the Highway Acts of 1968 and 1970 are the law and must be enforced, the President on April 27, 1971, directed the following letter to me:

> DEAR BILL: The regional rail rapid transit system (Metro) project stands today at a critical point in its history. Construction work is evident in downtown Washington. The first suburban construction will begin this summer. Interruption in the downtown construction work now underway penalizes both residents and merchants, the latter of whom have already suffered business losses due to Metro construction, and delays the first day of operation.
>
> Unfortunately, previous delays and inflationary pressures in the economy have increased the original construction cost estimates by approximately $450 million. In my recent message to the Congress on District affairs, I have reaffirmed my commitment to Metro and proposed a plan which would solve its new financial problems without increasing the net financial drain on the Federal Treasury.
>
> I know of your commitment for a balanced transportation system for the nation's capital. I fully share that commitment. Because of this concern, I have reviewed the status of the D.C. interstate highway projects mandated by the Federal Aid Highway Acts of 1968 and 1970. My review indicates that the District Government is in full compliance with the requirements of these Acts within the constraints of judicial actions. I reaffirm my pledge to you to insure that the Federal agencies involved with these projects continue to work diligently to facilitate progress on these interstate projects. I have asked the Secretary of Transportation to make a presentation to you and other interested Members of the Congress at your earliest convenience as to the current status of the Three Sisters Bridge and other projects named in the 1968 and 1970 Highway Acts. We are taking, and will pursue, all necessary and appropriate action within the law to expedite the construction of the Bridge.
>
> I believe these actions provide tangible evidence of both the District and Federal Governments' commitment to complete these highway projects. I request that your Subcommittee give favorable consideration to the $34.2 million fiscal year 1971 supplemental for the District's contribtuion to METRO.
>
> Sincerely,
>
> RICHARD NIXON.

On November 18, 1971, the President issued the following statement concerning the rapid rail transit—freeway impasse.

This statement is as follows:

> Late in its second century of life as the Nation's Capital, the Washington metropolitan area is suffering severely from hardening of vital transportation arteries. The nearly three million people in the District of Columbia and its Maryland and Virginia suburbs are acutely aware of this worsening problem as they struggle to move about the area pursuing business or pleasure or the work of government. So are the eighteen million visitors who come here each year from across the country and around the world, expecting magnificence—and finding

it, but finding also, in the simple matter of getting about the city, more frustrations than they deserve in the Capital of a Nation that has sent men to the moon.

In recent months, though Washingtonians have also become increasingly aware that something is being done about the transportation tangle, METRO—our superb areawide rapid rail transit system of the future—is already a fact of life for all who use the downtown streets, as construction pushes ahead on the first 8 miles of the project. Streets are dug up, ventilation shafts have been dropped, tunnels are being bored. Over $863 million has already been committed by the eight participating local jurisdictions and the Federal Government. At the same time, a coordinated interstate highway system for the region is progressing toward completion, as many thousands of detouring commuters know.

We need these freeways, and we need the Metro—badly. I have always believed, and today reaffirm my belief, that the Capital area must have the balanced, modern transportation system which they will comprise. Yet now, almost incredibly in light of the manifest need for both of them, the future of both is jeopardized by a complex legal and legislative snarl.

To save them, here is what has to happen:

1. The local highway actions mandated by the Federal-Aid Highway Acts of 1968 and 1970 must go forward immediately.

The question whether the District of Columbia and the Federal Government, in their efforts to carry out this mandate, are presently in compliance with statutory requirements, has been the subject of lengthy litigation. The U.S. Court of Appeals for the District of Columbia has recently ruled that they are not yet in compliance, in the case involving the Three Sisters Bridge. But I am convinced that they are. Accordingly, I have ordered the Attorney General to proceed with the filing of a motion for rehearing en banc before the Court of Appeals. I have also instructed him, if that fails, to file a petition for certiorari with the Supreme Court.

2. The Metro system must move toward completion and operation as rapidly as possible.

Not only do delays in Metro work cost taxpayers heavily; they might even erode confidence and cooperation seriously enough to consign the entire project to an early grave, with all the sad consequences that could have for metropolitan development in the years ahead. I strongly urge the Congress, therefore, to take appropriate action at once to end the present delay and to prevent any more such derailments of Metro progress.

We have come to a critical juncture. Obedience to the law is at stake. A huge investment is at stake. The well-being of the Capital area is at stake. It is time for responsible men to join in responsible action and cut this Gordian knot.

On May 9, 1972, President Nixon directed the following letter to me:

Dear Bill: As we approach the time for Congressional action on the District's 1973 budget, I want to express to you my personal hopes that we can move forward with the District's contribution to the Metro system. As we approach the July 4, 1974, initial operation date of Metro, any further delays in construction will substantially increase the cost of the system.

I believe that we share a strong, fundamental agreement about the importance of building in the national capital area a viable transportation system for our residents and visitors, including highways, the Three Sister's Bridge, buses and rapid transit. I am doing everything possible to see that all elements of this program move forward with maximum speed.

Particularly as we approach our Bicentennial celebration, in which the national capital will play a major part, I sincerely hope that we can work together toward this goal.

Sincerely,

Richard Nixon.

I definitely am of the opinion that President Nixon will carry out the commitment set forth in his letters to me and in the statement which I have just mentioned.

During the hearings I called this matter to the attention of Commissioner Walter E. Washington and requested a report on the action now being taken by the city of Washington, the Department of Transportation, the Corporation Counsel, and the Justice Department. The Commissioner directed a letter to me which appears on page 17 of the hearings and is as follows:

Dear Mr. Chairman: On April 12, 1972, when I appeared before your Subcommittee on District of Columbia Appropriations, you asked for a detailed statement on the progress being made by the District of Columbia Government and by the Federal Government to carry out the Federal-Aid Highway Acts of 1968 and 1970.

In the Fall of 1969, the District of Columbia awarded a contract for the construction of the piers for the Three Sisters Bridge. A suit was filed challenging the authority of the District to proceed with the project without first complying with a number of provisions of the U.S. Code and the D.C. Code. The position of the government, which was accepted by the District Court, was that the 1968 Act relieved it of such responsibility.

The Court of Appeals, in April 1970, reversed the judgment of the District Court and remanded the case for a hearing on whether there had been compliance with all provisions of Title 23, U.S. Code. In a separate action, the court enjoined the District from proceeding with a construction contract for the East Leg Freeway.

The District Court, after a lengthy hearing, concluded that with the exception of a required design hearing and a finding as to safety under 23 U.S.C. S. 109, there had been compliance. Further construction of the Bridge was enjoined pending the holding of the design public hearings and making the safety finding.

The plaintiffs appealed all aspects of the case that were favorable to the government. The District cross-appealed on the safety finding, but concluded that the holding of a design hearing would produce results quicker than would further litigation. The necessary design public hearing was held in December 1970. In the Fall of 1971, the Court of Appeals, in reversing the judgment of the District Court, rejected virtually all its findings and conclusions. The Supreme Court, in March, refused to grant a writ of certiorari.

The attorneys in the Office of the Corporation Counsel, Department of Justice and the Department of Transportation, independently have examined the opinion of the Court of Appeals. They agree on the steps to be taken under the option to move all the proposed projects along, and have been working with the officials and planners in the D.C. Department of Highways and Traffic and the U.S. Department of Transportation to consolidate steps wherever possible.

A decision had to be made whether a new location hearing for the Bridge was necessary. The District Court held that the location finally selected for the Bridge deviated so slightly from that which was discussed at a public hearing, that a new location hearing was unnecessary. The Court of Appeals remanded this aspect of the case to the District Court "for clarification of the factual basis for its conclusion," stating

"The District Court's opinion did not reveal a factual basis to support its conclusions that the approved location was so similar to that subject to the public hearing as to eliminate the need for a fresh location hearing."

In view of the abundance of evidence which was before the Court of Appeals on this point and the prior record in the case, those closest to the litigation are of the opinion that a new location hearing should be held to avoid another lengthy appeal. Such a location public hearing can be combined with the location public hearing on the Potomac River Freeway to be held this fall. Plans for the Potomac River Freeway have now progressed to such an extent as to make this possible. Unless a major change in location is found necessary, it is anticipated that the District will be ready for a design public hearing on the Potomac River Freeway a short time thereafter.

In the interim, the environmental statement (under the National Environmental Policy Act of 1969) required by the Court of Appeals decision will be completed and plans for the ramps and approaches to the Bridge will be ready for public comment. This will respond to the Court of Appeals' suggestion that affirmative findings by the Department of Transportation under 23 U.S.C. S. 134 (pertaining to a comprehensive planning process) and 23 U.S.C. S. 138 (pertaining to the use of parklands) should be based, to the extent possible, on final plans for the Bridge. The Department of Transportation will be in a position by that time to make these assessments. The information that the Department will have as to noise, air, and water pollution in making its determination under Section 138, should be sufficient to meet the objections of the Court of Appeals to the findings made under 23 U.S.C. S. 109 (pertaining to safety).

Aside from the location hearing, the only remaining steps of substance to be taken as a condition to resuming work on the Bridge, are the making by the Department of Transportation of favorable findings under 23 U.S.C. S. 109, 134 and 138, and the granting by the Department of location and design approvals. The results of the model testing already completed clearly establish that the proposed Bridge satisfies the safety requirements of 23 U.S.C. S. 109.

A statement is attached outlining the current status of the remaining segments of the freeway system set forth in the 1968 Act. Since the Supreme Court has denied certiorari, it now becomes necessary to take those time-consuming steps which heretofore were felt unnecessary.

In preparing this statement, we have consulted the Department of Transportation and the Department of Justice.

The District Government and the two Federal departments have each reaffirmed earlier commitments to comply fully with the Federal-Aid Highway Acts of 1968 and 1970 and are taking the indicated next steps.

Sincerely yours,

Walter E. Washington,
Mayor-Commissioner.

The statement referred to in the letter is as follows:

Status of Remaining Segments of Freeway System

POTOMAC RIVER FREEWAY, I–266

The Potomac River Freeway portion of I-266 was placed in a design status in September, 1969, with the concurrence of the Federal Highway Administration. The design proposed at that time was identical with that described in the Joint Conference Report for the 1968 Federal-Aid Highway Act. Concurrent with the design function, the purchase of right-of-way was recommended. Rights-of-way have now been acquired between 31st Street extended and Key Bridge. Some buildings have been demolished.

A special study preparing a sectional development plan for Georgetown Waterfront is underway. The plan will address the socio-economic and environmental impact aspects of the freeway and, in addition recommend guidelines for future land development appropriate to Georgetown. The study is a cooperative effort between the District of Columbia Government and the Departments of Interior, Housing and Urban Development, and Transportation.

It is being administered through the National Capital Planning Commission and guided by a Coordinating Committee which includes significant citizen representation. Data from the study will be used at a forthcoming public hearing.

CENTER LEG OF THE INNER LOOP, TERMINATING AT NEW YORK AVENUE, I–95

Construction of this facility has continued northward to Massachusetts Avenue and that portion is now scheduled to open for use in late 1972 or early 1973. Final design for the covered section immediately north of H Street is now in progress. K Street overpass of the center leg has been advertised and a contract was awarded on April 7, 1972. Temporary ramps north of K Street will be constructed to connect the facility to New York Avenue.

EAST LEG OF THE INNER LOOP NORTHWARD TO BLADENSBURG ROAD, I–295

This was the fourth project listed for immediate work in the 1968 act. Construction has continued on interchange C and connections to Barney Circle are scheduled to open early in 1973. Northeastward of Barney Circle, bids were received on the first contract in 1970 but, as stated in the letter of transmittal, the District of Columbia was enjoined from proceeding with the contract. In light of the Three Sisters Bridge court decisions requiring full compliance with title 23, additional public hearings are required for this project. Preparation for such hearings is in process and the first is planned for the fall of 1972. Environmental impact/4f statements will be prepared prior to the hearing.

SOUTH LEG I–695

The south leg of the inner loop was part of the study report to Congress in February 1970. The 1970 act did not require specific action regarding this project. Based upon advice received from the Federal Highway Administration officials, the District government is now completing documents for the conduct of the necessary public hearing and the preparation of the draft environmental impact statements.

The District of Columbia is financed out of five funds: The general fund, a highway fund, a water fund, a motor vehicle parking fund, and a sanitary sewage works fund.

The committee recommends a total of 40,765 permanent authorized positions to be financed from District of Columbia appropriated funds during fiscal year 1973. This allowance provides 983 new positions including 307 positions originally requested in the second supplemental 1972. Action on the request for these positions—129 for the expanded court system and 178 for the new youth center—was deferred until the regular 1973 budget was considered. The committee has continued the restriction on the maximum number of appropriated positions that may be filled during 1972 into 1973. This restriction limits employment in permanent authorized positions during any month to 39,619. Appropriations recommended for personnel compensation are based on a lapse rate of approximately 6 percent, thus funded positions are well below the personnel ceiling. The restriction limiting temporary or part-time employment to the number in the same month for the previous year is also continued into the next fiscal year.

Mr. Chairman, for general operating expenses the sum of $65,819,000 was requested and we recommend $65,029,000. The allowance is $3,252,000 above 1972 appropriations and $790,000 less than requested.

For public safety our committee recommends a total of $181,700,000 for the Metropolitan Police Department, fire department, courts, Department of Corrections, and National Guard.

For the Metropolitan Police Department we recommend a total of $95,044,300. Mr. Chairman, if you would check our total population today of 741,000 you would find that this is probably the highest per capita expenditure for a police department in this country.

We have one of the finest fire departments in the United States, and this is recognized almost every year when we receive the highest rating possible.

Our committee recommends $179,526,000 for the operating cost of the public school system and the three District of Columbia colleges. We recommend a total of $146,476,600 for our public schools. This is $4,118,600 more than was available in 1972 and $289,500 less than requested.

The per capita expenditure is among the highest in the Nation. Based on recommendations in the bill, per pupil expenditures in 1973 will be $1,257 of which $1,050 will be from District funds and $207 from Federal sources.

Today we have 143,411 students in our city schools and for 1973 it is estimated that we will have 140,700.

The committee is particularly concerned that there are not sufficient special education opportunities for the crippled and other health impaired, the deaf and hard of hearing, the blind and partially sighted, the mentally retarded, the emotionally disturbed and socially maladjusted, and those with specific learning disabilities. Accordingly, a total of $2,073,900 is earmarked, within existing resources, to provide expanded educational services for children in those categories and school officials are urged to proceed aggressively in developing a comprehensive plan to identify and serve each child who can benefit from special education services, particularly those not now receiving them.

Testimony disclosed only minimal coordination between public school and Department of Human Resources officials in the development of special educational programs for the handicapped children under the care of the Department. A clearer delineation of responsibility is necessary in order to provide proper educational opportunities for these institutionalized individuals.

For the District of Columbia Teachers College we recommend $3,379,600. For the Federal City College we recommend $20,588,700. For the Washington Technical Institute we recommend $9,081,100.

For recreation, Mr. Chairman, we recommend the sum of $13,860,000.

For human resources we recommend the total of $208,709,000.

For highways and traffic we recommend the sum of $21,711,000.

For environmental services we recommend a total of $44,710,000.

For repayment of loans and interest we recommend the sum of $28,144,000.

For capital outlay, Mr. Chairman, we recommend a total of $131,394,000. This is $192,319,000 below 1972 appropriations and $18,536,000 less than requested.

In the main, Mr. Chairman, we recommend to the House the capital outlay projects presented to the committee. For instance, in our public schools 23 projects were presented and we recommend 21. The summary of the capital outlay recommendations by project appears on pages 31, 32, and 33 of our report.

Mr. Chairman, our committee recommends this bill to the Members of the House.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, each year I think that all of the Members of this House owe a vote of thanks to the chairman of this subcommittee, the gentleman from Kentucky (Mr. NATCHER). I am sure this vote of thanks which he deserves is a sentiment that is shared by all of us who attempt to share with him this responsibility which has become so onerous for him in many ways, and yet a responsibility which he fulfills so well.

He has given you the basic outline of the major decisions that we have been called upon to make.

I think it is a fair statement that this bill does represent a subcommittee bill, that each member of that subcommittee has made his contribution in terms of eliciting information and applying his experience and judgment to it, and we have come up with a bill which by and large has the support of every member of that subcommittee, certainly including myself.

I suppose that all of you are concerned, just as I am concerned, first of all with the overall size of this budget and, second, with the size of the Federal payment—$185 million. Yet, it is $5 million less than what was contemplated by the people in the District government and $5 million less than was authorized by this House a year ago.

I hope you will not attribute to me great age when I remind some of the newcomers here that I can remember—and this was before I came on this particular subcommittee—when we had a $10 million Federal payment in this bill and we debated and argued about it at length because of the feeling of a large segment of the membership of this House that that amount was too large.

Yet, we have ourselves to blame—if we feel this Federal payment is too large. It is less than this House has authorized, as I mentioned before. Each year, or each 2 years, we sit here on this floor and we pass what we call a revenue act for the

District of Columbia. The major elements of each and every one of those revenue acts have been increases in the direct Federal payment for the District of Columbia, and increases in the borrowing authority for the District of Columbia. That is what we find ourselves with here today. Those measures do not conform to my idea of what a revenue raising act ought to be. Yet, that is what we call them here year after year—and there is actually very little revenue raised by any one of them.

So we do have a $185 million Federal payment in this bill. We also have substantial increases from year to year, and our chairman has pointed out to you the basic nature of those increases this year.

But there again I hope you will not blame us, for each Member of the House must take the responsibility. I do not quarrel with the merits of these various measures which have affected and do affect the cost of government in the District of Columbia. I merely think that we ought to reflect upon ourselves, as Members of this House, and not reflect upon the members of this subcommittee for the increases that we find, for the bulk of the increases can be found in the cost of the reorganization and the vast expansion of the court system here in the District of Columbia, as well as the legislation that we have passed related to the correctional system here in the District of Columbia. You can look at our report and you will find that a majority of all the staffing people, the new staffing people in the District of Columbia, that are allotted and approved in this bill can be found in those two categories: The expansion of the courts and the expansion of the correctional systems which we have authorized.

There are 2,000 more policemen in the District of Columbia today than when I went on this subcommittee in 1965.

There have been two new institutions of higher education authorized, and you cannot do that without money.

There has been a rapid expansion of welfare costs here in the District of Columbia, just as there has been a rapid expansion of welfare costs throughout the entire country. Yet we have set the rules. We have approved the standards, and the courts have gone beyond some of the things we thought we were doing here in increasing the cost of welfare here, and even though we have denied some of the substantial proposed increases in the way of new standards, yet nevertheless there is a very substantial increase in the cost for the Department of Human Resources.

Last year we talked to you at some length about waste, ineligibility, and illegality that accounted for some of the increased welfare cost here in the District. We now have a new Director of the Department of Human Resources. I think in good faith he is attempting to deal with some of these problems which this subcommittee and other committees of the Congress have pointed out.

There is a reduction of $1 million in this welfare appropriation based upon the results of the investigations that are now in progress. But that rejuvenated investigatory system did not go into effect until shortly after the beginning of this calendar year. So we cannot arbitrarily say that we are going to save that much next year. So that bill has been reduced $1 million, which Mr. Yeldell himself estimated that he could not account for based upon investigations which have been completed.

I believe we can do better in future years, but we would only be opening ourselves to further problems and supplementary requests and further argument, it seems to me, to attempt to reduce that figure more than we have already done.

This Congress has set higher environmental standards applying to the District of Columbia; so you will find a substantial amount of new money reflected in that legislation. We passed pay increases. We authorized Pay Board increases. There is not anything we can do about that. These people are entitled to those increases based upon the action of this House as a whole. So we simply have to check their mathematics and go along with the increased sums that are included.

So I hope that none of you will use the subcommittee as the whipping boy when this matter of the increasing cost and the increasing Federal payment for the District of Columbia comes up for discussion.

I think the greatest single item of concern here in the District revolves around the educational program of the District. I suspect that if we were to pick out any program here for a vote of lack of confidence, we would find it there.

I suggest that the failures of the educational system here are not due to the lack of money. The per student cost of education here in the District is among the highest that will be found anywhere in this country. But when we compare the results based upon national achievement tests, we will find them among the lowest that will be found anywhere in this country. I suggest that this has to be on the basis of administrative and instructional failures. It cannot be because of lack of money.

Even within the amounts that have been allotted, this subcommittee had to take the responsibility of earmarking some of the funds approved in an area which has been too long and too greatly ignored, and that has been the matter of special education. Members will find language relating to that earmarking in our report.

Mr. Chairman, the gentleman from Kentucky (Mr. NATCHER) mentioned to the Members that the funds for the continuance of the subway are in this bill—every dollar—in accordance with their estimates. We have followed the wishes of the House of Representatives. Just this last year we followed what we thought were the wishes and what the law said was the mandate of this Congress in leaving the money out. But the Members expressed themselves. They said despite the fact that the District Government and the subway authority were cooperating in violating the mandate of this Congress, the Members told us they wanted the money for that subway to go in, so this year we put it in—$33.5 million.

In addition to this massive project—the most expensive single public works project in the history of the world—every morning Members who drive here from the suburban areas or who drive to their homes, those who live there, pass building after building under construction. It is either a Federal building or a building being built for leasing to the Federal Government or else a large new private building complex that is being developed in this metropolitan area.

We know all over this country the costs of heavy construction are escalating at an alarming rate. The Engineering News index record says it is 10 to 12 percent per year right now. But because of the accumulation of this kind of construction in this area, the proposals for new construction for the District of Columbia have had to be curtailed somewhat, because the escalation here has exceeded the nationwide experience. The figures we had submitted to us reflected those projections of increased costs.

The experience has been that they are not getting any pencil-sharpening competition among the building contractors for construction projects here in the District of Columbia. So there has been a rather mild curtailment both in the sums allocated for specific projects and in the deletion of a few specific projects here in the District of Columbia.

This, we felt, was the only responsible thing we could do in order to keep the public purse from being unreasonably drained for projects, some of them even of urgency here within the District of Columbia.

I believe that our judgment overall has been good. There has been diligence and I believe effectiveness in developing this appropriation bill and bringing it to the Members here on the floor today. Many of the details to which I have made passing reference in general will be found in the report. I commend its reading to the Members.

Mr. NATCHER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I am happy to yield to the chairman.

Mr. NATCHER. Mr. Chairman, I want the members of the committee to know that the gentleman in the well, the distinguished Member from Wisconsin (Mr. DAVIS) is one of the able members of the Committee on Appropriations.

For a great many years now it has been my distinct honor and privilege to be permitted to serve with him on this subcommittee. He is a dedicated and able Member.

In addition to this, the gentleman in the well serves on two other subcommittees. He serves on the Subcommittee on Public Works and on the Subcommittee on Defense.

At all times since we have served on this committee he has clearly demonstrated, Mr. Chairman, that he is not only one of the great Members of the House but also a Member of the House interested in the Nation's Capital.

The CHAIRMAN. The gentleman from Wisconsin has consumed 17 minutes.

Mr. NATCHER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Connecticut (Mr. GIAIMO) a member of the subcommittee.

Mr. GIAIMO. Mr. Chairman, I rise in support of this legislation today.

I certainly want to commend the chairman of the subcommittee, the gentleman from Kentucky (Mr. NATCHER) who, as usual, has demonstrated his outstanding concern and awareness and real understanding of the District's problems, through his incisive questioning and knowledge of the various District agencies and the bill.

I certainly want to commend all of my colleagues on the subcommittee, and also the gentleman from Wisconsin (Mr. DAVIS) and all other members on the minority side. Certainly the gentleman from Iowa (Mr. SCHERLE) tries very diligently to see to it that some of the wasteful practices which do in fact go on in the administration of this budget are curtailed.

Unfortunately, there is a great feeling of frustration for many members of the committee, because in fact there is a great deal of wastefulness.

I believe the District can live with this budget. I believe that it is well funded.

We constantly learn, when we go back home, that an impression has been given that the District of Columbia is not adequately funded by the Congress.

Do not believe it. The fact of the matter is that the District of Columbia is very well funded by the Congress.

Reference was made to the fact that Metro funds are in the budget. I am delighted to say that they are. I commend again the gentleman from Kentucky and the gentleman from Wisconsin (Mr. DAVIS) for helping to make these funds available.

Hopefully, the Metro can proceed as quickly as possible to fruition. I think the subway system is very much needed in Washington and we should get on with the job.

Mr. GROSS. Will the gentleman yield?

Mr. GIAIMO. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. I have been looking in vain for some sign of activity at the site of the Three Sisters Bridge. It was the position, I thought, of the Congress that in providing funds for the boondoggling subway objection would be removed to the bridge construction. The gentleman played an active part in getting Federal assistance for the subway. I would like to ask him what has happened to the bridge that is supposed to be under construction, and what about finishing the other freeways that are only partially constructed and on which work has stopped? Drive out of this city toward Baltimore, and you are dumped off a segment of freeway that goes nowhere. Can the gentleman explain why?

Mr. GIAIMO. I will be delighted to explain to the gentleman. Let me say to the gentleman from Iowa that he is no more anxious to see an adequate highway system and bridge system constructed than I am. I would like to see the Three Sisters Bridge constructed and in operation. I think it is very necessary. I think it ties in with what Congress mandated for a balanced transportation system. However, the fact of the matter, as the gentleman from Iowa well knows, is that the circuit court of appeals for the District of Columbia knocked down the Government and the District's plans for constructing the Three Sisters Bridge.

The administration, the President, and the Department of Justice appealed the decision of the circuit court of the United States to the Supreme Court which refused certiorari, so that the decision of the two of the three judges of the circuit court stands and in order to proceed the Department of Transportation and the District government have to go through the many procedures which are required in order actually to comply with all of the required laws involving the construction of the bridge and the highway and the freeway system.

My best information is that they are in the process of doing that now. Until they comply and until they go that route they are enjoined by the decision of the circuit court of appeals from proceeding with the bridge. Hopefully we will begin to get some action in that direction shortly.

Mr. GROSS. But what happened to the quid pro quo that was implicit in the deal whereby Congress released subway funds?

Mr. GIAIMO. Well, of course, I hesitate to ask the distinguished gentleman from Iowa what quid pro quo, but I will risk it at this time and ask what quid pro quo? I am not aware of any quid pro quo.

Mr. GROSS. Every dollar you have in this bill for the subway system.

Mr. GIAIMO. It has nothing to do with the bridge and the highway system. Each stands on its own.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NATCHER. I yield the gentleman 5 additional minutes.

Mr. GIAIMO. I would like to mention one thing which I think my friend, Mr. SCHERLE, brings out in his supplemental views, that is that there are shocking examples of waste in the District government. I commend to the attention of the Members a study of a report which I had made by the Comptroller General of the United States called Activities of Blackman's Development Center, Department of Health, Education, and Welfare, Department of Labor and District of Columbia government. In this report it shows a shocking waste of Federal moneys by the Blackman's Development Center, a contractee of the Narcotics Treatment Administration, to the extent that we put into the committee accompanying the legislation on page 23 this language, which I would like to read.

> A General Accounting Office report (Activities of Blackman's Development Center, dated April 28, 1972) shows a shocking misuse of funds by the Blackman's Development Center, a community organization with whom the Narcotics Treatment Administration contracted for narcotics screening and treatment. The report shows that $81,580 of funds provided the Center is unaccounted for.

The report further found that $66,278 in checking account expenditures were not supported by vendors' invoices or other documentation. In addition, the General Accounting Office audit revealed that $82,900 was improperly expended by the Blackman's Development Center for such items as personal automobiles, personal expenses, and about 15 parcels of real estate.

It also shows that although the Blackman's Development Center failed to maintain a 300-patient caseload as required under the contract, the Narcotics Treatment Administration failed to remedy this situation and to terminate the contract.

Now, Mr. Chairman, why do I bring that up? If we do not have better administration of our poverty programs and our other social programs in the cities of America, we cannot justify spending taxpayers' moneys on them. Yet, here we have a shocking case of the misuse of public funds such as this. During the questioning, when I asked the Director of the Narcotics Treatment Administration if he was concerned about it, the indications were that he was not as concerned about it as much as whether the services were being performed. In fact, the services were not being performed.

The report shows that very rarely did the Blackman's Development Center actually maintain the 300-potential caseload.

Further, although this was well known to the people of the District of Columbia and to the Federal Government, subsequent to these events the Department of Health, Education, and Welfare was ready to fund the same group in another city and another State, I believe in Columbus, Ohio. Yet, the Blackman's Development Center's record is well known to the Administrators of the Federal Government.

Now, Mr. Chairman, I say we cannot tolerate this shocking misuse of Federal moneys and taxpayers' moneys and it behooves the Administrators of all the enforcement agencies of our Government, both Federal and District, to see to it that this stops immediately. I say this because there is all too much of this going on in all levels of the Federal Government throughout this land of ours.

Mr. DEVINE. Mr. Chairman, will the gentleman yield?

Mr. GIAIMO. I am glad to yield to the gentleman from Ohio.

Mr. DEVINE. First, I wish to commend the gentleman for his efforts in connection with revealing the activities of the so-called Blackman's Development Program here in the District of Columbia and the fact that there apparently has been a gross misuse of public funds for purposes never intended by the Congress.

The gentleman mentioned the fact that this agency has reached out across the Nation, and I understand headquarters are being established in about a half a dozen cities, one of which is located in my district at Columbus, Ohio. They have pending in the Department of Health, Education, and Welfare an application for about a quarter of a million dollars in the same area to which the gentleman has made reference, but they insist they have not and disclaim any connection with the Blackman's Development Center, although the same and specific programs involved here are involved there.

I think the interchange of telephone calls have indicated that they are part and parcel of the same package. I think that the Department of Health, Education, and Welfare is in the process of an investigation as a result of the efforts of the gentleman in the well. I think that the Bureau of Narcotics and Dangerous Drugs is looking into it with reference to the granting of license for the use in the methadone treatment center and I think the General Accounting Office has just finished their investigation of this particular part of the operation.

I commend the gentleman for his efforts.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. MYERS), a member of the subcommittee.

Mr. MYERS. Mr. Chairman, every member of this subcommittee certainly is vitally interested in their Nation's Capital.

The task assumed here and undertaken by the committee is a monumental one. It is a tremendous job to try to get information that is needed by this subcommittee to accurately come to the floor and tell you what the expenditures are to be for the District of Columbia.

I think all of us should be concerned. Our job, certainly, is not an easy one, but we are not here today to ask for any sympathy from you other Members in that regard.

We are trying to give you information so that you will be able to do a better job in making the correct decisions. There have been a number of things that have come up here today which I think need to be further explained to the Membership here.

One of these is the Metro system that has been discussed. The question was raised as to why a balanced transportation system was not continuing. I think we all recognize that the highway portion of this is tied up in a court decision, and with compliance with requirements that have been laid down. But there are a few things which I think could be carried just a little bit further.

One of the chief objections brought forward by the litigants in the present suit against the building of the Three Sisters Bridge, which is a vital link in a balanced transportation system for the District of Columbia, was that this was an environmental hazard to our community. They stated that this bridge which was being built across the Potomac River was going to deny certain access to the river, and that it was going to be less than desirable as far as asthetics are concerned, and as far as the beauty of the terrain is concerned. Some of the opponents to the construction of this bridge made such statements that they will be making a platform of concrete clear along the river; all of the Potomac will be covered by concrete.

Mr. Chairman, we discovered that there are going to be two more bridges built by the Metro system, one in the vicinity of the 14th Street Bridge, plus some tunnels under the river, and then another bridge across the Anacostia River. But how many people have you heard raising objections to the building of these two Metro bridges? It is rather strange that objections are only brought up when we are going to build a highway bridge, and yet the Metro system will be building two more bridges across these beautiful rivers, and yet no objection is raised to them.

Then another objection that was raised was concerning the families who will be displaced, and that is too bad that these families will be displaced by the building of a highway system, but have you heard any objection about the many families that will be displaced by the construction of the Metro system? The manager of the Metro system testified that 744 families will be required to be displaced because of the construction of the Metro system—744 families will be moved out. Yet has there been any big hue and cry about that? I have not heard the first word of protest by the media.

Another objection brought forth by the District Court of Appeals judge in his opinion was that sufficient evidence did not show that any alternatives were considered against the building of this bridge. He also wrote that there was taking of much-needed park space through the building of highway bridges; that it was taking valuable parkland. But I actually wonder how much parkland is going to be taken for the building of a couple of bridge piers, possibly a few hundred square feet. But that bridge is being held up because parkland is being taken for the construction of that bridge.

Well, do you know how much parkland is being taken by the construction of the Metro system? Almost $11 million in value of parkland is being taken by the Metro system. Construction across the river from the Pentagon, running north alongside of this beautiful area in front of the Arlington Cemetery is in parkland.

That system over there will be running above ground through this beautiful parkland. Where are the environmentalists who came in here and cried so much about the highways being built across the Potomac? And we are told that through this beautiful parkland they are going to run a railroad. Then consider the fact that in the future there is always the possibility that the Metro system might be a failure, but once you get a railroad right of way you can store boxcars up there along this beautiful parkland. Where are these environmentalists when this is being done? We have not heard the first word of objection.

I think it is time that some of us give some serious consideration about the construction of the Metro system.

Now, this does not mean, Mr. Chairman, that this committee has any great doubt that the building of a Metro system is much needed, but some of us, some of the Members of this body who have viewed the construction of the Metro, and the many factors associated with it, believe that it will have a severe environmental impact. Where is the environmental impact studies required by law for public roads programs?

It is very clear that they are not using the same standards for the construction of the Metro system that are being required today for the construction of a highway system as part of the balanced transportation system that this Congress has authorized be built.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 additional minutes to the gentleman from Indiana.

Mr. MYERS. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, there are a few things concerning the Metro system that have gone unnoticed. We all recognize that the Metro system is going to require some type of fuel or energy, and that this is going to be electricity. Remember back just a couple of years ago when we had a brownout in the District of Columbia during August. We had to turn half of our electric lights off, and we had to turn down our air conditioners because there was not enough electrical energy available to run them? And just yesterday the media was speaking of the imminent possibility of a brownout again this year.

Do you know how much electricity this Metro system is going to require in order to run these 556 cars, and all of the stations that will be necessary, along with the need for their being air conditioned? Some stations will require a number of elevators and escalators that will have to go up from beneath the ground more than 100 feet in order to get the people riding the trains to the surface. This Metro system is going to require 90 million kilowatt hours requiring 35,000 tons of coal per month. How many coal cars will be required to transport 35,000 tons of coal and where is that coal needed to run these generating stations going to come from? It will require more than 500 coal cars per month to operate just the Metro system alone. This city and this area are being threatened when we need an additional 35,000 tons of coal to run the Metro system alone, plus all the other electricity we require.

How about the environmentalists? Where are they when this subject comes up? Where are they today? How much information concerning this has been given to the Congress? This electrical energy that is going to be required to run the Metro system alone is enough electricity to supply the States of Alaska or Wyoming, yet this electricity is going to be required just to run the Metro system here in the District of Columbia.

What I am saying is simply that yes, of course, there are some very real serious problems in the District of Columbia, but that if we are going to set standards for one segment of the economy, or for the necessities of the District of Columbia, then why do not the same standards prevail and be required in every other agency of the District of Columbia? Obviously they are not.

We have some very real problems, this is very true, but sometimes we are unable to secure the true facts, as our good friend said in his supplemental views in the report, the gentleman from Iowa (Mr. SCHERLE). We are not getting all the facts. I think it is high time that this body, this city, and the Nation know how our tax dollars are being spent, and there are a number of cases of double standards.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MYERS. I yield to the gentleman.

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding.

Did the committee make any effort to ascertain where the $5 million to $6 million in school funds of the District of Columbia disappeared? Were those funds ever located?

Mr. MYERS. Yes, there was some time given to the school board, to the superintendent of schools on that subject.

Frankly, I do not think we were given any help—more than the fact that the discrepancy is being accounted for or being worked out with the General Accounting Office.

This is just another example—and this is not the only one that was discovered, I might advise the gentleman from Iowa.

Also, in questioning the superintendent of schools, the gentleman from Iowa (Mr. SCHERLE) discovered that the superintendent was not sure as to how many school buildings the District of Columbia had. He is not sure how many teachers he has. He is not sure how many students he has. He is not very much aware of what the school system is doing or what is going on in the school system.

Mr. GROSS. Is he living in another world?

Mr. MYERS. Well, he is fretting right now because of the fact that he lost his chauffeur. It takes so much time driving to the schools that he may have to go to because of losing his chauffeur, and he just does not have the time to investigate trivial matters like $3 million and $5 million shortages.

Mr. GROSS. Five million dollars just does not disappear without some assistance.

Mr. MYERS. In answer to the gentleman, the superintendent did testify that this was a bookkeeping entry mistake more than anything else and that there was not any money that disappeared. They just do not know how to keep books—until they hired Price Waterhouse, this accounting firm to do the work for them, and now they have an expert in bookkeeping.

Mr. GROSS. It is hard to believe they did not know how to keep books that would show an expenditure of $5 million.

If they did not know how to keep books on the $5 million, how can they say with any degree of assurance where any part of the money went? Perhaps it went down the same drain as did those thousands of dollars that were handed over to General Abdulah Kabula, or whatever his name, at the Blackman's Center.

Mr. MYERS. This is one of the things or frustrations of the committee, or at least myself as a member of the committee trying to find out where the money goes and how much is spent.

Last year, or this fiscal year that we are still in, it was estimated that the District of Columbia would have $644 million in Federal money from all sources of slightly over a billion dollar total expenditure. This year it must be well over $700 million, coming from the taxpayers throughout the United States.

Mr. NATCHER. Mr. Chairman, I yield myself 1 minute.

The CHAIRMAN. The gentleman from Kentucky is recognized.

Mr. NATCHER. Mr. Chairman, as you know, the House Committee on Appropriations is composed of 13 subcommittees, and one of them is the Subcommittee on the District of Columbia. It is one that is quite difficult to serve on at times. On this subcommittee at the present time, Mr. Chairman, we have Mr. GIAIMO, of Connecticut; we have Mr. PRYOR of Arkansas; we have Mr. OBEY, from the State of Wisconsin, who is sitting here at the committee table; we have Mr. STOKES, of Ohio; and we have Mr. McKAY, of Utah, who is one of our new members.

On the Republican side, as I pointed out a few minutes ago, we have the ranking minority member (Mr. DAVIS) who has been on this subcommittee a great many years, along with Mr. SCHERLE, of Iowa, who is serving his second year on this subcommittee, Mr. McEWEN, of New York, who also is serving his second year, and Mr. MYERS, the distinguished gentleman from Indiana, who just left the well of the House.

Mr. Chairman, all of these members are able, outstanding Members of the House. This year it took about 3 weeks of hearings almost every day, usually morning and afternoon, to complete this bill. These members attended the hearings. They have come in and they have given of their time. At this time, Mr. Chairman, I want to commend them for the fine work they have done on this bill.

We have Mr. Silsby as our administrative assistant. He has been with our committee for a number of years. You can ask them downtown what kind of job he does, Mr. Chairman, and I think they will agree with me that he is an able administrative assistant. He is assisted by Mr. Miconi, who is sitting with us on the floor, and is also of great help to us.

Mr. Chairman, in all justice to these members and the staff, I want to make this statement at this time.

We have no further requests for time on this side, Mr. Chairman.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa, a member of the subcommittee.

Mr. SCHERLE. Mr. Chairman, before I begin, I would like to pay tribute to both my chairman, Mr. NATCHER from Kentucky, and the ranking member from Wisconsin, Mr. DAVIS also to my committee colleagues on both the majority and the minority sides, as well as our very capable staff for their outstanding work on this bill. The committee has been very diligent and conscientious in trying to reach a decision concerning the amount of money needed to run the District of Columbia government.

I would urge the Members of the House to take the time to read the committee reports, and particularly the hearings. You will then have a more complete answer to the question of whether or not the District should have home rule. Home rule to me is a lot of baloney. The District of Columbia has home rule now with the school system—do you know of a worse mess? There will be no home rule, as far as I am personally concerned, for awhile. They could not afford it. If the present District of Columbia government is an example of what home rule would be like, then I feel sorry for the citizens of the District of Columbia, particularly those who pay the bills.

The District of Columbia, as our chairman mentioned a moment ago, is made up of 740,000 people living on 69.3 square miles.

The unemployment rate in the District is 2 percent, one of the lowest in the Nation. There are pockets, scattered through the District, where, of course, unemployment ranks higher. There will be approximately 135,000 people on welfare at the end of this fiscal year. This area has $22 billion worth of construction. There are help wanted signs all over these buildings. The newspapers are full of "help wanted" ads. But because of the lucrative welfare system in the District, we do not find many people who want to go to work.

The various District of Columbia problems we have uncovered in the District of Columbia government are atrocious. One thing that concerns me as a member, more than anything else, is the lack of candor, the half-truths, and the hypocrisy pervading this governmental body. This committee has tried to make an informed decision about appropriate funding levels but was frustrated because there is more to be told than we actually heard.

I would like to enumerate some of the obstacles as I experienced them. Some are major, some minor, and some completely ridiculous.

The District of Columbia government is probably the greatest employment agency in the United States, employing practically 50,000 people at both the Federal and District level. In fact, when I stop to visualize the huge number of employees, it reminds me of the story that used to go around the defense plants during World War II.

When the supervisor walked up to an employee and asked "What are you doing?" the employee said, "Nothing," to which the supervisor replied, "Get a wrench and look busy."

Some of the requests made to our committee were incredible examples of boondoggles and waste.

The District of Columbia government requested $90,000 to plant 480 trees at a cost of $200 a tree. Yet these same tiny maples, oaks, and elms could have been purchased locally for considerably less.

One employee of the District with a salary of about $32,000 a year attends law school 4 hours a day, and claims to work an additional 17 or 18 hours for the Government. The remaining 3 or 4 hours he contends are used to sleep not counting eating or commuting or anything else. And for this he receives $32,000 a year.

Dr. Hugh Scott, the Superintendent of Schools, as I mentioned earlier, did not even know how many schools were under his jurisdiction. The school system here, unfortunately, even with all of the money we appropriated, does not do the job. In view of the vast resources available, the results are disappointing to say the least.

A member of the School Board took students from their classes at Eastern High School, over the objections of the principal, brought them to the Capitol to demonstrate. Some even vandalized a Congressman's office.

This is not what schools are for. They exist only to educate. They are for children to learn and for teachers to teach. Playing politics with schoolchildren during school hours, is not appropriate or ethical, and it will not be tolerated.

The District has selected a new Director for the Department of Human Resources, Mr. Yeldell. Let me give the Members an idea of the present welfare caseload, and the increases anticipated for the future. The alarming rise in welfare cases is dramatically illustrated by recent statistics. In July 1970 there were 50,000 people on welfare. One year later in July 1971, 75,000 people were on the dole. By September 1971, 92,000 people were living at government expense. By fiscal year 1973, it is estimated that 137,000 people in the District will be on welfare—an average annual increase of 25,000 to 30,000 people.

Our committee discovered, sad as it may be, that facilities for handicapped children here in Washington are either inadequate or nonexistent. I asked, in the committee, who bears the responsibility for these children. Mr. Yeldell did not acknowledge it nor did Dr. Scott; 18,000 children in this District are incapacitated in some way, but only 8,000 of them are being helped. What will happen to the other 10,000? Does anybody know? Does anybody care?

This committee took it upon itself to earmark $2.07 million for special education for the handicapped children of the District. We also directed the Director of Human Resources and the Superintendent of Schools to coordinate a balanced special education program.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. SCHERLE. Mr. Chairman, it is a sad commentary on the District of Columbia government's priorities when such children are neglected. It is inexcusable but expresses once again the heartless attitude of District officials for the handicapped, particularly when the taxpayers of this Nation are willing to provide the money.

In another area, the deputy mayor Mr. Watt, now in Europe, has been out of town most of the year. Yet he continues to draw a salary of about $36,000 a year. He also asked the taxpayers to provide $300 for parking privileges for his Government-owned car at his apartment. As I told the District of Columbia budget officer, if the Deputy Mayor is that poor, we should pass the hat and take up a collection for him. Fortunately, the committee has not approved that expenditure.

Furthermore, this car is loaned to him on a 24-hour basis. Since he is out of the country so much of the time, perhaps we ought to give that automobile to someone who needs it, at least until the gallivanting Deputy Mayor comes back.

Our committee found out once again belatedly, because of a lack of information, that a profitmaking organization, caring for 52 troubled young wards of the District, apparently is operating without any experienced child guidance personnel. This service is costing the Government $373,000.

The most shameful thing about all this was brought out when I asked Mr. Yeldell how he found out about it. Mr. Yeldell, director of the Department of Human Resources, said that he learned of the existence of the CRC contract by reading the Washington Post articles. It is incredible that a department head has to read the newspapers to know what is going on in his own bailiwick. My comment was, "Mr. Yeldell, it is a shame that you as Administrator rely on the news media to find out what is happening in your own department."

Now for the institutions of higher learning. In questioning Dr. Cook the president of the District of Columbia Teachers College. I asked:

> Is there any problem with the college you wish to discuss with the committee?

"None at all," was the reply. Yet at that time the GAO was investigating some serious charges against the administration of the college. That report shows gross negligence, and mismanagement, at the school which requires immediate correction.

The charges are based on a questionable deposit of funds, overobligations of appropriated funds, control of equipment and supplies, noncollection of tuition, procurement practices, and other irregularities. I include this GAO report for the RECORD:

PROBLEMS IN FINANCIAL AND PROPERTY ADMINISTRATION AT THE DISTRICT OF COLUMBIA TEACHERS COLLEGE

(By the Comptroller General of the United States)

COMPTROLLER GENERAL OF THE
UNITED STATES,
Washington, D.C.

B-167006.
Hon. WILLIAM J. SCHERLE,
House of Representatives.

DEAR MR. SCHERLE: In accordance with your request, we have reviewed selected areas of financial and property administration at the District of Columbia Teachers College. The results of our review are set forth in this report.

We did not obtain written comments from the District of Columbia Government on the contents of the report. The contents were discussed, however, with Teachers College officials.

As agreed with your office, copies of this report are being sent to the Chairmen of the House and Senate Committees on Appropriations; Chairmen of the House and Senate Committees and Subcommittees on the District of Columbia; the Director, Office of Management and Budget; the Commissioner, District of Columbia; the Chairman of the Board of Higher Education; and the President, District of Columbia Teachers College.

Sincerely yours,
ELMER B. STAATS,
Comptroller General of the United States.

DIGEST

WHY THE REVIEW WAS MADE

Congressman William J. Scherle requested the General Accounting Office (GAO) to make a review at the (1) Federal City College, (2) the District of Columbia Teachers College, and (3) the Washington Technical Institute of the—

Authority for the receipt and deposit of all funds,

Procedures for control over the obligation and expenditure of appropriated funds,

Accountability for supplies and equipment, and

Procedures for the collection of tuition and fees owed by students.

This report concerns the District of Columbia Teachers College. GAO did not obtain written comments from the District of Columbia Government on the contents of this report. The contents were, however, discussed with Teachers College officials.

GAO transmitted its report on the Federal City College to Congressman Scherle on October 27, 1971. GAO's report on the Washington Technical Institute will be issued shortly.

FINDINGS AND CONCLUSIONS

GAO's review at Teachers College disclosed management weaknesses which require the attention of the Board of Higher Education; District Government accounting, budgeting, and legal specialists; and Teachers College officials.

1. Deposit of funds

During fiscal year 1971 Teachers College revenues consisted of student cooperative fees of about $290,000—of which, we believe, about $245,000 should be considered tuition unless the college can clearly establish that the Congress has acquiesced to the longstanding practice of the college regarding the use of these fees; grants of about $275,000; reimbursements of about $440,000 for services provided to other District agencies; and miscellaneous income of about $45,000.

These funds were deposited in a commercial bank account rather than in the U.S. Treasury as required by applicable laws and accounting procedures.

The college's administrative controls over the funds deposited in the commercial bank account were inadequate, and the funds, in certain instances, were used for questionable purposes.

Teachers College should deposit all revenues in the U.S. Treasury

Tutition and miscellaneous receipts to the credit of the District of Columbia general fund,

Grant receipts to the credit of District trust accounts, and

Reimbursements for services provided to other District agencies to the credit of the applicable appropriation. (See pp. 7 to 11.)

2. Overobligations of appropriated funds

District Accounting Office records showed that Teachers College had overobligated its fiscal year 1971 apportionment of funds by about $250,000. These overobligations resulted from a misinterpretation of reports on the status of available funds.

Proper use of available obligation-apportionment information and familiarization of officials and employees with procurement regulations, policies, and procedures should prevent overobligations of available funds in the future. (See pp. 12 to 14.)

3. Control over equipment and supplies

Teachers College does not maintain adequate control over its equipment and supplies. Steps which should be taken to establish effective control over these assets are detailed in the report. (See pp. 15 to 17.)

4. Collection of tuition

Although students attending Teachers College who were not residents of the District of Columbia were required to pay tuition, GAO found that tuition had not been collected from many nonresident students because either tuition bills had not been prepared or efforts had not been made to collect unpaid bills.

GAO found also that foreign students on student visas had not been charged tuition because Teachers College officials erroneously had considered them to be residents of the District of Columbia.

Teachers College should identify nonresidents at the time of their application for admission to the college and should collect tuition from such students at the time of registration before permitting them to register for classes. Teachers College also should adopt the necessary policies and procedures for collecting tuition from foreign students. (See pp. 18 to 22.)

5. *Procurement practices*

District of Columbia agencies generally are required to obtain at least three price quotations before ordering goods or services costing over $500 and to formally advertise for bids when the cost exceeds $2,500. GAO found that Teachers College had not complied with these requirements and as a result, might have incurred excessive procurement costs.

GAO believes that, although the president of Teachers College recently directed its employees to adhere to applicable procurement requirements, the District's Office of Municipal Audits should periodically review Teachers College procurement practices to determine whether the president's directive is being followed. (See pp. 23 to 25.)

CHAPTER 1—INTRODUCTION

In accordance with a request by Congressman William J. Scherle, the General Accounting Office made a review at the District of Columbia Teachers College of (1) the authority for the receipt and deposit of funds, (2) the procedures for control over the obligation and expenditure of appropriated funds, (3) the accountability for supplies and equipment, and (4) the procedures for the collection of tuition and fees owed by students. (See app. I.)

The District of Columbia Teachers College, as it presently exists, was formed on July 1, 1955, by merging Miner and Wilson Teachers Colleges. Its primary purpose is to prepare students for teaching in preschools, early-childhood education centers, and elementary and secondary schools.

The Teachers College apportionment of the District's education appropriation for fiscal year 1971 was $2,967,000. It received $1 million additional in the form of fees, grants, reimbursements from other District agencies, and miscellaneous income. As of September 1971 the college had 132 full-time faculty, 1,636 day students, 803 evening students, and 38 administrative and clerical staff members.

Board of higher education

Title I of the District of Columbia Public Education Act, approved November 7, 1966 (31 D.C. Code 1601–1606), established, among other things, the Board of Higher Education. Section 103 of the act described the powers and duties vested in the Board and provided for it to assume control of Teachers College from the Board of Education when agreed upon by both Boards and approved by the Commissioner of the District of Columbia. The effective date of transfer for policy and supervisory purposes was January 1, 1969, and for all other purposes, including administrative and fiscal, was July 1, 1969.

Internal audits

The District of Columbia Office of Municipal Audits is responsible for reviewing the operations of District agencies, including Teachers College. At the request of the president of Teachers College, the Office of Municipal Audits made a review of Teachers College obligations for fiscal year 1971. We were advised by an Office of Municipal Audits official that the last review at Teachers College had been made over 5 years ago and had been limited to examining nonresident tuition rates.

CHAPTER 2—MONEYS ERRONEOUSLY DEPOSITED IN A COMMERCIAL BANK

District agencies are required to deposit receipts in the U.S. Treasury—tuition and miscellaneous receipts to the credit of the District of Columbia general fund, grant receipts to the credit of District trust accounts, and reimbursements for services provided to other District agencies to the credit of the applicable appropriation.

During fiscal year 1971 Teachers College's revenues consisted of student cooperative fees of about $290,000—of which, we believe, about $245,000 should be considered tuition unless the college can clearly establish that the Congress has acquiesced to the long standing practice of the college regarding the use of these fees; grants of about $275,000; reimbursements of about $440,000 for services provided to other District agencies; and miscellaneous income of about $45,000. These funds were deposited in a commercial bank account rather than in the U.S. Treasury as required by laws and accounting procedures pertaining to the deposit of the funds. Our review of disbursements from this account revealed that the administrative control over the deposited funds was inadequate and that the funds had been used, in certain instances, for questionable purposes.

Student cooperative fees

Teachers College charges each day student a cooperative fee of $35 a semester, and each evening and summer student a cooperative fee of $10 a credit hour. These fees are in addition to fees charged for expenses directly related to individual courses, laboratory fees, and fees for such miscellaneous items as locker rental, transcripts, and library fines. The revenues from the cooperative fees are allocated for use as follows:

	Purpose			
Type of student	Cooperative fee	Student activities	Student government association	Budget administration [1]
Day	$35	$6	$9.67	$19.33
Evening and summer	10			10.00

[1] Used by the college to pay operating expenses not covered by its appropriation.

In fiscal year 1971 the cooperative fees totaled about $290,000. These fees were deposited in a commercial bank account. Of this $290,000, about $45,000 was used for student activities and the Student Government Association and about $245,000 was used to pay Teachers College operating expenses. According to a college official, this type of fee has been in effect for more than 30 years and has not been treated as tuition during that period.

Teachers College is authorized (31 D.C. Code 311) to change its students tuition whether or not they are District residents. The term "tuition" is defined as a fee charged a student at a college or university for (1) the privilege of attendance at the institution (Ballentine Law Dictionary) and (2) the price of, or payment for, instruction (Webster's Seventh New Collegiate Dictionary). In the absence of express congressional intent to the contrary, words used in a statute are intended to be given their common meaning. It is our view, therefore, that the portion of the student cooperative fees allocated to budget administration (that is, paying operating expenses not covered by the college's appropriation) should have been considered as tuition payments.

Inasmuch as Teachers College has not considered any portion of the cooperative fees to be tuition for over 30 years, we are not questioning the past use of these funds to pay operating expenses without the express prior approval of the Congress. We believe, however, that in the future the part of the cooperative fees allocated to budget administration should be considered as tuition payments unless the college can clearly establish that the Congress has acquiesced to the long standing practice of the college regarding the use of these fees. Further, as required by existing statutes (31 D.C. Code 307 when construed with 31 D.C. Code 311 as well as with 47 D.C. Code 126 and 301), tuition collected from students attending Teachers College should be deposited in the U.S. Treasury to the credit of the District of Columbia.

Grants

The District of Columbia Accounting Manual directs that each District agency disclose in its budget submissions the estimated amount of grants to be received and requires that the grant funds be deposited in the U.S. Treasury to the credit of District trust accounts and that all grant expenditures be charged against the accounts.

Teachers College disclosed the estimated amount of grants in its budget submission for fiscal year 1971 but did not deposit the grant funds in the U.S. Treasury to the credit of District trust accounts. Grant funds of about $275,000 received in fiscal year 1971 were deposited in the college's commercial bank account. About $250,000 was disbursed from the account during the year and charged against the grants.

Reimbursement of costs for services provided to other district agencies

The District of Columbia Code (1 D.C. Code 244k) authorizes District agencies to place orders with other District agencies for any goods or services such agencies can provide. The District of Columbia Accounting Manual provides that each District agency (1) disclose in its budget submissions the estimated reimbursements to be received for services or goods provided in other agencies, (2) deposit the reimbursements to the credit of its appropriations, and (3) charge all expenditures incurred in providing the services or goods against the appropriation.

Contrary to the above instructions, Teachers College did not disclose in its budget submission the estimated reimbursements to be received for fiscal year 1971 and did not deposit the funds received to the credit of its appropriation. Reimbursements of about $440,000 received in fiscal year 1971 under contracts and agreements with other District agencies were deposited in the college's commercial bank account. During the year expenditures of about $320,000 were made from the account and charged against contracts and agreements.

Miscellaneous income

The District of Columbia Code (47 D.C. Code 301) requires that all revenues be deposited in the U.S. Treasury to the credit of the District of Columbia. In fiscal year 1971 Teachers College's miscellaneous income—interest, laboratory fees, etc.—totaled about $45,000. These revenues were deposited in the college's commercial bank account and were used to pay operating expenses.

Inadequate control over and questionable uses of funds in commercial bank

The college's administrative controls over the funds deposited in the commercial bank account were inadequate. Many payments were made on the basis of vouchers without such supporting documentation as invoices or receipts. The signature of only one official was required on checks drawn against the account. More effective control over disbursements would be provided by requiring that checks signed by disbursing officers be countersigned by other designated officials.

We believe that in certain instances these funds were used in a questionable manner. Interest-free loans and salary advances were made to faculty and staff members. Outstanding loans and advances amounted to about $5,560 at November 30, 1971. Also the college permitted its employees to exchange personal checks for college checks drawn on its commercial bank account to vendors of their choice, so that they could obtain the same discounts and tax exemptions available to the college. This practice should not have been permitted because it was unfair to the vendors and resulted in illegal tax exemptions.

The president of Teachers College told us that the depositing of the various revenues—cooperative fees, grants, reimbursements, and miscellaneous income—in the commercial bank account was a long-standing practice and that he was unaware of the previously described legal and accounting requirements. He stated that he would obtain guidance from District accounting officials on these matters.

Conclusions

We believe that Teachers College should deposit all receipts in the U.S. Treasury to the credit of the appropriate accounts. (See p. 7.)

CHAPTER 3.—OVEROBLIGATION OF FISCAL YEAR 1971 FUNDS

The Anti-Deficiency Act (31 U.S.C. 665), which is applicable to the District of Columbia Government, provides in part, that no officer or employee authorize or create any obligation or make any expenditure under any appropriation in excess of the amount available thereunder. The District of Columbia Procurement Manual states that, before any procurement action, such as issuing purchase orders or requisitions is taken, it must be established that funds are available.

Reports received by Teachers College from the District central accounting office showed the amounts of the college's apportionment of funds, its cumulative obligations, and its unobligated or overobligated funds. The reports for May and June 1971 showed the following unobligated or overobligated funds.

Month ended	Period report received by college	Unobligated or overobligated (—) funds
May 31, 1971	1st week in June	$333,000
June 30, 1971 (tentative)	1st week in July	161,000
June 30, 1971 (final)	Last week in August	—250,000

A Teachers College official told us that he had misinterpreted the reports received from the District's central accounting office. He said that, although the college had been receiving the report after sometime in 1970, he did not fully understand them. He said that he thought that the column showing unobligated funds of $333,000 was the amount that the college had available to spend in June and that June salaries and other expected expenses had already been deducted.

On August 5, 1971, the District of Columbia's Executive Office of Budget and Program Analysis advised Teachers College that it had overobligated its fiscal year 1971 apportionment of funds by about $250,000 and that the overobligation had to be brought within the available apportioned funds by August 10, 1971. After we discussed the overobligation with the president of Teachers College and with the District's Budget Office, the president requested the District Office of Municipal Audits to make a review and analysis of the college's fiscal year 1971 obligations.

A report issued by the Office of Municipal Audits on March 31, 1972, recommended various adjustments of Teachers College's fiscal years 1970, 1971, and 1972 obligations, which, when made, will reduce the college's fiscal year 1970 overobligations from $532,020 to $522,642; the fiscal year 1971 overobligations from $283,401[1] to $9,528; and the fiscal year 1972 unobligated funds as of January 31, 1972, from $1,826,899 to $1,559,681. The recommended adjustments of obligations recorded in fiscal years 1970 and 1971 included the cancellation of some unfilled purchase orders and the transfer, for a variety of reasons, of obligations between fiscal years 1970, 1971, and 1972. We have not examined into the propriety of the recommended adjustments.

In its audit report the Office of Municipal Audits cited the following major underlying causes for the over-obligation by Teachers College for fiscal year 1971.

1. The college's financial records were not reconciled on a daily or monthly basis with the financial reports furnished by the District's central accounting office.

2. College management officials were not aware of the correct amount of funds available for expenditure at the end of the fiscal year.

3. College employees responsible for the procurement functions were not familiar with applicable policies, procedures, and regulations relating to procurement activities.

The audit report recommended that the president, District of Columbia Teachers College, take administrative action to have the daily and monthly reports on the status of apportioned funds furnished by the District Accounting Office reconciled to the financial records of the college and to ensure that all employees responsible for the procurement function are familiar with the applicable policies, procedures, and regulations relating to procurement activities.

In a letter to the Chairman of the Subcommittee on the District of Columbia, Senate Committee on Appropriations (B-118638, Mar. 13, 1972), we cited 18 cases in which the District's records indicated that reportable violations of the Anti-Deficiency Act had occurred in fiscal year 1971. One of the 18 cases was Teachers College's overobligation of its fiscal year 1971 apportioned funds by about $250,000. The District, in responding to this letter on March 17, 1972, stated that the accounts of Teachers College were under review and expressed the belief that adjustments to correct accounting errors would result in showing that Teachers College's apportioned funds were not overobligated. As requested by the Chairman, we will report further on reportable violations of the Anti-Deficiency Act by the District of Columbia Government.

Conclusions

The District Accounting Office reports on the status of the college's funds provided the necessary information to have avoided the authorization of obligations in excess of the amounts available. The misinterpretation by college officials of the District Accounting Office reports and, as pointed out by the District auditors, the unfamiliarity of college officials and employees with procurement regulations, policies, and procedures were the basic reasons for the overobligation of fiscal year 1971 funds.

Teachers College, in addition to adopting the recommendations by the Office of Municipal Audits, should have its officials instructed as to the meaning of the District Accounting Office's periodic reports on the status of the college's funds. Further, we believe that the Office of Municipal Audits should make reviews to determine whether its recommendations have been implemented.

CHAPTER 4—INADEQUATE CONTROL OVER EQUIPMENT AND SUPPLIES

The District of Columbia Accounting Manual directs that District agencies having custody of property maintain detailed property records and general ledger control accounts. Teachers College, however, does not maintain complete and accurate information on its equipment and supplies.

A function of financial property accounting is to provide reliable and systematically maintained records of an agency's investment (at cost) in property. These records should be designed to be of maximum assistance in procurement and utilization of property, including the identification of excess property and its use, transfer, or disposal. Property accounting procedures should provide for:

Recording in accounts all transactions affecting investments in property—the acquisition and use, consumption, and disposal of property.

Maintaining appropriate records of quantities of property and its location.

Independently verifying the accuracy of the accounting records through periodic physical inventories.

The Teachers College maintains no accounting records for equipment and supplies and has no written procedures for the control over such items. A college official explained that the procedures for controlling equipment were as follows:

"When equipment is acquired, its description and location are recorded on a master equipment record card. This information, plus the name of the person charged with the equipment, is recorded on an equipment record card. Near the end of the fiscal year, the equipment record cards are sent to the persons charged with the equipment, who indicate the status of the equipment. Changes in status, such as equipment lost, condemned, or stolen, are noted on the master equipment record cards."

To determine whether these procedures were being followed, we selected for review, from purchase orders and available inventory records, 145 items of equipment which cost $125 or more each and which had a total cost of $81,300. Our review showed that only 37 of the 145 items had been recorded on the master equipment record cards and that individual equipment record cards were not on file for any of the 145 items.

With regard to supplies, no records are maintained to show the quantities purchased, used, or on hand. College officials said that physical inventories of supplies were not taken and that supplies were ordered when a visual examination of items on hand indicated that more were needed. We were told that the custodial staff was responsible for issuing and controlling supplies and that a written requisition form, approved by an administrative officer or department chairman, was required before supplies would be issued.

The custodial staff did not have a listing of persons who could approve the requisitioning of supplies. We noted that 32 of the 58 requisitions on hand had been filled at the time of our review had not been signed by administrative officers or department chairmen.

We discussed the lack of control over equipment and supplies with college officials in December 1971 and March 1972. They agreed that inventories had not been taken and that accurate records had not been maintained. We suggested, and they agreed, that assistance in establishing controls over these property assets be sought from the District Office of Municipal Audits.

Conclusions

Teachers College does not have adequate control over its equipment and supplies. To establish and maintain effective control over these items, the following steps should be taken.

First, general ledger control accounts and subsidiary records should be established for equipment and a general ledger account should be established for supplies. Secondly, written procedures should be developed and implemented for (1) recording all transactions in the general ledger control accounts, (2) maintaining subsidiary records showing the quantity, cost, and location of items of equipment, and (3) taking physical inventories periodically. Thirdly, a listing of persons authorized to requisition supplies should be provided to the staff responsible for issuing and controlling supplies.

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[1] The recording of additional obligations had resulted in increasing the overobligations as of June 30, 1971, from $250,000 to $283,401.

CHAPTER 5—ALL TUITION NOT COLLECTED

Students attending Teachers College who are not residents of the District of Columbia are required to pay tuition. Teachers College's present nonresident tuition rate of $33.75 a semester hour was established in 1968 by the Board of Education.

Teachers College has not collected tuition from all nonresident students because bills had not been issued or because efforts had not been made to collect unpaid bills. Also foreign students on student visas had not been charged tuition because the college officials erroneously had considered them to be residents of the District.

Nonresident tuition

The District of Columbia Nonresident Tuition Act (31 D.C. Code 307d) requires the payment of tuition (1) for each child (a person under 21 years of age) who attends a public school[1] of the District of Columbia and who does not have a parent or guardian who resides in the District and (2) by each adult who attends such a public school and who does not reside in the District. The act requires also that tuition collected be deposited in the U.S. Treasury to the credit of the District of Columbia.

The act also provides that a child be exempt from the payment of tuition upon submission of evidence that the care, custody, and substantial support of the child are supplied by the person or persons with whom the child is residing in the District of Columbia and that the parent or guardian of the child is unable to provide such care, custody, and support, or that the child is self-supporting.

Teachers College officials told us that the college had no written procedures relating to the billing and collection of nonresident tuition. They said that, when they registered at the beginning of each semester, students were required to complete forms showing, among other things, their ages and residences. They said also that officials of the college's business office subsequently examined these forms to identify nonresident students, computed the tuition for each nonresident student on the basis of the number of semester hours for which he had registered, and prepared bills. Copies of the bill are mailed to the students who are notified by the college to remit their payments, together with the copies of the bill received, to the District of Columbia Treasury. Upon receipt of payment, the District Treasury mails copies of the paid bill to Teachers College.

Our review of registration forms for students registering between February 1969 and August 1971, copies of tuition bills, and tuition payments received by the District Treasury showed that the above procedures had not been followed; that nonresident tuition of $61,675 should have been billed and collected; and that, of the $28,836 that had been billed, only $12,700 had been collected. Many of the bills were prepared up to 1 year late, and no attempts had been made to collect unpaid bills.

College officials told us that when the college was under the control of the Board of Education, the college prepared the tuition bills and the Board of Education had collected the tuition. They said that after control of the college was transferred to the Board of Higher Education in 1969, they were unsure as to what the nonresident tuition charge should be and were uncertain as to how the billings should be handled. They said that consequently no nonresident tuition billings had been prepared for the 1969 summer sessions.

In November 1969 the Board of Higher Education notified Teachers College officials that it had no objection to continuing the established nonresident tuition rates. The officials stated that they had learned later that new billing forms were needed and that a revenue account to which tuition collections could be credited had to be established by the District of Columbia Treasurer. They said that they had obtained the number of the account in January 1971 and that subsequently the billing forms had been ordered. The officials offered this as the reason why billings for other semesters had been prepared late.

The college officials were unable to explain why tuition billings had not been prepared for all nonresident students. They indicated that some nonresident students might have been exempt from paying tuition because they were under 21 years of age, self-supporting, and living in the District. We advised the officials that our review of the records had not disclosed any documentation indicating that any of these students had requested exemptions under the Nonresident Tuition Act. In December 1971 we provided the officials with a listing of the nonresident students who had not been billed. The officials said that they would make a review to determine the tuition-paying status of these students. As of March 3, 1972, we had not been informed of the results of that review.

Teachers College officials expressed the view that the collection of delinquent tuition should be accomplished by the District Treasury. District Treasury officials, however, advised us that the collection of tuition was a responsibility of the college. They said that, if the college's collection efforts failed, the college should so advise the District Corporation Counsel so that further collection action could be taken. As of March 3, 1972, Teachers College had not done this, and, as a result, no effort had been taken to collect unpaid tuition bills.

We discussed these matters with college officials in December 1971. The president of the college subsequently issued guidelines stating that the college would collect tuition from nonresident students at the time of their registration and that those students who are unable to pay at that time would be required to sign notes agreeing to pay immediately upon being billed.

We evaluated the effectiveness of the new tuition policy when students registered for the spring 1972 semester. We noted that during registration only three nonresident students had been identified and only one had been billed. A few weeks later, employees in the registrars office identified 35 additional nonresident students. A business office official told us that billings had been sent to all 37 nonresident students but that as of March 4, 1972, tuition had been collected from only nine.

Conclusions

Teachers College should identify nonresidents at the time of their application for admission to the college and, at the time of registration, should collect tuition from such students before permitting them to register for classes. The Board of Higher Education should direct Teachers College to adopt a procedure which would ensure the collection of nonresident tuition and which would avoid incurring costs involved in preparing and mailing tuition bills and in collecting the tuition.

Foreign student tuition

The act of April 23, 1958 (31 D.C. Code 301a), permits 25 foreign students who are in the United States on valid, unexpired student visas to attend Teachers College on the same basis as do residents of the District of Columbia, so far as the payments of tuition and fees are concerned. Thus 25 foreign students may attend Teachers College upon payment of only the cooperative fee. (See p. 7).

None of the foreign students in attendance at Teachers College are paying tuition. During the fall 1971 semester, 148 foreign students were enrolled. Assuming that these students were attending Teachers College on a full-time basis—that is, taking courses totaling at least 12 credit hours—and considering the existing nonresident tuition rate of $33.75 a semester hour, the tuition that should have been collected from 123 of these students would amount to about $50,000.

Teachers College officials said that they were of the opinion that foreign students who were 21 years of age or older and who lived in the District of Columbia were considered District residents for tuition purposes.

In our opinion, the act of April 23, 1958, created a special exception from other provisions of law which prohibited the use of District appropriations for free tuition to students who were not District residents. This provision was considered necessary because foreign students on student visas are not considered District residents, regardless of their ages.

Conclusions

No more than 25 foreign students, regardless of their ages, who are in the United States on valid, unexpired student visas may be permitted to attend Teachers College on the same basis as do District residents, insofar as the payment of tuition is concerned. Accordingly, we believe that the Board of Higher Education should direct Teachers College to adopt the necessary policies and procedures for collection of tuition from foreign students.

CHAPTER 6—IMPROPER PROCUREMENT PRACTICES

District of Columbia agencies generally are required to obtain at least three price quotations before ordering goods or services that cost between $500 and $2,500 and to advertise for bids when the cost exceeds $2,500. Teachers College has not followed these requirements and, as a result, may have incurred unnecessary costs in its procurements.

The act of March 2, 1861, as amended through August 28, 1958 (41 U.S.C. 5), directs that agencies, including those of the District of Columbia Government, issue purchase orders or award contracts for supplies and services only after advertising for proposals, except when (1) the amount involved in any one case does not exceed $2,500, (2) public urgency requires immediate delivery, (3) only one source of supply is available, or (4) certain services must be performed by a specific contractor. The District of Columbia Procurement Manual permits District agencies to select vendors without formal advertising for purchases costing less than $2,500, but, when the cost is more than $500, requires the agencies to obtain at least three informal price quotations. The Procurement Manual emphasizes that an agency's procurement needs should be combined to the extent possible and acquired under a single purchase order and that the splitting of purchase orders to stay under applicable dollar limitations is a violation of these procedures.

Teachers College procurements were financed from appropriated funds and from funds in its commercial bank account. In many instances the above procurement requirements were not followed by Teachers College.

Purchase orders issued by Teachers College and financed from appropriated funds are submitted to the District's Bureau of Procurement. A Bureau official advised us that all purchase orders in amounts of $500 or more were examined to determine, among other things, whether the required number of price quotations or advertised bids had been obtained.

We found several examples where two or more purchase orders for similar items, each for less than $500 but totaling more than

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[1] Elementary, high schools, and higher educational institutions.

$500, had been issued to a single vendor. By splitting purchases in this manner, Teachers College evaded the necessity for obtaining price quotations and avoided the examination by the Bureau of Procurement.

Our review of college purchases financed from funds in its commercial bank account and our discussions with a college official disclosed that in many instances the required price quotations or advertised bids had not been obtained. For example, between August 1970 and November 1971, the college issued 30 purchase orders in amounts ranging from $500 to $38,685 and totaling about $152,000 to one construction firm without obtaining the price quotations or advertised bids that were required.

Unnecessary costs may be incurred when only one price quotation is obtained, as demonstrated by Teachers College plans to procure video equipment at a cost of $14,510. A proposal in this amount was obtained from a single vendor in July 1971. A comparison of the prices proposed for certain items of the video equipment with manufacturers' price lists showed that the prices did not include allowances for price or time discounts. In view of this, we contacted three other companies in the Washington metropolitan area that sold the particular items of video equipment. When shown a list of this equipment, the firms indicated they would have given price discounts ranging from 5 to 17 percent and time discounts ranging from one half of one percent if paid within 30 days to 2 percent if paid within 20 days.

Teachers College had prepared 17 purchase orders for the acquisition of the video equipment. Of these 17 orders, one was for $7,255 payable from grant funds in the college's commercial bank account and 16, each for less than $500 and totaling $7,255, were payable from appropriated funds. Of the 17 orders, six had been issued when we discussed the splitting of purchase orders with college officials. The president of Teachers College directed that the 11 orders not be issued. Also he subsequently issued a policy statement directing responsible procurement personnel to adhere to applicable laws and regulations when spending Teachers College funds.

CONCLUSIONS

Teachers College, because of its noncompliance with sound procurement practices, may have paid prices that exceeded those that could have been obtained by consolidating requirements and securing competitive bids or quotations. Adherence to applicable laws and regulations, as recently directed by the Teachers College president, should correct this deficiency. We believe, however, that the Office of Municipal Audits should periodically review Teachers College procurement practices to ascertain whether the president's directive is being followed.

APPENDIX I

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 12, 1971.

Comptroller General ELMER B. STAATS,
General Accounting Office,
Washington, D.C.

DEAR MR. STAATS: It has come to my attention that the General Accounting Office recently completed a report at the request of Senator William Spong on financial and property management at Federal City College. As a member of the District of Columbia Subcommittee of the House Committee on Appropriations, I am concerned about the operations of this and other institutions of higher education in the District of Columbia which are supported by federal funds.

Specifically, it is requested that your office review the operations of the Federal City College, the Washington Technical Institute and the District of Columbia Teachers College. We ask that you examine the following areas in particular: the authority of the receipt and deposit of all funds; the procedures for control over the obligations and expenditures of appropriated funds; the accountability for supplies and equipment; and the procedures for collection of tuition and fees owed by students. Your prompt cooperation in this investigation would be greatly appreciated.

With kind regards.

Sincerely,

BILL SCHERLE,
Member of Congress, Seventh Iowa District.

We also found out, much to our dismay, that there were several other irregularities at Federal City College. The exact details have yet to be released. However a figure of $100,000 has been mentioned. Whether it was misuse, mismanagement, or perhaps funds siphoned off for personal use, we do not know. This is another example of the lack of information given to us as a committee.

Mr. Chairman, if I had the time this afternoon, I could elaborate on many subjects. However, I do want the House to know that a multitude of changes have to be made in the District government. If we hold their feet to the fire, hopefully we can obtain the factual information we need to do a better job of making accurate decisions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCHERLE. Mr. Chairman, may I have 2 additional minutes?

Mr. DAVIS of Wisconsin. I yield the gentleman 2 additional minutes.

Mr. SCHERLE. There was an article in the paper last Saturday by the mayor containing comments that were certainly beneath the dignity of his office. What disturbs me most is the attitude of the District of Columbia government with regard to criticism. They think they are above criticism. Mayor Washington said in regard to the criticisms I have made that if he were to reply, the budget would be cut another $1 million.

Ladies and gentlemen, it is not the nature of this committee to act vindictively. We do not operate in that manner. The greatest friend and supporter of the citizens and the District of Columbia government is the chairman of the House District Subcommittee of the Committee on Appropriations. BILL NATCHER and all of the members of the subcommittee have been more than generous. The chairman has given all of us an opportunity to present our case, and I feel privileged to have had this time this afternoon to describe my experiences.

I, for one, am sick and tired of unnamed District officials always trying to make him and our committee the whipping boy for the ills of the District of Columbia government. The problems are created at the other end of Pennsylvania Avenue and not by our distinguished chairman and our subcommittee.

This bill contains many good suggestions, and I hope the folks downtown get the word and start to shape up.

Mr. GROSS. Will my colleague from Iowa yield?

Mr. SCHERLE. I will be glad to yield if I have the time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. GROSS. Does the gentleman know of any other municipality of 740,000 population that has 481 employees drawing from $25,000 to $40,000 a year?

Mr. SCHERLE. To answer my colleague, I know of none. This salary range on a per capita basis is unique.

Mr. GROSS. That is the situation in the District of Columbia; is it not?

Mr. SCHERLE. Yes, it is.

Mr. GROSS. Up to $40,000. I do not know whether it is more than $40,000 or not, but at least it is up to $40,000 a year.

Mr. SCHERLE. If I may take the opportunity, I would like to compliment my distinguished friend from Iowa, the dean of our delegation, for the release of information concerning the Redevelopment Land Agency, which is about to sell an $8-million tract of land at Fourth and K Streets for only $2.5 million.

Mr. GROSS. In other words, a $6 million loss to the taxpayers.

Mr. SCHERLE. Yes, a $6 million loss to the taxpayers.

Mr. Chairman, another fiasco of great concern is the low rent housing built at a cost of $76,000 per unit. Anyone can purchase a much better townhouse for around $50,000 in the nicest part of our Nation's Capital. The average taxpayer cannot afford either one.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further I want to commend him for the information he has given the House. I noted in the Washington newspapers last week that the number of families in Washington, D.C., with incomes of more than $15,000 a year tripled from an estimated 7,000 in 1959 to about 21,000 in 1969.

When is the District of Columbia going to assume its share of taxpaying on the basis of these figures?

Mr. SCHERLE. That subject was covered quite capably by our ranking Member, the gentleman from Wisconsin (Mr. DAVIS). Until a decision is made downtown as to how much real-estate taxes they are going to pay, we will not know if they will ever pay an amount comparable to that paid throughout the Nation.

The median family income in the District is $10,500. That ranks very favorably on the national scale. Yet residents of the District pay only 23 cents for each Federal grant dollar. In Iowa the taxpayer coughs up $1.17 in Federal taxes for each dollar of Federal aid. Other States pay proportionately more in taxes for what they get back in Federal grant dollars than the District of Columbia.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. LANDGREBE. Mr. Chairman, will the gentleman yield?

Mr. SCHERLE. I will be happy to yield to my colleague from Indiana.

Mr. LANDGREBE. The gentleman cited some statistics with reference to the increase in the welfare rolls which were rather interesting and alarming, really.

Mr. SCHERLE. Startling, is the word.

Mr. LANDGREBE. Has the gentleman noticed in his travels around the District, in the District, and in the suburbs recently signs reading "carpenters wanted"? Has the gentleman seen any signs such as that? Can the gentleman answer "yes" or "no"?

Mr. SCHERLE. I have seen many of these signs scattered throughout the District.

Mr. LANDGREBE. Has the gentleman seen signs reading "laborers wanted"?

Mr. SCHERLE. I have seen that, too.

Mr. LANDGREBE. Has the gentleman seen signs reading "waitresses wanted"?

Mr. SCHERLE. Yes, many of those.

Mr. LANDGREBE. Has the gentleman seen signs reading: "Store managers wanted. Will train"?

Mr. SCHERLE. I have seen those also.

Mr. LANDGREBE. Is it not rather strange that the welfare rolls are skyrocketing at the very time that there is such a demand for unskilled and skilled labor in this community?

Mr. SCHERLE. It is completely baffling to me that with all the opportunities for employment we have so many people on relief, particularly when people throughout the country are bearing such a heavy tax load to provide the almost half a billion dollars in Federal support the District receives each year.

Mr. LANDGREBE. Does the gentleman feel that this Congress dare appropriate additional funds and encourage more people to go on welfare when there are important and necessary employment awaiting the willing hand?

Mr. SCHERLE. We must take care of those in need. This committee has never opposed giving money to people who are actually in need, nor have the other Members of the House, but we are totally opposed to giving it to people who do not need it.

We need forceful administrators in every department to administer this government. That is the problem today—lack of efficient management in the District particularly insofar as welfare is concerned.

Mr. LANDGREBE. In my home State, Indiana, my people pay $1.61 in Federal taxes for each Federal grant dollar. That makes it the highest tax burden in proportion to Federal aid of any State in the Union. That is why I am so concerned about Government waste in our Nation's Capital.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 5 minutes to the ranking minority member of the Committee on the District of Columbia, the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Thank you, Mr. Chairman.

First, I want to express my thanks to the committee. I know that the gentleman from Wisconsin (Mr. DAVIS) and the gentleman from Kentucky (Mr. NATCHER) have over a period of years done a very careful job, a very conscientious job, in trying to meet the needs of the District while at the same time policing the use of the taxpayers' money utilized here from all over the United States.

Those of us who are on the Committee on the District of Columbia sometimes wince a bit when some of the charges are made because maybe we are to blame for some of the things that have gotten out of hand, as indicated by the statements which have been made.

I want to call your attention to the fact that we find at times that we have made some of the problems. For instance, we have set up by statute independent agencies around this town, and as we proceed with the business of the city one agency can veto what another one recommends, and vice versa, all the way around. I recall one evening down at the Board of Trade dinner. Some of the folks were calling attention to the fact that you can drive out of the city about 50 miles, and find city developments occurring almost overnight. But in the District of Columbia, because of the red tape involved, trying to bring some investor capital into the District to produce some tax base is almost impossible because of all of the red tape. This situation almost kills the idea of trying to do anything about development in the District of Columbia.

So what am I saying? I am saying that those of us on the Committee on the District of Columbia believe, as I personally believe, that we should have a better plan of attack. We have been searching for some answers to these problems.

I am sure you will recall the so-called Nelsen Commission, sometimes called the Little Hoover Commission. Our Commission began with the idea "OK, let us take a look at the city, step by step by step, and decide where the mistakes are." Now we have come up with some recommendations that will improve the situation. My point here is that we should continue what we have been trying to do. I wish that the Delegate for the District of Columbia, its very eloquent representative, were here today, as he should be, to listen to these remarks and to listen to the committee's report, as to what we have done in this Commission study. Presently, we are waiting for the Public Printer to print our report. It has taken more time than we anticipated because of the volume of work. But the Commission has gone into education, we have gone into administration, and we have gone into personnel. We find one of the major problems, as I mentioned, involves the independent agencies. They are set up by law all over this town, with one vetoing another. Part of what we have been trying to do is to establish procedures that would lead to orderly, efficient decision-making.

Somewhere, some place, somebody ought to be in charge. Someone ought to be able to umpire this ball game and say "Now, this is it, let us go."

So we have really tried to do something about the problems that have been cited here today. And, of course, when the blistering attack comes some of us who are on the committee occasionally feel that it lands in our own laps a little bit uncomfortably because, what has our committee done in the past to try to improve the practices?

Turn back the pages of history a little bit. Remember when we had the reorganization proposal which was sent up by President Johnson? I opposed the reorganization plan of President Johnson where the City Council and the Mayor were set up to operate under the present system because some of the major problems were not met through this reorganization plan. This assessment proved to be true. The problems have not been met.

So I just wanted to call these facts to the attention of the Members who are here today, and also to ask for the support of the Members in trying to enact into law some of the recommendations that our Commission will make. There are some recommendations that I will thoroughly endorse. But on some of them I do have objections. In any case, I think that the various groups and organizations in the District of Columbia have the right to express their ideas, which will be outlined in print, and I think the city will be better served because of it.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I yield 1 additional minute to the gentleman from Minnesota.

Mr. NELSEN. I would like to refer to one additional matter. There is at least one success story that has the accolades of everybody in this House, and that involves the job being done by the Washington Technical Institute, an educational institution for the vocational training of people to give them a craft and to qualify them to hold a job.

At the first graduation that I attended out there, 87 percent of the young people had a job the day they graduated.

We have a hangar out at the airport where Washington Tech is training mechanics, and everyone of them has a job.

The school has 700 or 1,000 students—I do not have the exact number at the tips of my fingers, but there are both part-time students and full-time students. Every one of them is learning to be a productive individual with a job, qualified to fill the needs of industry in this area.

I hope that some of the other institutions of learning here will shape up and follow the example set by the Washington Technical Institute. I want to compliment the school, and I am sure that the chairman and the minority and majority members of our committee share my sentiments.

Mr. NATCHER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like the members of the Committee to know that this bill contains no provisions that represent legislation on an appropriation bill.

Also, Mr. Chairman, it has been a distinct honor for me to serve with the gentleman from Minnesota (Mr. NELSEN), the ranking minority member of the House District Committee and the gentleman from South Carolina (Mr. MCMILLAN), the chairman of that Committee during all the time I have been a member of the District of Columbia Appropriations Subcommittee. These gentlemen work hard. They have been on the legislative committee for a number of years, and certainly, it has been a pleasure for me as chairman of this subcommittee to work with them.

Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have listened with great interest to the remarks of our distinguished colleague, the gentleman from Minnesota (Mr. NELSEN). I would say that I am happy that all Republicans are not like our colleague, the gentleman from Minnesota, because if they were—then I think I should have to be a Republican. He provides distinguished leadership on the District of Columbia Committee. He is a balance wheel on that committee—he is a tower of patience. If you will follow his leadership and advice on District of Columbia matters, you will not make any mistake.

Mr. DAVIS of Wisconsin. Mr. Chairman, I have no further requests for time.

Mr. NATCHER. Mr. Chairman, I have no further requests for time, and as I understand there is no request for time on either side, and I would suggest that the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read the bill.

Mr. NATCHER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. FASCELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 15259) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1973, and for other purposes, had come to no resolution thereon.

APPOINTMENT AS DELEGATES TO INTERNATIONAL LABOR ORGANIZATION CONFERENCE

The SPEAKER. Pursuant to the provisions of House Resolution 965, 92d Congress, the Chair appoints as delegates to attend the International Labor Organization Conference in Geneva, Switzerland, between June 7, 1972, and June 27, 1972, the following members of the Committee on Education and Labor: Mr. THOMPSON of New Jersey; and Mr. ERLENBORN, of Illinois; and as alternates to attend said conference, the following members of the committee on Education and Labor: Mr. CLAY, of Missouri, and Mr. ESCH, of Michigan.

SECRETARY CONNALLY'S TRIP TO LATIN AMERICA

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I am delighted that former Secretary of the Treasury John Connally is going to visit several countries of Latin America in the course of his globe-spanning mission for the President.

As perhaps the chief architect of President Nixon's new economic policy—at least of its international part—Mr. Connally may have quite a bit to communicate to our friends in this hemisphere.

He may, for one, be able to answer their questions about the general outlines of the new international monetary order which President Nixon hopes to achieve.

He may also give them some idea about the timing of negotiations which may produce such a new monetary order.

And, finally, he may be able to enlighten them about the role which the administration would like them to play in that process.

We must not forget that the measures which President Nixon took last August 15 to protect the U.S. balance of payments are temporary at best. They must, at some point, be followed by far-ranging adjustments in the international machinery which facilitates economic and financial relations between nations of the world.

The role which the International Monetary Fund will play in the future will have to be redefined.

A new system for the adjustment of exchange rates between different currencies will have to be agreed upon.

More effective methods for clearing trade balances, and for transferring resources to the developing countries, will have to be devised.

All of these issues—and some others—are of great importance to the United States as well as to the countries of Latin America.

As the continuing huge deficits in our balance of trade and payments show, the basic problems of adjusting international economic relations have not been solved by the drastic actions which the United States unilaterally imposed last August.

We are still in deep trouble and, as Dr. Arthur Burns, the Chairman of the Federal Reserve Board, said just a few days ago, time may be running out on us. Unless the administration moves to work out some new multilateral arrangements, our economic problems may well continue to multiply.

I, therefore, welcome Mr. Connally's trip and I sincerely hope that its objective is the advancement of effective, lasting solutions to international monetary and payments problems.

Our friends in Latin America have a large stake in those solutions. They have been shocked, and possibly hurt to some extent, by the New Economic Policy of August 15, 1971. And they are deeply concerned about what the United States may do in this field in the future.

To the extent that Mr. Connally may be able to alleviate those concerns, and further the development of new, equitable international monetary and related arrangements, to that extent his trip may serve the long-range interests of the United States and the world community.

ALBERT RAINS SPEECH CONTEST WINNERS

(Mr. BEVILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BEVILL. Mr. Speaker, it has been my privilege to have placed in the CONGRESSIONAL RECORD each year I have served in Congress the three winning speeches in the annual Albert Rains speech contest held at Snead State Junior College in my congressional district.

This contest is sponsored by my good friend, Albert Rains, who served with great distinction in the U.S. House of Representatives for many years.

These speeches are always interesting and well prepared. They reflect a genuine interest and concern for many of the problems and challenges facing our Nation today.

At this time, Mr. Speaker, under unanimous consent, I would like to have placed in the RECORD copies of the three winning speeches.

This year's winners are: First place, Charla Keith, Oneonta, Ala.; second place, Victor Folarin, Nigeria, Africa; third place, Joyce Hughes, Albertville, Ala.

The speeches follow:

[First Place]

WOMEN'S LIBERATION—GOOD FOR THE USA

(By Charla Keith, 1972)

If it is not good for the U.S.A. then all men and women are in the same boat. Surely it must be good for the U.S.A. because we have so much of it. Women jockeys, blacksmiths, plumbers and even baseball umpires.

Since the death of the long-time Director of the F.B.I., J. Edgar Hoover, the man named by President Nixon as the new director, L. Patrick Gray, has stated that the Justice Department would accept applications leading to the appointment of women to the position of Special Agent of the Federal Bureau of Investigation, U.S. Department of Justice.

This, I believe, is a position no woman is qualified to hold. Why do I feel this way? My father was a member of the F.B.I. two years. From what he has told me, women are not physically fit to stand up to the vigorous routine. Also, many assignments given to F.B.I. agents are not for women.

I understand that the lady who was so dedicated and zealous in her efforts to be an F.B.I. Agent—once the opportunity presented itself, she quickly stated that she did not desire to be an F.B.I. Agent. I wonder, then, if it was on her part at least, Women's Liberation or just women's talk.

It seems you cannot pick up a newspaper today without finding something on the subject. A recent issue of the *Birmingham News* published an article entitled "Myths and Realities About Women Jobs" by Sylvia Porter. There are many unjust myths that are circulated about women and why some people say they do not make good employees. There are three examples:

Myth: Women switch jobs more frequently than men.

Reality: Labor Department studies show that men's job changing rates are just slightly higher than rates for women. Men are more likely to change occupations than women.

Myth: Training women is a waste of money since they quit when they marry or have children.

Reality: The separations are only temporary. Even taking into account her child-rearing, non-working years—the average woman worker has a work-life expectancy of twenty-five years. For a single woman, the average is forty-five years, versus an over-all average of forty-three years for men, married or single.

Myth: Women are absent from their jobs because of illness more often than men are.

Reality: Single women on an average, are absent from their jobs 3.9 days a year against 4.3 days for men. And women age sixty and over, according to a U.S. Civil Service Commission study, also have lower absenteeism rates than men in this age bracket.

There are some jobs women are certainly more qualified to hold based on past experience and education. However, if that certain exceptional man should come along, I would have no objections. After all, I am not against men's liberation.

I don't feel I need to be liberated. Women are now taking their rightful places in society—a far cry from the way things were during the days when women were trying to obtain suffrage. There is no doubt about it—"We have come a long way, Baby."

I think we women need to step back and examine the question carefully. If we try to push this women's liberation issue too far we might lose our feminine image. I personally don't want that. I would hate to see the day when I would be expected to open a door for a man.

[Second Place]

WOMEN'S LIBERATION

(By Victor A. Folarin, Nigeria, Africa, 1972)

Panel of judges, co-speakers, fellow students and members of the staff and faculty of Snead State Junior College. It is my intention, this morning to establish, contend, and convince you that the Women's Liberation Movement is nothing but a barrier to the development of the nation; a threat to the well-being of the society and a headache to the government. Consequently, it should be banned from operating; totally eradicated and completely discouraged.

The other day, I was watching a television commercial. At the end of the commercial, a man asked "How is your headache America? Tip-Tip-Tip-Top." This question seemed funny but taken seriously, it had a deeper meaning and implication than indicated.

It is a well known fact that America, like any other nation has its headaches and if the intensity of headaches are judged by the size of the head, then America will perhaps possess the most intense headache in the world. However, what are the things that constitute a headache for America? A day in the big city is enough to tell us what these things are: Crime, murder, rape, elections, the search for peace and a civilized environment where the human life can really mean something to the society; just to mention a few. All these and many more are problems which the government is facing daily and working hard to solve. Then came the Women's Liberation Movement to revolt against: dressing to please men, being treated as sex objects; being manipulated as consumers in a Madison Avenue motivated Capitalist Society, being treated as guinea pigs in the use of birth control pills, not being free to decide whether or not to have an abortion and being treated as chicks by their male colleagues in the peace and campus radical movements.

They are questioning the natural traditional values of marriage and family, of capitalism, of the precept that a woman should devote most of her time to rearing children, of the idea that a married woman has a duty to spend much of her time in manual labor such as cooking and cleaning, of the notion that a single girl's main preoccupation should be getting a man, in short, they are questioning the whole social and economic fabric of which the United States today is woven. They are questioning the role of man as the bread winner. All these and other unreasonable ideas constitute the main demands or objects of the Women's Liberation Movement. These are what they want the government to do for them, but it still beats me why they did not ask the government to choose and live their lives for them. Maybe it is going to be their next demand. Who knows!

The future of the nation depends solely on the youth of today, but to my surprise and to the disappointment of the elders, the youth is not measuring up to expectations. The majority of the crimes committed today are attributed to the youth and almost everything evil is initiated by the expected leader of tomorrow. Why?

This reminds me of a saying down in my home town. Literally translated to English, it goes thus: "A group of observers once looked at a K-legged man carrying a load on his head. The one man from the group said, "Hey you crooked man, don't you see that the load you are carrying on your head is crooked?" Then the man replied and said "My dear young man, you are good at observing things but I must confess to you, you need to be better. Don't you see that the whole thing has been crooked right from the bottom?"

Such is the case with the youth of America. The mothers had forgotten that according to Dr. Spock a child is a unique individual, full of potentials: that with careful molding and continuous attention, to his rearing, he could be fashioned into a well rounded human achiever. Conversely, without that attention, he could be crippled for life. They did not realize that the rearing of a child is the most challenging thing a woman could do which would give her a sense of fulfillment far beyond any other occupation. Men of course, have a role in this child rearing too, but it was recognized that the family could not be as all consuming for them since they still had their careers and their role of the bread winner. The women forgot that it is to them that the over-riding challenge of molding the child into a fearless personality fell. They also forgot that to do this, they had to sacrifice not just a career, but also themselves and a large part of their outside interests.

What they should have done, they have left undone, doing what they should not have done; coming together to fight for an undeserved "liberty." To me, their movement is not worthy of its cause and they will surely fail.

They are querrying the natural position of "helper" which has been bestowed upon them since their creation. They want to be "free," live their own lives, and be equal to men in everything. A condition which the creator did not make for them during creation. The Bible tells us in Ephesians 5: 22–24, "Let wives be subject to their husbands as to the Lord; because a husband is head of the wife, just as Christ is head of the church, being himself savior of the body. But just as the church is subject to Christ, so also let wives be to their husbands in all things." The object of the Women's Liberation Movement is a sharp contrast to these words of the Bible. They want to make a new Bible. They want to turn the world upside down and fashion it into whatever they want. This is fanatical and meaningless.

Should the government support them and give them the power to do what they want? NO! It should not happen in our time. Their mothers had known their duty, and they had done it, but they had built a fence around themselves to prevent them from doing theirs.

Let us break down this wall and make them realize that their place is in the home where they have to take care of the children and make out of them good citizens of tomorrow who will one day look back with pride and say, "Oh, I remember my mother." Let us make them realize that good memories are made of good works done by good people. That it is not fighting for an undeserved freedom that makes the world peaceful but building a peaceloving and law abiding citizen out of their children.

The acceptance of the Women's Liberation Movement and all it stands for by the government will not bring peace and solution to the world's problems; instead it will bring social disruption, unhappiness, and increasing rates of divorce and desertion. This is a contrast to what the Bible tells us in First Corinthians 7: 10–11, "But to those who are married, not I, but the Lord commands that a wife is not to depart from her husband, and if she departs, that she is to remain unmarried or be reconciled to her husband. And let not a husband put away his wife."

The Bible contains the words of God and if America is "A Nation under God," will she not be seeking her own destruction by going against the commandment of God? On these grounds, I am sure you will agree with me that the Women's Liberation Movement should not only be banned by the government, but also be completely eradicated and totally discouraged.

Thank you.

[Third Place]

IS WOMEN'S LIBERATION GOOD FOR AMERICA?

(By Joyce Hughes, May 26, 1972)

Men—I hate 'em! Arrogant, selfish, egotistical men! They think they rule the earth with their masculinity. They force us to be their slaves—cook their dinner, scrub their floors, and have their babies. Then what thanks do we get? "Where's my shirt?" "The least you can do is have dinner ready when I get home. After all, a man has to work for a living." (At least he gets paid for his work.)

"YOU—run for city council? Why, you dingbat women don't even have sense enough to vote."

Men—I hate 'em! And what's more, I'm tired of being pushed around by them. You know what I think we ought to do? I think we ought to Revolt! Overthrow! Men—I hate 'em!

If I were to boldly state that I am for Women's Liberation, this is the attitude that you might expect me to take toward men. To borrow a colloquial expression, "tain't necessarily so." The hostility of the radical members of Women's Liberation may prove to be more damaging than helpful in attaining the ultimate goals of the organization. People with sufficient intelligence and breeding have learned to maintain control of their faculties, hence they do not stoop to radicalism which is the trademark of ignorant (though often educated) extremists. In our eagerness as women to break away into new areas of development we must not overstep our bounds and thus deprive ourselves of that which we most greatly desire—respect.

Being for the advancement of women in society is not synonymous with being against the male in his position of leadership and authority. The male status does not necessarily have to be lowered in order for the female status to be raised. Israel's famous grandmother and plain-speaking stateswoman Golda Meir, has proven that a woman may also possess the qualities of leadership.

While there is an active Women's Liberation Organization, it is interesting to note that there is no comparable Anti-Women's Lib movement from the male aspect of our society. As a whole, today's men seem willing to accept women into their ranks in the business world, professional occupations, and the educational fields. Their practical minds find competence, self-assurance, and intelligence attractive in feminine attire.

A woman does not have to be "manish" to be a part of the man's world, nor does she have to speak their language. They don't expect it because, after all, she's a woman. It is not only possible for a woman to maintain her femininity while at the same time performing her duties with executive efficiency, but also to her advantage.

All of this seems to indicate that women are waging psychological warfare, not against men, but against themselves. A woman's worst enemy is her concept of what is socially acceptable femininity. Because of suspicion and envy it is difficult for women to accept the fact that one of their number has mustered up enough courage to cast from her neck the Victorian Albatros. This image problem, coupled with the desire to be accepted by the members of one's own sex has washed many talents and ambitions down the kitchen sink along with the dirty dishwater.

There appears to be three main stumbling blocks to feminine progress. The first is the Victorian concept of femininity which conditions the child from infancy to accept the role of wife and mother as her ultimate goal in life without alternatives. Secondly, this conditioning drives many young girls to early marriage because of insecurity and the desire to identify with someone else. The third, soap operas, may seem trivial but serves as an indication of a deeper problem. Daytime dramas lead many women to be content to shroud their own dull and uneventful lives with televised fantasy. This is a disease which not only robs them of valuable time, but also of emotional energy that could be spent more constructively in endeavors of reality.

The causes behind these stumbling blocks are lack of courage to break away from outdated traditions and venture into new fields of endeavor. Also lack of self-respect which causes one to exist like a parasite, unable to establish her own identity. And finally, lack of initiative, or in "cotton patch" language, plain old laziness. Many women are afraid to honestly admit to themselves what they really want from life. They are unwilling to set meaningful goals and put forth sufficient effort to reach those goals.

As tradition would have it when Adam and Eve were cast out of Eden it became necessary for them to share their fight for survival in whatever way seemed best suited for the circumstances. Even in our modern society, life outside of Eden is difficult and it is still, as Darwin defined it, a struggle for survival. The circumstances are different, but the need to share responsibilities remains the same. Sharing is not only a pragmatic and defensive mechanism, but when flavored with respect, understanding and often romance, it becomes a very rewarding human experience.

As women we must find our true identity and self-expression without humiliating, emasculating, or making enemies of our men. Success is a word which has no gender. It is only as each of us develops to our full potential as individuals that our nation will be able to realize its true strength. We were created male and female, not to strife with each other, but rather to compliment each other by our very existence.

STATEMENT BY PRESIDENT NIXON ON RADIO FREE EUROPE AND RADIO LIBERTY

(Mr. MAILLIARD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MAILLIARD. Mr. Speaker, I should like to call the attention of the House to the statement issued by President Nixon on May 10 regarding Radio Free Europe and Radio Liberty. The President issued his statement at the time authorizing legislation for the radios for fiscal year 1973 was submitted. I am happy to see that the legislation has been introduced by Chairman MORGAN and assigned the number H.R. 15002.

In view of the difficulty which the two Houses of Congress had in arriving at an agreement for authorizing legislation for the current fiscal year, I commend the approach which has been taken in the new submission and in the President's statement about it. In the course of the actions in the two Houses, it became apparent that there was a strong majority favoring continuation of the broadcasting activities of these two valuable organizations. It was also the majority opinion, as expressed in legislation passed by this House and in a resolution passed by the other body, that a study should be undertaken of the activities of the two radios and of their funding to assist us in formulating a permanent legislative framework for them.

The President's statement announces his intention to appoint a Presidential Study Commission for that purpose. This Commission, which will have a limited life, is to be specifically charged with the responsibility to consult exhaustively with the Congress in drawing up its recommendations. In drawing up these recommendations, the Commission will be expected to take into consideration the relationship of the broadcasting operations of the radios to the national interest and to this Nation's foreign policy objectives. I believe these points are worth noting particularly.

I hope that the appointment of the Commissioners will soon be announced and that they can begin their work. We have had to consider the legislation for fiscal year 1972 and the authorization now being requested for fiscal year 1973 as interim arrangements because we were unable to reach agreement on the form which a longer term framework for the two radios should take. The Presidential Study Commission should go a long way toward helping us overcome those difficulties. I am sure Members will be interested in the President's statement, which follows:

STATEMENT BY THE PRESIDENT

THE WHITE HOUSE,
MAY 10, 1972.

Under Public Law 92–264, which I signed on March 30, 1972, grants in support of Radio Free Europe and Radio Liberty were authorized through the end of fiscal year 1972.

The decision to continue Government support for these radios was approved by large majorities in Congress and reflects the judgment that has been expressed overwhelmingly by newspapers throughout this country and by leading citizens in all walks of life that Radio Free Europe and Radio Liberty continue to perform a unique and valuable service. As I stated in a recent letter to the Chairman of the Radio Free Europe Fund, " . . . we have followed closely the work of RFE and are satisfied that it continues to serve a fundamental national interest."

I also said that " . . . the free flow of information and ideas among nations is indispensable to more normal relations between East and West and to better prospects for an enduring peace."

I have therefore asked the Secretary of State to submit today a bill which would continue Government support to the radios through fiscal year 1975. As with the fiscal year 1972 authorization, this bill would make the grants to the radios through the Secretary of State under such terms and conditions he deems appropriate.

A number of different views have been expressed in Congress as to how the radios might best be funded for the future. No consensus on this important matter has emerged. The House version of the fiscal year 1972 authorization and Senate Resolution 272 make clear that majorities in both Houses believe this should be given further study before a definitive solution is adopted.

To this end, I plan to appoint a Presidential Study Commission with instructions to render its report and recommendations by February 28, 1973, so that the Administration and Congress can take them into consideration in formulating authorizing legislation for fiscal year 1974. In making its study, the Commission will be particularly concerned to consult exhaustively with members of Congress.

In undertaking the task, the Commission will have the benefit and will take full account of the in-depth studies of each radio that were prepared by the Congressional Research Service at the request of the Senate Foreign Relations Committee together with companion studies recently completed by the General Accounting Office. Two subsequent studies by the Congressional Research Service—one a survey and analysis of the available options with respect to future funding methods and the other an examination of the foreign policy aspects of these broadcasting operations—will also materially assist the Commission.

It is evident that the choice of the method or mechanism for future funding of the radios must depend upon a proper perception of the relationship of those operations to the national interest and specifically to this nation's foreign policy objectives. In my view, that relationship exists for one fundamental reason, but one reason only: namely, that it has always been and must always be part of our national purpose to promote free, responsible communication among nations, not just at the government level, but at all levels. Thus, these radios are not spokesmen for American official policy—that role belongs in broadcasting to the Voice of America. Rather, they are expressions of our profound conviction that a responsible, independent and free press plays an indispensable part in the social and political processes that look to better understanding and more effective cooperation, not only within a nation, but also among nations.

It is this conception, I believe, that lies at the base of the article of the Universal Declaration of Human Rights which declares it to be the right of everyone "to seek, receive, and impart information and ideas through any media and regardless of frontiers." International broadcasting is of course only a part of that process; our international exchange programs are another important part.

The Commission will render a great service by undertaking a critical examination of this subject and by providing the best possible basis for determining the methods by which support for these valuable organizations can be maintained without impairment to the professional independence upon which their present effectiveness depends.

While this Commission produces its recommendations, it is essential that the authorization providing support to Radio Free Europe and Radio Liberty be extended for fiscal year 1973. While I continue to believe that the Department of State is not the appropriate channel for grants to the two radios, I believe that discussions of the alternatives should be deferred until we have the benefit of the recommendations of the Commission. I therefore strongly recommend that the bill which we are submitting to Congress for a 1973 authorization be given favorable consideration before the beginning of the new fiscal year.

MR. JAMES G. STAHLMAN STEPS DOWN

(Mr. FULTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FULTON. Mr. Speaker, after three score years of service, Mr. James G. Stahlman, president and publisher of the Nashville Banner, has retired effective June 1, 1972.

Mr. Stahlman, rightfully known as the Dean of Southern Newspaper Publishers, has left an indelible mark on American journalism and a gap in the ranks of American newspaper publishers which will be impossible to fill.

A stanch individual of independent mind and judgment, Mr. Stahlman has carved a respected and esteemed name for himself for his forthright expression of editorial view and as a successful publisher who has led the Nashville Banner to notable journalistic achievement over his years of stewardship.

With the announcement of his retirement, Mr. Stahlman stepped out with the promise that he will continue to be heard from as he prepares the first of at least two books on the people, places, and events in his life.

Mr. Stahlman disclosed his retirement in an open letter to "my friends and readers of the Nashville Banner" which appeared on the front page of the June 1, 1972, edition of the Banner and I include it in the RECORD at this point, commending his words and comments to the attention of my colleagues. Mr. Stahlman was and is a powerful voice in American journalism, but his daily presence will be missed.

The article follows:

STAHLMAN COMPLETES 60 BANNER YEARS—PLANS TWO BOOKS ON PEOPLE, PLACES, EVENTS IN HIS EXCITING LIFE

(By James G. Stahlman)

To my friends and readers of the Nashville Banner:

By the grace of God, the tolerance of a fickle and sometimes intolerant newspaper constituency and the faithful and devoted support of cherished members of what has become affectionately known as "The Banner Family," I have come to one of the most emotionally difficult days of my life.

Today I complete sixty years of service to The Nashville Banner, forty-two of it as president and publisher, with every day dedicated to the cause of free and responsible journalism.

I had firmly charted my present course prior to the conclusion of my sale of this beloved newspaper to the Gannett Group. I had made it perfectly clear to my longtime friend, Paul Miller, whose personal and journalistic integrity had prompted me to select him and his able associates in the Gannett Group as my successor owners, that I would end my duties as president and publisher on the day that I had completed 60 years as an employe of this newspaper.

This is it!

These three-score years have taught me much. They have afforded me world travel, world friendships, world service.

They have placed me in high positions of honor and responsibility.

They have given me the opportunity to play a part in the history of this beloved country of ours, of this neighboring hemisphere which we have shared with Canadians to the North and our Latin brothers South of the border.

And in more far-reaching portions of the earth I have been privileged to serve my country in times of war as well as peace in numerous capacities.

I have witnessed and actively participated in some of the important scientific and industrial developments from the horse-car to Americans on the moon; from the early filament bulb to the devastating laser beam; from Marconi to Telstar; from Kitty-Hawk to the SST; from a reverent pulpit to a distressing era of agnosticism.

This has been the most exciting period of advance in the world's history—culturally, scientifically, industrially, sociologically, economically, politically.

Our progress has wrought much havoc. It has played hob with stable homelife, produced a disdain for the fundamentals, destroyed respect for law, order, the courts and constituted authority. It has brought the United States to a dangerous divisiveness and the world to the brink of self-destruction.

Through all these years, I have clung steadfastly to the belief that this blessed country of ours is still worth saving; that the freedoms of our people can be preserved; that there is more good than bad in mankind and that a forgiving, omnipotent Father can and will save those men and nations willing to defend that faith implicit in our national motto: "In God We Trust."

As I relinquish The Banner's helm, I shall not retire to some secluded beach. I turn over the flagbridge to a competent team—Wayne Sargent, Jimmy Armistead and Ken Morrell—all experienced in their respective fields, the two latter gentlemen in my longtime, valued associates, indoctrinated in and dedicated to the journalistic principles which have made The Nashville Banner the potent, independent, conservative voice of this region during its ninety-six years of service to Nashville, the State of Tennessee and the United States, ninety-one of which have had the Stahlman imprint dominant in its policies.

I commend them to all who read, respect and trust the Nashville Banner, confident that these gentlemen and their equally dedicated associates—all of whom I hold in highest esteem and deep personal affection, will uphold the editorial policies and journalistic traditions which have characterized the Nashville Banner since its founding nearly a century ago.

They are the inheritors of a precious legacy bequeathed by men like Dr. William Martin Clark, Major Edward Bushrod Stahlman, Gideon H. Baskette, Edward Claiborne Stahlman, Richard H. Yancey, George Harrison Armistead and Alvand C. Dunkleberger.

Their legatees would not, could not betray this sacred trust.

For me there are days and years of serious work ahead.

I have two or more books to write, before my memory fades.

I have things to say and things to tell about places I have visited, men I have known, events in which I have participated, many of them having had something to do with where we are today, how we got there, where we could be headed and how we may arrive at our respective destinies. Some of this might be fairly interesting. None of it will be dull.

Stick around and I'll try to convince you.

And remember this—on April 10, 1976, the Nashville Banner will celebrate its one-hundredth anniversary.

Meet me there!

RETURN TO ROBERT F. KENNEDY: JUNE 6, 1972

(Mr. CAREY of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. CAREY of New York. Mr. Speaker, these words are inscribed on the cover of the folk missal for the memorial Mass for our late Senator from New York Robert F. Kennedy:

> Each time a man stands up for an ideal he sends forth a tiny ripple of hope.

The Mass at Arlington National Cemetery sponsored by Mrs. Ethel Kennedy and her family was celebrated by Rev. Albert Pereira, pastor of Saint Luke's Church, McLean, Va., of which Senator Robert Kennedy's family are members.

The inscription speaks the sense of hope and peace among those who today return to Arlington to join in annual tribute to Robert F. Kennedy.

The choral of voices, young and seasoned sang in the liturgy of the morning Mass a reminder; in the words of Saint Augustine—"For those who live in the Lord, life does not end it merely changes."

The sound of the voice of Senator Kennedy is remembered and restates his call for change, for compassion, for an end to suffering, a halt to war, a new birth of hope.

The joining of hands, the giving of the sign of peace among those who returned to Arlington was more than a ritual. It was a binding that peace among men is still the cause we serve, the course we seek. It is the commitment that Senator Kennedy lived for and that we must work for in return for his life of sacrifice.

To return to the life and times of Robert Kennedy is not to visit with the past. We know that when we see gathered the Kennedys of now and the Kennedys of tomorrow.

I refer not to the distinguished Americans of the Supreme Court, former Members of the Cabinet, of the Congress and the American leaders of all races, creeds, and realms who returned to Arlington this morning. The Kennedys of now and tomorrow are the children of Robert and Ethel Kennedy and the other nephews and nieces of our late President and Senator: They are in fact, all the children of the world.

As their day dawns let us hope that there will be a real and lasting return to Robert Kennedy and his ideals.

To the guardian and symbol of those ideals, Ethel Kennedy, we owe our tribute. Her strength, her joy, her love of sincerity and the sincerity of her love for all men is quietly evident as we join with her and the children of Robert F. Kennedy in one more return to Arlington.

A verse his family chose for the communion song this morning is drawn from the speeches of Senator Robert F. Kennedy. As a message of hope and peace it needs to be heard and I offer it here:

WHICH OF THEM?

1.

As we stand here today
Young men are fighting 'cross the sea
They are dying far away from their home.

2.

To seek a change in a world
Which yields most painfully to change
They are dying far away from their home.

(REFRAIN)

Which of them would have taught a child?
Or built a bridge? Or cured disease?
Which of them would have brought peace to our land?
Which of them? Which of them? Which of them? Which of them?
Which of them would have brought peace to our land?

3.

The battle's not that far away
It's closing in more everyday
As countless dreams are dying here in our home.

4.

Some men see things as they are
And ask why they are so
Let us dream of what could be and ask, "Why not?" (Refrain)

5.

Surely the world has seen enough
Of hatred, violence and pain
It is time to bring peace to our land.

6.

We can learn, at last, to look
At our fellowmen with hope
And begin to bind the wounds that tear our land.

(REFRAIN)

Which of us will teach a child?
Or build a bridge? Or cure disease?
Which of us will bring peace to our land?
Each of us. Each of us. Each of us. Each of us.
And together we'll bring peace to our land.

SOME QUESTIONS AND ANSWERS ABOUT THE EDUCATION CONFERENCE REPORT

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, as one of the House conferees on S. 659, the education conference report on which the House will vote next Thursday, June 8, I have been asked a number of questions about the bill by colleagues in the House.

I therefore take this opportunity to list some of the most frequently asked questions about the conference report together with the answers to these questions.

Because this legislation is so important to colleges and universities throughout the United States and to the students who attend them, I hope that Members who have questions about the bill will avail themselves of the opportunity to review this compendium of questions and answers.

Mr. Speaker, in particular, I want to note that the new basic educational opportunity grants program in the bill is not restricted to low-income students, as some Members have mistakenly thought, but is open to students from middle- as well as low-income families, and was, indeed, designed to be open to both.

Moreover, the deletion in S. 659 of the low-income preference from the present college work study program means that middle-income students will now be able to participate in this existing program as well as in the new basic educational opportunity grant program.

The second point to which, Mr. Speaker, I should like to draw particular attention, touches on the institutional assistance to be received under the bill by private colleges and universities.

As you know, Mr. Speaker, under the bill, all accredited institutions, both public and private, would benefit from the new direct institutional aid assistance provision. Private colleges and universities, which enroll 26.4 percent of all students, will receive, according to estimates of the U.S. Office of Education, at least 37 percent of the institutional aid provided.

I might also note, Mr. Speaker, that some Members have mistakenly thought the institutional aid provided in the bill must be used only for remedial programs for needy students. This is not true; the institutional aid funds may be used for any instructional expenses incurred in academically related programs of the college or university. No other restrictions, excepting of course a prohibition against use of the funds for sectarian activities, are imposed.

Mr. Speaker, following the insertion of the questions and answers about S. 659, I am also providing a listing of the highlights of the education provisions of the conference report.

Mr. Speaker, I hope that this legislation will be strongly supported by Members of the House on both sides of the aisle. It is legislation crucial to the future of higher education in the United States.

The materials follow:

Frequently Asked Questions About the Conference Report on S. 659, the Education Amendments of 1972, and Answers

(1) How will the institutional aid authorized by the bill be apportioned among colleges and universities?

The Conference Report authorizes a three-part formula for distributing institutional aid funds:

(1) Forty-five percent of the funds will be distributed according to the number of Basic Educational Opportunity Grant recipients enrolled at each institution;

(2) Forty-five percent of the funds will be distributed according to the amount of Supplemental Educational Opportunity Grant, College Work-Study and National Defense Student Loan funds paid to students enrolled at each institution; and

(3) Ten percent will be distributed according to the number of graduate students enrolled at each institution.

The specific provisions of this formula are explained in greater detail on pages 223–228 of the Conference Report.

(2) Will private colleges and universities receive an equitable share under this formula?

Yes. Private colleges and universities in the United States enroll 26.4% of students who attend institutions of higher education. Under the formula contained in the Conference Report, however, it is estimated that 37% of the institutional aid funds will go to private institutions which, according to all the evidence received by the Committee, are in greater financial difficulty than most public institutions.

(3) What restrictions will be placed upon the use of institutional aid funds by colleges and universities?

Institutional aid funds paid to colleges and universities must be used for instructional expenses incurred in academically related programs of the recipient institution. No other restrictions (aside from a prohibition against use of the funds for sectarian activities) are imposed—colleges and universities are free to use the funds as they see fit.

(4) How does the size of the institutional aid program contained in the conference report compare with the program contained in the House-passed bill?

Both formulas would require approximately the same amount—$1 billion annually—to pay each institution the full amount to which it is entitled.

(5) Does the institutional aid formula in the conference report contain any of the provisions of the institutional aid formula approved by the House last fall?

Yes. Under the Conference Report 55% of the money will be distributed in accordance with provisions contained in the House-passed bill. The other 45% will follow provisions contained in the original Senate-passed bill.

(6) How will the so-called "basic grant" program for students work?

Each student enrolled at an accredited institution of higher education, or an accredited post-secondary proprietary school, will be entitled to receive an annual grant of $1400, minus the amount which his or her family could reasonably be expected to contribute for education purposes. However, no grant could exceed the amount necessary to attend the institution at which the student is enrolled, nor could a grant exceed 60% of the amount a student needs beyond his expected family contribution to attend an institution.

(7) Who will decide what a student's expected "family contribution" is?

As in present practice, the financial aid officer at the institution which the student attends will make this decision in accordance with generally established principles for making student aid awards. The Conference Report requires that the financial aid officer consider, among other factors, the amount of the family's income, the number of dependents in the family, the number of children in the family attending college and any unusual expenses of the family such as unusual medical expenses.

(8) Will basic grants be available only to low income students?

No. Middle income students as well as low income students will be able to receive Basic Grants, with the only difference being that middle income students' grants will naturally tend to be smaller.

(9) What limitations does the conference report place on funding of the basic grant program?

The Conference Report provides that Basic Grants may not be paid until the National Defense Student Loan and College Work-Study programs are funded at a level equal to FY 1972 appropriations, and the Educational Opportunity Grants program is funded at a level equal to 75% of FY 1972 original appropriations. This provision was included at the unanimous insistence of the House conferees.

(10) What about existing student aid programs?

All existing student aid programs, including Educational Opportunity Grants, College Work-Study, National Defense Student Loans and the Guaranteed Loan program, will be continued for three years. The Conference Report substantially follows the eligibility amendments in the House-passed bill which will provide greater access to these programs for students from middle-income families, particularly those attending private colleges and universities, where costs are normally higher than at public institutions.

The Conference Report also contains a new National Student Loan Marketing Association for the purpose of providing greater liquidity for student loan paper, thus enabling banks and other lending institutions to substantially enlarge their student loan programs. The $15,000 annual family income limitation on the Federally subsidized loan program is deleted—all students, regardless of family income, will be able to receive a Federally subsidized loan through a bank or other lending institution so long as a student can show that he or she is in need of the loan.

Conference Report Highlights—Higher Education Amendments of 1972

STUDENT ASSISTANCE

All existing programs, including College Work-Study, National Defense Student Loans, Educational Opportunity Grants, and Guaranteed Student Loans, continued for three years.

New program of Basic Educational Opportunity Grants, under which each student would be entitled to $1,400 per year, less expected family contribution. No grant could exceed 60% of what a student needed to attend a particular institution for any year.

Creation of a National Student Loan Marketing Association to buy, sell and warehouse Guaranteed Student Loans, and thereby stimulate new capital for such loans.

INSTITUTIONAL AID

$1 billion annually in direct aid to institutions, both public and private. Note: 45% of the aid would be based on the number of Basic Grant recipients at each institution; 45% on the aggregate amount of (Supplemental) EOG, Work-Study and NDSL funds paid to students at each institution; and 10% on the number of graduate students enrolled at each institution.

$40 million annually in emergency grants to institutions in severe financial distress.

Veterans Cost-of-Instruction Grants to institutions in the amount of $300 for each veteran enrolled, and an additional $150 for each veteran who is in a special or remedial program.

COMMUNITY COLLEGES

Start-up and expansion grants for community colleges. Authorization: $275 million over three years.

OCCUPATIONAL EDUCATION

New program to help the States design, establish and operate post-secondary occupational education programs. Authorization: $850 million over three years.

NATIONAL INSTITUTE OF EDUCATION

New agency established within HEW to support, conduct, and disseminate the products of research at all levels of education. Authorization: $550 million over three years.

HIGHER EDUCATION INNOVATION

New program of grants to institutions to encourage reform and innovation in higher education. Authorization: $135 million over three years.

EXISTING HIGHER EDUCATION PROGRAMS

All existing categorical aid programs, including facilities construction, extended for three years.

INDIAN EDUCATION

$95 million over three years in grants to local education agencies for programs to help meet the special educational needs of Indian children.

EMERGENCY SCHOOL AID

New program of grants for local education agencies to facilitate desegregation and the elimination of minority group isolation. $2 billion authorized over two years.

CAN BUSINESS SURVIVE GOVERNMENT BY CRISIS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 60 minutes.

INTRODUCTION

Mr. CRANE. Mr. Speaker, we in the United States have been blessed with the highest standard of living of any nation in the world. Under our free enterprise system, the jury of American business is not a court of law or a legislative chamber but the dollars of millions of free citizens who judge products and services as they choose between them.

At the same time that our citizens have enjoyed the fruits of free enterprise, millions throughout the world live in nations which, through the economic slavery of communism, are hardly able to feed their people.

Yet recently, our free enterprise system has come under increasing attack and harassment by the Government which, too frequently, operates under the assumption that "government by crisis" can cure ills.

I had the opportunity recently to discuss "government by crisis" with members of the Illinois Manufacturers Association at their 56th annual dinner meeting in Chicago. I would like to expand on those remarks at this time.

Henry David Thoreau said:

> Government never of itself furthered any enterprise, but by the alacrity with which it got out of its way. . . . The character inherent in the American people has done all that has been accomplished; and it would have done more, if the government had not sometimes got in the way.

FALSE ASSUMPTIONS

Three transparently fallacious assumptions, all interrelated, threaten the survival of American business, a free market economy, and, ultimately, our free institutions.

The first is the hysterical claim that our Nation is beset with "crises" requiring costly, crash solutions to avert national disaster.

The second is that free institutions—and more specifically free enterprise—is the insidious culprit.

The third, rarely articulated in a forthright manner, but implicit in the foregoing analyses, is that Government regulations and control of the American economy can remove the causes of the crises and resolve them.

One need not look far for examples of the "Chicken Little" syndrome. We are told the sky is falling in on us at every turn. The Friends of the Earth hint darkly that all mankind will perish before the end of the century through pollution of our environment. Zero population growth, on the contrary, alerts us to the prospect of billions upon billions of people standing upon one another's shoulders by the end of the century.

Others warn of a crisis in health care or suggest that millions of Americans are starving to death and lacking adequate housing.

To ridicule such absurdities is not to say that we do not have unresolved problems in every one of these categories and more. Further, we all know the hyperbole often attends successful promotion efforts. But the same people who dun us daily with horror stories of this nature are usually in the vanguard of the "truth in advertising" campaign.

"Cherchez la femme," as the French police used to say. Look for the motive. Behind much of this rhetoric are those types whom Margaret Cole once observed "do their donkey work in the shadows." They are ideologues who reject the premises of a free society, the elitists who would play God with our lives.

The natural silly putty for such ideologues are self-serving politicians always eager to find a hobby horse to ride on to fame and fortune. These snake oil salesmen, posturing as saviors of the public, are little more than malicious mischiefs. But their ability to exploit an irresponsible media generates the climate of the "big lie," which repeated oft enough comes to gain credibility.

But the most threatening of all is the sincere, honest, idealistic, misguided reformer. He is the one who, out of a sense of exasperation and a lack of understanding of history, turns impatiently to Government to relieve all the ills of mankind. His motives are not self-serving, but generous and charitable. Still, he probably represents the greatest threat to free institutions in our society.

Supreme Court Justice Louis Brandeis described him in the Olmstead case:

> Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficient. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachments by men of zeal, well meaning, but without understanding.

God spare us such men.

Those who accept the proposition that we have impending national disasters requiring "crash" solutions are naturally led to find causes before prescribing remedies. With the capable tutoring of the anticapitalist mentalities, free institutions and free enterprise become convenient scapegoats. To listen to some of the more paranoid allegations against the business community, one would almost suppose that the businessman lives in another world than our own. The theater of the absurd produced by some of our crisismongers accuses the businessman of a calloused unconcern for the air we breathe, the water we drink and recreate in, our wildlife, our purple mountains and our fruited plains. Worse than the businessman's alleged unconcern is the suggestion that he actively promotes pollution of the environment in a reckless pursuit of self. The self-righteous have ever been guilty of overlooking human imperfection. Base motives are substituted for ignorance and human frailty. Presumably, such businessmen have found another environment for themselves and their children to live in.

Beyond the conspiracy of wicked businessmen, according to this analysis, is the inherent deficiency of the free enterprise system, which such critics have attacked since the advent of the industrial revolution. There is a romantic longing for the blissful era of medieval feudalism. Such reactionaries would not only repeal the 20th century—in the name of progress—but would repeal half a millennium. There is a horrifying logical consistency between the goals of people of this persuasion and those of Zero Population Growth, as there are roughly 3 billion more people on this earth today than could be sustained on a feudal economy.

Having defined the crisis and established the cause, the solution that immediately springs into the simplistic minds of the kneejerk statists and collectivists is to launch a preemptive strike by the Federal Government with massive infusions of taxpayer dollars.

TODAY'S LUNACY IS TOMORROW'S LAW

If the fruits of this cacophonous coalition were not so portentous, we might dismiss them with a knowing grin or a bored yawn. But we live at a time when today's lunacy is tomorrow's law. And when national hysteria is thus generated, it is easy to provoke an overreaction; in effect, to run the risk of throwing out the baby with the bath water.

Beyond this, there is invariably great waste and excessive expenditure of tax money in fighting crises instead of addressing problems. Further, there is an enormous increase in the role government plays in our lives when we marshal the forces of the Federal bureaucracy to attack national issues. After the dismal experience of the past 40 years of Federal involvement in such areas as agriculture, welfare, housing, Indian affairs, or the postal system, one might suppose that we would have learned some painful lessons of history. On the basis of that history we might safely formulate a law: Problems increase in direct proportion to the degree of attention given them and the amount of money spent on them by the Federal Government.

The Founding Fathers viewed the role of government in negative terms. Its primary function was to prevent trespass and otherwise stay out of our way.

> A wise and frugal government—

Jefferson said—

> which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government.

Even as late as the 20th century, this view of the role of government obtained. Woodrow Wilson held that government's function was to preserve a free field with no favors. Nevertheless, the collectivist pathogenesis dates from this period. Artful advocates of "positive" government called for government to serve as an engine of social reform.

> It is the work of the state to think for the people—to teach them how to do, and to sustain them in doing—

Declared Frank Munsey early in this century. By the 1960's, an Indiana Senator could publicly announce that—

> The people should depend upon the Government like children depend upon their mothers.

To the extent that many Americans were willing to permit power to gravitate to the banks of the Potomac on the assumption that Washington held magical solutions, irresponsibility was transformed into dependency. The Federal mammary began to nurse us all.

Today we are beginning to feel the outrageous consequences of the policies of well-intentioned men who lack understanding. American business is bearing the brunt of the attack.

We have been told that selfishness and lack of concern on the part of businessmen are, in effect, responsible for most of our social ills—from pollution to inflation.

As a result of the analysis which holds that free enterprise and its practitioners are the culprits, and the remainder of the American society are the victims, we have seen the creation of inordinate rules and regulations under which business must operate.

The bureaucratic assaults upon free enterprise which have been instituted thus far, together with those which have been proposed and may be advanced in the future are, in effect, a declaration of war against capitalism as we know it.

A BRIEF REVIEW OF THE "HORROR FILE"

Before considering the merits or demerits of the proposition that free enterprise is the cause of our problems, let us briefly review some of the constraints which are now being imposed or proposed against American business.

EXAMPLE 1: THE EEOC

One of the most shocking and least discussed is a recommendation set forth in a memorandum approved by three top officials of the Equal Employment Opportunity Commission last July.

According to that memorandum, any business should be considered in violation of the civil rights statutes if "the community from which an employer moves has a higher percentage of minority workers than the community to which he moves," or "the transfer affects the employment situation of the employer's minority workers more adversely than it affects his remaining workers."

The memo also suggests that the law should be interpreted so that any employer "who relocates to the detriment of the minority work force is clearly in violation of Title VII of the Civil Rights Act." The extraordinary recommendation continues:

> It should be noted that it is not necessary for the relocation to have been completed in order for Title VII liability to attach. Section 703(a) states that it is unlawful for an employer to deprive or tend to deprive any individual of employment opportunities.

This memorandum—a recommendation for the Equal Employment Opportunity Commission to take companies to court on this novel legal theory—suggests that court orders should be sought against businesses planning to relocate, charging them with prima facie violations of the civil rights acts. Companies so charged would have to prove an overwhelming business consideration before being permitted to transfer locations.

One business leader commented about this proposal in these terms:

> This recommendation to the Equal Employment Opportunity Commission smacks less of civil rights than it does of fascism. It would seem an elementary freedom to be able to relocate one's own company without having to justify it to a bunch of bureaucrats.

Nevertheless, this proposal received the support of Stanley P. Hubert, then General Counsel of the Equal Employment Opportunity Commission, together with John de J. Pemberton, Jr., now Acting General Counsel, and Martin I. Slate, attorney in the General Counsel's office. This proposal is not yet the law, but it provides some indication of the direction in which Government control of business and of the economy may go.

Let us consider briefly some things which are not proposals, but actual facts of business life today.

EXAMPLE 2: THE FTC

Under the chairmanship of Miles Kirkpatrick, an appointee of President Nixon, the Federal Trade Commission has broadened its powers in an unprecedented manner.

One of many companies which have felt its wrath has been the du Pont Co., makers of Zerex antifreeze. The Federal Trade Commission charged that Zerex was falsely advertised in a television commercial, charges which have since been proven to be untrue. The company, nevertheless, lost sales in 1971 and public confidence because of unfavorable publicity.

What the Federal Trade Commission did was to call a press conference in November 1970, and make a "proposed complaint" against du Pont, alleging, without proof, that the television commercial was misleading, that the antifreeze actually damaged automotive cooling systems and that it had been inadequately tested. The Federal agency then publicly threatened to ban the product.

The commercial in question showed a man stabbing a can of Zerex and streams of antifreeze gushing out and then sealing up. After the FTC charged that this demonstration was phony, newspapers across the country carried stories of the Commission's condemnation of Zerex.

Officials of du Pont were not even informed of the FTC's action before the Washington press conference. Equally important is the fact that the FTC turned out to be wrong. It dropped the charges of false advertising. It dropped the charge that the product could cause damage. The FTC, in fact, found nothing wrong with the product in any way.

To cover its own tracks, however, the FTC issued a formal complaint alleging that the antifreeze had been inadequately tested before it was put on the market and could have caused damage to cooling systems when first sold in 1969. It said nothing of any possible damage to be caused by the product in 1970, 1971, or 1972. It provided no proof of any damage having occurred in 1969.

The financial damage to du Pont, of course, had already been done. Du Pont counted 160 newspaper stories after the initial FTC accusation and only 80, half as many, a year later when the agency admitted that it had been wrong. Twenty front page stories appeared the first time. The FTC's error received no first page placements a year later.

Discussing the current tactics being used by the Federal Trade Commission, Prof. Yale Brozen of the Graduate School of Business at the University of Chicago declared that:

> The F.T.C. has come up with the technique of unilaterally deciding what is deceptive, conducting a trial by press release, and demanding that the advertiser, run ads admitting the deception. The burden of proving innocence is left to the advertiser, if he can survive the trial by accusation and publicity—a complete turnabout from our judicial system in which an accused is regarded as innocent until proved guilty.

The FTC is now calling on advertisers, industry by industry, to file with it documentary proof of all claims.

Perhaps—States Professor Brozen—

> F.T.C. should be forced to substantiate its claims before issuing press releases which greatly mislead consumers.

In the long run, Professor Brozen notes, to advertise at all may become a sin:

> The Federal Trade Commission is leveling a barrage of unsubstantiated claims against advertising which, if it prevails, may well cause a withering of advertising.

Government's effort to curtail the efficiency and effectiveness of free enterprise comes in many shapes and forms.

EXAMPLE 3: OSHA

Consider, for example, the Occupational Safety and Health Act. This act invests authority in the Secretary of Labor, for the first time, to set job safety standards for the bulk of the Nation's 80 million working men and women. Only coal miners, railroad workers and Government employees, who are covered by other regulations are exempt. This act has opened the door to harassment of business in its daily operation, a harassment which promises to grow greater in the future.

The act covers every business "affecting commerce," and every aspect of the operation from washroom to storage yards to assembly lines, from the clerk in the shoe store to the farmhand driving a tractor. Although the Secretary of Labor may consult with other Federal agencies, he is under no obligation to consult with businessmen; he, alone, determines what is "safe and healthful employment and places of employment."

Among other things, the Secretary is given authority to enforce the safety standards he may issue, and under his broad delegation of power can enter any "factory, plant, establishment, construction site, mine or other area or workplace or environment" to inspect it; close down any operation he finds dangerous; move to cancel Government contracts; and ask courts to impose fines and/or jail sentences for violators of his standards.

One wonders what ever happened to the fourth amendment guarantees against unwarranted search. One wonders what ever happened to fifth amendment guarantees of the security of private property.

It is interesting to reflect upon the fact that in Europe safety programs are nationalized and minimum uniform standards are set by law, yet the safety standards of American industry, prior to this act, were far better. For example, the record of U.S. chemical companies is seven times better than similar companies in the United Kingdom, and in the steel industry the frequency accident rate of U.S. firms is 10 times better.

Our previous system based on State-determined standards, education, and cooperation produced safety statistics which were the best in the world. This, however, has been abandoned in the interest of a nationalized, bureaucratically run system of harassment of private business.

In the current session of Congress I have proposed a bill which includes some of the amendments necessary for a responsible reform of the 1970 act.

As a result of the 1970 Occupational Safety and Health Act, businesses are deluged with a multitude of so-called health and safety requirements with which they must comply or face sanctions that include civil and criminal penalties and even the closing down of businesses. These requirements have been imposed without any administrative determination that will improve occupational health and safety, that they are necessary, or that they are the best means of achieving the desired result.

Thirteen amendments are included in the bill I have introduced. The first amendment would exempt small employers, both agricultural and nonagricultural, from the act. Businesses of 25 or fewer employees would be exempted, as they are from the provisions of the Equal Employment Opportunities Act. Another amendment would require the Secretary of Labor to evaluate all of the regulations, distinguish between the various facets of a given general form of business, and determine if the rule should apply to each facet. A case in point are the real differences in the construction business between heavy construction and light residential construction.

Another amendment would require the Secretary of Labor to publish for each present and future rule the maximum estimated cost of compliance and to determine that it is possible to comply. A further amendment would require the Secretary of Labor to provide technical advice and consultation to employers of 100 or fewer employees to assist them in complying with the act. Each of the 13 amendments attempts to restore to individual businessmen at least a portion of the control over their own businesses which the act itself takes away.

EXAMPLE 4: WATER POLLUTION CONTROL

In other areas, such as that concerning water pollution, business has been told that correction of this problem is a matter not for our entire society to deal with, but one for business to cope with virtually alone.

This year the Congress has passed a bill which, its sponsors have told us, will produce clean lakes and rivers all across America. The bill provided a clear-cut timetable: By June 30, 1974, municipal sewage pollution facilities will provide the equivalent of secondary treatment. By July 1, 1974, construction grants for treatment facilities will be made on a regional, or areawide basis, rather than on a city or town basis as in the past. By January 1, 1976, industrial sources of pollution will be required to have the best practical control technology. By January 1, 1981, industry will cease water pollution discharges. By 1985, the discharge of all pollutants from all sources into navigable water will be eliminated.

Despite the fact that administration and industry representatives argued that the setting of these goals and deadlines was unrealisic and could lead to a new undermining of the confidence of the citizens in their Government when the expectations were not fulfilled, the Congress passed the legislation.

Environmental Protection Agency Administrator William Ruckelshaus said that the provision for the elimination of all discharges into waterways by 1985 was not technically feasible. The demands made upon American industry may not be only unreasonable, but also impossible.

In its issue of January 31, 1972, Barron's notes that:

> Industry is . . . disturbed over the logistical problem of meeting the Phase I January 1, 1976, deadline, since Environmental Protection Agency regulations defining the treatment facilities will not be available until 1973. The design and installation of sophisticated treating facilities for large or complex manufacturing plants involve a lead time of several years.

Beyond this, notes Barron's:

> Phase II will see a separate and more stringent standard for treating facilities. Thus, after massive investment in Phase I facilities, industry may quickly find that they do not satisfy the act's requirements.

Another aspect of this legislation which is of growing concern is the fact that under this bill any citizen would have the right to initiate a civil suit against any party who is alleged to violate an effluent limitation or a Federal or State abatement order, or against the EPA Administrator for failure to perform a nondiscretionary act. Businessmen, on the other hand, are unfairly denied the right to challenge the Administration's actions in civil or criminal enforcement proceedings.

The AFL–CIO indicated that passage of this measure could well cause unemployment to millions of American workers. Despite this fact, the AFL–CIO supported the measure. Indeed, it had a solution of its own for the problem of unemployment. It would put the entire burden of sustaining welfare costs upon the employers for everyone thrown out of work because of the application of this law, or anyone allegedly thrown out of work because of the law.

It is unusual that a Congress which is concerned with unemployment and the fact that American industry is becoming less and less competitive in the world market would place such new restrictions and limitations, as well as expense, upon business. Economist Paul McCracken warned that the impact of this legislation could "turn out to be proportionately heavy on industries and products that are important to our foreign trade" and lead to enlarged stuctural unemployment, the most difficult to control because it is caused by disappearing markets.

Ironically, the very day the House of Representatives passed the bill the newspapers announced that our balance of trade deficit for the preceding month was the second largest in our Nation's history.

In many instances it seems clear that the imposition of Government controls and regulations cannot help but feed our inflation, increase our unemployment, and make it certain that we no longer compete in world markets.

Government regulations, more often than not, tend to be counterproductive and often appear devised not to meet the needs of the public, but instead, to fulfill the desires of the very Government employees who do the regulating and administering.

The point is made very persuasively by Prof. James Q. Wilson of Harvard University. Writing in the Public Interest, Professor Wilson notes that:

> . . . by now we should have learned that the existence of a federal power stimulates demand for its use, and thus what begins as an ultimate weapon for extreme cases becomes a ready weapon for everyday cases.

EXAMPLE 5: AIR POLLUTION

Recently, the U.S. Court of Appeals in Washington, D.C., held that a television station which shows a commercial for high-powered automobile or leaded gasoline can be compelled to show programs, free of charge, about the dangers of air pollution.

Professor Wilson points out that:

> It is obvious that pollution is a problem and that cars contribute to it; but the implication of this decision is that showing anything about a controversial public issue creates an obligation to show something on the other side—free if necessary, and even if the other side has already expressed its views on other stations or in other media. If the purpose of this decision was to insure

> vigorous public debate, its effect, if it stands, is likely to be the opposite. Vigorous debate arises from boldness, while the decision is likely to inspire timidity.

American business suffers from control and regulation. No industry is more subjected to control, and no industry is more vital for the well-being of our economy, for example, than that of electric power.

While prices are rigidly controlled, the additional costs imposed by regulations are not. In 1971, Commonwealth Edison Co. was forced to spend nearly $38 million for higher priced low sulfur fuel in order to reduce sulfur emissions in the Chicago area. The ultimate annual cost of this action appears likely to approach $100 million.

In testimony before the U.S. Price Commission, Gordon R. Corey, chairman of the Finance Committee on the Commonwealth Edison Co. declared that—

> The U.S. faces a shortage of electrical power which could severely curtail future improvements in industrial productivity, impede environmental clean-up and retard urban renewal.

He notes that—

> In our modern society, electric power is almost as vital as air and water. Lack of it is darkening homes and offices in England and throwing billions out of work. Yet we seem determined to make it impossible for the electric power business to meet its responsibilities. Never has the industry been faced with so many different requirements and obstacles.

The current regulations may, in the long run, impede the ability of the electric power industry to provide us with the means through which the lives of all Americans can be improved. Our power needs are increasing dramatically, and the money must be invested today to provide for these power needs of the future. If, through regulation, we make it impossible for such reinvestment to occur, it will be the society at large which pays the price.

Congress has the responsibility to pass "general" rather than "specific" legislation. Obviously, this leaves a wide latitude for subjective and arbitrary interpretations by the people who have been given the power to execute the laws. But even before this danger, it is highly questionable assumption that the Congress can grasp the full implications of its handiwork when it obtrudes itself into a market as complex as our own.

THE NATURE OF BUREAUCRACY

Perhaps it is in the nature of bureaucrats to be martinets. Of one thing we can be sure, bureaucrats are not bound by the profit discipline of businessmen. As a result, they are inclined to be impractical theoreticians rather than pragmatic realists. Further, they have a vested interest in self-perpetuation and growth. Unlike business imperatives, where a man's progress depends upon his ability to demonstrate efficiency, the prestige of a bureaucratic chief is determined in part upon the basis of how many Indians he has in his department.

But the greatest danger to be apprehended is the ofttimes heavy-handed capriciousness of bureaucrats in their war against the businessman and free markets. Since all the presuppositions of bureaucratic interventionism are alien to the concept of free enterprise, it is not surprising to find covert and overt hostility within the bureaucracy. Just as a stagnant pond breeds bacterial life, bureaucracy develops and attracts the germs and parasites that feed at the expense of free institutions.

Herbert Hoover summarized the case most succinctly when he observed that—

> In all bureaucracies there are three implacable spirits—self-perpetuation, expansion and an incessant demand for power. These are human urges and are supported by a conviction, sometimes justified, that they know what is good for us. Nevertheless these spirits are potent and possess a dictatorial complex. . . . Power is the father of impatience with human faults, and impatience breeds arrogance. In their mass action, they become veritable exponents of political tyranny.

EXAMPLE 6: FDA

In 1969 the Congress passed the Toy Safety Act, a well-intentioned piece of legislation designed to protect children against hazards. Under the provisions of this act, children were to be protected, amongst other things, from thermal hazards. Manifestly, all such hazards could not be banned without doing violence to other cherished concepts since books do not meet the flammability standards established under the act. Paper was thus one of those potential hazards exempted by the Congress.

But in 1972, on the eve of the Easter season, the Food and Drug Administration—without any warning—announced publicly that "Easter grass" was a thermal hazard and was going to be banned by the FDA. Two weeks after Easter the FDA notified a handful of Easter grass manufacturers that it would prohibit the production for the 1973 season. One of the major producers of Easter grass happens to be an Illinois firm. It was never notified by the FDA of the latter's new regulations. The firm did, however, hear of the public attack on Easter grass that was televised before the Easter season of 1972. After considerable effort, the manufacturer finally managed to contact the appropriate authority within the Food and Drug Administration to request an appointment to discuss the problem.

The agency was reluctant to set up an appointment, but finally consented in May. The problem in the case of this manufacturer was that he produced Easter grass on a year-around basis and was already into production for the 1973 season when he learned of the ruling. He had a quarter of a million dollars of inventory stockpiled for the 1973 season, preseason orders for almost half of his inventory, and 150 employees whose jobs had suddenly been put in jeopardy if the manufacturer were forced to close down.

The manufacturer, even before coming to see the members of the FDA, had contacted laboratories throughout the country to attempt to develop a substitute or a treatment for the cellophane paper used in producing Easter grass that would meet the FDA flammability standards. But this did not solve the problem of his inventory, his ability to promise delivery to his customers for the next season, and his employees.

Despite the fact that the FDA was unaware of a single instance of a child having been burned with Easter grass, and despite the fact that within the business no one was aware of a single such incident in the 40 years of Easter grass production, the FDA took the position that it could not permit continued sale of the product beyond the moment it discovered that Easter grass did not meet the flammability standards of the department.

In the case of an imminent hazard to children, the economic injury to a manufacturer and his employees should not be a consideration. But in a case such as this, where there is no demonstrable imminent hazard based upon the history of the product, reason would certainly dictate prior notification to manufacturers and a season to dispose of inventory as a means of preserving a tax paying industry and 150 jobs. Instead, the bureaucrats almost seemed to delight in the knowledge that they were removing a business and jobs from existence since under their interpretation of the law these people were public criminals. And perhaps the most ironic twist of all is that Congress specifically exempted paper from consideration as a thermal hazard under the law, and the substance involved—cellophane—is defined in the Dictionary of Paper as paper. Surely, this is but one more of the "insidious encroachments" against our liberties about which Justice Brandeis spoke, an encroachment by "men of zeal, well meaning, but without understanding."

EXAMPLE 7: WAGE AND PRICE CONTROLS

Added to all of these controls, regulations and harassments of business is the recently imposed system of wage and price controls.

Clearly, the problem of inflation is one which concerns all Americans and it is the goal of all Americans to stem the tide of increasing wages and prices.

But there are some who argue that the best way to stop inflation is, in effect, to ignore its causes, which include deficit spending by Government and an increase in the money supply through the Federal Reserve Board. While ignoring the causes, such spokesmen would treat the symptoms: namely, the increase in wages and prices. They would, in effect, outlaw such increases through compulsory controls enforced by Government.

Discussing the danger of price controls, economist Henry Hazlitt writes that—

> The first thing to be said about wage and price fixing is that it is harmful at any time and under any conditions. It is a giant step toward a dictated, regimented and authoritarian economy. It makes impossible arrangements that both sides are willing to agree to. It sets aside contracts that have already been made in good faith.

The question which is often asked today is whether the administration's policy of wage and price controls is "fair" and "equitable?" To such a question, economist Hazlitt responds this way:

> There is no right way of doing it. There is no right way of doing a wrong thing . . . Instead of talking of "fair" profits, and "fair" wages, we ought to be talking about functional wages and functional prices. Prices have work to do. What they do in effect is to give the necessary signals to production. They direct production into the things that

> are most wanted . . . Price-fixing destroys the signals on which this ever-changing balance depends.

In order to achieve its goal of lower prices, the Government should be pursuing a policy far different from the policy of compulsory wage and price controls upon which it has embarked. It should, instead, encourage producers, and not place them in a straitjacket. Price fixing does the opposite. The Pay Board, for example, gave the coal miners a 16.8-percent increase for the first year; then when the first coal company asked for an increase in price, the Price Commission allowed it only a 4-percent increase in price to meet the 16-percent increase in wages. What this will produce is a squeeze on profits and the result will be to discourage investment and therefore to increase unemployment. That was certainly not the original object of the policy controls.

EXAMPLE 8: FOOD STAMPS FOR STRIKERS

Government, however, has been one-sided in still other ways. A serious problem facing our country and its long-established system of collective bargaining is that, in recent days, we have witnessed a situation in which workers on strike have become the recipients of Federal and State financial assistance.

In West Virginia, a coal strike caused 15,000 new families to be added to the food stamp program, a fact which swelled the State's total food stamp role by 20 percent. In 1 week, the West Virginia State Welfare Department distributed $1.7 million in food stamps to the miners' families and declared that the Federal Government had paid for the program.

In a recent statement, Dr. Herbert Northrup, chairman of the Labor Relations Council and director of the Industrial Research Unit of the Wharton School of Finance at the University of Pennsylvania, pointed out that during the General Motors strike:

> We figured that almost 30% of the General Motors employees in Michigan were on food stamps and 20% on welfare . . . We've made studies of local situations such as the long Westinghouse strike at the Lester plant outside of Philadelphia. We found out the Welfare Department took on 10 people to take care of this situation.

In cases such as these, the agencies of Government have provided workers with their sole "strike benefits." The labor unions themselves, in such situations, paid no strike benefits at all.

Such a state of affairs tends to discourage and prolong strikes. Dr. Northrup notes that—

> It enables the union to hold out without pressure from the rank and file. If there is one thing that was clear in both the General Electric and General Motors strike, it is that there was no pressure on the rank and file to settle the strike.

When no pressure exists to settle a strike, the strike tends to continue, costing all concerned, workers, management, and the taxpayers huge sums of money. In addition, it makes a big difference in the character of the result, and its inflationary impact is much greater.

Collective bargaining is based, at least in part, upon the assumption of governmental neutrality. Dr. Northrup declared that—

> The collective bargaining system in the United States cannot work satisfactorily if the public purse becomes an extension of the union treasury for paying strike benefits.

It is beyond any doubt that Government, today, is in the position of regulating, harassing, and controlling American business. Such policies, it is clear, can lead only to further inflation, to further unemployment, and to less and less ability on the part of American business to compete in world markets.

It is essential that labor unions be brought under the same antitrust legislation which today applies to business. It is illegal, for example, for several businesses in a particular industry to set prices, yet it is legal for a single industry-wide labor union to set wage rates for an entire industry.

EXAMPLE 9: UNION POLITICAL ACTIVITIES

More than this, labor has used its position in a partisan political manner, in clear violation of existing statutes. Section 610 of the Criminal Code, to cite one, prevents both national corporations and labor unions from making any campaign contributions or expenditures. Yet, AFL–CIO President George Meany has been quite frank in exploding the myth that union political activities in Federal elections are restricted by this act, or by the Federal Corrupt Practices Act.

Last September, Mr. Meany stated that—

> You know we have these laws on the books—and they have been there for many, many years—Corrupt Practices Act and so forth—and honored, so far as I am concerned, they have been honored by everybody in the breach. I don't know of any candidate for office anywhere that gives a damn where he gets the money so long as he gets it when he gets into a campaign.

In the 1968 presidential race, labor officially reported contributing a whopping $7.6 million to all candidates, double what it admitted spending in 1964. Others place an even higher price tag on labor's political efforts. Columnist Victor Reisel notes that—

> America's labor leaders poured out over $60 million for Hubert H. Humphrey.

Theodore H. White details some other AFL–CIO campaign activities in his book, "The Making of the President, 1968":

> 72,225 union men and women canvassing house to house, 94,457 Election Day volunteers serving as car-poolers, baby-sitters and poll-watchers; 55 million pamphlets and leaflets mailed by the AFL–CIO from Washington, 60 milion from local unions.

Unless and until we apply the same antitrust and antipolitical contribution laws to labor unions that we have rigorously applied to business corporations, we will continue to have the kind of one-sided, antibusiness atmosphere under which American industry has struggled for so many years. Rather than solving any of our economic problems, the intervention of a huge governmental bureaucracy on the side of those who oppose free enterprise and oppose business initiative, has produced a large part of the real problems we face.

FRAGILITY OF FREEDOM

Perhaps more important is the fact that once our economic freedom is challenged, our political freedom becomes increasingly tenuous. Too few of those who have endorsed a Government-controlled economy seem to have considered the intrinsic link between economic freedom and political freedom. Many seem to believe that it is possible to lose our economic freedom while remaining free in other aspects of our lives. Such a view, unfortunately, is repeatedly challenged by the facts of history.

In his important volume, "Capitalism and Freedom," Prof. Milton Friedman points out that—

> The kind of economic organization that provides economic freedom directly, namely, competitive capitalism, also promotes political freedom because it separates economic power from political power and in this way enables the one to offset the other.

Professor Friedman noted that—

> Political freedom means the absence of coercion of a man by his fellow men. The fundamental threat to freedom is power to coerce, be it in the hands of a monarch, a dictator, an oligarchy, or a momentary majority. The preservation of freedom requires the elimination of such concentration of power to the fullest possible extent and the dispersal and distribution of whatever power cannot be eliminated—a system of checks and balances. By removing the organization of economic activity from the control of political authority, the market eliminates this source of coercive power. It enables economic strength to be a check to political power rather than a reinforcement.

Today there are many, in both parties and regardless of their previously stated political and economic philosophies, who would eliminate the checks and balances to which Professor Friedman referred and provide Government with the power to set the wages of workers and the prices of businessmen—thereby giving Government total power over the economic life of the Nation. In a recent editorial, the Wall Street Journal stated that—

> Without wanting to sound apocalyptic, we find rather dismaying the ease with which the business community and a Republican Administration have acepted—and often welcomed—the prospect of a controlled economy.

IS CAPITALISM EVIL?

It is important that we deal with the question posed by New Left activists and their older supporters in the Congress, the media, and elsewhere. That is this: Does capitalism produce pollution, decay, fraud, and the host of other problems which such critics hope to solve by expanding the power and authority of Government?

Those who advance such a view argue that under socialism there would be no pollution of the air, for the State would be in control and if the "people" are in control there would be no greed, and thus the proper precautions would be taken to insure pure air, clean rivers, and the like.

This argument makes internal sense, as all ideological arguments do, but it has one major flaw. It is simply not true. A look at the world's environment shows the fallacy of such thinking.

In fact, it is interesting to note that there is a great similarity between the approaches used by those who are fighting environmental and ecological problems in the United States and those who are doing so in the Soviet Union.

Academician Andrey Sakharov published an illegal pamphlet, launched through the Soviet "underground" to demand radical political reforms and blamed the country's economic system for causing damage to the environment and thus "changing the face of the earth."

The issue has moved out of the Soviet underground and into the state-controlled press, much as the question of pollution has moved from being a concern of student activists to being a part of the President's state of the Union message.

An article in Pravda pointed to the contradiction between the "unrestrained" growth of industrial production on the one hand, and outdated technology of Soviet industry on the other. The organization of industry was also to blame. The author was saying, in effect, that Soviet industry was so preoccupied with growth targets that it ngelected to keep its own house in order—which is what has so often been said of capitalists.

Victor Zorza, the Eastern European correspondent for the British newspaper, The Guardian, makes this point:

> In the West, the strength of the profit motive is often said to drive capitalists to press on with production regardless of damage to the environment. In Russia, it is the weakness of the profit motive that gets the blame.

The Pravda article notes that "tremendous material losses were caused" by the failure of the oil industry to develop the necessary procedures to remove water and salt from the oil. The price paid for the oil remained the same, whether these unwarranted constituents had been removed or not.

In the United States, motor vehicles are responsible for 60 percent of air pollution. Russia, which has relatively few autos, has an air pollution problem as well. The Soviet press often boasts that the air in Moscow is cleaner and sweeter than in any comparable capital city. But most of Russia's industry is outside of Moscow. Pravda confessed that—

> We are turning the atmosphere of our major industrial Regions and large cities into a dump for poisonous industrial wastes.

This already made it "difficult to breathe" for the people who live there, and the trend of industrial development would "inevitably" cause even greater pollution unless something were done to avert this.

In spite of government directives, new factories in the Soviet Union are still being built without any purification plant, for water or smoke. Indeed, where smoke filters are provided they often "work badly, or not at all." More than half of the Soviet towns discharge their sewage, untreated, directly into nearby rivers.

It is clear that whatever environmental problems we face in the United States are also being faced throughout the world, in countries which are capitalist and Communist and socialist. The fault, it would appear, is not who controls the modern technology, but with the technology itself.

WE SHOULD BE PROUD OF OUR SYSTEM AND DEFEND IT VIGOROUSLY

Far too long American businessmen have tended to apologize for their successes, to sit silently by as capitalism was attacked by those who argued that, somehow, Government control of the economy would produce a more "equitable" sharing of the Nation's resources.

They failed to point out that capitalism was simply freedom applied to economics, that under a system of free enterprise it was the consumer, the individual, who voted with his dollars in the marketplace and determined in this manner exactly what would be produced in the economy. In the socialistic, communistic and fascistic economies supported by the advocates of collectivism it is a small band of bureaucrats who make this decision.

Under capitalism people not only decide for themselves what the economy is to produce, but they are able to procure for themselves a far larger share of that production than under any other system. Capitalism is the best economic system for those at the lowest level as well as for those at the highest. In fact, those at the lowest levels in our own country and in the capitalist societies of Western Europe and of Japan would find themselves in the upper levels of collectivist societies—where a radio, a television, and indoor plumbing are still considered to be luxuries.

Unless businessmen tell this story—forcefully and vocally—it will be unknown to a new generation of Americans. Thus far, they have failed in the important task of communicating to this new generation a knowledge of and respect for a free society.

There is no way to increase our standard of living, improving our competitive standing in world markets, ease the problem of unemployment, defeat inflation, and really give consumers the choice they desire except by taking government out of the economy, not giving it control over the economy as we now appear to be doing.

The best consumer advocate is not a new law or Government agency, but free enterprise itself. Under captalism, the consumer votes with his dollars for the kinds of products he wishes to purchase. The jury of American business is not a court of law or a legislative chamber but the millions of free citizens who judge its products and services as they choose between them.

There is an old saying that if you want to be seen, stand up; if you want to be heard, speak up; and if you want to be appreciated, shut up. For too long the business community has apparently wanted to be appreciated. It is high time the outraged businessmen—speaking not just in their own interest, but in the interest of their employees as well as the consuming public—express their sense of indignation over this unrelenting assault upon the concept of a free market. They must get directly involved in this battle and provide the leadership which is so sorely lacking.

Business and industry, if it is to restore economic freedom, must not apologize for itself or for its profits. It is American business and industry which has provided all of our citizens with the highest standard of living in the world. It has done this through economic freedom. The rest of the world, through economic slavery, has hardly been able to feed its people.

The choice is ours, and businessmen must speak up in behalf of economic freedom before it is compromised away in the maze of considerations about what is politically possible. Once freedom is lost, it is difficult, if not impossible, to restore.

Beyond this, we must guard against leaving the field to the enemy out of a sense of despair over how far down the garden path we have trod. To those who shrug their shoulders and say it is hopeless, that nothing can be done, I would only remind you that this can become a self-fulfilling prophecy if enough Americans believe it. What if George Washington had taken such a point of view at Valley Forge? What if Lincoln had in the dark days of the War Between the States, What if our Nation had after Pearl Harbor?

One of my alma maters is Hillsdale College, which at the time I attended had an enrollment of only 500 students. Often, Hillsdale competed in football with colleges and universities having enrollments of several thousand. I remember a slogan over the door of the locker room which read:

> It's not the size of the dog in the fight, but the size of the fight in the dog!

To be sure, we are fighting against enormous odds. But that is no reason to suppose that this battle cannot be won and that we cannot reverse the dangerous direction we are headed today. And let us always remember that despair is the one unpardonable sin.

One of the ways in which corporations can make a positive contribution is by educating their stockholders to a better understanding of the principles of a free market economy and why it is the most humane, productive, and morally justifiable system. In addition, stockholders should be constantly alerted to legislation under consideration which does violence to their interests both as stockholders and consumers. Under the changes in the law that came out of the Campaign Spending Reform Act of 1972, nationally chartered corporations may legally engage in such activities with corporate moneys. Be assured that the unions have for years been using Treasury funds in this activity. Such an educational effort can help to generate those pressures necessary to influence the course of legislation in Washington.

Finally, we should mobilize our limited resources behind rifleshot efforts to affect the greatest changes. There are somewhat over 100 Members of the House of Representatives—the body responsible for initiating money bills—who are economy-minded and opposed to the drift toward a regulated economy. At the other extreme there are slightly over 100 Members who will vote for virtually any spending measure and who totally support the idea of a controlled economy. Of the 200 odd Members in between—all of whom are responsive to pressure—we should identify the 100 closest to our position and focus our efforts on them.

It is wholly unrealistic to suppose that we will ever have a Congress comprised of talents of the magnitude of those statesmen who laid the foundation of our Republic. Under the circumstances, while still working to upgrade, qualitatively, our representation in the Congress, a more important task is to devise the ways and means of accomplishing our goals with the raw materials at hand. An important aspect of this involves understanding the psychology of the politician. When we have done all this, we should be able to concentrate our efforts more effectively to produce the votes in Congress that will reinvigorate free institutions and preserve the world's last best hope for ourselves and our posterity.

Woodrow Wilson, who was a keen student of history, stated:

> The history of liberty is a history of limitations of governmental power, not the increase of it. When we resist, therefore, the concentration of power, we are resisting the powers of death, because concentration of power is what always precedes the destruction of human liberties.

Today we are witnessing the most unprecedented concentration of such governmental power in our national experience.

On the last day of the convention in Philadelphia in 1787, Benjamin Franklin prepared a speech urging all of the delegates at that convention to sign the document that had been drafted. Some members had reservations on the grounds that to deposit the power of the sword and the power of the purse in one level of Government was to sow the seeds of ultimate despotism.

Franklin acknowledged that the proposed Constitution was not a perfect document, but that there was a way of remedying defects through the amendment process. However, in the final analysis Franklin contended, it mattered little what form of government was created because this Government, as all governments before it, would degenerate into a despotism when the people needed a despotism.

I am convinced that the American people do not need a despotism today any more than they have in the past and hopefully and prayerfully they never will in the future. To guarantee that hope and prayer, we must all unite our efforts and reconsecrate ourselves to that end.

THIRTY-ONE MEMBERS INTRODUCE COMPREHENSIVE TAX REFORM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, today 30 Members of the House are joining me in introducing legislation that would terminate virtually all tax exemptions and deductions by January 1, 1974, unless Congress reenacted them. This proposal is very similar to the one introduced last week by our distinguished colleague from Arkansas (Mr. MILLS), the chairman of the House Ways and Means Committee, and the Senate majority leader (Mr. MANSFIELD).

Our legislation, which I originally introduced on March 7, and Mr. MILLS' proposal embody the same approach for achieving meaningful tax reform. Our bill would terminate $47 billion worth of tax deductions and exemptions by 1974, thus forcing Congress to reenact those provisions it wanted to keep. The Mills-Mansfield proposal would terminate 54 provisions over a 3-year period starting in 1974. It is important to note that support for our bill is essentially support for the Mills-Mansfield bill.

Both of these proposals are far more sweeping than they first appear and, if passed, will likely lead to the most comprehensive reform and simplification of the Federal tax system ever. Many of the more blatant tax exemptions, deductions, and loopholes that have built up over the years would, I believe, simply fall by the wayside if Congress were forced to vote on them again.

I also believe that either of these proposals would, if they reached the floor, easily pass the House. This legislation has a definite appeal not only to tax reformers but to fiscal conservatives because it is based on the premise that, if Congress is forced to review every dollar in the Federal budget every year, it should at least occasionally review tens of billions of dollars of potential tax loopholes. The problem with the present system, as many of my colleagues know, is that these tax exemptions and deductions get passed by Congress for an indefinite period of time and may never come up for review.

In short, it is fiscally irresponsible for us not to periodically review tax exemptions and deductions which cost the Treasury tens of billions of dollars each year. Both our legislation and the Mills-Mansfield proposal would force Congress to take a close look at these provisions and decide which of them still make sense, which of them may have made sense when originally passed but do not any more, and which of them probably never did make any sense. This would be a great step forward.

PART II—CHILDREN'S ALLOWANCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, my bill, H.R. 5633, is patterned after the Canadian program except that the allowance payments would be taxable under my proposal so that the net amount of payment to the family would depend upon its income tax bracket. It would provide $8 for preschool children and $12 for those aged 6 through 16, and would be administered by the Social Security Administration.

The existing programs vary according to social policy, as the Haanes-Olsen article indicates in the following excerpt:

> ### SIZE AND COMPOSITION OF BENEFITS
>
> ### STRUCTURE AND ELIGIBILITY REQUIREMENTS
>
> In the countries studied, the benefit structure of children's allowances programs varies with social policy. Canada and Sweden pay allowances beginning with the first child (table 1). As noted earlier, the Canadian aim was to provide a family income supplement of general scope. In Sweden the universality of coverage, together with the view that the burden of raising a family should be shared, led to allowances beginning with the first child.
>
> Other countries start allowances with the second, third, or fourth child. West Germany, for example, pays allowances beginning with the third child, with a means-tested benefit available for the second. Some systems have rates that rise with each additional child; others feature rates that decline as the number of children rises.
>
> Benefits are generally paid up to school-leaving age. The basic age limit in the five countries studied ranges from age 14 in the United Kingdom to age 17 in West Germany. The application of the limit may be deferred for further schooling, apprenticeship, or vocational training—from 2 years (Canada) to 7 years (West Germany). Age may also play a role in benefit size. This factor is particularly important in Canada and France, as later comparisons of the relative amounts paid in each country make clear.
>
> As table 1 shows, the last years in which allowances are generally paid (the basic age limit in the chart) dovetail with the number of years of required schooling and minimum working age. Under certain circumstances, the age limit for receiving children's allowances is extended, notably when the child continues his schooling or enters an apprenticeship program. The extreme limit is the extension through the 24th year in West Germany.

TABLE 1.—STRUCTURE OF CHILDREN'S ALLOWANCES PROGRAMS IN 5 COUNTRIES, 1969

Country	Means test	Benefits start with—	Age limit[1]		Residence requirements	Minimum working age	Required school age (in last year)
			Basic	Maximum			
Canada	None	1st child	15	17	1 year	[2] 15–16	[2] 14–15
France	None [3]	2d child [4]	15	19	All residents	16	15
Sweden	None	1st child	15	18	do	16	15
United Kingdom	None	2d child	14	18	6 months [5]	16	15
West Germany	None [6]	3d child [7]	17	24	3 years	[8] 18	17

[1] Last year of eligibility. See text for distinction between basic and maximum age limits.

[2] According to Province.

[3] As of Jan. 1, 1971, the single-wage and mother-at-home allowances have been discontinued for some families; for others the rates were doubled.

[4] The single-wage and mother-at-home programs provide allowances for the first child.

[5] 26 Weeks' residence in preceding 12 months (3 years' residence for aliens).

[6] Means test applies to two-children families only.

[7] Benefits payable for the second child when the family earns less than 7,800 DM a year.

[8] For full-time work.

Source: UNESCO Yearbook and national legislation.

Residence is for all purposes the sole eligibility requirement for children's allowances in the countries discussed. Only in France and Sweden do the residence requirements fail to set a time limit. Permanent residence in "metropolitan" France is stipulated, and aliens must be gainfully employed on a permanent basis. In Canada, the child must have had 1 year's residence or one of the parents must have lived in the country for 3 years before the child's birth. The United Kingdom requires 26 weeks' residence during the preceding 12 months (3 preceding years for aliens). In West Germany, 3 years' residence is the common requirement.

Size of benefits

Three basic approaches emerge when the size of children's allowances is related to family composition: (a) Rates per capita rise with the number of children on the theory that the older child requires larger expenditures than the younger, (b) rates per capita become smaller as the number of children grows since each additional child adds relatively less to family expenditures, or (c) rates per capita are constant since expenses remain approximately the same with each additional child—that is, the effects of the first two factors tend to equalize each other.

The five countries selected for analysis illustrate these varied approaches. The range is from a uniform rate for all children in Sweden to a complex system in France that takes into account both the number of children in the family and their ages.

Sweden's uniform rate dates back to 1948, when the present system began. Although the rate has been changed infrequently, each increase has been more than enough to keep the allowances ahead of the consumer price index every year since 1952.[6]

A per capita rate, graduated by age group, has existed in Canada since children's allowances began in 1945. The rate schedule established in 1957 provides a basic amount for each child under age 10, increased for ages 10–15, and again for those aged 16–17 who are in school or are invalids. No adjustment has been made in the rates since 1957, but a reorganization is under discussion.[7]

In the United Kingdom, the system began in 1946 with benefits for the second and succeeding children, all at the same rate. For almost 25 years, the only structural change increased the rate for the third and subsequent children. The amounts were adjusted infrequently, and as a result they often trailed the consumer price index for long periods of time. The price index, for example, climbed by about 70 percentage points during 1956–66 (with 1945 as a base year), while the allowances remained fixed. Subsequent increases in 1967 and 1969 have kept the allowances ahead of the rise in prices.[8]

In 1971, the United Kingdom introduced a family supplement program—in addition to its children's allowances program—that is designed to aid workers at the lowest income level. The basic income level is £15 a week for a family with one child; the level rises by £2 a week for each additional child up to a maximum of £25 per week with six or more children. When a family's income is below the statutory minimum for its size, the Government makes up one-half the difference up to a maximum of £3.

In the program that emerged in West Germany after World War II, coverage started with the third child. In 1961, coverage was extended to the second child in families with yearly incomes below 7,200 Deutsche marks with this part of the program financed from general Federal revenue. Under 1964 legislation the Federal Government assumed the entire burden of financing the program. The income limit for the two-child family was raised to 7,800DM, and an increasing benefit rate was made applicable for the third to the fifth child.[9] In 1965, families with three or more children became eligible for the lower-rate, second-child allowance, regardless of the amount of the family's income.

The French children's allowances program—considerably more complex than that of most countries—has three main components: basic children's allowances, single-wage allowances (*salaire unique* for wage or salary earners), and mother-at-home allowances (*mère au foyer* for the self-employed). The nonbasic allowances are both designed to encourage mothers to stay home and aid in their children's upbringing. Originally related to regional monthly average wages, the basic allowances were later made a percentage of the hourly minimum wage of manual workers in the metals industry. This amount has been adjusted periodically by decree. All three types of benefits are fixed for five cost of living zones in France.[10]

Under the French basic program, benefits start with the second child at the rate of 22 percent of the base wage. The rate is 37 percent for the third and fourth children and drops to 33 percent for the fifth and subsequent children.[11] These rates, in turn, are increased by 9 percent of the base wage when the child reaches age 10 and by 16 percent at age 16, except for the two youngest children in the family.[12]

In 1969, France discontinued the practice, begun in 1951, of granting young childless couples an allowance under the single salary program. Instead, the allowance to children under age 2 was raised to 50 percent of the base wage (97.25 francs in 1969) under both the single-wage and mother-at-home programs, and having a young child was thus more attractive.[13] Since January 1, 1971, these allowances have been abolished for families with monthly income above 5,550 francs and the rates have been doubled for families with monthly income below 1,300 francs. The allowance rates remain unchanged between these two income limits. With average monthly earnings approximating 950 francs, in practice the single-wage and mother-at-home allowances have doubled for most families and the upper limitation has become almost academic.

RELATIONSHIP TO EARNINGS AND OTHER MEASURES

Because of variations in currency values, a multicountry assessment of the relative size of children's allowances must be made in terms common to all. In this study, therefore, comparisons have been developed on the basis of individual income, consumer prices, and the gross national product (GNP) of each country. Comparing allowances with average monthly earnings in manufacturing provides a measure of the benefit paid to the individual family. Even when comparable figures are thus arrived at, the method of financing may be important because of possible income redistribution effects. Relating benefits to the GNP measures the relative cost to each country, and comparison with the consumer price index, of course, indicates whether the allowances have retained their relative value.

Average Earnings

Table 2 presents for each of the five countries the relationship between children's allowances (in families with 1–5 children) and monthly average earnings in manufacturing. For simplification, the allowances for Canada and France are shown at the minimum levels and increases based on age are omitted. The ratios of allowances to average earnings range from 1.3 percent to one Canadian child to 50.8 percent for five children in France (about 61.5 percent when the most advantageous age combination is used).

Generally, France has the "highest" allowances under any family combination (except that, for a family with one child aged 2 or older, the Swedish allowance is slightly higher). Sweden ranks next to France in all other family combinations indicated in table 2. With respect to families with two, three, and four children, the United Kingdom ranks behind France and Sweden but ahead of West Germany, although the two rates converge as the family grows and draw even with five children in the family. Canada ranks last. Note that the gap between that country and the others grows with the size of the family, since Canadian allowances are increased at a much slower rate. Although Sweden's rate is considerably higher than the United Kingdom's or West Germany's through the whole family range, these countries draw closer as family size increases. With three children, the Swedish rate is almost twice as high as that of the United Kingdom; with five children it is only 50 percent larger.

TABLE 2.—CHILDREN'S ALLOWANCES AS PERCENT OF AVERAGE MONTHLY EARNINGS IN MANUFACTURING, BY SIZE OF FAMILY, 5 COUNTRIES, 1969

Country	Number of children				
	1	2	3	4	5
Canada [1]	1.3	2.5	3.8	5.0	6.3
France [2]	(3)	9.8	22.8	36.8	50.8
Sweden [4]	5.7	11.4	17.0	22.7	28.4
United Kingdom [5]		4.5	9.5	14.6	19.6
West Germany [6]		[7] 2.8	5.5	12.0	19.7

[1] Percentages relate to benefits for children under age 10 and are based on average weekly wages in January–June 1969. For children aged 10 to 15, add 0.4 percentage points; for children aged 16 to 17, add 0.9 percentage points.

[2] Percentages overstated to the extent that 1969 benefit rates are applied to 1968 average earnings. For families with more than 1 child: add 10.8 if 1 or more of the children are under age 2; 8.6 if there are 2 dependent children aged 2 or older; and 10.8 if there are 3 or more dependent children regardless of age. In addition, add 3.6 for each dependent child aged 10 to 14 and 6.0 for each dependent child aged 15 or older.

[3] Percentage is 10.8 for child under age 2; it is 4.3 for child aged 2 or older.

[4] Percentages overstated to the extent that expected 1970 benefit rates are applied to average earnings in January–June 1969.

[5] Based on average weekly earnings as reported in April 1969 Income data for men and women are reported separately; they have therefore been weighted on the basis of the number of men and women reported in total employment to obtain comparability with data for other countries.

[6] Percentages overstated to the extent that 1969 benefit rates are applied to 1968 average earnings.

[7] 2d child eligible for basic allowance if family earnings are less than 7,800DM a year; otherwise, allowances start with 3d child.

Source: Canada—The Labour Gazette, December 1969, table C-6, p. 771; France and Germany—Bureau of Labor Statistics, U.S. Department of Labor; Sweden—Allmän Manadsstatistikk, 1968–69; United Kingdom—Monthly Digest of Statistics, December 1969, table 15, p. 17, and Employment and Productivity Gazette, January 1970, table 122, p. 75.

When the age factor is considered with the number of children, the French program stands out even more than the figures in the table indicate.[14] In a French family with three children aged 8, 10, and 12, children's allowances would amount to 40.8 percent of average earnings in manufacturing—that is, the basic rate of 22.8 percent plus 10.8 percent for three children plus an additional 3.6 percent for each of the two children in the 10–14 age group—or more than twice as much as the next highest country, Sweden.

FOOTNOTES

[6] In 1948, the annual allowance was 260 kronor per child. This amount was raised to 550 kronor in 1952 and to 700 kronor in mid-1964. The rate later reached a level of 900 kronor and went to 1,200 kronor as of Jan. 1, 1971. (One U.S. dollar equaled 4.868 kronor as of Dec. 31, 1971.) *Statistisk Arsbok For Sverige, 1970* (Statistical Abstract of Sweden), National Central Bureau of Statistics, Stockholm, table 208.

[7] The monthly rates when the program started in July 1945 were $5 for each child under age 6, $6 for ages 6–9, $7 for ages 10–12, and $8 for ages 13–15. In 1957, the rates

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Footnotes at end of article.

became $6 for each child under age 10, $8 for the group aged 10–15, and $10 for those aged 16–17 who were in school or were invalids.

[8] The Family Allowances Act of 1945 (effective August 1946) provided 5 shillings per child a week, starting with the second child in the family. The amount was increased to 8s. in 1952 and to 10s, for the third and subsequent children in 1956. In 1967, the benefits were raised to 15s. for the second and 17s. for the third and subsequent children; and in late 1969 they were increased to 18s. and 20s., respectively. (As of December 31, 1971, one U.S. dollar equaled 3.916 pounds.)

[9] In 1961, monthly rates had been 25DM for the second child (when eligible) and 40DM for the third and subsequent children. The rates were increased in 1964 to 50, 60, and 70DM for the third, fourth, and fifth and each subsequent child, respectively; the rate for the second child remained unchanged. (As of December 31, 1971, one U.S. dollar equaled 3.260 Deutsche marks.)

[10] The base wage for basic allowances in Paris (the highest cost-of-living area) is now 377 francs a month, that for the single-wage or mother-at-home allowances, 194.50 francs. (On December 31, 1971, one U.S. dollar equaled 5.22 francs.)

[11] In the basic program, a 1953 law established the rate of 22 percent of the base wage for the second child and 33 percent for the third and later children, increased from the previous rates of 20 percent and 30 percent, respectively. For changes in benefit levels and laws, see Jean-Jacques Dupeyroux, *Sècuritè Sociale* (3d edition), Dalloz, 1969, pages 455 and 481. For pre-1954 rates, see also *"Le règime gènèral de la sècuritè sociale"* in the series *La documentation française; notes et etudes documentaires,* September 1949. For history of changes in the mother-at-home and single-wage allowances, see *Journal Officiel de la République Française,* Dec. 12, 1956, page 11872.

[12] *Journal Officiel* . . . Aug. 8, 1957, page 7811. Law of Aug. 7, 1957.

[13] A family is limited to total allowances of 50 percent of the base amount under either of the two programs, regardless of the number of children in the family. For children aged 2 or older, the rates are: Under the single-wage program, 20 percent of the base for one child, 40 percent for two children, and 50 percent for three or more children; under the mother-at-home program, 10 percent for two dependent children, with an increase of 10 percentage points for each additional child, and up to 50 percent for six or more children.

[14] For a different approach, used in a 1967 study relating the significance of family allowances in terms of average total income to the size of the family, see *Les Conditions de Vie des Famillies,* Paris, March 1967. Lack of data prevent a similar approach for an intercountry study.

REPRESSION IN GREECE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 5 minutes.

Mrs. ABZUG. Mr. Speaker, the United States has earned a bitter reputation as the world's most ardent supporter of reactionary dictatorships. In Vietnam, our support of General Thieu is a continuing stumbling block to peace. In Cambodia, through the American-supported Lon Nol regime, we are repeating the mistakes of Vietnam. In Rhodesia, we support Ian Smith's racist government by importing chrome despite a United Nations resolution prohibiting such trade. The list is long, and near its head is the military regime of the Greek colonels.

The dictatorship in Greece has met revulsion from every democratic people and government in the world. In the United States, too, we have been saddened by the destruction of liberty in Greece. Perhaps, the American people have been even more saddened by their own Government's support of these fascists with arms and money against the express will of Congress—just as the President has defied the express will of Congress by refusing to set a date for our withdrawal from Indochina.

The determination of our Military Establishment to maintain a safe and secure base for its activities in the Mediterranean area is causing unbelievable hardship for the very people with whom we could establish warm and productive ties of friendship. Instead, we work with the most hated segment of the Greek power structure to turn Greece into a naval base for the American 6th Fleet, an aircraft carrier for NATO.

The Greek people, crushed beneath the weight of the American-supported dictatorship, know that if we take our heel off their necks, they can take care of their colonels on their own.

I have received a document that was smuggled out of Greece and which reached the Greek News Agency in London. It is an appeal from a young woman whose whole family—father, mother, brother, and husband—have fought as proud Greek patriots against the Nazis and against the internal fascists. The letter from Eleni Voulgari-Golemas should awaken the conscience of America, and I insert it here in the RECORD together with a covering letter from her 80-year-old mother, Eftihia Voulgari:

LETTER FROM MRS. EFTIHIA VOULGARI, MOTHER OF ELENI VOULGARI GOLEMAS

DEAR SIR: For years now I walk up and down the staircase of the Ministry of Justice but my dramatic pleas find no sympathetic ear. I cannot find any sympathy, compassion, understanding and for that reason I urge you to publish my letter so that my drama can be brought into the open.

I am an old mother, almost 80 with a number of serious diseases. I live alone with my 4-year-old grandson, Milton, born in Averoff prison. His mother, my daughter Eleni, and her husband, are political prisoners. My two other daughters have been living outside Greece for the past 20 years against their wishes.

My name is Eftihia Voulgari. From the first years of my marriage my life has been a tragedy. Metaxas' dictatorial regime arrested my husband, an educator, threw him in their dungeons for his political beliefs and later, desperately ill, turned him over to the Nazis who executed him. From the end of the war and during, my family was totally destroyed, all our property confiscated, our house burned three times. My three little girls and I were constantly without food or roof. I myself have suffered many persecutions and humiliations, lived in exile for many years and in prison 8 years as a political prisoner. Yet, with my advanced age and the tortured life I've had, on April, 1967 I found myself exiled again on the island of Youra.

My daughter, Eleni Voulgari-Golemas, is a political prisoner at Korydallos Prison. She was court martialed in Larissa in 1966 and sentenced to 10 years under the law 375/36 with the manufactured accusation of "spying" which not only is a lie, but an insult to my daughter and our entire family, honored by my husband's blood. At the time of her trial, others accused under the same law were freed with the new law 4496/66. Her "crime" originated when she was a mere schoolgirl, in 1954. The accusation was proven false, and though the new law superseded 375/36, and she was 5 months pregnant, she was sentenced to 10 years because of her answer to the judge about her ideas.

Eleni's husband, Babis Golemas, was in jail for 13 years with the same law but was freed in 1966 with law 4496/66. Because he is against the military regime he is now again in jail, in Aegina.

This is the entire truth. What the authorities say about not keeping any political prisoners in Greece, is a lie. They should then tell me why they are holding my children in jail! My 4-year-old grandson who first saw light behind bars, misses his parents, the security, embrace, love and affection only his parents can give him. He is a small child, and I cannot offer him all these. I am, as they say, with one leg in the grave; I am frightened that I may die before I see my children again, and if I do, what will happen to my grandson with no one to care for him?

I never imagined that human agony could be met with such callousness and hate. When will my drama finally end? This drama of mine and all political prisoners?

Hoping that you will publish my letter, I thank you.

EFTIHIA VOULGARI.

AN OPEN LETTER FROM: ELENI VOULGARI-GOLEMAS

From the Korydallos Prison where I am kept as a political prisoner with 15 other women fighters for peace and democracy, living in utter isolation under unbearable conditions, I send this appeal to national and international organizations, politicians, intellectuals, and democratic people to relate my family's tragic story in detail.

I was arrested in October of 1966 and convicted by the Military Court of Larissa to the unbelievably harsh sentence of 10 years. Since I was convicted for a crime "manufactured" fifteen years before, in 1954, when I was a young high school girl, the trial was clearly a political maneuver. During the trial the accusation was proven unfounded. My "crime" was that I had accompanied my brother-in-law, Nicos Genas, at the time hounded by the security forces for his activities in the democratic movement, from Athens to Larissa.

In reality, and this may surprise you, the cause of my conviction was my reply to the military judge's question about whether I still ahered to my political convictions. My reply was: "If I am tried for my ideas, that is to say, for which the Nazis executed my father, an example of a man, patriot, democrat, scholar, held in the dungeons of the facist dictator Metaxas and desperately ill, turned over to the Hitlerites to be executed, if for these ideals I am tried today, then I must reply with pride: Yes, I still cherish those ideals of all humanity."

That was enough for the extreme penalty of 10 years in prison to be imposed on me. The fact that I was at the time five months pregnant was not taken into account. It must be noted further that my sister's husband for whose sake I was being tried, was in that same room, a spectator at my trial having been freed by an amnesty though he had been sentenced to death five times. That was the kind of "justice" meted out.

What my orphaned family has suffered ever since my father's execution is beyond description. Our house was repeatedly burned down by the Nazi occupiers and bands of lawless Greek collaborators who at the time plagued the land. My mother was left homeless to raise three small girls; but she continued my father's patriotic work, heroically and fully honoring his memory. For her many sacrifices, she was rewarded with sight years in prison and the same number of years in barren exile islands. Before she could recover, the colonels' tyranical regime in 1967 flung her into the crowded prison ship and onto the infamous prison island of Youra. Fortunately, thanks to Greek and international outcry, she was released and is free today. Her courage, kindness, patriotic and moral values and the example of my father's supreme sacrifice, influenced the shaping of my character and early filled my youthful heart with love for my people, for democracy and peace.

My little boy was born in prison now lives with my aged and sick mother in her village. They are alone with no one to care for them.

My husband, Babis Golemas, is also a political prisoner of the Junta, serving a 16-year-term imposed on him by the Athens Special Court Martial for his antidictatorship activities.

I have petitioned repeatedly for justice under the laws that could be beneficially applied to my case. All my petitions were automatically, and typically, rejected by the government. I do not beg for clemency; I ask for justice. I ask for my freedom of which I have been deprived illegally and unconstitutionally. I am asking for an end to the crime they committed and continue to commit against me, against a small child, against my family and the entire Greek people.

This drama which has lasted for many years, together with thousands of similar dramas of Greek patriots, this special harshness, reflects the martyrdom and suffering of the Greek people and the brutal reversal of moral values in our country where patriots, instead of bread are given bile, while traitors are honored and today rule Greece.

I believe that honest people everywhere cannot remain silent confronted with such political crimes. They must raise their voices, strongly and decisively to end the torments and persecutions of the Greek political prisoners. It is time now to stop this tragic situation, to achieve a gneral political amnesty that will perhaps be the foundation for the establishment of democracy in the land in which it was born.

In the conviction that my cry will bring the necessary response, I thank you warmly.

Eleni Voulgari-Golemas,
Political prisoner, Korydallos Prison.

NOW IT IS DR. ROGERS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, it is heartening to note that a distinguished colleague in the House has been highly honored for his contributions in a most important field. Hon. Paul G. Rogers, chairman of the Subcommittee on Public Health and Environment of the House Committee on Interstate and Foreign Commerce, has been awarded an honorary doctor of laws degree by George Washington University for his outstanding contributions in the field of health. This award followed his address to the medical graduates of George Washington University in Washington, D.C., on May 28, 1972.

In his speech he pointed to the current problems of health and offered suggestions for solving them. He said the first item of business is redirecting the health efforts of our Federal Government. He spoke on the goal of developing a new health in America and urged the creation of a Cabinet-level Department of Health.

I am confident that our colleagues in the House share Mr. Rogers' concern over the problems of health which Americans face in every corner of our Nation today. It has been recognized by many that much of our national effort in the area of health has been fragmented and without a goal. There has been a need for stronger leadership on the national level to insure a high priority for health programs.

I have found Mr. Rogers' comments most interesting and submit them for reprinting in the Congressional Record.

I offer my warm and sincere congratulations to Congressman Rogers and I am sure this sentiment is shared by the Members of the House.

Speech by Honorable Paul G. Rogers of Florida Before the Medical Graduates of George Washington University in Washington, D.C., May 28, 1972

It is a distinct pleasure to be invited to speak to this graduating class and a particular honor to one who does not hold a doctor of medicine degree.

I have spoken at commencements before, but this occasion is noticeably different. Before, I could look out at the bright faces with a degree of curiosity, wondering just what these people would be doing. Some maybe would be designing building, others building them. Some would be teaching, and many would be joining the business world.

You look like a more serious group and I guess that this could be attributed to the fact that you have had some very intense on-the-job training, and you are more fully aware of what you are getting into because you have already been there.

I feel that anyone who is intimately familiar with our health service system in this nation has good reason to look serious.

I doubt that any of you subscribe to the theory which Dr. Nolen put forth in his book "The Making of a Surgeon", that a surgeon is just another kind of mechanic, but I would venture to say that until Mr. Nader intercedes with a higher source to initiate a recall procedure for biological shortcomings, there will always be a need for men and women of medicine. Despite our advances, that need is growing, not diminishing.

Next to Freedom—and we hold this above all else—our health is our most precious possession. Because of this, we have given special status to men and women of medicine. The gift of preserving life, of preventing death, is almost mystic to the average man.

Because you will have this special training you will be given a special status among your fellow man. And because of your special training, you will have a special responsibility to your fellow man. There are few of you here who could not establish material security within three years of your residency. I wish you well, but I wish you more than material status.

There are many now, and I am one, who believe that physicians are more than individuals with a profession. Physicians are a national resource, just as the colleges which train them are a national resource. The federal government has a responsibility to insure and promote the health of all its citizens, and the foundation of any and all health services is health manpower.

You represent the more fortunate ones in medical training. You have been accepted. This afternoon you are graduating. Your training will be extended and then you will embark on careers.

This fall, there will be room in our medical schools for only one in three who apply.

If you accept the premise that manpower is the backbone of our health system, you will agree that our posture is bending under the burden of an increasing medical crisis.

The lack of manpower, the problem of distribution of available manpower are just two of the many problems confronting those of us who are deeply concerned over this nation's health policy—or more aptly, the lack of a national health policy.

Because health is the most common of all denominators, we see both the rich and the poor, the educated and the uneducated, and the young and the old as potential victims of ill health. No one is subject to exemption, no status, no wealth can insure against ill health.

For this very reason, the health of our citizens should be of the highest priority to our leaders. The litany of familiar statistics which point to our failures in health are so common as to not bear repeating.

No one will deny a crisis in health, from the President on down. But to date, no one has adequately acted to solve that crisis.

Instead of formulating a national plan for unifying our health efforts, we are now laboring under a fragmented, unguided patchwork of programs which have become crisis-oriented.

This fragmentation and lack of leadership has even further diluted and diminished our efforts.

Lest I sound as though I do not have pride and confidence in our achievements in medicine, let me add that I firmly believe that this nation is the greatest storehouse of medical knowledge in the world today. Our shortcoming is passing that knowledge from the laboratory, from the college to the practicing physicians and then on to our citizens.

It matters little if a Dr. Klein in Buffalo, New York arrives at a breakthrough for skin cancer if we cannot disseminate that information throughout the nation. It matters little if a Michael DeBakey develops a new method for heart surgery if the heart physicians across the nation continue to lose their patients by using cumbersome and less effective procedures. And it matters little if we can prevent polio but do not take the steps to innoculate children against this disease.

I recall the phrase "Bring Us Together." Well, I can think of no other segment of our life today that needs bringing together more than this nation's health efforts.

A new system of health must evolve for the people of this nation. We must pick and sort out those functions of our existing health system which are relevant to the problems of today and cast aside those which are no longer relevant. We must build on the foundation of valid practices a system of health more responsive to all Americans, a system which can be reached by all Americans and can be afforded by all Americans.

We are, I believe, on the verge of developing a New Health in America. This New Health is not sitting there ready to be plugged in. It is more complicated than that. We are not yet agreed on what this New Health should be.

But the outflow of legislation in the Congress attests to the fact that many now realize that our existing system needs change. We need a new prescription for health.

Within the coming Congress I think we will see a national debate over what form this New Health will take.

The focal point of that effort will be the creation of a new, cabinet level Department of Health. We vitally need to bring in all our health efforts, take stock of our needs, and then develop a national health policy which sets out a national health goal.

We must think of the national health. And we must then plan to be at a point certain at a time certain. The year-to-year mentality which has gerrymandered our existing system should be junked for long-range planning. We can no longer tolerate piecemeal programs.

So long as health lies buried in the Department of Health, Education and Welfare under the weight of such social problems as education and welfare, it will remain disjointed, the stepchild of a massive and uncontrollable department. What we need is a man to sit at the President's table, a man directing a cabinet level department who will speak to the problems of health. A man responsible for all of this nation's health programs.

Lincoln said of politics: "The tired dogmas of the past are no longer adequate to the problems of the stormy present."

We are almost to the crossroads. I think it would be error to discard completely all elements of our existing health system. But it would be error of equal magnitude to think that it can carry us through the troubled present and improve what certainly will be a more demanding future.

You are the present and the future of medicine. A time will come when you will see yourself as an individual. It will be your practice, your patients, your responsibility in a hospital or classroom.

I challenge you never to forget that while you are an individual, you are also a part, an integral part, of a national health system which is responsible for all Americans. It will be easier to think individually, to simply concern yourself with your patients, your hospital, your teaching college.

But—if you do not concern yourself with the problems of your unknown colleagues elsewhere, if you do not concern yourself with the problems of those unknown patients elsewhere, if you do not concern yourself with the state of the nation's health system, then we as a nation will not realize the New Health which is necessary if we are to fulfill our responsibility of providing the American public with the best medical care possible.

You are becoming doctors at the most exciting time in the history of medicine. To provide a New Health for our nation is the challenge. The challenge is great. There are few who are capable of responding to this challenge. But you are among that select group. This is part of that special responsibility. I hope you will accept it. Congratulations and God speed.

FIFTH ANNIVERSARY OF 6-DAY WAR

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, yesterday, on the fifth anniversary of the 6-day war, the brave nation of Israel remains constantly vigilant against the always present threat of invasion and terrorist activities. Only days ago, innocent people were slaughtered at Tel Aviv Airport by Palestinian terrorists. Israel has continually offered to directly negotiate a settlement in order to establish a lasting peace in the Middle East. Her enemies have refused to negotiate or even to accept the fact of her existence.

Israel represents a bastion of democracy in an area of the world dominated by virtual dictatorships or elements dedicated to the destruction of all the ideals which we hold dear in this country. It is an oasis of freedom in that part of the world where feudal entities still exist and where terroristic tactics are a way of life. It is a bright, living example of the axiom: "It is better to light one candle than to curse the darkness." No other country in the Middle East—against such overwhelming odds—has developed its economic and agricultural potential to the extent to which Israel has done so.

It rivals the United States in its ability to deal with a "melting pot" society—refugees from all parts of the globe, who have come there to escape the oppression to which they have been subjected for many years. Israel is their hope for the future, and the world could do well to follow its example of dedication to the principles of humanity and justice for all its citizens.

Every effort this dynamic country has made to bring to an end the continuing hostilities on the part of its neighboring countries has been thwarted by the continuing support of those countries of the Palestinian terrorist groups who make no distinction in their senseless slaughter of innocent people. Instead of using the funds for armaments and weapons of destruction, these arid countries should be expending such sums for constructive purposes. They deliberately compound the Palestinian refugee problem, still attempting to play on the sympathy of world opinion, and have been so engaged for almost a quarter of a century. These hostile nations have been using these refugees, creating and encouraging a sense of bitterness, instead of using peaceful avenues of approach for a resolution of the issues.

Israel has more than earned the right to peace. Yet, the Middle East today still remains a dangerous area of the world, with great potential for conflict that could draw the great powers into a devastating and needless global war. Our only alternative is to supply Israel with the necessary aid to preserve her dearly earned freedom, and we must make our continuing support of Israel unquestionably clear. Only a balance of power in the Middle East will keep the avowed enemies of Israel from attempting to destroy her today as they attempted to do, unsuccessfully, 5 years ago today.

Israel is a force to be reckoned with, and she will never turn the other cheek. But peace is what she seeks—and peace is what she intends to achieve—whatever the cost.

CHESTER S. DISHONG

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on April 25, 1972, at Wauchula, Fla., one of the greatest and bravest and wisest men I have ever known died. He was Chester S. Dishong. He was like a brother to me and like a member of my family to my family. He was fearless, honest, indefatigable, dedicated to the performance of his public duty, a patriot, a generous man, a charming gentleman, a man who had the genius of friendship.

He came of a family of law enforcement officers, dedicated to law enforcement. His father was sheriff of old DeSoto County in Florida before it was divided up into many other counties. His brother, Les Dishong, was sheriff of the DeSoto County which still survived. He, himself, was the first elected sheriff of Hardee County and later was appointed a U.S. marshal for the southern district of Florida.

When I began to campaign for the U.S. Senate in 1934, I began to hear of a man who was already a legend through all of central and southern Florida. He was the best sheriff that could be found. He gave nearly everything he made to help the poor. He was the greatest hunter and fisherman in central and southern Florida. He was a captain in our Armed Forces on the Mexican border. He was the Paul Bunyan on that part of the State. I solicited and secured his support in 1938. After I was elected to the U.S. Senate, when a vacancy occurred, I recommended him for U.S. marshal for the southern district of Florida. My colleague, Hon. Charles Andrews, agreed. The Department of Justice advised me that they had discovered that Mr. Dishong was a splendid law enforcement officer, honorable beyond reproach, that he gave away nearly everything he made helping the poor, but they had discovered that he had some of the weaknesses to which many men are subject. I responded that he was a very human man and very much a man but that if he were appointed he would be the best U.S. marshal in the United States. President Roosevelt appointed him. Marshal Dishong vindicated my confidence. He received the tribute of every law enforcement officer with whom he worked and with every Federal judge under whom he discharged his duties, as well as the court officials with whom he labored. He was U.S. marshal until 1951 when he retired. Thereafter, he worked for the State of Florida but spent his declining years with his beloved family: his wife, Hallie Hendry Dishong, and his two daughters, Mrs. Donna Mae Downing and Mrs. Catherine Garrison, who lived beside him.

Ches Dishong had little formal education but I never met a brighter, sharper mind, a keener wit, or better mental ability. If this man had had a formal education he might have merited the prophetic lines of Thomas Gray in "Elegy Written In a Country Churchyard" when he said:

> "Th' applause of list'ning senates to command
> The threats of pain and ruin to despise
> To scatter plenty o'er a smiling land
> And read their history in a nation's eyes."

As long as memory survives Ches Dishong will ever be close to me. I shall treasure the happy times I spent with him in travel, in the performance of his duty, on the hunt, or fishing.

I was privileged to attend his funeral and to share the tribute of a host to him and to see him laid away in serene beauty. This man brightened many a life, cast many flowers by the way along which he walked, uttered many words of cheer to those who faltered, taught respect for law to those who defied it, extended the hand of compassion to countless needy. His principal monument will be in the memories of those who knew him, who loved him, and cherished his friendship.

"He was a man, take him for all and all I shall not look upon his like again."

Mr. Speaker, I include in the Record immediately following my remarks an article from the Herald-Advocate about Ches Dishong.

[The Herald Advocate, April 27, 1972]

PROMINENT HARDEE COUNTIAN DIES

Lifelong law enforcement officer Chester S. Dishong, 82 died at his home early Wednesday morning.

Dishong was the first elected sheriff of Hardee County and in 1938 was appointed a U.S. Marshall for the Southern District of Florida.

He was a member of the First Baptist Church, the Methodist Men's Bible Class, the Masonic Lodge and the Florida Peace Officer's Association.

U. S. Rep. Claude Pepper, 71, called from his Washington office Tuesday to praise the late Dishong, a long-time friend.

"He was one of the best law enforcement officers who ever lived. He had a natural aptitude for law enforcement," said Pepper, who pointed out Dishong was Wauchula police chief and Hardee County sheriff before he became a U. S. Marshall in 1938, a position he held until 1951.

Pepper recommended Dishong for the federal position serving south Florida, while he was U. S. Senator. Dishong was appointed by President Franklin D. Roosevelt and confirmed by the Senate.

Pepper said Dishong came from a "family tradition of law enforcement. His father was sheriff of old DeSoto County, before it was split up, and his brother, Les, was also sheriff of DeSoto County."

The Congressman said he got to know Dishong in 1934 in the early days of his campaign for Senate.

"At that time he was already a legend in law enforcement in southern and central Florida. He was also a legend as a hunter and fisherman.

"He wasn't afraid of anyone. He had a warm and magnificient personality. He had a heart as big as a mule. He gave away a great part of his salary to the poor people," said Pepper, who has been a U. S. Representative for 10 years. He was also a U. S. Senator for 14 years.

"Ches had a distinguished record. His outstanding service was recognized by federal judges in Florida with whom he worked and by the Department of Justice in Washington."

"Everybody knew Chester Dishong was the best hunter and fisherman in the county. Everybody loved him. He was like a brother to me up until his death. I would call him up from time to time. I have his photograph on my office wall right now."

Pepper said he plans to put Dishong's obituary, a recent feature article about him from The Herald-Advocate, and "my own statement" into the Congressional Record in the next few days.

"Mrs. Pepper and I are profoundly sorrowful at his death. He was a great man. I regarded him as one of the great men I've known," added Pepper, who said he planned to attend the funeral Friday.

Dishong's survivors are his widow, Hallie Henry Dishong; two daughters, Catherine Garrison, and Mrs. R. B. Downing Jr.; two sisters, Mrs. Edna Palmer of Tampa, and Mrs. Stella Ebert of Seffner; four grandchildren and seven great-grandchildren.

Funeral services will be held at the Chapel of Coker Funeral Home at 3 p.m. with Rev. Dow Durrance, Rev. Charles Granger, and Rev. Harrison Conley officiating.

Burial will be in Wauchula Cemetery with Masonic rites at graveside.

Masonic members will serve as pallbearers.

HONOR AMERICA DAY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the Fourth of July is being celebrated this year as "Honor America Day" in an extended patriotic observance beginning on Flag Day, June 14, 1972.

In this crucial election year, it is very appropriate, I think, to emphasize the patriotic aspects of American life. The democratic freedoms we enjoy are the result of the devotion of the many patriotic men and women who have gone before us. The obligation to preserve American liberty for future generations is ours, and this carries with it a responsibility to inculcate in our young people a feeling for the land in which they were born.

The celebration of the period from Flag Day to Independence Day is a patriotic event which deserves the support of all Americans who love freedom and the land of the free.

BAD GUYS ARE NORTH VIETNAMESE

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, it is most unusual these days to read anything in the newspapers unfavorable to the enemy. But there was a refreshing departure in the Columbus, Ohio Citizen Journal on Monday, June 5, under the byline of Don Tate.

Those who are always deep breathing about and deploring "escalation," would do well to read the following:

NORTH VIETS LOSE BATTLE FOR PEOPLE—INSTILL TERROR

(By Don Tate)

DA NANG, SOUTH VIETNAM.—"Yes, they intend to liberate us, even if they have to kill us all," says Nguyen Van Khanh, a white-haired farmer and former village chief, now a refugee.

It is hot and sticky and depressing and Khanh talks about the North Vietnamese.

He had fled with his family of eight, but three didn't make it. One was killed by a Communist shell, two disappeared in the confusion of retreat from Cam Lo to Quang Tri two months ago. Then more shelling and the chaotic plunge from Quang Tri to Hue a month ago, then on to Da Nang, walking, running, hobbling.

"The old men are the saddest ones," says a Vietnamese interpreter, a college student on the run from Hue.

He follows the eyes of Nguyen Van Khanh down rows of tents of the camp toward a Budhist cemetery. The gray stone tombs of the cemetery stand amid piles of garbage, a few old tires and rusted war scrap thrown over the barbed wire.

Whom do the people blame for their latest miseries? The Americans, perhaps? Not this time, no matter how it's twisted.

Do they blame the North Vietnamese, who say their moral imperative is to liberate the south?

Says Nguyen Van Khanh, rubbing his arm, traces of a sneer on his lips, "that sounds too noble, too noble for my weak stomach. We just wish they would go away.

For years it has been said the battle for the hearts and minds of the villagers was the essential one in South Vietnam, not the count of North Vietnamese dead.

It is clear Hanoi's insistence the South Vietnamese are seeking to "liberate" themselves is the biggest fake in this war. There is nothing to back it anymore but North Vietnamese.

Once there was the Viet Cong. They drew sympathy from liberation lovers. But terror, not sympathy, is evoked when North Vietnamese come rolling across borders and plastering tiny towns with thousands of shells.

The battle for the people is one the North Vietnamese have lost in this offensive. Life had been going along pretty well for people like Nguyen Van Khanh. Now they are losing it all again—their homes, their businesses, their families—because a handful of men in Hanoi have to have a victory.

If the communists had the support of the people they are always claiming there would be little fighting in Vietnam today. The war would be over. Communist flags would wave from housetops. The people would embrace liberators joyously. But it never happens, not in 1968, not now.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MILLER of Ohio) and to revise and extend their remarks and include extraneous matter:)

Mr. QUIE, for 1 hour, on June 7.

Mr. CRANE, for 1 hour, today.

(The following Members (at the request of Mr. CURLIN), to revise and extend their remarks, and to include extraneous matter:)

Mr. ASPIN, today, for 5 minutes.

Mr. GONZALEZ, today, for 10 minutes.

Mrs. ABZUG, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MICHEL in two instances.

Mr. SCHERLE to revise and extend his remarks made in Committee of the Whole and to include extraneous matter.

(The following Members (at the request of Mr. MILLER of Ohio and to include extraneous matter:)

Mr. DICKINSON.
Mr. SCHWENGEL.
Mr. HALL.
Mr. DERWINSKI in four instances.
Mr. BAKER.
Mr. WYMAN in two instances.
Mr. LATTA.
Mr. STEIGER of Wisconsin.
Mr. WYATT.

(The following Members (at the request of Mr. CURLIN), and to include extraneous matter:)

Mr. GONZALEZ in three instances.
Mr. HAGAN in three instances.
Mr. RARICK in three instances.
Mr. FRASER in five instances.
Mrs. GRIFFITHS.
Mr. PUCINSKI in 10 instances.
Mr. ASPIN in 10 instances.
Mr. MOSS.
Mr. ROGERS in five instances.
Mr. HUNGATE in two instances.
Mr. FUQUA.
Mr. MINISH.
Mr. HARRINGTON in three instances.
Mr. BOLLING.

Mr. Edwards of California.

Mr. Daniel of Virginia in two instances.

Mr. Reuss in two instances.

Mr. Satterfield.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1140. An act to authorize the sale of certain lands of the Southern Ute Indian Tribe, and for other purposes.

ADJOURNMENT

Mr. CURLIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 7, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2057. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to provide for an increase in the amounts authorized to be made available in fiscal year 1972 for support of South Vietnamese and other free world forces; to the Committee on Armed Services.

2058. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of the submarine U.S.S. *Roncador* (ex-AGSS-301), to the American Society of Military History, Canoga Park, Calif., pursuant to 10 U.S.C. 7308; to the Committee on Armed Services.

2059. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a) (28(I) (ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2060. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d) (3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d) (6) of the act; to the Committee on the Judiciary.

2061. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens under the authority contained in section 13(b) of the act of September 11, 1957, pursuant to section 13(c) of the act; to the Committee on the Judiciary.

2062. A letter from the board of trustees of the Federal old-age and survivors insurance and disability insurance trust funds, transmitting the 1972 annual report of the board of trustees of the trust fund, pursuant to section 201(c) of the Social Security Act, as amended (H. Doc. No. 92-307); to the Committee on Ways and Means and ordered to be printed.

2063. A letter from the board of trustees of the Federal hospital insurance trust fund, transmitting the 1972 annual report of the board of trustees of the trust fund, pursuant to section 201(c) of the Social Security Act, as amended (H. Doc. No. 92-308); to the Committee on Ways and Means and ordered to be printed.

2064. A letter from the board of trustees of the Federal supplementary medical insurance trust fund, transmitting the 1972 annual report of the board of trustees of the trust fund, pursuant to section 201(c) of the Social Security Act, as amended (H. Doc. No. 92-309); to the Committee on Ways and Means and ordered to be printed.

2065. A letter from the Secretary of Health, Education, and Welfare, transmitting the annual report on welfare programs under the Social Security Act, pursuant to 42 U.S.C. chapter 7; to the Committee on Ways and Means.

2066. A letter from the Secretary of Health, Education, and Welfare, transmitting a further report on the delay in submission of the systems analysis of national health care plans required by Public Law 91-515; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee of Conference. Conference report on H.R. 11417. (Rept. No. 92-1111). Ordered to be printed.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 1010. A resolution providing for the consideration of H.R. 10792. A bill to amend the Small Business Act. (Rept. No. 92-1112). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 1011. A resolution providing for the consideration of H.R. 14149. A bill authorizing continuing appropriations for Peace Corps, and for other purposes (Rept. No. 92-1113). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1012. A resolution providing for the consideration of H.R. 14424. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Aging, and for other purposes (Rept. No. 92-1114). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN (for himself, Mrs. Abzug, Mr. Badillo, Mr. Bergland, Mr. Bevill, Mr. Biester, Mr. Blanton, Mr. Brasco, Mr. Cleveland, Mr. Danielson, Mr. Dow, Mr. William D. Ford, Mr. Forsythe, Mr. Frenzel, Mr. Gaydos, Mrs. Grasso, Mr. Gude, Mr. Halpern, Mr. Hamilton, Mr. Harrington, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Mikva, and Mrs. Mink):

H.R. 15346. A bill to provide that existing Federal tax subsidies will terminate on January 1, 1974, and to provide for a maximum duration of 2 years for Federal tax subsidies hereafter enacted; to the Committee on Ways and Means.

By Mr. ASPIN (for himself, Mr. O'Hara, Mr. Rangel, Mr. Rees, Mr. Seiberling, Mr. Tiernan, and Mr. Udall):

H.R. 15347. A bill to provide that existing Federal tax subsidies will terminate on January 1, 1974, and to provide for a maximum duration of 2 years for Federal tax subsidies hereafter enacted; to the Committee on Ways and Means.

By Mr. BAKER (for himself, and Mr. Kuykendall):

H.R. 15348. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BARING:

H.R. 15349. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Northern Paiute Nation by the Indian Claims Commission in docket No. 87, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROTZMAN (for himself, Mr. Belcher, Mr. Betts, Mr. Burleson of Texas, and Mr. Conable):

H.R. 15350. A bill to amend the Internal Revenue Code of 1954 with respect to certain charitable contributions; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 15351. A bill to amend the Internal Revenue Code of 1954 to provide an additional personal exemption for taxpayers who rent their principal residence, to provide a tax credit for real property taxes and mortgage interest on the taxpayer's principal residence, to increase the portability of pension benefits, and to reform the tax treatment of oil and gas wells; to the Committee on Ways and Means.

By Mr. GOODLING (for himself, Mr. Miller of Ohio, and Mr. Findley):

H.R. 15352. A bill to amend the Agricultural Adjustment Act of 1933, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, to authorize marketing orders for apples; to the Committee on Agriculture.

By Mr. HAMMERSCHMIDT:

H.R. 15353. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

By Mr. SCOTT:

H.R. 15354. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of New York:

H.R. 15355. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. STAGGERS:

H.R. 15356. A bill to protect the orderly marketing of cattle hides, and for other purposes; to the Committee on Ways and Means.

By Mr. YATRON:

H.R. 15357. A bill to authorize the President, through the temporary Vietnam Children's Care Agency, to enter into arrangements with the Government of South Vietnam to provide assistance in improving the welfare of children in South Vietnam and to facilitate the adoption of orphaned or abandoned Vietnamese children, particularly children of U.S. fathers; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SCHEUER presented a bill (H.R. 15358) for the relief of Perla Selcer, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

CONTROLS NEEDED OVER CHARITABLE MAIL SOLICITATIONS

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. VAN DEERLIN. Mr. Speaker, most Americans are unaware that as much as 80 or 90 percent of the funds contributed in response to mail solicitations are skimmed off by a variety of middlemen.

Too often, only a trickle passes through to the intended beneficiary.

This disgraceful situation was comprehensively outlined in reports published in Sunday's Washington Star and written by a Pulitzer Prize-winning investigative reporter, Miriam Ottenberg.

Miss Ottenberg points out the need for legislation, which I am having drafted, to let the donor know where his money is going when he responds to one of these appeals.

The shabby operators tend to poison the atmosphere for all charities, even the completely legitimate. Self-disclosure would hopefully force out the marginal types, to the benefit of the honest appeals which we would all want to support.

Miss Ottenberg's main article and an accompanying side-bar follow:

[From the Washington Star, June 4, 1972]

THE PLEAS IN YOUR MAILBOX

(By Miriam Ottenberg)

Does your daily quota of mail make you feel that you and you alone are expected to alleviate all the world's miseries?

If so, it's because your name is among the millions selected by computers programmed to find potential givers to causes. Subscribing to a magazine, belonging to a book or record club, buying by mail or at some time giving to a single cause is enough to put you among the chosen.

Once that happens, you're asked to feed the hungry from Appalachia to Korea; heal the sick of cancer and respiratory diseases and some diseases you never heard of before; support your symphony, or rehabilitate wounded veterans and displaced refugees.

The mail solicitations are usually appealing and expertly done. Pitiful children eye you from the brochures. Sometimes the computer has worked your name into the body of the letter and even recalled your previous generous gift.

But do you know how much of your gift will go to those scrawny children or those maimed refugees? How much of your dollar is used to solicit more dollars through the mail? Is somebody—other than the intended recipient—profiting from your generosity?

The majority of fund-raising campaigns by mail try to pare expenses to make certain that the larger part of your gift goes to those you want to help. Some long-established, highly regarded charities have mail fund-raising drives that reportedly cost no more than 15 per cent of the money contributed.

On the other hand, The Star has found that sometimes as much as 80 or 90 per cent of your dollar may go to a professional fund raiser or consultant, to public relations men, mailing list owners and brokers, greeting card manufacturers, envelope suppliers, printers and gadget makers.

One cause raised over $1.2 million last year, but had less than $75,000 left after it paid the costs of its mail campaign.

Then there are the charlatans who gobble up all the money raised and pacify the intended recipient charity with a few thousand dollars.

Since the men who try to debase the currency of philanthropy have been attracted to fund-raising by mail, Chief Postal Inspector William J. Cotter says the Postal Inspection Service has intensified its investigation of possible fraudulent use of the mails to raise money for causes.

Twenty so-called charities or promotional firms are now under investigation across the country, three have been indicted and a United States attorney is now considering prosecution of another fund-raising project.

Those are allegedly the outright frauds. Fund-raising appeals that violate no law but make more money for the promoters than for their causes have prompted Rep. Lionel Van Deerlin D.-Calif., to start drafting what could be called "truth in giving" legislation. His idea is to require the printing right on the solicitation itself just how much of the money raised goes to the cause.

His proposal could have broad impact because almost $8 billion a year is raised by mail appeals—half of it locally by church and city-wide appeals, the other half through national appeals.

Fund-raising by mail for both worthwhile and questionable causes has burgeoned since computers made it possible to focus appeals on groups with known interests.

Before computers, it was prohibitively expensive to try to sift out the names of potential givers.

For in this business, the name is the game.

Your name is worth money. The owner of a mailing list might get as much as $75 for a thousand names of known contributors like you. A list could be rented for as little as $15 a thousand names, but average cost runs from $25 to $35 a thousand for a one-time rental.

A productive list—that is, one known to pull in the contributions—might be rented 20 or 25 times in a year. If you're on that kind of list, you could be introduced to that many new causes and get on many new lists. How many new lists you get on depends on your response to the causes.

For a charity, buying mailing lists is the first big expense. One cause that raised over $1 million spent half a million on mailing lists.

The goal of buying lists is not only to get an immediate source of contributions but to build a "house list"—those who contribute this year and will be solicited again next year.

One professional fund raiser estimated that it costs 56 cents to get one new contributor but only five cents to bring back a previous contributor.

Charitable agencies have to keep on seeking new contributors because an estimated 25 percent of their previous contributors move or die or otherwise lose contact every year and their number has to be replenished.

Usually, the first year is the hardest for a new cause—so difficult that some find costs eating up every cent that comes in. But sometimes, they start small and manage to keep expenses down until they decide to seek a lot more givers.

One charitable cause in this area, seeking funds to build and operate a hospital and boys' town in Korea, borrowed $10,000 to get started and spent $23,153 to raise $160,210. Most of the money, according to the agency's statement under the District's Charitable Solicitation Act, promptly went to Korea.

The next year, when the agency tried to grow, it turned to mailing lists and sent out a wide appeal. It collected $975,000, but expenses totaled $368,000.

"I was disappointed when the auditors told me how much it cost," said the nonprofessional fund-raiser. "We tried to keep costs down. I didn't think it would be so high."

He works out of a basement office, pays his help—much of it part-time—little more than the minimum wage and himself lives in a medium-low income home. Through his efforts, his brother-in-law, a priest in Korea, was able to build a 150-bed hospital and is now building a boys' town.

"I know you can raise funds for less than 50 per cent of what you taken in," he said, "but if we try to grow the same amount every year, it's going to be expensive every year."

A fund-raising appeal doesn't use just one mailing list, but many. To try to find the right list for that particular appeal, the fund-raiser may rent as many as 30 or 40 lists, using about 5,000 names from each.

The fund-raiser will be testing not only the names but the copy for the appeal, whether the package gets results. He may find the mail isn't the right vehicle and he'll turn to some other form of fund-raising. But if it clicks, he'll proceed with the mail appeal, using the most productive 10 or 12 lists.

All this testing costs money and sometimes a new appeal hasn't got it. Some appeals borrow the initial sum, use money from the test to pay it back and get the funds to finance a wider appeal.

Occasionally, a fund-raiser will advance the money for the test—particularly if he dreamed up the project in the first place and the people he interested in the cause are naive enough about fund-raising to sign contracts most favorable to his interests.

In the realm of how much a fund-raising campaign costs, the fund-raiser may be the next big expense item. He may work for a fee based on how much he produces and how much time he puts in. Or he may take a 15 percent mark-up on the cost of the appeal package he has put together. Or he may ask for and get both a retainer and a better than 15 percent mark-up on all the costs of the campaign except postage.

If the fund-raiser also owns the mailing lists he uses, he may get not only the rental fee for the mailing lists but also a 20 percent broker's commission on the top of his other charges. But few fund-raisers collect that many ways.

A Massachusetts fund raiser with 30 national accounts said the lowest fee he charges is $3,600. His highest was $24,000 but he produces over $30 million in contributions on that appeal.

A charitable agency may do its own fund-raising but get the advice of a consultant on the wording of the use, when to send out the appeal and appeal material, what mailing lists to how often, even whether to use stamps or a non-profit machine stamp.

To save agencies the cost of buying mailing lists, this consultant recommends using the telephone book for mail solicitations. The Washington agency following this advice reported that its fund-raising costs run about 40 percent of what it takes in and its major costs are labor and postage.

Despite the barrage of appeals now flooding the mails, this agency reported that it is getting slightly more through its fund solicitations than five years ago without any increase in the number of appeals it makes a year.

If you're like most givers, you give because you know and admire the work of a charitable agency, because a cause attracts you or its message strikes a chord of sympathy, or because the fund-raiser sends you something and you feel guilty about accepting it without putting something into the pot.

Sometimes several of these reasons apply. Yes, you want to help the Indians or crippled veterans or hungry children everywhere or refugees from wars.

You want to help fight disease, even one you never knew existed. You're religious, patriotic, sensitive and besides you can always use another ballpoint pen or greeting cards or key chain.

That's how some fund-raisers and millions of $1 and $2 contributors figure.

However, The National Information Bureau, a non-profit membership group which reports on organizations soliciting money nationally for health and welfare causes, contends that unordered merchandise such as address labels, ties, handkerchiefs and pens "prey on the guilt feeling of a sensitive public" and send up the cost of fund-raising. The only people who really profit, according to this view, are the gimmick manufacturers.

A consultant whose fund-raising accounts include an Indian foundation said the mailings that include a premium draw a better response than the ones without it. Of the money that comes in, he said, between 65 and 75 percent goes directly or indirectly to the Indians.

He gave this estimate of the cost of your "gift" from the Indians: Names stickers, three or four cents; Christmas cards, three and a half to six cents; key rings, six to eight cents in the quantity bought by the fund-raiser; Easter and Christmas seals. A half cent to two cents.

He estimated that the cost of these mailings can run from 15 to 40 per cent of the total contributed, depending on how expensive the "gift" is and how well people respond.

The priest who runs the Indian foundation said that for every $10,000 he puts into schools, bridges, roads, wells and other projects for the Indians, the Indians provide the labor and state and local governments put up another $20,000 so the money he gets with his offerings of key rings and other trinkets, goes a long way.

Since it takes money to raise money, you know that not all of your dollar will go to the charitable benefits for which it is intended. But how can you be sure that most of your contribution will go there?

That's what Rep. Van Deerlin wants spelled out in legislation. Among other things, the bill he has in mind would require disclosure on the mailing piece of last year's ratio of cost to funds received; if it's the first year of operation, any contract specifying what charges will have to bet met; any clause requiring that the solicitation would continue until all the costs are met; a disclosure that a "mail drop" is being used if the mail is not addressed to the home office of the organization sponsoring the fund drive.

Assistant United States Attorney Seymour Glanzer, chief of the fraud section in the prosecutors' office here, agrees with Van Deerlin on the need for legislation.

"If we had a law requiring complete, full and accurate disclosure of fund raising," he said, "we would have the means to police the activity and protect the public from being exploited by unscrupulous fund raisers."

The public, he contended, is being manipulated and if givers wake up and find themselves being cynically exploited, all charities will suffer.

Until Van Deerlin gets his law, if you want to know more about a charity before you give, you could inquire at the District's Business License and Permit Division at 614 H Street N.W., where charities soliciting in the District are supposed to register and give their financial posture—how much the appeal cost them and how the money got is being used. Unfortunately, as The Star found out, a number of charitable drives are exempt from registration and others are a year behind in providing their financial statements.

[From the Washington Star, June 4, 1972]

HOW TO JUDGE APPEALS

The National Information Bureau says there's no easy answer to wise giving but contributors should be wary. Don't give to a cause, however appealing, until you know something about it.

Since any non-profit organization is operating in a goldfish bowl, the bureau points out, it should really respond to your request for a financial statement and information on what it's doing with your money.

What you want to know is what the contributed funds were spent for and what was accomplished. If you can't get an up-to-date statement, that's reason enough not to give.

Here are the bureau's standards for a reputable organization seeking funds from the public.

1. An active and responsible governing body serving without compensation.
2. A legitimate purpose that doesn't duplicate the work of another sound organization.
3. Reasonable efficiency in program management and reasonable adequacy of resources, both in men and material.
4. Evidence of cooperation with established agencies in the same or related fields.
5. Ethical methods of promoting and soliciting funds.
6. No payment of commissions for fund-raising. No mailing of unordered tickets or merchandise with requests for money in return. No general telephone solicitations of the public.
7. Annual audit preferably using uniform accounting standards and prepared by an independent certified public accountant showing all revenue and expenditures in reasonable detail. New organizations should provide an independent CPA's statement that a proper financial system has been installed.
8. A detailed annual budget translating program plans into financial terms.

If you want to make sure your money for charitable causes will go where it will do the most good, you might try and use the bureau's yardstick yourself.

ROTARY GETS JOBS FOR VETS

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Tuesday, June 6, 1972

Mr. BOGGS. Mr. President, one of the most promising new efforts in the Nation in support of the veteran JOBS program is underway in the Delmarva Peninsula, which embraces my own State of Delaware and parts of Maryland and Virginia, as well.

The program is a joint effort among Rotary District 763, the American Legion, Veterans of Foreign Wars, Disabled American Veterans, and the National Alliance of Businessmen's Metro operating out of Wilmington, Del.

The "Hire A Veteran" program has been recognized by the general assembly, and I join in commending all the organizations involved for their interest and dedication.

I especially wish to mention Col. Edward T. Campbell, Delaware's veterans employment representative; Mr. Raymond H. Hecht, NAB metro director for Wilmington; and Mr. Robert R. Wood, Jr., district governor of Rotary District 763, for their work on this program.

Mr. President, I ask unanimous consent to have printed in the RECORD a resolution of commendation adopted by the Delaware General Assembly and an article about the program which appeared in the May 1972, issue of the "Jobs for Veterans" report.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HOUSE JOINT RESOLUTION NO. 4

(Commending Rotary International District #763, Veterans of Foreign Wars, the American Legion, Disabled American Veterans, Dover Air Force Base and the National Alliance of Businessmen—Jobs for Veterans Program for their unlimited support of President Nixon's six-point program of jobs for veterans.)

Whereas, the members of the Senate and House of Representatives of the 126th General Assembly are delighted to learn of the outstanding cooperative effort of the service organizations, veteran departments and business groups, in the State of Delaware; and

Whereas, Rotary International District #763 has undertaken the year from March 1972 to March 1973 to place the full strength and emphasis of the members of that fine organization in a program providing jobs for veterans; and

Whereas, the American Legion, Veterans of Foreign Wars and the Disabled American Veterans are continuing their employment program for veterans and expanding their activities in Veterans Job Marts and Information Centers; and

Whereas, the National Alliance of Businessmen-Jobs for Veterans Program has closely associated itself with Rotary International District #763 and with the above mentioned veterans organizations in searching out job opportunities, securing pledges and insuring qualified placements of veterans; and

Whereas, personnel of the Dover Air Force Base are conducting an ongoing program known as Project Transition and cooperating with the above named service, veteran and business organizations, to insure jobs for veterans; and

Whereas, personnel of the Veterans Employment Service, United States Department of Labor, have been active in coordinating the various efforts and activities of the above named groups in obtaining gainful employment for veterans; Now, therefore,

Be it resolved by the Senate and the House of Representatives of the State of Delaware, with the approval of the Governor, as attested by his signature appended hereto, that the General Assembly does hereby commend the above mentioned organizations for their leadership in the State of Delaware, in the cooperative program that is now being emulated in Rotary Districts throughout the United States.

Be it further resolved that this resolution be entered on the Journals of both the Senate and House of Representatives and copies be sent to the Presidents, Commanders and Directors of the above mentioned organizations.

THIRTY ROTARY CLUBS WILL UNCOVER 400 JOB SLOTS

One of the most promising new efforts in the nation in support of the Jobs for Veterans campaign is the Rotary's tri state "Hire A Veteran" program on the Delmarva Peninsula on the eastern side of Chesapeake Bay. The area—which comprises Rotary District 763—includes all of Delaware, and parts of Maryland and Virginia.

In conjunction with the National Alliance of Businessmen, the 30 Rotary Clubs in the peninsula have agreed to hire 400 veterans between now and March 1, 1973. It is the first service organization project of its kind in the country.

The program was kicked off on March 1 of this year, and though only about half of the clubs have been contacted so far, 10 per cent of the projected hiring goal has been accomplished already.

The total number of Rotarians in District 763 is 1,800, of which 1,600 are key businessmen in the local area. Employer outreach for the project is being handled by the NAB's Veterans/JOBS Representative, Air Force Sergeant Bill Buheit. Sergeant Buheit, a veteran of 20 years service who will continue on with the NAB when he soon retires, is enlisting Rotary support by speaking before each of the Clubs in this large district. He reports uniformly enthusiastic response to his request that Rotarians help veterans to find promising training and employment opportunities.

"Hire A Veteran" has been endorsed as the Delaware Rotary's primary vocational program for '72-'73. In addition to the impact which this campaign is having in the local area, Rotary International is interested in expanding the idea, and probably will pattern a national program on that of District 763.

In a recent speech, Secretary of Defense Melvin R. Laird commended Rotarians across the nation for their efforts in helping veterans to find jobs.

"These veterans had a wartime task that was in some ways the most difficult ever given to our armed forces," he said. "Yet despite all the difficulties, with rare exception, they did well. They are entitled to the nation's gratitude and I believe they are entitled to a special measure of assistance as they re-enter the civilian community. I know of the special interest that Rotary Clubs throughout the country . . . have taken in supporting this program. I commend Rotarians for what they are doing and urge continued intensified effort."

Directly benefiting from the jobs produced by the Rotary's outreach effort will be those servicemen stationed at Dover Air Force Base who choose to remain in the Delmarva Peninsula after their release from active duty. Sergeant Buheit served at Dover himself, and maintains close contact with the three-man staff of the Transition Program office on the base.

Whenever he hears of a job opening in the area, in the course of his outreach work, he lets the Transition office know. An airman who has completed Transition training and wants to live in the Delmarva area can often be lined up with a job before separation from the service.

DEVELOPMENT OF TURKISH MUNICIPALS ASSOCIATION (TMA)—TITLE IX FOREIGN AID IN ACTION

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. FRASER. Mr. Speaker, Mr. Joseph S. Toner, Director of U.S. AID in Turkey had forwarded to me a paper on the development of the Turkish Municipals Association and AID's contribution to the growth of that organization. The TMA is concerned with the problems facing municipalities in Turkey.

This U.S. AID/Turkey paper gives a brief TMA history, describes U.S. AID's role in the development of the TMA and summarizes the TMA's present place in Turkish governance.

I find this encouragement of TMA a first-rate application of title IX of the Foreign Assistance Act. The objective of AID's involvement with the TMA is described in the paper as creation of "a forum which would help to promote popular participation in municipal government and a system of municipal government more capable of responding to the demands of its citizenry." This is a textbook description of what sponsors of title IX wanted when that section was written into the Foreign Assistance Act. The progress described in the paper encourages all of us who are committed to the title IX concept.

The paper follows:

TURKISH MUNICIPALS ASSOCIATION

Assistance to the Turkish Municipals Association could well be one of AID's most beneficial projects in Turkey. The Turkish Municipals Association (TMA) is a prime example of a once dormant organization which has been transformed, with AID support, into a powerful lobbying force aimed at promoting a strong pluralistic system affecting the relationship between central and local government. Today, it is one of the few organizations in Turkey, national in scope, that has gained a substantial degree of independence from the Central Government.

At the time the Turkish Municipals Association was created, municipal problems were increasing in number and magnitude. Municipal employees were poorly trained for their jobs and municipal officials were given many responsibilities but very little authority. The Turkish Municipals Association started humbly and has developed into one of Turkey's most prominent forces. Today, it appears to have one of the finest training programs available anywhere for mayors. It speaks with authority, the authority of being wellgrounded in Turkish tradition and also on behalf of a majority of Turkey's 35 million people.

It is the purpose of this paper to point up the situation which led to the creation of the Turkish Municipals Association, to explain how it grew to its present position, and to shed some light on AID's role in its development.

Traditionally, municipal government in Turkey has been under the administrative control and supervision of the ministry of Interior. Since World War II the rapid urbanization process evident throughout the country has created problems of vast dimensions for the fast growing urban areas. In the 1940's the urban population was 25% of the total population; today it is 45%. To further complicate matters, Turkish cities are old, having been built long before the advent of the automobile. The effect of urbanization (the coming of the automobile included) on these cities has created problems such that new infrastructures had to be built in order to absorb the increased population.

Changes in the nature and character of municipal problems have far out-paced adoption of new and effective measures to cope with the new problems. As more people began to migrate to urban centers, Ministry of Interior officials continued to influence municipalities regarding municipal laws, police and traffic control, budget approval, inspection of financial records and in some cases even the temporary removal or appointment of Mayors. Municipalities had little or no administrative or financial autonomy. Even today, a municipal law adopted in 1930 continues to govern the scope of municipal authorities and responsibilities. Likewise, municipal revenues are governed by a law adopted in 1948, although cost requirements have changed drastically. Such laws were prepared in Ankara with little knowledge of problems encountered by municipal governments and with no input from those officials charged with administering the laws.

Both because of scarce revenues and the organization of the tax base, Turkish municipal governments have been unable to meet many of the basic needs of their communities.

An example will demonstrate the plight of Turkish cities. According to information gathered at a recent international meeting of local authorities, a German city of about 100,000 population had an annual budget of about 275 million DM (U.S. $86,478,000). On March 1, 1972, the budget for Ankara (population 1.5 million) was announced—430 million TL (U.S. $30,715,000). The budget for a population of 100,000 in Germany is almost 3 times that of a population of 1.5 million in Turkey!

In 1945, a small group of professors from Ankara University, along with a few city planners, economists and Government officials decided to try a different approach to improve local administration. They concluded that proper organization and administration were two of the needs Turkish municipalities had to meet in order to obtain optimum use of available manpower and financial resources. To find solutions to the problems which plagued the municipalities, the group founded the Turkish Municipals Association (TMA). TMA set out to make scientific studies and to encourage training courses for municipal officials in municipal development, city planning and local administration. These findings were made available through periodic publications. For nearly twenty years it did little more than sponsor an occasional conference for mayors and publish its periodicals.

In the early 1960's, a major event occurred which provided the framework for profound changes in central-local government relationships. In 1963, laws governing election of mayors were revised to permit popular election of mayors instead of by City Councils as had been the practice in the past. Following this change, and under new leadership, TMA began to grow.

By 1967, mayors, with mandates from the cities, began to make their presence felt in the Board of Administration, TMA's executive body. TMA began to expand its activities and to bring them more into line with city officials' concerns, particularly by placing greater emphasis in training programs in technical and administrative aspects of municipal government. It was during this period that the Turkish Municipals Association gave the first hint that it might develop into an important institution. AID recognized this potential and, as a result of meetings between TMA and AID officials, an expanded role in municipal organization and administration was drawn up for TMA.

AID has played a critical role in the development of TMA on at least two important levels. AID's budgetary support over the past five years has declined from virtually underwriting the total cost of TMA activities (almost 80% of total in 1967) to a much lesser level (12½% of total is projected for Turkish Fiscal 1972). The effect of gradually decreasing the level of AID lira support has encouraged TMA to increase its own sources of revenue and to approximate financial independence early in its development.

With AID budgetary support, a program was developed to strengthen TMA by expanding its service to municipalities through extension of conferences, seminars, training courses, research and publications, and by sending participants to the U.S. and Europe. The objective of the program was to create, through the Municipals Association, a forum which would help to promote popular participation in municipal government and a system of municipal government more capable of responding to the demands of its citizens. Since AID made lira funds available in 1967 to February 1972, TMA has compiled the following record of accomplishments:

Sponsored—17 regional seminars for 941 municipal technical employees; seminars (for over 200 Provincial Center city mayors) on top level management urbanization, municipal income, and metropolitan administration.

Conducted—9 regional mayors' seminars for 917 mayors; 11 training courses for 378 newly elected mayors; 6 training courses for city clerks.

Published—20 books.

The regional conferences for mayors, the regional technical courses for technical employees and the training courses for new mayors were the first of their kind ever held in Turkey. The training courses for new mayors offers instruction on personnel policy, laws of local organization, accounting, information with respect to lending channels available to cities, local laws concerning revenues, and penalties. In addition to scheduled programs, many municipalities sent letters to TMA discussing various problams. These letters were then published by TMA as a first line of training, i.e., awareness of common problems.

A second level at which AID's role has been critical is in strengthening TMA's reputation in the eyes of its members. AID has financed (and continues to support) teams of mayors, under TMA sponsorship, who have gone to the United States for the long-term purpose of broadening their knowledge of urban affairs and adapting those techniques suitable for use in Turkey. TMA sponsorship of these overseas training programs has served to demonstrate the respect and support TMA has achieved from the international community.

TMA operates as a pressure group to advance municipal interests. TMA-sponsored meetings, training courses, seminars, etc., bring cities' and mayors' problems to the surface. Mayors from different regions come together to listen to experts on various subjects important to municipalities. Through meetings of this kind, mayors have become better acquainted with each other's problems and are developing a show of unity and strength in their dealings with the Central Government.

TMA also brings Central Government personnel to meet with mayors. Many Central Government officials, by participating in TMA programs, have become better acquainted with the problems and needs of the cities. Open discussions of municipal problems between mayors and Central Government officials have taken place. A case in point is the Mayors' Seminar on the Municipal Revenue Bill which was held in Ankara in January 1972. During the seminar, one-fourth of the Cabinet of the Central Government attended various portions of the seminar. It is significant, and indicative of TMA's growing importance, that such a large number of Central Government officials felt it necessary to attend and to present the official views to the mayors' group.

The strength of the Turkish Municipals Association is predicated upon the fact that mayors represent the tremendous voting power of the cities. A source of strength in its earlier organization was the close contact between Parliament and members of TMA, but TMA has since broadened the base for its lobbying activities. Today, TMA officials assert that Central Government policies cannot be effectively executed at the local level without the aid of the Turkish Municipals Association. They say that not only does 45% of the total population live in the cities, but all newspapers and other media, almost 98% of all industries, all hospitals, banks, and most schools are located in Turkey's cities. Municipal government needs to fulfill its role as guardian of the rights of its citizenry. Using the Turkish Municipals Association as the voice of Turkey's cities, they say, is "the way to democratic rule."

AID's policy of encouraging TMA to strive for financial viability now instead of waiting until it is confronted with a crisis has led to an early recognition that raising the revenues of TMA would make it a much stronger and more effective organization. TMA, since it is decentralized and not a governmental body, does not have authority to levy taxes or to receive compensation for its services. The Law of Organizations, which governs all organizations in Turkey, limits membership fees to 120 TL (U.S. $8.57 per annum). However, donations are permissible. Today, in large cities such as Ankara, Istanbul and Izmir, individual "donations" per member are between TL 5,000 and TL 7,000 per annum. Despite the fact that members are making "donations" each year, TMA wants to make higher fees a legal requirement for its members. A bill to this effect is now being considered in Parliament.

Presently, a Municipal Revenue Bill, designed to significantly increase revenues to cities, is being considered by Parliament. The bill is so important to municipal development that TMA has given the bill top priority backing. At the end of the Mayors' Seminar on the bill, all mayors present sent cables to the President and to Members of Parliament stating that they were strongly in favor of having the Revenue Bill become law. Also, through a small working committee on the Bill, TMA has been able to have major inputs in discussions on the form the bill will finally take. It has even had representation (non-voting of course) in Parliament's sub-committee hearings. This represents a significant change in the traditional process of decision-making; traditionally, municipalities have had little input regarding legislation.

TMA activities are not only concerned with training and getting the Municipal Revenue Bill passed. They are pressing for the passage of a new Property Law (the main source of income for U.S. cities). TMA anticipates that a Revenue Bill and the Property Law would generate an average of about 50% more revenue for the cities. While this will mean a substantial increase in income only for the larger cities, the laws would bring little additional income to smaller communities. TMA has been instrumental in increasing the Central Government's share of income returned to small cities by moving from the traditional distribution of revenue on a population basis so that the smaller cities at the bottom of the distribution pattern will have their portions increased from the lump sum allocated to municipalities for a given fiscal year.

TMA is also lobbying for a Law of Consolidation of Municipal Debts and for a new system of electing mayors; and it has plans to set up an institute for mayor training and research. TMA is still working to increase its publications and to provide consultants to municipalities to aid with special projects, sometimes using its good offices to make important technical contacts.

Another function of the Turkish Municipals Association is to represent Turkey in the European Council of Local Authorities (ECLA) and the International Union of Local Authorities (IULA). Both organizations promote discussion of municipal problems openly in an international forum. Until a few years ago TMA was not active in conferences sponsored by either ECLA or IULA. Now, with its broader outlook, TMA attends regular conferences and meetings. In 1973 ECLA's annual conference is scheduled to be held in Turkey.

As for TMA activities over the next five or ten years, the general belief—both of TMA and Central Government officials—is that TMA will have a greater impact. The goal of TMA is to gain greater autonomy from the Central Government. Much has been done, but much remains.

As an institution to continue to improve municipal government, the Municipals Association is well suited; it has not other interests. Using its combined influence, the Municipals Association has been able to lobby impressively for passage of measures aimed at helping the cities. At the national conference in 1968, the mayors indicated their willingness and their ability to support expanded TMA activities. Again, at the Mayors' Seminar on the Municipal Revenue Bill in January 1972, TMA demonstrated that their members will rally around issues common to many municipalities.

The Turkish Municipals Association is an indigenous organization whose founders recognized the need for some group through which municipal government could be improved. It was not, however, until the proper mixture of dynamic TMA leadership and AID assistance were combined that TMA began to realize the goals set by its founders. TMA has been successful because it has been able to attract strong leaders who firmly believe that municipal government can best be improved through a system which affect municipalities. AID has guided TMA's development through a rational policy of budgetary support which has encouraged rapid expansion, but only after the Assocaition's leaders had established a solid foundation.

SCHOOL CONSTRUCTION IN PREDOMINANTLY RURAL AREAS

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 6, 1972

Mr. METCALF. Mr. President, recently I had an opportunity to read an important and eloquent statement by one of our colleagues. Because I know something of the genesis of legislation that has given the States Federal aid to education, and because Montana and Arizona each has a large Indian population, and Air Force bases, Senator FANNIN's testimony has particular significance for me.

The distinguished senior Senator from Arizona has called for a renewal of our commitment under the authority of Public Law 815 to construct schools.

Mindful of the possibility that it will be criticized as inflationary, Senator FANNIN, a responsible member of the Committee on Finance, has demonstrated that the effect would be minimal or zero. Moreover, because the proposal contemplates expenditures for school construction in predominantly rural areas, it is a logical complement to legislation already approved by the Senate for rural development. Last, but not least, his formula would bring jobs into areas of substantial or persistent unemployment.

In testimony before the Senate Subcommittee on Appropriations for the Departments of Labor, and Health, Education, and Welfare, Senator FANNIN urged increasing the budget amount from the requested $15 to $45 million. He suggested appropriation of one-third the amount for the construction of schools for Indian children, both on and off reservation, and two-thirds for schools for the children of uniformed services personnel who live on base. I would prefer that we build all of the schools that have been found eligible for Public Law 815 assistance—there is nearly $300 million in the total of applications awaiting funding by the Office of Education—and I cannot endorse the suggested wholesale elimination of assistance for all children whose parents work, but do not live, on Federal property, such as those at Fort Peck and Hungry Horse. However, at a time of vigorous competition for the budget dollar, $45 million is greatly to be preferred to $15 million. I hope the Senate Appropriations Committee will give serious consideration to Senator FANNIN's arguments in behalf of increased money for school construction.

Mr. President, to his service on the Special Subcommittee on Indian Education, Senator FANNIN brought his personal knowledge of the desperate needs for school facilities of his Navajo and Hopi constituents. As a member of the Committee on Interior and Insular Affairs, Arizona's senior Senator joined the Senator from New Mexico (Mr. ANDERSON) and others of us in introducing Senate Joint Resolution 144, calling for the construction of schools in or near Indian reservations. The measure was approved by the Senate in the last Congress but was never concurred in by the House.

Further, Senator FANNIN is aware, as we all are, that recruitment of volunteers for our Armed Forces has grown more difficult, as the proposed bonus testifies. Surely, if men are to remain in the military, we must assure them that their dependent children have a decent education on or near the bases to which they are assigned.

The Federal impact in both cases is unequivocal. There is no tax base to raise money for schools. Indian reservations are tax-exempt lands. So are Air Force and Army and Navy bases. The Federal responsibility for each is well established in our laws. What has been missing is money.

Senator FANNIN recognizes our commitment and our neglect and offers a responsible solution to difficulties that will continue to compound unless we act.

I hope that all Senators will read his statement carefully. I ask unanimous consent that its entire text be printed in the RECORD.

There being no objection, the statement and proposed amendment were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR PAUL J. FANNIN ON PUBLIC LAW 815

Mr. Chairman, I appreciate very much your providing me with this opportunity to testify before your committee.

In appearing here, I am not unmindful of the difficulties you face in funding a multitude of Federal programs. The fiscal challenges we face as a nation are of major importance to me, a view which I know you share. In this respect, then, my testimony today, which is primarily directed toward Federal school construction programs, takes into account the continuing budget restraints and the need for fiscal responsibility. But I must add that budget pressures can be somewhat ameliorated by a strong economy; and the proposals which I am offering today constitute a plan to stimulate the economy within a context of sound fiscal policy.

My purpose is to make a case for the increased funding of the P.L. 815 school construction program.

P.L. 815 and its companion measure, P.L. 874, known more popularly as the "impacted aids" measures, constitute a Federal policy for assisting school districts financially burdened as a result of new or expanded Federal activities. Specifically, P.L. 815 authorizes Federal financial assistance for construction by local education agencies of urgently needed minimum school facilities in school districts which have had substantial increases in school membership as a result of new or increased Federal activities. Assistance is also authorized for construction of minimum school facilities by local educational agencies for pupils residing on Indian lands and by the Federal government on Federal property (such as Army, Navy, and Air Force installations) when no state or local education agency can legally do so.

Since its enactment in 1951, Congress has appropriated well over a billion dollars for support of the P.L. 815 Program. The result has been the construction of 76 thousand classrooms serving some 2,201,140 students throughout the fifty states, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and Wake Island. P.L. 815 has contributed much, and Congress can be justifiably proud of its significant accomplishments.

Yet, while P.L. 815 has realized some important educational needs in the past, funding levels for the last four years have been insufficient to meet the requirements of the program. As a result, there are pending at this time 555 applications totalling $261,633,676 against a budget request of $15 million. Obviously, it would be unrealistic and fiscally irresponsible to fund all present applications in one fiscal year; but the present budget request is inadequate and deserves reconsideration by this Committee.

In my opinion, a reasonable increase in appropriations for this vital program can be justified.

P.L. 815: PROBLEMS OF FUNDING

The reduced funding levels which the P.L. 815 Program has experienced during recent years is due to a number of decisions which have effectively limited not only P.L. 815, but other Federal construction programs as well.

Beginning in 1967 the Congress passed, and the President approved, P.L. 90-218, which directed that Federal obligations and expenditures in controllable programs for fiscal year 1968 be substantially reduced. This was followed in 1968 by enactment of the Revenue and Expenditure Act, which had a similar effect on available funds and expenditures in fiscal year 1969.

Then in 1969 the President, through the President's Construction Reduction Plan, ordered a 75 percent reduction in direct construction obligations. This Presidential order had the effect of permitting only two construction contracts to be let in fiscal year 1970. The result of these actions was to significantly reduce actual appropriations for P.L. 815 for 1968, 1969, and 1970.

Public Law 815: Appropriations as Percent of Authorization: 1968, 69, 70

(In thousands of dollars)

1968:	
Authorizations	80,000
Appropriations	22,937
Percent of Authorization	28.7
1969:	
Authorization	79,162
Appropriation	15,153
Percent of Authorization	19.1
1970:	
Authorization	79,347
Appropriation	15,167
Percent of Authorization	19.1

Moreover, the effect of these actions continued into the 1971-72 fiscal year with appropriations remaining at the same level.

The rationale for limiting construction activities was based on the desire to reduce Federal expenditures and the fear that construction activities would significantly contribute to inflationary pressures. This rationale is understandable and given the historical context, justifiable. However, the circumstances which originally supported this view are changing; and it would seem appropriate, at this time, to review this policy. In addition, there are factors which not only support a review but provide attractive reasons for increased funding of school construction projects.

PUBLIC LAW 815: THE CASE FOR INCREASED FUNDING

There are a number of reasons which can be cited to support the view that P.L. 815 should be funded at substantially higher levels.

First, P.L. 815 is national in scope. As of March, 1972, the Office of Education had on file 555 approved applications from 45 states, Puerto Rico, and Guam.

Second, the 555 applications, now pending, represent estimated entitlements totalling $261 million. This constitutes a program of important dimensions.

Third, by providing Federal assistance through P.L. 815 for the construction of needed school facilities, the Federal government can contribute to the easing of the ever increasing financial pressures which schools affected by Federal impact activities are currently experiencing.

Without sufficient assistance from P.L. 815, these schools will have to resort to other financial approaches which may not be sound or operate needed educational programs at near or below minimal levels. These represent the basic issues in school financing, but P.L. 815, if adequately funded, could help to overcome the difficulties which many schools are facing in providing quality educational services.

Fourth, Congress, through P.L. 815, has declared it to be the policy of the United States to provide for the construction of needed school facilities in school districts which have had substantial increases in school membership as a result of new or increased Federal activities. This is a commitment relied upon heavily by those affected school districts; and, in addition, it is a priority program for many schools and the communities which they serve. In this spirit, then, Congress should renew its commitment to P.L. 815 by funding it in a manner which substantially serves its objectives.

Fifth, the need of many schools for additional facilities, due to Federal activities, is increasing, while funding for P.L. 815 has declined.

With limited funds, only a few projects can be supported; and the result is that a large number of projects must be deferred. In some cases, projects must wait two or three years or longer to be funded while the needs which triggered the application continue, and even increase. In fact, no funds have been appropriated for Section 5 for nearly five years. In my estimation, by insufficiently funding P.L. 815, existing problems remain unsolved and additional ones are created.

In my own State of Arizona, for example, the lack of funds to adequately support P.L. 815 is causing considerable difficulties, especially in those public schools educating Indian children who live on the reservations. These schools have experienced substantial increases in Indian student enrollment during the last few years, a trend which I expect will continue. Yet, the facilities which were designed originally to handle fewer students are now hopelessly inadequate. These schools sought assistance for constructing the critically needed facilities under Sections 14a and 14b but learned that the funds allocated to these sections were insufficient to meet their needs at that time.

This resulted in many of these schools having to acquire temporary facilities (some of which are considered sub-standard), adjust their programs, initiate double sessions, and make other arrangements. Together, these decisions are defeating the superb efforts of these schools to provide a quality educational program for our Indian children.

This situation is made doubly critical by the fact that these schools, because of insufficient P.L. 815 funding, are having to make other financial arrangements to acquire the money for providing or constructing additional facilities. This has proved difficult because these schools have a limited tax base and their bonding capacity is statutorily restricted. Moreover, some schools, after exhausting these two approaches, have had to divert portions of their operating budgets to acquire or rent temporary facilities. The result, in some cases, has been the shrinking of funds budgeted for operating expenses.

More importantly, however, the diversion of operating expenses affects the quality of the educational program, and I am sure you will agree that this situation makes it all the more critical that funds for P.L. 815 be increased.

The outlook, however, is not promising. At the present time, there are 46 approved applications under sections 14a and 14b with estimated entitlements of $43 million. Yet, the 1972–73 budget proposes that only $5 million be appropriated. This troubles me because Arizona alone, having the largest concentration of reservation Indians, needs $23 million, nearly 50 percent of the total, to realize the physical plant objectives of its reservation public schools.

The continued minimal funding of this vital program will undoubtedly postpone the realization of a quality educational program for our reservation Indians.

This is not only my concern—the Senate Special Subcommittee on Indian Education, of which I was a member, recommended in November 1969 that "P.L. 815 be more fully funded." The final report of the Subcommittee, *Indian Education: A National Tragedy—A National Challenge*, argued that "it is imperative that more attention be given to funding this legislation particularly for those sections under which disadvantaged students, such as Indians, are suffering with inadequate facilities. It is difficult enough to teach children with special needs, without having to face the added difficulty of inadequate facilities." To achieve a quality Indian education program, P.L. 815 needs to be sufficiently funded.

Yet, the needs of 14a and 14b are only one part of the total picture. By highlighting these needs, however, we are making the case for the needs of all schools which have made application under P.L. 815.

Sixth, the P.L. 815 program offers a unique opportunity to serve the objectives of recently enacted Congressional policies for rural economic development.

Interestingly enough, 410, or 74 percent of the pending 815 applications with estimated entitlements totalling $129 million are located in rural areas. Senator Ellender has expressed the need for "a national program to stay and reverse the heavy flow of people who are migrating into our cities if we are ever to obliterate poverty, revitalize our countryside and provide opportunities for those tens of millions who will soon join us on this earth. I believe that the sprawling, haphazard and unmanageable urbanization of our country can only be halted by encouraging a reversal of migration trends through inducements to remain in rural areas. The Federal government can and should do more to provide jobs, better economic opportunities and a more attractive, decent and healthful living environment in the less populated areas of our Nation."

P.L. 815 can play a major role in realizing the worthwhile objectives that Senator Ellender has enunciated. Funding the P.L. 815 program can create jobs, develop economic opportunities and, through the provision of a quality educational program, provide an attractive living environment.

More importantly, however, by fostering rural economic development through P.L. 815, a significant residual benefit could accrue to the educational system of rural school districts.

In a recent study prepared by the Library of Congress, which sampled selected rural school districts applying for P.L. 815 support, it was determined that the adjusted gross income per pupil within those school districts was below the state average. For applications under Sections 5, 9, and 14c of the Act, 28 out of the 40 districts sampled were below the average. And for applications under Sections 14a and 14b, all the sampled districts were below the state average.

Obviously, then, by promoting construction activity in rural areas it may be possible, with the assistance of other Federal policies, to raise income levels and thus provide greater revenues for educational activities. In addition, increased funds for educational endeavors could help to ease the financial pressures which so many schools are currently facing.

Seventh, P.L. 815 could serve to reduce unemployment. A recent study prepared by my staff indicates that a definite correlation exists between the location of P.L. 815 applicant schools and the presence of areas of unemployment as designated by the Department of Labor.

It is my argument that in areas of high unemployment, especially in skills related to the building trades, Federal expenditures, in this case the P.L. 815 program, would not tend to be inflationary, but in fact would actually promote the economic improvement of the areas.

While I have not as yet exhausted the data to permit a completely valid national generalization, I have sampled enough states to support the correlation.

For example, in five Western states—New Mexico, Arizona, California, Washington, and Montana—there are 174 applications with estimated entitlements totalling $84 million, of which 121 applications totalling $59 million are in areas described by the Department of Labor as being economically depressed. In addition, of those 121 applications, 75 are in rural areas. Thus, by funding P.L. 815 school construction projects in these areas, unemployment could be eased and rural economic development fostered.

In summary, P.L. 815 would not only serve to realize educational objectives, it could solve some important economic problems as well.

PUBLIC LAW 815: INFLATIONARY IMPACT

Mr. Chairman, whether one chooses economic or educational reasons for funding P.L. 815, the question of inflationary impact must be faced.

It has been argued that by funding Federal construction projects, including P.L. 815, serious economic consequences would surely follow in the form of strong inflationary pressures. It is my contention, however, that funding P.L. 815 would not result in unmanageable economic problems.

To support this contention, I would cite as reasons the rural orientation of present P.L. 815 applications and the relationship of some of these applications to areas of unemployment.

First, 410, or 74 percent, of the total applications now pending are located in rural school districts. Since Arizona's applications are predominantly rural, I asked Arizona State University and its College of Business Administration to determine the extent of inflationary impact if its applications were funded. They reported that, "Since $24.2 million of the unfunded P.L. 815 applications in the state are in the non-SMSA counties (only $5.2 million in SMSA counties), it is certainly feasible that some local labor, possibly now unemployed, could be utilized with little inflationary impact. Of further interest in this regard is the fact that roughly 87 percent of all contract construction work within the state does occur in Maricopa and Pima Counties. This may indicate that additional construction expenditures directed towards the more rural areas (e.g., Indian reservations) could result in little or no increase in construction costs because of the absence of high demand for such activities in those areas."

The Arizona State study concludes by arguing that "problems of inflation, albeit construction prices, services costs, etc. have been more noticeable in metropolitan areas. If inflation is expected to be a continuing problem (clearly a separate question) then it will likely continue to be more noticeable in metropolitan areas."

I realize, of course, that these generalizations may not be entirely valid for all areas since local conditions will vary, but I am convinced that funded P.L. 815 applications in rural areas will not result in serious inflationary consequences.

Second, I am also convinced that school construction projects located in areas of unemployment will not create significant inflationary pressures.

In summary, Mr. Chairman, it would appear that inflationary consequences would be minimal if the P.L. 815 program were funded. More importantly, however, funding P.L. 815 at this time could result in some significant economic benefits which would more than outweigh any inflationary consequences. In this respect, P.L. 815 presents an opportunity for stimulating economic growth without serious inflationary impact.

P.L. 815: RECOMMENDATIONS

Mr. Chairman, in reviewing the evidence, there is no doubt that a case for funding P.L. 815 at substantially higher levels exists.

I, therefore, recommend the following for your consideration:

First, that the Committee approve the language in the Administration's budget for restricting funding to Sections 14a and 14b and Section 5.

Second, I urge the Committee to increase the budget amount from $15 million to $45 million to be divided as follows: one-third to Sections 14a and 14b and two-thirds to Section 5.

CONCLUSION

Mr. Chairman, I believe we have demonstrated a need and a rationale for funding P.L. 815, and I earnestly hope that Congress will now find it possible to increase its commitments to this vital program.

PROPOSED FANNIN AMENDMENT

APPROPRIATION ESTIMATE—SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), and the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), [$430,910,000] *$460,910,000*, of which $415,000,000 shall be for the maintenance and operation of schools as authorized by said title I of the Act of September 30, 1950, as amended, and [$15,910,000] *$45,910,000*, which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950: *Provided*, That none of the funds contained herein shall be available to pay local educational agencies pursuant to the provisions of any other section of said title I until payment has been made of 100 per centum of the amounts payable under sections 6 and 3(a) of said title which section 3(a) shall include all pupils residing on Indian lands: *Provided further*, That none of the funds remaining after the foregoing payments shall be available to pay local educational agencies pursuant to the provisions of any other section of said title I until payment has been made of 100 per centum of the amounts to which such agencies are entitled pursuant to section 3(b) for pupils who are dependents of Uniformed Services personnel: *Provided further*, That the amount to be paid to an agency pursuant to said title I (except section 7) for the current fiscal year shall not be less, by more than five per centum of the expenditures for free public education made by such agency for the fiscal year 1972, than the amount of its payment under said title I (except section 7) for the fiscal year 1972: *Provided further*, That none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950, until payment has been made of 100 per centum of the amount payable under section 5 and subsections 14(a) and 14(b).

EFFECT OF AMENDMENT FOR SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

The Amendment would provide $460,910,000 in the 1973 appropriation bill, an increase of $30,000,000 over the budget request, for financial assistance to local school districts for the construction of school facilities in areas where enrollments are increased by Federal activities as authorized by Public Law 815. The new total for this program would be $45,910,000, while the amount requested for maintenance and operation, $415,000,000, will remain the same as the original budget request.

The effect of this proposed amendment would be to triple the funds going to Sections 14(a) and 14(b) and Section 5. Preliminary estimates indicate that about 12 projects under section 14(a) and (b) (substantial number of children residing on Federal property—mostly tax exempt Indian land—and lack of Federal resources) and 53 projects under Section 5 (local education agencies with heavy Federal impact) will be funded with this increased appropriation. Most of the 23,400 pupils eligible for payment in these projects either reside in school districts serving Indian children, or reside on military installations located in applicant school districts. A number of the pupils eligible for payment who reside off Federal property will reside on such property upon completion of programmed military housing units.

School assistance in federally affected areas

1973 budget estimate	$430, 910, 000
1973 revised estimate	460, 910, 000
Net change	+30, 000, 000

The proposed amendment would retain the Administration sponsored appropriation language concentrating payments on Sections 14(a) and (b) and Section 5 but would add an additional $30,000,000 to provide a total of $45,910,000 for construction and a total of $460,910,000 for the entire appropriation.

This additional $30,000,000 would increase the projects funded to 65, 12 projects under Sections 14(a) and (b) and 53 projects under Section 5. More than 50 percent of the approximately 23,400 pupils eligible for payment either reside in school districts serving Indian children, or reside on military installations located in applicant school districts. A number of the pupils eligible for payment who reside off Federal property will reside on such property upon completion of programmed military housing units. The combined number of unhoused pupils under subsection 14(a) and (b) and Section 5 applications as of the end of the application four-year increase period is reported to be 26,800 and projected two years beyond the end of that period is estimated to be 38,200 for applicant school districts examined.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS, PUBLIC LAW 815, CONSTRUCTION

State and outlying areas	1972 appropriation	1973 estimate	1973 proposed amendment
Total	$19, 300, 000	$15, 910, 000	$45, 910, 000
Alabama		298, 000	298, 000
Alaska			
Arizona	2, 024, 615	3, 949, 000	13, 185, 000
Arkansas		713, 000	950, 000
California	10, 609, 500	6, 689, 000	10, 632, 000
Colorado			1, 614, 000
Connecticut			
Delaware			
Florida			332, 000
Georgia			
Hawaii			
Idaho			337, 000
Illinois		2, 141, 000	2, 378, 000
Indiana			
Iowa			
Kansas			311, 000
Kentucky			585, 000
Louisiana	487, 959	304, 000	304, 000
Maine			
Maryland			
Massachusetts	1, 500, 000		
Michigan			
Minnesota	912, 880		863, 000
Mississippi	889, 900		
Missouri	146, 004		845, 000
Montana	447, 828		2, 970, 000
Nebraska	1, 069, 924		
Nevada			
New Hampshire			
New Jersey		976, 000	976, 000
New Mexico			
New York			
North Carolina			
North Dakota	210, 190		2, 036, 000
Ohio			1, 875, 000
Oklahoma			
Oregon			
Pennsylvania			
Rhode Island			3, 091, 000
South Carolina			
South Dakota	305, 800		
Tennessee			
Texas	498, 000	587, 000	980, 000
Utah			
Vermont			
Virginia			
Washington	172, 400	111, 000	937, 000
West Virginia		60, 000	60, 000
Wisconsin			
Wyoming		82, 000	82, 000
District of Columbia			
Outlying areas	25, 000		
Unallotted			269, 000

GENERAL MOTORS IS FIRST IN SAFETY

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mrs. GRIFFITHS. Mr. Speaker, for the 23d time in 30 years, the General Motors Corp. will be awarded, on June 9, 1972, the National Safety Council's highest award for on-the-job safety. In announcing the recipient of the 1971 Award of Honor, the National Safety Council stated that General Motors had been selected in recognition of its continuing safety record. In order to win this award, General Motors safety record had to be better than the average safety record of both General Motors and the entire automotive industry for the preceding 3 years. The automotive industry leads all other industries in on-the-job safety, and the National Safety Council's statistics indicate that General Motors employees has an accident frequency rate almost twice as good as the entire automotive industry. The accident frequency rate for General Motors employees last year was .82, which is less than one accident per million man-hours worked. A million man-hours is the equivalent of 500 persons each working a normal work year of 2,000 hours.

In addition, eight General Motors facilities hold National Safety Council world records for safety based on continuous man-hours worked without a disabling injury in that particular facility. They are: General Motors Assembly Division, Wilmington Plant, Wilmington, Del.; Terex Division, St. Clair Plant, Cleveland, Ohio; Central Foundry Division, Saginaw Plant, Saginaw, Mich.; Electro-Motive Division, Cleveland Plant, Cleveland, Ohio; General Motors Parts Division, Otterburn Plant, Flint, Mich.; Chevrolet Motor Division, Tonawanda Foundry Plant, Buffalo, N.Y.; Chevrolet Motor Division, Detroit Forge Plant, Detroit, Mich., and Chevrolet Motor Division, Metal Fabricating Plant, Flint, Mich.

It is obviously apparent that this outstanding record could not have been achieved and maintained without the sincere and dedicated efforts of General Motors and its employees to insure that safety really is first on every job. I congratulate them on this fine accomplishment.

RESULTS OF THE HONORABLE DELBERT L. LATTA'S LATEST QUESTIONNAIRE

HON. DELBERT L. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. LATTA. Mr. Speaker, each year I send a questionnaire to my constituents to give them an opportunity to express themselves on some of the more important current issues and events. I have just completed the tabulation of this year's returns and wish to share them with my colleagues.

By a vote of 4 to 1, the people in my district have indicated their support of the President's efforts to bring peace to the world by meeting with the leaders of Russia and China on their own soil. It is interesting to note that only 28.1 percent of those responding would trust the North Vietnamese—as some are now advocating—to return our prisoners of war after we withdrew all of our troops from South Vietnam. The results indicate that 69.1 percent are satisfied with the President's schedule of troop withdrawals from South Vietnam. In order to give you the complete results of this poll, I now submit them below in their entirety:

(Answers in percent)

1.a. Did you approve of the President's trip to mainland China? Yes, 82.1; no 17.9.

b. Do you agree with the President that the opening of a dialogue with mainland China is essential if we are to have world peace in the future? Yes, 83.1; no, 16.9.

c. Should we expand trade with mainland China if this means the extension of credit? Yes, 61.3; no, 38.7.

d. Do you agree that we must continue to support Nationalist China? Yes, 60.4; no, 39.6.

2. Do you favor the President's planned trip to Moscow? Yes, 77.5; no, 22.5.

3.a. In your opinion is the Administration's program to hold down prices and wages (Phase II) working? Yes, 22.4; no, 77.6.

b. Would you have preferred a one-year extension of the 90-day freeze on prices and wages? Yes, 63.8; no, 36.2.

4. Are you for the busing of children to achieve a racial balance in our public schools? Yes, 9.5; no, 90.5.

5. Do you favor a program of national health insurance to cover *major* illnesses for *all* citizens? Yes, 46.8; no, 53.2.

6. Last year, President Nixon vetoed a proposed 2 billion dollar a year comprehensive child care program. Should the federal government undertake such a program? Yes, 20.6; no, 79.4.

7. Do you favor tax incentives as a means of encouraging industries to locate in rural areas and small communities? Yes, 47; no, 53.

8.a. Are you satisfied with our withdrawal rate from Vietnam? (There were 543,000 troops in Vietnam when this Administration took office. There will be 69,000 on May 1st). Yes, 69.1; no, 30.9.

b. Some are urging the fixing of a pullout date, followed by the removal of all our troops, and then trust the North Vietnamese to promptly return our POW's. Should your government adopt such a policy? Yes, 28.1; no, 71.9.

9. Are you in favor of granting amnesty to draftees who left the country to avoid induction into the service? Yes, 18.3; no, 81.7.

10. Do you favor legalizing the sale and use of marijuana? Yes, 12.4; no, 87.6.

11. Do you favor a constitutional amendment to permit the voluntary saying of prayers and reading from the Bible in the public schools? Yes, 87.2; no, 12.8.

12. For farmers. Some erroneously blame the farmer every time retail food prices advance without realizing that the farmer's share of the food dollar has actually declined from 49% in 1951 to 38% 1971. Should farm organizations and the Department of Agriculture do more to make the general public aware of this fact? Yes, 94.3; no, 5.7.

BAN ON FIREWORKS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. DERWINSKI. Mr. Speaker, while driving through northern Virginia the other day, I noticed the roadside stands commencing the sale of fireworks. I have long felt that the sale of fireworks should be banned. Therefore, I was especially pleased that one of the outstanding publications in my district, the Homewood-Flossmoor Star, saw fit to make the following statement in their May 21 edition:

BAN ON FIREWORKS

With another Fourth of July holiday approaching, it is timely to take note of attempts to obtain a nation-wide ban on all fireworks except those used for licensed public displays.

The National Society for the Prevention of Blindness is in the vanguard among those seeking to eliminate the annual threat to life and limb. But the society complains that its formal request for a public hearing on the problem was denied by the Food and Drug administration, the federal agency responsible for fireworks control.

Only half of the states have laws in line with the society's position. And, the NSPB argues, "the laws of these states are more stringent than (and tacitly undermined by) the FDA order which permits Class C fireworks, the so-called 'common' or 'safe and sane' variety." Yet 42 per cent of injuries listed in the document, "Fireworks Incidents in the United States During 1969," were attributed to Class C fireworks.

The case for stringent regulations on a national basis is a strong one. Although Illinois law bans the sale of fireworks for other than supervised displays, example, "bootlegging" them from other states is demonstrably commonplace.

The NSPS conceded that the FDA has proposed some changes in fireworks controls, but argues that they don't go far enough. "Far enough," it is indicated, is a total ban on fireworks not used for licensed displays. We agree.

TRIBUTE TO THE HONORABLE HENRY LESTER HOOKER

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. DANIEL of Virginia. Mr. Speaker, on Saturday, May 27, Hon. Henry Lester Hooker, who recently retired from Virginia's State Corporation Commission, was honored by his lifelong friends and professional associates on the occasion of the presentation of his portrait to the Patrick County Circuit Court in Stuart, Va.

Judge Hooker was born in Patrick County 87 years ago, and throughout a long, productive career in public service, never lost his love for his place of birth, nor allowed the ties which joined him to that place and its people to be severed. That his affection was returned is attested by the ceremonies last month.

My valued friend and predecessor in the Congress, the Honorable William M. Tuck, delivered the principle address on this occasion in his inimitable style. I include his remarks in the RECORD for two reasons: First, in order that the Members may review the record of Judge Henry Lester Hooker, an outstanding Virginian and, second, so that the Governor's many friends in the House may know he retains today his uncommon and brilliant talent for a well-turned phrase:

REMARKS BY WILLIAM M. TUCK, SOUTH BOSTON, VA., AT THE PRESENTATION OF PORTRAIT OF HON. HENRY LESTER HOOKER IN THE CIRCUIT COURT ROOM OF PATRICK COUNTY, AT STUART, VA., ON SATURDAY, MAY 27, 1972

Your Honor, please, Ladies and Gentlemen, it is always a joy for me to visit Patrick County. I could not if I would forget the many kindnesses bestowed upon me by your officials and citizens throughout the many long years that I have been in public life. I cannot hope to live long enough to find time enough to do enough to demonstrate even in a small way my appreciation of the friendship of the people of Patrick County.

You have honored me again by inviting me to take a part in the program on this auspicious occasion.

Since time immemorial it has been the custom to pay tribute to eminent citizens by those who revere and respect them and this is evidenced by the portraits, plaques, monuments, statues and memorials throughout this nation as well as the civilized world. Thus, it is not only appropriate but also fitting and proper and in compliance with this ancient practice that notice should be taken of the character and the public services rendered by the Honorable Henry Lester Hooker, a prominent native of Patrick County and a distinguished Virginian whose portrait is being presented today.

This gentleman was born at Buffalo Ridge, in Patrick County on the 25th day of April, 1885, the son of John Wesley and Margaret Akers Hooker. He was the youngest of thirteen children in a family consisting of nine boys and four girls.

The Hooker parents were sturdy, God-fearing people who instilled into their children the fundamental truths of life. All of the boys and girls of this family were endowed with sterling qualities of character and all of them were highly respected, some of whom became widely known for the success which they achieved in their respective lifelong pursuits.

In fact, for more than three-quarters of a century, the Hooker name has been synonomous with the name of Patrick, and this was no doubt due to the innate character of the family as well as the principles with which they were indoctrinated by their honorable and resolute parents.

Judge Hooker's formal education was acquired in the public schools of Patrick County, at the College of William and Mary, and Washington and Lee University Law School. Upon completion of his law studies, he returned to Stuart to practice his profession of law. He became associated with his elder brother, the late Honorable J. Murray Hooker, who had already become successful in the legal profession. The law firm of Hooker and Hooker became widely known, not only in Patrick County, but throughout this entire area of Virginia. The association with his brother was indeed a pleasant one and it continued until Judge Hooker was on November 4, 1924, elected by the people of Virginia to become a member of the Corporation Commission of this Commonwealth.

Although the professional relationship with his brother ceased with this election, the interest and natural aptitude they both had for public affairs as well as the warmth of personal affections remained between these two brothers for the remaining sixteen years of the life of J. Murray Hooker.

In these brief remarks it is impracticable to enumerate all of the achievements and honors which have come to this distinguished gentleman, but probably the most notable and certainly the happiest and most fortunate of these was when he won the hand and the heart of the charming and attractive Miss Nell Sanford, the daughter of the late beloved Reverend and Mrs. Millard Fillmore Sanford. Throughout the happy years of their married life, she has stood ever by his side to sustain and support him. No doubt, she has contributed much to the enhancement of his usefulness as a public official. I may add also that H. Lester Hooker, Jr., and Eleanor Hooker Boisseau, as well as the seven Hooker grandchildren and the four great-grandchildren, have likewise brought happiness and contentment as well as honor to the Hooker family fireside.

The Corporation Commission of Virginia was created by the Constitutional Convention of 1902 and was given almost plenary powers over the regulation of rates and activities of railroads and other public utilities.

Since then many other duties have been conferred upon this body by legislative enactment and by constitutional changes so that it has become the most powerful agency of our state government in Richmond, regulating and to some extent controlling nearly every activity affecting the lives, the economy, the happiness and the welfare of our citizens. Lester Hooker has served as a member of this body or as Chairman thereof for a period of 48 years, more than twice as many years as the Commission's age at the time he became a member of it. He has served during the span of service of at least ten other members of the Commission. Thus, he has been a part of the growth and powerful influence of this most important body and occupies a position of distinction not surpassed by that of any other renowned Virginian who served thereon, including one who became a Justice of the Supreme Court of Virginia and two others who became Governors of the Commonwealth.

In addition to serving as Chairman of the Commission for many of the years he was a member of it, he has served as President of Southeastern Traffic Association, President of the National Association of Regulatory Utility Commissioners and Chairman for 25 years of its legislative committee, Virginia member of the Washington-Metropolitan Area Transit Commission.

Although not related to his official duties he has found time to serve as a member of the Board of Visitors of his alma mater, the College of William and Mary, where he has also served as President of its Society of the Alumni. He is and has been for many years a faithful and active member of the First Baptist Church of Richmond where he belongs to the Board of Deacons of that large religious organization.

He has wrought well in myriad and other useful activities outside of the high public station which he held.

The ancient and honorable College of William and Mary, proud of him as alumnus of that institution, bestowed upon him membership in the Phi Beta Kappa Honor Society and conferred upon him the honorary degree of Doctor of Laws.

The Virginia State Bar in 1971 paid tribute to him for his long tenure as a member of the profession of law, and the Virginia State Legislature at its recent Session, by the vote of every member of the House of Delegates and Senate of Virginia, passed a resolution commending him for the faithful services he has rendered to the people of Virginia.

I first met Judge Hooker in 1912 when he and Mrs. Hooker came to Chatham to visit her brother, the late Dr. T. Ryland Sanford, who was then President of the Chatham Training School (now Hargrave Military Academy). As I reflect upon this, I realize how rapidly the sands have passed through the hourglass of time.

Eight years later when I was a student at the Washington and Lee Law School, I roomed with his brother-in-law, the late R. Paul Sanford, and thus I became better acquainted with Lester Hooker. The acquaintance formed eight years earlier ripened into a deep friendship which has endured since that time and which will continue, I am sure, as long as life lasts.

Knowing him as I do, I am cognizant of the fact that his record speaks in loud and divers tones and nothing that may be said on this occasion can add to or improve upon that record. We cannot gild or embellish the lily.

Virginia has been greatly blessed in this century by having men of character and ability to serve her in high public positions. Judge Hooker's name will always rank in the forefront of those who have served during this period.

In all the relations of life, and particularly in the administration of public affairs, there is no substitute for honor, character, intelligence, industry and devotion to duty. Judge Hooker possesses in a preeminent degree these priceless virtues which are so highly cherished in our Commonwealth and which Virginia has scrupulously required of her public men.

Judge Hooker's success is built more securely on the strong foundation of moral character, integrity and thorough reliability. He has shunned the limelight and has never sought to be a shining star. His approach has been of the modest variety, but he has given unstintingly of his almost boundless talent, ability and common sense.

The possession of these sterling virtues in a very high degree are largely responsible for the esteem in which Judge Hooker is held by the people of this Commonwealth who are familiar with his work as a member of the State Corporation Commission.

The worth and merit and qualities of character with which Judge Hooker is endowed would have enabled him to achieve success and distinction in any line of human endeavor to which he may have chosen to devote his talents.

He has honored Patrick County and the citizens of Virginia, and in this brief ceremony we undertake to pay appropriate tribute to him.

Knowing Judge Hooker as I do, I am sure that he is pleased to have the privilege of returning to his native hearth. He loves Patrick County and her citizens with a zeal unsurpassed by that of any other native. The majestic mountains and marvelous scenery, as well as the alluvial fields along the banks of the streams which provide water for this country, are prized and appreciated and loved by him. It is natural and human for one to love the place of his nativity and it is particularly so when one is blessed to be a native of such a picturesque County as Patrick with the firm mountains and hills so indicative of the solidarity of its citizenship.

These thoughts and the love of home are alluded to by Sir Walter Scott in his Lay of the Last Minstrels when he said, "Brathes there a man with soul so dead who never to himself has said, this is my own, my native land, whose heart hath n'er within him burned, as home his footsteps he has turned from wandering in a foreign strand."

The merit and worth of character of Judge Hooker entitles him to a place on the honored walls of this Court room—a temple erected for the administration of the pure and unpolluted stream of public justice. Here all may come, irrespective of their rank or station in life—the high, the low, the rich and the poor—and lay down their troubles before this Honorable Court and juries assembled here from time to time in the confident knowledge that if the facts and circumstances in regard to their problems are properly related they will have justice meted out to them by clean hands and from minds unclouded by prejudice or by passion, and eyes undimmed by emotion.

He deserves a place on these walls with that gallant, dashing, colorful Confederate Cavalryman, General J. E. B. Stuart, whose name and fame is unbounded and who will be known and respected as long as bravery is appreciated in the military annals of our history. He deserves a place along side also the late Senator A. M. Lybrook, one of the Big Four who nearly a hundred years ago joined with three other Senators and the then Lieutenant Governor of Virginia in rejecting a leadership in Virginia directed by a political tyrant and charlatan who in the dark days of Reconstruction gained complete control of Virginia through the formation of a cabal composed of the worst elements of both races. Senator Lybrook and his associates succeeded in overthrowing this disdainful element and restored Virginia and her government to the people and honorable and worthy officials.

The memory of Senator Lybrook will live long. His portrait, like that of Judge Hooker, hangs in one of the public buildings of the Capitol of this State.

And lastly, Judge Hooker's portrait should be on the walls of this court room with his late lamented brother, the Honorable J. Murray Hooker, than whom there was none greater and who occupied a place of the warmest sort of personal affections in the hearts and minds of the people of Patrick County and respected and appreciated throughout the entire State of Virginia.

He was a member of the Virginia State Constitutional Convention of 1902 and also occupied with distinction the office of Attorney for the Commonwealth for Patrick County and later became a member of the United States Congress from the Fifth Congressional District of Virginia. After his retirement from Congress in 1925, he served as Chairman of the Democratic Committee for the Commonwealth of Virginia until his untimely passing in 1940. I may add also that he was the father of the present distinguished gentleman who presides over this Court and who has discharged the duties of his office and otherwise conducted himself in a manner so as to enhance the already highstanding of our Virginia Judiciary.

We need now more than ever men of the character of Judge Hooker and the others to whom we have alluded. In this connection and without understaking to be dramatic, I close with these lines, "God, give us a man a time like this demands, strong minds, great hearts, true faith and ready hands, men whom the lust for office does not kill, men whom the spoils of office cannot buy, men who have opinions and a will, men who have honor, men who will not lie, men who can stand before demagogues and damn their treacherous flattery without flinching, tall men, suncrowned, who live above the fog in public duty and in private thinking, for while the rabble with their thumb-worn creeds, their large professions and little deeds mingle in selfish strife, lo, freedom weeps, wrong rules the land, and waiting justice sleeps."

THURMAN J. WILLIAMS OF WEST ORANGE, N.J., GETS TITLE OF CERTIFIED MUNICIPAL CLERK

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. MINISH. Mr. Speaker, among the unsung heroes and heroines of our Nation are our municipal clerks whose faithful performance of ever more complex duties contributes so greatly to their fellow citizens' well-being. These valued administrators in local government receive too little notice or credit for their meritorious service.

I am happy that Mr. Thurman J. Williams, the town clerk of my hometown of West Orange, N.J., has been awarded the title of certified municipal clerk by the International Institute of Municipal Clerks. Certification signifies the clerk who sets high standards for knowledge, skills, experience, and ethics.

Mr. Williams, who has served as town clerk since August 1, 1950, richly merits this select title. He has the respect and affection of all the people of West Orange and of his professional colleagues. He is past president of the Essex County Municipal Clerks Association and served as member of the advisory committee of the International Institute of Municipal Clerks from 1953 to 1959 and as trustees of the international from 1957 to 1962.

I join all my fellow citizens of West Orange in extending warm felicitations to "Tiny" Williams for his distinguished career.

NIXON'S KIEV TOAST—AN INSULT TO HISTORY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. RARICK. Mr. Speaker, President Nixon's visit to Kiev, Russia, and his toast "We should drink tonight to the heroes who fought in war and the heroes who have rebuilt this city in peace" is indicative of how much our leaders have conveniently forgotten of the past. The report written by U.S. Ambassador William C. Bullitt "A Talk With Voroshilov" tells another story about Kiev, one of barbaric cruelty on the part of the Bolshevik conquerors the President hailed as heroes.

I include the testimony of Mr. Bullitt, former U.S. Ambassador to the Soviet Union—1933–36—taken from House Report No. 2189, 84th Congress, 2d session, "The Great Pretense: A Symposium on Anti-Stalinism and the Twentieth Congress of the Soviet Communist Party"—May 1956—pages 18–19:

THE GREAT PRETENSE

The present attempt of the Moscow commissars to masquerade as innocent victims of Stalin's sadistic brutality should deceive no one. A hyena that laughs remains a hyena. A wolf in sheep's clothing changes his coat but not his heart. Americans have been bamboozled so often by this Communist tactic that few are likely to be impressed by the present smiles and bleatings of the Kremlin gang. Any who are inclined to believe that there has been a change of heart in Moscow should remember that the men who are now attempting to prove themselves amiable souls are the same men who carried out murders, tortures, and mass starvations for Stalin. To me they seem more repellent now when they are professing that they were always horrified by Stalin's lying and bloodthirsty brutality than they seemed when they were frankly gangsters.

Many of them were murderous criminals on their own hook long before Stalin achieved supreme power. For example, Marshal Voroshilov, who is today the Soviet Chief of State—the Soviet Union's Queen Elizabeth—has always been able to smile disarmingly and to pat children affectionately on the head, and is no doubt the nicest of the Communist lot. Just how nice he is seems to me worth relating at this time.

One night in the winter of 1934 he was seated on my right at dinner and Marshal Budenny was on my left. They had drunk a bit of vodka and both were relaxed and gay. "You know, Bullitt," said Voroshilov, "Budenny is the man who won the civil war without ever knowing what he was fighting about."

"That's true," laughed Budenny. "My motto has never been proletarians of the world unite; it has always been cavalrymen of the world unite. I don't care why I fight so long as I have a good war."

We laughed, and Voroshilov then said, "I think the most extraordinary thing we ever did together was to capture Kiev without fighting."

"What happened?" I asked.

"Well," said Voroshilov, "there were 11,000 Czarist officers with their wives and children in Kiev and they had more troops than we had, and we never could have captured the city by fighting, so we used propaganda and we told them that they would be released and allowed to go to their homes with their families and treated as well as possible by our army and they believed us and surrendered."

"What did you do then?" I asked.

"Oh," said Voroshilov, "we shot all the men and boys and we put all the women and girls into brothels for our army."

"Do you think that was a very decent thing to do?" I asked.

"My army needed women," said Voroshilov, "and I was concerned with my army's health and not with the health of those women; and it didn't make any difference anyhow, because they were all dead within 3 months."

Voroshilov no doubt deserves his position as Chief of State of the Soviet Union, and is no doubt the most honorable and charming of Communists; but that is exactly how honorable and charming he is.

I hope that Americans who may become inclined to believe any promises now made by the Communist leaders will remember the fate of the Czarist officers and their wives and sons and daughters in Kiev.

The present Soviet objective is clear. It is to lull us into a sleep of death while the Soviet Union achieves control of new areas without war, and prepares sufficient hydrogen bombs and intercontinental jet bombers to destroy our retaliatory power by a sneak attack, so that some day it will be in a position to blot us out with impunity. (End of Quote)

[From the Baton Rouge (La.) Morning Advocate, May 29, 1972]

KIEV VISITED BY PRESIDENT

KIEV, U.S.S.R.—President Nixon saluted at a lavish dinner Monday night "the heroes of the Ukraine in war and in peace," and said he hoped his Kremlin summit talks would help prevent in the future the type of devastation that leveled this city in World War II.

The President flew to this capital of the Ukraine after concluding a week of talks with Soviet officials. He flies to Iran on Tuesday, then arrives in the United States on Thursday after an overnight stop in Poland.

In a toast at a dinner given by the Ukrainian government, Nixon said the third-largest city in the Soviet Union suffered "destruction of human life on an unprecedented scale" at the hands of the Nazis in World War II.

CITY REBUILT

But, he said, the city was rebuilt in seven years and the "Republic of the Ukraine continues to grow and prosper."

"We should drink tonight to the heroes who fought in war and the heroes who have rebuilt this city in peace," he said.

He referred also "to the new leadership to which our two countries . . . may contribute by which the world may have a period in which the tragedy of war will never again be visited upon this city or any other city like it in the world."

After the dinner and toasts, Nixon and his wife listened to nearly an hour of concert music in Mariinsky palace, then returned to a state guest house.

Nixon's departure from Moscow was delayed about 45 minutes by the change of planes.

President Nikolai V. Podgorny and Premier Alexei N. Koygin went aboard the Ilyushin 62 in Moscow after one of its four engines failed to start. They apologized to the President.

Joining them was Boris Bugaev, the Soviet minister of civil aviation.

The delay in take off was about 45 minutes.

The backup aircraft arrived in this capital of the Ukraine without trouble and taxied to the terminel where a group of Soviet officials and about 300 city employes with paper flags waited to greet the President.

Nixon emerged from the jet with Mrs. Nixon at his side, paused for a look at the overcast skies and descended a red-carpeted ramp to shake hands with Alexander Lyashko, the president of the Ukrainian Republic.

After a brief arrival ceremony near three tall flagstaffs with the colors of the United States, the Soviet Union and the Ukraine, the presidential party boarded two black limousines for a motorcycle-escorted drive into the city.

The President leaves from Kiev on Tuesday for Tehran, Iran. After that he goes to Warsaw, Poland.

SENATOR HOWARD BAKER OF TENNESSEE SERVES IN LEADERSHIP ROLE IN U.N. CONFERENCE ON THE HUMAN ENVIRONMENT

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. BAKER. Mr. Speaker, the U.N. Conference on the Human Environment opened in Stockholm yesterday. The whole world is watching these proceedings because they will have a profound effect on the survival of planet Earth.

In order for my colleagues to know exactly what is involved in the Conference, I am placing in the RECORD at this point a summary prepared by Senator HOWARD BAKER for Phoenix Quarterly, the publication of the Institute of Scrap Iron and Steel.

Senator Baker has served as Chairman of the Secretary of State's Advisory Committee for the U.N. Conference and over the past year he and the 27-member advisory committee have solicited and analyzed the broadest range of views and has published them in a report, "Stockholm and Beyond," in preparation for the conference.

Tennessee is proud of the leadership role its senior Senator has taken to make sure this vital conference deals effectively with the worldwide problems of environmental quality. The summary of his work is carried in the Phoenix Quarterly article. I am pleased to bring it to the attention of my colleagues.

U.N. CONFERENCE ON THE HUMAN ENVIRONMENT

(By Senator HOWARD H. BAKER, JR.)

On June 5, 1972 more than 130 nations will meet in Stockholm to convene the United Nations Conference on the Human Environment. This is the largest conference ever conducted by the United Nations and by far the largest event ever hosted by the Swedish Government.

However, its significance does not pertain solely to its size. The recognition by all nations, no matter what their stage of development or form of government, that we must ultimately depend upon a common system for our survival is indeed the most significant aspect of this first international conference on the human environment. Never before has this been as clear to man as it is now and recognition of this basic fact makes preservation and protection of the human environment much more than just a domestic matter to be dealt with in a piecemeal fashion.

This was profoundly impressed upon the Swedes years ago when industrial gases from British smokestacks fell on Stockholm in the now famous "acid rains." It was for that reason and others that the Swedish delegation to the United Nations introduced and obtained passage of a resolution calling for a United Nations Conference on the Human Environment.

Since that time, an immense amount of work has been done to make the Stockholm Conference "action" oriented. A very small staff of experts headed by the very able Maurice Strong comprise the U.N. Conference Secretariat whose persistent efforts over the past two years have virtually ensured success for the Stockholm Conference.

Taking the proposals of a special 27-nation Preparatory Committee, the Conference Secretariat has compiled and distributed specific "action proposals" in six general areas for the consideration of each government expected to attend.

Those six areas are:

1. The Planning & Management of Human Resource Management;
2. Environmental Aspects of Natural Resource Management;
3. The Identification and Control of Pollutants and Nuisances of Broad International Significance;
4. The Educational, Social and Cultural Aspects of Environmental Issues;
5. Development and the Environment; and
6. Institutional Arrangements.

Preparation in this country for the Conference has also been underway for approximately two years. The Department of State as well as all concerned governmental agencies have been working together for more than a year now in an effort to involve top environmental experts of the Federal Government.

In a similar effort to involve environmentalists from outside the government, the Secretary of State asked me to chair an Advisory Committee composed of 30 citizens representing a broad range of occupational interests from all across the country. Although the Advisory Committee was formed almost a year ago, it really didn't get off the ground until the United Nations Secretariat distributed the specific "action proposals" for the consideration of governments.

Having received those documents in early March, the Advisory Committee conducted a series of six public hearings in New York, Chicago, San Francisco, Denver, Houston, and Washington, D.C. Although each hearing focused on one of the six subject areas, testimony was heard on all Stockholm related matters.

More than 150 witnesses testified including Mr. George Kennan, former Secretary of State Dean Rusk, Dr. Margaret Mead, Dr. Kenneth Boulding, Senators Cooper and Magnuson, and the renowned environmental saboteur "the Fox," just to name a few.

As a result of the more than 150 witnesses who testified and the approximately 300 written views submitted to the Committee, a report of recommended U.S. positions for the Conference was drafted and adopted by the Committee with some amendments.

Some of the major Committee recommendations include creation of a strong, high-level environmental office with a United Nations intergovernmental body which will be a subsidiary of the General Assembly. This office would be funded by a U.N. Voluntary Fund for the Environment consisting of a minimum annual budget of $50,000,000 to be derived from contributions of member states based on a natural resources consumption formula. Those countries which are underconsumers of energy would pay a nominal amount, perhaps a minimum of $1,000.

In addition, the Committee recommended consideration of the establishment of a governmental system to regulate consumption of natural resources under international jurisdiction. This illustrates the Committee's concern for our finite resources and the need for increased use of recycling.

These are two of the many recommendations included in the report that will be published and available to the public by May 1.

The Department of State and involved governmental agencies have copies of the report and are considering its recommendations as they prepare official United States positions for the Conference. The degree to which the Advisory Committee's recommendations are incorporated into official U.S. positions is yet to be seen, but the significance of citizen input is clear and the entire Committee commends the Department of State for their efforts to involve the public in the preparations for this historic event.

PULITZER PRIZE

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 5, 1972

Mr. ROONEY of Pennsylvania. Mr. Speaker, recently the famed Pulitzer awards of excellence in journalism—the highest prize in American journalism—focused attention anew upon disclosure of the Pentagon papers relating to the Vietnam war and the United States' role in the Pakistani war. These were journalistic endeavors of readily apparent national and international import; as a result, published accounts of the Pulitzer awards focus chiefly on those prizes.

Another Pulitzer Prize this year recognized distinguished leadership and reasoned judgment in a journalistic approach to yet another war—that of social ills and racial tensions—whose battles have been fought upon the streets of urban neighborhoods throughout this Nation.

I am proud to extend my warm congratulations to John Strohmeyer, editor of the Bethlehem, Pa., Globe-Times newspaper, who received this year's prize for excellence in his editorial approach to the actions, reactions, and emotions spawned during "a year of crisis" in the city of Bethlehem, as well as other significant local, State, and national issues.

The symptoms of this domestic crisis were typical—violence, bloodshed, polarization, civic hostility, and alleged overreaction by law enforcement officers.

Bethlehem's crisis was sparked by the fatal shooting of a young black girl and the wounding of a Puerto Rican youth outside a neighborhood youth center, and was fired by mass arrests of alleged "conspirators" in a 1970 Ale House incident and a series of other confrontations which pitted community officials and police against the city's youth and minority groups.

Strohmeyer responded editorially in a manner which Globe-Times Publisher Donald Taylor described as forcing the community "to face the present and arrange for a future so very different from its past." The good which has resulted from Mr. Strohmeyer's editorial guidance is readily apparent today in the substantial shift of community reaction, the calmed tensions, court dismissal of conspiracy charges against a number of individuals, including a young teacher Strohmeyer had characterized throughout as a "peacemaker" and "the one person with his finger in the dike," and the selection in 1972 of that peacemaker, Robert Thompson as Bethlehem's Outstanding Young Man of the Year.

In our deliberations of today's critical problems in America's urban neighborhoods, Mr. Speaker, I believe all of us in Congress will benefit from having read a few of the series of editorials which have earned for John Strohmeyer and the Bethlehem Globe-Times the coveted distinction of a Pulitzer Prize:

DESTROYING THE PEACEMAKERS

The Thanksgiving morning barroom fracas and the mass arrest of 21 persons in the near-riot constitute a matter of only the gravest concern.

We now see the rising militance of disaffected youth on one hand and the resort to blunter measures by police on the other. It is bad enough that two already hostile camps harden some more but the tragic aspect is that police are losing the distinctions between the troublemakers and the peacemakers.

The humiliating arrest of Robert Thompson, a respected youth adviser, for the reasons stated is a sad turn. An honors English teacher at Freedom High who spends nearly all of his spare hours working with youngsters at Nick's Mill, Thompson is one of few in the city who lives and feels the problems of youth. He has been the one person with a finger in the dike while appealing within the established system for help in a deteriorating situation.

It is a tribute to his dedication that Thompson left his bed in the middle of the night in an attempt to cool off the confrontation developing in the area of the Ale House in the early hours of Thanksgiving morning. But as far as police are concerned, he was part of the problem. They herded him among 21 others into a paddy wagon for a night in jail and an arrest for unlawful assembly, conspiracy and disorderly conduct. A ranking officer conceded that Thompson tried to mediate in the ruckus. When asked why he was arrested, he replied, "Well, he was there."

The actions of Patrolman John Stein, who handed in his badge at the spot rather than participate in the arrests, is a far more vivid repudiation of such police shotgun tactics than any words of outrage.

It is not our intent to minimize the incendiary matters in the air that night. Coming so soon after a robbery and stabbing in another section of the South Side earlier in the night, the Ale House incident had all the signs of organized trouble. Yet, it is fully as important for police not to overreact as it is for them to capture the lawbreakers. Instead of resorting to hard police work to apprehend the real troublemakers and press the case against them to the hilt, police simply made a sweep.

The Thanksgiving morning incident is bound to set off new polarizations and cause more side-choosing in the community at large. Meanwhile, very little beyond words is happening to get at the root of the problem.

In a letter published elsewhere on this page, Prof. Victor Valenzuela of Lehigh University asks the crucial question: while frictions grow between the increasingly sadistic young and the increasingly irritated society, what is this city and its leaders doing to analyze the problem and bring forth the remedy? Strangely, this is the same question Robert Thompson asked two years ago, one year ago, and as recently as last month.

REMOVE STIGMA

A councilmanic investigation of events centering around the "brutality" incident of Sept. 25 at the Bethlehem School District Stadium and later in police headquarters is long overdue. Yet, the necessity for such scrutiny should never have arisen.

Last week's revelations by ex-patrolman John A. Stein must finally strip away a layering of contradictions and begrudging admissions by police and city officials which have eaten into the very fabric of community social relations in past months.

As an early reaction, certain officials have objected to this "new light" without an adequate advance warning and time to prepare further explanations.

The fact is that nothing has been revealed which has not been common knowledge within the police and administration circles for months. But the police reports of what transpired inside the station on the night of Sept. 25, when five young defendants were roughed up, have not been made part of the public record to this day. Meanwhile, neither the mayor nor council saw fit to explain the stunning contradiction in which the top police tried to cover up the incidents by stating they knew nothing of the beatings one day and then meekly accepting the findings of the Human Relations Commission the next day by admitting certain incidents had occurred and that verbal reprimand had been issued.

Now with former officer Stein's eye-witness account of what happened that night, more scurrying for cover is again evident.

John A. Stein came to Bethlehem a "new model" policeman—intelligent, educated, idealistic and yet practical enough to participate in the department's own reorganization. His gradual disillusionment and eventual solitary stand for what can only be considered minimal standards of investigation and discipline point a sorry finger at police moral leadership.

Any organization under constant public criticism cannot be expected to operate effectively and, sadly, the nation's police have borne much of the brunt in recent battles for social change.

Bethlehem, too, has changed much in recent years and police here have been shocked and dismayed to suddenly find themselves the objects of scorn. But just as much of this universal disrespect is unconscionable, the violent enforcement of seemingly more proper attitudes is dangerously retroactive.

Besides creating Bethlehem's credibility gap, a head in the sand attitude by the Bethlehem police has permitted abrasions to grow into a full-scale alienation of many young people. It would have taken little time and training to recognize that certain police responses heighten the problem instead of lessening it. Provocations to retributive violence by juveniles yelling obscenities is immature and hardly meets professional police standards.

Acknowledgment that these standards were not met that night of Sept. 25 might early have cooled tensions and mistrust which finally culminated in the senseless events of Thanksgiving morning.

The new decade has commenced on a hopeful note. Council's budget, with the mayor's provision for professional youth workers and staffing of youth centers, points a community commitment to a cooperative direction.

Yet, the taint of the old will remain until the clouds lift from the contradictions that characterize the police actions following the night of Sept. 25. Only when all the facts are laid out and we get down to the real stock taking can we remove this stigma which hobbles honest police work and stifles the climate of goodwill.

WHITEWASH

The vote of confidence passed by City Council to reaffirm its faith in the Bethlehem Police force is about as meaningless as a vote for motherhood. It was an obvious attempt to apply a coat of whitewash on important issues raised by the concerns of former policeman John Stein.

Ex-officer Stein, who served on the force two and a half years, might have found it easier to step out silently and concentrate on his studies at Lehigh, where he is completing his fourth year. However, the coverup of the role of high police officials in the station house beatings and the growing needless alienations between police and youth compelled him to state his views and risk the scorn of many of his former colleagues.

Only Councilmen William J. P. Collins and Walter Dealtrey seemed to understand the issues raised by Stein's account: 1. How could a departmental hearing which recommended a verbal reprimand really deal with the matter when, as it now develops, Public Safety Director Irvin Good was seen swinging at one of the youths corralled in the police station on the night of Sept. 25. Was Good identified as a participant, and, if so, was he supposed to reprimand himself? 2. There have been many police arrests but few cases ever get to the prosecution stage: Why? As Councilman Collins asked, "I would like to know whether any of these alleged criminals have been given a license to commit crime."

Council's blindness to these concerns was best expressed in the long harangue delivered by Councilman Ray Dietz who attempted to impugn the motives of John Stein, the Globe-Times, and apparently anyone else who would dare to question the operations of the Bethlehem police force. It never occurred to him that the motivations might have been public interest. Instead of recognizing his own public duty to clear the stigma, he chose to pour on platitudes about his pride in the police force. In the words of Mark Twain, Councilman Dietz showed only he would rather be popular than right.

A more proper way to "stand behind our police" is to ensure a responsible administration, to correct those abuses of police procedure which are letting so many arrest cases slip away, and to set standards for the vast majority of city policemen who want to do their duty above reproach.

By voting not to clear the air, City Council indicated that it either doubts its own ability to muster "a calm and serious approach" to the truth, or it is so certain of the outcome of an investigation that it fears the revelations.

ON ECOLOGY: SELLING OUT THE MONOCACY

The Monocacy Creek is one of those dwindling natural resources that provides fun and fishing and breeds wildlife and vegetation in a rapidly growing urban area. This week, city council has been told that the state health department is about ready to clear the way for industrial firms to dump into the stream wastes that are potentially dangerous. In short, the state is on the verge of lowering the quality of water standards for the Monocacy.

This straightforward indictment of Pennsylvania's concept of protecting the environment was made not by any of the many conservation groups which occasionally cry out about beer cans and litter. It was a documented charge launched by an individual, an Allentonian at that, who has enjoyed the many recreational treasures of days spent on the banks of the Monocacy. Harry Forker is heartsick that the Monocacy is about to be degraded and that the state is the villain in the rape of this stream.

So far, the state health department has not denied that it has approved, though not yet issued, a permit to let the National Portland Cement Co., north of Bethlehem discharge wastes into a prime fishing stretch of the Monocacy with an oxygen content lowered to six parts per million. Forker contends that this level is too low for marine and plant life to survive as natural trout food.

While both the cement plant and the state might put forth a biologist to debate Forker's contention on the level of oxygen necessary for marine life survival, no one can fault him on real thrust of charge. It is that in this age of vanishing natural resources the state should be raising the level of water quality, not lowering it.

No amount of industrial or economical development is worth degrading this fine public stream. Every effort should be made now to draw the line against further intrusion by man. In fact, hearings held earlier this year indicated that the Monocacy has the potential to be upgraded into a fine cold water fishing stream capable of holding over and breeding fish.

How then, does the State Health Department reconcile its tacit approval for lower standards simply to help an industry accommodate scrubbers that have failed to meet clean stream criteria? How, in fact does it explain the long history of enforcement negligence which has permitted lagoons of a paint and pigment plant further down stream to ooze into another choice fishing stretch of the Monocacy?" Does the State Health Department exist as a partner of industry or a protector of the public?

Governor Shapp made much in his campaign about getting tough on pollution enforcement. The sad abuse of the Monocacy deserves to be called to his attention. Everyone who has ever fed a duck on any of its calm pools, caught a trout in its swift waters, or thrilled at the sight of a migrating warbler on its shaded banks should recognize a personal mission to save the Monocacy.

Don't let them degrade it. Write the governor. Write Dr. Maurice Goddard (Department of Environmental Resources, Harrisburg), and write City Council. It is the only way left to head off this sellout by the State Health Department.

A PULITZER PRIZE

A Pulitzer prize is American journalism's highest honor. It is humbling to discover that the Bethlehem Globe-Times and its editor join the long list of illustrious names who have been honored since the prizes were started by Columbia University in the famed publisher's name 56 years ago.

The Globe-Times won the award on the basis of 10 editorials, five of which dealt with racial tensions that began to polarize the city in an all too familiar pattern. The unhappy events at the Protection Firehouse youth center, the Ale House malee, the police beatings, and the arrest of Youth Worker Robert Thompson are history. The fact that they occurred and the fact that we wrote editorials deploring the change in the mood of the city are not nearly as important as Bethlehem's response to them. Injustices were recognized. Changes in outlooks occurred in many places, not the least of which were in the police department. Instead of condoning actions which might invite confrontation, police now hold classes on minority problems and staff a program in which policemen work full time in community relations to head off problems. Meanwhile, the city administration, school district, the churches, and the United Fund have developed their own ways to help alienated youth and assist in the transition of different cultures. Finally, in picking Robert Thompson the "Outstanding Young Man of the Year" for 1971. Bethlehem itself made amends to a young peacemaker who suffered the indignity of arrest as a troublemaker only a few months before. As one of the editorials in the Pulitzer exhibit commented: "It was a hard lesson. Bethlehem is a wiser and more sensitive city. And it has managed to preserve the loyalties of the Bob Thompson despite ample cause for distress. . ."

It is not often that a Pulitzer Prize comes to a smaller newspaper. We are grateful to the Pulitzer Advisory Board and Columbia trustees for recognizing that bigness is not essential in working in the Pulitzer tradition. And we are particularly grateful to this city because its enlightened response in those troubled months was such an important element in the prize that will enshrine the Bethlehem Globe-Times in journalism history.

Lessening the Inequity

At the close of Wesley United Methodist Church's six-part panel discussion, "The Street Scene: Youth in Bethlehem," Dr. Charles Chaffee, retired Bethlehem Area School District superintendent, expressed reservations concerning the recommendations drawn up by the 19 panelists who participated in the programs. The response he received showed that others shared his beliefs.

Among other suggestions, Dr. Chaffee urged "caution" when referring to proposals calling for the establishment of an area legal defense fund, and the support of the newly-founded Lehigh Valley Bail Fund, Inc.

He asked if anyone believed that a magistrate will hold a person over for court, and if the courts would take action against that person, unless sufficient evidence suggests that the party in question committed a crime.

One point Dr. Chaffee apparently overlooked is that the basic assumption underlying our legal system states a man is innocent until proven guilty. Neither arrest nor arraignment establishes guilt or innocence, only the trial itself. Thus, until a verdict is pronounced, we are dealing with an innocent man.

That innocent man is guaranteed the right to proper legal defense, and does not have to spend the time pending his trial in jail if he can meet the financial requirements of bail."

For many citizens in this immediate area and the country as a whole, however, both bail and proper legal defense are luxuries. Whether the barriers be economic or educational these people are denied the rights of due process of law. Because of inability to finance bail, they are forced to sit in jail or prison, having been convicted of no crime, while others accused of the same or even worse crimes are able to pay bail and go free. The difference is in the pocketbook.

The same is true for legal defense. For many, retaining a private attorney, no matter what the caliber, is totally unfeasible. They are forced to turn to the over-worked, understaffed—and often inefficient—public defenders office. Again, another person accused of a similar or worse crime but with more economic resources available is able to retain a more effective attorney and perhaps win a more favorable verdict.

To balance the inequities, concerned citizens in both Bethlehem and the nation are forming bail funds and legal defense funds. These nonprofit organizations are established behind the promise of equal justice for all. They provide bail and assist in obtaining creditable defense for those unable to afford these items themselves. Without such groups, the noble ideal "equal justice for all" remains the biting reality of "justice for the wealthy and pot-luck for the poor."

LONDONTOWN IN HANCOCK CELEBRATES 10TH ANNIVERSARY

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. BYRON. Mr. Speaker, last Friday it was my pleasure to join Jon Myers, president of Londontown Manufacturing Co., Sid Salitsky, plant manager, and the employees of Londontown in Hancock, Md., for the celebration of Londontown's 10th anniversary in Hancock.

Construction on the plant began in January 1962, and the plant opened in April 1962. Originally the plant planned to employ a maximum of 200; however, by late 1964 employment had reached approximately 300 and today 450 individuals work within the Hancock Londontown plant. The Hancock plant was the first Londontown plant built outside Baltimore. The third plant was also located in Washington County in Boonsboro.

The anniversary celebration included a luncheon at Weaver's restaurant followed by a presentation of awards to employees at the plant. It was an impressive celebration. In the past 10 years Londontown has contributed much to the local community and has helped reduce unemployment in the area. I commend those who helped bring Londontown to Hancock and those who have made the past 10 years so successful.

A DECEPTIVE BILL

HON. DAVID E. SATTERFIELD III

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. SATTERFIELD. Mr. Speaker, the conference report on higher education scheduled for House action this week contains provisions which should be of deep concern to every Member. For all intent and purpose, the anti-busing provisions approved by the House have been rendered ineffectual by alterations in their language. Furthermore title VII will for the first time provide legislative approval to merger and consolidation of separate and distinct school districts and provide grants to the school boards involved to finance cross busing integration plans.

The Richmond Times Dispatch has published two editorials dealing with this report which I include herein and which I recommend to my colleagues for their consideration:

A Deceptive Bill

Members of the U.S. Congress who vote for the $21.3 billion higher education bill because they think the riders attached to the legislation will help halt forced busing may be in for a rude awakening.

The Senate approved the bill 63 to 15 last Wednesday, with many conservatives and moderates who oppose busing voting with the majority and some liberals who favor busing voting with the minority. The legislation is reputedly designed to place Congress in opposition to compulsory busing, and the big bold headings of the bill do give you that impression: "Prohibition Against Assignment or Transportation of Students to Overcome Racial Imbalance." "Prohibition Against Use of Appropriated Funds For Busing," Etc.

But before purchasing an insurance policy, a wise consumer reads the fine print, and before buying this legislative piece of goods, the house of Representatives should do its homework, too. Third District Rep. David E. Satterfield, III, has given the bill, as it emerged from a House-Senate conference committee rewriting, a thorough reading, and he is alarmed by the implications of several sections. So are we.

Consider, for example, Title VII, Section 709. This would authorize the Department of Health, Education, and Welfare (HEW) to make grants to local school boards to finance cross-busing integration plans throughout a Standard Metropolitan Statistical Area (SMSA). Grouped in this region's SMSA are Richmond and the counties of Chesterfield, Hanover, and Henrico. This measure would require that, under a federal grant, each school throughout the SMSA would have to have a percent of minority-group children at least half that of the SMSA-wide percentage of minority children. In plain language: children would have to be swapped and shuttled throughout the region to fill out racial quota sheets. The racial goal would have to be met by "a date certain" but "in no event later than July 1, 1983" (just in time to celebrate the drawing of George Orwell's 1984).

On first reading, this provision might seem to leave everything to local option. No grant for metropolitan busing can be made unless "two-thirds or more of the local educational agencies" have approved the application, and the pupil enrollment of the approving localities must constitute at least two-thirds of the SMSA-wide enrollment. But, read it again, and think. What about the will of the local electorate? This bill leaves the momentous decision of busing across political boundaries entirely to local school boards, which, in Virginia, are not elected by the public. The blessings of city councils and boards of superviors, which are accountable to popular will, are not sought or required. The Richmond School Board's insistence on suing for school consolidation here, despite the opposition (at the time) of a City Council majority, should be reminder enough that school boards can sometimes place themselves above the people.

And it is even possible that some zealous HEW chieftain could order local school boards to draw up a metro busing scheme. For Sec. 708(a)(2) authorizes HEW to make grants to local schools "for the purpose of conducting special programs and projects carrying out activities otherwise authorized by this title, which the Assistant Secretary (of HEW) determines will make substantial progress toward achieving the purposes of this title." One of the stated purposes of Title VII is to overcome minority-group "isolation." And how does the title define a desired "integrated school"? See Sec. 720(6), to wit: ". . . (one) in which the proportion of minority group children is at least 50 per centum of the proportion of minority group children enrolled in all schools of the . . . Standard Metropolitan Statistical Area . . ." So if the purpose of the title is to promote busing on a SMSA-wide basis to achieve a magic percentage, couldn't an ideologically-committed HEW bureaucrat, convinced of his self-importance, deduce that it was his patriotic duty to give local school boards a little shove by, say, threatening to terminate their federal funds or hauling them into court? Does God grow little green apples, and does it snow in Indianapolis in the wintertime?

This bill is, simply, a problem-creator masquerading as a problem-solver. It calls for a stay of federal district court busing orders until all appeals have been exhausted, but it is doubtful that judges will choose to let that Congressional expression infringe upon their independence of action. It prohibits federal agencies from ordering local officials to spend local money for forced busing but it adds the qualifier "unless constitutionally required" (a loophole big enough to drive the entire HEW bureaucracy, Justice Department, and federal judiciary through).

Furthermore, as we noted in a May 22 editorial ("Students on Welfare"), it is tragic that Congress has let the most revolutionary extension of federal control over higher education slip through thus far practically uncontested amid the busing battle. This mammoth bill would make it a "right" of every student in the United States to receive a federal handout of $1,400 a year to attend college, reduced only by the amount the U.S. Commissioner of Education, in his infinite wisdom, might decide an individual family could afford to pay. It would give direct grants from the federal treasury to colleges, both private and public, on the highly dubious criterion of the number of federally-assisted students the colleges enroll. It would create new dollar-gobbling educationist bureaucracies dedicated to promoting the idea that everyone should get a college degree, no matter how little the country needs the extra degree-holders or the degree-seekers need (or merit) the degrees.

This bill purports to be for higher education and against busing, but it could very well destroy the present system of decentralized higher education and spread the cancer of forced busing to awful new extremes. We urge members of the Virginia Congressional Delegation to vote against it.

STUDENTS ON WELFARE

Congress is going about some good work in a bad way. It is trying to address the forced busing problem in elementary and secondary schools by attaching a mish-mash of contradictory riders to the $18.5 billion aid-to-higher education bill.

By submitting the proposed Equal Educational Opportunities and Student Transportation Moratorium Acts to Congress, President Nixon has offered a reasonal approach to the busing problem. But while the administration's bills languish in committee, Congress continues to play the game of making law by rider. This is not to suggest the President's program is perfect; indeed, Congress may be able to improve upon it. But dealing with busing as an issue separate from collegiate education is definitely a wiser approach than the present mess.

Largely because of the busing snafu, not nearly enough public debate has been given to the merits of the higher education bill itself. Undoubtedly this measure is, as Capitol Hill liberals have boasted, the most "sweeping" entry of the federal government into higher education ever. But is it something for which the American people really want to pay? Does the public know what's involved? Does the nation want to move toward universal higher education, paid for from the public till?

This gigantic measure would establish "as a primary tenet of federal policy that every qualified and needy student had a right to federal aid in meeting the expenses of a post-secondary education," according to Congressional Quarterly.

College students, in effect, would become the newest federal welfare clients, complete with guaranteed annual income from Washington. For the bill provides that any student accepted by or enrolled in an accredited college would be entitled to receive a grant of $1,400 minus the amount his family could "reasonably be expected" to contribute to education expenses. And who would decide what a family could reasonably be expected to contribute? Why, the U.S. Commissioner of Education, who else?

This is, remember, an outright grant, a handout, not a loan the student would have to repay or a work-study stipend he would have to earn. The cost of these grants has been estimated at $940 million in fiscal 1973. $995 million in fiscal 1974, and $1.05 billion in fiscal 1975. This largesse would be in addition to the on-going billion to the on-going federal student aid programs—work-study payment, direct loans, and the like—which cost $1.07 billion in fiscal year 1972.

The colleges themselves would be encouraged to lap the federal gravy. For every student it enrolled who received a federal handout, the college would be entitled to a "cost-of-instruction allowance" from the federal government. Ostensibly designed to help the colleges bear the burden of educating the student-welfare recipients, this provision obviously would have the real effect of inducing even greater reliance by colleges on the central government than now exists. The estimated cost of the "allowances" would be $674 million in fiscal 1973, $694 million in fiscal 1974, and $716 million in fiscal 1975.

The overall higher education tab for the next three years is a staggering $18.5 billion. It should be noted that this figure represents "authorizations," and actual "appropriations" are often far less. Even so, the principle would be established by which billions of tax dollars could be dumped down a hole nearly as deep as the public welfare program.

Student financial aid, whether from private loan and scholarship sources, or from carefully designed public programs, is important. But Congress would be wrong to promote the idea that everyone ought to go to college at enormous expense to the taxpayer. It has apparently listened too much to the groups of educationist lobbyists, which now number in the hundreds, and not enough to the plaints of the average taxpayer. The fact is, the nation's colleges already have too many students who have no business being there. As the Scranton Commission on Student Unrest noted, many students are enrolled simply for the sake of being enrolled and not for the sake of education. "The presence of such unwilling students at the university seriously undermines its morale, for understandably they demand kinds of experience and instruction that universities are ill equipped to provide," the commission said.

Furthermore, as any liberal arts graduate who is now pumping gas or scrubbing floors can attest, the value of a college degree has been vastly oversold. The employment market simply cannot absorb the hordes of "generalists" being produced by colleges, and, in many cases, technically-trained high school graduates are getting the best jobs.

President Nixon submitted a far more realistic proposal which would have relied more on private money markets than the federal dole for student aid, but as is their wont, liberal Democrats made the sky the limit. The President, however, has demonstrated the courage to veto inflated education bills before, and he ought to give this one the same treatment, even if it means killing the anti-busing riders, which seem at this point to be virtually meaningless anyway. Busing then ought to be considered separately and Congress ought to try to draw a higher education bill that won't bankrupt the nation.

MOSCOW SUMMIT MEETING

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. EDWARDS of California. Mr. Speaker, I was immensely pleased with the encouraging results of the recent Moscow summit meeting. The cause of peace has been moved measurably forward by this historic meeting. However, many of us here were bitterly disappointed that a resolution of the war in Southeast Asia was not produced by the summit. None can deny the breakthroughs that were made at the meeting, but our concern over the continuing destruction of Indochina has not been alleviated. An article which appeared in the New York Times explores this situation thoughtfully and I commend it to the attention of my colleagues:

[From the New York Times, June 5, 1972]

THE IMPERFECT CIRCLE

(By Anthony Lewis)

LONDON, June 4.—The success of the Moscow summit is a particular triumph for Henry Kissinger's world view. He has argued that great powers can balance their mutual interests on a planetary scale, transcending local or ideological differences. In Moscow, as in Peking, President Nixon boldly followed that approach.

The question that remains is how the global vision can solve the little local difficulty of Vietnam. Mr. Kissinger would doubtless accept that it is not begrudging the triumph of Moscow for those concerned about Vietnam to ask.

In the Kissinger view, American policy—Presidential policy—should be a circle in which all elements fit together. Bangladesh, the Middle East: Everything must be related to the effort to create a structure of great power accommodation. In those terms Vietnam is an annoyance. It is "one small country," as Mr. Kissinger recently called North Vietnam in evident frustration, that will not fit the pattern. It is a bump on an otherwise perfect circle.

American policy is to squeeze that bump, to make it conform. The evident fear is that to compromise our political objectives in South Vietnam in any meaningful way would weaken our power and credibility everywhere: would threaten the entire circle.

That is the theory underlying the tremendous increase in American firepower applied to Vietnam in the last two months: The intensified bombing of the North, the new shelling from ships offshore, the approval of new strategic targets, the mining of harbors. And the prospect is for more escalation: more B-52's, more ships, a new air base in Thailand.

One who has just been in North Vietnam would never underestimate the destructive force of those bombs and shells. American bombing has clearly wounded the transportation system and made life more difficult. It has also destroyed many civilian facilities—schools and homes and hospitals—and taken many lives.

The utilitarian question is whether the destruction will work politically: Will it make the North Vietnamese negotiate on American terms in Paris, as Mr. Kissinger has long hoped?

When I tried to explore that question in Hanoi, several persons referred to the testament of Ho Chi Minh, written a few months before his death in 1969. It includes a two-line verse:

> Our mountains will always be, our rivers will always be, our people will always be;
> The American invaders defeated, we will rebuild our land ten times more beautiful.

The implication is that the North Vietnamese will accept total destruction of the works of man in their country if that is the price of the war. It is a difficult thought to believe in its fanaticism, but there it is.

If in fact the present level of American air and naval activity does not make them come to terms, what follows? In Hanoi, many foreigners thought the logic of American policy was to go on up the path of escalation. hoping that each step would at last bring political results. Some thought the next logical step would be the destruction of Hanoi.

There is no real sign now of any internal check to such a policy. Protest in America is at a low level. People are weary, without hope. Congress is ineffectual. Few seem to care how many Vietnamese are killed in order to make the circle perfect.

But history will care. If American bombers turn Hanoi into rubble, as they can, Americans will be the victims as well; their children will have to live with it. And that suggests that the whole Kissinger vision may be wrong: Vietnam is not a bump on an otherwise perfect circle. It is the issue on which the United States will be judged, by the world and by itself.

To apply some force to preserve an indigenous independence in South Vietnam would be one thing. To use staggering destructive power for the sake of preserving Nguyen Van Thieu in office is another. As André Fontaine said recently in Le Monde, it is an obsession, the self-destroying pursuit of a white whale.

In all this Henry Kissinger has a particular responsibility. Not only because of his position—the power remains the President's—but because of his life and ideas.

He saw for himself the terrible results of an ideology of force. He taught hundreds of students the necessity for analysis, for detachment, in weighing values and making political choices. To forget all that now, to provide the intellectual rationale for the obsessive pursuit of an abstraction, would indeed be *la trahison des professeurs*. Henry Kissinger must know better.

VD PROBLEM IN NATION, QUESTION OF OUR PRIORITIES

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. FUQUA. Mr. Speaker, the social stigma surrounding the subject of venereal disease has been such that at all levels of government and society we have refused to think about it hoping that the problem would go away. As is so often the case with neglected problems, we are presently faced with a national situation in which, next to the common cold, venereal disease is the most common affliction of our population. Of all the reportable communicable diseases, venereal disease exceeds the combined total of all other reportable diseases.

The statistics themselves are appalling. In a joint statement prepared by the American Social Health Association and cosponsored by the American Public Health Association and the American Venereal Diseases Association, it was noted that the number of reported cases of gonorrhea increased 16 percent in 1970. Over 2 million cases were treated, and this, of course, does not include the tremendous number of unreported cases and the large unknown reservoir of silent infection, which is common in females. It is estimated that as many as 1 in 20 of the sexually active females is suffering from gonorrhea.

It is estimated that this year there will be 2½ million cases of gonorrhea and over 100,000 cases of syphilis.

Over 10 years ago the very successful treatment of venereal disease with penicillin had led to a significant reduction in the number of active cases of venereal disease and to a feeling of security on the part of public health personnel and the public which was entirely unjustified. Now we are faced with a pandemic of extraordinarily large proportions, and the immediate question is why should this have happened.

Some of the contributing aspects have been inadequate education, stemming in part from ignorance and in part from the social stigma which surrounds the whole subject. It has resulted from a grossly inadequate amount of research. No doubt this failure to support research in part stemmed from the assumption that the problem was solved and, again, from the fact that most of our talented research people would rather work on projects which are much more socially acceptable than is research on venereal disease problems. Among the urgent needs for research, might be included the need for a better method of early detection and identification of the so-called silent cases.

Some of the problems have been compounded by the failure of physicians to report new cases which come to their attention. Since four out of five cases of venereal disease are seen by private physicians, this failure of the physician to make a report, and it does require paperwork, results in no steps being taken to identify contacts and, therefore, treatment of exposed individuals who may be infected. Another of the contributing aspects has been the failure to implement known control measures. Even with these facts before us it is discouraging to note that authorized funds have not been appropriated, and appropriated funds have not been utilized. The trained investigators interested in working on venereal disease problems are too few to effectively use what funds are available. Obviously, training programs are needed.

Actually, in the progress report, which was mentioned before, it was noted that there have been increasing numbers of outbreaks of gonococcal opthalmia neonatoram when institutions have relaxed the routine application of prophylactic drugs to the eyes of newborn infants. When one looks at the problem of venereal disease as a health problem in the United States, one must realize that our order of priority in the expenditure of control and research funds is completely out of balance. Actually, more money is spent on leprosy with about 119 cases in the United States than on all venereal disease with 2½ million cases. Because of the long neglect of research, the problems are tremendous and the trained investigators are very few.

Dr. Milton Puziss, who is Director of Extramural Research at NIAID, has noted that our information on how syphilis spreads within the body is a flat zero. We do not even know how to grow the syphilis organism in artificial media.

We do know that the epidemiological and clinical pictures of syphilis and gonorrhea are changing. These diseases which have been around for a very long time are adapting to changed treatment programs. It is now taking a great more penicillin to cure these diseases than was required when first this treatment procedure was introduced. In other words, the strains of the organism are becoming penicillin resistant. There is no satisfactory vaccine against these organisms. We are in need of trained investigators and, therefore, training programs to develop skills in the area. There needs to be developed a clinical speciality of venereology in this country such as is practiced in other countries. And there needs to be increased training of the dermatologist, the internist, the obstetrician, the pediatrician, the neurologists, the family physician, and public health officer since all of these have important roles to play, both in the case management and in the control of the different manifestations of venereal disease.

When we look at the facts of the case, we can only admit that as a nation we have been grossly negligent in facing up to this most serious of public health problems. In our Federal health programs, we have put insufficient funds and insufficient effort into education, research and control procedures. Unless we work more rapidly to correct the situation, we will inevitably be faced with problems of taking care of the results of these diseases which include insanity, paralysis, congenital malformation, arthritis, blindness and a general disability which can only increase the welfare and social security costs to the Nation. While the economic costs are bound to be great, the humane costs are, of course, inestimable.

It is inevitable that we ask the question of why this rapid increase in venereal disease, and it is easy to point the finger at the new permissiveness in our society, the changing attitudes and the use of contraceptive procedures such as "the pill." However, it seems also reasonable to point to the almost complete failure to provide education in our public schools and for the public at large.

We need to develop new techniques of health education in order to reach teenagers and young adults who are now the sources of about one-half of the reported venereal disease cases. There has been a tendency for the older generation to talk down to their children on the subject, forgetting it was their own generation, during and following World War II, that was responsible for a higher syphilis rate than is existent today.

The present increase in venereal disease is worldwide and highest in those areas of civil unrest, social change, and population mobility. The causes are complex and numerous.

One may well ask where we stand today in the United States. If there was an outbreak of diphtheria or smallpox of the order or magnitude of venereal disease, we would expect immediate response and rapid action by the public, by Government and by the medical profession. However, because of the social stigma which surrounds the venereal diseases the lag period between concern and action is very much longer. The public simply has not realized the full significance of the present epidemic proportions of venereal disease. Consequently, there has been little effort to force Government and professional action by large numbers of citizens.

The rates of infection will only be brought under control by regular, well planned, coordinated action. Because of the very wide extent and extreme seriousness of the problem, Federal leadership, including appropriations for research and grants, will be very necessary but State, local, and private efforts will have to be made on a much larger scale.

Above all, the medical profession will have to recognize its responsibility and become much more involved.

The most immediate need, as this country faces this major epidemic of venereal diseases, is that there should be a recognition of the extent of the problem and an understanding of the steps which must be taken to control the epidemic.

Obviously, there must be research. The research must extend into surveillance which must be included in epidemiological studies. There must be bacteriologic and immunologic investigations which will be required for the evaluation of potential control measures.

So little is known about the physiology and cellular structure of the gonococcus that these must be examined in detail. The study of the modes of action of antibiotics and the movement of the venereal disease organisms through the body will have to be known before effective therapeutic measures can be used with confidence.

The need for research is paralleled by a need for education and research into the methods of education so that we can reach those segments of our population which appear to be most vulnerable.

Finally, public health measures must be instituted which can effectively aid in the control of venereal diseases.

Unless we move swiftly and with efficient resources, the problem can only become much worse and the toll in human misery and loss of human resources will be astronomical.

FROM ND TO OMB

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. WYATT. Mr. Speaker, the Notre Dame Alumni magazine carried an article on a distinguished alumnus, Don Rice, who, unfortunately, is leaving the Office of Management and Budget to become president of Rand Corp. I have worked with Don on several projects. His acumen and fairness have been most helpful.

I would like to share this article by Terence F. Shea of the National Observer with my colleagues:

FROM N.D. TO O.M.B.

(By Terence F. Shea)

As we went to press, the appointment of Don Rice '61 as president of Rand Corporation was announced. The best-known "think tank" in the nation, Rand is a nonprofit organization which conducts research and analysis on problems of U.S. national security and domestic affairs. The company is headquartered in Santa Monica, Calif.

Don Rice walks quickly down the deserted marble corridors of the old Executive Office Building, steps out into the warm night, and crosses the few yards of open space to enter the White House by a side door. The security guards recognize him, nod approvingly, and he moves on, making his way through the quiet, carpeted hallways of the Executive Mansion's West Wing.

In Henry Kissinger's office, as in others throughout the White House, staff members work after most government personnel have gone home. The President's Office—unoccupied but brightly lighted and guarded—is a room where Rice enjoys pointing out seldom-noticed architectural touches.

A few steps away is another room that he unhurriedly describes with a tone of appreciation in his low voice. It is a place of polished dark woods and of sweeping canvases that portray great military events of American history. It's a conference room, yet it possesses a feeling of elegance that he likes because it's tasteful to the last detail; it's not overdone.

It is in this room at 7:30 almost every morning that Donald B. Rice '61 and several other top federal officials gather with key presidential aides to share information about the business of the government.

The 32-year-old Rice, who received a bachelor-of-science degree in chemical engineering from Notre Dame 11 years ago, is an assistant director of the Office of Management and Budget (OMB). He works with OMB Director George Shultz and Deputy Director Caspar Weinberger to provide the President with a review and evaluation of federal agencies' budget requests and to analyze and evaluate the agencies' programs.

The OMB's three assistant directors cover the entire federal budget. One reviews defense and international programs, another deals with "human resources" spending through departments such as Labor, and Health, Education, and Welfare. "I have the third piece," Rice says.

That piece includes economic, science and technology programs, such as the Commerce and the Transportation Departments, the Atomic Energy Commission, NASA, the Small Business Administration and the National Science Foundation. Also included are natural-resources programs, such as the Agriculture and the Interior Departments, the Corps of Engineers' civil-works functions and the Environmental Protection Agency.

"We're in the unique place of being able to see the whole—or for each of us at least a very large part of the whole—compared to what an individual agency can see," Rice says. "In a sense, our constituency is the general taxpayer. That interest must be represented here. It's not likely to get continuous, front-burner recognition in other parts of the Executive branch, which also have special interests to serve."

He adds that "the Agriculture Department doesn't spend much time talking to aerospace companies, and NASA doesn't spend much time talking to farmers," but the OMB talks to all agencies, studies their programs and points of view, and advises the President on how much money each should have, what should be done with it and how.

He adds,"Our job really is to be sensitive to the agency that's making the request," Rice says, "but to be even more sensitive to the President's problem, and to lay out alternatives and evaluations that are helpful to him."

To do that, Rice has a staff of more than 80 persons who are to "know enough about the programs to understand them, figure out what can be done to improve them, make them more efficient and identify things that are candidates for elimination or reduction. They also have responsibility for monitoring the management effectiveness of the agencies in their areas. They identify problem areas where management capabilities and management systems aren't sufficient to the need . . . figuring out what needs to be done, and following up when something has been decided."

In his spacious, high-ceiling office in the Executive Office Building, Rice settles into one of the chairs around the circular conference table and says that economic analysis at the OMB isn't all that far from chemical engineering at Notre Dame.

After receiving his degree, Rice worked a summer as a chemical engineer for the Humble Oil Co. refinery in Baton Rouge, then entered a master's-degree program in industrial administration at Purdue. It had "a heavy emphasis in economics and quantitative-methods, operations-research kinds of problems, which were pretty easy to build onto an engineering background."

At Purdue he received a Ford Foundation doctoral fellowship in economics and management, became interested in management science and applied economics and decided to stay on for a Ph.D. His three degree areas—engineering, industrial administration and analytical economics—are alike in that "they help you develop a way of thinking about problems, decision problems," Rice says, "developing a bias toward searching out the facts and thinking in terms of alternatives and differences."

"It also makes a good mix," he adds, "because in this job it's helpful to have some engineering or technical background to help understand more about what the programs really do—and that's important for trying to figure out how much of them we ought to have."

Rice and his wife, the former Susan Fitzgerald, a 1961 Saint Mary's College graduate, left Purdue after four years and went to Monterey, Calif., where he did two years of ROTC obligation by teaching at the Naval Postgraduate School. Over the fireplace in his Washington office he has hung framed photographs that convey a kind of Impressionist feeling for the unspoiled coastline of central California.

It was at Monterey that Rice "helped put together and teach a four-week course designed to teach middle-management personnel—both civilian and military—in the Defense Department something about the planning, programing and budgeting system of the McNamara period." In effect, Rice helped Defense Department officials understand the changes taking place there in the middle 1960s. He was concerned particularly with the new management approaches and analytical procedures that Robert McNamara introduced.

In June 1967 Rice came to the Pentagon as director of cost analysis in the office of the Secretary of Defense. A year and a half later, after President Nixon named Melvin Laird Defense Secretary, Rice was appointed Deputy Assistant Secretary of Defense for Resource Analysis—"another one of those long Washington titles that go on forever," he observes with a grin.

The new post put him in charge of the Pentagon's cost-analysis division, which he had been directing, plus other divisions that analyzed the department's manpower requirements for wartime operations. Some of his work concerned the Vietnam war—mainly in analyzing postwar problems and South Vietnam's economy after U.S. troop withdrawal. Most of it was highly classified and almost none made news.

However, the results of one of his studies did get some public attention. The study was "instrumental in showing that the so-called $30 billion 'peace dividend' that was to come after the war was an exaggeration," Rice says. "It was true that the defense budget at its peak got to be a number that was $30 billion higher than it was in the latest year before the war," he explains, but in the intervening years inflation had pushed up the prices of everything from toothpaste to fighter-bombers.

In fact, he adds, if the Defense Department's manpower strengths and total forces were kept at their prewar levels, the defense budget "would have to be in the neighborhood of, well, it's classified, but it would have to be much larger than it is today. Tens of billions larger."

When President Nixon created the OMB about two years ago and named then-Labor Secretary George Shultz as its director, Rice came over from the Pentagon to the position he has now. "The OMB attracts people who are here to serve the presidency—and the President," Rice says. He regards his post as one of the "half dozen or so best jobs in town." It's not without drawbacks—especially a frustration in not being able to actively make a worth-while program achieve all that he knows it wants to do and can do. The results of pouring more money into existing programs, he indicates, may satisfy political constituencies without solving the problems.

"Our basic job is identifying alternatives," Rice says. "An agency may not even know that something they're proposing is inconsistent with a policy in another area that it touches on or overlaps with." There also may be "alternatives in terms of different ways of getting after the same objective." And sometimes it's a question of "whether the thing is worth undertaking."

The voice that Rice and his colleagues have in government decision-making sometimes is in the form of a recommendation attached to an analysis, but it's "awfully important to keep that for the end," he emphasizes, "separate from the basic staff job."

The recommendations are expected to be based on "our substantive knowledge of the program area," he says, "but there are also times when we have to consider the political climate in terms of the receptivity of a congressional committee to a particular idea. We certainly don't serve our boss well by ignoring the fact. We also make it clear when an idea is an opinion rather than an analytical conclusion."

Rice admits, "there are times when my work leads me to a different conclusion than that of my bosses, including the President. On the other hand, I've been through enough different levels of jobs already in my career to know darn well that the guy at one level doesn't see all of the ramifications of the problem.

"There's a certain intellectual arrogance that one can fall into in this business," Rice says. "As soon as you begin to feel you always know the right answer, you're no longer any good to the people who put you here to provide them independent, objective display of meaningful alternatives and their implications."

The penalty of arrogance is swift: "The decision-makers stop listening to you," Rice explains, "so you've got a powerful incentive to not let yourself get sucked into simply putting forward your own personal opinion." He adds that "we lose our effectiveness as staff assistants to the President if we try to do the President's job for him, and he wouldn't put up with that."

Though Rice isn't required to keep the White House informed of his whereabouts, he adds that he is "not allowed to get too far out of the line of a telephone call from George Shultz." Usually he is close by the West Wing anyway—either there at a meeting or across the street in his office, where he puts in a workday of 12 hours or more, plus several hours on Saturday. "And then, of course, there's always a briefcase for nights and weekends," he adds.

Don and his wife, Susan, live in a Williamsburg Colonial in the Aurora Hills section of South Arlington, in Virginia—12 minutes from the White House. They have three sons—Donald III, who is soon to be 9; Joseph John, just 7 and Matthew Fitzgerald, 3. On weekends they may do a little bicycling through the neighborhood, take the boys to the Smithsonian, ride up along the Potomac or hike out to Virginia's Great Falls. In a way it's all familiar countryside to Rice. He grew up in central Maryland around Frederick, where his family has a tire distributorship.

Last year the Rices returned for their class reunions at Notre Dame and Saint Mary's—the campuses without students seemed "a little like Washington when Congress is out of session," he comments. It is more through his occasional meetings with Father Hesburgh in Washington that he concludes that "the students in general are not only brighter but also more purposeful, more interested and more concerned than perhaps we were.

"The university is, of course, a freer community than it was when we were there; I think the changes had to come. Notre Dame has to be a quality place from an intellectual and academic point of view—and one of N.D.'s special features is that that point of view extends to its Catholicity as well as its academic areas. It also has to be a first-class research institution in its own right.

"Whether it's history or literature or mathematics or engineering or economics," he says, the purpose for students is to "learn how to think about a decision problem or a public-policy problem in its component parts, really think it through and understand it in an unemotional and objective way—developing one's ability to think in a useful way about the problems of society."

Don Rice is immediately concerned with the environment and pollution. The environment issue is a public-policy concern that is "personally appealing" to him. But his way of thinking about it, he adds, must be "not just those things that interest me personally." He is more concerned with those things that are really important; those things that this country has to grapple with.

"Sure there sometimes are conflicts between his personal attitudes about a program, and his recommendations to the President from a strictly professional, analytical point of view, he says, "although I certainly haven't had that kind of problem in the space area."

The space program is one "that intrigues me personally," Rice says, particularly in "trying to understand how much of that it makes sense to do. That's always an important question. The question of how much is enough is really what this game is all about."

A GI BILL FOR COMMUNITY SERVICES

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. STEIGER of Wisconsin. Mr. Speaker, I wish to call to the attention of Congress an idea put forth by the Secretary of Health, Education, and Welfare, Mr. Elliot L. Richardson in a commencement speech at the President's alma mater, Whittier College, on June 3. In this speech, Secretary Richardson suggested a GI bill of rights for community services which would encourage assistance to communities by providing educational benefits to those who participated in selected community projects. This idea was further described by the Secretary in commencement remarks prepared for the University of Connecticut on June 5.

The proposal addresses itself to a number of problems besetting today's youth, including: boredom, lack of direct experience in the life of society, uncertain career choices. The rationale of the proposal would seek to—

Build upon the lessons of the GI bill, that returning to school after a period of services results in high motivation and effectiveness, and that service to country is a desirable criterion in the award of student aid.

Encourage students and their families to view a period of community service as a rewarding and legitimate alternative to enrolling automatically in college or graduate school;

Expand the range and number of opportunities for young Americans to contribute to their communities and society; and

Contribute to the solution of social problems and through the additional services which young Americans can contribute.

Such a program could be administered much like the GI bill for veterans, with a regional or local boards certifying projects meeting urgent social needs for those applying for positions. During their period of service, participants could accrue educational benefits on a monthly basis, just as GI's do for their period of military service. School benefits could later be applied against the mounting cost of postsecondary education.

Quite frankly, I find the proposal most intriguing and intend to develop legislation which would incorporate the concept of a community services program. All communities could benefit from the services of motivated, concerned citizens performing needed tasks.

The concept will be particularly attractive to young people but might be beneficially broadened to include those in middle age and beyond—(for example, housewives with children in school or grown; military retirees seeking a second career; and our senior citizens who have experience, time and most importantly compassion. Many citizens could also benefit from obtaining the education credit for purposes of self development and vocational retooling. Further, there might be value in volunteers of varying ages, working together on common social and community problems What better way to reduce the "generation gap?"

Excerpts from Secretary Richardson's speeches follow. The Secretary speaks first of using youth's talents to better society. He then presents a "G.I. Bill for Community Services," and discusses hoped for results of such a bill:

Speech by Secretary Richardson

YOUTH TALENTS AND SOCIETY

Our way of life, predicated on the rights of every one of us to make choices—to move around, to express individual conscience—has also brought us urban sprawl, the despoliation of rivers, forests and parks, and for too many of us, the emptiness of facing a tightly competitive system that sometimes embraces the wrong values. Worse, it is a system that all too often has left the poor, the old, the minority member and the undereducated by the wayside, in a denial of the American birthright of equality . . .

But no student of history, or of current events, or of societal crisis, could honestly deny the evidence that—by virtually any measure one might name—we are constantly and consistently moving closer to fulfilling the original promises upon which the United States was founded.

In truth, I believe the doubts being expressed today are generated not so much by our failures as by our successes; and by our looking wistfully backward rather than sanguinely to the future. America's collective retina holds fixed the image of the pioneer: The mythical man of the West, a man responding directly to a wilderness he had to live with, the culmination of centuries of the exploring man, the innovating man, living almost entirely on the resources of the self. Today, we are left with the impulse to explore our world but find we are walled in by the compromises we have to make to a world without physical frontiers.

To develop our full capabilities, we need more than abstract challenges. We need also to confront real problems, make decisions, take risks, and learn by experiencing the consequences of our actions. Learning through action is how most of us learn skills such as how to cope with bureaucracies, how to serve people, how to squeeze the maximum amount of time out of the day. It is how most of us develop the self-confidence and resourcefulness to move on to successively greater challenges.

The learning that goes on in school, however, is passive learning. It is learning how to take notes, to sit in class, to read thoughtfully and listen carefully. To sharpen one's intellectual skills and ability to handle abstract subjects is immensely important. But learning through vicarious experience, through books and teachers, is not enough.

For these reasons, we need to reopen the question this country debated briefly a decade ago—the question of how to provide new challenges for the thousands of young people whose idealism has not yet soured. We would all agree, I believe, with that marvelous statement of William James that what we need to solve our problems is something like "the moral equivalent of war." But to develop this spirit, we need something like the moral equivalent to basic training. Is there a way to structure opportunities for the young to test themselves on adversaries such as pollution, crime, drugs, and poverty? Are there *meaningful* moral equivalents for basic training which could be accessible to individuals with a wide range of talents, to women as well as men?

GI BILL FOR COMMUNITY SERVICES

Why not create a new kind of "GI Bill"—a "GI Bill" for community service? Surely service in the community is as valuable to our country as military service, and more rewarding to the individuals concerned. The Peace Corps, VISTA, and the Teacher Corps have demonstrated what young volunteers can achieve. Yet new programs need not be Federally run. Young people can have a wide variety of *choice* in fitting their interests and abilities to areas of social concern. Every community in America has tasks which can be done by young people who choose to stop out of school for a period of service . . . a period of broader education in problem-solving and citizenship. Benefits for such service would, in addition, communicate to students and parents that young people engaged in such activities were not "drop-outs" but "stop-outs," who are planning to return to formal education somewhat later—with a stock of experience enabling them to make a much more personal and intense commitment to their formal education.

Such an idea could be implemented in a program much like the existing GI Bill. Regional or local boards could certify projects which meet urgent social needs with meaningful tasks which young people can do. Students could then apply for these positions. During their period of service, lasting perhaps from six months to two years, students could accrue benefits on a monthly basis, just as GI's do for their period of military service. When students return to school, these benefits could then be applied against the mounting costs of going to college.

For years, the GI Bill has stood as a landmark of social vision. It has helped millions of servicemen return to school after a period of military service. The returning servicemen proved to be among the most motivated students in college, giving new vitality to the process of higher education.

The same emphasis can and should be given to young people willing to demonstrate their commitment to public service. We have already proved the value of Federal incentives to young people with such programs as the Peace Corps, VISTA, and the Teachers Corps. These programs have shown the enormous value of such service to the volunteers themselves, and to the schools to which they return. A GI Bill for community service would extend the Federal commitment to get people involved in the life of their communities by providing educational benefits to those who voluntarily participate in selected national, regional and local community projects and services.

ANTICIPATED LEGISLATIVE RESULTS

To the degree this nation can enlist volunteers for important, necessary tasks; to the degree we can tap the compassion, the concern and the commitment of our people—to that degree will we be able to affect change, to bring all of our people into the mainstream, to bring the afflicted and the underprivileged within striking distance of the American dream.

In recent years, we have evolved a politics of impatience: Each major gain triggers new expectations and demands for action. Civil rights, women's liberation, the demand for open space, the demand for equalizing opportunities for education through new tax systems, aid to needy students, and institutional reforms, the need for incomes for our poor and better health care for all—these issues and others have piled one on the other, producing a snow-balling phenomenon of social change. Successes breed new expectations so that, while most things are getting better all the time, they *seem* to be getting worse.

These trends can be contained only if a substantial number of people from your generation make a new commitment to community and public service. I am talking about individuals who will focus their energies and skills in a *particular* area, be it education, health, the reform of prisons—not *all* of these. Individuals who will talk less about the "urban crisis" and more about how to organize an effort to remove lead-based paint from the walls of their neighborhood. Individuals whose time-frame for change is calculated not in terms of a weekend or a summer of activity, but months and even years of persistence and commitment.

With such a commitment, much can be accomplished.

The same challenges put forth by Secretary Richardson to the Nation's youth could apply equally to the constructive use of talents of our middle and senior citizens. Educational awards are also needed in the mid-career and early retirement years.

I believe a "GI bill for community services" is worthy of further consideration.

THE COURTS ARE CONTRADICTING THEIR OWN DECISIONS

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. DANIEL of Virginia. Mr. Speaker, rarely—very rarely—a statement comes to the attention of each of us which is so clear, so incisive, as to need no embellishment, no elaboration. Such a statement is the following article written by Whiteford S. Blakeney, a Charlotte, N.C., attorney who has argued before the Supreme Court on a number of constitutional questions.

Mr. Blakeney has examined the matter of pupil assignment in the public schools in a manner readily comprehended by lawyer and layman alike.

I include the statement published in the Charlotte Observer of April 3, 1972, in the RECORD at this time:

THE COURTS ARE CONTRADICTING THEIR OWN DECISIONS

Amid all the controversy over the busing of public school children, there can be no disagreement on one point, namely, that the subject is thoroughly confused.

The more it is discussed by writers, commentators, political candidates and public officials—the more it is expounded in court decisions, in congressional debate and even in presidential message—the more tangled it seems to become. This may be mainly due to the fact that, in all that is being said and written on the matter, there has actually been very little defining or analyzing of the basic principles involved. Yet this can be rather briefly done.

It is first to be noted that the terms "busing" and "forced busing" are short-hand colloquialisms. School children are not being ordered or required to ride buses anywhere.

But children are definitely being assigned and reassigned and moved around among the public schools by federal court orders, according to their race and color, and they are compelled to attend at the schools thus designated, regardless of how they get there—school buses being simply the means of conveyance they most frequently use.

More specifically, say the courts, wherever there have been laws which prevented the racial mixing of children in public schools during past generations, then no matter that such laws are now all voided and non-existent, nevertheless present day children shall be compulsorily moved around among the schools in order that a sufficient racial mixing may be achieved and maintained.

What is "sufficient" racial mixing? To this question there is no answer, other than the cryptic pronouncement by the courts that the schools must be "unitary." In truth there is no definition, no standard and no measure from any source. Thus, a "sufficient" racial admixture in all the complex and varying situations is whatever federal judges may deem to be "sufficient."

What do the courts point to as their authority for the exercise of such power and the issuance of such orders? For all of their rulings and all their actions in this field, they rely and stand solely upon a single general provision in the Fourteenth Amendment to the U.S. Constitution, which states that all persons shall receive "the equal protection of the laws."

Has not the U.S. Supreme Court ruled that this very provision of the Constitution invalidates all laws and governmental actions which require the assignment of children to public schools on the basis of race or color? The U.S. Supreme Court has indeed so ruled. And that brings us to the heart of the matter.

In 1954, in the landmark case of "Brown vs. Board of Education", the U.S. Supreme Court declared that henceforth there could be no laws or governmental actions compelling racial separation in public schools; that public schools, on the contrary, must be operated "on a non-racial basis"—and that therefore no child could be excluded from any public school because of his race, and that assignments and admissions to the public schools must be made without regard to race.

Yet within the last several years, amazingly, and without acknowledging that they are doing so, the federal courts, including the Supreme Court—but with various of the federal judges in strong disagreement—have completely reversed that fundamental decision and are ruling that children shall be excluded from public schools and assigned to other public schools specifically and solely according to their race.

Thus, the courts are now holding that the language of the Fourteenth Amendment commands and requires that which they held, only seventeen years ago, to be prohibited and forbidden by the very same language.

It is doubtful that there has ever been, in the entire history of the law, a more monumental inconsistency and contradiction than this. It is an inconsistency and contradiction which the courts have thus far been unwilling to confront or explain—and it is the fountainhead of the confusion and perplexity and indecisiveness that surrounds this whole controversy.

Obviously it is perplexing to be told by a court that the same constitutional provision which forbids compulsion on the basis of race requires compulsion on the basis of race—and that the imposition of racial compulsion is the correction of racial compulsion.

This basic and ever-present inconsistency inevitably produces resentment and resistance, no less than bewilderment, in the minds of those who are subjected to the present orders. Nor can it fail to create misgiving and uncertainty among the officials who must administer such orders, and even among the judges who promulgate them.

There can be no doubt as to the intense and widespread opposition to the decrees which the federal courts are issuing on this subject. Every poll and survey and vote on the matter shows this to be true in every part of the country.

The only statutory enactments on the subject, by Congress or by any elected representatives, have been in clear opposition to this compulsion which the federal courts are imposing by decree on their own initiative.

Currently there are being presented in Congress a multitude of proposals for legislation dealing with the subject—most of which are, however, hopelessly ambiguous—and some of which are deliberately designed to resolve nothing but to "take the heat off" the issue.

Meanwhile, the federal courts struggle with the insoluble legal and logical inconsistency which they have themselves created. Alternately, they declare that they will not require or permit attendance assignments for the purpose of achieving "racial balance" in the public schools—and at the same time, they proceed to issue orders, or sustain orders, which have no other purpose than that.

Urgently, they emphasize that the right not to be excluded from a public school or assigned to a public school on the basis of race or color is a constitutional right, absolute and inviolable. In the next breath, they qualify or suspend this right to such extent as they deem "reasonable" and for such period as they consider "appropriate" in the exercise of their "equitable remedial power"—thus obviously transforming constitutional right into shifting sand.

Formerly, of course, the compulsion here in question was applied to force the segregation of races, whereas now it is applied to force the integration of races. Nevertheless, it is still force—force at the hands of government—and force imposed on each individual according to his race, and for no other reason than his race.

Consequently, both white and black children are now in the position of saying:

"Because of my race, I am not allowed to attend a public school I wish to attend. Because of my race, I am compelled to attend a public school I do not wish to attend. The school authorities, under court order, take note of the color of my skin and shape this compulsion upon me solely according to whether they find me to be black or white."

The hope was that legal compulsion based on race had been lifted. The reality is that race is again imposed—as rigidly and zealously as it ever was before the 1954 decision. What purported to be a grant of freedom has been transformed into a denial of freedom!

The rationale of the new racial compulsion is that it is a sort of retribution or remedy for the former racial compulsion which operated in the opposite direction. But is a former denial of freedom to be atoned or remedied by imposing a new denial of freedom? And is it not a strange irony indeed that this new denial of freedom is imposed upon children who were neither the authors nor the victims of the earlier wrong?

Nevertheless it is argued this new compulsion will be good for the children, white and black alike. Perhaps so, and perhaps not. But above all towers the paramount fact—it is not freedom!

The Constitution of the United States does not vest the federal courts with any authority to prescribe what they may deem to be "good" for the American people. Quite to the contrary, that great covenant protects the individual from impositions, restrictions and compulsions infringing his liberties, by whomsoever devised or planned, and whether well intended or not. What judges may consider to be beneficial is by no means the test of constitutional right. As Daniel Webster declaired:

"It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions."

Justice Brandeis said:

"Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficient . . . The greatest dangers to liberty lurk in insidious encroachments by men of zeal, well-meaning, but without understanding".

And as Thomas Jefferson vividly expressed it:

"Let us hear no more then of the good intentions of man, but bind him down with the chains of the Constitution."

It is further contended that the destruction of the freedom here at stake is justified because the end to be gained is "quality" education. As to this, the fundamental answer is that the surrender of freedom in return for "quality" education or anything else is indeed a poor exchange. Nor, under our Constitution, does any arm of government, including a federal court, have any authority to force such exchange upon any citizen of this nation.

Moreover, is it not common sense to question whether forcing children, on purely racial grounds, into schools—particularly distant schools—which they do not wish to attend, and which their parents do not wish them to attend, is likely to increase their motivation to apply themselves in such schools—or likely to have good effect upon their relations with their fellow students there—or likely to improve the morale, discipline or standards of excellence in those schools?

Indeed, no knowledgeable and candid observer will deny that since the imposition of the requirement that assignments to public schools be made on the basis of race, strife and dissension and disciplinary problems are up and the "quality" of education is down.

As a consequence, there is an ever increasing flight from the public schools all over the country. And in this exodus, incidentally, there is to be found an especially high proportion of "liberal" leaders, both in and out of government, who nevertheless continue to prescribe the compulsion in question for those who remain in the public schools.

The true solution of the whole matter is to establish it as law, beyond question, that no child shall be denied access to any public school because of his race or color and that no child shall be assigned to any public school because of his race or color.

All of the zeal, interest and concern that surrounds this controversy should be brought to bear to see to it that such freedom is truly and genuinely and in absolute good faith accorded to every child—and that there is no governmental action or practice or subterfuge to the contrary.

There should be impartial and vigorous enforcement of this freedom from every side and in every quarter. Governmental pressure and compulsion should be rooted out of the field—whether its thrust is in the direction of forcing racial separateness or in the direction of forcing racial mixing. Governmental force shaped by racial considerations is the evil and the wrong in either case, and it is this that should be unequivocally outlawed.

Statutory enactment by Congress could be ineffectual, for the federal courts could ignore or nullify it as being contrary to their current "interpretation" of the Constitution. The writing into the Constitution of a new and definitive provision on the subject is the only sure course.

This is certainly not a task to be lightly undertaken. It is, however, the only resolution of the matter that courts could not undo. And the subject is of such vital and basic importance as to justify its being specifically dealt with in the Constitution.

Such a constitutional provision should be very carefully and clearly phrased, so as to be effective for its purpose beyond question. The following, for example, would seem to be a wording that would meet such requisites:

No governmental authority shall henceforth, in any way or any purpose, prescribe or require any attendance assignments in public schools on the basis of race or color.

Very recently a member of the U.S. Senate stood before that body and stated that he would oppose a similar proposal, because he considered it "a step on the road backward . . . toward freedom of choice!"

This is indeed a startling illumination of how far we have traveled toward the loss of fundamental liberty in this land. For, here it is pronounced in the Senate of the United States that "freedom" and "freedom of choice" is a step "backward". From which it would follow that the road "forward" is toward a regime in which our lives will be in all respects planned and prescribed for us—that the future belong to totalitarian government—and that individual liberties under Constitutional guarantees are but sentimental memories of a day already gone.

The American people will surely accept no such pronouncement. Sooner or later, their answer to the present controversy will be: No compulsion from government based on race—but, instead, freedom without regard to race!

CAMBRIDGE TEACH-IN ON GREECE

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. FRASER. Mr. Speaker, on April 22 a committee of professors sponsored a teach-in on Greece in Cambridge, Mass. The teach-in marked the fifth anniversary of the coup that established the military dictatorship in Greece.

Our colleague from New York (Mr.

ROSENTHAL) addressed a statement to this gathering at Harvard University. As chairman of the House Foreign Affairs Subcommittee on Europe, Mr. ROSENTHAL has been conducting hearings on the administration's desire to home port U.S. naval vessels in Greece. His knowledge of Greek affairs qualifies him as a congressional spokesman on United States-Greek relations.

His brief statement to the teach-in follows my remarks. It is a good statement and I subscribe to it.

In addition to the Rosenthal statement, Mr. Speaker, I include in the RECORD a letter to the sponsors of the teach-in from Helen Kazantzakis, widow of the widely respected Greek writer Nicholos Kazantzakis.

The material follows:

STATEMENT OF CONGRESSMAN BENJAMIN S. ROSENTHAL

I am happy to support the goals of the Cambridge Teach-In On Greece, which is designed to remind Americans, on the fifth anniversary of the dictatorship in Athens, that the Greek concern for their democracy is our concern also. I hope that your message is heard not only in Athens, but in Washington, too.

There is more than strong sentiment for the birthplace of democracy in our common interest in the restoration of a democratic government in Greece That country, especially since the Second World War, has been the object of important American policy decisions and considerable American military and economic aid. The purpose of those actions was to insure the continuation of a free and democratic Greece. The admission in 1952 of Greece to the North Atlantic Treaty Organization, which is explicitly an alliance of democracies, had the same goal. These actions, collectively commit our country morally and politically and, in the NATO treaty, militarily, to the defense of a democratic Greece.

Today we find American policy accepting, with weak protest, an intimate and continuing association with an illegal and dictatorial government which seized power in 1967 and thereby confounded every legitimate American interest in Greece. All of this is done today in the American interest in the strategic location of Greece, in its role as a military ally of the United States and as part of the price of having to deal with governments as we find them. That these considerations are short-sighted and demeaning to the aspirations of the Greek people for freedom is deplorable enough. But that they do a great disservice to our country and its traditions and principles, and to our long-term interests, is an even greater concern to me.

I hope that your efforts, and those of others like you, will inspire a change in the policy of our government which, for Americans, and perhaps for Greece also, is at the heart of the problem of the Junta's continuation in power.

BERKELEY, *April 18, 1972.*

To: Cambridge Teach-In on Greece.

I am deeply moved by your interest in the cause of Greek freedom. It is encouraging that such eminent American scientists and men of letters are joining us in the common struggle for human dignity and freedom.

I regret very much that I am unable to be with you on April 22d, but I join you in spirit and send you my greetings and warmest thanks for your important contribution to the struggle for the restoration of democracy and human rights in Greece.

ELENI KAZANTZAKIS.

DAY CARE LEST WE ALL FORGET

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. HARRINGTON. Mr. Speaker, 5 months ago President Nixon vetoed the bill extending the life of the poverty program because, among other things, it bill extending the life of the poverty program. I am proud to have voted for that program. I believe it was one of the most useful concepts ever supported by the Congress, and President Nixon's veto of the bill—and the demagogic language he used in his veto message—will stand out, in my judgment, as one of the gravest errors of his Presidency.

The following column from the Boston Globe of May 23 illustrates poignantly just what harm the President did to family life in America by his veto of that legislation. We will continue to press for enactment of this program, and one day we will have a President who will join in the fight for adequate day-care facilities, rather than one who has turned his face against working parents who need assistance not to separate their families, but to keep them together:

DAY CARE LEST WE ALL FORGET

(By Ellen Goodman)

It was five months ago that President Nixon vetoed the bill that would have put $2 billion into day care for children, and usually, after five months, you forget.

But I still keep hearing the echoes of his veto of the bill because of what he called its "family-weakening characteristics.'

And I remember Sen. James B. Allen (D-Ala.) seconding the veto because he said day care would "undermine the family as a basic unit of society." And Rep. John G. Schmitz (R-Calif.) who said that if the bill were passed it would produce "a nation of orphanages."

And I wonder if these men who are so sure that Federally supported day care, free for the poor and minimal for the low income, would mean the destruction of the family—I wonder if these men have ever met the Bottellis or the Carters or the McManns.

The Bottellis (none of these are their real names) had five children over their ten years of marriage and were living carefully on Mr. Bottelli's earnings (one-third overtime) of $10,600 a year as factory worker. The oldest was nine and the youngest only two when Mrs. Bottelli died suddenly.

The father was left with no way to care for them. He couldn't afford a full-time housekeeper, especially one who would stay with them for the overtime shifts.

In his desperation to keep his family together, he tried to get on welfare and quit his job but his male social worker rejected his request because, he said, "it was tasteless for a male in our society not to work."

He could neither find nor afford the day-care programs that would allow him to continue working and keep his children together in their own home.

What happened instead is that the Bottelli children who had just lost their mother now lost each other and their father and their home. They were sent as foster children to five different homes.

Is this the family that the President was afraid would be destroyed by day care?

Or maybe it was the Carters. The Carters are a Springfield couple who have three children, two of them preschoolers. Together, he's a laborer and she's a waitress, they earn $6300 a year, barely above the poverty level.

The Carters are technically together. But in reality, Mr. Carter goes to work at 8:30 a.m. and returns at 5:30 p.m. Mrs. Carter then goes to work at 6 p.m. and gets home by 3 a.m.

They share work, they share child care, but they don't share each other. Mrs. Carter told a social worker that she could list the number of times in the last months when they had spent a night together or had an hour or two alone when the children were asleep.

They could neither find nor afford day care so they could both work days and maintain some semblance of togetherness.

Is this the family that Mr. Nixon was afraid would be destroyed by day care?

Or is it the McManns? The McManns are a couple in their 30s who together made $7000. They have six children, four of them pre-schoolers who were cared for by Mrs. McMann's mother. When the grandmother became ill, Mrs. McMann had to quit work to take care of them. They could neither find nor afford day care. It was clear that they couldn't live on the husband's $3900. So Mr. McMann left home in order that his family could receive welfare.

Is this the family that the President was afraid would be destroyed by day care?

Day care is not the compulsory wresting of children from their mother's breasts and homes; the herding of reluctant innocents into cell blocks for anti-family propaganda.

It is on the contrary, one of the most solid, realistic supports for the family where it is available both geographically and financially.

And it is voluntary.

But the President vetoed the bill. That was in December and now it's May, and usually you forget. But in the last five months, Mrs. Bottelli died and her children were scattered; the Carters have grown further and further apart till they are strangers; and the McManns have lost their father and gone on welfare.

TV PLAYS AN AWESOME ROLE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. CRANE. Mr. Speaker, young Americans grow up with television constituting an important aspect of their lives. Unfortunately, television has presented a world which reflects reality only dimly and which, on many occasions, presents unreality as if it were the real world in which individuals actually live their lives.

Television news, for example, tells us of violence and echoes the flamboyant rhetoric of those who urge that the society be burned down. It does not provide equal time and, more often, provides no time at all for the reports of citizens working to create a better society and a more humane world.

Part of the reason for this is that the camera, far from capturing the real world, tends, instead, to falsify it. Bruce Herschensohn, until recently film director for the U.S. Information Agency, noted that—

> The camera is a liar. All those lenses, viewfinders, turrets, cranks and buttons have been made to preserve the visible on film or tape or for live transmission. But that as-

> sumes the visible is the truth. It's not. The invisible is the greatest truth.

Mr. Herschensohn asks what is so important about what is invisible, and responds to his question:

> Everything that's truly important. Peace is invisible, freedom is invisible, love is invisible, faith is invisible. Even the motivation behind political decisions is largely invisible.

The camera, however, is unable to record the invisible. It not only focuses on the visible, Mr. Herschensohn points out:

> But it lives with an inborn prejudice. It ignores the visually dull and records the visually interesting. And most often the visually dull is the more vital hint of the invisible truth.

While television makes the most of sporadic acts of violence and of protests, it tends to ignore what life in America is really about Mr. Herschensohn states:

> Young people, old people, hard-working people, good people are spread through every state. Most will die unrecorded on a permanent public medium because they are neither astronaut nor aberrationist, neither hero nor hijacker, neither movie star nor murderer. They are just too average—and there are too many of them. And so the normal goes unseen.

Also unseen, with regard to the war in Vietnam, are pictures of calculated atrocities of the Vietcong. Many Americans believe that all of the violence in that war is committed not by the Communist aggressors, but by American and American-supported troops. Why is this so? Mr. Herschensohn notes that—

> Films provided by free societies show what visually appears to be our side as attackers. Films provided by free societies exhibit our impatience. Because our photographers cannot be there, we do not see on our television sets the terror the other side inflicts, the executions they administer, the death and destruction they cause, or their invading masses killing the innocent.

Would we have won World War II with television as it exists in America today? Bruce Herschensohn doubts it.

I wish to share with my colleagues excerpts of Mr. Herschensohn's remarks before a luncheon group in Washington, D.C., as reprinted in Human Events of May 27, 1972. These excerpts follow:

TV PLAYS AN AWESOME ROLE

(By Bruce Herschensohn)

Two weeks ago, within hours of the announcement that J. Edgar Hoover had passed away, we were all able to watch pictures of him moving and talking, on our television sets. Within our homes, on that day, we were able to watch him from birth to death.

But I remember when I was a boy Carole Lombard was killed in an airplane accident. A few months later, perhaps a half year, her last motion picture was released. It was Ernst Lubitsch's *To Be Or Not to Be*, and I didn't want to see it because I thought it was horrible taste to release a film with someone who had died so recently. My feeling was in no way unusual—in those days.

But today, because of television, it is common and it is an every night procedure to watch and hear those who have passed away within months, within days, within hours or even within minutes. It is also common to watch the living pass through the barrier of time. We see James Stewart 60 years old at eight o'clock and 30 years old at 11 o'clock.

This generation has been witness to life and age and death in new time zones and it has created the young-generation-in-a-hurry. Television has brought this generation a feeling of urgency towards life.

Added to this has been the past decade's events of the assassinations of President Kennedy, Dr. King and Sen. Kennedy—the cruelest public decade of all in which young loved and important men's lives were taken within the nation's living rooms. This generation was having experiences from which past generations were largely spared, until much later in life.

PART OF THE FAMILY

Television has had a tremendous effect upon all of us and upon the way we live our lives. It is the first time in history that a piece of furniture, without a soul of its own, has become a member of the family.

Let us take a fictional family which is not at all different from a real-life family. We will call them the Smiths. The family consists of a husband, a wife, a son, a daughter and a television set. The husband's name is William. His wife is Ruth. Their oldest child is 10-year-old Debbie. Their second child is 21-inch RCA. Their youngest child is six-year-old Tommy. It's an average American family.

They have learned to live with ill health since someone within the family is always getting sick. If 10-year-old Debbie or six-year-old Tommy has a temperature one night, they don't call a doctor immediately. They wait until the following day. But that isn't the case with 21-inch RCA. If horizontal bars keep passing over Channel 9 of RCA, they have someone come on a house-call within hours.

While RCA is being treated, they sit watching the care he is receiving. Their prayer is that he won't have to go away for a cure but that he can be taken care of at home. No matter the cost, it's worth it. He must be well—tonight.

William and Ruth hardly remember life without RCA, or at least its predecessor which was smaller and only black-and-white. They don't know what effect it has had on them and their family because they don't often think back to how life was without it. They suspect its only real effect has been something for the family to do—a means of entertainment and information. But it has been much more than something for them to do. And it has been much more than entertainment and information.

As a member of the family, RCA is deeply trusted. The trust is not deserved. RCA is really no more than a transmitter of material recorded by a far-off camera—and the camera, in addition to all its more recognized capabilities, has one vice which goes unmentioned in the instruction books. The camera is a liar.

All those lenses, viewfinders turrets, cranks and buttons have been made to preserve the visible on film or tape or for live transmission. But that assumes the visible is the truth. It's not. The invisible is the greatest truth.

What is so important that's invisible? Everything that's truly important. Peace is invisible, freedom is invisible, love is invisible, faith is invisible. Even the motivation behind political decisions is largely invisible.

The camera, unable to record the invisible, not only focuses on the visible, but it lives with an inborn prejudice. It ignores the visually dull and records the visually interesting. And most often the visually dull is the more vital hint of the invisible truth.

It is not visually interesting to watch a free border—to watch cars going across an unmarked line. But a police barrier with fire hoses and barbed wire? That's interesting.

The fact that in America cars go from New Hampshire to Vermont, from Nebraska to Iowa or even from Michigan to Canada is dull and boring.

Peace is simply a visual bore. War isn't. Put television cameras in choice positions around An Loc during a battle. It will be watched. Put the same cameras around Ann Arbor to watch the peace. It will be dull and boring.

President Nixon used the term, "A silent majority." More regrettable than their silence is that they, too, are invisible. The invisible American rarely sees the lens of a camera aimed at him.

Young people, old people, hard-working people, good people are spread through every state. Most will die unrecorded on a permanent public medium because they are neither astronaut nor aberrationist, neither hero nor hijacker, neither movie star nor murderer. They are just too average—and there are too many of them. And so the normal goes unseen.

Because of the immediacy of television, Americans and citizens of other sophisticated countries of the world have become news-oriented. There is a great deal of difference between fact orientation and news orientation. Many say this generation knows more information than any generation before it. The truth is it knows more news than any generation before it. But news by itself can be misleading if not put in context with facts which are not news.

HALF-TRUTHS, NON-TRUTHS

Because the camera is a liar, and a prejudiced one, television has been guilty of educating the younger generation in half truths and non-truths. The 6 o'clock or 7 o'clock or 8 o'clock news is accepted as truth. It is truth—but news programs by their very nature must present the truth of abnormality.

A riot? News. No riot? That's not news. A murder? News. A life continuing from Monday to Tuesday? No news. A baby found in Appalachia with a distended stomach? News. Millions of well-fed babies? No news. No story. Not interesting. Not visual. Dull. Boring.

And so night after night all those little segments of news build up a composite and grand visual picture entitled: "The United States of America."

But it isn't.

The fact that riots and murders and poverty are news is a virtue and not a vice. It attests to their abnormality. If they were normal they would not be news.

Occasionally, but only occasionally, the truth of abnormality works in visual favor of a free society. Apollo is one of those few rarities. It is a godsend because it obeys the law of the eyes. But as moon launches have become more and more normal, television coverage has become less and less extensive.

Without the camera, Apollo 11 would have been reduced to astronauts and NASA spokesmen lecturing on radio and in text. The proof that it happened at all would have been a touring rock exhibit.

On the other hand, Viet Nam without television might well have cast a different psychological climate around the world—as World War II and the Korean conflict might have seemed different *with* television.

Thirty years ago we were involved in World War II and we were not winning. But the nation mobilized, it backed its President, it fought and ended the totalitarian expansionism which it set out to end.

In retrospect, with some but little dissent, we agree it was a war we should have fought in both the Pacific and European theaters. Japan attacked us and Hitler was after the domination of the entire European area, deliberately committing the most inhumane atrocities as a matter of policy.

For the purpose of discussion, let us imagine the isolationists won their point and we didn't enter the European theater. There could be little question today that Hitler would have won and Europe would be a continent of masters and slaves with few, if any, ethnic groups surviving. So with or without Pearl Harbor, most today would agree, our involvement in the European theater of World War II was more than justified.

But let's add one more dimension to the early '40s. Let us imagine that television was in homes then as it is today. Let us imagine that we watched World War II daily in the same way we watch Viet Nam today. My guess is that the war would not have been over in 1945, and perhaps we would not have won at all.

To learn our progress in the war we would not have heard the voice of President Roosevelt on radio and we would not have imagined him sitting by a fireside in our warm and secure living rooms. We would, instead, have seen him sitting within the Oval Office between two flags, until visually he would have become quite dull.

In addition, with Americans at home being witness to so much killing and bombing *by* Americans overseas every night on television, the President would have felt compelled to explain, to defend and to justify what the American military had to do. In short, instead of being on the attack with his words, he would have had to have been on the defense.

He would have had to have told the American people of the aggression of the other side since, though they would have seen Americans kill and bomb nightly, they would not have seen each night on television the killing of Jews and interiors of concentration camps and the swarming masses of Nazi invaders. Our photographers were not with the other side. In time, we might not have believed the President, since our eyes would have been telling us different things.

When his speeches were over, his words would have been analyzed by people we knew much better than we knew the President, because we would have seen them in our homes *every* night on television telling us about all sorts of things we didn't know without them telling us.

Why do some trust them more than the President? First, because they show us pictures every night and tell us things we don't know. They have become our secret teachers. The following day, when we discuss world events, we know who really made us so smart.

We trust them because we have seen them everywhere—and we know they go everywhere for the sole purpose of keeping *us* informed without any other motive. We have seen them in hard hats in disaster areas, we have seen them at rocket launches, we have seen them all over the world, and we like them because they go to all the places we can't go—and they go for us. Going as many places as they do, we feel they must be experts.

But many have become suspect of the President. Are his motives as pure as the newsmen's motives, who we know so well? Surely, he wants to be re-elected President. Even if he doesn't care about that, he surely wants his party to win again. And, of course, he wants history to be kind to him.

But we have the feeling that television news commentators are permanent. Not having to face an election or a place in history, we cannot suspect them of ulterior motives. What they tell us *has* to be the truth. We forget, however, that their careers are fragile and their Neilson rating is their electoral vote. More important, we ignore that their careers are based on obeying the rules of the visible, while the President is obeying the rules of the invisible.

The President must work with possible intents of the other side, with options on his side. Neither the intents nor the options are visible. When he works with restraint, it is always invisible. You can't see the consequences of those things he has *not* done.

Even in terms of dissent versus support, the dissent is visible in masses protesting and demonstrating, whereas support generally comes in the words of letters and telegrams.

It is entirely possible that we can no longer fight wars in a visual age. This would surely be a great advance if it were true for the entire world. Unfortunately, the rule only applies to a free society. In closed societies they see what the government wants them to see. In short, the visible becomes the invisible.

The people of Hanoi and Vinh and Tranh Hoa do not sit in their living rooms watching a North Vietnamese version of a Fulbright indict their version of a secretary of state or secretary of defense. They watch the real Fulbright indict ours. They would not photograph dissenters in North Viet Nam. They would kill them. They, instead, run films of the dissenters we photograph.

Ton Duc Thang's speeches are not followed by an analysis of his words by a commentator. Their scenes of war are only the scenes which can be used to prove their points—visually. And there are no equal time provisions in closed societies.

But films provided by free societies show what visually appears to be our side as the attackers. Films provided by free societies show our demonstrations against our policies. Films provided by free societies exhibit our impatience. Because our photographers cannot be there, we do not see on our television sets the terror the other side inflicts, the executions they administer, the death and destruction they cause, or their invading masses killing the innocent.

In the United States, television works against us because of those limitations of not being able to show the aggression of the other side, because of the free access to the defenders of South Viet Nam, and because of the rules of the visible and the visually interesting.

Each night for all those years, American families watched the lush green jungle and saw Americans with guns, and were given a death score. In the next instant they saw Jane Withers in a plumber's outfit happily extolling the virtues of a can of new super stain removing Comet. In the next instant they saw American abnormality at a university.

And it went on and on and on with inhumane rapidity. Technology had outdistanced human reaction time. Could the engineers and technicians who sat in the control rooms, punching up images, one after the other, realize the impact of their keyboards when their images registered on the human mind? Probably not. The next night Viet Nam death would be bracketed between Feminique Deodorant Spray and the march of militants.

Television images can mean life and death to someone. In a larger sense, those images can mean life and death to nations. Those images can be more powerful than a thousand armies—because armies can only scorch the skin but television can scorch the mind.

William and Ruth and Debbie and Tommy have been scorched by the fifth member of their family and they will continue to be scorched unless they understand the capabilities and lack of capabilities of that fifth member.

Their brains will continue to be asked to accept that inhumane cadence of the unconnected every night. There will still be one minute of war, two minutes of demonstrations, 30 seconds of murder, 40 seconds of poverty. Technicians faced with buttons to press will take families everywhere, any time—as long as it is abnormal and visually interesting.

And so William and Ruth and Debbie and Tommy sit together at the end of the day. William doesn't say much about what happened at the office. Ruth doesn't say much about what she did at home. Neither Debbie nor Tommy say much about what they learned in school. They would all much rather sit and watch RCA.

RCA loves to talk, and besides, he shows pictures.

They have no idea that within that family room, they are living, as we are living, in the Pearl Harbor of communications.

December 7, for this generation, is not a Sunday morning. It's the collective influence of the numbers on a channel selector and the deeply trusted pictures on that bright and colorful tube. As generations before us, we believe what we can see—and we look where they tell us to look.

THE C-5A GALAXY

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. DAVIS of Georgia. Mr. Speaker, there are few, if any, persons today who do not know of the famed C-5A Galaxy, the world's largest aircraft. In recent months, there has been some rather strong criticism of the production of the C-5A, but there has been very little mention of the plane's good qualities. Two articles in this month's Retired Officer magazine are indicative of the facts which much of the press has failed to grasp concerning the C-5A. I think that all should be interested in these articles and I commend them to the attention of my colleagues as follows:

THE USAF C-5 GALAXY—"FAT ALBERT" CAN DO

(By Gladys E. Wise)

Next month the world's largest aircraft completes two full years of operational service. Two-thirds of the planned C-5 force already are in use and the last aircraft—the 81st—just showed its distinctive "Fat Albert" profile on the Lockheed-Georgia assembly line. About this time next year that aircraft will be delivered to the Military Airlift Command.

Ceremonies marking the delivery of the last airplane likely will be more subdued than the March 2, 1968, gala when President Johnson hailed the rollout of the first C-5. Hopefully, it will be a less spectacular event than the June 6, 1970, delivery of the first operational C-5 when, as the aircraft touched down at Charleston AFB, S.C., before the waiting crowd and national TV, a wheel disengaged itself from the gear and bounced down the runway independent of its 27 well-secured counterparts.

Whatever the ceremonial tenor, however, delivery of the 81st C-5 will mark a significant gain in the United States' airlift capability—in the mobility of DoD combat forces—and, through these, in the U.S.'s flexibility to meet its worldwide commitments. The C-5 adds the second half to an airlift team planned more than a decade ago for rapid movement of large contingents of U.S. forces and all their equipment. It made sense then. It still does.

The C-141 Starlifter was the team's first half—the initial step. It is all jet—fast, but limited by size to moving only about 65 percent of the Army's combat gear. Combat units had to be tailored to fit the available airlift and their initial firepower was trimmed accordingly. The C-5 grew from the remaining need to move *all* equipment too big for the C-141 at roughly equivalent speeds.

That compelling need prevailed through tight budgets, technical problems and controversy when abdication might have been much more politically comfortable. The need is being met today competently, safely, often dramatically but not without trauma.

Throughout its short history, the C-5 has stimulated comment and controversy comparable to its recordbreaking size. But while it is simplistic and inaccurate to equate the C-5's origin and design, achievements and unique capabilities, impressions and problems *solely* to its dimensions, size is a significant factor in each area.

The C-5 *is* big. Its cargo compartment provides about 33,500 cubic feet of usable space—roughly equivalent to that of three normal-size homes. The 121-foot long cargo deck is longer than the Wright brothers first flight. Its 19-foot width compares favorably with that of the length of a normal-size living room and, at 13.5 feet, the cargo compartment ceiling is nearly twice as high as that found in a standard home.

The cargo compartment floor is designed to support up to 300 pounds per square foot throughout the level area, and up to 400 pounds per square foot in the center for vehicles weighing as much as 80 tons. By comparison, the floor in the average home is designed to support about 40 pounds per square foot, and the flooring in a warehouse for heavy items will support about 250 pounds per square foot.

The C-5 achieved its first "first" just by rolling out (the largest ever) and adds "firsts" every time it hauls an intact cargo not previously considered air-transportable—22 light observation helicopters in a single C-5 plus some palletized gear; three Army Chinooks with very little disassembly in another; four CH-53 Sea Stallion helicopters, support equipment and 90 Navy people aboard two C-5s; a complete mobile radar approach control unit; a Titan III missile core; a 74-ton low pressure turbine generator; the new A-7D simulator that weighs 76 tons.

The C-5's size inspired a public relations man to call it the "Holland tunnel with wings" and influenced its crews to use a less-flattering, but friendlier nickname, "Fat Albert." It prompted retired Navy Commander Bennett to record his first impression of the C-5 in the article which appears on page 24 of this issue.

Ironically, size also contributed indirectly to the C-5's well chronicled cost growth and its most stubborn remaining problems, the static strength and fatigue life of the aircraft.

At the outset, the C-5 seemed a state-of-the-art aircraft, well suited to the Total Package Procurement approach. Subsequent events belied that optimism.

Lieutenant General James T. Stewart, Commander of the Air Force's Aeronautical Systems Division at Wright Patterson AFB, Ohio, recently told a west coast audience that prerequisites for TPP include, "being able to define in advance what the total system will do and look like; having the technology completely in hand . . . needing only a minimal amount of development effort; and having a solid basis for estimating the total package costs."

TPP assumes no surprises. It is valid, useful, used effectively when there are none.

The C-5 contract, however, coupled stringent, unyielding performance specifications, schedules and dollar commitments from development through production with a general hands off policy for the government from the day-to-day details of how the contractor might get there from here. Concurrency—embarking on production before development tests are completed—was, in this case, another unfortunate provision. C-5 development did not require a major breakthrough in aircraft technology, per se, but it did require—as it turned out—an extremely refined design to meet the performance specifications.

Air Force Assistant Secretary Philip N. Whittaker, cited this example in an address before the Western Metal and Tool Conference in Los Angeles: "Early in the program it was clear that it would be difficult to meet the requirement that this large aircraft land on 4,000 foot unpaved fields. To provide this performance, Lockheed had to increase the size of the wing, and then the structure had to be redesigned to keep the weight within limits. . . ."

Unanticipated changes such as this increased development costs well beyond expectations and, more, led to increased costs in production and schedule slips. Under TPP's aegis, there was little contractual leeway for Lockheed or the government to trade off between performance, dollars and schedules.

As costs continued to grow from technical problems and inflation, so did contractual disputes between Lockheed and the government. By 1970, Lockheed neared bankruptcy. The C-5 program, limited to 81 aircraft by budget constraints, was threatened. And the TPP contract, conceived as a means to assure the government lower overall systems costs and the contractor at least a modest profit, had become, at best, an impractical management instrument.

In July 1971, then Deputy Secretary of Defense David Packard told the House Banking and Currency Committee, "There were issues on both sides that had merit and substance. The total package procurement type of contract is unworkable for this type of a program. The specifications called for some unnecessary requirements. At the same time the company clearly had bid in, probably hoping the repricing formula would save them from substantial loss. There was ample evidence of poor management on the part of Lockheed. Faced with the need to obtain the C-5A aircraft, something had to be done.

"I was convinced that a program beset with charges and counter-charges, bogged down in litigation quagmire, could not be brought to a successful conclusion technically and under better cost control without an understandable and a workable contractual arrangement.

"After thorough and careful consideration of all the factors, I recommended that we complete the program under a cost reimbursement contract with tight management control by the Air Force, and that Lockheed accept a $200 million loss on the total C-5A program.

"On June 7, 1971, the Air Force and Lockheed signed the restructured C-5A contract converting it to a cost reimbursement instrument."

Restructuring the contract solved no technical problems, of course, but as Secretary of the Air Force Robert C. Seamans told Congress earlier this year, it "eliminated litigation then outstanding between Lockheed and the Government and provided a workable basis for management of the C-5 contract by the Air Force."

Another boon to the program was the assignment in mid-1970 of USAF Brigadier General Warner E. Newby as Systems Program Director. General Newby's credentials include technical and management expertise acquired in the B-52 production and modification program and a dedication as outsized as the C-5 itself to assuring the U.S. the best possible return for its investments. Correcting problems rarely attracts public notice anywhere near that given the problems' existence, but under General Newby's direction, with the controls and authority the new contract provides, solutions are being found, cost estimates have remained stable, and there is managerial balance and rapport between the Air Force and Lockheed that makes both possible.

An example is the C-5 landing gear. It is designed to spread the aircraft's weight over four main-gear bogeys with six wheels each and a nose gear with four wheels; to kneel for easy loading; to cant for crosswind landings; to retract each main gear independently for maintenance without jacking the aircraft; and to partially deflate the tires in flight for landing on substandard runways. The gear is obviously big, extremely complex and perhaps excessively automated. The kneeling mechanism, in particular, malfunctioned often enough to be a time consuming—and therefore costly—nuisance. Safety was not involved, but reliability was. After a number of modifications, including a simplified relay logic system and substitution of a hydraulic for a pneumatic drive kneeling mechanism, gear reliability continues to improve.

Reliability of the C-5's 38 highly interdependent avionics subsystems also is improving and a redesign now being tested should solve the pylon fatigue problem that grounded the C-5s for a time last autumn.

"Remaining problems are chiefly related to the static strength and fatigue life of the aircraft," Air Force Secretary Seamans told the House Armed Services Committee last February. "The possibility of installing a new wing to increase static strength was rejected because of the cost involved. Alternatives such as special flight management, including reduced load factors and payloads; design changes; and incorporating a Lift Distribution Control System are being examined as means of extending the operational life of the C-5."

Last November, the Air Force approved General Newby's proposal to form a team of specialists to conduct an independent in-depth review of the entire airplane structure. This year-long study should produce a clearer indication of the C-5's structural lifespan and identify the most cost effective approach to any future modifications which may be needed.

Meantime, crews make rolling takeoffs, limit loading weight for touch and go's, and reduce the use of reverse thrust on landing when possible. These techniques do not impair operational efficacy but they cut down on structural wear and tear. They boil down simply to flying the aircraft like the valuable instrument that it is.

C-5 fatigue tests have several more years to run. Retrofits and data revalidations continue. The Review Team's conclusions are at least nine months away and there is still a fourth C-5 squadron to equip.

The C-5 story will not end for many years after that. When it does, a thorough biographer may treat its problems and solutions in the dispassionate historical perspective now afforded early B-52 structural modifications; or the outer wing beefup which improved the F-4; or the installation of B-58 drag chutes to alleviate tire and brake overheating; or even the fatigue and reliability problems that accompany development of nearly every civil transport.

This is neither to excuse nor term "normal" the problems encountered in the C-5 program. General Stewart recently categorized some past actions as "R&D . . . Real Dumb," and history's final tally may include some of that kind of "R&D" in the C-5's background.

But one thing seems obvious from the 40,000 operational flight hours accumulated to date—the C-5 can do; it is doing the strategic airlift mission for which it was designed. It is not yet a pluperfect superbird. But it clearly is not the airborne disaster its critics describe.

That Was the Day: When the World's Biggest Plane Flew Over!

(By Commander Andrew B. Bennett, USNR, retired)

Our little gray home in the West is located within the landing approach area of Moffett Field, about a dozen miles to the southeast thereof as the plane flies. Besides enjoying such amenities as fair climate, a garden-like atmosphere and quiet neighbors, we are treated to a daily air show. One need not have been a former pilot to find interest in the coming and going of various types of aircraft; with time they become old friends. Most are Moffett-based planes, like the Orion P–3's, the long range patrol craft and noted for their quiet engines. Then Phantom jets and Delta Darts come by, showing their tremendous power; also an occasional transport like the Hercules or a Starlifter. The colors and markings of helicopters show them to belong to Army, Navy or Coast Guard. Way high up, coming or going to Travis AFB soars the mighty B–52 of the U.S. Air Force, its contrail tracing a white line. With the sun slanting from the right angle the small image of the plane is seen as a tiny white arc against a blue sky. During maneuvers there have been times when these mighty planes were on the wing night and day.

It was in this setting one bright May morning that I had gone into backyard, mulling over a news item about politicians whose dovish ideas could pose a threat to our national military preparedness.

Through the rumble of an approaching multi-jet there was a piercing sound which compelled me to look. Something new was up! (literally): While the sky was not exactly darkened, by the size and appearance of what flew over I knew at once that here was a stranger in our midst; soon verified when seen through binoculars. Could it be? Yes, it *must* be the new Lockheed C–5A; the world's biggest aircraft, now beginning service with the Military Airlift Command of the U.S. Air Force. It was a sight long to be remembered.

Whatever might have been scheduled on my Plan of the Day I cancelled at once and drove to Moffett Field where I called on the Duty Operations Officer. He confirmed that the monster-sized plane I had seen was indeed the famous C–5A, just arrived on its first visit to this big Navy airbase.

She was to make some demonstration takeoffs and landings and would be open for public inspection in the afternoon. That meant a three-hour wait but who could forego this opportunity. Her arrival had not been publicized, so only a small knot of people were on hand to watch the takeoffs and landings; the crowd later increased to several hundreds after word got around.

Nothing to do but wait. Some 300 yards away the huge "Galaxy" was poised on the taxiway; her engines idling. The upper half of the huge fuselage is painted a gleaming white and the lower half a soft gray. With an underslung profile the amidships is barely two feet above the ground and can be made to "kneel" to further adjust the height of the ramps to the ground- or truck-bed level. Maximum take-off weight is 765,000 lbs., twice the lift of previous military airlifters. All this weight is supported by four six-wheel "bogeys" on the main landing gear clustered amidships and with a four-wheel bogey on the nose gear strut.

More people arrived, including TV camera crews; their comments reflected surprise at the size of the plane.

Bigness is a characteristic which has always benefitted Moffett Field. Both by association or through interest I was acquainted with most of the major changes which have taken place during its 38 years of operation. Looking at its giant No. 1 hangar it was easy to visualize again the huge silvery bulk of the Navy's dirigible, the *U.S.S. MACON* which was based there in the early 30's. During WWII many non-rigid "K" balloons operated from there on patrol duty.

Watching the ground crew I saw a sailor kick one of the big tires of the nose wheel assembly. He was so dwarfed by the bulk looming over him so that he appeared as an ant kicking a table leg! Exactly at 1300 hours the number one jet was fired up, followed by the other three in slow sequence. Slowly she moved forward down the taxiway, made a nimble turn and took a stance at the end of the runway.

She revved up to full power; the brakes released and she began to gain speed rapidly. We had heard that the big craft was empty but we were not prepared to see her suddenly lift off, airborne, having covered only a fraction of the long runway. This feeling was echoed by the exclamation of the crowd. After a 15-minute flight she floated down in a gentle glide which seemed unrealistic for a plane of her size. From touchdown to stop the run was only half the takeoff run.

By mid-afternoon Galaxy #0007 was moored near the Operations Building and lines began to form. The huge bow had been raised to well above the flight deck and ramps were lowered forward and aft. Being now so close, the plane's huge size seemed incredible. I was eager to go aboard but the line ahead seemed not to move.

At long last my turn came. Seven steps up to the main (cargo) deck, then 15 big steps up a nearly vertical ladder; a left turn and I was in flightdeck country. A small crowd up forward was packed like sardines; others turned aft to inspect the crews' quarters and those reserved for special passengers. I wedged my way forward as others were leaving. I was in luck: in my small group were a couple of Moffett's own flying officers, an Australian commander and a Canadian lieutenant commander plus a gentleman in civvies who no doubt was on the staff of the Ames Laboratory complex and therefore a part of Moffett.

The plane commander, Major Stephen Jackson, USAF, sitting half turned and relaxed in the pilot seat on the portside, was answering a stream of questions asked by my flying companions. This was high caliber shop talk: dealing with instrumentation, handling, performance, worldwide communication, navigation, on-board computers, hydraulic systems, crossover functions for dual purpose or back-up systems, safeguards and emergency provisions. With each such fact my respect increased for the men who designed, built or operated this plane and I marvelled when I heard that it could go anywhere, and carry any equipment the Army has. In size it is about twice that of our heretofore biggest transport, the C–141 Starlifter, itself a marvelous plane.

Others were awaiting their turn and reluctantly we stood down and went to visit other parts of the big ship.

Abaft but separated from the forward compartment is the "Troop Scoop", a 60-foot tunnel-like blister running the length of the plane above the cargo hold. It accommodates 75 men, seated six abreast but with a center aisle. Also a galley and conveniences. The seats are regular upholstered, reclining airliner type seats. They are for the crews of military equipment carried in the hold.

The cargo hold is one big tunnel 121 feet long, excluding ramps, 13.5 feet high and 19 feet wide. Normal payload is 220,000 pounds, maximum 265,000 pounds. With drive-through loading, all equipment can be driven off in 15 minutes or less; palletized cargo is loaded directly onto trucks. The plane is also designed for airdrop delivery. Loading and refueling can be done in less than an hour's time. When word is passed to "fill 'er up" they are talking about 49,000 gallons of jet fuel, enough to fill about 6.5 regular size railroad tank cars!

But enough statistics; there is not enough room here to do justice to or quote all the superlatives about this fascinating plane. Those further interested can ask the Lockheed-Georgia Co. a Div. of L.A.C.), Marietta, Ga. 30060. Ask for publication *G-1170-N;* a 22-page brochure packed with data. It is not intended for bedtime reading as it will make the wheels go non-stop!

Better yet, make an effort to visit the C-5A Galaxy soon. It will boost one's pride and renew faith in America and its people whose creative genius and technical knowhow is admired and envied throughout the world.

PAINFUL ANNIVERSARY

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. WOLFF. Mr. Speaker, 4 years ago today on the occasion of one of his greatest triumphs Robert F. Kennedy was killed. The memory of his death is still terribly painful to those of us who loved the late Senator from New York.

Today in California many will celebrate the anticipated victory of George McGovern in that State's critical presidential primary contest. There will be others, however, who while wishing Senator McGovern nothing but the best, will remember Robert Kennedy and be saddened by what might have been.

To say this is not to demean George McGovern, who has earned—against the greatest odds—his day in the sun, but rather to state again one's profound regard for Senator Kennedy, a man unlike any other that I have known.

And so, Mr. Speaker, I cherish the memory of Robert F. Kennedy's life—even though today is not a happy day remembering what happened that terrible night 4 years ago in Los Angeles.

In Monday's Newsday, the Long Island newspaper, Jeff Greenfield, who served as one of Senator Kennedy's speechwriters, wrote a beautiful tribute to the memory of the late New York Senator and I think it important to be shared:

[From Newsday, June 4, 1972]

Tribute to Senator Robert F. Kennedy

(By Jeff Greenfield)

On the television they are talking about the crucial California primary, and flashing pictures of a gun spurting smoke, and a man stretched on the ground with blood staining his shirt and his wife kneeling over him, and again I am in Los Angeles in a fifth floor suite of the Ambassador Hotel a few moments after midnight on a June Tuesday in 1968, watching the newsmen blurting out half-heard details, watching the faces of the men and women who had been through it with Dallas, stunned but utterly unsurprised, muttering "oh no, oh God no," hearing the innocents who did not know it could happen again. "It can't be, it just can't be."

That June 6 night and the four following days are a blurred nightmare to me, coated with exhaustion, shock and disbelief. The hospital vigil, a flight across America in an Air Force transport, a dawn telephone call to tell me what I already knew, a walk to a Capitol Hill haberdashery ("I'd like four neckties, please . . . black"), the funeral at St. Patrick's, cameras clicking like crickets gone mad when President Johnson walked in, and an incredible eight-hour train ride to Washington, with bad jokes and good laughter and the horror of death along the way, and the silence within as silent rows of young black men lined the roadbed through Baltimore, with raised fists and signs from their younger brothers: 'Goodbye, Bobby," "We'll Miss You."

There has been almost no day these last four years when I have not thought of Robert Kennedy. But I have thought far less of when and how he died than what he was alive. Partly, I know, this is due to the combination of accidents that turned me into a 24-year-old speechwriter on a presidential campaign. Robert Kennedy was at the center of so many things at once—a cult of personality, an heir to a mythic mantle, a wave of protest against the Vietnam war, a spokesman for the disaffected and deprived, a campaign for the presidency—that it was to me a constant state of life at a fever pitch. There were times, in his office in the Senate and during the 85 days of Robert Kennedy's presidential campaign, that it seemed as if we were at the crest of a tidal wave; currents of love, hate, frenzy, energy, hope and fear battering around us.

Partly that, yes. But not wholly. Because I remember most fondly, most wistfully, moments outside the roar of crowds and the play of sound and light and passion that is an American presidential campaign. I remember Robert Kennedy in the way his detractors will never believe: as a vulnerable, funny man with a remarkable insight into this country's wounds.

Robert Kennedy's personality was like his Senate office the first time I saw it: overcrowded, overworked, chaotic, disorganized, yet efficient, like some college newspaper office. He was late for everything, in motion constantly, impatient, sensing that there was never enough time. You could, after a week or two, walk into Kennedy's offices and know immediately whether he was there or not: People walked more quickly; spoke more like he did, in a kind of enigmatic shorthand; a hum like a high-tension wire was almost audible among his staff.

Perhaps that suggests fear; if so, it is misleading. Kennedy did not inspire fear, not in the sense of a cringing set of subordinates waiting for the lash of Big Daddy. What Kennedy did was to make you aware of standards; to remind you that he expected what he himself reflected, a constant pursuit of excellence. To be part of that world was an experience I have not since felt. As Jack Newfield, Kennedy's most incisive biographer, has put it, "Bobby made everybody play over their heads."

This was true in matters of substance. I had come to Kennedy's staff believing that John Kennedy was the intellectual, the brilliant reader-writer, while Bobby was the ruthless tactician. Yet working for Robert Kennedy was like studying with a legendary tutor. Every time I worked on a speech, or a statement for the Senate floor, or a committee hearing. the first question he would ask was the question I had forgotten, or raised in my own mind and dismissed as just too detailed or complicated.

"Well . . . what about this point?" Kennedy would say about a speech on Vietnam. "Have you checked this out with Goodwin? Didn't the Times have a piece on the desertion rate in the South Vietnamese army? There's a fellow at M.I.T. . . . Why don't you call him and see what he says." He had a commitment to getting at the core of things, an unwillingness to ignore the unanswered question, that was astonishing. More important, it explains why his legislative staff—particularly Adam Walinsky and Peter Edelman—turned out the extraordinary work they did in three short years. When Robert Kennedy told Walinsky, "Why don't you take a look at Bedford-Stuyvesant?", it led to a comprehensive program of economic development, including job training, urban renewal, community television, and a new kind of neighborhood government. When Kennedy Peter Edelman started looking at conditions among migrant workers, it led not just to legislation, but to a personal odyssey of discovery and solidarity almost unheard of in contemporary American politics.

The ideas, programs and suggestions that poured out of Kennedy's crowded Senate office included fights that are only now being recognized as important battles. Tax reform, and an end to special loopholes for the rich; tighter regulation of utilities and consumer frauds; community participation in big cities; the plight of the white working class, coupled with specific programs to better the lot of working Americans; these were the sources of excitement in that office, far more than any "Camelot" mystique.

There was also the sheer pleasure of discovering a very funny man. Robert Kennedy had a gift for mordant, self-deprecating humor, spontaneous and contextual rather than finely grafted gags. In 1967, with a fight over a separation-of-church-and-state provision looming in New York, Kennedy was talking to Walinsky, Edelman, Frank Mankiewicz, and myself.

"Look," he began, "the only way the new constitution could pass is if I spent a million dollars and changed my religion. First of all, I haven't got a million dollars . . . wait a minute, that's not true. Of course I have a million dollars . . . but I'm not changing my religion. Now," he continued straightface, "there are certain compensations." Looking stony-faced at four Jewish aides. "After all, I'm going to heaven and you're not."

During the 1968 campaign, reporters were constantly looking for crowd size and enthusiasm. As a chartered flight was coming into an airport for a rally, R. W. Apple of the New York Times asked Kennedy, "How big is the crowd, senator?"

The plane pulled to a stop and the door swung open.

"Fifty thousand," he said and stuck his head out and waved briefly. A cheer went up. Kennedy pulled his head back in, turned to Apple with a schoolboy grin, and said, mocking the press cliches, "They screamed with pleasure."

His self-mockery really was easy to take. At some point during the Indiana primary, an ancient two-engine plane started down the runway and abruptly scheeched to a halt. Kennedy rose from his seat.

"I just want to say in all modesty," he said, "that if we don't make it, your names will be in very small print."

Others have written about Kennedy's sense of empathy: a capacity to feel the hurt, or rage, or discontent of people utterly unlike him. Still others insist on his ruthlessness, or vindictiveness; and I am sure he was capable of both compassion and mean spiritness. He was a human being, not a saint; he could be curt and short with his staff and friends, and could and did go against his best instincts—whether it was a hesitant opposition to the war in Vietnam, or a belated decision to challenge Lyndon Johnson.

Yet perhaps the most insistent memory I have of Robert Kennedy is of a night in Indianapolis, just after Martin Luther King was shot. Kennedy had come back from an impassioned talk to a crowd of blacks, many of whom first heard the news of King's death from Kennedy. He had quoted Aeschylus to them, and spoken of the death of his own brother. But that night, back at the hotel, he was in a quiet, detached mood. Sometime about 2 AM, he came into a room where Adam Walinsky and I, along with Ted Sorensen via telephone, were trying to work on a speech about the King death for the next day.

"You know," he said, "that fellow Lee Harvey . . . Harvey Lee . . . Oswald . . . he set something loose in this country . . . something very strong . . ." Kennedy had, I realized somehow, heard the name of his brother's murder from those first reports which got the names transposed, and he had never been able—or willing—to get them straight.

And then he said "Martin Luther King's death isn't the worst thing that ever happened."

I thought it cold and unfeeling at the time—until I realized he had been dragged back to November 22, 1963, and something that felt even worse than the death of Martin Luther King.

And two months later, in a hotel in Los Angeles, I understood fully and terribly what he had meant.

BURKE'S GUIDE TO REVOLUTION

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. BOLLING. Mr. Speaker, following is a timely and thoughtful piece concerning the great 18th century philosopher Edmund Burke. It was written by Dr. Robert Nisbet and appeared in the Wall Street Journal of June 5:

BURKE'S GUIDE TO REVOLUTION

(By Robert Nisbet)

How does one live sanely through an age of revolution? What can keep the sheer number and complexity of revolutionary changes in our age from inducing in us that special apathy zoologists say is common to all organisms when environmental stimuli become to diverse and insistent? How do we distinguish between true revolutions and false ones; between major changes serving justice or freedom and those serving little more than the interests of power and privilege?

One way of trying to cope with the intellectual demands of our age is to return to an earlier revolutionary age, and, to study the life and works of the great 18th Century philosopher, Edmund Burke. Burke was preoccupied during his lifetime by some five revolutions or, at very least, situations with high revolutionary potential: the English revolution of 1688 which had occurred four decades before his birth; the American revolution; the French revolution; the strong protests of Bengalese against British administration of India; and the turmoil in Ireland as the consequence of British policy there toward Roman Catholics.

It may comes as a surprise to many, accustomed to thinking of Burke as the unvarying defender of his beloved England or of traditional civil order to learn that of these five revolutions or potential revolutions, Burke gave impassioned support to four of them: the English, the American, the Indian, and the Irish. To one only, the French, did Burke offer stringent, relentless opposition.

DR. JOHNSON'S UNEASE

Had there been, in Burke's day, an organization like the present Americans for Democratic Action to give statistical ratings of "liberal" and "conservative" to legislators, Burke would surely have drawn, in these five issues, all of them of great public importance in England, an 80% for liberalism, which is not bad in our day or Burke's. Actually, there is little doubt but that Burke would be rather astonished, were he to come back on earth today, to find that he is universally regarded as a conservative, as the founding father indeed of modern political conservatism. He was, after all, himself a Whig, and his political views were regarded with some unease by that quintessential Tory, and Burke's admiring friend, Dr. Johnson.

Even so, we cannot overlook the well attested fact that Burke's view of the social organism, and of the relation between order and freedom, is the clear source of the stream of political and social conservatism running through Coleridge, Matthew Arnold, and de Tocqueville in the 19th Century down to Ortegay Gasset, T. S. Eliot and Yeats, among others, in our own century. It is best to leave Burke as history has made him: the classic conservative of modern times.

To understand Burke and his attitude toward the revolutions of his day, it is necessary to begin with, not tradition, convention, and order as such, but rather with rights, liberty and equity, the protection of which Burke saw as government's chief function. To be sure, we do well to note Burke's veneration of tradition, his sense of society as a partnership of the dead, the living, and the unborn, and his respect for "the wisdom of our ancestors."

But it is wrong, and without foundation in Burke's writings, to see him as the ritual antiquarian, the doctrinaire conservative. Tradition, convention and habit serve vital functions in Burke's theory of society. Not only are they the sources of the civil order, the sense of community, that freedom requires for creative expression; these forces are also, in Burke's view, the sources of those prejudgments that can alone make ideas of freedom, right and equity binding to the members of any community. "People will not look forward to posterity," he wrote, "who never look backward to their ancestors."

Burke was far from being the enemy of change and reform. "A state without the means of some change is without the means of its conservation. Without such means it might even risk the loss of that part of the constitution which it wished the most religiously to conserve. . . . He that supports every administration subverts all government," he wrote.

Far from being an advocate of simple laissez-faire, Burke could declare: "Government is a contrivance of human wisdom to provide for human *wants*. Men have a right that these wants should be provided for by this wisdom. It was Burke, not a *philosophe* across the English Channel, who said: "The arrogance of age must submit to be taught by youth."

Now, remarks such as those were never made by a mind given to doctrinaire conservatism. Traditionalist we may choose to label Burke, but the fact is, few minds of stature have ever given more brilliant witness to rights, liberties and equities in the affairs of government.

This explains Burke's love of the English revolution that had just preceded his career and that had, well into the 18th Century, its due share of die-hard opponents. Burke saw that revolution as the means not of creating new rights and liberties for the English people but instead of a shoring-up of rights and liberties that were, he argued, very old in English history. And thus too, as I have noted, Burke's constantly watchful eye on the efforts of the court of George III to diminish Parliament's autonomy and power.

Burke saw the cause of the American colonists almost exactly as he saw the cause of the English people themselves. The real fomenters of discord in the Colonies, Burke declared, were not the Americans but such "bold, improvident and visionary ministers" as Grenville at home, all of them more interested in repressive and arbitrary power, the fruit of "metaphysical speculations" into matters of finance and taxation, than in the prosperity of the Americans. Burke opposed England's policy toward America and this opposition did not cease when British troops were dispatched to America. His great speech on Conciliation marked his unyielding effort to bring those troops back home and to stop the war against the Americans.

It is not different, basically, with Burke's attitude toward the people of India and the Irish Roman Catholics. In his impassioned indictment of Warren Hastings, governor general of the British East India Company, Burke said, "That the people of Asia have no laws, rights or liberty, is a doctrine that wickedly is disseminated through this country . . . I assert that their morality is equal to ours . . . and I challenge the world to show in any modern European book more true morality than is to be found in the writings of Asiatic men of high trust. . . ." Make what we will of the personal element involved in Burke's charges against Warren Hastings; motivation is always complex. What is central is Burke's unambiguous defence of the Indians in their rebellion against what he called Hastings' "arbitrary power."

"No man . . . has a right to arbitrary power." That principle, enunciated by Burke is his defence of the Indian rebellion, is the cornerstone of Burke's philosophy. We see precisely the same attitude contained in his support of the Roman Catholics (Burke was himself Church of England though his mother had been Roman Catholic) in Ireland. "We found the people," Burke wrote of the Irish, "heretics and idolaters; we have, by way of improving their condition, made them slaves and beggars."

Now, let us turn to the French revolution. Why, given his support of Americans, Indians and Irish Catholics, did Burke oppose what was so widely regarded by English liberals, including Burke's fellow-Whigs in many instances, as the struggle for freedom and rights by the French people against a repressive government, the monarchy? The question is made the more pertinent by the fact that Burke seems at the very beginning of the uprising in France to have been sympathetic. Certainly, there is no doubt of Burke's belief that substantial reform was needed in France.

Burke's opposition to the French revolution came, as is a matter of record, when he realized that the controlling forces in the revolution were not those of reform but were instead Jacobin in inspiration, concerned not with the ascertainable needs of the French people but with abstract, millennially conceived, rights of all mankind. "For this purpose," Burke was later to write, "the Jacobins have resolved to destroy the whole frame and fabric of the old societies of the world and to regenerate them after their fashion."

It was Burke's achievement in what might be called the sociology of revolution to be the first to identify a new breed in European society, that of the rootless political intellectual, serving not church, class or country, but a set of rationalist ends, apocalytic in their intensity, that were to be imposed upon the French people and then, successively, other peoples in the world.

INSIGHTS INTO TOTALITARIANISM

It comes as no surprise today to be told that the Jacobins were precursors to the Bolsheviks, forerunners of the modern totalitarians. One need but read the easily available, well known scholarship of a Robert Palmer, J. L. Talmon or Hannah Arendt. Insight into the nature of the totalitarian mind, complete with its passion for centralization and uniformity, for rationalist extirpation of tradition and prejudgment, and for an absolute moralism that would extend when necessary to terror, was not so easily come by in the late 18th Century, and we owe Burke much for this first insight.

Burke thought there was a universe of difference between the French and the American revolutions. And Burke was right. I know of no serious interpreter of either revolution today who does not emphasize that universe of difference. The American revolution, as Burke never ceased to declare had been in opposition to arbitrary power and had been motivated by the rights belonging to Englishmen and Americans alike. The French Revolution, on the contrary, was, once it reached its real nature, a revolution of arbitrary power directed, in the name of abstract reason and morality, to historic rights and liberties.

Far from there being any significant inconsistency between Burke's view of the French revolution and his earlier support of not merely the American colonists but also the Irish Catholics and the Indians, we find him, in a letter written in 1795, comparing Jacobinism to the "spirit of Protestant ascendancy" in England toward the Irish and their rights and also to the spirit of "Indianism" by which British wielders of power had sought to uproot Asiatic morality and consensus, replacing that with bureaucratically conceived and abstract principles born afar.

It is not difficult to discover in Burke's writing, from its earliest period on, a strong dislike of the *a priori*, the purely rationalistic and deductive, and, above all the kind of thinking that, in government, moves instantly to ordered, calculated and mathematically exact projects. "It is impossible not to observe," Burke wrote of the revolutionists in France, "that in the spirit of this geometrical distribution and arithmetical arrangement these pretended citizens treat France exactly like a country of conquest."

THE 20TH CENTURY

What, then about the revolutionary changes of the 20th Century? What would be Burke's probable reaction to these? There is little doubt but that he would see the Communist (and also the Nazi and Fascist) revolutions in essentially the same terms in which he saw the French. Now as then he would see the actions of elite groups of intellectuals and revolutionaries applying, in the name of an abstract and absolute virtue, the techniques of total power against populations.

But what about the more recent revolutionary changes in America, those of blacks, Chicanos and women, for example, seeking redress of wrongs and equity in the traditional structure of rights and liberties in the American political community? For the life of me I cannot see the unyielding defender of the American colonists, the Indians and the Catholic Irish taking a position other than in full support of the minority objectives of our day. He did then; he would today!

From this would not follow, though, indiscriminate support of the Bureaucratic and coercive tactics of some of our powerful agencies of government that also occasionally give the appearance of treating America, in Burke's phrasing, like a country of conquest. Recently the distinguished columnist of The Washington Post, William Raspberry, himself a black, wrote of educational desegregation: "The ideal is a situation in which race is irrelevant to assignment. Preoccupation with mathematical precision, unfortunately, is not the way to achieve that idea." Mr. Raspberry went on: "What's so ideal about mathematically precise distribution of human beings?"

What Burke wrote was: "Is every landmark of the country to be done away with in favor of a geometrical and arithmetical constitution?" I think Edmund Burke and William Raspberry would probably get along just fine.

(Dr. Nisbet is professor of sociology at the University of California, Riverside.)

SLAVE LABOR TO FEED AMERICAN PEOPLE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. RARICK. Mr. Speaker, an American industrialist has announced a $40 million deal to sell mushrooms produced by slave labor in Communist China to an unsuspecting American people. Reportedly, another $40 million deal is in the making to import Red Chinese tomatoes.

One need not expect that the American

company—the Gloria Trade Co.—will label its product "produced by slave labor in Red China" to inform the American consumer as to why the product will be cheaper.

I insert a news release from a Hong Kong newspaper:

[From the Star, Hongkong, May 15, 1972]

U.S. FIRM'S $40 MILLION MUSHROOM DEAL

An American businessman has negotiated a $US40 million deal to sell Chinese mushrooms in the United States—and hopes to bring off a second deal for tomatoes also worth $US40 million.

It is the biggest American trade breakthrough since American firms were allowed to trade with China last year.

In Hongkong today, the American businessman, Mr. Andy Jank, said: "We're all very excited. I've been working for a long time to bring off the mushroom deal. It's a terrific thing."

Mr. Jank flew to Hongkong last month to begin negotiations with officials of the China Resources Co. in the Bank of China Building.

He said Americans now eat several million dollars worth of Taiwan mushrooms yearly, and would eat a lot more if Taiwan could supply them.

"We estimate we will be able to sell a 15-ounce can of Mainland mushrooms cheaper than the 13-ounce can of Taiwan mushrooms," he said.

His company, the Gloria Trading Company, has been granted exclusive rights to sell Chinese mushrooms in the US over the next five years.

TOMATOES, TOO

Now Mr. Jank is negotiating with the Chinese for exclusive rights to distribute Chinese tomatoes in the US for the next five years—a deal he estimates would also be worth $US40 million.

"Chinese mushrooms and tomatoes are probably the tastiest in the world," he said.

Mr. Jank, who is also a director of Sino-American Engineering Associates, will return to America next week to report on the two deals.

POLLUTION STARTS WITH YOU

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. DERWINSKI. Mr. Speaker, national interest in pollution control is certainly to be commended, and we recognize that the cooperation of individuals as well as that of Government, business, and interest organizations is essential if we are to overcome water and air pollution problems.

The Suburban Life of June 1 carried a very practical editorial commentary on the subject which should benefit its readers. I believe this merits wider review and I insert it into the RECORD.

The editorial follows:

POLLUTION STARTS WITH YOU

Some unlikely answers were received when a nationwide poll was taken recently to determine what federal government activities were most important and how they rated in priority among those questioned.

The replies were surprising as the poll was taken by the Opinion Research Corp., an international survey organization commissioned by the American Security Council whose concern was primarily on our military stance, and six of the seven questions dealt with our military policies.

Ranking highest in priority was air and water pollution control, with 28 per cent of those polled feeling that they personally considered this issue of most importance. National defense with 11 per cent ranked fifth, behind anti-poverty programs and aid to education, each with 18 per cent, and anti-crime programs with 17 per cent.

We recite these statistical figures to emphasize the importance which the average citizen places on pollution, and how the campaign for environmental controls has progressed in the last five years when more interest has been generated in the entire problem of ecology.

It costs hundreds of thousands of dollars each year in Cook and DuPage counties to pick up after the slobs who toss litter out of cars along highways. Millions of dollars are spent throughout the nation to the same end. The federal highway administration now is testing the feasibility of utilizing highway litter and industrial waste for highway construction material.

Since predominant forms of litter are metal cans, glass, rubber tires, paper and plastic, the research on these types for construction and maintenance operations is going forward to determine if these mixtures can be used for bituminous concrete, energy-absorbing barriers, soil stabilization, drains and ditches, and for mulching or soil erosion control.

We have established in our community central collection points for glass, tin cans and paper. The idea has caught the imagination of our people with the response to appeals very gratifying.

Even at the state level, the campaign for recycling has brought some tangible results under the direction of Governor Richard B. Ogilvie, who directed all state agencies under his jurisdiction to begin using 100 per cent recycled paper for letterheads and envelopes.

Paper costs will be cut by $11,000 and eliminating the embossing operation will save another $5,000 annually, not a great amount in the huge state budget, but enough to show results of the action. If widely followed, it would mean saving forests of trees.

Pollution is man-made. Anti-pollution measures have to start with each of us. If we do our share, we can save our lakes and streams, our air, and improve our own environment.

GALLON OF GASOLINE TODAY'S BARGAIN

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. COLLINS of Texas. Mr. Speaker, most Americans have been gratified in the manner the oil industry has maintained a low price on gasoline. Over the years they have seen the postage stamp go from 2 cents to 8 cents which is a 400-percent increase.

Back in 1919, the average price received for a barrel of crude oil was $2.50. At the average service station a gallon of gas sold for 27 cents. And at that time, there was no direct motor fuel tax added.

In 1971—52 years later—the price on a barrel of crude oil had only risen to $3. A gallon of gasoline in 1971 yielded an average service station price of about 25.5 cents. To this, in 1971, was added approximately 12½ cents per gallon for direct U.S. and State tax. In plain language, this means that a service station was getting 2 cents less per gallon than they got in 1919. The additional price to the consumer was through government taxes. Gasoline is cheap—only the tax is high.

Compare this record of the oil industry to the fact that food prices have more than doubled over this same period. Lumber prices have gone up 100 percent in the last 2 years. Prices of nonferrous metals have doubled in the past 10 years. The average American is making more as the 1919 U.S. wage averaged 47 cents per hour whereas workers are averaging above $3 an hour today.

Oil supplies 44 percent of this Nation's energy needs and oil is in short supply. We are a country that needs and builds with power energy. We have only 6 percent of the world's population but America uses 33 percent of the world's energy.

We should take some positive steps. The first would be to reestablish an incentive depletion allowance for the oil industry. This would accentuate the development and exploration for more oil reserves in the United States.

Another constructive step would be passage of the Murphy bill. This bill provides guarantee of contract which gives a driller the opportunity to participate with stability in oil and gas development.

Oil and gas have helped build America. With oil exploration running at half its past activity, it is urgent that we emphasize exploration for the future.

OUR WORLD TODAY: OBSERVATIONS OF R. J. "JACK" PEEK

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. HALL. Mr. Speaker, a grass-rooted Missourian concerned with his country's role in international affairs has often sent his opinions and analysis of current policies and actions of our Government to my office. For the enlightenment of this body, and to help better understand the feelings of the midwestern citizenry of this Nation, I insert the following observations and opinions of R. J. "Jack" Peek:

OUR WORLD TODAY

The evening of May 9th; 1972 will be long remembered by the people of this nation and the other nations of the world as the date when one man, the President of this United States placed his entire political and private life on the line when in his message to friend and enemies alike that the end of compromising in the Viet Nam had come to an abrupt end. That our so-called foreign friends and allies would no longer be looked upon with favor in supplying our adversaries with any supplies which would extend and prolong the present conflict.

In a final analysis these suppliers by their actions have become accessories and accomplices to the crime of murder and destruction being carried out by the Viet Cong! To rid the danger of a poisonous reptile you sever the head instead of severing the tail which should have been the procedure some seven years ago which would have saved thousands of lives and billions in funds. We may as well prepare ourselves for the damnation and recriminations from the outside world opinion for the action which is to be taken in using our military to shut off the flow of outside military aid.

Certainly there will be a freeze up in diplomatic relations between the two major powers, Russia and China but then there has never been a complete "thaw" and neither will there be. Certainly too, there will be a diplomatic confrontation between Russia but a military showdown, never. First, both Russia and this nation realizes that both have the nuclear potential power to bring instant destruction to one another and others almost completely. China while having developed the bomb is not nearly advanced enough to effectively use it as on either the U.S. or her other enemy, Russia.

Furthermore China herself while having a tremendous backlog of expendable manpower she does not have the capability of producing the necessary military equipment for an expeditionary force of the size necessary for such a war. With the suspicion and distrust between the two nations both are busily concentrating on keeping the large border forces militarily equipped.

Neither Russia or the Chinese have any military troops in North Viet Nam neither will they make this commitment. Russia has never expended their military forces to any extent in any war being content to merely furnish the equipment for others to use.

In the Cuban missile crisis Russia proved their reluctance to face another world power militarily equipped by moving out the missiles when we faced up to them with our sea and air power.

If those who have criticized this administration regarding the return of our prisoners of war will recall, the enemy has never, made any firm commitment or guarantee that our prisoners would all be set free but only discussed this issue in general meaningless terms.

In viewing the whole seven years of this conflict the enemy has proven themselves incapable of showing any mercy or compassion for military personnel or the civilian population.

The only question now which bears consideration is do we have the necessary military power, the military equipment to carry out the action clearly and firmly stated by the President in his May 9th; address to the nation. Evidently he and his advisers feel sure that we do have.

Right or wrong no one can or will deny that no man in history has ever disregarded self, family and friends by honestly stating his convictions and decisions.

SELF-REGULATION IN THE SECURITIES INDUSTRY

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. MOSS. Mr. Speaker, in the Securities and Exchange Commission's Study of Unsafe and Unsound Practices of Brokers and Dealers, filed with the Congress on December 28, 1971, the SEC requested additional legislative authority in certain areas in order to perform more effectively the regulatory duties assigned to it by the Congress. At that time I expressed my support for the agency's request, and asked it to draft implementing legislation. The Commission recently prepared such a bill which was introduced as H.R. 15303 at the agency's request.

In reviewing the Commission's bill, I feel compelled to note some difficulties I see in the methods the Commission uses in attempting to implement its desire for additional authority.

Portions of the bill provide for SEC review of disciplinary actions taken by stock exchanges and national securities associations—which I shall refer to collectively as "self-regulatory organizations"—against their members. The procedure devised by the Commission is analogous to a yoyo—the action of the self-regulatory organization is sent up to the Commission for review, which sends it back down to the self-regulatory organization if it does not agree with the sanctions imposed, which reconsiders and sends the matter back up to the Commission for a second review.

I see little reason for such a procedure, which appears to me to be discipline by negotiation. In SEC administrative proceedings brought initially before an independent hearing examiner, the agency has the power to review the examiner's decision and to affirm, increase, or decrease the sanctions imposed. It would seem appropriate to apply this procedure to review of disciplinary proceedings of self-regulatory organizations, and indeed such a procedure has been proposed in a different context in section 17A(g)(2) of H.R. 14826, which relates to the SEC's authority over clearing corporations depositories and transfer agents.

Various sections of the bill would change existing law by allowing the Commission to take certain actions with respect to proposed or existing rules of self-regulatory organizations by Commission rule, rather than by order. These changes would give the agency greater flexibility in its activities. On the other hand, it would remove such activities from the judicial review provisions of the Securities Exchange Act of 1934 and place such review under the provisions of the Administrative Procedure Act, which, I am informed, differ from the Exchange Act with respect to forum and burden of proof. Very careful attention will have to be paid to these provisions in any deliberations of this bill.

The bill allows the Commission to take certain actions with respect to rules and violation of rules of self-regulatory organizations, with the exception of rules "concerned solely with internal management or procedures as between [the self-regulatory organization] and its members which does not substantially affect the public interest or the interest of investors."

This exception appears to cause more problems than it solves. What is a rule "concerned solely with internal management or procedures?" Who makes the determination? What if the Commission and the self-regulatory agency disagree—must this matter first be litigated before the Commission may act? If not, may Commission action subsequently be overturned if a court should decide that the rule does in fact fall within the proscribed area?

Similar questions could be raised with respect to the second part of the exemption concerning substantial effect on the public. I would be inclined to remove the exception from the bill.

The bill prohibits the Commission from instituting administrative proceedings against a member of a self-regulatory organization for violations of the rules of that organization until the Commission has: first, notified the self-regulatory organization of the alleged violation and the Commission's intention to institute a proceeding based on it and, second, has given the self-regulatory organization a reasonable time in which to compel compliance by its member with its rule.

The public interest often requires prompt action on the part of the Commission and the procedural barriers set forth in this bill would seem to prevent such prompt action on the part of the Commission. The better procedure, I believe, would be to delete these provisions from the bill and leave it to the Commission to determine on a case-by-case basis whether the public interest requires prompt action by the Commission or whether there is sufficient time to allow the self-regulatory organization to act upon the matter itself.

I note further that the bill allows the Commission to institute administrative proceedings for violations of rules of self-regulatory organizations but does not allow the Commission to bring civil injunctive actions in the Federal courts for violations of such rules nor to refer such violations to the Department of Justice for appropriate criminal prosecution. I understand that one of the quickest ways for the Commission to act is through an injunctive action with an attendant request for a temporary restraining order. I suggest that the public interest may require an amendment to the bill to give the Commission this authority.

At the time the SEC was asked to draft legislation implementing its unsafe and unsound report, it was requested that the Commission include in its bill a provision which would require that proposed rules of self-regulatory organizations would be released for public comment before any action was taken on them by the Commission. The SEC has chosen not to include such a provision in its bill. I feel strongly that any legislation involving rulemaking by self-regulatory organizations must provide that any changes in rules of such organizations must be accompanied with and only after public participation. Self-regulatory organizations should be required to submit proposed rule changes to the SEC well in advance. These proposals should then be made public. The public should be given an opportunity to comment. In short, proposed rules of self-regulatory organizations should, as a general rule, be treated no differently than proposed rules of the Commission itself.

Mr. Speaker, I have set forth in some detail the problems I have with the Commission's bill in the hope that interested members of the investing public, the organized bar, and the securities industry will give these matters close attention and transmit any comments they may have to the Subcommittee on Commerce and Finance. When the Congress grants the Commission increased regulatory authority in this area, which I believe we must do, such legislation should be clear, concise, direct, and sufficient to allow the Commission to perform the duties Congress has set for it.

WASHINGTON NEWS NOTES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. HOSMER. Mr. Speaker, I include in the RECORD at this point the text of my monthly Washington News Notes bulletin:

CONGRESSMAN CRAIG HOSMER'S WASHINGTON NEWS NOTES

A LOOK AT THE SALT TREATY

From Congressman Hosmer's viewpoint, the strategic arms limitation arrangement negotiated by President Nixon and Premier Brezhnev adequately protects the national security of the U.S. As a Congressional arms control expert who fought ferociously for Non-Proliferation Treaty safeguards, Hosmer sees "no major problems" with the SALT ABM Treaty and parallel Interim Agreement on offesive missiles.

The U.S. and U.S.S.R. see it to be in their security and economic self-interest to remain mutually deterred by nuclear sufficiency. The concept of U.S. nuclear superiority went out the window with the massive Soviet arms build-up of the 1960's. This could not have been stopped short of a pre-emptive war or a staggeringly expensive build-up of our own.

In his decision, the President added up the cost of the treaty against the high cost of doing nothing toward arms control. In order to keep things from getting lopsided, Congress will have to support the President's request for R&D on the TRIDENT submarine program, the B-1 bomber and other improved strategic systems.

HOSMER AVAILABLE FOR SPEAKING DATES, AUGUST 20 TO SEPTEMBER 3

Congresman Craig Hosmer will be home in the 32d District during the August Congressional recess. He will be available for talks, meetings and social events with local organizations during the period of August 20 through September 3. Requests should be sent in writing to Craig at 2217 Rayburn Bldg., Washington, D. C. 20515.

ON HEALTH INSURANCE

A lot of heat but not much light is being generated about public health care. Some election-year proposals would have Uncle Sam become the family doctor and pay all the bills. Says HEW Secretary Elliot Richardson: "When there is a flood in this country and its victims are left shoeless, the Red Cross does not send a pair of shoes to everyone in the country to insure that those in need get shod." There are gaps in our present health care system. But our national objective should be to take care of those in need without breaking the Treasury and imposing the heavy hand of Federalization on all our health programs.

HOSMER NAMED NUCLEAR MEETING CHAIRMAN

Because of his "long and distinguished career as one of the outstanding Congressional experts on atomic energy," the respected American Nuclear Society has selected Congressman Hosmer as Honorary Chairman of its 18th annual meeting this month in Las Vegas. More than 2000 of the top nuclear scientists from the U.S. and around the world will be participating in the five-day meeting.

SUPPORTING THE PRESIDENT ON VIETNAM

More than 100,000 Americans have sent letters and telegrams to the White House giving their views on the President's decisive move to block the flow of war materiel to North Vietnam. The White House reports that the mail is still running 4-to-1 in favor of the U.S. action. All of the initial public opinion polls also showed between 60% and 76% support from the American people. Let's hope the North Vietnamese also are reading the polls.

IT FIGURES, DOESN'T IT?

The National Commission on Consumer Finance has overspent its budget and has asked Congress for an additional $500,000 on top of the original $1.5 million appropriation. It's final report also will be six months late.

VIVA VOLUNTEERS

The National Volunteer Awards for 1972 will be selected from entries across the nation for $5000 prizes for groups and individuals who have done outstanding jobs in volunteer programs. If you know of any individual or group deserving of consideration, send your nomination to: National Center for Voluntary Action, 1735 Eye St., N.W., Washington, D.C. 20007. Deadline is July 15, 1972. Nomination forms also are available from that address.

ONE STEP CLOSER ON WILDLIFE REFUGE

By the time you read this the House will have passed Congressman Hosmer's bill to create a National Wildlife Refuge at Seal Beach. The vote was scheduled for Monday, June 5, and Hosmer was looking for overwhelming House support. The bill now goes to the Senate.

THOUGHTS FOR FLAG DAY 1972

June 14 is Flag Day, and in these days of patriotic cynicism, Congressman Hosmer says it is important that all Americans make a special effort to honor our national colors.

Henry Ward Beecher put it rather well when he said: "A thoughtful mind, when it sees a nation's flag, sees not the flag but the nation itself. And whatever may be its symbols, its insignia, he reads chiefly in the flag, the government, the principles, the truths, the history that belong to the nation that sets it forth."

BOYD URGES GENERALIST APPROACH

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. SCHWENGEL. Mr. Speaker, on Friday morning, May 26, 1972, Willard L. Boyd, president, the University of Iowa, delivered the charge to the spring graduates of the university. President Boyd emphasized the need for maintaining a generalist point of view in approaching new problems in our specialist-oriented society. The text of President Boyd's address is as follows:

CHARGE TO THE GRADUATES

(By President Willard L. Boyd)

Each of you has been certified by the faculty of the college in which you have been enrolled as being proficient in certain areas of knowledge. Each of you, however, has received your degree from the University of Iowa. This University-wide degree symbolizes our hope that your education at Iowa has transcended narrow disciplinary boundaries.

It is not enough for this University to certify your expertness, for expertness is inadequate for these times. Specialization is a narrowing process; it causes us to back off from the broader issues about which we know less than we do of our specialty. We need to be generalists as well as specialists. An educated person must be able to put her or his share of knowledge into a worthwhile whole.

It is painfully obvious that, despite all our new knowledge and all the experts we have prepared, we have not solved the complex problems of society. The sad truth of the knowledge explosion is that it has only taught us more about the individual parts of society and greatly obscured the total view. We act too often as specialists, not generalists. Experts in detail, we shun a broad approach. We cannot make our way through the contemporary world if we abdicate our personal and collective lives to experts alone. We must all contribute to the solution of society's problems.

In approaching these problems, experts and lay people alike must bring to them intellectual, rigor. Yet intellect is not enough. It must be tempered with humaneness. Both reason and passion are needed to resolve these issues. Like Martin Luther King, each of us must have a dream. In a world of many people and many ideas, it must be a dream which admits of the aspirations of others as well as our own. We cannot realize our dreams if others cannot realize theirs.

Fundmental to our times is this quest for human rights which is our common bond. We must be active in this joint quest. Thus it is not sufficient for us inactively to refrain from improper discrimination, but rather we must act affirmatively to assure these rights among the sexes, the races, and the ethnic and religious groups of our world.

Your life will require more than expertness, more than intellect, and more than passiveness. I hope that somewhere in this University you have gained perspective as well as knowledge, you have gained understanding as well as competence, and you have gained commitment as well as conviction. If this is so, then we have done more than add to your knowledge, we have also added to your life.

PROJECT SER—MANDATE FOR LOCAL PARTICIPATION

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. GONZALEZ. Mr. Speaker, with three bills in the House and two in the Senate dealing with the future manpower one question comes to mind. How will new manpower legislation affect catagorical delivery systems?

I particularly make reference to America's second largest minority. With the Spanish-speaking population estimated at 11 million—I call my colleagues attention to "Jobs for Progress, Incorporation," the only national manpower delivery system for the Spanish speaking. Popularly known as SER, an acronym for, "service, employment, redevelopment," this organization has a 6-year history of service to its people. Sponsored by the two largest Mexican-American organizations, the American GI Forum and the League of United Latin American Citizens—LULAC. SER stands as a monument to the determination of an ethnic group striving to fully assimilate into the mainstream of American life.

In the spring of 1965, job placement centers for the Spanish speaking were operated in Houston and Corpus Christi, by the League of United Latin American Citizens—LULAC. Under the banner of "Jobs for Progress," the centers were funded and staffed exclusively by Spanish-speaking volunteers. They did more for the Mexican American in their short existence than permanent public agencies had been able to accomplish over the years.

Based on the lessons learned, the two

national organizations, LULAC and the American GI Forum, joined to form "Jobs for Progress, Inc." "to" eliminate poverty in the Southwest with special attention to culturally different. The large-scale program to tap the manpower resources of the Spanish-speaking community was given the name "to be" in Spanish—Operation SER.

THE TWO PARENT ORGANIZATIONS

The American GI Forum is a veterans family organization founded in 1948 in Corpus Christi, Tex., by Dr. Hector P. Garcia, for the purpose of abolishing discrimination practices against returning World War II Mexican-American veterans. The Forum since has broadened the scope of its objectives to include a program of improvement of the social, economic, and political conditions of the Mexican-American community. The organization has among its objectives: Leadership development, intergroup understanding, preservation of basic principles of democracy, veterans' rights, nondiscrimination, education, youth motivation.

The League of United Latin American Citizens was founded in 1929 in Corpus Christi, Tex. by the merger of three Mexican-American organizations.

LULAC was founded at a time when American citizens of Mexican ancestry were the victims of a very high degree of discrimination. The league was formed for the purpose of eliminating the segregation of Mexican-Americans and elevating their social, economic and educational status. LULAC led the legal battles which have eliminated overt segregation of Mexican-Americans in public schools, public facilities, and public employment; and it was LULAC who initiated and financed the court battles that led to the U.S. Supreme Court decision which declared unconstitutional the then prevalent practice in Texas, of omitting American citizens of Mexican descent from service in grand and petit juries. At present, LULAC members are very much involved in eliminating the more subtle, covert, segregation that now operates to hinder the socioeconomic progress of the Mexican-Americans in Southwestern United States, and in operating a vast system of scholarship assistance from school boards and public colleges indifferent to their problems.

Operation SER as of January 1970 was in operation in 23 projects. The national headquarters in Los Angeles was coordinating the activities of 5 State offices and 23 local offices. Skills banks have registered over 60,000 Mexican-Americans throughout 5 southwestern States. More than 14,000 persons have been placed in nontraditional employment using bilingual approach to motivation and training of participants.

Work orientation training conducted by operation SER has produced a marked increase in language competence and overall employability of the participants.

SER work orientation centers now offer a comprehensive range of innovative training and related manpower services.

On the eve of a new fiscal year SER is literally and figuratively on the map as the national manpower delivery vehicle for the Spanish speaking. SER is now in the Northern and Midwestern States, providing services to the disadvantaged in cities such as: Chicago, Detroit, Topeka and is scheduled to expand to 20 more cities including the northeast by the middle of next year. Now with a larger national office, 31 locals, with a liaison office in Washington, whose staff frequently communicates with many of our offices, have worked as a national organization with a record of vast accomplishments and successes.

PERFORMANCE RESULTS

During the 6-month period being appraised, SER has served a total of 2,398 people. Of this number 1,390 have been trained and 1,144 have been placed in meaningful jobs. The remainder is currently in training. In addition, local SER projects are now operating at 96-percent capacity, and enrollments for the reporting period are 94-percent of the planned enrollment goal. These figures indicate the careful and effective planning that took place prior to implementation of the programs.

ENROLLEE PROFILE

The following enrollee profile illustrates that SER is serving those in need. SER enrollees come from broad cross-sections of the target population and provide evidence that SER is serving the community. The following statistics were gathered from 16 projects which were in operation at the beginning of the program year in September 1971:

Ninety-three percent of the enrollees are Spanish speaking.

Seventy-four percent are heads of households.

Fifty-four percent are male.

Forty-six percent are high school dropouts.

Twelve percent are junior high and elementary school dropouts.

Twelve percent are monolingual.

PLACEMENTS

Ninety-five percent of the planned number of placements anticipated at the beginning of the program year has been accomplished. This figure represents excellent planning on the part of the local project directors and their staff. Eighty-nine percent of the people served have been placed on meaningful jobs after leaving the program. More importantly, 91 percent of SER placements are still on the job 3 months after being placed. Many positive factors account for this encouraging fact:

The quality of the training services provided is exceptional.

Counselors and other staff members are instilling a high degree of motivation in the enrollee.

SER is soliciting and gaining meaningful support from local employers.

SER is working not only for immediate placement but also long-term gainful employment.

NATURE OF PLACEMENTS

An impressive 100-percent of SER placements have been in semiskilled, skilled, or high-skilled occupations. Ninety-two percent of those placements were in the enrollee's chosen field of interest. For obvious reasons, SER is striving to place people on jobs they desire. But circumstances such as the status of the job market, availability of training programs, or the enrollees capabilities not meeting the job requirements make 100-percent success extremely difficult. The average starting wage for SER placements is $2.49 per hour, well above the Federal minimum wage of $1.60 per hour. This is a strong indication of the type of upgrading the SER enrollee is experiencing.

COST

One of the notable achievements of the SER program is the cost-per-enrollee figure of $1,971. This compares very favorably with other major manpower programs which are experiencing costs-per-placement in excess of $4,000 to $6,000. This low figure indicates that SER is operating with great efficiency and economy, while providing quality services.

With all bills involving the concept of decentralization, placing policy, planning, and administration in the hands of State and local government, certain safeguards must be included in whatever legislation affecting manpower is ultimately passed. Safeguards that insure that on the local level SER continues to be given the opportunity to deliver manpower services to the disadvantaged.

A mandate, not a request, not a suggestion, but a mandate for local and State manpower organizations, such as the employment services to subcontract to SER, delivery of manpower services that are aimed at assisting the Spanish speaking, would be a safeguard.

To my many farsighted colleagues who have for a lifetime been proponents of equality and the rights to self-help, I urge that such a mandate be a part of the 1972 comprehensive manpower legislation. That whatever version of whatever bill, have a provision for the national talents, experience, and work of SER to continue on the local level as a named subcontractor of manpower services.

AN AMENDMENT TO H.R. 15259 BY MR. REUSS

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. REUSS. Mr. Speaker, the following is the text of an amendment which I intend to offer to H.R. 15259, the 1973 District of Columbia Appropriations Act, to restore the administration's original request for $35,000 to construct a bicycle route network:

AMENDMENT TO H.R. 15259, AS REPORTED OFFERED BY MR. REUSS

Page 9, strike out lines 10 through 13, and insert in lieu thereof the following:

available until expended, $131,429,000, of which $2,420,000 shall be payable from the water fund, $1,760,000 from the sanitary sewage works fund, and $12,262,700 from the highway fund: *Provided*, That of the funds payable from the highway fund $35,000 shall be available for the construction of a bicycle route network in the District of Columbia: *Provided further*, $4,323,000 shall be

OF CABBAGES AND KINGS

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. DICKINSON. Mr. Speaker, I would like to share with the other Members of the House a speech recently delivered by Dr. William J. Cook, Jr., of Montgomery, Ala., to the annual convention of the Alabama Education Association. Dr. Cook is professor of English and chairman of the English department at Auburn University at Montgomery, and is associate minister of the Carriage Hills Church of Christ in Montgomery.

Dr. Cook makes some interesting observations about our Nation and our heritage, and we would do well to heed his advice. I am pleased to include Dr. Cook's speech in the RECORD with my remarks:

OF CABBAGES AND KINGS

(By Dr. William J. Cook, Jr.)

Somehow, all among us, pervading and threatening to control our lives and perhaps even our destiny, there has developed a fanatical adoration for youth.

Catchwords such as "youth power," "youth rebellion," "youth leadership," make up not only a significant part of our conversation, but also a considerable part of our thinking.

It is more than merely the proverbial quest for the fountain of youth—although some older folk do make fools of themselves by identifying with youth, vicariously or actually. Witness: the fifty-year-old grandmother in a mini-skirt; the paunchy middle-age executive with bangs and shoulder-length locks; Bobby Darren; and government leaders who pamper and coddle youngsters.

But all the rest of us are influenced more than we ought to be by youth, maybe more than we know. Consider our contemporary styles of dress; our music; recreation. Most advertising now is aimed either at youth or people who think they are—or wish they were—young. In schools and universities, the most important thing has become not academics but getting along with the students. Some schools allow and even encourage the students to establish their own curriculum, make their own rules—stated bluntly, to call all shots. All universities, in our state at least, now have a youngster on the Board of Trustees. I am reluctant even to parody that. The time may come in which there will be an entire youth administration and faculty right alongside the legitimate administration and faculty. Even the church, always the last bastion of hope and order, has not escaped the onslaught of youth: "youth forums," "youth programs," "youth ministers," and, ridiculously enough, "youth elders" all have their place in our modern ecclesiastical disorder.

The reasons for the revival or resurgence of youth, according to proponents, are three: (1) at present fifty percent of the population is under twenty-five years old and ought, therefore, to have fifty percent of the say-so; (2) Age is obviously irresponsible or incompetent since the past two or three generations have gotten us hopelessly lost on our journey to happiness and well-being; (3) It is axiomatic (as well as a natural fact) that youth ever supplants old age—because youth is quicker, smarter, and better.

I want here to examine these reasons, to test the validity of each and logical the conclusions that follow them. I do not intend to demean youth—its vigor, intelligence, compassion, idealism, freshness. In fact, I admire all of these traits, and would point out that all of us would do well to possess them for as long as we can. Certainly without youth and its power we would have no future and very little present. But it does seem that we should stop long enough to put things back in proper balance—the balance and order which evidently the Creator intended from the beginning and which held up for a surprisingly long time.

First, consider the claim that fifty percent of our population are under twenty-five. This proclamation, fact as it is, is supposed to foster at least equal voice in government, society, or whatever. Yet somehow it always comes out as a demand for the *majority* vote. Unfortunately, many of us failed math. (I must admit that here the youngsters have pulled the wool over the eyes of their elders—in this case they are assuredly quicker, smarter.) But the most that can be said in favor of this argument is that it is an excellent example of free-wheeling illogic.

It is true that fifty percent of Americans *are* under twenty-five. But approximately fifty percent of these are under fourteen, and one-half of those under fourteen are under nine. The last two categories are generally thought to be incompetent in national, even family affairs. Yet this is supposed to be the basis of fact supporting a demand for equal or superior authority.

But suppose the entire fifty percent of the population under twenty-five were between, say, eighteen and twenty-five. The argument would be more plausible, but not by much. It is still a fact that people in this age bracket are adolescents: adults in body and intellect, perhaps; but children in temperament and discretion; generally not capable of looking after their own best interests; quite obviously in need of leadership and direction.

This statistic waved so arrogantly before the advancing horde means only one thing: that there are more people now than ever before who need looking after—and sadly enough, more now than ever before who are *not* being looked after.

Second, there is the claim that the over-forty group—particularly those over sixty—have so fouled the world that it can never be right again. Some believe that the only solution is to tear down and build. Unfortunately, many have no immediate plans to build. But I must say that these extremists are in the minority.

Government studies indicate that the majority of adolescents prefer, and would defend, democracy—but only in the *ideal*. Here lies the problem. Perhaps the single most essential ingredient in social reform is patience. But that just happens to be the one virtue most markedly absent in adolescence.

The two or three generations preceding the present under twenty-five group did not do so bad:

They increased our life expectancy by about fifty percent;

Because of them we no longer have to fear epidemics—typhus, diphtheria, small pox, scarlet fever, and the like;

Because they were materialistic, we will work fewer hours, learn more, have more leisure now, travel to more distant places, and have more of a chance to follow our life's ambition;

They fought man's grisliest war. And when the tyranny of Hitler was defeated, they had the compassion to spend billions to help their former enemies rebuild their homeland;

They fought racial discrimination at every turn to usher in a new era in civil rights in 1954;

They made a start in healing the scars of the earth and in fighting pollution and the destruction of our natural resources (the word then was "conservation" not "ecology");

They built thousands of schools, trained thousands of teachers and made higher education a real possibility for anyone who had the pluck to acquire it;

They survived history's greatest depression, learning first-hand what it means to be hungry and cold. Because of this, they determined it would not happen to us and it has not. The contrary is true: We have a better life, a warm home, wholesome food, and, in short, *more* than the necessities of life.

All this to say nothing of spectacular advances in technology and science. But the amazing thing is that in all this—in war, in economic miracles, in scientific prowess—they were able to remain humanitarian, to always find the golden mean between justice and mercy, accomplishment and humility.

In view of all this, I think I would say to the present younger generation: "You should do so well."

The third and final point for consideration is the axiom that "youth ever supplants old age." That this is true cannot successfully be denied. But it must be remembered that historically when youth supplants age, it is no longer youth—*it itself has aged*. This is the natural order, the logical order. And, I suspect, the Godly order.

No more terrible plight can befall a people than to be led by youth. Isaiah, a man to this day respected by some, in describing the woes with which the nation of Israel was about to be cursed, said: (Isaiah 3: 1–5):

"For, behold, the Lord, the Lord of hosts, doth take away from Jerusalem and from Judah the stay and the staff, the whole stay of bread, and the whole stay of water,

"The mighty man, and the man of war, the judge, and the prophet, and the prudent, and the ancient,

"The captain of fifty, and the honorable man, and the counsellor, and the cunning artificer, and the eloquent orator.

"And *I will give children to be their princes*, and babes shall rule over them.

"And the people shall be oppressed, every one by another, and every one by his neighbour: *the child shall behave himself proudly against the ancient*, and the base against the honourable."

That the elders rule and exercise authority is an eternal and universal truth built inextricably into the universe. Even in the Animal Kingdom, there are fathers and fledglings. And it's not so much a matter of chronology or longevity; it is a matter of experience and consequent wisdom and understanding. It is the logical, natural order.

But somehow this logical order has suffered a momentary collapse. And I suspect that many of us older folks are responsible for it: (1) We are responsible for the *lack of faith* in people in influential and leadership positions; (2) We are guilty of relieved *capitulation* to the vagabond forces of the young; (3) we are victims as well as instigators of the general *lack of morality and ethics*, private and public. When I say "we" are responsible, I mean the home, the church, the government; professionals, businessmen, civic leaders, and especially educators—the announced moulders of society (or is it "molders"?).

As I see it, all of these agencies—particularly we educators—are involved in one way or another and are considerably to blame for hippies, yippies, neo-nazis, or whatever—in short, all the groups we talk about with curiosity and fear.

I can tell you why. At least three reasons. First, simply because of personal and professional irresponsibility. We have wavered in our conviction of right and wrong. For instance, unsure of our own morality, we have tolerated and even condoned criminal activity—even on the part of high state officials—without raising an audible voice in protest or outrage. Pope said something like this:

Vice is a monster of such frightful mien,
That to be hated needs but to be seen;
But seen too often familiar with her face,
We first endure, then pity, then embrace.

We are dangerously near the hugging stage in our courtship with crime. If you think our bland tolerance of wrong-doing is not having its effect on youngsters, you're wrong. Tolerance is a good thing; but tolerance of the wrong things can get you in trouble.

Also, all of us, even those in leadership position, seem to lack enough moral conviction to take a positive stand on anything—to say "no" and mean it. But ultimately someone has to say "this is right and this is wrong" and mean it. It was indeed a sad day when we were conned into believing that nothing mattered in a world without any absolute values.

We have so concerned ourselves about treating people justly and fairly, that we have forgotten to treat "truth and right" with justice—even respect.

Second, we are responsible because we, of all people, have lost the ideal—the notion of perfection—the pursuit of excellence. We have become satisfied members of the cult of mediocrity. As a boy near Sand Mountain, I used to hear the expressions "a lick and a promise" or " a hit and miss"—indicating then rather jokingly that a job was not done very well. I have lived to see the day in which people do not laugh about that—it is a seriously guarded reality. A friend of mine, the young mayor of Luverne, told of taking his child to see the new addition to the original Methodist Church building which was built some fifty years ago. He asked the boy to compare the structures. The ten-year old noticed immediately that the new portion was aesthetically unattractive and already cracking and crumbling; he was impressed with the beauty and solidity of the older structure. His dad explained the difference: "The old one was built with pride and purpose."

How many people work because they like it? How many have combined avocation and vocation? I suspect that even some of you are teaching to pay for a color TV, or automobile, or something less noble than the teaching profession and the students deserve. Let me put it simply: If that is your purpose in teaching, do the world a favor and get out.

Third, we are responsible because we have dehumanized the system. Here again we educators—quite unfortunately—have confused values, worshipping at the altar of computers, forms, administrative red tape, and educational "experiments and studies" and have profaned the individual person. We are concerned with jobs and titles in our records and reports; fight rigorous battles to preserve our own bailiwicks; diligently attend conferences, seminars, meetings supposed to improve teaching skills; we build fancy marble buildings; furnish them with the damndest collection of mechanical spoofery ever known to man—and forget the person.

It is now possible for a student to attend four years of college and never see a teacher or anybody other than other student waifs—until his IBM card gets accidently folded or crushed.

I saw a cartoon the other day which epitomizes the situation. On the teacher's podium was a tape recorder blurting out the lecture; on thirty student desks were thirty student tape recorders, taking it in. I don't know who gave the test.

If I were a teenager—if you were—and had any sense or sensitivity—you would be a drop-out, an addict, a "hippie," or worse.

You know, I was always told not to criticize unless I had some positive solutions to offer. Well, I do—nothing spectacular; merely fundamental truths as old as the hills.

The first is that we restore moral order and conviction to our personal and professional lives.

The second is that we accept responsibility cheerfully but that we do not seek it vainly.

The third is that we continuously reach for perfection in all things.

Fourth, we should follow only good leaders, those whose professional ability and moral code are of absolutely the highest calibre.

Fifth, we should be courageous—not afraid to try, of things new or old, of others, of success, of failure, of truth.

An old French proverb says: If youth but had the knowledge; if age but had the power. Our nation has unparalleled power in knowledge and energy. By adherence to these few suggestions, it seems to me that we could merge the knowledge of the aged with the energy of the young toward the mutual benefit of both.

HIGH TECHNOLOGY IN THE GOVERNMENT

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Karl G. Harr, Jr., president of Aerospace Industries Association of America, Inc., recently published an article in the April 1972 issue of Professional Engineer. Mr. Harr in his thoughtful article points to the need of some form of cooperative endeavors between Government and industry to maintain sufficient research and development to assure that high technology products are developed and competitive in the world marketplace. Because of the importance of Mr. Harr's comments I am including them in the RECORD for the benefit of my colleagues and the general public:

HIGH TECHNOLOGY IN THE GOVERNMENT

(By Karl G. Harr, Jr.)

For many years after World War II, the United States had the relatively easy task of competing with nations recovering from the effects of that war. As we exported goods, services, and technologies to help other nations get back on their feet, our domestic economy rolled along with constantly increasing momentum. Many of the goods sold abroad and most of the goods sold at home bore the label "Made in U.S.A." Our international economic policy was primarily devoted to the task of rebuilding the economies of war-devastated countries so that those governments could assume an increasing share of the burden of maintaining world peace.

Beginning in the 1950's, however, the pattern of world trade began to change. Slowly but steadily through the 1950's and 60's, our share of the free world market for goods and services decreased until now we are at a serious competitive disadvantage in many areas of international trade.

Not until the late 1960's did we begin to recognize the significance of what was taking place, and not until even more recently did we come to accept the fact that a coherent international economic strategy, with related domestic policies, is essential to the future growth of our own economy. We are in trouble in terms of balance of trade, and, over the short run at least, the situation is going to get worse. We also are falling behind the rest of the world significantly in capital reinvestment and, as a direct result our lack of capital growth, are suffering an extremely low increase in our rate of productivity. In fact, our increase is the lowest of any of the major industrial nations over the last five years.

Of the four basic trading commodities—agricultural products, raw materials, low technology items, and technology-intensive products—the only area in which we consistly have maintained a substantial trade surplus is the high-technology category. Now we are being confronted with increasingly aggressive and effective competition in the technology-intensive product area as well.

Although we have shown a surplus on the order of $9 billion annually in this category, and the growth rate of exports of such products averaged ten percent a year during the 1960's (reaching a high of $22.6 billion in 1970), imports of technology-intensive products have increased at a much higher rate (24 percent annually), jumping from $3 billion in 1964 to $13 billion in 1970.

Furthermore, within the technology-intensive field, the aerospace industry is undergoing critical changes that are producing effects felt throughout the U.S. economy. It has entered a period requiring major readjustment to changing conditions, priorities, and markets. In considering the relationship of the aerospace industry to the total economy, it is clear that the industry's problems constitute an economic and historic phenomenon of the first magnitude rather than an ephemeral annoyance, the effects of which will subside as soon as the current economic uncertainties are clarified.

The current situation and the outlook for the immediate future appear bleak, and if unchecked, this trend will result in a severe loss to the nation's output. In both tangible and intangible ways, the industry's problems have broad implications at both the Federal and local levels.

Therefore, acts and decisions which will affect the future role of this economic force in national affairs, determining whether the industry continues to contribute at its fullest capacity to the economic well-being of the nation or declines to the point where its potential cannot be realized, must be based on an accurate perspective.

The effect of changes in world trading patterns on the transport aircraft industry demonstrate the critical relationship of the industry to the U.S. balance of trade. The United States has dominated the world civil aircraft market, producing about 80 percent of the aircraft flown by free-world commercial airlines today. In the period 1965 to 1970, there was an aerospace trade surplus of nearly $10 billion, of which jet transports were a major part. Today significant challenges are being mounted in Western Europe and, to a lesser extent, in Japan. Further, it is possible that Russia, with such aircraft as the supersonic TU-144, will succeed in its determined effort to penetrate markets we have dominated in the past.

Figures for technology-intensive aerospace exports alone, spanning ten years, are interesting:

In 1961 the United States exported $28.557 billion worth of goods and services. Aerospace products accounted for $1.653 billion, or six percent, of the total. And in 1961 the favorable balance of trade for the U.S was $6.096 billion.

Last year, 1971, the U.S. exported $43.555 billion worth of goods, and aerospace products accounted for $4.196 billion, or 9.6 percent, of the total.

But in 1971 the overall U.S. balance of trade was an unhealthy minus $2.047 billion—the first negative trade balance for this industrial nation since 1888.

In other words, over a ten-year period the overall U.S. balance of trade declined by some

$8.1 billion, while the aerospace segment of that trade increased from $1.501 billion to $3.863 billion—a net gain of $2.362 billion.

As noted, U.S. commercial jet transports have been one of our most successful and profitable export products during recent years. We have dominated the free-world market. However, looking ahead, we can see the end of this dominance and, indeed, a reversal of the picture, unless we take some immediate actions to develop new transports to compete with those currently being developed abroad. We are not under immediate threat in the field served by wide-bodied, long-range commercial jets—the B747, DC10, L1011—and the other medium- and long-range jets that preceded them. But where are we in the development of transports larger and smaller than these aircraft?

We scrapped our supersonic transport aircraft project, relinquishing this inevitable market to the British/French combine and to the Russians. We are woefully behind in developing short takeoff and landing (STOL) aircraft and an air bus to serve the majority of air passengers who travel only 250 to 500 miles per trip.

The free-world jet transport market between 1974 and 1985 has been estimated at $148 billion, half of which will be represented by purchases by U.S. carriers. This figure is in current dollars and assumes a five percent annual increase in costs due to inflation and product improvement. There are three general market areas—long range, including the SST; medium range, including twin engine airbuses; and short range including vertical and short takeoff and landing aircraft.

If the U.S. decided to be competitive in all three categories, it is estimated that it would capture 90 percent of the long-range market, 80 percent of the medium-range market, and 70 percent of the short-range market. If the U.S. does not compete, the potential loss of business has been estimated at $77 billion. This translates into 1,479,000 man-years of lost employment, a $29.6 billion loss in payrolls, and the loss of nearly $10.6 billion in Federal income taxes.

The impact on the aircraft balance of trade is equally drastic. By 1976 the positive balance we now enjoy in aerospace exports will become negative, and in 1985 the negative balance will be an estimated $4.5 billion. The cumulative negative balance of trade in aerospace products during the period will reach a total of $18.3 billion.

Each of the potentially competitive foreign nations—Great Britain, France, West Germany, Italy, Canada, and Japan—has taken a number of positive steps toward obtaining a substantial share of the lucrative commercial aircraft market. In Canada, for example, companies receive grants equal to 25 percent of capital expenses on research and development. In addition, they can receive government payments of up to 50 percent of the cost of individual R&D projects. In Britain, companies can write off as much as 100 percent of their investment in new production facilities in the year they are made. German companies receive special tax write-offs of up to 50 percent of corporate research and development investment, plus a ten percent cash investment subsidy. These are examples of the planned aggressiveness being demonstrated by the governments of our principal competitors in the aerospace field.

In addition to these forms of indirect government assistance, direct subsidies are being provided by foreign governments for high cost, high export market potential programs—notably, commercial aircraft. For example, Western European governments are investing about $4 billion in four major commercial aircraft programs aimed at a near-term market of $30 billion. Favored by such subsidies are the British/French Concorde SST (which is totally financed by the governments involved) and the A-300B Airbus, the Dassault Mercure 2, and the VFW-614 (which are receiving direct support of 85, 66, and 80 percent, respectively, from the committed governments). These programs are largely oriented toward export rather than toward the domestic markets of the countries involved, and all count on making major inroads in the market that the U.S. heretofore has dominated.

The compelling reason why these aircraft are being developed by our foreign competitors is that there are no competitive types being built in the United States; nor under present circumstances does it appear likely that we will be building competitive models in the near future.

There is one reason and one reason only why U.S. manufacturers are not competing and that is the lack of adequate financial resources. The U.S. aerospace industry still has superior technology, the management skills, adequate plant capacity, a highly skilled labor force, and the other essential ingredients for successful competition. However, it does not have the corporate financial resources that would be required, nor are these monies available in the private money market. The cost of long lead-time development and production before an advanced commercial aircraft can be sold in the marketplace and can begin to return money on the initial investment is not attractive to individuals or institutions engaged in investment of capital.

Clearly some form or forms of cooperative endeavor between Government and industry will be required to maintain the R&D level needed to develop and improve our high technology products and keep them competitive in the world marketplace.

The United States no longer is an unchallenged industrial giant whose great natural resources and leadership in the development and exploitation of materials, products, and processes renders it preeminent in high-technology areas. There is no panacea for the correction of current deficiencies in our international economic position or for the reversal of the deteriorating trend in our balance of trade. Instead, high-priority, multifaceted cooperative effort by the Government—both the legislative and executive branches—and by industry, labor, the financial community, and the public will be required.

One essential ingredient would be a clearly stated national objective of achieving a surplus balance of trade in a competitive international market by eliminating artificial controls, either foreign or domestic. Another essential move would be to develop and implement a coherent international economic strategy with related domestic economic policies to achieve the objective of a surplus balance of trade.

But the soundest of economic objectives and the most enlightened of supporting policies will not return the United States to a surplus position on the balance sheet of international trade if we do not have newer and better products to sell. This means that we must dedicate significant effort now to research and development, and it will take positive policy actions by the Government to restore the lost technological momentum in the United States and in the aerospace industry.

The sooner we recognize the fact that advanced technology is the foundation upon which all else rests, and the sooner we take the necessary steps to ensure that we remain competitive, at least in such high-technology areas as aerospace, the better chance we will have to support our economy, our essential social programs, and our standard of living in this fast-changing world.

MENTALLY ILL CHILDREN

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. HARRINGTON. Mr. Speaker, one of the most forgotten segments of the American population is the mentally ill child.

We do not like to think about mental illness, and mental illness in children is even more unacceptable. But the fact remains that there are about 4 million children under the age of 18 with behavioral disorders of whom 1.4 million are in acute need of psychiatric care. Of these only 473,000 receive even minimal attention.

It is time to open our eyes to the needs of these children. It is time to take care of them.

Judith Randal wrote an article for the May 25 Washington Star entitled "Arthur Bremer and Mental Health." She points to the fact that:

> The Joint Commission on Mental Health of Children concluded in its 1969 report that there is not a single community in this country which provides an acceptable standard of service for emotionally disturbed youth.

What has been the response of the Federal Government to this problem? An appropriation of only $10 million for fiscal year 1972 and no money at all for the first 2 years President Nixon was in office. The same $10 million appropriation is called for next year—no increase at all. And of that $10 million all but $2 million will be needed for continuing a few programs in existence now. It seems a strange priority to spend an extra $5 billion on the escalation of the Vietnam war but only $10 million to help some very sick children.

The article follows:

ARTHUR BREMER AND MENTAL HEALTH

(By Judith Randal)

Arthur H. Bremer, so his relatives and acquaintances in Milwaukee recall, was just another quiet kid, although some comment additionally that he was so quiet it was noticeable. The quietness, they say, sort of stuck out.

Looking back on it now, one might say he was not much different in type from Sirhan B. Sirhan and Lee Harvey Oswald.

Like them too, he had come to the attention of psychiatrists and guidance counselors in his younger days, but little or no treatment followed their diagnoses.

Today, Oswald is dead, felled by another assassin's bullet less than 24 hours after he fired the shots that killed John F. Kennedy. Sirhan is serving a life sentence in San Quentin, until recently under death sentence for the murder of Kennedy's brother Robert.

And Bremer is being held for trial on charges involving the shooting of Alabama Gov. George C. Wallace, who is paralyzed as a result of one of five bullets fired into him May 15 at Laurel, Md.

The frightening thing about quiet people like Bremer and Sirhan and Oswald is that there must be millions of them in the United States, holding their rage inside them until—lacking the safety valve most individuals have—they explode.

It happens more often than one might think, because it is only when the assassination of a prominent figure is attempted or a mass killing is perpetrated by a Whitman or an Unruh that much attention is paid to the event, or for long.

Even more frightening is the fact that we have known about them for years. A 1930 White House Conference on Youth estimated that there were 2.5 million children with well-marked behavioral difficulties, and since then things have become worse.

There are now thought to be about 4 million such children under the age of 18, of whom 1.4 million are in acute need of psychiatric care, with only 473,000 receiving even minimal attention.

The Joint Commission on Mental Health of Children concluded in its 1969 report that there is not a single community in this country which provides an acceptable standard of service for emotionally disturbed youth.

Meanwhile, there have been the beginnings of a community mental health center movement in this country, but the Nixon administration has been openly hostile to the program, so that it has been only barely able to expand.

As a result, fewer than 400 of the some 2,000 centers that were projected have actually come into being and only about half of those in existence have the money or staff for the treatment of children and youth. Small wonder that the fastest-growing segment of the state and county mental hospital population consists of boys and girls aged 10 to 14. Their numbers are well over 55,000 now—more than double those of 1963.

Once in these warehouses, moreover, young patients frequently are housed with older inmates and get little beyond custodial care.

In many of the back wards of these institutions, there are people, 30, 40—even 50—who were admitted as children. There is nothing in the present situation to suggest that today's juvenile residents of such mental hospitals won't share the same fate.

In fact, one state estimates that 25 percent of the youngsters admitted to its mental hospitals "can anticipate being permanently hospitalized for the next 50 years of their lives."

To be sure, there are in a few places in this country private residential treatment centers which offer excellent care. But they, of necessity, charge $50 to $75 a day and collectively can accommodate only 10,000 children a year. Even in the face of high costs, for every child admitted to such a center, 10 are turned away.

So-called state training schools are a poor alternative. One expert has described them as "crime hatcheries, where children are tutored in crime if they are not assaulted by other inmates or the guards first."

Another told a Senate committee several years ago that these "correctional" institutions turn out "a finely honed weapon against society."

Mike Gorman, executive director of the National Committee Against Mental Illness, to whom this columnist is indebted for most of the factual material presented here, points out that in a period when the government has provided a $250 million loan to Lockheed, hundreds of millions of dollars to keep the Penn Central Railroad afloat, and billions for highway construction, only $62 million has been authorized for a three-year period to start children's units in community mental health centers.

In the first two years of the Nixon administration, not a penny of this actually was appropriated, and for the third fiscal year—the one that ends June 30—only $10 million will have been spent.

The federal budget calls for the same niggardly amount for next year, of which all but about $2 million will be needed for continuing the few programs already in existence.

All in all, it is a pretty sad commentary, not only on the nation's priorities, but also on a President who pledged during his early days in office "to provide all American children an opportunity for healthful and stimulating development in the first five years of life."

COMMENCEMENT CONVOCATION, UNIVERSITY OF FLORIDA

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. BRAY. Mr. Speaker, the American people are becoming justifiably alarmed at the excess of sympathy and protection given the criminal and the minimum amount of sympathy and protection given the victim of the criminal.

Perhaps no one has placed the rights of the criminal and his victim in a better and fairer perspective than has the great philosopher, teacher, and writer, currently a professor of philosophy at New York University, Dr. Sidney Hook. The following remarks given by Dr. Hook at the commencement convocation at the University of Florida on December 11, 1971.

The remarks follow:

COMMENCEMENT CONVOCATION, UNIVERSITY OF FLORIDA

One of the great paradoxes of our time is that as the danger of major international wars recedes and the standard of living rises, the level of domestic violence and crime increases at a frightening rate. We need not rehearse the statistics that confirm the observations and experiences of concerned and intelligent citizens throughout the nation, especially of those who live in or visit our chief metropolitan centers.

Accompanying this increase in violence and crimes of violence has been an impressive, sympathetic concern—some have unfairly called it a preoccupation—with the human and civil rights of criminals and of those accused of crime. Judicial opinions as well as academic treaties on criminology reveal a growing and thoughtful sensitivity to the possibility that the procedures by which defendants in criminal cases are booked and tried, and the evidence against them evaluated, may lead to the miscarriage of justice. Legal practices that were once accepted without any qualms and doubts at a time when the Bill of Rights was adopted to safe-guard the basic liberties of the people against possible tyranny of the state, practices that endured far into the 20th century, have been discarded in recent years in consequence of new, ostensibly more enlightened readings or interpretations of our constitutional rights.

There are those who maintain that the alarming increase in crimes of violence is a direct consequence of the liberal modifications of our arrest and indictment procedures, of Supreme Court decisions that allegedly have shackled the law enforcement authorities and resulted in an ever larger number of recidivists or repeaters among criminal defendants. However, such an inference may be a case of *post hoc propter hoc*. Causal questions in human affairs are notoriously difficult to resolve because of the number of variables involved. Striking correlations are not always evidence of the casual connections. For the purposes of our analysis, it is not necessary either to reject or accept the view—asserted by some with great confidence—concerning the influence of court decisions on criminal behavior. We suspend judgment about the *causes* of the increase in crimes of violence. We take our point of departure only from the indisputable fact that the marked and alarming increase in domestic violence has occurred.

What I propose to do is to raise some fundamental questions about the basic ethical and jurisprudential issues involved. Why should we as citizens be concerned with the human and legal rights of persons accused of breaking the law? Why should we seek to liberalize the processes of law enforcement by raising protective hedges around such persons by making their conviction more difficult?

The answers summarize a library of literature. First, over and above any considerations of humanitarianism, we wish to avoid the danger of convicting the accused on the basis of plausible evidence, who in ultimate fact may be innocent. Second, even if we do not make the presumption of innocence, there is a good reason why we should want to defend and extend the rights of those accused of crime. For hard as it may be for us to imagine, someday we ourselves may be in the dock facing criminal charges of one kind or another. The quirks of fate or hazard of fortune or the hidden purpose of providence—call it what you will!—have caught up even the most strait-laced and proper individuals in tragic and violent situations, as bizarre as they were unexpected. And not all of them have been crimes of passion. There is a perennial and humbling wisdom in the Puritan admonition to his son witnessing a wretch being dragged to the gallows: "There but for the Grace of God go I!" Both Goethe and Tolstoy have acknowledged that there is no crime in the calendar of human folly and bestiality which in some situations they could not conceive themselves committing. And if we pride ourselves on our own immunity from temptation, it may testify not so much to our incorruptibility, as to our lack of imaginative power.

This is the case for the rights of the criminal or the person accused of crime—and a powerful case it is. But before we bring in judgment we must perform an act of imaginative identification much simpler and more natural, and that is with ourselves as victims of crimes of violence. Granted that I am a potential criminal, I am also a potential victim of crime. The statistics of mounting violence show that cases of murder, non-negligent manslaughter and forcible rape have skyrocketed. It has been estimated that in large metropolitan centers, the risk of becoming the victim of a serious crime has more than doubled in the last decade. Since many crimes of violence are committed by repeaters, the likelihood of my becoming a victim of crime is much greater than the likelihood of my becoming a criminal. Therefore, the protection of my legitimate rights not to be mugged, assaulted or murdered looms much larger in my mind than my legitimate rights as a criminal defendant.

Let us be clear about some things that have become obscure in virtue of our legitimate concern with the rights of criminals and those accused of crime. The potential victim has at least just as much a human right not to be violently molested, interfered with and outraged as the person accused of such crimes has to a fair trial and a skillful defense. As a citizen, most of the rights guaranteed me under the Bill of Rights become nugatory if I am hopelessly crippled by violence, and all of them become extinguished if I am killed. The rights of victims are recognized in some legal jurisdictions which compensate them for disasters in which they become involved through no fault of their own. In England, it has been suggested that the assets of apprehended criminals who have committed capital crimes be distributed to the dependents of their victims. But my point here is that this emerging legal right of the victim is dependent upon the prior recognition of his moral right not to be victimized by the lawbreaker.

No matter how we seek to escape from

acknowledging it, there is a direct conflict between the rights of the criminal and of persons accused of crime and the rights of their past and potential victims. In some classes of cases it is clear that the greater the right of the person accused of crime, the less the right of his future victim. For example, the right of a person out on bail for a crime of violence, to receive bail when he is charged with committing the same type of violent offense, and to be granted bail even when he is charged with committing the offense a third time—a right which he legitimately claims since he has not yet been found guilty of the first offense—conflicts head on with the rights of his victims who can legitimately claim that they suffered this violence because the person at bar enjoyed his constitutional right to be free on bail. Those who fail to see this do not understand the nature of moral decision. A moral decision is not a choice between good and bad, right or wrong—this represents no moral choice but summarizes the complete moral judgment!—but between good and good, right and right, good and right. They also fail to see that this conflict of rights is expressed in our very Bill of Rights in which the free exercise of religion conflicts with the principle of separation of state and church, and in which the right to a free press conflicts with the right to a fair trial. They therefore fail to understand the law-making powers of the Supreme Court, some of whose Justices in the past deceived themselves with the absurd view that the rights of the Bill of Rights are absolute and cannot be abridged under any circumstances. If rights conflict they obviously cannot all be absolute!

Why has this conflict between the rights of the potential criminals and the rights of the potential victims not been previously recognized? Among the reasons undoubtedly has been the fact that in all periods when the rights of criminals and those accused of crime were being recognized the incidence of violent crime was, relative to preceding periods, declining. Where crime was rife, the human rights of those accused of crime were hardly recognized or ruthlessly sacrificed on the altar of law and order. The recognition and appreciation of the human rights of criminals and those accused of crimes go back a long way, as the right of sanctuary in Biblical times indicates. When crime became a mass phenomenon, however, these rights were honored more in the breach than in the observance.

How, then, should we resolve the conflict between the rights of the criminally accused and the rights of the potential victims? I submit that at the present juncture of events because our cities have become more dangerous to life and limb than the darkest jungle we must give priority to the rights of potential victims. I am prepared to weaken the guarantees and privileges to which I am entitled as a potential criminal or as a defendant in order to strengthen my rights and safeguards as a potential victim. Purely on the basis of probabilities, I am convinced that I run a greater danger of suffering disaster as a potential victim than as a potential criminal or defendant. It is these probabilities, that shift from one historical period to another, that must be the guide to wise, prudent and just administration of the law.

Actually, although the protection of the rights in the Bill of Rights has been extended by the court to state jurisdictions of criminal law, originally they were intended to curb primarily the violation of political rights by the Federal government. The judicial legislation that reinterpreted and extended these guarantees to hold for criminal defendants in state courts was in large measure certainly justified because of changes in social needs and the development of more humane attitudes. But today, a humane concern for the increasing number of victims of violent crimes requires a reinterpretation, another emphasis. When we read that preventive detention at the discretion of the judge by denial of bail to repeated offenders charged with extremely violent crimes is denounced by ritualistic liberals as a betrayal of elementary justice, as smacking of the concentration camps of Hilter and Stalin; when we read that a person jailed for the death of 12 persons is freed from jail and the case against him dismissed because the prosecution's only evidence against him was a voluntary confession to the police who had failed to inform him of his rights; when we read that a man who murdered one of three hostages he had taken had a record of 25 arrests ranging from armed robbery to aggravated assault and battery and that at the time of his arrest was free on bail awaiting grand jury action on charges in five separate cases in a two-month period preceding the murder; when we read that a man whose speeding car had been stopped by a motorcycle policeman who without a search warrant forced him to open his trunk that contained the corpses of a woman and two children, walks out of court scot-free because the evidence is ruled inadmissible—we can only conclude that the law is an ass.

The true wisdom of the law consists in recognizing the conflict of rights and adjudicating the conflict by a decision that strengthens the whole structure of rights in the community. At a time when crime is rife, if the proof of a grave crime like murder is incontestable on the basis of evidence that may be tainted because the law enforcement officers disregarded the niceties of procedure, then legal action should be taken against these officers by the state or by the defendant rather than giving in effect a grant of immunity to a murderer.

We wish to reduce the role of violence in human affairs without sacrificing the principles of justice. The extension of the privileges against self-incrimination to absurd lengths by justices who abandoned common sense in a desire to establish a reputation for liberalism has no parallel in any other national legal jurisdiction. To elicit relevant testimony it has required legislation that has enabled some criminal defendants to purchase an undeserved immunity from punishment for very serious crimes. * * * Only a sociological mad-hatter would say that the fear of a nuclear holocaust is almost as serious a problem as the threat of one, or the fear of the population explosion as dangerous as the pressure of unrestricted growth.

Let us have done with extremists who would mindlessly substitute either toughness or permissiveness for intelligence in their simplistic response to the mounting crime wave. A fruitful way to begin the quest for intelligent solutions is to reorient our thinking in the current period to the rights of the potential victims of crime, and to the task of reducing their number and suffering. In this way we can best serve the interests both of justice and compassion.

McGEE FEELS LET DOWN

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. FRASER. Mr. Speaker, last Wednesday the Senate again voted in favor of a law which permits a small number of American mineral concerns to import Rhodesian chrome ore. This breaks the United Nations sanctions against the illegal Smith regime and violates the U.N. Charter.

The vote was close—40 to 36—with only 10 members of the minority party voting to uphold our obligation under the U.N. Charter. In the June 5 edition of the Washington Post, the respected columnist, Mr. William Raspberry, questions whether the administration really wants our country to meets its obligation on this issue or whether it is only giving "lip service" to the cause.

Next week, on June 13 and 15, the Subcommittee on International Organizations and Movements, which I chair, will conduct public hearings. The subject will be the effectiveness of sanctions as a tool of enforcement in the United Nations. In view of our now blemished record in upholding the embargo against Rhodesia, the subcommittee will reexamine our Government's role in this affair.

Mr. Raspberry's article follows:

McGEE FEELS LET DOWN

(By William Raspberry)

Sen. Gale W. McGee (D-Wyo.) lost his fight, and as a result the United States will continue its economic support of Rhodesia, which ranks next to South Africa as the most notorious white-supremacist regime in the world.

The specific support involved is the importation here of Rhodesian chrome ore, despite a United Nations embargo against it.

Following last Wednesday's Senate vote, in which McGee's anti-Rhodesia amendment to the State Department authorization bill lost in a 40 to 36 vote, McGee blasted the White House for "lying down on the job" and giving only "lip service" to the issue.

It was an uncharacteristically bitter outburst for the senator, who has been a supporter of President's Nixon's foreign policy.

The major source of the bitterness was McGeo's feeling that he had been led down the White House garden path.

McGee already had lost a major fight on the issue when it first came up last fall. That fight was against an amendment offered by Sen. Harry F. Byrd Jr. (D-Va.) to the military procurement bill taking away the President's authority to ban imports of Rhodesian chrome so long as the United States was importing chrome from any communist country.

Last week's fight was an effort to repeal the Byrd amendment and put the U.S. in compliance with the United Nations embargo.

"Hell, he wouldn't have tried it the second time if he hadn't been given to understand that he would have strong White House support this time," a McGee aide said after the vote. "It doesn't help anything to lose twice in a row."

McGee had been led to expect strong administration support.

As a matter of fact, it was primarily at the urging of the State Department that McGee tried it again last week. There was State Department testimony in support of the McGee position a week before the final vote.

But the day before the vote, when McGee saw that there was the clear possibility that he would lose, he called on the White House for help, pointing out that he had six Republican senators, who had said they would vote with him if they got a call from the White House.

Although the White House had given verbal support to what McGee was attempting, the call never came. McGee lost by four votes.

In the days since the vote, there have been persistent rumors that the White House may even have given support to the other side.

McGee's staff won't go that far, but at least one Capitol Hill aide said that Sen. Robert Dole (Kan.), GOP national chairman, had made several phone calls urging support of the Byrd amendment.

"Bob Dole wouldn't do that without a go-ahead from the White House," the aide said.

The administration's apparent change of heart isn't the only disappointment in this affair.

McGee hasn't had much to say about it, but he clearly is disappointed that there was so little support for his stand from black people.

A campaign by blacks to bring pressure on a handful of swing-vote senators could easily have made the difference between victory and defeat.

But the pressure never came.

The issue was raised, all right, during the three-day African Liberation activities the weekend before the vote. Rep. Charles Diggs (D-Mich.), one of the participants in the African Liberation Day observance made specific reference to the issue.

But no one bothered to do anything to translate general support of what McGee was attempting into a specific, pragmatic campaign.

As a result, no one—either in the Senate or in the White House—felt any political heat. And the White House was free to do what it did.

Sadder still, there is no reason to suppose that any of those who permitted it to happen will be called to political account for it. Another foreign policy decision affecting black Africa has been made without any concern for the sensibilities of black Americans, and business goes on as usual.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 6, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide over 1,600 American prisoners of war and their families.

How long?